



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

SENATE—Thursday, September 23, 2010

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN GILLIBRAND, a Senator from the State of New York.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by Reverend Dr. Joel Hunter, senior pastor of Northland Church, Longwood, FL.

The guest Chaplain offered the following prayer:

Let us pray.

Almighty God, we give You thanks for our democracy that gives each citizen a voice; for our freedom of religion that gives each citizen a choice; and for our goal of *e pluribus unum* that gives each citizen a responsibility of cooperation.

We ask that You would bridle our tongues toward constructive speech, that You would help all herein to live up to the stature and privilege of leadership, and that You would grant all herein wisdom and courage beyond their natural abilities and their party's limitations.

Bless each of our Senators for their efforts on behalf of us all, and make them servants of the people of the United States of America and of Your intentions for this great country.

In Your Name we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 23, 2010.

To the Senate:

Under the provisions of Rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

MEASURE PLACED ON THE CALENDAR—S. 3827

Mr. REID. Madam President, it is my understanding that S. 3827 is at the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 3827) to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

Mr. REID. Madam President, I object to any further proceedings with respect to the bill.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will proceed to a period of morning business until 10:30 this morning, with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first half and the majority controlling the second half.

At 10:30 a.m., the Senate will consider the motion to proceed to S.J. Res. 30, which is a joint resolution of disapproval regarding the National Mediation Board. Under the time agreement previously reached, there is 2 hours of debate equally divided, so the vote on the motion to proceed to the joint resolution is expected to occur around 12:30 p.m. today.

Upon disposition of the joint resolution of disapproval, the Senate will turn to the consideration of the motion to proceed to S. 3628, the DISCLOSE Act. A cloture vote on the motion to proceed will occur at 2:15 p.m.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

THE DISCLOSE ACT

Mr. McCONNELL. Madam President, we are now in day 2 of debate regarding the DISCLOSE Act—2 more days Senate Democrats have chosen to ignore the jobs of the American people in an effort to save their own job.

Americans are speaking out, but Democrats in Congress still aren't listening. At a time when Americans are clamoring for Democrats in Congress to do something about jobs and the economy, Democrats are not only turning a deaf ear, they are spending 2 full days here working to silence the voices of even more people with a bill that picks and chooses who has a right to political speech. This is precisely why Americans are speaking out loudly—loudly—about the excesses of this administration and this Congress. This is why Senate Republicans strongly support the efforts Republicans in the House will unveil later this morning in Virginia.

The proposals House Republicans will put forward today are clear proof that, unlike Democrats in Washington, Republicans have been listening intently to Americans over the past year and a half. Americans have been telling us

they want us to focus on jobs first, fight wasteful Washington spending, repeal and replace the health spending bill, and shrink an exploding deficit. They have been telling us they want a smaller, less costly, and more accountable government.

The House Republican plan is a clear and forceful response to these concerns, and, working together, House and Senate Republicans will continue to fight for the principles upon which it is based. Together, we will focus our efforts on making America more competitive, reducing the size and cost of government, keeping our Nation strong and secure, and reining in the massive health care costs and mandates imposed by the Democrats' health spending bill.

This is an appropriate statement to make on the sixth-month anniversary of the passage of the Democratic health spending bill, which—both in its contents and in the process used to enact it—so clearly undermined the principles House Republicans will discuss this morning.

Americans never wanted this massive government-driven intrusion into their health care, and virtually every day it seems we see that the concerns Americans had about this bill are being vindicated. Throughout the day, administration officials will tell people the things it wants Americans to believe about this bill. Based on the promises the administration made to pass it, Americans should be deeply skeptical.

They said: "If you like your plan, you will be able to keep it." Now we know that wasn't true. As the Associated Press recently put it: "This is a promise that is beyond the President's power to keep."

They said it wouldn't raise taxes—not by one penny. Yet even the administration's own lawyers now acknowledge that it does. One report, from the Joint Committee on Taxation, says that 40 million individuals and families will get hit with a tax hike as a result of this health care bill.

They said it would slow the growth of health care costs and that it was essential for that reason. Yet now the government itself says costs will go up as a result of the bill.

What about premiums? Well, the administration now says it knew all along that insurance premiums would go up as a result of this bill. Less than a year after the President said Democrats had agreed to "reforms" that would enable families to save on their premiums, the Secretary of Health and Human Services now says rates will increase substantially as a result of the bill—exactly the opposite of what was said during the debate.

And in what may turn out to be the most thoroughly discredited pledge about this bill, the President and other Democratic leaders assured their colleagues that Americans would come to

like the health spending bill once it passed—they would come to like it. As for that claim, well, I think Politico put it best this morning:

Rarely have so many strategists been so wrong about something so big.

Rarely—rarely—have so many strategists been so wrong about something so big.

So Democrats were eager to listen to the strategists and the administration officials who told them what this bill would do and how it would be received, when what they should have been doing is listening to the American people, who never liked this bill—never liked it—and who knew it wouldn't deliver on the promises Democrats made. So this is no anniversary Democrats should be celebrating.

Americans have had it. The American people have had it. They have had it with Democrats focusing on their own pet issues at the exclusion of America's top priorities, and they are tired of being told that if only the Democrats pass their agenda these priorities will somehow be met. Well, the results are in. The results are in. The Democratic agenda has been a failure for the economy and for jobs. It is time to move on. It is time to start listening instead of dictating. Americans are speaking out. It is time Democrats in Congress start listening.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

Mr. MCCONNELL. Madam President, I withhold the suggestion.

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

THE GUEST CHAPLAIN

Mr. NELSON of Florida. Madam President, in the midst of all the strife and partisanship and ideological rigidity that makes it so difficult these days for us to bring about consensus in the world's most deliberative body, there is the occasion at the first of each of these meetings in the Senate that we do come together—when the chaplain mounts the rostrum, prays for the Senate and for the Nation, and then we all join together in the Pledge.

I think it is worthy noting the way that the great master of the Senate, Senator Robert Byrd, taught all of us freshmen 10 years ago to mount the rostrum and to call the Senate together. As the Presiding Officer calls the Senate to order, he or she then announces the chaplain for the day and descends from the rostrum as the chaplain comes to the rostrum to offer the prayer. It is a recognition of the Deity, it is an expression of humility, it is a little symbolic act, but it is important.

I think it is important to note that in July, when the entire Senate filed through that center door under that

arch inscribed with "In God We Trust," we all stood silently at our seats as our Chaplain, Admiral Black, gave a prayer over the flag-draped coffin of our departed colleague, Senator Byrd. Each of us stood silently in reverence and recognition not only of a fallen colleague but in recognition of a supreme Deity. And so it is that that tradition continues. And it continues with my friend, the Reverend Dr. Joe Hunter from Florida, who has shared with us his message this morning in the opening of the Senate with a prayer.

The prayer started in the early days of the Continental Congress. It was in 1774, in that Congress, that a chaplain was called to open those sessions. Under the new government that came about as a result of the Articles of Confederation—which had not worked to keep a new spirited nation together because it didn't have a central government—they met together in that steamy room in Philadelphia to hammer out the Constitution, and the Constitutional Convention prayer was offered during those deliberations.

As a matter of fact, it was Benjamin Franklin who made the comment—when the delegates wondered whether this Nation could stand, a Nation that was seeking freedom, a Nation that was seeking democracy—Benjamin Franklin said something to the effect that if the Supreme Being knows even when a sparrow falls, will that Supreme Being not be involved in the affairs of a young and struggling nation?

In the beginning of that Nation under a constitutional government, in lower Manhattan, the chaplain of the nearby church was proclaimed the Chaplain of the Senate. When the government moved to Philadelphia, the second Chaplain of the Senate was appointed. When the government moved to this present location on the banks of the Potomac, the third Chaplain of the Senate was appointed. In that long succession of Chaplains, we are so pleased to have as our Chaplain now, after so many distinguished ones, Admiral Barry Black, whom we all love and appreciate.

So today continues a tradition with great selectivity of certain ministers being invited to come and pray for the Nation. Joel Hunter is the pastor of one of those mega-churches. It is a big church north of Orlando. But it is a church that has about five churches all spread out, with an incredible outreach to the community. Joel Hunter is a man who has reached out and ministered to Presidents, and Joel Hunter is a man who has done so much good for our community and our State and our country. He has suffered tragedy with the loss of a granddaughter just recently. Yet out of that suffering, all the more his compassion comes forth.

Indeed, we are very privileged to have Dr. Joel Hunter as our Chaplain for the day.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each, with Republicans controlling the first half and the majority controlling the second half.

The Senator from Wyoming.

A SECOND OPINION

Mr. BARRASSO. Madam President, I come to the floor today, on the 6-month anniversary of the signing into law of what has commonly across the country come to be called ObamaCare. I come as a physician, someone who has practiced medicine in Wyoming since the early 1980s, taking care of thousands and thousands of patients across the cowboy State—families. I bring that experience to the Senate floor. I have a doctor's second opinion, now that here we are, 6 months out. It is akin to looking at an x ray after something has happened, going 6 months later and taking a look at the x ray to see what has occurred to the patient.

Six months ago when Obama signed his new health care bill into law, he said: "All of the overheated rhetoric over reform will finally confront the reality of reform."

Here we are 6 months later. The American people have been confronted with the reality of the President's reform, and they do not like it. The American people who listened to Speaker PELOSI say: First, we must pass the bill before you get to find out what is in it, now have learned more and more what is in it, and they don't like it. The American people watched as this body came together, cobbled together legislation with things such as the "Cornhusker kickback" and special treats for different Senators so we would agree to vote for the bill, and the American people don't like it.

As a matter of fact, there was a Rasmussen poll that just came out Monday, and as of Monday this week, 6 months after the bill was signed into law, 61 percent of the American people want Washington to repeal this new health care law—61 percent want it repealed. Once again, instead of listening to the American people, the President continues to try to sell his law. He tried it again yesterday in a back yard. He continues to make promises he knows he cannot keep and that have not been kept with this new law.

Now that we are 6 months into the new law, I wish to walk you through some of the President's promises and the reality that the people of this great country are living with as they look at what has been crammed down their throats. Promise No. 1 by the President: If you like your current health care coverage, you can keep it. According to a new Obama administration regulation—this is the President's own administration, writing the regulation—a majority of Americans who get their insurance through work will not be able to keep the current health care plan they have. Even the White House admits it. The President keeps saying it, but the White House admits it is not true.

Promise No. 2: The law will bring the cost of medical care down and reduce the deficit. The Congressional Budget Office disagrees, saying it erases savings. The Actuary at the Center for Medicare and Medicaid Services says the new law will increase health care spending.

Let's look at promise No. 3. This says the law will strengthen Medicare. It actually cuts Medicare by \$½ trillion—\$500 billion cut from Medicare. The seniors of this country are furious.

To make matters worse, this money is not being used to save Medicare or to strengthen Medicare. The money is being used to start a whole new government program for other people. There is a rebellion among the seniors of this country.

Let's look at another promise the President made. He said: The law will create jobs. We have 9.6 percent unemployment in this country. We continue to learn about companies that want to employ people, that want to create jobs, but instead those companies are cutting their payrolls in order to deal with the massive new tax increases included in the law. If you look at the incentives that are given to small companies, in terms of helping them with health care costs, the incentives are the ones that say: If you want to get something, you want to cut the number of employees you have and cut the salaries of the people you are still going to employ. That does not create jobs. This law does not create jobs.

Then, of course, President Obama also promised that the Federal Government would not ration care. Then I would say why did the President make a recess appointment of a man to run the Centers for Medicare and Medicaid who has repeatedly acknowledged and said the government must ration care? He has a long history, but he did not come to the Senate to explain a number of statements he has made about redistributing wealth, rationing care. He does not need to explain it to the Senate. He needs to explain it to the people of this country. That is Donald Berwick, a physician from Massachusetts, still refusing to testify before

Congress and the American people. He has been invited again to come today. There will be people waiting in a room to which he has been invited. We will see if he does arrive, but I doubt it.

You wonder why Americans are sick and tired of Washington. It is no surprise; yesterday, when speaking at the event in Virginia, the President focused on provisions of the new law that go into effect today. As Paul Harvey used to say: "Now the rest of the story." Some of the changes the President touted yesterday actually don't start right away. Many Americans will not see how these changes will impact them until after January 1 of 2011. But yesterday, USA Today, the newspaper, actually ran a big story—a full-page story almost—on the new provisions. The thing that was so interesting about the story is, the story outlined the basics of each provision—a little thing there. Then underneath each one of the basics it had several paragraphs of things they called be aware: The basics are this, but be aware that this may happen to you, and this may happen to you and this may not apply or this may apply.

All those things are to alert the American people that there is a lot more to it when you look at this over 2,000-page bill and the so many agencies that are being brought forth to write rules and regulations—so many things the American people will still learn about this bill, and as they learn those things they will like it even less.

The story outlined the basics and then the "be awares" of each provision. I think it is very important for the Americans who are listening and who are focused on this to be aware of these "be awares," that they are so much longer than the provisions. What I would like to do is walk through some of them with you.

The law does allow young adults to stay on and be added to their parents' health insurance plan until age 26. That is what we hear. Make sure to read the fine print.

One of the things the Obama administration published was the so-called grandfather regulation—not when the bill was signed into law but in June. This Washington White House regulation defines the rules that employers must follow if they want the health coverage they currently offer their employees to be exempt from the new law's mandates. It says be aware that children are not eligible to be added to their parents' grandfathered employer group plan if the child can access coverage in other ways, if they have a job—another very complicated situation of rules and regulations.

Second, the law now requires insurers to cover more preventive services—immunizations, mammograms, colonoscopies. It is important for people to take responsibility for their health and things such as screening

mammograms and immunizations; those help people in the long run. It says insurers cannot charge copayments or deductibles for these added benefits. Then let's get to the "be aware" section. Be aware these cost savings only apply to new health insurance plans, not the so-called grandfathered plans, so you have them describing the grandfathered plans and who can be a part of it and who cannot. There is more to this than meets the eye. Also, be aware—don't be surprised if you see your insurance premiums go up.

The President wants to sell Americans on the good things in the law, what he considers the good things in the law, but he has failed to mention that mandating insurers to cover these extra benefits is going to cause premiums to go up.

Another: Insurance companies can no longer cap the amount they will pay over a person's lifetime. Americans need to be aware, however, that insurance plans that had lower premium costs because—they say, how do you get premiums down? They did it by limiting lifetime amounts. It says those people now may be forced to pay higher insurance premiums.

Another: The law designed new rules preventing insurers from denying coverage to any child under the age of 19 who has a preexisting medical condition. So what did the Washington Post say about that? What did the Los Angeles Times report? They both printed articles this Tuesday, 2 days ago, warning consumers that major health insurance companies—what are they going to do about this? They are going to plan to stop selling new child-only covered products completely. Is this going to help kids with preexisting conditions, this law? As these insurance companies plan to stop selling new child-only coverage products, that is not going to help. It is because of this law.

The health care law allows parents to wait until their child is sick before buying a policy. When only sick people buy health insurance, premiums have to go up. As the rate increases, more people drop their coverage. This certainly is going to hit lower income families hard. Some uninsured parents, while they can't afford family insurance, often decide to buy a child-only policy to ensure their kids have coverage. But according to these new reports, families all across America will have fewer health insurance options because of the new law—fewer options for families, fewer options for patients, not more.

This Congress had a historic opportunity to make patient-centered health care reforms to bring down the cost of medical care in this country. We had a historic opportunity, and this Congress missed it. The one thing the American people wanted out of health care re-

form was lower costs. But increased Washington mandates passed by this Senate only serve to produce fewer insurance choices, increased costs, and insert the Federal Government between patients and their doctors.

It is time that we start talking honestly about how this law—even the things on which Republicans and Democrats agree—affected patients and their families. That is why I believe this health care law needs to be repealed. It should be repealed and replaced with better ideas. And there are better ideas—better ideas that were rejected by the majority in this Senate, who refused to listen, who refused to listen to the American people who were bringing forth better ideas, changes such as allowing people to buy insurance across State lines—that is going to bring down the cost of care, and it is going to help about 12 million people who did not have insurance get insurance; offering premium breaks to folks who make healthy lifestyle changes—absolutely critical; dealing with lawsuit abuse to help eliminate some of this defensive medicine and the increased cost of that practice. We need to allow small businesses to join together, to pool together in order to offer affordable health insurance to their workers, get better deals with insurance costs. These are changes that put patients in control of their medical decisions, not the government.

People ask me, as a doctor, what I think about this, what I think about this law. I will tell you, having practiced medicine for over 25 years, we need to do something. This wasn't it. This law is bad for people. It is bad for people who are patients. It is bad for people who are providers, the nurses and the doctors who take care of the patients. It is bad for payers, the taxpayers of this country who will foot a significant amount of the bill. The people who get their insurance through work—what is the impact going to be on those jobs and those businesses? This is a bill that is bad for people.

We can and we must fix a broken health care system, but we can do it without undermining choice, which is what this health care law has done; without undermining competition, which is what this health care law has done; and without undermining innovation, which is what this health care law has done. And we need to do it without raiding Medicare to start a whole new government entitlement program. We can do it without raising taxes that kill jobs in a bad economy.

That is why, as we are here today, 6 months after the enactment of this bill becoming law, the Obamacare law, 6 months later, 61 percent of the American people want it repealed. It is now time to repeal and replace this health care legislation and replace it with something that will work for the American people because that is what

this country wants, that is what this country needs, that is what this country and the people of this country have been asking for all along, but the members of the majority and the White House refused to listen.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

The Senator from Georgia.

CONGRESSIONAL DISAPPROVAL OF THE RULE SUBMITTED BY THE NATIONAL MEDIATION BOARD RELATING TO REPRESENTATION ELECTION PROCEDURES—MOTION TO PROCEED

Mr. ISAKSON. Madam President, I move to proceed to the consideration of S.J. Res. 30.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 2 hours for debate on the motion to proceed, with the time equally divided and controlled between the Senator from Iowa, Mr. HARKIN, and the Senator from Georgia, Mr. ISAKSON, or their designees.

The Senator from Georgia.

Mr. ISAKSON. Madam President, I yield myself up to 15 minutes of the time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ISAKSON. Madam President, on May 11, 2010, the National Mediation Board, the board that oversees labor relations in transportation—in the railroad and airlines industries—finalized a regulation repealing the 75-year-old majority rule. Under the majority rule, a majority of the organizing unit was required to affirmatively vote yes to unionize. The repeal of this rule means that now a minority in the bargaining unit can organize, essentially permanently, the entire organization of the unit.

Today, I am asking this body to pass S.J. Res. 30 to undo this rule change under the procedures created by the Congressional Review Act of 1996. This law allows Congress to disapprove regulatory rules issued by Federal agencies by enacting a joint resolution of disapproval. This resolution will revoke a recent regulation promulgated by the National Mediation Board eliminating the old majority rule that had

been in place for 75 years under 12 Presidential administrations.

Under the old rules, a majority of the workers in the organizing unit were required to affirmatively vote yes in order to organize. Under the new rules, however, only a majority of those voting are required to vote yes to organize a union.

Let me give you an example. If an organizing unit had 10,000 employees, under the 75-year-old rule, 5,001 would have had to vote affirmatively for a union. Under the new rule, if only 4,000 turned out to vote, only 2,001 would have had to vote affirmatively to be able to unionize. In fact, in large measure, it seems to me, it is kind of "card check lite."

There is no sound legal or policy basis for hastily changing a rule that has been in place and upheld repeatedly for 75 years. Throughout this time, the majority rule has furthered the primary purpose of the Railway Labor Act, which is "to avoid any interruption to commerce or to the operation of any carrier engaged therein."

The Supreme Court of the United States has upheld the rule not once but twice. The National Mediation Board, under both Democratic and Republican administrations, previously rejected changes to the majority rule on four separate occasions. In fact, the National Mediation Board, under former President Jimmy Carter of Georgia, concluded that only Congress could make such a decision.

Even the Obama administration's own Labor Department defended the soundness of the majority rule, writing on October 8, 2009:

For 70 years, the Board has required, when there is no representative and just one organization is seeking to be representative, a majority of the workers in the craft or class to vote for that organization.

In so doing, President Obama's own Labor Department argued that all past boards "reasonably construed" the Railway Labor Act.

As former National Mediation Board Chairman Elizabeth Dougherty wrote in her strong dissent of the repeal of the majority rule, making this change "would be an unprecedented event in the history of the National Mediation Board."

She continued:

Regardless of the composition of the board or the inhabitant of the White House, this independent agency has never been in the business of making controversial, one-sided rule changes at the behest of only labor or management.

The majority rule is not unfair to organizing efforts, as over two-thirds of the 1,850 reported elections since 1935 have resulted in a union. Moreover, an average of 72 percent of airline and railroad employees are represented by unions, while only 8 percent of private-sector workers are union represented.

One of the reasons the majority rule was approved is because recognition of a union under the Railway Labor Act is

essentially permanent, and I reiterate that. The decision is essentially permanent and irrevocable. Thus, to reference my example earlier, the minority of 2,001 in an employee group of 10,000 could irrevocably unionize an organization and make it permanent.

Quoting the Obama administration's Labor Department again:

Unlike the National Labor Relations Act, the Railway Labor Act does not provide for a decertification process.

"Does not provide for a decertification process."

Therefore, the union's certification continues until another union makes a showing of interest to represent the respective class or craft. . . . Consequently, it is of utmost importance that a certified union has the support of the workers it is certified to represent.

While existing practice allows for a cumbersome and slow "straw man" union disillusion process, the Railway Labor Act has no decertification process as there is under the National Labor Relations Act.

The current "straw man" union disillusion process is Byzantine and nearly impossible for workers to use. This is how National Mediation Board Chairman Dougherty described the process:

Employees who no longer wish to be represented by a union must select an individual to stand for election (the so-called "straw man"), convince a majority of the eligible voters in the craft or class to sign authorization cards for that individual (while attempting to explain that this individual is not actually going to represent them), and then file an application with the Board. If the requisite showing of interest is met, an election is authorized, and the employees must either vote for the "straw man," with the hope that he will later disclaim interest in representing the craft or class, or abstain from voting.

What a ridiculous process that is.

Unfortunately, the new rule allows no corollary process by which employees can choose to opt out of unionization. Thus, the Obama administration greatly lowers the bar for unionization, while continuing to ensure that it is nearly impossible to decertify a union.

In *Teamsters v. BRAC*, the DC Circuit Court wrote:

It is inconceivable that the right to reject collective representation vanishes entirely if the employees of a unit once choose collective representation. On its face, that is a most unlikely rule, especially taking into account the inevitability of substantial turnover of personnel within the unit.

If the Obama administration truly sought to "more accurately measure employee choice," they would have provided a parallel process by which employees could vote out a union in an election conducted in the same manner as the election which resulted in certification of the union in the first place. Of course, they did not do that.

Quoting Chairman Dougherty again:

Apparently, employee choice only matters to the Majority when it relates to changing

the status quo from no representation to representation and not the other way around.

The impact of this is dramatic in my State, and it has a dramatic impact on Delta Air Lines, which is headquartered in my State.

On April 14, 2008, Delta and Northwest Airlines announced a merger. Before the merger, Delta was a predominantly nonunion organization. Its pilots were unionized, but flight attendants and ground personnel were non-union. Delta employees—many of whom reside in Georgia—were and still are some of the most dedicated employees of any company in the United States, and some of the best paid employees in the airline industry, which explains why Delta employees have voted down six unionization drives since 2000 alone.

Some of the former employees of Northwest, which was a much smaller operation than Delta, wish the new Delta to adopt their old labor agreements. Those old labor agreements at Northwest led to a long history of labor strife, lower pay, and burdensome work rules.

I say, leave that decision up to the workers. If the benefits of union representation are so great, then why the need to change the rule? This administration simply refuses to obey the will of the majority of the class and has chosen to side with the union in the passing of this rule.

As National Mediation Board Chairman Dougherty has written, the board's actions are targeted at "40,000 employees at two major airlines—the largest group of elections in the history of the National Mediation Board. I believe it is harmful to the reputation and credibility of the [National Mediation] Board for it to take a position in favor of a change to our election rules during these elections."

In short, we are here today for one reason and one reason only: The Obama administration has chosen to tilt the outcome of unionization elections at Delta Air Lines in favor of the transit unions.

Let me discuss the integrity of this process that took place at the Board.

Once confirmed by the Senate, revoking the majority rule was clearly job one for Members Puchala and Hoglander. Only 5 weeks after Mr. Hoglander was confirmed on July 24, 2009, the AFL-CIO requested the rule change on September 2, 2009.

Two months later, on November 2, the National Mediation Board issued the proposed rule. Not coincidentally, the transit unions immediately withdrew their applications to organize Delta, giving Hoglander and Puchala more time to stack the deck in their favor. Public remarks of union leaders from the Association of Flight Attendants have since confirmed their insider knowledge of the proposed rule.

On November 6, the Democratic members of the National Mediation

Board told Chairman Dougherty they had prepared a "final" version of the proposed rule and she had only 1½ hours to consider their proposal.

Further, the Democratic majority told her she would not be permitted to publish a dissent in the Federal Register. Of course, publication of a dissent is not prohibited by any agency.

Finally, on May 11, 2010, the Democratic majority issued their final rule, having prevented an honest and forthright debate and comment—all of this from an administration that prides itself on transparency.

Throughout their effort to repeal the majority rule, the Democratic majority and the National Mediation Board intentionally left Chairman Dougherty out of the process. As she wrote in her stinging dissent: "This rule was drafted without my input or participation."

I am concerned this course of conduct by two former union leaders plainly reflects a predetermination to proceed with a course of action beneficial to transit unions at the expense of fairness and sound public policy.

Chairman Dougherty is correct when she writes:

Independent agencies have an obligation to avoid even the appearance of impropriety. The Board's failure to do so in this instance has damaged the Board's reputation irreparably.

Clearly, this administration is afraid that the Employee Free Choice Act, which it promotes, will not pass the Senate in the near future. As a result, President Obama has repeatedly assured union bosses in Washington that his administration will use the Federal regulatory agencies and Executive orders to implement their radical agenda on behalf of labor bosses in Washington.

We are just beginning to see the impact that former union boss Craig Becker is having as a member of the NLRB. Mr. Becker was rejected by this body on a bipartisan vote. The President responded by thwarting the will of the Senate and extending to Mr. Becker a recess appointment.

Since assuming his position, Mr. Becker has been anything but impartial to the unions. He has refused to recuse himself in cases involving his old employer, the SEIU, and is doggedly attempting to foster card check campaigns at businesses throughout the country.

Last week, President Obama said:

What we've done instead [of getting EFCA passed in the Senate] is try to do as much as we can administratively to make sure that it's easier for unions to operate.

The repeal of the majority rule fits into this pattern. It is yet another attempt by the Obama administration to circumvent the Congress of the United States and vilify American businesses.

As the Supreme Court wrote in *Russell v. National Mediation Board* in 1985:

Employees were given the right under the (Railway Labor) Act not only to vote for collective bargaining, but to reject it as well.

Unfortunately, the Obama administration's two Democratic nominees to the National Mediation Board, in repealing a 75-year-old rule without congressional approval or adequate reasoning, have recklessly tossed aside fairness and impartiality to benefit their former labor bosses in the labor movement. In so doing, they have eviscerated the right the Supreme Court articulated.

The Congressional Review Act is the appropriate legislative vehicle for Congress to undo this assault on workers' rights. I urge my colleagues to support this resolution of disapproval.

I ask unanimous consent that letters supporting this resolution from the U.S. Chamber of Commerce, the National Association of Manufacturers, the Alliance for Worker Freedom, Americans for Limited Government, and Associated Builders and Contractors be printed in the RECORD.

I also ask unanimous consent to have printed in the RECORD a document entitled "Letters from Workers."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CHAMBER OF COMMERCE,
Washington, DC, September 22, 2010.

To the Members of the United States Senate:

The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, urges you to support S.J. Res. 30, a resolution of disapproval that would repeal revisions the National Mediation Board made to its regulations concerning union organizing under the Railway Labor Act.

The Board's revisions, which were finalized on May 11, 2010, overturn more than 70 years of precedent and make it possible for a union to be organized without the support of a majority of employees in the craft or class. Strong policy arguments favor the time-tested rule the Board has jettisoned, including the fact that the Board has no rule permitting decertification of a union should the employees later decide they do not want to maintain representation.

In addition, the regulatory process that led to the adoption of the rule was little more than a sham. The Board majority not only excluded the single minority member from deliberations over the rule, but it censored her dissent. Furthermore, while the rule was contentious enough to draw thousands of comments, the Board did not change a single word of the proposed rule when it was finalized, further evidencing that the regulatory process adhered to was egregiously flawed. Policy differences aside, Congress should not permit an agency to set policy in such a manner.

Due to the critical importance of this issue to the business community, the Chamber strongly urges you to support S.J. Res. 30. The Chamber may consider votes on, or in relation to, this issue in our annual *How They Voted* scorecard.

Sincerely,

R. BRUCE JOSTEN.

NATIONAL ASSOCIATION OF
MANUFACTURERS,
September 20, 2010.

DEAR SENATOR: The National Association of Manufacturers (NAM)—the nation's largest industrial trade association—urges you to support S.J. Res. 30, a "resolution of disapproval" to prevent the National Mediation Board (NMB) from changing union election rules under the Railway Labor Act.

Manufacturers are increasingly concerned with efforts to implement major changes to our nation's labor laws outside of Congress through executive branch actions. The NMB's recent decision to promulgate a new rule goes contrary to the intent of the Railway Labor Act and is an attempt to circumvent the legislative process.

The Railway Labor Act requires a majority of all eligible employees to affirmatively choose to allow a labor union to collectively bargain on their behalf with their employer. However, in 2009 members of the NMB finalized a proposed rule which allows union organizers to unionize workplaces if only a simple majority of employees who participated in a union representation election chose to certify the labor union instead of requiring an affirmative vote for union representation from a majority of all employees that would be covered by the labor union seeking to be certified. This approach goes counter to decades of labor law precedent and skews the careful balance inherent in federal labor law.

The NMB failed to demonstrate sound policy justification needed to implement such a sweeping change to our labor law system. The final rule that has been issued is beyond the legal authority of the Board and is arbitrary and capricious. The NAM responded to the NMB's proposed rulemaking and submitted comments highlighting these concerns. Unfortunately the Board finalized the rule in May 2010 without addressing our concerns—and those of many other employers.

The failure of a union to receive a true majority support among the employees it seeks to represent is disruptive to employee-employer relations and puts the stability of interstate commerce in question. Labor unions covered by the RLA must be able to have the support of the majority of employees to provide effective representation in labor negotiations.

In order to promote fair and equitable labor relations that protect the rights of the majority of workers, an affirmative change—from a non-union to union workplace—should require an affirmative majority vote from those eligible to vote. Employees who choose not participate in elections are in effect choosing to maintain the status quo and should not be required to directly participate in representation elections in order to maintain their status.

The Senate should disapprove this rule by supporting S.J. Res. 30, as it would harm positive employee relations and sets a disturbing precedent for other federal labor boards like the National Labor Relations Board. More importantly, we believe the NMB is circumventing the proper role of Congress in setting our nation's labor laws on a level playing field to protect the rights of those who wish to be represented by a labor union and those who do not.

As manufacturers face tremendous amounts of uncertainty in these challenging economic times, Congress should not allow a federal agency to issue regulations that harm manufacturers' ability to create and retain jobs.

On behalf of manufacturers, we urge your support for S.J. Res. 30. We look forward to

continue working with you on our shared goals for a strong economy, job creation and promoting fair and balanced labor laws.

Sincerely,

JOE TRAUGER,
Vice President.

ALLIANCE FOR WORKER
FREEDOM,

Washington, DC, September 17, 2010.

DEAR SENATOR: On behalf of the Alliance for Worker Freedom (AWF), I urge you to support Senator Isakson's S.J. Res 30, which condemns the National Mediation Board's (NMB) decision to ease unionization standards for airline and railway employees.

Since the creation of the National Mediation Board in 1934, a majority of transport workers' votes has been required to form a union. Last year, the AFL-CIO viewed this traditional voting practice as an impediment to their unionization efforts and lobbied the NMB to amend this practice. The NMB complied with the AFL-CIO's request and in May ruled that union elections for workers subject to the Railway Labor Act should be decided by only a majority of workers who cast ballots, not total company workers. This move would make it substantially easier for unions to win elections and could encourage deceptive election practices.

Overtaking seventy-five years of precedent and two Supreme Court rulings, the National Mediation Board has overstepped its understood authority. Although frequently challenged, numerous institutions, under both Democrat and Republican Administrations, upheld the "majority rule" practice. The Supreme Court twice ruled in favor of "majority rule" unionization election standards.

Furthermore, the National Mediation Board has upheld challenges to majority rule four times, on grounds that: "Certification based upon majority participation promotes harmonious labor relations. A union without majority support cannot be as effective in negotiations as a union selected by a process which assures that a majority of employee's desire representation."

AFL-CIO's complaints that transport companies have made it too difficult to unionize workers, thus necessitating the NMB's change, is largely unfounded: majority rule has been used in more than 1,850 elections, and unions have won more than 65 percent of the time.

The merits of majority rule can be thoroughly weighed, debated, and voted on by our legislators, not the three members of the National Mediation Board.

Sincerely,

CHRISTOPHER PRANDONI,
Executive Director.

[From ALG News, Sept. 21, 2010]

ALG URGES SENATE TO SUPPORT ISAKSON
RESOLUTION AGAINST UNION ORGANIZATION
BY PLURALITY RULE

FAIRFAX, VA.—Americans for Limited Government (ALG) President Bill Wilson today urged the Senate to support a resolution of disapproval against a National Mediation Board rule that allows for union organization at railways and airlines with less than a majority of employees voting "yes."

The resolution of disapproval is being proposed by Senator Johnny Isakson, who in The Hill wrote "The Obama administration's decision to repeal this rule means that now a minority of the bargaining unit can organize—permanently—the entire organizing unit."

"The National Mediation Board simply does not have the legal authority to make

such a radical change without Congressional authorization," Isakson stated in a press release. "With this rule change, a union could be permanently recognized without a majority of employees having ever supported representation."

That is because on May 11th, 2010, the National Mediation Board repealed the so-called "Majority Rule." Under the old rule, it took a majority of an organizing unit voting "yes" to permanently organize a union. Now, it only takes a majority of those voting, a considerably lower threshold.

Isakson wrote in The Hill, "[U]nder the Majority Rule, if a bargaining unit had 6,000 employees, 3,001 must have voted for a union to organize the unit. However, under the new rule, if only 1,000 of 6,000 vote, and 501 of those 1,000 vote yes, all 6,000 are permanently unionized, even if a majority of them become disenchanted with the union leadership."

Isakson's resolution is expected to have an up-or-down vote on Thursday under expedited rules.

Wilson said the rule change most likely had been made to accommodate the merger of Delta Airlines and Northwest. "The new company is 40 percent union, and most of that is from the Northwest employees. Since they didn't already have a majority, the only way to get a union for the whole company was to change the rules to accommodate a decades-long effort by Big Labor to unionize Delta."

According to CNN Money, "Unlike its competitors, Delta employees have declined to join labor unions in the past, priding themselves on having great relationships with the company and enjoying the freedom to negotiate contracts with managers one on one."

Wilson said that the National Mediation Board had violated their authority under the Railway Labor Act, urging the Senate to "uphold the original intent of the law, which never included allowing a minority of workers at a company to unionize. The National Mediation Board has clearly stepped out of its statutory role as a neutral arbiter, and into being an advocate on behalf of union organizers."

Wilson's sentiments echoed those of the Chair of the National Mediation Board, Elizabeth Dougherty, who in her dissent wrote, "Regardless of the composition of the board or the inhabitant of the White House, this independent agency has never been in the business of making controversial, one-sided rule changes at the behest of only labor or management."

Wilson said this was "just the latest example of an agency seizing the power to legislate from Congress," concluding, "First it was the EPA with the carbon endangerment finding. Then the National Labor Relations Board opening the door for card check. And now the National MedianBoard allowing for unionization with less than majority support."

ASSOCIATED BUILDERS AND
CONTRACTORS, INC.,
Arlington, VA, September 23, 2010.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On behalf of Associated Builders and Contractors (ABC), a national association with 77 chapters representing 25,000 merit shop construction and construction-related firms with 2 million employees, I write to express strong support for S.J. Res. 30, offered by Senator Isakson and urge you to vote in favor of this resolution. The resolution disapproves the rule submitted by

the National Mediation Board relating to representation election procedures (published at 95 Fed. Reg. 26062 (May 11, 2010)), and would resolve that such rule shall have no force or effect.

The May 11 National Mediation Board rule requires employers governed under the Railway Labor Act to recognize and bargain with a union, even where a majority of affected employees have not voted to do so. This rule overturns 75 years of precedent and promotes union organizing at the expense of employees that do not favor union representation. Moreover, this radical change injects further uncertainty into our economy at a time when we can afford it least.

ABC believes the National Mediation Board's ruling reflects a disturbing trend by the federal government to promote unionization at the expense of free and open competition, economic growth and employees that do not favor union representation. ABC urges you to support S.J. Res. 30 and vote in favor of this resolution.

Sincerely,

GEOFF BURR,
Vice President, Federal Affairs.

LETTERS FROM WORKERS

On Monday, when this vote was scheduled, we launched an email address, airlines@isakson.senate.gov, and we asked the real experts—the workers affected by this rule change—to write us and offer their thoughts.

The response has been overwhelming. As of this morning, we've received over 100 individual letters in three days, not form letters or postcards, but carefully crafted letters decrying the unfairness of the NMB's rule change.

One of my constituents, a proud Delta flight attendant named Debi Shaw from Gainesville, Georgia contacted dozens of her friends and colleagues. Ms. Shaw collected over three dozen letters by herself.

I wish I could read all these letters into the record, but I wanted to share just a sample with my colleagues in the time I have.

One such letter came from Susan Powell of Buford, Georgia. She writes, "I have invested 31 years into a fabulous career at Delta and I feel so blessed to have been able to work for such a wonderful company all these years. The intentions of the NMB are totally transparent and should not be tolerated by Congress—or any other body or individual (including President Obama) who claims to embrace honesty, fairness and ethics. It is abundantly clear to me that motivation of the newest Obama appointees to the NMB is to pave the way for the AFA to gain entry into Delta Air Lines—I see no other justification for imposing voting rules on Delta flight attendants contrary to the voting rules applied to union elections at all other carriers. I have loved my career at Delta and I am so proud of the monumental efforts my company and my fellow employees have made to emerge from bankruptcy and return to profitability. I watched in horror years ago as the unions at Eastern Airlines single-handedly brought their own company to its knees—and I was forever grateful that I had chosen to work for Delta, as opposed to Eastern. It is my belief that an election in favor of the AFA will be the ruin of my company and the end of the blissful career I have enjoyed at Delta."

Another eloquent letter came from Karla Kelsey. "I am a 32 year Delta flight attendant. I do not understand why the NMB would change a rule that has been in place for 75 years. It is, obviously, a decision partial to

the unions, not the employees. . . . I am not interested in union representation and I resent how this situation has been handled. The impact on my life would be hugely negative if the AFA is voted in. What is fair about a union being able to come into my company with only a majority of those who vote as opposed to a majority of all flight attendants who would be represented?"

I didn't just hear from pre-merger Delta employees. I heard from Avery C. Parker, who had been with Northwest Airlines for 31 years. She writes, "The NMB's decision to change the 75 plus year's old law concerning labor elections is very disturbing to me to say the least. . . . Is this how a government agency that has thousands of employees, counting on them to have an un-bias opinion, should act?"

Several workers contacted me complaining about the harassment they experience by union organizers. A flight attendant from Greensboro, Georgia, Toni Holman complains that "pro-union activists are spreading really nasty and un-true rumors; are using intimidation tactics; and are also sabotaging the luggage, hotel rooms, etc of many flight attendants who are vocal anti-union or have "No Way AFA" bag tags on their suitcases. We are being targeted and persecuted. I also feel harassed by the bombardment of un-requested mail/e-mail/and telephone calls."

Again, I received dozens of letters from across the country. I will be including a sampling in the record of this debate, so these workers know they have a voice in their Congress.

Mr. ISAKSON. Madam President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Madam President, I strongly oppose the resolution of disapproval offered by my good friend, the Senator from Georgia. I tried to listen to all my friend said, but let's just keep in mind what this is all about. The resolution we have before us would keep in place outdated and undemocratic election procedures that undermine workers' fundamental rights. Hard-working Americans deserve better, and I encourage my colleagues to vote down this resolution.

By way of background, the Railway Labor Act governs labor-management relations for the rail and air industries. As the Supreme Court has noted, the Railway Labor Act was expressly passed to "encourage collective bargaining." Under the act, a majority of employees have the right to decide if they wish to be represented by a union, and they use elections to make that choice. Unfortunately, for many years, the National Mediation Board, which implements the Railway Labor Act, has had antiquated elections procedures that place huge obstacles in the way of workers who are trying to exercise their basic right.

Under these archaic rules, a union did not win an election if it won a majority of the votes cast. Let me repeat that. Under these archaic rules, a union did not win an election even though they may have won a majority of the votes cast. How can that be?

Well, because, instead, a majority of all eligible voters, or all those who voted, a majority—instead of just counting all of those who voted, it said it had to be all eligible voters had to cast a vote for the union. What that meant was that anyone who didn't vote was automatically counted as a "no" vote. So all nonvoters were automatically and arbitrarily treated as a "no" vote or a vote against unionization. So if you didn't vote, that equaled a "no" vote. Doesn't that strike you as kind of odd?

This procedure is not only contrary to the election rules governing workers under the National Labor Relations Act, but it is contrary to basic principles of democracy underlying elections held throughout the United States, from student council elections to elections for United States Senators. Think about this. In virtually every election in this country, except those involving rail and aviation workers, a voter has a right to vote one way or the other or not to vote at all. However, under the archaic rules of the National Mediation Board, there is no right not to vote because if you don't vote you are counted as a "no" vote, whether you wanted to be a "no" vote or not. Maybe a lot of people don't vote for one reason or another.

As Senators, it would be apparent to all of us that this current rule makes no sense. For example, in the Senate, we cast hundreds of votes in each Congress. Inevitably, with one or two exceptions, most of us miss a vote or two, whether there is something going on in our State that we have to attend to or a family illness or whatever. We would be outraged if we missed a vote because of those circumstances and our vote was counted as a "no" vote when maybe we didn't want to vote no, but it would be automatically counted as a "no" vote if we didn't vote. We would be outraged at that.

In addition, in our contests for reelection, we would be outraged if every eligible voter who chooses not to vote is presumed to be a vote for our opponent; in other words, a "no" vote on us. That is pretty interesting, isn't it?

If you choose not to vote, you are counted as no. Well, it is no less outrageous to arbitrarily assign a position to nonvoters in a union election.

Again, there are many reasons a person might not vote. As I mentioned, they might be ill, forgot, or maybe they are just disinterested in the result, don't care one way or the other. That is why a basic principle of elections is that a voter's decision not to vote has no impact on an election's outcome. Again, I will repeat: A basic principle of elections in our country is that a voter's decision not to vote has no impact on the outcome of that election.

Indeed, in 1937, the Supreme Court, in *Virginian Railway Company v. Sys-*

tems Federation No. 40, in interpreting the very statute at issue—the Railway Labor Act—expressly said:

Election laws providing for approval of a proposal by a specified majority of an electorate have been generally construed as requiring only the consent of the specified majority of those participating in the election. Those who do not participate are presumed to assent to the expressed will of those who vote.

It makes sense. If you don't vote, what you are saying is, for one reason or another, whichever side wins, they win. Whatever the expressed will is of the yes or the no, I give my assent to that by not voting. That is what the Supreme Court said.

This basic system of conducting elections works for school boards. It works for State legislatures. It works for Congress. It works for all businesses governed by the National Labor Relations Act, and it certainly will work for rail and aviation workers.

Now, given the antidemocratic nature of its union election procedures, in May the National Mediation Board issued a long overdue rule change. Under the new rules, a majority of those who actually vote in the election is required for the union to prevail. Under this procedure, an employee, a worker, can choose to vote for a union, they can choose to vote against unionization, or they can choose not to vote at all. The rule, very simply, recognizes that in an election, the side with the most votes wins.

Well, I think the National Mediation Board should be commended for its new, more democratic rule. It is consistent with the procedure used in other elections in our country and will ensure fairness and equal treatment for rail and aviation workers.

Nevertheless, my friend from Georgia and others wish to overturn the application of these basic democratic principles to air and rail workers. First, as I understand it, they argue that because the National Mediation Board's old rules are 75 years old, they should remain unchanged. Well, just because something is old doesn't mean it should remain forever. A rule's age is irrelevant in evaluating its fairness. Our country has rightly eliminated many flawed election rules when circumstances changed. It is time to discard this one too.

The justification for the original rule is long outdated. Rail and aviation workers, like workers at many other businesses, are spread throughout the country. Seventy-five years ago, with often poor communications, there was a legitimate concern that many employees would not learn that a union campaign was taking place or that a vote was scheduled. The National Mediation Board feared that a small but informed minority of workers could dominate the election process and dictate a result for a majority of employees, many of whom may not even have

known an election was occurring. That is not true today. Given today's modern technology—the Internet, e-mail, cell phones—these concerns are simply no longer relevant and should not dictate the Board's current election procedures.

Secondly, I believe the Senator from Georgia is wrong when he claims that the National Mediation Board has exceeded or does not have authority to implement this rule change. On June 25, a Federal court rejected this argument, finding that the change was well within the agency's authority. The Railway Labor Act does not specify any particular election procedures and leaves the means of conducting elections up to the Board.

The process the Board used to adopt their new rule was fair, open, and allowed all parties an opportunity to comment, using the same notice and comment process under the Administrative Procedures Act as used by other Federal agencies.

The National Mediation Board published a notice of proposed rulemaking in the Federal Register on November 3, 2009, that included a detailed explanation of why the Board was considering this change. It allowed parties 60 days to comment and provided a detailed rationale for the proposal. The Board considered nearly 25,000 public comments and held a public meeting where over 34 members of the public testified. Federal agencies issue new regulations every day following the same notice and comment procedures employed by the Board in this procedure, and nothing untoward happened here. It was fully open, fully above-board, and in compliance, as I said, with the Administrative Procedures Act.

My friend from Georgia and others have argued that one of the National Mediation Board members, Linda Puchala, may have somehow misled Congress during her confirmation hearings and failed to consider the new rule with a fair and open mind. There is simply no evidence to support this claim. On May 12, 2009, Ms. Puchala answered a written question from the Senator from Georgia. He asked:

Please state your views regarding the importance of honoring the Board's 60-year history of precedents in matters involving representation and mediation.

That was the question. Ms. Puchala responded:

The board has a long history of precedents in matters involving representation and mediation. I think it is important to review each case on its merits and to consider all applicable precedents when making decisions.

Sounds logical to me. It is important to review each case on its merits. I would hope all individuals who have appointed positions in the Federal Government would take cases on their individual merits. Consider precedents,

of course, if they are applicable, but to consider it on its merits.

As I understand it, that is precisely what Ms. Puchala did in this instance. In the almost 6 months between her confirmation and the publication of the notice of proposed rulemaking on November 3, 2009, she had ample time to carefully consider all points of view about the proposed change and implemented what she considered to be a fair rule. As a Federal judge wrote in rejecting these challenges:

The level of detail with which the agency considered and discussed negative comments in the Final Rule belies allegations that the Board rushed its consideration of the new rule. . . .

That is a Federal judge.

Opponents have also argued—and I just heard this—that the Republican National Mediation Board member Elizabeth Dougherty was unfairly excluded from the consideration of the new rule. While I believe the internal deliberative processes of agencies should appropriately be kept confidential, I am reassured by the district court's finding on this point that there was no evidence that the majority board members violated any procedural rule or acted in bad faith. That was the finding of the district court.

Finally, throughout the course of the public debate over this rule change, opponents of the new rule have claimed that the National Mediation Board is trying to "do card check by running around the backdoor."

This is just pure nonsense. The National Mediation Board rule has nothing to do with the Employee Free Choice Act or card check. It does not modify in any way the way rail and aviation workers vote. Rather, it simply makes clear that a decision not to vote will not arbitrarily be treated as a "no" vote.

While this debate has nothing substantive to do with the Employee Free Choice Act or card check, there is one common thread. At the heart of opposition to this rule, and also at the heart of opposition to the Employee Free Choice Act, is a fear on the part of some people that, yes, workers will exercise their fundamental right to organize.

I want to make it very clear. I happen to be a supporter of the Employee Free Choice Act. I keep asking: Why is it that workers are compelled to walk across broken glass, to go through some kind of a boot camp harassment to exercise what is their legal right in this country: to join a legal organization? Why should they have to go through all that? That is why I have supported the Employee Free Choice Act.

Let's be clear what we are talking about today. Let's be clear what this means with this new rule. It means that rail and aviation workers have a voice in the workplace. Some people

may consider that awful. I do not. It means fair wages and benefits. It means better and safer working conditions. It means workers have the right to be heard. They have the right to organize. They have the right to be heard in collective bargaining.

Indeed—I repeat—the Railway Labor Act, as the Supreme Court noted, was expressly passed to "encourage collective bargaining." Maybe there are some who do not want to encourage collective bargaining. I think we are better off when we do have collective bargaining and we respect the rights of workers in this country.

These are the goals I hope every Member of the body could support. I applaud the National Mediation Board's decision to discard an outdated, antidemocratic rule, and to ensure fundamental fairness to rail and aviation workers in this country. Why should they be the only ones, among all the workers in this country, all those covered by the National Labor Relations Act, why should these two be the only ones where if they do not vote, it is counted as a "no" vote. It does not happen anywhere else. It is an arcane, outdated rule. It should be brought into the spirit of democracy we have in this country. You can vote yes, you can vote no, or you do not have to vote. If you do not want to vote, you should not be assigned a "yes" vote or "no" vote to the fact you did not vote. It should not be counted at all in the outcome of the election.

I strongly encourage my colleagues to oppose this resolution of disapproval.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore, The Senator from Georgia.

Mr. ISAKSON. Madam President, let me take a moment to share a few alternative ideas to the distinguished Senator's representation.

First of all, with regard to Ms. Puchala's response to my question in the confirmation hearing that all rules ought to be judged on their merit, I think that is a very good response. But it is coincidental or ironic that in one of the largest union votes in the history of America—the vote that will take place between Delta and Northwest employees on whether to unionize flight attendants—that when they were sworn in as board members, the previous application by the union for an election was postponed to give enough time for the rule change to take place in the first place.

I do not know if that was judgment on merit or whether it happened to be just coincidental timing. I will say it was probably not based solely on the merit of the decision.

Secondly—and I love the Senator from Iowa. He and I are dear friends—if you follow his thought process on not counting "no" votes, you have to look at this. Past practice at the National Mediation Board dictated that

an absolute majority of workers in the class be required to vote to unionize, and once that union takes place it is a permanent decision. Yes, there is an archaic straw-man alternative. However, if you follow the thought of the Senator from Iowa in its entirety, once we are elected to the Senate, we would not have to run for reelection again. That is because the National Mediation Board has no decertification process. This is essentially a permanent decision by the workers. I do not think it should be a permanent decision when one of us is elected to Congress. That is why we have elections in Congress every 2 years or in the Senate every 6 years.

Let's remember this is a decision. When we change this rule, we are allowing a minority to make a permanent decision for a class of workers. That is a very high threshold. I think requiring a majority vote of all those affected not only makes sense, but the reason it was done was to protect the National Mediation Board's intent in the first place in terms of interstate commerce in the United States of America. Another point Congress had no say in this process, even though Article 1 of the Constitution of the United States allows only us to regulate commerce.

I wanted to add those two points. On the case of merit, I think it is obvious there were some considerations specifically because of one vote, i.e., the vote of the AFA and IAM. That is why the unions withdrew their applications and postponed the vote, to give the National Mediation Board an opportunity to pass the rule and affect a pending vote to organize.

I wanted to make a point with regard to current policy not allowing people to be represented. Under the Railway Labor Act, 72 percent of the employees are unionized versus the 8 percent for all American workers. Nobody is talking about a rule preventing organization. We are only talking about requiring a threshold because of the permanency of the decision. That is very important.

We are not trying to skew the balance between labor and management. We are trying to equalize that balance. To change this rule, given the threshold that has been in place for 75 years, is to skew the process in favor of union bosses over workers' rights. That should not be the intent of the Congress of the United States. That is why the National Mediation Board rules are what they are, and that is why the Supreme Court of the United States has twice upheld it.

Madam President, I am happy to yield 10 minutes of my time to the distinguished Senator from Utah, Mr. HATCH.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Madam President, I thank both my colleagues.

It has become customary to expect pendulum swings in labor law each time the White House changes hands and appoints new government officials to lead the Federal executive branch and independent agencies. Sometimes the law changes every 4 years, depending on who is sitting at the NLRB, Department of Labor, OSHA, EEOC, and so on. One year a particular issue might favor labor, and 4 years later the very same issue might favor management.

By analogy, at the NLRB, for example, 1 year graduate school teaching assistants are students not covered by the National Labor Relations Act. The next year they are deemed to be employees covered by the act. Then shortly thereafter, they are once again deemed to be students. Soon we may learn they will once again be employees.

The same is true with regard to the definition of "supervisors" excluded from the National Labor Relations Act. One would think that after 75 years, the NLRB would be able to define who is and who is not a supervisor. Instead, the law changes as the political pendulum swings.

What has actually changed other than the people confirmed by the Senate to make the decisions, to call the shots? Without any evidence of changed circumstances in the workplace or relieving the agency's own administrative burden—in fact, without any evident rationale—the only apparent reason for the changes in the NMB's representation election process is in the people who call the shots.

Obviously, this is not the way to promote stability in labor relations and employment law. It makes it difficult for employers, employees, unions, and the lawyers counseling them to ever be assured what the law is in any given area or any given time.

Mercifully, for some issues and at some agencies, it does not work that way. Until recently, that could be said for the National Mediation Board and the process by which it conducted union representation elections.

For 75 years, the procedure which has been applied consistently by the NMB for conducting union representation elections has been the same.

Boards appointed by Democratic Presidents Roosevelt, Truman, Johnson, Carter, and Clinton have agreed that the process through which labor organizations obtain certification as the representative of a majority of the craft or class is the cornerstone of stable labor relations in the air and rail industries. That has been the law for 75 years.

In fact, the NMB appointed by President Carter unanimously ruled that it did not have authority to administratively change the form of the NMB's ballot used in representation elections and that such a change, if appropriate,

could only be made by Congress. That is until now.

The new members of the NMB, after assuring this Senate under oath at their confirmation hearings that they had no plans to reverse precedent, after only months on the job, reversed the NMB's longest standing precedent.

By rule, the NMB now certifies representatives elected by a minority of the craft or class so long as they constitute a majority of those voting. This is not just a minor change, this change destabilizes the cornerstone of stable labor relations under the Railway Labor Act and 75 years of NMB precedent which was consistent with the plain statutory language and congressional intent.

Here is how it is destabilizing. First, the former law which required election of a representative by a majority of the craft or class quelled any doubts about the authority of the selected representative. The new procedure will do nothing but foment dissent.

Second, the former certification procedure facilitated the process for employees and their representative to work cohesively toward negotiating and maintaining agreements with an air or rail carrier. The carrier knew the majority of the entire craft or class supported the union, not simply a majority of those voting. This gave the representative more standing. The new procedure will undermine the representative's authority.

Third, the former certification procedure discouraged raids by rival unions and interunion conflicts. The new procedure will encourage such raids.

Fourth, the former certification process recognized the reality in the air and rail industries that, unlike the National Labor Relations Act, negotiations for collective bargaining agreements cover a broad craft or class of employees spread over multiple, geographic locations. Therefore, there is a strong need to demonstrate majority support across those geographic locations, not as the current procedure, smaller units of employees.

So, if anything, the new rules are destabilizing rather than promoting greater stability. The result ignores the clear congressional statutory mandate to maintain stability in the air and rail industries.

I repeat, after assuring us they would not do so, the new NMB members overruled 75 years of precedent which had been consistent through both Democratic and Republican administrations. And how did they do it? It certainly speaks volumes that the rule was developed without the input or participation of the sole Republican member of the three-member NMB, former Chair Elizabeth Dougherty, who was notified of the existence of a proposed rule late one morning and given 24 hours to review the rule and draft a dissent—24 hours to comment on a rule that scraps

a precedent which had existed for 75 years and which is likely to discombobulate two great industries. I thought this form of arrogant, rushed, exclusionary rulemaking only exists in Congress when the majority wants to steamroll legislation.

Finally, while changing the rules for certification of a labor representative, the NMB flatly refused to even consider the democratic procedure of decertifying the labor representative should the employees so freely and independently choose. Now, I have heard of "one man, one vote," but ignoring the right of the employees to decertify a union is more like "one man, one vote, one time." How can you have a democratic process where a minority of employees can vote a union in without having a mirror process allowing the majority of employees to be able to vote the union out if a majority of employees become dissatisfied with their representation?

Today, we should stand up and say no—no, you cannot tell us one thing in confirmation hearings and courtesy visits and then do exactly the opposite on the job. We should exercise our voting rights in the Senate under the Congressional Review Act to review this outrageous NMB rule which benefits only one group—labor unions—not employees, certainly not employers, and not the public.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. ISAKSON. Madam President, I suggest the absence of a quorum, and I ask unanimous consent that the time during the quorum be equally divided between the majority and the minority.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ISAKSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ISAKSON. Madam President, I yield up to 6 minutes to the distinguished Senator from Nevada, Mr. ENSIGN.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. ENSIGN. Madam President, I rise today to discuss the resolution before us—a resolution of disapproval to prevent the implementation of the recent National Mediation Board regulations. Many Americans are likely unaware of the vote we are about to have today, let alone the controversial rule it concerns.

Last May, the National Mediation Board finalized a new regulation that would turn 75 years of union voting precedent on its head. I believe a vote

to support this resolution of disapproval is a vote to protect our Nation's workers. Specifically, the National Mediation Board has changed the voting rules under the Railway Labor Act. The Railway Labor Act is the law that sets labor union rules for railways and airline employees. For the past 75 years, under this act, a majority of employees in an "organizing unit" have had to vote yes to form a union. Under this new change, only a majority of employees who actually vote are needed to form a union.

How does this new rule work in practice? For example, if an airline has 1,000 employees who are nonunion today, currently 501 must vote yes to unionize. But under this new union rule, if only 300 of those employees vote, then it would require only 151 of those employees to unionize and speak for the entire 1,000 employees. Since there is no procedure to deunionize under the Railway Labor Act, once this union is formed, these 1,000 employees would be permanently unionized. There is simply no way to vote out a certified union in this part of the law even if a majority is unhappy with the union leadership. This doesn't make sense given that the National Labor Relations Act—the law that governs most labor unions in this country—does allow workers to deunionize.

It is also concerning that the National Mediation Board effectively blocked out the input of its sole Republican member, Chairman Elizabeth Dougherty, during the rulemaking process. Chairman Dougherty stated:

The proposal was completed without my input or participation, and I was excluded from any discussions regarding the timing of the proposed rule.

That sounds like what has been going on here lately.

It certainly doesn't sound like the transparency on which the other side of the aisle campaigned.

The American people listening to this debate may be thinking this rule change sounds like nothing more than a political payback to labor, and in my opinion, they are right. The American people listening today may also be thinking this whole debate sounds vaguely familiar, and they would be right again. A proposal called card check may ring a bell. Recall that under the Democrats' card check litigation, American workers would be deprived of the right to a secret ballot when voting on whether to form a union. And while card check and the National Mediation Board rule change may not be one in the same, they both lead to an identical outcome: undermining the fundamental rights of American workers.

You may be asking whether this rule will help workers in the airline and railway industries unionize. Perhaps this rule is needed because the employers have stacked the deck of cards

against unionization efforts. But let's look at the facts. An average of 72 percent of airline and railway employees today are unionized, compared to only 8 percent in the rest of the private sector. I repeat: 72 percent in airlines and railways, only 8 percent in the rest of the private sector. So it can't be the case that this new policy is in response to the failure of 75 years of voting precedent or employers blocking the ability for employees to unionize. In fact, workers at Delta have voted down six organizing drives over the past 10 years.

This Nation is facing unprecedented economic difficulties. I speak from experience. The unemployment rate in my State of Nevada is 14.4 percent. We lead the country, unfortunately. The Federal bureaucracy should be working to strengthen our economy, not create an environment for American businesses that leads to an uneven playing field and, at the end of the day, more uncertainty. Uncertainty does not help create jobs.

To conclude, the members of the National Mediation Board have not provided Congress with any substantial evidence that a change in union voting procedures is needed. I believe this rule change is a sign of a dangerous trend—a trend that runs counter to the core principles of American democracy and the ability to choose freely through a fair voting process. As such, I urge my colleagues to support Senator ISAKSON's resolution, S.J. Res. 30, and vote down the National Mediation Board rule.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ISAKSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ISAKSON. Madam President, I yield up to 5 minutes to the distinguished Senator from Georgia, Mr. CHAMBLISS.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. Madam President, first of all, I thank my colleague from Georgia for allowing me to come over to speak on this issue, and I rise to concur with the resolution introduced by my friend and my colleague, Senator ISAKSON.

For more than 75 years, our labor laws governing airline and railway employees have been upheld under both Democratic and Republican administrations and in two Supreme Court decisions. Recently, however, the National Mediation Board acted unilaterally to change a longstanding statute without seeking the consent of Congress.

Unfortunately, this change is based more on politics than on the merits of the law. Historically, if you had 100 employees who wanted to vote to form a union, you would need a majority of those employees—or 51—to vote in favor of unionizing. Now, in accordance with the new rule change from the National Mediation Board, if 10 members choose to vote on whether to organize, a majority of 6 members voting yes would bring all 100 members under union control. That is not the way the law was ever intended to operate, and it should not be changed by an arbitrary action on the part of this Board. Not only would a minority of workers have a tremendous influence over other employees in such a workplace, but when a union is formed, employees would not have the same right to decertify the union under the new minority rule.

While the Obama administration is attempting to amend our labor laws in order to facilitate the unionization process, the old majority rule was anything but anti-union because today an average of 72 percent of railway and airline employees are unionized, compared to only 8 percent of all workers in the remainder of the private sector.

Not only is the new rule change flawed, but the procedure by which it came about was dreadfully biased. The National Mediation Board is made up of three members and has existed since 1934 to coordinate labor-management relations within the railroad and airline industries. The two Democratic appointees decided to move forward with this rule change without input or participation from the Republican-appointed Chairman.

What the National Mediation Board has implemented goes beyond the scope of its capacity as well as its jurisdiction, and it is going to result in a rather lengthy court battle if this rule does come about. There is no need for this rule change when 72 percent of the airline and railroad industry is already unionized and has had the opportunity to unionize under this law. The responsibility of a change in labor laws of this magnitude and affecting this many workers should ultimately rest with Congress, not with a small board of political appointees.

I am proud to be an original cosponsor of the resolution of my colleague from Georgia. I urge my colleagues to follow his lead on this issue and to agree to this resolution.

I yield the remainder of my time to Senator ISAKSON.

Mr. ISAKSON. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

Mr. ISAKSON. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ISAKSON. I ask unanimous consent to reinstate the quorum call providing the additional time used is equally divided between the majority and minority.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARDIN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARDIN. Madam President, I thank Senator HARKIN for his leadership on this issue in opposing the Senate Joint Resolution 30. I join him in urging my colleagues to oppose the resolution.

The National Mediation Board is an important entity. They have the responsibility to oversee labor-management relations in the rail and aviation industry. On May 11 of this year, they issued a final rule that allowed a majority of voting employees—let me repeat that, a rule that allows a majority of the voting employees—to determine the outcome of union representation elections.

I don't understand the controversy. I thought we all agreed that majority rules, as far as what should happen. The rule is common sense. Let me explain the problem. I know it has been said before on the floor.

Prior to this regulation, if a person did not show up and did not vote, it was counted as a negative. Suppose we conducted our elections that way. Suppose we were to say that if a majority of people do not show up to vote, you do not have an election. It makes sense that we count the votes that are cast. We don't know, from who does not vote, how they would vote, and to say that is a negative defies the democratic system we hold so dear in this country. Not participating voters were counted as "no" votes, and this regulation makes it clear that will no longer be the case.

Opponents of this rule change argue the Board does not have the authority to change the rule. That is not true also. The Railway Labor Act gives the NMB discretion on conducting union elections and procedure is not outlined in the statute. U.S. Supreme Court and District Court decisions have confirmed that authority, so they have that authority.

Then the opponents say this rule is about the Employee Free Choice Act, an issue that has some controversy among some of my Members. But that is not true. This rule deals with areas where we already have union representation.

I was proud to join 38 of my Senate colleagues in signing a letter in De-

cember of 2009, encouraging the National Mediation Board to change its outdated union election procedures. That is exactly what they have done. The old procedure is not used in any other union elections. It does not follow the democratic norm for elections that all Americans value and respect. The old procedure does not even make any sense.

I urge my colleagues to oppose S.J. Res. 30. To me, this is a matter of basic fairness. It is a matter of what the values of our Nation are all about. Those who participate get the right to decide. You cannot participate by not participating and that is what the rule makes clear. We will count the votes that are cast, but we are not going to count those votes that are not cast. I urge my colleagues to oppose the resolution.

I yield the floor and suggest the absence of a quorum.

Mr. HARKIN. If the Senator will withhold the request for the quorum call.

Mr. CARDIN. I will withhold it.

Mr. HARKIN. Madam President, how much time do we have on our side?

The ACTING PRESIDENT pro tempore. The Senator has 35 minutes.

Mr. HARKIN. On the opposite side?

The ACTING PRESIDENT pro tempore. There is 22 minutes.

Mr. HARKIN. We have 35 minutes left on our side. I yield 10 minutes or however much he needs, up to 10 minutes to my friend, the Senator from Minnesota.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. FRANKEN. Madam President, I rise to discuss my opposition to the resolution before us, the resolution disapproving the National Mediation Board's ruling on election procedures. This ruling finally brings union election rules in the rail and aviation industries in line with union elections in every other industry. It also brings them in line with every other democratic election for public office at the Federal, State, and local levels.

Today, after the NMB rule change, a union election at an airline will be like any other election. Employees who are the voters will have the opportunity to access a ballot. If they want union representation, they will vote yes. If they do not want union representation, they will vote no. If they do not have a strong opinion or if they forget to vote, then they do not count. Election officials count up the cast ballots and the category with the most votes wins.

Does anything about that description raise any flags? Probably not. Because that is how elections work in this country. Prior to the NMB rule change, an airline union election worked very differently. Election officials counted people who did not vote as "no" votes. Imagine if Senate elections worked that way for us—if, to elect a Senator, 50 percent of the eligible voters in the

State had to vote for a candidate. In the 2000 elections, when every single State except for my home State of Minnesota had less than 60 percent turnout, what would have happened?

Let's say, for the sake of it, that all the races had as high a turnout as Minnesota—60 percent. They did not, but let's say so. In order to capture 50 percent of the entire electorate, a candidate would have to get 84 percent of the votes cast. If no Senator captured 84 percent under the old NMB rules, those States would not get a Senator. There would be no one here or almost no one. It would be a lonely place.

Thankfully, that is not how Senate elections work. Thankfully, airline elections will not work like that going forward. But that is how they worked in the past. In a 2008 Delta flight attendant election, the outcome was 5,306 in favor of union representation out of 5,375. That sounds like a pretty strong victory in favor of the union, right? Wrong. The National Mediation Board was forced to compute the tally by counting nonvoters as "no" votes; thus, it ended up with 5,306 votes in favor of the union and 8,074 not in favor. So the vote failed, even though less than 1 percent of those voting against the union represented actual cast ballots.

I should admit I have a special concern in this debate. My home State is home to thousands of Delta employees. Prior to the merger, they were Northwest employees and most were unionized. Now they are facing a scary prospect: losing union representation after enjoying its benefits for decades. Union representation has provided them with living wages, retirement security, and health benefits. Compare this to a flight attendant for a different airline who revealed she was eligible for food stamps, despite working full time.

In professions in which full-time workers get food stamps, union representation is even more vital. The NMB rule change will give Delta workers a meaningful choice, the same meaningful choice voters have in every other democratic election in this country. The claim that this rule change is unfair or undemocratic is simply not true. This change will bring real democracy to elections in the airline and rail industries. I think we can all agree that democracy has served our country well. I think we can agree on that. I urge my colleagues to vote against this resolution.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. ISAKSON. Before I introduce Senator ENZI, the distinguished Senator from Minnesota asked a rhetorical question regarding this election being similar to an election to the Senate. I would note one remarkable difference. National Mediation Board elections are unionized under current law as a per-

manent decision. Senators are elected every 6 years and then stand before the voters once again, so there is a significant difference between those two standards.

Madam President, I will recognize for up to 10 minutes the distinguished Senator from Wyoming.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. ENZI. Madam President, I rise today to urge my colleagues to join me in supporting this joint resolution disapproving the National Mediation Board rule that will deprive railway and airline employees of a voice in their representation elections.

For 75 years, the Board's procedure for voting on union representation properly reflected the geographically broad workforce of the rail and airline industries. Under this time-tested procedure, the workforce would become unionized if the majority of all the workers in a class voted to join a union.

The new rule has changed the way employees' votes are counted in order to favor the union. For 75 years, not voting at all has counted as a no vote. Now, employees who do not vote or cannot vote will lose any chance to weigh in on the question of union representation. In fact, a minority of workers in a class could determine the fate of the entire workforce. This new rule conflicts with the plain language of the statute. The method for selecting a union is expressly described in the Railway Labor Act: "The majority of any craft or class of employees shall have the right to determine who shall be the representatives of the craft or class for the purposes of this Act." No matter what the Board's policy justifications for this rule are, the law is clear. Supporting this resolution will send a message to those who want to change this 75-year-old rule to favor unions in an industry that is already majority unionized. The only appropriate manner to create new policy here is to amend the statute.

Proponents of the new rule say the election procedure under the Railway Labor Act should mirror the procedure used under the National Labor Relations Act. While this procedure may work fine with smaller units of workers, typically working within the same workplace, it is not an equitable method for workers in the railway or airline industries. The classes of railway and airline workers were intentionally created to be systemwide in order to allow uniform workplace rules and prevent the shutdown of an entire carrier should there be a strike in one local.

With workers geographically spread out across the country and working on different shifts, it is difficult for transportation industry employees to communicate their views with coworkers and voice their opinions during a union election. For 75 years, abstaining has

been a way of saying "not sure" or "need more information," as well as "no." In many companies, unions try year after year to gain the backing of a majority of employees through elections. This rule change silences those who do not vote because they don't feel like they have gotten enough information to decide. Instead of requiring a union to convince the workforce to support the union, the Board is seeking to allow unions to force their way in. This is a matter of deep concern because once a union is certified, there is no way to decertify it.

Currently, the Board does not have a specific decertification process. This makes it nearly impossible for employees unhappy with their union to organize their fellow employees and vote the union out of their workplace. It seems logical that since the Board acted to make it easier for employees to join a union, it would have also simplified the process for employees to get rid of their union. But, despite requests to do so during the notice and comment period for the rule, they did not. In fact, employees stuck in unions they do not support because of this rule will also not have the benefit of State right to work laws, which would allow an employee to opt out of full union membership and dues obligations. The Railway Labor Act preempts the 22 States that have adopted right to work laws.

The Board has acknowledged that its primary duty in resolving representative disputes is "to determine the clear, uncoerced choice of the affected employees." I could not agree more. But that important duty needs to apply equally when employees seek to vote a union out of their workplace. The fact that the new rule fails to include a decertification process based on the majority of votes cast, is not only troubling, but evidences the true intent of the Board and this administration to tilt the playing field to favor unions over individual workers' rights.

Last year this body unanimously confirmed two nominees to the National Mediation Board. Several members of the HELP Committee, including my office, specifically asked each of them about their position on changing the way a majority in a unionization election is measured. In reply these nominees stated that they had no preconceived agenda to alter election rules that have been in place for 75 years. Yet, practically before the ink had dried on their confirmations, these two nominees began pushing through this regulation which is a wholesale reversal of those rules to the benefit of labor unions. It is not as uncommon as it should be for nominees to say one thing in their confirmation hearings and act differently once in office, but this example may be one of the most concerning because of the way it was done.

In their haste, the majority NMB members thoroughly disregarded the

rights of the single minority member. The minority member was given no notice about the other Board members' plans, including even the fact that there was a rulemaking effort underway. Instead, she was presented with the proposed rule to be published and given 1½ hours to review and determine if she would support it. They even tried to stop her from publishing a dissent to the rule proposal. Silencing dissenting views appears to be an alarming trend at the Board. And unfortunately, it has gone beyond the National Mediations Board.

Over at the National Labor Relations Board, workers' rights and freedoms are similarly at risk. Just recently, at the end of August, the NLRB chose to revisit a 2007 ruling known as *Dana Corp.* that protected workers' rights to a secret ballot vote. In that 2007 ruling, the Board held that card check was inferior to the use of secret ballot voting in union elections. The Board concluded that when an employer recognized a union in the workplace by card check, employees had the right to request a secret ballot vote to show whether they actually wanted union representation. This was an important ruling to protect workers from union coercion and intimidation that can occur in the card check process. The ruling gave employees a voice in whether they actually wanted union representation, instead of having their employer and a union decide for them.

Now fast forward to August 2010. The NLRB has just decided to revisit that 2007 ruling. Why? There has not been a major shift in management-labor relations that warrants such a change. In fact, the 2007 ruling has served as an important oversight mechanism. According to the *Wall Street Journal*, since the 2007 ruling, 1,111 workplaces have become union by the card check process, of which 54 of those have demanded a vote. Only 15 of the 54, voted against the union. So clearly, the 2007 ruling has not led to huge losses for the unions. But it did give employees a say in their workplace.

This Congress should be very concerned about the current state of these administrative boards that were intended to be independent. Concealed agendas cannot become the norm for Senate confirmed positions. If it is then we will have difficulty confirming anyone whose former employer would fall under the nominee's jurisdiction.

I thank the Senator from Georgia, Mr. ISAKSON, for offering this resolution to send a message to the National Mediation Board that when they seek a change in policy, they must do so within their constitutional and legal authority.

I also note that every member of our caucus has cosponsored Senator ISAKSON's resolution and joins him in sending this message. I urge all of my colleagues to vote for this resolution.

Mr. LEVIN. Madam President, I have long supported the rights of workers to form unions, and I support the National Mediation Board's new rule allowing those in the rail and airline industries to form a union based on the votes cast by a simple majority, a basic principle of democracy.

Under the previous rule, a vote not cast was counted as a vote against the union, in spite of the fact that it is impossible to discern the intention of someone not casting a vote. The new rule adopted by the National Mediation Board mirrors the practice of the National Labor Relations Board, which oversees union elections in other sectors, and it mirrors the rules by which we choose our elected officials: the only votes counted are those actually cast.

Discontinuing this unfair and undemocratic practice was the right thing for the National Mediation Board to do. The new rule is fair to all parties, and is consistent with our democratic traditions. For this reason, I do not support the Isakson resolution opposing this new regulation.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I do not have any more speakers on our side. I wanted to respond on a couple of issues that have come up here in the remarks in the last several minutes, last hour and a half, I guess, since we have been here.

First, having to deal with the idea that somehow under the National Mediation Board when there is an election for a union that it is permanent. Now, right. I mean, my friend from Georgia is right. You cannot kind of compare it to Senators, because we have to run every 6 years. I understand that.

I think it is still holds, though, that should someone who does not vote be counted as a no or a yes either way—I would ask my friend from Georgia to think about this in terms of not elections for Senators but how about ballot initiatives? We have school bond issues, and school bond issues get, maybe, what, 30 percent of the vote out. Should all of the people who do not vote be counted no against a bond issue?

I do not know about my friend's State of Georgia, but I know in Iowa we have retention ballot initiatives for our judges. We have a very good non-partisan, nonpolitical way of getting judges. But then the judges come up on the ballot every so often. Yes or no, should they be retained? They do not have to run against anybody and no one runs for a judgeship. But should they be retained?

Well, obviously not too many people vote on that. Should people who do not vote be counted automatically as a no vote? I do not think people would like that. A lot of people do not vote because they may not have enough infor-

mation to vote one way or the other, so they leave it go and say, well, maybe other people who know better could have their votes counted yes or no.

We have had ballot initiatives for minimum wages. Should all of those who do not vote be counted as no? I think it is a very fundamental principle of our system of government, as the Supreme Court has said many times in the past, that a ballot not cast should not in any way influence the outcome of the election, of any election.

The outcome of the election is determined by the yes and no votes, not by people who do not vote, a very basic principle. So that is one point I wanted to clarify.

This old rule of the National Mediation Board that people keep talking about, saying it is been the same for 75 years, I could quite frankly argue that it should not have been that way in the first place, although as I said in my opening statement I understand some of the rationale for it, that 75 years ago, where you did not have rapid communications and things such as that, you would not want a small group that maybe had voted a union in, and other people did not even know about it. But that is hardly the case today. Hardly. Everyone knows about it with instant communications and everything else. That is hardly the case today.

It is time to get rid of old, archaic rules that govern certain kinds of elections. Gosh knows, we have had a lot of old archaic rules in elections in this country going back to Jim Crow laws and things such as that. But we have moved beyond that, and those old kinds of rules should not apply any longer. So we move on and we recognize that people ought to have the right to vote, and that if you do not vote, it should not be counted as a no or a yes vote one way or the other.

Regarding the issue of when the union is voted in, it is as though they are forever, it is permanent. I have heard that argument made. Well, that is not necessarily true. But that is under the National Labor Relations Act the same thing. If a union is voted in, it is not voted in for 1 year or 3 years or 5 years. It exists until such time as the union is decertified.

There are two processes. There is a process under the National Labor Relations Act for decertification, and there is a process under the National Mediation Board for decertification. Essentially, with the exception of how they start, they both rely upon an election by secret ballot as to whether the union will continue to represent the workers of that plant or that industry or that association or whatever.

Under the National Mediation Board, if a union was voted in, the employees could at some point say, look, I do not think enough people want to maintain a union here. What they do is they put

up a person to run in a union election, a straw man. People know if they vote for that person, they are voting to get rid of the union, because if that person wins, that person will not represent the workers.

This is done. There is nothing wrong with that. It is fine. So workers know if they vote for this person, it ends the union. If they vote against this person, it continues the union. It is all by secret ballot. The National Labor Relations Act is basically the same way. If an employer or employees want to decertify a union, they file a petition with the NLRB, and then there is an election, as to whether the union will continue to represent the workers.

There may be a little bit of difference in structure between the National Labor Relations Act and the National Mediation Board, but, in essence, they are the same thing. You have a secret ballot as to whether the union continues. So it is not that the union is there in perpetuity, it is there as long as the workers want to continue to be represented by a union.

Lastly, I will digress a little bit from the point at hand; that is, the issue at hand on the matter before us on overturning this rule, to say a couple of things about unionization and workers who belong to unions in our country. It is a shame that union workers are somehow almost degraded as not even being worthy of being citizens in this country; that somehow a union has dark overtones, that somehow unions are destructive or not in keeping with American society or who we are as a people.

If we look at the history of the country, it was unions that built the middle class in America. I defy anyone to refute what I just said, that it was unions that built the middle class. It was unions that instituted things such as the minimum wage, such as safe working conditions, such as making sure they had a fair share in terms of wages, that they had an 8-hour workday and a 40-hour workweek and time and a half overtime—all these things were brought by unionization, people collectively bargaining for wages, hours, and conditions of employment. Maybe there are some who would like to undo the Wagner Act. If they do, fine. I suppose some people believe we shouldn't have any unions at all.

China doesn't have any independent unions. Do we want to be like that? Unions built the middle class in America.

Unions today do a very good job of representing workers, both in the public and private sectors. Today, we have too few people in America who actually belong to unions. We should have more, but we have made it more and more difficult for people to freely exercise their right to actually join a union. I just looked at a list of countries in the G8. With the exception of Russia,

which I can't get figures for, the United States basically is at the bottom. Canada, 27 percent of their workforce is unionized; Japan, 18 percent; Italy, 33 percent; Germany, 19 percent. Look at the economy of Germany. The United Kingdom is 27 percent, and the United States is 11.9 percent. We are down there at the bottom. One cannot say that somehow if we have unions and we are highly organized, that our economy is going to be bad. Quite frankly, these other economies are doing as well or better than we are, and they have pretty strong unions.

I digress because it seems that time after time we hear people in a subtle way hinting or implying that unions, by their very nature, are somehow destructive of American free enterprise and our capitalist system. I don't think anything could be further from the truth. If it were not for unions, our economy would have gone down the tubes a long time ago.

Quite frankly, I believe one of the reasons we have seen in the last few years a widening gap between the rich and the poor—and it is happening; no one can refute that. The gap between the very wealthy and those at the bottom is growing rapidly and has grown rapidly just over the last 10, 15, 20 years—is coincidental with the fact that fewer and fewer people belong to unions, and more and more unions are being decertified or it is more difficult for people to join unions. Unions are being busted through by one means or another.

I often tell the story of my brother Frank. He is now deceased. He went to work for a plant in west Des Moines, IA, back in the early 1950s. It was unionized by the United Auto Workers. My brother was disabled, but the owner of the plant—it was privately held—Mr. Delavan, owned the plant and hired a lot of people with disabilities. They had good jobs, good wages and hours. It was a great place to work. He worked there for 23 years. He worked there for 10 years one time, his first 10 years, and they gave him a gold watch because in 10 years he never missed 1 day of work and was not late once. In fact, in 23 years, he only missed 5 days of work because of a blizzard. In all those years, they never had one labor strike, not one labor problem, no strikes, nothing. They would have their bargaining agreement. They would bargain with the owner. They would move on. They never had a work stoppage, never had any problems, until Mr. Delavan got old and sold the plant to a group of investors.

The investors came in and openly bragged—and I have the newspaper to prove it—if you want to see how to get rid of a union, come to Delavan's. That was in the Des Moines Register.

When the contract came up for negotiation, the employer refused to negotiate. They would sit down and talk for

a little bit, but nothing could be agreed upon. It went on and on. Finally, the union had to call a strike, the first time ever. The new owners, the investors, brought in what the striking workers called the scabs, the replacement workers, brought them in, kept them there. One year later, they had a vote to decertify the union because the new people there didn't want to lose their jobs. They decertified the union, busted the union.

Why did they want to do that? Because a lot of the people, such as my brother who had worked there for 23 years, had established seniority. They were getting paid a good hourly wage. But the new investors figured out they could get rid of all those people, hire younger people, pay them a lot less, and they would make more profit. That is exactly what happened. Investors made more profit. But they got rid of a lot of people and destroyed a lot of lives. People who had worked there for a long time and had families basically were told they were used up, burned out, out on the trash heap out in back.

I often think about that. I think about what happened. There was no reason to break that union other than to have more profits for the investors and less for the workers.

That has been going on in this country at least for the last 25 to 30 years. So is it any surprise that fewer and fewer people are getting more and more wealth and more and more people are getting less?

I hear people talking about unions and they don't want to strengthen unions, don't want to help unions. I want to make sure the playing field is open and level and that the secret ballot is fairly used, that people should have a better chance at joining a union than what they have in the United States today. That is why I am for the Employee Free Choice Act. It will strengthen the right of people to actually freely and openly join a collective bargaining unit. That would be better for the country. I state that unequivocally. The more and more we denigrate workers in terms of their ability to collectively bargain, we will hurt the economy. When we strengthen unions, when we strengthen people and give them better rights and better chances to organize and bargain collectively, then more and more of our money, our national economy, more of that will go to the workers, maybe less to capital. I think that is the way it should be. Too much of our money is going to capital and not enough to labor. We need a better balance there. About the only way that will happen is through collective bargaining.

Count me as a person who is strongly in favor of collective bargaining and strongly opposed to this effort to overturn a rule made by the National Mediation Board which I believe rights an injustice, rights a wrong, and says

that: In the future, if you have an election, if you don't vote, your vote is not counted one way or the other. The outcome of the election will be decided by those who vote yes or no in a secret ballot.

Madam President, I ask unanimous consent that at 12:20 p.m., there be 10 minutes of debate remaining on the joint resolution; that it be equally divided and controlled between Senators ISAKSON and HARKIN; further, that at 12:30 p.m., the Senate immediately proceed to a vote on the motion to proceed to S.J. Res. 30, the joint resolution of disapproval.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. HARKIN. How much time is on our side?

The PRESIDING OFFICER. The Senator has 11 minutes.

Mr. HARKIN. And on the other side?

The PRESIDING OFFICER. There is 13 minutes.

Mr. HARKIN. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Madam President, I wish to address the remarks of the distinguished chairman which in many ways validate the reason we should all vote for S.J. Res. 30. I wish to tell my colleagues why.

The chairman said unionization is permanent, but it is kind of not permanent if you make a decision under the National Mediation Board. I wish to clear that up.

I ask unanimous consent to print in the RECORD the October 8, 2009, letter from Sandra Polaski, Deputy Under Secretary of Labor for the Obama administration, sent to Cleopatra Doumbia-Henry, Director of International Labor Standards Department, International Labor Office in Geneva, Switzerland, who was asked a number of questions regarding U.S. labor law as it affects aviation and transportation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF LABOR,
BUREAU OF INT'L. LABOR AFFAIRS,
Washington, DC, October 8, 2009.

MS. CLEOPATRA DOUMBIA-HENRY,
Director, International Labor Standards Department, International Labor Office, Geneva, Switzerland.

DEAR MS. DOUMBIA-HENRY: Enclosed are the observations of the United States Government in Freedom of Association Case No. 2683 concerning the procedures and practices of the National Mediation Board, with particular reference to flight attendants at Delta Airlines. I trust that this information will be brought to the attention of the Governing Body Committee on Freedom of Association.

Per your request, we invited the U.S. Council for International Business to submit their views, and those of Delta, on the com-

plaint. We will transmit these observations as soon as they are available.

Sincerely,

SANDRA POLASKI,
Deputy Undersecretary.

Mr. ISAKSON. I will quote from her answer to question 15.

Unlike the National Labor Relations Act (NLRA), the [Railway Labor Act] does not provide for a decertification process.

This is the Under Secretary of Labor for the Obama administration.

Therefore, the union's certification continues until another union makes a showing of interest to represent the respective class or craft. In this circumstance, as this showing requires authorization from at least a majority of the class or craft, the alleged disadvantage of NMB certifying method works to the advantage of the incumbent union.

I didn't say that; the Under Secretary of Labor said that.

With regard to the examples the distinguished chairman used with regard to bond issues and the Missouri plan and things of that nature, I wish to make a few points.

When you do vote for a bond issue, you vote it up or down. Most government bond issues are 20- to 30-year terms, which means in 20, 30 years, they are over. Organization under the National Mediation Board is in perpetuity. Then the distinguished chairman talked about what I think is called the Missouri plan, which is judges, where you can vote up or down on whether to continue a judge. You do that about every 4 years in the State of Iowa; right? Whatever the judicial term is, it is not in perpetuity. This is in perpetuity, with the narrow exception stated.

Then, the chairman talked about the minimum wage. The minimum wage has risen from \$1 to its current level because we periodically had elections to change it. This is permanent.

So when we take the arguments he made about being anti-union or not in favor of unions, the National Mediation Board organization essentially guarantees the organization of a union remain in perpetuity, which is why it ought to require a majority of all people covered.

The chairman talked about an Iowa union that had been decertified. Those employees work under the NLRA. We can't have it both ways. The Railway Labor Act should be like the National Labor Relations Act, under which the decertification process is parallel to the organization process.

I am honored and privileged to represent the State that is home to Delta Airlines. I know what kind of an employer they are, and they do not deserve to be vilified by the Obama Administration. I have a letter I have already asked to be printed in the RECORD, but I would like to read a part of this letter from a Delta employee by the name of Susan Powell of Buford, GA. She writes:

I have invested 31 years into a fabulous career at Delta [Air Lines] and I feel so blessed to have been able to work for such a wonderful company all these years. The intentions of the National Mediation Board are totally transparent and should not be tolerated by Congress—or any other body or individual (including President Obama) who claims to embrace honesty, fairness and ethics. It is abundantly clear to me that motivation of the newest . . . appointees to the National Mediation Board is to pave the way for an Association of Flight Attendants to gain entry into Delta Air Lines—I see no other justification for imposing voting rules on Delta flight attendants contrary to the voting rules applied to union elections at all other carriers.

That is a key point.

I have loved my career at Delta and I am so proud of the monumental efforts my company and my fellow employees have made to emerge from bankruptcy and return to profitability. I watched in horror years ago as the unions at Eastern Airlines single-handedly brought their own company to its knees—and I was forever grateful that I had chosen to work for Delta, as opposed to Eastern. It is my belief that an election in favor of the AFA will be the ruination of my company and the end of the blissful career I have enjoyed at Delta.

I have tons of letters from Delta employees—including from many who were employed by NMA before the merger—that are just like the remarks made by Susan Powell. This is a great company, a company where, on one of its anniversaries, its employees raised the money internally to buy the company an anniversary jet for their fleet. Delta Air Lines is a great company that has operated under the National Mediation Board's regulations since it was incorporated as an airline carrier in the United States of America. Those regulations should continue without this pro-union change by the Obama Administration, as they should for everybody else in the 75-year history who has been granted their rights under a National Mediation Board regulation, which has served the industry well, served commerce in the United States of America well, and served transportation well. We should not allow two members of an appointed board to overturn 75 years of history and 75 years of precedent.

I reserve the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, are we at 12:20 p.m., the time where we have 10 minutes divided?

The PRESIDING OFFICER. There is 3 minutes until that appointed time.

Mr. HARKIN. I will take 3 minutes.

First of all, in response to my friend from Georgia—and he is my friend; he

is a great guy—this person, Ms. Polaski, Under Secretary of Labor, may have written a letter, but as Under Secretary of Labor she does not work for the National Mediation Board. She does not necessarily have the experience of interpreting its laws or procedures. That is the job of the National Mediation Board itself and of Federal judges, which, I have to remind you, upheld the Board's actions 100 percent in this matter.

Secondly, on the matter of decertification, I strongly disagree with my friend from Georgia. There is a procedure under the National Mediation Board, as under the National Labor Relations Act. If a person wants to get rid of the union under the NMB, they can file a petition, if they can get 50 percent plus one person to show an interest—quite similar to the National Labor Relations Act. If they can get 50 percent, they can file a petition with the NMB. The NMB then has an election. If that person wins, that person is not represented by any union, so the union is gone. There is just a little bit of a difference from the National Labor Relations Act, but the outcome is basically the same.

So there is a way. The Senator is right. I would say my friend is right; it is not a formal decertification. But it is a way of getting rid of the union, one way or the other. It may not be formal decertification, but it is a way that the union can be gotten rid of under the NMB.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, how much time now is remaining?

The PRESIDING OFFICER. The Senator has 4½ minutes remaining.

Mr. HARKIN. Madam President, as an agreement between the Senator from Georgia and myself, we have agreed that since he is the author of this joint resolution, he will close out the debate. I think that is proper.

I will just take a little bit of the remaining time on this side again to reiterate why this resolution of disapproval should be defeated.

No. 1, as has been adequately stated many times, it is time to get rid of antiquated, outdated rules that say if you do not vote, it is counted as a "no" vote. That does not make any sense.

Again, this idea that it is in perpetuity—it is not. There are ways for people to get rid of unions under the NMB, as under the NLRB. So it is not in perpetuity at all. It is just, again: How should ballots be counted? Should a person who does not vote be counted as a "no"? That should not be so.

Even if you accept the argument that it is in perpetuity, why should someone who does not vote be counted as a "no" vote? On the judges, we say that every 4 years they are up. That is true; they are not kind of in for perpetuity. But

why should someone who does not vote be counted as a "no" vote? It does not make sense in any system. I do not care what the length of time is or whether it is in perpetuity or for 2 months or 2 days; those who do not vote should not be counted no or yes, one way or the other.

Secondly, the National Mediation Board went through proper procedures in giving notice and comment in rule-making. As I said, they published it on November 3 of last year, a detailed explanation of why they were considering it. They had 60 days of comment, 25,000 public comments, a public hearing. Thirty-four members of the public testified.

Well, this is what Federal agencies do. They follow the Administrative Procedures Act in doing this, and that is exactly what the Board did.

So no one was misled. No one was kept out of it. There was no evidence to support any claims that one member somehow was excluded or did not have an opportunity to have input into this process.

Again, I understand why this resolution has come up. I understand that for whatever reason, Delta Air Lines does not wish to be unionized. Well, that is fine. That is their right. But there ought to be a process whereby the workers have a fair, open chance to organize, if they want to. It is not illegal in this country to belong to a union—perfectly legal. The National Mediation Board has set up rules and procedures under which workers who work for Delta or for Northwest—the combined group now—can decide whether they want to have a union. To me, that is the American way.

So why should we now say: Well, no, we want that old rule that if you do not vote, it is counted as a "no" vote? That is what this is all about. Stripped to its essence, if you vote for the resolution introduced by my friend from Georgia, what you are saying is, if a person does not vote, it is counted as a "no" vote. You are also voting to override the National Mediation Board's decision, which has already been upheld by Federal courts.

But, in essence, that is what it is. If you believe a person who does not vote should have their vote counted as a "no" vote, you probably ought to vote for my friend's resolution. I do not think we should.

I think we should uphold good democratic principles, principles by which, I say, bond issues or other ballot initiatives are always done. You do not count someone if they do not vote. We do not do it here. We do not do it anywhere in this country, and it should not apply here any longer. So I ask for a "no" vote on the resolution of disapproval so we can have free, fair, and open elections.

The PRESIDING OFFICER. The Senator has used his time.

The Senator from Georgia.

Mr. ISAKSON. Madam President, I keep hearing the argument that you should not count a "no" vote; it is undemocratic. Today, at 2:15, the Senate will vote on a cloture motion, and everyone who does not vote is counted as a "no" vote as it requires 60 votes out of 100 to get cloture. So we have to make that point from the outset, No. 1.

No. 2, this is not about being antiunion or against unions or promanagement. This is about a 75-year-old history in the United States of America for the essential service of commerce in terms of railroads and airlines. We have historically had the National Mediation Board rule that required a majority of the people who would be affected in the class rather than just a simple majority of those voting for a very precise reason: because it is a permanent decision, as referenced by the quotes in letters from the Under Secretary of Labor.

While I understand the chairman's remark that the Under Secretary of Labor is just the Under Secretary of Labor, she is the Under Secretary of Labor appointed by the President of the United States.

While the chairman says the courts have ruled in favor of this particular ruling of the National Mediation Board, the Supreme Court has twice said they are wrong. Granted, those were in other cases. But twice the National Mediation Board authority has gone to the U.S. Supreme Court, and twice the U.S. Supreme Court has upheld it.

Even all the way back to 1976, President Jimmy Carter, from the State of Georgia, spoke eloquently about the importance of National Mediation Board rules and what it takes to unionize under that versus the NLRB.

So I appreciate very much the arguments the Senator has made, but the facts are quite clear that it is better for the United States of America, it is better for workers in the transportation industry, and it has been historically upheld by the highest Court in the land that the rules of the National Mediation Board serve the people of the United States of America better than any other alternative that was presented.

So with all due respect, I would quote that letter, once again, from the Delta flight attendant who talked about their 31-year experience. Why would you, in the cause of a merger, have a union request for an election pulled out to give a board enough time to change the rules under which that election would take place? It is not fair.

I wish to also say the 1996 Congressional Review Act is very important. Congress ought to have a say-so in the action of boards of the executive branch. We do have a system of three branches of government. We do have a system of checks and balances. But it

has obviously been, apparently—as in this case and in others—that this administration has attempted, where it can, to go around the authority of the Senate in advice and consent, by appointing czars or, in this case, to go around the Senate of the United States by using the National Mediation Board.

I would respectfully submit this is a legitimate question—not of whether you are for a union or against one or prefer management and do not prefer a union—this is a debate about extending a 75-year-old precedent which has served the United States of America well and has been upheld in 12 administrations and by the Supreme Court twice. It has been argued favorably by those 12 administrations every time it has been challenged and by the current administration's documentation, which I submitted, which has shown this is a permanent decision at the National Mediation Board.

I would submit, the right thing for us to do is to join together today and vote yes in favor of the motion to proceed to S.J. Res. 30. I respectfully urge my colleagues to do that.

I yield back the remainder of the time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the motion to proceed to S.J. Res. 30.

Mr. ISAKSON. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 239 Leg.]

YEAS—43

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Nelson (NE)
Bond	Graham	Pryor
Brown (MA)	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Snowe
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Collins	Kyl	Voinovich
Corker	LeMieux	Wicker
Cornyn	Lincoln	
Crapo	Lugar	

NAYS—56

Akaka	Cardin	Gillibrand
Baucus	Carper	Goodwin
Bayh	Casey	Hagan
Begich	Conrad	Harkin
Bennet	Dodd	Inouye
Bingaman	Dorgan	Johnson
Boxer	Durbin	Kaufman
Brown (OH)	Feingold	Kerry
Burris	Feinstein	Klobuchar
Cantwell	Franken	Kohl

Landrieu	Murray	Stabenow
Lautenberg	Nelson (FL)	Tester
Leahy	Reed	Udall (CO)
Levin	Reid	Udall (NM)
Lieberman	Rockefeller	Warner
McCaskill	Sanders	Webb
Menendez	Schumer	Whitehouse
Merkley	Shaheen	Wyden
Mikulski	Specter	

NOT VOTING—1

Murkowski

The motion was rejected.

DISCLOSE ACT—MOTION TO PROCEED—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the motion to reconsider the vote by which cloture was not invoked on the motion to proceed to S. 3628, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 476, S. 3628, a bill to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is agreed to, and the time until 2:15 p.m. will be equally divided and controlled between the two leaders or their designees.

The PRESIDING OFFICER. The Senator from Washington.

TAXPAYER ASSISTANCE ACT OF 2010

Mrs. MURRAY. Madam President, I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 4994, taxpayer assistance, and the Senate then proceed to its immediate consideration; that all after the enacting clause be stricken and the text of the Baucus substitute amendment, the text of Calendar No. 572, S. 3793, be inserted in lieu thereof; that the substitute amendment be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be laid upon the table; that the title amendment, which is at the desk, be considered and agreed to.

The PRESIDING OFFICER. Is there objection?

The Senator from South Dakota.

Mr. THUNE. Madam President, reserving the right to object, will the Senator from Washington modify her request to substitute a Thune amendment regarding extenders, the text of which is at the desk?

The PRESIDING OFFICER. Will the Senator from Washington modify her request?

The Senator from Montana.

Mr. BAUCUS. Madam President, I am sorry. I was distracted. Is there a UC request pending before the Senate at this moment?

The PRESIDING OFFICER. There is. Mr. BAUCUS. Might I ask, who is propounding the unanimous consent request?

The PRESIDING OFFICER. It is offered by the Senator from Washington. The Senator from South Dakota has asked for her to modify this request.

Mr. BAUCUS. I object to the modification.

The PRESIDING OFFICER. Is there objection to the original request?

Mr. THUNE. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Washington.

Mrs. MURRAY. Madam President, I ask to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, I thank the chairman of the Finance Committee, Senator BAUCUS, who has been a true champion in helping us get some critical tax extenders passed. I am deeply disappointed that the Republicans have again objected to us moving forward.

Middle-class families in my home State of Washington are struggling. I have heard from so many of them who have lost their jobs, who have seen their life savings disappear, who told me they were doing everything they can to pay their bills and keep their homes and get their lives back on track. And they are asking for just a little bit of help. So it is for these families and many others across Washington State that I come to the floor today.

Over the last few months, we have tried to pass legislation that would extend critical tax cuts for our middle-class families across the country who are struggling today and need some support. But every time we try to pass this bill, as we just tried to do, Senate Republicans block it. They said no to a commonsense proposal that will cut taxes for innovative companies that expand and create jobs. They just said no to a bill that will help our clean energy companies compete and expand. They said no to our plan to extend the critical sales tax deduction that would put more money into the pockets of families in States such as Washington. They said no despite the fact that these tax cuts are fully paid for.

So, Madam President, I want to focus on a few pieces of this legislation that middle-class families and small businesses in my home State of Washington are counting on us to pass.

First of all, I want to spend a few minutes on one of the tax credits that has just been blocked that is truly a matter of fundamental fairness for families in my home State of Washington. As all of my colleagues know, State and local governments across the country use a number of different tools

to raise revenue. Some have income taxes, some use the sales tax, others use a combination of both. Families who pay State and local income taxes have long been able to offset some of what they pay for by receiving a deduction on their Federal taxes. But until 2004, taxpayers didn't have the ability to deduct their State sales tax, which meant families and small businesses in States where that was their main revenue source were paying more than their fair share. That was wrong. Back in 2004, I fought hard, along with Senator CANTWELL and others, to change that provision and finally level the playing field for Washington State.

I am proud to say that change saved families and small businesses in my State hundreds of millions of dollars every year. Unfortunately, however, the State sales tax deduction is due to expire this year. Unless we act—and we were just blocked from doing so—families across my State are going to suffer. They are going to have less money in their pockets, and they are going to have more uncertainty in the Tax Code.

I have heard from a lot of my constituents who have told me they are now holding off making major purchases simply because they are not sure if that tax deduction will be there for them. They are putting off the purchase of cars, of home appliances, and that is hurting our State's business climate, just as our small businesses are struggling to recover.

So this is not just about removing a bias in the Tax Code that is fundamentally unfair to States such as mine, it is also about encouraging spending and boosting our economy, helping our small business owners, and providing some long-awaited certainty so taxpayers in my State can plan for their financial future. In other words, it is about helping middle-class families and supporting Main Street businesses.

I also want to talk about another tax credit that just got blocked. I recently visited a clean energy company in Seattle, WA, called Propel Fuels. This business has been fighting to market domestically produced—domestically produced, right here—low-carbon biodiesel, but they depend on a critical biofuels tax that expired. The bill I just attempted to pass—blocked by Republicans—would extend that critical provision.

Propel Fuels represents the future of our economy. They are the kind of company that will help make sure our country remains at the forefront of innovation and growth. It is a company working to drive our economy forward and create new 21st-century careers. But they can't do it alone. After years and years of subsidies and tax breaks for the oil industry, companies such as Propel Fuels depend on the clean energy tax credits in this bill to be able to compete on a level playing field.

These credits support companies that are working on new, innovative, and renewable energy sources, and they will help them continue their work to unshackle this economy, tap the creative energy of our workers, and create good, high-paying jobs in my home State of Washington and across the entire country.

This is exactly what our economy needs right now—jobs right away and a strong investment for the future. That is why it is so important the biodiesel tax credit be extended, along with the R&D tax credit and other tax cut extensions that are in the bill I just offered to move and which was blocked, once again, by Republicans. These companies want to expand, they want to create jobs, and they were just told no.

This should not be a partisan issue. It is common sense. We put together a bill that would extend tax credits to individuals and to small businesses—tax credits that have been supported in the past by Democrats and Republicans alike. It is a bill that will provide incentives for clean energy companies to expand and create jobs, and we need that badly now. It would allow families in my home State of Washington to deduct their local sales tax from their Federal returns, and that would support companies that are innovative and creative and helping our economy get back on track.

It is fully paid for, as this country has told us we must do. It is responsible, and it is the right thing to do.

In my home State of Washington, families are hurting. Many of them are fighting every day just to stay on their feet. This bill isn't going to solve every problem overnight, but it will put money back in their pockets and help our local businesses expand and create jobs so we have hope for the future. It pays for those tax-cut extensions responsibly by closing corporate loopholes.

So Senate Republicans have again opposed this, as they have in the past, and the question is, Are they going to stand with middle-class families and innovative businesses such as Propel Fuels to cut their taxes; or are they going to continue to stand with large corporations to protect their unfair tax loopholes?

Mr. President, I hope Senate Republicans have a moment to pause and think about the impact they are having on jobs and families—middle-class families and businesses that are trying to create new jobs and expand for the future. I hope they remind themselves before we head home this is good politics. It is good politics to help our families and our small businesses. It is good politics to help our clean energy companies.

Right now, when our economy is trying to recover, we should not go home without extending these tax cuts, and I am going to keep working to stand up

for our middle-class families and our Main Street businesses and keep working to try and pass this bill.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURRIS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, we have had a lot of conversation about the DISCLOSE Act. I am a member, indeed the ranking member, of the Rules Committee where the DISCLOSE Act, if it had been referred to committee, would have come for consideration. Unfortunately, the DISCLOSE Act was not referred to committee. We in the committee have had no opportunity to amend it, no opportunity to hold hearings on it, no opportunity to hear from witnesses who may have differing opinions from the version that passed the House. It has been brought to the floor in such a manner that the committee has simply been bypassed.

For that reason, therefore, any objections we might have with respect to the way the bill is currently worded have to be raised on the floor. Any concerns we have as to the inequities in the bill have to be raised on the floor. It has made the whole thing more contentious than it needs to be.

The DISCLOSE Act, by name, suggests that all it is is disclosure. It doesn't address any other issue than how people who are going to exercise their rights under the first amendment do so, the specifics of how they do that, and the specifics of who is behind the advertising that takes place in accordance with the decision of the Supreme Court. I pointed out in the past and repeat as a reference that prior to the Supreme Court's decision, it was possible for Michael Moore to produce a movie that would attack George W. Bush and be completely acceptable, completely legal. But it was not possible for the people who formed Citizens United to produce a movie that attacks Hillary Clinton and have that be legal. The difference was Michael Moore was acting as an individual. These people were acting collectively. Because they chose the corporate form of organization for their collective action, the previous law said: You cannot do this.

The Supreme Court ruled—I think accurately—that if Michael Moore has a right to make a movie, so does Citizens United. If Michael Moore has a right to attack George W. Bush, Citizens United has the right to attack Hillary Clinton. I frankly think Michael Moore's movie probably had more to do with moving votes than the Citizens United movie did.

But be that as it may, neither one of them seems to have had that much impact on the body politic.

But that is not the point. The point is, the Supreme Court ruled freedom of speech means freedom of speech, and if it is OK for one movie to be made under one set of circumstances, it is equally OK for another movie to be made under a slightly different set of circumstances.

There are those who say: No, no, no; this opens up the world for corporations to fund advertisements to distort and destroy and affect our elections.

I have several reactions to that; the first one being, I have seen political ads that have been funded by rich individuals through the mechanism of a 527. If I were on the other side of the issue—and, indeed, in many cases I was—I would like to keep those ads running because the individuals who put up the money for the ads did not know how to write an effective ad. They were exercising their freedom of speech, but they were doing it in an amateurish kind of way, and under current law—and the Supreme Court decision did not change this—they could not give the money to the political parties that know what they are doing. They had to express themselves on their own, and many of them did not know how to do that very well.

So all of this excitement about the airwaves are going to be flooded with tremendously persuasive advertisements from national corporations that are going to distort our political process is making some assumptions about the voters that I think are not true. They are making assumptions about the ability of a corporation to enter this field and do something very dramatic that I think is not true.

But missing from this discourse about how terrible it is going to be if corporations start doing this—and we are not seeing any signs of how terrible this is happening in the real world—is any mention of another group that received exactly the same kind of green light from the Supreme Court as corporations did, another group that is barred by the same law that says corporations cannot contribute directly to a political party that will benefit enormously, and a group that has demonstrated it has the capacity to create a political advertisement that is effective.

I am talking about unions. Unions have the same kind of freedom that corporations have under this decision from the Supreme Court. Unions can now spend money speaking freely about candidates and using their names in ways that presumably they could not have done before.

Are we going to assume that the Supreme Court decision is going to unleash a flood of millions and millions of dollars of corporate money, but that the unions are going to sit quietly on

the sidelines with their hands folded across their chests doing nothing?

If, indeed, there is going to be an avalanche of political spending coming as a result of this decision, I guarantee it is going to come from the unions every bit as much as it is going to come from the corporations. Indeed, it is my expectation it will come far more from the unions than it will come from the corporations.

Think about the big corporations in America. How do most of them make their money? They make their money by selling products to the American people, and they are good at advertisements to sell products. If I were on the board of one of these major corporations, and someone came to me and said: All right, we want to spend corporate money to put together an ad or put together a movie or put together any kind of political speech and put our corporate name on it, I would say: Now, wait a minute. Are you sure you want to run the risk of offending the customers of our product who may not agree with our political position? Let's be a little careful about this.

I think there are going to be some very circumspect conversations in the boardrooms of America's largest corporations before they come rushing in to the political arena in the fashion our friends across the aisle are predicting.

On the other hand, do the unions care? Do the unions feel it will damage their public image if they are seen advertising with tremendous expenditures under the decision the Supreme Court handed down? No. They do not worry about selling products to the American people. They exist in many instances primarily because of favors they received from the government. For those who talk about the DISCLOSE Act, saying this will open the floodgates for corporations and never mentioning unions is to demonstrate they are ignoring what the situation really is.

Mr. MCCONNELL. Will the Senator yield for a question?

Mr. BENNETT. I would be honored.

Mr. MCCONNELL. If I recall correctly, this is not the first election under which independent groups have been extraordinarily active in advertising in political campaigns. In fact, I recall quite precisely that independent groups aligned with the other side of the aisle, according to those who keep the statistics on this, spent twice as much in 2006 and a similar amount in 2008 as outside groups that might be typically aligned with Senators such as Bennett and McConnell. Where was the outrage a couple cycles ago?

I would ask my friend, did Citizens United in any serious way change the landscape, in any event?

Mr. BENNETT. I thank the leader for his question, and the leader's recollection is entirely correct. I remember

when we passed the Campaign Finance Act we were told this will get big money out of politics. I remember the first elections fought after the passage of that bill saw the greatest amount of spending we have ever seen in American history, and the amount of spending has only gone up.

All we did—and I am quoting from the minority leader's own comments at the time in the debate—all we did was redirect how the money was going to go. In my view, all the Supreme Court did in their decision was to be fair in saying if a group gets together and organizes themselves, as Citizens United, they have exactly the same right to speak as Michael Moore had. If he makes a movie, they could make a movie. The Supreme Court said both movies are legitimate. I do not think we are going to see any kind of the consequences of the sort we have heard.

Mr. President, I recognize the leader is on the Senate floor, and I will yield the floor so he might continue whatever it is he has to say on this issue.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, before the leader speaks, may I pose a question? What is the status of time in terms of the minority and the majority on this issue?

The PRESIDING OFFICER. The majority is out of time, and the minority has retained just under 8 minutes.

Mr. SCHUMER. Mr. President, I would ask unanimous consent that the leader be allowed to speak for as long as he chooses and that I be given 5 minutes after that to conclude for the majority, and the vote be delayed until after that.

Mr. MCCONNELL. Mr. President, if I may, I do not need the Senator from New York to intervene. I am happy to use my leader time, which may be the solution to the time problem.

Mr. SCHUMER. That would be fine with me, if that works. Does that still—

Mr. MCCONNELL. Mr. President, I am going to proceed under my leader time, and then Senator SCHUMER can ask his consent if it is necessary. He may have enough time to close.

Mr. SCHUMER. I thank the Senator. The PRESIDING OFFICER. The minority leader is recognized.

Mr. MCCONNELL. Mr. President, for the past 2 days, Democratic leaders have demonstrated once again their total lack of interest in the priorities of the American people.

At a time of near double-digit unemployment and skyrocketing debt, Americans would like to see us focus on jobs and the economy. Yet for the past 2 days, Senate Democrats have forced us to return once again to a debate we have already had on a bill the Senate has already rejected—a bill that focuses not on creating jobs for the

American people but with saving the jobs of Democratic politicians in Washington.

That is what this debate is about. Our friends on the other side would have the public believe this bill is about transparency. It is not. Here is a bill that was drafted behind closed doors, without hearings, without testimony, and without any markups—a bill that picks and chooses who gets the right to engage in the political process and who does not; a bill that seeks, in other words, to achieve an unlevel playing field; a bill that is back on the floor for no other reason than the fact that our friends on the other side have declared this week “politics only” week in the Senate.

The only thing transparent here is the effort this exercise represents to secure an electoral advantage for the Democrats. So this is a completely distasteful exercise.

At a time when Americans are clamoring for us to do something about the economy, Democrats are not only turning a deaf ear, they are spending 2 full days working to silence the voices of even more people with a bill that picks and chooses who has a full right to political speech.

Let's face it, what our friends on the other side want is what they have always seemed to want: more government control. They want the government to pick and choose who gets to speak in elections, and how much they speak. That is why they are also pressing at the same time for taxpayer-funded elections—something the assistant majority leader called for once again just yesterday.

So Democrats have spent the past year and a half taking over banks, car companies, insurance companies, the student loan business—you name it—and now they want the taxpayers to foot the bill for their campaign ads as well.

Earlier today, the House Committee on House Administration marked up a bill that would stick taxpayers with a bill for House elections nationwide. Think of that: taxpayer money for attack ads, for buttons, for balloons and bumper stickers.

Have they no shame? Have they no shame? Our cumulative debt now the size of our economy, and they want to spend tax dollars on political campaigns.

I mean, even if they do not agree with the principled arguments against this kind of an effort, I would submit that in a time of exploding deficits and record debt the last thing the American people want right now is to provide what amounts to welfare for politicians.

Think about it. One recent estimate puts the annual cost to taxpayers of funding every Federal election at about \$1.8 billion each year. That is \$1.8 billion more that taxpayers would have to

shell out than they already are. For what? For what? For politicians to throw campaign events and run ads that taxpayers may not even agree with or which they find downright outrageous.

One of the groups that supports this scheme calls it “an incredibly good deal for taxpayers.” Well, I strongly suspect that most taxpayers would not share that view. Americans want us to stop the wasteful spending. Another \$1.8 billion on balloons and bunting is not their idea of a step in the right direction.

So why are Democrats doing this? Why are they proposing taxpayer financing of political campaigns and the DISCLOSE Act right now, at a time when Americans want them to focus on jobs and the economy?

I think it is pretty obvious. This is pure politics—pure.

After spending the past year and a half enacting policies Americans do not like, Democrats want to prevent their opponents from being able to criticize what they have done. After spending a year and a half enacting policies the American people do not like, they want to silence the voices of critics of what they have done. They want to prevent their critics from speaking out.

So here we are, 2 days debating this partisan, political, dead end bill that does not do one thing to help the economy, reduce the deficit, or create a single job.

Americans deserve a lot better. Americans are speaking out. But focusing on this bill shows that Democrats in Washington still are not listening. So, once again, I will be voting no on this legislation, and I encourage my colleagues to do the same.

I yield the floor.

Mr. LEVIN. Mr. President, the Senate once again has an opportunity to defend the public's confidence in our democratic system. In July, we missed this opportunity by failing to approve a motion to proceed to the DISCLOSE Act, a vital step in preserving the transparency and integrity of our elections. I urge my colleagues not to repeat that mistake. We should take up, debate, and pass the DISCLOSE Act.

Nearly a year ago, the Supreme Court discarded decades of precedent and concern for the health of our democracy when it decided on a 5-4 vote to eliminate regulations on corporate expenditures on elections. I strongly disagreed with that decision, but it is now the law of the land, and we are left with the task of trying to preserve the ability of individual Americans to be heard in a political process that could be swamped by a flood of corporate money.

The DISCLOSE Act requires corporations, unions, or advocacy organizations to stand by their advertisements and inform their members about their

election-related spending. It imposes transparency requirements, requires spending amounts to be posted online, and prevents government contractors, corporations controlled by foreigners, and corporate beneficiaries of TARP funds from spending money on elections. I am an original cosponsor of the act because I believe it is essential to protect public confidence in the integrity of our elections.

By establishing these requirements, we will not prevent corporations from engaging in the activities the Supreme Court has allowed. We are simply giving Americans the ability to see how these companies, unions and other groups are seeking to influence the political process. This should not be an issue of Republicans and Democrats. We should all agree that our democracy is best served when its election campaigns are conducted transparently.

The American people are depending on us to defend the integrity of the political process. We should not fail to uphold that responsibility. I urge my colleagues to debate and adopt this vital legislation.

Mr. FEINGOLD. Mr. President, I strongly support the DISCLOSE Act and I believe the Senate should be allowed to consider it. I am pleased to see this bill get such strong support from my colleagues on the Democratic side, and I urge my Republican colleagues to think long and hard before again blocking it even from coming to the floor. I have a long history of bipartisan work on campaign finance issues. I am not interested in campaign finance legislation that has a partisan effect. This bill is fair and evenhanded. It deserves the support of Senators from both parties.

As the name suggests, the central goal of this bill is disclosure. It aims to make sure that when faced with a barrage of election-related advertising funded by corporations, which the Supreme Court's decision in the Citizens United case has made possible, the American people have the information they need to understand who is really behind those ads. That information is essential to being able to thoughtfully exercise the most important right in a democracy—the right to vote.

It is no secret that the Senator SCHUMER and I, and all of the original cosponsors of the bill, were deeply disappointed by the Citizens United decision. We don't agree with the Court's theory that the first amendment rights of corporations, which can't vote or hold elected office, are equivalent to those of citizens. And we believe that the decision will harm our democracy. I, for one, very much hope that the Supreme Court will one day realize the mistake it made and overturn it.

But the Supreme Court made the decision and we in the Senate, along with the country, have to live with it. The

intent of the DISCLOSE Act is not to try to overturn that decision or challenge it. It is to address the consequences of the decision within the confines of the Court's holdings. Congress has a responsibility to survey the wreckage left or threatened by the Supreme Court's ruling and do whatever it can constitutionally to repair that damage or try to prevent it.

In *Citizens United*, the Court ruled that corporations could not constitutionally be prohibited from engaging in campaign related speech. But, with only one dissenting Justice, the Court also specifically upheld applying disclosure requirements to corporations. The Court stated:

“[P]rompt disclosure of expenditures can provide shareholders and citizens with the information needed to hold corporations and elected officials accountable for their positions and supporters. Shareholders can determine whether their corporation's political speech advances the corporation's interest in making profits, and citizens can see whether elected officials are “in the pocket” of so-called moneyed interests.

The Court also explained that disclosure is very much consistent with free speech:

The First Amendment protects political speech; and disclosure permits citizens and shareholders to react to the speech of corporate entities in a proper way. This transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages.

The Court also made clear that corporate advertisers can be required to include disclaimers to identify themselves in their ads. It specifically reaffirmed the part of the *McConnell v. FEC* decision that held that such requirements are constitutional.

The DISCLOSE Act simply builds on disclosure and disclaimer requirements that are already in the law and that the Court has said do not violate the first amendment. For years, opponents of campaign finance reform have argued that all that is needed is disclosure. Well, in a very short time we will find out whether they were serious, because that is what this bill is all about.

If the Senate is allowed to proceed to the bill, there will be time to discuss its provisions in more detail, and perhaps to amend them. One amendment that obviously will need to be made is to the effective date. Any bill that passes at this point is not going to apply to the upcoming election, and we should amend the bill to make it applicable only to elections beginning in 2012. But I do want to comment on one provision that has caused controversy, which was added in the House—the exception for large, longstanding groups, including the National Rifle Association.

I am not a fan of exceptions to legislation of this kind. I would prefer a bill, like the one we introduced, that does not contain this exception. But the fact is that the kinds of groups

that are covered by the exception are not the kinds of groups that this bill is mostly aimed at. Knowing the identity of individual large donors to the NRA when it runs its ads is not providing much useful information to the public. Everyone knows who the NRA is and what it stands for. You may like or dislike this group's message, but you don't need to know who its donors are to evaluate that message.

The same cannot be said about new organizations that are forming as we speak to collect corporate donations and run attack ads against candidates. One example is a new group called American Crossroads. It has apparently pledged to raise \$50 million to run ads in the upcoming election. Can any of my colleagues tell me what this group is and what it stands for? Don't the American people have a right to know that, and wouldn't the identity of the funders provide useful information about the group's agenda and what it hopes to accomplish by pumping so much money into elections? Even *Citizens United*, the group that brought the case that has led us to this point, is not known to most people. Why shouldn't the American people know who has bankrolled that group, if it is going to run ads and try to convince people to vote a certain way?

Disclosure is the way we make this crucial information available to the public. But if a group is around for 10 years, has members in all 50 States, and receives only a small portion of its budget from corporations or unions, there is less reason for the kind of detailed information that the DISCLOSE Act requires. So while I would prefer that this exception wasn't in the bill, I understand why the House felt it was necessary, and I don't think it undermines the bill's purpose or makes it fundamentally unfair.

Most of the complaints about the DISCLOSE Act are coming from interests that want to take advantage of one part of the *Citizens United* decision—the part that allows corporate spending on elections for the first time in over 100 years—and at the same time pretend that the other part of the decision—the part upholding disclosure requirements—doesn't exist. But the law doesn't work that way. As the old saying goes, “you can't have your cake and eat it too.”

Once again, I very much appreciate the leadership of the Senator from New York and look forward to working with him and all my colleagues to pass this bill. I urge my colleagues to support the motion for reconsideration and vote for cloture on the motion to proceed.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, first I would simply note that the bill before us has nothing to do with public financing of campaigns; it simply has to do with disclosure.

I rise today in support of DISCLOSE, the Democracy Is Strengthened by Casting Light on Spending in Elections Act, and I urge my colleagues to support this bill.

This bill is in direct response to *Citizens United v. FEC* in which the Supreme Court, led by Chief Justice Roberts and its activist majority, overruled almost a century of law and precedent and held that corporations have the same first amendment rights as people. As I have said before, because of this decision, the winner of every upcoming election won't be Democrats or Republicans; it will be special interests. And it will come at the expense of the voice of the ordinary American. The Court's decision lifted well-established restrictions on corporate and union spending in elections. This created a loophole in which these entities can now create anonymous groups to serve as a conduit to anonymously funnel money. The intent is to deceive the public and hide the real motives of those spending on these ads.

We have worked within the contours of the Court's decision in order to draft the DISCLOSE Act.

I ask those who support sunlight in campaign spending to work with us to pass this bill.

You think we are using this bill as a political tool to influence elections? OK. We will change the effective date to January 2011 so it won't apply to this November's election. We will welcome this change and encourage Republican amendments and debate on this bill because it is essential to the health of our democracy. We are also willing to consider paring the bill down, per the suggestion of my colleague, Senator SNOWE, in her statement, and limiting it to the core provisions regarding enhanced disclosures and disclaimers.

Both disclosure and disclaimer were proclaimed to be constitutional and effective ways to regulate corporate and union spending by eight of the nine Justices in *Citizens United* and were upheld in a later decision, *Doe v. Reed*. The Court specifically stated that disclosure requirements “do not prevent anyone from speaking”—do not prevent anyone from speaking—and found that there was strong governmental interest in “providing the electorate with information about the sources of election-related funding.” The Court also concluded that “disclosure permits citizens and shareholders to react to the speech of corporate entities in a proper way” and to “give proper weight to different speakers and messages.” To be clear, disclosure does not chill speech. We do not want to chill speech. We merely want the American public to have details about who is speaking. These disclosure and disclaimer provisions allow the American public to know exactly who is bankrolling campaign advertisements.

The American public deserves nothing less.

I would note that a strong majority of the American public—Democrats, Republicans, and Independents—disapproved of the Supreme Court's opinion in *Citizens United* and support disclosure and disclaimer provisions.

In removing the restrictions on corporate and union campaign spending, the *Citizens United* decision has opened a door for the creation of shadow groups whose spending is not clearly regulated. Neither the IRS, which has jurisdiction for nonprofits, nor the FEC provides oversight for these groups. That is a scary thought. In fact, one such group, American Crossroads, the leader in campaign spending in the Senate, was created by Karl Rove, who pledged to spend \$50 million on just the 2010 election cycle. In fact, since our last vote on this issue, it has been reported that these shadow groups have raised \$20 million.

A former Republican FEC Commissioner, Michael Toner, stated on the front page of the *New York Times* this week that, from his personal experience, "the money is flowing." It is clear to us that the money is flowing; we just aren't permitted to know from whom it is coming. It is clear that this money isn't coming from the average voter. These groups are created, funded with secret donations, and then they disappear just as quickly as they appeared, all with no real disclosure. They are not created to be a voice of the people. It has been reported that the vast majority of American Crossroads funding is from four billionaires. Why are we letting the voice of these four people drown out the rest of America? This is outrageous.

In conclusion, the American people deserve to know what each and every one of us in this Chamber truly believes. Are we for openness, transparency, and giving the voters information they need to make their choices in the voting booth or do we really believe, despite our rhetoric, that it is OK for special interests to spend freely on all kinds of political advertising but keep the voters in the dark about who is paying for it?

The Supreme Court's decision this year has made it imperative for us to act now.

Mr. President, I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 476, S. 3628, the DISCLOSE Act.

Harry Reid, Charles E. Schumer, Sherrod Brown, Claire McCaskill, Patrick J. Leahy, John F. Kerry, Byron L. Dorgan, Patty Murray, Barbara Boxer, Roland W. Burris, Robert Menendez, Jack Reed, Joseph I. Lieberman, Tom Udall, Kent Conrad, Mark Begich, Robert P. Casey, Jr.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3628, a bill to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON) and the Senator from Alaska (Ms. MURKOWSKI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 59, nays 39, as follows:

[Rollcall Vote No. 240 Leg.]

YEAS—59

Akaka	Gillibrand	Murray
Baucus	Goodwin	Nelson (NE)
Bayh	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown (OH)	Kerry	Sanders
Burris	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Conrad	Levin	Udall (CO)
Dodd	Lieberman	Udall (NM)
Dorgan	Lincoln	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	

NAYS—39

Alexander	Cornyn	LeMieux
Barrasso	Crapo	Lugar
Bennett	DeMint	McCain
Bond	Ensign	McConnell
Brown (MA)	Enzi	Risch
Brownback	Graham	Roberts
Bunning	Grassley	Sessions
Burr	Gregg	Shelby
Chambliss	Hatch	Snowe
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Collins	Johanns	Voinovich
Corker	Kyl	Wicker

NOT VOTING—2

Hutchison Murkowski

The PRESIDING OFFICER. On this vote, the yeas are 59, the nays are 39. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion on reconsideration is rejected.

The Senator from North Dakota is recognized.

FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2010

Mr. DORGAN. Mr. President, I am going to propound a unanimous consent request that will extend FAA authority until December 31 of this year. This is another extension. We have had extension after extension of the FAA Reauthorization Act, which expires, so we extend it.

Let me in 1 minute say we have worked on a bill that would reauthorize the FAA. It has many component parts dealing with safety and other issues. It deals with the modernization of our entire air traffic control system. The Europeans are going full steam, and we need to work on this for a wide range of reasons: safety in the skies, better environment, more direct flying routes, less time in the air, and a whole series of things. Yet this piece of legislation that represents the investment in airport infrastructure, modernization of our air traffic control system, and so many other things is continuing to be blocked, and it is a profound disappointment to me.

Senator ROCKEFELLER and I and Senator KAY BAILEY HUTCHISON and others have worked to write this legislation. It is bipartisan. It passed through the Commerce Committee, passed through the full Senate, and now we are trying to negotiate an agreement with the House. Someone said to me as I came in today, I understand FAA reauthorization is dead for this session. I said: That is not the case. Senator ROCKEFELLER and I remain hopeful that between now and the end of the year we will be able to solve those remaining few points and get this done. It is critically important—very important—that we get this done.

So I make this unanimous consent request with the understanding that I am continuing to work on it, as is Senator ROCKEFELLER and Senator HUTCHISON and many others to try to get the FAA reauthorization bill done through the House and the Senate and get it resolved.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 324, H.R. 4853.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 4853) to amend the Internal Revenue Code of 1986 to extend the funding expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DORGAN. Mr. President, I ask unanimous consent that the amendment at the desk be considered and agreed to; that the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the

table; that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4656) was agreed to, as follows:

(Purpose: To extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes)

Strike all after the enacting clause, and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Airport and Airway Extension Act of 2010, Part III".

SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking "September 30, 2010" and inserting "December 31, 2010".

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking "September 30, 2010" and inserting "December 31, 2010".

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking "September 30, 2010" and inserting "December 31, 2010".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking "October 1, 2010" and inserting "January 1, 2011"; and

(2) by inserting "or the Airport and Airway Extension Act of 2010, Part III" before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking "October 1, 2010" and inserting "January 1, 2011".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 48103 of title 49, United States Code, is amended—

(A) by striking "and" at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting "and"; and

(C) by inserting after paragraph (7) the following:

"(8) \$925,000,000 for the 3-month period beginning on October 1, 2010."

(2) OBLIGATION OF AMOUNTS.—Subject to limitations specified in advance in appropriation Acts, sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2011, and shall remain available until expended.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of title 49, United States Code, is amended by striking "September 30, 2010," and inserting "December 31, 2010".

(c) APPORTIONMENT AMOUNTS.—The Secretary shall apportion in fiscal year 2011 to the sponsor of an airport that received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14 Code of Federal Regulations, or

such other regulations as may be issued by the Secretary under the authority of section 41709) an amount equal to the minimum apportionment specified in 49 U.S.C. 47114(c), if the Secretary determines that airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.

SEC. 5. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 40117(1)(7) of title 49, United States Code, is amended by striking "October 1, 2010," and inserting "January 1, 2011".

(b) Section 41743(e)(2) of such title is amended by striking "2010" and inserting "2011".

(c) Section 44302(f)(1) of such title is amended—

(1) by striking "September 30, 2010," and inserting "December 31, 2010"; and

(2) by striking "December 31, 2010," and inserting "March 31, 2011".

(d) Section 44303(b) of such title is amended by striking "December 31, 2010," and inserting "March 31, 2011".

(e) Section 47107(s)(3) of such title is amended by striking "October 1, 2010," and inserting "January 1, 2011".

(f) Section 47115(j) of such title is amended by inserting "and for the portion of fiscal year 2011 ending before January 1, 2011," after "2010".

(g) Section 47141(f) of such title is amended by striking "September 30, 2010," and inserting "December 31, 2010".

(h) Section 49108 of such title is amended by striking "September 30, 2010" and inserting "December 31, 2010".

(i) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by inserting "or in the portion of fiscal year 2011 ending before January 1, 2011," after "fiscal year 2009 or 2010".

(j) Section 186(d) of such Act (117 Stat. 2518) is amended by inserting "and for the portion of fiscal year 2011 ending before January 1, 2011," after "October 1, 2010".

(k) Section 409(d) of such Act (49 U.S.C. 41731 note) is amended by striking "September 30, 2010," and inserting "September 30, 2011".

(l) The amendments made by this section shall take effect on October 1, 2010.

SEC. 6. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

Section 106(k)(1) of title 49, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting "and"; and

(3) by inserting after subparagraph (F) the following:

"(G) \$2,451,375,000 for the 3-month period beginning on October 1, 2010."

SEC. 7. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a) of title 49, United States Code, is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "and"; and

(3) by adding at the end the following:

"(7) \$746,250,000 for the 3-month period beginning on October 1, 2010."

SEC. 8. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a) of title 49, United States Code, is amended—

(1) by striking "and" at the end of paragraph (13);

(2) by striking the period at the end of paragraph (14) and inserting "and"; and

(3) by adding at the end the following:

"(15) \$49,593,750 for the 3-month period beginning on October 1, 2010."

SEC. 9. TECHNICAL CORRECTIONS.

Effective as of August 1, 2010, and as if included therein as enacted, the Airline Safety and Federal Aviation Administration Extension Act of 2010 (Public Law 111-216) is amended as follows:

(1) In section 202(a) (124 Stat. 2351) by inserting "of title 49, United States Code," before "is amended".

(2) In section 202(b) (124 Stat. 2351) by inserting "of such title" before "is amended".

(3) In section 203(c)(1) (124 Stat. 2356) by inserting "of such title" before "(as redesignated)".

(4) In section 203(c)(2) (124 Stat. 2357) by inserting "of such title" before "(as redesignated)".

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 4853), as amended, was read the third time, and passed.

MORNING BUSINESS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Dakota is recognized for 10 minutes.

FAA REAUTHORIZATION AND TAX EXTENDERS

Mr. THUNE. Mr. President, I also want to add my support for the FAA reauthorization bill which the Senator from North Dakota talked about. It is important that we get this done. We have been operating without an authorization since 2007. We had a bill pass through the Senate by a vote of 93 to 0 back in March, and this is something that needs to be done.

So I hope we can get floor time scheduled for this and that we can get on that bill, get a conference report, and get it through and enacted because there are a number of important improvements that need to occur, and that legislation provides for that to happen. It has been kicking around here for way too long, so I hope we can get to that bill and quit having to do these month-to-month or—in this case, as it ends up being—the end-of-the-year extensions, which keeps us from doing what we need to do, and that is get a long-term reauthorization in place that provides some certainty and predictability for the users of aviation in this country.

Mr. BAUCUS. Mr. President, might I ask, through the Chair, that the Senator yield for a question?

Mr. THUNE. I would be happy to yield to the Senator.

Mr. BAUCUS. I wanted to ask him—because we have to ask questions

around here—isn't it a good idea for us to have more permanence and not pass so many short-term extensions in Congress, just as a general principle?

Mr. THUNE. I would say to the Senator, through the Chair, one of the things I think is hurting business and economic development in this country is a lack of certainty.

Mr. BAUCUS. Is the Senator aware, if my calculation is correct, that there are about 130 extenders that we have to extend at the end of every calendar year—approximately 130? Did the Senator know the number is that great?

Mr. THUNE. I didn't know the precise number, Mr. President. I will say to my colleague from Montana if it is not, in fact, 130—and I will take his word for that—I know it is a lot. There are lots of provisions in law that need to be extended and lots of communities in this country that depend on that.

Mr. BAUCUS. One final question: Does the Senator agree it is about time this Congress does something about that; that we pass fewer extenders and more laws that are a little more permanent?

Mr. THUNE. I would say, through the Chair, to my colleague, I think it is important that this Senate act in a way that provides some certainty and predictability for people in this country who depend upon public policy coming out of here that has some permanence to it. Right now, we continue to act on short-term extensions in so many different areas. So I don't dispute at all the statement of the Senator from Montana.

Mr. BAUCUS. I thank my good friend from South Dakota for mentioning that.

Mr. THUNE. If I might continue, Mr. President, let me just say with regard to the observations of the Senator from Montana that I couldn't agree more that we need to get these things done, and we need to provide some long-term certainty for those in this country who rely upon decisions that come out of the Congress. I know the Senator from Montana has offered an extenders bill that would provide at least some near-term relief for many of these provisions of law that expire and that impact so many across this country.

I would say through the Chair to my colleague from Montana that I agree with his premise. I think it comes down to how we go about doing that. The Senator from Montana has offered up a proposal that would extend many of these expiring tax provisions, but he does it in a way that raises taxes. I have a proposal I offered earlier in response to the majority leader's unanimous consent request to move a tax extenders bill that would substitute my bill for that one because my bill does all the same things the Senator from Montana wants to accomplish. But it does it with spending reductions—reducing spending—as opposed to raising taxes.

There are a number of things my bill would do, one of which is to extend the \$215 million tax break for teachers to purchase books, supplies, computer equipment, and other materials for the classroom.

It also includes the biodiesel tax credit, which supports our Nation's budding biodiesel industry. It provides \$854 million in tax relief for these biodiesel manufacturers to invest in our clean energy future.

The bill reinstates the State and local sales tax deduction, which provides \$1.8 billion in tax relief to residents of States such as South Dakota who pay State and local sales taxes but are not allowed to deduct these taxes from their Federal income taxes. It also allows for the deduction of State and local property taxes, which saves taxpayers \$1.5 billion as well.

My bill reinstates the research and development tax credit, which the President has supported for 2010. This important tax credit incentivizes important research and development across the country.

It also provides a number of needed tax credits for businesses to invest and create jobs, including refundable AMT credits for corporations, and it provides a generous doc fix. One of the things we talk about around here is the doc fix. On the doc fix, we continue to go month to month or quarter to quarter. Now we are good to the end of November. But at the end of November we are going to be dealing with this issue again. If we do not, physicians across the country are going to experience a significant and dramatic pay reduction, which will impair their ability to serve patients across this country who depend upon Medicare.

My doc fix provides a 2-percent increase for 2011 and another 2-percent increase for 2012. The current doc fix, as I said, is set to expire later this year, on November 30.

The way I do this is I fully offset this by spending cuts, including medical malpractice reform, a freeze on Federal salaries, reductions in wasteful, duplicative, and excessive government spending, rescinding unspent Federal funds including the stimulus, an expansion of the affordability exception to the individual mandate that was included in the recently passed health care reform bill and by disposing of unused and unneeded Federal property.

I also add in my proposal a new deficit reduction trust fund, where rescinded balances and money saved through this amendment will be deposited for the purposes of paying down the Federal debt. It does not include job-killing tax hikes on carried interest income, which would discourage investment and hurt our Nation's productivity, and does not include a 70-cent-per-barrel increase, a tax hike on oil, nor does it double count the revenues from that tax by saying it both

offsets the cost to the bill and also adds money to the Oil Spill Liability Trust Fund.

I concur entirely with the premise the Senator from Montana was addressing, that we need to get these things extended. We need to provide some permanence. But there is a difference in the approach on how we deal with that. The Senator from Montana proposed one way, I proposed another. I obviously would love to get a vote on this proposal because I think what we ought to be focused on right now, rather than raising taxes at a time when we have a very fragile economy in an economic downturn and making it more difficult for businesses to create jobs, that we ought to be looking at what we can do to reduce spending in our Federal budget and offset the cost of these extenders and pay for this 2-year extension of the doc fix, which also provides for a modest increase, not the significant reduction they are going to experience otherwise. We do this through spending reductions in the Federal budget. I hope we get an opportunity to vote on this.

I yield my time.
The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Montana.

Mr. BAUCUS. Mr. President, I appreciate the remarks of my good friend from South Dakota. I hope we can find some reasonable accommodation, some compromise. There are 100 Senators here. Each has his or her own view as to what the right solution should be. Without sounding too trite and corny, we are a democracy, we have to live together. I hope we could find a way to get these provisions extended in a way with give and take, back and forth. Clearly, if I bring up a bill and it is my way, it is not going to pass. With all due respect to my friend from South Dakota, if he brings up his bill his way, it is not going to pass. The only way to get something to help the people whom we are here to represent is to find a compromise, working together in accommodation. I know the Senator looks forward to that. I hope we can achieve that result.

Mr. THUNE. Mr. President, if the Senator will yield, I say in response to that, that is absolutely true. Around here I think, traditionally, tax extenders have been something both sides have worked on. Generally, it tends to be kind of noncontroversial. I think our side is very open to discussions and would welcome an opportunity to sit down with the majority and the Senator from Montana and others, whenever they feel necessary, to work something out. We stand ready and willing to have that discussion and hopefully to get this thing put behind us.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I would add a final point to these remarks; that is, the approach I take. As chairman of the Finance Committee, I try not to bring up

these extenders bills until they have been worked out. With sufficient work on both sides, I believe that leaves at least 60 votes available, and I hope we can achieve a result quickly.

HEALTH CARE REFORM

Mr. BAUCUS. Mr. President, today marks 6 months since Congress enacted the new health care reform law.

Americans have reason to celebrate.

The new law put America on the road to a more sustainable consumer-friendly health care system.

The new law put America on the road to a healthcare system in which all Americans have access to quality, affordable health insurance.

And the new law put America on the road to a health care system in which patients and their doctors—not insurance companies—control patient care.

These transformative changes will not happen overnight. But we heard the distressed cries from American families and businesses for immediate relief from insurer abuses. Congress included in the new health reform law many consumer protection provisions that take effect today, September 23, 2010.

These provisions—a new Patient's Bill of Rights—put an end to some of the worst insurance company abuses. The new law puts consumers in control of their health care decisions. And the new law extends important new coverage benefits under insurance plans.

Starting today plans cannot discriminate against children with pre-existing conditions. No longer will insurance companies be able to deny tens of thousands of families insurance each year for their children because of a pre-existing condition.

Starting today insurance companies are banned from canceling your coverage due to an unintentional mistake on your application. No longer will insurance companies be allowed to arbitrarily drop your coverage when you get sick and need it the most.

Starting today insurance companies can no longer place lifetime or restrictive annual limits on coverage. No longer will families need to worry that their coverage will run out when they need it the most.

Starting today when you purchase or join a new insurance plan, you have the right to choose your own doctor in your network. No longer will insurance companies be able to arbitrarily decide which doctor you have to see.

Starting today, if you purchase or join a new insurance policy, you will be guaranteed the right to appeal insurance company decisions to an independent third party. No longer will consumers find themselves with nowhere to turn when insurers deny them coverage or restrict their treatment.

Starting today, providers and suppliers—that is doctors and medical

equipment manufacturers—who fail a fraud screening will be denied eligibility for payments under government programs like Medicare and Medicaid. No longer will providers and suppliers be able to defraud the government and taxpayers instead of provide quality health care.

There is more. Starting today, young adults will be allowed to remain on their parents' plan until their 26th birthday, unless they are offered coverage at work. No longer will young adults be without affordable coverage options. Now they will have choices to transition them into their adult lives and protect them from financial ruin.

And starting today, if you purchase or join a new insurance plan, you will be able to receive free recommended preventive care. No longer will Americans have to forgo valuable preventive care until it is too late.

All of the benefits that begin today are in addition to the benefits that families and businesses already enjoy as a result of the new health reform law.

Already because of the new law, across the Nation, federally subsidized preexisting condition insurance plans are available for Americans with pre-existing conditions who have been denied coverage by insurance companies.

Already because of the new law up to 4,000 small businesses are eligible for tax credits this year if they provide health insurance for their employees.

Already because of the new law, more than 2,000 businesses have qualified to receive reimbursement for the retiree coverage that they provide.

And already because of the new law, more than a million seniors have received rebate checks to reduce their prescription drug out-of-pocket costs in the donut hole.

Today, with this 6-month mark, we pass a key milestone on our road to providing quality, affordable health care to all Americans.

This milestone is just one of many along the road. But this milestone is one that signals an end to the insurance companies' worst abuses. This milestone signals the beginning to patient-controlled health care, and that is something to celebrate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HAGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LUMBEE RECOGNITION ACT

Mrs. HAGAN. Mr. President, I come to the floor today to discuss an issue that is vitally important to North Carolina's economy, and to the herit-

age and cultural identity of more than 40,000 Americans. I urge my colleagues to join me in supporting the Lumbee Recognition Act.

The Lumbee Indians are among the earliest North Carolinians. They descended from the coastal tribes of North Carolina and lived along the Lumber River before our Nation was founded.

During that time, the Lumbee have maintained a distinct community in what is now Robeson County, NC, with more than 40,000 current members in and around the county seat of Lumberton.

Tribe members have worked diligently throughout the generations to sustain a strong tribal society.

Each and every Lumbee can trace his or her ancestry to the tribe's base roll, which is comprised of school and church records and early 20th-century census data. This common ancestry has bound the tribe for generations and established the Lumbee as a long-standing, distinct community in southeastern North Carolina.

Nearly two-thirds of the tribe live within 15 miles of the city of Pembroke, where they start families and businesses, run for tribal office, and attend the annual Fourth of July parade.

The Lumbee fought alongside the American Colonists during the Revolutionary War, and helped shape North Carolina's history.

But because the tribe lacked a formal treaty relationship with the new United States, the tribe has worked for over 120 years to win the recognition that they so clearly deserve.

As has been noted by the Senate Indian Affairs Committee, "The Lumbees have a longstanding history of functioning like an Indian tribe and being recognized as such by State and local authorities. Since 1885, the Lumbees have maintained an active political relationship with the State of North Carolina."

The State officially recognized the tribe in 1885, and established a separate school system for Lumbee children.

With initial enrollment limited to children who could demonstrate at least four generations of Lumbee descent, this autonomous school system has remained in place for over 100 years.

And in the late 1800s, the State of North Carolina established the Indian Normal School to train Lumbee teachers for the tribe's school system. This school has been in continuous operation since that time and has grown into the University of North Carolina at Pembroke.

The university is obviously now open to enrollment for all Americans, but continues to serve as an anchor of the Lumbee community.

Despite generations of uninterrupted self-governing, the Lumbee still have not received full recognition by the Federal Government.

Instead, Congress in 1956 enacted the Lumbee Act, which simultaneously recognized the tribe, but denied tribal members access to Federal services.

The Lumbee Recognition Act, which I have introduced with my colleague from North Carolina, Senator BURR, would rectify this longstanding inequity, and provide the Lumbee with the full recognition that they so clearly deserve.

Beyond simple fairness, the issue of Lumbee recognition is critically important to the North Carolina economy, and to counties and communities that have been hardest hit by the recent economic downturn.

Because the 1956 Lumbee Act forbade the Lumbee from pursuing the Federal resources available to every other recognized tribe in the country, the tribe does not have access to critical services through the Bureau of Indian Affairs and Indian Health Service.

The Harvard School of Public Health has found that residents of Robeson County have a lower average life expectancy due to persistent poverty and limited access to affordable health care. Our bill will enable the Lumbee to combat these trends through sustained economic development and quality health services.

It will allow members of the Lumbee tribe to access critical programs through Indian Health Services, and will help treat and prevent chronic illnesses that negatively affect the quality of life in the region.

With a healthier population, and access to Federal programs, the tribe can focus on economic development. Robeson County has an unemployment rate above 12 percent, and the surrounding counties of Scotland, Hoke, Cumberland, Bladen, and Columbia continue to experience unemployment rates that are among the highest in North Carolina.

Economic development programs through the Bureau of Indian Affairs will allow the tribe to create jobs where they are needed most, and will support a true economic recovery in this distressed region.

The Lumbee Recognition Act was introduced in the House by my North Carolina colleague, Congressman MIKE MCINTYRE, who has been a tireless champion for the Lumbee since coming to Congress.

Due largely to Congressman MCINTYRE's efforts, the House has passed the Lumbee Recognition Act with a strong bipartisan majority twice in the last 3 years.

Here in the Senate, the bill has been approved by the Indian Affairs Committee, and now awaits consideration on the Senate floor.

Some have also argued that the cost of providing BIA and Indian Health services to the Lumbee will be too high, and that Lumbee recognition will draw down funds that are currently

going to other tribes. I certainly understand these concerns.

But, I want to be clear, the Lumbee do not want recognition on the backs of other tribes, and this bill will not increase the Federal deficit. This bill simply ensures that the Lumbee are eligible for the same services as their peers. Funding for these services will be subject to future appropriations, and the Lumbee will not dilute support for tribes that currently receive Federal resources.

I want to stress again that this effort is about one thing, providing the recognition that the Lumbee need to improve their quality of life and create jobs in their community.

The tribe is not seeking Federal gaming rights, and, in fact, this legislation explicitly denies the tribe's ability to operate casinos.

Some have also argued that the Lumbee do not need Federal recognition because they can apply for acknowledgement through the Bureau of Indian Affairs administrative process. But let me be clear about this: the Lumbees have been prohibited from being considered by this process.

This is because the Lumbee were unfortunate enough to win partial recognition during a time when the BIA was actively working to terminate longstanding relationships with tribes and roll back Federal services for Native Americans across the country.

The 1956 Lumbee Act expressly precludes the tribe from pursuing Federal acknowledgment through the Bureau of Indian Affairs administrative process. Thus, while the Lumbee were identified in Federal legislation as a tribe more than 50 years ago, existing law strictly limits the group's ability to access vital services otherwise available to a federally designated tribe.

As the Senate Indian Affairs Committee has noted, Congress placed only one other Indian tribe in a similar position. In 1965, the Tiwa Indians of Texas won recognition in Congress, but were prohibited from pursuing BIA and other Federal services.

Congress recognized this problem, and in 1987 passed legislation granting full recognition to the tribe. This has left the Lumbee as the only tribe in America that is at once recognized by the Federal Government and forbidden from accessing critical programs that are available to every other tribe in the country.

The administration has recognized this basic inequity, and at a House hearing on the bill last year, George Skibine, Deputy Assistant Secretary for Policy and Economic Development for Indian Affairs, testified that, "There are rare circumstances when Congress should intervene and recognize a tribal group, and the case of the Lumbee Indians is one such rare case."

I could not agree more. I urge my colleagues to pass this important legislation with no further delay.

Lumbee Chairman Purnell Swett is here in the Senate Gallery, and has been meeting with a number of Senators to discuss this effort. I thank him for joining us, and encourage my colleagues to take time to hear from him how vital this bill is for his community and his people.

Federal recognition is about more than Federal resources and creating economic development opportunities for this community. It is about tribal identity.

The Lumbee have fought for the recognition they deserve for over 100 years. Truly, this recognition is long overdue.

We must ensure the Lumbee are no longer treated as a second-class tribe, and I ask my colleagues to join me in supporting the Lumbee Recognition Act.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST— S. 510

Mr. DURBIN. Mr. President, I come to the floor this afternoon, in the presence of Senator COBURN of Oklahoma and Senator HARKIN of Iowa, to discuss an issue I have worked on literally for my entire congressional career—food safety. This is an issue which has haunted me since my days in the House of Representatives when I received a letter from a woman in Chicago, far outside of my central Illinois congressional district, who told me the story of her 6-year-old son Alex. She brought home a pound of hamburger from the local grocery store and fed it to her son, and he was dead 3 days later from food contamination that led to a very painful, horrible death which has haunted her to this day. Her name is Nancy Donnelly. She has focused her life on making food safety laws better in America. I have joined her in that effort. I was inspired by her tragedy and by the many people who came to me and explained how they had been through similar circumstances.

For almost 20 years now, I have been taking on this issue. I have tried from the very beginning to bring to the attention of Members of Congress the fact that there are at least 12 different food safety agencies in our Federal Government. When we look to the origin of these, the U.S. Department of Agriculture got started because Upton Sinclair wrote "The Jungle," which told about the horrible circumstances in the packinghouses of Chicago. That

novel led Congress to pass the first food safety law with the U.S. Department of Agriculture as the lead. Over the years, the Food and Drug Administration expanded its role in this area, and many other agencies did as well.

I have always argued that we need better coordination. In fact, we need one single food safety agency that uses science and tries to reach new efficiencies by avoiding overlap in deciding what is the safest approach to food in America. I haven't had much luck. Rarely do I find a bipartisan cosponsor, find anybody who will join me in this effort. But I understand the Senator from Oklahoma said yesterday he is interested in it, and I welcome him to be part of this conversation. I want to see the day when we have a single food safety agency that gets the job done in a professional way.

What do we do before then? Knowing that this will take some time, and it has taken time already, what do we do? I think we should clearly look at the weaknesses in the current food safety system and address them directly.

If I said to the Presiding Officer, before he was in the Senate and before he became conversant with most of the laws of the land, if I asked, do you believe there is a Federal law which allows the Federal Government a mandatory recall of contaminated, deadly food products on the shelves of America, he would say, of course, that is why we have food safety agencies. The answer is no, there is no such law. The government has no power to recall deadly and contaminated food products on shelves across America—amazing, but it is a fact. This bill we are trying to call before the Senate will give the government the power to recall deadly food. That is a major step forward. If we did nothing else in this bill, it is a major step forward.

The bill also gives the Food and Drug Administration the authority to expand their inspections, not just here in the United States, where there is plenty to be done—we are seeing an FDA inspector once a year as a novelty—but overseas, where there is literally no inspection. As foods come in from all over the world, we don't know the standards they are using. Unfortunately, our people are vulnerable as a result.

Should we have mandatory recall? Should we have more inspections? Absolutely. I think that is a must to make sure we don't run into the tragedies we have seen repeated over and over again. Hardly a week goes by that there isn't some new food tragedy—peanut butter, spinach, tomatoes, eggs. People get sick—and some die—week after week, month after month. So the question is, Will we do something about it?

I went to Senator HARKIN, chairman of the committee, and asked him to lead, with Senator ENZI, his Republican

counterpart, in a reform bill that will make this system better, really fill in some of the gaps, move us forward. He took that challenge and handled it very professionally and very quickly. In fact, we have 19 Senators, Democrats and Republicans, in a bipartisan effort, after hearings in his committee, after markup in his committee, bringing this bill to the floor.

For the first time since I have been engaged in this debate, we have the support not only of consumer groups, which we would expect, we have the support of the industry—the food processors, the grocery manufacturers. Why? Because they understand that once we lose confidence in our food supply, it hurts them as businesspeople.

So here we are, a moment, an opportunity we have worked for years—literally years—a bill we have been working on for months in a bipartisan fashion, and all we are asking for is a chance to bring it to the floor. That is all. Bring it to the floor, entertain amendments, debate it, deliberate, and vote. People who come and visit Washington think that is what the Senate does, right? An important issue, a life-and-death issue for families, something we all care about when we put food on the table—thank goodness the Senate is finally going to take up something that affects their lives, and it is going to do it in a professional, bipartisan way. Thank goodness all the games are over.

No. Welcome to the U.S. Senate. When we bring the matter to the floor and ask for a chance to debate and deliberate it, 1 Senator, who is on the floor today, says no—not 99 Senators, 1 Senator says no.

We said to the Senator: If you object to the bill, you can vote against it.

He said: Not good enough.

We said to the Senator: If you want to offer an amendment to this bill, offer an amendment.

Not good enough. He says: No, I don't want the Senate to take up this bill and debate it. I don't want them to vote on this bill. I want this bill to die right now. I don't want it to go forward.

From my point of view, we are all entitled to our opinion. We are all entitled to our political position. In the Senate, one is entitled to speak their mind. In the Senate, one is entitled to debate and deliberate, to offer an amendment and have a vote. But at the end of the day, if there is any fairness in this body, the majority will decide what goes forward.

In this case, one Senator has said no. Nineteen Senators, Democrats and Republicans together, are not enough, putting this together after the years of work that have gone into it. It is not enough. That troubles me because I think this issue is a life-or-death issue. This morning's Washington Post

talked about what has happened to unsuspecting people across America who ate the contaminated eggs. Think about it. Eggs are supposed to be wholesome and nutritious and good for you, but thousands of these eggs contaminated with salmonella, sold across America, have made people sick, and for some their lives will be compromised forever.

I would think that when we consider the medical problems which will be created if we stop this debate, when we think of the victims across America of food contamination, for goodness' sake, shouldn't we err on the side of moving forward? Who argues against a mandatory recall of contaminated food from shelves across America? Who argues against giving the Food and Drug Administration the power to move forward to make sure there are more inspections done on a scientific basis? That, to me, is basic.

When a customer goes into a store across America, they assume something: They assume the government is involved in this decision, that somebody, somewhere took a look at what they are about to buy and said it is safe to sell it in America. I have to tell you, in most instances, they are mistaken. The inspections are not frequent enough. The inspections, sadly, do not take place in many instances.

Well, the argument on the other side is, come on, Senator, everybody can dream up a new way to spend money. You have dreamed up a new way to spend money. You want to have more inspections. You want to send inspectors out to make sure our food is safe. Well, great. I can think up a way to spend money too. The argument is, if you are going to spend money and add to our deficit, the answer is no, no matter what you say, or you have to come up with some way to pay for it now.

What I have to remind the Senator from Oklahoma—and he and I have had this debate over and over—this is an authorization bill. It does not spend money. In order to spend the money, you have to go through an appropriations bill that actually spends it. In other words, you are given a finite amount of money and you decide: What is a priority? I think this is a priority. Something else may not be funded. This should be funded. It is an authorization bill.

What about the cost of this bill? How do we put the cost of this bill in comparison to some other issues? Modernizing the food safety system of America costs us \$280 million a year. That is less than \$1 for every American. Providing tax cuts for the wealthiest people in America: \$400 billion a year. That is Senator MCCONNELL's plan to extend the Bush tax cuts for the wealthy. So \$400 billion unpaid for, adding to the deficit, versus \$280 million to protect families from contaminated food.

Let's take a look at what happens when you do not spend the money and have the inspection. In 2006, an E. coli outbreak cost spinach growers across America \$350 million in 1 year. That means that industry lost \$70 million more than the entire cost of food safety inspection in the bill for 1 year. Would those growers rather have seen people not be victimized by a contaminated product and not seen their own operations destroyed for an inspection? I think they would have. They are not the only ones. In 2008, the salmonella outbreak linked first to tomatoes and then to peppers cost the Florida tomato industry over \$500 million. In a single year, tomato and pepper growers lost nearly twice as much as this food safety bill costs. Doing nothing is not only cruel to the unsuspecting customers and consumers across America, it is devastating to the food industry. That is why they support this bill. They understand they would rather be subject to inspection so the consumers have more confidence in their product and they do not run the risk of having their livelihood devastated by a food contamination outbreak.

The cost of doing nothing can also be measured in lost quality of life. Each year, 76 million Americans suffer from a preventable foodborne illness. For some of them, it is an upset stomach or diarrhea, but for others it is more; 325,000 people are hospitalized, accumulating large medical bills, each year, and 5,000 people pay for food contamination with their lives. That is the reality of what they face.

I know I take this bill personally because of the fact that I have come to know some of the people who are involved in food contamination. I want to show you the photos of just two people before I propound a unanimous consent request and turn this over to my colleague from Iowa.

Marry Ann, shown in this photograph I have in the Chamber—this lovely lady—is an 80-year-old grandmother who contracted E. coli from spinach just before she left to meet with her family at the park for a Labor Day gathering. She is from Mendota, IL, a small town near my hometown. She is alive today, thank God, but the kidney failure, violent vomiting, and uncontrollable diarrhea are constant reminders that her quality of life will never be the same. She is 80 years old, and she struggles now to get by every day because of food contamination. She is standing with us in this fight to improve our food safety system so that no one else has to endure what she has been through.

Now I would like to introduce you to a young man. I hope I do not mispronounce the name of his hometown. Senator COBURN will know it better than I. His name is Richard, and he is from Owasso, OK. At age 15, Richard joined the unfortunate ranks of

foodborne illness victims. After he returned home from a camping trip, Richard began experiencing headaches, diarrhea, and his urine turned black. He was later diagnosed with E. coli contamination. For 8 years, Richard has endured pain and suffering because of it—migraine headaches, dry heaving, high blood pressure, and, after a series of dialysis treatments, kidney failure—kidney failure. Last year, Richard was having a kidney transplant while the House was debating and passing the food safety bill.

Richard and his mother Christine are following this food safety debate because of their own family experience. They are following it from Richard's hospital room. Days ago, Richard was moved to the intensive care unit due to swelling in his brain and his inability to speak.

On the day the Senator from Oklahoma was informing the press of his objections to the food safety bill, Christine, Richard's mom, was making an airline reservation and making her way back to her son's hospital bed in Oklahoma. When Christine learned that her home State Senator was blocking food safety reform because of the cost, she immediately thought about the hundreds of thousands of dollars her middle-class family has spent on Richard's medical care.

On behalf of her son, Christine stands with 89 percent of the American people who want Senator COBURN to stop blocking this food safety bill. She said she has a simple question:

As the Senate is debating on S 510, I am taking an emergency flight to the hospital to be with my son. He's been admitted again with complications stemming from his E. coli infection. We can delay this legislation no more.

She writes:

Something must be done. The time is now. How many more victims must there be?

That is the critical question.

Is this a perfect bill? As I have said before and will say again, the only perfect legislation that I am aware of was tapped out on stone tablets and carried down a mountain by "Senator Moses." We can improve this bill. We can entertain amendments that may improve this bill. But to stop us in our tracks and tell us we cannot even debate it or deliberate it while the Senate sits empty doing nothing is inexcusable while people are suffering and dying across America.

We have a bill that has the support of the industry and the consumers. We have come forward to this point. We cannot turn back.

That is why, Mr. President, I ask unanimous consent that, at a time to be determined by the majority leader, following consultation with the Republican leader, the Senate proceed to the consideration of Calendar No. 247, S. 510, the FDA Food Safety Modernization Act, and that when the bill is con-

sidered, it be under the following limitations: that general debate on the bill be limited to 2 hours, equally divided and controlled between Senators HARKIN and ENZI or their designees; that the only amendments in order other than the committee-reported substitute be those listed in this agreement, with debate on each of the listed amendments limited to 30 minutes, with the time equally divided and controlled in the usual form; further, that when any of the listed amendments are offered for consideration, the reading of the amendments be considered waived and the amendments not be subject to division; Harkin-Enzi substitute amendment; Tester amendment regarding small farms and facilities; Harkin-Enzi amendment in reference to technical and conforming changes; and that once offered, the technical amendment be considered and agreed to and the motion to reconsider be laid upon the table; Coburn amendment in reference to offset for the cost of the bill; Feinstein amendment in reference to BPA; Leahy amendment in reference to criminal penalties; that upon disposition of the listed amendments up or down and the use or yielding back of all time, the Harkin-Enzi substitute amendment, as amended, be agreed to, the committee-reported substitute amendment, as amended, be agreed to, the bill, as amended, be read a third time, and the Senate then proceed to vote on passage of the bill.

THE PRESIDING OFFICER. Is there objection?

Mr. COBURN. Mr. President, I object and ask unanimous consent to be recognized after the majority whip finishes.

THE PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

And the objection is heard.

Mr. DURBIN. Mr. President, it is my understanding that Senator COBURN actually sees, as I do, the need for us to coordinate the food safety agencies and is proposing that we ask for a study for that purpose. I wish to join him in that effort. Asking for a study is a good thing, but while a study is underway and we are waiting for the report, people will be dying from food contamination.

I hope we can engage in this study and move toward a single food safety agency. I am with him all the way. Let's save money in the process. And I think we can. We can come up with a professional, good agency in a bipartisan way. But unless and until that is done, we have to make reference to the obvious; that is, the current system is not safe enough for American families. As good as our food supply may be in America, we can do better. To stop now, after all of this work has been put into this effort, with the objection of

only one Senator, strikes me as unfair—unfair to the people across America who desperately need our protection.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, what is unfair in this country is the fact that we label bills to fix things and fix a lot of the symptoms, but we do not fix the underlying problem. We are going to spend several hundred million dollars when the bill ultimately goes through, and much of it will be well applied, but the underlying problem will never be fixed.

The Senator mentioned we have 12 agencies—12 agencies across this government—responsible for food safety. What I would contend to my colleagues is that the same amount of money we spend now, if we spent it wisely, would give us a much safer food supply.

All through the course of this debate, I have had staff at every meeting raising the consistent objections I have raised. At every meeting, one of my staffers has been there. They were ignored. I am not stopping this bill because it was ignored; I am stopping the bill because I do not think we are fixing the true underlying problem.

Let me give you an example. Here is what Dr. Hamburg said. This is on the egg rule.

We believe that had these rules been in place at an earlier time it would have very likely enabled us to identify the problems on this farm before this kind of outbreak occurred.

How long did it take them to develop the rule? Ten years. It started with President Clinton asking that this be addressed. Robert Reich went and inspected and said it is unbelievable what has happened. And what happened is, he initiated it with the FDA, the start. Somebody ought to ask the question and hold accountable FDA taking 10 years to get a rule so we have safe eggs in this country. We did not ask that question. So the next thing that comes up after we pass a bill like this is that we are going to see another problem because we are not fixing the core problem.

Let me read to you from the oversight hearings the Senate has conducted on food safety. I think I have them here. There was a full committee hearing on October 22, 2009, "Keeping American Families Safe, Reforming the Food System." There was a full committee hearing developing a comprehensive response to food safety on December 4, 2007. And there was a Senate Appropriations Committee oversight hearing on Hallmark/Westland meat recall—a special hearing. There was not one hearing that said: FDA, what are you doing, how are you doing it, and why are you doing it that way? There was not one hearing that said: USDA, why in the world can't you get

your act together? We did not do the structural oversight that is necessary to fix these problems.

I am not denying that this bill will have some positive effect. But it will not solve the problem. So we will pass a bill, and then we will still have contaminated food, but we will have answered the questions of late. We can't keep running government that way.

I appreciate sincerely Senator DURBIN's efforts. We come from vastly different backgrounds. I don't question his integrity, his desire, or his goodwill to try to solve the problem. As he told me on the phone, I can't be involved in everything, so, therefore, I shouldn't participate in this. That is the implication. I am not saying the Senator said that, but the implication is, you can't be involved so, therefore, you can't know enough to be involved. Well, having run a \$70 million-a-year business in the health care field, having managed hundreds upon hundreds upon hundreds of people, and being trained as a physician in practice for 25 years, I know a heck of a lot about food safety. What I do know is if you don't fix the problems in the underlying agencies that are responsible for food safety, it doesn't matter how many bills we bring up.

There is a prohibition in this bill. Section 403, Jurisdiction Authorities:

Nothing in this act or an amendment made by this act shall be construed to alter the jurisdiction between the Secretary of Agriculture and the Secretary of Health and Human Services under applicable statutes, regulations, or agreements regarding the products eligible for voluntary inspection under this agreement.

We actually are doing something wrong here—not just right. We are telling them they can't shift stuff around to solve the problem. Not only do we not do the vigorous oversight that is required to actually fix the real problems; we put up a roadblock, a silo back up and say, By the way, you can't do any of this together. That is in the bill.

What has happened? The FDA Commissioner says had we put this rule out, this probably wouldn't have happened on the egg recall, salmonella enteritis. It wouldn't have happened. Where is the answer from the FDA? Where is the oversight hearing of the FDA on why it took them 10, almost 11 years to get a rule out on egg safety? That is my core objection.

I want us to solve the problems. I don't have any problem with the issues about foreign inspection. Mandatory recall I don't have a problem with, although we have never had a food supplier in this country that has not recalled when asked to recall. So having a mandatory authority is a false claim because nobody has ever not recalled when they were asked to, because it is in their best interests to recall.

My problems are characterized by this chart, when you think about the

egg recall. The USDA knew what was happening on the farms in Iowa but said nothing to the FDA. The FDA didn't look to see, and Congress didn't want to hear about it. So we have a bill before us that does a lot of good things, but it doesn't fix the real problem. That is my basic complaint. We are treating the symptoms of the disease. My colleagues have heard my analogy before, but I am going to make it again. If you come in to see me, as a practicing physician, and you have fever and chills and cough and body aches and are short of breath, and I give you something to take care of your fever and chills; I give you something to suppress your cough; I actually make you feel better, but I don't diagnosis the fact that there is a pneumonia in your lung, you are going to get better for a little while and then you are going to get really sick. Then you come back. I have treated your symptoms the first time, and then I treat your pneumonia and I get you over that. Then I don't follow up after that to see what the real cause of the pneumonia is, which was a little tumor in your lung that caused blockage which caused the pneumonia. If I continue to treat symptoms, all I do is delay the time in which we get to the final fix for your problem. My analogy is I think that is what we are doing. I believe we have not been thorough enough. The intentions are great, but I don't think we have been thorough enough. I understand foodborne illnesses. I have treated a lot of them. I have had a lot of them. When I was in Iraq for 30 days, I had it for most of the time I was there.

The other question this has raised is we can't keep doing this. We can't afford to keep doing this. We have more than enough money at the USDA and the FDA to do everything you want to do in this bill—more than enough. That is one of the things the American people are asking of us. We are going to make this point on a food safety bill, and I am fine with the heat I will take from the groups and the press on it, because I think the underlying principle is more important. It is easy to pass a bill that looks as if it does something. And even if it does something, if it passed on what we are going to spend when we don't address what we are spending wisely, we will never get out of the jam we put our kids in.

To Senator DURBIN's point: Yes, it is an authorization bill. The Senator from Illinois and Senator HARKIN, as well as every member of my caucus and every member of your caucus, get a letter the first of every Congress saying I would absolutely object to any bill that increases authorizations in this Congress that are not offset with a reduction in less important, less priority items. I offered to do that to the majority leader. I offered to give that to him 2½ weeks ago. He hung up the

phone on me; wouldn't even say good-bye. I said, I will give you a list. How about the \$500 million the U.S. Department of Agriculture pays out to dead farmers in crop payments—to dead farmers who have been dead 6, 7, 8 years, still paying crop payments. We have plenty of money to pay for it. We don't want to do the hard work of getting rid of the things we should.

What America is screaming for now is they want food safety, but they want security for their kids as well. If we continue this bad habit of ignoring the actual idea that there is a limitation on how much we can spend, we will never solve any of the critical problems, whether we have clean food or not.

I do honor my two colleagues who are in the Chamber. They are men of great intent, honest intent, caring hearts, but I disagree on how we have gone about this. This isn't the first time I have heard the wonderful eloquence of Senator DURBIN. He is great at what he says and how he says it. He is a very bright man. He makes his case well. But there are important things in this country that we are ignoring, and this bill is an example of it.

Why in the world won't we fix the real problem? Why won't we ask—you know, the one thing that should happen—it amazes me. There is not a hearing scheduled on why it took 10 years to have an egg safety standard. We have allowed this. We have allowed it.

The other point I wish to make is, yes, the money has to get appropriated. I agree with that. But we are going to spend this money. Senator DURBIN, we are going to spend it, aren't we?

Mr. DURBIN. Not unless we appropriate it.

Mr. COBURN. Does the Senator have every intent to make sure it is appropriated?

Mr. DURBIN. If we can find the money.

Mr. COBURN. So wait a minute. If we can find the money.

Mr. DURBIN. If we can find the money.

Mr. COBURN. The earlier statements of this will solve the problem, but yet we are not going to find the money. It should be 100 percent that we are going to find the money to do this.

Mr. DURBIN. Will the Senator yield for a question?

Mr. COBURN. I want to continue my point, if you don't mind. You have always been courteous to me and I will be courteous to you, but I wish to continue for a few minutes and then I will give my colleague the chance to respond.

Mr. DURBIN. I would say to the Senator, I was going to ask him a question.

Mr. COBURN. I will allow that in a few minutes.

If this bill is that important, and the majority whip says we will fund it if we

can find the money, rather than saying we are going to fund this because this is a priority—and he has the power to make sure that gets done. Don't let anybody kid you. If he wants this bill funded, he can get it funded. So the point is, either it is going to be funded and it is going to get spent and the argument about authorizations is bogus or there is going to be a real question on whether it is going to get funded. If there is a real question about whether it is going to get funded, then the importance of the issue isn't nearly as great as we have explained it to be, which goes back to an argument we have had for the 6 years I have been here.

I understand you don't agree. I am a hardheaded guy from Oklahoma who actually believes we ought to make hard choices, we ought to downsize the government rather than grow it; and when we have an issue such as food safety, what we ought to do is hold accountable the agencies—let me say it again—we ought to hold accountable the agencies, because I am not sure that we don't have enough rules now. What I think we have is not enough effectiveness of the agencies and the dollars they spend. With the exception of foreign inspections, which I fully support—I fully support—anybody who wants to sell food in this country ought to pay for the inspections and we ought to be able to certify that it is safe. I have no problem with that. There are a lot of components of this bill I agree with. But I refuse to agree to a unanimous consent request until we start looking at the real problems underlying not just the FDA and USDA but the Pentagon, Health and Human Services, the Department of Justice. The waste in this government and our refusal to look at that waste and eliminate it so we can do good things is one of the reasons—not the only reason, one of the reasons—we find ourselves \$13.4 trillion in debt.

Ideally, how would we go about this? Because one of the complaints is: COBURN, you stop things in their tracks. How would I have done it differently? So I think I owe you an explanation. First of all, the tomatoes were never contaminated. They were thought to be contaminated. It was the jalapenos. So we, our agencies, identified falsely a food that wasn't contaminated. So the agency is responsible for the \$350 million cost for the tomatoes. That is a very important point. The incompetency of the agency cost \$350 million, which is a very different story than my colleague from Illinois talked about. It was jalapeno peppers.

So how should we go about this? Before we do one other thing on food safety, every one of those agencies ought to know we are looking over their backs all the time. That is the first thing. We should have routine oversight hearings on the appropriate com-

mittees three to four times a year. The second thing we ought to do is we ought to say, GAO, we want to know everybody who has anything to do with the quality of food in this country as far as a Federal agency and we want to know their line responsibilities, we want to know their authorities, we want to know X, Y, and Z, and their effectiveness. Because a GAO study at the Department of Agriculture, as well as the FDA, says they are incompetent at most of this stuff. I will be happy to give my colleagues the quotes. They lack the competency to carry out—how else do you explain that the FDA cost the State of Florida \$350 million by falsely claiming that tomatoes weren't any good? That is incompetence. There is no excuse for it. There was no hearing held to hold them accountable. It is ignored in this bill.

So how would we go about it? We would find out everybody who has anything to do with food safety. Then we would do what Senator DURBIN wants to do. We would eliminate the duplication. We would make one line authority: This agency is responsible for all the food safety in this country. That is a marvelous goal, Senator DURBIN. This bill delays that happening. He is on to the right thing.

We need to get there, I agree. But when you go to Piggly Wiggly or Homeland, as we have in Oklahoma, and you go to the freezer section and buy a pizza for Friday night when—in Oklahoma, you are going to play dominos after high school football is over. If you buy a cheese pizza, the Department of Agriculture is responsible for that. But if you buy a pepperoni pizza, it is the FDA. I may have them reversed. I do have them reversed. The FDA is responsible for cheese pizzas. How does that make sense?

It is a symptom of the disease in Washington. First of all, it is stupid. Second of all, it is inefficient. Third of all, it guarantees the two agencies are not going to be talking to each other.

The Food and Drug Administration and the USDA have—I think my number is correct; I may be wrong—187 agreements for how they work across the field. Except you know what happened with regard to the egg situation. Nobody paid attention to the agreements. We have the rules. USDA did not tell the FDA. Then, finally, we have an egg producer—the State of Iowa has done tons of stuff to say this guy's quality is poor. Did USDA do anything about it? No. Did the FDA do anything about it? No.

USDA knew there was a problem. It did not need any more inspections. They knew there was a problem. They did not communicate it to the FDA as per their protocol.

What do we have going on here? We have a mess. As well-intentioned as this bill is and as hard as the Senators have worked on it on both sides of the

aisle, it does not fix the cancer in the lung that caused the pneumonia that caused the fever, cough, chills, and malaise of the patient. Until we start drilling down to get to the real problems, the real issues of food safety, we are going to spend a lot of money. We are going to create a whole lot more regulations. We are going to have another 200-plus page bill.

What we ought to say is, time out. Let's do some things. Let's have a one-page bill that can pass by UC today that says we are going to do safety inspections on foreign foods. Done. We can do it. That takes care of our foreign food.

A good portion of our seafood is imported. It is farm raised. It is important. We can do that tomorrow. We can have sanctions and penalties and criminal penalties for Federal bureaucrats who do not follow the rules of their own agencies.

Everything was in place on the egg situation. We did not execute. We did not carry the ball down the field. Here is what we know about the DeCoster Egg Farms. They are a habitual violator. They have had eight known run-ins or citations from State and Federal regulators. They were designated by the State of Iowa as a "habitual violator." Robert Reich called the state of the farms simply atrocious.

USDA inspections—I have a copy of the inspections—routinely noted unsafe and unsanitary conditions without communicating any of those concerns to the FDA.

What we had was a failure to execute. It was seen. It was known. What we had in place did not work. But this bill does not fix that. It does not fix that.

I have treated a lot of people with toxic *e. coli* in my life. That is what causes kidney failure. *Salmonella* hardly ever does that. It is not a fun disease to have. There is nothing in this bill that says we are going to prioritize pathogens. You see, *e. coli*, compared to all the rest of the pathogens, is much more important in terms of hospitalization, death, morbidity, and mortality. So any food safety bill ought to work on the most ravaging problem first, not treat them all the same. *Yersinia pestis*, *shigella*, and *salmonella* cause enteritis, that is true. Rarely will you have long-term effects from those. But from toxic *e. coli*, it is a whole different actor.

We ought to prioritize what we do in food safety through the food safety problems that cause the major problems. We do not do that.

I know I have disappointed my colleague from Illinois. I know he has worked hard on this bill. We have some very stark philosophical differences about how to make the government work better. I hope through the next few years to convince him more often than not to go in a different direction.

I know Senator HARKIN's heart is one of the softest and best in our body. If

somebody has a problem, I don't care what it is, he is interested in it. For disappointing my colleague, I sincerely apologize. For standing on my principles and what I believe, I do not. I do not see a great future for our country if we do not start changing the way we do things, whether it is drilling down and looking at what the real problems are with the agencies and doing the appropriate oversight and taking priorities and getting rid of things that do not work and making things that do work work better.

I worry about my grandkids, and I worry about all of our grandkids. With them at \$43,702 today per man, woman, and child in this country, we cannot do it anymore. I am not going to do it anymore. I will be as compliant as I can be living within my principles, but I am just not going there. For that, I apologize. I apologize for disappointing my colleagues, but I sincerely regret we could not have solved some of these problems along the way.

I yield the floor and yield to the Senator for a question, if he wishes.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Illinois.

Mr. DURBIN. Madam President, I am going to yield to the Senator from Iowa in just a moment.

I would like to offer to the Senator from Oklahoma a compromise and tell him I have spent much of the time he was speaking reading S. 3832, a one-page bill, which calls for a plan within 60 days from USDA and FDA and within 1 year a joint report from Congress, a GAO report. I am going to join him on this issue.

What I would like to suggest is the following: Because I am as committed as he is to food safety, I would like to amend my request and make this a Coburn-Durbin amendment which will be offered, which I guarantee I will work night and day to get passed, so we address the overall issue. In the meantime, while we are spending 6 months or a year moving toward this goal, let's at least make the current system as safe as we can. Let's do everything we can to protect the people of this Nation.

The Senator does not have to apologize to me. I will be here tomorrow. But this poor man in ICU in Oklahoma may not be, and other people like him.

What I suggest to him is, I will join in a compromise. I will add an amendment to the bill and cosponsor his language in S. 3832 and ask my colleagues on this side of the aisle—all of them—to join us in voting for them if the Senator from Oklahoma will remove his objection so we can go forward on this important historic debate.

Mr. COBURN. Madam President, I appreciate the Senator's offer, but I cannot do that. I also want him to know that this bill is not going to solve the problem of that gentleman from Owasso, OK. This bill is not going to

solve that situation because we are not fixing the real problem.

Mr. DURBIN. Madam President, I must reclaim my time and say to the Senator from Oklahoma, he cannot tell me how badly he feels for these victims and then stop the bill with which we are trying to protect them.

The Senator cannot tell me he wants reform and then reject it. The bottom line is the description he has given is about the USDA, and this bill is not about that agency. It is about the FDA.

I say to the Senator from Oklahoma, I agree with him. I want to help him. But if he will not allow us to bring to the floor a bill on which we worked for a year and a half, if he will not offer an amendment along the lines suggested, then all he is doing is saying no.

If he is saying we cannot afford safe food in America, I disagree. I think we can afford it, and I am willing to cut other spending to pay for it. That is the only way it can get through the appropriations process.

But to just say no after all the work that has gone into it because he does not happen to like it—if the Senator from Oklahoma does not like it, offer his amendment. If it is a good idea, the Senate will accept it. If he does not have an amendment, then he is like me on Monday night watching football when the Bears play the Packers deciding what Jay Cutler should be doing as quarterback. It is pretty easy from that armchair.

I want the Senator from Oklahoma to come down to the field and offer his amendment, be part of the conversation. Don't just stand there and say no. As he says no, people will suffer and some will die. I think that is fundamentally unfair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, again, if I truly felt this bill was going to solve those problems, I would be out here supporting it. I do not think so. We have an inherent disagreement.

The Senator from Illinois can file a cloture motion any time he wants to proceed to this bill. He can file it today, and we can have a cloture vote next week—we are not going to be doing anything next week anyway—and we can go to the bill. File the cloture motion, if that is how he feels about the bill and he thinks I am dead wrong. File the cloture motion, get the votes, and do it.

What we are hearing is we want it to pass in a short period of time so there cannot be the real debate there needs to be on the problems in this country on food safety. That is what we just heard.

We have been talking about this issue. We could have been here tomorrow debating this bill. The fact is, they did not file a cloture motion. They filed cloture motions 179 other times

this Congress, more than any other Congress in the history, and the vast majority of them less than 24 hours after the bill was introduced.

If the Senator really wants to have the debate, put the bill on the floor, file cloture, and have the debate. I will debate this for 30 hours.

Washington is great about saying they are fixing things. They are great about passing bills. They are not great about fixing things because they fix the symptoms, not the real disease. That is the problem with this bill. It does not drill down and fix the real disease.

My hope is that we can fix the real disease and that we will have the legitimate, tough hearings on why and how and what is needed to be changed in the agencies, not more regulations, not more money, but holding the agencies accountable, which we have not done. That is how Washington works. If there is a problem, we do not look at what we are doing already, we just create an answer for what we think needs to be done rather than holding people accountable. That is why we have a \$3.9 trillion budget. That is why our kids are bankrupt or getting ready to be because we continue to make the same mistakes.

I do not apologize for my principles on this issue. If, in fact, we will ever get to where we fix the real problems in the Congress, my colleague will find me as docile and compliant as any other Member of the body. But do not tell me to treat pneumonia with an aspirin because that is exactly what we are doing with this bill.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, first of all, to my friend from Oklahoma before he leaves the floor, I thank him for his kind words. I appreciate that very much. He is a very valuable member of our committee. We have done work together in the past.

I say to my friend from Oklahoma, I agree with a lot of what he said. This bill is not going to solve all our problems. It may not solve a majority of our problems. It will solve some of them.

The Senator is right. We read about these crazy pizza things—Agriculture has one, FDA has the others. It is a crazy quilt work of things.

I say to my friend from Oklahoma, I am about as frustrated as you are. I have been chairman of Ag and I am chairman of HELP. When I am on Ag and they want to get some stuff to have jurisdiction over, then the people at Health and Human Services step in and they say no. Now I am on HELP and we want to get more jurisdiction for FDA and Ag says no. It drives you nuts sometimes. So you have these interlocks that have been built up over the years, and, yes, we have a crazy patchwork quilt.

I would say forthrightly that what we need in this country, I believe, after having been through this for 35 years on the Ag Committee in both the House and Senate and now in the HELP Committee for 22 or 23 years there, we need a single food safety agency in America that would pull from Ag and pull from FDA and set up a food safety agency.

I would say to my friend that agriculture has a lot of things on their plate. They have exports, they have farms, they have a lot of stuff on agriculture. FDA, they have drugs and all the stuff with drugs that they have to do—new drugs and investigational new drugs and all this other stuff and then they have some foodstuff. Foodstuff always gets kind of left behind. I see the same thing in agriculture. They have so many other things on their plate that takes so much money, the foodstuff gets kind of left behind.

So I think what we ought to do, if you want to drill down, is to get rid of all that and put it in one food safety agency. I have proffered this in the past, but I don't find much support for that. The institutional biases against that are tremendous. So I say to my friend: You are right. This bill will not solve all our problems, but I think it is a good step. I think it is a good step forward. It has strong bipartisan support. It has the support of industry and consumers, and that doesn't happen too often around here.

There is that old saying: Don't let the perfect be the enemy of the good. I hear my friend from Oklahoma, and what he is saying is we ought to have a more perfect system than what we have. I agree. We ought to have a more perfect system, but I can't get that done. We can't get that done here. But we can do some good things and we can take some steps to make it better than what it is and that is what this bill does.

Mr. COBURN. Madam President, if the Senator will yield, I would just say that I think we ought to fix the real problems. By fixing the symptoms, we delay the time in which we fix the real problems, and I think that is what we are doing.

I thank the Senator.

Mr. HARKIN. Well, I agree we are not getting to the nub of it, but it is a good step forward. I mean, sometimes you do have to treat the symptoms before you can get to the underlying cause. I am not a doctor. I don't want to practice medicine without a license.

I would just say again—to repeat—this bill is a major step forward. It will not solve all the problems. I can understand that, and I think there is a lot of other things we need to do, but you have to do what is possible around here. Politics is the art of the possible—to try to move the ball forward, to make changes that are more beneficial than detrimental, and I believe that is what this bill does.

We have worked long and hard. I see my colleague, Senator ENZI, is on the floor. I couldn't ask for a better friend and a better ranking member to work with. We reported this bill out last November without one dissenting vote—a voice vote.

I am sorry the Senator from Oklahoma had to leave, but I would just say that he did not object. He is on our committee, and he did not object to reporting out the bill. We had hearings, a markup, and we went through all the right and normal procedures. Then, since last November, our staffs—Senator ENZI's staff, my staff, and others, Senator GREGG's staff, I know, Senator BURR's staff—have been involved, and we have too personally—the Senators have been involved in this since at least the first of the year—working out the problems and trying to get down to a bill that would have widespread support on the floor.

Again, on something such as this, where we want to tackle a problem that is certainly not in any way partisan, you would like to get broad support for it. We kind of like to get something that would have a lot of folks, rather than a few, in order to send a strong signal that the Congress wants to make changes in the way we inspect food in this country.

I would say this bill we have—if this bill were to come to the floor—would get over 90 votes. I bet it would get over 90 votes. Maybe it would get 95, maybe 98, I don't know, but there would certainly be over 90 votes. So we have strong bipartisan support. As I said, we have the industry that supports it and the consumers. That doesn't happen a lot around here.

I can understand why both sides support it. Senator ENZI, Senator GREGG, Senator BURR, myself, Senator DURBIN's staff, Senator DODD, and others on our side have been working together, and I think we have a good bill. Is it perfect? No, it is not perfect. Is it going to solve every single problem the Senator from Oklahoma brought up? No, it is not. I am not Pollyannaish about this. But we do what is the art of the possible. We do what we can to make the system work better, to make sure we have less foodborne illnesses than what we have today. This bill will do that, not 100 percent, but it will sure cut down on the number of foodborne illnesses in this country.

This is long overdue. It is long overdue. My goodness, the last time we addressed this issue on food inspection, under the jurisdiction of the FDA, was 1938. If I am not mistaken, it was in 1938. I wasn't born until 1939, and we haven't even visited this since 1938. Think of the changes that have taken place in our country in the way we process and ship food. My gosh, when these were passed in 1938, my own family had our own garden, we canned our own vegetables, we canned our own

meat. Yes, we canned meat, in glass jars, by the way.

We process food differently now. We didn't buy food from other countries or halfway across the country. We ate locally. We grew our own food. But times have changed, and we like it now. I like the fact that I can buy strawberries in the middle of the winter in Washington or I can buy a mango sometimes when I want one or bananas and things such as that. It is a wonderful system of making food available. What is not so wonderful is how that food is inspected as it goes through the growing, the picking, the processing, the shipping, the packaging, and then on to the consumer. That is what is not working well, and that is what this bill does address.

Again, the objection the Senator had in terms of it not being paid for, this is an authorization bill, not a spending bill. I wish to clear up a few things. I know my friend from Wyoming is here, and I want to hurry up to give him the floor, but just a couple of things I wish to cover for the record.

No. 1, on the deficit, there has been some talk about this increasing the deficit. I wish to make this very clear, precisely clear, that according to the CBO there will be no deficit increase for 10 years on this bill. I wish to make that point. In fact, we added language, at Senator COBURN's request, to have Health and Human Services review its own programs to trim any fat to help ensure fiscal responsibility and we have a reporting system and other things the Senator from Oklahoma wanted and we put in the bill.

The next-to-the-last thing I wish to say is this. The food industry wants this bill. Why do they want it? Well, on the one hand, people get sick and people die. On the other hand, the food industry suffers too. First of all, a lot of times they get sued and they have to pay out big compensations. But, secondly, the disruption costs them a lot of money. When salmonella led to the recall of tomatoes, the entire Florida industry suffered, losing over \$500 million in revenue—\$500 million. When we had E. coli in spinach, growers lost \$350 million. So they have an interest also in making sure we have a good food inspection system, and that is why they are for this bill.

I have letters from the Grocery Manufacturers Association, the U.S. Chamber of Commerce, National Restaurant Association, Consumers Union, PEW Charitable Trust, the Center for Science in the Public Interest, Trust for America's Health.

It is a rare thing when I can say that both the Chamber of Commerce and the Center for Science in the Public Interest are on the same page. You have pretty broad support. So it is a shame we can't move this bill forward. It is needed.

I wish to also pay my respects to Senator DURBIN. He has been working

on this issue, literally, I know for the last 10 years. He has been bugging me about it for 10 years, and I didn't even have the power to do anything about it. So I know he has been insistent we work on this for a long time. Our committee has taken it up under Senator ENZI's leadership, then later under Senator Kennedy, and now it falls to me, as chairman, to work together on it in a very good bipartisan way.

Madam President, on November 18, 2009, the Senate Committee on Health, Education, Labor, and Pensions reported out S. 510, the FDA Food Safety Modernization Act, without a single dissenting vote. Since that time, the bipartisan group of cosponsors—Senators DURBIN, DODD, and I on the Democratic side, and Senators ENZI, GREGG, and BURR on the Republican side—have continued to work with Senators on both sides of the aisle to refine and improve this much needed legislation.

Legislation to reform our Nation's outdated food safety system is long overdue. And that is why I am so deeply disappointed that after all of this work, the Senator from Oklahoma has decided he will not allow us to move the bill forward.

I understand that Senator COBURN's primary objection to the legislation is that it is not paid for. I think that objection is misguided, for reasons that I will explain. But I would also like to emphasize that the unanimous consent agreement proposed yesterday by the majority leader, and objected to by Senator COBURN, would have allowed the Senator to have an up or down vote on an amendment to offset the cost of the bill, notwithstanding the fact that the bill contains no mandatory spending.

I know Senator COBURN states that this bill will contribute to the federal deficit. However, I have to respectfully disagree. In fact, as this chart clearly shows, the nonpartisan Congressional Budget Office has indicated that this legislation does not contribute to the Federal deficit.

Our bill has no mandatory spending—only authorized spending. This legislation, like countless others that have passed this year, will be subject to the annual budget and appropriations process.

Furthermore, during the negotiations on the bill, we added language at Senator COBURN's REQUEST to have HHS review its own programs to trim any fat to help ensure fiscal responsibility. The Secretary is required to annually report her findings to Congress on these programs' effectiveness in achieving their goals.

Conservative Republicans like Senators GREGG, ENZI, and BURR all support this bill. I am again disappointed that Senator COBURN won't even let us consider it on the Senate floor, even though we have agreed to give him an

opportunity to offer his amendment to the bill.

While I am here on the floor today, I would like to address some other misstatements that I have heard about this legislation as we have worked over these past weeks and months to bring it to the floor. First, there are claims that this bipartisan legislation is harmful and burdensome to the food industry. I find that very hard to believe. This legislation has widespread support amongst industry and consumer groups. The reality is that every time there is an outbreak of foodborne illness, the food industry suffers, as consumers lose confidence in the safety of our food supply.

When salmonella contamination led to the recall of tomatoes, the entire Florida tomato industry suffered, losing over \$500 million in revenue.

And during the 2006 spinach e. coli contamination that originated at a single farm, the spinach industry lost \$350 million.

The good actors in the food industry already take steps to prevent food borne illness, but the entire industry suffers when FDA does not have sufficient authority to ensure that all processors will sell safe food.

I have received letters from the Grocery Manufacturing Association, U.S. Chamber of Commerce, National Restaurant Association, The PEW Charitable Trust, Consumers Union, Center for Science in the Public Interest, and Trust for America's Health, to name a few. It is a rarity when I can say that both the Chamber of Commerce and CSPI are on the same page. Here are several letters of support by both groups and a joint letter that both industry and consumer groups have signed. Let me read an excerpt from the joint letter:

Our organizations—representing the food industry, consumers, and the public-health community—urge you to bring S. 510 to the floor, and we will continue to work with Congress for the enactment of food safety legislation that better protects consumers, restores their confidence in the safety of the food they eat, and addresses the challenges posed by our global food supply.

Sincerely,

American Beverage Association, American Frozen Food Institute, American Public Health Association, Center for Foodborne Illness Research & National Restaurant Association, The PEW Charitable Trusts, Trust for America's Health, Snack Food Association, S.T.O.P. Safe Tables Our Priority, U.S. Chamber of Commerce, U.S. Public Interest Research Group.

National Association of Manufacturers, National Coffee Association of the USA, National Confectioners Association, National Consumer League Education, Center for Science in the Public Interest, Consumer Federation of America, Consumers Union, Food Marketing Institute, Grocery Manufacturers Association, International Bottled Water Association, International Dairy Foods Association.

Madam President, Senators often talk about the importance of addressing so-called “kitchen table” issues—the practical, everyday concerns of working Americans. Well, food safety is literally a “kitchen table” issue. And it couldn’t be more urgent or overdue. It is shocking to think that the last comprehensive overhaul of America’s food safety system was in 1938—more than seven decades ago.

On the whole, Americans enjoy safe and wholesome food. The problem is that “on the whole” is just not good enough.

As you can see from this chart, recent food-borne outbreaks in America have been wide in scope and have had a devastating impact on public health.

When kids die from eating peanut-butter sandwiches their mothers pack for lunch, we have a problem. When people get sick—and many die—from eating bagged spinach and lettuce, we have a problem. When cookie dough sold in supermarkets contains deadly *E. coli*, we have a problem. When 1,000 Americans get sick from eggs that have been recalled for possible salmonella contamination, it is undeniable that we have a problem.

As you can see from this chart, the Centers for Disease Control and Prevention estimate that foodborne illnesses cause approximately 76 million illnesses a year, including 325,000 hospitalizations and 5,000 deaths.

According to Georgetown University, these foodborne illnesses costs the United States \$152 billion per year in medical expenses, lost productivity, and disability.

Those numbers are just staggering. This is like learning that, each year, nearly 200,000 people in the United States die because of medical errors and hospital-acquired infections—most of them totally preventable.

As this chart shows, the cost of foodborne illnesses in my home State of Iowa alone is nearly \$1.5 billion per year.

These aren’t just numbers, these are real people. Real people like Kayla from Monroe, IA. On October 22, 2007, Kayla turned 14 and passed her driver’s test. The next day she stayed home with a foodborne illness and was admitted to Pella Community Hospital when her symptoms worsened. She did not respond to antibiotics and within a week her kidneys began to fail. Kayla was transferred to Blank Children’s Hospital for dialysis, but her condition continued to deteriorate. She suffered a seizure and began to have heart problems. Just a few days later Kayla’s brain activity stopped and her parents made the painful decision to take their beautiful 14-year-old daughter off life support.

These things are totally intolerable. And yet, apparently, we tolerate them.

Well, no more. We can no longer tolerate the unnecessary pain, suffering,

and death caused by America’s antiquated, inadequate food safety system.

Let’s put it plainly: Our current regulatory system is broken. It does not adequately protect Americans from serious, widespread foodborne illnesses.

Bear in mind that, at the beginning of the 20th century, Americans ate a much simpler fare—and, most of the time, they prepared meals from basic ingredients in their own homes, with their own hands.

Today, our meals have grown more complex, with much more varied ingredients and diverse methods of preparation. By the time raw agricultural products find their way to our dinner plates, multiple intermediate steps and processes have taken place. Food ingredients typically travel thousands of miles from farms to factories to fork and they are intermingled and mixed together along the way.

We love today’s broader selection of fresh foods available year-round. But this brings with it major new food safety challenges. For instance, we rely more on foods imported from countries with less rigorous inspection rates and different production standards and conditions than our own.

Yet despite dramatic changes in our tastes, as well as in methods of production and distribution, our food safety laws have not changed. The U.S. regulatory system has failed to incorporate the latest scientific research on ways to make and keep food safe. Another shortcoming: Food safety agencies are still encumbered by methods that often allocate disproportionate resources to activities that do little to make our food safer. FDA’s own subcommittee on Science and Technology concluded in 2007 that FDA does not currently have the capacity to ensure the safety of our food.

OK, so what do we need to do?

For starters, we need improved processes to prevent the contamination of foods and improved methods to provide safe food to consumers. To achieve this, more testing and better methods of tracking food can be utilized to verify that the processes are working.

Thirty years ago, the Nation had 70,000 food processors and the FDA inspectors made only 35,000 visits a year to cover these processors. Even that level of oversight was inadequate. But today, a full decade into the 21st century, we have 150,000 food processors, twice as many plants, and the problem has grown far worse. Today FDA inspectors make just 6,700 visits each year; only one-fifth as many visits as they made three decades ago. This is absurdly inadequate. It is a wide-open door to an endless series of outbreaks of foodborne illness.

As this chart shows, the FDA Food Safety Modernization Act overhauls our food safety system in four critical ways:

It improves prevention of food safety problems, improves detection of re-

sponse to foodborne illness outbreaks when they do occur, enhances our Nation’s food defense capabilities, and increases FDA resources.

With the most recent recall for possible *Salmonella* contamination in at least 550 million eggs, we have yet another example of how this food safety bill, had it been in place, could have improved the FDA’s ability to prevent and respond to the outbreak. This bill includes the following provisions that would have been beneficial to respond to this contamination and prevent future contamination:

It requires stronger trace back provisions so the contamination source and affected egg products could have been more readily and quickly identified.

It provides the FDA with mandatory recall authority in the event that businesses do not voluntarily recall products.

It requires retailers to notify consumers if they have sold food that has been recalled so consumers may have been aware of the contamination sooner.

It provides stronger disease surveillance so the outbreak may have been discovered earlier. It includes stronger enforcement provisions that would generally deter producers from cutting corners on food safety so the contamination may have been prevented or detected sooner.

It gives the FDA increased access to company records to identify contaminated foods so the likelihood of contamination may have been minimized.

The bill before the Senate today will also dramatically increase FDA inspections at all food facilities. And it does much more. It will give FDA the following new authorities:

It requires all food facilities to have in place preventive plans to address identified hazards and to prevent adulteration; and it gives FDA access to those plans.

It expands FDA’s access to records in a food emergency.

It requires importers to verify the safety of imported food.

It strengthens surveillance systems to detect foodborne illnesses.

It requires the Secretary of the Department of Health and Human Services to establish a pilot project to test and evaluate new methods for rapidly tracking foods in the event of a foodborne illness outbreak.

And, as I previously mentioned, this bill gives FDA the authority to order a mandatory recall of food.

I want to say a word about the impact of this legislation on farms and small processors. I have long said that our new regulations should be effective, but not excessively burdensome. I am proud to say that this legislation comprehensively modernizes our food safety system, but does so without injury to farms and small processors. There are requirements throughout

this bill to assure that the compliance burdens on farms and small processors are minimized to the extent practicable, and the legislation directs FDA to exempt both small processors and farms from certain provisions of this bill if they are engaged in low-risk activities.

As this chart shows, this bill makes several accommodations to address the concerns of small businesses. We have included language to ensure that state and federal personnel help educate small businesses about the new regulations and help folks comply with these regulations. This approach is tied to risk, grounded in common sense, and set up to help everyone succeed. I am confident we have addressed the legitimate concerns we have heard from small business owners.

This food safety bill has been bipartisan from the beginning. It is an important, measured, and necessary effort to modernize our food safety system and protect American consumers across the country from foodborne illness.

I hope we can find a path forward and move this critical legislation as soon as possible.

I have some letters here, Madam President, and I also ask unanimous consent to have these printed in the RECORD at the end of my comments in support of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.
(See exhibit 1.)

Mr. HARKIN. It is a shame we can't move this forward. Like I said, it would get over 90 votes. I think we could dispose of a couple amendments fairly rapidly. I don't think it would take much time at all to move this legislation. So I am hopeful that even though we can't take it up now, maybe we can work with the Senator from Oklahoma, perhaps work something out to get some kind of agreement to get this moving forward.

As I yield the floor, Madam President, I will recognize and thank my colleague from Wyoming, Senator ENZI, who has also worked diligently for a long time, and his staff. I will tell him we will continue to work on this bill. We will continue to try to see what we can do to overcome some of these bumps in the road and try to get this bill through.

So I thank my friend from Wyoming for his great leadership and his working relationship specifically on this bill but on a lot of other things too.

EXHIBIT 1

SEPTEMBER 15, 2010.

Senator HARRY REID,
Office of the Senate Majority Leader, Capitol Building, Washington, DC.

Senator MITCH MCCONNELL,
Office of the Senate Minority Leader, Capitol Building, Washington, DC.

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL: Our organizations are writing to urge you to schedule a vote on

S. 510, the FDA Food Safety Modernization Act of 2009, at the soonest possible date. The HELP Committee approved a strong, bipartisan bill in November, and we believe that a vote would keep the momentum going for enactment of landmark food-safety legislation.

Strong food-safety legislation will reduce the risk of contamination and thereby better protect public health and safety, raise the bar for the food industry, and deter bad actors. S. 510 will provide the U.S. Food and Drug Administration (FDA) with the resources and authorities the agency needs to help make prevention the focus of our food safety strategies. Among other things, this legislation requires food companies to develop a food safety plan; it improves the safety of imported food and food ingredients; and it adopts a risk-based approach to inspection.

Our organizations—representing the food industry, consumers, and the public-health community—urge you to bring S. 510 to the floor, and we will continue to work with Congress for the enactment of food safety legislation that better protects consumers, restores their confidence in the safety of the food they eat, and addresses the challenges posed by our global food supply.

Sincerely,

American Beverage Association, American Frozen Food Institute, Center for Foodborne Illness Research & Education, Center for Science in the Public Interest, Consumer Federation of America, Consumers Union, Food Marketing Institute, Grocery Manufacturers Association, International Bottled Water Association, International Dairy Foods Association, National Association of Manufacturers, National Coffee Association of U.S.A., Inc., National Confectioners Association, National Consumers League, National Restaurant Association, The PEW Charitable Trusts, Trust for America's Health, Snack Food Association, S.T.O.P Safe Tables Our Priority, U.S. Chamber of Commerce, U.S. Public Interest Research Group.

CENTER FOR SCIENCE

IN THE PUBLIC INTEREST,

Washington, DC, September 8, 2010.

Hon. RICHARD DURBIN,
U.S. Senator, U.S. Senate, Washington, DC.

Hon. JUDD GREGG,
U.S. Senator, U.S. Senate, Washington, DC.

DEAR SENATORS DURBIN AND GREGG: The Center for Science in the Public Interest (CSPI) supports the bipartisan agreement on a manager's amendment to S. 510, the FDA Food Safety Modernization Act, and urges the Senate to pass S. 510 (as amended) at the earliest possible date. CSPI is a nonprofit health advocacy and education organization focused on nutrition, food safety, and alcohol issues, and supported by the 900,000 member/subscribers to its Nutrition Action HealthLetter.

The FDA Food Safety Modernization Act is a critically needed update to our 70-year-old food safety laws. Today, millions of consumers suffer preventable food-borne illnesses, hospitalizing hundreds of thousands and causing thousands of pre-mature deaths. Our member/subscribers, seeing recurring news of outbreaks and recalls, identify the need for Congress to fix our food safety system as a top priority. Your legislation would do this by providing the Food and Drug Administration (FDA) with a mandate to prevent foodborne illness, requiring companies to implement food safety plans, setting

standards for high-risk foods, establishing more frequent inspections, giving FDA authority to recall dangerous foods, and ensuring imported food meets the same standards as food produced here. These changes provide FDA with the modern tools it needs to assure consumers that food they buy is safe to eat.

We appreciate the hard work by the bipartisan cosponsors of the FDA Food Safety Modernization Act to reach agreement on legislation that will protect the public from foodborne disease. We urge the Senate to complete work on this important legislation.

Sincerely,

DAVID W. PLUNKETT,
Senior Staff Attorney.
CAROLINE SMITH DEWAAL,
Food Safety Director.

FOOD MARKETING INSTITUTE,
Arlington, VA, September 13, 2010.

Hon. RICHARD DURBIN,
Hart Senate Office Bldg, Washington, DC.

Hon. JUDD GREGG,
Russell Senate Office Bldg, Washington, DC.

DEAR SENATOR DURBIN AND SENATOR GREGG: On behalf of the Food Marketing Institute (FMI) and its 1,500 food retail and wholesale member companies, I would like to express our strong support for S. 510, the FDA Food Safety Modernization Act.

FMI members operate approximately 26,000 retail food stores with combined annual sales of roughly \$680 billion, representing three quarters of all retail food store sales in the United States. The most important goal for these companies is ensuring that the products they sell are safe, affordable and of the highest quality as possible. As the purchasing agent for the consumer and the final link in the supply chain, the supermarket industry continually seeks ways to work with our suppliers and government to enhance the safety of the food supply.

We applaud your leadership and the sponsors of this legislation for working in a bipartisan manner to develop a bill that will help assist us in this endeavor by ensuring that FDA has the necessary authority, resources and commitment to its food protection responsibilities.

We are particularly pleased with the legislation's aggressive focus on prevention. Preventing food safety problems from occurring by mitigating risk will have the greatest impact on improving food safety. In addition we support:

The requirement to have food safety plans in place;

The granting of mandatory recall authority to the FDA;

FDA working with industry to develop enhanced traceability systems;

The recognition of accredited third-party programs to help supplement FDA efforts; and

The flexibility provided to help prevent one-size-fits-all solutions to improving food safety.

Each of these provisions are important building blocks in creating a more effective and efficient food safety system. FMI values the public-private relationship that we share with the government to protect the nation's food supply and look forward to continuing to work with you and your colleagues to enact meaningful food safety legislation.

Regards,

JENNIFER HATCHER,
Senior Vice President, Government Relations.

FOOD & WATER WATCH,

Washington, DC, September 13, 2010.

Hon. RICHARD DURBIN,

*U.S. Senate,**Washington, DC.*

Hon. JUDD GREGG,

*U.S. Senate,**Washington, DC.*

DEAR SENATORS DURBIN AND GREGG: On behalf of the non-profit consumer organization Food & Water Watch, I am writing to urge the U.S. Senate to pass S. 510, The FDA Food Safety Modernization Act, as soon as it reconvenes this week so that it can be conferred and reconciled with its House companion bill, H.R. 2749, The FDA Food Safety Enhancement Act.

The bill that you have authored contains many strong features that will strengthen the Food and Drug Administration's (FDA) ability to regulate food safety for the products it regulates:

It will require food processors to establish food safety plans that will include preventive control measures to mitigate the possibility of adulterated food from entering the food supply;

The bill will improve FDA's ability to police the safety of the ever-growing volume of food imports;

S. 510 gives the FDA the authority to establish performance standards on the food industry to achieve pathogen reduction targets;

The bill gives FDA the authority to recall adulterated food items when a company refuses to do so voluntarily.

We are concerned, however, with the inspection frequency that is included in the Managers Amendment that will be offered as a substitute to the version of S. 510 that was reported out of the Senate Health, Education, Labor and Pensions Committee last fall. While the language in the Managers Amendment may in fact reduce the time between FDA inspections of food facilities, we still believe that an inspection frequency of once every five years for high-risk food plants and every seven years for low-risk plants is woefully inadequate. We remain unconvinced that had all of the other provisions in S. 510 had been in place at the time of the massive Wright County Egg and Hillandale Egg Companies recalls that we would have not had a similar food borne illness outbreaks occur because these two firms would not have been receiving FDA inspections frequently enough to ensure that they were complying with the law. Only with adequate enforcement of food safety laws and regulations will we see compliance with those standards by industry.

We are also sympathetic to the calls from small processors and small farmers who are fearful, that some of the provisions of S. 510 will cause undue burdens on them. We applaud the inclusion in the Managers Amendment of a technical assistance program for small processors and farmers and direction to FDA to take into account the impact on small business when the agency drafts its food safety regulations. We also believe that there are merits to the provisions in the amendment that has been crafted by Senator Jon Tester that those small processors and farmers who sell most of their products directly to consumers, restaurants, and other local businesses should not be subject to all provisions of the bill in light of the fact that the supply chain is very short. It is our understanding that additional consumer protections have been added to Senator Tester's amendment, so we strongly urge your support for its inclusion in the final bill passed by the Senate,

We commend your efforts to bring this bill to the Senate floor. This bill has enjoyed bipartisan support from its inception and it is a credit to those who have taken a leadership role in this legislation's development.

Should there be questions regarding this letter, please feel free to contact me,

Sincerely,

WENONAH HAUTER,
Executive Director.

—
TRUST FOR AMERICA'S HEALTH,
September 8, 2010.

Senator RICHARD DURBIN,

*U.S. Senate,**Washington, DC.*

Senator JUDD GREGG,

*U.S. Senate,**Washington, DC.*

DEAR SENATORS DURBIN AND GREGG: Trust for America's Health (TFAH), a nonprofit, nonpartisan public health advocacy organization, would like to express our strong support for immediate Senate passage of the FDA Food Safety Modernization Act (S. 510). Although every American depends on the safety of the food they serve to their families, the Food and Drug Administration (FDA) lacks the tools to ensure that safety. S. 510 would finally help bring the FDA into the 21st century.

Approximately 76 million Americans—one in four—are sickened by foodborne disease each year. Of these, an estimated 325,000 are hospitalized and 5,000 die. A recent study by Ohio State University found that foodborne illnesses cost the U.S. economy an estimated \$152 billion annually. With multiple severe food outbreaks in recent years, it is urgent that the Senate take this step to keep Americans safe.

The FDA Food Safety Modernization Act would place more emphasis on prevention of foodborne illness and give the FDA new authorities to address food safety problems. Under this legislation, food processors would be required to identify potential hazards in their production processes and implement preventive programs to eliminate those hazards. Additionally, the bill would require FDA to inspect all food facilities more frequently and give FDA mandatory recall authority of contaminated food. S. 510 is a bipartisan bill, with widespread support from industry, consumer groups, and public health organizations. The bill passed the Senate HELP Committee with a unanimous voice vote, and food safety legislation passed the House last year with overwhelming bipartisan support.

We thank you for your strong leadership on this legislation. If you have any questions, please do not hesitate to contact TFAH's Government Relations Manager, Dara Alpert Lieberman.

Sincerely,

JEFFREY LEVI, Ph.D.,
Executive Director.

—
DEPARTMENT OF HEALTH
AND HUMAN SERVICES,
September 10, 2010.

DEAR MEMBER OF CONGRESS, The events of the past two weeks have illustrated a pattern that is all too familiar. Local health officials around the country begin to see an uptick in illnesses from a particular source. As they notify the Centers for Disease Control and Prevention, epidemiologists begin to see a pattern in the illness and outbreak reports, identify a food as the likely cause, and notify the Food and Drug Administration (FDA). FDA, state health and local officials then deploy investigators across the

country, furiously searching for the source of the illness, knowing that every day more people are getting sick, some seriously. In the meantime, the public must be warned to avoid the food of concern, creating anxiety for consumers and economic losses for farmers, food processors and retailers.

This time we're seeing this pattern play out with Salmonella Enteritidis in eggs, with illnesses in 22 states and more than half a billion eggs being recalled. But in recent years it has been spinach, salsa, peanut butter, bean sprouts, cookie dough, green onions—the list goes on and on, covering many of our most common foods. Many people are left wondering: heading into the second decade of the 21st century, why can't we prevent and react more effectively to the threat from foodborne illness?

Sadly, the answer is simple. As President Obama said during last year's peanut butter outbreak, caused by a different form of Salmonella, we have a food safety regulatory system designed early in the 20th century, one that must be overhauled, modernized and strengthened for today.

Under the current system, FDA is often forced to chase food contaminations after they have occurred, rather than protecting the public from them in the first place. Difficulties in tracking the movement of food from its origin to its eventual sale to the public (often far across the country) can frustrate efforts to identify contaminated food. The biggest surprise to most people: FDA cannot order a recall of contaminated food once it is found in the marketplace. Although government has a crucial role in ensuring the safety of our food supply, strong regulation has been missing. An overhaul of our antiquated food safety system is long overdue.

Proposed food safety legislation would give FDA better ways to more quickly trace back contaminated products to the source, the ability to check firms' safety records before problems occur, clear authority to require firms to identify and resolve food safety hazards, and resources to find additional inspections and other oversight activities. Pending legislation would also give the agency mandatory recall authority, and other strong enforcement tools, like new civil penalties and increased criminal penalties for companies that fail to comply with safety requirements. In a world where more and more food is imported, the legislation also would strengthen FDA's ability to ensure the safety of imported food.

The good news is that a bipartisan majority in the House of Representatives passed major food safety legislation last year that would move the United States from a reactive food safety system to one focused on preventing illness. Likewise in the Senate, a bipartisan coalition has developed a strong food safety bill that is ready for the Senate floor. This legislation has the support of a remarkably broad coalition of public health, consumer and food industry groups. We commend both chambers for their hard work.

Now it's time to finish the job. We encourage Senators to support a critical and commonsense piece of public health legislation. And, we urge the House and Senate to quickly deliver a modern food safety bill to the President's desk. It's time to break the pattern of foodborne illnesses and economic loss. It's time to give FDA the modern tools and resources it needs to meet the challenges of the 21st century.

KATHLEEN SEBELIUS,
*Secretary, Department of Health
and Human Services.*

MARGARET A. HAMBURG, M.D.,
Commissioner of Food and Drugs.

AMERICAN FEED
INDUSTRY ASSOCIATION,
Arlington, VA, September 9, 2010.

Hon. TOM HARKIN,
Hon. MICHAEL B. ENZI,
*Senate Committee on Health, Education, Labor,
and Pensions, U.S. Senate, Washington,
DC.*

DEAR CHAIRMAN HARKIN AND RANKING MEMBER ENZI: On behalf of the membership of the American Feed Industry Association (AFIA), I write to commend your bipartisan efforts to craft well-reasoned, science-based legislation to enhance FDA's regulation of U.S. food safety. AFIA wishes you to know of its strong support for S. 510, the FDA Food Safety Modernization Act of 2009, as reported by the Senate Committee on Health, Education, Labor & Pensions (HELP), a bill we believe will provide FDA with authorities identified as necessary to help prevent and, when necessary, deal with food safety episodes.

AFIA is the only national trade association representing the manufacturers of livestock, poultry and pet foods. Our more than 500 member companies also include feed and pet food industry ingredient suppliers, the animal health industry, equipment manufacturers and those firms providing goods and services to the industry. In addition, AFIA membership includes more than two dozen state, regional, national and international trade associations representing various facets of the commercial feed and pet food industries.

Food safety is AFIA's number one priority. We strongly support science-based approaches to improve the safety of America's food system. Our commitment is reinforced through AFIA's Safe Feed/Safe Food program, as well as through the industry's third-party Feed Certification Institute (FCI), efforts which help the industry consistently operate well above FDA requirements. AFIA believes enhancements as contained in S. 510 will help make a very good federal food safety system even better.

AFIA pledges its effort to help you to quickly pass S. 510 in the Senate, and will continue these efforts through conference committee action with the House. AFIA looks forward to working with Congress to enact this important food safety legislation.

Sincerely,

JOEL G. NEWMAN,
President and CEO.

CONSUMER FEDERATION OF AMERICA,
Washington, DC, September 8, 2010.

Hon. DICK DURBIN,
*U.S. Senate,
Washington, DC.*
Hon. JUDD GREGG,
*U.S. Senate,
Washington, DC.*

DEAR SENATOR DURBIN AND SENATOR GREGG: Consumer Federation of America strongly supports passage of the FDA Food Safety Modernization Act (S. 510). CFA is an association of nearly 300 nonprofit consumer organizations that was established in 1968 to advance the consumer interest through research, advocacy and education.

Foodborne illness strikes tens of millions of Americans each year, sends hundreds of thousands to the hospital, and kills approximately 5,000 of us. The diseases are more than "just a bellyache." Many victims suffer long-term chronic health problems including reactive arthritis, kidney failure and Guillain-Barré syndrome. Children under the age of 5 are the most frequent victims of foodborne illness. People over age 60 are most likely to die after contracting a food-

related illness. The economic costs are enormous. A recent study estimated the annual cost of all foodborne illnesses to be \$152 billion.

The suffering and heartbreak and deaths are pointless. Foodborne diseases are almost entirely preventable. They continue to rage because our nation's primary food safety agency, the U.S. Food and Drug Administration, operates under the constraints of a 70-year-old law that is largely extraneous to current threats to food safety. The Food, Drug and Cosmetic Act does not give the FDA a specific statutory mandate, appropriate program tools, adequate enforcement authority or sufficient resources to stop foodborne disease before it strikes us and our loved ones.

S. 510 changes the paradigm for fighting foodborne illness, directing the FDA to prevent foodborne illness rather than just reacting to reports of illnesses and deaths. It requires food companies to establish processing controls to avoid food contamination, gives the FDA authority to set food safety standards, and requires the Agency to inspect food processing plants regularly to assure controls are working as intended.

On behalf of CFA's millions of members, we thank you for your strong leadership in developing S. 510 and your determination to ensure its passage. We look forward to continuing to work with you to get a final bill to the President as soon as possible.

Sincerely,

CAROL L. TUCKER-
FOREMAN,
*Distinguished Fellow,
Food Policy Insti-
tute.*

CHRIS WALDROP,
*Director, Food Policy
Institute.*

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, I thank the Senator from Iowa, Mr. HARKIN, for his kind words and also for his great leadership on the HELP Committee. We have a big area we cover—health, education, labor, and pensions—and we have a lot of bills we are working on. I am pleased at the bipartisan way we are able to work on them, his staff and my staff. Actually, the members of the committee are very engaged on the issues we are covering, and they are very important issues for America.

MINE SAFETY

Madam President, I came to the floor to talk about a little different issue than what we have been talking about, but it is another issue for the HELP Committee. This one comes under that category of labor. It is safety—mine safety.

The reason I am on the floor is, I have seen some articles appearing in different parts of the United States that are inaccurate on what is happening on mine safety, and so I wish to take a moment to clear up some of that confusion that has been caused by a breakdown in bipartisan negotiations on the mine safety legislation in this last week.

The terrible tragedy that occurred in West Virginia this past April again focused us on the strength of our Federal

mine safety laws and regulations. My State leads the Nation in coal production. We do about 40 percent of all the Nation's coal, and my county accounts for most of that. We have 92 trains a day that leave our county. That is over 1 million tons of coal a day.

I have always considered workplace safety as one of the most important missions of the HELP Committee. The first bill I did was on OSHA. I have been pleased to work across the aisle to improve safety, and that is exactly what I have tried to do this year, as well, with my colleagues from West Virginia and members of the committee under the direction of Chairman HARKIN, who has been very helpful on this.

As my colleagues well know, negotiations had been making significant progress until we ran into the stumbling block known as the election cycle. The staffs of seven Senators have been meeting several times a week for over 2 months, and all through the recess period. Agreements had been formed on over a dozen important proposals. I think there were 14 that they were in agreement on, 7 more we were waiting for approval to see if there was agreement or if there were more changes needed. Then there were five or six that the Senators themselves had to work out. Several of those important ones were right on the brink of compromise or agreement when the talks were abruptly called off until after the election.

Despite what has been said in the press and on the floor, the simple fact is that we might well have had an agreement right now if all the people were to have stayed at the table and decided this did not need to be an election issue. This very process of requesting unanimous consent on a bill, which could happen, would not even be on the bill we have been working on. It would be on one that was introduced before this process came into being. Everyone knows that would not have sufficient support to pass as part of political theater.

Certainly it is not for me to consult on the political calculations of my colleagues, but it seems to me that political theater and failure to work together to get important things such as this done is exactly what the American people are so frustrated about this year. That is what all the passions are about.

We are serving this Nation best when we work together to accomplish the people's business. The formula is not that complicated. Anybody can do it. You just have to bring both sides together for discussions, you have to establish agreed-upon goals and work toward agreement on those goals, you have to consult with stakeholders who will be affected by the changes being discussed—that is anybody who is going to be affected. Then, once substantial agreement has been reached,

you have to determine which issues the sides will never be able to agree upon and set those apart for another day's debate. That is what I call my 80-20 rule.

There are some issues in every topic we talk about here that have already been talked about so long that both sides are already so polarized that if you mention one word with that particular issue, everybody plunges into the weeds and states the same arguments they have always done without listening to what the other side is saying. I have found you can work through those issues as well, as long as you can get people back up to the surface, out of the weeds, and get them to figure out something that allows both sides to save face. Yes, there is that problem around here, too. This formula has worked in the past for the very issue we are discussing today, which is mine safety.

In 2006, when I was the chairman of the HELP committee, we were faced with a string of tragic mine accidents in West Virginia. In response to the first one, Senator ROCKEFELLER and Senator Kennedy and I organized a trip to the Sago mine in West Virginia to meet with the miners, to meet with the victims' families, and to meet with the investigators. The three of us, along with Senators ISAKSON, MURRAY, and Byrd, then began negotiations. We were able to come up with an agreement in less than 2 months. It was called the MINER Act. It was the first major revision of the Mine Safety and Health Act since 1977. That has to be some kind of a record around here, but it was important and it was worked in a bipartisan way. That was done through a recess period as well.

Agreements have been formed on over a dozen important proposals, as I mentioned. Others are very close to an agreement. I am hoping that people will come back to the table, work through the time until elections are over and get this finished.

The MINER Act made important improvements to the emergency preparedness of underground mines—this one for the Sago mine—and has fostered tremendous improvements, particularly in communications technology adaptability to the underground environment. We are talking about being able to talk through several hundred feet, in some cases 1000 feet of granite. If you ever try to get a cell phone to work through a mountain or building, you will see what kind of problem they have. But tremendous improvements have been made because there is a market for it, mining is increasing, and the safety is essential. And we made it a part of that Miner Act.

One of the reasons I am so proud of the Miner Act is that we wrote it in the way I believe all legislation should be drafted. We brought in all of the stake-

holders. We brought in the union, we brought in the nonunion people, we brought in the industry, we brought in the safety experts, and we brought in the investigators. The Mine Safety and Health Administration and all of these people sat around a table and worked through the biggest safety concerns and the best way to approach them. Because of the bipartisan nature of the bill, it sailed through a committee markup, it was passed by the Senate unanimously a week later—that is as bipartisan as you can get—and it passed the House 2 weeks later, and there were only 37 House Members out of 435 opposing it. One more week later it was signed into law. That is how laws get done and make a difference.

During my tenure as the chairman of the HELP committee we were able to move 27 bills to enactment that way. In total we reported 35 bills out of committee and of those 35, 25 passed the Senate. We ran out of time on the others or we would have gotten those, too. That is the kind of cooperation and accomplishment Americans are demanding, especially on an issue as important and timely as workplace safety. Every day, thousands of Americans go to work in the energy production industry. The work they do benefits every single one of us and underpins our entire economy. This year, major accidents in the energy producing sector have taken the lives of 29 men in West Virginia, 6 in Connecticut, 7 in Washington State, 3 in Texas, and 11 off the coast of Louisiana.

If there were ever a time to work together to actually enact legislation, as opposed to playing political theater, this should be it.

It can be done. There is progress being made. My staff has not walked away from the table and I resent any articles that say that. I am impressed and in agreement with the agreements that have been made so far. I keep constant track of those. It should not take very long to finish the six or seven that are very close to being resolved and then it should not take very long for the Members to sit down and resolve the ones that are left after that.

We can have a mine safety bill. We cannot have it this week. I am sure we cannot have it next week. The House has already done a mine safety bill so we have to conference that. It is going to take a little bit of time, although for the bill we are working on, I think, and in a bipartisan way, it could be done unanimously on this side. The Senate would then do it unanimously, and it is very likely for the House to follow very closely—follow suit and finish it up very well. I think that is what the American people expect.

Articles about things falling apart are not nearly as useful as keeping people together.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOOD SAFETY

Ms. KLOBUCHAR. Madam President, as I listened to my friend from Wyoming, I was thinking, "Ditto for the food safety bill." This is a bill for which there is vast bipartisan support. There always has been, from the moment it was introduced with four Democratic Senators, including myself, and four Republican Senators. Of course, the bill has been led by Senator DURBIN from the very beginning, and Senator HARKIN has played a key role. This has been a bipartisan bill. Given that we have only seen more foodborne illness outbreaks over the last few months, there is no reason we should not pass this bill. I rise today to urge my colleagues to support this bill.

I have stood here many times in support of the food safety bill. Part of this is because we had a very tragic thing happen in our State. We had three people die after the peanut butter that came out of Georgia, that peanut plant in Georgia. Three of the people who died were from Minnesota. One of them was named Shirley Almer. Her family expected her home for Christmas in 2008. She was a strong-spirited 72-year-old grandmother from Perham, MN. She had survived 2 bouts of cancer but she was actually recovering and doing quite well in recovery with a brief stay in a nursing home.

But she didn't make it home for Christmas that year. She died on December 21, 2008. It wasn't the cancer that killed her. She had battled that cancer. In fact, it was a little piece of peanut butter on her toast that 72-year-old grandmother ate. She didn't know it, but the peanut butter was contaminated with deadly salmonella bacteria. Shirley Almer and two other Minnesotans are among the 9 deaths officially related to peanut products, which also sickened nearly 700 people nationwide, many of them children. Shirley's son Jeff has stepped forward as a strong voice calling for reform of our food safety system.

Whether it is jalapeno peppers or peanut butter or, most recently, eggs, these outbreaks of foodborne illness and nationwide recalls of contaminated food highlight the need to better protect our Nation's food supply.

The good news is we know how to protect our Nation's food supply and we have legislation sitting on the table, literally sitting on the table, that could go a long way toward doing that. Sadly, that legislation has been stalled in the Senate since last November and now, as far as I understand, our colleague from Oklahoma has some concerns and at this late hour it is still stalled.

We know we can not afford any more delays. As one of the lead sponsors of the FDA Food Safety Modernization Act, I believe the Senate has every reason to pass this legislation. It is comprehensive. It covers everything from ensuring a safe food supply at the front end to ensuring a rapid response if tainted food gets into the supply chain. As I mentioned, it is bipartisan. You know what else about this legislation, which doesn't always happen with food safety consumer protection legislation? This has the support not only of consumer groups, not only of health groups, it has the support of many in the food industry including SUPERVALU, a very large food chain including Cub Foods, located in Minnesota.

I did an event back in Minnesota with the CEO of SUPERVALU a few weeks ago on this issue. Why do our businesses care? Of course they care because they want to have safe food for the consumers. They also care because this is hurting their bottom line, when there are these scares that encompass food and people are scared. We were standing there and a woman went by and said, I don't know if I want to buy eggs and the CEO said, you know what, not one egg was recalled from our huge food stores all over the country—Cub Foods, SUPERVALU—not one egg, but consumers don't always know that. But when you have a bad actor, when you have one company, one factory as you had in Georgia, it can ruin it for everyone—consumers, obviously tragic for them, tragic injuries, but it also hurts the bottom line for these businesses that have not done anything wrong.

Hormel, the maker of Spam, was standing with us at SUPERVALU that day, talking about how important it was. General Mills, Schwans support this bill. We have widespread support in our food industry because they don't want to see another person get sick from tainted food.

Finally, we all know this legislation addresses a very serious issue. According to the Centers for Disease Control, foodborne disease causes about 76 million illnesses, 325,000 hospitalizations, and 5,000 deaths in the United States each year. Yet, for every foodborne illness case that is reported, it is estimated that as many as 40 more illnesses are not reported or confirmed by a lab because people simply don't know why they got sick. The annual costs of medical care, lost productivity, and premature deaths due to foodborne illnesses is estimated to be \$44 billion.

There is a lot at stake here, a lot at stake for human life, and there is a lot at stake for the economy. As you know, 2 years ago, hundreds of people across the country suddenly got sick with salmonella. Once it hit Minnesota, and once people died in Minnesota, sadly, it took only a few days before the University of Minnesota and

the Minnesota Health Department, our "food detectives" as they are called, or "team diarrhea"—which my staff didn't want me to say on the Senate floor but that is what we call them—worked together and they were able to solve this. How do they do it? Simple detective work. They simply called the families and homes of people who had gotten sick, people who had gotten very sick, they talked to their loved ones: Where did they eat? When did they eat? What did they eat?

They literally solved it in a matter of days. One State solved the jalapeno pepper problem—Minnesota. One state solved the Georgia peanut problem. That was Minnesota. That is why there is something to be learned from the model we used in our State.

That is why I included it in the Food Safety Modernization Act and why it is supported by so many people and so many grocery stores across the country as well as consumer groups, the bill I introduced with Senator CHAMBLISS of Georgia, the Food Safety Rapid Response Act. Building on successful efforts at detecting and investigating foodborne illnesses, this will strengthen the ability of the Federal and State and local officials to quickly investigate and respond to foodborne illness outbreaks.

I am proud to have Senator CHAMBLISS, from the State of Georgia, that had to have this experience. When it was finally discovered where this came from, it was from one company, one bad actor in their State. He was willing to come with me on this bill because we said enough is enough. We have to put prevention in there, which is in this bill, to stop these things from ever happening. But if it does happen, you want to solve it as quickly as possible so you don't get more people getting sick and dying.

What this part of the bill does, the part Senator CHAMBLISS and I introduced, it directs the CDC to enhance the Nation's foodborne surveillance systems by improving collection, analysis, reporting, and usefulness of data on foodborne illness.

This includes better sharing of information among Federal, State, and local agencies, as well as with the food industry and the public. It directs the Centers for Disease Control to work with State-level agencies to improve foodborne illness surveillance.

Finally, the legislation establishes food safety centers of excellence. The goal is to set up these food safety centers at select public health departments and higher education institutions around the country. It takes the Minnesota example across the country, first with five centers—not to directly tell each State exactly what to do but to be an example of best practices for a region of the country.

Not many bills that come before Congress enjoy such a wide range of sup-

port from some important stakeholders. Not only do consumers recognize the critical need for this major bill, but the legislation has received support from major brand-name food companies. They know what is at stake. Their reputation and their bottom line depends on the trust of their customers, the trust that everything possible is being done to make sure their food is safe.

As a former prosecutor like yourself, Mr. President, I have always believed the first responsibility of government is to protect its citizens. In this most basic duty, our government failed Shirley Almer and many others who have been harmed by recent recalls. We owe it to them and all Americans to fix what is broken in our food safety system.

We can do a lot better with our food safety system. That is why we need to pass this legislation now.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico.) The Senator from Ohio is recognized.

OUTSOURCING

Mr. BROWN of Ohio. I appreciate the comments of Senator KLOBUCHAR, who has been a leader on moving forward on this legislation on food safety. It is so important to our country. I am so sorry that pretty much one obstructionist, or a whole party of obstructionists, unfortunately, have blocked this bill, and one Senator in particular has kept us from moving on this bipartisan bill. It is one of the sad chapters of this Senate that a small minority, again, can block us from doing the things we ought to do in our jobs, what we ought to be doing.

I want to talk for a moment about some positive developments in my State. A couple of weeks ago I went to Lordstown, OH. It has a General Motors plant. I believe Governor Strickland was asked to drive the first red Cruze, Chevy Cruze, their highest mileage new car, off the line, followed by a white Cruze and a blue Cruze. You know the symbolism of that and the beauty of that and the inspiration of that in many ways was all about what has happened in the last 18½ months to the auto industry.

I am particularly proud. I do not come to the floor and endorse one particular company ever. I am not doing that. I am proud of this because of what it looked like a year and a half ago.

Now, 18 months ago we remember what happened: Barack Obama took the oath of office. The banks had about imploded. We knew the financial system was close to collapse. We knew the auto industry was facing bankruptcy.

President Obama took office in the midst of losing 700,000 jobs a months. President Bush was leaving office, having left us—the largest in history at

that time—the largest budget deficit in the history of the United States of America. That is what we started with 18½ months ago.

When you think about what it meant in the auto industry—I know my State is considered an auto State. New Mexico may not be, but New Mexico has some number of component manufacturers and a lot of car dealerships.

The car dealerships in Taos or Albuquerque or Truth or Consequences or anywhere necessarily in the State are often so involved in the community: helping Little League, helping scholarships, all of the kinds of things the good citizens, especially auto dealers, do. But I think about what this meant.

So 18 months ago when this auto industry was about to crash, literally—pardon the pun—what it would have meant in my State, it would have meant tens of thousands of retirees would have possibly lost significant amounts of pension and health care they had as 25-, 30-, 40-year employees of General Motors or Chrysler.

We know it would have meant a huge number of lost jobs, thousands of lost jobs, just in the auto companies, let alone all of the suppliers, what are called tier 1 suppliers, tier 2 suppliers, those small companies, small- and medium-sized companies that are suppliers. They are machine shops, tool-and-die makers, stamping plants, all kinds of companies that make components that go into the auto industry, that go into the trucks and the cars. They would have gone out of business.

We knew all of this was about to happen. Because of the Recovery Act, and because this government decided, President Obama and the Democrats in the House and Senate—in spite of the naysayers, in spite of the people out there who said: Let the market work; if the auto industry collapses, it is the market speaking. Just let the market work. Let the free market work. If we had listened to them, listened to the naysayers, listened to the people who are the doom-and-gloom crowd, my State would have gone into a depression. We would have lost thousands of auto jobs. Senior citizens relying on those pensions and health care would have been, in many cases, abandoned. The dealerships, the component manufacturers, and the auto company employees themselves would have been out of work.

As I said, we did not listen to the conservative politicians and say: Let the market work. We did not listen to the naysayers. We did not listen to the doom-and-gloom crowd who said: It is not our problem. The Federal Government has no business.

Well, the fact is, the Federal Government invested in the auto industry. Instead of losing 700,000 jobs a month, as we were when President Obama took office 18, 19 months ago, we are now gaining jobs. We have gained jobs in

this country in the private sector for 7 or 8 straight months. Not enough, not even close to what we want to do in New Mexico or Ohio or any other State, but clearly we have seen some good things happen.

What has happened in the auto industry is particularly interesting. At this GM plant in Lordstown, right where I was—and I have been there many times, where I was a couple of weeks ago with Governor Strickland—we have seen—there are 4,500 people working in that plant now. They just added 1,100 jobs to do the third shift of the Chevrolet Cruze. But what is particularly great about that, if you are the Senator from Ohio, is in Defiance, OH, western Ohio, near the Indiana border, is where they make the engines for the Chevy Cruze.

If you travel northeast of there to a Toledo suburb called Northwood, that is where they make the bumpers for the Chevy Cruze. If you go into the city of Toledo, that is where they make the transmission for the Chevy Cruze. Then you go east to Parma, OH, that is where they stamped most of the components for the Chevy Cruze.

Then you drive east to the Youngstown area, Mahoney Valley to Lordstown. They do some of the stamping, and that is where they do the assembly. So hundreds and hundreds and hundreds of new jobs were created—well, thousands—up and down the supply chain, from the most basic bolt, the most basic component in an engine or the most basic component in a car door or anywhere else in that car, to the ultimate assembly in Lordstown. It means thousands of jobs.

Again, if we had listened to the doom-and-gloom crowd and the naysayers, it never would have happened. We also need to learn from history. When government is in partnership with the private sector, with private businesses and communities, some pretty good things can happen. Just take this for a moment.

For 8 years, January 1993 to January 2001, President Clinton, during his time as President, we saw a 22 million private net increase, 22 million job increase.

We also saw wages go up in this country, and President Clinton left us with the largest budget surplus in American history: 22 million jobs, an increase in wages, largest budget surplus in American history.

In the next 8 years, January 20, 2001, to January 20 at noon, 2009, those 8 years of President Bush, 1 million jobs increased, 1 million, not even enough to take care of our sons and daughter who have graduated from high school and are entering the workforce, coming out of the Army, coming out of high school, coming out of college, not even enough to absorb the population growth.

Wages were actually flat or went down for the great majority of Ameri-

cans during those 8 years, and President Bush left us with record budget deficits. So 22 million jobs, 1 million jobs, incomes went up, incomes flat and went down, biggest budget surplus in American history, record budget deficit under the Bush years.

So if you go back further, you hear the Republicans, my colleagues on the other side of the aisle, talk about this philosophy: Cut taxes on the rich, and you cut taxes on corporations, you are going to have job growth. Well, nice try. It is not what happened.

After the Ronald Reagan tax cuts for the rich in 1981, the next 16 months we had declining employment in this country, 16 months in a row of lost jobs after this tax cut, which was going to make the economy take off. Fast-forward 1993, President Clinton. He had some tax increases on the wealthiest taxpayers. He also had some budget cuts, and he moved toward a balanced budget.

Employment took off—22 million jobs. President Bush, 2001, big tax cuts for the rich in 2001, big tax cuts for the rich in 2003, basically no real significant increase in jobs during those 8 years. Now, the mantra of the Republicans, those who are on the ballot this year and those who sit across the aisle from me, again, is, let's do more tax cuts because that increases jobs.

It does not. What increases jobs is investment in education, investment in health care, investment in infrastructure, reducing the deficits—all the things that Republicans pay lip service to but in the end simply do not deliver on.

We have an opportunity next Monday. This coming Monday, we are going to bring a bill to the floor that is the other part of this: How do we create jobs? That is, we are going to begin to finally move to fix some of our tax laws, and then next will be some of our trade laws so that we quit losing so many jobs to China.

Mr. President, 30 percent of our GDP in 1980 was manufacturing, almost 30 percent. Now it is down to 11 percent of our gross domestic product. A big part of that is trade policy, which the Presiding Officer opposed when he was in the House of Representatives, PNTR with China and the Central American Free Trade Agreement, and before that, when I was in the House, my first year, the North American Free Trade Agreement, which we opposed.

Those trade agreements, coupled with tax law, has encouraged companies to move overseas. Those days have to be behind us. What we are going to do on Monday night is vote on legislation that will begin to turn the corner, will begin to take away those tax incentives for companies to go overseas and replace them with tax incentives for businesses that manufacture in Shelby, OH, and in Ravenna, OH, and Zanesville, Ohio, and all over this country.

At the same time, President Obama, the first President in years in either party, is beginning to enforce trade law. We know what that meant in Findlay, OH, when he enforced trade laws with the International Trade Commission and the Department of Commerce, on Chinese tires that had been dumped, sold illegally into this country.

When President Obama enforced those trade rules against the breaking of the law that the Chinese Government did, immediately we saw several hundred jobs created—100 of them in Findlay, OH—several hundred jobs created all over the country.

When the President did the same thing on something called oil country tubular steel—it is the steel, the seamless steel pipes, these tubes that are used for oil and gas drilling—we immediately saw a commitment, an investment, which will result in 400 jobs in Mahoning Valley in northeast Ohio, and a good many jobs in Lorain, OH, a city I lived in for a decade west of Cleveland on Lake Erie.

We were able to do that because, finally, it is the Democrats, working with President Obama, who are enforcing trade law and beginning to change tax policy so we see job creation.

I do not care where you live in this country. People are just sick and tired of not being able to find American-made products. This is made in China. This is made in India. This is made in Brazil. This is made in Honduras. This is made in Bangladesh. Nothing against those countries, but oftentimes, especially the Chinese, their government is gaming the system. They are not playing fair on trade. We need a whole different trade regimen. We need a whole different tax system so American companies are no longer going to China to find cheap labor, weak environmental rules, unenforced worker safety rules, and can produce and then send it back to America.

I think this is the first time since colonial days where the business community, where a lot of large manufacturing companies—and I make the distinction between large and small because small manufacturing companies do not do this but the large manufacturing companies. Ten years ago they came to lobby Congress to pass the permanent normal trade relations with China. Ten years ago this month the Senate, for all intents and purposes, sold out American manufacturing. They passed PNTR, it was called. It used to be called most favored nation status with China. They changed the name because it did not sound very good.

Congress passed that 10 years ago. What that has meant is our trade deficit with China has almost tripled in that period of time. What the business community has done, the large companies have done, is this: They lobbied to

change the rules. Then they moved production from St. Clairsville, OH, and Portsmouth, OH, and Springfield, OH, to Shanghai and Wuhan and Beijing, and Huang Jo, China, to make those products. Then they sold them back to the United States.

I don't think since colonial times that large companies in one country have adopted that kind of business plan where you move production out of your country, make it somewhere else, add all that value to those products, and then sell them back into the home country where the corporation headquarters is located. It doesn't make sense for us. It means far too many lost jobs.

I will give an example. There is an industry in which many Ohio companies are involved, the paper industry. There is a specific kind of paper called a glossy paper used in magazines. China didn't have that industry. It is called coated paper. Twelve years ago China did not have a coated paper industry. They began it similar to the last decade when they built wind and solar, clean energy industries, and somehow started to lead the world, as we have unilaterally disarmed. Now they buy most of their pulp in Brazil. So they grow the trees, cut down the trees in Brazil. They ship the wood to Chinese paper mills. They manufacture the coated paper in China. They ship it back to the United States. They underprice American paper companies which buy the wood sometimes within a few miles or a few hundred miles of where they are, which tells me, even though wages are less in China, even though they don't have much enforcement of environmental rules or worker safety rules, they are gaming the system with currency, with subsidies, free land, all the kinds of things the Chinese Communist Government does.

Until we enforce trade laws so we play fair and compete, we will continue to lose manufacturing jobs. That is why Monday night is an important first step as this Senate moves forward on dealing with the problem of outsourcing jobs. There are few things we can do in this body more important than beginning to rebuild manufacturing. We know how to make things. My State is the third largest manufacturing State in the country, behind only California and Texas, which are two and three times the size of Ohio in population. We know how to make big and little things. We have the largest ketchup manufacturing plant in the world in Fremont. We have the largest insulation company making fiberglass anywhere in the United States in Newark. We know how to make things in our State. We just need the opportunity, a level playing field, tax law and trade law that puts the United States of America on a level playing field. We know we can compete with anybody. We just need the opportunity.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE

Mr. CASEY. Mr. President, I rise to talk about two basic topics today. But first, for today, in light of the news that so many people have been discussing today and reporting on today, which is the implementation today of some parts of our health care bill, the Affordable Care Act, which we passed back in March after many months of debate and work on that legislation, one of the most popular but essential elements to that bill was a whole series of consumer protections which in some ways does not fully describe what they are. I would rather use the phrase "family safeguards," to give families some peace of mind not just on the broader question of insurance coverage for those who get sick and need coverage. We all need health insurance at some point in our life, sometimes more than others, but especially if you are a child with a preexisting condition.

For so many years we have allowed a system to say to that child and to his or her family: We know you have a preexisting condition. It might be something serious and life threatening, but the system does not allow you to be covered for one reason or another.

Finally, at long last, in 2010, we said no to that denial. So now we are able to say that fear that a child would feel, especially his or her family, can now have peace of mind to know that if a child in the United States has a preexisting condition, that will not be a bar to coverage, therefore, to treatment. Of course, it also impacts adults. We have seen stories about adults who will benefit from the bill on the preexisting condition problem that so many people find themselves in. The implementation of the children's provisions goes into effect now. The adults will come later. But even in the short run, the bill allowed for and developed a high risk pool, even for adults with preexisting conditions. Of course, the full protection won't be in effect for a couple of years. But at least and at long last children will have that protection.

The other protections among what I call family safeguards are some basic protections that we should all have a right to expect but, unfortunately, a lot of families haven't had these protections. For example, preventing insurance companies from arbitrarily throwing people off their insurance

coverage or denying them coverage for reasons that do not make a lot of sense, but I guess they made sense to big profitable insurance companies over many years. They won't be able to do that any longer. They will not be able to put lifetime limits on one's coverage or treatment. The limits annual in nature will be more limited. It will be more difficult for insurance companies to place annual limits.

One of the provisions that has received a lot of attention and speaks right to a need a lot of families have is when a young person, say someone who is finishing college and needs some coverage between the time they are in college and the time they reach the age of 26, they will now be covered. So if we go down the list, it is a long and substantial and significant set of consumer protections which does provide some degree of safeguard and some degree of peace of mind to our families.

Unfortunately, in the midst of all that, in that ocean of good news on these consumer protections, we have some bad news which is disturbing. When we were debating health insurance in Washington and around the country, we would have a lot of fights with insurance companies. Some of them came around and worked to pass the bill. Some did not.

But there was an attempt to work together constructively to develop good legislation.

Well, unfortunately, a few—not all but a few—took a step the other day which was outrageous, insulting, egregious, and harmful to what we are trying to do to make sure children and families have that peace of mind I spoke of earlier.

Several health insurance companies have announced they are going to stop offering child-only health insurance plans because they are no longer allowed to discriminate against children with preexisting conditions, such as, for example, asthma, just to name one.

Why would insurance companies do that? Right before this provision goes into effect, at the eleventh hour so to speak, they start dropping this kind of coverage. It puts hundreds of thousands of children at risk. The Obama administration estimates that 100,000 to 700,000 children could be affected by these changes.

I believe it will be outrageous if one child is affected by this—literally one child—when we have provisions going into effect that are going to at long last protect kids; that a couple insurance companies that make a tremendous profit—which I will get to in a moment—take this step to change their strategy as it relates to kids. Many of the children who will be affected by this adverse decision by these few insurance companies are in families who are struggling just to get by now and cannot afford to pay for insurance for their whole family, but they are trying to keep their kids insured.

A lot of parents do that all the time. They forego their own coverage and their own health care and sometimes, literally, their own health in order to protect their children, in order to provide a child with some treatment, some care, some protection. Yet we have these few insurance companies that are taking this action, which is outrageous and disturbing, and that is an understatement.

Several of the companies that have decided to take this action—this action that is harmful to America's children—some of these companies have operations in States such as Pennsylvania. Aetna is one of them. The companies that have decided to stop offering health insurance to children are few. I mentioned Aetna. Another is Cigna and another is Anthem Blue Cross. As we know, Anthem Blue Cross is owned by WellPoint.

Listen to this: In 2009, these three health insurance companies that are discontinuing their child-only plans had \$7.3 billion in profits. That is not gross revenue, folks. That is profit, \$7.3 billion. WellPoint, which owns Anthem Blue Cross, \$4.7 billion in profits; Aetna, \$1.2 billion in profits; and, finally, Cigna, \$1.3 billion in profits. They are firms that are doing this, taking this action just before today's provisions to protect kids on preexisting conditions take effect.

So it is my hope—and I believe they will do this—the Department of Health and Human Services will take every step necessary to have this decision by these companies reversed. I hope there is some way to sanction or punish insurance companies that do that. I am not sure that is possible. There are a lot of debates about what can be done. But I would hope—short of action by a Federal agency or short of action by a State government authority or agency—these insurance companies would rethink their policy, rethink the action they took, which will be harmful to children because if they do not, it calls into question their commitment to what we have been trying to do in this country for a long time. We finally got over the hump, so to speak, and passed legislation not only to cover more than 30 million Americans but at long last to provide coverage and support for children.

Of course, one thing we found out in the health care debate last year was, this is not just a debate about the uninsured—the more than 30 million who will be covered—this is as much a debate about the insured, the more than 80 percent of Americans who had insurance coverage but not the protections they should have a right to expect. That is why we needed these consumer protections on preexisting conditions, on protecting families from being thrown off arbitrarily—the annual limits, the lifetime limits—all of those features that we had to get enacted

into law because that was the way to protect people with insurance coverage who thought they had more protection than they really did.

So I hope this is just an egregious example and a decision that was implemented by these health insurance companies that will be, in fact, reversed because, as I said before, if it is not reversed, it does call into question what these insurance companies that are taking this step are all about.

Are they for record profits or are they going to try to help our families in a reasonable way?

We are not asking them to do something that is unreasonable or inconsistent with their business model or inconsistent with having a profit. We are just saying: Why don't you do what all the others are trying to do? Why don't you do what the American people expect you to do, which is to take every step necessary to protect our kids, especially children who are vulnerable and do not have lobbyists standing up to fight their battles and do not have a lot of campaign money in the middle of an election year? Vulnerable children—unless someone in one of the two Houses of Congress stands up to fight for them, or somebody in the administration—do not have much power around here. So I would hope these insurance companies would rethink that decision, and we are waiting and watching to see what they will do.

UNEMPLOYMENT

Mr. President, let me just shift gears quickly. I know we have limited time, but I did want to talk a little bit about the job situation that confronts so many families, so many communities in our country, as well as some steps that have been taken recently to help deal with the unemployment rate and the economic circumstances we find ourselves in.

In Pennsylvania, we have hovered around 590,000 people out of work for many months now. Fortunately, it has dipped a little below 590,000. But when you are getting close to 600,000 people out of work in a State such as Pennsylvania, people are really hurting. Our rate does not tell the story. We have been below 10 percent for a while, but almost 600,000 people out of work is a horrific nightmare for those families in a lot of communities.

I spent, as a lot of Members in the Senate, several weeks in August and September traveling to many communities in Pennsylvania. I got to a little more than 30 counties, and it was remarkable but also disturbing to see the breadth and the scope of the unemployment problem in a State such as Pennsylvania.

Some parts of the State are doing better than others in keeping us below 10 percent unemployment, but there are so many communities where there is a very high rural population—a lot of small towns—having very high unemployment rates.

Just to give a couple examples of places I visited that are smaller communities or smaller counties and to some degree or another largely rural—sometimes 100 percent rural or at least half by the way they categorize them demographically—Cambria County, where Johnstown, PA, is, always has had a high unemployment rate. They are at 10 percent, persistently at that level. In that county that means 7,000 people were out of work, and that is as of the July numbers. I have not seen the latest, but it is in that category; Clarion County, a place I visited as well, almost 10.5 percent, with 2,200 people out of work in that community; Forest County, a very small county by way of population, right in the north central region of our State, 10.6 percent unemployment; Jefferson County, a larger but still not a big urban or metropolitan community, that county has almost 2,500 people out of work, over 10 percent unemployment; Lawrence County, Lehigh County, Luzerne County—all above 10 percent unemployment. Luzerne County is right next to Lackawanna County, where I live. It is approaching 11 percent.

But then here are the ones that probably tell the story best.

Philadelphia is now at about 12 percent unemployment. The rate is very high. When we are hovering around 12 percent in that city, we have almost 75,000 people out of work—in just one city in Pennsylvania, 75,000 individuals out of work.

Then we go to north central Pennsylvania and visit Potter County, a county which is categorized as almost 100 percent rural, with a very small population, under 20,000 people. They have almost the same unemployment rate that Philadelphia has—a little less, but it is about 11.5 percent. As of July, it was at about 11.2 percent. So it has hovered between 11 and 12 percent.

So in Philadelphia, having an 11- or 12-percent unemployment rate means 75,000 people; in Potter County that translates into just about 900 people, just hovering around 1,000 people. So even in a very small county, the loss of one business, one factory, one plant can mean devastation for that county and that community. That is whether you are in urban Pennsylvania or rural Pennsylvania, even in suburban areas, which got accustomed to 5 percent unemployment or maybe 4 percent unemployment and are now at 7 percent or 7.5 percent or 8 percent. Of course, Pennsylvania's rate is not nearly as high as some across the country.

So people might say: Well, what has the Congress been doing about this over the last 18 months, and especially over the last couple months? Well, we could point to the Recovery Act, which I realize has not been popular around the country. But the Recovery Act created 3 million jobs. It was one way to directly and positively impact the job

situation. When we lose 8 million and create about 3 million in the Recovery Act, that is a good start but not nearly enough.

One of the best things we did was just a couple days ago—and we should be able to have it signed into law in a few days—was the Small Business Jobs and Credit Act, which, by the way, had no deficit impact. In fact, it will save a little bit of money over the next 10 years. But there is no adverse impact on the deficit.

Mr. President, there will be \$12 billion directly to small business, a \$30 billion loan fund for our smaller banks, our community banks. Most banks in the country are at that level. They are not the big banks on Wall Street. They provide direct help to small businesses in communities across States such as Pennsylvania and throughout the country.

That bill alone, according to the community bankers, will create 500,000 jobs. That got voted on last week. Sometimes when things like that get voted on, we move on to something else and people do not always notice it. I think it is very important for people to know we do not believe—I do not believe, and I think a lot of people in this Chamber do not believe—we are out of the ditch yet. We are still pushing and pushing to get this economy back to a position where we are getting the kind of robust growth we need. We are in positive territory. We are not losing 700,000 jobs a month or 600,000 jobs a month like we were in December of 2008 and January of 2009 and February and March and April—month after month, every single month for many months losing that many jobs.

So we are moving in the right direction. But we have a ways to go. I would hope that not only next week but when we come back in November the other side of the aisle would present some job creation strategies. I have not heard much. I think 39 out of 41 members of the Republican caucus voted against the Small Business Jobs and Credit Act: \$12 billion of tax breaks for small business, a \$30 billion loan fund which can leverage hundreds of billions in economic activity and job creation activity across the country.

So we have more to do, and we have a ways to go. We have to keep focused and stay focused on strategies that will create jobs in the near term and certainly over time, but especially those strategies that will create 50,000 jobs or 75,000 jobs or 100,000 jobs. As we go, we can continue to create jobs and grow the economy. When we do that—as we learned in the 1990s—we can grow the economy and make good investments in health care and in our infrastructure and in education and in our workers and their skills. We can also do deficit reduction and debt reduction over time. But we cannot do those three things until we are growing in a way

that is substantial enough to do at least those three: grow enough to create jobs, reduce the deficit, and even to reduce debt.

So we have a way to go, but I think we are headed in the right direction. I am looking forward to seeing the Small Business Jobs and Credit Act enacted into law, working to help our small businesses and our smaller communities, especially those I have highlighted across Pennsylvania and across the country that have had tremendous and horrific job loss over the last 2 years to 18 months.

With that, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

GLOBAL WARMING

Mr. WHITEHOUSE. Mr. President, I come because we are coming to the end of our workweek. Many of our colleagues are gone already, and others are preparing to go. Another week has gone by in which the Senate has taken no action whatsoever with respect to the continuing pollution of our atmosphere by carbon, which we subsidize by allowing our biggest polluters to do it without cost or consequence. The effects of that on our world continue to manifest themselves. This is one of those issues where we can come to an impasse in the Senate and the foes of doing anything about moving to clean energy jobs and requiring carbon polluters to actually pay a price for their pollution can stop all that. It may seem like a victory, but the problem is there is a real cost to continuing to pollute our atmosphere with carbon. It does trap heat. It does warm the planet.

Those are scientific verities that are unavoidable and the consequences continue to cascade through our world, through the environmental systems of which it is made up. The evidence of that continues to emerge.

Frankly, Mother Nature does not care about what happens in the Senate. She is not subject to our law. She is not subject to our opinion. She will continue to do her thing. It is up to us to be prudent and thoughtful caretakers of our planet and sensible men and women and take the appropriate steps so we can head off the disasters she is loudly signaling are coming our way.

I thought I would share just some of the continuing cascade of evidence and news that is coming out on this subject.

The first thing I will mention is a report from Science Daily that came out about a week ago. According to NOAA, the National Oceanic and Atmospheric Administration, the U.S. Government agency's recent state of the climate report, the lower 48 States, as a whole, experienced the fourth warmest summer on record, with average August temperatures 2.2 degrees above the last century average.

The American Southwest experienced its warmest summer ever. The Midwest experienced its third warmest summer. The Northeast, where I come from, where my home State of Rhode Island is, experienced its fourth warmest summer ever recorded. Indeed, Rhode Island experienced its hottest ever July on record.

The increase of temperature in our weather systems has the effect of adding energy into those weather systems which suggests that storms are made more frequent and more powerful. Sure enough, the facts confirm that as well.

In 2007, Environment America analyzed rainfall data and determined in a report that came out more recently that extreme precipitation events had increased across the United States by 24 percent between 1948 and 2006. The region in which the extreme precipitation events—these major storms with extreme levels of rain or snow—faced the greatest increase was in New England, with a 61-percent increase from 1948 to 2006. Within New England, the State that faced the greatest increase was my home State of Rhode Island, with an 88-percent increase in extreme precipitation events.

One of those extreme precipitation events was the March flooding in my home State, in which our rivers—the Pawtuxet, Blackstone, and Pawcatuck—some of them went above 100-year floodplain levels. Some of them reached areas beyond 500-year flood levels.

Clearly, something is changing. Actually, there were two floods that happened back to back, just weeks apart. I visited homes in West Warwick, where the mud and the flooding had brought into people's homes and basements thick muck they had to dig out and clean up. As soon as they had dug it out and cleaned it up, boom, it happened again. It was absolutely heart-breaking for them. One can imagine how frustrating it is to go into your home, your basement, to see what used to be a nice area, what used to be clean, what used to be dry, where your children kept their photo albums, you might have kept old papers, things that were important to you, televisions, sofas, and now just a sea of filthy mud that you are going to have to figure out how to clear out and clean up, cutting out all the wallboard, cutting out everything that is wet, having to rebuild. The frustration of having to do that—people lead busy

lives, they do not need that—and then, boom, to have it happen a second time as soon as it was done is unbelievably frustrating and disheartening.

Those are the kinds of extreme and unpredicted weather events that are associated with a warming planet and the heating of the atmosphere.

It also changes the way different animals can live and migrate. One of them is the bark beetle. Earlier this month, the U.S. Forest Service predicted that outbreaks of spruce and mountain beetles in Western States will increase in the coming decades because of climate change. These beetles historically had their range kept in check by cold winters, which basically kill off the larvae, and that limits the reproduction of the beetles and it limits their geographic range. As the winters become warmer, then the beetles have survived—because the winters aren't as cold—so they continue to go out and do their thing. Their thing to do is to kill pine trees. The beetles have already affected more than 17.5, I believe, million acres of Western forests.

I have traveled out West. I was in Idaho a few summers ago, and you could fly over the mountains of Idaho and see entire forested mountains, as far as the eye could see from the plane, and it was dead and brown and it was because the beetle had gone in there and killed them.

These changes are going to continue. I can't estimate what cost it was to the industry or to Idaho's economy to have that massive die-off of pine trees, but, clearly, it is no good thing.

The ocean continues to send us warnings as well. According to the University of Colorado's National Snow and Ice Data Center—this again earlier this month—for only the third time in satellite history, ice has covered less than 5 million square kilometers of the Arctic Ocean. As a result of the trend that these researchers see, they warn that global warming could leave the Arctic sea ice free by 2030—20 years from now. Many of us will be around then to see that.

An ice-free Arctic Ocean has very significant repercussions for our world because it is the ice that reflects a great deal of the heat back out of the atmosphere in what is called the albedo effect—the reflection of it. If that is not there, instead there is a dark ocean absorbing the heat. It accelerates the warming and begins the feedback loop that makes the problem worse.

So it is significant that the Arctic sea ice is continuing to shrink and for only the third time in satellite history now has covered less than 5 million square kilometers.

If you go from the far north to the tropic seas, there are signs of distress there as well. On September 20, the New York Times reported that in 1998, 16 percent of the world's shallow water reefs died as a result of record warm

temperatures. It is estimated that the die-off could be even worse this year. In May, more than 60 percent of corals off the coast of Indonesia's Aceh Province bleached and died after Andaman Sea temperatures reached 93 degrees Fahrenheit.

It may not seem significant that corals are dying. It may seem indeed insignificant to many of my colleagues. But these coral areas are the nurseries for tropical seas. Many species depend on them to basically grow and feed in their early stages, and if they die, it creates a cascading effect through the food chain that has potentially significant effects for our kinds of species—set aside the local economy wanting to be able to support snorkelers and people such as that who go to see these rare and special beauties.

Finally, the Scientific American reported earlier this summer that the average phytoplankton population in our oceans has dropped about 1 percent a year between 1889 and 2008, resulting in a 40-percent drop overall in phytoplankton.

What is a phytoplankton? It is one of the tiny plant—almost microscopic—species that grows in the ocean and floats free in the ocean. Is that important? It is important because zooplankton and phytoplankton—animal and vegetable plankton—represent the base of the oceanic food chain. They are what the little fish feed on, and the little fish are what the big fish feed on, and up you go.

We have never had a situation in which the bottom of the food chain began to collapse. But we have been seeing it over the past century, and we anticipate seeing a lot more because the carbon our polluters release into the atmosphere with impunity—subsidized by all the rest of us—ends up being absorbed by the ocean—80 percent gets absorbed, if I am not mistaken—and that changes the pH level of the ocean, how acidic it is.

The ocean, right now, is more acidic than it has been in 8,000 centuries, and 8,000 centuries is a long time. We are engaged in a chemical experiment with our oceans that has potentially vast consequences for them by just injecting all this carbon and waiting to see what happens. Now we are out, far enough outside the range of where, in human experience, there has been a pH that we are 8,000 centuries away from it being at this level. All that—the acidification of the ocean—makes it more difficult for these plankton to survive. So the crash we are seeing is consistent with the damage that carbon pollution does to our oceans.

I say this because I know we are not going to get anywhere with energy before the election. Maybe nobody cares. But again, we can be as ignorant as we please. We can be as pleased with ourselves that we have delivered for interest groups and special interests as we

please. We can suggest to Americans that climate change isn't real or isn't happening. We can participate in the propaganda battle the big polluters are sponsoring to try to raise doubt about the established science. We can do all those things and we can claim victory and block legislation and we can serve our special interest supporters. We can do all those things to prevent any serious legislation from coming through this body for years and years and years and, you know what, the Earth will not care.

You cannot legislate our environment. King Canute could stand in the oceans and order that the tide not come in, and he could have all his courtiers and all his supporters around him. He could have all the people who keep him in office and provide campaign contributions and it wouldn't make a darned bit of difference. The tide comes roaring in.

Our job in this body is not just to represent special interests, not just to achieve temporary political victories, not just to block progress of bills that interests that support us disagree with. We have another job as well; that is, to look out for the welfare of our country and of the American people and to prepare when the Earth plainly warns us of coming dangers. It is in the service of that job that I intend to continue coming to the floor to remind my colleagues that no matter what their opinions are, no matter what their politics are, no matter what the interest groups that support them are, the facts continue to announce themselves, and the announcement they are making to us is a warning. If we are not smart enough—with our God-given intelligence and foresight—to read the warnings nature is giving us and respond appropriately before it is too late, then it will be on us that we failed to do so.

People will look back from 20 years hence, from 30 years hence, from 40 years hence—the young pages who are here in the well, when they are my age, will look back at this generation that sat in this Senate, in this year, on this occasion, at this time—and they will say: How could you have been so negligent? How could you have allowed the politics of the moment to put you on this march of folly that failed to protect us when you knew—when you knew?

So I intend to continue because this is an issue that will not go away. Nature's warnings to us are persistent, and I intend to be persistent as well.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

EXPIRING TAX CUTS

Mr. DORGAN. Mr. President, I will be mercifully brief. I wished to come to the floor to briefly speak about a couple issues.

First and foremost, the raging debate that is occurring in the country about the expiring tax cuts—the so-called Bush tax cuts that were enacted in the year 2001 that cut taxes across the board. They cut taxes more generously for the wealthiest Americans, but nonetheless they cut taxes for all Americans as well, and they were designed, in 2001, to expire this year.

I did not vote for them in 2001. I voted in 2001 against those tax cuts and not because I wouldn't want to provide tax cuts to the American people, but the proposition, I thought, was flawed. The President inherited the last year of President Clinton's fiscal policy, which produced the only budget surplus we had had in 30 years. From that budget surplus that year, the projection by economists was that we were going to have budget surpluses for the next decade. As a result of that, Mr. Greenspan, the Chairman of the Federal Reserve Board, had an apoplectic seizure. He said he couldn't sleep because he was worried we were going to pay down the debt too fast.

The Bush administration said: If we are going to have these surpluses, we must return surpluses to the American people. We have to do that through these tax cuts.

I stood on the floor, at my desk, and I said: Why don't we be conservative? Let's decide to wait and see what happens. If we do, in fact, have surpluses, let us provide some tax cuts. But all we have are 10 years of projections. We don't have the real surpluses; we just have projections.

The response was: No, we are not going to do that. We are not going to wait. We are going to have big tax cuts, with the biggest tax cuts going to the wealthiest Americans.

So they were enacted. I did not vote for them, but they were enacted nonetheless.

Almost immediately, we were in a recession. Almost immediately after that, our country was attacked, on 9/11, by terrorists. Then we were in a war in Afghanistan. Then we were at war in Iraq and a war against terrorism generally. We began sending soldiers overseas in harm's way, and thousands were killed and tens of thousands were injured in war. Still the question has always been and remains now, even while we are watching our soldiers walk into harm's way, when do I get my tax cut? Will I continue to get my tax cut next year?

Let me read something Franklin Delano Roosevelt said at a time of war. He said:

Not all of us can have the privilege of fighting our enemies in distant parts of the world. Not all of us can have the privilege of working in a munitions factory or a shipyard, or on the farms or in the oil fields or the mines, producing the weapons or raw materials that are needed by our Armed Forces. But there is one front and one battle where everyone in the United States—every man, woman and child—is in action. . . . That front is right here at home, in our daily lives and in our daily tasks. Here at home everyone will have the privilege of making whatever self-denial is necessary, not only to supply our fighting men [and women], but to keep the economic structure of our country fortified and secure. . . .

"Everyone will have the privilege of making whatever self-denial is necessary." We all know self-denial when we see it. We go to the events when the soldiers and National Guard organizations mobilize to leave our country, leave their families, leave their jobs, and go to Afghanistan to fight, go to Iraq to fight. In the morning, they strap on ceramic body armor, load their weapons, and go on their way. Yesterday, nine of them were killed in Afghanistan.

The question here at home is not are we going to pay for the costs of war, because we have not, never have in years. And President Bush, who pushed the tax cuts, said: You will not pay for them. Some of us stood on the Senate floor and said: If we are at war, how about paying for the costs of war? Why do we send soldiers to war and charge it and say to the soldiers: You come back and pay the bill.

We are still at war, we have a \$13 trillion debt, not having paid for a penny of the war, having put all the debt on the shoulders of those who will come home, then, to assume this debt. And now the question is, Can we extend the tax cuts for everyone?

Here is what I think we should do. I understand this economy is weak. I am not going to give a speech about what caused that. I have done that many times. This economy is still weak. I understand the virtue of saying to those earning under \$250,000: We will continue to extend that tax cut. I would extend it for 2 years. That is what I think we should do in terms of being able, 2 years from now, to take a look at what is happening in our country, what are our needs in order to lift our country's economy back up. We need to tighten our belt on spending. We need to cut some spending. We also are going to need some additional revenue.

The question is, for those who are making \$1 million a year in income and getting an \$80,000 tax cut from the 2001 tax bill that was passed by this Congress, should they continue to get that \$80,000-a-year tax cut at a time when we have a \$13 trillion debt and we are still sending men and women to war, when they are risking their lives and we are not paying for any of it? Should we still do that? The answer, in my judgment, is no.

The American people are waiting and watching for some semblance of seriousness here, some serious approaches that will begin to address what ails this country. I think what Franklin Delano Roosevelt said is dead-on accurate: Not all of us can have the privilege of fighting our enemy in distant parts of the world, but for most of us, the front is right here at home in our daily lives and daily tasks, and here at home everyone would have the privilege of whatever self-denial is necessary, not only to supply our fighting men but to keep the economic structure of our country fortified and secure.

Is anyone going to think about the economic fortunes of America or is it just about ourselves individually? Isn't there a higher calling and higher purpose here in terms of making judgments about these things?

I think it would be wonderful if no one had to pay any taxes. That would be wonderful. But that is not the case. Who is going to pay the costs of some of the things that make this a great country? Who is going to build the roads? Who is going to build the schools and maintain the schools? Who is going to pay for the Centers For Disease Control? How about the Department of Defense? How about the U.S. Forest Service? It goes on and on. We can tighten our belt. Yes, we can spend less in a number of areas. I support that. But we have to have a fiscal policy that is serious. How on Earth, at a time when we are at war, can we decide that our priority is to give an \$80,000-a-year tax cut beyond next year—an \$80,000-a-year tax cut to someone making \$1 million a year? That makes no sense to me.

I think it is time for our country to understand that our national security is not just about our soldiers who are fighting in the field. It is a requirement that we support them, not just by saying we support them but by at least some semblance of self-denial, at least by those who are making millions of dollars a year. The proposition is only to ask that they pay at the same tax rate that they paid throughout the 1990s when the country was booming, sufficiently booming that we had a budget surplus. That is the tax rate the wealthiest in America paid back then. It did not diminish the economy; it lifted up the economy, the fact that we had a fiscal policy that was not moving us deeper into debt but a fiscal policy, rather, that was leading us toward a balanced budget and finally a budget surplus.

I think there is a higher purpose, and all of us need to be called to that higher purpose. It is not about, will we get our tax cut tonight, tomorrow, or next month? Will the wealthy get it? Will everybody get it? That is not what is of interest. What is of interest to everybody in this country, I hope, is, what

kind of a future will our children have in the United States of America? Will we allow them to inherit a country that is growing and expanding and providing opportunity for our kids?

I think it is very disappointing that we end this year having done so little because so much has been blocked in the Senate.

I noticed yesterday that another billionaire died in America. Boy, let me make sure I say that when someone makes \$1 billion in this country, in most cases I say: You know what, you are extraordinary. That is a pretty extraordinary thing. Many of them have great talents, and good for them. But when billionaires die today, they pay zero estate tax. Think about that. Five billionaires died this year, and this is the year the estate tax went to zero. Some said it is the "Throw Mama From the Train" year. This is the year in which there is no estate tax on the assets of billionaires who have never borne a tax. Some of the wealthiest people in this country who have billions of dollars of assets have it through growth appreciation of stock, and they have never borne a tax on that to help pay for a kid to go to school or build a road or help support our Department of Defense and our national security. What a disappointment.

This country deserves better from all of us, to get this done. Again, I believe the best approach at this point is to say, yes, let's go ahead and extend these tax cuts for middle-income workers up to \$250,000 a year. Let's do it for 2 years, and then let's see where we are and let's see what the needs of this economy are in order to be sure we have the opportunity to lift this country going forward and provide some economic opportunity in the future.

I wanted to mention one other issue. That is something that I and Senator BINGAMAN, Senator BROWNBACK, and others introduced yesterday. It deals with something called RES. That is not a foreign language, it is a renewable electricity standard. It is a policy that many other countries have and many of our States have. I believe there are 29 States and the District of Columbia that have renewable electricity standards saying it is our policy that electricity shall be produced from renewable sources for a certain percentage of the electric load.

We proposed 15 percent. We passed that on a bipartisan basis out of the Energy Committee. Why is this important? Because if we are going to be less dependent on foreign oil, move to less dependency on oil from countries that do not like us very much in many cases, if we are going to be less dependent on that, we have to change our energy mix. That means we have to produce more energy from renewable sources. We have to gather energy from the wind and the Sun, where the wind

blows and the Sun shines, put it on a wire, and move it to the load centers. That changes the energy mix in our country. The way to do that is the way other countries and the way many of our States have already done it: drive it with a 15-percent renewable electricity standard. I prefer 20, but 15 is what we passed out of that committee, the Energy Committee.

It appears to me that now we are not going to get a larger energy bill in this Congress. That is too bad because we passed a bipartisan bill that would provide greater energy security for our country out of the Energy Committee. At the very least, let's pass a renewable electricity standard that is bipartisan, that will drive the production of new capability in wind and solar and other renewable sources.

In the second quarter of this year, we had a 70-percent reduction in wind energy production—that is the production of facilities to build wind energy. From last year, a 70-percent reduction. The reason? Because we do not have a renewable electricity standard. There was an expectation that we would, and we do not.

Let's not leave this Congress this year with so much unfinished business that I believe is essential to this country.

While I am speaking about it, let me make one additional point, and that is on another piece of legislation that must pass by the end of this year. It rests now in the Senate Finance Committee and it reauthorizes the Special Diabetes Program in this country that is so unbelievably important. The Special Diabetes Program helps all Americans, but it is especially targeted at Native Americans, who in some cases have rates of diabetes that are 10 and 12 times the rate of the national average. We must reauthorize the Special Diabetes Program. If my colleagues could walk into a dialysis center and see the number of people—on Indian reservations especially—hooked up to a dialysis machine, in some cases with only one leg or having lost an arm—the ravages of diabetes are unbelievable, and the number of new cases of diabetes among children of this country is just startling.

I want to show one chart about this. This chart shows the number of people in America over the past 30 years who have been diagnosed with diabetes. This is a full-blown, full-scale, unbelievable epidemic.

The Special Diabetes Program that I and Senator Domenici and Senator COLLINS and so many others have worked so hard on for a long time has to be reauthorized. I hope very much my colleagues will understand that this is not optional. Go to an dialysis center. Go to an Indian reservation and go to a dialysis center and talk to the people hooked up to those machines and see the amputations and talk to

the relatives of people who have died in circumstances where people, over 50 years old on average, 50 or 60 percent of them are affected by diabetes. Especially take a look at the rate of diabetes among children on Indian reservations—and children all across the country. Then say to yourself that this bill doesn't matter. You cannot possibly say that. We must address this issue.

This Congress has done some big things, some important things, and there are some things yet to be done. It is not the end of the year. We have some additional time. My hope is that our colleagues can attempt to give us the best of what both political parties have to offer rather than the worst of each. The American people expect more and deserve more from us.

I wonder sometimes how the majority leader is able to have the patience to try to find a way to steer almost anything through this Chamber. I said yesterday that even a Mother's Day resolution would likely engender a filibuster. It is very hard because we have people who see themselves as a set of human brake pads, whose only destiny is to try to stop everything. The problem is that there are a number of things that must get done for the economic health of this country and for the health of the American people.

I yield the floor.

SIXTH MONTH ANNIVERSARY OF THE AFFORDABLE CARE ACT

Mr. HARKIN. Mr. President, today marks exactly 6 months since the Affordable Care Act became law. And this truly is a banner day, because a key feature of the new law, the Patient's Bill of Rights, goes into effect—cracking down on the worst abuses of health insurance companies and giving Americans important new protections. These reforms are long overdue, and represent a new day in American health care. We are creating a reformed health insurance system that works in the interest of working Americans and their families—the healthy and the sick—and not just to boost the profits of insurance companies and the bonuses of their executives.

Starting today, insurance companies will no longer be allowed to cancel your policy if you get sick. They must end their abusive practice of scouring your health records for an excuse—any excuse—to cancel your coverage and leave you high and dry when you need insurance the most. One major insurer actually targeted women who were newly diagnosed with breast cancer. No longer will insurance companies be allowed to reward employees with bonuses for cancelling policies in order to pad company profits. This cruel practice, at long last, is illegal.

Starting today, children with pre-existing conditions can no longer be denied health insurance. This will ensure

that all children receive access to preventive care and needed treatments and healthy start at life.

Beginning today, lifetime benefit limits on your health insurance plan will be banned, and annual benefit limits will be restricted. Over 100 million Americans have health plans that include a lifetime limit, which, in times of serious illness, can cause the loss of coverage when patients need it the most. No longer will a diagnosis of an acute illness such as cancer or ALS lead a patient to rapidly max out their health benefits.

Starting today, parents will no longer have to worry that their children will be kicked off their health insurance plan when they turn 19 or finish college. Today, millions of American families with young adult children who don't receive health insurance through their employer will be able to keep their children on their family plan until age 26. I know that in my State of Iowa, this will help over 8,300 young adults this year.

Today, Americans receive yet another protection against health insurance company abuses. Starting today, if an insurer refuses to pay for your test or treatment, you are guaranteed the right to appeal that decision. If your appeal through the company is not favorable, you have the right to an independent appeal by a third-party reviewer. This is one of many new reforms that will keep insurance companies from boosting profits at the expense of sick patients.

And finally, today is a landmark day in the effort to transform our current sick care system into a true health care system—one focused on wellness, prevention, and public health—keeping people out of the hospital in the first place. That is why I am particularly pleased that, starting today, health plans must cover proven preventive services at no cost to the patient. This means that, starting today, you can visit your doctor for tests such as mammograms and colonoscopies for prenatal care, or for immunizations such as the seasonal flu shot, without paying a deductible, co-pay, or coinsurance. This represents an enormous benefit to the health of Americans, and to the well-being of this country. Because there is no better way to bend the cost curve downward than by keeping people healthy and catching illness in its earliest stages.

As I travel around the country, I hear from so many folks who have already benefitted from health care reform, and look forward to the many additional improvements still to come. I hear from mothers who are relieved their children can no longer be denied coverage for their asthma, from working families who will no longer have to worry about the cost of a co-pay for their annual flu shot, and from seniors who have received a \$250 rebate check

to help with the cost of their prescription drugs.

Starting in January, seniors will also receive free preventive services—plus an annual wellness visit—through Medicare.

I talk to small business owners who have benefitted from the tax credits that make providing health coverage to their employees more affordable.

I would like to take a moment to share how health reform is helping everyday Americans by putting people ahead of profits. I recently learned about the case of a young Iowan from Cedar Falls, Sarah Posekany. She is just one of millions of Americans who have been plunged into financial ruin because their insurance company cut them off after they got sick.

Sarah was diagnosed with Crohn's disease when she was 15 years old. During her first year of college, she ran into complications from Crohn's, forcing her to drop her classes in order to heal after multiple surgeries. Because she was no longer a full-time student, her parents' private health insurance company terminated her coverage.

As Sarah puts it: "They didn't want to help, so I had to let the medical bills pile up."

Four years later, she found herself \$180,000 in debt, and was forced to file for bankruptcy.

Sarah has undergone seven surgeries. And here is what is most disturbing: Two of those surgeries came as a direct result of her not being able to afford medication.

Sarah said: "When I don't have any insurance, and can't afford to treat myself, the disease progresses to the point where I need surgery."

Sarah still wants to pursue her dream of becoming a nurse. But her bankruptcy and crippling debt will follow her wherever she goes, all because her parents' insurance company cancelled her coverage exactly when she needed it most.

Today is the day that we put a stop to these kinds of tragedies—experiences like Sarah's, that are a stain on our past. Today, our health system takes another giant step toward working not just for the healthy and the wealthy but for all Americans.

These reforms represent such enormous progress, such a dramatic improvement in the daily lives of millions of Americans. Frankly, I am astounded that my colleagues on the other side of the aisle continue to call for the repeal of these historic reforms.

In fact, just this past weekend, a major contender for their party's Presidential nomination publicly stood up for insurance companies to defend one of their most egregious practices: discriminating against people based on preexisting conditions. He said that health insurance companies shouldn't

be obligated to cover preexisting conditions—and let's not forget that insurers include pregnancy and domestic violence on their list of preexisting conditions—because paying for the care of the sick is like insuring a building that is on fire.

If that's how they characterize the millions of Americans with heart conditions, the millions of Americans who are cancer survivors, and the millions of Americans born with health conditions they have no control over—comparing them to burning buildings—then I can understand why it is so easy for them to lock arms with insurance companies and defend their discriminatory practices.

What this sort of thinking indicates to me is that many Republicans are sadly out of touch with the priorities of the American people. They continue to argue for repeal of a bill that puts an end to the most appalling health insurance company abuses.

They want to drag us back to a day where a bad diagnosis not only meant a health challenge but potential financial ruin.

They have spent months using scare tactics like claiming the bill cuts Medicare and hurts seniors when it actually strengthens Medicare. So far this year, seniors have seen prescription drug price relief, and very soon they will enjoy free preventive care and lower Medicare Advantage premiums.

Do my friends on the other side of the aisle really want to repeal the ban on denying coverage to children with preexisting conditions?

Do they want to overturn the provision allowing children to stay on their parents plan until they are 26 or can receive coverage through an employer?

Do they really want to turn to our youth at a time when they are most vulnerable and starting out in life and say, "Sorry, when you get sick, you're on your own?"

Do they want to repeal the ban on insurance companies cancelling your policy if you get a serious illness like cancer or heart disease?

Do they want to repeal the ban on lifetime benefit limits and allow insurance companies to cut off your coverage when they determine your care hurts profits too much?

I can't for the life of me understand why Republicans think that repealing these new protections and benefits, and going back to the bad old days when health insurance companies held all the cards, is what Americans want.

And what about the health reform law's reduction of the deficit? I am just at a loss as to why Republicans are calling for the repeal of a law that ends insurance company abuses, expands access to care, and reduces the deficit by \$143 billion in the next 10 years, and by nearly \$1 trillion in the years after that.

There are so many good things in the health reform law, and there is much more to come. Just this week, a Families USA report highlighted the benefits this law will bring to my State of Iowa. When the full law kicks in, in 2014, over 261,000 Iowans will qualify for tax credits to help them purchase health insurance. These tax credits, which amount to one of the largest middle-income tax cuts in American history, will reduce Federal income taxes for Iowans by \$974 million in the first year alone. And these tax breaks are targeted toward working families who have long struggled with the increasing cost of health insurance.

We have reached a historic moment in the history of American health care. A moment where the promise of health reform is becoming a reality for Americans. A moment where all patients—not just the healthy and the wealthy—have the rights and protections they need and deserve.

The Patient's Bill of Rights—the critical new protections that take effect today—is a giant step forward for the health and economic security of the American people.

Health reform is off to a very strong start. As many predicted, the new health reform law is growing increasingly popular as people get better acquainted with its broad array of benefits and protections. They like the new law's sharp emphasis on wellness and prevention. They want every American to have access to quality, affordable health care. They like the tax cuts to help working families afford health coverage.

And make no mistake: the American people are not going to allow these benefits and rights to be taken away.

Mr. LEAHY. Mr. President, for each of us, our health is among the things we care the most about. Certainly one of the most common requests any of us regularly make in prayer is for good health. And of course it is not only our own health we worry about; we also want good health and proper medical insurance for our children, our parents, our siblings—for all those who are important to us.

Medical knowledge and technology have advanced tremendously during the past two and a half centuries of American life, and the pace of medical progress is accelerating. But health insurance models have not. The deck has been stacked in favor of the insurance companies, and against the practical needs of ordinary Americans. For much of the last century Americans have pointed to the obvious need for insurance reform, yet the problems have only grown worse and more urgent, leaving millions of Americans exposed to the ravages of sudden illness and the wasting effects of declining health.

Six months ago today, President Obama signed into law the Affordable Care Act, which will extend health in-

surance coverage to more than 30 million uninsured Americans in the next few years. Reform based on good quality, affordable health insurance that has been talked about for decades is finally becoming a reality. Over 15 months starting last year, Congress debated and then passed the most sweeping and comprehensive reforms to improve the everyday lives of every American since Congress passed Medicare in 1965. It was an arduous process, but in the end the achievement proved that change is possible and that voices of so many Americans who over the years have called on their leaders to act have finally been heard.

Americans are already beginning to see some of the benefits of insurance reform. First, in states where individuals and families are excluded from health coverage because of preexisting medical conditions, these Americans can now buy insurance through special insurance plans overseen by the states and delivered by private medical providers. Second, employers across the country already have applied for and have been awarded early retiree reinsurance grants that will reimburse employers for retirees' medical claims. Third, seniors on Medicare who have high-cost prescriptions typically fall within a coverage gap known as the "doughnut hole." Beginning recently, beneficiaries who fall within the gap will receive \$250 checks to help cover the cost of their prescription drugs.

And today, more benefits of real insurance reform go into effect that will help consumers take control of their own health care decisions. Known as the Patients' Bill of Rights, these new rules protect consumers against the worst health insurance industry abuses that have prevented millions of people from receiving the health care they need. Going forward, insurance plans can no longer deny children coverage because of a preexisting health condition; insurance plans are barred from dropping beneficiaries from coverage simply because of an illness; dozens of preventive care services must be covered at no cost and with no co-pay; Americans will have access to an easier appeals process for private medical claims that are denied; and adult children can stay on their parents' plans until their 26th birthdays.

Yet another major reform now protects everyday Americans from one of the most egregious insurance industry practices: setting lifetime or annual limits on health insurance coverage. Wherever I travel in Vermont I am often stopped in the grocery store, at church, on the street or at the gas station to listen to personal, wrenching stories from Vermonters who can no longer get medical treatment because they have met their annual or lifetime maximum. Many of these Vermonters were perfectly healthy before being diagnosed with cancer or diseases that

can cost well beyond their means for treatment. Instead of being able to focus on getting healthy, patients instead must worry about whether or not their next doctor's visit will shove them above the insurance company's arbitrary limit.

Each of these stories is anguishing. Let me describe just one of them. A master's student from Saint Michael's College's graduate school, Ned wrote my office during the health care reform debate to share his story. A car accident when Ned was nine left him a quadriplegic. His health care costs since then have necessarily been high. In fact, recently Ned found that he had nearly met his lifetime limit on coverage from one plan and his only remaining option for health insurance coverage not only contained a lifetime cap on coverage but also a cap on expenses for durable medical equipment, which he uses frequently because of his wheelchair. But beginning today, Ned and millions of other Americans who fear reaching their coverage limits can rest easier knowing that their insurance will be there when they need it the most. Ned, and we, can look forward to a lifetime of the contributions that he will make to his community and our country.

In addition to improvements to our health insurance system that we will see this year, over time the Affordable Care Act will insure 95 percent of our population and make a substantial investment in our economic vitality in the years ahead. In addition to ending the discriminatory insurance company practices of denying coverage because of a preexisting condition or canceling coverage when beneficiaries get sick, the new law will lower costs for small businesses and individuals who simply cannot afford health coverage. And despite the specious arguments from opponents of reform, this bill is the largest deficit reduction measure upon which many in Congress will ever cast a vote. The Congressional Budget Office estimates that comprehensive reform will reduce the federal deficit by \$143 billion through 2019, and by more than \$1 trillion in the decades to come.

The Affordable Care Act is a tremendous achievement that will improve the lives of Americans for generations to come. For decades, we have heard heartbreaking stories about the enormous challenges Americans face because they are uninsured or underinsured. With each new implementation date of the features of the Affordable Care Act, these stories are becoming fewer and fewer and are being replaced by stories of the success of these reforms, one family at a time, all across Vermont and all across America.

There is still much more to accomplish, and there are still millions of Americans who are struggling to buy or keep adequate health insurance cov-

erage for their families or themselves. As these reforms are implemented over the next few years, I will continue to work with Vermonters and the Department of Health and Human Services to help Americans have the access to the quality, affordable health insurance that each American needs and deserves.

Mr. JOHNSON. Mr. President, I rise today to recognize an important milestone in the effort of delivering meaningful health reform for all Americans. Six months ago, President Obama signed the Patient Protection and Affordable Care Act into law, and the first major patient protections now take effect to help Americans obtain and keep meaningful health care coverage.

I am reminded of all the South Dakotan families and businesses that have contacted me to voice their thoughts about health care, share their personal experiences, and find out how reform will help them. Reforms in place today end some of the worst insurance industry abuses by implementing a Patient's Bill of Rights. These provisions protect children with a preexisting condition from being denied coverage, allow parents to provide insurance for their children through their young adult years, prohibit profit-driven insurance companies from rescinding benefits as soon as someone becomes sick and eliminate lifetime limits and restrict annual limits on benefits.

As more provisions of the Affordable Care Act are implemented, it is important we do not forget the health care crisis facing our Nation and the consequences of inaction. The latest U.S. Census report confirms that, while some were spinning mistruths about a government takeover of health care, more and more Americans were losing their health insurance coverage. Last year, the number of insured individuals and families dropped for the first time the Census starting tracking that data in 1987. Nearly 51 million Americans are uninsured, compared to 46 million the previous year. The Affordable Care Act puts in place assurances that no more Americans will be priced out of the private health insurance market or denied coverage by discriminatory insurance practices. Americans will no longer pay more every year for fewer benefits, be denied coverage for a preexisting medical condition, or lose coverage altogether just for getting sick.

The Patient's Bill of Rights taking effect today eliminates the worst practices of the insurance industry that took advantage of American families for far too long. But insurance market reforms alone will not address all shortcomings of our health care system. The Affordable Care Act also includes important investments in strengthening and growing our health care workforce, improving access to preventive and wellness programs, and addressing waste, fraud and abuse.

I supported health care reform to give our Nation the best chance of improving our system and reigning in costs. One of our biggest challenges remains the fact that we spend more on health care than any other country, 50 percent more per capita than the next highest spender, and yet have poorer health outcomes than most. Health reform cannot change that fact overnight, but it does provide us with a path forward and the tools to improve the way our system works for everyone. Health economists have noted that reform finally implements a myriad of bipartisan proposals to rein in costs that have been circulating for decades. These commonsense changes to our health care delivery system will ensure we are getting our money's worth and ensure citizens have access to affordable health care. Health reform has made a significant step forward in addressing the drivers behind increasing health care costs and placing us in a more fiscally sustainable direction.

The new law isn't perfect—few major pieces of legislation are—and the work is not finished in delivering meaningful health reform for all Americans. But with inaction not an option, the passage of the Affordable Care Act laid the foundation for improving the American health care system. The new law is a product of compromise and in that same spirit I will continue to work with my colleagues to ensure health reform is delivering for South Dakotans and all Americans.

THE DREAM ACT

Mr. CARDIN. Mr. President, I rise today to express my support for the DREAM Act amendment to the 2010 National Defense Administration Act. This is bipartisan legislation that provides sound economic and national security benefits to our Nation.

I have long supported the DREAM Act primarily because it provides a pathway forward for young men and women who have played by the rules all of their lives, graduated high school and now want to give back to this country. These are young people who had no say in how or when they came to our country, but somehow, their parents or other relatives brought them here to live a better life.

Now, we could spend an infinite amount of time debating what to do with the undocumented adults who have come to the U.S.—and I hope that we do eventually get to that debate—but the focus of this measure is the children. We are talking about the innocent children, who, for the most part, have known no other home than America and deserve a way forward now that they are reaching adulthood.

Every year, thousands of undocumented students who live in the United States graduate from high school.

Among these students you will find valedictorians, honor roll students, and community leaders who are committed to the United States and their local communities. It is estimated that there are 65,000 such young people who graduate from high school in the United States and find themselves unable to work, go to college, or serve this country in the military.

The young people who would be DREAM Act eligible would have graduated high school, passed a background check and be of good moral character. It is why the DREAM Act is supported by the Secretary of the Department of Education, the National Education Association, the Association of American Universities and many others. Leading businesses like Microsoft endorse the DREAM Act because they recognize these young people are talented and can be a benefit to U.S. businesses in this global economy. DREAM Act-eligible young people are exactly the type of individuals we want to be part of our great society.

The DREAM Act is a smart, targeted piece of legislation that will only benefit children who were brought to this country before the age of 16 and have been living here for at least 5 years.

From an economic perspective, the DREAM Act provides clear fiscal benefits to our local communities and our Nation. State and local taxpayers have invested time and money in these young people through elementary and secondary education expecting that eventually they will become contributing, tax-paying members of our society. With education budgets as tight as they are, why would any community throw away such an investment?

Take this for example: a young immigrant who graduates from college will pay \$5,300 more in taxes and cost taxpayers \$3,900 less in government expenses each year than if he or she dropped out of high school. Additionally, our own Department of Defense recommended in their 2010-2012 strategic plan the passage of the DREAM Act to help the military "share and maintain a mission-ready All Volunteer Force." The former Secretary of the Army, Louis Caldera, stated "the DREAM Act will materially expand the pool of individuals qualified, ready and willing to serve their country in uniform." The DREAM Act provides a smart and narrow pathway for eligible young people to go on to college or enter our military.

Lastly, supporting the DREAM Act is the proper next step toward taking up comprehensive immigration reform. The American people have spoken on this issue. They would like Congress to step up and deal with this issue. According to a recent Fox News poll, 68 percent of voters, including Republicans, Democrats and Independents, say that efforts to secure the border should be combined with reform of

Federal immigration laws. I agree, which is why I voted in favor of providing \$600 million for 1,500 new border patrol agents, additional monitoring and communications equipment in August. That funding and those resources were an important step to ensure our Nation's borders are secure; just like passing the DREAM Act is an important step to ensure our country has the best and brightest individuals contributing to our economy and society.

Additionally, the DREAM Act has traditionally been a bipartisan effort. During this Congress Senator DURBIN and Senator LUGAR introduced the legislation. But in the 108th Congress the legislation had the support of Senator HATCH, Senator GRASSLEY, Senator KYL and Senator CORNYN. During the last Congress, 23 Republican Senators voted in favor of this legislation when it was offered as an amendment to the comprehensive immigration reform bill. There is a strong bipartisan history to this legislation and strong public support.

No child should be held accountable for the sins of their parents. This targeted, bipartisan legislation recognizes this fact and shows compassion to the innocent. It provides a pathway forward for young men and women who have played by the rules all of their lives, graduated high school and now want to give back to this country. These are young people who truly deserve a second chance. I urge my colleagues to support this legislation.

REMEMBERING STAFF SERGEANT HAROLD "GEORGE" BENNETT

Mrs. LINCOLN. Mr. President, I rise today to honor the memory of U.S. Army SSG Harold "George" Bennett. In the jungles of Vietnam, this young Arkansan displayed courage and honor while serving his Nation in uniform. Tragically, he became the first American prisoner of war executed by the Viet Cong. This year marks the 45th anniversary of his death, and I am proud to join his family later this month to posthumously honor him with the Silver Star, the third highest military decoration that can be awarded to a member of any branch of the U.S. Armed Forces.

George Bennett was born on October 16, 1940, in Perryville, AR, a small town that rests just northwest of Little Rock in the foothills of the Ozarks. His father, Gordon, was a veteran of World War I, and he instilled in his sons the values and rewards of service to country. All four would follow his footsteps into the U.S. Army.

SGT George Bennett was trained in the Army as an airborne infantryman and served with the famed 82nd and 101st Airborne Divisions, made up of some of the finest soldiers in the world. He earned his Master Parachute Wings and Expert Infantry Badge before vol-

unteering in 1964 for service in what was a relatively unknown area of Southeast Asia called Vietnam.

While deployed, Sergeant Bennett served as an infantry advisor to the 33rd Ranger Battalion, one of South Vietnam's best trained and toughest units. On December 29, 1964, they were airlifted to the village of Binh Gia after it had been overrun by a division of Viet Cong. Immediately upon landing, Sergeant Bennett's unit was confronted by a well-dug-in regiment of enemy forces, and despite fighting furiously and courageously throughout the afternoon, their unit was decimated and overrun. Sergeant Bennett and his radio operator, PFC Charles Crafts, fell into the hands of the Viet Cong.

Before being captured, Sergeant Bennett twice called off American helicopter pilots who were attempting to navigate through the combat zone to rescue him and his radioman. Displaying a remarkably calm demeanor, his focus seemed to be on their safety and not his own. His last words to his would-be rescuers were, "Well, they are here now. My little people [his term for the South Vietnamese soldiers under his command] are laying down their weapons and they want me to turn off my radio. Thanks a lot for your help and God Bless You."

As a prisoner of war, the only thing more remarkable than the courageous resistance he displayed throughout his captivity was his steadfast devotion to duty, honor, and country. His faith in God and the trust of his fellow prisoners was unshakable. Sadly, the only way his captors could break his spirit of resistance was to execute him. Today, Sergeant Bennett lies in an unmarked grave known only to God, somewhere in the jungles of Vietnam.

Mr. President, Sergeant Bennett was a selfless young man who answered his Nation's call to service and placed duty and honor above all else. Although he may no longer be with us, the example and selflessness of this brave young Arkansan will forever live on in our hearts. While a grateful nation could never adequately express their debt to men like George Bennett, it should take every opportunity to honor them and their families for the sacrifice they have paid on our behalf.

TRIBUTE TO JENNIFER LAWSON

Mr. LEAHY. Mr. President, this week the Vermont Department of Education announced that Jennifer Lawson of Waltham, VT, has been named Vermont's 2011 Teacher of the Year. I am proud to call her selection to the Senate's attention, and I offer hearty congratulations to Ms. Lawson and thank her for her dedication to the students of Vermont.

A graduate of the University of Vermont with a bachelor's degree in elementary education and a master's degree in education from Connecticut

College, Jennifer Lawson has spent 12 years in the classroom. Prior to her current role as a social studies and language arts teacher at Vergennes Union High School, she taught as an elementary school teacher in Vergennes. Her success as an educator stems from her ability to inspire students to challenge themselves and their peers in a positive learning environment. She champions her students' individuality and encourages them to bring their life experiences into the classroom.

In Vermont, schools are at the core of our communities. Our kids are the seed corn of the future that we want for our state and its people. Vermonters understand the importance of giving our children a quality education, and they understand that a child's education begins well before their first day of school and will continue long after their last graduation day. Jennifer Lawson brings this philosophy into practice every time she enters the classroom. She recognized quickly that educating students involves so much more than just talking about a subject.

Even outside the classroom Jennifer is involved in improving the education in her community. She serves on several of her school's committees, including the Adequate Yearly Progress Team for Literacy; she is a coleader of the Afterschool Program for Reading and Math; and she serves as a member on the assessment design and research team. Along with her efforts close to home she has been published nationally on alternative energy sources for schools and has given a presentation on Expeditionary Learning Schools for Outward Bound. I am glad that she will expand her role within our State even further this year as she consults with other educators throughout Vermont in her role as Teacher of the Year.

As I told Jennifer when I called her this week, Marcelle and I are proud of her and the extraordinary work she does on behalf of Vermont children. Vermont will be superbly represented in the national competition for Teacher of the Year next spring. I congratulate her on this honor, and I hope she spends many more years inspiring young minds.

I ask unanimous consent to have printed in the RECORD a copy of an article in The Burlington Free Press about Ms. Lawson.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Burlington FreePress.com]

VERGENNES TEACHER IS STATE'S BEST, JENNIFER LAWSON PLAYS TO HER STUDENTS' STRENGTHS

(By Lynn Monty)

Teacher Jennifer Lawson looked classy—but cool—dressed in tall green leather boots that matched her mohair vest and nail polish this morning as she guided her class through a lesson called “echoes.”

One student said, “They say I’m spoiled” as another echoed back, “I say I’m fortunate.”

Another said, “They say I’m a geek,” as another echoed back, “I say they don’t know me.”

The students wrote each statement and echo. The exercise is just one of the many tools 38-year-old Lawson, of Waltham, uses to empower her students and is part of the reason she was chosen 2011 Vermont Teacher of the Year.

Lawson is a middle school language arts and social studies teacher at Vergennes Union High School. As winner of the state award, she will travel across Vermont to work with other teachers and compete for the National Teacher of the Year award. In the spring, she heads to Washington for a reception at the White House. Lawson is a native Vermonter who has worked at VUHS for six years.

“It’s amazing, humbling and flattering,” Lawson said. “It’s an award for my students more so than for me because it’s the students who get me excited.”

Lawson said it’s important to her to know students individually and to recognize who they are. She said her goal as a teacher is to celebrate her students and broaden their perspective of the world. “In a lot of ways school is home away from home,” she said. “The experiences here should be celebrated and connections should be made with their life experiences outside of school.”

Lawson taught at Vergennes Union Elementary School prior to taking the position at the high school. She has 12 years of classroom experience and holds a master’s of education from Connecticut College and a bachelor’s in elementary education from the University of Vermont.

Lawson’s father, Robert Lawson, recently retired from the University of Vermont after 44 years of teaching. He has observed his daughter in the classroom on many occasions.

“It’s a wonderful recognition,” he said of the award. “Jennifer is very fond of this community. She gives from her heart and mind and she teaches her students to problem-solve, to be cooperative, to read and to be friendly. I am just very happy for her today.”

As students left the soft lighting and comfy couches in Jennifer Lawson’s classroom to attend the assembly being held in her honor, eighth-grader Dana Ambrose, 13, praised his teacher. “She’s really great and helps us a lot. Personally I don’t read that great, but she has helped me improve. I am thankful for that. She’s a great teacher and just loves to help everybody.”

Vermont Education Board Chairwoman Fayneese Miller said that when the Department of Education chooses a teacher of the year, the goal is to choose someone who has the ability to excite young people, to encourage them to use their imagination and to think about possibilities. “I think that’s what she embodies,” Miller said. “She cares about her students and loves learning and encourages learning in her students. She’s a highly effective teacher.”

But it’s not only the students that Lawson is teaching. Para-educator Erika Lynch is a newly licensed teacher who has been working alongside Lawson for two years.

“Being in rooms with her is really good for me because I can learn from her,” Lynch said. “I am picking up things that hopefully I can use one day in my own classroom. Jenn creates a learning community where kids feel safe and take chances, where they are

challenged but they are able to meet those challenges. It’s because she meets kids at their level. She does a great job of creating an environment that makes it easier for kids to learn.”

Miller introduced Lawson at the assembly. “By the round of applause it is obvious Jennifer Lawson is someone who is revered, respected and loved,” she said.

As Lawson accepted the crystal apple that Miller handed her, she received a standing ovation from the packed auditorium and said above the din, “I love my job and I love you guys.”

ADDITIONAL STATEMENTS

ARKANSAS’S FINALISTS FOR “TEACHER OF THE YEAR”

● Mrs. LINCOLN. Mr. President, today I congratulate 14 Arkansas teachers who were recently named regional finalists for Arkansas Teacher of the Year. These educators represent the best of our State, and I join all Arkansans to thank them for their efforts to educate and inspire our Arkansas youth. These teachers devote themselves to ensuring a bright, successful future for their students, and I commend them for their pursuit of professional excellence and their dedication to learning and knowledge.

The finalists are Blair Ballard, Walnut Ridge Elementary; Vickie Beene, an English teacher at Nashville High School; Julie Boyd, Hurricane Creek Elementary in Bryant; Jeannette Dempsey, College Hill Elementary, Texarkana; Oretha Faye Ferguson, an English teacher at Fort Smith Southside High School; Karen S. Hart, a biology teacher at Jonesboro High School; Kristy Parish, Westside Elementary, Searcy; Mary Katherine Parson, a biology teacher at Little Rock Central; Kathy A. Powers, Simon Intermediate School, Conway; Therese Thompson, John Tyson Elementary, Springdale; Rebecca Vaughn, Wedlock Elementary, West Memphis; Maryann Walker, M.A. Hardin Elementary, White Hall; Carolyn Whisenant, Mountain Home Kindergarten; and Emily Kathryn White, Monticello Elementary.●

ARKANSAS BLUES AND HERITAGE FESTIVAL

● Mrs. LINCOLN. Mr. President, today I celebrate the 25th anniversary of the Arkansas Blues and Heritage Festival, a beloved, time-honored tradition in my hometown of Helena, AR.

The Arkansas Blues and Heritage Festival, formerly known as the King Biscuit Blues Festival, is one of the Nation’s foremost showcases of blues music. Held for 3 days annually in October, tens of thousands of blues enthusiasts converge on historic downtown Helena. This year’s festival features legendary blues musician B.B. King,

along with nearly 50 other blues performances. The event will be held October 7 to 9, with projected attendance figures of nearly 80,000.

I have often joined my fellow Helena residents to celebrate and enjoy this annual tradition, and I am proud of the community's efforts to keep alive the history and heritage of blues music.

Founded in 1986, the first festival was a 1-day event, with a small gathering of local residents and a flatbed truck as a stage. Since then, the festival has grown to a 3-day event, with three stages and several activities, such as the Kenneth Freemyer 5K Run, the Blues in Schools program, and the Tour da' Delta bicycle tour.

I congratulate the organizers and leadership of the Arkansas Blues and Heritage Festival, along with all my fellow Helena residents. I wish them all the best as they celebrate 25 years of the Arkansas Blues and Heritage Festival.●

RECOGNIZING DIRK LEACH RUSTIC ARTS

● Ms. SNOWE. Mr. President, as lobster bakes and vacations along the picturesque northeastern coast fade with the summer months, today I honor a craftsman and small business owner in my home State of Maine who keeps the feeling of the season alive by marrying function, comfort, beauty, tradition, and love of the outdoors—quintessentially Maine characteristics—with the iconic Adirondack chair.

Located along the Saco River in the town of Buxton, Dirk Leach Rustic Arts is a one-of-a-kind business devoted to one man's dream of creating the perfect Adirondack chair. The company's owner, Dirk Leach, maintains the tradition of "rustic artistry" by walking through Maine's woodlands in late fall and winter to gather materials for one of his Shaker creations. An artist and an innovator, Mr. Leach describes himself as "obsessed with the Adirondack chair form," and draws inspiration from the simple, functional forms of Shaker design. Mr. Leach's sketches help him translate his varying ideas into unique prototypes and, finally, innovative seating pieces with wide seat planks, thick arm rests, and clean lines.

Since the mid 1990s, Dirk Leach has fashioned Adirondack chairs and settees from a variety of trees native to Maine, such as red oak, white ash, yellow birch, and sugar maple. Perhaps most creatively, Mr. Leach transforms pin cherry and gray birch into hand-hewn candlesticks and a number of accessories. Mr. Leach lovingly builds, paints, signs, and dates his exceptional and unique creations, which are all beautifully handcrafted and guaranteed for life. While his most popular designs include the traditional Weekender chairs to the more eclectic Nor'easter

chairs, Mr. Leach has pledged to design 100 variations of the outdoor classic by alternating back height, seat angles, hardware, and color. Moreover, chairs can be built to withstand even the coldest of Maine's winters, as they are constructed of weather tight white oak and finished in the finest exterior house paint on the market.

And although Mainers have come to anticipate traditional white Adirondack chairs assembled along campfires and lazily arranged in the backyard, Dirk Leach is renowned for applying layers of paint in colors inspired by nature itself, from colors such as iris, prairie grass, and warm earth, to vivid shades of crocus, coral, and pistachio.

Touted as the "Best Maine Adirondack Chair" by *Down East Magazine* in July 2010, Dirk Leach Rustic Arts has been working to keep up with demand since the Maine publication hit newsstands. And when he wasn't drawing up his newest designs, Mr. Leach has spent time traveling to Wisconsin, New York, and throughout Maine—from July to September—demonstrating his rustic woodworking craftsmanship and techniques.

While small businesses are most notably touted as drivers of our national economy, and rightly so, they can sometimes be overlooked for their often more subtle contributions to design, quality, and innovative vision. Whether his customers utilize these chairs to gaze out at the ocean or sit around a campfire, Dirk Leach's designs are functional works of art meant to last for generations. I commend Dirk Leach on the passion he lends to his craft, and I wish him nothing but success in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:38 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2923. An act to enhance the ability to combat methamphetamine.

H.R. 3470. An act to authorize funding for the creation and implementation of infant mortality pilot programs in standard metropolitan statistical areas with high rates of infant mortality, and for other purposes.

H.R. 4195. An act to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

H.R. 4347. An act to amend the Indian Self-Determination Act and Education Assistance Act to provide further self-governance by Indian tribes, and for other purposes.

H.R. 5152. An act to adjust the boundary of the Kennesaw Mountain National Battlefield Park to include the Wallis House and Harriston Hill, and for other purposes.

H.R. 5194. An act to designate Mt. Andrea Lawrence, and for other purposes.

H.R. 5494. An act to direct the Secretary of the Interior to transfer certain properties to the District of Columbia.

H.R. 5809. An act to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes.

H.R. 5811. An act to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe.

H.R. 6130. An act to amend title XI of the Social Security Act to expand the permissive exclusion from participation in Federal health care programs to individuals and entities affiliated with sanctioned entities.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 294. Concurrent resolution commemorating the 75th anniversary of the Blue Ridge Parkway.

The message further announced that the House has passed the following bill, without amendment:

S. 2781. An act to change references in Federal law to mental retardation to references to an intellectual disability, and change references to a mentally retarded individual to references to an individual with an intellectual disability.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 1454) to provide for the issuance of a Multinational Species Conservation Funds Semipostal Stamp.

ENROLLED BILLS SIGNED

At 11:33 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 4505. An act to enable State homes to furnish nursing home care to parents any of whose children died while serving in the Armed Forces

H.R. 6102. An act to amend the National Defense Authorization Act for Fiscal Year 2010 to extend the authority of the Secretary of the Navy to enter into multiyear contracts for F/A-18E, F/A-18F, and EA-18G aircraft.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUE).

At 3:19 p.m., a message from the House of Representatives, delivered by

Mrs. Cole, one of its reading clerks, announced that the House has agreed to the amendment of the Senate to the bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 2781. An act to change references in Federal law to mental retardation to references to an intellectual disability, and change references to a mentally retarded individual to references to an individual with an intellectual disability.

H.R. 1454. An act to provide for the issuance of a Multinational Species Conservation Funds Semipostal Stamp.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUE).

ENROLLED BILLS SIGNED

At 3:51 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 4667. An act to increase, effective as of December 1, 2010, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

H.R. 5682. An act to improve the operation of certain facilities and programs of the House of Representatives, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUE).

At 4:23 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1674. An act to provide for an exclusion under the Supplemental Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions.

The message also announced that the House agrees to the resolution (H. Res. 1653) returning to the Senate the amendment of the Senate to the bill (H.R. 5875) title, the bill (S. 951) title, the bill (S. 1023), the bill (S. 2799), the bill (S. 3162), and the bill (S. 3187), in the opinion of the House, each contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House, and shall be respectfully returned to the Senate with a message communicating this resolution.

At 4:40 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6190. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

ENROLLED BILL SIGNED

At 5:09 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 5297. An act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUE).

At 5:54 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 3717. An act to amend the Securities and Exchange Act of 1934, the Investment Company Act of 1940, and the Investment Advisers Act of 1940 to provide for certain disclosures under section 552 of title 5, United States Code, (commonly referred to as the Freedom of Information Act), and for other purposes.

S. 3814. An act to extend the National Flood Insurance Program until September 30, 2011.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3470. An act to authorize funding for the creation and implementation of infant mortality pilot programs in standard metropolitan statistical areas with high rates of infant mortality, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 4195. An act to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 5152. An act to adjust the boundary of the Kennesaw Mountain National Battlefield Park to include the Wallis House and Harriston Hill, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 5194. An act to designate Mt. Andrea Lawrence, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 5809. An act to amend the Controlled Substances Act to provide for take-back dis-

posal of controlled substances in certain instances, and for other purposes; to the Committee on the Judiciary.

H.R. 5811. An act to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe; to the Committee on Indian Affairs.

H.R. 6130. An act to amend title XI of the Social Security Act to expand the permissive exclusion from participation in Federal health care programs to individuals and entities affiliated with sanctioned entities; to the Committee on Finance.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 294. Concurrent resolution commemorating the 75th Anniversary of the Blue Ridge Parkway; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3827. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on September 23, 2010, she had presented to the President of the United States the following enrolled bill:

S. 2781. An act to change references in Federal law to mental retardation to references to an intellectual disability, and change references to a mentally retarded individual to references to an individual with an intellectual disability.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7507. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Government—Assigned Serial Number Making" (DFARS Case 2008-D047) received in the Office of the President of the Senate on September 20, 2010; to the Committee on Armed Services.

EC-7508. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; DoD Office of the Inspector General Address" (DFARS Case 2010-D015) received in the Office of the President of the Senate on September 20, 2010; to the Committee on Armed Services.

EC-7509. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved

retirement of Admiral Mark P. Fitzgerald, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

EC-7510. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64)(Internal Agency Docket No. FEMA-8147)) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7511. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67)(Docket ID FEMA-2010-0003)) received during adjournment of the Senate in the Office of the President of the Senate on September 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7512. A communication from the Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Commission Guidance on Presentation of Liquidity and Capital Resources Disclosures in Management's Discussion and Analysis" received in the Office of the President of the Senate on September 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7513. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Over the Counter Drugs" (Notice No. 2010-59) received in the Office of the President of the Senate on September 20, 2010; to the Committee on Finance.

EC-7514. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Special Funding Rules for Multiemployer Plans under PRA 2010" (Notice No. 2010-56) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Finance.

EC-7515. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; 2010-11 Main Hawaiian Islands Bottomfish Total Allowable Catch (RIN0648-XX15) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7516. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XY44) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7517. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law,

the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska" (RIN0648-XY66) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7518. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XY62) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7519. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Pacific Cod in the Bering Sea and Aleutian Islands" (RIN0648-XY45) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7520. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Inseason Adjustments to Fishery Management Measures" (RIN0648-BA05) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7521. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries in the Western Pacific; Community Development Program Process" (RIN0648-AX76) received in the Office of the President of the Senate on September 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7522. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to obligations and unobligated balances of funds provided for Federal-aid highway and safety construction programs during fiscal year 2009; to the Committee on Commerce, Science, and Transportation.

EC-7523. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Final Airworthiness Design Standards for Acceptance Under the Primary Category Rule; Orlando Helicopter Airways (OHA), Inc. Models Cessna 172L, 172K, 172L, and 172M" ((RIN2120-ZZ50) (14 CFR Part 21)) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7524. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model SA330J Helicopters" ((RIN2120-AA64) (Docket No. FAA-2010-0825)) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7525. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; GA 8 Airvan (Pty) Ltd Models GA8 and GA8-TC320 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0463)) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7526. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Robert E. Rust, Jr. Model DeHavilland DH.C1 Chipmunk 21, DH.C1 Chipmunk 22, and DH.C1 Chipmunk 22A Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0632)) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7527. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 737-100 and -200 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0481)) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7528. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Thielert Aircraft Engines GmbH (TAE) Models TAE 125-01 and TAE 125-02-99 Reciprocating Engines Installed In, But Not Limited To, Diamond Aircraft Industries Model DA 42 Airplanes; Correction" ((RIN2120-AA64) (Docket No. FAA-2009-0201)) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7529. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Agusta S.p.A. (Agusta) Model A119 and AW119 MKII Helicopters" ((RIN2120-AA64) (Docket No. FAA-2010-0824)) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7530. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier-Rotax GmbH 912 F Series and 912 S Series Reciprocating Engines" ((RIN2120-AA64) (Docket No. FAA-2010-0449)) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7531. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE SYSTEMS (OPERATIONS) LIMITED Model BAe 146 and Avro 146-RJ Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0477)) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7532. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model CL-600-2C10 (Regional Jet Series 700, 701, and 702); Model CL-600-2D15 (Regional Jet Series 705); and Model CCL-600-2D24 (Regional Jet Series 900) Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0851)) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7533. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Restricted Area R-5113; Socorro, NM" ((RIN2120-AA66) (Docket No. FAA-2010-0693)) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7534. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (104); Amdt. No. 3390" (RIN2120-AA65) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7535. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Designations; Incorporation by Reference" (RIN2120-AA66) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7536. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Telemarketing Sales Rule" (RIN3084-AB19) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7537. A communication from the Acting Executive Secretary, U.S. Agency for International Development (USAID), (4) four reports relative to vacancies in the Agency for International Development (USAID), received in the Office of the President of the Senate on September 16, 2010; to the Committee on Foreign Relations.

EC-7538. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Arkansas Advisory Committee; to the Committee on the Judiciary.

EC-7539. A communication from the Director of Regulation Policy and Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Loan Guaranty: Assistance to Eligible Individuals in Acquiring Specially Adapted Housing" (RIN2900-AM87) received in the Office of the President of the Senate on September 16, 2010; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 2971. A bill to authorize certain authorities by the Department of State, and for other purposes (Rept. No. 111—301).

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title:

S. 3581. A bill to implement certain defense trade treaties (Rept. No. 111—302).

By Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 3751. A bill to amend the Stem Cell Therapeutic and Research Act of 2005.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 3767. A bill to establish appropriate criminal penalties for certain knowing violations relating to food that is misbranded or adulterated.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. HARKIN for the Committee on Health, Education, Labor, and Pensions.

*Mary Minow, of California, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2014.

*Subra Suresh, of Massachusetts, to be Director of the National Science Foundation for a term of six years.

*Pamela Young-Holmes, of Wisconsin, to be a Member of the National Council on Disability for a term expiring September 17, 2013.

*Harry James Franklyn Korrell III, of Washington, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2011.

*Joseph Pius Pietrzyk, of Ohio, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2011.

*Julie A. Reiskin, of Colorado, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2013.

By Mr. CONRAD for the Committee on the Budget.

*Jacob J. Lew, of New York, to be Director of the Office of Management and Budget.

By Mr. LEAHY for the Committee on the Judiciary.

Kathleen M. O'Malley, of Ohio, to be United States Circuit Judge for the Federal Circuit.

Beryl Elaine Howell, of the District of Columbia, to be United States District Judge for the District of Columbia.

William C. Killian, of Tennessee, to be United States Attorney for the Eastern District of Tennessee for the term of four years.

Robert E. O'Neill, of Florida, to be United States Attorney for the Middle District of Florida for the term of four years.

Albert Najera, of California, to be United States Marshal for the Eastern District of California for the term of four years.

William Claud Sibert, of Missouri, to be United States Marshal for the Eastern District of Missouri for the term of four years.

Myron Martin Sutton, of Indiana, to be United States Marshal for the Northern District of Indiana for the term of four years.

David Mark Singer, of California, to be United States Marshal for the Central District of California for the term of four years.

Jeffrey Thomas Holt, of Tennessee, to be United States Marshal for the Western District of Tennessee for the term of four years.

Steven Clayton Stafford, of California, to be United States Marshal for the Southern District of California for the term of four years.

Goodwin Liu, of California, to be United States Circuit Judge for the Ninth Circuit.

Louis B. Butler, Jr., of Wisconsin, to be United States District Judge for the Western District of Wisconsin.

Edward Milton Chen, of California, to be United States District Judge for the Northern District of California.

John J. McConnell, Jr., of Rhode Island, to be United States District Judge for the District of Rhode Island.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRAHAM (for himself, Mr. COBURN, Mr. CHAMBLISS, Mr. McCAIN, and Mr. CORNYN):

S. 3829. A bill to repeal the CLASS Act; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND:

S. 3830. A bill to establish the Undergraduate Scholarships for Science, Technology, Engineering, and Mathematics Program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARPER:

S. 3831. A bill to amend the provisions of title 5, United States Code, relating to the methodology for calculating the amount of any Postal surplus or supplemental liability under the Civil Service Retirement System, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. COBURN:

S. 3832. A bill to ensure greater food safety without creating new or unneeded government bureaucracy; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND:

S. 3833. A bill to amend the National Environmental Education Act to update, streamline, and modernize that Act, and for other purposes; to the Committee on Environment and Public Works.

By Ms. KLOBUCHAR (for herself and Mr. LUGAR):

S. 3834. A bill to amend the Environmental Research, Development, and Demonstration Authorization Act of 1978 to require the appointment of a member of the Science Advisory Board based on the recommendation of the Secretary of Agriculture; to the Committee on Environment and Public Works.

By Mr. CARDIN (for himself, Ms. LAN-
DRIEU, and Mr. BAUCUS):

S. 3835. A bill to reinstate the increase in the surety bond guarantee limits for the Small Business Administration; to the Committee on Small Business and Entrepreneurship.

By Mr. CARDIN (for himself, Ms. LANDRIEU, and Mr. BAUCUS):

S. 3836. A bill to make permanent the increase in the surety bond guarantee limits for the Small Business Administration; to the Committee on Small Business and Entrepreneurship.

By Mr. RISCH:

S. 3837. A bill to prohibit the Secretary of Education from promulgating regulations or guidance regarding gainful employment for purposes of titles I or IV of the Higher Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. LINCOLN (for herself, Ms. LANDRIEU, and Mrs. HAGAN):

S. 3838. A bill to appropriate funds for the final settlement of lawsuits against the Federal Government for discrimination against Black Farmers and to provide relief for discrimination in a credit program of the Department of Agriculture under the Equal Credit Opportunity Act; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CARPER (for himself, Mr. MCCAIN, Ms. COLLINS, and Mr. DODD):

S. Res. 639. A resolution supporting the goals and ideals of Fire Prevention Week, which begins on October 3, 2010, and the work of firefighters in educating and protecting the communities of the United States; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KERRY (for himself and Mr. WEBB):

S. Res. 640. A resolution expressing the sense of the Senate regarding United States engagement with ASEAN and its member-states; considered and agreed to.

By Ms. LANDRIEU (for herself, Mr. VITTER, Mr. CORNYN, and Mrs. HUTCHISON):

S. Res. 641. A resolution observing the 5th anniversary of the date on which Hurricane Rita devastated the coasts of Louisiana and Texas; considered and agreed to.

By Mr. INOUE (for himself and Ms. COLLINS):

S. Res. 642. A resolution congratulating the National Institute of Nursing Research on the occasion of its 25th anniversary; considered and agreed to.

By Mr. INOUE (for himself and Mr. ALEXANDER):

S. Res. 643. A resolution designating the week beginning October 3, 2010, as "National Nurse—Managed Health Clinic Week"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 424

At the request of Mr. LEAHY, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 424, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize

immigration fraud in connection with permanent partnerships.

S. 455

At the request of Mr. ROBERTS, the names of the Senator from South Carolina (Mr. DEMINT), the Senator from Nebraska (Mr. JOHANNES), the Senator from South Dakota (Mr. THUNE), the Senator from Wyoming (Mr. BARASSO), the Senator from Indiana (Mr. LUGAR), the Senator from South Carolina (Mr. GRAHAM), the Senator from Montana (Mr. BAUCUS), the Senator from Colorado (Mr. BENNET), the Senator from Delaware (Mr. CARPER), the Senator from North Dakota (Mr. DORGAN), the Senator from Minnesota (Mr. FRANKEN), the Senator from New York (Mrs. GILLIBRAND), the Senator from Connecticut (Mr. DODD), the Senator from Alabama (Mr. SHELBY), the Senator from North Dakota (Mr. CONRAD), the Senator from North Carolina (Mr. BURR), the Senator from Massachusetts (Mr. KERRY), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from California (Mrs. FEINSTEIN) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 455, a bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry "Hap" Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

S. 1349

At the request of Ms. SNOWE, the name of the Senator from Florida (Mr. NELSON) was withdrawn as a cosponsor of S. 1349, a bill to amend the Internal Revenue Code of 1986 to simplify the deduction for use of a portion of a residence as a home office by providing an optional standard home office deduction.

At the request of Ms. SNOWE, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1349, *supra*.

S. 1352

At the request of Mr. DODD, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1352, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1695

At the request of Mr. BURRIS, the names of the Senator from Alaska (Mr. BEGICH), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Michigan (Mr. LEVIN) and the Senator from New Jersey (Mr. MENENDEZ) were

added as cosponsors of S. 1695, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

S. 3036

At the request of Mr. BAYH, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3036, a bill to establish the Office of the National Alzheimer's Project.

S. 3184

At the request of Mrs. BOXER, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 3184, a bill to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes.

S. 3234

At the request of Mrs. MURRAY, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 3234, a bill to improve employment, training, and placement services furnished to veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 3320

At the request of Mr. WHITEHOUSE, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 3320, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 3398

At the request of Mr. BAUCUS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3398, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 3402

At the request of Mr. LEMIEUX, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3402, a bill to encourage residential use of renewable energy systems by minimizing upfront costs and providing immediate utility cost savings to consumers through leasing of such systems to homeowners, and for other purposes.

S. 3442

At the request of Mr. DORGAN, the names of the Senator from Florida (Mr. LEMIEUX) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 3442, a bill to promote the deployment of plug-in electric drive vehicles, and for other purposes.

S. 3447

At the request of Mr. AKAKA, the names of the Senator from Illinois (Mr. BURRIS), the Senator from Oregon (Mr. WYDEN) and the Senator from Montana

(Mr. BAUCUS) were added as cosponsors of S. 3447, a bill to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes.

S. 3466

At the request of Mr. LEAHY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3466, a bill to require restitution for victims of criminal violations of the Federal Water Pollution Control Act, and for other purposes.

S. 3524

At the request of Mrs. HUTCHISON, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 3524, a bill to authorize the Secretary of the Interior to enter into a cooperative agreement for a park headquarters at San Antonio Missions National Historical Park, to expand the boundary of the Park, to conduct a study of potential land acquisitions, and for other purposes.

S. 3664

At the request of Mrs. FEINSTEIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 3664, a bill to amend the Internal Revenue Code of 1986 to exempt certain farmland from the estate tax, and for other purposes.

S. 3703

At the request of Mrs. HUTCHISON, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 3703, a bill to amend the Patient Protection and Affordable Care Act to repeal certain limitations on tax health care benefits.

S. 3703

At the request of Mrs. MURRAY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3703, a bill to expand the research, prevention, and awareness activities of the Centers for Disease Control and Prevention and the National Institutes of Health with respect to pulmonary fibrosis, and for other purposes.

S. 3751

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 3751, a bill to amend the Stem Cell Therapeutic and Research Act of 2005.

S. 3767

At the request of Mr. LEAHY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 3767, a bill to establish appropriate criminal penalties for certain knowing violations relating to food that is misbranded or adulterated.

S. 3772

At the request of Mr. REID, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 3772, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of dis-

crimination in the payment of wages on the basis of sex, and for other purposes.

S. 3786

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 3786, a bill to amend the Internal Revenue Code of 1986 to permit the Secretary of the Treasury to issue prospective guidance clarifying the employment status of individuals for purposes of employment taxes and to prevent retroactive assessments with respect to such clarifications.

S. 3804

At the request of Mr. LEAHY, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 3804, a bill to combat online infringement, and for other purposes.

S. 3816

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3816, a bill to amend the Internal Revenue Code of 1986 to create American jobs and to prevent the offshoring of such jobs overseas.

S. CON. RES. 39

At the request of Mr. MENENDEZ, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Con. Res. 39, a concurrent resolution expressing the sense of the Congress that stable and affordable housing is an essential component of an effective strategy for the prevention, treatment, and care of human immunodeficiency virus, and that the United States should make a commitment to providing adequate funding for the development of housing as a response to the acquired immunodeficiency syndrome pandemic.

S. CON. RES. 71

At the request of Mr. FEINGOLD, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Con. Res. 71, a concurrent resolution recognizing the United States national interest in helping to prevent and mitigate acts of genocide and other mass atrocities against civilians, and supporting and encouraging efforts to develop a whole of government approach to prevent and mitigate such acts.

S. RES. 583

At the request of Mr. ENSIGN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Res. 583, a resolution expressing support for designation of 2011 as "World Veterinary Year" to bring attention to and show appreciation for the veterinary profession on its 250th anniversary.

S. RES. 611

At the request of Mr. CARDIN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Res. 611, a resolution congratulating the Cumberland Valley Athletic Club

on the 48th anniversary of the running of the JFK 50-Mile Ultra-Marathon.

S. RES. 631

At the request of Mrs. LINCOLN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. Res. 631, a resolution designating the week beginning on November 8, 2010, as National School Psychology Week.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. RISCH:

S. 3837. A bill to prohibit the Secretary of Education from promulgating regulations or guidance regarding gainful employment for purposes of titles I or IV of the Higher Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

Mr. RISCH. Mr. President, I rise today to introduce the Education for All Act in order to preserve educational and economic opportunities for all Americans.

The U.S. Department of Education is proposing new "gainful employment" rules that would deny federal financial aid to students who attend proprietary colleges and vocational certificate programs. These rules would disqualify students from receiving federal education loans if their chosen programs do not meet a complex formula comparing student debt to future earning potential. Why should students be discouraged from attending a school they want or a profession they chose because of Washington bureaucrats?

The bill I am introducing today would prohibit these regulations from going into effect.

The "gainful employment" rules could deny hundreds of thousands of students access to the training and skills development they need to secure a job in today's troubled economy. There is high demand in some sectors for highly skilled workers and proprietary schools are uniquely qualified to meet the training needs of these employers. It is simply irresponsible for the government to throw roadblocks in front of students and institutions at a time when job creation in America should be the administration's number one priority.

Further, the "gainful employment" rules will disproportionately harm low-income and minority students. These students often depend more heavily on education loans regardless of the type of institution they attend and take longer to repay.

The rules would also significantly impact health care programs. Nearly half of all healthcare workers are trained at proprietary schools. With an aging baby boom population, demand for trained health care providers is already critical and will only get worse. President Obama's healthcare law adds to this burden as well. We ought to be expanding educational capacity for

health care workers, not enacting regulations that threaten access.

In short, this legislation will preserve educational and economic opportunities for all Americans. I urge all of my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3837

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Education for All Act".

SEC. 2. NO REGULATORY AUTHORITY.

Notwithstanding any other provision of law, the Secretary of Education may not use any Federal funds for the promulgation of regulations or guidance regarding the meaning of the term "gainful employment" in section 101, 102, or 481 of the Higher Education Act of 1965 (20 U.S.C. 1001, 1002, 1088).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 639—SUPPORTING THE GOALS AND IDEALS OF FIRE PREVENTION WEEK, WHICH BEGINS ON OCTOBER 3, 2010, AND THE WORK OF FIREFIGHTERS IN EDUCATING AND PROTECTING THE COMMUNITIES OF THE UNITED STATES

Mr. CARPER (for himself, Mr. MCCAIN, Ms. COLLINS, and Mr. DODD) submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 639

Whereas Fire Prevention Week is a time for the public to learn lifesaving fire safety information, practice emergency escape plans, and check and replace smoke alarm batteries;

Whereas smoke alarms cut the risk of dying in a reported fire in half;

Whereas, each year, nearly 3,000 people die in home fires in the United States;

Whereas, in 2009, 82 firefighters lost their lives in the line of duty;

Whereas more than 50 firefighters have already lost their lives in 2010;

Whereas 1 home structure fire is reported every 82 seconds and 1 civilian fire death occurs every 2 hours and 38 minutes;

Whereas firefighters in the United States courageously respond to calls and risk their lives to protect families and communities from fire, natural disasters, and acts of terrorism;

Whereas firefighters provide emergency medical services, special rescue response, hazardous material response, wildfire suppression, and fire education;

Whereas Fire Prevention Week is the longest running public health and safety observance on record, and, since 1922, firefighters have been honored for their role in educating and protecting the public during Fire Prevention Week;

Whereas the National Fire Protection Association has designated the week beginning

on October 3, 2010 as "Fire Prevention Week"; and

Whereas the people of the United States can do their part to protect themselves, their families, and firefighters by checking their smoke alarms regularly: Now, therefore, be it

Resolved, That the Senate supports—

(1) the goals and the ideals of Fire Prevention Week, which begins on October 3, 2010, as designated by the National Fire Protection Association; and

(2) the work of firefighters in educating and protecting the communities of the United States.

SENATE RESOLUTION 640—EXPRESSING THE SENSE OF THE SENATE REGARDING UNITED STATES ENGAGEMENT WITH ASEAN AND ITS MEMBER-STATES

Mr. KERRY (for himself and Mr. WEBB) submitted the following resolution; which was considered and agreed to:

S. RES. 640

Whereas the Association of Southeast Asian Nations (ASEAN) was founded in 1967 "to strengthen further the existing bonds of regional solidarity and cooperation";

Whereas ASEAN membership has now expanded to include 10 countries, which together span over half the size of the continental United States, with a total population of nearly 600,000,000 persons;

Whereas ASEAN is an important contributor to stability and prosperity in the Asia-Pacific region;

Whereas ASEAN partners with the United States Government and others in the international community to address transnational problems like terrorism, environmental degradation, the international financial crisis, and maritime security;

Whereas the ASEAN Charter, approved by Southeast Asia's leaders in November 2007, codified norms for the behavior of ASEAN member-states toward their own citizens, covering such subjects as individual rights, democracy, the rule of law, and good governance;

Whereas the combined economy of ASEAN's member countries, valued at approximately \$1,500,000,000,000 in 2008, constitutes the fourth largest market for United States exports, and two-way United States-ASEAN trade in goods and services totaled over \$200,000,000,000 in 2008;

Whereas Southeast Asia is the largest destination for United States foreign direct investment in Asia;

Whereas almost 40,000 students from ASEAN countries studied in the United States in 2008, and an increasing number of United States citizens are studying abroad in these countries;

Whereas the United States Government recognizes the centrality of ASEAN to regional cooperation and problem-solving in the Asia Pacific;

Whereas the United States was the first country to appoint an Ambassador to ASEAN;

Whereas the United States acceded to the Treaty of Amity and Cooperation in Southeast Asia during the July 2009 ASEAN ministerial meetings in Thailand;

Whereas the United States launched a new collaboration with the Lower Mekong Countries—Cambodia, Laos, Thailand, and Viet-

nam—in the areas of the environment, health, and education in July 2009 in Thailand;

Whereas President Barack Obama stated at the first meeting of the leaders of ASEAN and the United States held in Singapore in November 2009, "The United States is committed to strengthening its engagement in Southeast Asia both with our individual allies and partners, and with ASEAN as an institution";

Whereas Secretary of State Hillary Clinton said at the July 2010 ASEAN ministerial meetings in Vietnam that the United States was "committed to assisting the nations of Southeast Asia to remain strong and independent, and [to helping ensure] that each nation enjoys peace, stability, prosperity, and access to universal human rights";

Whereas Secretary of State Clinton and Secretary of Defense Robert Gates have stated the intention of the United States to increase participation in regional institutions, including the East Asia Summit and the ASEAN Defense Ministers Meeting Plus Eight, both to be held in October 2010 in Vietnam; and

Whereas the second meeting of ASEAN and United States Government leaders, and the first to be hosted by the United States, will take place in New York City, New York on September 24, 2010: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) to welcome the leaders of ASEAN to the United States for the second ASEAN-United States summit meeting;

(2) that the decision to host the second ASEAN-United States summit in New York City reflects the importance of ASEAN and its member-states to the United States, and the importance of the United States to ASEAN and its member-states;

(3) that the United States Government should continue to seek ways to broaden and deepen its economic, political-security, social, and cultural engagement with the countries in Southeast Asia toward a closer partnership with ASEAN and its member-states, as well as other regional institutions in the Asia-Pacific region;

(4) that the United States Government is committed to working with all ASEAN member-states to encourage the development of open and free democratic institutions in Burma that allow for the full participation of political opposition and ethnic minority groups; and

(5) that a stronger, more integrated ASEAN serves shared interests in regional peace, stability, and prosperity.

SENATE RESOLUTION 641—OBSERVING THE 5TH ANNIVERSARY OF THE DATE ON WHICH HURRICANE RITA DEVASTATED THE COASTS OF LOUISIANA AND TEXAS

Ms. LANDRIEU (for herself, Mr. VITTER, Mr. CORNYN, and Mrs. HUTCHISON) submitted the following resolution; which was considered and agreed to:

S. RES. 641

Whereas on September 24, 2005, Hurricane Rita made landfall as a Category 3 hurricane just east of the Texas-Louisiana border, between Sabine Pass and Johnson's Bayou, with wind speeds of 120 miles per hour, and further devastated the Gulf Coast, which had already been hit by Hurricane Katrina;

Whereas Hurricane Rita caused 7 deaths, forced 3,000,000 residents to evacuate their

homes, caused flooding and tornadoes in the States of Louisiana, Arkansas, Mississippi, and Alabama, and, according to the National Climatic Data Center, left 1,000,000 people without electricity;

Whereas damages from Hurricane Rita are estimated at \$11,300,000,000;

Whereas in 2005, Hurricane Rita was the second hurricane to reach Category 5 status in the Gulf of Mexico, which, according to the National Climatic Data Center, is only the third time that more than one Category 5 storm has formed in the Atlantic in the same year;

Whereas the storm surge from Hurricane Rita was as high as 15 feet near the landfall site and, according to the United States Geological Survey, traveled as far as 50 miles inland, causing disastrous flooding and massive loss of property;

Whereas tens of thousands of homes and businesses in the States of Louisiana and Texas were destroyed by the flooding; and

Whereas the National Wetlands Center of the United States Geological Survey indicates that 217 square miles of the coastal land of the State of Louisiana were transformed to water after Hurricanes Katrina and Rita: Now, therefore, be it

Resolved, That the Senate—

(1) observes the 5th anniversary of the date on which Hurricane Rita devastated the coasts of the States of Louisiana and Texas;

(2) expresses the support of the Senate to the survivors of Hurricane Rita and the condolences of the Senate to the families of the victims of Hurricane Rita;

(3) commends the courageous efforts of those who assisted in the response to the storm and the recovery process;

(4) recognizes the contributions the affected communities in the States of Louisiana and Texas have made to the United States; and

(5) reaffirms the commitment of the Senate to rebuild, renew, and restore the Gulf Coast region.

SENATE RESOLUTION 642—CONGRATULATING THE NATIONAL INSTITUTE OF NURSING RESEARCH ON THE OCCASION OF ITS 25TH ANNIVERSARY

Mr. INOUE (for himself and Ms. COLLINS) submitted the following resolution; which was considered and agreed to:

S. RES. 642

Whereas, in 1983, the Institute of Medicine recommended that nursing research be included in biomedical and behavioral science research;

Whereas the Health Research Extension Act of 1985 (Public Law 99-158; 99 Stat. 820) established the National Center for Nursing Research (referred to in this preamble as the "Center") within the National Institutes of Health to disseminate information related to basic and clinical nursing research;

Whereas the National Center for Nursing Research excelled in carrying out the purpose of the Center to provide research training and fellowships in the areas of disease prevention, health promotion, and nursing care for individuals with acute and chronic illnesses and the families of those individuals;

Whereas Congress, recognizing the contributions of the National Center for Nursing Research to improving quality care and health, redesignated the Center as the Na-

tional Institute of Nursing Research (referred to in this preamble as the "NINR") through the enactment of the National Institutes of Health Revitalization Act of 1993 (Public Law 103-43; 107 Stat. 122);

Whereas the research focus of the NINR for the 25 years prior to the approval of this resolution has resulted in advances in nursing science at all stages of the lifespan of an individual;

Whereas the mission of the NINR is to promote and improve the health of individuals, families, communities, and vulnerable populations of the United States;

Whereas the NINR views nursing science as the cornerstone for integrating biological and behavioral sciences, exploring innovations, and improving research methods;

Whereas research funded by the NINR has improved the health outcomes and enhanced the quality of life of the people of the United States by managing disease and relieving symptoms of disease;

Whereas the NINR is committed to helping to eliminate the health disparities facing minority and disadvantaged populations across the United States;

Whereas the NINR holds the principal responsibility for end-of-life research conducted at the National Institutes of Health; and

Whereas the NINR spends a remarkable 7 percent of the budget of the NINR on training new researchers, ensuring that the number of nurse scientists and the faculty educating the next generation of professional nursing students continues to grow: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the National Institute of Nursing Research on the occasion of its 25th anniversary; and

(2) commends the National Institute of Nursing Research for its ongoing support of nursing research, which is integral to the health of the people of the United States.

SENATE RESOLUTION 643—DESIGNATING THE WEEK BEGINNING OCTOBER 3, 2010, AS "NATIONAL NURSE-MANAGED HEALTH CLINIC WEEK"

Mr. INOUE (for himself and Mr. ALEXANDER) submitted the following resolution; which was considered and agreed to:

S. RES. 643

Whereas nurse-managed health clinics are nonprofit community-based health care sites that offer primary care and wellness services based on the nursing model;

Whereas the nursing model emphasizes the protection, promotion, and optimization of health as well as the prevention of illness and the alleviation of suffering along with diagnosis and treatment;

Whereas nurse-managed health clinics are led by advanced practice nurses and staffed by an interdisciplinary team of highly qualified health care professionals;

Whereas nurse-managed health clinics offer a broad scope of services that may include treatment for acute and chronic illnesses, routine physical exams, immunizations for adults and children, disease screenings, health education, prenatal care, dental care, and drug and alcohol treatment;

Whereas nurse-managed health clinics have a proven track record, as the first federally funded nurse-managed health clinic was created more than 30 years prior to the date of approval of this resolution;

Whereas, as of the date of approval of this resolution, more than 200 nurse-managed health clinics provide care across the United States and record over 2,000,000 client encounters annually;

Whereas nurse-managed health clinics serve a unique dual role as both safety net access points and health workforce development sites, given that the majority of nurse-managed health clinics are affiliated with schools of nursing and serve as clinical education sites for health professions students;

Whereas nurse-managed health clinics strengthen the health care safety net by expanding access to primary care and chronic disease management services for vulnerable and medically underserved populations in diverse rural, urban, and suburban communities;

Whereas research has shown that nurse-managed health clinics experience high patient retention and patient satisfaction rates, and nurse-managed health clinic patients experience higher rates of generic medication fills and lower hospitalization rates when compared to similar safety net providers; and

Whereas the use of nurse-managed health clinics offering both primary care and wellness services will help meet this increased demand in a cost-effective manner: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning October 3, 2010, as "National Nurse-Managed Health Clinic Week";

(2) supports the ideals and goals of National Nurse-Managed Health Clinic Week; and

(3) encourages the expansion of nurse-managed health clinics so that nurse-managed health clinics may continue to serve as health care workforce development sites for the next generation of primary care providers.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4656. Mr. DORGAN (for Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 4853, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

SA 4657. Mr. DORGAN (for Mr. ENSIGN) proposed an amendment to the resolution S. Res. 583, expressing support for designation of 2011 as "World Veterinary Year" to bring attention to and show appreciation for the veterinary profession on its 250th anniversary.

TEXT OF AMENDMENTS

SA 4656. Mr. DORGAN (for Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 4853, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; as follows:

Strike all after the enacting clause, and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Airport and Airway Extension Act of 2010, Part III".

SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) **FUEL TAXES.**—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking “September 30, 2010” and inserting “December 31, 2010”.

(b) **TICKET TAXES.**—

(1) **PERSONS.**—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking “September 30, 2010” and inserting “December 31, 2010”.

(2) **PROPERTY.**—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking “September 30, 2010” and inserting “December 31, 2010”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1, 2010.

SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) **IN GENERAL.**—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking “October 1, 2010” and inserting “January 1, 2011”; and

(2) by inserting “or the Airport and Airway Extension Act of 2010, Part III” before the semicolon at the end of subparagraph (A).

(b) **CONFORMING AMENDMENT.**—Paragraph (2) of section 9502(e) of such Code is amended by striking “October 1, 2010” and inserting “January 1, 2011”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1, 2010.

SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—Section 48103 of title 49, United States Code, is amended—

(A) by striking “and” at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting “; and”; and

(C) by inserting after paragraph (7) the following:

“(8) \$925,000,000 for the 3-month period beginning on October 1, 2010.”

(2) **OBLIGATION OF AMOUNTS.**—Subject to limitations specified in advance in appropriation Acts, sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2011, and shall remain available until expended.

(b) **PROJECT GRANT AUTHORITY.**—Section 47104(c) of title 49, United States Code, is amended by striking “September 30, 2010,” and inserting “December 31, 2010”.

(c) **APPORTIONMENT AMOUNTS.**—The Secretary shall apportion in fiscal year 2011 to the sponsor of an airport that received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14 Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) an amount equal to the minimum apportionment specified in 49 U.S.C. 47114(c), if the Secretary determines that airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.

SEC. 5. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 40117(l)(7) of title 49, United States Code, is amended by striking “October 1, 2010,” and inserting “January 1, 2011”.

(b) Section 41743(e)(2) of such title is amended by striking “2010” and inserting “2011”.

(c) Section 44302(f)(1) of such title is amended—

(1) by striking “September 30, 2010,” and inserting “December 31, 2010”; and

(2) by striking “December 31, 2010,” and inserting “March 31, 2011”.

(d) Section 44303(b) of such title is amended by striking “December 31, 2010,” and inserting “March 31, 2011”.

(e) Section 47107(s)(3) of such title is amended by striking “October 1, 2010,” and inserting “January 1, 2011”.

(f) Section 47115(j) of such title is amended by inserting “and for the portion of fiscal year 2011 ending before January 1, 2011,” after “2010”.

(g) Section 47141(f) of such title is amended by striking “September 30, 2010,” and inserting “December 31, 2010”.

(h) Section 49108 of such title is amended by striking “September 30, 2010” and inserting “December 31, 2010”.

(i) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by inserting “, or in the portion of fiscal year 2011 ending before January 1, 2011,” after “fiscal year 2009 or 2010”.

(j) Section 186(d) of such Act (117 Stat. 2518) is amended by inserting “and for the portion of fiscal year 2011 ending before January 1, 2011,” after “October 1, 2010”.

(k) Section 409(d) of such Act (49 U.S.C. 41731 note) is amended by striking “September 30, 2010,” and inserting “September 30, 2011”.

(l) The amendments made by this section shall take effect on October 1, 2010.

SEC. 6. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

Section 106(k)(1) of title 49, United States Code, is amended—

(1) by striking “and” at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting “; and”; and

(3) by inserting after subparagraph (F) the following:

“(G) \$2,451,375,000 for the 3-month period beginning on October 1, 2010.”

SEC. 7. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a) of title 49, United States Code, is amended—

(1) by striking “and” at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting “; and”; and

(3) by adding at the end the following:

“(7) \$746,250,000 for the 3-month period beginning on October 1, 2010.”

SEC. 8. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a) of title 49, United States Code, is amended—

(1) by striking “and” at the end of paragraph (13);

(2) by striking the period at the end of paragraph (14) and inserting “; and”; and

(3) by adding at the end the following:

“(15) \$49,593,750 for the 3-month period beginning on October 1, 2010.”

SEC. 9. TECHNICAL CORRECTIONS.

Effective as of August 1, 2010, and as if included therein as enacted, the Airline Safety and Federal Aviation Administration Extension Act of 2010 (Public Law 111-216) is amended as follows:

(1) In section 202(a) (124 Stat. 2351) by inserting “of title 49, United States Code,” before “is amended”.

(2) In section 202(b) (124 Stat. 2351) by inserting “of such title” before “is amended”.

(3) In section 203(c)(1) (124 Stat. 2356) by inserting “of such title” before “(as redesignated)”.

(4) In section 203(c)(2) (124 Stat. 2357) by inserting “of such title” before “(as redesignated)”.

SA 4657. Mr. DORGAN (for Mr. ENSIGN) proposed an amendment to the resolution S. Res. 583, expressing support for designation of 2011 as “World Veterinary Year” to bring attention to and show appreciation for the veterinary profession on its 250th anniversary; as follows:

In paragraph (3) of the resolving clause, strike “requests that the President issue a proclamation calling upon” and insert “urges”.

AUTHORITY FOR COMMITTEES TO MEET**COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY**

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on September 23, 2010, at 2 p.m. in room SR-328A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 23, 2010 at 10 a.m. to conduct a hearing entitled “the Federal Housing Administration—current condition and future challenges.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on September 23, 2010 at 10:15 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on September 23, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 23, 2010, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled “Tax Reform: Lessons from the Tax Reform Act of 1986.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on September 23, 2010, at 9:45 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on September 23, 2010, at 2 p.m., to hold an East Asian and Pacific Affairs subcommittee hearing entitled, "Challenges to Water and Security in Southeast Asia."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on September 23, 2010.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Judiciary be authorized to meet during the session of the Senate on September 23, 2010, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON VETERANS' AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on September 23, 2010. The Committee will meet in room G50 of the Dirksen Senate Office Building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 23, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Eden Ellis, Awatif Chafie, and Tom Van Heeke, members of my staff, be granted floor privileges for the duration of today's session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WORLD VETERINARY YEAR

Mr. DORGAN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to S. Res. 583.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant editor of the Daily Digest read as follows:

A resolution (S. Res. 583) expressing support for designation of 2011 as "World Veterinary Year" to bring attention to and show appreciation for the veterinary profession on its 250th anniversary.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DORGAN. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the resolution, as amended, be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4657) was agreed to, as follows:

AMENDMENT NO. 4657

(Purpose: To amend the resolving clause)

In paragraph (3) of the resolving clause, strike "requests that the President issue a proclamation calling upon" and insert "urges".

The resolution (S. Res. 583), as amended, was agreed to.

The preamble was agreed to.

The resolution, as amended, with its preamble, reads as follows:

S. RES. 583

Whereas the first veterinary school in the world was founded in Lyon, France, in 1761; Whereas 2011 will mark the 250th anniversary of veterinary education and the founding of the veterinary medical profession;

Whereas 2011 will mark the beginnings of comparative biopathology, a basic tenet of the "one health" concept;

Whereas veterinarians have played an integral role in discovering the causes of numerous diseases that affect the people of the United States, such as salmonellosis, West Nile Virus, yellow fever, and malaria;

Whereas veterinarians provide valuable public health service through preventive medicine, control of zoonotic diseases, and scientific research;

Whereas veterinarians have advanced human and animal health by inventing and refining techniques and instrumentations such as artificial hips, bone plates, splints, and arthroscopy;

Whereas veterinarians play an integral role in protecting the quality and security of the herd and food supply of the Nation;

Whereas military veterinarians provide crucial assistance to the agricultural independence of developing nations around the world;

Whereas disaster relief veterinarians provide public health service and veterinary medical support to animals and humans displaced and ravaged by disasters;

Whereas veterinarians are dedicated to preserving the human-animal bond and promoting the highest standards of science-based, ethical animal welfare;

Whereas 2011 would be an appropriate year to designate as "World Veterinary Year" to bring attention to and show appreciation for the veterinary profession on its 250th anniversary; and

Whereas colleagues in the United States will join veterinarians from around the world to celebrate this momentous occasion: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of 2011 as "World Veterinary Year";

(2) supports the goals and ideals of World Veterinary Year of bringing attention to and expressing appreciation for the contributions that the veterinary profession has made and continues to make to animal health, public health, animal welfare, and food safety; and

(3) urges the people of the United States to observe 2011 as World Veterinary Year with appropriate programs, ceremonies, and activities.

UNITED STATES ENGAGEMENT WITH ASEAN AND ITS MEMBER-STATES

OBSERVING THE FIFTH ANNIVERSARY OF HURRICANE RITA

CONGRATULATING THE NATIONAL INSTITUTE OF NURSING RESEARCH

NATIONAL NURSE-MANAGED HEALTH CLINIC WEEK

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions which were submitted earlier today: S. Res. 640, S. Res. 641, S. Res. 642, and S. Res. 643.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. DORGAN. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions (S. Res. 640, 641, 642, and 643) were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 640

Whereas the Association of Southeast Asian Nations (ASEAN) was founded in 1967 "to strengthen further the existing bonds of regional solidarity and cooperation";

Whereas ASEAN membership has now expanded to include 10 countries, which together span over half the size of the continental United States, with a total population of nearly 600,000,000 persons;

Whereas ASEAN is an important contributor to stability and prosperity in the Asia-Pacific region;

Whereas ASEAN partners with the United States Government and others in the international community to address

transnational problems like terrorism, environmental degradation, the international financial crisis, and maritime security;

Whereas the ASEAN Charter, approved by Southeast Asia's leaders in November 2007, codified norms for the behavior of ASEAN member-states toward their own citizens, covering such subjects as individual rights, democracy, the rule of law, and good governance;

Whereas the combined economy of ASEAN's member countries, valued at approximately \$1,500,000,000,000 in 2008, constitutes the fourth largest market for United States exports, and two-way United States-ASEAN trade in goods and services totaled over \$200,000,000,000 in 2008;

Whereas Southeast Asia is the largest destination for United States foreign direct investment in Asia;

Whereas almost 40,000 students from ASEAN countries studied in the United States in 2008, and an increasing number of United States citizens are studying abroad in these countries;

Whereas the United States Government recognizes the centrality of ASEAN to regional cooperation and problem-solving in the Asia Pacific;

Whereas the United States was the first country to appoint an Ambassador to ASEAN;

Whereas the United States acceded to the Treaty of Amity and Cooperation in Southeast Asia during the July 2009 ASEAN ministerial meetings in Thailand;

Whereas the United States launched a new collaboration with the Lower Mekong Countries—Cambodia, Laos, Thailand, and Vietnam—in the areas of the environment, health, and education in July 2009 in Thailand;

Whereas President Barack Obama stated at the first meeting of the leaders of ASEAN and the United States held in Singapore in November 2009, "The United States is committed to strengthening its engagement in Southeast Asia both with our individual allies and partners, and with ASEAN as an institution.";

Whereas Secretary of State Hillary Clinton said at the July 2010 ASEAN ministerial meetings in Vietnam that the United States was "committed to assisting the nations of Southeast Asia to remain strong and independent, and [to helping ensure] that each nation enjoys peace, stability, prosperity, and access to universal human rights";

Whereas Secretary of State Clinton and Secretary of Defense Robert Gates have stated the intention of the United States to increase participation in regional institutions, including the East Asia Summit and the ASEAN Defense Ministers Meeting Plus Eight, both to be held in October 2010 in Vietnam; and

Whereas the second meeting of ASEAN and United States Government leaders, and the first to be hosted by the United States, will take place in New York City, New York on September 24, 2010: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) to welcome the leaders of ASEAN to the United States for the second ASEAN-United States summit meeting;

(2) that the decision to host the second ASEAN-United States summit in New York City reflects the importance of ASEAN and its member-states to the United States, and the importance of the United States to ASEAN and its member-states;

(3) that the United States Government should continue to seek ways to broaden and

deepen its economic, political-security, social, and cultural engagement with the countries in Southeast Asia toward a closer partnership with ASEAN and its member-states, as well as other regional institutions in the Asia-Pacific region;

(4) that the United States Government is committed to working with all ASEAN member-states to encourage the development of open and free democratic institutions in Burma that allow for the full participation of political opposition and ethnic minority groups; and

(5) that a stronger, more integrated ASEAN serves shared interests in regional peace, stability, and prosperity.

S. RES. 641

Whereas on September 24, 2005, Hurricane Rita made landfall as a Category 3 hurricane just east of the Texas-Louisiana border, between Sabine Pass and Johnson's Bayou, with wind speeds of 120 miles per hour, and further devastated the Gulf Coast, which had already been hit by Hurricane Katrina;

Whereas Hurricane Rita caused 7 deaths, forced 3,000,000 residents to evacuate their homes, caused flooding and tornadoes in the States of Louisiana, Arkansas, Mississippi, and Alabama, and, according to the National Climatic Data Center, left 1,000,000 people without electricity;

Whereas damages from Hurricane Rita are estimated at \$11,300,000,000;

Whereas in 2005, Hurricane Rita was the second hurricane to reach Category 5 status in the Gulf of Mexico, which, according to the National Climatic Data Center, is only the third time that more than one Category 5 storm has formed in the Atlantic in the same year;

Whereas the storm surge from Hurricane Rita was as high as 15 feet near the landfall site and, according to the United States Geological Survey, traveled as far as 50 miles inland, causing disastrous flooding and massive loss of property;

Whereas tens of thousands of homes and businesses in the States of Louisiana and Texas were destroyed by the flooding; and

Whereas the National Wetlands Center of the United States Geological Survey indicates that 217 square miles of the coastal land of the State of Louisiana were transformed to water after Hurricanes Katrina and Rita: Now, therefore, be it

Resolved, That the Senate—

(1) observes the 5th anniversary of the date on which Hurricane Rita devastated the coasts of the States of Louisiana and Texas;

(2) expresses the support of the Senate to the survivors of Hurricane Rita and the condolences of the Senate to the families of the victims of Hurricane Rita;

(3) commends the courageous efforts of those who assisted in the response to the storm and the recovery process;

(4) recognizes the contributions the affected communities in the States of Louisiana and Texas have made to the United States; and

(5) reaffirms the commitment of the Senate to rebuild, renew, and restore the Gulf Coast region.

S. RES. 642

Whereas, in 1983, the Institute of Medicine recommended that nursing research be included in biomedical and behavioral science research;

Whereas the Health Research Extension Act of 1985 (Public Law 99-158; 99 Stat. 820) established the National Center for Nursing Research (referred to in this preamble as the "Center") within the National Institutes of

Health to disseminate information related to basic and clinical nursing research;

Whereas the National Center for Nursing Research excelled in carrying out the purpose of the Center to provide research training and fellowships in the areas of disease prevention, health promotion, and nursing care for individuals with acute and chronic illnesses and the families of those individuals;

Whereas Congress, recognizing the contributions of the National Center for Nursing Research to improving quality care and health, redesignated the Center as the National Institute of Nursing Research (referred to in this preamble as the "NINR") through the enactment of the National Institutes of Health Revitalization Act of 1993 (Public Law 103-43; 107 Stat. 122);

Whereas the research focus of the NINR for the 25 years prior to the approval of this resolution has resulted in advances in nursing science at all stages of the lifespan of an individual;

Whereas the mission of the NINR is to promote and improve the health of individuals, families, communities, and vulnerable populations of the United States;

Whereas the NINR views nursing science as the cornerstone for integrating biological and behavioral sciences, exploring innovations, and improving research methods;

Whereas research funded by the NINR has improved the health outcomes and enhanced the quality of life of the people of the United States by managing disease and relieving symptoms of disease;

Whereas the NINR is committed to helping to eliminate the health disparities facing minority and disadvantaged populations across the United States;

Whereas the NINR holds the principal responsibility for end-of-life research conducted at the National Institutes of Health; and

Whereas the NINR spends a remarkable 7 percent of the budget of the NINR on training new researchers, ensuring that the number of nurse scientists and the faculty educating the next generation of professional nursing students continues to grow: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the National Institute of Nursing Research on the occasion of its 25th anniversary; and

(2) commends the National Institute of Nursing Research for its ongoing support of nursing research, which is integral to the health of the people of the United States.

S. RES. 643

Whereas nurse-managed health clinics are nonprofit community-based health care sites that offer primary care and wellness services based on the nursing model;

Whereas the nursing model emphasizes the protection, promotion, and optimization of health as well as the prevention of illness and the alleviation of suffering along with diagnosis and treatment;

Whereas nurse-managed health clinics are led by advanced practice nurses and staffed by an interdisciplinary team of highly qualified health care professionals;

Whereas nurse-managed health clinics offer a broad scope of services that may include treatment for acute and chronic illnesses, routine physical exams, immunizations for adults and children, disease screenings, health education, prenatal care, dental care, and drug and alcohol treatment;

Whereas nurse-managed health clinics have a proven track record, as the first federally funded nurse-managed health clinic

was created more than 30 years prior to the date of approval of this resolution;

Whereas, as of the date of approval of this resolution, more than 200 nurse-managed health clinics provide care across the United States and record over 2,000,000 client encounters annually;

Whereas nurse-managed health clinics serve a unique dual role as both safety net access points and health workforce development sites, given that the majority of nurse-managed health clinics are affiliated with schools of nursing and serve as clinical education sites for health professions students;

Whereas nurse-managed health clinics strengthen the health care safety net by expanding access to primary care and chronic disease management services for vulnerable and medically underserved populations in diverse rural, urban, and suburban communities;

Whereas research has shown that nurse-managed health clinics experience high patient retention and patient satisfaction rates, and nurse-managed health clinic patients experience higher rates of generic medication fills and lower hospitalization rates when compared to similar safety net providers; and

Whereas the use of nurse-managed health clinics offering both primary care and wellness services will help meet this increased demand in a cost-effective manner: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning October 3, 2010, as “National Nurse-Managed Health Clinic Week”;

(2) supports the ideals and goals of National Nurse-Managed Health Clinic Week; and

(3) encourages the expansion of nurse-managed health clinics so that nurse-managed health clinics may continue to serve as health care workforce development sites for the next generation of primary care providers.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 107–12, appoints the following individuals as members of the Public Safety Officer Medal of Valor Review Board: Charles Massarone of Kentucky and Andy Nimmo of Missouri.

The Chair, on behalf of the Vice President, pursuant to the Public Law 110–298, appoints the following individual to serve as a member of the Federal Law Enforcement Congressional Badge of Bravery Board: Richard Gardner of Nevada.

The Chair, on behalf of the Vice President, pursuant to the Public Law 110–298, appoints the following individual to serve as a member of the State and Local Law Enforcement Congressional Badge of Bravery Board: Nick DiMarco of Ohio.

ORDERS FOR FRIDAY, SEPTEMBER 24, 2010

Mr. DORGAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Friday, Sep-

tember 24; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DORGAN. Mr. President, there will be no rollcall votes during tomorrow's session of the Senate.

ADJOURNMENT UNTIL 9:30 TOMORROW

Mr. DORGAN. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:45 p.m., adjourned until Friday, September 24, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

WILLIAM R. BROWNFIELD, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AN ASSISTANT SECRETARY OF STATE (INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS), VICE DAVID T. JOHNSON, RESIGNED.

OVERSEAS PRIVATE INVESTMENT CORPORATION

MATTHEW MAXWELL TAYLOR KENNEDY, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2012, VICE SAMUEL E. EBBESEN, TERM EXPIRED.

DEPARTMENT OF STATE

KURT WALTER TONG, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS UNITED STATES SENIOR OFFICIAL FOR THE ASIA–PACIFIC ECONOMIC COOPERATION (APEC) FORUM.

GENERAL ACCOUNTABILITY OFFICE

EUGENE LOUIS DODARO, OF VIRGINIA, TO BE COMPTROLLER GENERAL OF THE UNITED STATES FOR A TERM OF FIFTEEN YEARS, VICE DAVID M. WALKER, RESIGNED.

FOREIGN SERVICE

THE FOLLOWING—NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

DEPARTMENT OF STATE

HEATHER M. ROGERS, OF OREGON

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

DEPARTMENT OF STATE

HALA RHARRIT, OF NEVADA

THE FOLLOWING—NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

YAMILEE M. BASTIEN, OF FLORIDA

DEPARTMENT OF STATE

KATHY ELIZABETH ADAMS, OF SOUTH CAROLINA

MAZIN TERRY ALFAQIH, OF CALIFORNIA
ANGELA MONICA ALLEN, OF NEW JERSEY
KURT W. ALLRED, OF TEXAS
ELIZABETH ATEGOU, OF ILLINOIS
AARON M. BANKS, OF THE DISTRICT OF COLUMBIA
ROBERT EDWARD BARNEY, OF ARIZONA
DIANA MICHELLE BATES, OF COLORADO
PATRICK THOMAS BOLAND, OF VIRGINIA
BRIAN D. BRENDDEL, OF MICHIGAN
MICHAEL A. BROOKE, OF CALIFORNIA
CAROLINE N. BROUN, OF MISSOURI
KATHERINE CANTRELL, OF TEXAS
STEWART AARON CARLTON, OF TENNESSEE
YANCY W. CARUTHERS, OF MISSOURI
MICHAEL HUGH COGNATO, OF PENNSYLVANIA
MONICA BEVERLY COLMENARES, OF VIRGINIA
JASON ERIC CONROY, OF IOWA
NATHAN J. COOPER, OF CALIFORNIA
ROBERT P. CORONADO, OF THE DISTRICT OF COLUMBIA
CATHERINE CROFT, OF WASHINGTON
M. KELLY CULLUM, OF MARYLAND
SANDRA L. DUPUY, OF MASSACHUSETTS
JEANIE MARIE DUWAN, OF KENTUCKY
JOEL DYLIHOFF, OF ILLINOIS
JOEL ANTHONY ERWIN, OF TEXAS
DANIEL D. FENECH, OF TEXAS
TRAVIS WALTON FEUERBACHER, OF CALIFORNIA
ADAM FIELDS, OF CALIFORNIA
ELIZABETH FRANKENFIELD, OF VIRGINIA
GREGORY R. GAEDE, OF CALIFORNIA
JASON HOWARD GALLIAN, OF MARYLAND
PATRICK CHRISTOPHER GERAGHTY, OF MASSACHUSETTS

SEBASTIAN JOSEPH GREGG, OF FLORIDA
MICHAEL GRIFFITH, OF THE DISTRICT OF COLUMBIA
ERIK MARK HALL, OF TEXAS
MATTHEW ZAKIN HALLOWELL, OF NEW YORK
BRENDAN J. HARLEY, OF PENNSYLVANIA
MARY K. HARRINGTON, OF NEW HAMPSHIRE
NICHOLAS C. HERSH, OF PENNSYLVANIA
CARLTON JEROME HICKS, OF VIRGINIA
MATTHEW M. HUGHES, OF PENNSYLVANIA
CHRISTOPHER HUNNICUTT, OF NORTH CAROLINA
KAREN EDYTHE HUNTRESS, OF MAINE
ADAEZE JOYCE IGWE, OF TEXAS
NOLEN PHILLIP JOHNSON, OF WISCONSIN
MARGARET T. KATSUMI, OF MASSACHUSETTS
RICHARD P. KAUFMAN, OF VIRGINIA
DERELL KENNEDY, OF TEXAS
KENDRA DENISE KIRKLAND, OF FLORIDA
ANAND KRISHNA, OF CALIFORNIA
ELIJAH PIA COCKETT LAWRENCE, OF UTAH
NINA S. LEWIS, OF FLORIDA
KUAN-WEN LIAO, OF NEW YORK
FRANCESCA GRACE LICHAUO, OF CALIFORNIA
CHRISTINA FAYE LIM, OF VIRGINIA
SARAH KATHLEEN LONGBRAKE, OF THE DISTRICT OF COLUMBIA
JENNIFER L. MAATTA, OF WASHINGTON
THOMAS PATRICK MAROTTA, OF NEW YORK
JASON REID MARTIN, OF CALIFORNIA
LEAN A. MARTIN, OF LOUISIANA
MARGARET MCELLIGOTT, OF THE DISTRICT OF COLUMBIA
ANSON PIERCE MCLELLAN, OF NEW YORK
KARL MCNAMARA, OF SOUTH DAKOTA
DANIEL MEJIA, OF NEW JERSEY
ROCIO MERCADO-GARCIA, OF CALIFORNIA
PATRICK JOSEPH MERRILL, OF CALIFORNIA
SHAMIS MOHAMUD, OF VIRGINIA
MICHELLE J. MORALES, OF FLORIDA
WILLIAM MORGAN, OF NEW JERSEY
KERRIE ANN NANNI, OF TEXAS
ANDREW BELL PACELLI, OF ILLINOIS
GEOFFREY A. PARKER, OF VIRGINIA
LINDSEY MICHELE PLUMLEY, OF VIRGINIA
KATHERINE ELIZABETH RANCK, OF VIRGINIA
D. RICHARD RASMUSSEN, OF WISCONSIN
PETER JEROME RITTER, OF MINNESOTA
BRENDAN RIVAGE-SEUL, OF KENTUCKY
RAOUL A. RUSSELL, OF TENNESSEE
LAURA MARIE SANTINI, OF MINNESOTA
HEIDI J. SCHELLENGER, OF MAINE
RICHARD EDWARD SCHILLING, JR., OF FLORIDA
MARISSA SMITH, OF ARIZONA
WILLIAM A. STARK, OF ARKANSAS
DAVID ALLEN SWALLEY, OF CALIFORNIA
CHRISTOPHER E. TEJIRIAN, OF NEW YORK
BRIDGET ELIAGOEVSKEI TRAZOFF, OF MAINE
JAY TRELOAR, OF FLORIDA
ADAM KENT VANDERVORT, OF VIRGINIA
KEVIN J. VOGEL, OF GEORGIA
STEPHANIE L. WOODARD, OF TEXAS

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER:

JOSEPH FARINELLA, OF NEW YORK
WILLIAM M. FREJ, OF CALIFORNIA
MICHAEL J. YATES, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER COUNSELOR:

CHERYL L. ANDERSON, OF VIRGINIA
BRUCE N. BOYER, OF MARYLAND
STEPHEN F. CALLAHAN, OF VIRGINIA
JOHN GROARKE, OF THE DISTRICT OF COLUMBIA
MICHAEL T. HARVEY, OF TEXAS

JANINA ANNE JARUZELSKI, OF NEW JERSEY
ROBERTA MAHONEY, OF VIRGINIA
MICHAEL CROOKS TROTT, OF VIRGINIA
PAUL CHRISTIAN TUEBNER, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE,
CLASS OF COUNSELOR:

SYED A. ALI, OF FLORIDA
JEFFREY W. ASHLEY, OF TEXAS
JERRY PAUL BISSON, OF VIRGINIA
MARY ALICE KLEINJAN, OF THE DISTRICT OF COLUMBIA
JAROSLAW JOSEPH KRYSCHTAL, OF VIRGINIA
PETER A. MALNAK, OF NEVADA
RANDALL G. PETERSON, OF VIRGINIA
CURTIS A. REINTSMA, OF VIRGINIA
DONELLA J. RUSSELL, OF OREGON
DANIEL M. SMOLKA, OF WEST VIRGINIA
CATHERINE M. TRUJILLO, OF NEW YORK
JAMES E. WATSON, OF VIRGINIA
JOSEPH C. WILLIAMS, OF THE DISTRICT OF COLUMBIA

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS OF THE COAST
GUARD PERMANENT COMMISSIONED TEACHING STAFF
FOR APPOINTMENT IN THE GRADE INDICATED IN THE
UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C.,
SECTION 189:

To be commander

GREGORY J. HALL

To be lieutenant commander

JOSEPH T. BENIN

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINT-
MENT AS A PERMANENT COMMISSIONED REGULAR OFFI-
CER IN THE UNITED STATES COAST GUARD IN THE
GRADE INDICATED UNDER SECTION 211(A)(1), TITLE 14,
U.S. CODE.

To be lieutenant

ANDREW C. KIRKPATRICK

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT
IN THE UNITED STATES AIR FORCE TO THE GRADE INDI-
CATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE
AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION
601:

To be lieutenant general

MAJ. GEN. DARRELL D. JONES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT
IN THE UNITED STATES AIR FORCE TO THE GRADE INDI-
CATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE
AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION
601:

To be lieutenant general

MAJ. GEN. CHARLES R. DAVIS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT
IN THE UNITED STATES AIR FORCE TO THE GRADE INDI-
CATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE
AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION
601:

To be lieutenant general

LT. GEN. LARRY D. JAMES

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES ARMY
UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. JOSEPH A. BRENDLER

THE FOLLOWING ARMY NATIONAL GUARD OF THE
UNITED STATES OFFICERS FOR APPOINTMENT IN THE
RESERVE OF THE ARMY TO THE GRADE INDICATED
UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. DANA M. CAPOZZELLA
COL. STEPHEN L. DANNER

THE FOLLOWING ARMY NATIONAL GUARD OF THE
UNITED STATES OFFICER FOR APPOINTMENT IN THE RE-
SERVE OF THE ARMY TO THE GRADE INDICATED UNDER
TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. MARIA L. BRITT

THE FOLLOWING ARMY NATIONAL GUARD OF THE
UNITED STATES OFFICER FOR APPOINTMENT IN THE RE-
SERVE OF THE ARMY TO THE GRADE INDICATED UNDER
TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. WILLIAM L. FREEMAN, JR.

THE FOLLOWING ARMY NATIONAL GUARD OF THE
UNITED STATES OFFICER FOR APPOINTMENT IN THE RE-
SERVE OF THE ARMY TO THE GRADE INDICATED WHILE
ASSIGNED TO A POSITION OF IMPORTANCE AND RESPON-
SIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. FRANK J. GRASS

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT
TO THE GRADE OF LIEUTENANT GENERAL IN THE
UNITED STATES MARINE CORPS WHILE ASSIGNED TO A
POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER
TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHN M. PAXTON, JR.

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINT-
MENT TO THE GRADE INDICATED IN THE REGULAR AIR
FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

DANIEL P. GILLIGAN
KIMBERLY D. KUMER
NGHIA H. NGUYEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES AIR
FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

BRIAN F. ABELL
SEAN P. ABELL
RANDALL E. ACKERMAN
MICHELLE T. ADAMS
JODY A. ADDISON
STEWART R. AITKENCADE
GEOFFREY A. AKERS
ARTURO ALAIZA, JR.
PATRICK M. ALBRITTON
CHRISTOPHER M. ALEXANDER
MONA E. ALEXANDER
JEFFREY T. ALLISON
CLARK L. ALLRED
KEVIN D. ALLRED
JUAN A. ALVAREZ
DANIEL G. AMEGIN
CYNTHIA G. ANDERSON
JEREMY S. ANDERSON
PONG K. ANDERSON
SCOTT W. ANDERSON
STEVEN C. ANDERSON
TANYA J. ANDERSON
SHAWN E. ANGER
RICHARD D. ANTON
JOSEPH M. APPEL
RICHARD L. APPEL
CLAUDE M. ARCHAMBAULT
EARL ARDALES
BRADLEY J. ARMSTRONG
MICHAEL C. ARNDT
MICHAEL J. ARTELLI
DAVID M. ASHLEY
FREDERICK H. ATWATER III
JON C. AUTREY
JASON B. AVRAM
MATTHEW L. AYRES
LISLE H. BABCOCK
BRAD C. BAILEY
KAREN BAILEY
JASON E. BAKER
PAUL D. BAKER
BRIAN K. BAKSHAS
ARNOLD C. BALDOZA
HEATHER M. BALDWIN
MICHAEL S. BANZET
JOHN E. BAQUET
CHRISTOPHER T. BARBER
KATHARINE G. BARBER
JAMES C. BARGER
DANIELLE L. BARNES
GREGORY D. BARNETT
RYAN R. BARNEY
ANTHONY R. BARRETT
BARRINGTON M. BARRETT
CATHERINE V. BARRINGTON
CLAYTON B. BARTELS
BRENDAN C. BARTLETT
JOHN V. BARTOLI
CHRISTIA BASBALLE SORENSEN
VIDA V. BEARD
ALAN L. BEAUMONT
OMAR E. BECERRIL
CHARLES E. BECKER
KEVIN R. BEEKER
MATTHEW R. BEER
JEFFREY A. BEERS
TIMOTHY E. BEERS
STEVEN G. BEHMER
MICHAEL E. BELKO
NICHOLAS A. BELL
DIANE C. BENAVIDEZ
MICHAEL L. BENNETT
WILLIAM A. BERCK
CHRISTOPHER C. BERG
TIMOTHY M. BERGMAN
PETER E. BERMES
SCOTT D. BERNDT
WILLIAM L. BERNHARD
FREDERICK S. BERRIAN
RAYMOND J. BESSON
JAMES A. BEYER
THOMAS BICKERSTAFF
SEKOU T. BILLINGS
ROBERT L. BIRCHUM
MICHAEL B. BIRDWELL

BENJAMIN W. BISHOP
JOEL R. BIUS
KIM D. BLACK
WILLIAM T. BLADEN
RYAN D. BLAKE
WILLIAM B. BLAUSER
JOHN J. BLEIL
DEREK S. BLOUGH
JAMES W. BODNAR
THOMAS T. BODNAR
ELIZABETH C. BOEHM
JOHN M. BOEHM
STEVEN G. BOGSTIE
KENNETH R. BOILLOT
PATRICK B. BOLAND
TIMOTHY J. BOLEN
SEAN P. BOLES
ELIZABETH A. BOLL
SCOTT B. BONZER
RONALD K. BOOKER
RALPH E. BORDNER III
CHRIS E. BORING
RICHARD L. BOURQUIN
PAUL S. BOVANKOVICH
BERNADETTE P. BOWMAN
IAN T. BOYD
MARTIN F. BRABHAM
WILLIAM S. BRADLEY
JOHN BRADY
KATHY K. BRADY
WARREN B. BRAINARD
JAMES P. BRASSELL
MICHAEL A. BRAZELTON
THOMAS M. BREEN
MAXIMILIAN K. BREMER
TYR RICHARD BRENNER
ROBERT T. BRIDGES
SIDNEY J. BRIDGES
MICHAEL J. BRIGGS
EARL J. BRINSON
JOEL L. BRISKE
SCOTT D. BRODEUR
CARLOS J. BROWN
RICHARD KEVIN BROWN, JR.
TRAVIS A. BROWNLOW
DONALD R. BRUNK
BYRON T. BRUNSON
SANORA F. BRUNSON
ROBERT H. BRYANT III
MARK R. BRYKOWYTCH
JOHN L. BUCHANAN II
RONALD J. BUCHSEN, JR.
MATTHEW J. BUDDE
JONATHAN C. BUFFINGTON
DAVID L. BULLARD
JAMES E. BURGESS
LANCE C. BURNETT
CURTIS W. BURNEY
KELLY D. BURT
HENRI J. BUSQUE
WALTER A. BUSTELO
ROBERT V. BUTKOVICH
MATTHEW J. BUTLER
TODD C. BUTLER
ADRIAN R. BYERS
EDWARD P. BYRNE
MICHAEL R. CABRAL
REGINA LOUISE CAIN
MAURIZIO D. CALABRESE
BRADY D. CALDWELL
MATTHEW D. CALHOUN
CHRISTOPHER J. CALLIS
MICHAEL A. CALVARESI
GERALD T. CAMPBELL, SR.
NORMAN J. CANNON
EDWARD K. CANTRELL
ANTHONY J. CAPARELLA
SHAY R. CAPEHART
JOHN T. CARANTA III
STEPHEN V. CAROCCI
ALLAN A. CARREIRO
RAFAEL D. CARROLL
SCOTT G. CARROLL
CHRISTOPHER C. CARTER
IVORY D. CARTER
AMY L. CARUTHERS
JONATHAN D. CARY
JOSEPH J. CASSIDY II
GREGORY A. CAUDLE
PAUL S. CAZIER
ROBERT W. CHAMBERS
JASON S. CHANDLER
JACQUELINE D. CHANG
JOSEPH CHARGUALAF
RONALD J. CHASTAIN
EDWARD P. CHATTERS IV
KEITH N. CHAURET
RAYMOND A. CHEHY, JR.
JON E. CHESSER II
TROY W. CHEVALIER
WAYNE M. CHITMON
JOHN S. CHOBERKA, JR.
MICHAEL L. CHONG
JOHN A. CHRIST
JENNY M. CHRISTIAN
BRADLEY D. CHRISTIANSEN
REGGIE A. CHRISTIANSON
WILLIAM V. CHUDKO
CHRISTOPHER STEPHEN CHURCH
WILLIAM R. CHURCH
LISA A. CICCARELLI
MICHAEL T. CLANCY

AARON W. CLARK
 ANDREW M. CLARK
 CHRISTOPHER F. CLARK
 CHRISTOPHER R. CLARK
 WILL CLARK
 WILLIAM M. CLARKE
 ELIZABETH A. CLAY
 DANIEL C. CLAYTON
 PAUL P. CLEMANS
 DOMINIC P. CLEMENTZ
 NATHAN D. CLEMMER
 SARAH U. CLEVELAND
 TRAVIS J. CLOVIS
 ERIN C. CLUFF
 THOMAS F. COAKLEY
 TOM G. COATE
 MARK D. COGGINS
 CAROLYN C. COLEMAN
 LAMONT A. COLEMAN
 CHARLES W. COLLIER
 PERSIVIA COLLINS II
 BRIAN A. COLLORD
 MICHAEL J. COLVARD
 THEODORE E. CONKLIN, JR.
 JAMES A. CONLEY
 DANIEL A. CONNELLY
 RYAN C. CONNER
 ILA L. CONVERTINE
 DANIEL E. COOK
 HEATHER A. COOK
 JOSEPH COOK
 KENNETH R. COOK
 JASIN R. COOLEY
 DAVID L. COOPER
 PHILIP J. COOPER
 JOSHUA J. CORNER
 LARRY M. CORZINE
 SEAN J. COSDEN
 KAREN M. COSGROVE
 GERALD C. COTTRILL
 SHAWN C. COVAULT
 JOHN R. COX, JR.
 JOHN A. COY
 RYAN M. COYNE
 DIALLO O. CREAL
 MICHAEL A. CREIGHTON
 KEVIN R. CROCCO
 RYAN L. CROCKETTE
 CHRISTOPHER L. CRUISE
 CHRISTOPHER A. CULLENBINE
 TIMOTHY W. CUMMINS
 JEFFREY M. CUNNINGHAM
 WILLIAM M. CURLIN
 MACK W. CURRY II
 MICHAEL D. CURRY
 MARTIN T. DAACK, JR.
 SARAH D. DAHL
 JEFFREY M. DAMBRA
 PATRICK E. DANIEL
 CALVIN E. DANIELS, JR.
 KENNETH J. DANIELS
 TIMOTHY S. DANIELSON
 TIMOTHY B. DANN
 JENNA M. DAVIS RICHARDSON
 RUSSELL O. DAVIS
 BRANDON W. J. DEACON
 SARA B. DEAVER
 JOEL R. DEBOER
 EDUARDO DEFENDINI
 JASON R. DELAMATER
 DIANA N. DELATORRE
 DAVID W. DENGLE
 NATHAN R. DENNES
 JASON A. DENSLEY
 THOMAS A. DENT
 KEITH A. DERBENWICK
 DANIEL W. DETZI
 RONNIE V. DEVLIN
 SCOT A. DEWERTH
 RICHARD R. DICKENS
 JEFFREY M. DILL
 DOUGLAS J. DISTASO
 JODY L. DIXON
 MINH C. DO
 THANG T. DOAN
 DANIEL A. DOBBELS
 JAMES M. DOBBS
 RICHARD R. DODGE
 MICHAEL R. DONAGHY
 JAMES L. DONELSON, JR.
 JAMES B. DONKIN
 JEFFREY A. DONNELL
 PHILLIP R. DONOVAN
 ANCIE E. DOTSON III
 MATTHEW A. DOUGLAS
 JONATHAN G. DOWNING
 BRADLEY C. DOWNS
 JEFFREY J. DOWNS
 LINDSAY C. DROZ
 ANTHONY W. DUDLEY
 JAMES S. DUKE
 CRAIG L. DUMAS
 RONALD E. DUNLAP III
 PAUL L. DUPUIS
 SCOTT A. DUTKUS
 RICHARD E. DWYER
 TODD A. DYER
 TODD R. DYER
 DAMON C. DYKES
 HARRY R. DYSON
 MARTY W. EASTER
 DOUGLAS D. EATON

BRYAN T. EBERHARDT
 JON A. EBERLAN
 BRIAN A. EBERLING
 MICHAEL T. EBNER
 JASON A. ECKBERG
 JARRETT E. EDGE
 DARREN M. EDMONDS
 MICHAEL C. EDWARDS
 TRAVIS L. EDWARDS
 GARY J. EILERS
 MICHAEL K. EMBREE
 HARRY A. EPPERSON III
 LORNE E. ESHELMAN
 THOMAS P. ESSER
 ALDWIN V. ESTRELLADO
 DAVID A. EVANS
 WILSHELLA S. EZELL
 ERIC S. FAJARDO
 ROBERT L. FARKAS
 DAVID E. FARLEY
 ADAM MICHAEL FAULKNER
 CHRISTIAN D. FAUST
 CRISTINA CAMERON FEKKES
 MICHAEL J. FELLONA
 KEVIN A. FERCHAK
 DAVID A. FERGUSON
 DIANNE E. FERRARINI
 DAVID L. FERRIS
 SHYLON C. FERRY
 STEVEN A. FINO
 DAVID B. FISHER
 SCOTT A. FISHER
 MICHAEL B. FITZPATRICK
 JOHN R. FLEMING, JR.
 MORRIS M. FONTENOT, JR.
 ROUVEN M. FORBES
 JOHN T. FORINO
 GREGORY S. FORMANSKI
 SCOTT W. FORN
 CHARLES D. FORRESTAL
 KIMBERLY E. FOX
 STEPHEN P. FRANK
 ALBERT E. FRANKE IV
 DAVID M. FRANKLIN
 RICHARD C. FREEMAN
 ROYCE C. FRENGLE
 JESSE J. FRIEDEL
 MARK A. FRIEND
 ROY L. FRIERSON II
 JOHN C. FRIZZELL, JR.
 LEAH R. FRY
 WILLIAM F. FRY
 WILLIAM J. FRY
 DOUGLAS E. GAETA
 DARRICK V. GALACGAC
 CHAD A. GALLAGHER
 DOUGLAS S. GARAVANTA
 BRIAN W. GARINO
 STEPHEN D. GARMON
 SOLOMON M. GARRETT IV
 JOHN A. GARZA
 JAMES P. GATCH
 TOMMY M. GATES III
 EMIL D. GAWARAN
 FREDERICK K. GEARHART
 PHILIP M. GEELHOOD
 DAVID L. GEHRICH
 ALLEN A. GEIST
 LEE G. GENTILE, JR.
 TRAVIS N. GEORGE
 JEFFREY T. GERAGHTY
 JOHN M. GERST
 DANIEL R. GIACOMAZZA
 KEITH E. GIBELING
 ERIES L. GIBSON
 JAY S. GIBSON
 TY S. GILBERT
 CRAIG M. GILES
 KIPPER L. GILES
 ROBERT W. GILLILAND
 JASON N. GINGRICH
 DANIEL E. GITTHENS
 TED D. GLASCO
 CHARLES G. GLASSCOCK
 SEAN M. GODFREY
 EDWARD G. GOEBEL, JR.
 MICHAEL L. GOERINGER
 MARTIN J. GOLDEN
 JOSEPH R. GOLEMBIEWSKI
 JULIO M. GOMEZ
 ANTONIO J. GONZALEZ
 RICHARD K. GOODALL
 ALLEN W. GOODWIN
 DAVID J. GORDON
 KEVIN P. GORDON
 RUSSELL J. GORECKI
 LOREN R. GRAHAM
 SETH W. GRAHAM
 GEORGE R. GRANHOLM
 MARION GRANT
 DWAYNE A. GRAY
 CRAIG A. GREEN
 LANNY B. GREENBAUM, JR.
 NOLAND T. GREENE
 TRENT A. GREENWELL
 JAMES R. GRESIS
 ANDREW C. GRIFFIN
 PAUL R. GRIFFIN
 JEFFREY A. GRIMES
 TERRENCE R. GRIMM
 JOSEPH C. GUECK
 CAMILO GUERRERO

AARON GUILL
 RYAN J. GULDEN
 KEITH D. GURNICK
 JOEL D. GUSSY
 YASHUA WILLIAM GUSTAFSON
 JOSE A. GUTIERREZ
 ALEXANDER J. HADDAD
 ADRIAN C. HAGEMAN
 SEAN W. HAGLUND
 TYLER N. HAGUE
 DAX R. HAIR
 JAMES B. HALL
 RYAN C. HALL
 SARAH L. HALL
 ANN MARIE HALLE
 JOHNNY L. HAMILTON
 HEATHER M. HANKS
 HUGH S. HANSENS
 JEREMY R. HANSON
 JOHN D. HARBOUR
 JOHN M. HARDEE
 NICHOLAS S. HARDMAN
 JEFFREY C. HARDY
 AGGA L. HAREN
 STEVEN L. HAREN
 GRANT M. HARGROVE
 JAMES B. HARLOW
 PAUL K. HARMER
 DUANE F. HARMON
 GREGORY S. HARMON
 JEREMY T. HARMON
 MATTHEW T. HARNLY
 THOMAS G. HARRELL
 JAMES D. HARRIS, JR.
 JOSE T. HARRIS
 BRETT W. HARRY
 WILLIAM D. HART
 CHARITY A. HARTLEY
 SCOTT A. HARTMAN
 DANIEL N. HARVALA
 JAMES C. HARWOOD
 BILLY E. HASSELL
 LESLIE F. HAUCK III
 MICHAEL S. HAVARD
 JEFFERSON G. HAWKINS
 JOHN W. HAWKINS, JR.
 DOUGLAS P. HAYES
 STEVEN L. HAYNES
 DARIN D. HEESCH
 ERIC J. HEIGEL
 PAUL R. HEITMEYER, JR.
 SUZANNE M. HENDERSON
 TIAA E. HENDERSON
 STEVEN D. HENDRICKS
 TODD A. HENNINGER
 ELWOOD HENRY
 DAVID A. HENSHAW
 CHRISTOPHER S. HENSLEE
 KEITH G. HEPLER, JR.
 PATRICK A. HERNANDEZ
 KENNETH B. HERNDON
 MARC C. HERRERA
 MARC E. HERRERA
 JOHN D. HESS
 NATHANIEL B. HESSE
 CHAD L. HEYEN
 ROBERT S. HILLIARD
 BRENT R. HIMES
 TAMMY S. HINSKTON
 ADISA A. A. HINTON
 BRIAN E. HIPPEL
 JENNIFER PRAHL HLAVATY
 KEVIN R. HOBBS
 DARIN L. HOENLE
 ERIK K. HOFFMAN
 RONALD P. HOFFMEYER
 JEFFREY A. HOGAN
 CHRISTOPHER M. HOGUE
 MARIA C. HOLBROOK
 LAURA MICHELLE HOLCOMB
 JAMES M. HOLDER
 CHRISTOPHER L. HOLLINGER
 SLOAN L. HOLLIS
 MICHAEL W. HOLMES
 TONY D. HOLMES
 RONALD A. HOPKINS
 CHRISTOPHER D. HORNBERG
 ALLEN J. HORSENS
 ROBERT A. HORTON
 JOSEPH M. HOWARD
 JOHNLOUIS W. HOWELL
 ERIC J. HOWLAND
 ERIC D. HRESKO
 MERNA H. H. HSU
 VICTOR P. HUBENKO, JR.
 DAVID A. HUBER
 ODARO J. HUCKSTEP
 MICHAEL G. HUNSBERGER
 DON R. HUNT
 ANGELA F. HUNTER
 MATTHEW R. HUNTER
 TRACY N. HUNTER
 JOSEPH A. HURD
 CHRISTOPHER G. HUTCHINS
 JEREMY J. HUTCHINS
 JARED J. HUTCHINSON
 VERONICA J. HUFFLES
 DAVID B. HUXSOLL
 TIMOTHY L. HYER
 LATEEF M. HYNSON
 ANN M. IGL
 CHADWICK D. IGL

RYAN J. INMAN
 DAVID J. IRVIN, JR.
 NATHAN L. IVEN
 ZIGMUND W. JACKIM
 ABRAHAM L. JACKSON
 BENJI B. JACKSON
 MICHAEL L. JACKSON, JR.
 WILLIAM B. JACKSON
 JEFFREY C. JARRY
 DERRICK W. JEE
 JENNIFER R. JEFFRIES
 DEREK C. JENKINS
 DONALD J. JENTGENS, JR.
 ANTONIO D. JESURUN
 JACQUE M. JOFFRION
 BRADLEY L. JOHNSON
 DAVID C. JOHNSON
 GARETH E. JOHNSON
 GEORGE W. JOHNSON, JR.
 KENNETH C. JOHNSON
 MARK D. JOHNSON
 MELISSA A. JOHNSON
 CAREY J. JONES
 KEITH W. JONES
 JASON M. JULIANA
 ANDREW L. JULSON
 ERIC L. JURGENSEN
 REGINALD W. KABBAN
 BLAIR I. KAISER
 CHRISTOPHER P. KAISER
 JAMES E. KAJDASZ
 JASON B. KARREN
 DON C. KEEN
 ERIKA D. KELLEY
 JOHN P. KELLY
 ROBERT H. KELLY
 JOHN A. KENT IV
 SEAN C. G. KERN
 JOHN R. KERR
 MUHAMMAD S. KHAN
 EDWIN J. KILPATRICK
 ANGELA Y. KIM
 BRETT A. KING
 CHRISTOPHER J. KING
 DANIEL R. KING
 JONATHAN D. KING
 LUTHER L. KING
 JEFF C. KINGSLEY
 JASON T. KIRBY
 PAUL H. KIRK
 WESLEY D. KIRK
 DONALD R. KIRKLAND, JR.
 CARYN L. KIRKPATRICK
 PAUL E. KLADITIS
 ANTHONY A. KLEIGER
 THOMAS A. KNOWLES
 TRICIA H. KOBBERDAHL
 KYLE F. KOLSTI
 PAUL P. KONYHA III
 MELVIN R. KORSMO
 KEITH J. KOSNIC
 STOSH KOWALSKI
 KEVIN D. KOZUCH
 JUSTIN R. KRAFT
 KURT F. KREMSEY
 VINCENT M. KREPPS
 RYAN R. KRIETSCH
 JENNIFER M. KROLIKOWSKI
 JAY F. KUCKO
 MAFWA M. KUVIBIDILA
 MICHAEL A. KWASNOSKI
 JEFFREY D. KWOK
 EILEEN M. LABRECQUE
 STEPHEN R. LACH
 GYORGY LACZKO
 DARIN A. LADD
 CHARLES S. LAING
 DAT V. LAM
 JOSHUA A. LANE
 CHRISTOPHER M. LANIER
 JEFFREY D. LANPHEAR
 CHRISTOPHER LARKIN
 ERIC C. LARSON
 MIKKO R. LAVALLEY
 GARY C. LAVERS
 TIMOTHY R. LAWRENCE
 MUN K. LEE
 WILLIAM M. LEE, JR.
 WINSTON S. W. LEE
 ROBERT S. LEEDS, JR.
 CHRISTINE FALAVOL LEGAWIEC
 PHILLIP A. LEGG
 BRIAN A. LEIBUNDGUTH
 TRAVIS K. LEIGHTON
 JUSTIN A. LEMIRE
 MATTHEW J. LENGEL
 MICHAEL A. LENHART
 DAVID M. LERCHER
 JONATHAN B. LESLIE
 BRIAN C. LEWIS
 EDWARD J. LIBERMAN
 ROBERT A. LIGHT
 DEREK M. LINCOLN
 TODD M. LINDELL
 STEVEN C. LINDMARK
 GREGORY A. LINDSEY
 JOHN F. LINGELBACH
 RYAN A. LINK
 ANDREW J. LIPINA
 ZACHARY J. LISTER
 GRAHAM LITTLE
 VINCENT R. LITTELL

JOHN D. LOFTIS
 SCOTT W. LOGAN
 GEOFFREY E. LOHMILLER
 JASON D. LOLLAR
 PETER D. LOMMEN
 PATRICK V. LONG
 JAMES PHILIP LONIER
 JASON J. LOSCHINSKEY
 ANDY K. LOVING
 BRIAN C. LOW
 TERRALUS J. LOWE
 KRISTI LOWENTHAL
 DEVEN J. LOWMAN
 MICHAEL W. LUCAS
 JOHN R. LUDINGTON III
 KEVIN K. LUKA
 WALTER C. LUTHER III
 WILLIAM J. LYNCH
 ARMAND D. LYONS
 DAVID C. LYONS
 ROBERT P. LYONS III
 CHRISTOPHER A. MACAULAY
 ERIC G. MACK
 BRIAN P. MACKAY
 CHRISTOPHER D. MACLEAN
 THOMAS J. MAHONEY
 APRIL D. MAJOR
 BETH LEAH MAKROS
 ROBERT H. MAKROS
 MICHAEL E. MALLEY
 CHRISTOPHER L. MALLORY
 TRENTON J. MALY
 PAUL A. MANCINELLI
 JOHN G. MANGAN
 KEVIN R. MANTOVANI
 STEVEN R. MARIN
 CRAIG A. MARION
 LETITIA A. C. MARSH
 RICHARD A. MARSH
 EDWARD E. MARSHALL
 JAMES E. MARSHALL
 DEVIN W. MARTIN
 JOHN A. MARTIN
 MARGARET C. MARTIN
 SEAN P. MARTIN
 MARTIN A. MARTINEZ III
 MICHAEL A. MARTINEZ
 GREGORY A. MARTY
 JOSHUA O. MASKOVICH
 RAY P. MATHERNE
 STEPHEN B. MATTHEWS
 CHRISTOPHER J. MAY
 MATTHEW L. MAY
 SCOTT H. MAYTAN
 DAVID J. MAZZARA
 DENISE A. MCALLISTER
 JAMES G. MCARTHUR
 THOMAS MCAULEY
 CHRISTOPHER J. MCCARTHY
 MOLLIE NEAL MCCARTHY
 DAVID L. MCCLEESE
 GERROD MCCLELLAN
 MICHAEL R. MCCLURE
 ALAN P. MCCrackEN
 MICHAEL F. MCCULLOUGH, JR.
 BRIAN C. MCDONALD
 TIMOTHY S. MCDONALD
 CHARLES A. MCDELVAINE
 JEFFREY L. MCGAW
 DAVID J. MCGINN
 MICHAEL P. MCGIVERN
 KEVIN J. MCGOWAN
 THOMAS C. MCINTYRE
 MARK L. MCKAMEY
 WILBURN B. MCCLAMB
 SCOTT A. MCLAREN
 ROBERT N. MCLAUGHLIN
 SEAN K. MCMURRAY
 BRIDGET M. MCNAMARA
 ANDREW L. MCWHORTER
 THOMAS M. MEER
 EDUARDO C. MEIDUNAS
 DAVID C. MEIER
 DAVID C. MEISSEN
 MICHAEL J. MENCH
 MICHAEL J. MENDENHALL
 RICHARD S. MENDEZ
 CHRISTOPHER E. MENUHEY
 JASON M. MERCER
 ANDREW J. MERKLE
 STEPHEN A. MERROW
 JOSHUA W. MEYER
 NICHOLAS J. MICHALSKI
 DAVID M. MICHAUD
 JACOB MIDDLETON, JR.
 KENNETH E. MIERZ
 RYAN J. MILLAY
 BRAD M. MILLER
 DAVID A. MILLER
 DEREK R. MILLER
 JOSEPH C. MILLER
 PATRICK G. MILLER
 PATRICK M. MILLER
 PAUL M. MILLER
 ANTHONY J. MIMS
 ROBERT E. MIMS
 SCOTT A. MINTON
 JOHN S. MIZELL
 MATTHEW R. MODARELLI
 ERIC T. MONICO
 BRIAN R. MONTGOMERY
 ERIC R. MOOMEY

ARGIE S. MOORE
 TIMOTHY J. MOORE
 TODD M. MOORE
 VASHON D. MOORE
 ERIC P. MORAES
 MARCELO MORALES
 IAN P. MORENO
 CHAD M. MORGAN
 SHAWN D. MORGENSTERN
 BARRETT L. MORRIS
 MADISON L. MORRIS
 SCOTT A. MORRISON
 DAVID R. MORROW
 GREGORY M. MOSELEY
 RYAN D. MUELLER
 CARL R. MULLEN II
 ANTHONY J. MULLINAX
 SANTOS O. MUNOZ
 MARK W. MURRAY
 JOSEPH A. MUSACCHIA
 HARRY D. MYERS
 STACEY N. NADER
 VINOD D. NAGA
 KEVIN R. NALETTE
 MONROE NEAL, JR.
 ROBERT S. NEIPER
 ERIC B. NELSON
 JEFFREY W. NELSON
 MARK R. NELSON
 CHRISTOPHER J. NEMETH
 JENNIFER L. NEVIUS
 JAMES D. NEWBERRY
 NEAL NEWELL III
 JULIE S. NEWLIN
 STEWART H. NEWTON
 JAMES P. NICHOL
 PAUL S. NICHOLS
 JAMES B. NICHOLSON, JR.
 MATTHEW J. NICHOLSON
 DANIEL S. NIELSEN, JR.
 TERRY R. NOFFSINGER
 DAVID J. NOLAN
 PETER M. NORTON
 TRAVIS L. NORTON
 TAMMIE L. NOTTESTAD
 DAVID B. NOVY
 ABEL S. NUNEZ
 TARA C. O
 LESTER N. OBERG III
 PATRICK H. OBRIEN
 PATRICK J. OBRUBA
 NICHOLAS J. ODELL, JR.
 SCOTT A. OGLEDZINSKI
 GREGORY T. OGOREK
 JEFFREY A. OGRADY
 PATRICK S. OHARA
 PETER F. OLSEN
 SCOTT A. OMALLEY
 CHRISTOPHER N. OMDAL
 JEFFREY S. ONAN
 BRIAN P. ONEILL
 ARVID E. OPRY
 TRACY L. ORFIELD
 ROBIN E. ORTH
 PATRICK M. OSULLIVAN
 ENRIQUE A. OTI
 SHERYL A. E. OTT
 ANTHONY J. OWENS
 CHRISTOPHER T. OWENS
 JOSEPH A. PABALAN
 JEFFREY R. PAGET
 JOSEPH M. PANKEY
 DANIEL K. PANKRATZ
 CHARLES N. PARADA
 BRIAN D. PARDEE
 KEVIN L. PARKER
 WILLIAM M. PARKER
 MARCO J. PARZYCH
 CHAD P. PATE
 BRIAN E. PATNETT
 JARED B. PATRICK
 MAX E. PEARSON
 AMBER N. PECONGA
 JAMES D. PEDERSEN
 DAVID D. PEREZ
 MICHAEL J. PERRY
 JERALD K. PERRYMAN
 BRIAN A. PETE
 CORBETT M. PETERSON
 LANCE E. PETERSON
 MATTHEW W. PETRO
 BRIAN K. PHILLIPPY
 BRIAN S. PHILLIPS
 CRAIG J. PHILLIPS
 EDWARD P. PHILLIPS
 STEPHEN E. PHILLIPS
 KENNETH R. PICH
 MICHAEL S. PINKSTAFF
 JOSEPH B. PITZER
 JON E. PLASTERER II
 WILLIAM C. POLSON
 JAMES J. POND
 JAI R. POPE
 SERGIO A. PORRES
 JASON B. PORTER
 FREDERICK T. PORTIS
 WILLIAM S. POTEET
 GREGORY T. POUND
 MICHAEL D. PRESNAR
 GINA L. PREVETT
 JAMES W. PRICE
 PHILIP D. PRINCIPI

ELBERT R. PRINGLE II
SCOTT C. PUKAY
CRAIG A. PUNCHES
ERIN P. PYLE
JEREMY D. QUATACKER
ERIK N. QUIGLEY
JASON M. QUIGLEY
MARCIA L. QUIGLEY
PAUL R. QUIGLEY
ANDREW J. RADKE
MICHAEL E. RADLE
GARY B. RAFNSON
JUNAID M. RAHMAN
STEVEN A. RASPET
BRETT A. RAWALD
KIRK L. REAGAN
THOMAS W. REAGAN, JR.
ROBERT D. REEDER
RICHARD F. REICH, JR.
AARON R. RESSLER
JONATHAN A. REYES
GONZALO REYNA
DAVID A. REYNOLDS
SILVANO E. REYNOSO, JR.
KIMBERLY P. RHOADES
MICHAEL R. RICH
DANIEL R. RICHARDS, JR.
DAVID A. RICKARDS
JAMES W. RICKMAN
BRIAN L. RICO
JASON M. RIERA
JONATHAN RILEY
STEPHEN E. RINEHART
GLENN A. RINEHEART
KEVIN RIPPLE
KATE RITZEL
SCOTT M. RITZEL
JUAN CARLOS RIVERA
CHAD ROBBINS
TODD A. ROBBINS
JASON N. ROBERTS
RICHARD J. ROBERTS
THEODORE G. ROBERTS
MICHAEL E. ROBIDOUX
CHRISTOPHER P. ROBINSON
JEFFREY D. ROBINSON
JON T. ROBINSON
KEITH P. ROCKOW
ROMULO R. RODAS
DANIEL A. ROESCH
WILLIAM S. ROGERS
JEFFREY T. ROSA
MIGUEL ROSALES, JR.
JACOB J. A. ROSSER
MARLYCE K. ROTH
BRYAN J. ROUNDTREE
MICHAEL S. ROWE
MATTHEW C. ROWLAND
JAMES W. ROY III
RICHARD D. RUIZ
THOMAS A. RUNGE
ABIGAIL L. W. RUSCETTA
JASON R. RUSCO
RADOSLAW RUSEK
SHANE C. SAARI
REGINA A. SABRIC
BRIAN DARNELL SALLEY
DEREK M. SALMI
JUSTIN P. SALTER
ASSAD SAMAD
CHARLES S. SAMMONS
FREDERICK M. SAPP
GINO SARCOMO
TYLER R. SCHAFF
DEREK F. SCHIN
WILLIAM F. SCHLICHTIG
JOHN L. SCHLUTER, JR.
DONALD W. SCHMIDT
ROBERT M. SCHMIDT
ANNA MARIE SCHNEIDER
JOSEPH J. SCHNEIDER
SIEGFRIED SCHOEPF
CHAD W. SCHRECEGOST
CHRISTOPHER J. SCHUMPP
TIMOTHY M. SCHWAMB
SIMON M. SCOGGINS
JASON C. SCOTT
JENIPHER E. SCOTT
GEORGE A. SEFZIK
DAVID L. SEITZ
JASON T. SELF
ERIK M. SELL
DOUGLAS G. SEYMOUR
DOUGLAS B. SHAFFER
CHARLES L. SHAW
SAMUEL R. SHEARER
JACOB C. SHEDDAN
JOHN J. SHEETS
PHILLIP L. SHEIRICH
NORMAN F. SHELTON II
ROBERT A. SHELTON
KEITH L. SHEPHERD
GEORGE L. SHERWOOD, JR.
ADAM J. SHIRRIFF
DEBRA E. SHOCK
MARK A. SHOEMAKER
BRYAN F. SHUMWAY
KEVIN O. SILKNITTER
BRYCE A. SILVER
ADAM G. SILVERMAN
COREY A. SIMMONS
TRAVOLIS A. SIMMONS

JAMES A. SIMONDS
MICHAEL A. SINKS
BRIAN C. SITLER
DALE B. SKINNER
MARK W. SLATON
DANNY A. SLIFER
SABINE SLOVER
DAVID P. SLYE
CRAIG M. SMALLS
BRYAN J. SMITH
EVAN V. SMITH
JAMES E. SMITH
JESSE C. SMITH
LAVINIA SMITH
SAMUEL J. SMITH
STEVEN M. SMITH
TAMARA A. SMITH
KEVIN M. SMOOT
CHRISTOPHER S. SNODGRASS
JOSHUA D. SNODGRASS
CHRIS H. SNYDER
GREGORY D. SODERSTROM
JIMMY R. SOLES, JR.
PATRICK SAMUEL SOLLAMI
ROBERTO SOMARRIBA
MARK J. SORAPURU
JONATHAN J. SORBET
BRETT D. SOWELL
MACKJAN H. SPENCER
SEAN S. SPRADLIN
CORBAN D. SPRAKER
KEITH M. SPUDIC
CURTIS J. STAMAND
JOSHUA L. STAHL
ERIN M. STAINPEPNE
MYRON O. STAMPS
SHANNAN M. STARLING
MICHAEL S. STARR
PATRICK J. STEEN
ROUVEN J. N. STEEVES
CINDY D. STEIN
THOMAS R. STEMARIE
JULIAN D. STEPHENS
KATRINA C. STEPHENS
JOHN D. STEPHENSON
DAVID L. STEVENS
KELLEY C. STEVENS
ALLEN L. STEWART
JASON B. STINCHCOMB
HUGH B. ST MARTIN, JR.
JEFFREY D. STOCKWELL
PHILIP L. STODICK
JENNIFER L. STOKES
MELISSA A. STONE
CHRISTOPHER M. STOPPEL
JOYCE R. STORM
DAVID C. STRINGER
DEREK S. STUART
TIMOTHY J. STUART
BRIAN M. STUMPE
JENNIFER A. SUAREZ
GREGORY SUBERO
MARK C. SUDDUTH
TODD W. SULLIVAN
JOSE E. SUMANGIL
BRADLEY R. SUMTER
WILLIAM P. SURREY
JEFFREY S. SUTTON
BRIAN M. SWYT
HAZEL C. SYNCO
ERIC J. TALCOTT
DANIEL T. TARLETON
RASHONE J. TATE
AARON T. TAYLOR
JONATHAN B. TAYLOR
KIM N. TAYLOR
RALPH E. TAYLOR, JR.
JASON A. TELLEZ
MONA A. TENORIO
JASON B. TERRY
MICHAEL D. THOMAS
MICHAEL T. THOMAS
NEIL B. THOMAS, JR.
JAMES W. THOMPSON
JOHN B. THOMPSON
SCOTT J. THOMPSON
ROY D. THRAILKILL
CHRISTOPHER C. THROWER
DAVID M. TIFFFORD, JR.
RICHARD J. TIMMERMAN
JUSTIN K. TINDAL
JASON W. TORGERSON
RONALD L. TOUGAW, JR.
MATTHEW J. TRACY
KASANDRA T. TRAWEEK
JOHN H. TRAXLER
DEVIN S. TRAYNOR
TIMOTHY G. TREGLOWN
ALLISON M. TRINKLEIN
HENRY H. TRIPLETT III
ERIC D. TRISMEN
CONSTANTINE TSOUKATOS
ADAM C. TUFTS
CARLTON C. TURNER
JOBIE S. TURNER
MICHAEL S. TURNER
ROBERT C. TYLS
JAMES D. UPCHURCH
VLADIMIR URBANCEK
LINDA M. VADNAIS
CHRISTOPHER L. VANHOOF
KELLY L. VARITZ

ENRICO W. VENDITTI, JR.
SHANE S. VESELY
JEREMY S. VICKERS
JOHN R. VICKREY
MARCOS A. VIGIL
WILLIAM M. VILLEGAS II
JAMES T. VINSON
HARMEN P. VISSER
PETER D. VITT
DAVID R. VOLLMER
NORMAN P. VUCHETICH
MICHAEL N. WADDLE
SCOTT W. WALKER
WENDY E. WALKER
JAMES W. WALL
DANIEL P. WALLS
MARK R. WALSH
DANNY L. WALTERS, JR.
JAMES T. WANDMACHER
DEAN C. WARDELL
JAMES W. WARF III
BRETT A. WARING
MICHAEL S. WARNER
DAVID M. WARNEK
TIFFANY J. WARNKE
DALIAN A. WASHINGTON
KEITHEN A. WASHINGTON
JEREMY R. WATTS
PAUL T. WEBSTER
SAMANTHA WEEKS
JOHN K. WEIGLE
JOHN A. WELLMAN
JOSEPH H. WENCKUS
TODD H. WENTZLAFF
SCOTT J. WEST
THOMAS C. WESTBROOK
CHRISTOPHER D. WESTON
DAVID S. WESTOVER, JR.
DERRICK R. WHEELDON
GREG D. WHITAKER
CURTIS C. WHITE
TARA E. WHITE
WILLIAM C. WHITE
MICHAEL D. WHITING
ALAN J. WIGDAHL
DAMIAN O. WILBORNE
TIMOTHY W. WILCOX
ANDREW C. WILES
BRANDON L. WILKERSON
CHRISTINA L. WILLARD
ADRIENNE L. WILLIAMS
ANTHONY D. WILLIAMS
CHRISTOPHER J. WILLIAMS
DARIN C. WILLIAMS
IKE H. WILLIAMS
JASON T. WILLIAMS
MICHAEL D. WILLIAMS
PATRICK C. WILLIAMS
PAUL D. WILLIAMS
SEAN WILLIAMS
TREVOR L. WILLIAMS
PAUL B. WILLINGHAM
DANIELLE L. WILLIS
JAMES M. WILMER
WALTER J. WILSON
DAVID J. WINEBRENER
MARK R. WISHER
KELLY N. WITCHER
ERIC J. WITTENDORFER
CHRISTIAN S. WOHLWEND
JASON K. WOOD
MICHELE J. WOODCOCK
SARAH E. WOODS
THADDEUS R. WOODS
SHANNON J. WOODWORTH
JULIE D. WORLEY
TIMOTHY K. WOZNIAK
ANDREW R. WRIGHT
TODD A. WYDRA
MATTHEW W. WYNN
GERALD T. YAP
ERIC YARRELL
BART P. YATES
KEVIN A. YATES
THOMAS E. YEAGER
MICHAEL S. YI
SHAYNE R. YORTON
BRIAN G. YOUNG
CONSTANCE H. YOUNG
HELEN H. YU
DAVID W. YUNT
JEREMY P. ZADEL
VINCENT ZALESKI
JONATHAN E. ZALL
KRISTIAN J. ZHEA
JAMES M. ZICK
MATTHEW W. ZIMMERMAN
MICHAEL S. ZIMMERMAN
BRIAN K. ZOELLNER
MICHAEL J. ZUHLSDORF
CLINTON R. ZUMBRUNNEN
DEBORAH L. P. ZUNIGA
RAY A. ZUNIGA

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES ARMY
MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C.,
SECTIONS 624 AND 3064:

To be colonel

MARIA E. BOVILL

NIKKI L. BUTLER
RACHEL K. EVANS
JOANNA J. REAGAN

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

MARK E. BEICKE
WILLIAM B. COLE
ROBERT J. FINIGAN
TODD R. LEVENDOSKI
EFRAIN SOTOSANTIAGO
JAMES D. TOOMBS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

TODD O. JOHNSON
ROBIN K. KING
HENRY J. KYLE
RANDALL L. RIETCHECK
EDWARD L. STEVENS
DEBORAH L. WHITMER
TAMI ZALEWSKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

MARK R. BENNE
JERRY BROMAN
RAFAEL CARABALLO
KIMBERLY Y. CATER
GEORGIA G. DELACRUZ
WILLIAM J. DEMSAR
MICHAEL T. EVANS
DAVID C. FLINT
DAN C. FONG
GARY D. GARDNER
MICHELLE T. ICASIANO
SHAUN L. KANION
KIMBERLY W. LINDSEY
MANUEL MARIEN
CRAIG G. PATTERSON
ANDREW J. WARGO
JAMES WOOD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

CELETHIA M. ABNERWISE
PATRICK J. AHEARNE
JACQUELINE P. ALLEN
RAY C. ANTOINE
KELLY K. BRAMLEY
SARA T. BRECKENRIDGESPROAT
WENDY R. CAMPBELL
TINA A. CONNALLY
JACK M. DAVIS
REBECCA L. DOUGLAS
LAURA R. FAVAND
LINDA W. FISHER
JOHN T. GROVES
MELISSA K. HALE
KATHLEEN M. HERBERGER
WENDELL M. HOLLADAY
BRIAN K. KONDRAT
DANIEL W. MCKAY
COLETTE L. MCKINNEY
MARGARET M. NAVA
KATHY PRUEOWENS
WENDY A. SAWYER
SUZANNE K. SCOTT
CARLETTE T. TOFT
LISA A. TOVEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

PAUL D. ANDERSON
LYNNETTE B. BARDOLF
CHARLES D. BRADLEY
JACQUELINE CHANDO
JEFFERY M. CLELAND
ANTHONY L. COX
WILLIAM M. DARBY
JAMES W. DAVIDSON
JAY E. EARLES
LAUREL S. FIELDS
KARRIE A. FRISTOE
JOSE L. GARCIA
PAUL J. GOYMERAC
LANETTE R. HAMILTON
KEITH M. JOHNSON
MARTIN D. KERKENBUSH
MICHAEL P. KOZAR
JAMES A. LATERZA
IRWIN M. LENEFSKY

PAULA C. LODI
STEVEN P. MIDDLECAM
JAMES W. NESS
DAVID J. PARRAMORE
JOHN P. ROGERS
AARON J. SILVER
WALTER M. STANISH
RICHARD P. STARRS
WILLIAM B. TILSON
RONALD T. WILLIAMS
STEPHEN C. WOOLDRIDGE
ALEX P. ZOTOMAYOR

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

WILLIAM P. ADELMAN
KATHLEEN R. AGNEW
JAY T. ALLEN
VERONICA R. BAECHLER
ANDREW M. BARR
MICHAEL R. BELL
JAMES BENTLEY
PAUL A. BRISSON
DAVID L. BROWN
LINDA L. BROWN
TOMMY A. BROWN
JEFFREY M. CALLIN
DARREL K. CARLTON
STEVEN B. CERSOVSKY
YONG K. CHA
RAYMOND I. CHO
KAO B. CHOU
ROSS E. COLT
LANCE E. CORDONI
DONALD M. CRAWFORD
ERIC A. CRAWLEY
MARK A. CRISWELL
MARK D. CUMINGS
LOUIS A. DAINTY
JOHN G. DEVINE
NHAN V. DO
MICHAEL D. DULLEA
EDWARD M. FALTA
CHRISTOPHER GALLAGHER
DOMINIC R. GALLO
ALAN P. GEHRICH
ROBERT T. GERHARDT
STANLEY F. GOULD
KENNETH A. GRIGGS
CHRISTOS HATZIGEORGIOU
KEITH A. HAVENSTRITE
THOMAS S. HEROLD
EDMUND W. HIGGINS
SIDNEY R. D. HINDS II
AVA HUCHUN
MARY V. KRUEGER
SANDRA G. LAFON
MOON H. LEE
SEAN K. LEE
JONATHAN G. LEONG
BRUCE L. LOVINS
ERIC D. MARTIN
MATTHEW J. MARTIN
PAUL T. MAYER
MYRON B. MCDANIELS
ROBERT C. MCKENZIE, JR.
SHARON P. MCKIERNAN
MARGRET E. MERINO
JOEL E. MEYER
MITCHELL S. MEYERS
RONALD V. MORUZZI
SHAWN C. NESSEN
STEPHEN R. NOVEMBER
MICHAEL S. OSHIKI
ROBERT M. PARIS
JOHN S. PETERS
BRIAN T. PIERCE
SHAUN A. PRICE
MICHAEL W. QUINN
WILLIAM J. QUINN
KEVIN C. REILLY, SR.
LUIS R. RIVERO
STUART A. ROOP
MICHAEL G. ROSSMAN
EARLE G. SANFORD
JAMES J. SHEEHAN, JR.
PETER J. SKIDMORE
BRYAN C. SLEIGH
KEVIN C. SMITH
JOSEPH C. SNIEZEK
MARGARET M. SWANBERG
KENNETH F. TAYLOR, JR.
BRIAN T. THEUNE
BRIEN W. TONKINSON
SCOTT D. UITHOL
TODD J. VENTO
STEVEN A. WAGERS, JR.
GARY R. WALLACE
MICHAEL A. WEBER
MARK J. WEHRUM
DANIEL W. WHITE
MICHAEL D. WIRT II
MICHAEL M. WOLL
MICHAEL P. WYNN
CAROL R. YOUNG, JR.
STANLEY M. ZAGORSKI
DAVID C. ZENGER

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DOMINIC V. GONZALES

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

MICHAEL H. HOOPER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

VIRGILIO S. CRESCINI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ALDRIN J. A. CORDOVA
ANDY P. DELEON
ANDREA M. DEWDNEY
RUSTIN J. DOZEMAN
PARRISH P. GUERRERO
TERRY L. KNAPP
JAMES M. LANGLOIS
BRYAN K. LUKIE
GAIL M. MULLEAVY
GERALD L. ROOKS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JOHN W. BAISE
JOHN H. BEATTIE
SCOTT N. BEYER
BEAU BROOKS
MONIKA A. CAMPBELL
MICHAEL W. CARR II
BRANDON M. CASPERSON
KENDALL C. CHAPMAN
JIHOON P. CHOI
ANDREW D. CLINE
DAVE P. CLOSAS
BRAD G. COLEMAN
JASON P. FAHY
DALLAS A. GIPSON
MICHAEL J. GOLONKA III
ROBERT B. HAGEL
JONATHAN L. HIGDON
KENNETH F. HONEK
DAVID R. HUBBLE
VU P. HUYNH
CARL E. JACKSON, JR.
RAYMOND C. JASZKOWSKI
WEURIELUS D. JOHNSON
TIMOTHY W. KABER
JASON A. KILLIAN
CHRIS D. KIM
DEBRA E. KING
GREG C. KIRK
ROBERT D. KLEINMAN
DENNIS LA
MUSHEERAH M. LITTLE
CHRISTOPHER J. LYNCH
ANGELIQUE N. MCBEE
LAUREN A. MCMILLAN
ELKIN F. MOSQUERA
DONNY R. NEWSOM
JONATHAN D. NIEMAN
SHANEWIT NOPKHUN
ALFRED M. NUZZOLO
ROBERT L. OLSON
NATHANAE L. OVERTREE
GABRIEL PARRILLA
FEDERICO PEREZROMERO
RICHARD J. POCHOLSKI
DENNIS J. RIORDAN
JEFFREY P. ROZEMA
JOSHUA C. SCOTT
KENT R. SIMODYNES
MICHAEL S. SINGLETON
JENNIFER E. STEADMANMURPHY
CORTNEY B. STRINGHAM
JAMES R. SULLIVAN
MATTHEW C. TOLHURST
BRENT J. UYEHARA
BENJAMIN V. WAINWRIGHT
DANIEL W. WALL
WILLIAM W. WOHEAD
ANDREW K. WONG
GREGORY J. WOODS
NING L. YUAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

RAYNARD ALLEN
ALLEN K. BROOKS
CHRISTOPHER S. CAUBLE

DAVID J. CULLEN III
JAISEN E. FUSON
MARK A. GIRALMO
FERGUSON L. HARRIS
DWAYNE A. JACKSON
BRIAN L. JACOBSON
CYNTHIA L. KANE
RICHARD E. MALMSTROM
CHRISTOPHER S. MARTIN
RONALD S. ODELL, JR.
CHARLES A. OWENS
JEFFREY QUINN
MARK A. ROGERS
DAVID E. ROZANEK
BRIAN K. SHEARER
MARGARET E. SIEMER
CARL J. STAMPER
BRUCE A. VAUGHAN
MATTHEW S. WEEMS
RICHARD H. WIESE
ARTHUR L. WIGGINS, JR.
ROBERT B. WILLS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JOSE G. ACOSTA, JR.
MICHAEL D. ADAMS
MICHAEL A. ALDRICH
BOBBY L. ALLEN
JAKENBERG N. ALMUETE
HEATH E. ALVAREZ
THOMAS E. ARNOLD
MICHAEL AUGUSTINE
RASAQ A. BALOGUN
ANTHONY P. BANNISTER
TIMOTHY S. BARTHA
MICHAEL A. BELL
SAMUEL BETANCOURT
GEORGE M. BICK
SEAN W. BLACK
BISJOYE A. BOLARINWA
BRADLEY C. CARROLL
DAVID M. CARROLL
ABDUL R. CEVILLE
RICARDO A. COLLAZOS
RUDOLPH W. COOK
JAMES A. COX
SALVATORE A. DAMATO
SCOTT A. DARNELL
RODEECE L. DEAN
GENTRY D. DEBORD
JOHN C. DONNELLY
DOUGLAS P. ELLINGTON
RUSSELL L. ELLIS
ANDRE L. FIELDS
ARNEL FLORENDO
PAUL E. FOX
JOHN A. FRENCH
BRIAN L. GARBERT
MICHAEL W. GEORGE
JOEY GONZALES
JOHN P. HAGAN
JEFFREY D. HANKINS
ROBIN A. HASSON
JOSHUA M. HEIVLY
ANDREW E. HENWOOD
DANA M. HERBERT
STEPHEN G. HIGGINS
JOSHUA R. HILL
VIKAS C. JASUJA
DOUGLAS R. JENKINS
MARCUS L. JONES
RICHARD D. JONES
ALEXANDER P. KACZUR
EVELYN C. LEE
MICHAEL T. LEWIS
SCOTT J. LEWIS
JAMES A. LONG
CARLOS V. LOPEZ
CHRISTOPHER M. LOUNSBERRY
RAFAEL L. MACIAS
BRIAN P. MADDEN
TIMOTHY J. MARK
LLAHN A. MCGHIE
KEVIN S. MCNULTY
SCINTAR B. MEJIA
SCOTT L. MELLGREN
JOHN I. MERCADO
JON W. MERRITT
DANIEL W. METZ
CHARLES M. MIELKIE III
MARK D. MILIUS
LOUIS MIRABAL
PHILLIP MOGILEVSKY
CHESTER A. MORGAN
OWEN B. MORRISSEY
JAMES M. NEWTON
QUY NGUYEN
SEAN J. NUILA
ERIK A. OLSEN
MICHAEL O. OSORIO
ANDREW J. OSWALD
ELBERT C. PAMA
JAMES T. PERRY, JR.
STEVEN E. PETERS
ANDREW M. PHILLIPS
J. E. PISKURA
NICOLE C. PONDER
MANUEL L. POWELL

JAMES A. PROSSER
MELISSA R. PROUD
JECISKEN RAMSEY
BRUCE M. REILLY II
KEVIN C. RICHARDSON
DENA B. RISLEY
BRANDOLYN N. ROBERTS
CHRISTOPHER F. ROESNER
DEAUNDRAE L. ROGERS
ROMEO B. ROMEO
BRAN M. SHERMAN
KENNIS J. SIGMON
JAIME J. SIQUEIROS
TAMARA T. SONON
ROYAL J. SPRAGIO III
SHANE D. STATEN
CRAIG A. SWANSON
JESSE K. TALJERON
MONICA R. TATE
RICHARD L. TERRETT
ANDREW J. TEW
LANCELOT A. THOMAS
LLOYD V. THORPE
MICHAEL L. TUCKER
JOSE L. VARGAS
DANIEL J. VETSCH
ANGELA C. WATSON
KELLY S. WEAVERLING
ELIZABETH M. WILLIAMS
SCOTT A. WILSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

KONIKI L. AIKEN
EDITH R. AKOTO
MELISSA M. ALEXANDER
SHEILA I. ALMENDRASFLAHERTY
ANNE M. ASHTON
SCOTT E. AVERY
TONYA BAILEY
ANGELA M. BARTOW
BROOKE M. BASFORD
ARIC V. BAUDEK
TROY J. BAUMANN
BRIAN B. BEALE
CONSTANCE BEALE
VAVADEE V. BELKO
CINDY L. BELTEJAR
HOLLY M. BONDS
GLENN A. BRADFORD
LAURA A. BRADFORD
GEORGE J. BRAND
CARL R. BURGAN
KATHLEEN M. CAFFREY
RAMON O. CALADCAD
RODNEY L. CAMPBELL
LONETTA CANALES
MATTHEW J. COLANGELO
TARA N. COLLINS
PAUL D. COOPER
JAMES F. COTTON
JESUS M. CRESPODIAZ
JOHN C. DANIELS, JR.
MONICA J. DELANO
PETER M. DEYOUNG
TIFFANY A. DODSON
THOMAS J. DOWDLE III
KURT B. DUNCAN
TREV R. W. EBORN
KRISTIN L. EDGAR
JOSE L. ESTRADA
ANDREW D. FORREST
NEVA R. FUENTES
RAYNARD GIBBS
PATRICIA A. GILL
LOUISE L. GILLESPIE
KURT J. GIOMETTI
DAVID R. GOODRICH
VICTOR C. GORDON
PHILIP L. GRADY
JERRI M. GRAY
MARK R. GREEN
JOSEPH D. HACINAS
JAMES L. HAFNER, JR.
PATRICK R. HARRISON
BRIAN K. HEERMANS
GREGORY J. HEIMALL, JR.
PAULO M. HERNANDEZ
LISA H. HILL
KYLE D. HINDS
VIRGINIA M. HINRICHS
STUART R. HITCHCOCK
MARIA T. HOLLY
ERIC M. HOYER
FREDERICK L. HUSS, JR.
HERMAN H. JENKINS
LAURA L. JENSEN
KARI L. JOHNDROWCASEY
PATRIELLE R. JOHNSON
TRACI L. JOHNSON
VINCENT B. JOHNSON
MATTHEW C. JONES
MELISSA M. KENNEDY
DIANE N. KILLEHUA
LETICIA S. KING
ERIC J. KULHAN
CASSANDRA M. LEATE
MICHAEL K. LISNERSKI
JASON S. LITCHFIELD

DANIEL S. LONGBONS
CHRISTINA B. LUMBA
CATHERINE A. LUNA
CHRISTINE T. MACLAN
RODOLFO MADRID
CRAIG T. MALLOY
EDWARD A. MARTINEZ
JORGE E. MARTINEZ
JODIE L. MARTINO
REYNALDA MCBEE
DANIEL S. MCCLURE
TRACY M. MCCULLOUGH
SCOTT J. MCFADDEN
DAVID J. MCINTIRE
CRISTY L. MCWETHY
CHRISTIAN T. MELENDEZ
KEVIN J. MICHEL
MERIDETH L. MILLER
MICHELE L. MILLER
SUSAN L. MOJICA
LONG N. NGUYEN
STACY L. NILSEN
PAUL E. OBERSTONE
KRISTINA R. OLIVER
JACK A. PAGE
PRESCOTT R. PALMER
CARLA A. PAPPALARDO
REMY R. PASCUAL
SHAWN R. PASSONS
PAUL E. PELLINI
PENNY S. PEREZ
COLLEEN M. PERLAKSOTO
JESSICA M. PIPKIN
JOSEPH E. PLASSE
RICHARD A. POZNIAK, JR.
ANGELICA M. PUCHA
KENNETT D. RADFORD
MARDDI J. RAHN
ANN M. RANIOWSKI
DAVID D. REDD
JAMES M. REILLY
FLOYD W. ROBINSON
JASON P. ROBINSON
MARTYN G. ROTHERMEL
EDWARD SALAS
RODOLFO G. SANJUAN
MISTY D. SCHEEL
HEATHER A. SHATTUCK
ELIZABETH J. SHAUBELL
MARTIN F. SHELL
JOHN SINCLAIR
DENITA J. SKEET
LYNN M. SKINNER
JAMES C. SPRADLING
SEBASTIAN STACHOWICZ
LENA G. STEPHENS
KATHRYN M. R. STEWART
AMY M. STONE
PIPER A. STRUEMPH
CHRISTINA L. TELLEZ
JAMES C. TESSIER
MONICA A. TONEY
TONY TORRES
SHANON F. TOTH
DEIRDRE C. TREADWAY
MELISSA R. TRONCOSO
LEONARD C. TROTTER
JIMMY S. TRUJILLO
JENNIFER C. TRZASKUS
DONALD J. VEACH
TARAIL VERNON
RONALD W. WAGNER, JR.
ALICIA J. WEISSGERBER
EDUARDO C. WELDON
KIMBERLY A. WHITEHILL
MALISSA D. WICKERSHAM
ROGER A. WILLIAMS
CHARLES B. YOUNG
LANE C. ZEITLER
JAMES S. ZMIJSKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DOMINIC J. ANTENUCCI
CHERYL R. AUSBAND
ERIN M. BAXTER
MARYANN M. BRIDGES
DEREK BUTLER
ANDREW E. CARMICHAEL
LIAM A. CONNEL
SARA R. DEGROOT
JONATHAN E. DOWLING
JARED R. EDGAR
TIMOTHY M. FLINTOFT
JUSTIN L. HAWKS
MATTHEW W. IVEY
BARBARA A. KAGLE
CHRISTOPHER P. KIMBALL
TRACY D. KIRBY
BRIAN D. KORN
PATRICK L. LAHIFF
CHARLES M. LAYNE
GEORGE W. LUCIER
KATHRYN D. MATT
MICHAEL J. MELOCOWSKY
MARY R. MURPHY
GOPI J. NADELLA
DONALD R. OSTROM
GERALDO PADILLA

BRADLEY S. PARKER
ELISABETH H. PENNIX
EDWARD M. PIERCE
ERIN C. QUAY
MICHELE V. ROSEN
ALISON S. SHULER
MEREDITH M. STEINGOLD
SEAN M. SULLIVAN
CHAD C. TEMPLE
MICHAEL R. TORRISI
LUKE A. WHITTEMORE
DELICIA G. ZIMMERMAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

BRENT N. ADAMS
ROMAN G. ALLEN
JAMES B. AREA
KEARY L. ASHMORE
ANGELA J. BAKER
JOHN R. VALENTINE III
CHARLES R. BANKS
KATHRYN A. BARBARA
DAVID G. BENTLEY
TAWANNA B. BLANCHE
CARLIS W. BROWN
BILLY S. BURK
TRAVIS N. CARR
TERESA CEBALLOSMCARTHUR
COLEMAN C. CHANDLER, JR.
TODD J. CHARLESWORTH
MEGAN E. CLAUSEN
CRYSTAL E. DAILEY
JAMIE M. DAUT
MATTHEW D. DAUT
RODERICK DAVIS, JR.
SUZANNE M. DECKER
JAMAL DEJLI
VICTOR M. DELATORRE
BRENT M. DENNIS
MARCIANO A. DIAZ
DAVID J. DOLAN
RAFAEL T. DOMINGO
BRIAN D. ENGESSER
JANINE E. ESPINAL
BENJAMIN J. ESPINOSA
JUSTIN B. EUBANKS
MYRON L. EVANS
CARLOS S. FAIRLEY
JULIAN FERGUSON
ROMMEL D. FLORES
JOSEPH J. FORD, JR.
AARON J. FRANK
CHRISTOPHER N. GILMORE
JINAKI S. GOURDINE
PETER J. GRANT
SHANNON L. GRANT
MICHAEL J. GREGORY
LASHELLE R. HAMILTON
KIBWE A. HAMPDEN
BRETT H. HICKS
LONGCHAU D. HOANG
NICOLE HOFFMAN
DARLA M. HOWELL
BRIAN M. HOWER
ANNE M. JARRETT
AUTUMN P. JOHNSON
WILLIAM L. JOHNSON
JOHN H. JONES II
THOMAS C. JONES
MATTHEW R. KASPER
SEAN W. KELLEY
NATHAN C. KINDIG
JO M. KITCHENS
SHANE W. KNISLEY
TAMARA L. KOCH
CODY L. LALLATIN
THANH LE
BRENT S. LEVINGSTON
MARY E. LINNELL
SHEKINAH L. MAGEE
SUSAN MALBOEUF
MATTHEW P. MARCINKIEWICZ
KINAU Y. MCCOY
DARION MCCULLOUGH
DAVID M. MCETTRICK
IAN T. MCGUINNESS
JARED A. MCKENDALL
ROY A. MCKINNEY, JR.
TRACY L. MCMONIGLE
ALICE P. MOSS
SHAWN A. MUSARRA
AMANDA S. NEAL
BILLY W. NEWMAN
ANNMARIE A. NOAD
TATANA M. OLSON
ADELINE L. ONG
EUGENE D. OSBORN
JOSEPH A. PHILLIPS
KARINE O. PIERRE
ERIC A. POLONSKY
JOHN B. PRICE
NICHOLAS A. PUKISH
AMARJEET S. PUREWAL
LINH H. QUACH
JET RAMOS
ELIZABETH C. RAPHAEL
CORBIN M. REYNOLDS
LYDIA R. ROBINSON

EFRAIN ROSARIO
JUAN N. ROSARIO
BALDOMERO J. SAGRADO
LUIS SANCHEZ
MIGUEL A. SANTISTEBAN
DOUGLAS A. SEARLES
ZINOVYI B. SENISHIN
JOHN A. SHANNON III
ELIZABETH G. SKOREY
DAVID J. SOHL
SUSAN A. SPARKS
NOAH T. SPERNER
EMILY J. SPRAGUE
CHRISTOPHER T. STEELE
ANDREW J. STEGALL
NICOLE V. STEWART
SANDRA SU
AMY N. SULOG
JOHNATHAN L. SWIGER
JARED H. TAYLOR
MARCUS K. TAYLOR
AYESSA B. TOLER
BOBBIE J. TURNER
STACIE L. TURNER
GEORGE W. VANCIL
DAREN A. VERHULST
VANCE T. VOGEL
MARK D. WAKEFIELD
PETER B. WALKER
STACY J. WASHINGTON
CHRISTY A. C. WEIMER
WILFRED H. WELLS
ARCELIA WICKER
RUSSELL F. WIEGAND
CHARLES R. WILHITE
MAYA WILLIAMS
SUZANNE J. WOOD
JEFFREY S. WORRELL
HOWARD L. WRIGHT, JR.
EMILY L. ZYWICKE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

TERESITA ALSTON
MARJORIE W. BARNDT
CASEY J. BURNS
MITCHELL R. CHECCHI
CAREY H. COLLINSDEISLEY
MICHAEL B. FLANNERY
JOSEPH J. FRANZKE
FREDERIC GIAUQUE
BRACKEN R. GODFREY
BENJAMIN M. GRAY
KEVIN W. HAVEMAN
JOSHUA F. HENSON
JEFFREY W. HILLEY
SARAH T. LAWSON
DAVID Z. LIU
MAX P. MONCAYO
ANABEL Y. NATALI
JOHN J. NEAL
SCOTT A. PASIETA
RHONDA R. ROBERTS
ANGELA M. ROLDANWHITAKER
JENNIFER L. SMITH
RICHARD E. SWAJA
RAYMOND F. TINUCCI
NICOLE G. WARD
KIRSTIN C. WIER
ERIN K. ZIZAK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

KENRIC T. ABAN
THOMAS B. ABLEMAN
SHANNON P. ADAMS
JAVIER AGRAZ, JR.
ZACHARY I. ALBERT
KENNETH M. ALEA
BILL D. ALEXANDER
KEITH A. ALFIERI
LEE R. ALLEN
BRYAN T. ALVAREZ
RUDOLF F. ALVEY
GREGORY J. ANDERSON
STEVEN M. ANDERSON
STEVEN P. ARMBRUSTER
RYAN D. ARNOLD
MARTIN A. ARRISUENO
JOSHUA D. ARTHUR
SCOTT A. ASAKEVICH
DENNIS A. AUTH
CHAD J. BAARSON
JAMES R. BAILEY
ROBIN K. BARENG
KATRINA R. BARNES
ADAM B. BARRUS
DANIEL R. BEASLEY
JASON G. BECK
SHAWN A. BELVERUD
DAVID A. BENSON
JANE E. BENSON
SHELBY S. BEST
EVAN J. BILSTROM
DAVID L. BLACK
KRISTINA R. BLACKKRATOVIL

SHANNON R. BLACKMER
KENNETH T. BLACKNER
KEISHA N. BLAIR
WILLIAM A. BOLLER
MARK E. BOMIA
ARON R. BONEY
MATTHEW J. BRADLEY
TODD M. BRAGG
APRIL L. BREEDEN
RYAN B. BRENES
TIMOTHY J. BRUEHWILER
KIM E. BURKE
MELISSA A. BURYK
LYNN T. BYARS
DANA H. CASH
SEAN P. CAUFIELD
JOHN M. CHILDS
ALDEN V. CHIU
JAMES CHUNG
FRANCESCA M. CIMINO
STEPHEN D. COATS
PETER M. COLE
MONA M. COLIANNIO
DERRICK H. COLMENAR
CAMERON H. COLVIG
ERIK J. CONDON
SEAN P. CONLEY
NICHOLAS C. CONNOLLY
RANDY W. CONNOLLY
SABRINA J. COOLEY
JENNEA A. CORREIA
CAMILLE K. COWNE
GARFIELD CROSS
EMILY L. CROSSMAN
HOWARD T. CUSICK
BRADLEY K. DEAFENBAUGH
ADAM C. DEISING
COURTNEY E. DEJESSO
KRISTINA M. DELAROSA
ROBERT T. DENDALL
TARA T. DEVER
JENNIFER M. DEWEY
THOMAS J. DOUGLAS III
BRIAN E. DOWNING
BRENT R. DRISKILL
ERYN J. H. DUTTA
COLBY L. EDWARDS
CHARLES L. EGAN
JOHN C. EHRLMANN
ADRIAN ELLIOTT
MICHAEL P. ELLIS
REBECCA J. ENSLEY
TRAVIS M. ERICKSON
JONATHAN D. ERPENBACH
AMY K. EVANS
WILLIAM L. FALLS
KENNETH M. FECHNER
TODD A. FELLARS
PAYTON G. FENNELL
BRIAN A. FISCHER
CHRISTOPHER W. FOSTER
GREG S. FUHRER
WENDY J. FULGUERAS
MATTHEW E. GAFFIGAN
SHAYLA K. GAITHER
ROBERT M. GALLAGHER
TERREL L. GALLOWAY
MICHAEL A. GALUSKA
DYNELA A. GARCIA
SHAWN M. S. GARCIA
JOSHUA P. GARLAND
DOMINIC T. GOMEZLEONARDELLI
JAROD E. GOODRICH
ERIC P. GOODSPEED
JOHN C. GRADY
MICHAEL S. GREEN, JR.
TREVOR T. GREEN
NATHANIEL V. GREENWOOD
TODD E. GREGORY
STEVEN D. GRIJALVA
ERIK T. GROSSGOLD
STACEY M. GRUBER
GEORGE HAHM
JAMES E. HAMMOND
KATHRYN H. HANNA
JAMES A. HARTWELL
HEATHER J. HAVENER
REED M. HECKERT
PATRICK M. HENDERSON
LANCE R. HENNINGER
MARYJO J. HESSERT
NEIL N. HINES
HEATHER L. HINSELWOOD
INGRID E. HODEN
JAMES W. HODGES III
KELLYE A. HOFFMAN
WILLIAM W. HOOKS
KRISTINA J. HOOVER
JOSEPH T. HUMPHREY
JASON L. T. HWANG
KATSUYA A. IIZUKA
KAREN B. JACOBSON
CHRISTINA L. JAHNCKE
SHERRY L. JILINSKI
PAUL A. JIMENEZ
MARC T. JOHANNSEN
CRYSTAL L. JONES
NAZIMA N. KATHIRIA
TAMARA C. KELLEY
TERRENCE M. KILFOIL
MICHAEL B. KIM
MICHAEL H. KINZER

CHARLES C. KO
JOSEPH G. KOTORA
MORIAH S. KRASON
MICHAEL J. KRZYZANIAK
MATTHEW A. KUETTEL
JACOB E. KURIAKOSE
MARTIN KUS
JULIA M. KWAN
ROBERT J. LACIVITA
JUSTIN P. LAFRENIERE
JOHN E. LAIRD
JACQUELINE S. LAMME
RICHARD S. LANGTON
CARSON T. LAWALL
ROBERT D. LAWSON
LANCE E. LECLERE
JESSICA J. LEE
JASON R. LEFRINGHOUSE
JONATHAN S. LEIBIG
STEPHEN L. LEWIS
SUNG J. LIM
THUY K. LIN
DAYNA T. LOBRAICO
ROBERT E. LOVERN
HENRY G. LUU
HERMAN O. LYLE
TAKMAN E. MACK
CHRISTINA L. MALEKIANI
THADDEUS D. MAMIENSKI
ADRIENNE D. MANDEVILLE
SHANNON M. MARCHEGIANI
APRIL S. MATIASSEK
MICHAEL C. MATTINGLY
LUCAS S. McDONALD
GAVIN C. MCEWAN
ROBERT L. MELLON
NANCY L. MILLER
KATHERINE E. MILROY
JOSHUA W. MINYARD
JON M. MONTGOMERY
DEEPTI S. MOON
JEREMY P. MOORE
TOD A. MORRIS
JOSEPH J. MUELLER
THOMAS J. MURPHY II
KEVIN M. NASKY
MEGHANN E. NELLES

NEELY N. NELSON
SARA C. NELSON
STACEY C. OLNEY
CHRISTINA A. OLSON
DANA J. ONIFER
LISA M. PALACHECK
ANDREW M. PARAD
SANGHEE D. PARK
SCOTT C. PARRISH
ANDREW J. PASETTI
MERCEDES I. PATEE
MANISH G. PATEL
GUILLERMO E. PATINO
LEIF L. PAULSEN
STEPHEN H. PEARSON
ADAM D. PERRY
LORI N. S. PERRY
ANDREW I. PHILIP
AARON T. POOLE
EVELYN M. POTOCHNY
IAN D. POWELL
JAMES D. PRAHL
SCOTT G. PRITZLAFF
KRISTA M. PUTTLER
BENJAMIN N. QUARTEY
AARON D. REED
GLENDA B. ROBLES
LEONARDO N. RODRIGUEZ
DAVID M. ROGERS
ELLIOT M. ROSS
FAYE M. ROZWADOWSKI
BRIANNA L. RUPP
JESSE T. RYAN
SHEREE B. SAUNDERS
JOSEPH W. SCHMITZ
AARON J. SCHUENEMAN
CHRISTOPHER SCHULTHEISS
JANE SCRIBNER
AMANDA R. SELF
DANIEL J. SENGENDERGER
ANIL N. SHAH
NISHA A. SHAH
MELISSA J. SINGER
MARVIN J. SKLAR
MICHAEL R. SMILEY
JASON E. SMITH
KIMBERLY I. SMITH

BARBARA B. SPEER
JOEL R. SPENCER
JODI L. SPETH
SHAWN P. SPOONER
REBECCA A. STABEN
MICHAEL D. STARSIAK
KARIS A. STENBACK
CHRISTIAN M. SUTTER
RICHARD J. SWEENEY
VULIHN TA
JASON J. TANGUAY
BRADLEY M. TAYLOR
GRETCHEN E. THIEMECKE
BEJOY G. THOMAS
JENNIFER A. THOMAS
RACHEL E. THOMAS
CHRISTA M. THOMASMA
SCOTT M. TINTLE
MEGAN A. TITAS
ROBERT W. TRACEY
AMY C. TREWELLA
MARK P. TSCHANZ
DAVID J. TUNNELL
NATALIE B. B. TUSSEY
JAMES C. VALENTINE, JR.
JOHANNAH K. VALENTINE
MARCEL M. VARGAS
JAIME VEGA
TORRIN W. VELAZQUEZ
DIANE M. VROENEN
KYLIE L. WAINER
ROBERT A. WALTZ
TYLER E. WARKENTHEN
ERIC L. WENG
JANET M. WEST
WILLIAM L. WHITTING
VAN A. WILLIS
ADDISON G. WILSON, JR.
NELLY Z. WILSON
KELLY A. YANNIZZII
HANFORD K. YAU
ERIC H. YEUNG
LISA A. ZALESKI
MARK C. ZELLER
FRANKLIN R. ZUEHL

HOUSE OF REPRESENTATIVES—Thursday, September 23, 2010

The House met at 10 a.m. and was called to order by the Speaker.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

At times of conflict we pray for peace. In times of violence, as we long for serenity, we pray for victims and the conversion of perpetrators.

At times of anger and hatred we search for signs of charity and cling in respect for each other and from each other. At times of senseless acts, we pray for wisdom that will give meaning and define common purpose.

O gracious God, shape us into a unified force that sees our battle as truly spiritual. Give us strength to fight for what is right no matter the risk.

Because we rely upon Your grace, we will give Your Holy Name the honor, the power and the glory both now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER) come forward and lead the House in the Pledge of Allegiance.

Mrs. DAHLKEMPER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 10 requests for 1-minute speeches on each side of the aisle.

SMALL BUSINESS LENDING ACT

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAHLKEMPER. Madam Speaker, today is a great day for small businesses in the United States. The small Business Lending Act we are voting on today will give \$12 billion in tax relief to small businesses and increase access to capital through community banks.

These \$12 billion in tax cuts, including a 100 percent exclusion of capital gains tax on small business investments, saves entrepreneurs money that they can put right back into their businesses. This legislation creates a \$30 billion small business lending fund to help community banks, not Wall Street banks, lend to our small businesses.

Access to capital is the biggest concern facing our small businesses today. That's why we included my plan to increase the cap on Small Business Administration express loans from \$350,000 to \$1 million.

More capital for business means that they can expand and create new jobs. Helping businesses grow is essential to our economic recovery and getting people back to work. As a small business owner, I am proud to support this plan to provide tax relief to businesses and give them access to capital they need.

HEALTH CARE TAX INCREASE

(Mr. TURNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TURNER. Mr. Speaker, last March I voted against ObamaCare, the government takeover of health care, in part because it imposed over half a trillion dollars of additional taxes, fees, and costs on an already struggling U.S. economy. Throughout the year-long debate, small business owners in my district and across the country expressed concerns that the bill would increase their health care-related costs.

While back in my district this August, I encountered businesses already preparing to face the consequences of the over 2,000-page health care bill. Ferno-Washington, Inc., is an emergency and medical equipment manufacturing company that is based in Wilmington, Ohio, in my district. The company is preparing for the health care bill's new 2.3 percent excise tax on the sale of medical devices.

The business leaders at Ferno estimate the cost of the tax puts at risk 23 jobs. Also, they are concerned that this tax will reduce their ability to fund research and development to produce cutting-edge advanced products.

In Clinton County, the unemployment rate hovers around 17 percent. We cannot afford the impact of ObamaCare's tax increases upon businesses like Ferno. We need to replace

AIDS DRUG ASSISTANCE PROGRAM FUNDING CRISIS

(Mr. HASTINGS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Speaker, our Nation's AIDS Drug Assistance Programs, ADAPs, are experiencing a funding crisis. Thousands of our most vulnerable citizens are counting on Congress to ensure that they have access to the medications they need to stay alive. To make matters worse, the Census Bureau reports that the number of uninsured Americans rose sharply last year to an all-time high of 50.7 million due to the difficult economy.

It is projected that tens of thousands more individuals will soon require the vital services that State ADAPs provide to low income, uninsured and underinsured individuals living with HIV/AIDS. The issue hits close to home. Currently, of the 3,214 individuals on ADAP waiting lists, Florida has 1,712 of them. This is outrageous.

Congress must increase its commitment to State ADAPs while continuing to fund other AIDS programs. This problem is not going away. We need a long-term solution until the Affordable Care Act takes full effect in 2014. I urge this body to bring an emergency supplemental of \$25 million to the floor for a vote.

□ 1010

TAX INCREASES KILL JOBS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. WILSON of South Carolina. Mr. Speaker, sadly, unemployment in South Carolina has increased to 11 percent. Citizens rightfully want to know where are the jobs? Republicans have made positive proposals to help small businesses create jobs, but they are falling on deaf ears. Americans across the country are hurting and cannot wait another day, let alone another few months, to know whether or not Congress is going to offer job creation incentives and tax relief.

During these tough economic times, the last thing families need are more tax increases. The Heritage Foundation has some staggering numbers about how the incoming tax increases would kill jobs in South Carolina. The Heritage Foundation has found that the State of South Carolina would lose

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

over 9,000 jobs a year, and South Carolina's families would lose \$3,000 each in disposable income.

If these statistics become a reality on our families, the impact would be catastrophic. We need immediate tax relief, not job-killing tax increases.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

HEALTH INSURANCE HIKES

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. I'm outraged by the blatant lies being told by some health insurance companies. I have a renewal statement here for a small business with a 28 percent increase, allegedly all because of health insurance reform.

How do we know it's a lie? Because the rate hike was requested before health reform passed. Health insurance rates were increasing at an astounding rate before health reform. That is why we passed the law, because consumers were paying more and getting less.

Their business model is dying, and health reform has nothing to do with it.

Hello. Without new exchanges, new tax credits for small businesses and subsidies for families, your industry is in a death spiral because people can't afford to buy your product.

The recent shocking rate increases are exactly why we need to implement health reform as soon as possible. We can't afford to slow down, let alone turn back. If insurance companies were honest, they would admit they can't afford it either.

LEAVE GRAY WOLF MANAGEMENT TO MONTANANS

(Mr. REHBERG asked and was given permission to address the House for 1 minute.)

Mr. REHBERG. Everyone has heard the story about the three little pigs and the wolf that huffs and puffs his way through a house made of straw and a house made of wood. Montanans face a similar situation with the status of the Rocky Mountain gray wolf as an endangered species. The science says that the gray wolf is no longer endangered in Montana and Idaho. The targets set by the Endangered Species Act were surpassed years ago. But powerful out-of-State interests have huffed and puffed and used all sorts of dirty tricks and gotten the gray wolf relisted for the second time over the recommendation of the Obama and Bush administrations.

In the story, the three little pigs find shelter in a house made of stone. If that's what it takes, a legislative solution, that's what we'll do.

I've heard from more than 1,000 people in the last few days who've weighed

in on a legislative solution, and it's time to start building that stone house.

PATIENTS BILL OF RIGHTS

(Ms. SCHWARTZ asked and was given permission to revise and extend her remarks.)

Ms. SCHWARTZ. Today marks an important milestone in our effort to ensure access to high quality health coverage for all Americans—the implementation of the Patients Bill of Rights. As of today, no child can be denied insurance coverage because of a preexisting condition. I introduced this bill, championed it throughout health care reform, and now it offers financial and emotional security for so many families.

And there is more. Young adults may remain on their parents' policy until age 26. Insurers may no longer drop coverage when someone gets sick. From now on, plans cannot set annual or lifetime limits on coverage. And new policies must include prevention and screening without copayments and consumer choice of their primary care physician.

Other important provisions of health care reform are already underway. Every State now has a high-risk insurance pool. Seniors get the help of a \$250 check to help with the doughnut hole, the gap in prescription coverage, and thousands of businesses are receiving relief for providing health coverage to workers and retirees.

Access to meaningful coverage and these new consumer protections are improving the lives of Americans and mark a new era of high quality insurance for all Americans.

NASA

(Mr. GRIFFITH asked and was given permission to address the House for 1 minute.)

Mr. GRIFFITH. Mr. Speaker, over the last year, there has been a lively debate on the future of NASA's manned spaceflight program. The debate has largely focused on the role of commercial space and what direction the government programs should take. Those advising the Obama administration chose an approach with deep practical and technical flaws which has embarrassed the administration and brought resounding rebuke from my colleagues on both sides of the aisle.

To quote Scott Pace speaking at a recent event, "The administration's radical course abandoned the most precious and rare commodities for the U.S. space community—a bipartisan consensus."

This administration has directed NASA to ignore the spirit of last year's appropriations. Layoffs due to changes at NASA are taking place all over the country. These incredibly intelligent

individuals represent a culture, not just a profession. They are literally rocket scientists, and they will disappear if we don't give them direction and firm funding.

For this reason, it is absolutely imperative that we pass a new NASA authorization bill, providing NASA and the Obama administration with firmer guidance.

DEMOCRATIC ACCOMPLISHMENTS

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, when President Obama took office, he inherited a \$1.2 trillion deficit, two wars, a recession, mounting job losses, and a disaster like Katrina that pushed our economy to the brink.

While the Republicans continue to push the same failed policies of the past, Democrats are fighting to help America recover from the Bush recession and move forward.

This Congress, our President, and the Democrats, have fought for middle class tax cuts, boosted small businesses with job creating investments, fought to protect Social Security, worked to create new jobs at home, fought to end the outsourcing of jobs overseas, and have given patients, not health insurance companies, control over their health care.

The choice is clear. Support the Party of No with no solution or the Democrats who will work with working families, the middle class, and will work to strengthen our economy.

Republicans threaten to take us back to the failed policies of the past. We must continue to move America forward.

AMERICAN HURRICANE ON THE POTOMAC

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, my district is in Hurricane Alley. Since I've been elected to Congress, we have had five hurricanes: Katrina, Rita, Humbert, Gustav, and Ike. Hurricane season is about over in southeast Texas, but hurricane season is coming late this year to Washington.

The weather report for Washington, D.C., is just in. Gale force winds are expected in November. There is a hurricane coming, and it's going to hit D.C., and it's not going to have just one name. It's going to have the names of millions of Americans. The voice of citizens will be here and clear the air. We the people proclaim, hold elites and taxacrats accountable who have stopped being responsive to the will of the people.

And just as hurricane force winds hit Washington in 1814 to drive the British

out of town, this American hurricane will drive the irresponsible arrogant from having the rule over the people. The American hurricane is on a direct path to the Potomac. And because of the abusive spending, borrowing, and taxing by government, the elites will have sown the wind, and now they're going to reap the whirlwind.

And that's just the way it is.

□ 1020

REMEMBERING VICTIMS OF UKRAINIAN GENOCIDE

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute.)

Mr. QUIGLEY. Mr. Speaker, I rise today to remember the victims of the Ukrainian genocide and the deliberate famine which claimed the lives of 10 million innocent Ukrainians.

Under Stalin's rule, Ukrainian farmers were stripped of their land, and by the end of 1933, nearly one quarter of the Ukraine's population had starved to death. This atrocity was intended to break the spirit of the Ukrainian people, but it did not succeed. The strong-willed people of Ukraine overcame this dark time and eventually emerged from Communist rule as a strong democratic nation. The people of Ukraine are a testament to what the human spirit can not only endure, but triumph over.

Ukraine has prospered in the 70 years since this atrocity, but as we move forward, we must never forget the past. Organizations like the Ukrainian National Museum in Chicago, and activists like Nicholas Mischenko, the president of the Ukrainian Genocide Famine Foundation, should be commended for their work to ensure the world never forgets this manmade tragedy.

SMALL BUSINESSES ARE JOB CREATORS

(Ms. LEE of California asked and was given permission to address the House for 1 minute.)

Ms. LEE of California. Mr. Speaker, small businesses are job creators. During this economic downturn, it is very important to support the engines of our economy which created two-thirds of the new jobs over the past 15 years.

As a former small business owner for 11 years, I personally know what it takes to create jobs. For the life of me, I can't understand why Republicans have opposed the eight tax cuts for small businesses and the \$30 billion lending fund for small businesses and community banks that will create \$300 billion in investments.

Republicans continue to deny small businesses the pro-growth initiatives that will help create jobs. Their true motives, to favor big business over small business, Wall Street over Main

Street, and the wealthy over the middle class and the poor, have been exposed.

Democrats are working day and night to help America recover from the Republican recession. Republicans should really try to make up for shattering the lives of millions by at least supporting small businesses to help turn the economy around.

LINKED LEARNING

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. Mr. Speaker, today's high schools don't work for many young people. Students often feel bored and unchallenged. Almost one-third of the ninth-graders in my home State of California drop out without graduating.

That is why today I introduced The Linked Learning Pathways Affording College and Career Success Act. It combines college preparation with real-world learning opportunities for students across the country.

Like Ana Sical in San Diego. Ana once had problems with truancy, and says she never even considered college. But Ana's life changed with Linked Learning. There, she partnered with engineers who taught her their trades and pushed her to succeed. Today, Ana is studying at San Diego State's School of Engineering, the first in her family to attend college.

America's future depends on preparing today's students to enter tomorrow's workforce. My bill does that, and I encourage my colleagues to support it.

HELPING SMALL BUSINESSES

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, as Democrats work to help America recover from the Republican recession, one of our top priorities is to create jobs and restore responsible fiscal policies that support the middle class. A key part of this pro-growth agenda is helping small business. Small businesses are the engine of our economy, creating two-thirds of the new jobs over the past 15 years. The role of small businesses is especially important as we strive to create jobs and move the economy forward. With the right resources and the right opportunities, small businesses can respond quickly with growth opportunity.

To continue to support small business and to further promote job growth, Democrats in the House passed the Small Business Jobs and Credit Act. The \$30 billion lending fund for local businesses and community banks will help break the credit squeeze by leveraging \$300 billion in investment

funds that will allow them to grow and to add workers.

HONORING DEREK FARLEY

(Mr. MURPHY of New York asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of New York. Mr. Speaker, I rise today with the very sad duty of reporting the tragic passing of Army Staff Sergeant Derek Farley. Farley was killed in action Tuesday, August 17, in Afghanistan while disarming a roadside bomb. Farley was a member of the 702nd Ordnance Maintenance Company. His job as a bomb disposal technician was to diffuse bombs and IEDs to keep other soldiers and civilians safe.

He graduated from Columbia High School in East Greenbush in 2004 and made up his mind to join the military at the age of 17, continuing his family's tradition of service to our Nation. His father served in the Vietnam era.

In a previous tour in Iraq, where he served from 2006 to 2007 with the 756th EOD Company, Farley received a Purple Heart after losing his hearing in one ear during a bomb detonation.

In a letter to his mother, Derek said the following: "If something were to happen to me, just remember that I do the most dangerous job because it has the most rewarding payoff. . . . There would be no greater honor for me if it comes to it, but I keep fighting because there are thousands of mothers out there just like you who want to see their sons and daughters again."

My heart goes out to Derek's parents, Ken and Carrie; his brother, Dylan; sisters, Colleen, Theresa and Julie; and his beloved Maria.

On behalf of a grateful Nation, our thoughts and prayers are with the entire Farley family during this difficult time.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 5297, SMALL BUSINESS JOBS ACT OF 2010

Ms. PINGREE of Maine. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1640 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1640

Resolved, That upon adoption of this resolution, it shall be in order to take from the Speaker's table the bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of

order, a motion offered by the chair of the Committee on Financial Services or his designee that the House concur in the Senate amendment. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided among and controlled by the chair and ranking minority member of the Committee on Financial Services, the chair and ranking minority member of the Committee on Small Business, and the chair and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

SEC. 2. It shall be in order at any time through the legislative day of October 1, 2010, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

SEC. 3. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of October 1, 2010.

The SPEAKER pro tempore (Mr. PASITOR of Arizona). The gentlewoman from Maine is recognized for 1 hour.

Ms. PINGREE of Maine. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. PINGREE of Maine. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maine?

There was no objection.

Ms. PINGREE of Maine. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1640 provides for consideration of the Senate amendment to H.R. 5297, the Small Business Jobs and Credit Act of 2010. The rule makes in order a motion by the chair of the Committee on Financial Services to concur in the Senate amendment. The rule waives all points of order against consideration of the motion and provides that the Senate amendment and the motion shall be considered as read. The rule provides one hour of debate on the motion controlled by the Committees on Financial Services, Small Business, and Ways and Means.

The rule also allows the Speaker to entertain motions to suspend the rules through the legislative day of October 1, 2010. Finally, the rule waives clause 6(a) of rule XIII which would allow for same day consideration through Friday, October 1, of any measure reported from the Committee on Rules.

Mr. Speaker, today the House considers a tremendously important piece of legislation that provides long-overdue assistance to the millions of small businesses in our country. The Small Business Jobs and Credit Act of 2010 grants immediate tax relief to small business owners, increases access to much-needed capital, and enhances the ability of small businesses to export goods overseas.

□ 1030

Today, the House delivers on a promise it made to small businesses. With the passage of this bill, small businesses, the backbone of our economy, will be given the tools and relief they need to expand their companies, to create more jobs and to help this Nation recover from the worst economic recession in decades.

Mr. Speaker, this bill provides more than just assistance for short-term economic recovery, which it accomplishes by increasing the amount of money that banks can lend to small businesses, by eliminating certain Small Business Administration loan fees, and by giving States the increased flexibility to manage their own small business lending programs.

This bill is also a blueprint for new and long-term job creation. We have heard the pleas from entrepreneurs and small business owners in our districts, and we closed the legal loopholes which gave multinational corporations an advantage in securing government contracts over HUBZone, 8(a), service-disabled veterans, and women-owned businesses. Everyone is now on a level playing field when it comes to competing for Federal contracts.

Perhaps the most important provision in this bill is the increased access to credit. As a small business owner myself, I know how difficult it is to make ends meet. When I first started my business, long before the credit crunch hit, fortunately I was able to work with a small community bank that was in a position to give me access to capital that was critical to getting my company up and running.

Today, not all small businesses are so fortunate. No one was harmed more in the credit market collapse than small businesses. Throughout my home State of Maine, the stories I hear each week are the same:

“They say the economy is getting better, but I still can’t get the capital I need to make payroll or rehire those employees I was forced to lay off, much less think about expanding.”

This bill changes that by providing real relief at the same time small businesses need it the most.

The benefits are not theoretical. This isn’t wishful thinking. We know that increasing the 7(a) loan limits from \$2 million to \$5 million, that increasing the 504 loan limits from \$1.5 million to \$5.5 million and that increasing the 7(a)

Express Loan limits from \$300,000 to \$1 million will produce growth and jobs in communities all over our country.

In July, the owner of Mount Desert Island Ice Cream, a small business in Bar Harbor, Maine, wrote to me to share her incredible success story. Despite the turbulent economy, she expanded her business and created 10 new jobs this summer because of a Recovery Act ARC loan.

She explained if it weren’t for the access to new capital, she wouldn’t have been able to expand from two stores to three. She was able to use the Federal loan to manage the debt burden on her existing store locations, which freed up her cash flow, letting her expand.

The results were a mini-economic boom in Portland. Mount Desert hired a staff of 10. It employed contractors and suppliers to retrofit the new store, and it buys more and more ingredients from local Maine producers, all because she had access to government-backed loans.

I will say it obviously didn’t hurt, Mr. Speaker, that business is also booming because her store sells really, really good ice cream. I think President Obama even got to enjoy a scoop or two when he went to Maine this summer.

You know, I held a workshop in my district at the height of the recession in June of 2009, before the Recovery Act loans were available; and I invited small business owners from across Maine to attend. The response, frankly, was overwhelming. Hundreds of small, struggling businesses came because they had nowhere else to turn. They needed help to stay afloat and to meet their payrolls. They were adamant that loan limits were insufficient and that lending had dried up.

In Maine, fishermen who run small businesses need capital for boat repairs—to replace gears and engines. Some of our fishermen are having a particularly difficult time gaining access to funds because they are already heavily in debt for their boats and permits, making it difficult for lenders to assess their levels of risk and exposure. Worse, fishermen who want to purchase and increase processing capacity to boost prices for the catches they receive face enormous difficulties in purchasing the facilities they need to process multiple species at once.

One Maine fisherman explains it to me this way: “The main problem is that, when most of us took out loans for our businesses, it was some time ago, and we could operate like a normal business. Now the struggle is getting even harder. Banks that I have dealt with do not seem to realize or care that things are different, and they still have fairly rigid rules that are based in the past about financing these operations. They pretty much laugh us out of the room now when they see the income from the last few years, mostly

due to a lack of price for the fish we catch. We need some kind of low-interest loan program with very affordable payments if we are to keep the fleet in Maine until rebuilding occurs."

The loan guarantees included in this bill will make it more attractive for local lenders with the experience and know-how to provide access to the financing to our Nation's small business owners, and the reduced fees will make it more affordable for small businesses to grow, expand, and create jobs. This is why those at SBA support this bill, because they are able to work closely with lending institutions to assist our small businesses.

Mr. Speaker, the recovery is under way, but we are certainly not out of the woods yet. Unemployment in my home State of Maine is about 8 percent. That means almost 56,000 Mainers are out of a job. Passing the Small Business Jobs and Credit Act will provide much needed help. If the number of Maine small businesses with fewer than five employees added just one employee, then we could cut unemployment in half in our State. If every small business in Maine hired one more person because of the benefits in this bill, then we would certainly be on the road to recovery.

This bill will also stimulate long-term job growth, once the economy is back on track, by implementing provisions that small businesses have long sought:

There are numerous tax benefits that will entice rather than discourage our budding entrepreneurs from starting their own businesses;

This bill will allow a taxpayer to deduct up to \$10,000 in trade or business start-up expenses, an amount currently capped at \$5,000. Allowing owners to keep more money and to reinvest it in their companies at the outset, as they work to grow and expand their businesses, is critical;

This bill also allows owners to write off up to \$500,000 in capital expenditures in 2010 and 2011, subject to a phase-out when they exceed \$2 million. It also eliminates all capital gains taxes on certain small business investments for the 2010 tax year. For owners who have held off on hiring or making significant investments in their businesses, these tax provisions will allow them to act this year or next instead of continuing to wait;

When it comes to competing for Federal Government contracts, we level the playing field for small businesses by closing loopholes that previously gave large companies a built-in advantage in seeking those contracts;

We require a regular review of size standards to make sure that small businesses that are fortunate enough to expand don't retain an advantage over their smaller competitors in competition for small-business-only contracts;

We treat those in the aquaculture industry on par with other small businesses, and we make those companies eligible to receive SBA economic injury disaster loans.

Could this bill be better? Of course it could, but small businesses demand our help now. They can't wait, and we have an obligation to act swiftly to pass this bill today to make good on our promise to reward innovation, to loosen outdated limits on lending, and to encourage entrepreneurs to go to the SBA for help in starting and building their own businesses.

I look forward to the passage of this critical bill.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I would like to thank my friend, the gentlewoman from Maine (Ms. PINGREE), for the time; and I yield myself such time as I may consume.

Today, the majority, Mr. Speaker, brings forth another closed rule, denying the minority the right to offer amendments to what many colleagues contend is a flawed product from the Senate.

At the Rules Committee meeting yesterday, I was struck by a quote, a statement, made by the distinguished chairman of the Financial Services Committee:

This is \$30 billion. It's not \$300 billion. It's not \$3 trillion.

That is precisely the problem with the majority party. They have already spent all the money available. Once you pass an almost \$1 trillion stimulus package that does not stimulate economic growth, the distinguished chairman of the Financial Services Committee is correct that \$30 billion doesn't seem like such a big deal, but it is for the overburdened people of the United States of America.

The underlying legislation establishes a \$30 billion fund managed by the Treasury Department in an effort to increase lending from small banks to small businesses. The majority claims that this fund will move quickly to inject capital into the marketplace.

□ 1040

What we have today before us is junior TARP, Mr. Speaker. It's kind of a rehash of the 700-or-so-billion-dollar fund that was also supposed to make credit available for businesses. I was proud to oppose TARP then, and I am proud to oppose junior TARP today.

We on the minority side, the Republicans, believe that lowering taxes on small businesses would do far more to help create jobs and lead us out of this recession. One hundred days from today, the 2001 and 2003 tax cuts will expire and every American taxpayer will see tax increases at exactly the wrong time. Instead of taking clear, concrete action to reduce the tax burden on small businesses, the majority brings us junior TARP today.

There is a hidden provision, by the way, in this bill, Mr. Speaker, that makes even worse the antibusiness provisions in the health care legislation that this Congress passed previously. Pursuant to the health care law, small businesses are required to file a form 1099 with the IRS for every business and every individual to which they make payments of at least \$600. That is a significant burden on all businesses, especially on small businesses. It's important to note that even the administration has recently backed changes to that provision in their health care law. So Americans might expect legislation to come before us to assist small businesses to get out from under that onerous provision, but the underlying legislation goes completely in the wrong direction, in the other direction.

This Congress can do better. But the Rules Committee will not allow any Member to offer any amendments under this closed rule to improve this legislation. We should defeat this rule and allow the House to proceed through regular order and allow Members to bring forth any and all ideas to provide meaningful help for our struggling small businesses.

Mr. Speaker, I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I appreciate the comments my colleague from the other side of the aisle made about the 1099 issue and the impact with the health care bill. I do want to remember that only recently we had that bill on the floor. The people on my side of the aisle actually voted to repeal that provision and the people on the other side of the aisle opposed that. So we have had an opportunity to fix that, and I'm not clear about why the other side of the aisle wasn't with us on that, and I'm a little confused that he is bringing it up this morning.

I yield 3 minutes to my colleague on the Rules Committee, the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. I thank my colleague from Maine for yielding me the time.

Mr. Speaker, I rise in support of this rule, and I also rise in support of the underlying legislation.

Small businesses are drivers of economic growth and play a pivotal role in creating jobs in our community. In fact, in my home State of Massachusetts, small businesses represent 85 percent of companies and employ over a quarter of our workforce. As I meet with small business leaders across my district, I hear time and time again that access to capital—dollars that allow our small businesses to invest and to grow—is a main concern, especially in these difficult economic times.

It is clear to me that small businesses are a vital component of economic recovery. As we work to rebuild

our economy and create good-paying jobs here at home, we must support the efforts of small businesses across the country. That is why, Mr. Speaker, we must act today to pass this legislation.

H.R. 5297 goes a long way in helping our Nation's small businesses thrive. Specifically, this bill authorizes the creation of a small business lending fund which will enable community banks to increase lending to small businesses. It raises Small Business Administration loan limits, and it improves access to these loans. It provides grants to States in support of small business lending programs.

In addition to creating future opportunities for investment, this bill provides small businesses across our country with \$12 billion in tax cuts and includes a 100 percent exclusion from capital gains taxes on small business investments. These tax breaks will make it easier for businesses to operate and will increase their capacity to grow.

As we invest in our small businesses, we forge a path toward economic prosperity for so many Americans—not only for small business owners, but for those who will be employed by these companies. Improving small business access to capital will foster innovation and encourage the development of new products and services to carry our country forward.

Simply put, Mr. Speaker, we have to act now. It's the right thing to do. All of my colleagues who have gone home and talked to their constituents, and particularly to small business owners, know that this issue of extending credit is a big deal. They want us to help, and that's what this bill is about.

So I urge my colleagues on both sides of the aisle to think about the small businesses that we represent and to support this rule and the underlying legislation. And I urge my colleagues on the other side of the aisle to put people ahead of politics this time and help our small businesses.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, again I thank my friend from Maine for her courtesy and her management of this rule.

I will be asking for a "no" vote on the previous question so that we can amend the rule and allow a vote on the legislation introduced by Congresswoman LUMMIS.

In this debate, when the underlying legislation is adding another \$30 billion to our Nation's debt, I think it's fitting that the minority is bringing forward another YouCut proposal.

The American people are sounding the alarm that we have to change course. We have to focus on reducing the size of government, not create new programs that dig our fiscal hole deeper and deeper. That is going to require bipartisanship, which I hope to see soon, but we're not seeing it yet. And really, that's worrisome.

Over the last week, participants in the minority whip's YouCut initiative voted on programs for us to bring to this floor for cutting. To date, participants in that program have voted to cut over \$120 billion in spending. This week, the participants in that program voted to cut Federal staffing levels to 2008. The legislation that we would be able to vote on if the previous question is defeated would exempt agencies that are critical to national security. It's no coincidence that while the administration and this Congress increase Federal spending by trillions of dollars, we see Washington, D.C. thrive, but the people in the congressional district that I've been honored to represent for 18 years continue to hurt as Americans throughout the Nation are hurting. We believe that we have to return the function of job creation to the private sector.

So I will be asking Members to vote "no" on the previous question so that we can have a vote on Congresswoman LUMMIS's bill on cutting Federal staffing. And again, I remind Members that a "no" vote on the previous question will not preclude consideration of the underlying legislation before us today.

I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Mr. Speaker, I disagree with my good friends on the other side of the aisle. I believe this is a day long in coming and I am grateful for it, because what all of us have said is that the small businesses of America are the backbone of America, the job creators of America, and now we have an opportunity for the President to sign this bill that incorporates tax cuts and job creation.

□ 1050

What has been the message of the American people? What have they told us? They've indicated that they want to have jobs. Right off, this bill provides extra opportunities in the small business trade opportunities, and it helps to leverage more than \$1 billion in export capacity for small businesses, getting their products overseas in what we call the State Export Promotion Grant Program, which excites me, which allows us to help save 40,000 to 50,000 jobs in 2010.

And so we give them a step up to get their goods overseas. And we've got some talented small businesses who simply ask us, How do we promote our

product overseas? After this bill is signed by the President, they will have a helping hand.

For a startup business in 2010, we double the deduction for a startup from \$5,000 to \$10,000. One of the great complaints of small businesses is how do we do business with this massive Federal Government? Well, I will tell you. We're now going to increase the percentage of small businesses doing business with the Federal Government and create the opportunity for more of them to get contracts and more jobs to be created.

I'm grateful that this is a tax cutter as well, with a 100 percent exclusion of capital gains, and of course the opportunity to expand in lending by increasing the capacity of the Small Business Administration to provide access to credit.

Loan limits have been increased, and I'm grateful that this bill is going to be passed today and small businesses will be helped.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it's my pleasure to yield 4 minutes to the author of the legislation that we would be able to consider if the previous question is defeated, the gentlewoman from Wyoming (Mrs. LUMMIS).

Mrs. LUMMIS. Mr. Speaker, I rise to urge my colleagues to support my proposal to halt the unchecked growth of the Federal Government.

In selling the \$1.1 trillion stimulus package to the American people, the President promised that it would keep unemployment under 8 percent. The results of this expensive experiment are in. It failed. We have lost millions of private-sector jobs, and unemployment is hovering just under 10 percent. But the Federal workforce, fueled by the stimulus and other massive spending bills, has grown by 188,000 employees—or 15 percent—and it's only going to get worse. The Obama administration is on track to hire 230,000 new employees by next year.

As we approach the full implementation of ObamaCare in 2014, our government will have to staff a vast new health care bureaucracy. This could include thousands of new IRS employees to enforce the health care mandate on individuals and businesses.

My bill, the Federal Workforce Reduction Act, would halt the sprawl of government and get us back to pre-Obama government employment levels. My bill would not force any civil servant out of their job, and it would exempt the Departments of Defense, Homeland Security, and Veterans Affairs. But all other agencies could only hire one new civilian employee for every two that retire or otherwise end their service.

Our President and his agency heads would have to control their appetite for government expansion. They would make due with fewer resources—just

like the individuals, families, and small business owners who have had to make sacrifices and cut back to deal with the recession.

By attrition the government would shrink back to pre-Obama levels and save taxpayers \$35 billion over 10 years. But most importantly, my bill would help reverse a dangerous trend in which the private sector shrinks and the government sector expands. Growing the government does nothing to help our small businesses—the engines of job creation.

Taxing to give people less money and the government more money to expand does not help the economy. Yet the Big Government chameleon—debt-financed stimulus, cap and tax, ObamaCare, tax increases coming this January—continues to roam the halls of Congress, threatening to choke off the entrepreneurial spirit that built this country.

Important decisions that should be made by individuals, families, their doctors, or our small businesses are being relocated to Washington to be made by unresponsive bureaucrats. The policies of the Democratic leadership are fostering a culture of dependency on Big Government. They are marching us towards European-style social democracy.

But there is another way. Vote for this provision, cut spending and government employment back to pre-stimulus levels. Stop the big march of government.

Ms. PINGREE of Maine. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong support of the rule and the underlying bill, and I want to thank the gentlelady from Maine for yielding time.

All of us know that small businesses have been the backbone of the American economy. All of us know businesses that started as single individuals, single family, using their creativity, developing opportunities for not only themselves but for others.

The basic thing that small businesses need right now is access to capital, lines of credit, the opportunity to grow and expand. This bill provides exactly that. And I know that there are thousands of small businesses in my State and in my community simply waiting so that they can go to a bank and get the line of credit that they need, get the small business loan that they must have.

It's a good bill, a strong bill. I urge its passage.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it's my pleasure to yield 2 minutes to the distinguished gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. Mr. Speaker, I support this week's Republican YouCut amendment that would be prohibited by this rule. The amendment would re-

duce the Federal workforce to its pre-Obama level by phasing out 188,000 new Obama bureaucrats who have already been added to the public's burden. This spending isn't stimulating the economy—it is stimulating the government at the expense of the economy.

Before government can create a job by spending money, it must first take that money out of the economy, destroying the productive jobs that create wealth and replacing them with government jobs that merely consume it.

In 1946, Harry Truman slashed Federal spending from \$85 billion down to \$30 billion. He fired 10 million Federal employees. It was called War Demobilization. The Keynesians at the time predicted catastrophic unemployment. Instead, he produced the post-war economic boom that produced unprecedented prosperity for middle- and working-class Americans.

We know how to revive an economy because we've done it before—by reducing the burdens that government has placed on productivity. All we lack is the political will. Maybe the American people can help with that in a few weeks.

Ms. PINGREE of Maine. Mr. Speaker, I yield 1½ minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I rise in strong support of this rule and the underlying bill, the Small Business Jobs and Credit Act.

You know, my good friend the gentleman from Illinois was exactly right. The district I represent in western Wisconsin, the small businesses and the family farmers really are the backbone of our regional economy.

What this legislation does is continue a lot of the tax relief that was contained in the American Recovery Act in an attempt to help these small businesses and family farmers to stay sufficiently capitalized during this very tough and difficult economy.

This bill will continue the 100 percent exclusion of small business capital gains. It has immediate expensing, accelerated depreciation, a net operating loss carryback. So if you're a business experiencing a loss this year, you can offset that immediately with the previous year profits to help them with their liquidity and keep them capitalized.

□ 1100

But it also deals with, I think, one of the detriments to further job growth for these small businesses, and that's the tight credit market. That's why the extension of the SBA 7(a) and 504 loan program is incredibly important to helping these small businesses get the lines of credit and the operating loans that they need to continue operating and to hire people.

And it creates a new Small Business Lending Fund. If there was one criti-

cism many of us had with the TARP intervention, it was that that intervention did not come back to Main Street to help small businesses. This legislation addresses that through a voluntary program with local lenders who chooses to participate, where they can reduce the interest rate that's charged to them depending on the number of small business loans that they get out the door. We need to support this bill and support small businesses. The Chamber of Commerce endorses this bill. I ask my colleagues to support this important legislation.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it's my pleasure to yield 2 minutes to the distinguished gentleman from Tennessee (Mr. ROE).

Mr. ROE of Tennessee. I thank the gentleman for yielding.

Two years ago, I arrived here from the real world, and that's the world of business and the economy, and got to the Washington world. My experience before here was as a small business owner and a mayor. And we had to balance our budget. And what we did was we found out that our budget was awry, and much of it because of the size of government. We had let it grow too much.

So what we did in our local government was we shrunk the size of government. And guess what happened to our revenue without raising taxes? It went up. And that's why I am rising in support of this YouCut proposal. It makes absolute sense. And I have heard this from both Democrats, Republicans, and independents. And I ask my colleagues across the aisle to support this.

It makes sense not to add 188,000 more people to the government workforce when the economy is not doing well. Example: if a business out there that I ran had decreasing revenues, we didn't hire more personnel at that point. We hunkered down, we made do with what we had; and I think this is a very reasonable thing to do. It exempts three important Departments that secure and protect us: that's the Department of Defense, Homeland Security, and Veterans Affairs, and gives the administration the ability to place those employees where they think they're important.

Why are businesses not hiring? It's very simple. I spoke to several business leaders yesterday on the telephone. They are hunkered down and not hiring because expenses and taxes are going up. They are overregulated, access to capital has decreased, and they can't lend money. I talked to bankers yesterday that cannot get the money out the door for qualified borrowers because of overregulation of the FDIC.

I would ask my colleagues to support this commonsense \$35 billion reduction in Federal spending. In the time of a recession, it makes sense. I urge you to vote for this.

Ms. PINGREE of Maine. Mr. Speaker, I yield 2 minutes to the gentleman

from New Jersey (Mr. PASCRELL), a member of the Ways and Means Committee.

Mr. PASCRELL. Mr. Speaker, I support the rule. It's taken far too long to overcome the obstruction to this bill. This obstruction has impeded \$30 billion in credit for small businesses. The credit squeeze has been one of the largest obstacles they are facing today, small businesses. We have been told time after time after time that without access to credit, small businesses cannot grow.

I am pleased that we continue to focus on job creation through the engine of our economy. Small businesses have generated 64 percent of new jobs over the last 15 years. But we must do more. We must address the elephant in the room. And here's the elephant in the room: we must address the expiration of the middle class tax cuts, which alone will help 98 percent of all Americans and 97 percent of small business. Small businesses have been struggling for decades, not just the last few years, because they have been the victim of previous administrations' and past Congresses' priorities that placed Wall Street and big banks over Main Street small businesses and their community banks.

And here's the rub, and you can't deny it: these priorities have led to a 20 percent decline in small business market shares. And they have lost that to corporate welfare. Look at the record before the recession. Twenty percent more of market loss. That did not fall out of the sky. And I blame both parties. Neither party is privileged to virtue here. No one has a monopoly on this. This Congress recognized the problem.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. PINGREE of Maine. I yield the gentleman an additional 30 seconds.

Mr. PASCRELL. This Congress has done more for small businesses than others in years. Billions in tax cuts. We funded the SBA, payroll tax holidays, incentives for capital investments, depreciation, on and on. Nine specific tax cuts. Tax and spend? No, we wanted to cut taxes. You didn't give us one vote on any of these. You are standing up and preaching to us that what we have to do is change our culture? Nine tax cuts from this Congress. It's time to continue to do more by moving forward on the middle class tax cuts. I proudly support this rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it's my pleasure to yield 2 minutes to my friend, the great leader from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, at the same time that job providers and workers across this great Nation have sacrificed in this very difficult economy, the Federal Government has exploded in growth. And the

cost of this growth in Federal employment has been passed along to those very same hard-pressed taxpayers and job providers through higher taxes as well as increasing our national debt.

This week's YouCut proposal calls for overall Federal employment to be reduced to 2008 levels. And this is for civilians only. It does not include military or Homeland Security or Veterans Affairs. This very simple step would save taxpayers \$35 billion over 10 years.

Mr. Speaker, each and every week House Republicans have asked the American people through the YouCut program to bring to the floor literally tens of billions of dollars of spending cuts. And today we stand up here yet again asking our colleagues across the aisle to join with us to answer America's call to put an end to out-of-control Federal spending.

Today's cut will end the influx of more civilian government workers on the taxpayers' dime, and it will reduce the expansion of Big Government. And that, Mr. Speaker, is what the American people are asking for.

However, while the Democratic leadership continues to pile more debt, more and more debt on our children and on our grandchildren, Republicans, however, have been very specific by bringing specific spending cuts to the House floor in an effort to restore fiscal sanity. Unfortunately, our Democratic colleagues have absolutely refused to join us in this effort. And we ask our colleagues once again to join us to reduce this out-of-control Federal deficit and cut Federal spending now.

Mr. Speaker, House Republicans have been listening to the American citizens, and I ask my Democratic colleagues to do the same.

Ms. PINGREE of Maine. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. ETHERIDGE), a member of the Ways and Means Committee.

Mr. ETHERIDGE. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of this rule and the Small Business Jobs and Credit bill. As a former small businessman, I know that small businesses are the engine of our economy. Credit is the lifeblood of these businesses. By expanding credit and providing small businesses tax cuts, this bill will help get credit flowing so small businesses can grow, hire workers, and fuel our economy.

As I travel across the Second District of North Carolina talking to business owners and workers, I hear that while the economy may be improving for some, many of these folks on Main Street are still struggling. This bill is what they need to get going again.

I urge my colleagues on both sides of the aisle to join me in voting to send this bill to the President of the United States for his signature to put it into law, help our small businesses create jobs and grow our economy.

Mr. LINCOLN DIAZ-BALART of Florida. I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I am happy to yield 1 minute to the gentlewoman from Nevada (Ms. BERKLEY).

□ 1110

Ms. BERKLEY. I thank the gentlewoman for yielding to me.

This is a very important piece of legislation for the people that I represent. Nevada is in a world of hurt. I've got the highest unemployment rate in the country and the highest mortgage foreclosure rate in the country. Small businesses are either folding or they don't have the revenue in order to continue, and certainly new businesses have entrepreneurs that wish to start new businesses but don't have the wherewithal.

This piece of legislation provides critical funding to the SBA to ensure that people who want to start a small business have access to capital that will get their businesses up and running, creating jobs and bolstering the economy. It creates a \$30 billion lending facility for small businesses and will create the credit available to small businesses and ensure that they can access resources necessary to create and to build on what they already have and particularly to hire.

The provisions in this legislation can make all the difference in the world to the community that I represent and to its people. We need to get people back to work. This small business funding bill will do exactly that.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank my friend from Maine and all who have participated in this debate. I again seek a "no" vote, and I seek a "no" vote on the previous question.

I yield back the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I yield myself the balance of my time.

The Small Business Jobs and Credit Act of 2010 gives immediate relief to struggling small businesses across the country. It combines more than \$12 billion in tax relief with increased access to critical financing so that our Nation's small businesses can move forward on new or delayed expansion plans.

Small business growth means job creation. Our economy will only continue to improve as our businesses bring back laid off employees and hire new workers. One of my constituents, the owner of the popular Allagash Brewing Company in Portland, Maine, describes the increase in the expense allowance under section 179 as a "great idea"—something that will enable him to invest in his brewery and expand his brewery, which means hiring more employees.

Allagash Brewery is the perfect example of who will benefit from this legislation, Mr. Speaker. Fifteen years

ago it began with a few employees working together in a 4,000-square-foot building financed by SBA loans, which were used to purchase the tanks and the equipment necessary to brew some exceptional beer. They did most of their own welding and manufacturing, and they produced 120 barrels of beer that first year.

This year they employ 28 people in a brand new facility and are on track to produce more than 22,000 barrels of beer each year, and they are still growing. With the increase in the section 179 expensing allowance, Allagash can invest in new equipment, expand operations to meet its tremendous demand, and hire several new employees. If not for this bill, expansion plans may have been put on hold and no new jobs would have been created.

Mr. Speaker, this is a very good bill that should be supported by every Member of this House. It ensures that small businesses, not big corporations, have the tools they need to expand and grow, and it ensures that regular Americans on Main Street take part in the economic recovery.

The Small Business Jobs and Credit Act of 2010 spurs short-term economic recovery while paving the way for long-term business growth once the economy is back on track.

I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 1640 OFFERED BY MR. DIAZ-BALART OF FLORIDA

At the end of the resolution add the following new section:

SEC. 4. Immediately upon the adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5348) to amend title 5, United States Code, to reduce the number of civil service positions within the executive branch, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the Majority Leader and the Minority Leader or their respective designees. After general debate the bill shall be considered for amendment under the five-minute rule. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and re-

ports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 5348.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the *Floor Procedures Manual* published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. PINGREE of Maine. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendments bills of the House of the following titles:

H.R. 4667. An act to increase, effective as of December 1, 2010, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

H.R. 5682. An act to improve the operation of certain facilities and programs of the House of Representatives, and for other purposes.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3980. An act to provide for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1448. An act to amend the Act of August 9, 1955, to authorize the Coquille Indian Tribe, the Confederated Tribes of Siletz Indians, the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw, the Klamath Tribes, and the Burns Paiute Tribe to obtain 99-year lease authority for trust land.

S. 2906. An act to amend the Act of August 9, 1955, to modify a provision relating to leases involving certain Indian tribes.

S. 3828. An act to make technical corrections in the Twenty-First Century Communications and Video Accessibility Act of 2010 and the amendments made by that Act.

The message also announced that pursuant to section 214 of title II, Public Law 107-252, the Chair, on behalf of the Majority Leader, appoints the following individual to serve as a member of the Election Assistance Board of Advisors:

Dr. Barbara Simons, of California.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

IMPROVING ACCESS TO CLINICAL TRIALS ACT OF 2009

Mr. McDERMOTT. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1674) to provide for an exclusion under the Supplemental Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1674

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Improving Access to Clinical Trials Act of 2009”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Advances in medicine depend on clinical trial research conducted at public and private research institutions across the United States.

(2) The challenges associated with enrolling participants in clinical research studies are especially difficult for studies that evaluate treatments for rare diseases and conditions (defined by the Orphan Drug Act as a disease or condition affecting fewer than 200,000 Americans), where the available number of willing and able research participants may be very small.

(3) In accordance with ethical standards established by the National Institutes of Health, sponsors of clinical research may provide payments to trial participants for out-of-pocket costs associated with trial enrollment and for the time and commitment demanded by those who participate in a study. When offering compensation, clinical trial sponsors are required to provide such payments to all participants.

(4) The offer of payment for research participation may pose a barrier to trial enrollment when such payments threaten the eligibility of clinical trial participants for Supplemental Security Income and Medicaid benefits.

(5) With a small number of potential trial participants and the possible loss of Supplemental Security Income and Medicaid benefits for many who wish to participate, clinical trial research for rare diseases and conditions becomes exceptionally difficult and may hinder research on new treatments and potential cures for these rare diseases and conditions.

SEC. 3. EXCLUSION FOR COMPENSATION FOR PARTICIPATION IN CLINICAL TRIALS FOR RARE DISEASES OR CONDITIONS.

(a) EXCLUSION FROM INCOME.—Section 1612(b) of the Social Security Act (42 U.S.C. 1382a(b)) is amended—

(1) by striking “and” at the end of paragraph (24);

(2) by striking the period at the end of paragraph (25) and inserting “; and”; and

(3) by adding at the end the following:

“(26) the first \$2,000 received during a calendar year by such individual (or such spouse) as compensation for participation in a clinical trial involving research and testing of treatments for a rare disease or condition (as defined in section 5(b)(2) of the Orphan Drug Act), but only if the clinical trial—

“(A) has been reviewed and approved by an institutional review board that is established—

“(i) to protect the rights and welfare of human subjects participating in scientific research; and

“(ii) in accord with the requirements under part 46 of title 45, Code of Federal Regulations; and

“(B) meets the standards for protection of human subjects as provided under part 46 of title 45, Code of Federal Regulations.”.

(b) EXCLUSION FROM RESOURCES.—Section 1613(a) of the Social Security Act (42 U.S.C. 1382b(a)) is amended—

(1) by striking “and” at the end of paragraph (15);

(2) by striking the period at the end of paragraph (16) and inserting “; and”; and

(3) by inserting after paragraph (16) the following:

“(17) any amount received by such individual (or such spouse) which is excluded from income under section 1612(b)(26) (relating to compensation for participation in a clinical trial involving research and testing of treatments for a rare disease or condition).”.

(c) MEDICAID EXCLUSION.—

(1) IN GENERAL.—Section 1902(e) of the Social Security Act (42 U.S.C. 1396a(e)), is amended by adding at the end the following:

“(14) EXCLUSION OF COMPENSATION FOR PARTICIPATION IN A CLINICAL TRIAL FOR TESTING OF TREATMENTS FOR A RARE DISEASE OR CONDITION.—The first \$2,000 received by an individual (who has attained 19 years of age) as compensation for participation in a clinical trial meeting the requirements of section 1612(b)(26) shall be disregarded for purposes of determining the income eligibility of such individual for medical assistance under the State plan or any waiver of such plan.”.

(2) CONFORMING AMENDMENT.—Section 1902(a)(17) of such Act (42 U.S.C. 1396a(a)(17)) is amended by inserting “(e)(14),” before “(1)(3)”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is the earlier of—

(1) the effective date of final regulations promulgated by the Commissioner of Social Security to carry out this section and such amendments; or

(2) 180 days after the date of enactment of this Act.

(e) SUNSET PROVISION.—This Act and the amendments made by this Act are repealed on the date that is 5 years after the date of the enactment of this Act.

SEC. 4. STUDY AND REPORT.

(a) STUDY.—Not later than 36 months after the effective date of this Act, the Comptroller General of the United States shall conduct a study to evaluate the impact of

this Act on enrollment of individuals who receive Supplemental Security Income benefits under title XVI of the Social Security Act (referred to in this section as “SSI beneficiaries”) in clinical trials for rare diseases or conditions. Such study shall include an analysis of the following:

(1) The percentage of enrollees in clinical trials for rare diseases or conditions who were SSI beneficiaries during the 3-year period prior to the effective date of this Act as compared to such percentage during the 3-year period after the effective date of this Act.

(2) The range and average amount of compensation provided to SSI beneficiaries who participated in clinical trials for rare diseases or conditions.

(3) The overall ability of SSI beneficiaries to participate in clinical trials.

(4) Any additional related matters that the Comptroller General determines appropriate.

(b) REPORT.—Not later than 12 months after completion of the study conducted under subsection (a), the Comptroller General shall submit to Congress a report containing the results of such study, together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. McDERMOTT) and the gentleman from Louisiana (Mr. BOUSTANY) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. McDERMOTT. I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 1674.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. McDERMOTT. Mr. Speaker, many individuals who suffer from rare diseases or conditions currently face obstacles to participating in clinical research trials that may extend or improve their quality of life.

The Improving Access to Clinical Trials Act, which passed the Senate on August 5, 2010, by unanimous consent, would eliminate these barriers. This legislation would prohibit disabled beneficiaries who receive assistance from the Supplemental Security Income, or SSI program, from participating in clinical trials.

It is standard practice to reimburse clinical trial participants, not only for direct expenses associated with participation in such trials but also to reimburse them for time committed for their participation.

Moreover, it is the policy of research institutions to treat all clinical trial enrollees in a consistent manner. As a result, if compensation for expenses and time is paid to one trial enrollee, it

must be paid to all. The current program rules under the SSI program regarding compensation or reimbursement from clinical trials has inadvertently created an obstacle for enrollment in such trials that can lead to life-saving therapies.

For example, approximately half of all adults with cystic fibrosis are SSI recipients. If one of these recipients were to participate in a clinical trial and received reimbursement for their commitment, that compensation would lead the Social Security Administration to redetermine whether the individual continues to meet the income and asset tests used to determine eligibility for the SSI program.

□ 1120

Thus even a modest reimbursement for clinical trial participation may prevent the majority of individuals from enrolling in trials because, under the SSI income and asset limits, it could potentially trigger a loss of their SSI benefit. As a result of this risk, very few SSI recipients who suffer from cystic fibrosis participate in clinical trials.

Given the large number of recipients with cystic fibrosis, this may have the undesired effect of slowing the pace of cystic fibrosis clinical research for all Americans, including the approval process for promising therapies that are already in the pipeline or waiting to be tested. The development of new treatments for rare diseases would benefit not only those who suffer from such conditions but the Nation as well.

SSI rules should not force recipients to choose between their current income support and health coverage and their long-term ability to manage and potentially overcome the disease that has disabled them.

In May of 2008, a number of my Democratic and Republican colleagues from the Ways and Means Committee joined me in sending a letter to the Commissioner of the Social Security Administration. We urged him to consider practical steps to allow SSI recipients to maintain their eligibility for the SSI and Medicaid benefits while participating in potentially lifesaving clinical trials. The Commissioner informed us that such a solution would require a legislative change in the law.

The legislation before us today is very similar to the bipartisan legislation that was introduced in the House by Representatives ED MARKEY and CLIFF STEARNS in June of 2009. The bill excludes the first \$2,000 received as compensation or reimbursement in a clinical trial from the income and asset eligibility limits in the SSI program. It also would exclude the first \$2,000 in compensation from the income tests in Medicaid.

Additionally, the legislation would require the Government Accountability Office to conduct an evaluation

of the impact of this bill on enrollment of SSI recipients who participate in clinical trials. The CBO has determined that this provision, which is scheduled to sunset in 5 years following enactment, has little to no cost. Eliminating the obstacles faced by SSI recipients who suffer from a rare condition could lead to potentially lifesaving treatments or therapies that can improve the quality of life for those who suffer from these diseases.

Permitting the SSI recipients to participate in clinical research trials is the right thing to do.

I reserve the balance of my time.

Mr. BOUSTANY. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of the Improving Access to Clinical Trials Act before us today.

Mr. Speaker, I was an original cosponsor of the House version of this bill introduced in June 2009. To date, there are 141 Members from both sides of the aisle who have cosponsored that House bill. The Senate version passed unanimously last month, and I urge all Members to support this needed legislation.

This bill would allow Americans with serious diseases to retain the benefits they need while they help find treatments and cures for themselves and others with similar afflictions.

In the field of medicine, clinical trials are an important tool to find new and more effective treatments for incapacitating and often deadly diseases. Under current NIH standards, sponsors of clinical research may provide modest payments to trial participants for their out-of-pocket costs and time spent participating in the trial. Such payments average about \$500 per participant. That compensation must be provided to all participants if it is offered to any to ensure financial concerns don't affect the outcome of such trials. That means individuals cannot opt to not be paid for their participation in clinical trials.

Yet, under current law, such payments also must be counted as income in determining an individual's eligibility for SSI disability payments and Medicaid coverage, if they receive those benefits. That means that participating in a clinical trial could reduce or even eliminate those important benefits for some individuals. That forces individuals to choose between maintaining their current health and disability benefits and the chance to participate in a clinical trial that could improve or even cure their condition, as well as help others like them in the future. And when a large share of people with rare diseases like cystic fibrosis are receiving SSI benefits, this policy may actually prevent trials from going forward altogether, since it restricts the already small number of people able to participate in the trial in the first place.

So this bill makes a simple correction. Over the next 5 years, it directs the SSI and Medicaid programs to ignore modest compensation that program beneficiaries might receive for participation in clinical trials when determining program eligibility. This is consistent with current SSI program exemptions, as well as common sense. Importantly, given the small number of people affected and the program red tape this would actually prevent, the Congressional Budget Office estimates that this bill will result in no net costs to the Federal Government. And the legislation directs the Government Accountability Office to study this issue to ensure the bill is having its intended effects of assisting people with diseases and improving participation in clinical trials while holding the Federal program costs down.

Mr. Speaker, this is a reasonable approach that merits our support.

I reserve the balance of my time.

Mr. MCDERMOTT. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY of Massachusetts. I thank the gentleman from Washington State so much, and I thank my friend from Florida (Mr. STEARNS), my cosponsor of this legislation and my co-chair of the Congressional Cystic Fibrosis Caucus, for his incredible work in helping to bring this moment into being.

The Improving Access to Clinical Trials Act will enable more individuals with rare diseases to participate in clinical trials offering hope for cures to devastating diseases like cystic fibrosis. This bill is urgently needed.

Current eligibility requirements for Medicaid and Supplemental Security Income shut out many disabled and low-income Americans from participation in potentially lifesaving clinical trials. That is because, in accordance with current ethical standards, many clinical trials offer modest compensation for patient participation, which can average around \$500. Low-income patients with rare diseases face a serious barrier to taking part in drug trials, as the modest fee they receive for participation counts towards their eligibility for Supplemental Security Income and Medicaid and can push their income above the established caps. This forces patients to choose between receiving the essential benefits they need to live and the opportunity to participate in a clinical trial that could improve their condition and offer hope for a cure. This is a cruel choice that no one should have to make.

The bill we are considering today addresses this situation by allowing Medicaid recipients and individuals who receive Supplemental Security Income to participate in clinical trials to provide compensation without the risk of losing their benefits, and by excluding up to \$2,000 in compensation a patient receives from a clinical drug trial from

his or her income calculation for Supplemental Security Income and Medicaid eligibility.

Our bill applies to rare disorders, which are defined as diseases affecting less than 200,000 people in the United States. There are more than 6,000 rare disorders that, taken together, affect approximately 25 million Americans. Examples of rare diseases include ALS, Crohn's disease, cystic fibrosis, Huntington's disease and Parkinson's disease.

The House version of this bill, which Mr. STEARNS and I introduced more than a year ago, has 141 bipartisan cosponsors. The Senate version we are considering today, which included Medicaid eligibility in addition to SSI, passed the Senate by unanimous consent on August 5. The Congressional Budget Office has determined that the bill has no cost to the Federal Government. While there is no cost to the government, for millions of Americans the benefits could be enormous—the chance to receive treatment that could dramatically improve their health.

For scientific research, clinical drug trials are an essential part of the process for searching for treatments for diseases. When testing treatments for rare diseases in particular, researchers need patient participation from a significant percentage of patients with each disease in order to produce valid results. Consequently, researchers often struggle to recruit enough patients.

□ 1130

Today, we are working to eliminate one of those barriers to participation by opening clinical trials for rare diseases to those on Medicaid and Supplemental Security Income.

This could produce dramatic advancements towards a cure for rare disorders, including cystic fibrosis. There are approximately 30,000 people living in the United States with cystic fibrosis today. In the 1950s, children with CF usually didn't live past the age of kindergarten. Now, CF patients live productive lives with a median age of 37, thanks to advances in medical research just over the last 40 years.

More than 30 potential therapies are in the CF drug development pipeline today, more than in the entire history of CF research, and many are being tested in clinical trials.

In the next 2 to 3 years, we will need more than 7,000 CF patients to participate in clinical drug trials. Three thousand CF patients participated in drug trials last year. Nearly 50 percent of the CF population receives public benefits, including SSI and Medicaid.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McDERMOTT. Mr. Speaker, I yield the gentleman an additional 2 minutes.

Mr. MARKEY of Massachusetts. Listen to that again: Nearly 50 percent of

the CF population receives public benefits, including SSI and Medicaid.

While the average clinical trial compensation amount for a cystic fibrosis drug is \$700, an individual with cystic fibrosis often has medical expenses totaling nearly \$80,000 per year. Clinical research is critical to our progress towards curing rare diseases such as cystic fibrosis, especially at a time of tremendous opportunity and hope in medical research.

The bipartisan Improving Access to Clinical Trials Act will encourage patients suffering from rare diseases to participate in promising clinical research that may lead to cures, better treatment, and ultimately, saved lives, without having to worry that they could lose SSI benefits.

Our bill has been endorsed by more than 120 organizations, including the Cystic Fibrosis Foundation, the Biotechnology Industry Organization, the National Health Council, and Research!America.

Research is medicine's field of dreams from which we harvest the findings that give hope to millions of Americans that the disease that runs through their family's history may finally be cured. That is what this bill is all about, ensuring clinical trials are conducted that give families hope.

Again, I want to thank the gentleman from Florida and the leaders of the Ways and Means Committee for all of the work that you have done in making this a possibility. I urge an "aye" vote.

Mr. BOUSTANY. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Florida (Mr. STEARNS), one of the coauthors of the House bill.

Mr. STEARNS. Mr. Speaker, I thank my colleague from Louisiana for yielding me this time.

Obviously as a cosponsor in working with Mr. MARKEY, this is a very important bill. Mr. Speaker, this is bipartisanship in its essence. We have seen a lot of complaints both in the press and from the public about Members of Congress not getting together. Here you have a gentleman from Massachusetts and a gentleman from Florida working to cosponsor and to pass this bill. It has overwhelming support by Members here in the House. I look forward to its passage, and I commend the gentleman from Massachusetts (Mr. MARKEY) for what he is doing. We are coauthors and cofounders. We cofounded the Cystic Fibrosis Caucus some time ago. We are working, doing the Lord's work here.

Mr. Speaker, a lot of what has been said is also in my speech, and I don't necessarily want to reiterate it again. Simply put, this bill improves access to clinical trials. It will allow people with rare diseases like cystic fibrosis to participate in clinical trials that provide nominal compensation without, and this is the key part, without

the risk of losing their health coverage. Senator WYDEN sponsored the bill S. 1674, and Mr. MARKEY and I sponsored H.R. 2866.

I think all of us realize clinical trials are an essential part of the process as researchers develop new treatments for diseases. When testing treatments for rare diseases in particular, researchers need a significant percent of the patient population for each disease to participate in the various trials. Because of this, they often struggle to recruit patients. They just can't find enough.

For example, let's go to the University of Alabama at Birmingham. It houses one of the Cystic Fibrosis Foundation's largest CF care centers with over 450 patients. The University of Alabama at Birmingham conducts numerous clinical trials on promising new treatments for CF patients. But when they began looking for CF patients to participate in trials for a new drug that some believe would be a game changer in the treatment of CF, they were only able to find four patients who met the trial protocol criteria. With these small numbers, the integrity of the study can be compromised if patients are not enrolled promptly. Enrollment becomes further compromised when patients choose to not participate because their Medicaid and SSI eligibility becomes at stake.

We have come a long way in treating CF. In the 1950s, children with CF usually didn't last past the age of kindergarten. Now, with all of the advances in medical research, we can proudly say that CF patients live much longer and have more productive lives, with the median age of 37. This is thanks in part to clinical trials which have brought effective new drug therapies to those with cystic fibrosis.

So in the next 2 to 3 years, we will need more than 7,000 CF patients to participate in clinical drug trials. Three thousand CF patients participated in trials last year. The bill we have here on the floor will help new therapies move quickly from the laboratory into the hands of the patients who need them and will reduce the administrative cost of disenrolling a beneficiary from SSI and Medicaid one month and reenrolling the beneficiary the very next month.

Importantly, the Congressional Budget Office has determined that this bill has very low real cost to the Federal Government, if none. So I ask my colleagues to join me in passage of this bill. As pointed out, we have over 120 cosponsors. The Association of Clinical Research Organizations has endorsed it, the Biotechnology Industry Organization, Cystic Fibrosis Foundation, Genetic Alliance, National Health Council, the National Organization of Rare Disorders, PhRMA, and Research!America.

Passage of this bill is a long time in coming. It will improve Americans'

lives. As pointed out, it has no real cost. It is a simple fix to a current law that will save lives today. I urge its passage.

Mr. Speaker, I rise today in strong support of S. 1674—the Improving Access to Clinical Trials Act, or the I-ACT.

As the lead Republican sponsor of the original House version of this bill, H.R. 2866, I am so pleased we are taking up the companion to our bill that has already passed the Senate under unanimous consent. Passage of this bill in the House today will allow this important clinical trials legislation to be signed into law.

I am a proud co-chair and founder of the Congressional Cystic Fibrosis Caucus, along with my friend and colleague from Massachusetts, Mr. ED MARKEY. Through our work with the CF Caucus and the Cystic Fibrosis Foundation, we discovered that low income patients with rare diseases, such as cystic fibrosis, face a serious barrier to taking part in potentially lifesaving clinical trials, as the modest fee they receive for participating in a trial counts toward their eligibility for public health benefits such as Supplemental Security Income, SSI, and Medicaid. This actually forces patients to choose between receiving essential health benefits and the chance to participate in a clinical trial that could improve their condition. This is cruel choice no one should have to make.

Today there are approximately 30,000 people living in the U.S. with cystic fibrosis, and unfortunately almost half of the CF population receives public benefits, such as SSI and Medicaid. However, there are also over 30 new drug therapies and treatments for CF in the pipeline, more than in the entire history of CF research, that can improve the health and lives of CF patients and potentially lead us to a cure. Unfortunately, however, because CF is a rare disease, there just aren't enough CF patients who can participate in clinical trials because they are afraid of losing their public health benefits.

Our bill, the Improving Access to Clinical Trials Act, S.1674/H.R. 2866, will simply allow people with rare diseases like cystic fibrosis to participate in clinical trials that provide nominal compensation without the risk of losing their health care coverage.

Mr. Speaker, clinical trials are an essential part of the process as researchers develop treatments for diseases. When testing treatments for rare diseases in particular, researchers need a significant percent of the patient population for each disease to participate in these trials. And because of this, they often struggle to recruit enough participants.

For example, the University of Alabama at Birmingham houses one of the Cystic Fibrosis Foundation's largest CF care centers with over 450 patients. UAB conducts numerous clinical trials on promising new treatments for CF patients, but when they began looking for CF patients to participate in a clinical trial for a new drug that some believe could be a game changer in the treatment of CF, they were only able to find 4 patients who met the trial protocol criteria. With these small numbers, the integrity of the study can be compromised if patients are not enrolled promptly. Enrollment becomes further compromised when patients choose to not participate because their SSI and Medicaid eligibility is at stake.

Mr. Speaker, we have come a long in treating CF. In the 1950's, children with CF usually didn't live past the age of kindergarten. Now, with all the advances in medical research, we can proudly say that CF patients live much longer and more productive lives, with a median age of 37. This is thanks in part to clinical trials that have brought effective new drug therapies to those with cystic fibrosis.

In the next 2–3 years, we will need more than 7,000 CF patients to participate in clinical drug trials. Three thousand CF patients participated in trials last year.

The I-ACT will help new therapies move quickly from the laboratory into the hands of the patients who need them and will also actually reduce the administrative costs of disenrolling a beneficiary from SSI and Medicaid one month and re-enrolling the beneficiary the next month. Importantly, the Congressional Budget Office has also determined that S. 1674 has no real costs to the Federal Government.

I ask my colleagues to join me in supporting S.1674—the Improving Access to Clinical Trials Act. The House version of this legislation enjoys strong bipartisan support, with 141 bipartisan cosponsors. And the Senate bill passed under unanimous consent on August 5, 2010.

Our bill has also been endorsed by over 120 organizations including: the Association of Clinical Research Organizations, the Biotechnology Industry Organization, the Cystic Fibrosis Foundation, Genetic Alliance, National Health Council, the National Organization of Rare Disorders, NORD, PhRMA, and Research!America.

Passage of this bill today will go a long way toward improving the lives of Americans with rare diseases, and to bringing us even closer to a cure for rare diseases. This legislation also has no real costs to the Federal Government. It's a simple fix to current law that will save lives, and I am proud to support this bill and be its lead Republican sponsor in the House.

Mr. McDERMOTT. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. BOUSTANY. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Louisiana (Mr. FLEMING), a physician who knows a little bit about clinical trials.

Mr. FLEMING. I thank the gentleman from Louisiana for yielding me this time.

Mr. Speaker, I have two special investments in this bill, Improving Access to Clinical Trials Act. One is being a physician, a family physician for 34 years. The other is that I have a grandson who was born with cystic fibrosis almost a year to the day. He was born essentially clinically dead. His bowels, his colon had ruptured in utero as a result of his cystic fibrosis. He was delivered. It was an emergency delivery. He spent the first two months of his life in the NICU. Several times we thought we would lose him. He has had a rocky course since then. Today, as a child of a year old, he is catching up with all of his developmental milestones. His

health is good, relatively speaking. And he is a beautiful young blessing to my family. He still has a very rocky course.

We know some of the statistics having to do with cystic fibrosis. There are approximately 30,000 people today with this disease. In the 1950s, children rarely lived beyond kindergarten with this disease. Today, the average age is 37. We see people even in their sixties with cystic fibrosis. More than 30 percent of the potential therapies that we have are in the CF drug development pipeline today, many wonderful therapies. We can even see over the horizon that we may some day have a cure within our lifetime.

□ 1140

In the next 2 to 3 years, we will need more than 7,000 cystic fibrosis patients to participate in the clinical trials. So this problem that we have today with the fact that reimbursement from these clinical trials can ratchet down on one's SSI payments or Medicaid or Medicare is, of course, I think, a real impediment, a real blocking stone, for developments and strategies and therapies that we have for our clinical trials.

Again, Mr. Speaker, I stand with my colleagues today on both sides of the aisle for this very bipartisan bill that we support, the Improving Access to Clinical Trials Act, and I urge each and every one of my colleagues to vote in favor of it.

Mr. McDERMOTT. Mr. Speaker, I reserve the balance of my time.

Mr. BOUSTANY. I am prepared to close.

Mr. Speaker, I just want to say that I am glad we can work together on this bipartisan bill. It is an important step in improving access to clinical trials.

I thank my colleague from Louisiana for sharing his personal story. It is a very poignant story, and it highlights the importance of this small step that we are taking to improve access to clinical trials.

Mr. KLEIN of Florida. Mr. Speaker, I rise today in strong support of the "Improving Access to Clinical Trials Act." I am a proud cosponsor of the House version because it will finally tear down an unnecessary barrier to clinical trials for people with life-threatening rare diseases like cystic fibrosis.

Under current law, patients with rare diseases face an unconscionable choice. If you are receiving Supplemental Security Income benefits, then you could potentially lose these benefits if you participate in a clinical trial. That's because many clinical trials offer compensation in accordance to ethical guidelines in exchange for your participation. This compensation can put you over the income requirements for the SSI program. So in effect, the choice becomes this: take a chance on a cure for tomorrow, or risk losing the critical support you depend on today. That's no choice that anyone should ever have to make.

The "Improving Access to Clinical Trials Act" removes this barrier by exempting the income from a clinical trial from the SSI threshold, thus freeing people to participate if they so choose. It's a common-sense fix that is long overdue and will help groundbreaking research into the cures of tomorrow for rare diseases.

I am also proud to support this legislation because one of my personal missions is to support research to find a cure for cystic fibrosis. Long before I ever came to Congress, my wife, Dori, and I supported the Cystic Fibrosis Foundation because of our close connection to people with this rare disease. Andrea Levy, from my hometown of Boca Raton, is one such person.

At the age of six, Andrea was diagnosed with cystic fibrosis. She has fought this disease with courage, and volunteers her time as an advocate for others that face similar health challenges. After graduating from the University of Florida with honors, she earned a masters' degree and is now working full-time as a counselor at a local school so she can continue to help others and give back to our community. Yet every day, she has to set aside hours for treatment and therapy to fight her disease. Andrea and the many others like her with CF should be able to live the American Dream without the burdens of a genetic disease. Yet this quirk in SSI law prevents more clinical trials from going forward because of a lack of people who will sign up.

It's for Andrea and all the people with rare diseases that I have pushed not only for greater access to clinical trials, but for greater investments in biomedical research. I am a longtime supporter of both the National Institutes of Health and private sector organizations such as The Scripps Research Institute and the Max Plank Institute. Finding cures to diseases that afflict so many must remain a fundamental goal of both the public and private sector. On this point, I will not waver.

Let me close by saying that the passage of this important legislation is a shining example of how this body should work. We have strong bipartisan support in both the House and the Senate. My good friend from Florida, Mr. STEARNS, has been a champion for cystic fibrosis and this legislation on the Republican side. I am proud to stand with him today and encourage our colleagues to support this important legislation and for President Obama to sign it into law.

Mr. MARKEY of Massachusetts. Mr. Speaker, many years ago, I had the good fortune to meet Joey O'Donnell. Joey was the son of my close friend from Malden, Massachusetts, Joe O'Donnell. Joey was a brave and resilient child despite suffering from Cystic Fibrosis, CF, a cruel disorder that robs the body of the ability to breathe normally and leads to other debilitating health problems. As a result, CF typically cuts lives tragically short.

In 1986, Joey passed away when he was only 12-years-old. Because of Joey and the tireless work of his father Joe and mother Kathy, who encouraged me to intensify Government efforts to combat CF, I decided to found the Bi-Partisan Cystic Fibrosis Caucus in Congress. Our goal has been to raise awareness and build momentum towards a cure for CF, ALS, Parkinson's, Huntington's and other rare disorders.

I was pleased to partner with my colleague, Representative CLIFF STEARNS (R-FL), in passing the Improving Access to Clinical Trials Act and sending it to the White House to be signed into law. This bill will open up participation in clinical trials for diseases like CF to low-income and other patients. The bill excludes from the income caps set for the Supplemental Security Income and Medicaid programs the compensation that these patients receive for their participation in clinical trials for rare diseases. The legislation will ensure that this modest compensation will not affect eligibility for these programs.

Patients will no longer have to choose between their health benefits and the promise of a clinical trial. If we want to increase the chances of finding cures to diseases like Cystic Fibrosis, we also need to increase participation in these trials. The Improving Access to Clinical Trials Act gives low-income individuals a higher probability to help advance medical science, and helps save lives in the process, hopefully including their own.

The bill we passed and the law that President Obama will enact with his signature is really "Joey O'Donnell's Law". He inspired it, and his name will forever be associated with it. Joey died before his time, but his impact will be timeless. I salute my friend Joe O'Donnell and his wife Kathy and send my best wishes to the entire O'Donnell family. I also want to recognize my friend Bob Coughlin, President and CEO of the Massachusetts Biotechnology Council, for his tireless work to help find cures to CF and other rare disorders. This new law will offer hope to families around the country and bring us closer to the day when we consign these devastating diseases to the history books.

Mr. BOUSTANY. Mr. Speaker, I yield back the balance of my time.

Mr. McDERMOTT. Mr. Speaker, this is sort of an historic moment. If you can get three doctors to agree on the same thing on the floor of the House of Representatives, you've got a pretty good bill.

I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. McDERMOTT) that the House suspend the rules and pass the bill, S. 1674.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RENEWING AUTHORITY FOR STATE CHILD WELFARE DEMONSTRATION PROGRAMS

Mr. McDERMOTT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6156) to renew the authority of the Secretary of Health and Human Services to approve demonstration projects designed to test innovative strategies in State child welfare programs, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6156

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RENEWAL OF AUTHORITY TO APPROVE DEMONSTRATION PROJECTS DESIGNED TO TEST INNOVATIVE STRATEGIES IN STATE CHILD WELFARE PROGRAMS.

Section 1130 of the Social Security Act (42 U.S.C. 1320a-9) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "1998 through 2003" and inserting "2011 through 2016";

(B) in paragraph (3)—

(i) in subparagraph (A), by inserting "or kinship guardianship" after "placements";

(ii) in subparagraph (C), by striking "address kinship care" and inserting "provide early intervention and crisis intervention services that safely reduce out-of-home placements and improve child outcomes"; and

(iii) by redesignating subparagraph (C) as subparagraph (D) and inserting after subparagraph (B) the following:

"(C) If an appropriate application therefor is submitted, the Secretary shall consider authorizing a demonstration project which is designed to identify and address domestic violence that endangers children and results in the placement of children in foster care.";

(C) in paragraph (4), by inserting "or kinship guardianship" after "assistance"; and

(D) in paragraph (5), by inserting "and the ability of the State to implement a corrective action approved under section 1123A" before the period;

(2) in subsection (e)—

(A) by striking "and" at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting "; and"; and

(C) by adding at the end the following:

"(8) an accounting of any additional Federal, State, local, and private investments (other than those with respect to which matching funds were provided under part B or E of title IV) made, during the 2 fiscal years preceding the application to provide the services described in paragraph (1), and an assurance that the State will provide an accounting of that same spending for each year of an approved demonstration project.";

(3) in subsection (f)(1)—

(A) in subparagraph (B), by striking "and" and inserting "; including all children and families under the project who come to the attention of the State's child welfare program, either through a report of abuse or neglect or through the provision of services described in subsection (e)(1) to the child or family"; and

(B) by redesignating subparagraph (C) as subparagraph (D) and inserting after subparagraph (B) the following:

"(C) a comparison of the amounts of Federal, State, local and private investments in the services described in subsection (e)(1), by service type, with the amount of the investments during the period of the demonstration project; and"; and

(4) by adding at the end the following:

"(h) INDIAN TRIBES CONSIDERED STATES.—An Indian tribe (as defined in section 479B(a)) shall be considered a State for purposes of this section.".

SEC. 2. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement

titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. McDERMOTT) and the gentleman from Georgia (Mr. LINDER) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 6156.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. McDERMOTT. I yield myself such time as I may consume.

Mr. Speaker, the legislation before us today will help States test innovative approaches for improving outcomes for vulnerable children who come to the attention of our child welfare system.

The bill restores the authority of the Secretary of Health and Human Services to permit up to 10 demonstration projects annually to allow States and tribes to test efforts to improve child welfare policy. The legislation is cost neutral, and it provides the renewed waiver authority for the next 5 years.

To both increase our understanding of waiver policies and to ensure improved accountability, the legislation newly requires States to report the various sources of Federal, State, local, and private funds that are used in providing specific services under a demonstration project.

Finally, the bill adds a new Federal emphasis on supporting child welfare waivers that identify and address problems related to domestic violence that lead to children being placed in foster care and for waivers that provide early intervention and crisis intervention services that safely reduce out-of-home placements.

Past experience has taught us that child welfare waivers can help States improve outcomes for children while also informing child welfare policy at the national level. Twenty-three States received one or more waivers under the previous demonstration authority, which began in fiscal year 1996 and ended in March of 2006. Although the authority has expired, a handful of States continue to have demonstration projects in operation today.

One of the most successful strategies tested through the prior waiver authority was providing assistance to grandparents and other relatives who assume legal custody of children in foster care. Through the use of kinship care and guardianship assistance arrangements,

children were able to find safe and loving homes with family members. This strategy proved to be successful in improving the outcomes of foster children, and it became Federal policy when it was incorporated into the Fostering Connections to Success and Increasing Adoptions Act, which was signed into law 2 years ago.

While providing waivers can be a useful tool in improving child welfare policy, we ultimately need more comprehensive changes to fully reform the system:

Waivers cannot correct certain basic flaws within our current method of financing child welfare programs, starting with the fact that increasing numbers of children are not eligible for Federal foster care assistance because of badly outdated eligibility criteria;

We also need systemic reforms which place a much greater emphasis on preventing abuse and neglect from occurring in the first place. I intend to continue to work towards broader reform to address these and other challenges facing programs serving children at risk of maltreatment.

Before I close, I want to quickly note that this bill continues a proud tradition of the Ways and Means Committee and of the Subcommittee on Income Security and Family Support of reporting out bipartisan legislation to improve our child welfare system.

During the last Congress, I worked with Representative Jerry Weller of Illinois to enact the Fostering Connections Act, which made a series of important changes to Federal policy related to children in foster care. It passed here by unanimous consent.

Today, I am joined by the ranking member of the subcommittee, Representative JOHN LINDER, in bringing this legislation to the floor; and I expect that it will also pass by unanimous consent. It has been a great pleasure to work with JOHN.

I know you are retiring, and I am going to have to work with a new subcommittee chairman one way or another, or with a ranking member.

So I am looking forward to continuing this tradition of dealing with the problems of children who need somebody to look out for them, and it should be a bipartisan issue every time.

I reserve the balance of my time.

Mr. LINDER. Mr. Chairman, thank you for your kind remarks.

I yield myself such time as I may consume.

Mr. Speaker, this bill comes to the floor in a fashion too many bills have not in this Congress:

First, we held a subcommittee hearing. Then the legislation was drafted with bipartisan support. Finally, we ensured that it does not increase the deficit by a penny. It is an example of what can happen if we pursue goals that are widely shared and that have been demonstrated to achieve results.

The legislation before us would allow all States to follow the successful child welfare reform model tested in Florida and other places. As we learned in our hearing, those reforms reduced the number of Florida children in foster care by 36 percent. It increased adoptions by 12,000, and it improved child safety, all without spending more taxpayer money.

I would like to insert into the RECORD a letter of support for this legislation from Youth Villages, which has worked with local officials to achieve such successes in Florida.

Since 1994, 22 States have joined Florida in using child welfare waivers. This legislation extends the authority for all States to do so for 5 years. This will allow other States to test and replicate policies that are working. It is my hope that this one day will pave the way for successful Federal reforms covering all States.

While it appears to be good policy to allow States to waive Federal rules, perhaps future Congresses will find it equally propitious to abolish them. Meanwhile, let's move this bill forward and continue our efforts to improve the lives of all children.

YOUTH VILLAGES,

Arlington, VA, September 20, 2010.

Chairman JIM McDERMOTT,
Ways and Means Subcommittee on Income Security and Family Support, Washington, DC.

Ranking Member JOHN LINDER,
Ways and Means Subcommittee on Income Security and Family Support, Washington, DC.

DEAR CHAIRMAN McDERMOTT AND RANKING MEMBER LINDER. On behalf of Youth Villages, I am writing in support of your bill, H.R. 6156. This legislation provides critical authority for the Department of Health and Human Services to extend the Title IV-E waiver program, which has demonstrated substantial impact since creation in 1994. These waivers provide states with greater flexibility in the use of Federal funds for alternative services and supports that promote safety, permanency and well-being for children in the child protection and foster care system.

Youth Villages is a leader in innovative and effective services for troubled youth and their families. Since 2008, Youth Villages has had the opportunity to work collaboratively with several local, privatized child welfare organizations, known as Community Based Care agencies in implementing Florida's Title IV-E waiver. Youth Villages has three offices in Florida and is working with local entities to implement our intensive in-home Intercept services, identify and serve underserved or 'stuck' populations, and provide them with outcome data to support the impact of their waiver effort.

As a result of the flexibility afforded by the Title IV-E waiver, intensive reunification and targeted prevention services are given greater focus in the state's child welfare service approach. Without the award of the waiver, it would have been difficult for Youth Villages to expand its Intercept program into the state to serve the child welfare population. In the two years that Youth Villages has been operating in Florida, we have served over 225 children and families across the Central and Southern regions of the state. Over 77% at six months post-discharge are still living at home or in a home-

like environment. The savings associated with serving these 225 children through Intercept instead of congregate, out-of-home placements amounts to roughly \$19 million dollars when considering recidivism rates associated with both Intercept and non-Intercept placements.

Youth Villages pledges its full support of H.R. 6156, as this legislation has the ability to transform the child welfare system from one that incentivizes out-of-home placement to a system that promotes in-home treatment and family unification.

Regards,

PATRICK LAWLER,
CEO, Youth Villages.

I yield back the balance of my time. Mr. DAVIS of Illinois. Mr. Speaker, I wish to offer my strong support for H.R. 6156, the Renewing Authority for State Child Welfare Demonstration Programs. This bill would permit the Secretary of Health and Human Services to allow up to 10 demonstration projects a year to test innovative approaches to improving the child welfare system.

I am an ardent supporter of the waiver program. My home State of Illinois has been a leader in developing and demonstrating the effectiveness of pioneering child welfare reforms using these waivers. Most notably, Illinois's subsidized guardian waiver was critical to documenting the success of this permanency option in preserving families, improving child well-being, and reducing the number of children in care. I am proud that the Illinois waiver helped lay the ground work for the statutory change in 2008 via The Fostering Connections to Success and Increasing Adoptions Act that allowed states to use Federal funds to support family caregivers raising relatives who were in the foster care system.

More recently, Illinois has received a waiver to provide innovative services for caregivers with substance use disorders. Illinois's demonstration project showed positive outcomes children and families as well as substantial cost savings—approximately \$6.6 million over the lifetime of the waiver. Further, the research related to the program reveals important information for improving these programs, especially related to the complexity of problems faced by families experiencing substance abuse and the types of interventions needed to improve reunification and reduce out-of-home placements.

Although waivers are helpful in strengthening our child welfare policy, policymakers must work to implement comprehensive changes to the child welfare system—especially with regard to financing and emphasizing prevention. I am glad that this legislation includes some improvements to the waiver program, including increased reporting on the nature of funding used for a demonstration project and prioritizing early intervention and crisis intervention to safely reduce the number of children removed from their homes. I promise to continue to work actively with my colleagues to push for comprehensive reform for the child welfare system so that we can improve the well-being of children and families.

Mr. McDERMOTT. Mr. Speaker, I would like to enter into the RECORD letters of support for H.R. 6156 that I received from the National Conference of State Legislatures and from the American Public Human Services Association.

NATIONAL CONFERENCE
OF STATE LEGISLATURES,
Washington, DC, September 21, 2010.

Re Renewing Waiver Authority in State Child Welfare Programs (H.R. 6156).

Hon. NANCY PELOSI,

Speaker of the House, Cannon HOB, Washington, DC.

Hon. JOHN BOEHNER,

House Minority Leader, Longworth HOB, Washington, DC.

DEAR SPEAKER PELOSI AND MINORITY LEADER BOEHNER: On behalf of the National Conference of State Legislatures (NCSL), we urge you to support H.R. 6156, a bill to renew the authority of the Secretary of the Department of Health and Human Services to approve demonstration projects designed to test innovative strategies in state child welfare programs. Congressman McDermott and Congressman Linder have fashioned bipartisan legislation that helps create opportunities to enhance the state/federal partnership to assist our nation's most vulnerable children.

NCSL supports reinstating and expanding federal waiver authority so that states can test the results of increased funding flexibility on the development of service alternatives and on the overall delivery of child welfare services, targeting programs to address the needs of their children. By renewing Title VI-E waiver authority from 2011 through 2016, H.R. 6156 will give states an enhanced ability to provide early intervention and crisis intervention services that will safely reduce out-of-home placements and improve child outcomes.

H.R. 6156 will allow states to improve the quality of their child welfare interventions and reinvest savings in their programs. It will also provide both state and federal legislators more information on what innovations are effective to transform the lives of children who are at risk of abuse and neglect. We applaud Congressmen McDermott and Linder for crafting this legislation.

Sincerely,

Representative MARY JANE
WALLNER,
*New Hampshire House
of Representatives,
Chair, NCSL Standing
Committee on
Human Services and
Welfare.*

Representative WES

KELLER,
*Alaska House of Rep-
resentatives, Chair,
NCSL Standing
Committee on
Human Services and
Welfare.*

AMERICAN PUBLIC HUMAN SERVICES
ASSOCIATION AND NATIONAL ASSO-
CIATION OF PUBLIC CHILD WELFARE
ADMINISTRATORS,

September 21, 2010.

Hon. JIM McDERMOTT,

Hon. JOHN LINDER,

*House Ways and Means Committee, Income and
Family Support Subcommittee, Washington,
DC.*

DEAR CHAIRMAN McDERMOTT AND RANKING MEMBER LINDER: Thank you for your bipartisan leadership in supporting state flexibility through the use of IV-E waivers. The American Public Human Services Association and its affiliate, the National Association of Public Child Welfare Administrators, support H.R. 6156 which renews the Health and Human Services Secretary's authority

to approve demonstration projects designed to test innovative strategies in State child welfare programs.

While we support H.R. 6156, we believe it is critical to address restructuring of federal child welfare financing in the near future. Financing should be aligned with the goals and outcomes expected of states. In October 2009, NAPCWA's Executive Committee commissioned a workgroup comprised of child welfare administrators from large, medium and small states, as well as state and locally administered states, and counties. The workgroup developed recommendations on how to restructure the current Title IV-E financing mechanism. Introducing legislation on comprehensive finance reform that addresses the proposals outlined by NAPCWA is essential if all states are to benefit from the opportunities available to those few states who apply for a waiver.

Title IV-E waivers were instrumental in helping states to be innovative when supporting children, youth and families. Waivers gave states the flexibility to target services and supports to best meet the needs of at-risk populations. Waivers provided the opportunity for states to offer guardianship to relatives who wanted to serve as a permanent family for young people, yet did not want to sever parental rights. States such as Florida and counties such as Los Angeles, Calif., have significantly reduced the number of children who languish in care. The number of children experiencing repeat abuse has also decreased.

State practice helped inform federal partners that IV-E should be applied in ways other than foster care. States operating demonstration programs should be allowed to continue to do so.

The overarching premise of IV-E waivers is to prevent children from entering the foster care system in the first place. Waivers play a critical role and are a step forward toward improving the system. We strongly encourage Congress to pass comprehensive child welfare financing reform consistent with what has been learned through the waivers. Federal funds should be aligned so that states have the ability to use resources to keep children at home when it is safe to do so and services to ensure that children do not languish in foster care.

Thank you for your dedication. We look forward to the continued work of improving services and outcomes for vulnerable children.

Sincerely,

CARI DESANTIS,
*Executive Director,
APHSA.*

ERIN SULLIVAN SUTTON,
President, NAPCWA.

□ 1150

Mr. Speaker, I yield back the balance of my time and urge a "yes" vote.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. McDERMOTT) that the House suspend the rules and pass the bill, H.R. 6156, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ULTRALIGHT SMUGGLING PREVENTION ACT OF 2010

Mr. TANNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5307) to amend the Tariff Act of 1930 to include ultralight aircraft under the definition of aircraft for purposes of the aviation smuggling provisions under that Act, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5307

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may cited as the "Ultralight Smuggling Prevention Act of 2010".

SEC. 2. DEFINITION OF AIRCRAFT UNDER AVIATION SMUGGLING PROVISIONS OF THE TARIFF ACT OF 1930.

(a) IN GENERAL.—Section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

“(g) DEFINITION OF AIRCRAFT.—As used in this section, the term ‘aircraft’ includes an ultralight vehicle, as defined by the Administrator of the Federal Aviation Administration.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to violations of any provision of section 590 of the Tariff Act of 1930 on or after the 30th day after the date of the enactment of this Act.

SEC. 3. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. TANNER) and the gentleman from Nevada (Mr. HELLER) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. TANNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. TANNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Ultralight Smuggling Prevention Act of 2010 is a bill introduced by my colleague Representative GIFFORDS and is aimed at preventing smuggling through the use of ultralight vehicles, a recent practice threatening our border security.

The legislation is a commonsense, good policy approach to give border enforcement officials the tools they need to protect to the fullest extent and bring to justice those who attempt to

smuggle illegal narcotics and contraband into our country, regardless of the means. It makes good sense that we do this bill now. Our prosecutors should be armed with the ability to apply the strongest deterrents.

Before yielding, at this moment I would like to thank Representative GIFFORDS for her efforts in bringing this bill to the floor. It is, I think, great national security. We all know what the problems are, and her dedication and her commitment to this approach is something that I think deserves our notice and our thanks.

Mr. Speaker, I reserve the balance of my time.

Mr. HELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5307, the Ultralight Smuggling Prevention Act. I want to thank Congresswoman GIFFORDS for the opportunity to work with her on this important piece of legislation.

Mr. Speaker, Nevadans are all too familiar with the impact of illegal drugs on our communities. Meth and other illicit substances are destroying lives and families in my State. Due to its proximity to southwest border States, Nevada serves as a hub for the distribution of Mexican drugs destined for the central and eastern United States. As a result, too many Nevadans are exposed to illicit drugs from Mexico, along with the violence and the crime that accompanies drug smuggling activities.

According to the Office of National Drug Control Policy, Mexican-produced crystal meth is the most readily available form of meth in Nevada. Mexican black tar heroin is the most prevalent form of heroin in my State, and Mexican-grown marijuana is readily available in Nevada.

Because of the impact Mexican drugs are having on Nevada, I believe passage of the legislation we are considering today is important. While ultralights from Mexico don't have the range to make it into Nevada, all methods of smuggling across our southern borders impact the supply of illegal drugs throughout our Nation.

The 2010 National Drug Threat Assessment released by the National Drug Intelligence Center identified ultralights as a new means drug cartels are using to smuggle drugs into the United States. Due to a loophole in current law, drug smugglers who use ultralights are subject to lesser penalties than they should be. The Ultralight Smuggling Prevention Act will provide law enforcement the tools they need to prosecute drug smugglers to the fullest extent of the law.

The Ultralight Smuggling Prevention Act takes the commonsense step of including ultralights under the aviation smuggling provisions of the Tariff Act of 1930. This bill will simply establish the same penalties for smuggling drugs on ultralights as for smuggling on airplanes or automobiles.

In closing, I would like to again recognize and thank Congresswoman GIFFORDS for her leadership. I am also grateful to my colleagues on the House Ways and Means Committee for allowing this bipartisan legislation to come to the floor in this timely manner.

I urge my colleagues to support passage of the Ultralight Smuggling Prevention Act.

Mr. Speaker, I reserve the balance of my time.

Mr. TANNER. Thank you, Mr. HELLER.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Arizona (Ms. GIFFORDS).

Ms. GIFFORDS. Thank you, Chairman TANNER, for this opportunity.

I rise today, along with Congressman HELLER, to address the newest threat of drug smuggling into the United States on the southwest border.

As drug violence wreaks havoc on our southern neighbor, the country of Mexico, the product of this narcoterrorism continues to fuel violent and ruthless acts and is now floating effortlessly across the U.S.-Mexico border into our communities. We must do everything in our power to neutralize this insidious threat and stem the flow of narcotics and drug money that threatens our communities.

The latest tool used by these drug traffickers are these small planes, these small planes that go largely undetected by our law enforcement community. Single-person ultralight aircraft that are flying low, as depicted in this image, make them, of course, very popular among enthusiasts, but are now a new tool that the drug cartels have adopted to corrupt this fine pastime.

Every year now, hundreds of ultralights laden with illegal narcotics are flown over our southern borders and are now landing in our backyards. Here is a map of my backyard. Southern Arizona is on the front lines of this border security crisis. The Tucson sector of the Border Patrol is the Nation's largest and most porous part of the U.S.-Mexico border. Despite the difficult and rugged terrain, drug traffickers are streaming across the border by whatever means necessary. Sometimes they go under, but in the case of the ultralights, they are going over the border.

□ 1200

In the Tucson sector, there are more drugs and illegal immigrants apprehended than in all other parts of the United States. Last fiscal year, the Border Patrol in the Tucson sector seized over 1.2 million pounds of marijuana. Other drugs were seized as well, like cocaine, like methamphetamine that Mr. HELLER was talking about.

In fiscal year 2009, there were over 240,000 apprehensions of illegal immigrants—those that we just apprehended

in the Tucson sector of the Border Patrol.

So we know that thousands and hundreds of thousands of people are crossing illegally.

And now we have this latest weapon, the ultralight, that they are using to produce an ever-expanding arsenal from the narco-terrorists, capable of not just transporting illegal drugs, but any number of dangerous payloads. These planes have now been reported flying up to 200 miles north of the border.

I first learned about the illicit use of ultralights in a briefing from the United States Border Patrol. Their message was unambiguous. We need to crack down on ultralight aircraft now. The National Drug Intelligence Center, in their 2010 National Drug Threat Assessment, also identified ultralights as a growing threat.

According to the CBP Air and Marine Operation Center based in Riverside, California, there were 193 suspected incursions into the United States and 135 confirmed incursions into the United States by ultralights from October 1 of last year through April.

Some examples: In October of 2008, we detected an unidentified north-bound low-flying aircraft 12 miles north of Nogales, Arizona. A CBP surveillance helicopter launched from Tucson identified the low-flying aircraft as an ultralight. The pilot was forced down in Marana, Arizona. He was carrying a cargo of over 225 pounds of marijuana.

In November 2008, near San Luis, field workers arrived for work and discovered a crashed ultralight, the pilot was dead, 141 pounds of marijuana.

December of 2008, the pilot of an ultralight collided with power lines and crashed southwest of Tucson, Arizona. He was carrying 250 pounds of marijuana.

And just this past May, at 6:20 early on a Sunday morning, the North American Aerospace Defense Command detected a small, low-flying aircraft in southern Arizona near the border with Mexico. NORAD quickly scrambled two F-16s to intercept the ultralight, shadowing it for 30 minutes before it was forced back into Mexico.

The threat is real.

It is time for the Federal Government to get ahead of these drug smugglers. There is no excuse for the Federal Government to not act sooner on this known threat. So today we're doing something about it.

The problem has been that lightweight ultralights are not officially categorized as aircraft by the Federal Aviation Administration so our law enforcement has not had the tools they need to address the rising threat, and that is why I introduced H.R. 5307, the Ultralight Smuggling Prevention Act, along with my Republican colleague from Nevada, Congressman DEAN HELLER.

This is a bipartisan, commonsense bill that will finally close the loophole that's been exploited by drug cartel kingpins and give our law enforcement the actual tools they need to fight this escalating crisis.

H.R. 5307 will amend the Tariff Act of 1930 to include ultralight vehicles under the aviation smuggling provisions, finally giving law enforcement the tools they need to prosecute these crimes to the fullest extent. Our bill will establish the same penalties for smuggling drugs on ultralights as for smuggling on airplanes or in cars or in trucks.

Millions of pounds of marijuana are coming into the United States every single year. They're coming through on vehicles or they're coming through with people. And sometimes, more often it's a combination of both. With our bill, individuals caught smuggling on ultralights will be prosecuted for using the ultralight in addition to being prosecuted for the drugs they have in their possession. This will carry a maximum sentence of up to 20 years in prison and a \$250,000 fine.

The Ultralight Smuggling Prevention Act is a long overdue solution, which is why it's been received well in our community, and we have had several endorsements. For example the Arizona Farm Bureau, the Arizona Cattle Growers' Association, and the Pima County Sheriff's Office.

In closing, Mr. Speaker, while the men and the women of the Border Patrol and of ICE have made great progress in stemming the flow of drugs and illegal immigrants, our southern border is not yet secure, and many of the people I represent live in constant fear. The murder of my constituent, Rob Krentz, in March has heightened those fears and, quite frankly, has given rise to the anger and frustration that southern Arizonans and all Americans feel toward our government's inability to live up to its first responsibility—ensuring the safety and security of all American citizens.

Mr. Speaker, improving border security has been my top priority since I first came here in January of 2007. I have been steadfast in my support of increased funding to bring more agents and more assets to southern Arizona, redeploying the National Guard and passing a \$600 million emergency border security funding bill.

What so many Members of Congress do not understand is that the Border Patrol is outmanned, outgunned, and they're out-resourced. So we must remain constantly vigilant and one step ahead of the enemy.

The violent cartels of Mexico are exploiting a new weakness in our defense, and the bill we are considering today will strengthen our national security. The bill will render useless the newest tool of the drug traffickers, making our communities safer.

Again, I want to thank Mr. HELLER for joining me on this very important piece of legislation. I'd also like to express my appreciation to Chairman TANNER, and to the staff, especially Jennifer McCadney, for moving this important legislation forward.

Mr. HELLER. Madam Speaker, I yield myself 1 minute to reiterate my support for this bipartisan legislation.

The Ultralight Smuggling Prevention Act will serve as an important deterrent to the use of ultralights for drug smuggling along our borders and help curb the supply of illegal narcotics in our Nation. I urge my colleagues to support and vote for the Ultralight Smuggling Prevention Act.

I yield back the balance of my time.

Mr. TANNER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and pass the bill, H.R. 5307, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. TANNER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. PRICE of Georgia. Madam Speaker, I rise to a question of the privileges of the House and offer the resolution previously noticed.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Whereas a reconvening of Congress between the regularly scheduled Federal election in November and the start of the next session of Congress is known as a lame-duck session of Congress;

Whereas Democrats have recently insinuated that significant legislative matters would deliberately not be addressed during the 111th Congress until after the midterm 2010 elections;

Whereas this Congress began its mortgage of the Nation's future with a "stimulus" package costing \$1.1 trillion that failed to lower unemployment, spur economic growth, or actually address the needs of struggling American businesses and families;

Whereas this Congress continued its free-wheeling spending with an increase of \$72.4 billion in nonemergency discretionary spending in fiscal year 2009 to reach a total spending level of \$1.01 trillion for the first time in United States history;

Whereas this Congress approved a budget resolution in 2009 that proposed the 6 largest nominal deficits in American history and included tax increases of \$423 billion during a period of sustained high unemployment;

Whereas the House of Representatives disregarded the interests and opinions of everyday Americans by passing a national energy

tax bill that would increase costs on nearly every aspect of American lives by up to \$3,000 per person per year, eliminate millions of jobs, reduce workers' income, and devastate economic growth;

Whereas this Congress disregarded the interests and opinions of everyday Americans by passing a massive government takeover of health care that will force millions of Americans from their health insurance plans, increase premiums and costs for individuals and employers, raise taxes by \$569.2 billion, and fund abortions—all at a cost of \$2.64 trillion over the first 10 years of full implementation;

Whereas this Congress nationalized the student loan industry with a potential cost of 30,000 private sector jobs and \$50.1 billion over 10 years;

Whereas the House of Representatives passed the DISCLOSE Act, which would violate the First Amendment and hinder the free speech of citizens associations and corporations while leaving all unions exempt from many of the new requirements, in order to try to influence the outcome of the midterm 2010 elections;

Whereas in spite of the House Budget Committee Chairman's 2006 statement that "if you can't budget, you can't govern", the Democrat leadership has failed to introduce a budget resolution in 2010 as mandated by law, but instead self-executed a "deeming resolution" that increases nonemergency discretionary spending in fiscal year 2011 by \$30 billion to \$1.121 trillion, setting another new record for the highest level in United States history;

Whereas this Congress has failed Main Street through passage of a financial system takeover that fails to end the moral hazard of too-big-to-fail, does not address Fannie Mae and Freddie Mac, and creates numerous new boards, councils, and positions with unconstitutionally broad authorities that will interfere with the creation of wealth and jobs;

Whereas this Congress has wasted taxpayer funds on an unnecessary and unconstitutional auto industry bailout, a "cash for clunkers" program, a home remediation program ("cash for caulkers"), and countless other special interest projects while allowing the public debt to reach its highest level in United States history;

Whereas the New York Times reported on June 19, 2010, that "[f]or all the focus on the historic federal rescue of the banking industry, it is the government's decision to seize Fannie Mae and Freddie Mac in September 2008 that is likely to cost taxpayers the most money. . . . Republicans want to sever ties with Fannie and Freddie once the crisis abates. The Obama administration and Congressional Democrats have insisted on postponing the argument until after the midterm elections";

Whereas the Washington Times reported on June 22, 2010, that House Majority Leader Steny Hoyer stated, "a budget, which sets out binding one-year targets and a multiyear plan, is useless this year because Congress has shunted key questions about deficits to the independent debt commission created by President Obama, which is due to report back at the end of this year";

Whereas the Hill reported on June 24, 2010, that Senator Tom Harkin, a Democrat from Iowa, suggested that "Democrats might attempt to move 'card-check' legislation this year, perhaps during a lame-duck session. . . . 'A lot of things can happen in a lame-duck session, too,' he said";

Whereas the New York Times published an article on June 28, 2010, titled "Lame-Duck

Session Emerges as Possibility for Climate Bill Conference" that declares, "many expect the final energy or climate bill to be worked out during the lame-duck session between the November election and the start of the new Congress in January";

Whereas the Hill reported on July 1, 2010, that "Democratic leaders are likely to punt the task of renewing Bush-era tax cuts until after the election. Voters in November's midterms will thus be left without a clear idea of their future tax rates when they go to the polls";

Whereas the Wall Street Journal reported on July 13, 2010, that "there have been signs in recent weeks that party leaders are planning an ambitious, lame-duck session to muscle through bills in December they don't want to defend before November. Retiring or defeated members of Congress would then be able to vote for sweeping legislation without any fear of voter retaliation";

Whereas the Hill reported on July 27, 2010, that Senate Majority Leader Harry Reid said, at the recent Netroots Nation conference of liberal bloggers, in reference to Democrats' unfinished priorities, "We're going to have to have a lame duck session, so we're not giving up";

Whereas the Hill reported in the same piece on July 27, 2010, that the lame-duck session will include priorities such as "comprehensive immigration reform, climate change legislation and a whole host of other issues";

Whereas during NBC's Meet the Press on August 8, 2010, White House advisor Carol Browner stated that Congress would "potentially" deal with a national energy tax bill in a lame-duck session;

Whereas the Hill reported on August 20, 2010, that Rep. Mike Quigley (D-IL) said, "I'm more hopeful about the lame duck session. I have faith that we're going to repeal Don't Ask Don't Tell";

Whereas the members of the House Republican Conference, as an alternative to passing a massive omnibus spending bill for next year during a lame-duck session, have called on members of both parties, as a starting point, to work together this month to enact legislation that cuts nonsecurity discretionary spending to 2008 levels (the last year before the wave of bailouts, stimulus spending sprees, and takeovers that have dismayed the American people) for the next year and provides much-needed certainty to American small businesses by freezing tax rates at their current levels for the next 2 years;

Whereas recent public polling shows that the American people clearly oppose the idea of dealing with major new legislation in a lame-duck session;

Whereas the Declaration of Independence notes that governments "[derive] their just powers from the consent of the governed";

Whereas the American people have expressed their loss of confidence through self-organized and self-funded taxpayer marches on Washington, at countless "tea party" events, at townhalls and speeches, and with numerous letters, emails, and phone calls to their elected representatives;

Whereas the Democrat majority has all but announced plans to use any lame-duck Congress to advance currently unattainable, partisan policies that are widely unpopular with the American people or that further increase the national debt against the will of most Americans;

Whereas reconvening the House of Representatives in a lame-duck session to address major new legislation subverts the will

of the American people, lessens accountability, and does lasting damage to the dignity and integrity of this body's proceedings; and

Whereas under the leadership of Speaker Pelosi and the Democrat majority, and largely due to the current trends of expanding governmental power and limiting individual liberty, the American people have lost confidence in their elected officials, and that faith must be restored: Now, therefore, be it—

Resolved, That the House of Representatives pledges not to assemble on or between November 2, 2010, and January 3, 2011, except in the case of an unforeseen, sudden emergency requiring immediate action from Congress, and that the consideration of any of the following matters does not constitute an unforeseen, sudden emergency:

(1) Card check, including H.R. 1409 (111th).
(2) A national energy tax, including H.R. 2454 (111th).

(3) Any legislation that would provide more authority to Fannie Mae or Freddie Mac.

(4) Any legislation pertaining to the Immigration and Nationality Act.

(5) Any legislation making regular appropriations for fiscal year 2011 that would be an increase over previous funding levels.

(6) Any legislation increasing any tax on any American.

The SPEAKER pro tempore (Ms. RICHARDSON). Does the gentleman from Georgia wish to present his argument on why the resolution is privileged under rule IX to take precedence over other questions?

Mr. PRICE of Georgia. I do, Madam Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. PRICE of Georgia. Madam Speaker, the rules of the House are important. Following these rules increases the trust of the American people in our institution, in our actions, a trust that is pivotal to the survival of our Republic.

The questions of privilege of the House in this resolution come to the floor by virtue of rule IX, which states in part: "Questions of privilege shall be first those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings." Integrity of its proceedings, Madam Speaker.

Further: "Those questions of privilege shall be those affecting the rights, reputation, and conduct of its Members."

□ 1220

Madam Speaker, the reputation and the conduct of Members and the integrity of our proceedings is in question and is highlighted in this resolution. What could be more questionable than having this House adopt further affronts to this great country in a lame duck session.

As the resolution states in just one "whereas," "Whereas reconvening the House of Representatives in a lame duck session to address major new legislation subverts the will of the American people, lessens accountability, and

does lasting damage to the dignity and integrity of this body's proceedings."

Madam Speaker, the intent of the majority is very clear. They want to spend more, they want to tax more, they want to borrow more, and they wish to harm more job creation in this lame duck session. And the American people don't want this.

To positively represent our constituents, I urge the Speaker to allow this resolution to be considered.

The SPEAKER pro tempore. The Chair is prepared to rule.

The resolution offered by the gentleman from Georgia declares a variety of facts and circumstances and expresses sundry opinions. On those premises the resolution proposes to prescribe principles by which to schedule or conduct the constitutional session of the House. It ultimately proposes a special rule to govern the final months of the constitutional session of the House.

In evaluating the resolution under the standards of rule IX, the Chair must be mindful of a fundamental principle illuminated by annotations of precedent in section 706 of the House Rules and Manual, to wit: that a question of the privileges of the House may not be invoked to effect a change in the rules or standing orders of the House or their interpretation, nor to prescribe a special rule or order of business.

The averment that this resolution presents a question of the privileges of the House under rule IX embodies a precisely contrary principle. It augurs that the mere articulation of some prudential motive makes it privileged to regulate the proceedings of the House on instant bases. Under such an approach, each individual Member of the House could constitute himself or herself as a virtual Rules Committee. Any Member would be able to place before the House at any time whatever proposed order of business he or she might deem advisable, simply by alleging an insult to dignity or integrity secondary to some action or inaction. In such an environment, anything could be privileged, so nothing would enjoy true privilege. With every question having precedence over every other question, the legislative attention of the House would be managed ad hoc by the presiding officer's discretionary power of recognition.

Under the long and well-settled line of precedent presently culminating in the ruling of August 10, 2010, the Chair finds that such a resolution does not affect "the rights of the House collectively, its safety, dignity, or the integrity of its proceedings" within the meaning of clause 1 of rule IX and, therefore, does not qualify as a question of the privileges of the House. The Chair therefore holds that the resolution is not privileged for consideration ahead of other business. Instead, the resolution may be submitted through

the hopper for possible consideration in the regular course.

Mr. PRICE of Georgia. Madam Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Mr. HASTINGS of Florida. Madam Speaker, I move to table the appeal of the ruling of the Chair.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PRICE of Georgia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to table will be followed by 5-minute votes on ordering the previous question on House Resolution 1640; adoption of House Resolution 1640, if ordered; motion to suspend the rules on H.R. 5110; and motion to suspend the rules on H.R. 4823.

The vote was taken by electronic device, and there were—yeas 236, nays 172, not voting 24, as follows:

[Roll No. 534]

YEAS—236

Ackerman	Davis (TN)	Hoyer
Adler (NJ)	DeFazio	Inslee
Altman	DeGette	Israel
Andrews	Delahunt	Jackson (IL)
Arcuri	DeLauro	DeLauro
Baca	Deutch	(TX)
Baird	Dicks	Johnson (GA)
Baldwin	Dingell	Johnson, E. B.
Barrow	Doggett	Kagen
Bean	Donnelly (IN)	Kanjorski
Berkley	Doyle	Kaptur
Berman	Driehaus	Kennedy
Berry	Edwards (MD)	Kildee
Bishop (GA)	Edwards (TX)	Kilpatrick (MI)
Bishop (NY)	Ellsworth	Kilroy
Blumenauer	Engel	Kind
Boccieri	Eshoo	Kirkpatrick (AZ)
Boswell	Etheridge	Kissell
Boucher	Farr	Klein (FL)
Boyd	Fattah	Kosmas
Brady (PA)	Filner	Kratovil
Brown, Corrine	Poster	Kucinich
Butterfield	Frank (MA)	Langevin
Capps	Fudge	Larsen (WA)
Cardoza	Garamendi	Larson (CT)
Carnahan	Giffords	Lee (CA)
Carney	Gonzalez	Levin
Carson (IN)	Gordon (TN)	Lewis (GA)
Castor (FL)	Grayson	Lipinski
Chandler	Green, Al	Loeb sack
Chu	Green, Gene	Lofgren, Zoe
Clarke	Grijalva	Lowey
Clay	Gutierrez	Lujan
Cleaver	Halvorson	Lynch
Clyburn	Hare	Maffei
Cohen	Harman	Maloney
Connolly (VA)	Hastings (FL)	Markey (CO)
Conyers	Heinrich	Markey (MA)
Cooper	Herseth Sandlin	Marshall
Costello	Higgins	Matheson
Courtney	Hill	Matsui
Critz	Himes	McCarthy (NY)
Crowley	Hinchee	McCollum
Cuellar	Hinojosa	McDermott
Cummings	Hirono	McGovern
Dahlkemper	Hodes	McNerney
Davis (AL)	Holden	Meeks (NY)
Davis (CA)	Holt	Michaud

Miller (NC)	Rangel	Snyder
Miller, George	Reyes	Space
Mitchell	Richardson	Speier
Mollohan	Rodriguez	Spratt
Moore (KS)	Ross	Stark
Moore (WI)	Rothman (NJ)	Stupak
Moran (VA)	Roybal-Allard	Sutton
Murphy (CT)	Ruppersberger	Tanner
Murphy (NY)	Rush	Taylor
Murphy, Patrick	Ryan (OH)	Thompson (CA)
Nadler (NY)	Salazar	Thompson (MS)
Napolitano	Sánchez, Linda	Tierney
Neal (MA)	T.	Titus
Oberstar	Sanchez, Loretta	Tonko
Obey	Sarbanes	Towns
Olver	Schakowsky	Tsongas
Ortiz	Schauer	Van Hollen
Owens	Schiff	Velázquez
Pallone	Schrader	Visclosky
Pascarell	Schwartz	Walz
Pastor (AZ)	Scott (GA)	Wasserman
Payne	Scott (VA)	Schultz
Perlmutter	Serrano	Waters
Perriello	Sestak	Watson
Peters	Shea-Porter	Watt
Peterson	Sherman	Waxman
Pingree (ME)	Shuler	Weiner
Polis (CO)	Simpson	Welch
Pomeroy	Sires	Wilson (OH)
Price (NC)	Skelton	Woolsey
Quigley	Slaughter	Wu
Rahall	Smith (WA)	

NAYS—172

Aderholt	Garrett (NJ)	Miller, Gary
Akin	Gerlach	Minnick
Alexander	Gingrey (GA)	Moran (KS)
Austria	Gohmert	Murphy, Tim
Bachmann	Goodlatte	Myrick
Bachus	Granger	Neugebauer
Barrett (SC)	Graves (GA)	Nunes
Bartlett	Graves (MO)	Nye
Barton (TX)	Griffith	Olson
Biggart	Guthrie	Paul
Blibray	Hall (TX)	Paulsen
Bishop (UT)	Harper	Petri
Blackburn	Hastings (WA)	Pitts
Boehner	Hensarling	Platts
Bonner	Herger	Poe (TX)
Bono Mack	Hoekstra	Posey
Boozman	Hunter	Price (GA)
Boustany	Inglis	Putnam
Brady (TX)	Issa	Radanovich
Brown (GA)	Jenkins	Rehberg
Brown (SC)	Johnson (IL)	Reichert
Brown-Waite,	Johnson, Sam	Roe (TN)
Ginny	Jones	Rogers (AL)
Buchanan	Jordan (OH)	Rogers (KY)
Burgess	King (IA)	Rogers (MI)
Burton (IN)	King (NY)	Rohrabacher
Buyer	Kingston	Rooney
Calvert	Kirk	Ros-Lehtinen
Camp	Kline (MN)	Royce
Campbell	Lamborn	Ryan (WI)
Cantor	Lance	Scallie
Cao	Latham	Schmidt
Capito	LaTourette	Schock
Carter	Latta	Sensenbrenner
Cassidy	Lee (NY)	Sessions
Castle	Lewis (CA)	Shadegg
Chaffetz	Linder	Shimkus
Childers	LoBiondo	Shuster
Coble	Lucas	Smith (NE)
Coffman (CO)	Luetkemeyer	Smith (NJ)
Cole	Lummis	Smith (TX)
Crenshaw	Lungren, Daniel	Stearns
Culberson	E.	Terry
Davis (KY)	Mack	Thompson (PA)
Dent	Manzullo	Thornberry
Diaz-Balart, M.	Marchant	Tiahrt
Djou	McCaul	Tiberi
Dreier	McClintock	Turner
Duncan	McCotter	Upton
Ehlers	McHenry	Walden
Emerson	McIntyre	Wamp
Flake	McKeon	Westmoreland
Fleming	McMahon	Whitfield
Forbes	McMorris	Wilson (SC)
Fortenberry	Rodgers	Wittman
Fox	Melancon	Wolf
Franks (AZ)	Mica	Young (AK)
Frelinghuysen	Miller (FL)	
Gallegly	Miller (MI)	

NOT VOTING—24

Becerra	Costa	McCarthy (CA)
Bilirakis	Davis (IL)	Meek (FL)
Blunt	Diaz-Balart, L.	Pence
Boren	Ellison	Roskam
Braley (IA)	Fallin	Sullivan
Bright	Hall (NY)	Teague
Capuano	Heller	Yarmuth
Conaway	Honda	Young (FL)

□ 1251

Messrs. KINGSTON, SHUSTER, MACK, BOOZMAN, and Mrs. CAPITO changed their vote from “yea” to “nay.”

Mr. NEAL changed his vote from “nay” to “yea.”

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ELLISON. Madam Speaker, on September 23, 2010, I inadvertently missed rollcall No. 534, but had I been present I would have voted “yea.”

Stated against:

Mr. BILIRAKIS. Madam Speaker, on rollcall No. 534, had I been present, I would have voted “nay.”

Mr. CONAWAY. Madam Speaker, on rollcall No. 534, to Table the Appeal of the Ruling of the Chair, had I been present, I would have voted “nay.”

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 5297, SMALL BUSINESS JOBS ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1640, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 230, nays 181, not voting 21, as follows:

[Roll No. 535]

YEAS—230

Ackerman	Capps	Davis (AL)
Adler (NJ)	Cardoza	Davis (CA)
Altmire	Carnahan	Davis (IL)
Andrews	Carney	Davis (TN)
Arcuri	Carson (IN)	DeFazio
Baca	Castor (FL)	DeGette
Baird	Chandler	Delahunt
Baldwin	Chu	DeLauro
Barrow	Clarke	Deutch
Bean	Clay	Dicks
Berkley	Cleaver	Dingell
Berman	Clyburn	Doggett
Berry	Connolly (VA)	Donnelly (IN)
Bishop (GA)	Conyers	Doyle
Bishop (NY)	Cooper	Driehaus
Blumenauer	Costa	Edwards (MD)
Bocieri	Costello	Edwards (TX)
Boswell	Courtney	Ellison
Boucher	Critz	Ellsworth
Boyd	Crowley	Engel
Brady (PA)	Cuellar	Eshoo
Brown, Corrine	Cummings	Etheridge
Butterfield	Dahlkemper	Farr

Fattah	Lofgren, Zoe	Roybal-Allard
Filner	Lowey	Ruppersberger
Foster	Lujan	Rush
Frank (MA)	Lynch	Ryan (OH)
Fudge	Maffei	Salazar
Garamendi	Maloney	Sanchez, Linda
Gonzalez	Markey (CO)	T.
Gordon (TN)	Markey (MA)	Sanchez, Loretta
Grayson	Marshall	Sarbanes
Green, Al	Matsui	Schakowsky
Green, Gene	McCarthy (NY)	Schauer
Grijalva	McCollum	Schiff
Gutierrez	McDermott	Schrader
Halvorson	McGovern	Schwartz
Hare	McMahon	Scott (GA)
Harman	McNerney	Scott (VA)
Hastings (FL)	Meeks (NY)	Serrano
Heinrich	Melancon	Sestak
Hereth Sandlin	Michaud	Shea-Porter
Higgins	Miller (NC)	Sherman
Himes	Miller, George	Shuler
Hinchee	Mollohan	Sires
Hinojosa	Moore (WI)	Skelton
Hirono	Moran (VA)	Slaughter
Hodes	Murphy (CT)	Smith (WA)
Holden	Murphy (NY)	Snyder
Holt	Murphy, Patrick	Space
Hoyer	Nadler (NY)	Speier
Inlee	Napolitano	Spratt
Israel	Neal (MA)	Stupak
Jackson (IL)	Oberstar	Sutton
Jackson Lee	Obey	Tanner
(TX)	Olver	Teague
Johnson (GA)	Ortiz	Thompson (CA)
Johnson, E. B.	Owens	Thompson (MS)
Kagen	Pallone	Tierney
Kanjorski	Pascarella	Titus
Kaptur	Pastor (AZ)	Tonko
Kennedy	Payne	Tsongas
Kildee	Perlmutter	Van Hollen
Kilpatrick (MI)	Perriello	Visclosky
Kilroy	Peters	Walz
Kind	Peterson	Wasserman
Kissell	Pingree (ME)	Schultz
Klein (FL)	Polis (CO)	Waters
Kosmas	Pomeroy	Watson
Kucinich	Price (NC)	Watt
Langevin	Quigley	Waxman
Larsen (WA)	Rahall	Weiner
Larson (CT)	Rangel	Welch
Lee (CA)	Reyes	Wilson (OH)
Levin	Richardson	Woolsey
Lewis (GA)	Rodriguez	Wu
Lipinski	Ross	Yarmuth
Loeb sack	Rothman (NJ)	

NAYS—181

Aderholt	Coffman (CO)	Hill
Akin	Cole	Hoekstra
Alexander	Crenshaw	Hunter
Austria	Culberson	Inglis
Bachmann	Davis (KY)	Issa
Bachus	Dent	Jenkins
Barrett (SC)	Diaz-Balart, L.	Johnson (IL)
Bartlett	Diaz-Balart, M.	Johnson, Sam
Barton (TX)	Djou	Jones
Biggert	Dreier	Jordan (OH)
Bilirakis	Duncan	King (IA)
Bishop (UT)	Ehlers	King (NY)
Blackburn	Emerson	Kingston
Boehner	Flake	Kirk
Bonner	Fleming	Kirkpatrick (AZ)
Bono Mack	Forbes	Kline (MN)
Boozman	Fortenberry	Kratovil
Boustany	Foxo	Lamborn
Brady (TX)	Franks (AZ)	Lance
Brown (GA)	Frelinghuysen	Latham
Brown (SC)	Gallegly	LaTourette
Brown-Waite,	Garrett (NJ)	Latta
Ginny	Gerlach	Lee (NY)
Buchanan	Giffords	Lewis (CA)
Burgess	Gingrey (GA)	Linder
Burton (IN)	Gohmert	LoBiondo
Calvert	Goodlatte	Lucas
Camp	Granger	Luetkemeyer
Campbell	Graves (GA)	Lummis
Cantor	Graves (MO)	Lungren, Daniel
Cao	Griffith	E.
Capito	Guthrie	Mack
Carter	Hall (TX)	Manzullo
Cassidy	Harper	Marchant
Castle	Hastings (WA)	Matheson
Chaffetz	Heller	McCarthy (CA)
Childers	Hensarling	McCaul
Coble	Herger	McClintock

McCotter	Poe (TX)	Shimkus
McHenry	Posey	Shuster
McIntyre	Price (GA)	Simpson
McKeon	Putnam	Smith (NE)
Mica	Radanovich	Smith (NJ)
Miller (FL)	Rehberg	Smith (TX)
Miller (MI)	Reichert	Stearns
Miller, Gary	Roe (TN)	Sullivan
Minnick	Rogers (AL)	Taylor
Mitchell	Rogers (KY)	Terry
Moran (KS)	Rogers (MI)	Thompson (PA)
Murphy, Tim	Rohrabacher	Tiahrt
Myrick	Rooney	Tiberi
Neugebauer	Ros-Lehtinen	Turner
Nunes	Roskam	Upton
Nye	Royce	Walden
Olson	Ryan (WI)	Wamp
Paul	Scalise	Westmoreland
Paulsen	Schmidt	Whitfield
Pence	Schock	Wilson (SC)
Petri	Sensenbrenner	Wittman
Pitts	Sessions	Wolf
Platts	Shadegg	Young (AK)

NOT VOTING—21

Becerra	Cohen	Moore (KS)
Bilbray	Conaway	Stark
Blunt	Fallin	Thornberry
Boren	Hall (NY)	Towns
Braley (IA)	Honda	Velázquez
Bright	McMorris	Young (FL)
Buyer	Rodgers	
Capuano	Meek (FL)	

□ 1259

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated against:

Mr. BILBRAY. Madam Speaker, on rollcall No. 535, had I been present, I would have voted “nay.”

Mr. CONAWAY. Madam Speaker, on rollcall No. 535—H. Res. 1640—on ordering the previous question, had I been present, I would have voted “nay.”

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 226, nays 186, not voting 20, as follows:

[Roll No. 536]

YEAS—226

Ackerman	Carnahan	DeLauro
Adler (NJ)	Carney	Deutch
Altmire	Carson (IN)	Dicks
Andrews	Chandler	Dingell
Arcuri	Chu	Doggett
Baca	Clarke	Doyle
Baird	Clay	Driehaus
Baldwin	Clyburn	Edwards (MD)
Barrow	Cohen	Edwards (TX)
Bean	Connolly (VA)	Ellison
Berkley	Conyers	Ellsworth
Berman	Costa	Engel
Berry	Costello	Eshoo
Bishop (GA)	Courtney	Etheridge
Bishop (NY)	Critz	Farr
Blumenauer	Crowley	Fattah
Bocieri	Cuellar	Filner
Boswell	Cummings	Foster
Boucher	Davis (AL)	Frank (MA)
Brady (PA)	Davis (CA)	Fudge
Braley (IA)	Davis (IL)	Garamendi
Brown, Corrine	Davis (TN)	Gonzalez
Butterfield	DeFazio	Gordon (TN)
Capps	DeGette	Grayson
Cardoza	Delahunt	Green, Al

Green, Gene
Grijalva
Gutierrez
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)

Marshall
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Oliver
Ortiz
Owens
Pallone
Pascarell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar

NAYS—186

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)

Cole
Cooper
Crenshaw
Culberson
Dahlkemper
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Donnelly (IN)
Dreier
Duncan
Ehlers
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseht Sandlin

Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schradler
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris
Rodgers

Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)

Becerra
Bilbray
Blunt
Boren
Bright
Capuano
Castor (FL)

Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler

NOT VOTING—20

Cleaver
Conaway
Fallin
Hall (NY)
Honda
Kirk
Marchant

Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

Meek (FL)
Moore (KS)
Nadler (NY)
Thornberry
Waters
Young (FL)

□ 1308

So the resolution was agreed to.
The result of the vote was announced
as above recorded.

A motion to reconsider was laid on
the table.

Stated against:

Mr. BILBRAY. Madam Speaker, on rollcall
No. 536, had I been present, I would have
voted “nay.”

Mr. CONAWAY. Madam Speaker, on rollcall
No. 536—H. Res. 1640—providing for consid-
eration of the Senate amendment to the bill
(H.R. 5297) to create the Small Business
Lending Fund Program and to amend the In-
ternal Revenue Code of 1986 to provide tax
incentives for small business job creation, had
I been present, I would have voted “nay.”

CASA GRANDE RUINS NATIONAL
MONUMENT BOUNDARY MODI-
FICATION ACT OF 2010

The SPEAKER pro tempore. The un-
finished business is the vote on the mo-
tion to suspend the rules and pass the
bill (H.R. 5110) to modify the boundary
of the Casa Grande Ruins National
Monument, and for other purposes, as
amended, on which the yeas and nays
were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The
question is on the motion offered by
the gentlewoman from the Virgin Is-
lands (Mrs. CHRISTENSEN) that the
House suspend the rules and pass the
bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic de-
vice, and there were—yeas 244, nays
174, not voting 14, as follows:

[Roll No. 537]

YEAS—244

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca

Baird
Baldwin
Barrow
Becerra
Berkley
Berman

Bishop (GA)
Bishop (NY)
Blumenauer
Bocieri
Boswell
Boucher

Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes

Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)

Pascarell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wu
Yarmuth

NAYS—174

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell

Bonner
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Crenshaw
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou

Dreier Latham Putnam
Duncan LaTourette Radanovich
Emerson Latta Rehberg
Flake Lee (NY) Reichert
Fleming Lewis (CA) Roe (TN)
Forbes Linder Rogers (AL)
Fortenberry LoBiondo Rogers (KY)
Foxy Lucas Rogers (MI)
Franks (AZ) Luetkemeyer Rohrabacher
Frelinghuysen Lummis Rooney
Gallegly Lungren, Daniel
Garrett (NJ) E. Roskam
Gerlach Mack Royce
Gingrey (GA) Manzullo Ryan (WI)
Gohmert Marchant Scalise
Goodlatte McCarthy (CA) Schmidt
Granger McCaul Schock
Graves (GA) McClintock Sensenbrenner
Graves (MO) McCotter Sessions
Griffith McHenry Shadegg
Guthrie McKeon Shimkus
Hall (TX) McMorris Shuster
Harper Rodgers Simpson
Hastings (WA) Mica Smith (NE)
Heller Miller (FL) Smith (NJ)
Hensarling Miller (MI) Smith (TX)
Herger Miller, Gary Stearns
Hoekstra Moran (KS) Sullivan
Hunter Murphy, Tim Terry
Inglis Myrick Thompson (PA)
Issa Neugebauer Thornberry
Jenkins Nunes Tiahrt
Johnson (IL) Olson Tiberi
Johnson, Sam Owens Turner
Jones Paul Upton
Jordan (OH) Paulsen Walden
King (IA) Pence Wamp
King (NY) Petri Westmoreland
Kingston Pitts Whitfield
Kirk Platts Wilson (SC)
Kline (MN) Poe (TX) Wittman
Lamborn Posey Wolf
Lance Price (GA) Young (AK)

NOT VOTING—14

Berry Conaway Meek (FL)
Blunt DeFazio Schrader
Boren Fallon Woolsey
Bright Hall (NY) Young (FL)
Capuano Honda

□ 1315

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. WOOLSEY. Madam Speaker, on September 23, 2010, I was unavoidably detained and was unable to record my vote for rollcall No. 537. Had I been present I would have voted: rollcall No. 537: “Yea”—Casa Grande Ruins National Monument Boundary Modification Act of 2010.

Stated against:

Mr. CONAWAY. Madam Speaker, on rollcall No. 537—H.R. 5110—Casa Grande Ruins National Monument Boundary Modification Act of 2010, had I been present, I would have voted “nay.”

SEDONA-RED ROCK NATIONAL SCENIC AREA ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4823) to establish the Sedona-Red Rock National Scenic Area in the Coconino National Forest, Arizona, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Is-

lands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 258, nays 160, not voting 14, as follows:

[Roll No. 538]

YEAS—258

Ackerman Giffords Moore (WI)
Adler (NJ) Gonzalez Moran (VA)
Altmire Gordon (TN) Murphy (CT)
Andrews Grayson Murphy (NY)
Arcuri Green, Al Murphy, Patrick
Baca Green, Gene Nadler (NY)
Baird Grijalva Napolitano
Baldwin Gutierrez Neal (MA)
Barrow Halvorson Nye
Bean Hare Oberstar
Becerra Harman Obey
Berkley Hastings (FL) Oliver
Berman Heinrich Ortiz
Berry Hereth Sandlin Owens
Bishop (GA) Higgins Pallone
Bishop (NY) Hill Pascarell
Blumenauer Himes Pastor (AZ)
Bocieri Hinchey Payne
Bono Mack Hinojosa Perlmutter
Boswell Hiroo Perriello
Boucher Hodges Peters
Boyd Holden Peterson
Brady (PA) Holt Pingree (ME)
Braley (IA) Hoyer Polis (CO)
Brown, Corrine Inslee Pomeroy
Butterfield Israel Price (NC)
Capps Jackson (IL) Quigley
Capuano Jackson Lee Rahall
Cardoza (TX) Rangel
Carnahan Johnson (GA) Reichert
Carney Johnson, E. B. Reyes
Carson (IN) Jones Richardson
Castle Kagen Rodriguez
Castor (FL) Kanjorski Ross
Chandler Kaptur Rothman (NJ)
Childers Kennedy Roybal-Allard
Chu Kildee Ruppersberger
Clarke Kilpatrick (MI) Rush
Clay Kilroy Ryan (OH)
Cleaver Kind Salazar
Clyburn Kirkpatrick (AZ) Sanchez, Linda
Cohen Kissell T.
Connolly (VA) Klein (FL) Sanchez, Loretta
Conyers Kosmas Sarbanes
Cooper Kratochvil Schakowsky
Costa Kucinich Schauer
Costello Langevin Schiff
Courtney Larsen (WA) Schwartz
Critz Larson (CT) Scott (GA)
Crowley Latham Scott (VA)
Cuellar LaTourette Serrano
Cummings Lee (CA) Sestak
Dahlkemper Levin Shea-Porter
Davis (CA) Lewis (GA) Sherman
Davis (IL) Lipinski Shuler
Davis (TN) Loebsack Sires
DeGette Lofgren, Zoe Skelton
DeLauro Lowey Slaughter
Deutsch Luján Smith (NJ)
Dicks Maffei Smith (WA)
Dingell Maloney Snyder
Djou Markey (CO) Space
Doggett Markey (MA) Speier
Donnelly (IN) Marshall Spratt
Doyle Matheson Stupak
Driehaus Matsui Sutton
Edwards (MD) McCarthy (NY) Tanner
Edwards (TX) McCollum Taylor
Ehlers McDermott Teague
Ellison McGovern Thompson (CA)
Ellsworth McIntyre Thompson (MS)
Engel McMahon Tiberi
Eshoo McNerney Tierney
Etheridge Meeks (NY) Titus
Farr Melancon Tonko
Fattah Michaud Towns
Filner Miller (NC) Tsongas
Fortenberry Miller, George Turner
Foster Minnick Van Hollen
Frank (MA) Mitchell Velázquez
Fudge Mollohan Visclosky
Garamendi Moore (KS) Walz

Wasserman
Schultz
Waters
Watson

Watt
Waxman
Weiner
Welch

Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—160

Aderholt Gingrey (GA) Murphy, Tim
Akin Gohmert Myrick
Alexander Goodlatte Neugebauer
Austria Granger Nunes
Bachus Graves (GA) Olson
Barrett (SC) Graves (MO) Paul
Bartlett Griffith Paulsen
Barton (TX) Guthrie Pence
Biggart Hall (TX) Petri
Bilbray Harper Pitts
Bilirakis Hastings (WA) Platts
Bishop (UT) Heller Poe (TX)
Blackburn Hensarling Posey
Boehner Herger Price (GA)
Bonner Hoekstra Putnam
Boozman Hunter Radanovich
Boustany Inglis Rehberg
Brady (TX) Issa Roe (TN)
Broun (GA) Jenkins Rogers (AL)
Brown (SC) Johnson (IL) Rogers (KY)
Brown-Waite, Johnson, Sam Rogers (MI)
Ginny Jordan (OH) Rohrabacher
Buchanan King (IA) Rooney
Burgess King (NY) Ros-Lehtinen
Burton (IN) Kingston Roskam
Buyer Kirk
Calvert Kline (MN) Royce
Camp Lamborn Ryan (WI)
Campbell Lance Scalise
Cantor Latta Schmidt
Cao Lee (NY) Schock
Capito Lewis (CA) Sensenbrenner
Carter Linder Sessions
Cassidy LoBiondo Shadegg
Chaffetz Lucas Shimkus
Coble Luetkemeyer Shuster
Coffman (CO) Lummis Simpson
Cole Lungren, Daniel Smith (NE)
Crenshaw E. Smith (TX)
Culberson Mack Stearns
Davis (KY) Manzullo Sullivan
Dent Marchant Terry
Diaz-Balart, L. McCarthy (CA) Thompson (PA)
Diaz-Balart, M. McCaul Thornberry
Dreier McClintock Tiahrt
Duncan McCotter Upton
Emerson McHenry Walden
Flake McKeon Wamp
Fleming McMorris Westmoreland
Forbes Rodgers Whitfield
Foxy Mica Wilson (SC)
Franks (AZ) Miller (FL) Wittman
Frelinghuysen Miller (MI) Wolf
Gallegly Miller, Gary Young (AK)
Gerlach Moran (KS)

NOT VOTING—14

Bachmann Davis (AL) Honda
Blunt DeFazio Meek (FL)
Boren Fallon Schrader
Bright Garrett (NJ) Young (FL)
Conaway Hall (NY)

□ 1325

Mr. JONES changed his vote from “nay” to “yea.”

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. CONAWAY. Madam Speaker, on rollcall No. 538—H.R. 4823—Sedona-Red Rock National Scenic Area Act of 2010, had I been present, I would have voted “nay.”

RETURNING SEVERAL MEASURES TO THE SENATE

Mr. LEVIN. Madam Speaker, I offer a resolution constituting the privileges of the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 1653

Resolved,
SECTION 1. (a) Each of the bills and the amendment of the Senate specified in subsection (b)—

(1) in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House, and

(2) shall be respectfully returned to the Senate with a message communicating this resolution.

(b) The bills and amendment of the Senate specified in this subsection are as follows:

(1) The Senate amendment to H.R. 5875.

(2) S. 951.

(3) S. 1023.

(4) S. 2799.

(5) S. 3162.

(6) S. 3187.

The SPEAKER pro tempore. The resolution presents a question of privilege.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1330

SMALL BUSINESS JOBS ACT OF 2010

Ms. BEAN. Madam Speaker, pursuant to House Resolution 1640 and as the designee of the chairman of the Committee on Financial Services, I call up the bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes, with the Senate amendment thereto, and I have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Small Business Jobs Act of 2010”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—SMALL BUSINESSES

Sec. 1001. Definitions.

Subtitle A—Small Business Access to Credit

Sec. 1101. Short title.

PART I—NEXT STEPS FOR MAIN STREET CREDIT AVAILABILITY

Sec. 1111. Section 7(a) business loans.

Sec. 1112. Maximum loan amounts under 504 program.

Sec. 1113. Maximum loan limits under microloan program.

Sec. 1114. Loan guarantee enhancement extensions.

Sec. 1115. New Markets Venture Capital company investment limitations.

Sec. 1116. Alternative size standards.

Sec. 1117. Sale of 7(a) loans in secondary market.

Sec. 1118. Online lending platform.

Sec. 1119. SBA Secondary Market Guarantee Authority.

PART II—SMALL BUSINESS ACCESS TO CAPITAL

Sec. 1122. Low-interest refinancing under the local development business loan program.

PART III—OTHER MATTERS

Sec. 1131. Small business intermediary lending pilot program.

Sec. 1132. Public policy goals.

Sec. 1133. Floor plan pilot program extension.

Sec. 1134. Guarantees for bonds and notes issued for community or economic development purposes.

Sec. 1135. Temporary express loan enhancement.

Sec. 1136. Prohibition on using TARP funds or tax increases.

Subtitle B—Small Business Trade and Exporting

Sec. 1201. Short title.

Sec. 1202. Definitions.

Sec. 1203. Office of International Trade.

Sec. 1204. Duties of the Office of International Trade.

Sec. 1205. Export assistance centers.

Sec. 1206. International trade finance programs.

Sec. 1207. State Trade and Export Promotion Grant Program.

Sec. 1208. Rural export promotion.

Sec. 1209. International trade cooperation by small business development centers.

Subtitle C—Small Business Contracting

PART I—CONTRACT BUNDLING

Sec. 1311. Small Business Act.

Sec. 1312. Leadership and oversight.

Sec. 1313. Consolidation of contract requirements.

Sec. 1314. Small business teams pilot program.

PART II—SUBCONTRACTING INTEGRITY

Sec. 1321. Subcontracting misrepresentations.

Sec. 1322. Small business subcontracting improvements.

PART III—ACQUISITION PROCESS

Sec. 1331. Reservation of prime contract awards for small businesses.

Sec. 1332. Micro-purchase guidelines.

Sec. 1333. Agency accountability.

Sec. 1334. Payment of subcontractors.

Sec. 1335. Repeal of Small Business Competitiveness Demonstration Program.

PART IV—SMALL BUSINESS SIZE AND STATUS INTEGRITY

Sec. 1341. Policy and presumptions.

Sec. 1342. Annual certification.

Sec. 1343. Training for contracting and enforcement personnel.

Sec. 1344. Updated size standards.

Sec. 1345. Study and report on the mentor-protégé program.

Sec. 1346. Contracting goals reports.

Sec. 1347. Small business contracting parity.

Subtitle D—Small Business Management and Counseling Assistance

Sec. 1401. Matching requirements under small business programs.

Sec. 1402. Grants for SBDCs.

Subtitle E—Disaster Loan Improvement

Sec. 1501. Aquaculture business disaster assistance.

Subtitle F—Small Business Regulatory Relief

Sec. 1601. Requirements providing for more detailed analyses.

Sec. 1602. Office of advocacy.

Subtitle G—Appropriations Provisions

Sec. 1701. Salaries and expenses.

Sec. 1702. Business loans program account.

Sec. 1703. Community Development Financial Institutions Fund program account.

Sec. 1704. Small business loan guarantee enhancement extensions.

TITLE II—TAX PROVISIONS

Sec. 2001. Short title.

Subtitle A—Small Business Relief

PART I—PROVIDING ACCESS TO CAPITAL

Sec. 2011. Temporary exclusion of 100 percent of gain on certain small business stock.

Sec. 2012. General business credits of eligible small businesses for 2010 carried back 5 years.

Sec. 2013. General business credits of eligible small businesses in 2010 not subject to alternative minimum tax.

Sec. 2014. Temporary reduction in recognition period for built-in gains tax.

PART II—ENCOURAGING INVESTMENT

Sec. 2021. Increased expensing limitations for 2010 and 2011; certain real property treated as section 179 property.

Sec. 2022. Additional first-year depreciation for 50 percent of the basis of certain qualified property.

Sec. 2023. Special rule for long-term contract accounting.

PART III—PROMOTING ENTREPRENEURSHIP

Sec. 2031. Increase in amount allowed as deduction for start-up expenditures in 2010.

Sec. 2032. Authorization of appropriations for the United States Trade Representative to develop market access opportunities for United States small- and medium-sized businesses and to enforce trade agreements.

PART IV—PROMOTING SMALL BUSINESS FAIRNESS

Sec. 2041. Limitation on penalty for failure to disclose reportable transactions based on resulting tax benefits.

Sec. 2042. Deduction for health insurance costs in computing self-employment taxes in 2010.

Sec. 2043. Removal of cellular telephones and similar telecommunications equipment from listed property.

Subtitle B—Revenue Provisions

PART I—REDUCING THE TAX GAP

Sec. 2101. Information reporting for rental property expense payments.

Sec. 2102. Increase in information return penalties.

Sec. 2103. Report on tax shelter penalties and certain other enforcement actions.

Sec. 2104. Application of continuous levy to tax liabilities of certain Federal contractors.

PART II—PROMOTING RETIREMENT PREPARATION

Sec. 2111. Participants in government section 457 plans allowed to treat elective deferrals as Roth contributions.

Sec. 2112. Rollovers from elective deferral plans to designated Roth accounts.

Sec. 2113. Special rules for annuities received from only a portion of a contract.

PART III—CLOSING UNINTENDED LOOPHOLES

Sec. 2121. Crude oil ineligible for cellulosic biofuel producer credit.

Sec. 2122. Source rules for income on guarantees.

PART IV—TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES

Sec. 2131. Time for payment of corporate estimated taxes.

TITLE III—STATE SMALL BUSINESS CREDIT INITIATIVE

- Sec. 3001. Short title.
 Sec. 3002. Definitions.
 Sec. 3003. Federal funds allocated to States.
 Sec. 3004. Approving States for participation.
 Sec. 3005. Approving State capital access programs.
 Sec. 3006. Approving collateral support and other innovative credit access and guarantee initiatives for small businesses and manufacturers.
 Sec. 3007. Reports.
 Sec. 3008. Remedies for State program termination or failures.
 Sec. 3009. Implementation and administration.
 Sec. 3010. Regulations.
 Sec. 3011. Oversight and audits.

TITLE IV—ADDITIONAL SMALL BUSINESS PROVISIONS

Subtitle A—Small Business Lending Fund

- Sec. 4101. Purpose.
 Sec. 4102. Definitions.
 Sec. 4103. Small business lending fund.
 Sec. 4104. Additional authorities of the Secretary.
 Sec. 4105. Considerations.
 Sec. 4106. Reports.
 Sec. 4107. Oversight and audits.
 Sec. 4108. Credit reform; funding.
 Sec. 4109. Termination and continuation of authorities.
 Sec. 4110. Preservation of authority.
 Sec. 4111. Assurances.
 Sec. 4112. Study and report with respect to women-owned, veteran-owned, and minority-owned businesses.
 Sec. 4113. Sense of Congress.

Subtitle B—Other Provisions

PART I—SMALL BUSINESS EXPORT PROMOTION INITIATIVES

- Sec. 4221. Short title.
 Sec. 4222. Global business development and promotion activities of the Department of Commerce.
 Sec. 4223. Additional funding to improve access to global markets for rural businesses.
 Sec. 4224. Additional funding for the ExporTech program.
 Sec. 4225. Additional funding for the market development cooperator program of the Department of Commerce.
 Sec. 4226. Hollings Manufacturing Partnership Program; Technology Innovation Program.
 Sec. 4227. Sense of the Senate concerning Federal collaboration with States on export promotion issues.
 Sec. 4228. Report on tariff and nontariff barriers.

PART II—MEDICARE FRAUD

- Sec. 4241. Use of predictive modeling and other analytics technologies to identify and prevent waste, fraud, and abuse in the Medicare fee-for-service program.

TITLE V—BUDGETARY PROVISIONS

- Sec. 5001. Determination of budgetary effects.

TITLE I—SMALL BUSINESSES

SEC. 1001. DEFINITIONS.

In this title—

- (1) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively; and
 (2) the term “small business concern” has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

Subtitle A—Small Business Access to Credit

SEC. 1101. SHORT TITLE.

This subtitle may be cited as the “Small Business Job Creation and Access to Capital Act of 2010”.

PART I—NEXT STEPS FOR MAIN STREET CREDIT AVAILABILITY

SEC. 1111. SECTION 7(a) BUSINESS LOANS.

(a) AMENDMENT.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

- (1) in paragraph (2)(A)—
 (A) in clause (i), by striking “75 percent” and inserting “90 percent”; and
 (B) in clause (ii), by striking “85 percent” and inserting “90 percent”; and
 (2) in paragraph (3)(A), by striking “\$1,500,000 (or if the gross loan amount would exceed \$2,000,000)” and inserting “\$4,500,000 (or if the gross loan amount would exceed \$5,000,000)”.

(b) PROSPECTIVE REPEAL.—Effective January 1, 2011, section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

- (1) in paragraph (2)(A)—
 (A) in clause (i), by striking “90 percent” and inserting “75 percent”; and
 (B) in clause (ii), by striking “90 percent” and inserting “85 percent”; and
 (2) in paragraph (3)(A), by striking “\$4,500,000” and inserting “\$3,750,000”.

SEC. 1112. MAXIMUM LOAN AMOUNTS UNDER 504 PROGRAM.

Section 502(2)(A) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)) is amended—

- (1) in clause (i), by striking “\$1,500,000” and inserting “\$5,000,000”;
 (2) in clause (ii), by striking “\$2,000,000” and inserting “\$5,000,000”;
 (3) in clause (iii), by striking “\$4,000,000” and inserting “\$5,500,000”;
 (4) in clause (iv), by striking “\$4,000,000” and inserting “\$5,500,000”; and
 (5) in clause (v), by striking “\$4,000,000” and inserting “\$5,500,000”.

SEC. 1113. MAXIMUM LOAN LIMITS UNDER MICROLOAN PROGRAM.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

- (1) in paragraph (1)(B)(iii), by striking “\$35,000” and inserting “\$50,000”;
 (2) in paragraph (3)—
 (A) in subparagraph (C), by striking “\$3,500,000” and inserting “\$5,000,000”; and
 (B) in subparagraph (E), by striking “\$35,000” each place that term appears and inserting “\$50,000”; and
 (3) in paragraph (11)(B), by striking “\$35,000” and inserting “\$50,000”.

SEC. 1114. LOAN GUARANTEE ENHANCEMENT EXTENSIONS.

(a) FEES.—Section 501 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151) is amended by striking “September 30, 2010” each place that term appears and inserting “December 31, 2010”.

(b) LOAN GUARANTEES.—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 153) is amended by striking “May 31, 2010” and inserting “December 31, 2010”.

SEC. 1115. NEW MARKETS VENTURE CAPITAL COMPANY INVESTMENT LIMITATIONS.

Section 355 of the Small Business Investment Act of 1958 (15 U.S.C. 689d) is amended by adding at the end the following:

“(e) INVESTMENT LIMITATIONS.—

“(1) DEFINITION.—In this subsection, the term ‘covered New Markets Venture Capital company’ means a New Markets Venture Capital company—

“(A) granted final approval by the Administrator under section 354(e) on or after March 1, 2002; and

“(B) that has obtained a financing from the Administrator.

“(2) LIMITATION.—Except to the extent approved by the Administrator, a covered New Markets Venture Capital company may not acquire or issue commitments for securities under this title for any single enterprise in an aggregate amount equal to more than 10 percent of the sum of—

“(A) the regulatory capital of the covered New Markets Venture Capital company; and

“(B) the total amount of leverage projected in the participation agreement of the covered New Markets Venture Capital.”.

SEC. 1116. ALTERNATIVE SIZE STANDARDS.

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following:

“(5) ALTERNATIVE SIZE STANDARD.—

“(A) IN GENERAL.—The Administrator shall establish an alternative size standard for applicants for business loans under section 7(a) and applicants for development company loans under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), that uses maximum tangible net worth and average net income as an alternative to the use of industry standards.

“(B) INTERIM RULE.—Until the date on which the alternative size standard established under subparagraph (A) is in effect, an applicant for a business loan under section 7(a) or an applicant for a development company loan under title V of the Small Business Investment Act of 1958 may be eligible for such a loan if—

“(i) the maximum tangible net worth of the applicant is not more than \$15,000,000; and

“(ii) the average net income after Federal income taxes (excluding any carry-over losses) of the applicant for the 2 full fiscal years before the date of the application is not more than \$5,000,000.”.

SEC. 1117. SALE OF 7(a) LOANS IN SECONDARY MARKET.

Section 5(g) of the Small Business Act (15 U.S.C. 634(g)) is amended by adding at the end the following:

“(6) If the amount of the guaranteed portion of any loan under section 7(a) is more than \$500,000, the Administrator shall, upon request of a pool assembler, divide the loan guarantee into increments of \$500,000 and 1 increment of any remaining amount less than \$500,000, in order to permit the maximum amount of any loan in a pool to be not more than \$500,000. Only 1 increment of any loan guarantee divided under this paragraph may be included in the same pool. Increments of loan guarantees to different borrowers that are divided under this paragraph may be included in the same pool.”.

SEC. 1118. ONLINE LENDING PLATFORM.

It is the sense of Congress that the Administrator of the Small Business Administration should establish a website that—

(1) lists each lender that makes loans guaranteed by the Small Business Administration and provides information about the loan rates of each such lender; and

(2) allows prospective borrowers to compare rates on loans guaranteed by the Small Business Administration.

SEC. 1119. SBA SECONDARY MARKET GUARANTEE AUTHORITY.

Section 503(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 155) is amended by striking “on the date 2 years after the date of enactment of this section” and inserting “2 years after the date of the first sale of a pool of first lien position 504 loans guaranteed under this section to a third-party investor”.

PART II—SMALL BUSINESS ACCESS TO CAPITAL

SEC. 1122. LOW-INTEREST REFINANCING UNDER THE LOCAL DEVELOPMENT BUSINESS LOAN PROGRAM.

(a) REFINANCING.—Section 502(7) of the Small Business Investment Act of 1958 (15 U.S.C. 696(7)) is amended by adding at the end the following:

“(C) REFINANCING NOT INVOLVING EXPANSIONS.—

“(i) DEFINITIONS.—In this subparagraph—

“(I) the term ‘borrower’ means a small business concern that submits an application to a development company for financing under this subparagraph;

“(II) the term ‘eligible fixed asset’ means tangible property relating to which the Administrator may provide financing under this section; and

“(III) the term ‘qualified debt’ means indebtedness—

“(aa) that—

“(AA) was incurred not less than 2 years before the date of the application for assistance under this subparagraph;

“(BB) is a commercial loan;

“(CC) is not subject to a guarantee by a Federal agency;

“(DD) the proceeds of which were used to acquire an eligible fixed asset;

“(EE) was incurred for the benefit of the small business concern; and

“(FF) is collateralized by eligible fixed assets; and

“(bb) for which the borrower has been current on all payments for not less than 1 year before the date of the application.

“(ii) AUTHORITY.—A project that does not involve the expansion of a small business concern may include the refinancing of qualified debt if—

“(I) the amount of the financing is not more than 90 percent of the value of the collateral for the financing, except that, if the appraised value of the eligible fixed assets serving as collateral for the financing is less than the amount equal to 125 percent of the amount of the financing, the borrower may provide additional cash or other collateral to eliminate any deficiency;

“(II) the borrower has been in operation for all of the 2-year period ending on the date of the loan; and

“(III) for a financing for which the Administrator determines there will be an additional cost attributable to the refinancing of the qualified debt, the borrower agrees to pay a fee in an amount equal to the anticipated additional cost.

“(iii) FINANCING FOR BUSINESS EXPENSES.—

“(I) FINANCING FOR BUSINESS EXPENSES.—The Administrator may provide financing to a borrower that receives financing that includes a refinancing of qualified debt under clause (ii), in addition to the refinancing under clause (ii), to be used solely for the payment of business expenses.

“(II) APPLICATION FOR FINANCING.—An application for financing under subclause (I) shall include—

“(aa) a specific description of the expenses for which the additional financing is requested; and

“(bb) an itemization of the amount of each expense.

“(III) CONDITION ON ADDITIONAL FINANCING.—A borrower may not use any part of the financing under this clause for non-business purposes.

“(iv) LOANS BASED ON JOBS.—

“(I) JOB CREATION AND RETENTION GOALS.—

“(aa) IN GENERAL.—The Administrator may provide financing under this subparagraph for a borrower that meets the job creation goals under subsection (d) or (e) of section 501.

“(bb) ALTERNATE JOB RETENTION GOAL.—The Administrator may provide financing under this

subparagraph to a borrower that does not meet the goals described in item (aa) in an amount that is not more than the product obtained by multiplying the number of employees of the borrower by \$65,000.

“(II) NUMBER OF EMPLOYEES.—For purposes of subclause (I), the number of employees of a borrower is equal to the sum of—

“(aa) the number of full-time employees of the borrower on the date on which the borrower applies for a loan under this subparagraph; and

“(bb) the product obtained by multiplying—

“(AA) the number of part-time employees of the borrower on the date on which the borrower applies for a loan under this subparagraph; by

“(BB) the quotient obtained by dividing the average number of hours each part time employee of the borrower works each week by 40.

“(v) NONDELEGATION.—Notwithstanding section 508(e), the Administrator may not permit a premier certified lender to approve or disapprove an application for assistance under this subparagraph.

“(vi) TOTAL AMOUNT OF LOANS.—The Administrator may provide not more than a total of \$7,500,000,000 of financing under this subparagraph for each fiscal year.”.

(b) PROSPECTIVE REPEAL.—Effective 2 years after the date of enactment of this Act, section 502(7) of the Small Business Investment Act of 1958 (15 U.S.C. 696(7)) is amended by striking subparagraph (C).

(c) TECHNICAL CORRECTION.—Section 502(2)(A)(i) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)(i)) is amended by striking “subparagraph (B) or (C)” and inserting “clause (ii), (iii), (iv), or (v)”.

PART III—OTHER MATTERS

SEC. 1131. SMALL BUSINESS INTERMEDIARY LENDING PILOT PROGRAM.

(a) IN GENERAL.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended by striking subsection (I) and inserting the following:

“(I) SMALL BUSINESS INTERMEDIARY LENDING PILOT PROGRAM.—

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘eligible intermediary’—

“(i) means a private, nonprofit entity that—

“(I) seeks or has been awarded a loan from the Administrator to make loans to small business concerns under this subsection; and

“(II) has not less than 1 year of experience making loans to startup, newly established, or growing small business concerns; and

“(ii) includes—

“(I) a private, nonprofit community development corporation;

“(II) a consortium of private, nonprofit organizations or nonprofit community development corporations; and

“(III) an agency of or nonprofit entity established by a Native American Tribal Government; and

“(B) the term ‘Program’ means the small business intermediary lending pilot program established under paragraph (2).

“(2) ESTABLISHMENT.—There is established a 3-year small business intermediary lending pilot program, under which the Administrator may make direct loans to eligible intermediaries, for the purpose of making loans to startup, newly established, and growing small business concerns.

“(3) PURPOSES.—The purposes of the Program are—

“(A) to assist small business concerns in areas suffering from a lack of credit due to poor economic conditions or changes in the financial market; and

“(B) to establish a loan program under which the Administrator may provide loans to eligible intermediaries to enable the eligible intermediaries to provide loans to startup, newly established, and growing small business concerns

for working capital, real estate, or the acquisition of materials, supplies, or equipment.

“(4) LOANS TO ELIGIBLE INTERMEDIARIES.—

“(A) APPLICATION.—Each eligible intermediary desiring a loan under this subsection shall submit an application to the Administrator that describes—

“(i) the type of small business concerns to be assisted;

“(ii) the size and range of loans to be made;

“(iii) the interest rate and terms of loans to be made;

“(iv) the geographic area to be served and the economic, poverty, and unemployment characteristics of the area;

“(v) the status of small business concerns in the area to be served and an analysis of the availability of credit; and

“(vi) the qualifications of the applicant to carry out this subsection.

“(B) LOAN LIMITS.—No loan may be made to an eligible intermediary under this subsection if the total amount outstanding and committed to the eligible intermediary by the Administrator would, as a result of such loan, exceed \$1,000,000 during the participation of the eligible intermediary in the Program.

“(C) LOAN DURATION.—Loans made by the Administrator under this subsection shall be for a term of 20 years.

“(D) APPLICABLE INTEREST RATES.—Loans made by the Administrator to an eligible intermediary under the Program shall bear an annual interest rate equal to 1.00 percent.

“(E) FEES; COLLATERAL.—The Administrator may not charge any fees or require collateral with respect to any loan made to an eligible intermediary under this subsection.

“(F) DELAYED PAYMENTS.—The Administrator shall not require the repayment of principal or interest on a loan made to an eligible intermediary under the Program during the 2-year period beginning on the date of the initial disbursement of funds under that loan.

“(G) MAXIMUM PARTICIPANTS AND AMOUNTS.—During each of fiscal years 2011, 2012, and 2013, the Administrator may make loans under the Program—

“(i) to not more than 20 eligible intermediaries; and

“(ii) in a total amount of not more than \$20,000,000.

“(5) LOANS TO SMALL BUSINESS CONCERNS.—

“(A) IN GENERAL.—The Administrator, through an eligible intermediary, shall make loans to startup, newly established, and growing small business concerns for working capital, real estate, and the acquisition of materials, supplies, furniture, fixtures, and equipment.

“(B) MAXIMUM LOAN.—An eligible intermediary may not make a loan under this subsection of more than \$200,000 to any 1 small business concern.

“(C) APPLICABLE INTEREST RATES.—A loan made by an eligible intermediary to a small business concern under this subsection, may have a fixed or a variable interest rate, and shall bear an interest rate specified by the eligible intermediary in the application of the eligible intermediary for a loan under this subsection.

“(D) REVIEW RESTRICTIONS.—The Administrator may not review individual loans made by an eligible intermediary to a small business concern before approval of the loan by the eligible intermediary.

“(6) TERMINATION.—The authority of the Administrator to make loans under the Program shall terminate 3 years after the date of enactment of the Small Business Job Creation and Access to Capital Act of 2010.”.

(b) RULEMAKING AUTHORITY.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue regulations to carry out section 7(I) of the Small Business Act, as amended by subsection (a).

(c) **AVAILABILITY OF FUNDS.**—Any amounts provided to the Administrator for the purposes of carrying out section 7(l) of the Small Business Act, as amended by subsection (a), shall remain available until expended.

SEC. 1132. PUBLIC POLICY GOALS.

Section 501(d)(3) of the Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)) is amended—

(1) in subparagraph (J), by striking “or” at the end;

(2) in subparagraph (K), by striking the period at the end and inserting “, or”; and

(3) by adding at the end the following:

“(L) reduction of rates of unemployment in labor surplus areas, as such areas are determined by the Secretary of Labor.”.

SEC. 1133. FLOOR PLAN PILOT PROGRAM EXTENSION.

(a) **IN GENERAL.**—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) by redesignating paragraph (32), relating to increased veteran participation, as added by section 208 of the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2008 (Public Law 110-186; 122 Stat. 631), as paragraph (33); and

(2) by adding at the end the following:

“(34) **FLOOR PLAN FINANCING PROGRAM.**—

“(A) **DEFINITION.**—In this paragraph, the term ‘eligible retail good’—

“(i) means a good for which a title may be obtained under State law; and

“(ii) includes an automobile, recreational vehicle, boat, and manufactured home.

“(B) **PROGRAM.**—The Administrator may guarantee the timely payment of an open-end extension of credit to a small business concern, the proceeds of which may be used for the purchase of eligible retail goods for resale.

“(C) **AMOUNT.**—An open-end extension of credit guaranteed under this paragraph shall be in an amount not less than \$500,000 and not more than \$5,000,000.

“(D) **TERM.**—An open-end extension of credit guaranteed under this paragraph shall have a term of not more than 5 years.

“(E) **GUARANTEE PERCENTAGE.**—The Administrator may guarantee—

“(i) not less than 60 percent of an open-end extension of credit under this paragraph; and

“(ii) not more than 75 percent of an open-end extension of credit under this paragraph.

“(F) **ADVANCE RATE.**—The lender for an open-end extension of credit guaranteed under this paragraph may allow the borrower to draw funds on the line of credit in an amount equal to not more than 100 percent of the value of the eligible retail goods to be purchased.”.

(b) **SUNSET.**—Effective September 30, 2013, section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) by striking paragraph (34); and

(2) by redesignating paragraph (35), as added by section 1206 of this Act, as paragraph (34).

SEC. 1134. GUARANTEES FOR BONDS AND NOTES ISSUED FOR COMMUNITY OR ECONOMIC DEVELOPMENT PURPOSES.

The Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4701 et seq.) is amended by inserting after section 114 (12 U.S.C. 4713) the following:

“SEC. 114A. GUARANTEES FOR BONDS AND NOTES ISSUED FOR COMMUNITY OR ECONOMIC DEVELOPMENT PURPOSES.

“(a) **DEFINITIONS.**—In this section, the following definitions shall apply:

“(1) **ELIGIBLE COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.**—The term ‘eligible community development financial institution’ means a community development financial institution (as described in section 1805.201 of title 12, Code of Federal Regulations, or any successor thereto) certified by the Secretary that has applied to

a qualified issuer for, or been granted by a qualified issuer, a loan under the Program.

“(2) **ELIGIBLE COMMUNITY OR ECONOMIC DEVELOPMENT PURPOSE.**—The term ‘eligible community or economic development purpose’—

“(A) means any purpose described in section 108(b); and

“(B) includes the provision of community or economic development in low-income or underserved rural areas.

“(3) **GUARANTEE.**—The term ‘guarantee’ means a written agreement between the Secretary and a qualified issuer (or trustee), pursuant to which the Secretary ensures repayment of the verifiable losses of principal, interest, and call premium, if any, on notes or bonds issued by a qualified issuer to finance or refinance loans to eligible community development financial institutions.

“(4) **LOAN.**—The term ‘loan’ means any credit instrument that is extended under the Program for any eligible community or economic development purpose.

“(5) **MASTER SERVICER.**—

“(A) **IN GENERAL.**—The term ‘master servicer’ means any entity approved by the Secretary in accordance with subparagraph (B) to oversee the activities of servicers, as provided in subsection (f)(4).

“(B) **APPROVAL CRITERIA FOR MASTER SERVICERS.**—The Secretary shall approve or deny any application to become a master servicer under the Program not later than 90 days after the date on which all required information is submitted to the Secretary, based on the capacity and experience of the applicant in—

“(i) loan administration, servicing, and loan monitoring;

“(ii) managing regional or national loan intake, processing, or servicing operational systems and infrastructure;

“(iii) managing regional or national originator communication systems and infrastructure;

“(iv) developing and implementing training and other risk management strategies on a regional or national basis; and

“(v) compliance monitoring, investor relations, and reporting.

“(6) **PROGRAM.**—The term ‘Program’ means the guarantee Program for bonds and notes issued for eligible community or economic development purposes established under this section.

“(7) **PROGRAM ADMINISTRATOR.**—The term ‘Program administrator’ means an entity designated by the issuer to perform administrative duties, as provided in subsection (f)(2).

“(8) **QUALIFIED ISSUER.**—

“(A) **IN GENERAL.**—The term ‘qualified issuer’ means a community development financial institution (or any entity designated to issue notes or bonds on behalf of such community development financial institution) that meets the qualification requirements of this paragraph.

“(B) **APPROVAL CRITERIA FOR QUALIFIED ISSUERS.**—

“(i) **IN GENERAL.**—The Secretary shall approve a qualified issuer for a guarantee under the Program in accordance with the requirements of this paragraph, and such additional requirements as the Secretary may establish, by regulation.

“(ii) **TERMS AND QUALIFICATIONS.**—A qualified issuer shall—

“(I) have appropriate expertise, capacity, and experience, or otherwise be qualified to make loans for eligible community or economic development purposes;

“(II) provide to the Secretary—

“(aa) an acceptable statement of the proposed sources and uses of the funds; and

“(bb) a capital distribution plan that meets the requirements of subsection (c)(1); and

“(III) certify to the Secretary that the bonds or notes to be guaranteed are to be used for eligible community or economic development purposes.

“(C) **DEPARTMENT OPINION; TIMING.**—

“(i) **DEPARTMENT OPINION.**—Not later than 30 days after the date of a request by a qualified issuer for approval of a guarantee under the Program, the Secretary shall provide an opinion regarding compliance by the issuer with the requirements of the Program under this section.

“(ii) **TIMING.**—The Secretary shall approve or deny a guarantee under this section after consideration of the opinion provided to the Secretary under clause (i), and in no case later than 90 days after receipt of all required information by the Secretary with respect to a request for such guarantee.

“(9) **SECRETARY.**—The term ‘Secretary’ means the Secretary of the Treasury.

“(10) **SERVICER.**—The term ‘servicer’ means an entity designated by the issuer to perform various servicing duties, as provided in subsection (f)(3).

“(b) **GUARANTEES AUTHORIZED.**—The Secretary shall guarantee payments on bonds or notes issued by any qualified issuer, if the proceeds of the bonds or notes are used in accordance with this section to make loans to eligible community development financial institutions—

“(1) for eligible community or economic development purposes; or

“(2) to refinance loans or notes issued for such purposes.

“(c) **GENERAL PROGRAM REQUIREMENTS.**—

“(1) **IN GENERAL.**—A capital distribution plan meets the requirements of this subsection, if not less than 90 percent of the principal amount of guaranteed bonds or notes (other than costs of issuance fees) are used to make loans for any eligible community or economic development purpose, measured annually, beginning at the end of the 1-year period beginning on the issuance date of such guaranteed bonds or notes.

“(2) **RELENDING ACCOUNT.**—Not more than 10 percent of the principal amount of guaranteed bonds or notes, multiplied by an amount equal to the outstanding principal balance of issued notes or bonds, minus the risk-share pool amount under subsection (d), may be held in a relending account and may be made available for new eligible community or economic development purposes.

“(3) **LIMITATIONS ON UNPAID PRINCIPAL BALANCES.**—The proceeds of guaranteed bonds or notes under the Program may not be used to pay fees (other than costs of issuance fees), and shall be held in—

“(A) community or economic development loans;

“(B) a relending account, to the extent authorized under paragraph (2); or

“(C) a risk-share pool established under subsection (d).

“(4) **REPAYMENT.**—If a qualified issuer fails to meet the requirements of paragraph (1) by the end of the 90-day period beginning at the end of the annual measurement period, repayment shall be made on that portion of bonds or notes necessary to bring the bonds or notes that remain outstanding after such repayment into compliance with the 90 percent requirement of paragraph (1).

“(5) **PROHIBITED USES.**—The Secretary shall, by regulation—

“(A) prohibit, as appropriate, certain uses of amounts from the guarantee of a bond or note under the Program, including the use of such funds for political activities, lobbying, outreach, counseling services, or travel expenses; and

“(B) provide that the guarantee of a bond or note under the Program may not be used for salaries or other administrative costs of—

“(i) the qualified issuer; or

“(ii) any recipient of amounts from the guarantee of a bond or note.

“(d) **RISK-SHARE POOL.**—Each qualified issuer shall, during the term of a guarantee provided under the Program, establish a risk-share pool, capitalized by contributions from eligible community development financial institution participants an amount equal to 3 percent of the guaranteed amount outstanding on the subject notes and bonds.

“(e) **GUARANTEES.**—

“(1) **IN GENERAL.**—A guarantee issued under the Program shall—

“(A) be for the full amount of a bond or note, including the amount of principal, interest, and call premiums;

“(B) be fully assignable and transferable to the capital market, on terms and conditions that are consistent with comparable Government-guaranteed bonds, and satisfactory to the Secretary;

“(C) represent the full faith and credit of the United States; and

“(D) not exceed 30 years.

“(2) **LIMITATIONS.**—

“(A) **ANNUAL NUMBER OF GUARANTEES.**—The Secretary shall issue not more than 10 guarantees in any calendar year under the Program.

“(B) **GUARANTEE AMOUNT.**—The Secretary may not guarantee any amount under the Program equal to less than \$100,000,000, but the total of all such guarantees in any fiscal year may not exceed \$1,000,000,000.

“(f) **SERVICING OF TRANSACTIONS.**—

“(1) **IN GENERAL.**—To maximize efficiencies and minimize cost and interest rates, loans made under this section may be serviced by qualified Program administrators, bond servicers, and a master servicer.

“(2) **DUTIES OF PROGRAM ADMINISTRATOR.**—The duties of a Program administrator shall include—

“(A) approving and qualifying eligible community development financial institution applications for participation in the Program;

“(B) compliance monitoring;

“(C) bond packaging in connection with the Program; and

“(D) all other duties and related services that are customarily expected of a Program administrator.

“(3) **DUTIES OF SERVICER.**—The duties of a servicer shall include—

“(A) billing and collecting loan payments;

“(B) initiating collection activities on past-due loans;

“(C) transferring loan payments to the master servicing accounts;

“(D) loan administration and servicing;

“(E) systematic and timely reporting of loan performance through remittance and servicing reports;

“(F) proper measurement of annual outstanding loan requirements; and

“(G) all other duties and related services that are customarily expected of servicers.

“(4) **DUTIES OF MASTER SERVICER.**—The duties of a master servicer shall include—

“(A) tracking the movement of funds between the accounts of the master servicer and any other servicer;

“(B) ensuring orderly receipt of the monthly remittance and servicing reports of the servicer;

“(C) monitoring the collection comments and foreclosure actions;

“(D) aggregating the reporting and distribution of funds to trustees and investors;

“(E) removing and replacing a servicer, as necessary;

“(F) loan administration and servicing;

“(G) systematic and timely reporting of loan performance compiled from all bond servicers' reports;

“(H) proper distribution of funds to investors; and

“(I) all other duties and related services that are customarily expected of a master servicer.

“(g) **FEES.**—

“(1) **IN GENERAL.**—A qualified issuer that receives a guarantee issued under this section on a bond or note shall pay a fee to the Secretary, in an amount equal to 10 basis points of the amount of the unpaid principal of the bond or note guaranteed.

“(2) **PAYMENT.**—A qualified issuer shall pay the fee required under this subsection on an annual basis.

“(3) **USE OF FEES.**—Fees collected by the Secretary under this subsection shall be used to reimburse the Department of the Treasury for any administrative costs incurred by the Department in implementing the Program established under this section.

“(h) **AUTHORIZATION OF APPROPRIATIONS.**—

“(1) **IN GENERAL.**—There are authorized to be appropriated to the Secretary, such sums as are necessary to carry out this section.

“(2) **USE OF FEES.**—To the extent that the amount of funds appropriated for a fiscal year under paragraph (1) are not sufficient to carry out this section, the Secretary may use the fees collected under subsection (g) for the cost of providing guarantees of bonds and notes under this section.

“(i) **INVESTMENT IN GUARANTEED BONDS INELIGIBLE FOR COMMUNITY REINVESTMENT ACT PURPOSES.**—Notwithstanding any other provision of law, any investment by a financial institution in bonds or notes guaranteed under the Program shall not be taken into account in assessing the record of such institution for purposes of the Community Reinvestment Act of 1977 (12 U.S.C. 2901).

“(j) **ADMINISTRATION.**—

“(1) **REGULATIONS.**—Not later than 1 year after the date of enactment of this section, the Secretary shall promulgate regulations to carry out this section.

“(2) **IMPLEMENTATION.**—Not later than 2 years after the date of enactment of this section, the Secretary shall implement this section.

“(k) **TERMINATION.**—This section is repealed, and the authority provided under this section shall terminate, on September 30, 2014.”

SEC. 1135. TEMPORARY EXPRESS LOAN ENHANCEMENT.

(a) **IN GENERAL.**—Section 7(a)(31)(D) of the Small Business Act (15 U.S.C. 636(a)(31)(D)) is amended by striking “\$350,000” and inserting “\$1,000,000”.

(b) **PROSPECTIVE REPEAL.**—Effective 1 year after the date of enactment of this Act, section 7(a)(31)(D) of the Small Business Act (15 U.S.C. 636(a)(31)(D)) is amended by striking “\$1,000,000” and inserting “\$350,000”.

SEC. 1136. PROHIBITION ON USING TARP FUNDS OR TAX INCREASES.

(a) **IN GENERAL.**—Except as provided in subsection (b), nothing in section 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1122, or 1131, or an amendment made by such sections, shall be construed to limit the ability of Congress to appropriate funds.

(b) **TARP FUNDS AND TAX INCREASES.**—

(1) **IN GENERAL.**—Any covered amounts may not be used to carry out section 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1122, or 1131, or an amendment made by such sections.

(2) **DEFINITION.**—In this subsection, the term “covered amounts” means—

(A) the amounts made available to the Secretary of the Treasury under title I of the Emergency Economic Stabilization Act of 2008 (S.C. 5201 et seq.) to purchase (under section 101) or guarantee (under section 102) assets under that Act; and

(B) any revenue increase attributable to any amendment to the Internal Revenue Code of 1986 made during the period beginning on the

date of enactment of this Act and ending on December 31, 2010.

Subtitle B—Small Business Trade and Exporting

SEC. 1201. SHORT TITLE.

This subtitle may be cited as the “Small Business Export Enhancement and International Trade Act of 2010”.

SEC. 1202. DEFINITIONS.

(a) **DEFINITIONS.**—In this subtitle—

(1) the term “Associate Administrator” means the Associate Administrator for International Trade appointed under section 22(a)(2) of the Small Business Act, as amended by this subtitle;

(2) the term “Export Assistance Center” means a one-stop shop referred to in section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8)); and

(3) the term “rural small business concern” means a small business concern located in a rural area, as that term is defined in section 1393(a)(2) of the Internal Revenue Code of 1986.

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) **DEFINITIONS.**—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

“(t) **SMALL BUSINESS DEVELOPMENT CENTER.**—

In this Act, the term ‘small business development center’ means a small business development center described in section 21.

“(u) **REGION OF THE ADMINISTRATION.**—In this Act, the term ‘region of the Administration’ means the geographic area served by a regional office of the Administration established under section 4(a).”

(2) **CONFORMING AMENDMENT.**—Section 4(b)(3)(B)(x) of the Small Business Act (15 U.S.C. 633(b)(3)(B)(x)) is amended by striking “Administration district and region” and inserting “district and region of the Administration”.

SEC. 1203. OFFICE OF INTERNATIONAL TRADE.

(a) **ESTABLISHMENT.**—Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) by striking “SEC. 22. (a) There” and inserting the following:

“**SEC. 22. OFFICE OF INTERNATIONAL TRADE.**

“(a) **ESTABLISHMENT.**—

“(1) **OFFICE.**—There”; and

(2) in subsection (a)—

(A) in paragraph (1), as so designated, by striking the period and inserting “for the primary purposes of increasing—

“(A) the number of small business concerns that export; and

“(B) the volume of exports by small business concerns.”; and

(B) by adding at the end the following:

“(2) **ASSOCIATE ADMINISTRATOR.**—The head of the Office shall be the Associate Administrator for International Trade, who shall be responsible to the Administrator.”

(b) **AUTHORITY FOR ADDITIONAL ASSOCIATE ADMINISTRATOR.**—Section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)) is amended—

(1) in the fifth sentence, by striking “five Associate Administrators” and inserting “Associate Administrators”; and

(2) by adding at the end the following: “One such Associate Administrator shall be the Associate Administrator for International Trade, who shall be the head of the Office of International Trade established under section 22.”

(c) **DISCHARGE OF INTERNATIONAL TRADE RESPONSIBILITIES OF ADMINISTRATION.**—Section 22 of the Small Business Act (15 U.S.C. 649) is amended by adding at the end the following:

“(h) **DISCHARGE OF INTERNATIONAL TRADE RESPONSIBILITIES OF ADMINISTRATION.**—The Administrator shall ensure that—

“(1) the responsibilities of the Administration regarding international trade are carried out by the Associate Administrator;

“(2) the Associate Administrator has sufficient resources to carry out such responsibilities; and
 “(3) the Associate Administrator has direct supervision and control over—

“(A) the staff of the Office; and

“(B) any employee of the Administration whose principal duty station is an Export Assistance Center, or any successor entity.”.

(d) **ROLE OF ASSOCIATE ADMINISTRATOR IN CARRYING OUT INTERNATIONAL TRADE POLICY.**—Section 2(b)(1) of the Small Business Act (15 U.S.C. 631(b)(1)) is amended in the matter preceding subparagraph (A)—

(1) by inserting “the Administrator of” before “the Small Business Administration”; and

(2) by inserting “through the Associate Administrator for International Trade, and” before “in cooperation with”.

(e) **IMPLEMENTATION DATE.**—Not later than 90 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall appoint an Associate Administrator for International Trade under section 22(a) of the Small Business Act (15 U.S.C. 649(a)), as added by this section.

SEC. 1204. DUTIES OF THE OFFICE OF INTERNATIONAL TRADE.

(a) **AMENDMENTS TO SECTION 22.**—Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) by striking subsection (b) and inserting the following:

“(b) **TRADE DISTRIBUTION NETWORK.**—The Associate Administrator, working in close cooperation with the Secretary of Commerce, the United States Trade Representative, the Secretary of Agriculture, the Secretary of State, the President of the Export-Import Bank of the United States, the President of the Overseas Private Investment Corporation, Director of the United States Trade and Development Agency, and other relevant Federal agencies, small business development centers engaged in export promotion efforts, Export Assistance Centers, regional and district offices of the Administration, the small business community, and relevant State and local export promotion programs, shall—

“(1) maintain a distribution network, using regional and district offices of the Administration, the small business development center network, networks of women’s business centers, the Service Corps of Retired Executives authorized by section 8(b)(1), and Export Assistance Centers, for programs relating to—

“(A) trade promotion;

“(B) trade finance;

“(C) trade adjustment assistance;

“(D) trade remedy assistance; and

“(E) trade data collection;

“(2) aggressively market the programs described in paragraph (1) and disseminate information, including computerized marketing data, to small business concerns on exporting trends, market-specific growth, industry trends, and international prospects for exports;

“(3) promote export assistance programs through the district and regional offices of the Administration, the small business development center network, Export Assistance Centers, the network of women’s business centers, chapters of the Service Corps of Retired Executives, State and local export promotion programs, and partners in the private sector; and

“(4) give preference in hiring or approving the transfer of any employee into the Office or to a position described in subsection (c)(9) to otherwise qualified applicants who are fluent in a language in addition to English, to—

“(A) accompany small business concerns on foreign trade missions; and

“(B) translate documents, interpret conversations, and facilitate multilingual transactions, including by providing referral lists for translation services, if required.”;

(2) in subsection (c)—

(A) by striking “(c) The Office” and inserting the following:

“(c) **PROMOTION OF SALES OPPORTUNITIES.**—The Associate Administrator”;

(B) by redesignating paragraphs (1) through (8) as paragraphs (2) through (9), respectively;

(C) by inserting before paragraph (2), as so redesignated, the following:

“(1) establish annual goals for the Office relating to—

“(A) enhancing the exporting capability of small business concerns and small manufacturers;

“(B) facilitating technology transfers;

“(C) enhancing programs and services to assist small business concerns and small manufacturers to compete effectively and efficiently in foreign markets;

“(D) increasing the ability of small business concerns to access capital; and

“(E) disseminating information concerning Federal, State, and private programs and initiatives.”;

(D) in paragraph (2), as so redesignated, by striking “mechanism for” and all that follows through “(D) assisting” and inserting the following: “mechanism for—

“(A) identifying subsectors of the small business community with strong export potential;

“(B) identifying areas of demand in foreign markets;

“(C) prescreening foreign buyers for commercial and credit purposes; and

“(D) assisting”;

(E) in paragraph (3), as so redesignated, by striking “assist small businesses in the formation and utilization of” and inserting “assist small business concerns in forming and using”;

(F) in paragraph (4), as so redesignated—

(i) by striking “local” and inserting “district”;

(ii) by striking “existing”;

(iii) by striking “Small Business Development Center network” and inserting “small business development center network”; and

(iv) by striking “Small Business Development Center Program” and inserting “small business development center program”;

(G) in paragraph (5), as so redesignated—

(i) in subparagraph (A), by striking “Gross State Produce” and inserting “Gross State Product”;

(ii) in subparagraph (B), by striking “SIC” each place it appears and inserting “North American Industry Classification System”; and

(iii) in subparagraph (C), by striking “small businesses” and inserting “small business concerns”;

(H) in paragraph (6), as so redesignated, by striking the period at the end and inserting a semicolon;

(I) in paragraph (7), as so redesignated—

(i) in the matter preceding subparagraph (A)—

(I) by inserting “concerns” after “small business”; and

(II) by striking “current” and inserting “up to date”;

(ii) in subparagraph (A), by striking “Administration’s regional offices” and inserting “regional and district offices of the Administration”;

(iii) in subparagraph (B) by striking “current”;

(iv) in subparagraph (C), by striking “current”;

(v) by striking “small businesses” each place that term appears and inserting “small business concerns”;

(J) in paragraph (8), as so redesignated, by striking and at the end;

(K) in paragraph (9), as so redesignated—

(i) in the matter preceding subparagraph (A)—

(I) by striking “full-time export development specialists to each Administration regional office and assigning”; and

(II) by striking “person in each district office. Such specialists” and inserting “individual in each district office and providing each Administration regional office with a full-time export development specialist, who”;

(ii) in subparagraph (B)—

(I) by striking “current”; and

(II) by striking “with” and inserting “in”;

(iii) in subparagraph (D)—

(I) by striking “Administration personnel involved in granting” and inserting “personnel of the Administration involved in making”; and

(II) by striking “and” at the end;

(iv) in subparagraph (E)—

(I) by striking “small businesses’ needs” and inserting “the needs of small business concerns”; and

(II) by striking the period at the end and inserting a semicolon;

(v) by adding at the end the following:

“(F) participate, jointly with employees of the Office, in an annual training program that focuses on current small business needs for exporting; and

“(G) develop and conduct training programs for exporters and lenders, in cooperation with the Export Assistance Centers, the Department of Commerce, the Department of Agriculture, small business development centers, women’s business centers, the Export-Import Bank of the United States, the Overseas Private Investment Corporation, and other relevant Federal agencies.”; and

(vi) by striking “small businesses” each place that term appears and inserting “small business concerns”; and

(L) by adding at the end the following:

“(10) make available on the website of the Administration the name and contact information of each individual described in paragraph (9);

“(11) carry out a nationwide marketing effort using technology, online resources, training, and other strategies to promote exporting as a business development opportunity for small business concerns;

“(12) disseminate information to the small business community through regional and district offices of the Administration, the small business development center network, Export Assistance Centers, the network of women’s business centers, chapters of the Service Corps of Retired Executives authorized by section 8(b)(1), State and local export promotion programs, and partners in the private sector regarding exporting trends, market-specific growth, industry trends, and prospects for exporting; and

“(13) establish and carry out training programs for the staff of the regional and district offices of the Administration and resource partners of the Administration on export promotion and providing assistance relating to exports.”;

(3) in subsection (d)—

(A) by redesignating paragraphs (1) through (5) as clauses (i) through (v), respectively, and adjusting the margins accordingly;

(B) by striking “(d) The Office” and inserting the following:

“(d) **EXPORT FINANCING PROGRAMS.**—

“(1) **IN GENERAL.**—The Associate Administrator”;

(C) by striking “To accomplish this goal, the Office shall work” and inserting the following:

“(2) **TRADE FINANCE SPECIALIST.**—To accomplish the goal established under paragraph (1), the Associate Administrator shall—

“(A) designate at least 1 individual within the Administration as a trade finance specialist to oversee international loan programs and assist Administration employees with trade finance issues; and

“(B) work”;

(4) in subsection (e), by striking “(e) The Office” and inserting the following:

“(e) **TRADE REMEDIES.**—The Associate Administrator”;

(5) by amending subsection (f) to read as follows:

“(f) **REPORTING REQUIREMENT.**—The Associate Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that contains—

“(1) a description of the progress of the Office in implementing the requirements of this section;

“(2) a detailed account of the results of export growth activities of the Administration, including the activities of each district and regional office of the Administration, based on the performance measures described in subsection (i);

“(3) an estimate of the total number of jobs created or retained as a result of export assistance provided by the Administration and resource partners of the Administration;

“(4) for any travel by the staff of the Office, the destination of such travel and the benefits to the Administration and to small business concerns resulting from such travel; and

“(5) a description of the participation by the Office in trade negotiations.”;

(6) in subsection (g), by striking “(g) The Office” and inserting the following:

“(g) **STUDIES.**—The Associate Administrator”;

and

(7) by adding after subsection (h), as added by section 1203 of this subtitle, the following:

“(i) **EXPORT AND TRADE COUNSELING.**—

“(1) **DEFINITION.**—In this subsection—

“(A) the term ‘lead small business development center’ means a small business development center that has received a grant from the Administration; and

“(B) the term ‘lead women’s business center’ means a women’s business center that has received a grant from the Administration.

“(2) **CERTIFICATION PROGRAM.**—The Administrator shall establish an export and trade counseling certification program to certify employees of lead small business development centers and lead women’s business centers in providing export assistance to small business concerns.

“(3) **NUMBER OF CERTIFIED EMPLOYEES.**—The Administrator shall ensure that the number of employees of each lead small business development center who are certified in providing export assistance is not less than the lesser of—

“(A) 5; or

“(B) 10 percent of the total number of employees of the lead small business development center.

“(4) **REIMBURSEMENT FOR CERTIFICATION.**—

“(A) **IN GENERAL.**—Subject to the availability of appropriations, the Administrator shall reimburse a lead small business development center or a lead women’s business center for costs relating to the certification of an employee of the lead small business center or lead women’s business center in providing export assistance under the program established under paragraph (2).

“(B) **LIMITATION.**—The total amount reimbursed by the Administrator under subparagraph (A) may not exceed \$350,000 in any fiscal year.

“(j) **PERFORMANCE MEASURES.**—

“(1) **IN GENERAL.**—The Associate Administrator shall develop performance measures for the Administration to support export growth goals for the activities of the Office under this section that include—

“(A) the number of small business concerns that—

“(i) receive assistance from the Administration;

“(ii) had not exported goods or services before receiving the assistance described in clause (i); and

“(iii) export goods or services;

“(B) the number of small business concerns receiving assistance from the Administration that export goods or services to a market outside the United States into which the small business concern did not export before receiving the assistance;

“(C) export revenues by small business concerns assisted by programs of the Administration;

“(D) the number of small business concerns referred to an Export Assistance Center or a small business development center by the staff of the Office;

“(E) the number of small business concerns referred to the Administration by an Export Assistance Center or a small business development center; and

“(F) the number of small business concerns referred to the Department of Commerce, the Department of Agriculture, the Department of State, the Export-Import Bank of the United States, the Overseas Private Investment Corporation, or the United States Trade and Development Agency by the staff of the Office, an Export Assistance Center, or a small business development center.

“(2) **JOINT PERFORMANCE MEASURES.**—The Associate Administrator shall develop joint performance measures for the district offices of the Administration and the Export Assistance Centers that include the number of export loans made under—

“(A) section 7(a)(16);

“(B) the Export Working Capital Program established under section 7(a)(14);

“(C) the Preferred Lenders Program, as defined in section 7(a)(2)(C)(ii); and

“(D) the export express program established under section 7(a)(34).

“(3) **CONSISTENCY OF TRACKING.**—The Associate Administrator, in coordination with the departments and agencies that are represented on the Trade Promotion Coordinating Committee established under section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727) and the small business development center network, shall develop a system to track exports by small business concerns, including information relating to the performance measures developed under paragraph (1), that is consistent with systems used by the departments and agencies and the network.”.

(b) **REPORT.**—Not later than 60 days after the date of enactment of this Act, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on any travel by the staff of the Office of International Trade of the Administration, during the period beginning on October 1, 2004, and ending on the date of enactment of the Act, including the destination of such travel and the benefits to the Administration and to small business concerns resulting from such travel.

SEC. 1205. EXPORT ASSISTANCE CENTERS.

(a) **EXPORT ASSISTANCE CENTERS.**—Section 22 of the Small Business Act (15 U.S.C. 649), as amended by this subtitle, is amended by adding at the end the following:

“(k) **EXPORT ASSISTANCE CENTERS.**—

“(1) **EXPORT FINANCE SPECIALISTS.**—

“(A) **MINIMUM NUMBER OF EXPORT FINANCE SPECIALISTS.**—On and after the date that is 90 days after the date of enactment of this subsection, the Administrator, in coordination with the Secretary of Commerce, shall ensure that the number of export finance specialists is not less than the number of such employees so assigned on January 1, 2003.

“(B) **EXPORT FINANCE SPECIALISTS ASSIGNED TO EACH REGION OF THE ADMINISTRATION.**—On and after the date that is 2 years after the date

of enactment of this subsection, the Administrator, in coordination with the Secretary of Commerce, shall ensure that there are not fewer than 3 export finance specialists in each region of the Administration.

“(2) **PLACEMENT OF EXPORT FINANCE SPECIALISTS.**—

“(A) **PRIORITY.**—The Administrator shall give priority, to the maximum extent practicable, to placing employees of the Administration at any Export Assistance Center that—

“(i) had an Administration employee assigned to the Export Assistance Center before January 2003; and

“(ii) has not had an Administration employee assigned to the Export Assistance Center during the period beginning January 2003, and ending on the date of enactment of this subsection, either through retirement or reassignment.

“(B) **NEEDS OF EXPORTERS.**—The Administrator shall, to the maximum extent practicable, strategically assign Administration employees to Export Assistance Centers, based on the needs of exporters.

“(C) **RULE OF CONSTRUCTION.**—Nothing in this subsection may be construed to require the Administrator to reassign or remove an export finance specialist who is assigned to an Export Assistance Center on the date of enactment of this subsection.

“(3) **GOALS.**—The Associate Administrator shall work with the Department of Commerce, the Export-Import Bank of the United States, and the Overseas Private Investment Corporation to establish shared annual goals for the Export Assistance Centers.

“(4) **OVERSIGHT.**—The Associate Administrator shall designate an individual within the Administration to oversee all activities conducted by Administration employees assigned to Export Assistance Centers.

“(l) **DEFINITIONS.**—In this section—

“(1) the term ‘Associate Administrator’ means the Associate Administrator for International Trade described in subsection (a)(2);

“(2) the term ‘Export Assistance Center’ means a one-stop shop for United States exporters established by the United States and Foreign Commercial Service of the Department of Commerce pursuant to section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8));

“(3) the term ‘export finance specialist’ means a full-time equivalent employee of the Office assigned to an Export Assistance Center to carry out the duties described in subsection (e); and

“(4) the term ‘Office’ means the Office of International Trade established under subsection (a)(1).”.

(b) **STUDY AND REPORT ON FILLING GAPS IN HIGH-AND-LOW-EXPORT VOLUME AREAS.**—

(1) **STUDY AND REPORT.**—Not later than 6 months after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall—

(A) conduct a study of—

(i) the volume of exports for each State;

(ii) the availability of export finance specialists in each State;

(iii) the number of exporters in each State that are small business concerns;

(iv) the percentage of exporters in each State that are small business concerns;

(v) the change, if any, in the number of exporters that are small business concerns in each State—

(I) for the first study conducted under this subparagraph, during the 10-year period ending on the date of enactment of this Act; and

(II) for each subsequent study, during the 10-year period ending on the date the study is commenced;

(vi) the total value of the exports in each State by small business concerns;

(vii) the percentage of the total volume of exports in each State that is attributable to small business concerns; and

(viii) the change, if any, in the percentage of the total volume of exports in each State that is attributable to small business concerns—

(I) for the first study conducted under this subparagraph, during the 10-year period ending on the date of enactment of this Act; and

(II) for each subsequent study, during the 10-year period ending on the date the study is commenced; and

(B) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing—

(i) the results of the study under subparagraph (A);

(ii) to the extent practicable, a recommendation regarding how to eliminate gaps between the supply of and demand for export finance specialists in the 15 States that have the greatest volume of exports, based upon the most recent data available from the Department of Commerce;

(iii) to the extent practicable, a recommendation regarding how to eliminate gaps between the supply of and demand for export finance specialists in the 15 States that have the lowest volume of exports, based upon the most recent data available from the Department of Commerce; and

(iv) such additional information as the Administrator determines is appropriate.

(2) **DEFINITION.**—In this subsection, the term “export finance specialist” has the meaning given that term in section 22(I) of the Small Business Act, as added by this title.

SEC. 1206. INTERNATIONAL TRADE FINANCE PROGRAMS.

(a) LOAN LIMITS.—

(1) **TOTAL AMOUNT OUTSTANDING.**—Section 7(a)(3)(B) of the Small Business Act (15 U.S.C. 636(a)(3)(B)) is amended by striking “\$1,750,000, of which not more than \$1,250,000” and inserting “\$4,500,000 (or if the gross loan amount would exceed \$5,000,000, of which not more than \$4,000,000)”.

(2) **PARTICIPATION.**—Section 7(a)(2) of the Small Business Act (15 U.S.C. 636(a)(2)) is amended—

(A) in subparagraph (A), in the matter preceding clause (i), by striking “subparagraph (B)” and inserting “subparagraphs (B), (D), and (E)”;

(B) in subparagraph (D), by striking “Notwithstanding subparagraph (A), in” and inserting “In”; and

(C) by adding at the end the following:

“(E) **PARTICIPATION IN INTERNATIONAL TRADE LOAN.**—In an agreement to participate in a loan on a deferred basis under paragraph (16), the participation by the Administration may not exceed 90 percent.”.

(b) **WORKING CAPITAL.**—Section 7(a)(16)(A) of the Small Business Act (15 U.S.C. 636(a)(16)(A)) is amended—

(1) in the matter preceding clause (i), by striking “in—” and inserting “—”;

(2) in clause (i)—

(A) by inserting “in” after “(i)”; and

(B) by striking “or” at the end;

(3) in clause (ii)—

(A) by inserting “in” after “(ii)”; and

(B) by striking the period at the end and inserting “, including any debt that qualifies for refinancing under any other provision of this subsection; or”;

(4) by adding at the end the following:

“(iii) by providing working capital.”.

(c) **COLLATERAL.**—Section 7(a)(16)(B) of the Small Business Act (15 U.S.C. 636(a)(16)(B)) is amended—

(1) by striking “Each loan” and inserting the following:

“(i) **IN GENERAL.**—Except as provided in clause (ii), each loan”; and

(2) by adding at the end the following:

“(ii) **EXCEPTION.**—A loan under this paragraph may be secured by a second lien position on the property or equipment financed by the loan or on other assets of the small business concern, if the Administrator determines the lien provides adequate assurance of the payment of the loan.”.

(d) **EXPORT WORKING CAPITAL PROGRAM.**—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(D), by striking “not exceed” and inserting “be”; and

(2) in paragraph (14)—

(A) by striking “(A) The Administration” and inserting the following: “EXPORT WORKING CAPITAL PROGRAM.—

“(A) **IN GENERAL.**—The Administrator”; and

(B) by striking “(B) When considering” and inserting the following:

“(C) **CONSIDERATIONS.**—When considering”; and

(C) by striking “(C) The Administration” and inserting the following:

“(D) **MARKETING.**—The Administrator”; and

(D) by inserting after subparagraph (A) the following:

“(B) **TERMS.**—

“(i) **LOAN AMOUNT.**—The Administrator may not guarantee a loan under this paragraph of more than \$5,000,000.

“(ii) **FEES.**—

“(I) **IN GENERAL.**—For a loan under this paragraph, the Administrator shall collect the fee assessed under paragraph (23) not more frequently than once each year.

“(II) **UNTAPEDED CREDIT.**—The Administrator may not assess a fee on capital that is not accessed by the small business concern.”.

(e) **PARTICIPATION IN PREFERRED LENDERS PROGRAM.**—Section 7(a)(2)(C) of the Small Business Act (15 U.S.C. 636(a)(2)(C)) is amended—

(1) by redesignating clause (ii) as clause (iii); and

(2) by inserting after clause (i) the following:

“(ii) **EXPORT-IMPORT BANK LENDERS.**—Any lender that is participating in the Delegated Authority Lender Program of the Export-Import Bank of the United States (or any successor to the Program) shall be eligible to participate in the Preferred Lenders Program.”.

(f) **EXPORT EXPRESS PROGRAM.**—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

“(35) **EXPORT EXPRESS PROGRAM.**—

“(A) **DEFINITIONS.**—In this paragraph—

“(i) the term ‘export development activity’ includes—

“(I) obtaining a standby letter of credit when required as a bid bond, performance bond, or advance payment guarantee; and

“(II) participation in a trade show that takes place outside the United States; and

“(III) translation of product brochures or catalogues for use in markets outside the United States; and

“(IV) obtaining a general line of credit for export purposes; and

“(V) performing a service contract from buyers located outside the United States; and

“(VI) obtaining transaction-specific financing associated with completing export orders; and

“(VII) purchasing real estate or equipment to be used in the production of goods or services for export; and

“(VIII) providing term loans or other financing to enable a small business concern, including an export trading company and an export management company, to develop a market outside the United States; and

“(IX) acquiring, constructing, renovating, modernizing, improving, or expanding a production facility or equipment to be used in the

United States in the production of goods or services for export; and

“(ii) the term ‘express loan’ means a loan in which a lender uses to the maximum extent practicable the loan analyses, procedures, and documentation of the lender to provide expedited processing of the loan application.

“(B) **AUTHORITY.**—The Administrator may guarantee the timely payment of an express loan to a small business concern made for an export development activity.

“(C) **LEVEL OF PARTICIPATION.**—

“(i) **MAXIMUM AMOUNT.**—The maximum amount of an express loan guaranteed under this paragraph shall be \$500,000.

“(ii) **PERCENTAGE.**—For an express loan guaranteed under this paragraph, the Administrator shall guarantee—

“(I) 90 percent of a loan that is not more than \$350,000; and

“(II) 75 percent of a loan that is more than \$350,000 and not more than \$500,000.”.

(g) **ANNUAL LISTING OF EXPORT FINANCE LENDERS.**—Section 7(a)(16) of the Small Business Act (15 U.S.C. 636(a)(16)) is amended by adding at the end the following:

“(F) **LIST OF EXPORT FINANCE LENDERS.**—

“(i) **PUBLICATION OF LIST REQUIRED.**—The Administrator shall publish an annual list of the banks and participating lending institutions that, during the 1-year period ending on the date of publication of the list, have made loans guaranteed by the Administration under—

“(I) this paragraph; and

“(II) paragraph (14); or

“(III) paragraph (34).

“(ii) **AVAILABILITY OF LIST.**—The Administrator shall—

“(I) post the list published under clause (i) on the website of the Administration; and

“(II) make the list published under clause (i) available, upon request, at each district office of the Administration.”.

(h) **APPLICABILITY.**—The amendments made by subsections (a) through (f) shall apply with respect to any loan made after the date of enactment of this Act.

SEC. 1207. STATE TRADE AND EXPORT PROMOTION GRANT PROGRAM.

(a) **DEFINITIONS.**—In this section—

(1) the term “eligible small business concern” means a small business concern that—

(A) has been in business for not less than the 1-year period ending on the date on which assistance is provided using a grant under this section; and

(B) is operating profitably, based on operations in the United States; and

(C) has demonstrated understanding of the costs associated with exporting and doing business with foreign purchasers, including the costs of freight forwarding, customs brokers, packing and shipping, as determined by the Associate Administrator; and

(D) has in effect a strategic plan for exporting;

(2) the term “program” means the State Trade and Export Promotion Grant Program established under subsection (b);

(3) the term “small business concern owned and controlled by women” has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632);

(4) the term “socially and economically disadvantaged small business concern” has the meaning given that term in section 8(a)(4)(A) of the Small Business Act (15 U.S.C. 6537(a)(4)(A)); and

(5) the term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(b) **ESTABLISHMENT OF PROGRAM.**—The Associate Administrator shall establish a 3-year

trade and export promotion pilot program to be known as the State Trade and Export Promotion Grant Program, to make grants to States to carry out export programs that assist eligible small business concerns in—

- (1) participation in a foreign trade mission;
- (2) a foreign market sales trip;
- (3) a subscription to services provided by the Department of Commerce;
- (4) the payment of website translation fees;
- (5) the design of international marketing media;
- (6) a trade show exhibition;
- (7) participation in training workshops; or
- (8) any other export initiative determined appropriate by the Associate Administrator.

(c) GRANTS.—

(1) JOINT REVIEW.—In carrying out the program, the Associate Administrator may make a grant to a State to increase the number of eligible small business concerns in the State that export or to increase the value of the exports by eligible small business concerns in the State.

(2) CONSIDERATIONS.—In making grants under this section, the Associate Administrator may give priority to an application by a State that proposes a program that—

- (A) focuses on eligible small business concerns as part of an export promotion program;
- (B) demonstrates success in promoting exports by—
 - (i) socially and economically disadvantaged small business concerns;
 - (ii) small business concerns owned or controlled by women; and
 - (iii) rural small business concerns;

(C) promotes exports from a State that is not 1 of the 10 States with the highest percentage of exporters that are small business concerns, based upon the latest data available from the Department of Commerce; and

(D) promotes new-to-market export opportunities to the People's Republic of China for eligible small business concerns in the United States.

(3) LIMITATIONS.—

(A) SINGLE APPLICATION.—A State may not submit more than 1 application for a grant under the program in any 1 fiscal year.

(B) PROPORTION OF AMOUNTS.—The total value of grants under the program made during a fiscal year to the 10 States with the highest number of exporters that are small business concerns, based upon the latest data available from the Department of Commerce, shall be not more than 40 percent of the amounts appropriated for the program for that fiscal year.

(4) APPLICATION.—A State desiring a grant under the program shall submit an application at such time, in such manner, and accompanied by such information as the Associate Administrator may establish.

(d) COMPETITIVE BASIS.—The Associate Administrator shall award grants under the program on a competitive basis.

(e) FEDERAL SHARE.—The Federal share of the cost of an export program carried out using a grant under the program shall be—

- (1) for a State that has a high export volume, as determined by the Associate Administrator, not more than 65 percent; and
- (2) for a State that does not have a high export volume, as determined by the Associate Administrator, not more than 75 percent.

(f) NON-FEDERAL SHARE.—The non-Federal share of the cost of an export program carried using a grant under the program shall be comprised of not less than 50 percent cash and not more than 50 percent of indirect costs and in-kind contributions, except that no such costs or contributions may be derived from funds from any other Federal program.

(g) REPORTS.—

(1) INITIAL REPORT.—Not later than 120 days after the date of enactment of this Act, the As-

sociate Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report, which shall include—

- (A) a description of the structure of and procedures for the program;
- (B) a management plan for the program; and
- (C) a description of the merit-based review process to be used in the program.

(2) ANNUAL REPORTS.—The Associate Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the program, which shall include—

- (A) the number and amount of grants made under the program during the preceding year;
- (B) a list of the States receiving a grant under the program during the preceding year, including the activities being performed with grant; and
- (C) the effect of each grant on exports by eligible small business concerns in the State receiving the grant.

(h) REVIEWS BY INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Administration shall conduct a review of—

- (A) the extent to which recipients of grants under the program are measuring the performance of the activities being conducted and the results of the measurements; and
- (B) the overall management and effectiveness of the program.

(2) REPORT.—Not later than September 30, 2012, the Inspector General of the Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the review conducted under paragraph (1).

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program \$30,000,000 for each of fiscal years 2011, 2012, and 2013.

(j) TERMINATION.—The authority to carry out the program shall terminate 3 years after the date on which the Associate Administrator establishes the program.

SEC. 1208. RURAL EXPORT PROMOTION.

Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Agriculture and the Secretary of Commerce, shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that contains—

(1) a description of each program of the Administration that promotes exports by rural small business concerns, including—

- (A) the number of rural small business concerns served by the program;
- (B) the change, if any, in the number of rural small business concerns as a result of participation in the program during the 10-year period ending on the date of enactment of this Act;

(C) the volume of exports by rural small business concerns that participate in the program; and

- (D) the change, if any, in the volume of exports by rural small businesses that participate in the program during the 10-year period ending on the date of enactment of this Act;
- (2) a description of the coordination between programs of the Administration and other Federal programs that promote exports by rural small business concerns;
- (3) recommendations, if any, for improving the coordination described in paragraph (2);
- (4) a description of any plan by the Administration to market the international trade financing programs of the Administration through lenders that—

- (A) serve rural small business concerns; and
- (B) are associated with financing programs of the Department of Agriculture;

(5) recommendations, if any, for improving coordination between the counseling programs and export financing programs of the Administration, in order to increase the volume of exports by rural small business concerns; and

(6) any additional information the Administrator determines is necessary.

SEC. 1209. INTERNATIONAL TRADE COOPERATION BY SMALL BUSINESS DEVELOPMENT CENTERS.

Section 21(a) of the Small Business Act (15 U.S.C. 648(a)) is amended—

(1) by striking “(2) The Small Business Development Centers” and inserting the following:

“(2) COOPERATION TO PROVIDE INTERNATIONAL TRADE SERVICES.—

“(A) INFORMATION AND SERVICES.—The small business development centers”; and

(2) in paragraph (2)—

(A) in subparagraph (A), as so designated, by inserting “(including State trade agencies),” after “local agencies”; and

(B) by adding at the end the following:

“(B) COOPERATION WITH STATE TRADE AGENCIES AND EXPORT ASSISTANCE CENTERS.—A small business development center that counsels a small business concern on issues relating to international trade shall—

“(i) consult with State trade agencies and Export Assistance Centers to provide appropriate services to the small business concern; and

“(ii) as necessary, refer the small business concern to a State trade agency or an Export Assistance Center for further counseling or assistance.

“(C) DEFINITION.—In this paragraph, the term ‘Export Assistance Center’ has the same meaning as in section 22.”.

**Subtitle C—Small Business Contracting
PART I—CONTRACT BUNDLING**

SEC. 1311. SMALL BUSINESS ACT.

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1202, is amended by adding at the end the following:

“(v) MULTIPLE AWARD CONTRACT.—In this Act, the term ‘multiple award contract’ means—

“(1) a multiple award task order contract or delivery order contract that is entered into under the authority of sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and

“(2) any other indefinite delivery, indefinite quantity contract that is entered into by the head of a Federal agency with 2 or more sources pursuant to the same solicitation.”.

SEC. 1312. LEADERSHIP AND OVERSIGHT.

(a) IN GENERAL.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following:

“(g) BUNDLING ACCOUNTABILITY MEASURES.—

“(1) TEAMING REQUIREMENTS.—Each Federal agency shall include in each solicitation for any multiple award contract above the substantial bundling threshold of the Federal agency a provision soliciting bids from any responsible source, including responsible small business concerns and teams or joint ventures of small business concerns.

“(2) POLICIES ON REDUCTION OF CONTRACT BUNDLING.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Federal Acquisition Regulatory Council established under section 25(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 4219(a)) shall amend the Federal Acquisition Regulation issued under section 25 of such Act to—

“(i) establish a Government-wide policy regarding contract bundling, including regarding

the solicitation of teaming and joint ventures under paragraph (1); and

“(ii) require that the policy established under clause (i) be published on the website of each Federal agency.

“(B) **RATIONALE FOR CONTRACT BUNDLING.**—Not later than 30 days after the date on which the head of a Federal agency submits data certifications to the Administrator for Federal Procurement Policy, the head of the Federal agency shall publish on the website of the Federal agency a list and rationale for any bundled contract for which the Federal agency solicited bids or that was awarded by the Federal agency.

“(3) **REPORTING.**—Not later than 90 days after the date of enactment of this subsection, and every 3 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding procurement center representatives and commercial market representatives, which shall—

“(A) identify each area for which the Administration has assigned a procurement center representative or a commercial market representative;

“(B) explain why the Administration selected the areas identified under subparagraph (A); and

“(C) describe the activities performed by procurement center representatives and commercial market representatives.”

(b) **TECHNICAL CORRECTION.**—Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by striking “Administrator of the Office of Federal Procurement Policy” each place it appears and inserting “Administrator for Federal Procurement Policy”.

(c) **REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report regarding the procurement center representative program of the Administration.

(2) **CONTENTS.**—The report submitted under paragraph (1) shall—

(A) address ways to improve the effectiveness of the procurement center representative program in helping small business concerns obtain Federal contracts;

(B) evaluate the effectiveness of procurement center representatives and commercial marketing representatives; and

(C) include recommendations, if any, on how to improve the procurement center representative program.

(d) **ELECTRONIC PROCUREMENT CENTER REPRESENTATIVE.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Administrator shall implement a 3-year pilot electronic procurement center representative program.

(2) **REPORT.**—Not later than 30 days after the pilot program under paragraph (1) ends, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the pilot program.

SEC. 1313. CONSOLIDATION OF CONTRACT REQUIREMENTS.

(a) **IN GENERAL.**—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 44 as section 45; and

(2) by inserting after section 43 the following:

“**SEC. 44. CONSOLIDATION OF CONTRACT REQUIREMENTS.**

“(a) **DEFINITIONS.**—In this section—

“(1) the term ‘Chief Acquisition Officer’ means the employee of a Federal agency des-

ignated as the Chief Acquisition Officer for the Federal agency under section 16(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(a));

“(2) the term ‘consolidation of contract requirements’, with respect to contract requirements of a Federal agency, means a use of a solicitation to obtain offers for a single contract or a multiple award contract to satisfy 2 or more requirements of the Federal agency for goods or services that have been provided to or performed for the Federal agency under 2 or more separate contracts lower in cost than the total cost of the contract for which the offers are solicited; and

“(3) the term ‘senior procurement executive’ means an official designated under section 16(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(c)) as the senior procurement executive for a Federal agency.

“(b) **POLICY.**—The head of each Federal agency shall ensure that the decisions made by the Federal agency regarding consolidation of contract requirements of the Federal agency are made with a view to providing small business concerns with appropriate opportunities to participate as prime contractors and subcontractors in the procurements of the Federal agency.

“(c) **LIMITATION ON USE OF ACQUISITION STRATEGIES INVOLVING CONSOLIDATION.**—

“(1) **IN GENERAL.**—Subject to paragraph (4), the head of a Federal agency may not carry out an acquisition strategy that includes a consolidation of contract requirements of the Federal agency with a total value of more than \$2,000,000, unless the senior procurement executive or Chief Acquisition Officer for the Federal agency, before carrying out the acquisition strategy—

“(A) conducts market research;

“(B) identifies any alternative contracting approaches that would involve a lesser degree of consolidation of contract requirements;

“(C) makes a written determination that the consolidation of contract requirements is necessary and justified;

“(D) identifies any negative impact by the acquisition strategy on contracting with small business concerns; and

“(E) certifies to the head of the Federal agency that steps will be taken to include small business concerns in the acquisition strategy.

“(2) **DETERMINATION THAT CONSOLIDATION IS NECESSARY AND JUSTIFIED.**—

“(A) **IN GENERAL.**—A senior procurement executive or Chief Acquisition Officer may determine that an acquisition strategy involving a consolidation of contract requirements is necessary and justified for the purposes of paragraph (1)(C) if the benefits of the acquisition strategy substantially exceed the benefits of each of the possible alternative contracting approaches identified under paragraph (1)(B).

“(B) **SAVINGS IN ADMINISTRATIVE OR PERSONNEL COSTS.**—For purposes of subparagraph (A), savings in administrative or personnel costs alone do not constitute a sufficient justification for a consolidation of contract requirements in a procurement unless the expected total amount of the cost savings, as determined by the senior procurement executive or Chief Acquisition Officer, is expected to be substantial in relation to the total cost of the procurement.

“(3) **BENEFITS TO BE CONSIDERED.**—The benefits considered for the purposes of paragraphs (1) and (2) may include cost and, regardless of whether quantifiable in dollar amounts—

“(A) quality;

“(B) acquisition cycle;

“(C) terms and conditions; and

“(D) any other benefit.

“(4) **DEPARTMENT OF DEFENSE.**—

“(A) **IN GENERAL.**—The Department of Defense and each military department shall comply with this section until after the date described in subparagraph (C).

“(B) **RULE.**—After the date described in subparagraph (C), contracting by the Department of Defense or a military department shall be conducted in accordance with section 2382 of title 10, United States Code.

“(C) **DATE.**—The date described in this subparagraph is the date on which the Administrator determines the Department of Defense or a military department is in compliance with the Government-wide contracting goals under section 15.”

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—Section 2382(b)(1) of title 10, United States Code, is amended by striking “An official” and inserting “Subject to section 44(c)(4), an official”.

SEC. 1314. SMALL BUSINESS TEAMS PILOT PROGRAM.

(a) **DEFINITIONS.**—In this section—

(1) the term “Pilot Program” means the Small Business Teaming Pilot Program established under subsection (b); and

(2) the term “eligible organization” means a well-established national organization for small business concerns with the capacity to provide assistance to small business concerns (which may be provided with the assistance of the Administrator) relating to—

(A) customer relations and outreach;

(B) team relations and outreach; and

(C) performance measurement and quality assurance.

(b) **ESTABLISHMENT.**—The Administrator shall establish a Small Business Teaming Pilot Program for teaming and joint ventures involving small business concerns.

(c) **GRANTS.**—Under the Pilot Program, the Administrator may make grants to eligible organizations to provide assistance and guidance to teams of small business concerns seeking to compete for larger procurement contracts.

(d) **CONTRACTING OPPORTUNITIES.**—The Administrator shall work with eligible organizations receiving a grant under the Pilot Program to recommend appropriate contracting opportunities for teams or joint ventures of small business concerns.

(e) **REPORT.**—Not later than 1 year before the date on which the authority to carry out the Pilot Program terminates under subsection (f), the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the effectiveness of the Pilot Program.

(f) **TERMINATION.**—The authority to carry out the Pilot Program shall terminate 5 years after the date of enactment of this Act.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for grants under subsection (c) \$5,000,000 for each of fiscal years 2010 through 2015.

PART II—SUBCONTRACTING INTEGRITY

SEC. 1321. SUBCONTRACTING MISREPRESENTATIONS.

Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the Administrator for Federal Procurement Policy, shall promulgate regulations relating to, and the Federal Acquisition Regulatory Council established under section 25(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(a)) shall amend the Federal Acquisition Regulation issued under section 25 of such Act to establish a policy on, subcontracting compliance relating to small business concerns, including assignment of compliance responsibilities between contracting offices, small business offices, and program offices and periodic oversight and review activities.

SEC. 1322. SMALL BUSINESS SUBCONTRACTING IMPROVEMENTS.

Section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)) is amended—

(1) in subparagraph (E), by striking “and” at the end;

(2) in subparagraph (F), by striking the period at the end and inserting “; and”; and

(3) by adding at the end, the following:

“(G) a representation that the offeror or bidder will—

“(i) make a good faith effort to acquire articles, equipment, supplies, services, or materials, or obtain the performance of construction work from the small business concerns used in preparing and submitting to the contracting agency the bid or proposal, in the same amount and quality used in preparing and submitting the bid or proposal; and

“(ii) provide to the contracting officer a written explanation if the offeror or bidder fails to acquire articles, equipment, supplies, services, or materials or obtain the performance of construction work as described in clause (i).”

PART III—ACQUISITION PROCESS

SEC. 1331. RESERVATION OF PRIME CONTRACT AWARDS FOR SMALL BUSINESSES.

Section 15 of the Small Business Act (15 U.S.C. 644), as amended by this Act, is amended by adding at the end the following:

“(r) **MULTIPLE AWARD CONTRACTS.**—Not later than 1 year after the date of enactment of this subsection, the Administrator for Federal Procurement Policy and the Administrator, in consultation with the Administrator of General Services, shall, by regulation, establish guidance under which Federal agencies may, at their discretion—

“(1) set aside part or parts of a multiple award contract for small business concerns, including the subcategories of small business concerns identified in subsection (g)(2);

“(2) notwithstanding the fair opportunity requirements under section 2304c(b) of title 10, United States Code, and section 303J(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(b)), set aside orders placed against multiple award contracts for small business concerns, including the subcategories of small business concerns identified in subsection (g)(2); and

“(3) reserve 1 or more contract awards for small business concerns under full and open multiple award procurements, including the subcategories of small business concerns identified in subsection (g)(2).”

SEC. 1332. MICRO-PURCHASE GUIDELINES.

Not later than 1 year after the date of enactment of this Act, the Director of the Office of Management and Budget, in coordination with the Administrator of General Services, shall issue guidelines regarding the analysis of purchase card expenditures to identify opportunities for achieving and accurately measuring fair participation of small business concerns in purchases in an amount not in excess of the micro-purchase threshold, as defined in section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) (in this section referred to as “micro-purchases”), consistent with the national policy on small business participation in Federal procurements set forth in sections 2(a) and 15(g) of the Small Business Act (15 U.S.C. 631(a) and 644(g)), and dissemination of best practices for participation of small business concerns in micro-purchases.

SEC. 1333. AGENCY ACCOUNTABILITY.

Section 15(g)(2) of the Small Business Act (15 U.S.C. 644(g)(2)) is amended—

(1) by inserting “(A)” after “(2)”;

(2) by striking “Goals established” and inserting the following:

“(B) Goals established”;

(3) by striking “Whenever” and inserting the following:

“(C) Whenever”;

(4) by striking “For the purpose of” and inserting the following:

“(D) For the purpose of”;

(5) by striking “The head of each Federal agency, in attempting to attain such participation” and inserting the following:

“(E) The head of each Federal agency, in attempting to attain the participation described in subparagraph (D)”.

(6) in subparagraph (E), as so designated—

(A) by striking “(A) contracts” and inserting “(i) contracts”; and

(B) by striking “(B) contracts” and inserting “(ii) contracts”; and

(7) by adding at the end the following:

“(F)(i) Each procurement employee or program manager described in clause (ii) shall communicate to the subordinates of the procurement employee or program manager the importance of achieving small business goals.

“(ii) A procurement employee or program manager described in this clause is a senior procurement executive, senior program manager, or Director of Small and Disadvantaged Business Utilization of a Federal agency having contracting authority.”

SEC. 1334. PAYMENT OF SUBCONTRACTORS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following:

“(12) **PAYMENT OF SUBCONTRACTORS.**—

“(A) **DEFINITION.**—In this paragraph, the term ‘covered contract’ means a contract relating to which a prime contractor is required to develop a subcontracting plan under paragraph (4) or (5).

“(B) **NOTICE.**—

“(i) **IN GENERAL.**—A prime contractor for a covered contract shall notify in writing the contracting officer for the covered contract if the prime contractor pays a reduced price to a subcontractor for goods and services upon completion of the responsibilities of the subcontractor or the payment to a subcontractor is more than 90 days past due for goods or services provided for the covered contract for which the Federal agency has paid the prime contractor.

“(ii) **CONTENTS.**—A prime contractor shall include the reason for the reduction in a payment to or failure to pay a subcontractor in any notice made under clause (i).

“(C) **PERFORMANCE.**—A contracting officer for a covered contract shall consider the unjustified failure by a prime contractor to make a full or timely payment to a subcontractor in evaluating the performance of the prime contractor.

“(D) **CONTROL OF FUNDS.**—If the contracting officer for a covered contract determines that a prime contractor has a history of unjustified, untimely payments to contractors, the contracting officer shall record the identity of the contractor in accordance with the regulations promulgated under subparagraph (E).

“(E) **REGULATIONS.**—Not later than 1 year after the date of enactment of this paragraph, the Federal Acquisition Regulatory Council established under section 25(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(a)) shall amend the Federal Acquisition Regulation issued under section 25 of such Act to—

“(i) describe the circumstances under which a contractor may be determined to have a history of unjustified, untimely payments to subcontractors;

“(ii) establish a process for contracting officers to record the identity of a contractor described in clause (i); and

“(iii) require the identity of a contractor described in clause (i) to be incorporated in, and made publicly available through, the Federal Awardee Performance and Integrity Information System, or any successor thereto.”

SEC. 1335. REPEAL OF SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM.

(a) **IN GENERAL.**—The Business Opportunity Development Reform Act of 1988 (Public Law

100-656) is amended by striking title VII (15 U.S.C. 644 note).

(b) **EFFECTIVE DATE AND APPLICABILITY.**—The amendment made by this section—

(1) shall take effect on the date of enactment of this Act; and

(2) apply to the first full fiscal year after the date of enactment of this Act.

PART IV—SMALL BUSINESS SIZE AND STATUS INTEGRITY

SEC. 1341. POLICY AND PRESUMPTIONS.

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1311, is amended by adding at the end the following:

“(w) **PRESUMPTION.**—

“(1) **IN GENERAL.**—In every contract, subcontract, cooperative agreement, cooperative research and development agreement, or grant which is set aside, reserved, or otherwise classified as intended for award to small business concerns, there shall be a presumption of loss to the United States based on the total amount expended on the contract, subcontract, cooperative agreement, cooperative research and development agreement, or grant whenever it is established that a business concern other than a small business concern willfully sought and received the award by misrepresentation.

“(2) **DEEMED CERTIFICATIONS.**—The following actions shall be deemed affirmative, willful, and intentional certifications of small business size and status:

“(A) Submission of a bid or proposal for a Federal grant, contract, subcontract, cooperative agreement, or cooperative research and development agreement reserved, set aside, or otherwise classified as intended for award to small business concerns.

“(B) Submission of a bid or proposal for a Federal grant, contract, subcontract, cooperative agreement, or cooperative research and development agreement which in any way encourages a Federal agency to classify the bid or proposal, if awarded, as an award to a small business concern.

“(C) Registration on any Federal electronic database for the purpose of being considered for award of a Federal grant, contract, subcontract, cooperative agreement, or cooperative research agreement, as a small business concern.

“(3) **CERTIFICATION BY SIGNATURE OF RESPONSIBLE OFFICIAL.**—

“(A) **IN GENERAL.**—Each solicitation, bid, or application for a Federal contract, subcontract, or grant shall contain a certification concerning the small business size and status of a business concern seeking the Federal contract, subcontract, or grant.

“(B) **CONTENT OF CERTIFICATIONS.**—A certification that a business concern qualifies as a small business concern of the exact size and status claimed by the business concern for purposes of bidding on a Federal contract or subcontract, or applying for a Federal grant, shall contain the signature of an authorized official on the same page on which the certification is contained.

“(4) **REGULATIONS.**—The Administrator shall promulgate regulations to provide adequate protections to individuals and business concerns from liability under this subsection in cases of unintentional errors, technical malfunctions, and other similar situations.”

SEC. 1342. ANNUAL CERTIFICATION.

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1341, is amended by adding at the end the following:

“(x) **ANNUAL CERTIFICATION.**—

“(1) **IN GENERAL.**—Each business certified as a small business concern under this Act shall annually certify its small business size and, if appropriate, its small business status, by means of a confirming entry on the Online Representations and Certifications Application database of the Administration, or any successor thereto.

“(2) REGULATIONS.—Not later than 1 year after the date of enactment of this subsection, the Administrator, in consultation with the Inspector General and the Chief Counsel for Advocacy of the Administration, shall promulgate regulations to ensure that—

“(A) no business concern continues to be certified as a small business concern on the Online Representations and Certifications Application database of the Administration, or any successor thereto, without fulfilling the requirements for annual certification under this subsection; and

“(B) the requirements of this subsection are implemented in a manner presenting the least possible regulatory burden on small business concerns.”.

SEC. 1343. TRAINING FOR CONTRACTING AND ENFORCEMENT PERSONNEL.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Federal Acquisition Institute, in consultation with the Administrator for Federal Procurement Policy, the Defense Acquisition University, and the Administrator, shall develop courses for acquisition personnel concerning proper classification of business concerns and small business size and status for purposes of Federal contracts, subcontracts, grants, cooperative agreements, and cooperative research and development agreements.

(b) POLICY ON PROSECUTIONS OF SMALL BUSINESS SIZE AND STATUS FRAUD.—Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1342, is amended by adding at the end the following:

“(y) POLICY ON PROSECUTIONS OF SMALL BUSINESS SIZE AND STATUS FRAUD.—Not later than 1 year after the date of enactment of this subsection, the Administrator, in consultation with the Attorney General, shall issue a Government-wide policy on prosecution of small business size and status fraud, which shall direct Federal agencies to appropriately publicize the policy.”.

SEC. 1344. UPDATED SIZE STANDARDS.

(a) ROLLING REVIEW.—

(1) IN GENERAL.—The Administrator shall—

(A) during the 18-month period beginning on the date of enactment of this Act, and during every 18-month period thereafter, conduct a detailed review of not less than 1/3 of the size standards for small business concerns established under section 3(a)(2) of the Small Business Act (15 U.S.C. 632(a)(2)), which shall include holding not less than 2 public forums located in different geographic regions of the United States;

(B) after completing each review under subparagraph (A) make appropriate adjustments to the size standards established under section 3(a)(2) of the Small Business Act to reflect market conditions;

(C) make publicly available—

(i) information regarding the factors evaluated as part of each review conducted under subparagraph (A); and

(ii) information regarding the criteria used for any revised size standards promulgated under subparagraph (B); and

(D) not later than 30 days after the date on which the Administrator completes each review under subparagraph (A), submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives and make publicly available a report regarding the review, including why the Administrator—

(i) used the factors and criteria described in subparagraph (C); and

(ii) adjusted or did not adjust each size standard that was reviewed under the review.

(2) COMPLETE REVIEW OF SIZE STANDARDS.—The Administrator shall ensure that each size

standard for small business concerns established under section 3(a)(2) of the Small Business Act (15 U.S.C. 632(a)(2)) is reviewed under paragraph (1) not less frequently than once every 5 years.

(b) RULES.—Not later than 1 year after the date of enactment of this Act, the Administrator shall promulgate rules for conducting the reviews required under subsection (a).

SEC. 1345. STUDY AND REPORT ON THE MENTOR-PROTEGE PROGRAM.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the mentor-protégé program of the Administration for small business concerns participating in programs under section 8(a) of the Small Business Act (15 U.S.C. 637(a)), and other relationships and strategic alliances pairing a larger business and a small business concern partner to gain access to Federal Government contracts, to determine whether the programs and relationships are effectively supporting the goal of increasing the participation of small business concerns in Government contracting.

(b) MATTERS TO BE STUDIED.—The study conducted under this section shall include—

(1) a review of a broad cross-section of industries; and

(2) an evaluation of—

(A) how each Federal agency carrying out a program described in subsection (a) administers and monitors the program;

(B) whether there are systems in place to ensure that the mentor-protégé relationship, or similar affiliation, promotes real gain to the protégé, and is not just a mechanism to enable participants that would not otherwise qualify under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) to receive contracts under that section; and

(C) the degree to which protégé businesses become able to compete for Federal contracts without the assistance of a mentor.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the results of the study conducted under this section.

SEC. 1346. CONTRACTING GOALS REPORTS.

Section 15(h)(2) of the Small Business Act (15 U.S.C. 644(h)(2)) is amended by striking “submit them” and all that follows through “the following:” and inserting “submit to the President and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives the compilation and analysis, which shall include the following:”.

SEC. 1347. SMALL BUSINESS CONTRACTING PARITY.

(a) DEFINITIONS.—In this section—

(1) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the terms “HUBZone small business concern”, “small business concern”, “small business concern owned and controlled by service-disabled veterans”, and “small business concern owned and controlled by women” have the same meanings as in section 3 of the Small Business Act (15 U.S.C. 632).

(b) CONTRACTING IMPROVEMENTS.—

(1) CONTRACTING OPPORTUNITIES.—Section 31(b)(2)(B) of the Small Business Act (15 U.S.C. 657a(b)(2)(B)) is amended by striking “shall” and inserting “may”.

(2) CONTRACTING GOALS.—Section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)) is amended in the fourth sentence by inserting “and subcontract” after “not less than 3 percent of the total value of all prime contract”.

(3) MENTOR-PROTEGE PROGRAMS.—The Administrator may establish mentor-protégé programs for small business concerns owned and controlled by service-disabled veterans, small business concerns owned and controlled by women, and HUBZone small business concerns modeled on the mentor-protégé program of the Administration for small business concerns participating in programs under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

(c) SMALL BUSINESS CONTRACTING PROGRAMS PARITY.—Section 31(b)(2) of the Small Business Act (15 U.S.C. 657a(b)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking “Notwithstanding any other provision of law—”;

(2) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking “a contracting” and inserting “SOLE SOURCE CONTRACTS.—A contracting”; and

(B) in clause (iii), by striking the semicolon at the end and inserting a period;

(3) in subparagraph (B)—

(A) by striking “a contract opportunity shall” and inserting “RESTRICTED COMPETITION.—A contract opportunity may”; and

(B) by striking “; and” and inserting a period; and

(4) in subparagraph (C), by striking “not later” and inserting “APPEALS.—Not later”.

Subtitle D—Small Business Management and Counseling Assistance

SEC. 1401. MATCHING REQUIREMENTS UNDER SMALL BUSINESS PROGRAMS.

(a) MICROLOAN PROGRAM.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (3)(B)—

(A) by striking “As a condition” and inserting the following:

“(i) IN GENERAL.—Subject to clause (ii), as a condition”;

(B) by striking “the Administration” and inserting “the Administrator”; and

(C) by adding at the end the following:

“(ii) WAIVER OF NON-FEDERAL SHARE.—

“(I) IN GENERAL.—Upon request by an intermediary, and in accordance with this clause, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under clause (i) for a fiscal year. The Administrator may waive the requirement to obtain non-Federal funds under this clause for successive fiscal years.

“(II) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this clause, the Administrator shall consider—

“(aa) the economic conditions affecting the intermediary;

“(bb) the impact a waiver under this clause would have on the credibility of the microloan program under this subsection;

“(cc) the demonstrated ability of the intermediary to raise non-Federal funds; and

“(dd) the performance of the intermediary.

“(III) LIMITATIONS.—

“(aa) IN GENERAL.—The Administrator may not waive the requirement to obtain non-Federal funds under this clause if granting the waiver would undermine the credibility of the microloan program under this subsection.

“(bb) SUNSET.—The Administrator may not waive the requirement to obtain non-Federal funds under this clause for fiscal year 2013 or any fiscal year thereafter.”; and

(2) in paragraph (4)(B)—

(A) by striking “As a condition” and all that follows through “the Administration shall require” and inserting the following:

“(i) IN GENERAL.—Subject to clause (ii), as a condition of a grant made under subparagraph (A), the Administrator shall require”; and

(B) by adding at the end the following:

“(ii) WAIVER OF NON-FEDERAL SHARE.—

“(I) IN GENERAL.—Upon request by an intermediary, and in accordance with this clause, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under clause (i) for a fiscal year. The Administrator may waive the requirement to obtain non-Federal funds under this clause for successive fiscal years.

“(II) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this clause, the Administrator shall consider—

“(aa) the economic conditions affecting the intermediary;

“(bb) the impact a waiver under this clause would have on the credibility of the microloan program under this subsection;

“(cc) the demonstrated ability of the intermediary to raise non-Federal funds; and

“(dd) the performance of the intermediary.

“(III) LIMITATIONS.—

“(aa) IN GENERAL.—The Administrator may not waive the requirement to obtain non-Federal funds under this clause if granting the waiver would undermine the credibility of the microloan program under this subsection.

“(bb) SUNSET.—The Administrator may not waive the requirement to obtain non-Federal funds under this clause for fiscal year 2013 or any fiscal year thereafter.”.

(b) WOMEN'S BUSINESS CENTER PROGRAM.—Section 29(c) of the Small Business Act (15 U.S.C. 656(c)) is amended—

(1) in paragraph (1), by striking “As a condition” and inserting “Subject to paragraph (5), as a condition”; and

(2) by adding at the end the following:

“(5) WAIVER OF NON-FEDERAL SHARE RELATING TO TECHNICAL ASSISTANCE AND COUNSELING.—

“(A) IN GENERAL.—Upon request by a recipient organization, and in accordance with this paragraph, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under this subsection for the technical assistance and counseling activities of the recipient organization carried out using financial assistance under this section for a fiscal year. The Administrator may waive the requirement to obtain non-Federal funds under this paragraph for successive fiscal years.

“(B) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this paragraph, the Administrator shall consider—

“(i) the economic conditions affecting the recipient organization;

“(ii) the impact a waiver under this clause would have on the credibility of the women's business center program under this section;

“(iii) the demonstrated ability of the recipient organization to raise non-Federal funds; and

“(iv) the performance of the recipient organization.

“(C) LIMITATIONS.—

“(i) IN GENERAL.—The Administrator may not waive the requirement to obtain non-Federal funds under this paragraph if granting the waiver would undermine the credibility of the women's business center program under this section.

“(ii) SUNSET.—The Administrator may not waive the requirement to obtain non-Federal funds under this paragraph for fiscal year 2013 or any fiscal year thereafter.”.

(c) PROSPECTIVE REPEALS.—Effective October 1, 2012, the Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 7(m) (15 U.S.C. 636(m))—

(A) in paragraph (3)(B)—

(i) by striking “INTERMEDIARY CONTRIBUTION.—” and all that follows through “Subject to clause (ii), as” and inserting “INTERMEDIARY CONTRIBUTION.—As”; and

(ii) by striking clause (ii); and

(B) in paragraph (4)(B)—

(i) by striking “CONTRIBUTION.—” and all that follows through “Subject to clause (ii), as” and inserting “CONTRIBUTION.—As”; and

(ii) by striking clause (ii); and

(2) in section 29(c) (15 U.S.C. 656(c))—

(A) in paragraph (1), by striking “Subject to paragraph (5), as” and inserting “As”; and

(B) by striking paragraph (5).

SEC. 1402. GRANTS FOR SBDSCS.

(a) IN GENERAL.—The Administrator may make grants to small business development centers under section 21 of the Small Business Act (15 U.S.C. 648) to provide targeted technical assistance to small business concerns seeking access to capital or credit, Federal procurement opportunities, energy efficiency audits to reduce energy bills, opportunities to export products or provide services to foreign customers, adopting, making innovations in, and using broadband technologies, or other assistance.

(b) ALLOCATION.—

(1) IN GENERAL.—Subject to paragraph (2), and notwithstanding the requirements of section 21(a)(4)(C)(iii) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(iii)), the amount appropriated to carry out this section shall be allocated under the formula under section 21(a)(4)(C)(i) of that Act.

(2) MINIMUM FUNDING.—The amount made available under this section to each State shall be not less than \$325,000.

(3) TYPES OF USES.—Of the total amount of the grants awarded by the Administrator under this section—

(A) not less than 80 percent shall be used for counseling of small business concerns; and

(B) not more than 20 percent may be used for classes or seminars.

(c) NO NON-FEDERAL SHARE REQUIRED.—Notwithstanding section 21(a)(4)(A) of the Small Business Act (15 U.S.C. 648(a)(4)(A)), the recipient of a grant made under this section shall not be required to provide non-Federal matching funds.

(d) DISTRIBUTION.—Not later than 30 days after the date on which amounts are appropriated to carry out this section, the Administrator shall disburse the total amount appropriated.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator \$50,000,000 to carry out this section.

Subtitle E—Disaster Loan Improvement

SEC. 1501. AQUACULTURE BUSINESS DISASTER ASSISTANCE.

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1343, is amended by adding at the end the following:

“(2) AQUACULTURE BUSINESS DISASTER ASSISTANCE.—Subject to section 18(a) and notwithstanding section 18(b)(1), the Administrator may provide disaster assistance under section 7(b)(2) to aquaculture enterprises that are small businesses.”.

Subtitle F—Small Business Regulatory Relief

SEC. 1601. REQUIREMENTS PROVIDING FOR MORE DETAILED ANALYSES.

Section 604(a) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking “succinct”;

(2) in paragraph (2), by striking “summary” each place it appears and inserting “statement”;

(3) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(4) by inserting after paragraph (2) the following:

“(3) the response of the agency to any comments filed by the Chief Counsel for Advocacy

of the Small Business Administration in response to the proposed rule, and a detailed statement of any change made to the proposed rule in the final rule as a result of the comments.”.

SEC. 1602. OFFICE OF ADVOCACY.

(a) IN GENERAL.—Section 203 of Public Law 94–305 (15 U.S.C. 634c) is amended—

(1) in paragraph (4), by striking “and” at the end;

(2) in paragraph (5), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(6) carry out the responsibilities of the Office of Advocacy under chapter 6 of title 5, United States Code.”.

(b) BUDGETARY LINE ITEM AND AUTHORIZATION OF APPROPRIATIONS.—Title II of Public Law 94–305 (15 U.S.C. 634a et seq.) is amended by striking section 207 and inserting the following:

“SEC. 207. BUDGETARY LINE ITEM AND AUTHORIZATION OF APPROPRIATIONS.

“(a) APPROPRIATION REQUESTS.—Each budget of the United States Government submitted by the President under section 1105 of title 31, United States Code, shall include a separate statement of the amount of appropriations requested for the Office of Advocacy of the Small Business Administration, which shall be designated in a separate account in the General Fund of the Treasury.

“(b) ADMINISTRATIVE OPERATIONS.—The Administrator of the Small Business Administration shall provide the Office of Advocacy with appropriate and adequate office space at central and field office locations, together with such equipment, operating budget, and communications facilities and services as may be necessary, and shall provide necessary maintenance services for such offices and the equipment and facilities located in such offices.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this title. Any amount appropriated under this subsection shall remain available, without fiscal year limitation, until expended.”.

Subtitle G—Appropriations Provisions

SEC. 1701. SALARIES AND EXPENSES.

(a) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, \$150,000,000, to remain available until September 30, 2012, for an additional amount for the appropriations account appropriated under the heading “SALARIES AND EXPENSES” under the heading “SMALL BUSINESS ADMINISTRATION”, of which—

(1) \$50,000,000 is for grants to small business development centers authorized under section 1402;

(2) \$1,000,000 is for the costs of administering grants authorized under section 1402;

(3) \$30,000,000 is for grants to States for fiscal year 2011 to carry out export programs that assist small business concerns authorized under section 1207;

(4) \$30,000,000 is for grants to States for fiscal year 2012 to carry out export programs that assist small business concerns authorized under section 1207;

(5) \$2,500,000 is for the costs of administering grants authorized under section 1207;

(6) \$5,000,000 is for grants for fiscal year 2011 under the Small Business Teaming Pilot Program under section 1314; and

(7) \$5,000,000 is for grants for fiscal year 2012 under the Small Business Teaming Pilot Program under section 1314.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Appropriations

of the Senate and the Committee on Appropriations of the House of Representatives a detailed expenditure plan for using the funds provided under subsection (a).

SEC. 1702. BUSINESS LOANS PROGRAM ACCOUNT.

(a) IN GENERAL.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, for an additional amount for the appropriations account appropriated under the heading “BUSINESS LOANS PROGRAM ACCOUNT” under the heading “SMALL BUSINESS ADMINISTRATION”.

(1) \$8,000,000, to remain available until September 30, 2012, for fiscal year 2011 for the cost of direct loans authorized under section 7(l) of the Small Business Act, as added by section 1131 of this title, including the cost of modifying the loans;

(2) \$8,000,000, to remain available until September 30, 2012, for fiscal year 2012 for the cost of direct loans authorized under section 7(l) of the Small Business Act, as added by section 1131 of this title, including the cost of modifying the loans;

(3) \$6,500,000, to remain available until September 30, 2012, for administrative expenses to carry out the direct loan program authorized under section 7(l) of the Small Business Act, as added by section 1131 of this title, which may be transferred to and merged with the appropriations account appropriated under the heading “SALARIES AND EXPENSES” under the heading “SMALL BUSINESS ADMINISTRATION”; and

(4) \$15,000,000, to remain available until September 30, 2011, for the cost of guaranteed loans as authorized under section 7(a) of the Small Business Act, including the cost of modifying the loans.

(b) DEFINITION.—In this section, the term “cost” has the meaning given that term in section 502 of the Congressional Budget Act of 1974.

SEC. 1703. COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT.

There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, for an additional amount for the appropriations account appropriated under the heading “COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT” under the heading “DEPARTMENT OF THE TREASURY”, \$13,500,000, to remain available until September 30, 2012, for the costs of administering guarantees for bonds and notes as authorized under section 114A of the Riegle Community Development and Regulatory Improvement Act of 1994, as added by section 1134 of this Act.

SEC. 1704. SMALL BUSINESS LOAN GUARANTEE ENHANCEMENT EXTENSIONS.

(a) EXTENSION OF PROGRAMS.—

(1) IN GENERAL.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for “Small Business Administration—Business Loans Program Account”, \$505,000,000, to remain available through December 31, 2010, for the cost of—

(A) fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151), as amended by this Act; and

(B) loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 152), as amended by this Act.

(2) COST.—For purposes of this subsection, the term “cost” has the same meaning as in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

(b) ADMINISTRATIVE EXPENSES.—There is appropriated for an additional amount, out of any funds in the Treasury not otherwise appropriated, for administrative expenses to carry out

sections 501 and 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), \$5,000,000, to remain available until expended, which may be transferred and merged with the appropriation for “Small Business Administration—Salaries and Expenses”.

TITLE II—TAX PROVISIONS

SEC. 2001. SHORT TITLE.

This title may be cited as the “Creating Small Business Jobs Act of 2010”.

Subtitle A—Small Business Relief

PART I—PROVIDING ACCESS TO CAPITAL

SEC. 2011. TEMPORARY EXCLUSION OF 100 PERCENT OF GAIN ON CERTAIN SMALL BUSINESS STOCK.

(a) IN GENERAL.—Subsection (a) of section 1202 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(4) 100 PERCENT EXCLUSION FOR STOCK ACQUIRED DURING CERTAIN PERIODS IN 2010.—In the case of qualified small business stock acquired after the date of the enactment of the Creating Small Business Jobs Act of 2010 and before January 1, 2011—

“(A) paragraph (1) shall be applied by substituting ‘100 percent’ for ‘50 percent’;

“(B) paragraph (2) shall not apply, and

“(C) paragraph (7) of section 57(a) shall not apply.”.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 1202(a) of the Internal Revenue Code of 1986 is amended—

(1) by inserting “CERTAIN PERIODS IN” before “2010” in the heading, and

(2) by striking “before January 1, 2011” and inserting “on or before the date of the enactment of the Creating Small Business Jobs Act of 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired after the date of the enactment of this Act.

SEC. 2012. GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES FOR 2010 CARRIED BACK 5 YEARS.

(a) IN GENERAL.—Section 39(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(4) 5-YEAR CARRYBACK FOR ELIGIBLE SMALL BUSINESS CREDITS.—

“(A) IN GENERAL.—Notwithstanding subsection (d), in the case of eligible small business credits determined in the first taxable year of the taxpayer beginning in 2010—

“(i) paragraph (1) shall be applied by substituting ‘each of the 5 taxable years’ for ‘the taxable year’ in subparagraph (A) thereof, and

“(ii) paragraph (2) shall be applied—

“(I) by substituting ‘25 taxable years’ for ‘21 taxable years’ in subparagraph (A) thereof, and

“(II) by substituting ‘24 taxable years’ for ‘20 taxable years’ in subparagraph (B) thereof.

“(B) ELIGIBLE SMALL BUSINESS CREDITS.—For purposes of this subsection, the term ‘eligible small business credits’ has the meaning given such term by section 38(c)(5)(B).”.

(b) CONFORMING AMENDMENT.—Section 39(a)(3)(A) of the Internal Revenue Code of 1986 is amended by inserting “or the eligible small business credits” after “credit”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to credits determined in taxable years beginning after December 31, 2009.

SEC. 2013. GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES IN 2010 NOT SUBJECT TO ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Section 38(c) of the Internal Revenue Code of 1986 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

“(5) SPECIAL RULES FOR ELIGIBLE SMALL BUSINESS CREDITS IN 2010.—

“(A) IN GENERAL.—In the case of eligible small business credits determined in taxable years beginning in 2010—

“(i) this section and section 39 shall be applied separately with respect to such credits, and

“(ii) in applying paragraph (1) to such credits—

“(I) the tentative minimum tax shall be treated as being zero, and

“(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the eligible small business credits).

“(B) ELIGIBLE SMALL BUSINESS CREDITS.—For purposes of this subsection, the term ‘eligible small business credits’ means the sum of the credits listed in subsection (b) which are determined for the taxable year with respect to an eligible small business. Such credits shall not be taken into account under paragraph (2), (3), or (4).

“(C) ELIGIBLE SMALL BUSINESS.—For purposes of this subsection, the term ‘eligible small business’ means, with respect to any taxable year—

“(i) a corporation the stock of which is not publicly traded,

“(ii) a partnership, or

“(iii) a sole proprietorship,

if the average annual gross receipts of such corporation, partnership, or sole proprietorship for the 3-taxable-year period preceding such taxable year does not exceed \$50,000,000. For purposes of applying the test under the preceding sentence, rules similar to the rules of paragraphs (2) and (3) of section 448(c) shall apply.

“(D) TREATMENT OF PARTNERS AND S CORPORATION SHAREHOLDERS.—Credits determined with respect to a partnership or S corporation shall not be treated as eligible small business credits by any partner or shareholder unless such partner or shareholder meets the gross receipts test under subparagraph (C) for the taxable year in which such credits are treated as current year business credits.”.

(b) TECHNICAL AMENDMENT.—Section 55(e)(5) of the Internal Revenue Code of 1986 is amended by striking “38(c)(3)(B)” and inserting “38(c)(6)(B)”.

(c) CONFORMING AMENDMENTS.—

(1) Subclause (II) of section 38(c)(2)(A)(ii) of the Internal Revenue Code of 1986 is amended by inserting “the eligible small business credits,” after “the New York Liberty Zone business employee credit”.

(2) Subclause (II) of section 38(c)(3)(A)(ii) of such Code is amended by inserting “the eligible small business credits,” after “the New York Liberty Zone business employee credit”.

(3) Subclause (II) of section 38(c)(4)(A)(ii) of such Code is amended by inserting “the eligible small business credits and” before “the specified credits”.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to credits determined in taxable years beginning after December 31, 2009, and to carrybacks of such credits.

SEC. 2014. TEMPORARY REDUCTION IN RECOGNITION PERIOD FOR BUILT-IN GAINS TAX.

(a) IN GENERAL.—Subparagraph (B) of section 1374(d)(7) of the Internal Revenue Code of 1986 is amended to read as follows:

“(B) SPECIAL RULES FOR 2009, 2010, AND 2011.—No tax shall be imposed on the net recognized built-in gain of an S corporation—

“(i) in the case of any taxable year beginning in 2009 or 2010, if the 7th taxable year in the recognition period preceded such taxable year, or

“(ii) in the case of any taxable year beginning in 2011, if the 5th year in the recognition period preceded such taxable year.

The preceding sentence shall be applied separately with respect to any asset to which paragraph (8) applies.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2010.

PART II—ENCOURAGING INVESTMENT

SEC. 2021. INCREASED EXPENSING LIMITATIONS FOR 2010 AND 2011; CERTAIN REAL PROPERTY TREATED AS SECTION 179 PROPERTY.

(a) **INCREASED LIMITATIONS.**—Subsection (b) of section 179 of the Internal Revenue Code of 1986 is amended—

(1) by striking “shall not exceed” and all that follows in paragraph (1) and inserting “shall not exceed—

“(A) \$250,000 in the case of taxable years beginning after 2007 and before 2010,

“(B) \$500,000 in the case of taxable years beginning in 2010 or 2011, and

“(C) \$25,000 in the case of taxable years beginning after 2011.”, and

(2) by striking “exceeds” and all that follows in paragraph (2) and inserting “exceeds—

“(A) \$800,000 in the case of taxable years beginning after 2007 and before 2010,

“(B) \$2,000,000 in the case of taxable years beginning in 2010 or 2011, and

“(C) \$200,000 in the case of taxable years beginning after 2011.”.

(b) **INCLUSION OF CERTAIN REAL PROPERTY.**—Section 179 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(f) **SPECIAL RULES FOR QUALIFIED REAL PROPERTY.**—

“(1) **IN GENERAL.**—If a taxpayer elects the application of this subsection for any taxable year beginning in 2010 or 2011, the term ‘section 179 property’ shall include any qualified real property which is—

“(A) of a character subject to an allowance for depreciation,

“(B) acquired by purchase for use in the active conduct of a trade or business, and

“(C) not described in the last sentence of subsection (d)(1).

“(2) **QUALIFIED REAL PROPERTY.**—For purposes of this subsection, the term ‘qualified real property’ means—

“(A) qualified leasehold improvement property described in section 168(e)(6),

“(B) qualified restaurant property described in section 168(e)(7) (without regard to the dates specified in subparagraph (A)(i) thereof), and

“(C) qualified retail improvement property described in section 168(e)(8) (without regard to subparagraph (E) thereof).

“(3) **LIMITATION.**—For purposes of applying the limitation under subsection (b)(1)(B), not more than \$250,000 of the aggregate cost which is taken into account under subsection (a) for any taxable year may be attributable to qualified real property.

“(4) **CARRYOVER LIMITATION.**—

“(A) **IN GENERAL.**—Notwithstanding subsection (b)(3)(B), no amount attributable to qualified real property may be carried over to a taxable year beginning after 2011.

“(B) **TREATMENT OF DISALLOWED AMOUNTS.**—Except as provided in subparagraph (C), to the extent that any amount is not allowed to be carried over to a taxable year beginning after 2011 by reason of subparagraph (A), this title shall be applied as if no election under this section had been made with respect to such amount.

“(C) **AMOUNTS CARRIED OVER FROM 2010.**—If subparagraph (B) applies to any amount (or portion of an amount) which is carried over from a taxable year other than the taxpayer’s last taxable year beginning in 2011, such amount (or portion of an amount) shall be treated for purposes of this title as attributable to

property placed in service on the first day of the taxpayer’s last taxable year beginning in 2011.

“(D) **ALLOCATION OF AMOUNTS.**—For purposes of applying this paragraph and subsection (b)(3)(B) to any taxable year, the amount which is disallowed under subsection (b)(3)(A) for such taxable year which is attributed to qualified real property shall be the amount which bears the same ratio to the total amount so disallowed as—

“(i) the aggregate amount attributable to qualified real property placed in service during such taxable year, increased by the portion of any amount carried over to such taxable year from a prior taxable year which is attributable to such property, bears to

“(ii) the total amount of section 179 property placed in service during such taxable year, increased by the aggregate amount carried over to such taxable year from any prior taxable year. For purposes of the preceding sentence, only section 179 property with respect to which an election was made under subsection (c)(1) (determined without regard to subparagraph (B) of this paragraph) shall be taken into account.”.

(c) **REVOCABILITY OF ELECTION.**—Paragraph (2) of section 179(c) of the Internal Revenue Code of 1986 is amended by striking “2011” and inserting “2012”.

(d) **COMPUTER SOFTWARE TREATED AS 179 PROPERTY.**—Clause (ii) of section 179(d)(1)(A) is amended by striking “2011” and inserting “2012”.

(e) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to property placed in service after December 31, 2009, in taxable years beginning after such date.

(2) **EXTENSIONS.**—The amendments made by subsections (c) and (d) shall apply to taxable years beginning after December 31, 2010.

SEC. 2022. ADDITIONAL FIRST-YEAR DEPRECIATION FOR 50 PERCENT OF THE BASIS OF CERTAIN QUALIFIED PROPERTY.

(a) **IN GENERAL.**—Paragraph (2) of section 168(k) of the Internal Revenue Code of 1986 is amended—

(1) by striking “January 1, 2011” in subparagraph (A)(iv) and inserting “January 1, 2012”, and

(2) by striking “January 1, 2010” each place it appears and inserting “January 1, 2011”.

(b) **CONFORMING AMENDMENTS.**—

(1) The heading for subsection (k) of section 168 of the Internal Revenue Code of 1986 is amended by striking “JANUARY 1, 2010” and inserting “JANUARY 1, 2011”.

(2) The heading for clause (ii) of section 168(k)(2)(B) of such Code is amended by striking “PRE-JANUARY 1, 2010” and inserting “PRE-JANUARY 1, 2011”.

(3) Subparagraph (D) of section 168(k)(4) of such Code is amended by striking “and” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting a comma, and by adding at the end the following new clauses:

“(iv) ‘January 1, 2011’ shall be substituted for ‘January 1, 2012’ in subparagraph (A)(iv) thereof, and

“(v) ‘January 1, 2010’ shall be substituted for ‘January 1, 2011’ each place it appears in subparagraph (A) thereof.”.

(4) Subparagraph (B) of section 168(l)(5) of such Code is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(5) Subparagraph (C) of section 168(n)(2) of such Code is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(6) Subparagraph (D) of section 1400L(b)(2) of such Code is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(7) Subparagraph (B) of section 1400N(d)(3) of such Code is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to property placed in service after December 31, 2009, in taxable years ending after such date.

SEC. 2023. SPECIAL RULE FOR LONG-TERM CONTRACT ACCOUNTING.

(a) **IN GENERAL.**—Section 460(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(6) **SPECIAL RULE FOR ALLOCATION OF BONUS DEPRECIATION WITH RESPECT TO CERTAIN PROPERTY.**—

“(A) **IN GENERAL.**—Solely for purposes of determining the percentage of completion under subsection (b)(1)(A), the cost of qualified property shall be taken into account as a cost allocated to the contract as if subsection (k) of section 168 had not been enacted.

“(B) **QUALIFIED PROPERTY.**—For purposes of this paragraph, the term ‘qualified property’ means property described in section 168(k)(2) which—

“(i) has a recovery period of 7 years or less, and

“(ii) is placed in service after December 31, 2009, and before January 1, 2011 (January 1, 2012, in the case of property described in section 168(k)(2)(B)).”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2009.

PART III—PROMOTING ENTREPRENEURSHIP

SEC. 2031. INCREASE IN AMOUNT ALLOWED AS DEDUCTION FOR START-UP EXPENDITURES IN 2010.

(a) **START-UP EXPENDITURES.**—Subsection (b) of section 195 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(3) **SPECIAL RULE FOR TAXABLE YEARS BEGINNING IN 2010.**—In the case of a taxable year beginning in 2010, paragraph (1)(A)(ii) shall be applied—

“(A) by substituting ‘\$10,000’ for ‘\$5,000’, and

“(B) by substituting ‘\$60,000’ for ‘\$50,000’.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2009.

SEC. 2032. AUTHORIZATION OF APPROPRIATIONS FOR THE UNITED STATES TRADE REPRESENTATIVE TO DEVELOP MARKET ACCESS OPPORTUNITIES FOR UNITED STATES SMALL- AND MEDIUM-SIZED BUSINESSES AND TO ENFORCE TRADE AGREEMENTS.

(a) **IN GENERAL.**—There are authorized to be appropriated to the Office of the United States Trade Representative \$5,230,000, to remain available until expended, for—

(1) analyzing and developing opportunities for businesses in the United States to access the markets of foreign countries; and

(2) enforcing trade agreements to which the United States is a party.

(b) **REQUIREMENTS.**—In obligating and expending the funds authorized to be appropriated under subsection (a), the United States Trade Representative shall—

(1) give preference to those initiatives that the United States Trade Representative determines will create or sustain the greatest number of jobs in the United States or result in the greatest benefit to the economy of the United States; and

(2) consider the needs of small- and medium-sized businesses in the United States with respect to—

(A) accessing the markets of foreign countries; and

(B) the enforcement of trade agreements to which the United States is a party.

PART IV—PROMOTING SMALL BUSINESS FAIRNESS

SEC. 2041. LIMITATION ON PENALTY FOR FAILURE TO DISCLOSE REPORTABLE TRANSACTIONS BASED ON RESULTING TAX BENEFITS.

(a) *IN GENERAL.*—Subsection (b) of section 6707A of the Internal Revenue Code of 1986 is amended to read as follows:

“(b) AMOUNT OF PENALTY.—

“(1) *IN GENERAL.*—Except as otherwise provided in this subsection, the amount of the penalty under subsection (a) with respect to any reportable transaction shall be 75 percent of the decrease in tax shown on the return as a result of such transaction (or which would have resulted from such transaction if such transaction were respected for Federal tax purposes).

“(2) *MAXIMUM PENALTY.*—The amount of the penalty under subsection (a) with respect to any reportable transaction shall not exceed—

“(A) in the case of a listed transaction, \$200,000 (\$100,000 in the case of a natural person), or

“(B) in the case of any other reportable transaction, \$50,000 (\$10,000 in the case of a natural person).

“(3) *MINIMUM PENALTY.*—The amount of the penalty under subsection (a) with respect to any transaction shall not be less than \$10,000 (\$5,000 in the case of a natural person).”

(b) *EFFECTIVE DATE.*—The amendment made by this section shall apply to penalties assessed after December 31, 2006.

SEC. 2042. DEDUCTION FOR HEALTH INSURANCE COSTS IN COMPUTING SELF-EMPLOYMENT TAXES IN 2010.

(a) *IN GENERAL.*—Paragraph (4) of section 162(l) of the Internal Revenue Code of 1986 is amended by inserting “for taxable years beginning before January 1, 2010, or after December 31, 2010” before the period.

(b) *EFFECTIVE DATE.*—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 2043. REMOVAL OF CELLULAR TELEPHONES AND SIMILAR TELECOMMUNICATIONS EQUIPMENT FROM LISTED PROPERTY.

(a) *IN GENERAL.*—Subparagraph (A) of section 280F(d)(4) of the Internal Revenue Code of 1986 (defining listed property) is amended by adding “and” at the end of clause (iv), by striking clause (v), and by redesignating clause (vi) as clause (v).

(b) *EFFECTIVE DATE.*—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

Subtitle B—Revenue Provisions

PART I—REDUCING THE TAX GAP

SEC. 2101. INFORMATION REPORTING FOR RENTAL PROPERTY EXPENSE PAYMENTS.

(a) *IN GENERAL.*—Section 6041 of the Internal Revenue Code of 1986, as amended by section 9006 of the Patient Protection and Affordable Care Act, is amended by redesignating subsections (h) and (i) as subsections (i) and (j), respectively, and by inserting after subsection (g) the following new subsection:

“(h) *TREATMENT OF RENTAL PROPERTY EXPENSE PAYMENTS.*—

“(1) *IN GENERAL.*—Solely for purposes of subsection (a) and except as provided in paragraph (2), a person receiving rental income from real estate shall be considered to be engaged in a trade or business of renting property.

“(2) *EXCEPTIONS.*—Paragraph (1) shall not apply to—

“(A) any individual, including any individual who is an active member of the uniformed services or an employee of the intelligence community (as defined in section 121(d)(9)(C)(iv)), if substantially all rental income is derived from renting the principal residence (within the

meaning of section 121) of such individual on a temporary basis,

“(B) any individual who receives rental income of not more than the minimal amount, as determined under regulations prescribed by the Secretary, and

“(C) any other individual for whom the requirements of this section would cause hardship, as determined under regulations prescribed by the Secretary.”

(b) *EFFECTIVE DATE.*—The amendments made by subsection (a) shall apply to payments made after December 31, 2010.

SEC. 2102. INCREASE IN INFORMATION RETURN PENALTIES.

(a) *FAILURE TO FILE CORRECT INFORMATION RETURNS.*—

(1) *IN GENERAL.*—Subsections (a)(1), (b)(1)(A), and (b)(2)(A) of section 6721 of the Internal Revenue Code of 1986 are each amended by striking “\$50” and inserting “\$100”.

(2) *AGGREGATE ANNUAL LIMITATION.*—Subsections (a)(1), (d)(1)(A), and (e)(3)(A) of section 6721 of such Code are each amended by striking “\$250,000” and inserting “\$1,500,000”.

(b) *REDUCTION WHERE CORRECTION WITHIN 30 DAYS.*—

(1) *IN GENERAL.*—Subparagraph (A) of section 6721(b)(1) of the Internal Revenue Code of 1986 is amended by striking “\$15” and inserting “\$30”.

(2) *AGGREGATE ANNUAL LIMITATION.*—Subsections (b)(1)(B) and (d)(1)(B) of section 6721 of such Code are each amended by striking “\$75,000” and inserting “\$250,000”.

(c) *REDUCTION WHERE CORRECTION ON OR BEFORE AUGUST 1.*—

(1) *IN GENERAL.*—Subparagraph (A) of section 6721(b)(2) of the Internal Revenue Code of 1986 is amended by striking “\$30” and inserting “\$60”.

(2) *AGGREGATE ANNUAL LIMITATION.*—Subsections (b)(2)(B) and (d)(1)(C) of section 6721 of such Code are each amended by striking “\$150,000” and inserting “\$500,000”.

(d) *AGGREGATE ANNUAL LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN \$5,000,000.*—

(1) *IN GENERAL.*—Paragraph (1) of section 6721(d) of the Internal Revenue Code of 1986 is amended—

(A) by striking “\$100,000” in subparagraph (A) and inserting “\$500,000”,

(B) by striking “\$25,000” in subparagraph (B) and inserting “\$75,000”, and

(C) by striking “\$50,000” in subparagraph (C) and inserting “\$200,000”.

(2) *TECHNICAL AMENDMENT.*—Paragraph (1) of section 6721(d) of such Code is amended by striking “such taxable year” and inserting “such calendar year”.

(e) *PENALTY IN CASE OF INTENTIONAL DISREGARD.*—Paragraph (2) of section 6721(e) of the Internal Revenue Code of 1986 is amended by striking “\$100” and inserting “\$250”.

(f) *ADJUSTMENT FOR INFLATION.*—Section 6721 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(f) *ADJUSTMENT FOR INFLATION.*—

“(1) *IN GENERAL.*—For each fifth calendar year beginning after 2012, each of the dollar amounts under subsections (a), (b), (d) (other than paragraph (2)(A) thereof), and (e) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting ‘calendar year 2011’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(2) *ROUNDING.*—If any amount adjusted under paragraph (1)—

“(A) is not less than \$75,000 and is not a multiple of \$500, such amount shall be rounded to the next lowest multiple of \$500, and

“(B) is not described in subparagraph (A) and is not a multiple of \$10, such amount shall be rounded to the next lowest multiple of \$10.”

(g) *FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.*—Section 6722 of the Internal Revenue Code of 1986 is amended to read as follows:

“SEC. 6722. FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.

“(a) *IMPOSITION OF PENALTY.*—

“(1) *GENERAL RULE.*—In the case of each failure described in paragraph (2) by any person with respect to a payee statement, such person shall pay a penalty of \$100 for each statement with respect to which such a failure occurs, but the total amount imposed on such person for all such failures during any calendar year shall not exceed \$1,500,000.

“(2) *FAILURES SUBJECT TO PENALTY.*—For purposes of paragraph (1), the failures described in this paragraph are—

“(A) any failure to furnish a payee statement on or before the date prescribed therefor to the person to whom such statement is required to be furnished, and

“(B) any failure to include all of the information required to be shown on a payee statement or the inclusion of incorrect information.

“(b) *REDUCTION WHERE CORRECTION IN SPECIFIED PERIOD.*—

“(1) *CORRECTION WITHIN 30 DAYS.*—If any failure described in subsection (a)(2) is corrected on or before the day 30 days after the required filing date—

“(A) the penalty imposed by subsection (a) shall be \$30 in lieu of \$100, and

“(B) the total amount imposed on the person for all such failures during any calendar year which are so corrected shall not exceed \$250,000.

“(2) *FAILURES CORRECTED ON OR BEFORE AUGUST 1.*—If any failure described in subsection (a)(2) is corrected after the 30th day referred to in paragraph (1) but on or before August 1 of the calendar year in which the required filing date occurs—

“(A) the penalty imposed by subsection (a) shall be \$60 in lieu of \$100, and

“(B) the total amount imposed on the person for all such failures during the calendar year which are so corrected shall not exceed \$500,000.

“(c) *EXCEPTION FOR DE MINIMIS FAILURES.*—

“(1) *IN GENERAL.*—If—

“(A) a payee statement is furnished to the person to whom such statement is required to be furnished,

“(B) there is a failure described in subsection (a)(2)(B) (determined after the application of section 6724(a)) with respect to such statement, and

“(C) such failure is corrected on or before August 1 of the calendar year in which the required filing date occurs, for purposes of this section, such statement shall be treated as having been furnished with all of the correct required information.

“(2) *LIMITATION.*—The number of payee statements to which paragraph (1) applies for any calendar year shall not exceed the greater of—

“(A) 10, or

“(B) one-half of 1 percent of the total number of payee statements required to be filed by the person during the calendar year.

“(d) *LOWER LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN \$5,000,000.*—

“(1) *IN GENERAL.*—If any person meets the gross receipts test of paragraph (2) with respect to any calendar year, with respect to failures during such calendar year—

“(A) subsection (a)(1) shall be applied by substituting “\$500,000” for “\$1,500,000”,

“(B) subsection (b)(1)(B) shall be applied by substituting “\$75,000” for “\$250,000”, and

“(C) subsection (b)(2)(B) shall be applied by substituting “\$200,000” for “\$500,000”.

“(2) **GROSS RECEIPTS TEST.**—A person meets the gross receipts test of this paragraph if such person meets the gross receipts test of section 6721(d)(2).

“(e) **PENALTY IN CASE OF INTENTIONAL DISREGARD.**—If 1 or more failures to which subsection (a) applies are due to intentional disregard of the requirement to furnish a payee statement (or the correct information reporting requirement), then, with respect to each such failure—

“(1) subsections (b), (c), and (d) shall not apply,

“(2) the penalty imposed under subsection (a)(1) shall be \$250, or, if greater—

“(A) in the case of a payee statement other than a statement required under section 6045(b), 6041A(e) (in respect of a return required under section 6041A(b)), 6050H(d), 6050J(e), 6050K(b), or 6050L(c), 10 percent of the aggregate amount of the items required to be reported correctly, or

“(B) in the case of a payee statement required under section 6045(b), 6050K(b), or 6050L(c), 5 percent of the aggregate amount of the items required to be reported correctly, and

“(3) in the case of any penalty determined under paragraph (2)—

“(A) the \$1,500,000 limitation under subsection (a) shall not apply, and

“(B) such penalty shall not be taken into account in applying such limitation to penalties not determined under paragraph (2).

“(f) **ADJUSTMENT FOR INFLATION.**—

“(1) **IN GENERAL.**—For each fifth calendar year beginning after 2012, each of the dollar amounts under subsections (a), (b), (d)(1), and (e) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting ‘calendar year 2011’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(2) **ROUNDING.**—If any amount adjusted under paragraph (1)—

“(A) is not less than \$75,000 and is not a multiple of \$500, such amount shall be rounded to the next lowest multiple of \$500, and

“(B) is not described in subparagraph (A) and is not a multiple of \$10, such amount shall be rounded to the next lowest multiple of \$10.”

(h) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2011.

SEC. 2103. REPORT ON TAX SHELTER PENALTIES AND CERTAIN OTHER ENFORCEMENT ACTIONS.

(a) **IN GENERAL.**—The Commissioner of Internal Revenue, in consultation with the Secretary of the Treasury, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate an annual report on the penalties assessed by the Internal Revenue Service during the preceding year under each of the following provisions of the Internal Revenue Code of 1986:

(1) Section 6662A (relating to accuracy-related penalty on understatements with respect to reportable transactions).

(2) Section 6700(a) (relating to promoting abusive tax shelters).

(3) Section 6707 (relating to failure to furnish information regarding reportable transactions).

(4) Section 6707A (relating to failure to include reportable transaction information with return).

(5) Section 6708 (relating to failure to maintain lists of advisees with respect to reportable transactions).

(b) **ADDITIONAL INFORMATION.**—The report required under subsection (a) shall also include information on the following with respect to each year:

(1) Any action taken under section 330(b) of title 31, United States Code, with respect to any

reportable transaction (as defined in section 6707A(c) of the Internal Revenue Code of 1986).

(2) Any extension of the time for assessment of tax enforced, or assessment of any amount under such an extension, under paragraph (10) of section 6501(c) of the Internal Revenue Code of 1986.

(c) **DATE OF REPORT.**—The first report required under subsection (a) shall be submitted not later than December 31, 2010.

SEC. 2104. APPLICATION OF CONTINUOUS LEVY TO TAX LIABILITIES OF CERTAIN FEDERAL CONTRACTORS.

(a) **IN GENERAL.**—Subsection (f) of section 6330 of the Internal Revenue Code of 1986 is amended by striking “or” at the end of paragraph (2), by inserting “or” at the end of paragraph (3), and by inserting after paragraph (3) the following new paragraph:

“(4) the Secretary has served a Federal contractor levy.”

(b) **FEDERAL CONTRACTOR LEVY.**—Subsection (h) of section 6330 of the Internal Revenue Code of 1986 is amended—

(1) by striking all that precedes “any levy in connection with the collection” and inserting the following:

“(h) **DEFINITIONS RELATED TO EXCEPTIONS.**—For purposes of subsection (f)—

“(1) **DISQUALIFIED EMPLOYMENT TAX LEVY.**—A disqualified employment tax levy is”; and

(2) by adding at the end the following new paragraph:

“(2) **FEDERAL CONTRACTOR LEVY.**—A Federal contractor levy is any levy if the person whose property is subject to the levy (or any predecessor thereof) is a Federal contractor.”

(c) **CONFORMING AMENDMENT.**—The heading of subsection (f) of section 6330 of the Internal Revenue Code of 1986 is amended by striking “JEOPARDY AND STATE REFUND COLLECTION” and inserting “EXCEPTIONS”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to levies issued after the date of the enactment of this Act.

PART II—PROMOTING RETIREMENT PREPARATION

SEC. 2111. PARTICIPANTS IN GOVERNMENT SECTION 457 PLANS ALLOWED TO TREAT ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.

(a) **IN GENERAL.**—Section 402A(e)(1) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “, and”, and by adding at the end the following:

“(C) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).”

(b) **ELECTIVE DEFERRALS.**—Section 402A(e)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

“(2) **ELECTIVE DEFERRAL.**—The term ‘elective deferral’ means—

“(A) any elective deferral described in subparagraph (A) or (C) of section 402(g)(3), and

“(B) any elective deferral of compensation by an individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 2112. ROLLOVERS FROM ELECTIVE DEFERRAL PLANS TO DESIGNATED ROTH ACCOUNTS.

(a) **IN GENERAL.**—Section 402A(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(4) **TAXABLE ROLLOVERS TO DESIGNATED ROTH ACCOUNTS.**—

“(A) **IN GENERAL.**—Notwithstanding sections 402(c), 403(b)(8), and 457(e)(16), in the case of

any distribution to which this paragraph applies—

“(i) there shall be included in gross income any amount which would be includible were it not part of a qualified rollover contribution,

“(ii) section 72(t) shall not apply, and

“(iii) unless the taxpayer elects not to have this clause apply, any amount required to be included in gross income for any taxable year beginning in 2010 by reason of this paragraph shall be so included ratably over the 2-taxable-year period beginning with the first taxable year beginning in 2011.

Any election under clause (iii) for any distributions during a taxable year may not be changed after the due date for such taxable year.

“(B) **DISTRIBUTIONS TO WHICH PARAGRAPH APPLIES.**—In the case of an applicable retirement plan which includes a qualified Roth contribution program, this paragraph shall apply to a distribution from such plan other than from a designated Roth account which is contributed in a qualified rollover contribution (within the meaning of section 408A(e)) to the designated Roth account maintained under such plan for the benefit of the individual to whom the distribution is made.

“(C) **COORDINATION WITH LIMIT.**—Any distribution to which this paragraph applies shall not be taken into account for purposes of paragraph (1).

“(D) **OTHER RULES.**—The rules of subparagraphs (D), (E), and (F) of section 408A(d)(3) (as in effect for taxable years beginning after 2009) shall apply for purposes of this paragraph.”

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to distributions after the date of the enactment of this Act.

SEC. 2113. SPECIAL RULES FOR ANNUITIES RECEIVED FROM ONLY A PORTION OF A CONTRACT.

(a) **IN GENERAL.**—Subsection (a) of section 72 of the Internal Revenue Code of 1986 is amended to read as follows:

“(a) **GENERAL RULES FOR ANNUITIES.**—

“(1) **INCOME INCLUSION.**—Except as otherwise provided in this chapter, gross income includes any amount received as an annuity (whether for a period certain or during one or more lives) under an annuity, endowment, or life insurance contract.

“(2) **PARTIAL ANNUITIZATION.**—If any amount is received as an annuity for a period of 10 years or more or during one or more lives under any portion of an annuity, endowment, or life insurance contract—

“(A) such portion shall be treated as a separate contract for purposes of this section,

“(B) for purposes of applying subsections (b), (c), and (e), the investment in the contract shall be allocated pro rata between each portion of the contract from which amounts are received as an annuity and the portion of the contract from which amounts are not received as an annuity, and

“(C) a separate annuity starting date under subsection (c)(4) shall be determined with respect to each portion of the contract from which amounts are received as an annuity.”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to amounts received in taxable years beginning after December 31, 2010.

PART III—CLOSING UNINTENDED LOOPHOLES

SEC. 2121. CRUDE TALL OIL INELIGIBLE FOR CELLULOSIC BIOFUEL PRODUCER CREDIT.

(a) **IN GENERAL.**—Clause (iii) of section 40(b)(6)(E) of the Internal Revenue Code of 1986, as added by the Health Care and Education Reconciliation Act of 2010, is amended—

(1) by striking “or” at the end of subclause (I),

(2) by striking the period at the end of subclause (1) and inserting “, or”,

(3) by adding at the end the following new subclause:

“(III) such fuel has an acid number greater than 25.”, and

(4) by striking “UNPROCESSED” in the heading and inserting “CERTAIN”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to fuels sold or used on or after January 1, 2010.

SEC. 2122. SOURCE RULES FOR INCOME ON GUARANTEES.

(a) **AMOUNTS SOURCED WITHIN THE UNITED STATES.**—Subsection (a) of section 861 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(9) **GUARANTEES.**—Amounts received, directly or indirectly, from—

“(A) a noncorporate resident or domestic corporation for the provision of a guarantee of any indebtedness of such resident or corporation, or

“(B) any foreign person for the provision of a guarantee of any indebtedness of such person, if such amount is connected with income which is effectively connected (or treated as effectively connected) with the conduct of a trade or business in the United States.”.

(b) **AMOUNTS SOURCED WITHOUT THE UNITED STATES.**—Subsection (a) of section 862 of the Internal Revenue Code of 1986 is amended by striking “and” at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting “; and”, and by adding at the end the following new paragraph:

“(9) amounts received, directly or indirectly, from a foreign person for the provision of a guarantee of indebtedness of such person other than amounts which are derived from sources within the United States as provided in section 861(a)(9).”.

(c) **CONFORMING AMENDMENT.**—Clause (ii) of section 864(c)(4)(B) of the Internal Revenue Code of 1986 is amended by striking “dividends or interest” and inserting “dividends, interest, or amounts received for the provision of guarantees of indebtedness”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to guarantees issued after the date of the enactment of this Act.

PART IV—TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES

SEC. 2131. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 36 percentage points.

TITLE III—STATE SMALL BUSINESS CREDIT INITIATIVE

SEC. 3001. SHORT TITLE.

This title may be cited as the “State Small Business Credit Initiative Act of 2010”.

SEC. 3002. DEFINITIONS.

In this title, the following definitions shall apply:

(1) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term “appropriate committees of Congress” means—

(A) the Committee on Small Business and Entrepreneurship, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, the Committee on the Budget, and the Committee on Appropriations of the Senate; and

(B) the Committee on Small Business, the Committee on Agriculture, the Committee on Financial Services, the Committee on Ways and Means, the Committee on the Budget, and the Committee on Appropriations of the House of Representatives.

(2) **APPROPRIATE FEDERAL BANKING AGENCY.**—The term “appropriate Federal banking agency”—

(A) has the same meaning as in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)); and

(B) includes the National Credit Union Administration Board in the case of any credit union the deposits of which are insured in accordance with the Federal Credit Union Act.

(3) **ENROLLED LOAN.**—The term “enrolled loan” means a loan made by a financial institution lender that is enrolled by a participating State in an approved State capital access program in accordance with this title.

(4) **FEDERAL CONTRIBUTION.**—The term “Federal contribution” means the portion of the contribution made by a participating State to, or for the account of, an approved State program that is made with Federal funds allocated to the State by the Secretary under section 3003.

(5) **FINANCIAL INSTITUTION.**—The term “financial institution” means any insured depository institution, insured credit union, or community development financial institution, as those terms are each defined in section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702).

(6) **PARTICIPATING STATE.**—The term “participating State” means any State that has been approved for participation in the Program under section 3004.

(7) **PROGRAM.**—The term “Program” means the State Small Business Credit Initiative established under this title.

(8) **QUALIFYING LOAN OR SWAP FUNDING FACILITY.**—The term “qualifying loan or swap funding facility” means a contractual arrangement between a participating State and a private financial entity under which—

(A) the participating State delivers funds to the entity as collateral;

(B) the entity provides funding from the arrangement back to the participating State; and

(C) the full amount of resulting funding from the arrangement, less any fees and other costs of the arrangement, is contributed to, or for the account of, an approved State program.

(9) **RESERVE FUND.**—The term “reserve fund” means a fund, established by a participating State, dedicated to a particular financial institution lender, for the purposes of—

(A) depositing all required premium charges paid by the financial institution lender and by each borrower receiving a loan under an approved State program from that financial institution lender;

(B) depositing contributions made by the participating State, including State contributions made with Federal contributions; and

(C) covering losses on enrolled loans by disbursing accumulated funds.

(10) **STATE.**—The term “State” means—

(A) a State of the United States;

(B) the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of Northern Mariana Islands, Guam, American Samoa, and the United States Virgin Islands;

(C) when designated by a State of the United States, a political subdivision of that State that the Secretary determines has the capacity to participate in the Program; and

(D) under the circumstances described in section 3004(d), a municipality of a State of the United States to which the Secretary has given a special permission under section 3004(d).

(11) **STATE CAPITAL ACCESS PROGRAM.**—The term “State capital access program” means a program of a State that—

(A) uses public resources to promote private access to credit; and

(B) meets the eligibility criteria in section 3005(c).

(12) **STATE OTHER CREDIT SUPPORT PROGRAM.**—The term “State other credit support program”—

(A) means a program of a State that—

(i) uses public resources to promote private access to credit;

(ii) is not a State capital access program; and

(iii) meets the eligibility criteria in section 3006(c); and

(B) includes, collateral support programs, loan participation programs, State-run venture capital fund programs, and credit guarantee programs.

(13) **STATE PROGRAM.**—The term “State program” means a State capital access program or a State other credit support program.

(14) **SECRETARY.**—The term “Secretary” means the Secretary of the Treasury.

SEC. 3003. FEDERAL FUNDS ALLOCATED TO STATES.

(a) **PROGRAM ESTABLISHED; PURPOSE.**—There is established the State Small Business Credit Initiative, to be administered by the Secretary. Under the Program, the Secretary shall allocate Federal funds to participating States and make the allocated funds available to the participating States as provided in this section for the uses described in this section.

(b) **ALLOCATION FORMULA.**—

(1) **IN GENERAL.**—Not later than 30 days after the date of enactment of this Act, the Secretary shall allocate Federal funds to participating States so that each State is eligible to receive an amount equal to the average of the respective amounts that the State—

(A) would receive under the 2009 allocation, as determined under paragraph (2); and

(B) would receive under the 2010 allocation, as determined under paragraph (3).

(2) **2009 ALLOCATION FORMULA.**—

(A) **IN GENERAL.**—The Secretary shall determine the 2009 allocation by allocating Federal funds among the States in the proportion that each such State’s 2008 State employment decline bears to the aggregate of the 2008 State employment declines for all States.

(B) **MINIMUM ALLOCATION.**—The Secretary shall adjust the allocations under subparagraph (A) for each State to the extent necessary to ensure that no State receives less than 0.9 percent of the Federal funds.

(C) **2008 STATE EMPLOYMENT DECLINE DEFINED.**—In this paragraph and with respect to a State, the term “2008 State employment decline” means the excess (if any) of—

(i) the number of individuals employed in such State determined for December 2007; over

(ii) the number of individuals employed in such State determined for December 2008.

(3) **2010 ALLOCATION FORMULA.**—

(A) **IN GENERAL.**—The Secretary shall determine the 2010 allocation by allocating Federal funds among the States in the proportion that each such State’s 2009 unemployment number bears to the aggregate of the 2009 unemployment numbers for all of the States.

(B) **MINIMUM ALLOCATION.**—The Secretary shall adjust the allocations under subparagraph (A) for each State to the extent necessary to ensure that no State receives less than 0.9 percent of the Federal funds.

(C) **2009 UNEMPLOYMENT NUMBER DEFINED.**—In this paragraph and with respect to a State, the term “2009 unemployment number” means the number of individuals within such State who were determined to be unemployed by the Bureau of Labor Statistics for December 2009.

(c) **AVAILABILITY OF ALLOCATED AMOUNT.**—The amount allocated by the Secretary to each participating State under subsection (b) shall be made available to the State as follows:

(1) **ALLOCATED AMOUNT GENERALLY TO BE AVAILABLE TO STATE IN ONE-THIRDS.**—

(A) **IN GENERAL.**—The Secretary shall—

(i) apportion the participating State’s allocated amount into thirds;

(ii) transfer to the participating State the first 1/3 when the Secretary approves the State for participation under section 3004; and

(iii) transfer to the participating State each successive $\frac{1}{3}$ when the State has certified to the Secretary that it has expended, transferred, or obligated 80 percent of the last transferred $\frac{1}{3}$ for Federal contributions to, or for the account of, State programs.

(B) **AUTHORITY TO WITHHOLD PENDING AUDIT.**—The Secretary may withhold the transfer of any successive $\frac{1}{3}$ pending results of a financial audit.

(C) **INSPECTOR GENERAL AUDITS.**—

(i) **IN GENERAL.**—The Inspector General of the Department of the Treasury shall carry out an audit of the participating State's use of allocated Federal funds transferred to the State.

(ii) **RECOUPMENT OF MISUSED TRANSFERRED FUNDS REQUIRED.**—The allocation agreement between the Secretary and the participating State shall provide that the Secretary shall recoup any allocated Federal funds transferred to the participating State if the results of the audit include a finding that there was an intentional or reckless misuse of transferred funds by the State.

(iii) **PENALTY FOR MISSTATEMENT.**—Any participating State that is found to have intentionally misstated any report issued to the Secretary under the Program shall be ineligible to receive any additional funds under the Program. Funds that had been allocated or that would otherwise have been allocated to such participating State shall be paid into the general fund of the Treasury for reduction of the public debt.

(iv) **MUNICIPALITIES.**—In this subparagraph, the term “participating State” shall include a municipality given special permission to participate in the Program, under section 3004(d).

(D) **EXCEPTION.**—The Secretary may, in the Secretary's discretion, transfer the full amount of the participating State's allocated amount to the State in a single transfer if the participating State applies to the Secretary for approval to use the full amount of the allocation as collateral for a qualifying loan or swap funding facility.

(2) **TRANSFERRED AMOUNTS.**—Each amount transferred to a participating State under this section shall remain available to the State until used by the State as permitted under paragraph (3).

(3) **USE OF TRANSFERRED FUNDS.**—Each participating State may use funds transferred to it under this section only—

(A) for making Federal contributions to, or for the account of, an approved State program;

(B) as collateral for a qualifying loan or swap funding facility;

(C) in the case of the first $\frac{1}{3}$ transferred, for paying administrative costs incurred by the State in implementing an approved State program in an amount not to exceed 5 percent of that first $\frac{1}{3}$; or

(D) in the case of each successive $\frac{1}{3}$ transferred, for paying administrative costs incurred by the State in implementing an approved State program in an amount not to exceed 3 percent of that successive $\frac{1}{3}$.

(4) **TERMINATION OF AVAILABILITY OF AMOUNTS NOT TRANSFERRED WITHIN 2 YEARS OF PARTICIPATION.**—Any portion of a participating State's allocated amount that has not been transferred to the State under this section by the end of the 2-year period beginning on the date that the Secretary approves the State for participation may be deemed by the Secretary to be no longer allocated to the State and no longer available to the State and shall be returned to the General Fund of the Treasury.

(5) **TRANSFERRED AMOUNTS NOT ASSISTANCE.**—The amounts transferred to a participating State under this section shall not be considered assistance for purposes of subtitle V of title 31, United States Code.

(6) **DEFINITIONS.**—In this section—

(A) the term “allocated amount” means the total amount of Federal funds allocated by the Secretary under subsection (b) to the participating State; and

(B) the term “ $\frac{1}{3}$ ” means—

(i) in the case of the first $\frac{1}{3}$ and second $\frac{1}{3}$, an amount equal to 33 percent of a participating State's allocated amount; and

(ii) in the case of the last $\frac{1}{3}$, an amount equal to 34 percent of a participating State's allocated amount.

SEC. 3004. APPROVING STATES FOR PARTICIPATION.

(a) **APPLICATION.**—Any State may apply to the Secretary for approval to be a participating State under the Program and to be eligible for an allocation of Federal funds under the Program.

(b) **GENERAL APPROVAL CRITERIA.**—The Secretary shall approve a State to be a participating State, if—

(1) a specific department, agency, or political subdivision of the State has been designated to implement a State program and participate in the Program;

(2) all legal actions necessary to enable such designated department, agency, or political subdivision to implement a State program and participate in the Program have been accomplished;

(3) the State has filed an application with the Secretary for approval of a State capital access program under section 3005 or approval as a State other credit support program under section 3006, in each case within the time period provided in the respective section; and

(4) the State and the Secretary have executed an allocation agreement that—

(A) conforms to the requirements of this title;

(B) ensures that the State program complies with such national standards as are established by the Secretary under section 3009(a)(2);

(C) sets forth internal control, compliance, and reporting requirements as established by the Secretary, and such other terms and conditions necessary to carry out the purposes of this title, including an agreement by the State to allow the Secretary to audit State programs;

(D) requires that the State program be fully positioned, within 90 days of the State's execution of the allocation agreement with the Secretary, to act on providing the kind of credit support that the State program was established to provide; and

(E) includes an agreement by the State to deliver to the Secretary, and update annually, a schedule describing how the State intends to apportion among its State programs the Federal funds allocated to the State.

(c) **CONTRACTUAL ARRANGEMENTS FOR IMPLEMENTATION OF STATE PROGRAMS.**—A State may be approved to be a participating State, and be eligible for an allocation of Federal funds under the Program, if the State has contractual arrangements for the implementation and administration of its State program with—

(1) an existing, approved State program administered by another State; or

(2) an authorized agent of, or entity supervised by, the State, including for-profit and not-for-profit entities.

(d) **SPECIAL PERMISSION.**—

(1) **CIRCUMSTANCES WHEN A MUNICIPALITY MAY APPLY DIRECTLY.**—If a State does not, within 60 days after the date of enactment of this Act, file with the Secretary a notice of its intent to apply for approval by the Secretary of a State program or within 9 months after the date of enactment of this Act, file with the Secretary a complete application for approval of a State program, the Secretary may grant to municipalities of that State a special permission that will allow them to apply directly to the Secretary without the State for approval to be participating municipalities.

(2) **TIMING REQUIREMENTS APPLICABLE TO MUNICIPALITIES APPLYING DIRECTLY.**—To qualify for the special permission, a municipality of a State shall be required, within 12 months after the date of enactment of this Act, to file with the Secretary a complete application for approval by the Secretary of a State program.

(3) **NOTICES OF INTENT AND APPLICATIONS FROM MORE THAN 1 MUNICIPALITY.**—A municipality of a State may combine with 1 or more other municipalities of that State to file a joint notice of intent to file and a joint application.

(4) **APPROVAL CRITERIA.**—The general approval criteria in paragraphs (2) and (4) shall apply.

(5) **ALLOCATION TO MUNICIPALITIES.**—

(A) **IF MORE THAN 3.**—If more than 3 municipalities, or combination of municipalities as provided in paragraph (3), of a State apply for approval by the Secretary to be participating municipalities under this subsection, and the applications meet the approval criteria in paragraph (4), the Secretary shall allocate Federal funds to the 3 municipalities with the largest populations.

(B) **IF 3 OR FEWER.**—If 3 or fewer municipalities, or combination of municipalities as provided in paragraph (3), of a State apply for approval by the Secretary to be participating municipalities under this subsection, and the applications meet the approval criteria in paragraph (4), the Secretary shall allocate Federal funds to each applicant municipality or combination of municipalities.

(6) **APPORTIONMENT OF ALLOCATED AMOUNT AMONG PARTICIPATING MUNICIPALITIES.**—If the Secretary approves municipalities to be participating municipalities under this subsection, the Secretary shall apportion the full amount of the Federal funds that are allocated to that State to municipalities that are approved under this subsection in amounts proportionate to the population of those municipalities, based on the most recent available decennial census.

(7) **APPROVING STATE PROGRAMS FOR MUNICIPALITIES.**—If the Secretary approves municipalities to be participating municipalities under this subsection, the Secretary shall take into account the additional considerations in section 3006(d) in making the determination under section 3005 or 3006 that the State program or programs to be implemented by the participating municipalities, including a State capital access program, is eligible for Federal contributions to, or for the account of, the State program.

SEC. 3005. APPROVING STATE CAPITAL ACCESS PROGRAMS.

(a) **APPLICATION.**—A participating State that establishes a new, or has an existing, State capital access program that meets the eligibility criteria in subsection (c) may apply to the Secretary to have the State capital access program approved as eligible for Federal contributions to the reserve fund.

(b) **APPROVAL.**—The Secretary shall approve such State capital access program as eligible for Federal contributions to the reserve fund if—

(1) within 60 days after the date of enactment of this Act, the State has filed with the Secretary a notice of intent to apply for approval by the Secretary of a State capital access program;

(2) within 9 months after the date of enactment of this Act, the State has filed with the Secretary a complete application for approval by the Secretary of a capital access program;

(3) the State satisfies the requirements of subsections (a) and (b) of section 3004; and

(4) the State capital access program meets the eligibility criteria in subsection (c).

(c) **ELIGIBILITY CRITERIA FOR STATE CAPITAL ACCESS PROGRAMS.**—For a State capital access program to be approved under this section, that program shall be required to be a program of the State that—

(1) provides portfolio insurance for business loans based on a separate loan-loss reserve fund for each financial institution;

(2) requires insurance premiums to be paid by the financial institution lenders and by the business borrowers to the reserve fund to have their loans enrolled in the reserve fund;

(3) provides for contributions to be made by the State to the reserve fund in amounts at least equal to the sum of the amount of the insurance premium charges paid by the borrower and the financial institution to the reserve fund for any newly enrolled loan; and

(4) provides its portfolio insurance solely for loans that meet both the following requirements:

(A) The borrower has 500 employees or less at the time that the loan is enrolled in the Program.

(B) The loan amount does not exceed \$5,000,000.

(d) **FEDERAL CONTRIBUTIONS TO APPROVED STATE CAPITAL ACCESS PROGRAMS.**—A State capital access program approved under this section will be eligible for receiving Federal contributions to the reserve fund in an amount equal to the sum of the amount of the insurance premium charges paid by the borrowers and by the financial institution to the reserve fund for loans that meet the requirements in subsection (c). (4) A participating State may use the Federal contribution to make its contribution to the reserve fund of an approved State capital access program.

(e) **MINIMUM PROGRAM REQUIREMENTS FOR STATE CAPITAL ACCESS PROGRAMS.**—The Secretary shall, by regulation or other guidance, prescribe Program requirements that meet the following minimum requirements:

(1) **EXPERIENCE AND CAPACITY.**—The participating State shall determine for each financial institution that participates in the State capital access program, after consultation with the appropriate Federal banking agency or, in the case of a financial institution that is a non-depository community development financial institution, the Community Development Financial Institution Fund, that the financial institution has sufficient commercial lending experience and financial and managerial capacity to participate in the approved State capital access program. The determination by the State shall not be reviewable by the Secretary.

(2) **INVESTMENT AUTHORITY.**—Subject to applicable State law, the participating State may invest, or cause to be invested, funds held in a reserve fund by establishing a deposit account at the financial institution lender in the name of the participating State. In the event that funds in the reserve fund are not deposited in such an account, such funds shall be invested in a form that the participating State determines is safe and liquid.

(3) **LOAN TERMS AND CONDITIONS TO BE DETERMINED BY AGREEMENT.**—A loan to be filed for enrollment in an approved State capital access program may be made with such interest rate, fees, and other terms and conditions, and the loan may be enrolled in the approved State capital access program and claims may be filed and paid, as agreed upon by the financial institution lender and the borrower, consistent with applicable law.

(4) **LENDER CAPITAL AT-RISK.**—A loan to be filed for enrollment in the State capital access program shall require the financial institution lender to have a meaningful amount of its own capital resources at risk in the loan.

(5) **PREMIUM CHARGES MINIMUM AND MAXIMUM AMOUNTS.**—The insurance premium charges payable to the reserve fund by the borrower and the financial institution lender shall be prescribed by the financial institution lender, within minimum and maximum limits that require that the sum of the insurance premium charges

paid in connection with a loan by the borrower and the financial institution lender may not be less than 2 percent nor more than 7 percent of the amount of the loan enrolled in the approved State capital access program.

(6) **STATE CONTRIBUTIONS.**—In enrolling a loan in an approved State capital access program, the participating State may make a contribution to the reserve fund to supplement Federal contributions made under this Program.

(7) **LOAN PURPOSE.**—

(A) **PARTICULAR LOAN PURPOSE REQUIREMENTS AND PROHIBITIONS.**—In connection with the filing of a loan for enrollment in an approved State capital access program, the financial institution lender—

(i) shall obtain an assurance from each borrower that—

(I) the proceeds of the loan will be used for a business purpose;

(II) the loan will not be used to finance such business activities as the Secretary, by regulation, may proscribe as prohibited loan purposes for enrollment in an approved State capital access program; and

(III) the borrower is not—

(aa) an executive officer, director, or principal shareholder of the financial institution lender;

(bb) a member of the immediate family of an executive officer, director, or principal shareholder of the financial institution lender; or

(cc) a related interest of any such executive officer, director, principal shareholder, or member of the immediate family;

(ii) shall provide assurances to the participating State that the loan has not been made in order to place under the protection of the approved State capital access program prior debt that is not covered under the approved State capital access program and that is or was owed by the borrower to the financial institution lender or to an affiliate of the financial institution lender;

(iii) shall not allow the enrollment of a loan to a borrower that is a refinancing of a loan previously made to that borrower by the financial institution lender or an affiliate of the financial institution lender; and

(iv) may include additional restrictions on the eligibility of loans or borrowers that are not inconsistent with the provisions and purposes of this title, including compliance with all applicable Federal and State laws, regulations, ordinances, and Executive orders.

(B) **DEFINITIONS.**—In this paragraph, the terms “executive officer”, “director”, “principal shareholder”, “immediate family”, and “related interest” refer to the same relationship to a financial institution lender as the relationship described in part 215 of title 12 of the Code of Federal Regulations, or any successor to such part.

(8) **CAPITAL ACCESS FOR SMALL BUSINESSES IN UNDERSERVED COMMUNITIES.**—At the time that a State applies to the Secretary to have the State capital access program approved as eligible for Federal contributions, the State shall deliver to the Secretary a report stating how the State plans to use the Federal contributions to the reserve fund to provide access to capital for small businesses in low- and moderate-income, minority, and other underserved communities, including women- and minority-owned small businesses.

SEC. 3006. APPROVING COLLATERAL SUPPORT AND OTHER INNOVATIVE CREDIT ACCESS AND GUARANTEE INITIATIVES FOR SMALL BUSINESSES AND MANUFACTURERS.

(a) **APPLICATION.**—A participating State that establishes a new, or has an existing, credit support program that meets the eligibility criteria in subsection (c) may apply to the Secretary to have the State other credit support program approved as eligible for Federal contributions to, or for the account of, the State program.

(b) **APPROVAL.**—The Secretary shall approve such State other credit support program as eligible for Federal contributions to, or for the account of, the program if—

(1) the Secretary determines that the State satisfies the requirements of paragraphs (1) through (3) of section 3005(b);

(2) the Secretary determines that the State other credit support program meets the eligibility criteria in subsection (c);

(3) the Secretary determines the State other credit support program to be eligible based on the additional considerations in subsection (d); and

(4) within 9 months after the date of enactment of this Act, the State has filed with Treasury a complete application for Treasury approval.

(c) **ELIGIBILITY CRITERIA FOR STATE OTHER CREDIT SUPPORT PROGRAMS.**—For a State other credit support program to be approved under this section, that program shall be required to be a program of the State that—

(1) can demonstrate that, at a minimum, \$1 of public investment by the State program will cause and result in \$1 of new private credit;

(2) can demonstrate a reasonable expectation that, when considered with all other State programs of the State, such State programs together have the ability to use amounts of new Federal contributions to, or for the account of, all such programs in the State to cause and result in amounts of new small business lending at least 10 times the new Federal contribution amount;

(3) for those State other credit support programs that provide their credit support through 1 or more financial institution lenders, requires the financial institution lenders to have a meaningful amount of their own capital resources at risk in their small business lending; and

(4) uses Federal funds allocated under this title to extend credit support that—

(A) targets an average borrower size of 500 employees or less;

(B) does not extend credit support to borrowers that have more than 750 employees;

(C) targets support towards loans with an average principal amount of \$5,000,000 or less; and

(D) does not extend credit support to loans that exceed a principal amount of \$20,000,000.

(d) **ADDITIONAL CONSIDERATIONS.**—In making a determination that a State other credit support program is eligible for Federal contributions to, or for the account of, the State program, the Secretary shall take into account the following additional considerations:

(1) The anticipated benefits to the State, its businesses, and its residents to be derived from the Federal contributions to, or for the account of, the approved State other credit support program, including the extent to which resulting small business lending will expand economic opportunities.

(2) The operational capacity, skills, and experience of the management team of the State other credit support program.

(3) The capacity of the State other credit support program to manage increases in the volume of its small business lending.

(4) The internal accounting and administrative controls systems of the State other credit support program, and the extent to which they can provide reasonable assurance that funds of the State program are safeguarded against waste, loss, unauthorized use, or misappropriation.

(5) The soundness of the program design and implementation plan of the State other credit support program.

(e) **FEDERAL CONTRIBUTIONS TO APPROVED STATE OTHER CREDIT SUPPORT PROGRAMS.**—A State other credit support program approved under this section will be eligible for receiving Federal contributions to, or for the account of,

the State program in an amount consistent with the schedule describing the apportionment of allocated Federal funds among State programs delivered by the State to the Secretary under the allocation agreement.

(f) MINIMUM PROGRAM REQUIREMENTS FOR STATE OTHER CREDIT SUPPORT PROGRAMS.—

(1) FUND TO PRESCRIBE.—The Secretary shall, by regulation or other guidance, prescribe Program requirements for approved State other credit support programs.

(2) CONSIDERATIONS FOR FUND.—In prescribing minimum Program requirements for approved State other credit support programs, the Secretary shall take into consideration, to the extent the Secretary determines applicable and appropriate, the minimum Program requirements for approved State capital access programs in section 3005(e).

SEC. 3007. REPORTS.

(a) QUARTERLY USE-OF-FUNDS REPORT.—

(1) IN GENERAL.—Not later than 30 days after the beginning of each calendar quarter, beginning after the first full calendar quarter to occur after the date the Secretary approves a State for participation, the participating State shall submit to the Secretary a report on the use of Federal funding by the participating State during the previous calendar quarter.

(2) REPORT CONTENTS.—Each report under this subsection shall—

(A) indicate the total amount of Federal funding used by the participating State; and

(B) include a certification by the participating State that—

(i) the information provided in accordance with subparagraph (A) is accurate;

(ii) funds continue to be available and legally committed to contributions by the State to, or for the account of, approved State programs, less any amount that has been contributed by the State to, or for the account of, approved State programs subsequent to the State being approved for participation in the Program; and

(iii) the participating State is implementing its approved State program or programs in accordance with this title and regulations issued under section 3010.

(b) ANNUAL REPORT.—Not later than March 31 of each year, beginning March 31, 2011, each participating State shall submit to the Secretary an annual report that shall include the following information:

(1) The number of borrowers that received new loans originated under the approved State program or programs after the State program was approved as eligible for Federal contributions.

(2) The total amount of such new loans.

(3) Breakdowns by industry type, loan size, annual sales, and number of employees of the borrowers that received such new loans.

(4) The zip code of each borrower that received such a new loan.

(5) Such other data as the Secretary, in the Secretary's sole discretion, may require to carry out the purposes of the Program.

(c) FORM.—The reports and data filed under subsections (a) and (b) shall be in such form as the Secretary, in the Secretary's sole discretion, may require.

(d) TERMINATION OF REPORTING REQUIREMENTS.—The requirement to submit reports under subsections (a) and (b) shall terminate for a participating State with the submission of the completed reports due on the first March 31 to occur after 5 complete 12-month periods after the State is approved by the Secretary to be a participating State.

SEC. 3008. REMEDIES FOR STATE PROGRAM TERMINATION OR FAILURES.

(a) REMEDIES.—

(1) IN GENERAL.—If any of the events listed in paragraph (2) occur, the Secretary, in the Secretary's discretion, may—

(A) reduce the amount of Federal funds allocated to the State under the Program; or

(B) terminate any further transfers of allocated amounts that have not yet been transferred to the State.

(2) CAUSAL EVENTS.—The events referred to in paragraph (1) are—

(A) termination by a participating State of its participation in the Program;

(B) failure on the part of a participating State to submit complete reports under section 3007 on a timely basis; or

(C) noncompliance by the State with the terms of the allocation agreement between the Secretary and the State.

(b) DEALLOCATED AMOUNTS TO BE REALLOCATED.—If, after 13 months, any portion of the amount of Federal funds allocated to a participating State is deemed by the Secretary to be no longer allocated to the State after actions taken by the Secretary under subsection (a)(1), the Secretary shall reallocate that portion among the participating States, excluding the State whose allocated funds were deemed to be no longer allocated, as provided in section 3003(b).

SEC. 3009. IMPLEMENTATION AND ADMINISTRATION.

(a) GENERAL AUTHORITIES AND DUTIES.—The Secretary shall—

(1) consult with the Administrator of the Small Business Administration and the appropriate Federal banking agencies on the administration of the Program;

(2) establish minimum national standards for approved State programs;

(3) provide technical assistance to States for starting State programs and generally disseminate best practices;

(4) manage, administer, and perform necessary program integrity functions for the Program; and

(5) ensure adequate oversight of the approved State programs, including oversight of the cash flows, performance, and compliance of each approved State program.

(b) APPROPRIATIONS.—There is hereby appropriated to the Secretary, out of funds in the Treasury not otherwise appropriated, \$1,500,000,000 to carry out the Program, including to pay reasonable costs of administering the Program.

(c) TERMINATION OF SECRETARY'S PROGRAM ADMINISTRATION FUNCTIONS.—The authorities and duties of the Secretary to implement and administer the Program shall terminate at the end of the 7-year period beginning on the date of enactment of this Act.

(d) EXPEDITED CONTRACTING.—During the 1-year period beginning on the date of enactment of this Act, the Secretary may enter into contracts without regard to any other provision of law regarding public contracts, for purposes of carrying out this title.

SEC. 3010. REGULATIONS.

The Secretary, in consultation with the Administrator of the Small Business Administration, shall issue such regulations and other guidance as the Secretary determines necessary or appropriate to implement this title including to define terms, to establish compliance and reporting requirements, and such other terms and conditions necessary to carry out the purposes of this title.

SEC. 3011. OVERSIGHT AND AUDITS.

(a) INSPECTOR GENERAL OVERSIGHT.—The Inspector General of the Department of the Treasury shall conduct, supervise, and coordinate audits and investigations of the use of funds made available under the Program.

(b) GAO AUDIT.—The Comptroller General of the United States shall perform an annual audit of the Program and issue a report to the appropriate committees of Congress containing the results of such audit.

(c) REQUIRED CERTIFICATION.—

(1) FINANCIAL INSTITUTIONS CERTIFICATION.—With respect to funds received by a participating State under the Program, any financial institution that receives a loan, a loan guarantee, or other financial assistance using such funds after the date of the enactment of this Act shall certify that such institution is in compliance with the requirements of section 103.121 of title 31, Code of Federal Regulations, a regulation that, at a minimum, requires financial institutions, as that term is defined in section 5312 (a)(2) and (c)(1)(A) of title 31, United States Code, to implement reasonable procedures to verify the identity of any person seeking to open an account, to the extent reasonable and practicable, maintain records of the information used to verify the person's identity, and determine whether the person appears on any lists of known or suspected terrorists or terrorist organizations provided to the financial institution by any government agency.

(2) SEX OFFENSE CERTIFICATION.—With respect to funds received by a participating State under the Program, any private entity that receives a loan, a loan guarantee, or other financial assistance using such funds after the date of the enactment of this Act shall certify to the participating State that the principals of such entity have not been convicted of a sex offense against a minor (as such terms are defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)).

(d) PROHIBITION ON PORNOGRAPHY.—None of the funds made available under this title may be used to pay the salary of any individual engaged in activities related to the Program who has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

TITLE IV—ADDITIONAL SMALL BUSINESS PROVISIONS

Subtitle A—Small Business Lending Fund

SEC. 4101. PURPOSE.

The purpose of this subtitle is to address the ongoing effects of the financial crisis on small businesses by providing temporary authority to the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses.

SEC. 4102. DEFINITIONS.

For purposes of this subtitle:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Small Business and Entrepreneurship, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, the Committee on the Budget, and the Committee on Appropriations of the Senate; and

(B) the Committee on Small Business, the Committee on Agriculture, the Committee on Financial Services, the Committee on Ways and Means, the Committee on the Budget, and the Committee on Appropriations of the House of Representatives.

(2) APPROPRIATE FEDERAL BANKING AGENCY.—The term “appropriate Federal banking agency” has the meaning given such term under section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)).

(3) BANK HOLDING COMPANY.—The term “bank holding company” has the meaning given such term under section 2(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(2)(a)(1)).

(4) CALL REPORT.—The term “call report” means—

(A) reports of Condition and Income submitted to the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation;

(B) the Office of Thrift Supervision Thrift Financial Report;

(C) any report that is designated by the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, or the Office of Thrift Supervision, as applicable, as a successor to any report referred to in subparagraph (A) or (B);

(D) reports of Condition and Income as designated through guidance developed by the Secretary, in consultation with the Director of the Community Development Financial Institutions Fund; and

(E) with respect to an eligible institution for which no report exists that is described under subparagraph (A), (B), (C), or (D), such other report or set of information as the Secretary, in consultation with the Administrator of the Small Business Administration, may prescribe.

(5) CDCI.—The term “CDCI” means the Community Development Capital Initiative created by the Secretary under the Troubled Asset Relief Program established by the Emergency Economic Stabilization Act of 2008.

(6) CDCI INVESTMENT.—The term “CDCI investment” means, with respect to any eligible institution, the principal amount of any investment made by the Secretary in such eligible institution under the CDCI that has not been repaid.

(7) CDFI; COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The terms “CDFI” and “community development financial institution” have the meaning given the term “community development financial institution” under the Riegle Community Development and Regulatory Improvement Act of 1994.

(8) CDLF; COMMUNITY DEVELOPMENT LOAN FUND.—The terms “CDLF” and “community development loan fund” mean any entity that—

(A) is certified by the Department of the Treasury as a community development financial institution loan fund;

(B) is exempt from taxation under the Internal Revenue Code of 1986; and

(C) had assets less than or equal to \$10,000,000,000 as of the end of the fourth quarter of calendar year 2009.

(9) CPP.—The term “CPP” means the Capital Purchase Program created by the Secretary under the Troubled Asset Relief Program established by the Emergency Economic Stabilization Act of 2008.

(10) CPP INVESTMENT.—The term “CPP investment” means, with respect to any eligible institution, the principal amount of any investment made by the Secretary in such eligible institution under the CPP that has not been repaid.

(11) ELIGIBLE INSTITUTION.—The term “eligible institution” means—

(A) any insured depository institution, which—

(i) is not controlled by a bank holding company or savings and loan holding company that is also an eligible institution;

(ii) has total assets of equal to or less than \$10,000,000,000, as reported in the call report of the insured depository institution as of the end of the fourth quarter of calendar year 2009; and

(iii) is not directly or indirectly controlled by any company or other entity that has total consolidated assets of more than \$10,000,000,000, as so reported;

(B) any bank holding company which has total consolidated assets of equal to or less than \$10,000,000,000, as reported in the call report of the bank holding company as of the end of the fourth quarter of calendar year 2009;

(C) any savings and loan holding company which has total consolidated assets of equal to or less than \$10,000,000,000, as reported in the call report of the savings and loan holding company as of the end of the fourth quarter of calendar year 2009; and

(D) any community development financial institution loan fund which has total assets of equal to or less than \$10,000,000,000, as reported in audited financial statements for the fiscal year of the community development financial institution loan fund that ends in calendar year 2009.

(12) FUND.—The term “Fund” means the Small Business Lending Fund established under section 4103(a)(1).

(13) INSURED DEPOSITORY INSTITUTION.—The term “insured depository institution” has the meaning given such term under section 3(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(2)).

(14) MINORITY-OWNED AND WOMEN-OWNED BUSINESS.—The terms “minority-owned business” and “women-owned business” shall have the meaning given the terms “minority-owned business” and “women’s business”, respectively, under section 21A(r)(4) of the Federal Home Loan Bank Act (12 U.S.C. 1441A(r)(4)).

(15) PROGRAM.—The term “Program” means the Small Business Lending Fund Program authorized under section 4103(a)(2).

(16) SAVINGS AND LOAN HOLDING COMPANY.—The term “savings and loan holding company” has the meaning given such term under section 10(a)(1)(D) of the Home Owners’ Loan Act (12 U.S.C. 1467a(a)(1)(D)).

(17) SECRETARY.—The term “Secretary” means the Secretary of the Treasury.

(18) SMALL BUSINESS LENDING.—

(A) IN GENERAL.—The term “small business lending” means lending, as defined by and reported in an eligible institutions’ quarterly call report, where each loan comprising such lending is one of the following types:

(i) Commercial and industrial loans.

(ii) Owner-occupied nonfarm, nonresidential real estate loans.

(iii) Loans to finance agricultural production and other loans to farmers.

(iv) Loans secured by farmland.

(B) EXCLUSION.—No loan that has an original amount greater than \$10,000,000 or that goes to a business with more than \$50,000,000 in revenues shall be included in the measure.

(C) TREATMENT OF HOLDING COMPANIES.—In the case of eligible institutions that are bank holding companies or savings and loan holding companies having one or more insured depository institution subsidiaries, small business lending shall be measured based on the combined small business lending reported in the call report of the insured depository institution subsidiaries.

(19) VETERAN-OWNED BUSINESS.—

(A) The term “veteran-owned business” means a business—

(i) more than 50 percent of the ownership or control of which is held by 1 or more veterans;

(ii) more than 50 percent of the net profit or loss of which accrues to 1 or more veterans; and

(iii) a significant percentage of senior management positions of which are held by veterans.

(B) For purposes of this paragraph, the term “veteran” has the meaning given such term in section 101(2) of title 38, United States Code.

SEC. 4103. SMALL BUSINESS LENDING FUND.

(a) FUND AND PROGRAM.—

(1) FUND ESTABLISHED.—There is established in the Treasury of the United States a fund to be known as the “Small Business Lending Fund”, which shall be administered by the Secretary.

(2) PROGRAMS AUTHORIZED.—The Secretary is authorized to establish the Small Business

Lending Fund Program for using the Fund consistent with this subtitle.

(b) USE OF FUND.—

(1) IN GENERAL.—Subject to paragraph (2), the Fund shall be available to the Secretary, without further appropriation or fiscal year limitation, for the costs of purchases (including commitments to purchase), and modifications of such purchases, of preferred stock and other financial instruments from eligible institutions on such terms and conditions as are determined by the Secretary in accordance with this subtitle. For purposes of this paragraph and with respect to an eligible institution, the term “other financial instruments” shall include only debt instruments for which such eligible institution is fully liable or equity equivalent capital of the eligible institution. Such debt instruments may be subordinated to the claims of other creditors of the eligible institution.

(2) MAXIMUM PURCHASE LIMIT.—The aggregate amount of purchases (and commitments to purchase) made pursuant to paragraph (1) may not exceed \$30,000,000,000.

(3) PROCEEDS USED TO PAY DOWN PUBLIC DEBT.—All funds received by the Secretary in connection with purchases made pursuant to paragraph (1), including interest payments, dividend payments, and proceeds from the sale of any financial instrument, shall be paid into the general fund of the Treasury for reduction of the public debt.

(4) LIMITATION ON PURCHASES FROM CDLFs.—

(A) IN GENERAL.—Not more than 1 percent of the maximum purchase limit of the Program, pursuant to paragraph (2), may be used to make purchases from community development loan funds.

(B) ELIGIBILITY STANDARDS.—The Secretary, in consultation with the Community Development Financial Institutions Fund, shall develop eligibility criteria to determine the financial ability of a CDLF to participate in the Program and repay the investment. Such criteria shall include the following:

(i) Ratio of net assets to total assets is at least 20 percent.

(ii) Ratio of loan loss reserves to loans and leases 90 days or more delinquent (including loans sold with full recourse) is at least 30 percent.

(iii) Positive net income measured on a 3-year rolling average.

(iv) Operating liquidity ratio of at least 1.0 for the 4 most recent quarters and for one or both of the two preceding years.

(v) Ratio of loans and leases 90 days or more delinquent (including loans sold with full recourse) to total equity plus loan loss reserves is less than 40 percent.

(C) REQUIREMENT TO SUBMIT AUDITED FINANCIAL STATEMENTS.—CDLFs participating in the Program shall submit audited financial statements to the Secretary, have a clean audit opinion, and have at least 3 years of operating experience.

(c) CREDITS TO THE FUND.—There shall be credited to the Fund amounts made available pursuant to section 4108, to the extent provided by appropriations Acts.

(d) TERMS.—

(1) APPLICATION.—

(A) INSTITUTIONS WITH ASSETS OF \$1,000,000,000 OR LESS.—Eligible institutions having total assets equal to or less than \$1,000,000,000, as reported in a call report as of the end of the fourth quarter of calendar year 2009, may apply to receive a capital investment from the Fund in an amount not exceeding 5 percent of risk-weighted assets, as reported in the call report immediately preceding the date of application, less the amount of any CDCI investment and any CPP investment.

(B) INSTITUTIONS WITH ASSETS OF MORE THAN \$1,000,000,000 AND LESS THAN OR EQUAL TO

\$10,000,000,000.—Eligible institutions having total assets of more than \$1,000,000,000 but less than \$10,000,000,000, as of the end of the fourth quarter of calendar year 2009, may apply to receive a capital investment from the Fund in an amount not exceeding 3 percent of risk-weighted assets, as reported in the call report immediately preceding the date of application, less the amount of any CDCI investment and any CPP investment.

(C) TREATMENT OF HOLDING COMPANIES.—In the case of an eligible institution that is a bank holding company or a savings and loan holding company having one or more insured depository institution subsidiaries, total assets shall be measured based on the combined total assets reported in the call report of the insured depository institution subsidiaries as of the end of the fourth quarter of calendar year 2009 and risk-weighted assets shall be measured based on the combined risk-weighted assets of the insured depository institution subsidiaries as reported in the call report immediately preceding the date of application.

(D) TREATMENT OF APPLICANTS THAT ARE INSTITUTIONS CONTROLLED BY HOLDING COMPANIES.—If an eligible institution that applies to receive a capital investment under the Program is under the control of a bank holding company or a savings and loan holding company, then the Secretary may use the Fund to purchase preferred stock or other financial instruments from the top-tier bank holding company or savings and loan holding company of such eligible institution, as applicable. For purposes of this subparagraph, the term “control” with respect to a bank holding company shall have the same meaning as in section 2(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(2)(a)(2)). For purposes of this subparagraph, the term “control” with respect to a savings and loan holding company shall have the same meaning as in 10(a)(2) of the Home Owners’ Loan Act (12 U.S.C. 1467a(a)(2)).

(E) REQUIREMENT TO PROVIDE A SMALL BUSINESS LENDING PLAN.—At the time that an applicant submits an application to the Secretary for a capital investment under the Program, the applicant shall deliver to the appropriate Federal banking agency, and, for applicants that are State-chartered banks, to the appropriate State banking regulator, a small business lending plan describing how the applicant’s business strategy and operating goals will allow it to address the needs of small businesses in the areas it serves, as well as a plan to provide linguistically and culturally appropriate outreach, where appropriate. In the case of eligible institutions that are community development loan funds, this plan shall be submitted to the Secretary. This plan shall be confidential supervisory information.

(F) TREATMENT OF APPLICANTS THAT ARE COMMUNITY DEVELOPMENT LOAN FUNDS.—Eligible institutions that are community development loan funds may apply to receive a capital investment from the Fund in an amount not exceeding 5 percent of total assets, as reported in the audited financial statements for the fiscal year of the eligible institution that ends in calendar year 2009.

(2) CONSULTATION WITH REGULATORS.—For each eligible institution that applies to receive a capital investment under the Program, the Secretary shall—

(A) consult with the appropriate Federal banking agency or, in the case of an eligible institution that is a nondepository community development financial institution, the Community Development Financial Institution Fund, for the eligible institution, to determine whether the eligible institution may receive such capital investment;

(B) in the case of an eligible institution that is a State-chartered bank, consider any views

received from the State banking regulator of the State of the eligible institution regarding the financial condition of the eligible institution; and

(C) in the case of a community development financial institution loan fund, consult with the Community Development Financial Institution Fund.

(3) CONSIDERATION OF MATCHED PRIVATE INVESTMENTS.—

(A) IN GENERAL.—For an eligible institution that applies to receive a capital investment under the Program, if the entity to be consulted under paragraph (2) would not otherwise recommend the eligible institution to receive the capital investment, the Secretary, in consultation with the entity to be so consulted, may consider whether the entity to be consulted would recommend the eligible institution to receive a capital investment based on the financial condition of the institution if the conditions in subparagraph (B) are satisfied.

(B) CONDITIONS.—The conditions referred to in subparagraph (A) are as follows:

(i) CAPITAL SOURCES.—The eligible institution shall receive capital both under the Program and from private, nongovernment investors.

(ii) AMOUNT OF CAPITAL.—The amount of capital to be received under the Program shall not exceed 3 percent of risk-weighted assets, as reported in the call report immediately preceding the date of application, less the amount of any CDCI investment and any CPP investment.

(iii) TERMS.—The amount of capital to be received from private, nongovernment investors shall be—

(I) equal to or greater than 100 percent of the capital to be received under the Program; and

(II) subordinate to the capital investment made by the Secretary under the Program.

(4) INELIGIBILITY OF INSTITUTIONS ON FDIC PROBLEM BANK LIST.—

(A) IN GENERAL.—An eligible institution may not receive any capital investment under the Program, if—

(i) such institution is on the FDIC problem bank list; or

(ii) such institution has been removed from the FDIC problem bank list for less than 90 days.

(B) CONSTRUCTION.—Nothing in subparagraph (A) shall be construed as limiting the discretion of the Secretary to deny the application of an eligible institution that is not on the FDIC problem bank list.

(C) FDIC PROBLEM BANK LIST DEFINED.—For purposes of this paragraph, the term “FDIC problem bank list” means the list of depository institutions having a current rating of 4 or 5 under the Uniform Financial Institutions Rating System, or such other list designated by the Federal Deposit Insurance Corporation.

(5) INCENTIVES TO LEND.—

(A) REQUIREMENTS ON PREFERRED STOCK AND OTHER FINANCIAL INSTRUMENTS.—Any preferred stock or other financial instrument issued to Treasury by an eligible institution receiving a capital investment under the Program shall provide that—

(i) the rate at which dividends or interest are payable shall be 5 percent per annum initially;

(ii) within the first 2 years after the date of the capital investment under the Program, the rate may be adjusted based on the amount of an eligible institution’s small business lending. Changes in the amount of small business lending shall be measured against the average amount of small business lending reported by the eligible institution in its call reports for the 4 full quarters immediately preceding the date of enactment of this Act, minus adjustments from each quarterly balance in respect of—

(I) net loan charge offs with respect to small business lending; and

(II) gains realized by the eligible institution resulting from mergers, acquisitions or pur-

chases of loans after origination and syndication; which adjustments shall be determined in accordance with guidance promulgated by the Secretary; and

(iii) during any calendar quarter during the initial 2-year period referred to in clause (ii), an institution’s rate shall be adjusted to reflect the following schedule, based on that institution’s change in the amount of small business lending relative to the baseline—

(I) if the amount of small business lending has increased by less than 2.5 percent, the dividend or interest rate shall be 5 percent;

(II) if the amount of small business lending has increased by 2.5 percent or greater, but by less than 5.0 percent, the dividend or interest rate shall be 4 percent;

(III) if the amount of small business lending has increased by 5.0 percent or greater, but by less than 7.5 percent, the dividend or interest rate shall be 3 percent;

(IV) if the amount of small business lending has increased by 7.5 percent or greater, and but by less than 10.0 percent, the dividend or interest rate shall be 2 percent; or

(V) if the amount of small business lending has increased by 10 percent or greater, the dividend or interest rate shall be 1 percent.

(B) BASIS OF INITIAL RATE.—The initial dividend or interest rate shall be based on call report data published in the quarter immediately preceding the date of the capital investment under the Program.

(C) TIMING OF RATE ADJUSTMENTS.—Any rate adjustment shall occur in the calendar quarter following the publication of call report data, such that the rate based on call report data from any one calendar quarter, which is published in the first following calendar quarter, shall be adjusted in that first following calendar quarter and payable in the second following quarter.

(D) RATE FOLLOWING INITIAL 2-YEAR PERIOD.—Generally, the rate based on call report data from the eighth calendar quarter after the date of the capital investment under the Program shall be payable until the expiration of the 4½-year period that begins on the date of the investment. In the case where the amount of small business lending has remained the same or decreased relative to the institution’s baseline in the eighth quarter after the date of the capital investment under the Program, the rate shall be 7 percent until the expiration of the 4½-year period that begins on the date of the investment.

(E) RATE FOLLOWING INITIAL 4½-YEAR PERIOD.—The dividend or interest rate paid on any preferred stock or other financial instrument issued by an eligible institution that receives a capital investment under the Program shall increase to 9 percent at the end of the 4½-year period that begins on the date of the capital investment under the Program.

(F) LIMITATION ON RATE REDUCTIONS WITH RESPECT TO CERTAIN AMOUNT.—The reduction in the dividend or interest rate payable to Treasury by any eligible institution shall be limited such that the rate reduction shall not apply to a dollar amount of the investment made by Treasury that is greater than the dollar amount increase in the amount of small business lending realized under this program. The Secretary may issue guidelines that will apply to new capital investments limiting the amount of capital available to eligible institutions consistent with this limitation.

(G) RATE ADJUSTMENTS FOR S CORPORATION.—Before making a capital investment in an eligible institution that is an S corporation or a corporation organized on a mutual basis, the Secretary may adjust the dividend or interest rate on the financial instrument to be issued to the Secretary, from the dividend or interest rate that would apply under subparagraphs (A)

through (F), to take into account any differential tax treatment of securities issued by such eligible institution. For purpose of this subparagraph, the term "S corporation" has the same meaning as in section 1361(a) of the Internal Revenue Code of 1986.

(H) **REPAYMENT DEADLINE.**—The capital investment received by an eligible institution under the Program shall be evidenced by preferred stock or other financial instrument that—

(i) includes, as a term and condition, that the capital investment will—

(I) be repaid not later than the end of the 10-year period beginning on the date of the capital investment under the Program; or

(II) at the end of such 10-year period, be subject to such additional terms as the Secretary shall prescribe, which shall include a requirement that the stock or instrument shall carry the highest dividend or interest rate payable; and

(ii) provides that the term and condition described under clause (i) shall not apply if the application of that term and condition would adversely affect the capital treatment of the stock or financial instrument under current or successor applicable capital provisions compared to a capital instrument with identical terms other than the term and condition described under clause (i).

(I) **REQUIREMENTS ON FINANCIAL INSTRUMENTS ISSUED BY A COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION LOAN FUND.**—Any equity equivalent capital issued to the Treasury by a community development loan fund receiving a capital investment under the Program shall provide that the rate at which interest is payable shall be 2 percent per annum for 8 years. After 8 years, the rate at which interest is payable shall be 9 percent.

(6) **ADDITIONAL INCENTIVES TO REPAY.**—The Secretary may, by regulation or guidance issued under section 4104(9), establish repayment incentives in addition to the incentive in paragraph (5)(E) that will apply to new capital investments in a manner that the Secretary determines to be consistent with the purposes of this subtitle.

(7) **CAPITAL PURCHASE PROGRAM REFINANCE.**—

(A) **IN GENERAL.**—The Secretary shall, in a manner that the Secretary determines to be consistent with the purposes of this subtitle, issue regulations and other guidance to permit eligible institutions to refinance securities issued to Treasury under the CDCI and the CPP for securities to be issued under the Program.

(B) **PROHIBITION ON PARTICIPATION BY NON-PAYING CPP PARTICIPANTS.**—Subparagraph (A) shall not apply to any eligible institution that has missed more than one dividend payment due under the CPP. For purposes of this subparagraph, a CPP dividend payment that is submitted within 60 days of the due date of such payment shall not be considered a missed dividend payment.

(8) **OUTREACH TO MINORITIES, WOMEN, AND VETERANS.**—The Secretary shall require eligible institutions receiving capital investments under the Program to provide linguistically and culturally appropriate outreach and advertising in the applicant pool describing the availability and application process of receiving loans from the eligible institution that are made possible by the Program through the use of print, radio, television or electronic media outlets which target organizations, trade associations, and individuals that—

(A) represent or work within or are members of minority communities;

(B) represent or work with or are women; and

(C) represent or work with or are veterans.

(9) **ADDITIONAL TERMS.**—The Secretary may, by regulation or guidance issued under section 4104(9), make modifications that will apply to

new capital investments in order to manage risks associated with the administration of the Fund in a manner consistent with the purposes of this subtitle.

(10) **MINIMUM UNDERWRITING STANDARDS.**—The appropriate Federal banking agency for an eligible institution that receives funds under the Program shall within 60 days issue guidance regarding prudent underwriting standards that must be used for loans made by the eligible institution using such funds.

SEC. 4104. ADDITIONAL AUTHORITIES OF THE SECRETARY.

The Secretary may take such actions as the Secretary deems necessary to carry out the authorities in this subtitle, including, without limitation, the following:

(1) The Secretary may use the services of any agency or instrumentality of the United States or component thereof on a reimbursable basis, and any such agency or instrumentality or component thereof is authorized to provide services as requested by the Secretary using all authorities vested in or delegated to that agency, instrumentality, or component.

(2) The Secretary may enter into contracts, including contracts for services authorized by section 3109 of title 5, United States Code.

(3) The Secretary may designate any bank, savings association, trust company, security broker or dealer, asset manager, or investment adviser as a financial agent of the Federal Government and such institution shall perform all such reasonable duties related to this subtitle as financial agent of the Federal Government as may be required. The Secretary shall have authority to amend existing agreements with financial agents, entered into during the 2-year period before the date of enactment of this Act, to perform reasonable duties related to this subtitle.

(4) The Secretary may exercise any rights received in connection with any preferred stock or other financial instruments or assets purchased or acquired pursuant to the authorities granted under this subtitle.

(5) Subject to section 4103(b)(3), the Secretary may manage any assets purchased under this subtitle, including revenues and portfolio risks therefrom.

(6) The Secretary may sell, dispose of, transfer, exchange or enter into securities loans, repurchase transactions, or other financial transactions in regard to, any preferred stock or other financial instrument or asset purchased or acquired under this subtitle, upon terms and conditions and at a price determined by the Secretary.

(7) The Secretary may manage or prohibit conflicts of interest that may arise in connection with the administration and execution of the authorities provided under this subtitle.

(8) The Secretary may establish and use vehicles, subject to supervision by the Secretary, to purchase, hold, and sell preferred stock or other financial instruments and issue obligations.

(9) The Secretary may, in consultation with the Administrator of the Small Business Administration, issue such regulations and other guidance as may be necessary or appropriate to define terms or carry out the authorities or purposes of this subtitle.

SEC. 4105. CONSIDERATIONS.

In exercising the authorities granted in this subtitle, the Secretary shall take into consideration—

(1) increasing the availability of credit for small businesses;

(2) providing funding to minority-owned eligible institutions and other eligible institutions that serve small businesses that are minority-, veteran-, and women-owned and that also serve low- and moderate-income, minority, and other underserved or rural communities;

(3) protecting and increasing American jobs;

(4) increasing the opportunity for small business development in areas with high unemployment rates that exceed the national average;

(5) ensuring that all eligible institutions may apply to participate in the program established under this subtitle, without discrimination based on geography;

(6) providing transparency with respect to use of funds provided under this subtitle;

(7) minimizing the cost to taxpayers of exercising the authorities;

(8) promoting and engaging in financial education to would-be borrowers; and

(9) providing funding to eligible institutions that serve small businesses directly affected by the discharge of oil arising from the explosion on and sinking of the mobile offshore drilling unit Deepwater Horizon and small businesses in communities that have suffered negative economic effects as a result of that discharge with particular consideration to States along the coast of the Gulf of Mexico.

SEC. 4106. REPORTS.

The Secretary shall provide to the appropriate committees of Congress—

(1) within 7 days of the end of each month commencing with the first month in which transactions are made under the Program, a written report describing all of the transactions made during the reporting period pursuant to the authorities granted under this subtitle;

(2) after the end of March and the end of September, commencing September 30, 2010, a written report on all projected costs and liabilities, all operating expenses, including compensation for financial agents, and all transactions made by the Fund, which shall include participating institutions and amounts each institution has received under the Program; and

(3) within 7 days of the end of each calendar quarter commencing with the first calendar quarter in which transactions are made under the Program, a written report detailing how eligible institutions participating in the Program have used the funds such institutions received under the Program.

SEC. 4107. OVERSIGHT AND AUDITS.

(a) **INSPECTOR GENERAL OVERSIGHT.**—The Inspector General of the Department of the Treasury shall conduct, supervise, and coordinate audits and investigations of the Program through the Office of Small Business Lending Fund Program Oversight established under subsection (b).

(b) **OFFICE OF SMALL BUSINESS LENDING FUND PROGRAM OVERSIGHT.**—

(1) **ESTABLISHMENT.**—There is hereby established within the Office of the Inspector General of the Department of the Treasury a new office to be named the "Office of Small Business Lending Fund Program Oversight" to provide oversight of the Program.

(2) **LEADERSHIP.**—The Inspector General shall appoint a Special Deputy Inspector General for SBLF Program Oversight to lead the Office, with commensurate staff, who shall report directly to the Inspector General and who shall be responsible for the performance of all auditing and investigative activities relating to the Program.

(3) **REPORTING.**—

(A) **IN GENERAL.**—The Inspector General shall issue a report no less than two times a year to the Congress and the Secretary devoted to the oversight provided by the Office, including any recommendations for improvements to the Program.

(B) **RECOMMENDATIONS.**—With respect to any deficiencies identified in a report under subparagraph (A), the Secretary shall either—

(i) take actions to address such deficiencies; or

(ii) certify to the appropriate committees of Congress that no action is necessary or appropriate.

(4) **COORDINATION.**—The Inspector General, in maximizing the effectiveness of the Office, shall work with other Offices of Inspector General, as appropriate, to minimize duplication of effort and ensure comprehensive oversight of the Program.

(5) **TERMINATION.**—The Office shall terminate at the end of the 6-month period beginning on the date on which all capital investments are repaid under the Program or the date on which the Secretary determines that any remaining capital investments will not be repaid.

(6) **DEFINITIONS.**—For purposes of this subsection:

(A) **OFFICE.**—The term “Office” means the Office of Small Business Lending Fund Program Oversight established under paragraph (1).

(B) **INSPECTOR GENERAL.**—The term “Inspector General” means the Inspector General of the Department of the Treasury.

(C) **GAO AUDIT.**—The Comptroller General of the United States shall perform an annual audit of the Program and issue a report to the appropriate committees of Congress containing the results of such audit.

(d) **REQUIRED CERTIFICATIONS.**—

(1) **ELIGIBLE INSTITUTION CERTIFICATION.**—Each eligible institution that participates in the Program must certify that such institution is in compliance with the requirements of section 103.121 of title 31, Code of Federal Regulations, a regulation that, at a minimum, requires financial institutions, as that term is defined in 31 U.S.C. 5312(a)(2) and (c)(1)(A), to implement reasonable procedures to verify the identity of any person seeking to open an account, to the extent reasonable and practicable, maintain records of the information used to verify the person's identity, and determine whether the person appears on any lists of known or suspected terrorists or terrorist organizations provided to the financial institution by any government agency.

(2) **LOAN RECIPIENTS.**—With respect to funds received by an eligible institution under the Program, any business receiving a loan from the eligible institution using such funds after the date of the enactment of this Act shall certify to such eligible institution that the principals of such business have not been convicted of a sex offense against a minor (as such terms are defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)).

(e) **PROHIBITION ON PORNOGRAPHY.**—None of the funds made available under this subtitle may be used to pay the salary of any individual engaged in activities related to the Program who has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

SEC. 4108. CREDIT REFORM; FUNDING.

(a) **CREDIT REFORM.**—The cost of purchases of preferred stock and other financial instruments made as capital investments under this subtitle shall be determined as provided under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(b) **FUNDS MADE AVAILABLE.**—There are hereby appropriated, out of funds in the Treasury not otherwise appropriated, such sums as may be necessary to pay the costs of \$30,000,000,000 of capital investments in eligible institutions, including the costs of modifying such investments, and reasonable costs of administering the program of making, holding, managing, and selling the capital investments.

SEC. 4109. TERMINATION AND CONTINUATION OF AUTHORITIES.

(a) **TERMINATION OF INVESTMENT AUTHORITY.**—The authority to make capital investments

in eligible institutions, including commitments to purchase preferred stock or other instruments, provided under this subtitle shall terminate 1 year after the date of enactment of this Act.

(b) **CONTINUATION OF OTHER AUTHORITIES.**—The authorities of the Secretary under section 4104 shall not be limited by the termination date in subsection (a).

SEC. 4110. PRESERVATION OF AUTHORITY.

Nothing in this subtitle may be construed to limit the authority of the Secretary under any other provision of law.

SEC. 4111. ASSURANCES.

(a) **SMALL BUSINESS LENDING FUND SEPARATE FROM TARP.**—The Small Business Lending Fund Program is established as separate and distinct from the Troubled Asset Relief Program established by the Emergency Economic Stabilization Act of 2008. An institution shall not, by virtue of a capital investment under the Small Business Lending Fund Program, be considered a recipient of the Troubled Asset Relief Program.

(b) **CHANGE IN LAW.**—If, after a capital investment has been made in an eligible institution under the Program, there is a change in law that modifies the terms of the investment or program in a materially adverse respect for the eligible institution, the eligible institution may, after consultation with the appropriate Federal banking agency for the eligible institution, repay the investment without impediment.

SEC. 4112. STUDY AND REPORT WITH RESPECT TO WOMEN-OWNED, VETERAN-OWNED, AND MINORITY-OWNED BUSINESSES.

(a) **STUDY.**—The Secretary shall conduct a study of the impact of the Program on women-owned businesses, veteran-owned businesses, and minority-owned businesses.

(b) **REPORT.**—Not later than one year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study conducted pursuant to subsection (a). To the extent possible, the Secretary shall disaggregate the results of such study by ethnic group and gender.

(c) **INFORMATION PROVIDED TO THE SECRETARY.**—Eligible institutions that participate in the Program shall provide the Secretary with such information as the Secretary may require to carry out the study required by this section.

SEC. 4113. SENSE OF CONGRESS.

It is the sense of Congress that the Federal Deposit Insurance Corporation and other bank regulators are sending mixed messages to banks regarding regulatory capital requirements and lending standards, which is a contributing cause of decreased small business lending and increased regulatory uncertainty at community banks.

Subtitle B—Other Provisions

PART I—SMALL BUSINESS EXPORT PROMOTION INITIATIVES

SEC. 4221. SHORT TITLE.

This part may be cited as the “Export Promotion Act of 2010”.

SEC. 4222. GLOBAL BUSINESS DEVELOPMENT AND PROMOTION ACTIVITIES OF THE DEPARTMENT OF COMMERCE.

(a) **INCREASE IN EMPLOYEES WITH RESPONSIBILITY FOR GLOBAL BUSINESS DEVELOPMENT AND PROMOTION ACTIVITIES.**—

(1) **IN GENERAL.**—During the 24-month period beginning on the date of the enactment of this Act, the Secretary of Commerce shall increase the number of full-time departmental employees whose primary responsibilities involve promoting or facilitating participation by United States businesses in the global marketplace and facilitating the entry into, or expansion of, such participation by United States businesses. In carrying out this subsection, the Secretary shall ensure that—

(A) the cohort of such employees is increased by not less than 80 persons; and
(B) a substantial portion of the increased cohort is stationed outside the United States.

(2) **ENHANCED FOCUS ON UNITED STATES SMALL- AND MEDIUM-SIZED BUSINESSES.**—In carrying out this subsection, the Secretary shall take such action as may be necessary to ensure that the activities of the Department of Commerce relating to promoting and facilitating participation by United States businesses in the global marketplace include promoting and facilitating such participation by small and medium-sized businesses in the United States.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary for each of the fiscal years 2011 and 2012 such sums as may be necessary to carry out this section.

(b) **ADDITIONAL FUNDING FOR GLOBAL BUSINESS DEVELOPMENT AND PROMOTION ACTIVITIES OF THE DEPARTMENT OF COMMERCE.**—

(1) **IN GENERAL.**—There are authorized to be appropriated to the Secretary of Commerce for the period beginning on the date of the enactment of this Act and ending 18 months thereafter, \$30,000,000 to promote or facilitate participation by United States businesses in the global marketplace and facilitating the entry into, or expansion of, such participation by United States businesses.

(2) **REQUIREMENTS.**—In obligating and expending the funds authorized to be appropriated by paragraph (1), the Secretary of Commerce shall give preference to activities that—

(A) assist small- and medium-sized businesses in the United States; and

(B) the Secretary determines will create or sustain the greatest number of jobs in the United States and obtain the maximum return on investment.

SEC. 4223. ADDITIONAL FUNDING TO IMPROVE ACCESS TO GLOBAL MARKETS FOR RURAL BUSINESSES.

(a) **IN GENERAL.**—There are authorized to be appropriated to the Secretary of Commerce \$5,000,000 for each of the fiscal years 2011 and 2012 for improving access to the global marketplace for goods and services provided by rural businesses in the United States.

(b) **REQUIREMENTS.**—In obligating and expending the funds authorized to be appropriated by subsection (a), the Secretary of Commerce shall give preference to activities that—

(1) assist small- and medium-sized businesses in the United States; and

(2) the Secretary determines will create or sustain the greatest number of jobs in the United States and obtain the maximum return on investment.

SEC. 4224. ADDITIONAL FUNDING FOR THE EXPORTECH PROGRAM.

(a) **IN GENERAL.**—There are authorized to be appropriated to the Secretary of Commerce \$11,000,000 for the period beginning on the date of the enactment of this Act and ending 18 months thereafter, to expand ExporTech, a joint program of the Hollings Manufacturing Partnership Program and the Export Assistance Centers of the Department of Commerce.

(b) **REQUIREMENTS.**—In obligating and expending the funds authorized to be appropriated by subsection (a), the Secretary of Commerce shall give preference to activities that—

(1) assist small- and medium-sized businesses in the United States; and

(2) the Secretary determines will create or sustain the greatest number of jobs in the United States and obtain the maximum return on investment.

SEC. 4225. ADDITIONAL FUNDING FOR THE MARKET DEVELOPMENT COOPERATOR PROGRAM OF THE DEPARTMENT OF COMMERCE.

(a) **IN GENERAL.**—There are authorized to be appropriated to the Secretary of Commerce for

the period beginning on the date of the enactment of this Act and ending 18 months thereafter, \$15,000,000 for the Manufacturing and Services unit of the International Trade Administration—

(1) to establish public-private partnerships under the Market Development Cooperator Program of the International Trade Administration; and

(2) to underwrite a portion of the start-up costs for new projects carried out under that Program to strengthen the competitiveness and market share of United States industry, not to exceed, for each such project, the lesser of—

(A) $\frac{1}{3}$ of the total start-up costs for the project; or

(B) \$500,000.

(b) REQUIREMENTS.—In obligating and expending the funds authorized to be appropriated by subsection (a), the Secretary of Commerce shall give preference to activities that—

(1) assist small- and medium-sized businesses in the United States; and

(2) the Secretary determines will create or sustain the greatest number of jobs in the United States and obtain the maximum return on investment.

SEC. 4226. HOLLINGS MANUFACTURING PARTNERSHIP PROGRAM; TECHNOLOGY INNOVATION PROGRAM.

(a) HOLLINGS MANUFACTURING PARTNERSHIP PROGRAM.—Section 25(f) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(f)) is amended by adding at the end the following:

“(7) GLOBAL MARKETPLACE PROJECTS.—In making awards under this subsection, the Director, in consultation with the Manufacturing Extension Partnership Advisory Board and the Secretary of Commerce, may—

“(A) take into consideration whether an application has significant potential for enhancing the competitiveness of small and medium-sized United States manufacturers in the global marketplace; and

“(B) give a preference to applications for such projects to the extent the Director deems appropriate, taking into account the broader purposes of this subsection.”.

(b) TECHNOLOGY INNOVATION PROGRAM.—In awarding grants, cooperative agreements, or contracts under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), in addition to the award criteria set forth in subsection (c) of that section, the Director of the National Institute of Standards and Technology may take into consideration whether an application has significant potential for enhancing the competitiveness of small- and medium-sized businesses in the United States in the global marketplace. The Director shall consult with the Technology Innovation Program Advisory Board and the Secretary of Commerce in implementing this subsection.

SEC. 4227. SENSE OF THE SENATE CONCERNING FEDERAL COLLABORATION WITH STATES ON EXPORT PROMOTION ISSUES.

It is the sense of the Senate that the Secretary of Commerce should enhance Federal collaboration with the States on export promotion issues by—

(1) providing the necessary training to the staff at State international trade agencies to enable them to assist the United States and Foreign Commercial Service (established by section 2301 of the Export Enhancement Act of 1988 (15 U.S.C. 4721)) in providing counseling and other export services to businesses in their communities; and

(2) entering into agreements with State international trade agencies for those agencies to deliver export promotion services in their local communities in order to extend the outreach of United States and Foreign Commercial Service programs.

SEC. 4228. REPORT ON TARIFF AND NONTARIFF BARRIERS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the United States Trade Representative and other appropriate entities, shall report to Congress on the tariff and nontariff barriers imposed by Colombia, the Republic of Korea, and Panama with respect to exports of articles from the United States, including articles exported or produced by small- and medium-sized businesses in the United States.

PART II—MEDICARE FRAUD

SEC. 4241. USE OF PREDICTIVE MODELING AND OTHER ANALYTICS TECHNOLOGIES TO IDENTIFY AND PREVENT WASTE, FRAUD, AND ABUSE IN THE MEDICARE FEE-FOR-SERVICE PROGRAM.

(a) USE IN THE MEDICARE FEE-FOR-SERVICE PROGRAM.—The Secretary shall use predictive modeling and other analytics technologies (in this section referred to as “predictive analytics technologies”) to identify improper claims for reimbursement and to prevent the payment of such claims under the Medicare fee-for-service program.

(b) PREDICTIVE ANALYTICS TECHNOLOGIES REQUIREMENTS.—The predictive analytics technologies used by the Secretary shall—

(1) capture Medicare provider and Medicare beneficiary activities across the Medicare fee-for-service program to provide a comprehensive view across all providers, beneficiaries, and geographies within such program in order to—

(A) identify and analyze Medicare provider networks, provider billing patterns, and beneficiary utilization patterns; and

(B) identify and detect any such patterns and networks that represent a high risk of fraudulent activity;

(2) be integrated into the existing Medicare fee-for-service program claims flow with minimal effort and maximum efficiency;

(3) be able to—

(A) analyze large data sets for unusual or suspicious patterns or anomalies or contain other factors that are linked to the occurrence of waste, fraud, or abuse;

(B) undertake such analysis before payment is made; and

(C) prioritize such identified transactions for additional review before payment is made in terms of the likelihood of potential waste, fraud, and abuse to more efficiently utilize investigative resources;

(4) capture outcome information on adjudicated claims for reimbursement to allow for refinement and enhancement of the predictive analytics technologies on the basis of such outcome information, including post-payment information about the eventual status of a claim; and

(5) prevent the payment of claims for reimbursement that have been identified as potentially wasteful, fraudulent, or abusive until such time as the claims have been verified as valid.

(c) IMPLEMENTATION REQUIREMENTS.—

(1) REQUEST FOR PROPOSALS.—Not later than January 1, 2011, the Secretary shall issue a request for proposals to carry out this section during the first year of implementation. To the extent the Secretary determines appropriate—

(A) the initial request for proposals may include subsequent implementation years; and

(B) the Secretary may issue additional requests for proposals with respect to subsequent implementation years.

(2) FIRST IMPLEMENTATION YEAR.—The initial request for proposals issued under paragraph (1) shall require the contractors selected to commence using predictive analytics technologies on July 1, 2011, in the 10 States identified by the Secretary as having the highest risk of waste,

fraud, or abuse in the Medicare fee-for-service program.

(3) SECOND IMPLEMENTATION YEAR.—Based on the results of the report and recommendation required under subsection (e)(1)(B), the Secretary shall expand the use of predictive analytics technologies on October 1, 2012, to apply to an additional 10 States identified by the Secretary as having the highest risk of waste, fraud, or abuse in the Medicare fee-for-service program, after the States identified under paragraph (2).

(4) THIRD IMPLEMENTATION YEAR.—Based on the results of the report and recommendation required under subsection (e)(2), the Secretary shall expand the use of predictive analytics technologies on January 1, 2014, to apply to the Medicare fee-for-service program in any State not identified under paragraph (2) or (3) and the commonwealths and territories.

(5) FOURTH IMPLEMENTATION YEAR.—Based on the results of the report and recommendation required under subsection (e)(3), the Secretary shall expand the use of predictive analytics technologies, beginning April 1, 2015, to apply to Medicaid and CHIP. To the extent the Secretary determines appropriate, such expansion may be made on a phased-in basis.

(6) OPTION FOR REFINEMENT AND EVALUATION.—If, with respect to the first, second, or third implementation year, the Inspector General of the Department of Health and Human Services certifies as part of the report required under subsection (e) for that year no or only nominal actual savings to the Medicare fee-for-service program, the Secretary may impose a moratorium, not to exceed 12 months, on the expansion of the use of predictive analytics technologies under this section for the succeeding year in order to refine the use of predictive analytics technologies to achieve more than nominal savings before further expansion. If a moratorium is imposed in accordance with this paragraph, the implementation dates applicable for the succeeding year or years shall be adjusted to reflect the length of the moratorium period.

(d) CONTRACTOR SELECTION, QUALIFICATIONS, AND DATA ACCESS REQUIREMENTS.—

(1) SELECTION.—

(A) IN GENERAL.—The Secretary shall select contractors to carry out this section using competitive procedures as provided for in the Federal Acquisition Regulation.

(B) NUMBER OF CONTRACTORS.—The Secretary shall select at least 2 contractors to carry out this section with respect to any year.

(2) QUALIFICATIONS.—

(A) IN GENERAL.—The Secretary shall enter into a contract under this section with an entity only if the entity—

(i) has leadership and staff who—

(I) have the appropriate clinical knowledge of, and experience with, the payment rules and regulations under the Medicare fee-for-service program; and

(II) have direct management experience and proficiency utilizing predictive analytics technologies necessary to carry out the requirements under subsection (b); or

(ii) has a contract, or will enter into a contract, with another entity that has leadership and staff meeting the criteria described in clause (i).

(B) CONFLICT OF INTEREST.—The Secretary may only enter into a contract under this section with an entity to the extent that the entity complies with such conflict of interest standards as are generally applicable to Federal acquisition and procurement.

(3) DATA ACCESS.—The Secretary shall provide entities with a contract under this section with appropriate access to data necessary for the entity to use predictive analytics technologies in accordance with the contract.

(e) REPORTING REQUIREMENTS.—

(1) **FIRST IMPLEMENTATION YEAR REPORT.**—Not later than 3 months after the completion of the first implementation year under this section, the Secretary shall submit to the appropriate committees of Congress and make available to the public a report that includes the following:

(A) A description of the implementation of the use of predictive analytics technologies during the year.

(B) A certification of the Inspector General of the Department of Health and Human Services that—

(i) specifies the actual and projected savings to the Medicare fee-for-service program as a result of the use of predictive analytics technologies, including estimates of the amounts of such savings with respect to both improper payments recovered and improper payments avoided;

(ii) the actual and projected savings to the Medicare fee-for-service program as a result of such use of predictive analytics technologies relative to the return on investment for the use of such technologies and in comparison to other strategies or technologies used to prevent and detect fraud, waste, and abuse in the Medicare fee-for-service program; and

(iii) includes recommendations regarding—

(I) whether the Secretary should continue to use predictive analytics technologies;

(II) whether the use of such technologies should be expanded in accordance with the requirements of subsection (c); and

(III) any modifications or refinements that should be made to increase the amount of actual or projected savings or mitigate any adverse impact on Medicare beneficiaries or providers.

(C) An analysis of the extent to which the use of predictive analytics technologies successfully prevented and detected waste, fraud, or abuse in the Medicare fee-for-service program.

(D) A review of whether the predictive analytics technologies affected access to, or the quality of, items and services furnished to Medicare beneficiaries.

(E) A review of what effect, if any, the use of predictive analytics technologies had on Medicare providers.

(F) Any other items determined appropriate by the Secretary.

(2) **SECOND YEAR IMPLEMENTATION REPORT.**—Not later than 3 months after the completion of the second implementation year under this section, the Secretary shall submit to the appropriate committees of Congress and make available to the public a report that includes, with respect to such year, the items required under paragraph (1) as well as any other additional items determined appropriate by the Secretary with respect to the report for such year.

(3) **THIRD YEAR IMPLEMENTATION REPORT.**—Not later than 3 months after the completion of the third implementation year under this section, the Secretary shall submit to the appropriate committees of Congress, and make available to the public, a report that includes with respect to such year, the items required under paragraph (1), as well as any other additional items determined appropriate by the Secretary with respect to the report for such year, and the following:

(A) An analysis of the cost-effectiveness and feasibility of expanding the use of predictive analytics technologies to Medicaid and CHIP.

(B) An analysis of the effect, if any, the application of predictive analytics technologies to claims under Medicaid and CHIP would have on States and the commonwealths and territories.

(C) Recommendations regarding the extent to which technical assistance may be necessary to expand the application of predictive analytics technologies to claims under Medicaid and CHIP, and the type of any such assistance.

(f) **INDEPENDENT EVALUATION AND REPORT.**—

(1) **EVALUATION.**—Upon completion of the first year in which predictive analytics technologies are used with respect to claims under Medicaid and CHIP, the Secretary shall, by grant, contract, or interagency agreement, conduct an independent evaluation of the use of predictive analytics technologies under the Medicare fee-for-service program and Medicaid and CHIP. The evaluation shall include an analysis with respect to each such program of the items required for the third year implementation report under subsection (e)(3).

(2) **REPORT.**—Not later than 18 months after the evaluation required under paragraph (1) is initiated, the Secretary shall submit a report to Congress on the evaluation that shall include the results of the evaluation, the Secretary's response to such results and, to the extent the Secretary determines appropriate, recommendations for legislation or administrative actions.

(g) **WAIVER AUTHORITY.**—The Secretary may waive such provisions of titles XI, XVIII, XIX, and XXI of the Social Security Act, including applicable prompt payment requirements under titles XVIII and XIX of such Act, as the Secretary determines to be appropriate to carry out this section.

(h) **FUNDING.**—

(1) **APPROPRIATION.**—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary to carry out this section, \$100,000,000 for the period beginning January 1, 2011, to remain available until expended.

(2) **RESERVATIONS.**—

(A) **INDEPENDENT EVALUATION.**—The Secretary shall reserve not more than 5 percent of the funds appropriated under paragraph (1) for purposes of conducting the independent evaluation required under subsection (f).

(B) **APPLICATION TO MEDICAID AND CHIP.**—The Secretary shall reserve such portion of the funds appropriated under paragraph (1) as the Secretary determines appropriate for purposes of providing assistance to States for administrative expenses in the event of the expansion of predictive analytics technologies to claims under Medicaid and CHIP.

(i) **DEFINITIONS.**—In this section:

(1) **COMMONWEALTHS AND TERRITORIES.**—The term “commonwealth and territories” includes the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States in which the Medicare fee-for-service program, Medicaid, or CHIP operates.

(2) **CHIP.**—The term “CHIP” means the Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.).

(3) **MEDICAID.**—The term “Medicaid” means the program to provide grants to States for medical assistance programs established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(4) **MEDICARE BENEFICIARY.**—The term “Medicare beneficiary” means an individual enrolled in the Medicare fee-for-service program.

(5) **MEDICARE FEE-FOR-SERVICE PROGRAM.**—The term “Medicare fee-for-service program” means the original Medicare fee-for-service program under parts A and B of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(6) **MEDICARE PROVIDER.**—The term “Medicare provider” means a provider of services (as defined in subsection (u) of section 1861 of the Social Security Act (42 U.S.C. 1395x)) and a supplier (as defined in subsection (d) of such section).

(7) **SECRETARY.**—The term “Secretary” means the Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services.

(8) **STATE.**—The term “State” means each of the 50 States and the District of Columbia.

TITLE V—BUDGETARY PROVISIONS

SEC. 5001. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

MOTION TO CONCUR

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Ms. Bean moves that the House concur in the Senate amendment.

The SPEAKER pro tempore. Pursuant to House Resolution 1640, the motion shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services, the chair and ranking minority member of the Committee on Small Business, and the chair and ranking minority member of the Committee on Ways and Means.

The gentlewoman from Illinois (Ms. BEAN), the gentleman from Texas (Mr. NEUGEBAUER), the gentlewoman from New York (Ms. VELÁZQUEZ), the gentleman from Missouri (Mr. GRAVES), the gentleman from Michigan (Mr. LEVIN), and the gentleman from Louisiana (Mr. BOUSTANY) each will control 10 minutes.

Mr. FRANK of Massachusetts. Madam Speaker, I ask unanimous consent that I substitute for the gentlewoman from Illinois on managing our 10 minutes.

The SPEAKER pro tempore. Without objection, the gentleman from Massachusetts will control the time.

There was no objection.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Madam Speaker, I further ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on this piece of legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK of Massachusetts. Madam Speaker, I yield myself 1 minute to say that this is a bill that passed the House in May; it was over in the Senate; it was subject to a filibuster; that filibuster was broken; and the Senate has sent us back the bill. It is not everything we wanted, but it is a significant improvement and will, I think, be helpful.

No one has alleged any possible negative consequences. Some have said it might not be as helpful as we believe, but we think it will enhance the lending capacity of small banks for small businesses.

I reserve the balance of my time.

Mr. NEUGEBAUER. I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Madam Speaker, small businesses create the majority of new jobs and their growth is America's best ticket to economic recovery. But today our small businesses are finding it difficult to keep their doors open.

Since the end of July, I have held 14 town hall meetings, two job fairs, two small business grant supermarkets and several tours of area businesses.

In just a few short months, I have had conversations with thousands of business leaders and have asked them what they need to become stable again. Not once did business leaders come to me asking for a \$30 billion bank bailout. What they do want is crystal clear. They want government to get out of the way. They want Washington to quit burdening them with higher taxes, new bureaucracies and excessive regulations. They want Washington to stop throwing taxpayer money at the problem with failed spending. They want incentives so that they can have certainty in the business climate so that they can anticipate their cost, to invest wisely and start hiring again.

The most important thing for small businesses to give them certainty is extending all the tax cuts. Instead, this bill sets up a mini-TARP bailout, sending \$30 billion to banks that promise to improve lending. Rather than telling businesses what they want, let's listen to what they really need.

I urge my colleagues to reject this plan and work with us to give our small business community the tax relief they need to create jobs and lead us toward an economic recovery.

Mr. FRANK of Massachusetts. I yield 3 minutes to one of the leading advocates and architects of this bill, the gentlewoman from Illinois (Ms. BEAN).

Ms. BEAN. Madam Speaker, I rise today in support of H.R. 5297 and urge my colleagues to support America's small businesses, our job creators, by voting "yes" on this bill.

Some Members of Congress frequently talk about the importance of small businesses to our communities and our economy, yet fail to actually vote for pro-business legislation that comes before them on this House floor. Today they have the chance to act, to do something that truly provides real and immediate assistance to small business owners.

The Small Business Jobs Act is one of the most important bills this year to support our economic recovery. During the small business Federal resource seminars that I hold in my district, community business owners have told me again and again that lack of access to affordable credit remains their greatest obstacle to business recovery, expansion and diversification.

This critical and timely bill will help bridge that gap. Today's legislation builds on the successful provisions in the Recovery Act that helped revive small business lending and secondary credit markets. This bill provides increased SBA loan guarantees and reduced fees; and \$12 billion in small business tax cuts like the net operating loss carryback, enhanced section 179 expense provisions and bonus depreciation, and eliminates capital gains taxes for small business investments.

Also included is a provision I authored to allow commercial real estate refinancing in the SBA 504 program. This will help business owners with performing loans stay in their business properties that would otherwise be ineligible for refinancing due to falling values.

I would now like to ask the gentleman from Massachusetts to engage in a short colloquy to clarify the capital treatment of small business lending fund investments.

Over the last few months, hearings in the Financial Services Committee and many meetings that Members have had with constituents have clearly demonstrated that this kind of legislation is being called for by a broad spectrum of American small businesses and small lenders. One of the main components of the bill is the small business loan fund.

Up to \$30 billion in capital to small banks can be leveraged to \$300 billion in loans to small businesses, our job creators, by making money for the government over 10 years. Community banks that participate in the small business lending fund will be able to support many multiples of that amount in new lending. To allow that to occur, it has always been our intent and understanding that the bank regulators should treat small business lending fund investments in all eligible institutions—community banks, thrifts and holding companies—as tier 1 capital, in a manner consistent with that accorded to other capital securities issued to Treasury by eligible institutions and in consideration of the strong public interest in promoting lending to small businesses.

It is my understanding that these investments are meant to be counted as tier 1 capital. Mr. Chairman, is that correct?

I yield to the chairman.

Mr. FRANK of Massachusetts. I thank the gentlewoman for yielding.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. FRANK of Massachusetts. I yield the gentlewoman 1 additional minute.

Yes, the gentlewoman is exactly correct. It is intended that this be treated as tier 1 capital in a way that is consistent with other capital securities issued to Treasury.

Ms. BEAN. Mr. Chairman, it is also my understanding that you and committee staff have been in discussion

with Treasury and regulators since this bill was in our committee about the intent that these investments can be counted as tier 1 capital in a manner consistent with that accorded to other capital securities issued to Treasury and that Treasury and the regulators understand Congress' intent and have noted that they have the appropriate authority to do so under the bill.

Mr. FRANK of Massachusetts. The gentlewoman is correct.

Ms. BEAN. Thank you, Chairman FRANK, for all your hard work on this important bill. With access to tier 1 capital, community banks that participate in this program will be able to provide small businesses with the credit they need to grow and hire.

□ 1340

Mr. NEUGEBAUER. It is my honor and privilege to yield 3 minutes to the gentleman from Texas, the ranking member of the Financial Institutions Subcommittee, Mr. HENSARLING.

Mr. HENSARLING. I thank the gentleman for yielding.

Madam Speaker, another day, another opportunity to borrow \$30 billion, much of it from the Chinese, and send the bill to our children and our grandchildren. Again, Madam Speaker, the American people are asking, what part of "broke" doesn't Congress understand? They don't get it.

Now, I know my friends on the other side of the aisle say, "Well, no, wait a second. This will actually reduce the deficit." Well, what it does, Madam Speaker, is it pairs temporary tax credits with permanent tax increases; again, some of that Washington accounting nonsense that has somehow put this Nation on the road to bankruptcy, that has brought us the first back-to-back trillion dollar-plus deficits in the history of our Nation, the kind of accounting that now provides us with the single largest debt in America's history.

In fact, if you read the legislation, Madam Speaker, it has what is known as directed scoring. Under H.R. 5297, CBO is to determine the cost of this bill under credit reform without any adjustment for the market risk. In fact, CBO goes on to say that cost estimates made under FCRA do not provide a comprehensive measure of the cost to the taxpayers.

Madam Speaker, again, when all is said and done, I predict the American taxpayer yet again will be called upon to borrow more money, much of it from the Chinese, and send the bill to our children and our grandchildren.

Now, I know that the authors of this bill have called it SBLF, but to many of us it reads like T-A-R-P. This is TARP pure and simple. It is the capital purchase program under a different name. I will admit they have added an incentive to lend; but again, to lend to whom? Whatever this bill does theoretically to help small business, they

take it away. They take it away, Madam Speaker, with the cost and uncertainty of their health care bill. They take it away with the cost and uncertainty of their financial regulatory bill. They take it away with the cost and the uncertainty that is threatened through the national energy tax that is known as cap-and-trade, and certainly from the national debt that all small business people sooner or later are going to be called upon to pay.

So whatever pennies they are trying to drop into the small business coffer today, they are going to take away dollars and dollars and dollars, which is one of the reasons, Madam Speaker, under this President and this Congress, we continue to be mired in almost double-digit unemployment 16 months in a row—worst in a generation—with no hope in sight. And this, again, is more of the same—more spending, more TARP, more of the failed policies that have brought us the unemployment and misery that we see today.

If you want to help small business, the first thing you can do is to ensure that you do not increase their taxes by increasing the marginal income tax rate on the top two brackets, which is already being threatened by the Speaker today, which we know in the Joint Committee on Taxation says half of all small business income would be hit by that tax increase.

Reject this bill.

Mr. FRANK of Massachusetts. Madam Speaker, I yield 1 minute to the gentleman from Missouri (Mr. CLEAVER).

Mr. CLEAVER. Madam Speaker, back in May I filed an amendment in committee hoping that I could work with the administration between then and now, floor consideration, to develop a meaningful way for community development loan funds to participate in this legislative proposal. I want to take this opportunity to boast about it being included in this final version and discuss the urgent need to assist community development loan funds, who have been left behind in too many programs, that help small business and institutions.

Since its inception, the Treasury's CDFI fund has certified over 1,200 CDFIs in banks, credit unions, loan funds, and venture capital funds. CDFI banks, credit unions, and loan funds have been historically well managed. It is without a doubt that CDFIs are critical to the development of minority and underserved populations, especially nonprofit loan funds that have traditionally served the more economically and racially diverse communities. Seventy percent of CDFI recipients are low income, and over 50 percent are minority and majority female. Furthermore, microlending and small business lending represent 45 percent of CDFI loans.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FRANK of Massachusetts. I yield the gentleman 30 additional seconds.

Mr. CLEAVER. I commend the administration's and Mr. FRANK's leadership in recent proposals to increase CDFI fund investments and the launch of two new initiatives within the CDFI program to improve the health and economic viability of low-income communities. However, nonprofit loan funds that serve credit-starved communities were left out of many of these initiatives. This bill was my attempt to right that wrong.

I look forward to working together to ensure that nonprofit community development loan funds are provided an adequate opportunity to participate.

Mr. NEUGEBAUER. Madam Speaker, may I inquire as to how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from Texas has 5½ minutes remaining. The gentleman from Massachusetts has 4 minutes remaining.

Mr. FRANK of Massachusetts. Madam Speaker, let me inform my colleague that I intend to close with my remaining 4 minutes, and I'm my last speaker. I will close; so I reserve the last 4 minutes to close.

Mr. NEUGEBAUER. Madam Speaker, I yield myself such time as I may consume.

Just last month, in the month of August, I traveled around the 19th Congressional District. I had nine town hall meetings. But more importantly, I had numerous meetings with small businesses and with larger businesses in my district and with banks, both large and small, about this issue of getting America back to work and getting small businesses back to creating jobs again, and one of the things I heard over and over again was the word "uncertainty."

They said, Congressman, there is too much uncertainty about what the future looks like in this country.

I heard small businesses say, We don't know what this new health care plan is going to mean or cost to our business. Congressman, we don't know what the tax environment is going to be in this country because Congress hasn't done anything to keep the largest tax increase in the history of our country from unfolding. Congressman, we don't know how to deal with all these new regulations that are coming out of all of these agencies where EPA is trying to circumvent Congress and regulate greenhouses. And, Congressman, we don't know what to think about a country that keeps spending and borrowing and spending and borrowing to the point where now every day every dollar we spend we borrow 42 cents.

So I heard that from the businesses. And what I heard them say is, We are holding on to the employees we've got.

We've tried not to lay off anybody. And we could probably buy some new machinery, or we could probably put some more people on, but there's too much uncertainty. We are just going to sit on the sidelines.

Also I heard, when we had the debate on this bill previously, the other side talking about the lack of credit availability to a lot of small businesses, and so I went to see my friends in the banking business. And I went to say to them, Why aren't you lending money? And they said, Congressman, we've got lots of money to loan. Our bank has the strongest capital it's had in a long time. We have money to lend. They said, The good customers that we would like to lend money to don't want to borrow money because of the uncertainty that's going on in this country right now.

I said, Well, let me make sure I understand this. You're saying you have the money to loan, but people don't want to borrow it because they are concerned about the future of this country and what the environment, business environment is going to be? And they said, That is exactly right.

And so what is so interesting about this is this is another one of the majority's failed attempts to recycle a program that didn't create any jobs the first round. TARP I, TARP II, all of the stimulus, all of these massive amounts of future generations' economic opportunity thrown at this economy and no jobs have been created. In fact, we have almost got 15 million people in this country that are unemployed today. And since we've done all these programs, we've lost almost 2½ million jobs.

What the small businesses need in this country is certainty and not another bailout program. This bill raises taxes. It gives some temporary tax relief, as my friend from Texas said, but it also—and I don't know what part of the fact that the small businesses are concerned about this 1099 thing, now we've got the 1099 in the health care bill. Now we've got the 1099 on rental expenses in this bill making it more onerous, creating more uncertainty, more lessening the opportunity and the motivation for small businesses to expand and to create jobs in this country.

In fact, yesterday Secretary Geithner appeared in one of our committees. He said banks have plenty of money to lend. That's Secretary Geithner. We had the Independent Community Bankers say that banks have plenty of liquidity, plenty of money to lend. It's a matter of getting quality demand back.

Another comment was from our folks at NFIB. They said that the primary problem facing small business owners right now in terms of job creation is not access to credit.

□ 1350

This is the group of people that represents small businesses in this country. It is a lack of sales, customers, and

confidence. Small business owners are unlikely to invest in hiring or expanding their businesses when their sales and profits remain weak.

If the majority is serious, and we are wondering if they are serious, about getting America back working, getting America back to the vibrant economy that it had, let's do something serious about that and not put the American taxpayers—we are going to go borrow \$30 billion for this. And we are going to have to borrow the whole \$30 billion because somewhere in the middle of last month, everything the Treasury spends from that point going forward is borrowed money. We are headed to a \$1.3 trillion deficit this year.

So we are going to go borrow \$30 billion to put into a program that the banking industry and NFIB and all of these people say really isn't what the economy needs. What the economy needs is certainty: certainty in taxes, certainty in regulatory environment, and certainty that this Congress is going to quit borrowing and spending money that it doesn't have.

So I urge my colleagues to vote "no" on this bill. Let's vote for something that really matters and really gets America back to work.

I yield back the balance of my time.

Mr. FRANK of Massachusetts. Madam Speaker, I yield myself the balance of my time.

First, this bill deals with the particular needs of minority women and veteran-owned small businesses. I want to point out that we have had hearings documenting the barriers and the discrimination that face small businesses that are owned by minority women or service-disabled veterans. There were hearings on this. There is evidence that they have a harder time and get less value for their loans. I want to make clear that we have looked at that, and our inclusion of provisions for that is based on our evidence.

Secondly, I have to say that my colleague from Texas is to be congratulated on his selectivity. He manages to do more partial quoting of people's positions than I get on my cell phone in a bad reception area.

For example, he talked about the Independent Community Bankers. You might have had a hard time, listening to the gentleman from Texas, figuring out that they wrote us a letter dated September 22. Maybe they changed their mind overnight and talked to the gentleman from Texas, but I am skeptical. In the letter they say this bill: "... is a bold, fresh proposal that would provide another option for community banks to leverage capital and expand small business credit."

The Independent Community Bankers, whom he sought to quote denigrating this bill, are very much in favor of this bill.

The National Association of Home Builders likes the concept, although

they were upset with one of the things that the Senate left out.

The Financial Services Roundtable—and here is the problem when taking a partisan stance: You have to over-argue your case. If you listen to the gentleman from Texas, there are no small businesses anywhere that would like to get a loan but can't find it from their bank. Now no one, including the gentleman from Texas, believes that is true.

I have to say that my advice to my colleagues is, even in the heat of a political debate, try to refrain from saying something that no one will believe because it is not helpful to your argument.

Yes, there are cases where there are banks that have enough capital. There are cases where there are companies that are afraid to lend. But what the gentleman has said goes far beyond that: There are no significant number of small businesses in America that are encountering problems because there are banks that don't have enough capital. No one believes that.

Now here is the problem. We have people who do not want to see anything get better. The gentleman from Texas (Mr. HENSARLING), I will credit him because he didn't talk much about this bill. He complained about a lot of other bills. I understand that. He, I think, quite honestly realized there was not a lot of bad things to say about this bill. The worst they can say about this bill is it might not be used as much as we think. I disagree. In this vast economy, \$30 billion is not a huge amount of money from the standpoint of the small business borrowers.

Now, this bill is not what I would like it to be. The gentlewoman from New York (Ms. VELÁZQUEZ), the chair of the Small Business Committee, improved this bill significantly in the House. And this is not as good a bill as it came back from the Senate as it was before. I am going to be working with her. I intend to vote for this bill to give the Senate another chance. I don't like to give up on people or institutions. I believe in redemption, and we will give the Senate a chance to get it right.

But let's be clear. The Independent Community Bankers are for this. Other small businesses are for this. The argument that no small business anywhere in America has capital that they need and can put to use and can't find a bank, that simply isn't valid.

On uncertainty, I understand the problem of uncertainty in taxation. You know what the uncertainty is? What's going to happen to the Bush tax cuts. And whose fault is that uncertainty? President Bush and his Republican allies, who passed a manipulative, book-cooking tax cut that they said would last 10 years. I didn't say that it should last for 10 years and then expire. I didn't say that the estate tax should be a dippy-doodle that went up

and down and up and around. That is what the Republicans did because they were trying to hide from the American people the full budgetary impact of their taxes.

Let's pass this bill, do what we can for small businesses, and go on to other work.

INDEPENDENT COMMUNITY
BANKERS OF AMERICA®,

Washington, DC, September 22, 2010.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives,
Washington, DC.

Hon. JOHN BOEHNER,
Minority Leader, House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI AND LEADER BOEHNER: On behalf of the nearly 5,000 members of the Independent Community Bankers of America, I write to express our strong support for the Small Business Jobs Act (H.R. 5297), and its core component, the Small Business Lending Fund (SBLF). The SBLF passed the House in June, and we now look forward to the final House passage of HR 5297.

ICBA believes that the SBLF will spur the flow of additional small business credit. Additionally, the legislation's Small Business Administration loan program incentives will allow community banks to further expand lending to deserving small business borrowers. In order for the SBLF to reach its full potential, Congress has specifically pressed for Tier 1 capital treatment of SBLF funds for all recipient institutions. Tier 1 treatment will allow the funds to be leveraged to provide as much as \$300 billion of new small business credit. Treasury and the bank regulators must quickly implement this program as intended by Congress.

The nation's nearly 8,000 community banks are prolific small business lenders with the community contacts and underwriting expertise to get credit flowing to the small business sector. The SBLF is a bold, fresh proposal that would provide another option for community banks to leverage capital and expand small business credit.

Thank you for your consideration.

Sincerely,

CAMDEN R. FINE,
President and CEO.

Ms. VELÁZQUEZ. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, small businesses have always been a critical component of the U.S. economy, and that is not different today. Generating nearly two-thirds of net new jobs over the past 15 years, they are not only the primary catalyst for employment growth but also for our Nation's underlying prosperity. Through the years, we have relied on our strong culture of entrepreneurship and innovation to renew us and make us stronger.

Today, small firms face different challenges than in the past. As a result, there will be different solutions. The policies that we adopt today must be carefully crafted to meet entrepreneurs's current needs. Unfortunately, the legislation we are considering today do not provide the protections that we need to make sure that small businesses have access to affordable capital.

We have seen the power of small businesses to pull us forward before. During the recession of the early 1990s, small businesses provided an economic lifeboat and created approximately 3.8 million jobs. This fueled the recovery then, while also planting the seeds for growth later in that decade. Back then it was the dot-coms and the Internet revolution at the forefront of the recovery. Today, we see entrepreneurs embracing green technologies and alternative energy. Small firms are fabricating solar panels, developing fuel cells, and researching innovations in building materials. These green firms add \$933 billion to the economy each year and employ more than 11 million workers. By 2030, the number is expected to reach 40 million employees, or 25 percent of the American workforce.

In the next decade, this will be the foundation for growth and job creation. Once again, it will be small firms leading the way.

While these cutting-edge firms are critical to the future, we also must recognize the importance of established firms. These local businesses, the mom and pops and the local storefronts, provide employment to millions of individuals and anchor our communities. For many, the economic recovery that has begun in recent months is long overdue.

Now, more than ever, we need to make sure that the environment is conducive to the success of both new and established businesses. For some, this means reducing the regulatory burden or providing tax relief. For others, it requires greater access to affordable capital or entrepreneurial assistance. Most important, we must get this mix right and avoid enacting policies that do not meet entrepreneurs' needs.

Whatever policies we choose, whether it be the legislation under consideration today or future proposals, it is crucial that we continue to embrace the power of our Nation's small businesses. Doing so will create badly needed jobs in the short term, while laying the framework for a long-term, sustainable period of growth.

I yield back the balance of my time.

□ 1400

Mr. GRAVES of Missouri. I yield myself such time as I may consume.

Madam Speaker, I rise today in opposition to the amended version of H.R. 5297, the misleadingly named Small Business Jobs and Credit Act. We have again missed an opportunity to help small businesses around the country that are in desperate need of less regulation and of more certainty about the future. This legislation has three basic parts:

It has a \$30 billion government bailout provision with no guarantee that the funds are actually going to go to entrepreneurs;

Another part is it has a slew of major changes to the Small Business Administration programs that actually discourage job creation;

Third—and this is the one that amazes me the most—it has a tax component that combines some very limited small business benefits with even bigger penalties on the dreaded 1099 reporting mandate in the health care law.

To better explain that last part, during the month of August, when I went around and listened to small businesses and to some of the problems that they are having, one of the biggest complaints I heard about was this 1099 reporting for small business with any purchase of over \$600 or more. In this bill, it increases the penalties on reporting for that. So it was just amazing to me that this was actually included in this.

As the ranking member of the Small Business Committee and as a small business owner myself, I have spent months talking to entrepreneurs and examining their ideas on what Washington can do to encourage a stable recovery. I can tell you right now that this legislation is not what they want. It is not what they need to create and grow their businesses.

Small business owners aren't looking for more government intervention and more wasteful spending. They are looking for some certainty. Small business owners are looking for a commitment from Washington leaders that their taxes are going to stay the same. They need a commitment that they won't be bombarded with more job-killing regulations. Most of all, they need to feel confident that they can hire new workers and can invest in their businesses without the fear that next week, next month or even next year, Washington is going to turn its back on them.

Instead of creating jobs like my colleagues on the other side of the aisle are promising, all this so-called "small business bill" will do is create disappointment. In fact, this bill actually removes a very critical job creation requirement from one of the SBA lending programs. The truth of the matter is that this is just another bailout bill that will generate billions of dollars for financiers and not one penny for workers.

If we are serious about creating jobs and about encouraging small business expansion, we must work together to develop fiscally responsible policies that work for small businesses and families. I urge my colleagues and other Members to vote against this legislation. Instead, join me in implementing a better solution that will help small businesses without imposing more debt and regulations.

Madam Speaker, I yield back the balance of my time.

Mr. LEVIN. I yield myself such time as I may consume.

Madam Speaker, not much time needs to be consumed to make clear what is happening here. Many on the minority side rise in opposition. Why? Essentially, it is this:

Oppose any bill that helps the Nation, because it helps the President and this Congress achieve something for the Nation. Oppose it even if it helps small business, as this bill will. Oppose it even if it creates jobs, the key to this bill. Oppose it even if the pay-fors primarily were developed on a bipartisan basis. Find some flimsy excuse to oppose it.

I will read the last sentence from the Chamber of Commerce letter:

"Ninety-six percent of the Chamber's members are small businesses with fewer than 100 employees. On behalf of these small businesses, the Chamber urges you to support H.R. 5297 and strongly encourages Congress to address the issues of broad economic importance to the small business community."

So you're trying to find some fig leaf. So far, they've all been transparent. To come here and to try to march with your message, even when it doesn't apply, doesn't serve you well. It doesn't serve this Congress well. It surely doesn't serve small businesses well, and it doesn't serve well our Nation.

I reserve the balance of my time.

Mr. BOUSTANY. I yield myself such time as I may consume.

I rise in opposition to H.R. 5297.

Madam Speaker, we have heard a lot today about the centerpiece of this bill—the highly controversial \$30 billion small business lending fund, a provision sometimes referred to as TARP III. That provision is certainly of major concern to me, and it is reason enough to vote against this bill, though I want to focus my remarks on aspects of the bill that are within the Ways and Means Committee's jurisdiction.

This legislation includes approximately \$12 billion in small business tax provisions, including a number of items that Republicans have long supported. For example, there is widespread, bipartisan support for expanded business expensing and for the extension of bonus depreciation as ways to encourage additional capital investments.

In addition, this bill includes a provision originally authored by our colleague from Texas (Mr. SAM JOHNSON) that would eliminate the outdated requirement that employees keep extensive records documenting their personal use of their employer-provided cell phones so they can include the value of that benefit in their incomes.

It also includes a provision that I have been working on with Chairman LEWIS of the Oversight Subcommittee that would reduce penalties on small businesses that unintentionally violate certain disclosure rules under section 6707(a) of the Tax Code. Republicans

don't object to these provisions. In fact, we think they should have been enacted months ago.

The tax portion of this bill also contains a highly troubling provision that would essentially double down on a particularly flawed element of the majority's new health care law. It is the requirement that small businesses file form 1099 with the IRS for every business and individual to which they make total payments of more than \$600 each a year. We already know that this highly confusing and burdensome information-reporting regime, which could cause the number of required tax forms to quintuple, will drive up the cost for small businesses across the country. It is clear that this added expense will mean that employers will have less money to hire new workers and to retain existing ones.

Instead of working with Republicans to repeal these onerous new 1099 reporting requirements, the majority is now actually seeking in today's bill to substantially increase the penalties for failure to comply with them. Although proposals to increase the penalties for failure to file correct information returns have not always been particularly controversial, these penalties now apply to a much larger universe of transactions because of the majority's new health law. Because those new requirements are so confusing and burdensome, especially for small businesses that are already struggling to meet payroll, increasing the penalties for what could be inadvertent mistakes seems especially unfair.

To add insult to injury, the legislation before us would also expand the types of transactions subject to 1099 reporting requirements even further. The bill would generally require that a recipient of rental real estate income file an information return on his rental property's expense payment as well. For example, an individual who rents out even a single condo unit would generally be required to file a 1099 for his purchase from Home Depot or other corporate establishments if he buys more than \$600 in supplies from them over the course of the year.

This new requirement, which would raise more than \$2.5 billion over 10 years, could prove to be every bit as burdensome for owners of small rental real estate holdings as the health law's 1099 requirements are for small businesses, especially considering the increases in penalties I mentioned a moment ago.

□ 1410

But let me close by making a broader point. The majority boasts about how much this bill's tax provisions like increased expensing and extending bonus depreciation will help small businesses—and let me be clear. Those are proposals that Republicans continue to support. But any tax benefits provided

by this bill at the margins will pale in comparison to the enormous tax increase the majority has in store for every taxpaying small business at the end of this year.

By failing to extend the critical tax relief that is scheduled to expire at the end of 2010, the majority will impose a \$3.8 trillion tax hike on American taxpayers—including every small business in America that pays income taxes—over the next 10 years. Especially with unemployment continuing to hover near 10 percent and economic growth very sluggish, that is a terrible idea for small businesses. It's a terrible idea for the economy, and it's a terrible idea for job creation.

Madam Speaker, I reserve the balance of my time.

Mr. LEVIN. Madam Speaker, I yield 1 minute to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. I want to thank my chairman, Chairman LEVIN, for yielding.

Madam Speaker, this week on the news we heard economists declare that the recession ended sometime last year. But while Wall Street may celebrate, in Atlanta and many other cities there is a different story. Small businesses from Peachtree to Cascade and from Moreland Avenue to Clairmont Road continue to struggle. People are still suffering. With this bill, we give them the support they badly need.

Enough with politics and enough with the posturing. Small businesses need access to capital, and they need it now. They need it right now. They need tax relief, and they need it now.

I urge all of my colleagues to vote "yes" and pass this bill. It is the right thing to do, and we must do it and do it now.

Mr. BOUSTANY. Madam Speaker, I reserve the balance of my time.

Mr. LEVIN. Madam Speaker, it is now my privilege to yield 1 minute to the gentleman from Massachusetts, a member of our committee, Mr. NEAL.

Mr. NEAL. I thank the gentleman.

Madam Speaker, I stand in support of this small business jobs bill. There is no cute title for this bill. It's simply about small businesses and jobs. It injects funding into small businesses in two ways.

First it does through the creation of a \$30 billion lending fund for community banks. Many have complained that while community banks have money, they aren't positioned to lend. This fund makes favorable repayment rates contingent upon lending to small business.

Second, the bill provides \$12 billion in enhanced tax benefits for small businesses, which will encourage hiring and investment. It will allow small businesses to carry back the general business credits for 5 years, and they will provide cash in hand today rather than sitting on the credits that they eventu-

ally cannot claim. All of this will allow small businesses which may be on the fence about committing new funds, new investments, upgrades in equipment, or retaining or rehiring workers to spend the funds necessary to get back to work.

This is a very decent, reasonable piece of legislation. We ought to embrace it. It will have ripple effects throughout our economy.

Mr. BOUSTANY. Madam Speaker, I mentioned earlier the small business provisions that we do agree upon, but we think that these are going to be outweighed by the onerous 1099 provision that is in the health law, and the impact on businesses is going to be terrible.

I want to just mention something here. The IRS's own National Taxpayer Advocate highlighted several problems with this particular 1099 reporting requirement. "The new reporting burden, particularly as it falls on small businesses, may turn out to be as disproportionate as compared with any resulting improvements in tax compliance. Small businesses may have to pay for additional accounting services, incurring additional costs. In our view, it's highly likely that the IRS will improperly assess penalties that it must abate later after great expenditure of the taxpayer and IRS time and effort. Small businesses that lack the capacity to track customer purchases may lose customers, leaving the economy with more large national vendors and less local competition." Those are the words of the National Taxpayer Advocate at the IRS.

This 1099 reporting burden on small businesses is particularly onerous and outweighs many of the advantages of some of these tax provisions that we all agree upon. It's a shame that we couldn't have gotten together to put together a better small business package that would actually promote small business growth, promote jobs, and promote our economy.

Madam Speaker, I reserve the balance of my time.

Mr. LEVIN. Madam Speaker, I yield myself such time as I may consume.

You know, the mindless objection really overlooks the urgency of this picture. We go back home; people say they can't receive credit. You talk about TARP III. You're the only ones who use that language to try to find a label even for something beneficial, as was other legislation.

So we go home and we hear this cry out for credit, and we put together a bill that provides \$30 billion for small and medium-size businesses, and you look for an excuse. We provide money for the States to provide collateral so small businesses can receive the credit—a provision that Governors support, Republicans and Democrats—and you search for some basis that somehow will carry what you think is a winning

message even if the American people are the losers. It doesn't work.

Madam Speaker, I yield 1 minute to the distinguished majority leader, Mr. HOYER.

Mr. HOYER. I thank the chairman of the Ways and Means Committee, Mr. LEVIN, for yielding. Mr. LEVIN has been one of our hardest workers and leaders in the effort to make sure that American business can succeed and expand and create good-paying jobs for our economy.

I just heard the last of his remarks, but my presumption is he was saying, as we all know is the case, there is not a place that any of us travel in the United States of America, when we talk to small businesses all over this country, that they don't say: Congressman, one of the real problems I have is I can't get capital. I want to put an additional room on my restaurant so I can have some additional tables, and I'll have to hire some additional—maybe a cook and a waiter and waitresses and a receptionist, but I can't get capital. I know I can get the customers, but I can't expand.

That's what this bill is about. This bill is about empowering small businesses to do what they do so well.

In our work to recover from the worst economic crisis of our lifetimes as a result of the economic policies we put in place in the last administration, we're suffering under the worst economic crisis in 75 years. Only the Great Depression is analogous.

Businesses will play an extraordinarily important role in bringing us back; they are our economy's job-creating engine. Over the past year, 64 percent of new jobs came from small businesses. Keeping small businesses growing and creating jobs is essential to our economic recovery, and supporting small businesses is an essential part of rebuilding American industry, which is why this important small business lending bill is part of the Democrats' "Make It in America" agenda.

□ 1420

You're going to be hearing a lot about that agenda: "Make It in America."

There are an awful lot of people in our country right now who, understandably, are not sure they're going to make it in America. They're not sure their kids are going to be able to make it in America. They're not sure they're going to have a retirement on which they counted. "Make It in America."

Now, that has another meaning as well: make it in America; manufacture it in America; create good-paying jobs through manufacturing things in America that Americans will buy, and yes, the rest of the world will buy.

This is a plan to strengthen American manufacturing and its ability to

create well-paying middle class jobs. Six Make It in America bills have already been signed into law. In addition, Democrats have voted for investments in job-creating infrastructure projects, lower taxes for 98 percent of America, expanded Small Business Administration lending, a tax credit for small businesses that hire unemployed workers, and long-term tax credits to help small businesses afford employer health care. And we've done it in the face of a year and a half of near unanimous Republican opposition.

The challenges faced by small businesses are still, of course, significant ones. Last year, for instance, 45 percent of small businesses seeking loans to expand or even stay in business were turned down for a loan, which had an obvious impact on employment.

To expand the job-creating flow of credit, I urge each of my colleagues, not Republicans or Democrats but all of my colleagues, who all want to see small businesses grow, who all want to see jobs created, and, therefore, I urge all of my colleagues on either side of the aisle of whatever ideology, support this bill.

I talked to my small bankers last week. They say if they get this capital, they're going to lend to small businesses. I talked to my small businesses, and they say if this bill passes, they believe that they'll be able to get a loan to expand their business or to keep in business.

First, this bill creates a small business lending fund that makes it easier for small businesses to access the capital they need. It also establishes \$12 billion in tax cuts for small business.

I've heard a lot of talk throughout my 30 years here in the Congress of the United States from the other side of the aisle about cutting taxes on small businesses. Well, this cuts \$12 billion in taxes on small businesses. I would hope that you would feel that was consistent with what you said ought to be done. We agree. And we've done it. And we're trying to do it again.

These tax credits encourage small business investments by eliminating small business capital gains taxes in many cases; they encourage innovation by helping entrepreneurs deduct more startup expenses; they make it more affordable for business owners to invest in the equipment they need to expand; and, as I said, they make health care more affordable for the self-employed—all designed to grow and expand small businesses and to create jobs for the millions of Americans who have been hardworking Americans, lost their job, and they want to work and they're looking for work, and they can't find it. This is an opportunity for us to expand that job pool by an estimated 500,000.

In addition, this bill strengthens State and SBA programs that lend to small businesses. We have such a pro-

gram in the State of Maryland. We think this will help. And it strengthens overseas competitiveness by funding export-promoting programs and by fighting for market access and a level playing field for American companies that compete abroad.

In all, this bill's provisions are projected, as I said, to save or create as many as a half million jobs.

Passing this bill is a test of every Member's commitment to the businesses that are the backbone of our districts. It is a measure of our support for their ability to innovate, grow, and employ more workers.

But as important as this bill is, it is not the end of our work to create small business jobs.

For instance, the House will soon debate Congressman MILLER's bill to support lending for home construction—another example of Democratic efforts to support small businesses and create jobs.

I hope that every one of my colleagues sees fit to support this bill, not because it perfectly represents every view that you have—none of us vote for bills that reflect our views perfectly—but because the consensus of the business community is this will move us forward.

Vote for this bill. It's good for America. It's good for our people. It's good for jobs.

Mr. BOUSTANY. I yield myself the balance of my time.

Madam Speaker, I mentioned that we are for some of this tax relief in this bill. But if you talk to small business owners across this great country of ours, you talk to workers, you talk to families, what they're concerned about is the uncertainty, the uncertainty of what's happened over the last 2 years under this administration. This atmosphere of uncertainty is what's killing small business growth, and it's killing jobs.

Now, we highlighted the 1099 provision in the health care bill. That's just one provision in a massive bill that has led to this tremendous uncertainty, this atmosphere that is just like cold water on all business activity.

Yes, I admit the credit problems are real. Small businesses are struggling with it. But why is that? It's because there is uncertainty in the economic climate.

Now, it's nice. We have a bill that offers some good tax provisions in there. But where one hand giveth, the other hand taketh away with onerous provisions that are going to add costs to our businesses that are trying to hire and trying to make a living and trying to prosper, trying to create wealth and prosperity for American families.

The bottom line is we need good, solid policies that are going to basically eliminate this uncertainty. That's why I have to say I lament the fact that we couldn't get together and

work on something that would really promote job growth, promote economic growth and prosperity for families. But, no, we have to play these political games, and we have to put provisions in there for certain reasons that actually are going to work counter to what we're trying to do.

The 1099 provision is just one of many, many elements that have led to this intense uncertainty across the board. I challenge my friends. I say go across the country, visit your districts, talk to small business owners and ask them what is the problem. They'll tell you it's credit. But they'll tell you, We don't know what's coming with this health care and what it's going to cost us.

There are a number of provisions the way this is going to be implemented, the 1099 provision being one. New taxes, the tax uncertainty—my God, that is a huge issue. Why can't we get together and extend the tax relief from 2001 and 2003 and keep the capital gains and dividend taxes where they are today? That will create an atmosphere of certainty for our businesses that want to hire, they want to produce goods, they want to export.

Why can't we articulate a coherent trade policy that's really going to promote exports? We've got three trade agreements on the table ready to go that immediately promote exports that will create high, good-paying jobs. One-out-of-five jobs in this country are related to trade. But, no, we won't take up those trade agreements. Ask why. Special interest. It's not what's best for America; it's for special interest.

We have a moratorium on drilling down in my district, in my State. It's killing small business growth. Killing it. These are small businesses that provide services and equipment and manufacturing to support American energy. And guess what. We have an arbitrarily imposed moratorium that defies any basis in fact or science at this stage, and we can't even get answers from this administration to bipartisan letters inquiring why that's the case.

So let's talk about how you get rid of uncertainty in this economic climate. We've got a climate of fear right now. People are fearing what's coming out of Washington.

What we need is certainty, and we need good, solid politics that are going to help American workers and American families.

□ 1430

Mr. LEVIN. I yield 1½ minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend for yielding.

I think if we went into any shopping mall or restaurant in America today and asked people who aren't in politics, What would you like to see us do to help put people back to work?, they

would say, Well, small businesses create three out of four jobs in the country. Why don't you help them? Why don't you make it so if they create jobs you cut their taxes? Why don't you make it so if they can't get loans, if they have good credit they can get loans and pay them back so it doesn't cost the Treasury anything? And why don't you do this in such a way that it doesn't add to the deficit, that you offset the cost of doing this by finding other savings to pay for it? Why don't you do that?

That's exactly what this bill does.

Now, I suspect that if the minority's not going to support this bill, it has more to do with the calendar than the content of the bill. In 40 days the voters are going to the polls. And the other side has decided to run their campaign on the basis that nothing good is happening. That's their judgment. We're making a different judgment here: helping small businesses by cutting their taxes, helping small businesses by making credit available to creditworthy borrowers, and helping the American people by creating jobs in a way that doesn't increase the deficit.

Our friends on the other side, Madam Speaker, say there's a climate of fear in Washington. Maybe people are justifiably afraid out in the country that the other side wants to do nothing but say "no." We should vote "yes" on this bill.

Mr. LEVIN. My colleagues on the Republican side want to talk about everything except this bill. I understand that. I think quietly you might admit you are embarrassed to vote against it. You raise the 1099 issue in the health bill. We've brought up a bill to repeal it, and almost all of you voted "no." You want to talk about all kinds of other issues except this bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). Members are reminded to address their remarks to the Chair, not to others in the second person.

Mr. LEVIN. I will be glad to do that. So my colleagues want to make sure, if they can, that this doesn't happen. It's going to. You say, why can't we get together? The last months, the last year, all of this has proven the last thing you want to do is to get together. They think that the best thing to do is to make sure we can't. That won't help the small businesses of this country.

This is an excellent, necessary bill for small businesses in this country who need the credit flowing. And those who vote "no" are standing in the way of that flow of credit for the small businesses of this country. Inexcusable.

Mrs. MALONEY. Madam Speaker, the Small Business Jobs and Credit Act of 2010 (H.R. 5297) will strengthen our current economic recovery, by strengthening our small businesses.

This legislation is sorely needed to bolster our small firms, which have lagged their larger counterparts in recovering from the Great Recession.

While the economy has made significant progress since the beginning of 2010, including eight straight months of private sector job growth, small businesses are not yet fully participating in this recovery.

The legislation before us will help change that—by providing small businesses with eight separate tax cuts totaling \$12 billion; promoting lending to small firms; and encouraging investment in these engines of growth.

A September report from the Joint Economic Committee, which I chair, provides fresh evidence of the challenges that continue to face small businesses.

While hiring at medium and large firms began to pick up in mid-2009, hiring at small firms remains flat and has continued to decline for the smallest firms—those with fewer than 50 employees.

Why aren't small businesses hiring?

A big part of the answer is that they simply cannot get the loans they need.

The number of loans to small businesses and the value of those loans are both dropping.

Loans made to small businesses, which peaked at 27.2 million in the second quarter of 2008, have fallen by over 4.8 million since then, a drop of 17.8 percent.

At the same time, the total value of those loans fell by \$60 billion to approximately \$650 billion.

I have heard time and time again from my constituents that even as the economy gains strength, creditworthy businesses still cannot get the normal business loans they need to make payrolls, pay vendors, or expand their operations.

I have heard this from a wide variety of businesses—from the old fashioned 100 year old, family-owned Eneslow Shoes, to the high tech QED National—a leading provider of Staff Augmentation services to IT organizations.

Sound companies doing good business tell me they just can't get the credit they need.

There is a provision in this legislation that I believe will get capital flowing again to small businesses.

The \$30 billion Small Business Lending Fund will leverage \$300 billion in loans to small businesses.

Small and community banks receive capital from the Fund on terms that become more favorable as they make more loans to small businesses.

The new lending fund is a big piece of this legislation—but it's just one piece.

The bill also increases the loan limit for SBA 7(a) loans from \$2 million to \$5 million.

This is especially important for high-cost areas like New York City, where \$2 million just doesn't go very far for a small business.

The bill extends 50 percent bonus depreciation, enabling small businesses to immediately write off half the cost of investments in new equipment this year.

It promotes entrepreneurship by doubling the tax deduction for start-up expenses.

And finally, 2 million self-employed individuals will be able to deduct the cost of health insurance for themselves and their families this year.

Small businesses are the backbone of the American economy, generating innovation, growth, and jobs.

Three out of four Americans work for establishments with fewer than 250 employees.

It's critical that we get small businesses firing on all cylinders. And it's frustrating it hasn't happened sooner. But, I'm confident that this legislation will help our small firms turn the corner, add employees and accelerate our economic growth.

Mr. DINGELL. Madam Speaker, I am pleased to rise in support of the Senate amendment to H.R. 5297, the Small Business Lending Fund Act of 2010. I want to commend the Chairman of the Financial Services Committee, Congressman BARNEY FRANK of Massachusetts for his leadership on this legislation.

This legislation should have come before us much sooner but my Republican colleagues across the Capitol decided to do what was politically advantageous for them rather than do what was right for the American people. Fortunately, we have the opportunity to pass this bill today and support the needs of our small businesses, create jobs, and continue our economic recovery. The legislation will provide small business with access to capital, spur investment, and promote entrepreneurship through a number of tax cuts to small business, a new lending initiative with community banks, and enhancements to existing programs that arm states with the tools to assist small businesses with their distinct needs, among other things.

Throughout the two-year recession, we saw banks stop providing credit, and small businesses shedding jobs and closing their doors. Though our economy would undoubtedly be in far worse shape had we not passed the American Recovery and Reinvestment Act, banks are still being overly cautious about lending as our economy recovers. Thus, today we will pass a comprehensive small business job creation measure to allow small businesses to lead this recovery as they have aptly done in the past.

Indeed, the Small Business Lending Fund Act has many provisions to promote job creation for everyday Americans and grow the economy. For example, to provide access to capital, the bill includes a \$30 billion lending fund for small and medium size banks to leverage \$300 billion in lending, a \$1.5 billion state small business credit initiative to assist state capital access programs—a provision I helped write with my colleagues from Michigan, Congressman GARY PETERS and Congressman SANDER LEVIN, and a small business tax break that allows 100 percent of the capital gains from certain small business stock to be excluded from taxation. To encourage investment, the bill includes a tax break for small businesses to allow them to write off half of the cost of new equipment placed in service in 2010. And to promote entrepreneurship, the legislation doubles to \$10,000 the tax deduction for start-up expenditures for entrepreneurs looking to launch a new venture. I am also particularly pleased that the bill will increase the maximum amount—from \$2 million to \$5 million—the Small Business Administration will guarantee for floorplan financing loans to auto dealers, which will help these economic pillars

of our communities recover and put Americans back to work.

Madam Speaker, Main Street Americans have had to wait for too long for this important bill. I am pleased to support it and urge my colleagues to do the same.

Mr. HOLT. Madam Speaker, I rise in support of the Small Business Jobs and Credit Act.

I regularly meet with Central New Jersey small business leaders and hear the difficulty they have finding the loans and credit needed to expand and hire more employees.

The Small Business Jobs and Credit Act will help small businesses on Main Street to create jobs through a new \$30 billion Small Business Lending Fund for small- and medium-sized community banks. In order to participate in this program, these banks will have to turn around and provide the credit that small businesses need to grow. The \$30 billion fund, could leverage up to \$300 billion in lending.

These small- and medium-sized banks are staples in communities across the country and critical sources of capital to help small businesses get off the ground, but the financial crisis on Wall Street and subsequent recession diminished these banks' ability to lend.

The bill also will support a State Small Business Credit Initiative, which will provide \$2 billion in funding for new or existing state lending programs. These programs already exist in about 30 states, including my home state of New Jersey, and use small amounts of public dollars to generate substantial private financing. By supporting existing expertise in states around the country and using an easy-to-replicate model, this program will be able to quickly increase small business lending and create jobs.

In addition, this bill will improve access to credit by increasing Small Business Administration loan limits and lowering costs for small business to access SBA loans.

But this bill does not merely expand access to credit—it contains billions of dollars in tax relief for small businesses. It will spur investment by giving a 100 percent exclusion from capital gains taxes on small business investment and by allowing businesses to write off immediately 50 percent of the cost of new equipment. It also will increase the tax deduction for business start-up expenditures. By allowing entrepreneurs to recover more start-up expenses, small business owners can focus more growing their businesses.

It is unfortunate that this bill was held up by partisan obstructionists, because this is something that could help small businesses now. The small business owners I talk with in New Jersey are not concerned about political gamesmanship—they're concerned about lack of credit and tight lending standards. Passage of this legislation is long overdue and I urge my colleagues to support it and support our nation's small business leaders.

Mr. HARE. Madam Speaker, I rise today in strong support of the Small Business Jobs Act of 2010. I want to thank our leadership for continuing the fight for American jobs and our Nation's small businesses.

We all know that small businesses are the backbones of our local economies and bolster economic growth in our districts, States and Nation. Unfortunately, small businesses have

not escaped the devastating impacts of this recession.

When the credit markets tightened and payrolls declined, small business owners were forced to make incredibly tough decisions—sometimes shutting their doors forever. This legislation will help existing small businesses grow and give entrepreneurs the assistance they need to open new ones.

The bill creates a \$30 billion small business lending fund in which financial institutions, such as the smaller community banks in my district, can leverage as much as \$300 billion of badly needed credit to small businesses.

I'm proud that this Congress continues to provide tax relief to our small businesses and I am happy that this bill includes another \$12 billion in tax incentives for them.

The bottom line is that this bill gives small businesses on Main Street the tools they need to continue to spearhead our recovery and fuel our economy.

As Members of Congress, we have a responsibility to restore the economic promise of this Nation, and I won't rest until small businesses across Illinois are secure, have the resources they need, and are able to put many more of our neighbors back to work.

Madam Speaker, I urge all of my colleagues to vote in favor of both the rule and the underlying bill so that Americans can get the help they need during these tough times of economic recovery.

Mrs. LOWEY. Madam Speaker, I rise today in support of the Small Business Jobs and Credit Act of 2010, which includes the Small Business Job Creation and Access to Capital Act I sponsored. This measure will increase the Small Business Administration loan limits to help small businesses with high inventory or property costs, as well as those in high cost-of-living areas, such as Westchester and Rockland Counties, NY.

These provisions, which are fully paid for, are expected to increase lending to small businesses by \$5 billion nationally in the first year.

SBA loans create jobs and have helped small businesses in my district. I recently visited a Tea Shop that used an SBA microloan to make necessary repairs to the building prior to opening. This small business has now hired five employees, as well as plumber, electrician, and contractor to make the repairs. A flooring company in Elmsford that outgrew its first facility secured an SBA 504 loan to build a new 11,000 square foot energy efficient facility, hire six new workers, and expand its business. In addition, the construction of the new facility helped bring business to manufacturers and contractors in my district.

Small businesses will lead our economic recovery and create jobs. I urge the House to support this bill to help our small businesses.

Mr. VAN HOLLEN. Madam Speaker, I rise in strong support of the Small Business Lending Fund Act of 2010 and urge its adoption without any further delay.

Small businesses are the engine of our economy. They employ half of all private sector workers and have been responsible for nearly two-thirds of net job creation over the past fifteen years. Recent economic data showing eight straight months of private sector job growth is an encouraging sign, but more needs to be done to support our small business job generators and keep the economy moving in the right direction.

The centerpiece of this pro-growth legislation is a \$30 billion lending fund for community banks serving small businesses. With 45 percent of small businesses unable to get their credit needs met in 2009, this kind of initiative—which can leverage up to \$300 billion in new private sector lending—is critical to getting small businesses the financing they need to expand their payrolls at a time when jobs are what our economy needs most. Small Business Administration loan limits are increased. SBA borrowing fees are reduced or eliminated. And the nonpartisan Congressional Budget Office projects that the lending fund itself will actually reduce the deficit by \$1 billion over ten years as participating banks repay their loans with interest.

H.R. 5297 also delivers a potent package of timely tax relief to the small business sector. As a result of today's legislation, up to \$500,000 worth of capital investment in equipment and machinery acquired in 2010 and 2011 can be immediately written off. General business credits can be carried back five years instead of one and won't be subject to the AMT. The available deduction for entrepreneurs' start-up expenses is doubled from \$5,000 to \$10,000, and direct equity investment in small businesses will receive a zero percent capital gains rate for qualifying investments made this year.

Madam Speaker, although I might personally have prioritized a slightly different set of offsets, this legislation is nevertheless fully paid for and as a package deserves our support.

Mr. HALL of New York. Madam Speaker, I was unavoidably detained this week and unable to vote on the Senate Amendment to H.R. 5297, the Small Business Lending Fund Act of 2010. Had I been present, I would have voted for this critical legislation. Earlier this year I met with small business leaders in the Hudson Valley and they told me that some of their top concerns were access to credit and the cost of doing business. They also strongly advocated for an extension of bonus depreciation to allow a quicker write-off of capital expenditures, and a larger start-up deduction. After these meetings, I introduced the Helping Small Businesses Start and Grow Act, which included a bonus depreciation extension, increased start-up deduction and a measure to help free up credit for small businesses. Similar provisions were included in the bill that passed the House this Wednesday. I was proud to vote for the Small Business Lending Fund Act when it was first considered in the House, and I appreciate the efforts of my colleagues to continue to advance these vital programs.

Ms. RICHARDSON. Madam Speaker, I rise today in support of H.R. 5297, the "Small Business Lending Fund Act of 2010," which will generate small business growth and job creation by providing tax relief, enhancing loan accessibility, and cutting inefficient bureaucratic red tape. H.R. 5297 will create 500,000 jobs without adding a dollar to the deficit and is one of the most crucial steps in our recovery.

I thank Chairman FRANK for his leadership in shepherding this bill to the floor and for his tireless commitment to reenergizing our economy by providing relief for struggling small businesses.

Madam Speaker, small businesses are the engine of the American economy. They created two-thirds of all new jobs over the last 15 years and currently account for half of all private sector employees, 44 percent of total U.S. payroll, and 97 percent of our Nation's exports. The 16,300 small businesses in my district are vital to our local economy. Ensuring that they have the credit they need to grow is one of my top priorities.

Many small businesses in my district are ready to make investments, hire new workers, and help grow our economy out of this recession. But because of tight lending standards and a lack of credit, they are being prevented from growing to their full potential and making the investments that our economy needs. Since the financial crisis began in 2008, the number of small business loans is down nearly 5 million.

This bill takes unprecedented steps to cut taxes and provide credit for small businesses. It gives small businesses \$12 billion in tax cuts by: (1) extending bonus depreciation, (2) allowing for 100 percent exclusion of capital gains on investments in small business, and (3) doubling the deduction for startup expenditures.

The bill also creates a \$30 billion Small Business Lending Fund to provide community banks with capital to increase small business lending. The fund is limited to the smallest banks (those holding \$10 billion or less in assets) with key performance-based standards to incentivize those lenders to extend new credit to small businesses.

Madam Speaker, the bold actions taken by Congress and the Administration thus far have stopped the downward spiral caused by years of economic mismanagement. They prevented the Bush recession from becoming a second Great Depression. H.R. 5297 will generate the job creation and economic growth that will mark the next phase of our recovery. I urge my colleagues to join me in supporting H.R. 5297, loosening the credit squeeze, and freeing thousands of small businesses to put us back on the road to prosperity.

Mr. FRANK of Massachusetts. Madam Speaker, attached is a Wall Street Journal article noting that the lack of credit was hurting many small businesses in our country.

[From the Wall Street Journal]

LOAN SQUEEZE THWARTS SMALL-BUSINESS REVIVAL

(By Mark Whitehouse)

YPSILANTI, MI.—Thomas Harrison, chief executive of Michigan Ladder Co., has a plan that would contribute to the U.S. economic recovery: Expand the 108-year-old company, adding at least 20 jobs in the process. His chances of getting the loan of \$300,000 or more he needs to do so, though, depend in part on what happens to folks like home builder James Haeussler.

Both are customers of the same community bank, the Bank of Ann Arbor. Mr. Haeussler is struggling to repay \$8.3 million he and a partner borrowed to build a residential community in nearby Saline, Mich. In this economic environment, the bank doesn't want to take a chance on what it sees as a risky new loan to Mr. Harrison.

"In a world where Jim Haeussler makes it, Tom Harrison will make it," says Timothy Marshall, the bank's president. "But it's not prudent to do both loans at this point in time. We're in a more risk-averse mode."

Mr. Marshall's reluctance sheds light on a problem looming over the economy. A year and a half after the financial crisis hit, the U.S. credit machine is still malfunctioning. During the boom, credit was too abundant. Now the pendulum has swung. With an eye toward limiting such swings, Sen. Christopher Dodd is expected to unveil a bill Monday that would be especially tough on big banks while preserving the Fed's regulatory role, but the bill's prospects remain uncertain.

For a recovery to take hold, hundreds of thousands of small businesses must find the confidence to expand and create jobs. But when they get to that point, the local banks they depend on—worried about borrowers' financial strength, scrutinized by regulators and slammed by souring real-estate loans—might not be willing or able to provide the credit they need.

While big companies have been able to borrow in bond markets, smaller companies rely mainly on bank credit, which has been shrinking. In 2009, total lending by U.S. banks fell 7.4%, the steepest drop since 1942. In all, the credit pulled out of the economy by banks since the downfall of Lehman Brothers in September 2008 amounts to about \$700 billion, more than double the amount so far distributed under President Barack Obama's \$787 billion stimulus program.

"It's a dismal situation," says Diane Swonk, chief economist at Chicago-based financial-services firm Mesirow Financial. "Banks won't lend to businesses because they're afraid they'll go bad, but that can become a self-fulfilling prophecy."

The dearth of credit for small businesses could have a big effect on prospects for restoring the 8.4 million jobs lost since the recession began. From 1992 through the beginning of the latest recession, companies with fewer than 100 employees accounted for about 45% of net job growth, according to Labor Department data.

Policy makers have been looking for ways to reopen the spigot. President Obama has proposed creating a \$30 billion fund to support small-business lending. Last month, in an unusual show of solidarity, the Federal Reserve, the Federal Deposit Insurance Corp. and other state and federal regulators issued a joint statement urging banks to continue lending to credit-worthy small enterprises.

Making sure small firms get access to credit "is crucial to avoiding a Japan-type scenario of persistent stagnation," says Mark Gertler, a New York University economist who has done seminal research with Fed Chairman Ben Bernanke, then a Princeton University professor, on how troubles with bank lending can aggravate economic downturns.

Getting banks to lend more won't be easy, given the rising tide of defaults on loans made to finance housing developments, office buildings, shopping malls and other commercial real estate. Deutsche Bank expects banks to suffer at least \$250 billion in losses on such loans, with about half coming in the next few years. Together with an estimated \$250 billion in further charge-offs on home mortgages, that's more than double banks' current reserves against losses on all types of loans.

The stakes are particularly high for community banks, which tend to be much more active in commercial real estate than their larger counterparts. As of December 2009, such loans comprised about 42% of all loans held by the 7,344 banks with less than \$1 billion in assets, compared to about 17% for the

hundred or so banks with more than \$10 billion in assets.

Some bankers say policy makers' desire to encourage lending isn't always reflected on the ground, where they say bank inspectors are getting tougher about lending standards. "For the first time in my 37 years in banking, we're having to say to our clients that we're not sure this will pass muster with the regulators," says Larry Barbour, president and chief executive of North State Bank in Raleigh, N.C. "That's not healthy."

Washtenaw County, Mich., which includes Ann Arbor, Ypsilanti and Saline, offers a glimpse of how the cycle of economic malaise and shrinking credit is playing out across the country. The county includes the Willow Run plant, where Ford Motor Co. once produced the B-24 Liberator bombers that helped win World War II, the University of Michigan football stadium, and hospital complexes and high-tech start-ups in Ann Arbor. As of December, Washtenaw's unemployment rate stood at 9%, close to the national average.

Michigan Ladder's Mr. Harrison, 44 years old, remembers vividly the day in September 2008 when the recession hit home. The company, which manufactures wooden ladders and distributes imported aluminum and fiberglass models, had been doing well despite the financial crisis. Sales were up 6% over the previous year, and Mr. Harrison had expanded the company's staff to about 28, from 20 at the beginning of the year.

But during the week of Sept. 15, the company's largest supplier of aluminum and fiberglass ladders suddenly refused to deliver ladders unless it was paid in advance. Within days, says Mr. Harrison, Michigan Ladder lost as much as \$1 million of the supplier credit on which it relied to pay for raw materials and maintain its inventory of ladders. At the same time, its customers started failing to pay for ladders it had already delivered.

"Literally overnight, the whole world changed for us," says Mr. Harrison. "It was simply too much of a shock—too much of a change, too quickly." He laid off eight workers in December 2008 and another eight in 2009 as sales fell 40%.

Mr. Harrison has since lined up new credit from suppliers, and he says sales are on track to rise 15% this year. He thinks the time has come to implement the expansion project he shelved when the crisis hit. The plan: Produce in Michigan the aluminum and fiberglass ladders he currently imports from places such as Mexico and China. He already has the customers, and he calculates that manufacturing in Michigan will actually boost his profit margins, in part because the savings on shipping will offset the higher cost of U.S. labor.

"We can do this," he says. "We can be a low-cost producer, and we will have a made-in-USA product, which we think will have some appeal to people."

The Bank of Ann Arbor is Mr. Harrison's best bet to finance his project. Larger banks typically don't deal with companies the size of Michigan Ladder. Also, Bank of Ann Arbor, which has \$543 million in assets, has weathered the crisis much better than most of its peers. It turned profits every year, expanded overall lending and declined the support of the government Troubled Asset Relief Program.

The bank has made loans to finance expansions for some of its stronger customers, such as Solohill Engineering, which makes products used in the manufacture of vaccines and more than doubled sales in 2009. None-

theless, says its president, Mr. Marshall, fears about a weak recovery are prompting even healthy banks to be careful, a trend he recognizes could help make those fears a reality.

"It's kind of a vicious cycle," he says. "Anytime you're in an economic environment like we are, bankers are going to be more conservative."

One of bankers' main concerns is the damage the recession has done to many companies' finances. Values of real estate and other things small business owners can put up as collateral for loans have fallen so far, so fast, that many businesses have little to offer. Also, a year or more of losses have eroded the value of owners' stakes in companies, leaving less of a cushion against bankruptcy.

Mr. Marshall says such financial concerns are a big reason he's not ready to lend to Mr. Harrison, who says his company took heavy losses in 2008 before returning to profitability in 2009. Mr. Harrison says he's exploring ways to raise new money from investors, but so far to no avail. "It's not reasonable to expect that [the Bank of Ann Arbor] can make up for all the credit companies like ours have lost," he says.

Mr. Harrison's credit difficulties also are linked to the travails of other borrowers such as Mr. Haeussler, the 51-year-old president of Peters Building. In 2005, he and a partner began developing a 625-acre piece of land known as Saline Valley Farms, the site of a cooperative farm in the mid-1900s.

The downturn hit Mr. Haeussler hard in 2007, when home builder Toll Brothers called with bad news: It wouldn't exercise its option to purchase 93 luxury-home lots, the entire first phase of the Saline Valley Farms project. When the \$8.3 million loan he and a partner had taken out to grade the lots and build infrastructure came due in late 2008, they still owed \$6.7 million and had 76 empty lots, the estimated value of which had fallen to about \$1.4 million.

"It was perfectly wrong timing," says Mr. Haeussler.

Losses on loans to developers such as Mr. Haeussler have taken a toll on community banks, eroding their capital and limiting their capacity to make new loans. Bank of Ann Arbor has moved more quickly than other banks to recognize losses, charging off nearly one-quarter of its construction and development loans in 2009. That compares to about 5% for all banks. In its remaining portfolio of such loans, about 6% are delinquent, compared to about 16% for all banks.

Many community banks are renegotiating troubled real-estate loans. In Mr. Haeussler's case, the Bank of Ann Arbor cut a deal: In return for a four-year extension, Mr. Haeussler and his partner more than quadrupled the amount of collateral backing the loan, putting up the entire Saline Valley Farms project and more. Even with the added collateral, the bank charged off \$2.1 million of the loan, effectively recognizing that it may never get the money back.

The bank figures that giving Mr. Haeussler more time increases the odds he will pay off his loan. But such deals tie up cash on what essentially are bets that existing borrowers will make it through. That leaves banks, including Bank of Ann Arbor, with less appetite to make new loans to customers like Mr. Harrison, who doesn't have the resources Mr. Haeussler and his partner used to secure their loan.

Mr. Haeussler, for his part, says he's trying not to think too much about all that's hanging in the balance, which could include his

entire business. "It's a little unnerving at times," he says. "But you just have to put your head down and work through it."

Mr. POMEROY. Madam Speaker, I rise in support of H.R. 5297—Small Business Lending Fund Act of 2010, a bill that brings billions of dollars of tax relief and access to capital to small businesses.

Helping North Dakota businesses create jobs is one of my top priorities. In North Dakota, small business is business. Nearly 80 percent of North Dakotans work for companies with less than 500 employees and 60 percent work for companies with less than 100 employees. Small businesses are a proven engine of job creation. During the last economic expansion, companies with less than 20 employees accounted for 40 percent of the job growth while accounting for only 25 percent of all jobs.

Today, we give this engine of job creation the fuel it needs to charge forward.

Surveys of National Federation of Independent Business members identified the number one economic concern facing small businesses as poor sales stemming from a lack of demand from consumers. This has been their top concern since the recession and most recently 31 percent of respondents reported poor sales as their most important problem. Beneath this response is the fact that many small businesses want to borrow but cannot. So, they need help with capital too.

To help small business, I introduced bipartisan legislation, the Small Business Jobs and Tax Relief Act, which would generate demand for products and services while putting more capital into the hands of small businesses.

One of the lingering difficulties is that many small businesses have limited access to the capital they need to operate, grow, and create new jobs. By providing small business tax relief, Congress can free up money, which will help small businesses feel that they can hire new employees and make investments in new equipment that will build demand for goods and services. I am pleased that tax cuts from the bill I authored are in key components in this bill before the House today.

One of the several good measures in H.R. 5297 that will generate the demand that our small business need to grow is bonus depreciation. It is one of the best ways to stimulate the economy and create jobs. Bonus depreciation accelerates the rate at which businesses can deduct the cost of capital expenditures so it encourages companies to spend while it boosts company cash flows.

Economists rate bonus depreciation as one of the most economically productive tax initiatives. In a 2001 analysis, the Institute for Policy Innovation estimated that every \$1 of tax cuts devoted to accelerated depreciation generates about \$9 new growth in the economy. Looking back at times when bonus depreciation was used to encourage capital investment, economists determined that it was responsible for creating several hundred thousand jobs.

Out in our small towns, many Americans are creating job opportunities for themselves and for others by starting new small business. We need to encourage this spirit of free enterprise. The Small Business Lending Fund Act of 2010 will help new start-up businesses in

two ways that I heard from North Dakotans would be helpful and included in my bill:

1. The bill would double the current amount a start-up business can deduct, so that a new business owner could deduct \$10,000 of expenses he or she might have incurred to set up shop. Without the bill before us today, that deduction for start up costs would be limited to only \$5,000; and

2. The 100 percent exclusion from tax of gains on small business stock in H.R. 5297 would expand the access to capital for small business across the county.

This bill also reduces the regulatory burden on small business by modernizing the tax accounting required for business provided cell phones and eliminating outlandish penalties for abusive tax shelters.

Small businesses are most likely to conduct business while they are away from their offices. Nine out of ten small businesses indicate they use mobile phones for their business and one in seven feel that their businesses could not survive without mobile devices. The Internal Revenue Code still contains paperwork requirements for wireless phones from the 1970s. Rather than spending money on accountants and the costs associated with an IRS audit, H.R. 5297 allows small businesses to spend it instead on creating jobs.

While the Internal Revenue Service must stop abusive tax shelters, today will vote to eliminate a disproportionate effect that some tax penalties have on small businesses. No longer will small businesses face outlandish penalties for failing to disclose on their taxes reportable transactions. The bill brings such penalties into proportion with the underlying tax savings and does not put business owners out of business.

In conclusion, I would like to thank Chairman LEVIN for including small business tax incentives, especially bonus depreciation, and relief from excessive regulations that I authored in the bipartisan Small Business Jobs and Tax Relief Act in the final bill that we vote on today.

The Small Business Lending Fund Act of 2010 is good for North Dakota small businesses. I urge my colleagues to vote yes on H.R. 5297.

Ms. SCHAKOWSKY. Madam Speaker, I rise today in strong support of H.R. 5297, the Small Business Jobs Act. Legislation that provides much needed lending to millions of small businesses and offers tax incentives to help small businesses grow, hire, and fuel our economy.

As we all know, small businesses are a key engine of our economy, creating two-thirds of the new jobs over the last 15 years. America's 27 million small businesses continue to face a lack of credit and tight lending standards, with the number of small businesses loans down nearly 5 million since the financial crisis in 2008 under President Bush.

Last month, I went on a tour of small businesses throughout my district. I have also met individually with many small business owners who are struggling to stay open. While visiting these businesses, I saw firsthand the serious challenges they face while the United States struggles to overcome its most significant economic crisis since the Great Depression. It was clear to me that they have all the tools

necessary to prosper but need our financial institutions to function properly and provide them the resources to succeed.

H.R. 5297 will provide small businesses with this opportunity by increasing access to capital and spurring investment and growth throughout our country. In fact, it is estimated that this bill alone will create 500,000 new jobs in America.

Madam Speaker, I am proud to support this legislation, which will provide our small businesses with the assistance they need to compete in this difficult economic climate. I know it will have a substantial impact on my district and strongly urge my colleagues to support it.

Ms. MCCOLLUM. Madam Speaker, I rise in strong support of the Small Business Lending Fund Act of 2010 (H.R. 5297). This legislation will extend much needed credit and reduce taxes for small businesses all across the country.

Small businesses are the engine of job creation in our economy and are playing a crucial role in helping America recover from the worst recession in 75 years. Still, small main street businesses are struggling to expand due to a lack of credit. The Small Business Lending Fund Act of 2010 (H.R. 5297) helps small businesses expand by creating a new \$30 billion fund for small and medium-sized community banks. This fund is expected to leverage up to \$300 billion in small business lending.

The economic impact of this legislation would be significant. It will create up to 500,000 jobs and provide loan guarantees to approximately 8,000 community banks. H.R. 5297 provides \$12 billion in tax breaks for small businesses, including write-offs on capital investments and credits for new hires. More importantly, his bill will not add a dime to the deficit because it is fully paid for by closing tax loopholes.

Congressional Republicans repeatedly say they support small businesses while at the same time deliberately delaying and obstructing this legislation, which cuts taxes and expands access to credit for small businesses. When our economy is recovering and small businesses need access to credit, new American jobs should not fall victim to the gridlock caused by Republicans in Congress.

There is no question in my mind that we will get America's economy back. Until credit is flowing and houses are selling, until customers are confident and job creation is back on track, I will continue to take actions that place our country on a sustained path of broad-based economic growth.

I urge my colleagues to join me in voting for the Small Business Lending Fund Act of 2010.

Mr. LEVIN. I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 1640, the previous question is ordered.

The question is on the motion offered by the gentlewoman from Illinois (Ms. BEAN).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LEVIN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-

minute vote on the motion to concur will be followed by 5-minute votes on motions to suspend the rules on the following measures: H.R. 5307, H.R. 5756, H.R. 3199, H.R. 1745, and H.R. 5710.

The vote was taken by electronic device, and there were—yeas 237, nays 187, not voting 9, as follows:

[Roll No. 539]

YEAS—237

Ackerman	Grijalva	Neal (MA)
Adler (NJ)	Gutierrez	Nye
Altmire	Halvorson	Oberstar
Andrews	Hare	Obey
Arcuri	Harman	Olver
Baca	Hastings (FL)	Ortiz
Baird	Heinrich	Owens
Baldwin	Higgins	Pallone
Barrow	Hill	Pascarell
Bean	Himes	Pastor (AZ)
Becerra	Hinchey	Payne
Berkley	Hinojosa	Pelosi
Berman	Hirono	Perlmutter
Bishop (GA)	Hodes	Perriello
Bishop (NY)	Holden	Peters
Blumenauer	Holt	Pingree (ME)
Boccheri	Honda	Pomeroy
Boswell	Hoyer	Price (NC)
Boucher	Inslee	Quigley
Brady (PA)	Israel	Rahall
Braley (IA)	Jackson (IL)	Rangel
Brown, Corrine	Jackson Lee	Reyes
Butterfield	(TX)	Richardson
Capps	Johnson (GA)	Rodriguez
Capuano	Johnson, E. B.	Ross
Cardoza	Jones	Rothman (NJ)
Carnahan	Kagen	Roybal-Allard
Carney	Kanjorski	Ruppersberger
Carson (IN)	Kaptur	Rush
Chandler	Kildee	Ryan (OH)
Chu	Kilpatrick (MI)	Salazar
Clarke	Kilroy	Sánchez, Linda
Clay	Kind	T.
Cleaver	Kirkpatrick (AZ)	Sanchez, Loretta
Clyburn	Kissell	Sarbanes
Cohen	Klein (FL)	Schakowsky
Connolly (VA)	Kosmas	Schauer
Conyers	Kratovich	Schiff
Cooper	Kucinich	Schrader
Costa	Langevin	Schwartz
Costello	Larsen (WA)	Scott (GA)
Courtney	Larson (CT)	Scott (VA)
Critz	Lee (CA)	Serrano
Crowley	Levin	Sestak
Cuellar	Lewis (GA)	Shea-Porter
Cummings	Lipinski	Sherman
Dahlkemper	Loebach	Sires
Davis (AL)	Lofgren, Zoe	Skelton
Davis (CA)	Lowe	Slaughter
Davis (IL)	Lujan	Smith (WA)
Davis (TN)	Lynch	Snyder
DeGette	Maffei	Space
Delahunt	Maloney	Speier
DeLauro	Markey (CO)	Spratt
Deutch	Markey (MA)	Stark
Dicks	Marshall	Stupak
Dingell	Matheson	Sutton
Doggett	Matsui	Tanner
Donnelly (IN)	McCarthy (NY)	Teague
Doyle	McCollum	Thompson (CA)
Driehaus	McDermott	Thompson (MS)
Edwards (MD)	McGovern	Tierney
Ellison	McIntyre	Tonko
Ellsworth	McMahon	Townes
Engel	McNerney	Tsongas
Eshoo	Meeks (NY)	Van Hollen
Etheridge	Melancon	Visclosky
Farr	Michaud	Walz
Fattah	Miller (NC)	Wasserman
Filner	Miller, George	Schultz
Foster	Minnick	Waters
Frank (MA)	Mollohan	Watson
Fudge	Moore (KS)	Watt
Garamendi	Moore (WI)	Waxman
Giffords	Moran (VA)	Weiner
Gonzalez	Murphy (CT)	Welch
Gordon (TN)	Murphy (NY)	Wilson (OH)
Grayson	Murphy, Patrick	Woolsey
Green, Al	Nadler (NY)	Wu
Green, Gene	Napolitano	Yarmuth

NAYS—187

Aderholt Frelinghuysen Myrick
 Akin Gallegly Neugebauer
 Alexander Garrett (NJ) Nunes
 Austria Gerlach Olson
 Bachmann Gingrey (GA) Paul
 Bachus Gohmert Paulsen
 Barrett (SC) Goodlatte Pence
 Bartlett Granger Peterson
 Barton (TX) Graves (GA) Petri
 Berry Graves (MO) Pitts
 Biggert Griffith Platts
 Bilbray Guthrie Poe (TX)
 Bilirakis Hall (TX) Polis (CO)
 Bishop (UT) Harper Posey
 Blackburn Hastings (WA) Price (GA)
 Boehner Heller Putnam
 Bonner Hensarling Radanovich
 Bono Mack Herger Rehberg
 Boozman Herseth Sandlin Reichert
 Boustany Hoekstra Roe (TN)
 Boyd Hunter Rogers (AL)
 Brady (TX) Inglis Rogers (KY)
 Broun (GA) Issa Rogers (MI)
 Brown (SC) Jenkins Rohrabacher
 Brown-Waite, Johnson (IL) Rooney
 Ginny Johnson, Sam Ros-Lehtinen
 Buchanan Jordan (OH) Roskam
 Burgess King (IA) Royce
 Burton (IN) King (NY) Ryan (WI)
 Buyer Kingston Scalise
 Calvert Kirk Schmidt
 Camp Kline (MN) Schock
 Campbell Lamborn Sensenbrenner
 Cantor Lance Sessions
 Cao LaTourette Shadegg
 Capito Latta Shimkus
 Carter Lee (NY) Shuler
 Cassidy Lewis (CA) Shuster
 Castle Linder Simpson
 Chaffetz LoBiondo Smith (NE)
 Childers Coble Lucas Smith (NJ)
 Coble Coffman (CO) Smith (TX)
 Luetkemeyer
 Cole Lummis Stearns
 Conaway Lungren, Daniel Sullivan
 Crenshaw E. Taylor
 Culberson Mack Terry
 Davis (KY) Manzullo Thompson (PA)
 DeFazio Marchant Thornberry
 Dent McCarthy (CA) Tiahrt
 Diaz-Balart, L. McCaul Tiberi
 Diaz-Balart, M. McClintock Titus
 Djou McCotter Turner
 Dreier McHenry Upton
 Duncan McKeon Velázquez
 Edwards (TX) McMorris Walden
 Ehlers Rodgers Wamp
 Emerson Mica Westmoreland
 Flake Miller (FL) Whitfield
 Fleming Miller (MI) Wilson (SC)
 Forbes Miller, Gary Wittman
 Fortenberry Mitchell Wolf
 Foxx Moran (KS) Young (AK)
 Franks (AZ) Murphy, Tim

NOT VOTING—9

Blunt Castor (FL) Kennedy
 Boren Fallin Meek (FL)
 Bright Hall (NY) Young (FL)

□ 1503

Messrs. EDWARDS of Texas, BACH-US, and EHLERS changed their vote from “yea” to “nay.”

Mr. PALLONE changed his vote from “nay” to “yea.”

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CAO. Madam Speaker, on rollcall No. 539 I misunderstood the vote and inadvertently voted “nay” when I wanted to vote “yea.”

Ms. CASTOR of Florida. Madam Speaker, I was not present for a vote today. If I were present, I would have voted:

“Yea” on rollcall No. 539, on passage of H.R. 5297, the Small Business Jobs and Credit Act of 2010.

ULTRALIGHT SMUGGLING
PREVENTION ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5307) to amend the Tariff Act of 1930 to include ultralight aircraft under the definition of aircraft for purposes of the aviation smuggling provisions under that Act, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 3, not voting 17, as follows:

[Roll No. 540]

YEAS—412

Ackerman Capuano Ellison
 Aderholt Cardoza Ellsworth
 Adler (NJ) Carnahan Emerson
 Akin Carney Engel
 Alexander Carson (IN) Eshoo
 Altmore Carter Etheridge
 Andrews Castle Farr
 Arcuri Castor (FL) Fattah
 Austria Filner Chaffetz
 Baca Chandler Flake
 Bachmann Childers Fleming
 Bachus Chu Forbes
 Baird Clarke Fortenberry
 Baldwin Clay Foster
 Barrett (SC) Cleaver Foxx
 Barrow Clyburn Franks (AZ)
 Bartlett Coble Frelinghuysen
 Barton (TX) Coffman (CO) Fudge
 Bean Cohen Gallegly
 Becerra Cole Garrett (NJ)
 Berkeley Culberson Giffords
 Berman Connolly (VA) Gingrey (GA)
 Berry Conyers Gohmert
 Biggert Cooper Gonzalez
 Bilbray Costa Goodlatte
 Bilirakis Costello Gordon (TN)
 Bishop (GA) Courtney Granger
 Bishop (NY) Crenshaw Graves (GA)
 Bishop (UT) Critz Graves (MO)
 Blackburn Crowley Grayson
 Blumenauer Cuellar Green, Al
 Boccheri Culberson Green, Gene
 Bonner Cummings Griffith
 Bono Mack Dahlkemper Grijalva
 Boozman Davis (AL) Guthrie
 Boswell Davis (CA) Gutierrez
 Boucher Davis (IL) Hall (TX)
 Boustany Davis (KY) Halvorson
 Boyd Davis (TN) Hare
 Brady (PA) Harman
 Brady (TX) DeGette
 Braley (IA) Delahunt
 Broun (GA) DeLauro
 Brown (SC) Dent
 Brown, Corrine Deutch
 Brown-Waite, Diaz-Balart, L.
 Ginny Diaz-Balart, M.
 Buchanan Dicks
 Burgess Dingell
 Burton (IN) Hill
 Butterfield Doggett
 Buyer Donnelly (IN)
 Calvert Doyle
 Camp Dreier
 Campbell Driehaus
 Cantor Duncan
 Cao Edwards (MD)
 Capito Edwards (TX)
 Capps Ehlers

Hoyer
 Hunter
 Inglis
 Inslee
 Israel
 Issa
 Jackson (IL)
 Jackson Lee (TX)
 Jenkins
 Johnson (GA)
 Johnson, E. B.
 Johnson, Sam
 Jones
 Jordan (OH)
 Kagen
 Kanjorski
 Kaptur
 Kennedy
 Kildee
 Kilpatrick (MI)
 Kilroy
 King (NY)
 Kingston
 Kirk
 Kirkpatrick (AZ)
 Kissell
 Klein (FL)
 Kline (MN)
 Kosmas
 Kratovich
 Kucinich
 Lamborn
 Lance
 Langevin
 Larsen (WA)
 Larson (CT)
 Latham
 LaTourette
 Latta
 Lee (CA)
 Lee (NY)
 Levin
 Lewis (CA)
 Lewis (GA)
 Linder
 Lipinski
 LoBiondo
 Loeb sack
 Lofgren, Zoe
 Lowey
 Lucas
 Luetkemeyer
 Luján
 Lummis
 Lungren, Daniel E.
 Lynch
 Mack
 Maffei
 Maloney
 Manzullo
 Marchant
 Markey (CO)
 Markey (MA)
 Marshall
 Matheson
 Matsui
 McCarthy (CA)
 McCarthy (NY)
 McCaul
 McClintock
 McCollum
 McCotter
 McDermott
 McGovern
 McHenry
 McIntyre
 McKeon
 McMahan

McMorris
 Rodgers
 McNeerney
 Meeks (NY)
 Melancon
 Mica
 Michaud
 Miller (FL)
 Miller (MI)
 Miller (NC)
 Miller, Gary
 Minnick
 Mitchell
 Mollohan
 Moore (KS)
 Moore (WI)
 Moran (KS)
 Moran (VA)
 Murphy (CT)
 Murphy (NY)
 Murphy, Patrick
 Murphy, Tim
 Myrick
 Nadler (NY)
 Napolitano
 Neal (MA)
 Neugebauer
 Nye
 Oberstar
 Obey
 Olson
 Olver
 Ortiz
 Owens
 Pallone
 Pastor (AZ)
 Paulsen
 Payne
 Pence
 Perlmutter
 Perriello
 Peters
 Peterson
 Petri
 Pingree (ME)
 Pitts
 Platts
 Poe (TX)
 Polis (CO)
 Pomeroy
 Posey
 Price (GA)
 Price (NC)
 Putnam
 Quigley
 Radanovich
 Rahall
 Rangel
 Rehberg
 Reichert
 Reyes
 Richardson
 Rodriguez
 Roe (TN)
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Rooney
 Ros-Lehtinen
 Roskam
 Ross
 Rothman (NJ)
 Roybal-Allard
 Royce
 Ruppersberger
 Rush
 Ryan (OH)
 Ryan (WI)
 Salazar

NAYS—3

Johnson (IL) Paul Young (AK)

NOT VOTING—17

Blunt Frank (MA)
 Boehner Garamendi
 Boren Gerlach
 Bright Hall (NY)
 Cassidy King (IA)
 Fallin Meek (FL)

Miller, George
 Nunes
 Pascarell
 Sessions
 Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1511

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend the Tariff Act of 1930 to include ultralight vehicles under the definition of aircraft for purposes of the aviation smuggling provisions under that Act."

A motion to reconsider was laid on the table.

Stated for:

Mr. CASSIDY. Madam Speaker, on rollcall No. 540 I was unavoidably detained. Had I been present, I would have voted "yea."

ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1454. An act to provide for the issuance of a Multinational Species Conservation Funds Semipostal Stamp.

TRAINING AND RESEARCH FOR AUTISM IMPROVEMENTS NATIONWIDE ACT OF 2010

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5756) to amend title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 to provide for grants and technical assistance to improve services rendered to children and adults with autism, and their families, and to expand the number of University Centers for Excellence in Developmental Disabilities Education, Research, and Service, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 393, nays 24, not voting 15, as follows:

[Roll No. 541]

YEAS—393

Ackerman	Arcuri	Baldwin
Aderholt	Austria	Barrett (SC)
Adler (NJ)	Baca	Barrow
Alexander	Bachmann	Bartlett
Altmire	Bachus	Barton (TX)
Andrews	Baird	Bean

Becerra	Ellsworth	Lipinski
Berkley	Emerson	LoBiondo
Berman	Engel	Loebback
Berry	Eshoo	Lofgren, Zoe
Biggert	Etheridge	Lowey
Bilbray	Farr	Lucas
Bilirakis	Fattah	Luetkemeyer
Bishop (GA)	Filner	Luján
Bishop (NY)	Fleming	Lungren, Daniel
Bishop (UT)	Forbes	E.
Blackburn	Fortenberry	Lynch
Blumenauer	Foster	Maffei
Boccieri	Frelinghuysen	Maloney
Bonner	Fudge	Manzullo
Bono Mack	Gallegly	Markey (CO)
Boozman	Garamendi	Markey (MA)
Boswell	Garrett (NJ)	Marshall
Boucher	Giffords	Matheson
Boustany	Gonzalez	Matsui
Boyd	Goodlatte	McCarthy (CA)
Brady (PA)	Gordon (TN)	McCarthy (NY)
Brady (TX)	Granger	McCaul
Braley (IA)	Graves (MO)	McCollum
Brown (SC)	Grayson	McCotter
Brown, Corrine	Green, Al	McDermott
Brown-Waite,	Green, Gene	McGovern
Ginny	Griffith	McHenry
Buchanan	Grijalva	McIntyre
Burgess	Guthrie	McKeon
Burton (IN)	Gutierrez	McMahon
Butterfield	Hall (TX)	McMorris
Buyer	Halvorson	Rodgers
Calvert	Hare	McNerney
Camp	Harman	Meeks (NY)
Cantor	Harper	Melancon
Cao	Hastings (FL)	Mica
Capito	Hastings (WA)	Michaud
Capps	Heinrich	Miller (FL)
Capuano	Heller	Miller (MI)
Cardoza	Herseth Sandlin	Miller (NC)
Carnahan	Higgins	Miller, Gary
Carney	Hill	Miller, George
Carson (IN)	Himes	Minnick
Carter	Hinchey	Mitchell
Cassidy	Hirono	Mollohan
Castle	Hodes	Moore (KS)
Castor (FL)	Hoekstra	Moore (WI)
Chandler	Holden	Moran (KS)
Childers	Holt	Moran (VA)
Chu	Honda	Murphy (CT)
Clarke	Hoyer	Murphy (NY)
Clay	Hunter	Murphy, Patrick
Cleaver	Inglis	Murphy, Tim
Clyburn	Inslee	Myrick
Coffman (CO)	Israel	Nadler (NY)
Cohen	Jackson (IL)	Napolitano
Cole	Jackson Lee	Neal (MA)
Connolly (VA)	(TX)	Neugebauer
Conyers	Jenkins	Nunes
Cooper	Johnson (GA)	Nye
Costa	Johnson (IL)	Oberstar
Costello	Johnson, E. B.	Obey
Courtney	Johnson, Sam	Olson
Crenshaw	Jones	Olver
Crowley	Kagen	Ortiz
Cuellar	Kanjorski	Owens
Culberson	Kaptur	Pallone
Cummings	Kennedy	Pascarella
Dahlkemper	Kildee	Pastor (AZ)
Davis (AL)	Kilpatrick (MI)	Paulsen
Davis (CA)	Kilroy	Payne
Davis (IL)	Kind	Pence
Davis (KY)	King (NY)	Perlmutter
Davis (TN)	Kingston	Perriello
DeFazio	Kirk	Peters
DeGette	Kirkpatrick (AZ)	Peterson
Delahunt	Kissell	Petri
DeLauro	Klein (FL)	Pingree (ME)
Dent	Kline (MN)	Pitts
Deutch	Kosmas	Platts
Diaz-Balart, L.	Kratovil	Polis (CO)
Diaz-Balart, M.	Kucinich	Pomeroy
Dicks	Lamborn	Posey
Dingell	Lance	Price (GA)
Djou	Langevin	Price (NC)
Doggett	Larsen (WA)	Putnam
Donnelly (IN)	Larson (CT)	Quigley
Doyle	Latham	Radanovich
Dreier	LaTourette	Rahall
Driehaus	Latta	Rangel
Duncan	Lee (CA)	Rehberg
Edwards (MD)	Lee (NY)	Reichert
Edwards (TX)	Levin	Reyes
Ehlers	Lewis (CA)	Richardson
Ellison	Lewis (GA)	Rodriguez
	Linder	Roe (TN)

Rogers (AL)	Shea-Porter	Tierney
Rogers (KY)	Sherman	Titus
Rogers (MI)	Shimkus	Tonko
Rohrabacher	Shuler	Towns
Rooney	Shuster	Tsongas
Roskam	Simpson	Turner
Ross	Sires	Upton
Rothman (NJ)	Skelton	Van Hollen
Roybal-Allard	Slaughter	Velázquez
Royce	Smith (NE)	Visclosky
Ruppersberger	Smith (NJ)	Walden
Rush	Smith (TX)	Walz
Ryan (OH)	Smith (WA)	Wamp
Ryan (WI)	Snyder	Wasserman
Salazar	Space	Schultz
Sánchez, Linda	Speier	Waters
T.	Spratt	Watson
Sanchez, Loretta	Stark	Watt
Sarbanes	Stearns	Waxman
Scalise	Stupak	Weiner
Schakowsky	Sullivan	Welch
Schauer	Sutton	Westmoreland
Schiff	Tanner	Whitfield
Schmidt	Taylor	Wilson (OH)
Schock	Teague	Wilson (SC)
Schwartz	Terry	Wittman
Scott (VA)	Thompson (CA)	Wolf
Sensenbrenner	Thompson (MS)	Woolsey
Serrano	Thompson (PA)	Wu
Sessions	Tiahrt	Yarmuth
Sestak	Tiberi	Young (AK)

NAYS—24

Akin	Franks (AZ)	King (IA)
Broun (GA)	Gingrey (GA)	Lummis
Campbell	Gohmert	Mack
Chaffetz	Graves (GA)	Marchant
Coble	Hensarling	McClintock
Conaway	Herger	Paul
Flake	Issa	Shadegg
Foxx	Jordan (OH)	Thornberry

NOT VOTING—15

Blunt	Frank (MA)	Poe (TX)
Boehner	Gerlach	Ros-Lehtinen
Boren	Hall (NY)	Schrader
Bright	Hinojosa	Scott (GA)
Fallin	Meek (FL)	Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1520

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend subtitle D of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 to provide grants and technical assistance to University Centers for Excellence in Developmental Disabilities Education, Research, and Service to improve services rendered to children and adults on the autism spectrum, and their families, and for other purposes."

A motion to reconsider was laid on the table.

EMERGENCY MEDIC TRANSITION ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 3199) to amend the Public Health Service Act to provide grants to State emergency medical service departments to provide for the expedited training and licensing of veterans with prior medical training, and for other

purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 5, not voting 15, as follows:

[Roll No. 542]

YEAS—412

Ackerman	Cole	Halvorson
Aderholt	Conaway	Hare
Adler (NJ)	Connolly (VA)	Harman
Akin	Conyers	Harper
Alexander	Cooper	Hastings (FL)
Altmire	Costa	Hastings (WA)
Andrews	Costello	Heinrich
Arcuri	Courtney	Heller
Austria	Crenshaw	Hensarling
Baca	Critz	Herger
Bachmann	Crowley	Herseth Sandlin
Bachus	Cuellar	Higgins
Baird	Culberson	Hill
Baldwin	Cummings	Himes
Barrett (SC)	Dahlkemper	Hinchee
Barrow	Davis (AL)	Hinojosa
Bartlett	Davis (CA)	Hirono
Barton (TX)	Davis (IL)	Hodes
Bean	Davis (KY)	Hoekstra
Becerra	Davis (TN)	Holden
Berkley	DeFazio	Holt
Berman	DeGette	Honda
Berry	Delahunt	Hoyer
Biggert	DeLauro	Hunter
Bilbray	Dent	Inglis
Billirakis	Deutch	Inslee
Bishop (GA)	Diaz-Balart, L.	Israel
Bishop (UT)	Diaz-Balart, M.	Issa
Blackburn	Dicks	Jackson (IL)
Blumenauer	Dingell	Jackson Lee
Boccheri	Djou	(TX)
Bonner	Doggett	Jenkins
Bono Mack	Donnelly (IN)	Johnson (GA)
Boozman	Doyle	Johnson (IL)
Boswell	Dreier	Johnson, E. B.
Boucher	Drieaus	Johnson, Sam
Boustany	Duncan	Jones
Boyd	Edwards (MD)	Jordan (OH)
Brady (PA)	Edwards (TX)	Kagen
Brady (TX)	Ehlers	Kanjorski
Braley (IA)	Ellison	Kaptur
Brown (SC)	Ellsworth	Kennedy
Brown, Corrine	Emerson	Kildee
Brown-Waite,	Engel	Kilpatrick (MI)
Ginny	Eshoo	Kilroy
Buchanan	Etheridge	Kind
Burgess	Farr	King (NY)
Burton (IN)	Fattah	Kingston
Butterfield	Filner	Kirk
Buyer	Fleming	Kirkpatrick (AZ)
Calvert	Forbes	Kissell
Camp	Fortenberry	Klein (FL)
Campbell	Foster	Kline (MN)
Cantor	Fox	Kosmas
Cao	Franks (AZ)	Kratovil
Capito	Frelinghuysen	Kucinich
Capps	Fudge	Lamborn
Capuano	Gallely	Lance
Cardoza	Garamendi	Langevin
Carnahan	Garrett (NJ)	Larsen (WA)
Carney	Giffords	Larson (CT)
Carson (IN)	Gingrey (GA)	Latham
Carter	Gohmert	LaTourette
Cassidy	Gonzalez	Latta
Castle	Goodlatte	Lee (CA)
Castor (FL)	Gordon (TN)	Lee (NY)
Chaffetz	Granger	Levin
Chandler	Graves (GA)	Lewis (CA)
Childers	Graves (MO)	Lewis (GA)
Chu	Grayson	Linder
Clarke	Green, Al	Lipinski
Clay	Green, Gene	LoBiondo
Cleaver	Griffith	Loeb sack
Clyburn	Grijalva	Lofgren, Zoe
Coble	Guthrie	Lowe y
Coffman (CO)	Gutierrez	Lucas
Cohen	Hall (TX)	Luetkemeyer

Luján	Pascarell	Shea-Porter
Lungren, Daniel E.	Pastor (AZ)	Sherman
Lynch	Paulsen	Shimkus
Mack	Payne	Shuler
Maffei	Pence	Shuster
Maloney	Perlmutter	Simpson
Manzullo	Perriello	Sires
Marchant	Peters	Skelton
Markey (CO)	Peterson	Slaughter
Markey (MA)	Petri	Smith (NE)
Marshall	Pingree (ME)	Smith (NJ)
Matheson	Pitts	Smith (TX)
Matsui	Platts	Smith (WA)
McCarthy (CA)	Poe (TX)	Snyder
McCarthy (NY)	Polis (CO)	Space
McCaul	Pomeroy	Speier
McClintock	Posey	Spratt
McCollum	Price (GA)	Stark
McCotter	Price (NC)	Stearns
McDermott	Putnam	Stupak
McGovern	Quigley	Sutton
McHenry	Rahall	Tanner
McIntyre	Rangel	Taylor
McKeon	Rehberg	Teague
McMahon	Reichert	Terry
McMorris	Reyes	Thompson (CA)
Rodgers	Richardson	Thompson (MS)
McNerney	Rodriguez	Thompson (PA)
Meeks (NY)	Roe (TN)	Thornberry
Melancon	Rogers (AL)	Tiahrt
Mica	Rogers (KY)	Tiberi
Michaud	Rogers (MI)	Titus
Miller (FL)	Rohrabacher	Tonko
Miller (MI)	Rooney	Towns
Miller (NC)	Ros-Lehtinen	Tsongas
Miller, Gary	Roskam	Turner
Miller, George	Ruppersberger	Upton
Minnick	Rush	Van Hollen
Mitchell	Ryan (OH)	Velázquez
Mollohan	Ryan (WI)	Visclosky
Moore (KS)	Salazar	Walden
Moore (WI)	Sánchez, Linda T.	Walz
Moran (KS)	Sanchez, Loretta	Wamp
Moran (VA)	Sarbanes	Wasserman
Murphy (CT)	Scalise	Schultz
Murphy (NY)	Schakowsky	Waters
Murphy, Patrick	Schauer	Watson
Murphy, Tim	Schiff	Watt
Myrick	Schmidt	Waxman
Nadler (NY)	Schrader	Weiner
Napolitano	Schwartz	Welch
Neal (MA)	Scott (GA)	Westmoreland
Neugebauer	Scott (VA)	Whitfield
Nunes	Sensenbrenner	Wilson (OH)
Nye	Serrano	Wilson (SC)
Oberstar	Sessions	Wittman
Obey	Sestak	Wolf
Olson	Shadegg	Woolsey
Oliver		Wu
Ortiz		Yarmuth
Owens		Young (AK)
Pallone		

NAYS—5

Broun (GA)	King (IA)	Paul
Flake	Lummis	

NOT VOTING—15

Bishop (NY)	Fallin	Radanovich
Blunt	Frank (MA)	Schock
Boehner	Gerlach	Sullivan
Boren	Hall (NY)	Tierney
Bright	Meek (FL)	Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1528

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FAMILY HEALTH CARE ACCESSIBILITY ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1745) to amend the Public Health Service Act to provide liability protections for volunteer practitioners at health centers under section 330 of such Act, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 1, not voting 14, as follows:

[Roll No. 543]

YEAS—417

Ackerman	Cassidy	Fortenberry
Aderholt	Castle	Foster
Adler (NJ)	Castor (FL)	Fox
Akin	Chaffetz	Franks (AZ)
Alexander	Chandler	Frelinghuysen
Altmire	Childers	Fudge
Andrews	Chu	Gallely
Arcuri	Clarke	Garamendi
Austria	Clay	Garrett (NJ)
Baca	Cleaver	Giffords
Bachmann	Clyburn	Gingrey (GA)
Bachus	Coble	Gohmert
Baird	Coffman (CO)	Gonzalez
Baldwin	Cohen	Goodlatte
Barrett (SC)	Cole	Gordon (TN)
Barrow	Conaway	Granger
Bartlett	Connolly (VA)	Graves (GA)
Barton (TX)	Conyers	Graves (MO)
Bean	Cooper	Grayson
Becerra	Costa	Green, Al
Berkley	Costello	Green, Gene
Berman	Courtney	Griffith
Berry	Crenshaw	Grijalva
Biggert	Critz	Guthrie
Bilbray	Crowley	Gutierrez
Billirakis	Cuellar	Hall (TX)
Bishop (GA)	Culberson	Halvorson
Bishop (UT)	Cummings	Hare
Blackburn	Dahlkemper	Harman
Blumenauer	Davis (AL)	Harper
Boccheri	Davis (CA)	Hastings (FL)
Boehner	Davis (IL)	Hastings (WA)
Bonner	Davis (KY)	Heinrich
Bono Mack	Davis (TN)	Heller
Boozman	DeFazio	Hensarling
Boswell	DeGette	Herger
Boucher	Delahunt	Herseth Sandlin
Boustany	DeLauro	Higgins
Boyd	Dent	Hill
Brady (PA)	Deutch	Himes
Brady (TX)	Diaz-Balart, L.	Hinchee
Braley (IA)	Diaz-Balart, M.	Hinojosa
Broun (GA)	Dicks	Hirono
Brown (SC)	Dingell	Hodes
Brown, Corrine	Djou	Hoekstra
Brown-Waite,	Doggett	Holden
Ginny	Donnelly (IN)	Holt
Buchanan	Doyle	Honda
Burgess	Dreier	Hoyer
Burton (IN)	Drieaus	Hunter
Butterfield	Duncan	Inglis
Buyer	Edwards (MD)	Inslee
Calvert	Edwards (TX)	Israel
Camp	Ellison	Issa
Campbell	Ellsworth	Jackson (IL)
Cantor	Emerson	Jackson Lee
Cao	Engel	(TX)
Capito	Eshoo	Jenkins
Capps	Etheridge	Johnson (GA)
Capuano	Farr	Johnson (IL)
Cardoza	Fattah	Johnson, E. B.
Carnahan	Filner	Johnson, Sam
Carney	Flake	Jones
Carson (IN)	Fleming	Jordan (OH)
Carter	Forbes	Kagen

Kanjorski	Miller, George	Schakowsky
Kaptur	Minnick	Schauer
Kennedy	Mitchell	Schiff
Kildee	Mollohan	Schmidt
Kilpatrick (MI)	Moore (KS)	Schock
Kilroy	Moore (WI)	Schrader
Kind	Moran (KS)	Schwartz
King (IA)	Moran (VA)	Scott (GA)
King (NY)	Murphy (CT)	Scott (VA)
Kingston	Murphy (NY)	Sensenbrenner
Kirkpatrick (AZ)	Murphy, Patrick	Serrano
Kissell	Murphy, Tim	Sessions
Klein (FL)	Myrick	Sestak
Kline (MN)	Nadler (NY)	Shadegg
Kosmas	Napolitano	Shea-Porter
Kratovil	Neal (MA)	Sherman
Kucinich	Neugebauer	Shimkus
Lamborn	Nunes	Shuler
Lance	Nye	Shuster
Langevin	Oberstar	Simpson
Larsen (WA)	Obey	Sires
Larson (CT)	Olson	Skelton
Latham	Olver	Slaughter
LaTourette	Ortiz	Smith (NE)
Latta	Owens	Smith (NJ)
Lee (CA)	Pallone	Smith (TX)
Lee (NY)	Pascarell	Smith (WA)
Levin	Pastor (AZ)	Snyder
Lewis (CA)	Paulsen	Space
Lewis (GA)	Payne	Speier
Linder	Pence	Spratt
Lipinski	Perlmutter	Stark
LoBiondo	Perriello	Stearns
Loeb sack	Peters	Stupak
Lofgren, Zoe	Peterson	Sullivan
Lowey	Petri	Sutton
Lucas	Pingree (ME)	Tanner
Luetkemeyer	Pitts	Taylor
Lujan	Platts	Teague
Lummis	Poe (TX)	Terry
Lungren, Daniel E.	Polis (CO)	Thompson (CA)
	Pomeroy	Thompson (MS)
Lynch	Posey	Thompson (PA)
Mack	Price (GA)	Thornberry
Maffei	Price (NC)	Tiahrt
Maloney	Putnam	Tiberi
Manzullo	Quigley	Titus
Marchant	Rahall	Tonko
Markey (CO)	Rangel	Towns
Markey (MA)	Rehberg	Tsongas
Marshall	Reichert	Turner
Matheson	Reyes	Upton
Matsui	Richardson	Van Hollen
McCarthy (CA)	Rodriguez	Velázquez
McCarthy (NY)	Roe (TN)	Visclosky
McCaul	Rogers (AL)	Walden
McClintock	Rogers (KY)	Walz
McCollum	Rogers (MI)	Wamp
McCotter	Rohrabacher	Wasserman
McDermott	Rooney	Schultz
McGovern	Ros-Lehtinen	Waters
McHenry	Roskam	Watson
McIntyre	Ross	Watt
McKeon	Rothman (NJ)	Waxman
McMahon	Roybal-Allard	Weiner
McMorris	Royce	Welch
Rodgers	Ruppersberger	Westmoreland
McNerney	Rush	Whitfield
Meeks (NY)	Ryan (OH)	Wilson (OH)
Melancon	Ryan (WI)	Wilson (SC)
Mica	Salazar	Wittman
Michaud	Sánchez, Linda T.	Wolf
Miller (FL)	T.	Woolsey
Miller (MI)	Sanchez, Loretta	Wu
Miller (NC)	Sarbanes	Yarmuth
Miller, Gary	Scalise	Young (AK)

NAYS—1

Paul

NOT VOTING—14

Bishop (NY)	Fallin	Meek (FL)
Blunt	Frank (MA)	Radanovich
Boren	Gerlach	Tierney
Bright	Hall (NY)	Young (FL)
Ehlers	Kirk	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in the vote.

□ 1536

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. EHLERS. Madam Speaker, on rollcall No. 543 I missed the vote because I was summoned to an extremely important telephone call. Had I been present, I would have voted "yea."

NATIONAL ALL SCHEDULES PRESCRIPTION ELECTRONIC REPORTING REAUTHORIZATION ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5710) to amend and reauthorize the controlled substance monitoring program under section 399O of the Public Health Service Act, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 384, nays 32, not voting 16, as follows:

[Roll No. 544]

YEAS—384

Ackerman	Brown (SC)	Critz
Aderholt	Brown, Corrine	Crowley
Adler (NJ)	Brown-Waite,	Cuellar
Alexander	Ginny	Cummings
Altmire	Buchanan	Dahlkemper
Andrews	Burgess	Davis (AL)
Arcuri	Burton (IN)	Davis (CA)
Austria	Butterfield	Davis (IL)
Baca	Buyer	Davis (KY)
Bachmann	Calvert	Davis (TN)
Bachus	Camp	DeFazio
Baird	Cantor	DeGette
Baldwin	Cao	Delahunt
Barrett (SC)	Capito	DeLauro
Barrow	Capps	Dent
Bartlett	Capuano	Deutch
Barton (TX)	Cardoza	Diaz-Balart, L.
Bean	Carnahan	Diaz-Balart, M.
Becerra	Carney	Dicks
Berkley	Carson (IN)	Dingell
Berman	Cassidy	Djou
Berry	Castle	Doggett
Biggett	Castor (FL)	Donnelly (IN)
Bilbray	Chaffetz	Doyle
Bilirakis	Chandler	Dreier
Bishop (GA)	Childers	Driehaus
Bishop (UT)	Chu	Duncan
Blackburn	Clarke	Edwards (MD)
Blumenauer	Clay	Edwards (TX)
Boccheri	Cleaver	Ehlers
Boehner	Clyburn	Ellison
Bonner	Coble	Ellsworth
Bono Mack	Coffman (CO)	Emerson
Boozman	Cohen	Engel
Boswell	Cole	Eshoo
Boucher	Connolly (VA)	Etheridge
Boustany	Cooper	Farr
Boyd	Costa	Fattah
Brady (PA)	Costello	Filner
Brady (TX)	Courtney	Fleming
Braley (IA)	Crenshaw	Forbes

Fortenberry	Loeb sack	Rogers (KY)
Foster	Lofgren, Zoe	Rogers (MI)
Frelinghuysen	Lowey	Ros-Lehtinen
Fudge	Lucas	Ross
Gallegly	Luetkemeyer	Rothman (NJ)
Garamendi	Lujan	Roybal-Allard
Garrett (NJ)	Lungren, Daniel E.	Royce
Giffords	Lynch	Ruppersberger
Gingrey (GA)	Maffei	Rush
Gonzalez	Maloney	Ryan (OH)
Gordon (TN)	Markey (CO)	Ryan (WI)
Granger	Markey (MA)	Salazar
Graves (MO)	Marshall	Sánchez, Linda T.
Grayson	Matheson	Sanchez, Loretta
Green, Al	Matsui	Sarbanes
Green, Gene	McCarthy (CA)	Scalise
Griffith	McCarthy (NY)	Schakowsky
Grijalva	McCaul	Schauer
Guthrie	McCollum	Schiff
Gutierrez	McCotter	Schmidt
Hall (TX)	McDermott	Schock
Halvorson	McGovern	Schrader
Hare	McHenry	Schwartz
Harman	McIntyre	Scott (GA)
Harper	McKeon	Scott (VA)
Hastings (FL)	McMahon	Serrano
Hastings (WA)	McMorris	Sessions
Heinrich	Heller	Sestak
Heller	Rodgers	Shadegg
Herseth Sandlin	McNerney	Shea-Porter
Higgins	Meeks (NY)	Sherman
Hill	Melancon	Shimkus
Himes	Mica	Shuster
Hinchey	Michaud	Simpson
Hinojosa	Miller (FL)	Sires
Hirono	Miller (MI)	Skelton
Hodes	Miller (NC)	Slaughter
Hoekstra	Miller, Gary	Smith (NE)
Holden	Miller, George	Smith (NJ)
Holt	Minnick	Smith (TX)
Honda	Mitchell	Smith (WA)
Hoyer	Mollohan	Snyder
Inglis	Moore (KS)	Space
Inslie	Moore (WI)	Speier
Israel	Moran (KS)	Spratt
Issa	Moran (VA)	Stark
Jackson (IL)	Murphy (CT)	Stearns
Jackson Lee	Murphy (NY)	Stupak
(TX)	Murphy, Patrick	Sullivan
Jenkins	Murphy, Tim	Tanner
Johnson (GA)	Myrick	Taylor
Johnson (IL)	Nadler (NY)	Teague
Johnson, E. B.	Napolitano	Terry
Johnson, Sam	Neal (MA)	Thompson (CA)
Jones	Nye	Thompson (MS)
Kagen	Oberstar	Thompson (PA)
Kagen	Obey	Tiahrt
Kanjorski	Olson	Tiberi
Kaptur	Olver	Titus
Kennedy	Ortiz	Tonko
Kildee	Pallone	Towns
Kilpatrick (MI)	Pascarell	Tsongas
Kilroy	Pastor (AZ)	Turner
Kind	Paulsen	Upton
King (IA)	Payne	Van Hollen
King (NY)	Pence	Velázquez
Kirk	Perlmutter	Visclosky
Kirkpatrick (AZ)	Perriello	Walden
Kissell	Peters	Walz
Klein (FL)	Peterson	Wamp
Kline (MN)	Petri	Wasserman
Kosmas	Pingree (ME)	Schultz
Kratovil	Pitts	Waters
Kucinich	Platts	Watson
Lamborn	Polis (CO)	Watt
Lance	Pomeroy	Waxman
Langevin	Posey	Weiner
Lance	Price (NC)	Welch
Larsen (CT)	Putnam	Whitfield
Latham	Quigley	Wilson (OH)
LaTourette	Rahall	Wilson (SC)
Latta	Rangel	Wittman
Lee (CA)	Rehberg	Wolf
Lee (NY)	Reichert	Woolsey
Levin	Reyes	Wu
Lewis (CA)	Richardson	Yarmuth
Lewis (GA)	Rodriguez	Young (AK)
Linder	Roe (TN)	
Lipinski	Rogers (AL)	
LoBiondo		

NAYS—32

Akin	Conaway	Franks (AZ)
Broun (GA)	Culberson	Goodlatte
Campbell	Flake	Graves (GA)
Carter	Foxx	Hensarling

Herger	Marchant	Price (GA)
Hunter	McClintock	Rohrabacher
Jordan (OH)	Neugebauer	Rooney
Kingston	Nunes	Sensenbrenner
Lummis	Owens	Thornberry
Mack	Paul	Westmoreland
Manzullo	Poe (TX)	

NOT VOTING—16

Bishop (NY)	Frank (MA)	Roskam
Blunt	Gerlach	Shuler
Boren	Gohmert	Tierney
Bright	Hall (NY)	Young (FL)
Conyers	Meek (FL)	
Fallin	Radanovich	

□ 1544

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore (Ms. TITUS). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

AIRPORT AND AIRWAY EXTENSION
ACT OF 2010, PART III

Mr. LEWIS of Georgia. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6190) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6190

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Airport and Airway Extension Act of 2010, Part III".

SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking "September 30, 2010" and inserting "December 31, 2010".

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking "September 30, 2010" and inserting "December 31, 2010".

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking "September 30, 2010" and inserting "December 31, 2010".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking "October 1, 2010" and inserting "January 1, 2011"; and

(2) by inserting "or the Airport and Airway Extension Act of 2010, Part III" before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking "October 1, 2010" and inserting "January 1, 2011".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 48103 of title 49, United States Code, is amended—

(A) by striking "and" at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting "; and"; and

(C) by inserting after paragraph (7) the following:

"(8) \$925,000,000 for the 3-month period beginning on October 1, 2010."

(2) OBLIGATION OF AMOUNTS.—Subject to limitations specified in advance in appropriation Acts, sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2011, and shall remain available until expended.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of such title is amended by striking "September 30, 2010," and inserting "December 31, 2010,".

SEC. 5. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 40117(1)(7) of title 49, United States Code, is amended by striking "October 1, 2010." and inserting "January 1, 2011.".

(b) Section 41743(e)(2) of such title is amended by striking "2010" and inserting "2011".

(c) Section 44302(f)(1) of such title is amended—

(1) by striking "September 30, 2010," and inserting "December 31, 2010,"; and

(2) by striking "December 31, 2010," and inserting "March 31, 2011,".

(d) Section 44303(b) of such title is amended by striking "December 31, 2010," and inserting "March 31, 2011,".

(e) Section 47107(s)(3) of such title is amended by striking "October 1, 2010." and inserting "January 1, 2011.".

(f) Section 47115(j) of such title is amended by inserting "and for the portion of fiscal year 2011 ending before January 1, 2011," after "2010,".

(g) Section 47141(f) of such title is amended by striking "September 30, 2010." and inserting "December 31, 2010,".

(h) Section 49108 of such title is amended by striking "September 30, 2010," and inserting "December 31, 2010,".

(i) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by inserting "or in the portion of fiscal year 2011 ending before January 1, 2011," after "fiscal year 2009 or 2010".

(j) Section 186(d) of such Act (117 Stat. 2518) is amended by inserting "and for the portion of fiscal year 2011 ending before January 1, 2011," after "October 1, 2010,".

(k) Section 409(d) of such Act (49 U.S.C. 41731 note) is amended by striking "September 30, 2010." and inserting "September 30, 2011.".

(1) The amendments made by this section shall take effect on October 1, 2010.

SEC. 6. TECHNICAL CORRECTIONS.

Effective as of August 1, 2010, and as if included therein as enacted, the Airline Safety and Federal Aviation Administration Extension Act of 2010 (Public Law 111-216) is amended as follows:

(1) In section 202(a) (124 Stat. 2351) by inserting "of title 49, United States Code," before "is amended".

(2) In section 202(b) (124 Stat. 2351) by inserting "of such title" before "is amended".

(3) In section 203(c)(1) (124 Stat. 2356) by inserting "of such title" before "(as redesignated)".

(4) In section 203(c)(2) (124 Stat. 2357) by inserting "of such title" before "(as redesignated)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. LEWIS) and the gentleman from Louisiana (Mr. BOUSTANY) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. LEWIS of Georgia. Madam Speaker, I ask unanimous consent to give Members 5 legislative days to revise and extend their remarks on the bill, H.R. 6190.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LEWIS of Georgia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 6190, the Airport and Airway Extension Act, Part III. The Airport and Airway Trust Fund taxes and spending authority are scheduled to expire on September 30. This bill extends its authority through December 31, 2010, while we work together on a long-term solution.

This extension is critical for our airports and communities across our country. Our aviation system is also key for our economy and jobs. For example, Hartsfield-Jackson Atlanta International Airport, located in my congressional district, is the busiest passenger airport in the world. Over 250,000 passengers travel through the airport each day. The Atlanta airport has a direct impact of more than \$32 billion on Georgia's economy and employs almost 60,000 people throughout our State. Extending this authority provides the necessary revenue to maintain our Nation's airports and air traffic control system.

Madam Speaker, I ask all of my colleagues to come together and support this very simple, commonsense, necessary legislation.

I reserve the balance of my time.

Mr. BOUSTANY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 6190.

This is a straightforward bill to extend for 3 months, through December

31, the existing FAA authorization law, the excise taxes that support the Airport and Airway Trust Fund, and the trust fund's expenditure authorities. The current FAA authorization, as well as the excise taxes and spending authorities, are currently scheduled to expire on October 1.

For the past several months, the House and Senate have been negotiating on a long-term FAA reauthorization bill, but those negotiations have not yet come to a close. This extension will give Congress additional time to try to resolve the differences between the Chambers' bills and to determine whether modifications to the financing structure of the Airport and Airway Trust Fund are appropriate.

I would note, however, that because the majority has chosen to extend the FAA authority only through the end of the year, they are ensuring that Congress must return for a lame duck session to prevent the FAA authorization from expiring. Many of my colleagues on this side of the aisle have voiced legitimate concerns about the mischief that could be made in an extended lame duck session, with various pieces of must-pass legislation being held hostage to unpopular tax increases and spending increases that the majority might decide to postpone until after the election.

□ 1550

Despite this risk, it is important that we take the necessary steps to extend the current FAA authorization and its related excise taxes and expenditure authorities on a temporary basis, and I join with my colleagues across the aisle in support of this legislation.

With that, I reserve the balance of my time.

Mr. LEWIS of Georgia. Madam Speaker, I yield as much time as he may consume to the gentleman from Illinois, the chairman of the Aviation Subcommittee, Congressman COSTELLO.

Mr. COSTELLO. I thank my friend from Georgia (Mr. LEWIS) for yielding.

Madam Speaker, I rise in strong support of H.R. 6190, the Airport and Airway Extension Act of 2010, Part III. I want to thank Chairman OBERSTAR of the full Committee on Transportation and Infrastructure, Chairman LEVIN and Congressman LEWIS of the Committee on Ways and Means for bringing this bill to the floor today.

Two months ago, we passed bipartisan legislation, H.R. 5900, the Airline Safety and Federal Aviation Administration Extension Act of 2010, which was signed into law. It included important airline safety and pilot training provisions from House passed H.R. 3371, the Airline Safety and Pilot Training Improvement Act of 2009. I am pleased that President Obama signed the legislation, H.R. 5900, into law, and I am proud of our efforts to work together in

a bipartisan manner to produce the strongest aviation safety legislation in decades.

In addition to the aviation safety provisions, H.R. 5900 included a clean extension of the FAA reauthorization bill until September 30. We passed another extension because the leaders in the other body said they could not reach an agreement with their members and they were at an impasse.

We have reached consensus on the majority of the items from both bills and only a few issues remain which I believe can be worked out. It is unfortunate that we have reached this point after nearing the end of working through both of these bills.

In the interest of keeping the FAA and the aviation transportation system operating safely, we cannot let this reauthorization expire on October 1. H.R. 6190 extends the FAA reauthorization through the end of the calendar year.

There are many important provisions in the FAA reauthorization bill, such as binding arbitration for the air traffic controllers, addressing the consolidation and realignment of FAA facilities, and making investments in NextGen and the air traffic control modernization program. I am committed to passing a comprehensive FAA reauthorization bill next year so that we can provide stability to the FAA and our Nation's aviation system.

With that, Madam Speaker, I urge support and ask my colleagues to vote for this legislation.

Mr. BOUSTANY. Madam Speaker, I am now pleased to yield such time as he may consume to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. I thank my colleague from Louisiana.

In May 2009, the House passed H.R. 915, the FAA Reauthorization Act of 2009. In March of this year, the Senate passed its own FAA reauthorization bill which the House took up, amended, passed and sent back to the Senate. Since that time, we have been in informal discussions to reconcile the two versions of the bill. While these discussions have led to tentative agreements on nearly all of the provisions, a few controversial issues have stalled progress on a final agreement. Therefore, with the FAA's authorities set to expire on September 30, we again find it necessary to consider another extension bill. Like the 15 earlier extensions over the past 3 years, H.R. 6190 would provide a short-term extension of the taxes, programs, and funding of the FAA, this time through the end of this year, 2010.

I remain very disappointed that a few issues in the reauthorization package are holding up final agreement on a comprehensive FAA reauthorization bill. However, in order to ensure the safe operation of the national airspace system while Congress continues to debate a full reauthorization package, I support passage of today's extension.

I urge my colleagues to support the resolution.

Mr. LEWIS of Georgia. Madam Speaker, I yield as much time as he may consume to the gentleman from Minnesota, the hardworking chairman of the Transportation and Infrastructure Committee, Mr. OBERSTAR.

Mr. OBERSTAR. I thank the gentleman for that very thoughtful comment. I consider myself hardworking. It's nice to have that affirmation from the gentleman who himself knows the value of, and puts in, hard work.

Perhaps the best news this afternoon was the announcement we just heard from the other body that the Senate has passed, by consent, H.R. 4853, the Airport and Airway Extension Act, with a substitute amendment carrying through the authorities through the end of this calendar year. That's good news. The unfortunate news that Mr. COSTELLO has amply outlined and as Mr. PETRI has also underscored is that the full authorization is still held up over disagreements in the other body. We passed this bill, we on the Committee on Transportation and Infrastructure under Mr. COSTELLO's diligent leadership, by hard work, dozens of hearings and meetings and conferences and discussions to lead to the long-term authorization—then it was about \$60 billion—investing in the future of air traffic control, modernizing yet again. It's in a state of constant modernization. You can't say we do it once and then it's done. It's in a constant state of modernization. Resolving very thorny issues within the air traffic control workforce and the previous administration. We put all those together in a package, it passed the House and didn't pass the other body.

And then there was a threat from the previous administration, well, if the bill in its present form reaches the President, he'll veto it. Nonetheless, we had a bipartisan effort. Mr. MICA, Mr. PETRI, Mr. COSTELLO and I and the representatives from the White House; the Secretary of Transportation, Ms. Peters; the head of the FAA. We met for days, week after week after week, to try to resolve the issue of controller pay, try to resolve a number of other issues that were in the bill. And, as we quaintly say in this body, we came to no resolution thereon.

Now we're close. We're so very close. But there are just a couple of items that have nothing to do with the air traffic control system, nothing to do with the air traffic control workforce. This administration came in in January of last year and the first thing the President, the White House did, with the vigorous support of Mr. COSTELLO and me, and I think even encouragement from Mr. MICA and Mr. PETRI, settled the air traffic controller pay issue. That was the first thing they did. They tackled it head-on. They had a 95 percent support vote from the members

of NATCA; and things are moving ahead. But now a dispute over whether one airline, who has the dominant position at National Airport, should have further dominance in long-haul service out of National Airport, that's got the other body all in a tangle.

□ 1600

We have not had a formal conference. We have not sat opposite face-to-face to discuss options. There is a flat-out resistance in the other body to increasing the Passenger Facility Charge so that airports, at their discretion, may choose to raise that fee and generate the roughly \$2 billion that the capacity facility charge generates to invest in modernization of the airport facilities, improve the terminals in the parking areas and the hard side of the airport, runways and taxiways and parking aprons. All that money goes directly into investments and creates jobs, economic opportunity.

But they are hung up over there, just one person holding this and another person holding something else and a third one holding something else and then have the secret holds and the hot holds and the threats of filibuster. The other body is just all tangled up in themselves. That's just an exasperating condition.

I have seen this over 25 years, back to the time when I chaired the Aviation Subcommittee, but we were always able to work it out. I have never seen such a tangle like this.

So I urge the other body to rise above themselves, get over these little petty differences, come to agreement in the greater good of this country. Aviation is 9 percent of the gross domestic product of the United States.

Last year a billion people traveled by air worldwide, 750 million moved in the U.S. airspace. We account for three-fourths of all air travel worldwide. Every other nation in the world wants to get into the U.S. and wants to serve our constituents because it is such a lucrative market.

But if we don't invest in the future and continuing the modernization of air traffic control, we are not going to be the leader in the world. That is what this legislation does. It lays down the charts, the path forward for continued modernization of the air traffic control system of the United States, which is the most robust in the world.

So you might ask, well, why are we doing just this short-term extension through the end of the year? Because I am confident that sanity will prevail, that equity will abound in the other body, and they will find themselves, and they will come to agreement in the post-election session, maybe before then, and then we could do the full, 4-year authorization bill.

So we must proceed on the course we have laid before you today.

I thank my colleagues on the committee, Mr. MICA, Mr. PETRI. Mr. BOU-

STANY, thank you, from Ways and Means, a refugee from the Committee on Transportation and Infrastructure who has, as has Mr. LEWIS, also a graduate of the Committee on Transportation and Infrastructure, gone on to Ways and Means, where we still have the partnership. I am glad we are all together. At least on this side, we are all together moving in the right direction.

Madam Speaker, I rise in strong support of H.R. 6190, the "Airport and Airways Extension Act of 2010, Part III". This bill ensures that aviation programs, taxes, and Airport and Airway Trust Fund expenditure authority will continue without interruption pending completion of long-term Federal Aviation Administration (FAA) reauthorization legislation. Because the long-term bill will not be completed before the current authority for aviation programs expires next week, H.R. 6190 is needed to extend aviation programs, taxes, and expenditure authority for an additional three months, through December 31, 2010.

The most recent long-term FAA reauthorization act, the Vision 100—Century of Aviation Reauthorization Act (P.L. 108–176), expired on September 30, 2007. Although the House passed an FAA reauthorization bill during the 110th Congress, and again last year, the Senate failed to act until March of this year. The FAA has, therefore, been operating under a series of short-term extension acts, the most recent of which expires on September 30, 2010.

Since passage of the Senate bill in March, we have been working diligently to resolve the differences between the House and Senate bills. As it stands now, the negotiated bill would provide the aviation sector with the stability of a multi-year authorization, safety reforms, record-high capital investment levels, acceleration of the Next Generation Air Transportation System effort, and a passenger bill of rights. Moreover, a comprehensive multi-billion dollar FAA reauthorization would create tens of thousands of well paying aviation sector jobs.

This would build upon the aviation investments funded by the American Recovery and Reinvestment Act of 2009. We know that Recovery Act aviation investments have been a tremendous success. Work is underway or completed on 758 aviation projects (\$1.2 billion), representing 96 percent of the total available Recovery Act aviation funds. Within this total, work is underway on 205 projects (\$627 million), and work is completed on an additional 553 projects (\$622 million). Aviation investments will result in 155 runway improvements at 139 airports that accommodate 11 million annual takeoffs/landings (\$483 million); 83 taxiway improvements at 78 airports that accommodate 8.1 million annual takeoffs/landings (\$220 million); and 25 projects to modernize air route traffic control centers (\$50 million). This record of success underscores the need to build upon these efforts and pass a long-term FAA reauthorization act.

Unfortunately, since July, the FAA reauthorization bill has been hung up in the Senate, primarily over a provision that would significantly increase the number of long-distance flights at Washington National Airport. The

Senate provision was included in neither the House-passed nor the Senate-passed FAA bill, and it is strongly opposed by Members of Congress and Senators who represent the Washington, D.C. metropolitan region. They argue it would create a burden on Washington National Airport by creating congestion at terminals and that it would siphon passengers away from Washington Dulles International Airport. I also have concerns that the provision, as written, would unduly benefit the dominant incumbent carrier at National Airport, US Airways.

We will continue to work as hard as we can on behalf of the American public for a strong, comprehensive FAA reauthorization bill, which I still remain confident that we can deliver this Congress.

Mr. BOUSTANY. I have no further requests for time, and I yield back the balance of my time.

Mr. LEWIS of Georgia. Madam Speaker, I fully support H.R. 6190. I urge all of my colleagues on both sides of the aisle to vote "yes" for this important piece of legislation.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. LEWIS) that the House suspend the rules and pass the bill, H.R. 6190.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4853. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

SUPPORTING NATIONAL COMPUTER SCIENCE EDUCATION WEEK

Mr. POLIS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1560) supporting the increased understanding of, and interest in, computer science and computing careers among the public and in schools, and to ensure an ample and diverse future technology workforce through the designation of National Computer Science Education Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1560

Whereas computing technology has become an integral part of culture and is transforming how people interact with each other and the world around them;

Whereas computer science is transforming industry, creating new fields of commerce, driving innovation in all fields of science, and bolstering productivity in established economic sectors;

Whereas the field of computer science underpins the information technology sector of our economy, which is a significant contributor to United States economic output;

Whereas the information technology sector is uniquely positioned to help with economic recovery through the research and development of new innovations;

Whereas National Computer Science Education Week can inform students, teachers, parents, and the general public about the crucial role that computer science plays in transforming our society and how computer science enables innovation in all science, technology, engineering, and mathematics disciplines and creates economic opportunities;

Whereas providing students the chance to participate in high-quality computer science activities, including through science scholarships, exposes them to the rich opportunities the field offers and provides critical thinking skills that will serve them throughout their lives;

Whereas all students deserve a thorough preparation in science, technology, engineering, and mathematics education, including access to the qualified teachers, technology, and age-appropriate curriculum needed to learn computer science at the elementary and secondary levels of education;

Whereas these subjects provide the critical foundation to master the skills demanded by our 21st century workforce;

Whereas computer science education has challenges to address, including distinguishing computer science from technology literacy and providing adequate professional development for computer science teachers;

Whereas the field of computer science has significant equity barriers to address, including attracting more participation by females and underrepresented minorities to all levels and branches;

Whereas Grace Murray Hopper, one of the first females in the field of computer science, engineered new programming languages and pioneered standards for computer systems which laid the foundation for many advancements in computer science; and

Whereas the week of December 5, in honor of Grace Hopper's birthday, is designated as "National Computer Science Education Week": Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of National Computer Science Education Week;

(2) encourages schools, teachers, researchers, universities, and policymakers to identify mechanisms for teachers to receive cutting edge professional development to provide sustainable learning experiences in computer science at all educational levels and encourage students to be exposed to computer science concepts;

(3) encourages opportunities, including through existing programs, for females and underrepresented minorities in computer science; and

(4) supports research in computer science to address what would motivate increased participation in this field.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. POLIS) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

GENERAL LEAVE

Mr. POLIS. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1560 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1560, which designates the week of December 5, 2010, as National Computer Science Education Week to support increased public awareness of, and interest in, the field of computer science and careers in computers.

I am honored to have joined Mr. EHLERS of Michigan for the second year in a row as bipartisan cosponsors in recognizing the critical importance of computer science education to the future of our country and to a strong economy and jobs.

The global competitiveness of our workers and our economy depends on our ability to embrace emergent information in computer technologies. As an Internet entrepreneur myself, who had founded several successful companies before I came to Congress, I learned firsthand how computer technology is transforming people's lives throughout the world and represents a critical strategy for ensuring our country's national competitiveness. The Department of Commerce estimates that there will be 800,000 job openings in computer science over the next 6 years, making it one of the fastest-growing fields in the country, and it's of critical importance, particularly during this recovery.

Computer science also drives innovation across other sectors—in science, technology, engineering, and math. According to the College Board, 4 of the top 10 fastest-growing jobs will be in computer-related fields as our Nation's most innovative and successful companies continue to expand their capabilities. Computer skills, Madam Speaker, are necessary in jobs across the board. From agricultural jobs to office jobs, the way we interact with computers plays a critical role in both our personal and our professional lives.

The types of jobs where we need to do better with regard to computer education include computer system analysts, software engineers, network systems managers, data communication analysts and many others. And yet despite the growing need and the many job openings, there were less than

60,000 Americans that pursued degrees in computer science in 2008.

In my district in Colorado, for example, more than 2,500 computing job openings occur annually, but only 10 students say they intend to major in computer science and 34 took the Advanced Placement computer science exam, according to the National Center for Women and Information Technology at the University of Colorado at Boulder, the flagship State university in our Colorado system.

□ 1610

Unless we get more kids interested in computer science degrees and careers, we'll continue to lose our edge in global competitiveness. But that interest starts early, Madam Speaker. We need to start through public education, elementary school, middle school, and high school in giving kids the skills they need to enter these fields in college and professionally.

National Computer Science Education Week provides an important opportunity to highlight the opportunities available in this bill and give kids the skills they need to obtain success, to encourage more students to pursue careers in the fast-growing fields of computing and information technology, and also to highlight the importance of a skilled and diverse workforce that takes full advantage of the great diversity our Nation has to offer to compete for 21st century jobs.

The date of National Computer Science Education Week coincides with the birthday of Grace Hopper, one of the first prominent women in the field of computer science. As a United States Naval officer, Ms. Hopper became a computer programmer and later engineered new programming languages and created standards for computer systems which laid the foundation for major advancements in computer science. The U.S. Navy destroyer USS *Hopper* was named in her honor.

National Computer Science Education Week can also help expose students to innovative technologies and computer science as early as kindergarten and continuing all the way through college. Students deserve and need access to the technology, qualified teachers, and age-appropriate curriculum at the elementary, secondary, and post-secondary levels. These resources encourage students to distinguish between computer literacy and computational thinking, which facilitates new ways to use these powerful tools to approach issues in biology, chemistry, physics, astronomy, and health care.

In a world dominated by Facebook, iPods, the Web, and the Internet, every child stands to benefit from a rigorous computer science education. And yet today, too few students have the opportunity to take engaging and rigorous computer science courses, and there is

far too little diversity among those who do. Low-income, women, and minority students are severely under-enrolled in computer science courses and programs, both at the secondary and post-secondary levels, and also in the related professions.

That's why I have introduced H.R. 5929, the Computer Science Education Act, which will help ensure that American students not only use technology but also learn the technical computing skills needed to grow our economy and invent the technology that will drive our economic engine in the future. America simply cannot afford to continue wasting talent and opportunities in this field.

Madam Speaker, I want to thank Representative EHLERS for submitting this resolution and express my strong support for recognizing the week of December 5 as National Computer Science Education Week.

I reserve the balance of my time.

Mr. PLATTS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 1560, supporting the increased understanding of, and interest in, computer science and computing careers among the public, and especially in our schools, to ensure an ample and diverse future technology workforce through the designation of National Computer Science Education Week.

Computer science is the study of the theoretical foundations of information and computation and of practical techniques for their implementation and application in computer systems. Today, more than ever, computer science is integral to the functioning and growth of our society and economy. Computer science supports the information technology sector that has become such a large contributor to the United States' economic output.

The need for diverse participants in the field of computer science exists more so today than ever before. As the world's dependence on technology grows, so does the need for individuals with the knowledge and background to support and advance that technology in all fields of science.

Computer science education provides an opportunity for students to enter the field of computer science and exposes them to the opportunities this important field has to offer. A high-quality education in science, technology, engineering, and mathematics can help to prepare students for a future in computer science and to master the skills needed in the 21st century workforce. A computer science education can provide students with opportunities for future education and employment in some of the fastest growing industries.

National Computer Science Education Week, to be recognized the week

of December 5, will inform students, teachers, parents, and the public about the role of computer science in our society and the opportunities it affords to participants in the field. Today I express my strong support for National Computer Science Education Week and encourage all schools, teachers, researchers, and universities to recognize this occasion.

I support the resolution and ask my colleagues to do the same.

Madam Speaker, I reserve the balance of my time.

Mr. POLIS. I would like to inquire if the gentleman from Pennsylvania has any further speakers.

Mr. PLATTS. Madam Speaker, I was expecting the sponsor of the resolution. I understand that he is on his way and should be here momentarily.

I take it the gentleman has no other speakers?

Mr. POLIS. I would like to continue.

I yield myself such time as I may consume, Madam Speaker.

Little is of greater importance to the economic future of our country than making sure that kids are prepared to enter the workforce of the future and create the jobs of the future, many of which will either be in computer science or require skills in computer science. Regardless of the field, whether it's construction, whether it's education, whether it's banking, having basic skills in computational technology as a computer science is absolutely critical for occupational success. To bring some of the jobs back to America, we need to make sure that we have the best and brightest and most capable children that are equipped with the tools they need to prepare the next generation of intellectual property and software products for consumption across the world.

I have been honored to introduce this resolution recognizing National Computer Science Education Week with Representative EHLERS, for the second year, to acknowledge the important contributions of computer science to our country's economic development and also to emphasize the need for increased diversity and ensuring that we tap into the great diversity that composes the American people in preparing for the jobs of the future.

I reserve the balance of my time.

Mr. PLATTS. Madam Speaker, I yield myself such time as I may consume.

I want to commend the gentleman from Colorado along with the gentleman from Michigan (Mr. EHLERS) for their sponsorship of this. We see issues often in our professional roles but also in our personal roles, and this area of computer science and education is one that I have seen as a dad, a parent of a 14-year-old and an 11-year-old, a sixth grader and an eighth grader. This generation that's coming up now can't imagine the world without computers.

As one of the older generations, I regularly turn to them for input in how to troubleshoot. And I think that's what we're trying to help promote here is that understanding of how integral computer science is to our daily lives, to our economy, and to our quality of life. And this resolution will help promote that idea and remind all of our citizens that, if they're looking for a great opportunity for a career, computer science and related fields is a wonderful one that's going to be with us for decades to come and integral to our country's growth and success economically in the years ahead, as well.

I believe that we're not going to be able to wait for the sponsor, so I would just conclude by acknowledging Mr. EHLERS, the gentleman from Michigan's work in this area and his professional work before coming to the House in this arena and what a great champion he has been for supporting the importance of education in computer science, mathematics, engineering, and technology. And he'll be leaving us at the end of this session, but I know he will continue to be a strong advocate for education in this field.

With that, Madam Speaker, I yield back the balance of my time.

Mr. POLIS. Certainly, as the gentleman from Pennsylvania mentioned, we salute Mr. EHLERS' leadership on this issue and certainly hope that in future sessions we will continue to have strong bipartisan agreement on this issue. And perhaps if we are both in the next session, the gentleman from Pennsylvania will join me to continue the tradition of honoring Computer Science Education Week in future sessions.

Again, the recognition in ensuring that raising the profile of the importance of computer science is a first step. And I have also introduced a bill, H.R. 5929, that really enacts what we need to do with regard to helping improve opportunities for computer science across the country. It's not simply a matter of kids using technology, but also a matter of learning the technical computing skills that are needed for an increasingly complicated workforce and business climate.

Madam Speaker, I urge my colleagues to join me in supporting this resolution.

Mr. EHLERS. Madam Speaker, I rise in support of H. Res. 1560, which supports the increased understanding of, and interest in, computer science and computing careers among the public and in schools, and ensures an ample and diverse future technology workforce through the designation of National Computer Science Education Week.

The week of December 5 has been chosen as National Computer Science Education Week to honor the birthday of Grace Murray Hopper, one of the first female computer scientists. This will mark the second annual celebration of this important week.

Computing technology and the innovations it yields are transforming our world and are critical to the global competitiveness of our economy. However, we are not preparing an adequate and diverse workforce to meet the ever-growing demand for the information technology sector, which includes some of the country's most innovative and successful companies.

While it is very important that students in K-12 are exposed to computer science, many do not get a chance to learn about it in schools today. The lack of understanding of computer science and how it fuels innovation in science, technology, engineering, and mathematics disciplines contributes to a lack of interest in computing careers, especially among women and underrepresented minorities, whose participation rates in computer science are among the lowest of any scientific field. By introducing students to computer science at an early age and providing them with learning experiences in computer science at all educational levels, we can reverse this trend and expand and diversify our technology workforce.

I am very pleased that Congressman POLIS joined me in introducing this resolution. Also, I thank Cameron Wilson with the Association for Computing Machinery and Joel Adams with the Department of Computer Science at Calvin College for their efforts in raising the awareness about the importance of computer science education. In addition, I thank Julia Jester, formerly of my staff, for her help on drafting and introducing this resolution, as well as for her dedicated service as the staff director of the STEM Education Caucus.

Please join me in supporting the designation of the second annual National Computer Science Education Week to raise awareness about these important issues.

Mr. POLIS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 1560.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING AMERICANS FOR THE ARTS ON 50TH ANNIVERSARY

Mr. POLIS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1582) honoring and saluting Americans for the Arts on its 50th anniversary.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1582

Whereas Americans for the Arts is the Nation's leading nonprofit organization for advancing the arts and arts education in the United States;

Whereas celebrating its 50th anniversary in 2010, Americans for the Arts is dedicated to

representing and serving local communities and creating opportunities for every person in the United States to participate in and appreciate all forms of the arts;

Whereas Americans for the Arts was founded and chartered in 1960 in Winston-Salem, North Carolina, by then-first board president George Irwin, Philip Hanes, Ralph Burgard, Arthur Gelber, Charles Mark, Keith Martin, Leslie White, and Edgar Young with the mission of enhancing public and private support for the nonprofit arts and serving local arts councils in United States;

Whereas Americans for the Arts is now currently headquartered in Washington, DC, with offices in New York, Massachusetts, California, and Florida under the leadership of Americans for the Arts President and CEO Robert L. Lynch;

Whereas Americans for the Arts played a key role in the formation and establishment of the National Endowment for the Arts in 1965;

Whereas Americans for the Arts has provided leadership and training to local public and nonprofit arts agencies through a national network consisting of Arts and Business Councils, Business Committees for the Arts, State arts agencies, State arts advocacy organizations, and community-based cultural organizations across the country serving 5,000 local arts agencies and their communities;

Whereas Americans for the Arts continues to produce groundbreaking research that is the industry standard for reliable and credible information on the size and economic impact of the nonprofit arts industry through its series on "Arts and Economic Prosperity", which reports that approximately 100,000 nonprofit cultural organizations generate \$166,200,000,000 in economic activity every year supporting 5,700,000 jobs and generating \$29,600,000,000 in government revenue;

Whereas Americans for the Arts produces annual events that heighten national visibility for the arts and arts education, including Arts Advocacy Day in cooperation with the Congressional Arts Caucus in Washington, DC, and the Nancy Hanks Lecture on Arts and Public Policy that has featured illustrious artists and policymakers with speakers such as Maya Angelou, Arthur Schlesinger, Leonard Garment, Wynton Marsalis, Representatives John Brademas and Barbara Jordan, Senator Alan K. Simpson, and Robert Redford, National Arts and Humanities Month, and National professional and leadership development convenings annually for 50 consecutive years; and

Whereas Americans for the Arts has been a leader in promoting active participation in arts education both in and out-of-school through its professional development work and national visibility PSA campaigns, "The Arts. Ask for More": Now, therefore, be it

Resolved, That the House of Representatives congratulates and honors Americans for the Arts for its 50 years of service in advancing the arts and arts education in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. POLIS) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

GENERAL LEAVE

Mr. POLIS. Madam Speaker, I request 5 legislative days during which

Members may revise and extend and insert extraneous material on House Resolution 1582 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

□ 1620

Mr. POLIS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 1582 as a proud member of the Congressional Arts Caucus. This resolution honors Americans for the Arts on its 50th anniversary this year. Americans for the Arts is the Nation's leading nonprofit organization for advancing the arts and arts education in the United States.

Madam Speaker, I come from a family of artists. My father is a graphical artist, and my mother is a poet. The arts is not just for the enjoyment of others; they put food on the table for many families across the country. Americans for the Arts strives to create opportunities for all people to participate in and appreciate all forms of art. They partner with local, State, and national arts organizations, government agencies, businesses, philanthropists, and educators throughout the country. They provide arts industry research and professional development for community arts programs.

Additionally, Americans for the Arts supports a variety of unique partner networks in the areas of public art for all of our enjoyment, united arts fundraising, arts education, including interfacing with our public schools, and emerging a new generation of leadership in the arts. Americans for the Arts also strongly endorses opportunities for students to participate in visual and performing arts in the schools.

We know that learning and participating in music, dance, theater, and the visual arts is vital to the cognitive development of our children and to our communities, and too frequently, Madam Speaker, it is given short shrift in our public schools.

Americans for the Arts played a key role in the formation and establishment of the National Endowment for the Arts in 1965, which has been the main Federal agency dedicated to funding arts groups around the country. It offers grants for State and local arts projects, national initiatives, and scholarships to students who pursue a higher education in the arts.

I reserve the balance of my time.

Mr. PLATTS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 1582 honoring and saluting Americans for the Arts on its fifth anniversary, and I am honored to have the privilege of joining with the distinguished chairwoman of the House Rules Committee, the gentlewoman from New York. As cochairs of

the Congressional Arts Caucus, I was delighted to join with her in sponsoring this resolution. I appreciate her great leadership in promoting arts and helping to advance the cause of arts.

Again, I speak as a dad, those boys I referenced earlier, my sons, T.J. and Tom, I have seen what a great blessing it has been to them being exposed to the arts throughout their lives, and how it has enriched them and allowed them to be even better students in other subjects as well.

Today I stand in support of this resolution. Americans for the Arts is the Nation's leading nonprofit organization for advancing the arts in America. It was founded and chartered in 1960 in Winston-Salem, North Carolina, by first board president George Irwin and a group of arts supporters with the mission of enhancing public and private support for the nonprofits arts and serving local arts councils in the United States. The organization played an integral role in the formation and establishment of the National Endowment for the Arts in 1965, and today Americans for the Arts serves more than 150,000 organizational and individual members and stakeholders.

The organization's goals are achieved in partnership with local, State, and national arts organizations, government agencies, business leaders, individual philanthropists, and educators throughout this country. Americans for the Arts provides extensive arts-industry research and professional development opportunities for community arts leaders via specialized programs and services, including a content-rich Web site and an annual national convention.

Local arts agencies throughout the United States comprise Americans for the Arts' core constituency. A variety of unique partner networks with particular interests such as public art, united arts fundraising, arts education, and emerging arts leaders are also supported.

Americans for the Arts strives to ensure the arts thrive in America. It also produces annual events to heighten visibility for the arts, including the National Arts Awards and Arts Advocacy Day, which annually convenes arts advocates from across the country to advance Federal support of the arts, humanities, and arts education.

Today, we congratulate and honor Americans for the Arts for its 50 years of service representing and serving local communities and creating opportunities for every American to participate in and appreciate all forms of the arts. I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. POLIS. Madam Speaker, I am pleased to yield 3½ minutes to the co-chair of the Congressional Arts Caucus and the chair of the Rules Committee, the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Madam Speaker, it is a great pleasure to be here with a member of the Rules Committee and my cochair of the Arts Caucus. It is wonderful to work with Mr. PLATTS, and I appreciate the kind words that he said about the work that we do.

I rise today to honor the 50th anniversary of Americans for the Arts. As the leading nonprofit organization for advancing the arts and arts education in the United States, Americans for the Arts continues to be dedicated to representing and serving local communities and creating opportunities for participation and enjoyment in all forms of the arts.

Founded in 1960 in Winston-Salem, North Carolina, the original mission was and continues to be to enhance support for the nonprofit arts. In 1965, Americans for the Arts played a key role in the establishment of the National Endowment for the Arts. A half century later, Americans for the Arts continues to foster the arts at the local, State, and national level.

Under the remarkable stewardship of Robert Lynch for the last 25 years, Americans for the Arts has provided leadership and training to local public and nonprofit agencies through a national network of arts and business councils, business committees for the arts, and local and State agencies.

Research by Americans for the Arts measured the economic impact of the arts, which was a wonderful piece of work and gave us a lot of ammunition on the Arts Caucus. It showed that approximately 100,000 nonprofit cultural organizations generate \$166.2 billion in economic activity every year—now that is a great return on not much money—supporting 5.7 million jobs. In my congressional district alone, there are over 1,200 arts-related businesses employing almost 16,000 people.

In addition to fostering art jobs in our local communities, Americans for the Arts has worked to promote the importance of arts education in the public schools. Young people who regularly participate in arts programs are more likely to have better attendance records, to be involved in their school government, excel in their academics, and develop the creative and innovative skills necessary for us to compete in the 21st century global workforce.

Through national events like Arts Advocacy Day, Americans for the Arts brings national attention to the importance of arts throughout our Nation. The arts define our culture and instill unique character in the communities across our Nation. Art transcends barriers of language, time, and generation, translating cultural differences, breathing life into history, and bridging experience across cultures. They accomplish the seemingly impossible task of both revealing our differences across the globe while managing to illuminate all that connects us.

I thank Americans for the Arts and the wonderful staff and all of the people who have devoted so much of their working careers to this noble effort. And of their wonderful, fine accomplishments that they have achieved over 50 years, I am sure that the next 50 will produce even more great work, and we will all continue to enjoy the richness that the arts provide to each of our lives.

Mr. PLATTS. Madam Speaker, I am pleased to yield such time as he may consume to the distinguished gentleman from Michigan (Mr. EHLERS), both a strong supporter of the arts as well as computer science education, the last resolution that we adopted. He has been a great leader in these areas to us.

Mr. EHLERS. I thank the gentleman for yielding. First of all, I will say that I do support the arts. In fact, in a town meeting once, I was attacked by one of my constituents for my support of the arts. He objected to the amount of money that I had voted for for the National Endowment for the Arts.

I told him that I hated to take up too much time in my town meeting defending myself on that issue, and I would appreciate very much if he would write me a letter and send it to me with his reasons for why he felt that way. Then I added to that, I told him if you do in fact write me a letter, the amount you pay for the paper, the envelope, and the stamp will exceed the total amount that you have paid toward the National Endowment for the Arts. It was a simple calculation. I see my fellow physicist smiling because that is the sort of thing he would do, too. I calculated the per capita cost of the National Endowment for the Arts, and, indeed, it was less than the cost of the paper, envelope, and stamp.

□ 1630

The audience laughed. I don't think the person who asked the question was laughing very much, but he took it in good spirit.

What I want to do is to make some comments about the previous resolution which was passed, which is something I submitted last year and again this year. I think it is important to emphasize it because we are losing the computer science battle among the nations of the world. I did not realize the extent of that until one of my constituents at Calvin College—literally in my backyard—Dr. Joel Adams, met with me. He explained what was happening nationally with the enrollments in computer science, and they were alarmingly low.

So last year, for the first time, we established a day of recognition for computer science and to honor the birthday of Grace Murray Hopper, one of the first female computer scientists. This will mark the second annual celebration of this important week.

Computer technology and the innovations it yields are transforming our world and are critical to the global competitiveness of our economy. Not only that, they are very important in developing the science of cyberwarfare, on which we are trying to get up to speed, but we are not preparing an adequate and diverse workforce to meet the ever-growing demand for the information technology sector, which includes some of the country's most innovative and successful companies.

While it is very important that students in K–12 are exposed to computer science, many do not get a chance to learn about it in schools today. The lack of understanding of computer science and how it fuels innovation in science, technology, engineering, and mathematics disciplines contribute to a lack of interest in computing careers, especially among women and underrepresented minorities, whose participation rates in computer science are among the lowest of any scientific field. By introducing students to computer science at an early age and by providing them with learning experiences in computer science at all levels, we can reverse this trend and can expand and diversify our technology workforce.

I am very pleased that Congressman POLIS joined me in introducing this resolution. Also, I thank Cameron Wilson from the Association for Computing Machinery, and I thank Joel Adams with the Department of Computer Science at Calvin College for their efforts in raising awareness about the importance of computer science education. In addition, I thank Julia Jester, formerly of my staff, for her help in drafting and introducing this resolution, as well as for her dedicated service as the staff director of the STEM Education Caucus.

I ask all of my colleagues to join in supporting the designation of the second annual National Computer Science Education Week to raise awareness about these important issues.

Once again, I thank Congressman TODD PLATTS for giving me the time to insert extraneous material on this particular topic of the arts.

Mr. POLIS. Again, I thank Mr. EHLERS for his remarks. It has been a pleasure for these past 2 years to co-sponsor and to raise awareness of National Computer Science Education Week.

Madam Speaker, I am now pleased to yield 3 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank the gentleman from Colorado.

Madam Speaker, I rise as an original cosponsor of H. Res. 1582, to honor and salute Americans for the Arts on its 50th anniversary. My colleagues should not be surprised that two of the scientists here on the floor, the gentleman from Michigan and I, would rise to speak in favor of the arts.

I want to commend Representative SLAUGHTER for introducing this important resolution but especially for her tireless work to champion the arts and to remind us all of the importance they play in our lives and in our society.

As a member of the Congressional Arts Caucus, I believe that the arts play a crucial role in our society—enhancing our creativity, promoting critical aspects of education, and providing Americans with opportunities to view works of beauty and personal expression. Through the arts, we as a Nation, as a people, come to know ourselves. We push our boundaries, and we break free of our prejudices. Furthermore, the arts inspire our children to explore their own creativity and to encourage positive development in the course of their educational careers.

Has anyone here not observed how a student can blossom academically after the student finds a sense of accomplishment and achievement through artistic expression? The arts are a fundamental component of our society and warrant Federal funding.

Americans for the Arts was chartered in 1960 in North Carolina with the “mission of enhancing public and private support for the nonprofit arts and serving local arts councils in the United States.” Fifty years later, we all owe Americans for the Arts a debt of gratitude for successfully accomplishing this mission year in and year out. A few years after they were formed, Americans for the Arts helped establish the National Endowment for the Arts, which, to this day, has exposed millions of Americans to the arts and has supported local artists in a multitude of disciplines.

Even in this difficult economy, Americans for the Arts has continued to lead by supporting local public and nonprofit arts agencies. Americans for the Arts has also continued to help expose a new generation of students to the arts, both in and out of school. Further, as the gentlewoman from New York reported, Americans for the Arts has noted in its report of “Arts and Economic Prosperity” across the country that the “nonprofit arts and culture industry generates \$166.2 billion in economic activity every year.” The report also details that the arts support 5.7 million jobs and generate \$29.6 billion in government revenue. So not only are the arts good for our cultural development as a society, but they are good for our economic development as well.

While today we are recognizing Americans for the Arts for their first 50 years of accomplishments, we here should wish them well for the next 50 years. We need Americans for the Arts to remain, for years to come, a vital institution in our society.

Mr. PLATTS. Madam Speaker, I again would be honored to yield such time as he may consume to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. I thank the gentleman for yielding again.

Madam Speaker, I would like to follow up on comments made by my fellow physicist, Dr. HOLT, about how art is spreading and multiplying.

In the city of Grand Rapids, Michigan, the center of my district in my hometown, we have established the ArtPrize. A relatively young man by the name of Rick DeVos started this last year. It has been extremely successful. There have been entries from all over the world—many very, very good entries. We have just this week started again the ArtPrize for this year, again under the leadership of Rick DeVos. With the assistance of his family, they have done tremendous work.

I could not believe the quality of the art that was on display last year when my wife and I and some members of my family strolled through the streets of Grand Rapids. Every corner, every street, every building front, and every building lobby was filled with art. We attracted some 300,000 people to our city just to see the art that was on display.

This is an example that I would hope would be followed someday by most of the cities of our Nation. Certainly, in the meantime, though, it is a wonderful event, and it brings in many people from different parts of the country and, indeed, from different parts of the world to view the wonderful art that is on display in my hometown of Grand Rapids, Michigan.

Mr. PLATTS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. POLIS. Madam Speaker, Americans for the Arts' research has shown that over 100,000 nonprofit cultural organizations in the United States generate over \$166 billion in economic activity each year, supporting jobs and generating government revenue.

□ 1640

I want to thank my chairwoman, Representative SLAUGHTER, for introducing this important resolution, and once again express my strong support for House Resolution 1582, which honors Americans for the Arts on their 50th anniversary. I urge my colleagues to join me in supporting this resolution.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 1582.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL POSTDOC APPRECIATION WEEK

Mr. POLIS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1545) expressing support for designation of the week beginning on the third Monday in September as "National Postdoc Appreciation Week".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1545

Whereas research is the mechanism by which humankind achieves innovation and progress;

Whereas in order for the United States to maintain a leadership role in the world, citizens must be well educated to harbor the world's best scientists, engineers, and researchers in all fields of study;

Whereas postdoctoral scholars (postdocs) make up one of the most substantial driving forces for innovation and research;

Whereas the base of available knowledge is increasing exponentially;

Whereas given such rapid rates of knowledge expansion, increasing levels of training and education are required beyond the average undergraduate level and even beyond graduate study levels to generate the next generations of innovators in every field of study;

Whereas postdocs conduct work and studies in a complex transition period while being both trainees and paid professionals; and

Whereas the week beginning on the third Monday in September would be an appropriate week to designate as "National Postdoc Appreciation Week": Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of "National Postdoc Appreciation Week";

(2) recognizes the accomplishments and contributions postdocs make to relevant departments, institutions, fields, and communities around the United States and the world;

(3) recognizes the career development and other professional needs of postdocs in every field of study; and

(4) encourages the improvement of training and career opportunities in various research fields at all levels of training and stages of all research careers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. POLIS) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

GENERAL LEAVE

Mr. POLIS. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1545 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 1545, which

supports designation of this week as National Postdoc Appreciation Week.

Postdoctoral students, or postdocs, are academic or scholarly researchers who have recently completed their doctoral studies and are deepening their expertise in a subject through mentored research or scholarly training. Postdocs often produce important works for publication in their field and bolster institutional research capabilities. They are a critically important source of innovation and are responsible for much of the cutting-edge research performed in this country that leads to the creation of jobs. This research has led to scientific developments and critical advancements in health, science, computers, and technology. Many postdocs later become full- and part-time faculty at our Nation's research institutions, teaching the next generation of undergraduates and graduates and continuing to build upon their research.

In all these ways and more, postdocs represent the best and brightest products of our research universities, and the future of our Nation's research efforts rests largely on their shoulders. Unfortunately, despite their great academic performance and contributions, postdocs are routinely provided with poor working conditions, paid low wages relative to their years of training, while working long hours, and are frequently ineligible for medical benefits, worker's compensation, disability insurance, paid maternity or paternity leave, or retirement accounts. Too often, postdocs are isolated and have little support from the institutions that benefit directly from their research.

In April of this year, the Education and Labor Committee held a field hearing to examine problems with first contract labor negotiations between the University of California and their postdoctoral scholars' union. It took the postdocs 3 years to unionize, and in November 2008, the Postdocs Union was finally certified by the California Public Employment Relations Board. This August, I am happy to say, the postdocs were able to complete their first contract negotiations, and we congratulate them on securing economic justice for themselves and their families.

It is impressive to see postdocs who not only excel in their personal lab work, but also give of their time and energy and leadership talents in order to improve working conditions in the lives for everyone in their field.

National Postdoc Appreciation Week helps to increase awareness of the many contributions postdoctoral scholars have made and continue to make to scientific research in America and the need to guarantee that they have fair employment standards in order to continue pursuing critical lifesaving research.

Last year, in September of 2009, over 70 U.S. research institutions participated in the first National Postdoc Appreciation Day. This year, Postdoc Appreciation Week provides an opportunity for institutions of higher education—like the University of Colorado at Boulder in my congressional district—businesses, research organizations, and others to honor and support the contributions of postdocs.

Madam Speaker, I want to thank Representative STEARNS for introducing this resolution and once again express my support for National Postdoc Appreciation Week, beginning the third Monday in September. I urge my colleagues to join me in supporting this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. PLATTS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 1545, expressing support for designation of the week beginning on the third Monday of September—this week—as National Postdoc Appreciation Week, and join with the gentleman from Colorado in recognizing Mr. STEARNS, the gentleman from Florida, for his sponsorship of this resolution.

Postdoctoral research is academic or scholarly research conducted by a person who has completed his or her doctoral studies, normally within the following 5 years. It is intended to further deepen expertise in a specialized subject area, including necessary skills and methods. Postdoctoral research is often considered essential to the scholarly mission of the host institution and is expected to produce relevant publications accordingly.

Postdoctoral research may be funded through an appointment with a salary or an appointment with a stipend or sponsorship award. Appointments for such research positions may be called postdoctoral research fellow, postdoctoral research associate, or postdoctoral research assistant. Depending on the type of appointment, postdoctoral researchers may work independently or under the supervision of a principal investigator.

Postdocs make invaluable contributions to the research enterprise, which is important if the United States is to remain competitive in a global market. To do so, we must make every effort to attract the best and the brightest men and women from all groups, including international scholars, to ensure that progress and innovation takes place in all fields of study.

Today, we recognize the accomplishments and contributions postdocs make to relevant institutions, fields of study, and communities around the world. We encourage the improvement of training and career opportunities in various research fields at all levels of

training and stages of all research careers.

I urge all my colleagues to join in supporting this resolution.

Madam Speaker, I yield back the balance of my time.

Mr. POLIS. I thank the gentleman.

Madam Speaker, I encourage my colleagues to join me in supporting National Postdoc Appreciation Week beginning, again, the week of the third Monday in September. I encourage my colleagues to join me in supporting this resolution and showing strong support for the work and the contributions of postdocs across this country.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 1545.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL FLOOD INSURANCE PROGRAM REEXTENSION ACT OF 2010

Ms. WATERS. Madam Speaker, I move to suspend the rules and pass the bill (S. 3814) to extend the National Flood Insurance Program until September 30, 2011.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3814

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Flood Insurance Program Reextension Act of 2010”.

SEC. 2. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) PROGRAM EXTENSION.—Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking “September 30, 2010” and inserting “September 30, 2011”.

(b) FINANCING.—Section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended by striking “September 30, 2010” and inserting “September 30, 2011”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATERS) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATERS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATERS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to speak in support of S. 3814, the National Flood Insurance Program Reextension Act of 2010, which would extend the National Flood Insurance Program through September 30, 2011.

The flood insurance program provides valuable protection for approximately 5.5 million homeowners. Unfortunately, the lack of a long-term authorization has placed this program at risk. The program has lapsed three times now since the beginning of this year, for 2 days in March, for 18 days in April, and again from June 1 to July 1. These lapses meant that FEMA was not able to write new policies, renew expiring policies, or increase coverage limits.

□ 1650

This also means that each day, 1,400 home buyers who wanted to purchase homes located in flood plains are unable to close on those homes. Given the current crisis in the housing market, this instability in the flood insurance program is hampering that market's recovery and must be addressed.

This is why last June I introduced and President Obama signed into law H.R. 5569, the National Flood Insurance Program Extension Act of 2010. That legislation extended the program through the end of this month. However, the expiration of this law is now upon us, so I am pleased that the House and Senate are taking preemptive action to extend the Flood Insurance Program for an additional year so that we don't experience a repeat of the lapses that plagued the first half of 2010.

Given the importance of the flood insurance program to America's homeowners and communities, I hope that the Senate can act quickly to pass my comprehensive flood insurance bill, H.R. 5114, the Flood Insurance Reform Priorities Act of 2010. This bill passed the House July 15 of this year on a strong bipartisan vote of 329–90.

My bill would restore stability to the flood insurance program by reauthorizing the program for 5 years and would address the impact of new flood maps by delaying the mandatory purchase requirement for 5 years, then phasing in actuarial rates for another 5 years.

My reform bill also makes other improvements to the program by phasing in actuarial rates for pre-FIRM properties, raising maximum coverage limits, providing notice to renters about contents insurance, and establishing a flood insurance advocate similar to the taxpayer advocate at the Internal Revenue Service.

I hope that the Senate can pass this much needed legislation as soon as possible.

In the meantime, I urge my colleagues to stand with me in support of

S. 3814 so that the flood insurance program can continue to serve our homeowners and communities without interruption.

I reserve the balance of my time.

Mrs. CAPITO. I yield myself such time as I may consume.

Madam Speaker, I rise today in support of S. 3814, which extends the National Flood Insurance Program through September 30, 2011. I feel like we're déjà vu all over again. We've done this several times, I think, in the last several months and years. That timeframe will give us ample opportunity to craft a bill that fundamentally reforms the program, which needs fundamental reform.

It's unfortunate this Congress has, to date, been unable to enact comprehensive reform of the flood insurance program. Currently, as we know, the flood insurance program is carrying a debt of \$18 billion. The program remains underfunded and unable to meet its potential obligations. And its financial shortfall continues to place taxpayers at risk for the cost of property losses caused by flooding.

On July 15, 2010, the House approved H.R. 5114, the Flood Insurance Reform Priorities Act, which included many constructive reforms. However, many of us on this side of the aisle felt that the measure did not go far enough to put the NFIP on a path towards sound financial footing. In fact, despite the reforms included in H.R. 5114, which included several Republican amendments, the CBO projected that if H.R. 5114 were enacted, the National Flood Insurance Program would still need to borrow additional funds from the U.S. Treasury to cover losses and would exhaust its current borrowing authority by the year 2013.

Today, to avoid another lapse in a program that serves 5.5 million residential and business property owners, we are considering S. 3814, the National Flood Insurance Program Reextension Act of 2010, which passed the Senate by voice vote on Tuesday, September 21, 2010.

S. 3814 provides for a straightforward 1-year extension of the NFIP, which otherwise would expire on September 30. According to the Congressional Budget Office, enactment of this bill would have no net impact on the Federal budget.

Madam Speaker, we must move forward with fundamental and fiscally responsible reforms of the Flood Insurance Program. S. 3814 extends the NFIP, as I've said, through September 30, 2011, allowing borrowers in flood-prone areas like mine to close on their mortgage loans and providing Congress the time it needs to enact real reforms. I urge my colleagues to support this legislation.

I yield back the balance of my time.

Mr. PASCRELL. Madam Speaker, I rise to address the issue of flooding raised by the

National Flood Insurance Program Reextension Act of 2010 before us today. Although it is critical that we pass this legislation to ensure that flood insurance remains available to those in flood prone areas, this reextension is not the ultimate solution. Congress has followed a dangerously inconsistent stopgap approach of short-term fixes to the National Flood Insurance Program, or NFIP, for almost 2 years now.

We need a permanent solution for the sake of my constituents and all Americans in flood-prone regions. Too frequently, the NFIP has been allowed to lapse. The House recently passed a bill which would address this issue by providing long-term authorization for the NFIP. This type of solution is necessary to provide certainty in real estate markets and the greater economy, as thousands of potential real estate transactions were stalled every day during the 53 days this year which the program lapsed.

These issues further damage our economy, as homeowners in the flood-prone areas of more than 20,000 communities across the U.S. could not obtain mortgages without the critical flood insurance made available through NFIP. In these regions, homeowners face a one in four chance that their property will suffer flood damage over the life of a 30-year mortgage.

My constituents and I are all too familiar with the issue of flooding. The Passaic River basin in my district is a historically flood-prone region, and the rapid growth of population and industry in that region has made the threat of loss of property and life a serious problem. Since 1900, at least 26 lives have been lost in floods and the total losses over that period are over \$4.5 billion.

Just this March, the residents of the Eighth Congressional District of New Jersey along the Passaic basin suffered some of the most extensive flooding in the region to have occurred in the last quarter century. Approximately 2,500 residents in the district were forced from their homes and the estimated damage to the public sector alone is over \$10 million dollars. These events resulted in a Federal Disaster Declaration issued by President Obama. All across this country, access to flood insurance is an absolute necessity just as it is in the Passaic River basin.

If Congress does not act now, the flood insurance program will expire once again on September 30, at the peak of hurricane season. Madam Speaker, distinguished colleagues, I ask you today to join me in passing this bill. However, we must dedicate ourselves to finding a permanent solution for those Americans adversely affected by flooding. The people of my district need a long-term extension of the flood insurance program—and they need to know that the flood insurance program will always be there for them. While we are working to mitigate the damage caused by floods, this program remains essential for those tragic times when nature takes over. With homes in my district and in every flood-prone part of the country in harm's way, it is simply too dangerous to risk disaster because we failed once again to extend the National Flood Insurance Program.

Ms. WATERS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATERS) that the House suspend the rules and pass the bill, S. 3814.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FRANK of Massachusetts. Madam Speaker, earlier today while the House was voting, I was presiding at a meeting with the Secretary of Commerce, Mr. Locke, and several people from the fishing industry, as well as some of our colleagues from the Senate and later from the House. It was a very important meeting affecting the future of our fisheries, and it was impossible to get another time when we could all get together with Secretary Locke, and there were people from the fishing industry and the mayor of New Bedford who had come up.

For that reason I missed five votes. I missed the votes on H.R. 5307, 5756, 3199, 1745, and 5710. I would have voted "yes" on all of them, and fortunately, I wasn't needed because they all passed handily without me.

But I did want to explain that I missed those votes because of my need to be at this very important fisheries meeting.

FREEDOM OF INFORMATION ACT AMENDMENTS

Mr. FRANK of Massachusetts. Madam Speaker, I move to suspend the rules and pass the bill (S. 3717) to amend the Securities Exchange Act of 1934, the Investment Company Act of 1940, and the Investment Advisers Act of 1940 to provide for certain disclosures under section 552 of title 5, United States Code, (commonly referred to as the Freedom of Information Act), and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3717

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPLICATION OF THE FREEDOM OF INFORMATION ACT TO CERTAIN STATUTES.

(a) AMENDMENTS TO THE SECURITIES AND EXCHANGE ACT.—Section 24 of the Securities Exchange Act of 1934 (15 U.S.C. 78x), as amended by section 929I(a) of the Dodd-Frank Consumer Financial Protection and Wall Street Reform Act (Public Law 111-203), is amended by striking subsection (e) and inserting the following:

“(e) FREEDOM OF INFORMATION ACT.—For purposes of section 552(b)(8) of title 5, United States Code, (commonly referred to as the Freedom of Information Act)—

“(1) the Commission is an agency responsible for the regulation or supervision of financial institutions; and

“(2) any entity for which the Commission is responsible for regulating, supervising, or examining under this title is a financial institution.”.

(b) AMENDMENTS TO THE INVESTMENT COMPANY ACT.—Section 31 of the Investment Company Act of 1940 (15 U.S.C. 80a-30), as amended by section 929I(b) of the Dodd-Frank Consumer Financial Protection and Wall Street Reform Act (Public Law 111-203), is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(c) AMENDMENTS TO THE INVESTMENT ADVISERS ACT.—Section 210 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-10), as amended by section 929I(c) of the Dodd-Frank Consumer Financial Protection and Wall Street Reform Act (Public Law 111-203), is amended by striking subsection (d).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Alabama (Mr. BACHUS) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on this matter and to insert therein extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK of Massachusetts. Madam Speaker, this is a bill that reflects cooperation not just between the parties but, sometimes even harder to achieve, between committees. This is a joint product of deliberations among the gentleman from Alabama, the ranking member of the Financial Services Committee; myself; and other members—Mr. CAMPBELL of California, for example, and the chairman and ranking member of the Committee on Government Reform and Oversight, Mr. TOWNS and Mr. ISSA.

This goes back to 2006. In that year, Christopher Cox, then the chair of the Securities and Exchange Commission and our former colleague, sent to the Congress a request that we give an amendment to the SEC law dealing with freedom of information. And it was an entirely reasonable request.

What they said was, the SEC from time to time obviously gets information from private entities that they are investigating. What they were afraid of was the company saying, But, you know what, if you take our data, it will then be a matter of public record, and we may have proprietary information; we may have information that we have every legal right to keep confidential, competitive reasons to keep confidential; and, therefore, unless you can assure us that this will not be made public, we're going to fight you. And that made it harder for the SEC to get this. So it was particularly the enforcement arm of the SEC that asked for it.

When Mr. Cox asked for it in 2006, no action was immediately taken. But in 2008, the House did unanimously pass the bill on a voice vote in a suspension granting that power. It never got acted on in the Senate.

□ 1700

Last year, 2009, both the House and the Senate included that provision in our versions of the financial reform bill. Although the financial reform bill was obviously heavily debated between the parties, no one on either side raised any objection to that provision, which had been out there in plain sight, because it was seen as enabling enforcement.

Subsequently, a lawsuit was brought by Fox Business News against the SEC involving information as to how they handled the Madoff case. Of course, the answer, as we all know, is the way they handled the Madoff case is they didn't until far too late. What happened then was Fox News brought a lawsuit. And someone at the SEC inappropriately cited this provision, which had been enacted in the financial reform bill, as a reason why they couldn't go along with the lawsuit.

As I noted, this had been in both Houses' versions. It was in the conference report. It sat there. So I want to be very clear nothing about the adoption of this exemption from FOIA was underhanded or secretive. It was out there and publicly debated. None of us knew, perhaps could have known, what the implications were.

Once that became clear, a consensus developed that this was an exemption that was far too broad. We then talked about what to do about it. But as Members know, we are in a short session now, with only another week after this to go. Doing this right is somewhat complex because there are some subtleties.

Here is the point we want to make clear: we don't want the SEC at any point to be able to shelter information about what it's doing. On the other hand, we don't want a situation where if company A is suing company B because company B's data had been requested by the SEC for some unrelated purpose, we don't think company A should be able to get easy access to that data when they otherwise could not have gotten it under our law.

We all talked about this, but we also thought it was very important to set the principle that there were no exemptions from the SEC. In defense of Chairman Schapiro, she promulgated rules that made it very clear that the SEC would never invoke it. And when she testified before our committee, she made a point of saying that it would never be used in the Fox lawsuit. But it was not enough for us. Even those who agreed with the guidance subsequently pointed out it could be changed in a further period.

So we all agreed it was important to act. While we were deliberating, something which we are not used to, frankly, happened. The Senate moved quickly. Let me repeat that: the Senate moved quickly. Last night, the Senate adopted a version of a fix for this, an amendment substantially narrowing it, sponsored by the gentleman from Vermont (Mr. LEAHY), the chairman of the Judiciary Committee. Over there the Judiciary Committee did it.

The bill he got the Senate to pass is substantially similar to a bill that was drafted by, or introduced by, our colleague, the gentleman from New York (Mr. TOWNS), the chairman of the Government Reform Committee. The gentleman from California (Mr. ISSA) had another very vigorous approach to this.

We had a useful hearing in which it became clear to us that the exemption went much too far, but there was this issue that we talked about of not allowing this to be a way around legitimate protections for business A and for business B. Making it very clear that the SEC would never be protected by it, that whistleblowers would not be harmed by it, but we had that narrow fix.

What we decided to do, and I know the gentleman from California (Mr. ISSA), the gentleman from Alabama (Mr. BACHUS) are here, Mr. TOWNS has agreed with us, the four of us agreed, of the two committees of jurisdiction, that the best thing to do in this climate was to accept the Senate bill. Yes, we would make some changes if we could, but this is a very important issue for public confidence. We did not want to risk this bill dying in a House-Senate disagreement.

So what we are proposing to do here today is to accept the bill that Senator LEAHY put forward, send that to the President, which we hope he will sign. We will then begin, among the two committees, and in a totally bipartisan way and involving both committees, come up with language that will do the one thing that we think needs to be done to prevent this from being a pawn in an intercompany lawsuit, and at the same time that will, we think, serve the SEC's legitimate purpose of not engendering resistance to their request.

I note we have been joined by the gentleman from New York (Mr. TOWNS).

I reserve the balance of my time.

Mr. BACHUS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of S. 3717. At the risk of some political damage, I associate myself with the remarks of Chairman FRANK.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. BACHUS. I yield to the gentleman.

Mr. FRANK of Massachusetts. I think on that you will get cover from

the gentleman from California (Mr. ISSA).

Mr. BACHUS. I thank the chairman. This amendment repeals section 929I of the Dodd-Frank bill that grants the Securities and Exchange Commission a broad exemption for disclosure under the Freedom of Information Act.

A hearing that the Financial Services Committee held on this provision last week yielded a bipartisan agreement that the section needed to be tailored more narrowly. And this was consistent with what Chairman ED TOWNS and Ranking Member DARRELL ISSA had determined in the Oversight and Government Reform Committee. I want to commend Chairman TOWNS and Ranking Member DARRELL ISSA for their leadership on this matter and for their draftsmanship on amendments which we think are actually more proper than the Senate amendment. But as Chairman FRANK said, the Senate amendment is an improvement over the existing provision. I think it merits bipartisan support.

Additionally, I want to thank SEC Chairman Mary Schapiro, who expressed her willingness early on to work with the committee in a spirit of cooperation to address the concerns that we had raised about the section.

Madam Speaker, the Dodd-Frank Act confers significant new supervisory, rulemaking, and investigative powers on the SEC. Combining these broad powers with the existing powers, and then with the provision that appears to insulate the SEC, or could be interpreted as insulating the SEC, from public scrutiny has caused an understandable alarm and angst among Members on both sides of the aisle.

Congress must support a legislative fix; but as Chairman FRANK said, they must support one that not only ensures proper accountability at the SEC, but also doesn't undermine the agency's ability to effectively exercise supervision over the thousands of companies that it's responsible for overseeing in a post-Dodd-Frank world.

Now, someone might ask, well, why wouldn't they disclose all information? To give you an example a little closer to home, the IRS requires us to file documentation every year, our income tax returns, and they have a proper motive behind that. But, obviously, I think most of us would agree that the general public does not have a right to that information in a *carte blanche* way. That's also true of our health records. We place great value on the confidentiality and our privilege that our health records won't be disclosed. And we have faced those matters before in this House.

And that's true of companies that have confidential, proprietary, or sensitive information, that they have some assurance that that information will not be shared. Because the purpose of the SEC is not to share that information. The purpose is to investigate

and enforce their rules. To her credit, as I said, Chairman Schapiro has been forthright with Congress and the American people in acknowledging past failures at the SEC in protecting investors and regulating large investment banks.

We can all agree that the agency that presided over the collapse of some of the largest financial institutions on Wall Street and allowed Bernie Madoff to perpetrate the largest financial fraud in American history must be fully transparent in its operations, and that any statutory departures from that general rule of openness must be narrowly defined because they should be accountable to the American people, and also to scrutiny of the media and the press, which can be an important governor or safeguard.

□ 1710

While this bill coming over from the Senate makes some improvements to section 929I, it's not a perfect solution. As I said, we would have preferred something more in line with what Chairman TOWNS and in my mind Ranking Member ISSA have proposed; and we look forward to working with Chairman FRANK and Chairman Schapiro of the SEC as well as Chairman TOWNS.

However, we are sensitive to the fact that an outright repeal of the section could result in the SEC being compelled to release proprietary information in response to subpoenas issued in litigation to which the commission is not a party; and as Chairman FRANK said, it could actually result in an increase in litigation of companies not willing to disclose certain information or gaining injunctions by courts, and there would be some basis without some information being privileged. I commend Chairman FRANK for also acknowledging their legitimate concern, and that is the SEC's legitimate concern during the committee's hearing on the issue last week when he stated that whatever amendment we propose for section 929I should not provide an opportunity for third parties to engage in an SEC "fishing expedition" seeking a company's proprietary information; and I think that was a very succinct description of what we want to avoid.

In closing, Madam Speaker, the challenge for this Congress is to strike a proper balance, one that ensures that the SEC has real-time access to the kind of sensitive, proprietary information it needs to catch the next Bernie Madoff, while also giving the public the tools it needs to hold the agency accountable when it fails to fulfill its mission of protecting investors and policing our financial markets. Acknowledging the amendment we are considering is an important and significant improvement over the status quo—and as Chairman FRANK we are actually very encouraged that our colleagues on

the other side of this Capitol have acted in a speedy manner—it will still be necessary to revisit this issue. With Chairman Schapiro's cooperation, I am confident that we, working in a bipartisan way, can arrive at a solution that achieves a proper balance between disclosure and protection of sensitive proprietary information in the next Congress. The American people, and those dealing with the SEC, deserve nothing less.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. Madam Speaker, I yield such time as he may consume to my colleague and coworker on this, the chairman of the Oversight and Government Reform Committee, the gentleman from New York (Mr. TOWNS).

Mr. TOWNS. Let me begin by thanking you, Mr. Chairman, for a hearing and arranging for us to be where we are here today.

I rise in strong support of S. 3717, a bill to improve transparency at the Securities and Exchange Commission. I introduced a companion bill, H.R. 6086, on August 10, 2010.

The landmark Dodd-Frank Wall Street Reform and Consumer Protection Act made significant improvements to the accountability and transparency of our Nation's financial system. But the Dodd-Frank Act includes a secrecy provision that I believe undermines the purposes of the act. This provision allows the SEC to avoid disclosing virtually any information it obtains under its examination authority.

S. 3717 repeals that provision. This legislation strikes a careful balance to address concerns raised by the SEC without compromising the goals of transparency and accountability that are at the heart of the Dodd-Frank Act.

In a letter supporting this legislation, a coalition of over 30 public interest organizations wrote that "this bill sends a clear message that public access is vital to accountability." I would like to thank Senator LEAHY, I would like to thank Congressman ISSA, I would like to thank Congressman BACHUS, and I want to thank Chairman FRANK, first of all for giving us a hearing and his support in bringing this bill to the floor and, of course, his consideration of doing that has made the difference in the reason why we are here today.

I urge my colleagues to support this legislation. This is good government legislation. And, of course, we need good government legislation.

Mr. BACHUS. Madam Speaker, I yield such time as he may consume to the very capable ranking member of the Oversight and Government Reform Committee, the gentleman from California (Mr. ISSA).

Mr. ISSA. I thank my friend and fellow ranking member.

Chairman FRANK, I am perfectly happy to work with you on this. I'm

perfectly happy to be associated with you. When people who are considered at least in their own districts as smart come together and realize that we reached the wrong conclusion, we allowed a bill that we worked on hard, in which each of us had victories and failures, each of us would say something was flawed, to have a flaw that was not picked up by any of us or by countless staff. That is what Senate bill 3717 at least partially undoes.

The Dodd-Frank Act was not envisioned to cause the problem that it clearly caused. We can find no evidence of anybody deciding that we would simply shut down the ability for FOIA, and yet that was the effect it had. When this was brought to congressional awareness, multiple bills, including one that myself dropped and also one that Chairman TOWNS put, plus Senate bills, all were feverishly put in in order to unring the bell. I would say today that we are considering an A version of the unring-the-bell type bill; but I am particularly pleased that on numerous occasions, working with Ranking Member BACHUS and with Chairman FRANK, we have agreed that this is only a first step. It's the one you can do in the latest days of a Congress, knowing that in fact follow-on legislation is required.

This is in addition to the promise that Chairman FRANK made me in open session when we were unable to get some of the provisions that Chairman TOWNS and I had offered, had been accepted, that were rejected by the Senate. So I am pleased today that when we look and realize that we have, as Ranking Member BACHUS said, we have the chairwoman of the SEC on our side, we have the chairman of both the committee that I serve on, the Government Oversight Committee and the Financial Services Committee, plus both of us as ranking members saying that sometimes you just have to take "yes" for an answer. The Senate has moved and moved quickly. This is a step in the right direction. For all those entities who have historically filed and believed in good faith they were entitled to freedom of information delivery, we're taking a step back to where we were.

I might note that only a fraction of those applications are ever granted and the SEC is but once ever reversed when they deny FOIA. So we believe this does not open Pandora's box, that section 929I will in fact still be intact for purposes of privacy, something that we think is important.

We do note, and I think we're noting in every single statement, that we need to ensure that additional work is done to make certain that no one uses FOIA as a backdoor way to receive information in litigation or other matters that they would otherwise not receive. We certainly do not want to have the SEC be a place that you withhold by any means possible information even when

you have nothing to hide because, of course, as we know, voluntary compliance is what allows the SEC to do what they should do which is look for those who are not following the rules.

□ 1720

So in my support of Senate 3717, I certainly would say it's a big step in the right direction. It's one in which I believe all four of us, as chairmen and ranking members, are here today to say we support it. We are glad that it will be in front of the President in a matter of days.

In the next Congress, we will put together, with all four of our staffs, the kind of additional follow-on legislation that the American people expect after any large piece of legislation. I, for one, would like to thank Chairman FRANK. I do want to be associated with his intellect and hard work and immediate grasp that this and other matters need to be followed on.

I don't know about the gentleman from Alabama, but I am happy to believe that smart people don't always reach the same conclusion. But if they are smart, they work on common solutions whenever possible.

Mr. BACHUS. I yield back the balance of my time.

Mr. FRANK of Massachusetts. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. CHU). The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the bill, S. 3717.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GRANTING CONGRESSIONAL GOLD MEDAL TO JAPANESE AMERICAN BATTALION

Mr. CARSON of Indiana. Madam Speaker, I move to suspend the rules and pass the bill (S. 1055) to grant the Congressional Gold Medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1055

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) On January 19, 1942, 6 weeks after the December 7, 1941, attack on Pearl Harbor by the Japanese Navy, the United States Army discharged all Japanese-Americans in the Reserve Officers Training Corps and changed their draft status to "4C"—the status of "enemy alien" which is ineligible for the draft.

(2) On January 23, 1942, Japanese-Americans in the military on the mainland were segregated out of their units.

(3) Further, on May 3, 1942, General John L. DeWitt issued Civilian Exclusion Order No. 346, ordering all people of Japanese ancestry, whether citizens or noncitizens, to report to assembly centers, where they would live until being moved to permanent relocation centers.

(4) On June 5, 1942, 1,432 predominantly Nisei (second generation Americans of Japanese ancestry) members of the Hawaii Provisional Infantry Battalion were shipped from the Hawaiian Islands to Oakland, CA, where the 100th Infantry Battalion was activated on June 12, 1942, and then shipped to train at Camp McCoy, Wisconsin.

(5) The excellent training record of the 100th Infantry Battalion and petitions from prominent civilian and military personnel helped convince President Roosevelt and the War Department to reopen military service to Nisei volunteers who were incorporated into the 442nd Regimental Combat Team after it was activated in February of 1943.

(6) In that same month, the 100th Infantry Battalion was transferred to Camp Shelby, Mississippi, where it continued to train, and even though the battalion was ready to deploy shortly thereafter, the battalion was refused by General Eisenhower, due to concerns over the loyalty and patriotism of the Nisei.

(7) The 442nd Regimental Combat Team later trained with the 100th Infantry Battalion at Camp Shelby in May of 1943.

(8) Eventually, the 100th Infantry Battalion was deployed to the Mediterranean and entered combat in Italy on September 26, 1943.

(9) Due to their bravery and valor, members of the Battalion were honored with 6 awards of the Distinguished Service Cross in the first 8 weeks of combat.

(10) The 100th Battalion fought at Cassino, Italy in January 1944, and later accompanied the 34th Infantry Division to Anzio, Italy.

(11) The 442nd Regimental Combat Team arrived in Civitavecchia, Italy on June 7, 1944, and on June 15 of the following week, the 100th Infantry Battalion was formally made an integral part of the 442nd Regimental Combat Team, and fought for the last 11 months of the war with distinction in Italy, southern France, and Germany.

(12) The battalion was awarded the Presidential Unit Citation for its actions in battle on June 26-27, 1944.

(13) The 442nd Regimental became the most decorated unit in United States military history for its size and length of service.

(14) The 100th Battalion and the 442nd Regimental Combat Team, received 7 Presidential Unit Citations, 21 Medals of Honor, 29 Distinguished Service Crosses, 560 Silver Stars, 4,000 Bronze Stars, 22 Legion of Merit Medals, 15 Soldier's Medals, and over 4,000 Purple Hearts, among numerous additional distinctions.

(15) The United States remains forever indebted to the bravery, valor, and dedication to country these men faced while fighting a 2-fronted battle of discrimination at home and fascism abroad.

(16) Their commitment and sacrifice demonstrates a highly uncommon and commendable sense of patriotism and honor.

(17) The Military Intelligence Service (in this Act referred to as the "MIS") was made up of about 6,000 Japanese American soldiers who conducted highly classified intelligence operations that proved to be vital to United States military successes in the Pacific Theatre.

(18) As they were discharged from the Army, MIS soldiers were told not to discuss their wartime work, due to its sensitive nature, and their contributions were not known until passage of the Freedom of Information Act in 1974.

(19) MIS soldiers were attached individually or in small groups to United States and Allied combat units, where they intercepted radio transmissions, translated enemy documents, interrogated enemy prisoners of war, volunteered for reconnaissance and covert intelligence missions, and persuaded enemy combatants to surrender.

(20) Their contributions continued during the Allied postwar occupation of Japan, and MIS linguistic skills and understanding of Japanese customs were invaluable to occupation forces as they assisted Japan in a peaceful transition to a new, democratic form of government.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) AWARD AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the award, on behalf of the Congress, of a single gold medal of appropriate design to the 100th Infantry Battalion, the 442nd Regimental Combat Team, and the Military Intelligence Service, United States Army, collectively, in recognition of their dedicated service during World War II.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall strike the gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) SMITHSONIAN INSTITUTION.—

(1) IN GENERAL.—Following the award of the gold medal in honor of the 100th Infantry Battalion, the 442nd Regimental Combat Team, and the Military Intelligence Service, United States Army, under subsection (a), the gold medal shall be given to the Smithsonian Institution, where it will be displayed as appropriate and made available for research.

(2) SENSE OF CONGRESS.—It is the sense of the Congress that the Smithsonian Institution should make the gold medal received under paragraph (1) available for display elsewhere, particularly at other appropriate locations associated with the 100th Infantry Battalion, the 442nd Regimental Combat Team, and the Military Intelligence Service, United States Army.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck under section 2, at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, and overhead expenses.

SEC. 4. NATIONAL MEDALS.

Medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. AUTHORITY TO USE FUNDS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUNDS.—There is authorized to be charged against the United States Mint Public Enterprise Fund, an amount not to exceed \$30,000 to pay for the cost of the medal authorized under section 2.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. CARSON) and the gentleman

from Alabama (Mr. BACHUS) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. CARSON of Indiana. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. CARSON of Indiana. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, 6 weeks after the attack on Pearl Harbor, the United States Army discharged all Japanese Americans in the Reserve Officers Training Corps and changed their draft status to 4C or "enemy alien," making them ineligible for the draft.

Japanese American military soldiers on the mainland were soon segregated out of their units. And in a matter of months, all people of Japanese ancestry, whether U.S. citizens or not, were ordered by the government to report to permanent relocation centers.

In spite of this treatment at home, thousands of Japanese Americans volunteered to serve in our military abroad—to protect our freedoms from the threat of fascism. In 1942 over 1,400 second-generation Japanese Americans, American troops, known as Nisei, were shipped to Oakland, California, to join up with the 100th Infantry Battalion.

Their excellent training record convinced President Roosevelt to reopen military services to Nisei volunteers. These were incorporated into the 442nd Regimental Combat Team. The battalion was deployed to Italy in 1943, where its members fought with valor, earning six Distinguished Service Crosses in the first 8 weeks.

The battalion was eventually integrated into the 442nd Regimental Combat Team where it fought with bravery for the remaining 11 months of the war. Together, these units received seven Presidential Unit Citations, 21 Medals of Honor, 29 Distinguished Service Crosses, 560 Silver Stars, 4,000 Bronze Stars, 22 Legion of Merit Medals, 15 Soldier's Medals, and over 4,000 Purple Hearts.

While these brave Japanese Americans fought for their country abroad, another 6,000 Japanese American soldiers became part of the military intelligence services. MIS soldiers conducted highly classified intelligence operations that were vital to U.S. military successes in the Pacific and in post-war Japan.

MIS soldiers intercepted radio transmissions, translated enemy documents, interrogated enemy prisoners of war, volunteered for reconnaissance and

covert intelligence missions, and persuaded enemy combatants to surrender. Upon discharge from the Army, MIS soldiers were prohibited from discussing their wartime work; so their accomplishments were not known until many years later.

It is appropriate that Congress recognize the contributions of these brave Japanese Americans with the honor of a Congressional Gold Medal. Earlier this Congress the House passed similar legislation introduced by the gentleman from California (Mr. SCHIFF). So today I urge my colleagues to support the Senate version of this bill.

I reserve the balance of my time.

Mr. BACHUS. Madam Speaker, I yield myself such time as I may consume.

I rise in support of S. 1055, sponsored by Senator BOXER and recently passed by the Senate.

At this time I want to say to Congressman CARSON that I have many fond memories of his grandmother. Julia Carson and I served as cochairmen of the Zoo and Aquarium Caucus. She was a real lady, and I know she is very proud that you have taken her place representing the good citizens of Indianapolis. I would just like to acknowledge what a fine lady she was, and that's a heritage you can be proud of.

This legislation, as Congressman CARSON said, would award a Congressional Gold Medal collectively to the United States Army's 100th Infantry Battalion and the 442nd Regimental Combat Team in recognition of their exemplary service during World War II.

□ 1730

This bill makes minor additions to its House companion bill that Mr. CARSON mentioned by adding language in the findings and the existing Sense of Congress section that points out the contributions made by the Military Intelligence Service, which was made up of 6,000 Japanese American soldiers.

The House bill was cosponsored by 296 Members and agreed to by this Chamber in May of last year. I urge my colleagues to again support this legislation.

As we all know, the world changed instantly after the dreadful attack on Pearl Harbor on December 7, 1941. I think for the first time, on 9/11, many Americans could get some sense of what it must have been like to have lived during those times. And though its impact was felt by every American, Japanese Americans were hit particularly hard.

Six weeks after the attack, the U.S. Army discharged all Japanese Americans in the Reserve Officers Training Corps and changed their draft status to "enemy alien." Active military Japanese Americans were segregated out of their units. We all know what happened afterwards. The U.S. and Cana-

dian Governments gathered Japanese Americans in all the Western States and moved them to internment camps.

In June of 1942, the 1,400 members of the Hawaii Provisional Infantry Battalion were shipped from the Islands to Oakland and formed into the 100th Infantry Battalion, and then they were shipped to Wisconsin by train for training. Eight months later, based on the battalion's excellent training record, the President and War Department agreed to let second-generation Japanese Americans into the service, and they were formed into the 442nd Regimental.

Madam Speaker, the 100th Infantry Battalion was deployed the next year to the Italian front in September 1943, and while it encountered heavy fighting, it handled itself so well that its members earned six Distinguished Service Crosses in their first 2 months of action. The 442nd arrived in Italy 9 months later, after which the two units joined forces, fighting with distinction in Italy, France, and Germany to the war's conclusion.

Together, they received seven Presidential Unit Citations, 21 Medals of Honor, 29 Distinguished Service Crosses, 560 Silver Stars with 28 Oak Leaf Clusters, 4,000 Bronze Stars with 1,200 Oak Leaf Clusters, and more than 9,000 Purple Hearts.

This bill recognizes their service and appropriately provides for the collective awarding of a Congressional Gold Medal. It would be given to the Smithsonian Institution for display and for research purposes.

Madam Speaker, this award is long overdue. I urge its immediate passage.

I yield back the balance of my time.

Mr. CARSON of Indiana. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman for yielding.

Madam Speaker, I rise today to speak in support of legislation granting the Congressional Gold Medal to the Japanese American 100th Infantry Battalion and the 442nd Regimental Combat Team, commonly known as the "Go for Broke" regiments, as well as veterans of the Military Intelligence Service, for their dedicated service to our Nation during World War II.

It is an honor and a pleasure to offer humble thanks to this storied and inspirational group of men who answered their country's call in the face of tremendous adversity. Today, through final passage of a bill that will grant these regiments Congress' highest honor, we recognize those who have served our Nation at great risk, as well especially those who sacrificed all for our freedom.

These men served the Nation at a pivotal moment in our history, displaying their heroism and courage on two fronts—abroad in the fight against

an absolutist fascism and at home in the face of the intolerance of racial injustice.

After the bombing of Pearl Harbor incited many doubts about the loyalty of Japanese Americans, these men who enlisted to protect our Nation were faced with segregated training conditions, family and friends relocated to internment camps, and repeated questions about their combat ability. It has been said many times about this group: to answer the call of duty requires exceptional courage and sacrifice, but to respond with a vigor and persistence unaffected by those who sought to malign and impede their every achievement reveals an incredible spirit and indomitable will.

Six weeks after Pearl Harbor, President Roosevelt issued Executive Order 9066, which authorized the internment of tens of thousands of American citizens of Japanese ancestry and resident aliens from Japan. But even as xenophobia gripped the country, Japanese Americans were already lining up to join the war effort.

In June of 1942, 1,432 members of the Hawaii Provisional Infantry Battalion were shipped from the Hawaiian Islands to Oakland, California, where the 100th Infantry Battalion was activated on June 12, 1942, and then were shipped to Camp McCoy, Wisconsin, for training. Thanks to the excellent training record of the 100th Infantry Battalion and petitions from prominent civilians and military leaders, President Roosevelt and the War Department reopened military service to Nisei volunteers.

Eventually, their exemplary training record convinced the doubters, and the 100th Infantry Battalion was deployed to the Mediterranean where they entered combat in Italy in September of 1943. Due to their bravery and valor, members of the Battalion were honored with six awards of the Distinguished Service Cross in the first 8 weeks of combat.

The 442nd Regimental Combat Team arrived in Italy in June 1944, where the 100th Infantry Battalion was formally integrated as a part of the 442nd Regimental Combat Team. As a unit, these regiments fought for the last 11 months of the war with selfless distinction in Italy, southern France, and Germany. Their performance in combat demonstrated their ability as remarkable soldiers; however, their poise, courage, and patriotism showed they were also remarkable men. They looked to support from their interned families, friends, and communities. And in turn, their service and commitment inspired their supporters back home to pursue aspirations of their own.

Today, we also honor the Military Intelligence Service, known as MIS, who were made up of several thousand Japanese American soldiers who conducted highly classified intelligence oper-

ations that proved to be vital to U.S. military successes in the Pacific theater. These men fought alongside U.S. and Allied combat units where they translated radio transmissions and enemy documents, interrogated prisoners, and completed reconnaissance and covert intelligence missions. Often they were faced with peril from both enemy and friendly forces—unrecognized by allies and attacked by enemies.

Their contributions continued during the Allied postwar occupation of Japan, and MIS linguistic skills and understanding of Japanese customs were invaluable to occupation forces as they assisted Japan in a peaceful transition to a new, democratic form of government.

The “Go for Broke” regiments and the MIS were not the only servicemen of Asian Pacific Islander descent to serve in World War II. I also want to recognize those groups who faced similarly daunting conditions at home and abroad—the 522nd Field Artillery Battalion, the 1399th Combat Engineer Company, the Women’s Army Corps, the Filipino Scouts, and other heralded units. The “Go for Broke,” MIS, and other Japanese American men and women who have served deserve our continual rededication and appreciation. The debt we owe them is immeasurable.

Their aggregate service record speaks for itself and drove me to introduce legislation last year—this legislation—which recognizes these regiments with the Nation’s highest and most distinguished civilian award—the Congressional Gold Medal. My colleagues in the House of Representatives saluted the valor of these regiments by voting unanimously last year on my bill to honor them with a Gold Medal. Recently, the Senate passed the bill authored by Senator Barbara Boxer with the same unanimous approval. With this vote today, we can begin to truly express our appreciation for a group of men who left a segregated country to fight and defend an America with no guarantee that their own freedom would be defended in return. Their true heroism lies in how they fought for values of America, equality, justice, and opportunity, even when those values were not fully extended to them.

We will continue to look towards their example to provide hope to our communities, to look past our differences, and to unite around our common bonds. Men and women are able to serve their country today without regard for ethnicity, race, or nationality because of what these men endured and accomplished.

It’s an honor to be part of this moment, Madam Speaker, and I urge you to join me in recognizing these courageous men by supporting the granting of a Congressional Gold Medal, collectively, to the U.S. Army’s 100th Infan-

try Battalion and the 442nd Regimental Combat Team and the Military Intelligence Service.

□ 1740

Mr. CARSON of Indiana. Madam Speaker, I yield such time as she may consume to the gentlewoman from Hawaii (Ms. HIRONO).

Ms. HIRONO. I thank the gentleman from Indiana.

Madam Speaker, I rise to urge my colleagues to support S. 1055, which honors the thousands of Japanese-American veterans who served during World War II, and I thank my colleague, the gentleman from California (Mr. SCHIFF), for introducing the legislation in the House and for his eloquent words today in support of the Senate bill.

At a time when many of their fellow Americans questioned their loyalty to the United States, these Japanese-American soldiers enlisted and put their lives on the line to defend our freedoms overseas while fighting against fear and discrimination at home. S. 1055 awards the Congressional Gold Medal to the 100th Infantry Battalion, the 442nd Regimental Combat Team, and the Military Intelligence Service in honor of their military service.

Many of the soldiers comprising these units were Nisei, the American-born sons of Japanese immigrants. Some served in the University of Hawaii’s Reserve Officers Training Corps (ROTC), which aided the wounded, buried the fallen, and helped defend vulnerable areas in Hawaii after the attack on Pearl Harbor.

In spite of these acts of loyalty and courage, the U.S. Army discharged all Nisei in the ROTC unit, changed their draft status to ineligible, and segregated all Japanese Americans in the military on the mainland out of their units. During this time, more than 100,000 Japanese Americans were forcibly relocated from their homes to internment camps.

Undaunted, members of the Hawaii Provisional Battalion joined the 100th Infantry Battalion in California to train as soldiers. The sheer determination and pursuit of excellence displayed by this battalion in training contributed to President Roosevelt’s decision to allow Nisei volunteers to serve in the U.S. military again, leading to their incorporation into the 442nd.

Members of the 100th and the 442nd risked their lives to fight for our country and allies in Europe. The 442nd “Go For Broke” unit became the most decorated in U.S. military history for its size and length of service, with its component, the 100th Infantry Battalion, earning the nickname “The Purple Heart Battalion.”

In addition, the 6,000 or so Nisei that comprised the Military Intelligence

Service made vital contributions to wartime successes by conducting critical classified intelligence operations. Only in recent years has their invaluable service come to light, and it is long past due to acknowledge and honor the MIS's critical role during the war.

In the spirit of celebrating these courageous soldiers, I would like to share the stories of three men from Hawaii who overcame humble beginnings and adversity to become successful scholars and community leaders in Hawaii.

Kobe Shoji was a junior at Pomona College when he and his family received orders to go to an internment camp in Arizona. They brought nothing more than a suitcase with them to the camp. Kobe enlisted the next year and went to Germany to fight as a member of the 442nd. Although he was wounded twice, he came back to the States, never complaining about the discrimination that he and his family had faced, or about the wounds he suffered in the war. Kobe returned to complete his studies as though "nothing had happened. . . . except we were all much more mature due to the wartime experience. We all had the feeling we must do something to make the world a better place to live."

Kobe earned his doctorate in plant physiology from UCLA and moved to Hawaii thereafter to teach at the University of Hawaii and work as a respected agricultural expert. He later enjoyed watching his oldest son, Dave, coach the university's Rainbow Wahine volleyball team to many national championships.

Ken Otagaki is another example of resilience and success. As the second son of a field laborer on the island of Hawaii, Ken left home at the age of 12 to work in Honolulu on the island of Oahu as a houseboy before putting himself through college. After the attack on Pearl Harbor, Ken enlisted and joined the 100th Infantry Division, serving overseas as a litter bearer. In January 1944, Ken was near Cassino, Italy, when he and six other litter bearers were called upon to help soldiers in front of them. Ken and seven other soldiers faced a barrage of mortar shells from the enemy. Three were killed. Four, including Ken, were seriously injured and were not evacuated until nearly a day later.

Ken recuperated at Walter Reed Hospital and later received the Combat Infantry Badge and the Purple Heart. Ken wrote to his sweetheart, Janet, telling her that he had lost his right leg, two fingers on his right hand, and the sight in his right eye. Their daughter, Joy, recalled that her mother thought that her father "wasn't going to sit around feeling sorry for himself." Ken and Janet married later that year.

Because of his war injuries, Ken had to give up his plans to become a medical doctor, instead earning a PhD in

animal science. The Otagakis began their life together on the mainland and had five children before moving back to Hawaii, where Ken taught at the University of Hawaii and later led the Hawaii State Department of Agriculture. Ken never let what others perceived to be his physical disabilities stop him from being active. He climbed trees to pick ripe mangoes and taught his kids how to swim and ride a bike.

The last veteran I would like to talk about is Yoshiaki Fujitani who worked as a member of the Military Intelligence Service. Yoshiaki grew up on the grounds of a Buddhist temple in the pineapple plantation community of Pauwela, Maui.

A second generation Japanese-American, Yoshiaki was taught ethics at Japanese language school, where he learned about honesty and perseverance by hearing stories about George Washington and Abraham Lincoln. He was also taught what is known in Japanese as "kuni no on," or gratitude to one's country, America.

After serving in ROTC at the University of Hawaii, Yoshiaki rose through the ranks in the Hawaii Territorial Guard, becoming squad leader. Of course the guard was later disbanded without any explanation, but they believe it was because the Japanese Americans in the guard were viewed as potential traitors.

On December 7, 1941, while preparing to play softball, Yoshiaki saw smoke and planes flying above Pearl Harbor before learning about the attack on the radio. He volunteered for the civilian Varsity Victory Volunteers but quit when he learned that his father was being held at a Department of Justice camp for being a potentially dangerous enemy alien.

When his friends joined the 442nd, Yoshiaki's initial anger about his father's incarceration subsided, and he decided to join the MIS. Yoshiaki served in Tokyo on assignment for the Pacific Military Intelligence Research Section. After the war ended, he got married, raised a family, returned to Maui as a minister of the Buddhist faith, and he focused on fostering interfaith cooperation, eventually becoming the bishop of the Hawaii Kyodan. In 1976, he established a program called the "Living Treasures of Hawaii" to recognize the cultural contributions of individuals in Hawaii.

The life stories of these three men serve as an inspiration for all of us, and they certainly exemplify the history and the courage and the Americanism, the love of America, exhibited by the people we are honoring.

This legislation also honors Senator DANIEL INOUE and the late Senator Spark Matsunaga, who served in the 442nd and 100th units, and of course they later went on to serve the people of Hawaii for many decades, and the people of our country.

Again, I urge all of my colleagues to vote in support of S. 1055. It is long overdue.

Mr. BACHUS. Madam Speaker, I ask unanimous consent to reclaim my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BACHUS. Madam Speaker, I yield 2 minutes to the gentleman from Hawaii (Mr. DJOU).

Mr. DJOU. Madam Speaker, I rise in strong support of S. 1055 to grant the Congressional Gold Medal to the 100th Infantry Battalion and the 442nd Regimental Combat Team.

Madam Speaker and colleagues, I want to echo the words of my colleague, the gentlewoman from Hawaii (Ms. HIRONO). Madam Speaker, it is with great pride the people of Hawaii join in the recognition of the 100th Infantry Battalion and the 442nd Regimental Combat Team.

And I speak also with a bit of personal pride that we are recognizing the 442nd today. I had served in the United States Army Reserve, and today the 100th Battalion 442nd Infantry Division is part of the 9th Mission Support Command based at Fort Shafter in my congressional district. And in my previous service as an Army reservist, the 442nd was my sister battalion, and it is with great pride I see them being recognized today.

□ 1750

The 442nd has a long and illustrious history having served our Nation in Vietnam as well as most recently in Operation Iraqi Freedom, although the most important amount of recognition for the 442nd and the reason we are here today is for their initial service in World War II.

Madam Speaker and colleagues, when somebody asks, Where does the strength of our Nation come from? I say to all of them, It does not come from machines. It does not come from a regulation. It does not come from the Halls of the United States Congress. The strength of our Nation comes from young individuals who are willing to raise their hands, to take an oath of office and to defend this Nation—with their lives, if necessary.

When the 442nd was formed in 1942, it was these young men, Americans of Japanese ancestry, who raised their hands, despite facing discrimination from their own country in having expressed a willingness to fight on behalf of this Nation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BACHUS. Madam Speaker, I yield the gentleman such additional time as he may consume.

Mr. DJOU. It was their willingness to go into harm's way, to risk their lives in the fields of Italy, that has accorded

the 442nd this honor and this well-deserved respect from the United States Congress.

Therefore, Madam Speaker, on behalf of myself, my colleagues and the people of the State of Hawaii, I strongly urge the passage of S. 1055.

Mr. BACHUS. Madam Speaker, I will make the offer that if additional time is needed on the majority side, I would be willing to yield time to Mr. McDERMOTT or to others.

I reserve the balance of my time.

Mr. CARSON of Indiana. Madam Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Madam Speaker, I did not come over to the floor to speak on this issue; I came for the next issue. But I am an honorary Nisei vet. I have been involved with the Nisei community and with the Nisei vets of the 442nd in Seattle for a number of years.

Two weeks ago, we dedicated a wall at the Nisei vet hall on which the names appear of all the people from Seattle. It was an extremely moving event to have not only some of the old vets but to also have the young sons and daughters and grandsons and granddaughters get up and talk about their relatives and what they did.

I found out about the Nisei when I was in college. I had a roommate named Dave Sukura. One day, he told me about having been in a prison camp when he was in elementary school. I couldn't believe it. I was a kid from Chicago, and had never heard of such a thing; 127,000 people were rounded up for no other reason than we were panicked about the Japanese, and we put them in concentration camps.

Now, you can imagine having a store or having a hotel or having a farm and suddenly being told you have 1 week to get your stuff together and get out of here. They lost all their land. They lost all their holdings. They lost everything. They were sent to these camps. Someday, when you're in Idaho, go out to Minidoka, and see the national monument that we have created. We call it a "monument" now, but it was a concentration camp then. There was nothing there. They came and put up barracks very quickly and said to the people, Move in.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BACHUS. I yield to the gentleman such time as he may consume.

Mr. McDERMOTT. In a room of 20-by-20, you had seven people living with no running water and with no hot water for 4 months, and they were trying to deal with babies and diapers and with all the things that go on in ordinary living. Then the people who have put you there turn around and say, We will accept you into our Army to go and fight for us in Italy. Now, you can imagine among these Japanese families the discussions that went on about

whether or not they should participate in this.

David's grandfather came from Japan and started the Japanese Baptist Church in Seattle. He told his sons, We are Americans, and we will support our country no matter what.

This was long before the war, so he was dead when that happened. They were then taken off to the camps.

The mother—her name was Misa Sukura—had four sons. She said to her boys, You must go.

The camp people were mad at her. How can you send all of your sons to this?

She said, They are Americans. We are proud and we will serve.

Now, you have to understand what it took then to be thrown into the toughest part of the war. They didn't become the most decorated unit in United States Army history because they were sent out to some easy deal. They were sent into the toughest fighting in Italy. They are the ones who went in when they couldn't find the lost battalion. They said, Send in the 442nd—and they found them. A simple medal hardly speaks to what they did for us, but what they did beyond that is to say, if you're in America and if you're an American, we treat you all the same.

We are at a time now when their example needs to be carefully looked at because panic among the American people says suddenly, Oh, those people are to be feared. We can't stand those people. They're not like us. What happened in 1941 can happen again if we do not honor those Nisei vets and their families who stayed at home. They lived through without fathers, without mothers, with all the people who got killed, and everything else.

Several years ago, it was my honor to name the courthouse in Seattle, Washington, after a young man named William Nakamura. He went at 19 years old, out of Garfield High School, and won the Medal of Honor. The family never got the medal because the medals were buried. Nobody wanted to demonstrate and distribute them until President Clinton went back and reviewed the records and found these Medals of Honor. They were then given to the families of the fallen.

We have much to be proud of in this country, but the Nisei vets have more than most of us because they overcame the racism and the attitudes that put them in concentration camps, and they came out and stood tall. For that reason, I am very proud to be here today. I commend Mr. SCHIFF and the other members of the committee who brought this gold medal. It's about time.

Mr. BACHUS. Madam Speaker, I yield 9 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. I do not plan to take that time except that, because I am re-

tiring this year, I will take every bit of time I can get as an outgoing Member to still speak on anything. It's just an inside joke for those of us who have been accustomed to being listened to for a long time. I am sure it's not going to hold true once I leave Congress.

Madam Speaker, one thing we all need to listen to is our hearts when it comes to treating each other as we, ourselves, would want to be treated. When we think of something like this resolution and what it means to record history, we record history so that we learn from those aspects of history we do not want to repeat and by acknowledging the people who need to be acknowledged as amazing Americans, as this bill does.

They had the fortitude to fight, as all brave Americans have who serve our Armed Forces, whether in peacetime or wartime, never knowing whether their lives are going to be called to be donated to this country. Every single servicemember may be called to make the ultimate sacrifice in the service of their country when they sign up and serve our country, never knowing.

□ 1800

But in this case, we had a group of Americans who signed up to fight for freedom when their own was being challenged here at home.

It's reminiscent of the stories of the Buffalo Soldiers in World War II, African Americans who were being denied the very rights that they were fighting to protect and uphold around the world, and they were doing so on behalf of a country that had refused to treat them as coequals.

In this case, Asian Americans, Japanese Americans who, because of the perception of who they were as Americans simply by what they look like, were being judged as whether they were American enough. Why is that important for us to remember today? Well, because last time I checked, we have Arab Americans right now making the ultimate sacrifice in the war against terrorism, Arab Americans who are being stigmatized, stereotyped, and wholesale bigotry against anybody of a different faith or ethnicity, somehow they are judged to be less American in their opportunities. And basically the requirement that they be treated the same as every other American, those rights are being challenged. And in spite of that, they are still out there defending our country.

Native Americans, who have been denied in one of the great shames on this country's history of the way our country treated its indigenous peoples who serve at greater numbers on behalf of this country than any other group in this country, Native Americans, and it is quite extraordinary when we think about heroes to think about those who are not only willing to lay their life on the line for freedom and this country,

but are willing to do so in spite of the fact that they are being denied the very same rights that they are fighting for here in America. That is why they deserve gold medals, because they fought two fights. They fought the fight for liberty around the world, and they fought the fight against bigotry that is denying them those same freedoms here at home.

And why else do we remember this? Because we're talking about the fact that no matter what you look like, we are all Americans, because that's America. We're the greatest country on the face of the Earth. Why? Because there's no other country in the world that has peoples from every other part of the world, and yet we're still divided by race, by color, and by creed by those who would like to foment fear and prejudice and use that as electoral victories, using the oldest wedge issue that we have ever known, and that's fear of difference, when actually the strength of our country is our diversity as a Nation.

My uncle, President Kennedy, in giving the National Civil Rights Address, first of any American President in American history, said it's a moral question at its base. Who amongst us would be willing to change the color of their skin? Who amongst us would be willing to change the color of their skin and abide by the counsels of patience and delay in terms of civil rights? Well, you know, if you're white and you're accepted as looking like an American, this might not seem like a big issue to you. But think about trading the color of your skin for a day and living like Americans who are Latino in a culture like today that stigmatizes people with brown skin as somehow less than Americans because maybe they got here illegally just because of the perception of the color of their skin. Set aside the fact that in my area of the country the biggest illegal immigration are people that look like me, with red hair and freckles on their face; that's the biggest illegal immigration, Irish overstay. It's an interesting battle that's been the battle for the heart and the soul of America since the beginning of time.

I propose that the final question of our time for our veterans is whether we are going to abide by the counsels of patience and delay in setting our veterans free from their war injuries. Because how many of us suffering at home now from traumatic brain injury and PTSD would be willing, because the Congress is not ready to put the money into biomedical research that it needs to because they say that's not government's job to do medical research; that's someone else's. I don't know whose job it is, but if I'm a veteran coming back from fighting for this country and I'm trapped behind the enemy lines of stigma and shame, trapped behind the enemy lines of in-

difference because you can't see my wound—my wound is an invisible wound; it's brain injury—think about what it must be like for them to know that our country has the wherewithal to save those with TBI and rescue them from being prisoners of their war injury if we put the money behind it, if we match our action with our rhetoric. We're not going to leave those veterans behind, okay. Then let's do something that makes sure we don't. Let's invest in the kinds of stem cell research, the kinds of genetic biomarkers that are going to allow us to make sure that they are going to be saved from enemy territory, prisoners of their war injuries.

You could say, oh, well, it's going to take 10 years before we are able to repair spinal cord tissue and allow those veterans to stand up out of their wheelchair because they were paralyzed. Well, if you're 25 years old, I should hope that they get an indication from this Congress, from this country, from this President that we are in it to win it when it comes to saving them, because you know what? We would put our full might of military power to go get them if they were held by al Qaeda. Why aren't we doing the same when it comes to them being held hostage by their TBI and PTSD?

If we think of each other as human beings and advancing the great cause, or the fact that we all breathe the same air, drink the same water, live on the same planet, want the same things for all of our families, why would we ever treat each other differently, discriminate against one another, when it's the very strength of our country?

These Japanese Americans, they fought the roughest fights. They were put in the biggest harm's way, just like the Buffalo Soldiers were in the European theater as well. Why? They wanted to take it on to demonstrate they weren't about to be cowering in the fear of those with bigotry in their hearts.

Let's pass this legislation and set all Americans free, because we're all human beings, all Americans, irrespective of color, creed, or the way we look.

Mr. SABLON. Madam Speaker, I rise in support of S. 1055, a bill to grant the Congressional Gold Medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

The grant of the Congressional Gold Medal to this very distinguished "Go for Broke" unit is well deserved and the award is long overdue. The unit is the most decorated military unit in our Nation's history. In World War II this was known as the "Purple Heart Battalion."

I must admit that I have a personal attachment to the "Go for Broke" unit. Company E, 100th Infantry Battalion and the 442nd Regimental Combat Team, is now stationed in the Northern Mariana Islands and I was once a

member. A further point of pride is that Echo Company was once under the command of the distinguished Senator from Hawaii, Senator DANIEL K. INOUE.

I support passage of S. 1055 and I say again that the grant of the Congressional gold medal to the 100th Infantry Battalion and the 442nd Regimental Combat Team is long overdue and well deserved.

I encourage my colleagues to support S. 1055 and I thank Senator BARBARA BOXER for bringing this legislation forth.

Mr. HONDA. Madam Speaker, I rise today in support of S. 1055, a bill to grant the Congressional Gold Medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

The United States will forever be indebted to the Japanese Americans soldiers of the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, for their bravery, valor, and dedication to the country.

Though many of their families were unjustly incarcerated in internment camps after the attack on Pearl Harbor, Japanese Americans still fought to prove their loyalty to the United States of America. More than 20,000 Japanese Americans enlisted in the U.S. Army, approximately 14,000 of whom served in the 100th Infantry Battalion and the 442nd Regimental Combat Team. The Japanese American 442nd Regimental Combat Team, including the 100th Infantry Battalion, became the most decorated unit for its size and length of service in American military history. Among their numerous awards, the Japanese American soldiers of World War II earned 21 Medals of Honor, 52 Distinguished Service Crosses, 559 Silver Stars, 4,000 bronze stars, nine (9) Presidential Unit Citations, and 9,486 Purple Hearts. The 442nd saw the highest percent of casualties of any unit in the Army, earning it the nickname "Purple Heart Battalion."

Nisei men fought for the U.S. and its allies across Europe in many key battles. The 442nd waged eight major campaigns in France, Germany, and Italy. Most notably, the 442nd led a heroic drive into enemy lines to free the surviving 211 members of a Texas unit who were trapped by the Germans in the rescue of the Lost Battalion. The governor of Texas would later name them "Honorary Texans" for their actions. Additionally, the Japanese American soldiers liberated towns such as Bruyeres, Biffontaine, and Belvedere. They also freed Holocaust victims from one of the Dachau concentration camps in Germany.

Japanese Americans also served with great distinction in the Pacific Theater in the U.S. Army's Military Intelligence Service, MIS. Through their command of the Japanese language, they greatly facilitated Allied war efforts and the MIS is credited with shortening the war in the Pacific by at least two years.

As a Japanese American who spent part of my childhood in Amache internment camp in Colorado, I am humbled by the perseverance of these Nisei soldiers through the difficult struggle against racial prejudices and discrimination that they endured both during and after the war. Having valiantly fought to liberate the

world from tyranny and oppression while their own families were imprisoned back home, the 100th Infantry Battalion, the 442nd Regimental Combat Team, and the Military Intelligence Service are true American heroes. The unrelenting patriotism of these veterans, now in their late 80s and early 90s, paved the way for reconciliation and redress, and the full racial integration of the Armed Forces thereafter.

Once again, Madam Speaker, I ask my colleagues to join me in supporting S. 1055 to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, in recognition of their patriotism and dedicated service during World War II.

The SPEAKER pro tempore (Mrs. DAHLKEPNER). All time for debate has expired.

The question is on the motion offered by the gentleman from Indiana (Mr. CARSON) that the House suspend the rules and pass the bill, S. 1055.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AWARDING CONGRESSIONAL GOLD MEDAL TO DR. MUHAMMAD YUNUS

Mr. CARSON of Indiana. Madam Speaker, I move to suspend the rules and pass the bill (S. 846) to award a Congressional Gold Medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 846

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) Dr. Muhammad Yunus is recognized in the United States and throughout the world as a leading figure in the fight against poverty and the effort to promote economic and social change;

(2) Muhammad Yunus is the recognized developer of the concept of microcredit, and Grameen Bank, which he founded, has created a model of lending that has been emulated across the globe;

(3) Muhammad Yunus launched this global movement to create economic and social development from below, beginning in 1976, with a loan of \$27 from his own pocket to 42 crafts persons in a small village in Bangladesh;

(4) Muhammad Yunus has demonstrated the life-changing potential of extending very small loans (at competitive interest rates) to the very poor and the economic feasibility of microcredit and other microfinance and microenterprise practices and services;

(5) Dr. Yunus's work has had a particularly strong impact on improving the economic prospects of women, and on their families, as over 95 percent of microcredit borrowers are women;

(6) Dr. Yunus has pioneered a movement with the potential to assist a significant

number of the more than 1,400,000,000 people, mostly women and children, who live on less than \$1.25 a day, and the 2,600,000,000 people who live on less than \$2 a day, and which has already reached 155,000,000, by one estimate;

(7) there are now an estimated 24,000,000 microenterprises in the United States accounting for approximately 18 percent of private (nonfarm) employment and 87 percent of all business in the United States, and the Small Business Administration has made over \$318,000,000 in microloans to entrepreneurs since 1992;

(8) Dr. Yunus, along with the Grameen Bank, was awarded the Nobel Peace Prize in 2006 for his efforts to promote economic and social opportunity and out of recognition that lasting peace cannot be achieved unless large population groups find the means, such as microcredit, to break out of poverty; and

(9) the microcredit ideas developed and put into practice by Muhammad Yunus, along with other bold initiatives, can make a historical breakthrough in the fight against poverty.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design to Dr. Muhammad Yunus, in recognition of his many enduring contributions to the fight against global poverty.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2, under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 4. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

SEC. 5. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There are authorized to be charged against the United States Mint Public Enterprise Fund, such amounts as may be necessary to pay for the costs of the medals struck pursuant to this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 3 shall be deposited into the United States Mint Public Enterprise Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. CARSON) and the gentleman from Alabama (Mr. BACHUS) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. CARSON of Indiana. Madam Speaker, I ask unanimous consent that

all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. CARSON of Indiana. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of Senate bill 846, a bill to award Dr. Muhammad Yunus with a Congressional Gold Medal in recognition of his contributions to the fight against global poverty.

□ 1810

Credited with developing the concept of microlending—the extension of very small loans to very poor people without requiring collateral—Dr. Yunus has revolutionized global efforts to eliminate extreme poverty. By making small loans available to entrepreneurs that lack access to the resources of traditional banks, Dr. Yunus has given many people the tools they need to lift themselves out of poverty.

In 1976, Dr. Yunus made his first successful microloan to 42 women from a small village in Bangladesh who made crafts out of bamboo using \$27 out of his own pocket. When that first loan was made, it would have been difficult to imagine that it would launch a revolution in the fight against international poverty.

Based on this methodology, Dr. Yunus founded Grameen Bank, which has loaned over \$7 billion to over 7.5 million small borrowers. His work has had a particularly profound impact on the lives of women, who have received over 95 percent of these microcredit loans.

This successful model has been implemented in over 100 countries, in both developing nations and prosperous nations like the United States. In the United States, the Small Business Administration is based on the same model and has made over \$380 million in microloans to entrepreneurs since 1992. Internationally, it is estimated that over 155 million people have already benefited from these types of loans. And today, the movement has the potential of reaching many of the 2.6 billion men, women, and children that currently live on less than \$2 a day.

Dr. Yunus has received a multitude of recognitions for his work, including the Nobel Peace Prize in 2006 and the Presidential Medal of Freedom in 2009. Currently, the House companion bill offered by the gentleman from New Jersey (Mr. HOLT) has the cosponsorship of over two-thirds of the U.S. House of Representatives.

In light of the strong support we have already shown for this legislation, I urge my colleagues to support Senate

bill 846 to award Dr. Yunus the honor of a Congressional Gold Medal.

Madam Speaker, I reserve the balance of my time.

Mr. BACHUS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of S. 846, a bill that would authorize the award of a Congressional Gold Medal to one of the great humanitarians of our time, Dr. Muhammad Yunus.

Over the last couple of years, we have talked on the floor of this Chamber and in committees about the effects of the recent economic crisis and how it has limited our ability to procure loans in this country. We all know that credit is the lifeblood of both business and daily life and that businesses need capital to invest in tools, labor, and raw materials, and that individuals need credit for both short-term needs and long-term investments such as college educations or to buy a house or a car.

The need to free up credit in the United States is important, but in this great country that offers so much for us to enjoy, it is easy to lose sight of how serious the need for credit is elsewhere. There it's sometimes a matter of surviving or being able to eke out a living. Americans may need a loan to purchase a new car, whereas a person in Bangladesh may need a loan to merely survive.

Madam Speaker, it is a testament to a man we honor today that he both recognized the needs of many for loans of very small amounts of money and devised a system, a system that can be replicated anywhere, to address that need.

Dr. Yunus, born in Bangladesh and the holder of a doctorate from Vanderbilt, made his first step toward solving this problem in 1976 in his native country—and Mr. CARSON mentioned this—when he loaned an equivalent of \$27 to 42 women and made each a co-guarantor with the responsibility of ensuring that the money was paid back in full. These women then used the money to make bamboo furniture. Previously to buy bamboo, they had been forced to borrow at interest rates that we would consider criminal and certainly usurious. With the loans, they were able to make furniture at a small profit.

Soon, with a small grant from the government of his newly independent country, Dr. Yunus founded what became the Grameen Bank, and lenders, using that model, have made billions of dollars of so-called microloans to millions of people.

I know Chairman WATERS has spoken about this and many other Members as to what this has meant to men and women in poor countries around the world. More than 90 percent of the borrowers are said to have been women.

In the year since the founding of the bank, the Grameen model has blossomed,

spawning variations that include nonprofits and for-profit investments in projects ranging from information technology and communications to food production with partners ranging from small local companies to giant multinationals. One project has funded the installation of nearly half a million small solar electrical plants producing power for off-the-grid people in Bangladesh.

I remember reading Robert Caro's book about Lyndon Johnson and what electricity meant to the hill country of Texas. The miracle that we saw in America a century ago is being repeated in these countries now—the miracle of electricity.

But this microlending model is not confined to small, poor, developing countries. It's found its way to Canada and even to the United States.

Dr. Yunus holds out the possibility that another offshoot he calls "social business" might be a way to help redevelop Haiti and bring its people out of poverty, as well as in developed countries to provide a path to help the poor become self-supporting without the need for welfare.

Through all of this, Dr. Yunus has been not only a visionary innovator but a tireless advocate for the model that he believes can ease and even end poverty. For this he's been recognized several times and in many ways. He and the Grameen Bank were co-recipients of the Nobel Peace Prize in 2006. And in 2009, Dr. Yunus received the Presidential Medal of Freedom from President Obama.

It is now time that Congress in a bipartisan way honors such a devoted and selfless individual. And that's what we do today with 296 cosponsors.

I commend Senator DURBIN for introducing this bill. I commend the gentleman from New Jersey (Mr. HOLT), who introduced the House companion bill, H.R. 2000. With passage today, this bill will go directly to the President's desk.

This is just one of many examples of how a small amount of money changed the lives and the fortunes and the futures of families in countries around this world.

I think of a book I just completed in the last year, Greg Mortenson's "Three Cups of Tea," where a gentleman from California went to really the tribal areas of Pakistan and helped build a school and educate children for just, what we would call an insignificant amount. And it truly is, I think, an inspiring thing to read of people of this character and this commitment.

Madam Speaker, let me close by saying this is an overdue recognition of a vastly important concept and the man who devised it. I urge immediate passage.

I reserve the balance of my time.

□ 1820

Mr. CARSON of Indiana. Madam Speaker, I yield such time as he may

consume to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Madam Speaker, I thank my friend from Indiana, and I rise in strong support of this legislation to award Dr. Muhammad Yunus a Congressional Gold Medal for his efforts to fight global poverty.

This bill already has passed by unanimous consent in the other body. I am pleased to have introduced the House version of this bill, which garnered 297 bipartisan cosponsors, an indication of the remarkable impact of Dr. Yunus's work.

Muhammad Yunus is widely known as the banker to the poor, and is one of the world's great humanitarians and an economic genius. In 1974, as Bangladesh was struggling with a terrible famine, this professor of economics led his students out of the classroom and into a village nearby. There they discovered that impoverished people could not get ahead because of the oppressive business practices of money lenders who exploited their poverty and desperation.

With just \$27, as we have heard today, of his own money, Professor Yunus liberated 42 victims of these unfair practices from their debt burdens. And from that first experience with the power of a small amount of money, Dr. Yunus developed the concept of microcredit.

With just a few dollars to work with, the poor are able to become entrepreneurs. They sell vegetables or clothing or handmade goods and other products in order to slowly generate and accumulate profits, or they devise clever service industries with a cell phone or a computer that they can buy with their microloan. And it turns out that the poor are wary of debt and are careful stewards of money. Repayment rates for microloans are consistently near 97 percent. And step by step, these borrowers build individual ladders on which they can climb out of poverty and into the mainstream economy.

Within a few years of his first trip to that destitute village, Professor Yunus created the Grameen Bank to act as a bank to the poor in Bangladesh. Today, Grameen Bank has over 2,500 branches. It serves over 8.3 million people in 81,000 villages. It has disbursed nearly \$10 billion to the poor, with a recovery rate around 97 percent. Most importantly, it is estimated that nearly 60 percent of Grameen Bank's borrowers have crossed the poverty line. Many of these are women.

Over the last three decades, Dr. Yunus has made the elimination of poverty his life's work. And the concept of microcredit has been widely adopted as an idea. And the idea has evolved from microcredit into the field of microfinance, which now serves the poor with a portfolio of financial services, including savings accounts and insurance and fund transfers, educational loans, and pension plans.

The World Bank estimates that microfinance institutions now serve 160 million people in developing countries. Women, who make up 60 percent of the world's poorest citizens and disproportionately shoulder the burdens of poverty, receive over 95 percent of the microloans. The funds allow them to increase their independence and improve the quality of life for their entire families. Children of borrowers are more likely to attend school and enjoy better nutrition.

Yet even with these accomplishments, there is more to be done. There are 2.6 billion people around the world who live on less than \$2 a day. And the poorest 1.4 billion live on less than \$1.25 per day. Microfinance still needs to take deeper root in Africa, where 75 percent of the population lives on less than \$2 per day. We must commit ourselves to addressing their needs, and microfinance can be a key component of that work. Muhammad Yunus and those who have followed in his footsteps have made it possible for the working poor to transform themselves into an entrepreneurial middle class and for beggars to become business people.

Professor Yunus has been recognized with the Nobel Prize for Peace and the U.S. Presidential Medal of Freedom. He continues to challenge economic preconceptions and to challenge the acceptance of poverty around the world. We, with this, further honor his achievements and his extraordinary vision of making poverty, as he spoke in Oslo, a concept that future generations may understand only by visiting a museum.

Finally, I would like to acknowledge some of the people who helped bring this bill to the floor. My colleagues Representative MORAN of Virginia, Representative ILEANA ROS-LEHTINEN, Representative CARTER, Representative McDERMOTT have been instrumental. Grassroots members of the RESULTS advocacy organization from around the country have helped raise awareness about microfinance and the effort to recognize Muhammad Yunus for his efforts. I commend Senators DURBIN and BENNETT for their leadership in moving this bill through the Senate, and I thank Chairman FRANK for his assistance in expediting consideration here in the House.

Mr. CARSON of Indiana. Madam Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Madam Speaker, I thank the chairman, and I want to acknowledge Congressman HOLT. RUSH came to me and said, Will you help me gather signatures to get this thing before the House? I've got to have two-thirds of the Members sign this thing. And I said, Sure, I will be glad to help you. He immediately handed me a long list of people. And this is not an easy

thing to get done in the House of Representatives, to get 290 Members to sign to bring something forward.

However, the object of this gold medal, Dr. Yunus, is clearly somebody who it's worth working for. He is a marvelous symbol. I got to know him. I have been out to Bangladesh. I have been out in the villages. I have actually sat on the ground when the women were paying their debts and deciding who got how much money in the next week, and watched the whole process go on at the grassroots level. I also had the opportunity to introduce him when he came to Seattle to a RESULTS dinner, where there were about 500 people.

The impact of Dr. Yunus goes far beyond the Grameen Bank. Seattle has, I don't know, probably 40 or 50 microcredit operations working worldwide all through Central America and South America and Africa, where this idea that this man created was taken by other people. And it works everywhere, and anybody can do it.

What's amazing about this is to think about how one man, faced with the poverty in the most densely populated country in the world, Bangladesh, could say to himself, you know, I think I can change this. And then not only did he think that; he went out and he did it. And I think that's really why a gold medal for Dr. Yunus is such an important part for us to remember in the Congress.

We often think that, you know, we've got to give \$100 million or \$80 billion or whatever. This man started with \$27 and created something that has affected millions and millions of people.

The last thing I want to say is that it's affected the lives of women. Women in the world, their status clearly is below that of men in most countries. But the access to credit for these women of Bangladesh gave them the ability to begin to develop a little business, and accumulate a little capital, and then to buy some school uniforms for their children and pay their school fees. Any country that educates their women, begins to educate the children, begins the development of a country. And Dr. Yunus knew that, that if he could give women a chance to have access to credit—a lot of people laughed at him—but a 97 percent payback rate will match Citibank any day of the week. And this is the work of a man who had an idea and proved that if you have an idea and you are willing to work and believe in people, you can make it work.

So it's a great honor to have a chance to say a few words about Muhammad Yunus. He is a great man, and a gold medal is little enough to give him.

□ 1830

Mr. CARSON of Indiana. Madam Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Madam Speaker, I want to thank the gentleman from Indiana (Mr. CARSON) for yielding time. I also want to commend my good friend Representative HOLT from New Jersey and the Senator from my State, Senator DURBIN, for the work that they have done in advancing this recognition and advancing this legislation. I don't think that there is any doubt in anybody's mind that Professor Yunus is deserving of such an honor. But it's not really just about honoring Professor Yunus. It's really about advancing the concept that he created, micro-lending, that not only has been a boon to underdeveloped nations, some of the millions of people who live in poverty each and every day of their lives wondering how they're going to be able to etch their way out of it; but we also see it in our country, in the United States of America, where just today we increased the limits on our microlending program through the Small Business Administration in the bill that we passed earlier from \$35,000 to \$50,000.

I grew up in rural America, where if an individual could gather a thousand dollars, they could purchase themselves a load of vegetables, and rather than just having a few to get rid of, they really could get rid of quite a few. There is a woman in the basement of the building where my district office is located. She operates a small belt-making, jewelry-making shop. Five thousand dollars was enough to get her started and now she actually has a thriving business where she earns a living and employs two or three other people. Not far from where I live is the number one shoeshine shop in America. As a matter of fact, it's called Shine King. It's no bigger than just a little opening. But the man who started it actually started shining shoes with a kit on the streets and now, of course, he's part owner of the bank around the corner, he owns real estate, he is a member of the Chamber of Commerce. He provides training and work opportunities for young boys. As a matter of fact, the famed basketball player, Isiah Thomas, used to shine shoes in his shop.

And so microlending is actually the beginning for millions of people. I join with my colleagues in honoring Dr. Yunus, again commend all of them for advancing this legislation, look forward to its passage but look more forward to greater utilization of the microlending concept as a part of the American economy.

Ms. ROS-LEHTINEN. Madam Speaker, I rise in strong support of the Senate bill before us today, which would award Dr. Muhammad Yunus a gold medal for his exceptional work in the field of micro-finance assistance to the most impoverished people around the world.

As this measure notes, Dr. Yunus first tested his belief thirty-four years ago that very small-scale, low-interest loans to the "poorest of the poor" could have a major and positive impact on their lives.

He leant \$27 of his own money to 42 craftsmen and craftswomen in a small village in Bangladesh.

He went on to establish the Grameen Bank, which created a model for providing on a larger-scale what we now commonly know as micro-enterprise loans.

Today, it is estimated that such assistance—which is low-cost, targeted to those most in need, and expected to be repaid by its recipients so that it can be used again and again to help others—has positively impacted the lives of over 150 million people around the world.

Dr. Yunus has shown us that innovative thinking such as this can result in major beneficial changes for those around the world who survive on less than one or two dollars a day in income.

He has also shown that we don't always need to think in terms of huge amounts of assistance—or expensive agencies and contractors—to carry out such important work.

In many cases, communities assisted by micro-loans are asked to set up groups that help to oversee and manage the loan programs, and they work not only to ensure repayment of the loans but also to give an important sense of community engagement in the effort.

Therefore, micro-loans help provide long-term, sustainable change and are not just a one-time deal with a disappearing impact.

We need more such low-cost innovations, especially now that we all face a global economic crisis and a growing budget crisis here at home.

Madam Speaker, Dr. Yunus was awarded the Nobel Peace Prize in 2006 for his efforts to promote micro-finance.

I believe that the Congress as well should award a gold medal to Dr. Yunus.

I am pleased to be the lead co-sponsor, with my colleague, Mr. HOLT, of the House version of this bill, which today has the support of 297 cosponsors.

In closing, I want to again express my support for the passage of this bill, which would honor not just Dr. Yunus, but also those who work hard to find new, innovative and low-cost ways to help those most in need.

Mr. BACHUS. Madam Speaker, I yield back the balance of my time.

Mr. CARSON of Indiana. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. CARSON) that the House suspend the rules and pass the bill, S. 846.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

BORDER PROTECTION APPOINTMENT ACT

Mr. THOMPSON of Mississippi. Madam Speaker, I move to suspend the rules and concur in the Senate amend-

ment to the bill (H.R. 1517) to allow certain U.S. Customs and Border Protection employees who serve under an overseas limited appointment for at least 2 years, and whose service is rated fully successful or higher throughout that time, to be converted to a permanent appointment in the competitive service.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Strike out all after the enacting clause and insert:

SECTION 1. DEFINITIONS.

For purposes of this Act—

(1) the term “Commissioner” means the Commissioner of U.S. Customs and Border Protection;

(2) the term “U.S. Customs and Border Protection” means U.S. Customs and Border Protection of the Department of Homeland Security;

(3) the term “competitive service” has the meaning given such term by section 2102 of title 5, United States Code; and

(4) the term “overseas limited appointment” means an appointment under—

(A) subpart B of part 301 of title 5 of the Code of Federal Regulations, as in effect on January 1, 2008; or

(B) any similar antecedent or succeeding authority, as determined by the Commissioner.

SEC. 2. AUTHORITY TO CONVERT CERTAIN OVERSEAS LIMITED APPOINTMENTS TO PERMANENT APPOINTMENTS.

(a) IN GENERAL.—Notwithstanding chapter 33 of title 5, United States Code, or any other provision of law relating to the examination, certification, and appointment of individuals in the competitive service, the Commissioner may convert an employee serving under an overseas limited appointment within U.S. Customs and Border Protection to a permanent appointment in the competitive service within U.S. Customs and Border Protection, if—

(1) as of the time of conversion, the employee has completed at least 2 years of current continuous service under 1 or more overseas limited appointments; and

(2) the employee's performance has, throughout the period of continuous service referred to in paragraph (1), been rated at least fully successful or the equivalent.

An employee whose appointment is converted under the preceding sentence acquires competitive status upon conversion.

(b) INDEMNIFICATION AND PRIVILEGES.—

(1) INDEMNIFICATION.—The United States shall, in the case of any individual whose appointment is converted under subsection (a), indemnify and hold such individual harmless from any claim arising from any event, act, or omission—

(A) that arises from the exercise of such individual's official duties, including by reason of such individual's residency status, in the foreign country in which such individual resides at the time of conversion;

(B) for which the individual would not have been liable had the individual enjoyed the same privileges and immunities in the foreign country as an individual who either was a permanent employee, or was not a permanent resident, in the foreign country at the time of the event, act, or omission involved; and

(C) that occurs before, on, or after the date of the enactment of this Act, including any claim for taxes owed to the foreign country or a subdivision thereof.

(2) SERVICES AND PAYMENTS.—

(A) IN GENERAL.—In the case of any individual whose appointment is converted under

subsection (a), the United States shall provide to such individual (including any dependents) services and monetary payments—

(i) equivalent to the services and monetary payments provided to other U.S. Customs and Border Protection employees in similar positions (and their dependents) in the same country of assignment by international agreement, an exchange of notes, or other diplomatic policy; and

(ii) for which such individual (including any dependents) was not eligible by reason of such individual's overseas limited appointment.

(B) APPLICABILITY.—Services and payments under this paragraph shall be provided to an individual (including any dependents) to the same extent and in the same manner as if such individual had held a permanent appointment in the competitive service throughout the period described in subsection (a)(1).

(c) GUIDANCE ON IMPLEMENTATION.—The Commissioner shall implement the conversion of an employee serving under an overseas limited appointment to a permanent appointment in the competitive service in a manner that—

(1) meets the operational needs of the U.S. Customs and Border Protection; and

(2) to the greatest extent practicable, is not disruptive to the employees affected under this Act.

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to affect the pay of any individual for services performed by such individual before the date of the conversion of such individual.

SEC. 4. TERMINATION.

The authority of the Commissioner to convert an employee serving under an overseas limited appointment within U.S. Customs and Border Protection to a permanent appointment in the competitive service within U.S. Customs and Border Protection shall terminate on the date that is 2 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from Alabama (Mr. ROGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. THOMPSON of Mississippi. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. THOMPSON of Mississippi. Madam Speaker, I rise in support of the motion to concur in the Senate amendment to H.R. 1517 and yield myself such time as I may consume.

Madam Speaker, H.R. 1517 would allow the U.S. Customs and Border Protection to correct an employee classification error affecting a few CBP personnel currently serving overseas. Decades ago, the Immigration and Naturalization Service hired a few people, on a temporary, part-time basis, to work in pre-clearance operations at ports in Ireland, Aruba and the Bahamas. Over the past 20 years, their work evolved into full-time, permanent jobs.

However, due to a technical issue, it turns out that their positions fell into a "gray area."

Though long-term CBP staff, they are ineligible for permanent U.S. civil service positions and, by extension, are not conferred the protections and immunities afforded to permanent CBP employees in the U.S. Additionally, this situation puts CBP in violation of a U.S. agreement with Ireland, ratified after these individuals were hired, which requires all pre-clearance employees to be permanent employees.

CBP, the Office of Personnel Management, and the Department of State have tried to resolve this matter but congressional action is necessary.

H.R. 1517 grants the CBP commissioner the authority to convert the positions of 24 overseas employees to full-time, permanent civil service positions. This action is not without precedent. It has been done before at the IRS and the Library of Congress. Without this legislation, these long-term CBP employees may face termination and CBP would lose the benefit of their expertise.

Going forward, it is our hope that the commissioner will take the histories of these dedicated individuals into account when determining their futures. H.R. 1517 directs the commissioner to make conversion decisions based on CBP's operational needs and in a manner that, to the extent practicable, does not disrupt these workers. It was introduced by Representative ELLIOT ENGEL and the ranking member of my committee, PETER KING. The House passed the bill last December and the Senate did so last month with minor changes. Passage today will clear the bill for the President's signature.

I urge my colleagues to support this bill that remedies a discrete personnel issue that jeopardizes the continued employment of a cadre of U.S. citizens who provide a valuable border security service to our country.

Madam Speaker, I reserve the balance of my time.

□ 1840

Mr. ROGERS of Alabama. Madam Speaker, I yield myself such time as I may assume.

I rise in support of H.R. 1517, to grant special 2-year authority to the Commissioner of Customs and Border Protection, CBP, to correct a mistake in the hiring appointment for certain CBP employees stationed overseas at the pre-inspection posts. This corrective action will ensure CBP is able to keep trained officers stationed in key overseas positions.

This bill provides authority to CBP to noncompetitively convert employees mistakenly hired under an overseas limited appointment to permanent status. This action will correct the employment category and protect their Federal benefits and retirement.

There are approximately 35 employees in Ireland, Aruba, Bermuda, the Bahamas, and Canada affected by this hiring error. Without legislative authority, the employees will be required to convert to locally hired staff or return to the U.S. and compete for domestic CBP jobs.

These employees have been working between 6 and 15 years in their overseas posts to ensure that travelers coming to the U.S. do not pose a threat. The CBP officers in these posts work in the pre-clearance program which deploys CBP officers at select overseas airports to conduct entry-level inspections before planes depart foreign soil for the U.S.

Through no fault of their own, these employees are now facing problems with their employment status due to a mistake made years ago when they were initially hired. With the passage of this legislation, we can fix this error and ensure that the employees continue their work and maintain their level of pay and benefits.

The development and consideration of this legislation was bipartisan from the beginning, and I would like to thank the bill's sponsors, Congressman ENGEL and Ranking Member KING, for introducing the bill, and Chairman THOMPSON for his support in moving the bill out of the committee.

I urge my colleagues to support this bill and send it to the President in a timely manner.

I yield back the balance of my time. Mr. THOMPSON of Mississippi. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the CBP employees affected by H.R. 1517 work every day to help secure our Nation's borders. Retaining their expertise at overseas ports is the right thing to do for them and for DHS. Therefore, I strongly encourage my colleagues to join me in supporting this important legislation.

Mr. ENGEL. Madam Speaker, I rise today in support of my legislation, H.R. 1517, the Conversion of Certain Overseas Customs and Border Protection, CBP, Employees. I would also like to give special recognition to my New York colleague, Representative KING, for the hard work that he has put into this legislation.

H.R. 1517 would grant the Commissioner of the U.S. Customs and Border Protection the authority to non-competitively convert employees serving on overseas limited appointments into permanent employees. The need for this legislation was brought to my attention by fifteen U.S. CBP employees serving at pre-clearance centers in Ireland, who were incorrectly hired by the Immigration and Naturalization Service. These employees were hired on overseas temporary appointments, but the work requirement evolved into a permanent basis.

There are two ways for a Federal agency to fill permanent overseas positions: (1) By hiring locally engaged staff, LES, and/or (2) by U.S. direct hire. Yet, because an agreement between the United States and Ireland requires

that all pre-clearance employees be "permanent" employees, and by definition employees on overseas appointments are "limited" employees (albeit in this case, limited for an indefinite duration), CBP is in violation of the two countries' agreement. More troubling to me, the fifteen employees on overseas limited appointments are not covered by the protections and immunities afforded by the agreement to "permanent" U.S. pre-clearance employees.

Later, I learned the number of employees in similar positions included over thirty other CBP employees in Aruba, the Bahamas, Bermuda, and Canada. It has been through no fault of their own that these loyal employees, some who have been protecting our country for almost twenty years, are now in employment limbo. Without this legislation, they will have to either become Locally Engaged Staff, who are compensated by and receive benefits from the Irish Government, or be placed into competitive positions that will require a return to the U.S. Either choice would destroy an established way of life in Ireland or an established career with the U.S. Customs and Border Protection. H.R. 1517 would allow these employees to stay close to their families and keep their positions protecting our country.

I would like to applaud the House Homeland Security Committee for including language encouraging the CBP Commissioner not to be too disruptive to the employees when implementing this legislation. I recognize the standard CBP policy is for employees serving at overseas positions to rotate back to the U.S. after five years. However, in this extreme circumstance it would be best for the CBP to allow the employees to continue to serve where they are currently, with the years of experience they bring to their positions.

H.R. 1517 is a bipartisan bill. It is supported by the U.S. Customs and Border Protection and the National Treasury Employees Union, which represents the employees. Each has had the opportunity for input into the final legislation.

I would strongly encourage my colleagues to join with me in support of this bipartisan legislation. Continued employment of these individuals is in the best interest of CBP as the work requirement remains and is critical to CBP protecting our Nation's borders.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. THOMPSON) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1517.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

NATIONAL PREPAREDNESS MONTH

Mr. THOMPSON of Mississippi. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1618) urging the Federal Government, States, localities, schools, non-profit organizations, businesses, other

entities, and the people of the United States to observe National Preparedness Month, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1618

Whereas it has been 9 years since the horrific terrorist attacks against the United States and its people on September 11, 2001;

Whereas terrorists around the world continue to plot and plan attacks against the United States and its interests and foreign allies, and the Department of Homeland Security has stated that the number and pace of attempted attacks against the United States over the past 9 months have surpassed the number of attempts during any other previous one-year period;

Whereas during the month of September the Nation observes National Preparedness Month, which is sponsored by the Department of Homeland Security, and encourages all citizens to prepare themselves and their families for possible emergencies by getting an emergency supply kit that will last 72 hours, making a family emergency plan, being informed, and getting involved in the community in organizations such as Citizen Corps, which actively involves citizens in making our communities and our Nation safer, stronger, and better prepared;

Whereas acts of terrorism can exact a tragic human toll, resulting in significant numbers of casualties and disrupting hundreds of thousands of lives, causing serious damage to our Nation's critical infrastructure, and inflicting billions of dollars of costs on both our public and private sectors;

Whereas in response to the attacks of September 11, 2001, and the continuing grave threat of terrorism, Congress established the Department of Homeland Security in March 2003, bringing together 22 disparate Federal entities, enhancing their capabilities with major new divisions emphasizing terrorism-related information analysis, infrastructure protection, and science and technology, and focusing their employees on the critical mission of defending our Nation against acts of terrorism;

Whereas the Secretary of Homeland Security is charged with coordinating the implementation of preparedness in the United States under Homeland Security Presidential Directive-8, and has undertaken efforts to prepare the Nation with public awareness campaigns, including National Preparedness Month activities;

Whereas since its creation, the employees of the Department of Homeland Security have endeavored to carry out this mission with commendable dedication, working with other Federal intelligence and law enforcement agencies and partners at all levels of government to help secure our Nation's borders, airports, seaports, critical infrastructure, and communities against terrorist attacks;

Whereas our Nation's firefighters, law enforcement officers, emergency medical personnel, and other first responders selflessly and repeatedly risk their lives to fulfill their new mission of helping to prevent, protect against, and prepare to respond to acts of terrorism, major disasters, and other emergencies;

Whereas State, local, territorial, and tribal government officials, the private sector, and ordinary citizens across the country have been working in cooperation with the Department of Homeland Security and other

Federal Government agencies to enhance our ability to prevent, deter, protect against, and prepare to respond to acts of terrorism;

Whereas all people of the United States can assist in promoting our Nation's overall terrorism and emergency preparedness by remaining vigilant and alert, reporting suspicious activity to proper authorities, and preparing themselves and their families for potential terrorist attacks; and

Whereas all people of the United States should take the opportunity during National Preparedness Month in September 2010 to take steps at home, work, and school to enhance their ability to assist in preventing, protecting against, and preparing to respond to acts of terrorism: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the public servants of the Department of Homeland Security and other Federal agencies for their outstanding contributions to our Nation's homeland security;

(2) salutes the dedication of State, local, territorial, and tribal government officials, the private sector, and citizens across the country for their efforts to enhance the Nation's ability to prevent, deter, protect against, and prepare to respond to potential acts of terrorism;

(3) expresses the Nation's appreciation for the sacrifices and commitment of our law enforcement and emergency response personnel in preventing and preparing to respond to acts of terrorism;

(4) supports the goals and ideals of National Preparedness Month as they relate to the threat of terrorism; and

(5) urges the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe National Preparedness Month with appropriate events and activities that promote citizen and community preparedness to respond to acts of terrorism.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from Alabama (Mr. ROGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. THOMPSON of Mississippi. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of House Resolution 1618. I am pleased that House Resolution 1618 is being considered by the full House today during National Preparedness Month. I would like to thank Ranking Member KING, as well as Representatives RICHARDSON and ROGERS, the chairwoman and ranking member of the Subcommittee on Emergency Communications, Preparedness, and Response, for

their support of this resolution and joining me as House congressional co-chairs for National Preparedness Month.

House Resolution 1618 commends the public servants at the Department of Homeland Security for their outstanding dedication to securing our Nation and encourages the American public to participate in National Preparedness Month.

National Preparedness Month is sponsored by DHS. Spearheaded by FEMA's Ready campaign and Citizen Corps program, National Preparedness Month is designed to encourage Americans to take simple steps to prepare for emergencies in their homes, businesses, and communities. This year, the Ready Campaign has partnered with over 4,000 coalition members across the country to promote the message that preparedness is a shared responsibility.

As a former volunteer firefighter, I know that lives are saved when the public takes steps to prepare for the worst. Individuals across the country can be more prepared for the next disaster by making a family emergency plan, assembling an emergency supply kit and learning about possible threats in their area. Businesses, both large and small, should also make every effort to plan for disasters by conducting a risk assessment, completing a business continuity plan, and preparing an evacuation plan that takes into account the needs of all their employees, including those with disabilities.

We are up to our 12th named storm during this hurricane season, and according to the DHS, the number of attempted terrorist attacks against the U.S. over the last 9 months has surpassed the number of attempts during any other previous 1-year period.

The good news is that today we are more prepared to respond to disasters than at any other time in our history, as we have a stronger FEMA and better equipped first responders standing ready across the country.

Despite all the effort that has gone into building a more secure and resilient Nation, more work needs to be done. In a survey conducted in 2009, FEMA found that just 56 percent of respondents had disaster supply kits in their homes and only 38 percent knew where to find key public safety information. It is my great hope that National Preparedness Month will help improve these numbers.

I urge my colleagues to support House Resolution 1618 and also ask them to encourage their constituents to visit ready.gov where they can learn how to be vigilant, alert, and prepared for any emergency.

Madam Speaker, I reserve the balance of my time.

Mr. ROGERS of Alabama. Madam Speaker, I yield myself such time as I may consume.

I rise today as an original cosponsor of House Resolution 1618. This bipartisan resolution recognizes the month

of September as National Preparedness Month, during which government officials, the private sector, and individual citizens are urged to become better prepared for terrorist attacks, natural disasters, and other emergencies.

Earlier this month, we commemorated the ninth anniversary of the September 11, 2001, terrorist attacks and honored those who were lost that day. Weeks earlier we marked the fifth anniversary of Hurricane Katrina, and we were reminded of the lasting devastation caused by the storm.

These solemn anniversaries are powerful reminders of the threats we face and the importance of being prepared. Having an emergency kit, which includes basic supplies such as water, nonperishable foods, flashlights, batteries and other items, developing an emergency evacuation plan for your family, and staying informed about what's going on in your local area, are all steps that can be taken to become more prepared.

In addition to promoting these steps, House Resolution 1618 commends the employees of the Department of Homeland Security; other Federal agencies; State, local, and tribal government officials; as well as emergency responders and law enforcement officers who defend our Nation against terrorism. Their dedication to protecting our homeland against threats is one that we cannot and must not take for granted.

For this reason I have been a strong advocate of the Federal grant programs such as the FIRE and SAFER programs, which provide direct and much-needed support to our Nation's firefighters for equipment, staffing, and many other needs.

The Center for Domestic Preparedness in my home district of Anniston, Alabama, is another prime example of the Federal Government's commitment to first responders, providing premier hands-on training in disaster preparedness and response at no cost to the State, local, and tribal emergency responders.

These types of Federal initiatives help ensure that we do our part in providing the men and women on the front lines with the resources necessary to carry out their vital missions. I hope that we will continue to enhance funding for these programs, which also have the tremendous benefit of promoting a higher level of coordination and planning across all levels of government.

I want to thank Chairman THOMPSON and Subcommittee Chairwoman RICHARDSON for their work on this resolution. As a House co-chair of National Preparedness Month, I urge all of my colleagues to support the measure.

I yield back the balance of my time. Mr. THOMPSON of Mississippi. Madam Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. RICHARDSON).

□ 1850

Ms. RICHARDSON. Madam Speaker, as subcommittee chair of the Emergency Communications, Preparedness, and Response Subcommittee of the Committee on Homeland Security and one of the coauthors of the House National Preparedness Month and original cosponsors of H.R. 1618, I rise in strong support of this resolution brought forward by Chairman THOMPSON recognizing the importance of National Preparedness Month.

I would like to thank Chairman THOMPSON and Ranking Member KING of our full committee for their continued leadership on these very important issues and not letting Americans be caught unprepared. I would also like to acknowledge Mr. ROGERS, the gentleman from Alabama, the ranking member of our subcommittee, for working with me on these preparedness issues, as well as all of the members of our committee who supported this resolution.

September 2010 is the seventh annual National Preparedness Month. Through events, public service announcements, and other coordinated efforts, FEMA and its thousands of public and private partners have and will disseminate critical information about the importance of being prepared.

House Resolution 1618 supports these important efforts by recognizing the valuable work of the Department of Homeland Security and encouraging Americans to work together to take concrete actions toward emergency preparedness.

Over the course of the last year, we have seen tragedies strike, whether it was manmade or beyond our control, in many forms, whether they included floods, wildfires, earthquakes, hurricanes, oil spills, and most recently in my own State, a major pipeline gas explosion. Additionally, we have also known terrorists continue to target Americans and our critical infrastructure, as evidenced by the various attempted suicide bombings and plots that have been uncovered.

Thanks to countless public servants and everyday Americans throughout all levels of government and first responders across our country, our Nation stands more resilient than ever. House Resolution 1618 praises the selfless dedication of those courageous individuals and calls on the American public to equally make efforts at home, at work and school, because it's really all of our responsibility to increase their ability to assist in preventing, protecting against, and preparing to respond to all disasters and, above all, to minimize the loss of life and destruction of property.

Madam Speaker, change is evident in regard to how Americans prepare for disasters, but one thing is completely true—we have not completely hit the road that we need to be on to be pre-

pared in every aspect to avoid some of these disasters and incidents that might occur.

Let me go over a few simple tips, and I would like to build upon some of the ones that Chairman THOMPSON already mentioned for the RECORD.

Number one, it's important to practice your disaster plan. Number two, prepare our children so that they know what to do. Number three, something that we fell short on with Hurricane Katrina, and that is not to forget to make assistance for those who are vulnerable, whether they be those who are aged, infants, or those with special needs. We should all learn CPR and first aid. We need to understand the post-9/11 risks. And finally, we all have got to be involved and volunteer.

House Resolution 1618 encourages all Americans to be prepared when—not if—the next emergency occurs and to get involved in the National Preparedness Month activity happening in your area. Right here today in the Capitol, Chairman THOMPSON authorized, with FEMA, to be able to launch the iPod system, which will enable State and local governments, tribal and territories to be able to be better alerted in the case of an emergency.

I urge all of my colleagues to join me in supporting H. Res. 1618.

Mr. THOMPSON of Mississippi. Madam Speaker, House Resolution 1618 supports the important goals and ideals of National Preparedness Month. I thank the ranking member and all my colleagues on the Committee on Homeland Security for coming together in a bipartisan manner to show support for this important resolution.

I urge all my colleagues to support this resolution.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. THOMPSON) that the House suspend the rules and agree to the resolution, H. Res. 1618.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Madam Speaker, I rise to acknowledge and recognize

National Alcohol and Drug Addiction Recovery Month.

Madam Speaker, the use and abuse of illegal, illicit, and contraband drugs is one of the most challenging and difficult problems facing America. Alcohol and Drug Addiction Recovery Month brings attention to the broad group of people affected by alcohol and drug abuse and how recovery truly helps people who struggle with substance abuse problems.

The 2007 National Survey on Drug Use and Health found that just over 22 million Americans, or 9 percent of the population aged 12 or older, were classified with substance dependence or abuse in the past year. This rate has remained fairly stable since 2002. Approximately 57 percent of persons who are dependent on drugs were dependent on marijuana, with about 25 percent dependent on pain relievers and 23 percent dependent on cocaine.

Although men and women aged 12 to 17 have similar rates of drug dependence, for individuals older than 18, the rate of substance dependence or abuse was about twice as high for men compared to women. Racial/ethnic groups reported similar rates of dependence or abuse, except Asian Americans reported lower rates of dependence and abuse.

Substance dependence or abuse varies by region of the country, with the Midwest, 10 percent, having a higher rate than the South, 8.7 percent, and the Northeast, 8.1 percent, but a similar rate to the West, 9.2 percent.

Rates for substance dependence or abuse among persons aged 12 or older in 2007 also varied by county type, with small metropolitan counties, 9.4 percent, having a significantly higher rate than nonmetropolitan counties, 8.3 percent, but a similar rate when compared with large metropolitan counties, 9.0 percent.

In Illinois, according to the 2005 National Survey on Drug Use and Health, 780,000 Illinois citizens aged 12 or older reported illicit drug use, with 294,000 Illinoisans reporting drug dependence or abuse in the past year.

□ 1900

These data found that, for youth aged 12-17, approximately 104,000 Illinoisans reported past month use of an illicit drug.

Earlier in this decade, a survey in Chicago found that 800,000 individuals indicated that they used drugs, with 300,000 reporting themselves as hardcore drug users.

A 2010 study by the Illinois Consortium on Drug Policy found that the Chicago metropolitan region ranks among the worst in the nation for heroin use and problems associated with heroin use. Chicago had the most cases of people with heroin problems using emergency rooms in the Nation from 2004 to 2008, 50 percent more than were

handled in New York City during the same period.

So I rise in essence to also commend those institutions and those individuals who are engaged in the treatment of substance abuse users, and I point out the Loretta Hospital, which is located in the congressional district where I live and work, I had the opportunity to attend on Monday of this week a great program composed of individuals who were substance abuse users, providers of care, the members of the police department, and I pointed out that the Chicago Police Department in that particular district has a commendable record of how they handle individuals that they come into contact with when they are inebriated, when they are suffering from alcoholism, when they might be found wandering on the street in states that require some intervention.

I also note that on Saturday, there will be at least 500 to 800 individuals involved in what we call Recovery Walk. That is individuals who are all addicted who will gather in a park for a rally and then walk to another park, pointing out the tremendous need for additional resources but also pointing out that treatment and recovery does in fact work.

So I want to commend all of the individuals who have suffered from substance abuse, alcohol and drug use, and have overcome their difficulties and are now leading meaningful and productive lives.

I also commend all of those who are involved in treatment who know that if they continue to believe, if they continue to hope, that they can overcome this difficulty.

HONORING CAPTAIN DALE A. GOETZ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. COFFMAN) is recognized for 5 minutes.

Mr. COFFMAN of Colorado. Madam Speaker, United States Army Captain Dale A. Goetz, an Air Force veteran with ties to Colorado, joined the Army's chaplaincy out of a strong desire to help others.

Captain Dale Goetz and his wife, Christy, both graduated from Maranatha Baptist Bible College in 1995. He was a former pastor of First Baptist Church in White, South Dakota, before being stationed at military bases throughout the world. Earlier this year, Captain Goetz was assigned to the 1st Battalion, 66th Armor Regiment, 1st Brigade Combat Team, 4th Infantry Division at Fort Carson, Colorado, and the family moved to Colorado Springs in January of 2010. This allowed his wife Christy, and their sons Landon, Caleb, and Joel to be closer to his mother, Hope Goetz, an Elbert County commissioner.

Captain Goetz and his family joined High Country Baptist Church in Colorado Springs the day before he deployed to Afghanistan. Captain Goetz, who had previously served in Iraq, cared about the soldiers he worked with as an Army chaplain, and according to his pastor at High Country Baptist Church in Colorado Springs, "His goal as a chaplain was not to be a social worker, but to be a spiritual guide."

Captain Goetz is described as having "a calm demeanor that helped soldiers find strength in the darkest of times," according to Reverend Stuart Schwenke, a fellow pastor he had gone through ministerial training with.

On August 30, 2010, Captain Goetz was on a mission in Kandahar Province, Afghanistan, when insurgents attacked his unit with an improvised explosive device which detonated near their military vehicle. Captain Goetz was gravely wounded and died of injuries sustained during the attack. Four of his fellow soldiers from Fort Carson, Colorado, were also killed in action as a result of the incident.

Captain Dale A. Goetz is a shining example of the United States Army's service and sacrifice. As a former member of the United States Army, and a retired Marine Corps combat veteran, my deepest sympathies go out to his mother, Hope Goetz, an Elbert County commissioner; his wife Christy; their sons, Landon, Caleb, and Joel; and his sisters, Ann Senetar and Kim Sumner.

PROGRESSIVE CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Madam Speaker, I claim the time on behalf of the Congressional Progressive Caucus for this Special Order where we will deliver the Progressive message. The Congressional Progressive Caucus is that body of Members of Congress who come together to talk about those things that make America the wonderful country that it is, where we have equal opportunity, where we believe that all people, all colors, all cultures, all faiths, belong in America, where we believe that economic justice for the middle class is an important priority, where we believe health care is something that all Americans should be able to partake in, not just those who can afford it. Where we believe that poverty is something that our great country, our wealthy country, can eliminate if we muster the political will to do so. Where we come together as a caucus and say things like food stamps, income support for low-income people are good. They are a sign of the charitable hearts of Americans, and that

there is nothing wrong with these important programs.

□ 1910

In the Progressive Caucus, we say that war is not the answer, that diplomacy is what America should be working for, that we should pursue diplomacy, that we should try to talk it out and not shoot it out, that the lives of our soldiers are so precious that we should never commit troops unless it is absolutely necessary to defend the Nation.

This is the Progressive Caucus, the progressive vision that says, yes, consumer justice is an important thing for Americans and that, yes, regulations that are rationally related to the health, safety and the fairness of our society are important. We don't say there is something wrong with taxes. We say taxes are those which are necessary to live in a civil society. They are the dues that we pay to live in a civilized society.

So this is the Progressive Caucus, which is in contrast to the other caucuses, some of which believe that rich people don't have enough money and that poor people have too much. That's not us. The Progressive Caucus stands for the great American middle class. It believes in eliminating poverty. It believes, as Martin Luther King did, that war is the enemy of the poor and that we should always strive for peace. It believes in the fact that our environment is a sacred gift, that we have to care for it, that we can't just pollute, pollute, pollute, and that we have to be environmental stewards. This is the Progressive Caucus.

Of course, the Progressive Caucus comes to you on Thursday nights to deliver the progressive message. So, tonight, we are going to be talking about taxes. The progressive message tonight is about taxes and taxation. In the next few days, I believe we're going to hear quite a bit about taxes and you're going to hear quite a bit from the Republican Caucus about taxes. They're going to tell you how absolutely necessary it is that Americans at the top 2 percent of the income scale actually, you know, get more money and how even they are willing to stand in the way of the middle class people getting tax cuts so that the top 2 percent can get some tax cuts. They are willing to hold hostage the tax cuts for middle class people, as we are just emerging from this recession, so that the top 2 percent can get a tax break. We are going to be talking about that tonight. That is the progressive message.

Let me just say, when the Republican Caucus says, You know what? We want to have tax cuts. We want to prevent all of the tax cuts from expiring, and we want to keep every tax cut for everybody, the Progressive Caucus says, You know, just for the middle class. The rich folks, they don't need any

more tax breaks. Things are already going well for them.

The reality is the GOP plan is tax breaks for Donald Trump and Paris Hilton. Now, I'm not saying they're bad folks. They're good folks—maybe. I don't know them—but I can say they don't need a tax break. The fact is they probably need to pay more taxes. The fact is that the GOP plan is tax breaks for billionaires. Do you think that Donald Trump and Paris Hilton need a tax break? I don't think they do. I'll tell you, I think the regular citizens of my district in Minnesota need one. I think that those police and those firefighters need a tax cut. I think the people who work hard every day to make our country safe need some tax assistance, but I don't think the billionaires need a tax cut.

In fact, I think that those public employees who make sure our streets are safe, who make sure that the potholes are filled in, who make sure that they put the fires out when we're in danger, who teach our children, and those hardworking small business people may need a tax cut; but I don't think that Paris Hilton and Donald Trump need one. I think they'd be fine without one.

Here's the thing about it, Madam Speaker. These tax cuts for the top 2 percent that the Republican Caucus wants to continue will cost the American taxpayer \$700 billion. You should also know, Madam Speaker, when the Bush tax cuts were implemented, they didn't set them up with offsets. They didn't find money somewhere else to reduce the budget in order to give these tax cuts. They just gave the tax cuts. The Democrats have a program in place called "pay as you go," so we're not going to increase spending unless we reduce it elsewhere or unless, of course, it's an emergency. The Republicans didn't have that philosophy. They said, We're just going to give rich people more money because we think that rich people don't have enough money and the poor have too much money. So that's kind of how they do business. They won't tell you that, but that is their operating principle.

So my question, Madam Speaker, is quite simply this:

Do we want tax breaks for billionaires, like I showed you in the picture a moment ago, Madam Speaker, or do we want them for teachers so that teachers can have a reasonable number of kids in their classrooms in order to teach them math, science, computers, and in order to teach them what they need to know to be equipped for a 21st-century economy? Public school teachers, now there are some hard workers for you.

Police officers are brave men and women who go out on the streets of this country to make folks safe every day. That's right, police officers. When the rest of us are running out of the

building, they're running in the building. Police officers not only fight crime, but they also find people who are lost. They also do things like make sure they inform neighbors about who in the neighborhood is dangerous. Police officers do things like inform neighbors on how to set up a community watch so they can help police themselves. Police officers, I think they could use a tax break.

Firefighters are another group of first responders who run into burning buildings when all of us are trying to get out of there. They're brave men and women who are inhaling smoke, putting their own lives at risk and cutting short their health so that they can protect the rest of us. These folks, they could use some tax help. I don't know about the billionaires; but these folks, with all they do for us, yes, I would vote for a tax break for them in a minute.

Also, we need to save money and not give that 2 percent of tax breaks away to billionaires so that we can do more job training. We've got a green economy coming. It's already here, but we have a lot of people who don't know how to do those jobs. They don't know how to install a solar panel. They don't know how to install a windmill, and they don't know how to do weatherization to make our homes more energy efficient. They need to learn how to do it, so we should use that money that the Republicans want to give to the billionaires and put it into some job training so some young people and maybe not so young people can learn skills that will help them feed their families in the 21st century.

Small business investment: we need to get small businesses back engaged. They are the number one employers in this country. About 70 percent of all Americans work for small businesses. The fact is that these small businesses are the engine for change. Why don't we talk about giving them some help? Why don't we think about making sure that they can retool, that they can get some new equipment and can get some inventory?

You know, I love the small businesses in my district. I like to go visit them. They're doing all kinds of great things. They are remanufacturing engines. They are doing things like fixing cars in small shops. They are restaurant owners. I went to a mail house the other day that does bulk mailing for people. They're doing all kinds of innovative things. They're making semiconductors. They're manufacturing. Let's help our small businesses, which are the engine for job growth.

Better schools. Clean energy. Health care. Infrastructure investment. Let's not give that \$700 billion away to Donald Trump and Paris Hilton. Again, no personal cut on them. I'm sure they're fine people. Though, my point is: instead of giving it to those billionaires,

wouldn't it be better to take that \$700 billion and put in some roads and some bridges and to fix them and repair them?

In my State of Minnesota, we had a bridge fall down, and 13 people were killed. We need better infrastructure in America. Wouldn't it be better to take that \$700 billion that the Republicans want to give to the billionaires and put it into infrastructure?

What about college affordability? As a father of two college-aged young people—one 22, a senior in college, and one 20, a sophomore in college—let me tell you that college is too expensive these days. Young people are running up debt. They go to college for 4 years, and they pay it off for 40 years. It's ridiculous. Wouldn't it be better if we took some of that \$700 billion that the Republicans want to give to Donald Trump and Paris Hilton and put it into college affordability?

My question is: What are your priorities? Madam Speaker, I ask: What are your priorities?

The priorities should be teachers, police officers, firefighters, job training, small business investment, better schools, clean energy, health care, infrastructure, college affordability. These are the priorities of the Progressive Caucus. This is what we are going to fight for. This is what we believe in, not giving tax breaks to people who really don't need them.

□ 1920

While we're on the subject of taxes, it may surprise some people to know that it is the Democratic Caucus that voted in the stimulus bill to give 95 percent of all Americans a tax break. I think people are surprised because the political labeling that has taken place is that, okay, Republicans are for tax breaks; Democrats are not. That's not true.

Democrats are for tax breaks for you, Madam Speaker, for the average American. Republicans are for tax breaks for Paris Hilton and Donald Trump. That's the difference. We want average Americans who work hard every day, who make things, who cut hair, who manufacture the goods, who work at those factory jobs, who do those jobs like fire, police, teaching, public works, we want those folks to have a tax break, but the Republicans want to have the top 2 percent have one. That's the difference.

Every congressional Republican voted against a tax cut for 95 percent of American families because all of them voted against the stimulus. All of them voted against it; therefore, not one of them voted for the average American family to get a little bit of help on their taxes. That's too bad.

I think it's important that as we begin this debate about tax cuts, that the American people, Madam Speaker, know who it is who wants to help them

in this time when foreclosures are too high and when unemployment is so high. The American people have a right to know who is on their side and who is on the side of Donald Trump and Paris Hilton. Again, this is no personal cut on these guys. They might be fine folks, for all I know, but I know that the people who pick up the garbage, the people who give these young people a chance, who build those small start-up technology firms, I know that those regular folks who are the small business people, the public employees, I know they need a tax cut. I'm not so sure about the top 2 percent. I think they're fine folks, but they don't need a tax cut.

Madam Speaker, I think another important fact for people to know is that Federal taxes are very considerably lower by every measure since Obama became President. That's according to Bruce Bartlett, who was the domestic policy advisor to President—guess who—Ronald Reagan. President Ronald Reagan's advisor said Federal taxes are very considerably lower by every measure since Obama became President. Why? Because Democrats have been lowering taxes for middle class people. We're not so much on lowering taxes for the richest Americans, but for people who need some tax breaks to get by, to put groceries on the table, to make it through the day, to make it through the week. We've been in favor of it. This is a fact and a quote from Bruce Bartlett, domestic policy advisor to Ronald Reagan: Federal taxes are very considerably lower by every measure since Obama became President. That's an important thing to know.

Finally, I get to my last board, Madam Speaker, then I'm going to make a few more remarks, and then we might wind up early. But I just wanted to say that folks are paying lower and fewer taxes under President Obama than under President Bush, and this is something that is very important for people to bear in mind.

I placed this board here because I know that you hear a lot of stuff, folks that are listening to Fox News, that are listening to Rush Limbaugh. They may think, oh, well, the Democrats are the tax-and-spend people. Not so. Only when you're talking about taxes for the richest Americans, which we believe everybody should pay, not as a punishment, but because if you don't pay taxes, who is going to pay for the military to protect this country? Who is going to pay for the police, the firefighters? Who is going to pay for the EMS workers? Who is going to pay for our public school teachers? You've got to pay some taxes. They're necessary for society to operate properly. And there is nothing wrong with them and they are not a punishment. If you use the roads, you use the security, you use the schools, you use the clean water, then you should say, well, yeah, this is what we've got to do.

My point is the Republicans only want to give tax cuts to the wealthiest Americans and don't really think about what life is like for the middle class. But under President Obama, Americans have paid fewer taxes than under President Bush. You pay fewer taxes under President Obama than under President Bush—very important—although this may not apply to the wealthiest Americans.

And I just want to add, Madam Speaker, that some people think, you know, maybe Mr. ELLISON is being mean to rich people. I'm really not. I think Americans who have been privileged and have been lucky and have been blessed to live in this great country, to open up a business, to do well, I think that's laudable. I think that's important. I think that's great. All I'm saying is, if this great country provides the protection from foreign enemies for you to have your business, provides fire, police, security for you to run your business, if this great country provides you with clean water, clean air to run your business and thrive and grow, provides you with employees who were trained and educated at public schools, then don't tell me that you shouldn't have to help. This is an important fact for people to realize. And the Progressive Caucus, we're not ashamed to say that taxation is a good thing and that it ought to be fair, it ought to be just, it ought to be as low as possible, but it's not an evil and a punishment the way the Republican Caucus likes to present it.

Let me say, Madam Speaker, that the Republican plan is the same plan as it was under President Bush. They want to give welfare—that's welfare—to the wealthy and add trillions to the deficit. The Republican Caucus likes to talk about debt and deficits, yet they're willing to add \$700 billion to the deficit by extending tax breaks to the richest Americans. They are cranking up their message machine to say this in the next several weeks and over the course of the next several months as well. It's important that Americans know the truth about taxes, and I think it's important that the American people know the truth about the debt and the deficit.

Republicans are going to say, oh, my goodness, we've got this massive, massive debt. We've got this massive deficit. They're going to say \$1.4 trillion. But ask them how much of it is on Obama and how much of it is on them. About \$1.3 trillion is on them. The Republicans, because of two wars that they never paid for, massive tax cuts that they never paid for, a giveaway to big pharmaceutical companies under Medicare part D that they didn't pay for, and they didn't even allow Medicare to negotiate drug prices with the pharmaceutical companies, that's why we have an enormous deficit. They are to blame for it. These guys, they want

to run the deficit up, and then as soon as the American people put them out because they're not good with the economy, they want to blame the Democrats when they put us in the worst hole economically since the Great Depression.

Now, I don't blame the Republicans. I just say that they're not good at economics. I love Republicans—my dad is a Republican; he and I are great friends; we talk all the time; we argue a lot—but they're not good with the economy. They think that you can cut taxes and still get services. They don't understand that when you cut taxes, you can't get services. They think that when you cut taxes down below where you can meet the basic needs of society that you can still provide quality service that people need. They think that you can cut taxes and not end up with a deficit problem. They're just mistaken about that.

I think that the proof that their ideas have failed is the trouble that we saw ourselves in when President Obama took office. When President Obama took office, that month, January of 2009, that month this economy lost about 780,000 jobs. A few weeks before that, we had to vote on a bank bailout of proportions that we have not yet seen, \$700 billion. This is because Republicans don't like regulation. They don't like rich people to have to follow the rules. They don't want rich people to have to pay taxes, and they don't even want to write rules for rich people to follow.

□ 1930

And so we ended up with a massive deficit which they created, which they blame Democrats for now. We ended up with 2.8 million foreclosures in America in the year 2009, and we ended up with catastrophic damage to our economy. And yet since the Democrats have come in, we've added private-sector jobs. We've been increasing jobs steadily even though the unemployment rate is still intolerably high, even though Democrats have to continue to put people back to work, and we're committed to that process, but Republicans still won't join in and help.

Democrats in Congress are standing with the middle class and small businesses to address major issues confronting our Nation and to take America in a new direction—creating good American jobs, providing tax relief for middle class and small businesses, closing loopholes that send jobs overseas, and building a strong foundation for the American economy.

As I said before, congressional Republicans are bringing back the economic and fiscal policies that were created during the Bush recession, the worst financial crisis since the Great Depression, with job losses of nearly 800,000 a month and nearly double our national debt.

Now the Republican caucus is even floating a plan to give permanent tax breaks to millionaires and billionaires while holding President Obama's tax cuts for the middle class hostage.

This is something that we shouldn't tolerate. This is something the American people have to rise up for. This is something I think, Madam Speaker, that the people of the United States need to say, Wait a minute. We can't let ourselves go back to them bad old days when the Republicans were killing jobs and driving up the deficit and running a very unfair, inequitable economy.

Republicans, when they've been asked, okay, if you do take back the House, what are you going to do? They say, We're going to do what we did to get you in the mess we did in the first place. I appreciate their honesty. But the fact is, this is not something that the American family can bear.

They want to repeal and privatize Social Security. Republicans want to cut benefits and jeopardize retirement security for American seniors and workers. Don't forget it was only a few years ago they wanted to take Social Security and gamble your Social Security money in the stock market. The American people rejected that idea. Think about what has happened to the stock market in the last few years and what would have happened if they would have been in charge and been able to get their plan through.

They say they want to repeal Wall Street reform. Now, we went through a huge process with Wall Street reform where we put consumers back in play to get some protection, where we brought accountability to large firms, where we brought the rating agencies under accountability. And yet Republicans want to repeal it.

The fact is is that the recklessness that the Republicans allowed Wall Street to deteriorate with led to the worst economic meltdown in generations, cost 8 million jobs, and cost \$17 trillion—that's with a "T"—in household wealth, because even if you pay everything and never miss a mortgage payment or a rent payment, if somebody is foreclosed on your block, you just lost household wealth, even if you've been perfect in your payments.

So the fact is is that we can't allow the Republicans back in place. They want to repeal health care. And repealing health care would be particularly bad.

It's important for Americans to know that as of this date, as of September 23, health care is helping the middle class. Did you know that during the status quo, Madam Speaker, before we passed health care, that 60 percent—and this is a fact, please check it out—60 percent of all bankruptcy filings were due to medical debt. And most of these people had insurance. They just went over their lifetime limits or their annual

limits. They just couldn't pay the deductibles, and they ended up snowballing, and they couldn't pay, and they ended up bankrupt because they got sick. There's something wrong with that. Democrats came together without any help from Republicans to change.

Now, people are a little nervous about things when they change. You go from one thing that you know, even if it's bad, to something that you don't know, even if it's probably good, and people just get a little nervous. They don't know what's going to happen. So I understand people being a little anxious.

But let me just remind people. Insurance companies will no longer be able to deny coverage to kids with pre-existing conditions as of now. Not in 2014. In 2014 they won't be able to deny people with preexisting conditions at all. But as of now, as of today, insurers will no longer be able to deny coverage to kids with preexisting conditions. Health plans cannot limit or deny benefits or deny coverage for a child younger than the age of 19 simply because the child has a preexisting condition like asthma. Now, that's a good thing. Why would they want to repeal this? They want to take this from the people, Madam Speaker.

You know what else they want to take from the people, Madam Speaker? They want to take it away. They want to allow insurance companies again to be able to put lifetime limits on people's benefits. Health plans can no longer put a lifetime dollar limit on benefits of people with medical conditions like cancer.

I had a lady tell me, You know what? When my money runs out, I'm going to go die on the Capitol steps because my country won't be there for me. Now her country is here for her.

Also, Republicans want to take this away: That an insurance company cannot cancel your policy without proving fraud. Now, if a woman gets a diagnosis of breast cancer, a man gets a diagnosis of prostate cancer, the insurance companies used to be able to say, You're out. We're going to rescind your policy. They can't do that any more. Health care plans can't retroactively cancel insurance coverage—often at the time you need it most—solely because your employer made a mistake or a typo. They're going to have to prove that there was fraud.

Insurers can't deny your claim without a chance for you to appeal. If they deny your claim and say, Oh, we're not covering that. So your doctor says you need this procedure. The insurance company says, We're not going to cover you on that. You should at least be able to appeal it to somebody. As of today, Madam Speaker, you have an appeal. You have a third party you can go to and say, My doctor sent me here. I took the procedure that the doctor

wanted me to have. And now they say they don't want to pay. You don't have to take their word for it any more, Madam Speaker. You can go over their head.

You can receive free preventative services such as screenings, vaccinations, and counseling. This is a good thing because everybody knows an ounce of prevention is worth a pound of cure. Everybody knows that. Wouldn't you rather have your sugar checked before you end up with diabetes? Wouldn't you rather have your blood pressure checked before you end up with heart disease? Wouldn't you rather have a screening for your cholesterol and make sure you're staying healthy? This is a good thing.

And you know what? Insurance companies shouldn't charge you for it. A lot of the reasons people don't get these preventative screenings, Madam Speaker, is because they don't have the \$20 that it's going to cost them. So they don't check that sugar, or they don't check that blood pressure, they don't check that cholesterol. And it gets worse, and it gets worse, and they end up in the emergency room.

Today, as of today, you can receive free preventative services such as screenings, vaccinations, and counseling. This is going to save our country millions of dollars. How many people's lives are going to be saved because they got to it early? This is a great thing. This is a great day.

Young adults can stay on a parent's plan until they're 26. You know, Madam Speaker, I told a number of people I have a son who is 22 years old. He was, of course, 21 before his last birthday. My son turned 22 on March 13, but about a month before his birthday, he got a birthday present from Blue Cross/Blue Shield. And the birthday present was a letter kicking him off my insurance. Now, that's not good. That's really tragic.

But as of today, he can come back on my policy. He doesn't have to worry about what's going to happen if he gets sick. What if he got a summer job painting, and he fell off the ladder? What if he developed a bad cough? What if anything? He broke his ankle a few years ago. What if it started flaring up? Now he doesn't have to worry about that. He's still on mom and dad's policy.

As of today, Madam Speaker, people can choose a primary care doctor, OB-GYN, pediatrician without needing a referral from another doctor. Now, that's a good thing. You can choose your own doctor. That's great. You can use the nearest emergency room without paying a penalty. That's good.

One time I was trying to pull some weeds from under my lawnmower, and I stupidly let my hand drift up under the lawnmower. Cut my finger. I had to go to the nearest emergency room. What if I would have went there and

they said, You know what? You need to go somewhere else. I was in serious pain—although my injury wasn't nearly as serious as other people who have been shot, who are in cardiac arrest, who've been sent to other emergency rooms. Now you can go to the nearest emergency room without paying a penalty. That's a good thing.

□ 1940

So, Madam Speaker, I just want to say tonight that the real Republican agenda isn't about smaller government, lower taxes. It's about bigger government and lower taxes for rich people. That's what they're about. That's the Republican agenda. More debt and lower taxes for the well-to-do. And, again, in America we don't scorn our well-to-do, we just want them to pony up and help out like everybody else. The real Republican agenda is really they'll be happy to get rid of a job if it would help a corporate executive save a buck or earn a buck. It's about blowing up the deficit by adding \$700 billion to the deficit to give tax breaks to the richest 2 percent of Americans.

The real Republican agenda is about putting insurance companies back in charge of your health care, which the Democrats took them away from. It's about privatizing and cutting Social Security, and it's about repealing Wall Street reform. This is not good. We need to change.

The progressive message tonight is about Democrats are working together with the President to provide tax cuts for middle class Americans. And the progressive message is about health care, it's about financial reform, it's about protecting you and your money with the consumer protection agency. It's about a lot of important things to help the quality of life for Americans, Americans of all colors, all cultures, and all faiths, Americans who serve in our Nation's military, who serve us as public employees, Americans who are looking out for us every day to live a high quality of life, to send their kids to school and have a chance at education, to have a decent, respectable retirement, to have some health care, to be able to earn a decent living. That's what the progressive message is all about. That's what the Democratic caucus is all about.

And I think, Madam Speaker, that Americans need to look really, really hard and ask some very tough questions of our Republican colleagues because that's not what they're about.

ADJOURNMENT FROM FRIDAY,
SEPTEMBER 24, 2010, TO TUES-
DAY, SEPTEMBER 28, 2010

Mr. ELLISON (during his Special Order). Madam Speaker, I ask unanimous consent that when the House adjourns on Friday, September 24, it ad-

journ to meet at 10:30 a.m. on Tuesday, September 28, 2010, for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

PRAISING THE NORTH CAROLINA SCIENCE FESTIVAL AND 40 DAYS FOR LIFE CAMPAIGN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Ms. Foxx) is recognized for 5 minutes.

Ms. FOXX. Madam Speaker, today I want to pay tribute to the USA Science and Engineering Festival and the North Carolina Science Festival. The goal of these nonprofit, private sector-driven festivals is simple: present science to America's youth in a way that is hands-on, interactive, and inspiring.

From the Carolina coast to the mountains, scores of events will take place in the coming weeks to celebrate science. Winston-Salem's SciWorks, one of America's leading science museums, will also host several Festival events. Nationwide, organizers expect as many as 1 million people to participate in the Festivals' activities, a remarkable achievement.

These events are opening the doors of science labs and bringing science into the hands of America's youth. As a mother, grandmother, and former educator, I am well aware that inspiring greatness and encouraging education in science among our Nation's children is an important effort. I applaud the USA Science and Engineering Festival and the North Carolina Science Festival for working to achieve these goals and ensure America continues to be the world leader in innovation and scientific discovery.

Madam Speaker, I had the privilege this past weekend to speak with a group of committed and inspiring pro-life activists in Winston-Salem, North Carolina. This group is spearheading the local 40 Days for Life campaign in Winston-Salem, which brings pro-life citizens together in a 40-day prayer vigil and community outreach effort to stand up for the lives of the unborn. This week marks the beginning of the fall 40-day vigil in Winston-Salem, the fifth such campaign the group has led in the area, and one of hundreds happening in cities across the Nation.

In the short time that this 40 Days for Life group has been standing up for the rights of unborn children, at least 14 babies' lives have been saved. In my ledger, that makes this pro-life effort an incredible success. By involving more than 25 local churches and scores of pro-life participants, 40 Days for Life is making a broad impact for the pro-life cause in the community.

But this is only part of the story. Nationwide, the 40 Days for Life movement is growing stronger with each

passing year. To date, 11,500 churches and 350,000 individuals have gotten involved in the hundreds of local campaigns, and the lives of 2,811 babies have been spared from abortion thanks to the courageous and selfless efforts of these pro-life groups.

Madam Speaker, this is a committed group of people who are dedicated to the rights of the unborn. I am proud to support those in North Carolina who participate in this important event and who would spend 40 days in fasting and prayer on behalf of those who cannot speak for themselves.

HEALTH CARE LAW 6-MONTH ANNIVERSARY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes as the designee of the minority leader.

Mr. BURGESS. Madam Speaker, I come to the floor tonight to talk about health care on this, the 6-month anniversary of the signing of the Patient Protection and Affordable Care Act in the East Wing of the White House, March 23 of this year. It's interesting because since the passage and signing of that bill into law, support has actually decreased rather than increased.

This bill came to the House in the most unusual fashion. And in fact, our Speaker, Speaker PELOSI, was quoted as saying, "We have to pass this bill so that you can find out what's in it." Well, that sounds pretty odd, doesn't it? It turns out the last 6 months have been just that, pretty odd.

On August 31 of this year, Secretary Sebelius, Secretary of Health and Human Services, said, quoting, "Unfortunately, there is still a great deal of confusion about what the reform law is and what it isn't. We have a lot of re-education to do."

I don't know if that means they will be setting up reeducation camps for some of us, but nevertheless you have to wonder about the implications of that statement.

Now, it's interesting, I sit on a small little subcommittee on the Committee on Energy and Commerce. The committee is called Oversight and Investigations. Part of our jurisdiction is the Department of Health and Human Services, the Center for Medicare and Medicaid Services. You would think that our little subcommittee would perhaps have had some curiosity to have a hearing or two to talk about the implementation of this bill, to ask about how things are going, what's the future look like. It's been 6 months, maybe we could sit down and have a little talk. But we haven't done so.

I have sent letters to the chairman asking him to call the Secretary in. I have sent letters directly to the Secretary. I even gave an assistant Sec-

retary a letter one day at one of our hearings and asked to please deliver it to the Secretary. We need to have some interaction with the Department of Health and Human Services in our little committee because the bill is complicated. The bill is complex. The bill is going to intimately touch the lives of every man, woman, and child amongst us for the next three generations.

And yet complete silence from the side of the administration, complete silence from the Democratic leadership of my committee, indeed the Democratic leadership of this House as to where is our oversight function in regards to the implementation of this bill.

This bill came about in the worst of any possible way. I don't know if people recall last summer our committee did work on a House product, a bill, a health care bill. It wasn't very good. I voted against it in committee. I voted against it again here on the floor in November when the Speaker of the House brought it up. But, nevertheless, we did at least go through some semblance of regular order here on the House side. Three committees of jurisdiction marked up the bill.

□ 1950

Amendments were to some degree allowed. The bill came then from the Speaker's office having doubled in size and came to the House floor, was debated all day one Saturday and then at the end of that Saturday evening passed by only one or two votes. But it's interesting. That was the end of the story for that health care bill, all 2,200 pages of it. It died that night shortly after it was passed.

What happened next between Thanksgiving and Christmas. The story shifted over to the Senate. The Senate took up a bill, H.R. 3590. This was a bill that had previously been passed by the House of Representatives in the summer of 2009. It was not a health care bill at the time. It was a housing bill. For the record, I voted against it; but it did pass the House and was sent over to the Senate to await action on a housing issue. This bill was picked up by the majority leader in the other body, dusted off and then said, "This will be our health care bill."

Now think for a minute. Why in the world would the other body decide to rework a housing bill that had been passed by the House and turn it into a health care bill? Well, I may have maintained from the beginning that this bill that the President signed, this law that the President signed in March of this year, was not anything to do with health care. This was a tax bill. And the majority leader in the other body recognizes full well that tax bills must originate in the House of Representatives, so he took a House bill. It

didn't have anything to do with health care. It didn't have anything to do with health care taxes. It had to do with housing.

So the bill was amended, stripping out the existing language and then beginning to add in the health care language that they so dearly sought. But part of this process between Thanksgiving and Christmas was the cumbersome process of getting to 60 votes to cut off debate. Now it shouldn't really be too much of a challenge because the ratio in the other body at that time was 60 Democrats to 40 Republicans. Well, technically 58 Democrats and two independents who vote with the Democrats, so they had a pretty solid lock on that 60-vote majority to pretty much do whatever they want. But, still, it was tough. And the leader in the other body had some difficulty in getting his Members to sign on and agree to vote "yes" on this now health care bill, and we all remember the stories and they were uncomfortable. They were uncomfortable for me to listen to these stories as they came up.

You remember at Christmastime we heard about the Cornhusker Kickback; you remember the Louisiana Purchase; you remember Gator Aid down in Florida. And these were all payoffs, if you will, to certain Members of the other body to get them to agree to vote in favor of the health care bill. And when they got to 60 votes, they brought the bill up and they passed it in the Senate. This was accomplished on Christmas Eve and it was done in a great hurry to get the Senators out of town because a very large snowstorm was bearing down on Washington, D.C. and they all wanted to get home for the holidays and not be trapped here in the city over Christmas and New Year's. And they accomplished that goal. Now it was a bad process and it was hard to watch and in many respects it was very ugly in the process and many people across the country watched that and said, This is not what we elected our legislative branch to do. This is not the kind of work product we want to see them engaged in.

And as a consequence in those days after the start of the new year, people, the backlash, the pushback against what had happened in the Senate was beginning to be felt across the country, and it was felt in some unusual ways. It was felt in a special election in a small little State up in the Northeast, Massachusetts, where they were replacing Senator Kennedy; and, as a consequence, a Republican won a seat that had not been in Republican hands since anyone could remember. This so severe was the angst and anger of the American people when they saw what had happened in the Senate to the process.

So now the Democrats in the other body have a real problem. Now they only have 59 votes. How in the world are they going to get to 60 votes? They

decide they just simply cannot do it and the House will have to pick up and pass the Senate bill, and since it originated in the House of Representatives and the House had already passed it, albeit it was a housing bill, not a health care bill but the House had already passed this legislation, it's a tax bill that originated in the House, went over to the Senate, it's being sent back to the House with the question, will the House now agree to the Senate amendments in H.R. 3590?

I didn't think there was any way. In fact the Speaker of this House said she didn't have a hundred votes for the Senate bill when it came back over. I thought she was right. I took her at her word. But then over the next 2 months they found a way to pass that bill. And late on a Sunday night, the third week in March, by one or two votes this bill was passed and immediately went down to the White House for a signature and a signing ceremony and thus you have the health care bill, the health care law, the worst of all possible worlds.

And is it any wonder with the way this legislation was drafted over in the other body that it is full of drafting errors. There are omissions of things, like a severability clause. At least in the House-passed bill as bad as it was—and again I voted against it—but in the House-passed bill we recognized that some of the things we were doing in that bill, some of the things that Congress was doing in that bill really skirted pretty close to being unconstitutional and if the Supreme Court actually found that to be the case and struck down a provision of the bill because we had a severability clause, only that section would be struck down by the Supreme Court ruling and the rest would be allowed to stand. The Senate bill lacks a severability clause. We hear a lot of stories about what are happening with 20 or 21 attorneys general across the country pressing a lawsuit because of the question of the constitutionality under the commerce clause of the individual mandate. Well, what if this were struck down by the Supreme Court? It is possible that the entire bill would fall because it lacked a severability clause. Simply an oversight, simply a drafting oversight, but at the same time a fairly significant one.

There was another oversight where physician-owned hospitals across the country that were under construction could not expand. They were allowed to continue construction but they could not expand beyond the number of beds that they had in operation as of the bill's signing. I had a hospital in my district that fell into this category, it's under construction, it's being built, the day of the bill signing it's not quite finished so zero beds are occupied. That hospital under a strict interpretation of the rules would not be allowed to ex-

pand the number of beds beyond zero. Well, that clearly was not the intent of the people who drafted the bill, but that's the way that the legislative language could be interpreted, and it took several months working with CMS to try to get clarification. I'm not sure that we have the final report on that even to this day, but the hospital has been allowed to open and it has been allowed to open at least the initial 100 beds. But this is in a very vibrant and growing community in north Texas, and do you think the population in that area is going to increase, such that a 100-bed hospital will be sufficient from now and forevermore, or will perhaps someday they have to add some additional beds to that hospital? It's surely a possibility. And under the way the bill is drafted and drawn, the expansion of those hospital beds will not be permitted. But at least we were able to get clarification on the rule to allow that hospital to open.

Many people as the whole health care debate was going forward were insistent that Members of Congress take whatever health insurance we were forcing upon the rest of the country. Certainly a valid and legitimate request that the American people made of their Congress. So final passage of the Senate bill as it came over here did include the fact that all Members of Congress and their personal staff would be covered under the exchanges. They would have to purchase their insurance in the exchanges after they are set up in the year 2014. It is a little unclear what happens between now and 2014 since those exchanges do not exist, but nevertheless the language was written so that Members of Congress have to purchase their insurance in the exchanges. Staff has to purchase their insurance in the exchanges.

Oh, except for a couple of exceptions. We excepted leadership staff, so the staff of the Speaker of the House is not bound by this requirement. The staff of the committee that drafted the bill over in the Senate, not bound by this commitment. Staff in the White House, not bound by this commitment. Political appointees at the Federal agencies, not bound by this commitment. It seems like this must have been an oversight. Well, I'm not so cynical as to believe this would have been done on purpose. Surely this was just an oversight and surely that's one of those things that should be corrected.

□ 2000

Well, here we are 6 months later, the half-year anniversary of ObamaCare, if you will. The bill was signed, and what do you know? What Americans were promised didn't happen. And it's important that people understand what has happened and what didn't happen.

We were told by the President early in his administration that if you like what you have, you can keep it. How

many times did you hear that repeated? But the reality is nothing could be further from the truth. And we actually got a glimpse of this almost on the day the bill was signed.

There were several companies that restated or had to restate their earnings because of some of the immediate effects of this bill as it was signed. Now, that was a point of some contention. Now, let me just quote a couple of paragraphs from a CNN story that was up on the Internet. The story is from CNN Money. The title of the story is "Documents Reveal AT&T, Verizon, Others Thought About Dropping Employer-Sponsored Benefits." Digging into the story, "In the days after President Obama signed the bill on March 24, a number of companies announced big write-downs due to some fiscal changes it had ushered in."

"The announcements greatly annoyed Representative HENRY WAXMAN, who accused the companies of using the big numbers to exaggerate health care reform's burden on employers. Mr. WAXMAN, chairman of the House Energy and Commerce Committee, demanded that they turn over their confidential memos, and summoned their top executives in for hearings.

"But Chairman WAXMAN didn't simply request documents related to the write-down issue. He wanted every document the companies created that discussed what the bill would do to their" expenses and to their health care costs.

The result was 1,100 pages of documents from four major companies and the realization by the chairman's staff that the write-downs were—I am quoting here—"proper and in accordance with SEC rules." The committee also stated that the memos took a generally sunny view of the new legislation. The documents' . . . "show that 'the overall impact of the health care reform on large employers could be beneficial.'"

But nowhere—I am continuing to quote from the CNN Money article here. "Nowhere in the 5-page report did the majority staff mention that not one, but all four companies, were weighing the costs and benefits of dropping their coverage."

I am continuing to quote from the CNN Money article from March of this year. "Indeed, companies are far more likely to cease providing coverage if they predict the bill will lift rather than flatten the cost curve." One company said, "We do expect double-digit health care increases as most Americans will now have insurance and providers try to absorb the 15 percent uninsured into a practice."

Well, we can begin to see, internally at least, in some of these organizations that they were having some serious discussions. From the final paragraphs of the article, "if 50 percent of people covered by company plans get dumped, the Federal health care costs will rise

by \$160 billion dollars a year"—a year; not a 10-year window, but a year—in 2016, in addition to the \$93 billion in yearly subsidies already forecast by the Congressional Budget Office.

Finally, I'm continuing to quote, "Of course, as we've seen throughout the health care reform process, it's impossible to know for certain what the unintended consequences of these actions will be."

So here we see a fairly significant disruption on what many Americans, probably 60 to 68 percent, rely upon for their health insurance, and that is employer-sponsored insurance. Could it go away as a result of this bill? It doesn't have to. But to answer the question honestly "could it go away?" the answer is companies will look at that from a cost benefit analysis. And when you consider for one of those companies the \$1.8 billion a year that they would save by letting their employees buy insurance from the government exchanges and simply paying the fine, certainly those companies may have to make a choice that is uncomfortable for them. But certainly if you like what you have, it's going to be difficult to keep it.

Now, some additional things have come up since the signing of the bill into law in regards to what is called grandfathering. And it turns out, if a copayment increases by more than just a small amount or a deductible increases by more than just a small amount, the grandfathering clause will not be allowed, and those companies will not be allowed to keep their insurance. Once again, "if you like what you have, you can keep it" may become extremely problematic.

What about patients on Medicare? Over the next year, nearly 1.5 million seniors on Medicare Advantage could lose their benefits, if not lose their plan altogether, because of changes that came about as a result of passing this legislation. President Obama said, "If you like your doctor, you can keep your doctor." But what does that really mean? A Houston Chronicle article, May 17, 2010, says, "Texas Doctors Are Opting Out of Medicare at Alarming Rate."

"This new data shows that the Medicare system is beginning to implode," said Dr. Susan Bailey, president of the Texas Medical Association. "If Congress doesn't fix Medicare soon, there'll be more and more doctors dropping out and Congress' promise to provide medical care to seniors will be broken."

Just for a moment let me display an ad that was run in some of the local papers up here on Capitol Hill. This was an ad produced by the AMA that does a good job of showing how expensive it becomes to fix the reductions in reimbursement to physicians under the Medicare system. Cost to fix today, \$210 billion; in 3 years, it will cost \$396

billion; in 5 years, \$513 billion. These are indeed staggering sums.

There was an opportunity to fix this when the health care bill was done. We'll talk about that more in just a moment. But this is an important point that people need to bear in mind. There's a lot of anxiety right now. People are calling their doctor's offices and finding that if they are a new Medicare patient, their doctor may not be able to see them because the doctor simply cannot afford to allow any more Medicare patients into their practice, and that is indeed a very uncomfortable position to place upon both patients and doctors.

One of the most startling things we heard about this legislation as it went through and this new law after it was signed that health care reform will create 4 million jobs, 400,000 jobs almost immediately, well, this really was one of the most hollow promises made during the run-up to the passage of this legislation. Health care law has not created a single job, much less 400,000; and, in fact, the growing costs on businesses associated with the law may cause many businesses to lay off workers.

Now, we talked just a little bit about large businesses, multi-State corporations that provide employer-sponsored insurance. What about the smaller business? What about franchise businesses in your community that may have several locations and employ 100, 150, 200 people? I am hearing from those individuals literally every day. They do not know what to do. They do not know where to turn. They provide jobs that might be thought of as entry-level jobs. Yes, they pay the minimum wage. Yes, their benefits are not generous and some of them do not have benefits. So, great. These workers now will have the ability to buy insurance in the exchange. But if a worker purchases insurance in the exchange, whether the employer provided the option for insurance or not, that employer is now fined \$2,000. Extrapolate that to a 100-person workforce and a 150-person workforce, and it's not long before you have eliminated any possibility of profitability for those businesses.

So I have people in my office all the time talking to me, asking me about this, talking to me about the problems that they are seeing on the horizon, the immediate horizon. And over and over again, I hear the same thing: I will tell you what I'm not doing right now; I'm not expanding. Any position that comes open, I'm thinking long and hard before I fill it. In fact, I think I will reduce my workforce significantly.

No H.R. director in the country right now wants to be responsible for hiring that 51st employee in a business because that triggers a whole host of new requirements as brought about by the law.

From the White House, the health care czar, Nancy-Ann DeParle, said the

law will make health care more affordable for Americans. Is that a fact? What's really happening? This law is causing health care insurance prices to increase. The Wall Street Journal reported the reform is causing rates to increase up to 20 percent, 20 percent for some buyers. In Connecticut, rates are increasing at 18 percent for small businesses and 14 percent for the self-employed. Early retirees and others who buy their own coverage also see that same 14, 14½ percent increase, who are buying their own coverage as of the beginning next month, October 1, 2010.

Further, Secretary Sebelius of the Department of Health and Human Services actually sent out a letter detailing the fact that insurance companies were misleading people and that they were to remain silent on these issues of increased prices.

Now, I don't know about you, but that is disturbing. We've had the Secretary talk about reeducation, and then we've had the Secretary talk about you are not allowed to exercise your free speech rights when it comes to talking about the cause for price increases in your insurance product.

□ 2010

The fact is nobody knows right now; and again, I would stress, we have not had oversight hearings. Our chairman has not called oversight hearings in our committee. I am troubled by the increases I hear people talking about in their insurance. When I talk to groups of doctors back home, it is no longer discussion about how am I going to be able to do the medical treatment of my patient. Most of the questions I get even from doctor groups now are: How am I going to keep up with the new taxes? How am I going to provide health insurance for my employees because of all of these new regulations, and because of the fact that the cost is going up so fast that no company can even give me a quote on what my insurance costs will be next year?

Now, if insurance companies are simply pricing in what they see as a premium because they are worried about the effect of this bill in the future, maybe we should talk about that in committee. Maybe we should have some actual information about that. If insurance companies are indeed increasing prices because they are having to price in some of these new benefits that were mandated and come into effect essentially today at the 6 month anniversary of the signing of this bill, maybe we should have that discussion. The fact is, we don't know. No one knows. Insurance costs are going up. There is some suspicion that they may be inappropriate rises, but there is some suspicion that these may be elevations in costs that are occurring because of the unintended consequences of the new mandates that are put upon insurance companies.

Surely this is important enough for us to ask these questions on behalf of our constituents and our families back home. And surely this is important enough that the Secretary can spare a few moments from her photo-op tour on the 6-month signing of this bill to come into our committee and discuss this with us.

We had numerous hearings on how insurance companies were overcharging for their product leading up to the run-up of the passage of this bill. Maybe we ought to have a few of those companies in and say, well, Congress passed a bill that was going to hold the costs down and now the costs are going up, and we want to know why. It is a fairly simple question to ask, and I don't understand why we have yet to ask it.

What about this one: When the President ran, when the President talked about health care, all during last summer he said: These negotiations will be open. They will be transparent. I will have everyone around a big table, and we will have it on C-SPAN. You will be able to watch it until you are sick of watching it.

What about the promise of being the most transparent administration ever? The President said negotiations would not be performed behind closed doors, but on camera in front of the American people on C-SPAN for all to see. And what really happened? This law was written behind closed doors by committee staff. Those very same committee staff who, by the way, are exempt from the changes that were brought about in this bill.

On May 9, 2009, there was a big, secret meeting in the White House, a big meeting. Who was there? Well, the AMA was there. American Health Insurance Plans, AHIP, was there. PhRMA, the big Pharmaceutical and Research Manufacturers Association was there. The Service Employees International Union was there. Why they were there I don't know, but they were represented. AdvaMed, the medical device manufacturer, was there. The American Hospital Association was there. The President emerged from that meeting that morning, that bright May morning, and said, All of the stakeholders have come in and around the table we have all agreed to savings of \$2 trillion in our health care system. Wow, \$2 trillion, that is pretty significant.

It did raise some questions in my mind, but I am okay with that if they can extract those kinds of savings from those various interest groups. That is great. Let's see the data. No luck on that. I wrote to the White House repeatedly. I wrote during the summer, and I wrote during the fall. I asked for the information. I got nothing.

In December of 2009, I filed what is called a resolution of inquiry in the House of Representatives asking the

White House to produce documents, emails, written notes of meetings. A resolution of inquiry has to be heard within 15 legislative days in the committee otherwise it proceeds directly to the floor as a privileged resolution. Obviously, the chairman does not want that to happen, so my bill was brought up, interestingly enough, on the same day as the President delivered the State of the Union message this year, so that day late in January. The resolution of inquiry was brought up, and I was informed that my resolution was overly broad, and I really could not have those things.

Just for a moment indulge me. I want to go back to that CNN Money article from last spring. I want to remind this body of Chairman WAXMAN's words when he thought the private companies were simply raising their prices because they didn't like the President's health care bill. Again, quoting from the article, Chairman WAXMAN, chairman of the House Energy and Commerce Committee, demanded that they turn over their confidential memos and summon their top executives. But Chairman WAXMAN didn't simply request documents related to the write-down issue; he wanted every document the companies created that discussed what the bill would do to their most uncontrollable expense, health care costs.

Well, our request was not even as broad as Chairman WAXMAN's request was to legitimate American businesses. Yes, we asked for emails, communications, memos, minutes of the meetings. We got nothing. At the end of the day, Chairman WAXMAN, to his credit, did say of the 11 things I requested, I should receive some information on 6 of those 11. And Chairman WAXMAN and Ranking Member BARTON did write a letter to the White House asking for the same. We got a couple of press releases and we got some reprints of White House Web sites, but really no significant documents. And I was told that there really wasn't anything written down. There really weren't notes made of these meetings.

Well, wait a minute. You have six major stakeholders of cost drivers in health care down at the White House, you come out and announce \$2 trillion in savings, and nobody wrote anything down? Two trillion dollars in savings, and no one scratched that number in the margin of a big yellow legal pad and made a note of it? No one emailed a colleague and said, We just saved \$2 trillion, yea for us! I am asked to believe nothing was written down at these meetings and that all of the documents that I have received are all that I can expect to receive.

Well, okay, then we passed the bill, and remember, we were told that it would save \$142 billion over 10 years. President Obama himself came to the floor of this House and said he had a

plan that would result in a net savings to the American people. And what really happened? We passed the bill. The House passed the bill. Again, I must stress that I voted against it, but the House passed the bill in March. And a month later we get an amended report from the chief actuary's office at the Center for Medicare and Medicaid Services which said, Oh, by the way, the cost of this bill is \$318 billion more than what you were told it was going to be.

Well, that concerned me. Getting this actuarial report from the Center for Medicare and Medicaid Services raised a question in my mind: Did the Department of Health and Human Services know their report would reveal higher costs? Was this information that was in fact available when the House voted on this bill? Or were we so misled, was this House so misled by its leadership, that it voted on a bill knowing full well that we did not have adequate cost data in order to make this type of determination.

□ 2020

Remember, we are talking about restructuring almost one-fifth of the American economy in this legislation. Is it possible that the leadership of this House—the Speaker and the majority leader—would have brought to the floor, in front of Members of their side and our side, a bill for consideration when they didn't even know the cost this was going to place on the American people?

So I asked for information. I asked for information from the Secretary of Health and Human Services. I asked for information from the chief actuary. I did not get a response. So, in July of this year, I filed another resolution of inquiry, this time dealing with the actuarial report from the Centers for Medicare and Medicaid Services. After filing the resolution of inquiry, I finally got a response. On August 3, Secretary Sebelius wrote to me.

It reads: "Thank you for your letter regarding recent reports by the Centers for Medicare and Medicaid Services' chief actuary. For your review, I have enclosed an August 2 memorandum from CMS Chief Actuary Richard Foster to CMS Administrator Donald Berwick about the timing and process for the Office of the Actuary's preparation of financial coverage and national health expenditure estimates for the Affordable Care Act. I wanted to send it to you immediately as it addresses many of the questions and concerns raised in your letter."

Well, again, I did not get this response until after I had filed the resolution of inquiry. Dr. Foster's memorandum, indeed, says that he received the reconciliation bill for the health reform legislation when it was publicly issued on March 18, which was 3 days before the House vote took place on

March 21. Because of the complexity of the legislation, it was not possible to estimate the bill's financial and other impacts before the House or the Senate voted. We began to work on the estimates right away, but were not able to finalize them until the afternoon of April 22.

Well, obviously, it would have been helpful to have received this information when I had first requested it. It would have been helpful to have received this information before filing the resolution of inquiry, but it doesn't answer the broader question. Okay. I accept the chief actuary's version of the events. He has got no reason to tell me anything other than what is factual and truthful; but if what he says is factual and truthful, the legislation was publicly issued on March 18. Three days later, the House took a vote on March 21, and he didn't know what the cost was until April 18.

Did the Speaker of the House know that it was going to be another month before she would actually have the cost data? Is it okay for this body to vote on a piece of legislation that, again, is one-fifth of the American economy and that is going to affect every man, woman and child amongst us for the next three generations? Is it okay to do that with a price tag that is simply a question mark? It's unknown. It's coming next month. What's the rush? Why don't we have that information before we vote?

I still have not received the information that I've requested. Again, the documentation, the emails, the meeting notes, they do raise questions because it was so hard to get this information. I'm not a suspicious person by nature; but when no information is forthcoming, it raises questions in my mind.

Is there something here that someone is trying to hide? What did they know, and when did they know it? You know the scenarios. You've heard them before. Why was it so difficult to get this information from Secretary Sebelius and the Department of Health and Human Services? Why did it take an act of Congress—literally, an act of Congress—to get a simple response to a fairly straightforward request?

Then most disturbing and most importantly, why would the House leadership, why would the Democratic leadership of this House, bring before this body late on a Sunday night a bill, again, that is going to affect every man, woman and child amongst us for the next three generations, without knowing what the cost of that legislation would be? It's shocking when you stop and think about it.

Again, I reference Chairman WAXMAN. He asked for every jot and tittle of information from legitimate private companies in this country that were doing their required SEC filings. He wanted to know everything about how

they came to their decisions, and I can't have the simplest of documents from the Department of Health and Human Services and from the Centers for Medicare and Medicaid Services? What is wrong with my having that information?

Now, the resolution of inquiry came up for a vote today in my committee. It was reported without recommendation on, basically, a party-line vote. There were a couple of Democrats who voted with me on that. Reporting a resolution of inquiry out without recommendation means that it's essentially killed. That's the end of it. It's not coming to the floor for a privileged resolution. There is no action that must be taken by the Department of Health and Human Services or by the Centers for Medicare and Medicaid Services.

At some point in the future, I hope the committee will have the wherewithal to ask the Secretary and to ask the actuary, Donald Berwick, in to talk about the troubling time around the passage of this bill when this House voted on altering one-fifth of the economy of this country with incomplete data, with insufficient data, to actually make a determination.

Again, remember, one of the selling points of the Patient Protection and Affordable Care Act that was brought to us time and again was: we save money; over the next 10 years, we're going to save \$142 billion. False. Wrong. Not true. In fact, over the next 10 years, not only is there not a savings, but there is a net deficit; there is a net addition to the deficit of \$318 billion.

Would anybody have voted differently? I don't know the answer to that. I was a "no" when it started. I was a "no" when it ended. If it had cost another \$318 billion, I would have been a "no" because there wasn't a stronger negative vote for me to cast.

How about someone who was wavering—someone who voted "yes" and who thought, I'm really not sure if I should vote "yes," but everyone tells me it's going to save money, and I want to save money, so I'll vote "yes"? Would that person have voted differently? I don't know. I don't know, Mr. Speaker.

It would be interesting, as people go home during the month of October to petition their constituents for reelection, if perhaps that question might be asked: Would you have voted the way that you did if you knew that this bill, in fact, cost an additional \$318 billion?

This health reform legislation remains secretive, hidden, behind closed doors. It is probably one of the most secretive things that this Congress has ever done in its history.

We were told that this reform would make it easier for small businesses to provide health insurance for their workers. One thing I heard over and over again all summer long from small

businesses across my district is that complying with the new 1099 provision will be time-consuming and costly. It's expected to cost an additional \$74 an hour to complete. And if not done correctly, guess what? That's a monetary fine. Due to the strict compliance, only a small fraction of businesses will be able to apply for any tax credits that are contained within the bill. Yes, there is an expiration date on those tax credits.

The 1099s have been particularly onerous. In fact, there have been bills introduced by both sides. Both sides have said maybe we ought to do away with the 1099. Republicans had a motion to recommit that contained a repeal of the 1099. Some Democrats have offered similar legislation. I say that's fine. I'd like to see the entire bill repealed, but you know what? If it has to be piece by piece, that would be a good piece to start with, wouldn't it? Let's repeal that. Let's stop putting that additional burden on our small businesses.

Today is the sixth-month anniversary. There are some new changes that are coming about as a result of the health care law. Today, young adults can remain on family health plans until they turn 26. No one disputes that that's a good thing. In fact, that was taken from a piece of Republican legislation, from a bill that was offered by the gentleman from Missouri, from a Republican Member of Congress, to allow youngsters to stay on their parents' plans until—I think his level was age 25. We could have argued. We could have debated about: Is 25 or 26 the right number there?

The fact of the matter is that could have happened a year and a half ago. It is happening today. Arguably, it's a good thing, but at the same time, was it necessary to turn the entire health care system in this country on its head in order to accomplish that goal?

Immunizations for kids: it's not the first time that has been brought up, and it's not the last time. Arguably, it's a good position, but let's face it: we could have done that without disrupting the whole health care system in this country. We probably could have done that without it costing \$1 trillion. Why didn't we do that a year ago? Why didn't we do that a year and a half ago?

□ 2030

Some other things, preventive care, cholesterol screenings. But I would stress, as great as these benefits are and as important as it is for kids to have coverage until age 26, nothing happens in a vacuum. This doesn't happen for free somewhere. Someone somewhere is going to have to pay for it. Will that pay-for be some of the dollars that we saw in the higher premiums that insurance companies are charging now? Again, we don't know. It would be a great question to ask. It

would be a great question to ask; bring your books in, let's talk about this. You raised your rates; was part of it because you have to cover kids up until age 26?

Some companies that I've talked to have explained to me that that is an additional cost that they are now taking on. Some others have told me that perhaps we will just stop covering children altogether so we don't get faced with that. But nevertheless, we ought to have those oversight hearings. We ought to have people who deal with this every day in to talk to us about how this is going. Maybe there are some ways we can improve it. Maybe there are some ways we can keep it from costing so much. We don't know because we don't ask.

All of the things that kick in today that are arguably good things, any one of those could have been done without disrupting the entire health care system and without costing \$1 trillion. Many were ideas that were introduced by Republicans over the last several years. Existing legislation was out there, could have been picked up and passed at any time, but the fact of the matter is it was not. The bottom line is the bill does disrupt the health care system for everyone in this country, and it does cost, as we know now, well north of \$1 trillion. That is going to be problematic for some time to come.

One of the other things about the implementation of this law is the deadlines that were missed, and it is important to pay attention to those deadlines. These were bits and pieces of legislative language that were included in the bill, presumably for a reason, presumably for a good reason, and for whatever reason the Department of Health and Human Services has decided that they don't matter, so we're not going to do them right now.

Required by April 22, shortly after the bill was signed: requiring the Department of Health and Human Services to publish a list of its new authorities, an action described as complying with an important transparency-in-government provision. Well, what actually happened on that date was the Department of Health and Human Services just simply reproduced the table of contents from the bill; hardly, hardly complying with the spirit or the intent of that language in the bill.

The law required, by May 7, 2010, proposing methodology and criteria for designating what qualifies as "medically underserved populations" and "health profession shortage areas." Again, maybe the determination was made by Health and Human Services that this was not important. Someone thought it was important enough to include it in the bill. We should at least be given an explanation as to why that deadline was allowed to expire without action.

Required by May 7, 2010: establishing a government task force to develop a

strategy to improve government health care programs in Alaska. Again, this was important to someone and included in the bill for some reason. Perhaps we are owed an explanation as to why that deadline has lapsed and when we might expect to see compliance with that.

Here is an ironic one. Required by May 22, 2010, to comply with what's called the Early Act: establishing an advisory committee to assist in creating and conducting an advertising campaign to educate young women about breast cancer and breast health, including early detection. Again, this language was important to a Member of this body, important enough to have it added to the bill. I believe this language was, in fact, important to a Democratic Member of this body. Why was it not thought important enough to meet that deadline? And if the Secretary is going to have difficulty meeting that deadline, perhaps she owed an explanation to Congress about why that deadline was allowed to lapse and when we might be expecting to see compliance with that deadline.

Required by June 1, 2010: that the National Association of Insurance Commissioners was supposed to provide technical guidance to the Secretary to what is known as the Medical Loss Ratio, the MLR. That didn't happen. The deadline was much too tight.

Now, this was interesting because lots of places in the bill it says "the Secretary shall," which means there's going to be rulemaking over at the Department of Health and Human Services and a new rule is going to be introduced by the Department of Health and Human Services. But this one, the rulemaking was kind of outsourced, if you will, to the National Association of Insurance Commissioners, certainly a fine group who have a lot of expertise and a lot of knowledge in this area. It turned out that they said they were unable to comply with this deadline and, as a consequence, were given an extension on that until the end of July. I don't think we're quite there yet, though we are getting close. And the Secretary is reviewing the documents that were provided to her by the National Association of Insurance Commissioners, but if she is having difficulty deciding on the validity of the documents that they provided her, whether or not what has been recommended is the correct course, perhaps we could have a hearing in committee and have that evidence presented, have those documents presented to the committee so we might understand something about it.

I do want to just briefly mention that there will be, Madam Speaker, a hearing—not in the hearing room. This will be a forum on the Medical Loss Ratio conducted by the Congressional Health Care Caucus, healthcaucus.org. This will be Tuesday of next week at 1

p.m. eastern time. At healthcaucus.org, you will have the ability to watch a Webcast or a simulcast of this forum. And the forum will be preserved in the archive section of the Web site, so people who are interested in learning about the Medical Loss Ratio, here will be an opportunity to do so. Unfortunately, we're not going to have that in our committee, but I thought this was important enough to bring to people's attention, and so we will be having that discussion next Tuesday on the Health Caucus Web site.

There certainly was some imprecision about how this bill was crafted, some imprecision coming out of the Department of Health and Human Services. According to The New York Times, the new high-risk pool program is so underfunded that it will cover fewer than 10 percent of those who are denied health insurance because of preexisting medical conditions. Remember, that was just one of the selling points of this legislation. The President stood right here in the well of this House in September of last year and said never again will you be denied insurance because of a preexisting condition. It turns out that's not exactly true. This law provided \$5 billion to help people with coverage for preexisting conditions. It turns out, when the money is spent, the money is spent, and until the exchanges are set up in 2014, no additional help will be forthcoming. A good idea, an idea that was actually talked about by Senator JOHN MCCAIN during his Presidential campaign in 2008. The fact of the matter is the Congressional Budget Office estimated that it would cost \$20 billion to do that.

Former Member Nathan Deal and I introduced legislation to cover just this situation, H.R. 4019 and H.R. 4020, that would provide for preexisting coverage. Those bills are still available. They could have been passed instead of turning the entire health care system on its head, instead of spending north of \$1 trillion. For \$25 billion—because we added an additional \$5 billion because we weren't sure that \$20 billion would cover the number of people who needed to be covered. For \$25 billion, we could have had one of the main features that has been promoted as to why this health care bill, why this health care law was necessary.

Deadline after deadline has been missed, but in spite of that, the administration has found time and the resources to send brochures to seniors on Medicare highlighting the benefits that they will receive and, in fact, even hiring a spokesperson in the form of Sheriff Andy Griffith to talk about the new health care bill, the new health care law.

Just going back for a moment to the chart that was produced by the American Medical Association about what's

called the sustainable growth rate formula, the health care reform debate and time was the perfect opportunity to address this. Let's be honest; there were significant cuts in Medicare to pay for these new entitlements. The American Medical Association was supportive of this legislation as it came through. I would just simply offer the observation, since this sustainable growth rate formula is so onerous and preventing patients from having access to doctors, wouldn't it have been nice to at least have a down payment on solving this problem with the sustainable growth rate formula when this bill was discussed, when this bill was passed?

□ 2040

December 1 of this year physicians across the country face a 23 percent reduction in Medicare reimbursement. An additional 6.1 percent has been proposed by the Centers for Medicare and Medicaid Services. Doctors face an almost 30 percent reduction in Medicare reimbursements starting January 1 of next year.

It's even worse than it sounds. Many private insurance companies in this country peg their reimbursement rates to Medicare. So if Medicare is reducing 30 percent, guess what happens to some of the private insurance companies? They reduce 30 percent their reimbursement rates also. This is an extremely onerous burden that we've placed on our country's physicians, physicians that we've asked to take care of some of our most sickest and most vulnerable patients, those with multiple medical conditions, those covered under Medicare.

Medical liability reform. We had the opportunity to do it. We didn't do it. It needs to happen. We're asking doctors to be our partners in this brave new world of health care. The least we could have done was provided them a little bit of respite from some of the burdens they face with medical liability and oh, by the way, we might be able to reduce the cost of defensive medicine, which is one of the cost drivers that's driving up the cost of health care.

From an oversight perspective I've called for hearings to examine the implementation of this massive bill. My subcommittee has the jurisdiction to call in the secretary of HHS, the administrator at the Centers for Medicare and Medicaid Services. Chairman WAXMAN has refused to do so. I don't know what will happen next year. Perhaps we will have an opportunity to actually question some of those individuals.

In fact, the stimulus bill that this body passed in February of 2009 contains some money for helping physicians in hospitals purchase information technology that everyone recognizes as important for going forward in imple-

menting any type of health care change in this country. But the reality is that the rule that was produced in January of this year regarding meaningful use was so difficult that most hospitals and most doctors will not be able to live with that.

We tried to alter that. We tried to get CMS to understand some of the difficulties that people would have in the real world dealing with this. Some relief has been achieved, but we're still a long way from an actual solution there.

This law, this bill, when it was passed on the floor of this House late on a Sunday night in March of this year, 55 percent of the public opposed this bill. Fifty-five percent of the public supported repealing the bill on March 25, 2 days after its enactment. Six months later, what has happened to that figure? It has increased. Over 60 percent of the American people believe that this bill ought to be repealed.

The Department of Health and Human Services has spent millions on television commercials featuring people like Andy Griffith and brochures sent to Medicare beneficiaries.

The audacity of the administration to disregard the opinion of the majority of Americans is unacceptable. Remember, we are government by the consent of the governed. The governed did not consent to this. The governed did not want this. The governed are now rejecting this legislation.

There was a better way. There are dozens of bills that would lower costs and increase access. Many of them have been covered on the health caucus Web site that I referenced a moment ago.

The fact of the matter is, this Congress, whether we like it or not, is faced with this massive health care law. In my opinion it should be repealed. The law is so massive, the structure, the reordering of structure is so onerous on our medical system that it's almost as if it were designed to fail. It's like building a bridge to the Moon. You will collapse of your own weight before you get only a fraction of the way there.

It's hard to know whether the difficulties encountered in this bill, this law, are the result of incompetence or malevolence, but it doesn't matter which.

The time to repeal this bill is now. I urge the leadership of this House to recognize the mistake. Don't wait for another Congress. Let's do this today.

CONSTITUTIONAL REPUBLIC

The SPEAKER pro tempore (Mr. CRITZ). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege to be recognized

to address you here on the floor of the United States House of Representatives, this formally most deliberative body that has such a long and deep tradition that goes back two centuries and a generation or more.

And here in these Chambers and the Chambers that have preceded these across the capital throughout the years have come the discussions and deliberations that have helped direct the destiny of America. Times of wars have been declared here. And there have been many State of the Union addresses delivered and heads of state that have come here to stand here at the rostrum and tell America, to the United States House of Representatives—accompanied often by the United States Senate and the Cabinet members and the Supreme Court, representatives from the Pentagon and others—to address the destiny of America and help direct our destiny.

And it has been true that the voices of America have been heard in these Chambers over and over again throughout the generations. And it's what it was designed to do by the wisdom of our Founding Fathers. Our Founding Fathers understood—and I believe that God put them to work on our behalf—our rights come from Him. We know. And it is a matter of fact that's clearly delineated in our Declaration of Independence. It's been carried out by many of the words of the leaders that we have had that have emerged over the years, over the centuries, and over the generations.

Our rights that come from God, debated here in the United States House of Representatives, in this American destiny which is the product of His Providence and the product of the collective judgment of the American people and the vision and the wisdom of this Republic. The Constitution guarantees us not a democracy but a republican form of government. That means a government that's established by representatives of the people. And those of us here that are the products of the elections that have the privilege to represent the 435 congressional districts in America, we aren't the products of a democracy. We're the products of the votes by the citizens of America that direct us to carry out our duty as representatives in a republic.

That means that we owe our constituents our best efforts and our best judgment.

And part of that best judgment is to spend a lot of time back in our districts listening to our constituents, carrying out our arguments, using them as a sounding board because they're busy in real lives. They're busy going to work every day, raising their families, living the American dream in many cases. And they have asked us, directed us, hired us, and we've asked for the privilege to represent them here with our best judgment, here in the

center of the capital of the greatest Nation on Earth, the unchallenged greatest Nation in the world, the United States of America.

You hear this magnet of Washington, D.C., which is the center for information that comes in the world, and it's available to us. Each of our offices is a magnet for information. And through our office comes the wisdom of our constituents and the wisdom of America. It's our job to hear the pleas of the people and understand the arguments that they make, and evaluate them, the empirical data, evaluate the urgency that they deliver it to us with, and sort out the highest priorities and bring those priorities into this body.

And we're also here gathering data from around the world and from around the country that comes directly into our office, and we're to evaluate all of that and bring out of it a rational, prioritized solution for the destiny and the direction of America. That's the vision and the wisdom of this constitutional Republic known as the United States of America. The vision and the wisdom.

And I note that in Texas when they went through the effort to establish the textbooks that would be delivered and often go all the way across America, they made sure that they changed the language in the books so that it is clear that the students in Texas know, and soon it will be clear that the students all across America know, that this is a constitutional republic.

So here we are, Mr. Speaker, on the floor of the United States House of Representatives, a place where we're to gather and bring to this floor the wisdom of America, coming out of the mouths of 435 Members of the United States House of Representatives. And that, brought up to and compared to the wisdom that's collected out of the 50 States from the 100 Senators, from that's to come the policy of the United States of America over to the desk of the President, where he has the opportunity to sign and ratify or veto the legislation that we send to him.

□ 2050

And here we are today with a Congress that's dysfunctional, Mr. Speaker, a Congress that over 200 years of tradition and history and practice has provided for open rules that allowed for any Member of Congress to bring an amendment to an appropriations bill. Maybe even at the last minute. Maybe an amendment that was written not on a piece of parchment—that was a little bit before my time anyway, but possibly it could have been. Could have been written on a napkin. Could have been written on a place mat. It could have been produced on a computer in an office or typed out now on a BlackBerry and sent down here. But introduced to the Clerk of the House as an amendment even at the last minute.

And any Member could, under those circumstances of an appropriations bill, bring that amendment up, require a debate and force a vote on the subject matter that was before this Chamber.

That practice had taken place for over 200 years, Mr. Speaker, and now it's gone. It's been taken away by Speaker PELOSI. The first year that she held the gavel of the Speakership we still had the semblance of an open rule that went on for about half of that appropriations cycle, and then it was shut down. No more open rules to appropriations bills. Shut down. During that period of time, my staff advises me that I was successful in passing more amendments than anybody else in the United States Congress. It wasn't my goal to rack up more amendments, but it was my goal to make sure that my constituents were heard.

And we brought those amendments to the floor in 2007, many of them successfully. But in the aftermath of that abbreviated appropriations season, what we saw happen was a change in the rules that restricted Members from bringing amendments and eventually became the de facto closed rule system that shut down and shut off the input that came from all of these Members of Congress, who had been out reaching out and gathering information and becoming the repository for the collective wisdom of their congressional districts. Added to that their judgment, their research, their analysis, all of that shut down and shut off by order of the Speaker of the House.

No more amendments on appropriations bills unless the Rules Committee up there in the hole in the wall committee where very seldom does any press go and very rarely is there a television camera in there. And they meet often in the middle of the night. And they write a rule such as a rule that deems a bill to have passed. It's pretty infamous that the chair of the Rules Committee, LOUISE SLAUGHTER, advocated that they not bring ObamaCare to the floor of the House for a debate and a vote, just simply deem it as passed. Deem a bill as passed.

Can you imagine, Mr. Speaker, how the Founding Fathers would shudder at the thought that they could create this great deliberative body and this constitutional Republic that could be reduced down into the chair of the Rules Committee advocating that they simply deem that a bill is passed rather than debate it, put it up for amendments, and allow the collective wisdom of the United States of America, as processed through the voices of the Representatives, to work their will so that we can produce a policy that's good for this country?

They set up the right debate structure, they set up the right process, and it's been usurped by this Speaker to the point where even it's a closed rule

on appropriations now. Where one can't even begin to offer an amendment. Where I went up to the Rules Committee to—you are supposed to go up there and beg them to allow you to make an argument or a debate. I have never done that. I can't bring myself to beg the Rules Committee.

But, nonetheless, at 1:30 in the morning on ObamaCare, I had 13 amendments up before the ObamaCare bill was to come to the floor the next day, and I waited a long time in line for an opportunity to make my case for those 13 amendments. And the Rules Committee, one of the senior members had the audacity to lecture me for wasting staff time to write the amendments and apparently for wasting trees to print them up in paper. Because whatever ideas might come from a Member of the House of Representatives, I should have known—and he told me I should have known—that the Speaker has decided that none of my amendments will be considered, therefore why did I waste the time. Why did I waste the paper to introduce them into the RECORD? That's the kind of thing they can get away with when they are up there in the hole in the wall, the Rules Committee up there in the corner, unaccountable to the press, not on television, no one reviewing them outside of this body.

And I can come down here and tell you that, Mr. Speaker, and a few people will hear it, and a lot less will be outraged; but even that intolerable circumstance is even worse than that because of the no open rules on appropriations has now been reduced to for this year no appropriations bills and no budget.

So when the President proposes his spending plan, I guess you could call it a budget—we don't accept the President's budget. This is the House of Representatives. The Constitution requires that all spending bills start here. They don't start in the White House. The White House makes a recommendation, and it's our job to process it through the Budget Committee and produce the document that is the collective wisdom for supposedly the entire United States House of Representatives that sets the spending limits for the appropriations process. A budget that says don't outspend your budget, and you can spend it in these categories that are laid out by the Budget Committee. And that's the fiscal restraint.

No budget bill in this Congress; no appropriations bills in this Congress. So we no longer need the rule that says you don't get to offer an amendment on them because there are no bills to amend.

Mr. Speaker, we're at the point where this United States Government is being run by the iron fist of the Speaker hanging onto the gavel, dictating to 435 Members what she will do.

And we're no longer accessing the collective wisdom of 306 million Americans. We're just accessing the collective wisdom of the Speaker's staff and whoever else can penetrate through that circle as part of that staff.

And how can we believe that the equivalent of a dictatorship can run this country as well as the collective wisdom of the American people? Our Founding Fathers saw the wisdom. They set up the constitutional Republic so we could gather all the wisdom of the American people and sort the good ideas from the bad, the wheat from the chaff, and bring the highest priorities to the top throughout the system of representing each district and coming in here to introduce legislation, bring it through the hearing process, the subcommittee and the committee process, and to the floor of the House.

Where, then, when a product is produced by the wisdom of the entire House, it can go down to the Senate, where they can work their will. And if they have some better, some sage, ideas, go ahead and fix it a little bit and send it back to us. And if they are good ideas, we'll ratify it, and we'll send it to the President. That's how it's supposed to work, Mr. Speaker. It is not working that way.

The system, the process has been shut down. Democrats and Republicans should be outraged at what's happening to America because the wisdom of America is being locked out of the process here in the United States Congress.

And we watched, and a number of us vigorously opposed what some declared to be the passage of ObamaCare. ObamaCare, the President's signature piece of legislation, rejected by the American people, who under the constitutional guidelines came here to the Capitol building on at least two occasions, and I would argue several more, by the tens of thousands to petition the government for redress of grievances and to argue don't take our liberty away.

The people in the United States want to be able to buy the health insurance policy of their choice. They want to be able to take care of their own personal responsibility. They don't want to have the Federal Government cancel every health insurance policy in America, which they will do under ObamaCare. And they don't want the terms of their health care dictated by the Federal Government. They want to be able to buy a catastrophic health insurance policy with low premiums and high deductible. They want to be able to couple that with an HSA and grow that into a retirement fund once they've done a good job of managing their life's health. They want to be able to shop for a policy of insurance across State lines so they can look for cheaper premiums and fewer mandates.

They don't want Federal mandates on their health insurance. None. And

they surely don't want an expansion of Federal mandates on health insurance, whether it's brought to them by Democrats or Republicans. No Federal mandates on insurance. Let people vote with their feet. Let them buy across State lines. Repeal the McCarran-Ferguson Act, which is the Federal statute that allows the States to establish monopolies for health insurance companies within those States. Let people break out of those chains.

But ObamaCare came at us and was passed here off the floor of the House of Representatives when it did not have the majority support of the 435 Members that were here. And, Mr. Speaker, you might ask how did it pass then? How did it pass here barely, by a small little margin of votes if it didn't have the support of the majority of the House?

□ 2100

And the answer to that is, well, there had to be a couple of backroom deals made that had to be announced to the press so that they could at least make the excuses that they made, but they didn't have the votes to pass ObamaCare as it was. That bill that turned into almost 2,500 pages of legislation could not have passed the House if it weren't for two promises. One of them was that there would be a reconciliation package that would come out of the Senate that would come here to be voted on within so many days of the passage of ObamaCare, and another one was the President promising to BART STUPAK and others, the "Stupak dozen," that he would issue an Executive order that would fix the problems in the legislation that were created by the language of BEN NELSON, the Senator from Nebraska.

So in that day, under that scenario—think of this—they could not produce 218 votes to pass ObamaCare unless there was a solemn oath that convinced the people that were going to vote for ObamaCare, that were elected to vote for ObamaCare, that the Senate would pass a reconciliation package that made a number of other changes and that the President would sign an Executive order that would amend the Ben Nelson Federal funding for abortion language.

Think of this: How naive would you have to be? How far would you have to stick your head into the sand, Mr. Speaker, to believe, first, the language that came out of the Senate in the reconciliation did happen, but to believe that the President of the United States could sign an Executive order that would amend the law that was passed by the House of Representatives and the United States Senate? That is an unconstitutional concept to its very core.

Congress has the legislative authority, not the President. The President's responsibility is to faithfully ensure

and take care that the laws are enforced and the policy that the Congress directs is carried out. That's what needs to happen. That's the constitutional framework. The President doesn't have the authority to sign an Executive order that amends the language that has been approved by a majority vote in the House and a majority vote in the Senate. But a number of people over on this side of the aisle cast their vote for ObamaCare—about a dozen—on the promise that President Obama would sign an Executive order that would alter the legislative language and its effect when it came to Federal funding for abortion. That is what I and many others would call the tiniest little fig leaf for people who wanted to vote for the bill in the first place but said they took a stand on principle and they wanted to find a way out from underneath that. So they hid behind this tiny little fig leaf called the President's Executive order. But the votes weren't there to pass ObamaCare on that day without it and without the promise that the Senate would pass legislation that would change the language that was being voted on in the House.

Think of it; the chair of the Rules Committee just simply wanted to deem that ObamaCare passed and not have a vote, deem it passed. And the promise, though, was that the Senate will pass some legislation to fix a mistake that you are about to make; and, by the way, if you think that taxpayers shouldn't be compelled to fund abortions in the United States of America, the President will fix that with an Executive order. And we are here to believe that this is still the greatest deliberative body in the history of the world and that it's the collective wisdom of America? I say not. I think not, Mr. Speaker.

This system, this process has so devolved downward that it no longer functions as the Congress was envisioned to function. We now must alter, abolish, and change the direction that this Congress is going and put new people in place, people with gavels in their hands chairing committees, people that adhere to the Constitution; put in place the requirement that we introduce legislation that identifies the specific sections of the Constitution that grant the authority of this Congress to introduce and pass such legislation, that there's a constitutional foundation for all the legislation that we pass. And I believe there is a reasonable chance that that will happen and that the changes will take place in November and that there will be a major sea change in the seats in this Congress. A breath of new constitutionally and fiscally responsible vigor will come a-washing in over this Chamber.

But in the meantime, we need to lay down the parameters and reestablish

this covenant with the American public that we will function in a constitutional fashion, that we will balance the budget and start to pay down the national debt and be straight with the American people on how difficult that is. I want to see a balanced budget come to this floor that balances this budget in 1 year—not in 20 years or 50 years or 10 or 9—1 year. And, yes, I expect that that first balanced budget offered that balances the budget in 1 year will be so painful that it's not going to pass. But we need to tell the American people what we have to do to balance this budget. Right now this Congress doesn't have the will to even tell America what it takes to balance the budget.

And we must, as an early—and I will argue first—order of business, bring the repeal of ObamaCare to the floor, to pull ObamaCare out by the roots, lock, stock and barrel, root and branch, so there is not one vestige of ObamaCare left behind, Mr. Speaker, because ObamaCare is not the product of the American people. It's the product of legislative strong-armed activity that used the maneuvers of "deemed to pass," the Senate promise of reconciliation, the President's Executive order, and the willful neglect on the part of Members of the House of Representatives.

I yield to the gentleman from Texas so much time as he might consume.

Mr. GOHMERT. I appreciate my friend from Iowa pointing out some of the problems with the ObamaCare bill and one of the things that just made it a dishonest bill from the beginning. We know this is language from the Constitution itself, Article I, section 7, "all bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills."

Well, if you go back and look at the legislative history of the ObamaCare bill, you find out that actually that was a bill that was to help veterans with tax credits, as I recall, for the first-time home purchase. It was a bill that originated out of the House because you've got to comply with Article I, section 7, all bills to raise revenue shall originate in the House of Representatives, and that bill obviously had bunches of taxes in it, even though the President assured us over and over that it was not a tax itself. Certainly it raised revenue. And the Senate knew that. And the President, although his attorney general now disagrees with him—certainly he didn't back at the time. The President said it's not a tax; it's not a tax. Well, now they are saying, well, maybe it is a tax.

Regardless, there's revenue raised in the bill, so it should have had to have complied with Article I, section 7. But we all know that it was the Senate ObamaCare bill that came down here,

and we had to vote for it without being able to amend it. The reason was it was a veterans' bill to assist first-time home purchasers who were veterans and so that the Senate could say, well, it did originate in the House.

They took the bill for our veterans, to help our veterans, and they stripped out every blooming word, including the title, and substituted, therefore, ObamaCare. Nearly 3,000 pages were substituted for a bill that originated to help our veterans.

Wow, what a juxtaposition that was. So anyway, that's why I say, of course, we know nobody in Congress is dishonest because the rules tell us that, but the bill was dishonest because it purported to be a bill to help veterans, but everything, including the title, was stripped out and substituted with that massive tax increase and the mandate upon all citizens that is just going to get worse and worse.

□ 2110

You know, we were told there would be no rationing in the President's health care bill. And it turns out, the Dr. Berwick, who was put in charge after it became law, said something along the lines of it is not a question of whether we are going to have rationing, it is when and if and who, or something like that. So there is going to be rationing. And what does that mean? It means seniors who rely on Medicare to live are going to be told, You know what, you are at the end of the line. You probably don't have that many years to live anyway, so under the President's wonderful ObamaCare program, you are not going to be able to be part of who gets some of this rationed care. That is the kind of thinking that we are talking about.

And if I might address something that just came up today, of course the Republican leadership rolled out The Pledge, and we will talk about all of that some other time. The thing that I wanted to point out was that I saw the Democratic leadership on the news before I came over saying here these Republicans were talking about wanting to help small business, and then they had to rush in from a hardware store so they could vote against this wonderful small business bill.

Well, I guess it is all in the eyes of the beholder whether that is beautiful or whether it is just abominable, but just to mention a few of the things that bill that was passed today to help small business—supposedly, purportedly, actually according to title II, there will only be a fraction of small businesses that will qualify for any tax relief.

It would allow for full exclusion of the gain from the alternative minimum tax, but it is only going to help a small fraction.

And when you get over to title IV of this bill, and the bill was actually to

provide funds for loans to small business owners so they could hopefully stay in business. But you really get to the heart over in title IV, where it says there would be \$30 billion in a small business lending fund, and it would authorize the Treasury Secretary to make capital investment in banks that have less than \$10 billion in assets.

Now, those sound like pleasantries, but the fact is when you are talking about the Treasury Secretary making capital investments, you're talking about people who have not had enough of buying up private business in America. We are talking about a government who tried to force TARP funds into the hands of small banks. The ones I knew wouldn't take it. They didn't want the Federal Government's grimy hands dripping down into their bank telling them what they could or couldn't do, and for the good reason that they were healthy before the government messed things up. They were doing fine until the government let the huge investment banks that give 4 to 1 to Democrats, let them run them amok, let them get in trouble, and nearly bring down our economic system.

And because the investment banks got into trouble and our community banks for the most part were doing okay before Chicken Little Paulson ran around screaming the financial sky was falling, well now, this bill, purportedly for small business, is actually going to let the government get its grimy hands into ownership of smaller community banks that were doing fine until the Federal Government tried to mess up the economy.

And also, the proposal does not require, this bill doesn't require institutions to lend to small businesses. It gives them incentives to lend, but it lets the government get their hands into the community banks.

And so the bottom line: We know that come the first of the year, that there is going to be the largest tax increase in American history if we don't vote to stop it. We understand today Majority Leader HOYER announced that there would be no vote on extending the current tax rate before the elections. And I am telling you, betting isn't legal in Texas, but if I were able to bet something, I would bet you that there are sure not going to be the current tax rates extended in a lame duck session. The only chance of having the current tax rates continue after January 1 is if the American public puts so much pressure on this leadership. And we have some Democratic friends across the aisle, and they really want to see the tax rates extended because they know it will cripple business. They have been hearing from people who say that, If you let my taxes go up, the biggest they have ever been up in my lifetime, you are in trouble. So there are assurances, don't worry about

it. But I'm telling you, when the election occurs, the leverage is gone. People will be voted out of office who have been hurting small business, and there will be no pressure that can be brought to bear in a lame duck session to get the lame ducks to extend the same tax rates.

Mr. KING of Iowa. Reclaiming my time just to pose a question to the gentleman from Texas, if you are suggesting that the people who are in the majority in this Congress know that there will be a punishment that will hurt businesses, and that would be why some of them would want to extend these Bush tax cuts or make them permanent, as I do and as you do, is that really it? Is it their conscience, or is it the political pressure that is coming to bear now before the election, and what will be the results and the aftermath? Is it in their heads and their hearts to keep the taxes up because they think government can spend the money better? And is it in their political survival instincts to try to posture themselves in straddling the fence until such time as there is an election so that they can continue to allow the tax cuts to expire at the end of the year?

Mr. GOHMERT. Well, my friend from Iowa poses a wonderful question, and to make such a judgment call as to the motive, what was the intent here of those now who are saying, you know what, we are going to probably extend the current tax rates. As a judge for a decade, what you would do is you would look at the evidence. And the evidence in this situation is that for 3½ years our Democratic friends across the aisle have had the majority, and they have not lifted a finger to try to do anything about the massive tax increase that is going to hammer small business, hammer families.

I don't know why anybody who considers themselves homosexual would want to get married because you are going to get hammered with a marriage penalty. Anybody who is married is going to get hammered with a marriage penalty because the Federal Government, and it has gone through administrations of both kinds, Republicans and Democrats, and it has not been finally eliminated, as it should have been, but married people will get hammered. And small businesses will get hammered.

So we figure it is only right now when there is a massive hue and cry, millions and millions of people have taken to the streets, have come to Washington, come to St. Louis, come from across the country to tea parties saying we demand tax relief, that now all of a sudden right before the election, all of a sudden there is the feeling, you know what, don't worry, we will deal with this tax increase after the election.

Well, my friend, I believe it is time to worry because, and I do believe, I

have talked to enough friends across the aisle, they know it is going to hurt business because they have talked to business people who have made it clear to them you are going to kill my business.

The point about the small business bill today that just says volumes about the way this leadership looks at the American workers and business' money: They think it is theirs.

So their idea is the best thing we can do for business is let your taxes go up higher than they have ever gone up at one time, let that happen January 1 and here is how we will help you. The bill we pass today will allow us to provide some of your money that we will invest in local banks so that we will be able to dictate policy to the banks because we will own part of them.

□ 2120

Then we'll get those banks to loan you your own money that we ripped from your hands, come January 1, with this huge, massive tax increase; but we're going to loan it back to you. That's how much this majority—I won't say "this majority"—I'll say this majority's leadership—loves small business. We are going to pry the money away from your hands at the worst possible time in taxes. But good news: we're going to loan it back to you. Congratulations.

Mr. KING of Iowa. In reclaiming my time here, Mr. GOHMERT, I'm just thinking about how this works.

The expiration of these Bush tax cuts has been marching towards us for a long time. We know, when we get into the silly season of politics, any decisions that are made in Congress are made to send a message to the voters and not necessarily to provide the best policy to the American people. Call me a cynic, but I think your pundits and your historians will recognize that Congress does things just prior to an election that aren't particularly rational unless you put them within the context of the lens of sending a message to the voters that you're really not as bad as they think you are, for example.

So any of this decision could have been made with responsibility and foresight. It could have been made in any of the preceding months. It could have been something that was concluded in June or July, for example. We could have extended these tax cuts for 10 years, or we could have made them permanent, which is as I would have preferred; but it didn't happen.

I take this back to 4 years ago, in 2006, when Democrats won the majority in this House of Representatives. CHARLIE RANGEL, the esteemed former chair of the Ways and Means Committee, was the apparent person who would become the new chair, formally, on the third day of January of 2007. CHARLIE RANGEL went on the talk shows all over

America, and they began asking him: Which of the Bush tax cuts would you like to keep? Which of the Bush tax cuts would you be willing to see or like to see expire?

I listened to a lot of that. I never heard a definitive answer from CHARLIE RANGEL. In fact, it has been a long time since we've heard a definitive answer from CHARLIE RANGEL. Yet, throughout that period of time, from November until February, the pundits were asking questions, and smart money investors were making decisions and were drawing a calculus on what they thought might happen to the potential extension of the Bush tax cuts.

Smart money concluded almost 4 years ago that there would not be extensions of these Bush tax cuts. Then you saw, beginning in late January and early February of 2007, a dramatic drop-off in industrial investment because smart money knew that the cost of capital was going to go up and that the profit margin would go down. That, I believe, was one of the early indicators that started to drive our economy down. Where we sit today is watching these cuts that could have been extended and could have been made permanent in any month prior to now. Now we're down to the last week before the election, and we're pretty confident it is not going to happen.

As bad as it is to see this large, huge, looming tax increase, the most immoral and diabolical of all is the death tax—the death tax that doesn't exist today. People who pass away in 2010 can pass the entire amounts of their estates on to the next generations without a tax penalty. George Steinbrenner, one of those examples, avoided the taxman. However poor the happenstance was of his being called home this year, the billionaire George Steinbrenner's family didn't have to pay an estate tax. However, at midnight on December 31, at the instant the ball drops in Times Square in New York, someone who passes away a second after that ball hits bottom will be looking at a new death tax that has a \$1 million exemption, that starts at a 55 percent tax and goes up from there. That means that the family farm that might own two sections of land in Iowa will have to give up half of that land just to pay the taxman, and there is no relief in sight.

It is the class envy component of this which concludes that, no matter how much you pay, no matter how many taxes you pay on the equity that you have, if you have paid the tax on it and have accrued the capital and the net asset value, we are going to tax you again after you're dead.

I've taken calls in the past, and I think many Members of Congress have taken calls in the past from family members who have had someone of whom they were having to ask the question of whether they should put

them on life support or whether they should take them off of life support. The question was predicated upon: Will there be a tax liability or won't there be associated with the life of a loved one?

This Congress must resolve this issue because, if we march forward to December 31 at midnight, there will be thousands of Americans lying on death beds, with their families gathered around. Sometimes that terminally ill family member will be coherent and rational and will say, Do not pay this tax. Don't put me on life support. Unplug me from life support. I want to pass away in 2010 so you don't have to pay the taxes on everything that I've earned all my life and that I've already paid the taxes on.

Those are the circumstances. This diabolical and cruel policy will put families in the position of having to ask the question of whether they should try to keep their family members alive longer, with the chance that they might have some weeks or months of fulfilling lives, or whether they should take them off of that life support. Worse yet, it will happen. The time will come. If we don't fix the death tax, it will happen that there will be family members who make decisions to unplug or to not plug in loved family members, even at their requests, because those family members are not expected to live past midnight on December 31. Then, at the stroke of midnight, if that person draws another breath, there is immediately a 55 percent tax levied against all but \$1 million of his life's work and his life's savings. It is cruel, it is diabolical, and it should not ever happen in the United States of America.

That was set up because that was the best deal that could be gotten, and there was a belief back in those years of 2001 and 2003 that this Congress would have a conscience, a conscience that would prohibit them from allowing us to go forward to December 31, which would put people in a position like that. Mr. Speaker, I will tell you that, of all of these taxes, the death tax is the most cruel. It is the most egregious. It is the most diabolical. It is a sin to put people in this position, and this Congress is determined to go down that path because their class envy trumps their compassion for people who have to make decisions like that.

The gentleman from Texas.

Mr. GOHMERT. My friend from Iowa is so correct.

I actually have one of my constituents who has got a lot of farmland in east Texas, and he told me a couple of years ago, You guys have got to do something about the death tax. He said, My kids are all grown. They're adults. They went and hired their own accountant, and they all talked to him. The accountant explained that, the

way the law is set up, if I die before the end of 2010, there is no death tax at all. He said, you know, We're land rich and cash poor. We don't have a lot of cash. It's in land. The land keeps us going. We make money off of it; but if we have to pay the tax, we're going to have to mortgage the land, or we're going to have to sell the land. We can't keep it if I don't die in 2010.

He said, Now, my kids are kind of smiling and kidding about it, but I'm starting to get a little nervous because they've said, You know, Dad, the accountant says, if you don't die before the end of the day on December 31 of 2010, we're going to lose 55 percent of our land. So we're kind of nervous about it, and we're kind of wanting to know where you're going to be during December in case we have to get with you.

You know, he said, they're kind of kidding and kind of laughing, but I'm starting to get worried.

I saw him just a few weeks ago. I asked, Are you still worried?

He said, You haven't fixed the law. You bet I'm worried.

Yes, there's a \$1 million exemption, but it's still a 55 percent tax. It is outrageous.

Now, my immediate family will probably never be affected at all by the death tax, but if you're a person of principle who believes the Founders had the right idea that socialism didn't work, it doesn't work and it won't ever work, then you have to know that the death tax is a Socialist notion that says you accumulated too much in your life, so we're going to take 55 percent away from you and give it to other people who didn't earn it.

□ 2130

Now, I've mentioned this before, but it is so important. I was watching a replay of the different news shows from about 11 p.m. to 3 a.m. and I was hearing people talking about all the young people, all the students that wonder what's wrong with socialism. Well, I was exposed to what's wrong with socialism, why it doesn't work, in one little incident that occurred while I was an exchange student in the Soviet Union.

We were out visiting a collective farm, a socialist farm in socialist Russia—actually, this is Ukraine—and it was about 20, 30 miles outside of Kiev. The farmers were sitting in the shade and the fields looked pitiful; I mean, any farmer in east Texas would have been embarrassed to have fields like that. And this is mid-morning. It's morning. It has still not gotten really hot yet. It's the time, if you work on a farm or ranch, you try to get your work done before that sun gets too hot, and they were all sitting in the shade laughing and cutting up. So I spoke a little Russian and I said, trying to be as nice as I could without insulting

them, When do you work out in the field? And they all laughed. And one of them that kind of talked more than the rest said, I make the same number of rubles if I'm out there or if I'm here, so I'm here.

Well, there it is. If you're going to pay somebody for work they don't do or you will pay them the same amount of money if they do work, most people aren't going to work, and the system always falls in on itself. The only way a free market system fails is when people start thinking, wouldn't socialism be a good idea? And they start moving toward people being paid not to work, and then it falls in on itself. As the old saying goes, back from the 1700s—Tytler, the author, was given credit, it may have been him, maybe not—but capitalism always fails and democracy fails when people find out they can vote themselves largesse from the Treasury. Then they always vote for the people that will give them the most money and then the system fails for lack of fiscal responsibility. So that's what we're looking at right now.

Let me also say that these same folks that are saying we want to help small business and we did so today and this is how we're helping, we're going to let your tax rates go up higher than they have ever gone up at one time come January 1, but the good news is, with all that massive amount of money we're going to pry from you, we are going to loan it back to you and have you pay us interest on it.

I don't know how anybody could think they're helping the middle class when you look at the 10 percent tax bracket. Now, those aren't people that are making a lot of money that are paying 10 percent taxes right now, but come January 1, their tax will go up 50 percent. How in the world can somebody say, Oh, we care deeply about the middle class, so if you're paying a 10 percent tax because you're scraping and struggling to make ends meet, so we've got only a 10 percent tax on you, but we are going to let it go up 50 percent, you'll pay 15 percent come the first of the year; and also, if you're in the next to the lowest bracket paying 25 percent, your taxes are going to go up 3 percent to 28; if you're in the 28 percent bracket, it's going to go up to 31; if you're in the 33 percent bracket, it will go to 36; and the 35 percent bracket it will go to 39.6.

But it doesn't stop there. The marriage penalty will return from the first dollar of income. The Child Tax Credit will be cut in half from \$1,000 to \$500. I mean, that's \$500 immediately out of nobody's pocket but the very middle class that this group is saying they're so dedicated to helping. I hear from the middle class every day saying, Enough already. We don't need any more of your kind of help.

The standard deduction will no longer be double for married couples

relative to the single level. The dependent care tax credit will be cut. That's all middle class help that will go away. And then it will be higher taxes on people that are trying to save money and on people that are trying to invest money so they can elevate themselves. And what are we going to do? We're going to jump up the capital gains rate by 33 percent—15 percent will go to 20 percent.

And then there are these other taxes like the tanning tax. It imposes a 10 percent excise tax on getting a tan from a tanning salon. And then there is the medicine cabinet tax, that Americans will no longer be able to use their health savings account or flexible spending account or health reimbursement pretax dollars to purchase non-prescription drugs. This is part of the deal that this administration cut with the big pharmaceuticals because they said, you know, you promised to give \$80 billion, or whatever it is, but here's the deal we'll work out—not on C-SPAN like the President promised over and over, but in a private conversation they cut a deal with the big pharmaceutical companies.

Don't worry about it. You give us \$80 billion, you're going to make a lot more than that because we will make people with HSAs buy prescription drugs. So hayfever pills that I've taken since I was 8 years old when hayfever season hits in east Texas I will no longer be able to get for \$2.84 for 100. I'm going to have to buy a prescription drug. Well, guess who that helps?

And then there is the brand name tax that will kick in. We've got just all kinds of tax problems that are going to kick in. The alternative minimum tax, the employer tax hikes are all going to hit come January 1, and it will be a disaster.

And just so people understand, if you are single, you have a 10 percent tax if you make less than \$8,375. Well, good news for Americans. We're letting them know here tonight that this group cares so much about you for making less than \$8,000 a year we're going to raise your taxes from 10 to 15 percent. Congratulations. And if you're married and you make less than \$16,750 as a married couple, guess what? We love you so much, we're going to raise your taxes 50 percent as well from 10 to 15 percent. It's just incredible what we're doing to people.

And people know back home—it's like Reagan used to talk about. There's nothing scarier than hearing the words "I'm from the government, and I'm here to help you." These people across America don't need any more help like this. We're going to raise your taxes by 50 percent if you're in the lowest income bracket, but don't worry. We're going to loan you money back, your own money back to you, and let you pay interest to the government.

I yield back to my friend.

Mr. KING of Iowa. I thank the gentleman from Texas.

A couple of things I would add to that. I want to go back and cap off the estate tax argument and one of the other ways it applies.

You said land rich and cash poor, and that happens all across this country. And some of that land is poor. When people say they are land rich, they're land rich with poor land even, but that's the expression. And there is a tradition that goes out; there are roots that go into the land. Those of us that have lived on the land and made a living out of it and look around at our neighborhoods and know that the generations that grow off and on of that land are committed to making a living out of it and seeking to establish a way that they can pass that land along to the next generation. It's a matter of tradition. It's a matter of pride. It's family lore. It's a distinction of having that chance. People came out across the prairie in a covered wagon and walked behind the oxen to live free or die. They put their stakes out there in the four corners of their 160 quarter section and homesteaded it.

We have a lot of family farms in Iowa that go back 100 years, even 150 years, and some of those are broken up by the estate tax that looms over the horizon. One of those that is at risk of being broken up right now is one that I actually came across last week, and I want to make a statement here for the RECORD tonight, Mr. Speaker. The representative of that farm is Landi McFarland, a mid-twenties young lady that is a sixth generation that has been raised on that land.

□ 2140

That land that's known as Hoover Angus Farm. And they run a pure Red Angus operation and the other things that go along to make that balance within that land that's down there in southern Iowa and those beautiful rolling, grass-covered green hills in that part of the State and that part of the country and the world. And as a sixth generation who lives and breathes to live on that land and carry out the dreams of her ancestors and her father and her grandfather and the people that went before her, wants nothing more than that chance for the next generation to live there and do the same thing and build on Hoover Angus Farm.

And yet, they're looking at an estate tax that would wipe out half of that land that's been put together.

And the cruel, cold heart of people that don't understand that, that never lived that life, that don't know about being land rich, even with poor land, and cash poor, and knowing that half of that land could be taken away just to satisfy Uncle Sam, do not begin to understand that when you put together an operation, sometimes it takes gen-

erations to pick a piece of ground here, a 40 here, an 80 there, a 160 here. And after a while you've got a unit, a land-based unit that's symbiotic, it's balanced. It produces the feed and the productivity and has the grain storage and the transportation links and the building network that allows for the whole unit at all to function as a unit.

And if Uncle Sam steps in there and half of that has to go, a lot of times it will destroy more than half of the value. You can't just cut it in half. You can't just say, Well, here's your half acre, and here's Uncle Sam's half acre, and turn it into a checkerboard and think it functions again. It does not. It becomes dysfunctional. And the value of the unit diminishes. You can't split it.

So you have to decide whether you can sell something off and maintain that unit or whether that unit becomes of less value and no longer functional and competitive, in which case it gets split up to other interests—perhaps sold at a discount because it's no longer a unit—and the legacy of six generations of Hoover Angus and then Landi McFarland could end overnight if we don't fix this estate tax problem that we have.

And another component that the American people need to think about is the chilling development in ObamaCare. And it is this—and I have said, Mr. Speaker, a number of times right here from this same podium, that ObamaCare is the nationalization, and when I say "nationalization," I mean coming under the ownership, management, or control of the Federal Government, ObamaCare is the nationalization of your skin, Americans, and everything inside of it. It's the Federal takeover of your skin and everything inside it. The second most sovereign thing that you have is your health. The first most sovereign thing you have is your soul.

The Federal Government takeover, nationalization of your skin and everything inside it, and a 10 percent tax on the outside if you choose to walk into the tanning salon. A tax on the outside of your skin to fund ObamaCare. How outrageous can that be?

And here's the milestone, Mr. Speaker, it's the first component of a national sales tax with all of the elements of the Federal income tax and all of the things that Mr. GOHMERT has talked about and identified here that are expanding and poised to grow and increase dramatically.

One of our fears has been that we would have a sales tax coupled with an income tax and all of these other series of taxes. The tanning tax is the very first Federal sales tax that's imposed on anybody that goes into a tanning salon.

Now, I don't suggest that it's a tax on a lack of melanin in the skin—although some have suggested such a

thing—but I will tell you flat out specifically that it is the first national sales tax on a product.

And if the Federal Government can impose a national sales tax on a service, they can impose it on any sales or service whatsoever in the United States of America.

And if we're to do that, we need to abolish the IRS, eliminate the Federal Tax Code, wipe it all out, and convert it all over into a consumption tax. Free us up from the burden of the IRS. That's what needs to happen, Mr. Speaker.

But these are two points that I think are essential to make. When you watch family businesses where the tax has been paid on the equity in that business and watch when it passes to the next generation, if the Federal Government's got to step in and impose a tax on an estate that's already paid its taxes on its equity, it takes that family business, that family factory, that family farm, and it separates it in half, and like a lot of things, even the baby that Solomon spoke of, it's worth a lot less in two halves than in one whole.

Mr. Speaker, I appreciate your attention and your indulgence tonight, and I'm absolutely convinced that I have convinced you.

I yield back the balance of my time.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DAVIS of Illinois) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. MILLER of North Carolina, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Mr. KENNEDY, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. NEUGEBAUER, for 5 minutes, today.

Mr. WESTMORELAND, for 5 minutes, today.

Mr. POE of Texas, for 5 minutes, September 30.

Mr. JONES, for 5 minutes, September 30.

Ms. FOXX, for 5 minutes, today and September 24.

Mr. DENT, for 5 minutes, September 24.

Mr. GINGREY of Georgia, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1448. An act to amend the Act of August 9, 1955, to authorize the Coquille Indian Tribe, the Confederated Tribes of Siletz Indians, the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw, the Klamath Tribes, and the Burns Paiute Tribe to obtain 99-year lease authority for trust land; the Committee on Natural Resources.

S. 2906. An act to amend the Act of August 9, 1955, to modify a provision relating to leases involving certain Indian tribes; the Committee on Natural Resources.

S. 3828. An act to make technical corrections in the Twenty-First Century Communications and Video Accessibility Act of 2010 and the amendments made by that Act, the Committee on Energy and Commerce.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4505. An act to enable State homes to furnish nursing home care to parents any of whose children died while serving in the Armed Forces.

H.R. 4667. An act to increase, effective as of December 1, 2010, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indem-

nity compensation for the survivors of certain disabled veterans, and for other purposes.

H.R. 5297. An act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986.

H.R. 5682. An act to improve the operation of certain facilities and programs of the House of Representatives, and for other purposes.

H.R. 6102. An act to amend the National Defense Authorization Act for Fiscal Year 2010 to extend the authority of the Secretary of the Navy to enter into multiyear contracts for F/A-18E, F/A-18F, and EA-18G aircraft.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 2781. An act to change references in Federal law to mental retardation to references to an intellectual disability, and change references to a mentally retarded individual to references to an individual with an intellectual disability.

BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reports that on September 22, 2010, she presented to the President of the United States, for his approval, the following bill.

H.R. 3978. To amend the Homeland Security Act of 2002 to authorize the Secretary of Homeland Security to accept and use gifts for otherwise authorized activities of the Center for Domestic Preparedness that are related to preparedness for a response to terrorism, and for other purposes.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Friday, September 24, 2010, at 9 a.m.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 5307, To amend the Tariff Act of 1930 to include ultralight aircraft under the definition of aircraft for purposes of the aviation smuggling provisions under that Act, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 5307, WITH AMENDMENTS, THE ULTRALIGHT SMUGGLING PREVENTION ACT OF 2010, AS TRANSMITTED TO CBO

	By fiscal year, in millions of dollars—													
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2011–2015	2011–2020	
NET INCREASE OR DECREASE (–) IN THE DEFICIT														
Statutory Pay-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0	

Note: The bill would increase penalties assessed by the Department of Homeland Security on certain smuggling activity by including ultralight vehicles in the definition of aircraft. Because the number of annual violations is small, CBO estimates that enacting the legislation would increase revenues collected by the agency by less than \$500,000 in any year and over the 2010–2020 period.

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to vote on passage, the attached estimate of the costs of the bill H.R. 6008, the Corporate Liability and Emergency Accident Notification Act, as amended, for printing in the CONGRESSIONAL RECORD.

ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 6008, THE CLEAN ACT, AS AMENDED

	By fiscal year, in millions of dollars—													
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2011– 2015	2010– 2020	
NET INCREASE OR DECREASE (–) IN THE DEFICIT														
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0	

Note: H.R. 6008 would increase the civil penalties assessed by the Pipelines and Hazardous Materials Safety Administration for certain violations. Because the number of annual violations is small, CBO estimates that enacting the legislation would have no significant effect on revenues collected by the agency.

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 6156, To renew the authority of the Secretary of Health and Human Services to approve demonstration projects designed to test innovative strategies in State child welfare programs, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 6156, TO RENEW THE AUTHORITY OF THE SECRETARY OF HEALTH AND HUMAN SERVICES TO APPROVE DEMONSTRATION PROJECTS DESIGNED TO TEST INNOVATIVE STRATEGIES IN STATE CHILD WELFARE PROGRAMS, AS AMENDED

	By fiscal year, in millions of dollars—													
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020	
NET INCREASE IN THE DEFICIT														
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0	

Note: H.R. 6156 would renew Section 1130 of the Social Security Act for the 2011–2016 period. Section 1130 allows for demonstration projects related to child welfare to be operated by the states. Those projects are required to be cost-neutral, and the Department of Health and Human Services has mechanisms in place to ensure that this requirement is met. As such, there would be no costs associated with the renewal of Section 1130.

Source: Congressional Budget Office.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

9555. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Route 5 Bridge Swing Span Demolition, Chickahominy River, Charles City County, VA [Docket No.: USCG-2008-1181] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9556. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Captain of the Port Sector Lake Michigan, Chicago River Main Branch, Chicago, IL [Docket No.: USCG-2008-1174] (RIN: 1625-AA11) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9557. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display, Southport, CT [Docket No.: USCG-2008-0532] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9558. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Thames River Channel, New London, Connecticut [Docket No.: USCG-2008-0536] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9559. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Displays, Severn River and Spa Creek, Annapolis, MD [Docket No.: USCG-2008-1182] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9560. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Weather-Forced Restrictions on the Columbia River Bar and Tillamook Bay Entrance on the Oregon Coast [Docket No.: USCG-2008-1199] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9561. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; USS GERMANTOWN (LSD-42), Elliott Bay, Seattle, Washington [Docket No.: USCG-2008-0537] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9562. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Lake Union, Seattle, WA [Docket No.: USCG-2008-0561] (RIN: 1625-AA08) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9563. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Pier 66, Elliott Bay, Seattle, Washington [Docket No.: USCG-2008-0562] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9564. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Thea Foss Waterway, Tacoma, Washington [Docket No.: USCG-2008-0539] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9565. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Cedco Inc. Fireworks Display, North Bend, OR

[USCG-2008-0540] received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9566. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Fireworks displays in the Captain of the Port Portland Zone [Docket No.: USCG-2008-0563] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9567. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [Docket No.: USCG-2008-0564] (RIN: 1625-AA87) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9568. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Tacoma Freedom Fair Air Show, Commencement Bay, Tacoma, Washington [Docket No.: USCG-2008-0541] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9569. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tennessee River Mile Marker 647 to 648, Knoxville, TN [Docket No.: USCG-2008-0565] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9570. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Oaks Park July 4th Celebration, Portland, OR [Docket No.: USCG-2008-0542] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9571. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone; City of Richmond Independence Day Fireworks Display, Richmond, CA [Docket No.: USCG-2008-0573] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9572. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Rainier Days Fireworks Celebration, Rainier, OR [USCG-2008-0543] received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9573. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Radio Network Fireworks Display; Ocean Beach, San Diego, California [Docket No.: USCG-2008-0578] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9574. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Ilwaco July 4th Committee Fireworks, Ilwaco, WA [USCG-2008-0544] received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9575. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special local regulation: Fran Schnarr Open Water Championships, Huntington Bay, New York [Docket No.: USCG-2008-0583] (RIN: 1625-AA08) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9576. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sigma Gamma Fireworks, Lake St. Clair, Grosse Pointe Shores, MI [Docket No.: USCG-2008-0586] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9577. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Tri-City Chamber of Commerce Fireworks Display, Columbia Park, Kennewick, WA [USCG-2008-0545] received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9578. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Monongahela River Mile Marker 101.0 to Mile Marker 102.0, Morgantown, WV [Docket No.: USCG-2008-0574] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9579. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bay Rama Fishfly Festival Fireworks, Lake St. Clair, New Baltimore, MI [Docket No.: USCG-2008-0587] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9580. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Splash Aberdeen Waterfront Festival, Aberdeen, WA [USCG-2008-0546] received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9581. A letter from the Attorney Advisor, Department of Homeland Security, transmit-

ting the Department's final rule — Safety Zone; St. Clair Shores Fireworks, Lake St. Clair, St. Clair Shores, MI [Docket No.: USCG-2008-0588] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9582. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Florence Chamber 4th of July Fireworks Display, Florence, OR [USCG-2008-0548] received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9583. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; July 4th Fireworks Displays within the St. Petersburg (Tampa) Captain of the Port Zone [Docket No.: USCG-2008-0550] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9584. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Stockton July Fourth Celebration, Stockton, CA [Docket No.: USCG-2008-0556] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9585. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Temporary Safety Zone: Hanford Nuclear Stack Demolition, Hanford, Washington [Docket No.: USCG-2008-0591] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9586. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Missouri River, Mile 366.3 to 369.8 [COTP Sector Upper Mississippi River-07-025] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9587. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Paradise 4th of July Fireworks, Lake Superior, Paradise, MI [Docket No.: USCG-2008-0608] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9588. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [USCG-2008-0557] (RIN: 1625-AA87) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9589. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; USCGC EAGLE, Elliott Bay, Seattle, Washington [Docket No.: USCG-2008-0558] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9590. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Bellingham Bay, Bellingham, WA [Docket No.: USCG-2008-0559] (RIN: 1625-AA08) received August 19, 2010, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9591. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Elliott Bay, Seattle, WA [Docket No.: USCG-2008-0560] (RIN: 1625-AA08) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9592. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 2007 Marine Corps Air Station Beaufort Air Show, Beaufort, South Carolina [COTP Charleston 07-058] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9593. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cooper River, Port Terminal Reach, Charleston, South Carolina [COTP Charleston 07-062] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9594. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Charleston Harbor, Hog Island Channel, Charleston, South Carolina [COTP Charleston 07-095] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9595. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Displays in Broad Creek Shelter Cove, Hilton Head Island, South Carolina [COTP Charleston 07-140] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9596. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; South Edisto River, Prospect Hill Plantation, Edisto Island, South Carolina, Fireworks Display [COTP Charleston 07-160] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9597. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cedarville 4th of July Fireworks, Lake Huron, Cedarville, MI [Docket No.: USCG-2008-0609] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9598. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Independence Day Fireworks Display, St. Lawrence River, Alexandria Bay, NY [Docket No.: USCG-2008-0613] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9599. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of San Francisco Fourth of July Celebration, San Francisco, CA [Docket No.: USCG-2008-0508] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9600. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone; Harbor Town, Hilton Head Island, South Carolina [COTP Charleston 07-161] (RIN: 1625-AA00) received August, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9601. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Oakland Independence Day Celebration, Oakland, CA [Docket No.: USCG-2008-0510] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9602. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Blackburn Point, Sarasota, Florida [Docket No.: USCG-2008-0513] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9603. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Beaufort River Fireworks Display, Beaufort, South Carolina [COTP Charleston 07-169] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9604. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Westshore Cafe Independence Day Celebration, Homewood, CA [Docket No.: USCG-2008-0515] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9605. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cooper River, River Front Park, North Charleston, South Carolina [COTP Charleston 07-242] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9606. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Mile 460.0 to 470.0, Cincinnati, OH [Docket No.: USCG-2008-0519] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9607. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Charleston Harbor, USS Yorktown, Patriots Point, Charleston, South Carolina [Docket No.: COTP Charleston 07-267] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9608. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Kings Beach Fourth of July Fireworks, Kings Beach, CA [Docket No.: USCG-2008-0524] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9609. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Carquinez Strait, California [COTP San Francisco Bay 06-013] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9610. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; American Legion Coastsides Fireworks Fourth of July Fireworks Display, El Granada, CA [Docket No.: USCG-2008-0525] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9611. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Carquinez Strait, California [COTP San Francisco Bay 06-019] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9612. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Savannah River, Savannah, GA [USCG-2008-0526] (RIN: 1625-AA87) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9613. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Jack London Square Fireworks Display, San Francisco Bay, CA [COTP San Francisco Bay 06-024] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9614. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile 322.1 to 323.1, Ashland, KY [Docket No.: USCG-2008-0527] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TOWNS: Committee on Oversight and Government Reform. H.R. 5815. A bill to amend the Inspector General Act of 1978 to provide authority for Inspectors General to subpoena the attendance and testimony of witnesses, and for other purposes; with amendments (Rept. 111-623). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LEVIN (for himself, Mr. OBERSTAR, Mr. COSTELLO, and Mr. LEWIS of Georgia):

H.R. 6190. A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned; considered and passed.

By Mr. MILLER of North Carolina (for himself, Mr. PRICE of North Carolina, Mr. KISSELL, Mr. BACA, Ms. TITUS, and Mr. CONNOLLY of Virginia):

H.R. 6191. A bill to amend the Small Business Jobs Act of 2010 to include certain construction and land development loans in the definition of small business lending; to the Committee on Financial Services.

By Mr. STARK (for himself and Mr. LANGEVIN):

H.R. 6192. A bill to ensure that foster children are able to use their Social Security and Supplemental Security Income benefits to address their needs and improve their lives; to the Committee on Ways and Means.

By Mr. LANGEVIN (for himself and Mr. STARK):

H.R. 6193. A bill to require States to take certain additional steps to assist children in foster care in making the transition to independent living, and for other purposes; to the Committee on Ways and Means.

By Mr. POLIS (for himself and Mr. CASTLE):

H.R. 6194. A bill to amend the National Environmental Education Act to update, streamline, and modernize that Act, and for other purposes; to the Committee on Education and Labor.

By Mr. GARY G. MILLER of California:

H.R. 6195. A bill to provide for additional district court judges for certain judicial districts, and to provide for the cross-designation of special assistant United States attorneys to prosecute certain border-related offenses, and for other purposes; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska (for himself, Mr. WESTMORELAND, Mr. COBLE, and Mr. GRAVES of Missouri):

H.R. 6196. A bill to amend title 23, United States Code, to modify the deadline for filing a claim seeking judicial review of a permit, license, or approval issued by a Federal agency for a highway or public transportation capital project, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 6197. A bill to designate a mountain and icefield in the State of Alaska as the "Mount Stevens" and "Ted Stevens Icefield", respectively; to the Committee on Natural Resources.

By Mr. CONYERS:

H.R. 6198. A bill to amend title 11 of the United States Code to make technical corrections; and for related purposes; to the Committee on the Judiciary.

By Mr. SULLIVAN (for himself, Ms. FALLIN, Mr. COLE, Mr. LUCAS, and Mr. BOREN):

H.R. 6199. A bill to direct the Secretary of the Interior to conduct a special resources study regarding the suitability and feasibility of designating the John Hope Franklin Reconciliation Park and other sites in Tulsa, Oklahoma, relating to the 1921 Tulsa race riot as a unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. POMEROY (for himself, Mr. SAM JOHNSON of Texas, and Mr. MCDERMOTT):

H.R. 6200. A bill to amend part A of title XI of the Social Security Act to provide for a 1-year extension of the authorizations for the

Work Incentives Planning and Assistance program and the Protection and Advocacy for Beneficiaries of Social Security program; to the Committee on Ways and Means.

By Ms. EDWARDS of Maryland (for herself, Mr. BISHOP of Georgia, and Ms. FUDGE):

H.R. 6201. A bill to amend the Internal Revenue Code of 1986 to make permanent the credit for increasing research activities, to increase such credit for amounts paid or incurred for qualified research occurring in the United States, and to increase the domestic production activities deduction for the manufacture of property substantially all of the research and development of which occurred in the United States; to the Committee on Ways and Means.

By Mr. BRADY of Pennsylvania (for himself and Mr. ANDREWS):

H.R. 6202. A bill to withdraw the consent of Congress to the interstate compact between the State of New Jersey and the Commonwealth of Pennsylvania concerning the Delaware River Port Authority, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAPUANO:

H.R. 6203. A bill to redesignate the Longfellow National Historic Site, and for other purposes; to the Committee on Natural Resources.

By Ms. CHU:

H.R. 6204. A bill to require States receiving funds under the Elementary and Secondary Education Act of 1965 to establish policies with respect to the auditing of charter schools; to the Committee on Education and Labor.

By Mr. CROWLEY (for himself, Mr. SERRANO, Mr. ACKERMAN, Mr. ARCURI, Mr. BISHOP of New York, Ms. CLARKE, Mr. ENGEL, Mr. HALL of New York, Mr. HIGGINS, Mr. HINCHEY, Mr. ISRAEL, Mr. KING of New York, Mr. LEE of New York, Mrs. LOWEY, Mr. MAFFEI, Mrs. MALONEY, Mrs. MCCARTHY of New York, Mr. MCMAHON, Mr. MEEKS of New York, Mr. MURPHY of New York, Mr. NADLER of New York, Mr. OWENS, Mr. RANGEL, Ms. SLAUGHTER, Mr. TONKO, Ms. VELÁZQUEZ, and Mr. WEINER):

H.R. 6205. A bill to designate the facility of the United States Postal Service located at 1449 West Avenue in Bronx, New York, as the "Private Isaac T. Cortes Post Office"; to the Committee on Oversight and Government Reform.

By Mr. HEINRICH (for himself and Mrs. LUMMIS):

H.R. 6206. A bill to reinstate funds to the Federal Land Disposal Account; to the Committee on Natural Resources.

By Ms. HERSETH SANDLIN (for herself and Mr. PETERSON):

H.R. 6207. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to improve recovery and hazard mitigation activities with respect to major disasters, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. LEE of California:

H.R. 6208. A bill to expand and enhance existing adult day programs for people with multiple sclerosis or other similar diseases, to support and improve access to respite services for family caregivers who are taking

care of such people, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LUJÁN:

H.R. 6209. A bill to adjust the boundary of the Carson National Forest, New Mexico; to the Committee on Natural Resources.

By Mr. LUJÁN (for himself and Mrs. KIRKPATRICK of Arizona):

H.R. 6210. A bill to amend the Act of August 9, 1955, to facilitate business and agricultural leasing of Navajo Nation lands; to the Committee on Natural Resources.

By Ms. MARKEY of Colorado:

H.R. 6211. A bill to direct the Secretary of Veterans Affairs to establish a pilot program to evaluate the effectiveness of treating veterans with spinal, back, and musculoskeletal injuries and pain using non-invasive techniques; to the Committee on Veterans' Affairs.

By Ms. MATSUI (for herself, Mr. INSLEE, Mrs. CAPPS, Mr. BLUMENAUER, Mr. KISSELL, Mr. RUSH, Mr. MICHAUD, Mr. CONNOLLY of Virginia, Mrs. DAHLKEMPER, Ms. BEAN, Mr. FOSTER, Ms. LINDA T. SANCHEZ of California, Mr. HINCHEY, Mr. CLAY, Mr. GEORGE MILLER of California, Mr. TONKO, and Ms. PINGREE of Maine):

H.R. 6212. A bill to direct the Administrator of the Small Business Administration to establish a loan guarantee program to assist small business concerns that manufacture clean energy technologies in the United States, and for other purposes; to the Committee on Small Business.

By Mr. MICHAUD:

H.R. 6213. A bill to address the reporting requirement burden on small businesses, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Appropriations, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER of New York:

H.R. 6214. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide incentives to States and units of local government under the Edward Byrne Memorial Justice Assistance Grant Program for providing certain services to victims of sexual assault or rape, and for other purposes; to the Committee on the Judiciary.

By Mr. RUPPERSBERGER:

H.R. 6215. A bill to authorize the Secretary of Commerce to establish a program to develop a coordinated and comprehensive Federal coastal mapping effort for the Nation's coastal zone to include all coastal State and territorial waters of the United States, and for other purposes; to the Committee on Natural Resources.

By Mr. SHERMAN (for himself and Mr. ENGEL):

H.R. 6216. A bill to amend title VI of the Civil Rights Act of 1964 to prohibit discrimination on the ground of religion in educational programs or activities; to the Committee on the Judiciary.

By Mr. WALZ:

H.R. 6217. A bill to amend the Water Resources Development Act of 2000 with respect to levee certifications, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GINGREY of Georgia (for himself and Mr. KLINE of Minnesota):

H.J. Res. 97. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the National Mediation Board relating to representation election proce-

dures; to the Committee on Transportation and Infrastructure.

By Ms. LORETTA SANCHEZ of California (for herself, Mr. MEEKS of New York, Mrs. NAPOLITANO, Mr. ROTHMAN of New Jersey, Mr. HEINRICH, Mr. SIREN, Mr. TOWNS, Mr. HINOJOSA, Ms. BORDALLO, Mr. PIERLUISI, Mr. GRIJALVA, Mr. DONNELLY of Indiana, Mr. PASCRELL, Mr. FILNER, Mr. SCHIFF, Mr. SABLAN, Mr. GARAMENDI, Mr. CAPUANO, Ms. ROYBAL-ALLARD, and Mr. POLIS):

H. Res. 1651. A resolution honoring Latinos for their continual service and sacrifice as members of the United States Armed Forces; to the Committee on Armed Services.

By Mrs. DAVIS of California (for herself, Mr. PLATTS, Mr. GRIJALVA, and Mr. SIREN):

H. Res. 1652. A resolution expressing support for designation of the month of October 2010 as National Principals Month; to the Committee on Education and Labor.

By Mr. LEVIN:

H. Res. 1653. A resolution returning several measures to the Senate; considered and agreed to.

By Mr. HOLT:

H. Res. 1654. A resolution expressing support for designation of the week of October 24, 2010, as "Undergraduate Research Week"; to the Committee on Education and Labor.

By Mr. HOLT (for himself, Ms. MCCOLLUM, and Mr. BLUMENAUER):

H. Res. 1655. A resolution expressing support for designation of October as "National Farm to School Month"; to the Committee on Education and Labor.

By Mr. HASTINGS of Florida (for himself, Mr. BACA, Mr. BISHOP of Georgia, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mrs. CHRISTENSEN, Mr. CLAY, Ms. FUDGE, Mr. GRIJALVA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MEEKS of New York, Ms. NORTON, Mr. RANGEL, and Mr. HINOJOSA):

H. Res. 1656. A resolution raising awareness of hypertension and helping to reverse its prevalence in the United States through education, community programs, culturally competent strategies, research, and efforts to reduce the excess salt content in foods; to the Committee on Energy and Commerce.

By Mr. MCDERMOTT (for himself, Mr. HONDA, Mr. LARSEN of Washington, Mr. SMITH of Washington, Mr. DICKS, Mr. INSLEE, Mr. HINCHEY, Ms. TITUS, Mr. WU, Ms. HIRONO, Ms. WOOLSEY, Ms. CHU, Ms. MATSUI, Ms. SPEIER, and Ms. TSONGAS):

H. Res. 1657. A resolution congratulating Ichiro Suzuki, outfielder for the Seattle Mariners, for becoming the first player in the history of Major League Baseball with at least 200 base hits in 10 consecutive seasons; to the Committee on Oversight and Government Reform.

By Mr. MORAN of Virginia:

H. Res. 1658. A resolution expressing condolences to the families and friends of the 72 people who died in Mexico while migrating to the United States in search of better lives, and condemning the criminal network responsible for their massacre; to the Committee on Foreign Affairs.

By Mr. LARSON of Connecticut (for himself and Mr. KIRK):

H. Res. 1659. A resolution designating Robert V. Remini as Historian Emeritus of the United States House of Representatives; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. LARSON of Connecticut and Mr. CROWLEY.
 H.R. 240: Mr. SULLIVAN.
 H.R. 272: Mr. PAYNE.
 H.R. 305: Mr. SMITH of New Jersey, Mr. BARTLETT, Mr. INGLIS, Mr. COFFMAN of Colorado, Mr. BILBRAY, Mr. GALLEGLY, Mr. GERLACH, and Mr. EHLERS.
 H.R. 442: Mr. SMITH of New Jersey and Mr. DINGELL.
 H.R. 855: Mr. REHBERG.
 H.R. 963: Mr. WEINER.
 H.R. 1024: Mr. GARAMENDI and Mr. ANDREWS.
 H.R. 1074: Mr. DINGELL.
 H.R. 1079: Mr. CALVERT, Mr. ALTMIRE, and Mr. FALCOMAVAEGA.
 H.R. 1240: Ms. ZOE LOFGREN of California.
 H.R. 1362: Mr. DENT.
 H.R. 1426: Mr. KLINE of Minnesota.
 H.R. 1443: Mr. LATOURETTE.
 H.R. 1589: Mr. TOWNS.
 H.R. 1616: Ms. JACKSON LEE of Texas, Ms. EDWARDS of Maryland, and Ms. TSONGAS.
 H.R. 1625: Mr. RYAN of Ohio and Mr. HASTINGS of Florida.
 H.R. 1670: Mr. CRITZ.
 H.R. 1691: Mr. WU.
 H.R. 1806: Mr. DEUTCH.
 H.R. 1826: Mr. RYAN of Ohio.
 H.R. 1995: Mr. ROTHMAN of New Jersey.
 H.R. 2024: Mr. CARNEY.
 H.R. 2030: Mr. COSTELLO, Mr. MELANCON, and Mr. MILLER of North Carolina.
 H.R. 2057: Mr. LARSON of Connecticut and Mr. CONNOLLY of Virginia.
 H.R. 2149: Mr. MURPHY of New York.
 H.R. 2160: Mr. COHEN and Mr. PRICE of North Carolina.
 H.R. 2177: Mr. WEINER and Mr. FRANK of Massachusetts.
 H.R. 2262: Mr. PATRICK J. MURPHY of Pennsylvania and Mr. TOWNS.
 H.R. 2296: Mr. FOSTER.
 H.R. 2365: Mr. MURPHY of Connecticut.
 H.R. 2378: Mr. SALAZAR and Mr. RUSH.
 H.R. 2381: Mr. JACKSON of Illinois.
 H.R. 2417: Mr. PETERS.
 H.R. 2597: Mr. POLIS.
 H.R. 2598: Mr. GARAMENDI.
 H.R. 2625: Ms. SLAUGHTER, Mr. HOYER, Mr. MURPHY of Connecticut, Mr. ENGEL, and Ms. ROYBAL-ALLARD.
 H.R. 2672: Mr. WALZ.
 H.R. 2850: Mr. MAFFEI.
 H.R. 2855: Mr. FRANK of Massachusetts, Mr. NEAL of Massachusetts, Mr. JACKSON of Illinois, and Mr. MORAN of Virginia.
 H.R. 2866: Ms. KILROY.
 H.R. 2906: Mr. WITTMAN and Mr. ADERHOLT.
 H.R. 2943: Mr. BLUMENAUER.
 H.R. 3108: Mr. MORAN of Kansas.
 H.R. 3151: Mr. HOLDEN.
 H.R. 3243: Ms. NORTON.
 H.R. 3262: Mr. CHAFFETZ.
 H.R. 3271: Mr. TIERNEY.
 H.R. 3286: Mrs. CAPPS, Mr. LOEBSACK, and Ms. RICHARDSON.
 H.R. 3401: Mr. HINCHEY.
 H.R. 3586: Mr. GONZALEZ and Mr. GRAVES of Missouri.
 H.R. 3668: Mr. POSEY and Mr. CRITZ.
 H.R. 3718: Mr. KENNEDY.
 H.R. 3742: Mr. MCGOVERN.
 H.R. 3765: Mr. GARRETT of New Jersey and Mr. GRAVES of Georgia.
 H.R. 3790: Mr. PITTS.
 H.R. 3810: Mr. FRANK of Massachusetts.
 H.R. 3936: Mr. MCMAHON and Mr. BISHOP of Georgia.

H.R. 3995: Mr. GRAYSON.
 H.R. 4054: Mr. MURPHY of Connecticut.
 H.R. 4092: Mr. FILNER.
 H.R. 4114: Mr. MORAN of Virginia.
 H.R. 4121: Ms. NORTON, Mr. PETERS, Mr. SCOTT of Virginia, Mr. AL GREEN of Texas, Mr. CARNEY, Mr. HOLT, Mr. KENNEDY, Mr. MEEK of Florida, Mr. HONDA, Ms. KILROY, Mr. GERLACH, Mr. LIPINSKI, Mr. UPTON, Mr. ROE of Tennessee, Mr. RAHALL, Mr. CLAY, Mr. THOMPSON of Pennsylvania, Mr. SERRANO, and Mr. KIND.
 H.R. 4129: Mr. DAVIS of Illinois.
 H.R. 4202: Mr. HEINRICH.
 H.R. 4339: Ms. ROYBAL-ALLARD and Mr. FARR.
 H.R. 4353: Ms. PINGREE of Maine.
 H.R. 4466: Mr. MAFFEI.
 H.R. 4525: Mr. COFFMAN of Colorado.
 H.R. 4533: Ms. SHEA-PORTER.
 H.R. 4544: Mr. DEUTCH.
 H.R. 4567: Mr. WEINER.
 H.R. 4597: Mr. BISHOP of Georgia and Mr. MORAN of Virginia.
 H.R. 4602: Mr. LATTI.
 H.R. 4689: Ms. RICHARDSON, Mr. LARSON of Connecticut, and Ms. KILROY.
 H.R. 4722: Ms. KOSMAS, Mr. CLAY, Mr. NEAL, and Ms. SCHAKOWSKY.
 H.R. 4751: Mr. PASCRELL.
 H.R. 4753: Mr. CRITZ.
 H.R. 4756: Mr. JACKSON of Illinois, Mr. HASTINGS of Florida, and Mr. CLEAVER.
 H.R. 4769: Mr. WELCH.
 H.R. 4770: Mr. WELCH.
 H.R. 4808: Mr. VISCLOSKEY, Mr. VAN HOLLEN, Mrs. CHRISTENSEN, Mr. ENGEL, Mr. ISRAEL, Mr. DEFazio, Ms. NORTON, and Mrs. LOWEY.
 H.R. 4844: Mr. MARSHALL.
 H.R. 4890: Ms. MCCOLLUM.
 H.R. 4891: Ms. MCCOLLUM.
 H.R. 4914: Mr. RYAN of Ohio.
 H.R. 4952: Mrs. MYRICK.
 H.R. 5034: Mr. ALEXANDER, Mr. LOEBSACK, Mr. EDWARDS of Texas, and Mr. JOHNSON of Illinois.
 H.R. 5040: Mr. HILL.
 H.R. 5058: Mr. GARRETT of New Jersey and Mr. ROONEY.
 H.R. 5081: Ms. TITUS.
 H.R. 5120: Mr. SCOTT of Virginia.
 H.R. 5141: Mr. HASTINGS of Washington, Mr. INGLIS, and Mr. KING of New York.
 H.R. 5206: Ms. DELAURO.
 H.R. 5354: Mr. STEARNS.
 H.R. 5393: Mr. CAO.
 H.R. 5400: Mr. TONKO, Mr. FALCOMAVAEGA, Mr. SCOTT of Virginia, Mr. HALL of New York, Mr. PETERS, Mr. CARNEY, Mr. RODRIGUEZ, Mr. AL GREEN of Texas, Mr. PETERSON, Mr. HOLT, Mr. DONNELLY of Indiana, Mr. GERLACH, Mr. LIPINSKI, Mr. HONDA, Mr. ROE of Tennessee, Mr. RAHALL, Mr. SERRANO, and Mr. HINCHEY.
 H.R. 5433: Mr. BRADY of Texas.
 H.R. 5434: Mr. CAPUANO, Ms. PINGREE of Maine, Mr. MCDERMOTT, Mr. SMITH of New Jersey, Mr. ISRAEL, Mr. LEWIS of Georgia, Mr. DOGGETT, Ms. MARKEY of Colorado, Ms. MATSUI, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. OLVER, Mr. BUCHANAN, Mr. ENGEL, Mr. CROWLEY, Mr. MURPHY of Connecticut, Mr. JACKSON of Illinois, Mr. LATOURETTE, Mr. SERRANO, and Mr. LYNCH.
 H.R. 5476: Mr. NADLER of New York.
 H.R. 5485: Mr. ARCURI.
 H.R. 5510: Mr. FILNER.
 H.R. 5549: Mr. RODRIGUEZ, Mr. HOLT, Mr. KENNEDY, Mr. MEEK of Florida, Mr. HONDA, Mr. GERLACH, Ms. KILROY, Mr. UPTON, Mr. RAHALL, and Mr. CLAY.
 H.R. 5597: Mr. SCHIFF.
 H.R. 5671: Mr. FILNER.
 H.R. 5732: Mr. CALVERT and Mr. MURPHY of Connecticut.
 H.R. 5789: Mr. AKIN and Mrs. EMERSON.
 H.R. 5791: Ms. BALDWIN.
 H.R. 5793: Ms. BALDWIN.
 H.R. 5803: Mr. HINCHEY, Mr. BOUCHER, and Mr. COURTNEY.
 H.R. 5805: Mr. OLVER and Mr. BLUMENAUER.
 H.R. 5820: Mr. JACKSON of Illinois.
 H.R. 5821: Ms. CASTOR of Florida, Mr. MORAN of Virginia, and Mr. BISHOP of Georgia.
 H.R. 5824: Ms. SCHAKOWSKY.
 H.R. 5829: Mr. ANDREWS, Mr. BARTLETT, and Mr. MILLER of Florida.
 H.R. 5902: Ms. RICHARDSON, Mr. SERRANO, Mr. BOSWELL, and Mr. TONKO.
 H.R. 5928: Ms. NORTON, Mr. HALL of New York, Mr. SCOTT of Virginia, Mr. PETERS, Mr. GUTIERREZ, Mr. CARNEY, Mr. HOLT, Mr. MEEK of Florida, Ms. KILROY, Mr. GERLACH, Mr. LIPINSKI, Mr. HONDA, Mr. UPTON, Mr. ROE of Tennessee, Mr. RAHALL, and Mr. SERRANO.
 H.R. 5938: Ms. RICHARDSON, Mr. ROTHMAN of New Jersey, Mr. FILNER, and Mr. STARK.
 H.R. 5940: Mr. INGLIS, Mr. LIPINSKI, and Mr. DUNCAN.
 H.R. 5942: Ms. MCCOLLUM.
 H.R. 5944: Mr. CARNEY, Ms. SUTTON, Mr. SCHAUER, and Mr. HARE.
 H.R. 5950: Mr. MURPHY of Connecticut, Mr. HINCHEY, Ms. CLARKE, Ms. DELAURO, and Mr. LATHAM.
 H.R. 5958: Mr. CLAY.
 H.R. 5967: Mr. MITCHELL and Mr. CRITZ.
 H.R. 5976: Mrs. NAPOLITANO.
 H.R. 5987: Mr. MURPHY of Connecticut, Mr. FRANK of Massachusetts, Mr. KANJORSKI, and Mr. TONKO.
 H.R. 6009: Mr. GINGREY of Georgia.
 H.R. 6012: Mr. ROTHMAN of New Jersey and Mr. STEARNS.
 H.R. 6021: Mr. DELAHUNT, Ms. WASSERMAN SCHULTZ, Mr. MORAN of Virginia, Mr. BACA, and Mr. FRANK of Massachusetts.
 H.R. 6026: Mr. QUIGLEY and Mr. KUCINICH.
 H.R. 6028: Mr. CHAFFETZ, Mr. CARDOZA, Mr. KAGEN, Mr. BISHOP of Georgia, Mr. PETERSON, Mr. THOMPSON of Pennsylvania, Mr. HUNTER, Mr. KING of Iowa, Mr. BERRY, Mr. SPACE, and Mr. BOSWELL.
 H.R. 6043: Mr. PETERS.
 H.R. 6045: Mr. SERRANO.
 H.R. 6046: Mr. LATTI.
 H.R. 6072: Mr. BRADY of Pennsylvania, Mr. KING of New York, and Mr. CRITZ.
 H.R. 6085: Ms. ROS-LEHTINEN.
 H.R. 6087: Mr. CARDOZA, Mr. COBLE, Mr. JONES, and Mr. KLINE of Minnesota.
 H.R. 6095: Mr. PETERS.
 H.R. 6099: Mr. DAVIS of Illinois.
 H.R. 6112: Mr. CAO and Mr. BOUSTANY.
 H.R. 6113: Mrs. LUMMIS.
 H.R. 6116: Mr. GONZALEZ.
 H.R. 6117: Mr. WELCH.
 H.R. 6133: Mr. CALVERT.
 H.R. 6146: Mr. BISHOP of Georgia, Ms. KAPTUR, Mr. HOLT, and Mr. MCGOVERN.
 H.R. 6150: Mr. GARAMENDI and Mr. SCHIFF.
 H.R. 6170: Mr. LINDER and Mr. KLINE of Minnesota.
 H.R. 6171: Mr. KLINE of Minnesota and Mr. LINDER.
 H.R. 6172: Mr. SESTAK.
 H.R. 6184: Mr. OLSON and Ms. EDDIE BERNICE JOHNSON of Texas.
 H.R. 6189: Mr. LUJAN.
 H.J. Res. 74: Mr. MORAN of Virginia.
 H.J. Res. 96: Mr. LAMBORN, Mr. NEUGEBAUER, Mr. PITTS, Mr. WAMP, Mr. MCHENRY, Mr. WESTMORELAND, Mr. SCALISE, Mr. SCHOCK, Mr. GRAVES of Georgia, Mr. CHAFFETZ, Mr. MARCHANT, Mr. ROONEY, Mr. ROE of Tennessee, Mr. MCCAUL, Mr. BARRETT of South Carolina, Mr. MILLER of Florida, Mr. BLUNT, Mrs. MILLER of Michigan, Mr.

AUSTRIA, Mrs. McMORRIS RODGERS, Mr. WILSON of South Carolina, Mr. TIAHRT, and Mr. BISHOP of Utah.

H. Con. Res. 261: Mr. CALVERT.

H. Con. Res. 267: Mr. KIRK.

H. Con. Res. 291: Mr. INGLIS.

H. Con. Res. 303: Mr. KINGSTON and Mr. CALVERT.

H. Con. Res. 310: Mr. OLSON and Ms. FOXX.

H. Con. Res. 316: Mrs. MYRICK, Ms. KAPTUR, Ms. HERSETH SANDLIN, Mr. PALLONE, and Mr. SHULER.

H. Con. Res. 318: Mr. STARK, Ms. SCHAKOWSKY, and Mr. RUSH.

H. Con. Res. 319: Mrs. McMORRIS RODGERS, Mr. LOBIONDO, Mr. FRANKS of Arizona, Ms. GIFFORDS, Mr. BISHOP of Utah, Mr. COURTNEY, Mr. PLATTS, Mr. BARTLETT, Mr. McKEON, Mr. HUNTER, Mr. SESSIONS, Mr. BARTON of Texas, Mr. MARCHANT, Mr. SHUSTER, Mrs. MYRICK, Mr. MILLER of Florida, Mr. MARSHALL, Mr. ROGERS of Michigan, Mr. BOOZMAN, and Mr. GARRETT of New Jersey.

H. Res. 111: Mr. PERRIELLO.

H. Res. 1207: Mr. GRAVES of Missouri.

H. Res. 1226: Mr. PETERS, Mr. CROWLEY, Mr. DENT, Mr. PALLONE, and Mr. LUETKEMEYER.

H. Res. 1326: Mr. SCHAUER.

H. Res. 1420: Mr. TANNER.

H. Res. 1449: Mrs. CHRISTENSEN, Mr. KING of New York, Mr. HINOJOSA, Mr. JONES, and Mr. BLUMENAUER.

H. Res. 1567: Ms. KAPTUR.

H. Res. 1576: Mr. MURPHY of New York.

H. Res. 1578: Mr. MEEKS of New York, Mr. THOMPSON of Mississippi, Mr. WATT, Mr.

JACKSON of Illinois, Mr. MEEK of Florida, and Mr. DAVIS of Tennessee.

H. Res. 1582: Mr. JACKSON of Illinois.

H. Res. 1585: Mr. WALZ, Mr. RODRIGUEZ, Mr. PERLMUTTER, Mr. WU, Mr. OWENS, Mr. DEFazio, Mr. FARR, Mrs. CAPPS, Mr. WILSON of Ohio, Ms. HIRONO, Ms. SUTTON, Ms. EDWARDS of Maryland, Mr. CARDOZA, Mr. DEUTCH, Mr. COSTA, Mr. SCHAUER, Mr. HALL of New York, Mr. CUMMINGS, Mr. MILLER of Florida, Mr. CRITZ, Mr. ADLER of New Jersey, Mr. RUPERSBERGER, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. JOHNSON of Georgia, Mr. SPRATT, Mr. ROONEY, Mr. FILNER, Mr. ANDREWS, Mr. FRANKS of Arizona, Mr. LAMBORN, Mr. LIPINSKI, Mr. CARTER, Mr. BRIGHT, Ms. JACKSON LEE of Texas, Mr. ORTIZ, Mr. TAYLOR, Ms. PINGREE of Maine, Mr. MURPHY of New York, Mr. JONES, and Mr. BISHOP of Georgia.

H. Res. 1588: Ms. DELAURO, Mr. MARSHALL, Mr. RANGEL, and Mr. WALZ.

H. Res. 1593: Mr. PAYNE, Ms. MOORE of Wisconsin, Mr. FILNER, and Mr. STARK.

H. Res. 1594: Mr. CARTER, Mr. TIAHRT, Mr. LINDER, Mr. WESTMORELAND, Mr. PRICE of Georgia, and Mr. LAMBORN.

H. Res. 1603: Mr. ALTMIRE, Mr. BACA, Mr. BOYD, Mr. CARDOZA, Mr. COSTA, Mrs. DAHLKEMPER, Mr. DAVIS of Tennessee, Mr. ELLSWORTH, Ms. GIFFORDS, Mr. KRATOVIL, Mr. MARSHALL, Mr. MITCHELL, Mr. POMEROY, Mr. SALAZAR, Mr. SCHIFF, Mr. SCHRADER, Mr. TAYLOR, Mr. THOMPSON of California, Mr. PERRIELLO, Mr. MAFFEI, Mr. McNERNEY, Mr.

MILLER of Florida, Mr. COSTELLO, Mr. ETHERIDGE, Mr. CARNAHAN, Ms. MCCOLLUM, Mr. LARSEN of Washington, Mr. NYE, Mr. DONNELLY of Indiana, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. PALLONE, Mr. GORDON of Tennessee, Mr. RUSH, Ms. ESHOO, Mr. STUPAK, Mr. ENGEL, Mr. GENE GREEN of Texas, Ms. DEGETTE, Mr. SNYDER, Mr. DOYLE, Ms. HARMAN, Ms. SCHAKOWSKY, Mr. GONZALEZ, Mr. INSLEE, Ms. BALDWIN, Mr. BUTTERFIELD, Ms. MATSUI, Mrs. CHRISTENSEN, Ms. CASTOR of Florida, Mr. SARBANES, Mr. MURPHY of Connecticut, Mr. SPACE, Ms. SUTTON, Mr. SHIMKUS, Mr. BURGESS, and Mr. WELCH.

H. Res. 1605: Mr. LAMBORN and Ms. SUTTON.

H. Res. 1615: Mr. LAMBORN, Mr. GALLEGLY, Mr. FRANKS of Arizona, Mr. ADERHOLT, Mr. OLSON, Mr. KILDEE, Mr. FLEMING, and Mr. SMITH of Texas.

H. Res. 1617: Ms. GINNY BROWN-WAITE of Florida, Mr. FILNER, Ms. HARMAN, and Mr. KLINE of Minnesota.

H. Res. 1621: Mr. RODRIGUEZ, Mr. TIBERI, and Mr. ROTHMAN of New Jersey.

H. Res. 1631: Mr. ROTHMAN of New Jersey, Mr. OLVER, Mr. ROYCE, Mr. MANZULLO, Mr. PAYNE, Mr. KENNEDY, Ms. WATSON, Mr. SIREs, and Mr. PALLONE.

H. Res. 1636: Mrs. CAPPS, Ms. HARMAN, and Mr. GARY G. MILLER of California.

H. Res. 1645: Mr. GRIJALVA and Mr. DOGETT.

EXTENSIONS OF REMARKS

A TRIBUTE TO HERMAN MERRITT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Herman Merritt for his contributions to education and his community.

Herman Merritt, a lifelong resident of Brooklyn, New York, was born and raised in the Gowanus Housing Project. He won a Martin Luther King Scholarship to attend New York University and graduated with a Bachelor's Degree in Education and a Master of Arts in Educational Administration. He also received an Advanced Certificate in Educational Administration from City College.

Mr. Merritt began his career in 1974 as a Social Studies and Mathematics teacher at JHS 265 in District 13. He continued his service to the New York City Department of Education in various positions. After serving as an Assistant Principal at P.S. 13 in District 19, he was appointed Principal at the Lewis H. Latimer School (P.S. 56) in District 13. He served there for 13 years until he became a mentor and finally Coordinator of the Supervisory Support Program. Mr. Merritt is retiring from the Department of Education after 36 years of service.

As a recipient of the Martin Luther King Scholarship, he has tried to make working for social justice an integral part of his life. He is active in many community organizations and a founding member of the Men's Caucus for Ed Towns.

Mr. Merritt resides in Bedford Stuyvesant with his wife Sherry and son Adam.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Herman Merritt.

HONORING AMITY TOWNSHIP CRIME WATCH

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. GERLACH. Madam Speaker, I rise today to congratulate Amity Township Crime Watch as the organization celebrates its 25th anniversary.

Since its founding in 1985, Amity Township Crime Watch has been a valuable crime-prevention resource for residents and businesses concerned for the protection of their homes and property. Known as the "eyes and ears" of Amity Township, Crime Watch has organized patrols, trained residents on how to recognize and report possible criminal activity and supported local law enforcement by providing supplemental funding for equipment and other items.

Thanks to extremely dedicated and hard-working volunteers and the outstanding support of the Police Department and Board of Supervisors, Amity Township Crime Watch has demonstrated the positive impact engaged citizens can have in keeping their community safe and making Amity Township a great place to live, work and raise a family.

Volunteers, residents, law enforcement and others will celebrate the 25th anniversary on Saturday, September 25, 2010 at Saint Paul's Lutheran Church in Douglassville, Berks County, Pennsylvania. Madam Speaker, I ask that my colleagues join me today in congratulating the volunteers and supporters of Amity Township Crime Watch as they commemorate this memorable milestone and in extending best wishes for continued success in preventing crime and serving the community.

HONORING NATHAN MIDDLETON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Nathan Middleton. Nathan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 235, and earning the most prestigious award of Eagle Scout.

Nathan has been very active with his troop, participating in many scout activities. Over the many years Nathan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Nathan has contributed to his community through his Eagle Scout project. Nathan designed and constructed ten wood duck boxes for Happy Holler Conservation Area in Andrew County, Missouri.

Madam Speaker, I proudly ask you to join me in commending Nathan Middleton for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE 175TH ANNIVERSARY OF THE TRINITY UNITED METHODIST CHURCH

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in recognizing the 175th anniversary of the Trinity United Methodist Church in West Frankfort, Illinois.

In 1835, the same year that noted American author Samuel Clemens—better known as Mark Twain—was born, a dedicated group of Methodists in Frankfort, Illinois gave birth to a new church and constructed a log structure as a place of worship. While the earliest history of the church existed as oral narrative, the church was known as the "Old Frankfort Methodist Church."

The first pastor of record was the Reverend J.P. Crawford. As the church and the Methodist denomination evolved, there were several name changes. In 1853, the church was named the Methodist Episcopal Church and then, in 1939, already over 100 years old, it became the Trinity Methodist Church. In 1968, it was named the Trinity United Methodist Church, after the Evangelical United Brethren Church and the Methodist Church merged to form the United Methodist Church.

As the congregation grew, the old log church could no longer meet its needs and a new frame church was built around 1875. Further structural changes were made after the Second World War, when the church was bricked and the parsonage was remodeled. A new parsonage was constructed in the 1960s.

The 175 year history of Trinity United Methodist Church has not been without some lean years. In the early part of the 20th century, it was feared the church would cease to exist but, through the dedicated efforts of a few determined parishioners, the church got through those tough times and has continued as the oldest church in what is now West Frankfort, Illinois.

Madam Speaker, I ask my colleagues to join me in honoring the 175th anniversary of the Trinity United Methodist Church and wishing the best to the congregation for many years to come.

TRIBUTE TO CHARLES ANSBACHER

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to pay tribute to an admirable leader and beloved friend's husband, Charles Ansbacher. His life exemplifies an attainable American dream. Mr. Ansbacher was a firm believer in the power of music to lift individual spirits. For this, I commend his legacy.

Mr. Ansbacher was born in Providence and grew up in Vermont. His parents, noted psychologists Drs. Heinz Ludwig and Rowena Ripin Ansbacher, encouraged his study by sending him to Greenwood Music Camp and Tanglewood. He later majored in physics at Brown University but switched to music after creating a successful chamber orchestra with

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

his classmates. He studied music at the University of Cincinnati in Ohio and at the Mozarteum in Austria.

His faith in music's ability to forge and repair a community led him to guest conduct far outside the typical circuit. He worked with orchestras in Beirut, Jerusalem, Azerbaijan, Belarus, Macedonia, Moldova, and Uzbekistan and held positions with the Moscow Symphony Orchestra, the Bishkek Philharmonic Chamber Orchestra of Kyrgyzstan, and the Sarajevo Philharmonic. He was the first American to conduct the Vietnam National Symphony.

When he founded his orchestra in 2000, Mr. Ansbacher placed the word "landmarks" in its title to signal his belief in the connection between his music and the locations where it was created. During that period he also developed his public policy interests, serving as a White House Fellow and co-chairing a U.S. Department of Transportation task force that advocated for the use of federal funds to build a presence for the arts within the mass transit system. As he was involved with his work, he met my dear friend, Swanee Hunt, whom he later married and accompanied to Vienna when she was appointed U.S. ambassador to Austria. There he worked as a guest conductor, and began his relationship with the Sarajevo Philharmonic.

Ambassador Swanee Hunt, Ansbacher's wife of 25 years, said: "Concerts, audience members, and passengers can be counted, but the impact of his ideas is incalculable. He imagined opportunities where others saw barriers. How many of us have dreamed bolder dreams, reached unimaginably farther, because of his stubborn encouragement and prodding? Our work is an extension of his work—no, of his life."

Madam Speaker, on behalf of the Thirtieth District of Texas and North Texas community, I am honored to commend the life of an astounding man, Charles Ansbacher.

TRIBUTE TO MARIO OBLEDO

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. BACA. Madam Speaker, I along with Representatives DORIS MATSUI, LAURA RICHARDSON, GRACE NAPOLITANO, CIRO RODRIGUEZ, CHARLES GONZALEZ, JUDY CHU, SOLOMON ORTIZ, and LINDA SANCHEZ rise to pay tribute to a great citizen, civil rights leader and humanitarian, Mario Obledo. A long time crusader for justice, Mario died of a heart attack on Aug. 18, 2010 at the age of 78, in his home in Sacramento, California.

Mario was a trailblazer, some referred to him as the "Godfather of the Latino Civil Rights Movement." A symbol of activism, he took on employment discrimination, advocated for affirmative action and encouraged bilingual education. Mario was committed to ending all forms of racial injustice, and served as a respected advocate for his community.

Throughout his legal career Mario desegregated schools, reformed jury selection, integrated swimming pools, and took down signs barring Mexicans from entering businesses. In

one famous case, he defeated a utility company with a height requirement that prohibited hiring anyone with an accent.

Mario was born in San Antonio, Texas, in 1932 to Concepcion Guerra and Jesus Obledo, immigrants who migrated to the United States during the Mexican Revolution. As a child he grew up in a tiny house off a dirt road and slept on the floor with his 12 siblings.

Mario's father died when he was five. His family often had to hustle to support itself, but Mario was encouraged by supportive adults to stay in school. His mother repeated to him, "teachers are second to God." The pharmacist he worked for since the age of 12 urged him to go to college.

Mario served in the Navy during the Korean War and graduated from the University of Texas at Austin in 1957 with a pharmacy degree. Working as a pharmacist, he put himself through law school and graduated from St. Mary's University in San Antonio in 1960.

Mario believed his greatest achievement was opening doors of employment to Latinos. He taught law at Harvard University and is credited with encouraging Latinos to enter state government.

Mario served as President of the National Coalition of Hispanic Organizations before he passed. He had a long and illustrious career in public service, working as Assistant Attorney General for the State of Texas, and later appointed head of the California Health and Welfare Agency from 1975 to 1982. In this capacity he served as the first ever Hispanic chief of a California State Agency.

In 1982 Mario was the first Hispanic citizen to mount a serious campaign for governor of California, despite losing he never lost his passion for justice and equality. He never tired of fighting for and advocating on behalf of the poor and underprivileged.

Mario successfully challenged discriminatory electoral systems and registered hundreds of thousands of Hispanic voters. He addressed candidates when they ignored issues affecting Latinos. Mario cried foul against Taco Bell in the late nineties, when it depicted a Chihuahua speaking with a stereotypical Mexican accent in national advertisements.

Mario along with fellow veteran Pete Tijerina, co-founded the Mexican American Legal Defense and Education Fund (MALDEF). Mario was responsible for MALDEF's litigation program, he organized legal seminars and disseminated legal information to the community. He lectured at colleges and universities and encouraged dialogue as a panelist at conferences and seminars.

Mario was co-founder of the Hispanic National Bar Association and the National Coalition of Hispanic Organizations. He served as president of the League of United Latin American Citizens (LULAC) from 1983 to 1985, was Chairman of the National Rainbow Coalition from 1988 to 1993, and also served on the Martin Luther King Jr. National Holiday Commission.

Mario holds many honors and awards recognizing his contributions to the advancement of civil liberties for people of color. In 1973, he was awarded the National Urban Coalition Distinguished Urban Service Award. In 1985 he was given the Ohlil Award, Mexico's high-

est civilian award to a foreigner. In 1998, Mario was honored with the Presidential Medal of Freedom by President Bill Clinton. In 1999 he was awarded the National Hispanic Hero Award by the United States Hispanic Leadership Institute.

Madam Speaker, we join today to express our gratitude to Mario for his life work and philosophy. A belief in helping others, a love of community, and patriotism compelled him to lead a tremendous life of service. It is fitting, on such an occasion that we tribute Mario Obledo for the exceptional friendship and leadership that is his legacy.

COACH CHARLIE DAVIDSON

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. GINGREY of Georgia. Madam Speaker, I rise today to pay tribute to one of Georgia's coaching greats, Charles V. "Charlie" Davidson. Coach Davidson spent his football coaching career as the head coach at Washington-Wilkes High School and at the Darlington School in Rome, Georgia.

From 1952 to 1970, Coach Davidson led the Washington-Wilkes Tigers football team to four state championships. During his career, he won more games than any coach in the history of both schools.

Coach Davidson's outstanding career includes 244 wins, 92 losses, and 14 ties. At the time of his retirement, he was the sixth winningest coach in the history of Georgia high school football. This impressive record earned him numerous honors and awards, including induction into the Georgia Athletic Coaches Association Hall of Fame in 2005.

Madam Speaker, I want to congratulate Coach Davidson on his remarkable career and join Washington-Wilkes High School in honoring him as they dedicate Charlie Davidson Field at Tiger Stadium tomorrow evening.

I ask that my colleagues join me in recognizing Coach Charlie Davidson.

COMMEMORATING THE 90TH ANNIVERSARY OF THE NINETEENTH AMENDMENT ESTABLISHING WOMEN'S SUFFRAGE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Ms. DeLAURO. Madam Speaker, I rise to commemorate a significant milestone in our national story, and to applaud the millions of tenacious, tough-minded American women who worked so hard to see it accomplished.

Ninety years ago, our nation ratified the Nineteenth Amendment to the Constitution, giving women the right to vote all across the country. This was an achievement that was years, even centuries, in the making.

Even before our nation declared independence, the seeds of suffrage can be found in the letters of Abigail Adams, when she implored her husband John to "remember the ladies and be more generous and favorable to

them than your ancestors." Its roots took hold at the Seneca Falls Convention of 1848, where antebellum reformers argued that "all men and women are created equal" and, in the Declaration of Sentiments, first demanded the right to vote. And the movement had begun to flower as early as 1869, when Wyoming became the first American territory to grant women the vote.

Over the course of the nineteenth century, committed reformers such as Elizabeth Cady Stanton, Lucretia Mott, Lucy Stone, and Susan B. Anthony kept the passion for women's suffrage burning in the American imagination. And in the early decades of the twentieth century, a new generation of progressive reformers kindled this flame into a wildfire. Thanks to the hard work of women like Jane Addams, Carrie Chapman Catt, Alice Paul, and millions more, women's suffrage at last became the law from sea to sea.

As women took to the polls, women legislators were not far behind. The passage of the Nineteenth Amendment paved the way for Jeannette Rankin, the first woman elected to Congress—she would take office only four years later. It paved the way for Ella Grasso of my home state of Connecticut, the first woman elected Governor independent of her husband.

And it paved the way for a whole host of diverse women leaders who have worked to transform American politics, from Bella Abzug, Shirley Chisholm, and Patsy Mink to Margaret Chase Smith, Nancy Kassebaum, and Connie Morella; from Ann Richards to Hillary Rodham Clinton to our very own speaker, NANCY PELOSI.

Ninety years ago, our nation took another large and important step towards fulfilling the promise of the founding—that this was and shall always be a land that enshrines freedom, equality, justice, and opportunity for every man and every woman. I applaud the millions of Americans in our history who worked hard to make women's suffrage a reality. And I urge my fellow women to honor this achievement by getting engaged in politics, by voting this and every November, and by committing to lead us all into the future.

TRIBUTE TO DEREK FARLEY

HON. SCOTT MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. MURPHY of New York. Madam Speaker, the following is an exchange of e-mails between Derek Farley and his mother, Carrie.

Communication between Carrie Farley and Derek Farley before he left for Afghanistan September 11, 2009:

It was nice hearing your voice and thank you for the call.

I'm proud of you Derek, you are right. For a young man you've accomplished and experienced a lot within your years of travel. You've met some really good friends, people you will always be able to depend on and will have your back.

All these experiences have made you a wonderful young man and I'm proud to be your mother.

I love you,

MOM.

I know I never said it when I was home but I love what I am doing in life and my job is my life. If something were to happen to me just remember I do the most dangerous job because it has the most rewarding payoff.

My life is EOD and if I get hit then I do it as an EOD Tech. There would be no greater honor for me if it comes to it, but I keep fighting because there are thousands of mothers out there just like you who want to see their sons and daughters again.

That is my motivation—to be an EOD guy. I know it sucks to talk about it, but it's true and there is a chance it could happen.

I just need you and dad and the rest of the family to keep supportive and let me do my thing. I trust my guys and when times are hard they keep me in line. I have the best training and the best back up anyone in the EOD field could ask for and that is 100% true.

DEREK.

99TH ANNIVERSARY OF THE REPUBLIC OF CHINA (TAIWAN)

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Ms. FOXX. Madam Speaker, October 10th marks the 99th anniversary of the Republic of China, ROC. From its first days in mainland China, the ROC has always been a world economic leader. Taiwan's rapid industrialization after the Second World War and Chinese Civil War has long since provided a fertile market for many U.S. companies.

Following World War II, Taiwan suffered horrific hyperinflation. The ROC government thus created a new currency zone for Taiwan, as well as a vital price stabilization program. Future U.S. economic assistance resulted in full price stabilization as early as 1952. Taiwan's ROC government then went about installing an import-substitution policy, helping local companies produce for themselves much of what they had until then imported.

Agriculture made up 35 percent of Taiwan's economy in 1952. That figure is roughly only 2 percent today. Taiwan has sustained much of its economic growth in modern times, and can now be thought of as nothing less than a fully developed economy. Real gross domestic product growth has averaged roughly 8 percent over the last 30 years. In fact, 2001, a year of nearly universal worldwide recession, was the first year since 1947 that Taiwan experienced negative economic growth.

Taiwan enjoys perennial trade surpluses, as well as the world's third highest foreign currency reserves. Dominated by many small and medium-sized businesses, Taiwan's entrepreneurial spirit and lack of undue government interference in the economy also helped shield the island from the worst of the 1997–98 Asian Financial Crisis. Taiwan today is also a major offshore investor in nearby Asian markets, namely mainland China, Vietnam, Indonesia and Malaysia.

I urge my colleagues to join me in congratulating the Republic of China on Taiwan on its many economic achievements during its rich 99-year history, many of which have also benefited U.S. investors, customers and exporters.

HONORING LCPL NATHANIEL SCHULTZ

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. BILIRAKIS. Madam Speaker, I rise today to honor the life, sacrifice, and heroism of Marine Corps Lance Corporal Nathaniel Schultz, of Safety Harbor, FL.

LCpl Schultz, an assistant gunner, was killed in the line of duty in Afghanistan on August 21st while supporting combat operations in Helmand Province. In the finest tradition of the U.S. Marine Corps, LCpl Schultz wanted to serve his country because he wanted to serve the American people and help the young children of Afghanistan.

Outside of the Marine Corps, Nate was an extraordinary young man. He was a graduate of Countryside High School who enjoyed skateboarding, playing guitars, and participating in outdoor activities.

Madam Speaker, though proud to have such a fine example from the Tampa Bay community, it is with great remorse that I rise to commemorate the life of LCpl Schultz. The young men and women, such as Nathaniel Schultz, who choose to serve their countrymen in the armed forces, amaze me. I appreciate their professionalism and dedication. Their sacrifice, like that of LCpl Schultz, will not be forgotten.

HONORING JOSHUA L. ROUMPH

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Joshua L. Routh. Joshua is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 235, and earning the most prestigious award of Eagle Scout.

Joshua has been very active with his troop, participating in many scout activities. Over the many years Joshua has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Joshua has contributed to his community through his Eagle Scout project. Joshua constructed signs for the program buildings and entrance for Camp Farwesta, the host site of Camp Quality, a year-round support facility for children diagnosed with cancer.

Madam Speaker, I proudly ask you to join me in commending Joshua L. Routh for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RESOLUTION HONORING OUR
SCHOOL PRINCIPALS

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce a resolution supporting October 2010 as National Principals Month. This designation will highlight and recognize the critical role that principals play, leading our schools.

I am pleased to introduce this bipartisan resolution with my colleague from the Education and Labor Committee, Congressman TODD PLATTS.

On any given day, principals are likely to be everything from an educational visionary, to community builder, to budget analyst, to facility manager, to counselor.

This means principals work long hours. In fact, the Bureau of Labor Statistics estimates that one in three principals works more than 40 hours per week and often works additional time supervising school activities at night and on weekends.

Principals set the academic tone for their schools and collaborate with teachers to develop performance goals and objectives, all in an effort to improve student achievement.

In the end, it is principals who are responsible for creating and managing the environment where our students learn and grow.

During the time I served on the San Diego School Board, I worked with many remarkable school leaders. I witnessed how their commitment and energy can inspire an entire school—from the youngest student to the most senior teacher.

It is a privilege to introduce a resolution paying tribute to our dedicated school leaders.

This October, let's honor this important role, which they dedicate themselves to year-round.

CELEBRATING THE 100TH ANNI-
VERSARY OF THE BOY SCOUTS
OF AMERICA AND THE NORTH-
ERN STAR COUNCIL

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Ms. McCOLLUM. Madam Speaker, I recognize the Boy Scouts of America Northern Star Council on the occasion of 100 years of Scouting in Minnesota and nationally. Residents of Saint Paul are proud that the Northern Star Council has its headquarters located in Minnesota's Capital City.

Since it was established in 1910, Boy Scouts of America have been dedicated to training young adults in the promotion of community service, outdoor education, and good citizenship. The Northern Star Council shares equally historic roots as the national organization. The council was originally organized as two councils. The St. Paul Council was organized on October 1, 1910. The movement was spearheaded by St. Paul businessman C.F. Proctor, who happened to be a friend of Sir

Robert S.S. Baden-Powell, the founder of the Boy Scout Movement in England.

A group of businessmen meeting at the Minneapolis Commercial Club organized the Hennepin Council on October 15, 1910. Former President Theodore Roosevelt, an avid supporter of the fledgling Scouting movement and Honorary President of the National Council, spoke at the Council's first general meeting in 1911. Sir Robert Baden-Powell himself presented a lecture to the Twin Cities Scouting community at the Minneapolis Auditorium in early 1912.

Over the next ninety years, both councils expanded. By 1960, the St. Paul Council had increased in size nine times, acquiring counties east of St. Paul, including four in western Wisconsin. In 1954, the council chose a new name to better reflect all of its membership: the Indianhead Council. During the same period, the Hennepin Council expanded westward to the North Dakota border and changed its name to the Viking Council.

On July 1, 2005, the Viking and Indianhead Councils merged to form today's Northern Star Council, one of the largest in the country. The council includes a band of communities reaching from the North Dakota border on the west to the communities of Ellsworth and Roberts, Wisconsin, on the east.

Boy Scouts of America is a group that has had a positive impact on generations of young people in Minnesota. I am pleased to honor the members and volunteers for their hard work and constant dedication to our community. Madam Speaker, please join me in rising to honor the 100th Anniversary of the Boy Scouts of America and the Northern Star Council.

RECOGNIZING CONTRIBUTIONS OF
NINE HUMANITARIAN AID WORK-
ERS AND MOURNING THEIR LOSS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise to recognize the contributions of nine humanitarian aid workers, including six Americans, who were killed in Afghanistan last month, and to mourn their loss.

These six Americans were dedicated to the health and well-being of the people of Afghanistan. Mr. Glen Lapp, a nurse from Lancaster, PA, had been in the country nearly two years and was managing a provincial ophthalmic care program. Ms. Cheryl Beckett from Knoxville, TN, had been working in the areas of community development and maternal-child health for the past six years. Dr. Tom Grams, a dentist from Durango, CO, was inspired to lend his services to victims of the Taliban in Afghanistan shortly after the September 11th attacks. Dr. Tom Little, an optometrist from Delmar, NY, had spent the better part of thirty years in the country and was the coordinator of a national ophthalmic rehabilitation program. Mr. Dan Terry of Pennsylvania had also lived and worked in humanitarian aid in Afghanistan for several decades. And videographer Mr. Brian Carderelli, from Harri-

sonburg, VA, had been in the country less than a year documenting the lives of the Afghan people.

The humanitarian efforts of this group and others are some of the best ways that Americans can reach out to the people of Afghanistan. This important work will help establish a better relationship between our countries, and directly undermines the work of terrorist groups. We mourn not only the loss of these six brave individuals, but the greater loss to Afghanistan and the United States alike.

Madam Speaker, I ask that all my distinguished colleagues join me in honoring Mr. Glen Lapp, Ms. Cheryl Beckett, Dr. Tom Grams, Dr. Tom Little, Mr. Dan Terry, and Mr. Brian Carderelli. Our world will be a darker place, for want of their light.

COMMEMORATING THE 350TH ANNI-
VERSARY OF THE HOPKINS
SCHOOL IN NEW HAVEN

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Ms. DeLAURO. Madam Speaker, I rise to commemorate the 350th anniversary of the Hopkins School, a co-educational preparatory day school in my hometown of New Haven, Connecticut and the third oldest independent school in the United States.

The rich history of Hopkins dates to well before the dawn of our American republic, when Governor Edward Hopkins of the young Colony of Connecticut established America's first charitable trust in 1650. In that trust, he set aside some of his estate for "the breeding up of hopeful youths for the public service of the country in future times." And so a one-room schoolhouse was built on New Haven Green bearing Hopkins' name. From that seed, a fine educational institution has flourished.

In the centuries since, Hopkins has molded many Connecticut youths into fine public servants. Among the school's esteemed alumni are a signer of the United States Constitution, several noted engineers and prize-winning physicists, diplomats and industrialists, governors, Senators, and more than a few presidents of Yale University.

To this day, from its home since 1926 on a hill overlooking New Haven, Hopkins still continues to mold our State's bright young minds into leaders and innovators. With an average class size of fourteen, an educational philosophy that prizes extracurricular activities, public service, and engaged citizenship in addition to the usual academic subjects, and an inclusive community that welcomes young men and women of all races, classes, ethnicities, and creeds, it is little wonder that Hopkins continually produces students that place among the top of the Nation in standardized testing.

I congratulate Hopkins and its current Head, Barbara Riley, on three and a half centuries of academic achievement. And I salute the school's continuing service to the colony, State, and young people of Connecticut. Here is to the first 350, and here's to many more.

HONORING CENTRAL FLORIDA'S
VETERAN OF THE MONTH**HON. ALAN GRAYSON**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. GRAYSON. Madam Speaker, I rise today to honor central Florida's "Veteran of the Month", a local man known for his exceptional accomplishments and volunteer efforts.

Former Marine Staff Sgt. Michael Sprouse is paralyzed. Despite his disability, Mike has persevered to become a world-class hand cyclist. He holds five marathon course records, and is the world record holder for speed on a downhill course. Mike also organizes and runs sporting clinics for individuals with disabilities all over central Florida and south Florida.

Military service is a family tradition for Mike. His grandfather and father served in the United States Marine Corps. His father made the ultimate sacrifice in Vietnam in 1966. Mike entered the Marine Corps the day after he graduated from high school. He went on to serve 6 years as a Drill Instructor at Parris Island, the Marine Corps Recruit Depot in South Carolina.

Madam Speaker, Mike Sprouse is an inspiration. Every day, he leads by example. Mike encourages others to overcome their disabilities. He is not just an exemplary veteran, he is a phenomenal person. I am proud to recognize him as Florida's 8th District Veteran of the Month.

USS POSCO INDUSTRIES CELEBRATES ITS 100TH ANNIVERSARY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. GEORGE MILLER of California. Madam Speaker, I rise today to recognize the 100th anniversary of USS POSCO Industries of Pittsburg, California.

In 1910, Columbia Steel Company was established at the current site of the plant in Pittsburg—a single open hearth furnace making steel castings for dredging, lumber and shipping industries with 60 employees. In the 1920s, the plant expanded to include the West's first nail mill, and later, the first hot dip tin mill west of the Mississippi to serve the food processing industry.

In the 1930s, United States Steel purchased Columbia and expanded the facilities to serve big public works projects like construction of the San Francisco Bay Bridge, which consumed 200,000 tons of steel. Post World War II expansion included modern continuous sheet and tin mills, the West's first continuous rod mill, cold rolling mills, electrolytic tinning, cleaning, continuous coating and annealing lines.

United States Steel became the first manufacturer in the West of galvanized sheet and thin-gauge tinplate in the 1950s, when plant employment peaked at about 5,200 men and women.

In the 1960s and 1970s, competing materials such as aluminum and plastics, as well

as the advent of mini-mills and foreign imports, led the company to focus on its most efficient and competitive product lines. When a pipe mill was added, the Pittsburg facility gained the distinction of having the most diverse product line of any steel plant in the United States.

In 1986, USS POSCO Industries was formed as a 50/50 joint venture between United States Steel and POSCO of the Republic of Korea and the new company invested \$450 million in modernizing facilities. Shortly afterwards, the company opened a Learning Center to promote continuing education. This Center continues to this day and now offers over 90 courses to employees and members of the community. Meanwhile, a new era of world-class operations began with a consistent supply of continuously cast, high-quality hot bands arriving by ship and rail from the joint venture partners.

USS POSCO was recognized in 1994 for outstanding corporate environmental achievement by the National Environmental Development Association. In 1996, the facility attained ISO 9002 certification, acknowledging compliance with the highest international standards for quality and manufacturing processes.

In 2002, a \$115 million project to rebuild the Pickle Line Tandem Cold Mill was completed after a May 2001 fire destroyed the mill.

In 2005, USS POSCO was awarded the coveted ISO 14001:2004 certification, the premier international standard for environmental excellence. Certification recognizes the company's strict environmental standards for documenting, training, auditing, and managing all aspects of the manufacturing process. The newly-merged company's 20th anniversary was celebrated in 2006 with sales exceeding \$1 billion and 2009 saw its best safety year ever.

Currently, USS POSCO employees about 750 workers and its annual production is over one million tons. The steel the company produces is used to manufacture sanitary food cans, a variety of construction products including culverts, studs, roofing, and HVAC applications, electrical conduit, ornamental tubing, filters, computer cabinets and office furniture. USS POSCO is the largest employer in the City of Pittsburg and annually contributes about \$400 million to the local economy.

The company is the largest corporate fundraiser in the East Bay for the Juvenile Diabetes Research Foundation (JDRF), to which it has contributed for fifteen years, and in 2008 the company raised \$173,000. The company's employees participate in a variety of local civic activities including Junior Achievement and the Los Medanos Community College Foundation, while the company worked with the college to establish a new apprenticeship program for vocational training.

I know I speak for all Members of Congress when I congratulate USS POSCO on its 100th anniversary of continuous steel making in Pittsburg, California, and wish them continued success.

HONORING CHRISTOPHER McLAIN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Christopher McLain. Christopher is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 394, and earning the most prestigious award of Eagle Scout.

Christopher has been very active with his troop, participating in many scout activities. Over the many years Christopher has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Christopher has contributed to his community through his Eagle Scout project.

Madam Speaker, I proudly ask you to join me in commending Christopher McLain for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTRODUCING THE FOSTER
CHILDREN SELF SUPPORT ACT**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. STARK. Madam Speaker, I rise today to introduce the "Foster Children Self Support Act." This bill will correct a long-standing injustice that has deprived thousands of foster youth of Social Security benefits and will provide some of our most vulnerable children with a chance to succeed. I am proud to introduce this bill in partnership with Congressman LAN-GEVIN, who is a tireless advocate for children and individuals with disabilities.

In nearly every state in the country, foster children eligible for Social Security benefits because of a disability or the loss of a parent are having those benefits taken by the very state agencies charged with their care. The "Foster Children Self Support Act" would end that practice. Instead, it would require states to use a child's Social Security benefits to meet the immediate needs of that child or set aside those benefits to assist the child with transitioning to adulthood when that child emancipates from care.

The Congressional Research Service (CRS) estimates that approximately 30,000 foster children (out of 500,000 nationwide) receive either Supplemental Security Income (SSI) or OASDI (Old Age, Survivors, and Disability Insurance) benefits each month. Unfortunately, hardly any of these children will benefit from these funds. Nor will the children have the option to conserve the funds to use when they leave care. This is because state child welfare agencies routinely make themselves the representative payee so that they have control over the child's benefits. Often, neither the child nor the child's advocate knows that Social Security benefits are being sent to the

agency. Once the welfare agency controls the benefits there are few limits on what they can do with the funds.

State welfare agencies take an estimated \$156 million per year from foster children, according to a CRS analysis. The practice has devastating consequences for youth who age out of the system without supports. Former foster children face tremendous challenges. Foster children often enter care having suffered from serious emotional, mental, and/or physical abuse. For example, they suffer from Post Traumatic Stress Disorder (PTSD) at a rate twice as high as Iraq War veterans. When youth emancipate from care, 37 percent experience at least one episode of homelessness and 16 percent of men are incarcerated by the age of 24. Only 48 percent of former foster youth are employed at age 24 and only 6 percent had a college degree. The "Foster Children Self Support Act" is especially important since it is safe to assume that those foster youth who have lost their parents or are eligible for SSI due to severe mental or physical disabilities are among the most vulnerable.

The "Foster Children Self Support Act" provides a way to help these young people. It does so by mandating that states develop a plan for foster children who receive Social Security benefits. The plan would describe how to use a child's Social Security benefits as a resource to best meet the current and future needs of that child. The plan must be specific to each child receiving Social Security benefits and made in partnership with the child and the child's advocate. If this bill were law, states would no longer be allowed to simply use children's Social Security money as they see fit. Instead, this money would have to be used as any parent would use it: to provide for the child's particular needs and help plan for the child's future.

The bill will:

Require that states screen all foster children for Social Security eligibility and assist them in application;

Require states to identify other appropriate representative payees for eligible children, such as family members, before becoming the payee themselves;

Require states to develop a plan, with a child and that child's advocate(s), on how to best use the Social Security benefits to provide for the current and future needs of the child;

Provide for the conservation of Social Security funds in dedicated accounts that a child can access when they leave care to pay for things like housing, education, transportation, and other life expenses;

Exclude the conserved funds from the \$2,000 SSI resource limit to ensure that youth can accumulate a substantial amount of assets without losing their eligibility for future benefits;

Ensure that youth are provided assistance to maintain eligibility for benefits after they transition out of care;

Require the GAO to report back to Congress on states' progress in screening all foster children for Social Security eligibility.

As Members of Congress, we are the grandparents and guardians of all foster youth. We have a moral obligation to provide foster children with the resources they need to be-

come independent adults, just as we would our own children. The "Foster Children Self Support Act" is a small part of fulfilling this obligation and a large step toward helping one of the most vulnerable groups of foster children.

I urge my colleagues to join Congressman LANGEVIN and me in support of this important legislation.

INTRODUCTION OF A RESOLUTION TO EXPRESS CONDOLENCES AT THE LOSS OF LIFE OF 72 PEOPLE EXECUTED IN TAMAULIPAS, MEXICO

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. MORAN of Virginia. Madam Speaker, today I am introducing a resolution to express our condolences at the loss of life of the 72 people who were executed in Tamaulipas, Mexico by a drug syndicate on August 25, 2010.

The United States and Mexico have a unique relationship that is vitally important to both countries and to the world.

The loss of life and the utter callousness of this act need to be on the forefront of public consciousness.

The proliferation of criminal gangs like the one responsible for this atrocious crime highlights the extreme insecurity faced by migrants.

This act only reiterates the importance of comprehensive immigration legislation on both sides of the border to place safety above all other concerns.

I ask for my colleagues' support of this resolution which calls on the governments of the United States, Mexico, and nations throughout Latin America to commit to greater collaboration on the management and reform of migration policies within and between countries, to reduce the loss of life and establish safe, legal, and orderly migration that respects and protects human rights; and work together to address the factors driving high rates of irregular migration that increasingly exposes migrants to exploitive and life-threatening conditions.

HONORING WARREN EDWARD DIFFENDALL

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. COURTNEY. Madam Speaker, I rise today to honor a great American. Warren Edward Diffendall of Deep River, Connecticut passed away earlier this year and will be interred at Arlington National Cemetery this week. As a soldier and active citizen, Warren gave much of his life to our great nation.

Warren was a veteran of World War II—a Tech Sergeant in the Eighth Air Force, 489th Bomber Group, in England. He was a waist gunner on a B-24 Liberator that flew 2 historic

missions on D-day. With such an honorable record in the armed services under his belt, Warren went on to serve his country for a long time after the war.

He spent many years doing good work to protect the environment and its inhabitants as a special agent for the Department of the Interior's U.S. Fish and Wildlife Service and for the Department of Commerce's National Marine Fisheries Service. Having worked extensively with these organizations in Connecticut, I can tell you from firsthand experience how crucial people like Warren are to protecting the livelihoods of Connecticut's fisherman and the safety of our land and waterways. In addition, he became a passionate grower of fruits, vegetables, and flowers after settling in Deep River.

When we honor men and women like Warren Diffendall who served their nation during wartime and peacetime, we are reminded of why these individuals are referred to as our "greatest generation." I stand here today to honor the memory of Warren Diffendall for his service and sacrifice. Anyone who devoted their life to protecting our nation and ensuring its prosperity for future generations, in the manner that Warren did, is worthy of our eternal gratitude. I ask my colleagues to join me in mourning the loss and honoring the life of Warren Diffendall.

SUPPORT OF THE UNITED NATIONS MILLENNIUM GOALS

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Ms. SCHAKOWSKY. Madam Speaker, I rise today to draw attention to the United Nations Millennium Development Goals, and to strongly urge the United States to do everything in its power to combat global inequalities. This week, as the UN gathers to discuss these important priorities, we must demonstrate our shared commitment to meeting the challenges we face as a global community.

The Millennium Development Goals aim to significantly reduce global injustices including extreme poverty and hunger, inferior education and healthcare systems, and unequal opportunity between the sexes by 2015. Of particular importance is the effort to cut in half the number of people worldwide—nearly one billion—who suffer from undernourishment or malnourishment.

Before the recent global economic and agriculture crises, many developing regions of the world were on track to meet the Millennium Development Goals for hunger. Now, the tremendous progress seen in Southeast Asia, Latin America and the Caribbean has been stymied. It is imperative that we address this issue now. Increased food security leads to advances in health, education, and equality in developing nations, all of which are vital to fostering international goodwill and national security.

Rashieda Weaver, president of the African Youth Coalition Against Hunger, Malnutrition, HIV and AIDS, and a constituent of mine, believes the key to solving this crisis lies in a

strong local response, particularly through supporting women farmers. Women produce the majority of food in many developing regions, including up to 80 percent in Africa and 60 percent in Asia. However, in many developing nations, inferior education and economic injustice leaves women, and as a result their families and communities, unable to maximize their output. The U.S. should support programs that emphasize empowering women to produce at their full capacity, which studies show can increase yields by up to 20 percent, reducing hunger in the process.

As we approach the deadline, I urge my colleagues to embrace and support the Millennium Development Goals, and take steps to eradicate food insecurity worldwide.

HONORING NICK VAN DER DRIFT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Nick van der Drift. Nick is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 235, and earning the most prestigious award of Eagle Scout.

Nick has been very active with his troop, participating in many scout activities. Over the many years Nick has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Nick has contributed to his community through his Eagle Scout project. Nick reached out to local businesses and citizens and successfully collected funds and supplies for the Community Service League of Blue Springs, Missouri, benefitting hundreds of those in need.

Madam Speaker, I proudly ask you to join me in commending Nick van der Drift for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

THE SMALL MANUFACTURERS EXPORT INITIATIVE—INCLUSION IN SMALL BUSINESS BILL

HON. RICK LARSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. LARSEN of Washington. Madam Speaker, I rise today in support of our nation's small manufacturers. Earlier this year, I introduced H.R. 5797, the Small Manufacturers Export Initiative. I am pleased to see that the provisions of the Small Manufacturers Export Initiative have been included in this Small Business bill that we are voting on today. This legislation, and this Rule, will help small and medium sized manufacturers export their products—not their jobs—overseas. I want to see the label “Made in America” again, continuing our drive to create American jobs, and expand Amer-

ica's manufacturing sector—and this bill is an important step in that direction. When we make it in America, we lead the world economy, we promote competitiveness, and we create jobs. The provisions are simple; they provide resources to the Department of Commerce to help small and medium sized businesses and manufacturers export their products overseas and create jobs here at home. The global market presents a fast and ever growing market for U.S. exports. Nationwide, nearly 3.7 million manufacturing jobs are supported by exports—27 percent of all jobs in the manufacturing sector. In my district alone there are over 170 aerospace manufacturing companies, and in Washington state there are over 100 boat manufacturers—with many of these small businesses exporting their products. We must do all we can to support these manufacturing companies sell their products both here in the United States—and in other countries. The small business export promotion provisions included in this bill will build the infrastructure necessary to connect American Small and Medium Sized manufacturers with export opportunities around the world and help them increase their productivity and expand their businesses. Let's work together to ensure “make it in America” is a reality for today's economy—and the future. I urge support for this legislation and this Rule.

TRIBUTE TO THE TENTH ANNUAL BINATIONAL HEALTH WEEK

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. BACA. Madam Speaker, I rise to salute the Tenth Annual Binational Health Week to take place next month. This program was first established in 2001 to facilitate discussion on the challenges and opportunities that face migrant Latino populations. The annual forum allows participant agencies and organizations to effectively strategize public health policies that benefit border populations by addressing issues pertaining to health care.

Established as a partnership between the California-Mexico Health Initiative and the Mexican Ministry of Health and Foreign Affairs, Binational Health Week has become one of the largest mobilization efforts to improve the health and well being of underserved Hispanics in North America. Today, it is the product of relationships between multiple agencies and organizations that minister to immigrant population health issues.

This tradition has become an annual festival of health promotion and education activities which include workshops and medical screenings. Last year, the Binational Health Week was kicked off in Santa Fe, New Mexico. Through the inaugural event forum, five national campaigns were implemented with the aim of increasing the Latino population's awareness of H1N1 and Preparing for Public Health Emergencies, Prevention of Addictions, Nutrition, Stroke Awareness, and Living Green.

In addition, to celebrate the Binational Health Week last year, an estimated 766,000

people participated in over 5,000 activities throughout the United States and Canada. Over 10,000 agencies, 140 consulates and 17,000 volunteers participated in the organization of the 2009 week long events.

This year, the inaugural forum will take place in Guanajuato, Mexico with the aim of exploring collaborative opportunities to improve the health and well-being of the cross-border migrant and immigrant population. Binational Health Week will be celebrated from October 4th through 15th in 40 states in the U.S. and 3 provinces in Canada. Also participating will be the consular networks of Mexico, Guatemala, El Salvador, Honduras, Colombia, Ecuador, and Peru.

During Binational Health Week, a national campaign will take place to create awareness among the underserved Latino community on the topics of prevention of addictions, gang involvement among adolescents, oral health, obesity, diabetes, disabilities, autism awareness, and access to existing health care. During the campaign a series of activities and health education programs will be conducted including informational workshops, free screenings, core exams, and vaccinations to the public.

The expansion of Binational Health Week over the years has contributed to the main partnerships that have been formed between California's Department of Public Health, The California Endowment, The California HealthCare Foundation, the Health Initiative of the Americas at the University of California in Berkeley, the United States-Mexico Border Health Commission, the Secretariats of Health and Foreign Affairs of Mexico, the Ministries of Foreign Affairs of El Salvador, Guatemala, Nicaragua, Honduras, and Colombia, the Institute for Mexicans Abroad, and the Mexican Social Security Institute.

Madam Speaker, today I rise to congratulate Binational Health Week and its organizers, volunteers and participants for realizing this important initiative. Planning for the Tenth Annual Binational Health Week is already well under way in the Inland Empire. I encourage the residents in my district and around the country to observe and partake in local Binational Health Week activities. It is fitting, on such an occasion, that we stand here today to honor Binational Health Week for their many years of outstanding service to our communities on and across the border.

HONORING THE GOLDEN MEMBERS OF THE CROATIAN SONS LODGE NUMBER 170

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. VISCLOSKY. Madam Speaker, it is my distinct honor to congratulate the Croatian Sons Lodge Number 170 of the Croatian Fraternal Union on the festive occasion of its 103rd Anniversary and Golden Member banquet on Sunday, October 3, 2010.

This year, the Croatian Fraternal Union will hold this gala at the Croatian Center in Merrillville, Indiana. Traditionally, the anniversary celebration entails a formal recognition of

the Union's Golden Members, those who have achieved fifty years of membership. This year's honorees who have attained fifty years of membership include: Franklin N. Boskovich, Diana L. Budzielek, Jerry John Cogelja, Mark C. Corey, Anne Marie Glivar, William M. Glivar, Carl A. Helsing, Patrick Joseph Kane, William R. Kaurich, William M. Maluvac, Robert Petrusa, Filomena Schmidt, Judith Surowiec, and Georgene S. Trippel.

These loyal and dedicated individuals share this prestigious honor with approximately 489 additional Lodge members who have previously attained this important designation.

This memorable day will begin with a mass at Saint Joseph the Worker Croatian Catholic Church in Gary, Indiana, with the Reverend Father Stephen Loncar officiating. The banquet will begin at 12:00 p.m.

Madam Speaker, I urge you and my other distinguished colleagues to join me in commending Lodge President John Miksich and all members of the Croatian Fraternal Union Lodge Number 170 for their loyalty and radiant display of passion for their ethnicity. The Croatian community has played a key role in enriching the quality of life and culture of Northwest Indiana. It is my hope that this year will bring renewed hope and prosperity for all members of the Croatian community and their families.

RECOGNIZING JUDGE WINSTON EUGENE ARNOW AND HIS DEDICATED SERVICE AS A U.S. DISTRICT JUDGE

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. MILLER of Florida. Madam Speaker, I appreciate the House bringing this legislation to the floor today in making the technical change to designate the Historic Federal District Court Building located at 100 North Palafox Street in Pensacola, Florida, as the Winston E. Arnow Federal Building.

Since the United States District Court in the Northern District of Florida moved to a new courthouse location in 1999, this building underwent a major renovation and opened for occupancy in 2005. Occupying the building is the Bankruptcy Unit of the District Court, the United States Probation Offices and a portion of the District Court. The building has become an integral part of the Florida Northern District Court in Pensacola.

Madam Speaker, this measure provides a fitting tribute to the service and life of a man who did so much for Northwest Florida. He is widely acknowledged as the judge who made the hard decisions that reshaped our local area in the late sixties and seventies. Judge Arnow's decisions have shaped northern Florida's governments, its schools and its jails.

I urge my colleagues to support this measure to recognize a legacy of American fairness by a man whose decisions were in the right spirit of the instrument in which he believed most, the Constitution of the United States of America.

RECOGNITION OF THE MERION VILLAGE ASSOCIATION

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Ms. KILROY. Madam Speaker, I rise today to honor the Merion Village Association for twenty five years of fostering goodwill in its historic community. Merion Village was home to some of the first settlers of Columbus and has proved to be a resilient, vibrant community that is still very active today.

Two hundred years ago, Nathaniel Merion arrived in central Ohio to establish the town that would eventually bear his name. His intuitive business sense and the hard work and determination of the people of Merion launched the town into a hub of activity and industry. By the early 20th century, Merion had become a prime manufacturing center and the home of two large steel plants. Today Merion is a melting pot of different cultures, a vibrant town rooted in the past but looking toward the future.

The Merion Village Association cultivates a small-town feel in an increasingly global age. The Association seeks to preserve the values instilled by early settlers while incorporating the many cultures that have since come to the area. Merion Village is now a rich tapestry of new and old residents, an interesting blend of German, Irish, Italian, and Hungarian. The Association brings together Merion's many diverse residents to discuss hard issues facing their community and provides social outlets for residents to meet one another and forge new friendships.

Merion Village was the land of opportunity for many people, a place where they could realize their dreams. For the past 25 years, the Association has provided the residents of Merion with the social support needed to achieve their goals. Residents of Merion may learn about and discuss the issues facing their community through one of the monthly meetings the Association hosts. Additionally, residents who normally may not have had contact with one another have the opportunity to mix and mingle at one of the Association's many events.

As Merion Village continues to grow and strive, the Merion Village Association will continue to play an important and vital role in the community. On October 16, 2010, the Merion Village Association will celebrate its 25th anniversary. I am proud to recognize and honor the Merion Village Association for its efforts, past and future, in making Merion Village what it is today.

THE PHILLIES ARE OFF-FIELD CHAMPIONS TOO

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. FATTAH. Madam Speaker, the Phillies in my hometown of Philadelphia are closing in on another baseball championship season

with the aim of a third straight trip to the World Series.

But we don't need the latest baseball scores to declare the Phillies and their players as true champions in the neighborhoods and environs of Philadelphia.

It starts at the top with the Phillies themselves and Phillies Charities Inc., which has a lengthy and impressive list of community activities and charitable initiatives. The Phillies hit another home run this week, announcing a major partnership with Mayor Michael Nutter, the City of Philadelphia and Major League Baseball to expand the club's commitment to youth baseball in the inner city.

The partners announced they are launching the nearly—\$3 million Philadelphia Urban Youth Academy, a year-round program that will provide baseball and softball instruction as well as academic enrichment to youth in low-income neighborhoods. The academic investment is huge—combining baseball skills with life skills and a commitment to quality education. As Mayor Nutter said during Wednesday's ceremonies at Franklin Delano Roosevelt Park, less than a mile from the Phillies home Citizens Bank Park: "Not all the children who enter this Academy will become professional athletes, but all of them will leave with a firm grasp of how a quality education can help transform their lives."

This will be the fourth MLB Urban Youth Academy nationally—and the first to operate on multiple sites within a city. It was fitting that Phillies second baseman and Phillies linchpin Chase Utley, who has served as Chairman of the Phillies RBI ("Reviving Baseball in Inner Cities") and Rookie League programs since 2006, was on hand with the Mayor and Phillies President Dave Montgomery for the launch.

Utley is by no means alone. Numerous members of this exciting and community-minded team have established personal foundations, visited inner city playgrounds, donated generously to charities and performed like All-Stars of public service.

Leading off in center field is Shane Victorino, the Phillies nominee for the Roberto Clemente Award that Major League Baseball bestows each year on the player who best exemplifies the charitable spirit of the late and great Pirates Hall of Famer. On June 7, he officially launched the Shane Victorino Foundation and announced that he would be donating \$900,000 over the next three years to the Nicetown Boys and Girls Club to be renamed for Victorino—in one of Philadelphia's most impoverished neighborhoods. Victorino is paying homage to the Boys and Girls Club where he spent time as a youth in Hawaii.

Batting cleanup is first baseman Ryan Howard. The popular slugger has teamed up with Victorino to support Philadelphia Futures, a mentoring program for inner-city students. He has donated to the Police Athletic League and received recognition from PAL for community service. He has worked with the Make-A-Wish Foundation, granting special wishes for children and teens suffering from serious illnesses. He has been Spokesman for the Boys and Girls Clubs nationally, for the Variety Club, and has visited a number of schools and recreation centers in Philadelphia.

Shortstop Jimmy Rollins has turned his defensive skills into a big time community offensive. He hosts an annual Celebrity BaseBOWL charity event which has raised over \$200,000 for the Juvenile Diabetes Foundation, the Arthritis Foundation and local literacy efforts. He's also worked with the American Red Cross, Easter Seals and the Volunteers of America organization, and donated 30 computers to Olney High School.

Utley hosts Chase's Champs which benefits Children's Hospital of Philadelphia and St. Christopher's Hospital and provides young patients and family members with the opportunity to attend a Phillies game. He and his wife Jen have been prominent fundraisers and spokespeople for the Pennsylvania SPCA and their love for animals is known to just about every Phillies fan.

Pitcher Cole Hamels and his wife Heidi have created the education-minded Hamels Foundation, which has a dual mission to provide support for quality community-based education in the United States and to establish a school in Malawi, Africa. The Foundation has also been active closer to home, with Cole Hamels hosting pitching clinics for campers at FDR Park.

Pitcher Jamie Moyer and wife Karen have long been recognized for their tireless efforts for young people. Jamie Moyer, who set records for longevity and accomplishment almost every time he took the mound this year, has set more records through the Moyer Foundation, raising more than \$19 million in the past decade to assist over 170 programs that directly serve the needs of children in severe distress. The Moyers established Camp Erin, in 2007, as a weekend bereavement camp for children, and the Foundation has set up three dozen such camps with hopes to establish a Camp Erin in every Major League City.

Coming out of the bullpen are J.C. Romero, with his "Romero's Rookies" benefitting underprivileged children, closer Brad Lidge, who with his wife Lindsay partner with the Food Trust to raise awareness about healthy eating and access to healthy, affordable food. Brad Lidge also has Lidge's Legion, benefiting Children's Hospital, its patients and their families.

I'm proud to have this All-Star lineup going to bat for the underserved youth, for those battling diseases and health concerns, all across the Philadelphia area, from the inner city to the far suburbs. Thanks to all our champions in Red, on and off the field, and go Phillies!

CELEBRATING THE 60TH ANNIVERSARY OF THE 126TH AIR REFUELING WING

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in recognizing the 60th Anniversary of the 126th Air Refueling Wing, Illinois Air National Guard, Scott Air Force Base, Illinois.

The 126th Air Refueling Wing, ARW, traces its origin to the formation of the 126th Com-

posite Wing at Chicago's Midway Municipal Airport on November 1, 1950. During the 1950's there were a couple of name changes for the unit and its home moved between Chicago's Midway and O'Hare airports before it was finally designated the 126th Air Refueling Wing, received its first KC-97 flying tanker and flew its first air refueling mission in 1961.

From 1967 to 1976, the 126th ARW took part in Operation Creek Party, during which they would fly refueling missions in support of the U.S. Air Force in Europe. 150 million pounds of fuel was off-loaded to U.S. Air Force and NATO aircraft during approximately 600 flights. This marked the first time the Air National Guard had performed a continuous operation without activation.

The first KC-135 Stratotanker, the aircraft that is still flown by the 126th ARW today, began its service in 1976, at which time the 126th ARW began support of the Strategic Air Command. The 126th ARW would support U.S. Air Force operations in the first Gulf War and in Kosovo as well as respond to the Illinois Governor's call for assistance during the 1993 Midwest flooding.

As part of the 1995 round of Base Realignment and Closure (BRAC), the decision was made to move the 126th ARW to Scott Air Force Base and the move was completed in 1999.

After September 11, 2001, the 126th ARW was called to fly missions to monitor the skies over major U.S. cities. The wing again was called to support U.S. Air Force missions during the first year of Operation Iraqi Freedom.

The mission of today's 126th Air Refueling Wing is to provide air refueling support for U.S. and allied nation military forces throughout the world. As it has shown throughout its history, the 126th answers the call to protect the citizens of Illinois through civil defense and disaster relief. The men and women of the 126th Air Refueling Wing continue to protect and defend "Anytime, Anywhere!"

Madam Speaker, I ask my colleagues to join me in congratulating Wing Commander, Colonel Peter Nezamis, and all the service men and women of the 126th Air Refueling Wing on their 60th Anniversary and wishing them the very best as they continue to provide valuable service to the State of Illinois and our great Nation.

HONORING REVEREND CANON CHARLES POINDEXTER

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. BRADY of Pennsylvania. Madam Speaker, I rise today to honor the accomplishments of Reverend Canon Charles Poindexter. I would like to congratulate Rev. Poindexter on his recent installation as Rector Emeritus of Saint Luke's Church in Germantown, PA.

Reverend Poindexter has spent his entire career dedicated to his community as a clergyman, educator, and civil rights advocate. In 1968, Rev. Charles, then Rector of St. Barnabas Church, merged his black congregation with the local white congregation to form a

newly integrated church to serve as a beacon for the community. This was an expression of Rev. Charles' heartfelt belief that when "Christians decide to unite, race becomes secondary."

Rev. Poindexter was also committed to the education of the next generation. In 1969 he founded St. Barnabas School to help provide quality education to those who needed it. As Headmaster he promoted the values of education, stewardship, and positive citizenship.

Madam Speaker, as Saint Luke's prepares to celebrate its 200th anniversary I ask that you and my other distinguished colleagues join me in congratulating Canon Rev. Poindexter on his new position as Rector Emeritus and thank him for his long service to his community.

REPUBLICAN YOU CUT PROGRAM

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to express my dismay at this Congress for not listening to the American people. With over 1.9 million votes cast, the Republican YouCut program has given Republicans, Democrats, and Independents around the country an avenue to take part in their government like never before. However, each YouCut proposal to make common sense cuts to wasteful spending has been blocked by the Democrat majority.

Since President Obama took office, the private sector has lost three million jobs, while the Federal civilian workforce has grown by nearly 15 percent. This week's proposal, sponsored by Representative LUMMIS, would reduce government employment to the 2008 level and save taxpayers \$35 billion over the next 10 years.

In these uncertain and tough economic times, we should take immediate action to cut spending and facilitate long-term private sector economic growth. Unfortunately, I was unable to cast my vote in time to support this week's YouCut proposal. I ask that the RECORD reflect to my constituents and the American people that I would have supported Representative LUMMIS' proposal.

PERSONAL EXPLANATION

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. ELLISON. Madam Speaker, on September 16, 2010, I inadvertently missed rollcall Nos. 529 and 530, but had I been present I would have voted "yes" on both votes.

IN RECOGNITION OF FRANCINE
RYAN FOR HER 50 YEARS OF
SERVICE TO CENTRAL OHIO

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Ms. KILROY. Madam Speaker, I rise today to recognize Francine Ryan for her almost 50 years of service to the City of Columbus.

Fran began her career as a reporter for the Columbus Citizen working full time while in college. She started as the editor for that newspaper's teen page. In 1956 she married her husband Dick Ryan and they went on to have 5 children—Rick, Terry, Ted, Mary Kay and Tom—and now they have 11 grandchildren.

In 1970 Mrs. Ryan ran for, and won, a position on the Columbus City Council. During her two terms on the council, Fran helped to lay the foundations for Columbus' many community councils and area commissions and worked to start up food pantries; one of them eventually became the Mid-Ohio Food Bank. She left city council when President Jimmy Carter named her administrator for a 6-state region in the Department of Labor.

After the Carter administration, Mrs. Ryan returned to Columbus and became city clerk. She held that position until being named to the Franklin County Board of Commissioners in 1984 by Governor Richard Celeste. After this appointment expired, she returned to her previous city clerk position.

In 1987 Fran Ryan was named chairman of the Franklin County Democratic Party, becoming the first woman in Ohio to hold that position for either party in any of Ohio's major urban centers. She held that position until 1996. Recently, Columbus Mayor Michael Coleman named Mrs. Ryan to be his advisor on senior issues.

During her retirement, Fran has helped found and is acting chairman of the Senior Services Roundtable, a community organization of more than 200 member groups and businesses dedicated to serving our elderly. Fran Ryan is being presented with the Heritage Award for Caring by Heritage Day Health Centers on September 22.

HONORING THE LIFE OF MID-
SHIPMAN JEFFREY WARREN
MASCUNANA

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. KINGSTON. Madam Speaker, I rise today in honor of Jeffrey Warren Mascunana, a hero and dedicated servant to his Lord and our nation. Jeff was born at the Tuttle Army Health Clinic on Hunter Army Airfield, Savannah, Georgia on December 8, 1969, to Chief Warrant Officer George Mascunana and his wife Rose. Jeff descended from Cuban immigrants and his great-grandfather help found one of the oldest Spanish-English newspapers in the United States, "La Gaceta," in Tampa,

Florida. His father, George, served two tours of duty in Korea.

Jeff attended St. James Catholic School, then Benedictine Military School in Savannah. His family actively served as members of St. Francis Cabrini Catholic Church. At Benedictine, Jeff participated in many sports, including football, basketball and track & field where he excelled in many events. Jeff was not a starter on the football team, but was often heard to say "At least I'm on the field and not in the stands," indicative of his desire to not be an observer in life. All of his friends and classmates remember his wide smile and devious sense of humor.

At Benedictine Jeff also served four years in the school's Reserve Officer Training Corps program, attaining the rank of Cadet Captain. He graduated in 1988.

Upon graduation, Jeff harbored a desire to serve his country in the United States Navy. Through perseverance, he obtained entrance to the Boost program, and an appointment to the United States Naval Academy, class of 1993.

At Annapolis, in the 23rd Company, Jeff found his home. He trained to be a Surface Warfare Officer, working towards his degree in Political Science. He competed on the rowing team, as well as track & field. His classmates remember him as the friend who would help them all through the tough times inherent in such a rigorous setting. On weekends, he seemed to be on yard restriction as often as not. Undaunted, Jeff would organize groups to visit those midshipmen and active duty personnel whose duties required that they remain on post, offering light-hearted moments and friendship to his fellow classmates. He also worked with a local church, helping to organize a support group for women victimized by abuse. Indicative of Jeff's love for Annapolis, he wanted to carry a piece of it with him at all times. When the time came to design his USNA class ring, Jeff broke with the tradition of choosing a precious stone for the design. Instead, he found a loose piece of marble in the dormitory, Bancroft Hall, and had part of that stone fitted to his ring. The remaining piece of marble hangs around his mother's neck in a beautiful pendant. Jeff's ring now occupies a place of honor in the Ring Bank in the United States Naval Academy Museum, the repository for the class ring of each class' first deceased member.

In the early morning hours of May 26, 1993, just a few hours prior to graduation, Midshipman Jeff Mascunana lost his life while trying to summon help for Ms. Julie Ann Mace. Ms. Mace, his date for the evening's graduation ball, was injured and tragically died as the result of an automobile crash. Jeff died a hero, unselfishly trying to help another.

At Jeff's Naval Academy graduation later that day, his chair sat empty, his class one sailor short. His family, proudly assembled to see Jeff's greatest achievement, instead joined his class to mourn the loss of their son, grandson, brother and friend. His friends and family buried Jeff in his Navy dress whites a few days later in Savannah.

While Jeff completed his academic requirements to obtain his degree from the Naval Academy, unfortunately he never received his commission as an ensign even though he was

mere hours away from realizing that lifelong goal. While a posthumous commission would be fitting, the Navy could find no provision for doing so.

Later this fall, Jeff Mascunana's classmates from the Benedictine Military School class of 1988 shall gather to dedicate a memorial in his honor. Further, a scholarship fund will be established in his name. The scholarship shall be awarded to a young Benedictine Cadet, enabling him to attend the Benedictine Military School that helped make Jeff Mascunana the hero that he was.

Jeff learned the values that made him such a great man from his parents and from his education. I would like to recognize Benedictine Military School, an institution that has molded leaders since its founding in 1902 in Savannah, Georgia. For over 100 years, the priests, faculty and military personnel have educated young men in the Judeo-Christian tradition of academic excellence, good moral living, respect for authority, and love of country. On these principles, Benedictine builds men of virtue and integrity, ready to serve their faith, their community, and their country.

HONORING JERRY STEVENSON

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize and congratulate Jerry Stevenson of Charles City, Iowa, who recently was awarded the Pilgrim Degree of Merit by the Loyal Order of Moose.

Jerry Stevenson, who was a member of the order for 36 years, was inducted into the Pilgrim Degree of Merit for services above and beyond the call duty to the Charles City Moose Lodge and to the Loyal Order of Moose as a whole. Jerry is now among an elite group of about 3,000 members who have earned the Pilgrim Degree of Merit—the highest honor that can be given by the organization—and the coveted gold jacket that comes with it.

The Loyal Order of Moose is a fraternal and service organization founded in 1888, with nearly 800,000 men in roughly 1,800 Lodges, in all 50 states and four Canadian provinces, plus Great Britain and Bermuda.

The Loyal Order of Moose, along with other units of Moose International, supports the operation of Mooseheart Child City & School, a 1,000-acre community for children and teens in need, located 40 miles west of Chicago; and Moosehaven, a 70-acre retirement community for its members near Jacksonville, FL. Additionally, Moose Lodges conduct approximately \$50 million worth of community service annually, both through monetary donations and volunteer hours worked.

I am honored to represent Jerry Stevenson in the United States Congress. I know that my colleagues join me in congratulating Jerry and wishing him continued success.

KANSAS FEDERAL DISTRICT
COURT JUDGE WESLEY BROWN
STILL HEARING CASES AT AGE
103

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. MOORE of Kansas. Madam Speaker, I rise today to take note of U.S. District Court Judge Wesley Brown, who is still hearing cases in his chambers in Wichita, Kansas, at the age of 103. Appointed to the federal bench by President John F. Kennedy, Judge Brown has taken senior status but still hears cases and is now the oldest sitting federal judge in the United States. I commend him to my colleagues and thank him, on behalf of all Kansans, for his decades of judicial service, which began at an age when many Americans begin contemplating retirement.

[From the New York Times, Sept. 16, 2010]

AT 103, A JUDGE HAS ONE CAVEAT: NO
LENGTHY TRIALS

(By A. G. Sulzberger)

WICHITA, KS.—Judge Wesley E. Brown's mere presence in his courtroom is seen as something of a daily miracle. His diminished frame is nearly lost behind the bench. A tube under his nose feeds him oxygen during hearings. And he warns lawyers preparing for lengthy court battles that he may not live to see the cases to completion, adding the old saying, "At this age, I'm not even buying green bananas."

At 103, Judge Brown, of the United States District Court here, is old enough to have been unusually old when he enlisted during World War II. He is old enough to have witnessed a former law clerk's appointment to serve beside him as a district judge—and, almost two decades later, the former clerk's move to senior status. Judge Brown is so old, in fact, that in less than a year, should he survive, he will become the oldest practicing federal judge in the history of the United States.

Upon learning of the remarkable longevity of the man who was likely to sentence him to prison, Randy Hicks, like many defendants, became nervous. He worried whether Judge Brown was of sound enough mind to understand the legal issues of a complex wire fraud case and healthy enough to make it through what turned out to be two years of hearings. "And then," he said, "I realized that people were probably thinking the same thing 20 years ago."

"He might be up there another 20 years," added Mr. Hicks, 40, who recently completed a 30-month sentence and calls himself an admirer of Judge Brown. "And I hope he is."

The Constitution grants federal judges an almost-unparalleled option to keep working "during good behavior," which, in practice, has meant as long as they want. But since that language was written, average life expectancy has more than doubled, to almost 80, and the number of people who live beyond 100 is rapidly growing. (Of the 10 oldest practicing federal judges on record, all but one served in the last 13 years.)

The judiciary has grown increasingly reliant on semiretired senior judges—who now shoulder about a fifth of the workload of federal courts. But recently, some courts have also started taking steps that critics call long overdue to address the challenges that

accompany jurists working to an advanced age.

"Attention to this area is growing in the judiciary," said Judge Philip M. Pro, a district court judge in Las Vegas. Judge Pro leads the Ninth Circuit Wellness Committee in California, which focuses on age- and health-related issues facing judges. A similar committee is being established in the 10th Circuit, which includes Kansas.

"Most judges take pride in their work," Judge Pro said. "They certainly want to be remembered at the top of their game. But a lot of time you're not the best arbiter of that—it's hard to see it in yourself if you're having difficulties."

Lawyers and colleagues who work with him say that is certainly not the case with Judge Brown.

True, the legal community here has grown protective of him over the years. In his younger days, he was so well known for his temper—lateness, casual dress and the unacceptably imprecise word "indicate" would all set him off—that before hearings one prominent defense lawyer used to take a Valium, which he called "the Judge Brown pill."

Now, lawyers use words like "mellowed," "sweet" and "inspirational" to describe him, and one longtime prosecutor began to cry while talking about his penchant for gallows humor. "Sorry," she said. "It's just I can't imagine practicing without him."

A few years ago, when they noticed that while speaking in court Judge Brown would occasionally pause, sometimes for what seemed like minutes, lawyers, clerks and fellow judges worried that they were witnessing the beginning of a decline that would make him incapable of doing his job. But he began using an oxygen tube in the courtroom, and the pauses disappeared. (During an hourlong interview in his chambers, he paused briefly just once while trying to recall the last name of Earl Warren, the former chief justice of the United States, but he was without his oxygen tank.)

The consensus is that Judge Brown is still sharp and capable, though colleagues acknowledge that his appearance can be startling. "Physically he's changed a lot, but mentally I haven't noticed any diminution of his ability," said Judge Monti L. Belot, the former law clerk who now has his own courtroom in the same building, "Which has to be pretty unique."

Nevertheless, Judge Brown has begun making a few concessions to his age. He still hears a full load of criminal cases, but now he takes fewer civil cases, and he no longer handles any that may result in lengthy trials. He spreads his hearings throughout the week to keep his strength up, and he no longer takes the stairs to his fourth-floor chambers.

Though most federal judges could resign outright and continue to receive their full salary once they reach 65, a majority—like Judge Brown—elect to move to senior status, a type of semiretirement that allows them to continue to work at a full or reduced level. The courts have become deeply reliant on such judges to handle the caseload, but they have also struggled with how to ease out judges whose desire to keep working no longer matches their ability.

In rare circumstances, a panel of judges can vote to remove another judge because of disability, which has happened only 10 times—most recently in 1999. Or, the chief judge of the court can stop assigning the cases to the judge. More often, a trusted colleague will be enlisted to suggest retirement or reassignment to ceremonial duties, said

Judge Marcia S. Krieger, a district court judge in Denver who has been surveying judges in the 10th Circuit about aging issues.

Judge Brown has taken the step of asking a few trusted colleagues, including his longtime law clerk Mike Lahey, to tell him when they believe he is no longer capable of performing his job. "And," the judge said, "I hope when that day comes I go out feet first."

Born on June 22, 1907, in Hutchinson, Kan., Judge Brown, who had become a prominent local Democrat, first sought appointment by President Harry S. Truman to the federal bench while serving as a lieutenant in the Navy during World War II (at 37, he was the oldest man in his unit). He failed, but in 1962, after a stint as a bankruptcy judge, he was appointed to the district court by President John F. Kennedy. He earned a reputation as a pragmatic jurist whose middle-of-the-road rulings reflect a desire to apply rather than make the law.

Judge Brown is one of four Kennedy appointees still on the bench and the oldest federal judge in the country by six years, according to the Federal Judicial History Office. The only judge to serve at a later age was Joseph W. Woodrough, who was on the Eighth Circuit until 1977, when he died at 104.

For his part, Judge Brown is dismissive of talk of his place in the record books and tired of all the fuss over his birthdays. "I'm not interested in how old I am," he said. "I'm interested in how good a job I can do."

COMMEMORATING THE 100TH ANNIVERSARY OF THE ASSUMPTION SCHOOL IN ANSONIA

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Ms. DeLAURO. Madam Speaker, I rise to commemorate the 100th anniversary of the Assumption School, a Catholic school for pre-kindergartners, kindergartners, and grades 1–8 in Ansonia, Connecticut.

For a century now, the Assumption School has helped to mold generations of young Catholic men and women according to the precepts of its motto: "Enter to Learn; Go Forth to Serve." It has taught Ansonia's students to nourish their minds and hearts, to reach out and work hard. It has helped them to integrate the Catholic faith into their daily lives, and, according to the best tenets of our faith, encouraged them to give back to their community and their neighbors.

Assumption itself is no exception to this wise calling. Over the years since its September 1910 founding, the School has taken on an increasingly broader role in the Ansonia community. Assumption now offers before and after school child care to working parents, through its ACCENT program, as well as a diverse portfolio of extracurricular activities, from athletics and youth choir to a Big Brother/Big Sister Program and a school newspaper. In all of these ways, Assumption helps students to grow and learn, while honoring their faith and their community.

I heartily congratulate Principal Kathleen Molner and the entire faculty and staff of the Assumption School on reaching this 100-year milestone. Here's to many more!

COMMENDING THE 100TH ANNIVERSARY OF MT. ANGEL TELEPHONE

HON. KURT SCHRADER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. SCHRADER. Madam Speaker, I rise today to honor Mt. Angel Telephone in Mt. Angel, Oregon, on the occasion of their 100th anniversary of being in business.

The City of Mt. Angel was founded in 1893 by German pioneers, due to its striking resemblance to rural Bavaria. In 1910, a local telephone company was organized and 45 customers were signed up in no time at all.

On the occasion of Mt. Angel Telephone's 100th anniversary celebration on August 20, 2010, the company sponsored its annual Customer Appreciation Day with community booths that attracted thousands of visitors to the community.

This event included a street fair, free community lunch, the Mt. Angel Police Department Bike Rodeo, free sight and hearing tests by Mt. Angel Lions Club, the "Phone Walk", an antique vehicles display, and activities for children.

Officers of the Mt. Angel Police Department offered free bike helmets to all children that participated in the rodeo. The Mt. Angel Lions Club and the Oregon Lions Mobile Health Screening Unit provided free health screenings to the public for visual acuity, hearing, blood pressure, diabetes, and glaucoma.

Finally, the Mt. Angel Apple Tree School Supply program took in donations for local students in need of school supplies. The drive helps parents with children in the local school district who find it difficult or impossible to afford school supplies.

Mt. Angel Telephone is more than just a company. It's a central part of the community and economy of the rural City of Mt. Angel, and it's always providing more than just telephone and internet services. It's providing a model of how a local business survives to become a centurion and how to give back.

Madam Speaker, while 100 years have now passed since Mt. Angel Telephone was founded, I am honored to represent this company and the City of Mt. Angel. I congratulate Mt. Angel on their centennial celebration and hope the company enjoys another 100 years of growth and prosperity.

**HONORING MR. SHANNON
MCDANIEL**

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. HASTINGS of Washington. Madam Speaker, I am honored to recognize Mr. Shannon McDaniel, a long time advocate for water users and agricultural producers in the State of Washington. Mr. McDaniel's much deserved retirement comes after 30 years of service to irrigated agriculture. In his current position as the Secretary/Manager of the South Columbia

Basin Irrigation District, Mr. McDaniel manages an irrigation district that provides water to 230,000 acres of irrigated land and 4,000 landowners and farm operators in the southeastern part of Washington State.

Mr. McDaniel is an expert and a true leader in the water resources field. He has testified before Congress many times over the course of his career, helping inform both the House and Senate on legislation and other matters important to water users and agricultural producers. His expertise has also been vital to the management and delivery of water to farmers in the South Columbia Basin Irrigation District. Throughout his career, he has developed strong working partnerships at the local, state and federal levels, particularly in his involvement with the Bureau of Reclamation's Columbia Basin Project.

Mr. McDaniel serves as a mentor and advisor to many irrigation district managers in the Pacific Northwest. He has selflessly given his time to, and been actively involved with many professional and civic organizations including: the Family Farm Alliance, the National Water Resources Association, the Washington State Water Resources Association, Northwest Irrigation Operators, Leadership Tri-Cities and the Washington Agriculture and Forestry Education Foundation. As a result, his peers have bestowed many awards on him throughout his career, including the National Water Resources Association President's Award, the Bonneville Power Administration's Administrator's Excellence Award for Exceptional Public Service, the Washington State Water Resources Association Water Resources Leadership Award and the Northwest Irrigation Operators Distinguished Service Award.

Mr. McDaniel's many contributions to Western irrigated agriculture are immeasurable. Although he is retiring from public service, his leadership, dedication and expertise will be valued and appreciated for generations.

**HONORING JED STEELE OF LAKE
COUNTY, CALIFORNIA**

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. THOMPSON of California. Madam Speaker, I rise today as co-founder of the Congressional Wine Caucus to pay tribute to Jed Steele for 42 years of excellence in the wine industry.

Mr. Steele began his journey as a cellar worker at Stony Hill in Napa Valley in 1968. From there, he received his Masters in Enology from UC Davis and went to work at Edmeades Vineyards in Mendocino County. He moved on to Kendall-Jackson in Lake County in 1982. By the time Jed left Kendall-Jackson in 1991, they increased production from 35,000 cases to one million cases and had become one of the premier wineries in California. In 1991, Jed founded Steele Wines in Lake County and to this day makes some of the most highly-regarded wines in the world.

Mr. Steele is a true giant in the wine business. He made 74 wines that scored 90 points

or higher in the Wine Spectator. Six of his wines made the "Top 100 Wines of the Year" list in the same publication. In 1989, Wine and Spirits Magazine named Jed Winemaker of the Year. In 1990, he received the Robert Mondavi trophy as the Best California Winemaker from the International Wine Society in London.

Jed does not just make great wine—he is an innovator who gives back to his industry. In 1977, he produced the first commercial American ice wine from grapes grown in Mendocino County. He was also a leader in the creation of American Viticultural Areas in Anderson Valley and Clear Lake. He was the founder and served as director of the annual Mendocino County Wine judging.

Madam Speaker and colleagues, it is my distinct pleasure to recognize Jed Steele for his many years of leadership and excellence in winemaking. The American wine industry owes him an enormous debt of gratitude. I join the other members of the Congressional Wine Caucus and the entire community in wishing him continued success and fulfillment.

**HONORING MAJOR GENERAL
RAYMOND L. WEBSTER**

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of Major General Raymond L. Webster, Assistant to the Surgeon General of the Iowa Air National Guard and to express my appreciation for his dedication and commitment to his state and country.

Major General Raymond L. Webster earned a Bachelor of Arts degree in Biology from Saint Louis University in 1974, followed later by a Doctor of Medicine degree from the University of Missouri in 1978, a Master of Public Health degree from Johns Hopkins University in 1983, and attended Air War College through correspondence in 2001.

In 1974, General Webster's long and distinguished career in America's armed forces began when he was commissioned as a Health Professions Scholarship Student at the University of Missouri-Columbia School of Medicine. He served on active duty in the Air Force from 1979–1986 as a squadron flight surgeon, resident in aerospace medicine, and chief of aeromedical services. In 1986, he joined the Iowa Air National Guard as a physician/flight surgeon and in 1993 became the 132nd Medical Squadron Commander. In 2001, General Webster became the first Air National Guard Medical Assistant to the Air Force's Space Command. Prior to this, he served as the Air National Guard Assistant to the Air Combat Command Surgeon General.

For the past 36 years, General Webster has served faithfully and honorably, earning a long list of military awards and decorations. Most recently, he will be receiving the Distinguished Service Medal from the President of the United States, as authorized by Congress. General Webster's long-standing commitment to the Iowa Air National Guard and his country has earned him the respect and honor of all

who have served with him. For this I offer him my utmost congratulations and thanks.

I commend Major General Raymond L. Webster for his many years of loyalty and service to our great nation. It is an immense honor to represent General Webster in the United States Congress, and I wish him a happy retirement from the Iowa Air National Guard and all the best in his future endeavors.

WIPA AND PABSS EXTENSION ACT OF 2010

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. POMEROY. Madam Speaker, today I join with my colleagues, SAM JOHNSON, Ranking Member of the Subcommittee on Social Security, and JIM McDERMOTT, Chairman of the Subcommittee on Income Security and Family Support, to introduce legislation to reauthorize the Work Incentives Planning and Assistance program (WIPA) and the Protection and Advocacy for Beneficiaries of Social Security (PABSS) program. This bill will ensure that two programs which provide critical assistance for Social Security and Supplemental Security Income (SSI) disability beneficiaries who are seeking to return to work continue for another year.

WIPA and PABSS were both originally established in the bipartisan Ticket to Work and Work Incentives Improvement Act of 1999. WIPA provides \$23 million for community-based organizations to provide personalized assistance to help SSI and Social Security Disability Insurance (DI) recipients understand Social Security's complex work incentive policies and the effect that working will have on their benefits. In 2009, WIPA assisted over 37,000 SSI and DI beneficiaries who wanted to return to work. The PABSS program provides \$7 million in grants to designated Protection and Advocacy Systems to provide legal advocacy services that beneficiaries need to secure, maintain, or regain employment. In 2009, PABSS served nearly 9,000 beneficiaries.

This bill will extend the WIPA and PABSS programs for one year. It also includes two commonsense technical changes to conform the treatment of WIPA and PABSS grantees. The bill would require WIPA grantees to report annually on their services to the Commissioner of Social Security, as PABSS grantees do. Although there have been problems in the past with maintaining an electronic reporting system for this data, we believe those problems are resolved and expect the Social Security Administration to maintain its commitment to an effective system during this extension. The bill would also allow WIPA grantees, like PABSS grantees, to carry over some unspent funding for one year, which will allow for smoother and faster staffing transitions.

This bill does not increase government spending, since the funds will continue to come out of the Social Security Administration's existing administrative budget.

By extending WIPA and PABSS for a year, we reaffirm our commitment to these important

work support programs, while also acknowledging the need to consider policy and funding changes in the near future. For example, in 2008, the Social Security Administration made important regulatory changes to address the disappointingly low participation in the early years of the Ticket program. If those changes are successful, they will increase the number of people who are able to transition to work, but they may also increase the number of people who need help from WIPA and PABSS or change the kind of help they need. Funding for WIPA and PABSS has not grown since they were created in 1999.

I urge your support for extending these important programs.

THE WIPA AND PABSS EXTENSION ACT OF 2010

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. McDERMOTT. Madam Speaker, today I have joined Representatives EARL POMEROY and SAM JOHNSON in introducing the WIPA and PABSS Extension of 2010 that will provide a one-year extension of the Work Incentives Planning Assistance (WIPA) and the Protection and Advocacy for Beneficiaries of Social Security (PABSS) programs. These programs provide valuable assistance that help Social Security disability beneficiaries, including Supplemental Security Income recipients, return to work. Through the use of community-based organizations, these programs provide one-on-one legal services and help ensure recipients understand the complex rules that govern their ability to return to work so they are compliant with the Social Security Administration's policies. I look forward to working with my colleagues on long-term reauthorization that continues the important work of these programs.

HONORING BROTHER JOHN G.
DRISCOLL

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mrs. LOWEY. Madam Speaker, today I rise to pay tribute to Brother John G. Driscoll who passed away on September 21, 2010. Brother Driscoll served as the sixth president of his undergraduate alma mater, Iona College in New Rochelle, NY, from 1971 to 1995, where he also was a mathematics professor.

A New York City native and long-time member of the Congregation of Christian Brothers, Brother Driscoll earned a PhD in theoretical mathematics from Columbia University. He taught at all educational levels, including elementary and secondary schools in Manhattan and the West Indies, and colleges and universities in four states. In his nearly quarter century as Iona College's top administrator, Brother Driscoll left an impressive legacy in many academic and student life areas. He was in-

ducted into Iona's Hall of Fame in 1994 for his significant contributions in enhancing Iona's athletic department, including expanding women's athletics, developing athletic scholarships in almost all sports and raising the competitive standing of Iona's teams. Because of his active leadership and involvement in a wide range of educational, civic and religious organizations, he also made a lasting mark throughout the broader community of New Rochelle, Westchester County and New York State.

After leaving Iona, Brother Driscoll combined his commitment to lifelong learning and teaching with his passion for Jewish-Catholic studies. In February 1989, Brother Driscoll was appointed director of the Bat Kol Institute in Jerusalem, Israel. From 1995 until recently, he served as a Scholar in Residence at Hebrew University in Israel, and presented lectures on biblical studies taught through the Jewish traditions to Christian seminary groups and in religious education study centers in the US, India, South Africa, Italy, Zambia, Canada, the Philippines and Australia, among others. His seriousness of purpose in fostering ecumenism was enhanced by his infectious Irish wit and wisdom, earning him well-deserved international respect and admiration. Among the many tributes were honorary doctorate degrees from the National University of Ireland, Galway; Pace University; St. Thomas Aquinas College; and the College of New Rochelle. But perhaps one unusual honor—the endowment of the Brother John G. Driscoll Professorship in Jewish-Catholic studies at Iona College—best captures this remarkable man's lifelong work. Its mission statement reads: "The Professorship takes Brother Driscoll's hopes as its own: that ancient truths will be revered, that hidden truths will be revealed and that new ways will be found to touch the human heart."

H.R. 6198, THE "BANKRUPTCY TECHNICAL CORRECTIONS ACT OF 2010"—SECTION-BY-SECTION EXPLANATION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. CONYERS. Madam Speaker, below is a description of legislation I have introduced today.

Sec. 1. Short Title. Section 1 sets forth the short title of the bill as the "Bankruptcy Technical Corrections Act of 2010."

Sec. 2. Technical Corrections Relating to Amendments Made by Public Law 109–8. Section 2 makes a series of technical corrections to the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (2005 Act).

Subsection (a)(1)(A) amends section 101(13A) of title 11 of the United States Code (Bankruptcy Code), which defines "debtor's principal residence." The amendment clarifies that the definition pertains to a structure used by the debtor as a principal residence.

Subsection (a)(1)(B) amends Bankruptcy Code section 101(35), which defines "insured depository institution." The amendment corrects erroneous statutory references in this provision.

Subsection (a)(1)(C) amends Bankruptcy Code section 101(40B), which defines "patient records." The amendment clarifies that the term means a record relating to a patient, including a written document or an electronic record.

Subsection (a)(1)(D) amends Bankruptcy Code section 101(42), which defines "petition." The amendment deletes the reference to section 304 of the Bankruptcy Code, which was eliminated as a result of the 2005 Act, and adds a reference to section 1504, which was added by the 2005 Act.

Subsection (a)(1)(E) amends Bankruptcy Code section 101(51D), which defines "small business debtor." The amendment clarifies that the debt limit specified therein is determined as of the date of the filing of the petition.

Subsection (a)(1)(F) redesignates paragraphs (56A) and (53D) of Bankruptcy Code section 101 as (53D) and (53E), respectively.

Subsection (a)(2) amends Bankruptcy Code section 103(a), which pertains to the applicability of chapters of the Code. The amendment corrects an erroneous statutory reference in this provision.

Subsection (a)(3) amends Bankruptcy Code section 105(d)(2), which pertains to status conferences. The amendment makes a grammatical correction.

Subsection (a)(4) amends Bankruptcy Code section 106(a)(1), which pertains to the waiver of sovereign immunity. The amendment deletes a reference to Bankruptcy Code section 728, which was eliminated by the 2005 Act.

Subsection (a)(5) amends Bankruptcy Code section 107(a), which pertains to public access to bankruptcy cases. The amendment corrects a drafting instruction error.

Subsection (a)(6) makes several amendments to Bankruptcy Code section 109, which sets forth the eligibility criteria for a debtor. Subsection (a)(6)(A) amends Bankruptcy Code section 109(b)(3)(B) to add a missing parenthesis. Subsection (a)(6)(B) makes a conforming amendment to Bankruptcy Code section 109(h)(1) to clarify that Bankruptcy Code section 109(h)(4) is an exception. In addition, subsection (a)(6)(B) clarifies that the 180-day period ends on the date of the filing of the petition.

Subsection (a)(7) amends Bankruptcy Code section 110, which pertains to bankruptcy petition preparers. It makes conforming amendments to Bankruptcy Code section 110(b)(2)(A) and (h)(1) so that they conform to other provisions in section 110 with respect to fees received by a petition preparer on behalf of a debtors. In addition, subsection (a)(7) restructures section 110(h)(3) to clarify the court's authority to disallow fees under this provision.

Subsection (a)(8) amends Bankruptcy Code section 111, which concerns nonprofit budget and credit counseling agencies and financial management instructional courses. The amendment corrects two typographical errors in Bankruptcy Code section 111(d)(1)(E). The first error concerns incorrect punctuation and the second error pertains to incorrect indentation of the subparagraph.

Subsection (a)(9) amends Bankruptcy Code section 303, which pertains to involuntary bankruptcy cases. The amendment corrects

the misdesignation of subsection (l) by redesignating it as subsection (k).

Subsection (a)(10) amends Bankruptcy Code section 308, which concerns reporting requirements for small business debtors. The amendment restructures subsection 308(b)(4) to clarify its intent.

Subsection (a)(11) makes two amendments to Bankruptcy Code section 348, which pertains to the effect of conversion of a case. First, it amends Bankruptcy Code section 348(b) to strike references to Bankruptcy Code sections 728(a), 728(b), 1146(a) and 1146(b) as these provisions were eliminated by the 2005 Act. Second, it amends Bankruptcy Code section 348(f)(1)(C)(i) to clarify that the provision applies with respect to the date of the filing of the petition.

Subsection (a)(12) amends Bankruptcy Code section 362, which pertains to the automatic stay, in several respects. First, the amendment makes a stylistic correction to subsection 362(a)(8) with respect to its reference to a debtor that is a corporation. Second, it adds a missing article in subsection 362(c)(3). Third, the amendment conforms the reference in subsection 362(c)(4)(A)(i) to "reified" with subsection 362(c)(3) so that it applies to a case filed under a chapter other than chapter 7 after dismissal of a prior case pursuant to Bankruptcy Code section 707(b). Fourth, it corrects an erroneous conjunctive in subsection 362(d)(4). Fifth, it corrects a spelling error in subsection 362(1).

Subsection (a)(13) amends Bankruptcy Code section 363, which concerns the use, sale, or lease of property. The amendment restructures subsection 363(d) to clarify its intent.

Subsection (a)(14) amends Bankruptcy Code section 505, which pertains to the determination of tax liability. The amendment corrects the provision's use of terminology.

Subsection (a)(15) amends Bankruptcy Code section 507, which pertains to priorities. The amendment corrects a punctuation error.

Subsection (a)(16) amends Bankruptcy Code section 521, which pertains to the duties of the debtor. The amendment makes several revisions. First, it deletes redundant text in subsection 521(a)(2)(A) and (B). Second, it restructures section 521(a)(2) to clarify its meaning. Third, the amendment corrects grammatical errors in paragraphs (3) and (4) of subsection 521(a).

Subsection (a)(17) amends Bankruptcy Code section 522, which concerns exemptions. The amendment corrects two grammatical errors in subsection 522(b)(3)(A). In addition, it makes a conforming revision to subsection 522(c)(1).

Subsection (a)(18) amends Bankruptcy Code section 523, which pertains to the dischargeability of debts. The amendment corrects a punctuation error in subsection 523(a)(2)(C)(ii)(II) and corrects an erroneous statutory cross reference in subsection 523(a)(3).

Subsection (a)(19) amends Bankruptcy Code section 524, which concerns reaffirmation agreements, among other matters. The amendment makes several revisions. First, it corrects erroneous terminology in subsection 524(k)(3)(J)(i) and inserts a missing verb. Second, it corrects a punctuation error in subsection 524(k)(5)(B).

Subsection (a)(20) amends Bankruptcy Code section 526, which deals with restrictions on debt relief agencies. The amendment makes a conforming revision to subsection 526(a)(2). It also adds a missing article to subsection 526(a)(4).

Subsection (a)(21) amends Bankruptcy Code section 527, which concerns disclosures by debt relief agencies. The amendment makes a grammatical correction.

Subsection (a)(22) amends Bankruptcy Code section 541, which deals with property of the estate. The amendment corrects statutory reference to the Internal Revenue Code of 1986 in section 541(b)(6)(B).

Subsection (a)(23) amends Bankruptcy Code section 554, which concerns abandonment. The amendment corrects an erroneous statutory reference in subsection 554(c).

Subsection (a)(24) amends Bankruptcy Code section 704, which pertains to duties of the trustee. The amendment corrects an erroneous statutory reference in subsection 704(a)(3).

Subsection (a)(25) amends Bankruptcy Code section 707, which concerns dismissal of a chapter 7 case or conversion to a case under chapter 11 or 13. The amendment makes several revisions. First, it corrects an erroneous statutory cross reference in subsection 707(a)(3). Second, the amendment clarifies that the provision's reference to date means the date of the filing of the petition in subsection 707(b)(2)(A)(iii)(I). Third, the amendment corrects an erroneous statutory reference in subsection 707(b)(3).

Subsection (a)(26) amends Bankruptcy Code section 723(c), which pertains to the rights of a partnership trustee against general partners. The amendment strikes a reference to Bankruptcy Code section 728, which was eliminated by the 2005 Act.

Subsection (a)(27) amends Bankruptcy Code section 724, which concerns the treatment of liens. The amendment clarifies certain statutory references in section 724(b)(2) and makes other clarifying revisions.

Subsection (a)(28) amends Bankruptcy Code section 726(b), which concerns distribution priorities in a chapter 7 case, to add a statutory reference to section 507(a)(9) and (10).

Subsection (a)(29) amends Bankruptcy Code section 901, which concerns the applicability of the Bankruptcy Code to municipality cases. The amendment adds references to Bankruptcy Code sections 333, dealing with the appointment of a patient care ombudsman, and 351, concerning the disposal of patient records, both of which were added by the 2005 Act.

Subsection (a)(30) amends Bankruptcy Code section 1104, which pertains to the appointment of a trustee and examiner. The amendment restructures subsection 1104(a) to clarify the provision's intent and how it relates to Bankruptcy Code section 1112(6), as amended by the 2005 Act. In addition, it corrects an erroneous statutory reference in subsection 1104(b)(2)(B)(ii).

Subsection (a)(31) amends Bankruptcy Code section 1106, which pertains to the duties of a trustee and examiner. The amendment corrects two erroneous statutory references in section 1106(a).

Subsection (a)(32) amends Bankruptcy Code section 1111, which concerns claims and interests. The amendment corrects an erroneous statutory reference in section 1111(a).

Subsection (a)(33) amends Bankruptcy Code section 1112(b), which sets forth the grounds for converting or dismissing a chapter 11 case. The amendment restructures this provision to eliminate an internal redundancy. In addition, it corrects an erroneous statutory reference in section 1112(e).

Subsection (a)(34) amends Bankruptcy Code section 1127, which pertains to modification of a chapter 11 plan. The amendment corrects an erroneous statutory reference in section 1127(f)(1).

Subsection (a)(35) amends Bankruptcy Code section 1129(a), which sets forth the criteria for confirmation of a chapter 11 plan. The amendment makes a grammatical correction to section (a)(16).

Subsection (a)(36) amends Bankruptcy Code section 1141(d)(5), which concerns the effect of confirmation. The amendment clarifies the intent of this provision.

Subsection (a)(37) amends Bankruptcy Code section 1145(b), which pertains to the applicability of securities laws. The amendment corrects an erroneous statutory reference in this section.

Subsection (a)(38) amends Bankruptcy Code section 1202, which details the responsibilities of a trustee in a chapter 12 case. The amendment corrects several erroneous statutory references in section 1202(b).

Subsection (a)(39) amends Bankruptcy Code section 1302, which details the responsibilities of a trustee in a chapter 13 case. The amendment corrects several erroneous statutory references in section 1302(b)(1).

Subsection (a)(40) amends Bankruptcy Code section 1304, which concerns a chapter 13 debtor engaged in business. The amendment corrects an erroneous statutory reference in section 1304(c).

Subsection (a)(41) amends Bankruptcy Code section 1307, which sets forth the grounds for converting or dismissing a chapter 13 case. The amendment corrects several erroneous statutory references in this section.

Subsection (a)(42) amends Bankruptcy Code section 1308, which concerns the filing of prepetition tax returns. The amendment clarifies several statutory references in section 1308(b)(2).

Subsection (a)(43) amends Bankruptcy Code section 1322(a), which pertains to the contents of a chapter 13 plan. The amendment corrects an internal inconsistency.

Subsection (a)(44) amends Bankruptcy Code section 1325, which pertains to confirmation of a chapter 13 plan. The amendment adds a missing word to subsection 1325(a) and adds a missing parenthesis to subsection 1325(b)(2)(A)(ii).

Subsection (a)(45) amends the heading of Bankruptcy Code section 1511, to include a reference to section 302.

Subsection (a)(46) amends Bankruptcy Code section 1519, which pertains to the relief that may be granted upon the filing of a petition for recognition in a chapter 15 case. The amendment corrects an erroneous statutory reference in section 1519(f).

Subsection (a)(47) amends Bankruptcy Code section 1521(f), which concerns relief

that may be granted upon recognition in a chapter 15 case. The amendment corrects an erroneous statutory reference.

Subsection (a)(48) amends Bankruptcy Code section 1529, which concerns the coordination of a case under title 11 and a foreign proceeding. The amendment adds a missing word to section 1529(1).

Subsection (a)(49) amends the table of sections for chapter 3 of the Bankruptcy Code to correct an erroneous description of section 333.

Subsection (a)(50) amends the table of sections for chapter 5 of the Bankruptcy Code to correct an erroneous description of section 562.

Subsection (b) amends section 157 of title 18 of the United States Code, which concerns bankruptcy fraud. The amendment removes superfluous references in this section.

Subsection (c)(1) amends section 158 of title 28 of the United States Code, which pertains to bankruptcy appeals. The amendment corrects a grammatical error in section 158(d)(2)(D).

Subsection (c)(2) amends section 159 of title 28 of the United States Code, which pertains to the collection of bankruptcy statistics. The amendment adds a missing word to section 159(c)(3)(H).

Subsection (c)(3) amends section 586 of title 28 of the United States Code, which concerns the United States Trustee Program. The amendment corrects a punctuation error in section 586(a)(3)(A)(ii), corrects erroneous terminology in section 586(a)(7)(C), and eliminates redundant language in section 586(a)(8).

Sec. 3. Technical Correction to Public Law 109-8. Section 3 amends section 1406(b)(1) of the 2005 Act to correct a spelling error.

HONORING ELIZABETH LORENTZEN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize Elizabeth Lorentzen of Decorah, Iowa as the recipient of the Art Educators of Iowa (AEI) 2010 Outstanding High School Art Educator award for her dedication to her students and art. She will receive the award on October 2, 2010 at the AEI conference in Sioux City, Iowa.

Elizabeth is currently an art teacher at Decorah High School and has been teaching art for 39 years. In addition to high school art, she has taught art education classes at Luther College and drawing classes through Decorah/Northeast Iowa Community College's Continuing Education Program.

Over the years, Elizabeth has maintained deep relationships with her students by taking interest in their successes and challenges. She is known to use her lunch break to help students who are having difficulties in completing a project. It is because of Elizabeth's passion that many of her students have chosen to pursue a career in art or art education.

Elizabeth has received the Luther College Partners grant eight times, was the 2008

Decorah Walmart Teacher of the Year, and she is the winner of two McElroy grants. Two of her students have won the Fourth Congressional District art competition and had their work hung in the U.S. Capitol for a year.

Elizabeth Lorentzen is an incredible teacher, and her dedication to her profession and to her students should make every Iowan proud. It's an honor to represent her and the people of the Decorah Community School District in the United States Congress, and I know that my colleagues in the House join me in congratulating Elizabeth on this well-deserved award and thanking her for her dedicated service to her community and America's youth.

CONGRATULATING THE WAIPIO LITTLE LEAGUE BASEBALL TEAM

HON. CHARLES K. DJOU

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. DJOU. Madam Speaker, I rise today to recognize the Waipio Little League Baseball Team of Waipahu, Hawai'i for their outstanding achievements as National Champions in the 2010 Little League World Series.

The Waipio team competed against the best Little League teams in America. The team defeated Texas in the U.S. Championship game with an impressive 10 to 0 victory. The Waipio team then represented the U.S. in the International Championship game against Japan. Although Japan came out ahead that day, the Waipio team kept the fans cheering and chanting "U.S.A." through the game's conclusion.

I am thrilled that our hometown teams are continuing Hawaii's tradition of Little League success and honorable sportsmanship. Americans across the country are proud of the effort and spirit displayed by these young players. While the practices, training, and games are an important part in the team's success, the coaches, parents and the community serve vital roles in supporting the team.

On behalf of the citizens of the 1st Congressional District of Hawai'i, I extend my congratulations to 2010 Little League World Series National Champions, the Waipio Baseball team, for their amazing achievements throughout the season.

IN HONOR OF JOHN FISCHER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. FARR. Madam Speaker, I rise today to remember the life of John Fischer, who passed away recently at the age of 81. I am honored to have this opportunity to recognize his long public service in the California Central Coast community that I represent.

John was born and raised on the east coast, graduating from the University of Maryland with a degree in physics. He was a long time member of Mensa, which accepts only

persons who test in the top two percent of our nation in intelligence. John was in the top .01 percent. He moved to Los Angeles and worked for the Los Angeles Fire Department for nearly a decade. During that time he assisted the Los Angeles Police Department on the task force that took part in solving the Hillside Strangler case. He later worked for the LAPD, and then for the Los Angeles City Library.

In 1989, John moved to Pacific Grove and immediately became a frequent speaker at City Council and other public meetings, advocating for environmental issues. John had a gift for explaining difficult concepts in simple terms that made complex topics understandable. His discourse was not only informative, but always polite, even in heated disagreements.

I never saw him without his snowy owl pendant, and even his license plate, "Snowy," proclaimed his love of and care for the natural world. In his twenty-one years in our community, he contributed a lot of time and effort to many organizations. He was a co-founder of EcoCorps with former Pacific Grove Mayor Sandy Koffman and her husband; he served as President and Trustee of Friends of the Sea Otter; he volunteered for the Monterey Bay National Marine Sanctuary in all its programs that monitor water quality, and also served for years on its Conservation Working Group. He volunteered for Pacific Grove's Monarch Habitat Restoration Committee, Americans with Disabilities Act Compliance Advisory Committee, Economic Development Group, Housing Committee, Community Policing Advisory Committee, Traffic Commission, Crespi Pond Committee, and represented Pacific Grove on the Citizens Advisory Committee for the Transportation Agency of Monterey County.

For his over 1,800 hours as a volunteer at the Monterey Bay Aquarium he was named a "Volunteer Emeritus." In 2005, the National Marine Sanctuary Foundation named him an Outstanding Volunteer. He received numerous accolades during his life for his many contributions.

Madam Speaker, I know that I speak for the whole House in mourning the passing of this dedicated and loving man. His life was a gift to his community, a shining example to be emulated by those who he inspired to continue his work.

CONGRATULATING ICHIRO SUZUKI
FOR BECOMING THE FIRST
PLAYER IN THE HISTORY OF
MAJOR LEAGUE BASEBALL WITH
AT LEAST 200 BASE HITS IN 10
CONSECUTIVE SEASONS

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. McDERMOTT. Madam Speaker, I rise today to congratulate Ichiro Suzuki for becoming the first player in the history of Major League Baseball with at least 200 base hits in 10 consecutive seasons. Ichiro is an outfielder for my hometown team, the Seattle Mariners.

He came to the Mariners in 2001 after playing for nine years for the Orix Blue Wave in Japan.

On Thursday, September 23, 2010 Ichiro accomplished this record feat with a line-drive single to center field in the fifth inning against the Toronto Blue Jays. The only other player in MLB history with ten 200-hit seasons is Pete Rose, but Ichiro is the only player to ever accomplish this in consecutive seasons, demonstrating incredible athletic ability and consistency.

For the people of Seattle, and for baseball fans everywhere, I wish Ichiro Suzuki congratulations for this incredible accomplishment.

HONORING PROFESSIONAL TRUCK DRIVERS

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. LoBIONDO. Madam Speaker, I rise today to recognize America's professional truck drivers who serve our nation by delivering the clothes we wear, the food we eat, and the medicine we rely on.

This week, September 19–25, is designated National Truck Driver Appreciation Week and is set aside to honor the 3.4 million professional truck drivers in the United States. One out of every fifteen people across this country is employed in the trucking industry, making it one of our nation's largest employers.

Trucking is an industry that I am personally quite familiar with. Before getting into politics, I spent 26 years working in my family's trucking business. Early on, I acquired a Commercial Driver's License, which I still carry.

Trucking serves as the backbone of our economy, and is responsible for nearly 70 percent of the total U.S. freight tonnage. Over 80 percent of our nation's communities rely solely on the trucking industry for their goods and commodities.

The America's truck drivers are dedicated to keeping our highways safe. They follow stringent safety regulations, attend frequent training programs and educate the motoring public to help them drive safer around tractor-trailers.

America's truck drivers sacrifice precious time from their families, all the while, they deliver for ours. This week we pause to say thank you to them and to their families.

I salute these fine professionals and their families for the dedication they have to America and for delivering life's essentials safely and securely.

ON THE INTRODUCTION OF LEGIS- LATION TO FACILITATE BUSI- NESS AND AGRICULTURAL LEAS- ING OF NAVAJO NATION LANDS

HON. BEN RAY LUJÁN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. LUJÁN. Madam Speaker, I rise today to introduce legislation to enable Navajo Nation

to enter into 99-year commercial leases for economic development purposes.

Navajo Nation is the largest tribe in the United States. It's comprised of over 250,000 members and extends over 27,000 square miles of New Mexico, Arizona and Utah.

Today's Navajo Nation has worked to provide economic development opportunities and partnerships with individuals, small business owners, and large commercial establishments. With successful initiatives including the Diné Power Authority and the Navajo Agricultural Products Industry, the Nation has been at the forefront of economic development on tribal lands.

Today I am introducing legislation that I hope will enable the Nation to develop new projects and exercise their tribal sovereignty. This bill will authorize the Navajo Nation to enter into commercial leases of up to 99 years on their tribal lands. This simple revision of current law will level the playing field for the Nation by allowing it to enter into the same terms that commercial leases are typically offered.

It is my hope that the offering of 99-year leases will trigger additional economic growth on the Navajo Nation. I urge my colleagues to join me in supporting this necessary legislation.

URGING HUMAN RIGHTS AND DEMOCRACY IN KAZAKHSTAN

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. CLAY. Madam Speaker, I rise today to bring attention to growing concern of abuse and corruption in the former Soviet Republic country of Kazakhstan. The recent revolution in neighboring Kyrgyzstan and, earlier, the conflict behind Russia and Georgia heightens concern for the region . . . a region rich in oil and gas supplies and a region which serves as a gateway for the U.S. and NATO war effort in Afghanistan. However, ongoing allegations of corruption, human rights abuses, human trafficking, religious persecution and the lack of election reform, free media and free speech seriously affect its civil society.

The world's 10th largest energy-producing country, where a large number of U.S. corporations are doing business in an effort to meet our domestic energy needs, is not only an ally of the U.S. on non-proliferation treaties; it has provided the U.S. and NATO a gateway to Afghanistan. However, increasingly I see reports indicating that Kazakhstan's governmental system lacks the basic rights of democracy: elections are neither free nor fair; what political opposition exists is manipulated, physically and economically harassed and even sometimes assassinated. Few independent media outlets exist; wide-scale corruption which has begun to affect major U.S. companies doing business in Kazakhstan is rampant; respect for human rights, religious freedom, and freedom of speech or economic liberalization is non-existent.

The United States has sought a mutually beneficial relationship with Kazakhstan and

provides aid to Kazakhstan in order to enhance economic growth, democracy, security, and civil society and to attend to humanitarian needs. However, it is evident that the current U.S.-Kazakhstan relationship is compromised by Kazakhstan's record of human rights violations and lack of immediate and necessary reforms while chairing the OSCE. The U.S. Department of State has criticized President Nazarbayev's government for human rights violations. Its March 2009 report states: "The following human rights problems were reported: severe limits on citizens' rights to change their government; military hazing that led to deaths; detainee and prisoner torture and other abuse; unhealthy prison conditions; arbitrary arrest and detention; lack of an independent judiciary; restrictions on freedom of speech, the press, assembly, and association; pervasive corruption, especially in law enforcement and the judicial system; prohibitive political party registration requirements; restrictions on the activities of nongovernmental organizations (NGOs); discrimination and violence against women; trafficking in persons; and societal discrimination."

The details in the report, as well as reports from observer groups, are haunting. Two notable external groups are Freedom House and the United States Department of State. The observer group, Freedom House, has labeled Kazakhstan as "not free" and according to its assessment, Kazakhstan has earned a 6 ranking in Political Liberties and a 5 in Civil Liberties on the Freedom House scale of 1 to 7, 7 being the worst ranking possible. Even the U.S. State Department ranks Kazakhstan as a Tier 2 Watch List, meaning that Kazakhstan is a cause for concern over human trafficking issues.

In amending the constitution to allow him unlimited reign in 2007, President Nazarbayev joined a growing list of authoritarian leaders worldwide who have extended their terms indefinitely.

I applaud the work of the Helsinki Commission under the current leadership of Senator BEN CARDIN, and previously, Congressman ALCEE HASTINGS, for their ongoing commitment to bringing these matters to light and it is my hope that we continue work to bring about a transparent democracy where human rights violations and corruption have no place.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$13,471,094,170,316.20.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$2,832,668,424,022.40 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

CELEBRATING NATIONAL HISPANIC HERITAGE MONTH

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. HINCHEY. Madam Speaker, I rise today to honor the Latino Democratic Committee of Orange County, as it celebrates National Hispanic Heritage Month. For almost a decade, the Latino Democratic Committee of Orange County has championed the cause of improving the lives of Latinos in Orange County through pride of ethnic origin, involvement in government, education and community issues while building coalitions. I am delighted to add my voice to those recognizing the contributions of Hispanic Americans to the United States and to celebrate Hispanic heritage and culture. I am proud to join the residents of Orange County in commemorating this celebratory month.

Since 1968, as Hispanic Heritage Week was approved by President Lyndon Johnson and expanded by President Ronald Reagan in 1988, we have all come together to celebrate and honor Hispanic Americans and their contributions to our Nation. Since the Revolutionary War, Hispanics have served with honor and distinction in every conflict. They serve as leaders in government, law, business, not-for-profits, social movements, and grassroots efforts. Hispanics continue to enrich our Nation's character and shape our common future. Now, more than ever, Hispanic Americans are shaping the American experience.

Madam Speaker, I am delighted to honor National Hispanic Heritage Month and the Latino Democratic Committee of Orange County. I congratulate and salute the board of directors and supporters of this organization for their very positive and lasting impact on the lives of so many individuals and families.

POLITICAL PRISONERS BEING HELD IN VIETNAM

HON. DANA ROHRBACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. ROHRBACHER. Madam Speaker, the Vietnamese government is nothing but a gaggle of thugs and gangsters who exploit, control and profit from the labor of the Vietnamese people and the theft of that nation's natural resources. The Hanoi dictatorship regularly imprisons, tortures and executes Vietnamese citizens who challenge the government/mafia's rule. As in all countries ruled by a communist party religious believers are persecuted most severely because those who align themselves with a higher authority than the mob in the capitol are its greatest threat.

More than two years ago, I placed a list of the political prisoners then being held by the government of Vietnam in the CONGRESSIONAL RECORD. I am sorry to say that the list of political prisoners now being held in Vietnam has actually grown over the last twenty-four months. Vietnam has benefited immensely

from growing US-Vietnam ties in the 15 years since relations were resumed, but the relationship has not in any way, shape, or form been a two-way street. Vietnam remains a one-party state that restricts freedom of association and assembly, controls religious and labor organizations, bars independent media, obstructs free speech and harshly prosecutes its most prominent public critics.

In advance of the 1000th anniversary of Thang Long, Ha Noi on October 1st, I call on the Vietnamese ruling elite to release all political and religious prisoners immediately and unconditionally. And I urge the State Department to re-designate Vietnam a "Country of Particular Concern" for its gross violations of human rights and religious freedom.

I have attached a new List of Political and Religious Prisoners Who are Still Detained.

THE LIST OF POLITICAL AND RELIGIOUS PRISONERS WHO ARE STILL DETAINED

1. Truong Van Duy, life sentenced, then reduced to 20 years, has been in prison for 14 years, the Campaign the Red Jacaranda of Hoang Viet Cuong, in Camp 2, Xuan Loc prison, Dong Nai province.

2. Le Van Tinh, over 70 years old, member of People Action Party of Vietnam (PAP), Advisory Board member to Unified Buddhist Church, arrested 25/01/1995, sentenced to 20 years, has been in prison for 14 years in Camp 2, Xuan Loc prison, Dong Nai province.

3. Do Van Thai, sentenced to 17 years, has been in prison for 11 years, has HIV/AIDS, in Camp 2, Xuan Loc prison, Dong Nai province.

4. Nguyen Huu Cau, life sentenced, has been in prison for 34 years, in Camp 2, Xuan Loc prison, Dong Nai province.

5. Nguyen Van Hoa, nearly 70 years old, sentenced to 20 years, has been in prison for 18 years, in Camp 2, Xuan Loc prison, Dong Nai province.

6. Nguyen Van Trai, sentenced to 16 years, has been in prison for 14 years, has stomach bleeding, weakness, cerebrovascular disease, in Camp 2, Xuan Loc prison, Dong Nai province.

7. Nguyen Long Hoi, nearly 70 years old, life sentenced, then reduced to 20 years, had been in prison for 13 years, then escaped and was arrested in 2010, now has to be in prison for 7 years, in Camp 2, Xuan Loc prison, Dong Nai province.

8. Nguyen Tuan Nam, member of People Action Party of Vietnam (PAP), sentenced to 19 years, has been in prison for 14 years, has cerebrovascular disease, in Camp 2, Xuan Loc prison, Dong Nai province.

9. Tran Van Duc, member of the Free Vietnam Organization (FVO), near 60 years old, sentenced to 11 years and has been in prison for nearly 11 years, in Camp 2, Xuan Loc prison, Dong Nai province.

10. Nguyen Xuan No, sentenced to 8 years, has been in prison for 4 years, political prisoner in Camp 2, Xuan Loc prison, Dong Nai province.

11. Tran Van Thieng, 75 years old, sentenced to 20 years, has been in prison for 19 years and 6 months, has chronic kidney stage 3 and prostatic disease, in Camp 2, Xuan Loc prison, Dong Nai province.

12. Bui Dang Thuy, nearly 60 years old, member of People Action Party of Vietnam (PAP), sentenced to 18 years, has been in prison for 13 years, has severe lung disease, in Camp 2, Xuan Loc prison, Dong Nai province.

13. Nguyen Van Canh, nearly 60 years old, sentenced to 13 years, has been in prison for 5 years, in Camp 2, Xuan Loc prison, Dong Nai province.

14. Do Thanh Nhan, 84 years old, sentenced to 20 years, has been in prison for 18 years, in Camp 2, Xuan Loc prison, Dong Nai province.

15. To Van Hong, nearly 60 years old, sentenced to 13 years, has been in prison for 11 years, in Camp 2, Xuan Loc prison, Dong Nai province.

16. Danh Huong, Cambodian-Vietnamese prisoner, sentenced to 17 years, has been in prison for 11 years, in Camp 2, Xuan Loc prison, Dong Nai province.

17. Pham Xuan Than, life sentenced, has been in prison for 14 years, in Camp 2, Xuan Loc prison, Dong Nai province.

18. Nguyen Hoang Son, sentenced to 12 years, has been in prison for 11 years, in Camp 2, Xuan Loc prison, Dong Nai province.

19. Huynh Anh Tu, member of the Free Vietnam Organization (FVO), 42 years old, sentenced to 13 years, has been in prison for 10 years, in Camp 2, Xuan Loc prison, Dong Nai province.

20. Huynh Anh Tri, member of the Free Vietnam Organization (FVO), 38 years old, sentenced to 13 years, has been in prison for 10 years, in Camp 2, Xuan Loc prison, Dong Nai province.

21. Nguyen Ngoc Phuong, member of the Free Vietnam Organization (FVO), 45 years old, a Vietnamese living in Cambodia, sentenced to 13 years, has been in prison for 10 years, in Camp 1, Xuan Loc prison, Dong Nai province.

22. Nguyen Van Trung, over 60 years old, sentenced to 20 years, has been in prison for 18 years, in Camp 2, Xuan Loc prison, Dong Nai province.

23. Huynh Anh, sentenced to 8 years, has been in prison for 6 years, in Camp 2, Xuan Loc prison, Dong Nai province.

24. Au, was arrested in recent day and was in court at Lam Dong, Dong Nai province.

25. Kim, was arrested in recent day and was in court at Lam Dong, Dong Nai province.

26. Huyen, was arrested in recent day and was in court at Lam Dong, Dong Nai province.

27. Phuong, was arrested in recent day and was in court at Lam Dong, Dong Nai province.

28. Vu Hung, sentenced to 20 years, had been in prison for 11 years, escaped and was arrested.

29. Do Thanh Van, sentenced to 20 years, has been in the prison for 12 years.

30. Pham Ba Hai, sentenced to 5 years, has been in the prison for 4 years.

31. Huynh Buu Chau, about 58 years old, Xuan Loc prison, Dong Nai province was arrested in 1999 in Cambodia, sentenced to 11 years, and will be released on 9/9/10, in Xuan Loc prison, Dong Nai province.

32. Ho Long Duc, member of the Free Vietnam Organization (FVO), sentenced to 20 years, has been in the prison for 12 years, in Xuan Loc prison, Dong Nai province.

33. Van Ngoc Hieu, sentenced to 20 years, has been in the prison for 12 years, hasn't had anyone who visits, escaped from the Camp B34 but was arrested.

34. Le Kim Hung, member of the Free Vietnam Organization (FVO), sentenced 20 years, has been in the prison for 12 years, Xuan Loc prison, Dong Nai province.

35. Truong Quoc Huy, 29 years old, sentenced to 6 years, has been in the prison for 4 years.

36. Tran Quoc Hien, lawyer, the spokesman to The United Workers and Farmers Association (UWFA), sentenced to 5 years, has been in the prison for 3 years, in Bo La prison camp, Binh Duong province.

37. Son Nguyen Thanh Dien, member of the Free Vietnam Organization (FVO), has USA

Green Card, returned to Vietnam, was arrested and sentenced to 17 years, has been in the prison for 12 years, in Xuan Loc prison camp, Dong Nai province.

38. Nguyen Van Phuong, sentenced to 17 years, has been in the prison for 12 years, in Xuan Loc prison camp, Dong Nai province.

39. Tran Hoang Giang, sentenced to 16 years, has been in the prison for 12 years, in Xuan Loc prison camp, Dong Nai province.

40. Truong Minh Duc, journalist, camp 4.

41. Tran Tu, life sentenced, has been in the prison for 17 years, has USA Green Card, in Nam Ha prison camp.

42. V. Van Thanh Liem, 60 years old, Hoa Hao religious prisoner, sentenced to 6 years and 6 months.

43. V. Van Dien, 71 years old, Hoa Hao religious prisoner, sentenced to 7 years, has been in the prison for 5 years.

44. Nguyen Thanh Phong, Hoa Hao religious prisoner, sentenced to 6 years.

45. V. Van Buu, Hoa Hao religious prisoner, sentenced to 7 years.

46. Mai Thi Dung, Vo Van Buu's wife, sentenced to 11 years, is severe sickness, Hoa Hao religious prisoner, Camp 4, Xuan Loc prison, Dong Nai province.

47. Nguyen Van Tho, 72 years old, sentenced to 7 years, Hoa Hao religious prisoner, Camp 4, Xuan Loc prison, Dong Nai province.

48. Duong Thi Tron, Nguyen Van Tho's wife, 72 years old, Hoa Hao religious prisoner, Camp 4, Xuan Loc prison, Dong Nai province.

49. Le Van Soc, sentenced to 6 years, was arrested in 2006, Hoa Hao religious prisoner, Camp 4, Xuan Loc prison, Dong Nai province.

50. To Van Manh, sentenced to 6 years, was arrested in 2006, Hoa Hao religious prisoner.

51. Nguyen Van Thuy, sentenced to 5 years, was arrested in 2006, Hoa Hao religious prisoner.

52. Doan Van Duyen, member of The United Workers and Farmers Association (UWFA), arrested 12/04/07, sentenced to 4 years, in camp prison B5, Bien Hoa, Dong Nai province.

53. Tran Van Thiep, arrested in 2007, lived in An Giang province.

54. Nguyen Van Hai, nick name "Blogger Dieu Cay", sentenced to 2 years and 6 months, political prisoner (but was arrested with the reason announced by court: "did not pay tax")

55. Nguyen Van Ngoc, 51 years old, arrested in 2007, sentenced to 5 years.

56. Nguyen Van Phong, born in 1975, member of Progressive Party, arrested in 03/29/07, sentenced to 6 years, has been in the prison for 3 years and 5 months, in K3, Camp 5, Yen Dinh, Thanh Hoa province.

57. Nguyen Binh Thanh, born in 1955, member of Progressive Party, arrested on 3/30/07, sentenced to 5 years, has been in the prison for 3 years and 5 months, in Z30A, K4, Xuan Truong, Xuan Loc, Dong Nai province.

58. Tran Khai Thanh Thuy.

59. Pham Thanh Nghien.

60. Le Cong Dinh, the President of Democratic Party of Vietnam.

61. Tran Huynh Duy Thuc.

62. Le Thanh Long.

63. Tran Anh Kim, member of Democratic Party of Vietnam.

64. Nguyen Tien Trung, member of Democratic Party of Vietnam.

65. Pham Van Viem, translated the book "Che Do Phat Xit", arrested many times and escaped, living in Bulgaria for 7 years and was arrested back to Vietnam in 12/97, in camp 615, Kim Giang, Thanh Xuan, Ha Noi (link: <http://www.daiviet.com/archive/index.php/t-92220.html>.)

66. Le Id Tue, politically refugeeed in Campodia, missing since 5/7/07 (according to Nguyen Thu Tram, Le Tri Tue was arrested by the police of Phuong 3, Phu Nhuan district, Hochiminh city.)

67. Pham Van Troi, 41 years old.

68. Vu Hung, teacher, 44 years old.

69. Tran Duc Thach.

70. Nguyen Xuan Nghia, the writer, 61 years old.

71. Ngo Quynh, university student, 26 years old.

72. Nguyen Manh Son, 67 years old.

73. Nguyen Van Tinh, 68 years old.

74. Nguyen Van Tuc, 46 years old.

75. Nguyen Kim Nhan, 61 years old.

76. Duong Kim Khai, arrested on 8/10/10 at Chuong Bo Church, 37/6 Cau Ong Ngu, Binh Thoi St, phuong 28, Binh Thanh district, Hochiminh city.

77. Nguyen Van Dal, lawyer.

78. 140 prisoners of "Tay Nguyen" and "Dega" in K1, K2, K3, Nam Ha Camp, Ba Sao, Kim Bang, Nam Ha province.

INTRODUCING A RESOLUTION TO RAISE AWARENESS OF HYPERTENSION AND HELP REVERSE ITS PREVALENCE IN THE UNITED STATES

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce a resolution that seeks to raise hypertension awareness and help reverse its prevalence in our nation through education, further research, and efforts to reduce the excess salt content in our food. Hypertension, also known as high blood pressure, is the most commonly diagnosed chronic health condition in the United States, disproportionately affecting the Southeast and African Americans.

High blood pressure is a major risk factor for heart disease and stroke, the first and third leading causes of death in the United States, as well as congestive heart failure and kidney disease. Approximately one out of three adults (74.5 million people) in the United States is hypertensive. Furthermore, about one in four adults is pre-hypertensive, which means that they are at greater risk for developing hypertension. Hypertension is directly and indirectly responsible for tens of thousands of deaths in the United States each year, and its prevalence is expected to grow due to a large aging population and high rates of obesity and diabetes.

Hypertension is called the "silent killer" because there are often no symptoms that indicate that an individual's blood pressure has reached a deadly level. Sadly, more than one out of five individuals is unaware that they have high blood pressure. African Americans have the highest prevalence of hypertension in the United States, and are more likely to develop it at earlier ages, develop cardiovascular morbidity and disability, and die from hypertension or hypertension-related illnesses. Furthermore, Hispanics often have low levels of hypertension awareness, treatment, and control. Fortunately, through education, healthy lifestyle habits, advances in medical science,

research, and smart health care policy, we can begin to reverse these alarming trends.

In particular, addressing high sodium (salt) intake can decrease one's risk for developing high blood pressure. The average person in the United States consumes almost 1.5 times the daily maximum value of salt established by the Department of Health and Human Services. According to a study by the American Medical Association, 150,000 lives could be saved each year if the sodium content in processed foods and restaurant foods were decreased by 50 percent. In addition, we must improve access to affordable, healthy foods for all Americans as well as nutrition labeling to ensure that consumers have the information they need to make informed decisions about their food purchases.

My resolution encourages all individuals to take control of their health by becoming knowledgeable of their blood pressure as well as their risk for hypertension. Furthermore, it supports community-based programs that use culturally competent and evidence-based strategies to address hypertension; recognizes the importance of linking hypertension awareness programs to other existing programs that address health conditions such as obesity and diabetes; and supports further research that provides a better understanding of how hypertension disproportionately affects different communities. Finally, my resolution calls for the Food and Drug Administration to set mandatory national standards, including improved nutrition labeling, for the sodium content in foods, especially those sold in grocery stores and served in schools and restaurants.

Madam Speaker, health care providers, patients, communities, governmental entities, the food industry, and health-focused organizations must work together to raise awareness about high blood pressure and to develop sustainable solutions for prevention, treatment, and control. I remain committed to supporting national, state, and community efforts to address potentially deadly health conditions like hypertension and to combating health disparities.

RECOGNIZING THE CONTRIBUTIONS OF WILLIAM AND ELISE WINTER

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. THOMPSON of Mississippi. Madam Speaker, I rise today to recognize the outstanding contributions made by the Honorable William and Mrs. Elise Winter in the fields of education and race relations in the State of Mississippi.

Mr. Winter served as governor for the State of Mississippi from 1980 to 1984. Mr. and Mrs. Winter have been long-time advocates for public education, racial reconciliation, and historic preservation. Mr. Winter served as a member of President Clinton's National Advisory Board on Race, and was instrumental in founding the William Winter Institute for Racial Reconciliation at the University of Mississippi. In 1989, he became the first holder of the

Eudora Welty Chair of Southern Studies at Millsaps College and was awarded the Profile in Courage Award by the John F. Kennedy Library Foundation in 2008.

During his tenure, both he and his wife were instrumental in passing the 1982 Mississippi Education Reform Act. The 1982 Mississippi Education Reform Act was credited with building stronger elementary and secondary education systems throughout Mississippi and the South. Under this act, teachers received pay increases, compulsory school attendance was mandated, teacher and school accreditation became based on school performance, and kindergarten was mandated for public schools in Mississippi.

Mrs. Elise Varner Winter, a native of Senatobia, Mississippi graduated from Senatobia High School. She completed her postsecondary education at Northwest Junior College and the University of Mississippi, where her academic focus was history.

Her civic and public service activities include advocacy for education. A member of the Mississippi Easter Seal Society, Mrs. Winter also served as President of the official Mississippi Women's Club and Chair of National Library Week. Additionally, she is a member of the board of trustees of Rust College, a trustee of the Synod of Mid-South of the Presbyterian Church and was the first woman elder of Fondren Presbyterian Church of Jackson. She is also very active in Habitat for Humanity—Metro Jackson.

Not only were Governor and Mrs. Winter very instrumental in education reform for the State of Mississippi but they have brought leadership, vision, and voices of reason to the State of Mississippi. Madam Speaker, I ask that you and my colleagues please join me in honoring Mr. and Mrs. Winter for their many contributions in public education and racial relations in the State of Mississippi.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mrs. MALONEY. Madam Speaker, on September 22, 2010, I missed rollcall votes Nos. 532 and 533. Had I been present, I would have voted "yea" on rollcall votes No. 532, to establish Coltville National Historical Park in the State of Connecticut and, No. 533, to authorize funding for the creation and implementation of infant mortality pilot programs in standard metropolitan statistical areas with high rates of infant mortality.

HONORING THE SERVICE OF MARCIA AVNER: NONPROFIT LEADER, ADVOCATE, ORGANIZER AND TEACHER

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Ms. MCCOLLUM. Madam Speaker, I rise to pay tribute today to one of Minnesota's out-

standing community leaders and a longtime resident of my Congressional District, Marcia Avner. This month, Marcia Avner is transitioning from her position as Public Policy Director for the Minnesota Council of Nonprofits (MCN), a position she has held for the past 14 years, to Senior Fellow at MCN, where she will continue to do what she has done best for so many years; advising and training emerging nonprofit sector advocates at both the state and national levels.

Marcia has distinguished herself in several realms. She is an incredibly effective and inspirational advocate and organizer, a teacher and promoter of the art of public advocacy, and a distinguished public servant at the local, state and federal levels of government. Her work includes advocacy and civic engagement training and education as well as lobbying on election reform, tax policy, and many other issues important to nonprofits and the people they serve. Marcia teaches with her husband, Wy Spano, at the Center on Advocacy and Political Leadership at the University of Minnesota—Duluth, where she is inspiring the next generation of great nonprofit leaders. She has traveled all over the country and abroad, to England, Poland and Hungary, to conduct national advocacy and organizing institutes and seminars for nonprofit centers, academic centers, and for Wellstone Action, a nonprofit dedicated to progressive social change.

Marcia gives a presentation called "Lobbying for the Truly Intimidated," in which she tells the story of her own first legislative experience, testifying on hearing aid reform as a parent of a hearing impaired son. She went to the wrong building with a dome: the Cathedral of Saint Paul instead of the State Capitol. It was a fitting recognition of Marcia's dual roles that in 2003 she was recognized as "Teacher of the Year" by Hamline University for her course on Public Policy and Nonprofits, and in the same year received "Activist of the Year" from the Minnesota Alliance for Progressive Action.

Marcia has played a key role in developing the field of nonprofit advocacy, with numerous articles and two books: "The Lobbying and Advocacy Handbook for Nonprofit Organizations: Shaping Public Policy at the State and Local Level" (2002); and "The Board Member's Guide to Lobbying and Advocacy" (2004).

Marcia's effectiveness in local, state and federal government relations is the result of her experience working as Communications Director for the late U.S. Senator Paul Wellstone, Deputy Mayor of St. Paul, Executive Director of The Minnesota Project, Assistant Commissioner of Energy for the State of Minnesota, and Legislative Director with the Minnesota Public Interest Research Group (MPIRG).

Not everyone knows that Marcia served in several key roles for MCN before she became Director of Public Policy: as one of the original planners in 1986 at a retreat at Wilder Forest; one of the three incorporators when MCN filed with the Secretary of State, and as MCN's first Board Chair and convener of the first MCN Annual Conference in 1987. Marcia built MCN's public policy program and developed a national reputation for MCN in the areas of public policy and capacity building.

Marcia is always generous with her time and her insights, meeting and speaking with small groups on nights and weekends as well as serving on numerous community and nonprofit boards. Her work includes serving on the board of directors of Lifetrack Resources, Inc., the Governor's Commission on Deaf and Hard of Hearing, the Center for Lobbying in the Public Interest, Wellstone Action, the Wellstone Action Fund, and the Nonprofit Information Networking Association which publishes *The Lobbying and Advocacy Handbook for Nonprofit Organizations*. Marcia has a BA from Carnegie Mellon University and an MA from the University of Arkansas.

Madam Speaker, as we honor Marcia's service to the Minnesota Council of Nonprofits, it is fitting to quote from the dedication of her book, *"The Lobbying and Advocacy Handbook for Nonprofit Organizations"*. As she quotes her grandmother, Marcia tells us something about why she has been and will continue to be such an effective advocate for nonprofit organizations in Minnesota and across the nation: "This book is dedicated to nonprofits' achievements in shaping public policy—past, present, and future. Remember: 'You Don't Ask, You Don't Get' Grandma Mania Zaludowski.'"

ALL-AMERICAN FLAG ACT

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. BRALEY of Iowa. Madam Speaker, I'm proud to rise in strong support of my legislation, the All-American Flag Act. I strongly believe that our American flags should be made in the U.S.A. with American products.

Currently, Federal law does require that American flags purchased and used by the government are partially American made. That is, the law only requires that at least 50 percent of the materials used to make the flag are American made. I strongly believe that this is a hypocritical use of our taxpayer dollars, especially when the majority of American flags that are imported into the United States come from China.

According to Commerce and Census Data, in 2009, the dollar value of flags imported to the United States was \$3 million. Of that total, \$2.5 million of imported flags came from China.

The Federal Government should not be buying American flags that are manufactured in countries such as China. This is why I introduced the All-American Flag Act.

My legislation would simply require that any United States flags acquired for use by the Federal Government be entirely manufactured in the United States. This is a simple fix that ensures American flags are not foreign-made.

I urge my colleagues to support my All-American Flag Act and look forward to seeing it pass on the House floor.

PERSONAL EXPLANATION

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Ms. KILPATRICK of Michigan. Madam Speaker, I was unavoidably absent from votes yesterday. Had I been present, I would have voted "aye" on final passage of H.R. 5131 and "aye" on final passage of H.R. 3470.

RECOGNIZING SEATTLE INDIAN HEALTH BOARD 40TH ANNIVERSARY

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. McDERMOTT. Madam Speaker, today I rise to offer special recognition to the Seattle Indian Health Board, SIHB, on its upcoming 40th anniversary celebration. Since its founding in 1970, SIHB has played a critical role in improving the access to and quality of healthcare for the American Indian and Alaskan Native communities throughout King County. The organization serves as a great model for other Native care organizations throughout the country.

The Seattle Indian Health Board began its mission working with an all-volunteer staff out of various donated spaces. Within five years of its founding, SIHB grew to a staff of several dozen workers who served over 12,000 patients annually through various programs, including Thunderbird Fellowship House, SIHB's alcoholism treatment center.

In the following decades, SIHB expanded its programs and staff in a variety of ways and has been diligent in pursuing new methods for helping its community members. Its services extend beyond medical and dental assistance; SIHB also provides a variety of mental health programs, guidance to Native youth, and generous programs to take care of the elderly and returning veterans.

These are difficult times; our Nation faces difficult challenges at home, and our Native communities are some of the most vulnerable. The Seattle Indian Health Board has done an excellent job in making sure that these communities receive the care and attention they need. For this, they have my deep gratitude and congratulations on four decades of service, and my best wishes for many more.

RECOGNIZING EUREKA ELEMENTARY SCHOOL OF KEYSVILLE, VIRGINIA

HON. THOMAS S. P. PERRIELLO

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. PERRIELLO. Madam Speaker, today I wish to recognize Eureka Elementary School of Keysville, Virginia, which has been honored as a 2010 Blue Ribbon School by the Depart-

ment of Education. Eureka Elementary has worked hard to achieve this prestigious honor, and I am proud to congratulate Principal Andy Heintzleman, the staff, and the students of Eureka on their success.

The Blue Ribbon Award for improving schools is given to schools that show dramatic improvements in achievement for disadvantaged students. These schools are leaders in education reform and sharing best practices, helping to disseminate information that can be used to improve education across the country. The Blue Ribbon Flag that will now fly over Eureka Elementary School will stand as a beacon to schools throughout the Nation—a signal of the power of education to change lives and unlock the potential in every child.

Eureka Elementary has shown us all what teachers and students can accomplish with dedication, collaboration, and hard work, and I am confident that they will build on this award both within their own community and to assist other schools in achieving such a high standard. I congratulate Eureka and its community again on their momentous achievement, and I look forward to seeing them lead the way in educating our Nation's children for generations to come.

HONORING MR. HAWLEY SMITH

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. GINGREY of Georgia. Madam Speaker, I rise today in honor of a long-time friend, Mr. V. Hawley Smith who is celebrating his ninetyeth birthday this month in La Grange, Georgia. For as long as I have known him, Mr. Smith has been tirelessly devoted to his community, church, and family.

Throughout the years, he has served Troup County in many different positions, and I'd like to mention a few that I know are most important to him. Mr. Smith was the first elected Chairman of the Troup County Board of Commissioners, and he remained in that position for twelve years. He helped to shape many other organizations like The Georgia Heart Clinic, West Georgia Tech Foundation, Troup County Chapter of the American Red Cross, and West Georgia Youth Council—just to name a few. Notably, Mr. Smith is the longest continuous member of the Optimist Club in the State of Georgia, and he is still active today. He also served as President of the Association of County Commissioners of Georgia, Chairman of the Georgia Environmental Facilities Authority, Vice-Chairman of the Georgia Chamber of Commerce, and Vice President of the Citizens and Southern National Bank. The list of leadership positions is nearly a page long, which is a testament to how much Mr. Smith cares for his community.

He has likewise given countless hours to First United Methodist Church of LaGrange—where he was as a member of the Building Committee, the Board of Stewards and served as the Treasurer and Trustee. His kindness and willingness to help others also led him to become the Director of The Harbor Incorporated, a home for the Christian rehabilitation of alcoholics.

He was married to Ercil Trussell Smith for fifty-four years until her death in 1996. They have three children, seven grandchildren, and eight great grandchildren, all of whom he is extremely proud. A constant family man, Mr. Smith has always tried to provide the best educational environment for his children, whether that meant serving as the Neighborhood Commissioner for the Boy Scouts or working on the Board of Trustees for Rosemont Elementary School.

Madam Speaker, as you can see, Mr. Smith is a compassionate and selfless father, husband, and community member. I want to wish him a very happy ninetieth birthday and thank him for his unwavering service to both Troup County and the great State of Georgia.

HONORING THE LIFE AND WORK OF CIVIL RIGHTS PIONEER CONSTANCE BAKER MOTLEY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Ms. DeLAURO. Madam Speaker, I rise to honor the life of achievements of Judge Constance Baker Motley, a passionate and path-breaking heroine of the civil rights movement and a native of my hometown of New Haven.

As my esteemed colleague, Representative JOHN L. LEWIS, remembered her: "In the heart of the American South, during the early days of the Civil Rights Movement in the late 50s and 60s, there were only two lawyers that made white segregationists tremble and gave civil rights workers hope—Constance Baker Motley and Thurgood Marshall." And, indeed, after a youth in New Haven and an education at Fisk University, Motley served as Marshall's right-hand woman, progressing from his law clerk to one of the NAACP's top lawyers, and helping Marshall to craft the winning case in *Brown v. Board of Education*.

The landmark *Brown* victory in 1954 would be the capstone of many careers, but for Judge Motley, it was just the beginning. Indeed, her story is a litany of firsts—She was the first African American woman to represent the NAACP in court, and would win nine out of ten cases she argued before the Supreme Court, including the famous case of *James Meredith* against the University of Mississippi. In 1964, she became the first African-American woman elected to the New York State Senate. In 1965, she became the first woman to serve as Manhattan borough president and to sit on the New York Board of Estimate. And in 1966, upon appointment to the U.S. District Court for the Southern District of New York, she became the first African-American woman in our history to serve as a federal judge.

In short, Judge Motley, who sadly passed away in 2005, is a historic figure, not just in the life of New Haven but in the life of our nation. And I am very glad to see that she will be inducted on to the New Haven Freedom Trail at the end of this month. Her story is testament not only to the tumultuous struggles for equal rights, freedom, and tolerance that characterized our American story in the 20th century, but a reminder to us all that, in America, one committed woman can make a difference.

I salute Judge Motley's many contributions, and I applaud the Amistad Committee for choosing to honor her this month.

RECOGNIZING ACHIEVEMENTS OF THE AMERICAN TENNIS ASSO- CIATION

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise to recognize the achievements of the American Tennis Association, the oldest African American sports organization in the United States.

On November 30, 1916, the ATA was founded by a group of African American businessmen, college professors and physicians, when segregation prohibited them from joining the existing United States Lawn Tennis Association. Though it was founded to help more African American youngsters learn to love tennis, it now welcomes people of all backgrounds. The ATA has produced some of the world's top players, including Althea Gibson and Arthur Ashe, the first African Americans to be ranked number one and to win Grand Slam titles.

This proud tradition continues today, in young players such as Pierre Craig III of Dallas. He has placed in several national tennis tournaments, including winning first place doubles at the 2009 ATA Nationals in the Boys 12 division, and second place in the singles. He is supported by his father, Pierre II, who is the Director of Tennis and Head Tennis Professional at the Oakridge Country Club and his mother, Juevette.

Madam Speaker, I am pleased to honor the American Tennis Association and its members, and wish them the best for their 2010 National Tournament.

PERSONAL EXPLANATION

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mrs. LOWEY. Madam Speaker, I regrettably missed Rollcall votes on September 22, 2010. Had I been present, I would have voted in the following manner:

Rollcall No. 532: "yea."

Rollcall No. 533: "yea."

REMEMBERING 9/11

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. RANGEL. Madam Speaker, I rise today to support House Resolution 1610 commemorating the tragic loss of lives on September 11, 2001. I commend Representative HOYER and Representative BOEHNER for taking the initia-

tive on this important bill and I wholeheartedly join in embracing the sentiments contained therein.

The morning of September 11, 2001, is indelibly imprinted in the hearts and minds of all Americans. Nine years later, our country is still mourning the 2752 innocent lives lost.

In the midst of the horrific attacks on American soil, we also witnessed boundless bravery, selfless sacrifice and heartfelt humanity. On September 11 we saw everyday Americans become heroes—ordinary men and women who, under exceptional circumstances, acted extraordinarily. We remember the pedestrians on streets near the Trade Center Towers offering their assistance at extreme peril. We remember the passengers and crew aboard United Airlines Flight 93, saving the lives of countless others at the expense of their own. We remember the acts of support from our allies at home and abroad.

In the aftermath of 9/11, we remain resolute in our commitment to defeating al-Qaeda and the Taliban. Our Armed Forces abroad are at the ready to defend us from further terrorist attacks. Let us be clear—we are not fighting against Islam; we are fighting against extremists who threaten to destroy our lives and freedoms.

We have not and we will not surrender to fear, violence and extremist acts. We have stood up for and will continue to stand up for our American values of liberty, justice and tolerance.

NATIONAL HISPANIC-SERVING INSTITUTIONS WEEK

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. CROWLEY. Madam Speaker, today I would like to recognize the good work that Hispanic-Serving Institutions are doing both in New York City and across the country. The week of September 19, 2010 was designated as National Hispanic-Serving Institutions Week under H. Res. 1611, a resolution of which I was proud to be a cosponsor.

New York City is home to a number of world-class educational institutions, many of which have been designated as Hispanic-Serving Institutions. Over 10,000 students from my district alone attend Hispanic-Serving Institutions in Queens and the Bronx, including Bronx Community College, the College of Mount Saint Vincent, Hostos Community College, LaGuardia Community College, Lehman College, Mercy College and Vaughn College of Aeronautics and Technology. I have had a chance to visit many of these colleges and know firsthand not only the quality education they provide, but also the valuable services they provide as centers of the community.

Hispanics are the youngest and fastest-growing ethnic population group in the nation, and play a major role in maintaining our country's global competitiveness and contributing to our national culture. However, nationally, Hispanic students graduate at lower rates than non-Hispanic students with similar academic backgrounds. We need a strong education

system to prepare Hispanic students to enter the workforce, and Hispanic-Serving Institutions are ideally suited to address the needs of this population.

We particularly need to ensure further involvement of Hispanic students in the science, technology, engineering, and mathematics fields, where they have been historically underrepresented. During consideration of the original America COMPETES Act in 2007, I was proud to champion the creation of a grant program for Hispanic-Serving Institutions to strengthen and develop their undergraduate science, technology, engineering, and mathematics degree programs.

This program will help educate and train a new generation of experts in the science, technology, engineering and mathematics areas. By engaging Hispanic-Serving Institutions, who serve the majority of the two million Hispanic students enrolled in college today, we are able to reach out to and involve more of the Hispanic educational community.

This Congress has enacted legislation to make college more accessible by improving the way our student loan system works for students and families. However, there is much more we need to do to ensure all students have a chance to achieve the American Dream. We need to continue supporting Hispanic-Serving Institutions and encouraging the vital work they are doing for millions of American students. I am pleased to join Representative GRIJALVA and the rest of my colleagues in this fight.

HONORING THE CAREER AND
ACHIEVEMENTS OF DOMINIC
DiFRANCESCO, II

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. HOLDEN. Madam Speaker, I rise today to recognize Dominic "Nick" DiFrancesco, II, a constituent and friend, who, on August 25, 2010, held his last public meeting as a Dauphin County Commissioner. That public meeting marked the end of a lifetime of public service.

Nick's political career began in 1992, when he was elected as the youngest council president in the history of Highspire Borough. In this capacity, Nick's priorities included improving roadways and rehabilitating the municipal buildings and public facilities. In 1996, Nick was elected as a Lower Swatara Township Commissioner, serving as the Chairman of the Lower Swatara Police Committee and as Secretary and Treasurer of the State Association of Township Commissioners. During this time Nick played an instrumental role in the formation of the Modern Transit Partnership.

Nick's service with the Dauphin County Board of Commissioners began with his election in November of 2003. He was overwhelmingly reelected to a second term four years later. As Vice-Chairman of the Board, Nick served as the oversight commissioner for many of the county's important functions. He successfully guided the complicated sale of the Spring Creek Health Care Rehabilitation

Center, and directed the county's emergency response during numerous tragedies. During his tenure, Nick led the Wellness Committee, spearheaded the annual Ride to Work Day, and partnered with the Salvation Army to host their Red Kettle campaign during the holidays.

His leadership earned him and his fellow board members the "Government Leader of the Year" Award in 2006 from the Harrisburg Regional Chamber and CREDC. Nick also won the "People's Choice" for Public Servant of the Year by Harrisburg Magazine in 2008. I consider myself fortunate to have been able to collaborate with Nick on projects such as the Family Group Conferencing Center for the Dauphin County Social Services, modernizing the Harrisburg International Airport, and making improvements and upgrades to crucial roads and bridges throughout Dauphin County.

I would like to congratulate Nick DiFrancesco on his lifetime of public service and thank him for his outstanding citizenship in the community.

COMMEMORATING HUNGER ACTION
MONTH

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. MORAN of Virginia. Madam Speaker, I rise today to commemorate Hunger Action Month and to honor the Arlington Food Assistance Center, which is located in my Congressional District.

Hunger Action Month was established to help inform individuals, communities, corporations and policy makers that hunger is a severe domestic issue and deserves our critical attention. The Arlington Food Assistance Center's sole mission is to feed the hungry. This important action allows their clients to make other necessary purchases, such as paying for rent and utilities, without having to sacrifice their health and nutritional needs.

Despite the fact that Arlington County is one of the wealthiest areas in the country, many of our local residents do not have enough to eat. The Arlington Food Assistance Center seeks to remedy this problem by distributing bread, vegetables, meat, milk, eggs, and other food items to those in Arlington who are in need. AFAC obtains surplus food at no cost from local bakeries, supermarkets, farmer's markets, food drives and private donors. Each week, families with one to three members receive one bag of food and families of four members or more receive two bags of food—amounts that are expected to supplement a week's meals.

I would like to commend the staff and volunteers of the Arlington Food Assistance Center who work hard to provide needy families in Arlington with groceries each week.

IN HONOR OF THE CITY OF
IRVING'S SUCCESSFUL USE OF
THE LEAN SIX SIGMA PROGRAM

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. SESSIONS. Madam Speaker, I rise today to recognize the city of Irving for its successful use and implementation of the Lean Six Sigma Program.

Understanding the need for a more responsive and efficient government, the city of Irving became the first municipality in the State of Texas, and second in the country, to holistically utilize the Lean Six Sigma Program citywide. Irving initiated this program in October 2007 and expanded it citywide in its efforts to streamline and improve the efficiencies of city operations and staffing structures. The city's emphasis to improve overall customer satisfaction underscores their attentiveness to the concerns of Irving residents and businesses and working diligently to address those issues, making the great city of Irving a better place to live and work.

I commend the city of Irving for its innovative thinking and actively seeking new ways to better serve the needs of residents, visitors, and businesses. Madam Speaker, I ask my esteemed colleagues to join me in recognizing the city of Irving for its successful implementation of the Lean Six Sigma Program.

HONORING THE LIFE OF LT.
VERNON J. BAKER, U.S. ARMY
CONGRESSIONAL MEDAL OF
HONOR RECIPIENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. RANGEL. Madam Speaker, it brings me sadness and honor to pay final tribute to LT Vernon J. Baker, United States Army. He passed away on Tuesday, July 13, 2010, at the age of 90, due to complications of brain cancer at his home near St. Manes, Idaho. He will be laid to rest at Arlington National Cemetery on September 24, 2010.

Vernon Baker, a black U.S. soldier, belatedly received the Medal of Honor for his World War II battlefield valor after historians concluded he had been wrongly denied the military's top award because of racial prejudice.

Baker, who was born in 1919 in Cheyenne, Wyoming, and orphaned as a small child, was raised by his grandparents in Cheyenne. While working as a railroad porter, he decided to join the U.S. Army in mid-1941, a few months before Pearl Harbor. At his first attempt to enlist, in April 1941, he was turned away, the recruiter stating "We don't have any quotas for you people." Undaunted, he tried again weeks later with a different recruiter and was accepted. He requested to become a quartermaster but was instead assigned to the infantry.

In 1944, Second Lieutenant Baker was sent to Italy with a full platoon of 54 men, assigned

to the all-black 92nd Infantry Division. Despite being wounded in the arm in October of that year and hospitalized near Pisa, he rejoined his unit in reserve along the Gothic Line in December.

On April 5, during his company's attack against a strongly entrenched enemy in mountainous terrain near Viareggio, Italy, his company was stopped by the concentration of fire from several machine gun emplacements. He crawled to one position and destroyed it, killing three Germans. Continuing forward, he attacked an enemy observation post and killed two occupants. With the aid of one of his men, Lieutenant Baker attacked two more machine gun nests, killing or wounding the four enemy soldiers occupying these positions. He then covered the evacuation of the wounded personnel of his company by occupying an exposed position and drawing the enemy's fire. In all, Baker and his platoon killed 26 Germans and destroyed six machine gun nests, two observer posts, and four dugouts.

After the end of the war, Baker remained in Europe with the Allied occupation forces until 1947. He later joined the Army Airborne forces and left the military in 1968 as a first lieutenant. It was after these years of service that Baker returned to his northern Idaho home.

President Bill Clinton presented the Medal of Honor, the nation's highest award for battlefield valor, to Baker in 1997. He was one of just seven black soldiers to receive it and the only living recipient. The other six soldiers received their awards posthumously.

Due to the racial and social strife prevalent in the 1940s, no black soldiers were awarded the Medal of Honor during World War II, although, Baker did receive the Purple Heart, a Bronze Star and Distinguished Service Cross. Reflecting on life in a segregated Army unit, Baker told *The Washington Post*, "I was an angry young man. We were all angry. But we had a job to do, and we did it." He added that he "knew things would get better, and I'm glad to say that I'm here to see it."

Baker's actions on the front line demonstrated better than words can describe why discrimination and segregation in the military was both unfair and absolutely inconsistent with an effective fighting force. He demonstrated a degree of courage few people have. "He was prepared to give his life for his country—a country in which he was considered a second-class citizen," said U.S. Representative WALT MINNICK.

Vernon J. Baker was a great American hero who will forever be remembered as someone who overcame unfair barriers and prejudice to change the course of history. He will be greatly missed; however, his legacy will live on as a source of inspiration for generations to come. I extend my sincere condolences to his family in the wake of this tremendous loss and share their enormous pride in all that he accomplished.

IN MEMORIAM: FIRST
LIEUTENANT MARK NOZISKA

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. FORTENBERRY. Madam Speaker, last Friday, 24-year old Army First Lieutenant Mark Noziska was laid to rest at West Lawn Memorial Park Cemetery in Grand Island, Nebraska. He was killed on August 30 near Malajat, Afghanistan, following an IED attack on his patrol. His decorations include the Bronze Star, Purple Heart, and Army Commendation Medal.

Lieutenant Noziska was born in Grand Island, and attended high school in Papillion. He enlisted in the Army National Guard in March 2004, before he graduated from high school that year. He was named Nebraska Soldier of the Year in 2005, and after graduating from the University of Nebraska-Omaha in 2008, earned his commission. His love of Husker football was well-known among his family and friends, many of whom wore "Husker Red" to his funeral. He also loved the Army. He planned a lifelong career of service to our nation, and hoped to one day become a General.

While Lieutenant Noziska's life was tragically cut short, it is clear that he touched and inspired so many of those around him, including the many people from the local community who lined the streets to honor his service and memory. May God bless Lieutenant Noziska and his family, and all our Nation's fallen soldiers.

HONORING RESIDENTS OF THE
CITY OF COUNTRYSIDE, ILLINOIS
ON THEIR 50TH ANNIVERSARY
AS A CITY

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. LIPINSKI. Madam Speaker, I rise today to honor the residents of Countryside, Illinois, a city in my district that is celebrating its 50th anniversary.

The first settlers came to Countryside in the early 19th century. Joseph Vial and his family are credited with being some of the first to reach the area in 1833. The rich land provided for a rural farming community that remained quietly productive for decades. The Great Chicago Fire of 1871 resulted in the first population boom in Countryside, as city dwellers began to move outside of Chicago to less congested areas.

Despite the influx of new residents, Countryside maintained a quiet and peaceful community through the end of World War II, when the second population boom hit the city. Affordable land enticed urbanites to build new homes in many suburbs like Countryside. The area provided a tranquil community where families could raise and educate their children.

In 1960, the City of Countryside was officially incorporated with a population of about

2,000. The city has since grown to almost 6,000 residents, yet still maintains its charm and remains a close-knit community perfect for raising families.

On Saturday, September 25th, I will be joining Mayor Robert Conrad and hundreds of families in Countryside for the city's 50th Anniversary Party in the Park. Today, I ask you to join me in honoring the residents of Countryside, Illinois on their 50th anniversary as a city. May they continue to thrive and be a welcoming community for families and visitors.

OBSERVING THE 5TH ANNIVERSARY OF HURRICANE KATRINA—
H. RES. 1577

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. RANGEL. Madam Speaker, I rise today to express my full support for H. Res. 1577, a bill observing the fifth anniversary of the date on which Hurricane Katrina devastated the Gulf Coast. I thank Congressman ANH JOSEPH CAO for introducing this bill to give us the opportunity to honor and remember the 1,822 lives lost on that fateful day. We also salute the dedicated volunteers who assisted those affected by the storm and aided efforts to rebuild the affected Gulf region.

We celebrate and commemorate the progress made by New Orleans as rebuilding continues and recovery moves forward. The New Orleans Metropolitan area has recovered more than 90 percent of its population and 85 percent of its jobs since the flooding occurred, moving unemployment in the area below the national average.

However, we must not forget that despite these successes, the Gulf Coast still faces challenges that must be addressed. Thousands of residents of the Gulf Coast remain displaced; some are homeless. We will overcome these challenges if we remain strong and unified. President Obama appropriately has reminded us that the legacy of Katrina must be "not one of neglect, but of action; not one of indifference, but of empathy; not of abandonment, but of a community working together to meet shared challenges." Indeed, as we observe this fifth anniversary of Hurricane Katrina, we are encouraged to persevere and remain strong.

HONORING COLMAN MCCARTHY
FOR HIS LEGACY OF PEACE

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. MORAN of Virginia. Madam Speaker, I rise to honor a courageous and inspirational peace educator and writer, Colman McCarthy.

For over nearly 30 years, I read his columns in the *Washington Post* constantly pushing for the nonviolent resolution of conflicts, focusing on human security rather than national security. He left the Op-Ed page of the *Washington Post* in 1997 but he is still sorely missed.

Colman is a man motivated by his focus on the underserved, the forgotten, and the poor. He is guided by a commitment to the justice and equality of all of God's children and the blessed natural environment that too often our modern society forgets.

He has stood up against senseless wars, echoing Dr. King's approaches to conflict and the tremendous devastation it causes from the lives lost, countless wounded, millions of families broken, refugees created, communities destroyed, and unfathomable sums of money wasted.

Colman continues to be a clarion voice against many kinds of violence, including violence and the inhumane treatment of animals.

Three decades ago, Colman was writing regularly about the mistreatment of animals. In 2008, the Humane Society of the United States published his writings in a book entitled: *At Rest with the Animals*. Wayne Pacelle, president and CEO of The Humane Society of the United States had this to say: "The book showcases the extraordinary breadth of Colman's examination of animal questions. As we revisit his assembled writings, we can see it was not uncommon for him to provide an original moral framing of issues we've now come to debate in society in a serious way."

Some of the advances that we have made in recent years on these issues, from banning puppy mills to outlawing animal crush videos, have stood on the shoulders of Colman's writings and advocacy.

We are blessed to have Colman McCarthy and his leadership pointing the way to a peaceful future. As a man of unquestioned integrity, he has taught thousands of youth

about nonviolence in many of our local schools.

Madam Speaker, Colman deserves our praise and respect for his decades of service. He recently received the El-Hibri Peace Education Prize, established by Fuad and Nancy El-Hibri, which is given each year to an outstanding individual or organization who has demonstrated successful and innovative approaches to promoting peace and social justice globally.

I'm proud to honor Colman today and will continue giving voice to his message of peace and cooperation through my role as a Member of Congress.

IN RECOGNITION OF LEUKEMIA
AND LYMPHOMA SOCIETY MICHIGAN
CHAPTER'S TENTH ANNUAL
LIGHT THE NIGHT WALK

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. PETERS. Madam Speaker, I rise today to recognize The Leukemia and Lymphoma, LLS, Society Michigan Chapter on the eve of its tenth annual "Light the Night" walk in Michigan. As a Member of Congress, it is my honor to recognize the Michigan Chapter of LLS for its decades of work to help find a cure for these devastating illnesses.

The Leukemia and Lymphoma Society is a leading organization in the fight to find a cure for blood cancer diseases. Since its inception

in 1949, LLS has been a significant resource by supporting blood cancer research with almost \$600 million in finding, providing counseling and informational services to over 100,000 patients and family members who have been confronted with these diseases and providing the resources necessary for blood cancer patients to seek treatment for their illnesses. In addition to these services, LLS has also been a key organization in raising awareness of blood cancer and how blood cancer affects the lives of not only patients, but also their family, friends, and co-workers. One such awareness-raising event is the LLS' annual Light the Night walk to find a cure to blood cancers.

Each year, in communities across the country, thousands of supporters, gather to walk in Light the Night to shine a light into the darkness of battling cancer. The passion and support of Michigan residents who come out to Light the Night ensures that resources are available to researchers, support services for LLS Michigan Chapter's Family Support Groups and First Connection peer-to-peer counseling program, and increased availability of specialized assistance through LLS' Information Resource Center.

Madam Speaker, I ask my colleagues to join me today to recognize the Leukemia and Lymphoma Society Michigan Chapter as its members hold its tenth annual Light the Night walk to raise awareness and support for treating blood cancer. I look forward to the day this walk can celebrate a cure for these devastating diseases and provide much needed relief to victims of blood cancers.

HOUSE OF REPRESENTATIVES—Friday, September 24, 2010

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. MITCHELL).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 24, 2010.

I hereby appoint the Honorable HARRY E. MITCHELL to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Rev. Kurt Gerhard, St. Patrick's Episcopal Church, Washington, DC, offered the following prayer:

O Lord our God, creator and sustainer of all nations and people,

On this day, bless the Members of this House with anger at the injustice, oppression and exploitation of people so that they can work for justice, freedom and peace.

Bless them with enough foolishness to believe that they can make a difference in the world so that they can do what others claim is impossible.

Bless them with the humility to know that they can be wrong so that they can respect the perspectives of others.

Bless them with frustration with the way things are so that they will be motivated to create new solutions.

Send Your Spirit of courage and understanding upon each Member of this 111th Congress so that they will hold fast that which is true and serve these United States of America with glory and honor.

We ask this all in Your Holy Name.
Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. BURGESS) come forward and lead the House in the Pledge of Allegiance.

Mr. BURGESS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REV. KURT GERHARD

The SPEAKER pro tempore. Without objection, the gentleman from Texas (Mr. BURGESS) is recognized for 1 minute.

There was no objection.

Mr. BURGESS. Mr. Speaker, I rise today to honor and thank Father Kurt Gerhard of Washington, DC, for serving as the guest chaplain today for the House of Representatives.

In April of this year, Father Gerhard was installed as the eighth rector of St. Patrick's Episcopal Church, which is located in northwest Washington, DC, on Whitehaven Parkway. He recently relocated from my home State of Texas, where he served as senior chaplain at St. Andrew's Episcopal School and in the clergy at Good Shepherd Episcopal Church, both located in Austin, Texas.

Father Gerhard is a native of Nebraska, where he earned a degree from the University of Nebraska at Omaha. He went on to earn a Master of Divinity from the Seminary of the Southwest and a Doctor of Ministry from the Virginia Theological Seminary.

On behalf of every Member of the House of Representatives of the United States Congress, I want to thank Father Gerhard for his work on behalf of our community here in Washington, DC, and for his invocation before our House here today.

ADJOURNMENT

Mr. BURGESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 4 minutes a.m.), under its previous order, the House adjourned until Tuesday, September 28, 2010, at 10:30 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

9615. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Baron Hilton Fireworks Display, San Francisco Bay, CA [COTP San Francisco Bay 06-025] (RIN: 1625-AA00) received August 19,

2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9616. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Antioch Fireworks Display, San Francisco Bay, CA [COTP San Francisco Bay 06-026] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9617. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Peninsula Celebration Fireworks Display, San Francisco Bay, CA [COTP San Francisco Bay 06-027] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9618. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pittsburgh Chamber of Commerce Fireworks Display, San Francisco Bay, CA [COTP San Francisco Bay 06-028] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9619. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Francisco Giants Fireworks Display, San Francisco Bay, CA [COTP San Francisco Bay 06-029] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9620. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Giants Enterprises Fireworks Display, San Francisco Bay, CA [COTP San Francisco Bay 06-030] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9621. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 2006 NOAA Safe Seas Emergency Response Exercise, San Francisco, CA [COTP San Francisco Bay 06-032] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9622. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Spanish Bay, Monterey, California [COTP San Francisco Bay 06-034] (RIN: 1625-AA87) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9623. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Carquinez Strait, California [COTP San Francisco Bay 06-040] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9624. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone; San Francisco Giants Fireworks Display, San Francisco Bay, CA [COTP San Francisco Bay 07-005] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9625. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Central Massachusetts August Swim Events [Docket No.: USCG-2008-0422] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9626. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Francisco Giants Fireworks Display, San Francisco Bay, CA [COTP San Francisco Bay 07-010] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9627. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; USCGC Bertholf Port of Miami Visit, Miami, Florida [Docket No.: USCG-2008-0432] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9628. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Savannah River, Savannah, GA [USCG-2008-0437] (RIN: 1625-AA87) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9629. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Savannah River, Savannah, GA [USCG-2008-0438] (RIN: 1625-AA87) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9630. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; San Francisco Bay, CA [COTP San Francisco Bay 07-011] (RIN: 1625-AA87) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9631. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny and Ohio Rivers, Pittsburgh, PA [Docket No.: USCG-2008-0582] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9632. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — National Night Out on New River, Jacksonville, NC [USCG-2008-0439] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9633. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [USCG-2008-0602] (RIN: 1625-AA87) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9634. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone; Ohio River, Mile 848.0 to 849.0 [Docket No.: USCG-2008-0604] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9635. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Dutch Shoe Marathon; San Diego Bay, San Diego, CA [Docket No.: USCG-2008-0443] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9636. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sail Port Huron Fireworks, St. Clair River, Port Huron, MI [Docket No.: USCG-2008-0605] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9637. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Wyandotte Independence Holiday Fireworks, Detroit River, Wyandotte, MI [Docket No.: USCG-2008-0606] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9638. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks & Stage FX America Fireworks Display at USS Midway; San Diego Bay, San Diego, California [Docket No.: USCG-2008-0444] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9639. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bay City Fireworks Festival, Bay City, MI [Docket No.: USCG-2008-0607] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9640. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Murrel's Inlet, South Carolina [Docket No.: USCG-2008-0404] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9641. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cooper River, Moncks Corner, South Carolina [Docket No.: USCG-2008-0405] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9642. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Station Fort Pierce, Atlantic Ocean, Fort Pierce, Florida [Docket No.: USCG-2008-0408] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9643. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Fort Lauderdale, Florida [Docket No.: USCG-2008-0419] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9644. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Rockets Over the River; Colorado River, Bullhead City, AZ [Docket No.: USCG-2008-0447] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9645. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Station Miami, Atlantic Ocean, Miami, Florida [Docket No.: USCG-2008-0420] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9646. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Savannah River, Savannah, GA [USCG-2008-0452] (RIN: 1625-AA87) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9647. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Robert Fountain Private Party Fireworks Display, San Francisco, CA [Docket No.: USCG-2008-0455] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9648. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cape Fear River in Downtown Wilmington, North Carolina [USCG-2008-0457] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9649. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Anniversary Fireworks Display, Southport, CT [Docket No.: USCG-2008-0459] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9650. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Corrections; Founder's Day Fireworks Event, Chesapeake Bay, Hampton, VA [Docket No.: USCG-2008-0463] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9651. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Temporary Safety Zone: Lower Cowlitz River Dredging Operation; Longview, Washington [Docket No.: USCG-2008-0467] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9652. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Temporary Safety Zone: Lower Cowlitz River Dredging Operation; Longview, Washington [Docket No.: USCG-2008-0467] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9653. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Monongahela River Mile Marker 0.5 to

Mile Marker 1.5, Pittsburgh, PA [Docket No.: USCG-2008-0479] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9654. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Superior, Grand Marais, Michigan [USCG-2008-0482] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9655. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Maine; Sector Northern New England July Swim Events [Docket No.: USCG-2008-0493] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9656. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Independence Day Celebration for Baron Hilton, Stockton, CA [Docket No.: USCG-2008-0495] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9657. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lights on the Lake, South Lake Tahoe, CA [Docket No.: USCG-2008-0498] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9658. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Coastal Fireworks Massachusetts [Docket No.: USCG-2008-0501] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9659. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Francisco Giants Fireworks Display, San Francisco, CA [Docket No.: USCG-2008-0503] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9660. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Mile 602.0 to 605.0, Louisville, KY [Docket No.: USCG-2008-0506] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9661. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Antioch Fourth of July Fireworks Display, Antioch, CA [Docket No.: USCG-2008-0507] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9662. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Station Miami, Atlantic Ocean, Fort Pierce, Florida

[Docket No.: USCG-2008-0407] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9663. A letter from the National Adjutant, Chief Executive Officer, Disabled American Veterans, transmitting the 2010 National Convention Proceedings of the Disabled American Veterans, pursuant to 36 U.S.C. 90i and 44 U.S.C. 1332; (H. Doc. No. 111—146); to the Committee on Veterans' Affairs and ordered to be printed.

DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 12 by Mr. HERGER on H.R. 5424: Howard P. "Buck" McKeon and Jeb Hensarling.

Petition 13 by Mr. LUNGREN on H.R. 5141: Paul C. Broun, Sam Johnson, Ileana Ros-Lehtinen, Peter Hoekstra, Patrick J. Tiberi, Lamar Smith, Sue Wilkins Myrick, Candice S. Miller, Tom Price, Zach Wamp, Steve Scalise, John Fleming, Ralph M. Hall, Paul Ryan, Thomas E. Petri, Howard P. "Buck" McKeon, Jeb Hensarling, Kay Granger, Greg Walden, Ander Crenshaw, David Dreier, Brett Guthrie, Kenny Marchant, Rob Bishop, Louise Gohmert, Bob Inglis, Robert E. Latta, Robert B. Aderholt, Marsha Blackburn, Dean Heller, Phil Gingrey, Tom Cole, and Michael C. Burgess.

SENATE—Friday, September 24, 2010

The Senate met at 9:30 a.m. and was called to order by the Honorable AL FRANKEN, a Senator from the State of Minnesota.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

We pause at the convening of this Senate session, Eternal God, to acknowledge our total dependence upon You. We are aware of the fragile and temporary nature of our earthly pilgrimage and look to You, the changeless one, to guide our steps. From You we borrow our heartbeats, and because of You we live and move and have our being.

Guide our lawmakers today with more than human wisdom. Give them the ability to solve the difficult problems of these challenging days. Lord, break in and through their human best that justice, truth, and peace may prevail. We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable AL FRANKEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 24, 2010.

To the Senate:

Under the provisions of Rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable AL FRANKEN, a Senator from the State of Minnesota, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. FRANKEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will proceed to a period of morning business. Senators will be permitted to speak for up to 10 minutes each. There will be no rollcall votes today.

CONGRESSIONAL BADGE OF BRAVERY BOARD

Mr. REID. Mr. President, sometimes all it takes to be a hero is to do your job the way you are supposed to do that job.

A few days after New Year's, a deranged gunman walked into the Lloyd D. George Federal building in downtown Las Vegas. In addition to housing our Federal courts, it is also the building where my staff works, Senator ENSIGN's staff, and of course many other employees of the people of the State of Nevada.

Court security Officer Stanley Cooper and Deputy U.S. Marshal Richard J. Gardner—everyone calls him Joe—were on duty that day. They were both in the lobby when the gunman got there. Both of them were shot. Officer Cooper didn't make it. He died in the line of duty. I met his family and spoke at his funeral earlier this year, and I know they still miss him every day. Joe Gardner was more fortunate. He returned fire on the gunman. He too was hit while protecting the people working and visiting the courthouse but he did survive.

We can never know for sure how many lives were saved because Officer Cooper gave his or because U.S. Marshal Gardner put his own life at risk. And they can never know how grateful we are for their courage. It is hard to explain.

I am proud to say I have appointed this exemplary Nevadan—U.S. Marshal Joe Gardner—to the Law Enforcement Congressional Badge of Bravery Board. Because if anyone knows what bravery is, it is Joe Gardner. Seven Federal law enforcement officers serve on this board for 2-year terms. I want to express my appreciation to my friend the Republican leader, Senator MCCONNELL, for joining me in making sure Joe Gardner is one of them. It was an easy choice.

Too often we take these heroes for granted. We pass them on the streets or on our way through an office building's lobby. There are precious few like U.S. Marshal Joe Gardner—good men and women who wake up every morning, go to work and put everything on the line to protect people they do not even know. They will tell you they are

just doing their jobs, and we should be grateful they are doing their jobs. We should fulfill our responsibility just as often—by thanking them every single day.

Mr. President, would the Chair announce morning business now.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CREATING AMERICAN JOBS AND ENDING OFFSHORING ACT OF 2010—MOTION TO PROCEED

Mr. REID. Mr. President, I ask unanimous consent that at 3 p.m., Monday, September 27, the Senate proceed to consideration of Calendar No. 578, S. 3816, a bill to create American jobs and prevent the offshoring of such jobs overseas.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCONNELL. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

CLOTURE MOTION

Mr. REID. I now move to proceed to Calendar No. 578, S. 3816, and I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 578, S. 3816, the Creating American Jobs and Ending Offshoring Act of 2010.

Richard J. Durbin, Charles E. Schumer, Tom Harkin, Sheldon Whitehouse, Debbie Stabenow, Barbara A. Mikulski, Roland W. Burris, Bernard Sanders, Tom Udall, Mark Begich, Daniel K. Akaka, Jeff Merkley, Benjamin L. Cardin, Edward E. Kaufman, Christopher J. Dodd, Arlen Specter, Sherrod Brown, Amy Klobuchar, Byron L. Dorgan, Barbara Boxer.

Mr. REID. I ask unanimous consent that the vote on the motion to invoke cloture occur at 11:30 a.m., Tuesday, September 28, with the mandatory quorum being waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, the majority leader has generously consented to allow me to make a few observations before I must leave the Chamber.

My view is the majority has literally wasted months in the Chamber trying to tell the private sector what to do instead of providing certainty to help them make investment decisions. This bill we will be voting on cloture on Tuesday will do nothing to create jobs in our country. Most of the factories the Durbin bill is trying to prevent from moving overseas are not traveling overseas to sell back to the American market but are moving there to gain competitive advantage over foreign companies in foreign markets. In doing so, they create more jobs and more opportunity in the United States. The nonpartisan Joint Committee on Taxation has informed my staff that this bill, similar to so many others produced by the majority this year, will increase the deficit by nearly \$1 billion, violating the majority's own pay-go rules.

It is my hope we will not decide to debate and pass this bill. I think it would be a step in the wrong direction. I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, my friend is correct. There has been a lot of wasted time in the Senate. But it hasn't been because of the majority. We have had to answer to more than 100 filibusters, which have eaten up weeks and weeks of our time, when we should have been talking about jobs for the American people. For my friend to stand on the floor and say the continual exporting of jobs is good for the country is beyond the ability of someone to believe. Not only does the fact that these jobs are transferred to another country create tremendous job losses, but we give these people tax benefits for doing so. It is hard to comprehend how such a policy ever came to be. This is an effort to stop it.

We have some very commonsense ideas. One says: If you want to come back to the United States and you want to create some jobs here, we will

give you a tax benefit for that. But we do say that if you are going to tear down a plant, an operation in America, you should not get a tax benefit for doing that, as now exists. Right now, if you move a wood manufacturing company out of the State of Washington, tear down your plant and move it to China, you get a tax break for that. The American people don't want that. Finally, outsourcing these jobs is the third part of our legislation—shipping jobs overseas, terminating the jobs here and then making the product over there cheaply and then sending the product back here and you get a tax break for it. The American people don't understand that. They don't understand it because it is illogical. That is what the debate will be about.

We will start the debate Monday afternoon. Everyone should be aware that we will have a live quorum at about 7 o'clock on Monday evening. I explained to the minority leader yesterday that we were going to do that so it is no surprise. Then we will see if during the evening we need any more. We will try to set up the debate in a constructive fashion. It is a debate we on this side relish.

Mr. President, I now withdraw my motion to proceed.

The ACTING PRESIDENT pro tempore. The motion is withdrawn.

MORNING BUSINESS

Mr. REID. I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. BROWN of Ohio. Mr. President, six months ago our Nation accomplished something that so many generations before had struggled to achieve. Six months ago yesterday, with the enactment of the Patient Protection and Affordable Care Act, our Nation stood up and declared that the health of our citizens is worth fighting for.

There has been a lot of debate, as the Presiding Officer knows, in this Chamber and in the House of Representatives and on the talk shows and talk

radio. There is a lot of debate about theories and death panels and health care and preexisting conditions. But behind all of that is human beings in difficult situations. After hearing people say things about this health care law that simply aren't true, it is important to remember how this affects individual human beings.

This legislation began to take effect when, yesterday, several things happened. One is that a 22-year-old who is home from school who just got a job but doesn't have insurance in that job can stay on her parents' health care plan until she turns 27. Small businesses can get tax breaks to insure their employees. Something most small businesses—almost every small businessperson I know—want to do is provide decent, affordable health insurance to their employees. They will be better able to do that because of this bill. Also yesterday, because of this legislation, we saw movement toward the doughnut hole being closed. That simply means that senior citizens, conflicted with very high health care costs, having to choose between medication and heating their home or proper food, cutting their pills in half or having to skip a day in taking it because they couldn't afford it—this bill will begin to close that doughnut hole that President Bush and the Republican Congress created.

We are seeing major progress which affects individual people. Mary from Ashtabula, OH, which is in the northeast corner of the State, shared a story with me about her friend who is paying \$56 each month for medications to treat her chronic illness. After the doughnut hole kicks in, she worries that her friend will have to pay literally 10 times that—not \$56, which she can handle, but literally \$500 per month, which she can't. This increase will catastrophically affect her friend, who is 80 years old and living on a tight budget. Next year, because of this legislation that is taking effect now, Mary's friend will see her prescription drug costs cut in half.

Robert from Cleveland wrote me a letter sharing his concerns about being young and uninsured. As happens to many young adults, Robert was dropped from his mother's insurance on his 21st birthday. He has been unable to obtain full-time employment. He has remained uninsured, not by choice but because he really had no options. In fact, he saw the risks associated with being uninsured firsthand as he accompanied his also uninsured friend to the hospital after sustaining a basketball injury not too long ago. His friend left the emergency room with a \$3,000 bill. Robert understands that young adults such as him and his friend will no longer have to face the uncertainty and fear associated with being uninsured.

This legislation also, as of yesterday, allows States such as Ohio and every

State in the country to set up what are called high-risk insurance pools. We all know—and the Presiding Officer knows it from talking to people in Rochester and Duluth and St. Paul, and I have talked to people in Toledo and Dayton and Springfield who can't get insurance because they have a preexisting condition. So 462 Ohioans already have signed up for what is called this high-risk insurance pool. That means that even with a preexisting condition, those 462 Ohioans have insurance. Six months ago, they were uninsured and uninsurable. Today, they have insurance.

Laura from Hamilton County wrote to me when she learned about the health care law. She wrote:

I cheered when I learned that children with chronic conditions cannot be denied health insurance coverage. I have a child with Type 1 diabetes. I have worried for years about what will become of him as he ages and moves off our insurance policy. I have worried for years what his health plan options will be. It is a relief to now be able to shift our efforts to battling the disease, not the health care system.

Any mother or father with a sick child wants to focus their efforts on taking care of that illness, not fighting with insurance companies, not worrying about cobbling together payments to pay the doctor, the hospital, and the drug company.

I am proud to say these changes are just the beginning. As of yesterday, when you renew or purchase a health insurance plan, you don't have to worry about lifetime limits. We know what happens: If you get sick, if you live in Akron or Youngstown and you get very sick and spend a lot of time in the hospital, insurance companies—it is called rescission—will simply cancel your insurance because you exceeded the lifetime limits they set up. Well, no more lifetime limits because of this bill.

From now on, recommended preventive services, immunizations, mammograms, and other recommended screenings, will be covered without a copay or deductible. We want people to get screened, to get preventive care. It saves their health, and it saves all of us money. So they can get less expensive health care. For them, taking away their requirement to pay copays and deductibles will make a huge difference.

There are now new restrictions on private insurers from placing unreasonable limits on your coverage. Patients can access out-of-network emergency room services and children can no longer be denied insurance because of a preexisting condition. Think of the parents we talk to who have a child who is sick and can't get insurance because that child has a preexisting condition, as if a parent wanted it that way. Now we have fixed this.

The Presiding Officer was part of this debate, as all of us in this institution

were, during last year and the beginning of this year when we passed this bill. We know what the opponents—people speaking mostly on behalf of the insurance industry, the drug industry, and people who just don't agree that we should do something like this—we know what they did. They lied about death panels. They spread half-truths about costs. They even labeled health care reform “communism.”

They did the same thing with Medicare. I remember the same arguments when I was a kid. I was 12 years old, 13 years old when Medicare passed. They used the same arguments about Medicare. They said: The government is going to stand between you and your doctor. They said: It is going to turn the United States into the Soviet Union. They said: We are never going to be able to get health insurance again. It is going to be big government running our lives. I don't think they say that about Medicare anymore. They have tried to dismantle and privatize Medicare, but they know it has worked.

In the 1930s, these same people with the same philosophy campaigned against Social Security, saying it wouldn't work. In the 1960s, they campaigned against Medicare, saying it wouldn't work. Now they are campaigning against the health care law.

There are Republicans all over this country—not many voters, I don't think—who are talking about repealing the health care law. So what they are going to do is kick the 23-year-old off their parents' insurance. Now they are going to take away these tax breaks for small businesses to insure their employees. They are going to reinstate the doughnut hole. They are going to put more costs back on senior citizens, who finally are getting some help with their drug costs. I don't get it. They are going to bring back preexisting conditions. They are going to say it is OK again to deny somebody coverage for a preexisting condition. I don't think the public is going to buy that. I don't think this institution will vote that way.

It is important to recognize from where we have come. Most of all, it is important to think about individual human beings we have met who are affected so positively by this law. They are going to be able to get insurance. They are not going to be denied coverage if they have a preexisting condition. Businesses will be able to help their employees by covering them for insurance. Senior citizens are going to get significant help for their drug costs. What is not to like about that? That is why it is important that we stand firm as we mark this 6-month beginning of these changes that will make our health care system work better, be more responsive to people, and, most importantly, take care of individual Americans better than ever before.

STEELDAY 2010

Mr. DURBIN. Mr. President, I rise today to recognize the critical role of structural steel in our Nation's infrastructure and industrial economy.

Today, September 24, 2010, is the second annual SteelDay and is being celebrated through events nationwide. These events highlight the many American jobs provided by the structural steel industry and the contributions of structural steel as a safe, strong, green, and effective building material.

The structural steel industry is a major employer in Illinois. Today, the United States has 4 major structural steel mills, 10 hollow structural shape producers, and more than 2,600 steel fabricators. Together, they employ over 185,000 Americans, producing 4.5 million tons of fabricated structural steel in 2009. In Illinois, more than 100 structural steel firms provide more than 2,000 good jobs.

Most of the structured steel in a building can be recovered and recycled—as much as 98 percent. In fact, columns and beams that are made at U.S. steel mills include an average 93 percent of recycled materials. It is the most recycled material on the planet.

There is a renewed interest in this country in domestic steel as a building material, and structural steel accounts for 5 percent of the steel consumed in the United States. Shipping steel from other countries creates a huge and unnecessary carbon footprint. LEED certification, an environmental rating system developed by the U.S. Green Building Council, relies heavily on the use of domestic steel in new construction.

The industry continues to incorporate improvements in the technology used to build steel projects. These improvements are also bringing down construction costs and increasing safety at construction sites. In light of these economic, environmental, and safety factors, it is no surprise that there is a three-to-one preference for using structural steel in the construction of multistory residential and non-residential buildings.

Mr. President, I congratulate the structural steel industry on its second annual SteelDay. Steel manufacturing and construction is driving our Nation's progress into the future.

GREATER OWENSBORO CHAMBER OF COMMERCE

Mr. McCONNELL. Mr. President, I rise today to recognize the remarkable accomplishments of the Greater Owensboro Chamber of Commerce. They were selected as the winner, out of eight National finalists, in the 2010 Chamber of the Year competition sponsored by the American Chamber of Commerce Executives, ACCE. This is quite a feat, as the ACCE's Chamber of

the Year is the Nation's only award that recognizes local chambers for their dual role in creating and leading businesses and communities.

Chambers wanting to apply for this award could do so if they had an exceptional year or if they had a program or initiative that went above and beyond expectations. With this in mind, the Greater Owensboro Chamber of Commerce highlighted their success in developing the Chamber Leadership Initiatives for Northwestern Kentucky, C-LINK, alliance and the Owensboro Buys It! program in the application process.

C-LINK includes 12 chambers in the region and has been a leading proponent of Interstate 69 in western Kentucky, one of the largest transportation projects in the region, which has seen significant progress in the past two years. Owensboro Buys It! was started in 2009 to create local commerce and to teach small business leaders how to initiate an "elevator pitch" and sharpen their ability to gain and retain customers. When the chamber board of directors mapped out a strategic plan in 2008, they made it their goal to earn this award by 2012. Because of their hard work, they managed to beat even that audacious goal.

Under the leadership of chamber president Jody Wassmer, the board of directors, staff, and members of the Greater Owensboro Chamber of Commerce made their hometown, their Commonwealth, and this Senator very proud. I ask my colleagues to rise and join me in congratulating them on this honor.

FREEDOM OF INFORMATION ACT AMENDMENTS

Mr. LEAHY. Mr. President, I commend the House of Representatives for promptly enacting the Freedom of Information Act amendments to the Securities and Exchange Act, Investment Company Act, and Investment Advisers Act of 2010, S. 3717. This bipartisan bill will ensure that the Freedom of Information Act, FOIA, remains an effective tool to provide public access to information about the stability of our financial markets.

This bill will also ensure that the important goals of the historic Wall Street reform law—enhancing transparency, accountability, and confidence in our financial system—will become a reality for all Americans. The bill eliminates several broad FOIA exemptions for Security and Exchange Commission, SEC, records that were recently enacted as part of Public Law 111-203. The bill also helps to ensure that the SEC has access to the information that the Commission needs to carry out its new enforcement activities under the new reforms.

I thank Representative EDOLPHUS TOWNS, the distinguished chairman of

the House Committee on Oversight and Government Reform, and Representative BARNEY FRANK, the distinguished chairman of the House Committee on Financial Services, for their support of this bill and for working with me to quickly enact this legislation. I also thank Senators GRASSLEY, CORNYN, and KAUFMAN for cosponsoring this important open government bill. In addition, I commend the many open government organizations, including OpenTheGovernment.org, the Project on Government Oversight, the American Library Association, and the Sunlight Foundation for their support of this bill.

The Freedom of Information Act has long recognized the need to balance the government's legitimate interest in protecting confidential business records, trade secrets, and other sensitive information from public disclosure, and preserving the public's right to know. To accomplish this, care must always be taken to ensure that exemptions to FOIA's disclosure requirements are narrowly and properly applied. The bill accomplishes this important goal.

I commend the Congress for working in a bipartisan and expeditious manner to eliminate these overly broad FOIA exemptions. I urge the President to promptly sign this good government bill into law.

FEDERAL HIRING FREEZE

Mr. AKAKA. Mr. President, as chairman of the Senate subcommittee that oversees the Federal workforce, I strongly oppose the proposal by my colleagues on the other side of the aisle to impose a hiring freeze for all non-security positions in the Federal Government. If adopted, this proposal would sacrifice our Nation's long-term investments in the employees needed to efficiently and effectively run government programs for a short-sighted approach that does nothing to address our current fiscal challenges.

Far from being fiscally responsible, these policies would end up costing the government more over the long run, by increasing our reliance on contractors whose work would not be capped. Arbitrary restrictions on hiring Federal employees open up opportunities for waste, fraud, and abuse as contracting expands without investment in oversight. Over the past decade, Federal contracts have nearly doubled in size, to over \$500 billion, but the size of the workforce overseeing contractors has stayed constant. We must reverse, not reinforce, that trend.

Over the past two years, we have made efforts to rebalance the work performed by Federal employees and contractors. Many times, replacing contractors with Federal employees allows agencies to more efficiently meet their missions and provide vital services.

The American people expect strong leadership from the Federal Government and we must make sure the Federal Government has the people it needs to perform critical functions and to properly oversee the important work done by contractors. Freezing the Federal workforce could once again lead to dramatic overreliance on contractors, putting agency missions and taxpayer dollars at risk.

The American people deserve a government that hires the right people with the right skills to run their government in an effective and efficient manner. An arbitrary cap on Federal employees is a poor substitute for the careful, thoughtful approach to Federal workforce planning we need.

Our Federal civil service is comprised of hard working, talented people who have dedicated their lives to the service of this country—and our way of life would not exist without them. These are honorable men and women who provide critical services to the American people, including protecting our Nation, ensuring that our food and drugs are safe, caring for our wounded warriors, and responding to natural disasters. America's public servants deserve our gratitude and respect. I thank them for their dedication.

AQUACULTURE DISASTER ASSISTANCE

Ms. LANDRIEU. Mr. President, I come to the floor today to speak on an issue that is of great importance to my home State of Louisiana: Federal disaster assistance. As you know, along the gulf coast, we keep an eye trained on the Gulf of Mexico during hurricane season. This is following the devastating one-two punch of Hurricanes Katrina and Rita of 2005 as well as Hurricanes Gustav and Ike last year. Our communities and businesses are still recovering from these disasters—some from a disaster that devastated the gulf coast almost 5 years ago. We are now also dealing with the economic and environmental damage from the Deepwater Horizon disaster which occurred this April. For this reason, as chair of the Senate Committee on Small Business and Entrepreneurship ensuring effective Federal disaster coordination is one of my top priorities. While the gulf coast is prone to hurricanes, other parts of the country are no strangers to disaster. For example, the Midwest has tornadoes, California experiences earthquakes and wildfires, and the Northeast sees crippling snowstorms. So no part of our country is spared from disasters—disasters which can and will strike at any moment. With this in mind, we must ensure that the Federal Government is better prepared and has the tools necessary to respond quickly, effectively following a disaster.

In order to help ongoing recovery efforts in the gulf coast, and to give the

U.S. Small Business Administration, SBA, more tools to respond after a future disaster, I am proud that the House of Representatives passed H.R. 5297, the Small Business Jobs Act of 2010. I have spoken at length on the Senate floor about the huge impact this legislation will have for small business owners. Today I also note that this legislation includes an important provision improving SBA disaster assistance. This provision builds off of SBA disaster reforms enacted in 2008 and ensures that small businesses in the aquaculture sector will not be left without disaster assistance following future disasters. In particular, the provision is section 1501 of H.R. 5297. I note that this provision is similar to section 205 of legislation I introduced last year, the Small Business Administration Disaster Recovery and Reform Act of 2009. This section amends the Small Business Act to make aquaculture businesses eligible for SBA economic injury disaster loans.

Currently, the SBA determines that aquaculture includes any industry where an individual farms aquatic organisms, farming means intervention in the rearing process to enhance production—regular stocking, feeding, protection from predators. These include farmers of: algae, alligators, frogs, turtles, seaweed, clams, crawfish, pearls, fish farms/hatcheries, mussels, and oysters. Under current provisions of the Small Business Act, SBA is prohibited from providing assistance to these industries as it was wrongly assumed that they would be covered by other Federal agencies. This is because, when Congress repealed SBA disaster assistance for agricultural businesses in the 1980s, they mistakenly assumed that all of these businesses, including aquaculture businesses, would be helped by the U.S. Department of Agriculture, USDA.

For example, oystermen who seed private grounds which they own or rent are engaged in aquaculture and are currently ineligible. Public ground oystermen, however, who do not have exclusive use of any area, do not farm and are eligible for SBA economic injury disaster loans. In Louisiana, our aquaculture businesses in the southern part of the State were hit hard by both Hurricane Katrina and Rita. These businesses, many crawfish farmers or those with fish farms, were ineligible for U.S. Department of Agriculture, USDA, disaster assistance, but were also ineligible for SBA disaster loans. We also learned that similar problems followed Hurricanes Gustav and Ike in 2008. A more recent example of the huge problem this causes is that the SBA is currently offering \$2 million economic injury disaster loans, EIDLs, to businesses impacted by the Deepwater Horizon disaster. Since the Small Business Act currently prohibits aquaculture businesses from receiving

EIDLs, they were ineligible. However, no other Federal agency, including USDA was providing assistance for this disaster. So small businesses impacted by a disaster were told. We cannot help you, even though no other Federal agency was there to fill in the gap.

In closing, I believe that the commonsense fix sent to the President today will give these businesses they help they need to recover from future disasters. Businesses involved in the farming of the following stand to benefit greatly from this new legislation: algae, alligators, frogs, turtles, seaweed, clams, crawfish, pearls, fish farms/hatcheries, mussels, and oysters.

I thank the chair and ask that my entire statement and a copy of this particular provision appear in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEC. 1501. AQUACULTURE BUSINESS DISASTER ASSISTANCE.

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1343, is amended by adding at the end the following: “(z) AQUACULTURE BUSINESS DISASTER ASSISTANCE.—Subject to section 18(a) and notwithstanding section 18(b)(1), the Administrator may provide disaster assistance under section 7(b)(2) to aquaculture enterprises that are small businesses.”.

ADDITIONAL STATEMENTS

TRIBUTE TO PASTOR RUFUS BRADLEY, JR.

• Mr. LEVIN. Mr. President, I am pleased to pay tribute to a distinguished religious leader in Saginaw, MI, Pastor Rufus Bradley, Jr. Pastor Bradley will be honored at a banquet on September 25, 2010, by his church family. The banquet will celebrate his 30 years of ministry and his 23 years as Pastor of New Life Baptist Church Ministries.

Since accepting his call to the ministry, Pastor Bradley has persistently sought to encourage and enlighten his congregation, and through these efforts, has earned the respect and admiration of people throughout Michigan. His pastoral leadership and commitment to service is admirable, and The New Life Baptist Church Ministries has flourished under his spiritual guidance. Through his stewardship and many community-based efforts such as the “Mission in the City Movement,” Pastor Bradley has provided much needed assistance to those most in need in the greater Saginaw community.

Before becoming pastor of New Life, Pastor Bradley studied theology under the tutelage of several well-known religious leaders. He also earned a bachelor's degree from the United Theological Seminary in Monroe, LA, and is a graduate of the Beeson Institute for Advanced Church Leadership. Pastor

Bradley is a family man and is supported by his wife, Relinda Bradley. They have enjoyed 32 wonderful years together and are the proud parents of two children, June and Rufus, Jr.

I know my colleagues join me in congratulating Pastor Bradley on 30 years of pastoral leadership and faithful service to the greater Saginaw community. We wish him the best as he continues this important work for many more years.●

MESSAGE FROM THE HOUSE

At 11:08 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 846. An act to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 1055. An act to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1745. An act to amend the Public Health Service Act to provide liability protections for volunteer practitioners at health centers under section 330 of such Act.

H.R. 3199. An act to amend the Public Health Service Act to provide grants to State emergency medical service departments to provide for expedited training and licensing for veterans with prior medical training, and for other purposes.

H.R. 5307. An act to amend the Tariff Act of 1930 to include ultralight vehicles under the definition of aircraft for purposes of the aviation smuggling provisions under that Act.

H.R. 5710. An act to amend and reauthorize the controlled substance monitoring program under section 3990 of the Public Health Service Act.

H.R. 5756. An act to amend subtitle D of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 to provide grants and technical assistance to University Centers for Excellence in Developmental Disabilities Education, Research, and Service to improve services rendered to children and adults on the autism spectrum, and their families, and for other purposes.

H.R. 6156. An act to renew the authority of the Secretary of Health and Human Services to approve demonstration projects designed to test innovative strategies in State child welfare programs.

At 12:04 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2701. An act to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1745. An act to amend the Public Health Service Act to provide liability protections for volunteer practitioners at health centers under section 330 of such Act; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3199. An act to amend the Public Health Service Act to provide grants to State emergency medical service departments to provide for the expedited training and licensing of veterans with prior medical training, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 5307. An act to amend the Tariff Act of 1930 to include ultralight vehicles under the definition of aircraft for purposes of the aviation smuggling provisions under that Act; to the Committee on Finance.

H.R. 5710. An act to amend and reauthorize the controlled substance monitoring program under section 399O of the Public Health Service Act; to the Committee on Health, Education, Labor, and Pensions.

H.R. 5756. An act to amend subtitle D of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 to provide grants and technical assistance to University Centers for Excellence in Developmental Disabilities Education, Research, and Service to improve services rendered to children and adults on the autism spectrum, and their families, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 6156. An act to renew the authority of the Secretary of Health and Human Services to approve demonstration projects designed to test innovative strategies in State child welfare programs; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and with an amended preamble:

S. Res. 573. A resolution urging the development of a comprehensive strategy to ensure stability in Somalia, and for other purposes.

EXECUTIVE REPORT OF
COMMITTEE—NOMINATION

The following executive report of a nomination was submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Robert Leon Wilkins, of the District of Columbia, to be United States District Judge for the District of Columbia.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

EXECUTIVE REPORTS OF
COMMITTEE—TREATIES

The following executive reports of committee were submitted:

By Mr. KERRY, from the Committee on Foreign Relations:

TREATY DOC. 110-7 TREATY WITH UNITED KINGDOM CONCERNING DEFENSE TRADE COOPERATION WITH 9 CONDITIONS, 7 UNDERSTANDINGS, AND 3 DECLARATIONS (EX. REPT. 111-5); AND TREATY DOC. 110-10 TREATY WITH AUSTRALIA CONCERNING DEFENSE TRADE COOPERATION WITH 8 CONDITIONS, 6 UNDERSTANDINGS, AND 3 DECLARATIONS (EX. REPT. 111-5)

The text of the committee-recommended resolutions of advice and consent to ratification are as follows:

[110-7: Treaty with United Kingdom
Concerning Defense Trade Cooperation]

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to Conditions, Understandings And Declarations.

The Senate advises and consents to the ratification of the Treaty Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, done at Washington and London on June 21 and 26, 2007 (Treaty Doc. 110-7) (as defined in section 5 of this resolution), subject to the conditions in section 2, the understandings in section 3 and the declarations in section 4.

Section 2. Conditions.

The Senate's advice and consent to the ratification of the Treaty with the United Kingdom Concerning Defense Trade Cooperation is subject to the following conditions, which shall be binding upon the President:

(1) United States preparation for treaty implementation.

(A) At least 15 days before any exchange of notes pursuant to Article 20 of the Treaty, the President shall submit to the Congress a report—

(i) describing steps taken to ensure that the Executive branch and United States industry are prepared to comply with Treaty requirements;

(ii) analyzing the implications of the Treaty, and especially of Article 3(3) of the Treaty, for the protection of intellectual property rights of United States persons;

(iii) explaining what steps the United States Government is taking and will take to combat improper or illegal intangible exports (i.e., exports as defined in part 120.17(a)(4) of title 22, Code of Federal Regulations) under the Treaty; and

(iv) setting forth the issues to be addressed in the Management Plan called for by Section 12(3)(f) of the Implementing Arrangement and the procedures that are expected to be adopted in that Plan.

(B) Before any exchange of notes pursuant to Article 20 of the Treaty, the President shall submit to the Congress a certification that changes to the International Traffic in Arms Regulations (parts 120–130 of title 22, Code of Federal Regulations) have been published in the Federal Register pursuant to the Arms Export Control Act, as appropriate, that would, upon entry into force of the Treaty,—

(i) make clear the legal obligation for any person involved in an Export, Re-export, Transfer, or Re-transfer under the Treaty to comply with all requirements in the revised International Traffic in Arms Regulations, including by taking all reasonable steps to ensure the accuracy of information received from a member of the Approved Community that is party to an Export, Re-export, Transfer, or Re-transfer under the Treaty;

(ii) make clear the legal obligation for Approved Community members to comply with United States Government instructions and

requirements regarding United States Defense Articles added to the list of exempt Defense Articles pursuant to Article 3(2) of the Treaty;

(iii) limit a person from being a member of the United States Community, pursuant to Article 5(2) of the Treaty, if that person is generally ineligible to export pursuant to section 120.1(c) of title 22, Code of Federal Regulations; and

(iv) require any nongovernmental entity that ceases to be included in the United States Community to comply with instructions from authorized United States Government officials and to open its records of transactions under the Treaty to inspection by United States Government and, as appropriate, authorized United Kingdom Government officials pursuant to Article 12 of the Treaty.

(C) Before any exchange of notes pursuant to Article 20 of the Treaty, the President shall submit to the Congress—

(i) a certification that appropriate mechanisms have been established to identify, in connection with the process for determining whether a nongovernmental entity is in the United States Community pursuant to Article 5(2) of the Treaty, persons who meet the criteria in section 38(g)(1) of the Arms Export Control Act (22 U.S.C. 2778(g)(1));

(ii) a certification that appropriate mechanisms have been established to verify that nongovernmental entities in the United States that Export pursuant to the Treaty are eligible to export Defense Articles under United States law and regulation as required by Article 5(2) of the Treaty;

(iii) a certification that United States Department of Homeland Security personnel at United States ports—

(a) have prompt access to a State Department database containing registered exporters, freight forwarders and consignees, and watch lists regarding United States companies; and

(b) are prepared to prevent attempts to export pursuant to the Treaty by United States persons who are not eligible to export Defense Articles under United States law or regulation, even if such person has registered with the United States Government;

(iv) a certification that the Secretary of Defense has promulgated appropriate changes to the National Industrial Security Program Operating Manual and to Regulation DoD 5200.1-R, "Information Security Program," and has issued guidance to industry regarding marking and other Treaty compliance requirements; and

(v) a certification that a capability has been established to conduct post-shipment verification, end-use/end-user monitoring and related security audits for Exports under the Treaty, accompanied by a report setting forth the legal authority, staffing and budget provided for this capability and any further Executive branch or congressional action recommended to ensure its effective implementation.

(2) Treaty partner preparation for treaty implementation.

Before any exchange of notes pursuant to Article 20 of the Treaty, the President shall certify to Congress that the Government of the United Kingdom has promulgated all necessary regulatory changes, including:

(A) changes to export control regulations, setting forth a Treaty-specific Open General Export License (OGEL);

(B) changes to the United Kingdom Security Policy Framework and related security regulations for Government and United Kingdom Industry; and

(C) changes to the MOD Classified Material Release Procedure (F680), to take account of Treaty Re-exports and Re-transfers.

(3) Joint operations, programs and projects.

The Secretary of State shall keep the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives informed of the lists of combined military and counter-terrorism operations developed pursuant to Article 3(1)(a) of the Treaty; cooperative security and defense research, development, production, and support programs developed pursuant to Article 3(1)(b) of the Treaty; and specific security and defense projects developed pursuant to article 3(1)(c) of the Treaty.

(4) Exempted defense articles.

(A) The President may remove a Defense Article from the list of Defense Articles exempt from the Scope of the Treaty, if such removal is not barred by United States law, 30 days after the President informs the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives of such proposed removal.

(B) When a Defense Article is added to the list of Defense Articles exempt from the Scope of the Treaty, the Secretary of State shall provide a copy of the Federal Register Notice delineating the policies and procedures that will govern the control of such Defense Article, consistent with Section 4(7) of the Implementing Arrangement, as well as an explanation of the reasons for adopting those policies and procedures, to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives within five days of the issuance of such Notice.

(5) Changes to the definition of the territory of the United Kingdom.

(A) The Secretary of State shall inform the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives within 15 days of the initiation of consultations with the United Kingdom concerning the inclusion of any additional territory or territories in the definition of "Territory of the United Kingdom" for the purposes of Article 1(8) of the Treaty, and shall inform the Committees within 15 days of receipt through diplomatic channels of notice that a territory or group of territories has been added to the definition of "Territory of the United Kingdom" for the purposes of Article 1(8) of the Treaty.

(B) The Secretary of State shall consult with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives before approving any addition to the United Kingdom Community of a non-governmental entity or facility outside the territory of England, Scotland, Wales, or Northern Ireland.

(6) Approved community membership.

(A) If sanctions are in effect against a person in the United Kingdom Community pursuant to section 73(a)(2)(B) or section 81 of the Arms Export Control Act (22 U.S.C. 2797b(a)(2)(B) or 2798), the United States shall raise the matter pursuant to Article 4(2) of the Treaty and Section 7(9) of the Implementing Arrangement.

(B) The Secretary of State shall inform the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives not later than 5 days before the U.S. Government agrees to the initial inclusion in the United Kingdom Community of a nongovernmental United Kingdom entity, if the Department of State

is aware that the entity, or any one or more of its relevant senior officers or officials:

(i) Has been convicted of violating a statute cited in paragraph 38(g)(1) of the Arms Export Control Act (22 U.S.C. 2778(g)(1)); or

(ii) is, or would be if that person were a United States person,

(a) ineligible to contract with any agency of the U.S. Government;

(b) ineligible to receive a license or other form of authorization to export from any agency of the U.S. Government; or

(c) ineligible to receive a license or any form of authorization to import defense articles or defense services from any agency of the U.S. Government.

(C) The Secretary of State shall inform and consult with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives not later than 5 days after the United States Government agrees to the continued inclusion in the United Kingdom Community of a nongovernmental United Kingdom entity, if the Department is aware that the entity, or any one or more of its relevant senior officers or officials, raises one or more of the concerns referred to in paragraph (B).

(7) Transition policies and procedures.

(A) No fewer than 15 days before formally establishing the procedures called for in Section 5(5) of the Implementing Arrangement, the President shall provide to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report concerning the policies and procedures developed to govern the transition to the application of the Treaty, pursuant to Article 3(3) of the Treaty, of Defense Articles acquired and delivered under the Foreign Military Sales program.

(B) No fewer than 15 days before formally establishing the procedures called for in Section 8(2) of the Implementing Arrangement, the President shall provide to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report concerning the policies and procedures developed to govern the members of the United Kingdom Community wishing to transition to the processes established under the Treaty, pursuant to Article 14(2) of the Treaty, from the requirements of a United States Government export license or other authorization.

(8) Congressional oversight.

(A) The Secretary of State shall inform the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives promptly of any report, consistent with Section 11(4)(b)(vi) of the Implementing Arrangement, of a material violation of Treaty requirements or procedures by a member of the Approved Community.

(B) The Department of State shall brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives regularly regarding issues raised in the Management Board called for in Section 12(3) of the Implementing Arrangement, and the resolution of such issues.

(9) Annual report.

Not later than March 31, 2011, and annually thereafter, the President shall submit to Congress a report, which shall cover all Treaty activities during the previous calendar year. This report shall include:

(A) a summary of the amount of Exports under the Treaty and of Defense Articles transitioned into the Treaty, with an analysis of how the Treaty is being used;

(B) a list of all political contributions, gifts, commissions and fees paid, or offered

or agreed to be paid, by any person in connection with Exports of Defense Articles under the Treaty in order to solicit, promote, or otherwise to secure the conclusion of such sales;

(C) any action to remove from the United Kingdom Community a nongovernmental entity or facility previously engaged in activities under the Treaty, other than due to routine name or address changes or mergers and acquisitions;

(D) any concerns relating to infringement of intellectual property rights that were raised to the President or an Executive branch Department or Agency by Approved Community members, and developments regarding any concerns that were raised in previous years;

(E) a description of any relevant investigation and each prosecution pursued with respect to activities under the Treaty, the results of such investigations or prosecutions and of such investigations and prosecutions that continued over from previous years, and any shortfalls in obtaining prompt notification pursuant to Article 13(3) of the Treaty or in cooperation between the Parties pursuant to Article 13(3) and (4) of the Treaty;

(F) a description of any post-shipment verification, end-user/end-use monitoring, or other security activity related to Treaty implementation conducted during the year, the purposes of such activity and the results achieved; and

(G) any Office of Inspector General activity bearing upon Treaty implementation conducted during the year, any resultant findings or recommendations, and any actions taken in response to current or past findings or recommendations.

Section 3. Understandings.

The Senate's advice and consent to the ratification of the Treaty with the United Kingdom Concerning Defense Trade Cooperation is subject to the following understandings, which shall be included in the instrument of ratification:

(1) Meaning of the phrase "identified in."

It is the understanding of the United States that the phrase "identified in" in the Treaty shall be interpreted as meaning "identified pursuant to."

(2) Meaning of the word "scope."

It is the understanding of the United States that the word "Scope" in the Treaty shall be interpreted as meaning "the Treaty's coverage as identified in Article 3."

(3) Cooperative programs with exempt and non-exempt defense articles.

It is the understanding of the United States that if a cooperative program is mutually determined, consistent with Section 2(2)(e) of the Implementing Arrangement, to be within the Scope of the Treaty pursuant to Article 3(1)(b) of the Treaty despite involving Defense Articles that are exempt from the Scope of the Treaty pursuant to Article 3(2) of the Treaty, the exempt Defense Articles shall remain exempt from the Scope of the Treaty and the Treaty shall apply only to non-exempt Defense Articles required for the program.

(4) Investigations and reports of alleged violations.

It is the understanding of the United States that the words "as appropriate" in Section 10(3)(f) of the Implementing Arrangement do not detract in any way from the obligation in Article 13(3) of the Treaty, that "Each Party shall promptly investigate all suspected violations and reports of alleged violations of the procedures established pursuant to this Treaty, and shall promptly inform the other Party of the results of such investigations."

(5) Exempt defense articles.

It is the understanding of the United States that if one Party to the Treaty exempts a type of Defense Articles from the scope of the Treaty pursuant to Article 3(2) of the Treaty, then Defense Articles of that type will be treated as exempt by both Parties to the Treaty.

(6) Intermediate consignees.

It is the understanding of the United States that any intermediate consignee of an Export from the United States under the Treaty must be a member of the Approved Community or otherwise approved by the United States Government.

(7) Scope of treaty exemption.

The United States interprets the Treaty not to exempt any person or entity from any United States statutory and regulatory requirements, including any requirements of licensing or authorization, other than those included in the International Traffic in Arms Regulations, as modified or amended. Accordingly, the United States interprets the term 'license or other written authorization' in Article 2 and the term 'licenses or other authorizations' in Article 6(1), as these terms apply to the United States, and the term 'prior written authorization by the United States Government' in Article 7, to refer only to such licenses, licensing requirements, and other authorizations as are required or issued by the United States pursuant to the International Traffic in Arms Regulations, as modified or amended; and the United States interprets the reference to 'the applicable licensing requirements and the implementing regulations of the United States Arms Export Control Act' in Article 13(1) to refer only to the applicable licensing requirements under the International Traffic in Arms Regulations, as modified or amended.

Section 4. Declarations.

The Senate's advice and consent to the ratification of the Treaty with the United Kingdom Concerning Defense Trade Cooperation is subject to the following declarations:

(1) Self-execution.

This Treaty is not self-executing in the United States, notwithstanding the statement in the preamble to the contrary.

(2) Private rights.

This Treaty does not confer private rights enforceable in United States courts.

(3) Intellectual property rights.

No liability will be incurred by or attributed to the United States Government in connection with any possible infringement of privately owned patent or proprietary rights, either domestic or foreign, by reason of the United States Government's permitting Exports or Transfers or its approval of Re-exports or Re-transfers under the Treaty.

Section 5. Definitions.

As used in this resolution:

(1) The terms "Treaty with the United Kingdom Concerning Defense Trade Cooperation" and "Treaty" mean the Treaty between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, done at Washington and London on June 21 and 26, 2007.

(2) The terms "Implementing Arrangement Pursuant to the Treaty" and "Implementing Arrangement" mean the Implementing Arrangement Pursuant to the Treaty between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, which was signed in Washington on February 14, 2008.

(3) The terms "Defense Articles," "Export," "Re-export," "Re-transfer," "Transfer," "Approved Community," "United States Community," "United Kingdom Community," and "Territory of the United Kingdom" have the meanings given to them in Article 1 of the Treaty.

(4) The terms "Management Board" and "Management Plan" have the meanings given to them in Section 1 of the Implementing Arrangement.

(5) The terms "person" and "foreign person" have the meaning given to them by section 38(g)(9) of the Arms Export Control Act (22 U.S.C. 2778(g)(9)). The term "U.S. person" has the meaning given to it by part 120.15 of title 22, Code of Federal Regulations.

[110-10 Treaty with Australia Concerning Defense Trade Cooperation]

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to Conditions, Understandings And Declarations.

The Senate advises and consents to the ratification of the Treaty Between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, done at Sydney, September 5, 2007 (Treaty Doc. 110-10) (as defined in section 5 of this resolution), subject to the conditions in section 2, the understandings in section 3 and the declarations in section 4.

Section 2. Conditions.

The Senate's advice and consent to the ratification of the Treaty with Australia Concerning Defense Trade Cooperation is subject to the following conditions, which shall be binding upon the President:

(1) United States preparation for treaty implementation.

(A) At least 15 days before any exchange of notes pursuant to Article 20 of the Treaty, the President shall submit to the Congress a report—

(i) describing steps taken to ensure that the Executive branch and United States industry are prepared to comply with Treaty requirements;

(ii) analyzing the implications of the Treaty, and especially of Article 3(3) of the Treaty, for the protection of intellectual property rights of United States persons;

(iii) explaining what steps the United States Government is taking and will take to combat improper or illegal intangible exports (i.e., exports as defined in part 120.17(a)(4) of title 22, Code of Federal Regulations) under the Treaty; and

(iv) setting forth the issues to be addressed in the Management Plan called for by Section 12(3)(f) of the Implementing Arrangement and the procedures that are expected to be adopted in that Plan.

(B) Before any exchange of notes pursuant to Article 20 of the Treaty, the President shall submit to the Congress a certification that changes to the International Traffic in Arms Regulations (parts 120-130 of title 22, Code of Federal Regulations) have been published in the Federal Register pursuant to the Arms Export Control Act, as appropriate, that would, upon entry into force of the Treaty,—

(i) make clear the legal obligation for any person involved in an Export, Re-export, Transfer, or Re-transfer under the Treaty to comply with all requirements in the revised International Traffic in Arms Regulations, including by taking all reasonable steps to ensure the accuracy of information received from a member of the Approved Community that is party to an Export, Re-export, Transfer, or Re-transfer under the Treaty;

(ii) make clear the legal obligation for Approved Community members to comply with United States Government instructions and requirements regarding United States Defense Articles added to the list of exempt Defense Articles pursuant to Article 3(2) of the Treaty;

(iii) limit a person from being a member of the United States Community, pursuant to Article 5(2) of the Treaty, if that person is generally ineligible to export pursuant to section 120.1(c) of title 22, Code of Federal Regulations; and

(iv) require any nongovernmental entity that ceases to be included in the United States Community to comply with instructions from authorized United States Government officials and to open its records of transactions under the Treaty to inspection by United States Government and, as appropriate, authorized Australian Government officials pursuant to Article 12 of the Treaty.

(C) Before any exchange of notes pursuant to Article 20 of the Treaty, the President shall submit to the Congress—

(i) a certification that appropriate mechanisms have been established to identify, in connection with the process for determining whether a nongovernmental entity is in the United States Community pursuant to Article 5(2) of the Treaty, persons who meet the criteria in section 38(g)(1) of the Arms Export Control Act (22 U.S.C. 2778(g)(1));

(ii) a certification that appropriate mechanisms have been established to verify that nongovernmental entities in the United States that Export pursuant to the Treaty are eligible to export Defense Articles under United States law and regulation as required by Article 5(2) of the Treaty;

(iii) a certification that United States Department of Homeland Security personnel at United States ports—

(a) have prompt access to a State Department database containing registered exporters, freight forwarders and consignees, and watch lists regarding United States companies; and

(b) are prepared to prevent attempts to export pursuant to the Treaty by United States persons who are not eligible to export Defense Articles under United States law or regulation, even if such person has registered with the United States Government;

(iv) a certification that the Secretary of Defense has promulgated appropriate changes to the National Industrial Security Program Operating Manual and to Regulation DoD 5200.1-R, "Information Security Program," and has issued guidance to industry regarding marking and other Treaty compliance requirements; and

(v) a certification that a capability has been established to conduct post-shipment verification, end-use/end-user monitoring and related security audits for Exports under the Treaty, accompanied by a report setting forth the legal authority, staffing and budget provided for this capability and any further Executive branch or congressional action recommended to ensure its effective implementation.

(2) Treaty partner preparation for treaty implementation.

Before any exchange of notes pursuant to Article 20 of the Treaty, the President shall certify to Congress that the Government of Australia has—

(A) enacted legislation to strengthen generally its controls over defense and dual-use goods, including controls over intangible transfers of controlled technology and brokering of controlled goods, technology, and services, and setting forth:

(i) the criteria for entry into the Australian Community and the conditions Australian Community members must abide by to maintain membership, including personnel, information and facilities security requirements;

(ii) the record-keeping and notification and reporting requirements under the Treaty;

(iii) the handling, marking and classification requirements for United States and Australian Defense Articles Exported or Transferred under the Treaty;

(iv) the requirements for Exports and Transfers of United States Defense Articles outside the Approved Community or to a third country;

(v) the rules for handling United States Defense Articles that are added to or removed from the list of items exempted from Treaty application;

(vi) the rules for transitioning into and out of the Australian Community;

(vii) auditing, monitoring and investigative powers for Commonwealth officials and powers to allow Commonwealth officials to perform post-shipment verifications and end-use/end-user monitoring; and (viii) offenses and penalties, and administrative requirements, necessary for the enforcement of the Treaty and its Implementing Arrangement; and

(B) promulgated regulatory changes setting forth:

(i) the criteria for entry into the Australian Community, and terms for maintaining Australian Community membership;

(ii) the criteria for individuals to become authorized to access United States Defense Articles received pursuant to the Treaty;

(iii) benefits stemming from Australian Community membership, including a framework for license-free trade with the United States in classified or controlled items falling within the scope of the Treaty;

(iv) the conditions Australian Community members must abide by to maintain membership, including:

(a) record-keeping and notification requirements;

(b) marking and classification requirements for defense articles Exported or Transferred under the Treaty;

(c) requirements for the Re-transfer to non-Approved Community members and Re-export to a third country of defense articles; and

(d) maintaining security standards and measures articulated in Defense protective security policy to protect defense articles pursuant to the Treaty;

(v) provisions to enforce the procedures established pursuant to the Treaty, including auditing and monitoring powers for Australian Department of Defence officials and powers to allow Department of Defence officials to perform post-shipment verifications and end-use/end-user monitoring;

(vi) offenses and penalties, including administrative and criminal penalties and suspension and termination from the Australian Community, to enforce the provisions of the Treaty; and

(vii) requirements and standards for transition into or out of the Australian Community and Treaty framework.

(3) Joint operations, programs and projects.

The Secretary of State shall keep the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives informed of the lists of combined military and counter-terrorism operations developed pursuant to Article 3(1)(a) of the Treaty; cooperative secu-

rity and defense research, development, production, and support programs developed pursuant to Article 3(1)(b) of the Treaty; and specific security and defense projects developed pursuant to article 3(1)(c) of the Treaty.

(4) Exempted defense articles.

(A) The President may remove a Defense Article from the list of Defense Articles exempt from the Scope of the Treaty, if such removal is not barred by United States law, 30 days after the President informs the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives of such proposed removal.

(B) When a Defense Article is added to the list of Defense Articles exempt from the Scope of the Treaty, the Secretary of State shall provide a copy of the Federal Register Notice delineating the policies and procedures that will govern the control of such Defense Article, consistent with Section 4(7) of the Implementing Arrangement, as well as an explanation of the reasons for adopting those policies and procedures, to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives within five days of the issuance of such Notice.

(5) Approved community membership.

(A) If sanctions are in effect against a person in the Australian Community pursuant to section 73(a)(2)(B) or section 81 of the Arms Export Control Act (22 U.S.C. 2797b(a)(2)(B) or 2798), the United States shall raise the matter pursuant to Article 4(2) of the Treaty and Section 6(9) of the Implementing Arrangement.

(B) The Secretary of State shall inform the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives not later than 5 days before the U.S. Government agrees to the initial inclusion in the Australian Community of a nongovernmental Australian entity, if the Department of State is aware that the entity, or any one or more of its relevant senior officers or officials:

(i) Has been convicted of violating a statute cited in paragraph 38(g)(1) of the Arms Export Control Act (22 U.S.C. 2778(g)(1)); or

(ii) is, or would be if that person were a United States person,

(a) ineligible to contract with any agency of the U.S. Government;

(b) ineligible to receive a license or other form of authorization to export from any agency of the U.S. Government; or

(c) ineligible to receive a license or any form of authorization to import defense articles or defense services from any agency of the U.S. Government.

(C) The Secretary of State shall inform and consult with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives not later than 5 days after the United States Government agrees to the continued inclusion in the Australian Community of a nongovernmental Australian entity, if the Department is aware that the entity, or any one or more of its relevant senior officers or officials, raises one or more of the concerns referred to in paragraph (B).

(6) Transition policies and procedures.

(A) No fewer than 15 days before formally establishing the procedures called for in Section 5(5) of the Implementing Arrangement, the President shall provide to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report concerning the policies and procedures developed to govern the transition to the application of the Tre-

ty, pursuant to Article 3(3) of the Treaty, of Defense Articles acquired and delivered under the Foreign Military Sales program.

(B) No fewer than 15 days before formally establishing the procedures called for in Section 7(2) of the Implementing Arrangement, the President shall provide to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report concerning the policies and procedures developed to govern the members of the Australian Community wishing to transition to the processes established under the Treaty, pursuant to Article 14(2) of the Treaty, from the requirements of a United States Government export license or other authorization.

(7) Congressional oversight.

(A) The Secretary of State shall inform the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives promptly of any report, consistent with Section 11(6)(f) of the Implementing Arrangement, of a material violation of Treaty requirements or procedures by a member of the Approved Community.

(B) The Department of State shall brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives regularly regarding issues raised in the Management Board called for in Section 12(3) of the Implementing Arrangement, and the resolution of such issues.

(8) Annual report.

Not later than March 31, 2011, and annually thereafter, the President shall submit to Congress a report, which shall cover all Treaty activities during the previous calendar year. This report shall include:

(A) a summary of the amount of Exports under the Treaty and of Defense Articles transitioned into the Treaty, with an analysis of how the Treaty is being used;

(B) a list of all political contributions, gifts, commissions and fees paid, or offered or agreed to be paid, by any person in connection with Exports of Defense Articles under the Treaty in order to solicit, promote, or otherwise to secure the conclusion of such sales;

(C) any action to remove from the Australian Community a nongovernmental entity or facility previously engaged in activities under the Treaty, other than due to routine name or address changes or mergers and acquisitions;

(D) any concerns relating to infringement of intellectual property rights that were raised to the President or an Executive branch Department or Agency by Approved Community members, and developments regarding any concerns that were raised in previous years;

(E) a description of any relevant investigation and each prosecution pursued with respect to activities under the Treaty, the results of such investigations or prosecutions and of such investigations and prosecutions that continued over from previous years, and any shortfalls in obtaining prompt notification pursuant to Article 13(3) of the Treaty or in cooperation between the Parties pursuant to Article 13(3) and (4) of the Treaty;

(F) a description of any post-shipment verification, end-user/end-use monitoring, or other security activity related to Treaty implementation conducted during the year, the purposes of such activity and the results achieved; and

(G) any Office of Inspector General activity bearing upon Treaty implementation conducted during the year, any resultant findings or recommendations, and any actions

taken in response to current or past findings or recommendations.

Section 3. Understandings.

The Senate's advice and consent to the ratification of the Treaty with Australia Concerning Defense Trade Cooperation is subject to the following understandings, which shall be included in the instrument of ratification:

(1) Meaning of the phrase "identified in."

It is the understanding of the United States that the phrase "identified in" in the Treaty shall be interpreted as meaning "identified pursuant to."

(2) Cooperative programs with exempt and non-exempt defense articles.

It is the understanding of the United States that if a cooperative program is mutually determined, consistent with Section 2(2)(e) of the Implementing Arrangement, to be within the Scope of the Treaty pursuant to Article 3(1)(b) of the Treaty despite involving Defense Articles that are exempt from the Scope of the Treaty pursuant to Article 3(2) of the Treaty, the exempt Defense Articles shall remain exempt from the Scope of the Treaty and the Treaty shall apply only to non-exempt Defense Articles required for the program.

(3) Investigations and reports of alleged violations.

It is the understanding of the United States that the words "as appropriate" in Section 10(3)(f) of the Implementing Arrangement do not detract in any way from the obligation in Article 13(3) of the Treaty, that "Each Party shall promptly investigate all suspected violations and reports of alleged violations of the procedures established pursuant to this Treaty, and shall promptly inform the other Party of the results of such investigations."

(4) Exempt defense articles.

It is the understanding of the United States that if one Party to the Treaty exempts a type of Defense Articles from the scope of the Treaty pursuant to Article 3(2) of the Treaty, then Defense Articles of that type will be treated as exempt by both Parties to the Treaty.

(5) Intermediate consignees.

It is the understanding of the United States that any intermediate consignee of an Export from the United States under the Treaty must be a member of the Approved Community or otherwise approved by the United States Government.

(6) Scope of treaty exemption.

The United States interprets the Treaty not to exempt any person or entity from any United States statutory and regulatory requirements, including any requirements of licensing or authorization, other than those included in the International Traffic in Arms Regulations, as modified or amended. Accordingly, the United States interprets the term 'license or other written authorization' in Article 2 and the term 'licenses or other authorizations' in Article 6(1), as these terms apply to the United States, and the term 'prior written authorization by the United States Government' in Article 7, to refer only to such licenses, licensing requirements, and other authorizations as are required or issued by the United States pursuant to the International Traffic in Arms Regulations, as modified or amended; and the United States interprets the reference to 'the applicable licensing requirements and the implementing regulations of the United States Arms Export Control Act' in Article 13(1) to refer only to the applicable licensing requirements under the International Traffic in Arms Regulations, as modified or amended.

Section 4. Declarations.

The Senate's advice and consent to the ratification of the Treaty with Australia Concerning Defense Trade Cooperation is subject to the following declarations:

(1) Self-execution.

This Treaty is not self-executing in the United States, notwithstanding the statement in the preamble to the contrary.

(2) Private rights.

This Treaty does not confer private rights enforceable in United States courts.

(3) Intellectual property rights.

No liability will be incurred by or attributed to the United States Government in connection with any possible infringement of privately owned patent or proprietary rights, either domestic or foreign, by reason of the United States Government's permitting Exports or Transfers or its approval of Re-exports or Re-transfers under the Treaty.

Section 5. Definitions.

As used in this resolution:

(1) The terms "Treaty with Australia Concerning Defense Trade Cooperation" and "Treaty" mean the Treaty between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, done at Sydney, September 5, 2007.

(2) The terms "Implementing Arrangement Pursuant to the Treaty" and "Implementing Arrangement" mean the Implementing Arrangement Pursuant to the Treaty between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, which was signed in Washington on March 14, 2008.

(3) The terms "Defense Articles," "Export," "Re-export," "Re-transfer," "Transfer," "Approved Community," "United States Community," "Australian Community," and "Scope" have the meanings given to them in Article 1 of the Treaty.

(4) The terms "Management Board" and "Management Plan" have the meanings given to them in Section 1 of the Implementing Arrangement.

(5) The terms "person" and "foreign person" have the meaning given to them by section 38(g)(9) of the Arms Export Control Act (22 U.S.C. 2778(g)(9)). The term "U.S. person" has the meaning given to it by part 120.15 of title 22, Code of Federal Regulations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. LANDRIEU (for herself and Ms. SNOWE):

S. 3839. A bill to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; considered and passed.

By Mr. CASEY (for himself and Mr. HARKIN):

S. 3840. A bill to permit employees to request, and to ensure employers consider requests for, flexible work terms and conditions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KAUFMAN (for himself, Mr. CRAPO, Mr. CARDIN, Mr. ALEXANDER, Mr. CASEY, Mrs. MURRAY, Mrs. LINCOLN, Ms. LANDRIEU, Mr. BURRIS, Mr. UDALL of Colorado, Mr. BINGAMAN, Mr. KERRY, Mrs. SHAHEEN, Mrs. FEINSTEIN, Mr. BENNET, Mr. FEINGOLD, Ms. CANTWELL, Mr. CORKER, Mr. REED, Mr. UDALL of New Mexico, Mr. PRYOR, Ms. STABENOW, Mr. WHITEHOUSE, Mr. INOUE, and Mr. LEVIN):

S. Res. 644. A resolution designating the week beginning October 10, 2010, as "National Wildlife Refuge Week"; considered and agreed to.

By Mr. ENSIGN:

S. Res. 645. A resolution expressing the sense of the Senate regarding the Parliamentary elections to be held in Venezuela on September 26, 2010; to the Committee on Foreign Relations.

By Mr. HATCH (for himself, Mr. LEVIN, Mr. BENNETT, Mr. DURBIN, Mr. CRAPO, Mr. CASEY, and Mr. COCHRAN):

S. Res. 646. A resolution designating Thursday, November 18, 2010, as "Feed America Day"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 730

At the request of Mr. ENSIGN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 730, a bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear, and for other purposes.

S. 3398

At the request of Mr. BAUCUS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3398, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 3708

At the request of Mr. SCHUMER, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 3708, a bill to amend titles XVIII and XIX of the Social Security Act to clarify the application of EHR payment incentives in cases of multi-campus hospitals.

S. 3773

At the request of Mr. JOHANNES, his name was added as a cosponsor of S. 3773, a bill to permanently extend the 2001 and 2003 tax relief provisions and to provide permanent AMT relief and estate tax relief, and for other purposes.

S. 3834

At the request of Ms. KLOBUCHAR, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 3834, a bill to amend the Environmental Research, Development, and Demonstration Authorization Act of 1978 to require the appointment of a member of the Science Advisory Board based on the recommendation of the Secretary of Agriculture.

S. CON. RES. 71

At the request of Mr. FEINGOLD, the names of the Senator from Oregon (Mr.

MERKLEY) and the Senator from Missouri (Mrs. McCASKILL) were added as cosponsors of S. Con. Res. 71, a concurrent resolution recognizing the United States national interest in helping to prevent and mitigate acts of genocide and other mass atrocities against civilians, and supporting and encouraging efforts to develop a whole of government approach to prevent and mitigate such acts.

S. RES. 642

At the request of Mr. INOUE, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. Res. 642, a resolution congratulating the National Institute of Nursing Research on the occasion of its 25th anniversary.

S. RES. 643

At the request of Mr. INOUE, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. Res. 643, a resolution designating the week beginning October 3, 2010, as "National Nurse-Managed Health Clinic Week".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CASEY (for himself and Mr. HARKIN):

S. 3840. A bill to permit employees to request, and to ensure employers consider requests for, flexible work terms and conditions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. CASEY. Mr. President:

We all fill many roles in our lives. We are workers, parents, sons and daughters, and members of our communities. We struggle to do well in each responsibility. But when the demands of work overshadow the rest of our lives, our lives feel out of balance. This legislation gives millions of American workers the opportunity to restore that balance—to be good employees and responsible citizens and family members, too. They deserve no less.—Senator Ted Kennedy delivered these words on December 6, 2007.

With those words, Senator Kennedy introduced the Working Families Flexibility Act in 2007. Today, I continue his essential work by reintroducing the legislation he championed.

Millions of Americans face unbelievable demands on their time due to work and familial responsibilities. Thirty years ago, people worked fewer hours and it was commonplace for one parent to stay at home while the other worked. Today, 70 percent of households are led by either two employed parents, or a single parent.

There are numerous demands on our personal time. Parents spend countless hours on childcare, caring for older relatives, doctor's appointments, kids sporting events, and school activities—on top of putting in a full day at work. Then, there is the time it takes to get to work. It is not uncommon for people to spend hours every day in their cars,

or on some form of public transportation, getting to and from work each day.

These time commitments lead to stress and a loss of productivity. According to research compiled by Workplace Flexibility 2010, a public policy initiative at Georgetown Law, a staggering 92 percent of employees feel they don't have enough flexibility on the job to meet the needs of their children and families.

We need a change. Parents deserve options. We must encourage an evolution in the modern workplace to acknowledge the realities of our outside time commitments.

One thing we can do is promote workplace flexibility. Flexibility can mean telecommuting, job sharing or part-time work. For workers, this flexibility means greater control about when and where they get their work done. For employers, it means less turn over, higher morale and more productive employees. It is a win-win for both employer and employee.

That is why I am introducing the Workplace Flexibility Fairness Act. Long championed by Senator Ted Kennedy, this bill acknowledges the realities of our modern workforce by providing employees the "right to request" flexible work options in terms of hours, schedules and work location. Further, the legislation provides employers with flexibility by encouraging them to review these requests, propose changes and even deny workers if the request is not in the best interest of the business. Lastly, the legislation imposes civil penalties on any employer who discriminates against an employee for exercising any right granted under this legislation. This provision is necessary to protect workers who initiate a conversation with their employer about workplace flexibility options.

Countries around the world, including Great Britain, Germany, the Netherlands and New Zealand have "Right to Request" laws that have been shown to increase productivity, attendance and overall job satisfaction. It is time for Congress to encourage workplace flexibility in the United States. I look forward to working with my colleagues in the Senate to pass this common sense legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 644—DESIGNATING THE WEEK BEGINNING OCTOBER 10, 2010, AS "NATIONAL WILDLIFE REFUGE WEEK"

Mr. KAUFMAN (for himself, Mr. CRAPO, Mr. CARDIN, Mr. ALEXANDER, Mr. CASEY, Mrs. MURRAY, Mrs. LINCOLN, Ms. LANDRIEU, Mr. BURRIS, Mr. UDALL of Colorado, Mr. BINGAMAN, Mr. KERRY, Mrs. SHAHEEN, Mrs. FEINSTEIN,

Mr. BENNET, Mr. FEINGOLD, Ms. CANTWELL, Mr. CORKER, Mr. REED, Mr. UDALL of New Mexico, Mr. PRYOR, Ms. STABENOW, Mr. WHITEHOUSE, Mr. INOUE, and Mr. LEVIN) submitted the following resolution; which was considered and agreed to:

S. RES. 644

Whereas, in 1903, President Theodore Roosevelt established the first national wildlife refuge on Florida's Pelican Island;

Whereas, in 2010, the National Wildlife Refuge System is the premier system of lands and waters to conserve wildlife in the world, and has grown to more than 150 million acres, 552 national wildlife refuges, and 38 wetland management districts in every State and territory of the United States;

Whereas national wildlife refuges are important recreational and tourism destinations in communities across the Nation, and these protected lands offer a variety of recreational opportunities, including 6 wildlife-dependent uses that the National Wildlife Refuge System manages: hunting, fishing, wildlife observation, photography, environmental education, and interpretation;

Whereas hunting is permitted on more than 320 national wildlife refuges and fishing is permitted on 272 national wildlife refuges, welcoming more than 2,500,000 hunters and more than 7,000,000 anglers;

Whereas national wildlife refuges are important to local businesses and gateway communities;

Whereas, for every \$1 appropriated, national wildlife refuges generate \$4 in economic activity;

Whereas approximately 41,000,000 people visit national wildlife refuges every year, generating nearly \$1,700,000,000 and 27,000 jobs in local economies;

Whereas the National Wildlife Refuge System encompasses every kind of ecosystem in the United States, including temperate, tropical, and boreal forests, wetlands, deserts, grasslands, arctic tundras, and remote islands, and spans 12 time zones from the Virgin Islands to Guam;

Whereas national wildlife refuges are home to more than 700 species of birds, 220 species of mammals, 250 species of reptiles and amphibians, and more than 1,000 species of fish;

Whereas 59 refuges were established specifically to protect imperiled species and of the more than 1,200 federally listed threatened and endangered species in the United States, 280 species are found on units of the National Wildlife Refuge System;

Whereas national wildlife refuges are cores of conservation for larger landscapes and resources for other agencies of the Federal Government and State governments, private landowners, and organizations in their efforts to secure the wildlife heritage of the United States;

Whereas 39,000 volunteers and more than 220 national wildlife refuge "Friends" organizations contribute nearly 1,400,000 hours annually, the equivalent of 665 full-time employees, and provide an important link with local communities;

Whereas national wildlife refuges provide an important opportunity for children to connect with nature and discover the natural world;

Whereas, because there are national wildlife refuges located in several urban and suburban areas and 1 refuge located within an hour's drive of every metropolitan area in the United States, national wildlife refuges employ, educate, and engage young people

from all backgrounds in exploring, connecting with, and preserving the natural heritage of the Nation;

Whereas, since 1995, refugees across the Nation have held festivals, educational programs, guided tours, and other events to celebrate National Wildlife Refuge Week during the second full week of October;

Whereas the week beginning on October 10, 2010, has been designated as "National Wildlife Refuge Week" by the United States Fish and Wildlife Service; and

Whereas, in 2010, the designation of National Wildlife Refuge Week would recognize more than a century of conservation in the United States and would serve to raise awareness about the importance of wildlife and the National Wildlife Refuge System and to celebrate the myriad recreational opportunities available to enjoy this network of protected lands: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning on October 10, 2010, as "National Wildlife Refuge Week";

(2) supports the goals and ideals of National Wildlife Refuge Week;

(3) acknowledges the importance of national wildlife refuges for their recreational opportunities and contribution to local economies across the United States;

(4) pronounces that national wildlife refuges play a vital role in securing the hunting and fishing heritage of the United States for future generations;

(5) recognizes the importance of national wildlife refuges to wildlife conservation and the protection of imperiled species and ecosystems;

(6) applauds the work of refuge "Friends" groups, national and community organizations, and public partners that promote awareness, compatible use, protection, and restoration of national wildlife refuges;

(7) reaffirms the support of the Senate for wildlife conservation and the National Wildlife Refuge System; and

(8) expresses the intent of the Senate—

(A) to continue working to conserve wildlife; and

(B) to manage the National Wildlife Refuge System for current and future generations.

SENATE RESOLUTION 645—EXPRESSING THE SENSE OF THE SENATE REGARDING THE PARLIAMENTARY ELECTIONS TO BE HELD IN VENEZUELA ON SEPTEMBER 26, 2010

Mr. ENSIGN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 645

Whereas both the United States and Venezuela were among the 21 original members that founded the Organization of American States on May 5, 1948;

Whereas both the United States and Venezuela joined the other 34 Organization of American States member nations and approved and accepted the Inter-American Democratic Charter on September 11, 2001;

Whereas Article 1 of the Organization of American States Inter-American Democratic Charter states the peoples of the Americas have a right to democracy and their governments have an obligation to promote and defend it;

Whereas Article 4 of the Organization of American States Inter-American Democratic Charter states transparency in government

activities, probity, responsible public administration on the part of governments, respect for social rights, and freedom of expression and of the press are essential components of the exercise of democracy;

Whereas Article 57 of the Constitution of the Bolivarian Republic of Venezuela guarantees the right of all citizens to freely express their thoughts and opinions;

Whereas Article 106 of the Charter for the Organization of American States establishes "an Inter-American Commission on Human Rights, whose principal function shall be to promote the observance and protection of human rights and to serve as a consultative organ of the Organization in these matters";

Whereas the Inter-American Commission on Human Rights report entitled *Democracy and Human Rights in Venezuela*, published February 24, 2010, found that the government of President Hugo Chavez employs the punitive power of the state to intimidate or punish people inside Venezuela on account of their political opinions;

Whereas the Inter-American Commission on Human Rights report entitled *Democracy and Human Rights in Venezuela* found that conditions do not exist for human rights defenders and journalists to be able to freely carry out their work in Venezuela;

Whereas the Department of State declared on November 29, 2009, that the United States "commends the Honduran people for peacefully exercising their democratic right to select their leaders in an electoral process that began over a year ago";

Whereas, prior to the election in Honduras, President Chavez announced on Venezuelan state television that he put the military of Venezuela on alert in response to the removal by the people of Honduras of Chavez's ally Manuel Zelaya;

Whereas the Inter-American Commission on Human Rights report entitled *Democracy and Human Rights in Venezuela* concluded that constraints on freedom of expression and the right to protest peaceably and the existence of a climate hostile to the free exercise of dissenting political participation contribute to the weakening of the rule of law and democracy in Venezuela;

Whereas, on June 14, 2010, the Department of State described an arrest order issued by the government of President Chavez for the owner of Venezuela's last remaining independent television station as "the latest example of the government of Venezuela's continuing assault on the freedom of the press" and urged Venezuela to "honor its commitment under the Inter-American Democratic Charter to uphold the principle that respect for human rights, including freedom of the press, is essential to representative democracies"; and

Whereas the people of Venezuela will hold parliamentary elections on September 26, 2010: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the people and Government of the United States support the right of the people of Venezuela to free and fair elections as guaranteed by the Organization of American States Democratic Charter;

(2) the people and Government of the United States support the right of the people of Venezuela to the freedom of speech, the freedom of assembly, and their right to freely express their political views as guaranteed by the Organization of American States Democratic Charter; and

(3) the people and Government of the United States summarily reject any effort by President Chavez to invoke the punitive

power of the state to intimidate or punish the people of Venezuelan who exercise their right to express their political opinions, their right to assemble, and their right to vote in a free and fair elections.

SENATE RESOLUTION 646—DESIGNATING THURSDAY, NOVEMBER 18, 2010, AS "FEED AMERICA DAY"

Mr. HATCH (for himself, Mr. LEVIN, Mr. BENNETT, Mr. DURBIN, Mr. CRAPO, Mr. CASEY, and Mr. COCHRAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 646

Whereas Thanksgiving Day celebrates the spirit of selfless giving and an appreciation for family and friends;

Whereas the spirit of Thanksgiving Day is a virtue upon which the United States was founded;

Whereas, according to the Department of Agriculture, roughly 35,000,000 people in the United States, including 12,000,000 children, continue to live in households that do not have an adequate supply of food; and

Whereas selfless sacrifice breeds a genuine spirit of thanksgiving, both affirming and restoring fundamental principles in our society: Now, therefore, be it

Resolved, That the Senate—

(1) designates Thursday, November 18, 2010, as "Feed America Day"; and

(2) encourages the people of the United States to sacrifice 2 meals on Thursday, November 18, 2010, and to donate the money that would have been spent on that food to the religious or charitable organization of their choice for the purpose of feeding the hungry.

Mr. HATCH. Mr. President, I rise today to introduce Senate Resolution 646, also known as Feed America Day.

Feed America Day began in 2002 as a small effort in Provo, UT. From that small beginning, the campaign has received support from over 1,100 large and small cities. This includes over 60 cities that have responded with proclamations, covering a population exceeding seven million.

This eighth year of promoting Feed America Day is held on the Thursday immediately preceding Thanksgiving Day. On that day, each person is encouraged to fast two meals and then to contribute to a food bank, church, or charity the equivalent dollar amount saved.

The U.S. Department of Agriculture has reported that 35 million Americans, including 12 million children, live in homes that do not have an adequate supply of food. This resolution recalls that selfless sacrifice breeds a genuine spirit of thanksgiving, both affirming and restoring fundamental principles in our society. In that spirit, I encourage individuals and families to remember to help those in need one week before Thanksgiving.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4658. Mr. BROWN of Ohio (for Mr. KAUFMAN (for himself and Mr. VOINOVICH)) proposed an amendment to the bill S. 3196, to amend the Presidential Transition Act of 1963 to provide that certain transition services shall be available to eligible candidates before the general election.

TEXT OF AMENDMENTS

SA 4658. Mr. BROWN of Ohio (for Mr. KAUFMAN (for himself and Mr. VOINOVICH)) proposed an amendment to the bill S. 3196, to amend the Presidential Transition Act of 1963 to provide that certain transition services shall be available to eligible candidates before the general election; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Pre-Election Presidential Transition Act of 2010”.

SEC. 2. CERTAIN PRESIDENTIAL TRANSITION SERVICES MAY BE PROVIDED TO ELIGIBLE CANDIDATES BEFORE GENERAL ELECTION.

(a) IN GENERAL.—Section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended by adding at the end the following new subsection:

“(h)(1)(A) In the case of an eligible candidate, the Administrator—

“(i) shall notify the candidate of the candidate’s right to receive the services and facilities described in paragraph (2) and shall provide with such notice a description of the nature and scope of each such service and facility; and

“(ii) upon notification by the candidate of which such services and facilities such candidate will accept, shall, notwithstanding subsection (b), provide such services and facilities to the candidate during the period beginning on the date of the notification and ending on the date of the general elections described in subsection (b)(1).

The Administrator shall also notify the candidate that sections 7601(c) and 8403(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 provide additional services.

“(B) The Administrator shall provide the notice under subparagraph (A)(i) to each eligible candidate—

“(i) in the case of a candidate of a major party (as defined in section 9002(6) of the Internal Revenue Code of 1986), on one of the first 3 business days following the last nominating convention for such major parties; and

“(ii) in the case of any other candidate, as soon as practicable after an individual becomes an eligible candidate (or, if later, at the same time as notice is provided under clause (i)).

“(C)(i) The Administrator shall, not later than 12 months before the date of each general election for President and Vice-President (beginning with the election to be held in 2012), prepare a report summarizing modern presidential transition activities, including a bibliography of relevant resources.

“(ii) The Administrator shall promptly make the report under clause (i) generally available to the public (including through electronic means) and shall include such report with the notice provided to each eligible candidate under subparagraph (A)(i).

“(2)(A) Except as provided in subparagraph (B), the services and facilities described in

this paragraph are the services and facilities described in subsection (a) (other than paragraphs (2), (3), (4), (7), and 8(A)(v) thereof), but only to the extent that the use of the services and facilities is for use in connection with the eligible candidate’s preparations for the assumption of official duties as President or Vice-President.

“(B) The Administrator—

“(i) shall determine the location of any office space provided to an eligible candidate under this subsection;

“(ii) shall, as appropriate, ensure that any computers or communications services provided to an eligible candidate under this subsection are secure;

“(iii) shall offer information and other assistance to eligible candidates on an equal basis and without regard to political affiliation; and

“(iv) may modify the scope of any services to be provided under this subsection to reflect that the services are provided to eligible candidates rather than the President-elect or Vice-President-elect, except that any such modification must apply to all eligible candidates.

“(C) An eligible candidate, or any person on behalf of the candidate, shall not use any services or facilities provided under this subsection other than for the purposes described in subparagraph (A), and the candidate or the candidate’s campaign shall reimburse the Administrator for any unauthorized use of such services or facilities.

“(3)(A) Notwithstanding any other provision of law, an eligible candidate may establish a separate fund for the payment of expenditures in connection with the eligible candidate’s preparations for the assumption of official duties as President or Vice-President, including expenditures in connection with any services or facilities provided under this subsection (whether before such services or facilities are available under this section or to supplement such services or facilities when so provided). Such fund shall be established and maintained in such manner as to qualify such fund for purposes of section 501(c)(4) of the Internal Revenue Code of 1986.

“(B)(i) The eligible candidate may—

“(I) transfer to any separate fund established under subparagraph (A) contributions (within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8))) the candidate received for the general election for President or Vice-President or payments from the Presidential Election Campaign Fund under chapter 95 of the Internal Revenue Code of 1986 the candidate received for the general election; and

“(II) solicit and accept amounts for receipt by such separate fund.

“(ii) Any expenditures from the separate fund that are made from such contributions or payments described in clause (i)(I) shall be treated as expenditures (within the meaning of section 301(9) of such Act (2 U.S.C. 431(9))) or qualified campaign expenses (within the meaning of section 9002(11) of such Code), whichever is applicable.

“(iii) An eligible candidate establishing a separate fund under subparagraph (A) shall (as a condition for receiving services and facilities described in paragraph (2)) comply with all requirements and limitations of section 5 in soliciting or expending amounts in the same manner as the President-elect or Vice-President-elect, including reporting on the transfer and expenditure of amounts described in subparagraph (B)(i) in the disclosures required by section 5.

“(4)(A) In this subsection, the term ‘eligible candidate’ means, with respect to any

presidential election (as defined in section 9002(10) of the Internal Revenue Code of 1986)—

“(i) a candidate of a major party (as defined in section 9002(6) of such Code) for President or Vice-President of the United States; and

“(ii) any other candidate who has been determined by the Administrator to be among the principal contenders for the general election to such offices.

“(B) In making a determination under subparagraph (A)(ii), the Administrator shall—

“(i) ensure that any candidate determined to be an eligible candidate under such subparagraph—

“(I) meets the requirements described in Article II, Section 1, of the United States Constitution for eligibility to the office of President;

“(II) has qualified to have his or her name appear on the ballots of a sufficient number of States such that the total number of electors appointed in those States is greater than 50 percent of the total number of electors appointed in all of the States; and

“(III) has demonstrated a significant level of public support in national public opinion polls, so as to be realistically considered among the principal contenders for President or Vice-President of the United States; and

“(ii) consider whether other national organizations have recognized the candidate as being among the principal contenders for the general election to such offices, including whether the Commission on Presidential Debates has determined that the candidate is eligible to participate in the candidate debates for the general election to such offices.”

(b) ADMINISTRATOR REQUIRED TO PROVIDE TECHNOLOGY COORDINATION UPON REQUEST.—Section 3(a)(10) of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended to read as follows:

“(10) Notwithstanding subsection (b), consultation by the Administrator with any President-elect, Vice-President-elect, or eligible candidate (as defined in subsection (h)(4)) to develop a systems architecture plan for the computer and communications systems of the candidate to coordinate a transition to Federal systems if the candidate is elected.”

(c) COORDINATION WITH OTHER TRANSITION SERVICES.—

(1) SECURITY CLEARANCES.—Section 7601(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b note) is amended—

(A) by striking paragraph (1) and inserting:

“(1) DEFINITION.—In this section, the term ‘eligible candidate’ has the meaning given such term by section 3(h)(4) of the Presidential Transition Act of 1963 (3 U.S.C. 102 note).”, and

(B) by striking “major party candidate” in paragraph (2) and inserting “eligible candidate”.

(2) PRESIDENTIALLY APPOINTED POSITIONS.—Section 8403(b)(2)(B) of such Act (5 U.S.C. 1101 note) is amended to read as follows:

“(B) OTHER CANDIDATES.—After making transmittals under subparagraph (A), the Office of Personnel Management shall transmit such electronic record to any other candidate for President who is an eligible candidate described in section 3(h)(4)(B) of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) and may transmit such electronic record to any other candidate for President.”

(d) CONFORMING AMENDMENTS.—Section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended—

(1) in subsection (a)(8)(B), by striking "President-elect" and inserting "President-elect or eligible candidate (as defined in subsection (h)(4)) for President"; and

(2) in subsection (e), by inserting " , or eligible candidate (as defined in subsection (h)(4)) for President or Vice-President," before "may designate".

SEC. 3. AUTHORIZATION OF TRANSITION ACTIVITIES BY THE INCUMBENT ADMINISTRATION.

(a) **IN GENERAL.**—The President of the United States, or the President's delegate, may take such actions as the President determines necessary and appropriate to plan and coordinate activities by the Executive branch of the Federal Government to facilitate an efficient transfer of power to a successor President, including—

(1) the establishment and operation of a transition coordinating council comprised of—

(A) high-level officials of the Executive branch selected by the President, which may include the Chief of Staff to the President, any Cabinet officer, the Director of the Office of Management and Budget, the Administrator of the General Services Administration, the Director of the Office of Personnel Management, the Director of the Office of Government Ethics, and the Archivist of the United States, and

(B) any other persons the President determines appropriate;

(2) the establishment and operation of an agency transition directors council which includes career employees designated to lead transition efforts within Executive Departments or agencies;

(3) the development of guidance to Executive Departments and agencies regarding briefing materials for an incoming administration, and the development of such materials; and

(4) the development of computer software, publications, contingency plans, issue memoranda, memoranda of understanding, training and exercises (including crisis training and exercises), programs, lessons learned from previous transitions, and other items appropriate for improving the effectiveness and efficiency of a Presidential transition that may be disseminated to eligible candidates (as defined in section 3(h)(4) of the Presidential Transition Act of 1963, as added by section 2(a)) and to the President-elect and Vice-President-elect.

Any information and other assistance to eligible candidates under this subsection shall be offered on an equal basis and without regard to political affiliation.

(b) REPORTS.—

(1) **IN GENERAL.**—The President of the United States, or the President's delegate, shall provide to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate reports describing the activities undertaken by the President and the Executive Departments and agencies to prepare for the transfer of power to a new President.

(2) **TIMING.**—The reports under paragraph (1) shall be provided six months and three months before the date of the general election for the Office of President of the United States.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a joint hearing has been scheduled before the Subcommittee on National Parks and the Subcommittee on Public Lands and Forests.

The hearing will be held on Wednesday, September 29, 2010, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills:

S. 3261, to establish the Buffalo Bayou National Heritage Area in the State of Texas, and for other purposes;

S. 3283, A bill to designate Mt. Andrea Lawrence;

S. 3291, to establish Coltsville National Historical Park in the State of Connecticut, and for other purposes;

S. 3524 and H.R. 1858, to authorize the Secretary of the Interior to enter into a cooperative agreement for a park headquarters at San Antonio Missions National Historical Park, to expand the boundary of the Park, to conduct a study of potential land acquisitions, and for other purposes;

S. 3565, to provide for the conveyance of certain Bureau of Land Management land in Mohave County, Arizona, to the Arizona Game and Fish Commission, for use as a public shooting range;

S. 3612, to amend the Marsh-Billings-Rockefeller National Historical Park Establishment Act to expand the boundary of the Marsh-Billings-Rockefeller National Historical Park in the State of Vermont, and for other purposes;

S. 3616, to withdraw certain land in the State of New Mexico, and for other purposes;

S. 3744, to establish Pinnacles National Park in the State of California as a unit of the National Park System, and for other purposes;

S. 3778 and H.R. 4773, to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, and for other purposes;

S. 3820, to authorize the Secretary of the Interior to issue permits for a microhydro project in nonwilderness areas within the boundaries of Denali National Park and Preserve, to acquire land for Denali National Park and Preserve from Doyon Tourism, Inc., and for other purposes;

S. 3822, to adjust the boundary of the Carson National Forest, New Mexico; and

H.R. 1858, to provide for a boundary adjustment and land conveyances involving Roosevelt National Forest, Colorado, to correct the effects of an erroneous land survey that resulted in approximately 7 acres of the Crystal Lakes Subdivision, Ninth Filing, encroaching on National Forest System land, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to testimony@energy.senate.gov.

For further information, please contact David Brooks at (202) 224-9863 or Allison Seyferth at (202) 224-4905.

PREELECTION PRESIDENTIAL TRANSITION ACT OF 2010

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 499, S. 3196.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 3196) to amend the Presidential Transition Act of 1963 to provide that certain transition services shall be available to eligible candidates before the general election.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Kaufman-Voinovich substitute amendment, which is at the desk, be considered and agreed to, the bill, as amended, be read the third time and passed; that the motions to reconsider be laid upon the table, without any intervening action or debate; and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4658) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pre-Election Presidential Transition Act of 2010".

SEC. 2. CERTAIN PRESIDENTIAL TRANSITION SERVICES MAY BE PROVIDED TO ELIGIBLE CANDIDATES BEFORE GENERAL ELECTION.

(a) **IN GENERAL.**—Section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended by adding at the end the following new subsection:

"(h)(1)(A) In the case of an eligible candidate, the Administrator—

"(i) shall notify the candidate of the candidate's right to receive the services and facilities described in paragraph (2) and shall provide with such notice a description of the nature and scope of each such service and facility; and

"(ii) upon notification by the candidate of which such services and facilities such candidate will accept, shall, notwithstanding subsection (b), provide such services and facilities to the candidate during the period beginning on the date of the notification and ending on the date of the general elections described in subsection (b)(1).

The Administrator shall also notify the candidate that sections 7601(c) and 8403(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 provide additional services.

“(B) The Administrator shall provide the notice under subparagraph (A)(i) to each eligible candidate—

“(i) in the case of a candidate of a major party (as defined in section 9002(6) of the Internal Revenue Code of 1986), on one of the first 3 business days following the last nominating convention for such major parties; and

“(ii) in the case of any other candidate, as soon as practicable after an individual becomes an eligible candidate (or, if later, at the same time as notice is provided under clause (i)).

“(C)(i) The Administrator shall, not later than 12 months before the date of each general election for President and Vice-President (beginning with the election to be held in 2012), prepare a report summarizing modern presidential transition activities, including a bibliography of relevant resources.

“(ii) The Administrator shall promptly make the report under clause (i) generally available to the public (including through electronic means) and shall include such report with the notice provided to each eligible candidate under subparagraph (A)(i).

“(2)(A) Except as provided in subparagraph (B), the services and facilities described in this paragraph are the services and facilities described in subsection (a) (other than paragraphs (2), (3), (4), (7), and 8(A)(v) thereof), but only to the extent that the use of the services and facilities is for use in connection with the eligible candidate's preparations for the assumption of official duties as President or Vice-President.

“(B) The Administrator—

“(i) shall determine the location of any office space provided to an eligible candidate under this subsection;

“(ii) shall, as appropriate, ensure that any computers or communications services provided to an eligible candidate under this subsection are secure;

“(iii) shall offer information and other assistance to eligible candidates on an equal basis and without regard to political affiliation; and

“(iv) may modify the scope of any services to be provided under this subsection to reflect that the services are provided to eligible candidates rather than the President-elect or Vice-President-elect, except that any such modification must apply to all eligible candidates.

“(C) An eligible candidate, or any person on behalf of the candidate, shall not use any services or facilities provided under this subsection other than for the purposes described in subparagraph (A), and the candidate or the candidate's campaign shall reimburse the Administrator for any unauthorized use of such services or facilities.

“(3)(A) Notwithstanding any other provision of law, an eligible candidate may establish a separate fund for the payment of expenditures in connection with the eligible candidate's preparations for the assumption of official duties as President or Vice-President, including expenditures in connection with any services or facilities provided under this subsection (whether before such services or facilities are available under this section or to supplement such services or facilities when so provided). Such fund shall be established and maintained in such manner as to qualify such fund for purposes of section 501(c)(4) of the Internal Revenue Code of 1986.

“(B)(i) The eligible candidate may—

“(I) transfer to any separate fund established under subparagraph (A) contributions (within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 (2

U.S.C. 431(8))) the candidate received for the general election for President or Vice-President or payments from the Presidential Election Campaign Fund under chapter 95 of the Internal Revenue Code of 1986 the candidate received for the general election; and

“(II) solicit and accept amounts for receipt by such separate fund.

“(ii) Any expenditures from the separate fund that are made from such contributions or payments described in clause (i)(I) shall be treated as expenditures (within the meaning of section 301(9) of such Act (2 U.S.C. 431(9))) or qualified campaign expenses (within the meaning of section 9002(11) of such Code), whichever is applicable.

“(iii) An eligible candidate establishing a separate fund under subparagraph (A) shall (as a condition for receiving services and facilities described in paragraph (2)) comply with all requirements and limitations of section 5 in soliciting or expending amounts in the same manner as the President-elect or Vice-President-elect, including reporting on the transfer and expenditure of amounts described in subparagraph (B)(i) in the disclosures required by section 5.

“(4)(A) In this subsection, the term ‘eligible candidate’ means, with respect to any presidential election (as defined in section 9002(10) of the Internal Revenue Code of 1986)—

“(i) a candidate of a major party (as defined in section 9002(6) of such Code) for President or Vice-President of the United States; and

“(ii) any other candidate who has been determined by the Administrator to be among the principal contenders for the general election to such offices.

“(B) In making a determination under subparagraph (A)(ii), the Administrator shall—

“(i) ensure that any candidate determined to be an eligible candidate under such subparagraph—

“(I) meets the requirements described in Article II, Section 1, of the United States Constitution for eligibility to the office of President;

“(II) has qualified to have his or her name appear on the ballots of a sufficient number of States such that the total number of electors appointed in those States is greater than 50 percent of the total number of electors appointed in all of the States; and

“(III) has demonstrated a significant level of public support in national public opinion polls, so as to be realistically considered among the principal contenders for President or Vice-President of the United States; and

“(ii) consider whether other national organizations have recognized the candidate as being among the principal contenders for the general election to such offices, including whether the Commission on Presidential Debates has determined that the candidate is eligible to participate in the candidate debates for the general election to such offices.”.

(b) ADMINISTRATOR REQUIRED TO PROVIDE TECHNOLOGY COORDINATION UPON REQUEST.—Section 3(a)(10) of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended to read as follows:

“(10) Notwithstanding subsection (b), consultation by the Administrator with any President-elect, Vice-President-elect, or eligible candidate (as defined in subsection (h)(4)) to develop a systems architecture plan for the computer and communications systems of the candidate to coordinate a transition to Federal systems if the candidate is elected.”.

(c) COORDINATION WITH OTHER TRANSITION SERVICES.—

(1) SECURITY CLEARANCES.—Section 7601(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b note) is amended—

(A) by striking paragraph (1) and inserting: “(1) DEFINITION.—In this section, the term ‘eligible candidate’ has the meaning given such term by section 3(h)(4) of the Presidential Transition Act of 1963 (3 U.S.C. 102 note).”, and

(B) by striking “major party candidate” in paragraph (2) and inserting “eligible candidate”.

(2) PRESIDENTIALLY APPOINTED POSITIONS.—Section 8403(b)(2)(B) of such Act (5 U.S.C. 1101 note) is amended to read as follows:

“(B) OTHER CANDIDATES.—After making transmittals under subparagraph (A), the Office of Personnel Management shall transmit such electronic record to any other candidate for President who is an eligible candidate described in section 3(h)(4)(B) of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) and may transmit such electronic record to any other candidate for President.”.

(d) CONFORMING AMENDMENTS.—Section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended—

(1) in subsection (a)(8)(B), by striking “President-elect” and inserting “President-elect or eligible candidate (as defined in subsection (h)(4)) for President”; and

(2) in subsection (e), by inserting “, or eligible candidate (as defined in subsection (h)(4)) for President or Vice-President,” before “may designate”.

SEC. 3. AUTHORIZATION OF TRANSITION ACTIVITIES BY THE INCUMBENT ADMINISTRATION.

(a) IN GENERAL.—The President of the United States, or the President's delegate, may take such actions as the President determines necessary and appropriate to plan and coordinate activities by the Executive branch of the Federal Government to facilitate an efficient transfer of power to a successor President, including—

(1) the establishment and operation of a transition coordinating council comprised of—

(A) high-level officials of the Executive branch selected by the President, which may include the Chief of Staff to the President, any Cabinet officer, the Director of the Office of Management and Budget, the Administrator of the General Services Administration, the Director of the Office of Personnel Management, the Director of the Office of Government Ethics, and the Archivist of the United States, and

(B) any other persons the President determines appropriate;

(2) the establishment and operation of an agency transition directors council which includes career employees designated to lead transition efforts within Executive Departments or agencies;

(3) the development of guidance to Executive Departments and agencies regarding briefing materials for an incoming administration, and the development of such materials; and

(4) the development of computer software, publications, contingency plans, issue memoranda, memoranda of understanding, training and exercises (including crisis training and exercises), programs, lessons learned from previous transitions, and other items appropriate for improving the effectiveness and efficiency of a Presidential transition that may be disseminated to eligible candidates (as defined in section 3(h)(4) of the Presidential Transition Act of 1963, as added

by section 2(a)) and to the President-elect and Vice-President-elect.

Any information and other assistance to eligible candidates under this subsection shall be offered on an equal basis and without regard to political affiliation.

(b) **REPORTS.**—

(1) **IN GENERAL.**—The President of the United States, or the President's delegate, shall provide to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate reports describing the activities undertaken by the President and the Executive Departments and agencies to prepare for the transfer of power to a new President.

(2) **TIMING.**—The reports under paragraph (1) shall be provided six months and three months before the date of the general election for the Office of President of the United States.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The bill (S. 3196), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. KAUFMAN. Mr. President, the Senate has just passed an important piece of legislation that will make our Presidential transitions safer. The Pre-Election Presidential Transition Act, which I introduced in April along with Senators VOINOVICH, AKAKA, and LIEBERMAN—and which has also been co-sponsored by Senators CARPER and COLLINS—is a bipartisan bill and the product of research into best practices from recent transitions.

With input from the General Services Administration, and following the release of new studies by the nonpartisan Partnership for Public Service and Presidential scholars like Martha Joynt Kumar and Terry Sullivan, we crafted a bill that draws on the successes of the 2008–2009 transition. Our Nation was fortunate that both President Bush and President-Elect Obama were both focused on ensuring a smooth and secure transition. In this, our first transition between parties since the attacks of September 11, 2001, in the midst of two wars and the worst economic downturn since the Great Depression, we had no room for error.

This legislation will help remove the stigma that all too often dissuades candidates from taking the responsible step of early transition planning before election day. By extending a limited number of government services to Presidential nominees, we can make early transition activities a normal part of responsible candidacy.

I thank my cosponsors for their work on this bill, and I thank my colleagues for their unanimous support. I am glad that the Senate has taken this important step. In our post-September 11 security environment, we simply cannot afford to leave Presidential transitions to chance. I urge the House of Representatives to take swift action to pass this bill.

I also ask unanimous consent that the op-ed by Ed Gillespie and Donna Brazile on the importance of passing this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Roll Call, July 20, 2010]

CONGRESS CAN EXPEDITE THE PRESIDENTIAL TRANSITION

(By Donna Brazile and Ed Gillespie)

For most Americans, the morning after a presidential election has been decided represents a moment of relief. Relief that months of campaign commercials, debates and a seemingly endless stream of canvassers knocking on their doors and phoners interrupting their dinners are finally over—relief at the end of a long and exhausting process.

However, for the election winner's staff, that morning is the official beginning of a stressful and complicated process that can make or break the new president's first two years in office.

Having worked on presidential transitions, we both know the pressures facing transition staff. There are only 11 or 12 weeks between Election Day and the inauguration, too short a period to prepare for the host of challenges facing incoming administrations. This is especially true in our post-9/11 security environment and in times of economic uncertainty, which demand a seamless transfer of power and leave us no room for a gap in national leadership.

That is why, in recent elections, candidates have begun planning their transitions informally before winning election. While these efforts are almost never spoken of out of fear they will be derided as presumptuous, they have become as important to the process of transferring power as the formal transition following Election Day.

To their credit, both President Barack Obama and Sen. John McCain (R-Ariz.) engaged in transition planning before the election was held in 2008. President George W. Bush also deserves praise for making a smooth transition out of office a high priority during the final months of his term. None of these steps was mandated by law, and all pre-election transition efforts by candidates had to be funded privately.

It was fortunate that, in the first transfer of power between parties after 9/11, with two ongoing wars and the worst financial crisis since the Great Depression, both major candidates and the White House took it upon themselves to ensure one of the smoothest transitions in modern history. But we should not simply leave something so important to fortune.

Sens. Ted Kaufman (D-Del.) and George Voinovich (R-Ohio) have introduced the Pre-Election Presidential Transition Act. This bipartisan legislation would extend to both parties' nominees some of the government services (i.e., office space, secure computer systems) currently provided to presidents-elect for their transition planning several weeks before Election Day. It also authorizes funding for sitting presidents to help plan for a responsible transfer out of office and recommends the Bush administration's Presidential Transition Coordinating Council as a model.

This will go a long way toward removing the stigma of presumptuousness that discourages early transition planning. We now know that in 2008 the Obama and McCain campaigns were poised to make a joint statement acknowledging that both were engaging in pre-election transition planning as an

act of responsibility. However, at the last minute the issue became politicized and neither campaign wanted to risk being accused of "measuring the drapes" in the White House.

This political calculus is understandable but dangerous in today's world. The Kaufman-Voinovich bill was written in consultation with veterans of past transitions. Its introduction follows on the heels of a landmark report by the nonpartisan, nonprofit Partnership for Public Service as well as academic articles by presidential scholars Martha Joynt Kumar, Terry Sullivan and others analyzing the successes and shortcomings of recent transitions. The Pre-Election Presidential Transition Act would provide nominees with office space, computer services and information about previous transitions. It would not pay transition staff salaries or provide for the hiring of outside consultants. For those expenses and others not covered by the bill, it would allow candidates to open transition accounts to which they could raise money or transfer funds from their campaign chests.

For those of us who have worked on presidential transitions, this bipartisan effort by two outgoing Senators in a non-presidential election year is long overdue. Congress should take advantage of this opportunity to implement the changes proposed by this bill to ensure more responsible, more secure and more seamless transfers of power in the future.

TEMPORARY EXTENSION OF SMALL BUSINESS PROGRAMS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3839, which was introduced earlier today.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 3839) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the bill be read the third time and passed; that the motion to reconsider be laid upon the table, with no intervening action or debate; and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3839) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3839

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) **IN GENERAL.**—Section 1 of the Act entitled "An Act to extend temporarily certain authorities of the Small Business Administration", approved October 10, 2006 (Public

Law 109-316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 111-214 (124 Stat. 2346), is amended by striking "September 30, 2010" each place it appears and inserting "January 31, 2011".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on September 29, 2010.

NATIONAL WILDLIFE REFUGE WEEK

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 644, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 644) designating the week of October 10, 2010, as "National Wildlife Refuge Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. KAUFMAN. Mr. President, I rise to speak on a resolution I submitted today with Senators CRAPO and CARDIN to celebrate National Wildlife Refuge Week and honor the extraordinary National Wildlife Refuge System. I am pleased that so many of my colleagues have joined me to cosponsor this resolution.

President Theodore Roosevelt established the first national wildlife refuge on Florida's Pelican Island in 1903. He was a renowned naturalist, an avid hunter, and is considered to be one of the greatest conservation leaders in American history.

Roosevelt was spurred to action after witnessing a dramatic decline in bird and animal populations across the country due to unregulated and unsustainable hunting. A sportsman himself, Roosevelt saw a great need to conserve our nation's natural resources not only for the benefit of his generation but for future generations as well.

President Roosevelt set out this basic principle when he said:

I recognize the right and duty of this generation to develop and use the natural resources of our land. But I do not recognize the right to waste them, or to rob, by wasteful use, the generations that come after us.

He was a man of action. Over the course of Presidency, Roosevelt would establish more than 50 Federal bird reserves which would become the foundation of the National Wildlife Refuge System.

Today, the Refuge System has grown to more than 150 million acres, 552 national wildlife refuges, and 38 wetland management districts. These lands are truly American treasures and important parts of our natural heritage.

The Refuge System is a magnificent network of lands and waters dedicated to wildlife conservation. It is exceptionally diverse, encompassing every kind of ecosystem in the United States, including forests, wetlands, deserts,

grasslands, tundras, and remote islands.

National wildlife refuges are critical to the broad goals of wildlife conservation to both keep common species common and to protect and restore imperiled species. Refuges do this well. They are home to an incredible amount of biodiversity, including over 700 species of birds, 220 species of mammals, 250 reptile and amphibian species, and more than 1,000 species of fish. Furthermore, of the more than 1,200 federally listed threatened and endangered species in the United States, 280 are found on national wildlife refuges.

The incredible resources available through the National Wildlife Refuge System offer a variety of recreational opportunities including hunting, fishing, wildlife watching, photography, hiking, boating, environmental education, and so much more. In fact, hunting and fishing is permitted on hundreds of refuges, providing opportunities for over 2.5 million hunters and more than 7 million anglers.

National wildlife refuges also provide children and families a unique opportunity to explore and learn about wildlife and the outdoors. A third of U.S. children and teens are overweight or close to it. Playing outside and engaging with the natural world can get our children active, and studies show that it can also reduce stress, improve attention and cooperation, and open children's imagination and creativity.

Refuges also afford service opportunities for local residents. Every year 39,000 volunteers and over 220 refuge "Friends" organizations contribute nearly 1.4 million hours of their time to lead educational programs, guide tours, restore habitat, maintain trails, and offer their time and energy in other important ways. Their efforts are worth the equivalent of 665 full-time employees.

National wildlife refuges are important to local businesses and gateway communities. Each year, refuges draw 41 million visitors, generating nearly \$1.7 billion and 27,000 jobs for local economies. Refuges are also a good investment for the American people. For every \$1 appropriated, refuges generate \$4 in economic activity.

Since 1995 refuges across the country have held festivals, educational programs, guided tours, and other events to celebrate National Wildlife Refuge Week during the second week of October. This year Refuge Week will take place from October 10 to 17.

There is much to celebrate. For over a century, the National Wildlife Refuge System has served to conserve our wildlife heritage, provide recreational opportunities for our communities, and support for local economies. With at least one refuge located in every State and within an hour's drive of every metropolitan area across the Nation, we can all take part in National Wildlife Refuge Week.

In my home State of Delaware, we are fortunate to have two national wildlife refuges: Bombay Hook and Prime Hook. The tens of thousands of acres of freshwater wetlands and tidal salt marshes these refuges protect are considered some of the best on the Atlantic coast and provide critical habitat for waterfowl migrating between Canada and Mexico. In fact, the American Bird Conservancy has recognized Bombay Hook as one of America's 100 important Bird Areas.

Bombay Hook and Prime Hook are also incredible places to visit and enjoy. Bombay Hook host over 100,000 visitors a year, and the Great Outdoor Recreation Pages, GORP magazine recently rated the refuge as one of the top Ten most scenic drives in the United States. Furthermore, studies show that visitors of Prime Hook generate over \$1.21 million and nearly 20 jobs a year in the local Sussex County economy.

I am proud to join my colleagues in sponsoring this resolution to celebrate National Wildlife Refuge Week and honor the National Wildlife Refuge System.

As President Roosevelt once said:

It is not what we have that will make us a great Nation. It is the way in which we use it.

We must continue the legacy of President Roosevelt and work to conserve our wildlife heritage for current and future generations.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 644) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 644

Whereas, in 1903, President Theodore Roosevelt established the first national wildlife refuge on Florida's Pelican Island;

Whereas, in 2010, the National Wildlife Refuge System is the premier system of lands and waters to conserve wildlife in the world, and has grown to more than 150 million acres, 552 national wildlife refuges, and 38 wetland management districts in every State and territory of the United States;

Whereas national wildlife refuges are important recreational and tourism destinations in communities across the Nation, and these protected lands offer a variety of recreational opportunities, including 6 wildlife-dependent uses that the National Wildlife Refuge System manages: hunting, fishing, wildlife observation, photography, environmental education, and interpretation;

Whereas hunting is permitted on more than 320 national wildlife refuges and fishing is permitted on 272 national wildlife refuges, welcoming more than 2,500,000 hunters and more than 7,000,000 anglers;

Whereas national wildlife refuges are important to local businesses and gateway communities;

Whereas, for every \$1 appropriated, national wildlife refuges generate \$4 in economic activity;

Whereas approximately 41,000,000 people visit national wildlife refuges every year, generating nearly \$1,700,000,000 and 27,000 jobs in local economies;

Whereas the National Wildlife Refuge System encompasses every kind of ecosystem in the United States, including temperate, tropical, and boreal forests, wetlands, deserts, grasslands, arctic tundras, and remote islands, and spans 12 time zones from the Virgin Islands to Guam;

Whereas national wildlife refuges are home to more than 700 species of birds, 220 species of mammals, 250 species of reptiles and amphibians, and more than 1,000 species of fish;

Whereas 59 refuges were established specifically to protect imperiled species and of the more than 1,200 federally listed threatened and endangered species in the United States, 280 species are found on units of the National Wildlife Refuge System;

Whereas national wildlife refuges are cores of conservation for larger landscapes and resources for other agencies of the Federal Government and State governments, private landowners, and organizations in their efforts to secure the wildlife heritage of the United States;

Whereas 39,000 volunteers and more than 220 national wildlife refuge "Friends" organizations contribute nearly 1,400,000 hours annually, the equivalent of 665 full-time employees, and provide an important link with local communities;

Whereas national wildlife refuges provide an important opportunity for children to connect with nature and discover the natural world;

Whereas, because there are national wildlife refuges located in several urban and suburban areas and 1 refuge located within an hour's drive of every metropolitan area in the United States, national wildlife refuges employ, educate, and engage young people from all backgrounds in exploring, connecting with, and preserving the natural heritage of the Nation;

Whereas, since 1995, refuges across the Nation have held festivals, educational programs, guided tours, and other events to celebrate National Wildlife Refuge Week during the second full week of October;

Whereas the week beginning on October 10, 2010, has been designated as "National Wildlife Refuge Week" by the United States Fish and Wildlife Service;

Whereas, in 2010, the designation of National Wildlife Refuge Week would recognize more than a century of conservation in the United States and would serve to raise awareness about the importance of wildlife and the National Wildlife Refuge System and to celebrate the myriad recreational opportunities available to enjoy this network of protected lands: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning on October 10, 2010, as "National Wildlife Refuge Week";

(2) supports the goals and ideals of National Wildlife Refuge Week;

(3) acknowledges the importance of national wildlife refuges for their recreational

opportunities and contribution to local economies across the United States;

(4) pronounces that national wildlife refuges play a vital role in securing the hunting and fishing heritage of the United States for future generations;

(5) recognizes the importance of national wildlife refuges to wildlife conservation and the protection of imperiled species and ecosystems;

(6) applauds the work of refuge "Friends" groups, national and community organizations, and public partners that promote awareness, compatible use, protection, and restoration of national wildlife refuges;

(7) reaffirms the support of the Senate for wildlife conservation and the National Wildlife Refuge System; and

(8) expresses the intent of the Senate—
(A) to continue working to conserve wildlife; and

(B) to manage the National Wildlife Refuge System for current and future generations.

Mr. BROWN of Ohio. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2010—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to Calendar No. 107, H.R. 3081, and I send to the desk a cloture motion.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 107, H.R. 3081, the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010.

John D. Rockefeller, IV, Byron L. Dorgan, Carl Levin, Dianne Feinstein, Jack Reed, Mark R. Warner, Patrick J. Leahy, Michael F. Bennet, Barbara Boxer, Benjamin L. Cardin, Charles E. Schumer, Patty Murray, Debbie Stabenow, Robert P. Casey, Jr., Christopher J. Dodd, Daniel K. Akaka, Harry Reid.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENDING FUNDING AND EXPENDITURE AUTHORITY OF THE AIRPORT AND AIRWAY TRUST FUND

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to H.R. 6190.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6190) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid on the table, and that any statements be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 6190) was ordered to a third reading, was read the third time, and passed.

ORDER FOR RECORD TO REMAIN OPEN

Mr. REID. Mr. President, I ask unanimous consent now that the RECORD remain open until 2 p.m. today for the introduction of bills, resolutions, statements, and cosponsor requests.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDERS FOR MONDAY, SEPTEMBER 27, 2010

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m., Monday, September 27; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that after any leader remarks, the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each until 3 p.m.; following morning business, the Senate resume consideration of the motion to proceed to S. 3816, the Creating American Jobs and Ending Offshoring Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

ADJOURNMENT UNTIL 2 P.M.,
MONDAY, SEPTEMBER 27, 2010unanimous consent that it adjourn
under the previous order.

Mr. REID. Mr. President, we expect to have a live quorum at 7 p.m. on Monday, as we consider the motion to proceed to S. 3816.

Mr. REID. If there is no further business to come before the Senate, I ask

There being no objection, the Senate, at 12:15 p.m., adjourned until Monday, September 27, 2010, at 2 p.m.

EXTENSIONS OF REMARKS

RECOGNIZING SINGER-SONG-
WRITER CLARE BURSON FOR
BRINGING SOCIAL AWARENESS
TO THE HOLOCAUST THROUGH
MUSIC

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 2010

Mr. COHEN. Madam Speaker, I rise today to recognize singer and songwriter Clare Burson for her work in bringing awareness to the Holocaust through music. Chronicled through research and stories from her family, her new album "Silver and Ash" remembers her family and pays tribute to the many Jewish men, women and children who suffered and died during this dark period in history.

Clare Burson had always been interested in learning her family's history since the young age of 8 years old. However, her grandmother, Joci Burson, was reluctant to speak about the events that caused her family to flee their home in Germany due to the painful memories. Joci, who lived in Memphis, Tennessee, would receive letters from family that fled to Latvia updating her on their condition. Receiving letters from only 1938–1941 was undoubtedly a sign that the worst had happened and forced Joci into mourning and silence about the tragedy that befell the family.

Clare Burson spent much of her young adult life researching her family's history to gain a better understanding of how the Holocaust changed her family. Her research led her to move to Germany and to travel to Latvia, Lithuania and Ukraine—the homes of her ancestors. As a result of her research and through her songs, she was able to convey resemblances of her sister to their great-grandmother in "Look Close." In "I Will/With You," Ms. Burson encourages her grandmother to share her memories so that she and others will forever remember their history.

In "Baby Boy," Clare Burson describes a metaphorical hole in her great-great-grandmother's home after sending her son to Lithuania to escape conscription to military service in the German army. Although not in her lyrics, Ms. Burson shared a piece of her family's history saying that her great-great-grandmother sent her son to Lithuania in 1893 with a trunk of belongings and a wedge of cheese made by his mother. He then moved to South Africa and stayed there for 10 years before moving to Memphis, where he married her great-grandmother, Clare. They had 4 children including her grandmother who, when she passed away, gave her the cheese. That wedge of cheese still exists and is now 117 years old.

Sixty-five years after the Holocaust, the number of Jewish Holocaust survivors and those who lived during that time is decreasing. Like many events in our history, both good

and bad, we must ensure the fundamental nature of the Holocaust is passed along to future generations. There must never again be such a display of intolerance towards any group of people. Thank you Clare Burson for giving us such beautiful music set to your family's memories and our shared history.

CONGRATULATING THE WESTERN
WASHINGTON UNIVERSITY VEHI-
CLE RESEARCH INSTITUTE

HON. RICK LARSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 2010

Mr. LARSEN of Washington. Madam Speaker, I rise today to congratulate the Western Washington University Vehicle Research Institute for their outstanding achievements in the X Prize Automotive competition.

The X Prize Competition challenged our best scientists and engineers to develop a new car that could achieve fuel efficiency of over 100 miles per gallon in real world driving. To win, the car had to be safe, affordable and potentially desirable to consumers.

Western Washington's team, comprised entirely of undergraduate students, developed and entered a 2-seat car, the Viking 45, in the "alternative" class. Their car successfully navigated several rounds of testing, becoming the only American university team to reach the finals of the competition.

The success of the Viking 45 continues the long tradition of excellence at the Vehicle Research Institute. I commend them for their success in the X Prize competition and their continuing outstanding work to develop the next generation of passenger vehicles.

RECOGNIZING THE 175TH ANNIVER-
SARY OF THE FOUNDING OF
NUESTRA SEÑORA DE LOS DOLO-
RES DE LAS VEGAS GRANDES,
NEW MEXICO 1835–2010

HON. BEN RAY LUJÁN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 2010

Mr. LUJÁN. Madam Speaker, I rise today to commemorate the 175th anniversary of Las Vegas, New Mexico.

Established by a land grant from the Government of Mexico, the City of Las Vegas was founded on the Gallinas River on April 6th, 1835. Las Vegas soon found prosperity as a trading hub on the Sante Fe Trail, and later as a stop on the railroad between Atchison, Topeka, and Santa Fe.

Throughout its 175 years, Las Vegas has flourished; becoming a regional center for cul-

tural and social diversity; seeing the establishment of theaters, schools, newspapers, and libraries. As many historic towns in America have experienced, the people of Las Vegas have seen challenges throughout their storied history including epidemics, economic depressions, and political turmoil.

However, with over 900 buildings recognized by the National Register of Historic Places, and the claim to forming the New Mexico Militia and the 1st United States Volunteer Calvary, Las Vegas can point to a strong and proud history of perseverance and dedication that is worthy of admiration.

I urge my colleagues to join me in recognizing the celebration of the people of Las Vegas as they celebrate their city's anniversary. The longevity of Las Vegas is a testament to the communal bonds established there, and it is an inspirational achievement.

RECOGNIZING TAIWAN ON THE
OCCASION OF NATIONAL DAY

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 2010

Mr. BUTTERFIELD. Madam Speaker, I rise to salute Taiwan on its forthcoming National Day on October 10, 2010.

Taiwan is a model of success in Asia. Through hard work and ingenuity, Taiwan has become one of the strongest economies in the Asia Pacific.

Two years ago, Taiwan was in the midst of a global economic crisis. After taking some notable economic measures, Taiwan is expected to bring its unemployment rate below 5 percent, and GDP is expected to grow by 4.72 percent this year.

Taiwan is also a showcase democracy and continues to strengthen its democratic institution. The accomplishments of Taiwan, whether economic or political, are truly remarkable.

On the occasion of Republic of China's National Day, I ask my colleagues to join me in wishing new era of peace and prosperity between Taiwan and mainland China. There have been many agreements between the two sides, including direct air and sea links, increased mutual investments, and exchanges of peoples.

Also, my congratulations to Taiwan for its continued participation in the World Health Assembly meetings last May in Geneva. We should also acknowledge Taiwan's humanitarian assistance to Haiti and Taiwan's medical and public health missions to Pacific island countries in recent years.

Madam Speaker, I ask my colleagues to join me in congratulating Taiwan.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

A TRIBUTE TO STEPHEN B. FALEK

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 2010

Ms. MOORE of Wisconsin. Madam Speaker, I rise today to recognize Stephen B. Falek, Associate Director for the Housing Authority of the City of Milwaukee, who will retire in October, 2010, after 38 years of distinguished service.

He has been a tireless advocate to provide affordable housing opportunities to my constituency. Families in my district and throughout the state have benefited from his efforts to create "green" facilities, develop homeownership programs, provide resources to serve low-income families, and expand programs to serve our veterans, homeless, elderly and disabled, and mentally challenged.

As Assistant Director, Mr. Falek is responsible for the day-to-day operation of a multitude of public housing units, multi-family market rate rental housing, and a Section 8 Housing Choice Voucher Program.

His advocacy can be seen on the local and national levels. His particular interest in addressing the needs of often overlooked populations led to the development of a Single Room Occupancy facility for the homeless. Mr. Falek reunited families by securing a number of housing opportunities for homeless or transitional parents who would have otherwise lost custody of their children if they did not have a home. In addition, in the aftermath of Hurricane Katrina, he ensured that Milwaukee opened its doors to evacuees. He created a task force with various government agencies to make sure that these evacuees were assisted quickly.

In 2009, he received the National Association of Housing and Redevelopment Officials (NAHRO) M. Justin Herman Award for Lifetime Achievement, which honors an exceptional individual who has made outstanding contributions to the quality of life through service in the field of housing or community development. He continued his noteworthy role as a leader by participating on boards and committees. His contributions are well known within NAHRO, the North Central Regional Council of NAHRO, and the State of Wisconsin Association of Housing Authorities (WAHA). Mr. Falek was a key figure in creating the WAHA State Chapter and made Wisconsin one of the strongest chapters.

Madam Speaker, for these reasons, I am honored to pay tribute to Stephen B. Falek who leaves behind a wonderful legacy of leadership and community building in the Fourth Congressional District and State of Wisconsin.

A TRIBUTE TO JUSTICE ARTHUR G. SCOTLAND IN RECOGNITION OF HIS LIFE OF SERVICE

HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 2010

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I rise today to recognize and

honor Justice Arthur G. Scotland for his life of service to our California judicial system.

Justice Scotland is a native Californian born in Sacramento on October 19, 1946. He graduated from the University of California, Davis, and became a law enforcement officer with the California Department of Justice. He later graduated with honors from the University of Pacific, McGeorge School of Law in 1974.

After serving as a Deputy District Attorney, Sacramento County, 1974–76, California Deputy Attorney General, 1976–83, and Cabinet Secretary to the Governor, 1983–87, he was appointed as a Superior Court Judge by Governor George Deukmejian in 1987. Since 1989, he has served on the Courts of Appeal, appointed by Governor Deukmejian. In 1998, he became the Presiding Justice, appointed to the position by Governor Pete Wilson.

In 2004, Justice Scotland was named Judge of the Year by the Sacramento County Bar Association.

Active in his community, Justice Scotland was named Humanitarian of the Year in 2002 by the Sacramento County Bar Association for his volunteer work on behalf of the Sacramento Children's Home—a residential and treatment facility for abused and neglected children. He also received a community Service Award from the Center for Youth Citizenship for his volunteer work helping educate school children about our legal system about their rights and responsibilities as Americans.

Presiding Justice Scotland has served with distinction on the Court of Appeal, Third Appellate District, since 1989—serving 9 years as associate justice and 12 years as presiding justice. During his tenure, Justice Scotland has participated in deciding more than 6,000 appeals and thousands of writ petitions, authoring 2,744 majority opinions, 48 concurring opinions, and 40 dissenting opinions.

I am pleased to recognize and congratulate Justice Scotland on his retirement and for his dedication to our community.

TRIBUTE TO MARY TREVIÑO

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 2010

Mr. GONZALEZ. Madam Speaker, today I would like to recognize a woman who has reached a milestone in her life that few have had the opportunity to reach. Most individuals are lucky to see 80 years of life. Few have ever reached the age of 90. But fewer still have had the blessing of living on this earth for 100 years, the course of an entire century. That is why it is with great honor I come to you today to recognize the 100th birthday of Mrs. Mary Trevino, on this day, the 26th of September, year 2010.

Mrs. Treviño has spent the last one hundred years growing in wisdom, her work ethic, and her love for others. Like all people, her life is marked with both times of testing and times of celebration. What makes Mrs. Treviño an outstanding woman, however, is that she has gone through her trials with great perseverance, and through her times of celebration with great joy.

As a woman that embodies the entrepreneurial spirit, one of Mrs. Treviño's greatest accomplishments in her life is the founding of El Mirador Restaurant. This restaurant has been the means by which Mrs. Treviño's passions for sharing great food and good company have had a way to express themselves. El Mirador is a place that has contributed to the community of Texas' 20th District for more than 40 years, and like Mrs. Treviño, it is still going strong.

Madam Speaker, that is why I would like to ask my colleagues to join me in honoring and celebrating the 100th birthday of Mrs. Mary Treviño; for a life well lived and years more to live well. I wish Mrs. Treviño all the best and hope that our nation's great City of San Antonio can be blessed by her presence for many more years to come. May her days be filled with life, liberty, and the pursuit of happiness, for her and her loved ones.

CARLOS GUERRA DAY IN SAN ANTONIO, TEXAS

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 2010

Mr. ORTIZ. Madam Speaker, I rise today to recognize a constituent, friend, supporter, community activist and long-time columnist for the San Antonio Express-News, Carlos Guerra. On Friday, September 24, 2010, friends, family members and loved ones will gather at El Tropicano Riverwalk Hotel in San Antonio, Texas, to pay respect and honor to a man who has done so much for so many of us. On this day, Texas A&M University—Kingsville has designated September 24 as "Carlos Guerra Day in San Antonio."

Guerra grew up in Robstown, Texas, which happens to be my hometown, too. His parents were educators and owned a family restaurant. After graduating from Robstown High School, Guerra enrolled at then-Texas A&I University in Kingsville where he quickly became involved in the rising civil rights movement for Mexican Americans. In 1969, he earned his bachelor's degree in history. While enrolled at Texas A&I University in Kingsville, Guerra was a member of the debate team as well as on the staff of the student newspaper.

He helped found the Mexican American Youth Organization (MAYO) and Raza Unida Party, two of the primary civil rights organizations for Mexican Americans. Guerra's civil rights activist days lasted from the 1960s through the 1980s, and he was a pallbearer in the funeral of United Farm Workers founder and civil rights icon Cesar Chavez in 1993.

Guerra started his newspaper career in 1991 when he was a front-page columnist for the San Antonio Light. When that newspaper ceased publication, he moved to the San Antonio Express-News where he was a metro columnist for more than 18 years.

Guerra has worked for several philanthropic foundations on the East Coast and has traveled extensively throughout the United States and Latin America. He has led all by example and continues to be a leading voice in the Hispanic movement.

During his time as a columnist for the San Antonio Express-News, Guerra's opinion columns were syndicated in other newspapers throughout the country.

In 2009, Guerra retired from the San Antonio Express-News. Today, he is a communications consultant and continues to be involved in civic engagement. Most recently, he helped launch a scholarship at Texas A&M University—Kingsville in the Communications Theater Arts Department.

I ask my colleagues to join me in recognizing the work, dedication, vision, leadership and commitment of a respected role model, friend and mentor, Carlos Guerra.

HONORING SUE PALKA

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 2010

Mr. VAN HOLLEN. Madam Speaker, on Monday, September 27, 2010, one of my constituents will be celebrating 25 years of outstanding service to the Washington, DC metropolitan region.

WTTG Fox 5 News weather forecaster Sue Palka has been bringing Washingtonians their weather reports for decades. For those of you who have seen her, you know her for her irrepressible enthusiasm and good humor. I am proud that Sue, a resident of Gaithersburg, Maryland, is a constituent of mine.

Sue is a six-time Emmy award winner for outstanding weather forecasting and has been with Fox 5 since 1985. In 1997, she was named Broadcaster of the Year by the National Weather Association. She was featured on the cover of Washingtonian Magazine in March 2004, and on the cover of the Washington Post TV Week in July 1997 with an extensive article profiling her career. Sue received the Distinguished Alumnae Award from Edinboro University of Pennsylvania in 2005.

Sue has an undying passion for weather forecasting. From taking on Hurricane Bertha when it made landfall, to flying into the eye of category 4 Hurricane Edouard with the famed Hurricane Hunters, to tornado chasing in Texas and Oklahoma, Sue loves to be in the middle of the action and to share its excitement with her viewers.

I am delighted to congratulate Sue Palka, her husband Joe and daughters Elizabeth and Nora, for her 25 years of dedicated service to our community and to all visitors to the Nation's Capital.

IN SUPPORT OF H. RES. 1595, RECOGNIZING THE 50TH ANNIVERSARY OF REAL ESTATE INVESTMENT TRUSTS (REITs)

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 2010

Mr. KIND. Madam Speaker, I rise today in support of House Resolution 1595, which recognizes the 50th anniversary of Real Estate

Investment Trusts, commonly known as REITs. I am proud to cosponsor this resolution introduced by my colleague, Representative SANDER LEVIN from Michigan and I thank him for introducing this resolution.

For 50 years, REITs have provided a way for average investors to invest in large-scale commercial properties in the same way they invest in other industries, through the purchase of equity. In addition, REITs offer investors distinct advantages such as portfolio diversification, reliable dividends, liquidity, and solid long-term performance.

Fifty years after Congress created REITs, average investors continue to benefit in the same ways as corporate stockowners, as REIT investors earn a pro-rata share of the economic benefits that are derived from the production of income through commercial real estate ownership.

It is important to recognize ways in which average investors of all ages and income levels can access the same benefits as large real estate investors. I stand with my colleague in commending the 50th anniversary of Real Estate Investment Trusts, and 50 years of providing a broad range of investors an opportunity to achieve the investment goals of diversification, strong and reliable dividends, liquidity, solid performance, and transparency.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 2010

Mr. BECERRA. Madam Speaker, yesterday I was unavoidably detained and missed rollcall votes 534, 535, and 536. If present, I would have voted "yea" on rollcall votes 534, 535, and 536.

RECOGNIZING THE ACHIEVEMENTS OF DOMINIQUE NOTH, EDITOR, MILWAUKEE LABOR PRESS

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 2010

Ms. MOORE of Wisconsin. Madam Speaker, I rise to pay tribute to Dominique Paul Noth and the Milwaukee Labor Press. The Milwaukee Labor Press provides news, features, commentary, and information on important issues and events. In late August, editor Dom Noth and the Labor Press won the most multiple awards in the history of the International Labor Communications Association. The Milwaukee Labor Press has continued its legacy of excellence by proving successful in the most intense and prestigious North American contest for all labor publications.

As the second largest home-delivered newspaper in Wisconsin, the Labor Press consistently speaks honestly to its readers. The ILCA awarded the Labor Press First Place, General Excellence among all state and central council publications. ILCA praised the Labor Press for "Quirky and interesting writing, [. . .] makes points without being preachy."

MilwaukeeLabor.org the website of the Labor Press' publisher, Milwaukee Area Labor Council, received First Place General Excellence Internet. News, Take Action, events, and original content by Dominique Noth are featured on the website. Dominique is an intrepid seeker of newsworthy information, camera at the ready, quotes in context forming in his mind.

Last December's examination of the health care debate in the article, "Heeding the Human Cost," was honored with the First Place Saul Miller Award. Noth attributes this success to diverse opinions of union and community members in a no-holds-barred forum on health legislation. Judges cited the story as candid and heartfelt writing which "debunks the opposition's argument attacking the need for health reform."

Third Place Award for Special Performance (best editorial or column) went to the Labor Press for "City Should Sink Its Own Breed of Water Pirates" which highlighted the privatization of public services. The article shed light on a significant issue for labor unions across the country.

Madam Speaker, I am proud to say the Milwaukee Labor Press provides a significant avenue for discussion for the people of the Fourth Congressional District. Thanks in no small part to Dominique Noth; the Labor Press' continual excellence is based on its open-minded, intelligent, and relatable examination of pressing labor issues that impact the whole community. I applaud Dominique Noth and the Milwaukee Labor Press for their success in such a competitive and prestigious contest.

HONORING NATIONAL TRUCK DRIVER APPRECIATION WEEK

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 2010

Mr. OBERSTAR. Madam Speaker, I rise today to recognize America's professional truck drivers who serve our Nation by delivering the clothes we wear, the food we eat, or the medicine we rely on. This week, September 19–25, has been designated National Truck Driver Appreciation Week, which provides a perfect opportunity to express our appreciation to the 3.4 million professional truck drivers in the United States. I urge my colleagues and all Americans to use this week to reflect on the important role these hard-working and dedicated drivers play in facilitating many aspects of our daily lives.

Trucking serves as the backbone of our economy, responsible for nearly 70 percent of the total U.S. freight tonnage. Over 80 percent of communities rely solely on the trucking industry for their goods and commodities. Across the Nation, the trucking industry allows businesses and manufacturers to connect with consumers in a reliable and efficient manner that allows the free flow of goods to power the American economy every day.

One out of every 15 people across this country is employed in the trucking industry, making it one of our Nation's largest employers. Most individual long-haul drivers average

100,000 to 110,000 miles driving per year. In doing so, America's truck drivers sacrifice precious time from their families, all the while, they deliver for ours. This week we pause to say thank you to them and to their families.

I salute the fine professionals of the Nation's trucking industry and their families for the dedication they continue to demonstrate to America and for delivering life's essentials safely and securely.

HONORING CHIEF WARRANT OFFICER THREE MATTHEW WAGSTAFF

HON. JASON CHAFFETZ

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 2010

Mr. CHAFFETZ. Madam Speaker, Americans lost one of our finest early Tuesday morning when the Blackhawk helicopter carrying Chief Warrant Officer Three Matthew Wagstaff of Orem, Utah, went down in Afghanistan.

His family released a statement that reads, in part: "Matt died doing what he loved to do, and that was to fly. He was a tremendous husband, son, brother and uncle, and he served his country well."

He was just married to his wife Tiffany in January, and was anticipating a visit home next month to Fort Campbell, Kentucky, where he was based. His wife and parents, Ronald and Suzanne Wagstaff, flew to Dover Air Force base in Delaware Wednesday morning to receive him and return him home for burial.

At 34 years old, CW3 Wagstaff had served for ten years as a Blackhawk helicopter pilot and was an active-duty member of the Army's 101st Airborne Division. He had recently reenlisted knowing he would most likely be called up for a second tour in Afghanistan, having already served a third overseas tour in Iraq.

A friend of the family shared that CW3 Wagstaff joined the military with a passion to fly helicopters, and that he was one of several pilots asked to fly Blackhawks in the original "Transformers" movie in 2007. He flew his helicopter in the action scenes in Los Angeles over Dodger Stadium, through alleys, and over rooftops. The friend went on to say that CW3 Wagstaff "felt like he was making a difference," adding that his missions in Afghanistan included bringing injured soldiers out of combat zones.

A graduate of Orem High School and Utah State University, CW3 Wagstaff was among nine NATO service members killed in the crash near the town of Qatal in Zabul province. The soldiers were aboard an International Security Assistance Force helicopter. The cause of Tuesday's crash was not immediately known.

Our hearts and prayers as Americans go out to the Wagstaff family for their willingness to send their husband, son, and brother to serve us all. We honor and appreciate him for his service, and his unselfishness in offering the ultimate sacrifice for his country and those whose lives he blessed both in and out of uniform. May God bless him, his family, and all

those who join us now in mourning his passing.

A TRIBUTE TO ANNETTE YOUNG

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 2010

Mr. TOWNS. Madam Speaker, I rise today to recognize a woman who had a tremendous impact on her community and the lives of countless individuals.

Annette Young was born on August 15, 1925 in Norfolk, Virginia. In 1944, she moved to New York and married Winfield Young, the love of her life, on March 21, 1944. They were later blessed with a son, Steven. Annette took great pride in family and was a devoted wife and mother.

Annette had a love for God and sought his guidance throughout her life. She understood that the power within us could evolve into something great if we trusted in the Lord. Annette joined the church family at the Berean Baptist Church in 1998.

Although Annette had a great sense of family, she also had a great sense of community. For more than 30 years, she was a resident of Ocean-Hill Brownsville and she served as president of the Council of Block Associations, organizing over 80 block and tenant associations. Additionally, she founded the Council of Block Associations Gazette, and was a member of the Board of Directors of the Daniel Hale Williams Housing Corp.

Through her roles as former district co-leader and legislative assistant, president of the Vanguard Political Club, honorary co-chair of Brooklyn C.O.R.E., Frank Edward Cook Scholarship Foundation and the N.A.A.C.P., Annette was a force that helped to empower others.

Annette worked in various industries and eventually became the Executive Secretary to the Vice President of International Banking at Chase Manhattan Bank. Following her retirement from Chase, she pursued a second career as a film promoter and as President of International Cinema. She also managed the musical group "Elegante."

Annette utilized her acting ability and appeared in a number of productions. In 1996 she received the Unity Music and Arts Award for Outstanding Professional Achievement as an actress from the Unity Democratic Club.

In December 1991, Annette completed a certification from the NY State School of Industrial and Labor relations from Cornell University. In 2002, she proudly received her Bachelor of Arts Degree from the College of New Rochelle. This was a monumental achievement and demonstrates that age is not a limit to learning.

She was extremely proud to be a long time member of the Jefferson Democratic Club of Brooklyn, NY.

Madam Speaker, Annette's grace, poise, professionalism, witty nature and natural ability to "live life to the fullest" will be remembered by all who knew her.

HONORING THE ABILITYONE PROGRAM

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 2010

Mr. BUTTERFIELD. Madam Speaker, I rise today in recognition of the more than three years of service provided by the Marine Corps Air Station Cherry Point Base Supply Center (BSC) and to applaud the 15th anniversary of the AbilityOne BSC Program.

AbilityOne BSCs are retail stores located on military installations and in federal buildings. Operated through the AbilityOne Program, BSCs fulfill a dual purpose: supporting training and employment opportunities for people who have significant disabilities and meeting the procurement needs of military and federal consumers.

The AbilityOne Program is administered by the Committee for Purchase from People Who Are Blind or Severely Disabled ("the Committee"). Each BSC is added to the Committee's Procurement List as an AbilityOne Program "service" project, which ensures that the establishment of a BSC helps accomplish the AbilityOne Program's employment mission.

AbilityOne BSCs harness the collective resources of a nationwide network of providers to supply superior products and services to government customers through a commercial retail-type setting. Since the launch of the first BSC in 1995, government customers have appreciated convenient access to thousands of high-quality, competitively priced SKILCRAFT® and other name brand products as well as Hazmat, Individual Equipment Element, and other services.

Purchases from AbilityOne BSCs support the employment of qualified professionals who are blind or have other severe disabilities. These employees produce and ship products, provide services, and staff the BSCs. Furthermore, service-disabled veterans and military dependents have the opportunity to join the AbilityOne team, where they continue to play a valuable role in the military communities that are significant to their lives.

BSCs partner with the leadership at each location to satisfy the specific needs of base and installation personnel. Today, BSCs are located on over 138 federal installations nationwide.

The AbilityOne Program works with two Central Nonprofit Agencies, National Industries for the Blind (NIB) and NISH. NIB and NISH operate under the direction of the Committee and oversee a network of over six hundred associated nonprofit agencies to provide employment opportunities for people who are blind or have other severe disabilities. AbilityOne purchases from federal government and military consumers generate revenue used to fund training and employment programs for people with severe disabilities. Employing over 45,000 people with disabilities, the AbilityOne Program is the largest employer of people with disabilities in the country.

I am proud to represent the Marine Corps Air Station Cherry Point BSC. On this 15th anniversary of the AbilityOne BSC Program, we should all take a moment to visit our local

BSC or associated agency to better understand the good work they are doing in our communities.

IN RECOGNITION OF AMERICAN
GOLD STAR MOTHERS

HON. JERRY McNERNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 2010

Mr. McNERNEY. Madam Speaker, I rise today and ask my colleagues to join me in honoring Gold Star Mothers, whose sacrifices and service to our country are recognized on the last Sunday of September.

The organization known today as American Gold Star Mothers was begun by Grace Seibold, whose son was killed in aerial combat over France in 1918. Mrs. Seibold worked tirelessly in veterans hospitals both before and after her son's tragic death. It is this spirit of generosity and selflessness which lead to the eventual establishment of the American Gold Star Mothers as a national organization.

The Gold Star Mothers embody the spirit of love, duty, patriotism, and charity that compels people to serve their country. The ultimate sacrifice of sons and daughters in war is reflected in the tremendous energy and time given by Gold Star Mothers to support men and women who return from service. By volunteering at veterans hospitals and commemorating the lives of those who have passed away, Gold Star Mothers support one another and our brave men and women serving overseas.

As a father whose son served in the Air Force, I take great comfort in the thought that such an organization exists to provide comfort and aid to the young men and women returning home from abroad. On Gold Star Mothers Day, it is important to recognize the sacrifices that are borne by the families of our men and women in uniform. It is with profound respect that I ask my colleagues to join me in recognizing the tireless efforts of Gold Star Mothers across our country who honor the memories of their children and support our nation with unceasing acts of charity, service, and compassion.

HONORING MIKE WIEDEMAN

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 2010

Mr. WALDEN. Madam Speaker, I rise today to recognize the accomplishments and contributions of a great American, a life-long Oregonian and logger, Mike Wiedeman, of Enterprise, Oregon. Mike has been a leader and an innovator for over four decades in one of Oregon's most important and historic industries: the logging industry.

Tomorrow I will have the privilege of tipping my hat to Mike as he concludes his service as

the president of the American Loggers Council at its 16th annual meeting in Pendleton, Oregon. The American Loggers Council is a coalition of 30 state logging associations from throughout the United States. I can personally attest to the effectiveness of the American Loggers Council, Mike and his predecessors at bringing to Congress's attention the issues, concerns and challenges facing their industry and the health of our forests and rural forested communities.

Madam Speaker, Mike Wiedeman also has a long and distinguished record of service to his state association, the Associated Oregon Loggers. He was recognized as the association's Logger of the Year in 1990. He served as the association's president from 1997–1998 and was one of the founding board members of the association's Friends of Paul Bunyan Foundation, a philanthropic organization that has contributed hundreds of thousands of dollars to education and public service organizations. He was one of the first organizers and leaders of the Log A Load For Kids program to raise funds for Oregon hospitals that specialize in the treatment of children with special needs. And finally, Mike currently serves as the chairman of the association's Wallowa County chapter.

After beginning his career in the coastal town of Powers, Oregon, Mike has logged from northern California to Alaska and back to Oregon. While in Alaska he met his bride Sandy who was working in a logging camp. They have three children they adore and whom I have had the pleasure of meeting and are now experiencing the joy of being grandparents to two grandkids.

For the past 32 years Mike has been a partner and owner of BTO Logging, Inc. in Enterprise, Oregon. This small, rural community surrounded by federal forest lands, not unlike many in Oregon's second congressional district, is arguably one of the most beautiful places in my state, if not in the entire country. The timbered lands in the surrounding Wallowa-Whitman National Forest suffer from some of the worst forest health issues of any in the intermountain West. Consistent with his human nature in assessing a serious problem, Mike saw a highly productive opportunity to utilize the dead and dying overstocked forest stands to generate renewable energy. As a member and subsequent chairman of the Enterprise School Board, Mike recently led the charge to build and install a woody biomass heating system at the local school. This system now utilizes wood material removed from forest health projects on nearby forests.

Madam Speaker, Mr. Wiedeman's logging operation utilizes a system that allows logs to be removed by fully suspending them on up to nearly 4,000 feet of cable above the ground protecting the soil and remaining plant life. His method, which is considered one of the most dangerous in logging, allows him to treat forest stands in difficult terrain, often flying logs over deep and normally inaccessible canyons.

Madam Speaker, on the eve of completing his term as president of the American Loggers Council, I would like our colleagues to join me in thanking Mike Wiedeman for his exemplary

service to his community, the industry that he loves and the associations that represent it both here in the nation's capital and in the state of Oregon. It's my honor to call Mike a good friend, and to represent him in the U.S. Congress. Mike is a hard charging and dedicated individual and the kind of guy you're lucky to find as a neighbor. He has been quoted as saying, "My whole philosophy in life is you can't get anywhere standing still." And I can assure you, Madam Speaker, Mike is not standing still.

A TRIBUTE TO DAN HAVERTY IN
RECOGNITION OF HIS 27 YEARS
OF FIRE SERVICE

HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 2010

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I rise today to recognize and honor Fire Chief Dan Haverty for his 27 years of service to our California communities.

Chief Haverty began his career with the Meeks Bay Fire Protection District in Tahoma, CA. He entered the Fire Service 27 years ago after experiencing the unselfish acts of compassion given to his family by volunteer firefighters following an airplane accident in Ketchikan, Alaska, which took the lives of his sister and her four children.

Haverty has served Sacramento County since 1987 when he joined the Sacramento Metropolitan Fire District (SMFD) as a firefighter and ended his tenure in the position of Assistant Fire Chief. While serving as Assistant Fire Chief at SMFD, he also served as Chief Assistant Deputy Director for the Training and Exercises Division within the Governor's Office of Homeland Security. Haverty joined the Folsom Fire Department in July 2007 as its Fire Chief.

Chief Haverty belongs to many professional and community organizations including: the International Association of Fire Chiefs, American Society for Public Administration Sacramento Chapter, Golden State Donor Services, Folsom Lake Rotary, and Holy Trinity Parish.

In April 2005, Chief Haverty donated a portion of his liver to former Sacramento Roman Catholic Bishop William Weigand. For his humanitarian acts, Haverty was awarded the Venerable Cross "Pro Ecclesia et Pontifice" from His Holiness Pope Benedict XVI in 2005.

Chief Haverty most recently participated as a member of the Team Donate Life support crew in the Race Across America. The Race Across America was a 3,005 mile-long bike ride across the United States. The purpose of Team Donate Life's participation was to promote organ donation and transplantation.

I am pleased to recognize and honor Chief Dan Haverty for his dedication to fire safety, his service to the City of Folsom, and his protection of the citizens of Sacramento County.

SENATE—Monday, September 27, 2010

The Senate met at 2 p.m. and was called to order by the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord, our God, how majestic is Your Name in all the Earth. Thank You for the gift of this moment in time. Today, give our lawmakers an appreciation for Your gracious providence. Remind them that they need not fear the future when they remember the way You have led us in the past.

You brought our forebears to these shores and sustained them through bitter adversity. This great land was not produced by our might, wisdom, and ingenuity but by Your sovereign will. Lord, keep us from trying to navigate into the future without Your presence and power. Quicken the minds of our Senators to seek Your wisdom and to obey Your commands.

We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROLAND W. BURRIS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 27, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. BURRIS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, there will be a period of morning business until 3 p.m. today. Senators, during that period of time, will be allowed to speak for up to 10 minutes each. At 3, the Senate will resume consideration of the motion to proceed to the Creating American Jobs and Ending Offshoring Act.

ORDER OF PROCEDURE

I ask unanimous consent that at 4 p.m., until 11 p.m. today, the Senate begin 30 minute alternating blocks of debate on the motion to proceed to S. 3816, with the majority controlling the first 30 minutes, which will begin at 3 p.m. today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I announced last week that we would have a live quorum at about 7 p.m. this evening. I am hopeful that will be the last one we will need, but we will see how the debate proceeds.

CREATING JOBS

Mr. REID. Mr. President, the most important part of our jobs as Senators is to create jobs in our States. That is especially true in times such as these, when so many are reeling from so much economic pain.

Right now, as I speak, the President is signing into law our small business jobs bill. As soon as he does, \$15 billion in tax relief and hundreds of millions of dollars in loans will be on the way to America's small businesses, which we all know are the engines of our economy, engines that will power recovery.

Every penny of that help is paid for, and it will not add a single dime to the deficit. I spoke to the Administrator of the Small Business Administration on Thursday or Friday—I don't know the exact day. She indicated to me that there were 1,000 applications for small business loans that will be completed within hours of signing that bill. The resources have simply not been there for her to do the work that is necessary. One thousand small businesses will be able to go forward on programs they have, programs dealing with retail sales, wholesaling. There will be businesses that will be exporters, importers, and any variation of small businesses that you can imagine—restaurants. This will create many jobs immediately. So I was happy when I heard that from her. I knew that was going to be the case, but I wanted to hear it from her.

When that funding gets to where it is going, as many as one-half million people who are looking for work today will soon be on their way to a new job. We fought so hard for this bill against such stubborn minority opposition because we know we have to do everything we can to get people back to work. That means we have to work just as hard to create new jobs as we have to protect existing ones. It means that when a corporation tries to take away someone's job in Nevada and send it halfway around the world, we have to stop them. We cannot let the greedy CEOs do that anymore, and that is exactly what we are going to do this week. We are going to take away the incentives that our corporations have to send our jobs overseas and give them powerful new incentives to keep the jobs right here in America.

Right now, our Tax Code actually rewards corporations for offshoring jobs. It is hard to comprehend that, but it is true. It helps them pay the costs of closing their plants and offers them tax breaks if they move production to other countries. The current system even encourages companies to ask their employees to train their foreign replacements. Think about how an American feels about that. That is a slap in the face to hard-working Americans. It is no way to get our economy back on its feet and certainly no way to get Americans back to work.

Our bill rights this wrong, and it is going to help revive our Nation's manufacturing industry. We are giving companies the right kind of tax cut, a payroll tax holiday as a reward for bringing jobs back home. So far, we have seen little to indicate that our friends on the other side of the aisle have any interest in protecting American jobs. Instead, we have seen them fight with great enthusiasm to keep corporate tax loopholes as wide open as possible.

Let's use this week to remember whom we work for: middle-class families and the hard-working people who built this country and will rebuild it toward recovery; middle-class families and not corporations that take advantage of tax loopholes at their expense; American workers and not foreign companies that want to take away their jobs. That is the most important thing we can do.

Nothing is more important to me, as a Senator, than the work to create jobs in our States.

Will the Chair now announce morning business.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Delaware is recognized.

FISCAL AND ECONOMIC CHALLENGES

Mr. KAUFMAN. Mr. President, although we have come a very long way since January 2009, our Nation faces profound short-term and long-term fiscal and economic challenges. In the short term, we need to do more so our economy will grow significantly again. This should include the small business jobs bill, the extension of middle-class tax cuts, and additional spending on infrastructure, as the President has proposed. In the longer term, we need to shore up our fiscal balance sheet and develop policies, including investment in innovation, research and development, clean energy and science, technology, engineering and math—STEM education—that promote sustainable growth and job creation.

Unfortunately, instead of distinguishing between our distinct short-term and long-term problems, we have conflated them, focusing most of our attention on our immediate fiscal deficits.

Sometimes overlooked is that these deficits are, in a large part, legacies of unpaid-for policies of the previous administration, whether they be the wars in Iraq and Afghanistan, not paid for, tax cuts for the wealthy, which were passed and not paid for, or Medicare Part D, which was passed and not paid for. In addition, the economic fallout from the financial crisis, a primary driver of our current fiscal deficits, was itself a product, as you well know, Mr. President, of governmentwide deregulation.

While we all support cutting wasteful government spending, it is not, by itself, a solution to our fiscal woes. Indeed, if we were to eliminate all non-defense discretionary spending in the next fiscal year—Department of Justice, Department of Education, Department of Energy—we would still have a deficit of more than \$700 billion; that is, if we eliminate all of them. We hear people coming to the floor and talking about cutting that, that is going to save us. If we eliminate the whole thing, go down Constitution Avenue and close down every building, we would still have a deficit of more than \$700 billion.

This focus on Federal Government spending is shortsighted and even counterproductive, since it distracts us from the real problem of addressing our weak economic fundamentals.

All too many Americans are painfully aware of the current economic conditions in which we find ourselves. It is clear these conditions would even be worse if not for the Recovery Act. It saved us from another full-blown depression and allowed us to rebuild our economy and add jobs. The nonpartisan Congressional Budget Office concluded that the American Recovery and Reinvestment Act resulted in anywhere between 1.8 million and 4.1 million more jobs.

The CBO also estimated that our gross domestic product was 1.7 percent to 4.2 percent higher in the first quarter of 2010. Other economic indicators show similarly strong results, following the passage of the Recovery Act. After the passage of the Recovery Act, the markets hit bottom, with the Dow 6,547, on March 9, 2009, just about the time we passed the Recovery Act. Since we passed the Recovery Act, the Dow has risen dramatically, climbing above 11,000 early this year, even remaining above 10,000 amidst recent market turmoil, and most recently spurring higher by more than 7 percent in the month of September alone. All that happened after we passed the Recovery Act.

The Purchasing Managers Index, a leading indicator of business confidence, has also been generally trending upward since the passage of the Recovery Act. That we are not where we want to be is testament to the magnitude of the problems inherited by the President and this Congress. Indeed, millions of Americans are without jobs and overburdened with debt. Although large corporate balance sheets are generally strong, many small businesses have limited access to credit, a condition which will be helped with the small business jobs bill, which the President signs today.

What is more, many businesses will simply not invest without consumer confidence. In such an environment, where consumer and business confidence is low, there are obviously limits to the effectiveness of monetary policy, irrespective of the creativity of the economists and policymakers at the Federal Reserve.

Fiscal policy, whether through direct government spending or through tax or other incentives, is the one lever we have to spur growth. As Olivier Blanchard recently stated: "If fiscal stimulus helps reduce unemployment and thus avoid an increase in structural unemployment, it may actually largely pay for itself and lead to only a small increase in debt relative to the alternative of doing nothing."

Conversely, policies aimed at an immediate spending cut and a tightening

of the proverbial fiscal belt could actually harm our economy. Therefore, it is critical we extend middle-class tax cuts and expand, not contract, stimulus measures.

In addition, the President's \$50 billion of infrastructure investment is a good way to put more Americans back to work, to make a downpayment on rebuilding our infrastructure.

Of course, our need to promote economic growth in the short term does not make the need to address long-term fiscal problems any less urgent.

Former OMB Director Peter Orszag said in late July:

It would be foolish to dramatically reduce the deficit immediately, because that would choke off the nascent economic recovery. But it would be equally foolish not to reduce the deficit significantly by, say, 2015, because that would imperil continued economic growth at that point.

Accordingly, while we should not be raising taxes on middle-class families in the midst of a recession, we should also not make permanent the Bush tax cuts on the top 2 percent of Americans. Doing so would cost close to \$700 billion over the next 10 years. That is not a policy of fiscal discipline.

The path to fiscal sustainability will require tough choices and tradeoffs. We, therefore, need to be supportive of efforts and decisions of the new bipartisan debt commission. But as important as it is to put our fiscal house in order, our Nation's future prosperity will not be determined by accountants in green eyeshades. If we hope to promote sustainable economic growth and job creation, it is critical that we seize the initiative on clean energy and that we support science, technology, engineering, and mathematics fields.

If we want to get the most bang for our buck now and long into the future, we should invest in clean energy. Studies show that a \$1 million investment in clean energy will create more than three times the number of jobs than if those dollars were invested in fossil fuel-based energy projects.

The truth is that clean energy is the future of the global economy, and we should be investing in it today. Since 2005, global investment in clean energy has exploded, growing by 230 percent. But the United States is not keeping up with the global clean energy revolution. Last year, 10 G20 countries invested a higher percentage of gross domestic product in clean energy technology than the United States did. These investments created many jobs—over 1 million jobs in China alone. This growth is a direct result of policy decisions that commit to a clean energy future. The United States has failed to make a significant commitment to clean energy. Over the recess, Ernst & Young announced that for the first time, China had overtaken the United States as the most attractive country for renewable energy projects.

We need to provide certainty in the energy market for investors, businesses, and industries. They tell us that none of this will happen without a price on carbon. Pricing carbon will reflect the true cost of our energy sources and enable market forces to drive American ingenuity to develop clean energy technologies that will create jobs, enhance U.S. competitiveness, and establish the long-term economic security we need. Pricing carbon is the most effective policy tool available to transition the Nation away from dirty fossil fuels. It will create incentives for businesses and industries to find the lowest cost solutions to reducing carbon pollution. Again, this is a market-driven solution. Leave it to the private sector. Give them the incentives to do the right thing and develop clean energy.

In addition to investing in clean energy, we need to promote STEM—science, technology, engineering, and math—education. STEM jobs will be the jobs of the future. Whether it is energy independence, global health, homeland security, or infrastructure challenges, STEM professionals will be at the forefront of the most important issues of our time. In fact, according to a new study released by Georgetown University's Center on Education and the Workforce, by 2018 STEM occupations are projected to provide 2.8 million new hires. This includes over 500,000 engineering-related jobs.

We must also continue to support research and development—a challenge that requires significant Federal as well as private investment. In our current economy, it is often hard to imagine investing more in anything, but more research and development funding is fundamental to high-tech job creation. A recent report from the Science Coalition features 100 companies that can be directly traced to influential research conducted at a university and sponsored by a Federal agency. Examples include Google, Cisco Systems, and SAS.

It is imperative that we get our economy growing again so that we are in a strong position to tackle the very real challenges of the future. In the long term, our task will not be simply to get our government's finances under control. As important as that is, it will also involve making the needed investment in areas such as clean energy and STEM that will ensure long-term growth and job creation. We face complex challenges in the 21st century. They include harnessing eco-friendly sources of energy and providing efficient and effective health care for an aging population. By making these investments in our future, I am confident we can foster the innovation necessary to successfully address these problems and reestablish our leadership in an increasingly competitive global economy.

Finally, Americans always had the ingredients for success, and I am confident that in the coming months and years, the American ethic of innovation and hard work will once again return our economy to the path toward prosperity.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I ask unanimous consent to speak for 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENDING OFFSHORING ACT

Mr. KYL. I wish to talk about the so-called Ending Offshoring Act, a bill that the Wall Street Journal suggested this morning should be called "The Send Jobs Overseas Act."

I ask unanimous consent to have that article printed at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KYL. Mr. President, this bill provides a temporary payroll tax holiday for multinational U.S. employers who hire a new U.S. worker. But not just any worker. To be eligible, the business must prove that the employee is replacing an employee who had been performing a similar job abroad. The bill, which is not fully offset, proposes to partially pay for this tax holiday for multinational corporations with new tax hikes on multinational corporations—tax hikes that could undermine job creation in America.

How would the tax increases be applied? The bill would disallow tax deductions associated with expanding operations overseas and would limit tax deferral of income U.S. multinational companies earn abroad by selling products in the United States.

Currently, when a foreign subsidiary of a U.S. parent company earns such income, it is not taxed by the United States until it is sent back to the U.S. parent company. Even though most foreign countries only tax income earned within their borders, the U.S. taxes income earned anywhere in the world by U.S. citizens and companies. The deferral policy aims to keep U.S. companies competitive with their foreign counterparts, since we also have the second highest corporate tax rate in the world. So deferral is not a "tax benefit," as some of the bill's proponents claim.

This bill wrongly assumes that all foreign expansion stems from "greed" and that foreign expansion only hurts American workers. I will explain why that's simply not the case and why this bill could, in fact, hinder job creation in America and actually send American jobs overseas permanently.

The first point I want to illustrate is how limiting tax deferral could hurt American jobs. Limiting deferral would subject U.S. multinational companies to higher taxes, cutting into their profits and giving foreign competitors a huge advantage in the global marketplace. We have to keep in mind: American companies with overseas operations support and create U.S. jobs.

A new paper from the McKinsey Global Institute shows that America's multinational companies make huge contributions to our economy: They account for 19 percent of all private-sector jobs in the United States, 25 percent of all private wages, 48 percent of total export goods, and 74 percent of nonpublic research and development spending.

In fact, Johnson & Johnson estimates that about one in five U.S. employees hold jobs that support their international operations.

Let me provide an example of how foreign expansion can create jobs here at home:

A few years ago, PepsiCo embarked on an aggressive expansion program in Eastern Europe, largely by buying up existing bottlers and snack chip producers, upgrading plants and equipment, and improving distribution while increasing their marketing efforts in these countries, achieving large gains in sales as a result.

As a result of this expansion, PepsiCo's employment abroad increased, but that did not cost any Americans their jobs. Pepsi merely took over existing plants and their workers.

In fact, PepsiCo's foreign expansion created jobs here in the United States. To support their overseas operations, the company needed to expand their logistics, marketing, and other support operations, all well-paying jobs at their U.S. headquarters. As a result, expanding operations abroad increased employment here in the United States.

The advisers for the McKinsey report provided the jobs statistics that show the correlation between companies' expansion abroad and employment here at home: From 1988 to 2007, employment in foreign affiliates rose to 10 million from 4.8 million. During that same period, employment in U.S. parent companies rose to 22 million from 17.7 million. The reason is, as the Pepsi example shows, that much of the expansion abroad by U.S. multinationals has complemented, rather than replaced, U.S. operations.

In 2008, a Washington Post editorial highlighted a study that made this same point. The study looked at U.S. manufacturers that expanded abroad between 1982 and 2004 and, as the Post wrote, "found that they tended to grow domestically as well, hiring more U.S. employees, paying them more and spending more on research."

The study concluded that “the average experience of all U.S. manufacturing firms over the last two decades is inconsistent with the simple story that all foreign expansions come at the cost of reduced domestic activity.”

New taxes could encourage some companies to locate more or all of their operations abroad, where they could remain more profitable, since many countries do not tax income earned outside their borders. That could really happen. There is nothing that says corporations have to be located in the United States. U.S. multinational corporations will have little incentive to invest and hire here if tax policy prevents them from realizing attractive returns.

The McKinsey report cautions that policymakers have to be diligent about enacting policies that maintain U.S. economic competitiveness:

The United States retains many strengths that make it one of the most attractive markets for multinational companies' participation and investments. But numerous fast-growing emerging markets [such as China, Brazil, and India] and some advanced economies are making huge strides in increasing their attractiveness, and are thereby influencing how multinationals decide where to participate and invest. Thus, the United States has entered a new era of global competition for multinational activity. . . . Many of the executives we spoke with emphasized the need to ensure they are competing on a level playing field.

So let us not give foreign competitors a new edge by raising taxes on American companies that create new American jobs.

A second point: Many American companies establish operations abroad, not “to export jobs” for reasons of “greed,” as some of the bill's supporters charge, but to break into foreign markets, add new customers, or cater to a larger market abroad. The Pepsi example I just discussed illustrates this point.

According to the Department of Commerce, only 10 percent of foreign subsidiary sales are into the United States. So 90 percent of the subsidiaries' sales are in foreign markets. This statistic shows that the vast majority of companies are not moving manufacturing overseas only to sell goods back to the United States at a savings, but rather to cater to their customers.

A third point: Rather than picking winners and losers shouldn't we create an environment in which all companies become even more competitive?

One way to do this would be to lower the U.S. corporate tax rate, which is the second highest in the world. A recent article in *National Review* points out that “by mid-2009, the U.S. corporate tax rate, including federal and state corporate taxes, was 39.1 percent. In Western Europe, the corresponding rates ranged from 34.4 in France, to 26.3 in Sweden, to 12.5 percent in Ireland.”

The author of this article points out that on the most recent World Bank

list of places to pay business taxes, the U.S. ranks 61st out of 183 countries, behind France, Sweden, Holland, Switzerland, Norway, and the UK.

This high corporate tax rate distorts business decisions, such as locating investments; hinders capital formation; and suppresses wages. Rather than increase taxes on certain companies, we should bring the rate down to help correct these distortions.

Let me quote a couple of lines from the *Wall Street Journal* editorial I mentioned before. They confirm:

The U.S. already has one of the most punitive corporate tax regimes in the world and this tax increase [proposed in the legislation before us] would make that competitive disadvantage much worse, accelerating the very outsourcing of jobs that Mr. Obama says he wants to reverse.

Paul Volcker, the handpicked individual of the White House on the tax reform panel, whose report recently was received by the President, said in the report:

The growing gap between the U.S. corporate tax rate and the corporate tax rates of most other countries generates incentives for U.S. corporations to shift their income and operations to foreign locations with lower corporate tax rates to avoid U.S. rates.

That is what is causing people to move abroad, the higher corporate tax rates here. Yet the bill before us would raise those rates even higher on companies that do business abroad.

One Volcker recommendation is to lower the corporate tax rate to closer to the international average which would “reduce the incentives of U.S. companies to shift profits to lower-tax jurisdictions abroad.”

So rather than raising taxes to try to punish U.S. companies that do business abroad, we should be reducing the tax rate to encourage them to stay here. The *Wall Street Journal* concludes:

CEO Steve Ballmer has warned that if the President's plan is enacted, Microsoft would move facilities and jobs out of the U.S.

Thus proving the point. In fact, the chairman of the Senate Finance Committee, my colleague MAX BAUCUS, said in *Congress Daily*:

I think it puts the United States at a competitive disadvantage. That's why I'm concerned.

A concluding comment from the editorial:

The lesson here is that tax rates matter in a world of global competition and the U.S. tax regime is hurting American companies and workers.

In conclusion, we are talking again about taxing Americans more at a very time when we should be finding ways to reduce the tax burden on Americans; in this case, so they can compete better with foreign competitors.

I return to the issue before us and, unfortunately, it apparently isn't going to be resolved before Congress leaves, and that is taxing small businesses as well. The proposal of the

President and those on the other side of the aisle to raise taxes on American small business men and women and thereby threaten job creation is exactly the wrong medicine at this time. The proposed payroll tax holiday won't help small businesses at all. We have been coming to the floor for weeks saying: Don't increase taxes on any American. So far all we have seen is efforts by the majority in one way or another to find a way to increase taxes on segments of the American economy. That is precisely what is being proposed in the legislation before us.

I reiterate, now is not the time to be raising taxes on anyone, let alone companies that account for such a high number of new jobs. Let's tailor our policies to help these companies employ even more American workers.

EXHIBIT 1

[From the *Wall Street Journal*, Sept. 26, 2010]

THE SEND JOBS OVERSEAS ACT

Democrats may be dodging a vote on the Bush-era tax cuts, but that doesn't mean they don't want to raise taxes before November. Witness this week's showdown in Congress over increasing the tax on the profits of American companies with foreign subsidiaries to punish firms that relocate plants overseas. How much more harm can this crowd do before it's run out of town?

Like so many others, this tax increase is being promoted by President Obama, who declared last week that “for years, our tax code has actually given billions of dollars in tax breaks that encourage companies to create jobs and profits in other countries. I want to change that.”

Democrats around the country are making this issue their number one campaign theme, since they can't run on health care, stimulus or anything else they've passed into law. Think about this: One of the two major parties in the world's supposedly leading economy is trying to hold on to its majority by running against foreign investment and the free flow of capital. This is banana republic behavior.

We're all for increasing jobs in the U.S., but the President's plan reveals how out of touch Democrats are with the real world of tax competition. The U.S. already has one of the most punitive corporate tax regimes in the world and this tax increase would make that competitive disadvantage much worse, accelerating the very outsourcing of jobs that Mr. Obama says he wants to reverse.

At issue is how the government taxes American firms that make money overseas. Under current tax law, American companies pay the corporate tax rate in the host country where the subsidiary is located and then pay the difference between the U.S. rate (35%) and the foreign rate when they bring profits back to the U.S. This is called deferral—i.e., the U.S. tax is deferred until the money comes back to these shores.

Most countries do not tax the overseas profits of their domestic companies. Mr. Obama's plan would apply the U.S. corporate tax on overseas profits as soon as they are earned. This is intended to discourage firms from moving operations out of the U.S.

The real problem is a U.S. corporate tax rate that over the last 15 years has become a huge competitive disadvantage. The only major country with a higher statutory rate is Japan, and even its politicians are debating a reduction. A May 2010 study by University of Calgary economists Duanjie Chen and

Jack Mintz for the Cato Institute using World Bank data finds that the effective combined U.S. federal and state tax rate on new capital investment, taking into account all credits and deductions, is 35%. The OECD average is 19.5% and the world average is 18%.

We've made this case hundreds of times on this page, but perhaps Mr. Obama will listen to his own economic advisory panel. Paul Volcker led this handpicked White House tax reform panel whose recent report concluded that "The growing gap between the U.S. corporate tax rate and the corporate tax rates of most other countries generates incentives for U.S. corporations to shift income and operations to foreign locations with lower corporate tax rates to avoid U.S. rates."

As nations around the world have cut their rates, the report warns, "these incentives [to leave the U.S.] have become stronger." Companies make investment decisions for a variety of reasons, including tax rates. But as long as the U.S. corporate tax is more than 50% higher than it is elsewhere, companies will invest in other countries all other things being equal. One Volcker recommendation is to lower the corporate rate to closer to the international average, which would "reduce the incentives of U.S. companies to shift profits to lower-tax jurisdictions abroad."

Mr. Obama believes that by increasing the U.S. tax on overseas profits, some companies may be less likely to invest abroad in the first place. In some cases that will be true. But the more frequent result will be that U.S. companies lose business to foreign rivals, U.S. firms are bought by tax-advantaged foreign companies, and some U.S. multinational firms move their headquarters overseas. They can move to Ireland (where the corporate tax rate is 12.5%) or Germany or Taiwan, or dozens of countries with less hostile tax climates.

We know this will happen because we've seen it before. The 1986 tax reform abolished deferral of foreign shipping income earned by U.S. controlled firms. No other country taxed foreign shipping income. Did this lead to more business for U.S. shippers? Precisely the opposite.

According to a 2007 study in Tax Notes by former Joint Committee on Taxation director Ken Kies, "Over the 1985-2004 period, the U.S.-flag fleet declined from 737 to 412 vessels, causing U.S.-flag shipping capacity, measured in deadweight tonnage, to drop by more than 50%."

Mr. Kies explains that "much of the decline was attributable to the acquisition of U.S.-based shipping companies by foreign competitors not subject to tax on their shipping income." Mr. Kies concludes that the experiment was "a real disaster for U.S. shipping" and that the debate over whether U.S. companies can compete in a global market facing much higher tax rates than their competitors was answered "with a vengeance."

Now the White House wants to repeat this experience with all U.S. companies. Two industries that would be most harmed would be financial services and technology, and their emphasis on human capital makes them especially able to pack up and move their operations abroad. CEO Steve Ballmer has warned that if the President's plan is enacted, Microsoft would move facilities and jobs out of the U.S.

The lesson here is that tax rates matter in a world of global competition and the U.S. tax regime is hurting American companies and workers. Mr. Obama would add to the

damage. His election-eve campaign to raise taxes on American companies making money overseas may not be his most dangerous economic idea, but it is right up there.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

HONORING OUR ARMED FORCES

STAFF SERGEANT MICHAEL BOCK

Mr. JOHANNES. Mr. President, I rise today to remember a fallen hero, U.S. Marine SSG Michael Bock of Omaha, NE.

Michael was a proud member of the 3rd Combat Engineer Battalion, 1st Marine Expeditionary Force Forward, operating in one of the most dangerous areas of Afghanistan, the Helmand Province.

On August 13, Staff Sergeant Bock was shot and killed while on foot patrol.

His death is a great loss to our Nation and especially to those of us from Nebraska.

Michael will be remembered as a caring, outgoing, and responsible young man, always ready to help family and friends with a smile and a burst of energy.

From childhood, he had wanted to serve in the military.

At an age when many young Americans are not yet tackling adult responsibilities, Michael was ready to offer his service and sacrifice for our Nation.

He started Marine boot camp a month after graduating from high school.

The Marine Corps became a family for Staff Sergeant Bock.

In fact, he convinced his brother David to join and serve.

Over time Michael's family grew.

His marriage to Tiffany was followed by the birth of his son, Alexander.

By that time, Staff Sergeant Bock had already seen combat during two tours in Iraq.

He served with distinction then, and again during his third deployment—this time to Afghanistan.

The Helmand Province is a well-known Taliban stronghold, but progress toward our goals has also been significant.

Afghan citizens there today enjoy freedoms they have not witnessed for generations.

Much of that credit is due to heroes like Staff Sergeant Bock.

His Marine buddies remember him as a disciplined NCO dedicated to accomplishing the mission at hand.

Family and friends say he was always positive and ready to help.

To his wife Tiffany, he was a devoted husband with a big heart—a man whom his son, Zander, will undoubtedly admire his entire life.

His decorations and badges earned during his military career speak to his dedication and bravery: the Purple Heart, the Combat Action Ribbon, the

Marine Good Conduct Medal, the Navy and Marine Corps Achievement Medal, the Afghanistan Campaign Medal, the Sea Service Deployment Medal, the Humanitarian Service Medal, the Iraq Campaign Medal, the Global War on Terrorism Service and Expeditionary Medals, the National Defense Service Medal, the Navy Unit Commendation, the President Unit Citation, the NATO Medal for Afghanistan, and the Sharpshooter Rifle and Pistol Badge.

Today, I join Tiffany, Michael's other family members, and friends in mourning the death of their beloved husband, son, brother, and friend.

Michael made the ultimate sacrifice in defense of our Nation, and he now stands among our national heroes, never to be forgotten.

May God be with the Bock family, friends, and all those who celebrate his achievements, the man he was, and his legacy that shall remain.

There is a very special class of Americans who wear the military uniform and shed their blood so that we can sleep safe.

Michael joined that special community of patriots, past and present, which protects America and keeps us free.

They shall be remembered and honored until the end of our days.

May God bless them and their families, and see them through these difficult times.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. KAUFMAN. I ask unanimous consent to speak as in morning business for 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AFGHANISTAN

Mr. KAUFMAN. Mr. President, I rise today to speak about our policy in Afghanistan, which has evolved significantly since I arrived in the Senate in January 2009. After President Bush diverted our focus from Afghanistan to Iraq in 2003, President Obama redoubled our efforts to engage in an effective counterinsurgency strategy. In the past year, we have finally invested the resources necessary to make progress in Afghanistan with increased troop levels, equipment, and funding. But despite this commitment and the outstanding performance of our troops, progress in Afghanistan is riding on far more than the military. It also requires a civilian strategy, Afghan National Security Force training, cooperation with Pakistan, Afghan Governance, and tackling corruption at all levels, beginning with President Karzai.

The Obama administration has made a concerted effort to get the policy right in Afghanistan, as demonstrated

by the two policy reviews conducted in 2009. As it embarks on a third review this fall, I encourage a renewed focus on corruption, which will serve as the bellwether for progress as we transition toward a conditions-based draw-down in July. The majority of Afghans do not support the Taliban, but they will not support U.S. efforts if they perceive their government as corrupt. According to a recent poll, 59 percent of Afghans cite corruption as the biggest problem, while 54 percent cite security.

At the same time, this is not a battle between the U.S. and the Taliban. It is a struggle between the Afghan Government and the Taliban for the support of the population. While less than 10 percent of Afghans actively support the Taliban, this does not necessarily translate into support for the Afghan Government in the absence of jobs, free and fair elections, an efficient judicial system, and other essential services. Counterinsurgency is about building trust between the local population, the security forces, and the government. And without credible governance at the national and subnational levels, we cannot expect sustainable progress.

Since assuming office, I have traveled to Afghanistan three times in March and September 2009, and April of this year. My trips have been eye-opening experiences, and I have made the following observations. First, our military is performing at the highest level—a 10 out of 10. The bravery and commitment of our men and women in uniform is both admirable and inspiring. Moreover, from the top down, the military has embraced counterinsurgency strategy, which is the best way to meet current and future security challenges. This is why I strongly support Secretary Gates' efforts to rebalance the defense budget to better prepare for the non-conventional threats of the future, drawing on the lessons learned from Iraq and Afghanistan.

My second observation is that counterinsurgency strategy in Afghanistan requires far more than the military. It requires a strong civilian capacity, indigenous security forces, and governance to meet the requirements necessary for progress. First, the military must shape the strategy. Second, security forces must clear the area of insurgents. Third, they must hold the area. And fourth, civilians, in partnership with the local and national government, must build through economic development. In Afghanistan, we are working toward a fifth stage of transferring responsibility to the Afghans by July 2011.

Last year at this time, I gave a speech detailing the requirements necessary for waging an effective counterinsurgency strategy in Afghanistan, including sufficient numbers of Afghan National Security Forces, or ANSF; a "civilian surge" strategy; increased

levels of cooperation with Pakistan; and building Afghan government capacity through the elimination of corruption. In the past year, there has been progress in some of these areas, but significant challenges still remain.

When considering the sufficient number of ANSF, it is important to look to COIN doctrine, which stipulates one counterinsurgent for every 50 civilians. This requires nearly 600,000 counterinsurgents given the size of the Afghan population. If we add the total number of international troops plus current levels of the Afghan army and police, it is less than half the required 600,000. At the same time, there has been recent progress in lowering the rates of attrition and increasing recruitment and retention, especially among the Afghan National Police.

By comparison, the current level of Iraqi Security Forces is 600,000, which seemed like a lofty goal just a few years ago. Increasing the size of the ANSF is possible, but training an effective Afghan army and police will continue to require great patience, determination, and leadership.

Remember, Iraq and Afghanistan are about the same size and need 600,000 troops for our counterinsurgency. We have less than 300,000 now, security forces, troops, police, and our troops.

When I asked him about this issue last year, General McChrystal said that we did not need to reach the requisite level of 600,000 because the plan was to selectively focus on population centers in regional commands east and south. While it makes sense to hone in on areas with the biggest security problems, the Taliban has filled the void in areas where we diverted our attention. We have seen this most prominently in the north, where violence has increased in recent months as U.S. and international troops continue to concentrate, where they should, on southern Afghanistan.

In addition to levels of trained ANSF, I also remain concerned about the U.S. civilian strategy. While it is positive that the number of civilians posted in Afghanistan more than tripled since President Obama took office—rising from 300 to nearly 1,000—there are not enough civilians posted outside of Kabul to partner with the local government. Today, there are approximately 400 civilians outside of Kabul, but more are required to reach the population of more than 28 million.

This underscores the need for building greater U.S. civilian capacity for engaging in counterinsurgency. We are more likely to face nonconventional threats in the future, and must therefore prepare both the military and civilian agencies for such operations. This requires a whole-of-government approach and greater civilian-military coordination. While I am pleased that joint training with the military is now required for all civilians deploying to

the field in Afghanistan at Camp Atterbury in Indiana, other steps must be taken to better prepare our civilian workforce for engaging in counterinsurgency operations. We must also increase interagency staffing of the Civilian Response Corps, as overseen by the Office of the Coordinator for Stabilization and Reconstruction, or S/CRS, at the State Department.

In addition, an increased number of Afghan civil servants are required for partnership with U.S. civilians, especially as we look toward the build and transfer stages of the process. The establishment of the Afghan Civil Service Institute, which trains Afghan bureaucrats, is a step in the right direction. But examples such as Marja demonstrate that "government in a box" cannot be installed without Afghan partners who can institute rule of law and provide credible government services. We must avoid situations like in Marja, where we opened the so-called government in a box and there was little government.

Since last year, cooperation with Pakistan has improved perhaps more than any other area. In April 2009, the military began an extensive operation targeting the Pakistani Taliban beginning in the Swat Valley and extending into South Waziristan. These operations, coupled with high-profile arrests of Pakistani Taliban leadership, were positive developments. But there is no question that Pakistan—and especially the Pakistani intelligence service—could do more to target the Afghan Taliban and other extremists operating along the border in North Waziristan.

More than any other factor, however, corruption at every level of the Afghan Government and distrust between the U.S. and President Karzai are undermining our chances for success. This is the elephant in the room, which cannot be ignored. We cannot afford to turn a blind eye to corruption, or deal with it only at the local level. Rule of law must be instituted from the top, and we will not succeed if corrupt officials escape justice.

Since last year, this is the one area where there has been no progress. To the contrary, the Afghan Government has continued to derail corruption investigations led by Afghan institutions, such as the Major Crimes Task Force and the Special Investigative Unit. This situation has worsened in recent months, as demonstrated by the recent case of Mohammad Salehi, an aide to President Karzai who was arrested for soliciting bribes. President Karzai personally intervened to secure Salehi's release despite the fact that his arrest was ordered by the Afghan Attorney General and the investigation surrounding the charges against him was Afghan-led.

As the administration prepares for a December review of its strategy, I am

deeply concerned that the debate has changed from reducing corruption to determining how much corruption can be tolerated. Reports indicate that the administration has considered focusing on lower level corruption as opposed to that which stems from the top. Make no mistake, just as the “fish rots from the head,” the root of the problem stems from Kabul. This has been clearly demonstrated by the decisions to release corrupt officials, which have been personally made by President Karzai.

Corruption in Afghanistan is a continuum, and we must address the problem at both ends of the spectrum. It is a fallacy to think we can delineate a clear line between corruption at the highest level and the local level, or that we can address this issue without dealing with President Karzai. National and subnational incidents are of equal importance and must be confronted at the same time if we are to be successful.

In the midst of the debate about the best way to tackle corruption, concerns have been raised about Afghan sovereignty. Fighting corruption and protecting Afghan sovereignty are not mutually exclusive, and combating corruption does not necessarily impede on Afghan sovereignty.

As someone once said, we cannot want to win this more than the Afghans want to win it themselves. To the contrary, the two most significant bodies for investigations—the Major Crimes Task Force and the Special Investigative Unit—are housed in the Afghan Interior Ministry, and they operate with only minimal U.S. involvement apart from advising.

While it may be unrealistic to eliminate corruption completely, we must demonstrate that we are committed to doing so. And at the moment, we are moving in the wrong direction. We must measure and assess levels of corruption using a standardized metric to demonstrate that we are on an upward trajectory as we move toward the July 2011 drawdown date.

The recent establishment of three U.S.-led task forces to deal with corruption in Kabul is a good idea, but it is a tacit acknowledgement that our current strategy is not working. Now that the task forces have been created by the State Department and DOD, coordination and implementation of a common strategy are key. At the same time, these task forces are worth nothing—they are worth nothing—if Karzai releases corrupt officials or stands in the way of prosecutions. As we approach July, the Karzai government must demonstrate it is willing to arrest, detain, prosecute, and punish those who are caught red-handed.

The war in Afghanistan is critically important and worth fighting. If we leave, al-Qaida and other terrorist groups will reconstitute and once again find safe haven in Afghanistan, which

will undoubtedly increase the threat to the homeland. American lives are at risk, and we must do everything in our power to defend our national security interests and ensure al-Qaida does not return to Afghanistan.

That said, let me be clear on two critically important points. First, we must remain dedicated to a top-to-bottom review of the entire Afghanistan campaign this December. Anything less would be a disingenuous attempt to sidestep the hard questions that linger about this exceedingly difficult foreign policy issue. Second, and most important, the December review must assess whether the Karzai government is genuinely committed to detaining and prosecuting corrupt officials who are brought before the courts, regardless of their family and political connections. Additional findings to the contrary gravely threaten our prospects for long-term success.

At the end of the day, we have to ask whether the Afghan people will choose the Afghan Government over the Taliban when we begin transferring security and governmental responsibilities to the Kabul government next year. Given that rampant graft and corruption is the top concern of Afghan citizens who were polled—ranked even above their own security—the answer to that question will be no unless the Karzai government gets serious about this debilitating and rampant problem.

This is what defines, more than anything else, our long-term success. And we should not continue—I cannot emphasize this enough—we should not continue to put our brave young men and women in harm’s way unless we are pursuing a strategy that we believe has a reasonable chance of success.

This is the litmus test, and we must confront it head-on in December. As stewards of America’s treasure, both in terms of resources and American servicemembers’ lives, we owe the American people and our distinguished fighting force nothing less. And the American people deserve no less.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

CREATING AMERICAN JOBS AND ENDING OFFSHORING ACT OF 2010—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3816 which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to the consideration of Calendar No. 578, S. 3816, a bill to amend the Internal Revenue Code of 1986 to create American jobs and to prevent the offshoring of such jobs overseas.

Mr. GRASSLEY. Mr. President, before I start to speak, it is my understanding I have 30 minutes for our side and I ask unanimous consent that Senator DORGAN be recognized immediately after my time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I wish to tell my colleagues why I think the bill before us, S. 3816, is not a good approach. This bill is being sold as somehow having the potential to create American jobs, but it would likely have the exact opposite effect. It would lead to a net decrease in American jobs. For that reason, I encourage my colleagues to vote against this bill.

The bill has three key aspects: a payroll tax holiday for employers hiring U.S. workers to replace foreign workers; a denial of business deduction for any costs associated with moving operations offshore; and lastly, ending deferral for income of foreign subsidiaries for importing goods into the United States. This last provision, according to my colleagues on the other side of the aisle, is the principal issue of the three, and from that standpoint, in my opposition, I agree. It certainly is the most dangerous, so that is the one I wish to address in detail.

To understand this partial repeal of deferral, it is best to consider the topic of deferral more generally and then we can consider this particular idea in context.

The term “deferral” refers to how U.S. corporations pay U.S. income taxes on foreign earnings of its foreign subsidiaries, only when those earnings are repatriated to the United States. That is, the U.S. tax is deferred until the earnings are paid by means of dividend back to the U.S. parent corporation. Deferral is not a new policy. Rather, it has been a feature of the tax law since 1918.

President Kennedy proposed outright repeal of deferral, but the then-Democratic Congress did not agree with him. Instead, the Congress and the President compromised. The compromise was this: For the passive kinds of income such as interest, dividends, royalties, and the like earned by a foreign subsidiary, the U.S. parent company would pay immediate U.S. tax whether or not the foreign subsidiary sent the

earnings back to the parent. However, for active business income of the foreign subsidiary, there would be no U.S. tax until the foreign subsidiary sent such money to the parent corporation.

In short, the compromise during the Kennedy era was this: For passive income, deferral was repealed. For active income, deferral was still allowed. That compromise is embodied in subpart (f) of the Internal Revenue Code. That compromise was hammered out in 1962 and, with slight tweaks at the margin, that compromise has stayed in place for the last 48 years.

The compromise struck in the John F. Kennedy administration was the right one. Passive income is easy to move from one jurisdiction to another. If a U.S. corporation had a lot of interest income, it was very easy to instead have the foreign subsidiary earn such interest income in a low tax jurisdiction. So when interest income was earned by a foreign subsidiary of a U.S. parent corporation, there was a high likelihood that it was earned in the foreign jurisdiction out of motivation for the sole purpose of avoiding the U.S. tax. But with active business income, there are usually legitimate nontax business reasons for the income to be earned overseas. The reason a U.S. car company sells cars in Hong Kong is not out of some desire to avoid U.S. tax but, rather, out of a desire to sell cars to customers that live in Hong Kong.

So the underlying rationale to the subpart (f) compromise is this: If there is a high likelihood that a particular type of income is earned overseas out of a desire to avoid U.S. tax, then deferral will not be allowed. If there is not a significant likelihood of that, then deferral will still be allowed.

This is a very sensible rationale that was agreed to during President Kennedy's administration in the 1960s, because one of the most fundamental tax principles of all this is transactions should not be tax motivated but should be motivated by business or other nontax reasons. Tax motivated transactions should not be allowed the benefits of the favorable tax treatment sought. This fundamental tax principle prevents the tax laws from distorting decisionmaking and from distorting the economy. And the bill that is now before the Senate called the "runaway plant" bill cannot be justified by any similar rationale. They say they want to repeal deferral for foreign subsidiaries having income from importing goods back into the United States. But are they claiming that when a foreign subsidiary of a U.S. company imports back into the United States, there is a high likelihood that the production of the good would have been in the United States but for the motivation to avoid U.S. tax? They would have to be claiming that, if they wanted to be consistent with a half century of reasons

why certain specific limitations on deferral have been justified.

But that simply can't be. There are numerous nontax reasons for having a foreign subsidiary of a U.S. parent company import goods into the United States, and I will mention a few. One reason could be that there is only small demand for the product back in the United States as compared to the overseas markets. For example, diesel engine cars are very popular in Europe, comprising 50 percent of all car sales. Here in the United States, diesel engine cars are well less than 10 percent of all car sales. So there is a very good reason for having diesel engine cars made in Europe and not here. Nonetheless, the bill before the Senate acts as if the reason these cars are not made here is because of our tax laws.

It may be that some items simply aren't found in appreciable quantities in the United States. For example, there is no diamond mining or chromium mining to speak of in the United States. A U.S. parent mining corporation with a foreign subsidiary engaged in diamond mining or chromium mining where such diamonds or chrome are imported into the United States may find deferral repealed. This could be true to the extent that the parent had any domestic restructuring at the same time it started up any foreign operations. But obviously the reason for the diamond and chrome mining outside the United States is not tax avoidance. The reason is those minerals are not found here within the United States. So I wish the sponsors of this bill to make clear whether minerals not found in the United States and imported into the United States would be included in this proposal.

I wish also to know whether this proposal would have applied to the Ford Motor Company's ownership of Volvo. Ford owned Volvo cars from 1999 to 2008. During that time, many Volvos were made in Sweden and imported into the United States for sale. If the acquisition had happened after the date of enactment, deferral would be denied in this situation, at least to the extent that Ford may have been shutting down any plants in the United States. However, no one can seriously claim that the reason the cars were made in Sweden rather than in the United States was from the desire to avoid U.S. taxes.

Keep in mind that another foreign car company—let's say Volkswagen—would not be treated the same way Ford's Volvo car income would be treated. Volkswagen would be better off taxwise on competing auto sales into the United States market over Ford's Volvo, thanks to this bill, if it were to pass.

There are lots of nontax reasons for having foreign subsidiaries of U.S. companies import into the United States. But it seems that the bill be-

fore the Senate does not recognize that fact, or maybe it doesn't care. Perhaps the bill is motivated not by a desire to curb tax-motivated transactions but by something else. Perhaps the bill has an anti-free trade motivation. Perhaps the bill is attempting to make it more difficult for American companies to conduct business outside of our country. Whatever the case, the bill's sponsors should make the rationale clear—is it to curb tax avoidance or something else?

Perhaps the bill's sponsors will admit that the bill has nothing to do with curbing U.S. tax avoidance. Perhaps they will say that it instead has to do with preserving and creating U.S. jobs. But if that is their position, that cannot be right. In some limited circumstances, perhaps it would increase employment in the United States, although probably mostly for tax lawyers than anybody else. But whatever the case, the net effect would be to decrease employment in the United States.

Allow me to explain why the net effect of the bill would be to decrease U.S. employment.

First of all, if a U.S. parent company has a foreign subsidiary, then this creates managerial headquarters jobs in the United States that would otherwise not be here. The bill before us might encourage American companies to simply sell off their foreign subsidiaries. This would, in turn, mean laying off employees in management positions at the American headquarters.

A bigger way this bill would hurt employment in the United States would be to discourage assembly jobs in the United States. A U.S. parent company could have foreign subsidiaries engage in manufacturing parts that are shipped back to the U.S. parent. The U.S. parent, in turn, might assemble those parts here in the United States into a finished product. So, yes, maybe this bill would encourage the company to repatriate the parts production, but it is just as easy to imagine that this bill would encourage the company to expatriate the assembly jobs. So this bill is an unacceptable gamble with American jobs.

In the words of the late Senator Moynihan, who preceded me and Senator BAUCUS as chairman of the Senate Finance Committee—he spoke in opposition to this proposal 14 years ago, so this issue has been around this body for a period of time. He said this: "Investment abroad that is not tax driven is good for the United States."

Senator BAUCUS's concern that this would put the United States at a competitive disadvantage is exactly right. I don't have the exact quote of Senator BAUCUS, but it was in Congress Daily recently. I am sorry I don't have that quote for my colleagues.

Senator BAUCUS very rightly states it. Phil Morrison, the Treasury Department's international tax counsel, criticized this proposal in congressional testimony 19 years ago. Mr. Morrison noted that the bill would be very hard to administer and that it departed from the traditional focus of the limited areas where deferral is denied.

As President Clinton's international tax counsel, Joe Guttentag, explained in 1995, during the Clinton administration:

Current U.S. tax policy generally strikes a reasonable balance between deferral and current taxation in order to ensure that our tax laws do not interfere with the ability of our companies to be competitive with their foreign-based counterparts.

This proposal has been made year after year for 20 years. I ask that my colleagues again reject it, in an effort to keep American companies globally competitive, to protect American jobs, and to preserve the underlying rationale of why deferral should only be denied in limited circumstances.

Finally, I wish to briefly comment on one other aspect of the bill—the payroll tax holiday. This, too, has provisions that will be difficult to administer. For example, do foreign workers actually have to be fired to have their employer get the payroll tax holiday in the United States or do they need only to be reassigned job roles?

This provision only scores, according to the Joint Committee on Taxation, as costing \$1 billion. Let's make sure we are clear on this point. The other side is seriously considering raising taxes on small businesses—the lead creator of jobs—by tens of billions of dollars by letting top individual tax rates go back up in the year 2011. But in an effort to support job creation, they offer this \$1 billion payroll tax holiday.

According to the Joint Committee on Taxation, 50 percent of small business flowthrough income will be hit by a marginal tax hike of somewhere between 17 percent, on the low end, and 24 percent, on the high end. That tax increase is scheduled to hit these job-creating small businesses in just a little over 3 months. Finance Committee Republican tax staff calculates the effect of that tax hike to be 50 times the benefit provided by this bill. On our side, we don't see the logic of raising \$50 in taxes and providing a complicated tax benefit of just \$1.

Why aren't we dealing with the real problem for the folks responsible for creating 70 percent of American jobs? Of course, that is small business. We ought to take time out on the tax hit that is coming to small business this December. That is what we ought to be debating on the Senate floor.

But the Democratic leadership would rather spend valuable time talking about a bill that is artfully politically labeled a jobs bill. Given that the bill

will lead to a net loss in American jobs, it seems there might be a truth-in-labeling claim against the Democratic leadership.

Let's have votes on real job creation incentives and get out of this gamesmanship. Let's do the people's business and forestall the big tax hike coming at American small business.

I also wish to take some time to address the issue of the estate tax, which is going to expire at the end of this year, at the very same time.

The majority party has had control of the Senate since January 3, 2007. That is 3 years, 8 months, and 24 days ago.

During the 3½ years of Democratic control, my colleagues have had an opportunity to address the death tax.

More pointedly, the Democratic leadership had a duty to provide certainty in the law as it relates to the estate tax.

My colleagues have had the duty to address the fact that this ill-conceived tax will snap back to pre-2001 law on January 1, 2011.

That is only a little over 3 months away. To be exact, it is 3 months and 5 days from now.

Unfortunately, as this chart shows, the estate tax is not the only piece of long overdue tax legislation.

Mr. President, the practice of "good government" is providing certainty in the law.

What I mean is, our country is made up of law-abiding citizens. As legislators, we were hired by these law-abiding citizens to make the law.

When we fail to provide certainty in the law, we fail to do our jobs.

But despite the fact that the Democratic leadership has not acted in over 3½ years we still have 3 months before the estate tax reverts back to a 55-percent tax rate and a \$1 million exemption amount. So Congress still has time to act.

But I am skeptical that the Democratic leadership will indeed act.

Why? Because when my friends on the other side of the aisle were in the minority earlier in this decade, they blocked—let me repeat blocked—Republican efforts to make permanent an estate tax law that law-abiding citizens all across America could rely on.

The first effort was made in 2002. Specifically, on June 12, 2002, the Democratic leadership blocked legislation that would have permanently repealed the estate tax.

In 2004, Republicans in the House of Representatives approved a bill that would have permanently repealed the estate tax. But due to maneuvering by the Democratic leadership, a vote in the Senate was never allowed to occur.

Finally, in 2006, Republicans offered a compromise proposal on the estate tax. Under that compromise, the estate tax unified credit exemption would have gradually been increased to \$5 million.

The rate would have also been phased in to a 30-percent tax rate.

But again, the Democratic leadership filibustered the proposal to its death.

Mr. President, I believe on our side were practicing good government as it relates to the estate tax.

We were doing our jobs, and providing certainty in the law.

Yet the Democratic leadership stymied the practice of good government.

To this day, the Democratic leadership continues to stymie efforts to provide certainty in the law.

So why is the estate tax being held hostage?

Because a number of liberal leaning Senators would be satisfied if the estate tax reverted back to pre-2001 law—that is, a 55-percent tax rate and a \$1 million unified credit exemption amount.

And why wouldn't they? There is \$233 billion in extra revenue to spend.

Also, in this hyperpartisan environment that is plaguing the Senate, many policymakers are politicizing the estate tax issue.

What do I mean?

A number of Senators have taken to the Senate floor and characterized a reasonable estate tax rate as a "give-away" to the rich.

These Senators also argue that if the estate tax is ratcheted up to a 55-percent tax rate, we could use that revenue to reduce the deficit.

I respect every Senator's opinion, but I question whether these members are actually going to use this revenue to reduce the deficit.

Unfortunately, we have seen my friends' desire to spend, spend, spend. Increasing the deficit one dollar at a time. Not the other way around.

I will acknowledge that due to the budget rules that we must live by here in the Senate, making permanent an estate tax regime at a tax rate lower than a 55 percent will result in revenue loss to the government.

For example, my friend Congressman POMEROY—a Democratic Congressman from North Dakota—sponsored a bill to make permanent the estate tax at a 45-percent tax rate and a \$3.5 million unified credit exemption amount.

When you compare this proposal against what the estate tax would revert to in 2011—a 55 percent tax rate and \$1 million exemption—you find that this change in the law would cost around \$233 billion over 10 years.

Now, when you compare \$233 billion to the \$2.5 trillion health care reform bill that was recently signed into law, it is a drop in the bucket.

Also, compare this to our \$13 trillion national debt.

But \$233 billion is nothing to sneeze at.

While it could be used to reduce the deficit, my colleagues on the other side of the aisle have made every indication that they will simply spend this money.

My colleagues on the other side will gloss over their plans to spend, and instead attack any proposal that includes a tax rate lower than 55-percent as a "give-away" to the rich.

I have some news for my colleagues. A large number of Americans who would be impacted by a 55-percent tax rate and a \$1 million unified credit exemption are not "rich."

Let me repeat that. Those taxpayers that would be impacted by the estate tax if it reverted back to pre-2001 levels are not wealthy people.

I would like to take a moment and provide my colleagues with a real world example of an Iowan who would not consider herself "rich."

Recently, I received an email from Landi McFarland, who is a sixth generation Iowa farmer.

This is what Landi had to say about the impact of the estate tax and her ability to continue the family farm:

... As a 6th generation Iowa farmer whose family homesteaded land in Union county 154 years ago, I have concerns about current estate tax law. I am 26 years old and have a dream of pursuing a future in agriculture, the same as the generations that have come before me.

I currently raise Angus cattle with my parents and grandparents, where we are tax-paying citizens and supporters of our local economy and schools. My grandparents are both 84 years old, and own about 90 percent of the land, cattle, and equipment on our farm. Their combined estates will total approximately \$7 million (the vast majority of this being farm assets like land and cattle). Recent land values have escalated the values of my grandparents' estate.

This rise in land values, however, does not increase the value of what the land produces (Angus cattle sell for the same price no matter if the land is valued at \$1000 or \$4000 per acre).

If my grandparents pass away AFTER 2010, and current estate tax laws are not fixed, my family will not be able to afford to pay the estate taxes without liquidating the herd and selling a large portion of the farm ground. This will put an end to our business that we love, and hence and end to our support of local businesses through daily business operations.

In the last four years, my family has worked on estate planning to try to help ease the burden of estate tax. This includes taking advantage of the \$12,000 tax-free gifting each grandparent can do per person per year.

However, this only amounts to a total gifting of \$48,000 per year, a drop in the bucket for a combined \$7 million estate.

We are one of the oldest Angus operations in the country, and is all we wish to do is continue our family business that has been built with our own blood, sweat and tears over the past years. If current estate tax laws are not fixed, there will be thousands of small family businesses like ours put out of business. We need a SENSIBLE and PERMANENT fix.

Thanks for your help,

—Landi

Mr. President, Landi's story is not unique to her. There are more farmers like her in Iowa and around the country.

I want to talk more broadly now about how failing to address the estate tax sunset will affect Iowa farmers.

Over the past few years, farm prices have been escalating dramatically. According to the U.S. Department of Agriculture, U.S. farm prices have nearly doubled in the last decade.

While recent economic troubles have led to home prices dropping, this has not been the case for farmland. In fact, as reported in a recent LA Times article, Wall Street investors have actually turned to purchasing farmland in hopes of finding refuge from an unstable stock market. This in turn has pushed farm prices higher. Based on a recent survey by the Federal Reserve Bank of Chicago, Iowa farm prices are up 8 percent in the past year alone.

Why is this discussion of escalating farm prices significant?

Because this means that should the estate tax law revert to 2001 law, many farmers are going to be surprised to discover they will be considered "rich."

Now, I am not talking about wealthy corporate farmers, I am talking about many family farmers, just like Landi, who are taking over a farm that has been passed down for generations.

Mr. President, let me walk my friends through some data.

In 2007, the U.S. Department of Agriculture reported that there were 92,800 farms in Iowa.

In 2007, the average Iowa farm was 331 acres.

According to a survey conducted by Iowa State University, in 2009 the average acre was worth \$4,371.

Let's do some simple math. If we multiplied the average acreage of an Iowa farm—which was 331 acres as reported in 2007—by the average cost per acre in 2009—which was \$4,371 in 2009—we find that the average Iowa farm is worth \$1.4 million.

Mr. President, \$1.4 million exceeds the \$1 million unified credit exemption amount that would be in place on January 1, 2011, if Congress does not act.

Admittedly, the value of a farmer's farmland does not tell us conclusively whether or not the farmer will be subject to the estate tax. Farmers sometimes carry debt. That would reduce the value of the farm. But they also have assets, including equipment and bank accounts, that would increase the value of the estate.

Let me shift gears and provide my friends with some national statistics.

The Joint Committee on Taxation has told us out of 92,700 estates of people dying in 2011, 49,000 of these estates would be taxable under the 55-percent rate and \$1 million exemption. If the law were changed to a 35-percent tax rate and \$5 million exemption amount, for example, 3,900 estates would be taxable. That is a ratio of 13 to 1.

For every one estate that would be taxable under a 35-percent and \$5 million estate tax regime, a whopping 13

estates would be taxable if the law reverted to a 55-percent rate and \$1 million exemption.

Even if the rate were set at 45 percent and an exemption amount of \$3.5 million, this ratio is 8 to 1. That is, for every one estate that would be taxed under the 45-percent rate, with the \$3.5 million exemption, eight estates would be taxable under the 55-percent rate and \$1 million exemption if we do not change the law.

I will conclude this way. Let's now look at farmers who would be affected. Based on the Joint Committee on Taxation in 2011, 3,200 farms would be taxed if the law included a \$1 million exemption amount. Compare that to 300 farms that would be taxable if the exemption was \$3.5 million.

That means the result of no action will be that 10 times as many family farms will be hit by the death tax. The time for action on the estate tax is now, not a month from now or 3 months from now. We owe it to the farmers and small business owners and their young heirs to give them certainty. We need to give to the tax lawyers and consultants who advise people on their estate planning some certainty.

I yield the floor.

The PRESIDING OFFICER (Mr. WARNER). The Senator from North Dakota.

Mr. DORGAN. Mr. President, I believe by consent I am to be recognized for 30 minutes.

The PRESIDING OFFICER. The Senator is recognized for 30 minutes.

Mr. DORGAN. Mr. President, we have heard a couple of very spirited defenses this afternoon on behalf of jobs in China, which I pose is a wonderful thing if you live in China and have a job in China. The issue here is what about jobs in our country. What about the people who woke up this morning unemployed in America looking for work who could not find it? Who is standing on this floor speaking for those folks?

I have heard a lot of discussion about support for jobs in China, Mexico, or elsewhere. But who is standing up talking about the jobs at home?

Let me describe what this issue is about, if I may.

I think this issue is something most Americans understand because they have heard it over and over. In recent years, we have seen millions and millions of manufacturing jobs gone from America because the very manufacturing plants that were open in this country to manufacture goods that had a label on it that said made in America are gone from America. They are now in China, they are in Mexico, they are in Thailand, they are in South Korea, and elsewhere. Let me talk about those jobs and why they have left this country.

Listening to my colleagues—and, of course, the Chamber of Commerce, the

National Association of Manufacturers, all of the usual suspects who get in the same tub and make the same thumping sounds—one would believe that what has happened is that we have actually increased manufacturing jobs in this country and that moving American jobs overseas does not hurt anybody; it helps our country. Of course, that is just patently untrue.

My colleagues were talking about something called deferral. That is not something people sit around a coffee shop talking about—deferral. It means, in certain cases under this bill, those companies that shut their American manufacturing plant, get rid of all their workers, and move the manufacturing to China or Mexico, for example—let's take China—actually get a tax break from our country that says if they are on one side of the street and their competitor is on the other side of the street, and they close their plant, fire their workers, scat out of town, go to China, hire people there, manufacture the same product, ship it back here, their country will be generous enough to say: Good for you, we will give you a tax break for doing it. That is what is called a deferral.

In the narrow scope of what is in this amendment they object to, deferral says if they leave this country with their jobs, shut them down here, move over there, manufacture there with foreign workers, and then ship the product back into this country to compete against the business men and women who stayed here, who manufacture here, who employ people here, they are not going to get a tax cut anymore. It is just not going to happen.

My colleagues say we have to have this principle called deferral. What about having every American have the opportunity for deferral? How about every American having the opportunity to defer their income taxes until it is more convenient for them? No, not everybody gets these things. Just the interests at the very top.

Then when we tried to narrow it a little bit because it gives a pernicious incentive to move jobs overseas, we have people standing up saying: We support those companies that are moving American jobs overseas. We support those jobs in China. God forbid you want to interrupt this process.

My colleague says: In 1962, there was this carefully crafted tax agreement on deferral—48 years ago. Do not interrupt that after 48 years. We made this careful agreement 48 years ago.

Let me tell my colleagues what has happened since then. I have shown this on the Senate floor before. In the last 48 years, the tax system has changed a little bit. This is a five-story white house on Church Street in the Cayman Islands called the Ugland House. The first time I showed this chart—by the way, this is enterprising reporting by David Evans from Bloomberg—there

were 12,748 companies in this building. It is only a five-story small white building on Church Street in the Cayman Islands. It was inhabited by 12,748 corporations. A little crowded, I would say. Were they there? No, they just got their mail there. Why did they get their mail there? So they could slip under the American Tax Code and not pay taxes to the U.S. Government.

When I first showed this chart some years ago, it was 12,748 corporations. But there was room for more. Now there are 18,857 entities that call this building home. Is that unbelievable? They must enjoy each other's company, or at least their mail must fraternize.

Mr. President, more than 18,000 companies claim that little building. We made this careful agreement in 1962 on deferral? How dare you deal with the Tax Code in a way that you would upend that 1962 agreement. Everything has changed. There is not a ghost of a chance in 1962 that American companies would have even thought of trying something that audacious—just gather together in a mailbox in a white building someplace to avoid paying your obligation to this country.

I have shown this as well. Wachovia Bank (formerly First Union Bank) bought a sewage system in Bochum, Germany. Why? Did they have sewage specialists on their staff? I don't think so. Did they put out television advertisements: Come do business with Wachovia Bank because we know about sewers or we want to buy sewers in foreign cities? No, they did this to avoid paying U.S. taxes. This is Wachovia Bank. They did not pay \$175 million in U.S. taxes because they bought a sewage system from a German city.

Did they move the sewage pipes? No. Do they know anything about sewers? No. They bought it from the German city and leased it back so they could depreciate it and not have to pay U.S. taxes. Unbelievable.

The Tax Code has changed, I say to my friends. It is a punch board of gimmicks allowing people to do things they could not previously have done before, and the most significant enterprise is to move American manufacturing jobs overseas and get a tax break for doing it.

This amendment is very misunderstood based on the discussions by the two previous speakers. There is discussion on the floor of the Senate about what is the motivation for moving jobs overseas—to serve, for example, a foreign constituency; want to move jobs to China to be able to sell into Thailand or Korea. The tax deferral piece of this amendment does not affect you. You can win that argument we are not having, if you wish, but you are misstating what the amendment suggests. The deferral part of this amendment does not do anything of the kind.

This amendment is narrow—narrower than I would have it, as a matter of

fact. But it says if you are going to get rid of your American workers, close your plant, move those jobs elsewhere, and then ship back into this country to compete with the American businesses that stayed here, you do not get the advantage of deferring the payment of U.S. taxes. It is just very simple.

The question today is not just who is going to stand up for American jobs on this floor, who is going to stand up for American businesses that stayed here, manufactured here, hired workers here, paid the rent here, who is going to stand here and support that? I have not heard it yet.

Let me go through some points. Before I do, let me mention one other thing. One of my colleagues just said: There are some things you cannot make here. So if you make them abroad, we do not want to punish you in our Tax Code from selling them in this country.

They previously used bananas. I want my colleagues to understand, we actually have a banana exemption. We do not actually spell out bananas, but because the specter of fruit was raised the last time this was discussed, we included a banana exemption.

Of course, we do not grow bananas in the United States. If somebody ships them back here, they will not be affected by this amendment either.

There are a lot of points raised that have nothing at all to do with what we are describing in terms of public policy.

Let me go through a few items. Some people may not know this. I described previously in unsuccessful attempts to try to do what we are doing that in New Jersey, there are a lot of folks who loved their jobs and they worked for a company call Fig Newton. Some actually shoveled fig paste. By the way, the company's name was Nabisco, which stands for National Biscuit Company. But it was not quite so national because Nabisco, the National Biscuit Company, decided the pay they had to provide for people to shovel fig paste in New Jersey was way out of line, so they just took Fig Newtons right off to Mexico. If you want Mexican food, buy some Fig Newtons. It goes on and on. The list is so long.

I want to mention, as I have mentioned before, some of these same stories because it is important to understand what motivates people who want to stand up for American jobs.

Pennsylvania House Furniture—I was in Pennsylvania this weekend—was made in this country for over 100 years with fine Pennsylvania wood. It was a wonderful company making high-end furniture. One day it was sold to La-Z-Boy. La-Z-Boy decided: We are going to move Pennsylvania House Furniture to China, and we are going to ship Pennsylvania wood to China and have Chinese workers put the wood together and ship it back to be sold in the

United States. It had nothing to do with whether the folks at Pennsylvania House Furniture were slothful, indolent workers not doing their job. It had nothing to do with that.

What it had to do with is La-Z-Boy did not want to manufacture Pennsylvania House Furniture in the United States. They wanted to acquire 50-cent an hour labor, 12 hours a day, 7 days a week in China.

On the last day at work at the Pennsylvania House Furniture manufacturing company, these craftsmen—nearly 500 craftsmen—as the last piece of furniture came off the line, they turned the cabinet over, and then they all gathered round to sign their name on the bottom of the cabinet. These wonderful American craftsmen signed that cabinet. Somebody has a piece of furniture they are probably not aware has all the names of those workers who were fired as those jobs went to China.

Why did they do that? Because they cared about their jobs and were proud of their work, but they could not compete with 50-cent-an-hour labor.

Stanley Furniture in Virginia is a furniture company that was started by Tom Stanley, a young dairy farmer in Virginia. He started it in a city that now is named Stanleytown. A couple of months ago, it was decided that Stanleytown was going to have some pretty bad news. Stanleytown was going to find out that these jobs were no longer going to be in Stanleytown. Stanley Furniture, another fine furniture manufacturer, was going to China.

Let me read from the Journal of Commerce of this year:

Stanley Furniture's decision to close its plant in the small town that bears its name fell like a hammer blow on southern Virginia and resounded across an industry, increasingly now moving overseas. More than 500 workers will lose their jobs this year as the manufacturer shuts down its Stanleytown, VA, plant, where the company has made furniture since 1924.

So it goes—moving jobs overseas. Let me, if I might, go through a couple of others.

I notice the Hershey company—speaking of Pennsylvania—Hershey company's York Peppermint Pattie is that silver pattie with the "York" in the middle and the advertisement that says: "The cool, refreshing taste of mint dipped in dark chocolate will take you miles away"—in this case, of course, to Mexico because Hershey decided it is time to move. So York Peppermint Pattie moves 260 jobs to Monterey, Mexico—part of a longer term job strategy by Hershey, they said. Well, that is a peppermint pattie. America's manufacturing strategy probably doesn't depend on peppermint patties—who knows.

I have previously mentioned a series of American manufacturers, and I have used this one often because they announced with great fanfare some years

ago that they were going to leave America altogether. Not another piece of underwear was going to be made by Fruit of the Loom in the United States. The dancing grapes, for all their advertisements, must have been unhappy. Their advertisements were always happy and upbeat, with guys dressed as grapes and such marching in the meadow. They can't have been very happy when Fruit of the Loom said: We are not going to make underwear in America anymore.

Radio Flyer's little red wagon. This was a 100-year-old company in Chicago. All gone. Now made in Mexico.

Here is another company. I have been talking about this one for a long time. Last week, my colleague from Ohio talked about this company—Huffy Bicycles. You can buy them at Walmart and Kmart and Sears. They were made in Ohio—except, no more. No more. All those workers lost their jobs. All those jobs are in China. All those jobs are done by people who make 50 cents an hour, working 7 days a week, 12 to 14 hours a day. Huffy said to the workers in Ohio: You know what, you can't compete, so you are done. On the last day at work, where they parked their cars in the parking lot, those workers who were fired that day left a pair of empty shoes in the places where their cars were parked. It was the only thing they could do to say: You can move our jobs to China, but you can never replace American workers.

So I could go on and on, but I want to describe what so many here in this Chamber wish to ignore. This is a quote from Mr. Paul Craig Roberts, one of the top Treasury officials in the Reagan administration. Here is what he said this year:

Outsourcing is rapidly eroding America's superpower status. Only fools will continue clinging to the premise that outsourcing is good for America.

Only fools will cling to that premise. And I agree with him.

Again, another quote from Mr. Paul Craig Roberts:

In order to penetrate and to serve foreign markets, U.S. corporations need overseas operations. However, many U.S. companies use foreign labor to manufacture abroad the products that they sell in American markets. If Henry Ford had used Indian, Chinese, and Mexican workers to manufacture his cars, Indians, Chinese and Mexicans could possibly have purchased Fords but not Americans.

Again, he is absolutely right. It seems to me the question is, Will America remain a world-class economic power without a world-class manufacturing capability? Does anybody really believe that could be the case? You are going to decimate and erode a manufacturing base in this country and then say: Things will be just fine; don't worry about it. We can all sell hamburgers to each other and things will be just great? We know better than that. What is happening before

our eyes is a hollowing out of America's manufacturing capability.

There is a lot of discussion about what do we do about jobs, what do we do about trying to create new jobs in the country, and that has to do with what is called the faucet. If we are trying to put new jobs in the tub, they say, turn on the faucet. That is fine, and I support a range of policies that try to turn on the faucet to create more jobs in this country. But what about the open drain? As we work on the faucet, what about the drain, when Stanley Furniture says: Well, I know you are trying to create jobs, but we are out of here; or Etch A Sketch in Bryan, OH, says: Yeah, we know every kid plays with Etch A Sketch. We know we have always made it in America. But we were told by Walmart that if we couldn't produce it for \$9.99 or less, they wouldn't sell it. If they don't sell it, we are out of business, so we are closing down our plant and moving to China.

The list goes on and on. The question is, What do we do about all of this? My colleagues—too many of them—say: Let's do nothing. Let's act as if nothing is really going on. In fact, let's come in here and say: You know, we made an agreement in 1962 on some deferral tax issue, and let's stick with it.

One of my colleagues earlier today said: You know, we have to worry about American corporations because they pay some of the highest tax rates in the industrial world. Well, that is a little like Penn and Teller talking about fiscal policy, and only one speaks and the other is silent. It is true that our corporate tax rates, I believe second from the top of the OECD countries. But there is another truth. The other truth is that our corporations in America pay an effective tax rate that is right near the bottom. What is the difference? One is a statutory rate—that is what the law says you should pay—and the other is how much you pay, which is right near the bottom. Why? Because we have a punchboard of gimmicks to allow that to happen. I have described a couple: American banks and other companies buying German sewer systems, buying German railcar systems, streetcars, buying German city halls for the purpose of sale-leasebacks so they can avoid paying taxes to the United States. It is pretty unbelievable, when you think about it.

The only reason I have mentioned some of the companies over the years when I have talked about this is to give them full credit for what they are trying to do. They and all their neighbors should understand that they want all the benefits America has to offer, but they don't want to sign up for the responsibilities that exist for Americans, including an American company.

I want our corporations to do well. I want American corporations to be profitable. But I will tell you this: If you

have two kinds of corporations, and one decides to stay here and manufacture in our country and the other decides to take the jobs and move to a low-wage, lower tax alternative, I want to be helpful to that corporation that stays here, that hires workers here, that keeps the plant open here and is proud to put a made-in-America label on their product.

There is a company called HMC in this country that makes very substantial industrial products. You can see that this is a company everyone admires. Let me tell you what this corporate CEO has said. The CEO of HMC corporation, Robert Smith, said this:

Offshoring in search of higher profits is a mistake because it ignores manufacturing's larger purpose in U.S. society.

Here is something else Mr. Robert Smith said, and I compliment him because you will find precious few who will say it.

It is my belief that every American citizen, not only me, should feel strongly about maintaining one of the most important cultures we have, and that is manufacturing. Now, why is it important? Does anybody think we would have prevailed in the Second World War without the prodigious manufacturing capability of our country? If anybody is interested in that, go read Manchester's "The Glory and the Dream" and understand what we did and how we did it in manufacturing war planes and ships and tanks and trucks. We had the most unbelievable manufacturing capability in the history of humankind.

Some say that none of this matters—why should we pick winners and losers? If the marketplace says we manufacture products in China or Mexico, if, in fact, we actually import more cars from Mexico than we export to the entire rest of the world, so what? Don't worry, be happy. That is the way the U.S. Chamber of Commerce wants it, and it is what the National Association of Manufacturers wants to have happen, apparently—except I know of companies that belong to both those organizations that have called me and written to me and said that they are dead wrong. How about having a chamber in the U.S. Senate stand up for American manufacturing?

I know that when I talk this way and when I say these things, there are people in this room—and the Washington Post would be a good example—who will instantly say: Aha, I hear all that nonsense. This is about protectionism. It is about America becoming protectionist and building walls around its country to keep goods out.

Are you kidding me? Are they nuts when they talk that way? Last month, we had a \$50 billion trade deficit in 1 single month. In a recent year, we had a \$750 billion trade deficit. You can make a plausible case that our fiscal policy budget deficit is what we owe to ourselves. You can make that case, and we will pay it back to ourselves. You can't make that case with a trade def-

icit. The trade deficit is what we owe others in the world, and we will repay that with a lower standard of living in this country inevitably.

The question is, When will we start to decide that this trade strategy is not working? We are dealing with other countries that are engaged in managed trade, and yet we are saying it doesn't matter what happens to us. It just doesn't matter.

We, by the way, spent a century doing what other countries wouldn't or couldn't—in most cases, couldn't—and we lifted up this country. We had unbelievable battles.

The other day, I described the battle on workers' rights. In the first book I wrote, I described James Fyler. James Fyler was shot 54 times. I said—and I shouldn't have—that he died of lead poisoning. He died because he was shot 54 times in 1917 in Ludlow, CO. He was shot because he believed that people who worked underground digging for coal ought to work in a safe workplace and ought to be paid a fair wage. And for that, he gave his life.

There are many things we have done over the past century that people have died for to lift up standards in America, and now they are routine—decent wages, fair labor standards, and safe workplaces. We did all that. Other countries, in many cases, have not. So now the question is, Is it important for us to lift up others around the world or to allow ourselves to be pushed down in terms of the standards we have created and fought for over a long, long time? To me, the answer is self-evident: Let's stand up for what this country has done.

I am all for helping others. I want to lift them up, create standards that hopefully can mirror ours. I am not interested at all in having a Huffy Bicycle management team say to the Huffy workers in Ohio: If you can't compete with China's wages and China's workers, you are out of work, and we don't care what you think.

Well, the workers of Ohio said: You know what, we just can't live on 50 cents an hour, and we can't work 7 days a week, 12 to 14 hours a day.

The law won't allow U.S. companies to hire kids, so the company said: That is tough luck. You need to understand that it is a new world out there. If you can't compete, you lose.

Well, this is a race to the bottom in terms of standards.

Some say: Well, we can innovate. We are the innovators, yes, that is true. I chair the Congressional-Executive Commission on China, and so I held a hearing last week on counterfeiting and piracy. Do you know what? We innovate, and then we see it stolen. Intellectual property is stolen and produced elsewhere. It is always produced elsewhere. We invented the television set—gone, produced elsewhere; computers—largely produced elsewhere. I could go through a whole list.

The question is, What kind of a country do we want to have? For example, we have done a lot of free-trade agreements. In fact, let me do this. I want to just mention a free-trade agreement with South Korea, and I could go through all of the free-trade agreements and show how unbelievably ignorant our country has been with respect to its own economic self-interest. But let me give one example.

This chart shows the number of cars in South Korea. In South Korea, 98 percent of the cars driven on the streets and roads are made in South Korea. Now, you might think that is really interesting, that they have an appetite for buying those South Korean-made cars. It is not an appetite, it is what that country decides it wants. They do not want South Koreans to buy foreign cars, so 98 percent of the cars on their streets are South Korean cars.

So let's talk about our relationship with South Korea, and it is this: Last year, because we had a recession, we didn't sell as many South Korean cars in our country. At one point, it was close to 800,000 a year. Last year, the South Koreans put 467,000 cars on ships and shipped them to America to be sold here in our country. That is 467,000. Does anybody want to guess how many cars we could sell in Korea last year? Six thousand. So 467,000 to 6,000. Why? Because South Korea doesn't want us to sell American cars in South Korea, and they have dozens of clever devices to stop it.

Our country negotiates a trade agreement with South Korea—guess what, they don't even mention the bilateral automobile problem, not even a word.

Our country did a bilateral agreement with China, a country with which we had a \$200 billion trade deficit. We had a huge deficit with China, biggest in the world. Here is what our country said. We said, on bilateral automobile trade we will do this: When you ship a Chinese car to the United States we will only impose a 2.5 percent tariff on your car, but if we ship an American car to be sold in China, you may impose a tariff of 25 percent. You may impose a tariff that is 10 times higher than we would impose in bilateral relationship with a country with which we had a \$200 billion trade deficit. If that is not defined as ignorance, then I have missed the definition of ignorance.

Why wouldn't we step up for our economic interest? China, by the way, right now is ratcheting up a very aggressive automobile industry. You are going to see a lot of Chinese cars on the streets in this country in the years ahead.

But I rest my case. I mentioned automobiles. I could mention lots of other issues. I have written books about this. But the fact is, the issue before us today is not somebody coming here and saying, in the 1962 agreement on defer-

how if you let people go overseas there will be more jobs here at home.

Let me finally say, this issue of deferral is that in some cases these companies know they never have to pay taxes. The reason? Because they defer and defer on foreign profits. This amendment is only about if you have profits in a foreign subsidiary, from selling back into America, into this marketplace. Some of them can leave to go overseas knowing they will get the advantage of deferral and pay lower taxes than the company that stayed here, but they will get an even better deal. If they hang, we will have somebody in one of these Chambers thumbing their suspenders and shuffling around and harrumphing about maybe what we should do is say all of those people who have money overseas, let's let them bring it back here and pay a 5.25 percent tax rate. You say: Oh, they would never do that. Oh, they sure did. It is the rest of the people who do not get to pay the 5.25 interest. It is just the biggest interests who closed their American companies and moved their companies overseas and produced overseas after they got rid of their American workers. They were told in addition to getting a tax break for doing it, we want to give you something on top of that, the cherry on top of the sundae: If ever you do bring it back, you get to pay a tax rate that is one-half of the lowest tax rate that the lowest income American has to pay. What an unbelievable deal.

Let me say, as I started, if ever someone wishes to hear the strongest defense possible of sending American jobs to China, listen up because in the next few hours we will hear some more of it. We have already heard some.

They don't say it quite this way: We think it is nice that if China is not competitive, and their government decided they don't need to do certain things that we have done to increase standards and lift the American standards, we think it is OK if American jobs migrate elsewhere because we do not believe we have to long remain a world economic power in manufacturing to really be a world economic power.

They could not be more wrong. This is not a big step. This is the smallest of steps that you would take in the direction of saying: You know something, we are going to do something about a very serious problem. We are trying to work the faucet to put more jobs into this country, into this economy, at a tough time. We are also trying to shut the drain in circumstances where our Tax Code rewards those who now leave our country and move their jobs overseas.

If we cannot do that now, then, in my judgment, we can perhaps never do good public policy that lifts this country's economy, stands up for American businesses and American workers.

I yield the floor.

The PRESIDING OFFICER (Mr. KAUFMAN). The majority whip.

Mr. DURBIN. Mr. President, let me thank the Senator from North Dakota. He is retiring. We are going to miss him. He has been a powerful voice in the Senate and no more powerful on any issue than on this one, talking about American jobs and how we are giving them away, literally giving them away.

Time and time again Senator BYRON DORGAN has come to the floor to explain that our Tax Code rewards American companies that want to ship production overseas. Is that upside down? As Senator DORGAN has said on the floor, and I completely agree with him, we should reward American companies that keep good-paying jobs in America. That is what our Tax Code should reward. If they will pay a living wage and good benefits to a worker, and stay in the United States of America, we ought to give them every tax break we can give them—help them in every way we can. Instead, it is upside down. We create incentives for them to move jobs overseas.

We are a few weeks away from an election. I wish this election would be a simple referendum on the debate we are having on the floor of the Senate right now. The Senate Republican leader has come to the floor and said we should not be talking about this issue. He wants to talk about something else. Others, representing the largest corporations and businesses in America, say that the position being taken by the Democrats to stop the tax breaks for American companies that ship jobs overseas should be defeated. I wish to take that question to the American voters. You pick the State, you pick the city, you pick the neighborhood. I want to be there. I will take our position and I invite the Republican Senators and the Chamber of Commerce and whatever other groups happen to believe the other point of view for an active debate. Who in the world believes we should be rewarding corporations in our country for shipping jobs overseas?

We know what we are going through here. This recession has cost us millions of American jobs. Under President William Jefferson Clinton, we created 22 million new jobs in America. We had the growth of small business at a pace we had never seen. We had minority ownership, woman ownership of business at a pace we had never seen. We saw the growth of new home construction and new home ownership at a record pace. During the course of that 8-year period of time, we generated a surplus in the Federal Treasury—a surplus. We had not done that for a decade or more.

So came the time when President Clinton was leaving office, handing it over to President George W. Bush. This

is what he gave him: a growing economy creating jobs, home ownership and business ownership. He said to President George W. Bush: Here is the state of our economy. We are reducing our national debt because we are generating a surplus, and the entire national debt of America, given from President Clinton to President Bush, was \$5 trillion.

President Clinton said to President Bush: In addition to a strong economy that is growing, I also want to tell you I am leaving you a surplus in the Treasury—\$120 billion in the next year, more than you need for the expenses of our government. President Clinton said: We have been taking the surplus, incidentally, putting it back into the Social Security trust fund, and that fund will now guarantee every payment with a cost-of-living adjustment through the year 2032. Not a bad gift from President Clinton to President Bush. That was when President George W. Bush took office.

What was the state of America 8 years later, when President Bush left office, when he said to President Obama: Now it is your turn. It was a much different picture. The national debt in America was no longer \$5 trillion. Eight years later, after President Bush, it was \$12 trillion. In 8 years, only 8 years, President Bush and the Republicans who supported him more than doubled the national debt. How do you do that? How can you take a debt accumulated from George Washington through President Clinton of \$5 trillion and make it \$12 trillion in 8 years? You had to work at it.

First, you had to engage in two wars we didn't pay for and then you did something—President Bush did something no President had ever done in the history of the United States. In the midst of a war he declared tax cuts. Remember that Republican theory: If we give tax cuts, this economy is going to mushroom and grow with jobs? It did not work. In fact, it failed miserably. It added to our national debt, more than doubled our national debt during the Bush Presidency, so that when President Bush left office he handed to President Obama a \$12 trillion debt—not \$5 trillion, \$12 trillion. Instead of handing him a surplus in the budget of \$120 billion for the next year, as he had been given when he came to office, he announced it would be a \$1.2 trillion deficit in the next year. That is what President Obama inherited. And of course jobs were melting away—8 million jobs.

The month President Obama was sworn in as President and took his hand off the Bible, we lost 750,000 jobs, a leftover from the Bush economic policies.

Now come the Republicans. They have announced if they are given control of Congress in the next election, they have an idea of where we should

go as a Nation. We should go back to the Bush economic policies. That is what the Republican plan for America is, go back to the Bush economic policies of declaring tax breaks for the wealthiest people in America. Senator MCCONNELL stated proudly on the Sunday talk shows yesterday that he has had the courage to step up and put a bill before Congress of what he thinks we should do as a Nation when it comes to economic policy. He did. It was historic. It was so historic that Senator MCCONNELL suggested a tax program that would nearly double the national debt—nearly double it—during the same period of time: \$4 trillion of new debt for America. How does he do it? On the Republican side, by suggesting we continue to give tax breaks to those in the highest income categories in America.

I for one think that is totally irresponsible. In the midst of a recession, let us help working families, middle-income families struggling to pay their bills, struggling to deal with a home mortgage payment where the value of the home may be going down instead of up. Help those families. But for those who are making \$1 million a year or more, why in the world would we add to the national debt to give them a \$100,000 tax cut a year? Why? It only adds to the national debt.

The Republican theory is, if you give tax cuts to the wealthiest people in America, this economy is going to flourish. I say to the Senators on the other side, it is a theory we tested and it failed. It is the same theory we tested over the last 10 years of Bush tax cuts. If tax cuts for the wealthiest people in America is what we need for our economy, I have one basic question after 10 years: Where are the jobs? Where are the jobs to show for it?

Our approach I think is more reasonable, reasonable in that we would give tax breaks and tax cuts to those working- and middle-income families below \$250,000 of income so they can get through this tough economy. I don't care if the economists tell us the recession is over. As far as I am concerned, to use the vernacular: It ain't over until it's over, and it ain't over until we start creating jobs again.

That is what this debate on the floor of the Senate is about, not just tax policy but basically what is our policy when it comes to shipping jobs overseas.

I think American workers are the hardest working, most productive workers in the world. Put them up against anybody. Will they work for the lowest wages in the world? No. And they should not. We should have a standard of living in this country that we are proud of. But our workers have shown that when paid a living wage, they are productive workers and can compete with anyone.

Yet American companies have decided they want to ship their jobs over-

seas and see if they can make more money. As far as I am concerned, that is their choice. I think it is a wrong one. That is their choice. But the last thing in the world we ought to do is give them a tax incentive to ship those jobs overseas. We know what has happened to American families here over the last 10 years and longer in America. They have been falling a little bit behind each and every year, in terms of their earning power.

As the Wall Street Journal, which I do not quote very often, put it recently, it was the "Lost Decade for Family Income." The median income in America fell almost 5 percent between 2000 and 2009.

Meanwhile, Merrill Lynch reported earlier this summer the number of financial millionaires in America rose by 16 percent. Solid middle-class manufacturing jobs have been disappearing across the country. The AFL-CIO estimates that from 2000 to 2007—that was the period of time during the Bush Presidency—the United States lost 5.5 million manufacturing jobs.

In the 8 years before, under President Clinton, we had created 22 million jobs. Under President Bush, we lost 5.5 million manufacturing jobs. By the end of 2009, the fewest number of Americans were working in manufacturing since before World War II. But it is not just the jobs on the shop floor that disappeared during the Bush administration.

Goldman Sachs estimates between 400,000 and 600,000 professional services and information sector jobs have moved overseas in the past few years. That was during a time when these businesses were raking in record profits and jobs were leaving America. Then, when the boom turned into a bust, those wizards of Wall Street, those captains of capitalism, those kings of commerce, those malefactors of great wealth experienced a temporary setback. Profits were down, stocks were down, and so compensation was down on Wall Street, for about 15 minutes.

Corporate profits are now surging, the stock market is roaring back, and endless bonuses are raining down on the chosen few, just like the good old days on Wall Street. But what about the rest of hard-working families across America? What about the families who never have made a million bucks? That is the vast majority of them. What about the families who earned the median wage in this country, about \$50,000 a year? Those jobs are not coming back fast enough.

The Recovery Act that we passed last year, with the support of three Republican Senators—only three who would join us in this effort—has at least slowed down the recession and the loss of jobs. It has not produced the turnaround we all want to see. It will take some time. But at least it stopped the recession from becoming even worse.

This recession would not be over yet by anyone's measure had President Obama taken the advice from the other side of the aisle. They believed we should do nothing—nothing—in the midst of a recession. I have heard Senate Republicans come to the floor and criticize President Obama for loaning money to General Motors and Chrysler. I will tell you, in my home State of Illinois, those automobile manufacturing jobs, at General Motors and Chrysler, are good-paying jobs. We have lost a lot of them. But the good news is, those companies are back. They are profitable. They are selling fewer cars and trucks now, but they are selling and they are competitive.

That would never have happened had the Republicans had their way and stopped the President from giving loans necessary to these automobile manufacturers. We would have seen maybe one company, Ford, that might have survived. The other two probably would not be here today in any form, and all the jobs, the tens of thousands of jobs they provide in America, would have been lost.

The Recovery Act saved another 2.7 million Americans from the unemployment roles, according to economists Alan Blinder and Mark Zandi. In case you think: Well, DURBIN, that must be your favorite Democratic economist, Mark Zandi happened to be JOHN MCCAIN's economist when JOHN MCCAIN ran for President, and he credits the Recovery Act with saving 2.7 million jobs.

But even with all these efforts, there is still a lot to do. It is not enough to help the private sector create more jobs. We need for them to be created right here in America. There is one line I can use anywhere in the State of Illinois, and I will bet across this Nation, which I think typifies what most people think about when they think about our economy.

I will bet you I could use this line in the State of Delaware. The line is this: I would like to go into the store tomorrow and find more products stamped "made in the USA." People start applauding. They are sick and tired of all the imports coming in and all the jobs going away.

I know global competition is a fact of life. America could never be a wealthy nation if we just did one another's laundry. We need to produce goods and services that are competitive on a global basis, and we can do it. We have done it in the past and we can do it again. American workers can compete with the best in the world.

But our laws do not give many of our workers a fighting chance. Why should companies be rewarded for shipping good American jobs overseas? China, Germany and Japan and our other competitors do everything they can to generate more work in their home countries so they can sell products

from China and Germany and Japan all around the world.

Meanwhile, our conglomerates and many corporations and their friends in Congress defend offshoring tax loopholes that other countries would never allow to stand. That is why I introduced the bill that is going to be voted on tomorrow, with the help of my colleagues and friends, Senator HARRY REID, the majority leader; Senator BYRON DORGAN, who has been our leader for years on this issue; Senator CHUCK SCHUMER of New York, and many others.

It is a bill that has three provisions in it. I think they make sense. First, we will make two changes to discourage U.S. companies from giving out pink slips to Americans while they open the doors at their new factories overseas.

We will say to firms: If you want to shut down operations in the United States and move somewhere else—I hope you do not make that decision, but if you make it, we are not going to give you a tax break to make it easier.

We will also say to the firms, if you want to sell your products in this country that you made overseas, we are not going to let you start making those goods overseas, ship them back to this country, and avoid paying your taxes on your profits, something called deferral.

Second, we will make it more attractive for companies to bring good jobs back home. This is a provision from Senator SCHUMER of New York, which says to firms: If you bring jobs back from another country, you do not have to pay your share of the payroll taxes on those U.S. workers for 3 years. It is an incentive to bring these jobs back home.

There is nothing radical in this proposal. You would think it would pass by a voice vote. Who in the world would object to ending tax loopholes to send jobs overseas? Who would object to creating tax incentives for bringing jobs from overseas back home?

But that is what this debate is all about. The defenders of these tax loopholes have wasted no time in launching an aggressive lobbying campaign against the bill: The Chamber of Commerce, the National Association of Manufacturers have written in opposition to the bill, and the Republican leader has already spoken on the floor against even debating this bill. He does not want us to bring it up.

The message they send is clear: Corporate profits are more important than American jobs. I could not disagree more. I have watched too many hard-working, middle-class families lose their livelihoods as companies fire American workers and then use the Tax Code to make shifting jobs overseas more profitable.

In August, I was in Rock Falls and Sterling, IL. A woman named Julie

came. She had worked at the local national manufacturing company there for 34 years. She was a grandmother, raised her family, and was trying to help with her grandkids. She had just been notified that company was moving overseas.

I said to her: As painful as it is for you to get that pink slip after 34 years of service to that company, I am sorry to tell you that our Tax Code made it easier for that company to leave town, made it easier for them to do away with your job.

I ran into other workers around Illinois as well. To add insult to injury, after a lifetime of working for these businesses, some of these businesses actually bring in the workers from China and Mexico and ask the American workers, in their last week or two of employment, to train the foreign workers to do their jobs. Can you imagine how hard that must be—to realize that tomorrow you are out of work, and the person sitting across the table, whom you are training, is going to have your job?

Then, how about this? How about the fact that the cost of bringing that foreign worker over here to be trained is now tax deductible under our Tax Code? What is wrong with this picture? A good example of a company moving good American jobs overseas happened in Hennepin, IL. The local steel mill there was built in 1966. I remember it. I was a college student out here at the time, and we were so excited. It was Jones Laughlin, if I am not mistaken, when it first started. It changed ownership over the years. It was a big employer in the region around Hennepin.

They employed 600 people at their peak in a steel mill. Imagine that. As of last year, they still had 300 people on the payroll. Arcelor-Mittal, the huge steel conglomerate, bought the plant in 2005. Many in the community said: This is a break, a godsend. That huge company is going to invest in this plant and we are going to keep our jobs.

It did not happen. Arcelor-Mittal decided last year that the profitable plant in Hennepin—they were making money—the profitable plant, was no longer worth keeping open. Just like that, 300 solid, middle-class jobs disappeared.

I received a lot of letters from members of the community. A 10-year-old girl wrote to me:

My dad . . . got laid off by Lakshmi Mittal, at Mittal Steel. You see, instead of selling the plant, Lakshmi decided to ship all of the parts over the oceans . . . —

This 10-year-old wrote to me and said—

I think the plant should not be closed because if he shipped the parts all over, then hundreds of peoples' jobs will be lost. Please Help Us!

The heartbreaking news for that young girl is that our Tax Code rewarded the plant for shipping the

equipment overseas. This 10-year-old girl, wise beyond her years, heartbroken that her dad had lost his job, may not understand the global implications of plant closings, but she sure knows what it means to her family.

Here is what a 30-year veteran of that plant wrote:

The plant was shut down in the spring even though it made a profit. . . . Being the father of two college freshman, I have to wonder what the future will hold for my children . . . American industry, the backbone of our country, cannot exist in this environment.

Well, I agree. That is why I am on the floor. That is why this bill is on the floor. We have to do something about it. Here is another one. This is a company that once operated in my home State of Illinois, Honeywell International. They closed their plants in Freeport, Rock Island, Spring Valley, and Springfield and then sent the jobs to India, China, and Mexico.

The Department of Labor certified these workers lost their jobs because the jobs were actually sent overseas. In my hometown of Springfield, the plant closing cost us 120 jobs in the capital city. This was a plant that had been in production since 1938, long before I was born, when it produced the world's first electric clock for automobiles. The plant also supplied electrical products to support our troops during World War II. In an instant, this piece of American history vanished to Juarez, Mexico.

I received a letter from a victim of this particular example of offshoring good American jobs. Here is what he wrote to me:

. . . stop rewarding Honeywell and other corporations that ship jobs out of the country . . . They don't deserve tax money for making the US unemployment rate go up further.

Well, that is exactly what this bill before us wants to stop. Let me show you one other illustration. U.S. multinationals are increasing hiring abroad and decreasing hiring at home. In total, between 1999, at this end of the chart, and 2008, multinational corporations in the United States added 2.4 million jobs overseas, a 30-percent increase.

Well, there is nothing wrong with companies growing. But look what happened here at home. Here is the problem. During the same period, these American companies cut 1.9 million jobs in America, an 8-percent decrease. It is obvious. The jobs are being shipped overseas and killed at home. This notion by some companies that if you let us produce overseas it will help our jobs back home, it is not happening. Exactly the opposite is happening—jobs overseas, loss of jobs in the United States.

Well, enough is enough. We need to stop rewarding companies, through our Tax Code, for killing American jobs, and we need to create incentives to

bring those jobs back home. This bill is very straightforward. It is a clear choice. Senators can decide. Do they want to stand with American workers? Do they want to stand with those corporate interests that want to ship jobs overseas? Do they believe our Tax Code should reward good American companies that pay good wages and good benefits to American workers and stay here or do they want to create an incentive to ship those jobs overseas?

That is what this bill is all about. I hope there will be at least one Republican Senator who will join us in this effort. It would be a breakthrough. I hope it is more than one. But I hope they are hearing the same thing back home. I would just ask those who oppose it to go to your home State, pick the community, pick the town, and invite me to come and debate you, if you are on the other side of the this issue.

You pick it. I want to be in on that debate.

I believe the bottom line is this: The American Tax Code should be designed to help American companies create good-paying jobs right here in the United States. Our focus ought to be to make sure when people walk in stores across America, they can flip that product over and see made in the USA again. With this vote, Senators will be given a choice where they want the next round of job creation to be. Do they want it in the United States or in China? Middle-class families in this country have been struggling for a long time. They are upset. They want more jobs. They want a Congress that will stand up and fight for them. With this vote, they will find out who is going to be on their side.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX EXTENDERS

Ms. COLLINS. Mr. President, I rise to express my concern that the Senate may adjourn this week without extending the 2001 and 2003 tax relief provisions which are slated to expire on January 1.

These tax laws include important reforms such as the 10 percent tax rate, relief from the marriage penalty, and the child tax credit. They provide tax relief to nearly 90 percent of all Mainers. If they are not extended, virtually every Maine family and many—indeed, most—of our small businesses will see their taxes increase. If these tax relief provisions are not extended,

the typical American family of four with a household income of approximately \$50,000 will see their taxes increase by about \$2,900 next year. That is right. Coupled with tax increases that are included in the new health care reform law, which I opposed, the result would be one of the largest tax increases in our history.

Many economists contend this is the worst possible time to increase taxes because our economy is so fragile. I fully agree. I cannot imagine anyone even contemplating increasing taxes in the midst of a recession. The consequences for small businesses would also be dire. Higher taxes would take critical investment dollars away, leaving less for innovation and expansion, not to mention employee wages and benefits. Raising taxes when the economy is still weak would make it difficult and in some cases impossible for small businesses to start, grow, and create jobs.

Peter Orszag, President Obama's former OMB Director, recently penned and op-ed for the New York Times in which he argued that this is no time to raise taxes. As he pointed out, the failure to extend existing tax relief would "make an already stagnating job market worse." He went on to say:

Higher taxes now would crimp consumer spending, further depressing the already inadequate demand for what firms are capable of producing at full tilt.

I hope President Obama will heed the advice of his former budget director and abandon his plan to raise taxes at this critical time.

It is important to understand that many small businesses are passthrough entities such as sole proprietorships, partnerships, and S corporations. These small businesses must report their earnings on their owner's individual income tax returns. The Joint Committee on Taxation has estimated that there are some 750,000 passthrough small businesses in the top two tax brackets.

I wish to share with my colleagues examples of a couple small businesses in Maine that would be hurt by this tax increase. They are representative of many others, of course.

This August, I toured several remarkable businesses in my home state. Their products are diverse and their histories vary greatly, but they share the traits of ingenuity, energy, and a commitment to excellence. The employees and the owners of these small businesses work so hard. An example is D&G Machine Products of Westbrook. Its name and products may not be familiar to the general public, but it is internationally known and respected throughout the pulp and paper, high technology, power, petrochemical, food processing, aerospace, and defense industries. Its precision design machining and fabrication operations put Maine on the cutting edge of innova-

tion. As is so often the case, success started small with this small business. D&G was founded in 1967 by Dave Gushee and Fred Loring in a one-car garage behind Dave's home. They specialized in producing custom tooling and dyes for equipment manufacturers in the Portland area and soon added fabrication and welding services. D&G's founding principles of quality, attention to detail and delivering unsurpassed customer satisfaction paid off.

Within a few years, this young company outgrew the tiny garage and expanded into sophisticated design and engineering services. Today D&G has more than 100,000 square feet of shop space and more than 130 highly skilled and dedicated employees. I met many of them during my tour last month.

Duane Gushee, who now runs the company, tells me he is very concerned about the impact higher taxes would have on his company's ability to compete. Duane pointed out to me that his company does not compete primarily against other Maine firms or even against other U.S. companies. It has to compete successfully with companies all around the world for markets and customers. Without constant innovation and investment in cutting edge technology, D&G will lose its customers, and its employees will lose their jobs. If we don't act, the tax increase that will hit D&G on January 1 will take money out of its bottom line, money that is needed to upgrade equipment and stay ahead of foreign competition.

Another small business I visited is Pottle's Transportation, a trucking company headquartered in Bangor. This company was founded in 1972, and it has grown to more than 200 employees with 150 trucks. Pottle's now provides service throughout the continental United States and Canada, although it concentrates its efforts in the Northeast. It is known for maintaining an impressive on-time delivery record without sacrificing safety. In fact, it has received award after award in recognition of its safety record. Pottle's is also known for its commitment to the environment. Pottle's is a member of EPA's Smartway Program and received the EPA Environmental Merit Award in 2008.

The past few years have been very tough on the trucking industry. Barry Pottle, who runs the company, tells me that 1,100 trucking companies around the country have gone under so far this year. His company is in the black right now, but it is a real struggle to generate the capital needed to keep his trucks on the road. Pottle's needs to buy 25 to 30 trucks every year just to maintain its fleet. New trucks used to cost the company about \$100,000, but in the past few years, the cost has gone up by another \$25,000. Barry tells me this is due to an excise tax on heavy trucks

passed in 2006 and new environmental regulations that require \$13,000 in emissions equipment on each new truck. Together, these changes have raised Pottle's annual cost of doing business by about three-quarters of \$1 million. On top of this, Barry has to worry about the tax increases his company will face if the 2001 and 2003 tax relief laws expire at the end of this year.

Visiting these businesses and others, reading what economists such as Peter Orszag have said, has confirmed my belief that the administration must reverse its present course, which is stifling job growth, discouraging entrepreneurship and risk taking, and hobbling the economic recovery. Americans should be proud of the spirit, the drive, and the determination that has produced small business success stories such as D&G Machine Products and Pottle's Transportation.

We in Washington must recognize that the policies we adopt or the tax laws we fail to extend have an impact on whether these companies can start up, grow, prosper, and, most of all, create good jobs. So what I have suggested we do as a compromise is to extend these two important tax relief laws for another 2 years. That will get us through this recession. It will send a strong signal to the business community.

I cannot tell you how many businesses have told me they are holding on to capital right now. They do not dare invest to create much needed jobs because of the uncertainty of what is going to happen on tax policy. We know we need to revamp our Tax Code. We need to make it fairer. We need to make it simpler. But for right now the best thing we could do would be to extend those two laws—the 2001 and 2003 tax reform laws—for an additional 2 years to provide certainty to businesses and to send a strong signal that we get it. We know we should not increase taxes in the midst of a recession.

One of the most startling conversations I had during August was with a small businessman who owns a small community grocery store. He told me he had an opportunity to buy a second store in another rural Maine town. He said he had the financing in place to make the purchase, and he would like to create more jobs and keep this small business going serving the needs of the community.

I said to him: Well, why don't you just do it? Interest rates are low, so it seems like a good time. Is the uncertainty about what is coming out of Washington keeping you from acting?

He said: You know, Senator, it is not so much the uncertainty. It is the certainty, the certainty of higher taxes, of more regulation, of having to pay more for health insurance for my employees. It is the certainty of more spending. That is what is discouraging me.

So I hope we could come together right now, and before we go home pass a 2-year extension of the current tax law, to provide some certainty that we are not going to impose higher taxes on the American people and our small businesses.

U.S. POSTAL SERVICE

Mr. President, in my remaining time, I would like to speak today about the future of the U.S. Postal Service.

The Postal Service is in the midst of a dire financial crisis. The data are grim. In the first three quarters of fiscal year 2010, the Postal Service posted a net loss of \$5.4 billion. By the end of this week, when the fiscal year ends, I expect that number may hit \$7 billion that the Postal Service will be in the red for this fiscal year alone.

Obviously, faced with this much red ink, the Postal Service needs to do everything possible to increase its revenue and reduce costs. Yet the Postal Service's plan for regaining its fiscal footing relies too heavily on service cutbacks, relief from funding its known liabilities, and the hope that enormous rate increases will be approved.

I am a huge supporter of the Postal Service, and I want it not only to survive but to thrive. It is a vital American institution that serves our Nation and whose roots are found in our Constitution.

To help the Postal Service identify additional areas for cost reductions, I asked the Postal Service inspector general to review three areas: the benefits the Postal Service pays on behalf of its employees, the Postal Service's contracting policies—which is an area where Senator CLAIRE MCCASKILL, who has been a real leader in procurement reform, joined with me—and, third, the Postal Service's area and district field office structure to see if there were efficiencies that could be realized there.

I must say, I was both dismayed and outraged when I received the results of the IG's audits.

The IG found stunning evidence of contract mismanagement, ethical lapses, financial waste, and excessive executive perks which, if remedied, could allow the Postal Service to realize in excess of \$800 million in savings next year alone. That is at a minimum.

Let me give you some startling facts the IG found. For a long time, we have known the Postal Service has been more generous in paying the health insurance and the life insurance premiums of its employees, most of whom participate in the same health insurance and life insurance programs as Federal employees.

But what we did not know until this review was conducted is that the Postal Service pays 100 percent of the health insurance premiums for 835 of its top executives, an expensive perk that no governmental agency appears to provide.

This costs the Postal Service an estimated \$10 million annually. If the

Postal Service brought the contribution for these executives into line with federal agencies, it could save \$2.8 million per year on this change alone.

It is unbelievable to me the Postal Service—awash in debt and asking for huge postal rate increases—is paying the full health care premiums for 835 of its executives.

The Postal Service is now paying 79 percent of health insurance contributions for its rank-and-file employees, in comparison to 72 percent for the average Federal employee. It is a little hard for the Postal Service to make the case to its employees that it needs to reduce health insurance if it is paying 100 percent of the premiums for 835 of its top executives. If the Postal Service brought its benefit contributions in line with other Federal agencies, it could save more than \$700 million next year alone.

But that is not all. When Senator MCCASKILL and I requested that the IG review the Postal Service's contracting practices, the IG discovered unfair and unethical practices replete with no-bid contracts and examples of apparent cronyism.

The Postal Service's contract management did not protect it from waste, fraud, and abuse. Indeed, it left the door wide open. The Postal Service could not even identify how many contracts were awarded without competition. The inspector general found that 35 percent of the no-bid contracts it did review lacked justification. As part of its review, the IG discovered that more than 2,700 contracts had been awarded to former postal employees since 1991. Of these contracts, 359 were awarded as no-bid contracts to former postal employees in the last 3 years. Seventeen of them were noncompetitive contracts to career executives within 1 year of their leaving the Postal Service.

Some former executives were brought back at nearly twice their former pay—an outrageous practice the IG says raises serious ethical questions, hurts employee morale, and has tarnished the Postal Service's public image.

In one particularly egregious example, an executive received a \$260,000 no-bid contract just 2 months after retiring. The purpose? To train his successor.

The findings of these three investigations show that the Postal Service must get more serious about cost cutting. Clearly, there are savings to be had.

Faced with shrinking mail volume and a declining workforce, the Postal Service understands the need to reduce unnecessary costs but its efforts have fallen short.

For example, the Postal Service can realize structural efficiencies. Even after the Postal Service consolidated 1 area office and 6 district offices last year, the structure still includes 8 area offices and 74 district offices, costing

approximately \$1.5 billion during fiscal year 2009.

To determine if additional efficiencies exist, the inspector general reviewed area and district offices, which handle administrative functions but do not actually handle any mail. In doing so, the IG identified several options for consolidating the area and district field office structure.

One option, which would entail closing area and district offices that have less than the mean mail volume and work hours, could save the Postal Service more than \$100 million annually.

Another, more conservative, option could save the Postal Service some \$33.6 million annually by closing district offices that are within 50 miles of one another.

Management at headquarters reported that last year's consolidations went smoothly, with no negative impact on operations. That result clearly shows that the Postal Service should continue its strategic efforts to consolidate.

After receiving the results of these three IG investigations last week, I wrote a letter to the Postmaster General, urging him to implement the inspector general's recommendations immediately.

In my letter, I emphasized that the IG reports had found concrete ways for the Postal Service to cut sizeable expenses. Reducing costs is a far better solution than reducing service and increasing rates remedies that run the risk of driving away even more customers.

Additionally, the Postal Service should increase cross-craft training and collaborate with high-volume customers to increase mail volume through initiatives like the "Summer Sale."

It also should work with OMB and OPM to access the more than \$50 billion which the Postal Regulatory Commission believes USPS has overpaid into the Civil Service Retirement System fund.

I have been pressing the Office of Personnel Management to change its method for calculating the Postal Service payments into the CSRS pension fund consistent with the 2006 Postal reform law. The OPM, however, stubbornly refuses to change its methodology or to even admit that the 2006 Postal law permits them to do so.

I have continued to stress the importance of this change to both OPM and the administration. Clearly, the Postal Service's refund of a more than \$50 billion overpayment would greatly aid its current financial condition.

In sum, the Postal Service must devote more energy and adapt a laser focus to reducing costs, such as those identified in the recent IG reports. It also must develop customer-first programs that can enhance revenue, increase volume, and earn loyalty.

The Postal Service is at a crossroads. It must choose the correct path. It must take steps toward a bright future that allows it to grow and thrive. It must reject the path of service reductions and ongoing postal rate hikes, which will only alienate customers.

The Postal Service must reinvent itself by embracing change that will revitalize its business model and enable it to attract and keep customers. These actions are within its reach and will help protect and preserve this vital American institution.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I wish to speak on the legislation that is pending, the Creating American Jobs and Ending Offshoring Act, but also more generally on the issue of the loss of jobs, particularly in the energy sector, as we go forward.

When BP Solar closed its Frederick, MD, plant earlier this year, 320 Americans saw their jobs sent overseas to China and India. Bloomberg said the announcement "signal[ed the] exodus of US renewable-energy jobs," which it obviously did. In fact, BP Solar's move followed General Electric's closing of its Newark, DE, solar panel plant, Evergreen Solar's shifting of hundreds of jobs from Danvers, MA, to China, and Gamesa's shutting down of its wind turbine factory in western Pennsylvania.

Given the broad enthusiasm for creating clean energy jobs, few seem to notice this alarming trend. But we cannot afford to sit idly by as clean energy jobs steadily and stealthily move overseas. So as we debate this Creating American Jobs and Ending Offshoring Act—which the majority leader is trying to bring forward for Senate consideration, and which I support—I rise to call on the Senate, also, in addition, to pass three commonsense, bipartisan measures that will enable the United States to retain existing clean energy jobs and capture millions of new ones that the burgeoning global demand for clean energy will soon create.

To begin, let me dispel the myth that the United States cannot lead in producing clean energy technology. In fact, we once were the leader. As recently as 1997, we had a "green trade" surplus of \$14.4 billion. By 2008, that surplus had become a deficit of nearly \$8.9 billion. The reversal was triggered largely by a steep fall-off in domestic renewable energy technology manufacturing. For instance, only a decade ago, U.S. solar cell manufacturers controlled 30 percent of the world market. By 2008, that had been reduced to 6 percent. Meanwhile, Chinese production has grown from nonexistent in 1999 to 32 percent of the world total in 2008. Similarly, European manufacturers now account for more than 85 percent of the global wind component market.

Today, only 1 of the top 10 manufacturers is an American firm.

What happened to bring about these changes? Simply put, other countries enacted policies to attract investment, both "push" incentives such as tax incentives and direct subsidies to attract manufacturers, and "pull" incentives to create domestic demand. As a result of the incentives they enacted, China displaced the United States last year as the world's leading destination for clean energy investment. Its total investment was nearly twice that of the United States. Measured as a share of gross domestic product, domestic clean energy investment places us—the United States—in the bottom half of the G20 countries. If the trend continues, we will fall further behind.

Over the next 5 years, government investment by China and Japan and South Korea is expected to outstrip U.S. Government investment by 3 to 1. This public investment will drive trillions in private sector investment within those same countries.

With global clean energy investments expected to reach \$2.3 trillion by 2020, we cannot afford to delay measures that will ensure U.S. leadership in this area. We must look to create jobs across the clean energy value chain—from engineering to installation to sales. In particular, we must focus on manufacturing jobs, because failing to grow a domestic clean tech manufacturing base will result in trading our imported oil dependency for an imported clean energy component dependency. In fact, we are already seeing how shortages in renewable energy components and systems have slowed domestic renewable energy production. As we have begun to see, offshoring manufacturing is quickly followed by offshoring of research and development capacity.

To grow our manufacturing base, Congress needs to take decisive action this year to enact, at a minimum, the three commonsense, bipartisan measures I alluded to before. First, we must send the appropriate market signal by enacting the renewable energy standard I have introduced along with Senator BROWNBACK. Expanding demand for clean energy is essential to raising demand for domestically produced goods. For instance, every gigawatt of installed wind capacity—that is roughly enough to power all the homes in Atlanta—is estimated to create 4,300 jobs, more than three-fourths in manufacturing. European firms that now dominate U.S. wind turbine sales developed technical and marketing expertise by serving their own home markets first. Expanding domestic demand will enable American firms to catch up.

As I indicated, Senator BROWNBACK and I have introduced this legislation and we hope very much that in the short session of the Congress after the election, that can be brought up and dealt with in a positive way.

But a demand-side strategy for clean energy cannot suffice. We also need to focus on the supply side to ensure that policies spurring clean energy demand will not only be filled by imports from overseas. So the second call is to expand the Advanced Energy Project, or section 48C tax credit that we created as part of the Recovery Act. That credit allows qualifying companies to claim a credit for up to 30 percent of the cost of creating, expanding, or reequipping facilities to manufacture clean energy technologies. The Recovery Act authorized the Departments of Energy and the Treasury to award \$2.3 billion in tax credits.

There are many success stories about funding that was way oversubscribed. The government received \$10 billion in applications for the \$2.3 billion in tax credits that were available under the Recovery Act. In December I joined with Senators HATCH, STABENOW, and LUGAR in filing the American Clean Technology Manufacturing Leadership Act. That bill would add another \$2.5 billion in tax credit allocation authority. President Obama has called for \$5 billion in additional funds to be made available this way.

The third of the initiatives I wish to focus on today is the need to address financing challenges that companies face in establishing onshore clean energy manufacturing facilities. Five years ago, Congress created a loan guarantee program at the Department of Energy. But from its start, the program has faced bureaucratic delays. So far, there are only 14 loan guarantees that have been issued, all of them in the past 14 months and 10 within the last year. The Recovery Act promised to add \$6 billion to the program which would leverage about \$60 billion in new loans for clean energy projects. Unfortunately, this Congress has seen fit to treat this funding as a piggybank and withdrew \$3.5 billion as offsets for unrelated purposes. We need to restore that funding.

We need to restore it as well as retool the loan guarantee program. The Energy Committee, which I chair, reported a bill that would create a robust successor to that program called the Clean Energy Deployment Administration, or CEDA, and I urge the Congress to enact that legislation as well.

Alongside these three measures to retain and create clean energy manufacturing jobs, we also need to pass two important additional bipartisan packages. The Energy Committee has unanimously supported a bill to address the largest oilspill in our Nation's history. The American people are waiting for us to enact it. We should do so as soon as possible. The Tax Code is an increasingly important mechanism for delivering clean energy incentives. In fact, more than three in five Federal dollars spent on energy are delivered through tax provisions.

I will return to the floor later this week to discuss a bipartisan package of incentives for clean, renewable energy and energy efficiency and I hope that package will receive priority attention by the Congress before it adjourns as well.

Some have said the United States cannot regain its footing in the clean energy manufacturing arena. Those who doubt the potential of this sector think that clean energy jobs can flow only to low-wage countries such as China. We need only look at what has happened in Germany where employment in the clean energy industry is second only to the nation's strong automotive industry.

We are deservedly proud of our Nation's tradition as a leader in research and development, in innovation, and in venture-backed investing. With the right policies, we can guarantee that clean technology investment will come to our shores. Let's enact the job-creating legislation pending in the Senate today and then move swiftly to enact legislation creating a renewable electricity standard and a Clean Energy Employment Administration, and expanding the section 48C credit.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, this is what we are here to talk about once again: making it in America.

On Friday, the Department of Labor made available more than \$500,000 to assist 183 Iowans laid off from the ThermoFisher Scientific plant in Dubuque. All of the workers were certified as eligible for trade adjustment assistance. This grant was designed to help unemployed Iowans as they attempt to find new work in an economy that is already desperately short of new jobs.

I am certainly grateful for the temporary assistance from the Federal Government, as I am sure are the unemployed workers and their families. But what is wrong with this picture? Once again, we find ourselves lending modest assistance to American workers whose jobs have been eliminated—whose economic security has been destroyed—because U.S. manufacturing is being shipped overseas. I would note that manufacturing jobs, which are generally high paying, have been particularly hard hit in this economic downturn.

In my State of Iowa, there has been a steady, relentless drumbeat of layoffs and plant closings as companies from Electrolux to Cummins shut down their plants and move to other countries—including Mexico and China and other countries—that offer low wages, lower workplace safety standards, and only minimal environmental oversight. This is happening despite the fact that American workers, while paid more, tend to be far more efficient and productive.

Adding insult to injury, these newly unemployed American workers must reckon with the fact that the United States Tax Code actually rewards companies for sending their jobs overseas. That is right. Most Americans don't know this, but the Tax Code actually incentivizes companies that shut down operations and kill jobs in the United States.

This betrayal of American workers is outrageous on its face. And with the official unemployment rate stuck near 10 percent—that is the official rate; the actual rate is closer to 18 percent—it is simply intolerable.

That is why I have come to the floor to speak in strong support of the Creating American Jobs and Ending Offshoring Act of 2010. This bill would take three urgent steps to reduce and begin to reverse the bleeding of jobs from America.

First, the bill would end subsidies for plant closing costs. That is right. There are subsidies if you close a plant. It would prohibit a firm from taking any deduction, loss, or credit for costs associated with reducing or ending the operation of a trade or business in the United States and starting or expanding a similar trade or business overseas. Let me note that the bill would not apply to any severance payments or costs associated with placement services or employee retraining provided to those who lose their jobs as a result of the offshoring.

Secondly, the bill would end the tax breaks for runaway plants, for companies that reduce or close a trade or business in the United States and start or expand a similar business overseas for the purpose of importing their products back into the United States. Under current law, U.S. companies can defer paying U.S. tax on income earned by their foreign companies or subsidiaries until that income is brought back to the United States. This is known as deferral. Deferral has the effect of putting these firms at a competitive advantage over U.S. firms that have stayed here and that hire U.S. workers to make products in the United States. Imagine that. So you take your company and ship it overseas. All of the money that plant makes over there, you don't have to pay taxes on it. You keep your money there and keep expanding your plant, or make another plant in another country that is low wage and has low environmental oversight.

What an advantage they have over good companies, good businesses in America that want to stay here. So we have to close that loophole.

The third loophole we have to close is the encouragement businesses get right now to create jobs that go overseas. We have to create incentives for businesses that expand here. This bill would provide businesses with a 2-year break

from paying the equivalent of the employer's share of Social Security payroll tax on wages paid to new U.S. employees performing services in the United States that used to be performed overseas. In other words, if they have a plant and a business here and can bring jobs back to the United States, guess what. For 2 years, they get a tax break; they don't have to pay the employer's share of the payroll tax. We will pick it up—the Federal Government, the taxpayers—because those jobs will come back here; people will be hired; and they will be paying into this economy.

Mr. President, I salute the Senator from Illinois, Senator DURBIN, for introducing this bill. I also salute the senior Senator from North Dakota, Senator DORGAN, who has been such an outspoken champion of American manufacturing. He has fought long and hard to end the provisions in the Tax Code that have the perverse effect of actually encouraging and rewarding U.S. companies that ship jobs overseas. I also commend the Senator from Ohio, SHERROD BROWN, who also is a tremendous champion of the focus and attention to try to do everything we can possibly do to keep our jobs here. Ohio has especially been hard hit. If we look at all of the statistics, Ohio has been especially hard hit over the last decade, during the last 8 years of the Bush administration, from all of the jobs that left Ohio and were shipped overseas.

Let me give an example of the destruction that is caused by this. Almost exactly 1 year ago, workers at the Cummins Filtration plant in Lake Mills, IA, a small community, were gathered together on the shop floor. Company officials, surrounded by a phalanx of security officials, announced that some 400 jobs would be moved to Cummins manufacturing plants in Mexico.

This announcement came out of the blue. The employees immediately went into mourning, trying to make sense of their new status—victims of the outsourcing of their jobs to Mexico. Thirty-five married couples worked at the plant. So many families lost two jobs in one fell swoop. In one case, the couple had worked at Cummins for 30 years. As one plant employee said:

This is going to be terrible for people, terrible for this town. It's going to hurt everybody, the gas station, the grocery store.

Mr. President, this is the kind of personal tragedy and devastation that we are seeing in thousands of towns all across America as companies lay off employees and/or shut down operations and move overseas.

Since 2001, some 42,000 American factories have closed their doors. Roughly three-fourths of those employed over 500 people. Not 42,000 jobs, Mr. President, but 42,000 American factories closed their doors since 2001.

The manufacturing sector lost 1.3 million workers in 2009 alone, continuing the disturbing loss of more than 5 million U.S. manufacturing jobs from 2001 to 2009. That is right, 5 million manufacturing jobs lost.

It is bad enough this is happening, but what is absolutely intolerable is that our Tax Code actually encourages companies to kill these U.S. jobs and take their operations overseas.

Senator DORGAN, many times, has cited the example of Levi jeans and Huffy bicycles.

What can be more American than Levi? They moved their production to Mexico and to other parts of the world. They don't make any Levis here anymore. They contract with foreign companies who make Levis for the Levi Company.

As Senator DORGAN said about Huffy bicycles in Ohio—Senator BROWN's home State—workers there made \$11 an hour making those bicycles. But they got fired, laid off, and Huffy bikes are now made in China at 30 cents an hour. The Huffy Corporation reaped millions of dollars in tax breaks as a result of this offshoring.

Then, as this chart shows, is Fruit of the Loom, another signature U.S. company that has outsourced many thousands of jobs over the last decade. The company has closed plants in Kentucky, Mississippi, Louisiana, Texas, and elsewhere, and shipped those jobs to Asia, the Caribbean, and Morocco, and the U.S. Tax Code has handsomely rewarded Fruit of the Loom for doing so.

Mr. President, these are the Fruit of the Loom guys on the chart, which shows them leaving for Mexico, and they took 3,200 U.S. jobs with them.

It is time to end this outrage, with the U.S. Tax Code actually encouraging companies to lay off employees and ship operations overseas, even as we struggle to recover from the worst economic downturn since the Great Depression.

The way to grow our economy and drive our recovery is to create jobs in America and remove policies that encourage companies to ship American jobs overseas. We built the middle class by building things in America. We can do it again by giving companies incentives to bring jobs back to America and create new ones here as well.

I encourage and urge my colleagues to support the Creating Jobs and Ending Offshoring Act of 2010.

I assume our time has expired.

The PRESIDING OFFICER. There is 7½ minutes remaining.

Mr. HARKIN. Mr. President, I will take a couple more minutes.

First of all, I don't know how anybody can argue with this bill. It just says, one, we are going to end subsidies for plant closing costs. In other words, right now, a company could close a plant here and move it overseas. All of

the costs of closing down that plant and ending that operation would take a deduction—or they could take losses or credit against taxes for the cost of closing that down. If they shipped it overseas—if a plant goes belly up, and they can't make it anymore, or whatever they have made is not being purchased anymore, that is one thing. I can see providing for credits and losses and deductions for that. But if they are closing it down and starting or expanding a similar trade or business overseas, they should not get any tax benefits whatsoever. That is what this bill does; it ends that loophole.

It ends the tax break for runaway plants when they expand their businesses overseas. Why should we allow companies that, as I say, are not good citizens—they take their plant overseas and the money they make over there—first of all, they don't have the same environmental protections. They have terrible working conditions and low wages. But they take all those profits—and a company that is here making the same products in America pays workers more, pays into Social Security, pays higher taxes, has environmental concerns to deal with—but this plant in America has to pay taxes on their earnings. The company over in China, making the same product, can defer those taxes, as long as they don't bring the money back here.

You might say, as long as they don't bring the money back here, why should they not get a deferral? Because they take those profits and expand operations in that country or other countries, further putting at a disadvantage the good companies that stay in America. We ought to end that loophole.

Third, this bill provides actual incentives for companies to repatriate jobs into this country—bring jobs back into this country. They get a 2-year break from paying their company's share of Social Security taxes. That is a good tax break for companies coming back into America.

For those three reasons, I don't see how anybody can argue with us. I am not here to say we have to stop every plant and put laws into effect to stop them from going overseas. That is not what I am saying. I am saying don't have the Federal Government subsidize that. That is what we are doing with our trade laws. I am not going to get into that now. That is for another debate maybe later this year or next year about redoing our trade laws and what we are doing in the WTO.

Why does China get away with undervaluing their currency, which makes their imports into this country cheaper, and we do nothing about it? At least Japan did something—raised tariffs to equalize the difference between what the currency could be worth on the open market. That is what we ought to look at in this country. China should not be allowed to get by with this undercutting of their currency just to

make their exports to this country cheaper because it is taking more American jobs away.

Again, that is not part of this bill. That is a discussion we need to have, and we need to have it soon in order to, again, have us take a more or a stronger position in world trade than we have been taking in the last couple of decades.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. JOHANNES. Mr. President, I rise today to discuss what I consider to be a rather disturbing trend on the floor of the Senate. I am observing more and more the majority bringing legislation to the floor for political reasons, knowing it doesn't have enough votes to pass.

Rather than working to address our economic woes in any kind of meaningful way, we instead find ourselves voting on what I would describe as ballot box topics designed to gain favor with select groups just weeks before the November elections.

Is it any wonder that the American people continue to give Congress such a dreadfully low approval rating? Is it any wonder that the people of this country look at what is going on and have come to the conclusion that the problems they are facing every day are not being solved?

Back in August, when I was going across the State, I did 14 townhall meetings, open events, where anybody could show up and offer their thoughts. What I heard over and over is that people are just exhausted, sick and tired of the games and the election year politicking that is going on, when we should be working to deal with the problems this country faces.

You see, the people don't care who is scoring political points. They care about their jobs, they care about finding a job if they have lost their job, and they care about keeping food on the family's table. For all too many people in this country, they care about the fact that the job they once had may never come back. They want action. In fact, they are crying out for action.

They want thoughtful approaches to our Nation's problems—not populist rhetoric devoid of any real solutions or a serious attempt to find solutions.

We find ourselves on the floor of the Senate this week debating a bill that has been labeled a jobs bill. Let me point out that there have been no hearings. There has been no debate on the proposal currently before the Senate. There has been no give-and-take in the hearings process to try to figure out if there is a way to come up with an approach that would make sense to create a jobs bill. None of that has happened.

You see, what this bill tries to do is seek to punish U.S. companies that do

business overseas under the very misguided assumption that doing so will somehow result in economic growth and job creation at home.

This bill would not create jobs. What it will do is hurt U.S. companies that do operate globally. Let's take a look at exactly what is in this bill and set aside the rhetoric.

The first part is a payroll tax holiday. I want to be the first to admit that I supported the payroll tax holiday when the Senator from Arizona, Mr. MCCAIN, offered it during the stimulus debate. It is so amazing because when that was offered by Senator MCCAIN, our friends on the other side of the aisle wanted no part of the idea whatsoever. Instead, what they wanted was to shove tens and tens of billions of dollars into government spending, leaving businesses essentially out of the stimulus equation entirely.

Now we are seeing an eleventh hour, last-ditch effort that ties strings and redtape to tax relief for businesses.

Yet this proposed payroll tax holiday is different from Senator MCCAIN's. Senator MCCAIN, appropriately so, said: If we are going to get this Nation's economy going again, we need to include all employees in an attempt to bring money to the economy, back to the workers' wallets, where they could better spend or better decide how to spend those dollars.

What we have here is just a narrow element—only for those businesses that replace a foreign worker with an American worker. How many jobs will that really create? When faced with a tsunami of uncertainties, ranging from increased taxes to a hostile business attitude in this administration—a downright antibusiness attitude—will a business really choose to hire because of this 24-month supposed tax holiday? There are some business groups out there that have answered that question for us. Let me quote from the chamber of commerce. They said this:

The concept of economic growth is not a zero-sum game. Replacing a job that is based in another country with a domestic job does not stimulate economic growth or enhance the competitiveness of American worldwide companies.

At a time when we have a 9.6-percent unemployment rate and an underemployment rate in the double digits, do we really want to enact legislation that will set back job creators and threaten our ability to compete in this world? Why does it leave out mom-and-pop, Main Street businesses? Why are they left out in the cold? Even if these small businesses wanted to hire to get a 2-year payroll tax holiday, they could not because they do not have any foreign employees. How absurd. The payroll tax holiday before us today is designed to only help the biggest of the big multinational conglomerates. Talk about standing up for the little guy. Are you kidding me? It tells Joe's Ga-

rage or Smith's Tool Shop: You are just simply out of luck. Considering the fact that 65 percent of all new jobs are created by those small businesses—businesses such as those on Main Street in Nebraska—excluding them from hiring tax incentives simply defies any rational logic whatsoever. But that is, unfortunately, what this legislation does.

Let's keep examining the so-called jobs bill.

The next part of the legislation is a provision that would immediately tax the earnings of foreign subsidiaries. In other words, the legislation would repeal the so-called deferral rule. Currently, firms are able to defer taxation on their foreign-generated income until it is brought back to the United States. At a time of sluggish economic growth, enacting policies that will threaten U.S. business is downright unwise, and it is reckless economic policy. Repealing the deferral rule will only further hurt the ability of U.S. companies to compete against other companies around the world.

The United States imposes a 35-percent corporate tax rate. That is already one of the highest in the world. In fact, we are behind only Japan in how aggressively we tax our corporate businesses. Only Japan has a higher tax rate. The average for the other G7 countries is just under 29 percent, while the group of industrialized nations that make up OECD average only 19.5 percent. Let me say again that we are at 35 percent. We are punishing the job creators already. How can we expect these companies to compete with their foreign counterparts when the foreign companies have such a lower tax burden, when their countries say: Look, we want these companies to be successful and have kept the tax burden low. How do our companies compete with that? The simple answer is, they cannot. If we really want to spur job creation, we would be lowering our corporate rate, not trying to punish our multinational firms that are trying to compete in the international marketplace.

Once again, do not believe me. Go to people who are in the midst of this. The National Association of Manufacturers said of the bill:

Manufacturers are concerned that the bill's proposed tax increases would impose new costs on American manufacturers, making them less competitive in the global marketplace and jeopardizing U.S. job creation.

Let me repeat the last piece of that: "... making them less competitive in the global marketplace and jeopardizing U.S. job creation." This is not a jobs bill at all. It is a political punishment bill.

Once again, the majority has sought to villainize a piece of our economy hoping that somehow by villainizing them, it improves their chances. First, it was the credit card companies. Then

it was the student loan makers. Next it was the insurance providers, the energy companies. And the list goes on and on. Unfortunately, this time they are trying to villainize companies that are trying to compete in an international economy.

But this bill also misses a very key point. A big part of the reason companies are not hiring is because of the vicious onslaught of bad policy Washington is throwing at them. I talk with businesses in our State. They are paralyzed with fear over what Washington will do next.

Let me share a story. I had a business roundtable in an area of Nebraska, Sarpy County, NE. A group of small businesspeople were sitting there. I was asking them: What can be done to help your businesses grow so you can hire people?

There was one lady there, and she said: MIKE, I have a business franchise in both Lincoln and Omaha. Our business in Omaha actually is not too bad. But I have looked at this health care bill. I have gathered information on this health care bill, and I have come to the conclusion that if I grow my business beyond 50 employees, which is right where I am today, I get tangled up in this mess. I do not want anything to do with it, so I am not hiring.

That is what I am hearing all across our State. And this payroll tax holiday for those who bring back workers to the United States is not enough compensation for all of the other looming tax increases businesses are facing. It is not going to offset the problems that have been created by this onslaught of higher taxes and regulation.

I am so disappointed that in these last days before we recess, a decision was made to take up such a flawed piece of legislation. Yet what is going to happen is this messaging attempt will take up our time. We will recess until after the elections, and we will miss the opportunity to take an important vote on what is headed to be the largest tax increase in our Nation's history. A vote on preventing the looming tax increases would have given individuals and some businesses some certainty about the future. We cannot expect any meaningful economic recovery to occur until businesses are provided with some certainty about what is happening in Washington.

Every day, I get calls from constituents. Every time I am home in Nebraska, people are saying: MIKE, please tell me what is going to happen on these tax issues. Tell me what to expect on January 1.

I can tell you that it is no consolation to them for me to say: We are debating a bill that everybody knows is not going to pass. That is how we are using our time between now and a recess that will extend well into November.

It does not make any sense whatsoever. No tax credit will prevent the pu-

nitive measures that are headed toward our population. Again, do not take my word. The National Federation of Independent Business has described it this way:

Uncertainty about the economy and looming tax hikes has kept this sector from hiring new workers, resulting in a weak economic recovery and slow to nonexistent job growth.

The NFIB went on to say:

Congress can take an important step to address the uncertainty by holding a vote and passing legislation extending all of the expiring tax rates. No small business owner should face higher taxes.

I could not agree more.

As I go across my State—and I doubt it is any different in any other State—Americans are struggling to meet this month's payroll. They do not need legislation designed only to gain political points at the polls. They want us to come here, to have a debate about what is going to happen on January 1 of next year, and that is the largest tax increase in our Nation's history. These good people deserve real solutions, not populous slogans meant to fool the electorate and somehow gain favor between now and November.

I know what is happening out there, and if we all think about it, what we are seeing is the American people are not fooled. They simply will not be fooled. They know that this latest bill supposedly meant to create jobs will not do a darn thing to address their concerns—looming tax increases, mounds of new regulations, and new 1099 paperwork mandates.

If I were going to design the perfect strategy for economic growth in our country, here is what I would say the people of Nebraska are telling me. They are saying: Extend all of the 2001 and 2003 tax reductions. Why? Because that is what makes the most sense for our economy. They see this massive tax increase out there, and they are asking themselves: How could you let that happen in these economic times?

Second, they would say: Repeal the 1099 mandate. We had a vote on that issue recently, as you know, Mr. President, on an amendment I offered. In that health care bill buried at section 9006 is a provision that says to every small business, every large business, every medium-sized business in America: Thou shalt do it this way, and this way is that if at any time during the year you buy more than \$600 from any vendor, you have to produce and provide to that vendor a 1099 form and provide a copy to the Internal Revenue Service. It doesn't stop there. It also applies to churches, to nonprofits, to State and local governments. It is an absolute wave of new paperwork. One business group estimates it would increase paperwork by 2,000 percent. What have I heard from my businesses in Nebraska, especially our small businesses? They are saying: At a time

when we need your help, what you are doing to us is burying us in paperwork, and we don't have the employees to deal with this.

This is a crisis that is hitting our job creators, and I am extremely disappointed with where we are today. We are literally not advancing the cause of creating jobs in this country. We are taking a course of action, instead, that is all about populism, that is all about gaining favor between now and November.

But I will say again: The American people have figured this out. They get it, they understand it, and they are watching us very closely. The bill we are debating is nothing more than an election year stunt, when we could be acting to prevent the largest tax increase in our Nation's history.

In those 14 townhall meetings, as I traveled from the largest community in our State—the city of Omaha—to some of the smallest communities in our State—Benkelman, in the very southwestern part of our State—I heard a common message. People wanted me to come back to Washington and fight for them against whom? Against a Washington government that they think has lost touch with their real problems, their real concerns. They wanted me to come back and speak on their behalf about what Washington politicians are doing to their businesses, to the job creation which this country depends upon, and to their pocketbooks. They asked me to come back and speak on their behalf because they see this tsunami of legislation that has come their way and they do not like any part of it.

It is no surprise to me whatsoever that what we are seeing out there are people who are sick and tired of what is going on here. They are sick and tired of a health care bill that is raising their premiums, forcing them into individual mandates, and complicating business creation literally to the extent where a job creator says to me: I can't grow this business beyond 50 employees because of what you have done to us in this health care bill.

It is a remarkable day in our Nation's history when the people of this great Nation are asking their elected representatives to come back here and fight against their government, but that is exactly what is happening. They are asking us to stand for them and to say to what is going on here: Enough is enough. We have punished the American people with endless regulations and with endless tax increases. At the end of this week, every Member of this body will be forced to go home and say: In a week where we could have made a difference and given you certainty and extended the 2001-2003 tax cuts, it wasn't done. Instead—instead—during this time, politics was played and nothing happened; just like we know today that politics is being played.

I think it is an unfortunate situation. I think we can do better for the American people than what is being displayed.

With that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, this evening, we will be discussing—debating—a very important principle; that is, whether we are going to focus on making things in America and whether we are going to stop the incentives that ship our jobs overseas. This debate is about our efforts, through a bill we will be voting on tomorrow, to stop shipping our jobs overseas. That is what this is about.

We know we are in a global economy. We understand we need to do business around the world, but we want to export our products, not our jobs. Right now, we are exporting too many of our jobs. Frankly, there has been no State that has been hurt more from this set of policies as well as inactions than my home State of Michigan. No State has been hurt more.

For too long, we have not been enforcing our trade laws. We allow China to manipulate their currency so they can bring products into our country at a cheaper price artificially, which is against WTO. It is against the law. But they have been allowed to do that. I am very pleased the House is going to be taking action this week to address that. A number of us, Senator SCHUMER and I, Senator LINDSEY GRAHAM and a number of others, have legislation to do that, and we will be addressing that as we move forward in the Congress the rest of the year to get that done.

So enforcing our trade laws, stopping currency manipulation, stopping countries from stealing our patents, from artificially blocking us from going in and selling to them, this is very important. But we also know there are policies in place that have put the wrong incentives in place—the wrong incentives. That is what the bill we will be voting on tomorrow will eliminate. We have two areas where we want to take away incentives right now to shift jobs overseas and we want to put in place an incentive to bring back jobs—three provisions in our bill.

There is an incentive to create American jobs by allowing a company that, after the passage of the bill, brings back a job—hopefully a lot of jobs—to the United States sometime in the next 3 years. They would get a holiday of the payroll tax for 2 years, for 24 months, if they are bringing jobs back

and it is clear that job was coming back from overseas. If they are stopping a job overseas, creating a job here, we want to create an incentive.

We also want to take away those things that have encouraged jobs being shipped overseas. The second provision would deny business deductions of any costs associated with moving jobs overseas.

The third provision would end corporate tax deferral of overseas income.

Why in the world American taxpayers would want to subsidize essentially shipping jobs overseas through our Tax Code is beyond me. That is what we want to change. Someone should not be writing off the costs of moving the jobs overseas and setting up shop somewhere else. This legislation would take away that tax deduction, that business deduction for writing off those costs you use to ship jobs overseas.

I have seen the devastation in communities around Michigan from efforts where a business will close up shop and will take jobs overseas. In many cases it is over the river to Canada or down to Mexico. I remember Electrolux, in Greenville, MI—it was 2,700 jobs in a community of 8,000 people—making refrigerators. They were productive, doing a great job. There was a second shift, in some cases a third shift. But they decided a few years ago to close up shop, 2,700 jobs lost, and they went to Mexico—where they could pay \$1.50 an hour, by the way.

We have a Tax Code that would allow Electrolux to write off the business expenses to take those 2,700 jobs down to Mexico. This legislation stops that. It would provide incentives for bringing jobs back.

We cannot have an economy unless we are making things. That is the second part of what we are doing. We want to stop jobs being shipped overseas, but we want to make it in America. We want to make things in America again. We do not have an economy, no country has an economy, unless we make things and grow things and add value to them. I am very proud to say in Michigan that is what we do: We make things, we grow things, we add value to things. If we focus on making things in America again, we will not only bring jobs back, we will bring the middle class back because, as we have learned painfully, after seeing the last decade a focusing on cheap prices but not where things are made, that if we do not have manufacturing in this country and if we are not focused on where things are made, we will lose good-paying middle-class jobs. We have lost many of them.

In fact, from 2001 until 2009 we lost 4.7 million manufacturing jobs in America. Nearly 27 percent of the jobs in manufacturing were lost during the last administration, from 2001 to 2009. We want to turn that around. In fact, we have been focused on turning that

around. We have been focused in a number of ways to grow manufacturing, for example, in the Recovery Act with the Advanced Manufacturing Tax Credit—48C it is dubbed—which has brought a number of new businesses to Michigan and others around the country, focusing on other kinds of clean energy manufacturing, to make things in America. We have begun to see the manufacturing numbers go up—way too slowly, but one of the ways to make sure it moves more quickly is if we close the incentives to ship the jobs overseas. If we close those incentives for shipping jobs overseas and, instead, put the right kinds of incentives in place, we will bring jobs back and we will be able to partner with businesses to be able to do that.

One example I was pleased to author in the Energy bill passed a couple of years ago is a retooling loan program to help automakers and others manufacturing to be able to retool older plants and to be able to bring jobs back. We have seen a wonderful case of that with Ford Motor Company bringing the Ford Focus production back from Mexico to a plant in Wayne, MI, partnering with the Federal Government on the right kind of incentives to retool a plant—from a truck plant down to an energy-efficient, fuel-efficient car plant. Those are the kinds of incentives we need to have in place, not incentives that say if you ship jobs overseas you can write off the costs on your taxes.

We know the kinds of incentives that can work. We have seen them work. We have to have a much more aggressive policy about making things in America and making sure that we are closing the loopholes that have stopped the efforts to take our jobs overseas.

There is so much we need to do. I feel a tremendous sense of urgency about this issue of making things in America because of my great State, where we make not only automobiles, we make appliances, we make medical equipment—you name it and somebody in Michigan is probably making parts for it.

We have created a whole generation and a middle class because of our ability to make things in America. Then we see what has happened, where we have seen the pressures coming in an international marketplace with other countries rushing to have a manufacturing policy—China, Korea, India, Germany, of course Japan—rushing to have a manufacturing economy and doing whatever they can, cutting corners, not following the law, stealing patents, manipulating currency, and putting up trade barriers.

We are in a marketplace where we have to fight for our businesses and our workers, to keep the opportunities to make things here in America, not fold up and assume that your jobs are going to be lost and, in fact, incentivize that by tax policy.

The legislation we have in front of us is one of the most important, fundamental pieces of legislation that we have voted on this year, in terms of jobs and turning the incentives around. We want to make things in America and we want to stop shipping our jobs overseas. We want to incentivize companies to bring jobs back by giving them a 2-year payroll holiday for jobs that are coming back from other countries and putting people to work. We want to take away the ability to defer taxes on profits made on businesses overseas and to use business deductions from the American tax system to be able to deduct from American taxes those costs that are being expended to ship jobs overseas.

This is a time to be focused on fighting for America, on fighting for good-paying jobs and for workers and for businesses that have done the right thing. People who do nothing more than get up and go to work in the morning are proud of their skills. We have the best, most skilled workforce, the best engineers. We create the innovation in this country. But our tax policies encourage that to go overseas to create jobs. That is what this legislation is meant to address. This is about fighting for America, fighting for our American dream. It is about making sure that our priority is to make things in America again and to stop the policies that are shipping our jobs overseas.

I see my colleague from California here, who is such a champion on this issue, who has spoken out so many times on behalf of her State of California. We share many things, actually, in terms of innovation. In fact, we talk about innovation oftentimes as created in California, that we are buying it and putting it in our automobiles as well as creating it ourselves in Michigan. We have a great partnership.

You have more computer power in your automobile than anything else you own and we are very proud of that, and we are proud of the partnership we have—I am proud of the partnership with my friend from California, who is such a fighter for her people and a fighter for jobs.

I will relinquish the floor at this time, but let me say this is very simple and the vote tomorrow is very simple. We want to stop shipping jobs overseas. We want to make it in America again.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I want to thank Senator STABENOW for her leadership on this and so many issues relating to jobs—jobs here in America. I had the opportunity to listen to a bit of the debate back and forth. I heard some of my colleagues who were not in favor of this very important bill that we hope to move tonight, to reward companies that produce jobs and create

jobs in America and take away the tax breaks from those who ship jobs overseas and then try to import those products back to America. We are saying let us reward those who create the jobs here in America. That is as simple as it gets.

I have heard my colleagues on the other side say in a very convoluted way that when we give tax breaks to companies that ship jobs overseas, it actually winds up creating more jobs in America. I wonder if they have met some of the people I met, who actually went to other countries to train their replacements. They went to other countries to train their replacements.

We just passed a very important small business jobs bill. I saw the President today sign it into law. It is going to create jobs right here in America because, guess what, it is setting up a lending system, a deficit-neutral fund through our community banks. That \$30 billion deficit neutral fund will be leveraged to \$300 billion and we will see a half million jobs created through the small business community. They need access to capital.

This is a good step. We cannot stop there. We have to do more. That is why, as we wind down before the election, we are trying to say to our colleagues: Please, all join together on the way out of this particular session. We will be back after the election. But on the way out the door now, let's do something for the American workers, for American families.

For too long the Tax Code has rewarded companies that ship jobs overseas. It seems to me it is common sense. You can make it complex. Some of my colleagues have made it complex. But when somebody tells you something like this—it is complicated—challenge them, because most ideas are not complicated. People make them complicated. If you create jobs here in America, guess what, we are going to give you a tax break. Not only that, we are going to give you a tax holiday, for the workers that you employ right here in America. We are not going to say if you move jobs overseas you get big tax break and big tax writeoffs. It is pretty simple. That is it. People who oppose this, I believe, simply do not believe it is important to create jobs here in America. I want to see the words "Made in America" again.

Manufacturing is an essential part of our economy. We have to do all we can to promote a strong manufacturing base here at home. In my State of California, over 1.2 million Californians work in the manufacturing sector, and the products these men and women make contribute \$180 billion to our State's economy.

But in recent years, manufacturing businesses have left the United States and they have taken their production lines to countries such as China, India,

Mexico, and hundreds of those of jobs left my State.

The number of U.S. companies with foreign manufacturing affiliates increased 14 percent in the last 20 years, and it continues even during the recession. I think it is important to make a distinction between companies that sell abroad—all right, we want that—and companies that close down manufacturing here and then manufacture abroad and then reimport those products back to America.

That is what we are talking about. We want our companies to get out there, make products here and sell them abroad. I think that is very important, and I want to reward that. I do not want to reward people who close down their manufacturing plants and open a new operation abroad, produce their product, and then bring it back to America.

That is what we have been rewarding. A Duke University study tells us the number of companies with a corporate offshoring strategy in place more than doubled in the last 3 years. A lot of us know Senator DORGAN has been a real champion on this issue of ending tax breaks for companies that shift jobs overseas. I was proud to support his measure to end those tax breaks at least four or five times. He has come to the floor to tell the stories of American companies that have uprooted their production lines in the United States, relocated to foreign countries, only to resell their products made by foreign workers to American customers, while receiving a tax break for doing that.

What is so important about these stories is, it is not just the job losses associated with companies shipping jobs overseas that hurts, it is that these companies have served as the center, the heart, of many of our communities. When a bicycle manufacturer closed its last factory in Ohio, 1,000 Americans lost their jobs to foreign workers who now build bicycles for American children to ride. So my colleagues on the other side can talk about how great that is for the workers, but 1,000 Americans lost their jobs. That is clear.

On the day the company left town:

Nearly 1,000 union workers streamed from a dark factory into the sun-drenched day. One worker, then another, then dozens and maybe hundreds removed their shoes. They walked in their socks to their cars and trucks and drove off the property for the last time. In their wake was a parking lot littered with rows of shoes set neatly on the asphalt. The message: Try filling these.

When an appliance company announced it would leave Indiana for Mexico, a woman who had worked decades at the plant wondered what would happen to her friends and neighbors.

Will they be able to stay and find work? Where is our community headed?

A candy manufacturer closed plants in Pennsylvania and Oakdale, CA.

About 3,000 jobs were lost between the two shutdowns. At the Oakdale plant, a number of employees broke into tears when they were told of the plant closure. Said a worker who had been at the plant for 26 years:

I was one of the ones who was expecting it, but there were a lot of people in denial who took it really hard. There were a lot of people crying. It's shocking. It is so fast.

So my colleagues are going to tell you this is complicated. They are going to tell you: Oh, but you ship these jobs over here and we get more jobs here. Talk to those people—3,000 jobs. Talk to them.

This is a quote from the executive director of the nonprofit California Commission for Jobs. He said the plant closure "kind of tears at your heart strings because it is such a piece of Americana."

There are so many examples in my State of companies shipping jobs overseas. Here is what they include: a medical device manufacturer that moved 1,200 jobs to Mexico; a speaker electronics company in Chatsworth that shut down its plant and moved to China; an aviation technology company that closed its manufacturing facility in Hayward and moved jobs to China; a printer manufacturer in Camarillo that is moving its production line to China, costing 400 jobs; an optical lens manufacturer that cut 700 jobs in Petaluma and moved production to Mexico.

Here is the thing about our bill. What we do is very smart. We have a carrot-and-stick approach. These companies moved American jobs overseas. They were eligible for tax breaks on their way out of town, and they are selling American products back to us, back to American consumers, that used to be made by American workers. The Tax Code, as it is now, gives tax breaks to these companies. In so many ways it encourages them, encourages them to move. Close your plant and moving it to China. Right now, the Tax Code gives you the ability to take tax deductions, tax credits, write off losses associated with closing your factory and moving it overseas. It is wrong.

U.S. companies have taken great advantage of this tax benefit, slashing workers, moving production abroad, and receiving billions in tax credit as a result. It seems to me this must end, and we need to reward companies that stay in America, that stay in California, that employ our American workers.

Earlier this year, we passed legislation to keep over 16,000 teachers in California in the classroom, and we paid for that bill by closing tax loopholes for companies that ship jobs overseas. That was an important step. But more needs to be done to bring those jobs back home to help American businesses invest in our economy.

I have talked to American businesses that are creating jobs here at home.

They are thrilled to do it. But they look at me and say: Why would you reward people who pack up, move out, and slash the American workforce? My answer is: I should not be doing that, and thank you for raising the subject with me.

That is why this legislation is so important. It will end tax subsidies businesses can receive for closing U.S. factories and moving them overseas. Remember, we are not talking about foreign sales. So do not let anybody confuse you on it. We are talking about manufacturing, production. We are talking about a company that produces a product here and decides to move that operation abroad. They are encouraged to do so by our Tax Code.

Today, we are saying—and we hope we get support from our colleagues—let's end those incentives and incentivize those who create jobs in America. The bill promotes job creation here at home. It includes, as I said, a 2-year payroll tax holiday for U.S. companies that hire new American workers to replace foreign employees, creating incentives for companies to bring jobs back home and invest in America's economy—in America's economy.

When people say: I am a jobs creator, I want them to mean, I am creating jobs in America, not in India, not in China, not in Malaysia but right here at home. I want to see those words "made in America" again. That is what this debate is about. I want to rebuild our manufacturing base, creating jobs here at home by taking advantage of American innovation to help lead us toward new technology, including clean energy technology.

We know the world is going green. Everyone in the world wants clean energy. We need to create those right here in America—right here in America—and export those products to the world. I am very proud of my State of California. We have led the way when it comes to creating clean energy jobs. But we should be incentivizing those companies and making sure they stay in America, that they do not move their manufacturing abroad.

That is why our legislation is so crucial. The Pew Charitable Trust looked at California through this recession. You know what they found? That because of our clean energy laws in California, we have seen 10,000 new businesses and we have seen 125,000 new jobs created and the words "made in America," again, are on those technologies. They are making the solar panels. They are installing them, and people are very excited about this.

But if we incentivize companies to move overseas, we could lose that. We want to be the innovators, the creators. We also want to be the producers. So it seems to me, if we proceed to this bill, we are taking a big leap forward, and that leap forward means

we are sending a clear signal: If you choose to create jobs in America, we want to give you every incentive—tax breaks, tax holidays—for your employees. But if you choose to close shop and send those jobs elsewhere, to China, to India, wherever, what we are saying is: You can do that, but we are not going to give you a reward for it.

It is as simple as that. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 578, S. 3816, a bill to amend the Internal Revenue Code of 1986 to create American jobs and to prevent the offshoring of such jobs overseas; that the bill be read three times, passed, and the motion to reconsider be laid upon the table; that any statements be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. ROBERTS. Mr. President, reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. ROBERTS. The distinguished Senator from California said that if we choose to proceed, we will have a vote tomorrow at 11:30 on this bill. I think her actions are premature, so I do object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to speak for up to 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. KLOBUCHAR. I have come to the floor today in support of the Creating American Jobs and Ending Offshoring Act, which I believe, as was well stated by the Senator from California, will go a long way towards promoting job creation in the private sector and leveling the playing field for American workers.

In recent months, reports have shown that retail sales are up, hourly wages are rising, and household debt is at its lowest point in a decade. We have seen some particularly promising bright spots in Minnesota, where our manufacturing exports increased 19 percent in the second quarter to \$4.3 billion.

Minnesota also has one of the lower unemployment rates, 7 percent, compared to 9.6 percent nationally.

But while the numbers are starting to point in the right direction, too many Minnesotans, and too many Americans are still out of work. As one of my constituents recently put it, "unemployment may be 7 percent in the rest of the state, but it's 100 percent in my house. That is what matters to me."

He is not alone. Nationwide, there are still 15 million Americans out of work, and another 6.6 million who have joined the ranks of the long-term unemployed.

I received a letter from one of them just the other day—a constituent of mine named Jon, from Northfield, MN—and I would like to share what he wrote. He says:

I am 63 years old and I have worked my whole life. I lost my job in January 2009, and I've applied for every job I've seen since—even for some that'd pay half of what I previously earned. What's being done now for the millions of us without work?

The bill we are discussing today is not a silver bullet solution to our economic woes. But it will help answer JON's question, a question that is on the minds of millions of Americans right now.

First, it will create a payroll tax holiday for businesses by eliminating the employer share of the Social Security payroll tax on wages paid to new U.S. employees. This will be available for 2 years and applies to any new American worker who is hired to replace a foreign employee.

For far too long, we have seen our homegrown jobs shipped overseas. It is time to level the playing field for American workers, and the payroll tax holiday creates a market-based incentive for that. It encourages companies that might otherwise hire foreign employees to create jobs here at home—in places like Northfield, MN, not Mumbai, India.

Second, this bill will close the tax loopholes that have put our workers at a competitive disadvantage, a provision that will also encourage companies to bring jobs back to the U.S.

That is important, but I want to point out that this bill is about more than just job creation. It is about rebuilding our economic foundation. It is about reviving our manufacturing base and moving away from the mindset of the last decade, a mindset that glorified debt, consumption and the empty churn of money.

What we need now are policies that allow us to be a country that thinks, invents, and makes things again, a country where you can walk into any store on any street in any neighborhood, purchase the safest product at the best price and be able to turn it over and see the words: "Made in the USA" stamped on the bottom.

As Tom Friedman, the New York Times columnist and Minnesota native, has put it, we need to be doing some "nation building in our own nation."

I often think about the opening ceremonies at the 2008 Summer Olympics in Beijing, the ones that featured that perfectly synchronized 2,000-man drumming routine. Well, those drumbeats are only getting louder and louder.

While China builds the world's leading solar energy industry, we sadly still have not passed an energy bill, despite some that call for a renewable energy standard. While India encourages invention and entrepreneurship, we give our innovators the runaround. And

while Brazil produces more engineers, we let our students fall behind.

The world is moving ahead fast. But we are not going to let it pass us by.

As a country, we have always been home to the most productive, innovative, and resourceful workers in the world. I am talking about the men and women who have mined, manufactured and constructed every great product of American innovation, from cars to airplanes to solar panels to satellites.

In other words, the men and women who are doing the kind of work our country was built on, the kind of work that made America great in the first place.

We have before us a bill that makes sure that work is done right here in America, in our factories, in our office buildings and in our manufacturing plants. It is a good step towards not only rebuilding our domestic industry, but towards putting more Americans back to work, and I urge my colleagues to support it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, it is my understanding—and I am asking the Presiding Officer—that under rule VI, No. 4, at 7 we are going to be presented with a live quorum call. Is that not correct? Is that the schedule for the Senate? I am asking to determine how much time I have between now and 7 o'clock.

The ACTING PRESIDENT pro tempore. The Chair is under the impression that a live quorum call will be made at 7. The Senator has 30 minutes.

Mr. ROBERTS. It says, for those who take the time to be familiar with proceedings of this distinguished body, that:

Whenever upon such roll call it shall be ascertained that a quorum is not present, the majority of the Senators present may direct the Sergeant at Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no debate nor motion, except to adjourn or to recess pursuant to a previous order entered by unanimous consent, shall be in order.

So I thank the President for making that very clear. Hopefully, that sheds some light on what we are doing on a Monday evening, which some Senators would simply call a bed check. We are scheduled to vote at 11:30 tomorrow on whether to proceed with a debate that has been taking place here on the Senate floor. I think that obviously would be the time for the debate. But I think I have about 20, 25 minutes here to make my comments. I shall proceed.

We are really talking about a tax bill. I know the authors of the bill, the people who have spoken before, obviously think it is a major issue. It is a very important issue, but what we are

really talking about is bringing to the floor a debate that raises taxes on U.S. companies and makes them less competitive globally. I don't think that is a very good idea, a tax increase on these companies, given the difficult times we have and given the difficult times we have in our export markets, to make our U.S. companies that deal overseas less competitive. But I don't think we should be surprised, given that the majority has not yet acted to keep taxes from increasing for families and small businesses—everybody—come next January. That is the real bill we should be considering. That is the bill we certainly should be considering before we adjourn until the lame-duck session of Congress which I assume is still being planned.

It is most unfortunate that we are going to a lame-duck session of Congress. I had a constituent say: Lame-duck; that is going to be a Daffy Duck. I think that is a little harsh given the intent of both Houses of Congress, but what we really ought to be talking about is the tax increase that is going to take place in less than 90 days unless Congress acts. I know there was a great discussion within the majority caucus as to whether we should move on that, whether we should take a vote on that, both in the House and the Senate. That is really why I come to the floor.

This is a looming tax increase that will take effect next year. It is going to hit every American who pays income taxes. There has already been a great deal of debate about who will pay these higher taxes. The President and many of his supporters in Congress say they will not raise taxes on those families earning under \$250,000 or individuals earning under \$200,000. That was a campaign pledge of the President.

The American dream—or at least it was when I was growing up, and I had hoped it would be for my kids and grandkids meant one could climb the ladder of success, the ladder of economic success as high and far as they wanted, and nothing government-made or manmade would stand in their way, except they had to do the climbing. Now we find that when you hit \$250,000, if you are filing a joint tax return or if you are earning \$200,000 individually—you are rich. They describe people who earn over \$200,000, \$250,000, and regardless of their obligations, regardless of whether it is a small business, and regardless of what those circumstances may be, bingo, they are going to have to pay that higher tax rate. So we have somebody in Washington describing in manifest detail who is rich and who is not in the United States. I find that to be the antithesis of the American dream, at least as I understood it. I think now there is a hue and cry of, let's level everybody with everybody else. I do not think that is where we want to be in terms of our national intent.

The health care reform law has already broken the pledge in regard to that of the President, the \$250,000 and the \$200,000, because that imposes a slew of new taxes on small businesses and health care consumers, including those earning well under these income levels. So we should be weary of any pledge by the President or the majority to protect taxpayers from the harmful tax increases that are set to take effect in January. With less than 90 days—about 3 months—left in the year, this administration and the majority in Congress have done nothing except talk about it in their caucuses and to find out where the votes were and to find out how it was playing before the election. That is the truth. Nothing to prevent this massive tax hike on American families and small businesses.

Now it is September. I don't think most families are really thinking about their income taxes right now. They should, but they are not. They put the frustration of April 15 behind them. Tax freedom day is somewhere down the road in April or May. That is when you are paying all the taxes, and that is where all of your income goes to government and you finally have tax freedom day. That becomes something that comes to their mind right off the bat in the spring. But some families were fortunate enough to be able to take a vacation as of this summer or late summer. However, many were working instead and very happy to do so, given the situation in regard to jobs. They are just happy to have a job to provide for their families. But none of them are probably thinking about what is going to happen on January 1. They will be handing more of their paycheck over to Uncle Sam. That is exactly what is going to happen if the administration and the majority in Congress do not act and do not act soon. We should act before a lameduck Congress.

Some have dubbed this tax relief package the "Bush tax cuts," saying they only benefit the wealthy. Let me point out, that is simply not correct. I don't see how continuing existing tax policy that has been in effect for 10 years constitutes a tax cut. It is preventing a tax increase. If we want to get partisan about it, it is not about a Bush tax cut, it is about a President Obama tax increase that we are trying to prevent.

Let's take a minute and look at how this tax relief passed on a bipartisan basis and supported by several Senators in the majority who are still serving in this body let's take a look at it and how it has benefited families and small businesses across all income levels.

The bipartisan tax relief doubled the child tax credit from \$500 to \$1,000. This credit amount will be cut in half next year. The bill lowered capital gains and dividend tax rates to benefit families who invest long term and save for their future.

These taxes will go up dramatically next year. If you read any financial publication, are aware of any think tank that deals with taxes and finances and the economic outlook for this country, you find out that is going to have a dramatic effect—a very unfortunate law of unintended effects. Those taxes will go up, as I said, very dramatically next year by as much as 33 percent for capital gains and 164 percent for dividends.

This bill lowered income tax rates for every taxpayer who pays taxes—I am talking about the 10-year existing tax relief—whether you are a lower income taxpayer, a middle-income taxpayer or an upper income taxpayer. So unless we act soon—and that is in the hands of the majority—taxes will go up for every taxpayer as of next year, and that is the bill we should be considering now, not a bill that is going to cause quite a bit of harm to every company that does business overseas.

Here are just a few examples of what this will mean to working families if the majority allows these provisions to expire: A single parent with two children who earns \$30,000 will see a tax increase of \$1,100 a year. A family of four who earns \$50,000 will see a tax increase, on an average, of \$2,100 per year.

Clearly, these families are earning well below the \$250,000 threshold the President promised not to raise taxes on, these folks. Yet in just 3 months, that is exactly what is going to happen. So you might want to think about it, America, as well as what is going to happen down the road a little bit. You have Halloween. That is about when the lameduck Congress comes back. You have Halloween and then you have Thanksgiving, Christmas—not the time you are thinking about a big tax increase that is going to whack you right in the forehead, but that is exactly what is going to happen.

The President's supporters in the Congress have yet to introduce a bill to prevent this tax hike. It is that simple. We certainly do not see any language on a bill to prevent these massive tax hikes that go into effect on January 1.

However, the President and his supporters in the Congress say they want to extend tax relief for everyone but those taxpayers they say are wealthy. Who are these folks? Who are these wealthy taxpayers? Well, under the President's proposal, and presumably the proposal supported by most in the majority, it is any individual who earns more than \$200,000 in income per year or any family who earns more than \$250,000.

I know there are some who earn much less than these amounts who think that sounds fine. Well, maybe to some it does. It is always:

Don't tax me. I won't tax thee. Tax the guy behind the tree.

There is a little bit of envy here that goes on among all of us, I think, in our

hearts when we look at people who earn huge salaries. Somehow, some way that we have now defined those people at \$250,000 and \$200,000.

I think that is unfortunate because we all benefit—we all benefit—when incomes increase and people become successful. That is how the economy gets turned around. That is how we have people who are entrepreneurs and they invest and they provide more jobs. When incomes go up and people have more of their own money to spend and invest as they see fit, more businesses are started, expanded, more jobs are created and—guess what—more income comes into the government.

There is a lot of money sitting on the sidelines waiting. If you do not take more money out of people's pockets, you will see, I think, a burst of economic activity that results directly or indirectly to the Federal Government.

I was just reading in the Wall Street Journal an article about that. I intended to bring it over, but I failed to do so. You can just take it from me. When incomes go up and people have more of their own money to spend and invest as they see fit, more businesses are started and expanded and more jobs are created.

To see the harm in raising the top two tax rates, to target those earning over the \$200,000/\$250,000 threshold, we only have to look at what allowing this tax relief to expire means for small businesses to see the danger in allowing this tax increase to take place.

Because many small business owners pay their taxes on their individual income taxes, if the top two income tax rates are increased as the President proposes, small business owners in these tax brackets will pay those higher income tax rates.

The administration says these higher taxes will affect only 3 percent of small businesses, so we should not be concerned about raising these taxes. If we have heard 3 percent, we have heard that enough over and over and over again: only 3 percent. But those numbers downplay the impact of raising taxes on small businesses.

Let's look at what such a tax hike would mean for America's small businesses. Keep in mind, these are the same businesses that, by the President's own admission, are the Nation's job creators. They create 70 percent of the jobs in this country—70 percent. Yet under the President's proposal, tax rates would increase by at least 17 percent on small businesses.

According to the nonpartisan Joint Committee on Taxation, that means three-quarters of a million businesses—750,000 small businesses—will pay higher taxes.

Allowing the top rates to expire subjects nearly \$500 billion—another $\frac{1}{2}$ trillion—in small business income to higher taxes. This is a very conservative number. Further, small businesses with between 20 and 299 workers

employ about 25 percent of the U.S. workforce. So we are taking action to raise taxes on 25 percent of the U.S. workforce.

These small businesses will have to recover the cost of higher taxes somewhere. It may come from lower wages. Will they lay off workers? Will they reduce benefits or raise the cost of their products? That is dicey, given this kind of environment in regard to consumers and what they are able to do. None are good options.

With unemployment holding steady at over 9 percent, common sense would indicate, that raising taxes on those businesses that are creating jobs is a very bad idea. As small businesses face a significant tax hike come January, workers will inevitably pay the price. By one estimate, an increase in the top tax rate would cost jobs by reducing small business hiring by as much as 18 percent. That is 18 percent we do not need.

Raising taxes on small businesses will also likely slow the already weak economic recovery. We see a lot of headlines saying: The recession is over. But let's talk about the economic recovery we all wish—both Democrats and Republicans, all of us wish—would take place. The National Federation of Independent Businesses, the NFIB, has said the second most cited concern of small businesses is taxes. As a result, small businesses are sitting on the sidelines until they know whether they are going to be facing higher taxes come January 1. That ought to be obvious. Small businesses need certainty about how much they are going to owe in Federal taxes.

Yet, once again, this administration's rhetoric on small business does not match the reality of its proposals. The administration says it wants to help small businesses, and it has touted the recently passed small business bill as proof of that. Yet this same administration pushes through a health care bill that Americans do not want that imposes higher taxes on small businesses. Now it wants to raise taxes even further on these same small businesses by increasing their Federal income taxes.

It seems a bit ironic to watch the majority touting the small business bill that the President is, in fact, signing into law today. They said small businesses needed this tax relief so they could grow, expand, and create jobs. During debate on this bill, they criticized Republicans for holding up important tax relief for these businesses.

So it is curious now, that many in the majority who supported this relatively modest tax relief and who repeatedly stressed the importance of tax relief to small businesses are the same ones who oppose extending income tax relief that benefits small businesses.

Let me make it as clear as I can. The same members of the majority who

supported the small business bill and who insisted we must provide them tax relief are the very ones who oppose extending income tax relief that will benefit small businesses. That is a contradiction. That is tough to explain, it seems to me. I am pretty sure a lot of people are simply not going to understand that, especially in the next month or in November.

If it is so important to provide tax relief to small businesses in this bill, why isn't it equally important to extend other small business tax relief? We will not get our economy back on track until small business begins hiring, period, and they are not going to hire if they have to pay more taxes in January on top of what they have already been burdened with in the health care bill. Yet that is precisely what the administration's proposal will do.

Why would our colleagues on the other side of the aisle want to allow income taxes to go up at the end of this year for hundreds of thousands of small businesses? Why are we having a vote tomorrow on proceeding to another bill that could be very hurtful in regard to our competitors overseas. How does that aid the economy? How do higher taxes help put unemployed Americans back to work? How does a higher tax burden allow a small business to grow and expand? How do higher taxes on small businesses aid the economy?

The answer is pretty straightforward. Small businesses are hurt by higher taxes. They cannot hire new workers and they cannot buy equipment or a new building or make other investments that can help their business grow.

This approach by President Obama and the majority is absolutely the wrong approach to take if we want to ensure job creation and grow our economy. We need to continue the tax relief passed in 2001, by a big bipartisan majority, that has lowered income tax rates for all taxpayers and encouraged families to save and businesses to invest. Continuing this tax relief, rather than more spending, will help get our economy back on track.

What I usually hear from my friends—and I want to comment on it—on the other side of the aisle, especially when you talk about tax cuts—you say: tax cuts, and then, bingo, for the rich, for the wealthy. We are beating a dead “class warfare” horse, it seems to me. But that simply is not an accurate picture of the massive tax increases that are facing American families next year.

The majority has been in power for nearly 4 years. They have had plenty of time to address this issue, plus estate tax reform, plus the AMT, plus all the other things we say we are going to do as members of the Finance Committee. I am privileged to serve on that committee. Yet, similar to a child who has not done his homework, they have put

this off until the last minute, creating enormous uncertainty for families and small businesses.

They try to justify these massive tax hikes by saying this bipartisan tax relief contributed to the Nation's current fiscal problems.

The popular refrain Americans have heard from the President and his supporters in the Congress is that they inherited the current deficit, and that it is a result of the tax relief we passed, again, on a bipartisan vote, in 2001.

But the numbers do not add up. Did you know the Federal deficit decreased as the 2001–2003 tax relief took effect? The deficit stood at \$412 billion in 2004 but dropped to \$161 billion in 2007. That is the year the majority took control of the Congress. I was here. I know. I could list Senators on both sides of the aisle who made tremendous progress in regard to reducing that deficit from \$412 billion in 2004 down to \$161 billion in 2007—tough to do. We had Katrina, had all sorts of problems, Iraq, two major wars, but we did that.

Three short years later, the deficit has more than quadrupled and this year is estimated to come in at approximately \$1.3 trillion—not billion, trillion. “Trillion” has become the watch word of the day; not billion, trillion.

That is a direct result of the massive spending agenda the President and his supporters in Congress have undertaken, including a failed stimulus bill, bailouts of failed companies, and a health care bill that a majority of Americans do not want—growing by the day when they find out the details of the bill.

What is particularly ironic about all of this is that the President has seen no reason to offset the billions in Federal Government spending that he and his supporters have put in place—billions in new Federal spending on a failed economic stimulus program and billions to failed companies, billions that have contributed to the largest deficit in this country's history.

Further, the President has already said he doesn't plan to pay for the cost of extending about 74 percent of the expiring tax relief—that is about \$2 trillion—that benefits lower and middle-income taxpayers. I am for that. Everybody here is for that. And that number is actually expected to go higher. Yet the remaining 26 percent of the tax relief—that tax relief that in part benefits small businesses—the President doesn't want to extend. Why not? Here is the kicker. He says we can't afford it.

We can't afford it? This, from the same President whose spending spree has driven up the deficit to unprecedented levels? The same President who spent well over \$700 billion on last year's failed stimulus program? The same President who handed out billions in Federal tax dollars to failed

businesses? That is right. The President says we can't afford to extend income tax relief for small businesses to help them create jobs, grow, and continue to employ more than 20 million Americans who work for small businesses.

Well, we have a saying for this in Dodge City. It sort of resembles a lot of what we have in our Dodge City feedlots, but I am not going to go into that.

A recent observation by Kevin Hassett and Alan Viard with the American Enterprise Institute writing in the Wall Street Journal sums this up very nicely:

The administration is right to view the deficit as a serious issue, but this sudden commitment to fiscal responsibility is bizarrely inconsistent. The administration professes deep concern about the \$700 billion revenue loss from extending the tax cuts at the top, but apparently views the revenue loss of nearly \$2 trillion from extending the tax cuts for the middle class as too inconsequential to mention.

I repeat, again, we are all for that.

They continue:

Nor has the administration's concern about the deficit driven it to reduce federal spending.

That is the key. It seems to me it is disingenuous for this administration to say we cannot afford to provide tax relief that helps small business and gets our economy moving in the right direction when the same administration has pursued failed policies of unrestrained spending that do little but grow the deficit.

We can and should provide tax relief to all taxpayers, and that should be the business of the day, not a live quorum call or a bed check and then go out this week and then come back in a lame-duck Congress to debate that. Then it would be, what, 40 days before the ax would fall in regard to every American paying more taxes.

The PRESIDING OFFICER (Mr. MERKLEY). The time of the Senator has expired.

Mr. ROBERTS. I ask unanimous consent for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Thank you. We can and should provide tax relief to all taxpayers—tax relief that helps families keep more of their hard-earned dollars and tax relief that provides certainty to small businesses so they can make investments and create jobs without the fear that their taxes will go up. We need to extend this tax relief that keeps money in the hands of families and small businesses rather than putting it in the pocket of Uncle Sam.

I yield back the remainder of the time that the distinguished Presiding Officer granted me.

Mr. CARDIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 5 Leg.]

Akaka	Kohl	Roberts
Alexander	McCain	Vitter
Bond	McConnell	Webb
Cardin	Merkley	
Collins	Reid	

The PRESIDING OFFICER. A quorum is not present.

Mr. REID. Mr. President, I move to instruct the Sergeant at Arms to request the presence of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. CARPER), the Senator from North Dakota (Mr. CONRAD), the Senator from Connecticut (Mr. DODD), the Senator from North Dakota (Mr. DORGAN), the Senator from North Carolina (Mrs. HAGAN), the Senator from Massachusetts (Mr. KERRY), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Mrs. MURRAY), the Senator from Florida (Mr. NELSON), and the Senator from New Hampshire (Mrs. SHAHEEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kentucky (Mr. BUNNING), the Senator from Texas (Mr. CORNYN), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Idaho (Mr. CRAPO), the Senator from Wyoming (Mr. ENZI), the Senator from South Carolina (Mr. DEMINT), the Senator from South Carolina (Mr. GRAHAM), the Senator from Utah (Mr. HATCH), the Senator from Texas (Mrs. HUTCHISON), the Senator from Georgia (Mr. ISAKSON), the Senator from South Dakota (Mr. THUNE), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Idaho (Mr. RISCH), and the Senator from Arizona (Mr. KYL).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 25, as follows:

[Rollcall Vote No. 241 Leg.]

YEAS—48

Akaka	Ensign	Lautenberg
Baucus	Feingold	Leahy
Begich	Feinstein	Levin
Bennet	Franken	Lieberman
Bingaman	Gillibrand	McCaskill
Boxer	Goodwin	Merkley
Brown (MA)	Harkin	Nelson (NE)
Brown (OH)	Inouye	Pryor
Burr	Johnson	Reed
Cantwell	Kaufman	Reid
Cardin	Klobuchar	Rockefeller
Casey	Kohl	Sanders
Durbin	Landrieu	Schumer

Specter
Stabenow
Tester

Udall (CO)
Udall (NM)
Warner

Webb
Whitehouse
Wyden

NAYS—25

Alexander
Barraso
Bennett
Bond
Brownback
Burr
Coburn
Cochran
Collins

Corker
Grassley
Gregg
Inhofe
Johanns
LeMieux
Lugar
McCain
McConnell

Roberts
Sessions
Shelby
Snowe
Vitter
Voinovich
Wicker

NOT VOTING—27

Bayh
Bunning
Carper
Chambliss
Conrad
Cornyn
Crapo
DeMint
Dodd

Dorgan
Enzi
Graham
Hagan
Hatch
Hutchison
Isakson
Kerry
Kyl

Lincoln
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Risch
Shaheen
Thune

The motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

The Senator from Missouri.

Mr. BOND. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the motion to proceed to S. 3816. The time is organized in 30-minute alternating blocks.

UNANIMOUS CONSENT REQUEST—S. 3072

Mr. BOND. Mr. President, I ask unanimous consent that the pending business be set aside and that the Committee on Environment and Public Works be discharged from further consideration and the Senate proceed to the immediate consideration of S. 3072, introduced by my colleague from West Virginia, Senator ROCKEFELLER, that would delay for 2 years U.S. EPA implementation of carbon regulations; I further ask unanimous consent that if the majority is serious about protecting American jobs, that we must be allowed to take bipartisan action to protect the American people from the backdoor national energy tax coming in the form of new job-killing carbon regulations from EPA; that the bill be read three times and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, reserving the right to object, I say to my colleague from Missouri, clean energy jobs are the jobs of the future. As we create more clean energy jobs, we will find a way to compete with China and other nations that are trying to take over this whole area. They know the whole world is moving toward more sensitivity to emissions and the environmental damage they cause. As a result of that, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Missouri.

Mr. BOND. Mr. President, the regulations the EPA is proposing will hit every American family with higher electric bills, more expensive food and clothes, and more pain at the pump.

American workers, especially those in energy-intensive manufacturing jobs, will face job loss or more difficult job prospects.

We have bipartisan language. Six Democrats have already stated on the floor they favor this. Whatever one thinks about the cap and tax, I believe there is a strong majority who thinks a regulatory agency should not establish it bureaucratically.

There is a lot of work we need to do in energy. We need to develop our own energy. When we talk about nuclear power, when we talk about clean coal technology, when we talk about biofuels and woody biomass, all of these things are good. But when we talk about wind power and solar power, how much is it going to cost us? We have found that the costs are overwhelming.

I welcome a discussion of this issue, but the first thing we need to do is make sure our country is not shut down by overreaching EPA regulations. That is why I proposed the unanimous consent request. I understand the leader on the majority side has promised we can vote on the Rockefeller bill. We need to vote by the end of the year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

UNANIMOUS CONSENT REQUEST—H.R. 3617

Mr. BARRASSO. Mr. President, I will offer a unanimous consent request in a moment that will permanently lock fairness into the Tax Code.

American taxpayers are currently allowed to deduct either State income or sales taxes on their Federal tax return. Americans who live in States with a State income tax have always been able to deduct their State taxes. Since passage of the 1986 tax reform, Americans living in States without a State income tax have been out of luck.

With the leadership of Senator KAY BAILEY HUTCHISON, Congress responded by reinstating a deduction for State sales tax. This provision provided financial relief for millions of taxpayers, and it brought back some fairness to the Tax Code. Americans in States that have no income tax, such as Wyoming, Texas, Alaska, Florida, Nevada, South Dakota, and Washington, finally received relief similar to individuals in States with State income taxes.

The sales tax deduction needs to be made permanent. Now is not the time to raise taxes on American taxpayers.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3617; that all after the enacting clause be stricken and the text of S. 35, a bill to provide a permanent deduction for State and local general sales taxes, be inserted; I ask unanimous consent that the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I reserve the right to object. This is one provision we need to pass. There are, however, many other provisions we need to pass. They are in the category of tax extenders.

Clearly, the State and local sales tax deductions should be passed into law. Senator MURRAY from the State of Washington has been working hard. Washington, obviously, is a State that needs this deduction. There are many States that need it.

Unfortunately, the provision called for by the Senator from Wyoming is not paid for. It is going to add to the deficit. I might add that the other provisions that must get passed which expired at the end of last year, I say with embarrassment, must be passed this year, and State and local sales tax deduction is one of them.

What are some of the others? Research and development tax credit, we have not extended that. It expired in the last year, as did the State and local sales tax deduction. It expired in the last year. There are many others that expired in the last year.

What is the Senate doing? The answer is nothing because the other side of the aisle would not let us bring up the package of extenders. The Senator from Wyoming picked out one little one. The fact is, we have to get them all passed; otherwise, many people are going to be in a very disadvantageous economic position.

I object to the request made by the Senator from Wyoming.

The PRESIDING OFFICER. Objection is heard.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 4994—

The PRESIDING OFFICER. The Senator does not have the floor.

Mr. BAUCUS. Mr. President, I seek recognition.

The PRESIDING OFFICER. The Senator from Wyoming has the floor.

Mr. BARRASSO. Mr. President, at this time, it is my understanding that this time is reserved for the minority party.

The PRESIDING OFFICER. That is correct.

Mr. BAUCUS. What is the parliamentary procedure?

Mr. SESSIONS. If the Senator wants just 1 minute, I would—

The PRESIDING OFFICER. The Senator from Wyoming has the floor.

Mr. BAUCUS. I thought we were going back and forth.

The PRESIDING OFFICER. No.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak for 1 minute.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. I would be pleased to yield.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—H.R. 4994

Mr. BAUCUS. I thank my colleague.

Mr. President, I ask unanimous consent—it is on the same subject—that the Finance Committee be discharged from further consideration of H.R. 4994, taxpayer assistance; that the Senate then proceed to its immediate consideration; that all after the enacting clause be stricken and the text of the Baucus substitute amendment, the text of Calendar No. 572, S. 3793, be inserted in lieu thereof; that the substitute amendment be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be laid upon the table; that the title amendment, which is at the desk, be considered and agreed to.

The PRESIDING OFFICER. Is there objection?

Mr. BARRASSO. Mr. President, reserving the right to object, I would say that Senator THUNE has a bill similar in design to deal with a number of needed concerns and considerations, and in light of the fact that Senator THUNE's legislation has been objected to and not yet been able to get clearance from the other side, I do object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Alabama.

GLOBAL COMPETITIVENESS

Mr. SESSIONS. Mr. President, the World Economic Forum recently published its global competitiveness survey. It shows that the competitiveness of the United States has declined from first place in the world to fourth place since President Obama took office in January.

What is the main reason for this decline? Too much debt and too much spending. There are other reasons, but that is the primary one they cited. I would suggest that the proposals to drive up the cost of energy by regulation and cap and tax—supposedly to create green jobs—are another form of anticompetitiveness that hurts our productivity as a nation. A study of Spain, which has some of the most powerful alternative energy proposals and has taken some of the most dramatic action, has shown that even though there are green jobs created, the overall rise in the cost of energy in Spain has cost that nation more jobs than were created by the green activities.

According to the Washington Post, a senior economist at the World Economic Forum said:

It was government debt and the country's overall economic outlook that pushed the United States down.

The article goes on to note:

Government debt affects a country's competitiveness by limiting its ability to respond to crises or to make infrastructure and other investments that could boost future productivity. It may also lead to higher interest rates.

I would note also that the EU has a corporate tax rate of 19 percent, whereas the United States has a corporate tax rate of 35 percent, and that costs jobs in America. I talked to a CEO recently who said that 200 Alabama jobs were lost because of the higher corporate tax rate in the United States. We cannot sustain that.

How high is our debt today? It is \$13.6 trillion or \$44,000 for every man, woman, and child in America, and it is 93 percent of our gross domestic product, which is significant because a famous study produced earlier this year by economists Kenneth Rogoff and Carmen Reinhart demonstrated that economic growth slows substantially—it reduces GDP growth by 1 percent—when debt exceeds 90 percent of GDP. We are already over that. And when our economy is only growing at 1.6 percent—as it was in the second quarter—an extra 1 percent is a lot when you are talking about growth. They talk about a new normal where we may be showing only 1, 2, 3 percent growth for years to come. So if you lose a percent based on debt, that is very damaging to the American economy. Well, do we have a plan to reduce it? Have we taken any steps? Actually, the President's budget makes the problem worse. It shows that the gross debt by 2019 would go to \$23 trillion—106 percent of GDP.

Look at this chart on interest payments. It is so stunning that I think every American needs to examine it. It reflects the analysis by the Congressional Budget Office, our professional budget office that serves us, the leadership of which is hired by the Democratic majority. They are good people, and this is what they have calculated. In 2009, the interest we paid on all the debt in this country was \$187 billion. By 2020, they calculate that the 1 year's interest payment would be \$916 billion—almost \$1 trillion. This is a stunning figure. Last year, the baseline budget—or at least 2 years ago—on highways was about \$40 billion. I think the spending on education totally is about \$100 billion.

So we are talking about \$900 billion in interest now because the public debt will triple from last year to 2019 under the budget submitted by the President. You would think we would be talking about that in Congress and we would be dealing with a budget and plans to try to bring that under control, would you not? Surprisingly, we haven't had any real discussion about the budget this year. Indeed, we haven't debated the budget on the floor of the Senate at all. This will be the first year since the modern budget process was created in 1974 that Congress has not even considered a budget. It was not brought up. It has not even been produced here.

Mr. WICKER. Mr. President, would the Senator yield for a question on that point?

Mr. SESSIONS. I would be pleased. I see my colleague from Mississippi is here.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Let me make sure the people within the sound of our voices tonight understand this. For the first time in the history of the modern-day Budget Act, the Congress has not even brought forward a budget plan to be debated, much less amended and voted on by the elected representatives of the people; is that correct?

Mr. SESSIONS. That is correct.

Mr. WICKER. And this is astonishing in light of what the Senator has pointed out with regard to where we are going on payment of interest on the national debt. Anytime we are paying interest, that is money that can't be used for highways, for infrastructure. If someone wanted to try a stimulus for small businesses by cutting their taxes, that is money that is not available to us for that purpose.

I wonder whether the Senator would like to talk about his particular plan, a bipartisan plan, that at least attacks the exponential growth we have had in discretionary spending. I think the Senator has a plan with the Senator from Missouri that would attack this issue at the discretionary level, virtually freeze domestic discretionary spending, and, at least for that small part of the budget, give us some relief; is that correct?

Mr. SESSIONS. That is correct, and I thank my colleague for mentioning that.

Senator CLAIRE MCCASKILL, my Democratic colleague from Missouri, and I have offered legislation that would essentially take the budget that was submitted last year, which had a 5-year number. The first-year numbers were not very good.

I will show some of the spending increases last year in our baseline accounts. I know my colleagues will find this hard to believe because it is so stunning, but the State Department and Foreign Operations got a 32-percent increase in baseline spending last year. EPA got a 35-percent increase. Commerce, Science, Justice, that is, the Commerce Department and the Justice Department, received 12.3 percent. The Treasury-HUD number was 23 percent; Agriculture, 8; and Defense, 4.1.

So we have been spending rapidly, but the budget called for less spending this year and next year and the next year. It was a 5-year budget. So we asked our colleagues: Let's, on a bipartisan basis, pass legislation very similar to what was passed in the 1990s. That really was a critical act in achieving a balanced budget in the late 1990s, and this action would say that if you went above that spending level, which is basically projected to be 1 percent or so, it would take a two-thirds

vote of the Congress. This would help us maintain spending, wouldn't my colleague agree, if we had a two-thirds vote?

Mr. WICKER. If the Senator would continue to yield, I would say that I think it would certainly be a start. And I daresay that if Senator SESSIONS and I were the sole deciders on this issue, we might find a way to cut spending even further. But on a bipartisan basis, we ought to at least be able to say: Mr. President, let's bring to the floor for discussion a proposal that would virtually freeze domestic discretionary spending for 1 year.

I would commend to my colleagues a letter dated July of this year from every Republican on the Senate Appropriations Committee pointing out, No. 1, the enormity of the Federal debt and the problem and direct threat it poses to national security; the need for a long-term plan; the fact that the committee is compelled, outside of a budget because we didn't even get a chance to debate one, to come up with a top-line number; pointing out the Sessions-McCaskill legislation that would essentially freeze nondefense spending, and, importantly, every Republican on the Appropriations Committee said we were committed to that number. I think that as the American people begin to look at us, particularly as we move toward this crucial vote on November 2, it is important for them to understand that Republican appropriators have made that commitment and made it in writing as long ago as July of this year.

Mr. SESSIONS. Well, I think that is important to note, and I would further note that every single Republican supported the McCaskill-Sessions amendment, but also 18 Democrats supported that. I believe that if we had the leadership just say yes instead of no, it would pass easily. It would be a healthy thing because it would send a message to the financial markets worldwide that we at least have some fiscal discipline, and it would be very unlikely that spending would go above this level if we had a two-thirds supermajority point of order to object to spending over that level.

I would note that the amendment is supported by a number of bipartisan groups, including the Concord Coalition, the Committee for a Responsible Federal Budget, the National Taxpayers Union, the Heritage Foundation, former Congressional Budget Office and OMB Director Alice Rivlin—she served under President Clinton—and former CBO Director Douglas Holtz-Eakin. So this is a bipartisan piece of legislation that would bring us to a point that, I believe, we can say to the world that we are going to stand by the numbers the President gave us last year—not Republican numbers but the President's numbers.

Remember, the baseline budget increases are already there. So I think

what we are really going to have to do—when we really get a budget and get some new leadership and get committed after this election, when we get a spanking by the American people—is to get budget numbers based on the 2008 spending levels. It will not bankrupt us. The country is not going to sink into the ocean. If we went back to the 2008 levels, the 2007 levels, and then had some modest increases based on inflation rates, we would see an even larger improvement in our financial situation and be more competitive.

Mr. WICKER. If the Senator would yield one more time—I know we are limited on time—some other people are scheduled at the top of the hour, but I think this is very important.

We were spending an enormous sum of money in fiscal year 2008. I do believe that in this crisis we have, we can get back to that level and make do. That is so important in light of what this Congress and this administration have done to the national debt in 3 short fiscal years. Last year, this government added \$1.4 trillion to the national debt. That is \$1.4 trillion we spent here in Washington that we didn't have. This year, it will be almost that much—\$1.34 trillion. And if things don't change, the national deficit, which will add to the debt, the next fiscal year will be \$1.42 trillion. It is a crisis. We need to address it, and this legislation is a start.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SESSIONS. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I am going to be talking about a very serious crisis of offshoring, but before I do, I want to say a word about the budget. I am glad to hear my Republican colleagues being so very concerned about our budget deficit. My question is, where were they during the Bush administration when the budget debt of this country nearly doubled? We went to a war in Iraq, which some of us voted against, which will end up costing this country \$3 trillion—unpaid for. I did not hear a concern at that point.

They gave many hundreds of billions of dollars to the top 1 percent in tax breaks, unpaid for. We didn't hear about the national debt concern there.

They brought forth legislation to bail out Wall Street, unpaid for; they passed a Medicare Part D prescription drug program, unpaid for.

I am very glad today our Republican friends are concerned about the deficit and the national debt. It would have been helpful to this country if they had been concerned about that issue 5 or 6 years ago, while they were in the process of doubling our national debt.

But the issue I did want to talk about this evening is, as I think most people understand, the middle class of this country—

Mr. WICKER. Was the Senator asking a rhetorical question or would he yield for an answer to that question?

Mr. SANDERS. I will be delighted to, when it is your time.

Mr. WICKER. Clearly it was a rhetorical question.

Mr. SANDERS. Mr. President, one of the major reasons the middle class of this country is in decline and why the working class is being decimated and why real wages are going down for millions of American workers who are working longer hours for low wages is that for a number of years now we have been hemorrhaging manufacturing jobs. While this trend has in fact been going on for decades, it accelerated during the 8 years of the Bush administration. During that period, those 8 years, we went from 17 million manufacturing jobs to about 12 million. We lost somewhere near 5 million manufacturing jobs during that 8-year period, a decline of about 30 percent in manufacturing jobs. Today, here in the United States, we now have the fewest number of manufacturing jobs since the beginning of World War II.

As Senator DURBIN pointed out on the floor today, from 1999 to 2008, multinational corporations based in the United States laid off nearly 2 million American workers at exactly the same time period as they were hiring over 2 million workers abroad. They laid off 2 million workers in this country and hired 2 million workers abroad.

Under President Bush, our trade deficit with China more than tripled, and our overall trade deficit nearly doubled. Today our trade deficit is over \$370 billion. In other words, we are importing \$370 billion more than we are exporting.

There are a number of reasons why manufacturing jobs are disappearing, but a very major one is that corporate America continues to increase its bottom line by hiring workers in China, Mexico, Vietnam, and other developing countries instead of employing American workers at decent wages in this country.

In my view, if large corporations want us to buy their products—and they certainly do; you cannot turn on television without corporate America telling us how much we should be buying their products—the time is long overdue for them to reinvest in the United States and build manufacturing plants here and not in China. A country that cannot produce the goods its consumers require and becomes more and more dependent on other countries for what it needs is not a country that will remain a major economic power in this global economy.

The legislation we are debating today, the Creating American Jobs and Ending Offshoring Act, is a good first step. This bill uses the Tax Code to begin to bring more manufacturing jobs back into America. But let us be

clear: This is just a beginning. Much more needs to be done. The simple truth is that American workers cannot and should not be asked to compete against desperate people in developing countries, people in China, Mexico, Vietnam—other countries, where workers there are paid pennies an hour, where they may go to jail if they try to form a union, and where there are very few environmental standards. It seems to me to be absolutely unacceptable that our people are forced to compete against folks who are earning so little.

What we should be engaged in is a race to the top, not a race to the bottom. Yet that is exactly what is happening. If the United States is to remain a major industrial power, producing the products our people need and creating good-paying jobs, we must develop a new set of tax and trade policies that work for the American worker and not just for the CEOs of large corporations. The American people are sick and tired of losing decent-paying jobs to China, to India, to Mexico, as multinational companies throw American workers out on the street, go abroad, produce their products for pennies an hour, and then bring those products back into the United States.

In August I had about a dozen town meetings throughout the State. In every single town meeting I had in Vermont, people stood up and they said: It is becoming increasingly difficult to buy a product manufactured in the United States of America. How are we going to create jobs for our kids if we don't have a manufacturing sector?

I very much agree with that sentiment. We have to stop giving large profitable corporations tax breaks for shipping jobs overseas and start giving immediate tax relief to businesses that bring jobs back to the United States. That is exactly what this bill would do and that is why I am a strong supporter of it. But let's let there be no doubt, much more needs to be done. As somebody who voted against NAFTA when I was in the House, as somebody who voted against Permanent Normal Trade Relations with China, I think the evidence is now overwhelming that we need to fundamentally rewrite our trade policy to benefit the middle class of this country and to raise the living standards of people around the world instead of promoting a destructive race to the bottom, which is what we are seeing now.

Supporters of unfettered free trade told us over and over how their policies were going to lead to more jobs and a better life for the majority of Americans. Unfortunately, they have been proven dead wrong. NAFTA turned a trade surplus with Mexico into a huge trade deficit and we lost over 1 million jobs as a result. That is what NAFTA has done.

As a direct result of Permanent Normal Trade Relations with China, we

lost over 2 million jobs to China and our trade deficit with that country nearly tripled. Anyone who has shopped at a Wal-Mart or any other large store in this country knows it is almost impossible to find anything made in the United States of America today. We are not just talking about sneakers; we are talking increasingly about high-tech products.

Let me give a few examples. Today, 80 percent of toys sold in the United States are made in China. Today, about 90 percent of vitamin C sold in the United States is made in China. Today, 85 percent of bicycles sold in the United States are made in China. Today, over 80 percent of all shoes sold in the United States are made in China. Today, about 90 percent of U.S. furniture production has moved to China. On and on it goes.

We have to recognize that if this country is going to remain a major economic force in the global economy, if we are going to have decent jobs for our kids and our grandchildren, we must rebuild the manufacturing sector of this country. We must demand and develop policies that enable corporate America to start rebuilding our manufacturing sector rather than moving abroad in underdeveloped countries. The legislation we have before us is a good start but, as I have indicated before, much more has to be done. I hope when we come up with a cloture vote tomorrow we can at least get the support of several Republicans, just a couple who are prepared to stand with the American worker, who are prepared to help us rebuild our manufacturing base so we can create the desperately needed good jobs we have to build.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I wish to echo the comments of the Senator from Vermont who has been discussing and debating and critiquing and understanding these issues of job sourcing as well as anybody in this institution. I am incredulous that we are fighting to bring this legislation to the floor, this legislation which will help us rebuild our industrial base, which will help us create, enlarge, strengthen the middle class, which helps us with our budget deficit and our trade deficit and will help us again become a country that knows how to make things.

In my State of Ohio we know how to make things. We know how to make chemicals and paper and cement and steel and autos and aluminum and glass. We led the Nation in many of those things. Yet look around and we see what has happened in our country.

The bill we are debating today is about helping Americans, not appeasing the Fortune 500, which is what the Republicans are doing tonight. It is about saving jobs. It is not about padding corporate bonuses. As they have

done again and again over the last year and a half, my Republican colleagues are selling out the middle class.

I wonder if my Republican colleagues have met people who have lost their jobs to China; if they know anybody who has seen a plant close and they know what it does to the family. They lose their job, they lose their health insurance, they sometimes lose their house. They have to explain to their teenage children: Sorry, we are going to have to move. You are not going to have your own room anymore. I am not even sure what school district you are going to go to.

Do they know people such as that when they stand up on an issue this important, and their answer is to talk about the budget deficit as if they didn't run the largest surplus in American history 10 years ago into the largest budget deficit in American history in 8 short years of George Bush government, of tax cuts to the rich, wars that were not paid for, bailouts to the drug and insurance companies in the name of Medicare privatization, deregulation of Wall Street and these trade agreements that continue to send jobs overseas?

Let me put up a chart here to show some examples in my State of some companies that are pretty well known: "American Standard Company factory in Tiffin To Close." If you go into a restroom, most of the plumbing equipment was once made by American Standard in Tiffin, OH. Bain Capital out of Massachusetts, Governor Romney's company, came in and basically did away with that company.

"Etch A Sketch Leaves Home." Etch A Sketch is called the Ohio Art Company, in Bryan, OH.

A small town at the corner of Senator STABENOW's Michigan and Indiana. Walmart came to Ohio Art Company and said: We want to make Etch A Sketch. We want to sell it at Walmart for under \$10. The only thing that Ohio Art Company could do was shut down that part of the factory and move it to China.

One hundred years of vacuum cleaner production comes to an end in Stark County in Canton, OH. Same story. To the lowest bidder go the lowest paying jobs. Huffy Bicycle, Celina OH, on the Indiana border. Senator DORGAN has talked about what happened to Huffy Bicycle. So they moved that bicycle production to China. These were good-paying, industrial, union jobs usually—not all union jobs. They do not have to be union jobs. But they were jobs that created a middle class.

But do you know what has happened? Not since colonial times has American business had a business plan where they lobby Congress to change the rules. My Republican friends all go along with them because it is part of the big corporate agenda; they lobby Congress to change the rules, they then

shut down their plants. In Burlington, VT, in Providence, RI, in Detroit, MI, and Toledo, OH, they shut down their plants, they move them to China, they obviously exploit the lowest paid workers they can get.

They then sell the goods back to their home country. They shut down the plants here, they move them 7 or 8 or 9 or 10,000 miles away. Then they sell the produced products back home to the United States. Look what that does to individual people.

Again, to my colleagues on the other side of the aisle, do they know people who lost their jobs when a plant closed and went to Mexico? Do they know people who lost their health insurance when a plant shut down and went to China? Do they know people who had their homes foreclosed on because they lost their jobs and their health insurance and they have nowhere else to turn?

Yet, instead of debating this, instead of their standing and arguing in support of these tax laws and trade laws that have started to bankrupt our country, and surely have caused our industry to decline, they just change the subject. They do not want to debate it. Senator DURBIN said—and I would echo it and make the same offer. I will go to any State in the country with any of my Republican colleagues and we will have an open, fair debate on this tax law and on this trade law.

I would love to go anywhere in the United States and have a public debate to show the public and show the American people how much this has undermined our sovereignty, our wealth, our manufacturing base. They are not willing to debate it. But when we bring this forward, you know they will object, and you know what the Senate rules are. One person can stand and object and we cannot pass the bill. They are more interested, way more interested in scoring political points than they are in debating the merits and showing what exactly we need to do as a nation to begin to restore our manufacturing base.

I would conclude with this. I hear my Republican colleagues talk and be critical of everything President Obama has done. That is fine. That is politics. But what they are arguing that we should do is go back to the policies that got us into this.

Let me put in a little bit of historical context. Eight years of President Clinton, January 20, 1993, to January 20, 2001. Those 8 years, 22 million private sector net job increase in this country. Eight years, from January 20, 2001, to January 20, 2009, 8 years of George Bush, 1 million jobs created, not enough to even keep up with an increase in population.

The 8 years of President Clinton, wages went up for the great majority of Americans. Eight years of George Bush, wages went down for the majority of Americans. Eight years of Bill

Clinton, at the end of his eighth year, he left a budget surplus that was the highest in American history. After 8 years of George Bush, he left a deficit that, at the time, was the highest in American history, and they have the gall to be critical of everything Barack Obama has done, like he created this.

They have the gall to argue that the voters should choose them to go back to the same philosophy. They are not saying do anything different. They still say tax cuts for the richest Americans. They still say privatization of Medicare and privatization of Social Security. Thank God we did not pass that 5 years ago.

They still say more trade agreements that outsource jobs. They still say do not change the tax laws no matter how much damage they have done to us. They still say we should deregulate Wall Street. That is the contrast. That is what this debate is all about, the contrast.

Do we want to move forward? Do we want to move forward and write tax law and trade law that will create a middle class so we do not see another American Standard close in Ohio and another Ohio Art Company close and another vacuum cleaner producer and another Huffy Bicycle company close in Ohio and move offshore.

In the end, it speaks volumes about Republican loyalties, loyalty to these large corporations that outsource jobs, no real loyalty to communities, no real loyalty to these small companies, and no real loyalty to workers. When a plant closes, we know the heartache it brings to the worker, to the families. We know the damage it does to communities as they lay off teachers and firefighters and mental health counselors and libraries and police officers and we know what it does to the wealth of our country and the standard of living of far too many people.

The question ultimately is: Whose side are you on? One thing for sure, it is clear who is on the side of working families in communities. That is why this legislation is so important. That is why we need to move on fixing our trade law and our tax law, so manufacturing jobs begin to move back to this country, and we can protect that industrial base that is so important for our national security and so important for the economic security of our families and of our communities.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, first, I wish to thank my colleague who has spoken before me. The reason we are here tonight is because Senators BROWN and SANDERS said: Why talk about outsourcing of jobs, let's do something about it. That is what we are trying to do tonight. We are trying to actually do something about it. This is not just verbiage.

We see before us the faces of the people who have lost their jobs. We see the families, we hear the children, and so there is an urgency to do something. Every place I go in New York—it can be in upstate, an old manufacturing place; it can be on Long Island, supposedly the new economy—I hear about jobs leaving New York and leaving America and going overseas.

Then, there is some talk as if this is inexorable. It is not inexorable. That is what we are here to say tonight. We can do something to stop this, and stop it we must. Manufacturing used to be the backbone of our economy. It supported millions of families, was the staple of middle-class communities. It is no secret what happened.

Company after company after company began sending jobs to China and Vietnam and Malaysia, to Mexico and Brazil and parts of South America. These countries have lax enforcement of work rules, environmental rules, and pay rules. So it is cheap to produce goods. We have heard the statistics, how the United States lost millions of manufacturing jobs in the last 10 years—in New York, 90,000 manufacturing jobs in the last 3 years alone. One-third of our manufacturing base has disappeared nationally. In fact, I recently read that the United States has lost 42,000 factories since 2001, and 75 percent of those factories employed more than 500 workers. The bigger factories leave. Forty-two thousand factories closed, most of them employing more than 500 people.

I think of the people I have met who have lost their jobs. I go around my State and sit down with people who cannot find work. They come from all walks of life. I wish to tell you about Clay, a high school graduate who rose to the top of his industry in tool and die. He had a great life, married, six children, so his wife did not work.

Clay lost his job a year and a half ago because his company downsized, because they were sending jobs overseas. Here is what Clay does every day, every week. He wakes up Sunday night in upstate New York, drives down to Virginia. He looks for work in his field—he is a highly skilled tool and die worker—in Virginia. Tuesday, he goes to Washington, Baltimore; Wednesday, to Philadelphia, Allentown and others; Thursday, in the New York City area; and then goes back home Friday to find a job.

When he comes in the door Friday night, there is his wife and the kids, aged 2 to 14. You can bet a majority of them look at him and say: Well? These are not just statistics. There is a Clay in every community, many Clays in every community. That is just manufacturing.

Service sector jobs are going. I think of Dorothy, whom I met. Dorothy lost her job in the service industry, also because the company was moving jobs

overseas. Dorothy told me she lost her job in June of 2008. I talked to her in January of 2010. She is about 50, did not have a family. Her life was her work. She loved her job. Here is what Dorothy told me. When you sit down and talk to people who have lost their jobs, little things stick with you. Here is what Dorothy told me. She said: Christmas morning I usually wake—she is a religious person. She goes to church and then goes to open the gifts with her nieces and nephews who are in her community.

She said: Do you know what I did this Christmas morning? I got up at 6 a.m. and I went online because I had this brilliant idea the night before, that maybe there would be jobs posted Christmas morning and no one else, everyone else would be too busy to go online and I would find it and get the job.

These are the people we are talking about. Whether it is in manufacturing or service, one of the most cited studies—and it is cited among conservatives—predicted that by 2015, 3.3 million U.S. service jobs will have moved offshore. So if you think you are safe because you are in a manufacturing job, forget it. No one is safe. No one. Whatever your income level is, whatever part of the country you are in, whatever industry you are in, no one is safe. By one estimate, about one-fourth of all U.S. jobs possess characteristics that make them susceptible to outsourcing within the next 10 to 20 years.

SHERROD BROWN, my colleague, talked about Ohio and New York. Fisher Price Toys, well known. Three locations in western New York—started there. In 1990, they stopped manufacturing in East Aurora and Holland. In 1997, they closed the plant in Medina. Two thousand jobs were lost when the three manufacturing plants closed. In 2001, they moved all their manufacturing to Mexico. Fisher Price still has a call center in East Aurora as well as its headquarters. Now they are considering moving the call center to India—both manufacturing and service.

Syracuse China. Famous. Founded in 1871. These are companies that go with the communities. They started and grew with them. It is in Geddes, a suburb of Syracuse. Onondaga Pottery Company is what the name was when it started.

If you went to a restaurant or a hotel, you were eating off Syracuse China, one of the region's oldest manufacturers. In 2008, after considerable downsizing, they closed their plant in Salina, 275 jobs. You can still get Syracuse China. It says "Syracuse China" on the plate or on the cup or on the saucer, but it is made in China, not in Syracuse.

Watson Pharmaceuticals, high-end company, Putnam County. Five hundred jobs, high-end jobs in Putnam County, a growing suburb, moved to India.

NXF Semiconductors. Again, you think: Oh, semiconductors, that is a big, new growing industry. I am going to be safe—600 jobs. East Fishkill, Dutchess County. Europe and Singapore.

Pfizer, largest pharmaceutical company in the world, used to have significant manufacturing operations in Rockland County. But as part of their worldwide restructuring, after Pfizer purchased Wyeth, 1,500 jobs gone to Ireland, Belgium, Canada, Puerto Rico.

We could all tell a few stories in every one of our States. I guess some of us, I hope everyone on both sides of the aisle knows the Dorotheys and the Clays and the others who give this reality.

But there is another element to this debate. When companies move production overseas, it takes a human toll. Here is the most telling statistic of the last 10 years. From 2001 to 2007, a period of prosperity, median income went down. Even though we were prosperous, even though average income went up, wealth went up, GDP went up, but for the average middle-class person, income buying power went down. There are no statistics, but it would be hard not to assume that a good amount of it was because of outsourcing.

Last week, there were headlines quoting economists saying that, technically speaking, the recession was over. Let me tell my colleagues, to the average middle-class person whose paycheck is lower because they have less income, the recession ain't over. To most Americans, it sure doesn't feel like a recovery yet. The bottom line is that there won't be a true recovery until we create jobs in America, in the U.S.A. If we want to get our economic prosperity back, we need to bring the jobs back. We need to have "make it in America" become a reality on the floor of this Senate legislatively.

With this bill, we make our boldest attempt to reverse the trend of outsourcing. We do it in three ways.

First, the legislation eliminates tax breaks for firms that move facilities offshore.

Amazingly, right now if a company were to shut down a factory in Syracuse and move those jobs overseas, the company could deduct from their taxes the expense of closing that factory and the expense of shipping the materials. This legislation would end that.

Second, the legislation ends the Federal tax subsidy that rewards U.S. firms that move their production overseas. Under current law, U.S. companies can defer paying U.S. tax on income earned overseas until that income is brought back to the United States. This provides an incentive to keep that income overseas and employ people there.

Our bill says that if you close down your operations here in the United States and reopen overseas, you no longer get to defer paying your taxes.

This should be a no-brainer.

It is perverse that American taxpayers provide benefits to firms that offshore jobs. By rewarding the companies that bring jobs back to America, this legislation puts the incentive back where it should be.

Some say that this provision puts U.S. companies who open foreign subsidiaries at a competitive disadvantage to U.S. companies that don't. But I say that is just plain false. Under current law, if you have two companies in Oswego that are both going to expand capacity and create 100 jobs, our Tax Code puts the company that chooses to keep the plant in Oswego at a competitive disadvantage over the company that chooses to move jobs to China. Our bill would level the playing field, so that companies that keep jobs here aren't penalized.

These two measures will go a long way towards fixing the problem of outsourcing. But our bill doesn't just rely on sticks, it also contains a big carrot.

That carrot comes in the form of a major tax cut. We propose giving companies a tax cut—an actual cut, not a credit—for every position they bring back to America from overseas.

As long as the company can prove the employee is doing work that was once done overseas instead, the company won't have to pay the 6.2 percent social security payroll tax for that employee over a two year period.

For a \$60,000 factory worker, that is a \$7,440 tax cut. For a \$100,000 manager, it is a \$12,400 tax cut. That is real money. And it is not a tax credit that a business has to wait a year to receive. It is tax revenue that isn't collected in the first place, much like the HIRE Act that we passed back in March. So it is a tax cut that puts cash right in the pocket of a business, small or large, with no strings attached.

For once, rather than reward outsourcing, let's give employers an incentive to bring jobs home. I don't think that anyone who supports the motion to proceed on this bill believes that this modest piece of legislation is a silver bullet that will end offshoring. We need to do much more. We need to enforce our trade laws; we need to push China on its currency practices; we need to reform our tax code to make it simpler and more streamlined and representative of the modern economy; we need to get our fiscal house in order; we need to invest in science and education and infrastructure. We still have a lot to do to put America firmly on the road to prosperity.

But every step counts.

Earlier this year, as I just mentioned, this chamber passed the HIRE Act, a measure I worked on with Senator HATCH. It provided a payroll tax break for companies that hired an unemployed American. Already, through September, 5.6 million eligible employees have been hired under the act.

Just today, President Obama signed the small business bill that Republicans repeatedly tried to block in this Chamber. As a result, 1,400 small businesses signed the dotted line today on a loan that no bank would provide. That is \$730 million worth of credit that flowed just today.

Under that same bill, eight new tax cuts for small businesses became effective today.

These are real results. So we should not stop trying things.

Right now, no issue bothers Americans more than the nonstop flow of jobs overseas. With this bill, we have a chance to do something about it. We can help the American dream launch a comeback.

This is not a Democratic or a Republican issue. Every single one of us has factories that have closed. Families don't have it easy anywhere in the country.

Politics is supposed to stop at the water's edge. The flow of jobs should, too.

So before we leave for the year, let's come together to take up and pass this measure to reverse this trend.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Mr. President, I am a little under the weather, so if my voice fades in and out, I will do my best to muscle through it. It has been a tough three against one in a battle like I will have to do for the next half hour.

I enjoyed the signs. I didn't bring one. Maybe I can borrow that sign because I agree, it should be made in America. How are we going to do that when we make America uncompetitive, when we don't give America the tools and the resources businesses need to be competitive worldwide? This is not a U.S. economy solely where we just sell to Americans; we have to sell and compete worldwide.

I know I have said this before, but I am the new guy. I am the second newest guy here now. What I have observed is that there is plenty of blame to go around. We talk about President Clinton and everything wonderful he did. Yes, he did some great things, but he did it with a Republican Congress and their help as well. It was a bipartisan effort to solve problems. Unless I am mistaken, the majority party has been in the majority for the last 5 years, with the Presidency for almost 2 years. You don't hear about the problems we have had since that happened. I say there is plenty of blame to go around. Quite frankly, the rhetoric is white-hot. We should try to solve problems instead of pointing fingers at each other and saying that back then this happened or back then that happened and we should do it this way or that way. We have to focus on today, what is happening today.

Right now, we are not competitive. To think this effort to so-called close a corporate loophole is going to help—have you actually gone out to businesses and asked: Will this help you? Are you in favor of this?

It doesn't work unless we also lower the corporate tax rates to make them competitive worldwide; otherwise, if we keep the corporate tax rate the second highest in the world, we are just going to chase huge amounts of jobs overseas. We are going to exacerbate the problem we are experiencing now.

I often wonder, why does it take the Chinese less than a year to build, say, a 500,000-square-foot building? I have experiences with shopping malls, just to put on an addition, and it takes years, the siting, the permitting, the regulation at the local level, the harassment businesses get. If you are a business or a corporation, the mentality is that you are evil, that you are not good. We should be embracing businesses for employing. What is a corporation? Last I heard, it is a group of individuals forming together to take advantage of protections and opportunities to expand and be competitive globally. Since when did being a corporation become a bad name in Washington? Am I missing something? How do you think we are going to get out of this economic mess? It is not going to be by hammering corporations and small mom-and-pop businesses and raising taxes in the middle of a 2-year recession. Are you kidding me? It makes no sense. High taxation, over-regulation, reregulation, siting, permitting—take the municipal laws and regulations, couple them with State laws and regulations and Federal laws and regulations, then throw in the EPA just for the heck of it, or any other agency—the National Labor Relations Board; just pick an agency—then throw in the taxation levels at the city and town levels, State levels, the Federal level. Why do you get out of bed to turn on the lights? Are you kidding me? What is the incentive for people to actually keep jobs in the United States of America?

In Massachusetts, the NFIB and AIM, Associate Industries of Massachusetts, have deemed Massachusetts the worst business climate in decades. That feeling is around the country. When I got elected, they sent a very powerful message. They were tired of business as usual in Washington, the disconnect when we deal with taxes and regulation and debt and spending. You don't seem to have learned the lesson.

We are going to do something right now where we are going to offer a little piece of candy by offering a potential tax break for closing a corporate loophole. The majority party is apparently protecting Main Street. Isn't that nice. Apparently, I, the new guy here, am protecting Wall Street, apparently, and big corporations. I didn't know that. I

thought I was fighting for the people of Massachusetts to get this body working together to solve real problems.

Enough of the rhetoric. Enough of the blame. Enough of the posturing for the upcoming November elections. How about just solving problems? How about getting our country moving again and get us competing globally?

We just can't wave a magic wand and all of a sudden the tax policy in the United States is competitive with the world. If we do this, if we move this forward, we will be in deep, deep trouble, especially if we don't mirror it with a corporate tax rate reduction to counter the moves that will absolutely happen almost overnight.

If you think that by doing this, jobs are going to come flooding back—if you fire a foreign worker and hire a U.S. worker, you get a tax credit. Oh, that will really work. How about if you do this, you get a payroll tax reduction. Correct me if I am wrong, I made that offer about 3 months ago, a payroll tax reduction paid for by unallocated stimulus dollars. I got four votes.

Want to talk about jolting the economy and giving money to people? Want to talk about helping corporations and businesses stay competitive? How about making the R&D tax credits permanent. How about fixing that 1099 mess? How about accelerated depreciation for small and medium-size businesses to give them incentives to create jobs? Do you know how much money is on the sidelines? I have done my homework. In this position, I have to be prepared or else. Do you know how much money is actually on the sidelines?

Corporations and businesses are saying: You know what, the health care bill, that is going to cost me about \$440 million.

One corporation in Massachusetts, one of the biggest employers, has the market on a device that saves people's lives; hires, I guess, about 25,000 people throughout the world. If we do this, if we close this loophole, so-called, those jobs that were in Massachusetts in the United States are going. So let me see, it costs them \$200 million because they are a medical device company. Then with the implementation of the health care bill, that is another \$240 million. So that is \$440 million. So where does that come from? R&D, employees, expansion? Why would they hire or even talk about hiring workers? Why?

That is just one effort, one thing that has been passed by this Congress and this administration to crush jobs. It crushes Massachusetts' businesses and jobs. We already had 98 percent of our people insured. Now we are getting lesser coverage, potentially longer lines, $\frac{1}{2}$ trillion in Medicare cuts. Give me a break. There is no end in sight. The true numbers are coming out.

So why would a corporation or a mom-and-pop business or anybody who

is even thinking of starting a business make that effort? Why would they even bother to open the door? There is the high cost of doing business, transportation costs, energy costs. They are concerned about cap and trade. They are concerned about maybe card check. They are concerned about a whole host of things that are keeping them on the sidelines. To take this and throw this in, forget about it.

The one thing I didn't hear and I thought I would was that Main Street—you know, you guys in the majority party, you are protecting Main Street. I didn't hear that I am protecting corporate America. I hear it in everything else. It is usually Wall Street. Up until this year, I have never been on Wall Street. I think I walked through it once. I am fighting for the people of this country, the people of my State, to get us financially viable, to get us to solve problems.

Sometimes I am the 41st Senator. I am. When it comes to debt and spending and taxation, I am going to be the guy who is going to hold it up to make sure we don't go further in debt. When I got here, \$1.95 trillion was the national debt. It is over \$13.2 trillion now, in 7 months.

I have been blessed. I am so honored to be here. You can't even imagine my life. I am the most honored guy to be here in this Chamber. I have been honored to visit the troops in Afghanistan. I went to Pakistan, Dubai, Israel, Jordan in that 7-month period. The thing that was fascinating to me was, from the kings and queens and prime ministers and leaders all over those regions, all they talked about was jobs. That is all they talked about: jobs so al-Qaida would not infiltrate their youth, to get produce to market, to secure the region so we can leave—jobs, jobs, jobs.

I am sorry, Mr. President. If I faint, will you save me? Thank you. I felt it was that important to come and make my point that I have been here about 7 months, and we have spent 10 days talking about jobs. Am I on a different planet or something? We should be talking about jobs every single day we are in session. We have spent 4 days, 3 or 4 days talking about the DISCLOSE Act. Give me a break. Do you think the 15 million, give or take, unemployed people throughout the country are concerned about the political content of political ads in the middle of an election season to give one party a tactical advantage or are they concerned about jobs? I know the people I speak to in Massachusetts and throughout the country want to talk about jobs.

How can we do it immediately? We can talk about the R&D tax credit and making that permanent. That 1099 bill—there is no reason we can't take that separately and put it forth in a bipartisan manner, clean up-and-down vote to protect the small businesses

that are getting crushed through paperwork. There is no reason we should not be able to fix that. If we can't do that, we are in deep trouble. Accelerated depreciation, an across-the-board payroll tax reduction, a freeze on Federal hires, a freeze on Federal pay increases—I know it is not popular, but we have to look at these things. We have to look at entitlements. We have to collect moneys owed to us from contractors whom we overpaid or through fraud and abuse. Common sense, folks.

The thing I kind of get sad about—I know it wasn't popular in some circles for me to work on the financial reform bill. I got a lot of heat. But I looked at it, and I said: That doesn't include Fannie or Freddie. I know that. Do we do nothing? We do nothing, right? We don't fix the regulations that have potentially been outdated for 50 years? We don't prohibit the closing of an entire industry overnight? We allow dentists and doctors and people who are going to finance the fillings in your teeth to be all encompassed in this thing? We are going to allow that? I am not going to allow it. I knew they had the votes anyway, but I took the time to work it through. I will tell you what. Since I have been here, that is the most proud I have been to work across the aisle with people for what we did—11 weeks, I think, working with every thinker and leader in this country when it dealt with financial issues.

I have to admit, I learned a lot, sleeping 5 hours a day maybe, slept in my office trying to figure it out and do it right. I was the most proud to work on that bill in a bipartisan manner. I am part of history. Is it the best bill? No. Is it going to get better? I hope so. Can we fix it after November? I hope so. Did we close TARP? Yes. Did we stop too big to fail? Yes. Did we stop the bank tax? Yes. Did we do a lot of things people are concerned about? Yes. Did we do some things wrong? Yes. But—do you know what—ever since we got back after July it is as though we do not talk anymore. We are just filing bills with no hope of them passing.

The Defense authorization bill—give me a break. I remember being in committee on the Defense authorization bill. I was sitting there in the Armed Services Committee, all eager, ready to go, being someone who was in the military. “Gosh, I am going to make a difference. I am going to make a difference, everybody.” You get there, and it was an invigorating process. We worked our tails off. The chairman said: “You know, SCOTT, the things you are concerned about that affect Massachusetts and the New England area, we will do it on the floor.” “Oh, good.”

I find out when it gets to the floor the amendment tree is filled. We were offered 20 amendments. That is not good enough. The process is about just scoring points, political points for No-

vember. I think the American people are fed up. They are tired of the rhetoric. They are tired of the finger pointing. They are looking for leadership. They are looking for somebody to say: Do you know what? Sometimes I am going to be the 41st Senator, but other times when it comes to getting this country moving, I am going to be the 60th Senator. I do not care if I get re-elected or not, but while I am here, I am going to fight every single day to get this country moving again because we are in deep trouble, folks. And if you do not recognize it, by doing this piece of legislation—this is helpful? It is not helpful on its own. They say: Well, it is the first step.

Do not come to me with a first step. Come to me with a real plan, one that is comprehensive and can actually work and that can get some full support from your own party. Tell me you have every member of your party and I will say you are not being truthful. And then try to blame us as the party of no. With all due respect, since I have been here that has changed. But do you know how many times the majority party has voted with me? Zero. OK. So the party of no thing, I will tell you what, it is getting a little old—from the administration and the majority party, a little old. The numbers do not speak for themselves on that one.

I do not want to seem like a downer, Mr. President, because you are a good man. I respect you greatly, and I respect the people who spoke prior to me. Being here and being in this historic Chamber—are you kidding me? To be part of this process is like the greatest honor in the world. Aside from my marriage and the birth of my kids, this is it. And to think we are wasting this amazing opportunity, this amazing opportunity to get our country competitive again and to get us firing on all cylinders.

You cannot tell me we cannot find one thing to agree on. The leaders cannot get together and find one thing? Take the Energy bill. You are telling me we cannot do one thing, take the easiest thing everybody agrees on and do one thing, make it clean and get it through, and send it over to the House and make sure it comes clean and not filled with a substitution bill and comes back clean? Can we do one thing—just one? Am I the only one who believes this?

I get that the bill on the floor tonight is important to the majority party, and I respect that. I do. I get it. And pollsters, if you listen to them—which I tend to not—when they talk about companies that ship jobs overseas, I get that too. I understand that is bad. But it is what is in play now. If we change this one thing and not change and reduce the corporate tax rate to make them have an incentive to staying, it is not going to work.

I believe without a doubt this bill will cause real harm to the economy,

and that job creators are united in their opposition to this legislation. I guess it is bad to make money in America, to pay the bills. I am in favor of corporations making money. I am in favor of the employees making money. I am in favor of free trade and free enterprise. I am also in favor of government regulation. It has its place. But the government needs to know when to get out of the way too and to stop over-regulating. There is a role for government, absolutely. But government needs to know when to get out of the way, to let free enterprise, free market—you cannot regulate every single thing. You cannot do it.

I have gone around. I have tried to do my research. As I said, I have to. The major employers in Massachusetts whom I have talked to—and we have a tremendous amount, thank goodness. They are not hiring, but they are there. They are not going to expand because of health care and regulation and taxation and the uncertainty of the business world.

I remember I read it or I heard it, Senator BAUCUS, chairman of the Finance Committee, said he was worried that this bill would put the United States at a “competitive disadvantage.” Those words are his, not mine. This bill puts the United States at a “competitive disadvantage.” I believe that in my heart. Again, echoing his words, this bill will make American multinational companies less competitive. So it is not just Republican Senators. My colleague, whom I have great respect for on the other side of the aisle, is questioning also the wisdom of this legislation.

Having the second highest corporate tax rate—I notice my colleagues who spoke earlier said—well, I do not want to characterize how they speak. But the companies that are going overseas, yes, they are taking advantage of lower tax rates. Absolutely. But you would believe, in listening to them, that there are also lower labor costs as well. Yes, in some countries that is absolutely true. But in places such as Belgium and Ireland, I respectfully disagree. Companies are doing this to get a good solid workforce, paying good wages, but taking advantage of the 11-percent, 12-percent corporate tax rate versus a 35-percent corporate tax rate.

But I have to take exception to the statement that everybody is going overseas to take advantage of the tax rates.

Well, yes, this is a global economy. We are fighting a battle here. And when China can do the things they are doing and basically provide—well, let's step back. I remember growing up, and you would look at space exploration, roads and bridges, and teachers, and all that, R&D tax credit money, all that great stuff we would use to lure businesses from other parts of the world here. Do you know where that is now?

It is all debt service to China. So when I see and when I speak to the companies back home in Massachusetts, and they say: We need A, B, C, and D, I am like, we have no money. It is all in debt service to China right now. I would love to give it to you.

So how do we get our financial situation moving forward? We are not going to do it by having the tax cuts expire. We need to address the tax extenders. We cannot play games and push it off and push it off. How about the death tax? Oh, my God, how many billionaires have died and we have not gotten a penny? Good for them. One over on the government. But is it good for the Federal Government to not get a piece? I am all for people getting money, but we have not even addressed the death tax.

I remember in my first caucus, when I went in, we were talking about it, and in the second caucus, the third caucus, the fourth caucus, and on and on. It is time to kind of come together to solve some real problems so tax planners and families can kind of get their planning done. It is all about uncertainty. The reason we are in part of this mess is because of the financial uncertainty associated with the continued overregulation, the fear of more taxation, the fear of governmental interference, and the things we are trying to do. You can go on and on and on.

So as I said, what is the point? Why even bother getting out of bed?

Mr. President, may I ask, how much time do I have?

The PRESIDING OFFICER. The Senator has 6 minutes 20 seconds.

Mr. BROWN of Massachusetts. Six minutes 20 seconds.

Mr. President, I am fading fast, and I would ask if my colleague wishes to take the remaining part of my time.

The PRESIDING OFFICER. The Senator from Florida.

Mr. LEMIEUX. Mr. President, I thank my colleague from Massachusetts. Before I walked down to the floor tonight, I was watching him on television as he gave his remarks. I know he is more than a little bit under the weather. I thank him for his comments, and I thank him for his refreshing point of view because he comes here as a common man to try to do the best he can for the people of Massachusetts and the people of this country, and he knows in the short time he has been here that this system is broken. It is not working for American families. It is why Americans are so upset at their government.

It is not America that is broken. It is the government that is broken—a government that is now saying: We do not want you to profit. We do not want the business to succeed, sending all the messages that say America is not open for business, with too much regulation, too much taxes, too much spending, too much uncertainty, too much of

Congress pulling these big levers on government and on the economy that stops job creators in their tracks.

When I visit businesses in Florida, as I often do, they tell me: Look, Senator, we do not know—actually, they call me GEORGE—we do not know, GEORGE, what is going to happen with our business. We do not know what this 2,000-page health care bill is going to do for our business. Are we going to hire one more employee and fall under some new fine or mandate? Is this financial regulation bill going to make business more expensive?

Small businesses, medium-sized businesses, and the few large businesses we have in Florida are frozen in their tracks. They will not hire. Worse still now, we have these tax cuts that are set to expire at the end of the year, and these businesses do not know what their taxes are going to be. Is their tax on their dividends going to go up? Are capital gains going to go up? Are they going to be paying a higher tax rate themselves because they file as if they are an individual because they are a subchapter S corporation? All of this uncertainty, all of this regulation, all of this taxing, too much debt, too much spending, too much borrowing freezes business in its tracks.

Now we have this Creating American Jobs and Ending Offshoring Act. I am new here too. I have been here about a year. But you can mark my words, when you hear a title like that, you better read the details. Boy, it sure sounds good. We want to end the offshoring of jobs. Who would not be for that? It sounds great. But the truth of it is, you are going to tax American corporations that are doing work in foreign countries. You are going to double tax them under this proposal and make them uncompetitive.

So when Caterpillar sends bulldozers to India, they are going to be taxed more, which is going to hurt the folks in this country who are building bulldozers. You can apply that to any business that is doing work overseas. We do not need to be discouraging exporting. We need to be encouraging exporting. We know when we invest in exporting we get a huge return on investment. That is what we should be doing. But that does not make a nice sound bite. That does not sound good right before an election.

We should not be imposing more taxes on businesses that are trying to create jobs overseas which employ more people in this country. That is uncompetitive. That does not make any sense. What we should be doing is reinstating these tax cuts that have been around for 7 and 9 years respectively and not raising taxes in the middle of a recession. Can you imagine that we are going to go back for the next month and businesses in our country are not going to know what their tax rate is next year. And people won-

der in this Chamber why people are not hiring. Because there is too much uncertainty. They do not know what their taxes are going to be.

Do you know what businesses want? They want a level, fair playing field, and they want predictability. All this government does, all this Congress does, is change the rules every couple months to make things unpredictable.

I heard my colleague from New York talking about the fact that the last decade was lost to the middle class, that they lost wages, that they actually went down, not up. That is something that appeals to all of us. But government is not going to be the solution to that problem. Government is not going to fix that. The private sector is going to fix that.

Why are we demonizing business? Why are we demonizing profits? This has never been a country where we said we are going to bring you up by pulling other people down. This has been a country where we said we will give you the opportunity to succeed, and then you can be rich too someday.

That is the American dream. That is what separates us from every other country in the world. We look on these other countries such as India and China and say, look, they are going to overtake us. They are more competitive. They are not playing by the rules. They are doing things cheaper in those countries, opening call centers, stealing American jobs.

Let me tell you, I have had the opportunity to travel to some of these countries in my stead as a Senator. And on its best day, India is not as good as we are on our worst. There is nothing America can't do. There is nothing Americans can't do.

The thing that is failing America now is this Congress and this government. What we should be doing is creating certainty. What we should be doing is approving the three free-trade agreements that we still have outstanding with Colombia, Panama, and South Korea. That would get Americans back to work. What we should be doing is cutting the payroll tax across the board for every employee and every employer. Let's cut it temporarily by 3 percent. Let's give every employee a 3-percent pay raise and every employer 3 percent more that they can use to hire new employees, buy new equipment, and get Americans back to work.

People in this Chamber are willing to work across the aisle to be problem solvers. I did that on the small business bill because it was the right thing for Florida, and it was the right thing for this country.

Let's not demonize each other. Let's not demonize American business because we know American business is what creates jobs. We don't need to create more government jobs. We need to create more private sector jobs. That is what is going to get this economy back up and running.

What I fear is what Senator BROWN talked about and his notion of why you get up in the morning. Is the next Bill Gates who started Microsoft, is the next Hewlett Packard who started that company in their garage—the next innovator, the next entrepreneur—just going to say: Look, there is too much taxes, too much regulation, too much uncertainty; I am not going to go pursue that idea. Have we taken away the American dream? As someone just recently said to the President in a town-hall meeting: Is this my new reality? Is the American dream lost?

It is not. We will get through this. But we are only going to get through this when we realize that government is not the creator of jobs, the private sector is the creator of jobs. Our obligation is to have regulation for it to be fair, to make sure people don't cheat; otherwise, our job is to get out of the way and let business succeed to employ our people and allow them to achieve their dreams. This bill doesn't do that. It makes us less competitive. It will hurt jobs.

What we should do is reinstate the tax cuts to create certainty and not raise taxes in the middle of a recession. We should cut payroll taxes, we should approve the free-trade agreements, and we should focus every day we are here on jobs, not on campaign election laws, not on this frolic, not on this detour but on jobs.

The American people are hurting. The people in my State are hurting badly. It is the worst recession that anyone can remember in Florida—the worst recession that anyone can remember. Unemployment is near 12 percent. In some cities it is 14 percent. When we figure in the underemployed, it is more than 20 percent—people who want to work but can't. Let's give them certainty. Let's not raise taxes on them, and let's make sure we have a level playing field for business so business can do what business does best, and that is create jobs.

With that, I see my time has expired. I yield the floor.

THE PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Thank you, Mr. President.

I have found it interesting, having the opportunity to spend this evening listening to colleagues on the other side of the aisle. A lot of things have been talked about except the bill we are going to be voting on tomorrow. We certainly want to focus on the legislation we will have an opportunity to vote on together tomorrow to decide whether we are going to take up a bill that will stop shipping our jobs overseas. That is what this is about. We want to make things in America again and stop the incentives for shipping jobs overseas.

I also wish to indicate that today, talking about certainty—and I agree

with my friends on the other side of the aisle that we need economic certainty. I agree with that. It would be so helpful if everything was not filibustered and there wasn't sand thrown in the gears at every turn when we are trying to move forward and create economic certainty, making it take much longer in terms of trying to get to economic certainty. But I agree, and we agree, that we need certainty.

I wish to commend the Senator from Florida for working with us on the small business jobs bill that was just passed. The previous speaker said we need bonus depreciation. Well, but that particular Senator and the majority of the Senators voted against that in the small business bill. We need to extend expensing provisions, we were told a while ago. Well, the majority of Republicans voted against that. We need tax cuts for small business, we were told. Well, we just had a bill with \$12 billion in tax cuts for small businesses that the majority of the Republicans voted against. Again, with all due respect to my colleague from Florida who reached across the aisle and helped make that happen—and we are very grateful—but I have been listening all evening to people talking about how we need tax cuts who just voted against tax cuts. They have talked about how we need certainty, and certainly one of the areas where we need certainty is in small business lending, and we have just created that.

In fact, tomorrow, we are told, the SBA is going to provide about 1,400 loans for small businesses to be able to grow and expand and hire people—tomorrow—because of what was signed today. So that creates a little bit more certainty. We certainly need more of that. I am all for doing that, and I am all for creating the kind of level playing field that was talked about as well.

We want to export our products, not our jobs. But at every step of the way, from the Recovery Act we passed 18 months ago to focus on manufacturing—making things in America, clean energy, advanced battery technologies, jobs and infrastructure—from that time until now we have seen nothing but delay tactic after delay tactic after delay tactic, slowing down the economic certainty that colleagues are now talking about this evening. So we want that certainty.

We want certainty for middle-class families in this country who have been torn apart because of the fact that we have lost jobs. We have lost 4.7 million manufacturing jobs in this country under the policies of the last administration that now, we were told last week, they want to do again. The proposals unveiled by our Republican colleagues are exactly the same proposals that cost my State 1 million jobs. We are not interested in going back to that. We want to keep on a course that is going to get us out of the hole.

So what is this bill about? I will soon turn this over to my colleagues to speak as well. What are we really talking about tonight? We are talking about doing three things that will bring jobs back that have been lost overseas. These jobs have been lost to China time and time again. They have been lost to India, lost to Brazil, lost to Mexico, and lost to many other countries because of a system we have that doesn't have a level playing field on trade, is not enforcing our trade laws, having some trade agreements that are not fair, and then having incentives that reward companies to write off their costs here while the jobs are shipped overseas. So we want to stop that.

This bill, in fact, would prohibit a firm from taking any deduction, a loss or credit, for amounts paid in connection with reducing or ending the operation of trade or business in the United States and starting a similar trade or business overseas. What is that about? Well, we don't think American taxpayers should have to pay the bill through a deduction or a credit while their jobs are being shipped overseas. Companies shouldn't be able to write that off their taxes.

We are also saying through this bill that we want to end the Federal tax subsidy that rewards U.S. firms that move their production overseas. Finally, we want to provide a carrot to say, if in the next 3 years a company closes down operations and brings jobs back—and we have success stories like that to tell of companies that are doing that—but if they do that, close operations in the next 3 years, bring the jobs back, they will get a 2-year payroll tax holiday. So they will get a tax cut if they bring jobs back.

That is the simple bill. It is very simple. It is very straightforward. We want to take away the incentives to ship jobs overseas—the subsidies that cause Americans to lose their jobs—turning around and then subsidizing the jobs overseas, and we want to create incentives to bring jobs back. That is what this is about. This adds to what the President signed today in terms of the small business bill that creates jobs. This is another step in our effort to make sure we are focusing on American jobs.

We want to make sure we are making it in America again. It is no surprise we have lost the middle class as we have lost manufacturing. Our ability to have good-paying American jobs is built on the premise of a foundation that says we are going to make things in this country. We are going to make things. We are going to grow things. We are going to add value to it. That is what has created the middle class of this country. We are losing that. People are losing their jobs, losing their futures, their ability to care for their families, as we are seeing these jobs

shipped overseas. This bill is about bringing them back. It is one piece of the puzzle. Take away the tax deductions and bring them back. That is what this is about.

Tomorrow, the question is, Do you want to debate it? Do you want to move to the bill? It is not final passage; it is voting to move to the bill so we can have the debate about creating that certainty and creating jobs and making things in America again.

I see my friend from Rhode Island, and I wish to turn things over to him because I know he is a passionate advocate for jobs, as I am. We often share, unfortunately, the same kinds of concerns about jobs in Rhode Island and Michigan. I know the Senator from Rhode Island cares passionately about bringing those jobs back to America.

The PRESIDING OFFICER (Mr. DURBIN). The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, let me first thank the Senator from Michigan who has worked so long and hard on this. We do, indeed, have in Rhode Island the distinction of being in the top three or four States for unemployment for month after month after month. Rhode Island is still hovering near 12 percent unemployment.

For a State that was once the manufacturing capital of the world, for a State that was once the place where the industrial revolution was sparked off, to be in this situation is very painful for a lot of Rhode Islanders, and it is particularly painful and frustrating to have that situation exacerbated by our country's tax and trade laws. At last we are getting around to doing something about it.

So I am here today in strong support of the Creating American Jobs and Ending Offshoring Act. I wish to speak a little bit about the bill itself because one of the things I have noticed about my colleagues on the other side is that they have spoken about anything and everything. They have spoken about taxes. They have spoken about the deficit. They have spoken about wages. They have spoken about every economic issue they can bring to mind, but they haven't spoken about this bill. Nobody has said this is a bad piece of legislation; they just don't want to get to it. They want to give long speeches about macroeconomics rather than look at this bill and how it will help. It is a shame because we are just trying to get to this bill.

Last week, Leader REID made a procedural motion that the Senate take up this legislation to address the epidemic of companies laying off American workers and moving their jobs overseas.

I was just in a facility in Rhode Island a few weeks ago and there were machines running and there were people working. But if you walked around the machine shop floor, you could see marks on the floor marked off in tape

with holes where bolts had been taken out. Those were machines that had been taken out of a Rhode Island factory and shipped to South America so that South American workers could work those machines and sell the exact same products that had been made in Rhode Island back into America.

So this is a very real and practical problem we have to face. With the kind of unemployment we have still in this country, I hope every one of my colleagues, Republican as well as Democrat, will acknowledge that this is a topic that is worthy of debate in the Senate.

Senator LEMIEUX from Florida was just here. He is a very distinguished Member of this body, and I consider him a personal friend. He came forward with a great list of ideas he believed we should be considering in order to improve our jobs posture and move America forward. Those were all fine ideas, and every single one of them he could have offered as an amendment if he would vote yes to go to this bill.

Where we are is the Republicans saying we are not even going to discuss this piece of legislation. So every good idea or what they consider to be a good idea we have heard about tonight, bear in mind their votes will prevent them from offering amendments to implement those very ideas that they are claiming are good ideas.

This is a basic, smart piece of legislation. The Creating American Jobs and Ending Offshoring Act would close some really perverse loopholes in the Tax Code that, right now, reward American companies for moving American jobs overseas. The law, right now, permits companies that close down American factories and offices and move those jobs overseas to take a tax deduction for the costs associated with moving the jobs to China or India or wherever. Those machines that were unscrewed, unbolted from that Rhode Island shop floor and shipped to South America so that South American workers could run them—the cost of that was a tax deduction subsidized by the American taxpayer. That simply doesn't make sense.

If we want to send a message that we are tired of sending American jobs offshore, then giving people a tax deduction for doing that should be a practice that ends. We would end those taxpayer subsidies for the expenses of moving American jobs overseas.

That taxpayer subsidy is just the cherry on top—the big prize—for companies that are offshoring jobs. The real money comes from their ability to defer paying taxes on profits they earn overseas. Here is an example. Let's say a company manufactures a boat in my State of Rhode Island. That company pays taxes on its profits from selling that boat every year that it earns a profit. Let's say there is a company right across the street—a competitor—

that also makes boats, and it decides that it is going to take its manufacturing and move it overseas to China. They will make the same boat but will make it in China and then sell it back to the same U.S. customer. They are identical except that one company moved its jobs overseas. The company that moved its jobs overseas is not obliged to pay income taxes on its profits from the overseas manufactured boat at that time. It can strategically defer and maneuver its taxing to pay it later and use the money in the meantime instead of having to borrow capital or pay it at a time when it has offsetting deductions. This deferral gaming can be quite lucrative for the companies that move jobs overseas, and it can be quite costly for taxpayers. So we close this loophole too.

These tax loopholes that reward shipping jobs overseas have served as powerful incentives for companies to do so, and the numbers bear this out. According to our Bureau of Economic Analysis, 1999 to 2008, the number of U.S. employees of multinational companies declined by nearly 2 million—1.9 million jobs—out of America from multinational corporations. During the same period, these same companies increased their foreign employment by 2.4 million—2 million jobs out of this country and into foreign countries by American multinationals.

Some people think that is a wonderful idea. These are our friends at the U.S. Chamber of Commerce. This is a letter they sent on September 23 to the Members of the Senate from the Chamber of Commerce of the United States of America:

Replacing a job that is based in another country with a domestic job does not stimulate economic growth or enhance the competitiveness of American worldwide companies.

This is our U.S. Chamber of Commerce, the same entity that is out running ads trashing candidates on behalf of Republicans, the same entity that represents all the big multinationals—Exxon, BP, the big insurance companies, the big banks, the folks charging you a 30 percent interest rate on your credit card. That is whom these people represent. Again, they bring this idea to the table:

Replacing a job that is based in another country with a domestic job does not stimulate economic growth or enhance the competitiveness of American worldwide companies.

I will tell you what it does. It will enhance the heck out of the economic growth of the family who gets that domestic job. It will enhance the heck out of the economic competitiveness of a neighborhood that doesn't have a factory shipped overseas so that the company can move the jobs offshore. I don't know whom these people are interested in—the U.S. Chamber of Commerce—but it is definitely not the

American family, the American neighborhoods or the American worker. "Replacing a job that is based in another country with a domestic job. . . ." That is really astounding.

So we need to get to this bill, and we need to begin to reverse the decades-long decline in U.S. manufacturing. This cannot do everything, but it would be a first step.

When we were growing up, the vast majority of the clothes we wore, the cars on our roads, and the food on our tables was all produced in the United States. That time has passed, that time is gone, that time is no more. Today, you would be hard-pressed to find items in a department store that were made domestically. Just go to Walmart—it is China-mart.

It is not just consumer goods either. Earlier this year, I had a meeting with an organization in Rhode Island that runs one of our major ports. Together with Senator REED, we were able to argue successfully for one of the TIGER grants in the economic recovery bill to help support this port so that they can grow jobs and add to the business that comes to Rhode Island. Part of what they need to do is purchase and install a big cargo crane, a port crane to offload the goods that come in and stack them so they can go onto trains and trucks and off into commerce. Guess what we discovered. We discovered that the Rhode Island organization didn't plan to buy the multimillion-dollar crane from an American company. Do you know why that is? That is because no American company any longer makes a port crane. No matter how much you want to buy a crane for an American port from an American company, you can't do it. We don't make them any longer. Something has gone badly wrong when you go to the biggest retail outlet in America and you can't buy American-made products—it is 90-plus percent from China—and when you go to a port and the crane that is unloading the Chinese goods cannot even be made in America any longer.

So we need to get to work. We need to support our American manufacturing base, and we need to take the wrinkles out of the Tax Code that make it advantageous for a company to move those jobs overseas, with taxpayer subsidies and competitive advantage against a company that is struggling at home trying to do the right thing and keep jobs here.

All we are asking of our colleagues is that they allow us to go to the bill and have this debate. When they come to the floor and object to this procedural motion, and they have nothing to say about this bill but only general bromides—I have had so many bromides that I am ready for some Bromo-Seltzer. They won't talk about this bill. The reason is that it is a good bill, and it would help American jobs, and they

don't want anything to pass now. I urge them to change their minds. It is too important to let this opportunity pass.

I yield the floor.

I see my colleague from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. BEGICH. Mr. President, I have to say to the Senator from Rhode Island, we will get some of that water that fizzes because we will need it as the night goes on.

The point is simple. To the American people, to the Alaskans who are watching, this process we go through here, which is really about getting us to a bill—that is what we are trying to do so we can have a debate across the aisle, have a discussion about what is the right policy when it comes to jobs and how to make sure we do the right thing regarding our economy. Instead of having to debate, they would rather stop the motion to proceed and end the story.

I rise this evening for the same reason many other folks are talking tonight—in support of the Creating American Jobs and Ending Offshoring Act. I believe we should reward companies that keep Americans working here in our country.

As a former mayor, and really longer than any time I have served in public office, as a small business owner—that is what I spent my life around. I understand the impact of legislation and what it means for a business owner. As I have said in the Budget Committee and on the floor, I am probably one of the few who have filled out—in one of the debates we had a couple weeks ago—1099 forms. I understand what it means for a small businessperson to spend the time to try to build their business and what it means.

Tonight, in my view, it is unacceptable that we currently reward companies that ship American jobs overseas while businesses that are doing their best to provide decent wages and benefits are struggling just to make payroll. We should reward businesses that don't just keep but create jobs here at home. It makes no sense to me, when you think about it—you have business A and business B both doing the same product. But the one that decides to invest in America, to invest in Alaska, who competes against the person across the street who decides to close up and go overseas, who gets tax breaks and special benefits and subsidies and other things, the person here who is working hard every day to keep Americans working is at a disadvantage. It is clearly time that we stop shipping our jobs overseas and make it right here in America.

American manufacturing jobs have been some of the hardest hit by the economic downturn. States that have significant manufacturing bases are those with the highest unemployment rates.

This legislation is a commonsense response to our job crisis. Under the bill, payroll tax relief will be rewarded to companies that hire employees domestically during a 3-year period, beginning now. The tax cut would come in the form of relieving the companies of paying Social Security payroll taxes on each job that was brought back home to this country for the next 2 years.

This legislation also eliminates tax breaks for companies that move jobs overseas. I will repeat that because people who might be watching are saying: What do you mean, we give companies tax breaks for moving jobs to another country and not reward people who work here? That is the case. We actually give breaks, which include deducting expenses for companies that close their factories in the United States and move them overseas. I don't know about all other taxpayers, but I am taxpayer and a businessperson, and that seems ridiculous that we would give a tax break to companies that ship jobs overseas. Taxpayers subsidize these companies. As I mentioned, our tax laws currently reward these companies in many different ways for moving jobs overseas.

Here is a startling reality—the data. We hear a lot from the other side, and they are kind of good sound bites and they get on the news and get coverage, but here is the data. This is how people should measure the success or failure of the policy we have had regarding this issue. That is why we need to pass this new legislation. Between February 2001 and February of 2009, almost 4.7 million manufacturing jobs were lost to overseas operations—4.7 million American jobs that were shipped overseas, like a parcel package. They are gone. Between 1999 and 2008, employment of foreign affiliates of American parent corporations grew from 7.8 million jobs to 10.1 million. That is an increase of 2.4 million jobs or 30 percent. Again, there are jobs that have been shipped off, and then these American companies then produce jobs overseas that could have been produced here in this country. But they have not done it.

To my friends across the aisle, many of you seem to have the impression that extending tax cuts for the wealthiest Americans will mean more jobs.

I just got back from a weekend in Alaska, for 2½ days moving through cities, talking with folks. I have to be honest. Only the people across the aisle are thinking that because that is not what I hear back home. They see through it. The 97 percent who will receive a tax break, a tax cut, middle-class Americans see that benefit. But the small 3 percent, 2.5 percent, they are not going to create jobs with that money, no question about it. As we all remember back in the Bush administration, President Bush decided to extend these tax cuts to the wealthiest

Americans in the middle of the Iraq war. The thought was this would spur our economy and create new jobs.

Not surprisingly, the exact opposite happened. The national debt doubled. When President Obama was sworn into office, just before he was sworn in, over half a million jobs were lost just in that month alone before he was sworn in. We have to stop shipping jobs overseas and make it right in America.

I implore my colleagues on the other side to allow the debate, to allow us to proceed. It is not complicated.

I will end on this comment and say, when I was a mayor, anybody could bring any idea to the table. You could debate it. Sometimes we debated until midnight, sometimes we started the next day and debated some more, but ideas were debated.

We are recovering from an economic crisis. We are, at the moment, to look at some new options, new opportunities to have our businesses thrive and move forward. I ask our colleagues on the other side: Allow the debate to occur. As a small businessperson, as a Member of the Senate, I ask them to step to the table and let us move forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I commend the remarks by the Senator from Alaska and before him the Senator from Rhode Island and others tonight. One of the reasons we are here tonight is because we have been trying, over the last 18 months, to get some of our colleagues on the other side to join us in job creation strategies. We had almost no Senators—at the time just three on the other side—join our side to pass the American Recovery and Reinvestment Act. That legislation, which we passed in the early part of 2009, has created—one rather conservative estimate—about 3 million jobs. But in an economy where we lost 8 million, we have to keep going and put in place other strategies.

We passed the HIRE Act not too long ago. When we pass a lot of legislation, it goes right by people. That HIRE Act provided a payroll tax credit for the hiring of an individual who has been unemployed for 60 or more days. That has created a number of jobs.

We just passed a bill, and the President signed into law today, the Small Business Jobs and Credit Act, a direct infusion to small businesses across the United States of America—\$12 billion in tax breaks directly to small businesses.

In addition to that, there is a loan fund for our smaller banks, our community banks, to provide most of the capital to most of the businesses in America because we know small businesses create most of the jobs.

We have been taking step after step. None of it is perfect. Not one bill will lead to a full recovery. But we have

been trying to push this economy—the image of coming out of the ditch we have all used is a good analogy. One bill is one push. One bill is not enough to get this economy fully recovered, but we have been making progress.

Today we come together, once again, to try something we have advocated again: to try to take some steps to stop the offshoring of jobs, the shipping of jobs overseas because we have the wrong tax policies in place.

What does this bill do? What does the Creating American Jobs and Ending Offshoring Act do? Basically, three things. It is not tremendously complicated for those who are running businesses but critically important to our jobs, our families, and our future.

No. 1, it would create a payroll tax holiday for companies that return jobs to the United States from overseas. What happens there is we would be providing relief from the employer's share of the Social Security payroll tax on wages paid to new U.S. employees performing services in the United States. It is as simple as that. We should have done it a long time ago. We could have taken these steps before, but our friends on the other side, just like they have blocked almost every job creation bill I can think of in the last 18 months, they blocked this over and over again.

No. 2, this bill would end subsidies for plant closing costs. As some of my colleagues have noted, the bill would prohibit a firm from taking any deduction loss or credit for amounts paid in connection with reducing or ending the operation of a trade or business in the United States, starting or expanding a similar trade or business overseas. We have made it easier. We have created incentives to ship jobs overseas instead of creating disincentives for companies to send jobs overseas. It would end that basic policy that ships jobs overseas.

No. 3, we would end tax breaks for runaway plants—plants that go overseas and have no penalty applied to moving jobs overseas, instead of keeping jobs in America.

I mentioned before the HIRE Act, legislation that provides a payroll tax credit for the hiring of an individual who has been unemployed for 60 or more days. We are building on that policy. I commend our majority leader, Senator REID, Senator DURBIN, our Presiding Officer, Senator SCHUMER, and others for building upon what we did in the HIRE Act earlier this year and introducing this bill to provide employer relief from the employer share of the Social Security payroll tax on wages paid to a new U.S. employee performing services here.

In other words, we are trying to bring jobs back to the United States. We are not saying this bill is a magic wand that solves all our economic problems. One bill is not a recovery, but it is another forward step in furtherance of

that objective to lift this economy completely out of the ditch it has been in for far too long.

We know this did not happen overnight. We know our economy did not fall into a ditch overnight. We also know the loss of manufacturing jobs did not just occur over the last several years. It occurred over many years. But if you just look at the last 9 or 10 years, I know, for example, in Pennsylvania we lost over 200,000 jobs. The best estimate is 207,000 jobs just in Pennsylvania that are categorized as manufacturing jobs. In some States it is a lot higher than that. My colleague from Michigan, Senator STABENOW, was remarking earlier that Michigan had lost over 1 million jobs in that time period, just manufacturing jobs.

We know the unemployment rate across the country is intolerably too high. In our State, fortunately, it is below 10. A lot of States cannot say that. But 9.3 or 9.5 roughly in Pennsylvania over many months equates to almost 600,000 people. It got as high as 592,000 people out of work. Now we are down a little but down to only 585,000 people out of work.

I went across Pennsylvania during the latter part of the summer. In 4 weeks, I was in some 31 counties, most of them small and rural counties, most of them counties that have a lot of small towns in them and a lot of geography, a lot of space. Whether you go to a county such as Potter County, which has less than 20,000 people in it and almost 100 percent rural, their unemployment rate is 11.5 percent.

Philadelphia, the biggest city and biggest county as well, has an unemployment rate of 12 percent now. More than 75,000 people are out of work in the city of Philadelphia.

Whether you go to a small town or rural community or whether you go to the biggest city in our State, the unemployment rate is far too high.

It is my obligation to not just say the Recovery Act created 3 million jobs. It may not have been perfect or popular, but it created a lot of jobs. But that is not enough. That is why we supported the HIRE Act. That is why we supported the Small Business Jobs and Credit Act. The community bankers, by the way—this is not a number from a Democratic office—tell us it will create 500,000 jobs.

What if they are off by a big number? What if it is only 400,000? My goodness, if we can pass any bill that will create 400,000 jobs, that will be remarkable. If they are right, it will be more than that. It will be 500,000 jobs.

We are pushing and pushing to move this economy fully out of the ditch, to have a full and robust recovery because we know what happens when the economy recovers. We saw it in the late 1990s, during President Clinton's two terms in office. We not only had recovery but tremendous growth. We were

investing in priorities such as health care and education and the skills of our workers for the future for a stronger economy. We had not only eliminated the deficit—the Congress and the President at the time—but the surplus was \$236 billion when President Clinton left office. He handed that to President Bush.

When President Bush handed over the keys to the White House, so to speak, to President Obama, the \$236 billion in surplus was now \$1.3 trillion in deficit. That is where we are today. We are still recovering, despite a lot of steps, to have a full recovery. But we cannot fully recover if we are going to continue to subsidize the movement of jobs overseas.

It is hard to comprehend the strange and almost perverse policy that has led to taxpayers being called upon because of the policy that has been in place for far too long, the policy where taxpayers are subsidizing the costs associated with the closing of a plant in the United States of America. We should not just lament that, we should end the policy and instead have taxpayer support strategies to keep jobs here or support strategies that actually pull jobs back from overseas.

You cannot lament the movement of jobs overseas and then just keep voting the way some are voting against tax policies to keep jobs in America. You cannot lament job loss and vote against, whether it is a Recovery Act, the HIRE Act or the Small Business Jobs and Credit Act. You cannot say you are in favor of helping small business and then turn around the next day and vote against \$12 billion in tax cuts for small business.

You cannot say you support small communities and the small banks in America and then vote against a loan fund that will help those very same small banks across America help their small businesses to invest and grow and hire more people and help us recover.

What tomorrow's vote is about is not the bill itself. Tomorrow's vote, of course, as everyone knows, is just to get over that procedural hurdle to allow us to debate. Having a debate about ending the offshoring or doing everything we can to end the offshoring of jobs is worthy of at least 1 day or a couple hours of debate.

Someone over there might say: I am not going to vote for this bill for this or that reason. They have that right. It is hard to say I do not like the fact we have been shipping jobs overseas and have tax policies that incentivize that and we have other policies we can put in place to change that and to turn that around and move in the direction of helping taxpayers keep jobs here and pulling jobs back from overseas, you cannot say all that, make a big speech on it and then vote the next day and say: I am not only going to vote

against the bill but vote against any debate on the bill. That is a pretty hard argument to make. I am not sure there are many people who can make it with a straight face and with any degree of integrity.

We will see what they do. We will see if they are going to vote against debating obviously one of the most important issues for people, stopping jobs from going overseas. I hope the other side does not do what it did with the small business bill and say it supports small businesses and then vote against tax cuts and vote against community banks to help our small businesses.

Maybe tomorrow there will be a flash of light in the darkness of this political debate and folks on the other side will let us debate this for a couple hours and then maybe vote the right way: to stop jobs from going overseas. But we will see. We will see what the morning light brings.

Mrs. FEINSTEIN. Mr. President, I rise today to support the Creating American Jobs and Ending Offshoring Act. The bill before us utilizes both carrots and sticks. It ends certain egregious tax breaks that promote the movement of American jobs overseas, and provides a payroll tax holiday to companies that relocate jobs back to the United States.

I thank Senators DURBIN, REID, SCHUMER and DORGAN for their initiative in crafting legislation designed to create more jobs on American soil at a time when it is critical. This bill is a positive first step.

Robust industry has always been the hallmark of American competitiveness.

It once was that you could see the "Made in America" logo on the back of a t-shirt, on a shoe, a dress, a coat, and knew that you had a product that was both high quality and safe.

But from 2000–2005, U.S. companies slashed 2.1 million jobs in the United States while hiring 784,000 jobs internationally. This is from the Bureau of Economic Analysis.

Examples are the iconic little red wagon company, "Radio Flyer" eliminated half its workforce in Chicago and moved its manufacturing operations to China in 2004; Levi Strauss cut its workforce by roughly 20 percent, closing factories across the country and outsourcing its manufacturing work to Latin America in 2002; Motorola has laid off over 40,000 workers and invested more than \$3 billion in China in 2001; and, recently, the Whirlpool Corporation announced it will close a refrigerator plant in Evanston, Indiana, resulting in the loss of hundreds of jobs. Whirlpool has plans to open a new plant in Mexico.

And Hewlett Packard is opening a global call center in Chongqing, China. The reason for all these relocations is plain and simple—less cost.

Today, the "Made in America" logo is not often seen, and with its demise

has been the loss of good American jobs.

It is time for the United States to refocus on a modernized industrial policy that promotes global competitiveness and creates jobs for the American people.

And this legislation is a beginning.

Simply put, we can no longer hang our hats on American inventiveness and ingenuity while ignoring the steady stream of jobs lost to our international competitors.

Americans have always had good ideas, but those good ideas used to lead to good jobs here in the United States. Now, our intellectual property contributes to abundant employment opportunities, but many are often in other countries.

American industry has changed the world. From the automobile to the airplane, from landing a man on the moon to developing the Internet, the combination of revolutionary ideas and productive labor has been the backbone of American strength for generations.

But we should not be willing to cede that essential part of our American identity. We must find a way to ensure that American ingenuity creates American jobs.

Statistics indicate that we are losing our identity as a manufacturing power—and that is bad news for this country.

Thirty years ago, the founder of Sony and the head of the august Keidanren in Japan said to me: "When America ceases to be a manufacturing power, she will become a second-rate power."

I have thought a lot about those words over the decades as I have seen American jobs go overseas.

The slow bleed of manufacturing jobs has been a stark reality for years. From 1997 to 2007, the U.S. manufacturing sector lost 3.5 million jobs—an estimated 20 percent of the workforce.

But offshoring isn't just a problem for factory workers, it is having a growing impact on the service sector as well. Today, even highly skilled workers can no longer rely on their education or training to obtain a job or have any measure of job security. It is estimated that 1.2 million white-collar jobs were sent offshore between 2003–2008; the Bureau of Labor Statistics estimates that 31 percent of service-sector jobs are currently at risk of being sent overseas; at the current rate, 25 percent of all U.S. jobs may be in danger of being shipped overseas in the next 10 years, from the CRS.

Several studies indicate that up to 250,000 American jobs may go overseas by 2015; and this includes highly skilled fields like computer science and mathematics, which are becoming increasingly vulnerable to being sent overseas.

The Creating American Jobs and Ending Offshoring Act is a first step toward addressing these trends. The bill provides a payroll tax break to companies that move jobs back to America—

employer share—roughly 8 percent of salary—2 year holiday; eliminates the tax breaks that have provided incentives to companies to move production and jobs overseas—eliminates tax deduction, loss, or credit for costs associated with moving operation overseas; and; ends tax deferral for companies that move production overseas, only to sell those products back in the U.S.

The time has come for Congress and the business community to come up with an industrial policy that will promote American competitiveness and create jobs.

While we have promoted trade and globalization, we have overlooked the negative effect it has on job creation here in the U.S. Many of our businesses have thrived in the modern global marketplace, but our policies here at home lag behind.

Free trade may reduce the price of goods, but this doesn't do much good if unemployed Americans can't afford to buy them.

We need to look at the structure of taxation, of education, and of health care. We need to decide what must change in order to achieve our goals.

In August I spoke to a gathering of the top business minds in Silicon Valley. With California's unemployment rate lingering at 12.4 percent, much of the discussion turned to maintaining American dominance in a way that would engender job creation in my home State.

I asked them to work with me to find common ground on these issues.

Today, I ask all of us in the Senate to do the same.

The provisions included in the Creating American Jobs and Ending Offshoring Act are a positive first step.

However, to profoundly impact the future of American industrial competitiveness, we cannot rely solely on carrots and sticks.

We as a government must lay a stable foundation upon which American business ingenuity can foster top down growth. And the business community must focus not only on the bottom line. It must rededicate itself to the pursuit of a thriving American economy and labor force.

Bottom line: These are the things we must do if we are to maintain America's position as the driving force of the global economy. This legislation is a good first step down this road.

Mr. CARDIN. Mr. President, the Senate will have a cloture vote shortly on the motion to proceed to S. 3816. I hope that we will overcome a procedural roadblock to the Senate considering this legislation and proceed to the bill and pass it. While the National Bureau of Economic Research, NBER, has determined that the recession is over, it is clear that we have much more work to do getting Americans back to work. According to NBER, the recession lasted 18 months, which makes it the

longest of any recession since World War II.

It is important to note that NBER did not conclude the economy has returned to operating at normal capacity. Rather, NBER determined only that the recession ended in June 2009 and a recovery began in that month. According to NBER:

(E)conomic activity is typically below normal in the early stages of an expansion, and it sometimes remains so well into the expansion.

Aggregate employment frequently reaches its trough after the NBER trough for overall "economic activity" and the 2007-2009 recession is no exception. That is why this jobs bill is critically important. The economy is still fragile; everyone knows that. So let's do something about it.

S. 3816 has incentives to create jobs here in America and disincentives to moving American jobs overseas.

Earlier this month, the U.S. Department of Labor certified a Trade Adjustment Assistance, TAA, petition brought on behalf of human resources personnel at Hewlett-Packard in 10 different States, including Maryland—Ellicott City—that have seen their jobs shipped to Panama. Now, if H-P employees have questions about their pay or their leave or their benefits, they have to call Panama. It is exactly that type of shipping jobs offshore that we need to prevent.

S. 3816 removes tax incentives that allow companies such as H-P to eliminate jobs here, outsourcing that work with the products or services consumed in the U.S. market.

Just since the beginning of 2007, the Department of Labor has certified 50 TAA petitions involving laid-off workers who live in Maryland.

In many cases, the firms involved in these certifications had U.S. tax incentives to ship jobs overseas. S. 3816 helps to eliminate those incentives.

To encourage businesses to create jobs here in the United States, the bill allows businesses to skip the employer share of the Social Security payroll tax for up to 2 years on wages paid to new U.S. employees performing services in the United States. To be eligible, businesses have to certify that the U.S. employee is replacing an employee who had been performing similar duties overseas.

This payroll tax holiday is available for workers hired during the 3-year period beginning September 22, 2010. The Social Security trust fund will be made whole from general revenues, a provision that costs \$1.09 billion over 10 years.

The bill eliminates subsidies that U.S. taxpayers provide to firms that move facilities offshore. It prohibits a firm from taking any deduction, loss, or credit for amounts paid in connection with reducing or ending the operation of a trade or business in the U.S.

and starting or expanding a similar trade or business overseas.

This provision raises \$277 million over 10 years.

The bill would not apply to any severance payments or costs associated with outplacement services or employee retraining provided to any employees who lose their jobs as a result of the offshoring.

S. 3816 also ends the Federal tax subsidy that rewards U.S. firms for moving their production overseas. Under current law, U.S. companies can defer paying U.S. tax on income earned by their foreign subsidiaries until that income is brought back to the United States. This is known as "deferral."

Deferral has the effect of putting these firms at a competitive advantage over U.S. firms that hire U.S. workers to make products here in America.

The bill repeals deferral for companies that reduce or close a business in the U.S. and start or expand a similar business overseas for the purpose of importing their products or services for sale in the United States. U.S. companies that locate facilities abroad in order to sell their products overseas are unaffected by this proposal.

Ending deferral raises \$92 million over 10 years.

I think there is a huge need and a great deal of merit in considering a bill to encourage American firms to keep their plants and factories here in America and to hire American workers.

Too many Americans are looking for work and can't find jobs. The recession hasn't ended for them. I hope the Senate will move forward on legislation that will keep jobs in America and put Americans back to work and begin to put this terrible recession behind us. It is time to ship American goods and services—not American jobs—overseas.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BEGICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BEGICH. Mr. President, the score is 10 to 0.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

MORNING BUSINESS

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate

proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTELLIGENCE AUTHORIZATION ACT

Mrs. FEINSTEIN. Mr. President, the Congress is now close to passing and enacting an intelligence authorization bill for the first time since December 2004. Pending at the Senate desk is House bill H.R. 2701, the Intelligence Authorization Act for Fiscal Year 2010, which the House passed on February 26, 2010.

On behalf of Senator BOND and myself, I have filed an amendment to this House bill, and have asked the majority leader to request unanimous consent that the amendment, in the nature of a substitute, be approved and that the bill be sent back to the House for its final passage.

For the benefit of my colleagues, I would like to describe the amendment and discuss why the passage of this legislation is of great importance to the Intelligence community and for oversight of intelligence.

In all but three respects, this amendment is identical to Senate bill S. 3611, which the Senate passed in August by unanimous consent. That bill had been negotiated with the House Permanent Select Committee on Intelligence and had the support of the administration. However, the House did not act on that bill. Instead, last week, the House sent its legislation to the Senate for consideration.

Per agreement with the House and the executive branch, I am therefore introducing this amendment, which replaces the text of the House bill with the previous Senate bill, with the three changes as follows:

The first change is necessary given that fiscal year 2010, the year for which this legislation was first written, ends later this week. The legislation I have offered today therefore does not include a classified annex that describes authorized funding levels for the intelligence community. The amendment text omits references to the classified annex, as well as other provisions that were specific to fiscal year 2010, that were present in S. 3611. This is reflected through the deletion of six provisions in S. 3611: sections 101, 102, 103, 104, 201, and 348. The amendment includes a new section 101, which is being included at the request of the Office of the Director of National Intelligence. This section makes clear that all funds appropriated, reprogrammed, or transferred for intelligence or intelligence-related activities in fiscal year 2010 may be obligated or expended. This provision is necessary to meet the terms of section 504(a) of the National Security Act of 1947, 50 U.S.C. § 414.

This legislation also amends section 331 from the version of the bill previously passed by the Senate concerning notification procedures. The amendment adds text to ensure that in the case of a limited notification of a covert action to the House and Senate leaders and chairmen and ranking members of the two intelligence committees—the so-called “Gang of Eight”—in place of the full membership of those committees, the basis of the limited notification will be reviewed in the executive branch within 180 days and reasons for continuation of the limited notification will be submitted to the Gang of Eight.

The amendment also adds text to require that in the case of a limited notification, the President shall provide to all members of the intelligence committees a “general description” of the covert action. This implements the idea first described by the Senate Intelligence Committee in 1980 that the limited notification procedure is to protect in extraordinary cases certain sensitive aspects of an intelligence activity; the purpose of the authority is not to shield entire intelligence programs from the oversight of the full intelligence committees.

Recent legislation from the Select Committee on Intelligence has included similar provisions to the requirement to provide to all committee members a “general description.” The committee’s bill, S. 1494, which the Senate passed unanimously in September 2009, included a similar provision, but the version of the bill passed in August 2010, S. 3611, did not.

Of note, the legislative language in this amendment makes clear that the general description of the covert action is to be provided by the President to all members of the committees, consistent with the reasons for not yet fully informing all members of the intelligence committees. The administration agrees that this gives the President sufficient flexibility in extraordinary circumstances to protect sensitive national security information.

Finally, the amendment I am offering includes a new section, section 348, on access by the Comptroller General to the information of elements of the intelligence community. Both S. 1494 and H.R. 2701 included sections on audits of intelligence community elements by the Government Accountability Office, GAO. No GAO provision was included in S. 3611 because, at the time that S. 3611 was reported and then acted on by the Senate, no agreement had been reached on a provision that would be acceptable to both the administration and the Congress.

Section 348 represents a compromise that the Congress and the administration can support. It requires the Director of National Intelligence, DNI, to issue a directive on GAO access. While the directive shall be issued following

consultation with the Comptroller General, the amendment is clear that this is to be the DNI’s directive. It is the DNI who has the responsibility to craft a directive that is consistent with existing law, both as regards the authority of the Comptroller General under title 31 of the United States Code and the provisions of the National Security Act. The directive shall be provided to the Congress before it goes into effect and the appropriate committees of the Congress can then take whatever legislative or oversight actions they deem appropriate.

The Department of Defense has issued a directive governing GAO access to Defense special access programs. This directive is regarded as having resolved successfully the issues that the Department and GAO had previously encountered. As the DNI carries out the duties of this section, it will be important for him to be mindful of the manner in which individual departments with intelligence components have established procedures governing access by GAO. This is true for the Department of Defense as well as other Departments, such as the Department of Homeland Security and its intelligence component, the Office of Intelligence and Analysis. We expect that the DNI will coordinate closely with the heads of such departments in order to ensure that the DNI’s directive resolves outstanding issues without disrupting GAO’s working relationships with such departments.

As written, this section requires the Director of National Intelligence to submit this directive to “the Congress.” The intent of this provision is to have this directive broadly available, in unclassified form or classified form as the case may be, to those committees with jurisdiction over the DNI, the 16 intelligence entities in the intelligence community, the departments in which those agencies reside, and the GAO.

There are additional technical, typographical and conforming changes included in this legislation from S. 3611, the intelligence bill passed by the Senate in August 2010. This includes a change in section 322, the business system transformation section, in several places where an action was to be taken by September 30, 2010. Those actions are now required to be taken within 60 days after enactment.

In all other respects, the Feinstein-Bond amendment consists of exactly what the Senate has already passed by unanimous consent. The legislative history of S. 3611 is fully applicable to the provisions of this amendment that are carried over from S. 3611. This legislative history includes the committee report, S. Rep. No. 111-223, and the floor statements and letters placed in the RECORD on Senate passage of S. 3611, see 156 Cong. Rec. S6795-6799—daily ed., August 5, 2010. S. Rep. No.

111-223 has a detailed section-by-section description of the provisions of S. 3611, including a description of the reconciliation of House and Senate provisions from H.R. 2701, as it passed the House, and S. 1494.

I received today a letter from the general counsel in the Office of the Director of National Intelligence, Mr. Robert Litt, indicating that "the President's senior advisors would recommend that he sign this bill if it is presented for his signature." I will ask that this letter be printed in the RECORD.

As I noted at the outset, there has not been an intelligence authorization act enacted in nearly 6 years. Prior to December 2004, there had been such a bill every year since the creation of the intelligence committees in the late 1970s.

It is vitally important for the intelligence committees to pass an authorization bill this week. Failure to enact an authorization bill weakens congressional oversight and it denies the intelligence community appropriate updates in the law.

I would like to take a moment to recognize some individuals who have devoted enormous time and effort to reaching this point. First, Senator KIT BOND, the vice chairman of the committee, who has been fighting for this legislation with me in a completely bipartisan way since we began at the beginning of last year. Second, the members of the Intelligence Committee who have contributed important provisions in the bill, and have supported our efforts to keep the bill moving even in some cases where their provisions had to be dropped.

And finally, the staff, who have drafted this bill three separate times and conducted negotiations with the House Permanent Select Committee on Intelligence, other offices in the House, the Office of the Director of National Intelligence, and the White House for more than a year. I would like to commend and thank my counsels: Mike Davidson, Christine Healey, and Alissa Starzak for their work. I thank as well Senator BOND's counsels, Jack Livingston and Kathleen Rice.

While there is no classified annex to authorize funding levels in this bill, I appreciate the work begun by Lorenzo Goco and continued by Peggy Evans in putting together the annex that accompanied the intelligence authorization bills that passed the Senate last September and this August.

Finally, I appreciate the work of Tommy Ross, national security adviser to Majority Leader HARRY REID, for his substantial efforts to make sure that the House and the executive branch remained engaged in the negotiations over this bill.

I urge my colleagues to support this Senate amendment to the House bill. If we are able to reach unanimous con-

sent on this measure, it will go back to the House for final passage and presentment to the President. I am hopeful that we can accomplish this prior to recessing later this week for the November elections, and urge support.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from Mr. Robert Litt to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE DIRECTOR
OF NATIONAL INTELLIGENCE,
Washington, DC, September 27, 2010.

Hon. DIANNE FEINSTEIN,
Chairman, Select Committee on Intelligence,
U.S. Senate, Washington, DC.

Hon. CHRISTOPHER BOND,
Vice Chairman, Select Committee on Intelligence,
U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN AND VICE CHAIRMAN BOND: On June 10, 2010, the Director of OMB wrote to inform you that, on the assumption that there would be no material changes to the S. 3611, the Intelligence Authorization Act for Fiscal Year 2010, the President's senior advisors would recommend he sign the bill. The Administration has reviewed the proposed amendment to the Intelligence Authorization Act for Fiscal Year 2010, embodied in the draft amendment in the nature of a substitute to H.R. 2701 provided to us on September 24, 2010. There are two significant changes from S. 3611 passed by the Senate on August 5, 2010 relating to the Government Accountability Office (GAO) and congressional notification. Earlier provisions on these issues were subject to a veto threat. However, based on our interpretation of the changes, which I have outlined below, the President's senior advisors would recommend that he sign this bill if it is presented for his signature.

The proposed Senate amendment includes a new provision that would require the Director of National Intelligence to issue a directive, in consultation with the Comptroller General, governing access of the Comptroller General to information in the possession of an Intelligence Community element. Nothing in this provision changes the underlying law with respect to GAO access to intelligence information. We interpret this provision to provide the DNI with wide latitude when developing the directive to ensure that it conforms with (1) the statutory provisions governing GAO's jurisdiction and access to information; (2) the intelligence oversight structure embodied in the National Security Act; and (3) relevant opinions of the Office of Legal Counsel of the Department of Justice.

The second significant change relates to the provision that alters the current congressional notification framework. It is important to note at the outset that the Administration has already indicated that, with respect to the requirement to provide "the legal authority under which [an] intelligence activity is being or was conducted," we construe that requirement only to require that the Executive Branch provide the committee with an explanation of the legal basis for the activity; it would not require disclosure of any privileged information or disclosure of information in any particular form.

The proposed amendment would significantly change the earlier version of this provision by requiring that the Executive Branch provide all congressional intelligence committee members who do not receive a

finding or notification a "general description regarding the finding or notification, as applicable, consistent with the reasons for not yet fully informing all members of such committee." The Administration has previously threatened to veto the Intelligence Authorization Bill over a congressional notification provision that contained similar language. This provision, however, differs from the earlier provision because the requirement to provide a "general description" is limited to a description that is "consistent with reasons for not yet fully informing all members of such committee." We interpret this new language as providing sufficient flexibility to craft a description that the President deems appropriate, based on the extraordinary circumstances affecting vital interests of the United States resulting in the limited notification, and recognizing the President's authority and responsibility to protect sensitive national security information in the context of the notice and general description requirement.

We wish to confirm that you understand and agree with these interpretations. We would prefer to reduce this interpretation to writing for inclusion in the amendment itself, and will work with you to that end; otherwise, we wish to ensure that you agree with our interpretation of these provisions. With these understandings, the President's senior advisors would recommend that he sign this bill if it is presented for his signature.

The Office of Management and Budget advises that, from the standpoint of the Administration's Program, there is no objection to the submission of this letter.

Sincerely,

ROBERT S. LITT,
General Counsel.

NOTICES OF INTENT TO OBJECT

Mr. GRASSLEY. Mr. President, I intend to object to proceeding to H.R. 4862, a bill that amends the Immigration and Nationality Act with regard to naturalization authority. H.R. 4862 would permit Members of Congress to administer the oath of allegiance to applicants for naturalization. I object to the bill because, according to administration officials, it would require Members of Congress to administer the oath of allegiance only at times determined by the Secretary of Homeland Security, notwithstanding the Senate Calendar or the legislative work that is required by Members of Congress. We need to understand what exactly this bill allows or requires and not just rush it through in the waning hours and minutes of this Congress.

Mr. President, I also intend to object to proceeding to the nomination of Norm Eisen to be Ambassador to the Czech Republic at the Department of State for the following reasons.

I object to the proceeding to the nomination because of Mr. Eisen's role in the firing of the inspector general of the Corporation for National and Community Service, CNCS, and his lack of candor about that matter when questioned by congressional investigators. The details of Mr. Eisen's role in the firing and his misrepresentations about that matter are detailed in the Joint

Minority Staff Report of the House Committee on Government Reform and the Senate Finance Committee, dated November 20, 2009.

HONORING OUR ARMED FORCES

CAPTAIN DALE A. GOETZ

Mr. BENNET. Mr. President, it is with a heavy heart that I rise today to honor the life and heroic service of Captain Dale A. Goetz. Captain Goetz, assigned to the 4th Infantry Division, based at Fort Carson, CO, died on August 30, 2010, of injuries sustained when an improvised explosive device detonated near his vehicle. Captain Goetz was serving in support of Operation Enduring Freedom in the Arghandab River Valley, Afghanistan. He was 43 years old.

A native of White, SD, Captain Goetz graduated in 1995 from Marantha Baptist Bible College in Watertown, WI, with a bachelor's degree. After serving in White for several years as a pastor, Captain Goetz enlisted in the Army in 2004 and served tours in Japan, Iraq and Afghanistan—all with decoration.

During his years of service, Captain Goetz distinguished himself through his courage, dedication to his soldiers, and unrelenting devotion to his faith. His skillful ministry comforted troops and made them more effective in the field, and he never hesitated to engage and counsel others who held beliefs different than his own.

Captain Goetz worked on the front lines of battle, serving in the most dangerous areas of Iraq and Afghanistan. He is remembered by those who knew him as a consummate professional with an unending commitment to excellence. His family remembers him as a dedicated husband and as a loving father to his three children.

Mark Twain once said, "The fear of death follows from the fear of life. A man who lives fully is prepared to die at any time." Captain Goetz's service was in keeping with this sentiment—by selflessly putting country first, he lived life to the fullest. He lived with a sense of the highest honorable purpose.

At substantial personal risk, he braved the chaos of combat zones throughout Iraq and Afghanistan. And though his fate was uncertain, he pushed forward, counseling our soldiers and promoting the ideals we hold dear. For his service and the lives he touched, Captain Goetz will forever be remembered as one of our country's bravest.

To his wife Christina, his sons Landon, Caleb, and Joel, and his entire family—I cannot imagine the sorrow you must be feeling. I hope that, in time, the pain of your loss will be eased by your pride in Dale's service and by your knowledge that his country will never forget him. We are humbled by his service and his sacrifice.

STAFF SERGEANT CASEY J. GROCHOWIAK

Mr. President, it is with a heavy heart that I rise today to honor the life and heroic service of SSG Casey J. Grochowiak. Sergeant Grochowiak, assigned to the 4th Infantry Division, based in Fort Carson, CO, died on August 30, 2010, of injuries sustained when an improvised explosive device detonated near his patrol. Sergeant Grochowiak was serving in support of Operation Enduring Freedom in Malajat, Afghanistan. He was 34 years old.

A native of San Diego, CA, Sergeant Grochowiak graduated from Horizon Christian Fellowship Academy, where he met Celestina, his future wife, whom he married in 1995. After several years working in the construction industry, Sergeant Grochowiak changed direction to commit his life to defending his country. He enlisted in the Army in 2000, serving two tours in Iraq and two tours in Afghanistan—all with decoration.

During nearly 11 years of service, Sergeant Grochowiak distinguished himself through his courage, dedication to duty, and absolute commitment to his troops. Despite having received a medical waiver for his last tour in Afghanistan, Sergeant Grochowiak shipped out and fought on anyway, citing his obligation to protect his young soldiers.

Sergeant Grochowiak worked on the front lines of battle, serving in the most dangerous areas of Iraq and Afghanistan. He is remembered by those who knew him as a consummate professional with an unending commitment to excellence. His family remembers him as a dedicated son, husband, and as a loving father to his two children.

Mark Twain once said, "The fear of death follows from the fear of life. A man who lives fully is prepared to die at any time." Sergeant Grochowiak's service was in keeping with this sentiment—by selflessly putting country first, he lived life to the fullest. He lived with a sense of the highest honorable purpose.

At substantial personal risk, he braved the chaos of combat zones throughout Iraq and Afghanistan. And though his fate on the battlefield was uncertain, he pushed forward, protecting America's citizens, her safety, and the freedoms we hold dear. For his service and the lives he touched, Sergeant Grochowiak will forever be remembered as one of our country's bravest.

To Edward and Barbara, Sergeant Grochowiak's parents, Celestina, his wife, Matia and Deegan, his children, and his entire family, I cannot imagine the sorrow you must be feeling. I hope that, in time, the pain of your loss will be eased by your pride in Casey's service and by your knowledge that his country will never forget him. We are humbled by his service and his sacrifice.

SPECIALIST FAITH R. HINKLEY

Mr. President, it is with a heavy heart that I rise today to honor the life and heroic service of SPC Faith R. Hinkley. Specialist Hinkley, assigned to the 502nd Military Intelligence Battalion, based in Fort Lewis, WA, died on August 7, 2010, from wounds sustained during a firefight. Specialist Hinkley was serving in support of Operation Iraqi Freedom in Iskandariya, Iraq. She was 23 years old.

A native of Monte Vista, CO, Specialist Hinkley enlisted in the Army in 2007, much to the surprise of her friends and family. Having completed 1 year of classes at the University of Colorado in Colorado Springs, Specialist Hinkley changed course and became the family's fourth generation to serve in the military.

During her nearly 3 years of service, Specialist Hinkley distinguished herself through her courage, dedication to duty, and exceptional intelligence. Commanders recognized her extraordinary bravery and talent. In fact, on the day of her passing, Specialist Hinkley had just been promoted.

Specialist Hinkley worked on the front lines of battle, serving in the most dangerous areas of Iraq. She is remembered by those who knew her as a consummate professional with an unending commitment to excellence. Her family remembers her as a dedicated daughter who loved to serve her country. Her friends remember her loyalty, her willingness to listen, and her lifelong involvement in the community. From an early age, as a student in Monte Vista, Specialist Hinkley's talents were always on display as a mentor to younger girls.

Mark Twain once said, "The fear of death follows from the fear of life. A man who lives fully is prepared to die at any time." Specialist Hinkley's service was in keeping with this sentiment—by selflessly putting country first, she lived life to the fullest. She lived with a sense of the highest honorable purpose.

At substantial personal risk, she braved the chaos of combat zones throughout Iraq. And though her fate on the battlefield was uncertain, she pushed forward, protecting America's citizens, her safety, and the freedoms we hold dear. For her service and the lives she touched, Specialist Hinkley will forever be remembered as one of our country's bravest.

To David and Annavee, Specialist Hinkley's parents, Matthew, her brother, and her entire family, I cannot imagine the sorrow you must be feeling. I hope that, in time, the pain of your loss will be eased by your pride in Faith's service and by your knowledge that her country will never forget her. We are humbled by her service and her sacrifice.

STAFF SERGEANT KEVIN J. KESSLER

Mr. President, it is with a heavy heart that I rise today to honor the life

and heroic service of SSG Kevin J. Kessler. Sergeant Kessler, assigned to the 4th Infantry Division, based in Fort Carson, CO, died on August 30, 2010, of injuries sustained when an improvised explosive device detonated near his military vehicle. Sergeant Kessler was serving in support of Operation Enduring Freedom in the Arghandab River Valley, Afghanistan. He was 32 years old.

A native of Canton, OH, Sergeant Kessler enlisted in the Army in 2004, eager to serve his country. In 1996, he graduated from East Canton High School. After spending several years as a truck driver, Sergeant Kessler decided to commit his life to military service. He served three tours of duty: two in Iraq and one in Afghanistan, and all with decoration.

During his 6 years of service, Sergeant Kessler distinguished himself through his courage, skillful leadership, and perhaps most importantly, an unflagging dedication to his troops. Sergeant Kessler's unyielding sense of duty was heightened still by the brave efforts of the soldiers under his command.

Sergeant Kessler worked on the front lines of battle, serving in the most dangerous areas of Iraq and Afghanistan. He is remembered by those who knew him as a consummate professional with an unending commitment to excellence. His family remembers him as a dedicated son, husband, and as a proud expectant father. They remember that, from an early age, he loved football and cheered for his favorite teams, the Denver Broncos and the Cleveland Browns.

Mark Twain once said, "The fear of death follows from the fear of life. A man who lives fully is prepared to die at any time." Sergeant Kessler's service was in keeping with this sentiment—by selflessly putting country first, he lived life to the fullest. He lived with a sense of the highest honorable purpose.

At substantial personal risk, he braved the chaos of combat zones throughout Iraq and Afghanistan. And though his fate on the battlefield was uncertain, he pushed forward, protecting America's citizens, her safety, and the freedoms we hold dear. For his service and the lives he touched, Sergeant Kessler will forever be remembered as one of our country's bravest.

To Sergeant Kessler's father and stepmother, Lawrence and Sue, his mother and stepfather, Kristine and Rodney, his wife, Adrian, and his entire family—I cannot imagine the sorrow you must be feeling. I hope that, in time, the pain of your loss will be eased by your pride in Kevin's service and by your knowledge that his country will never forget him. We are humbled by his service and his sacrifice.

PRIVATE FIRST CLASS DIEGO M. MONTOYA

Mr. President, it is with a heavy heart that I rise today to honor the life

and heroic service of PFC Diego M. Montoya. Private Montoya, assigned to the 89th Military Police Brigade, based in Fort Hood, TX, died on September 2, 2010, of injuries sustained from indirect fire. Private Montoya was serving in support of Operation Enduring Freedom in Laghman Province, Afghanistan. He was 20 years old.

A native of Texas, Private Montoya graduated in 2009 from Taft High School in San Antonio. He was an active participant in the school's ROTC program, and he always looked forward to the day when he could finally wear a service uniform. Private Montoya enlisted in the Army after graduation, and he deployed for Afghanistan in April 2010.

During his 13 months of service, Private Montoya distinguished himself through his dedication to duty and extraordinary strength of character. Even as an ROTC student in San Antonio, Private Montoya's instructor recognized his remarkable maturity and unwavering loyalty to his classmates, family and friends. These characteristics foreshadowed his excellence as a soldier.

Private Montoya worked on the front lines of battle, serving in the most dangerous areas of Afghanistan. He is remembered by those who knew him as a consummate professional with an unending commitment to the uniform. His family remembers Private Montoya's courage as a soldier, but also his warm heart and willingness to do anything to help those close to him.

Mark Twain once said, "The fear of death follows from the fear of life. A man who lives fully is prepared to die at any time." Private Montoya's service was in keeping with this sentiment—by selflessly putting country first, he lived life to the fullest. He lived with a sense of the highest honorable purpose.

At substantial personal risk, he braved the chaos of combat zones throughout Afghanistan. And though his fate on the battlefield was uncertain, he pushed forward, protecting America's citizens, her safety, and the freedoms we hold dear. For his service and the lives he touched, Private Montoya will forever be remembered as one of our country's bravest.

To his parents, his brothers and sisters, and his entire family, I cannot imagine the sorrow you must be feeling. I hope that, in time, the pain of your loss will be eased by your pride in Diego's service and by your knowledge that his country will never forget him. We are humbled by his service and his sacrifice.

STAFF SERGEANT MATTHEW J. WEST

Mr. President, it is with a heavy heart that I rise today to honor the life and heroic service of SSG Matthew J. West. Sergeant West, assigned to the 71st Ordnance Group, based in Fort Carson, CO, died on August 30, 2010, of

injuries sustained when an improvised explosive device detonated near his military vehicle. Sergeant West was serving in support of Operation Enduring Freedom in the Arghandab River Valley, Afghanistan. He was 36 years old.

A native of Gaylord, MI, Sergeant West graduated from Northern Michigan University with a bachelor's degree in 1997. After returning home for several years, Sergeant West enlisted in the Army in 2004 and served three tours of duty: two in Afghanistan and one in Iraq, and all with decoration.

During his 6 years of service, Sergeant West distinguished himself through his courage, dedication to duty, and willingness to take on one of the most dangerous and skillful jobs in the Army—defusing bombs. Even as a student at Gaylord High School, Sergeant West exhibited this same extraordinary character by assuming any role needed of him on the football field. Although he was one of the team's smallest players, Sergeant Kessler never hesitated to punch above his weight, even when the coach put him on the offensive line.

Sergeant West worked on the front lines of battle, serving in the most dangerous areas of Iraq and Afghanistan. He is remembered by those who knew him as a consummate professional with an unending commitment to excellence. His family remembers him as a dedicated son, husband, and as a loving father to his three children. They remember his warm nature and broad smile.

Mark Twain once said, "The fear of death follows from the fear of life. A man who lives fully is prepared to die at any time." Sergeant West's service was in keeping with this sentiment—by selflessly putting country first, he lived life to the fullest. He lived with a sense of the highest honorable purpose.

At substantial personal risk, he braved the chaos of combat zones throughout Iraq and Afghanistan. And though his fate on the battlefield was uncertain, he pushed forward, protecting America's citizens, her safety, and the freedoms we hold dear. For his service and the lives he touched, Sergeant West will forever be remembered as one of our country's bravest.

To John and Marcia, Sergeant West's parents, Carolyn, his wife, Tyler, Joseph, and Annalise, his children, and his entire family, I cannot imagine the sorrow you must be feeling. I hope that, in time, the pain of your loss will be eased by your pride in Matthew's service and by your knowledge that his country will never forget him. We are humbled by his service and his sacrifice.

THE COWBOY CANNONEERS

Mr. BARRASSO. Mr. President, I rise today to honor and recognize the Wyoming Army National Guard 300th Armored Field Artillery Battalion Cowboy Cannoneers.

On October 1, 2010, the 300th soldiers will gather for their final battalion reunion. This reunion marks the 60th anniversary of their Korean war mobilization.

On August 19, 1950, the citizen soldiers of 300th AFA answered the call, picked up their rifles and put on their uniforms to defend our great country. My wife Bobbi's father, Sergeant First Class Robert L. Brown was one of these brave men.

After 21 days at sea, the 300th finally landed at Pusan, Korea on February 15, 1951. In the Spring of 1951, the Chinese People's Volunteers launched a major offensive of human wave style attacks.

Master Sergeant Bill Daly described his first encounter with a communist human wave:

The morning of 16 May and all hell is breaking loose—Fire Mission! Fire Mission! The gun crews sprang into action, the 300th with its 12 105mm howitzers, fired mission after mission. We could see the Chinese coming across the rice paddies and down the road toward us from Chau-ni as our shells land among them . . . It's a human wave.

From the Battle of Soyang to the Battle for the Punchbowl, the Cowboy Cannoneers provided unrivaled fires support for the U.S. Army X Corps and 1st Marine Division. In 256 days of combat, the 300th fired 300,000 artillery rounds. No other battalion sent a battery farther north of the 38th parallel than the 300th. As a result, the 300th was awarded the Army Presidential Unit Citation and the Republic of Korea Presidential Unit Citation.

For over 59 years, recognition of the heroism of the 300th was incomplete. The Cowboy Cannoneers were not included in the 1st Marine Division Presidential Unit Citation. Yet history shows they delivered devastating artillery fire support that pounded enemy positions in support of the 1st Marine Division.

Jim Craig (MSgt USMC Ret.) of Sheridan, WY, asked me to help COL Tim Sheppard correct the Marine Corps history. They worked closely with Charles Ziegler of my staff to present evidence to the Secretary of the Navy, Ray Mabus, and Commandant of the Marine Corps, GEN James Conway. The overwhelming evidence supported including the 300th in the 1st Marine Division Presidential Unit Citation.

I am pleased to announce that General Conway recommended including the 300th as a reinforcing unit to the 1st Marine Division. Secretary Mabus has signed the order. The record is now correct for the 300th and its descendant unit the 2-300th Field Artillery Battalion.

I would like to thank MG Ed Wright, COL Tim Sheppard and COL Larry

Barttelbort (Ret) for their resolve and commitment to uncover the facts about the historic service of the 300th. I would also like to thank Secretary Mabus, Secretary of the Army, John McHugh, General Conway and their teams.

We all know the Korean war is commonly referred to in the history books as "The Forgotten War." Not in Wyoming.

In Wyoming, we never forget the service of our brave men and women who wore the uniform of the United States. We realize that we live safe and free today because of the heroism exemplified by the 300th Cowboy Cannoneers.

Mr. President, I ask unanimous consent to have printed in the RECORD the names of Wyoming's citizen soldiers who served with the 300th at the time of the Korean war mobilization.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HEADQUARTERS AND HEADQUARTERS BATTERY
300TH ARMORED FIELD ARTILLERY BATTALION

Sheridan, Wyoming

OFFICERS

Lt. Col. John F. Raper Jr.—Commanding; Major Anthony D. Kelly; Major Gorgon H. Simmons; Capt. Ralph Cloyd; Capt. Hulen Denton; Capt. Robert Herzberg; Capt. Alfred Morgan; Capt. John Poorman; Capt. Earl Pust; Capt. Robert Taft; 1st Lt. Robert Grider; 1st Lt. George Lawler; 1st Lt. Gustav Lofgren; 1st Lt. Peter Mathews; 2nd Lt. Laurel Sand.

WARRANT OFFICERS

CWO-4 Harold Bryce; WO2-Thomas Shannon.

MASTER SERGEANTS

Howard Balow; Joe Herford; Donald Jones; Carl McMaken; William Wood.

SERGEANT FIRST CLASS

Walter Crook; Fred Hough; William Hughes; Eugene Lewis; Floyd Reisch; Donald Williams.

SERGEANTS

Thomas Burnworth; William Eckenrod; Theodore Harker; Edward Hartman; Merrill Hebrew; John Hanson; Tom Holmden; Donald Huffaker; Donald Ingalls; James King; Robert Lott; Dale Maxwell; John Rose; Thomas Wells.

CORPORALS

Floyd Baas; William Badget; Roy Cline; Herbert Deutch; Jack Dewey; Earl Franklin; Frank Green Jr.; Frank Gennaro; Donald Hargis; George Herden; Donald Hyder; Gregg Jones; Paul Lacek; Kenneth Lamb; Irl Maxwell; John McKennan; Bill McNair; Marvin Owen; Richard Pilch; William Preston; Edward Sharp; William Timm; Harry William; Roy Wipper.

PRIVATE FIRST CLASS

Ronald Bohlin; Walter Hampton; Richard Ingalls; Jack Izumi; Hugh McMillan; Linn Maxwell; Jerry Pryor; James Scott; James Vine; Robert Warne.

PRIVATES

Lorenz Algard; Premo Bartot; Andrew Deutsh; Dennis Firth; Claude Hampton; Harold Hammontree; Arthur Littler; Oliver Littler; Byron Mills; Elmer Sterck; Gary Taylor; Richard Williams.

BATTERY A

300TH ARMORED FIELD ARTILLERY BATTALION

Thermopolis, Wyoming

OFFICERS

1st Lt. Radosave P. Jurovich—Commanding; 2nd Lt. Johnny T. Calac; 2nd Lt. Delmer H. Mentch; 2nd Lt. Edward D. Peckham; 2nd Lt. Clyde A. Smith.

SERGEANTS FIRST CLASS

Robert L. Brown; John D. Dodge; George J. Gosch; Earl M. Myers; George (NMI) Rushin.

SERGEANTS

Pete (NMI) Cavalli; Arthur J. Gossens Jr.; Millard P. Jurovich; Kenneth B. Laverents; Charlie F. Lollar; Harold H. Miller; Melvin C. Mills; Raymond G. Patton; Paul (NMI) Ramango; Gildred J. Sanford; Walter D. Slane; Jack A. Toth; William Whitt Jr.

CORPORALS

Marion H. Andreen; Bryson E. Bain; Alvin J. Blakesley; Ivan R. Blakesley; James R. Burnell; Warren L. Fields; Burdett W. Hancock; Robert R. Heron; Raymond D. Maret; Charles W. Miller; Robert W. Noble; Raymond C. Peterson; Jack L. Prickett; George W. Quarles; Jimmy M. Radovich; Charles T. Ray; Richard A. Robertson; George (NMI) Ramagno; Robert H. Scoggin; Robert C. Titus; Robert D. Whitt.

PRIVATES FIRST CLASS

Charles B. Crow; Billy J. Dillard; James L. Duncan; John H. Gosney; Robert L. James; Charles M. Jones; Frank T. Manning; Gerald E. Peyton; George L. Radovich; Marvlyn R. Wilde.

PRIVATES

Howard W. Cox; Lawrence R. Doores; James K. Harris; Earl L. Hummel; Edwin R. Johnson; Conrad L. Maysfield; Donald D. Mills; Gaylord J. Whitt.

BATTERY B

300TH ARMORED FIELD ARTILLERY BATTALION

Cody, Wyoming

OFFICERS

1st Lt. Duane J. Wheeler—Commanding; 1st Lt. George W. Bonton; 2nd Lt. Richard J. Ellsworth; 2nd Lt. David C. Nelson; 2nd Lt. Louis V. Zaputitl.

WARRANT OFFICER

W-1 Roscoe W. Anderson.

MASTER SERGEANT

Hans O. Jacobsen.

SERGEANT FIRST CLASS

Keith F. Kinkade; Henry Lewis; James T. McKay; Richard N. Null; Fred D. Snyder.

SERGEANTS

Myron H. Burt; James D. Clayton; Paul Champagne; Herman L. Harke; Allen J. Helms; Marvin Hockley; Lloyd D. Lasher; Eugene F. McCumber; John G. McEachron; Edgan E. Norskog; Homer D. Schull; Clifton R. Smith; Robert C. Smith; Frank G. Stephens.

CORPORALS

Ivan C. Asay; Gerald C. Barrows; Albert B. Campbell; Larry E. Dutton; Robert H. Borron; Wayne L. Feyhl; William K. Fink; Leo H. Gonion; Myron K. Hever; Leslie R. House; Norman C. Mason; Ralph Mayer; Gerald J. McLaskey; Glen E. Morris; John I. Mulholland; Ralph D. Newell; Howard L. Norskog; Charles J. Pease; Cecil L. Rice; James H. Slotta; John D. Sullivan; Gary Troxel; John J. Way.

PRIVATE FIRST CLASS

William I. Arnold; Hugh E. Cathcart; Chris G. Doty; Robert D. Fitch; Joseph L. Jordan;

Charles E. Lumley; Wayne L. Laddusaw; Harold A. Morrison; Bill E. Sharp; Joseph O. Stair; Bobby Wilson.

BATTERY C

300TH ARMORED FIELD ARTILLERY BATTALION
Worland, Wyoming

OFFICERS

1st Lt. Richard L. Friedlund—Commanding; 1st Lt. Thomas A. McCown Sr.; 2nd Lt. Jack C. Hampton; 2nd Lt. Miles E. McKenna Jr.; 2nd Lt. Rufus A. Waldo.

MASTER SERGEANT

Roy E. Yule.

SERGEANTS FIRST CLASS

William L. Garriss; Edward R. Haley; Dallas C. Isbell; Gilbert W. Pearl; Joseph V. Salazar.

SERGEANTS

Charles C. Agee; William W. Day; John L. Huff; Jack W. Huffman; Vincent V. Picard; Harry E. Ryan; Jake J. Weber; Alfred E. White.

CORPORALS

Ray W. Agee; Luke A. Barella; Robert M. Black; Alex E. Eckhardt; Robert J. Eckhardt; Dale C. Foreman; Abram S. Goodwin; Owen R. Hecht; Earl E. Maurer; Andrew D. Neville; Ralph A. Pickett; Frank L. Walker.

PRIVATE FIRST CLASS

Vaughn L. Action; Jerry A. Benison; Robert Cady; Vince M. Cervantes; James R. Eckman; Kenneth F. Fare; Charles H. Gabel; Fred N. Garcia; Earl N. Gifford; Susano B. Gomez; Richard M. Harbaugh; Edward G. Kohn; Alfonso Lopez; Forest D. Mercer; Chester E. Phillips; Leo F. Roybal; Raymond Sanchez; Eugene R. Seghetti; Virgil J. Seghetti; Clark H. Sprague; Jack C. Vonney; Donald R. Wortham.

PRIVATES

Richard L. Friess; James D. Harry; Richard V. McLane; Adonelio Padilla; Charles J. Pearl; Benjamin Rangle; Clyde D. Russell; Don N. Widener.

MEDICAL DETACHMENT

300TH ARMORED FIELD ARTILLERY BATTALION
Sheridan, Wyoming

OFFICERS

CPT T. Stacey Lloyd, M.D.; CPT Robert H. Sondag, D.D.S.

MASTER SERGEANTS

Hans O. Jacobsen.

SERGEANTS FIRST CLASS

John A. Raycher.

SERGEANTS

Carl E. Svalstad; Leonard Thompson.

CORPORALS

James Bourke; Frank Green; Bill J. Laya; Raymond Shell; John Shields.

PRIVATE FIRST CLASS

Andy Anderson; George Husby.

SERVICE BATTERY

300TH ARMORED FIELD ARTILLERY BATTALION
Lovell, Wyoming

OFFICERS

CPT Mark D. Robertson—Commanding; 1st Lt. Donovan P. Neville; 2nd Lt. Lawrence Martogli.

WARRANT OFFICERS

W-1 William H. Brown; W-1 Miles B. Harston; W-1 Arnold W. Korell.

MASTER SERGEANTS

Melvin N. Baird; Steve S. Meeker.

SERGEANTS FIRST CLASS

Aaron E. Owens; Scott B. Smith.

SERGEANTS

Robert N. Baird; James D. Dover; Wes B. Meeker; David A. Nicholls; Harry Ryan; Read J. Thomas; Daniel Torgersen; Ralph G. Wilder; Donald L. Wood; Fenton C. Wood.

CORPORALS

Donald A. Blackburn; Kenneth A. Blackburn; Maxce C. Chandler; Wilbur A. Clark; Alvin Doerr; Donald L. Doerr; Fred A. Fichtner; Jerry D. Fink; Robert S. Halliwell; Jerome C. Horsley; Dean H. MacArthur; Don J. Moncus; Uel H. Moore; Marvin Nicholls; Willard D. Quinn; Bill G. Shumway; Graham D. Sims; Ira M. Sumner; Walter E. Watkins; George Wilson.

PRIVATE FIRST CLASS

John C. Frost; John E. Johnson; Wayne W. Porter; Thorald H. Rollins; Richard W. Sessions; Darryl M. Stevens; Rob R. Tillett; Nate L. Townsend; John F. Walker; William C. Whalen; Croft M. Workman.

PRIVATES

Norald S. Emmett; Wayne R. Kinser; James R. Larson; Robert M. Lindsay; Gordon N. Olson; Kay N. Parks; Joseph R. Reasch; Gouglass A. Reutzell; Leroy V. Sedgewick; Jack M. Thatch; Ralph M. Wilkerson.

RECRUITS

Donald W. Buckley; Theodore W. Doerr; Donald L. Pickett.

ADDITIONAL STATEMENTS

REMEMBERING WILLIAM K. COBLENTZ

• Mrs. BOXER. Mr. President, it is with deep sorrow that I join my colleagues today in honoring the memory of an incredible public servant and a dear friend of mine, William Coblentz. My heart goes out to his family, whom he loved so much: his wife Jean, sister Lolita, daughter Wendy, son Andy, son-in-law Jim, daughter-in-law Shari, and four grandchildren: Nikki, Ben, Jake, and Gena. A loving family man, gifted attorney, and astute political figure, Bill left an enduring impact on the city of San Francisco, the State of California, and our Nation. Bill passed away on September 13, 2010, in San Francisco. He was 88 years old.

Bill, a native of San Francisco, was born in 1922 and attended Lowell High School. After graduating from UC Berkeley in 1943, Bill served in the U.S. Army Corps of Engineers during World War II. Upon completing his service, Bill attended Yale Law School, graduating in 1947.

Although Bill's monumental legal career began in land use law, it quickly expanded to reflect the diversity of his interests and passions. His private practice, Coblentz, Patch, Duffy & Bass, played an essential role in guiding the development of several transformative San Francisco projects including Yerba Buena Gardens, Levi Plaza, Mission Bay, and AT&T Park. In the 1960s, Bill helped rock concert pro-

moter Bill Graham win a permit to open San Francisco's renowned Fillmore Auditorium.

Bill's passion for civic engagement was unyielding. He entered the political scene as a young adviser to then-California Attorney General Pat Brown. When he became Governor, Brown offered Bill a seat on the University of California Board of Regents, which he occupied for the next 16 years. During this time, he developed a reputation for defending the rights of outspoken students and faculty. Bill had a strong passion for the promotion of civil rights. In 2008, Bill's law firm honored his civil rights work by establishing the Coblentz Fellowship for Civil Rights at UC Berkeley's Boalt Hall School of Law.

I had the honor of calling Bill a friend. His ability to connect with people was unparalleled. From his influential clients, to his political advisees, to his fellow San Franciscans, Bill treated everyone with the respect, humor and consideration he believed they deserved. His relationship with San Francisco was with its people, and it was one that he cherished throughout his life.

Bill approached the people and experiences in his life with a rare combination of courage, humility, and authenticity. His wisdom and camaraderie were consistent sources of inspiration that will truly be missed. Although he is no longer with us, Bill left us not only with the tangible symbols of his legacy in San Francisco, but also with enduring memories of his engaging personality and steadfast determination. •

REMEMBERING KENNETH RAY HALL

• Mr. DODD. Mr. President, today I honor the life of Connecticut State trooper first class Kenneth Ray Hall of Hartford, CT, who was killed in the line of duty earlier this month. I would like to take this opportunity to extend my deepest condolences to Trooper Hall's family, his colleagues on the Connecticut State Police force, and all those who knew and loved him. The sense of loss they must feel is undoubtedly immense, and I know that I speak for all residents of the State of Connecticut when I say that we stand with them during this time of unimaginable grief.

Every single day, in communities large and small throughout this country, law enforcement officers take on incredible personal risks to safeguard our lives and property. Trained to act bravely and selflessly even in the most harrowing of situations, these heroic men and women frequently put themselves in danger to protect people they have never even met. And all too often, these individuals are called upon to make the ultimate sacrifice, giving

their own lives in defense of their fellow citizens. Indeed, since the department's founding in 1903, 18 Connecticut State troopers have died in the line of duty.

Trooper Kenneth Hall was no different in that regard. A 22-year veteran of the Connecticut State Police who also served as a marine sniper in Vietnam, Trooper Hall's life exemplified the kind of personal courage and unflinching dedication to public service that are so engrained in the culture of America's law enforcement community. Trooper Hall loved his job and was absolutely devoted to helping and protecting the people of his State and Nation. And that was ultimately what he died doing.

Late in the afternoon on September 2, Trooper Hall stopped a vehicle on I-91 in Enfield, CT, for a routine traffic violation. While he was pulled over on the side of the road filling out paper work, Trooper Hall's police cruiser was struck from behind by a pickup truck. The car was severely damaged, and Trooper Hall was rushed to Baystate Medical Center, just across the border in Springfield, MA. Tragically, in spite of the best efforts of first responders to save his life, Trooper Hall passed away not long after the accident. He was only 57.

In death, Trooper Hall left behind a number of significant, enduring legacies. He was beloved by his colleagues on the Connecticut State Police force, who saw him not only as a wonderful officer, but as a first-rate friend. And he was also part of a larger family of local and State law enforcement officers across the country who considered him a brother in arms. Is it any wonder then, that thousands of police officers, some from as far away as Louisiana and California, gathered at his funeral in Hartford on September 11? What a fitting tribute for such an amazing officer, a man who dedicated the better part of his life to serving the public good.

But perhaps the most important of the numerous legacies Trooper Hall left behind is his large, closely-knit, and incredibly loving family. For his wife Sheila, seven adult children, Tara, Troy, Norman, Teon, Tyco, Andrea and Michael, and countless other family members, Trooper Hall was more than just a dedicated member of Connecticut's State Police force. He was the consummate family man—an individual who relished every opportunity to spend an afternoon with relatives or dote on his grandchildren.

So, it is with great sadness that I join Trooper Hall's loved ones, friends, colleagues, and everyone else whose life was touched in some way by this wonderful man, in mourning his untimely death. While I realize there are few words that can assuage the enormous sense of grief they undoubtedly feel, it is my hope that Trooper Hall's

years of commendable service to his State, love for his family, and devotion to his friends will provide them with some measure of comfort during the months and years that lie ahead.●

TRIBUTE TO ARTHUR "KENNY" AND JUDY SIMMONS

● Mr. ROCKEFELLER. Mr. President, today I wish to recognize two very special parents in my home State of West Virginia—parents who have so defined the unconditional love that a parent can have for a child, that their actions have had a national impact in the fields of adoption and foster care.

Each year, Members of Congress have the honor and privilege of recognizing, through the Congressional Coalition on Adoption, extraordinary persons who have answered one of our Nation's most important calls to action to provide our most vulnerable children with a forever family.

Children are the future leaders of our great country, and adoption and foster care are causes that has always been close to my heart. I am proud to officially recognize two West Virginian angels—Arthur "Kenny" and Judy Simmons—as true angels in adoption.

Kenny and Judy adopted two 13-year-old boys, Joshua and Terry. The willingness to open a home to older children is special; all too often these children are left behind. Prior to adoption, these young boys struggled with uncertainty and one child endured 23 different homes while waiting for permanency. Judy and Kenny have given him a home, security and a future. The needs of children in foster care are challenging. But when we help these vulnerable, young people, we change their life, and in fact the lives of the entire family and communities. This is why throughout my Senate career, I have worked to improve Federal policies for adoptions and child welfare including the 2008 Fostering Connections Act and the Adoption and Safe Families Act of 1997. We should provide support and encouragement for foster and adoptive families the quality training and education they need and the all of the support possible for the case-workers and judges making the tough decisions about a child's placement.

Each fall, I have the pleasure of honoring one of the families in our State who have opened their hearts and homes to children in need. It is my great honor to highlight these heroes among us. The Simmons' family gives all they can and never gives up. They are the epitomy of what a committed, forever family, is all about. For this, I want to recognize, honor, and thank them for their passion and dedication and for being true angels in adoption I admire.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Foreign Relations.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 6, 2009, the Secretary of the Senate, on September 24, 2010, during the adjournment of the Senate, received a message from the House announcing that the Speaker has signed the following enrolled bills:

S. 1674. An act to provide for an exclusion under the Supplemental Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions.

S. 3717. An act to amend the Securities Exchange Act of 1934, the Investment Company Act of 1940, and the Investment Advisers Act of 1940 to provide for certain disclosures under section 552 of title 5, United States Code, (commonly referred to as the Freedom of Information Act), and for other purposes.

S. 3814. An act to extend the National Flood Insurance Program until September 30, 2011.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUE).

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the amendment of the Senate to the bill (H.R. 1517) to allow certain U.S. Customs and Border protection employees who serve under an overseas limited appointment for at least 2 years, and whose service is rated fully successful or higher throughout that time, to be converted to a permanent appointment in the competitive service.

ENROLLED BILLS PRESENTED

The Assistant Secretary of the Senate reported that on September 24, 2010, during the adjournment of the Senate, she had presented to the President of the United States the following enrolled bills:

S. 1674. An act to provide for an exclusion under the Supplemental Security Income

program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions.

S. 3717. An act to amend the Securities Exchange Act of 1934, the Investment Company Act of 1940, and the Investment Advisers Act of 1940 to provide for certain disclosures under section 552 of title 5, United States Code, (commonly referred to as the Freedom of Information Act), and for other purposes.

S. 3814. An act to extend the National Flood Insurance Program until September 30, 2011.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7540. A communication from the Director, National Institute of Food and Agriculture, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Competitive and Noncompetitive Non-formula Federal Assistance Programs—Specific Administrative Provisions for the New Era Rural Technology Competitive Grants Program" (RIN0524-AA60) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7541. A communication from the Secretary, Office of the Chief Accountant, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Internal Control Over Financial Reporting in Exchange Act Periodic Reports of Non-Accelerated Filers" (5 U.S.C. Section 801) received in the Office of the President of the Senate on September 20, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7542. A communication from the Acting Deputy Director of National Marine Sanctuaries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Changes to the Florida Keys National Marine Sanctuary Regulations; Technical Corrections and Minor Substantive Changes" (RIN0648-AX34) received in the Office of the President of the Senate on September 20, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7543. A communication from the Acting Deputy Director of National Marine Sanctuaries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Gulf of the Farallones, Monterey Bay and Cordell Bank National Marine Sanctuaries Technical Corrections" (RIN0648-AY20) received in the Office of the President of the Senate on September 20, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7544. A communication from the Acting Deputy Director of National Marine Sanctuaries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Gray's Reef National Marine Sanctuary Regulations on the Use of Spearfishing Gear; Correction" (RIN0648-AX37) received in the Office of the President of the Senate on September 20, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7545. A communication from the Deputy Chief Counsel for Regulations and Secu-

rity Standards, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Revision of Enforcement Procedures" (RIN1652-AA62) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7546. A communication from the Chief of Recovery and Delisting Branch, Endangered Species Program, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Reclassification of the Oregon Chub From Endangered to Threatened" (RIN1018-AW42) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC-7547. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Ruling—Over the Counter Drugs" (Rev. Rul. 2010-23) received in the Office of the President of the Senate on September 20, 2010; to the Committee on Finance.

EC-7548. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Child Care and Development Fund Report to Congress for Fiscal Years 2006 and 2007"; to the Committee on Finance.

EC-7549. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's Annual Report on Disability-Related Air Travel Complaints; to the Committee on Health, Education, Labor, and Pensions.

EC-7550. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Cardiovascular Devices; Reclassification of Certain Percutaneous Transluminal Coronary Angioplasty (PTCA) Catheters" (Docket No. FDA-2000-P-0924) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-7551. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's report entitled "Report to Congress on a Plan for The Proposed Head Start Program Designation Renewal System"; to the Committee on Health, Education, Labor, and Pensions.

EC-7552. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report to Congress by the Interagency Access to Health Care in Alaska Task Force; to the Committee on Health, Education, Labor, and Pensions.

EC-7553. A communication from the Chief Privacy Officer, Privacy Office, Department of Homeland Security, transmitting, pursuant to law, a report entitled "DHS Privacy Office 2010 Annual Report to Congress"; to the Committee on Homeland Security and Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-142. A joint resolution adopted by the Legislature of the State of California urging

Congress to protect and preserve the ability of California wineries, as all American wineries, to ship wine directly to consumers without discrimination between in-state and out-of-state wine producers; to the Committee on the Judiciary.

SENATE JOINT RESOLUTION NO. 34

Whereas, California is the fourth largest wine producing region in the world, after France, Italy, and Spain; and

Whereas, California has 2,972 bonded wineries; and

Whereas, California has 4,600 winegrape growers; and

Whereas, California has 531,000 acres of winegrapes; and

Whereas, California winegrowers ship over 193 million cases, representing some 467 million gallons of wine to the United States wine market; and

Whereas, the California wine industry creates more than 330,000 jobs, billions of dollars in economic impact, and preserves agricultural land and family farms; and

Whereas, the California wine industry generates higher taxes than most industries because, as a regulated industry, it pays excise taxes to the state and federal government on every gallon of wine; and

Whereas, the California wine industry has an annual impact of \$61.5 billion on the state's economy and produces the number one finished agricultural product in the state; and

Whereas, the economic impact of the United States wine industry on the national economy is \$121.8 billion annually; and

Whereas, California's wine industry attracts 20.7 million tourists annually to all regions of California and generates wine-related tourism expenditures of \$2.1 billion; and

Whereas, currently 37 states and the District of Columbia allow direct shipping of wine from winegrowers to consumers; and

Whereas, the innovation and entrepreneurial spirit of small California wineries drives the entire industry to improve and progress; and

Whereas, in order to reach consumers in other states, many California wineries have turned to direct marketing and shipping of their wines; and

Whereas, since 1985 California has pioneered consumer access to wine through reciprocal and permit shipping to alleviate scarcity at the retail level of California wines; and

Whereas, over the past 10 years, consolidation trends within the wholesale tier have made it difficult for California wineries to achieve adequate distribution, and, as a result, have limited consumer choice; and

Whereas, California wineries have offered voluntarily to have their direct marketing and shipping permitted and regulated by other states to ensure that those states collect the same taxes that wines sold through the three-tier system must pay, that direct deliveries would be made only to adults, and that direct deliveries are not made in "dry" areas, as defined under the laws of each state; and

Whereas, the California wine industry has developed comprehensive model direct shipping legislation to address all of the concerns expressed by state alcohol regulators across the country; and

Whereas, California has enacted a law to open direct shipping of wine from other states to its own residents without limitation through a simple permit system to comply with the decision in *Granholm v. Heald* (2005) 544 U.S. 460; and

Whereas, States' rights to regulate wine and alcohol granted by the 21st Amendment to the United States Constitution have always been subject to constitutional limitation and judicial review; and

Whereas, court decisions over the last 40 years balance state authority to regulate alcohol with the framer's belief that the nation would only succeed if interstate commerce thrived; and

Whereas, the Commerce Clause has been applied judiciously by the courts to foster national economic goals while preserving nondiscriminatory state authority; and

Whereas, the landmark 2005 United States Supreme Court case, *Granholm v. Heald*, reaffirmed states' rights under the 21st Amendment to the United States Constitution to regulate wine as long as they do not discriminate between in-state producers and out-of-state producers, and correctly ruled that these rights do not supersede other provisions of the Constitution; and

Whereas, H.R. 5034 would severely limit consumer choice in California wine throughout the nation as direct-to-consumer laws are amended or repealed; and

Whereas, H.R. 5034 would imperil market access for California wineries that cannot secure effective wholesale distribution; and

Whereas, H.R. 5034 would stunt competition among the nation's 7,011 wine producers as markets are artificially constrained and access is limited; and

Whereas, H.R. 5034 would allow certain state alcohol laws to avoid judicial scrutiny through a presumption of validity; and

Whereas, H.R. 5034 would reverse decades of long-established jurisprudence that has balanced interstate commerce concerns with state regulatory authority and fostered a dramatic growth in wine production, sales, and tax revenue; and

Whereas, H.R. 5034 would insulate and sanction discriminatory state laws by reversing evidentiary rules for Commerce Clause legal challenges and increasing the burden of proof of plaintiffs; and

Whereas, H.R. 5034 would frustrate legitimate challenges to superficially neutral, but nonetheless discriminatory, state laws like the landmark Massachusetts production cap case, *Family Winemakers of California v. Jenkins* (2010) 592 F.3d 1; and

Whereas, H.R. 5034 would be an unprecedented shift in the relationship between federal and state authority over wine; Now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California hereby respectfully urges Congress to protect and preserve the ability of California wineries, as well as all American wineries, to ship wine directly to consumers without discrimination between in-state and out-of-state wine producers; and be it further

Resolved, That the Legislature of the State of California urges the defeat of H.R. 5034; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the President pro tempore of the United States Senate, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM-143. A resolution from the Legislature of Rockland County, New York relative to the Safe Drinking Water Act and hydraulic fracturing; to the Committee on Environment and Public Works.

POM-144. A resolution from the Legislature of Rockland County, New York urging Congress to pass the Veteran Employment Assistance Act of 2010; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 349. A bill to establish the Susquehanna Gateway National Heritage Area in the State of Pennsylvania, and for other purposes (Rept. No. 111-303).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 607. A bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that are subject to ski area permits, and for other purposes (Rept. No. 111-304).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 745. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Magna Water District water reuse and groundwater recharge project, and for other purposes (Rept. No. 111-305).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1117. A bill to authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreational activities in the Connecticut River watershed of the States of New Hampshire and Vermont (Rept. No. 111-306).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 1320. A bill to provide assistance to owners of manufactured homes constructed before January 1, 1976, to purchase Energy Star—qualified manufactured homes (Rept. No. 111-307).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1596. A bill to authorize the Secretary of the Interior to acquire the Gold Hill Ranch in Coloma, California (Rept. No. 111-308).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 1651. A bill to modify a land grant patent issued by the Secretary of the Interior (Rept. No. 111-309).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1689. A bill to designate certain land as components of the National Wilderness Preservation System and the National Landscape Conservation System in the State of New Mexico, and for other purposes (Rept. No. 111-310).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 1750. A bill to authorize the Secretary of the Interior to conduct a special resource study of the General of the Army George

Catlett Marshall National Historic Site at Dodona Manor in Leesburg, Virginia, and for other purposes (Rept. No. 111-311).

S. 2052. A bill to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out a research and development and demonstration program to reduce manufacturing and construction costs relating to nuclear reactors, and for other purposes (Rept. No. 111-312).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2798. A bill to reduce the risk of catastrophic wildfire through the facilitation of insect and disease infestation treatment of National Forest System and adjacent land, and for other purposes (Rept. No. 111-313).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 2812. A bill to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out programs to develop and demonstrate 2 small modular nuclear reactor designs, and for other purposes (Rept. No. 111-314).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 2900. A bill to establish a research, development, and technology demonstration program to improve the efficiency of gas turbines used in combined cycle and simple cycle power generation systems (Rept. No. 111-315).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 3075. A bill to withdraw certain Federal land and interests in that land from location, entry, and patent under the mining laws and disposition under the mineral and geothermal leasing laws (Rept. No. 111-316).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 3303. A bill to establish the Chimney Rock National Monument in the State of Colorado (Rept. No. 111-317).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 3313. A bill to withdraw certain land located in Clark County, Nevada from location, entry, and patent under the mining laws and disposition under all laws pertaining to mineral and geothermal leasing or mineral materials, and for other purposes (Rept. No. 111-318).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments and an amendment to the title:

S. 3396. A bill to amend the Energy Policy and Conservation Act to establish within the Department of Energy a Supply Star program to identify and promote practices, companies, and products that use highly efficient supply chains in a manner that conserves energy, water, and other resources (Rept. No. 111-319).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 3404. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to require the Secretary of the Interior, acting through the Bureau of Reclamation, to take actions to improve environmental conditions in the vicinity of the Leadville Mine Drainage Tunnel in Lake County, Colorado, and for other purposes (Rept. No. 111-320).

S. 3452. A bill to designate the Valles Caldera National Preserve as a unit of the

National Park System, and for other purposes (Rept. No. 111-321).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 685. To require the Secretary of the Interior to conduct a special resource study regarding the proposed United States Civil Rights Trail, and for other purposes (Rept. No. 111-322).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 1612. To amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service opportunities for young Americans; help restore the nation's natural, cultural, historic, archaeological, recreational and scenic resources; train a new generation of public land managers and enthusiasts; and promote the value of public service (Rept. No. 111-323).

H.R. 2430. A bill to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area (Rept. No. 111-324).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

H.R. 2442. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to expand the Bay Area Regional Water Recycling Program, and for other purposes (Rept. No. 111-325).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 2522. A bill to raise the ceiling on the Federal share of the cost of the Calleguas Municipal Water District Recycling Project, and for other purposes (Rept. No. 111-326).

H.R. 3388. A bill to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, and for other purposes (Rept. No. 111-327).

H.R. 4252. A bill to direct the Secretary of the Interior to conduct a study of water resources in the Rialto-Colton Basin in the State of California, and for other purposes (Rept. No. 111-328).

H.R. 4349. A bill to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes (Rept. No. 111-329).

H.R. 4395. A bill to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, and for other purposes (Rept. No. 111-330).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 5026. To amend the Federal Power Act to protect the bulk-power system and electric infrastructure critical to the defense of the United States against cybersecurity and other threats and vulnerabilities (Rept. No. 111-331).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 3460. A bill to require the Secretary of Energy to provide funds to States for rebates, loans, and other incentives to eligible individuals or entities for the purchase and installation of solar energy systems for properties located in the United States, and for other purposes (Rept. No. 111-332).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment and an amendment to the title:

S. 3243. A bill to require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to complete all periodic background reinvestigations of certain law enforcement personnel, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KYL (for himself, Mr. MERKLEY, and Mr. BURR):

S. 3841. A bill to amend title 18, United States Code, to prohibit the creation, sale, distribution, advertising, marketing, and exchange of animal crush videos that depict obscene acts of animal cruelty, and for other purposes; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Mr. FRANKEN, and Ms. KLOBUCHAR):

S. 3842. A bill to protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself, Mrs. GILLIBRAND, Mr. FEINGOLD, and Mrs. BOXER):

S. 3843. A bill to require disclosure of the physical location of business agents engaging in customer service communications, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LUGAR:

S. 3844. A bill to provide for the approval of the Agreement Between the Government of the United States of America and the Government of Australia Concerning Peaceful Uses of Nuclear Energy; to the Committee on Foreign Relations.

By Mr. CASEY:

S. 3845. A bill to establish the National Competition for Community Renewal to encourage communities to adopt innovative strategies and design principles, to programs related to poverty prevention, recovery and response, and for other purposes; to the Committee on Finance.

By Ms. COLLINS (for herself and Mr. AKAKA):

S. 3846. A bill to establish a temporary prohibition on termination coverage under the TRICARE program for age of dependents under the age of 26 years; to the Committee on Armed Services.

By Mr. KERRY (for himself and Mr. LUGAR):

S. 3847. A bill to implement certain defense trade cooperation treaties, and for other purposes; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. LANDRIEU (for herself, Mr. INHOFE, Mrs. LINCOLN, Mr. GRASSLEY, Mrs. MURRAY, Mr. DEMINT, Mr. KERRY, Ms. COLLINS, Mr. NELSON of Nebraska, Mr. ENZI, Mr. CARDIN, Mr. VOINOVICH, Mr. FRANKEN, Mr. THUNE, Mr. CONRAD, Mr. COBURN, Mr. MERKLEY, Mr. BROWNBACK, Mr. JOHNSON, Mr. BENNETT, Mr. ROCKEFELLER, Mr. ALEXANDER, Mrs. HUTCHISON, Mr. LEMIEUX, Mrs. GILLIBRAND, Mr. LUGAR, Ms. KLOBUCHAR, Mr. LAUTENBERG, Mr. WYDEN, Mr. INOUE, and Mr. CORNYN):

S. Res. 647. A resolution expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging Americans to secure safety, permanency, and well-being for all children; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAPO (for himself, Mrs. LINCOLN, Mrs. SHAHEEN, and Mr. DORGAN):

S. Res. 648. A resolution designating the week beginning on Monday, November 8, 2010, as "National Veterans History Project Week"; to the Committee on the Judiciary.

By Mr. CONRAD (for himself, Mr. ENZI, and Mr. CARDIN):

S. Res. 649. A resolution supporting the goals and ideals of "National Save for Retirement Week", including raising public awareness of the various tax-preferred retirement vehicles and increasing personal financial literacy; considered and agreed to.

By Mr. REED (for himself, Ms. COLLINS, Mr. CARDIN, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. DODD, Mrs. BOXER, and Mr. JOHANNES):

S. Res. 650. A resolution designating the week of October 24 through October 30, 2010, as "National Childhood Lead Poisoning Prevention Week"; considered and agreed to.

By Mr. REID (for Mrs. LINCOLN (for herself, Mr. COCHRAN, Mrs. FEINSTEIN, Mr. PRYOR, Mrs. LANDRIEU, Mrs. BOXER, Mr. VITTER, Mrs. MCCASKILL, Mr. BOND, Mr. WICKER, and Mr. CORNYN):

S. Res. 651. A resolution recognizing the 20th anniversary of the designation of the month of September of 1991 as "National Rice Month"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 435

At the request of Mr. CASEY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 435, a bill to provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, healthy, gang-free, and law-abiding lives.

S. 446

At the request of Mr. SPECTER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 446, a bill to permit the televising of Supreme Court proceedings.

S. 455

At the request of Mr. ROBERTS, the names of the Senator from Massachusetts (Mr. BROWN), the Senator from Hawaii (Mr. INOUE), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Texas (Mr. CORNYN), the Senator from Idaho (Mr. CRAPO), the Senator from Florida (Mr. LEMIEUX), the Senator from Michigan (Ms. STABENOW), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Iowa (Mr. GRASSLEY), the Senator from Vermont (Mr. LEAHY), the Senator from Oklahoma (Mr. COBURN), the Senator from Hawaii (Mr. AKAKA), the Senator from Virginia (Mr. WARNER), the Senator from Mississippi (Mr. WICKER), the Senator from Pennsylvania (Mr. SPECTER), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Michigan (Mr. LEVIN), the Senator from Colorado (Mr. UDALL), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Ohio (Mr. BROWN), the Senator from New York (Mr. SCHUMER) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 455, a bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry "Hap" Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

S. 1311

At the request of Mr. WICKER, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 1311, a bill to amend the Federal Water Pollution Control Act to expand and strengthen cooperative efforts to monitor, restore, and protect the resource productivity, water quality, and marine ecosystems of the Gulf of Mexico.

S. 1327

At the request of Mr. JOHNSON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1327, a bill to reauthorize the public and Indian housing drug elimination program of the Department of Housing and Urban Development, and for other purposes.

S. 1350

At the request of Mr. PRYOR, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1350, a bill to encourage increased production of natural gas and liquefied petroleum gas vehicles and to provide tax incentives for natural gas and liquefied petroleum gas vehicle infrastructure, and for other purposes.

S. 1445

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon

(Mr. WYDEN) was added as a cosponsor of S. 1445, a bill to amend the Public Health Service Act to improve the health of children and reduce the occurrence of sudden unexpected infant death and to enhance public health activities related to stillbirth.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 2129

At the request of Ms. COLLINS, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2129, a bill to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum.

S. 2888

At the request of Mr. CARDIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2888, a bill to amend section 205 of title 18, United States Code, to exempt qualifying law school students participating in legal clinics from the application of the general conflict of interest rules under such section.

S. 2896

At the request of Mr. FRANKEN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2896, a bill to recruit, support, and prepare principals to improve student academic achievement at high-need schools.

S. 2920

At the request of Mr. LAUTENBERG, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2920, a bill to amend chapter 1 of title 23, United States Code, to condition the receipt of certain highway funding by States on the enactment and enforcement by States of certain laws to prevent repeat intoxicated driving.

S. 3036

At the request of Mr. BAYH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 3036, a bill to establish the Office of the National Alzheimer's Project.

S. 3039

At the request of Mr. UDALL of New Mexico, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 3039, a bill to prevent drunk driving injuries and fatalities, and for other purposes.

S. 3371

At the request of Mrs. MCCASKILL, the name of the Senator from Con-

necticut (Mr. DODD) was added as a cosponsor of S. 3371, a bill to amend title 10, United States Code, to improve access to mental health care counselors under the TRICARE program, and for other purposes.

S. 3398

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3398, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 3424

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3424, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 3572

At the request of Mrs. LINCOLN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 3572, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first law enforcement agency, the United States Marshals Service.

S. 3668

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 3668, a bill to require the Secretary of Health and Human Services to establish a demonstration program to award grants to, and enter into contracts with, medical-legal partnerships to assist patients and their families to navigate health-related programs and activities.

S. 3701

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3701, a bill to amend the Food Security Act of 1985 to restore integrity to and strengthen payment limitation rules for commodity payments and benefits.

S. 3703

At the request of Mrs. MURRAY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 3703, a bill to expand the research, prevention, and awareness activities of the Centers for Disease Control and Prevention and the National Institutes of Health with respect to pulmonary fibrosis, and for other purposes.

S. 3708

At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 3708, a bill to amend titles XVIII and XIX of the Social Security Act to clarify the application of EHR payment incentives in cases of multi-campus hospitals.

S. 3709

At the request of Mr. WHITEHOUSE, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3709, a bill to amend the Public Health Services Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes.

S. 3735

At the request of Mrs. LINCOLN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3735, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve the use of certain registered pesticides.

S. 3751

At the request of Mr. HATCH, the names of the Senator from Ohio (Mr. BROWN), the Senator from California (Mrs. FEINSTEIN) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. 3751, a bill to amend the Stem Cell Therapeutic and Research Act of 2005.

S. 3755

At the request of Mr. ROCKEFELLER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3755, a bill to ensure fairness in admiralty and maritime law and for other purposes.

S. 3775

At the request of Mr. TESTER, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 3775, a bill to improve prostate cancer screening and treatment, particularly in medically underserved communities, and for other purposes.

S. 3786

At the request of Mr. KERRY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3786, a bill to amend the Internal Revenue Code of 1986 to permit the Secretary of the Treasury to issue prospective guidance clarifying the employment status of individuals for purposes of employment taxes and to prevent retroactive assessments with respect to such clarifications.

S. 3802

At the request of Mr. BEGICH, his name was added as a cosponsor of S. 3802, a bill to designate a mountain and icefield in the State of Alaska as the "Mount Stevens" and "Ted Stevens Icefield", respectively.

S. 3804

At the request of Mr. LEAHY, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 3804, a bill to combat online infringement, and for other purposes.

S. 3813

At the request of Mr. BINGAMAN, the names of the Senator from New York

(Mrs. GILLIBRAND), the Senator from Missouri (Mrs. McCASKILL) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 3813, a bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a Federal renewable electricity standard, and for other purposes.

S. 3816

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3816, a bill to amend the Internal Revenue Code of 1986 to create American jobs and to prevent the offshoring of such jobs overseas.

S. CON. RES. 63

At the request of Mr. JOHNSON, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. Con. Res. 63, a concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

S. CON. RES. 71

At the request of Mr. FEINGOLD, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. Con. Res. 71, a concurrent resolution recognizing the United States national interest in helping to prevent and mitigate acts of genocide and other mass atrocities against civilians, and supporting and encouraging efforts to develop a whole of government approach to prevent and mitigate such acts.

S. RES. 278

At the request of Mrs. GILLIBRAND, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. Res. 278, a resolution honoring the Hudson River School painters for their contributions to the United States Senate.

S. RES. 631

At the request of Mrs. LINCOLN, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Washington (Mrs. MURRAY) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. Res. 631, a resolution designating the week beginning on November 8, 2010, as National School Psychology Week.

S. RES. 646

At the request of Mr. HATCH, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. Res. 646, a resolution designating Thursday, November 18, 2010, as "Feed America Day".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KYL (for himself, Mr. MERKLEY, and Mr. BURR):

S. 3841. A bill to amend title 18, United States Code, to prohibit the creation, sale, distribution, advertising, marketing, and exchange of animal crush videos that depict obscene acts of animal cruelty, and for other purposes; to the Committee on the Judiciary.

Mr. KYL. Mr. President, today, Senators MERKLEY and BURR and I are introducing the Animal Crush Video Prohibition Act of 2010. The bill would criminalize the creation, sale, distribution, advertising, marketing, and exchange of animal crush videos. Representative GALLEGLY has sponsored a House companion bill, the Prevention of Interstate Commerce in Animal Crush Videos Act, H.R. 5566.

Animal crush videos often depict obscene, extreme acts of animal cruelty designed to appeal to a specific, prurient sexual fetish. These crush videos were the target of a 1999 Federal statute that the United States Supreme Court struck down earlier this year in *U.S. v. Stevens*. In *Stevens*, the Supreme Court overturned the 1999 Act banning depictions of animal cruelty on the basis that it was unconstitutionally overbroad, in violation of the First Amendment.

The *Stevens* case did not involve crush videos and the Court specifically stated that it was not deciding whether a statute limited to crush videos would be constitutional. Instead it left the door open for Congress to enact a narrowly tailored ban on animal crush videos.

Our legislation would ban animal crush videos that fit squarely within the obscenity doctrine, a well-established exception to the First Amendment. The Senate Judiciary Committee received testimony earlier this month on the obscene nature of crush videos. Dr. Kevin Volkan, a psychology professor with an expertise in atypical psychopathologies, testified about the sexual nature of crush videos and the specific paraphilias associated with them. He stated that in his professional opinion the crush videos contain elements of specific forms of paraphilia in varying degrees and that people, usually men, watch crush videos for sexual gratification. The Humane Society's two crush video investigations also confirm the inherent sexual nature of many crush videos. Those investigations also found a growing market for custom-made videos for those with crush paraphilia.

The United States also has a long history of prohibiting speech that is essential to criminal conduct. In the case of animal crush videos, the videos themselves drive the criminal conduct depicted in them. Every State and the District of Columbia have laws criminalizing the animal cruelty depicted in the videos, but these laws are hard to enforce. The acts of extreme animal cruelty are committed secretly and anonymously. The nature of the videos also makes it difficult to determine when and where the crimes occurred or that the crime occurred within the relevant statute of limitations. These prosecutorial difficulties are confirmed by the Association of Prosecuting Attorneys. Given the difficulty in prosecuting the underlying conduct using

state law, the integral connection between the video and the criminal conduct, and the recent proliferation of animal crush videos on the Internet since the Stevens decision, it is necessary for Congress to enact a new Federal law targeting the interstate distribution network for animal crush videos.

This measure will also take an important step by banning non-commercial distribution of animal crush videos. We believe this is necessary given the nature of the Internet and the propagation of file-sharing and peer-to-peer networks that exist today. Similar to other Federal criminal statutes that prohibit non-commercial distribution, there is an exception for law enforcement purposes.

I want to thank Senators LEAHY and SESSIONS and their staffs for their assistance in addressing this important issue and holding a hearing on the topic in the Senate Judiciary Committee. I also want to thank the Humane Society for bringing this issue to Congress' attention and working tirelessly to address it.

I urge my Senate colleagues to support this legislation and work with me to swiftly enact it.

By Mr. LEAHY (for himself, Mr. FRANKEN, and Ms. KLOBUCHAR):

S. 3842. A bill to protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am proud to introduce the Justice for All Reauthorization Act of 2010, together with Senator FRANKEN. The Justice for All Act, passed in 2004, was an unprecedented bipartisan piece of criminal justice legislation and the most significant step Congress had taken in many years to improve the quality of justice in this country, and to restore public confidence in the integrity of the American justice system. After several hearings and much work, today we begin in earnest the process of building on that foundation to go still further to ensure our criminal justice system works fairly and effectively for all Americans.

In 2000, I introduced the Innocence Protection Act, which aimed to improve the administration of justice by ensuring that defendants in the most serious cases receive competent rep-

resentation and, where appropriate, access to post-conviction DNA testing necessary to prove their innocence in those cases where the system got it grievously wrong.

The Innocence Protection Act became a key component of the Justice for All Act, along with important provisions to ensure that crime victims would have the rights and protections they need and deserve, and that States and communities would take major steps to reduce the backlog of untested rape kits and give prompt justice for victims of sexual assault. These and other important criminal justice provisions made the Justice for All Act a groundbreaking achievement in criminal justice reform.

The programs created by the Justice For All Act have had an enormous impact, and it is crucial that we reauthorize them. Unfortunately, the Committee's hearings and recent headlines have made clear that simply reauthorizing the existing law is not enough. Significant problems remain, and we must work together to address them.

In too many communities around the country, large numbers of untested rape kits have come to light, many of which have not even made their way to crime labs. It is unacceptable that rape victims must still live in fear and wait for justice. We must act to fix this continuing problem.

We have also seen too many cases of people found to be innocent after spending years in jail, and we have faced the harrowing possibility that the unthinkable may have happened: the State of Texas may have executed an innocent man. We must act to ensure that our criminal justice system works as it should so that relevant evidence is tested and considered and all defendants receive quality representation.

I thank Senator FRANKEN for working with me on these important issues and helping to craft this important bill. I also appreciate the Republican Senators, including Senators SESSIONS and GRASSLEY, who have provided input for this bill and participated in the process. I am confident that this legislation will be enacted in a bipartisan fashion, just as the original Justice for All Act was, and I look forward to working with Democrats and Republicans to reach that goal.

The original Justice for All Act included the Debbie Smith DNA Backlog Reduction Program, which authorized significant funding to reduce the backlog of untested rape kits so that victims need not live in fear while kits languish in storage. That program is named after Debbie Smith, who lived in fear for years after being attacked before her rape kit was tested and the perpetrator was caught. She and her husband Rob have worked tirelessly to ensure that others need not experience the ordeal she went through. I thank

Debbie and Rob for their continuing help on this extremely important cause.

Since we passed this important law in 2004, the Debbie Smith Act has resulted in hundreds of millions of dollars going to States for the testing of DNA samples to reduce backlogs. I have worked with Senators of both parties to ensure full funding for the Debbie Smith Act each year.

As I have researched the problem of untested rape kits, there is one thing that I have heard again and again: the Debbie Smith program has been working and is making a major difference. I have heard from the Justice Department, the States, including Vermont, law enforcement, and victims' advocates, that Debbie Smith grants have led to significant and meaningful backlog reductions and to justice for victims in jurisdictions across the country.

Unfortunately, despite the good strides we have made and the significant Federal funding for these efforts, we have seen alarming reports of continuing backlogs. A 2008 study found 12,500 untested rape kits in the Los Angeles area alone. While Los Angeles has since made progress in addressing the problem, other cities have now reported backlogs almost as severe. The Justice Department released a report last year finding that in 18 percent of open, unsolved rape cases, evidence had not even been submitted to a crime lab.

That Justice Department study gets to a key component of this problem that has not yet been addressed. No matter how much money we send to crime labs for testing, if samples that could help close cases instead sit on the shelf in police evidence rooms and never make it to the lab, that money will do no good. Police officers must understand the importance of testing this vital evidence and must learn when testing is appropriate and necessary. In too many jurisdictions, rape kits taken from victims who put themselves through further hardship to take these samples—rape kits that could help law enforcement to get criminals off the street—are sitting untested.

The bill we introduce today will finally address this part of the problem by mandating that the Department of Justice develop practices and protocols for the processing of DNA evidence and provide technical assistance to State and local governments to implement those protocols. The bill authorizes funding to States and communities to reduce their rape kit backlogs at the law enforcement stage by training officers, improving practices, developing evidence tracking systems, and taking other key steps to make sure that this crucial evidence gets to the labs to be tested.

The bill will also help us get to the bottom of this problem by calling for the development of a standardized definition of "backlog," covering both the

law enforcement and lab stages, and by implementing public reporting requirements to help us to identify where the backlogs are. It also takes steps to ensure that labs test DNA samples in the best order so that those samples which can help secure justice for rape victims are tested most quickly. It will also put into place new accountability requirements to make sure that Debbie Smith Act money is being spent effectively and appropriately.

The bill makes important changes to existing law to ensure that no rape victims are ever required to pay for testing of their rape kits, and that these costs are covered with no strings attached. Senator FRANKEN has been a strong advocate of this important provision, and I thank him for his help.

We have also taken important new steps to ensure that defendants in serious cases receive adequate representation and, where appropriate, testing of relevant DNA samples. As a former prosecutor, I have great faith in the men and women in law enforcement, and I know that in the vast majority of cases, our criminal justice system does work fairly and effectively. I also know, however, that the system only works as it should when each side is well represented by competent and well-trained counsel, and when all relevant evidence is retained and tested. Sadly, we learn regularly of defendants released after new evidence exonerates them. We must do better. It is an outrage when an innocent person is punished, and it is doubly an outrage that, in those cases, the guilty person remains on the streets, able to commit more crimes, which makes all of us less safe.

This legislation takes important new steps to ensure that all criminal defendants, including those who cannot afford a lawyer, receive constitutionally adequate representation. It requires the Department of Justice to assist States that want help developing an effective and efficient system of indigent defense, and it establishes a cause of action for the Federal Government to step in when States are systematically failing to provide the representation called for in the Constitution.

This is a reasonable measure that gives the States assistance and time needed to make necessary changes and seeks to provide an incentive for States to do so. Prosecutors and defense attorneys recognize the importance of quality defense counsel. Houston District Attorney Patricia Lykos testified, quite persuasively, before the Judiciary Committee about how competent defense attorneys help her do her job as a prosecutor even better. I have also learned through this process that the most effective systems of indigent defense are not always the most expensive. In some cases, making the necessary changes may also save States money.

This legislation will also help ensure that the innocent are not punished while the guilty remain free by strengthening the Kirk Bloodsworth Post Conviction DNA Testing Grant Program, one of the key programs created in the Innocence Protection Act. Kirk Bloodsworth was a young man just out of the Marines when he was arrested, convicted, and sentenced to death for a heinous crime that he did not commit. He was the first person in the United States to be exonerated from a death row crime through the use of DNA evidence.

This program provides grants to States for testing in cases like Kirk's where someone has been convicted, but where significant DNA evidence was not tested. The last administration resisted implementing the program for several years, but we worked hard to see the program put into place. Now, money has gone out to a number of States, and the Committee has heard strong testimony that the program is making an impact. The legislation we introduce today expands the very modest authorization of funds to this important program and clarifies the conditions set for this program so that participating States are required to preserve key evidence, which is crucial, but are required to do so in a way that is attainable and will allow more States to participate.

The bill also asks states to produce comprehensive plans for their criminal justice systems, which will help to ensure that criminal justice systems operate effectively as a whole and that all parts of the system work together and receive the resources they need. The bill reauthorizes and improves key grant programs in a variety of areas throughout the criminal justice system. Importantly, it increases authorized funding for the Paul Coverdell Forensic Science Improvement Grant program, which is a vital program to assist forensic laboratories in performing the many forensic tests that are essential to solving crimes and prosecuting perpetrators. I appreciate Senator SESSIONS' longstanding support for this important program.

Finally, the legislation strengthens rights for victims of crime. It gives crime victims an affirmative right to be informed of all of their rights under the Crime Victims' Rights Act and other key laws, and it takes several steps to make it easier for crime victims to assert their legal rights in court. I thank Senators FEINSTEIN and KYL for their leadership in this area and their assistance in developing these provisions.

In these times of tight budgets, it is important to note that this bill would make all of these improvements without increasing total authorized funding under the Justice For All Act and that many of these changes will help States, communities, and the Federal Government save money in the long term.

Today, we rededicate ourselves to building a criminal justice system in which the innocent remain free, the guilty are punished, and all sides have the tools, resources, and knowledge they need to advance the cause of justice. Americans need and deserve a criminal justice system which keeps us safe, ensures fairness and accuracy, and fulfills the promise of our constitution. This bill will take important steps to bring us closer to that goal. I hope there will be strong bipartisan support for these efforts moving forward.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3842

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Justice for All Reauthorization Act of 2010".

SEC. 2. CRIME VICTIMS' RIGHTS.

Section 3771 of title 18, United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

"(9) The right to be informed of the rights under this section and the services described in section 503(c) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)) and provided contact information for the Office of the Victims' Rights Ombudsman of the Department of Justice.";

(2) in subsection (d)(3), in the fifth sentence, by inserting " , unless the litigants, with the approval of the court, have stipulated to a different time period for consideration" before the period; and

(3) in subsection (e)—

(A) by striking "this chapter, the term" and inserting the following: "this chapter:

"(1) COURT OF APPEALS.—The term 'court of appeals' means—

"(A) for a violation of the United States Code, the United States court of appeals for the judicial district in which a defendant is being prosecuted; and

"(B) for a violation of the District of Columbia Code, the District of Columbia Court of Appeals.

"(2) CRIME VICTIM.—

"(A) IN GENERAL.—The term";

(B) by striking "In the case" and inserting the following:

"(B) MINORS AND CERTAIN OTHER VICTIMS.—In the case"; and

(C) by adding at the end the following:

"(3) DISTRICT COURT; COURT.—The terms 'district court' and 'court' include the Superior Court of the District of Columbia.".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR GRANTS FOR CRIME VICTIMS.

(a) CRIME VICTIMS LEGAL ASSISTANCE GRANTS.—Section 103(b) of the Justice for All Act of 2004 (Public Law 108-405; 118 Stat. 2264) is amended—

(1) in paragraph (1), by striking "\$2,000,000" and all that follows through "2009" and inserting "\$5,000,000 for each of fiscal years 2011, 2012, 2013, 2014, and 2015";

(2) in paragraph (2), by striking "\$2,000,000" and all that follows through "2009," and inserting "\$5,000,000 for each of fiscal years 2011, 2012, 2013, 2014, and 2015";

(3) in paragraph (3), by striking “\$300,000” and all that follows through “2009,” and inserting “\$500,000 for each of fiscal years 2011, 2012, 2013, 2014, and 2015”;

(4) in paragraph (4), by striking “\$7,000,000” and all that follows through “2009,” and inserting “\$11,000,000 for each of fiscal years 2011, 2012, 2013, 2014, and 2015”; and

(5) in paragraph (5), by striking “\$5,000,000” and all that follows through “2009,” and inserting “\$7,000,000 for each of fiscal years 2011, 2012, 2013, 2014, and 2015”.

(b) CRIME VICTIMS NOTIFICATION GRANTS.—Section 1404E(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10603e(c)) is amended by striking “this section—” and all that follows and inserting “this section \$5,000,000 for each of the fiscal years 2011, 2012, 2013, 2014 and 2015.”

SEC. 4. DEBBIE SMITH DNA BACKLOG GRANT PROGRAM.

(a) IN GENERAL.—Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended to read as follows:

“SEC. 2. THE DEBBIE SMITH DNA BACKLOG GRANT PROGRAM.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘backlog for DNA case work’ has the meaning given that term by the Director, in accordance with subsection (b)(3);

“(2) the term ‘Combined DNA Index System’ means the Combined DNA Index System of the Federal Bureau of Investigation;

“(3) the term ‘Director’ means the Director of the National Institute of Justice;

“(4) the term ‘emergency response provider’ has the meaning given that term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101); and

“(5) the term ‘State’ means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

“(b) ESTABLISHMENT OF PROTOCOLS, TECHNICAL ASSISTANCE, AND DEFINITIONS OF EVIDENCE BACKLOG FOR DNA CASE WORK.—

“(1) PROTOCOLS AND PRACTICES.—Not later than 18 months after the date of enactment of the Justice for All Reauthorization Act of 2010, the Director shall develop and publish a description of protocols and practices the Director considers appropriate for the accurate, timely, and effective collection and processing of DNA evidence, including protocols and practices specific to sexual assault cases, which shall address appropriate steps in the investigation of cases that might involve DNA evidence, including—

“(A) how to determine—

“(i) which evidence is to be collected by law enforcement personnel and forwarded for testing;

“(ii) the preferred order in which evidence from the same case is to be tested; and

“(iii) the preferred order in which evidence from different cases is to be tested;

“(B) the establishment of a reasonable period of time in which evidence is to be forwarded by emergency response providers, law enforcement personnel, and prosecutors to a laboratory for testing;

“(C) the establishment of reasonable periods of time in which each stage of analytical laboratory testing is to be completed; and

“(D) systems to encourage communication within a State or unit of local government among emergency response providers, law enforcement personnel, prosecutors, courts, defense counsel, crime laboratory personnel, and crime victims regarding the status of crime scene evidence to be tested.

“(2) TECHNICAL ASSISTANCE AND TRAINING.—The Director shall make available technical

assistance and training to support States and units of local government in adopting and implementing the protocols and practices developed under paragraph (1) on and after the date on which the protocols and practices are published.

“(3) DEFINITION OF BACKLOG FOR DNA CASE WORK.—The Director shall develop and publish a definition of the term ‘backlog for DNA case work’ for purposes of this section—

“(A) taking into consideration the different stages at which a backlog may develop, including the investigation and prosecution of a crime by law enforcement personnel, prosecutors, and others, and the laboratory analysis of crime scene samples; and

“(B) which may include different criteria or thresholds for the different stages.

“(C) AUTHORIZATION OF GRANTS FOR THE COLLECTION AND PROCESSING OF DNA EVIDENCE BY LAW ENFORCEMENT.—

“(1) PURPOSE.—The Attorney General may make grants to States or units of local government which may be used to—

“(A) ensure that the collection and processing of DNA evidence from crimes, including sexual assault and other serious violent crimes, is carried out in an appropriate and timely manner;

“(B) eliminate existing backlogs for DNA case work, including backlogs from sexual assault cases; and

“(C) ensure effective communication among emergency response providers, law enforcement personnel, prosecutors, courts, defense counsel, crime laboratory personnel, and crime victims regarding the status of crime scene evidence to be tested.

“(2) APPLICATION.—A State or unit of local government desiring a grant under this subsection shall submit to the Attorney General an application in such form and containing such information as the Attorney General may require, which shall include—

“(A) providing assurances that the State or unit of local government has implemented, or will implement not later than 120 days after the date of the application, a comprehensive plan for the expeditious collection and processing of DNA evidence in accordance with this section; and

“(B) specifying the percentage of the amounts received under the grant that the State or unit of local government shall use for the purpose specified in each subparagraphs (A), (B), and (C) of paragraph (1).

“(3) COLLECTION AND PROCESSING OF SAMPLES.—A plan described in paragraph (2)(A)—

“(A) shall require a State or unit of local government to—

“(i) adopt the appropriate protocols and practices developed under subsection (b)(1); and

“(ii) ensure that emergency response providers, law enforcement personnel, prosecutors, and crime laboratory personnel within the jurisdiction of the State or unit of local government receive training on the content and appropriate use of the protocols and practices; and

“(B) may include the development and implementation within the State or unit of local government of an evidence tracking system to ensure effective communication among emergency response providers, law enforcement personnel, prosecutors, defense counsel, courts, crime laboratory personnel, and crime victims regarding the status of crime scene evidence subject to DNA analysis.

“(4) REPORTING AND PUBLICATION OF DNA BACKLOGS.—

“(A) IN GENERAL.—A plan described in paragraph (2)(A) shall require a State or unit

of local government to submit to the Attorney General an annual report reflecting the current backlog for DNA case work within the jurisdiction in which the funds are used, which shall include—

“(i) a specific breakdown of the number of sexual assault cases that are in a backlog for DNA case work and the percentage of the amounts received under the grant allocated to reducing the backlog of DNA case work in sexual assault cases;

“(ii) for each case that is in a backlog for DNA case work, the identity of each agency, office, or contractor of the State or unit of local government in which work necessary to complete the DNA analysis is pending; and

“(iii) any other information the Attorney General determines appropriate.

“(B) COMPILATION.—The Attorney General shall annually compile and publish the reports submitted under subparagraph (A) on the website of the Department of Justice.

“(d) AUTHORIZATION OF GRANTS FOR DNA TESTING AND ANALYSIS BY LABORATORIES.—

“(1) PURPOSE.—The Attorney General may make grants to States or units of local government to—

“(A) carry out, for inclusion in the Combined DNA Index System, DNA analyses of samples collected under applicable legal authority;

“(B) carry out, for inclusion in the Combined DNA Index System, DNA analyses of samples from crime scenes, including samples from rape kits, samples from other sexual assault evidence, and samples taken in cases without an identified suspect;

“(C) increase the capacity of laboratories owned by the State or unit of local government to carry out DNA analyses of samples specified in subparagraph (A) or (B);

“(D) collect DNA samples specified in subparagraph (A); and

“(E) ensure that DNA testing and analysis of samples from crimes, including sexual assault and other serious violent crimes, are carried out in a timely manner.

“(2) APPLICATION.—A State or unit of local government desiring a grant under this subsection shall submit to the Attorney General an application in such form and containing such information as the Attorney General may require, which shall include—

“(A) providing assurances that the State or unit of local government has implemented, or will implement not later than 120 days after the date of the application, a comprehensive plan for the expeditious DNA analysis of samples in accordance with this section;

“(B) certifying that each DNA analysis carried out under the plan shall be maintained in accordance with the privacy requirements described in section 210304(b)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(b)(3));

“(C) specifying the percentage of the amounts received under the grant that the State or unit of local government shall use to carry out DNA analyses of samples described in paragraph (1)(A) and the percentage of the amounts the State or unit of local government shall use to carry out DNA analyses of samples described in paragraph (1)(B);

“(D) specifying the percentage of the amounts received under the grant that the State or unit of local government shall use for a purpose described in paragraph (1)(C);

“(E) if submitted by a unit of local government, certifying that the unit of local government has taken, or is taking, all necessary steps to ensure that the unit of local government is eligible to include in the Combined DNA Index System, directly or

through a State law enforcement agency, all analyses of samples for which the unit of local government has requested funding; and

“(F) specifying the percentage of the amounts received under the grant that the State or unit of local government shall use for the purpose described in paragraph (1)(D).

“(3) ANALYSIS OF SAMPLES.—

“(A) IN GENERAL.—A plan described in paragraph (2)(A) shall require that, except as provided in subparagraph (C), each DNA analysis be carried out in a laboratory that—

“(i) satisfies quality assurance standards; and

“(ii) is—

“(I) operated by the State or a unit of local government; or

“(II) operated by a private entity pursuant to a contract with the State or a unit of local government.

“(B) QUALITY ASSURANCE STANDARDS.—

“(i) IN GENERAL.—The Director of the Federal Bureau of Investigation shall maintain and make available to States and units of local government a description of quality assurance protocols and practices that the Director of the Federal Bureau of Investigation considers adequate to assure the quality of a forensic laboratory.

“(ii) EXISTING STANDARDS.—For purposes of this paragraph, a laboratory satisfies quality assurance standards if the laboratory satisfies the quality control requirements described in paragraphs (1) and (2) of section 210304(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(b)).

“(4) USE OF VOUCHERS OR CONTRACTS FOR CERTAIN PURPOSES.—

“(A) IN GENERAL.—A grant for a purpose specified in subparagraph (A), (B), (E), or (F) of paragraph (1) may be made in the form of a voucher or contract for laboratory services, even if the laboratory makes a reasonable profit for the services.

“(B) REDEMPTION.—A voucher or contract under subparagraph (A) may be redeemed at a laboratory operated on a nonprofit or for-profit basis, by a private entity that satisfies quality assurance standards and has been approved by the Attorney General.

“(C) PAYMENTS.—The Attorney General may use amounts appropriated to carry out this section to make payments to a laboratory described under subparagraph (B).

“(5) REPORTING AND PUBLICATION OF DNA BACKLOGS.—

“(A) IN GENERAL.—A plan described in paragraph (2)(A) shall require the State or unit of local government to submit to the Attorney General an annual report reflecting the backlog for DNA case work within the jurisdiction in which the funds will be used, which shall include—

“(i) a specific breakdown of the number of sexual assault cases that are in a backlog for DNA case work and the percentage of the amounts received under the grant allocated to reducing the backlog of DNA case work in sexual assault cases;

“(ii) for each case that is in a backlog for DNA case work, the identity of each agency, office, or contractor of the State or unit of local government in which work necessary to complete the DNA analysis is pending; and

“(iii) any other information the Attorney General determines appropriate.

“(B) COMPILATION.—The Attorney General shall annually compile and publish the reports submitted under subparagraph (A) on the website of the Department of Justice.

“(e) FORMULA FOR DISTRIBUTION OF GRANTS.—

“(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Attorney General shall dis-

tribute grant amounts, and establish appropriate grant conditions under this section, in conformity with a formula or formulas that are designed to effectuate a distribution of funds among States and units of local government applying for grants under this section that—

“(A) maximizes the effective use of DNA technology to solve crimes and protect public safety; and

“(B) allocates grants among States and units of local government fairly and efficiently, across rural and urban jurisdictions, to address States and units of local government in which significant backlogs for DNA case work exist, by considering—

“(i) the number of offender and casework samples awaiting DNA analysis in a State or unit of local government;

“(ii) the population in the State or unit of local government;

“(iii) the number of part 1 violent crimes in the State or unit of local government; and

“(iv) the availability of resources to train emergency response providers, law enforcement personnel, prosecutors, and crime laboratory personnel on the effectiveness of appropriate and timely DNA collection, processing, and analysis.

“(2) MINIMUM AMOUNT.—The Attorney General shall allocate to each State not less than 0.50 percent of the total amount appropriated in a fiscal year for grants under this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.125 percent of the total amount appropriated in a fiscal year for grants under this section.

“(3) LIMITATION.—In distributing grant amounts under paragraph (1), the Attorney General shall ensure that for each of fiscal years 2011 through 2015, not less than 40 percent of the grant amounts are awarded for purposes described in subsection (d)(1)(B).

“(f) RESTRICTIONS ON USE OF FUND.—

“(1) NONSUPPLANTING.—Funds made available under this section shall not be used to supplant funds of a State or unit of local government, and shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from the State or unit of local government for the purposes described in this Act.

“(2) ADMINISTRATIVE COSTS.—A State or unit of local government may not use more than 3 percent of the amounts made available under a grant under this section for administrative expenses relating to the grant.

“(g) REPORTS TO THE ATTORNEY GENERAL.—Each State or unit of local government that receives a grant under this section shall submit to the Attorney General, for each year in which funds from a grant received under this section are expended, a report at such time and in such manner as the Attorney General may reasonably require, that contains—

“(1) a summary of the activities carried out under the grant and an assessment of whether such activities are meeting the needs identified in the application; and

“(2) such other information as the Attorney General may require.

“(h) REPORTS TO CONGRESS.—Not later than 90 days after the end of each fiscal year for which grants are made under this section, the Attorney General shall submit to Congress a report that includes—

“(1) the aggregate amount of grants made under this section to each State or unit of local government for the fiscal year;

“(2) a summary of the information provided by States or units of local government receiving grants under this section; and

“(3) a description of the priorities and plan for awarding grants among eligible States and units of local government, and how the plan will ensure the effective use of DNA technology to solve crimes and protect public safety.

“(i) EXPENDITURE RECORDS.—

“(1) IN GENERAL.—Each State or unit of local government that receives a grant under this section shall keep such records as the Attorney General may require to facilitate an effective audit of the receipt and use of grant funds received under this section.

“(2) ACCESS.—Each State or unit of local government that receives a grant under this section shall make available, for the purpose of audit and examination, any records relating to the receipt or use of the grant.

“(j) USE OF FUNDS FOR ACCREDITATION AND AUDITS.—The Attorney General may distribute not more than 1 percent of the amounts made available for grants under this section for a fiscal year—

“(1) to States or units of local government to defray the costs incurred by laboratories operated by each such State or unit of local government in preparing for accreditation or reaccreditation;

“(2) in the form of additional grants to States, units of local government, or nonprofit professional organizations of persons actively involved in forensic science and nationally recognized within the forensic science community to—

“(A) defray the costs of external audits of laboratories operated by the State or unit of local government, which participates in the National DNA Index System, to determine whether the laboratory is in compliance with quality assurance standards;

“(B) assess compliance with any plans submitted to the Director that detail the use of funds received by States or units of local government under this section; and

“(C) support capacity building efforts; and

“(3) in the form of additional grants to nonprofit professional associations actively involved in forensic science and nationally recognized within the forensic science community to defray the costs of training persons who conduct external audits of laboratories operated by States and units of local government and which participate in the National DNA Index System.

“(k) USE OF FUNDS FOR OTHER FORENSIC SCIENCES.—The Attorney General may make a grant under this section to a State or unit of local government to alleviate a backlog of cases with respect to a forensic science other than DNA analysis if the State or unit of local government—

“(1) certifies to the Attorney General that in such State or unit—

“(A) all of the purposes set forth in subsections (c) and (d) have been met;

“(B) there is not a backlog for DNA case work, as defined by the Director in accordance with subsection (b)(3); and

“(C) there is no need for significant laboratory equipment, supplies, or additional personnel for timely processing of DNA case work or offender samples; and

“(2) demonstrates to the Attorney General that the State or unit of local government requires assistance in alleviating a backlog of cases involving a forensic science other than DNA analysis.

“(l) EXTERNAL AUDITS AND REMEDIAL EFFORTS.—If a laboratory operated by a State

or unit of local government which has received funds under this section has undergone an external audit conducted to determine whether the laboratory is in compliance with standards established by the Director of the Federal Bureau of Investigation, and, as a result of the audit, identifies measures to remedy deficiencies with respect to the compliance by the laboratory with the standards, the State or unit of local government shall implement any such remediation as soon as practicable.

“(m) PENALTY FOR NONCOMPLIANCE.—

“(1) IN GENERAL.—The Attorney General shall annually compile a list of the States and units of local government receiving a grant under this section that have failed to provide the information required under subsection (c)(4)(A), (d)(5)(A), or (g). The Attorney General shall publish each list compiled under this paragraph on the website of the Department of Justice.

“(2) REDUCTION IN GRANT FUNDS.—For any State or local government that the Attorney General determines has failed to provide the information required under subsection (c)(4)(A), (d)(5)(A), or (g), the Attorney General may not award a grant under this section for the fiscal year after the fiscal year to which the determination relates in an amount that is more than 50 percent of the amount the State or local government would have otherwise received.

“(n) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General for grants under subsections (c) and (d) \$151,000,000 for each of fiscal years 2011 through 2015.”.

(b) REPORT.—

“(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall evaluate the policies, standards, and protocols relating to the use of private laboratories in the analysis of DNA evidence, including the mandatory technical review of all outsourced DNA evidence by public laboratories prior to uploading DNA profiles into the Combined DNA Index System of the Federal Bureau of Investigation. The evaluation shall take into consideration the need to reduce DNA evidence backlogs while guaranteeing the integrity of the Combined DNA Index System.

(2) REPORT TO CONGRESS.—Not later than 30 days after the date on which the Director of the Federal Bureau of Investigation completes the evaluation under paragraph (1), the Director shall submit to Congress a report of the findings of the evaluation and any proposed policy changes.

(c) TRANSITION PROVISION.—

(1) DEFINITION.—In this subsection, the term “transition date” means the day after the latter of—

(A) the date on which the Director of the National Institute of Justice publishes a definition of the term “backlog for DNA case work” in accordance with section 2(b)(3) of the DNA Analysis Backlog Elimination Act of 2000, as amended by subsection (a); and

(B) the date on which the Director of the National Institute of Justice publishes a description of protocols and practices in accordance with section 2(b)(1) of the DNA Analysis Backlog Elimination Act of 2000, as amended by subsection (a).

(2) GRANT AUTHORITY.—Notwithstanding the amendments made by subsection (a)—

(A) the Attorney General may make grants under section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135), as in effect on the day before the date of enactment of this Act, until the transition date; and

(B) the Attorney General may not make a grant under section 2 of the DNA Analysis Backlog Elimination Act of 2000, as amended by subsection (a), until the transition date.

SEC. 5. RAPE EXAM PAYMENTS.

Section 2010 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-4) is amended—

(1) in subsection (a)(1)—

(A) by striking “entity incurs the full” and inserting the following: “entity—
“(A) incurs the full”;

(B) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(B) coordinates with regional health care providers to notify victims of sexual assault of the availability of rape exams at no cost to the victims.”;

(2) in subsection (b)—

(A) in paragraph (1), by adding “or” at the end;

(B) in paragraph (2), by striking “; or” and inserting a period; and

(C) by striking paragraph (3); and

(3) in subsection (d), by striking “(d) RULE OF CONSTRUCTION.—” and all that follows through the end of paragraph (1) and inserting the following:

“(d) NONCOOPERATION.—

“(1) IN GENERAL.—To be in compliance with this section, a State, Indian tribal government, or unit of local government shall comply with subsection (b) without regard to whether the victim participates in the criminal justice system or cooperates with law enforcement.”.

SEC. 6. ADDITIONAL REAUTHORIZATIONS.

(a) DNA RESEARCH AND DEVELOPMENT.—Section 305(c) of the Justice for All Act of 2004 (42 U.S.C. 14136b(c)) is amended by striking “fiscal years 2005 through 2009” and inserting “fiscal years 2011 through 2015”.

(b) FBI DNA PROGRAMS.—Section 307(a) of the Justice for All Act of 2004 (Public Law 108-405; 118 Stat. 2275) is amended by striking “fiscal years 2005 through 2009” and inserting “fiscal years 2011 through 2015”.

(c) DNA IDENTIFICATION OF MISSING PERSONS.—Section 308(c) of the Justice for All Act of 2004 (42 U.S.C. 14136d(c)) is amended by striking “fiscal years 2005 through 2009” and inserting “fiscal years 2011 through 2015”.

SEC. 7. PAUL COVERDELL FORENSIC SCIENCES IMPROVEMENT GRANTS.

Section 1001(a)(24) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(24)) is amended—

(1) in subparagraph (H), by striking “and” at the end;

(2) in subparagraph (I), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(K) \$35,000,000 for each of fiscal years 2011 through 2015.”.

SEC. 8. IMPROVING THE QUALITY OF REPRESENTATION IN STATE CAPITAL CASES.

Section 426 of the Justice for All Act of 2004 (42 U.S.C. 14163e) is amended—

(1) in subsection (a), by striking “\$75,000,000 for each of fiscal years 2005 through 2009” and inserting “\$50,000,000 for each of fiscal years 2011 through 2015”; and

(2) in subsection (b), by inserting before the period at the end the following: “, or upon a showing of good cause, and at the discretion of the Attorney General, the State may determine a fair allocation of funds across the uses described in sections 421 and 422.”.

SEC. 9. POST-CONVICTION DNA TESTING.

(a) IN GENERAL.—Section 3600 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B)(i), by striking “death”; and

(B) in paragraph (3)(A), by striking “and the applicant did not—” and all that follows through “knowingly fail to request” and inserting “and the applicant did not knowingly fail to request”; and

(2) in subsection (g)(2)(B), by striking “death”.

(b) PRESERVATION OF BIOLOGICAL EVIDENCE.—Section 3600A(c) of title 18, United States Code, is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

SEC. 10. INCENTIVE GRANTS TO STATES TO ENSURE CONSIDERATION OF CLAIMS OF ACTUAL INNOCENCE.

(a) IN GENERAL.—Section 413 of the Justice for All Act of 2004 (42 U.S.C. 14136 note) is amended—

(1) in the matter preceding paragraph (1), by striking “fiscal years 2005 through 2009” and inserting “fiscal years 2011 through 2015”; and

(2) by striking paragraph (2) and inserting the following:

“(2) provide a certification by the chief legal officer of the State in which the eligible entity operates or the chief legal officer of the jurisdiction in which the funds will be used for the purposes of the grants, that the State or jurisdiction—

“(A) provides DNA testing of specified evidence under a State statute to persons convicted after trial and under a sentence of imprisonment or death for a State felony offense, in a manner that ensures a reasonable process for resolving claims of actual innocence consistent with section 3600(a) of title 18, United States Code (which may include making post-conviction DNA testing available in cases in which the testing would not be required under that section) and, if the results of the testing exclude the applicant as the perpetrator of the offense, permits the applicant to apply for post-conviction relief, notwithstanding any provision of law that would otherwise bar the application as untimely; and

“(B) preserves biological evidence under a State statute or a State or local rule, regulation, or practice in a manner intended to ensure that reasonable measures are taken by the State or jurisdiction to preserve biological evidence secured in relation to the investigation or prosecution of a State felony offense (including, at a minimum murder, non-negligent manslaughter and sexual offenses) in a manner consistent with section 3600A of title 18, United States Code (which may require preservation of biological evidence for longer than the period of time that the evidence would be required to be preserved under that section).”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 412(b) of the Justice for All Act of 2004 (42 U.S.C. 14136e(b)) is amended—

(1) by striking “fiscal years 2005 through 2009” and inserting “fiscal years 2011 through 2015”; and

(2) by striking “\$5,000,000” and inserting “\$10,000,000”.

SEC. 11. ESTABLISHMENT OF NATIONAL STANDARDS PROMULGATED BY NIJ.

(a) IN GENERAL.—Subtitle A of title IV of the Justice for All Act of 2004 (Public Law 108-405; 118 Stat. 2278) is amended by adding at the end the following:

“SEC. 414. ESTABLISHMENT OF NATIONAL STANDARDS PROMULGATED BY NIJ.

“(a) IN GENERAL.—The Director of the National Institute of Justice shall—

“(1) establish best practices for evidence retention; and

“(2) assist State, local, and tribal governments in adopting and implementing the best practices established under paragraph (1).

“(b) DEADLINE.—Not later than 1 year after the date of enactment of this section, the Director of the National Institute of Justice shall publish the best practices established under subsection (a)(1).”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Justice for All Act of 2004 (Public Law 108-405; 118 Stat. 2260) is amended by inserting after the item relating to section 413 the following:

“Sec. 414. Establishment of national standards promulgated by NIJ.”

SEC. 12. EFFECTIVE ADMINISTRATION OF CRIMINAL JUSTICE.

(a) SHORT TITLE.—This section may be cited as the “Effective Administration of Criminal Justice Act of 2010”.

(b) STRATEGIC PLANNING.—Section 502 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3752) is amended—

(1) by inserting “(a) IN GENERAL.—” before “To request a grant”; and

(2) by adding at the end the following:

“(6) A comprehensive State-wide plan detailing how grants received under this section will be used to improve the administration of the criminal justice system, which shall—

“(A) be designed in consultation with local governments, and all segments of the criminal justice system, including judges, prosecutors, law enforcement personnel, corrections personnel, and providers of indigent defense services, victim services, juvenile justice delinquency prevention programs, community corrections, and reentry services;

“(B) include a description of how the State will allocate funding within and among each of the uses described in subparagraphs (A) through (G) of section 501(a)(1);

“(C) describe the process used by the State for gathering evidence-based data and developing and using evidence-based and evidence-gathering approaches in support of funding decisions; and

“(D) be updated every 5 years, with annual progress reports that—

“(i) address changing circumstances in the State, if any;

“(ii) describe how the State plans to adjust funding within and among each of the uses described in subparagraphs (A) through (G) of section 501(a)(1);

“(iii) provide an ongoing assessment of need;

“(iv) discuss the accomplishment of goals identified in any plan previously prepared under this paragraph; and

“(v) reflect how the plan influenced funding decisions in the previous year.

“(b) TECHNICAL ASSISTANCE.—

“(1) STRATEGIC PLANNING.—Not later than 90 days after the date of enactment of this subsection, the Attorney General shall begin to provide technical assistance to States and local governments requesting support to develop and implement the strategic plan required under subsection (a)(6).

“(2) PROTECTION OF CONSTITUTIONAL RIGHTS.—Not later than 90 days after the date of enactment of this subsection, the Attorney General shall begin to provide technical assistance to States and local governments, including any agent thereof with responsibility for administration of justice, requesting support to meet the obligations es-

tablished by the Sixth Amendment to the Constitution of the United States, which shall include—

“(A) public dissemination of practices, structures, or models for the administration of justice consistent with the requirements of the Sixth Amendment; and

“(B) assistance with adopting and implementing a system for the administration of justice consistent with the requirements of the Sixth Amendment.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$5,000,000 for each of fiscal years 2011 through 2015 to carry out this subsection.”

(c) PROTECTION OF CONSTITUTIONAL RIGHTS.—

(1) UNLAWFUL CONDUCT.—It shall be unlawful for any governmental authority, or any agent thereof, or any person acting on behalf of a governmental authority, to engage in a pattern or practice of conduct by officials or employees of any governmental agency with responsibility for the administration of justice, including the administration of programs or services that provide appointed counsel to indigent defendants, that deprives persons of their rights to assistance of counsel as protected under the Sixth Amendment and Fourteenth Amendment to the Constitution of the United States.

(2) CIVIL ACTION BY ATTORNEY GENERAL.—Whenever the Attorney General has reasonable cause to believe that a violation of paragraph (1) has occurred, the Attorney General, for or in the name of the United States, may, in a civil action, obtain appropriate equitable and declaratory relief to eliminate the pattern or practice.

(3) EFFECTIVE DATE.—This subsection shall take effect 2 years after the date of enactment.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 647—EXPRESSING THE SUPPORT FOR THE GOALS OF NATIONAL ADOPTION DAY AND NATIONAL ADOPTION MONTH BY PROMOTING NATIONAL AWARENESS OF ADOPTION AND THE CHILDREN AWAITING FAMILIES, CELEBRATING CHILDREN AND FAMILIES INVOLVED IN ADOPTION, AND ENCOURAGING AMERICANS TO SECURE SAFETY, PERMANENCY, AND WELL-BEING FOR ALL CHILDREN

Ms. LANDRIEU (for herself, Mr. INHOFE, Mrs. LINCOLN, Mr. GRASSLEY, Mrs. MURRAY, Mr. DEMINT, Mr. KERRY, Ms. COLLINS, Mr. NELSON of Nebraska, Mr. ENZI, Mr. CARDIN, Mr. VOINOVICH, Mr. FRANKEN, Mr. THUNE, Mr. CONRAD, Mr. COBURN, Mr. MERKLEY, Mr. BROWNBACK, Mr. JOHNSON, Mr. BENNETT, Mr. ROCKEFELLER, Mr. ALEXANDER, Mrs. HUTCHISON, Mr. LEMIEUX, Mrs. GILLIBRAND, Mr. LUGAR, Ms. KLOBUCHAR, Mr. LAUTENBERG, Mr. WYDEN, Mr. INOUE, and Mr. CORNYN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 647

Whereas there are approximately 463,000 children in the foster care system in the

United States, approximately 123,000 of whom are waiting for families to adopt them;

Whereas 55 percent of the children in foster care are age 10 or younger;

Whereas the average length of time a child spends in foster care is over 2 years;

Whereas, for many foster children, the wait for a loving family in which they are nurtured, comforted, and protected seems endless;

Whereas the number of youth who “age out” of foster care by reaching adulthood without being placed in a permanent home has continued to increase since 1998, and more than 29,000 foster youth age out every year;

Whereas everyday, loving and nurturing families are strengthened and expanded when committed and dedicated individuals make an important difference in the life of a child through adoption;

Whereas a 2007 survey conducted by the Dave Thomas Foundation for Adoption demonstrated that though “Americans overwhelmingly support the concept of adoption, and in particular foster care adoption . . . foster care adoptions have not increased significantly over the past five years”;

Whereas, while 4 in 10 Americans have considered adoption, a majority of Americans have misperceptions about the process of adopting children from foster care and the children who are eligible for adoption;

Whereas 71 percent of those who have considered adoption consider adopting children from foster care above other forms of adoption;

Whereas 45 percent of Americans believe that children enter the foster care system because of juvenile delinquency, when in reality the vast majority of children who have entered the foster care system were victims of neglect, abandonment, or abuse;

Whereas 46 percent of Americans believe that foster care adoption is expensive, when in reality there is no substantial cost for adopting from foster care and financial support is available to adoptive parents after the adoption is finalized;

Whereas both National Adoption Day and National Adoption Month occur in November;

Whereas National Adoption Day is a collective national effort to find permanent, loving families for children in the foster care system;

Whereas, since the first National Adoption Day in 2000, more than 30,000 children have joined forever families during National Adoption Day;

Whereas, in 2009, adoptions were finalized for nearly 5,000 children through 400 National Adoption Day events in all 50 States, the District of Columbia, Puerto Rico, and Guam; and

Whereas the President traditionally issues an annual proclamation to declare November as National Adoption Month, and National Adoption Day is on November 20, 2010: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Adoption Day and National Adoption Month;

(2) recognizes that every child should have a permanent and loving family; and

(3) encourages the people of the United States to consider adoption during the month of November and all throughout the year.

SENATE RESOLUTION 648—DESIGNATING THE WEEK BEGINNING ON MONDAY, NOVEMBER 8, 2010, AS “NATIONAL VETERANS HISTORY PROJECT WEEK”

Mr. CRAPO (for himself, Mrs. LINCOLN, Mrs. SHAHEEN, and Mr. DORGAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 648

Whereas 2010 marks the 10th anniversary of the establishment of the Veterans History Project by Congress in order to collect and preserve the wartime stories of veterans of the Armed Forces of the United States;

Whereas Congress charged the American Folklife Center at the Library of Congress to undertake the Veterans History Project and to engage the public in the creation of a collection of oral histories that would be a lasting tribute to individual veterans;

Whereas the Veterans History Project relies on a corps of volunteer interviewers, partner organizations, and an array of civic minded institutions nationwide who interview veterans according to the guidelines outlined by the project;

Whereas these oral histories have created an abundant resource for scholars to gather first-hand accounts of veterans' experience in World War I, World War II, the Korean War, the Vietnam War, the Persian Gulf War, and the Afghanistan and Iraq conflicts;

Whereas there are 17,000,000 wartime veterans in the United States whose stories can educate people of all ages about important moments and events in the history of the United States and the world and provide instructive narratives that illuminate the meanings of “service”, “sacrifice”, “citizenship”, and “democracy”;

Whereas more than 70,000 oral histories have already been collected and more than 8,000 oral histories are fully digitized and available through the website of the Library of Congress;

Whereas the Veterans History Project will increase the number of oral histories that can be collected and preserved and increase the number of veterans it honors; and

Whereas “National Veterans Awareness Week” has been recognized by Congress in previous years: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning on Monday, November 8, 2010, as “National Veterans History Project Week”;

(2) recognizes “National Veterans Awareness Week”;

(3) calls on the people of the United States to interview at least 1 veteran in their families or communities according to guidelines provided by the Veterans History Project; and

(4) encourages national, State, and local organizations along with Federal, State, city, and county governmental institutions to participate in support of the effort to document, preserve, and honor the service of veterans of the Armed Forces of the United States.

SENATE RESOLUTION 649—SUPPORTING THE GOALS AND IDEALS OF “NATIONAL SAVE FOR RETIREMENT WEEK”, INCLUDING RAISING PUBLIC AWARENESS OF THE VARIOUS TAX-PREFERRED RETIREMENT VEHICLES AND INCREASING PERSONAL FINANCIAL LITERACY

Mr. CONRAD (for himself, Mr. ENZI, and Mr. CARDIN) submitted the following resolution; which was considered and agreed to:

S. RES. 649

Whereas people in the United States are living longer, and the cost of retirement is increasing significantly;

Whereas Social Security remains the bedrock of retirement income for the great majority of the people of the United States but was never intended by Congress to be the sole source of retirement income for families;

Whereas recent data from the Employee Benefit Research Institute indicates that, in the United States, less than ⅓ of workers or their spouses are currently saving for retirement and that the actual amount of retirement savings of workers lags far behind the amount that will be needed to adequately fund their retirement years;

Whereas financial literacy is an important factor in United States workers' understanding of the true need to save for retirement;

Whereas saving for one's retirement is a key component to overall financial health and security during retirement years, and the importance of financial literacy in planning one's retirement must be advocated;

Whereas many workers may not be aware of their options for saving for retirement or may not have focused on the importance of, and need for, saving for their own retirement;

Whereas many employees have available to them, through their employers, access to defined benefit and defined contribution plans to assist them in preparing for retirement, yet many of those employees may not be taking advantage of those plans at all or to the full extent allowed by those plans as prescribed by Federal law;

Whereas the need to save for retirement is important, even during economic downturns or market declines, making continued contributions all the more important;

Whereas all workers, including public- and private-sector employees, employees of tax-exempt organizations, and self-employed individuals, can benefit from increased awareness of the need to develop personal budgets and financial plans that include retirement savings strategies and to take advantage of the availability of tax-preferred savings vehicles to assist them in saving for retirement; and

Whereas October 17 through October 23, 2010, has been designated as “National Save for Retirement Week”: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of “National Save for Retirement Week”, including raising public awareness of the various tax-preferred retirement vehicles as important tools for personal savings and retirement financial security;

(2) supports the need to raise public awareness of the availability of a variety of ways to save for retirement which are favored under the Internal Revenue Code of 1986 and

are utilized by many Americans, but which should be utilized by more;

(3) supports the need to raise public awareness of the importance of saving adequately for retirement and the continued existence of tax preferred employer-sponsored retirement savings vehicles; and

(4) calls on the States, localities, schools, universities, nonprofit organizations, businesses, other entities, and the people of the United States to observe National Save for Retirement Week with appropriate programs and activities, with the goal of increasing retirement savings for all the people of the United States.

SENATE RESOLUTION 650—DESIGNATING THE WEEK OF OCTOBER 24 THROUGH OCTOBER 30, 2010, AS “NATIONAL CHILDHOOD LEAD POISONING PREVENTION WEEK”

Mr. REED (for himself, Ms. COLLINS, Mr. CARDIN, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. DODD, Mrs. BOXER, and Mr. JOHANNIS) submitted the following resolution; which was considered and agreed to:

S. RES. 650

Whereas lead poisoning is one of the leading environmental health hazards facing children in the United States;

Whereas approximately 200,000 children in the United States under the age of 6 have harmful levels of lead in their blood;

Whereas lead poisoning may cause serious, long-term harm to children, including reduced intelligence and attention span, behavioral problems, learning disabilities, and impaired growth;

Whereas children from low-income families are significantly more likely to be poisoned by lead than are children from high-income families;

Whereas children may be poisoned by lead in water, soil, housing, or consumable products;

Whereas children most often are poisoned in their homes through exposure to lead particles when lead-based paint deteriorates or is disturbed during home renovation and repainting; and

Whereas lead poisoning crosses all barriers of race, income, and geography: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of October 24 through October 30, 2010, as “National Childhood Lead Poisoning Prevention Week”; and

(2) calls upon the people of the United States to observe National Childhood Lead Poisoning Prevention Week with appropriate programs and activities.

SENATE RESOLUTION 651—RECOGNIZING THE 20TH ANNIVERSARY OF THE DESIGNATION OF THE MONTH OF SEPTEMBER OF 1991 AS “NATIONAL RICE MONTH”

Mr. REID (for Mrs. LINCOLN (for herself, Mr. COCHRAN, Mrs. FEINSTEIN, Mr. PRYOR, Ms. LANDRIEU, Mrs. BOXER, Mr. VITTER, Mrs. MCCASKILL, Mr. BOND, Mr. WICKER, and Mr. CORNYN)) submitted the following resolution; which was considered and agreed to:

S. RES. 651

Whereas rice is a primary staple for more than half of the population of the world and

has been one of the most important foods throughout history;

Whereas rice production in the United States dates back to 1685 and is one of the oldest agribusinesses in the United States;

Whereas rice grown in the United States significantly contributes to the diet and economy of the United States;

Whereas rice is produced in the States of Arkansas, California, Louisiana, Mississippi, Missouri, and Texas;

Whereas rice production, processing, merchandizing, and related industries in the United States are vital to the economies of the rural areas of the Sacramento Valley in the State of California, the Gulf Coast region of the States of Louisiana and Texas, and the Mississippi Delta region where more than 3,000,000 acres of rice, on average, are produced annually;

Whereas, in 2009, rice farmers in the United States produced nearly 22,000,000,000 pounds of rice that had a farm gate value of more than \$3,000,000,000;

Whereas, in 2009, rice production and subsequent sales generated \$17,500,000,000 in total value added to the economy of the United States from rice production, milling, and selected end users and had the employment effect of contributing 127,000 jobs to the labor force;

Whereas eighty-five percent of the rice consumed in the United States is grown by American rice farmers, which supports rural communities and the economy of the United States;

Whereas the United States is one of the largest exporters of rice and produces more than two percent of the world's rice supply, feeding millions around the world;

Whereas rice is a food enjoyed throughout life in many forms, as the foundation of main dishes and side dishes, and as cereals, flour, bran, cooking oil, rice cakes, and other healthful snacks;

Whereas rice is an important source of nutritional value, as rice provides an excellent source of complex carbohydrates, and is cholesterol-free, sodium-free, and trans fat-free;

Whereas published research shows that people who eat rice have healthier diets;

Whereas rice farmers in the United States play a key role in the provision and enhancement of habitat for wetlands-dependant wildlife species, such as ducks, geese, swans, and cranes; and

Whereas the harvest of rice in the United States is celebrated each September and September 2010 marks the 20th anniversary of that annual celebration's designation: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 20th anniversary of the designation of the month of September of 1991 as "National Rice Month"; and

(2) encourages the people of the United States to observe National Rice Month with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4659. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3816, to amend the Internal Revenue Code of 1986 to create American jobs and to prevent the offshoring of such jobs overseas; which was ordered to lie on the table.

SA 4660. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3816, *supra*; which was ordered to lie on the table.

SA 4661. Mr. DURBIN (for Mr. LIEBERMAN) proposed an amendment to the bill H.R. 553,

to require the Secretary of Homeland Security to develop a strategy to prevent the over-classification of homeland security and other information and to promote the sharing of unclassified homeland security and other information, and for other purposes.

SA 4662. Mr. WYDEN (for himself, Mrs. MURRAY, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4663. Mr. CASEY (for Mr. AKAKA (for himself and Mr. VOINOVICH)) proposed an amendment to the bill H.R. 946, to enhance citizen access to Government information and services by establishing that Government documents issued to the public must be written clearly, and for other purposes.

SA 4664. Mr. CASEY (for Mr. LIEBERMAN) proposed an amendment to the bill S. 1510, to transfer statutory entitlements to pay and hours of work authorized by laws codified in the District of Columbia Official Code for current members of the United States Secret Service Uniformed Division from such laws to the United States Code, and for other purposes.

SA 4665. Mr. CASEY (for Mrs. FEINSTEIN (for herself and Mr. BOND)) proposed an amendment to the bill H.R. 2701, to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

SA 4666. Mr. CASEY (for Ms. MURKOWSKI) proposed an amendment to the bill S. 3802, to designate a mountain and icefield in the State of Alaska as the "Mount Stevens" and "Ted Stevens Icefield", respectively.

TEXT OF AMENDMENTS

SA 4659. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3816, to amend the Internal Revenue Code of 1986 to create American jobs and to prevent the offshoring of such jobs overseas; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—VISA REFORM

SEC. 301. SHORT TITLE.

This title may be cited as the "H-1B and L-1 Visa Reform Act of 2010".

Subtitle A—H-1B Visa Fraud and Abuse Protections

PART I—H-1B EMPLOYER APPLICATION REQUIREMENTS

SEC. 311. MODIFICATION OF APPLICATION REQUIREMENTS.

(a) GENERAL APPLICATION REQUIREMENTS.—Subparagraph (A) of section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)) is amended to read as follows:

"(A) The employer—

"(i) is offering and will offer to H-1B nonimmigrants, during the period of authorized employment for each H-1B nonimmigrant, wages that are determined based on the best information available at the time the application is filed and which are not less than the highest of—

"(I) the locally determined prevailing wage level for the occupational classification in the area of employment;

"(II) the median average wage for all workers in the occupational classification in the area of employment; and

"(III) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

"(ii) will provide working conditions for such H-1B nonimmigrant that will not adversely affect the working conditions of other workers similarly employed."

(b) INTERNET POSTING REQUIREMENT.—Subparagraph (C) of such section 212(n)(1) is amended—

(1) by redesignating clause (ii) as subclause (II);

(2) by striking "(i) has provided" and inserting the following:

"(ii)(I) has provided"; and

(3) by inserting before clause (ii), as redesignated by paragraph (2) of this subsection, the following:

"(i) has posted on the Internet website described in paragraph (3), for at least 30 calendar days, a detailed description of each position for which a nonimmigrant is sought that includes a description of—

"(I) the wages and other terms and conditions of employment;

"(II) the minimum education, training, experience, and other requirements for the position; and

"(III) the process for applying for the position; and"

(c) WAGE DETERMINATION INFORMATION.—Subparagraph (D) of such section 212(n)(1) is amended by inserting "the wage determination methodology used under subparagraph (A)(i)," after "shall contain".

(d) APPLICATION OF REQUIREMENTS TO ALL EMPLOYERS.—

(1) NONDISPLACEMENT.—Subparagraph (E) of such section 212(n)(1) is amended—

(A) in clause (i)—

(i) by striking "90 days" both places it appears and inserting "180 days"; and

(ii) by striking "(i) In the case of an application described in clause (ii), the" and inserting "The"; and

(B) by striking clause (ii).

(2) RECRUITMENT.—Subparagraph (G)(i) of such section 212(n)(1) is amended by striking "In the case of an application described in subparagraph (E)(ii), subject" and inserting "Subject".

(e) REQUIREMENT FOR WAIVER.—Subparagraph (F) of such section 212(n)(1) is amended to read as follows:

"(F) The employer shall not place, outsource, lease, or otherwise contract for the services or placement of H-1B nonimmigrants with another employer unless the employer of the alien has been granted a waiver under paragraph (2)(E)."

SEC. 312. NEW APPLICATION REQUIREMENTS.

Section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)) is amended by inserting after clause (ii) of subparagraph (G) the following:

"(H)(i) The employer has not advertised any available position specified in the application in an advertisement that states or indicates that—

"(I) such position is only available to an individual who is or will be an H-1B nonimmigrant; or

"(II) an individual who is or will be an H-1B nonimmigrant shall receive priority or a preference in the hiring process for such position.

“(ii) The employer has not solely recruited individuals who are or who will be H-1B nonimmigrants to fill such position.

“(I) If the employer employs 50 or more employees in the United States, the sum of the number of such employees who are H-1B nonimmigrants plus the number of such employees who are nonimmigrants described in section 101(a)(15)(L) may not exceed 50 percent of the total number of employees.

“(J) If the employer, in such previous period as the Secretary shall specify, employed 1 or more H-1B nonimmigrants, the employer shall submit to the Secretary the Internal Revenue Service Form W-2 Wage and Tax Statement filed by the employer with respect to the H-1B nonimmigrants for such period.”

SEC. 313. APPLICATION REVIEW REQUIREMENTS.

(a) **TECHNICAL AMENDMENT.**—Section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)), as amended by section 102, is further amended in the undesignated paragraph at the end, by striking “The employer” and inserting the following:

“(K) The employer.”

(b) **APPLICATION REVIEW REQUIREMENTS.**—Subparagraph (K) of such section 212(n)(1), as designated by subsection (a), is amended—

(1) by inserting “and through the Department of Labor’s website, without charge.” after “D.C.”;

(2) by striking “only for completeness” and inserting “for completeness and clear indicators of fraud or misrepresentation of material fact.”;

(3) by striking “or obviously inaccurate” and inserting “, presents clear indicators of fraud or misrepresentation of material fact, or is obviously inaccurate”;

(4) by striking “within 7 days of” and inserting “not later than 14 days after”;

(5) by adding at the end the following: “If the Secretary’s review of an application identifies clear indicators of fraud or misrepresentation of material fact, the Secretary may conduct an investigation and hearing in accordance with paragraph (2).”

PART II—INVESTIGATION AND DISPOSITION OF COMPLAINTS AGAINST H-1B EMPLOYERS

SEC. 321. GENERAL MODIFICATION OF PROCEDURES FOR INVESTIGATION AND DISPOSITION.

Subparagraph (A) of section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)) is amended—

(1) by striking “(A) Subject” and inserting “(A)(i) Subject”;

(2) by striking “12 months” and inserting “24 months”;

(3) by striking the last sentence; and

(4) by adding at the end the following:

“(ii)(I) Upon the receipt of such a complaint, the Secretary may initiate an investigation to determine if such a failure or misrepresentation has occurred.

“(II) The Secretary may conduct surveys of the degree to which employers comply with the requirements of this subsection and may conduct annual compliance audits of employers that employ H-1B nonimmigrants.

“(III) The Secretary shall—

“(aa) conduct annual compliance audits of not less than 1 percent of the employers that employ H-1B nonimmigrants during the applicable calendar year;

“(bb) conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are H-1B nonimmigrants; and

“(cc) make available to the public an executive summary or report describing the gen-

eral findings of the audits carried out pursuant to this subclause.”

SEC. 322. INVESTIGATION, WORKING CONDITIONS, AND PENALTIES.

Subparagraph (C) of section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)) is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I)—

(i) by striking “a condition of paragraph (1)(B), (1)(E), or (1)(F)” and inserting “a condition under subparagraph (A), (B), (C)(i), (E), (F), (G)(i)(I), (H), (I), or (J) of paragraph (1)”;

(ii) by striking “(1)(C)” and inserting “(1)(C)(ii)”;

(B) in subclause (I)—

(i) by striking “\$1,000” and inserting “\$2,000”;

(ii) by striking “and” at the end;

(C) in subclause (II), by striking the period at the end and inserting a semicolon and “and”;

(D) by adding at the end the following:

“(III) an employer that violates such subparagraph (A) shall be liable to the employees harmed by such violations for lost wages and benefits.”;

(2) in clause (ii)

(A) in subclause (I)—

(i) by striking “may” and inserting “shall”;

(ii) by striking “\$5,000” and inserting “\$10,000”;

(B) in subclause (II), by striking the period at the end and inserting a semicolon and “and”;

(C) by adding at the end the following:

“(III) an employer that violates such subparagraph (A) shall be liable to the employees harmed by such violations for lost wages and benefits.”;

(3) in clause (iii)—

(A) in the matter preceding subclause (I), by striking “90 days” both places it appears and inserting “180 days”;

(B) in subclause (I)—

(i) by striking “may” and inserting “shall”;

(ii) by striking “and” at the end;

(C) in subclause (II), by striking the period at the end and inserting a semicolon and “and”;

(D) by adding at the end the following:

“(III) an employer that violates subparagraph (A) of such paragraph shall be liable to the employees harmed by such violations for lost wages and benefits.”;

(4) in clause (iv)—

(A) by inserting “to take, fail to take, or threaten to take or fail to take, a personnel action, or” before “to intimidate”;

(B) by inserting “(I)” after “(iv)”;

(C) by adding at the end the following:

“(II) An employer that violates this clause shall be liable to the employees harmed by such violation for lost wages and benefits.”;

(5) in clause (vi)—

(A) by amending subclause (I) to read as follows:

“(I) It is a violation of this clause for an employer who has filed an application under this subsection—

“(aa) to require an H-1B nonimmigrant to pay a penalty for ceasing employment with the employer prior to a date agreed to by the nonimmigrant and the employer (the Secretary shall determine whether a required payment is a penalty, and not liquidated damages, pursuant to relevant State law); and

“(bb) to fail to offer to an H-1B nonimmigrant, during the nonimmigrant’s pe-

riod of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

“(AA) the opportunity to participate in health, life, disability, and other insurance plans;

“(BB) the opportunity to participate in retirement and savings plans; and

“(CC) cash bonuses and noncash compensation, such as stock options (whether or not based on performance).”;

(B) in subclause (III), by striking “\$1,000” and inserting “\$2,000”.

SEC. 323. WAIVER REQUIREMENTS.

(a) **IN GENERAL.**—Subparagraph (E) of section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)) is amended to read as follows:

“(E)(i) The Secretary of Labor may waive the prohibition in paragraph (1)(F) if the Secretary determines that the employer seeking the waiver has established that—

“(I) the employer with whom the H-1B nonimmigrant would be placed has not displaced, and does not intend to displace, a United States worker employed by the employer within the period beginning 180 days before and ending 180 days after the date of the placement of the nonimmigrant with the employer;

“(II) the H-1B nonimmigrant will not be controlled and supervised principally by the employer with whom the H-1B nonimmigrant would be placed; and

“(III) the placement of the H-1B nonimmigrant is not essentially an arrangement to provide labor for hire for the employer with whom the H-1B nonimmigrant will be placed.

“(ii) The Secretary shall grant or deny a waiver under this subparagraph not later than 7 days after the Secretary receives the application for such waiver.”

(b) **REQUIREMENT FOR RULES.**—

(1) **RULES FOR WAIVERS.**—The Secretary of Labor shall promulgate rules, after notice and a period for comment, for an employer to apply for a waiver under subparagraph (E) of section 212(n)(2) of such Act, as amended by subsection (a).

(2) **REQUIREMENT FOR PUBLICATION.**—The Secretary of Labor shall submit to Congress and publish in the Federal Register and other appropriate media a notice of the date that rules required by paragraph (1) are published.

SEC. 324. INITIATION OF INVESTIGATIONS.

Subparagraph (G) of section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)) is amended—

(1) in clause (i), by striking “if the Secretary” and all that follows and inserting “with regard to the employer’s compliance with the requirements of this subsection.”;

(2) in clause (ii), by striking “and whose identity” and all that follows through “failure or failures.” and inserting “the Secretary of Labor may conduct an investigation into the employer’s compliance with the requirements of this subsection.”;

(3) in clause (iii), by striking the last sentence;

(4) by striking clauses (iv) and (v);

(5) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(6) in clause (iv), as so redesignated, by striking “meet a condition described in clause (ii), unless the Secretary of Labor receives the information not later than 12 months” and inserting “comply with the requirements under this subsection, unless the

Secretary of Labor receives the information not later than 24 months”;

(7) by amending clause (v), as so redesignated, to read as follows:

“(v) The Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. A determination by the Secretary under this clause shall not be subject to judicial review.”;

(8) in clause (vi), as so redesignated, by striking “An investigation” and all that follows through “the determination.” and inserting “If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination.”; and

(9) by adding at the end the following:

“(vii) If the Secretary of Labor, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary shall impose a penalty under subparagraph (C).”.

SEC. 325. INFORMATION SHARING.

Subparagraph (H) of section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)) is amended to read as follows:

“(H) The Director of United States Citizenship and Immigration Services shall provide the Secretary of Labor with any information contained in the materials submitted by employers of H-1B nonimmigrants as part of the adjudication process that indicates that the employer is not complying with visa program requirements for H-1B nonimmigrants. The Secretary may initiate and conduct an investigation and hearing under this paragraph after receiving information of non-compliance under this subparagraph.”.

SEC. 326. CONFORMING AMENDMENT.

Subparagraph (F) of section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by striking “The preceding sentence shall apply to an employer regardless of whether or not the employer is an H-1B-dependent employer.”.

PART III—OTHER PROTECTIONS

SEC. 331. POSTING AVAILABLE POSITIONS THROUGH THE DEPARTMENT OF LABOR.

(a) DEPARTMENT OF LABOR WEBSITE.—Paragraph (3) of section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended to read as follows:

“(3)(A) Not later than 90 days after the date of the enactment of the H-1B and L-1 Visa Reform Act of 2010, the Secretary of Labor shall establish a searchable Internet website for posting positions as required by paragraph (1)(C). Such website shall be available to the public without charge.

“(B) The Secretary may work with private companies or nonprofit organizations to develop and operate the Internet website described in subparagraph (A).

“(C) The Secretary may promulgate rules, after notice and a period for comment, to

carry out the requirements of this paragraph.”.

(b) REQUIREMENT FOR PUBLICATION.—The Secretary of Labor shall submit to Congress and publish in the Federal Register and other appropriate media a notice of the date that the Internet website required by paragraph (3) of section 212(n) of such Act, as amended by subsection (a), will be operational.

(c) APPLICATION.—The amendments made by subsection (a) shall apply to an application filed on or after the date that is 30 days after the date described in subsection (b).

SEC. 332. H-1B GOVERNMENT AUTHORITY AND REQUIREMENTS.

(a) IMMIGRATION DOCUMENTS.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following:

“(1) EMPLOYER TO PROVIDE IMMIGRATION PAPERWORK EXCHANGED WITH FEDERAL AGENCIES.—Not later than 21 business days after receiving a written request from a former, current, or future employee or beneficiary, an employer shall provide such employee or beneficiary with the original (or a certified copy of the original) of all petitions, notices, and other written communication exchanged between the employer and the Department of Labor, the Department of Homeland Security, or any other Federal agency or department that is related to an immigrant or non-immigrant petition filed by the employer for such employee or beneficiary.”.

(b) REPORT ON JOB CLASSIFICATION AND WAGE DETERMINATIONS.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall prepare a report analyzing the accuracy and effectiveness of the Secretary of Labor's current job classification and wage determination system. The report shall—

(1) specifically address whether the systems in place accurately reflect the complexity of current job types as well as geographic wage differences; and

(2) make recommendations concerning necessary updates and modifications.

SEC. 333. REQUIREMENTS FOR INFORMATION FOR H-1B AND L-1 NONIMMIGRANTS.

Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following:

“(S) REQUIREMENTS FOR INFORMATION FOR H-1B AND L-1 NONIMMIGRANTS.—

“(1) IN GENERAL.—Upon issuing a visa to an applicant for nonimmigrant status pursuant to subparagraph (H)(i)(b) or (L) of section 101(a)(15) who is outside the United States, the issuing office shall provide the applicant with—

“(A) a brochure outlining the obligations of the applicant's employer and the rights of the applicant with regard to employment under Federal law, including labor and wage protections;

“(B) the contact information for appropriate Federal agencies or departments that offer additional information or assistance in clarifying such obligations and rights; and

“(C) a copy of the application submitted for the nonimmigrant under section 212(n) or the petition submitted for the nonimmigrant under subsection (c)(2)(A), as appropriate.

“(2) Upon the issuance of a visa to an applicant referred to in paragraph (1) who is inside the United States, the issuing officer of the Department of Homeland Security shall provide the applicant with the material described in clauses (i), (ii), and (iii) of subparagraph (A).”.

SEC. 334. ADDITIONAL DEPARTMENT OF LABOR EMPLOYEES.

(a) IN GENERAL.—The Secretary of Labor is authorized to hire 200 additional employees to administer, oversee, investigate, and enforce programs involving nonimmigrant employees described in section 101(a)(15)(H)(i)(B).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 335. TECHNICAL CORRECTION.

Section 212 of the Immigration and Nationality Act is amended by redesignating the second subsection (t), as added by section 1(b)(2)(B) of the Act entitled “An Act to amend and extend the Irish Peace Process Cultural and Training Program Act of 1998” (Public Law 108-449 (118 Stat. 3470)), as subsection (u).

SEC. 336. APPLICATION.

Except as specifically otherwise provided, the amendments made by this title shall apply to applications filed on or after the date of the enactment of this Act.

Subtitle B—L-1 Visa Fraud and Abuse Protections

SEC. 341. PROHIBITION ON OUTPLACEMENT OF L-1 NONIMMIGRANTS.

(a) IN GENERAL.—Subparagraph (F) of section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended to read as follows:

“(F)(i) Unless an employer receives a waiver under clause (ii), an employer may not employ an alien, for a cumulative period of more than 1 year, who—

“(I) will serve in a capacity involving specialized knowledge with respect to an employer for purposes of section 101(a)(15)(L); and

“(II) will be stationed primarily at the worksite of an employer other than the petitioning employer or its affiliate, subsidiary, or parent, including pursuant to an outsourcing, leasing, or other contracting agreement.”.

“(ii) The Secretary of Homeland Security may grant a waiver of the requirements of clause (i) for an employer if the Secretary determines that the employer has established that—

“(I) the employer with whom the alien referred to in clause (i) would be placed has not displaced and does not intend to displace a United States worker employed by the employer within the period beginning 180 days after the date of the placement of such alien with the employer;

“(II) such alien will not be controlled and supervised principally by the employer with whom the nonimmigrant would be placed; and

“(III) the placement of the nonimmigrant is not essentially an arrangement to provide labor for hire for an unaffiliated employer with whom the nonimmigrant will be placed, rather than a placement in connection with the provision of a product or service for which specialized knowledge specific to the petitioning employer is necessary.

“(iii) The Secretary shall grant or deny a waiver under clause (ii) not later than 7 days after the date that the Secretary receives the application for the waiver.”.

(b) REGULATIONS.—The Secretary of Homeland Security shall promulgate rules, after notice and a period for comment, for an employer to apply for a waiver under subparagraph (F)(ii) of section 214(c)(2), as added by subsection (a).

SEC. 342. L-1 EMPLOYER PETITION REQUIREMENTS FOR EMPLOYMENT AT NEW OFFICES.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended by adding at the end the following:

“(G)(i) If the beneficiary of a petition under this paragraph is coming to the United States to open, or be employed in, a new office, the petition may be approved for up to 12 months only if—

“(I) the alien has not been the beneficiary of 2 or more petitions under this subparagraph during the immediately preceding 2 years; and

“(II) the employer operating the new office has—

“(aa) an adequate business plan;

“(bb) sufficient physical premises to carry out the proposed business activities; and

“(cc) the financial ability to commence doing business immediately upon the approval of the petition.

“(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits an application to the Secretary of Homeland Security that contains—

“(I) evidence that the importing employer meets the requirements of this subsection;

“(II) evidence that the beneficiary of the petition is eligible for nonimmigrant status under section 101(a)(15)(L);

“(III) a statement summarizing the original petition;

“(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i)(I);

“(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

“(VI) evidence that the importing employer, for the entire period beginning on the date on which the petition was approved under clause (i), has been doing business at the new office through regular, systematic, and continuous provision of goods and services;

“(VII) a statement of the duties the beneficiary has performed at the new office during the approval period under clause (i) and the duties the beneficiary will perform at the new office during the extension period granted under this clause;

“(VIII) a statement describing the staffing at the new office, including the number of employees and the types of positions held by such employees;

“(IX) evidence of wages paid to employees;

“(X) evidence of the financial status of the new office; and

“(XI) any other evidence or data prescribed by the Secretary.

“(iii) A new office employing the beneficiary of an L-1 petition approved under this paragraph shall do business only through regular, systematic, and continuous provision of goods and services for the entire period for which the petition is sought.

“(iv) Notwithstanding clause (ii), and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security, in the Secretary's discretion, may approve a subsequently filed petition on behalf of the beneficiary to continue employment at the office described in this subparagraph for a period beyond the initially granted 12-month period if the importing employer has been doing business at the new office through regular, systematic, and continuous provision of goods and services for the 6 months immediately preceding the date of extension petition filing and demonstrates that the failure to satisfy any of the requirements described

in those subclauses was directly caused by extraordinary circumstances, as determined by the Secretary in the Secretary's discretion.”.

SEC. 343. COOPERATION WITH SECRETARY OF STATE.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as amended by section 342, is further amended by adding at the end the following:

“(H) For purposes of approving petitions under this paragraph, the Secretary of Homeland Security shall work cooperatively with the Secretary of State to verify the existence or continued existence of a company or office in the United States or in a foreign country.”.

SEC. 344. INVESTIGATION AND DISPOSITION OF COMPLAINTS AGAINST L-1 EMPLOYERS.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as amended by sections 342 and 343, is further amended by adding at the end the following:

“(I)(i) The Secretary of Homeland Security may initiate an investigation of any employer that employs nonimmigrants described in section 101(a)(15)(L) with regard to the employer's compliance with the requirements of this subsection.

“(ii) If the Secretary receives specific credible information from a source who is likely to have knowledge of an employer's practices, employment conditions, or compliance with the requirements under this subsection, the Secretary may conduct an investigation into the employer's compliance with the requirements of this subsection. The Secretary may withhold the identity of the source from the employer, and the source's identity shall not be subject to disclosure under section 552 of title 5, United States Code.

“(iii) The Secretary shall establish a procedure for any person desiring to provide to the Secretary information described in clause (ii) that may be used, in whole or in part, as the basis for the commencement of an investigation described in such clause, to provide the information in writing on a form developed and provided by the Secretary and completed by or on behalf of the person.

“(iv) No investigation described in clause (ii) (or hearing described in clause (vi) based on such investigation) may be conducted with respect to information about a failure to comply with the requirements under this subsection, unless the Secretary receives the information not later than 24 months after the date of the alleged failure.

“(v) Before commencing an investigation of an employer under clause (i) or (ii), the Secretary shall provide notice to the employer of the intent to conduct such investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that to do so would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. There shall be no judicial review of a determination by the Secretary under this clause.

“(vi) If the Secretary, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide the interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States

Code, not later than 120 days after the date of such determination. If such a hearing is requested, the Secretary shall make a finding concerning the matter by not later than 120 days after the date of the hearing.

“(vii) If the Secretary, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary shall impose a penalty under subparagraph (L).

“(viii)(I) The Secretary may conduct surveys of the degree to which employers comply with the requirements under this section.

“(II) The Secretary shall—

“(aa) conduct annual compliance audits of not less than 1 percent of the employers that employ nonimmigrants described in section 101(a)(15)(L) during the applicable fiscal year;

“(bb) conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are nonimmigrants described in 101(a)(15)(L); and

“(cc) make available to the public an executive summary or report describing the general findings of the audits carried out pursuant to this subclause.”.

SEC. 345. WAGE RATE AND WORKING CONDITIONS FOR L-1 NONIMMIGRANT.

(a) IN GENERAL.—Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as amended by section 342, 343, and 344, is further amended by adding at the end the following:

“(J)(i) An employer that employs a nonimmigrant described in section 101(a)(15)(L) for a cumulative period of time in excess of 1 year shall—

“(I) offer such nonimmigrant, during the period of authorized employment, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

“(aa) the locally determined prevailing wage level for the occupational classification in the area of employment;

“(bb) the median average wage for all workers in the occupational classification in the area of employment; and

“(cc) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

“(II) provide working conditions for such nonimmigrant that will not adversely affect the working conditions of workers similarly employed.

“(ii) If an employer, in such previous period specified by the Secretary of Homeland Security, employed 1 or more such nonimmigrants, the employer shall provide to the Secretary of Homeland Security the Internal Revenue Service Form W-2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.

“(iii) It is a failure to meet a condition under this subparagraph for an employer who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

“(I) to require such a nonimmigrant to pay a penalty for ceasing employment with the employer before a date mutually agreed to by the nonimmigrant and the employer; or

“(II) to fail to offer to such a nonimmigrant, during the nonimmigrant's period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

“(aa) the opportunity to participate in health, life, disability, and other insurance plans;

“(bb) the opportunity to participate in retirement and savings plans; and

“(cc) cash bonuses and noncash compensation, such as stock options (whether or not based on performance).

“(iv) The Secretary of Homeland Security shall determine whether a required payment under clause (iii)(I) is a penalty (and not liquidated damages) pursuant to relevant State law.”

(b) **REGULATIONS.**—The Secretary of Homeland Security shall promulgate rules, after notice and a period of comment, to implement the requirements of subparagraph (J) of section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as added by subsection (a). In promulgating these rules, the Secretary shall take into consideration any special circumstances relating to intracompany transfers.

SEC. 346. PENALTIES.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as amended by sections 202, 203, 204, and 205, is further amended by adding at the end the following:

“(K)(i) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a failure by an employer to meet a condition under subparagraph (F), (G), (J), or (L) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

“(I) the Secretary shall impose such administrative remedies (including civil monetary penalties in an amount not to exceed \$2,000 per violation) as the Secretary determines to be appropriate;

“(II) the Secretary may not, during a period of at least 1 year, approve a petition for that employer to employ 1 or more aliens as such nonimmigrants; and

“(III) in the case of a violation of subparagraph (J) or (L), the employer shall be liable to the employees harmed by such violation for lost wages and benefits.

“(ii) If the Secretary finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (F), (G), (J), or (L) or a willful misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

“(I) the Secretary shall impose such administrative remedies (including civil monetary penalties in an amount not to exceed \$10,000 per violation) as the Secretary determines to be appropriate;

“(II) the Secretary may not, during a period of at least 2 years, approve a petition filed for that employer to employ 1 or more aliens as such nonimmigrants; and

“(III) in the case of a violation of subparagraph (J) or (L), the employer shall be liable to the employees harmed by such violation for lost wages and benefits.”

SEC. 347. PROHIBITION ON RETALIATION AGAINST L-1 NONIMMIGRANTS.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as amended by section 342, 343, 344, 345, and 346, is further amended by adding at the end the following:

“(L)(i) It is a violation of this subparagraph for an employer who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) to take, fail to take, or threaten to take or fail to take, a personnel action, or to intimi-

date, threaten, restrain, coerce, blacklist, discharge, or discriminate in any other manner against an employee because the employee—

“(I) has disclosed information that the employee reasonably believes evidences a violation of this subsection, or any rule or regulation pertaining to this subsection; or

“(II) cooperates or seeks to cooperate with the requirements of this subsection, or any rule or regulation pertaining to this subsection.

“(ii) In this subparagraph, the term ‘employee’ includes—

“(I) a current employee;

“(II) a former employee; and

“(III) an applicant for employment.”

SEC. 348. REPORTS ON L-1 NONIMMIGRANTS.

Section 214(c)(8) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(8)) is amended by inserting “(L),” after “(H),”.

SEC. 349. TECHNICAL AMENDMENTS.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security”.

SEC. 350. APPLICATION.

The amendments made by sections 341 through 347 shall apply to applications filed on or after the date of the enactment of this Act.

SEC. 351. REPORT ON L-1 BLANKET PETITION PROCESS.

(a) **REQUIREMENT FOR REPORT.**—Not later than 6 months after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security shall submit to the appropriate committees of Congress a report regarding the use of blanket petitions under section 214(c)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)(A)). Such report shall assess the efficiency and reliability of the process for reviewing such blanket petitions, including whether the process includes adequate safeguards against fraud and abuse.

(b) **APPROPRIATE COMMITTEES OF CONGRESS.**—In this section the term “appropriate committees of Congress” means—

(1) the Committee on Homeland Security and Governmental Affairs of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Homeland Security of the House of Representatives; and

(4) the Committee on the Judiciary of the House of Representatives.

SA 4660. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3816, to amend the Internal Revenue Code of 1986 to create American jobs and to prevent the offshoring of such jobs overseas; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 102. CERTIFICATION REQUIREMENT.

(a) **IN GENERAL.**—The Secretary of Homeland Security may not approve a petition by an employer for any visa authorizing employment in the United States unless the employer has provided written certification, under penalty of perjury, to the Secretary of Labor that—

(1) the employer has not provided a notice of a mass layoff pursuant to the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.) during the 12-month period immediately preceding the date on which the alien is scheduled to be hired; and

(2) the employer does not intend to provide a notice of a mass layoff pursuant to such Act.

(b) **EFFECT OF MASS LAYOFF.**—If an employer provides a notice of a mass layoff pursuant to the Worker Adjustment and Retraining Notification Act after the approval of a visa described in subsection (a), any visas approved during the most recent 12-month period for such employer shall expire on the date that is 60 days after the date on which such notice is provided. The expiration of a visa under this subsection shall not be subject to judicial review.

(c) **NOTICE REQUIREMENT.**—Upon receiving notification of a mass layoff from an employer, the Secretary of Homeland Security shall inform each employee whose visa is scheduled to expire under subsection (b)—

(1) the date on which such individual will no longer be authorized to work in the United States; and

(2) the date on which such individual will be required to leave the United States unless the individual is otherwise authorized to remain in the United States.

(d) **EXEMPTION.**—An employer shall be exempt from the requirements under this section if the employer provides written certification, under penalty of perjury, to the Secretary of Labor that the total number of the employer's workers who are United States citizens and are working in the United States have not been, and will not be, reduced as a result of a mass layoff described in subsection (b).

(e) **RULEMAKING.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Labor shall promulgate regulations to carry out this section, including a requirement that employers provide notice to the Secretary of Homeland Security of a mass layoff (as defined in section 2 of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101)).

SA 4661. Mr. DURBIN (for Mr. LIEBERMAN) proposed an amendment to the bill H.R. 553, to require the Secretary of Homeland Security to develop a strategy to prevent the over-classification of homeland security and other information and to promote the sharing of unclassified homeland security and other information, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Reducing Over-Classification Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The National Commission on Terrorist Attacks Upon the United States (commonly known as the “9/11 Commission”) concluded that security requirements nurture overclassification and excessive compartmentation of information among agencies.

(2) The 9/11 Commission and others have observed that the over-classification of information interferes with accurate, actionable, and timely information sharing, increases the cost of information security, and needlessly limits stakeholder and public access to information.

(3) Over-classification of information causes considerable confusion regarding what information may be shared with whom, and negatively affects the dissemination of information within the Federal Government

and with State, local, and tribal entities, and with the private sector.

(4) Over-classification of information is antithetical to the creation and operation of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485).

(5) Federal departments or agencies authorized to make original classification decisions or that perform derivative classification of information are responsible for developing, implementing, and administering policies, procedures, and programs that promote compliance with applicable laws, executive orders, and other authorities pertaining to the proper use of classification markings and the policies of the National Archives and Records Administration.

SEC. 3. DEFINITIONS.

In this Act:

(1) **DERIVATIVE CLASSIFICATION AND ORIGINAL CLASSIFICATION.**—The terms “derivative classification” and “original classification” have the meanings given those terms in Executive Order No. 13526.

(2) **EXECUTIVE AGENCY.**—The term “Executive agency” has the meaning given that term in section 105 of title 5, United States Code.

(3) **EXECUTIVE ORDER NO. 13526.**—The term “Executive Order No. 13526” means Executive Order No. 13526 (75 Fed. Reg. 707; relating to classified national security information) or any subsequent corresponding executive order.

SEC. 4. CLASSIFIED INFORMATION ADVISORY OFFICER.

(a) **IN GENERAL.**—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following:

“SEC. 210F. CLASSIFIED INFORMATION ADVISORY OFFICER.

“(a) **REQUIREMENT TO ESTABLISH.**—The Secretary shall identify and designate within the Department a Classified Information Advisory Officer, as described in this section.

“(b) **RESPONSIBILITIES.**—The responsibilities of the Classified Information Advisory Officer shall be as follows:

“(1) To develop and disseminate educational materials and to develop and administer training programs to assist State, local, and tribal governments (including State, local, and tribal law enforcement agencies) and private sector entities—

“(A) in developing plans and policies to respond to requests related to classified information without communicating such information to individuals who lack appropriate security clearances;

“(B) regarding the appropriate procedures for challenging classification designations of information received by personnel of such entities; and

“(C) on the means by which such personnel may apply for security clearances.

“(2) To inform the Under Secretary for Intelligence and Analysis on policies and procedures that could facilitate the sharing of classified information with such personnel, as appropriate.

“(c) **INITIAL DESIGNATION.**—Not later than 90 days after the date of the enactment of the Reducing Over-Classification Act, the Secretary shall—

“(1) designate the initial Classified Information Advisory Officer; and

“(2) submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a written notification of the designation.”.

(b) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 210E the following:

“Sec. 210F. Classified Information Advisory Officer.”.

SEC. 5. INTELLIGENCE INFORMATION SHARING.

(a) **DEVELOPMENT OF GUIDANCE FOR INTELLIGENCE PRODUCTS.**—Paragraph (1) of section 102A(g) of the National Security Act of 1947 (50 U.S.C. 403-1(g)) is amended—

(1) in subparagraph (E), by striking “and” at the end;

(2) in subparagraph (F), by striking the period at the end and inserting a semicolon and “and”; and

(3) by adding at the end the following:

“(G) in accordance with Executive Order No. 13526 (75 Fed. Reg. 707; relating to classified national security information) (or any subsequent corresponding executive order), and part 2001 of title 32, Code of Federal Regulations (or any subsequent corresponding regulation), establish—

“(i) guidance to standardize, in appropriate cases, the formats for classified and unclassified intelligence products created by elements of the intelligence community for purposes of promoting the sharing of intelligence products; and

“(ii) policies and procedures requiring the increased use, in appropriate cases, and including portion markings, of the classification of portions of information within one intelligence product.”.

(b) **CREATION OF UNCLASSIFIED INTELLIGENCE PRODUCTS AS APPROPRIATE FOR STATE, LOCAL, TRIBAL, AND PRIVATE SECTOR STAKEHOLDERS.**—

(1) **RESPONSIBILITIES OF SECRETARY RELATING TO INTELLIGENCE AND ANALYSIS AND INFRASTRUCTURE PROTECTION.**—Paragraph (3) of section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is amended to read as follows:

“(3) To integrate relevant information, analysis, and vulnerability assessments (regardless of whether such information, analysis or assessments are provided by or produced by the Department) in order to—

“(A) identify priorities for protective and support measures regarding terrorist and other threats to homeland security by the Department, other agencies of the Federal Government, State, and local government agencies and authorities, the private sector, and other entities; and

“(B) prepare finished intelligence and information products in both classified and unclassified formats, as appropriate, whenever reasonably expected to be of benefit to a State, local, or tribal government (including a State, local, or tribal law enforcement agency) or a private sector entity.”.

(2) **ITACG DETAIL.**—Section 210D(d) of the Homeland Security Act of 2002 (6 U.S.C. 124k(d)) is amended—

(A) in paragraph (5)—

(i) in subparagraph (D), by striking “and” at the end;

(ii) by redesignating subparagraph (E) as subparagraph (F); and

(iii) by inserting after subparagraph (D) the following:

“(E) make recommendations, as appropriate, to the Secretary or the Secretary’s designee, for the further dissemination of intelligence products that could likely inform or improve the security of a State, local, or tribal government, (including a State, local, or tribal law enforcement agency) or a private sector entity; and”;

(B) in paragraph (6)(C), by striking “and” at the end;

(C) in paragraph (7), by striking the period at the end and inserting a semicolon and “and”; and

(D) by adding at the end the following:

“(8) compile an annual assessment of the ITACG Detail’s performance, including summaries of customer feedback, in preparing, disseminating, and requesting the dissemination of intelligence products intended for State, local and tribal government (including State, local, and tribal law enforcement agencies) and private sector entities; and

“(9) provide the assessment developed pursuant to paragraph (8) to the program manager for use in the annual reports required by subsection (c)(2).”.

(c) **INTERAGENCY THREAT ASSESSMENT AND COORDINATION GROUP ANNUAL REPORT MODIFICATION.**—Subsection (c) of section 210D of the Homeland Security Act of 2002 (6 U.S.C. 124k) is amended—

(1) in the matter preceding paragraph (1), by striking “, in consultation with the Information Sharing Council,”;

(2) in paragraph (1), by striking “and” at the end;

(3) in paragraph (2), by striking the period at the end and inserting a semicolon and “and”; and

(4) by adding at the end the following:

“(3) in each report required by paragraph (2) submitted after the date of the enactment of the Reducing Over-Classification Act, include an assessment of whether the detailees under subsection (d)(5) have appropriate access to all relevant information, as required by subsection (g)(2)(C).”.

SEC. 6. PROMOTION OF ACCURATE CLASSIFICATION OF INFORMATION.

(a) **INCENTIVES FOR ACCURATE CLASSIFICATIONS.**—In making cash awards under chapter 45 of title 5, United States Code, the President or the head of an Executive agency with an officer or employee who is authorized to make original classification decisions or derivative classification decisions may consider such officer’s or employee’s consistent and proper classification of information.

(b) **INSPECTOR GENERAL EVALUATIONS.**—

(1) **REQUIREMENT FOR EVALUATIONS.**—Not later than September 30, 2016, the inspector general of each department or agency of the United States with an officer or employee who is authorized to make original classifications, in consultation with the Information Security Oversight Office, shall carry out no less than two evaluations of that department or agency or a component of the department or agency—

(A) to assess whether applicable classification policies, procedures, rules, and regulations have been adopted, followed, and effectively administered within such department, agency, or component; and

(B) to identify policies, procedures, rules, regulations, or management practices that may be contributing to persistent misclassification of material within such department, agency or component.

(2) **DEADLINES FOR EVALUATIONS.**—

(A) **INITIAL EVALUATIONS.**—Each first evaluation required by paragraph (1) shall be completed no later than September 30, 2013.

(B) **SECOND EVALUATIONS.**—Each second evaluation required by paragraph (1) shall review progress made pursuant to the results of the first evaluation and shall be completed no later than September 30, 2016.

(3) **REPORTS.**—

(A) **REQUIREMENT.**—Each inspector general who is required to carry out an evaluation under paragraph (1) shall submit to the appropriate entities a report on each such evaluation.

(B) **CONTENT.**—Each report submitted under subparagraph (A) shall include a description of—

(i) the policies, procedures, rules, regulations, or management practices, if any, identified by the inspector general under paragraph (1)(B); and

(ii) the recommendations, if any, of the inspector general to address any such identified policies, procedures, rules, regulations, or management practices.

(C) **COORDINATION.**—The inspectors general who are required to carry out evaluations under paragraph (1) shall coordinate with each other and with the Information Security Oversight Office to ensure that evaluations follow a consistent methodology, as appropriate, that allows for cross-agency comparisons.

(4) **APPROPRIATE ENTITIES DEFINED.**—In this subsection, the term “appropriate entities” means—

(A) the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate;

(B) the Committee on Homeland Security, the Committee on Oversight and Government Reform, and the Permanent Select Committee on Intelligence of the House of Representatives;

(C) any other committee of Congress with jurisdiction over a department or agency referred to in paragraph (1);

(D) the head of a department or agency referred to in paragraph (1); and

(E) the Director of the Information Security Oversight Office.

SEC. 7. CLASSIFICATION TRAINING PROGRAM.

(a) **IN GENERAL.**—The head of each Executive agency, in accordance with Executive Order 13526, shall require annual training for each employee who has original classification authority. For employees who perform derivative classification, or are responsible for analysis, dissemination, preparation, production, receipt, publication, or otherwise communication of classified information, training shall be provided at least every two years. Such training shall—

(1) educate the employee, as appropriate, regarding—

(A) the guidance established under subparagraph (G) of section 102A(g)(1) of the National Security Act of 1947 (50 U.S.C. 4031(g)(1)), as added by section 5(a)(3), regarding the formatting of finished intelligence products;

(B) the proper use of classification markings, including portion markings that indicate the classification of portions of information; and

(C) any incentives and penalties related to the proper classification of intelligence information; and

(2) ensure such training is a prerequisite, once completed successfully, as evidenced by an appropriate certificate or other record, for—

(A) obtaining original classification authority or derivatively classifying information; and

(B) maintaining such authority.

(b) **RELATIONSHIP TO OTHER PROGRAMS.**—The head of each Executive agency shall ensure that the training required by subsection (a) is conducted efficiently and in conjunction with any other required security, intelligence, or other training programs to reduce the costs and administrative burdens associated with carrying out the training required by subsection (a).

mitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1082. ANNUAL LEAVE FOR FAMILY OF DEPLOYED MEMBERS OF THE UNIFORMED SERVICES.

(a) **IN GENERAL.**—Part III of title 38, United States Code, is amended by adding at the end the following new chapter:

“CHAPTER 44—ANNUAL LEAVE FOR FAMILY OF DEPLOYED MEMBERS OF THE UNIFORMED SERVICES

“Sec.

“4401. Definitions.

“4402. Leave requirement.

“4403. Certification.

“4404. Employment and benefits protection.

“4405. Prohibited acts.

“4406. Enforcement.

“4407. Miscellaneous provisions.

“§ 4401. Definitions

“In this chapter:

“(1) The terms ‘benefit’, ‘rights and benefits’, ‘employee’, ‘employer’, and ‘uniformed services’ have the meaning given such terms in section 4303 of this title.

“(2) The term ‘contingency operation’ has the same meaning given such term in section 101(a)(13) of title 10.

“(3) The term ‘eligible employee’ means an individual who is—

“(A) a family member of a member of a uniformed service; and

“(B) an employee of the employer with respect to whom leave is requested under section 4402 of this title.

“(4) The term ‘family member’ means an individual who is, with respect to another individual, one of the following:

“(A) The spouse of the other individual.

“(B) A son or daughter of the other individual.

“(C) A parent of the other individual.

“(5) The term ‘reduced leave schedule’ means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

“(6) The terms ‘spouse’, ‘son or daughter’, and ‘parent’ have the meaning given such terms in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

“§ 4402. Leave requirement

“(a) **ENTITLEMENT TO LEAVE.**—In any 12-month period, an eligible employee shall be entitled to two workweeks of leave for each family member of the eligible employee who, during such 12-month period—

“(1) is in the uniformed services; and

“(2)(A) receives notification of an impending call or order to active duty in support of a contingency operation; or

“(B) is deployed in connection with a contingency operation.

“(b) **LEAVE TAKEN INTERMITTENTLY OR ON REDUCED LEAVE SCHEDULE.**—(1) Leave under subsection (a) may be taken by an eligible employee intermittently or on a reduced leave schedule as the eligible employee considers appropriate.

“(2) The taking of leave intermittently or on a reduced leave schedule pursuant to this

subsection shall not result in a reduction in the total amount of leave to which the eligible employee is entitled under subsection (a) beyond the amount of leave actually taken.

“(c) **PAID LEAVE PERMITTED.**—Leave granted under subsection (a) may consist of paid leave or unpaid leave as the employer of the eligible employee considers appropriate.

“(d) **RELATIONSHIP TO PAID LEAVE.**—(1) If an employer provides paid leave to an eligible employee for fewer than the total number of workweeks of leave that the eligible employee is entitled to under subsection (a), the additional amount of leave necessary to attain the total number of workweeks of leave required under subsection (a) may be provided without compensation.

“(2) An eligible employee may elect, and an employer may not require the eligible employee, to substitute any of the accrued paid vacation leave, personal leave, or family leave of the eligible employee for leave provided under subsection (a) for any part of the total period of such leave the eligible employee is entitled to under such subsection.

“(e) **NOTICE FOR LEAVE.**—In any case in which an eligible employee chooses to use leave under subsection (a), the eligible employee shall provide such notice to the employer as is reasonable and practicable.

“§ 4403. Certification

“(a) **IN GENERAL.**—An employer may require that a request for leave under section 4402(a) of this title be supported by a certification of entitlement to such leave.

“(b) **TIMELINESS OF CERTIFICATION.**—An eligible employee shall provide, in a timely manner, a copy of the certification required by subsection (a) to the employer.

“(c) **SUFFICIENT CERTIFICATION.**—A copy of the notification, call, or order described in section 4402(a)(2) of this title shall be considered sufficient certification of entitlement to leave for purposes of providing certification under this section. The Secretary may prescribe such additional forms and manners of certification as the Secretary considers appropriate for purposes of providing certification under this section.

“§ 4404. Employment and benefits protection

“(a) **IN GENERAL.**—An eligible employee who takes leave under section 4402 of this title for the intended purpose of the leave shall be entitled, on return from such leave—

“(1) to be restored by the employer to the position of employment held by the eligible employee when the leave commenced; or

“(2) to be restored to an equivalent position with equivalent rights and benefits of employment.

“(b) **LOSS OF BENEFITS.**—The taking of leave under section 4402 of this title shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

“(c) **LIMITATIONS.**—Nothing in this section shall be construed to entitle any restored employee to—

“(1) the accrual of any seniority or employment benefits during any period of leave; or

“(2) any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

“§ 4405. Prohibited acts

“(a) **EXERCISE OF RIGHTS.**—It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided under this chapter.

SA 4662. Mr. WYDEN (for himself, Mrs. MURRAY, and Mr. MERKLEY) sub-

“(b) DISCRIMINATION.—It shall be unlawful for any employer to discharge or in any other manner discriminate against any individual for opposing any practice made unlawful by this chapter.

“§ 4406. Enforcement

“The provisions of subchapter III of chapter 43 of this title shall apply with respect to the provisions of this chapter as if such provisions were incorporated into and made part of this chapter.

“§ 4407. Miscellaneous provisions

“The provisions of subchapter IV of chapter 43 of this title shall apply with respect to the provisions of this chapter as if such provisions were incorporated into and made part of this chapter.”

(b) CLERICAL AMENDMENTS.—The table of chapters at the beginning of title 38, United States Code, and at the beginning of part III of such title, are each amended by inserting after the item relating to chapter 43 the following new item:

“44. Annual Leave for Family of Deployed Members of the Uniformed Services 4401.”.

SA 4663. Mr. CASEY (for Mr. AKAKA (for himself and Mr. VOINOVICH)) proposed an amendment to the bill H.R. 946, to enhance citizen access to Government information and services by establishing that Government documents issued to the public must be written clearly, and for other purposes; as follows:

On page 2, line 9, strike “relevant to” and insert “necessary for”.

On page 2, strike lines 21 through 25 and insert the following:

(3) PLAIN WRITING.—The term “plain writing” means writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience.

On page 3, line 18, insert “as required under paragraph (2)” after “website”.

SA 4664. Mr. CASEY (for Mr. LIEBERMAN) proposed an amendment to the bill S. 1510, to transfer statutory entitlements to pay and hours of work authorized by laws codified in the District of Columbia Official Code for current members of the United States Secret Service Uniformed Division from such laws to the United States Code, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the “United States Secret Service Uniformed Division Modernization Act of 2010”.

(b) PURPOSE.—The purpose of this Act is to transfer statutory entitlements to pay and hours of work authorized by laws codified in the District of Columbia Official Code for current members of the United States Secret Service Uniformed Division from such laws to the United States Code.

SEC. 2. HUMAN RESOURCES FOR UNITED STATES SECRET SERVICE UNIFORMED DIVISION.

(a) PAY FOR MEMBERS OF THE UNITED STATES SECRET SERVICE UNIFORMED DIVISION.—Subpart I of part III of title 5, United States Code, is amended by adding at the end the following:

“CHAPTER 102—UNITED STATES SECRET SERVICE UNIFORMED DIVISION PERSONNEL

“Sec.

“10201. Definitions.

“10202. Authorities.

“10203. Basic pay.

“10204. Rate of pay for original appointments.

“10205. Service step adjustments.

“10206. Technician positions.

“10207. Promotions.

“10208. Demotions.

“10209. Clothing allowances.

“10210. Reporting requirement.

“§ 10201. Definitions

“In this chapter—

“(1) the term ‘member’ means an employee of the United States Secret Service Uniformed Division having the authorities described under section 3056A(b) of title 18;

“(2) the term ‘Secretary’ means the Secretary of the Department of Homeland Security; and

“(3) the term ‘United States Secret Service Uniformed Division’ has the meaning given that term under section 3056A of title 18.

“§ 10202. Authorities

“(a) IN GENERAL.—The Secretary is authorized to—

“(1) fix and adjust rates of basic pay for members of the United States Secret Service Uniformed Division, subject to the requirements of this chapter;

“(2) determine what constitutes an acceptable level of competence for the purposes of section 10205;

“(3) establish and determine the positions at the Officer and Sergeant ranks to be included as technician positions; and

“(4) determine the rate of basic pay of a member who is changed or demoted to a lower rank, in accordance with section 10208.

“(b) DELEGATION OF AUTHORITY.—The Secretary is authorized to delegate to the designated agent or agents of the Secretary, any power or function vested in the Secretary under in this chapter.

“(c) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary to administer this chapter.

“§ 10203. Basic pay

“(a) IN GENERAL.—The annual rates of basic pay of members of the United States Secret Service Uniformed Division shall be fixed in accordance with the following schedule of rates, except that the payable annual rate of basic pay for positions at the Lieutenant, Captain, and Inspector ranks is limited to 95 percent of the rate of pay for level V of the Executive Schedule under subchapter II of chapter 53.

“Rank	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13
Officer	\$44,000	\$46,640	\$49,280	\$51,920	\$54,560	\$57,200	\$59,840	\$62,480	\$65,120	\$67,760	\$70,400	\$73,040	\$75,680
Sergeant				59,708	62,744	65,780	68,816	71,852	74,888	77,924	80,960	83,996	87,032
Lieutenant					69,018	72,358	75,698	79,038	82,378	85,718	89,058	92,398	95,738
Captain						79,594	83,268	86,942	90,616	94,290	97,964	101,638	105,312
Inspector						91,533	95,758	99,983	104,208	108,433	112,658	116,883	121,108
Deputy Chief	The rate of basic pay for Deputy Chief positions will be equal to 95 percent of the rate of pay for level V of the Executive Schedule.												
Assistant Chief	The rate of basic pay the Assistant Chief position will be equal to 95 percent of the rate of pay for level V of the Executive Schedule.												
Chief	The rate of basic pay the Chief position will be equal to the rate of pay for level V of the Executive Schedule.												

“(b) SCHEDULE ADJUSTMENT.—

“(1)(A) Effective at the beginning of the first pay period commencing on or after the first day of the month in which an adjustment in the rates of basic pay under the General Schedule takes effect under section 5303 or other authority, the schedule of annual rates of basic pay of members (except the Deputy Chiefs, Assistant Chief and Chief) shall be adjusted by the Secretary by a percentage amount corresponding to the percentage adjustment made in the rates of pay under the General Schedule.

“(B) The Secretary may establish a methodology of schedule adjustment that—

“(i) results in uniform fixed-dollar step increments within any given rank; and

“(ii) preserves the established percentage differences among rates of different ranks at the same step position.

“(2) Notwithstanding paragraph (1), the payable annual rate of basic pay for positions at the Lieutenant, Captain, and Inspector ranks after adjustment under paragraph (1) may not exceed 95 percent of the rate of pay for level V of the Executive Schedule under subchapter II of chapter 53.

“(3) Locality-based comparability payments authorized under section 5304 shall be applicable to the basic pay for all ranks under this section, except locality-based comparability payments may not be paid at a rate which, when added to the rate of basic pay otherwise payable to the member, would cause the total to exceed the rate of basic pay payable for level IV of the Executive Schedule.

“§ 10204. Rate of pay for original appointments

“(a) IN GENERAL.—Except as provided in subsection (b), all original appointments shall be made at the minimum rate of basic pay for the Officer rank set forth in the schedule in section 10203.

“(b) EXCEPTION FOR SUPERIOR QUALIFICATIONS OR SPECIAL NEED.—The Director of the United States Secret Service or the designee of the Director may appoint an individual at a rate above the minimum rate of basic pay for the Officer rank based on the individual’s superior qualifications or a special need of the Government for the individual’s services.

“§ 10205. Service step adjustments

“(a) DEFINITION.—In this section, the term ‘calendar week of active service’ includes all periods of leave with pay or other paid time

off, and periods of non-pay status which do not cumulatively equal one 40-hour work-week.

“(b) ADJUSTMENTS.—Each member whose current performance is at an acceptable level of competence shall have a service step adjustment as follows:

“(1) Each member in service step 1, 2, or 3 shall be advanced successively to the next higher service step at the beginning of the first pay period immediately following the completion of 52 calendar weeks of active service in the member’s service step.

“(2) Each member in service step 4, 5, 6, 7, 8, 9, 10, or 11 shall be advanced successively to the next higher service step at the beginning of the first pay period immediately following the completion of 104 calendar weeks of active service in the member’s service step.

“(3) Each member in service step 12 shall be advanced successively to the next higher service step at the beginning of the first pay period immediately following the completion of 156 calendar weeks of active service in the member’s service step.

“§ 10206. Technician positions

“(a) IN GENERAL.—(1) Each member whose position is determined under section 10202(a)(3) to be included as a technician position shall, on or after such date, receive, in addition to the member’s scheduled rate of basic pay, an amount equal to 6 percent of the sum of such member’s rate of basic pay and the applicable locality-based comparability payment.

“(2) A member described in this subsection shall receive the additional compensation authorized by this subsection until such time as the member’s position is determined under section 10202(a)(3) not to be a technician position, or until the member no longer occupies such position, whichever occurs first.

“(3) The additional compensation authorized by this subsection shall be paid to a member in the same manner and at the same time as the member’s basic pay is paid.

“(b) EXCEPTIONS.—(1) Except as provided in paragraph (2), the additional compensation authorized by subsection (a)(1) shall be considered as basic pay for all purposes, including section 8401(4).

“(2) The additional compensation authorized by subsection (a)(1) shall not be considered as basic pay for the purposes of—

“(A) section 5304; or

“(B) section 7511(a)(4).

“(3) The loss of the additional compensation authorized by subsection (a)(1) shall not constitute an adverse action for the purposes of section 7512.

“§ 10207. Promotions

“(a) IN GENERAL.—Each member who is promoted to a higher rank shall receive basic pay at the same step at which such member was being compensated prior to the date of the promotion.

“(b) CREDIT FOR SERVICE.—For the purposes of a service step adjustment under section 10205, periods of service at the lower rank shall be credited in the same manner as if it was service at the rank to which the employee is promoted.

“§ 10208. Demotions

“When a member is changed or demoted from any rank to a lower rank, the Secretary may fix the member’s rate of basic pay at the rate of pay for any step in the lower rank which does not exceed the lowest step in the lower rank for which the rate of basic pay is equal to or greater than the member’s existing rate of basic pay.

“§ 10209. Clothing allowances

“(a) IN GENERAL.—In addition to the benefits provided under section 5501, the Director of the United States Secret Service or the designee of the Director is authorized to provide a clothing allowance to a member assigned to perform duties in normal business or work attire purchased at the discretion of the employee. Such clothing allowance shall not to be treated as part of the member’s basic pay for any purpose (including retirement purposes) and shall not be used for the purpose of computing the member’s overtime pay, pay during leave or other paid time off, lump-sum payments under section 5551 or section 5552, workers’ compensation, or any other benefit. Such allowance for any member may be discontinued at any time upon written notification by the Director of the United States Secret Service or the designee of the Director.

“(b) MAXIMUM AMOUNT AUTHORIZED.—A clothing allowance authorized under this section shall not exceed \$500 per annum.

“§ 10210. Reporting requirement

“Not later than 3 years after the date of the enactment of this chapter, the Secretary shall prepare and transmit to Congress a report on the operation of this chapter. The report shall include—

“(1) an assessment of the effectiveness of this chapter with respect to efforts of the Secretary to recruit and retain well-qualified personnel; and

“(2) recommendations for any legislation or administrative action which the Secretary considers appropriate.”.

(b) ANNUAL LEAVE LIMITATION FOR MEMBERS IN THE DEPUTY CHIEF, ASSISTANT CHIEF, AND CHIEF RANKS.—Section 6304(f)(1) of title 5, United States Code, is amended—

(1) in subparagraph (F), by striking “or” after the semicolon;

(2) in subparagraph (G), by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(H) a position in the United States Secret Service Uniformed Division at the rank of Deputy Chief, Assistant Chief, or Chief.”.

(c) SICK LEAVE FOR WORK-RELATED INJURIES AND ILLNESSES.—Section 6324 of title 5, United States Code, is amended—

(1) in subsection (a), by striking “Executive Protective Service force” and inserting “United States Secret Service Uniformed Division”; and

(2) in subsection (b)(3), by striking “the Treasury for the Executive Protective Service force” and inserting “Homeland Security for the United States Secret Service Uniformed Division”; and

(3) by adding at the end the following:

“(c) This section shall not apply to members of the United States Secret Service Uniformed Division who are covered under chapter 84 for the purpose of retirement benefits.”.

SEC. 3. MISCELLANEOUS PROVISIONS.

(a) CONVERSION TO NEW SALARY SCHEDULE.—

(1) IN GENERAL.—

(A) RATES OF PAY FIXED.—Effective the first day of the first pay period which begins after the date of the enactment of this Act, the Secretary shall fix the rates of basic pay for members of the United States Secret Service Uniformed Division, as defined under section 10201 of title 5, United States Code, (as added by section 2(a)) in accordance with the provisions of this subsection.

(B) RATE BASED ON CREDITABLE SERVICE.—

(1) IN GENERAL.—Each member shall be placed in and receive basic pay at the cor-

responding scheduled rate under chapter 102 of title 5, United States Code, as added by section 2(a) (after any adjustment under paragraph (3) of this subsection) in accordance with the member’s total years of creditable service, as provided in the table in this clause. If the scheduled rate of basic pay for the step to which the member would be assigned in accordance with this paragraph is lower than the member’s rate of basic pay immediately before the date of enactment of this paragraph, the member shall be placed in and receive basic pay at the next higher service step, subject to the provisions of clause (iv). If the member’s rate of pay exceeds the highest step of the rank, the rate of basic pay shall be determined in accordance with clause (iv).

Full Years of Creditable Service	Step Assigned Upon Conversion
0	1
1	2
2	3
3	4
5	5
7	6
9	7
11	8
13	9
15	10
17	11
19	12
22	13

(ii) CREDITABLE SERVICE.—For the purposes of this subsection, a member’s creditable service is any police service in pay status with the United States Secret Service Uniformed Division, the United States Park Police, or the District of Columbia Metropolitan Police Department.

(iii) STEP 13 CONVERSION MAXIMUM RATE.—

(I) IN GENERAL.—A member who, at the time of conversion, is in step 13 of any rank below Deputy Chief, is entitled to that rate of basic pay which is the greater of—

(aa) the rate of pay for step 13 under the new salary schedule; or

(bb) the rate of pay for step 14 under the pay schedule in effect immediately before conversion.

(II) STEP 14 RATE.—Clause (iv) shall apply to a member whose pay is set in accordance with subclause (I)(bb).

(iv) ADJUSTMENT BASED ON FORMER RATE OF PAY.—

(I) DEFINITION.—In this clause, the term “former rate of basic pay” means the rate of basic pay last received by a member before the conversion.

(II) IN GENERAL.—If, as a result of conversion to the new salary schedule, the member’s former rate of basic pay is greater than the maximum rate of basic pay payable for the rank of the member’s position immediately after the conversion, the member is entitled to basic pay at a rate equal to the member’s former rate of basic pay, and increased at the time of any increase in the maximum rate of basic pay payable for the

rank of the member's position by 50 percent of the dollar amount of each such increase.

(III) PROMOTIONS.—For the purpose of applying section 10207 of title 5, United States Code, relating to promotions, (as added by section 2(a)) an employee receiving a rate above the maximum rate as provided under this clause shall be deemed to be at step 13.

(2) CREDIT FOR SERVICE.—Each member whose position is converted to the salary schedule under chapter 102 of title 5, United States Code, (as added by section 2(a)) in accordance with this subsection shall be granted credit for purposes of such member's first service step adjustment made after conversion to the salary schedule under that chapter for all satisfactory service performed by the member since the member's last increase in basic pay before the adjustment under this section.

(3) ADJUSTMENTS DURING TRANSITION.—The schedule of rates of basic pay shall be increased by the percentage of any annual adjustment applicable to the General Schedule authorized under section 5303 of title 5, United States Code, or any other authority, which takes effect during the period beginning on January 1, 2010, through the last day of the last pay period preceding the first pay period which begins after the date of the enactment of this Act. The Secretary of Homeland Security may establish a methodology of schedule adjustment that results in uniform fixed-dollar step increments within any given rank and preserves the established percentage differences among rates of different ranks at the same step position.

(b) IMPACT ON BENEFITS UNDER THE DISTRICT OF COLUMBIA POLICE AND FIREFIGHTERS' RETIREMENT AND DISABILITY SYSTEM.—

(1) SALARY INCREASES FOR PURPOSES OF CERTAIN PENSIONS AND ALLOWANCES.—For purposes of section 3 of the Act entitled "An Act to provide increased pensions for widows and children of deceased members of the Police Department and the Fire Department of the District of Columbia", approved August 4, 1949 (sec. 5-744, D.C. Official Code) and section 301 of the District of Columbia Police and Firemen's Salary Act of 1953 (sec. 5-745, D.C. Official Code)—

(A) the conversion of positions and members of the United States Secret Service Uniformed Division to appropriate ranks in the salary schedule set forth in this Act and the amendments made by this Act shall not be treated as an increase in the salary of individuals who are members of the United States Secret Service Uniformed Division on the date of the enactment of this Act; and

(B) any adjustment of rates of basic pay of those positions and individuals in accordance with this Act and the amendments made by this Act which is made after such conversion shall be treated as an increase in the salary of individuals who are members of the United States Secret Service Uniformed Division on the date of the enactment of this Act.

(2) TREATMENT OF RETIREMENT BENEFITS AND PENSIONS OF CURRENT AND FORMER MEMBERS.—Except as otherwise provided in this Act, nothing in this Act shall affect retirement benefits and pensions of current members and former members who have retired under the District of Columbia Police and Firefighters' Retirement and Disability System.

SEC. 4. TECHNICAL AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—To the extent that any provision of any law codified in the District of Columbia Official Code that authorizes an

entitlement to pay or hours of work for current members of the United States Secret Service Uniformed Division is not expressly revoked by this Act, such provision shall not apply to such members after the effective date of this Act.

(b) TECHNICAL AND CONFORMING AMENDMENTS TO LAWS CODIFIED IN DISTRICT OF COLUMBIA OFFICIAL CODE.—The following laws codified in the District of Columbia Official Code are amended as follows:

(1) The Act entitled "An Act to provide for granting to officers and members of the Metropolitan Police force, the Fire Department of the District of Columbia, and the White House and United States Park Police forces additional compensation for working on holidays", approved October 24, 1951, is amended—

(A) in the second sentence of section 1 (sec. 5-521.01, D.C. Official Code), by striking "the Fire Department of the District of Columbia," and all that follows through "and the United States Park Police Force" and inserting "the Fire Department of the District of Columbia, and the United States Park Police Force";

(B) in section 2 (sec. 5-521.02, D.C. Official Code), by striking "and with respect" and all that follows through "United States Park Police force" and inserting "and with respect to officers and members of the United States Park Police force"; and

(C) in section 3 (sec. 5-521.03, D.C. Official Code), by striking "shall be applicable" and all that follows and inserting the following: "shall be applicable to the United States Park Police force under regulations promulgated by the Secretary of the Interior."

(2) The District of Columbia Police and Firemen's Salary Act of 1958 is amended as follows:

(A) In section 202 (sec. 5-542.02, D.C. Official Code), by striking "United States Secret Service Uniformed Division,".

(B) In section 301(b) (sec. 5-543.01(b), D.C. Official Code), by striking "the United States Secret Service Uniformed Division,".

(C) In section 302 (sec. 5-543.02, D.C. Official Code)—

(i) in subsection (a), by striking "the Secretary of Treasury, in the case of the United States Secret Service Uniformed Division,";

(ii) in subsection (b), by striking "the United States Secret Service Uniformed Division or"; and

(iii) in subsection (e), by striking "the United States Secret Service Uniformed Division or".

(D) In section 303(a)(5) (sec. 5-543.03(a)(5), D.C. Official Code), by striking "the United States Secret Service Uniformed Division and";

(E) In section 304(d)(1) (sec. 5-543.04(d)(1)), by striking "the United States Secret Service Uniformed Division or";

(F) In section 305 (sec. 5-543.05, D.C. Official Code)—

(i) by striking "the United States Secret Service Uniformed Division,"; and

(ii) by striking "or the Secretary of the Treasury,".

(G) In section 501 (sec. 5-545.01, D.C. Official Code)—

(i) in subsection (a), by striking "and the United States Secret Service Uniformed Division";

(ii) in subsection (c)(1)—

(I) by striking "the United States Secret Service Uniformed Division and"; and

(II) in the schedule set forth in such subsection, by striking "United States Secret Service Uniformed Division";

(iii) in subsection (c)(2), by striking "the annual rates of basic compensation" and all

that follows through "the Secretary of the Treasury, and";

(iv) in subsection (c)(5), by striking "officers and members of the United States Secret Service Uniformed Division or";

(v) in subsection (c)(6)(A), by striking "the United States Secret Service Uniformed Division or"; and

(vi) in subsection (c)(7)(A), by striking "the United States Secret Service Uniformed Division or".

(H) In section 506 (sec. 5-545.06, D.C. Official Code), by striking "the Secretary of the Treasury,".

(3) Section 118 of the Treasury and General Government Appropriations Act, 1998, is amended by striking subsection (b) (sec. 5-561.01, D.C. Official Code).

(4) Section 905(a)(1) of the Law Enforcement Pay Equity Act of 2000 (Public Law 106-554; sec. 5-561.02(a)(1), D.C. Official Code) is amended by striking "the Secretary of Treasury" and all that follows through "United States Secret Service Uniformed Division, and";

(5) Subsection (k)(2)(B) of the Policemen and Firemen's Retirement and Disability Act (sec. 5-716(b)(2), D.C. Official Code) is amended by inserting "or, for a member who was an officer or member of the United States Secret Service Uniformed Division, or the United States Secret Service Division, 40 percent of the corresponding salary for step 5 of the Officer rank in section 10203 of title 5, United States Code" after "member's death".

(6) Section 1 of the Act entitled "An Act to provide a 5-day week for officers and members of the Metropolitan Police force, the United States Park Police force, and the White House Police force, and for other purposes", approved August 15, 1950 (sec. 5-1304, D.C. Official Code), is amended—

(A) in subsection (a)(1)—

(i) by inserting "and" before "the Secretary of the Interior"; and

(ii) by striking "and the Secretary of the Treasury in the case of the United States Secret Service Uniformed Division";

(B) in subsection (a)(9)—

(i) by inserting "or" before "the United States Park Police force"; and

(ii) by striking "or the United States Secret Service Uniformed Division";

(C) in subsection (b)—

(i) by inserting "or" before "the Secretary of the Interior"; and

(ii) by striking "or the Secretary of the Treasury,";

(D) in subsection (h)(3)(A), by striking "of the United States Secret Service Uniformed Division or"; and

(E) in subsection (h)(3)(B), by striking "of the United States Secret Service Uniformed Division or".

(7) Section 117(a) of the District of Columbia Police and Firemen's Salary Act Amendments of 1972 (sec. 5-1305, D.C. Official Code) is amended—

(A) by striking "the Fire Department of the District of Columbia," and all that follows through "or the United States Park Police force" and inserting "the Fire Department of the District of Columbia, or the United States Park Police force"; and

(B) by striking "the Secretary of the Treasury,".

(c) TECHNICAL AND CONFORMING AMENDMENTS TO THE UNITED STATES CODE.—Title 5 of the United States Code is amended—

(1) in section 5102(c)(5), by striking "the Executive Protective Service" and inserting "the United States Secret Service Uniformed Division";

(2) in section 5541(2)(iv)(II), by striking “a member of the United States Secret Service Uniformed Division,”; and

(3) in the table of chapters for subpart I of part III by adding at the end the following:

**“102. United States Secret Service
Uniformed Division Personnel 10201”.**

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the first day of the first pay period which begins after the date of the enactment of this Act.

SA 4665. Mr. CASEY (for Mrs. FEINSTEIN (for herself and Mr. BOND)) proposed an amendment to the bill H.R. 2701, to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Intelligence Authorization Act for Fiscal Year 2010”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

Sec. 101. Authorization of appropriations.

Sec. 102. Restriction on conduct of intelligence activities.

Sec. 103. Budgetary provisions.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DIS- ABILITY SYSTEM

Sec. 201. Technical modification to mandatory retirement provision of the Central Intelligence Agency Retirement Act.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Subtitle A—Personnel Matters

Sec. 301. Increase in employee compensation and benefits authorized by law.

Sec. 302. Enhanced flexibility in nonreimbursable details to elements of the intelligence community.

Sec. 303. Pay authority for critical positions.

Sec. 304. Award of rank to members of the Senior National Intelligence Service.

Sec. 305. Annual personnel level assessments for the intelligence community.

Sec. 306. Temporary personnel authorizations for critical language training.

Sec. 307. Conflict of interest regulations for intelligence community employees.

Subtitle B—Education Programs

Sec. 311. Permanent authorization for the Pat Roberts Intelligence Scholars Program.

Sec. 312. Modifications to the Louis Stokes Educational Scholarship Program.

Sec. 313. Intelligence officer training program.

Sec. 314. Pilot program for intensive language instruction in African languages.

Subtitle C—Acquisition Matters

Sec. 321. Vulnerability assessments of major systems.

Sec. 322. Intelligence community business system transformation.

Sec. 323. Reports on the acquisition of major systems.

Sec. 324. Critical cost growth in major systems.

Sec. 325. Future budget projections.

Sec. 326. National Intelligence Program funded acquisitions.

Subtitle D—Congressional Oversight, Plans, and Reports

Sec. 331. Notification procedures.

Sec. 332. Certification of compliance with oversight requirements.

Sec. 333. Report on detention and interrogation activities.

Sec. 334. Summary of intelligence relating to terrorist recidivism of detainees held at United States Naval Station, Guantanamo Bay, Cuba.

Sec. 335. Report and strategic plan on biological weapons.

Sec. 336. Cybersecurity oversight.

Sec. 337. Report on foreign language proficiency in the intelligence community.

Sec. 338. Report on plans to increase diversity within the intelligence community.

Sec. 339. Report on intelligence community contractors.

Sec. 340. Study on electronic waste destruction practices of the intelligence community.

Sec. 341. Review of records relating to potential health risks among Desert Storm veterans.

Sec. 342. Review of Federal Bureau of Investigation exercise of enforcement jurisdiction in foreign nations.

Sec. 343. Public release of information on procedures used in narcotics airbridge denial program in Peru.

Sec. 344. Report on threat from dirty bombs.

Sec. 345. Report on creation of space intelligence office.

Sec. 346. Report on attempt to detonate explosive device on Northwest Airlines flight 253.

Sec. 347. Repeal or modification of certain reporting requirements.

Sec. 348. Information access by the Comptroller General of the United States.

Sec. 349. Conforming amendments for report submission dates.

Subtitle E—Other Matters

Sec. 361. Extension of authority to delete information about receipt and disposition of foreign gifts and decorations.

Sec. 362. Modification of availability of funds for different intelligence activities.

Sec. 363. Protection of certain national security information.

Sec. 364. National Intelligence Program budget.

Sec. 365. Improving the review authority of the Public Interest Declassification Board.

Sec. 366. Authority to designate undercover operations to collect foreign intelligence or counterintelligence.

Sec. 367. Security clearances: reports; reciprocity.

Sec. 368. Correcting long-standing material weaknesses.

Sec. 369. Intelligence community financial improvement and audit readiness.

TITLE IV—MATTERS RELATING TO ELE- MENTS OF THE INTELLIGENCE COMMU- NITY

Subtitle A—Office of the Director of National Intelligence

Sec. 401. Accountability reviews by the Director of National Intelligence.

Sec. 402. Authorities for intelligence information sharing.

Sec. 403. Location of the Office of the Director of National Intelligence.

Sec. 404. Title and appointment of Chief Information Officer of the Intelligence Community.

Sec. 405. Inspector General of the Intelligence Community.

Sec. 406. Chief Financial Officer of the Intelligence Community.

Sec. 407. Leadership and location of certain offices and officials.

Sec. 408. Protection of certain files of the Office of the Director of National Intelligence.

Sec. 409. Counterintelligence initiatives for the intelligence community.

Sec. 410. Inapplicability of Federal Advisory Committee Act to advisory committees of the Office of the Director of National Intelligence.

Sec. 411. Membership of the Director of National Intelligence on the Transportation Security Oversight Board.

Sec. 412. Repeal of certain authorities relating to the Office of the National Counterintelligence Executive.

Sec. 413. Misuse of the Office of the Director of National Intelligence name, initials, or seal.

Sec. 414. Plan to implement recommendations of the data center energy efficiency reports.

Sec. 415. Director of National Intelligence support for reviews of International Traffic in Arms Regulations and Export Administration Regulations.

Subtitle B—Central Intelligence Agency

Sec. 421. Additional functions and authorities for protective personnel of the Central Intelligence Agency.

Sec. 422. Appeals from decisions involving contracts of the Central Intelligence Agency.

Sec. 423. Deputy Director of the Central Intelligence Agency.

Sec. 424. Authority to authorize travel on a common carrier.

Sec. 425. Inspector General for the Central Intelligence Agency.

Sec. 426. Budget of the Inspector General for the Central Intelligence Agency.

Sec. 427. Public availability of unclassified versions of certain intelligence products.

Subtitle C—Defense Intelligence Components

Sec. 431. Inspector general matters.

Sec. 432. Clarification of national security missions of National Geospatial-Intelligence Agency for analysis and dissemination of certain intelligence information.

Sec. 433. Director of Compliance of the National Security Agency.

Subtitle D—Other Elements

- Sec. 441. Codification of additional elements of the intelligence community.
- Sec. 442. Authorization of appropriations for Coast Guard National Tactical Integration Office.
- Sec. 443. Retention and relocation bonuses for the Federal Bureau of Investigation.
- Sec. 444. Extension of the authority of the Federal Bureau of Investigation to waive mandatory retirement provisions.
- Sec. 445. Report and assessments on transformation of the intelligence capabilities of the Federal Bureau of Investigation.

TITLE V—REORGANIZATION OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE

- Sec. 501. Reorganization of the Diplomatic Telecommunications Service Program Office.

TITLE VI—FOREIGN INTELLIGENCE AND INFORMATION COMMISSION ACT

- Sec. 601. Short title.
- Sec. 602. Definitions.
- Sec. 603. Establishment and functions of the Commission.
- Sec. 604. Members and staff of the Commission.
- Sec. 605. Powers and duties of the Commission.
- Sec. 606. Report of the Commission.
- Sec. 607. Termination.
- Sec. 608. Nonapplicability of Federal Advisory Committee Act.
- Sec. 609. Authorization of appropriations.

TITLE VII—OTHER MATTERS

- Sec. 701. Extension of National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.
- Sec. 702. Classification review of executive branch materials in the possession of the congressional intelligence committees.

TITLE VIII—TECHNICAL AMENDMENTS

- Sec. 801. Technical amendments to the Foreign Intelligence Surveillance Act of 1978.
- Sec. 802. Technical amendments to the Central Intelligence Agency Act of 1949.
- Sec. 803. Technical amendments to title 10, United States Code.
- Sec. 804. Technical amendments to the National Security Act of 1947.
- Sec. 805. Technical amendments relating to the multiyear National Intelligence Program.
- Sec. 806. Technical amendments to the Intelligence Reform and Terrorism Prevention Act of 2004.
- Sec. 807. Technical amendments to the Executive Schedule.
- Sec. 808. Technical amendments to section 105 of the Intelligence Authorization Act for Fiscal Year 2004.
- Sec. 809. Technical amendments to section 602 of the Intelligence Authorization Act for Fiscal Year 1995.
- Sec. 810. Technical amendments to section 403 of the Intelligence Authorization Act, Fiscal Year 1992.

SEC. 2. DEFINITIONS.

In this Act:

(1) **CONGRESSIONAL INTELLIGENCE COMMITTEES.**—The term “congressional intelligence committees” means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) **INTELLIGENCE COMMUNITY.**—The term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

For the purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414), appropriated funds available to an intelligence agency may be obligated or expended for an intelligence or intelligence-related activity as appropriated for fiscal year 2010, as modified by such reprogramming and transfers of funds authorized by and reported to the appropriate congressional committees.

SEC. 102. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity that is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 103. BUDGETARY PROVISIONS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. TECHNICAL MODIFICATION TO MANDATORY RETIREMENT PROVISION OF THE CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.

Subparagraph (A) of section 235(b)(1) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2055(b)(1)) is amended by striking “receiving compensation under the Senior Intelligence Service pay schedule at the rate” and inserting “who is at the Senior Intelligence Service rank”.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Subtitle A—Personnel Matters

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. ENHANCED FLEXIBILITY IN NONREIMBURSABLE DETAILS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) **IN GENERAL.**—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 113 the following new section:

“DETAIL OF OTHER PERSONNEL

“SEC. 113A. Except as provided in section 904(g)(2) of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 402c(g)(2)) and section 113 of this Act, and notwithstanding any other provision of law, an officer or employee of the United States or member of the Armed Forces may be detailed to the staff of an element of the intelligence community funded through the National Intelligence Program from another element of the intelligence community or from another element

of the United States Government on a reimbursable or nonreimbursable basis, as jointly agreed to by the head of the receiving element and the head of the detailing element, for a period not to exceed 2 years.”.

(b) **TABLE OF CONTENTS AMENDMENT.**—The table of contents in the first section of such Act is amended by inserting after the item relating to section 113 the following new item:

“Sec. 113A. Detail of other personnel.”.

SEC. 303. PAY AUTHORITY FOR CRITICAL POSITIONS.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended by adding at the end the following new subsection:

“(s) **PAY AUTHORITY FOR CRITICAL POSITIONS.**—(1) Notwithstanding any pay limitation established under any other provision of law applicable to employees in elements of the intelligence community, the Director of National Intelligence may, in coordination with the Director of the Office of Personnel Management and the Director of the Office of Management and Budget, grant authority to the head of a department or agency to fix the rate of basic pay for one or more positions within the intelligence community at a rate in excess of any applicable limitation, subject to the provisions of this subsection. The exercise of authority so granted is at the discretion of the head of the department or agency employing the individual in a position covered by such authority, subject to the provisions of this subsection and any conditions established by the Director of National Intelligence when granting such authority.

“(2) Authority under this subsection may be granted or exercised only—

“(A) with respect to a position that requires an extremely high level of expertise and is critical to successful accomplishment of an important mission; and

“(B) to the extent necessary to recruit or retain an individual exceptionally well qualified for the position.

“(3) The head of a department or agency may not fix a rate of basic pay under this subsection at a rate greater than the rate payable for level II of the Executive Schedule under section 5313 of title 5, United States Code, except upon written approval of the Director of National Intelligence or as otherwise authorized by law.

“(4) The head of a department or agency may not fix a rate of basic pay under this subsection at a rate greater than the rate payable for level I of the Executive Schedule under section 5312 of title 5, United States Code, except upon written approval of the President in response to a request by the Director of National Intelligence or as otherwise authorized by law.

“(5) Any grant of authority under this subsection for a position shall terminate at the discretion of the Director of National Intelligence.

“(6)(A) The Director of National Intelligence shall notify the congressional intelligence committees not later than 30 days after the date on which the Director grants authority to the head of a department or agency under this subsection.

“(B) The head of a department or agency to which the Director of National Intelligence grants authority under this subsection shall notify the congressional intelligence committees and the Director of the exercise of such authority not later than 30 days after the date on which such head exercises such authority.”.

SEC. 304. AWARD OF RANK TO MEMBERS OF THE SENIOR NATIONAL INTELLIGENCE SERVICE.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403-1), as amended by section 303 of this Act, is further amended by adding at the end the following new subsection:

“(t) AWARD OF RANK TO MEMBERS OF THE SENIOR NATIONAL INTELLIGENCE SERVICE.—(1) The President, based on the recommendation of the Director of National Intelligence, may award a rank to a member of the Senior National Intelligence Service or other intelligence community senior civilian officer not already covered by such a rank award program in the same manner in which a career appointee of an agency may be awarded a rank under section 4507 of title 5, United States Code.

“(2) The President may establish procedures to award a rank under paragraph (1) to a member of the Senior National Intelligence Service or a senior civilian officer of the intelligence community whose identity as such a member or officer is classified information (as defined in section 606(1)).”

SEC. 305. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY.

(a) ASSESSMENT.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 506A the following new section:

“ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY

“SEC. 506B. (a) REQUIREMENT TO PROVIDE.—The Director of National Intelligence shall, in consultation with the head of each element of the intelligence community, prepare an annual personnel level assessment for such element that assesses the personnel levels for such element for the fiscal year following the fiscal year in which the assessment is submitted.

“(b) SCHEDULE.—Each assessment required by subsection (a) shall be submitted to the congressional intelligence committees each year at the time that the President submits to Congress the budget for a fiscal year pursuant to section 1105 of title 31, United States Code.

“(c) CONTENTS.—Each assessment required by subsection (a) submitted during a fiscal year shall contain the following information for the element of the intelligence community concerned:

“(1) The budget submission for personnel costs for the upcoming fiscal year.

“(2) The dollar and percentage increase or decrease of such costs as compared to the personnel costs of the current fiscal year.

“(3) The dollar and percentage increase or decrease of such costs as compared to the personnel costs during the prior 5 fiscal years.

“(4) The number of full-time equivalent positions that is the basis for which personnel funds are requested for the upcoming fiscal year.

“(5) The numerical and percentage increase or decrease of the number referred to in paragraph (4) as compared to the number of full-time equivalent positions of the current fiscal year.

“(6) The numerical and percentage increase or decrease of the number referred to in paragraph (4) as compared to the number of full-time equivalent positions during the prior 5 fiscal years.

“(7) The best estimate of the number and costs of core contract personnel to be funded by the element for the upcoming fiscal year.

“(8) The numerical and percentage increase or decrease of such costs of core con-

tract personnel as compared to the best estimate of the costs of core contract personnel of the current fiscal year.

“(9) The numerical and percentage increase or decrease of such number and such costs of core contract personnel as compared to the number and cost of core contract personnel during the prior 5 fiscal years.

“(10) A justification for the requested personnel and core contract personnel levels.

“(11) The best estimate of the number of intelligence collectors and analysts employed or contracted by each element of the intelligence community.

“(12) A statement by the Director of National Intelligence that, based on current and projected funding, the element concerned will have sufficient—

“(A) internal infrastructure to support the requested personnel and core contract personnel levels;

“(B) training resources to support the requested personnel levels; and

“(C) funding to support the administrative and operational activities of the requested personnel levels.”

(b) APPLICABILITY DATE.—The first assessment required to be submitted under section 506B(b) of the National Security Act of 1947, as added by subsection (a), shall be submitted to the congressional intelligence committees at the time that the President submits to Congress the budget for fiscal year 2012 pursuant to section 1105 of title 31, United States Code.

(c) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of such Act, as amended by section 302 of this Act, is further amended by inserting after the item relating to section 506A the following new item:

“Sec. 506B. Annual personnel level assessments for the intelligence community.”

SEC. 306. TEMPORARY PERSONNEL AUTHORIZATIONS FOR CRITICAL LANGUAGE TRAINING.

Section 102A(e) of the National Security Act of 1947 (50 U.S.C. 403-1(e)) is amended by—

(1) redesignating paragraph (3) as paragraph (4); and

(2) inserting after paragraph (2) the following new paragraph:

“(3)(A) In addition to the number of full-time equivalent positions authorized for the Office of the Director of National Intelligence for a fiscal year, there is authorized for such Office for each fiscal year an additional 100 full-time equivalent positions that may be used only for the purposes described in subparagraph (B).

“(B) Except as provided in subparagraph (C), the Director of National Intelligence may use a full-time equivalent position authorized under subparagraph (A) only for the purpose of providing a temporary transfer of personnel made in accordance with paragraph (2) to an element of the intelligence community to enable such element to increase the total number of personnel authorized for such element, on a temporary basis—

“(i) during a period in which a permanent employee of such element is absent to participate in critical language training; or

“(ii) to accept a permanent employee of another element of the intelligence community to provide language-capable services.

“(C) Paragraph (2)(B) shall not apply with respect to a transfer of personnel made under subparagraph (B).

“(D) The Director of National Intelligence shall submit to the congressional intelligence committees an annual report on the

use of authorities under this paragraph. Each such report shall include a description of—

“(i) the number of transfers of personnel made by the Director pursuant to subparagraph (B), disaggregated by each element of the intelligence community;

“(ii) the critical language needs that were fulfilled or partially fulfilled through the use of such transfers; and

“(iii) the cost to carry out subparagraph (B).”

SEC. 307. CONFLICT OF INTEREST REGULATIONS FOR INTELLIGENCE COMMUNITY EMPLOYEES.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403-1), as amended by section 304 of this Act, is further amended by adding at the end the following new subsection:

“(u) CONFLICT OF INTEREST REGULATIONS.—(1) The Director of National Intelligence, in consultation with the Director of the Office of Government Ethics, shall issue regulations prohibiting an officer or employee of an element of the intelligence community from engaging in outside employment if such employment creates a conflict of interest or appearance thereof.

“(2) The Director of National Intelligence shall annually submit to the congressional intelligence committees a report describing all outside employment for officers and employees of elements of the intelligence community that was authorized by the head of an element of the intelligence community during the preceding calendar year. Such report shall be submitted each year on the date provided in section 507.”

Subtitle B—Education Programs

SEC. 311. PERMANENT AUTHORIZATION FOR THE PAT ROBERTS INTELLIGENCE SCHOLARS PROGRAM.

(a) PERMANENT AUTHORIZATION.—Subtitle C of title X of the National Security Act of 1947 (50 U.S.C. 441m et seq.) is amended by adding at the end the following new section:

“PROGRAM ON RECRUITMENT AND TRAINING

“SEC. 1022. (a) PROGRAM.—(1) The Director of National Intelligence shall carry out a program to ensure that selected students or former students are provided funds to continue academic training, or are reimbursed for academic training previously obtained, in areas of specialization that the Director, in consultation with the other heads of the elements of the intelligence community, identifies as areas in which the current capabilities of the intelligence community are deficient or in which future capabilities of the intelligence community are likely to be deficient.

“(2) A student or former student selected for participation in the program shall commit to employment with an element of the intelligence community, following completion of appropriate academic training, under such terms and conditions as the Director considers appropriate.

“(3) The program shall be known as the Pat Roberts Intelligence Scholars Program.

“(b) ELEMENTS.—In carrying out the program under subsection (a), the Director shall—

“(1) establish such requirements relating to the academic training of participants as the Director considers appropriate to ensure that participants are prepared for employment as intelligence professionals; and

“(2) periodically review the areas of specialization of the elements of the intelligence community to determine the areas in which such elements are, or are likely to be, deficient in capabilities.

“(c) USE OF FUNDS.—Funds made available for the program under subsection (a) shall be used—

“(1) to provide a monthly stipend for each month that a student is pursuing a course of study;

“(2) to pay the full tuition of a student or former student for the completion of such course of study;

“(3) to pay for books and materials that the student or former student requires or required to complete such course of study;

“(4) to pay the expenses of the student or former student for travel requested by an element of the intelligence community in relation to such program; or

“(5) for such other purposes the Director considers reasonably appropriate to carry out such program.”.

(b) CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of such Act, as amended by section 305 of this Act, is further amended—

(A) by transferring the item relating to section 1002 so such item immediately follows the item relating to section 1001; and

(B) by inserting after the item relating to section 1021 the following new item:

“Sec. 1022. Program on recruitment and training.”.

(2) REPEAL OF PILOT PROGRAM.—

(A) AUTHORITY.—Section 318 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108-177; 50 U.S.C. 441g note) is repealed.

(B) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108-177; 117 Stat. 2599) is amended by striking the item relating to section 318.

SEC. 312. MODIFICATIONS TO THE LOUIS STOKES EDUCATIONAL SCHOLARSHIP PROGRAM.

(a) EXPANSION OF THE LOUIS STOKES EDUCATIONAL SCHOLARSHIP PROGRAM TO GRADUATE STUDENTS.—Section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended—

(1) in subsection (a)—

(A) by inserting “and graduate” after “undergraduate”; and

(B) by striking “the baccalaureate” and inserting “a baccalaureate or graduate”;

(2) in subsection (b), by inserting “or graduate” after “undergraduate”;

(3) in subsection (e)(2), by inserting “and graduate” after “undergraduate”; and

(4) by adding at the end the following new subsection:

“(h) The undergraduate and graduate training program established under this section shall be known as the Louis Stokes Educational Scholarship Program.”.

(b) AUTHORITY FOR PARTICIPATION BY INDIVIDUALS WHO ARE NOT EMPLOYED BY THE UNITED STATES GOVERNMENT.—

(1) IN GENERAL.—Subsection (b) of section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note), as amended by subsection (a)(2), is further amended by striking “civilian employees” and inserting “civilians who may or may not be employees”.

(2) CONFORMING AMENDMENTS.—Section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note), as amended by subsection (a), is further amended—

(A) in subsection (c), by striking “employees” and inserting “program participants”; and

(B) in subsection (d)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), strike “an employee of the Agency,” and insert “a program participant,”;

(II) in subparagraph (A), by striking “employee” and inserting “program participant”;

(III) in subparagraph (C)—

(aa) by striking “employee” each place that term appears and inserting “program participant”; and

(bb) by striking “employee’s” each place that term appears and inserting “program participant’s”; and

(IV) in subparagraph (D)—

(aa) by striking “employee” each place that term appears and inserting “program participant”; and

(bb) by striking “employee’s” each place that term appears and inserting “program participant’s”; and

(ii) in paragraph (3)(C)—

(I) by striking “employee” both places that term appears and inserting “program participant”; and

(II) by striking “employee’s” and inserting “program participant’s”.

(c) TERMINATION OF PROGRAM PARTICIPANTS.—Subsection (d)(1)(C) of section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note), as amended by subsection (b)(2)(B)(i)(III), is further amended by striking “terminated” and all that follows and inserting “terminated—

“(i) by the Agency due to misconduct by the program participant;

“(ii) by the program participant voluntarily; or

“(iii) by the Agency for the failure of the program participant to maintain such level of academic standing in the educational course of training as the Director of the National Security Agency shall have specified in the agreement of the program participant under this subsection; and”.

(d) AUTHORITY TO WITHHOLD DISCLOSURE OF AFFILIATION WITH NSA.—Subsection (e) of Section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking “(1) When an employee” and all that follows through “(2) Agency efforts” and inserting “Agency efforts”.

(e) AUTHORITY OF ELEMENTS OF THE INTELLIGENCE COMMUNITY TO ESTABLISH A STOKES EDUCATIONAL SCHOLARSHIP PROGRAM.—

(1) AUTHORITY.—Subtitle C of title X of the National Security Act of 1947 (50 U.S.C. 441m et seq.), as amended by section 311 of this Act, is further amended by adding at the end the following new section:

“EDUCATIONAL SCHOLARSHIP PROGRAM

“SEC. 1023. The head of a department or agency containing an element of the intelligence community may establish an undergraduate or graduate training program with respect to civilian employees and prospective civilian employees of such element similar in purpose, conditions, content, and administration to the program that the Secretary of Defense is authorized to establish under section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note).”.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 311 of this Act, is further amended by inserting after the item relating to section 1022, as added by such section 311, the following new item:

“Sec. 1023. Educational scholarship program.”.

SEC. 313. INTELLIGENCE OFFICER TRAINING PROGRAM.

(a) PROGRAM.—Subtitle C of title X of the National Security Act of 1947 (50 U.S.C. 441m

et seq.), as amended by section 312(e) of this Act, is further amended by adding at the end the following new section:

“INTELLIGENCE OFFICER TRAINING PROGRAM

“SEC. 1024. (a) PROGRAMS.—(1) The Director of National Intelligence may carry out grant programs in accordance with subsection (b) to enhance the recruitment and retention of an ethnically and culturally diverse intelligence community workforce with capabilities critical to the national security interests of the United States.

“(2) In carrying out paragraph (1), the Director shall identify the skills necessary to meet current or emergent needs of the intelligence community and the educational disciplines that will provide individuals with such skills.

“(b) INSTITUTIONAL GRANT PROGRAM.—(1) The Director may provide grants to institutions of higher education to support the establishment or continued development of programs of study in educational disciplines identified under subsection (a)(2).

“(2) A grant provided under paragraph (1) may, with respect to the educational disciplines identified under subsection (a)(2), be used for the following purposes:

“(A) Curriculum or program development.

“(B) Faculty development.

“(C) Laboratory equipment or improvements.

“(D) Faculty research.

“(c) APPLICATION.—An institution of higher education seeking a grant under this section shall submit an application describing the proposed use of the grant at such time and in such manner as the Director may require.

“(d) REPORTS.—An institution of higher education that receives a grant under this section shall submit to the Director regular reports regarding the use of such grant, including—

“(1) a description of the benefits to students who participate in the course of study funded by such grant;

“(2) a description of the results and accomplishments related to such course of study; and

“(3) any other information that the Director may require.

“(e) REGULATIONS.—The Director shall prescribe such regulations as may be necessary to carry out this section.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘Director’ means the Director of National Intelligence.

“(2) The term ‘institution of higher education’ has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).”.

(b) REPEAL OF DUPLICATIVE PROVISIONS.—

(1) IN GENERAL.—The following provisions of law are repealed:

(A) Subsections (b) through (g) of section 319 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108-177; 50 U.S.C. 403 note).

(B) Section 1003 of the National Security Act of 1947 (50 U.S.C. 441g-2).

(C) Section 922 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 50 U.S.C. 402 note).

(2) EXISTING AGREEMENTS.—Notwithstanding the repeals made by paragraph (1), nothing in this subsection shall be construed to amend, modify, or abrogate any agreement, contract, or employment relationship that was in effect in relation to the provisions repealed under paragraph (1) on the day prior to the date of the enactment of this Act.

(3) TECHNICAL AMENDMENT.—Section 319 of the Intelligence Authorization Act for Fiscal

Year 2004 (Public Law 108-177; 50 U.S.C. 403 note) is amended by striking “(a) FINDINGS.—”.

(c) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 312 of this Act, is further amended by striking the item relating to section 1003 and inserting the following new item:

“Sec. 1024. Intelligence officer training program.”.

SEC. 314. PILOT PROGRAM FOR INTENSIVE LANGUAGE INSTRUCTION IN AFRICAN LANGUAGES.

(a) ESTABLISHMENT.—The Director of National Intelligence, in consultation with the National Security Education Board established under section 803(a) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1903(a)), may establish a pilot program for intensive language instruction in African languages.

(b) PROGRAM.—A pilot program established under subsection (a) shall provide scholarships for programs that provide intensive language instruction—

(1) in any of the five highest priority African languages for which scholarships are not offered under the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.), as determined by the Director of National Intelligence; and

(2) both in the United States and in a country in which the language is the native language of a significant portion of the population, as determined by the Director of National Intelligence.

(c) TERMINATION.—A pilot program established under subsection (a) shall terminate on the date that is five years after the date on which such pilot program is established.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$2,000,000.

(2) AVAILABILITY.—Funds authorized to be appropriated under paragraph (1) shall remain available until the termination of the pilot program in accordance with subsection (c).

Subtitle C—Acquisition Matters

SEC. 321. VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS.

(a) VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 305 of this Act, is further amended by inserting after section 506B, as added by section 305(a), the following new section:

“VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS

“SEC. 506C. (a) INITIAL VULNERABILITY ASSESSMENTS.—(1)(A) Except as provided in subparagraph (B), the Director of National Intelligence shall conduct and submit to the congressional intelligence committees an initial vulnerability assessment for each major system and its significant items of supply—

“(i) except as provided in clause (ii), prior to the completion of Milestone B or an equivalent acquisition decision for the major system; or

“(ii) prior to the date that is 1 year after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2010 in the case of a major system for which Milestone B or an equivalent acquisition decision—

“(I) was completed prior to such date of enactment; or

“(II) is completed on a date during the 180-day period following such date of enactment.

“(B) The Director may submit to the congressional intelligence committees an initial vulnerability assessment required by clause (ii) of subparagraph (A) not later than 180 days after the date such assessment is required to be submitted under such clause if the Director notifies the congressional intelligence committees of the extension of the submission date under this subparagraph and provides a justification for such extension.

“(C) The initial vulnerability assessment of a major system and its significant items of supply shall include use of an analysis-based approach to—

“(i) identify vulnerabilities;

“(ii) define exploitation potential;

“(iii) examine the system’s potential effectiveness;

“(iv) determine overall vulnerability; and

“(v) make recommendations for risk reduction.

“(2) If an initial vulnerability assessment for a major system is not submitted to the congressional intelligence committees as required by paragraph (1), funds appropriated for the acquisition of the major system may not be obligated for a major contract related to the major system. Such prohibition on the obligation of funds for the acquisition of the major system shall cease to apply on the date on which the congressional intelligence committees receive the initial vulnerability assessment.

“(b) SUBSEQUENT VULNERABILITY ASSESSMENTS.—(1) The Director of National Intelligence shall, periodically throughout the procurement of a major system or if the Director determines that a change in circumstances warrants the issuance of a subsequent vulnerability assessment, conduct a subsequent vulnerability assessment of each major system and its significant items of supply within the National Intelligence Program.

“(2) Upon the request of a congressional intelligence committee, the Director of National Intelligence may, if appropriate, recertify the previous vulnerability assessment or may conduct a subsequent vulnerability assessment of a particular major system and its significant items of supply within the National Intelligence Program.

“(3) Any subsequent vulnerability assessment of a major system and its significant items of supply shall include use of an analysis-based approach and, if applicable, a testing-based approach, to monitor the exploitation potential of such system and reexamine the factors described in clauses (i) through (v) of subsection (a)(1)(C).

“(c) MAJOR SYSTEM MANAGEMENT.—The Director of National Intelligence shall give due consideration to the vulnerability assessments prepared for a given major system when developing and determining the National Intelligence Program budget.

“(d) CONGRESSIONAL OVERSIGHT.—(1) The Director of National Intelligence shall provide to the congressional intelligence committees a copy of each vulnerability assessment conducted under subsection (a) or (b) not later than 10 days after the date of the completion of such assessment.

“(2) The Director of National Intelligence shall provide the congressional intelligence committees with a proposed schedule for subsequent periodic vulnerability assessments of a major system under subsection (b)(1) when providing such committees with the initial vulnerability assessment under subsection (a) of such system as required by paragraph (1).

“(e) DEFINITIONS.—In this section:

“(1) The term ‘item of supply’ has the meaning given that term in section 4(10) of

the Office of Federal Procurement Policy Act (41 U.S.C. 403(10)).

“(2) The term ‘major contract’ means each of the 6 largest prime, associate, or Government-furnished equipment contracts under a major system that is in excess of \$40,000,000 and that is not a firm, fixed price contract.

“(3) The term ‘major system’ has the meaning given that term in section 506A(e).

“(4) The term ‘Milestone B’ means a decision to enter into major system development and demonstration pursuant to guidance prescribed by the Director of National Intelligence.

“(5) The term ‘vulnerability assessment’ means the process of identifying and quantifying vulnerabilities in a major system and its significant items of supply.”.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 313 of this Act, is further amended by inserting after the item relating to section 506B, as added by section 305(c) of this Act, the following new item:

“Sec. 506C. Vulnerability assessments of major systems.”.

(b) DEFINITION OF MAJOR SYSTEM.—Paragraph (3) of section 506A(e) of the National Security Act of 1947 (50 U.S.C. 415a-1(e)) is amended by striking “(in current fiscal year dollars)” and inserting “(based on fiscal year 2010 constant dollars)”.

SEC. 322. INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION.

(a) INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 321 of this Act, is further amended by inserting after section 506C, as added by section 321(a), the following new section:

“INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION

“SEC. 506D. (a) LIMITATION ON OBLIGATION OF FUNDS.—(1) Subject to paragraph (3), no funds appropriated to any element of the intelligence community may be obligated for an intelligence community business system transformation that will have a total cost in excess of \$3,000,000 unless—

“(A) the Director of the Office of Business Transformation of the Office of the Director of National Intelligence makes a certification described in paragraph (2) with respect to such intelligence community business system transformation; and

“(B) such certification is approved by the board established under subsection (f).

“(2) The certification described in this paragraph for an intelligence community business system transformation is a certification made by the Director of the Office of Business Transformation of the Office of the Director of National Intelligence that the intelligence community business system transformation—

“(A) complies with the enterprise architecture under subsection (b) and such other policies and standards that the Director of National Intelligence considers appropriate; or

“(B) is necessary—

“(i) to achieve a critical national security capability or address a critical requirement; or

“(ii) to prevent a significant adverse effect on a project that is needed to achieve an essential capability, taking into consideration any alternative solutions for preventing such adverse effect.

“(3) With respect to a fiscal year after fiscal year 2010, the amount referred to in paragraph (1) in the matter preceding subparagraph (A) shall be equal to the sum of—

“(A) the amount in effect under such paragraph (1) for the preceding fiscal year (determined after application of this paragraph), plus

“(B) such amount multiplied by the annual percentage increase in the consumer price index (all items; U.S. city average) as of September of the previous fiscal year.

“(b) ENTERPRISE ARCHITECTURE FOR INTELLIGENCE COMMUNITY BUSINESS SYSTEMS.—(1) The Director of National Intelligence shall, acting through the board established under subsection (f), develop and implement an enterprise architecture to cover all intelligence community business systems, and the functions and activities supported by such business systems. The enterprise architecture shall be sufficiently defined to effectively guide, constrain, and permit implementation of interoperable intelligence community business system solutions, consistent with applicable policies and procedures established by the Director of the Office of Management and Budget.

“(2) The enterprise architecture under paragraph (1) shall include the following:

“(A) An information infrastructure that will enable the intelligence community to—

“(i) comply with all Federal accounting, financial management, and reporting requirements;

“(ii) routinely produce timely, accurate, and reliable financial information for management purposes;

“(iii) integrate budget, accounting, and program information and systems; and

“(iv) provide for the measurement of performance, including the ability to produce timely, relevant, and reliable cost information.

“(B) Policies, procedures, data standards, and system interface requirements that apply uniformly throughout the intelligence community.

“(c) RESPONSIBILITIES FOR INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION.—The Director of National Intelligence shall be responsible for the entire life cycle of an intelligence community business system transformation, including review, approval, and oversight of the planning, design, acquisition, deployment, operation, and maintenance of the business system transformation.

“(d) INTELLIGENCE COMMUNITY BUSINESS SYSTEM INVESTMENT REVIEW.—(1) The Director of the Office of Business Transformation of the Office of the Director of National Intelligence shall establish and implement, not later than 60 days after the enactment of the Intelligence Authorization Act for Fiscal Year 2010, an investment review process for the intelligence community business systems for which the Director of the Office of Business Transformation is responsible.

“(2) The investment review process under paragraph (1) shall—

“(A) meet the requirements of section 11312 of title 40, United States Code; and

“(B) specifically set forth the responsibilities of the Director of the Office of Business Transformation under such review process.

“(3) The investment review process under paragraph (1) shall include the following elements:

“(A) Review and approval by an investment review board (consisting of appropriate representatives of the intelligence community) of each intelligence community business system as an investment before the obligation of funds for such system.

“(B) Periodic review, but not less often than annually, of every intelligence community business system investment.

“(C) Thresholds for levels of review to ensure appropriate review of intelligence community business system investments depending on the scope, complexity, and cost of the system involved.

“(D) Procedures for making certifications in accordance with the requirements of subsection (a)(2).

“(e) BUDGET INFORMATION.—For each fiscal year after fiscal year 2011, the Director of National Intelligence shall include in the materials the Director submits to Congress in support of the budget for such fiscal year that is submitted to Congress under section 1105 of title 31, United States Code, the following information:

“(1) An identification of each intelligence community business system for which funding is proposed in such budget.

“(2) An identification of all funds, by appropriation, proposed in such budget for each such system, including—

“(A) funds for current services to operate and maintain such system;

“(B) funds for business systems modernization identified for each specific appropriation; and

“(C) funds for associated business process improvement or reengineering efforts.

“(3) The certification, if any, made under subsection (a)(2) with respect to each such system.

“(f) INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION GOVERNANCE BOARD.—(1) The Director of National Intelligence shall establish a board within the intelligence community business system transformation governance structure (in this subsection referred to as the ‘Board’).

“(2) The Board shall—

“(A) recommend to the Director policies and procedures necessary to effectively integrate all business activities and any transformation, reform, reorganization, or process improvement initiatives undertaken within the intelligence community;

“(B) review and approve any major update of—

“(i) the enterprise architecture developed under subsection (b); and

“(ii) any plans for an intelligence community business systems modernization;

“(C) manage cross-domain integration consistent with such enterprise architecture;

“(D) coordinate initiatives for intelligence community business system transformation to maximize benefits and minimize costs for the intelligence community, and periodically report to the Director on the status of efforts to carry out an intelligence community business system transformation;

“(E) ensure that funds are obligated for intelligence community business system transformation in a manner consistent with subsection (a); and

“(F) carry out such other duties as the Director shall specify.

“(g) RELATION TO ANNUAL REGISTRATION REQUIREMENTS.—Nothing in this section shall be construed to alter the requirements of section 8083 of the Department of Defense Appropriations Act, 2005 (Public Law 108-287; 118 Stat. 989), with regard to information technology systems (as defined in subsection (d) of such section).

“(h) RELATIONSHIP TO DEFENSE BUSINESS ENTERPRISE ARCHITECTURE.—Nothing in this section shall be construed to exempt funds authorized to be appropriated to the Department of Defense from the requirements of section 2222 of title 10, United States Code,

to the extent that such requirements are otherwise applicable.

“(i) RELATION TO CLINGER-COHEN ACT.—(1) Executive agency responsibilities in chapter 113 of title 40, United States Code, for any intelligence community business system transformation shall be exercised jointly by—

“(A) the Director of National Intelligence and the Chief Information Officer of the Intelligence Community; and

“(B) the head of the executive agency that contains the element of the intelligence community involved and the chief information officer of that executive agency.

“(2) The Director of National Intelligence and the head of the executive agency referred to in paragraph (1)(B) shall enter into a Memorandum of Understanding to carry out the requirements of this section in a manner that best meets the needs of the intelligence community and the executive agency.

“(j) REPORTS.—Not later than March 31 of each of the years 2011 through 2015, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the compliance of the intelligence community with the requirements of this section. Each such report shall—

“(1) describe actions taken and proposed for meeting the requirements of subsection (a), including—

“(A) specific milestones and actual performance against specified performance measures, and any revision of such milestones and performance measures; and

“(B) specific actions on the intelligence community business system transformations submitted for certification under such subsection;

“(2) identify the number of intelligence community business system transformations that received a certification described in subsection (a)(2); and

“(3) describe specific improvements in business operations and cost savings resulting from successful intelligence community business systems transformation efforts.

“(k) DEFINITIONS.—In this section:

“(1) The term ‘enterprise architecture’ has the meaning given that term in section 3601(4) of title 44, United States Code.

“(2) The terms ‘information system’ and ‘information technology’ have the meanings given those terms in section 11101 of title 40, United States Code.

“(3) The term ‘intelligence community business system’ means an information system, including a national security system, that is operated by, for, or on behalf of an element of the intelligence community, including a financial system, mixed system, financial data feeder system, and the business infrastructure capabilities shared by the systems of the business enterprise architecture, including people, process, and technology, that build upon the core infrastructure used to support business activities, such as acquisition, financial management, logistics, strategic planning and budgeting, installations and environment, and human resource management.

“(4) The term ‘intelligence community business system transformation’ means—

“(A) the acquisition or development of a new intelligence community business system; or

“(B) any significant modification or enhancement of an existing intelligence community business system (other than necessary to maintain current services).

“(5) The term ‘national security system’ has the meaning given that term in section 3542 of title 44, United States Code.

“(6) The term ‘Office of Business Transformation of the Office of the Director of National Intelligence’ includes any successor office that assumes the functions of the Office of Business Transformation of the Office of the Director of National Intelligence as carried out by the Office of Business Transformation on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2010.”.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of that Act, as amended by section 321 of this Act, is further amended by inserting after the item relating to section 506C, as added by section 321(a)(2), the following new item:

“Sec. 506D. Intelligence community business system transformation.”.

(b) IMPLEMENTATION.—

(1) CERTAIN DUTIES.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall designate a chair and other members to serve on the board established under subsection (f) of such section 506D of the National Security Act of 1947 (as added by subsection (a)).

(2) ENTERPRISE ARCHITECTURE.—

(A) SCHEDULE FOR DEVELOPMENT.—The Director shall develop the enterprise architecture required by subsection (b) of such section 506D (as so added), including the initial Business Enterprise Architecture for business transformation, not later than 60 days after the enactment of this Act.

(B) REQUIREMENT FOR IMPLEMENTATION PLAN.—In developing such an enterprise architecture, the Director shall develop an implementation plan for such enterprise architecture that includes the following:

(i) An acquisition strategy for new systems that are expected to be needed to complete such enterprise architecture, including specific time-phased milestones, performance metrics, and a statement of the financial and nonfinancial resource needs.

(ii) An identification of the intelligence community business systems in operation or planned as of the date that is 60 days after the enactment of this Act that will not be a part of such enterprise architecture, together with the schedule for the phased termination of the utilization of any such systems.

(iii) An identification of the intelligence community business systems in operation or planned as of such date, that will be a part of such enterprise architecture, together with a strategy for modifying such systems to ensure that such systems comply with such enterprise architecture.

(C) SUBMISSION OF ACQUISITION STRATEGY.—Based on the results of an enterprise process management review and the availability of funds, the Director shall submit the acquisition strategy described in subparagraph (B)(i) to the congressional intelligence committees not later than March 31, 2011.

SEC. 323. REPORTS ON THE ACQUISITION OF MAJOR SYSTEMS.

(a) REPORTS.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 322 of this Act, is further amended by inserting after section 506D, as added by section 322(a)(1), the following new section:

“REPORTS ON THE ACQUISITION OF MAJOR SYSTEMS

“SEC. 506E. (a) DEFINITIONS.—In this section:

“(1) The term ‘cost estimate’—

“(A) means an assessment and quantification of all costs and risks associated with

the acquisition of a major system based upon reasonably available information at the time the Director establishes the 2010 adjusted total acquisition cost for such system pursuant to subsection (h) or restructures such system pursuant to section 506F(c); and

“(B) does not mean an ‘independent cost estimate’.

“(2) The term ‘critical cost growth threshold’ means a percentage increase in the total acquisition cost for a major system of at least 25 percent over the total acquisition cost for the major system as shown in the current Baseline Estimate for the major system.

“(3)(A) The term ‘current Baseline Estimate’ means the projected total acquisition cost of a major system that is—

“(i) approved by the Director, or a designee of the Director, at Milestone B or an equivalent acquisition decision for the development, procurement, and construction of such system;

“(ii) approved by the Director at the time such system is restructured pursuant to section 506F(c); or

“(iii) the 2010 adjusted total acquisition cost determined pursuant to subsection (h).

“(B) A current Baseline Estimate may be in the form of an independent cost estimate.

“(4) Except as otherwise specifically provided, the term ‘Director’ means the Director of National Intelligence.

“(5) The term ‘independent cost estimate’ has the meaning given that term in section 506A(e).

“(6) The term ‘major contract’ means each of the 6 largest prime, associate, or Government-furnished equipment contracts under a major system that is in excess of \$40,000,000 and that is not a firm, fixed price contract.

“(7) The term ‘major system’ has the meaning given that term in section 506A(e).

“(8) The term ‘Milestone B’ means a decision to enter into major system development and demonstration pursuant to guidance prescribed by the Director.

“(9) The term ‘program manager’ means—

“(A) the head of the element of the intelligence community that is responsible for the budget, cost, schedule, and performance of a major system; or

“(B) in the case of a major system within the Office of the Director of National Intelligence, the deputy who is responsible for the budget, cost, schedule, and performance of the major system.

“(10) The term ‘significant cost growth threshold’ means the percentage increase in the total acquisition cost for a major system of at least 15 percent over the total acquisition cost for such system as shown in the current Baseline Estimate for such system.

“(11) The term ‘total acquisition cost’ means the amount equal to the total cost for development and procurement of, and system-specific construction for, a major system.

“(b) MAJOR SYSTEM COST REPORTS.—(1) The program manager for a major system shall, on a quarterly basis, submit to the Director a major system cost report as described in paragraph (2).

“(2) A major system cost report shall include the following information (as of the last day of the quarter for which the report is made):

“(A) The total acquisition cost for the major system.

“(B) Any cost variance or schedule variance in a major contract for the major system since the contract was entered into.

“(C) Any changes from a major system schedule milestones or performances that

are known, expected, or anticipated by the program manager.

“(D) Any significant changes in the total acquisition cost for development and procurement of any software component of the major system, schedule milestones for such software component of the major system, or expected performance of such software component of the major system that are known, expected, or anticipated by the program manager.

“(3) Each major system cost report required by paragraph (1) shall be submitted not more than 30 days after the end of the reporting quarter.

“(c) REPORTS FOR BREACH OF SIGNIFICANT OR CRITICAL COST GROWTH THRESHOLDS.—If the program manager of a major system for which a report has previously been submitted under subsection (b) determines at any time during a quarter that there is reasonable cause to believe that the total acquisition cost for the major system has increased by a percentage equal to or greater than the significant cost growth threshold or critical cost growth threshold and if a report indicating an increase of such percentage or more has not previously been submitted to the Director, then the program manager shall immediately submit to the Director a major system cost report containing the information, determined as of the date of the report, required under subsection (b).

“(d) NOTIFICATION TO CONGRESS OF COST GROWTH.—(1) Whenever a major system cost report is submitted to the Director, the Director shall determine whether the current acquisition cost for the major system has increased by a percentage equal to or greater than the significant cost growth threshold or the critical cost growth threshold.

“(2) If the Director determines that the current total acquisition cost has increased by a percentage equal to or greater than the significant cost growth threshold or critical cost growth threshold, the Director shall submit to Congress a Major System Congressional Report pursuant to subsection (e).

“(e) REQUIREMENT FOR MAJOR SYSTEM CONGRESSIONAL REPORT.—(1) Whenever the Director determines under subsection (d) that the total acquisition cost of a major system has increased by a percentage equal to or greater than the significant cost growth threshold for the major system, a Major System Congressional Report shall be submitted to Congress not later than 45 days after the date on which the Director receives the major system cost report for such major system.

“(2) If the total acquisition cost of a major system (as determined by the Director under subsection (d)) increases by a percentage equal to or greater than the critical cost growth threshold for the program or subprogram, the Director shall take actions consistent with the requirements of section 506F.

“(f) MAJOR SYSTEM CONGRESSIONAL REPORT ELEMENTS.—(1) Except as provided in paragraph (2), each Major System Congressional Report shall include the following:

“(A) The name of the major system.

“(B) The date of the preparation of the report.

“(C) The program phase of the major system as of the date of the preparation of the report.

“(D) The estimate of the total acquisition cost for the major system expressed in constant base-year dollars and in current dollars.

“(E) The current Baseline Estimate for the major system in constant base-year dollars and in current dollars.

“(F) A statement of the reasons for any increase in total acquisition cost for the major system.

“(G) The completion status of the major system—

“(i) expressed as the percentage that the number of years for which funds have been appropriated for the major system is of the number of years for which it is planned that funds will be appropriated for the major system; and

“(ii) expressed as the percentage that the amount of funds that have been appropriated for the major system is of the total amount of funds which it is planned will be appropriated for the major system.

“(H) The fiscal year in which the major system was first authorized and in which funds for such system were first appropriated by Congress.

“(I) The current change and the total change, in dollars and expressed as a percentage, in the total acquisition cost for the major system, stated both in constant base-year dollars and in current dollars.

“(J) The quantity of end items to be acquired under the major system and the current change and total change, if any, in that quantity.

“(K) The identities of the officers responsible for management and cost control of the major system.

“(L) The action taken and proposed to be taken to control future cost growth of the major system.

“(M) Any changes made in the performance or schedule milestones of the major system and the extent to which such changes have contributed to the increase in total acquisition cost for the major system.

“(N) The following contract performance assessment information with respect to each major contract under the major system:

“(i) The name of the contractor.

“(ii) The phase that the contract is in at the time of the preparation of the report.

“(iii) The percentage of work under the contract that has been completed.

“(iv) Any current change and the total change, in dollars and expressed as a percentage, in the contract cost.

“(v) The percentage by which the contract is currently ahead of or behind schedule.

“(vi) A narrative providing a summary explanation of the most significant occurrences, including cost and schedule variances under major contracts of the major system, contributing to the changes identified and a discussion of the effect these occurrences will have on the future costs and schedule of the major system.

“(O) In any case in which one or more problems with a software component of the major system significantly contributed to the increase in costs of the major system, the action taken and proposed to be taken to solve such problems.

“(2) A Major System Congressional Report prepared for a major system for which the increase in the total acquisition cost is due to termination or cancellation of the entire major system shall include only—

“(A) the information described in subparagraphs (A) through (F) of paragraph (1); and

“(B) the total percentage change in total acquisition cost for such system.

“(g) PROHIBITION ON OBLIGATION OF FUNDS.—If a determination of an increase by a percentage equal to or greater than the significant cost growth threshold is made by the Director under subsection (d) and a Major System Congressional Report containing the information described in subsection (f) is not submitted to Congress

under subsection (e)(1), or if a determination of an increase by a percentage equal to or greater than the critical cost growth threshold is made by the Director under subsection (d) and the Major System Congressional Report containing the information described in subsection (f) and section 506F(b)(3) and the certification required by section 506F(b)(2) are not submitted to Congress under subsection (e)(2), funds appropriated for construction, research, development, test, evaluation, and procurement may not be obligated for a major contract under the major system. The prohibition on the obligation of funds for a major system shall cease to apply at the end of the 45-day period that begins on the date—

“(1) on which Congress receives the Major System Congressional Report under subsection (e)(1) with respect to that major system, in the case of a determination of an increase by a percentage equal to or greater than the significant cost growth threshold (as determined in subsection (d)); or

“(2) on which Congress receives both the Major System Congressional Report under subsection (e)(2) and the certification of the Director under section 506F(b)(2) with respect to that major system, in the case of an increase by a percentage equal to or greater than the critical cost growth threshold (as determined under subsection (d)).

“(h) TREATMENT OF COST INCREASES PRIOR TO ENACTMENT OF INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010.—(1) Not later than 180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2010, the Director—

“(A) shall, for each major system, determine if the total acquisition cost of such major system increased by a percentage equal to or greater than the significant cost growth threshold or the critical cost growth threshold prior to such date of enactment;

“(B) shall establish for each major system for which the total acquisition cost has increased by a percentage equal to or greater than the significant cost growth threshold or the critical cost growth threshold prior to such date of enactment a revised current Baseline Estimate based upon an updated cost estimate;

“(C) may, for a major system not described in subparagraph (B), establish a revised current Baseline Estimate based upon an updated cost estimate; and

“(D) shall submit to Congress a report describing—

“(i) each determination made under subparagraph (A);

“(ii) each revised current Baseline Estimate established for a major system under subparagraph (B); and

“(iii) each revised current Baseline Estimate established for a major system under subparagraph (C), including the percentage increase of the total acquisition cost of such major system that occurred prior to the date of the enactment of such Act.

“(2) The revised current Baseline Estimate established for a major system under subparagraph (B) or (C) of paragraph (1) shall be the 2010 adjusted total acquisition cost for the major system and may include the estimated cost of conducting any vulnerability assessments for such major system required under section 506C.

“(i) REQUIREMENTS TO USE BASE YEAR DOLLARS.—Any determination of a percentage increase under this section shall be stated in terms of constant base year dollars.

“(j) FORM OF REPORT.—Any report required to be submitted under this section may be submitted in a classified form.”.

(2) APPLICABILITY DATE OF QUARTERLY REPORTS.—The first report required to be submitted under subsection (b) of section 506E of the National Security Act of 1947, as added by paragraph (1) of this subsection, shall be submitted with respect to the first fiscal quarter that begins on a date that is not less than 180 days after the date of the enactment of this Act.

(3) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of that Act, as amended by section 322 of this Act, is further amended by inserting after the item relating to section 506D, as added by section 322(a)(2), the following new item:

“Sec. 506E. Reports on the acquisition of major systems.”.

(b) MAJOR DEFENSE ACQUISITION PROGRAMS.—Nothing in this section, section 324, or an amendment made by this section or section 324, shall be construed to exempt an acquisition program of the Department of Defense from the requirements of chapter 144 of title 10, United States Code or Department of Defense Directive 5000, to the extent that such requirements are otherwise applicable.

SEC. 324. CRITICAL COST GROWTH IN MAJOR SYSTEMS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 323 of this Act, is further amended by inserting after section 506E, as added by section 323(a), the following new section:

“CRITICAL COST GROWTH IN MAJOR SYSTEMS

“SEC. 506F. (a) REASSESSMENT OF MAJOR SYSTEM.—If the Director of National Intelligence determines under section 506E(d) that the total acquisition cost of a major system has increased by a percentage equal to or greater than the critical cost growth threshold for the major system, the Director shall—

“(1) determine the root cause or causes of the critical cost growth, in accordance with applicable statutory requirements, policies, procedures, and guidance; and

“(2) carry out an assessment of—

“(A) the projected cost of completing the major system if current requirements are not modified;

“(B) the projected cost of completing the major system based on reasonable modification of such requirements;

“(C) the rough order of magnitude of the costs of any reasonable alternative system or capability; and

“(D) the need to reduce funding for other systems due to the growth in cost of the major system.

“(b) PRESUMPTION OF TERMINATION.—(1) After conducting the reassessment required by subsection (a) with respect to a major system, the Director shall terminate the major system unless the Director submits to Congress a Major System Congressional Report containing a certification in accordance with paragraph (2) and the information described in paragraph (3). The Director shall submit such Major System Congressional Report and certification not later than 90 days after the date the Director receives the relevant major system cost report under subsection (b) or (c) of section 506E.

“(2) A certification described by this paragraph with respect to a major system is a written certification that—

“(A) the continuation of the major system is essential to the national security;

“(B) there are no alternatives to the major system that will provide acceptable capability to meet the intelligence requirement at less cost;

“(C) the new estimates of the total acquisition cost have been determined by the Director to be reasonable;

“(D) the major system is a higher priority than other systems whose funding must be reduced to accommodate the growth in cost of the major system; and

“(E) the management structure for the major system is adequate to manage and control the total acquisition cost.

“(3) A Major System Congressional Report accompanying a written certification under paragraph (2) shall include, in addition to the requirements of section 506E(e), the root cause analysis and assessment carried out pursuant to subsection (a), the basis for each determination made in accordance with subparagraphs (A) through (E) of paragraph (2), and a description of all funding changes made as a result of the growth in the cost of the major system, including reductions made in funding for other systems to accommodate such cost growth, together with supporting documentation.

“(c) ACTIONS IF MAJOR SYSTEM NOT TERMINATED.—If the Director elects not to terminate a major system pursuant to subsection (b), the Director shall—

“(1) restructure the major system in a manner that addresses the root cause or causes of the critical cost growth, as identified pursuant to subsection (a), and ensures that the system has an appropriate management structure as set forth in the certification submitted pursuant to subsection (b)(2)(E);

“(2) rescind the most recent Milestone approval for the major system;

“(3) require a new Milestone approval for the major system before taking any action to enter a new contract, exercise an option under an existing contract, or otherwise extend the scope of an existing contract under the system, except to the extent determined necessary by the Milestone Decision Authority, on a nondelegable basis, to ensure that the system may be restructured as intended by the Director without unnecessarily wasting resources;

“(4) establish a revised current Baseline Estimate for the major system based upon an updated cost estimate; and

“(5) conduct regular reviews of the major system.

“(d) ACTIONS IF MAJOR SYSTEM TERMINATED.—If a major system is terminated pursuant to subsection (b), the Director shall submit to Congress a written report setting forth—

“(1) an explanation of the reasons for terminating the major system;

“(2) the alternatives considered to address any problems in the major system; and

“(3) the course the Director plans to pursue to meet any intelligence requirements otherwise intended to be met by the major system.

“(e) FORM OF REPORT.—Any report or certification required to be submitted under this section may be submitted in a classified form.

“(f) WAIVER.—(1) The Director may waive the requirements of subsections (d)(2), (e), and (g) of section 506E and subsections (a)(2), (b), (c), and (d) of this section with respect to a major system if the Director determines that at least 90 percent of the amount of the current Baseline Estimate for the major system has been expended.

“(2)(A) If the Director grants a waiver under paragraph (1) with respect to a major system, the Director shall submit to the congressional intelligence committees written notice of the waiver that includes—

“(i) the information described in section 506E(f); and

“(ii) if the current total acquisition cost of the major system has increased by a percentage equal to or greater than the critical cost growth threshold—

“(I) a determination of the root cause or causes of the critical cost growth, as described in subsection (a)(1); and

“(II) a certification that includes the elements described in subparagraphs (A), (B), and (E) of subsection (b)(2).

“(B) The Director shall submit the written notice required by subparagraph (A) not later than 90 days after the date that the Director receives a major system cost report under subsection (b) or (c) of section 506E that indicates that the total acquisition cost for the major system has increased by a percentage equal to or greater than the significant cost growth threshold or critical cost growth threshold.

“(g) DEFINITIONS.—In this section, the terms ‘cost estimate’, ‘critical cost growth threshold’, ‘current Baseline Estimate’, ‘major system’, and ‘total acquisition cost’ have the meaning given those terms in section 506E(a).”

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of that Act, as amended by section 323 of this Act, is further amended by inserting after the items relating to section 506E, as added by section 323(a)(3), the following new item:

“Sec. 506F. Critical cost growth in major systems.”

SEC. 325. FUTURE BUDGET PROJECTIONS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 324 of this Act, is further amended by inserting after section 506F, as added by section 324(a), the following new section:

“FUTURE BUDGET PROJECTIONS

“SEC. 506G. (a) FUTURE YEAR INTELLIGENCE PLANS.—(1) The Director of National Intelligence, with the concurrence of the Director of the Office of Management and Budget, shall provide to the congressional intelligence committees a Future Year Intelligence Plan, as described in paragraph (2), for—

“(A) each expenditure center in the National Intelligence Program; and

“(B) each major system in the National Intelligence Program.

“(2)(A) A Future Year Intelligence Plan submitted under this subsection shall include the year-by-year proposed funding for each center or system referred to in subparagraph (A) or (B) of paragraph (1), for the budget year for which the Plan is submitted and not less than the 4 subsequent fiscal years.

“(B) A Future Year Intelligence Plan submitted under subparagraph (B) of paragraph (1) for a major system shall include—

“(i) the estimated total life-cycle cost of such major system; and

“(ii) major milestones that have significant resource implications for such major system.

“(b) LONG-TERM BUDGET PROJECTIONS.—(1) The Director of National Intelligence, with the concurrence of the Director of the Office of Management and Budget, shall provide to the congressional intelligence committees a Long-term Budget Projection for each element of the intelligence community funded under the National Intelligence Program acquiring a major system that includes the budget for such element for the 5-year period that begins on the day after the end of the

last fiscal year for which year-by-year proposed funding is included in a Future Year Intelligence Plan for such major system in accordance with subsection (a)(2)(A).

“(2) A Long-term Budget Projection submitted under paragraph (1) shall include—

“(A) projections for the appropriate element of the intelligence community for—

“(i) pay and benefits of officers and employees of such element;

“(ii) other operating and support costs and minor acquisitions of such element;

“(iii) research and technology required by such element;

“(iv) current and planned major system acquisitions for such element;

“(v) any future major system acquisitions for such element; and

“(vi) any additional funding projections that the Director of National Intelligence considers appropriate;

“(B) a budget projection based on effective cost and schedule execution of current or planned major system acquisitions and application of Office of Management and Budget inflation estimates to future major system acquisitions;

“(C) any additional assumptions and projections that the Director of National Intelligence considers appropriate; and

“(D) a description of whether, and to what extent, the total projection for each year exceeds the level that would result from applying the most recent Office of Management and Budget inflation estimate to the budget of that element of the intelligence community.

“(c) SUBMISSION TO CONGRESS.—The Director of National Intelligence, with the concurrence of the Director of the Office of Management and Budget, shall submit to the congressional intelligence committees each Future Year Intelligence Plan or Long-term Budget Projection required under subsection (a) or (b) for a fiscal year at the time that the President submits to Congress the budget for such fiscal year pursuant to section 1105 of title 31, United States Code.

“(d) MAJOR SYSTEM AFFORDABILITY REPORT.—(1) The Director of National Intelligence, with the concurrence of the Director of the Office of Management and Budget, shall prepare a report on the acquisition of a major system funded under the National Intelligence Program before the time that the President submits to Congress the budget for the first fiscal year in which appropriated funds are anticipated to be obligated for the development or procurement of such major system.

“(2) The report on such major system shall include an assessment of whether, and to what extent, such acquisition, if developed, procured, and operated, is projected to cause an increase in the most recent Future Year Intelligence Plan and Long-term Budget Projection submitted under section 506G for an element of the intelligence community.

“(3) The Director of National Intelligence shall update the report whenever an independent cost estimate must be updated pursuant to section 506A(a)(4).

“(4) The Director of National Intelligence shall submit each report required by this subsection at the time that the President submits to Congress the budget for a fiscal year pursuant to section 1105 of title 31, United States Code.

“(e) DEFINITIONS.—In this section:

“(1) BUDGET YEAR.—The term ‘budget year’ means the next fiscal year for which the President is required to submit to Congress a budget pursuant to section 1105 of title 31, United States Code.

“(2) INDEPENDENT COST ESTIMATE; MAJOR SYSTEM.—The terms ‘independent cost estimate’ and ‘major system’ have the meaning given those terms in section 506A(e).”.

(b) APPLICABILITY DATE.—The first Future Year Intelligence Plan and Long-term Budget Projection required to be submitted under subsection (a) and (b) of section 506G of the National Security Act of 1947, as added by subsection (a), shall be submitted to the congressional intelligence committees at the time that the President submits to Congress the budget for fiscal year 2012 pursuant to section 1105 of title 31, United States Code.

(c) CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of that Act, as amended by section 324 of this Act, is further amended by inserting after the items relating to section 506F, as added by section 324(b), the following new item:

“Sec. 506G. Future budget projections.”.

(2) REPEAL OF DUPLICATIVE PROVISION.—Section 8104 of the Department of Defense Appropriations Act, 2010 (50 U.S.C. 415a-3; Public Law 111-118; 123 Stat. 3451) is repealed.

SEC. 326. NATIONAL INTELLIGENCE PROGRAM FUNDED ACQUISITIONS.

Subsection (n) of section 102A of the National Security Act of 1947 (50 U.S.C. 403-1) is amended by adding at the end the following new paragraph:

“(4)(A) In addition to the authority referred to in paragraph (1), the Director of National Intelligence may authorize the head of an element of the intelligence community to exercise an acquisition authority referred to in section 3 or 8(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c and 403j(a)) for an acquisition by such element that is more than 50 percent funded under the National Intelligence Program.

“(B) The head of an element of the intelligence community may not exercise an authority referred to in subparagraph (A) until—

“(i) the head of such element (without delegation) submits to the Director of National Intelligence a written request that includes—

“(I) a description of such authority requested to be exercised;

“(II) an explanation of the need for such authority, including an explanation of the reasons that other authorities are insufficient; and

“(III) a certification that the mission of such element would be—

“(aa) impaired if such authority is not exercised; or

“(bb) significantly and measurably enhanced if such authority is exercised; and

“(ii) the Director of National Intelligence issues a written authorization that includes—

“(I) a description of the authority referred to in subparagraph (A) that is authorized to be exercised; and

“(II) a justification to support the exercise of such authority.

“(C) A request and authorization to exercise an authority referred to in subparagraph (A) may be made with respect to an individual acquisition or with respect to a specific class of acquisitions described in the request and authorization referred to in subparagraph (B).

“(D)(i) A request from a head of an element of the intelligence community located within one of the departments described in clause (ii) to exercise an authority referred to in subparagraph (A) shall be submitted to the Director of National Intelligence in accord-

ance with any procedures established by the head of such department.

“(ii) The departments described in this clause are the Department of Defense, the Department of Energy, the Department of Homeland Security, the Department of Justice, the Department of State, and the Department of the Treasury.

“(E)(i) The head of an element of the intelligence community may not be authorized to utilize an authority referred to in subparagraph (A) for a class of acquisitions for a period of more than 3 years, except that the Director of National Intelligence (without delegation) may authorize the use of such an authority for not more than 6 years.

“(ii) Each authorization to utilize an authority referred to in subparagraph (A) may be extended in accordance with the requirements of subparagraph (B) for successive periods of not more than 3 years, except that the Director of National Intelligence (without delegation) may authorize an extension period of not more than 6 years.

“(F) Subject to clauses (i) and (ii) of subparagraph (E), the Director of National Intelligence may only delegate the authority of the Director under subparagraphs (A) through (E) to the Principal Deputy Director of National Intelligence or a Deputy Director of National Intelligence.

“(G) The Director of National Intelligence shall submit—

“(i) to the congressional intelligence committees a notification of an authorization to exercise an authority referred to in subparagraph (A) or an extension of such authorization that includes the written authorization referred to in subparagraph (B)(ii); and

“(ii) to the Director of the Office of Management and Budget a notification of an authorization to exercise an authority referred to in subparagraph (A) for an acquisition or class of acquisitions that will exceed \$50,000,000 annually.

“(H) Requests and authorizations to exercise an authority referred to in subparagraph (A) shall remain available within the Office of the Director of National Intelligence for a period of at least 6 years following the date of such request or authorization.

“(I) Nothing in this paragraph may be construed to alter or otherwise limit the authority of the Central Intelligence Agency to independently exercise an authority under section 3 or 8(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c and 403j(a)).”.

Subtitle D—Congressional Oversight, Plans, and Reports

SEC. 331. NOTIFICATION PROCEDURES.

(a) PROCEDURES.—Section 501(c) of the National Security Act of 1947 (50 U.S.C. 413(c)) is amended by striking “such procedures” and inserting “such written procedures”.

(b) INTELLIGENCE ACTIVITIES.—Section 502(a)(2) of such Act (50 U.S.C. 413a(a)(2)) is amended by inserting “(including the legal basis under which the intelligence activity is being or was conducted)” after “concerning intelligence activities”.

(c) COVERT ACTIONS.—Section 503 of such Act (50 U.S.C. 413b) is amended—

(1) in subsection (b)(2), by inserting “(including the legal basis under which the covert action is being or was conducted)” after “concerning covert actions”;

(2) in subsection (c)—

(A) in paragraph (1), by inserting “in writing” after “be reported”;

(B) in paragraph (4), by striking “committee. When” and inserting the following: “committee.

“(5)(A) When”; and

(C) in paragraph (5), as designated by subparagraph (B)—

(i) in subparagraph (A), as so designated— (I) by inserting “, or a notification provided under subsection (d)(1),” after “access to a finding”;

(II) by inserting “written” before “statement”; and

(ii) by adding at the end the following new subparagraph:

“(B) Not later than 180 days after a statement of reasons is submitted in accordance with subparagraph (A) or this subparagraph, the President shall ensure that—

“(i) all members of the congressional intelligence committees are provided access to the finding or notification; or

“(ii) a statement of reasons that it is essential to continue to limit access to such finding or such notification to meet extraordinary circumstances affecting vital interests of the United States is submitted to the Members of Congress specified in paragraph (2).”;

(3) in subsection (d)—

(A) by striking “(d) The President” and inserting “(d)(1) The President”;

(B) in paragraph (1), as designated by subparagraph (A), by inserting “in writing” after “notified”; and

(C) by adding at the end the following new paragraph:

“(2) In determining whether an activity constitutes a significant undertaking for purposes of paragraph (1), the President shall consider whether the activity—

“(A) involves significant risk of loss of life;

“(B) requires an expansion of existing authorities, including authorities relating to research, development, or operations;

“(C) results in the expenditure of significant funds or other resources;

“(D) requires notification under section 504;

“(E) gives rise to a significant risk of disclosing intelligence sources or methods; or

“(F) presents a reasonably foreseeable risk of serious damage to the diplomatic relations of the United States if such activity were disclosed without authorization.”; and

(4) by adding at the end the following new subsection:

“(g)(1) In any case where access to a finding reported under subsection (c) or notification provided under subsection (d)(1) is not made available to all members of a congressional intelligence committee in accordance with subsection (c)(2), the President shall notify all members of such committee that such finding or such notification has been provided only to the members specified in subsection (c)(2).

“(2) In any case where access to a finding reported under subsection (c) or notification provided under subsection (d)(1) is not made available to all members of a congressional intelligence committee in accordance with subsection (c)(2), the President shall provide to all members of such committee a general description regarding the finding or notification, as applicable, consistent with the reasons for not yet fully informing all members of such committee.

“(3) The President shall maintain—

“(A) a record of the members of Congress to whom a finding is reported under subsection (c) or notification is provided under subsection (d)(1) and the date on which each member of Congress receives such finding or notification; and

“(B) each written statement provided under subsection (c)(5).”.

SEC. 332. CERTIFICATION OF COMPLIANCE WITH OVERSIGHT REQUIREMENTS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 325 of this Act, is further amended by adding at the end the following new section:

“CERTIFICATION OF COMPLIANCE WITH
OVERSIGHT REQUIREMENTS

“SEC. 508. The head of each element of the intelligence community shall annually submit to the congressional intelligence committees—

“(1) a certification that, to the best of the knowledge of the head of such element—

“(A) the head of such element is in full compliance with the requirements of this title; and

“(B) any information required to be submitted by the head of such element under this Act before the date of the submission of such certification has been properly submitted; or

“(2) if the head of such element is unable to submit a certification under paragraph (1), a statement—

“(A) of the reasons the head of such element is unable to submit such a certification;

“(B) describing any information required to be submitted by the head of such element under this Act before the date of the submission of such statement that has not been properly submitted; and

“(C) that the head of such element will submit such information as soon as possible after the submission of such statement.”.

(b) APPLICABILITY DATE.—The first certification or statement required to be submitted by the head of each element of the intelligence community under section 508 of the National Security Act of 1947, as added by subsection (a), shall be submitted not later than 90 days after the date of the enactment of this Act.

(c) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 325 of this Act, is further amended by inserting after the item related to section 507 the following new item:

“Sec. 508. Certification of compliance with oversight requirements.”.

SEC. 333. REPORT ON DETENTION AND INTERROGATION ACTIVITIES.

(a) REQUIREMENT FOR REPORT.—Not later than December 1, 2010, the Director of National Intelligence, in coordination with the Attorney General and the Secretary of Defense, shall submit to the congressional intelligence committees a comprehensive report containing—

(1) the policies and procedures of the United States Government governing participation by an element of the intelligence community in the interrogation of individuals detained by the United States who are suspected of international terrorism with the objective, in whole or in part, of acquiring national intelligence, including such policies and procedures of each appropriate element of the intelligence community or interagency body established to carry out interrogations;

(2) the policies and procedures relating to any detention by the Central Intelligence Agency of such individuals in accordance with Executive Order 13491;

(3) the legal basis for the policies and procedures referred to in paragraphs (1) and (2);

(4) the training and research to support the policies and procedures referred to in paragraphs (1) and (2); and

(5) any action that has been taken to implement section 1004 of the Detainee Treatment Act of 2005 (42 U.S.C. 2000dd-1).

(b) OTHER SUBMISSION OF REPORT.—

(1) CONGRESSIONAL ARMED SERVICES COMMITTEES.—To the extent that the report required by subsection (a) addresses an element of the intelligence community within the Department of Defense, the Director of National Intelligence, in consultation with the Secretary of Defense, shall submit that portion of the report, and any associated material that is necessary to make that portion understandable, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives. The Director of National Intelligence may authorize redactions of the report and any associated materials submitted pursuant to this paragraph, if such redactions are consistent with the protection of sensitive intelligence sources and methods.

(2) CONGRESSIONAL JUDICIARY COMMITTEES.—To the extent that the report required by subsection (a) addresses an element of the intelligence community within the Department of Justice, the Director of National Intelligence, in consultation with the Attorney General, shall submit that portion of the report, and any associated material that is necessary to make that portion understandable, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives. The Director of National Intelligence may authorize redactions of the report and any associated materials submitted pursuant to this paragraph, if such redactions are consistent with the protection of sensitive intelligence sources and methods.

(c) FORM OF SUBMISSIONS.—Any submission required under this section may be submitted in classified form.

SEC. 334. SUMMARY OF INTELLIGENCE RELATING TO TERRORIST RECIDIVISM OF DETAINEES HELD AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Director of the Central Intelligence Agency and the Director of the Defense Intelligence Agency, shall make publicly available an unclassified summary of—

(1) intelligence relating to recidivism of detainees currently or formerly held at the Naval Detention Facility at Guantanamo Bay, Cuba, by the Department of Defense; and

(2) an assessment of the likelihood that such detainees will engage in terrorism or communicate with persons in terrorist organizations.

SEC. 335. REPORT AND STRATEGIC PLAN ON BIOLOGICAL WEAPONS.

(a) REQUIREMENT FOR REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on—

(1) the intelligence collection efforts of the United States dedicated to assessing the threat from biological weapons from state, nonstate, or rogue actors, either foreign or domestic; and

(2) efforts to protect the biodefense knowledge and infrastructure of the United States.

(b) CONTENT.—The report required by subsection (a) shall include—

(1) an assessment of the intelligence collection efforts of the United States dedicated to detecting the development or use of biological weapons by state, nonstate, or rogue actors, either foreign or domestic;

(2) information on fiscal, human, technical, open-source, and other intelligence collection resources of the United States dedicated for use to detect or protect against the threat of biological weapons;

(3) an assessment of any problems that may reduce the overall effectiveness of United States intelligence collection and analysis to identify and protect biological weapons targets, including—

(A) intelligence collection gaps or inefficiencies;

(B) inadequate information sharing practices; or

(C) inadequate cooperation among departments or agencies of the United States;

(4) a strategic plan prepared by the Director of National Intelligence, in coordination with the Attorney General, the Secretary of Defense, and the Secretary of Homeland Security, that provides for actions for the appropriate elements of the intelligence community to close important intelligence gaps related to biological weapons;

(5) a description of appropriate goals, schedules, milestones, or metrics to measure the long-term effectiveness of actions implemented to carry out the plan described in paragraph (4); and

(6) any long-term resource and human capital issues related to the collection of intelligence regarding biological weapons, including any recommendations to address shortfalls of experienced and qualified staff possessing relevant scientific, language, and technical skills.

(c) IMPLEMENTATION OF STRATEGIC PLAN.—Not later than 30 days after the date on which the Director of National Intelligence submits the report required by subsection (a), the Director shall begin implementation of the strategic plan referred to in subsection (b)(4).

SEC. 336. CYBERSECURITY OVERSIGHT.

(a) NOTIFICATION OF CYBERSECURITY PROGRAMS.—

(1) REQUIREMENT FOR NOTIFICATION.—

(A) EXISTING PROGRAMS.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress a notification for each cybersecurity program in operation on such date that includes the documentation referred to in subparagraphs (A) through (F) of paragraph (2).

(B) NEW PROGRAMS.—Not later than 30 days after the date of the commencement of operations of a new cybersecurity program, the President shall submit to Congress a notification of such commencement that includes the documentation referred to in subparagraphs (A) through (F) of paragraph (2).

(2) DOCUMENTATION.—A notification required by paragraph (1) for a cybersecurity program shall include—

(A) the legal basis for the cybersecurity program;

(B) the certification, if any, made pursuant to section 2511(2)(a)(ii)(B) of title 18, United States Code, or other statutory certification of legality for the cybersecurity program;

(C) the concept for the operation of the cybersecurity program that is approved by the head of the appropriate department or agency of the United States;

(D) the assessment, if any, of the privacy impact of the cybersecurity program prepared by the privacy or civil liberties protection officer or comparable officer of such department or agency;

(E) the plan, if any, for independent audit or review of the cybersecurity program to be carried out by the head of such department or agency, in conjunction with the appropriate inspector general; and

(F) recommendations, if any, for legislation to improve the capabilities of the United States Government to protect the cybersecurity of the United States.

(b) PROGRAM REPORTS.—

(1) REQUIREMENT FOR REPORTS.—The head of a department or agency of the United States with responsibility for a cybersecurity program for which a notification was submitted under subsection (a), in consultation with the inspector general for that department or agency, shall submit to Congress and the President a report on such cybersecurity program that includes—

(A) the results of any audit or review of the cybersecurity program carried out under the plan referred to in subsection (a)(2)(E), if any; and

(B) an assessment of whether the implementation of the cybersecurity program—

(i) is in compliance with—

(I) the legal basis referred to in subsection (a)(2)(A); and

(II) an assessment referred to in subsection (a)(2)(D), if any;

(ii) is adequately described by the concept of operation referred to in subsection (a)(2)(C); and

(iii) includes an adequate independent audit or review system and whether improvements to such independent audit or review system are necessary.

(2) SCHEDULE FOR SUBMISSION OF REPORTS.—

(A) EXISTING PROGRAMS.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the head of a department or agency of the United States with responsibility for a cybersecurity program for which a notification is required to be submitted under subsection (a)(1)(A) shall submit a report required under paragraph (1).

(B) NEW PROGRAMS.—Not later than 120 days after the date on which a certification is submitted under subsection (a)(1)(B), and annually thereafter, the head of a department or agency of the United States with responsibility for the cybersecurity program for which such certification is submitted shall submit a report required under paragraph (1).

(3) COOPERATION AND COORDINATION.—

(A) COOPERATION.—The head of each department or agency of the United States required to submit a report under paragraph (1) for a particular cybersecurity program, and the inspector general of each such department or agency, shall, to the extent practicable, work in conjunction with any other such head or inspector general required to submit such a report for such cybersecurity program.

(B) COORDINATION.—The heads of all of the departments and agencies of the United States required to submit a report under paragraph (1) for a particular cybersecurity program shall designate one such head to coordinate the conduct of the reports on such program.

(C) INFORMATION SHARING REPORT.—Not later than one year after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security and the Inspector General of the Intelligence Community shall jointly submit to Congress and the President a report on the status of the sharing of cyber-threat information, including—

(1) a description of how cyber-threat intelligence information, including classified information, is shared among the agencies and departments of the United States and with persons responsible for critical infrastructure;

(2) a description of the mechanisms by which classified cyber-threat information is distributed;

(3) an assessment of the effectiveness of cyber-threat information sharing and distribution; and

(4) any other matters identified by either Inspector General that would help to fully inform Congress or the President regarding the effectiveness and legality of cybersecurity programs.

(d) PERSONNEL DETAILS.—

(1) AUTHORITY TO DETAIL.—Notwithstanding any other provision of law, the head of an element of the intelligence community that is funded through the National Intelligence Program may detail an officer or employee of such element to the National Cyber Investigative Joint Task Force or to the Department of Homeland Security to assist the Task Force or the Department with cybersecurity, as jointly agreed by the head of such element and the Task Force or the Department.

(2) BASIS FOR DETAIL.—A personnel detail made under paragraph (1) may be made—

(A) for a period of not more than three years; and

(B) on a reimbursable or nonreimbursable basis.

(e) ADDITIONAL PLAN.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a plan for recruiting, retaining, and training a highly-qualified cybersecurity intelligence community workforce to secure the networks of the intelligence community. Such plan shall include—

(1) an assessment of the capabilities of the current workforce;

(2) an examination of issues of recruiting, retention, and the professional development of such workforce, including the possibility of providing retention bonuses or other forms of compensation;

(3) an assessment of the benefits of outreach and training with both private industry and academic institutions with respect to such workforce;

(4) an assessment of the impact of the establishment of the Department of Defense Cyber Command on such workforce;

(5) an examination of best practices for making the intelligence community workforce aware of cybersecurity best practices and principles; and

(6) strategies for addressing such other matters as the Director of National Intelligence considers necessary to the cybersecurity of the intelligence community.

(f) REPORT ON GUIDELINES AND LEGISLATION TO IMPROVE CYBERSECURITY OF THE UNITED STATES.—

(1) INITIAL.—Not later than one year after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Attorney General, the Director of the National Security Agency, the White House Cybersecurity Coordinator, and any other officials the Director of National Intelligence considers appropriate, shall submit to Congress a report containing guidelines or legislative recommendations, if appropriate, to improve the capabilities of the intelligence community and law enforcement agencies to protect the cybersecurity of the United States. Such report shall include guidelines or legislative recommendations on—

(A) improving the ability of the intelligence community to detect hostile actions and attribute attacks to specific parties;

(B) the need for data retention requirements to assist the intelligence community and law enforcement agencies;

(C) improving the ability of the intelligence community to anticipate nontraditional targets of foreign intelligence services; and

(D) the adequacy of existing criminal statutes to successfully deter cyber attacks, including statutes criminalizing the facilitation of criminal acts, the scope of laws for which a cyber crime constitutes a predicate offense, trespassing statutes, data breach notification requirements, and victim restitution statutes.

(2) SUBSEQUENT.—Not later than one year after the date on which the initial report is submitted under paragraph (1), and annually thereafter for two years, the Director of National Intelligence, in consultation with the Attorney General, the Director of the National Security Agency, the White House Cybersecurity Coordinator, and any other officials the Director of National Intelligence considers appropriate, shall submit to Congress an update of the report required under paragraph (1).

(g) SUNSET.—The requirements and authorities of subsections (a) through (e) shall terminate on December 31, 2013.

(h) DEFINITIONS.—In this section:

(1) CYBERSECURITY PROGRAM.—The term “cybersecurity program” means a class or collection of similar cybersecurity operations of a department or agency of the United States that involves personally identifiable data that is—

(A) screened by a cybersecurity system outside of the department or agency of the United States that was the intended recipient of the personally identifiable data;

(B) transferred, for the purpose of cybersecurity, outside the department or agency of the United States that was the intended recipient of the personally identifiable data; or

(C) transferred, for the purpose of cybersecurity, to an element of the intelligence community.

(2) NATIONAL CYBER INVESTIGATIVE JOINT TASK FORCE.—The term “National Cyber Investigative Joint Task Force” means the multiagency cyber investigation coordination organization overseen by the Director of the Federal Bureau of Investigation known as the National Cyber Investigative Joint Task Force that coordinates, integrates, and provides pertinent information related to cybersecurity investigations.

(3) CRITICAL INFRASTRUCTURE.—The term “critical infrastructure” has the meaning given that term in section 1016 of the USA PATRIOT Act (42 U.S.C. 5195c).

SEC. 337. REPORT ON FOREIGN LANGUAGE PROFICIENCY IN THE INTELLIGENCE COMMUNITY.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, and biennially thereafter for four years, the Director of National Intelligence shall submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate a report on the proficiency in foreign languages and, as appropriate, in foreign dialects, of each element of the intelligence community, including—

(1) the number of positions authorized for such element that require foreign language proficiency and a description of the level of proficiency required;

(2) an estimate of the number of such positions that such element will require during the five-year period beginning on the date of the submission of the report;

(3) the number of positions authorized for such element that require foreign language proficiency that are filled by—

- (A) military personnel; and
- (B) civilian personnel;

(4) the number of applicants for positions in such element in the preceding fiscal year that indicated foreign language proficiency, including the foreign language indicated and the proficiency level;

(5) the number of persons hired by such element with foreign language proficiency, including the foreign language and a description of the proficiency level of such persons;

(6) the number of personnel of such element currently attending foreign language training, including the provider of such training;

(7) a description of the efforts of such element to recruit, hire, train, and retain personnel that are proficient in a foreign language;

(8) an assessment of methods and models for basic, advanced, and intensive foreign language training utilized by such element;

(9) for each foreign language and, as appropriate, dialect of a foreign language—

(A) the number of positions of such element that require proficiency in the foreign language or dialect;

(B) the number of personnel of such element that are serving in a position that requires proficiency in the foreign language or dialect to perform the primary duty of the position;

(C) the number of personnel of such element that are serving in a position that does not require proficiency in the foreign language or dialect to perform the primary duty of the position;

(D) the number of personnel of such element rated at each level of proficiency of the Interagency Language Roundtable;

(E) whether the number of personnel at each level of proficiency of the Interagency Language Roundtable meets the requirements of such element;

(F) the number of personnel serving or hired to serve as linguists for such element that are not qualified as linguists under the standards of the Interagency Language Roundtable;

(G) the number of personnel hired to serve as linguists for such element during the preceding calendar year;

(H) the number of personnel serving as linguists that discontinued serving such element during the preceding calendar year;

(I) the percentage of work requiring linguistic skills that is fulfilled by a foreign country, international organization, or other foreign entity; and

(J) the percentage of work requiring linguistic skills that is fulfilled by contractors;

(10) an assessment of the foreign language capacity and capabilities of the intelligence community as a whole;

(11) an identification of any critical gaps in foreign language proficiency with respect to such element and recommendations for eliminating such gaps;

(12) recommendations, if any, for eliminating required reports relating to foreign language proficiency that the Director of National Intelligence considers outdated or no longer relevant; and

(13) an assessment of the feasibility of employing foreign nationals lawfully present in the United States who have previously worked as translators or interpreters for the Armed Forces or another department or agency of the United States Government in Iraq or Afghanistan to meet the critical language needs of such element.

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 338. REPORT ON PLANS TO INCREASE DIVERSITY WITHIN THE INTELLIGENCE COMMUNITY.

(a) REQUIREMENT FOR REPORT.—Not later than one year after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the head of each element of the intelligence community, shall submit to the congressional intelligence committees a report on the plans of each such element to increase diversity within the intelligence community.

(b) CONTENT.—The report required by subsection (a) shall include specific implementation plans to increase diversity within each element of the intelligence community, including—

(1) specific implementation plans for each such element designed to achieve the goals articulated in the strategic plan of the Director of National Intelligence on equal employment opportunity and diversity;

(2) specific plans and initiatives for each such element to increase recruiting and hiring of diverse candidates;

(3) specific plans and initiatives for each such element to improve retention of diverse Federal employees at the junior, midgrade, senior, and management levels;

(4) a description of specific diversity awareness training and education programs for senior officials and managers of each such element; and

(5) a description of performance metrics to measure the success of carrying out the plans, initiatives, and programs described in paragraphs (1) through (4).

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 339. REPORT ON INTELLIGENCE COMMUNITY CONTRACTORS.

(a) REQUIREMENT FOR REPORT.—Not later than February 1, 2011, the Director of National Intelligence shall submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate a report describing the use of personal services contracts across the intelligence community, the impact of the use of such contracts on the intelligence community workforce, plans for conversion of contractor employment into United States Government employment, and the accountability mechanisms that govern the performance of such personal services contracts.

(b) CONTENT.—

(1) IN GENERAL.—The report submitted under subsection (a) shall include—

(A) a description of any relevant regulations or guidance issued by the Director of National Intelligence or the head of an element of the intelligence community and in effect as of February 1, 2011, relating to minimum standards required regarding the hiring, training, security clearance, and assignment of contract personnel and how those standards may differ from those for United States Government employees performing substantially similar functions;

(B) an identification of contracts in effect during the preceding fiscal year under which the contractor is performing substantially similar functions to a United States Government employee;

(C) an assessment of costs incurred or savings achieved during the preceding fiscal year by awarding contracts for the performance of such functions referred to in subparagraph (B) instead of using full-time employ-

ees of the elements of the intelligence community to perform such functions;

(D) an assessment of the appropriateness of using contractors to perform the activities described in paragraph (2);

(E) an estimate of the number of contracts, and the number of personnel working under such contracts, related to the performance of activities described in paragraph (2);

(F) a comparison of the compensation of contract employees and United States Government employees performing substantially similar functions during the preceding fiscal year;

(G) an analysis of the attrition of United States Government employees for contractor positions that provide substantially similar functions during the preceding fiscal year;

(H) a description of positions that have been or will be converted from contractor employment to United States Government employment during fiscal years 2011 and 2012;

(I) an analysis of the oversight and accountability mechanisms applicable to personal services contracts awarded for intelligence activities by each element of the intelligence community during fiscal years 2009 and 2010;

(J) an analysis of procedures in use in the intelligence community as of February 1, 2011, for conducting oversight of contractors to ensure identification and prosecution of criminal violations, financial waste, fraud, or other abuses committed by contractors or contract personnel; and

(K) an identification of best practices for oversight and accountability mechanisms applicable to personal services contracts.

(2) ACTIVITIES.—Activities described in this paragraph are the following:

(A) Intelligence collection.

(B) Intelligence analysis.

(C) Covert actions, including rendition, detention, and interrogation activities.

SEC. 340. STUDY ON ELECTRONIC WASTE DESTRUCTION PRACTICES OF THE INTELLIGENCE COMMUNITY.

(a) STUDY.—The Inspector General of the Intelligence Community shall conduct a study on the electronic waste destruction practices of the intelligence community. Such study shall assess—

(1) the security of the electronic waste disposal practices of the intelligence community, including the potential for counterintelligence exploitation of destroyed, discarded, or recycled materials;

(2) the environmental impact of such disposal practices; and

(3) methods to improve the security and environmental impact of such disposal practices, including steps to prevent the forensic exploitation of electronic waste.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a report containing the results of the study conducted under subsection (a).

SEC. 341. REVIEW OF RECORDS RELATING TO POTENTIAL HEALTH RISKS AMONG DESERT STORM VETERANS.

(a) REVIEW.—The Director of the Central Intelligence Agency shall conduct a classification review of the records of the Agency that are relevant to the known or potential health effects suffered by veterans of Operation Desert Storm as described in the November 2008, report by the Department of Veterans Affairs Research Advisory Committee on Gulf War Veterans' Illnesses.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the

Director of the Central Intelligence Agency shall submit to Congress the results of the classification review conducted under subsection (a), including the total number of records of the Agency that are relevant.

(c) FORM.—The report required under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

SEC. 342. REVIEW OF FEDERAL BUREAU OF INVESTIGATION EXERCISE OF ENFORCEMENT JURISDICTION IN FOREIGN NATIONS.

Not later than 120 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation, in consultation with the Secretary of State, shall submit to Congress a review of constraints under international law and the laws of foreign nations to the assertion of enforcement jurisdiction with respect to criminal investigations of terrorism offenses under the laws of the United States conducted by agents of the Federal Bureau of Investigation in foreign nations and using funds made available for the National Intelligence Program, including constraints identified in section 432 of the Restatement (Third) of the Foreign Relations Law of the United States.

SEC. 343. PUBLIC RELEASE OF INFORMATION ON PROCEDURES USED IN NARCOTICS AIRBRIDGE DENIAL PROGRAM IN PERU.

Not later than 30 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall make publicly available an unclassified version of the report of the Inspector General of the Central Intelligence Agency entitled "Procedures Used in Narcotics Airbridge Denial Program in Peru, 1995–2001", dated August 25, 2008.

SEC. 344. REPORT ON THREAT FROM DIRTY BOMBS.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Nuclear Regulatory Commission, shall submit to Congress a report summarizing intelligence related to the threat to the United States from weapons that use radiological materials, including highly dispersible substances such as cesium-137.

SEC. 345. REPORT ON CREATION OF SPACE INTELLIGENCE OFFICE.

Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the feasibility and advisability of creating a national space intelligence office to manage space-related intelligence assets and access to such assets.

SEC. 346. REPORT ON ATTEMPT TO DETONATE EXPLOSIVE DEVICE ON NORTHWEST AIRLINES FLIGHT 253.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the attempt to detonate an explosive device aboard Northwest Airlines flight number 253 on December 25, 2009. Such report shall describe the failures, if any, to share or analyze intelligence or other information and the measures that the intelligence community has taken or will take to prevent such failures, including—

(1) a description of the roles and responsibilities of the counterterrorism analytic components of the intelligence community in synchronizing, correlating, and analyzing all sources of intelligence related to terrorism;

(2) an assessment of the technological capabilities of the United States Government to assess terrorist threats, including—

(A) a list of all databases used by counterterrorism analysts;

(B) a description of the steps taken by the intelligence community to integrate all relevant terrorist databases and allow for cross-database searches;

(C) a description of the steps taken by the intelligence community to correlate biographic information with terrorism-related intelligence; and

(D) a description of the improvements to information technology needed to enable the United States Government to better share information;

(3) any recommendations that the Director considers appropriate for legislation to improve the sharing of intelligence or information relating to terrorists;

(4) a description of the steps taken by the intelligence community to train analysts on watchlisting processes and procedures;

(5) a description of the manner in which watchlisting information is entered, reviewed, searched, analyzed, and acted upon by the relevant elements of the United States Government;

(6) a description of the steps the intelligence community is taking to enhance the rigor and raise the standard of tradecraft of intelligence analysis related to uncovering and preventing terrorist plots;

(7) a description of the processes and procedures by which the intelligence community prioritizes terrorism threat leads and the standards used by elements of the intelligence community to determine if follow-up action is appropriate;

(8) a description of the steps taken to enhance record information on possible terrorists in the Terrorist Identities Datamart Environment;

(9) an assessment of how to meet the challenge associated with exploiting the ever-increasing volume of information available to the intelligence community; and

(10) a description of the steps the intelligence community has taken or will take to respond to any findings and recommendations of the congressional intelligence committees, with respect to any such failures, that have been transmitted to the Director of National Intelligence.

SEC. 347. REPEAL OR MODIFICATION OF CERTAIN REPORTING REQUIREMENTS.

(a) ANNUAL REPORT ON INTELLIGENCE.—Section 109 of the National Security Act of 1947 (50 U.S.C. 404d) is repealed.

(b) ANNUAL AND SPECIAL REPORTS ON INTELLIGENCE SHARING WITH THE UNITED NATIONS.—Section 112 of the National Security Act of 1947 (50 U.S.C. 404g) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(c) ANNUAL REPORT ON PROGRESS IN AUDITABLE FINANCIAL STATEMENTS.—Section 114A of the National Security Act of 1947 (50 U.S.C. 404i–1) is repealed.

(d) REPORT ON FINANCIAL INTELLIGENCE ON TERRORIST ASSETS.—Section 118 of the National Security Act of 1947 (50 U.S.C. 404m) is amended—

(1) in the heading, by striking "SEMI-ANNUAL" and inserting "ANNUAL";

(2) in subsection (a)—

(A) in the heading, by striking "SEMI-ANNUAL" and inserting "ANNUAL";

(B) in the matter preceding paragraph (1)—

(i) by striking "semiannual basis" and inserting "annual basis"; and

(ii) by striking "preceding six-month period" and inserting "preceding one-year period";

(C) by striking paragraph (2); and

(D) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(3) in subsection (d)—

(A) in paragraph (1), by inserting "the Committee on Armed Services," after "the Committee on Appropriations,"; and

(B) in paragraph (2), by inserting "the Committee on Armed Services," after "the Committee on Appropriations,".

(e) ANNUAL CERTIFICATION ON COUNTER-INTELLIGENCE INITIATIVES.—Section 1102(b) of the National Security Act of 1947 (50 U.S.C. 442a(b)) is amended—

(1) by striking "(1)"; and

(2) by striking paragraph (2).

(f) REPORT AND CERTIFICATION UNDER TERRORIST IDENTIFICATION CLASSIFICATION SYSTEM.—Section 343 of the Intelligence Authorization Act for Fiscal Year 2003 (50 U.S.C. 404n–2) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

(g) ANNUAL REPORT ON COUNTERDRUG INTELLIGENCE MATTERS.—Section 826 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 21 U.S.C. 873 note) is repealed.

(h) BIENNIAL REPORT ON FOREIGN INDUSTRIAL ESPIONAGE.—Subsection (b) of section 809 of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. App. 2170b) is amended—

(1) in the heading, by striking "ANNUAL UPDATE" and inserting "BIENNIAL REPORT";

(2) by striking paragraphs (1) and (2) and inserting the following new paragraph:

"(1) REQUIREMENT TO SUBMIT.—Not later than February 1, 2011, and once every two years thereafter, the President shall submit to the congressional intelligence committees and congressional leadership a report updating the information referred to in subsection (a)(1)(D)."; and

(3) by redesignating paragraph (3) as paragraph (2).

(i) TABLE OF CONTENTS AMENDMENTS.—

(1) NATIONAL SECURITY ACT OF 1947.—The table of contents in the first section of the National Security Act of 1947, as amended by section 332 of this Act, is further amended—

(A) by striking the item relating to section 109;

(B) by striking the item relating to section 114A; and

(C) by striking the item relating to section 118 and inserting the following new item:

"Sec. 118. Annual report on financial intelligence on terrorist assets.".

(2) INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2003.—The table of contents in the first section of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2383) is amended by striking the item relating to section 826.

SEC. 348. INFORMATION ACCESS BY THE COMPTROLLER GENERAL OF THE UNITED STATES.

(a) DNI DIRECTIVE GOVERNING ACCESS.—

(1) REQUIREMENT FOR DIRECTIVE.—The Director of National Intelligence, in consultation with the Comptroller General of the United States, shall issue a written directive governing the access of the Comptroller General to information in the possession of an element of the intelligence community.

(2) AMENDMENT TO DIRECTIVE.—The Director of National Intelligence, in consultation with the Comptroller General, may issue an amendment to the directive issued under paragraph (1) at any time the Director determines such an amendment is appropriate.

(3) RELATIONSHIP TO OTHER LAWS.—The directive issued under paragraph (1) and any amendment to such directive issued under paragraph (2) shall be consistent with the provisions of—

(A) chapter 7 of title 31, United States Code; and

(B) the National Security Act of 1947 (50 U.S.C. 401 et seq.).

(b) CONFIDENTIALITY OF INFORMATION.—

(1) REQUIREMENT FOR CONFIDENTIALITY.—The Comptroller General of the United States shall ensure that the level of confidentiality of information made available to the Comptroller General pursuant to the directive issued under subsection (a)(1) or an amendment to such directive issued under subsection (a)(2) is not less than the level of confidentiality of such information required of the head of the element of the intelligence community from which such information was obtained.

(2) PENALTIES FOR UNAUTHORIZED DISCLOSURE.—An officer or employee of the Government Accountability Office shall be subject to the same statutory penalties for unauthorized disclosure or use of such information as an officer or employee of the element of the intelligence community from which such information was obtained.

(c) SUBMISSION TO CONGRESS.—

(1) SUBMISSION OF DIRECTIVE.—The directive issued under subsection (a)(1) shall be submitted to Congress by the Director of National Intelligence, together with any comments of the Comptroller General of the United States, no later than May 1, 2011.

(2) SUBMISSION OF AMENDMENT.—Any amendment to such directive issued under subsection (a)(2) shall be submitted to Congress by the Director, together with any comments of the Comptroller General.

(d) EFFECTIVE DATE.—The directive issued under subsection (a)(1) and any amendment to such directive issued under subsection (a)(2) shall take effect 60 days after the date such directive or amendment is submitted to Congress under subsection (c), unless the Director determines that for reasons of national security the directive or amendment should take effect sooner.

SEC. 349. CONFORMING AMENDMENTS FOR REPORT SUBMISSION DATES.

Section 507 of the National Security Act of 1947 (50 U.S.C. 415b) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking subparagraphs (A), (B), and (G);

(ii) by redesignating subparagraphs (C), (D), (E), (F), (H), (I), and (N) as subparagraphs (A), (B), (C), (D), (E), (F), and (G), respectively; and

(iii) by adding at the end the following new subparagraphs:

“(H) The annual report on outside employment of employees of elements of the intelligence community required by section 102A(u)(2).

“(I) The annual report on financial intelligence on terrorist assets required by section 118.”; and

(B) in paragraph (2), by striking subparagraphs (C) and (D); and

(2) in subsection (b), by striking paragraph (6).

Subtitle E—Other Matters

SEC. 361. EXTENSION OF AUTHORITY TO DELETE INFORMATION ABOUT RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS.

Paragraph (4) of section 7342(f) of title 5, United States Code, is amended to read as follows:

“(4)(A) In transmitting such listings for an element of the intelligence community, the head of such element may delete the information described in subparagraph (A) or (C) of paragraph (2) or in subparagraph (A) or (C) of paragraph (3) if the head of such element certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources or methods.

“(B) Any information not provided to the Secretary of State pursuant to the authority in subparagraph (A) shall be transmitted to the Director of National Intelligence who shall keep a record of such information.

“(C) In this paragraph, the term ‘intelligence community’ has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).”

SEC. 362. MODIFICATION OF AVAILABILITY OF FUNDS FOR DIFFERENT INTELLIGENCE ACTIVITIES.

Subparagraph (B) of section 504(a)(3) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)) is amended to read as follows:

“(B) the use of such funds for such activity supports an emergent need, improves program effectiveness, or increases efficiency; and”

SEC. 363. PROTECTION OF CERTAIN NATIONAL SECURITY INFORMATION.

(a) INCREASE IN PENALTIES FOR DISCLOSURE OF UNDERCOVER INTELLIGENCE OFFICERS AND AGENTS.—

(1) DISCLOSURE OF AGENT AFTER ACCESS TO INFORMATION IDENTIFYING AGENT.—Subsection (a) of section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended by striking “ten years” and inserting “15 years”.

(2) DISCLOSURE OF AGENT AFTER ACCESS TO CLASSIFIED INFORMATION.—Subsection (b) of such section is amended by striking “five years” and inserting “10 years”.

(b) MODIFICATIONS TO ANNUAL REPORT ON PROTECTION OF INTELLIGENCE IDENTITIES.—The first sentence of section 603(a) of the National Security Act of 1947 (50 U.S.C. 423(a)) is amended by inserting “including an assessment of the need, if any, for modification of this title for the purpose of improving legal protections for covert agents,” after “measures to protect the identities of covert agents.”

SEC. 364. NATIONAL INTELLIGENCE PROGRAM BUDGET.

Section 601 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 415c) is amended to read as follows:

“SEC. 601. AVAILABILITY TO PUBLIC OF CERTAIN INTELLIGENCE FUNDING INFORMATION.

“(a) BUDGET REQUEST.—At the time that the President submits to Congress the budget for a fiscal year pursuant to section 1105 of title 31, United States Code, the President shall disclose to the public the aggregate amount of appropriations requested for that fiscal year for the National Intelligence Program.

“(b) AMOUNTS APPROPRIATED EACH FISCAL YEAR.—Not later than 30 days after the end of each fiscal year, the Director of National Intelligence shall disclose to the public the aggregate amount of funds appropriated by Congress for the National Intelligence Program for such fiscal year.

“(c) WAIVER.—

“(1) IN GENERAL.—The President may waive or postpone the disclosure required by subsection (a) or (b) for a fiscal year by submitting to the Select Committee on Intelligence of the Senate and Permanent Select Com-

mittee on Intelligence of the House of Representatives—

“(A) a statement, in unclassified form, that the disclosure required in subsection (a) or (b) for that fiscal year would damage national security; and

“(B) a statement detailing the reasons for the waiver or postponement, which may be submitted in classified form.

“(2) SUBMISSION DATES.—The President shall submit the statements required under paragraph (1)—

“(A) in the case of a waiver or postponement of a disclosure required under subsection (a), at the time of the submission of the budget for the fiscal year for which such disclosure is waived or postponed; and

“(B) in the case of a waiver or postponement of a disclosure required under subsection (b), not later than 30 days after the date of the end of the fiscal year for which such disclosure is waived or postponed.

“(d) DEFINITION.—As used in this section, the term ‘National Intelligence Program’ has the meaning given the term in section 3(6) of the National Security Act of 1947 (50 U.S.C. 401a(6)).”

SEC. 365. IMPROVING THE REVIEW AUTHORITY OF THE PUBLIC INTEREST DECLASSIFICATION BOARD.

Paragraph (5) of section 703(b) of the Public Interest Declassification Act of 2000 (50 U.S.C. 435 note) is amended—

(1) by striking “jurisdiction,” and inserting “jurisdiction or by a member of the committee of jurisdiction.”; and

(2) by inserting “, to evaluate the proper classification of certain records,” after “certain records”.

SEC. 366. AUTHORITY TO DESIGNATE UNDERCOVER OPERATIONS TO COLLECT FOREIGN INTELLIGENCE OR COUNTERINTELLIGENCE.

Paragraph (1) of section 102(b) of the Department of Justice and Related Agencies Appropriations Act, 1993 (Public Law 102-395; 28 U.S.C. 533 note) is amended in the flush text following subparagraph (D) by striking “(or, if designated by the Director, the Assistant Director, Intelligence Division) and the Attorney General (or, if designated by the Attorney General, the Assistant Attorney General for National Security)” and inserting “(or a designee of the Director who is in a position not lower than Deputy Assistant Director in the National Security Branch or a similar successor position) and the Attorney General (or a designee of the Attorney General who is in the National Security Division in a position not lower than Deputy Assistant Attorney General or a similar successor position)”.

SEC. 367. SECURITY CLEARANCES: REPORTS; RECIPROCITY.

(a) REPORTS RELATING TO SECURITY CLEARANCES.—

(1) QUADRENNIAL AUDIT; SECURITY CLEARANCE DETERMINATIONS.—

(A) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 325 of this Act, is further amended by inserting after section 506G, as added by section 325(a), the following new section:

“REPORTS ON SECURITY CLEARANCES

“SEC. 506H. (a) QUADRENNIAL AUDIT OF POSITION REQUIREMENTS.—(1) The President shall every four years conduct an audit of the manner in which the executive branch determines whether a security clearance is required for a particular position in the United States Government.

“(2) Not later than 30 days after the completion of an audit conducted under paragraph (1), the President shall submit to Congress the results of such audit.

“(b) REPORT ON SECURITY CLEARANCE DETERMINATIONS.—(1) Not later than February 1 of each year, the President shall submit to Congress a report on the security clearance process. Such report shall include, for each security clearance level—

“(A) the number of employees of the United States Government who—

“(i) held a security clearance at such level as of October 1 of the preceding year; and

“(ii) were approved for a security clearance at such level during the preceding fiscal year;

“(B) the number of contractors to the United States Government who—

“(i) held a security clearance at such level as of October 1 of the preceding year; and

“(ii) were approved for a security clearance at such level during the preceding fiscal year; and

“(C) for each element of the intelligence community—

“(i) the total amount of time it took to process the security clearance determination for such level that—

“(I) was among the 80 percent of security clearance determinations made during the preceding fiscal year that took the shortest amount of time to complete; and

“(II) took the longest amount of time to complete;

“(ii) the total amount of time it took to process the security clearance determination for such level that—

“(I) was among the 90 percent of security clearance determinations made during the preceding fiscal year that took the shortest amount of time to complete; and

“(II) took the longest amount of time to complete;

“(iii) the number of pending security clearance investigations for such level as of October 1 of the preceding year that have remained pending for—

“(I) 4 months or less;

“(II) between 4 months and 8 months;

“(III) between 8 months and one year; and

“(IV) more than one year;

“(iv) the percentage of reviews during the preceding fiscal year that resulted in a denial or revocation of a security clearance;

“(v) the percentage of investigations during the preceding fiscal year that resulted in incomplete information;

“(vi) the percentage of investigations during the preceding fiscal year that did not result in enough information to make a decision on potentially adverse information; and

“(vii) for security clearance determinations completed or pending during the preceding fiscal year that have taken longer than one year to complete—

“(I) the number of security clearance determinations for positions as employees of the United States Government that required more than one year to complete;

“(II) the number of security clearance determinations for contractors that required more than one year to complete;

“(III) the agencies that investigated and adjudicated such determinations; and

“(IV) the cause of significant delays in such determinations.

“(2) For purposes of paragraph (1), the President may consider—

“(A) security clearances at the level of confidential and secret as one security clearance level; and

“(B) security clearances at the level of top secret or higher as one security clearance level.

“(c) FORM.—The results required under subsection (a)(2) and the reports required under subsection (b)(1) shall be submitted in unclassified form, but may include a classified annex.”

(B) INITIAL AUDIT.—The first audit required to be conducted under section 506H(a)(1) of the National Security Act of 1947, as added by subparagraph (A) of this paragraph, shall be completed not later than February 1, 2011.

(C) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of such Act, as amended by section 347(i) of this Act, is further amended by inserting after the item relating to section 506G, as added by section 325 of this Act, the following new item:

“Sec. 506H. Reports on security clearances.”

(2) REPORT ON METRICS FOR ADJUDICATION QUALITY.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on security clearance investigations and adjudications. Such report shall include—

(A) United States Government-wide adjudication guidelines and metrics for adjudication quality;

(B) a plan to improve the professional development of security clearance adjudicators;

(C) metrics to evaluate the effectiveness of interagency clearance reciprocity;

(D) United States Government-wide investigation standards and metrics for investigation quality; and

(E) the advisability, feasibility, counterintelligence risk, and cost effectiveness of—

(i) by not later than January 1, 2012, requiring the investigation and adjudication of security clearances to be conducted by not more than two Federal agencies; and

(ii) by not later than January 1, 2015, requiring the investigation and adjudication of security clearances to be conducted by not more than one Federal agency.

(b) SECURITY CLEARANCE RECIPROCITY.—

(1) AUDIT.—The Inspector General of the Intelligence Community shall conduct an audit of the reciprocity of security clearances among the elements of the intelligence community.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a report containing the results of the audit conducted under paragraph (1). Such report shall include an assessment of the time required to obtain a reciprocal security clearance for—

(A) an employee of an element of the intelligence community detailed to another element of the intelligence community;

(B) an employee of an element of the intelligence community seeking permanent employment with another element of the intelligence community; and

(C) a contractor seeking permanent employment with an element of the intelligence community.

(3) FORM.—The report required under paragraph (2) shall be submitted in unclassified form, but may include a classified annex.

SEC. 368. CORRECTING LONG-STANDING MATERIAL WEAKNESSES.

(a) DEFINITIONS.—In this section:

(1) COVERED ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term “covered element of the intelligence community” means—

(A) the Central Intelligence Agency;

(B) the Defense Intelligence Agency;

(C) the National Geospatial-Intelligence Agency;

(D) the National Reconnaissance Office; or

(E) the National Security Agency.

(2) INDEPENDENT AUDITOR.—The term “independent auditor” means an individual who—

(A)(i) is a Federal, State, or local government auditor who meets the independence standards included in generally accepted government auditing standards; or

(ii) is a public accountant who meets such independence standards; and

(B) is designated as an auditor by the Director of National Intelligence or the head of a covered element of the intelligence community, as appropriate.

(3) INDEPENDENT REVIEW.—The term “independent review” means an audit, attestation, or examination conducted by an independent auditor in accordance with generally accepted government auditing standards.

(4) LONG-STANDING, CORRECTABLE MATERIAL WEAKNESS.—The term “long-standing, correctable material weakness” means a material weakness—

(A) that was first reported in the annual financial report of a covered element of the intelligence community for a fiscal year prior to fiscal year 2007; and

(B) the correction of which is not substantially dependent on a business system that was not implemented prior to the end of fiscal year 2010.

(5) MATERIAL WEAKNESS.—The term “material weakness” has the meaning given that term under the Office of Management and Budget Circular A-123, entitled “Management’s Responsibility for Internal Control,” revised December 21, 2004.

(6) SENIOR INTELLIGENCE MANAGEMENT OFFICIAL.—The term “senior intelligence management official” means an official within a covered element of the intelligence community who is—

(A)(i) compensated under the Senior Intelligence Service pay scale; or

(ii) the head of a covered element of the intelligence community; and

(B) compensated for employment with funds appropriated pursuant to an authorization of appropriations in this Act.

(b) IDENTIFICATION OF SENIOR INTELLIGENCE MANAGEMENT OFFICIALS.—

(1) REQUIREMENT TO IDENTIFY.—Not later than 30 days after the date of the enactment of this Act, the head of a covered element of the intelligence community shall designate a senior intelligence management official of such element to be responsible for correcting each long-standing, correctable material weakness of such element.

(2) HEAD OF A COVERED ELEMENT OF THE INTELLIGENCE COMMUNITY.—The head of a covered element of the intelligence community may designate himself or herself as the senior intelligence management official responsible for correcting a long-standing, correctable material weakness under paragraph (1).

(3) REQUIREMENT TO UPDATE DESIGNATION.—If the head of a covered element of the intelligence community determines that a senior intelligence management official designated under paragraph (1) is no longer responsible for correcting a long-standing, correctable material weakness, the head of such element shall designate the successor to such official not later than 10 days after the date of such determination.

(c) NOTIFICATION.—Not later than 10 days after the date on which the head of a covered element of the intelligence community has designated a senior intelligence management official pursuant to paragraph (1) or (3) of subsection (b), the head of such element shall provide written notification of such

designation to the Director of National Intelligence and to such senior intelligence management official.

(d) **CORRECTION OF LONG-STANDING, MATERIAL WEAKNESS.**—

(1) **DETERMINATION OF CORRECTION OF DEFICIENCY.**—If a long-standing, correctable material weakness is corrected, the senior intelligence management official who is responsible for correcting such long-standing, correctable material weakness shall make and issue a determination of the correction.

(2) **BASIS FOR DETERMINATION.**—The determination of the senior intelligence management official under paragraph (1) shall be based on the findings of an independent review.

(3) **NOTIFICATION AND SUBMISSION OF FINDINGS.**—A senior intelligence management official who makes a determination under paragraph (1) shall—

(A) notify the head of the appropriate covered element of the intelligence community of such determination at the time the determination is made; and

(B) ensure that the independent auditor whose findings are the basis of a determination under paragraph (1) submits to the head of the covered element of the intelligence community and the Director of National Intelligence the findings that such determination is based on not later than 5 days after the date on which such determination is made.

(e) **CONGRESSIONAL OVERSIGHT.**—The head of a covered element of the intelligence community shall notify the congressional intelligence committees not later than 30 days after the date—

(1) on which a senior intelligence management official is designated under paragraph (1) or (3) of subsection (b) and notified under subsection (c); or

(2) of the correction of a long-standing, correctable material weakness, as verified by an independent auditor under subsection (d)(2).

SEC. 369. INTELLIGENCE COMMUNITY FINANCIAL IMPROVEMENT AND AUDIT READINESS.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall—

(1) conduct a review of the status of the auditability compliance of each element of the intelligence community; and

(2) develop a plan and schedule to achieve a full, unqualified audit of each element of the intelligence community not later than September 30, 2013.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 401. ACCOUNTABILITY REVIEWS BY THE DIRECTOR OF NATIONAL INTELLIGENCE.

Subsection (f) of section 102A of the National Security Act of 1947 (50 U.S.C. 403-1) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6) the following new paragraph:

“(7)(A) The Director of National Intelligence shall, if the Director determines it is necessary, or may, if requested by a congressional intelligence committee, conduct an accountability review of an element of the intelligence community or the personnel of such element in relation to a failure or deficiency within the intelligence community.

“(B) The Director of National Intelligence, in consultation with the Attorney General,

shall establish guidelines and procedures for conducting an accountability review under subparagraph (A).

“(C)(i) The Director of National Intelligence shall provide the findings of an accountability review conducted under subparagraph (A) and the Director’s recommendations for corrective or punitive action, if any, to the head of the applicable element of the intelligence community. Such recommendations may include a recommendation for dismissal of personnel.

“(ii) If the head of such element does not implement a recommendation made by the Director under clause (i), the head of such element shall submit to the congressional intelligence committees a notice of the determination not to implement the recommendation, including the reasons for the determination.

“(D) The requirements of this paragraph shall not be construed to limit any authority of the Director of National Intelligence under subsection (m) or with respect to supervision of the Central Intelligence Agency.”.

SEC. 402. AUTHORITIES FOR INTELLIGENCE INFORMATION SHARING.

(a) **AUTHORITIES FOR INTERAGENCY FUNDING.**—Section 102A(d)(2) of the National Security Act of 1947 (50 U.S.C. 403-1(d)(2)) is amended by striking “Program to another such program.” and inserting “Program—

“(A) to another such program;

“(B) to other departments or agencies of the United States Government for the development and fielding of systems of common concern related to the collection, processing, analysis, exploitation, and dissemination of intelligence information; or

“(C) to a program funded by appropriations not within the National Intelligence Program to address critical gaps in intelligence information sharing or access capabilities.”.

(b) **AUTHORITIES OF HEADS OF OTHER DEPARTMENTS AND AGENCIES.**—Notwithstanding any other provision of law, the head of any department or agency of the United States is authorized to receive and utilize funds made available to the department or agency by the Director of National Intelligence pursuant to section 102A(d)(2) of the National Security Act of 1947 (50 U.S.C. 403-1(d)(2)), as amended by subsection (a), and receive and utilize any system referred to in such section that is made available to such department or agency.

SEC. 403. LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Subsection (e) of section 103 of the National Security Act of 1947 (50 U.S.C. 403-3) is amended to read as follows:

“(e) **LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.**—The headquarters of the Office of the Director of National Intelligence may be located in the Washington metropolitan region, as that term is defined in section 8301 of title 40, United States Code.”.

SEC. 404. TITLE AND APPOINTMENT OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

Section 103G of the National Security Act of 1947 (50 U.S.C. 403-3g) is amended—

(1) in subsection (a)—

(A) by inserting “of the Intelligence Community” after “Chief Information Officer”; and

(B) by striking “President,” and all that follows and inserting “President.”;

(2) by striking subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c), respectively;

(3) in subsection (b) (as so redesignated), by inserting “of the Intelligence Community” after “Chief Information Officer”; and

(4) in subsection (c) (as so redesignated), by inserting “of the Intelligence Community” before “may not”.

SEC. 405. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 347 of this Act, is further amended by inserting after section 103G the following new section:

“INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

“SEC. 103H. (a) **OFFICE OF INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.**—There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.

“(b) **PURPOSE.**—The purpose of the Office of the Inspector General of the Intelligence Community is—

“(1) to create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independent investigations, inspections, audits, and reviews on programs and activities within the responsibility and authority of the Director of National Intelligence;

“(2) to provide leadership and coordination and recommend policies for activities designed—

“(A) to promote economy, efficiency, and effectiveness in the administration and implementation of such programs and activities; and

“(B) to prevent and detect fraud and abuse in such programs and activities;

“(3) to provide a means for keeping the Director of National Intelligence fully and currently informed about—

“(A) problems and deficiencies relating to the administration of programs and activities within the responsibility and authority of the Director of National Intelligence; and

“(B) the necessity for, and the progress of, corrective actions; and

“(4) in the manner prescribed by this section, to ensure that the congressional intelligence committees are kept similarly informed of—

“(A) significant problems and deficiencies relating to programs and activities within the responsibility and authority of the Director of National Intelligence; and

“(B) the necessity for, and the progress of, corrective actions.

“(c) **INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.**—(1) There is an Inspector General of the Intelligence Community, who shall be the head of the Office of the Inspector General of the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

“(2) The nomination of an individual for appointment as Inspector General shall be made—

“(A) without regard to political affiliation;

“(B) on the basis of integrity, compliance with security standards of the intelligence community, and prior experience in the field of intelligence or national security; and

“(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or investigations.

“(3) The Inspector General shall report directly to and be under the general supervision of the Director of National Intelligence.

“(4) The Inspector General may be removed from office only by the President. The President shall communicate in writing to the congressional intelligence committees the reasons for the removal not later than 30 days prior to the effective date of such removal. Nothing in this paragraph shall be construed to prohibit a personnel action otherwise authorized by law, other than transfer or removal.

“(d) ASSISTANT INSPECTORS GENERAL.—Subject to the policies of the Director of National Intelligence, the Inspector General of the Intelligence Community shall—

“(1) appoint an Assistant Inspector General for Audit who shall have the responsibility for supervising the performance of auditing activities relating to programs and activities within the responsibility and authority of the Director;

“(2) appoint an Assistant Inspector General for Investigations who shall have the responsibility for supervising the performance of investigative activities relating to such programs and activities; and

“(3) appoint other Assistant Inspectors General that, in the judgment of the Inspector General, are necessary to carry out the duties of the Inspector General.

“(e) DUTIES AND RESPONSIBILITIES.—It shall be the duty and responsibility of the Inspector General of the Intelligence Community—

“(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the investigations, inspections, audits, and reviews relating to programs and activities within the responsibility and authority of the Director of National Intelligence;

“(2) to keep the Director of National Intelligence fully and currently informed concerning violations of law and regulations, fraud, and other serious problems, abuses, and deficiencies relating to the programs and activities within the responsibility and authority of the Director, to recommend corrective action concerning such problems, and to report on the progress made in implementing such corrective action;

“(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

“(4) in the execution of the duties and responsibilities under this section, to comply with generally accepted government auditing.

“(f) LIMITATIONS ON ACTIVITIES.—(1) The Director of National Intelligence may prohibit the Inspector General of the Intelligence Community from initiating, carrying out, or completing any investigation, inspection, audit, or review if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

“(2) Not later than seven days after the date on which the Director exercises the authority under paragraph (1), the Director shall submit to the congressional intelligence committees an appropriately classified statement of the reasons for the exercise of such authority.

“(3) The Director shall advise the Inspector General at the time a statement under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such statement.

“(4) The Inspector General may submit to the congressional intelligence committees any comments on the statement of which the Inspector General has notice under paragraph (3) that the Inspector General considers appropriate.

“(g) AUTHORITIES.—(1) The Inspector General of the Intelligence Community shall have direct and prompt access to the Director of National Intelligence when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

“(2)(A) The Inspector General shall, subject to the limitations in subsection (f), make such investigations and reports relating to the administration of the programs and activities within the authorities and responsibilities of the Director as are, in the judgment of the Inspector General, necessary or desirable.

“(B) The Inspector General shall have access to any employee, or any employee of a contractor, of any element of the intelligence community needed for the performance of the duties of the Inspector General.

“(C) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other materials that relate to the programs and activities with respect to which the Inspector General has responsibilities under this section.

“(D) The level of classification or compartmentation of information shall not, in and of itself, provide a sufficient rationale for denying the Inspector General access to any materials under subparagraph (C).

“(E) The Director, or on the recommendation of the Director, another appropriate official of the intelligence community, shall take appropriate administrative actions against an employee, or an employee of a contractor, of an element of the intelligence community that fails to cooperate with the Inspector General. Such administrative action may include loss of employment or the termination of an existing contractual relationship.

“(3) The Inspector General is authorized to receive and investigate, pursuant to subsection (h), complaints or information from any person concerning the existence of an activity within the authorities and responsibilities of the Director of National Intelligence constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the intelligence community—

“(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

“(B) no action constituting a reprisal, or threat of reprisal, for making such complaint or disclosing such information to the Inspector General may be taken by any employee in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

“(4) The Inspector General shall have the authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which

oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the Intelligence Community designated by the Inspector General shall have the same force and effect as if administered or taken by, or before, an officer having a seal.

“(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data in any medium (including electronically stored information, as well as any tangible thing) and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

“(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

“(C) The Inspector General may not issue a subpoena for, or on behalf of, any component of the Office of the Director of National Intelligence or any element of the intelligence community, including the Office of the Director of National Intelligence.

“(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

“(6) The Inspector General may obtain services as authorized by section 3109 of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for grade GS-15 of the General Schedule under section 5332 of title 5, United States Code.

“(7) The Inspector General may, to the extent and in such amounts as may be provided in appropriations, enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the provisions of this section.

“(h) COORDINATION AMONG INSPECTORS GENERAL.—(1)(A) In the event of a matter within the jurisdiction of the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, audit, or review by both the Inspector General of the Intelligence Community and an inspector general with oversight responsibility for an element of the intelligence community, the Inspector General of the Intelligence Community and such other inspector general shall expeditiously resolve the question of which inspector general shall conduct such investigation, inspection, audit, or review to avoid unnecessary duplication of the activities of the inspectors general.

“(B) In attempting to resolve a question under subparagraph (A), the inspectors general concerned may request the assistance of the Intelligence Community Inspectors General Forum established under paragraph (2). In the event of a dispute between an inspector general within a department or agency of the United States Government and the Inspector General of the Intelligence Community that has not been resolved with the assistance of such Forum, the inspectors general shall submit the question to the Director of National Intelligence and the head of the affected department or agency for resolution.

“(2)(A) There is established the Intelligence Community Inspectors General

Forum, which shall consist of all statutory or administrative inspectors general with oversight responsibility for an element of the intelligence community.

“(B) The Inspector General of the Intelligence Community shall serve as the Chair of the Forum established under subparagraph (A). The Forum shall have no administrative authority over any inspector general, but shall serve as a mechanism for informing its members of the work of individual members of the Forum that may be of common interest and discussing questions about jurisdiction or access to employees, employees of contract personnel, records, audits, reviews, documents, recommendations, or other materials that may involve or be of assistance to more than one of its members.

“(3) The inspector general conducting an investigation, inspection, audit, or review covered by paragraph (1) shall submit the results of such investigation, inspection, audit, or review to any other inspector general, including the Inspector General of the Intelligence Community, with jurisdiction to conduct such investigation, inspection, audit, or review who did not conduct such investigation, inspection, audit, or review.

“(i) COUNSEL TO THE INSPECTOR GENERAL.—(1) The Inspector General of the Intelligence Community shall—

“(A) appoint a Counsel to the Inspector General who shall report to the Inspector General; or

“(B) obtain the services of a counsel appointed by and directly reporting to another inspector general or the Council of the Inspectors General on Integrity and Efficiency on a reimbursable basis.

“(2) The counsel appointed or obtained under paragraph (1) shall perform such functions as the Inspector General may prescribe.

“(j) STAFF AND OTHER SUPPORT.—(1) The Director of National Intelligence shall provide the Inspector General of the Intelligence Community with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

“(2)(A) Subject to applicable law and the policies of the Director of National Intelligence, the Inspector General shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions, powers, and duties of the Inspector General. The Inspector General shall ensure that any officer or employee so selected, appointed, or employed has security clearances appropriate for the assigned duties of such officer or employee.

“(B) In making selections under subparagraph (A), the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively.

“(C) In meeting the requirements of this paragraph, the Inspector General shall create within the Office of the Inspector General of the Intelligence Community a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

“(3) Consistent with budgetary and personnel resources allocated by the Director of National Intelligence, the Inspector General has final approval of—

“(A) the selection of internal and external candidates for employment with the Office of the Inspector General; and

“(B) all other personnel decisions concerning personnel permanently assigned to the Office of the Inspector General, including selection and appointment to the Senior Intelligence Service, but excluding all security-based determinations that are not within the authority of a head of a component of the Office of the Director of National Intelligence.

“(4)(A) Subject to the concurrence of the Director of National Intelligence, the Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any department, agency, or other element of the United States Government.

“(B) Upon request of the Inspector General for information or assistance under subparagraph (A), the head of the department, agency, or element concerned shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the department, agency, or element, furnish to the Inspector General, such information or assistance.

“(C) The Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence community and in coordination with that element's inspector general pursuant to subsection (h), conduct, as authorized by this section, an investigation, inspection, audit, or review of such element and may enter into any place occupied by such element for purposes of the performance of the duties of the Inspector General.

“(k) REPORTS.—(1)(A) The Inspector General of the Intelligence Community shall, not later than January 31 and July 31 of each year, prepare and submit to the Director of National Intelligence a classified, and, as appropriate, unclassified semiannual report summarizing the activities of the Office of the Inspector General of the Intelligence Community during the immediately preceding 6-month period ending December 31 (of the preceding year) and June 30, respectively. The Inspector General of the Intelligence Community shall provide any portion of the report involving a component of a department of the United States Government to the head of that department simultaneously with submission of the report to the Director of National Intelligence.

“(B) Each report under this paragraph shall include, at a minimum, the following:

“(i) A list of the title or subject of each investigation, inspection, audit, or review conducted during the period covered by such report.

“(ii) A description of significant problems, abuses, and deficiencies relating to the administration of programs and activities of the intelligence community within the responsibility and authority of the Director of National Intelligence, and in the relationships between elements of the intelligence community, identified by the Inspector General during the period covered by such report.

“(iii) A description of the recommendations for corrective action made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies identified in clause (ii).

“(iv) A statement of whether or not corrective action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action.

“(v) A certification of whether or not the Inspector General has had full and direct ac-

cess to all information relevant to the performance of the functions of the Inspector General.

“(vi) A description of the exercise of the subpoena authority under subsection (g)(5) by the Inspector General during the period covered by such report.

“(vii) Such recommendations as the Inspector General considers appropriate for legislation to promote economy, efficiency, and effectiveness in the administration and implementation of programs and activities within the responsibility and authority of the Director of National Intelligence, and to detect and eliminate fraud and abuse in such programs and activities.

“(C) Not later than 30 days after the date of receipt of a report under subparagraph (A), the Director shall transmit the report to the congressional intelligence committees together with any comments the Director considers appropriate. The Director shall transmit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of the report involving a component of such department simultaneously with submission of the report to the congressional intelligence committees.

“(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to programs and activities within the responsibility and authority of the Director of National Intelligence.

“(B) The Director shall transmit to the congressional intelligence committees each report under subparagraph (A) within 7 calendar days of receipt of such report, together with such comments as the Director considers appropriate. The Director shall transmit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of each report under subparagraph (A) that involves a problem, abuse, or deficiency related to a component of such department simultaneously with transmission of the report to the congressional intelligence committees.

“(3)(A) In the event that—

“(i) the Inspector General is unable to resolve any differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

“(ii) an investigation, inspection, audit, or review carried out by the Inspector General focuses on any current or former intelligence community official who—

“(I) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and consent of the Senate, including such a position held on an acting basis;

“(II) holds or held a position in an element of the intelligence community, including a position held on an acting basis, that is appointed by the Director of National Intelligence; or

“(III) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 106;

“(iii) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in clause (ii);

“(iv) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal

conduct of any current or former official described in clause (ii); or

“(v) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, audit, or review,

the Inspector General shall immediately notify, and submit a report to, the congressional intelligence committees on such matter.

“(B) The Inspector General shall submit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of each report under subparagraph (A) that involves an investigation, inspection, audit, or review carried out by the Inspector General focused on any current or former official of a component of such department simultaneously with submission of the report to the congressional intelligence committees.

“(4) The Director shall submit to the congressional intelligence committees any report or findings and recommendations of an investigation, inspection, audit, or review conducted by the office which has been requested by the Chairman or Vice Chairman or ranking minority member of either committee.

“(5)(A) An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor to the intelligence community who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

“(B) Not later than the end of the 14-calendar-day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall transmit to the Director a notice of that determination, together with the complaint or information.

“(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within 7 calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

“(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

“(ii) An employee may contact the congressional intelligence committees directly as described in clause (i) only if the employee—

“(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the congressional intelligence committees directly; and

“(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the congressional intelligence committees in accordance with appropriate security practices.

“(iii) A member or employee of one of the congressional intelligence committees who

receives a complaint or information under this subparagraph does so in that member or employee's official capacity as a member or employee of such committee.

“(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

“(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

“(G) In this paragraph, the term ‘urgent concern’ means any of the following:

“(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operation of an intelligence activity within the responsibility and authority of the Director of National Intelligence involving classified information, but does not include differences of opinions concerning public policy matters.

“(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

“(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (g)(3)(B) of this section in response to an employee's reporting an urgent concern in accordance with this paragraph.

“(H) Nothing in this section shall be construed to limit the protections afforded to an employee under section 17(d) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)) or section 8H of the Inspector General Act of 1978 (5 U.S.C. App.).

“(6) In accordance with section 535 of title 28, United States Code, the Inspector General shall expeditiously report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involves a program or operation of an element of the intelligence community, or in the relationships between the elements of the intelligence community, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

“(1) CONSTRUCTION OF DUTIES REGARDING ELEMENTS OF INTELLIGENCE COMMUNITY.—Except as resolved pursuant to subsection (h), the performance by the Inspector General of the Intelligence Community of any duty, responsibility, or function regarding an element of the intelligence community shall not be construed to modify or affect the duties and responsibilities of any other inspector general having duties and responsibilities relating to such element.

“(m) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall, in accordance with procedures issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of the Inspector General of the Intelligence Community.

“(n) BUDGET.—(1) For each fiscal year, the Inspector General of the Intelligence Community shall transmit a budget estimate and request to the Director of National Intelligence that specifies for such fiscal year—

“(A) the aggregate amount requested for the operations of the Inspector General;

“(B) the amount requested for all training requirements of the Inspector General, including a certification from the Inspector General that the amount requested is sufficient to fund all training requirements for the Office of the Inspector General; and

“(C) the amount requested to support the Council of the Inspectors General on Integrity and Efficiency, including a justification for such amount.

“(2) In transmitting a proposed budget to the President for a fiscal year, the Director of National Intelligence shall include for such fiscal year—

“(A) the aggregate amount requested for the Inspector General of the Intelligence Community;

“(B) the amount requested for Inspector General training;

“(C) the amount requested to support the Council of the Inspectors General on Integrity and Efficiency; and

“(D) the comments of the Inspector General, if any, with respect to such proposed budget.

“(3) The Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives for each fiscal year—

“(A) a separate statement of the budget estimate transmitted pursuant to paragraph (1);

“(B) the amount requested by the Director for the Inspector General pursuant to paragraph (2)(A);

“(C) the amount requested by the Director for the training of personnel of the Office of the Inspector General pursuant to paragraph (2)(B);

“(D) the amount requested by the Director for support for the Council of the Inspectors General on Integrity and Efficiency pursuant to paragraph (2)(C); and

“(E) the comments of the Inspector General under paragraph (2)(D), if any, on the amounts requested pursuant to paragraph (2), including whether such amounts would substantially inhibit the Inspector General from performing the duties of the Office of the Inspector General.”.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 347 of this Act, is further amended by inserting after the item relating to section 103G the following new item:

“Sec. 103H. Inspector General of the Intelligence Community.”.

(b) PAY OF INSPECTOR GENERAL.—Subparagraph (A) of section 4(a)(3) of the Inspector General Reform Act of 2008 (Public Law 110-409; 5 U.S.C. App. note) is amended by inserting “the Inspector General of the Intelligence Community,” after “basic pay of”.

(c) CONSTRUCTION.—Nothing in the amendment made by subsection (a)(1) shall be construed to alter the duties and responsibilities of the General Counsel of the Office of the Director of National Intelligence.

(d) REPEAL OF SUPERSEDED AUTHORITY TO ESTABLISH POSITION.—Section 8K of the Inspector General Act of 1978 (5 U.S.C. App.) shall be repealed on the date that the President appoints, with the advice and consent of the Senate, the first individual to serve as Inspector General for the Intelligence Community pursuant to section 103H of the National Security Act of 1947, as added by subsection (a), and such individual assumes the duties of the Inspector General.

SEC. 406. CHIEF FINANCIAL OFFICER OF THE INTELLIGENCE COMMUNITY.

(a) **ESTABLISHMENT.**—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 405 of this Act, is further amended by inserting after section 103H, as added by section 405(a)(1), the following new section:

“CHIEF FINANCIAL OFFICER OF THE INTELLIGENCE COMMUNITY

“SEC. 103I. (a) **CHIEF FINANCIAL OFFICER OF THE INTELLIGENCE COMMUNITY.**—To assist the Director of National Intelligence in carrying out the responsibilities of the Director under this Act and other applicable provisions of law, there is within the Office of the Director of National Intelligence a Chief Financial Officer of the Intelligence Community who shall be appointed by the Director.

“(b) **DUTIES AND RESPONSIBILITIES.**—Subject to the direction of the Director of National Intelligence, the Chief Financial Officer of the Intelligence Community shall—

“(1) serve as the principal advisor to the Director of National Intelligence and the Principal Deputy Director of National Intelligence on the management and allocation of intelligence community budgetary resources;

“(2) participate in overseeing a comprehensive and integrated strategic process for resource management within the intelligence community;

“(3) ensure that the strategic plan of the Director of National Intelligence—

“(A) is based on budgetary constraints as specified in the Future Year Intelligence Plans and Long-term Budget Projections required under section 506G; and

“(B) contains specific goals and objectives to support a performance-based budget;

“(4) prior to the obligation or expenditure of funds for the acquisition of any major system pursuant to a Milestone A or Milestone B decision, receive verification from appropriate authorities that the national requirements for meeting the strategic plan of the Director have been established, and that such requirements are prioritized based on budgetary constraints as specified in the Future Year Intelligence Plans and the Long-term Budget Projections for such major system required under section 506G;

“(5) ensure that the collection architectures of the Director are based on budgetary constraints as specified in the Future Year Intelligence Plans and the Long-term Budget Projections required under section 506G;

“(6) coordinate or approve representations made to Congress by the intelligence community regarding National Intelligence Program budgetary resources;

“(7) participate in key mission requirements, acquisitions, or architectural boards formed within or by the Office of the Director of National Intelligence; and

“(8) perform such other duties as may be prescribed by the Director of National Intelligence.

“(c) **OTHER LAW.**—The Chief Financial Officer of the Intelligence Community shall serve as the Chief Financial Officer of the intelligence community and, to the extent applicable, shall have the duties, responsibilities, and authorities specified in chapter 9 of title 31, United States Code.

“(d) **PROHIBITION ON SIMULTANEOUS SERVICE AS OTHER CHIEF FINANCIAL OFFICER.**—An individual serving in the position of Chief Financial Officer of the Intelligence Community may not, while so serving, serve as the chief financial officer of any other department or agency, or component thereof, of the United States Government.

“(e) **DEFINITIONS.**—In this section:

“(1) The term ‘major system’ has the meaning given that term in section 506A(e).

“(2) The term ‘Milestone A’ has the meaning given that term in section 506G(f).

“(3) The term ‘Milestone B’ has the meaning given that term in section 506C(e).”

(b) **TABLE OF CONTENTS AMENDMENT.**—The table of contents in the first section of the National Security Act of 1947, as amended by section 405(a), is further amended by inserting after the item relating to section 103H, as added by section 405(a)(2), the following new item:

“Sec. 103I. Chief Financial Officer of the Intelligence Community.”

SEC. 407. LEADERSHIP AND LOCATION OF CERTAIN OFFICES AND OFFICIALS.

(a) **NATIONAL COUNTER PROLIFERATION CENTER.**—Section 119A(a) of the National Security Act of 1947 (50 U.S.C. 4040–1(a)) is amended—

(1) by striking “Not later than 18 months after the date of the enactment of the National Security Intelligence Reform Act of 2004, the” and inserting “(1) The”; and

(2) by adding at the end the following new paragraphs:

“(2) The head of the National Counter Proliferation Center shall be the Director of the National Counter Proliferation Center, who shall be appointed by the Director of National Intelligence.

“(3) The National Counter Proliferation Center shall be located within the Office of the Director of National Intelligence.”

(b) **OFFICERS.**—Section 103(c) of that Act (50 U.S.C. 403–3(c)) is amended—

(1) by redesignating paragraph (9) as paragraph (14); and

(2) by inserting after paragraph (8) the following new paragraphs:

“(9) The Chief Information Officer of the Intelligence Community.

“(10) The Inspector General of the Intelligence Community.

“(11) The Director of the National Counterterrorism Center.

“(12) The Director of the National Counter Proliferation Center.

“(13) The Chief Financial Officer of the Intelligence Community.”

SEC. 408. PROTECTION OF CERTAIN FILES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) **IN GENERAL.**—Title VII of the National Security Act of 1947 (50 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

“PROTECTION OF CERTAIN FILES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

“SEC. 706. (a) **INAPPLICABILITY OF FOIA TO EXEMPTED OPERATIONAL FILES PROVIDED TO ODNI.**—(1) Subject to paragraph (2), the provisions of section 552 of title 5, United States Code, that require search, review, publication, or disclosure of a record shall not apply to a record provided to the Office of the Director of National Intelligence by an element of the intelligence community from the exempted operational files of such element.

“(2) Paragraph (1) shall not apply with respect to a record of the Office that—

“(A) contains information derived or disseminated from an exempted operational file, unless such record is created by the Office for the sole purpose of organizing such exempted operational file for use by the Office;

“(B) is disseminated by the Office to a person other than an officer, employee, or contractor of the Office; or

“(C) is no longer designated as an exempted operational file in accordance with this title.

“(b) **EFFECT OF PROVIDING FILES TO ODNI.**—Notwithstanding any other provision of this title, an exempted operational file that is provided to the Office by an element of the intelligence community shall not be subject to the provisions of section 552 of title 5, United States Code, that require search, review, publication, or disclosure of a record solely because such element provides such exempted operational file to the Office.

“(c) **SEARCH AND REVIEW FOR CERTAIN PURPOSES.**—Notwithstanding subsection (a) or (b), an exempted operational file shall continue to be subject to search and review for information concerning any of the following:

“(1) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of section 552 or 552a of title 5, United States Code.

“(2) Any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5, United States Code.

“(3) The specific subject matter of an investigation for any impropriety or violation of law, Executive order, or Presidential directive, in the conduct of an intelligence activity by any of the following:

“(A) The Select Committee on Intelligence of the Senate.

“(B) The Permanent Select Committee on Intelligence of the House of Representatives.

“(C) The Intelligence Oversight Board.

“(D) The Department of Justice.

“(E) The Office of the Director of National Intelligence.

“(F) The Office of the Inspector General of the Intelligence Community.

“(d) **DECENNIAL REVIEW OF EXEMPTED OPERATIONAL FILES.**—(1) Not less than once every 10 years, the Director of National Intelligence shall review the exemptions in force under subsection (a) to determine whether such exemptions may be removed from any category of exempted files or any portion thereof.

“(2) The review required by paragraph (1) shall include consideration of the historical value or other public interest in the subject matter of the particular category of files or portions thereof and the potential for declassifying a significant part of the information contained therein.

“(3) A complainant that alleges that the Director of National Intelligence has improperly withheld records because of failure to comply with this subsection may seek judicial review in the district court of the United States of the district in which any of the parties reside, or in the District of Columbia. In such a proceeding, the court’s review shall be limited to determining the following:

“(A) Whether the Director has conducted the review required by paragraph (1) before the expiration of the 10-year period beginning on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2010 or before the expiration of the 10-year period beginning on the date of the most recent review.

“(B) Whether the Director of National Intelligence, in fact, considered the criteria set forth in paragraph (2) in conducting the required review.

“(e) **SUPERSEDITION OF OTHER LAWS.**—The provisions of this section may not be superseded except by a provision of law that is enacted after the date of the enactment of this section and that specifically cites and repeals or modifies such provisions.

“(f) ALLEGATION; IMPROPER WITHHOLDING OF RECORDS; JUDICIAL REVIEW.—(1) Except as provided in paragraph (2), whenever any person who has requested agency records under section 552 of title 5, United States Code, alleges that the Office has withheld records improperly because of failure to comply with any provision of this section, judicial review shall be available under the terms set forth in section 552(a)(4)(B) of title 5, United States Code.

“(2) Judicial review shall not be available in the manner provided for under paragraph (1) as follows:

“(A) In any case in which information specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign relations is filed with, or produced for, the court by the Office, such information shall be examined ex parte, in camera by the court.

“(B) The court shall determine, to the fullest extent practicable, the issues of fact based on sworn written submissions of the parties.

“(C)(i) When a complainant alleges that requested records were improperly withheld because of improper exemption of operational files, the Office may meet the burden of the Office under section 552(a)(4)(B) of title 5, United States Code, by demonstrating to the court by sworn written submission that exempted files likely to contain responsive records are records provided to the Office by an element of the intelligence community from the exempted operational files of such element.

“(ii) The court may not order the Office to review the content of any exempted file in order to make the demonstration required under clause (i), unless the complainant disputes the Office's showing with a sworn written submission based on personal knowledge or otherwise admissible evidence.

“(D) In proceedings under subparagraph (C), a party may not obtain discovery pursuant to rules 26 through 36 of the Federal Rules of Civil Procedure, except that requests for admissions may be made pursuant to rules 26 and 36 of the Federal Rules of Civil Procedure.

“(E) If the court finds under this subsection that the Office has improperly withheld requested records because of failure to comply with any provision of this section, the court shall order the Office to search and review each appropriate exempted file for the requested records and make such records, or portions thereof, available in accordance with the provisions of section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and such order shall be the exclusive remedy for failure to comply with this section.

“(F) If at any time following the filing of a complaint pursuant to this paragraph the Office agrees to search each appropriate exempted file for the requested records, the court shall dismiss the claim based upon such complaint.

“(g) DEFINITIONS.—In this section:

“(1) The term ‘exempted operational file’ means a file of an element of the intelligence community that, in accordance with this title, is exempted from the provisions of section 552 of title 5, United States Code, that require search, review, publication, or disclosure of such file.

“(2) Except as otherwise specifically provided, the term ‘Office’ means the Office of the Director of National Intelligence.”.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the

National Security Act of 1947, as amended by section 406(b) of this Act, is further amended by inserting after the item relating to section 705 the following new item:

“Sec. 706. Protection of certain files of the Office of the Director of National Intelligence.”.

SEC. 409. COUNTERINTELLIGENCE INITIATIVES FOR THE INTELLIGENCE COMMUNITY.

Section 1102 of the National Security Act of 1947 (50 U.S.C. 442a) is amended—

(1) in subsection (a)—
(A) by striking paragraph (2); and
(B) by striking “(1) In” and inserting “In”;

and
(2) in subsection (c)—
(A) by striking paragraph (2); and
(B) by striking “(1) The” and inserting “The”.

SEC. 410. INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT TO ADVISORY COMMITTEES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Section 4(b) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking “or”;
(2) in paragraph (2), by striking the period and inserting “; or”; and
(3) by adding at the end the following new paragraph:

“(3) The Office of the Director of National Intelligence, if the Director of National Intelligence determines that for reasons of national security such advisory committee cannot comply with the requirements of this Act.”.

(b) ANNUAL REPORT.—

(1) IN GENERAL.—The Director of National Intelligence and the Director of the Central Intelligence Agency shall each submit to the congressional intelligence committees an annual report on advisory committees created by each such Director. Each report shall include—

(A) a description of each such advisory committee, including the subject matter of the committee; and

(B) a list of members of each such advisory committee.

(2) REPORT ON REASONS FOR ODNI EXCLUSION OF ADVISORY COMMITTEE FROM FACA.—Each report submitted by the Director of National Intelligence in accordance with paragraph (1) shall include the reasons for a determination by the Director under section 4(b)(3) of the Federal Advisory Committee Act (5 U.S.C. App.), as added by subsection (a) of this section, that an advisory committee cannot comply with the requirements of such Act.

SEC. 411. MEMBERSHIP OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE TRANSPORTATION SECURITY OVERSIGHT BOARD.

Subparagraph (F) of section 115(b)(1) of title 49, United States Code, is amended to read as follows:

“(F) The Director of National Intelligence, or the Director's designee.”.

SEC. 412. REPEAL OF CERTAIN AUTHORITIES RELATING TO THE OFFICE OF THE NATIONAL COUNTERINTELLIGENCE EXECUTIVE.

(a) REPEAL OF CERTAIN AUTHORITIES.—Section 904 of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 402c) is amended—

(1) by striking subsections (d), (h), (i), and (j);

(2) by redesignating subsections (e), (f), (g), (k), (l), and (m) as subsections (d), (e), (f), (g), (h), and (i), respectively; and

(3) in subsection (f), as redesignated by paragraph (2), by striking paragraphs (3) and (4).

(b) CONFORMING AMENDMENTS.—Such section 904 is further amended—

(1) in subsection (d), as redesignated by subsection (a)(2) of this section, by striking “subsection (f)” each place it appears in paragraphs (1) and (2) and inserting “subsection (e)”;

and
(2) in subsection (e), as so redesignated—
(A) in paragraph (1), by striking “subsection (e)(1)” and inserting “subsection (d)(1)”;

and
(B) in paragraph (2), by striking “subsection (e)(2)” and inserting “subsection (d)(2)”.

SEC. 413. MISUSE OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE NAME, INITIALS, OR SEAL.

(a) PROHIBITION.—Title XI of the National Security Act of 1947 (50 U.S.C. 442 et seq.) is amended by adding at the end the following new section:

“MISUSE OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE NAME, INITIALS, OR SEAL

“SEC. 1103. (a) PROHIBITED ACTS.—No person may, except with the written permission of the Director of National Intelligence, or a designee of the Director, knowingly use the words ‘Office of the Director of National Intelligence’, the initials ‘ODNI’, the seal of the Office of the Director of National Intelligence, or any colorable imitation of such words, initials, or seal in connection with any merchandise, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Director of National Intelligence.

“(b) INJUNCTION.—Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.”.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of such Act, as amended by section 408 of this Act, is further amended by inserting after the item relating to section 1102 the following new item:

“Sec. 1103. Misuse of the Office of the Director of National Intelligence name, initials, or seal.”.

SEC. 414. PLAN TO IMPLEMENT RECOMMENDATIONS OF THE DATA CENTER ENERGY EFFICIENCY REPORTS.

(a) PLAN.—The Director of National Intelligence shall develop a plan to implement the recommendations of the report submitted to Congress under section 1 of the Act entitled “An Act to study and promote the use of energy efficient computer servers in the United States” (Public Law 109-431; 120 Stat. 2920) across the intelligence community.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing the plan developed under subsection (a).

(2) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 415. DIRECTOR OF NATIONAL INTELLIGENCE SUPPORT FOR REVIEWS OF INTERNATIONAL TRAFFIC IN ARMS REGULATIONS AND EXPORT ADMINISTRATION REGULATIONS.

The Director of National Intelligence may provide support for any review conducted by a department or agency of the United States Government of the International Traffic in Arms Regulations or Export Administration Regulations, including a review of technologies and goods on the United States Munitions List and Commerce Control List that may warrant controls that are different or additional to the controls such technologies and goods are subject to at the time of such review.

Subtitle B—Central Intelligence Agency

SEC. 421. ADDITIONAL FUNCTIONS AND AUTHORITIES FOR PROTECTIVE PERSONNEL OF THE CENTRAL INTELLIGENCE AGENCY.

Section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(4)) is amended—

(1) by striking “and the protection” and inserting “the protection”; and

(2) by inserting before the semicolon the following: “, and the protection of the Director of National Intelligence and such personnel of the Office of the Director of National Intelligence as the Director of National Intelligence may designate”.

SEC. 422. APPEALS FROM DECISIONS INVOLVING CONTRACTS OF THE CENTRAL INTELLIGENCE AGENCY.

Section 8(d) of the Contract Disputes Act of 1978 (41 U.S.C. 607(d)) is amended by adding at the end “Notwithstanding any other provision of this section and any other provision of law, an appeal from a decision of a contracting officer of the Central Intelligence Agency relative to a contract made by that Agency may be filed with whichever of the Armed Services Board of Contract Appeals or the Civilian Board of Contract Appeals is specified by such contracting officer as the Board to which such an appeal may be made and such Board shall have jurisdiction to decide that appeal.”.

SEC. 423. DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) ESTABLISHMENT AND DUTIES OF DEPUTY DIRECTOR OF THE CIA.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 406 of this Act, is further amended by inserting after section 104A the following new section:

“DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

“SEC. 104B. (a) DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.—There is a Deputy Director of the Central Intelligence Agency who shall be appointed by the President.

“(b) DUTIES.—The Deputy Director of the Central Intelligence Agency shall—

“(1) assist the Director of the Central Intelligence Agency in carrying out the duties and responsibilities of the Director of the Central Intelligence Agency; and

“(2) during the absence or disability of the Director of the Central Intelligence Agency, or during a vacancy in the position of Director of the Central Intelligence Agency, act for and exercise the powers of the Director of the Central Intelligence Agency.”.

(b) CONFORMING AMENDMENTS.—

(1) EXECUTIVE SCHEDULE III.—Section 5314 of title 5, United States Code, is amended by striking “Deputy Directors of Central Intel-

ligence (2)” and inserting “Deputy Director of the Central Intelligence Agency”.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 414 of this Act, is further amended by inserting after the item relating to section 104A the following new item:

“Sec. 104B. Deputy Director of the Central Intelligence Agency.”.

(c) APPLICABILITY.—The amendments made by this section shall apply on the earlier of—

(1) the date of the appointment by the President of an individual to serve as Deputy Director of the Central Intelligence Agency pursuant to section 104B of the National Security Act of 1947, as added by subsection (a), except that the individual administratively performing the duties of the Deputy Director of the Central Intelligence Agency as of the date of the enactment of this Act may continue to perform such duties until the individual appointed to the position of Deputy Director of the Central Intelligence Agency assumes the duties of such position; or

(2) the date of the cessation of the performance of the duties of the Deputy Director of the Central Intelligence Agency by the individual administratively performing such duties as of the date of the enactment of this Act.

SEC. 424. AUTHORITY TO AUTHORIZE TRAVEL ON A COMMON CARRIER.

Subsection (b) of section 116 of the National Security Act of 1947 (50 U.S.C. 404k) is amended by striking the period at the end and inserting “, who may delegate such authority to other appropriate officials of the Central Intelligence Agency.”.

SEC. 425. INSPECTOR GENERAL FOR THE CENTRAL INTELLIGENCE AGENCY.

(a) APPOINTMENT AND QUALIFICATIONS OF THE INSPECTOR GENERAL.—Paragraph (1) of section 17(b) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(b)) is amended by striking the second and third sentences and inserting “This appointment shall be made without regard to political affiliation and shall be on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigation. Such appointment shall also be made on the basis of compliance with the security standards of the Agency and prior experience in the field of foreign intelligence.”.

(b) REMOVAL OF THE INSPECTOR GENERAL.—Paragraph (6) of section 17(b) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(b)) is amended—

(1) by striking “immediately”; and

(2) by striking the period at the end and inserting “not later than 30 days prior to the effective date of such removal. Nothing in this paragraph shall be construed to prohibit a personnel action otherwise authorized by law, other than transfer or removal.”.

(c) APPLICATION OF SEMIANNUAL REPORTING REQUIREMENTS WITH RESPECT TO REVIEW REPORTS.—Paragraph (1) of section 17(d) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)) is amended in the matter preceding subparagraph (A) by inserting “review,” after “investigation.”.

(d) PROTECTION AGAINST REPRISALS.—Subparagraph (B) of section 17(e)(3) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(e)(3)) is amended by inserting “or providing such information” after “making such complaint”.

(e) INSPECTOR GENERAL SUBPOENA POWER.—Subparagraph (A) of section 17(e)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(e)(5)) is amended by inserting “in

any medium (including electronically stored information or any tangible thing)” after “other data”.

(f) OTHER ADMINISTRATIVE AUTHORITIES.—

(1) IN GENERAL.—Subsection (e) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q), as amended by subsections (d) and (e) of this section, is further amended—

(A) by redesignating paragraph (8) as subparagraph (9);

(B) in paragraph (9), as so redesignated—

(i) by striking “Subject to the concurrence of the Director, the” and inserting “The”; and

(ii) by adding at the end the following: “Consistent with budgetary and personnel resources allocated by the Director, the Inspector General has final approval of—

“(A) the selection of internal and external candidates for employment with the Office of Inspector General; and

“(B) all other personnel decisions concerning personnel permanently assigned to the Office of Inspector General, including selection and appointment to the Senior Intelligence Service, but excluding all security-based determinations that are not within the authority of a head of other Central Intelligence Agency offices.”; and

(C) by inserting after paragraph (7) the following new paragraph:

“(8)(A) The Inspector General shall—

“(i) appoint a Counsel to the Inspector General who shall report to the Inspector General; or

“(ii) obtain the services of a counsel appointed by and directly reporting to another Inspector General or the Council of the Inspectors General on Integrity and Efficiency on a reimbursable basis.

“(B) The counsel appointed or obtained under subparagraph (A) shall perform such functions as the Inspector General may prescribe.”.

(2) CONSTRUCTION.—Nothing in the amendment made by paragraph (1)(C) shall be construed to alter the duties and responsibilities of the General Counsel of the Central Intelligence Agency.

SEC. 426. BUDGET OF THE INSPECTOR GENERAL FOR THE CENTRAL INTELLIGENCE AGENCY.

Subsection (f) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) by inserting “(1)” before “Beginning”; and

(2) by adding at the end the following new paragraph:

“(2) For each fiscal year, the Inspector

General shall transmit a budget estimate and request through the Director to the Director of National Intelligence that specifies for such fiscal year—

“(A) the aggregate amount requested for the operations of the Inspector General;

“(B) the amount requested for all training requirements of the Inspector General, including a certification from the Inspector General that the amount requested is sufficient to fund all training requirements for the Office; and

“(C) the amount requested to support the Council of the Inspectors General on Integrity and Efficiency, including a justification for such amount.

“(3) In transmitting a proposed budget to the President for a fiscal year, the Director of National Intelligence shall include for such fiscal year—

“(A) the aggregate amount requested for the Inspector General of the Central Intelligence Agency;

“(B) the amount requested for Inspector General training;

“(C) the amount requested to support the Council of the Inspectors General on Integrity and Efficiency; and

“(D) the comments of the Inspector General, if any, with respect to such proposed budget.

“(4) The Director of National Intelligence shall submit to the Committee on Appropriations and the Select Committee on Intelligence of the Senate and the Committee on Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives for each fiscal year—

“(A) a separate statement of the budget estimate transmitted pursuant to paragraph (2);

“(B) the amount requested by the Director of National Intelligence for the Inspector General pursuant to paragraph (3)(A);

“(C) the amount requested by the Director of National Intelligence for training of personnel of the Office of the Inspector General pursuant to paragraph (3)(B);

“(D) the amount requested by the Director of National Intelligence for support for the Council of the Inspectors General on Integrity and Efficiency pursuant to paragraph (3)(C); and

“(E) the comments of the Inspector General under paragraph (3)(D), if any, on the amounts requested pursuant to paragraph (3), including whether such amounts would substantially inhibit the Inspector General from performing the duties of the Office.”.

SEC. 427. PUBLIC AVAILABILITY OF UNCLASSIFIED VERSIONS OF CERTAIN INTELLIGENCE PRODUCTS.

The Director of the Central Intelligence Agency shall make publicly available an unclassified version of any memoranda or finished intelligence products assessing the—

(1) information gained from high-value detainee reporting; and

(2) dated April 3, 2003, July 15, 2004, March 2, 2005, and June 1, 2005.

Subtitle C—Defense Intelligence Components

SEC. 431. INSPECTOR GENERAL MATTERS.

(a) COVERAGE UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a)(2) of section 8G of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by inserting “the Defense Intelligence Agency,” after “the Corporation for Public Broadcasting.”;

(2) by inserting “the National Geospatial-Intelligence Agency,” after “the National Endowment for the Humanities.”; and

(3) by inserting “the National Reconnaissance Office, the National Security Agency,” after “the National Labor Relations Board.”.

(b) CERTAIN DESIGNATIONS UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following new paragraph:

“(3) The Inspectors General of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and the National Security Agency shall be designees of the Inspector General of the Department of Defense for purposes of this section.”.

(c) POWER OF HEADS OF ELEMENTS OVER INVESTIGATIONS.—Subsection (d) of section 8G of such Act (5 U.S.C. App.) is amended—

(1) by inserting “(1)” after “(d)”;

(2) in the second sentence of paragraph (1), as designated by paragraph (1) of this subsection, by striking “The head” and inserting “Except as provided in paragraph (2), the head”; and

(3) by adding at the end the following new paragraph:

“(2)(A) The Secretary of Defense, in consultation with the Director of National Intelligence, may prohibit the inspector general of an element of the intelligence community specified in subparagraph (D) from initiating, carrying out, or completing any audit or investigation if the Secretary determines that the prohibition is necessary to protect vital national security interests of the United States.

“(B) If the Secretary exercises the authority under subparagraph (A), the Secretary shall submit to the committees of Congress specified in subparagraph (E) an appropriately classified statement of the reasons for the exercise of such authority not later than 7 days after the exercise of such authority.

“(C) At the same time the Secretary submits under subparagraph (B) a statement on the exercise of the authority in subparagraph (A) to the committees of Congress specified in subparagraph (E), the Secretary shall notify the inspector general of such element of the submittal of such statement and, to the extent consistent with the protection of intelligence sources and methods, provide such inspector general with a copy of such statement. Such inspector general may submit to such committees of Congress any comments on a notice or statement received by the inspector general under this subparagraph that the inspector general considers appropriate.

“(D) The elements of the intelligence community specified in this subparagraph are as follows:

“(i) The Defense Intelligence Agency.

“(ii) The National Geospatial-Intelligence Agency.

“(iii) The National Reconnaissance Office.

“(iv) The National Security Agency.

“(E) The committees of Congress specified in this subparagraph are—

“(i) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

“(ii) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.”.

SEC. 432. CLARIFICATION OF NATIONAL SECURITY MISSIONS OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY FOR ANALYSIS AND DISSEMINATION OF CERTAIN INTELLIGENCE INFORMATION.

Section 442(a) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph (2):

“(2)(A) As directed by the Director of National Intelligence, the National Geospatial-Intelligence Agency shall develop a system to facilitate the analysis, dissemination, and incorporation of likenesses, videos, and presentations produced by ground-based platforms, including handheld or clandestine photography taken by or on behalf of human intelligence collection organizations or available as open-source information, into the National System for Geospatial Intelligence.

“(B) The authority provided by this paragraph does not include authority for the National Geospatial-Intelligence Agency to manage tasking of handheld or clandestine photography taken by or on behalf of human intelligence collection organizations.”; and

(3) in paragraph (3), as so redesignated, by striking “paragraph (1)” and inserting “paragraphs (1) and (2)”.

SEC. 433. DIRECTOR OF COMPLIANCE OF THE NATIONAL SECURITY AGENCY.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by inserting after the first section the following new section:

“SEC. 2. There is a Director of Compliance of the National Security Agency, who shall be appointed by the Director of the National Security Agency and who shall be responsible for the programs of compliance over mission activities of the National Security Agency.”.

Subtitle D—Other Elements

SEC. 441. CODIFICATION OF ADDITIONAL ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended—

(1) in subparagraph (H)—

(A) by inserting “the Coast Guard,” after “the Marine Corps.”; and

(B) by inserting “the Drug Enforcement Administration,” after “the Federal Bureau of Investigation.”; and

(2) in subparagraph (K), by striking “, including the Office of Intelligence of the Coast Guard”.

SEC. 442. AUTHORIZATION OF APPROPRIATIONS FOR COAST GUARD NATIONAL TACTICAL INTEGRATION OFFICE.

Title 14, United States Code, is amended—

(1) in paragraph (4) of section 93(a), by striking “function” and inserting “function, including research, development, test, or evaluation related to intelligence systems and capabilities.”; and

(2) in paragraph (4) of section 662, by inserting “intelligence systems and capabilities or” after “related to”.

SEC. 443. RETENTION AND RELOCATION BONUS FOR THE FEDERAL BUREAU OF INVESTIGATION.

Section 5759 of title 5, United States Code, is amended—

(1) in subsection (a)(2), by striking “is transferred to a different geographic area with a higher cost of living” and inserting “is subject to a mobility agreement and is transferred to a position in a different geographical area in which there is a shortage of critical skills”;

(2) in subsection (b)(2), by striking the period at the end and inserting “, including requirements for a bonus recipient’s repayment of a bonus in circumstances determined by the Director of the Federal Bureau of Investigation.”;

(3) in subsection (c), by striking “basic pay.” and inserting “annual rate of basic pay. The bonus may be paid in a lump sum or installments linked to completion of periods of service.”; and

(4) in subsection (d), by striking “retention bonus” and inserting “bonus paid under this section”.

SEC. 444. EXTENSION OF THE AUTHORITY OF THE FEDERAL BUREAU OF INVESTIGATION TO WAIVE MANDATORY RETIREMENT PROVISIONS.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Subsection (b) of section 8335 of title 5, United States Code, is amended—

(1) in the paragraph (2) enacted by section 112(a)(2) of the Department of Justice Appropriations Act, 2005 (title I of division B of Public Law 108-447; 118 Stat. 2868), by striking “2009” and inserting “2011”; and

(2) by striking the paragraph (2) enacted by section 2005(a)(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3704).

(b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—Subsection (b) of section 8425 of title 5, United States Code, is amended—

(1) in the paragraph (2) enacted by section 112(b)(2) of the Department of Justice Appropriations Act, 2005 (title I of division B of Public Law 108-447; 118 Stat. 2868), by striking “2009” and inserting “2011”; and

(2) by striking the paragraph (2) enacted by section 2005(b)(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3704).

SEC. 445. REPORT AND ASSESSMENTS ON TRANSFORMATION OF THE INTELLIGENCE CAPABILITIES OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) REPORT.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation, in consultation with the Director of National Intelligence, shall submit to the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report describing—

(A) a long-term vision for the intelligence capabilities of the National Security Branch of the Bureau;

(B) a strategic plan for the National Security Branch; and

(C) the progress made in advancing the capabilities of the National Security Branch.

(2) CONTENT.—The report required by paragraph (1) shall include—

(A) a description of the direction, strategy, and goals for improving the intelligence capabilities of the National Security Branch;

(B) a description of the intelligence and national security capabilities of the National Security Branch that will be fully functional within the five-year period beginning on the date on which the report is submitted;

(C) a description—

(i) of the internal reforms that were carried out at the National Security Branch during the two-year period ending on the date on which the report is submitted; and

(ii) of the manner in which such reforms have advanced the capabilities of the National Security Branch;

(D) an assessment of the effectiveness of the National Security Branch in performing tasks that are critical to the effective functioning of the National Security Branch as an intelligence agency, including—

(i) human intelligence collection, both within and outside the parameters of an existing case file or ongoing investigation, in a manner that protects civil liberties;

(ii) intelligence analysis, including the ability of the National Security Branch to produce, and provide policymakers with, information on national security threats to the United States;

(iii) management, including the ability of the National Security Branch to manage and develop human capital and implement an organizational structure that supports the objectives and strategies of the Branch;

(iv) integration of the National Security Branch into the intelligence community, including an ability to robustly share intelligence and effectively communicate and operate with appropriate Federal, State, local, and tribal partners;

(v) implementation of an infrastructure that supports the national security and intelligence missions of the National Security Branch, including proper information technology and facilities; and

(vi) reformation of the culture of the National Security Branch, including the integration by the Branch of intelligence analysts and other professional staff into intelligence collection operations and the success

of the National Security Branch in ensuring that intelligence and threat information drive the operations of the Branch;

(E) performance metrics and specific annual timetables for advancing the performance of the tasks referred to in clauses (i) through (vi) of subparagraph (D) and a description of the activities being undertaken to ensure that the performance of the National Security Branch in carrying out such tasks improves; and

(F) an assessment of the effectiveness of the field office supervisory term limit policy of the Federal Bureau of Investigation that requires the mandatory reassignment of a supervisor of the Bureau after a specific term of years.

(b) ANNUAL ASSESSMENTS.—

(1) REQUIREMENT FOR ASSESSMENTS.—Not later than 180 days after the date on which the report required by subsection (a)(1) is submitted, and annually thereafter for five years, the Director of National Intelligence, in consultation with the Director of the Federal Bureau of Investigation, shall submit to the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives an assessment of the performance of the National Security Branch in carrying out the tasks referred to in clauses (i) through (vi) of subsection (a)(2)(D) in comparison to such performance during previous years.

(2) CONSIDERATIONS.—In conducting each assessment required by paragraph (1), the Director of National Intelligence—

(A) shall use the performance metrics and specific annual timetables for carrying out such tasks referred to in subsection (a)(2)(E); and

(B) may request the assistance of any expert that the Director considers appropriate, including an inspector general of an appropriate department or agency.

TITLE V—REORGANIZATION OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE

SEC. 501. REORGANIZATION OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.

(a) REORGANIZATION OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.—

(1) IN GENERAL.—Subtitle B of title III of the Intelligence Authorization Act for Fiscal Year 2001 (Public Law 106-567; 22 U.S.C. 7301 et seq.) is amended by striking sections 321, 322, 323, and 324, and inserting the following new sections:

“SEC. 321. DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.

“(a) REORGANIZATION.—The Diplomatic Telecommunications Service Program Office established pursuant to title V of Public Law 102-140 shall be reorganized in accordance with this subtitle.

“(b) DUTIES.—The duties of the DTS-PO include implementing a program for the establishment and maintenance of a DTS Network capable of providing multiple levels of service to meet the wide-ranging needs of all United States Government departments and agencies operating from diplomatic and consular facilities outside of the United States, including national security needs for secure, reliable, and robust communications capabilities.

“SEC. 322. ESTABLISHMENT OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE GOVERNANCE BOARD.

“(a) GOVERNANCE BOARD.—

“(1) ESTABLISHMENT.—There is established the Diplomatic Telecommunications Service

Governance Board to direct and oversee the activities and performance of the DTS-PO.

“(2) EXECUTIVE AGENT.—

“(A) DESIGNATION.—The Director of the Office of Management and Budget shall designate, from among the departments and agencies of the United States Government that use the DTS Network, a department or agency as the DTS-PO Executive Agent.

“(B) DUTIES.—The Executive Agent designated under subparagraph (A) shall—

“(i) nominate a Director of the DTS-PO for approval by the Governance Board in accordance with subsection (e); and

“(ii) perform such other duties as established by the Governance Board in the determination of written implementing arrangements and other relevant and appropriate governance processes and procedures under paragraph (3).

“(3) REQUIREMENT FOR IMPLEMENTING ARRANGEMENTS.—Subject to the requirements of this subtitle, the Governance Board shall determine the written implementing arrangements and other relevant and appropriate governance processes and procedures to manage, oversee, resource, or otherwise administer the DTS-PO.

“(b) MEMBERSHIP.—

“(1) SELECTION.—The Director of the Office of Management and Budget shall designate from among the departments and agencies that use the DTS Network—

“(A) four departments and agencies to each appoint one voting member of the Governance Board from the personnel of such departments and agencies; and

“(B) any other departments and agencies that the Director considers appropriate to each appoint one nonvoting member of the Governance Board from the personnel of such departments and agencies.

“(2) VOTING AND NONVOTING MEMBERS.—The Governance Board shall consist of voting members and nonvoting members as follows:

“(A) VOTING MEMBERS.—The voting members shall consist of a Chair, who shall be designated by the Director of the Office of Management and Budget, and the four members appointed by departments and agencies designated under paragraph (1)(A).

“(B) NONVOTING MEMBERS.—The nonvoting members shall consist of the members appointed by departments and agencies designated under paragraph (1)(B) and shall act in an advisory capacity.

“(c) CHAIR DUTIES AND AUTHORITIES.—The Chair of the Governance Board shall—

“(1) preside over all meetings and deliberations of the Governance Board;

“(2) provide the Secretariat functions of the Governance Board; and

“(3) propose bylaws governing the operation of the Governance Board.

“(d) QUORUM, DECISIONS, MEETINGS.—A quorum of the Governance Board shall consist of the presence of the Chair and four voting members. The decisions of the Governance Board shall require a majority of the voting membership. The Chair shall convene a meeting of the Governance Board not less than four times each year to carry out the functions of the Governance Board. The Chair or any voting member may convene a meeting of the Governance Board.

“(e) GOVERNANCE BOARD DUTIES.—The Governance Board shall have the following duties with respect to the DTS-PO:

“(1) To approve and monitor the plans, services, priorities, policies, and pricing methodology of the DTS-PO for bandwidth costs and projects carried out at the request of a department or agency that uses the DTS Network.

“(2) To provide to the DTS-PO Executive Agent the recommendation of the Governance Board with respect to the approval, disapproval, or modification of each annual budget request for the DTS-PO, prior to the submission of any such request by the Executive Agent.

“(3) To review the performance of the DTS-PO against plans approved under paragraph (1) and the management activities and internal controls of the DTS-PO.

“(4) To require from the DTS-PO any plans, reports, documents, and records the Governance Board considers necessary to perform its oversight responsibilities.

“(5) To conduct and evaluate independent audits of the DTS-PO.

“(6) To approve or disapprove the nomination of the Director of the DTS-PO by the Executive Agent with a majority vote of the Governance Board.

“(7) To recommend to the Executive Agent the replacement of the Director of the DTS-PO with a majority vote of the Governance Board.

“(f) NATIONAL SECURITY INTERESTS.—The Governance Board shall ensure that those enhancements of, and the provision of service for, telecommunication capabilities that involve the national security interests of the United States receive the highest prioritization.

“SEC. 323. FUNDING OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE.

“(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for the operations, maintenance, development, enhancement, modernization, and investment costs of the DTS Network and the DTS-PO. Funds appropriated for allocation to the DTS-PO shall remain available to the DTS-PO for a period of two fiscal years.

“(b) FEES.—The DTS-PO shall charge a department or agency that uses the DTS Network for only those bandwidth costs attributable to such department or agency and for specific projects carried out at the request of such department or agency, pursuant to the pricing methodology for such bandwidth costs and such projects approved under section 322(e)(1), for which amounts have not been appropriated for allocation to the DTS-PO. The DTS-PO is authorized to directly receive payments from departments or agencies that use the DTS Network and to invoice such departments or agencies for the fees under this section either in advance of, or upon or after, providing the bandwidth or performing such projects. Such funds received from such departments or agencies shall remain available to the DTS-PO for a period of two fiscal years.

“SEC. 324. DEFINITIONS.

“In this subtitle:

“(1) DTS NETWORK.—The term ‘DTS Network’ means the worldwide telecommunications network supporting all United States Government agencies and departments operating from diplomatic and consular facilities outside of the United States.

“(2) DTS-PO.—The term ‘DTS-PO’ means the Diplomatic Telecommunications Service Program Office.

“(3) GOVERNANCE BOARD.—The term ‘Governance Board’ means the Diplomatic Telecommunications Service Governance Board established under section 322(a)(1).”

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1(b) of the Intelligence Authorization Act for Fiscal Year 2001 (Public Law 106-567; 114 Stat. 2831) is amended by striking the items relating to sections 321, 322, 323, and 324 and inserting the following new items:

“Sec. 321. Diplomatic Telecommunications Service Program Office.

“Sec. 322. Establishment of the Diplomatic Telecommunications Service Governance Board.

“Sec. 323. Funding of the Diplomatic Telecommunications Service.

“Sec. 324. Definitions.”

(b) CONFORMING AMENDMENTS.—

(1) REPEAL OF SUSPENSION OF REORGANIZATION.—

(A) REPEAL.—The Intelligence Authorization Act for Fiscal Year 2002 (Public Law 107-108; 22 U.S.C. 7301 note) is amended by striking section 311.

(B) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1 of such Act is amended by striking the item relating to section 311.

(2) REPEAL OF REFORM.—

(A) REPEAL.—The Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted into law by section 1000(a)(7) of Public Law 106-113 and contained in appendix G of that Act; 113 Stat. 1501A-405) is amended by striking section 305.

(B) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 2(b) of such Act is amended by striking the item related to section 305.

(3) REPEAL OF REPORTING REQUIREMENTS.—Section 507(b) of the National Security Act of 1947 (50 U.S.C. 415b(b)), as amended by section 351 of this Act, is further amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

TITLE VI—FOREIGN INTELLIGENCE AND INFORMATION COMMISSION ACT

SEC. 601. SHORT TITLE.

This title may be cited as the “Foreign Intelligence and Information Commission Act”.

SEC. 602. DEFINITIONS.

In this title:

(1) COMMISSION.—The term “Commission” means the Foreign Intelligence and Information Commission established in section 603(a).

(2) FOREIGN INTELLIGENCE; INTELLIGENCE.—The terms “foreign intelligence” and “intelligence” have the meaning given those terms in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

(3) INFORMATION.—The term “information” includes information of relevance to the foreign policy of the United States collected and conveyed through diplomatic reporting and other reporting by personnel of the United States Government who are not employed by an element of the intelligence community, including public and open-source information.

SEC. 603. ESTABLISHMENT AND FUNCTIONS OF THE COMMISSION.

(a) ESTABLISHMENT.—There is established in the legislative branch a Foreign Intelligence and Information Commission.

(b) PURPOSE.—The purpose of the Commission is to evaluate systems and processes at the strategic, interagency level and provide recommendations accordingly, and not to seek to duplicate the functions of the Director of National Intelligence.

(c) FUNCTIONS.—The Commission shall—

(1) evaluate the current processes or systems for the strategic integration of the intelligence community, including the Open Source Center, and other elements of the United States Government, including the Department of State, with regard to the collection, reporting, and analysis of foreign intelligence and information;

(2) provide recommendations to improve or develop such processes or systems to integrate the intelligence community with other elements of the United States Government, potentially including the development of an interagency strategy that identifies—

(A) the collection, reporting, and analysis requirements of the United States Government;

(B) the elements of the United States Government best positioned to meet collection and reporting requirements, with regard to missions, comparative institutional advantages, and any other relevant factors; and

(C) interagency budget and resource allocations necessary to achieve such collection, reporting, and analytical requirements;

(3) evaluate the extent to which current intelligence collection, reporting, and analysis strategies are intended to provide global coverage and anticipate future threats, challenges, and crises;

(4) provide recommendations on how to incorporate into the interagency strategy the means to anticipate future threats, challenges, and crises, including by identifying and supporting collection, reporting, and analytical capabilities that are global in scope and directed at emerging, long-term, and strategic targets;

(5) provide recommendations on strategies for sustaining human and budgetary resources to effect the global collection and reporting missions identified in the interagency strategy, including the prepositioning of collection and reporting capabilities;

(6) provide recommendations for developing, clarifying, and, if necessary, bolstering current and future collection and reporting roles and capabilities of elements of the United States Government that are not elements of the intelligence community deployed in foreign countries;

(7) provide recommendations related to the role of individual country missions in contributing to the interagency strategy;

(8) evaluate the extent to which the establishment of new embassies and out-of-embassy posts are able to contribute to expanded global coverage and increased collection and reporting and provide recommendations related to the establishment of new embassies and out-of-embassy posts;

(9) provide recommendations on executive or legislative changes necessary to establish any new executive branch entity or to expand the authorities of any existing executive branch entity, as needed to improve the strategic integration referred to in paragraph (1) and develop and oversee the implementation of any interagency strategy;

(10) provide recommendations on processes for developing and presenting to Congress budget requests for each relevant element of the United States Government that reflect the allocations identified in the interagency strategy and for congressional oversight of the development and implementation of the strategy; and

(11) provide recommendations on any institutional reforms related to the collection and reporting roles of individual elements of the United States Government outside the intelligence community, as well as any budgetary, legislative, or other changes needed to achieve such reforms.

SEC. 604. MEMBERS AND STAFF OF THE COMMISSION.

(a) MEMBERS OF THE COMMISSION.—

(1) APPOINTMENT.—The Commission shall be composed of 10 members as follows:

(A) Two members appointed by the majority leader of the Senate.

(B) Two members appointed by the minority leader of the Senate.

(C) Two members appointed by the Speaker of the House of Representatives.

(D) Two members appointed by the minority leader of the House of Representatives.

(E) One nonvoting member appointed by the Director of National Intelligence.

(F) One nonvoting member appointed by the Secretary of State.

(2) SELECTION.—

(A) IN GENERAL.—Members of the Commission shall be individuals who—

(i) are not officers or employees of the United States Government or any State or local government; and

(ii) have knowledge and experience—

(I) in foreign information and intelligence collection, reporting, and analysis, including clandestine collection and classified analysis (such as experience in the intelligence community), diplomatic reporting and analysis, and collection of public and open-source information;

(II) in issues related to the national security and foreign policy of the United States gained by serving as a senior official of the Department of State, a member of the Foreign Service, an employee or officer of an appropriate department or agency of the United States, or an independent organization with expertise in the field of international affairs; or

(III) with foreign policy decision-making.

(B) DIVERSITY OF EXPERIENCE.—The individuals appointed to the Commission should be selected with a view to establishing diversity of experience with regard to various geographic regions, functions, and issues.

(3) CONSULTATION.—The Speaker and the minority leader of the House of Representatives, the majority leader and the minority leader of the Senate, the Director of National Intelligence, and the Secretary of State shall consult among themselves prior to the appointment of the members of the Commission in order to achieve, to the maximum extent possible, fair and equitable representation of various points of view with respect to the matters to be considered by the Commission in accordance with this title.

(4) TIME OF APPOINTMENT.—The appointments under subsection (a) shall be made—

(A) after the date on which funds are first appropriated for the Commission pursuant to section 609; and

(B) not later than 60 days after such date.

(5) TERM OF APPOINTMENT.—Members shall be appointed for the life of the Commission.

(6) VACANCIES.—Any vacancy of the Commission shall not affect the powers of the Commission and shall be filled in the manner in which the original appointment was made.

(7) CHAIR.—The voting members of the Commission shall designate one of the voting members to serve as the chair of the Commission.

(8) QUORUM.—Five voting members of the Commission shall constitute a quorum for purposes of transacting the business of the Commission.

(9) MEETINGS.—The Commission shall meet at the call of the chair and shall meet regularly, not less than once every 3 months, during the life of the Commission.

(b) STAFF.—

(1) IN GENERAL.—The chair of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and chapter 51 and subchapter III of chapter 53 of that title relating to classification of positions and General Schedule pay rates, appoint and terminate an executive director

and, in consultation with the executive director, appoint and terminate such other additional personnel as may be necessary to enable the Commission to perform its duties. In addition to the executive director and one full-time support staff for the executive director, there shall be additional staff with relevant intelligence and foreign policy experience to support the work of the Commission.

(2) SELECTION OF THE EXECUTIVE DIRECTOR.—The executive director shall be selected with the approval of a majority of the voting members of the Commission.

(3) COMPENSATION.—

(A) EXECUTIVE DIRECTOR.—The executive director shall be compensated at the maximum annual rate payable for an employee of a standing committee of the Senate under section 105(e) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61-1(e)), as adjusted by any order of the President pro tempore of the Senate.

(B) STAFF.—The chair of the Commission may fix the compensation of other personnel of the Commission without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the maximum annual rate payable for an employee of a standing committee of the Senate under section 105(e) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61-1(e)), as adjusted by any order of the President pro tempore of the Senate.

(C) EXPERTS AND CONSULTANTS.—The Commission is authorized to procure temporary or intermittent services of experts and consultants as necessary to the extent authorized by section 3109 of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable under section 5376 of such title.

(d) STAFF AND SERVICES OF OTHER AGENCIES OR DEPARTMENTS OF THE UNITED STATES.—Upon the request of the Commission, the head of a department or agency of the United States may detail, on a reimbursable or nonreimbursable basis, any of the personnel of that department or agency to the Commission to assist the Commission in carrying out this title. The detail of any such personnel shall be without interruption or loss of civil service or Foreign Service status or privilege.

(e) SECURITY CLEARANCE.—The appropriate departments or agencies of the United States shall cooperate with the Commission in expeditiously providing to the members and staff of the Commission appropriate security clearances to the extent possible pursuant to existing procedures and requirements.

(f) REPORTS UNDER ETHICS IN GOVERNMENT ACT OF 1978.—Notwithstanding any other provision of law, for purposes of title I of the Ethics in Government Act of 1978 (5 U.S.C. App.), each member and staff of the Commission—

(1) shall be deemed to be an officer or employee of the Congress (as defined in section 109(13) of such title); and

(2) shall file any report required to be filed by such member or such staff (including by virtue of the application of paragraph (1)) under title I of the Ethics in Government Act of 1978 (5 U.S.C. App.) with the Secretary of the Senate.

SEC. 605. POWERS AND DUTIES OF THE COMMISSION.

(a) HEARINGS AND EVIDENCE.—The Commission may hold such hearings, sit and act at

such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any department or agency of the United States such information as the Commission considers necessary to carry out this title. Upon request of the chair of the Commission, the head of such department or agency shall furnish such information to the Commission, subject to applicable law.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as a department or agency of the United States.

(d) ADMINISTRATIVE SUPPORT.—The Administrator of the General Services Administration shall provide to the Commission on a reimbursable basis (or, in the discretion of the Administrator, on a nonreimbursable basis) such administrative support services as the Commission may request to carry out this title.

(e) ADMINISTRATIVE PROCEDURES.—The Commission may adopt such rules and regulations, relating to administrative procedure, as may be reasonably necessary to enable the Commission to carry out this title.

(f) TRAVEL.—

(1) IN GENERAL.—The members and staff of the Commission may, with the approval of the Commission, conduct such travel as is necessary to carry out this title.

(2) EXPENSES.—Members of the Commission shall serve without pay but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(g) GIFTS.—No member or staff of the Commission may receive a gift or benefit by reason of the service of such member or staff to the Commission.

SEC. 606. REPORT OF THE COMMISSION.

(a) IN GENERAL.—

(1) INTERIM REPORT.—Not later than 300 days after the date on which all members of the Commission are appointed under section 604(a), the Commission shall submit to the congressional intelligence committees an interim report setting forth the preliminary evaluations and recommendations of the Commission described in section 603(c).

(2) FINAL REPORT.—Not later than 60 days after the date of the submission of the report required by paragraph (1), the Commission shall submit a final report setting forth the final evaluations and recommendations of the Commission described in section 603(c) to each of the following:

- (A) The President.
- (B) The Director of National Intelligence.
- (C) The Secretary of State.
- (D) The congressional intelligence committees.
- (E) The Committee on Foreign Relations of the Senate.
- (F) The Committee on Foreign Affairs of the House of Representatives.

(b) INDIVIDUAL OR DISSENTING VIEWS.—Each member of the Commission may include that member's individual or dissenting views in a report required by paragraph (1) or (2) of subsection (a).

(c) FORM OF REPORT.—The reports required by paragraphs (1) and (2) of subsection (a), including any finding or recommendation of such report, shall be submitted in unclassified form, but may include a classified annex.

SEC. 607. TERMINATION.

(a) IN GENERAL.—The Commission shall terminate on the date that is 60 days after the date of the submission of the report required by section 606(a)(2).

(b) TRANSFER OF RECORDS.—Upon the termination of the Commission under subsection (a), all records, files, documents, and other materials in the possession, custody, or control of the Commission shall be transferred to the Select Committee on Intelligence of the Senate and deemed to be records of such Committee.

SEC. 608. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated such sums as may be necessary to carry out this title.

(b) AVAILABILITY.—Amounts made available to the Commission pursuant to subsection (a) shall remain available until expended.

TITLE VII—OTHER MATTERS**SEC. 701. EXTENSION OF NATIONAL COMMISSION FOR THE REVIEW OF THE RESEARCH AND DEVELOPMENT PROGRAMS OF THE UNITED STATES INTELLIGENCE COMMUNITY.**

(a) EXTENSION.—

(1) IN GENERAL.—Effective on the date on which funds are first appropriated pursuant to subsection (b)(1) and subject to paragraph (3), subsection (a) of section 1007 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 50 U.S.C. 401 note) is amended by striking “September 1, 2004,” and inserting “one year after the date on which all members of the Commission are appointed pursuant to section 701(a)(3) of the Intelligence Authorization Act for Fiscal Year 2010.”

(2) APPLICABILITY OF AMENDMENT.—The amendment made by paragraph (1) shall take effect as if included in the enactment of such section 1007.

(3) COMMISSION MEMBERSHIP.—The membership of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community established under subsection (a) of section 1002 of such Act (Public Law 107-306; 50 U.S.C. 401 note) (referred to in this section as the “Commission”) shall be considered vacant and new members shall be appointed in accordance with such section 1002, as amended by this section.

(4) CLARIFICATION OF DUTIES.—Section 1002(i) of such Act is amended in the matter preceding paragraph (1) by striking “including—” and inserting “including advanced research and development programs and activities. Such review shall include—”.

(b) FUNDING.—

(1) IN GENERAL.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

(2) AVAILABILITY.—Amounts made available to the Commission pursuant to paragraph (1) shall remain available until expended.

(3) REPEAL OF EXISTING FUNDING AUTHORITY.—Section 1010 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 50 U.S.C. 401 note) is repealed.

(c) TECHNICAL AMENDMENTS.—

(1) DIRECTOR OF CENTRAL INTELLIGENCE.—The Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306) is amended by striking “Director of Central Intelligence” each place it appears and inserting

“Director of National Intelligence” in the following provisions:

(A) Section 1002(h)(2).

(B) Section 1003(d)(1).

(C) Section 1006(a)(1).

(D) Section 1006(b).

(E) Section 1007(a).

(F) Section 1008.

(2) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE FOR COMMUNITY MANAGEMENT.—Paragraph (1) of section 1002(b) of such Act is amended by striking “The Deputy Director of Central Intelligence for Community Management.” and inserting “The Principal Deputy Director of National Intelligence.”.

SEC. 702. CLASSIFICATION REVIEW OF EXECUTIVE BRANCH MATERIALS IN THE POSSESSION OF THE CONGRESSIONAL INTELLIGENCE COMMITTEES.

The Director of National Intelligence is authorized to conduct, at the request of one of the congressional intelligence committees and in accordance with procedures established by that committee, a classification review of materials in the possession of that committee that—

(1) are not less than 25 years old; and

(2) were created, or provided to that committee, by an entity in the executive branch.

TITLE VIII—TECHNICAL AMENDMENTS**SEC. 801. TECHNICAL AMENDMENTS TO THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.**

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) in section 101—

(A) in subsection (a), by moving paragraph (7) two ems to the right; and

(B) by moving subsections (b) through (p) two ems to the right;

(2) in section 103, by redesignating subsection (i) as subsection (h);

(3) in section 109(a)—

(A) in paragraph (1), by striking “section 112,” and inserting “section 112;” and

(B) in paragraph (2), by striking the second period;

(4) in section 301(1), by striking “‘United States’” and all that follows through “‘and State’” and inserting “‘United States’, ‘person’, ‘weapon of mass destruction’, and ‘State’”;

(5) in section 304(b), by striking “subsection (a)(3)” and inserting “subsection (a)(2);” and

(6) in section 502(a), by striking “a annual” and inserting “an annual”.

SEC. 802. TECHNICAL AMENDMENTS TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended—

(1) in paragraph (1) of section 5(a), by striking “authorized under paragraphs (2) and (3) of section 102(a), subsections (c)(7) and (d) of section 103, subsections (a) and (g) of section 104, and section 303 of the National Security Act of 1947 (50 U.S.C. 403(a)(2), (3), 403-3(c)(7), (d), 403-4(a), (g), and 405)” and inserting “authorized under section 104A of the National Security Act of 1947 (50 U.S.C. 403-4a).”; and

(2) in section 17(d)(3)(B)—

(A) in clause (i), by striking “advise” and inserting “advise”; and

(B) by amending clause (ii) to read as follows:

“(ii) holds or held the position in the Agency, including such a position held on an acting basis, of—

“(I) Deputy Director;

“(II) Associate Deputy Director;

“(III) Director of the National Clandestine Service;

“(IV) Director of Intelligence;

“(V) Director of Support; or

“(VI) Director of Science and Technology.”.

SEC. 803. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE.

Section 528(c) of title 10, United States Code, is amended—

(1) in the heading, by striking “ASSOCIATE DIRECTOR OF CIA FOR MILITARY AFFAIRS” and inserting “ASSOCIATE DIRECTOR OF MILITARY AFFAIRS, CIA”; and

(2) by striking “Associate Director of the Central Intelligence Agency for Military Affairs” and inserting “Associate Director of Military Affairs, Central Intelligence Agency, or any successor position”.

SEC. 804. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended—

(1) in section 3(4)(L), by striking “other” the second place it appears;

(2) in section 102A—

(A) in subsection (c)(3)(A), by striking “annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities” and inserting “annual budget for the Military Intelligence Program or any successor program or programs”; and

(B) in subsection (d)—

(i) in paragraph (1)(B), by striking “Joint Military Intelligence Program” and inserting “Military Intelligence Program or any successor program or programs”; and

(ii) in paragraph (3) in the matter preceding subparagraph (A), by striking “subparagraph (A)” and inserting “paragraph (1)(A)”; and

(iii) in paragraph (5)—

(I) in subparagraph (A), by striking “or personnel” in the matter preceding clause (i); and

(II) in subparagraph (B), by striking “or agency involved” in the second sentence and inserting “involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency)”; and

(C) in subsection (1)(2)(B), by striking “section” and inserting “paragraph”; and

(D) in subsection (n), by inserting “AND OTHER” after “ACQUISITION”;

(3) in section 103(b), by striking “, the National Security Act of 1947 (50 U.S.C. 401 et seq.).”; and

(4) in section 104A(g)(1) in the matter preceding subparagraph (A), by striking “Directorate of Operations” and inserting “National Clandestine Service”;

(5) in section 119(c)(2)(B) (50 U.S.C. 404o(c)(2)(B)), by striking “subsection (h)” and inserting “subsection (i)”; and

(6) in section 701(b)(1), by striking “Directorate of Operations” and inserting “National Clandestine Service”;

(7) in section 705(e)(2)(D)(i) (50 U.S.C. 432c(e)(2)(D)(i)), by striking “responsible” and inserting “responsive”; and

(8) in section 1003(h)(2) in the matter preceding subparagraph (A), by striking “subsection (i)(2)(B)” and inserting “subsection (g)(2)(B)”.

SEC. 805. TECHNICAL AMENDMENTS RELATING TO THE MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

(1) in the heading, by striking “FOREIGN”; and

(2) by striking “foreign” each place it appears.

(b) RESPONSIBILITY OF DIRECTOR OF NATIONAL INTELLIGENCE.—Such section 1403, as amended by subsection (a), is further amended—

(1) in subsections (a) and (c), by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”; and

(2) in subsection (b), by inserting “of National Intelligence” after “Director”.

(c) FUTURE-YEARS DEFENSE PROGRAM.—Subsection (c) of such section 1403, as amended by subsection (b), is further amended by striking “multiyear defense program submitted pursuant to section 114a of title 10, United States Code” and inserting “future-years defense program submitted pursuant to section 221 of title 10, United States Code”.

(d) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—The heading of such section 1403 is amended to read as follows:

“SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.”

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 2 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1485) is amended by striking the item relating to section 1403 and inserting the following new item:

“Sec. 1403. Multiyear National Intelligence Program.”.

SEC. 806. TECHNICAL AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) AMENDMENTS TO THE NATIONAL SECURITY INTELLIGENCE REFORM ACT OF 2004.—The National Security Intelligence Reform Act of 2004 (title I of Public Law 108-458; 118 Stat. 3643) is amended—

(1) in subparagraph (B) of section 1016(e)(10) (6 U.S.C. 485(e)(10)), by striking “Attorney General” the second place it appears and inserting “Department of Justice”; and

(2) in subsection (e) of section 1071, by striking “(1)”; and

(3) in subsection (b) of section 1072, in the subsection heading by inserting “AGENCY” after “INTELLIGENCE”.

(b) OTHER AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3638) is amended—

(1) in section 2001 (28 U.S.C. 532 note)—

(A) in paragraph (1) of subsection (c)—

(i) by striking “shall,” and inserting “shall”; and

(ii) by inserting “of” before “an institutional culture”; and

(B) in paragraph (2) of subsection (e), by striking “the National Intelligence Director in a manner consistent with section 112(e)” and inserting “the Director of National Intelligence in a manner consistent with applicable law”; and

(C) in subsection (f), by striking “shall,” in the matter preceding paragraph (1) and inserting “shall”; and

(2) in section 2006 (28 U.S.C. 509 note)—

(A) in paragraph (2), by striking “the Federal” and inserting “Federal”; and

(B) in paragraph (3), by striking “the specific” and inserting “specific”.

SEC. 807. TECHNICAL AMENDMENTS TO THE EXECUTIVE SCHEDULE.

(a) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new item:

“Director of the Central Intelligence Agency.”.

(b) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking the item relating to the General Counsel of the Office of the National Intelligence Director and inserting the following new item:

“General Counsel of the Office of the Director of National Intelligence.”.

SEC. 808. TECHNICAL AMENDMENTS TO SECTION 105 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004.

Section 105(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108-177; 117 Stat. 2603; 31 U.S.C. 311 note) is amended—

(1) by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”; and

(2) by inserting “or in section 313 of such title,” after “subsection (a).”.

SEC. 809. TECHNICAL AMENDMENTS TO SECTION 602 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1995.

Section 602 of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. 403-2b) is amended—

(1) in subsection (a), in paragraph (2), by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”; and

(2) in subsection (b)—

(A) in paragraph (1), by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”; and

(ii) in subparagraph (B), by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”; and

(C) in paragraph (3), by striking “Director of Central Intelligence” and inserting “Director of the Central Intelligence Agency”.

SEC. 810. TECHNICAL AMENDMENTS TO SECTION 403 OF THE INTELLIGENCE AUTHORIZATION ACT, FISCAL YEAR 1992.

(a) ROLE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—Section 403 of the Intelligence Authorization Act, Fiscal Year 1992 (50 U.S.C. 403-2) is amended by striking “The Director of Central Intelligence” and inserting the following:

“(a) IN GENERAL.—The Director of National Intelligence”.

(b) DEFINITION OF INTELLIGENCE COMMUNITY.—Section 403 of the Intelligence Authorization Act, Fiscal Year 1992, as amended by subsection (a), is further amended—

(1) by striking “Intelligence Community” and inserting “intelligence community”; and

(2) by striking the second sentence and inserting the following:

“(b) INTELLIGENCE COMMUNITY DEFINED.—In this section, the term ‘intelligence community’ has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).”.

SA 4666. Mr. CASEY (for Ms. MURKOWSKI) proposed an amendment to the bill S. 3802, to designate a mountain and icefield in the State of Alaska as the “Mount Stevens” and “Ted Stevens Icefield”, respectively; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Mount Stevens and Ted Stevens Icefield Designation Act”.

SEC. 2. FINDINGS.

Congress finds that—

(1) Theodore “Ted” Fulton Stevens, who began serving in the Senate 9 years after Alaska was admitted to Statehood, represented the people of the State of Alaska with distinction in the Senate for over 40 years from 1968 to 2009 and played a significant role in the transformation of the State of Alaska from an impoverished territory to a full-fledged State through the assistance he provided in building energy facilities, hospitals and clinics, roads, docks, airports, water and sewer facilities, schools, and other community facilities in the State of Alaska, which earned him recognition as “Alaskan of the Century” from the Alaska Legislature in 2000;

(2) Ted Stevens distinguished himself as a transport pilot during World War II in support of the “Flying Tigers” of the United States Army Air Corps, 14th Air Force, earning 2 Distinguished Flying Crosses and other decorations for his skill and bravery;

(3) Ted Stevens, after serving as a United States Attorney in the territory of Alaska, came to Washington, District of Columbia in 1956 to serve in the Eisenhower Administration in the Department of the Interior, where he was a leading force in securing the legislation that led to the admission of Alaska as the 49th State on January 3, 1959, and then as Solicitor of the Department of the Interior;

(4) in 1961, Ted Stevens returned to the State of Alaska and, in 1964, was elected to the Alaska House of Representatives, where he was subsequently elected as Speaker pro tempore and majority leader until his appointment on December 24, 1968, to the Senate to fill the vacancy caused by the death of Senator E.L. Bartlett;

(5) Ted Stevens, the longest-serving Republican Senator in the history of the Senate, served as President pro tempore of the Senate from 2003 through 2007 and as President pro tempore emeritus from 2008 to 2009, and over the course of his career in the Senate, Ted Stevens served as assistant Republican leader, Chairman of the Select Committee on Ethics, Chairman of the Committee on Rules and Administration, Chairman of the Committee on Governmental Affairs, Chairman of the Committee on Appropriations, and Chairman of the Committee on Commerce, Science, and Transportation;

(6) Ted Stevens worked tirelessly for the enactment of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which provided for the conveyance of approximately 44,000,000 acres of land in the State of Alaska to the Aleut, Eskimo, and Indian peoples and created Native Corporations to secure the long-term economic, cultural, and political empowerment of the Native peoples of the State of Alaska;

(7) Ted Stevens was a leader in shaping the communications policies of the United States, as he helped to establish the spectrum auction policy, negotiated the Telecommunications Act of 1996, authored the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note; Public Law 109-171), and passionately advocated for the connection of rural America to the rest of the world and to improve the lives of the people of the United States through the use of telemedicine and distance learning;

(8) Ted Stevens was a conservationist who championed the safe development of the natural resources of the United States, as illustrated by his authorship of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1651 et seq.), the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), which established the 200-mile

exclusive economic zone and led to a reduction in the dominance of foreign fishing fleets in the fisheries of the United States, the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (Public Law 109-479; 120 Stat. 3575), which established conservation measures designed to end overfishing, and the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826a et seq.), which provided for the denial of entry into ports of the United States and the imposition of sanctions on vessels carrying out large-scale driftnet fishing beyond the exclusive economic zone of any nation;

(9) Ted Stevens was committed to health and fitness in his personal life and in his legislative accomplishments, as illustrated by his authorship of the Ted Stevens Amateur and Olympic Sports Act (36 U.S.C. 220501 et seq.), his encouragement of providing equality to female athletes through the enactment of title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), and his leadership in improving physical education programs in schools through the Carol M. White Physical Education Program (20 U.S.C. 7261 et seq.);

(10) Ted Stevens unconditionally supported the needs of the Armed Forces of the United States through visits to soldiers, sailors, airmen, marines, and Coast Guardsmen in every major military conflict and war zone where United States military personnel have been assigned during his service in the Senate, including Vietnam, Kuwait, Bosnia, Kosovo, Iraq, and Afghanistan, and in his role as Chairman and Ranking Member of the Subcommittee on Defense Appropriations for more than 20 years;

(11) Ted Stevens was a devoted husband, father, and grandfather who worked to promote family-friendly policies in the Federal government;

(12) Ted Stevens was well-respected for reaching across the aisle to forge bipartisan alliances and enjoyed many close friendships with colleagues in both political parties and with his staff, who were deeply loyal to him; and

(13) the designation of the unnamed highest peak in the State of Alaska, along with an icefield in the Chugach National Forest in that State, in honor of Ted Stevens would be a fitting tribute to his honorable life and legacy.

SEC. 3. DESIGNATION OF MOUNT STEVENS.

(a) DESIGNATION.—Not later than 30 days after the date of enactment of this Act, the United States Board on Geographic Names (referred to in this Act as the “Board”) shall designate the unnamed, 13,895-foot peak in the Alaska Range in Denali National Park and Preserve in the State of Alaska, located at latitude 62.920469308 and longitude -151.066510314, as the “Mount Stevens”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the peak referred to in subsection (a) shall be deemed to be a reference to the “Mount Stevens”.

SEC. 4. DESIGNATION OF TED STEVENS ICEFIELD.

(a) DEFINITION OF ICEFIELD.—In this section, the term “icefield” means the icefield in the northern Chugach National Forest in the State of Alaska—

(1) comprising approximately 8,340 square miles, as delineated by the map entitled “Ice Field Name Proposal in Honor of Stevens” dated September 24, 2010, as prepared by the Forest Service and available for inspection at Forest Service headquarters in Washington, District of Columbia; and

(2) including the Harvard, Yale, Columbia, Nelchina, Tazlina, Valdez, and Shoup Glaciers.

(b) DESIGNATION.—Not later than 30 days after the date of enactment of this Act, the Board shall designate the icefield as the “Ted Stevens Icefield”.

(c) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the icefield shall be deemed to be a reference to the “Ted Stevens Icefield”.

NOTICE OF MEETING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, September 29, 2010, at 10 a.m., to hear testimony on “Examining the Filibuster: Ideas to Reduce Delay and Encourage Debate in the Senate.”

For further information regarding this meeting, please contact Lynden Armstrong at the Rules and Administration Committee on (202) 224-6352.

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, on behalf of Senator MAX BAUCUS of Montana, I ask unanimous consent that Mary Baker and John Merrick, members of his staff, be permitted the privilege of the floor during consideration of S. 3816 and any votes thereon.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that Jeffrey Colvin, a legislative fellow in my office, be granted the privilege of the floor for the remainder of the Congress.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REDUCING OVER-CLASSIFICATION ACT

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 413, H.R. 553.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 553) to require the Secretary of Homeland Security to develop a strategy to prevent the over-classification of homeland security and other information and to promote the sharing of unclassified homeland security and other information, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Homeland Security and Governmental Affairs with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Reducing Over-Classification Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The National Commission on Terrorist Attacks Upon the United States (commonly known as the “9/11 Commission”) concluded that there is a need to prevent over-classification of information by the Federal Government.

(2) The 9/11 Commission and others have observed that the over-classification of information interferes with accurate, actionable, and timely information sharing, increases the cost of information security, and needlessly limits public access to information.

(3) Over-classification of information causes considerable confusion about what information may be shared with whom, and negatively affects the dissemination of information within the Federal Government and with State, local, and tribal entities, and the private sector.

(4) Excessive government secrecy stands in the way of a safer and more secure homeland. Over-classification of information is antithetical to the creation and operation of the information sharing environment established under 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485).

(5) Federal departments or agencies authorized to make original classification decisions or that perform derivative classification of information are responsible for developing, implementing, and administering policies, procedures, and programs that promote compliance with applicable laws, executive orders, and other authorities pertaining to the proper use of classification markings and the policies of the National Archives and Records Administration.

SEC. 3. CLASSIFIED INFORMATION ADVISORY OFFICER.

(a) IN GENERAL.—Subsection (d) of section 201 of the Homeland Security Act of 2002 (6 U.S.C. 121) is amended by adding at the end the following:

“(26) To identify and designate, acting through the Under Secretary for Intelligence and Analysis, a Classified Information Advisory Officer to assist State, local, tribal, and private sector entities that have responsibility for the security of critical infrastructure, in matters related to classified materials, as described in section 210F.”

(b) ESTABLISHMENT AND RESPONSIBILITIES.—

(1) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following:

“SEC. 210F. CLASSIFIED INFORMATION ADVISORY OFFICER.

“(a) REQUIREMENT TO ESTABLISH.—The Secretary, acting through the Under Secretary for Intelligence and Analysis, shall identify and designate within the Department a Classified Information Advisory Officer, as described in this section.

“(b) RESPONSIBILITIES.—The responsibilities of the Classified Information Advisory Officer shall be as follows:

“(1) To develop and disseminate educational materials and to develop and administer training programs to assist State, local, tribal, and private sector entities with responsibility related to the security of critical infrastructure—

“(A) in developing plans and policies to respond to requests related to classified information without communicating such information to individuals who lack appropriate security clearances;

“(B) regarding the appropriate procedures for challenging classification designations of information received by personnel of such entities; and

“(C) on the means by which such personnel may apply for security clearances.

“(2) To inform the Under Secretary for Intelligence and Analysis on policies and procedures

that could facilitate the sharing of classified information with such personnel, as appropriate.”.

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 210E the following:

“Sec. 210F. Classified Information Advisory Officer.”.

SEC. 4. PROMOTION OF APPROPRIATE ACCESS TO INFORMATION.

Subsection (b) of section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended—

(1) by inserting “(1)” before “Unless”; and
(2) by adding at the end the following new paragraph:

“(2) The Director of National Intelligence shall—

“(A) consistent with paragraph (1), have access to all intelligence information, including intelligence reports, operational data, and other associated information, produced by any element of the intelligence community; and
“(B) consistent with the protection of intelligence sources and methods, as determined by the Director—

“(i) ensure maximum access to the intelligence information referenced in subparagraph (A) for an employee of a department, agency, or other entity of the Federal Government or of a State, local, or tribal government who has an appropriate security clearance; and
“(ii) provide a mechanism within the Office of the Director of National Intelligence for the Director to direct access to the information referenced in subparagraph (A) for an employee referred to in clause (i).”.

SEC. 5. INTELLIGENCE INFORMATION SHARING.
(a) DEVELOPMENT OF GUIDANCE FOR INTELLIGENCE PRODUCTS.—Paragraph (1) of section 102A(g) of the National Security Act of 1947 (50 U.S.C. 403–1(g)) is amended—

(1) in subparagraph (E), by striking “and” at the end;
(2) in subparagraph (F), by striking the period at the end and inserting a semicolon and “and”; and
(3) by adding at the end the following:

“(G) in accordance with Executive Order No. 12958, as amended by Executive Order No. 13292 (68 Fed. Reg. 15315; relating to classification of national security information) (or any subsequent corresponding executive order) and parts 2001 and 2004 of title 32, Code of Federal Regulations (or any subsequent corresponding regulation), establish—
“(i) guidance to standardize, in appropriate cases, the formats for classified and unclassified intelligence products created by elements of the intelligence community for purposes of promoting the sharing of intelligence products; and
“(ii) policies and procedures requiring the increased use, in appropriate cases, and including portion markings, of the classification of portions of information within one intelligence product.”.

(b) CREATION OF UNCLASSIFIED INTELLIGENCE PRODUCTS AS APPROPRIATE FOR STATE, LOCAL, TRIBAL, AND PRIVATE SECTOR STAKEHOLDERS.—Subsection (g) of section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and
(2) by inserting after paragraph (2) the following:

“(3)(A) If the head of a Federal department or agency determines that an intelligence product which includes homeland security information, as defined in section 892(f) of the Homeland Security Information Sharing Act (6 U.S.C. 482(f)), or terrorism information, as defined in section

1016(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485(a)), could likely benefit a State, local, or tribal government, a law enforcement agency, or a private sector entity with responsibility for the security of critical infrastructure, such head shall share that intelligence product with the Interagency Threat Assessment and Coordination Group established in section 210D(a) of the Homeland Security Act of 2002 (6 U.S.C. 124k(a)).

“(B) If the Interagency Threat Assessment and Coordination Group determines that an intelligence product referred to in subparagraph (A), or any other intelligence product that such Group has access to, could likely benefit a State, local, or tribal government, a law enforcement agency, or a private sector entity, the Group shall recommend to the Under Secretary for Intelligence and Analysis of the Department of Homeland Security that the Under Secretary produce an intelligence product that is unclassified or that is classified at the lowest possible level—

“(i) based on the intelligence product referred to in subparagraph (A), in a manner consistent with the guidance established under paragraph (1)(G)(i); and
“(ii) provide such product to the appropriate entity or agency.

“(C)(i) The Secretary of Homeland Security shall submit to the congressional intelligence committees, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives an annual report on activities carried out under this paragraph. Each such report shall include a description of—
“(I) each recommendation made to the Under Secretary for Intelligence and Analysis under subparagraph (B);
“(II) each such recommendation that was carried out by the Under Secretary; and
“(III) each such recommendation that was not carried out by the Under Secretary.

“(ii) The initial report required under clause (i) shall be submitted not later than 270 days after the date of the enactment of the Reducing Over-Classification Act and no reports shall be required under clause (i) after December 31, 2014.”.

(c) INTERAGENCY THREAT ASSESSMENT AND COORDINATION GROUP ANNUAL REPORT MODIFICATION.—Subsection (c) of section 210D of the Homeland Security Act of 2002 (6 U.S.C. 124k) is amended—
(1) in paragraph (1), by striking “and” at the end;
(2) in paragraph (2), by striking the period at the end and inserting a semicolon and “and”; and
(3) by adding at the end the following:

“(3) in each report required by paragraph (2) submitted after the date of the enactment of the Reducing Over-Classification Act, include a description of the progress made by the head of each Federal department and agency to share information with the ITACG pursuant to section 102A(g)(3)(A) of the National Security Act of 1947 (50 U.S.C. 403–1(g)(3)(A)).”.

SEC. 6. PROMOTION OF ACCURATE CLASSIFICATION OF INFORMATION.

(a) DERIVATIVE CLASSIFICATION AND ORIGINAL CLASSIFICATION DEFINED.—In this section, the terms “derivative classification” and “original classification” have the meaning given those terms in Executive Order No. 12958, as amended by Executive Order No. 13292 (68 Fed. Reg. 15315; relating to classification of national security information) (or any subsequent corresponding executive order).

(b) INCENTIVES FOR ACCURATE CLASSIFICATIONS.—The head of each department or agency of the United States with an officer or employee

who is authorized to make original classification decisions or derivative classification decisions shall consider such officer’s or employee’s consistent and proper classification of information in determining whether to award any personnel incentive to the officer or employee.

(c) INSPECTOR GENERAL EVALUATIONS.—

(1) REQUIREMENT FOR EVALUATIONS.—Not less frequently than once each year until December 31, 2014, the inspector general of each department or agency of the United States with an officer or employee who is authorized to make original classifications shall carry out an evaluation of that department or agency or a component of the department or agency—

(A) to assess whether applicable classification policies, procedures, rules, and regulations have been adopted, followed, and effectively administered within such department, agency, or component; and
(B) to identify policies, procedures, rules, regulations, or management practices that may be contributing to persistent misclassification of material within such department, agency or component.

(2) REPORTS.—
(A) REQUIREMENT.—Each inspector general who is required to carry out an evaluation under paragraph (1) shall submit to the appropriate entities a report on each such evaluation.

(B) CONTENT.—Each report submitted under subparagraph (A) shall include a description of—
(i) the policies, procedures, rules, regulations, or management practices, if any, identified by the inspector general under paragraph (1)(B); and
(ii) the recommendations, if any, of the inspector general to address any such identified policies, procedures, rules, regulations, or management practices.

(C) COORDINATION.—The inspectors general who are required to carry out evaluations under paragraph (1) shall coordinate with each other to ensure that evaluations follow a consistent methodology, as appropriate, that allows for cross-agency comparisons.

(3) APPROPRIATE ENTITIES DEFINED.—In this paragraph, the term “appropriate entities” means—

(A) the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate;

(B) the Committee on Homeland Security, the Committee on Oversight and Government Reform, and the Permanent Select Committee on Intelligence of the House of Representatives;

(C) any other committee of Congress with jurisdiction over a department or agency referred to in paragraph (1);

(D) the head of a department or agency referred to in paragraph (1); and
(E) the Director of the Information Security Oversight Office.

SEC. 7. CLASSIFICATION TRAINING PROGRAM.

(a) INTELLIGENCE COMMUNITY DEFINED.—In this section, the term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(b) REQUIREMENT FOR PROGRAM.—
(1) IN GENERAL.—The Director of National Intelligence, in accordance with Executive Order No. 12958, as amended by Executive Order No. 13292 (68 Fed. Reg. 15315; relating to classification of national security information) (or any subsequent corresponding executive order), shall require annual training for each employee of an element of the intelligence community and appropriate personnel of each contractor to an element of the intelligence community who has original classification authority, performs derivative classification, or is responsible for analysis, dissemination, preparation, production, receiving, publishing, or otherwise communicating

written classified information that includes training—

(A) to educate the employee and contractor personnel regarding—

(i) the guidance established under subparagraph (G)(i) of section 102A(g)(1) of the National Security Act of 1947 (50 U.S.C. 403-1(g)(1)), as added by section 5(a)(3), regarding the formatting of finished intelligence products;

(ii) the proper use of classification markings, including portion markings that indicate the classification of portions of information within one intelligence product; and

(iii) any incentives and penalties related to the proper classification of intelligence information; and

(B) that is one of the prerequisites, once completed successfully, as evidenced by an appropriate certificate or other record, for—

(i) obtaining original classification authority or derivatively classifying information; and

(ii) maintaining such authority.

(2) **RELATIONSHIP TO OTHER PROGRAMS.**—The Director of National Intelligence shall ensure that the training required by paragraph (1) is conducted efficiently and in conjunction with any other security, intelligence, or other training programs required by elements of the intelligence community to reduce the costs and administrative burdens associated with carrying out the training required by paragraph (1).

Mr. DURBIN. I ask unanimous consent that the committee-reported substitute be considered; a Lieberman amendment, which is at the desk, be agreed to; the committee-reported substitute amendment, as amended, be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table without intervening action or debate; and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4661) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The committee amendment in the nature of a substitute, as amended, was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 553), as amended, was read the third time and passed.

PLAIN WRITING ACT OF 2010

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 321, H.R. 946.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 946) to enhance citizen access to Government information and services by establishing that Government documents issued to the public must be written clearly, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. CASEY. I ask unanimous consent that an Akaka amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time and

passed; the motion to reconsider be laid upon the table with no intervening action or debate; and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4663) was agreed to, as follows:

(Purpose: To modify the definition of plain writing, and for other purposes)

On page 2, line 9, strike "relevant to" and insert "necessary for".

On page 2, strike lines 21 through 25 and insert the following:

(3) **PLAIN WRITING.**—The term "plain writing" means writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience.

On page 3, line 18, insert "as required under paragraph (2)" after "website".

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 946), as amended, was read the third time and passed, as follows:

H.R. 946

Resolved, That the bill from the House of Representatives (H.R. 946) entitled "An Act to enhance citizen access to Government information and services by establishing that Government documents issued to the public must be written clearly, and for other purposes.", do pass with the following Amendments:

(1) On page 2, line 17, strike [relevant to] and insert *necessary for*

(2) On page 3, strike lines 5 through 9 and insert the following:

(3) **PLAIN WRITING.**—The term "plain writing" means writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience.

(3) On page 4, line 2, after "website" insert *as required under paragraph (2)*

INDIAN VETERANS HOUSING OPPORTUNITY ACT OF 2010

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 579, H.R. 3553.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3553) to exclude from consideration as income under the Native American Housing Assistance and Self-Determination Act of 1996 amounts received by a family from the Department of Veterans Affairs for service-related disabilities of a member of the family.

There being no objection, the Senate proceeded to consider the bill.

Mr. CASEY. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3553) was ordered to a third reading, was read the third time, and passed.

KINGMAN AND HERITAGE ISLANDS ACT OF 2009

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 582, H.R. 2092.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2092) to amend the National Children's Island Act of 1995 to expand allowable uses for Kingman and Heritage Islands by the District of Columbia, and for other purposes, do pass with amendments.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

H.R. 2092

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Kingman and Heritage Islands Act of 2009".

SEC. 2. AMENDMENTS TO NATIONAL CHILDREN'S ISLAND ACT OF 1995.

(a) **EXPANSION OF ALLOWABLE USES FOR KINGMAN AND HERITAGE ISLAND.**—The National Children's Island Act of 1995 (sec. 10-1401 et seq., D.C. Official Code) is amended by adding at the end the following:

"SEC. 7. COMPREHENSIVE AND ANACOSTIA WATERFRONT FRAMEWORK PLANS.

"(a) **COMPLIANCE WITH PLANS.**—Notwithstanding any other provision of this Act, it is not a violation of the terms and conditions of this Act for the District of Columbia to use the lands conveyed and the easements granted under this Act in accordance with the Anacostia Waterfront Framework Plan and the Comprehensive Plan.

"(b) **DEFINITIONS.**—For purposes of this section, the following definitions apply:

"(1) **ANACOSTIA WATERFRONT FRAMEWORK PLAN.**—The term 'Anacostia Waterfront Framework Plan' means the November 2003 Anacostia Waterfront Framework Plan to redevelop and revitalize the Anacostia waterfront in the District of Columbia, as may be amended from time to time, developed pursuant to a memorandum of understanding dated March 22, 2000, between the General Services Administration, Government of the District of Columbia, Office of Management and Budget, Naval District Washington, Military District Washington, Marine Barracks Washington, Department of Labor, Department of Transportation, National Park Service, Army Corps of Engineers, Environmental Protection Agency, Washington Metropolitan Area Transit Authority, National Capital Planning Commission, National Arboretum, and Small Business Administration.

"(2) **COMPREHENSIVE PLAN.**—The term 'Comprehensive Plan' means the Comprehensive Plan of the District of Columbia approved by the Council of the District of Columbia on December 28, 2006, as such plan

may be amended or superseded from time to time.”.

(b) **MODIFICATION OF REVERSIONARY INTEREST.**—Paragraph (1) of section 3(d) of the National Children’s Island Act of 1995 (sec. 10-1402(d)(1), D.C. Official Code) is amended by striking “The transfer under subsection (a)” and all that follows and inserting the following: “Title in the property transferred under subsection (a) and the easements granted under subsection (b) shall revert to the United States upon the expiration of the 60-day period which begins on the date on which the Secretary provides written notice to the District that the Secretary has determined that [the] a portion of the District is not using the property for recreational, environmental, or educational purposes in accordance with National Children’s Island, the Anacostia Waterfront Framework Plan, or [for another recreational, environmental, or educational purpose, except that the reversionary interest of the United States under this paragraph shall expire upon the expiration of the 30-year period which begins on the date of the enactment of the Kingman and Heritage Islands Act of 2009.] the Comprehensive Plan. Such notice shall be made in accordance with chapter 5 of title 5, United States Code (relating to administrative procedures).”.

Mr. CASEY. I ask unanimous consent that the committee-reported amendments be agreed to, and the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table, without intervening action or debate; and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 2092), as amended, was read the third time and passed.

UNITED STATES SECRET SERVICE UNIFORMED DIVISION MOD- ERNIZATION ACT OF 2010

Mr. CASEY. Mr. President, I ask that the Chair lay before the Senate a message from the House with respect to S. 1510, U.S. Secret Service Uniformed Division Modernization Act of 2010.

The PRESIDING OFFICER laid before the Senate the following message:

S. 1510

Resolved, That the bill (S. 1510) entitled “An Act to transfer statutory entitlements to pay and hours of work authorized by laws codified in the District of Columbia Official Code for current members of the United States Secret Service Uniformed Division from such laws to the United States Code, do pass with amendments.

Mr. CASEY. I ask unanimous consent that the Senate concur in the House amendments to the Senate bill, with an amendment which is at the desk; that the motion to concur be agreed to and the motion to reconsider be laid upon the table; further that the Senate agree to the title amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4664) was agreed to.

The amendment is printed in today’s RECORD under “Text of Amendments.”)

The title amendment was agreed to, as follows: “An Act to transfer statutory entitlements to pay and hours of work authorized by laws codified in the District of Columbia Official Code for current members of the United States Secret Service Uniformed Division from such laws to the United States Code, and for other purposes.”

ACCESS TO THE GENERAL SERVICES ADMINISTRATION’S SCHED- ULES PROGRAM

Mr. CASEY. Mr. President, I ask the Chair to lay before the Senate a message from the House on S. 2868.

The PRESIDING OFFICER laid before the Senate the following message:

S. 2868

Resolved, That the bill from the Senate (S. 2868) entitled “An Act to provide increased access to the General Services Administration’s Schedules Program by the American Red Cross and State and local governments.”, do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Supply Schedules Usage Act of 2010”.

SEC. 2. AUTHORITY OF THE AMERICAN RED CROSS AND OTHER QUALIFIED ORGANIZATIONS TO USE FEDERAL SUPPLY SCHEDULES FOR CERTAIN GOODS AND SERVICES.

Section 502 of title 40, United States Code, is amended by adding at the end the following new subsection:

“(e) **USE OF SUPPLY SCHEDULES BY THE RED CROSS AND OTHER QUALIFIED ORGANIZATIONS.**—

“(1) **IN GENERAL.**—The Administrator may provide for the use by the American National Red Cross and other qualified organizations of Federal supply schedules. Purchases under this authority by the American National Red Cross shall be used in furtherance of the purposes of the American National Red Cross set forth in section 300102 of title 36, United States Code. Purchases under this authority by other qualified organizations shall be used in furtherance of purposes determined to be appropriate to facilitate emergency preparedness and disaster relief and set forth in guidance by the Administrator of General Services, in consultation with the Administrator of the Federal Emergency Management Agency.

“(2) **LIMITATION.**—The authority under this subsection may not be used to purchase supplies for resale.

“(3) **QUALIFIED ORGANIZATION.**—In this subsection, the term ‘qualified organization’ means a relief or disaster assistance organization as described in section 309 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5152).”.

SEC. 3. DUTY OF USERS REGARDING USE OF FEDERAL SUPPLY SCHEDULES.

Section 502 of title 40, United States Code, as amended by section 2, is further amended by adding at the end the following new subsection:

“(f) **DUTY OF USERS REGARDING USE OF SUPPLY SCHEDULES.**—All users of Federal supply

schedules, including non-Federal users, shall use the schedules in accordance with the ordering guidance provided by the Administrator of General Services.”.

SEC. 4. AUTHORITY OF STATE AND LOCAL GOVERNMENTS TO USE SUPPLY SCHEDULES FOR CERTAIN GOODS AND SERVICES.

Subsection (d)(1) of section 502 of title 40, United States Code, is amended by inserting “, to facilitate disaster preparedness or response,” after “Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)”.

SEC. 5. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Amend the title so as to read: “An Act to provide increased access to the Federal supply schedules of the General Services Administration to the American Red Cross, other qualified organizations, and State and local governments.”.

Mr. CASEY. I ask unanimous consent the Senate concur in the House amendments and the motion to reconsider be laid upon the table, with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERSTATE RECOGNITION OF NOTARIZATIONS ACT OF 2009

Mr. CASEY. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of H.R. 3808, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3808) to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce.

The PRESIDING OFFICER. There being no objection, the Senate proceeded to consider the bill.

Mr. CASEY. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3808) was ordered to a third reading, was read the third time, and passed.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of H.R. 2701, the Intelligence Authorization Act, received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BOND. Mr. President, I rise today to join the distinguished Chair of the Select Committee on Intelligence in supporting the passage of H.R. 2701, the Intelligence Authorization Act for Fiscal Year 2010, with a Senate substitute amendment. This substitute amendment is very similar to S. 3611, which the Senate passed by unanimous consent nearly 2 months ago in an effort to encourage House Speaker NANCY PELOSI to allow consideration of an intelligence authorization bill.

It is often said that the third time is the charm. I certainly hope so. Last summer, we passed our intelligence authorization bill through the Senate in time for the Intelligence Committee to impact fiscal year spending. Unfortunately, our bill got held up in the House for political reasons. So, in August of this year, we tried again. Still, our bill was held up. Now, here we are, on the eve of a new fiscal year, and it looks like we finally have a compromise that will allow Congress to pass an intelligence authorization bill once again.

Why does passing an authorization bill matter at this late date in the fiscal year? This bill does more than just authorize funding for intelligence activities—a vital purpose in and of itself. By providing current congressional guidance and statutory authorities, we can ensure that the intelligence community has the maximum flexibility and capability it needs to function effectively, spend taxpayer funds wisely, and keep our Nation safe.

The intelligence authorization bill before us is a good bill. It will give the intelligence community much-needed flexibility and authority and will ensure appropriate intelligence oversight by this committee.

Two months ago, the Senate confirmed a new Director of National Intelligence. I have often said that in creating the DNI, we gave him an awful lot of responsibility without all the authority he needed. Well, our bill attempts to address that problem by giving the DNI clearer authority and greater flexibility in overseeing the intelligence community. As Director Clapper takes on his new assignment, I expect these provisions will play a big part in helping him lead the intel-

ligence community—and ensuring the rest of the intelligence community recognizes his role, too.

There are also a number of provisions in this bill that I believe are essential for promoting good government and smarter spending. Too often, we have seen programs or acquisitions of major systems balloon in cost and decrease in performance. That is unacceptable. We are in difficult economic times and the taxpayers are spending substantial sums of their hard-earned money to ensure that the intelligence community has the tools it needs to keep us safe. If we do not demand accountability for how these tools are operated or created, we are failing the intelligence community and, ultimately, we are failing the American people.

So, for the past several years, I have sponsored amendments that require the intelligence community to perform vulnerability assessments of major systems and to keep track of excessive cost growth of major systems. This latter provision is modeled on the Nunn-McCurdy provision which has guided Defense Department acquisitions for years. I am happy to say that these provisions are part of this bill. I believe that these, and other good-government provisions, will encourage earlier identification and solving of problems relating to the acquisition of major systems. Too often, such problems are not identified until exorbitant sums of money have been spent—and, unfortunately, at that point, bureaucratic inertia takes over and there is often reluctance to cancel the project.

Similarly, the intelligence community must get a handle on its personnel levels. In these tough economic times, it is more important than ever to make sure that the intelligence community is appropriately resourced so it can effectively perform its national security missions.

This is not, however, an open invitation for more contractors. Far too many times, contractors are used by the intelligence community to perform functions better left to government employees. There are some jobs that demand the use of contractors—for example, certain technical jobs or short-term functions—but the easy, quick fix has been to just hire contractors, not long-term support. And so, our bill includes a provision calling for annual personnel level assessments for the intelligence community. These assessments will ensure that, before more people are brought in, there are adequate resources to support them and enough work to keep them busy.

These are just a few of the provisions in this bill that I believe are important for the success of our intelligence collection efforts and equally important for ensuring sound oversight by the Intelligence Committee.

Now, the substitute amendment does not change any of these provisions. It

does make some minor technical changes, and because the fiscal year will be over before the bill becomes law, some of the authorizing provisions have been removed.

The most significant changes in the substitute reflect the compromise reached by Speaker PELOSI with the Senate and the administration on the issues of congressional notification and the relationship between the intelligence community and the Government Accountability Office.

This new version of the congressional notification provision revives language similar to the first fiscal year 2010 intelligence authorization bill that passed the Senate by unanimous consent last year. This language provides that the executive branch will be required to provide a “general description” to all of the members of the congressional intelligence committees regarding a covert action finding or congressional notification that has been limited to the “Gang of Eight.” This provision is limited to a description that is consistent with the reasons for not yet fully informing all the members of the intelligence committees, so the provision is somewhat weaker than our original language.

Another change to the congressional notification provision is the insertion of a requirement that the decision to limit access to “Gang of Eight” findings and notifications be reviewed within the executive branch every 180 days. If the President determines that such limitations are no longer necessary, then all the members of the congressional intelligence committees will be provided access to such findings and notifications.

These limitations are often revisited periodically by the executive branch, so this time period should not cause difficulty for the administration. We have seen in the past the benefits that come from bringing the full committees into the loop as soon as possible. Moreover, operational sensitivities can change over time. By requiring a periodic review, this provision ensures that highly sensitive matters will remain protected as long as necessary, while also promoting a full cooperative relationship between the two branches.

The substitute amendment contains only one real new provision, section 348, which requires the DNI to issue a written directive governing GAO access to information in the possession of the intelligence community. This provision does not change the underlying law with respect to GAO access to intelligence information, but will allow Congress to study this issue more closely in the future.

It is well past time that Congress sent an intelligence authorization bill to the President for his signature. Only by fulfilling our legislative function will we get back on track with performing effective and much-needed intelligence oversight.

I commend Senator FEINSTEIN for her leadership in shepherding this bill through the committee and the Senate. I appreciate her willingness to work through the countless issues raised throughout this process. I also thank my colleagues for supporting this bill.

This 2010 intelligence authorization bill has the full support of the Senate. Senior administration officials have said they will recommend that the President sign this compromise text into law. I urge the House of Representatives to pass this bill as soon as

possible so that we can get back on track with our intelligence oversight.

Mr. CASEY. I ask unanimous consent the Feinstein-Bond substitute amendment which is at the desk be considered and agreed to, the bill as amended be read a third time, that after the reading of the Conrad pay-go letter into the RECORD the Senate bill be passed, as amended, that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will read the pay-go letter.

The legislative clerk read as follows:

Statement of Budgetary Effects of PAYGO Legislation for H.R. 2701, as amended.

Total Budgetary Effects of H.R. 2701 for the 5-year Statutory PAYGO Scorecard: \$0.

Total Budgetary Effects of H.R. 2701 for the 10-year Statutory PAYGO Scorecard: \$0.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects on this Act, as follows:

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR THE AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR H.R. 2701, THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010, AS PROVIDED TO CBO ON SEPTEMBER 24TH, 2010

	By fiscal year, in millions of dollars—													
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020	
Net Increase or Decrease (–) in the Deficit														
Statutory Pay-As-You-Go Impact ^a	0	0	0	0	0	0	0	0	0	0	0	0	0	

Net Increase or Decrease (–) in the Deficit

^a The legislation would authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government and establish additional intelligence-related offices and programs within the federal government.

The amendment (No. 4665) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendment was ordered to be engrossed and the bill read a third time.

The bill (H.R. 2701), as amended, was read the third time and passed.

ACCREDITATION OF ENGLISH LANGUAGE

Mr. CASEY. I ask unanimous consent the Judiciary Committee be discharged from further consideration S. 1338 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1338) to require the accreditation of English language training programs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. CASEY. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill, (S. 1338) was read ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1338

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACCREDITATION OF ENGLISH LANGUAGE TRAINING PROGRAMS.

(a) IN GENERAL.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended—

(1) in paragraph (15)(F)(i), by striking "a language" and inserting "an accredited language"; and

(2) by adding at the end the following:

"(52) The term 'accredited language training program' means a language training program that is accredited by an accrediting agency recognized by the Secretary of Education."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) shall—

(A) take effect on the date that is 180 days after the date of the enactment of this Act; and

(B) apply with respect to applications for a nonimmigrant visa under section 101(a)(15)(F)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)(i)) that are filed on or after the effective date described in subparagraph (A).

(2) TEMPORARY EXCEPTION.—

(A) IN GENERAL.—Notwithstanding section 101(a)(15)(F)(i) of the Immigration and Nationality Act, as amended by subsection (a), during the 3-year period beginning on the date of the enactment of this Act, an alien seeking to enter the United States to pursue a course of study at a language training program that has been certified by the Secretary of Homeland Security and has not been accredited or denied accreditation by an entity described in section 101(a)(52) of such Act may be granted a nonimmigrant visa under such section 101(a)(15)(F)(i).

(B) ADDITIONAL REQUIREMENT.—An alien may not be granted a nonimmigrant visa under subparagraph (A) if the sponsoring institution of the language training program to which the alien seeks to enroll does not—

(i) submit an application for the accreditation of such program to a regional or national accrediting agency recognized by the Secretary of Education within 1 year after the date of the enactment of this Act; and

(ii) comply with the applicable accrediting requirements of such agency.

MOUNT STEVENS AND TED STEVENS ICEFIELD DESIGNATION ACT

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be discharged from further consideration of S. 3802 and the Senate

proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3802) to designate a mountain, and icefield in the State of Alaska as the "Mount Stevens" and "Ted Stevens Icefield," respectively.

There being no objection, the Senate proceeded to consider the bill.

Mr. CASEY. Mr. President, I ask unanimous consent that the substitute amendment which is at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4666) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mount Stevens and Ted Stevens Icefield Designation Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) Theodore "Ted" Fulton Stevens, who began serving in the Senate 9 years after Alaska was admitted to Statehood, represented the people of the State of Alaska with distinction in the Senate for over 40 years from 1968 to 2009 and played a significant role in the transformation of the State of Alaska from an impoverished territory to a full-fledged State through the assistance he provided in building energy facilities, hospitals and clinics, roads, docks, airports, water and sewer facilities, schools, and other community facilities in the State of Alaska, which earned him recognition as "Alaskan of the Century" from the Alaska Legislature in 2000;

(2) Ted Stevens distinguished himself as a transport pilot during World War II in support of the "Flying Tigers" of the United

States Army Air Corps, 14th Air Force, earning 2 Distinguished Flying Crosses and other decorations for his skill and bravery;

(3) Ted Stevens, after serving as a United States Attorney in the territory of Alaska, came to Washington, District of Columbia in 1956 to serve in the Eisenhower Administration in the Department of the Interior, where he was a leading force in securing the legislation that led to the admission of Alaska as the 49th State on January 3, 1959, and then as Solicitor of the Department of the Interior;

(4) in 1961, Ted Stevens returned to the State of Alaska and, in 1964, was elected to the Alaska House of Representatives, where he was subsequently elected as Speaker pro tempore and majority leader until his appointment on December 24, 1968, to the Senate to fill the vacancy caused by the death of Senator E.L. Bartlett;

(5) Ted Stevens, the longest-serving Republican Senator in the history of the Senate, served as President pro tempore of the Senate from 2003 through 2007 and as President pro tempore emeritus from 2008 to 2009, and over the course of his career in the Senate, Ted Stevens served as assistant Republican leader, Chairman of the Select Committee on Ethics, Chairman of the Committee on Rules and Administration, Chairman of the Committee on Governmental Affairs, Chairman of the Committee on Appropriations, and Chairman of the Committee on Commerce, Science, and Transportation;

(6) Ted Stevens worked tirelessly for the enactment of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which provided for the conveyance of approximately 44,000,000 acres of land in the State of Alaska to the Aleut, Eskimo, and Indian peoples and created Native Corporations to secure the long-term economic, cultural, and political empowerment of the Native peoples of the State of Alaska;

(7) Ted Stevens was a leader in shaping the communications policies of the United States, as he helped to establish the spectrum auction policy, negotiated the Telecommunications Act of 1996, authored the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note; Public Law 109-171), and passionately advocated for the connection of rural America to the rest of the world and to improve the lives of the people of the United States through the use of telemedicine and distance learning;

(8) Ted Stevens was a conservationist who championed the safe development of the natural resources of the United States, as illustrated by his authorship of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1651 et seq.), the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), which established the 200-mile exclusive economic zone and led to a reduction in the dominance of foreign fishing fleets in the fisheries of the United States, the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (Public Law 109-479; 120 Stat. 3575), which established conservation measures designed to end overfishing, and the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826a et seq.), which provided for the denial of entry into ports of the United States and the imposition of sanctions on vessels carrying out large-scale driftnet fishing beyond the exclusive economic zone of any nation;

(9) Ted Stevens was committed to health and fitness in his personal life and in his legislative accomplishments, as illustrated by his authorship of the Ted Stevens Amateur and Olympic Sports Act (36 U.S.C. 220501 et

seq.), his encouragement of providing equality to female athletes through the enactment of title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), and his leadership in improving physical education programs in schools through the Carol M. White Physical Education Program (20 U.S.C. 7261 et seq.);

(10) Ted Stevens unconditionally supported the needs of the Armed Forces of the United States through visits to soldiers, sailors, airmen, marines, and Coast Guardsmen in every major military conflict and war zone where United States military personnel have been assigned during his service in the Senate, including Vietnam, Kuwait, Bosnia, Kosovo, Iraq, and Afghanistan, and in his role as Chairman and Ranking Member of the Subcommittee on Defense Appropriations for more than 20 years;

(11) Ted Stevens was a devoted husband, father, and grandfather who worked to promote family-friendly policies in the Federal government;

(12) Ted Stevens was well-respected for reaching across the aisle to forge bipartisan alliances and enjoyed many close friendships with colleagues in both political parties and with his staff, who were deeply loyal to him; and

(13) the designation of the unnamed highest peak in the State of Alaska, along with an icefield in the Chugach National Forest in that State, in honor of Ted Stevens would be a fitting tribute to his honorable life and legacy.

SEC. 3. DESIGNATION OF MOUNT STEVENS.

(a) DESIGNATION.—Not later than 30 days after the date of enactment of this Act, the United States Board on Geographic Names (referred to in this Act as the “Board”) shall designate the unnamed, 13,895-foot peak in the Alaska Range in Denali National Park and Preserve in the State of Alaska, located at latitude 62.920469308 and longitude -151.066510314, as the “Mount Stevens”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the peak referred to in subsection (a) shall be deemed to be a reference to the “Mount Stevens”.

SEC. 4. DESIGNATION OF TED STEVENS ICEFIELD.

(a) DEFINITION OF ICEFIELD.—In this section, the term “icefield” means the icefield in the northern Chugach National Forest in the State of Alaska—

(1) comprising approximately 8,340 square miles, as delineated by the map entitled “Ice Field Name Proposal in Honor of Stevens” dated September 24, 2010, as prepared by the Forest Service and available for inspection at Forest Service headquarters in Washington, District of Columbia; and

(2) including the Harvard, Yale, Columbia, Nelchina, Tazlina, Valdez, and Shoup Glaciers.

(b) DESIGNATION.—Not later than 30 days after the date of enactment of this Act, the Board shall designate the icefield as the “Ted Stevens Icefield”.

(c) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the icefield shall be deemed to be a reference to the “Ted Stevens Icefield”.

The bill, as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

SECURITY COOPERATION ACT OF 2010

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3847, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3847) to implement certain trade cooperation treaties, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. CASEY. Mr. President, I ask unanimous consent that the bill be read three times and passed; the motion to reconsider be laid upon the table, with no intervening action or debate; and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3847

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Security Cooperation Act of 2010”.

TITLE I—DEFENSE TRADE COOPERATION TREATIES

SEC. 101. SHORT TITLE.

This title may be cited as the “Defense Trade Cooperation Treaties Implementation Act of 2010”.

SEC. 102. EXEMPTIONS FROM REQUIREMENTS.

(a) RETRANSFER REQUIREMENTS.—Section 3(b) of the Arms Export Control Act (22 U.S.C. 2753(b)) is amended by inserting “a treaty referred to in section 38(j)(1)(C)(i) of this Act permits such transfer without prior consent of the President, or if” after “if”.

(b) BILATERAL AGREEMENT REQUIREMENTS.—Section 38(j)(1) of such Act (22 U.S.C. 2778(j)(1)) is amended—

(1) in the subparagraph heading for subparagraph (B), by inserting “FOR CANADA” after “EXCEPTION”; and

(2) by adding at the end the following new subparagraph:

“(C) EXCEPTION FOR DEFENSE TRADE COOPERATION TREATIES.—

“(i) IN GENERAL.—The requirement to conclude a bilateral agreement in accordance with subparagraph (A) shall not apply with respect to an exemption from the licensing requirements of this Act for the export of defense items to give effect to any of the following defense trade cooperation treaties, provided that the treaty has entered into force pursuant to article II, section 2, clause 2 of the Constitution of the United States:

“(I) The Treaty Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, done at Washington and London on June 21 and 26, 2007 (and any implementing arrangement thereto).

“(II) The Treaty Between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, done at Sydney September 5, 2007 (and any implementing arrangement thereto).

“(ii) LIMITATION OF SCOPE.—The United States shall exempt from the scope of a treaty referred to in clause (i)—

“(I) complete rocket systems (including ballistic missile systems, space launch vehicles, and sounding rockets) or complete unmanned aerial vehicle systems (including cruise missile systems, target drones, and reconnaissance drones) capable of delivering at least a 500 kilogram payload to a range of 300 kilometers, and associated production facilities, software, or technology for these systems, as defined in the Missile Technology Control Regime Annex Category I, Item 1;

“(II) individual rocket stages, re-entry vehicles and equipment, solid or liquid propellant motors or engines, guidance sets, thrust vector control systems, and associated production facilities, software, and technology, as defined in the Missile Technology Control Regime Annex Category I, Item 2;

“(III) defense articles and defense services listed in the Missile Technology Control Regime Annex Category II that are for use in rocket systems, as that term is used in such Annex, including associated production facilities, software, or technology;

“(IV) toxicological agents, biological agents, and associated equipment, as listed in the United States Munitions List (part 121.1 of chapter I of title 22, Code of Federal Regulations), Category XIV, subcategories (a), (b), (f)(1), (i), (j) as it pertains to (f)(1), (l) as it pertains to (f)(1), and (m) as it pertains to all of the subcategories cited in this paragraph;

“(V) defense articles and defense services specific to the design and testing of nuclear weapons which are controlled under United States Munitions List Category XVI(a) and (b), along with associated defense articles in Category XVI(d) and technology in Category XVI(e);

“(VI) with regard to the treaty cited in clause (i)(I), defense articles and defense services that the United States controls under the United States Munitions List that are not controlled by the United Kingdom, as defined in the United Kingdom Military List or Annex 4 to the United Kingdom Dual Use List, or any successor lists thereto; and

“(VII) with regard to the treaty cited in clause (i)(II), defense articles for which Australian laws, regulations, or other commitments would prevent Australia from enforcing the control measures specified in such treaty.”

SEC. 103. ENFORCEMENT.

(a) CRIMINAL VIOLATIONS.—Section 38(c) of such Act (22 U.S.C. 2778(c)) is amended by striking “this section or section 39, or any rule or regulation issued under either section” and inserting “this section, section 39, a treaty referred to in subsection (j)(1)(C)(i), or any rule or regulation issued under this section or section 39, including any rule or regulation issued to implement or enforce a treaty referred to in subsection (j)(1)(C)(i) or an implementing arrangement pursuant to such treaty”.

(b) ENFORCEMENT POWERS OF PRESIDENT.—Section 38(e) of such Act (22 U.S.C. 2778(e)) is amended by striking “defense services,” and inserting “defense services, including defense articles and defense services exported or imported pursuant to a treaty referred to in subsection (j)(1)(C)(i).”

(c) NOTIFICATION REGARDING EXEMPTIONS FROM LICENSING REQUIREMENTS.—Section 38(f) of such Act (22 U.S.C. 2778(f)) is amended by adding at the end the following new paragraph:

“(4) Paragraph (2) shall not apply with respect to an exemption under subsection (j)(1)

to give effect to a treaty referred to in subsection (j)(1)(C)(i) (and any implementing arrangements to such treaty), provided that the President promulgates regulations to implement and enforce such treaty under this section and section 39.”

(d) INCENTIVE PAYMENTS.—Section 39A(a) of such Act (22 U.S.C. 2779a(a)) is amended by inserting “or exported pursuant to a treaty referred to in section 38(j)(1)(C)(i) of this Act” after “under this Act”.

SEC. 104. CONGRESSIONAL NOTIFICATION.

(a) RETRANSFERS AND REEXPORTS.—Section 3(d)(3)(A) of such Act (22 U.S.C. 2753(d)(3)(A)) is amended by inserting “or has been exempted from the licensing requirements of this Act pursuant to a treaty referred to in section 38(j)(1)(C)(i) of this Act where such treaty does not authorize the transfer without prior United States Government approval” after “approved under section 38 of this Act”.

(b) DISCRIMINATION.—Section 5(c) of such Act (22 U.S.C. 2755(c)) is amended by inserting “or any import or export under a treaty referred to in section 38(j)(1)(C)(i) of this Act” after “under this Act”.

(c) ANNUAL ESTIMATE OF SALES.—Section 25(a) of such Act (22 U.S.C. 2765(a)) is amended—

(1) in paragraph (1), by inserting “, as well as exports pursuant to a treaty referred to in section 38(j)(1)(C)(i) of this Act,” after “commercial exports under this Act”; and

(2) in paragraph (2), by inserting “, as well as exports pursuant to a treaty referred to in section 38(j)(1)(C)(i) of this Act,” after “commercial exports”.

(d) PRESIDENTIAL CERTIFICATIONS.—

(1) EXPORTS.—Section 36(c) of such Act (22 U.S.C. 2776(c)) is amended by adding at the end the following new paragraph:

“(6) The President shall notify the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate at least 15 days prior to an export pursuant to a treaty referred to in section 38(j)(1)(C)(i) of this Act to which the provisions of paragraph (1) of this subsection would apply absent an exemption granted under section 38(j)(1) of this Act, for which purpose such notification shall contain information comparable to that specified in paragraph (1) of this subsection.”

(2) COMMERCIAL TECHNICAL ASSISTANCE OR MANUFACTURING LICENSING AGREEMENTS.—Section 36(d) of such Act (22 U.S.C. 2776(d)) is amended by adding at the end the following new paragraph:

“(6) The President shall notify the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate at least 15 days prior to an export pursuant to a treaty referred to in section 38(j)(1)(C)(i) of this Act to which the provisions of paragraph (1) of this subsection would apply absent an exemption granted under section 38(j)(1) of this Act, for which purpose such notification shall contain information comparable to that specified in paragraph (1) of this subsection.”

(e) FEES AND POLITICAL CONTRIBUTIONS.—Section 39(a) of such Act (22 U.S.C. 2779(a)) is amended—

(1) in paragraph (1), by striking “; or” and inserting a semicolon;

(2) in paragraph (2), by inserting “or” after the semicolon; and

(3) by adding at the end the following new paragraph:

“(3) exports of defense articles or defense services pursuant to a treaty referenced in section 38(j)(1)(C)(i) of this Act;”.

SEC. 105. LIMITATION ON IMPLEMENTING ARRANGEMENTS.

(a) IN GENERAL.—No amendment to an implementing arrangement concluded pursuant to a treaty referred to in section 38(j)(1)(C)(i) of the Arms Export Control Act, as added by this Act, shall enter into effect for the United States unless the Congress adopts, and there is enacted, legislation approving the entry into effect of that amendment for the United States.

(b) COVERED AMENDMENTS.—

(1) IN GENERAL.—The requirements specified in subsection (a) shall apply to any amendment other than an amendment that addresses an administrative or technical matter. The requirements in subsection (a) shall not apply to any amendment that solely addresses an administrative or technical matter.

(2) U.S.-UK IMPLEMENTING ARRANGEMENT.—In the case of the Implementing Arrangement Pursuant to the Treaty Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, signed at Washington February 14, 2008, amendments to which the requirements specified in subsection (a) apply shall include—

(A) any amendment to section 2, paragraphs (1), (2), or (3) that modifies the criteria governing operations, programs, and projects to which the treaty applies;

(B) any amendment to section 3, paragraphs (1) or (2) that modifies the criteria governing end-use requirements and the requirements for approved community members responding to United States Government solicitations;

(C) any amendment to section 4, paragraph (4) that modifies the criteria for including items on the list of defense articles exempt from the treaty;

(D) any amendment to section 4, paragraph (7) that modifies licensing and other applicable requirements relating to items added to the list of defense articles exempt from the scope of the treaty;

(E) any amendment to section 7, paragraph (4) that modifies the criteria for eligibility in the approved community under the treaty for nongovernmental United Kingdom entities and facilities;

(F) any amendment to section 7, paragraph (9) that modifies the conditions for suspending or removing a United Kingdom entity from the approved community under the treaty;

(G) any amendment to section 7, paragraphs (11) or (12) that modifies the conditions under which individuals may be granted access to defense articles exported under the treaty;

(H) any amendment to section 9, paragraphs (1), (3), (7), (8), (9), (12), or (13) that modifies the circumstances under which United States Government approval is required for the re-transfer or re-export of a defense article, or to exceptions to such requirement; and

(I) any amendment to section 11, paragraph (4)(b) that modifies conditions of entry to the United Kingdom community under the treaty.

(3) U.S.-AUSTRALIA IMPLEMENTING ARRANGEMENT.—In the case of the Implementing Arrangement Pursuant to the Treaty Between the Government of the United States of America and the Government of the Australia Concerning Defense Trade Cooperation, signed at Washington March 14, 2008, amendments to which the requirements specified in subsection (a) apply shall include—

(A) any amendment to section 2, paragraphs (1), (2), or (3) that modifies the criteria governing operations, programs, and projects to which the treaty applies;

(B) any amendment to section 3, paragraphs (1) or (2) that modifies the criteria governing end-use requirements and the requirements for approved community members responding to United States Government solicitations;

(C) any amendment to section 4, paragraph (4) that modifies criteria for including items on the list of defense articles exempt from the scope of the treaty;

(D) any amendment to section 4, paragraph (7) that modifies licensing and other applicable requirements relating to items added to the list of defense articles exempt from the scope of the treaty;

(E) any amendment to section 6, paragraph (4) that modifies the criteria for eligibility in the approved community under the treaty for nongovernmental Australian entities and facilities;

(F) any amendment to section 6, paragraph (9) that modifies the conditions for suspending or removing an Australian entity from the Australia community under the treaty;

(G) any amendment to section 6, paragraphs (11), (12), (13), or (14) that modifies the conditions under which individuals may be granted access to defense articles exported under the treaty;

(H) any amendment to section 9, paragraphs (1), (2), (4), (7), or (8) that modifies the circumstances under which United States Government approval is required for the re-transfer or re-export of a defense article, or to exceptions to such requirement; and

(I) any amendment to section 11, paragraph (6) that modifies conditions of entry to the Australian community under the treaty.

(c) CONGRESSIONAL NOTIFICATION FOR OTHER AMENDMENTS TO IMPLEMENTING ARRANGEMENTS.—Not later than 15 days before any amendment to an implementing arrangement to which subsection (a) does not apply shall take effect, the President shall provide to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report containing—

(1) the text of the amendment; and

(2) an analysis of the amendment's effect, including an analysis regarding why subsection (a) does not apply.

SEC. 106. IMPLEMENTING REGULATIONS.

The President is authorized to issue regulations pursuant to the Arms Export Control Act (22 U.S.C. 2751 et seq.) to implement and enforce the Treaty Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, done at Washington and London on June 21 and 26, 2007 (and any implementing arrangement thereto) and the Treaty Between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, done at Sydney, September 5, 2007 (and any implementing arrangement thereto), consistent with other applicable provisions of the Arms Export Control Act, as amended by this Act, and with the terms of any resolution of advice and consent adopted by the Senate with respect to either treaty.

SEC. 107. RULE OF CONSTRUCTION.

Nothing in this title, the Treaty Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ire-

land Concerning Defense Trade Cooperation, done at Washington and London on June 21 and 26, 2007 (and any implementing arrangement thereto), the Treaty Between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, done at Sydney, September 5, 2007 (and any implementing arrangement thereto), or in any regulation issued to implement either treaty, shall be construed to modify or supersede any provision of law or regulation other than the Arms Export Control Act (22 U.S.C. 2751 et seq.), as amended by this Act, and the International Traffic in Arms Regulations (subchapter M of chapter I of title 22, Code of Federal Regulations).

TITLE II—AUTHORITY TO TRANSFER NAVAL VESSELS

SEC. 201. SHORT TITLE.

This title may be cited as the “Naval Vessel Transfer Act of 2010”.

SEC. 202. TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN RECIPIENTS.

(a) TRANSFERS BY GRANT.—The President is authorized to transfer vessels to foreign countries on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(1) INDIA.—To the Government of India, the OSPREY class minehunter coastal ships KINGFISHER (MHC-56) and CORMORANT (MHC-57).

(2) GREECE.—To the Government of Greece, the OSPREY class minehunter coastal ships OSPREY (MHC-51), BLACKHAWK (MHC-58), and SHRIKE (MHC-62).

(3) CHILE.—To the Government of Chile, the NEWPORT class amphibious tank landing ship TUSCALOOSA (LST-1187).

(4) MOROCCO.—To the Government of Morocco, the NEWPORT class amphibious tank landing ship BOULDER (LST-1190).

(b) TRANSFER BY SALE.—The President is authorized to transfer the OSPREY class minehunter coastal ship ROBIN (MHC-54) to the Taipei Economic and Cultural Representative Office of the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act (22 U.S.C. 3309(a)) on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(c) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to another country on a grant basis pursuant to authority provided by subsection (a) shall not be counted against the aggregate value of excess defense articles transferred in any fiscal year under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(d) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient (notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e))).

(e) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the recipient to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of the recipient, performed at a shipyard located in the United States, including a United States Navy shipyard.

(f) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

TITLE III—OTHER MATTERS

SEC. 301. EXPEDITED CONGRESSIONAL DEFENSE EXPORT REVIEW PERIOD FOR ISRAEL.

The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended—

(1) in sections 3(d)(2)(B), 3(d)(3)(A)(i), 3(d)(5), 21(e)(2)(A), 36(b), 36(c), 36(d)(2)(A), 62(c)(1), and 63(a)(2), by inserting “Israel,” before “or New Zealand” each place it appears; and

(2) in section 3(b)(2), by inserting “the Government of Israel,” before “or the Government of New Zealand”.

SEC. 302. EXTENSION OF WAR RESERVES STOCK-PILE AUTHORITY.

(a) DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005.—Section 12001(d) of the Department of Defense Appropriations Act, 2005 (Public Law 108-287; 118 Stat. 1011) is amended by striking “more than 4 years after” and inserting “more than 8 years after”.

(b) FOREIGN ASSISTANCE ACT OF 1961.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by striking “fiscal years 2007 and 2008” and inserting “fiscal years 2011 and 2012”.

COMBAT METHAMPHETAMINE ENHANCEMENT ACT

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2923, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2923) to enhance the ability to combat methamphetamine.

There being no objection, the Senate proceeded to consider the bill.

Mr. CASEY. Mr. President, I ask unanimous consent the bill be read three times and passed; the motion to reconsider be laid upon the table, with no intervening action or debate; and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2923) was ordered to a third reading, was read the third time, and passed.

NATIONAL WORK AND FAMILY MONTH

Mr. CASEY. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. Res. 618 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 618) designating October 2010, as “National Work and Family Month.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. Mr. President, I ask unanimous consent the resolution be

agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 618) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 618

Whereas, according to a report by WorldatWork, a nonprofit professional association with expertise in attracting, motivating, and retaining employees, the quality of workers' jobs and the supportiveness of their workplaces are key predictors of workers' job productivity, job satisfaction, and commitment to employers and of employers' ability to retain workers;

Whereas, according to the 2008 National Study of Employers by the Families and Work Institute, employees in more flexible and supportive workplaces are more effective employees, are more highly engaged and less likely to look for a new job in the next year, and enjoy better overall health, better mental health, and lower levels of stress than employees in workplaces that provide less flexibility and support;

Whereas, according to a 2004 report of the Families and Work Institute entitled "Overwork in America", employees who are able to effectively balance family and work responsibilities are less likely to report making mistakes or feel resentment toward employers and coworkers;

Whereas, according to the "Best Places to Work in the Federal Government" rankings released by the Partnership for Public Service and American University's Institute for the Study of Public Policy Implementation, work-life balance and a family-friendly culture are among the key drivers of engagement and satisfaction for employees in the Federal workforce;

Whereas, according to a 2009 survey of college students by the Partnership for Public Service and Unum USA entitled "Great Expectations! What Students Want in an Employer and How Federal Agencies Can Deliver It", attaining a healthy work-life balance was an important career goal of 66 percent of the students surveyed;

Whereas a 2008 study by the Partnership for Public Service entitled "A Golden Opportunity: Recruiting Baby Boomers into Government" revealed that workers between the ages of 50 and 65 are a strong source of experienced talent for the Federal workforce and that nearly 50 percent of workers in that age group find flexible work schedules "extremely appealing";

Whereas finding a good work-life balance is important to workers in multiple generations;

Whereas employees who are able to effectively balance family and work responsibilities tend to feel healthier and more successful in their relationships with their spouses, children, and friends;

Whereas 85 percent of wage and salaried workers in the United States have immediate, day-to-day family responsibilities outside of their jobs;

Whereas, in 2000, research by the Radcliffe Public Policy Center revealed that men in their 20s and 30s and women in their 20s, 30s, and 40s identified a work schedule that allows them to spend time with their families

as the most important job characteristic for them;

Whereas, according to the 2006 American Community Survey by the United States Census Bureau, 47 percent of wage and salaried workers in the United States are parents with children under the age of 18 who live with them at least half-time;

Whereas job flexibility often allows parents to be more involved in their children's lives and research demonstrates that parental involvement is associated with children's higher achievement in language and mathematics, improved behavior, greater academic persistence, and lower dropout rates;

Whereas the 2000 Urban Working Families study demonstrated that a lack of job flexibility for working parents negatively affects children's health in ways that range from children being unable to make needed doctors' appointments to children receiving inadequate early care, leading to more severe and prolonged illness;

Whereas, from 2001 to the beginning of 2008, 1,700,000 active duty troops served in Iraq and 600,000 members of the National Guard and Reserve (133,000 on more than one tour) were called up to serve in Iraq;

Whereas, because so many of those troops and National Guard and Reserve members have families, there needs to be a focus on policies and programs that can help military families adjust to the realities that come with having a family member in the military;

Whereas research by the Sloan Center for Aging and Work reveals that the majority of workers aged 53 and older attribute their success as an employee by a great or moderate extent to having access to flexibility in their jobs and that the majority of those workers also report that, to a great extent, flexibility options contribute to an overall higher quality of life;

Whereas studies show that 1/3 of children and adolescents in the United States are obese or overweight, and healthy lifestyle habits, including healthy eating and physical activity, can lower the risk of becoming obese and developing related diseases;

Whereas studies report that family rituals, such as sitting down to dinner together and sharing activities on weekends and holidays, positively influence children's health and development and that children who eat dinner with their families every day consume nearly a full serving more of fruits and vegetables per day than those who never eat dinner with their families or do so only occasionally;

Whereas unpaid family caregivers will likely continue to be the largest source of long-term care services in the United States for the elderly;

Whereas the Department of Health and Human Services anticipates that by 2050 the number of such caregivers will reach 37,000,000, an increase of 85 percent from 2000, as baby boomers reach retirement age in record numbers; and

Whereas the month of October is an appropriate month to designate as "National Work and Family Month": Now, therefore, be it

Resolved, That the Senate—

(1) designates October 2010 as "National Work and Family Month";

(2) recognizes the importance of work schedules that allow employees to spend time with their families to job productivity and to healthy families;

(3) urges public officials, employers, employees, and the general public to work together to achieve more balance between work and family; and

(4) calls upon the people of the United States to observe National Work and Family Month with appropriate ceremonies and activities.

NATIONAL SAVE FOR RETIREMENT WEEK

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 649, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 649) supporting the goals and ideals of "National Save for Retirement Week," including raising public awareness of the various tax-preferred retirement vehicles and increasing personal financial literacy.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 649) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 649

Whereas people in the United States are living longer, and the cost of retirement is increasing significantly;

Whereas Social Security remains the bedrock of retirement income for the great majority of the people of the United States but was never intended by Congress to be the sole source of retirement income for families;

Whereas recent data from the Employee Benefit Research Institute indicates that, in the United States, less than 3% of workers or their spouses are currently saving for retirement and that the actual amount of retirement savings of workers lags far behind the amount that will be needed to adequately fund their retirement years;

Whereas financial literacy is an important factor in United States workers' understanding of the true need to save for retirement;

Whereas saving for one's retirement is a key component to overall financial health and security during retirement years, and the importance of financial literacy in planning one's retirement must be advocated;

Whereas many workers may not be aware of their options for saving for retirement or may not have focused on the importance of, and need for, saving for their own retirement;

Whereas many employees have available to them, through their employers, access to defined benefit and defined contribution plans to assist them in preparing for retirement, yet many of those employees may not be taking advantage of those plans at all or to the full extent allowed by those plans as prescribed by Federal law;

Whereas the need to save for retirement is important, even during economic downturns

or market declines, making continued contributions all the more important;

Whereas all workers, including public- and private-sector employees, employees of tax-exempt organizations, and self-employed individuals, can benefit from increased awareness of the need to develop personal budgets and financial plans that include retirement savings strategies and to take advantage of the availability of tax-preferred savings vehicles to assist them in saving for retirement; and

Whereas October 17 through October 23, 2010, has been designated as "National Save for Retirement Week": Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of "National Save for Retirement Week", including raising public awareness of the various tax-preferred retirement vehicles as important tools for personal savings and retirement financial security;

(2) supports the need to raise public awareness of the availability of a variety of ways to save for retirement which are favored under the Internal Revenue Code of 1986 and are utilized by many Americans, but which should be utilized by more;

(3) supports the need to raise public awareness of the importance of saving adequately for retirement and the continued existence of tax preferred employer-sponsored retirement savings vehicles; and

(4) calls on the States, localities, schools, universities, nonprofit organizations, businesses, other entities, and the people of the United States to observe National Save for Retirement Week with appropriate programs and activities, with the goal of increasing retirement savings for all the people of the United States.

NATIONAL CHILDHOOD LEAD POISONING PREVENTION WEEK

Mr. CASEY. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 650, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 650) designating the week of October 24 through October 30, 2010, as "National Childhood Lead Poisoning Prevention Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 650) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 650

Whereas lead poisoning is one of the leading environmental health hazards facing children in the United States;

Whereas approximately 200,000 children in the United States under the age of 6 have harmful levels of lead in their blood;

Whereas lead poisoning may cause serious, long-term harm to children, including reduced intelligence and attention span, behavioral problems, learning disabilities, and impaired growth;

Whereas children from low-income families are significantly more likely to be poisoned by lead than are children from high-income families;

Whereas children may be poisoned by lead in water, soil, housing, or consumable products;

Whereas children most often are poisoned in their homes through exposure to lead particles when lead-based paint deteriorates or is disturbed during home renovation and repainting; and

Whereas lead poisoning crosses all barriers of race, income, and geography: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of October 24 through October 30, 2010, as "National Childhood Lead Poisoning Prevention Week"; and

(2) calls upon the people of the United States to observe National Childhood Lead Poisoning Prevention Week with appropriate programs and activities.

NATIONAL RICE MONTH

Mr. CASEY. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 651, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 651) recognizing the 20th anniversary of the designation of the month of September of 1991 as "National Rice Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 651) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 651

Whereas rice is a primary staple for more than half of the population of the world and has been one of the most important foods throughout history;

Whereas rice production in the United States dates back to 1685 and is one of the oldest agribusinesses in the United States;

Whereas rice grown in the United States significantly contributes to the diet and economy of the United States;

Whereas rice is produced in the States of Arkansas, California, Louisiana, Mississippi, Missouri, and Texas;

Whereas rice production, processing, merchandizing, and related industries in the United States are vital to the economies of the rural areas of the Sacramento Valley in the State of California, the Gulf Coast region of the States of Louisiana and Texas, and the Mississippi Delta region where more than 3,000,000 acres of rice, on average, are produced annually;

Whereas, in 2009, rice farmers in the United States produced nearly 22,000,000,000 pounds of rice that had a farm gate value of more than \$3,000,000,000;

Whereas, in 2009, rice production and subsequent sales generated \$17,500,000,000 in total value added to the economy of the United States from rice production, milling, and selected end users and had the employment effect of contributing 127,000 jobs to the labor force;

Whereas eighty-five percent of the rice consumed in the United States is grown by American rice farmers, which supports rural communities and the economy of the United States;

Whereas the United States is one of the largest exporters of rice and produces more than two percent of the world's rice supply, feeding millions around the world;

Whereas rice is a food enjoyed throughout life in many forms, as the foundation of main dishes and side dishes, and as cereals, flour, bran, cooking oil, rice cakes, and other healthful snacks;

Whereas rice is an important source of nutritional value, as rice provides an excellent source of complex carbohydrates, and is cholesterol-free, sodium-free, and trans fat-free;

Whereas published research shows that people who eat rice have healthier diets;

Whereas rice farmers in the United States play a key role in the provision and enhancement of habitat for wetlands-dependant wildlife species, such as ducks, geese, swans, and cranes; and

Whereas the harvest of rice in the United States is celebrated each September and September 2010 marks the 20th anniversary of that annual celebration's designation: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 20th anniversary of the designation of the month of September of 1991 as "National Rice Month"; and

(2) encourages the people of the United States to observe National Rice Month with appropriate ceremonies and activities.

ORDERS FOR TUESDAY, SEPTEMBER 28, 2010

Mr. CASEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, September 28; that on Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and after any leader remarks, there be a period of morning business until 11:10 a.m., with Senators permitted to speak therein for up to 10 minutes, during which period Senators may make tributes to the late Senator Ted Stevens; that at 11:10 a.m. there be 20 minutes of debate prior to a vote on the motion to invoke cloture on the motion to proceed to S. 3816, with the time equally divided and controlled between the leaders or their designees; that at 11:30 a.m. the Senate then proceed to vote on the motion to invoke cloture, as provided for under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CASEY. Mr. President, for the information of Senators, tomorrow former Senator Stevens will be laid to rest at Arlington National Cemetery. Buses will depart the Senate steps at 12:15 p.m. for Arlington.

I am correct, Mr. President, in stating that if cloture is not invoked on the motion to proceed to S. 3816, then there will be an immediate cloture vote on the motion to proceed to H.R. 3081?

The PRESIDING OFFICER. The acting leader is correct.

Mr. CASEY. Therefore, Senators should note that two rollcall votes

could occur beginning at 11:30 a.m. tomorrow.

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

Mr. CASEY. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous

consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 10:01 p.m., adjourned until Tuesday, September 28, 2010, at 10 a.m.

NOMINATIONS

Executive nomination received by the Senate:

UNITED STATES AGENCY FOR INTERNATIONAL
DEVELOPMENT

PAIGE EVE ALEXANDER, OF GEORGIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE DOUGLAS MENARCHIK, RESIGNED.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 28, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 29

10 a.m.

Judiciary

Crime and Drugs Subcommittee

To hold hearings to examine crimes against America's homeless, focusing on if the violence is growing.

SD-226

Energy and Natural Resources

Energy Subcommittee

To hold an oversight hearing to examine the Propane Education and Research Council (PERC) and National Oilheat Research Alliance (NORA).

SD-366

Foreign Relations

To hold hearings to examine the al-Megrahi release, focusing on one year later.

SD-419

Health, Education, Labor, and Pensions

Business meeting to consider S. 3817, to amend the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the Abandoned Infants Assistance Act of 1988 to reauthorize the Acts, and S. 3199, to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss, and any pending nominations.

SD-430

Homeland Security and Governmental Affairs

Business meeting to consider S. 3806, to protect Federal employees and visitors, improve the security of Federal facilities and authorize and modernize the Federal Protective Service, H.R. 2142, to require quarterly performance assessments of Government programs for

purposes of assessing agency performance and improvement, and to establish agency performance improvement officers and the Performance Improvement Council, S. 3794, to amend chapter 5 of title 40, United States Code, to include organizations whose membership comprises substantially veterans as recipient organizations for the donation of Federal surplus personal property through State agencies, H.R. 4543, to designate the facility of the United States Postal Service located at 4285 Payne Avenue in San Jose, California, as the "Anthony J. Cortese Post Office Building", H.R. 5341, to designate the facility of the United States Postal Service located at 100 Orndorf Drive in Brighton, Michigan, as the "Joyce Rogers Post Office Building", H.R. 5390, to designate the facility of the United States Postal Service located at 13301 Smith Road in Cleveland, Ohio, as the "David John Donafree Post Office Building", H.R. 5450, to designate the facility of the United States Postal Service located at 3894 Crenshaw Boulevard in Los Angeles, California, as the "Tom Bradley Post Office Building", and the nomination of Maria Elizabeth Raffinan, to be an Associate Judge of the Superior Court of the District of Columbia.

SD-342

Rules and Administration

To resume hearings to examine the filibuster, focusing on ideas to reduce delay and encourage debate in the Senate.

SR-301

2 p.m.

Judiciary

To hold hearings to examine the nominations of James E. Graves, Jr., of Mississippi, to be United States Circuit Judge for the Fifth Circuit, Paul Kinloch Holmes, III, to be United States District Judge for the Western District of Arkansas, Anthony J. Battaglia, to be United States District Judge for the Southern District of California, Edward J. Davila, to be United States District Judge for the Northern District of California, and Diana Saldana, to be United States District Judge for the Southern District of Texas.

SD-226

Commission on Security and Cooperation in Europe

To hold hearings to examine charges against Mikhail Khodorkovsky's Yukos Oil Company.

1539, Longworth Building

2:15 p.m.

Foreign Relations

Business meeting to consider S. 2982, to combat international violence against women and girls, S. 3688, to establish an international professional exchange program, an original bill entitled "Naval Vessels Transfer Act of 2010", S. 1633, to require the Secretary of Homeland Security, in consultation with the Secretary of State, to estab-

lish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, S. J.Res. 37, calling upon the President to issue a proclamation recognizing the 35th anniversary of the Helsinki Final Act, Treaty between the Government of the United States of America and the Government of the Republic of Rwanda Concerning the Encouragement and Reciprocal Protection of Investment, signed at Kigali on February 19, 2008 (Treaty Doc.110-23), and the nominations of Cameron Munter, of California, to be Ambassador Extraordinary to the Islamic Republic of Pakistan, Mark M. Boulware, of Texas, to be Ambassador to the Republic of Chad, Kristie Anne Kenney, of Virginia, to be Ambassador to the Kingdom of Thailand, Christopher J. McMullen, of Virginia, to be Ambassador to the Republic of Angola, Robert P. Mikulak, of Virginia, for the rank of Ambassador during his tenure of service as United States Representative to the Organization for the Prohibition of Chemical Weapons, Wanda L. Nesbitt, of Pennsylvania, to be Ambassador to the Republic of Namibia, Jo Ellen Powell, of Maryland, to be Ambassador to the Islamic Republic of Mauritania, Karen Brevard Stewart, of Florida, to be Ambassador to the Lao People's Democratic Republic, and Pamela Ann White, of Maine, to be Ambassador to the Republic of The Gambia, all of the Department of State, and Nancy E. Lindborg, of the District of Columbia, to be Assistant Administrator, and Donald Kenneth Steinberg, of California, to be Deputy Administrator, both of the United States Agency for International Development.

S-116, Capitol

2:30 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine improving financial accountability at the Department of Defense.

SD-342

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings to examine defending against public health threats.

SD-124

Energy and Natural Resources

Public Lands and Forests Subcommittee

National Parks Subcommittee

To hold joint hearings to examine S. 3261, to establish the Buffalo Bayou National Heritage Area in the State of Texas, S. 3283, to designate Mt. Andrea Lawrence, S. 3291, to establish Coltsville National Historical Park in the State of Connecticut, S. 3524 and H.R. 4438, to authorize the Secretary of the Interior to expand the boundary of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the Park, to conduct a study of potential land acquisitions, S. 3565, to provide for the conveyance of certain Bureau of Land Management land in Mohave County, Arizona, to the Arizona Game and Fish Commission, for use as a public shooting range, S. 3612, to amend the Marsh-Billings-Rockefeller National Historical Park Establishment Act to expand the boundary of the Marsh-Billings-Rockefeller National Historical Park in the State of Vermont, S. 3616, to withdraw certain land in the State of New Mexico, S. 3744, to establish Pinnacles National Park in the State of California as a unit of the National Park System, S. 3778 and H.R. 4773, to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, S. 3820, to authorize the Secretary of the Interior to issue permits for a microhydro project in non-wilderness areas within the boundaries of Denali National Park and Preserve, to acquire land for Denali National Park and Preserve from Doyon Tourism, Inc., S. 3822, to adjust the boundary of the Carson National Forest, New Mexico, and H.R. 1858, to provide for a boundary adjustment and land conveyances involving Roosevelt National Forest, Colorado, to correct the effects of an erroneous land survey that resulted in approximately 7 acres of the Crystal Lakes Subdivision, Ninth Filing, encroaching on National Forest System land.

SD-366

Banking, Housing, and Urban Affairs
Security and International Trade and Finance Subcommittee

To hold hearings to examine a comparison of international housing finance systems.

SD-538

SEPTEMBER 30

9:30 a.m.

Banking, Housing, and Urban Affairs

Business meeting to consider S. 118, to amend section 202 of the Housing Act of 1959, to improve the program under such section for supportive housing for the elderly, and S. 1481, to amend section 811 of the Cranston-Gonzalez National Affordable Housing Act to im-

prove the program under such section for supportive housing for persons with disabilities; to be immediately followed by a hearing to examine implementing the Dodd-Frank Wall Street Reform and Consumer Protection Act.

SD-538

10 a.m.

Energy and Natural Resources
Energy Subcommittee

To hold hearings to examine the role of strategic minerals in clean energy technologies and other applications, including S. 3521, to provide for the reestablishment of a domestic rare earths materials production and supply industry in the United States.

SD-366

Health, Education, Labor, and Pensions

To hold hearings to examine the Federal investment in for-profit education, focusing on if students are succeeding.

SD-124

Judiciary

Business meeting to consider S. 3675, to amend chapter 11 of title 11, United States Code, to address reorganization of small businesses, S. 2888, to amend section 205 of title 18, United States Code, to exempt qualifying law school students participating in legal clinics from the application of the general conflict of interest rules under such section, S. 3804, to combat online infringement, and the nominations of Robert Neil Chatigny and Susan L. Carney, both of Connecticut, both to be United States Circuit Judge for the Second Circuit, Amy Totenberg, to be United States District Judge for the Northern District of Georgia, James Emanuel Boasberg and Amy Berman Jackson, both to be United States District Judge for the District of Columbia, James E. Shadid and Sue E. Myerscough, both to be United States District Judge for the Central District of Illinois, and Michael C. Ormsby, to be United States Attorney for the Eastern District of Washington, Mark F. Green, to be United States Attorney for the Eastern District of Oklahoma, and Paul Charles Thielen, to be United States Marshal for the District of South Dakota, all of the Department of Justice.

SD-226

10:30 a.m.

Homeland Security and Governmental Affairs

State, Local, and Private Sector Preparedness and Integration Subcommittee

To hold hearings to examine earthquake preparedness, focusing on what the United States can learn from the 2010 Chilean and Haitian earthquakes.

SD-342

2:30 p.m.

Foreign Relations

To hold hearings to examine Latin America in 2010, focusing on opportunities, challenges, and the future of the United States policy in the hemisphere.

SD-419

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine implementation, improvement, sustainability, focusing on management matters at the Department of Homeland Security.

SD-342

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

OCTOBER 6

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine Veterans' Affairs Information Technology (IT) program, focusing on looking ahead.

SR-418

NOVEMBER 17

10 a.m.

Environment and Public Works

To hold hearings to examine Water Resources Development Act of 2010, focusing on legislative and policy proposals to benefit the economy, create jobs, protect public safety and maintain America's water resources infrastructure.

SD-406

SENATE—Tuesday, September 28, 2010

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Immortal, Invisible God Only Wise, the kingdom, the power, and the glory belong to You. Make us to lie down in green pastures and lead us beside still waters.

Lord, forgive us for peaceful talk and belligerent attitudes. In their quest for the best for all people, sensitize our lawmakers' consciences to hear Your voice, obey Your precepts, and to embrace justice, righteousness, and peace. Deliver them from that pride that refuses to acknowledge Your rule among the nations. Let integrity be the hallmark of their character. Help them to see that real security is found only in You.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 28, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Following any leader remarks, there will be a period of morn-

ing business until 11:10 this morning, with Senators permitted to speak for up to 10 minutes each, during which Senators may make tributes to the late Senator Ted Stevens.

At 11:10 a.m., there will be 20 minutes for debate prior to a rollcall vote on the motion to invoke cloture on the motion to proceed to S. 3816, the Creating American Jobs and Ending Offshoring Act, with the time equally divided and controlled between the two leaders or their designees. At 11:30 a.m., the Senate will proceed to a rollcall vote on the motion to invoke cloture on the motion to proceed to the offshoring bill. If cloture is not invoked, there would be a second vote on the motion to invoke cloture on the motion to proceed to H.R. 3081, the legislative vehicle for the continuing resolution.

As a reminder, former Senator Ted Stevens will be laid to rest at Arlington National Cemetery at 1 p.m. today. Buses will depart the Senate steps at 12:15 p.m. today.

HONORING ARLEN SPECTER

Mr. REID. Madam President, as I came into the Chamber, I saw my friend ARLEN SPECTER standing behind me. There will be other times I will say more about ARLEN SPECTER, but I think it is appropriate to say a few words today about ARLEN SPECTER. After the beginning of the year, he will no longer be with us as a Senator.

I have followed very closely his career. I have read his book—he has written a number, but I read the book about his life—and it was fascinating, about his prosecutorial skills in Pennsylvania.

We all know of his academic approach to the law in the Senate. When he comes to the floor, he is someone who speaks after having given serious, long thought to what he was going to talk about, as I am sure he will today. I have spoken in recent days with him at great length about something he strongly believes in; that is, making the Supreme Court something the American people can identify with by having cameras in and watching the arguments before the Supreme Court, not having to read a stale transcript but listen to the give-and-take of the lawyers and the Court.

As I said, I will have a lot more to say about ARLEN SPECTER at some time in the future, but I have appreciated his astute awareness of the law and his being so good to me. It doesn't matter whether he is a Democrat or a Republican, he is a Senator who I think is exemplary.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

A POLITICAL EXERCISE

Mr. MCCONNELL. Madam President, the American people have been speaking out for a year and a half. They have wanted Democrats in Washington to focus on the economy and on jobs. What they got instead was a budget that explodes the national debt, a \$1 trillion stimulus that failed to hold unemployment down to the levels we were told it would, a health spending bill that is already leading to higher costs, and a raft of other bills that expand Washington's role in people's lives.

With just 3 days left in the Democrat's 2-year experiment in expanded government, they want to make a good last impression with a bill they know has no chance of passing and which they have no interest in passing. So this is about as pure a political exercise as you can get. In my view, it is an insult to the millions of Americans who want us to focus on jobs.

Democrats made a very clear choice. They chose to ignore the concerns of the American people and to press ahead with their own agenda over the past year and a half. In the last 3 days of the session, they have decided they can at least pretend to be concerned. This is nothing short of patronizing. But in some ways it is the perfect way to end a session in which the American people have taken a backseat to the Democrats' big government agenda.

As for the specifics of this bill, even if this were a serious exercise, it is a bad idea. Even the Democratic chairman of the Finance Committee said this bill could hurt American competitiveness. As a number of my colleagues pointed out yesterday, the way to get U.S. businesses to produce more here isn't to tax them even further, it is to stop punishing them with our high corporate tax rate. If American businesses are going to compete with foreign corporations, we should have competitive tax rates. It is that simple.

Moreover, the companies this bill targets, by and large, are not opening overseas subsidiaries to make products for Americans. They are moving overseas to serve foreign markets in addition to the markets they already have in place, and that creates jobs right here in the United States. When these additional markets overseas are opened, it creates jobs right here in the United States.

This bill is not a serious attempt to address a problem. It is a purely political exercise aimed at making a good impression. Unfortunately for Democrats, the impression they have made over the past year and a half has stuck—and for good reason.

REMEMBERING SENATOR TED STEVENS

Mr. MCCONNELL. Madam President, at 1 o'clock this afternoon our dear friend, Ted Stevens, will be laid to rest, with honors, across the river at Arlington National Cemetery. So the Senate will be thinking of Ted Stevens today.

Ted was a legend in his own lifetime and the American people would have remembered him even if he had not gone on to serve as the longest serving Republican in Senate history. A recipient of the Air Medal and the Distinguished Flying Cross for his service in the Army Air Corps during World War II, Ted was, during his earliest days, an adventurer, a fighter, and a patriot. He lived an incredibly full life, most of it in service to his Nation and more specifically to his State.

His colleagues in the Senate admired and even sometimes feared him, but Alaskans loved him without any qualification. To them he was just "Uncle Ted," a title I am sure will live on.

I have been to Alaska a number of times over the years at Ted's invitation and one of the things that becomes clear to anyone who goes up there, as I said at Ted's funeral last month, is that Alaska ironically is a pretty small place—in the sense that everybody seems to know each other, and everybody knew Ted Stevens. From the airport in Anchorage to the remotest villages, Ted is omnipresent up there. That is saying something in a State that is bigger than California, Texas, and Montana combined.

The reason is simple: In Ted's view, if it wasn't good for Alaska, it wasn't good. He devoted his entire adult life to a simple mission, to work tirelessly and unapologetically to transform Alaska into a modern State. He was faithful to that mission to the very end. It is hard to imagine that any one man ever meant more to any one State than Ted Stevens.

One of the stories I like about Ted is the one about his former chief of staff and his first trip to Alaska with Ted. When he showed up at Ted's house to pick him up at 6 o'clock in the morning, Ted had already gone through the briefing book he had been given the night before, read all the daily papers, and had already been on the phone to Washington for a couple hours. By the end of the trip, he said he needed a vacation after doing, for 2 weeks, what Ted had been doing for 39 years.

But Ted would always say he worked so hard because there was always so much work to do. Part of that, of

course, was making sure that all of us knew about what Alaska and Alaskans needed. So everybody got invited up there—not necessarily because he liked you but because he wanted us to appreciate the unique challenges Alaskans faced day in and day out, and turning down an invitation from Ted Stevens was not recommended.

Ted poured himself into Alaska and he poured himself into the Senate. He mentored countless young men and women who worked for him over the years. He mentored countless new Members from both parties.

It was an honor to have known him, and it was a privilege to have served alongside him in the Senate for so long.

We have missed him the past 2 years, and we honor him again today.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 11:10 a.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Pennsylvania.

SENATOR TED STEVENS

Mr. SPECTER. Madam President, I have sought recognition to join in paying tribute to Senator Ted Stevens, who was in this Chamber from 1967 until early 2009, and his presence is still felt, so pervasive was his impact on this body.

My first contact with Senator Stevens was shortly after my election, when I was in the process of selecting my committee assignments. I had said during the campaign that I would seek the Agriculture Committee, but when the first round came up and there was a spot left on Appropriations, I decided that was the best committee to select for the interests of my State.

I did not get the Ag Committee. Appropriations has a subcommittee, Ag Appropriations, and it was filled. But Ted Stevens generously opened the spot, taking another subcommittee assignment so I could maintain, in part, my statement that I would seek influence on the agricultural issues.

Ted Stevens had a reputation for being tough and demanding. He had a famous Hulk tie which I proudly have in my closet and wear on occasions when it is appropriate. But behind that tough exterior, there was a heart of gold and a very emotional man. He said that he did not lose his temper, he

would "use" his temper, that he did not lose his temper, he always knew where it was.

I recall one session of the Senate in the middle of the night. During Howard Baker's term as majority leader, he would sometimes have all-night sessions. It is amazing how much you can get done and how short the debate is at 3 a.m. An issue had arisen as to residency. I believe it was Bill Proxmire who had made some statements about living in Washington, DC. That infuriated Ted Stevens, and he rose, and in a loud, bombastic, explosive voice, he said he did not live in Washington, he lived in Alaska, and because of his affection for Alaska, he could not consider living in Washington. This was part-time duty to handle a specific job.

In 1984 after the elections, Senator Baker retired, and the Senate leadership was up. At that time, we had the most hotly contested battle for leadership during my tenure here and perhaps of all time. There were five top-notch candidates: Senator Stevens, Senator Dole, Senator McClure, Senator Domenici, and Senator LUGAR. It finally boiled down to Bob Dole and Ted Stevens, and Bob Dole won, 28 to 25. When the vote was taken, I happened to be sitting with Senator Dole. We had lived in the same town—Russell, KS—and had been friends for decades. When Ted Stevens came over to congratulate Bob Dole, I was in the picture—a photo I prize until this day.

Senate leadership elections are complex, and there was later consideration that perhaps Bob Dole's leaving the leadership of the Finance Committee opened the door for Bob Packwood, whose vote was for Dole, and perhaps Senator Packwood's leaving the leadership of the Commerce Committee chairman opened it up for Jack Danforth. That was a watershed election.

Senator Stevens and I did not always agree on matters, such as the outcome of the Iran Contra matters, but there was also a collegiality and cordiality. I was the beneficiary of one of the famous Alaska trips with Ted Stevens. I caught a king salmon, 29 pounds—toughest 15 minutes of my life—and it hangs on a shelf. The stuffed salmon hangs proudly in my Senate office. Great fish to eat. They have ways of preserving the carcass so that you can stuff it. You can have your fish and eat it too.

Ted Stevens was a mentor. During the Alcee Hastings impeachment proceedings, where I was cochairman of the committee assigned to hear the evidence and later making a floor speech, I thought there ought to be a standard for impeachment. Ted Stevens wisely counseled me against that. He said: Don't do that. Don't try to establish some standard. It is a matter of each Senator's individual judgment. And when the impeachment proceeding of President Clinton came up, Ted Stevens was one of the 10 dissenters. He

voted no on one of the bills of impeachment.

During the course of Ted Stevens' problems with the Department of Justice and the investigation, I talked to him about those matters, some of the implications in the criminal law case. I responded to an inquiry shortly before the 2008 election, was on Alaska radio cautioning the voters not to consider Ted Stevens a convict because the case was in midstream and there were very, very serious questions which had to be adjudicated, and I said I didn't know all of the details, but I had reviewed enough of the file to know that it was an open question. During the confirmation hearings of Attorney General Eric Holder, when we had our private talks—I was then ranking—I called the issue to his attention, and he promised to make a thorough review and later did so. And the rest is history. Ted Stevens was exonerated and the issue was dismissed.

After that event took place, I was talking to Larry Burton, who worked years ago for Ted Stevens, a squash-playing partner of mine. A few of us crafted a resolution honoring Ted Stevens and saying what a tremendous force he had been here, but we were asked by the lawyers to hold up because some action might be pending in the Department of Justice, so that should be delayed.

Today, we will lay Ted Stevens to rest, and with him a really great American. His family—Catherine, a devoted wife, an outstanding lawyer, a great public servant in her own right as an assistant U.S. attorney. When my class was elected in 1980, their daughter Lily was an infant, and she grew up in the Senate and now is a fine young woman, is a practicing attorney, and is now 30 years old. And Catherine, Joan, Ted, and I spent many pleasant evenings over a martini and a dinner and some of Ted Stevens' really great red wine.

He was extraordinary in his devotion to his State, and no Senator has ever done more for their State than Ted Stevens did for Alaska. So he leaves a great record, a great reputation, and he will be sorely missed.

In the absence of any other Senator in the Chamber seeking recognition, I ask unanimous consent for 15 minutes to proceed as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

A GRIDLOCKED CONGRESS

Mr. SPECTER. Mainstream Americans must march to the polls this November to express themselves forcefully to stop extremists financed by undisclosed contributors from stifling our democracy. The Congress is gridlocked, leaving the Nation's business floundering. Fringe candidates with highly questionable competency are winning

primary elections. Moderates and some conservatives are falling because they fail the test of ideological purity.

In the past 10 years, both parties have taken advantage of procedural rules-gimmicks to thwart needed congressional action. During the administration of President George W. Bush, Democrats mounted so many filibusters against judicial nominations that the Senate was on the verge of changing an important rule requiring 60 votes to cut off debate. During the Obama administration, Republicans have exceeded the prior extremism of Democrats on filibusters. In addition, the leaders of both parties have abused procedural rules to stop Senators from offering important, germane amendments to pending legislation in a Chamber where the tradition had allowed any Senator to offer virtually any amendment on any bill to get a vote to focus public attention on important national issues.

The partisanship has reached such a high level and comity such a low level that there is not even the pretense of negotiation or compromise in almost all situations. Within days of the start of the Obama administration, literally before the ink was dry on his oath of office, Republicans openly bragged about plans to "break" him and to engineer his "Waterloo." Announcing that ideological purity was more important than obtaining a majority, the prevailing Republican motto was: We would rather have 30 Marco Rubios in the Senate than 50 Arlen Specters.

Moderates and some conservatives, too, have fallen like flies at the hands of extremists in both parties. Senator ROBERT BENNETT's 39 percent conservative rating was insufficient for renomination in Utah. Senator LISA MURKOWSKI was rejected by Alaska's tea party's dominance in their Republican primary. In perhaps the most stunning election, an opponent whom conservative Republicans characterized as incompetent beat Congressman MIKE CASTLE. These elections were presaged by the surprising defeat of Senator JOE LIEBERMAN, who was not sufficiently liberal to represent Connecticut's Democrats.

The Senate is a vastly different place than it was when I was elected in 1980. In that era, Howard Baker and Lloyd Bentsen worked together. Bob Dole and Russell Long could reach an accommodation on tax issues. Bill Cohen and "Scoop" Jackson found compromises in the Armed Services Committee. The Nunn-Lugar initiatives were legendary. DAN INOUE and Ted Stevens perfected bipartisanship on the Appropriations Committee.

I think it is fair and accurate to say that the Republican Party has changed the most ideologically from the days when the steering committee, led by Senator Jesse Helms, represented the conservatives and the Wednesday mod-

erate luncheon club was almost as big, with Mark Hatfield, "Mac" Mathias, Lowell Weicker, John Danforth, Charles Percy, Bob Stafford, John Heinz, John Chafee, Bob Packwood, Alan Simpson, John Warner, Warren Rudman, Slade Gorton, and ARLEN SPECTER, in addition to Baker, Dole, Stevens, and Cohen. By the turn of the century, the group had shrunk to Jim Jeffords, OLYMPIA SNOWE, SUSAN COLLINS, LINCOLN CHAFEE, and me. After the 2008 election, only SNOWE, COLLINS, and I remained.

By the fall of 2008, the economy was in free fall. More than half a million jobs were being lost each month, and the unemployment rolls were nearing 4 million. President Bush formulated a \$750 billion so-called bailout called TARP, the Troubled Asset Relief Program. Resistance to the proposal was high. The House of Representatives rejected it on September 29 by a vote of 228 to 205. The stock market fell 778 points on the Dow Jones average. Nothing could be done immediately since many in Congress—myself included—were in synagogues across the country celebrating Rosh Hashanah on that evening and the next day. The Senate came back into session on October 1 to vote on TARP.

Vice President Cheney met with the Republican caucus to urge acceptance of the President's plan. Dick Cheney had an earned reputation for being a dry, factual, unemotional speaker, low key, direct, here it is, take it or leave it.

Before the Senate vote, in the Senate Mansfield Room, immediately off this Chamber, the Vice President was impassioned. He said if you don't pass this legislation, George W. Bush will turn into a modern day Herbert Hoover.

Republicans responded with 34 voting aye and 15 opposed. TARP passed the Senate 75 to 24. The House followed suit, and the President signed the bill. It wasn't a pretty legislative process. It started out with a few pages, mushroomed into a gigantic bill, without appropriate hearings, analysis, debate or deliberation. Fast action was mandatory if we were to stop the market slide and the economy from crashing. The implications were worldwide.

The situation continued to deteriorate. President Obama immediately went to work on a stimulus bill. He came to the Republican Caucus on January 27, and made a very strong appeal on the urgency of immediate action to save the U.S. economy from a 1929-type depression with a domino effect on the world economy. He said it was imperative that the bill be passed by February 13, the Friday before Congress began a weeklong recess for the Washington/Lincoln birthdays.

A large group of Senators held a series of meetings attended by about 15 rotating Democrats with 6 Republicans

initially in attendance: OLYMPIA SNOWE, SUSAN COLLINS, GEORGE VOINOVICH, LISA MURKOWSKI, MEL MARTINEZ, and me. The final meetings were held on February 6 in HARRY REID's office, attended by SUSAN COLLINS, BEN NELSON, JOE LIEBERMAN, Rahm Emanuel, REID, and me. COLLINS and I insisted on having a final bill under \$800 billion. The Obama figure had started out at \$600 billion and ballooned to more than a trillion dollars. She and I thought it would be tough for the public to swallow a stimulus act so we insisted on holding the figure under \$800 billion. When she and I couldn't agree with the Democrats, we took a break and went to my hideaway office to confer. There we formulated our last best proposal, which was accepted.

The stimulus package, like TARP, was put together too fast without appropriate hearings, analysis, debate, and deliberation. Had the Republican leadership participated, there would have been critical staff assistance on formulating what the money should have been spent for to stimulate the economy immediately and create jobs, but the Republican leadership refused to participate. The Republican game plan was already in effect to "break" Obama and cause his "Waterloo."

There were many Republicans in the caucus who would have liked to have voted for the stimulus. The U.S. and world economies were closer to the precipice of depression than when 34 Senators had voted for TARP. But the pressure to vote the party line was tremendous—the strongest I had seen in my 29-year tenure. The risk of retribution was enormous.

After making my floor speech supporting the President's plan, I walked back into the Republican cloakroom where a senior colleague said: "ARLEN, I'm proud of you." When I then asked him: "Will you join with me?" he replied: "No, I couldn't do that. Might cost me a primary." While there has been much justified criticism that the stimulus legislation could have been better, most would agree that it did prevent a 1929-style depression.

Not interested in governance, after the stimulus vote, Republicans turned to obstructionism—a virtual scorched-earth policy to carry out the plan to defeat the President. In 2009 and 2010 to date, 112 cloture motions have been filed and voted on 67 times. That the filibusters were frivolous, dilatory, and obstructionistic is evidenced by the fact that some judges were confirmed by overwhelming majorities, some 99 to 0, after cloture was invoked. Each time cloture was invoked, the Senate could not take up any other business for 30 hours, leaving little time to take up other vital legislation.

On some occasions, relatively rare, the filibusters were justified where the majority leader filled the so-called tree, precluding minority amendments.

That sometimes led to half-hearted negotiations over how many and what amendments the minority could offer, resulting in reciprocal recriminations of unfairness. Often the recriminations were meritorious with both parties being to blame. Each side maneuvered to avoid voting on amendments which posed political risks to their side. Notwithstanding the fact that Senators are sent to Washington to vote, enormous energy is expended to avoid votes. This issue did not apply to judicial confirmations where no amendments were in order. In 2008, I proposed a rule change to establish a timetable for confirming judges precluding filibusters. In 2009, I proposed a rule change to prohibit filling the so-called tree to prevent other Senators from offering amendments.

The exodus of Senate Republican moderates has resulted from the shift of the party to the right causing many moderates to reregister as Independents or Democrats, significant expenditures by the Club for Growth, the activism of the tea party, and, more recently, the infusion of enormous sums of money from secret contributors. Extreme right-wing candidates have benefited from enormous campaign expenditures by outside groups. The New York Times recently reported that "outside groups supporting Republican candidates in House and Senate races . . . have been swamping their Democratic-leaning counterparts on television . . ." Bloomberg News reports that, in September alone, groups supporting Republican candidates spent \$17 million while groups supporting Democratic candidates spent only \$2.6 million.

The Club for Growth's backing of Lincoln Chafee's primary opponent in Rhode Island in 2006 was especially costly causing his defeat in the general by draining his financing and pushing him to the right. It cost Republicans control of the Senate in 2007 and 2008. When the Club for Growth defeated moderates in the primaries, Pete Domenici's seat was lost in 2008, as were the House seats of Joe Schwartz in Michigan in 2006 and Wayne Gilchrist in Maryland in 2008.

It is understandable that moderates are responding to caucus pressure, seeing what is happening to colleagues who are seen as ideologically impure and insufficiently conservative. BOB BENNETT had a 93 percent conservative rating. Only two objections were raised against him: he sponsored health care reform legislation which was cosponsored by many other Republicans, and he voted for TARP. As noted, TARP was President Bush's legislation, enthusiastically advocated by Vice President Cheney. It was a significant success, stabilizing the banking industry and enabling GM and Chrysler to stay in business. Most of the government funds have been repaid.

South Carolina Congressman BOB INGLIS, who was defeated earlier this year by a conservative primary challenger, said today's political climate would make it "a tough time for Ronald Reagan and Jack Kemp." Florida Governor Charlie Crist was driven out of the Republican Party to an Independent candidacy because his State accepted stimulus money. He was pictured embracing President Obama and he was thought to be too liberal. Considering what has happened to BENNETT, MURKOWSKI, CASTLE, and Crist, is no wonder that Republican Senate moderates and some conservatives are hewing the party line as they watch right wingers plan for their primary defeats years away.

Republican Senators who previously actively supported campaign finance reform were unwilling to cast a single vote with 59 Democrats to proceed to consider legislation requiring the disclosure of corporate contributions permitted by the Supreme Court decision in *Citizen's United*. Notwithstanding the broad latitude given to campaign contributions under the first amendment, the Supreme Court rulings leave Congress the authority to require disclosure. It is hard to understand how any objective view would oppose disclosure when secret contributions pose such a threat to our democracy.

The ACTING PRESIDENT pro tempore. The Senator has now used his additional 15 minutes of time.

Mr. SPECTER. Madam President, I ask unanimous consent for 2 additional minutes.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I have been waiting now to speak on Ted Stevens, which was, I thought, the time allotted here. I am happy to give the Senator another 2 minutes on top of the extra 15 if that is necessary, but we have several Members wishing to speak on Senator Stevens. If he would hold it to another 2 minutes.

Mr. SPECTER. Well, I asked for the time when no one was here. I do ask for the additional 2 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Utah.

Mr. BENNETT. Madam President, reserving the right to object, and I shall not, I ask unanimous consent that following Senator SPECTER, I be recognized for 5 minutes, Senator HUTCHISON be recognized for 5 minutes, Senator COLLINS for 10 minutes, Senator ALEXANDER for 5 minutes, and Senator ISAKSON for 5 minutes, thus locking in the time we understood we were going to get.

The ACTING PRESIDENT pro tempore. Without objection, both requests are granted.

Mr. SPECTER. To continue the chain of thought, like the issue on campaign contributions, the DOD authorization

bill was stymied on the excuse of “procedural” considerations involving “don’t ask, don’t tell,” when many Republicans had voted to repeal it on prior occasions.

This country is still governed by “we the people,” but the only people who count are the ones who vote. If mainstream Republicans had been as active tea party Republicans in the Utah, Alaska, and Delaware primaries, I believe BENNETT, MURKOWSKI, and CASTLE would have won. That would have given heart to other Republican Senators that their records would be judged by a sufficiently large base to give them a fighting chance to survive.

Politics is routinely described as the art of the possible or the art of compromise. The viability of the two-party system is predicated on advocacy of differing approaches to governance which ultimately seeks middle ground or compromise. That is virtually always indispensable to reach a supermajority of 60. When one party insists on ideological purity, compromise is thwarted and the two-party system fails to function.

People with grievances are the most anxious to shake up the system. The Congress needs to deal with issues such as the deficit, the national debt, and the intrusiveness of government. The tea party people who attended town-hall meetings in August of 2009, like mine in Lebanon, were not Astro Turf, but citizens making important points. But they did not represent all of America or, in my opinion, even a majority of Republicans. Pundits are saying this November our Nation will be at the crossroads. I believe it is more like a clover leaf. If activated and motivated to vote, mainstream voters can steer America to sensible centrism.

Madam President, I thank my colleagues for their forbearance.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

REMEMBERING SENATOR TED STEVENS

Mr. BENNETT. Madam President, today we will go to Arlington for the final ceremony with respect to our former colleague, Senator Ted Stevens. He has earned a place in Arlington by virtue of his service in the Second World War, but he has earned a place in the hearts of all of us who worked with him, and like my colleagues I want to take the opportunity to say a few words about Senator Stevens.

Senator Stevens was something of a character. He would wear his Hulk tie. He would cultivate his reputation as an irascible fighter, and he always had a twinkle in his eye when he did it. But there was some truth to it.

I remember the first time he took over as the chairman of the Senate Appropriations Committee. He gathered

us together and he, speaking of his predecessor, Mark Hatfield, said: Mark Hatfield was a saint. He was filled with patience. You could talk to him at length, and he was always willing to defer. He was always willing to put off until you could get to the right solution. Mark Hatfield was a saint. I am not. We are going to get this thing done, and we are going to get it done on time. I am impatient, and I am going to make sure that the things go in the way they should.

We all chuckled at that. We did, indeed, enjoy Mark Hatfield. But the point I want to make today is that behind that facade that Senator Stevens liked to put up was a very serious legislator and a very superior human being.

Ted Stevens was always accessible. No matter what your problem was, you could go to him and he would listen to you. I discovered that when we were working on funding for the Olympics. He was a great supporter of the Olympics. As a Senator from Utah, when we were holding the Olympics I not only got his support, but I got his advice and his help. He was always accessible. He was always prepared. If you went to Ted Stevens, you wouldn’t catch him by surprise on anything. He was always engaged. He didn’t have to have the staff bring him up to speed; he had to have an understanding of the issues himself.

Perhaps most importantly, Ted Stevens was always open to new ideas. I was chairman of the Joint Economic Committee and would talk about the economy to the conference as a whole and would be surprised how many times Ted Stevens would come up to me after and have some new idea about the economy or some new source he had come across he would recommend to me. Even after he had left the Senate when I would run into him in a social situation, Ted would say, You ought to get your staff looking at—and then he would fill in the blank with information of what it was he had found out.

Ted Stevens served in the highest tradition of this body. It was an honor and a privilege and a learning experience for me to be able to serve with him. On this day, he takes his final resting place in Arlington. I join with my colleagues in paying tribute to him, not just as a Senator but as a superior human being and a great friend.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I rise to salute my former colleague Ted Stevens who will be laid to rest in Arlington today. He earned the right to be buried in Arlington National Cemetery, having served in World War II. That is one of the things that hasn’t been talked about as much regarding Ted Stevens because he was a remarkable Senator and has a remarkable his-

tory with his State of Alaska as well as in the Senate.

Ted Stevens served here for 40 years. From the very beginning, Ted was Alaska’s greatest champion. He helped found his State. He pushed through Alaska statehood and worked tirelessly to serve its unique needs for his entire life and continued to be its greatest advocate.

Nine years after he helped establish Alaska’s statehood, he was elected to serve in the Senate. He spent the next 40 years building his State from an undeveloped territory, which Alaska was, to one of our Nation’s most important energy producers, along with the other things Alaska gives to our great Nation. It is a testament to Ted Stevens’ mighty efforts and his love for his native land.

Alaska and every other State was helped by Ted Stevens. Everyone knows he took care of Alaska because he fought ferociously, but he also helped every other Senator represent their States and the priorities of their States, and that was one of the great things about this man.

In particular, when he went on the Appropriations Committee and later was its chairman as well as the chairman of the Defense Appropriations Subcommittee, he devoted himself to protecting our troops, to making sure they had the right equipment to do the jobs we ask them to do. Of course, he was a man of the military. He was so proud of his air service. He was a man who had flown in World War II. I visited the World War II Memorial to Americans in Great Britain with Ted Stevens, and he walked around all of the old airplanes and talked about the airplanes that were there and the ones he had flown and the ones that were new. There was an excitement about that, in his 80s—all the memories of his World War II time.

When someone would say to me, How do you get along with Ted Stevens, I would always say Ted Stevens is a man who is all bark and no bite. This was a man who had this Incredible Hulk tie and he would frown and he would look ferocious. He was so tender underneath. He wanted to help people. He wanted to make sure people did the right thing. He had a passion, he did, but he was so good underneath.

Back in 1993, when I first entered the Senate, I was one of seven women Senators. I would say there was not another woman on the Defense Appropriations Subcommittee—my colleague BARBARA MIKULSKI was on the committee—but I wanted to be on the Defense Subcommittee and I told Ted Stevens, We have more Army retirees in Texas than any other State. We have great Army bases as well as Air Force bases in Texas. I want to be on the Defense Subcommittee. He helped me get there. It made a difference in my capability to serve my State and my Nation.

I traveled once with Ted Stevens and DANNY INOUE to Saudi Arabia for our work on the Defense Appropriations Subcommittee. I was told later that Ted Stevens was actually discouraged by our Saudi host from bringing me with the delegation because I was a woman. Ted Stevens never told me this until later. He said, No way am I going to keep a member of my subcommittee and my committee off this trip she deserves to go on, and that was it. I was part of the delegation. I visited our air base there with all of the other Members. I participated in every meeting and every event during that trip. Ted Stevens and DANNY INOUE together would have it no other way.

Let me mention the relationship between DANNY INOUE and Ted Stevens.

Ted Stevens and DANNY INOUE were the chairman and ranking member of the Commerce Committee, but they never referred to each other as ranking member. They were always chairman and vice chairman. It went back and forth. When Democrats were in charge, DANNY INOUE would be the chairman of a committee and Ted would be the vice chairman. If Republicans were in the majority, it would be Ted who was the chairman and the vice chairman would be DANNY INOUE, because they were World War II soulmates. DANNY INOUE—who is now the chairman of the Appropriations Committee and another great patriot for our country, hailing from Hawaii, who won the Congressional Medal of Honor for his great service in World War II—and Ted were inseparable friends and called each other soul brothers.

Another Ted story: One day during the markup in the Senate Appropriations Committee, Ted grew very animated, as he did on issues, and when another Senator said, Mr. Chairman, there is no reason for you to lose your temper, Ted glared back and said, I never lose my temper. I know exactly where it is. Those who knew him best knew his compassionate heart.

There is a wonderful article this morning in *Politico*, one of the newspapers on Capitol Hill, and it talks about his time. Again, another Ted story, World War II: He was very close to the Chinese, because he flew missions into China. One of the things he did was fly supplies to GEN Claire Chennault's Flying Tiger air bases in China. He escorted Anna Chennault on her first trip back to China in 1981 when Stevens himself had just remarried and was on his honeymoon with Catherine. "We went on our honeymoon there with Anna Chennault," said Catherine Stevens, laughing. "Everybody kept sending tips that Ted Stevens is on his honeymoon with Anna Chennault." Then Catherine said, "And that was technically true."

This is another side of this wonderful man that we are going to bury today with all of the tributes and accolades

he deserves at Arlington National Cemetery. We will miss this great man, this great patriot, this great Alaskan, this great American, and this great friend to every one of us here.

Thank you, Madam President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, Senator COLLINS is next in order, but she has kindly given me a few minutes to make my remarks, and I wish to thank her for that.

Senator Ted Stevens will be remembered as a patriot who flew the first cargo plane into Peking, as it was then called, at the end of World War II, and helped create and then serve the 49th State for a half a century.

I have often thought that some day I should write a book about Senators—not about their gossip or their secrets—but about the things others don't know about the people we work with: About JIM INHOFE's flight around the world; about Ben Nighthorse Campbell's jewelry; about Barack Obama's and Mel Martinez's boyhood; about JIM BUNNING's pitches. All of these things have nothing to do with politics. I always wanted to start with Ted Stevens. Some day I think I will write this book, including about how he flew a cargo plane into Peking at the end of World War II. It says a lot about the kind of life he led afterwards.

No one did more to create Alaska as a State. He worked at the Interior Department for several years, writing speeches, lobbying, doing all kinds of things to cause it to happen. Then he served that State for nearly a half century in the best manner of the greatest generation.

He had a broad view.

He and Senator INOUE led a trip, along with several of us, to China in 2006, a delegation of Senators. We were better received than if they had been the President and Vice President of the United States, because the Chinese revered Ted Stevens and honored DANNY INOUE because of their service in World War II. We saw the No. 1 man in China, President Hu. We saw the No. 2 man, Mr. WU. We saw in all parts of the country the respect they had for Senator Stevens and Senator INOUE.

Senator Stevens carried that to the floor of the Senate. For example, he saw there in China what the Chinese are doing to remain competitive in the world by building up their universities, keeping their brain power advantage. He came back to this body and became a principal cosponsor of the America COMPETES Act, which helps our country do the same.

Perhaps no two Senators had a closer relationship than Senator INOUE and Senator Stevens. They came from the same generation. They fought in the same war. They were both enormously brave. They treated one another as brothers.

I was a young aide in the Senate when Ted Stevens was first appointed to the Senate in 1968. He was here when I came back 20 years later as the Education Secretary, and when I came back as a Senator 8 years ago, he was still here. He served longer than any other Republican Senator. He will be remembered as a great patriot and as the man who flew the cargo plane into Peking in 1944 and spent half a century creating and then serving our 49th State.

I thank the Chair. I thank the Senator from Maine for her courtesy.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Madam President, it has actually been a great pleasure to sit on the floor—and I see the Presiding Officer nodding in agreement—and hear these tributes to our friend, Senator Ted Stevens.

It is, of course, with sorrow that I rise to offer these words on the tragic passing of Senator Stevens, but it is also with a sense of gratitude and fondness that I remember him and that I celebrate his dedicated service to our Nation, to his beloved State, and to the Senate. My thoughts and prayers remain with the Stevens family and with the families of the others who perished in that heartbreaking accident.

In 1999, Senator Stevens was named "Alaskan of the Century." It was a fitting tribute to a man who, though not Alaskan by birth, became one with every ounce of his spirit, energy, and determination.

In 1953, with his heroic military service behind him and fresh out of law school, he drove from Washington, DC, to Fairbanks, AK, in the middle of the winter to begin his first job in his new profession. He soon was appointed U.S. Attorney and quickly established a reputation as a courageous and diligent prosecutor. Returning to Washington 3 years later to accept a position in the Department of the Interior, he took on the cause of Alaskan statehood as the cause of his life.

In 1959, his relentless efforts were rewarded with success. He served with distinction in the brand-new Alaska State Legislature and joined the Senate 9 years later. In this city, he was known as "Mr. Alaska." Back home, he was simply "Uncle Ted." His devotion to his constituents in matters large and small, and in all corners of that vast State, was unsurpassed.

Let me return to his military service for a moment, for I believe it offers a clear view of his character and his patriotism. In 1942, with America plunged into war, Ted volunteered to become a Navy aviator, but was rejected due to problems with his vision. Rather than admit defeat, he embarked on a course of rigorous eye exercises and earned his way into the Army Air Corps, scoring near the top of his training class. His

assignment—to fly cargo over the towering Himalayas to the legendary Flying Tigers—was extraordinarily dangerous. His valor earned him two Distinguished Flying Crosses and two Air Medals, as well as military honors from the government of Nationalist China. As in all things, Lt. Ted Stevens let no obstacle bar his way.

I was privileged to work alongside this extraordinary Senator on the Homeland Security Committee. On every issue, Senator Stevens demonstrated great knowledge and commitment to protecting our Nation and our people. As just one example, he was instrumental in passage of the SAFE Ports Act of 2006 to secure the seaports that are so essential to our Nation's prosperity and security.

Alaska and Maine are separated by a great many miles, but our two States have much in common, including spectacular scenery, and rugged, self-reliant people. Our States also share a connection to the sea that is central to our history and our future. From the Magnuson-Stevens Fisheries Conservation and Management Act of 1976, to his work to protect marine mammals, Senator Stevens demonstrated a deep commitment to the hardworking people who sustain countless coastal communities and an abiding respect for the natural resources that bless us all.

Since his passing, tributes have poured in from across America. Some serve as valuable reminders of his commitment to a broad range of interests. Olympic athletes and those who aspire to that level of achievement know that his Amateur Sports Act of 1978 brought the dream of competing on the world stage within reach of all, regardless of financial circumstances. Female athletes celebrate his support of title IX, which leveled the playing field for women in sports. Cancer survivors remember him as a champion of research, testing, and education in that dread disease. Alaska Natives and Native Americans throughout the Nation recall him as a true friend.

Mr. President, 3 years ago, Ted Stevens became the longest-serving Republican in Senate history. His service has inspired many who seek to serve their States in public office. We will remember him always, and may God bless Ted and comfort his family, his friends, and those of us who were privileged to serve with him.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I join Senator COLLINS and many colleagues in paying tribute to the life and times of Senator Ted Stevens.

While today we will lay his body to rest, his legacy will never be laid to rest. There has never been a more impactful Senator for their State in this country than Senator Ted Stevens.

While I can tell countless stories, I wish to make two brief observations to

show you the heart and soul of the effect and impact of Ted Stevens. One of my dear friends, the first Republican Senator from Georgia since Reconstruction, Mack Mattingly, from Brunswick, GA, told me not too long ago, after the passing of Senator Stevens, that when he first came to the Senate in 1981, Stevens was the first man to reach out to him, to help him, and to show him the way. I said: Mack, that is interesting, because when I was elected 6 years ago and I came to the Senate, the first man to offer a hand of leadership and help show me the way was Senator Ted Stevens.

Ted was a consummate Senator, a ferocious fighter for the State of Alaska, and a proud patriot of the United States of America. He may have been small in stature, but he was a giant in ability.

I always loved when we debated ANWR on the Senate floor—whether to drill. He wanted to drill. The people of Alaska wanted to drill. Every day that amendment was going to come up, you knew it because he had his Incredible Hulk tie on and was ready for the fight—not in an adversarial way or in a fistfight way but in a pride way, fighting for what was right for Alaska.

Today, we will lay Senator Stevens to rest in Arlington National Cemetery, but his legacy will live on as a consummate fighter for his State and a lover of this great country. As I have said in my stories about Senator Mattingly and myself, Ted was a mentor to those who came to the Senate to serve. May God bless the life, the times, and the family of Senator Ted Stevens.

Mr. ENZI. Mr. President, it was just about two years ago that many of us came to the floor to say goodbye to one of our good friends. Ted Stevens was leaving the Senate and returning home to his beloved Alaska. He had earned his retirement many times over.

At last there would be time to do the things that he always enjoyed—fishing, spending more time with his family, and being with the people of Alaska who hold him in such high esteem and affection. He was known throughout the State as Uncle Ted.

Now we are gathered again to reflect on Ted Stevens and his life, but this time we are here to say a final farewell as we mourn his loss. On reflection, nothing says more about the way he lived his life than to speak of his loss at the age of 86 with the feeling that he was taken from us all too soon.

Ted's life was a great, grand and glorious adventure, and he filled every day of it to the brim as he pursued anything and everything that interested him or moved him to action. The strength of his character and his love of his country saw him through his military service. His determination to succeed and his commitment to getting a good education helped him through college and then through law school as

he worked to obtain the skills and the knowledge he knew he would need to be successful in whatever he chose to do in life.

For all who knew him, Ted's ultimate legacy can be summed up in one word—statehood. That was his first and most powerful calling, and his successful effort to make Alaska a State left its mark on our country and our flag—a distinction that will ensure that Ted will always be remembered.

Although it was a remarkable achievement, the idea of making Alaska a State wasn't a new idea when Ted got a hold of it. It had been talked about for some time, but it wasn't going anywhere because the proposal needed something more to get the ball rolling—it needed a champion who would fight for it—someone who could develop a strategy that would make the impossible dream of the people of Alaska come true. That individual was Ted Stevens.

Ted practically ran the effort from start to finish as soon as he arrived in Washington. He had a plan, and he put it into operation. It produced a groundswell of support that became so powerful there was just no stopping it. Soon President Eisenhower had signed the necessary legislation and Alaska had become our 49th State.

For most people, that would have been enough. But it wasn't enough for Ted. Ted didn't know what life had in store for him, but he knew where he would be taking the next steps in his life—back home in Alaska.

After a series of twists and turns, Ted became one of Alaska's Senators. He was a tremendously effective Senator, and his reputation grew over the years as a tireless worker who wouldn't take no for an answer when it involved one of his State's priorities.

Ted and I were able to forge a good working relationship and a friendship that meant a lot to us both. We understood each other and more often than not, we supported each other's legislative priorities. Wyoming is a lot like Alaska, so that may explain why Ted and I got along so well.

Wyoming is a large State with a relatively small population. So is Alaska. Wyoming is blessed with an abundance of natural beauty. So is Alaska. The people who call our States their home are strong, independent and proud—proud of their past, confident of their future, and well aware of how blessed they are to be Americans. I think that comes from the placement of our States. It took people with a sense of adventure and a willingness to put up with a great deal of difficulty and an abundance of hardship to travel the miles it took for them to get to Wyoming and later to travel North to Alaska.

In the years to come, whenever I remember the days I spent with Ted, I will think of the words of the old adage

that reminds us that the most important inheritance we receive from our friends, family and those we care about is found in the memories we will always carry with us of the special days we shared with them. For me, I will always remember the times I spent away from the Senate doing what Ted and I most loved to do: enjoying the great outdoors with a fishing rod in our hands. If you are from Wyoming or Alaska, I do not think you can find a bad fishing spot anywhere in those two States.

That is how Ted got a lot of us to his beloved Alaska year after year. He was always talking about his Kenai Tournament and the chance it gave everyone to see the sights of Alaska and get a little break from the rigors of the Senate. It was a great fishing tournament, but it was also a chance for us to help Ted raise some needed funds that were used to improve the habitat of the salmon that had the good sense to live there.

God must have needed a good man. I know we all miss Ted. When he wore his Hulk tie, you knew things were about to happen and happen fast. This memory makes it feel like he is never far away. Diana joins in sending our sympathy to Catherine and all his family. The Stevens family can be very proud of the difference they made together over the years and of the legacy they will proudly carry of service and an unwillingness to ever think any task is impossible, no matter how difficult the struggle.

I cannot help but think God needed someone with Ted's abilities to have taken him from us. I take some comfort in the knowledge that Ted was doing those things he dearly loved right up to the end. He was flying around his beloved Alaska and heading to a lodge to catch up on a little fishing when his plane went down.

In the days to come, whenever I am with my grandson and we both look up at the sky with the awe and wonder it inspires, I will remember the words of the Eskimo proverb that speaks to the reason why the beautiful lights in the sky shine so brightly at night. As legend goes: Perhaps they are not stars but, rather, openings in heaven, where the love of our lost ones pours through and shines down upon us to let us know that they are happy.

I do not know if there is fishing in heaven, but if there is, I know Ted must be up there somewhere waiting patiently for a nibble and the chance to reel in another prize winner. I can almost see him there, fishing rod in hand and a smile on his face. If that is what heaven has brought to Ted, I have no doubt he will be happy forever because it does not get any better than that.

Mr. INOUE. Mr. President, I rise to laud the life and work of the Honorable Ted Stevens, Senator from Alaska. Ted was a fellow World War II veteran and

my partner in the Senate who fought hard on behalf of Alaska and this great Nation.

When it came to policy, we disagreed more often than we agreed, but we were never disagreeable with one another. We were always positive and forthright.

We shared a bond in that we believed it was our mission to ensure that Hawaii and Alaska were not forgotten by the lower 48 and our efforts were constant reminders of the economic and international importance of the Pacific.

Our beloved Ted was much more than the Senator of Alaska, much more than a fighter and an advocate and an example of what bipartisan effort can accomplish. Ted was a father, grandfather, and loving husband who put his family before everything else. We have lost a great man, and I join my colleagues in mourning his passing.

Mr. President, recently in meeting with the Librarian of Congress, Dr. James H. Billington, our chat focused upon Senator Ted Stevens. I learned that on August 14, 2010, Dr. Billington had written a special tribute to Senator Ted Stevens. Yesterday, I received a copy of this tribute and I wish to share it with my colleagues.

Our beloved Ted was much more than the Senator of Alaska, much more than a fighter and a brilliant parliamentarian. This tribute says something about him and his impact on Alaska and the world. I thank Dr. Billington for his heartfelt tribute to our great friend and colleague.

Mr. President, I ask unanimous consent to have Dr. Billington's tribute printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A TRIBUTE TO SENATOR TED STEVENS
(By James H. Billington, The Librarian of Congress, Aug. 14, 2010)

Just a few years ago, at the end of a particularly exhausting week in the Senate, Ted Stevens took an overnight flight to open a Library of Congress exhibit for the 300th anniversary of St. Petersburg. He insisted that I take his comfortable seat on the way over; and he flew back rapidly—leaving me well-rested for follow-up and the Russians in awed admiration of his age-defying journey to a distant cultural event of symbolic and even political importance.

This small memory came back to me just a year ago when I was back again in St. Petersburg. I was waiting to speak after Russian President Medvedev at the dedication ceremony of a great Petersburg palace that had been refashioned into the central building of a new library system for Russia modeled in many ways on the Library of Congress. I think my subconscious was reminding me that neither I nor the Library would probably have been in the picture without the varied ways that Ted Stevens quietly helped the Congress' library undertake new initiatives for our country—during and beyond his many years as Chairman and Vice-Chairman of the Joint Committee on the Library of Congress.

Senator Stevens played a key role in bringing into being within the legislative branch of government three important innovations for sustaining long-term American leadership in the world. Each of them had from the beginning bipartisan, bicameral support, and have been implemented in cooperative collaboration with the executive and judicial branches.

1. He championed a special \$2 million grant to the Library in 1999 to create a bi-lingual, online library of primary documents comparing the parallel experiences of Russia and America as continent-wide, multi-ethnic nations. This visionary, one-time appropriation (which we had not requested in our budget submission) enabled the Library to attract unprecedented in-kind support from 36 Russian repositories and to put online three-quarters of a million rare Russian items. This experience has helped equip us more recently to launch a multi-lingual World Digital Library with private support and the endorsement of UNESCO.

2. Senator Stevens was an early advocate and continuous supporter of The Open World Leadership Program, the first international people-to-people exchange ever created and administered within the legislative branch of our government. For eleven years it has enabled more than 15,000 emerging young leaders from Russia and other states of the former USSR to experience democratic governance in action in local communities across America. Senator Stevens was and remained active and engaged as the Honorary Chairman of its Board of Trustees.

3. At a very busy time late in the year 2000, Senator Stevens devoted an entire Saturday to discussing at his home the national need for preserving important information that was increasingly available only in highly perishable digital form. He proceeded to take the lead in creating the still ongoing National Digital Information and Infrastructure Preservation Program that has enabled the Library of Congress to work with 170 partner repositories throughout America to conserve immense amounts of digital material.

Ted Stevens rarely mentioned and never stressed his own role in any of these programs. He repeatedly and rightly credited the contributions of other colleagues and of the Congress itself. He was respectful and supportive of those in public service implementing these and many other long-range national programs.

At this sad time, all of us at the Library specially and gratefully remember his help in creating unique and challenging new programs within America's oldest federal cultural institution. I mourn the passing of a deeply admired friend. He was an unforgettable man of action and a dedicated public servant—not just for his beloved Alaska, but for all of America and our long-term future in a changing world.

Ms. MURKOWSKI. Mr. President, on the morning of Tuesday, August 10, in Alaska, in Washington, and around the world, time seemed to stand still. It was then we received word that a floatplane carrying our beloved Senator Ted Stevens had gone down in the remote Bristol Bay region of western Alaska. Senator Stevens traveled to that area, as he did practically each summer for decades, to pursue one of his dearest passions—fishing.

Along with Senator Stevens on that flight were several of his closest

friends. Sean O'Keefe, the former Administrator of the National Aeronautics and Space Administration; Jim Morhard, who came to the Senate in 1983 as an aide to Senator Pete Wilson of California and retired in 2005 as chief of staff of the Senate Appropriations Committee; Bill Phillips, a distinguished Washington lawyer and former chief of staff to Senator Stevens was on the flight; as was Dana Tindall, one of Alaska's best and brightest who made a career of bringing 21st century telecommunications technology to our vast territory. Three of their children were on the trip as well: Sean's son Kevin, Bill's son Willy, and Dana's daughter Corey. The pilot was Theron "Terry" Smith, an accomplished aviator who retired as chief pilot after 25 years with Alaska Airlines in Anchorage.

When it became apparent that the floatplane was overdue en route to a remote fishing camp, a massive search was quickly mobilized. The wreckage was located and, thankfully, there were survivors.

Sean and his son Kevin, Jim Morhard and Willy Phillips survived the crash. We pray for their swift and full recovery.

At the same time our hearts dropped at the news that the crash claimed the lives of Senator Stevens, Bill Phillips, Dana Tindall, her daughter Corey, and pilot Terry Smith.

At a later time I will have more to say about the distinguished careers of Bill Phillips, Dana Tindall, and Terry Smith, as well the lost promise of Corey Tindall, a champion debater at South High School in Anchorage and an aspiring doctor.

I will also have more to say about the heroes that responded to the crash site. That story begins with the Good Samaritan pilots who located the wreckage, Dr. Dani Bowman, and local first responders who were brought in by helicopter—they cared for the survivors and the dead in poor weather through a long night awaiting rescue—the elite Alaska National Guard and Coast Guard search and rescue teams that accomplished the rescue, the medical teams in Anchorage that tended to the survivors.

Today, I would like to devote a few moments in memory of my mentor, a man who stands tall among our Senate family as one of the truly great Senators of all time, my dear friend, Ted Stevens.

It would take days and days to enumerate all of Senator Stevens' accomplishments in this body over the course of 40 years. The Senate began the process of chronicling Senator Stevens' place in history in S. Res. 617, which was enacted on August 12. Our colleagues will fill in the details in the coming days.

Let me digress for a moment and extend my deepest appreciation, and that

of the Stevens family, to our colleagues and the staff—all of those who pulled out the stops—to ensure that S. Res. 617 could be enacted during a brief lull in the recess. The resolution was presented to the Stevens family following the funeral in Anchorage. It was well received.

So how to summarize the remarkable career of Ted Stevens in a few moments. Ted Stevens was the longest serving Republican in the Senate's history. He served as President pro tempore and President pro tempore emeritus. He was the assistant Republican leader. At various points during his career he chaired the Appropriations Committee, the Committee on Commerce, Science and Transportation, the Committee on Governmental Affairs, the Committee on Rules and Administration, and the Senate Select Committee on Ethics. He was involved in numerous other leadership roles.

He was a dear, dear friend of our men and women in uniform. In the early 1970s he helped to bring an end to the draft and encouraged the All Volunteer military force. He worked diligently to ensure that service members were compensated fairly, that their benefits were not eroded, and that they received the best health care.

A family man always, he was deeply concerned about the length of time that service members were separated from their families. And when service members returned from Iraq and Afghanistan suffering from PTSD and TBI, he ensured that funds were shifted from lower defense priorities to address these immediate concerns. He used his key position on the Defense Appropriations Subcommittee to make this all happen.

During his more than 40 years in the Senate he traveled to visit with service members on the battlefield. He visited Vietnam, Kuwait, Bosnia, Kosovo, Iraq, and Afghanistan. On those trips he spent time with those in the lowest ranks, asking whether they had the right equipment, how the food was, and how their families back home were coping.

Although he will long be remembered as a tireless advocate for the responsible development of Alaska's abundant natural resources, his friends and even his foes readily admit that he leaves a substantial conservation legacy. He was key to the compromise that led to the enactment of the Alaska National Interest Lands Conservation Act, a leader in fishery conservation through the Magnuson-Stevens Fishery Conservation and Management Act and the High Seas Driftnet Fisheries Enforcement Act.

He was a champion of the Olympic movement, a champion of physical fitness, a champion of amateur athletics. He played a significant role in ensuring that female athletes could compete on a level playing field with their male

counterparts. He was one of the best friends public broadcasting could possibly have in Washington. He championed family friendly policies for America's civil servants. These are some of his legacies to the Nation.

But to many Alaskans he was known simply as "Uncle Ted." And it was not just for the Federal dollars he brought to the State of Alaska, the energy facilities, hospitals and clinics, roads, docks, airports, water and sewer facilities, schools and other community facilities, although these were substantial.

The Almanac of American Politics observed, "No other Senator fills so central a place in his state's public and economic life as Ted Stevens of Alaska; quite possibly no other Senator ever has."

Truth be told, Ted Stevens was known as Uncle Ted because so many Alaskans viewed him as a friend of their own Alaskan families. Alaskans treasure the photographs and the letters that Senator Stevens sent them. Some of those photographs and letters were decades old, yet treasured keepsakes.

He gave Alaska's young people an opportunity to intern in Washington, inspiring many careers in public service. I am proud to be one of those interns. He hired many young Alaskans, once they graduated college, as junior staff members. He encouraged the best to go to law school and then brought them back as legislative assistants and committee staff. Many went on to accomplish great things in their chosen fields.

In the aftermath of Senator Stevens' death, hundreds upon hundreds of Alaskans lined the streets of Anchorage bearing signs that read, "Thank you, Ted" as his funeral procession drove by. Makeshift memorial services were conducted in Alaska's Native villages.

Why did Ted Stevens' loss shake Alaska so hard? The answer is simple. For generations of Alaskans he had been their Senator for life. Ted Stevens became Alaska's Senator less than 10 years after Alaska was admitted to statehood. I was 11 years old when he first came to the Senate.

In so many respects, his elevation to the Senate in 1968 was the culmination of a career of service to Alaska that began in the 1950s. It was, if you will, his second career of service to the people of Alaska.

Ted's first career began when he was named the U.S. attorney in Fairbanks. In a 2002 speech to the Alaska Federation of Natives, Ted recalled that this position gave him the opportunity to carry out President Eisenhower's commitment to equal rights for everyone. He traveled throughout the area requesting business owners to take down signs that read, "No Natives Allowed."

Ted then moved to Washington to serve as legislative counsel in the Interior Department. He played a key role

in the enactment of the legislation that admitted Alaska as America's 49th State.

He helped draft that section of the Alaska Statehood Act which committed the Federal Government to the settlement of the Alaska Native land claims. After leaving the Interior Department he opened a law practice in Anchorage. Among his clients was the Native Village of Minto. The State of Alaska was about to select Minto's traditional lands in advance of a land claims settlement. Senator Stevens took on Minto's case pro bono. He invited Alaska Native leaders to his home to explore strategies for a more comprehensive settlement of Alaska Native land claims.

Ted Stevens could not have guessed at that point that he would join the U.S. Senate and have the opportunity to make the dreams of Alaska's Native peoples a reality.

That was the first order of business when Ted came to the Senate. He began work on the Alaska Native Claims Settlement Act in 1969 and on December 18, 1971, the dream that Alaska's Native people would hold title to their ancestral lands became a reality.

This December marks the 39th anniversary of the passage of the Alaska Native Claims Settlement Act—ANCSA. That landmark legislation returned some 44 million acres of land to Alaska's Native people and created the regional and village Alaska Native Corporations.

ANCSA led to a resurgence in Native pride and self-confidence. It gave our Native people unparalleled opportunities to lead. It has proven a valuable legacy for the continuation of Alaska Native culture through the generations.

Senator Stevens played a significant role in bringing Alaska's Native people together to create today's great institutions of Indian self-determination. The Alaska Native Tribal Health Consortium and the Southcentral Foundation, which together operate the Alaska Native Medical Center in Anchorage, are just two examples.

The Alaska Native Medical Center, Alaska's only certified level II trauma center, has earned national recognition for the quality of its nursing care. It is connected through innovative telemedicine technology to regional Native medical centers in rural Alaska and clinics at the village level. None of this would be possible without Senator Stevens' leadership.

Senator Stevens deplored the Third World conditions that stubbornly persisted in rural Alaska, threatening the health of Native children. He helped build showers and laundromats in rural Alaska—we call them washeterias—and he helped construct water and sewer facilities so that our Native people did not have to haul their waste to an open dump site. I am sad to say that this

work is far from done. There is that last 25 percent or so that remains to be done.

It is often said that a society is judged by the way it treats its most vulnerable members. It is appropriate that we judge the character of our elected officials in the same manner. In Alaska, our Native people are the most vulnerable. For decades, Alaska's most vulnerable people have had no better friend than Ted Stevens.

As I noted in my response to Ted's farewell speech on November 20, 2008, "When I think of all of the good things, the positive things that have come to Alaska in the past five decades I see the face and I see the hands of Ted Stevens in so many of them."

Not just in rural Alaska but throughout Alaska I think of Senator Stevens whenever an F-22 takes flight from Elmendorf Air Force Base. I think of him when I drive through the front gate of Eielson Air Force Base, which was spared from the 2005 BRAC round largely through his leadership. His face is in the new VA Regional Clinic in Anchorage and in the Community Based Outpatient Clinic in the Mat-Su Valley. I think of Ted when I am fishing on the Kenai River and all of his efforts to help with conservation and restoration of this world class river. These are just a few of Senator Stevens' contributions to Alaska. There is so much more.

At the close of his farewell remarks to the Senate, our friend Ted, told us that he had two homes: "One in this Chamber, the other his beloved State of Alaska." He closed his remarks with the phrase, "I must leave one to return to the other."

How prophetic. For on the afternoon of August 9, a cold and gloomy day, yet the kind of day when fishing is great, the Lord called our friend Ted Stevens from Alaska to yet a third home.

Ted's departure leaves a tremendous hole in the hearts of the people of Alaska, a hole in the collective hearts of his Senate family, and a hole in my heart that will take a long time to heal.

On behalf of a grateful Senate and a grateful American people, I extend condolences to Ted's wife Catherine; to his children Susan, Beth, Ted, Walter, Ben and Lily, and to all of the grandchildren.

As our friend, the late Senator Robert Byrd, knew and often recounted on the Senate floor—of all of the things that brought Ted Stevens joy, his family brought Ted the greatest of joys. In Ted's words, his family gave him the kind of love, support, and sacrifice which made his 40-year career in the Senate possible and gave it meaning. We thank Ted's family for sharing this remarkable man with Alaska, the Senate, and the Nation.

Thank you, Ted. We will never forget you.

Mr. LEAHY. Mr. President, for 34 years in the Senate it was my privilege

and honor to serve alongside Senator Ted Stevens of Alaska. Today, I would like to pay tribute to Ted, a dedicated public servant, a respected lawmaker, and a man I was proud to call my friend.

Ted Stevens loved this country, and he dedicated nearly his entire life to public service. He served as a pilot in World War II, as a U.S. district attorney, as a senior member of the U.S. Interior Department, and as a U.S. Senator. Ted loved his State. In fact, he assisted in its birth as a State. During his more than four decades in the Senate, he was an unrelenting and unabashed advocate for Alaska and its people. I know no other Senator who has filled so central a role in their State's public and economic life as did Ted Stevens. He was a man many Alaskans knew simply as "Uncle Ted."

The fight for Alaskan statehood was Ted's principal work at the Department of the Interior, and, over time, he developed another appropriate nickname: "Mr. Alaska." After leaving Interior, Ted returned to Alaska and was elected to the Alaska House of Representatives in 1964. In 1968 he was appointed to the U.S. Senate, and today he remains the longest serving Republican Senator in history.

In the Senate, he was a tough negotiator and a savvy legislator, but he was always fair. He was an old-school Senator, and he kept his word. During the challenging years after statehood, Ted helped transform Alaska, playing key roles shaping the State's economic and social development. A staunch defender of the Alaskan way of life, he championed legislation to protect the fishing industry, to build the Alaska oil pipeline, to protect millions of acres of wilderness area, and to address longstanding issues surrounding aboriginal land claims. While he and I have not agreed on some issues, I have never questioned his commitment to do what he believed was right for his State and its people.

I know it can sound repetitive when people hear Senators make remarks such as these about our colleagues. But I think it is important for the public to know that despite all the squabbling that goes on in Washington, there is the deep respect, affection, and caring that goes on among the Senate's Members, who work side by side and day by day on the Nation's business and on the concerns of their constituents.

I was last with Ted at Bob Byrd's funeral. I had asked him if he would sit with me because we had not seen each other for a while and it gave us a chance to get caught up. I told him again how much his friendship meant to me and how much I missed him in the Senate. We talked about the number of pieces of legislation we had worked on together and both spoke of Ted being part of the old school of Senators—those who always stuck with

agreements they had made and our concern that was not the way some were today. It was a sad day being at a memorial service, but it was a special day being with Ted.

Ted was a statesman, a public servant, and one of my closest friends in the Senate. I consider myself fortunate to have known him and served with him.

Marcelle and I wish Catherine and all his family our best wishes.

Mr. BUNNING. Mr. President, today I rise to pay tribute to Senator Ted Stevens, who will be laid to rest today at Arlington National Cemetery. Unfortunately, Senator Stevens was taken from us on August 9 of this year, but his legacy will live on through the countless lives he touched during his distinguished career in public service.

Senator Stevens will be missed by so many because of the tenacity he displayed fighting for his beliefs. This began when he volunteered for the Army Air Corps during World War II, where he supplied Chinese forces as they defended their country from Japanese invasion. For his heroism, Ted Stevens received the Distinguished Flying Cross and the Air Medal.

Senator Stevens took this same tenacity to the Senate where he served the people of Alaska for over 40 years. It is largely because of Senator Stevens that many Alaskans gained access to clean drinking water and their children received a quality education. Finally, Senator Stevens fought to create an oil pipeline that put thousands of Alaskans to work and provided affordable energy for this Nation. These accomplishments are just a sample of the many issues that Senator Stevens championed during his long career.

By the time I came to the Senate in 1998, I knew Ted Stevens was an outstanding legislator, but over the next 10 years, I learned so much more that defined his character. I found that Ted Stevens was one of the most sincere members of this Chamber. No matter what the issue, I could always count on Senator Stevens to speak with frankness and honesty, two traits that are sorely lacking in the modern Senate.

I also learned that despite his dedication to the Senate, he always put family first. Senator Stevens was the father to six children, and although there is over 4,000 miles that separates Alaska from our Nation's Capital, he always made time for his wife and children. I realize my words are little consolation to his wife Catherine or the rest of his family, but I hope they know Mary and I are grieving with them as they cope with the loss of this model family man.

The Senate was blessed to have Ted Stevens as one of its Members. His countless accomplishments guarantee him a prominent place in the pantheon of American history. I was fortunate to have him as my colleague for over 10

years, but even luckier to have him as a friend.

Mr. BOND. Mr. President, today, I rise to pay tribute to not only a giant of the Senate, a hero to Alaska, and a war hero, but also someone I counted among my valued friends, and a true mentor—Ted Stevens.

When I first heard the news about Ted's death, I was shocked and saddened. Today, the loss of my dear friend is no easier to bear, and I know many of my colleagues here feel the same.

Later today, we will lay to rest this giant of the Senate, but I first want to say a few words about my friend Ted.

Much has been said about Senator Stevens' sometimes grouchy and intimidating demeanor. But if you took the time to look past the Hulk ties, the scowling countenance, the vigorous defense of any and all attacks on Alaskan priorities, and the cowed staff who feared they had fallen on the wrong side of the esteemed senior Senator, you saw another more compassionate—some would even say softer side.

I was a lucky beneficiary of that softer side, which changed the course of my time here in Washington.

When I first arrived in Washington, DC, in 1987, my son was entering first grade at the same time as Ted's beloved daughter. Sam and Lily became fast friends, and, lucky for me, so did their parents.

Over the years, Ted and Catherine were very close friends of ours and like godparents to Sam.

Anyone who knew Ted well knew how important his family was and the high value he placed on his children and their friends. He was truly a most kind, gentle, and readily approachable father, uncle, and godfather.

His concern about others' children and family members was equally heartfelt. As he exercised his many leadership roles, Senator Stevens' was always willing to take our family obligations into account. He realized how important it is to schedule time for our families in the chaotic, hectic life we lead in the Senate.

In addition to the close personal friendship I enjoyed with the Stevens family, I had the opportunity to work closely with Chairman Stevens as a member of the Senate Appropriations Committee. As chairman, Ted was solicitous of the concerns of even his most junior members. He was also a devoted friend of his partner—sometimes ranking member and sometimes chairman—Senator DAN INOUE.

Ted was a very passionate defender of the Appropriations Committee, its prerogatives, and its responsibilities. Woe unto the person who attacked the appropriations process or the work that he had done. We could use more of that wisdom around here today.

As former President pro tempore and the longest serving Republican Member

of the U.S. Senate in our country's 230-year history, Ted was a faithful and dedicated leader of the Senate.

But Senator Stevens' influence extended far beyond the Senate to Alaska, the Nation and the world.

Many of the accomplishments of the Senate over the last 4 decades bear the mark of Ted Stevens.

As a war hero himself, Ted was tireless in his leadership to secure a strong military—and funded a strong personnel system, the most needed, up-to-date equipment and the most promising research. The current strength and superiority of the U.S. Armed Forces is due in no small part to Senator Stevens.

He was a leader in the natural resources, transportation issues, and climate change issues important to all of America but that particularly affect his home State.

Ted was passionate about Alaska—its natural beauty, its people, its needs, and its fishing. Many of us have enjoyed traveling to Alaska with Senator Stevens and discovering firsthand the treasures it has to offer.

The many roads, parks, and buildings named for him are but a hint of all he has done for the State. His contributions are extensive and lasting, from improving the infrastructure to safeguarding the wildlife and natural resources Alaska has in abundance.

Alaskans rightly dubbed the Senator the "Alaskan of the Twentieth Century."

It was a tremendous honor and privilege to serve with Ted Stevens.

Mr. SHELBY. Mr. President, I rise today to pay tribute to our colleague, our friend, and a great statesman, Senator Ted Stevens.

It is a somber day in the Senate Chamber as we continue to mourn his loss.

Senator Stevens' service to our Nation began during his military service during World War II as a "Flying Tiger," and spanned six decades.

During his 41 years in the Senate, Senator Stevens has been chairman of four full committees and two select committees, assistant Republican whip, and the President pro tempore Emeritus.

As one of the most effective Senators, Senator Stevens was an ardent supporter of our national defense, serving as either Chairman or Ranking Member of the Defense Appropriations Subcommittee from 1980 to 2005. A champion of our Armed Forces, he ensured that our servicemembers have the equipment, training, and pay necessary to be prepared to take on those who threaten our national security.

Senator Stevens was not only my distinguished colleague but someone I considered a friend. He was a man of purpose whose life touched all those with whom he came in contact. His commitment to the people of Alaska

was remarkable, making him a legendary advocate for the State. No one has done more for Alaska than he did. His many contributions to both Alaska and our Nation will not soon be forgotten.

He will be remembered as a dedicated American, World War II warrior, a public servant, and the quintessential American statesman who gave so much of his life in service to the Nation.

I offer my thoughts and prayers his family and friends during this difficult time.

Mr. CHAMBLISS. Mr. President, I rise today to honor the life and commitment of Senator Ted Stevens to the State of Alaska and to our Nation.

As we all know, Ted joined the military at a young age and served his country with honor in World War II.

He earned his Army Air Corps wings in 1944 and served in World War II as a member of the Flying Tigers, for which he received the Distinguished Flying Cross.

Two friends of mine from Georgia who served with the Flying Tigers knew Ted during those days. When they shared with me stories of those times, they always spoke fondly of Ted.

Several years ago, I attended a funeral of a family member of one of our Senate colleagues on the west coast. A few other Senators were in attendance, but not many. One of those nights we stayed up late and started talking about life, and Ted told us he always attended the funerals of colleagues and their loved ones because when his first wife was tragically killed in a plane crash, those colleagues who took the effort to make the trip up to Alaska to attend her funeral meant so much to him.

That is the type of person Ted was—he was loyal to the State of Alaska, his Nation, and to his colleagues.

Ted and I also worked closely on defense issues and he was a good ally to have in those battles.

He was a good friend and an esteemed colleague who served with distinction in the Senate.

Ted will be remembered for his passion and his many, many years of service to his constituents.

Mr. LEVIN. Mr. President, today one of the most enduring figures in this Nation's political history and the history of this Chamber will be laid to rest at Arlington National Cemetery. For more than half a century, it was almost impossible to discuss the State of Alaska without discussing Theodore Fulton "Ted" Stevens.

Like many, Ted Stevens came to Alaska from elsewhere, searching for opportunity to serve. Few succeed as well as he did. He was named a Federal prosecutor just months after he arrived in Alaska in 1953—meaning his public service to Alaska predated its statehood. He was a key figure in the drive for statehood. He served in the State

legislature before coming to this Chamber in 1968.

Over the next four decades, he became one of the most influential Senators of the 20th century. Alaska was a young State with a small population, but that did not stop Ted Stevens from advocating forcefully and effectively on his State's behalf. He became the longest serving Republican in the history of the Senate, and the State he fought for became a huge beneficiary of his service.

He was a World War II veteran and a devoted family man. History will remember him as one of those present at the founding of Alaskan statehood and a longtime servant of the State. Barbara and I know that the memory of Ted Stevens' long and full life will relieve the sadness of his family, his constituents, and his multitude of friends at his passing.

Mr. ROBERTS. Mr. President, I have just returned from the interment services for our colleague and our friend, the Senator from Alaska, Ted Stevens.

I must say it should be pointed out that our Chaplain, Chaplain Black, gave a marvelous eulogy during the graveside services that was poignant, elegant, and I know in regard to helping the family with solace and poignancy, he had no equal. He simply was absolutely marvelous. He described Ted Stevens as a "force of nature"—which I think was a rather appropriate description, depending on your description of a force of nature—and as a person who always made him laugh. Well, it is difficult to try to figure out how to eulogize a person of Ted's stature, someone who has done so many different things. So you have to sort of segment, it seems to me, your own personal relationship with Ted and do the best you can to grasp this unusual man and describe him.

I was a Member of the House when I first met Ted Stevens. It was at a Republican retreat years ago. In expressing his opinion, he was obstreperous, if not outrageous, regardless of any other person's point of view. To say he was both unique and memorable is an understatement—a force of nature, indeed, perhaps a wandering tornado, if you will, with a poststorm rainbow of ideas.

I came to the Senate back in 1996. It didn't take long for Ted Stevens to burst into my—up to that point—relatively routine senatorial life. He jabbed his finger on my chest and said, "I know who you are." I responded, "Well, I sure as hell know who you are." He said, "You allegedly know something about agriculture." I said, "Well, thank you," and he interrupted and said, "You serve on Armed Services and Intelligence?" I said, "That's right." He said, "How would you like to go to the Russian Far East with me and Danny and some others?"

I thought to myself, Why on Earth would I want to go to the Russian Far East?

He said, "We are going to Khabarovsk, and then we are going to Vladivostok." But that's out there where the Cossacks went over the steppes of Russia. "Then we are going to meet with the admiral of the Russian navy, and Vladivostok is closer to Alaska than to Moscow. I know him," said Ted. "Then we are going to go to South Korea to indicate our strong support. But then we are going to be the first delegation allowed into North Korea, Pyongyang."

Well, that got my attention. He said, "That is why I need to have you come along, because if we can arrange a third-party grain sale, there are things that we can do in North Korea to at least establish a relationship."

I thought, what a unique idea, using agriculture as a tool for peace, if you will—or at least a fulcrum to change the relationship with North Korea. I said, "Well, sure, I will sign up."

That began a personal and meaningful relationship with Ted and Catherine and their family with Franki and our family that lasted during the duration of my career in the Senate until his untimely death weeks ago.

He said, "I understand that you are a newspaper guy." I said, "Yes, and?" He said, "You could be the scribe in regard to our CODEL." I might add that any CODEL you went on with Ted Stevens, you always had a T-shirt afterward saying: "I survived CODEL Stevens." You could—and I did—end up at the South Pole. So I was known as the Stevens CODEL scribe.

In any case, we went to Khabarovsk and Vladivostok. We talked to that admiral, who felt closer to Ted Stevens than he did his own Russian Government, and we went to Sakhalin Island. Ted was trying to work out some kind of arrangement where American oil companies could explore and develop the tremendous oil reserves there and have a contract that meant something with Russia. It was there that Flying Tiger Ted learned about saber-toothed tigers that were allegedly actually still alive in that part of the world. It is a wonder he didn't schedule a hunting trip.

Then we went to South Korea and eventually into North Korea, and it was the first delegation allowed into that theocratic time warp. We left everything on the plane. We stayed at an alleged VIP headquarters—no heat, very cold, just North Korean TV with 24/7 military parades and martial music.

That night the discussion had gone on and on and on. We had hoped to meet with Kim Jong Il. That was not possible, so he sent two of his propaganda puppets to meet with us. We had permission from the Treasury to waive certain requirements so that we could

arrange for a third-party grain sale to assist North Korea, which goes through a famine every harvesting year. It would have been at least a start.

So you had Ted and DANNY INOUE, two World War II veterans, who told the North Korean delegation it was time to make Panmunjon a tourist attraction. Ted finally had it and said, "Knock off the BS. I know you understand English. Let's get to the bottom line." The bottom line was that they could not do anything in terms of policy. They were there to make an intelligence estimate, and it was a lost opportunity at that particular time. The leadership effort by Ted Stevens didn't pan out, but not for the lack of trying.

On another CODEL we landed at 11 and got to the hotel at about midnight. Ted was a great connoisseur of military history and movies. He was a great devotee of the series "Band of Brothers." So we were playing Band of Brothers to staff and to all present. This is at 12:30 at night, going on to 1, 1:30. We had fought and died with episode five; we were going to episode six. I looked around, and all the loyal staff were asleep; all Members were still there and were asleep. I was having a hard time keeping my eyes open. I looked over at the great man, and his eyes were closed. I thought he was asleep, so I got up and started to turn off the television. As I reached for the power button, he said, "This next part is the best part." He was not watching it; he was listening to it because he had seen it at least three times. Well, needless to say, we saw episode six in its entirety. Thank the Lord, we didn't go to episode seven. We would have been there all night.

Some years ago, I was present for the ceremonies in Alaska when Ted was named the "Alaskan of the Century." How on Earth could a sitting Senator, or anybody, get overwhelming citizen support and approval and accolades from his State and be named "Alaskan of the Century"? Ted did. I was there to allegedly roast him. There was a great crowd. Facts and records are stubborn things. He was and is still today the "Alaskan of the Century." What he did and what he accomplished in the making of our 49th State was simply remarkable. By the way, the Federal Government still has not made good on many promises they made to Ted when he worked so hard and diligently to make Alaska a State.

At any rate, he flew in, during that ceremony, on a World War II plane. He had his combat jacket. He came in with Catherine and they took their places on very posh chairs. I will quote what he said time and time again to the people of Alaska: "The hell with politics; let's do what's good for Alaska."

I will add this: The country and our national defense and every man and woman in uniform owe this man a great debt.

When you come to this body and you come to public service, you know you risk your ideas, your thoughts, your hopes, and your dreams before the crowd. Sometimes the crowd says yes, and you have friends who will stand behind you when you are taking the bows. Then perhaps something happens in your life and you suddenly become a lightning rod for accusations; you wonder where your friends are, who will stand beside you when you are taking the boos, not the bows. The lightning rod was fast, furious, and egregious, especially considering the man, his accomplishments, and integrity.

In Washington, when there is crisis and chaos and big-time problems, many are called but few are chosen. When the chips were on the table, we chose Ted. As chairman of the Senate Appropriations Committee, he headed up the posse that decided the Nation's spending priorities. What a tough job. It was a tough job then, and it is even tougher today. But he did a heck of a job. For, you see, Members of Congress are a lot like someone suffering from the flu, an insatiable appetite on one end and no sense of responsibility on the other.

They said: Ted, Ted, I know we have to meet our budget caps, but this program is really important to me. My program is an investment, not a cost.

Somehow, somehow, the chairman has to wade through all of the demands of his colleagues, try to meet the ever changing and growing needs of our Nation at an unprecedented time of economic challenge, and through all of it, then he must fulfill our obligations to guarantee our national security and to the many entitlement programs we are very reluctant to reform in this body and the other body and to which we Americans seem to think we are entitled. It is like herding cats, big cats with saber teeth, just like those up on Sakhalin Island. In the doing of this, Ted Stevens was surrounded by many colleagues good at proposing more spending on existing programs and new programs to boot and those who look at any spending increase with a gleam in their eye and the tools of a stone-cutter.

There are few, however, who can measure value, and that is what Ted did. Just at the time he thought he could make both ends meet in behalf of Alaska and our Nation, someone moved the chains. To his critics—and there were many—the old saying "a penny for your thoughts" may be a fair evaluation of their contribution. The wheels of progress are seldom turned by cranks, critics, or, in Ted's case, a howling pack of wolves.

Today, both political parties are having trouble looking beyond their ideological fences. Ted Stevens was a bipartisan fence-mender while riding herd on all of the strays. How on Earth did he do this? How did he persevere throughout an ordeal that would have best the best of men?

Abraham Lincoln defined duty in this way:

I do the very best I know how, the very best I can, and I mean to keep doing so until the end. If the end brings me out all right, what is said against me will not amount to anything. If the end brings me out wrong, ten angels swearing I was right would make no difference.

During Ted's memorial service in his beloved Alaska, Vice President BIDEN's tribute was truly eloquent, personal, and pertinent. Others spoke with equal meaning. But it was Senator DANNY INOUE, his best friend, who brought thousands to their feet at this service, clapping for minutes when he said: "We all knew he was innocent." So did 10 angels and those who knew him best, and I think Ted heard them both.

Thank you, Catherine and Ted's family, for sharing him with us, and, as Vice President BIDEN said so well, we will not see the likes of him again.

Mr. CONRAD. Mr. President, I want to take a few minutes today to recognize our late colleague, Senator Ted Stevens.

Ted Stevens was a fighter. He fought for his State and his country every day here in the U.S. Senate. As a former military pilot and recipient of the Distinguished Flying Cross, Senator Stevens was a champion for the military here in the Senate. And he fought for the prerogatives of this institution, sometimes taking on politically unpopular causes to make the Senate stronger.

All of my colleagues will remember when Ted Stevens managed legislation. He would put on his "Incredible Hulk" tie, his best scowl to deter Members from offering amendments, and dare anyone to get in the way of passing his bills.

Ted knew Alaska inside and out, and he did everything he could to make his State a better place for future generations of Alaskans. He recognized that in isolated, rural States the Federal Government was sometimes the only entity capable of truly transforming the lives of individuals and the prosperity of communities.

And he recognized that other states sometimes faced similar circumstances.

I will never forget the role Ted Stevens played during the Grand Forks flooding of 1997. The Red River overtopped the levee that year and covered most of the city, including all of downtown. And the flooding caused a major fire in the historic downtown, further devastating the community. At the time, the evacuation of Grand Forks was the largest evacuation of a city since the Civil War.

In the aftermath, the city could have accepted a diminished future. It could have watched people leave and re-emerged as a shadow of its former self. But it did not. The city's leaders pledged to rebuild. And the North Dakota delegation went to work here in

the Congress to secure Federal assistance to help make that vision a reality. We quickly concluded that community development block grant funding would be the best source of assistance because CDBG money is very flexible and could be used to meet the city's highest priority needs. Unfortunately, the Appropriations Subcommittee chairman at the time was adamantly opposed. He simply refused to support the level of CDBG funding we badly needed.

Normally, that might have been the end of the story. But in this case, Ted Stevens, the full Appropriations Committee chairman, intervened. He saw that Federal funding was absolutely critical for the community to rebuild. I think maybe he saw a city in North Dakota that needed funding just as badly as many of his Alaska communities needed Federal funding to build a brighter tomorrow. And he overruled his subcommittee chairman and made sure that Grand Forks got the CDBG funding it needed.

The results have been spectacular. Grand Forks did rebuild bigger and better than ever. When some say that Federal spending is wasteful, Grand Forks is a tremendous example of how the Federal Government can make things better.

So it was with profound sorrow that I learned last month that Ted Stevens had died in a plane crash on a fishing trip in his beloved State. His country owes him thanks for his long service to his Nation, both in the military and here in the Congress. The State of North Dakota and the city of Grand Forks owe him thanks for his role in bringing needed funding to projects all across our State.

Lucy and I send our deepest condolences to his wife Catherine, his family, and his friends. Ted was one of a kind. We will miss him.

Mr. COCHRAN. Mr. President, today at Arlington National Cemetery the final resting place for so many national heroes, the burial service of our friend and former distinguished colleague, Ted Stevens of Alaska, was attended by a large number of friends. It was my honor and privilege to serve as a Member of the Senate with Ted Stevens. From him I learned the importance of hard work and seriousness of purpose that characterized his exemplary service in this body.

He was energetic and tenacious, and he used those assets to accomplish so much for the people of his State. His quick wit and capacity for hard work were formidable assets that enabled him to get things done for his country and his fellow citizens of Alaska.

It was a special pleasure to visit Alaska with him and especially to participate in his annual Kenai River fishing tournament which raised money for the preservation of that river and the unique beauty of its river basin.

Alaska and our Nation have lost a great leader and a true patriot, and I have lost a highly valued friend.

Mr. BROWNBACK. Mr. President, it wasn't an hour ago that we saw the lofty formation of four jets flying in formation over the burial site of Ted Stevens. Then, just as it passes over the site, one of the jets heads up, breaks formation, and heads into the sky above the others. It is such a memorable moment. I have seen this now twice, this formation. It is so memorable for me on this particular occasion because it is about a man who is so memorable.

Senator Ted Stevens served in this body for many years and is "Mr. Alaska" to this Nation's Capital and to many of the people in his home State. He is one of those soaring, towering figures who served in this body. He died at age 86 in a tragic accident, but he leaves a memory and a legacy that won't be forgotten.

One of the things I find so endearing about the memory of Ted Stevens is his tenacity in his work and his belief in the body. This guy would fight tirelessly for his State, for his beliefs, and for this body. He did it for a lengthy period of time through a number of different administrations and was an institution in and of his own right in what he did. I know the Presiding Officer, who works in this body and has served in this body, is someone who remembers Ted Stevens similarly.

I didn't realize some of the other aspects the Chaplain of the Senate talked about. There were about 6 years when Ted was President pro tempore of the Senate, so he would open the Senate every day. He would open the Senate, pledge allegiance to the flag, and then came the prayer. Senator Stevens at that time would go to the Chaplain and say: Let's bring up the prayer pressure, Chaplain—really urging him and us forward and to do things better and better for this country. It is a marvelous legacy to think about and to know about.

One of the beauties of serving in this body—is this my last year in this body—is the people you get to meet and get to know. One thing that is always so striking to me is that while we deal with policy issues all the time, it is the people whom you touch who are so important and so critical. I think too often we look at it as a policy debate when I think we really should be looking at people's relationships. I say that from the standpoint that we need to be better in working together.

Ted Stevens had a beautiful relationship with Chairman INOUE across the aisle in the Appropriations Committee. It is often those relationships that get things done. People lament in leaving this body that it has gotten less civil, it is this or it is that. My analysis is that it has gotten less relational, and that is the real problem, is that people don't have relationships across the

aisle with people whom they talk with and with whom they are friends. They disagree. They disagree on a lot of different things. They disagree probably on most things that are voted on. Yet when it comes to the end of the day and we have to get something moving and done, it is that relationship of trust and that here is a person who is a friend that you can work with is what counts. I think that is what we really need to look at much more, the relational needs. It is not something you can artificially do. It is something that has to take place over a period of time. It is something that has to take place over probably a period of a series of projects where, after a period of time, you say, you know, this is a person whom I can work with, whom I relate well with, and whom I trust. I think it is that trust that gets things done at the end of the day. It is that sort of thing you could often see in Ted Stevens.

Whenever Ted Stevens gave his word, you knew it was going to happen. If he had any way of doing it, it would be according to what he said. I had a friend of mine who once said that when a man breaks his word, it breaks the man. You could look at Ted Stevens and the guy was consistent; if he said he was going to do something, it was something he would stand with, and that is a good trait.

I bring these memories of Ted to the floor at a time when we have just witnessed the jet fly up toward the sky in memory of Ted Stevens and of his spirit and of his relational nature that he had within this body, with people he knew and who knew him, who trusted him and whom he trusted. I really commemorate that way of service, that time of service. I also commend to Members continuing in this body that we be a lot more relational and intentional about relating to one another so that we really look for those chances to do that.

God bless you, Ted Stevens.

Our thoughts and prayers go out to his family and to the survivors, certainly, of that terrible plane crash that took Senator Stevens.

Mr. REED. Mr. President, this afternoon at Arlington National Cemetery, this Nation laid to rest a great American, a great patriot, an extraordinary Senator, Ted Stevens.

I had the privilege of serving with Senator Stevens for 13 years. In that time, he impressed not only myself but everyone with his deep commitment to his State of Alaska, to the Nation and, in particular, to the men and women of the Armed Forces.

Ted Stevens began his commitment to service above self at the age of 19, when he joined the U.S. Army Air Corps. He became a pilot and at age 20 received his wings. Then he was deployed to the China-Burma-India theater, where he undertook some of the

most dangerous missions any pilot had to face in World War II. He flew over the Hump. He flew supplies to Chinese nationalist forces, and he would frequently fly behind enemy lines to deliver his precious cargo and to keep that fight going. They would fly at night, and they would have to muffle the flights—their engines—to avoid detection by the Japanese. They would land and camouflage the planes, because they were in enemy territory, and then they would take another dangerous flight out in the evening—to return again and again. That kind of sacrifice and service and courage is remarkable.

Also, typical of Ted Stevens, it was not something he boasted and bragged about a lot. He just did it. That was one of the great strengths of Ted Stevens. He just did things he thought were right.

When he returned to the United States, he attended college. He went off to Harvard Law School and became a lawyer. Although he had midwestern roots, he saw his future in the great State of Alaska. He packed up and went to Alaska, and Alaska changed him, but I suspect he changed Alaska more. One of the things I believe he felt very strongly about, having seen the great effort of World War II, having seen citizens come together from across this land from different communities, different ethnicities and races, to forge a unified effort to do a great thing, he was convinced that government could make a positive and important contribution to the life of his community in Alaska. He worked very hard. He worked hard to build roads, to build bridges, to literally bring together the people of Alaska. He supported consistently and enthusiastically the military forces—not just there but across the globe. He too served, and he knew what these men and women were doing and how important it was.

Something also struck me, too, while I was at the services today. A gentleman from New England came up to me and said, “Hi, Senator.” I wondered why he would be there. He was involved in the fishing industry in New England, and he appreciated what Senator Ted Stevens did for the fishing industry in Alaska, because he extended some of the same help to us in the Northeast. That was another thing about him. If he thought it was important enough for his constituents, he equally felt it was important for all people. He helped all of our constituents, and he would do it in a positive way.

I always found Ted Stevens to be somebody who was clear on where he stood. If he was with you, you didn’t have to worry. If he was against you, you should worry. But he was consistent and honest. He represented the values we all appreciate—candor, honesty, and decency.

Today, America has laid to rest a great patriot. To his family, our deepest condolences. But what he has done—and not just for the people of Alaska but for all of us—has left an example of patriotism, of diligence, of hard work, and of commitment to this Senate, which will sustain and inspire us in the difficult days ahead. For that, I thank him.

Mr. AKAKA. Mr. President, I rise to pay tribute to Senator Ted Stevens, a great American.

Senator Stevens cared deeply for the people of Alaska, and all the people of the United States of America.

He dedicated his career to the security and well being of this country, from his early days as an Army Air Corps pilot in World War II where he served multiple deployments across several continents, through his long career here in the U.S. Senate, as the longest serving Republican in the history of this institution.

Ted Stevens was a brother and a dear friend. We were ohana, family. We worked together on so many issues to serve the needs of our noncontiguous States.

Senator Stevens knew well the unique challenges both Alaska and Hawaii face, as the newest States, farthest from the U.S. mainland.

Ted Stevens’ love of Alaska is well known. But many people do not know Ted was actually a great surfer, and he was a frequent visitor to Hawaii. He loved to surf Kaimana Hila, Diamond Head, and Waikiki.

When his surfing days were over, he brought his favorite surfboard here to Washington and displayed it in his Senate office, alongside the many treasures from Alaska. Ted loved Hawaiian music and song, and I enjoyed singing with him.

Ted Stevens was a friend of America’s first people. He constantly reminded the United States of its responsibility to its indigenous people in Alaska, Hawaii, and across the country.

While the people of Alaska will always remember him, visitors to our Nation’s Capitol will also be reminded of Ted Stevens’ work. Together we were successful in moving the 1965 model of the Statue of Freedom out of storage and into its prominent place today in the Capitol Visitor Center Emancipation Hall.

Ted Stevens brought strength and passion to the Senate for many decades. He was a constant presence in this institution.

My wife Millie and I send our warm aloha and deepest condolences to Catherine and all of Ted’s family. I also want to extend my condolences to Senator Stevens’ staff who worked tirelessly for him and for all of Alaska for so many years.

Aloha, farewell to Senator Ted Stevens.

Mr. WICKER. Mr. President, I rise this evening, as so many colleagues have done, to pay tribute to and remember one of the Senate’s most enduring Members, the late Senator Ted Stevens of Alaska, who was buried today. For 40 years, Senator Stevens represented the people of Alaska in this body with zeal, with dignity, with intellect, and with strength.

Ted Stevens came in a small package, but he was indeed a giant—a giant for Alaska and for the Senate. He helped to chart a course for America’s 49th State and our entire Nation through his vigorous dedication and passion. As one of the earliest proponents of statehood for Alaska, Ted Stevens’ legacy remains intertwined with Alaska’s development. His pride in Alaska was unmatched.

Fighting on behalf of Alaska, Senator Stevens was instrumental in developing America’s energy policy and highlighting the incredible natural resources available in our own country. He saw the danger posed by a lack of energy security for this country, and drawing on Alaska’s vast resources, he tirelessly advocated American energy independence. His work, including the Trans-Alaskan Pipeline Authorization Act of 1973, created good jobs for Alaskans and helped supply the power America desperately requires to fuel our economic growth.

A true American patriot who was concerned about U.S. security, Senator Stevens was determined that we maintain the ability to stand alone, if necessary, against the international forces of evil that plot our destruction. When it came to national defense, Ted Stevens demonstrated his commitment at an early age, long before his days in the Senate. I once heard Ted refer to the men and women of today’s Armed Forces as “the next greatest generation.” He truly knew whereof he spoke. At 19 years of age, he enlisted in the Army Air Corps, during one of the darkest periods in American history. Having seen combat, Ted Stevens knew what service, valor, and bravery meant, and he saw that in the courageous men and women admirably serving now.

Retired Air Force COL Walter J. Boyne wrote a tribute to Senator Stevens that appeared in the Washington Post on August 11. I will quote excerpts from Colonel Boyne’s memorable piece:

At age 20, Lt. Stevens flew twin-engine transports “over the Hump,” carrying vital supplies from bases in India to the Chinese armies resisting Japan. On these often-unaccompanied missions, he had crossed the Himalayas; in Asia, the mountains were higher than in Alaska, the weather worse, and there was always the threat of a Japanese fighter plane showing up to dispute the passage.

Boyne continues:

Young Lt. Stevens was probably disappointed to find himself in the cockpit of a transport plane. He had completed flying

school at Douglas, Ariz., earning his wings by May 1944, and probably expected to be assigned to Lockheed P-38 fighters. The urgent requirement for transports dictated otherwise, however, and he was assigned to the 322nd Troop Carrier Squadron, part of the 14th Air Force commanded by Gen. Claire Chennault.

Boyne writes:

While the route over the Himalayas demanded piloting skill and endurance, Stevens also flew many missions within the interior of China, some going behind Japanese lines, bringing supplies in direct support of Chinese troops.

For his service, Stevens received two Distinguished Flying Crosses, which Boyne points out "can be awarded to any member of the U.S. armed forces who distinguishes him or herself by 'heroism or extraordinary achievement while participating in aerial flight.'"

I ask unanimous consent that the entire article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Washington Post, Aug. 11, 2010]

TED STEVENS: A FLIER WHO FACED THE RISKS
(By Walter J. Boyne)

The crash of a famed "bush" aircraft, the de Havilland DHC-3T Otter, near Aleknagik, Alaska, that killed former U.S. senator Ted Stevens, 86, on Monday brought to a close a life filled with the dangers of flying. Before Stevens began the career in elected politics that culminated in 40 years in the Senate, he left college to serve in the U.S. Army Air Corps in World War II. And in 1978, Stevens survived the crash of a Learjet at the Anchorage airport in which his wife, Ann, was killed.

Stevens had long accepted the hazards of flight in Alaska as being part of the political scene. Doubtless he was one of the few people who could fly over the state's rugged terrain with serene confidence. He had often flown over far more hostile territory during World War II.

At age 20, Lt. Stevens flew twin-engine transports "over the Hump," carrying vital supplies from bases in India to the Chinese armies resisting Japan. On these often-unaccompanied missions he had crossed the Himalayas; in Asia, the mountains were higher than in Alaska, the weather worse, and there was always the threat of a Japanese fighter plane showing up to dispute the passage. For his dedication and heroism flying the Hump and other flights behind Japanese lines, Stevens was awarded the fourth-highest federal medal, the Distinguished Flying Cross (DFC).

The "Hump" route had a more sinister nickname: the "Aluminum Trail," for all the aircraft wreckage that glinted brightly when the sun made its rare appearances. American pilots began flying the 530-mile route in 1942, taking off from bases in India and Burma. In October that year, all of the transport units operating in the theater were brought into the 10th Air Force, by direct order of Gen. Henry H. Arnold, chief of staff of the U.S. Army Air Forces.

The Douglas C-47 aircraft that were initially used strained to reach and maintain the altitudes necessary to clear the Himalayas. When the larger, more powerful (but more difficult to fly) Curtiss C-46 was introduced to the 322nd in September 1944, it allowed slightly more margin for error. Yet

the route took its toll: At least 600 aircraft and more than 1,000 lives were lost in the three years it was used. In 1945, airlift needs ended when the Burma Road, from Lashio, India, to Kunming, China, was reopened.

Young Lt. Stevens was probably disappointed to find himself in the cockpit of a transport plane. He had completed flying school at Douglas, Ariz., earning his wings by May 1944, and probably expected to be assigned to Lockheed P-38 fighters. The urgent requirement for transports dictated otherwise, however, and he was assigned to the 322nd Troop Carrier Squadron, now part of the 14th Air Force commanded by Gen. Claire Chennault.

The unit was based primarily at Kunming, the original home of Chennault's famous American Volunteer Group, the Flying Tigers. The 322nd was equipped with the C-47 "Skytrain," which came to be known as the "Gooney Bird." The C-47 had been derived from the revolutionary Douglas DC-3 transport and was used by the armed services until the 1970s.

In September 1944, Stevens later recalled, he transitioned into the C-46, which after initial (and too often fatal) troubles with its Curtiss Electric propellers, turned into an aerial workhorse that substantially increased the capacity of the 322nd to move supplies.

While the route over the Himalayas demanded piloting skill and endurance, Stevens also flew many missions within the interior of China, some going behind Japanese lines, bringing supplies in direct support of Chinese troops. Stevens often had to land at tiny camouflaged airports, some with primitive crushed-stone runways that were narrower than the wingspan of his plane. He flew throughout Indochina, over what is now Laos, Cambodia and Vietnam, and even made flights into Mongolia. The 322nd was also tasked with bringing vital supplies to the small American fighter bases that had sprung up far from road or rail traffic.

On one 1945 trip to Beijing (then Peking), Stevens encountered bad weather, and there was no local ground control to assist him. He improvised a non-precision approach using the local radio station and his plane's radio direction equipment. After the war, he returned and found that the approach he had devised was still being used.

The Distinguished Flying Cross, first awarded in 1927 to Charles Lindbergh, can be awarded to any member of the U.S. armed forces who distinguishes him or herself by "heroism or extraordinary achievement while participating in aerial flight." While Stevens was also awarded the Air Medal and the Yuan Hai medal by the Chinese Nationalist government, he surely must have been most proud of his DFC.

Mr. WICKER. Only 3 years before Senator Stevens earned his wings, Pilot Officer John Gillespie Magee, Jr., of the Royal Canadian Air Force composed a poem after being struck by the sheer wonder of flying a test flight at 30,000 feet. This poem was sent home to John Magee's parents just a few days before his death. It is entitled "High Flight."

I will close with those words in remembrance of an American hero, Senator Ted Stevens:

"Oh! I have slipped the surly bonds of earth
"And danced the skies on laughter-silvered wings;

"Sunward I've climbed, and joined the tumbling mirth

"Of sun-split clouds—and done a hundred things

"You have not dreamed of—wheeled and soared and swung

"High in the sunlit silence. Hov'ring there

"I've chased the shouting wind along, and flung

"My eager craft through footless halls of air.

"Up, up the long delirious, burning blue,

"I've topped the windswept heights with easy grace

"Where never lark, or even eagle flew—

"And, while with silent lifting mind I've trod

"The high untresspassed sanctity of space,

"Put out my hand and touched the face of God."

On August 9, 2010, Ted Stevens slipped the bonds of Earth one final time. He died, literally and figuratively, with his boots on, among friends, enjoying the rugged and dangerous beauty of nature and of the State of loved. We will miss his leadership and his friendship and the Nation will long be indebted to him for his lifetime of service.

Mr. REID. Mr. President, Ted Stevens was as dedicated to his State as anyone to ever serve in this body. From his fight for Alaska's statehood to the four decades he represented that State in the U.S. Senate, he never forgot where he came from or who elected him.

Although he set the record as the longest-serving Republican Senator in American history, his legacy is not measured by his longevity but by the indelible impact he had on Alaska.

He made much of that impact during from his time on the Appropriations Committee, and I learned a lot from working with him there. He once gave me a necktie with a picture of "The Incredible Hulk" on it as a token of his appreciation for my work on an appropriations bill. It was his unique way of saying "thank you," and it meant a lot to me. I still have that tie.

Public service was more than a career for Senator Stevens; it was his life's calling. He served his country from halfway around the globe, fighting with the Flying Tigers in World War II, and served his State from clear across the continent when he came to the U.S. Senate. But no matter how far away from home, he always kept it close to his heart.

Senator Stevens loved flying, loved the outdoors, and loved his State. He died doing what he loved, and his footprint will forever be visible across the Last Frontier.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING
BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CREATING AMERICAN JOBS AND
ENDING OFFSHORING ACT—MO-
TION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3816, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to consider Calendar No. 578, S. 3816, a bill to amend the Internal Revenue Code of 1986 to create American jobs and to prevent the offshoring of such jobs overseas.

The PRESIDING OFFICER. Under the previous order, there will be 20 minutes of debate, equally divided, between the two leaders or their designees prior to a vote on the motion to invoke cloture.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, in a few minutes, the Senate will be voting on the motion to invoke cloture on the motion to proceed to a bill that has been mislabeled the "Creating American Jobs and Ending Offshoring Act."

The part of the bill that is attracting the most attention is the repeal of deferral for the income of foreign subsidiaries for importing into the United States. Deferral is the policy that allows U.S. corporations to defer paying U.S. tax on the earnings of its foreign subsidiaries until those earnings are sent back to the United States when, at that point, they are going to be taxed just like every other corporate income.

In general, deferral is not allowed if the income is earned offshore and the reason for it being offshore is solely to avoid tax. What is bad about the bill is it would deny deferral for income that a foreign subsidiary legitimately earns from the sale of goods into the U.S. market.

The problem is that there has been no finding that such income is earned outside the United States by a motivation to simply avoid U.S. taxes. So this bill is completely contrary to a whole half century of bipartisan thinking as to when it is appropriate to deny deferral and when it is not. That bipartisan ship goes back to President John F. Kennedy's administration, when there was a bipartisan agreement within the Congress and between the President and the Congress that this is the tax policy we should have to make American manufacturing competitive with foreign competition.

To the contrary, there are obviously many reasons for a foreign subsidiary of a U.S. corporation selling goods into the United States. There could be a need to be near to a certain overseas

market or the good in question may not be found in appreciable quantities within the United States. Yesterday, I referred to chromium not being available in the United States, as one example.

There could be many reasons having nothing to do with tax policy. But the sponsors of this bill don't seem to understand that fact, that American manufacturing ought to be competitive with overseas competition or, obviously, we are going to lose business and lose jobs in the process or perhaps the bill's sponsors would admit that curbing tax avoidance is not the point. Perhaps they would instead claim it is all about an effort to create American jobs.

That would be a very good goal, but it is unlikely to create jobs. I fear it would have the opposite effect. The bill may lead to fewer headquarters jobs in the United States, if a corporation, for uncompetitive reasons, decided to move totally offshore and take those headquarters jobs with them. The bill could lead to a loss of American jobs assembling finished products from parts assembled outside the United States.

In the words of the late Senator Moynihan, who was, for a long time, chairman of the Senate Finance Committee, in speaking in opposition to this very same proposal 14 years ago:

Investment abroad that is not tax driven is good for the United States.

In other words, what he is saying there is, if there is investment abroad but it is not solely to avoid U.S. taxation but has economic substance behind it, that is good for the United States.

He did not say this. Contrariwise, if there is money offshore simply to avoid U.S. taxation, then obviously that is wrong. As an example, Senator BAUCUS and I have been involved in the Stanley Corporation doing that 6, 7 years ago, and we plugged those loopholes.

I agree with Senator BAUCUS when he was recently quoted as to this bill saying:

I think it puts the United States at a competitive disadvantage. That's why I'm concerned.

If there is any doubt about whether I agree with that statement of Senator BAUCUS, the Democratic leader of our committee, I agree with Senator BAUCUS.

In addition, there are procedural defects concerning this bill. I wish to start this part of my remarks by relying on a statement Senator REID said to me privately—he might deny he made this statement, but soon after the 2006 election, when the Senate became a Democratic majority rather than a Republican majority, he said something like this to me: You and Senator BAUCUS work so well together. I want you to know I am going to let the committees continue to function as

they always have, particularly in your case because you have such a close working relationship.

With that as background, things have changed very recently so that every bill seems to be written in Senator REID's office, not in committee.

This bill before us has not been vetted by the Finance Committee. Does anyone believe that if my friend the chairman were to put this bill before the Finance Committee, it would be approved in the form it is right now? If the idea in this bill had the kinds of merits claimed by their proponents, then they should welcome the Finance Committee reviewing it. Let members ask questions as they review the language. Test the strength of ideas through the committee process.

The Democratic leadership has short-circuited the opportunity to methodically test the bill as good tax policy. Unfortunately, this process defect has been more the rule than the exception. Since the stimulus bill in January of 2009, the Finance Committee has only marked up one tax policy bill, and that was the health care reform bill.

My sense is the Democratic leadership simply does not want this bill to undergo scrutiny of a regular-order process—in other words, the way the Senate normally does business. This bill is presented as a "take it or leave it" proposition. Republicans are not supporting cloture because they are not being offered the opportunity to amend this bill with amendments that go to the supposed purposes of the bill. No amendments are allowed on any tax incentives for job creation. No amendments are allowed on measures to prevent offshoring of jobs. In other words, the Senate being a deliberative body of a bicameral Congress—and, obviously, the House is not a deliberative body—the purpose of this body is being neutered by the procedure this bill is going through. For instance, I have amendments dealing directly with the offshoring of jobs. They are bipartisan amendments. But if I vote for cloture, I have no assurance from the Democratic leadership that these amendments will be in order. I will describe these amendments.

The first amendment mirrors a bill the junior Senator from Vermont and I have coauthored. It is the Employ America Act. It would prevent any companies engaged in the mass layoff of American labor from importing cheaper labor from abroad through temporary guest worker programs if they lay somebody off.

The second amendment I filed today mirrors a bill the senior Senator from Illinois, a Democrat, and I have worked on for several years. It is the H-1B and L-1 Visa Reform Act of 2009. It would improve two key visa provisions while rooting out abuse while making sure Americans have the first chance of obtaining high-skilled jobs in this country.

Many Americans are unemployed. Yet we still allow companies to import thousands of foreign workers. These businesses should be asked to look first at Americans to fill those jobs, and they should be held accountable for displacing Americans to hire cheaper foreign labor.

These two amendments go directly to the concerns about job creation and the prevention of offshoring of U.S. jobs. Both amendments are bipartisan. Yet if cloture is invoked, these amendments would fall on the Senate cutting room floor.

Furthermore, I have no confidence, even if the Democratic leadership were to follow regular order for floor purposes, that we could expect anything like a conference committee to work out the issues between the House and the Senate.

In sum, the bill's substance would more likely lead to an increase in offshoring of American jobs and would make American companies less globally competitive. The bill's procedure is very irregular and not in the thoughtful traditions that so dignify the Senate.

For purposes of the contents of the amendments, as well as this procedure, I ask that we vote against this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I rise today asking that we vote to proceed to this measure so that we can have a full discussion and debate and work on the issues that are so important to middle-class families related to incentives for jobs being shipped overseas versus incentives to have jobs in America.

I agree with my distinguished colleague from Iowa—we have worked together on many issues—that there is a larger set of issues. It is very important that in the next Congress we focus on comprehensive tax reform. Permanently extending the research and development tax credit, as the President has proposed, which I strongly support, is very important to us for long-term innovation and the ability to invest in America. I believe it is important to have fair trade agreements, agreements that are enforced. When we look at a country such as South Korea, where our manufacturers have been blocked from selling into South Korea, where automakers have been at a disadvantage, we need to make sure those issues are fixed before that trade agreement or any trade agreement moves forward. There are many issues on which we need to focus under the whole commitment that we want to export products, not jobs.

I will talk about specifically what is in this bill, this piece of it, because this goes to the question of whether, in

Michigan or in any State, if there is a decision made to close operations and take it to another country, lay off people in Michigan and move those jobs overseas, whether the workers, their families, Americans should subsidize that through a tax system that provides that you can take a deduction, a loss, or a credit for amounts paid in connection with reducing or ending an operation in America if you are starting the same kind of operation overseas—in other words, shipping your jobs overseas. Right now, you shut down, you get business tax deductions for what it costs you to shut down the operation and start it up somewhere else. To add insult to injury, we have workers training folks to take their place. We heard over and over what a challenging, humiliating, angering situation that is for too many of our workers.

The question is, on this policy, knowing there is much more that needs to be done, which I support—and I do support looking at the entire tax system and how we are competing in a global economy and making sure our businesses in America have every advantage, every opportunity to compete successfully. But the question is, the single question on this vote that is coming up very shortly is whether we are going to allow companies that shut down operations and start similar operations abroad to write off their American taxes, whether the same people who are losing their jobs are going to have to help pay for the jobs going overseas. That is No. 1. We say no. We say that as a basic premise, that is wrong.

No. 2, the question is whether we should end Federal tax subsidies that reward firms that move their production overseas under something called deferral. This bill says no.

No. 3, the question is whether we are going to provide incentives—among many incentives we have and need to have—whether we will say: If in the next 3 years you as a company choose to bring back jobs from overseas and hire Americans, we want to provide an incentive by giving a 24-month, a 2-year payroll tax holiday for those workers—if you are bringing jobs back from overseas.

That is simply what this is. It is not everything, but it is a very important piece of the puzzle. That is what this is all about.

For me, this is a fight about whether we are going to make products in America. If we make a commitment, as we have begun to do through the Recovery Act, through the advanced manufacturing tax credit, through the focus on manufacturing that has begun to get business moving again, we are going to have the ability to make it in America. And when we make it in America, we are going to make a lot of it in Michigan. The reason I am very

committed to strengthening our manufacturing base is because I know that is going to strengthen Michigan because we have the engineers, we have the skilled workforce, we have the know-how, we have the innovation and the ingenuity. If we make it in America, we are going to be making a lot of that in Michigan.

We are committed more broadly to doing that. We cannot have a middle class if we do not make products. If we do not make products and grow products and add value to it as a country, we will not have a middle class. The reason we are losing our middle class is because there has been in the last decade much more interest in how cheaply we can buy something rather than where it is made. Every other country has understood that it matters where it is made. China thinks it matters where it is made. India thinks it matters where it is made. Germany, Brazil, Japan—go around the globe. They look at us. They look at what created the middle class of this country. They want that, so they are focusing on manufacturing. They are putting in place their own barriers—and China, of course, wins the prize on this—to keep our companies out, to say, you have to make it in China, to say it has to be a Chinese patent, you have to turn over your technology, and so on.

This bill is part of our effort to say that we are committed to fight for America, American businesses, American workers. This is not about punishing folks; this is about fighting for America. It is about fighting for a way of life. It is about fighting for the middle class of this country. We want to make it in America, and this bill sends a very simple message: Stop shipping our jobs overseas. Stop having loopholes in the law, incentives in the law that ship our jobs overseas.

We have lost over 4.7 million manufacturing jobs in the last decade. We can debate the 8 years of the former Presidency and the incentives that caused job loss and too many of those in my State of Michigan. We know that if we focus on making products in America, we will bring those jobs back; that if we close loopholes, if we create incentives, we will bring jobs back.

One example, and then I will close—I see my colleague from Ohio is here—when we focus on the right incentives, we do bring jobs back. In the last Energy bill, section 136—which I was pleased to author on tooling older plants to help businesses get retooling loans—caused Ford Motor Company to bring jobs back from Mexico to Wayne, MI. The jobs came back because of the right incentives. This bill is about the right kinds of incentives and closing the wrong kinds of incentives.

I ask our colleagues to give us the opportunity to get to this bill, to work together to stop the bleeding, stop the shipping of jobs overseas, and give us

the opportunity to make it in America again.

Mr. BROWN of Ohio. Mr. President, will the Senator from Michigan yield?

Ms. STABENOW. Yes, I will be happy to.

Mr. BROWN of Ohio. Mr. President, I thank the Senator from Michigan for her work on this legislation—she was here late in the evening yesterday—and the effort she has put forward.

It was 10 years ago this month that the Senate passed permanent normal trade relations with China. Initially, that was called most-favored-nation status, as Senator STABENOW remembers. They dressed it up, cleaned it up, put lipstick on the pig, and decided they should call it something else. We know what it has done to our country. We had a trade deficit with China in the fairly low double digits back 10 years ago. Today, our bilateral trade deficit with China is \$260 billion. I believe last year it was \$240 billion.

The first President Bush said that \$1 billion in trade deficit translates into 13,000 jobs. So if we have a trade surplus of \$1 billion, it means we are selling a lot more than buying and have gained 13,000 jobs. If we have a trade deficit of \$1 billion, we have a 13,000 job loss. Well, we have a trade deficit with China alone of \$260 billion, so we know what that means.

Look at what this PNTR with China has done. Look at what our tax laws and trade laws have done, and this legislation will begin to fix the tax laws. Look at what tax laws and trade laws have done to the middle class, to our manufacturing base in Toledo, OH, and Monroe, MI, and points north and south of there. It has all been based on this sort of cynical business plan. Not since colonial times have we seen the world where a company—an industry—will close their manufacturing in our country, they will move their production line and build factories in another country and then sell back their products to the United States. Never before have large numbers of businesses and industries done that, to my knowledge. Now we are seeing what damage it has caused to the middle class. We see the manufacturing job loss. We went from 1 million manufacturing jobs 10 years ago to, during the Bush years, that number shrinking to 600,000 manufacturing jobs in this country.

We are seeing progress. This legislation is progress. Clearly, I am hopeful our Republican colleagues won't object, as they typically have. They know people who have lost jobs, I assume, and they understand that. But we have also seen the President begin to enforce trade laws.

Mr. LEAHY. Mr. President, I strongly support the Creating American Jobs and Ending Offshoring Act. These clearly justified reforms will close wasteful tax loopholes for firms that move jobs overseas and provide real in-

centives for firms to bring jobs back to the United States. I am proud to join Senators DICK DURBIN, HARRY REID, BYRON DORGAN, BARBARA BOXER, CHUCK SCHUMER, SHERROD BROWN, and SHELDON WHITEHOUSE in cosponsoring this bill.

For the past two decades our country has witnessed a disturbing trend towards outsourcing American jobs abroad. What began as a way for domestic manufacturers to cut labor costs has blown into a full-fledged sprint by some U.S. manufacturing and service companies to move as much production offshore as possible.

The devastating effects of global offshoring have hit large, manufacturing States like Ohio, Michigan, Indiana, and California with particular hurt, but smaller States like Vermont are not immune to the global realities of corporate outsourcing and consolidation. Unfortunately, there is quite a list of companies in recent years that have either left our State or gone out of business entirely because they moved jobs overseas or were squeezed out of the market by competitors using cheap, foreign labor.

That is why the Senate must move forward with considering the Creating American Jobs and Ending Offshoring Act.

First, the bill will eliminate the perverse tax subsidies that U.S. taxpayers provide to firms that move facilities offshore. Specifically, it prohibits a firm from taking any deduction, loss, or credit for amounts paid in connection with reducing or ending the operation of a trade or business in the United States and starting or expanding a similar trade or business overseas.

Second, the bill will close the tax loophole that rewards U.S. firms that move their production overseas and then turn around and import those now foreign-made products back to the United States for sale. Not only will this help keep good manufacturing jobs here at home, it will save American taxpayers more than \$15 billion in revenue over the next decade.

Finally, to encourage businesses to create jobs in the United States, the bill will provide businesses with payroll tax relief for each new job that they bring back onshore.

During these trying economic times, too many Vermonters are struggling to find goods jobs and pay their bills. The economic collapse came swiftly, and we have all seen that there are no quick fixes to turn around our economic troubles. We staved off greater economic disaster with an essential economic rescue plan, and we have tried to jump-start the economy with a bold economic recovery plan. But employment opportunities here at home are hampered when employers push more and more jobs overseas.

Last year, Congress helped lay the groundwork for a renewed and vibrant

economy by enacting tax relief for working families and businesses and making needed investments in broadband deployment, job training, electrical smart grids, water and transportation infrastructure, better schools, housing, first responders, and new energy sources. We need to ensure that these important investments by U.S. taxpayers benefit businesses and workers here at home.

Mr. LEVIN. Mr. President, the American people understand a simple truth: Our Tax Code should not encourage U.S. companies to send their jobs overseas. That is why we have proposed the Creating American Jobs and Ending Offshoring Act. This legislation would take important steps to prevent American workers from losing their jobs because American companies get tax breaks when they move jobs overseas.

I thank Senators REID, DURBIN, SCHUMER, and DORGAN for introducing this legislation. It would eliminate tax deductions that corporations claim for expenses related to sending U.S. jobs overseas. It would end the tax breaks companies receive on income earned by foreign subsidiaries established to do work they once did with American workers. And in a bid to turn around the twisted incentives in our Tax Code, incentives that now encourage companies to send jobs overseas, it would provide incentives for companies to bring those jobs back home.

I understand some of my colleagues oppose this legislation because they fear it might violate our treaty obligations. It is difficult to have sympathy for this position, given the thousands of U.S. jobs lost because our trading partners fail to live up to their treaty obligations. I am in favor of trade, but I strongly oppose unilateral disarmament when it comes to trade. It is our obligation to defend the interests of U.S. workers. Ending the tax incentives that cost thousands of those workers their jobs is one way we can fulfill that obligation.

U.S. companies that do the right thing by their U.S. workers should not be at a disadvantage over those companies that ship jobs overseas. U.S. tax law should not encourage companies to fire hard-working Americans. We should pass this legislation and end the distorted incentives that are costing Americans their jobs.

Mr. GRASSLEY. Mr. President, very soon, the Senate will be asked to vote on the motion to invoke cloture on the majority leader's motion to proceed to a bill that is mislabeled the "Creating American Jobs and Ending Offshoring Act."

The process for this bill illustrates how the Democratic leadership has dumbed down any efforts to seriously legislate any tax policy issues. To show how far, as a body, we have run off the rails in legislating, let's compare the legislative track record of this bill

with the last major piece of tax legislation designed to deal with domestic job creation.

I am referring to the bill that responded to a World Trade Organization ruling against a domestic manufacturing benefit known, at that time, as the foreign sales corporation or FSC program. Dangerous tariffs were pending with respect to many American products. How was that legislation handled?

First of all, the Finance Committee members and staff engaged in a lot of due diligence in crafting the replacement regime, the domestic manufacturing deduction. On a bipartisan basis, Finance Committee staff, principally the tax and trade staffs, met with the interested parties, including officials from the litigating group, the European Union.

Finance Committee staff, Republican and Democrat, negotiated a bill that took the revenue generated from repealing the FSC benefit, added revenue from shutting down tax shelters like the so-called SILO/LILO schemes, and channeled that revenue back into a new broader based domestic manufacturing incentive. That incentive is a 9 percent deduction for domestic manufacturing activity. It is a substantial tax incentive. The Joint Committee on Taxation estimates it is worth \$10 billion annually in terms of reduced taxes to domestic manufacturers, large and small. The chairman's mark was a joint mark between my friend, then-ranking Democratic member, MAX BAUCUS, and me.

Ranking Member BAUCUS and I came up with a bill title. It was the Jump Start Our Business Strength or JOBS bill. The bill went through the usual transparent Finance Committee markup process. Over several days, Finance Committee members reviewed the language, asked questions, and prepared and filed amendments. When I gavelled the committee to order, several amendments were debated. Some were defeated. Some were modified and accepted. Others were discussed and withdrawn. Every Finance Committee member played a role in shaping the bill the committee approved. And it should be noted the only dissents were two members on the then majority side.

When the bipartisan JOBS bill was scheduled for floor debate, then majority leader Bill Frist brought up the Finance Committee bill. Both my friend, Senator BAUCUS, and I were consulted on the floor bill's contents. At that time the Democratic leadership filibustered efforts to effectively process the bill. Keep in mind there was no dissent in the Finance Committee on the substance of the bill on the Democratic side. As I said before, two members of my leadership, on very principled grounds, voted against this popular bill. Despite opposing the bill in com-

mittee, those two members supported the majority leader's efforts to bring the time-sensitive legislation to the floor and process it in a timely fashion.

It took three cloture votes to process the JOBS bill. That is right. Three cloture votes. The basis for the multiple filibusters of the JOBS bill was not opposition to material in the bill. The Democratic leadership filibustered over items not in the bill that they wanted to offer as amendments. The Republican leadership did something we seldom, if ever, see from the Democratic leadership. Majority Leader Frist yielded by allowing votes on those issues, which were not in the bill, but controversial with many in the Republican Conference. Many votes were held on the JOBS bill. Some were designed by those close to the Democratic campaign operation solely to score political points. The Republican Conference, as the majority party at the time, recognized multiple votes were the price to pay to push part of the majority's agenda.

Even if that agenda consisted of doing the people's business by processing a bill with more support on the other side.

The conference committee that considered the JOBS bill was fully open. There was a chairman's mark and several days of amendments between the House and Senate. In the end, a conference report was produced that garnered a majority of Senate conferee signatures from each side. The conference report passed with overwhelming bipartisan support.

Compare that JOBS bill process with the one for this bill which, as I said at the start of my remarks, is a jobs bill in name only. In the Senate, I have found over the years, that legislative substance and legislative process are symbiotic.

That is, the quality of the process often affects the quality of the substance and vice versa.

Here we are debating a bill whose proponents claim will make a material difference with job creation incentives. We are also told that this bill will materially curtail the offshoring of U.S. jobs. If it were only that simple, I am sure the bill would pass with the overwhelming bipartisan margin the JOBS bill did some 6 years ago.

I have previously discussed the defects in the bill before the Senate. I will not do it again here. But I will say this: Does anybody on the other side really believe if my friend, the chairman, were to put this bill before the Finance Committee that it would be approved in the form that is before the body today? I can tell you this Senator has several amendments that he thinks would improve this bill dramatically.

I would expect those amendments might pass with bipartisan support. This bill, like so many others, was crafted in the majority leader's office

and is largely the singular work of two senior members of his leadership. That is not to say anything negative about those members or their interest or work in the area of tax legislation. My point is that, if the ideas in this bill had the kind of merit claimed by their proponents, why avoid the Finance Committee? Why not let the public see it in committee. Let members ask questions as they review the language. Test the strength of the ideas through the amendment process. If the proponents answer by blaming Republican Leader MCCONNELL, I would point out that Senator MCCONNELL isn't on the Finance Committee. If the proponents answer by blaming partisanship, I would ask them to take a look at the Finance Committee ratio.

It has been the most favorable to the majority since the early part of the 1990s. By intentionally skipping the committee of jurisdiction, the Democratic leadership has deliberately short-circuited the opportunity to methodically test the bill as tax policy. Unfortunately, this process defect has been more the rule than the exception. Since the stimulus bill in January of 2009, the Finance Committee has only marked up one tax policy bill, the health care reform bill. As a former chairman, I know the current chairman would not want to proceed this way. Nope. My sense is the Democratic leadership simply doesn't want this bill to undergo the extra scrutiny of a regular order process.

Unlike the 2004 JOBS bill, this bill is being presented as a take-it-or-leave-it proposition. Republicans are not supporting cloture because they are not being offered the opportunity to amend this bill with amendments that go to the supposed purposes of the bill. No amendments allowed on other tax incentives for job creation. No amendments allowed on measures to prevent offshoring of jobs. I have amendments dealing directly with the offshoring of jobs question. They are bipartisan amendments. If I vote for cloture, I have no assurances from the Democratic leadership that these amendments will be in order. Any look back on the way in which tax bills have been processed this year tells me I have good reasons for doubting that a full debate would occur. I would like to briefly describe the two amendments I filed earlier.

The first amendment mirrors a bill that the junior Senator from Vermont and I have coauthored. Known as the Employ America Act, this amendment would prevent any company engaged in a mass layoff of American workers from importing cheaper labor from abroad through temporary guest worker programs. Companies that are truly facing labor shortages would not be impacted by this legislation and could continue to obtain employer-sponsored visas. Only companies that are laying

off a large number of Americans would be barred from importing foreign workers through guest worker programs.

Since the recession started in December of 2007, nearly 8 million Americans have lost their jobs and the unemployment rate has nearly doubled. In total, 15 million Americans are officially unemployed, another 8.8 million Americans are working part-time only because they cannot find a full-time job, and more than 1 million workers have given up looking for work altogether.

At the same time, some of the very companies that have hired tens of thousands of guest workers from overseas have announced large scale layoffs of American workers. The high-tech industry, a major employer of H-1B guest workers, has announced over 330,000 job cuts since 2008. The construction industry, a major employer of H-2B guest workers, has laid off 1.9 million workers since December of 2007.

The second amendment I filed yesterday mirrors a bill that the senior Senator from Illinois and I have worked on for several years. Known as the H-1B and L-1 Visa Reform Act of 2009, this amendment would improve two key visa programs by rooting out fraud and abuse while making sure Americans have the first chance of obtaining high-skilled jobs in this country.

The amendment does several things, including: one, requiring employers to try and recruit U.S. workers before hiring H-1B visa holders; two, requiring employers to pay a better wage to visa holders who take these jobs; three, expanding the powers of the federal government to go after abusers; four, creating new rules regarding the outsourcing and outplacement of H-1B and L-1 workers by their employers to secondary employers in the United States; and five, establishing a new database that employers can use to advertise positions for which they intend to hire an H-1B worker.

Too many American workers are unemployed today. Yet we still allow companies to import hundreds, even thousands, of foreign workers with very little strings attached. These businesses should be first asked to look at Americans to fill vacant positions, and they should be held accountable for displacing Americans to hire cheaper foreign labor.

These two amendments go directly to the concerns about job creation and prevention of offshoring of U.S. jobs. Both amendments are bipartisan. Yet if cloture is invoked, these amendments would fall on the Senate cutting room floor.

Unlike the 2004 JOBS bill, I have no confidence that, even if the Democratic leadership were to follow regular order for floor purposes, that we could expect anything like a conference committee to work out the issues between the House and the Senate.

We find ourselves in a very disappointing situation today. Two seri-

ous issues are supposed to be addressed in the legislation before the Senate: The first is tax incentives for job creation; the second is measures to prevent offshoring of jobs. No doubt the people who send us here expect us to take these weighty matters seriously. With all the economic pain Americans are enduring, we shouldn't be playing political games. But here we are. We have a bill whose proponents claim is a serious effort.

The Democratic leadership skipped the Finance Committee, and we are presented with a take-it-or-leave-it bill that is really nothing more than a political label. We can do better.

CLOTURE MOTION

The PRESIDING OFFICER. All time for debate has expired.

Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will read.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 578, S. 3816, the Creating American Jobs and Ending Offshoring Act of 2010.

Richard J. Durbin, Charles E. Schumer, Tom Harkin, Sheldon Whitehouse, Debbie Stabenow, Barbara A. Mikulski, Roland W. Burris, Bernard Sanders, Tom Udall, Mark Begich, Daniel K. Akaka, Jeff Merkley, Benjamin L. Cardin, Edward E. Kaufman, Christopher J. Dodd, Arlen Specter, Sherrod Brown, Amy Klobuchar, Byron L. Dorgan, Barbara Boxer.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3816, a bill to amend the Internal Revenue Code of 1986 to create American jobs and to prevent the offshoring of such jobs overseas shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mrs. LINCOLN), is necessarily absent.

Mr. KYL. The following Senator is necessarily absent, the Senator from Alaska (Ms. MURKOWSKI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 45, as follows:

[Rollcall Vote No. 242 Leg.]

YEAS—53

Akaka	Bingaman	Cantwell
Bayh	Boxer	Cardin
Begich	Brown (OH)	Carper
Bennet	Burris	Casey

Conrad	Kerry	Reed
Dodd	Klobuchar	Reid
Dorgan	Kohl	Rockefeller
Durbin	Landrieu	Sanders
Feingold	Lautenberg	Schumer
Feinstein	Leahy	Shaheen
Franken	Levin	Specter
Gillibrand	McCaskill	Stabenow
Goodwin	Menendez	Udall (CO)
Hagan	Merkley	Udall (NM)
Harkin	Mikulski	Webb
Inouye	Murray	Whitehouse
Johnson	Nelson (FL)	Wyden
Kaufman	Pryor	

NAYS—45

Alexander	Crapo	Lugar
Barrasso	DeMint	McCain
Baucus	Ensign	McConnell
Bennett	Enzi	Nelson (NE)
Bond	Graham	Risch
Brown (MA)	Grassley	Roberts
Brownback	Gregg	Sessions
Bunning	Hatch	Shelby
Burr	Hutchison	Snowe
Chambliss	Inhofe	Tester
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Collins	Kyl	Voinovich
Corker	LeMieux	Warner
Cornyn	Lieberman	Wicker

NOT VOTING—2

Lincoln Murkowski

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2010—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the cloture motion, which the clerk will read.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 107, H.R. 3081, the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010.

John D. Rockefeller, IV, Byron L. Dorgan, Carl Levin, Dianne Feinstein, Jack Reed, Mark R. Warner, Patrick J. Leahy, Michael F. Bennet, Barbara Boxer, Benjamin L. Cardin, Charles E. Schumer, Patty Murray, Debbie Stabenow, Robert P. Casey, Jr., Christopher J. Dodd, Daniel K. Akaka, Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 3081, the Department of State, Foreign Operations, and Related Programs Appropriations Act of 2010 shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mrs. LINCOLN) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 84, nays 14, as follows:

[Rollcall Vote No. 243 Leg.]

YEAS—84

Akaka	Feingold	McConnell
Alexander	Feinstein	Menendez
Baucus	Franken	Merkley
Bayh	Gillibrand	Mikulski
Begich	Goodwin	Murray
Bennet	Graham	Nelson (NE)
Bennett	Grassley	Nelson (FL)
Bingaman	Gregg	Pryor
Bond	Hagan	Reed
Boxer	Harkin	Reid
Brown (MA)	Hatch	Roberts
Brown (OH)	Hutchison	Rockefeller
Brownback	Inouye	Sanders
Bunning	Johanns	Schumer
Burr	Johnson	Shaheen
Burr	Kaufman	Snowe
Cantwell	Kerry	Specter
Cardin	Klobuchar	Stabenow
Carper	Kohl	Tester
Casey	Kyl	Udall (CO)
Cochran	Landrieu	Udall (NM)
Collins	Lautenberg	Vitter
Conrad	Leahy	Voinovich
Corker	LeMieux	Warner
Dodd	Levin	Webb
Dorgan	Lieberman	Whitehouse
Durbin	Lugar	Wicker
Ensign	McCaskill	Wyden

NAYS—14

Barrasso	DeMint	Risch
Chambliss	Enzi	Sessions
Coburn	Inhofe	Shelby
Cornyn	Isakson	Thune
Crapo	McCaain	

NOT VOTING—2

Lincoln Murkowski

The PRESIDING OFFICER. On this vote the yeas are 84 and the nays are 14. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The PRESIDING OFFICER. The Senator from Tennessee.

CHANGE OF VOTE

Mr. ALEXANDER. Mr. President, on rollcall vote No. 243 I voted "nay." It was my intention to vote "yea." I ask unanimous consent that I be permitted to change my vote which will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. BURRIS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MONTFORD POINT MARINES

Mr. BURRIS. Mr. President, I take the floor today to pay tribute to a group of Americans that blazed a trail, people who helped to shape the history we share, and whose contributions deserve recognition at the highest levels.

There has been no war fought by or within the United States in which African Americans did not participate.

The war for our independence featured all-Black units in Rhode Island and Massachusetts. During the War of 1812, about one-quarter of the Navy involved in the Battle of Lake Erie was Black. Nearly 190,000 African Americans fought for their own freedom in the Civil War. In World War I, over 350,000 Black men served on the Western Front.

But prior to 1941, Black servicemen were denied the honor and glory that comes with uniformed service, and their contributions went largely unnoticed. The units were segregated. Black infantry divisions hardly saw the battlefield. They served our Nation with honor, but our Nation did not honor their service.

But on June 25, 1941, President Franklin Roosevelt changed all that. Executive Order 8802 prohibited racial discrimination in the Nation's military. It was the first Federal action to promote equal opportunity in the United States.

Immediately, people of color answered the call and joined all branches of the service. Soon, the very first Black U.S. marines began training at Camp Montford Point in North Carolina. These men would become the first Black drill instructors, the first Black combat troops, and the first Black officers the Marine Corps had ever seen.

More than 19,000 Black marines served in the Second World War. Some, like SGM Edgar Huff and SGM Louis Roundtree, served in Korea and Vietnam as well. They earned decorations such as the Bronze Star, the Silver Star, and the Purple Heart.

All of the Montford Point marines sacrificed for their country, and for that they deserve our deepest gratitude. But they also did far more than sacrifice on the battlefield. They broke down barriers. Their names may not be as familiar as Washington, Jefferson or Lincoln. But their contribution to the American story deserves more than our respect. Through their actions, they changed the face of the U.S. military. They deserve our praise and recognition.

Last fall, I introduced S. 1695, a bill to award the Congressional Gold Medal to the Montford Point marines. I urge my colleagues to move forward and honor these fine men and women. Every American has benefited from their sacrifice, their bravery, and their leadership. And every American should learn from their fine example.

Unfortunately, time is not on our side. Every day, approximately 900 brave American souls who served in World War II pass away. We should honor our greatest generation while we have the chance to look them in the eye and thank them.

Since the day a few brave men began their training at Camp Montford Point

more than half a century ago, the U.S. Marine Corps has been transformed into a stronger, more diverse fighting force. The legacy of the Montford Point marines represents what is best about this Nation's history. There is a proud chapter in the continuing American story.

As I address this Chamber today, I am surrounded by the towering monuments to our Founding Fathers, and the memorials to those who have fought and died so that we might live free. It is time to make the Montford Point marines a part of that immortal history—to award them the prestigious Congressional Gold Medal.

I ask that my colleagues join with me in celebrating these American heroes.

We need to do it before it is too late, and we will not have any of them to look into the eye and tell them: Thanks for your service. Thanks for standing up against some of the toughest situations on the battlefield but even tougher situations as Blacks on the homefront.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I commend my friend, the Senator from Illinois, for his comments, and I associate myself with his effort. This is recognition that is long overdue. I am pleased to support his efforts in this area. It is a part of American history that has not received appropriate recognition, these individuals' service to and in defense of our country. I believe strongly that we need to take action on this, as the clock for many of these individuals, as they get advanced in age, is ticking.

The Senator from Illinois will be leaving this Chamber at the end of this year. He and I came in together, as did the Senator from New Mexico. It has been a great honor of mine to serve with him. I consider Senator BURRIS a dear friend. I know there will be time for a more formal process, but I simply wish to say on this matter and countless others over the 2 years we have served together, it has been a real pleasure. I look forward to—perhaps not in this Chamber—other opportunities for us to serve and work together for many years to come.

(Mr. BURRIS assumed the chair.)

(The remarks of Mr. WARNER pertaining to the introduction of S. 3853 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WARNER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. CASEY. Mr. President, I commend the work of my colleague from Virginia, Senator WARNER, on a very important set of challenges we have.

I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFGHANISTAN AND PAKISTAN

Mr. CASEY. Mr. President, the conflict in Afghanistan enters its ninth year next month. Over the past few months, the United States has experienced the most casualties since the war began in 2001. In June, 60 U.S. troops were killed; in July, 66; in the month of August, 55 service members gave their lives.

We always recall the words of Lincoln when we recall those who are killed in action, those who gave, as he said, the last full measure of devotion to their country. These are difficult days, and that is an understatement—very difficult days for the American people and especially for the families and the troops. I also believe these are days that have tried the patience of Americans and tested the resolve of our commitment to this conflict.

At a minimum, we—when I say “we,” I mean those Members of the U.S. Congress—we owe the families of these service members every assurance that their elected officials, their elected representatives in Washington are vigilantly exercising oversight of the war. We also owe it to them that we ask and demand answers to very tough questions and, finally, that we are doing everything we can to make sure we get this policy and this strategy that goes with it right.

Since I last spoke on the floor on the issue of Afghanistan, there have been many important developments with respect to the war. First, we have been confronted with new revelations of corruption by the Afghan Government—more about that in a moment—second, reports of ballot box stuffing and voter intimidation in the parliamentary elections earlier this month have raised long-held doubts by the Afghan people as to the durability of the country's democratic experiment. The number of IED attacks has increased, and while deaths due to the IEDs are, in fact, down, the number of injuries is, unfortunately, up. ISAF has also begun operations in Kandahar. We saw a story about this yesterday. This is notable because this is reportedly the first operation to be primarily made up of Afghan troops.

I wish to spend a couple moments today to draw attention to the international response to the floods in Pakistan. The United States has played an important leading role. We were the first, and with the most assistance, of any country. While this may be the case, we also have a responsibility to encourage generosity from the public and private sectors in the international community.

I mentioned before the issue of corruption in Afghanistan. This issue has nationwide implications and could serve to undermine the totality of our efforts in Afghanistan. Our troops are

fighting and dying to help extend the reach of the Afghan Government outside of the capital of Kabul to show the Afghan people that their government has a monopoly on the use of force and is capable of providing goods and services to its people. But we need to put this very simply. We cannot be complicit. Our forces, our government, cannot be complicit in helping to extend the reach of a corrupt government. Afghanistan is a sovereign country, and if the fight against corruption is going to be effective, Afghans—Afghans—can and must own the process.

The United States should support the work of the Major Crimes Task Force and the Special Investigations Unit, but, frankly, the track record to date has been very disappointing, and unless serious progress is made, support for U.S. engagement in Afghanistan will be seriously eroded.

As a former auditor general of Pennsylvania who oversaw the auditing of government programs at the State level, I perhaps have a heightened sensitivity to the vital role transparency and accountability have in government—in any government. The importance of these basic elements of a representative democracy is especially compelling when the lives of courageous Americans, ISAF, and Afghan forces are, indeed, on the line.

Just yesterday, the Wall Street Journal reported that there is a U.S. criminal investigation into President Karzai's older brother Mahmood, and prosecutors are trying to determine whether they can bring charges of tax evasion, racketeering, or extortion against him. Reportedly, he will travel to the United States this week to amend his tax returns. But these are serious allegations that we read about time after time. I have spoken and many in this Chamber have spoken about the allegations of corruption against Ahmed Wali Karzai, who has been implicated in local corruption schemes involving the opium trade. These are allegations, they are charges, but they are charges that are very serious and potentially damaging to the overall U.S. effort in the country, as it strikes to the heart of trust in the Afghan Government. Without this trust from Afghans and from the international community, I am concerned that support for U.S. efforts in Afghanistan will erode.

On September 18, Afghans went to the polls to vote for a new parliament. This has also become a serious cause for concern. On Sunday, the Afghan election officials ordered recounts in seven provinces. A government anti-fraud elections watchdog has received more than 3,500 complaints—3,500 complaints—about this election. They are concerned that up to 57 percent of these complaints could change the outcome of the vote. The Free and Fair Election Foundation of Afghanistan,

the main independent Afghan observer group, observed ballot box stuffing in 280 voting sites in 28 provinces. We don't expect elections in a developing country to be perfect, especially a country that is in a war zone, but these reports are alarming, to say the least, because they indicate that not enough progress has been made over the past 9 years to create an Afghanistan in which the people resolve their own differences through politics and not violence.

Next let me move to the question of security, which is so fundamental to our strategy. I have sought to highlight the threat posed by ammonium nitrate, the fertilizer that is a key ingredient in the improvised explosive devices in Afghanistan. According to a recent report from the Joint Improvised Explosive Device Defeat Organization, known by the acronym JIEDDO, there have been 1,062 effective IED attacks against coalition forces in 2010 that killed 292 soldiers and wounded another 2,178 others. In the first 8 months of 2009, there were 820 such attacks that killed 322 and wounded 1,813. So while the number of deaths in the comparable period of 2009 versus 2010 may be down—instead of it being 322 deaths in those 8 months, it is 292—even though the number of deaths is down, the number of wounded, the number of injuries has risen dramatically in 2010.

It is essential that we highlight this threat and support U.S. and international efforts to crack down on the proliferation of dangerous chemicals such as ammonium nitrate that can be used in IEDs. I sponsored a resolution which was passed by unanimous consent—which we know is hard to do in this body these days—calling for increased focus by the Governments of Pakistan, Afghanistan, and Central Asian nations to effectively monitor and regulate the use of ammonium nitrate fertilizer in order to prevent terrorist organizations from transporting ammonium nitrate into Afghanistan. As we know, a lot of the inflow, a lot of the movement of this precursor chemical that is used in IEDs comes from Pakistan into Afghanistan. As a show of bipartisan strength on this resolution, Senators KYL, SNOWE, REID, and LEVIN—two Democrats, two Republicans—were original cosponsors of this resolution. I also had language inserted into the foreign operations funding bill which requires the State Department to report on its efforts to encourage Pakistani assistance on this issue. We must remain vigilant and persistent to address this ongoing problem. This is about protecting our troops from the horror of an IED attack. We must do all we can to minimize the threat to our brave men and women fighting for us in the field.

At a different level, at a strategic level, ISAF has launched Operation

Dragon Strike, a joint operation with Afghan forces which will look to eradicate Taliban elements in Kandahar. This operation could mark a crucial and critical turning point in the war, and we will be watching closely in the coming weeks to gauge the progress as it moves forward. This operation is notable as there are more Afghan troops than ISAF troops on the ground, and this is indeed an encouraging sign that the training of the Afghan National Army is beginning to reap benefits. That is a bit of good news—more good news—as it relates to the training of the Afghan Army; not such good news—in fact, some bad news—as it relates to the training of the Afghan National Police.

Let me move finally to the floods in Pakistan. I wish to draw attention to the devastating humanitarian crisis that continues to plague Pakistan after the flood. This has affected millions of people in Pakistan across the country—maybe not always directly but in some way or another through displacement, death, injury—in so many ways this has adversely affected the people of Pakistan. This is the worst natural disaster in the history of the country.

To assist the people of Pakistan during this difficult time, the United States has provided more than \$340 million to support immediate relief and recovery efforts. The United States has provided food, infrastructure support, and air support to transport goods and rescue thousands stranded by the floods.

These floods will require a substantial international commitment of assistance. The United Nations has issued appeals, but the response from the international community has been, in a word, weak, and that might be an understatement. Private contributions have slowed to a trickle.

Last week, we heard from Cameron Munter, the President's nominee to be Ambassador to Pakistan, who described at our hearing in the Foreign Relations Committee the administration's plans to bolster support for the Pakistan relief fund. The American response to the flood has been substantial, but we can and must do more to rally the international community and the private sector to be generous in Pakistan's time of need. The Pakistani-American community has led an important effort to draw attention to the devastation wrought by the flood. We should bolster their work and use our platforms as public officials to broaden their appeals for help.

So we have many challenges in this area to get our strategy right in Afghanistan as it relates to governance. Increasingly, that word really means anticorruption, mostly—obviously on security in terms of what our strategy is but also in terms of training the Afghan National Army and police so that

we can eventually draw down our troops and have them take over the fight and govern their own country.

Finally, on development, which I didn't speak much about today, there is the ability for the Afghans to develop the infrastructure and support they need to govern themselves, whether that is services, water and sewer—any indication, any element any country would need to have in place so that people can live in peace and security. Finally, there are the efforts we are making to help the people of Pakistan at a time of great need. We have all kinds of important humanitarian reasons to be helpful and to show solidarity with suffering people, and we also have several security imperatives that come into play when it comes to the flood and the aftermath.

So for all of these reasons, it is critically important to continue to debate and discuss and even argue about what our policy in Afghanistan should be. That is the least the Senate can do when our troops are fighting and sometimes dying in the field to carry out this mission.

With that, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOR-PROFIT COLLEGES

Mr. DURBIN. Mr. President, if you opened the newspaper over the last several weeks, you have probably noticed a large full-page advertisement that has appeared almost every day. It shows, usually, a young person, and it has a caption that reads: "A hundred thousand working Americans don't count? Put the brakes on the Department of Education's gainful employment rule."

There are a lot of photos of young people with that basic statement popping up in newspapers not only in Washington but across the United States. Others show photos of young people saying: "I don't count? Some in Washington think I don't."

These ads have been hard to miss. They have been running in more than 10 newspapers on a daily basis for several weeks, at a cost of millions of dollars. Most Americans, when they look at it, are puzzled and say: What is this debate and this battle all about?

Well, many of these ads are being paid for by Corinthian Colleges, Incorporated. This is a for-profit higher education company that provides training and education after high school for young people across America—and for those who are not so young anymore. Corinthian and other for-profit colleges are upset about a regulation that the

Obama administration has proposed. Corinthian is spending millions of dollars on a barrage of ads across the United States, rather than basically taking the same money and offering it in scholarships to help their students. They want to stop the Obama administration from its proposed change in the rules. The proposed regulation could end Federal subsidies to some of the poorest performing for-profit colleges in America. That might hurt the profits of some very wealthy corporations, especially Corinthian.

This is simple dollars and cents. They are spending millions of dollars now to persuade Congress, and perhaps some voters and opinion makers, not to enforce a rule that holds them to a standard of performance because they may lose business. If they lose business, they may lose profits. In losing profits, they think it is worth putting money into this advertising effort. They are worried, because if you take a look around, you cannot miss them in Washington. I have said, half jokingly, that having served in Congress for more than 20 years, the best way I can find to meet former Members of Congress whom I have served with over those 20 years is to take on this issue because they have all signed up as lobbyists for these for-profit colleges. They are calling me and saying: DURBIN, guess who I am working for. It turns out my efforts to hold for-profit colleges accountable for the students going to school there and ending up deeply in debt is a full employment bill for former Members of Congress to be lobbyists. That was not my intention. It is not my goal.

They are also spending millions of dollars on these ad campaigns, about which I have spoken to newspaper people who say: The newspaper business isn't profitable anymore, but thank goodness these schools are buying full-page ads. So I have this sort of one-man campaign to put Americans back to work and make American newspapers more profitable. It is almost the basis for a comedy routine, except what I am talking about is not funny at all.

I am talking about some of these for-profit schools that are sinking young people deeply into debt in student loans that they can never pay off, promising them courses, training, and degrees that will lead to a good job and, in fact, it leads to a dead end, where they end up with a worthless piece of paper. They don't end up with the skills they need to get a job, but they do end up in debt, with student loans to the heavens.

I think the Department of Education is on the right track. If we are going to send literally millions, if not billions, of dollars to colleges and schools that are training those who finish high school, we should have some standards there. We should not just give them to

anyone who happens to call themselves a school or calls their effort an education and training. It is right to ask these questions.

The proposed gainful employment regulation is complicated, and some changes may be made before it is all over. It is basic: For-profit colleges should not routinely leave students with student loan debt that they cannot afford to pay back. Luring a 19-, 20- or 21-year-old deeply into debt, when they are being promised a job they will never have, is cruel and unfair. In a moment, I will tell you what happens when the students default on their debts. In the meantime, the taxpayers are subsidizing this. It is our Federal tax dollars passing through Washington and out to these schools, loaned to students, paid to the colleges that are representing they have something good to offer, leaving students deeply in debt and many without a job.

This rule the Obama administration is looking at would look at debt-to-income ratios and student loan repayment rates to determine those education and training programs that are leaving students with more debt than they can realistically ever pay back. Those programs might have to print a warning label on their promotional materials about the high debt levels of their students or there might be restrictions on enrollment in departments of schools that regularly produce students who are deeply in debt without a job. Some programs would actually lose their eligibility for Federal student aid if they don't meet certain standards. I think that is an honest approach for the students and for our need in this country to educate and train people in our workforce.

Recently, I had a hearing in Chicago, and it was on this issue. I could not get over the crowd. I expected a few people to be interested, but 450 people showed up. We had to have an overflow room in the Federal courthouse. As I walked into that Federal courthouse building, I thought there was something else important going on there beyond my hearing. It turned out the demonstrators on the sidewalk outside were there for me. So I went up to talk to them; they were students. These two students I spoke to were dressed in a white tunic, which chefs wear, with buttons on the side. They were carrying a sign against the gainful employment rule. I talked to them. I said: Where do you go to school? They said they went to the Institute of Art of Chicago, located in the suburb of Schaumburg, IL.

For those of us who know Chicago, the reason that name is written the way it is written is because there is a real art institute in Chicago. This school is not affiliated with it, but it is creating the impression that it may have some connection. It doesn't. I asked the student: What are you studying? The student says: Culinary arts. I

want to be a chef. I said: How long does the course last? He said: 2 years. I said: How much do you pay in tuition for this course? He said: \$54,000. It costs \$54,000 to work in a restaurant. I said: How much will you get paid after you finish the course, when you go to work? He said: We usually start at about \$10 an hour, and if I work 6 days a week or maybe more and do overtime, I might make \$30,000 a year gross. I said: Do you have any idea how long it will take to pay off this debt? What is this leading to? He said: Someday I want to own a restaurant. I said: That is a great ambition, but if you start this journey \$54,000 in debt, what is the likelihood you will reach your goal? He said: Well, I am going to pursue it. I think it is the thing to do.

The same culinary course is offered at the community colleges in Chicago—a 2-year course, with the same preparation, and the tuition for 2 years is \$12,000 versus \$54,000. This young man is going to be deeply in debt, a debt which people our age think, my goodness, that is more than my first home cost. They are going to have that facing them as they start a job that pays about \$10 an hour.

That, to me, is unfair and creates an unrealistic expectation. I wish there would be a suspension, for about 6 months, of the super chef, master chef shows, so all the young people who are bored and watching cable TV will not turn to these shows and have these dreams about being the master chef of tomorrow. For many of them, it will be a dream that is never realized, although the debt they incur will be realized in a hurry. We think these schools would either have to improve the salary outcomes of their students or cut tuition costs. Either way, that is good for students.

But the for-profit colleges want us to believe that the idea of controlling student debt somehow hurts these students. Look at Corinthian College spending millions of dollars on these ads to stop this accountability. This company is buying full-page print advertising all across America. It owns Everest College, Everest Institute, and Everest University. How many students are enrolled at the colleges owned by Corinthian? It is 112,000, including 20 percent through online courses.

If I did a quiz and asked the American people which institution of higher learning they believe receives the most Federal funds of any institution in America, most people would get it wrong. It is an institution that is owned by a company called the Apollo Group, and it is known as the University of Phoenix. The University of Phoenix has over 450,000 undergraduates enrolled. That is more than the combined undergraduate enrollment of all of the Big Ten schools—450,000-plus. They receive more Federal aid for edu-

cation than any other institution in America. Next is DeVry out of Chicago—for 75 years—and I might add during the course of testimony before our panel, our investigation did come up with some very positive things to say. I hope what I am about to say is not taken to condemn every for-profit school. I think some are doing a good job in some areas and they are valuable and should continue. The other is Kaplan University. Kaplan is owned by the Washington Post and is the biggest moneymaker in their corporation.

They have quite a few students. They are No. 3 in terms of receiving Federal aid to education. The fourth school, incidentally, is Penn State University, finally one you would guess would be there. It is a large university with online courses. That gives us an idea of where the Federal money is flowing from student loans and Pell grants. It is going to for-profit schools. They represent about 9 percent of all the students taking postsecondary education. They represent 25 percent of all the Federal aid to education and 43 percent of all the student loan defaults: 7 to 9 percent of the students, 43 percent of the defaults. It is an indication that we have a problem. We are shoveling money in the name of educating students at institutions which are heaping them up with debt and not providing them with training or preparation for a good-paying job.

In 2009, Corinthian—the one buying the millions of dollars in pages of advertising—had \$1.3 billion in revenue, up 22 percent over the previous year, and 89 percent of the revenue for Corinthian Colleges across the United States came from the Federal Treasury, from taxpayers, in the form of Federal Pell grants and student loans. That does not include the GI bill, Department of Labor funding or Department of Defense funding.

The company's net income—that is their profit—was \$71 million. The CEO of Corinthian Colleges, buying all these ads, was paid \$4.5 million in executive pay and other compensation last year. Corinthian spent, out of the money they brought in—89 percent of it from the Federal Government—\$295 million in advertising and recruiting in 2009. That is 22.5 percent of the total revenue went to advertising and recruiting.

They are, by and large, a marketing operation: bring the students in, sign them up, bring in the Federal dollars; bring in more students, sign them up, bring in more Federal dollars.

Given the ad campaigns in the newspapers, the amount spent on advertising by Corinthian is likely to go up even higher.

On average, for-profit schools, which receive the lion's share of the revenue from taxpayers, spend 25 percent of their revenue on advertising and recruiting.

What do community colleges across America spend in recruiting students to come to their campuses and classrooms? Not 25 percent of the revenue, 2 percent. They are being outclassed in the marketing battle by these for-profit schools.

How are the students doing at Everest College, for example? Recently, an undercover Government Accountability Office investigator went and took a look. That investigator posed as a potential student and found that the admissions representative at Everest College misrepresented the cost and length of the program and refused to disclose the graduation rate to this so-called potential student—not surprisingly. Do you know why? Only 15 percent of the student loans are being paid by the students who go to Everest; 85 percent of them are not paying on their loans. It shows they are getting into debt they cannot pay off.

Data from the Department of Education indicates that Corinthian, overall—in all their different colleges—has a 24-percent repayment rate. Three out of four students who go to their schools cannot pay the principal on their debt after they finish—three out of four. It is the lowest repayment rate of any publicly traded corporation in this business.

On a recent investor call, Corinthian acknowledged some campuses are at risk of losing their accreditation and that a majority of campuses will have 3-year default rates over 30 percent.

We cannot expect a young student fresh out of high school or someone without worldly experience to launch an investigation about whether a school is accredited. One assumes, if the Federal Government is going to send its money to that school for the students, somebody in Washington is keeping an eye on the school to make sure it is the real thing. The honest answer is we are not. That is why the Obama administration thinks we should change the rules, create more oversight on these schools, make sure Federal dollars are well invested and students do not end up overwhelmed by debt.

An independent analysis predicted that the Corinthian companywide 3-year default rate may be 39 percent. Do you know what that means? Two out of every five students who attend a college owned by Corinthian will default on their student loan within 3 years—40 percent of them.

That is happening despite the company's strong efforts to lower the number of defaults within the government's 3-year window. They are encouraging students to just pay interest on their debt if they cannot pay the principal so they can at least say you are paying something.

Corinthian spent \$10 million over the last year to strengthen what it calls default management because they see

the writing on the wall. It is indefensible that we are sending this money to the Corinthian corporation. They are heaping debt on the students and not producing an education that leads to a job.

Everett College in Illinois is doing slightly better with a default rate of 25 percent.

Corinthian also offers private loans to students who are in trouble. Listen to this. Corinthian Colleges' chief financial officer, Ken Ord, stated in a Federal 2010 investor call that they anticipate a 56- to 58-percent default rate on the private loans the school makes directly to students.

That is a 56- to 58-percent default rate on an estimated \$150 million in internal student lending. Why is Corinthian willing to lend money to the students—their own money—when they know these students are already defaulting on their government loans?

The company is willing to take this loss of \$75 million in private student loan defaults because these loans help ensure the Federal loans and Pell grants will keep coming in to these students, despite the fact they are in over their head in debt and have nowhere to turn.

Corinthian Colleges was sued by the State of California in 2007. The State argued it misled students about career opportunities. They reached a \$6.5 million settlement in the State of California to refund tuition to former students, pay student debt cancellation, and pay civil penalties.

That was not the first time they had been in court. There have been a number of lawsuits from former students who had spent tens of thousands of dollars for useless degrees and useless certificates from Corinthian and Everest.

Recently, Corinthian and several of its executives are being sued by their own shareholders for allegedly making false and misleading statements about the company's business prospects.

I have questions about whether Corinthian is the education opportunity students are looking for. There are certainly students who have a good experience at one or more of the Corinthian schools, but I wish to share a story that they are not featuring in their full-page ads, arguing that they should not be subject to oversight by the Department of Education.

Last year, Washington Monthly magazine told the story of a student named Martine. At the age of 43, Martine decided to go back to school and pursue a career in nursing. She came across a Web site for Everest College, part of the Corinthian Colleges chain.

Martine was promised hands-on training in state-of-the-art labs and rotations at the Los Angeles Medical Center. She was worried about the \$29,000 tuition but was told it would not be a problem. She was going to make \$35 an hour as a nurse.

When Martine filled out her paperwork, she was rushed through the process and was not told the terms of her loans, including private loans that carried double-digit interest rates.

The education did not prove to be what she had been promised. The instructors were inexperienced. The lab equipment was old and broken. Instead of the promised rotations at UCLA Medical Center, her clinical training consisted of passing out pills in a local nursing home.

Martine was unable to find a job after she graduated. Instead, she is working as a home health care aide, and she cannot pay back her student loans. She said: "I made one mistake, and I will be paying for it for the rest of my life."

Many of these for-profit colleges argue that we need them desperately because the community college system in America is filled. Not true. Over the last week, I went to Olive-Harvey College, part of the community college system in Chicago. They have new leadership that is inspiring. I said: What is your capacity?

They said: We are at about 50 percent of our capacity. We can absorb many more students in our community colleges.

The cost is a fraction of what these for-profit colleges charge. It is important we give to students the information about the variation in costs for education and training and what they can expect to receive. According to the Department of Education, Everest College in Skokie, IL, costs, on average, \$14,000 in tuition and fees for education.

Less than 3 miles away from the Everest campus in Skokie is a school you and I both know, Mr. President—Oakton Community College.

At Oakton, students can earn degrees in the same fields, same certificates for dramatically less. A certificate in medical billing, a program offered at Everest College—the private, for-profit school—for over \$10,000 will cost you \$1,000 at Oakton Community College, one-tenth the cost of this private school.

The Corinthian ad campaign suggests we do not think the students who are enrolled in their schools count. I disagree with them. I think they count for a lot. They count for our future. I would like to tell the students attending for-profit colleges, it is because they count that we are asking these hard questions.

I see another colleague on the floor, the Senator from Minnesota, so I will wrap up quickly and tell one thing I want students across America to know. First, the standards I wish to impose on for-profit colleges I also wish to impose on community colleges, public universities, and private universities. They should be accredited so their hours are worth taking. They should

not promise a job leading from a certificate that is earned there if it is not true. They should have full disclosure to students about what it means to enter into a student loan, and they ought to have some revenue coming in other than the Federal Government.

For many of these, 75 to 90 percent of their revenue comes straight from the Federal Government. When the GAO did the undercover survey of what some of these for-profit schools are saying to students, some of these recruiters were saying to them: I am a recruiter, but I just finished college, and I have a big debt I will never pay back. I am going to have a good job and make a lot of money, so it is OK.

Do you know what happens when you default on a student loan in America? It is time we tell students what they get into if they get in over their heads with a worthless education.

Your loan will be turned over to a collection agency and they may charge 25 percent more to collect what you owe.

Your wages can be garnisheed; that is, they can take it right out of your paycheck.

Your tax refunds can be intercepted by the Federal Government if you still owe on a student loan.

Your Social Security benefits ultimately will be withheld if you end up in debt at that point in life from a student loan.

Your defaulted student loan will be reported to a credit bureau and will remain on your credit history for 7 years, even after it is paid. That means you may not be able to buy a car, a house or take out a credit card. It might be you cannot get a job because of your credit history. You cannot take out more student loans or receive Pell grants to go back to school.

You are no longer eligible for HUD or VA loans.

You could be barred from the Armed Forces and might be denied some jobs in the Federal Government.

I might also add, most student loans are not dischargeable in bankruptcy. When the bottom falls out and you go to bankruptcy court, that is the one that will still be hanging over you when you walk out of that court process.

We have to be honest with students across America and let them know what they are getting into when they get into student loans. I borrowed money. I went to a good school. I think it paid off for me. It was an important decision. I was not misled about my education. I knew what it would get, and I was willing to risk the debt to reach that goal, and it worked. That is a good thing.

For those who are misleading students and burying them deeply in debt, I can tell them the time of accountability has arrived. The Federal Government is going to keep its obliga-

tions to the students across America to help them with education, but these schools have an obligation to their students to be honest with them, to be accredited, and to produce training and education that leads to a good-paying job.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. FRANKEN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RECOVERY ACT

Mr. FRANKEN. Mr. President, I rise to discuss something I regret. I regret that Democrats have allowed the word "stimulus" to become a dirty word, one that we avoid using.

The President spoke a few weeks ago about his new plan to invest \$50 billion in new infrastructure—projects that will improve safety and transportation. But he never once mentioned the words "stimulus" or "recovery." That was probably a smart move on his part because, frankly, the stimulus has gotten a bad rap. But this is a reputation it absolutely does not deserve.

There are Members of this body who opposed the Recovery Act because they thought it would not work or did not jibe with their theory of economics or of how the government should address recessions, and that is fine. They were entitled to vote the way they thought best. But now a year and a half later, we have been able to see the economic effects of the Recovery Act. To deny it has been a success is simply to ignore the facts.

A recent poll showed that a majority of Americans believe that either the stimulus bill did nothing to help the economy or even made it worse. The economic data, however, indicates otherwise. How do we explain this disparity between what people believe and what the data supports?

Members of the American public do not form opinions out of thin air. They engage themselves. They watch the news. They listen to speeches by elected officials. One would expect that watching the news and listening to your elected officials would be a decent way to form an opinion about something. Unfortunately, the talking heads on many of the news shows, along with many elected officials, have been feeding the American public half-truths, at best, about the Recovery Act, and that, frankly, is cheating the American people out of the facts.

Today, I wish to go through some of these claims made by these talking heads and elected officials and then follow it up with some data, and that way the American people can use the facts to decide for themselves.

Let's take claim No. 1 about the Recovery Act, made by one of my colleagues in February: "It didn't create one new job."

The Congressional Budget Office—the arbiter and referee of economic questions that we in the Senate all have agreed to abide by—reports that the Recovery Act has increased employment by 1.4 million to 3.3 million people. A separate report issued by two respected economists corroborates CBO's estimates, putting the figure at about 2.7 million jobs. That report was issued by Alan Blinder and Mark Zandi. That is Mark Zandi, who, incidentally, was a key economic adviser to the John McCain Presidential campaign in 2008.

I understand that economic analysis has a lot of errors; that estimating jobs figures is very complex and it is difficult to determine whether a job was created or saved. But when CBO and respected economists agree that employment has increased by millions of jobs, is it at all plausible that the Recovery Act didn't create a single new job? Well, of course it is not. But that doesn't seem to stop some misinformed souls from claiming that.

Let's tackle the second claim. My friends on the other side of the aisle often imply that tax cuts would have been more effective than the Recovery Act. But perhaps they have forgotten that over one-third of the stimulus package in the Recovery Act was comprised of tax cuts—\$288 billion of it.

Unfortunately, the tax cuts were designed in a way so that many Americans didn't notice they were getting them. An extra 20 bucks on your paycheck adds up for you and the economy over time but people don't notice it as they do when they get a big lump sum rebate or refund. But here is the thing about lump sum refunds. People like to save them or pay off debts with them. When you get an extra 20 bucks in the paycheck, you are more likely to spend it, giving the economy a boost.

This explains one unfortunate paradox of the Recovery Act. Because the tax cut was well designed, it helped boost consumer spending, but nobody noticed it. But that is not a failure of Recovery Act policy, that is a failure of getting the message to the American taxpayers. The tax cuts in the Recovery Act did their part. According to CBO, tax cuts for those in lower income brackets increased GDP by \$1.70 for every dollar in tax cut.

For those who would argue the Recovery Act should have been only tax cuts, consider this: While tax cuts for lower brackets yielded a \$1.70 GDP boost, tax cuts for higher income earners and companies only raised GDP by 50 cents per dollar spent, and neither of these figures compares to the return on the Recovery Act's public works investment—an impressive \$2.50 increase in GDP for every dollar spent.

After tax cuts, another substantial portion of the stimulus was fiscal aid to States. The Recovery Act provided about \$224 billion to States so they wouldn't have to slash essential State

programs. State budgets across the country are in dire straits. The Center on Budget and Policy Priorities estimates 46 States will have budget shortfalls this year. Over the past 2 years, the Recovery Act has helped fill in a large percentage of State fiscal gaps.

Imagine where State budgets would be had they not received assistance from the Recovery Act. Imagine the layoffs of teachers and firefighters and law enforcement, and of people who deliver key social services, for which there is far more demand during an economic downturn.

Let's look at another misleading claim—that the Recovery Act failed because it didn't keep the employment rate under 8 percent, as President Obama promised. Well, it is true that President Obama's advisers did not accurately forecast the gravity of the unemployment crisis. But, frankly, nobody did. And because of the lag in unemployment data, we now know that unemployment had already surpassed 8 percent by the time the Recovery Act was signed into law.

Let me walk you through this, because it is interesting, I promise. The claim about Obama's promise of keeping unemployment down actually came from a report issued by Obama's advisers on January 9, 2009—before he took office. In early January, we only had access to job numbers through November. Back in November 2008, unemployment was about 6.9 percent. By December, it had risen to 7.4 percent. But the Recovery Act wasn't signed until February 17, and by February the unemployment rate had risen to 8.2 percent.

So the unemployment rate was already over 8 percent when the Recovery Act was signed, let alone had any chance to go into effect. By that time, Obama's advisers, along with most other economists, had realized the tide of unemployment was going to be much more severe. So it is fair to say that President Obama's advisers underestimated the coming employment crisis, but it is not fair to say that unemployment exceeding 8 percent was a failure of the Recovery Act. It is preposterous to say that because the report issued by Obama's advisers contained an economic forecast that later proved to be inaccurate, therefore, Obama lied or that he broke his promise or that he is an expert in snake oil, as I heard a talking head on a Sunday show say. A forecasting error is not a lie.

Let's look at another claim. As an elected official has stated:

According to the Bureau of Labor Statistics, since the stimulus was passed we have lost 3 million real jobs, 2.4 million net jobs in this economy and all the calculations and reports from the White House are not going to change the fact that their economic stimulus bill has failed.

Okay, this is a fun one because, technically, the first part of the claim is correct—since the Recovery Act, we have had a net job loss.

Here is a chart illustrating the job losses mentioned. These are job losses, here. See. You may notice a trend. I am going to show another chart that might put this more in context. You may notice a trend here. This is President Bush. If we had a slide whistle, it would whistle up on the scale. And if you had a slide whistle for here—here is the Recovery Act—it would whistle up on the scale. There is a trend. You can tell by my slide whistle that the Recovery Act was clearly a turning point. We went from a downward slide to a relatively upward climb. It is not as fast as we would like, and things have been slightly stalled of late, but clearly—clearly—we are doing much better.

This is Bush's last day in office.

In fact, one could make the argument that the stimulus was key in reversing our slide into a depression. In fact, that is pretty much exactly what Blinder and Zandi have said about the Recovery Act. Remember, this is Mark Zandi, who was JOHN MCCAIN's economic adviser. The Blinder-Zandi report sums it up this way: The government response to the crisis “probably averted what could have been called Great Depression 2.0.” Again, from the adviser to the 2008 Republican Presidential candidate.

I think avoiding a depression is, on balance, a good thing, and I think most Americans would agree. And if they knew the facts, they would thank President Obama and the Members of Congress who kept us from sliding into another Great Depression.

Let's look at a fifth claim. A prominent elected official said recently that he thinks the Recovery Act created only bureaucratic government jobs—only bureaucratic government jobs. In response to that, I wish to show a few recovery projects in progress in my State of Minnesota. You can judge for yourself whether they are bureaucratic government jobs.

I am not sure how the cameras work here in the Senate for those watching on TV, but maybe they can push in here on Jamie, a Local 361 carpenter from Cloquet, MN. Here he is performing scaffolding work on the north tower of the Duluth aerial lift bridge. He is doing this in January 2010. The Duluth aerial lift bridge, I think, is the largest in North America. The south tower will be completed this winter as part of the two-phase \$5 million project funded by the Recovery Act.

Jamie, his wife and two children—aged 19 and 14—went without health insurance for 13 months when he was on unemployment. He was hired for this job last winter and worked enough hours on this job to get back on health insurance. The Recovery Act has enabled Jamie and his family to get back on their feet. I ask you: Does Jamie look like a government bureaucrat?

How about Cecil? Here is a picture of Cecil. I want to ask you: Does Cecil

look like a bean counter for OMB? Cecil is pictured here working on the Highway 610 extension project in Brooklyn Park, MN. He is building 6 miles of sound walls. I attended the groundbreaking ceremony for this project. So did a Republican Congressman from this district, who voted against the stimulus package. Cecil had been unemployed since 2008 before being hired onto this Recovery Act-funded project. He has told us he is very thankful for the opportunity to earn a living wage to support his family.

Next, we have Spencer, a Local 49'er crane operator for a contractor named LUNDA, working on the 694/35W widening of bridge and on and off ramps—a \$2.5 million project. There are 11 on-site contractors—private contractors—working on the project. Spencer, who is 23, is from Isle, MN, and was unemployed until this job came along. Spencer told me:

I wasn't working until this job came along . . . investing in our country's infrastructure is an investment in my financial fate and family's future.

As I said, his Local 49'ers run heavy machinery. I don't know about you, but I don't know many Washington bureaucrats who can safely operate heavy machinery.

Who is next? Matthew and Randy, both Laborers Local 563. They had been employed by contractor CS McCrossan for 7 and 13 years, respectively, before they were both laid off last fall. But this spring, they were hired back to work on several different Recovery Act-funded projects. They are pictured here working on a pedestrian replacement bridge on 49th Avenue Northeast over Central Avenue in Columbia Heights, MN. You can see them. They are, you know, a couple of CBO paper pushers, I guess.

Next we have Sheila. Here she is working on the night shift on the I-94 rehabilitation project. I-94 is a huge interstate highway in Minnesota—a very important artery. Sheila is new to the construction industry but her work ethic has led her colleagues to comment that she has a bright future in the industry. These are just a few of the 70,000 Recovery Act projects happening across our country.

Here is another project in Two Harbors. These guys are building a water tower. In addition to five crews of workers on the project, the tower tank is made of 723,000 pounds of American steel. Let's get a picture of it; looks like a little more in progress—723,000 pounds of American steel, and the rebar is another 33,000 pounds of American steel. So additional American workers made this steel. More American workers mined the iron, Minnesotans on the Iron Range—Minnesotans. More jobs. I visited Two Harbors on September 6, just a few weeks ago, and personally saw this project in progress.

As you can see, these folks are not in suits and ties shuffling papers; they are building bridges, they are building roads, they are building water treatment plants and water towers. These projects are going to improve transportation and the health and safety of people in Minnesota. Because of these jobs, made possible by the Recovery Act, they will keep a roof over the heads of their families, put food on the kitchen table, send their kids to college, and, yes, buy stuff.

Another vital component of the Recovery Act that is often overlooked is its expanded funding for unemployment insurance that helped keep 3.3 million unemployed people, including 1 million children, out of poverty in 2010.

Another overlooked but critical program in the Recovery Act is the funding for Head Start. The \$2 billion allocation preserved Head Start and Early Head Start programming for 64,000 children across the country—over 900 in Minnesota alone. These programs are helping the most vulnerable kids, kids in our communities.

It is simple. Economic analysis suggests that the Recovery Act boosted demand, created millions of jobs, kept families in their homes, and helped the economy start growing again.

Let me tell you what I love about being a Senator as opposed to being a candidate for the Senate. I think most of my colleagues can relate to this. The Presiding Officer has been a statewide candidate many times. When you are a candidate, you are speaking mainly to your own people. If you are Republican, you are speaking to Republicans to get the nomination and then to get out the vote. If you are a Democrat, you are doing the same. But as a Senator, you talk to everyone.

As Senator, I have been privileged to go all around the State of Minnesota and talk to folks at economic development meetings. I have talked to county commissioners and mayors and city councilmen and small businesses and community bankers. You know what. I don't know what party they are in, and I don't care. We are trying to get people going. We are trying to get the economy moving. Everywhere in Minnesota, do you know what these folks say to me? Thank you for the Recovery Act. Thank you. Thank you for the teachers we are able to keep on here in Brainerd, the firefighters, and for the Workforce Investment Act funds so we are able to train people for jobs that were available but didn't have trained people for. Thanks for the highway underpass so school buses do not have to cross the train tracks or an ambulance doesn't have to cross the train tracks. Thanks for funds for the wastewater plant or for rural broadband or for the weatherization of public buildings—speaking of which, Michael Grunwald, writing for Time Magazine, wrote this:

The Recovery Act is the most ambitious energy legislation in history, converting the

Energy Department into the world's largest venture-capital fund. It's pouring \$90 billion into clean energy, including unprecedented investments in a smart grid; energy efficiency; electric cars; renewable power from the Sun, wind and Earth; cleaner coal; advanced biofuels; and factories to manufacture green stuff in the U.S. The act will also triple the number of smart electrical meters in our homes, quadruple the number of hybrids in the Federal auto fleet and finance far-out energy research through a new government incubator modeled after the Pentagon agency that fathered the Internet.

A few weeks ago, I heard a prominent conservative talking head on one of the Sunday news shows describe the Recovery Act this way. He said:

If I pay my neighbor \$1,000 to dig a hole in my backyard and fill it up again, and he pays me \$1,000 to dig a hole in his backyard and fill it up again, according to the national income statistics, that is a \$2,000 increment to GDP and two jobs have been created. The American people understand, however, there is no real wealth created in this kind of transfer payment.

How offensive. How out of touch. Yet this is why so many Americans believe the Recovery Act has not created any jobs or just created jobs for bureaucrats.

I worry that my speech today is too little, too late. I worry that most Americans have already formed their opinion about the Recovery Act based on the inaccuracies they hear from beltway pundits or from elected officials. But I challenge these talking heads and these elected officials to find the Spencers and Sheilas and Cecils and Randys in their State, go out and watch them work or talk to a teacher in a classroom or a cop on the beat. They are not digging and filling holes in their neighbor's backyard. They are doing skilled work, necessary work, hard work rebuilding our roads, teaching our children, and getting paid for it. With their paychecks, they buy food for their families and make their car payments and maybe buy a new one, which generates more demand. That is an economic recovery in the making.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WEBB.) Without objection, it is so ordered.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak in morning business for up to 10 minutes.

U.S. SENATE STAFF: GREAT FEDERAL EMPLOYEES

Mr. KAUFMAN. Mr. President, last week I stood at this desk and recognized my 100th and final great Federal employee. Since May, I have come to the floor each week to share the stories of dedicated men and women who have chosen to work in public service.

Honoring these individuals has been truly one of the highlights of my time in office. As my term nears its end, I look over at this mosaic of dedicated government employees, and I hope that these speeches each week in their honor have drawn attention to the excellent work they have done and continue to do for our Nation.

At a time when politicians express their frustration with lack of progress by attacking nameless, faceless Washington "bureaucrats," I thought it important to shed light each week on the face, story, and accomplishments of individual Federal employees. In that way, in my own small way, I hope I have helped remind people that those who pursue government work are constantly trying their best, often at great personal sacrifice, to make this a better country and a better world.

These 100 are a microcosm of our government workforce; as I have said before, they are not exceptional but exemplary. They come from over 40 departments, agencies, and military service branches. They represent a Federal workforce of 1.9 million.

Just as we 100 Senators are a snapshot of the American people, these 100 great Federal employees are a snapshot of the hard-working men and women who serve the American people every day.

But, just as it takes more than a 100 great Federal employees to carry out the work of the American people, it takes more than us 100 Senators to perform the work of the U.S. Senate. This week, in closing my series of speeches honoring public service, I want to recognize the untiring efforts of U.S. Senate staff.

I am not only speaking of those who work for Members as personal staff. I mean everyone here who has a role in making the Senate work, including those who work in the cloakrooms, the Parliamentarian's staff and that of the clerks, those who provide support services through the Sergeant at Arms and the Secretary of the Senate, the men and women who serve as Capitol Police, and so many more. Over 7,200 people work as Senate staff in personal offices, for committees, and for the various services that keep the modern Senate functioning.

All of them know well the importance of the Senate in our system of government and the role it plays binding our large and diverse Nation together. Indeed, on the west pediment of the Dirksen Building it is inscribed: "The Senate is the living symbol of our union of states."

It is a living symbol in that we rely upon a deliberative group of wise men and women to smooth out our differences and keep fastened securely our union's many parts.

We cannot do this without the help of our staff. They brief us on issues and provide up-to-the minute research.

They are our link with executive agencies and the military. They maintain our busy schedules and keep us on time, or mostly so. They form a network that links our offices together with one another and make bipartisan deals possible. Most important, they keep us connected to our constituents while we are here working for them in Washington.

Who are these staffers, and what brought them to these Halls?

Many of them are young, in their twenties and thirties. They have an energy and passion for the issues on which they work. Those who stay more than a few years often spend their whole careers here, becoming some of our Nation's leading experts in their issue areas. Just like Members, staff preserve the institutional memory of this body and pass on its traditions and history.

We have staffers from both civilian and military backgrounds. Every profession and field of education is represented here. Senate staffers have trained as doctors, lawyers, writers, farmers, nurses, engineers, teachers, manufacturers, the list is endless. They come from every State and territory in the Union.

They are creative and intellectual, pragmatic and imbued with good-old common sense. Senate staffers are diverse in both their origins and their ideas.

The paths that led them to the Senate are diverse as well. Staffers have come here because they are driven by a shared love of country and they long to play a constructive role in our Nation's history. One of the common traits of Senate staffers is that, when asked, they will say that there is something truly special about working in the Capitol and these impressive office buildings. Their eyes light up talking about the history and gravity of this place. They share the great feeling of excitement from living inside the news.

Staff work under the long shadows cast by this body's Members. Infrequently seen in the public spotlight, nevertheless their hands mold and shape everything we debate and pass. Here no 2 days are the same; there is no routine.

I like to think that my staffers are the best, but I know that every Member or Senate officer thinks his or her staffers to be the greatest. I would never dare dispute any of them.

Senate staffers share in common a deep sense of pride in their public service. They share the experience of walking through these august Halls and feeling goose-bumps from the power and weight of history and their palpable role in it. On both sides of the aisle they all want America to be strong, prosperous, and safe.

Senate staffers are so great because they take their jobs so personally.

This is why they work so hard. It is why they are here on weekends, draft-

ing legislation, hammering out deals across the aisle, and advising their Members on the next day's votes. It is why front desk staff assistants are so compelled to engage with the constituents who call in with questions about bills.

It is why security guards, maintenance personnel, and those who work in the Printing, Graphics, and Direct Mail division trudged through the snowstorm to get here when all other government offices were closed. It is why all kinds of staff are here past midnight regularly.

I was a Senate staffer for 22 years. My service as chief of staff to JOE BIDEN gave me the chance each day to work with wonderful people on both sides of the aisle who came to the Senate motivated by love of country. Many of those with whom I worked during those days went on to other jobs in government and continue in public service today. A number of former Senate staffers now serve in the House of Representatives and in this Chamber.

As I come to the end of this series, I cannot help but think about all those great Federal employees I have not had a chance to honor from this desk. There are so, so many. They are the unsung heroes that keep our Nation moving ever forward.

I hope my colleagues and all Americans will join me in thanking those who serve and have served as staff here in the U.S. Senate. They are all truly great Federal employees.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CASEY and Mr. DURBIN pertaining to the introduction of S. 3849 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Wyoming.

(The remarks of Mr. ENZI are printed in today's RECORD under "Morning Business.")

Mr. ENZI. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. GOODWIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOODWIN. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—S. 3671

Mr. GOODWIN. Mr. President, I rise to talk about an issue of incredible importance to my home State of West Virginia, to the Presiding Officer's home State of Virginia, and, indeed, to our entire country; that is, the safety of our coal miners.

Unfortunately, during the past 4 years, West Virginia has dealt with three significant mining disasters. On an early morning in January 2006, an explosion rocked through a central West Virginia coal mine killing 12 people. Less than a month later, tragedy struck again at a mine fire in Logan County, where two more miners were lost, and just this past spring, West Virginians mourned, yet again, when 29 of their neighbors were lost in the worst coal mining disaster in nearly a half century.

Through these tragedies, our Nation was sadly reminded of the dangers and risks miners face every day to provide a living for their families and affordable energy for our country. We collectively were reminded how important it is for miners, companies, and regulators to work together to keep our mines safe. Finally, we witnessed how my fellow West Virginians have come together in the midst of crisis and in a time of tragedy.

Yet the story of West Virginia lies not simply in such tragedy but, rather, in the story of thousands of West Virginians who go to work every day to produce nearly half the electricity consumed in this country. It is a story of good-paying jobs with benefits that help form the foundation of strong families and strong communities across my home State. It is a story my predecessor, Robert C. Byrd, knew very well.

In remarks he gave as a young Congressman in his maiden speech on the floor of the House of Representatives nearly 60 years ago, Senator Byrd emphasized the importance of coal in a speech lamenting our Nation's increasing dependence on foreign oil, remarking in that 1953 speech:

We . . . must pursue not a policy that is detrimental to the economy of this nation and which impairs its strength while enriching other nations, but a policy that will strengthen our beloved country.

Those are words that certainly resonate and ring true today, which is why we should continue our efforts to develop technologies that allow our country to harness this abundant energy source in a cleaner way, such as the bipartisan carbon sequestration bill put forward by Senators ROCKEFELLER and VOINOVICH.

Coal can and must be a part of the solution to the energy challenges of the 21st century. West Virginians know this and understand that our future depends on our ability as a nation to extract and burn coal more cleanly. West Virginians simply want to be part of

that conversation and part of the solution.

As we move forward to ensure coal's vital role in the future of our economy, we must simultaneously also keep our focus on assuring that mines remain safe. It is not simply about preventing or investigating a large-scale disaster when that may capture the attention of the Nation and the world for a brief period of time. Rather, when tragedy strikes in a coal mine, it is usually far away from satellite trucks, international media, and the glare of television cameras. All too often, when a coal miner is seriously injured or perishes or succumbs after a battle with black lung disease, it is simply a community and a family who mourns quietly.

I would note that in addition to the 29 miners lost at Upper Big Branch, another 15 coal miners have been killed on the job so far this year, and it is only September.

Sadly, these deaths often go unnoticed by the country at large. The loss is just as great and just as tragic to the families, which is why everyone must remain committed to coal mine safety each and every day and each and every shift.

I know my colleagues in the Senate understand this and have taken this responsibility seriously. The changes brought about in 2006 after Sago and Aracoma were significant and positive. I was privileged to have played a small role in drafting legislation in West Virginia to help form part of the basis for the Federal MINER Act—the first comprehensive mine safety legislation passed by Congress in nearly 30 years.

Our work, however, is not complete. In his final months of service to West Virginia and our Nation, Senator Byrd was working with Senator ROCKEFELLER to craft and push additional mine safety legislation. During my brief tenure in this body, that has been a fight I have been honored to carry on. Although these efforts may not be completed during my tenure, I have every confidence that the Senate will continue its hard work on passing additional coal mine safety legislation.

There are serious issues that additional legislation needs to address. We need comprehensive and targeted inspections and increased transparency in mine safety recordkeeping. We need a sophisticated and effective way to separate good operators from the bad. For those who are irresponsible, we need enhanced oversight and enhanced penalties. We need to strengthen protection for miners who speak out about unsafe conditions and make certain their livelihoods are not jeopardized when they choose to do so.

Although my time in the Senate is not long, it has been and will always remain my enduring privilege to have served in this body alongside so many dedicated public servants, including

and especially my friend, colleague, and senior Senator from West Virginia, JAY ROCKEFELLER. My remarks here today are on behalf of the State we represent and her people whom we both revere.

No coal miner should have to go to work fearing for his safety, and no coal miner should fear for his job for raising concerns about that safety. Coal mine safety is workplace safety, and it is the right thing for our country to do.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, the Senator from West Virginia wishes to continue as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, in the Senate, the core job, obviously, of any Senator is to do all we can every day to help our constituents. It has been such an honor for this Senator to stand with our newest Senator from West Virginia, CARTE GOODWIN, and work with him to do exactly that.

Before joining this body, Senator GOODWIN made serving West Virginia his focus in everything he did—as an attorney; general counsel to our Governor; chairman of the School Building Authority, which is a very complex matter—and all the while exuding enormous character, great character, dignity, and always keeping West Virginia families first and foremost in his mind.

It has been interesting to watch him on this floor in this relatively short period of time in which he has been a Senator and still is—the way people come up to him, see him as a breath of fresh air, respond to his intelligence, his integrity, his modesty, and his very smart brain.

Senator GOODWIN comes from a family deeply committed to public service that has taught him to work very hard, to give back, and be proud of where he came from. I respect him a very great deal.

More importantly, he has a deeply ingrained sense of what matters to West Virginia. He does not come from one of our big urban counties. He comes from a very small rural county, Jackson County. He knows what working families need. He knows what people who represent them in Washington need to bear in mind. As I say, his character is strong, his work ethic is unmatched, and his heart is always in the right place.

So it is a sad day for me, in a sense, because I respect him so much and like him so much and I will not be hearing him enough, except if he is dissatisfied with my work, in which case he can call me and tell me that and I will be taking copious notes.

I join Senator GOODWIN to talk about an issue that impacts the lives of every American in this country; that is, workplace safety.

This past April, as West Virginia's other Senator has mentioned, we suffered the worst mining disaster in 40 years in this country. It was statistically shocking, it was personally horrifying, and deeply poignant. Twenty-nine miners were killed in an explosion at the Upper Big Branch Mine in Montcoal.

I was there with the families as we hoped and we prayed for any sign that their loved ones would emerge. For the most part, they did not. The sorrow and hurt and anguish I saw on their faces is unimaginable and indescribable. It is something that no family should have to go through, but it happens in West Virginia and, as it turns out, in other States.

But mining tragedies are not just happening in West Virginia. Nearly one-third of our States have experienced mining disasters this year, including Alabama, Arizona, California, Idaho, Illinois, Indiana, Kentucky, Minnesota, Montana, Nevada, New York, Oklahoma, Tennessee, and Utah. Yet the mining industry is not the only industry where significant improvements to workplace safety are necessary. We have seen major disasters take the lives of hard-working Americans employed in a variety of other industries: 7 dying in a refinery blast in Washington, 6 in an explosion at a clean energy plant in Connecticut; 11 died with the BP Oil rig disaster off the coast of Louisiana which we all know about.

In fact, there were more than 4,300 workplace deaths in the United States in the year 2009, this year not having been completed, but it is a decent benchmark. That is 11 deaths each and every day of the year—11 men and women who went to work but did not return home to their loved ones.

This is America. We are the greatest country on Earth. All of us together must do more to protect the lives of these workforces. That is why Senator GOODWIN and I introduced the Robert C. Byrd Mine and Workplace Safety and Health Act of 2010.

Senator Byrd worked diligently with the two of us on this bill, as have Chairman HARKIN, Senator MURRAY, and obviously Senator GOODWIN. They are committed advocates to the working men and women of our country and in our State, and I wish to thank them for their tireless dedication to doing what is right.

This legislation contains common-sense proposals that will give Americans the peace of mind that comes from safe working conditions. It fixes the broken "pattern of violations" process which was meant to give MSHA authority to crack down on mines that repeatedly violate our laws, but has never been effectively implemented, this process. It takes a hard look at MSHA itself to make sure it is doing its job by creating an independent

panel to investigate the Mine Safety and Health Administration's—MSHA's—role in serious accidents. In these matters where regulation is done on discrete and for the most part invisible industries, the people who do the regulating and the checking need to be looked at carefully, just as do those who operate coal mines. It gives teeth to existing whistleblower protections so miners can come forward to report safety concerns. It gives MSHA additional tools to keep miners safe, including the ability to subpoena documents and testimony outside of the public hearing context. This is something which OSHA has, and it is amazing to me that MSHA has not had it and does not have it. If this bill were to pass, it would happen.

Finally, sort of, it provides protections that will apply to workers across, as I indicated earlier, all industries; greater rights for victims and their families to participate in investigations and enforcement actions; updating civil and criminal penalties; and the requirement that hazardous conditions be addressed immediately so that litigation doesn't shoot right into the middle of it and delay the whole process.

Over the past few months, I have been working with my colleagues on the HELP Committee on bipartisan legislation—and I deeply appreciate the efforts of Senators ENZI, ISAKSON, and HATCH on the Republican side. I have worked closely with Senator ENZI and ISAKSON in the past on other matters, first with Senator ENZI on, of all things, the President's Commission on Coal back in the 1970s when he was mayor of Gillette, WY, and later with both him and Senator ISAKSON to pass the MINER Act which came right after the Sago disaster.

I stood with both Senators ENZI and ISAKSON at the Sago disaster as we tried to comfort families, as we sat in circles and Senator ISAKSON and Senator ENZI seemed to—well, Senator ENZI comes from a coal-producing State, Senator ISAKSON does not—but both of them profoundly related to the families. It was very clear in their voices and what we saw in their eyes, and the families felt it. I know they care deeply about coal miners.

But it is also no secret that I am deeply frustrated we have yet to produce a bipartisan bill. The families of the Upper Big Branch are wondering, What is the holdup, and, quite frankly, so am I.

The provisions that should be included in a strong workplace safety bill are not that hard to figure out. In fact, they are the very provisions Senator GOODWIN and I have included in the Robert C. Byrd Mine and Workplace Safety and Health Act, which is why I come before the Senate today to at the proper time ask for unanimous consent that our legislation be passed.

Before I ask for unanimous consent, which I will do, I wish to address three of the main objections I have heard from my colleagues on the other side of the aisle. First, my colleagues on the other side of the aisle have expressed concerns that including workplace safety standards for all industry amounts to overreaching. I am sure the loved ones of the workers who died at the refinery, at the clean energy plant, and the BP Oil rig would see things a little bit differently. I am sure they would tell us that this bill cannot simply be about mine safety alone—although that is huge and the bulk of the bill—we must include important Occupational Safety and Health Administration provisions that cover all industries. OSHA, for example, does have subpoena power, and it does cover all industries, but it too needs to be strengthened.

Second, my colleagues have questioned whether MSHA, the Mine Safety and Health Administration, needs adequate subpoena authority. The idea that a law enforcement agency such as MSHA does not have subpoena power to proactively make mines safer is, to me, unimaginable. We are seeing problems with the existing system right now. The State of West Virginia's subpoenas in the Upper Big Branch investigation are being challenged in court—totally predictable. The intent, of course, is to challenge them in court before they can be effective and to prevent the questioning of company officials and others with vital information. That is the story of mine enforcement in the coal fields.

Third, it has been suggested that we do not have enough data to support additional whistleblower protections for coal miners. Let me answer that by saying that back in April, the Health, Education, Labor, and Pensions Committee heard testimony from Jeffrey Harris, a miner from Beckley, WV. Jeffrey told us—I was there—what it was like to work for Massey Energy. This is quoting Jeffrey Harris:

Either you worked or you quit. If you complained, you'd be singled out and get fired. Employees were scared but, like me, they have to feed their families. Jobs are scarce, and good-paying coal mining jobs are hard to come by.

The Presiding Officer knows exactly what I mean. We are looking at \$60,000-plus salaries, mostly in the very rural areas of our States, the southwestern part of the Presiding Officer's State, and it is quite true. What is somebody to do? They have a \$60,000 salary or they have nothing, because jobs in those areas are not plentiful or, in some cases, simply don't exist.

To continue, in May, the House Education and Labor Committee held a hearing in Beckley, WV. We heard testimony from miners who have worked at Upper Big Branch and one of those miners, Stanley, nicknamed "Goose," Stewart told us that:

No one felt they could go to management and express their fears. We knew that we would be marked men. And the management would look for ways to fire us. Maybe not that day, maybe not that week, but somewhere down the line, we would disappear. We'd seen it happen.

So enough is enough. No employee should be fired for reporting safety concerns. A lot of manufacturing companies—I am thinking of Toyota in West Virginia—have the assembly line and they have a rope that goes all the way down. If any worker sees any problem of any aspect, whether it is real or he imagined it or whatever, he pulls that rope, the production line shuts down, and the manager comes over and they fix the problem if it exists. But the comfort that brings to the worker is a very small price to pay for very well-made cars.

Finally, my colleagues on the other side of the aisle have expressed concerns about reforming the pattern of violations process. The pattern of violations process, which does not sound very interesting but which is usually important in bringing things to a head, to justice—was intended by Congress to allow MSHA to take action against operatives that refused to follow our laws. But to date, no mine has ever officially been placed on pattern status. Why would that be? Well, one can only speculate.

I think everyone agrees that the process must be fixed, but what I don't want to do is to tie MSHA's hands or to dictate a formula that will virtually guarantee that no mine is ever placed in pattern of violations status. I want a proactive system, one that will identify troubled mines before accidents happen and one that focuses on rehabilitating mines that are having problems.

Mr. President, at this point, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 3671, the Robert C. Byrd Mine Workplace Safety and Health Act of 2010, and that the Senate then proceed to its consideration; that the bill be read three times, passed, and the motions to reconsider be laid upon the table; and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. ENZI. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, as the Senator from West Virginia notes, the only change in mine safety law that was made was with his and my leadership and several others. That was the first change in 30 years. I know he is aware that in the area of OSHA, the only legislative changes that have been made in the 28 years the law has existed were under my chairmanship, with me as a major sponsor. So I am interested in safety.

The Republicans weren't invited to work on a bipartisan bill until 2 weeks before the August recess. We had our staffs work through the entire recess. There were numerous meetings. We were making great process. I think we had agreed on 14 different parts or so. We still had six or so provisions that were in the process of negotiation, but very close, and seven or so that the Senators themselves would have to work out. So I am disappointed that was called off. It was not called off by my staff. I think we could have had a bipartisan bill that would wind up unanimous on this side like the last one, with only a few objections on the House side.

So I am disappointed my colleague is attempting to bring up a bill with no bipartisan support at this late stage of the Senate schedule. They went back to the original one, not the one we have been negotiating. If the majority truly wanted to pass a bill on this issue, we would have continued those bipartisan negotiations, or they could have taken this bill through the Senate procedure and allowed a hearing and a markup on the bill.

As I stated last week on the floor, if this were to be brought up this way, I would have to object, and I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. ENZI. Mr. President, having objected, I would like to take a moment to clear up some confusion about what caused the breakdown of bipartisan negotiations on mine safety legislation last week.

The terrible tragedy that occurred in West Virginia this past April has focused us again on the strength of our Federal mine safety laws and regulations. As a Senator from a State that leads the Nation in coal production, I have always considered workplace safety as one of the most important missions of the HELP Committee and I have been pleased to work across the aisle to improve safety. That is exactly what I have tried to do this year as well with my colleagues from West Virginia and members of the committee.

As my colleagues well know, negotiations had been making significant progress until we ran into a stumbling block known as the election cycle. The staffs of seven Senators had been meeting several times a week for over 2 months and all throughout the recess period. Agreements had been formed on over a dozen important proposals, and several more important ones were right on the brink of compromise when the talks were abruptly called off until after the election. Despite what has been said in the press and on this floor, the simple fact is that we might well have had an agreement by now if the majority hadn't decided they would rather have an election issue. Certainly, it is not for me to consult on the political calculations of my col-

leagues. But it seems to me that political theatre and failing to work together to get important things like this done are exactly what the American people are so frustrated by this year.

We are serving this Nation best when we work together to accomplish the people's business. The formula is not that complicated and, really, anyone can do it:

Bring both sides together for discussions,

Establish agreed upon goals and work toward agreement on those goals,

Consult with stakeholders that will be affected by the changes being discussed,

Once substantial agreement has been reached, determine which issues the sides will never be able to agree upon, and set those aside for another day's debate. This is what I call the 80-20 rule.

This formula has worked in the past for the very issue we are discussing today—mine safety. In 2006, when I was chairman of the HELP Committee, we were faced with a string of tragic mine accidents in West Virginia. In response to the first one, Senator ROCKEFELLER and Senator Kennedy organized a trip to Sago, WV, to meet with miners, victims' families and investigators. The three of us, along with Senators ISAKSON, MURRAY, and Byrd, then began negotiations and were able to come up with an agreement in less than 2 months—the MINER Act, which was the first major revision of the Mine Safety and Health Act since 1977. This bill made important improvements to the emergency preparedness of underground mines and has fostered tremendous improvements in communications technology adaptability to the underground environment.

One of the reasons I am so proud of the MINER Act is that we wrote it in the way I believe all legislation should be drafted. We brought in all of the stakeholders—the union, the industry, the safety experts, the Mine Safety and Health Administration—MSHA—and we sat them all around the table and worked through the biggest safety concerns and the best way to approach them. Because of the bipartisan nature of the bill, it sailed through a committee markup, was passed by the Senate unanimously a week later, and passed the House 2 weeks later with just 37 House Members opposing. One more week later it was signed into law. That is how it was done.

During my tenure as the chairman of the HELP Committee, we were able to move 27 bills to enactment this way. In total, we reported 35 bills out of committee and, of those, 25 passed the Senate. This is the kind of cooperation and accomplishment Americans are demanding, especially on an issue as important and timely as workplace safety.

Every day, thousands of Americans go to work in the energy production industry. The work they do benefits every single one of us and underpins our entire economy. This year, major accidents in the energy-producing sector have taken the lives of 29 men in West Virginia, 6 in Connecticut, 7 in Washington State, 3 in Texas and 11 men off the coast of Louisiana.

If there was ever a time to work together to actually enact legislation, as opposed to playing at political theatre, this should be it.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, first, I wish to reemphasize how much I respect Senator ENZI, the senior Senator from Wyoming, and the fact that he is quite right about the MINER Act and what took place after Sago, which was another rural spot in West Virginia where a number of people were killed—a lot of anguish—and it was the first time in 30 years that there had been any revision of the Federal mine safety laws.

I have to say, though, that the bill we passed, the MINER Act, was not fully—because it had to pass through the committee at that time that was controlled by the present minority, it did not come out as strongly as I would have preferred. However, it was a good bill and has had a good effect in mining.

One of the aspects of mining, which is hard for people to understand, is that there is no margin for error. There is no margin for it. It is a discreet industry, which, for the most part, is carried on out of sight—in this case, underground. The great majority—I would say well over 95 percent—of West Virginians and people from the Presiding Officer's State have never been underground—or I guess sometimes Senators and Congressmen and Cabinet officers.

Obviously, I am disappointed that my colleague objected to this bill. However, I very much believe Senator ENZI when he said that he wants to start working on a bill that will keep people safe. I point out to him that at no point did we call off the negotiations. We were simply at the end of the work period, at the end of August, and there had to be a period of negotiation going on with the staff, and we would come back and take the fruits of that negotiation and go ahead and work on the bill. That is what I would have wished to have seen happen, and what still can happen. As I listened to the Senator from Wyoming, I believe he wants that to happen. As it turns out, so do I, and I am sure Senator GOODWIN does too.

People are counting on us to get this done. They deserve nothing less. I look forward to working on this. Obviously, it cannot be passed now. We have our work to do, but then again we have our work to do in any event.

Senator GOODWIN and I and Senators PATTY MURRAY and TOM HARKIN wanted to lay this down as a benchmark of what a mine safety bill should be. It probably won't end up being in a bill, but that doesn't mean it should not be this bill. You can't do everything at once, and I understand that. I have faith that the process will produce—as the Senator indicated, a number of things were agreed on by Senators, and sometimes I wish it were the Senators negotiating with each other; I think we would get a better bill.

In any event, I have faith in the future, and we all have the eyes of 29 miners and so many others looking down on us waiting for us to take action.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The Senator from Kansas.

Mr. ROBERTS. Madam President, I ask unanimous consent to speak for 15 minutes to eulogize our former colleague and friend, the President pro tempore of the Senate, the distinguished Senator from Alaska, Ted Stevens.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. ROBERTS are printed in today's RECORD under "Morning Business.")

Mr. ROBERTS. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Madam President, I ask unanimous consent to speak for 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL CRIMINAL JUSTICE ASSOCIATION COMMISSION ACT

Mr. WEBB. Madam President, first, I would like to say that Senator SCHUMER and I are sharing 30 minutes today—we are going to have to do it in divided time—to speak about concerns with respect to the relationship of the United States with China and where we need to move forward.

Before I do that, I wish to express my hope that my colleagues on the other side will allow a vote on the National Criminal Justice Association Commission Act which I introduced a year and a half ago after 2 years of hearings. We have bipartisan support on this bill. The identical version of this bill has passed the House of Representatives already. We have met with more than 100 different organizations, from our office. We have a buy-in on the necessity of this bill from people across the political spectrum and the ideological spectrum. The three major criminal justice associations strongly back this bill, as do the American Civil Liberties Union, Human Rights Watch, and the NAACP. There is no controversy on this bill. It passed the House by a voice vote.

I certainly hope that before the end of this year, we will see this national

commission come into place. It is 18 months of getting the finest minds in America to come together and examine all aspects of our criminal justice system so we can do two things: one, reduce mass incarceration in this country but also reduce the fear in our communities with the present rate of crime.

There are two charts for people to look at to see why we need to move forward on this legislation. The first is to look at what has happened to the incarceration rate in this country. From 1980 up to today, it has gone off the charts. We have more people in prison than any other country in the world. We have 5 percent of the world's population and 25 percent of the world's known prison population. At the same time, any survey you look at, you will see that three-quarters of the people of this country feel less safe than they did a year ago. These two realities do converge in the need to examine our entire criminal justice system.

I say again to the one or two people on the Republican side who are not allowing this to come to a vote, this is not a controversial measure. The top three corrections associations in this country want to see it happen, as do people on the other side.

I hope we can get a vote before the end of the year on this legislation and start fixing our criminal justice system.

UNITED STATES RELATIONSHIP WITH CHINA

The main purpose of my speaking today is to join with Senator SCHUMER in stating to our colleagues and to the people of this country that we need to have the courage and the wisdom to reconfigure our relationship with China in a way that reflects more clearly its emerging status economically and in terms of our own national security and the security of the East Asia region. This has been an incremental process. I have been talking about the need to balance a relationship with China for 20 years.

Actually, I will begin these remarks by reading from an article I wrote for the Wall Street Journal 9½ years ago. I wrote:

China engaged in a massive modernization program . . . It shifted its aviation doctrine from defensive to offensive operations, including the ability for long-range strikes throughout Southeast Asia. It has continually rattled its sabers over the issue of Taiwan. It has laid physical claim to the disputed Paracel and Spratly Island groups, thus potentially straddling one of the most vital sea lanes in the world. In the last year—

And this meant 2000 and 2001—

it has made repeated naval excursions into Japanese territorial waters, a cause for long-term concern as China still claims Japan's Senkaku Islands, just to the east of Taiwan, and has never accepted the legitimacy of Okinawa's 1972 reversion to Japan.

This is rather relevant, even though this was written 9½ years ago, as we

examine Chinese activities in areas in the South China Sea and the need for us as a nation to stand alongside the other countries in this region on issues of sovereignty.

Just in the past 3 weeks, we saw an altercation in the Senkaku Islands.

By the way, I mentioned the Senkaku Islands in a debate in my campaign 4 years ago, asking my opponent what he thought we should be doing there. There were some who thought I was being a little bit arcane by mentioning a place of which few people had ever heard.

It is a major flashpoint between China and Japan. Both claim these islands just off Taiwan. We saw a very serious diplomatic confrontation with the potential to have a military confrontation just in the past couple of weeks in the Senkaku Islands. The Chinese still claim the Paracel Islands, which Vietnam also claims. They have made naval incursions there. They claim the Spratly Islands, which are also claimed by other countries, including the Philippines, Vietnam, and Borneo. This is a very serious matter in terms of how we approach the stability of East Asia.

There was a column written in the Washington Post on Sunday, the title of which was "The South China Sea, China's Caribbean." I emphasize to my colleagues that this is not the Caribbean in terms of the stakes and the threat of the wrong sort of action in this region. From the Strait of Malacca, where a huge percentage of the world's oil and cargo passes, up through the South China Sea into Japan, South Korea, Taiwan, we see a tremendous amount of world trade move through there.

In Southeast Asia, in the ASEAN countries, we have 650 million people. We have almost 1 billion people living not in China but in this region who would be affected by Chinese sovereignty claims if we do not responsibly assist this region in getting a balance.

This is happening at a time when I think we have deluded ourselves as a nation for economic reasons as to the nature of the governmental system in China. We tend to look at these as comparable governmental systems because we have such a high reliance on trade. And Senator SCHUMER is going to talk about the trade aspects of this issue.

Just as one little data point, every year the Freedom House publishes a record of the freedom of the press. It ranks countries in the world in terms of global press freedom. In their last ranking for 2009, China ranked 181 out of 195 countries in terms of freedom of the press inside the country. Of the 40 countries in Asia, the only countries that scored lower than China in terms of freedom of the press were Laos, Burma, and North Korea.

The second-tier countries in East and Southeast Asia watch very closely how the United States articulates its relationship with China. History warns them that they must hedge their bets against eventual change. And any failure by the United States to take firm action when the Chinese manifest aggressive behavior is viewed in this region as a sign of a permeating weakness in the United States.

The reality of a smaller size of our naval forces, the turbulence, at times, with relationships we have had with countries that are friends, the mistreatment and sometimes neglect of our major ally, Japan, causes some to wonder if China will become so powerful that we will abandon our friends.

On the one hand, this is an administration that has done a good job in terms of reconnecting with eastern Southeast Asia. Secretary Clinton made a strong statement in July at the ASEAN conference about the importance of these sovereignty issues.

On the other hand, we have a situation that is now evolving. It is continuing between Japan and China over the Senkaku Islands, where we must be very clear in our signals to China that we will not tolerate instability that can be created with false claims of sovereignty in these regions. There are ways to resolve these sovereignty issues, and the expansionist pressure from military actions and other actions is not the way to do that.

My major point today is that we must reinvigorate our vitally important relations with the ASEAN countries and our allies—Japan, Korea, the other treaty allies we have—in order to maintain the stability in this region, to maintain our own national interest in this region economically, with regard to security, diplomatically, and culturally, and ultimately in the long term for a proper balance between our country and China. This will only be done if we stay with our friends and articulate very clearly to China that the wrong type of behavior is not going to be rewarded with a weak form of behavior by the United States.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. WYDEN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. I ask unanimous consent to speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECRET HOLDS

Mr. WYDEN. Madam President, there are currently 48 vacancies on courts that the Federal judiciary considers to

be judicial emergencies. Let me restate that. Filling these vacancies is now such a priority that they are considered judicial emergencies. One of those vacancies considered to be a judicial emergency is one of the positions for the U.S. District Court for Oregon. My view is this problem is only going to get worse with another 20 judges having announced plans to retire. If these positions remain vacant, we all understand it could delay trials and certainly justice delayed is justice denied.

The stalling of judicial nominations also discourages qualified candidates from serving on the bench. Those the country most needs on the bench cannot put their lives on hold for months or years while their nominations sit on the Senate calendar, blocked for no apparent reason.

One of the things that is most striking about how the country has gotten into this predicament is that experts who have analyzed the situation with respect to the delay in getting judges confirmed come back to Senate procedures as a significant factor in the holdup. Repeatedly, these independent experts say the Senate's secret hold, the process by which one Senator, just one, can anonymously block a judicial nomination from being considered on the floor of the Senate, is a central factor in the delay in getting these judges confirmed.

I have come to the Senate floor today to say, when we have so many designated judicial emergencies, when there are so many individuals who have won bipartisan support, and a big factor in not getting judges confirmed is the Senate is unwilling to do public business in public, it suggests to me it is time to eliminate the secret hold which is keeping sunshine from coming to the Senate when it comes to the consideration of judicial nominations and other important business.

Fortunately, colleagues on both sides of the aisle—a big group on our side of the aisle and a big group on the other side of the aisle—have repeatedly said they want to come together, end secret holds, and do public business in public.

At this time I would particularly like to commend my colleague from Iowa, Senator GRASSLEY, who has spent well over a decade working on this effort with me, and also single out Senator MCCASKILL from Missouri, who has done outstanding work as well mobilizing colleagues from both sides of the aisle, and who also wants to have this procedure changed and have new accountability and sunshine in the Senate.

All we need to be able to do is get this out in front of the Senate—frankly, out in front of the American people—so they can find out who is in favor of transparency, who is in favor of accountability, and who still thinks we ought to do business behind closed doors.

Some in the Senate continue to claim a secret hold does not prevent the Senate from consideration of a nomination or piece of legislation. They say, for example, the majority leader can always file what we know as cloture on that nomination or bill to overcome a hold. That may be true in theory, but for all practical purposes it cannot be done. The process of filing cloture on a nomination certainly can gobble up almost a week on the Senate schedule. So the Senate could easily spend the remainder of the time remaining this year with votes on just a few nominations now on the Executive Calendar and still not come close to clearing the backlog of nominations. The fact is, a secret hold can effectively kill a nomination or piece of legislation.

As we have said, our big bipartisan group in the Senate repeatedly has said all of this secrecy, all of this work to keep the public from finding out what is going on—all of it can be done without anybody, any colleagues in the Senate or the American people, knowing who was the secret obstructor and why they were, in fact, obstructing.

There is one other point I would like to make, particularly with so much of the country looking at how Washington, DC, works and how broken so much of our system is; that is, how much power a secret hold provides to a lobbyist. I am sure virtually every Member of the Senate has at some point gotten a request from somebody who is a lobbyist asking if the Senator would put a secret hold on a bill or nomination in order to kill it—to kill it without getting any public debate and without the lobbyist's fingerprints on it anywhere.

Certainly, if a lobbyist finds it possible to get a Senator to put an anonymous hold on a bill, it is pretty much like hitting the lobbyist jackpot. Not only is the Senator protected by the cloak of anonymity, but so is the lobbyist, and in effect, through secrecy, a secret hold can let the lobbyist play both sides of the street. It can give a lobbyist a victory with clients without alienating a potential or future client.

Given the number of instances where I heard a lobbyist asking for secret holds, I think it is fair to say a secret hold is in effect a stealth extension of the lobbying world.

So when you think about the powers that lobbyists already have, why in the world would you want to give them another tool, the secret hold, which could, as I have characterized it, literally be a stealth extension of the lobbying world. I think it makes no sense at all, and I come down on the side of openness and transparency.

I congratulate my colleague, Senator GRASSLEY from Iowa, who stood with me, and Senator MCCASKILL—a big group of colleagues from both sides. On the other side of the aisle, Senator

COLLINS, Senator INHOFE, and others have spent a great deal of time. Here it has been Senator WHITEHOUSE, Senator UDALL, and the presiding officer, Senator GILLIBRAND—a whole host of colleagues, Democrats and Republicans, who think it is time, when the American people are obviously so angry at the way Washington, DC, does business, to make it clear that we are all going to come together and change the process of letting an individual Senator obstruct the people's business in secret.

It seems to me the bottom line is that a secret hold is literally an indefensible denial of the public's right to know, particularly at a time when there is so much frustration and anger at the way business is done in Washington, DC. The public's right to know ought to be sacrosanct. Certainly, we are talking about the kind of matters Democrats and Republicans talk about all the time in public. Nobody is talking about national security or classified matters being brought out here for the kind of sunshine that I and Senator GRASSLEY and Senator MCCASKILL want to bring to the Senate. This is about the people's business—legislation and nominations, those judicial emergencies and the scores of appointments that are being held up, pieces of legislation that involve millions of people and billions of dollars. It seems to me there ought to be public disclosure. There ought to be consequences if a Senator fails to disclose a secret hold.

In the interest of dealing with the crisis in our courts and the importance of bringing public business to the floor of the Senate, I hope my colleagues will come together and quickly pass the bipartisan proposal which will once and for all eliminate secret holds.

There have been past attempts. Senator GRASSLEY and I were able, as part of the ethics legislation, to get a provision through that we hoped would make a big difference. What happened then is, the friends of secrecy went back and found other ways to get around it. It is time once and for all to strangle secret holds. That is what a bipartisan group in the Senate wants to do, and it is important that measure be enacted and enacted quickly.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KAUFMAN). The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that the Presiding Officer, Senator KAUFMAN, be recognized for 10 minutes as though in morning business—during that period, I will preside—and then that I be recognized

for up to 10 minutes as though in morning business while the Presiding Officer resumes the chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I thank the Chair.

(Mr. LEVIN assumed the chair.)

The PRESIDING OFFICER. The Senator from Delaware is recognized.

EQUITY MARKETS INTEGRITY

Mr. KAUFMAN. Mr. President, I come to the floor one final time to talk about the integrity of our equity markets, a subject I have made a central focus of my Senate tenure. It is an issue that has gained increasing attention, especially since the May 6 flash crash, yet still lacks fundamental transparency, regulation or oversight.

A year ago, I wrote to Mary Schapiro, Chairman of the Securities and Exchange Commission, to outline my concerns. Seven times since then I have come to the Senate floor to talk about the dramatic changes taking place in our equity markets, discussing obscure practices such as colocation, naked access, flash orders, and the proliferation of dark pools. But the most striking change has been the rise in high frequency trading which has come to dominate equity markets and now accounts for well over half of all daily trading volume.

My message about high frequency trading has been straightforward. The technological advances and the mathematical algorithms that have allowed computers to trade stocks in millionths of a second in and of themselves are neither good nor bad. Indeed, as an engineer, I have a deep appreciation for the importance of technological progress. But technology cannot operate in a vacuum, nor should it dictate how our markets function. Simply put, technological developments must operate within a framework that ensures integrity and fairness. That is why our regulatory agencies are so critically important. Because while technology often produces benefits, it might also introduce conflicts that pit long-term retail and institutional investors against professional traders who are in and out of the market many times a day.

As Chairman Schapiro has consistently asserted, including in a letter to me over a year ago:

If . . . the interests of long-term investors and professional traders conflict . . . the Commission's focus must be on the protection of long-term investors.

Many people have asked me why I focused so intently on the arcane details of how stocks are traded during my time as a Member of the Senate. There are several reasons. First, it is Congress' job not just to look backward and analyze the factors that brought about the last financial crisis, it is also our job to be proactive and identify brewing problems before they put us into a new financial crisis.

Second, we simply must protect the credibility of our markets. I have said time and again that the two great pillars on which America rests are democracy and our capital markets. But there is more at stake than a structural risk that could bring our market once again to its knees as occurred on May 6. There is a real perceptual risk that retail investors will no longer believe the markets are operating fairly, that there is simply not a level playing field.

If investors don't believe the markets are fair, they won't invest in them. And if that happens, we can all agree our economy will be in serious trouble.

Third, we should have learned the lesson from derivatives trading that when we have opaque markets that are nontransparent, disaster is often not far behind.

It is hardly surprising that high frequency trading should deserve a watchful, and possibly critical, government eye.

It is simply a truism that whenever there is a lot of money surging into a risky area, where change in the market is dramatic, where there is no transparency and therefore no effective regulation, we have a prescription for disaster.

We had a disaster in the fall of 2008, when the credit markets suddenly dried up and our market collapsed and almost brought down not only our financial system but the financial systems of the world.

We had a near disaster on May 6, 2010.

Soon, the SEC will issue a second report on the causes of that May 6 flash crash.

I hope the SEC has moved much closer to truly understanding the dramatic changes in market structure that have taken place in the past few years, the potential ramifications of high frequency trading, and its impact on retail and institutional investors.

But this is about more than investor confidence. The primary function of our capital markets is to permit companies to raise capital, innovate, and grow in order to create jobs.

Publicly traded companies employ millions of Americans and are at the heart of our economy.

Their stock symbols should not be used simply as the raw material for high frequency traders and exchanges and other market centers more concerned with churning out serving long-term trade volume than investors and supporting fundamental company value.

Perhaps it is not surprising that our IPO markets—initial public offering markets—have deteriorated dramatically and only seem to work for the largest public offerings worth several hundred million dollars.

Indeed, the IPO situation today is so dire that had it been the case two decades ago, many of our most famous

U.S. corporations, including Dell, Yahoo, Computer Associates, and Oracle, among others, might never have been nurtured—or perhaps even born.

Many people, including the consulting firm Grant Thornton, link this phenomenon directly to the rise of high frequency trading under a one-size-fits-all set of market rules that favors efficiency of trading above all else.

As for the Securities and Exchange Commission, I believe the SEC is still in the early stages of what I hope will be an extraordinary turnaround.

After years of deregulatory fervor which sapped morale and led to an egregious case of regulatory capture, we now have an emboldened agency, with a beefed up enforcement division, a serious chairman, and an invigorated staff.

That was evident in last week's hearing that I chaired in the Judiciary Committee on the Fraud Enforcement and Recovery Act.

The commission must still reform the way it gathers the facts it needs to study market issues and particularly high frequency trading.

Evidence-based rulemaking should not be a one-way street in which all the "evidence" is provided by those whom the SEC is charged with regulating.

We need the SEC to require tagging and disclosure of high frequency trades and to quickly implement a consolidated audit trail so that objective and independent analysts—in academia, private analytic firms, the media, and elsewhere—are given the opportunity to study and discern what effects high frequency trading strategies have on long-term investors.

They can also help determine which strategies should be considered manipulative.

The recent "layering" case brought by FINRA against a high frequency trading firm was a good start, but much more needs to be done to end the "wild west" trading environment that today is eroding market integrity.

We cannot afford regulatory capture nor can we afford consensus regulation, not in any government agency, but especially not at the SEC, which oversees such a systemic and fundamental aspect of our entire economy.

Colocation, flash orders, and naked access are just a few practices that were fairly widespread before ever being subjected to any regulatory scrutiny.

For our markets to remain credible—and it is absolutely essential that they do so—it is vital that regulators be proactive, rather than reactive, when future developments arise.

After a year of intense study by me and my staff, I sent a letter to the Securities and Exchange Commission on August 5, 2010, with my best summary of the market structure problems and potential solutions the commission faces.

I will now wait for the SEC report and findings before I add or subtract from my views, as expressed in that letter.

Though this work must be completed in my absence, I will continue to speak out on market structure issues long after I leave the Senate.

Because if we fail, if we do not act boldly, if the status quo prevails, I genuinely fear we will be passing on to my grandchildren a substantially diminished America: one where saving and investing for retirement is no longer widely practiced by a generation of Americans and where companies no longer spring forth from the well of capital flows that our markets used to provide.

Wall Street is a business like any other business in America. But it is also different in one important way: It is Wall Street that gathers up the hard-earned cash of millions of Americans and allows them to invest in capital markets that up until now have been the envy of the world.

These markets, like all markets, will ebb and flow.

But they should never be brought down by inherent structural problems, by trading inequities, or by opaque operations that shun transparency.

Wall Street holds a piece of American capital, our collective capital, and it has a real and profound responsibility to handle it fairly.

But that entails another obligation as well: to come to the table and play a constructive role with Congress and the Securities and Exchange Commission in resolving its current issues—especially the possibility of high frequency trading manipulation and systemic risk.

For too long, many on Wall Street have urged Washington to look the other way, to accept the view that all is fine. If Wall Street does not engage honestly and constructively, then these issues must be resolved without their input, and resolve them we will.

The credibility of our capital markets is too precious a resource to squander; as I say every time I have the chance, it is a fundamental pillar of our Nation. And if it is now threatened, Congress and the regulatory agencies will surely act.

We can fashion a better solution with industry input, not a biased solution, but a better solution, one that should benefit Wall Street in the long term, one that must benefit all Americans now. The American people deserve no less.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from Michigan.

COMMENDING SENATOR TED KAUFMAN

Mr. LEVIN. Mr. President, I come to the floor today simply to thank my friend, the Senator from Delaware, for his extraordinary work in the Senate and to make a comment on some of the things he has been working on.

Since coming to this body, Senator KAUFMAN has proven to be a tireless advocate for his State of Delaware and the country, and his remarks he just provided are further evidence of that.

Senator KAUFMAN joined us here and joined me on the Permanent Subcommittee on Investigations, where he and his staff dug deeply into the weeds of financial statements and e-mails in efforts that helped ferret out some of the astonishing findings of our hearings into the causes of the financial crisis. Senator KAUFMAN's dedication and thoughtful questioning during those hearings helped expose some of the root causes and crass conflicts of interest that led to the crisis that brought our economy to its knees.

I also want to make particular note of Senator KAUFMAN's work on high frequency trading, flash trading, and other trading market issues, where those with powerful computers are able to exploit weaknesses in our regulatory systems to their own financial advantage, while hurting long-term investors and hurting the real economy.

Senator KAUFMAN cares deeply about these issues, and he has voiced his concerns about them in this Chamber for over a year. Last year, he called for a ban on flash trading, a practice in which some firms pay for a "sneak peak," only a few thousandths of a second long, at trades. With their computers, those firms can take advantage of that split-second head start on market-moving trades. The Securities and Exchange Commission is working on rules to ban the practice, and I join Senator KAUFMAN in urging that this practice be stopped.

Senator KAUFMAN has studied the trading markets in great detail, communicating with regulators and industry participants. He has learned that our regulatory system for monitoring trading is outdated and that the technology and capabilities of those who seek to exploit loopholes in the rules or avoid them altogether have too often outpaced those tasked with their oversight.

Senator KAUFMAN has come to this floor many times over the past several months to warn us of the risks of our current trading market structure, and of his concerns with the inadequate regulatory process we have to police them.

On August 5, he sent a letter to Securities and Exchange Commission Chairman Schapiro outlining proposals to address some of those concerns. His thoughtful proposals make a significant contribution to the debate over how to make our financial system safer.

On May 6 of this year, we all watched helplessly as the stock market plunged nearly 1,000 points in a few minutes. While the regulators have committed to studying it and are expected to release their report soon on the root

causes of that “flash crash,” I cannot help but think that we in Congress owe it to families and businesses around this country to better understand what happened and to make sure we do what we can to stop it from happening again.

Although Senator KAUFMAN will soon be departing this body, we must continue his work so that those who seek to exploit our markets to the detriment of long-term investors and the real economy will not be able to do so without a battle from the Senate. Senator JACK REED is committed to doing just that. He held a hearing in May shortly after the flash crash in which he looked into the causes of the crash. I will join him and others and do all we can to respond to these high-tech threats to market fairness and transparency.

The world of trading stocks, bonds, commodities, and other financial instruments today occurs on two levels. There are those who invest for the long haul, investing in companies and products they expect to do well for some time. They drive our economy. But then there are those who seek to “invest” for thousandths of a second or just long enough to profit on split-second price swings. These traders argue that they provide “liquidity” to the markets, but in many cases they are actually hurting the markets by promoting volatility and undermining the integrity of those markets.

As Senator KAUFMAN said, we owe it to the millions of families who have their savings in the markets and to the businesses that rely on the markets for the capital they need to survive and grow to make sure our markets function properly. I applaud Senator KAUFMAN for his extraordinary work on these issues and other issues in the Senate. I thank him for his service. One way for us to recognize that service is to continue his quest for more fair and transparent markets.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BROWNBACK are printed in today's RECORD under “Morning Business.”)

Mr. BROWNBACK. Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHANNIS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

THE SHERERS: ADOPTION ANGELS

Mr. JOHANNIS. Madam President, Scott and Nicole Sherer, of Lincoln, NE, are extraordinary Nebraskans who opened their hearts and homes to four beautiful children in need of parents. This is a tale of love, devotion and caring.

In 2007, Nebraska officials found a young boy named Darren, developmentally disabled—a victim of neglect.

The State removed Darren from the household and began to search for a foster family.

They didn't have to search far because Nicole and Scott Sherer were happy to take him into their home.

The following year, a little girl named Mariah was found to be a shaken baby and was taken to Children's Hospital.

Mariah's brother Christian was also removed from the home and the State again looked for a healthy home.

Once again, the Sherers did not blink. Two more children needed parents; they needed a home. Two more children found their family.

And this exceptional family still had more room in their hearts and their home.

Two year later, Darren's sister Desiree was born and was delivered to the Sherers from the hospital.

They formally adopted Christian and Mariah in April 2009 and then adopted Darren and Desiree in July 2010.

During this time, they were able to provide a safe, healthy home for a fifth little boy until a permanent home could be found. The family was able to keep the biological siblings together and provide a loving home for four children.

And the new family began their lives together.

Nicole and Scott recently celebrated their seventh wedding anniversary. They have taken in four children in need and consider themselves to be blessed.

I have great admiration for foster and adoptive parents, and I was thrilled to nominate Nicole and Scott Sherer as Adoption Angels.

Their commitment to care for these four children, to give love freely, is an inspiration for all. It is my hope that their example will inspire other couples to open their hearts and homes to children awaiting adoption.

May God bless Nicole, Scott, Darren, Desiree, Christian, and Mariah, as well as all adoptive parents who give children the gift of a loving family.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. REED are printed in today's RECORD under “Morning Business.”)

Mr. REED. Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Madam President, I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHINESE CURRENCY MANIPULATION

Mr. SCHUMER. Madam President, I am pleased to join my colleague, Senator WEBB, in discussing serious concerns with Chinese economic and foreign policies and their impact on the United States, U.S. companies, U.S. workers, and U.S. citizens.

Earlier, we were supposed to speak together, but the vicissitudes of the floor broke us up. Earlier today, my esteemed and erudite colleague, Senator WEBB, gave an excellent address, which I hope my colleagues will read, about how China is simply taking advantage in the foreign policy area. They are pursuing policies that just move forward without any concern for the world community, for peace, for comity. It seems China is first, second, and third.

Unfortunately, they are doing the same thing in the economics sphere. I have been working with colleagues such as Senators STABENOW, BROWN, and GRAHAM to try and reverse this situation.

I rise to speak about what many of us consider the biggest sticking point in U.S.-Chinese relations: Chinese overt and continuous manipulation of its currency to gain a trade advantage over its trading partners.

The Economic Policy Institute estimates that 2.4 million American jobs were lost or displaced in manufacturing and other trade-related industries between 2001 and 2008 as a result of increased trade with China and the Chinese Government's manipulation of currency. New York has suffered some of the biggest losses with over 140,000 jobs lost or workers displaced over the past 10 years.

Accession to the WTO was supposed to bring China's policies in line with global trade rules meant to ensure free but fair trade. Instead, China has flouted those rules to spur its own economy

and export-oriented growth at the expense of its trading partners, including the United States. Clearly, our relationship in the economics sphere, as well as the foreign policy sphere and diplomatic sphere, with China needs fundamental change.

I say that loudly and clearly to the Chinese because they seem to think we are patsies. Past policies might give some corroboration to that view. Let me explain.

Six years ago, Senator GRAHAM and I came up with the idea of doing something about manipulation of currency. At first everyone said: Oh, no, this is not a problem. There were editorials in both the Wall Street Journal and New York Times that said it is OK for China to peg its currency. We were attacked from the far right and the far left and many others.

Now, at least we have made some progress. Everyone admits it is a problem. Now that we have consensus—quite broad consensus—that this is a problem, this is wrong, this is unfair, the fundamental question hangs out there: Who is going to fix this problem and how?

The administration continues—this administration, and I say that as someone who is a supporter, who continues to pin its hopes on yet more talking. This despite the fact that years of meetings and discussions with this administration and the previous administration have repeatedly failed to produce any lasting, meaningful results.

It has been 3 months since China announced it would allow its currency to appreciate for the first time since the middle of 2008. The RMB has risen less than 2 percent against the dollar, most of that appreciation taking place in the last 2 weeks.

President Obama met with Chinese Premier Wen last week to urge quicker evaluation of his country's currency. He got nothing, nothing—a big goose egg—for his efforts. It is not his fault; it is the fault of the Chinese. But when are we going to change things?

According to news reports, Premier Wen gave a standard response about gradual reform. The upcoming G20 summit in Seoul looks similarly devoid of possible progress on this issue. News reports suggest that none of the other countries are willing to push China on this issue.

Each time I have pushed the administration to take a tougher stance against China's manipulation of currency; each time they have vowed to do so. It is plain and simple: It is not working. China is merely pretending to take significant steps on its currency. This sucker's game is never going to stop unless we finally call their bluff.

China's mercantilist policies continue to undermine the health of many U.S. industries that inject billions of dollars into the U.S. economy and em-

ploy hundreds of thousands, millions of American workers. We have to do something about it—something real.

Last week, the House Ways and Means Committee voted out a bill that clarifies countervailing duties can be imposed to offset the effect of undervalued currency. I applaud Chairman LEVIN for taking a concrete step toward addressing the persistent imbalance created by China's undervalued currency. Effective enforcement of our trade laws is one tool the administration can and should use to counter China's mercantilist currency policies.

But the administration could use more than one ace up its sleeve. And that is what my bill, introduced with Senators STABENOW, GRAHAM, BROWN, BROWNBACK, WEBB, SNOWE, and others—bipartisan, across the political spectrum—would provide.

The bill gives the administration additional tools to use if countries fail to adopt appropriate policies to eliminate currency misalignment and includes tools, including the use of the countervailing duty law, to address the impact of currency misalignment on U.S. industries.

I call on the administration to support our legislation to address China's mercantilist exchange rate policies. We must stand up for American manufacturers, American workers, and American jobs. We have to prevent the flow of billions of dollars out of our country—wealth we will never recover—every quarter as long as the Chinese continue this policy.

Critics of our bill say it would start a trade war with China, but that is not right because American companies are already fighting a war for survival in China—battling market access limitations, intellectual property theft, indigenous innovation policies, and unfair competition from heavily subsidized domestic State-owned enterprises. When are we going to learn?

Critics of our bill say it will not solve the trade deficit with China. We have never claimed it will totally solve the deficit, that is for sure. The bill is about fair trade. The bill is about a ceramics manufacturer in upstate New York that has developed a great new product that can clean the air as it goes through our new generator turbines. But China is stealing the product and is now going to sell it back to the United States at a 30-percent advantage. You can't even measure the loss we face because of China's unfair policies on currency.

Yes, critics of our bill have said it will not solve the trade deficit, but as I said, this has never been the claim. It will reduce the trade deficit, without doubt. It will keep wealth in the United States, it will keep American jobs, and it will restore some equilibrium to the American economy and the world economy.

Other critics have said China could retaliate by selling some of the tril-

lions of dollars of Treasuries they currently hold, but we know this will not happen. China is not going to cut off its nose to spite its face. Its major wealth asset they are going to devalue? Hello, as my kids might have said when they were younger.

We must take a decisive step against China's currency manipulation and other economically injurious behavior. We have no choice but to defend and protect U.S. jobs and the U.S. economy unless and until China starts behaving like the international, law-abiding, global, emerging power it seems to be recognized as. Once and for all I say to those in the ivory towers who love to look down upon us but who don't look at the facts, the issue is not U.S. protectionism; the issue is China's flouting the rules of free trade in almost every sphere and never budging unless they are pushed to.

This is one reason why when the Senate reconvenes later this year, my colleagues and I intend to move forward with the legislation to provide specific consequences for countries that fail to adopt appropriate policies to eliminate currency misalignment and give the administration the additional tools it needs to address the impact of currency misalignment on U.S. industries.

I say to those at the other end of Pennsylvania Avenue, as well as in Beijing, this issue cannot wait for another year. It cannot wait for another new Congress. I am confident this bill will pass the Senate with overwhelming support.

Let me conclude by noting that over the past 6 years, my colleagues and I have been sending a message to the Chinese Government about their exchange rate policies and other WTO-inconsistent behavior, but apparently they refuse to listen. Ultimately, if you refuse to play by the same rules as everyone else, we will hold you accountable. Chinese currency manipulation would be unacceptable even in good economic times, but at almost 10 percent unemployment, we can't stand for it. There is no bigger step we can take than to confront China's currency manipulation.

Praise God, this is not a Democratic or Republican issue. We have broad bipartisan cosponsorship of our legislation. No one is seeking to gain political advantage. We are simply seeking to restore economic fairness. Every single one of us has manufacturers that are struggling to compete at home and abroad with Chinese exports with a built-in 20- to 40-percent price advantage. This is not about bashing China; it is about defending the United States before it is too late—before the loss of jobs and wealth that flows out of this country is almost irreparable. I call on my colleagues to join in the defense.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I ask unanimous consent I be recognized as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENVIRONMENTAL OVERREGULATION

Mr. INHOFE. Madam President, I released today a minority staff report of the Senate committee on Environment and Public Works. When Republicans were in the majority I chaired the committee and now I am the ranking member, minority member. We have been concerned for quite some time now that the heavyhanded overregulation we are getting from the Environment and Public Works Committee is taking its toll on American jobs. So we released this and documented a report that examines the impact on jobs and the economy from all these EPA rules and EPA regulations.

We are covering four areas. The focus is on the boiler MACT regulations, the revised National Ambient Air Quality Standards for ozone—we are all concerned about that—I notice the new cement MACT regulations, and the endangerment findings. These are just four rules that are costing us a lot of jobs.

There are many others we could be talking about, in fact we are going to be talking about in the near future: standards for cooling water intake structures at powerplants, National Ambient Air Quality Standards for dust and particulate matter—actually, they are talking about doing one now for farm dust. I am from Oklahoma. A lot of people back here don't understand when you grow something you have to grow it in dirt. When the wind blows that is dust, but you can't regulate it. But they think they can—the new source performance standards for coal-fired powerplants and refineries, and the rules governing disposal of coal combustion waste.

What does it all mean? The American Forest and Paper Association estimates, and I am quoting them:

... about two dozen new regulations being considered by the Administration under the Clean Air Act, if all are promulgated, potentially could impose on the order of \$17 billion in new capital costs on papermakers and wood products manufacturers in the next five to eight years alone.

That is just for one industry. You have all the other industries that will be affected.

Before I begin, let me say the Clean Air Act was a success. I have always been a supporter of the results of the Clean Air Act. We now have cleaner air from cars, from factories, and powerplants. It has been very successful. In

fact, when we were a majority and I chaired that committee, we had the 3P regulations, we had the Clear Skies regulations we tried to promulgate—we have been attempting to do this for a long period of time. However, if we are going to be competing with other countries, this overregulation is going to do nothing but send our jobs to places such as China and India and Mexico.

Of the four areas I mentioned, the first is the boiler MACT. The MACT means maximum achievable control technologies. Forget about that, just call that regulation.

The first one, the regulations, would be the boiler MACT. It would impose stringent emission limits on monitoring requirements for 11 subcategories of boilers and process heaters.

The proposed rule covers industrial boilers used in manufacturing, processing, mining, refining, as well as commercial boilers used in malls, laundries, apartments, restaurants and hotels.

The Industrial Energy Consumers of America, which represents companies with 750,000 employees, said they are "enormously concerned that the high cost" of the boiler regulations will leave companies no recourse but to shut down the entire facility, not just the boilers.

This is what the econometrics firm IHS-Global Insight found in its analysis of the EPA's proposal, just the one proposal. They concluded that the proposal could put up to 798,000 jobs at risk. Moreover, they said every \$1 billion spent on upgrade and compliance costs will put some 16,000 jobs at risk and reduce the U.S. GDP by as much as \$1.2 billion.

The EPA's pending boiler regulations also threaten my home State of Oklahoma. We have one group, a company called Covanta Energy, which in 2008 reopened the Walter B. Hall Resource Recovery Facility, a waste-to-energy plant.

This happened, actually, when I was mayor of Tulsa many years ago. We had two great needs: one to dispose of waste and the other to create energy. So we did one of the first waste-to-energy plants in America. It was done back in the early 1980s when I was mayor of Tulsa. This is something that has been working out and working successfully. But they are saying it could threaten the viability of this operation, and it is not just in my State of Oklahoma but all over the country.

These concerns are shared by 40 of my colleagues, including 18 Democrats, who wrote Lisa Jackson—she is the Administrator of the Environmental Protection Agency—a letter. Keep in mind, half of these are Democrats.

As our Nation struggles to recover from the current recession, we are deeply concerned that the pending Clean Air Act boiler MACT regulations could impose onerous burdens on U.S. manufacturers, leading to the

loss of potentially thousands of high-paying jobs this sector provides. As the national unemployment rate hovers around 10 percent, and federal, state and municipal finances continue to be in dire straits, our country should not be jeopardizing thousands of manufacturing jobs.

That is a quote from a letter, half Democrats, half Senators, 40 of us, to Lisa Jackson of the Environmental Protection Agency.

Just in the area of boiler regulation, one of the four I am going to talk about, potentially 1 million jobs could be lost. This is the problem we are having with the overregulation in this country. We have two major problems: overregulation and the fact we are not developing any power anymore, we made it so difficult. We have not had a new coal-fired powerplant in this country for quite some time. Yet China is cranking out two of them every week. This is our competition over there.

The second area is ozone. On January 6 of this year, for the second time in less than 2 years, the EPA proposed tightening the NAAQ standards for ground level ozone. Specifically, the EPA is proposing to strengthen the 8-hour "primary" ozone standard. The EPA estimates that setting the primary standard within its proposed range will cost between \$19 and \$90 billion. That is the EPA's estimate. This proposal comes at the heels of the 2008 ozone standard, which created a serious problem. The CAA, Clean Air Act, only requires revision at least 5 years. That was just 2 years ago. Now they are talking about doing it again. So the EPA is not required to revise the status quo.

Meanwhile, States are in the midst of trying to meet the 2008 requirements while some communities are not in compliance with the 1997 standards, the time they did it before.

EPA announced it is delaying the new standards until late October. Guess what. We are there. My guess is they will be delaying it until after the election because they don't want to know what hardship they are imposing upon the American people before the election. It is not hard to see why. Whatever level EPA ultimately picks, it will dramatically increase the number of so-called nonattainment areas nationwide.

Based on the 2008 air quality data, we could see as many as 608 new nonattainment areas, with many of them highly concentrated in manufacturing regions, in States relying on coal for electricity.

What does the nonattainment mean? For local communities, such as my communities in Oklahoma, it can mean loss of industry and economic development, including plant closures; loss of Federal highway and transit funding; increased EPA regulation and control over permitting decisions; increased costs for industrial facilities to implement more stringent controls; and increased fuel and energy costs.

In my State of Oklahoma, at least 15 counties would face new restrictions right now, under the 2008, and there are two counties that would be out of attainment. All these things would happen. You can't go out and recruit industry, they close down a lot of industries there now. I have listed in these remarks that will be part of the RECORD 15 counties in my State of Oklahoma that could be facing these new restrictions.

We all support cleaner air, but here is where the Obama EPA and I disagree. It should not come at the expense of people's jobs or the economy. Apparently, I am not the only one thinking this way.

On August 6, 2010, a bipartisan letter—this is the third one I am mentioning now—was sent to the EPA Administrator on the Agency's ozone reconsideration. It was signed by Senators VOINOVICH, BAYH, LUGAR, LANDRIEU, VITTER, MCCASKILL, and BOND. That is an equal number of Democrats and Republicans. They said:

While we believe we can and should continue to improve our environment, we have become increasingly concerned that the Agency's environmental policies are being advanced to the detriment of the people they are intended to protect. That is, these policies are impacting our standard of living by drastically increasing energy costs and decreasing the ability of our states to create jobs, foster entrepreneurship, and give manufacturers the ability to compete in the global marketplace.

Again, that was just one of these four areas.

The third one would be the Portland cement regulations. This third rule is another regulation having to do with cement. According to the EPA, "a projected 181 Portland cement kilns will be operating at approximately 100 facilities in the United States by the year 2013." EPA's new emission standards under section 112 of the Clean Air Act will apply to 158 of that 181. About 7 kilns will be subject to the EPA's new source performance standards under section 111 of the Clean Air Act.

The cement industry is essential to America's economy. According to a study by the Maguire Energy Institute at SMU, the cement manufacturing industry in 2008 produced \$27.5 billion in GDP, \$931 million in indirect tax revenues for State and local governments, and sustained 15,000 high-paying jobs.

In addition to those 15,000 direct jobs, the industry has an "induced employment" effect, which helps create and sustain an additional 153,000 jobs. "Importantly," the Maguire Energy Institute noted "these are primarily high-wage jobs generating about \$7.5 billion annually in wages and benefits."

According to the Portland Cement Association, EPA's regulation puts up to 18 cement plants at risk of shutting down, threatening nearly 1,800 direct jobs and 9,000 indirect jobs, accordingly. I might add, one of these would

be in my State of Oklahoma. These jobs in cement production would go to China. That is what a professor from King's College in London said about the EPA's rule—coming from London:

So rather than importing 20 million tons of cement per year, the proposed [rule] will lead to cement imports of more than 48 million tons per year. In other words, by tightening the regulations on U.S. cement kilns, there will be a risk transfer of some 28 million tons of cement offshore, mostly to China.

Senators VOINOVICH and LINCOLN wrote a bipartisan letter to Administrator Jackson, sharing these concerns back in February, saying:

In a very real sense, if a reasonable standard is not adopted in this matter, we anticipate that substantial cement capacity may move overseas to the detriment of industrial employment. . . .

And the detriment of hundreds of thousands of people in the United States.

The fourth is my favorite. To give just a little bit of background, way back when we had the Kyoto treaty in the 1990s, there was an effort at that time to say we have catastrophic things happening, global warming and all that, as a result of primarily man-made gases. They tried through the years to pass legislation. We had the 2003 and 2005 McCain-Lieberman bills. Then we had the Markey bills and the others. I think one was a Boxer-Sanders bill. All of them were essentially doing the same thing; it was called cap and trade. It was something I characterized as the largest tax increase in the history of this country.

As a matter of fact, during the consideration of all of these bills, they estimated—and this was several—MIT, CRA, and several other institutions said that the cost to America would be somewhere between \$300 and \$400 billion a year.

The rule discussed is the endangerment finding. As I have documented on the Senate floor before, the EPA promulgated its endangerment finding on greenhouse gases in December of 2009, which I said could lead to the greatest bureaucratic intrusion into the lives of the American people. It would trigger costly, time-consuming permitting requirements for new and modified stationary sources for greenhouse gases such as powerplants, factories, and refineries.

So the problem with this is that when the Obama administration saw that Congress was not going to pass these very punitive tax increases called cap and trade, they decided they were going to try to do it through regulation. That is what this is all about. This is just one-fourth of the minority report we have out there that we introduced today.

The rule, in order to do this—and I will never forget because right before I went over to Copenhagen in December, we had a hearing in the Environment

and Public Works Committee, and we had Lisa Jackson—I have a great deal of respect for her—before the hearing.

I said: Madam Administrator, I suspect that when I leave for Copenhagen tomorrow, you are going to have an endangerment finding.

An endangerment finding is a finding that will allow them to promulgate rules to do what they failed to be able to do in legislation.

I said: And to do that, it is going to have to be based on some science. What science would that be based on?

She said: Primarily, the science that came from the United Nations.

And the IPCC—since that time, there has been Climategate—told the truth about how they have been trying to cook the science over that period of time. So this is one that is really very serious.

But the U.S. Chamber found that if they are able to go ahead and use the emissions, it would affect 260,000 office buildings, 150,000 warehouses, 92,000 health care facilities, 71,000 hotels and motels, 51,000 food service facilities, 37,000 churches and other places of worship, and 17,000 farms. That is because they would be falling under the category—the 250 tons of emissions of CO₂ per year.

The greenhouse gas regulations will mean higher energy costs for consumers, especially for minorities and the poor.

I had the Catholic Charities in my office today. We had, actually, the man, who I learned just died this last week, with the Ohio Catholic Charities down for hearings when we were talking about all the things they were trying to do through the various bills on cap and trade. His testimony was—and these individuals were in my office today—that it disproportionately hurts poor people. For example, if someone is in poverty, there are just some things that person has to have—heating the home in the winter, transportation costs, costs that are necessary. If you are a wealthy person, that might constitute maybe 5 percent of your expendable income, but it could be 100 percent of the income of someone who is poor. So it disproportionately hurts the poor people.

This is why, on February 19, recognizing that he was going to lose a lot of jobs, Senator ROCKEFELLER, joined by seven of his Democratic colleagues, wrote—again, this is the fourth letter—to Administrator Jackson on their concern with the endangerment finding.

We write with serious economic and energy security concerns relating to the potential regulation of greenhouse gases from stationary sources under the Clean Air Act. We remain concerned about the possible impacts on American workers and businesses and a number of industrial sectors, along with the farmers, miners and small business owners who could be affected as your energy agency moves toward the regulations for vehicle greenhouse gas emissions.

You know, as bad as things are right now, we are supposed to be able to knock down and the President said we are going to bring unemployment down to somewhere around 6 or 7 percent, and it is still right up there at 10 percent. These regulations haven't even gone into effect yet. So that is going to cause the unemployment figures to be much higher.

So I think it is important to recognize right now, before it is too late, that something can be done about this overregulation right now, and I really believe this is the opportunity that we have.

This report we just released today is on my Web site, inhofe.senate.gov, and we have now been able to get this around the country so that people know that as bad as the unemployment and overregulation is that is costing American jobs, it could be a lot worse if these four regulations get into full effect. I think it is our job here in the Chamber to recognize that we have a very serious unemployment problem in this country, a very serious overregulation problem in this country, and we can now do something about it.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of Colorado.) The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, what is the status of the Senate? What are we doing? Morning business?

The PRESIDING OFFICER. The Senate is under cloture on the motion to proceed.

Mr. REID. Thank you, Mr. President.

WILDLIFE CONSERVATION AND ANIMAL WELFARE

Mr. REID. Mr. President, one piece of unfinished business we have here in the Senate is to move a series of good, commonsense bills that would benefit wildlife and domestic animals.

These wildlife conservation and animal welfare bills have already passed the House of Representatives, and for a good reason. They also have bipartisan support. Most importantly, all of these measures are supported by the American people. These aren't Democratic or Republican issues; they are issues of good moral conscience.

I have worked over the years on many bills connected to animals and wildlife. Not long ago, Senator CANTWELL and I worked with a number of our Republican colleagues to pass a felony level penalty bill for dog fighting and cock fighting. This was a bipartisan rejection of animal cruelty. Today, we have the opportunity to help a great number of species. One bill ready for action, the Shark Conserva-

tion Act, will improve Federal enforcement of an existing prohibition on the killing of sharks just for their fins. Because of a loophole in the existing law, animals are still caught, their fins are severed, and the dismembered shark is sent back into the ocean to die. But they don't just die, they suffer a horrible and protracted death—all of that cruelty for a bowl of soup.

Another important bill is the Marine Mammal Rescue Assistance Act, which will strengthen programs that provide emergency aid to seals, whales, and other marine creatures that get struck by boats or tangled in fishing lines. This happens all the time.

Other bills, such as the Crane Conservation Act, the Great Cats and Rare Canids Act, and the Southern Sea Otter Recovery Act, will protect some of the most rare and remarkable creatures anywhere on Earth. Without our help, many of these creatures could disappear within a generation.

I also wish to draw attention to the efforts of Senators MERKLEY and KYL today to clear an important bill that will end the appalling practice of animal crush videos. It is hard for me to comprehend what some people do. They torture animals and take pictures of them and sometimes sell those pictures. There are people sick enough to want to watch a little animal or a big animal be crushed and killed. They call them animal crush videos. The law we passed in 1999 outlawing these videos was struck down by the Supreme Court in April of this year. Senators KYL and MERKLEY have worked to write a more narrowly tailored bill that respects the first amendment while still punishing those who seek to profit from the torture of puppies, kittens, and other helpless animals.

As I understand it, the Supreme Court said you can't stop people from buying these videos to watch. But we can stop people from doing these terrible things that people want to watch.

I hope we can work these out and pass these by unanimous consent. Why do we need debate on these issues? These are good bipartisan bills that deserve to be passed.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I have a number of unanimous consent requests that I am going to ask. But I have been told the Republicans want to look a few of these over, and I have no problem with that. I can do it later tonight or tomorrow sometime. These are important issues. I have given a brief synopsis of some of the awful things going

on around the country as they relate to animals. We should do something to take care of this. I hope we can get these cleared. These are not great legal issues, but they are moral issues. If we can't treat animals in a fair way, we can't treat ourselves in a fair way.

When we come in, in the morning, I will ask for these consents. I appreciate my friend from Mississippi for his usual manner of being so courteous in allowing me to go forward with my statement.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. WICKER. Mr. President, I ask unanimous consent to be recognized as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. WICKER are printed in today's RECORD under "Morning Business.")

Mr. WICKER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S.J. RES. 39

Mr. DURBIN. Mr. President, I ask unanimous consent that on Wednesday, September 29, at 10 a.m., the Republican leader or his designee be recognized to move to proceed to the consideration of S.J. Res. 39, a joint resolution providing for Congress's disapproval under chapter 8 of title 5 United States Code of the rule relating to the status as a grandfathered health plan under the Patient Protection and Affordable Care Act; that there be 2 hours of debate on the motion to proceed, with the time equally divided and controlled between the leaders or their designees; that upon the use or yielding back of time, the Senate proceed to vote on the adoption of the motion to proceed; that if the motion is successful, then there be 1 hour of debate with respect to the joint resolution, with the time divided as specified above; that upon the use or yielding back of time, the joint resolution be read a third time and the Senate then proceed to vote on passage of the joint resolution; provided further that if the motion to proceed to the joint resolution is defeated, that no further motion to proceed to the joint resolution be in order for the remainder of this Congress; further, that no amendments or any other motions be in order to the joint resolution, and that all other provisions of the statute governing consideration of the joint resolution remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEVADA OPERA THEATRE

Mr. REID. Mr. President, I rise today to recognize the 25th anniversary and great impact of the Nevada Opera Theatre in Las Vegas, NV. A pillar in the arts, education and entertainment in southern Nevada, we are proud of the Nevada Theatre Opera and its many achievements since inception. It is my great pleasure to honor this fine institution along with its participants, patrons and volunteers here before the U.S. Senate today.

Known as a global center of entertainment and the arts, Las Vegas, NV, enjoys an incredible atmosphere of music and theatre. Eileen Hayes desired to add the immense impact of opera to this reputation and realized her goal with the foundation of the Nevada Opera Theatre in October of 1985. She brought opera music and performance to southern Nevada. Her work has been instrumental, and since the first performance in August of 1986, audiences have been captivated by productions including: *La Boheme*, *La Traviata*, *Tosca* and *Die Fledermaus*, to name a few.

The theatre continues on today as the major nonprofit opera company in southern Nevada. Comprised of Nevada Opera Theatre artists, chorus, and children's chorus and orchestra, membership surpasses 120. Many of the included artists are nationally and internationally recognized, while others are talented regional and local performers. All artists exude an excellent caliber or professionalism in the development of their craft.

As I have previously mentioned, these citizen performers not only entertain. Opera Outreach has performed for over 115,000 Clark County School District and private students, touching a great many lives in the ongoing education of our youth. Everyone is invited to participate by either joining the theatre or becoming a patron, making the education all the more tangible. Outreach encompasses not only programs in the schools but additional programming in local malls, hospices, hospitals, and for civic and community organizations.

I join with my fellow Nevadans in honoring the Nevada Opera Theatre for its 25 years of service. Now well into its third decade, this institution has worked to bring a knowledge and ap-

preciation of music to the people of southern Nevada, and I have no doubt that it will continue to do so for years to come. I am grateful and honored to recognize the 25th anniversary of the Nevada Opera Theatre.

TRIBUTE TO JUDGE JOHN MENDOZA

Mr. REID. Mr. President, I rise before the Senate today to call attention to one of Nevada's finest advocacy programs. This year marks the 30th Anniversary of the Court Appointed Special Advocate Program, CASA. In Clark County, NV, the CASA program became a reality as a direct result of the efforts of Judge John F. Mendoza. Today I ask my colleagues to join with me in applauding the noble deeds performed by Judge Mendoza and the CASA Program.

Born and raised in Las Vegas, NV, John received his juris doctor degree from the University of Notre Dame in 1952. After returning to Nevada, he eventually served as Clark County district attorney, North Las Vegas city attorney, and Justice of the Peace of Las Vegas Township. His Honor was elected to district court judge of the State of Nevada, a position he held for 24 years. Judge Mendoza served as the president of the National Council of Juvenile and Family Court Judges.

During his career, Judge Mendoza recognized the desperate need for skilled and timely decisionmaking in the lives of abused, neglected and abandoned children, not only in Nevada but across the country. He used his knowledge, passion, and energy to educate and extract a level of excellence when dealing with caseworkers, parents and court proceedings in regard to appropriate needs evaluation and placement. He demanded a clear vision of roles and procedures. He held caseworkers responsible to the children they represented and answerable to the court for decisions they made.

Judge Mendoza recognized the lack of quality in the court process and did not tolerate the unfortunate delays in court hearing dates which often resulted in children literally growing up without permanent homes. As a result, Judge Mendoza championed national guidelines for improving court practices in child protective cases. He helped to establish methods for monitoring court schedules to prevent unnecessary delays and to control continuances. He urged competent representation thru the CASA and guardian ad litem programs. Through his tireless efforts, family courts began to take into account not only the children's safety but also the emotional impact of separation.

A lifetime of dedication to the rights of the children of Nevada and beyond has resulted in a national program that engages volunteers to be a voice for ne-

glected and abused children. Each CASA volunteer in turn has an opportunity to walk in the footsteps of Judge John Mendoza in making a meaningful and constructive difference. Those footsteps lead to protecting and preserving the rights and interests of children who are unsafe in their own homes; to insuring that all aspects of the family court system perform in a child's best interest and secures a safe and permanent home for that child.

I am deeply grateful for the work performed by CASA and its many volunteers. The chance to advocate on behalf of someone in need is the greatest opportunity afforded to those who serve in our legal system. I stand before the Senate today and thank the CASA program and Judge Mendoza for these 30 years of remarkable service.

TRIBUTE TO CHIEF JUSTICE JEFF AMESTOY

Mr. LEAHY. Mr. President, this summer, Marcelle and I were honored to be at the Vermont Supreme Court with former Supreme Court Justice Jeff Amestoy, his wife Susan, and their daughters. Like all Vermonters, I have respected his tenure, both as attorney general and as chief justice, as both were exemplary. While the portrait captures the image of the Jeff Amestoy his friends honor and care for, his words are what should be read by everyone who cares about our judiciary. Jeff's commitment to the law, our justice system, and our sense of what makes Vermont the State we love is in his words. They were so impressive I asked him for a copy, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF CHIEF JUSTICE JEFF AMESTOY
(RETIRED) AT PORTRAIT CEREMONY

VERMONT SUPREME COURT
(Montpelier, VT, Aug. 13, 2010)

Governor Douglas, Senator Leahy, Chief Justice Reiber, family and friends:

Thank you for the honor you do me by attending this ceremony. Thank you Justice Burgess for your generous introductory remarks. Brian Burgess served as Deputy Attorney General when I was Attorney General. I doubt that either of us could have foreseen this day but here we are together again. History may not repeat itself, but it sometimes rhymes.

Thank you Kenneth McIntosh Daly—artist, rancher, and friend who has once again made the trip from California to Vermont.

And thank you to my daughters Katherine, Christina, and Nancy for the unveiling.

This September I begin my seventh year as a Fellow at the Harvard Kennedy School nearly as long as I served on the Supreme Court of Vermont.

For those of you wondering how a Harvard Fellow spends his time, I can say I have spent the better part of the last two years living in the nineteenth century—more precisely in the Boston of the decade before the Civil War.

It was a time when a young man working as a waiter in a coffee house, or a clerk in a clothing store, could be seized by agents of the United States Government, brought before a Judge, and under the provisions of the new Fugitive Slave Law (where no process was due), be sent back into slavery.

Contrary to what I thought I knew about American history, Boston in the period leading up to the Civil War, was in the words of Charles Francis Adams, Jr., "almost avowedly a proslavery community." "It was a time" wrote Emerson, "when judges, bank presidents, railroad men, men of fashion, and lawyers universally all took the side of slavery."

Well, almost all. I am interested in understanding how a society, and particularly the legal establishment of 1850s Boston, was transformed from the beginning of the decade when Daniel Webster said "no lawyer who makes more than \$40 a year is against the Fugitive Slave Law," to the end of the decade when lawyers literally went to war against it.

My window on that time, curiously enough, opened when I saw a portrait of a lawyer of that period.

So this day, for many reasons, has prompted me to look to a future as far removed from us today as the Boston of 1850. A century from now when each of us will be someone's memory, there will be, I trust, remembrances of things past.

In some building if not this one, there will be a wall where portraits of forgotten Chief Justices still hang—or where an enterprising curator has retrieved old paintings and artifacts for an exhibit of our times.

And on some class field trip (for those will always be with us), among a group of very bored students, there may be (if the world is lucky to still have teachers as inspiring as Mrs. Amestoy), a bright, curious student who will pause in front of this painting.

She will not, of course, recognize its subject, but as she looks through the window in the portrait, she will see Mt. Mansfield. And the window of the painting will begin to open for her a window on our time.

Our young historian will immerse herself in the flood of newspapers, opinions, and books of those long ago days at the beginning of the twenty-first century. On the basis of the documentation and her own insight, she will attempt to bring to life the color and passion when the social changes were so profound that even on our own time scholars characterized the upheaval as "The Great Disruption."

If our young scholar has had a history teacher as good as Mr. Remington, she will know she cannot rely on a single perspective. (In any event, my autobiography, *The Indispensable Man*, will long be out of print). But our future historian will be struck, as many historians have been, by the disproportionate impact Vermont has had on American history. She will not lack in material looking back at our time.

One Vermont Senator whose unparalleled leadership of the Senate Judiciary Committee, and pivotal endorsement of America's first African-American President, will echo down the halls of history; another whose rejection of the narrow partisanship of his party realigned the political balance of the United States Senate. A Governor whose candidacy for the Presidency altered the nature of presidential campaigns; another whose exemplary service at the beginning of the twenty-first century reflected the virtues Vermont's eighteenth century constitution calls "absolutely necessary . . . the firm

adherence to justice, moderation, temperance, industry, and frugality."

Our historian will read of an opinion of the Vermont Supreme Court that framed a debate for a nation. And of the people of Vermont who demonstrated what the result is when that debate is conducted with respect and resolved in humanity.

If the Vermont of the twenty-second century is as blessed as ours, there will still be a justice system that "speaks for principle and listens for change." Just as the Commission on the Future of Vermont's Justice System envisioned when on the eve of the twenty-first century a new Chief Justice wrote: "if the future is realized in the way every member of the Commission devoutly wishes it to be, a century hence our successors will hear these fundamental principles resonate as clearly as we hear them resonate today."

I am optimistic about that future. How could I not be with these daughters?

This portrait (assuming, of course, it is actually hung) may gather dust well into the next century. As school field trips will endure, I am confident that so too will the duty of new law clerks to conduct students on tours.

To the question: "Who is that in the painting?" I trust that current and future clerks will always know the answer is: "A Vermonter."

ROBERT C. BYRD MINE AND WORKPLACE SAFETY ACT

Mr. HARKIN. Mr. President, I rise to express my strong support for the Robert C. Byrd Mine and Workplace Safety Act. This bill establishes vital new workplace safety measures and it deserves consideration here on the Senate floor.

In 2009, there were 4,340 workplace fatalities. In my home State of Iowa, 78 people were killed on the job. This year, we have already witnessed the horrific mine catastrophe that killed 29 people in West Virginia, the fire at the Tesoro oil refinery in Washington State that killed 7 workers, and the BP Deepwater Horizon platform explosion that killed 11 people and was an environmental catastrophe for the Gulf of Mexico.

As the son of a coal miner, I feel these losses very deeply, on a very personal level. My heart goes out to the family and coworkers of every worker who is killed or injured on the job. Too many of these tragedies are preventable, and we should not rest until the day that no hardworking American has to sacrifice his or her life for a paycheck.

History teaches us that stronger laws protecting worker safety make a big difference, but our current laws are not doing the job. That is why I strongly support the Robert C. Byrd Mine and Workplace Safety Act, which would make long overdue improvements to our workplace safety laws and save the lives of many thousands of hardworking Americans.

For months, we have been negotiating with Republicans trying to agree to a bipartisan bill that improves

workplace safety. I think it is fair to say there have been setbacks in our discussions recently, but we want and intend to keep working with our Republican colleagues to craft a bipartisan bill—in this Congress or early in the next—that we can get to the President's desk.

This has been a long and difficult process as we try to reconcile policy differences between Democrats and Republicans on these important issues. Nevertheless, we will keep working to bridge those differences because it is critical that we find a way to agree on legislation that is consistent with certain core principles:

Every American deserves to go to work without fearing for his or her life;

Responsible businesses that put safety first shouldn't have to compete with businesses that prioritize a quick buck over the safety of their employees;

Employers who put workers' lives at risk should face serious consequences that will force them to change their ways;

Companies shouldn't be able to hide behind high priced lawyers and convoluted corporate forms to avoid being held accountable for their actions;

Critical agencies charged with protecting workers' lives should have all the tools they need to get the job done; and

Whistleblowers are the first line of defense in safe workplaces, and deserve strong protection from discrimination and retaliation.

While there may be many ways to achieve these goals, the Robert C. Byrd Mine and Workplace Safety Act clearly reflects these core principles, and its passage would be a major step forward for workplace safety. That is why I am proud to be a cosponsor of the bill, and that is why I would ask my Republican colleagues to give us an opportunity to debate this legislation on the floor.

This legislation makes common sense reforms to the Occupational Safety and Health Act, which has not been significantly updated since it was passed 40 years ago. For example, whistleblower protection under the act is toothless and unfairly tilted against workers who risk their career to protect the public welfare. This bill makes essential changes to ensure that workers are protected, including lengthening OSHA's 30-day statute of limitation for whistleblowers, providing for reinstatement while the legal process unfolds for cases with an initial finding of merit, and giving the worker the right to file their own claim in court if the government does not investigate the claim in a timely manner.

The bill also strengthens criminal and civil penalties that, at present, are too weak to protect workers. Under current law, an employer may be charged—at most—with a misdemeanor when a willful violation of OSHA leads to a worker's death. Under the Robert

C. Byrd Mine and Workplace Safety Act, felony charges are available for an employer's repeated and willful violations of OSHA that result in a worker's death or serious injury. The bill also updates OSHA civil penalties, which have been unchanged since 1990, and sets a minimum penalty of \$50,000 for a worker's death caused by a willful violation.

In addition to toughening sanctions for employers who needlessly expose their employees to risk, the bill makes sure that the government is responsive to the worker when investigating the charges. It guarantees victims the right to meet with the person investigating the claim, to be notified of and receive copies of reports or citations issued in the investigation, and to be notified of and have the right to appear at proceedings related to their case. Victims of retaliation should not suffer the double indignity of being ignored by government officials charged with protecting them.

The bill also makes critical changes in our mine safety laws. We still don't know exactly what caused the tragic death of 29 miners at Upper Big Branch, but we do know that the mine had an appalling safety record, and that the tragedy might have been prevented had the Mine Safety Health Administration, MSHA, had effective tools to target such a chronically unsafe mine.

We have provisions in our laws that are supposed to target repeat offenders—called the “pattern of violations” process—but this system is broken and badly needs to be revamped.

As bad as Upper Big Branch's record was, the law has been interpreted to allow it to continue operating without “pattern of violation” treatment as long as its operators can reduce their violations by more than one third in response to a written warning. With a record as spotty as Upper Big Branch's, a partial reduction in its numerous citations is hardly a sign of a safe mine, and it should not be a “get out of jail free” card to escape the intent of the law.

Operators are also finding creative ways to ensure that the system cannot work as Congress intended. Some chronic violators have avoided being placed on “pattern of violation” status and avoided paying legitimate penalties by contesting nearly every citation that is assessed against them. Because MSHA uses only final orders to establish a pattern of violations and there is a substantial backlog of cases the Federal Mine Safety and Health Review Commission, repeat offenders are able to evade pattern of violations status by contesting large numbers of violations. At the Upper Big Branch coal mine, for example, Massey contested 97 percent of its “significant and substantial” violations in 2007. These appeals can take up to three years to

resolve, virtually guaranteeing that mines are never placed on pattern status.

MSHA needs to be able to respond to safety concerns in real time, not 3 years later. This legislation changes the pattern of violation system so that MSHA will be able to address unsafe conditions as they occur, and gives MSHA the enforcement tools it needs to put dangerous mines back on track.

Let me respond to recent suggestions that Democrats have been playing political theatre with important safety and health legislation. We want to pass bipartisan legislation based on a shared commitment to workplace safety. I am thoroughly committed to that process, and I hope it continues. But we will not support weak or ineffective reforms in the name of bipartisanship.

Workplace accidents—whether in a mine, an oil refinery, or wherever—are preventable. All we are asking for is an opportunity to debate, amend, and vote on a bill that will make real progress in improving the safety of our most dangerous workplaces. If we are not allowed that opportunity today, I plan to keep pressing forward on this issue until we get that chance. It is far too important, and too many lives are at stake, to give up now.

ADDITIONAL STATEMENTS

HAWAII BLUE RIBBON SCHOOLS

• Mr. AKAKA. Mr. President, today I congratulate three Hawaii schools for being recognized as Blue Ribbon Schools for 2010 by the U.S. Department of Education. These schools, Ewa Beach Elementary School, Momilani Elementary School, and Royal School, serve as models of success and accomplishment.

The Blue Ribbon Schools Program honors public and private elementary, middle, and high schools whose students achieve at very high levels or have made significant progress and helped close gaps in achievement, especially among disadvantaged and minority students.

The program is part of a larger Department of Education effort to identify and disseminate knowledge about best school leadership and teaching practices.

I wish to extend my aloha to the principals: Sherry Lee Kobayashi of Ewa Beach, Doreen Higa of Momilani, and Ann Sugibayashi of Royal. As a former principal, I know firsthand the dedication that goes into leading schools and staffs, and I commend them for their hard work on behalf of their students and communities. I also commend the students, families, teachers, and staff of all three schools for their contributions towards this recognition.

I am proud of all that our keiki, the children, can accomplish when they are

given access to quality education. My sincere mahalo, thanks, again, to Ewa Beach Elementary School, Momilani Elementary School, and Royal School for their efforts to give our students the best education possible. I offer my congratulations to all 2010 Blue Ribbon Schools nationwide and my sincere wishes for success in their futures.●

BROOMFIELD COMPOSITE SQUADRON

• Mr. BENNET. Mr. President, I congratulate the Broomfield Composite Squadron for being named the 2010 Civil Air Patrol Squadron of Distinction. This honor speaks to the dedication and hard work of each cadet and senior member, as well as the squadron's leadership in providing outstanding programs and recruitment.

The Broomfield Composite Squadron was selected as the squadron with the best performance from all 50 States, the District of Columbia, and Puerto Rico for its excellence in cadet programs, rapid increase in membership, and high percentage of cadet progression through the program.

Communities across Colorado and the country have come to depend on the Civil Air Patrol in times of emergency for search and rescue expertise, but CAP's development and education of young leaders is equally important. The Broomfield Composite Squadron's success in this area, and its recognition as the best in the country, means that Colorado is especially lucky to have so many young people willing to serve their community, learn about aerospace technology, and prepare for their futures.

All of Colorado is proud and grateful for the Broomfield Composite Squadron's commitment to serving as a model for CAP squadrons across the country.●

TRIBUTE TO TERRY ALLEN PERL

• Mr. CARDIN. Mr. President, I would like my colleagues to join me today in honoring the work of Terry Allen Perl, who has served the Chimes Family of Services for 40 years.

The Chimes Family of Services is an international agency delivering a wide variety of support to more than 17,000 people. Chimes offers an extensive range of services from educational services to residential support and psychiatric services. It serves people of all ages and varying levels of ability, providing assistance to people with developmental disabilities, mental illness, and other specialized needs. It offers an important support network to people with disabilities and their families as they work to achieve their goals, aspirations, and dreams.

Terry Allen Perl started his career with Chimes, Inc. in January of 1971. He was the first director of a community-based residential facility in the

State of Maryland for people with intellectual disabilities. His vision and leadership over the intervening years have led to the extraordinary success of the organization as he has helped to expand its educational, habilitation, employment, vocational, residential, and support services.

Under Mr. Perl's leadership, Chimes has moved from being a provider of services to one of the largest contractors employing people with disabilities. Chimes provides janitorial and facility services for the U.S. Government and for the State of Maryland.

Under Mr. Perl's guidance, Chimes has expanded from serving 200 people in the Baltimore area to more than 17,000 people from North Carolina, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, the District of Columbia, and the State of Israel.

Mr. Pearl has received numerous awards and honors in recognition of his innovative and pioneering programs. He has been a leader and member of numerous professional organizations including: ANCOR, American Network of Community Options and Resources, CARF, Commission on Accreditation of Rehabilitation Facilities, AAMR, American Association on Mental Retardation, Maryland Works, Baltimore City Mayor's Commission on Disabilities, Developmental Disabilities Council, Baltimore County Workforce Investment Council, and the Baltimore County Commission on Disabilities. He is a frequent lecturer, consultant, and advisor to numerous provider agencies, advocacy groups, associations, and government entities. During his tenure as president and chief executive officer, Chimes has become nationally and internationally recognized as a provider of services and jobs for those with disabilities.

I hope my colleagues will join me in thanking Terry Allen Perl for his 40 years of dedicated service to the Chimes Family of Services organization and for his outstanding contributions to improving the lives of people with disabilities and their families and communities in Maryland, throughout our Nation, and in Israel.●

BALTIMORE JOB OPPORTUNITIES TASK FORCE

● Mr. CARDIN. Mr. President, I encourage my colleagues to join me in paying special tribute to the Job Opportunities Task Force, JOTF, an independent advocacy and monitoring organization in Baltimore, MD, that is celebrating 10 years of service.

JOTF was begun in 1996 by a handful of people who were concerned about job opportunities for low-skilled job seekers in the Baltimore area. They called themselves the Job Opportunities Task Force, and they hoped they could help unemployed and underemployed men and women. They had a short-term

goal, which was to come up with ideas and recommendations that would break down barriers to better employment and to bring private and public partners together to implement these changes.

In 1997, the Abell Foundation gave JOTF a grant to prepare a report on the job gap that would present detailed information about what types of jobs were available in the Baltimore region, where they were located, what they paid, what levels of education and skills were required, and where the potential workers were. The report, entitled "Baltimore Area Jobs and Low Skill Job Seekers," was published in 1999 and revealed many gaps between the workforce and the jobs that were available—far too many impediments to be solved with a few meetings.

Since its incorporation in 2000, JOTF has become a leading voice on workforce issues in Maryland, supporting a range of State policy initiatives and budget decisions, including increased investment in adult education and job training in communities and in prisons. JOTF has lobbied to expand the earned income tax credit, reduce barriers to (re)employment for ex-offenders, and reform unemployment insurance.

JOTF designs programs that create viable career paths for low-wage workers, helping them reach higher wage jobs in industries that need more skilled workers. A good example of JOTF's success is JumpStart, a pre-apprenticeship program created and managed by JOTF that trains 100 low-wage Baltimore residents each year to become licensed electricians, plumbers, or carpenters. JOTF also convenes public meetings on local and national topics related to employment and the workforce. These meetings attract employers, policymakers, interested citizens, and direct service providers. JOTF's research informs policymakers and the public and encourages the development of programs based on best practices. It explores the impact of specific policies and provides recommendations on how policies can better serve workers, families, employers, and the State's economy.

JOTF is making a significant difference in Maryland. I urge my colleagues to join me today in congratulating JOTF's founding chair, Joanne Nathans, whose gentle nature and steely convictions have improved the lives of countless Baltimoreans and their families. Please join me in sending best wishes to JOTF on the occasion of its 10th anniversary and in thanking JOTF for improving the lives of Maryland job seekers, workers, and their families.●

DAKOTA WESLEYAN UNIVERSITY

● Mr. JOHNSON. Mr. President, today I wish to celebrate the 125th anniversary

of the founding of Dakota Wesleyan University, DWU, in Mitchell, SD. DWU has provided a well-rounded education that emphasizes learning, leadership, faith, and service to its students since its founding 125 years ago. Graduates of the university have gone on to become great community and professional leaders. Today, under the leadership of President Robert Duffett, DWU strives to connect its proud heritage with its promising future.

In 1883, a group of Methodist settlers received a charter to found the Dakota Wesleyan University. DWU serves as the university for the Dakotas Conference of the United Methodist Church. Soon after the university opened, Dakota Wesleyan students demonstrated their success through their excellent oratorical skills. They participated in the Intercollegiate Oratorical Contest and won 5 of its first 11 competitions. This is just one of many examples of DWU students' ability to excel.

With a student body just larger than 750 people, the university offers a very personalized experience. The university is composed of three colleges: the College of Arts and Humanities, the College of Healthcare, Fitness and Sciences, and the College of Leadership and Public Service. These colleges allow for students to pursue an education in both liberal arts and professional programs.

In addition to academic programs, students also participate in service work to aid people in South Dakota and around the world. Recent mission trip locations have included Tanzania and Mexico, where students served those living in extreme poverty. Through the Leadership and Public Service Program, students have the opportunity to study contemporary issues and perform public service through internship placements. Such broad educational opportunities provided by DWU help students explore citizenry locally and internationally.

On Saturday, October 2, 2010, DWU will celebrate its Blue and White Bash at the Corn Palace in Mitchell, SD. Dakota Wesleyan University has provided our State quality education and a positive social environment. DWU students are well equipped to succeed in a competitive world, delivering countless benefits to organizations and communities close to home and around the globe. With alumni as accomplished as former U.S. Senator George McGovern and his wife Eleanor McGovern, DWU continues to live up to its mission of being "a leading university that educates students to identify and develop their individual talents for successful lives in service to God and the common good."●

REMEMBERING TED WILLIAMS

● Mr. KERRY. Mr. President, baseball celebrates "walk off" home runs, the

four baggers that bring a game to an end. But 50 years ago today, the greatest hitter who ever lived, No. 9, Ted Williams, hit the ultimate “walk off” homer. After 21 seasons with our Red Sox, “The Kid” homered deep into right field in his very last at bat. At 42, despite the toll of nagging injuries, some of which dated back to his combat tours, Ted lofted the ball into the right field bleachers, not all that far from the spot where he hit the longest homerun in the history of Fenway Park at 502 feet. To this day the record stands and the seat in those bleachers is memorialized in red. This home run might not have been the longest but it was a fitting farewell to the game he loved so much—and excelled at like no other. He was bigger than life.

We revered Ted Williams for many reasons—for what he did on the field, and off of it as well. It was not just his lifelong commitment to the Jimmy Fund, but the selfless way he twice walked away from baseball and served his country in uniform in World War II and in Korea where he was wingman to another icon, John Glenn. He was a two time American League Most Valuable Player, boasted a career batting average of .344, an on base percentage of .551, lead the league in batting six times, and hammered 521 home runs. Ted Williams was guts and grit personified—and all of Red Sox Nation was grateful for the special way he welcomed us into his hearts in his final years, at last tipping his cap to the fans of Boston, and letting us say goodbye to him one last time at the 1999 All Star Game in Boston when—on the Fenway mound—he was surrounded by the great players of the 20th century who were in awe of our own ‘Splendid Splinter.’ It was one final moment of magic in a career—and life—seemingly ripped from a story-book.

But it was that last home run that John Updike remembers in the extraordinary “Hub Fans Bid Kid Adieu,” an essay that captures the greatness of Ted Williams far better than any of us could—and still today, 50 years later, speaks to the Red Sox faithful, and baseball fans across the country. I ask to have this essay printed in the RECORD, and I thank the Senate for taking time today to remember an American icon—Boston’s own Ted Williams.

HUB FANS BID KID ADIEU
(By John Updike)

Fenway Park, in Boston, is a lyric little bandbox of a ballpark. Everything is painted green and seems in curiously sharp focus, like the inside of an old-fashioned peeping-type Easter egg. It was built in 1912 and rebuilt in 1934, and offers, as do most Boston artifacts, a compromise between Man’s Euclidean determinations and Nature’s beguiling irregularities. Its right field is one of the deepest in the American League, while its left field is the shortest; the high left-field wall, three hundred and fifteen feet from home plate along the foul line, virtually

thrusts its surface at right-handed hitters. On the afternoon of Wednesday, September 28th, as I took a seat behind third base, a uniformed groundkeeper was treading the top of this wall, picking batting-practice home runs out of the screen, like a mushroom gatherer seen in Wordsworthian perspective on the verge of a cliff. The day was overcast, chill, and uninspirational. The Boston team was the worst in twenty-seven seasons. A jangling medley of incompetent youth and aging competence, the Red Sox were finishing in seventh place only because the Kansas City Athletics had locked them out of the cellar. They were scheduled to play the Baltimore Orioles, a much nimbler blend of May and December, who had been dumped from pennant contention a week before by the insatiable Yankees. I, and 10,453 others, had shown up primarily because this was the Red Sox’s last home game of the season, and therefore the last time in all eternity that their regular left fielder, known to the headlines as TED, KID, SPLINTER, THUMPER, TW, and, most cloyingly, MISTER WONDERFUL, would play in Boston. “WHAT WILL WE DO WITHOUT TED? HUB FANS ASK” ran the headline on a newspaper being read by a bulb-nosed cigar smoker a few rows away. Williams’ retirement had been announced, doubted (he had been threatening retirement for years), confirmed by Tom Yawkey, the Red Sox owner, and at last widely accepted as the sad but probable truth. He was forty-two and had redeemed his abysmal season of 1959 with a—considering his advanced age—fine one. He had been giving away his gloves and bats and had grudgingly consented to a sentimental ceremony today. This was not necessarily his last game; the Red Sox were scheduled to travel to New York and wind up the season with three games there.

I arrived early. The Orioles were hitting funbos on the field. The day before, they had spitefully smothered the Red Sox, 17-4, and neither their faces nor their drab gray visiting-team uniforms seemed very gracious. I wondered who had invited them to the party. Between our heads and the lowering clouds a frenzied organ was thundering through, with an appositeness perhaps accidental, “You maaaade me love you, I didn’t wanna do it, I didn’t wanna do it . . .”

The affair between Boston and Ted Williams has been no mere summer romance; it has been a marriage, composed of spats, mutual disappointments, and, toward the end, a mellowing hoard of shared memories. It falls into three stages, which may be termed Youth, Maturity, and Age; or Thesis, Antithesis, and Synthesis; or Jason, Achilles, and Nestor.

First, there was the by now legendary epoch when the young bridegroom came out of the West, announced “All I want out of life is that when I walk down the street folks will say ‘There goes the greatest hitter who ever lived.’” The dowagers of local journalism attempted to give elementary deportment lessons to this child who spake as a god, and to their horror were themselves rebuked. Thus began the long exchange of backbiting, hat-flipping, booing, and spitting that has distinguished Williams’ public relations. The spitting incidents of 1957 and 1958 and the similar dockside courtesies that Williams has now and then extended to the grandstand should be judged against this background: the left-field stands at Fenway for twenty years have held a large number of customers who have bought their way in primarily for the privilege of showering abuse on Williams. Greatness necessarily attracts

debunkers, but in Williams’ case the hostility has been systematic and unappeasable. His basic offense against the fans has been to wish that they weren’t there. Seeking a perfectionist’s vacuum, he has quixotically desired to sever the game from the ground of paid spectatorship and publicity that supports it. Hence his refusal to tip his cap to the crowd or turn the other cheek to newsmen. It has been a costly theory—it has probably cost him, among other evidences of good will, two Most Valuable Player awards, which are voted by reporters—but he has held to it from his rookie year on. While his critics, oral and literary, remained beyond the reach of his discipline, the opposing pitchers were accessible, and he spanked them to the tune of .406 in 1941. He slumped to .356 in 1942 and went off to war.

In 1946, Williams returned from three years as a Marine pilot to the second of his baseball avatars, that of Achilles, the hero of incomparable prowess and beauty who nevertheless was to be found sulking in his tent while the Trojans (mostly Yankees) fought through to the ships. Yawkey, a timber and mining maharajah, had surrounded his central jewel with many gems of slightly lesser water, such as Bobby Doerr, Dom DiMaggio, Rudy York, Birdie Tebbets, and Johnny Pesky. Throughout the late forties, the Red Sox were the best paper team in baseball, yet they had little three-dimensional to show for it, and if this was a tragedy, Williams was Hamlet. A succinct review of the indictment—and a fair sample of appreciative sports-page prose—appeared the very day of Williams’ valedictory, in a column by Huck Finnegan in the Boston American (no sentimentalist, Huck):

Williams’ career, in contrast [to Babe Ruth’s] has been a series of failures except for his averages. He flopped in the only World Series he ever played in (1946) when he batted only .200. He flopped in the playoff game with Cleveland in 1948. He flopped in the final game of the 1949 season with the pennant hanging on the outcome (Yanks 5, Sox 3). He flopped in 1950 when he returned to the lineup after a two-month absence and ruined the morale of a club that seemed pennant-bound under Steve O’Neill. It has always been Williams’ records first, the team second, and the Sox non-winning record is proof enough of that.

There are answers to all this, of course. The fatal weakness of the great Sox slugging teams was not-quite-good-enough pitching rather than Williams’ failure to hit a home run every time he came to bat. Again, Williams’ depressing effect on his teammates has never been proved. Despite ample coaching to the contrary, most insisted that they liked him. He has been generous with advice to any player who asked for it. In an increasingly combative baseball atmosphere, he continued to duck beanballs docilely. With umpires he was gracious to a fault. This courtesy itself annoyed his critics, whom there was no pleasing. And against the ten crucial games (the seven World Series games with the St. Louis Cardinals, the 1948 playoff with the Cleveland Indians, and the two-game series with the Yankees at the end of the 1949 season, winning either one of which would have given the Red Sox the pennant) that make up the Achilles’ heel of Williams’ record, a mass of statistics can be set showing that day in and day out he was no slouch in the clutch. The correspondence columns of the Boston papers now and then suffer a sharp flurry of arithmetic on this score; indeed, for Williams to have distributed all his hits so they did nobody else any good would

constitute a feat of placement unparalleled in the annals of selfishness.

Whatever residue of truth remains of the Finnegan charge those of us who love Williams must transmute as best we can, in our own personal crucibles. My personal memories of Williams begin when I was a boy in Pennsylvania, with two last-place teams in Philadelphia to keep me company. For me, "W'ms, lf" was a figment of the box scores who always seemed to be going 3-for-5. He radiated, from afar, the hard blue glow of high purpose. I remember listening over the radio to the All-Star Game of 1946, in which Williams hit two singles and two home runs, the second one off a Rip Sewell "blooper" pitch; it was like hitting a balloon out of the park. I remember watching one of his home runs from the bleachers of Shibe Park; it went over the first baseman's head and rose meticulously along a straight line and was still rising when it cleared the fence. The trajectory seemed qualitatively different from anything anyone else might hit. For me, Williams is the classic ballplayer of the game on a hot August weekday, before a small crowd, when the only thing at stake is the tissue-thin difference between a thing done well and a thing done ill. Baseball is a game of the long season, of relentless and gradual averaging-out. Irrelevance—since the reference point of most individual games is remote and statistical—always threatens its interest, which can be maintained not by the occasional heroics that sportswriters feed upon but by players who always care; who care, that is to say, about themselves and their art. Insofar as the clutch hitter is not a sportswriter's myth, he is a vulgarity, like a writer who writes only for money. It may be that, compared to managers' dreams such as Joe DiMaggio and the always helpful Stan Musial, Williams is an icy star. But of all team sports, baseball, with its graceful intermittences of action, its immense and tranquil field sparsely settled with poised men in white, its dispassionate mathematics, seems to me best suited to accommodate, and be ornamented by, a loner. It is an essentially lonely game. No other player visible to my generation has concentrated within himself so much of the sport's poignance, has so assiduously refined his natural skills, has so constantly brought to the plate that intensity of competence that crowds the throat with joy.

By the time I went to college, near Boston, the lesser stars Yawkey had assembled around Williams had faded, and his craftsmanship, his rigorous pride, had become itself a kind of heroism. This brittle and temperamental player developed an unexpected quality of persistence. He was always coming back—back from Korea, back from a broken collarbone, a shattered elbow, a bruised heel, back from drastic bouts of flu and ptomaine poisoning. Hardly a season went by without some enfeebling mishap, yet he always came back, and always looked like himself. The delicate mechanism of timing and power seemed locked, shockproof, in some case outside his body. In addition to injuries, there were a heavily publicized divorce, and the usual storms with the press, and the Williams Shift—the maneuver, custom-built by Lou Boudreau, of the Cleveland Indians, whereby three infielders were concentrated on the right side of the infield, where a left-handed pull hitter like Williams generally hits the ball. Williams could easily have learned to punch singles through the vacancy on his left and fattened his average hugely. This was what Ty Cobb, the Einstein of average, told him to do. But the game had

changed since Cobb; Williams believed that his value to the club and to the game was as a slugger, so he went on pulling the ball, trying to blast it through three men, and paid the price of perhaps fifteen points of lifetime average. Like Ruth before him, he bought the occasional home run at the cost of many directed singles—a calculated sacrifice certainly not, in the case of a hitter as average-minded as Williams, entirely selfish.

After a prime so harassed and hobbled, Williams was granted by the relenting fates a golden twilight. He became at the end of his career perhaps the best old hitter of the century. The dividing line came between the 1956 and the 1957 seasons. In September of the first year, he and Mickey Mantle were contending for the batting championship. Both were hitting around .350, and there was no one else near them. The season ended with a three-game series between the Yankees and the Sox, and, living in New York then, I went up to the Stadium. Williams was slightly shy of the four hundred at-bats needed to qualify; the fear was expressed that the Yankee pitchers would walk him to protect Mantle. Instead, they pitched to him—a wise decision. He looked terrible at the plate, tired and discouraged and unconvincing. He never looked very good to me in the Stadium. (Last week, in *Life*, Williams, a sportswriter himself now, wrote gloomily of the Stadium, "There's the bigness of it. There are those high stands and all those people smoking—and, of course, the shadows. . . . It takes at least one series to get accustomed to the Stadium and even then you're not sure.") The final outcome in 1956 was Mantle .353, Williams .345.

The next year, I moved from New York to New England, and it made all the difference. For in September of 1957, in the same situation, the story was reversed. Mantle finally hit .365; it was the best season of his career. But Williams, though sick and old, had run away from him. A bout of flu had laid him low in September. He emerged from his cave in the Hotel Somerset haggard but irresistible; he hit four successive pinch-hit home runs. "I feel terrible," he confessed, "but every time I take a swing at the ball it goes out of the park." He ended the season with thirty-eight home runs and an average of .388, the highest in either league since his own .406, and, coming from a decrepit man of thirty-nine, an even more supernatural figure. With eight or so of the "leg hits" that a younger man would have beaten out, it would have been .400. And the next year, Williams, who in 1949 and 1953 had lost batting championships by decimal whiskers to George Kell and Mickey Vernon, sneaked in behind his teammate Pete Runnels and filched his sixth title, a bargain at .328.

In 1959, it seemed all over. The dinosaur thrashed around in the .200 swamp for the first half of the season, and was even benched ("rested," Manager Mike Higgins tactfully said). Old foes like the late Bill Cunningham began to offer batting tips. Cunningham thought Williams was jiggling his elbows; in truth, Williams' neck was so stiff he could hardly turn his head to look at the pitcher. When he swung, it looked like a Calder mobile with one thread cut; it reminded you that since 1953 Williams' shoulders had been wired together. A solicitous pall settled over the sports pages. In the two decades since Williams had come to Boston, his status had imperceptibly shifted from that of a naughty prodigy to that of a municipal monument. As his shadow in the record books lengthened, the Red Sox teams around him declined, and the entire American

League seemed to be losing life and color to the National. The inconsistency of the new superstars—Mantle, Colavito, and Kaline—served to make Williams appear all the more singular. And off the field, his private philanthropy—in particular, his zealous chairmanship of the Jimmy Fund, a charity for children with cancer—gave him a civic presence somewhat like that of Richard Cardinal Cushing. In religion, Williams appears to be a humanist, and a selective one at that, but he and the Cardinal, when their good works intersect and they appear in the public eye together, make a handsome and heartening pair.

Humiliated by his '59 season, Williams determined, once more, to come back. I, as a specimen Williams partisan, was both glad and fearful. All baseball fans believe in miracles; the question is, how many do you believe in? He looked like a ghost in spring training. Manager Jurgens warned us ahead of time that if Williams didn't come through he would be benched, just like anybody else. As it turned out, it was Jurgens who was benched. Williams entered the 1960 season needing eight home runs to have a lifetime total of 500; after one time at bat in Washington, he needed seven. For a stretch, he was hitting a home run every second game that he played. He passed Lou Gehrig's lifetime total, then the number 500, then Mel Ott's total, and finished with 521, thirteen behind Jimmy Foxx, who alone stands between Williams and Babe Ruth's unapproachable 714. The summer was a statistician's picnic. His two-thousandth walk came and went, his eighteen-hundredth run batted in, his sixteenth All-Star Game. At one point, he hit a home run off a pitcher, Don Lee, off whose father, Thornton Lee, he had hit a home run a generation before. The only comparable season for a forty-two-year-old man was Ty Cobb's in 1928. Cobb batted .323 and hit one homer. Williams batted .316 but hit twenty-nine homers.

In sum, though generally conceded to be the greatest hitter of his era, he did not establish himself as "the greatest hitter who ever lived." Cobb, for average, and Ruth, for power, remain supreme. Cobb, Rogers Hornsby, Joe Jackson, and Lefty O'Doul, among players since 1900, have higher lifetime averages than Williams' .344. Unlike Foxx, Gehrig, Hack Wilson, Hank Greenberg, and Ralph Kiner, Williams never came close to matching Babe Ruth's season home-run total of sixty. In the list of major-league batting records, not one is held by Williams. He is second in walks drawn, third in home runs, fifth in lifetime averages, sixth in runs batted in, eighth in runs scored and in total bases, fourteenth in doubles, and thirtieth in hits. But if we allow him merely average seasons for the four-plus seasons he lost to two wars, and add another season for the months he lost to injuries, we get a man who in all the power totals would be second, and not a very distant second, to Ruth. And if we further allow that these years would have been not merely average but prime years, if we allow for all the months when Williams was playing in sub-par condition, if we permit his early and later years in baseball to be some sort of index of what the middle years could have been, if we give him a right-field fence that is not, like Fenway's, one of the most distant in the league, and if—the least excusable "if"—we imagine him condescending to outsmart the Williams Shift, we can defensibly assemble, like a colossus induced from the sizable fragments that do remain, a statistical figure not incommensurate with his grandiose ambition. From the statistics that

are on the books, a good case can be made that in the combination of power and average Williams is first; nobody else ranks so high in both categories. Finally, there is the witness of the eyes; men whose memories go back to Shoeless Joe Jackson—another unlucky natural—rank him and Williams together as the best-looking hitters they have seen. It was for our last look that ten thousand of us had come.

Two girls, one of them with pert buckteeth and eyes as black as vest buttons, the other with white skin and flesh-colored hair, like an underdeveloped photograph of a redhead, came and sat on my right. On my other side was one of those frowning, chestless young-old men who can frequently be seen, often wearing sailor hats, attending ball games alone. He did not once open his program but instead tapped it, rolled up, on his knee as he gave the game his disconsolate attention. A young lady, with freckles and a depressed, dainty nose that by an optical illusion seemed to thrust her lips forward for a kiss, sauntered down into the box seats and with striking aplomb took a seat right behind the roof of the Oriole dugout. She wore a blue coat with a Northeastern University emblem sewed to it. The girls beside me took it into their heads that this was Williams' daughter. She looked too old to me, and why would she be sitting behind the visitors' dugout? On the other hand, from the way she sat there, staring at the sky and French-inhaling, she clearly was somebody. Other fans came and eclipsed her from view. The crowd looked less like a weekday ballpark crowd than like the folks you might find in Yellowstone National Park, or emerging from automobiles at the top of scenic Mount Mansfield. There were a lot of competitively well-dressed couples of tourist age, and not a few babes in arms. A row of five seats in front of me was abruptly filled with a woman and four children, the youngest of them two years old, if that. Someday, presumably, he could tell his grandchildren that he saw Williams play. Along with these tots and second-honeymooners, there were Harvard freshmen, giving off that peculiar nervous glow created when a quantity of insouciance is saturated with insecurity; thick-necked Army officers with brass on their shoulders and lead in their voices; peppering of priests; perfumed bouquets of Roxbury Fabian fans; shiny salesmen from Albany and Fall River; and those gray, hoarse men—taxidrivers, slaughterers, and bartenders who will continue to click through the turnstiles long after everyone else has deserted to television and tramporamas. Behind me, two young male voices blossomed, cracking a joke about God's five proofs that Thomas Aquinas exists—typical Boston College levity.

The batting cage was trundled away. The Orioles fluttered to the sidelines. Diagonally across the field, by the Red Sox dugout, a cluster of men in overcoats were festering like maggots. I could see a splinter of white uniform, and Williams' head, held at a self-deprecating and evasive tilt. Williams' conversational stance is that of a six-foot-three-inch man under a six-foot ceiling. He moved away to the patter of flash bulbs, and began playing catch with a young Negro outfielder named Willie Tasby. His arm, never very powerful, had grown lax with the years, and his throwing motion was a kind of muscular drawl. To catch the ball, he flicked his glove hand onto his left shoulder (he batted left but threw right, as every schoolboy ought to know) and let the ball plop into it comically. This catch session with Tasby was the only time all afternoon I saw him grin.

A tight little flock of human sparrows who, from the lambent and pampered pink of their faces, could only have been Boston politicians moved toward the plate. The loudspeakers mammothly coughed as someone huffed on the microphone. The ceremonies began. Curt Gowdy, the Red Sox radio and television announcer, who sounds like everybody's brother-in-law, delivered a brief sermon, taking the two words "pride" and "champion" as his text. It began, "Twenty-one years ago, a skinny kid from San Diego, California . . ." and ended, "I don't think we'll ever see another like him." Robert Tibolt, chairman of the board of the Greater Boston Chamber of Commerce, presented Williams with a big Paul Revere silver bowl. Harry Carlson, a member of the sports committee of the Boston Chamber, gave him a plaque, whose inscription he did not read in its entirety, out of deference to Williams' distaste for this sort of fuss. Mayor Collins presented the Jimmy Fund with a thousand-dollar check.

Then the occasion himself stooped to the microphone, and his voice sounded, after the others, very Californian; it seemed to be coming, excellently amplified, from a great distance, adolescently young and as smooth as a butternut. His thanks for the gifts had not died from our ears before he glided, as if helplessly, into "In spite of all the terrible things that have been said about me by the maestros of the keyboard up there . . ." He glanced up at the press rows suspended above home plate. (All the Boston reporters, incidentally, reported the phrase as "knights of the keyboard," but I heard it as "maestros" and prefer it that way.) The crowd tittered, appalled. A frightful vision flashed upon me, of the press gallery pelting Williams with erasers, of Williams clambering up the foul screen to slug journalists, of a riot, of Mayor Collins being crushed. ". . . And they were terrible things," Williams insisted, with level melancholy, into the mike. "I'd like to forget them, but I can't." He paused, swallowed his memories, and went on, "I want to say that my years in Boston have been the greatest thing in my life." The crowd, like an immense sail going limp in a change of wind, sighed with relief. Taking all the parts himself, Williams then acted out a vivacious little morality drama in which an imaginary tempter came to him at the beginning of his career and said, "Ted, you can play anywhere you like." Leaping nimbly into the role of his younger self (who in biographical actuality had yearned to be a Yankee), Williams gallantly chose Boston over all the other cities, and told us that Tom Yawkey was the greatest owner in baseball and we were the greatest fans. We applauded ourselves heartily. The umpire came out and dusted the plate. The voice of doom announced over the loudspeakers that after Williams' retirement his uniform number, 9, would be permanently retired—the first time the Red Sox had so honored a player. We cheered. The national anthem was played. We cheered. The game began.

Williams was third in the batting order, so he came up in the bottom of the first inning, and Steve Barber, a young pitcher who was not yet born when Williams began playing for the Red Sox, offered him four pitches, at all of which he disdained to swing, since none of them were within the strike zone. This demonstrated simultaneously that Williams' eyes were razor-sharp and that Barber's control wasn't. Shortly, the bases were full, with Williams on second. "Oh, I hope he gets held up at third! That would be wonderful," the girl beside me moaned, and, sure

enough, the man at bat walked and Williams was delivered into our foreground. He struck the pose of Donatello's David, the third-base bag being Goliath's head. Fiddling with his cap, swapping small talk with the Oriole third baseman (who seemed delighted to have him drop in), swinging his arms with a sort of prancing nervousness, he looked fine—flexible, hard, and not unbecomingly substantial through the middle. The long neck, the small head, the knickers whose cuffs were worn down near his ankles—all these points, often observed by caricaturists, were visible in the flesh.

One of the collegiate voices behind me said, "He looks old, doesn't he, old; big deep wrinkles in his face . . ."

"Yeah," the other voice said, "but he looks like an old hawk, doesn't he?"

With each pitch, Williams danced down the baseline, waving his arms and stirring dust, ponderous but menacing, like an attacking goose. It occurred to about a dozen humorists at once to shout "Steal home! Go, go!" Williams' speed afoot was never legendary. Lou Clinton, a young Sox outfielder, hit a fairly deep fly to center field. Williams tagged up and ran home. As he slid across the plate, the ball, thrown with unusual heft by Jackie Brandt, the Oriole center fielder, hit him on the back.

"Boy, he was really loafing, wasn't he?" one of the boys behind me said.

"It's cold," the other explained. "He doesn't play well when it's cold. He likes heat. He's a hedonist."

The run that Williams scored was the second and last of the inning. Gus Triandos, of the Orioles, quickly evened the score by plunking a home run over the handy left-field wall. Williams, who had had this wall at his back for twenty years, played the ball flawlessly. He didn't budge. He just stood there, in the center of the little patch of grass that his patient footsteps had worn brown, and, limp with lack of interest, watched the ball pass overhead. It was not a very interesting game. Mike Higgins, the Red Sox manager, with nothing to lose, had restricted his major-league players to the left-field line—along with Williams, Frank Malzone, a first-rate third baseman, played the game—and had peopled the rest of the terrain with unpredictable youngsters fresh, or not so fresh, off the farms. Other than Williams' recurrent appearances at the plate, the maladresse of the Sox infield was the sole focus of suspense; the second baseman turned every grounder into a juggling act, while the shortstop did a breathtaking impersonation of an open window. With this sort of assistance, the Orioles wheeled their way into a 4-2 lead. They had early replaced Barber with another young pitcher, Jack Fisher. Fortunately (as it turned out), Fisher is no cutie; he is willing to burn the ball through the strike zone, and inning after inning this tactic punctured Higgins' string of test balloons.

Whenever Williams appeared at the plate—pounding the dirt from his cleats, gouging a pit in the batter's box with his left foot, wringing resin out of the bat handle with his vehement grip, switching the stick at the pitcher with an electric ferocity—it was like having a familiar Leonardo appear in a shuffle of Saturday Evening Post covers. This man, you realized—and here, perhaps, was the difference, greater than the difference in gifts—really intended to hit the ball. In the third inning, he hoisted a high fly to deep center. In the fifth, we thought he had it; he smacked the ball hard and high into the heart of his power zone, but the deep right

field in Fenway and the heavy air and a casual east wind defeated him. The ball died. Al Pilarcik leaned his back against the big "380" painted on the right-field wall and caught it. On another day, in another park, it would have been gone. (After the game, Williams said, "I didn't think I could hit one any harder than that. The conditions weren't good.")

The afternoon grew so glowering that in the sixth inning the arc lights were turned on—always a wan sight in the daytime, like the burning headlights of a funeral procession. Aided by the gloom, Fisher was slicing through the Sox rookies, and Williams did not come to bat in the seventh. He was second up in the eighth. This was almost certainly his last time to come to the plate in Fenway Park, and instead of merely cheering, as we had at his three previous appearances, we stood, all of us—stood and applauded. Have you ever heard applause in a ballpark? Just applause—no calling, no whistling, just an ocean of handclaps, minute after minute, burst after burst, crowding and running together in continuous succession like the pushes of surf at the edge of the sand. It was a sombre and considered tumult. There was not a boo in it. It seemed to renew itself out of a shifting set of memories as the kid, the Marine, the veteran of feuds and failures and injuries, the friend of children, and the enduring old pro evolved down the bright tunnel of twenty-one summers toward this moment. At last, the umpire signalled for Fisher to pitch; with the other players, he had been frozen in position. Only Williams had moved during the ovation, switching his hat impatiently, ignoring everything except his cherished task. Fisher wound up, and the applause sank into a hush.

Understand that we were a crowd of rational people. We knew that a home run cannot be produced at will; the right pitch must be perfectly met and luck must ride with the ball. Three innings before, we had seen a brave effort fail. The air was soggy; the season was exhausted. Nevertheless, there will always lurk, around a corner in a pocket of our knowledge of the odds, an indefensible hope, and this was one of the times, which you now and then find in sports, when a density of expectation hangs in the air and plucks an event out of the future.

Fisher, after his unsettling wait, was wide with the first pitch. He put the second one over, and Williams swung mightily and missed. The crowd grunted, seeing that classic swing, so long and smooth and quick, exposed, naked in its failure. Fisher threw the third time, Williams swung again, and there it was. The ball climbed on a diagonal line into the vast volume of air over center field. From my angle, behind third base, the ball seemed less an object in flight than the tip of a towering, motionless construct, like the Eiffel Tower or the Tappan Zee Bridge. It was in the books while it was still in the sky. Brandt ran back to the deepest corner of the outfield grass; the ball descended beyond his reach and struck in the crotch where the bullpen met the wall, bounced chunkily, and, as far as I could see, vanished.

Like a feather caught in a vortex, Williams ran around the square of bases at the center of our beseeching screaming. He ran as he always ran out home runs—hurriedly, unsmiling, head down, as if our praise were a storm of rain to get out of. He didn't tip his cap. Though we thumped, wept, and chanted "We want Ted" for minutes after he hid in the dugout, he did not come back. Our noise for some seconds passed beyond excitement into a kind of immense open anguish, a wail-

ing, a cry to be saved. But immortality is nontransferable. The papers said that the other players, and even the umpires on the field, begged him to come out and acknowledge us in some way, but he never had and did not now. Gods do not answer letters.

Every true story has an anticlimax. The men on the field refused to disappear, as would have seemed decent, in the smoke of Williams' miracle. Fisher continued to pitch, and escaped further harm. At the end of the inning, Higgins sent Williams out to his leftfield position, then instantly replaced him with Carrol Hardy, so we had a long last look at Williams as he ran out there and then back, his uniform jogging, his eyes steadfast on the ground. It was nice, and we were grateful, but it left a funny taste.

One of the scholasticists behind me said, "Let's go. We've seen everything. I don't want to spoil it." This seemed a sound aesthetic decision. Williams' last word had been so exquisitely chosen, such a perfect fusion of expectation, intention, and execution, that already it felt a little unreal in my head, and I wanted to get out before the castle collapsed. But the game, though played by clumsy midgets under the feeble glow of the arc lights, began to tug at my attention, and I loitered in the runway until it was over. Williams' homer had, quite incidentally, made the score 4-3. In the bottom of the ninth inning, with one out, Marlin Coughtry, the second-base juggler, singled. Vic Wertz, pinchhitting, doubled off the left-field wall, Coughtry advancing to third. Pumpsie Green walked, to load the bases. Willie Tasby hit a double-play ball to the third baseman, but in making the pivot throw Billy Klaus, an ex-Red Sox infielder, reverted to form and threw the ball past the first baseman and into the Red Sox dugout. The Sox won, 5-4. On the car radio as I drove home I heard that Williams had decided not to accompany the team to New York. So he knew how to do even that, the hardest thing. Quit.●

FLIGHT NETWORK

● Mr. SESSIONS. Mr. President, I wish to take a moment to honor an exceptional program in Alabama.

For many young men and women, their experiences during World War II were a profound time in their lives. This Nation owes a debt of gratitude for the sacrifices of those Americans who left their families and lives behind to go "fight the good fight".

The Honor Flight Network was established to honor the remaining WWII veterans and provide them a trip to the WWII Memorial in Washington, DC which was built in their honor.

The Honor Flight Tennessee Valley program, which also serves northern Alabama, began in the summer of 2006 and flew 14 WWII veterans on their first flight on April 4, 2007. Their final mission was on September 11th, 2010. In this time, Honor Flight Tennessee Valley has flown over 1,300 WWII veterans to Washington, DC. This could not have been accomplished without the leadership and outstanding efforts of the president and founder of Honor Flight Tennessee Valley, Joe Fitzgerald. His organizational skills and ability to put a plan together were es-

sential to the overall success of the program. Joe put a special emphasis on honoring the veterans who died before they were able to make the trip to DC.

I am thankful that these revered veterans were able to come to our Nation's Capital to be recognized and remembered for their individual sacrifices. Among the most important of the historic sites they visited was the new World War II Memorial, which honors the 16 million veterans who served in the Armed Forces of the United States, the more than 400,000 of our finest Americans who gave the ultimate sacrifice for our Nation, and all who supported the war effort from home.

I have met many Honor Flight groups from all over Alabama at the WWII Memorial. Without exception, they are men and women of character and positive spirit who love their country and thoroughly enjoy the visit. They also have not asked for recognition but are humbled and thankful for this honor. Visiting these veterans is one of the most enjoyable things I get to do as a Senator.

On behalf of my Senate colleagues and the State of Alabama, I thank these veterans for their service to the United States of America and am proud of the work Honor Flight Tennessee Valley and the Honor Flight Network have done for our WWII Veterans.●

TRIBUTE TO ROBERT WINCHESTER

● Mr. ROCKEFELLER. Mr. President, I rise to mark the retirement of Robert Winchester after 35 years in government service. Throughout this time, Bob has been both the consummate professional and a friendly presence in the Halls here on Capitol Hill.

Mr. Winchester had a varied and distinguished career, having worked in different positions and capacities for the Department of Justice, Central Intelligence Agency and the U.S. Army. For most of that time, Bob worked in the intelligence field where efforts and successes are not always rewarded publicly. I am glad we can do so here today.

Mr. Winchester graduated in 1967 from the University of Paris, La Sorbonne, and from Kings College in 1968. From 1969 until 1971, he served in the U.S. Army as an intelligence analyst and was stationed in Vietnam. After being honorably discharged as a staff sergeant, he continued his education at Illinois State University earning a master's degree. He then returned to Europe to receive a master's of advanced European studies with honors in 1974 from the College of Europe in Bruges, Belgium.

Continuing his already impressive academic achievements, Mr. Winchester received his juris doctorate from Temple University School of Law. He served as a judge advocate general

captain in the U.S. Army Reserves for 13 years. He is a member of the bar of the Commonwealth of Pennsylvania and the District of Columbia.

Mr. Winchester worked for 7 years at the Central Intelligence Agency in operational law and legislative liaison positions, and also served as an assistant attorney general for the Department of Justice in Pennsylvania.

During the last 25 years, Bob has served as legislative counsel to the Secretary of the Army and the Army leadership, the Army G-2, the commanding generals of the U.S. Army Intelligence Center of Excellence at Fort Huachuca, and the Intelligence and Security Command.

Since 1984, Mr. Winchester served as the special assistant for legislative affairs for the U.S. Army's Office of the Chief, legislative liaison and served as the Army's principal liaison to the Congress for all Army intelligence programs and policies. It was in this role that Mr. Winchester became a fixture in matters involving Army intelligence on Capitol Hill. For over two decades, the Members and staff of the Senate Select Committee on Intelligence knew that they could turn to Mr. Winchester with a request and he would respond not just in a timely and professional manner, but also with insight and enthusiasm. He was able not only to represent the views and policies of the U.S. Army, but also to ensure that Congress had the information it requested to conduct effective congressional oversight. He made this difficult job look easy.

Mr. Winchester has earned his retirement many times over, but we still hope that he reconsiders and returns to serve his country once again.

Mr. Winchester, thank you for your service and good luck in all your future endeavors.●

TRIBUTE TO RUSTY TOUPAL

● Mr. THUNE. Mr. President, today I wish to recognize Rusty Toupal, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Rusty is a graduate of Wolsey High School in Wolsey, SD. Currently he is attending South Dakota State University where he is majoring in consumer Affairs. He has also been a member of the Army National Guard for 7 years and has completed a deployment to Iraq.

He is a hard worker who has been dedicated to getting the most out of his internship experience. I extend my sincere thanks and appreciation to Rusty for all of the fine work he has done and wish him continued success in the years to come.●

DISCHARGE PETITION PURSUANT TO 5 U.S.C. 802(c) (CONGRESSIONAL REVIEW ACT)

We, the undersigned Senators, in accordance with chapter 8 of title 5, United States Code, hereby direct that the Senate Committee on Health, Education, Labor, and Pensions be discharged of further consideration of S.J. Res. 39, a resolution providing for congressional disapproval of a rule submitted by the Centers for Medicare and Medicaid Services, Department of Health and Human Services, relating to status as a Grandfathered Health Plan under the Patient Protection and Affordable Care Act, and, further, that the resolution be immediately placed upon the Legislative Calendar under General Orders.

Michael B. Enzi, Roger F. Wicker, Thad Cochran, John Barrasso, Pat Roberts, Jeff Sessions, Jon Kyl, Richard Burr, John Cornyn, Christopher S. Bond, Richard G. Lugar, George V. Voinovich, Susan M. Collins, Johnny Isakson, Mike Johanns, George S. LeMieux, John Ensign, Lamar Alexander, Chuck Grassley, James E. Risch, Richard C. Shelby, John Thune, Orrin G. Hatch, Mitch McConnell, John McCain, Judd Gregg, Jim Bunning, Mike Crapo, Tom Coburn, Olympia J. Snowe, James M. Inhofe, David Vitter, Robert F. Bennett, Bob Corker, Lindsey Graham, Sam Brownback, Saxby Chambliss, Lisa Murkowski, Kay Bailey Hutchison, Scott Brown.

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 12:12 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 846. An act to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 1055. An act to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

H.R. 1517. An act to allow certain U.S. Customs and Border Protection employees who serve under an overseas limited appointment for at least 2 years, and whose service is rated fully successful or higher throughout that time, to be converted to a permanent appointment in the competitive service.

H.R. 6190. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUE).

At 3:18 p.m., a message from the House of Representatives, delivered by Mrs. Cole, announced that the House has agreed to the amendments of the Senate to the bill (H.R. 714) to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and for other purposes.

At 3:54 p.m., a message from the House of Representatives, delivered by Mrs. Cole, announced that the House has passed the following bill, without amendment:

S. 3847. An act to implement certain defense trade cooperation treaties, and for other purposes.

At 5:37 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6200. An act to amend part A of title XI of the Social Security Act to provide for a 1-year extension of the authorizations for the Work Incentives Planning and Assistance program and the Protection and Advocacy for Beneficiaries of Social Security program.

ENROLLED BILLS SIGNED

At 6:51 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 714. An act to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and for other purposes.

H.R. 2923. An act to enhance the ability to combat methamphetamine.

H.R. 3553. An act to exclude from consideration as income under the Native American Housing Assistance and Self-Determination Act of 1996 amounts received by a family from the Department of Veterans Affairs for service-related disabilities of a member of the family.

H.R. 3808. An act to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce.

S. 2868. An act to provide increased access to the Federal supply schedules of the General Services Administration to the American Red Cross, other qualified organizations, and State and local governments.

MEASURES DISCHARGED

Pursuant to 5 U.S.C. 802(c), the following joint resolution was discharged by petition from the Committee on Health, Education, Labor, and Pensions, and placed on the Calendar:

S.J. Res. 39. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule relating to the status as a grandfathered health plan under the Patient Protection and Affordable Care Act.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on September 28, 2010, she had presented to the President of the United States the following enrolled bills:

S. 846. An act to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 1055. An act to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

EXECUTIVE AND OTHER
COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7554. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Regulation of Off-Exchange Retail Foreign Exchange Transactions and Intermediaries" ((17 CFR Parts 1, 3, 4, 5, 10, 140, 145, 147, 160, and 166)(RIN3038-AC61)) received in the Office of the President of the Senate on September 23, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7555. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Acephate, Cacodylic acid, Dicamba, Dicloran, et al.; Tolerance Actions" (FRL No. 8842-1) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7556. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within the Department of the Navy and was assigned case number 09-03; to the Committee on Appropriations.

EC-7557. A communication from the Chairman of the Military Leadership Diversity Commission, transmitting, pursuant to law a report relative to the Commission's comprehensive evaluation and assessment of policies that provide opportunities for the promotion and advancement of minority members of the Armed Forces; to the Committee on Armed Services.

EC-7558. A joint communication from the Under Secretary of Defense (Comptroller) and the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to a multiyear procurement that is being sought for F/A-18E/F and EA-18G aircraft in fiscal year 2010 through fiscal year 2013; to the Committee on Armed Services.

EC-7559. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Acquisition Regulation: Sustainable Acquisition" (RIN1991-AB95) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Energy and Natural Resources.

EC-7560. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Outer Continental Shelf Air Regulations Consistency Update for California" (FRL No. 9192-8) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Environment and Public Works.

EC-7561. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Significant New Use Rules on Certain Chemical Substances" (FRL No. 8839-7) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC-7562. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Authorization of State Hazardous Waste Management Program Revisions" (FRL No. 9203-3) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC-7563. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans Alabama: Volatile Organic Compounds" (FRL No. 9203-9) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC-7564. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Management System; Identification and Listing of Hazardous Waste Amendment" (FRL No. 9201-2) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC-7565. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Application of Sections 7702 and 7702A to Life Insurance Contracts that Mature After Age 100" (Rev. Rul. 2010-28) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Finance.

EC-7566. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Exclusions From Gross Income of Foreign Corporations" (TD 9502) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Finance.

EC-7567. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010-0137–2010-0142); to the Committee on Foreign Relations.

EC-7568. A communication from the Executive Analyst (Political), Department of Health and Human Services, transmitting, pursuant to law, a report relative to (2) vacancies in the Department of Health and Human Services in the positions of Assistant Secretary for Public Affairs and Administrator of the Centers for Medicare and Medicaid Services, received in the Office of the President of the Senate on September 24, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-7569. A communication from the Human Resources Specialist, United States Tax Court, transmitting, pursuant to law, the United States Tax Courts' annual category rating report for the years of 2008 and 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-7570. A communication from the Management and Program Analyst, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "U.S.

Citizenship and Immigration Service Fee Schedule" (RIN1615-AB80) received in the Office of the President of the Senate on September 22, 2010; to the Committee on the Judiciary.

EC-7571. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Wyoming Advisory Committee; to the Committee on the Judiciary.

EC-7572. A communication from the Director of Regulations Policy and Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Specially Adapted Housing and Special Home Adaptation" (RIN2900-AN21) received in the Office of the President of the Senate on September 27, 2010; to the Committee on Veterans' Affairs.

EC-7573. A communication from the Director of Regulation Policy and Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Presumptions of Service Connection for Persian Gulf Service" (RIN2900-AN24) received in the Office of the President of the Senate on September 27, 2010; to the Committee on Veterans' Affairs.

EC-7574. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XY87) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7575. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XZ01) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7576. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Yellowfin Sole in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XY99) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7577. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Skate Complex Fishery; Reduction of Skate Wing Fishery Possession Limit" (RIN0648-XY46) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7578. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the

Northeastern United States; Northeast Multispecies Fishery; Modification of the Common Pool Day-at-Sea Accounting and Possession Prohibition for Witch Flounder" (RIN0648-XY20) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7579. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Inseason Action to Close the Commercial Porbeagle Shark Fishery" (RIN0648-XY56) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7580. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Scup Fishery; Adjustment to the 2010 Winter II Quota" (RIN0648-XY61) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7581. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Re-allocation of Pollock in the Bering Sea and Aleutian Islands" (RIN0648-XY84) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7582. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions No. 9, No. 10, and No. 11" (RIN0648-XY08) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7583. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska" (RIN0648-XY78) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7584. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Vessels Participating in the Rockfish Entry Level Fishery in the Central Regulatory Area of the Gulf of Alaska" (RIN0648-XY70) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7585. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; North-

ern Rockfish for Vessels Participating in the Rockfish Entry Level Fishery in the Central Regulatory Area of the Gulf of Alaska" (RIN0648-XY72) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7586. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish for Vessels Participating in the Rockfish Entry Level Fishery in the Central Regulatory Area of the Gulf of Alaska" (RIN0648-XY71) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1816. A bill to amend the Federal Water Pollution Control Act to improve and reauthorize the Chesapeake Bay Program (Rept. No. 111-333).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 679. A bill to establish a research, development, demonstration, and commercial application program to promote research of appropriate technologies for heavy duty plug-in hybrid vehicles, and for other purposes (Rept. No. 111-334).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2843. A bill to provide for a program of research, development, demonstration, and commercial application in vehicle technologies at the Department of Energy (Rept. No. 111-335).

S. 3495. A bill to promote the deployment of plug-in electric drive vehicles, and for other purposes (Rept. No. 111-336).

By Mr. KERRY, from the Committee on Foreign Relations, without amendment:

S. 3184. A bill to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes (Rept. No. 111-337).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with amendments:

H.R. 1345. A bill to amend title 5, United States Code, to eliminate the discriminatory treatment of the District of Columbia under the provisions of law commonly referred to as the "Hatch Act".

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2847. A bill to regulate the volume of audio on commercials.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Brig. Gen. Alfred J. Stewart, to be Major General.

Air Force nomination of Col. Christopher J. Bence, to be Brigadier General.

Air Force nomination of Maj. Gen. James M. Kowalski, to be Lieutenant General.

Air Force nomination of Lt. Gen. Philip M. Breedlove, to be General.

Air Force nomination of Lt. Gen. William L. Shelton, to be General.

Air Force nomination of Lt. Gen. Richard Y. Newton III, to be Lieutenant General.

Air Force nomination of Lt. Gen. Herbert J. Carlisle, to be Lieutenant General.

Air Force nomination of Maj. Gen. Stanley T. Kresge, to be Lieutenant General.

Air Force nomination of Maj. Gen. Susan J. Helms, to be Lieutenant General.

Air Force nomination of Maj. Gen. Darrell D. Jones, to be Lieutenant General.

Air Force nomination of Lt. Gen. Larry D. James, to be Lieutenant General.

Army nomination of Col. Arthur W. Hinaman, to be Brigadier General.

Army nomination of Maj. Gen. Curtis M. Scaparrotti, to be Lieutenant General.

Army nomination of Col. Phillip M. Churn, Sr., to be Brigadier General.

Army nomination of Col. Daniel J. Dire, to be Brigadier General.

Army nomination of Col. Ronald E. Dziedzicki, to be Brigadier General.

Army nomination of Maj. Gen. John D. Johnson, to be Lieutenant General.

Army nomination of Col. Joseph A. Brendler, to be Brigadier General.

Army nominations beginning with Col. Dana M. Capozzella and ending with Col. Stephen L. Danner, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Army nomination of Brig. Gen. Maria L. Britt, to be Major General.

Army nomination of Brig. Gen. William L. Freeman, Jr., to be Major General.

Army nomination of Maj. Gen. Frank J. Grass, to be Lieutenant General.

Marine Corps nomination of Gen. James F. Amos, to be General.

Marine Corps nomination of Lt. Gen. Joseph F. Dunford, Jr., to be General.

Marine Corps nomination of Lt. Gen. Thomas D. Waldhauser, to be Lieutenant General.

Marine Corps nomination of Maj. Gen. Robert B. Neller, to be Lieutenant General.

Marine Corps nomination of Maj. Gen. Richard T. Tryon, to be Lieutenant General.

Marine Corps nomination of Lt. Gen. Terry G. Robling, to be Lieutenant General.

Navy nomination of Capt. Charles D. Harr, to be Rear Admiral (lower half).

Navy nomination of Rear Adm. (Selectee) John M. Richardson, to be Vice Admiral.

Navy nomination of Rear Adm. Cecil E. Haney, to be Vice Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Robert L. Gauer and ending with Rajendra C. Yande, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Air Force nominations beginning with Arlene D. Adams and ending with Amy S. Woosley, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Air Force nominations beginning with Marianne E. Alaniz and ending with Mark L. Wimley, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Air Force nomination of Ernest J. Prochazka, to be Colonel.

Air Force nominations beginning with Daniel P. Gilligan and ending with Nghia H. Nguyen, which nominations were received by the Senate and appeared in the congressional record on September 23, 2010.

Army nomination of Robert H. Kewley, Jr., to be Lieutenant Colonel.

Army nomination of Wiley C. Thompson, to be Lieutenant Colonel.

Army nomination of Raymond C. Nelson, to be Colonel.

Army nomination of Bernard B. Banks, to be Colonel.

Army nomination of David A. Wallace, to be Colonel.

Army nominations beginning with Melissa R. Covolessky and ending with John H. Stephenson II, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2010.

Army nomination of Jonathan J. McColum, to be Colonel.

Army nomination of Daniel E. Banks, to be Lieutenant Colonel.

Army nomination of Latanya A. Pope, to be Major.

Army nomination of Ned W. Roberts, Jr., to be Major.

Army nomination of John W. Paul, to be Major.

Army nominations beginning with Eric S. Alford and ending with Michael K. Hanifan, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2010.

Army nominations beginning with George W. Meleleu and ending with Aaron L. Polston, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2010.

Army nominations beginning with Dean P. Suanico and ending with Elizabeth R. Oates, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2010.

Army nominations beginning with Brian F. Lane and ending with Kimberly D. Kumer, which nominations were received by the Senate and appeared in the congressional record on August 3, 2010.

Army nominations beginning with Dustin C. Frazier and ending with Courtney T. Tripp, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2010.

Army nominations beginning with Donald P. Bandy and ending with Keith J. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2010.

Army nominations beginning with Stanley Green and ending with Jon B. Tipton, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2010.

Army nominations beginning with Patrick L. Mallett and ending with Scott H. Sinkular, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Army nominations beginning with Lanny J. Acosta, Jr. and ending with Patrick L.

Vergona, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Army nomination of Polly R. Graham, to be Colonel.

Army nomination of Dwaine K. Warren, to be Colonel.

Army nominations beginning with James K. Barnett and ending with Edward D. Northrop, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2010.

Army nomination of Thomas E. Koertge, to be Colonel.

Army nomination of Edward B. Martin, to be Major.

Army nomination of Timothy S. Allison-Aipa, to be Major.

Army nomination of Vickie M. Jester, to be Major.

Army nominations beginning with Bernard H. Hofmann and ending with Gregory Sean F. McDougal, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Army nominations beginning with Charles L. Clark and ending with Oksana Boyechko, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Army nominations beginning with Allen L. Fein and ending with Rostylav R. Szwaikun, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Army nominations beginning with Robert Kirk and ending with Timothy M. Snaveley, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Army nominations beginning with Paula Oliver and ending with Michael A. Kelley, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Army nominations beginning with Amanda J. Conley and ending with Thomas F. Spencer, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Army nominations beginning with Jeffrey D. Allen and ending with Timothy Reynolds, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Army nominations beginning with Dixie J. Burner and ending with Elizabeth A. Williams, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Army nominations beginning with Michell L. Auck and ending with D010491, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Army nominations beginning with Laneice L. Abdelshakur and ending with Sashi A. Zickefoose, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Army nominations beginning with Joseph H. Afanador and ending with D010299, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Army nomination of David C. Decker, to be Major.

Army nomination of Elizabeth S. Mason, to be Major.

Army nominations beginning with Yvonne J. Fleischman and ending with Wendy M. Ross, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Marilyn S. Chiafullo and ending with Howard D. Reitz, Jr., which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nomination of Connie C. Dyer, to be Colonel.

Army nomination of Jonathan J. Beitler, to be Colonel.

Army nomination of David K. Powell, to be Colonel.

Army nominations beginning with John J. Ference and ending with David M. Schlaack, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Julie A. Blike and ending with Ava J. Walker, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with William B. Britt and ending with Lynn A. Wise, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with James T. Barber, Jr. and ending with Joseph C. Wood, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Sandra L. Alvey and ending with Aaron Tucker, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Jan E. Aldykiewicz and ending with Louis P. Yob, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Rebecca L. Allen and ending with Toni Y. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with George A. Berndt III and ending with Douglas W. Yoder, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Alan D. Abrams and ending with Mark D. Schulthess, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Pamela Y. Delancy and ending with Karen L. Wright, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Erick J. Alverio and ending with Cynthia E. Pierce, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Bess J. Pierce and ending with Ty J. Vannieuwenhoven, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Steven M. Groddy and ending with Heidi M. Wiegand, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Howard A. Allen III and ending with Suzanne P. Vareslum, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Tyler C. Craner and ending with Brennan V. Wallace, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Stephen J. Bethoney and ending with Kirk A. Yaukey, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Lawrence E. Widman and ending with James I. Joubert, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Pamela K. King and ending with Marilyn Torres, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Maria E. Bovill and ending with Joanna J. Reagan, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Army nominations beginning with Mark E. Beicke and ending with James D. Toombs, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Army nominations beginning with Todd O. Johnson and ending with Tami Zalewski, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Army nominations beginning with Mark R. Benne and ending with James Wood, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Army nominations beginning with Celestia M. Abnerwise and ending with Lisa A. Toven, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Army nominations beginning with Paul D. Anderson and ending with Alex P. Zotomayor, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Army nominations beginning with William P. Adelman and ending with David C. Zenger, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Navy nomination of Timothy J. Ringo, to be Lieutenant Commander.

Navy nominations beginning with William A. Brown, Jr. and ending with Paul J. Wisniewski, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2010.

Navy nominations beginning with Jaime E. Rodriguez and ending with Vincent M. Peronti, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2010.

Navy nomination of Robert C. Moore, to be Commander.

Navy nominations beginning with Steven D. Seney and ending with Nicholas A. Sinnokrak, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Navy nominations beginning with Abby L. Odonnell and ending with Stella J. Weiss, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Navy nominations beginning with Patrick P. Davis and ending with Jerry Y. Tzeng, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Navy nominations beginning with Robert E. Atkinson and ending with Giancarlo Waghelstein, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Navy nominations beginning with Anthony H. Beaster and ending with Jonathan C. Wood, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Navy nominations beginning with Charles M. Abell and ending with Catherine F. Wallace, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Navy nominations beginning with Randy J. Berti and ending with Robert H. Vohrer, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Navy nominations beginning with Katie M. Abdallah and ending with Nathan J. Winters, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Navy nominations beginning with Jeremy S. Biediger and ending with Scott E. Williams, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Navy nominations beginning with Adrian E. Arvizo and ending with Lisa L. Zumbunn, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Navy nominations beginning with Philip T. Alcorn and ending with Scott D. Ziegenhorn, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Navy nominations beginning with Armand P. Abad and ending with Matthew A. Young, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Navy nominations beginning with Benjamin P. Abbott and ending with Daniel W. Zuckschwerdt, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Navy nomination of Tina F. Edwards, to be Lieutenant Commander.

Navy nominations beginning with Joxel Garcia and ending with Larry E. Menestrina, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2010.

Navy nominations beginning with Brian D. Oneil and ending with Jose R. Pereztorres, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2010.

Navy nomination of Erik Rangel, to be Lieutenant Commander.

Navy nomination of Victor John Catullo, to be Captain.

Navy nominations beginning with William A. Mix and ending with John H. Steely, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Navy nominations beginning with Ronald K. Bach and ending with Anna A. Ross, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Navy nomination of Brian O. Walden, to be Captain.

Navy nomination of Jeffry P. Simko, to be Lieutenant Commander.

Navy nomination of Patrick A. Garvey, to be Captain.

Navy nominations beginning with Sherwin Y. Cho and ending with Jeffrey G. Sotack, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Navy nomination of Dominic V. Gonzales, to be Lieutenant Commander.

Navy nomination of Michael H. Hooper, to be Lieutenant Commander.

Navy nomination of Virgilio S. Crescini, to be Lieutenant Commander.

Navy nominations beginning with Aldrin J. A. Cordova and ending with Jerald L. Rooks, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Navy nominations beginning with John W. Baise and ending with Ning L. Yuan, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Navy nominations beginning with Raynard Allen and ending with Robert B. Wills, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Navy nominations beginning with Jose G. Acosta, Jr. and ending with Scott A. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Navy nominations beginning with Koniki L. Aiken and ending with James S. Zmijski, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Navy nominations beginning with Dominic J. Antenucci and ending with Delicia G. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Navy nominations beginning with Brent N. Adams and ending with Emily L. Zywickie, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Navy nominations beginning with Teresita Alston and ending with Erin K. Zizak, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Navy nominations beginning with Kenric T. Aban and ending with Franklin R. Zuehl, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

By Mrs. FEINSTEIN for the Select Committee on Intelligence.

*David B. Buckley, of Virginia, to be Inspector General, Central Intelligence Agency.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWN of Massachusetts (for himself, Ms. SNOWE, Mr. BENNETT, Mr. CORKER, Ms. COLLINS, Mr. VOINOVICH, Mr. ALEXANDER, and Mr. CHAMBLISS):

S. 11. A bill to restore the application of the 340B drug discount program to orphan drugs with respect to children's hospitals; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ (for himself and Mr. GRASSLEY):

S. 3848. A bill to amend part D of title IV of the Social Security Act to improve the enforcement, collection, and administration of child support payments, and for other purposes; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. DURBIN, Mr. CASEY, Mr. BROWN of Ohio, Mr. BINGAMAN, Mr. BURRIS, Mr. HARKIN, Mr. LEAHY, Mr. MENENDEZ, Mr. REED, Mr. DODD, Mrs. BOXER, Mr. SCHUMER, and Mr. LAUTENBERG):

S. 3849. A bill to extend the Emergency Contingency Fund for State Temporary Assistance for Needy Families Program, and for other purposes; to the Committee on Finance.

By Mr. REID (for Mrs. LINCOLN):

S. 3850. A bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from a definition under that Act; to the Committee on Environment and Public Works.

By Mr. DORGAN:

S. 3851. A bill to clarify the relationship of the policies of sports leagues or associations and provisions of State or local law regarding the use of performance-enhancing drugs in interstate competition; to the Committee on Commerce, Science, and Transportation.

By Mrs. HAGAN (for herself and Mr. MENENDEZ):

S. 3852. A bill to authorize grants to promote media literacy and youth empowerment programs, to authorize research on the role and impact of depictions of girls and women in the media, to provide for the establishment of a National Task Force on Girls and Women in the Media, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARPER (for himself, Mr. WARNER, Mr. AKAKA, Ms. COLLINS, Mr. VOINOVICH, and Mr. LIEBERMAN):

S. 3853. A bill to modernize and refine the requirements of the Government Performance and Results Act of 1993, to require quarterly performance reviews of Federal policy and management priorities, to establish Chief Operating Officers, Performance Improvement Officers, and the Performance Improvement Council, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LEAHY (for himself, Mr. WHITEHOUSE, and Mr. KAUFMAN):

S. 3854. A bill to expand the definition of scheme or artifice to defraud with respect to mail and wire fraud; to the Committee on the Judiciary.

By Ms. CANTWELL (for herself, Mr. NELSON of Nebraska, Mrs. MURRAY, and Mr. SANDERS):

S. 3855. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the issuance of new clean renewable energy bonds and to terminate eligibility of governmental bodies to issue such bonds, and for other purposes; to the Committee on Finance.

By Mr. LAUTENBERG (for himself and Mr. ROCKEFELLER):

S. 3856. A bill to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD (for himself, Mrs. SHAHEEN, and Mr. COCHRAN):

S. 3857. A bill to amend the National and Community Service Act of 1990 to improve

the educational awards provided for national service; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself, Mrs. GILLIBRAND, and Mr. SCHUMER):

S. 3858. A bill to improve the H-2A agricultural worker program for use by dairy workers, sheepherders, and goat herders, and for other purposes; to the Committee on the Judiciary.

By Mr. INOUE:

S. 3859. A bill to express the sense of the Senate concerning the establishment of Doctor of Nursing Practice and Doctor of Pharmacy dual degree programs; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. McCASKILL (for herself, Mr. BROWN of Massachusetts, Mr. LIEBERMAN, Ms. COLLINS, and Mr. BURR):

S. 3860. A bill to require reports on the management of Arlington National Cemetery; to the Committee on Veterans' Affairs.

By Mrs. BOXER (for herself, Ms. KLOBUCHAR, Mr. LAUTENBERG, and Mr. NELSON of Florida):

S. 3861. A bill to direct the Administrator of the Environmental Protection Agency to investigate and address cancer and disease clusters, including in infants and children; to the Committee on Environment and Public Works.

By Mr. WHITEHOUSE:

S. 3862. A bill to amend the Oil Pollution Act of 1990 to facilitate the ability of persons affected by oil spills to seek judicial redress; to the Committee on Environment and Public Works.

By Mr. ROCKEFELLER:

S. 3863. A bill to designate certain Federal land within the Monongahela National Forest as a component of the National Wilderness Preservation System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 3864. A bill to remove a portion of the distinct population segment of the Rocky Mountain gray wolf from the list of threatened species or the list of endangered species published under the Endangered Species Act of 1973, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. MURRAY:

S. Res. 652. A resolution honoring Mr. Alfred Lind for his dedicated service to the United States of America during World War II as a member of the Armed Forces and a prisoner of war, and for his tireless efforts on behalf of other members of the Armed Forces touched by war; considered and agreed to.

By Mr. BUNNING (for himself, Mr. UDALL of New Mexico, Mr. ALEXANDER, Mr. BINGAMAN, Mrs. MURRAY, Mr. McCONNELL, Mr. GRASSLEY, Ms. CANTWELL, Mr. REID, Mr. UDALL of Colorado, Mr. CORKER, Mr. VOINOVICH, and Mr. SCHUMER):

S. Res. 653. A resolution designating October 30, 2010, as a national day of remembrance for nuclear weapons program workers; considered and agreed to.

By Mr. BURR (for himself, Mr. WEBB, Mr. BURRIS, and Mrs. MURRAY):

S. Res. 654. A resolution designating December 18, 2010, as "Gold Star Wives Day"; considered and agreed to.

By Mr. FEINGOLD (for himself and Mr. DURBIN):

S. Res. 655. A resolution designating November 2010 as "Stomach Cancer Awareness Month" and supporting efforts to educate the public about stomach cancer; considered and agreed to.

By Mr. KAUFMAN (for himself, Mr. REID, Mr. BAUCUS, Mr. ROCKEFELLER, and Mr. AKAKA):

S. Res. 656. A resolution expressing support for the inaugural USA Science & Engineering Festival; considered and agreed to.

By Mr. REID (for himself, Mr. ENSIGN, and Mrs. FEINSTEIN):

S. Res. 657. A resolution celebrating the 75th anniversary of the dedication of the Hoover Dam; considered and agreed to.

By Mr. DODD (for himself, Mr. GRASSLEY, Mr. BROWN of Ohio, Mr. CORNYN, Mr. LEVIN, Mr. LIEBERMAN, Mr. PRYOR, Mr. ROCKEFELLER, and Mrs. MURRAY):

S. Res. 658. A resolution designating the week beginning October 17, 2010, as "National Character Counts Week"; considered and agreed to.

By Mr. DODD (for himself, Mr. ENSIGN, Mr. AKAKA, Mr. BAUCUS, Mr. BEGICH, Mr. COCHRAN, Mr. SPECTER, Mr. WHITEHOUSE, Ms. SNOWE, Mr. SANDERS, Mr. NELSON of Nebraska, Mr. LAUTENBERG, Mr. CARPER, Mrs. GILLIBRAND, Mrs. MURRAY, Mr. BURR, and Mrs. BOXER):

S. Res. 659. A resolution supporting "Lights on Afterschool", a national celebration of afterschool programs; considered and agreed to.

By Mr. KAUFMAN (for himself and Mr. LUGAR):

S. Res. 660. A resolution expressing support for a public diplomacy program promoting advancements in science, technology, engineering, and mathematics made by or in partnership with the people of the United States; considered and agreed to.

By Mr. REID (for himself and Mr. McCONNELL):

S. Res. 661. A resolution to authorize representation by the Senate Legal Counsel in the case of *McCarthy v. Byrd, et al*; considered and agreed to.

By Mr. UDALL of Colorado:

S. Res. 662. A resolution to amend the Standing Rules of the Senate to reform the filibuster rules to improve the daily process of the Senate; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 455

At the request of Mr. ROBERTS, the names of the Senator from Tennessee (Mr. CORKER), the Senator from Kentucky (Mr. BUNNING), the Senator from Wisconsin (Mr. KOHL), the Senator from New Hampshire (Mrs. SHAHEEN), and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 455, a bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry "Hap" Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United

States Army Command and General Staff College.

S. 658

At the request of Mr. TESTER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 658, a bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes.

S. 799

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 799, a bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1619

At the request of Mr. DODD, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1619, a bill to establish the Office of Sustainable Housing and Communities, to establish the Interagency Council on Sustainable Communities, to establish a comprehensive planning grant program, to establish a sustainability challenge grant program, and for other purposes.

S. 1787

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1787, a bill to reauthorize the Federal Land Transaction Facilitation Act, and for other purposes.

S. 2844

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. 2844, a bill to amend title 18, United States Code, to improve the terrorist hoax statute.

S. 3036

At the request of Mr. BAYH, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 3036, a bill to establish the Office of the National Alzheimer's Project.

S. 3184

At the request of Mrs. BOXER, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 3184, a bill to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes.

S. 3398

At the request of Mr. BAUCUS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 3398, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 3434

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3434, a bill to provide for the establishment of a Home Star Retrofit Rebate Program, and for other purposes.

S. 3447

At the request of Mr. AKAKA, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Connecticut (Mr. DODD), and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 3447, a bill to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes.

S. 3501

At the request of Mr. HATCH, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 3501, a bill to protect American job creation by striking the job-killing Federal employer mandate.

S. 3502

At the request of Mr. HATCH, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 3502, a bill to restore Americans' individual liberty by striking the Federal mandate to purchase insurance.

S. 3517

At the request of Mr. AKAKA, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3517, a bill to amend title 38, United States Code, to improve the processing of claims for disability compensation filed with the Department of Veterans Affairs, and for other purposes.

S. 3543

At the request of Mrs. HAGAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3543, a bill to amend title XVIII of the Social Security Act to expand access to medication therapy management services under the Medicare prescription drug program.

S. 3568

At the request of Mr. NELSON of Florida, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3568, a bill to amend the Trade Act of 1974 to create a Citrus Disease Research and Development Trust Fund to support research on diseases impacting the citrus industry, and for other purposes.

S. 3666

At the request of Mr. CARDIN, the name of the Senator from Massachu-

setts (Mr. KERRY) was added as a cosponsor of S. 3666, a bill to authorize certain Department of State personnel, who are responsible for examining and processing United States passport applications, to be able to access certain Federal, State, and other databases, for the purpose of verifying the identity of a passport applicant, to reduce the incidence of fraud, to require the authentication of identification documents submitted by passport applicants, and for other purposes.

S. 3694

At the request of Ms. CANTWELL, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3694, a bill to prohibit the conducting of invasive research on great apes, and for other purposes.

S. 3709

At the request of Mr. WHITEHOUSE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 3709, a bill to amend the Public Health Services Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes.

S. 3723

At the request of Mr. MCCONNELL, his name was added as a cosponsor of S. 3723, a bill to prohibit taxpayer funding of insurance plans or health care programs that cover abortion.

S. 3725

At the request of Mr. WYDEN, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Vermont (Mr. SANDERS) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 3725, a bill to prevent the importation of merchandise into the United States in a manner that evades antidumping and countervailing duty orders, and for other purposes.

S. 3741

At the request of Mrs. HAGAN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 3741, a bill to provide U.S. Customs and Border Protection with authority to more aggressively enforce trade laws relating to textile or apparel articles, and for other purposes.

S. 3751

At the request of Mr. HATCH, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 3751, a bill to amend the Stem Cell Therapeutic and Research Act of 2005.

S. 3756

At the request of Mr. REID, his name was added as a cosponsor of S. 3756, a bill to amend the Communications Act of 1934 to provide public safety providers an additional 10 megahertz of spectrum to support a national, interoperable wireless broadband network and authorize the Federal Communications Commission to hold incentive

auctions to provide funding to support such a network, and for other purposes.

S. 3759

At the request of Mr. BINGAMAN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 3759, a bill to amend the Energy Policy Act of 2005 to authorize the Secretary of Energy to issue conditional commitments for loan guarantees under certain circumstances.

S. 3786

At the request of Mr. KERRY, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Montana (Mr. TESTER) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 3786, a bill to amend the Internal Revenue Code of 1986 to permit the Secretary of the Treasury to issue prospective guidance clarifying the employment status of individuals for purposes of employment taxes and to prevent retroactive assessments with respect to such clarifications.

S. 3789

At the request of Mrs. FEINSTEIN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 3789, a bill to limit access to social security account numbers.

S. 3790

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 3790, a bill to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment.

S. 3794

At the request of Mr. LEAHY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 3794, a bill to amend chapter 5 of title 40, United States Code, to include organizations whose membership comprises substantially veterans as recipient organizations for the donation of Federal surplus personal property through State agencies.

S. 3813

At the request of Mr. BINGAMAN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 3813, a bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a Federal renewable electricity standard, and for other purposes.

S. 3815

At the request of Mr. REID, the name of the Senator from Utah (Mr. HATCH) was withdrawn as a cosponsor of S. 3815, a bill to amend the Internal Revenue Code of 1986 to reduce oil consumption and improve energy security, and for other purposes.

S. 3841

At the request of Mr. KYL, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Maine

(Ms. COLLINS), the Senator from Georgia (Mr. ISAKSON) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 3841, a bill to amend title 18, United States Code, to prohibit the creation, sale, distribution, advertising, marketing, and exchange of animal crush videos that depict obscene acts of animal cruelty, and for other purposes.

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 3841, *supra*.

S. CON. RES. 39

At the request of Mr. MENENDEZ, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. Con. Res. 39, a concurrent resolution expressing the sense of the Congress that stable and affordable housing is an essential component of an effective strategy for the prevention, treatment, and care of human immunodeficiency virus, and that the United States should make a commitment to providing adequate funding for the development of housing as a response to the acquired immunodeficiency syndrome pandemic.

S. CON. RES. 71

At the request of Mr. FEINGOLD, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Con. Res. 71, a concurrent resolution recognizing the United States national interest in helping to prevent and mitigate acts of genocide and other mass atrocities against civilians, and supporting and encouraging efforts to develop a whole of government approach to prevent and mitigate such acts.

S. CON. RES. 72

At the request of Mr. BROWNBACK, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. Con. Res. 72, a concurrent resolution recognizing the 45th anniversary of the White House Fellows Program.

S. RES. 644

At the request of Mr. KAUFMAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. Res. 644, a resolution designating the week beginning October 10, 2010, as "National Wildlife Refuge Week".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BROWN of Massachusetts (for himself, Ms. SNOWE, Mr. BENNETT, Mr. CORKER, Ms. COLLINS, Mr. VOINOVICH, Mr. ALEXANDER, and Mr. CHAMBLISS):

S. 11. A bill to restore the application of the 340B drug discount program to orphan drugs with respect to children's hospitals; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWN of Massachusetts. Mr. President, I come to the floor today to speak about a bill that I am introducing today along with several of my

Senate colleagues. My bill protects the lives of the most vulnerable among us our Nation's children by ensuring children's hospitals across the country are able to purchase orphan drugs at a discount.

I am pleased to be joined by my colleagues: Senators SNOW, BENNETT, CORKER, COLLINS, VOINOVICH, ALEXANDER, and CHAMBLISS today, to stand together to provide for and protect the ability of children's hospitals to access medicines for their patients at a reduced price.

As my colleagues are aware, access to orphan drugs are critically important to children, many of whom, if they are ill, suffer from rare disease or conditions. Orphan drugs, by definition, are designed and developed to help and treat diseases or conditions that affect fewer than 200,000 people, many of whom are children. On a daily basis, the Children's Hospital of Boston uses most of the 347 medicines that are designated orphan drugs.

The bill my colleagues and I are introducing today restores and protects the ability for children's hospitals to access those outpatient medicines through the 340B drug discount program authorized in the Public Health Services Act. Access to this program and the corresponding discount saves the Children's Hospital of Boston nearly \$3 million annually, but more importantly, Children's Hospital of Boston is able to save lives as a result. Hospitals and doctors at children's hospitals are able to access life-saving medicines, children live better lives, and families are given a piece of mind.

Passing this bill quickly is the right thing to do and I encourage the Senate to act swiftly to enact my legislation to ensure that children's hospitals can once again receive discounted pricing on these life-saving medicines.

There is no cause for delay. The House has passed this restorative language twice already. The Senate needs to do the same.

I believe quick passage is possible quick passage should be possible because of the support and efforts that I have seen demonstrated by my fellow Senators.

Senator SHERROD BROWN has been a thoughtful leader on this issue and I respect and admire him for his work. Because of his leadership and perseverance, he was able to secure the support of sixteen Democratic Senators in favor of this legislation, all of whom signed a letter to the Majority Leader, expressing their support to restore access to this very important program.

I am hopeful that Senator SHERROD BROWN and I can continue to work across party lines and with all of our colleagues to reach agreement and find resolution on this.

My door is always open to my colleagues who are willing to work together to solve common problems. In

this instance, our Nation's children deserve that we come together and protect their access to medicines that will save their lives.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 11

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONTINUED INCLUSION OF ORPHAN DRUGS IN DEFINITION OF COVERED OUTPATIENT DRUGS WITH RESPECT TO CHILDREN'S HOSPITALS UNDER THE 340B DRUG DISCOUNT PROGRAM.

(a) AMENDMENT.—Subsection (e) of section 340B of the Public Health Service Act (42 U.S.C. 256b) is amended by striking “covered entities described in subparagraph (M)” and inserting “covered entities described in subparagraph (M) (other than a children's hospital described in subparagraph (M))”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 2302 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152).

U.S. SENATE,
Washington, DC, August 5, 2010.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR MAJORITY LEADER REID: We are writing to ask that a technical correction to Section 2302 of the Health Care and Education Reconciliation Act (HCERA) be provided at the earliest opportunity. The Section exempted orphan drugs from required discounts for newly eligible entities added to the 340B statute under the Act. PPS-exempt children's hospitals were included among these entities, when in fact they were already eligible for and participating in the 340B program.

Since the HCERA provision was effective upon enactment, it is imperative that a retroactive correction be made as soon as possible. Both the House and Senate have included this correction in various pieces of legislation, but none of these bills have been signed into law. We thank you for your efforts to date to fix this problem and respectfully ask for your continued help in ensuring another legislative vehicle for the prompt passage of a technical correction restoring the children's hospitals' ability to fully participate in the 340B drug discount program.

Children's hospitals use on a daily basis most of the 347 drugs that have received orphan drug status. The hospitals participating in the 340B drug discount program have achieved significant savings. They estimate that those savings would be reduced dramatically with the orphan drug exemption. If the exemption is not corrected, the children's hospitals will have to pay wholesale prices for these drugs or leave the 340B program.

We would appreciate your continued support to ensure that children's hospitals do not lose the critical benefit provided by the 340B program.

Sincerely,

Sherrod Brown; John F. Kerry; Joseph I. Lieberman; —; Al Franken; Amy Klobuchar; Mary L. Landrieu; Debbie

Stabenow; Maria Cantwell; Kirsten E. Gillibrand; Christopher J. Dodd; Robert P. Casey, Jr.; Carl Levin; Dianne Feinstein; Herb Kohl; Arlen Specter; Barbara Boxer.

CHILDREN'S HOSPITAL BOSTON,
Boston, MA, August 24, 2010.

Senator SCOTT BROWN,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR BROWN: We write with urgency to request your leadership on a pressing issue facing Children's Hospital Boston. An unintentional error in the Health Care Education and Reconciliation Act (HCERA) is threatening children's hospitals access to discounts on orphan drugs through the drug discount program authorized under section 340B of the Public Health Service Act.

The 340B program allows a number of safety net providers to purchase outpatient pharmaceuticals at discounted rates, thereby expanding access to care to low income and vulnerable populations. The program saves Children's Hospital Boston between \$1.5 and \$3 million annually and is of no cost to the government. Participation in this program has made it possible for the hospital to control costs in a challenging environment and ensure patient access to outpatient drugs, such as Botox (used to reduce spasticity in patients with cerebral palsy and other neurological disorders) and Rituximab (used to treat non-Hodgkins lymphoma and to alleviate the effects of severe juvenile arthritis).

Children's hospitals were included in the 340B program through an amendment to Medicaid in the Deficit Reduction Act of 2005. Federal guidance enabling them to enroll in the program was finally published in September 2009, and 25 children hospitals, including Children's Hospital Boston, are now participating. The Patient Protection & Affordable Care Act (PPACA) added some new types of hospitals as eligible entities to the 340B statute and also included the children's hospitals so that they would be subject to same regulatory requirements as other eligible providers. When HCERA amended the PPACA with a last minute provision exempting orphan drugs from discounts received by all of the newly eligible providers, children's hospitals were unfortunately included, even though they were already eligible for and participating in the 340B program.

Without a technical correction restoring 340B discounts for orphan drugs, Children's Hospital Boston is facing the loss of most of its savings from the 340B program and the choice of either leaving the program or paying wholesale prices for orphan drugs. Orphan drugs, i.e. drugs developed to treat a disease that afflicts relatively few, are widely used in children's hospitals, given their role in caring for the sickest children with the most complex health care needs. In addition, orphan drugs may also be used more widely in treating other diseases or conditions. Indeed, Children's Hospital Boston currently uses most of the 347 drugs with orphan drug status on a daily basis.

The Massachusetts Biotechnology Council (MassBio), which represents more than 600 biotechnology companies, universities and academic institutions dedicated to advancing cutting edge research, urges a correction to this problem. As you likely know, the focus of MassBio is to foster an environment in the state where biotechnology companies can succeed. For MassBio, as well as the member companies, true success means that research and development leads to treatments that reach the most vulnerable pa-

tients in our state. As such, it is critical that institutions like Children's Hospital Boston have ready access to the pharmaceuticals they need to treat seriously ill children.

As the months pass and denials of discounts for orphan drugs begin, we are gravely concerned about the cost impact of this mistake on Children's Hospital Boston. The hospital employs more than 8,000 people, treats thousands of very sick children annually and is the safety-net provider for Massachusetts children. Children's has worked diligently in coordination with insurers and others in the industry to reduce health care costs and improve efficiency.

Without immediate legislative action, Children's Hospital Boston will be forced to withdraw from this cost saving, health care enhancing program. As leaders in the Massachusetts health care industry and partners in improving community health, we ask you to take a leadership role in the correction of the issue. Corrective language was included in the two tax extenders bills that passed in the House. However, the language, while uncontroversial, has not been included in any legislation that has passed the Senate.

We hope that you will agree to serve as an original cosponsor of the legislation drafted by Senator Sherrod Brown (attached) and contact the Majority and Minority leadership in the Senate to insist that this issue not be tied up in politics.

Sincerely,

JAMES MANDELL, MD,
CEO, Children's Hospital Boston.

ROBERT K. COUGHLIN,
President & CEO,
MassBio.

By Mr. KERRY (for himself, Mr. DURBIN, Mr. CASEY, Mr. BROWN of Ohio, Mr. BINGAMAN, Mr. BURRIS, Mr. HARKIN, Mr. LEAHY, Mr. MENENDEZ, Mr. REED, Mr. DODD, Mrs. BOXER, Mr. SCHUMER, and Mr. LAUTENBERG):

S. 3849. A bill to extend the Emergency Contingency Fund for State Temporary Assistance for Needy Families Program, and for other purposes; to the Committee on Finance.

Mr. KERRY. Mr. President, I come to the floor today to support extending a critically needed program that provides hope to 250,000 of our poorest families.

I am joined by Senators DURBIN, CASEY, SHERROD BROWN, BINGAMAN, BURRIS, HARKIN, LEAHY, BOXER, MENENDEZ, REED and DODD in offering the Job Preservation for Parents in Poverty Act, which simply provides a 3-month extension of the Temporary Assistance for Needy Families, TANF, Emergency Contingency Fund. The \$500 million in funding needed to pay for this extension is offset with corresponding reductions to the regular TANF Contingency Fund in fiscal year 2012.

We have suffered through the worst recession since the great depression. Just this month, the Census Bureau reported that nearly 44 million Americans—1 in 7—lived in poverty last year. This represents the largest number of Americans living in poverty since the Census Bureau began keeping these statistics 51 years ago.

The TANF Emergency Fund was created as part of the Recovery Act enacted last year to provide temporary, targeted, emergency spending that combats the recession by helping to create jobs for our poorest families. It gave States funds to subsidize jobs for low-income parents and older youth and to provide basic cash assistance and short-term benefits to the increasing numbers of poor families with children. It addresses the emergency needs of low-income families that are struggling in the recession.

At least 36 States have used TANF Emergency Contingency Funds to create or expand subsidized employment programs. States have used this fund to create subsidized jobs in the private and public sectors during the depth of the recession. By the time it expires at the end of September, the fund will have created approximately 250,000 jobs for low-income Americans who would otherwise be unemployed. Nearly all of these jobs will be eliminated if the program is not extended with additional funds.

If this worthy program is allowed to end on Thursday, these States will no longer be able to use the TANF Emergency Fund to subsidize employment and provide basic cash assistance to struggling families to help with housing and heating bills, domestic violence services, and transportation costs. This will hurt our economy because families on TANF have to spend nearly all of the money they receive to meet their basic needs. This will reduce demand for the goods and services, particularly in low-income communities.

Massachusetts relies on the TANF Emergency Contingency Fund to maintain the key existing safety net programs for cash assistance, emergency housing, rental vouchers, employment and training services, child care, and other initiatives to support low-income families getting back to work.

In Massachusetts, the Emergency Fund is used to provide TANF cash assistance to more than 50,000 low-income families in the Bay State each month. To qualify for this assistance, a family of three must have income less than \$1,069 a month. Let me repeat that. To qualify for this assistance a family of three must have income of less than \$1,069 a month. The maximum cash grant they can receive from the state is just \$578 a month. Massachusetts also uses the fund to provide emergency shelter and related services to 3,000 homeless families.

An extension of the TANF Emergency Fund would provide Massachusetts with federal assistance to accommodate the 10 percent TANF caseload increase we have experienced since the start of the recession. It would enable the State to preserve and maintain critical services for our poorest citizens during these difficult economic times.

If Congress does not immediately act, tens of thousands of jobs will be lost. Businesses will lose access to critical employment support programs, and the lives of our poorest families will be made even more difficult.

Extending the TANF Emergency Contingency Fund is a common-sense policy that enjoys broad support from public officials, private experts, and bipartisan organizations, including: Mark Zandi, Chief Economist at Moody's Analytics; the National Governors Association; the National Conference of State Legislators; the American Public Human Services Association; and the National Association of State TANF Administrators. I ask all my colleagues to support this legislation.

Mr. CASEY. Mr. President, I rise to speak about a piece of legislation just introduced, S. 3849, the Job Preservation for Parents in Poverty Act, which is simply an extension of a program that has placed tens of thousands of people into jobs in this recession and is working. We want to make sure it is extended because of how effective it has been to help people find and keep jobs. This legislation is fully offset. I wish to spend a couple minutes talking about the provisions that make it so effective.

First, I thank a number of Senators who have led the fight—Senator KERRY, as well as our assistant majority leader, Senator DURBIN, for the work they have done, as well as others—and for the testimony we received from people across the country. I know in my case one person who spent a good deal of time making it clear to me and to others across southern Pennsylvania and even across the State about the effectiveness of this program was Mayor Nutter of Philadelphia who, like any mayor in the country in the middle of a recession, doesn't have the luxury of dealing with programs that don't work. He can only support and endorse programs that are working to create jobs. In a city such as Philadelphia, which still has a high unemployment rate, Mayor Nutter has relied upon this program, which is a rapid attachment effort to create jobs and keep people in those jobs.

We know the unemployment rates are intolerably too high. In our State we have 585,000 people out of work, just about 9.5 percent unemployment. Our poverty figures are going through the roof at the same time. We are seeing, in short, the real impact of this horrific recession.

One of the best ways to deal with that crisis is to have an extension of an important program that we refer to in Pennsylvania as the Pennsylvania Way to Work Program. It is helping keep people out of poverty and providing people with jobs; in this case, 12,000 people in Pennsylvania. I could go down the list of other States as well,

but I won't. In our State, 12,864 adults have been helped by this program as well as summer youth, more than 7,800, for a total of 20,718.

It is fully offset. If we don't extend it, in many, if not most, States, these programs will be shut down. It is working. It is not only creating jobs, it is keeping people out of poverty because they are working. I would think everyone would want to support programs that are working and keeping people out of poverty.

It is critically important that we extend the program. I am grateful for the help our assistant majority leader, Senator DURBIN, has provided.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank my colleague from the Commonwealth of Pennsylvania for speaking out for this important program. I know there are many jobs in his State which are at stake with this decision by the Senate. There are some 26,000 jobs in Illinois that hinge on a decision made by the Senate as to whether we extend this program. What we are discussing this afternoon gets down to the heart of the question: Will we do everything in our power to help Americans find work, particularly those who have struggled so hard in the past? Will we give them a chance to continue working in many instances or to find work? It is an important choice.

Here we have a stark example of this choice in the fate of a program called the TANF Emergency Contingency Fund. In my State, we call this program Put Illinois to Work. It helps States subsidize the cost of hiring workers in mostly private sector jobs.

This small program has had a huge impact in Illinois. Nearly 250,000 jobs have been created in 37 States. It is a program that everyone of both political parties should support. Rather than paying people to do nothing, this program helps private companies hire the employees they need but can't quite afford. Yet Republicans, at least to this point, are saying we should not extend this program past this Thursday. The end of this program in my State means the loss of thousands of jobs. I think the only reason there is opposition to this is the fact that it was originally conceived and offered to the Senate in the President's Recovery Act.

Though many on the other side of the aisle have taken a party-line position that they will oppose that act no matter what it did is unfortunate, particularly for people who are just trying to find a way to survive in a very tough economy. Many of them earn \$10 an hour. These are not jobs on which one could get rich. They can survive on these jobs. We are trying to make sure these people have an opportunity to survive. This is a stimulus that works.

Who would argue with the concept or premise that putting people to work is a lot better than paying them to do nothing?

Senator JOHN KERRY of Massachusetts has a simple bill that would extend the jobs program by 3 months, but it is fully paid for by reducing the TANF program's future budget. The argument that it adds to the deficit does not work. It doesn't add to the deficit. It is paid for by future budgetary commitments. I am afraid that still we will find an objection from the other side of the aisle. They have objected to continuing this program on the continuing resolution which more or less keeps government in business while we are in recess.

Mr. President, 26,000 jobs are at stake in Illinois, and losing that many jobs would hurt my State. We already have an unemployment rate of over 10 percent. Governor Pat Quinn is trying to figure out how to save some of these jobs, but it is difficult with the budgetary problems we face in the State capital. It is not just Illinois that would suffer; 110,000 jobs would be lost in States represented by Republican Senators: 40,000 in Texas, which is represented by two Republican Senators; 20,000 in Georgia, represented by two Republican Senators; 10,000 in Kentucky, 10,000 people who will lose work this week in Kentucky represented by the minority leader. It is unfortunate that we have allowed some of these ideological positions to get in the way. It makes no difference that over 110,000 constituents represented by those on the other side of the aisle will be impacted by this objection.

I am afraid at this point some of our partisan differences are going to cost a lot of innocent people a chance to bring home a paycheck. I don't think that is what the American people want in Washington. I think what they are looking for us to do is to extend this program and save a quarter million Americans from losing their jobs.

I don't know if Senator KERRY is coming to the Senate floor, but I see some Members on the Republican side of the aisle. I will make the unanimous consent request at this point.

I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 3849, the Job Preservation for Parents in Poverty Act; that the Senate then proceed to its consideration; that the bill be read three times, passed, and the motion to reconsider be laid upon the table; and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. ENZI. Mr. President, reserving the right to object, and I will object, the majority has known this program was going to expire at the end of this month all year and has taken no steps

to reauthorize this important social safety net program. We are also in the position of having to pass an extension of TANF. I am not sure the Senator from Illinois is aware that the chairman and ranking member of the Finance Committee have put together a bipartisan 1-year extension of TANF. I object.

The PRESIDING OFFICER. Objection is heard.

By Mr. REID (for Mrs. LINCOLN):

S. 3850. A bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from a definition under that Act; to the Committee on Environment and Public Works.

Mrs. LINCOLN. Mr. President, I rise today to introduce a bill which will protect the great American traditions of hunting, fishing, and recreational shooting from actions that will drive up the costs of participation and directly impact employment across the country. Recently, extremist groups have filed a petition with the U.S. EPA to prohibit the use of lead in the manufacturing of ammunition and fishing tackle. This effort would not only drive up the cost of ammunition and fishing tackle, but would, as a direct result, drive down the number of people able to participate in these activities and directly hurt the millions of Americans who depend on the hunting, fishing, and shooting industries for part of their livelihoods.

Hunters and anglers are ardent conservationists and have proven themselves willing to consider lead alternatives when the data justifies it. For instance, since 1991, waterfowl hunters have been required to use non-lead ammunition to protect waterfowl species which have been scientifically proven to be vulnerable to exposure. However, EPA found in 1994 no scientific basis to proceed with a lead ban in fishing tackle. EPA rightly and quickly rejected the petition with regard to ammunition, stating that they did not have the authority to regulate ammunition under the Toxic Substances Control Act.

However, EPA is still considering a ban on lead fishing tackle. This ban would drive up costs on a sport that's appeal lies in its simplicity and accessibility to the broad American public. Lead sinkers are critical to both salt and freshwater anglers, and are frequently used in the types of fishing that attracts young people to this sport.

Moreover, a ban such as this would be a blow to thousands of people who depend on fishing tackle and ammunition manufacturing for their livelihoods. Companies like Remington in Lonoke, Arkansas employ over 20,000 Arkansans. The 5,500 manufacturers of

firearms and ammunition and almost one million people working in sport fishing do not need EPA taking aim at their industry.

My bill simply clarifies that the components used in manufacturing shells, cartridges, and fishing tackle are exempt from EPA regulation under the Toxic Substances Control Act. Taking this simple step will provide certainty to these critical industries and prevent EPA and activist litigators from dragging this issue out through the courts for years.

I am confident that the sporting community will continue to work with the Fish and Wildlife Service and State Fish and Wildlife agencies to address issues around lead ammunition where and when the facts warrant it. But Congress must act to preserve our hunting and fishing traditions by ensuring access to affordable, vital tools our hunters and anglers rely on.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3850

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hunting, Fishing and Recreational Shooting Protection Act".

SEC. 2. MODIFICATION OF DEFINITION.

Section 3(2)(B) of the Toxic Substances Control Act (15 U.S.C. 2602(2)(B)) is amended—

(1) by striking "(B) Such term does not include—" and inserting the following:

"(B) EXCLUSIONS.—The term 'chemical substance' does not include—";

(2) in clauses (i) through (iv), by striking the commas at the end of the clauses and inserting semicolons;

(3) by striking clause (v) and inserting the following:

"(v)(I) any article the sale of which is subject to, or eligible to be subject to, the tax imposed by section 4181 of the Internal Revenue Code of 1986, and any separate component of such an article (including shells, cartridges, and ammunition); or

"(II) any substance that is manufactured, processed, or distributed in commerce for use in any article or separate component described in subclause (I) (as determined without regard to any exemption from the tax imposed by section 4181 of the Internal Revenue Code of 1986 under section 4182, section 4221, or any other provision of that Code);";

(4) in clause (vi), by striking the period at the end and inserting "; or";

(5) by inserting after clause (vi) the following:

"(vii)(I) any article the sale of which is subject to, or eligible to be subject to, the tax imposed by section 4161 of the Internal Revenue Code of 1986, and any separate component of such an article; or

"(II) any substance that is manufactured, processed, or distributed in commerce for use in any article or separate component described in subclause (I)."; and

(6) in the matter following clause (vii) (as added by paragraph (5)), by striking "The

term ‘food’ as used in clause (vi) of this subparagraph includes” and inserting the following:

“(C) RELATED DEFINITION.—For purposes of clause (vi) of subparagraph (B), the term ‘food’ includes”.

Mrs. HAGAN. Mr. President, today I am proud to introduce the Healthy Media for Youth Act. The purpose of this bill is to promote positive media depictions of girls and women among our nation’s youth.

The majority of 8- to 18-year-olds spend about 10 hours a day watching television, on the computer, or playing video games. Unfortunately, the images they see often reinforce gender stereotypes, emphasize unrealistic body images, or show women in passive roles.

Positive and realistic female body images remain a problem. A recent survey by Girl Scouts of the USA’s Research Institute found that 89 percent of girls feel the fashion industry places a lot of pressure on teenage girls to be thin. Even among girls as young as grades 3 through 5, fifty-four percent worry about their appearance, and 37 percent of these young girls worry specifically about their weight.

Women are often portrayed in passive or stereotypical roles, rather than in positions of power. Violence against women continues to be prevalent throughout media. The Parents Television Council reports that between 2004 and 2009, violence against women and teenage girls increased on television programming at a rate of 120 percent, compared with the 2 percent increase of overall violence in television content.

In 2007, the American Psychological Association, APA, conducted a report on the Sexualization of Girls and found that three of the most common mental health problems among girls—eating disorders, depression or depressed mood, and low self-esteem—are linked to the sexualization of girls and women in media. Boys are also negatively affected by the portrayal of girls because it sets up unrealistic expectations, which may impair future relationships between girls and boys.

The bill I’m introducing today starts to tackle this problem by promoting positive media messages about girls and women among our nation’s youth.

Specifically, this bill would direct the U.S. Department of Health and Human Services, HHS, to award grants to nonprofit organizations to promote positive media depictions of girls and women among youth, and to empower girls and boys by developing self-esteem and leadership skills.

The bill also directs the Centers for Disease Control and Prevention, CDC, in coordination with the National Institute of Child Health and Human Development to review, synthesize, and research the role and impact of depictions of girls and women in the media on the psychological, sexual, physical,

and interpersonal development of youth.

Finally, this bill requires the Federal Communications Commission, FCC, to convene a National Task Force on Girls and Women in the Media in order to develop voluntary steps and goals for promoting healthy and positive depictions of girls and women in the media for the benefit of all youth.

We must reverse this trend for this generation of youth and for future generations.

By Mr. CARPER (for himself, Mr. WARNER, Mr. AKAKA, Ms. COLLINS, Mr. VOINOVICH, and Mr. LIEBERMAN):

S. 3853. A bill to modernize and refine the requirements of the Government Performance and Results Act of 1993, to require quarterly performance reviews of Federal policy and management priorities, to establish Chief Operating Officers, Performance Improvement Officers, and the Performance Improvement Council, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. CARPER. Mr. President, today, as Chairman of the Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, I offer a piece of legislation, along with my distinguished colleagues Senators WARNER, AKAKA, LIEBERMAN, COLLINS and VOINOVICH, that I believe will lead us on a path to a more effective and efficient federal government.

It has been more than 17 years since Congress passed the Government Performance and Results Act, GPRA, to help us better manage our finite resources and improve the effectiveness and delivery of Federal programs. Since that time, agencies across the federal government have developed and implemented strategic plans and have routinely generated a tremendous amount of performance data. The question is—have Federal agencies actually used their performance data to get better results?

Producing information does not by itself improve performance and experts from both sides of the aisle agree that the solutions developed in 1993 have not worked. The American people deserve—and our fiscal challenges demand—better results.

The GPRA Modernization Act of 2010 which I offer today aims to assist and motivate—Federal agencies to put away the stacks of reports that no one reads and actually start to think how we can improve the effectiveness, efficiency and transparency of our Government.

This legislation represents the many lessons learned over the past 17 years and brings a high level, government wide focus to making our government work better for the American people. It builds off the important strides Presi-

dent Obama’s administration has made in this area and pushes Federal agencies even further to not only make goals, but to make individuals responsible for meeting them.

While the strength of our democracy rests on the ability of our government to deliver its promises to the people, we in Congress have a responsibility to be judicious stewards of the resources taxpayers invest in America, and ensure those resources are managed honestly, transparently and effectively. The GPRA Modernization Act of 2010 also calls on the federal government to identify where we are not performing well so we can make better decisions about where we should and should not be putting our scarce resources.

Today we face unparalleled challenges both here and abroad, and these require a knowledgeable and nimble federal government that can respond effectively. With concerns growing over the mounting federal deficit and national debt, the American people deserve to know that every dollar they send to Washington is being used to its utmost potential. Performance information is an invaluable tool that can ensure just that. If used effectively, it can identify problems, find solutions, and develop approaches that improve outcomes and produce results.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3853

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “GPRA Modernization Act of 2010”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Strategic planning amendments.
- Sec. 3. Performance planning amendments.
- Sec. 4. Performance reporting amendments.
- Sec. 5. Federal Government and agency priority goals.
- Sec. 6. Quarterly priority progress reviews and use of performance information.
- Sec. 7. Transparency of Federal Government programs, priority goals, and results.
- Sec. 8. Agency Chief Operating Officers.
- Sec. 9. Agency Performance Improvement Officers and the Performance Improvement Council.
- Sec. 10. Format of performance plans and reports.
- Sec. 11. Reducing duplicative and outdated agency reporting.
- Sec. 12. Performance management skills and competencies.
- Sec. 13. Technical and conforming amendments.
- Sec. 14. Implementation of this Act.
- Sec. 15. Congressional oversight and legislation.

SEC. 2. STRATEGIC PLANNING AMENDMENTS.

Chapter 3 of title 5, United States Code, is amended by striking section 306 and inserting the following:

“§ 306. Agency strategic plans

“(a) Not later than the first Monday in February of any year following the year in which the term of the President commences under section 101 of title 3, the head of each agency shall make available on the public website of the agency a strategic plan and notify the President and Congress of its availability. Such plan shall contain—

“(1) a comprehensive mission statement covering the major functions and operations of the agency;

“(2) general goals and objectives, including outcome-oriented goals, for the major functions and operations of the agency;

“(3) a description of how any goals and objectives contribute to the Federal Government priority goals required by section 1120(a) of title 31;

“(4) a description of how the goals and objectives are to be achieved, including—

“(A) a description of the operational processes, skills and technology, and the human, capital, information, and other resources required to achieve those goals and objectives; and

“(B) a description of how the agency is working with other agencies to achieve its goals and objectives as well as relevant Federal Government priority goals;

“(5) a description of how the goals and objectives incorporate views and suggestions obtained through congressional consultations required under subsection (d);

“(6) a description of how the performance goals provided in the plan required by section 1115(a) of title 31, including the agency priority goals required by section 1120(b) of title 31, if applicable, contribute to the general goals and objectives in the strategic plan;

“(7) an identification of those key factors external to the agency and beyond its control that could significantly affect the achievement of the general goals and objectives; and

“(8) a description of the program evaluations used in establishing or revising general goals and objectives, with a schedule for future program evaluations to be conducted.

“(b) The strategic plan shall cover a period of not less than 4 years following the fiscal year in which the plan is submitted. As needed, the head of the agency may make adjustments to the strategic plan to reflect significant changes in the environment in which the agency is operating, with appropriate notification of Congress.

“(c) The performance plan required by section 1115(b) of title 31 shall be consistent with the agency's strategic plan. A performance plan may not be submitted for a fiscal year not covered by a current strategic plan under this section.

“(d) When developing or making adjustments to a strategic plan, the agency shall consult periodically with the Congress, including majority and minority views from the appropriate authorizing, appropriations, and oversight committees, and shall solicit and consider the views and suggestions of those entities potentially affected by or interested in such a plan. The agency shall consult with the appropriate committees of Congress at least once every 2 years.

“(e) The functions and activities of this section shall be considered to be inherently governmental functions. The drafting of strategic plans under this section shall be performed only by Federal employees.

“(f) For purposes of this section the term ‘agency’ means an Executive agency defined under section 105, but does not include the Central Intelligence Agency, the Govern-

ment Accountability Office, the United States Postal Service, and the Postal Regulatory Commission.”.

SEC. 3. PERFORMANCE PLANNING AMENDMENTS.

Chapter 11 of title 31, United States Code, is amended by striking section 1115 and inserting the following:

“§ 1115. Federal Government and agency performance plans

“(a) FEDERAL GOVERNMENT PERFORMANCE PLANS.—In carrying out the provisions of section 1105(a)(28), the Director of the Office of Management and Budget shall coordinate with agencies to develop the Federal Government performance plan. In addition to the submission of such plan with each budget of the United States Government, the Director of the Office of Management and Budget shall ensure that all information required by this subsection is concurrently made available on the website provided under section 1122 and updated periodically, but no less than annually. The Federal Government performance plan shall—

“(1) establish Federal Government performance goals to define the level of performance to be achieved during the year in which the plan is submitted and the next fiscal year for each of the Federal Government priority goals required under section 1120(a) of this title;

“(2) identify the agencies, organizations, program activities, regulations, tax expenditures, policies, and other activities contributing to each Federal Government performance goal during the current fiscal year;

“(3) for each Federal Government performance goal, identify a lead Government official who shall be responsible for coordinating the efforts to achieve the goal;

“(4) establish common Federal Government performance indicators with quarterly targets to be used in measuring or assessing—

“(A) overall progress toward each Federal Government performance goal; and

“(B) the individual contribution of each agency, organization, program activity, regulation, tax expenditure, policy, and other activity identified under paragraph (2);

“(5) establish clearly defined quarterly milestones; and

“(6) identify major management challenges that are Governmentwide or crosscutting in nature and describe plans to address such challenges, including relevant performance goals, performance indicators, and milestones.

“(b) AGENCY PERFORMANCE PLANS.—Not later than the first Monday in February of each year, the head of each agency shall make available on a public website of the agency, and notify the President and the Congress of its availability, a performance plan covering each program activity set forth in the budget of such agency. Such plan shall—

“(1) establish performance goals to define the level of performance to be achieved during the year in which the plan is submitted and the next fiscal year;

“(2) express such goals in an objective, quantifiable, and measurable form unless authorized to be in an alternative form under subsection (c);

“(3) describe how the performance goals contribute to—

“(A) the general goals and objectives established in the agency's strategic plan required by section 306(a)(2) of title 5; and

“(B) any of the Federal Government performance goals established in the Federal Government performance plan required by subsection (a)(1);

“(4) identify among the performance goals those which are designated as agency priority goals as required by section 1120(b) of this title, if applicable;

“(5) provide a description of how the performance goals are to be achieved, including—

“(A) the operation processes, training, skills and technology, and the human, capital, information, and other resources and strategies required to meet those performance goals;

“(B) clearly defined milestones;

“(C) an identification of the organizations, program activities, regulations, policies, and other activities that contribute to each performance goal, both within and external to the agency;

“(D) a description of how the agency is working with other agencies to achieve its performance goals as well as relevant Federal Government performance goals; and

“(E) an identification of the agency officials responsible for the achievement of each performance goal, who shall be known as goal leaders;

“(6) establish a balanced set of performance indicators to be used in measuring or assessing progress toward each performance goal, including, as appropriate, customer service, efficiency, output, and outcome indicators;

“(7) provide a basis for comparing actual program results with the established performance goals;

“(8) a description of how the agency will ensure the accuracy and reliability of the data used to measure progress towards its performance goals, including an identification of—

“(A) the means to be used to verify and validate measured values;

“(B) the sources for the data;

“(C) the level of accuracy required for the intended use of the data;

“(D) any limitations to the data at the required level of accuracy; and

“(E) how the agency will compensate for such limitations if needed to reach the required level of accuracy;

“(9) describe major management challenges the agency faces and identify—

“(A) planned actions to address such challenges;

“(B) performance goals, performance indicators, and milestones to measure progress toward resolving such challenges; and

“(C) the agency official responsible for resolving such challenges; and

“(10) identify low-priority program activities based on an analysis of their contribution to the mission and goals of the agency and include an evidence-based justification for designating a program activity as low priority.

“(c) ALTERNATIVE FORM.—If an agency, in consultation with the Director of the Office of Management and Budget, determines that it is not feasible to express the performance goals for a particular program activity in an objective, quantifiable, and measurable form, the Director of the Office of Management and Budget may authorize an alternative form. Such alternative form shall—

“(1) include separate descriptive statements of—

“(A)(i) a minimally effective program; and

“(ii) a successful program; or

“(B) such alternative as authorized by the Director of the Office of Management and Budget, with sufficient precision and in such terms that would allow for an accurate, independent determination of whether the program activity's performance meets the criteria of the description; or

“(2) state why it is infeasible or impractical to express a performance goal in any form for the program activity.”

“(d) TREATMENT OF PROGRAM ACTIVITIES.—For the purpose of complying with this section, an agency may aggregate, disaggregate, or consolidate program activities, except that any aggregation or consolidation may not omit or minimize the significance of any program activity constituting a major function or operation for the agency.”

“(e) APPENDIX.—An agency may submit with an annual performance plan an appendix covering any portion of the plan that—

“(1) is specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy; and

“(2) is properly classified pursuant to such Executive order.

“(f) INHERENTLY GOVERNMENTAL FUNCTIONS.—The functions and activities of this section shall be considered to be inherently governmental functions. The drafting of performance plans under this section shall be performed only by Federal employees.

“(g) CHIEF HUMAN CAPITAL OFFICERS.—With respect to each agency with a Chief Human Capital Officer, the Chief Human Capital Officer shall prepare that portion of the annual performance plan described under subsection (b)(5)(A).

“(h) DEFINITIONS.—For purposes of this section and sections 1116 through 1125, and sections 9703 and 9704, the term—

“(1) ‘agency’ has the same meaning as such term is defined under section 306(f) of title 5;

“(2) ‘crosscutting’ means across organizational (such as agency) boundaries;

“(3) ‘customer service measure’ means an assessment of service delivery to a customer, client, citizen, or other recipient, which can include an assessment of quality, timeliness, and satisfaction among other factors;

“(4) ‘efficiency measure’ means a ratio of a program activity’s inputs (such as costs or hours worked by employees) to its outputs (amount of products or services delivered) or outcomes (the desired results of a program);

“(5) ‘major management challenge’ means programs or management functions, within or across agencies, that have greater vulnerability to waste, fraud, abuse, and mismanagement (such as issues identified by the Government Accountability Office as high risk or issues identified by an Inspector General) where a failure to perform well could seriously affect the ability of an agency or the Government to achieve its mission or goals;

“(6) ‘milestone’ means a scheduled event signifying the completion of a major deliverable or a set of related deliverables or a phase of work;

“(7) ‘outcome measure’ means an assessment of the results of a program activity compared to its intended purpose;

“(8) ‘output measure’ means the tabulation, calculation, or recording of activity or effort that can be expressed in a quantitative or qualitative manner;

“(9) ‘performance goal’ means a target level of performance expressed as a tangible, measurable objective, against which actual achievement can be compared, including a goal expressed as a quantitative standard, value, or rate;

“(10) ‘performance indicator’ means a particular value or characteristic used to measure output or outcome;

“(11) ‘program activity’ means a specific activity or project as listed in the program and financing schedules of the annual budget of the United States Government; and

“(12) ‘program evaluation’ means an assessment, through objective measurement and systematic analysis, of the manner and extent to which Federal programs achieve intended objectives.”

SEC. 4. PERFORMANCE REPORTING AMENDMENTS.

Chapter 11 of title 31, United States Code, is amended by striking section 1116 and inserting the following:

“§ 1116. Agency performance reporting

“(a) The head of each agency shall make available on a public website of the agency an update on agency performance.

“(b)(1) Each update shall compare actual performance achieved with the performance goals established in the agency performance plan under section 1115(b) and shall occur no less than 150 days after the end of each fiscal year, with more frequent updates of actual performance on indicators that provide data of significant value to the Government, Congress, or program partners at a reasonable level of administrative burden.

“(2) If performance goals are specified in an alternative form under section 1115(c), the results shall be described in relation to such specifications, including whether the performance failed to meet the criteria of a minimally effective or successful program.

“(c) Each update shall—

“(1) review the success of achieving the performance goals and include actual results for the 5 preceding fiscal years;

“(2) evaluate the performance plan for the current fiscal year relative to the performance achieved toward the performance goals during the period covered by the update;

“(3) explain and describe where a performance goal has not been met (including when a program activity’s performance is determined not to have met the criteria of a successful program activity under section 1115(c)(1)(A)(ii) or a corresponding level of achievement if another alternative form is used)—

“(A) why the goal was not met;

“(B) those plans and schedules for achieving the established performance goal; and

“(C) if the performance goal is impractical or infeasible, why that is the case and what action is recommended;

“(4) describe the use and assess the effectiveness in achieving performance goals of any waiver under section 9703 of this title;

“(5) include a review of the performance goals and evaluation of the performance plan relative to the agency’s strategic human capital management;

“(6) describe how the agency ensures the accuracy and reliability of the data used to measure progress towards its performance goals, including an identification of—

“(A) the means used to verify and validate measured values;

“(B) the sources for the data;

“(C) the level of accuracy required for the intended use of the data;

“(D) any limitations to the data at the required level of accuracy; and

“(E) how the agency has compensated for such limitations if needed to reach the required level of accuracy; and

“(7) include the summary findings of those program evaluations completed during the period covered by the update.

“(d) If an agency performance update includes any program activity or information that is specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and is properly classified pursuant to such Executive Order, the head of the agency shall make such information

available in the classified appendix provided under section 1115(e).

“(e) The functions and activities of this section shall be considered to be inherently governmental functions. The drafting of agency performance updates under this section shall be performed only by Federal employees.”

SEC. 5. FEDERAL GOVERNMENT AND AGENCY PRIORITY GOALS.

Chapter 11 of title 31, United States Code, is amended by adding after section 1119 the following:

“§ 1120. Federal Government and agency priority goals

“(a) FEDERAL GOVERNMENT PRIORITY GOALS.—

“(1) The Director of the Office of Management and Budget shall coordinate with agencies to develop priority goals to improve the performance and management of the Federal Government. Such Federal Government priority goals shall include—

“(A) outcome-oriented goals covering a limited number of crosscutting policy areas; and

“(B) goals for management improvements needed across the Federal Government, including—

“(i) financial management;

“(ii) human capital management;

“(iii) information technology management;

“(iv) procurement and acquisition management; and

“(v) real property management;

“(2) The Federal Government priority goals shall be long-term in nature. At a minimum, the Federal Government priority goals shall be updated or revised every 4 years and made publicly available concurrently with the submission of the budget of the United States Government made in the first full fiscal year following any year in which the term of the President commences under section 101 of title 3. As needed, the Director of the Office of Management and Budget may make adjustments to the Federal Government priority goals to reflect significant changes in the environment in which the Federal Government is operating, with appropriate notification of Congress.

“(3) When developing or making adjustments to Federal Government priority goals, the Director of the Office of Management and Budget shall consult periodically with the Congress, including obtaining majority and minority views from—

“(A) the Committees on Appropriations of the Senate and the House of Representatives;

“(B) the Committees on the Budget of the Senate and the House of Representatives;

“(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

“(D) the Committee on Oversight and Government Reform of the House of Representatives;

“(E) the Committee on Finance of the Senate;

“(F) the Committee on Ways and Means of the House of Representatives; and

“(G) any other committees as determined appropriate;

“(4) The Director of the Office of Management and Budget shall consult with the appropriate committees of Congress at least once every 2 years.

“(5) The Director of the Office of Management and Budget shall make information about the Federal Government priority goals available on the website described under section 1122 of this title.

“(6) The Federal Government performance plan required under section 1115(a) of this

title shall be consistent with the Federal Government priority goals.

“(b) AGENCY PRIORITY GOALS.—

“(1) Every 2 years, the head of each agency listed in section 901(b) of this title, or as otherwise determined by the Director of the Office of Management and Budget, shall identify agency priority goals from among the performance goals of the agency. The Director of the Office of Management and Budget shall determine the total number of agency priority goals across the Government, and the number to be developed by each agency. The agency priority goals shall—

“(A) reflect the highest priorities of the agency, as determined by the head of the agency and informed by the Federal Government priority goals provided under subsection (a) and the consultations with Congress and other interested parties required by section 306(d) of title 5;

“(B) have ambitious targets that can be achieved within a 2-year period;

“(C) have a clearly identified agency official, known as a goal leader, who is responsible for the achievement of each agency priority goal;

“(D) have interim quarterly targets for performance indicators if more frequent updates of actual performance provides data of significant value to the Government, Congress, or program partners at a reasonable level of administrative burden; and

“(E) have clearly defined quarterly milestones.

“(2) If an agency priority goal includes any program activity or information that is specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and is properly classified pursuant to such Executive order, the head of the agency shall make such information available in the classified appendix provided under section 1115(e).

“(c) The functions and activities of this section shall be considered to be inherently governmental functions. The development of Federal Government and agency priority goals shall be performed only by Federal employees.”

SEC. 6. QUARTERLY PRIORITY PROGRESS REVIEWS AND USE OF PERFORMANCE INFORMATION.

Chapter 11 of title 31, United States Code, is amended by adding after section 1120 (as added by section 5 of this Act) the following:

“§ 1121. Quarterly priority progress reviews and use of performance information

“(a) USE OF PERFORMANCE INFORMATION TO ACHIEVE FEDERAL GOVERNMENT PRIORITY GOALS.—Not less than quarterly, the Director of the Office of Management and Budget, with the support of the Performance Improvement Council, shall—

“(1) for each Federal Government priority goal required by section 1120(a) of this title, review with the appropriate lead Government official the progress achieved during the most recent quarter, overall trend data, and the likelihood of meeting the planned level of performance;

“(2) include in such reviews officials from the agencies, organizations, and program activities that contribute to the accomplishment of each Federal Government priority goal;

“(3) assess whether agencies, organizations, program activities, regulations, tax expenditures, policies, and other activities are contributing as planned to each Federal Government priority goal;

“(4) categorize the Federal Government priority goals by risk of not achieving the planned level of performance; and

“(5) for the Federal Government priority goals at greatest risk of not meeting the planned level of performance, identify prospects and strategies for performance improvement, including any needed changes to agencies, organizations, program activities, regulations, tax expenditures, policies or other activities.

“(b) AGENCY USE OF PERFORMANCE INFORMATION TO ACHIEVE AGENCY PRIORITY GOALS.—Not less than quarterly, at each agency required to develop agency priority goals required by section 1120(b) of this title, the head of the agency and Chief Operating Officer, with the support of the agency Performance Improvement Officer, shall—

“(1) for each agency priority goal, review with the appropriate goal leader the progress achieved during the most recent quarter, overall trend data, and the likelihood of meeting the planned level of performance;

“(2) coordinate with relevant personnel within and outside the agency who contribute to the accomplishment of each agency priority goal;

“(3) assess whether relevant organizations, program activities, regulations, policies, and other activities are contributing as planned to the agency priority goals;

“(4) categorize agency priority goals by risk of not achieving the planned level of performance; and

“(5) for agency priority goals at greatest risk of not meeting the planned level of performance, identify prospects and strategies for performance improvement, including any needed changes to agency program activities, regulations, policies, or other activities.”

SEC. 7. TRANSPARENCY OF FEDERAL GOVERNMENT PROGRAMS, PRIORITY GOALS, AND RESULTS.

Chapter 11 of title 31, United States Code, is amended by adding after section 1121 (as added by section 6 of this Act) the following:

“§ 1122. Transparency of programs, priority goals, and results

“(a) TRANSPARENCY OF AGENCY PROGRAMS.—

“(1) IN GENERAL.—Not later than October 1, 2012, the Office of Management and Budget shall—

“(A) ensure the effective operation of a single website;

“(B) at a minimum, update the website on a quarterly basis; and

“(C) include on the website information about each program identified by the agencies.

“(2) INFORMATION.—Information for each program described under paragraph (1) shall include—

“(A) an identification of how the agency defines the term ‘program’, consistent with guidance provided by the Director of the Office of Management and Budget, including the program activities that are aggregated, disaggregated, or consolidated to be considered a program by the agency;

“(B) a description of the purposes of the program and the contribution of the program to the mission and goals of the agency; and

“(C) an identification of funding for the current fiscal year and previous 2 fiscal years.

“(b) TRANSPARENCY OF AGENCY PRIORITY GOALS AND RESULTS.—The head of each agency required to develop agency priority goals shall make information about each agency priority goal available to the Office of Management and Budget for publication on the website, with the exception of any information covered by section 1120(b)(2) of this title. In addition to an identification of each

agency priority goal, the website shall also consolidate information about each agency priority goal, including—

“(1) a description of how the agency incorporated any views and suggestions obtained through congressional consultations about the agency priority goal;

“(2) an identification of key factors external to the agency and beyond its control that could significantly affect the achievement of the agency priority goal;

“(3) a description of how each agency priority goal will be achieved, including—

“(A) the strategies and resources required to meet the priority goal;

“(B) clearly defined milestones;

“(C) the organizations, program activities, regulations, policies, and other activities that contribute to each goal, both within and external to the agency;

“(D) how the agency is working with other agencies to achieve the goal; and

“(E) an identification of the agency official responsible for achieving the priority goal;

“(4) the performance indicators to be used in measuring or assessing progress;

“(5) a description of how the agency ensures the accuracy and reliability of the data used to measure progress towards the priority goal, including an identification of—

“(A) the means used to verify and validate measured values;

“(B) the sources for the data;

“(C) the level of accuracy required for the intended use of the data;

“(D) any limitations to the data at the required level of accuracy; and

“(E) how the agency has compensated for such limitations if needed to reach the required level of accuracy;

“(6) the results achieved during the most recent quarter and overall trend data compared to the planned level of performance;

“(7) an assessment of whether relevant organizations, program activities, regulations, policies, and other activities are contributing as planned;

“(8) an identification of the agency priority goals at risk of not achieving the planned level of performance; and

“(9) any prospects or strategies for performance improvement.

“(c) TRANSPARENCY OF FEDERAL GOVERNMENT PRIORITY GOALS AND RESULTS.—The Director of the Office of Management and Budget shall also make available on the website—

“(1) a brief description of each of the Federal Government priority goals required by section 1120(a) of this title;

“(2) a description of how the Federal Government priority goals incorporate views and suggestions obtained through congressional consultations;

“(3) the Federal Government performance goals and performance indicators associated with each Federal Government priority goal as required by section 1115(a) of this title;

“(4) an identification of the lead Government official for each Federal Government performance goal;

“(5) the results achieved during the most recent quarter and overall trend data compared to the planned level of performance;

“(6) an identification of the agencies, organizations, program activities, regulations, tax expenditures, policies, and other activities that contribute to each Federal Government priority goal;

“(7) an assessment of whether relevant agencies, organizations, program activities, regulations, tax expenditures, policies, and other activities are contributing as planned;

“(8) an identification of the Federal Government priority goals at risk of not achieving the planned level of performance; and

“(9) any prospects or strategies for performance improvement.

“(d) INFORMATION ON WEBSITE.—The information made available on the website under this section shall be readily accessible and easily found on the Internet by the public and members and committees of Congress. Such information shall also be presented in a searchable, machine-readable format. The Director of the Office of Management and Budget shall issue guidance to ensure that such information is provided in a way that presents a coherent picture of all Federal programs, and the performance of the Federal Government as well as individual agencies.”.

SEC. 8. AGENCY CHIEF OPERATING OFFICERS.

Chapter 11 of title 31, United States Code, is amended by adding after section 1122 (as added by section 7 of this Act) the following:

“§ 1123. Chief Operating Officers

“(a) ESTABLISHMENT.—At each agency, the deputy head of agency, or equivalent, shall be the Chief Operating Officer of the agency.

“(b) FUNCTION.—Each Chief Operating Officer shall be responsible for improving the management and performance of the agency, and shall—

“(1) provide overall organization management to improve agency performance and achieve the mission and goals of the agency through the use of strategic and performance planning, measurement, analysis, regular assessment of progress, and use of performance information to improve the results achieved;

“(2) advise and assist the head of agency in carrying out the requirements of sections 1115 through 1122 of this title and section 306 of title 5;

“(3) oversee agency-specific efforts to improve management functions within the agency and across Government; and

“(4) coordinate and collaborate with relevant personnel within and external to the agency who have a significant role in contributing to and achieving the mission and goals of the agency, such as the Chief Financial Officer, Chief Human Capital Officer, Chief Acquisition Officer/Senior Procurement Executive, Chief Information Officer, and other line of business chiefs at the agency.”.

SEC. 9. AGENCY PERFORMANCE IMPROVEMENT OFFICERS AND THE PERFORMANCE IMPROVEMENT COUNCIL.

Chapter 11 of title 31, United States Code, is amended by adding after section 1123 (as added by section 8 of this Act) the following:

“§ 1124. Performance Improvement Officers and the Performance Improvement Council

“(a) PERFORMANCE IMPROVEMENT OFFICERS.—

“(1) ESTABLISHMENT.—At each agency, the head of the agency, in consultation with the agency Chief Operating Officer, shall designate a senior executive of the agency as the agency Performance Improvement Officer.

“(2) FUNCTION.—Each Performance Improvement Officer shall report directly to the Chief Operating Officer. Subject to the direction of the Chief Operating Officer, each Performance Improvement Officer shall—

“(A) advise and assist the head of the agency and the Chief Operating Officer to ensure that the mission and goals of the agency are achieved through strategic and performance planning, measurement, analysis, regular assessment of progress, and use of performance information to improve the results achieved;

“(B) advise the head of the agency and the Chief Operating Officer on the selection of agency goals, including opportunities to collaborate with other agencies on common goals;

“(C) assist the head of the agency and the Chief Operating Officer in overseeing the implementation of the agency strategic planning, performance planning, and reporting requirements provided under sections 1115 through 1122 of this title and sections 306 of title 5, including the contributions of the agency to the Federal Government priority goals;

“(D) support the head of agency and the Chief Operating Officer in the conduct of regular reviews of agency performance, including at least quarterly reviews of progress achieved toward agency priority goals, if applicable;

“(E) assist the head of the agency and the Chief Operating Officer in the development and use within the agency of performance measures in personnel performance appraisals, and, as appropriate, other agency personnel and planning processes and assessments; and

“(F) ensure that agency progress toward the achievement of all goals is communicated to leaders, managers, and employees in the agency and Congress, and made available on a public website of the agency.

“(b) PERFORMANCE IMPROVEMENT COUNCIL.—

“(1) ESTABLISHMENT.—There is established a Performance Improvement Council, consisting of—

“(A) the Deputy Director for Management of the Office of Management and Budget, who shall act as chairperson of the Council;

“(B) the Performance Improvement Officer from each agency defined in section 901(b) of this title;

“(C) other Performance Improvement Officers as determined appropriate by the chairperson; and

“(D) other individuals as determined appropriate by the chairperson.

“(2) FUNCTION.—The Performance Improvement Council shall—

“(A) be convened by the chairperson or the designee of the chairperson, who shall preside at the meetings of the Performance Improvement Council, determine its agenda, direct its work, and establish and direct subgroups of the Performance Improvement Council, as appropriate, to deal with particular subject matters;

“(B) assist the Director of the Office of Management and Budget to improve the performance of the Federal Government and achieve the Federal Government priority goals;

“(C) assist the Director of the Office of Management and Budget in implementing the planning, reporting, and use of performance information requirements related to the Federal Government priority goals provided under sections 1115, 1120, 1121, and 1122 of this title;

“(D) work to resolve specific Government-wide or crosscutting performance issues, as necessary;

“(E) facilitate the exchange among agencies of practices that have led to performance improvements within specific programs, agencies, or across agencies;

“(F) coordinate with other interagency management councils;

“(G) seek advice and information as appropriate from nonmember agencies, particularly smaller agencies;

“(H) consider the performance improvement experiences of corporations, nonprofit

organizations, foreign, State, and local governments, Government employees, public sector unions, and customers of Government services;

“(I) receive such assistance, information and advice from agencies as the Council may request, which agencies shall provide to the extent permitted by law; and

“(J) develop and submit to the Director of the Office of Management and Budget, or when appropriate to the President through the Director of the Office of Management and Budget, at times and in such formats as the chairperson may specify, recommendations to streamline and improve performance management policies and requirements.

“(3) SUPPORT.—

“(A) IN GENERAL.—The Administrator of General Services shall provide administrative and other support for the Council to implement this section.

“(B) PERSONNEL.—The heads of agencies with Performance Improvement Officers serving on the Council shall, as appropriate and to the extent permitted by law, provide at the request of the chairperson of the Performance Improvement Council up to 2 personnel authorizations to serve at the direction of the chairperson.”.

SEC. 10. FORMAT OF PERFORMANCE PLANS AND REPORTS.

(a) SEARCHABLE, MACHINE-READABLE PLANS AND REPORTS.—For fiscal year 2012 and each fiscal year thereafter, each agency required to produce strategic plans, performance plans, and performance updates in accordance with the amendments made by this Act shall—

(1) not incur expenses for the printing of strategic plans, performance plans, and performance reports for release external to the agency, except when providing such documents to the Congress;

(2) produce such plans and reports in searchable, machine-readable formats; and

(3) make such plans and reports available on the website described under section 1122 of title 31, United States Code.

(b) WEB-BASED PERFORMANCE PLANNING AND REPORTING.—

(1) IN GENERAL.—Not later than June 1, 2012, the Director of the Office of Management and Budget shall issue guidance to agencies to provide concise and timely performance information for publication on the website described under section 1122 of title 31, United States Code, including, at a minimum, all requirements of sections 1115 and 1116 of title 31, United States Code, except for section 1115(e).

(2) HIGH-PRIORITY GOALS.—For agencies required to develop agency priority goals under section 1120(b) of title 31, United States Code, the performance information required under this section shall be merged with the existing information required under section 1122 of title 31, United States Code.

(3) CONSIDERATIONS.—In developing guidance under this subsection, the Director of the Office of Management and Budget shall take into consideration the experiences of agencies in making consolidated performance planning and reporting information available on the website as required under section 1122 of title 31, United States Code.

SEC. 11. REDUCING DUPLICATIVE AND OUTDATED AGENCY REPORTING.

(a) BUDGET CONTENTS.—Section 1105(a) of title 31, United States Code, is amended—

(1) by redesignating second paragraph (33) as paragraph (35); and

(2) by adding at the end the following:

“(37) the list of plans and reports, as provided for under section 1125, that agencies

identified for elimination or consolidation because the plans and reports are determined outdated or duplicative of other required plans and reports.”.

(b) **ELIMINATION OF UNNECESSARY AGENCY REPORTING.**—Chapter 11 of title 31, United States Code, is further amended by adding after section 1124 (as added by section 9 of this Act) the following:

“§ 1125. Elimination of unnecessary agency reporting

“(a) **AGENCY IDENTIFICATION OF UNNECESSARY REPORTS.**—Annually, based on guidance provided by the Director of the Office of Management and Budget, the Chief Operating Officer at each agency shall—

“(1) compile a list that identifies all plans and reports the agency produces for Congress, in accordance with statutory requirements or as directed in congressional reports;

“(2) analyze the list compiled under paragraph (1), identify which plans and reports are outdated or duplicative of other required plans and reports, and refine the list to include only the plans and reports identified to be outdated or duplicative;

“(3) consult with the congressional committees that receive the plans and reports identified under paragraph (2) to determine whether those plans and reports are no longer useful to the committees and could be eliminated or consolidated with other plans and reports; and

“(4) provide a total count of plans and reports compiled under paragraph (1) and the list of outdated and duplicative reports identified under paragraph (2) to the Director of the Office of Management and Budget.

“(b) **PLANS AND REPORTS.**—

“(1) **FIRST YEAR.**—During the first year of implementation of this section, the list of plans and reports identified by each agency as outdated or duplicative shall be not less than 10 percent of all plans and reports identified under subsection (a)(1).

“(2) **SUBSEQUENT YEARS.**—In each year following the first year described under paragraph (1), the Director of the Office of Management and Budget shall determine the minimum percent of plans and reports to be identified as outdated or duplicative on each list of plans and reports.

“(c) **REQUEST FOR ELIMINATION OF UNNECESSARY REPORTS.**—In addition to including the list of plans and reports determined to be outdated or duplicative by each agency in the budget of the United States Government, as provided by section 1105(a)(37), the Director of the Office of Management and Budget may concurrently submit to Congress legislation to eliminate or consolidate such plans and reports.”.

SEC. 12. PERFORMANCE MANAGEMENT SKILLS AND COMPETENCIES.

(a) **PERFORMANCE MANAGEMENT SKILLS AND COMPETENCIES.**—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Personnel Management, in consultation with the Performance Improvement Council, shall identify the key skills and competencies needed by Federal Government personnel for developing goals, evaluating programs, and analyzing and using performance information for the purpose of improving Government efficiency and effectiveness.

(b) **POSITION CLASSIFICATIONS.**—Not later than 2 years after the date of enactment of this Act, based on the identifications under subsection (a), the Director of the Office of Personnel Management shall incorporate, as appropriate, such key skills and competencies into relevant position classifications.

(c) **INCORPORATION INTO EXISTING AGENCY TRAINING.**—Not later than 2 years after the enactment of this Act, the Director of the Office of Personnel Management shall work with each agency, as defined under section 306(f) of title 5, United States Code, to incorporate the key skills identified under subsection (a) into training for relevant employees at each agency.

SEC. 13. TECHNICAL AND CONFORMING AMENDMENTS.

(a) The table of contents for chapter 3 of title 5, United States Code, is amended by striking the item relating to section 306 and inserting the following:

“306. Agency strategic plans.”.

(b) The table of contents for chapter 11 of title 31, United States Code, is amended by striking the items relating to section 1115 and 1116 and inserting the following:

“1115. Federal Government and agency performance plans.

“1116. Agency performance reporting.”.

(c) The table of contents for chapter 11 of title 31, United States Code, is amended by adding at the end the following:

“1120. Federal Government and agency priority goals.

“1121. Quarterly priority progress reviews and use of performance information.

“1122. Transparency of programs, priority goals, and results.

“1123. Chief Operating Officers.

“1124. Performance Improvement Officers and the Performance Improvement Council.

“1125. Elimination of unnecessary agency reporting.”.

SEC. 14. IMPLEMENTATION OF THIS ACT.

(a) **INTERIM PLANNING AND REPORTING.**—

(1) **IN GENERAL.**—The Director of the Office of Management and Budget shall coordinate with agencies to develop interim Federal Government priority goals and submit interim Federal Government performance plans consistent with the requirements of this Act beginning with the submission of the fiscal year 2013 Budget of the United States Government.

(2) **REQUIREMENTS.**—Each agency shall—

(A) not later than February 6, 2012, make adjustments to its strategic plan to make the plan consistent with the requirements of this Act;

(B) prepare and submit performance plans consistent with the requirements of this Act, including the identification of agency priority goals, beginning with the performance plan for fiscal year 2013; and

(C) make performance reporting updates consistent with the requirements of this Act beginning in fiscal year 2012.

(3) **QUARTERLY REVIEWS.**—The quarterly priority progress reviews required under this Act shall begin—

(A) with the first full quarter beginning on or after the date of enactment of this Act for agencies based on the agency priority goals contained in the Analytical Perspectives volume of the Fiscal Year 2011 Budget of the United States Government; and

(B) with the quarter ending June 30, 2012 for the interim Federal Government priority goals.

(b) **GUIDANCE.**—The Director of the Office of Management and Budget shall prepare guidance for agencies in carrying out the interim planning and reporting activities required under subsection (a), in addition to other guidance as required for implementation of this Act.

SEC. 15. CONGRESSIONAL OVERSIGHT AND LEGISLATION.

(a) **IN GENERAL.**—Nothing in this Act shall be construed as limiting the ability of Congress to establish, amend, suspend, or annul a goal of the Federal Government or an agency.

(b) **GAO REVIEWS.**—

(1) **INTERIM PLANNING AND REPORTING EVALUATION.**—Not later than June 30, 2013, the Comptroller General shall submit a report to Congress that includes—

(A) an evaluation of the implementation of the interim planning and reporting activities conducted under section 14 of this Act; and

(B) any recommendations for improving implementation of this Act as determined appropriate.

(2) **IMPLEMENTATION EVALUATIONS.**—

(A) **IN GENERAL.**—The Comptroller General shall evaluate the implementation of this Act subsequent to the interim planning and reporting activities evaluated in the report submitted to Congress under paragraph (1).

(B) **AGENCY IMPLEMENTATION.**—

(i) **EVALUATIONS.**—The Comptroller General shall evaluate how implementation of this Act is affecting performance management at the agencies described in section 901(b) of title 31, United States Code, including whether performance management is being used by those agencies to improve the efficiency and effectiveness of agency programs.

(ii) **REPORTS.**—The Comptroller General shall submit to Congress—

(I) an initial report on the evaluation under clause (i), not later than September 30, 2015; and

(II) a subsequent report on the evaluation under clause (i), not later than September 30, 2017.

(C) **FEDERAL GOVERNMENT PLANNING AND REPORTING IMPLEMENTATION.**—

(i) **EVALUATIONS.**—The Comptroller General shall evaluate the implementation of the Federal Government priority goals, Federal Government performance plans and related reporting required by this Act.

(ii) **REPORTS.**—The Comptroller General shall submit to Congress—

(I) an initial report on the evaluation under clause (i), not later than September 30, 2015; and

(II) subsequent reports on the evaluation under clause (i), not later than September 30, 2017 and every 4 years thereafter.

(D) **RECOMMENDATIONS.**—The Comptroller General shall include in the reports required by subparagraphs (B) and (C) any recommendations for improving implementation of this Act and for streamlining the planning and reporting requirements of the Government Performance and Results Act of 1993.

Mr. WARNER. Mr. President, I rise to offer new legislation that I urge all my colleagues from both sides of the aisle to support. I am pleased to be joined by Senators CARPER, AKAKA, LIEBERMAN, COLLINS, and VOINOVICH as original cosponsors of this bill. The legislation we offer today, the Government Performance and Results Modernization Act of 2010, is directly aimed at improving operations and quantifying results across the Federal Government.

I think most of my colleagues know I am a business guy. In fact, I have spent more time in the business world than in the public sector. I have always

tried to apply commonsense business practices to the work of government, in my former job as Virginia Governor and now as Senator. This is a point I think most of us on both sides of the aisle would acknowledge: If I ran a business or if we ran any business the way we run the Federal Government, I would be out of business in short order. If we do not change—as we hear the kinds of folks across America say: We want to see more efficiency from our Federal Government—if we do not change, our government might get run out of business as well.

As chair of the Budget Committee Task Force on Government Performance, over the last 18 months I have been looking into how we use data and information to improve government operations. Over the last year, our task force has held a series of hearings, meetings, and conversations with public and private sector leaders from every level of government to learn more about what works and what does not work. Here is what we have learned.

At the beginning of every President's administration, it seems an entirely new performance agenda is established. The Bush administration had the President's Management Agenda, and the current administration has its own accountable government initiatives. With this frequent change in approach every 4 to 8 years, it is difficult to ensure that we are consistent in the data we collect, use the best tools and technology to analyze it, and then put the necessary accountability in place to orderly track performance and the basic functions of what government does. Let me give you a couple examples.

Agencies produce literally thousands of pages of data each year, but too often we do not use it. We do not use it in Congress. Public interest groups do not use it. Enormous efforts are put into collecting this data, and then it sits on the shelf. Typically, this performance data is only reported once a year, so it is often too late by the time we discover whether we are improving or falling behind.

We also do not compare the results of similar programs. Too often, so many of our government functions are siloed by agency or Department and rarely is this data analyzed in any kind of crosscutting fashion. We in the task force took a look at this. We looked, for example, at workforce training programs across the Federal Government. We are currently funding 44 separate Federal programs in 9 different departments to support workforce training. We all would agree that in a changing world, workforce training is key to America's competitiveness. But 44 programs in 9 different departments without any kind of crosscutting analysis? No business could operate that way. And it is not just workforce training. In food safety—a piece of legislation that we

are working on that I and I know the Presiding Officer hope we pass before the end of the year to put new food safety standards in place—in food safety, we currently fund 17 different entities within 7 different departments involved in food safety activities. So how can we assess what is working and what is not working?

In short, government operates in silos. We report by agency and by program, but we do not know what we are doing in government in any particular project area or specific policy goal area. We need a better system that enables us to review the results of each program as a whole in terms of how they feed into a policy objective, where we are having the most impact, and, candidly, where we could find some room to cut or curtail.

Our Federal performance system also needs to increase the accountability of senior agency leadership. In many agencies, the performance planning and reporting is disconnected from the senior officials and not part of the daily operations of the agency. In other words, somebody's got this task, but their functions of performance audits and measurements and metrics do not have a direct line of reporting to whoever the chief operating officer of the particular agency is.

I can say that at the State and local level, we have actually made some progress in changing this around. Let me parochially start with what we did in Virginia. This chart I have in the Chamber is a little bit busy, but we created a Virginia Performs Web site. We use this to track progress we are making in key policy areas that are important to Virginians. So whether it is the economy, education—and we set commonsense goals that everyone can agree on across party lines, and then we look at the measurement criteria that lead to that goal. This is one of the reasons Virginia has earned the recognition as the best managed State in the country.

It is not just happening in Virginia, though. In Indiana, a different tool has been created. It is called the Transparency Portal by GOV Mitch Daniels. It again tries to bring transparency to the policy goals. Then we can argue about how we get there or how we ought to fund how we get there. But unless we have common agreement on the goal and then see which programs lead to that goal and measure the effectiveness of the individual programs, we are not going to get, particularly in these budget-constrained times, the best value for our Federal tax dollar.

I believe Washington has much to learn from these local and State level examples in setting goals, holding managers accountable, and using performance metrics in a consistent, user-friendly way. State and local decision-makers do not have to wait to look at the results once a year. They do it con-

stantly. That is what we did in Virginia. That is what we need to do in our Nation's Capital as well.

In addition to this reporting and crosscutting, we also need to recognize that not all of these burdensome reporting requirements are of equal value. So the task force has focused on reducing reporting requirements to identify what reporting might be consolidated or eliminated. If you get overwhelmed with data at certain points, the data becomes somewhat less useful. So we want to focus these agencies on what are the key determinants on which they ought to report. I do not want to just add new reports and data requirements on agencies. There are bookshelves all over this town sagging from the weight of unread reports. So we must streamline and modernize what we are currently doing, and we need to examine outdated and overlapping agency reporting. We should only collect information that is useful.

The Government Performance and Results Modernization Act addresses many of our findings to improve the operations and results across government.

First, it will require all agencies to produce real-time data on results. As I mentioned earlier, in the past, agencies would report on performance only once a year. This bill would require agencies to post results quarterly so the public and Congress can use that real-time information about what works on targeted goals. With today's technology and if you are collecting data on an ongoing basis, there is no reason we should have this information only come out once a year. A quarterly requirement will allow us to correct and fine-tune on an ongoing basis.

Second, the bill requires agencies to post data on a single public Web site. This Web site will contain performance information from across government so we can see how we are performing and how national priorities such as education, public health, and safety, are being met. Again, I go back to Virginia Performs, which works. You agree on a top-line policy goal, and then you see across agencies how all these different programs feed in. So posting this on a single public Web site rather than having Members of Congress or the public sort through the myriad of sites right now is a step in the right direction.

Third, agencies will be required to identify low-priority programs that are not adequately contributing to the overall results. Now, this is controversial. Every agency likes to talk about its best performing programs. No agency likes to talk about which programs really are not getting the job done. But as we face increasingly budget constraining times, we must make sure we look not only at the winners but that we have the agencies themselves put forward those areas where programs are not meeting the goals.

Fourth, we need to take important steps to improve the accountability of the senior officers in government agencies. We formally establish that agency deputy secretaries are the chief operating officers and hold them accountable for the results the agencies are looking for. Again, you have to have a chain of command so somebody knows who is the chief operating officer and those people who are performing are responsible and those metrics are reported to that chief operating officer. We also establish a performance improvement officer who reports directly to the COO and, again, works across agencies to meet our crosscutting goals.

We also feel these efforts will generate “back office” savings, and we have as a policy goal—I do not believe this will be a stretch—a literally 10-percent reduction in written reports.

We sometimes get overloaded with data. We want to fine-tune the data. We want to make sure the more useful data is reported on a more regular basis, that extraneous amounts—some of the kind of burdensome stuff that has been put in in the past that may no longer be relevant—we want to eliminate. And within the agency, we want to make sure there is a clear chain of command.

I think the Government Performance and Results Modernization Act moves us forward in a major way. So this legislation—commonsense business practices, bipartisan, in an effort that will meet the 10-percent reduction in agency reports; the effort, finally, to make sure we can look at policy goals not by individual department or agency but across programmatic areas; the same kinds of business techniques that are used in Fortune 500 companies all across America and, for that matter, all across the world—will bring these best practices into the Federal Government and make sure we do not have this kind of start-and-stop effort that has, unfortunately, plagued modernization efforts over the past.

I urge my colleagues on both sides of the aisle—since this is bipartisan supported—to join in this effort. As we think about many of the major issues that we kind of fight through in these remaining days of this Congress, I hope, for this kind of commonsense piece of legislation, that we could get the time needed to get it passed. Again, I urge my colleagues to join us in this effort.

Mr. AKAKA. Mr. President, I am pleased to join Senators CARPER, WARNER, COLLINS, LIEBERMAN, and VOINOVICH in introducing the GPRA Modernization Act of 2010.

As an original cosponsor of the Government Performance and Results Act of 1993, often referred to as GPRA or the Results Act, I believe the time has come to refine and enhance this landmark bill.

President Obama, in his inaugural address, observed:

The question we ask today is not whether our government is too big or too small but whether it works.

This question captures the essence of what the Results Act seeks to achieve. While the original Results Act made significant progress in encouraging agencies to develop a results-oriented culture, it is time to modernize GPRA. Several long-standing challenges hinder agency efforts to answer this critical question. Our legislation is a bipartisan effort to empower agencies to overcome these challenges and better evaluate how to use taxpayer dollars in the most efficient and effective way possible.

Prior to 1993, Congress had never enacted a statutory framework for strategic planning, goal setting, or performance measurement. According to the U.S. Government Accountability Office, before GPRA, few agencies had results-oriented performance information to manage or make strategic policy decisions. The Results Act was a bipartisan effort that succeeded in establishing a comprehensive and consistent statutory foundation of required agency strategic plans, annual performance plans, and annual performance reports. GPRA is and must remain a cornerstone of the Federal Government's efforts to strengthen strategic planning across all agencies.

Lessons learned from nearly two decades worth of experience implementing the Results Act, informed by numerous GAO reports and recommendations; confirm the need to strengthen the statutory framework established by GPRA.

The legislation we offer today draws on this experience, applying lessons learned to amend GPRA to address the limitations identified by GAO and other observers. I will highlight a few of the important provisions in this bill.

Our bill requires the Director of the Office of Management and Budget to develop a Federal Government performance plan and to coordinate with agencies to develop Federal Government priority goals for management and policy issues that cut across agencies. This provision addresses a long-standing GAO recommendation that the Federal Government develop a government-wide performance plan to provide OMB, agencies, and Congress, with a structured framework for addressing crosscutting policy initiatives and program efforts.

This legislation also strengthens the congressional consultation provisions to require agencies consult with Congress when developing strategic plans and identifying priority goals. GAO has found that regular consultation with Congress about the content and format of strategic and performance plans is critical to ensure that both the executive and legislative branches are en-

gaged in improving government performance. Full congressional buy-in is a key element to building a sustainable performance management framework.

Our legislative proposal also addresses performance management skills and competencies, which GAO has identified as a critical factor in determining an agency's success in utilizing performance management systems. A 2007 GAO survey of Federal managers found nearly half reported not receiving training that would assist in utilizing performance information. Our bill addresses this training deficit by requiring the Director of the Office of Personnel Management to identify key performance management skills and competencies and incorporate them into relevant position classifications and training curricula.

Congress has a responsibility to promote effective performance management to enable Federal agencies to spend taxpayer dollars wisely, while carrying out critical missions. The GPRA Modernization Act is an important step towards accomplishing this goal, and I urge my colleagues to support this legislation.

By Mr. LEAHY (for himself, Mr. WHITEHOUSE, and Mr. KAUFMAN):

S. 3854. A bill to expand the definition of scheme or artifice to defraud with respect to mail and wire fraud; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am pleased to introduce the Honest Services Restoration Act with Senator WHITEHOUSE and Senator KAUFMAN. The legislation will restore critical tools used by investigators and prosecutors to combat public corruption and corporate fraud, which the Supreme Court dramatically weakened in *Skilling v. United States*.

In *Skilling*, the Court sided with an Enron executive who had been convicted of fraud, and in doing so, held that the honest services fraud statute may be used to prosecute only bribery and kickbacks, but no other conduct. That leaves other corrupt and fraudulent conduct which prosecutors in the past addressed under the honest services fraud statute to go unchecked. Most notably, the Court's decision excluded undisclosed “self-dealing” by state and federal public officials, and corporate officers and directors, which is when those officials or executives secretly act in their own financial self-interest, rather than in the interest of the public or, in the private sector cases, their shareholders and employees. The Honest Services Restoration Act restores the honest services statute to cover this undisclosed “self-dealing” by state and Federal public officials, and corporate officers and directors.

In a hearing earlier today, the Judiciary Committee heard testimony from

experts who explored the kinds of problematic conduct that may now go unchecked in the wake of the Skilling decision. The testimony also considered what Congress can and should do to fill those gaps and restore strong enforcement to combat corrupt and fraudulent conduct.

It is clear that in recent years, the stain of corruption has spread to all levels of government. This is a problem that victimizes every American by chipping away at the foundations of our democracy and the faith that Americans have in their government. Recent years have also seen a plague of financial and corporate frauds that have severely undermined our economy and hurt too many hardworking people in this country. These frauds have robbed people of their savings, their retirement accounts, college funds for their children, and have cost too many people their homes.

Congress has acted, by passing the Fraud Enforcement and Recovery Act and other key provisions, to give prosecutors and investigators more tools to combat fraud. But we must remain vigilant, as the methods and techniques used by those who would defraud hardworking Americans continue to change. Too often, loopholes in existing laws have meant that corrupt conduct can go unchecked. The honest services fraud statute has enabled prosecutors to root out corrupt and fraudulent conduct that would otherwise slip through those loopholes; we must tighten it so it can perform that important role again.

Congress must act aggressively but carefully to strengthen our laws to root out corruption and fraud. By preventing public officials and corporate executives from acting in their own self-interest at the expense of the people they serve, the Honest Services Restoration Act closes a gap created by Skilling and strengthens a critical law enforcement tool. I look forward to working with Senators from both parties to quickly pass this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3854

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Honest Services Restoration Act”.

SEC. 2. AMENDMENT TO TITLE 18.

(a) IN GENERAL.—Chapter 63 of title 18, United States Code, is amended by inserting after section 1346 the following:

“§ 1346A. Definition of ‘scheme or artifice to defraud’

“(a) For purposes of this chapter, the term ‘scheme or artifice to defraud’ also includes—

“(1) a scheme or artifice by a public official to engage in undisclosed self-dealing; or

“(2) a scheme or artifice by officers and directors to engage in undisclosed private self-dealing.

“(b)(1) In subsection (a)(1)—

“(A) the term ‘undisclosed self-dealing’ means that—

“(i) a public official performs an official act for the purpose, in whole or in part, of benefitting or furthering a financial interest of—

“(I) the public official;

“(II) the public official’s spouse or minor child;

“(III) a general partner of the public official;

“(IV) a business or organization in which the public official is serving as an employee, officer, director, trustee, or general partner;

“(V) an individual, business, or organization with whom the public official is negotiating for, or has any arrangement concerning, prospective employment or financial compensation; or

“(VI) a person, business, or organization from whom the public official has received a thing of value or a series of things of value, otherwise than as provided by law for the proper discharge of official duty, or by rule or regulation; and

“(ii) the public official knowingly falsifies, conceals, or covers up material information that is required to be disclosed regarding that financial interest by any Federal, State, or local statute, rule, regulation, or charter applicable to the public official, or knowingly fails to disclose material information regarding that financial interest in a manner that is required by any Federal, State, or local statute, rule, regulation, or charter applicable to the public official;

“(B) the term ‘public official’ means an officer, employee, or elected or appointed representative, or person acting for or on behalf of the United States, a State, or subdivision of a State, or any department, agency, or branch thereof, in any official function, under or by authority of any such department, agency or branch of Government;

“(C) the term ‘official act’—

“(i) includes any act within the range of official duty, and any decision, recommendation, or action on any question, matter, cause, suit, proceeding, or controversy, which may at any time be pending, or which may by law be brought before any public official, in such public official’s official capacity or in such official’s place of trust or profit;

“(ii) can be a single act, more than one act, or a course of conduct; and

“(iii) includes a decision or recommendation that the Government should not take action; and

“(D) the term ‘State’ includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

“(2) In subsection (a)(2)—

“(A) the term ‘undisclosed private self-dealing’ means that—

“(i) an officer or director performs an act which causes or is intended to cause harm to the officer’s or director’s employer, and which is undertaken in whole or in part to benefit or further by an actual or intended value of \$5,000 or more a financial interest of—

“(I) the officer or director;

“(II) the officer or director’s spouse or minor child;

“(III) a general partner of the officer or director;

“(IV) another business or organization in which the public official is serving as an em-

ployee, officer, director, trustee, or general partner; or

“(V) an individual, business, or organization with whom the officer or director is negotiating for, or has any arrangement concerning, prospective employment or financial compensation; and

“(ii) the officer or director knowingly falsifies, conceals, or covers up material information that is required to be disclosed regarding that financial interest by any Federal, State, or local statute, rule, regulation, or charter applicable to the officer or director, or knowingly fails to disclose material information regarding that financial interest in a manner that is required by any Federal, State, or local statute, rule, regulation, or charter applicable to the officer or director;

“(B) the term ‘employer’ includes publicly traded corporations, and private charities under section 501(c)(3) of the Internal Revenue Code of 1986; and

“(C) the term ‘act’ includes a decision or recommendation to take, or not to take action, and can be a single act, more than one act, or a course of conduct.”

(b) CHAPTER ANALYSIS.—The chapter analysis for chapter 63 of title 18, United States Code, is amended by inserting after the item for section 1346 the following:

“Sec. 1346A. Definition of ‘scheme or artifice to defraud’.”

By Ms. CANTWELL (for herself,
Mr. NELSON of Nebraska, Mrs.

MURRAY, and Mr. SANDERS):

S. 3855. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the issuance of new clean renewable energy bonds and to terminate eligibility of governmental bodies to issue such bonds, and for other purposes; to the Committee on Finance.

Ms. CANTWELL. Mr. President, today I am introducing legislation that will unleash a wave of investment in clean renewable energy. The Clean Renewable Energy Investment Act of 2010 will remove the arbitrary cap on the amount of Clean Renewable Energy Bonds that can be issued by our Nation’s consumer-owned public power providers and cooperative electric companies. This legislation will generate significant private investment in renewable energy projects that will create thousands of jobs nationwide.

Congress first created Clean Renewable Energy Bonds, or “CREBs” in 2005 in an attempt to parallel the tax incentive offered by the Section 45 tax credit for electricity produced from renewable resources. However, the incentives for consumer-owned utilities have never been truly comparable to the subsidy we provide to for-profit, investor-owned utilities because unlike the section 45 tax credit, CREBs have always been subject to an overall cap on the amount of bonds that can be issued nationwide.

Since consumer-owned utilities operate on a not-for-profit basis and incur no Federal income tax liability, traditional production tax credits otherwise available to for-profit utilities simply do not work—because there is no Federal tax liability to offset with the credit. Yet the nearly 3,000 public

power utilities and rural electric cooperatives collectively serve 25 percent of the Nation's electricity customers. These utilities are often ideally situated in terms of both geography and size to integrate clean and renewable technologies into their systems.

The original CREB program has been extended twice and was modified in the Emergency Economic Stabilization Act of 2008 to make it more workable for public power and more attractive to institutional investors. The Emergency Economic Stabilization Act and the American Recovery and Reinvestment Act of 2009 provided for an additional \$2.4 billion in CREB funding split equally between public power providers, rural electric cooperatives, and other governmental bodies. In March 2010, Congress passed another very useful modification to the CREB program by giving issuers of CREBs the option to issue the bonds as "direct-pay bonds", similar to the structure of Build America Bonds.

In the last round of CREBs, the demand for projects significantly exceeded the availability of the limited \$800 million for each category of issuer. Public power and electric cooperative utilities have billions of dollars in projects awaiting these incentives—with some even having the potential to use \$800 million for a single project if given the opportunity.

This means we have an opportunity to unleash a wave of investments in clean energy. In Washington State, 50 percent of customers are served by public power providers. Nationwide, public power and cooperatives serve one in four electricity customers. Yet, if we look back over the history of the Section 45 tax credit and CREBs, Congress typically shortchanges the consumer-owned sector. Looking at the Joint Committee on Taxations estimates of the cost of all the major energy tax legislation since 2005, the resources allocated to CREBs have been roughly 1/10 of the cost of extending or expanding, section 45.

My legislation would correct this inconsistency in our energy policy by removing the arbitrary cap on the volume of CREBs that can be issued, and would instead sunset the CREB program at the end of 2013, which is consistent with the expiration of most components of the section 45 credit.

It would also remove the "governmental bodies" category from eligibility for the bonds. The CREB program was originally developed for utility-scale projects and this amendment reflects that intent and puts the program in line with the Production Tax Credit for investor-owned utilities. Since passage of the American Recovery and Reinvestment Act, Governmental bodies now have their own bond program. They are eligible for the new Qualified Energy Conservation Bonds, QECBs, which is a more suitable pro-

gram for these entities as they can finance both renewable and energy efficiency projects with QECBs. Under this legislation, Tribal utilities would remain eligible issuers of CREBs.

In addition, the bill clarifies that any reimbursement with bond proceeds is governed by the reimbursement rules applicable to tax-exempt bonds. It is widely recognized in the public finance community that the existing wording in Section 54A(d)(2)(D) is at best unclear, and at worst incorrect. State and local government issuers of bonds are familiar with the reimbursement rules applicable to tax-exempt bonds and there is no tax policy reason to have two sets of reimbursement rules.

Finally, the bill insures that any new CREBs allocated before the date of enactment of this bill are not affected by any of these amendments. The intent is to ensure that the "governmental bodies" category is still able to issue previously allocated CREBs and will not be retroactively cut out of the program.

This bill is good energy policy because it will lead to the development of thousands of megawatts of renewable power. It is good tax policy because it maintains the integrity of the CREBs program, and it is overall good public policy because it provides parity between investor-owned and consumer-owned utilities.

By Mr. LEAHY (for himself, Mrs. GILLIBRAND, and Mr. SCHUMER):
S. 3858. A bill to improve the H-2A agricultural worker program for use by dairy workers, sheepherders, and goat herders, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, in these challenging economic times, dairy farmers in Vermont, New York, and across America are experiencing particularly difficult conditions. They face both rock-bottom milk prices, and a severe labor shortage. There is an immediate solution for one of these issues. Labor shortages could be met with foreign agricultural workers under a special visa program, called H-2A, which allows farmers who are unable to fill labor needs with domestic workers to hire temporary or seasonal foreign workers. I have long sought to include dairy farmers in the H-2A program, but the Department of Labor has consistently refused to interpret the law to allow dairy farmers access to seasonal foreign workers.

Last fall, the Department of Labor initiated a rulemaking process to reconsider various aspects of the H-2A program. I repeatedly urged the Department to exercise its authority to give dairy farmers access to H-2A workers, both through comments I submitted in the formal rulemaking and by supporting the comments of the National Milk Producers Federation.

Nonetheless, on February 11, 2010, the Department released a final rule that

continues to exclude the dairy industry from this valuable program. Inexplicably, while refusing to include the dairy industry because of its year-round needs, the Department of Labor extends new access to the H-2A program to the logging industry, and continues to offer access to these purportedly seasonal worker visas to the year-round sheepherding industry.

Today, I introduce the H-2A Improvement Act with Senators GILLIBRAND and SCHUMER. This bill will finally end the inequity under current law. The H-2A Improvement Act will make explicit in law that dairy farms can use the H-2A program, ensuring that dairy farmers in Vermont, New York, and throughout the Nation can find the labor they need to stay in business, meeting the needs of their communities and American families. This legislation, which also gives statutory access to the H-2A program to sheep herders and goat herders, contains provisions to ensure that the benefit that these workers provide to farmers is maximized. The legislation authorizes this unique class of workers to remain in the United States for an initial period of 3 years, and gives U.S. Citizenship and Immigration Services the authority to approve a worker for an additional 3-year period as needed. After the initial 3-year period, the worker may petition to become a lawful permanent resident.

The failure to allow the dairy industry to participate in the H-2A program puts many dairy farmers in the situation of having to choose between their livelihoods and following the law. Late last year, the Department of Homeland Security audited at least four dairy farms in Vermont. Although I strongly believe that the vast majority of dairy farmers want to hire a lawful workforce, there is a critical shortage of domestic workers available to work on dairy farms. Dairy farmers are often ill-equipped to verify the authenticity of documents that job applicants present. As a result, some of the workers the farmers hire may not be lawfully authorized to work. With all the challenges facing dairy farmers today, we should help dairy farmers hire lawful workers, not leave them with the precarious choice of hiring workers who may be unauthorized, or hiring no workers at all.

Expanding the H-2A program to include dairy workers would protect both American and foreign workers. It would protect American workers from having to compete with an unlawful work force, in which unscrupulous employers pay lower wages in often unsafe conditions. At the same time, it would protect foreign dairy workers, by requiring that employers comply with existing H-2A regulations and wage and hour and occupational safety laws. This legislation, if enacted, would give foreign workers who seek employment

in the dairy industry the dignity and certainty of lawful status and the opportunity to be productive members of the communities in which they work.

In 2006 and 2007, I worked to include nearly identical provisions in the Senate's comprehensive immigration bills. This legislation reflects those provisions. The measure I introduce today is a simple, targeted fix to our immigration laws that will enable dairy farmers to gain the benefits of this important program. While I recognize that many agricultural employers are frustrated by the current regulatory process, it is a critical first step, and a matter of basic fairness that dairy farmers are afforded the same opportunities to obtain labor as all other agricultural sectors.

Although this legislation is necessary to meet the immediate needs of dairy farmers, I also want to make absolutely clear that I remain in complete support of the more comprehensive AgJOBS legislation, which I joined Senator FEINSTEIN in introducing last year, and on which Senator FEINSTEIN and others have worked tirelessly. I will continue to strongly support that legislation, and Senator FEINSTEIN in her efforts to see it enacted. AgJOBS is broader than the H-2A Improvement Act. It reforms the broader H-2A program to cover agricultural workers that are currently assisting American farmers, but who are not lawfully authorized to work. It also makes important, negotiated changes to streamline the H-2A regulatory process for employers and workers. I recognize that farmers across the country need a comprehensive solution—from Vermont's small dairy farms to the vast fields of California. The solution that the AgJOBS legislation proposes will benefit agriculture across the Nation and is a solution I remain committed to making a reality.

I will also continue to work with Senate leadership and Senators from both sides of the aisle to accomplish our shared goals for broader reform of our Nation's immigration system. In the meantime, America's dairy farmers must at least be placed on the same footing as other agricultural interests with respect to our current H-2A laws.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3858

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "H-2A Improvement Act".

SEC. 2. NONIMMIGRANT STATUS FOR DAIRY WORKERS, SHEEPHERDERS, AND GOAT HERDERS.

Section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C.

1101(a)(15)(H)(ii)(a)) is amended by inserting "who is coming temporarily to the United States to perform agricultural labor or services as a dairy worker, sheepherder, or goat herder, or" after "abandoning".

SEC. 3. SPECIAL RULES FOR ALIENS EMPLOYED AS DAIRY WORKERS, SHEEPHERDERS, OR GOAT HERDERS.

Section 218 of the Immigration and Nationality Act (8 U.S.C. 1188) is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively;

(2) by inserting after subsection (g) the following:

"(h) SPECIAL RULES FOR ALIENS EMPLOYED AS DAIRY WORKERS, SHEEPHERDERS, OR GOAT HERDERS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this Act, an alien admitted as a nonimmigrant under section 101(a)(15)(H)(ii)(a) for employment as a dairy worker, sheepherder, or goat herder—

"(A) may be admitted for an initial period of 3 years; and

"(B) subject to paragraph (3)(E), may have such initial period of admission extended for an additional period of up to 3 years.

"(2) EXEMPTION FROM TEMPORARY OR SEASONAL REQUIREMENT.—Notwithstanding section 101(a)(15)(H)(ii)(a), an employer filing a petition to employ H-2A workers in positions as dairy workers, sheepherders, or goat herders shall not be required to show that such positions are of a seasonal or temporary nature.

"(3) ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS.—

"(A) ELIGIBLE ALIEN.—In this paragraph, the term 'eligible alien' means an alien who—

"(i) has H-2A worker status based on employment as a dairy worker, sheepherder, or goat herder;

"(ii) has maintained such status in the United States for a not fewer than 33 of the preceding 36 months; and

"(iii) is seeking to receive an immigrant visa under section 203(b)(3)(A)(iii).

"(B) CLASSIFICATION PETITION.—A petition under section 204 for classification of an eligible alien under section 203(b)(3)(A)(iii) may be filed by—

"(i) the alien's employer on behalf of the eligible alien; or

"(ii) the eligible alien.

"(C) NO LABOR CERTIFICATION REQUIRED.—Notwithstanding section 203(b)(3)(C), no determination under section 212(a)(5)(A) is required with respect to an immigrant visa under section 203(b)(3)(A)(iii) for an eligible alien.

"(D) EFFECT OF PETITION.—The filing of a petition described in subparagraph (B) or an application for adjustment of status based on a petition described in subparagraph (B) shall not be a basis for denying—

"(i) another petition to employ H-2A workers;

"(ii) an extension of nonimmigrant status for a H-2A worker;

"(iii) admission of an alien as an H-2A worker;

"(iv) a request for a visa for an H-2A worker;

"(v) a request from an alien to modify the alien's immigration status to or from status as an H-2A worker; or

"(vi) a request made for an H-2A worker to extend such worker's stay in the United States.

"(E) EXTENSION OF STAY.—The Secretary of Homeland Security shall extend the stay of an eligible alien having a pending or approved petition described in subparagraph

(B) in 1-year increments until a final determination is made on the alien's eligibility for adjustment of status to that of an alien lawfully admitted for permanent residence.

"(F) CONSTRUCTION.—Nothing in this paragraph may be construed to prevent an eligible alien from seeking adjustment of status in accordance with any other provision of law."; and

(3) in subsection (j)(1), as redesignated by paragraph (1), by striking "The term" and inserting "Except as provided under subsection (h)(2)(A), the term".

By Mr. INOUE:

S. 3859. A bill to express the sense of the Senate concerning the establishment of Doctor of Nursing Practice and doctor of Pharmacy dual degree programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUE. Mr. President, today I rise to recognize the need for a health care professional skilled in caring for the specific needs of a growing elderly population. In the next 30 years we will see a unique change in population demographics in this country. The geriatric population is increasing and by the year 2030, the over 65 age group will make up 20 percent of the population. More people will reach the 100-year mark. My home State of Hawai'i is home to more 100-year olds per capita than any other State. The risk for developing disease and illness becomes greater as one ages. As we see an increase in the age of our population, those living with chronic illnesses such as cardiovascular disease, respiratory diseases, diabetes and cancer, will continue to rise in numbers as well. These are patient's who require care in the ambulatory, hospital, and home care settings. The chronically ill geriatric patients usually are living with multiple co-morbidities and possess poly pharmacy challenges. We are living in a time when it is crucial to develop the skills and expertise to care for these patients and provide them with the quality health care they deserve in a cost effective manner.

While the terms dual, joint, double or combined degrees are used interchangeably, the overall definition is students working for two different and distinct degrees in parallel, completing two degrees in less time than it would take to complete each separately. Under the leadership of Katharyn F. Daub, EdD, CTN, CNE, Director School of Nursing, John M. Pezzuto, Ph.D., Dean, College of Pharmacy, and Donald O. Straney, Ph.D., Chancellor, University of Hawai'i at Hilo, the University of Hawai'i at Hilo has created a model that would partner both their school of nursing and pharmacy to meet the needs of the changing health care field through the implementation of a dual-degree program that would combine a Doctor of Nursing Practice, DNP, with a Doctor of Pharmacy, PharmD.

The overall purpose of this innovative cross cutting dual or joint degree nursing program is to prepare nurses to

expand the traditional scope of nursing practice, with the goal of strengthening health care teams. The American Association of Colleges of Nursing, AACN, 2009 survey of schools of nursing documents that there are over 100 nursing schools that offer dual degree programs: 74 MSN/MBA programs; 34 MSN/MPH programs; 10 MSN/MHA programs; 5 MSN/MPA programs; 4 MSN/MDIV programs; and 3 MSN/JD programs. Currently there is no dual degree program that combines nursing and pharmacology.

Through this dual collaborative role we would be able to meet the unique needs of rural communities across age continuums and in diverse settings. The nurse/pharmacist would enhance collaboration between DNPs and physicians regarding drug therapy. The program also would provide for the implementation of safer medication administration. It would broaden the scope of practice for pharmacists through education and training in diagnosis and management of common acute and chronic diseases, and create new employment opportunities for private physician or nurse managed clinics, walk-in clinics, school/college clinics, long-term facilities, veteran administration facilities, hospitals and hospital clinics, hospice centers, home health care agencies, pharmaceutical companies, emergency departments, urgent care sites, physician group practices, extended care facilities, and research centers.

Additional research and evaluation would determine the extent of which graduates of this program improve primary health care, address disparities, diversify the workforce, and increase quality of service for underserved populations.

I urge you to consider the benefits of the development of a joint degree in nursing and pharmacology.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3859

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Doctor of Nursing Practice and Doctor of Pharmacy Dual Degree Program Act of 2010".

SEC. 2. FINDINGS.

The Senate makes the following findings:

(1) The terms dual, joint, double or combined degrees are used interchangeably, the overall definition is students working for two different and distinct degrees in parallel, completing two degrees in less time than it would take to complete each separately.

(2) The overall purpose of the innovative cross cutting dual or joint degree nursing programs is to prepare nurses to expand the traditional scope of nursing practice, with the goal of strengthening health care teams.

(3) The American Association of Colleges of Nursing (AACN) 2009 survey of schools of

nursing documents that there are over 100 nursing schools that offer dual degree programs of which 74 are MSN/MBA programs, 34 are MSN/MPH programs, 10 are MSN/MHA programs, 5 are MSN/MPA programs, 4 are MSN/MDIV programs, and 3 are MSN/JD programs.

(4) There is currently no dual degree program that combines nursing and pharmacology.

(5) Recently, the University of Hawai'i at Hilo has explored the option of nursing and pharmacy partnering to meet the needs of the changing health care field.

SEC. 3. SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) there should be established a Doctor of Nursing Practice (DNP) and Doctor of Pharmacy (PharmD) dual degree program;

(2) the development of a joint degree in nursing and pharmacology should combine a Doctor of Nursing Practice (DNP) with a Doctor of Pharmacy (PharmD);

(3) the significance of such a dual degree program would be improving patient outcomes;

(4) through such a dual collaborative role, health providers will be better able to meet the unique needs of rural communities across the age continuum and in diverse settings;

(5) such a dual degree program—

(A) would enhance collaboration between Doctors of Nursing Practice and physicians regarding drug therapy;

(B) would provide for research concerning, and the implementation of, safer medication administration;

(C) would broaden the scope of practice for pharmacists through education and training in diagnosis and management of common acute and chronic diseases;

(D) would provide new employment opportunities for private physician or nurse managed clinics, walk-in clinics, school or college clinics, long-term care facilities, Veteran Administration facilities, hospitals and hospital clinics, hospice centers, home health care agencies, pharmaceutical companies, emergency departments, urgent care sites, physician group practices, extended care facilities, and research centers; and

(E) would assist in filling the need for primary care providers with an expertise in geriatrics and pharmaceuticals; and

(6) additional research and evaluation should be conducted to determine the extent to which graduates of such a dual degree program improve primary health care, address disparities, diversify the workforce, and increase quality of service for underserved populations.

By Mr. ROCKEFELLER:

S. 3863. A bill to designate certain Federal land within the Monongahela National Forest as a component of the National Wilderness Preservation System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce the Monongahela Conservation Legacy Act of 2010. This important piece of legislation sets aside 6,042 acres of the Monongahela National Forest on North Fork Mountain in Grant County, WV, to be included in the National Wilderness Preservation System.

West Virginians have a proud tradition of mining and logging that pro-

vides needed resources for our entire country. I have no doubt that this tradition will continue for many decades to come. However, at the same time, new development is coming to West Virginia. This is needed development that provides jobs for West Virginians and helps support our economy. But with this increased development comes a responsibility to set aside some part of our natural environment for those who come after us.

The Monongahela National Forest encompasses nearly 920,000 acres of land in the heart of the Appalachian Mountain Range and contains some of the most ecologically diverse regions in the country. North Fork Mountain is one of these incredible areas and has earned the Forest Service's highest rating for Natural Integrity in its Wilderness Attribute Rating System. The mountain is a nesting site for peregrine falcons and home to 120 rare plants, animals, and natural communities. With this wilderness designation all of these ecological treasures will be permanently protected.

Over the years I have heard from hundreds of West Virginians about how important wilderness is to them. I have heard from West Virginians who want to make sure that they will be able to continue to fish pristine streams and hunt in the forests. Wilderness is a major draw for the outdoor tourism industry and will provide jobs.

Finally, I want to extend my thanks to Congressman MOLLOHAN, who has introduced identical legislation in the House of Representatives, for his leadership on this issue. I will continue to work with all stakeholders involved to move this legislation forward and to address any concerns while ensuring the preservation of this truly special place.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 652—HONORING MR. ALFRED LIND FOR HIS DEDICATED SERVICE TO THE UNITED STATES OF AMERICA DURING WORLD WAR II AS A MEMBER OF THE ARMED FORCES AND A PRISONER OF WAR, AND FOR HIS TIRELESS EFFORTS ON BEHALF OF OTHER MEMBERS OF THE ARMED FORCES TOUCHED BY WAR

Mrs. MURRAY submitted the following resolution; which was considered and agreed to:

S. RES. 652

Whereas Mr. Alfred Lind served in World War II from 1942 to 1945 as a member of the 58th Armored Field Artillery Battalion;

Whereas Mr. Lind was wounded in action in combat near Brolo, Sicily when his M-7 self-propelled howitzer was hit during a tank battle;

Whereas Mr. Lind was captured and held as a prisoner of war for 2 years, being transferred between Stalag IIB near Hammerstein, Stalag IIB near Furstenberg, and Stalag IIIA near Luckenwalde;

Whereas, after the war, Mr. Lind returned to his roots as a farmer and retired after many years of hard work;

Whereas, after retiring, Mr. Lind turned his attention to supporting members of the Armed Forces by making quilts for the Quilts of Valor Foundation;

Whereas the Quilt of Valor Foundation distributes handmade quilts to members of the Armed Forces and veterans who have been wounded or touched by war to demonstrate support, honor and care for our Armed Forces;

Whereas the Quilt of Valor Foundation has made and distributed over 30,000 quilts to members of the Armed Forces and veterans since the foundation began in 2003;

Whereas Mr. Lind has made over 400 quilts in honor of other members of the Armed Forces who have been touched by war;

Whereas Mr. Lind passed away on September 10, 2010, at the age of 92; and

Whereas Mr. Lind was a true patriot, who continued his service to the Armed Forces of the United States long after his retirement: Now, therefore, be it

Resolved, That the Senate honors Mr. Alfred Lind for—

(1) his service to the United States as a soldier and as a prisoner of war; and

(2) his dedication to provide solace and comfort through Quilts of Valor to members of the Armed Forces and veterans alike.

SENATE RESOLUTION 653—DESIGNATING OCTOBER 30, 2010, AS A NATIONAL DAY OF REMEMBRANCE FOR NUCLEAR WEAPONS PROGRAM WORKERS

Mr. BUNNING (for himself, Mr. UDALL of New Mexico, Mr. ALEXANDER, Mr. BINGAMAN, Mrs. MURRAY, Mr. MCCONNELL, Mr. GRASSLEY, Ms. CANTWELL, Mr. REID, Mr. UDALL of Colorado, Mr. CORKER, Mr. VOINOVICH, and Mr. SCHUMER) submitted the following resolution; which was considered and agreed to:

S. RES. 653

Whereas, since World War II, hundreds of thousands of men and women, including uranium miners, millers, and haulers, have served the United States by building the nuclear defense weapons of the United States;

Whereas these dedicated workers paid a high price for their service to develop a nuclear weapons program for the benefit of the United States, including having developed disabling or fatal illnesses;

Whereas, in 2009, Congress recognized the contribution, service, and sacrifice these patriotic men and women made for the defense of the United States;

Whereas, in the year prior to the approval of this resolution, a national day of remembrance time capsule has been crossing the United States, collecting artifacts and the stories of the nuclear workers relating to the nuclear defense era of the United States;

Whereas these stories and artifacts reinforce the importance of recognizing these nuclear workers; and

Whereas these patriotic men and women deserve to be recognized for the contribution, service, and sacrifice they have made for the defense of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 30, 2010, as a national day of remembrance for nuclear weapons program workers, including uranium miners, millers, and haulers, of the United States; and

(2) encourages the people of the United States to support and participate in appropriate ceremonies, programs, and other activities to commemorate October 30, 2010, as a national day of remembrance for past and present workers in the nuclear weapons program of the United States.

SENATE RESOLUTION 654—DESIGNATING DECEMBER 18, 2010, AS “GOLD STAR WIVES DAY”

Mr. BURR (for himself, Mr. WEBB, Mr. BURRIS, and Mrs. MURRAY) submitted the following resolution; which was considered and agreed to:

S. RES. 654

Whereas the Senate has always honored the sacrifices made by the spouses and families of the fallen members of the Armed Forces of the United States;

Whereas the Gold Star Wives of America, Inc. represents the spouses and families of the members and veterans of the Armed Forces of the United States who have died on active duty or as a result of a service-connected disability;

Whereas the primary mission of the Gold Star Wives of America, Inc. is to provide services, support, and friendship to the spouses of the fallen members and veterans of the Armed Forces of the United States;

Whereas, in 1945, the Gold Star Wives of America, Inc. was organized with the help of Mrs. Eleanor Roosevelt to assist the families left behind by the fallen members and veterans of the Armed Forces of the United States;

Whereas the first meeting of the Gold Star Wives of America, Inc. was in 1945;

Whereas December 18, 2010, marks the 65th anniversary of the incorporation of the Gold Star Wives of America;

Whereas the members and veterans of the Armed Forces of the United States bear the burden of protecting freedom for the United States; and

Whereas the sacrifices of the families of the fallen members and veterans of the Armed Forces of the United States should never be forgotten: Now, therefore, be it

Resolved, That the Senate—

(1) designates December 18, 2010, as “Gold Star Wives Day”;;

(2) honors and recognizes—

(A) the contributions of the members of the Gold Star Wives of America, Inc.; and

(B) the dedication of the members of the Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(3) encourages the people of the United States to observe “Gold Star Wives Day” to promote awareness of—

(A) the contributions and dedication of the members of the Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(B) the important role the Gold Star Wives of America, Inc. plays in the lives of the spouses and families of the fallen members and veterans of the Armed Forces of the United States.

SENATE RESOLUTION 655—DESIGNATING NOVEMBER 2010 AS “STOMACH CANCER AWARENESS MONTH” AND SUPPORTING EFFORTS TO EDUCATE THE PUBLIC ABOUT STOMACH CANCER

Mr. FEINGOLD (for himself and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 655

Whereas stomach cancer is one of the most difficult cancers to detect and treat in the early stages of the disease, which contributes to high mortality rates and human suffering;

Whereas stomach cancer is the second leading cause of cancer mortality worldwide;

Whereas, in 2009, an estimated 21,000 new cases of stomach cancer were diagnosed in the United States;

Whereas, in 2010, an estimated 10,000 Americans will die from stomach cancer;

Whereas the estimated 5-year survival rate for stomach cancer is only 26 percent;

Whereas approximately 1 in 113 individuals will be diagnosed with stomach cancer in their lifetimes;

Whereas an inherited form of stomach cancer carries a 67 to 83 percent risk that an individual will be diagnosed with stomach cancer by age 80;

Whereas, in the United States, stomach cancer is more prevalent among racial and ethnic minorities;

Whereas better patient and health care provider education is needed for the timely recognition of stomach cancer risks and symptoms;

Whereas more research into effective early diagnosis, screening, and treatment for stomach cancer is needed; and

Whereas November 2010 is an appropriate month to observe “Stomach Cancer Awareness Month”: Now, therefore, be it

Resolved, That the Senate—

(1) designates November 2010 as “Stomach Cancer Awareness Month”;;

(2) supports efforts to educate the people of the United States about stomach cancer;

(3) recognizes the need for additional research into early diagnosis and treatment for stomach cancer; and

(4) encourages the people of the United States and interested groups to observe and support November 2010 as “Stomach Cancer Awareness Month” through appropriate programs and activities to promote public awareness of, and potential treatments for, stomach cancer.

SENATE RESOLUTION 656—EXPRESSING SUPPORT FOR THE INAUGURAL USA SCIENCE & ENGINEERING FESTIVAL

Mr. KAUFMAN (for himself, Mr. REID, Mr. BAUCUS, Mr. ROCKFELLER, and Mr. AKAKA) submitted the following resolution; which was considered and agreed to:

S. RES. 656

Whereas the global economy of the future will require a workforce that is educated in the fields of science, technology, engineering, and mathematics (referred to in this preamble as “STEM”);

Whereas a new generation of American students educated in STEM is crucial to ensure continued economic growth;

Whereas advances in technology have resulted in significant improvements in the daily lives of the people of the United States;

Whereas scientific discoveries are critical to curing diseases, solving global challenges, and expanding our understanding of the world;

Whereas strengthening the interest of American students, particularly young women and underrepresented minorities, in STEM education is necessary to maintain the global competitiveness of the United States;

Whereas countries around the world have held science festivals that have brought together hundreds of thousands of visitors to celebrate science;

Whereas the inaugural 2009 San Diego Science Festival attracted more than 500,000 participants and inspired a national STEM effort;

Whereas the mission of the USA Science & Engineering Festival is to reinvigorate the interest of the young people of the United States in STEM by producing exciting and educational science and engineering gatherings; and

Whereas thousands of individuals from universities, museums and science centers, STEM professional societies, educational societies, government agencies and laboratories, community organizations, K-12 schools, volunteers, corporate and private sponsors, and nonprofit organizations have come together to organize the inaugural USA Science & Engineering Festival across the United States, including a 2-day exposition on the National Mall that will feature more than 1,500 hands-on activities and more than 75 stage shows: Now, therefore, be it

Resolved, That the Senate—

(1) expresses the support of the Senate for the inaugural USA Science & Engineering Festival to be held in October 2010 in Washington, D.C.;

(2) commends the Nobel Laureates, institutions of higher education, corporate sponsors, and all the various organizations whose efforts will make the USA Science & Engineering Festival possible; and

(3) encourages students and their families to participate in the activities which will take place on the National Mall and across the United States at satellite locations as part of the inaugural USA Science & Engineering Festival.

SENATE RESOLUTION 657—CELEBRATING THE 75TH ANNIVERSARY OF THE DEDICATION OF THE HOOVER DAM

Mr. REID (for himself, Mr. ENSIGN, and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 657

Whereas the Hoover Dam, a concrete arch-gravity storage dam, was built in the Black Canyon of the Colorado River between the States of Nevada and Arizona, forever changing how water is managed across the West;

Whereas, on September 30, 1935, President Franklin D. Roosevelt dedicated the Hoover Dam;

Whereas the construction of the Hoover Dam created Lake Mead, a reservoir that can store an amount of water that is equal to 2 years average flow of the Colorado River;

Whereas the construction of the Hoover Dam provided vitally critical flood control, water supply, and electrical power and

helped to create and support the economic growth and development of the Southwestern United States;

Whereas the Hoover Dam has prevented an estimated \$50,000,000,000 in flood damages in the Lower Colorado River Basin;

Whereas the Hoover Dam provides water for more than 18,000,000 people and 1,000,000 acres of farmland in the States of Arizona, California, and Nevada and 500,000 acres of farmland in Mexico, as well as produces an average of 4,000,000,000 kilowatt-hours of hydroelectric power each year;

Whereas the Hoover Dam, an engineering marvel at 726.4 feet from bedrock to crest, was the highest dam in the world at the time the Hoover Dam was constructed;

Whereas the Hoover Dam is an enduring symbol of the ingenuity of the United States and the persistence of hardworking Americans during the Great Depression;

Whereas the Hoover Dam is the model for major water management projects around the world; and

Whereas the Hoover Dam is registered as a National Historic Landmark on the National Register of Historic Places and is considered 1 of 7 modern engineering wonders by the American Society of Civil Engineers: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates and acknowledges the thousands of workers and families that overcame difficult working conditions and great challenges to make construction of the Hoover Dam possible;

(2) celebrates and acknowledges the economic, cultural, and historic significance of the Hoover Dam;

(3) recognizes the past, present, and future benefits of the construction of the Hoover Dam to the agricultural, industrial, and urban development of the Southwestern United States; and

(4) joins the States of Arizona, California, Nevada, and the people of the United States in celebrating the 75th anniversary of the dedication of the Hoover Dam.

SENATE RESOLUTION 658—DESIGNATING THE WEEK BEGINNING OCTOBER 17, 2010, AS “NATIONAL CHARACTER COUNTS WEEK”

Mr. DODD (for himself, Mr. GRASSLEY, Mr. BROWN of Ohio, Mr. CORNYN, Mr. LEVIN, Mr. LIEBERMAN, Mr. PRYOR, Mr. ROCKEFELLER, and Mrs. MURRAY) submitted the following resolution; which was considered and agreed to:

S. RES. 658

Whereas the well-being of the United States requires that the young people of the United States become an involved, caring citizenry of good character;

Whereas the character education of children has become more urgent, as violence by and against youth increasingly threatens the physical and psychological well-being of the people of the United States;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and the positive effects that good character can have in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and that, therefore, conscientious efforts must be made by institutions and individuals that influence youth to help young people develop the essential traits and characteristics that comprise good character;

Whereas although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play an important role in fostering and promoting good character;

Whereas Congress encourages students, teachers, parents, youth, and community leaders to recognize the importance of character education in preparing young people to play a role in determining the future of the United States;

Whereas effective character education is based on core ethical values, which form the foundation of a democratic society;

Whereas examples of character are trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty;

Whereas elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the character and conduct of our youth reflect the character and conduct of society, and, therefore, every adult has the responsibility to teach and model ethical values and every social institution has the responsibility to promote the development of good character;

Whereas Congress encourages individuals and organizations, especially those that have an interest in the education and training of the young people of the United States, to adopt the elements of character as intrinsic to the well-being of individuals, communities, and society;

Whereas many schools in the United States recognize the need, and have taken steps, to integrate the values of their communities into their teaching activities; and

Whereas the establishment of “National Character Counts Week”, during which individuals, families, schools, youth organizations, religious institutions, civic groups, and other organizations focus on character education, is of great benefit to the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning October 17, 2010, as “National Character Counts Week”; and

(2) calls upon the people of the United States and interested groups—

(A) to embrace the elements of character identified by local schools and communities, such as trustworthiness, respect, responsibility, fairness, caring, and citizenship; and

(B) to observe the week with appropriate ceremonies, programs, and activities.

SENATE RESOLUTION 659—SUPPORTING “LIGHTS ON AFTER-SCHOOL”, A NATIONAL CELEBRATION OF AFTERSCHOOL PROGRAMS

Mr. DODD (for himself, Mr. ENSIGN, Mr. AKAKA, Mr. BAUCUS, Mr. BEGICH, Mr. COCHRAN, Mr. SPECTER, Mr. WHITEHOUSE, Ms. SNOWE, Mr. SANDERS, Mr. NELSON of Nebraska, Mr. LAUTENBERG, Mr. CARPER, Mrs. GILLIBRAND, Mrs. MURRAY, Mr. BURR, and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 659

Whereas high-quality afterschool programs provide safe, challenging, engaging, and fun learning experiences that help children and youth develop their social, emotional, physical, cultural, and academic skills;

Whereas high-quality afterschool programs support working families by ensuring that the children in such families are safe and productive after the regular school day ends;

Whereas high-quality afterschool programs build stronger communities by involving students, parents, business leaders, and adult volunteers in the lives of the youth of the Nation, thereby promoting positive relationships among children, youth, families, and adults;

Whereas high-quality afterschool programs engage families, schools, and diverse community partners in advancing the well-being of the children in the United States;

Whereas "Lights On Afterschool", a national celebration of afterschool programs held on October 21, 2010, highlights the critical importance of high-quality afterschool programs in the lives of children, their families, and their communities;

Whereas more than 28,000,000 children in the United States have parents who work outside the home and 15,100,000 children in the United States have no place to go after school; and

Whereas many afterschool programs across the United States are struggling to keep their doors open and their lights on: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of "Lights On Afterschool", a national celebration of afterschool programs.

SENATE RESOLUTION 660—EXPRESSING SUPPORT FOR A PUBLIC DIPLOMACY PROGRAM PROMOTING ADVANCEMENTS IN SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS MADE BY OR IN PARTNERSHIP WITH THE PEOPLE OF THE UNITED STATES

Mr. KAUFMAN (for himself and Mr. LUGAR) submitted the following resolution; which was considered and agreed to:

S. RES. 660

Whereas science, technology, engineering, and mathematics are vital fields of increasing importance in driving the economic engine and ensuring the security of the United States;

Whereas science, technology, engineering, and mathematics have played, and will continue to play, critical roles in helping to develop clean energy technologies, find life-saving cures for diseases, solve security challenges, and discover new solutions for deteriorating transportation and infrastructure;

Whereas the United States is recognized as an international leader in science, technology, engineering, and mathematics and a destination for individuals from all over the world studying in those fields;

Whereas in partnership with countries and individuals across the globe, the people of the United States have made advances in science, technology, engineering, and mathematics that have advanced the knowledge and improved the condition of human beings everywhere;

Whereas international scientific cooperation enhances relationships among partici-

pating countries by building trust and increasing understanding between those countries and cultures through the collaborative nature of scientific dialogue;

Whereas partnerships between the people of other countries and the people of the United States are the most effective form of public diplomacy, helping to counter misconceptions based on fear, ignorance, and misinformation;

Whereas consistent polling and scholarly research have shown that even countries that disagree with some aspects of United States foreign policy admire the leadership of the United States in science, technology, engineering, and mathematics; and

Whereas international scientific cooperation has produced successful engagement and led to improved relations with countries that exhibited hostility to the United States in the past, including Russia and the People's Republic of China: Now, therefore, be it

Resolved, That the Senate—

(1) commends individuals and institutions that participate in and support advancements in science, technology, engineering, and mathematics, especially through international partnerships;

(2) supports the Science Envoy Program as representative of the commitment of the United States to collaborate with other countries to promote the advancement of science and technology throughout the world based on issues of common interest and expertise; and

(3) encourages the Secretary of State to establish a public diplomacy program that uses embassies of the United States and the resources of the Smithsonian Institution and other such institutions—

(A) to establish engaging exhibits that provide examples of cooperation between institutions and the people of the United States and the institutions and people of the host country in the fields of science, technology, engineering, and mathematics;

(B) to create fora for individuals working or conducting research in science, technology, engineering, and mathematics in the host country to discuss their work and the cooperation with the institutions and people of the United States and those of the host country; and

(C) to encourage future cooperation and relationships with students around the world in science, technology, engineering, and mathematics.

SENATE RESOLUTION 661—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN THE CASE OF MCCARTHY V. BYRD, ET AL

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 661

Whereas, in the case of McCarthy v. Byrd, et al., Case No. 1:10-CV-03317, pending in the United States District Court for the District of New Jersey, plaintiff has named as a defendant the President Pro Tempore of the Senate; and

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members and officers of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Inouye, the President Pro Tempore of the Senate, in the case of McCarthy v. Byrd, et al.

SENATE RESOLUTION 662—TO AMEND THE STANDING RULES OF THE SENATE TO REFORM THE FILIBUSTER RULES TO IMPROVE THE DAILY PROCESS OF THE SENATE

Mr. UDALL of Colorado submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 662

Whereas the Senate has operated under the cloture rules for many decades;

Whereas there has been a marked increase in the use of the filibuster in recent years;

Whereas sweeping, monumental legislation affecting economic recovery, reform of the healthcare system, reform of the financial regulatory system, and many other initiatives all were enacted in the 111th Congress after overcoming filibusters;

Whereas both parties have used the filibuster to prevent the passage of controversial legislation;

Whereas the Senate rules regarding cloture serve the legitimate purpose of protecting the rights of the minority;

Whereas there are many areas where the rules of the Senate have been abused, and can make way for changes that will improve the daily process of the Senate; and

Whereas bipartisan cooperation can overcome nearly any obstacle in the United States Senate, changing the Senate rules must also be done with bipartisan cooperation: Now, therefore, be it

Resolved,

SECTION 1. CHANGING VOTE THRESHOLD TO PRESENT AND VOTING.

The second undesignated subparagraph of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by striking "duly chosen and sworn" and inserting "present and voting".

SEC. 2. MOTIONS TO PROCEED.

Paragraph 2 of rule VIII of the Standing Rules of the Senate is amended to read as follows

"2. Debate on a motion to proceed to the consideration of any matter, and any debatable motion or appeal in connection therewith, shall be limited to not more than 4 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees except for—

"(1) a motion to proceed to a proposal to change the Standing Rules which shall be debatable; and

"(2) a motion to go into executive session to consider a specified item of executive business and a motion to proceed to consider any privileged matter which shall not be debatable."

SEC. 3. NO FILIBUSTER AFTER COMPLETE SUBSTITUTE IS AGREED TO.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by inserting at the end the following:

"If a complete substitute amendment for a measure is agreed to after consideration under cloture, the Senate shall proceed to a final disposition of the measure without intervening action or debate except one quorum call if requested."

SEC. 4. NO FILIBUSTER RELATED TO COMMITTEES ON CONFERENCE.

Rule XXVIII of the Standing Rules of the Senate is amended by inserting at the end the following:

"10.(a) Upon the Majority Leader making a motion to disagree with a House amendment or amendments or insist on a Senate amendment or amendments, request a conference with the House, or agree to the conference requested by the House on the disagreeing votes of the two Houses, and that the chair be authorized to appoint conferees on the part of the Senate, debate on the motion, and any debatable motion or appeal in connection therewith, shall be limited to not more than 4 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(b) A motion made by the majority leader pursuant to subparagraph (a) shall not be divisible and shall not be subject to amendment."

SEC. 5. TIME PRECLOTURE.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended—

(1) in the first subparagraph of paragraph 2, by striking "one hour after the Senate meets on the following calendar day but one" and inserting "24 hours after the filing of the motion"; and

(2) in the third undesignated paragraph, by striking the second sentence and inserting "Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk 12 hours following the filing of the cloture motion if an amendment in the first degree, and unless it had been so submitted at least 1 hour prior to the beginning of the cloture vote if an amendment in the second degree."

SEC. 6. DIVISION OF TIME POSTCLOTURE.

The fourth undesignated subparagraph of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by inserting "(to be equally divided between the majority and the minority)" after "thirty hours of consideration".

SEC. 7. ALLOWING COMMITTEES TO MEET WITHOUT CONSENT.

Paragraph 5 of rule XXVI of the Standing Rules of the Senate is amended by—

(1) striking subparagraph (a); and
(2) redesignating subparagraphs (b) through (e) as subparagraphs (a) through (d), respectively.

SEC. 8. READING OF AMENDMENTS.

Paragraph 1 of rule XV of the Standing Rules of the Senate is amended by inserting at the end the following:

"(c) The reading of an amendment may be waived by a nondebateable motion if the amendment has been printed in the Congressional Record and available for at least 24 hours before the motion."

SEC. 9. ALLOWING AMENDMENTS WHEN AMENDMENTS PENDING BY A LIMITED MOTION.

Rule XV of the Standing Rules of the Senate is amended by adding at the end the following:

"6.(a) If an amendment is pending and except as provided in subparagraph (b), a nondebateable motion shall be in order to set aside any pending amendments in order to offer another germane amendment. No Senator shall offer more than 1 such motion in any calendar day and the Senate shall consider not more than 5 such motions in any calendar day.

"(b)(1) A nondebateable motion shall be in order to waive the requirement of germaneness under subparagraph (a).

"(2) A waiver motion under this subparagraph shall require three-fifths of the Senators duly chosen and sworn.

"(c) An affirmative vote of three-fifths of the Senators duly chosen and sworn shall be required to sustain an appeal of a ruling by the chair on a point of order raised under this paragraph."

AMENDMENTS SUBMITTED AND PROPOSED

SA 4667. Mr. WEBB (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4668. Mr. DURBIN (for Mr. KYL (for himself, Mr. MERKLEY, Mr. BURR, Mrs. FEINSTEIN, Mr. ISAKSON, Ms. COLLINS, and Mr. VITTER)) proposed an amendment to the bill H.R. 5566, to amend title 18, United States Code, to prohibit interstate commerce in animal crush videos, and for other purposes.

SA 4669. Mr. DURBIN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 3940, to amend Public Law 96-597 to clarify the authority of the Secretary of the Interior to extend grants and other assistance to facilitate political status public education programs for the peoples of the non-self-governing territories of the United States.

SA 4670. Mr. DURBIN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 3940, supra.

SA 4671. Mr. DURBIN (for Mr. AKAKA) proposed an amendment to the bill H.R. 3219, to amend title 38, United States Code, and the Servicemembers Civil Relief Act to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes.

SA 4672. Mr. DURBIN (for Mr. AKAKA) proposed an amendment to the bill H.R. 3219, supra.

TEXT OF AMENDMENTS

SA 4667. Mr. WEBB (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title IX, add the following:

SEC. 953. LIMITATIONS ON DISESTABLISHMENT OR RELATED ACTIONS REGARDING THE UNIFIED COMBATANT COMMANDS.

(a) IN GENERAL.—The President may not disestablish, close, or realign a unified combatant command until the later of the following:

(1) The submittal by the Secretary of Defense to the congressional defense committees of a proposal for the disestablishment, closure, or realignment of the combatant command that sets forth the following:

(A) A description of the purpose and goals of, and the analytical basis and justification for, the proposal.

(B) A list of alternatives, if any, considered before recommending the proposal, including options such as the consolidation or elimination of selected functions at the command.

(C) A detailed plan of action and milestones for the proposal, including a specific description of the functions proposed for termination, retention, reduction, expansion, or transfer, and the projected impacts of such actions on military personnel, civilian employees, and contractor staff.

(D) An assessment of the impact of the proposal on the accomplishment of the main missions of the command, including a description and assessment of the manner in which such missions will be performed during and upon completion of the proposal.

(E) An evaluation of the impacts of the proposal on expenditures of Federal funds, including an estimate of any cost savings or cost increases that may be incurred by the Department of Defense or other departments and agencies of the Federal Government as a result of the proposal.

(F) An assessment of the impacts of the plan on employment and the economy in the localities affected by the proposal.

(G) An environmental impact statement that reviews the environmental and socioeconomic impacts of the proposal at each location anticipated to experience an increase or decrease of more than 300 uniformed, civilian, or contract personnel as a result of the proposal.

(2) The submittal by the Secretary to the congressional defense committees of a certification that the disestablishment, closure, or realignment of the combatant command will not adversely affect military readiness, joint concept development and experimentation, joint training, joint capabilities development, or current and future joint operations.

(3) The submittal by the Comptroller General of the United States to the congressional defense committees of a report setting forth a review and assessment of the proposal submitted under paragraph (1).

(4) A period of 30 legislative days or 60 calendar days, whichever is longer, elapses following the day on which the Comptroller General submits the report referred to in paragraph (3). For purposes of this paragraph, 30 legislative days shall be treated as having elapsed from the date of the submittal of a report only when 30 legislative days has elapsed from that date in both the Senate and the House of Representatives.

(b) UNIFIED COMBATANT COMMAND DEFINED.—In this section, the term "unified combatant command" has the meaning given that term in section 161(c)(1) of title 10, United States Code.

SA 4668. Mr. DURBIN (for Mr. KYL (for himself, Mr. MERKLEY, Mr. BURR, Mrs. FEINSTEIN, Mr. ISAKSON, Ms. COLLINS, and Mr. VITTER)) proposed an amendment to the bill H.R. 5566, to amend title 18, United States Code, to prohibit interstate commerce in animal crush videos, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Animal Crush Video Prohibition Act of 2010".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The United States has a long history of prohibiting the interstate sale, marketing, advertising, exchange, and distribution of obscene material and speech that is integral to criminal conduct.

(2) The Federal Government and the States have a compelling interest in preventing intentional acts of extreme animal cruelty.

(3) Each of the several States and the District of Columbia criminalize intentional acts of extreme animal cruelty, such as the intentional crushing, burning, drowning, suffocating, or impaling of animals for no socially redeeming purpose.

(4) There are certain extreme acts of animal cruelty that appeal to a specific sexual fetish. These acts of extreme animal cruelty are videotaped, and the resulting video tapes are commonly referred to as "animal crush videos".

(5) The Supreme Court of the United States has long held that obscenity is an exception to speech protected under the First Amendment to the Constitution of the United States.

(6) In the judgment of Congress, many animal crush videos are obscene in the sense that the depictions, taken as a whole—

(A) appeal to the prurient interest in sex;

(B) are patently offensive; and

(C) lack serious literary, artistic, political, or scientific value.

(7) Serious criminal acts of extreme animal cruelty are integral to the creation, sale, distribution, advertising, marketing, and exchange of animal crush videos.

(8) The creation, sale, distribution, advertising, marketing, and exchange of animal crush videos is intrinsically related and integral to creating an incentive for, directly causing, and perpetuating demand for the serious acts of extreme animal cruelty the videos depict. The primary reason for those criminal acts is the creation, sale, distribution, advertising, marketing, and exchange of the animal crush video image.

(9) The serious acts of extreme animal cruelty necessary to make animal crush videos are committed in a clandestine manner that—

(A) allows the perpetrators of such crimes to remain anonymous;

(B) makes it extraordinarily difficult to establish the jurisdiction within which the underlying criminal acts of extreme animal cruelty occurred; and

(C) often precludes proof that the criminal acts occurred within the statute of limitations.

(10) Each of the difficulties described in paragraph (9) seriously frustrates and impedes the ability of State authorities to enforce the criminal statutes prohibiting such behavior.

SEC. 3. ANIMAL CRUSH VIDEOS.

(a) IN GENERAL.—Section 48 of title 18, United States Code, is amended to read as follows:

“§ 48. Animal crush videos

“(a) DEFINITION.—In this section the term ‘animal crush video’ means any photograph, motion-picture film, video or digital recording, or electronic image that—

“(1) depicts actual conduct in which 1 or more living non-human mammals, birds, reptiles, or amphibians is intentionally crushed, burned, drowned, suffocated, impaled, or otherwise subjected to serious bodily injury (as defined in section 1365 and including conduct that, if committed against a person and in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242); and

“(2) is obscene.

“(b) PROHIBITIONS.—

“(1) CREATION OF ANIMAL CRUSH VIDEOS.—It shall be unlawful for any person to knowingly create an animal crush video, or to attempt or conspire to do so, if—

“(A) the person intends or has reason to know that the animal crush video will be distributed in, or using a means or facility of, interstate or foreign commerce; or

“(B) the animal crush video is distributed in, or using a means or facility of, interstate or foreign commerce.

“(2) DISTRIBUTION OF ANIMAL CRUSH VIDEOS.—It shall be unlawful for any person to knowingly sell, market, advertise, exchange, or distribute an animal crush video in, or using a means or facility of, interstate or foreign commerce, or to attempt or conspire to do so.

“(c) EXTRATERRITORIAL APPLICATION.—Subsection (b) shall apply to the knowing sale, marketing, advertising, exchange, distribution, or creation of an animal crush video outside of the United States, or any attempt or conspiracy to do so, if—

“(1) the person engaging in such conduct intends or has reason to know that the animal crush video will be transported into the United States or its territories or possessions; or

“(2) the animal crush video is transported into the United States or its territories or possessions.”

“(d) PENALTY.—Any person who violates subsection (b) shall be fined under this title, imprisoned for not more than 7 years, or both.

“(e) EXCEPTIONS.—

“(1) IN GENERAL.—This section shall not apply with regard to any visual depiction of—

“(A) customary and normal veterinary or agricultural husbandry practices;

“(B) the slaughter of animals for food; or

“(C) hunting, trapping, or fishing.

“(2) GOOD-FAITH DISTRIBUTION.—This section shall not apply to the good-faith distribution of an animal crush video to—

“(A) a law enforcement agency; or

“(B) a third party for the sole purpose of analysis to determine if referral to a law enforcement agency is appropriate.

“(f) NO PREEMPTION.—Nothing in this section shall be construed to preempt the law of any State or local subdivision thereof to protect animals.”

(b) CLERICAL AMENDMENT.—The item relating to section 48 in the table of sections for chapter 3 of title 18, United States Code, is amended to read as follows:

“48. Animal crush videos.”

(c) SEVERABILITY.—If any provision of section 48 of title 18, United States Code (as amended by this section), or the application of the provision to any person or circumstance, is held to be unconstitutional, the provision and the application of the provision to other persons or circumstances shall not be affected thereby.

SA 4669. Mr. DURBIN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 3940, to amend Public Law 96-597 to clarify the authority of the Secretary of the Interior to extend grants and other assistance to facilitate political status public education programs for the peoples of the non-self-governing territories of the United States; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SENSE OF CONGRESS REGARDING POLITICAL STATUS EDUCATION IN GUAM.

It is the sense of Congress that the Secretary of the Interior may provide technical assistance to the Government of Guam under section 601(a) of the Act entitled “An Act to authorize appropriations for certain insular areas of the United States, and for other purposes”, approved December 24, 1980 (48 U.S.C. 1469d(a)), for public education regarding political status options only if the political status options are consistent with the Constitution of the United States.

SEC. 2. MINIMUM WAGE IN AMERICAN SAMOA AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) DELAYED EFFECTIVE DATE.—Section 8103(b) of the Fair Minimum Wage Act of 2007 (29 U.S.C. 206 note) (as amended by section 520 of division D of Public Law 111-117) is amended—

(1) in paragraph (1)(B), by inserting “(except 2011 when there shall be no increase)” after “thereafter” the second place it appears; and

(2) in paragraph (2)(C), by striking “except that, beginning in 2010” and inserting “except that there shall be no such increase in 2010 or 2011 and, beginning in 2012”.

(b) GAO REPORT.—Section 8104 of such Act (as amended) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

“(a) REPORT.—The Government Accountability Office shall assess the impact of minimum wage increases that have occurred pursuant to section 8103, and not later than September 1, 2011, shall transmit to Congress a report of its findings. The Government Accountability Office shall submit subsequent reports not later than April 1, 2013, and every 2 years thereafter until the minimum wage in the respective territory meets the federal minimum wage.”; and

(2) by redesignating subsection (c) as subsection (b).

SA 4670. Mr. DURBIN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 3940, to amend Public Law 96-597 to clarify the authority of the Secretary of the Interior to extend grants and other assistance to facilitate political status public education programs for the peoples of the non-self-governing territories of the United States; as follows:

Amend the title so as to read: “To clarify the availability of existing funds for political status education in the Territory of Guam, and for other purposes.”.

SA 4671. Mr. DURBIN (for Mr. AKAKA) proposed an amendment to the bill H.R. 3219, to amend title 38, United States Code, and the Servicemembers Civil Relief Act to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Veterans’ Benefits Act of 2010”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. References to title 38, United States Code.

TITLE I—EMPLOYMENT, SMALL BUSINESS, AND EDUCATION MATTERS

- Sec. 101. Extension and expansion of authority for certain qualifying work-study activities for purposes of the educational assistance programs of the Department of Veterans Affairs.
- Sec. 102. Reauthorization of Veterans' Advisory Committee on Education.
- Sec. 103. 18-month period for training of new disabled veterans' outreach program specialists and local veterans' employment representatives by National Veterans' Employment and Training Services Institute.
- Sec. 104. Clarification of responsibility of Secretary of Veterans Affairs to verify small business ownership.
- Sec. 105. Demonstration project for referral of USERRA claims against Federal agencies to the Office of Special Counsel.
- Sec. 106. Veterans Energy-Related Employment Program.
- Sec. 107. Pat Tillman Veterans' Scholarship Initiative.

TITLE II—HOUSING AND HOMELESSNESS MATTERS

- Sec. 201. Reauthorization of appropriations for Homeless Veterans Reintegration Program.
- Sec. 202. Homeless women veterans and homeless veterans with children reintegration grant program.
- Sec. 203. Specially Adapted Housing assistive technology grant program.
- Sec. 204. Waiver of housing loan fee for certain veterans with service-connected disabilities called to active service.

TITLE III—SERVICEMEMBERS CIVIL RELIEF ACT MATTERS

- Sec. 301. Residential and motor vehicle leases.
- Sec. 302. Termination of telephone service contracts.
- Sec. 303. Enforcement by the Attorney General and by private right of action.

TITLE IV—INSURANCE MATTERS

- Sec. 401. Increase in amount of supplemental insurance for totally disabled veterans.
- Sec. 402. Permanent extension of duration of Servicemembers' Group Life Insurance coverage for totally disabled veterans.
- Sec. 403. Adjustment of coverage of dependents under Servicemembers' Group Life Insurance.
- Sec. 404. Opportunity to increase amount of Veterans' Group Life Insurance.
- Sec. 405. Elimination of reduction in amount of accelerated death benefit for terminally-ill persons insured under Servicemembers' Group Life Insurance and Veterans' Group Life Insurance.
- Sec. 406. Consideration of loss of dominant hand in prescription of schedule of severity of traumatic injury under Servicemembers' Group Life Insurance.
- Sec. 407. Enhancement of veterans' mortgage life insurance.

- Sec. 408. Expansion of individuals qualifying for retroactive benefits from traumatic injury protection coverage under Servicemembers' Group Life Insurance.

TITLE V—BURIAL AND CEMETERY MATTERS

- Sec. 501. Increase in certain burial and funeral benefits and plot allowances for veterans.
- Sec. 502. Interment in national cemeteries of parents of certain deceased veterans.
- Sec. 503. Reports on selection of new national cemeteries.

TITLE VI—COMPENSATION AND PENSION

- Sec. 601. Enhancement of disability compensation for certain disabled veterans with difficulties using prostheses and disabled veterans in need of regular aid and attendance for residuals of traumatic brain injury.
- Sec. 602. Cost-of-living increase for temporary dependency and indemnity compensation payable for surviving spouses with dependent children under the age of 18.
- Sec. 603. Payment of dependency and indemnity compensation to survivors of former prisoners of war who died on or before September 30, 1999.
- Sec. 604. Exclusion of certain amounts from consideration as income for purposes of veterans pension benefits.
- Sec. 605. Commencement of period of payment of original awards of compensation for veterans retired or separated from the uniformed services for catastrophic disability.
- Sec. 606. Applicability of limitation to pension payable to certain children of veterans of a period of war.
- Sec. 607. Extension of reduced pension for certain veterans covered by Medicaid plans for services furnished by nursing facilities.
- Sec. 608. Codification of 2009 cost-of-living adjustment in rates of pension for disabled veterans and surviving spouses and children.

TITLE VII—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

- Sec. 701. Clarification that USERRA prohibits wage discrimination against members of the Armed Forces.
- Sec. 702. Clarification of the definition of "successor in interest".
- Sec. 703. Technical amendments.

TITLE VIII—BENEFITS MATTERS

- Sec. 801. Increase in number of veterans for which programs of independent living services and assistance may be initiated.
- Sec. 802. Payment of unpaid balances of Department of Veterans Affairs guaranteed loans.
- Sec. 803. Eligibility of disabled veterans and members of the Armed Forces with severe burn injuries for automobiles and adaptive equipment.
- Sec. 804. Enhancement of automobile assistance allowance for veterans.
- Sec. 805. National Academies review of best treatments for chronic multisymptom illness in Persian Gulf War veterans.

- Sec. 806. Extension and modification of National Academy of Sciences reviews and evaluations on illness and service in Persian Gulf War and Post-9/11 Global Operations Theaters.

- Sec. 807. Extension of authority for regional office in Republic of the Philippines.

- Sec. 808. Extension of an annual report on equitable relief.

- Sec. 809. Authority for the performance of medical disability examinations by contract physicians.

TITLE IX—AUTHORIZATION OF MEDICAL FACILITY PROJECTS AND MAJOR MEDICAL FACILITY LEASES

- Sec. 901. Authorization of fiscal year 2011 major medical facility leases.
- Sec. 902. Modification of authorization amount for major medical facility construction project previously authorized for the Department of Veterans Affairs Medical Center, New Orleans, Louisiana.
- Sec. 903. Modification of authorization amount for major medical facility construction project previously authorized for the Department of Veterans Affairs Medical Center, Long Beach, California.
- Sec. 904. Authorization of appropriations.
- Sec. 905. Requirement that bid savings on major medical facility projects of Department of Veterans Affairs be used for other major medical facility construction projects of the Department.

TITLE X—OTHER MATTERS

- Sec. 1001. Technical corrections.
- Sec. 1002. Statutory Pay-As-You-Go Act compliance.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—EMPLOYMENT, SMALL BUSINESS, AND EDUCATION MATTERS

SEC. 101. EXTENSION AND EXPANSION OF AUTHORITY FOR CERTAIN QUALIFYING WORK-STUDY ACTIVITIES FOR PURPOSES OF THE EDUCATIONAL ASSISTANCE PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) EXTENSION.—Paragraph (4) of section 3485(a) is amended by striking "June 30, 2010" each place it appears and inserting "June 30, 2013".

(b) ACTIVITIES IN STATE VETERANS AGENCIES.—Such paragraph is further amended by adding at the end the following new subparagraphs:

"(G) Any activity of a State veterans agency related to providing assistance to veterans in obtaining any benefit under the laws administered by the Secretary or the laws of the State.

"(H) A position working in a Center of Excellence for Veteran Student Success, as established pursuant to part T of title VIII of the Higher Education Act of 1965 (20 U.S.C. 1161t et seq.).

"(I) A position working in a cooperative program carried out jointly by the Department and an institution of higher learning.

"(J) Any other veterans-related position in an institution of higher learning."

(c) **EFFECTIVE DATE.**—The amendment made by subsection (b) shall take effect on October 1, 2011.

SEC. 102. REAUTHORIZATION OF VETERANS' ADVISORY COMMITTEE ON EDUCATION.

Section 3692(c) is amended by striking "December 31, 2009" and inserting "December 31, 2013".

SEC. 103. 18-MONTH PERIOD FOR TRAINING OF NEW DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES BY NATIONAL VETERANS' EMPLOYMENT AND TRAINING SERVICES INSTITUTE.

(a) **18-MONTH PERIOD.**—Section 4102A(c)(8)(A) is amended by striking "three-year period" and inserting "18-month period".

(b) **EFFECTIVE DATE.**—

(1) **APPLICABILITY TO NEW EMPLOYEES.**—The amendment made by subsection (a) shall apply with respect to a State employee assigned to perform the duties of a disabled veterans' outreach program specialist or a local veterans' employment representative under chapter 41 of title 38, United States Code, who is so assigned on or after the date of the enactment of this Act.

(2) **APPLICABILITY TO PREVIOUSLY-HIRED EMPLOYEES.**—In the case of such a State employee who is so assigned on or after January 1, 2006, and before the date of the enactment of this Act, the Secretary of Labor shall require the State to require, as a condition of a grant or contract under which funds are made available to the State in order to carry out section 4103A or 4104 of title 38, United States Code, each such employee to satisfactorily complete the training described in section 4102A(c)(8)(A) of such title by not later than the date that is 18 months after the date of the enactment of this Act.

SEC. 104. CLARIFICATION OF RESPONSIBILITY OF SECRETARY OF VETERANS AFFAIRS TO VERIFY SMALL BUSINESS OWNERSHIP.

(a) **SHORT TITLE.**—This section may be cited as the "Veterans Small Business Verification Act".

(b) **CLARIFICATION OF RESPONSIBILITY OF SECRETARY OF VETERANS AFFAIRS TO VERIFY SMALL BUSINESS OWNERSHIP.**—

(1) **CLARIFICATION.**—Section 8127(f) is amended—

(A) in paragraph (2)—

(i) by inserting "(A)" before "To be eligible";

(ii) by inserting after "or the veteran." the following new sentence: "Application for inclusion in the database shall constitute permission under section 552a of title 5 (commonly referred to as the Privacy Act) for the Secretary to access such personal information maintained by the Secretary as may be necessary to verify the information contained in the application."; and

(iii) by inserting after the sentence added by clause (ii) the following new subparagraph:

"(B) If the Secretary receives an application for inclusion in the database from an individual whose status as a veteran cannot be verified because the Secretary does not maintain information with respect to the veteran status of the individual, the Secretary may not include the small business concern owned and controlled by the individual in the database maintained by the Secretary until the Secretary receives such information as may be necessary to verify that the individual is a veteran."; and

(B) by striking paragraph (4) and inserting the following new paragraph (4):

"(4) No small business concern may be listed in the database until the Secretary has verified that—

"(A) the small business concern is owned and controlled by veterans; and

"(B) in the case of a small business concern for which the person who owns and controls the concern indicates that the person is a veteran with a service-connected disability, that the person is a veteran with a service-connected disability.".

(2) **APPLICABILITY.**—In the case of a small business concern included in the database as of the date of the enactment of this Act for which, as of such date, the Secretary of Veterans Affairs has not verified the status of such concern in accordance with paragraph (4) of subsection (f) of section 8127 of title 38, United States Code, as amended by paragraph (1), not later than 60 days after the date of the enactment of this Act, the Secretary shall notify the person who owns and controls the concern that—

(A) the Secretary is required to verify the status of the concern in accordance with such paragraph, as so amended;

(B) verification of such status shall require that the person who owns and controls the concern apply for inclusion in the database in accordance with such subsection, as so amended;

(C) application for inclusion in the database shall constitute permission under section 552a of title 5, United States Code (commonly referred to as the Privacy Act), for the Secretary to access such personal information maintained by the Secretary as may be necessary to verify the information contained in the application; and

(D) the person who owns and controls the concern must submit to the Secretary all information required by the Secretary under this paragraph within 90 days of receiving the Secretary's notice of such requirement or the concern shall be removed from the database.

SEC. 105. DEMONSTRATION PROJECT FOR REFERRAL OF USERRA CLAIMS AGAINST FEDERAL AGENCIES TO THE OFFICE OF SPECIAL COUNSEL.

(a) **ESTABLISHMENT OF PROJECT.**—The Secretary of Labor and the Office of Special Counsel shall carry out a 36-month demonstration project under which certain claims against Federal executive agencies under chapter 43 of title 38, United States Code, are referred to, or otherwise received by, the Office of Special Counsel for assistance, including investigation and resolution of the claim as well as enforcement of rights with respect to the claim. The demonstration program shall begin not later than 60 days after the Comptroller General of the United States submits the report required under subsection (e)(3).

(b) **REFERRAL OF ALL PROHIBITED PERSONNEL PRACTICE CLAIMS TO THE OFFICE OF SPECIAL COUNSEL.**—

(1) **IN GENERAL.**—Under the demonstration project, the Office of Special Counsel shall receive and investigate all claims under chapter 43 of title 38, United States Code, with respect to Federal executive agencies in cases where the Office of Special Counsel has jurisdiction over related claims pursuant to section 1212 of title 5, United States Code.

(2) **RELATED CLAIMS.**—For purposes of paragraph (1), a related claim is a claim involving the same Federal executive agency and the same or similar factual allegations or legal issues as those being pursued under a claim under chapter 43 of title 38, United States Code.

(c) **REFERRAL OF OTHER CLAIMS AGAINST FEDERAL EXECUTIVE AGENCIES.**—

(1) **IN GENERAL.**—Under the demonstration project, the Secretary—

(A) shall refer to the Office of Special Counsel all claims described in paragraph (2) made during the period of the demonstration project; and

(B) may refer any claim described in paragraph (2) filed before the demonstration project that is pending before the Secretary at the beginning of the demonstration project.

(2) **CLAIMS DESCRIBED.**—A claim described in this paragraph is a claim under chapter 43 of title 38, United States Code, against a Federal executive agency by a claimant with a social security account number with an odd number as its terminal digit or, in the case of a claim that does not contain a social security account number, a case number assigned to the claim with an odd number as its terminal digit.

(d) **ADMINISTRATION OF DEMONSTRATION PROJECT.**—

(1) **IN GENERAL.**—The Office of Special Counsel shall administer the demonstration project. The Secretary shall cooperate with the Office of Special Counsel in carrying out the demonstration project.

(2) **TREATMENT OF CERTAIN TERMS IN CHAPTER 43 OF TITLE 38, UNITED STATES CODE.**—In the case of any claim referred to, or otherwise received by, the Office of Special Counsel under the demonstration project, any reference to the "Secretary" in sections 4321, 4322, and 4326 of title 38, United States Code, is deemed to be a reference to the "Office of Special Counsel".

(3) **ADMINISTRATIVE JURISDICTION.**—In the case of any claim referred to, or otherwise received by, the Office of Special Counsel under the demonstration project, the Office of Special Counsel shall retain administrative jurisdiction over the claim.

(e) **DATA COMPARABILITY FOR REVIEWING AGENCY PERFORMANCE.**—

(1) **IN GENERAL.**—To facilitate the review of the relative performance of the Office of Special Counsel and the Department of Labor during the demonstration project, the Office of Special Counsel and the Department of Labor shall jointly establish methods and procedures to be used by both the Office and the Department during the demonstration project. Such methods and procedures shall include each of the following:

(A) Definitions of performance measures, including—

(i) customer satisfaction;

(ii) cost (such as, but not limited to, average cost per claim);

(iii) timeliness (such as, but not limited to, average processing time, case age);

(iv) capacity (such as, but not limited to, staffing levels, education, grade level, training received, caseload); and

(v) case outcomes.

(B) Definitions of case outcomes.

(C) Data collection methods and timing of collection.

(D) Data quality assurance processes.

(2) **JOINT REPORT TO CONGRESS.**—Not later than 90 days after the date of the enactment of this Act, the Special Counsel and the Secretary of Labor shall jointly submit to the Committees on Veterans' Affairs of the Senate and House of Representatives and to the Comptroller General of the United States a report describing the methods and procedures established under paragraph (1).

(3) **COMPTROLLER GENERAL REPORT.**—Not later than 30 days after the date of the submission of the report under paragraph (2), the Comptroller General shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on

the report submitted under paragraph (2) and may provide recommendations for improving the methods and procedures described therein.

(f) **AGENCY DATA TO GOVERNMENT ACCOUNTABILITY OFFICE.**—The Office of Special Counsel and the Secretary of Labor shall submit to the Comptroller General such information and data about the demonstration project as may be required by the Comptroller General, from time to time during the course of the demonstration project and at the conclusion, in order for the Comptroller General to assess the reliability of the demonstration data maintained by both the Office of Special Counsel and the Department of Labor and to review the relative performance of the Office and Department under the demonstration project.

(g) **GOVERNMENT ACCOUNTABILITY OFFICE REPORT.**—The Comptroller General shall review the relative performance of the Office of Special Counsel and the Department of Labor under the demonstration project and—

(1) not later than one year after the commencement of the demonstration project, and annually thereafter during the period when the demonstration project is conducted, submit to the Committees on Veterans' Affairs of the Senate and House of Representatives an interim report on the demonstration project; and

(2) not later than 90 days after the conclusion of the demonstration project, submit to such committees a final report that includes the findings and conclusions of the Comptroller General regarding the relative performance of the Office and the Department under the demonstration project and such recommendations as the Comptroller General determines are appropriate.

SEC. 106. VETERANS ENERGY-RELATED EMPLOYMENT PROGRAM.

(a) **ESTABLISHMENT OF PILOT PROGRAM.**—To encourage the employment of eligible veterans in the energy industry, the Secretary of Labor, as part of the Veterans Workforce Investment Program, shall carry out a pilot program to be known as the "Veterans Energy-Related Employment Program". Under the pilot program, the Secretary shall award competitive grants to not more than three States for the establishment and administration of a State program to make grants to energy employers that provide covered training, on-job training, apprenticeships, and certification classes to eligible veterans. Such a program shall be known as a "State Energy-Related Employment Program".

(b) **ELIGIBILITY FOR GRANTS.**—To be eligible to receive a grant under the pilot program, a State shall submit to the Secretary an application that includes each of the following:

(1) A proposal for the expenditure of grant funds to establish and administer a public-private partnership program designed to provide covered training, on-job training, apprenticeships, and certification classes to a significant number of eligible veterans and ensure lasting and sustainable employment in well-paying jobs in the energy industry.

(2) Evidence that the State has—

(A) a population of eligible veterans of an appropriate size to carry out the State program;

(B) a robust and diverse energy industry; and

(C) the ability to carry out the State program described in the proposal under paragraph (1).

(3) Such other information and assurances as the Secretary may require.

(c) **USE OF FUNDS.**—A State that is the recipient of a grant under this section shall use the grant for the following purposes:

(1) Making grants to energy employers to reimburse such employers for the cost of providing covered training, on-job training, apprenticeships, and certification classes to eligible veterans who are first hired by the employer on or after November 1, 2010.

(2) Conducting outreach to inform energy employers and veterans, including veterans in rural areas, of their eligibility or potential eligibility for participation in the State program.

(d) **CONDITIONS.**—Under the pilot program, each grant to a State shall be subject to the following conditions:

(1) The State shall repay to the Secretary, on such date as shall be determined by the Secretary, any amount received under the pilot program that is not used for the purposes described in subsection (c).

(2) The State shall submit to the Secretary, at such times and containing such information as the Secretary shall require, reports on the use of grant funds.

(e) **EMPLOYER REQUIREMENTS.**—In order to receive a grant made by a State under the pilot program, an energy employer shall—

(1) submit to the administrator of the State Energy-Related Employment Program an application that includes—

(A) the rate of pay, during and after training, for each eligible veteran proposed to be trained using grant funds;

(B) the average rate of pay for an individual employed by the energy employer in a similar position who is not an eligible veteran; and

(C) such other information and assurances as the administrator may require; and

(2) agree to submit to the administrator, for each quarter, a report containing such information as the Secretary may specify.

(f) **LIMITATION.**—None of the funds made available to an energy employer through a grant under the pilot program may be used to provide training of any kind to—

(1) a person who is not an eligible veteran; or

(2) an eligible veteran for whom the employer has received a grant, credit, or subsidy under any other provision of law.

(g) **REPORT TO CONGRESS.**—Together with the report required to be submitted annually under section 4107(c) of title 38, United States Code, the Secretary shall submit to Congress a report on the pilot program for the year covered by such report. The report on the pilot program shall include a detailed description of activities carried out under this section and an evaluation of the program.

(h) **ADMINISTRATIVE AND REPORTING COSTS.**—Of the amounts appropriated pursuant to the authorization of appropriations under subsection (j), two percent shall be made available to the Secretary for administrative costs associated with implementing and evaluating the pilot program under this section and for preparing and submitting the report required under subsection (f). The Secretary shall determine the appropriate maximum amount of each grant awarded under this section that may be used by the recipient for administrative and reporting costs.

(i) **DEFINITIONS.**—For purposes of this section:

(1) The term "covered training, on-job training, apprenticeships, and certification classes" means training, on-job training, apprenticeships, and certification classes that are—

(A) designed to provide the veteran with skills that are particular to an energy industry and not directly transferable to employment in another industry; and

(B) approved as provided in paragraph (1) or (2), as appropriate, of subsection (a) of section 3687 of title 38, United States Code.

(2) The term "eligible veteran" means a veteran, as that term is defined in section 101(2) of title 38, United States Code, who is employed by an energy employer and enrolled or participating in a covered training, on-job training, apprenticeship, or certification class.

(3) The term "energy employer" means an entity that employs individuals in a trade or business in an energy industry.

(4) The term "energy industry" means any of the following industries:

(A) The energy-efficient building, construction, or retrofits industry.

(B) The renewable electric power industry, including the wind and solar energy industries.

(C) The biofuels industry.

(D) The energy efficiency assessment industry that serves the residential, commercial, or industrial sectors.

(E) The oil and natural gas industry.

(F) The nuclear industry.

(j) **APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary \$1,500,000 for each of fiscal years 2012 through 2014, for the purpose of carrying out the pilot program under this section.

SEC. 107. PAT TILLMAN VETERANS' SCHOLARSHIP INITIATIVE.

(a) **AVAILABILITY OF SCHOLARSHIP INFORMATION.**—By not later than June 1, 2011, the Secretary of Veterans Affairs shall include on the Internet website of the Department of Veterans Affairs a list of organizations that provide scholarships to veterans and their survivors and, for each such organization, a link to the Internet website of the organization.

(b) **MAINTENANCE OF SCHOLARSHIP INFORMATION.**—The Secretary of Veterans Affairs shall make reasonable efforts to notify schools and other appropriate entities of the opportunity to be included on the Internet website of the Department of Veterans Affairs pursuant to subsection (a).

TITLE II—HOUSING AND HOMELESSNESS MATTERS

SEC. 201. REAUTHORIZATION OF APPROPRIATIONS FOR HOMELESS VETERANS REINTEGRATION PROGRAM.

Section 2021(e)(1)(F) is amended by striking "2009" and inserting "2011".

SEC. 202. HOMELESS WOMEN VETERANS AND HOMELESS VETERANS WITH CHILDREN REINTEGRATION GRANT PROGRAM.

(a) **GRANT PROGRAM.**—Chapter 20 is amended by inserting after section 2021 the following new section:

"§2021A. Homeless women veterans and homeless veterans with children reintegration grant program

"(a) **GRANTS.**—Subject to the availability of appropriations provided for such purpose, the Secretary of Labor shall make grants to programs and facilities that the Secretary determines provide dedicated services for homeless women veterans and homeless veterans with children.

"(b) **USE OF FUNDS.**—Grants under this section shall be used to provide job training, counseling, placement services (including job readiness and literacy and skills training) and child care services to expedite the reintegration of homeless women veterans and homeless veterans with children into the labor force.

"(c) **REQUIREMENT TO MONITOR EXPENDITURES OF FUNDS.**—(1) The Secretary of Labor shall collect such information as that Secretary considers appropriate to monitor and

evaluate the distribution and expenditure of funds appropriated to carry out this section. The information shall include data with respect to the results or outcomes of the services provided to each homeless veteran under this section.

“(2) Information under paragraph (1) shall be furnished in such form and manner as the Secretary of Labor may specify.

“(d) ADMINISTRATION THROUGH THE ASSISTANT SECRETARY OF LABOR FOR VETERANS’ EMPLOYMENT AND TRAINING.—The Secretary of Labor shall carry out this section through the Assistant Secretary of Labor for Veterans’ Employment and Training.

“(e) BIENNIAL REPORT TO CONGRESS.—The Secretary of Labor shall include as part of the report required under section 2021(d) of this title an evaluation of the grant program under this section, which shall include an evaluation of services furnished to veterans under this section and an analysis of the information collected under subsection (c).

“(f) AUTHORIZATION OF APPROPRIATIONS.—(1) In addition to any amount authorized to be appropriated to carry out section 2021 of this title, there is authorized to be appropriated to carry out this section \$1,000,000 for each of fiscal years 2011 through 2015.

“(2) Funds appropriated to carry out this section shall remain available until expended. Funds obligated in any fiscal year to carry out this section may be expended in that fiscal year and the succeeding fiscal year.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2021 the following new item:

“2021A. Homeless women veterans and homeless veterans with children reintegration grant program.”

SEC. 203. SPECIALLY ADAPTED HOUSING ASSISTIVE TECHNOLOGY GRANT PROGRAM.

(a) IN GENERAL.—Chapter 21 is amended by adding at the end the following new section: “§2108. Specially adapted housing assistive technology grant program

“(a) AUTHORITY TO MAKE GRANTS.—The Secretary shall make grants to encourage the development of new assistive technologies for specially adapted housing.

“(b) APPLICATION.—A person or entity seeking a grant under this section shall submit to the Secretary an application for the grant in such form and manner as the Secretary shall specify.

“(c) GRANT FUNDS.—(1) Each grant awarded under this section shall be in an amount of not more than \$200,000 per fiscal year.

“(2) For each fiscal year in which the Secretary makes a grant under this section, the Secretary shall make the grant by not later than April 1 of that year.

“(d) USE OF FUNDS.—The recipient of a grant under this section shall use the grant to develop assistive technologies for use in specially adapted housing.

“(e) REPORT.—Not later than March 1 of each fiscal year following a fiscal year in which the Secretary makes a grant, the Secretary shall submit to Congress a report containing information related to each grant awarded under this section during the preceding fiscal year, including—

“(1) the name of the grant recipient;

“(2) the amount of the grant; and

“(3) the goal of the grant.

“(f) FUNDING.—From amounts appropriated to the Department for readjustment benefits for each fiscal year for which the Secretary is authorized to make a grant under this section, \$1,000,000 shall be available for that fiscal year for the purposes of the program under this section.

“(g) DURATION.—The authority to make a grant under this section shall begin on October 1, 2011, and shall terminate on September 30, 2016.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2108. Specially adapted housing assistive technology grant program.”

SEC. 204. WAIVER OF HOUSING LOAN FEE FOR CERTAIN VETERANS WITH SERVICE-CONNECTED DISABILITIES CALLED TO ACTIVE SERVICE.

Section 3729(c)(1) is amended by inserting after “retirement pay” the following: “or active service pay”.

TITLE III—SERVICEMEMBERS CIVIL RELIEF ACT MATTERS

SEC. 301. RESIDENTIAL AND MOTOR VEHICLE LEASES.

Subsection (e) of section 305 of the Servicemembers Civil Relief Act (50 U.S.C. App. 535) is amended to read as follows:

“(e) ARREARAGES AND OTHER OBLIGATIONS AND LIABILITIES.—

“(1) LEASES OF PREMISES.—Rent amounts for a lease described in subsection (b)(1) that are unpaid for the period preceding the effective date of the lease termination shall be paid on a prorated basis. The lessor may not impose an early termination charge, but any taxes, summonses, or other obligations and liabilities of the lessee in accordance with the terms of the lease, including reasonable charges to the lessee for excess wear, that are due and unpaid at the time of termination of the lease shall be paid by the lessee.

“(2) LEASES OF MOTOR VEHICLES.—Lease amounts for a lease described in subsection (b)(2) that are unpaid for the period preceding the effective date of the lease termination shall be paid on a prorated basis. The lessor may not impose an early termination charge, but any taxes, summonses, title and registration fees, or other obligations and liabilities of the lessee in accordance with the terms of the lease, including reasonable charges to the lessee for excess wear or use and mileage, that are due and unpaid at the time of termination of the lease shall be paid by the lessee.”

SEC. 302. TERMINATION OF TELEPHONE SERVICE CONTRACTS.

(a) IN GENERAL.—Section 305A of the Servicemembers Civil Relief Act (50 U.S.C. App. 535a) is amended to read as follows:

“SEC. 305A. TERMINATION OF TELEPHONE SERVICE CONTRACTS.

“(a) TERMINATION BY SERVICEMEMBER.—

“(1) TERMINATION.—A servicemember may terminate a contract described in subsection (b) at any time after the date the servicemember receives military orders to relocate for a period of not less than 90 days to a location that does not support the contract.

“(2) NOTICE.—In the case that a servicemember terminates a contract as described in paragraph (1), the service provider under the contract shall provide such servicemember with written or electronic notice of the servicemember’s rights under such paragraph.

“(3) MANNER OF TERMINATION.—Termination of a contract under paragraph (1) shall be made by delivery of a written or electronic notice of such termination and a copy of the servicemember’s military orders to the service provider, delivered in accordance with industry standards for notification of terminations, together with the date on which the service is to be terminated.

“(b) COVERED CONTRACTS.—A contract described in this subsection is a contract for

cellular telephone service or telephone exchange service entered into by the servicemember before receiving the military orders referred to in subsection (a)(1).

“(c) RETENTION OF TELEPHONE NUMBER.—In the case of a contract terminated under subsection (a) by a servicemember whose period of relocation is for a period of three years or less, the service provider under the contract shall, notwithstanding any other provision of law, allow the servicemember to keep the telephone number the servicemember has under the contract if the servicemember re-subscribes to the service during the 90-day period beginning on the last day of such period of relocation.

“(d) FAMILY PLANS.—In the case of a contract for cellular telephone service entered into by any individual in which a servicemember is a designated beneficiary of the contract, the individual who entered into the contract may terminate the contract—

“(1) with respect to the servicemember if the servicemember is eligible to terminate contracts pursuant to subsection (a); and

“(2) with respect to all of the designated beneficiaries of such contract if all such beneficiaries accompany the servicemember during the servicemember’s period of relocation.

“(e) OTHER OBLIGATIONS AND LIABILITIES.—For any contract terminated under this section, the service provider under the contract may not impose an early termination charge, but any tax or any other obligation or liability of the servicemember that, in accordance with the terms of the contract, is due and unpaid or unperformed at the time of termination of the contract shall be paid or performed by the servicemember. If the servicemember re-subscribes to the service provided under a covered contract during the 90-day period beginning on the last day of the servicemember’s period of relocation, the service provider may not impose a charge for reinstating service, other than the usual and customary charges for the installation or acquisition of customer equipment imposed on any other subscriber.

“(f) RETURN OF ADVANCE PAYMENTS.—Not later than 60 days after the effective date of the termination of a contract under this section, the service provider under the contract shall refund to the servicemember any fee or other amount to the extent paid for a period extending until after such date, except for the remainder of the monthly or similar billing period in which the termination occurs.

“(g) DEFINITIONS.—For purposes of this section:

“(1) The term ‘cellular telephone service’ means commercial mobile service, as that term is defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d)).

“(2) The term ‘telephone exchange service’ has the meaning given that term under section 3 of the Communications Act of 1934 (47 U.S.C. 153).”

(b) TECHNICAL AMENDMENT.—The heading for title III of such Act is amended by inserting “, TELEPHONE SERVICE CONTRACTS” after “LEASES”.

(c) CLERICAL AMENDMENTS.—The table of contents in section 1(b) of such Act is amended—

(1) by striking the item relating to title III and inserting the following new item:

“TITLE III—RENT, INSTALLMENT CONTRACTS, MORTGAGES, LIENS, ASSIGNMENT, LEASES, TELEPHONE SERVICE CONTRACTS”; AND

(2) by striking the item relating to section 305A and inserting the following new item:

“Sec. 305A. Termination of telephone service contracts.”

SEC. 303. ENFORCEMENT BY THE ATTORNEY GENERAL AND BY PRIVATE RIGHT OF ACTION.

(a) IN GENERAL.—The Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) is amended by adding at the end the following new title:

“TITLE VIII—CIVIL LIABILITY**“SEC. 801. ENFORCEMENT BY THE ATTORNEY GENERAL.**

“(a) CIVIL ACTION.—The Attorney General may commence a civil action in any appropriate district court of the United States against any person who—

“(1) engages in a pattern or practice of violating this Act; or

“(2) engages in a violation of this Act that raises an issue of significant public importance.

“(b) RELIEF.—In a civil action commenced under subsection (a), the court may—

“(1) grant any appropriate equitable or declaratory relief with respect to the violation of this Act;

“(2) award all other appropriate relief, including monetary damages, to any person aggrieved by the violation; and

“(3) may, to vindicate the public interest, assess a civil penalty—

“(A) in an amount not exceeding \$55,000 for a first violation; and

“(B) in an amount not exceeding \$110,000 for any subsequent violation.

“(c) INTERVENTION.—Upon timely application, a person aggrieved by a violation of this Act with respect to which the civil action is commenced may intervene in such action, and may obtain such appropriate relief as the person could obtain in a civil action under section 802 with respect to that violation, along with costs and a reasonable attorney fee.

“SEC. 802. PRIVATE RIGHT OF ACTION.

“(a) IN GENERAL.—Any person aggrieved by a violation of this Act may in a civil action—

“(1) obtain any appropriate equitable or declaratory relief with respect to the violation; and

“(2) recover all other appropriate relief, including monetary damages.

“(b) COSTS AND ATTORNEY FEES.—The court may award to a person aggrieved by a violation of this Act who prevails in an action brought under subsection (a) the costs of the action, including a reasonable attorney fee.

“SEC. 803. PRESERVATION OF REMEDIES.

“Nothing in section 801 or 802 shall be construed to preclude or limit any remedy otherwise available under other law, including consequential and punitive damages.”

(b) CONFORMING AMENDMENTS.—Such Act is further amended as follows:

(1) Section 207 (50 U.S.C. App. 527) is amended by striking subsection (f).

(2) Section 301(c) (50 U.S.C. App. 531(c)) is amended to read as follows:

“(c) MISDEMEANOR.—Except as provided in subsection (a), a person who knowingly takes part in an eviction or distress described in subsection (a), or who knowingly attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.”

(3) Section 302(b) (50 U.S.C. App. 532(b)) is amended to read as follows:

“(b) MISDEMEANOR.—A person who knowingly resumes possession of property in violation of subsection (a), or in violation of section 107 of this Act, or who knowingly attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.”

(4) Section 303(d) (50 U.S.C. App. 533(d)) is amended to read as follows:

“(d) MISDEMEANOR.—A person who knowingly makes or causes to be made a sale, foreclosure, or seizure of property that is prohibited by subsection (c), or who knowingly attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.”

(5) Section 305(h) (50 U.S.C. App. 535(h)) is amended to read as follows:

“(h) MISDEMEANOR.—Any person who knowingly seizes, holds, or detains the personal effects, security deposit, or other property of a servicemember or a servicemember's dependent who lawfully terminates a lease covered by this section, or who knowingly interferes with the removal of such property from premises covered by such lease, for the purpose of subjecting or attempting to subject any of such property to a claim for rent accruing subsequent to the date of termination of such lease, or attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.”

(6) Section 306(e) (50 U.S.C. App. 536(e)) is amended to read as follows:

“(e) MISDEMEANOR.—A person who knowingly takes an action contrary to this section, or attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.”

(7) Section 307(c) (50 U.S.C. App. 537(c)) is amended to read as follows:

“(c) MISDEMEANOR.—A person who knowingly takes an action contrary to this section, or attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.”

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end the following new items:

“TITLE VIII—CIVIL LIABILITY

“Sec. 801. Enforcement by the Attorney General.

“Sec. 802. Private right of action.

“Sec. 803. Preservation of remedies.”

TITLE IV—INSURANCE MATTERS**SEC. 401. INCREASE IN AMOUNT OF SUPPLEMENTAL INSURANCE FOR TOTALLY DISABLED VETERANS.**

(a) IN GENERAL.—Section 1922A(a) is amended by striking “\$20,000” and inserting “\$30,000”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2011.

SEC. 402. PERMANENT EXTENSION OF DURATION OF SERVICEMEMBERS' GROUP LIFE INSURANCE COVERAGE FOR TOTALLY DISABLED VETERANS.

(a) EXTENSION.—Section 1968(a) is amended—

(1) in paragraph (1)(A), by striking clause (ii) and inserting the following new clause (ii):

“(ii) The date that is two years after the date of separation or release from such active duty or active duty for training.”; and

(2) in paragraph (4), by striking subparagraph (B) and inserting the following new subparagraph (B):

“(B) The date that is two years after the date of separation or release from such assignment.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to a person who is separated or released on or after June 15, 2005.

SEC. 403. ADJUSTMENT OF COVERAGE OF DEPENDENTS UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

Clause (ii) of section 1968(a)(5)(B) is amended to read as follows:

“(ii)(I) in the case of a member of the Ready Reserve of a uniformed service who meets the qualifications set forth in subparagraph (B) or (C) of section 1965(5) of this title, 120 days after separation or release from such assignment; or

“(II) in the case of any other member of the uniformed services, 120 days after the date of the member's separation or release from the uniformed services; or”.

SEC. 404. OPPORTUNITY TO INCREASE AMOUNT OF VETERANS' GROUP LIFE INSURANCE.

(a) OPPORTUNITY TO INCREASE AMOUNT.—Section 1977(a) is amended—

(1) in paragraph (1), by inserting “Except as provided in paragraph (3),” before “Veterans' Group Life Insurance shall be”; and

(2) by adding after paragraph (2) the following new paragraph:

“(3) Not more than once in each five-year period beginning on the one-year anniversary of the date a person becomes insured under Veterans' Group Life Insurance, such person may elect in writing to increase by \$25,000 the amount for which the person is insured if—

“(A) the person is under the age of 60; and

“(B) the total amount for which the person is insured does not exceed the amount provided for under section 1967(a)(3)(A)(i) of this title.”

(b) EFFECTIVE DATE.—Paragraph (3) of section 1977(a) of title 38, United States Code, as added by subsection (a), shall take effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 405. ELIMINATION OF REDUCTION IN AMOUNT OF ACCELERATED DEATH BENEFIT FOR TERMINALLY-ILL PERSONS INSURED UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE.

(a) ELIMINATION OF REDUCTION.—Section 1980(b)(1) is amended by striking “reduced by” and all that follows through “the Secretary”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to a payment of an accelerated death benefit under section 1980 of title 38, United States Code, made on or after the date of the enactment of this Act.

SEC. 406. CONSIDERATION OF LOSS OF DOMINANT HAND IN PRESCRIPTION OF SCHEDULE OF SEVERITY OF TRAUMATIC INJURY UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) SCHEDULE.—

(1) IN GENERAL.—Section 1980A(d) is amended—

(A) by striking “Payments under” and inserting “(1) Payments under”; and

(B) by adding at the end the following new paragraph:

“(2) As the Secretary considers appropriate, the schedule required by paragraph (1) may distinguish in specifying payments for qualifying losses between the severity of a qualifying loss of a dominant hand and of a qualifying loss of a nondominant hand.”

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 2011.

(b) PAYMENTS FOR QUALIFYING LOSSES INCURRED BEFORE DATE OF ENACTMENT.—

(1) IN GENERAL.—To the extent necessary, the Secretary of Veterans Affairs shall prescribe in regulations mechanisms for payments under section 1980A of title 38, United States Code, for qualifying losses incurred before the date of the enactment of this Act, by reason of paragraph (2) of subsection (d) of such section (as added by subsection (a)(1) of this section).

(2) QUALIFYING LOSS DEFINED.—In this subsection, the term “qualifying loss” means—
(A) a loss specified in the second sentence of subsection (b)(1) of section 1980A of title 38, United States Code; and

(B) any other loss specified by the Secretary of Veterans Affairs pursuant to the first sentence of that subsection.

SEC. 407. ENHANCEMENT OF VETERANS' MORTGAGE LIFE INSURANCE.

(a) IN GENERAL.—Section 2106(b) is amended by striking “\$90,000” and inserting “\$150,000, or after January 1, 2012, \$200,000.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2011.

SEC. 408. EXPANSION OF INDIVIDUALS QUALIFYING FOR RETROACTIVE BENEFITS FROM TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) IN GENERAL.—Paragraph (1) of section 501(b) of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006 (Public Law 109-233; 120 Stat. 414; 38 U.S.C. 1980A note) is amended by striking “, if, as determined by the Secretary concerned, that loss was a direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom”.

(b) CONFORMING AMENDMENT.—The heading of such section is amended by striking “IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2011.

TITLE V—BURIAL AND CEMETERY MATTERS

SEC. 501. INCREASE IN CERTAIN BURIAL AND FUNERAL BENEFITS AND PLOT ALLOWANCES FOR VETERANS.

(a) INCREASE IN BURIAL AND FUNERAL EXPENSES FOR DEATHS IN DEPARTMENT FACILITIES.—Paragraph (1)(A) of subsection (a) of section 2303 is amended by striking “\$300” and inserting “\$700 (as increased from time to time under subsection (c))”.

(b) INCREASE IN AMOUNT OF PLOT ALLOWANCES.—Subsection (b) of such section is amended by striking “\$300” both places it appears and inserting “\$700 (as increased from time to time under subsection (c))”.

(c) ANNUAL ADJUSTMENT.—Such section is further amended by adding at the end the following new subsection:

“(c) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the maximum amount of burial and funeral expenses payable under subsection (a) and in the maximum amount of the plot or interment allowance payable under subsection (b), equal to the percentage by which—
“(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

“(2) the Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).”.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to deaths occurring on or after October 1, 2011.

(2) PROHIBITION ON COST-OF-LIVING ADJUSTMENT FOR FISCAL YEAR 2012.—No adjustments shall be made under section 2303(c) of title 38, United States Code, as added by subsection (c), for fiscal year 2012.

SEC. 502. INTERMENT IN NATIONAL CEMETERIES OF PARENTS OF CERTAIN DECEASED VETERANS.

(a) SHORT TITLE.—This section may be cited as the “Corey Shea Act”.

(b) INTERMENT OF PARENTS OF CERTAIN DECEASED VETERANS.—Section 2402 is amended—

(1) in the matter preceding paragraph (1), by striking “Under such regulations” and inserting “(a) Under such regulations”;

(2) by moving the margins of paragraphs (1) through (8) two ems to the right;

(3) by inserting after paragraph (8) the following new paragraph:

“(9)(A) The parent of a person described in subparagraph (B), if the Secretary determines that there is available space at the gravesite where the person described in subparagraph (B) is interred.

“(B) A person described in this subparagraph is a person described in paragraph (1) who—

“(i) is a hostile casualty or died from a training-related injury;

“(ii) is interred in a national cemetery; and

“(iii) at the time of the person's parent's death, did not have a spouse, surviving spouse, or child who is buried or who, upon death, may be eligible for burial in a national cemetery pursuant to paragraph (5).”;

(4) by adding at the end the following new subsection:

“(b) For purposes of subsection (a)(9) of this section:

“(1) The term ‘parent’ means a biological father or a biological mother or, in the case of adoption, a father through adoption or a mother through adoption.

“(2) The term ‘hostile casualty’ means a person who, as a member of the Armed Forces, dies as the direct result of hostile action with the enemy, while in combat, while going to or returning from a combat mission if the cause of death was directly related to hostile action, or while hospitalized or undergoing treatment at the expense of the United States for injury incurred during combat, and includes a person killed mistakenly or accidentally by friendly fire directed at a hostile force or what is thought to be a hostile force, but does not include a person who dies due to the elements, a self-inflicted wound, combat fatigue, or a friendly force while the person was in an absent-without-leave, deserter, or dropped-from-rolls status or was voluntarily absent from a place of duty.

“(3) The term ‘training-related injury’ means an injury incurred by a member of the Armed Forces while performing authorized training activities in preparation for a combat mission.”.

(c) GUIDANCE REQUIRED.—The Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall develop guidance under which the parent of a person described in paragraph (9)(B) of subsection (a) of section 2402 of title 38, United States Code, as added by subsection (b), may be designated for interment in a national cemetery under that section.

(d) CONFORMING AMENDMENTS.—

(1) CROSS-REFERENCE CORRECTION.—Section 107 is amended by striking “section 2402(8)” both places it appears and inserting “section 2402(a)(8)”.

(2) CROSS-REFERENCE CORRECTION.—Section 2301(e) is amended by striking “section 2402(6)” and inserting “section 2402(a)(6)”.

(3) CROSS-REFERENCE CORRECTION.—Section 2306(a) is amended—

(A) in paragraph (2), by striking “section 2402(4)” and inserting “section 2402(a)(4)”;

and

(B) in paragraph (4), by striking “section 2402(5)” and inserting “section 2402(a)(5)”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the death, on or after the date of the enactment of this Act, of the parent of a person described in paragraph (9)(B) of subsection (a) of section 2402 of title 38, United States Code, as added by subsection (b), who dies on or after October 7, 2001.

SEC. 503. REPORTS ON SELECTION OF NEW NATIONAL CEMETERIES.

(a) INITIAL REPORT.—

(1) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the selection of the sites described in paragraph (2) for the purpose of establishing new national cemeteries.

(2) SITES.—The sites described in this paragraph are the following:

(A) An area in southern Colorado.

(B) An area near Melbourne, Florida, and Daytona, Florida.

(C) An area near Omaha, Nebraska.

(D) An area near Buffalo, New York, and Rochester, New York.

(E) An area near Tallahassee, Florida.

(3) SITE SELECTION.—In carrying out this section, the Secretary shall solicit advice and views of representatives of State and local veterans organizations and other individuals as the Secretary considers appropriate.

(4) MATTERS INCLUDED.—The report under paragraph (1) shall include the following:

(A) A schedule for the establishment of each cemetery at each site described in paragraph (2) and an estimate of the costs associated with the establishment of each such cemetery.

(B) As of the date of the submittal of the report, the amount of funds that are available to establish each cemetery at each site described in paragraph (2) from amounts appropriated to the Department of Veterans Affairs for Advance Planning.

(b) ANNUAL REPORTS.—Not later than two years after the date of the enactment of this Act, and each year thereafter until the date on which each cemetery at each site described in subsection (a)(2) is established, the Secretary shall submit to Congress an annual report that includes updates to the information provided in the report under subsection (a).

TITLE VI—COMPENSATION AND PENSION

SEC. 601. ENHANCEMENT OF DISABILITY COMPENSATION FOR CERTAIN DISABLED VETERANS WITH DIFFICULTIES USING PROSTHESES AND DISABLED VETERANS IN NEED OF REGULAR AID AND ATTENDANCE FOR RESIDUALS OF TRAUMATIC BRAIN INJURY.

(a) VETERANS SUFFERING ANATOMICAL LOSS OF HANDS, ARMS, OR LEGS.—Section 1114 is amended—

(1) in subsection (m)—

(A) by striking “at a level, or with complications,” and inserting “with factors”;

and

(B) by striking “at levels, or with complications,” and inserting “with factors”;

(2) in subsection (n)—

(A) by striking “at levels, or with complications,” and inserting “with factors”;

(B) by striking “so near the hip as to” and inserting “with factors that”;

(C) by striking “so near the shoulder and hip as to” and inserting “with factors that”;

(3) in subsection (o), by striking “so near the shoulder as to” and inserting “with factors that”.

(b) **VETERANS WITH SERVICE-CONNECTED DISABILITIES IN NEED OF REGULAR AID AND ATTENDANCE FOR RESIDUALS OF TRAUMATIC BRAIN INJURY.**—

(1) **IN GENERAL.**—Such section is further amended—

(A) in subsection (p), by striking the semicolon at the end and inserting a period; and

(B) by adding at the end the following new subsection:

“(t) Subject to section 5503(c) of this title, if any veteran, as the result of service-connected disability, is in need of regular aid and attendance for the residuals of traumatic brain injury, is not eligible for compensation under subsection (r)(2), and in the absence of such regular aid and attendance would require hospitalization, nursing home care, or other residential institutional care, the veteran shall be paid, in addition to any other compensation under this section, a monthly aid and attendance allowance equal to the rate described in subsection (r)(2), which for purposes of section 1134 of this title shall be considered as additional compensation payable for disability. An allowance authorized under this subsection shall be paid in lieu of any allowance authorized by subsection (r)(1).”.

(2) **CONFORMING AMENDMENT.**—Section 5503(c) is amended by striking “in section 1114(r)” and inserting “in subsection (r) or (t) of section 1114”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1, 2011.

SEC. 602. COST-OF-LIVING INCREASE FOR TEMPORARY DEPENDENCY AND INDEMNITY COMPENSATION PAYABLE FOR SURVIVING SPOUSES WITH DEPENDENT CHILDREN UNDER THE AGE OF 18.

Section 1311(f) is amended—

(1) in paragraph (1), by inserting “(as increased from time to time under paragraph (4))” after “\$250”;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph (4):

“(4) Whenever there is an increase in benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) as a result of a determination made under section 215(i) of such Act (42 U.S.C. 415(i)), the Secretary shall, effective on the date of such increase in benefit amounts, increase the amount payable under paragraph (1), as such amount was in effect immediately prior to the date of such increase in benefit amounts, by the same percentage as the percentage by which such benefit amounts are increased. Any increase in a dollar amount under this paragraph shall be rounded down to the next lower whole dollar amount.”.

SEC. 603. PAYMENT OF DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVORS OF FORMER PRISONERS OF WAR WHO DIED ON OR BEFORE SEPTEMBER 30, 1999.

(a) **IN GENERAL.**—Section 1318(b)(3) is amended by striking “who died after September 30, 1999,”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on October 1, 2011.

SEC. 604. EXCLUSION OF CERTAIN AMOUNTS FROM CONSIDERATION AS INCOME FOR PURPOSES OF VETERANS PENSION BENEFITS.

(a) **EXCLUSION.**—Section 1503(a) is amended—

(1) by striking “and” at the end of paragraph (10);

(2) by redesignating paragraph (11) as paragraph (12); and

(3) by inserting after paragraph (10) the following new paragraph (11):

“(11) payment of a monetary amount of up to \$5,000 to a veteran from a State or municipality that is paid as a veterans’ benefit due to injury or disease; and”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply with respect to determinations of income for calendar years beginning after October 1, 2011.

SEC. 605. COMMENCEMENT OF PERIOD OF PAYMENT OF ORIGINAL AWARDS OF COMPENSATION FOR VETERANS RETIRED OR SEPARATED FROM THE UNIFORMED SERVICES FOR CATASTROPHIC DISABILITY.

(a) **COMMENCEMENT OF PERIOD OF PAYMENT.**—Subsection (a) of section 5111 is amended—

(1) by inserting “(1)” after “(a)”;

(2) in paragraph (1), as so designated by paragraph (1) of this subsection, by striking “in subsection (c) of this section” and inserting “in paragraph (2) and subsection (c)”;

(3) by adding at the end the following new paragraph:

“(2)(A) In the case of a veteran who is retired or separated from the active military, naval, or air service for a catastrophic disability or disabilities, payment of monetary benefits based on an award of compensation based on an original claim shall be made as of the date on which such award becomes effective as provided under section 5110 of this title or another applicable provision of law.

“(B) For the purposes of this paragraph, the term ‘catastrophic disability’, with respect to a veteran, means a permanent, severely disabling injury, disorder, or disease that compromises the ability of the veteran to carry out the activities of daily living to such a degree that the veteran requires personal or mechanical assistance to leave home or bed, or requires constant supervision to avoid physical harm to self or others.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on October 1, 2011, and shall apply with respect to awards of compensation based on original claims that become effective on or after that date.

SEC. 606. APPLICABILITY OF LIMITATION TO PENSION PAYABLE TO CERTAIN CHILDREN OF VETERANS OF A PERIOD OF WAR.

Section 5503(d)(5) is amended—

(1) by inserting “(A)” after “(5)”;

(2) by adding at the end the following new subparagraph:

“(B) The provisions of this subsection shall apply with respect to a child entitled to pension under section 1542 of this title in the same manner as they apply to a veteran having neither spouse nor child.”.

SEC. 607. EXTENSION OF REDUCED PENSION FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES.

Section 5503(d)(7) is amended by striking “September 30, 2011” and inserting “May 31, 2015”.

SEC. 608. CODIFICATION OF 2009 COST-OF-LIVING ADJUSTMENT IN RATES OF PENSION FOR DISABLED VETERANS AND SURVIVING SPOUSES AND CHILDREN.

(a) **DISABLED VETERANS.**—Section 1521 of title 38, United States Code, is amended—

(1) in subsection (b), by striking “\$3,550” and inserting “\$11,830”;

(2) in subsection (c)—

(A) by striking “\$4,651” and inserting “\$15,493”; and

(B) by striking “\$600” and inserting “\$2,020”;

(3) in subsection (d)—

(A) in paragraph (1), by striking “\$5,680” and inserting “\$19,736”; and

(B) in paragraph (2)—

(i) by striking “\$6,781” and inserting “\$23,396”; and

(ii) by striking “\$600” and inserting “\$2,020”;

(4) in subsection (e)—

(A) by striking “\$4,340” and inserting “\$14,457”;

(B) by striking “\$5,441” and inserting “\$18,120”; and

(C) by striking “\$600” and inserting “\$2,020”;

(5) in subsection (f)—

(A) in paragraph (1), by striking “\$4,651” and inserting “\$15,493”;

(B) in paragraph (2)—

(i) by striking “\$6,781” and inserting “\$23,396”; and

(ii) by striking “\$8,911” and inserting “\$30,480”;

(C) in paragraph (3)—

(i) by striking “\$5,441” and inserting “\$18,120”; and

(ii) by striking “\$6,231” and inserting “\$20,747”;

(D) in paragraph (4), by striking “\$7,571” and inserting “\$26,018”; and

(E) in paragraph (5), by striking “\$600” and inserting “\$2,020”; and

(6) in subsection (g), by striking “\$800” and inserting “\$2,686”.

(b) **SURVIVING SPOUSES.**—Section 1541 of such title is amended—

(1) in subsection (b), by striking “\$2,379” and inserting “\$7,933”;

(2) in subsection (c)—

(A) by striking “\$3,116” and inserting “\$10,385”; and

(B) by striking “\$600” and inserting “\$2,020”;

(3) in subsection (d)—

(A) in paragraph (1), by striking “\$3,806” and inserting “\$12,681”; and

(B) in paragraph (2)—

(i) by striking “\$4,543” and inserting “\$15,128”; and

(ii) by striking “\$600” and inserting “\$2,020”; and

(4) in subsection (e)(1)—

(A) by striking “\$2,908” and inserting “\$9,696”;

(B) by striking “\$3,645” and inserting “\$12,144”; and

(C) by striking “\$600” and inserting “\$2,020”.

(c) **SURVIVING CHILDREN.**—Section 1542 of such title is amended by striking “\$600” and inserting “\$2,020” both places it appears.

(d) **EFFECTIVE DATE.**—The amendments made by subsections (a), (b), and (c) shall apply with respect to pensions paid on or after December 1, 2009.

TITLE VII—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

SEC. 701. CLARIFICATION THAT USERRA PROHIBITS WAGE DISCRIMINATION AGAINST MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 4303(2) is amended by striking “other than” and inserting “including”.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to—

(1) any failure to comply with a provision of or any violation of chapter 43 of title 38, United States Code, that occurs before, on, or after the date of the enactment of this Act; and

(2) all actions or complaints filed under such chapter 43 that are pending on or after the date of the enactment of this Act.

SEC. 702. CLARIFICATION OF THE DEFINITION OF “SUCCESSOR IN INTEREST”.

(a) IN GENERAL.—Section 4303(4) is amended by adding at the end the following new subparagraph:

“(D)(i) Whether the term ‘successor in interest’ applies with respect to an entity described in subparagraph (A) for purposes of clause (iv) of such subparagraph shall be determined on a case-by-case basis using a multi-factor test that considers the following factors:

“(I) Substantial continuity of business operations.

“(II) Use of the same or similar facilities.

“(III) Continuity of work force.

“(IV) Similarity of jobs and working conditions.

“(V) Similarity of supervisory personnel.

“(VI) Similarity of machinery, equipment, and production methods.

“(VII) Similarity of products or services.

“(ii) The entity’s lack of notice or awareness of a potential or pending claim under this chapter at the time of a merger, acquisition, or other form of succession shall not be considered when applying the multi-factor test under clause (i).”

(b) APPLICATION.—The amendment made by subsection (a) shall apply to—

(1) any failure to comply with a provision of or any violation of chapter 43 of title 38, United States Code, that occurs before, on, or after the date of the enactment of this Act; and

(2) all actions or complaints filed under such chapter 43 that are pending on or after the date of the enactment of this Act.

SEC. 703. TECHNICAL AMENDMENTS.

(a) AMENDMENT TO SECTION 4324 OF TITLE 38, UNITED STATES CODE.—Section 4324(b)(4) is amended by inserting before the period the following: “declining to initiate an action and represent the person before the Merit Systems Protection Board”.

(b) AMENDMENT TO CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—Section 206(b) of the Congressional Accountability Act of 1995 (2 U.S.C. 1316(b)) is amended by striking “under paragraphs (1), (2)(A), and (3) of section 4323(c) of title 38, United States Code” and inserting “under section 4323(d) of title 38, United States Code”.

(c) AMENDMENT TO SECTION 416 OF TITLE 3, UNITED STATES CODE.—Section 416(b) of title 3, United States Code, is amended by striking “under paragraphs (1) and (2)(A) of section 4323(c) of title 38” and inserting “under section 4323(d) of title 38”.

TITLE VIII—BENEFITS MATTERS

SEC. 801. INCREASE IN NUMBER OF VETERANS FOR WHICH PROGRAMS OF INDEPENDENT LIVING SERVICES AND ASSISTANCE MAY BE INITIATED.

(a) INCREASE.—Section 3120(e) is amended by striking “2600” and inserting “2,700”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fiscal years beginning after the date of the enactment of this Act.

SEC. 802. PAYMENT OF UNPAID BALANCES OF DEPARTMENT OF VETERANS AFFAIRS GUARANTEED LOANS.

(a) IN GENERAL.—Section 3732(a)(2) is amended—

(1) by striking “Before suit” and inserting “(A) Before suit”; and

(2) by adding at the end the following new subparagraph:

“(B) In the event that a housing loan guaranteed under this chapter is modified under the authority provided under section 1322(b) of title 11, the Secretary may pay the holder of the obligation the unpaid principal balance of the obligation due, plus accrued interest, as of the date of the filing of the petition under title 11, but only upon the assignment, transfer, and delivery to the Secretary (in a form and manner satisfactory to the Secretary) of all rights, interest, claims, evidence, and records with respect to the housing loan.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to a housing loan guaranteed after the date of the enactment of this Act.

SEC. 803. ELIGIBILITY OF DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES WITH SEVERE BURN INJURIES FOR AUTOMOBILES AND ADAPTIVE EQUIPMENT.

(a) ELIGIBILITY.—Paragraph (1) of section 3901 is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking “the disabilities described in subparagraph (i), (ii), or (iii) below” and inserting “the following disabilities”; and

(B) by adding at the end the following new clause:

“(iv) A severe burn injury (as determined pursuant to regulations prescribed by the Secretary).”; and

(2) in subparagraph (B), by striking “subclause (i), (ii), or (iii) of clause (A) of this paragraph” and inserting “clause (i), (ii), (iii), or (iv) of subparagraph (A)”.

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in the matter preceding paragraph (1), by striking “chapter—” and inserting “chapter:”;

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “means—” and inserting “means the following:”;

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “any veteran” and inserting “Any veteran”;

(ii) in each of clauses (i) and (ii), by striking the semicolon at the end and inserting a period; and

(iii) in clause (iii), by striking “; or” and inserting a period; and

(C) in subparagraph (B), by striking “any member” and inserting “Any member”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2011.

SEC. 804. ENHANCEMENT OF AUTOMOBILE ASSISTANCE ALLOWANCE FOR VETERANS.

(a) INCREASE IN AMOUNT OF ALLOWANCE.—Subsection (a) of section 3902 is amended by

striking “\$11,000” and inserting “\$18,900 (as adjusted from time to time under subsection (e))”.

(b) ANNUAL ADJUSTMENT.—Such section is further amended by adding at the end the following new subsection:

“(e) Effective on October 1 of each year (beginning in 2011), the Secretary shall increase the dollar amount in effect under subsection (a) by a percentage equal to the percentage by which the Consumer Price Index for all urban consumers (U.S. city average) increased during the 12-month period ending with the last month for which Consumer Price Index data is available. In the event that such Consumer Price Index does not increase during such period, the Secretary shall maintain the dollar amount in effect under subsection (a) during the previous fiscal year.”

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2011.

SEC. 805. NATIONAL ACADEMIES REVIEW OF BEST TREATMENTS FOR CHRONIC MULTISYMPTOM ILLNESS IN PERSIAN GULF WAR VETERANS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall seek to enter into an agreement with the Institute of Medicine of the National Academies to carry out a comprehensive review of the best treatments for chronic multisymptom illness in Persian Gulf War veterans and an evaluation of how such treatment approaches could best be disseminated throughout the Department of Veterans Affairs to improve the care and benefits provided to veterans.

(b) GROUP OF MEDICAL PROFESSIONALS.—Under any agreement entered into under subsection (a), the Institute of Medicine shall convene a group of medical professionals who are experienced in treating individuals who served as members of the Armed Forces in the Southwest Asia Theater of Operations of the Persian Gulf War during 1990 or 1991 and who have been diagnosed with chronic multisymptom illness or another health condition related to chemical and environmental exposure that may have occurred during such service.

(c) REPORT.—Any agreement entered into under subsection (a) shall require the Institute of Medicine to submit to the Secretary and to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report on the review and evaluation described in subsection (a) by not later than December 31, 2012. The report shall include such recommendations for legislative or administrative action as the Institute considers appropriate in light of the results of the review.

(d) FUNDING.—Pursuant to any agreement entered into under subsection (a), the Secretary shall provide the Institute of Medicine with such funds as are necessary to ensure the timely completion of the review described that subsection.

(e) DEFINITIONS.—For purposes of this section:

(1) The term “chronic multisymptom illness in Persian Gulf War veterans” means a chronic multisymptom illness defined by a cluster of signs or symptoms relating to service in the Persian Gulf War, typically including widespread pain, persistent memory and concentration problems, chronic headaches, gastrointestinal problems, and other abnormalities not explained by well-established diagnoses.

(2) The term “Persian Gulf War” has the meaning given that term in section 101(33) of title 38, United States Code.

SEC. 806. EXTENSION AND MODIFICATION OF NATIONAL ACADEMY OF SCIENCES REVIEWS AND EVALUATIONS ON ILLNESS AND SERVICE IN PERSIAN GULF WAR AND POST-9/11 GLOBAL OPERATIONS THEATERS.

(a) REVIEW AND EVALUATION OF AGENTS AND ILLNESSES ASSOCIATED WITH PERSIAN GULF WAR SERVICE.—

(1) EXTENSION OF REVIEW AND EVALUATION.—Subsection (j) of section 1603 of the Persian Gulf War Veterans Act of 1998 (Public Law 105-277; 38 U.S.C. 1117 note), as amended by section 202(d)(2) of the Veterans Education and Benefits Expansion Act of 2001 (Public Law 107-173; 115 Stat. 989), is amended by striking “October 1, 2010” and inserting “October 1, 2015”.

(2) DISAGGREGATION OF RESULTS BY THEATERS OF OPERATIONS BEFORE AND AFTER SEPTEMBER 11, 2001.—Such section is further amended—

(A) in subsection (c)(1)(A), by striking “who served in the Southwest Asia theater of operations” and all that follows and inserting “who may have been exposed by reason of service in the Southwest Asia theater of operations during the Persian Gulf War or, after September 11, 2001, in another Post-9/11 Global Theater of Operations; and”;

(B) in subsection (g)(1), by striking “Gulf War service” and inserting “service described in subsection (c)(1)(A)”;

(C) in subsection (i)—

(i) in paragraph (1), by striking “paragraph (5)” and inserting “paragraph (6)”;

(ii) by redesignating paragraph (5) as paragraph (6); and

(iii) by inserting after paragraph (4) the following new paragraph (5):

“(5) In each report under this subsection submitted after the date of the enactment of this paragraph, any determinations, results, and recommendations as described in paragraph (2) shall be submitted separately as follows:

“(A) For the Southwest Asia theater of operations for the period of the Persian Gulf War ending on September 11, 2001.

“(B) For the Post-9/11 Global Theaters of Operations for the period of the Persian Gulf War beginning on September 11, 2001.”; and

(D) by adding at the end the following new subsection:

“(1) DEFINITIONS.—In this section:

“(1) The term ‘Persian Gulf War’ has the meaning given that term in section 101(33) of title 38, United States Code.

“(2) The term ‘Post-9/11 Global Theater of Operations’ means Afghanistan, Iraq, and any other theater of operations for which the Global War on Terrorism Expeditionary Medal is awarded for service.”.

(b) REVIEW AND EVALUATION OF AVAILABLE EVIDENCE REGARDING ILLNESS AND SERVICE IN PERSIAN GULF WAR.—

(1) IN GENERAL.—Subsection (j) of section 101 of the Veterans Programs Enhancement Act of 1998 (Public Law 105-368; 112 Stat. 3321) is amended by striking “11 years after” and all that follows through “under subsection (b)” and inserting “on October 1, 2018”.

(2) DISAGGREGATION OF RESULTS BY THEATERS OF OPERATIONS BEFORE AND AFTER SEPTEMBER 11, 2001.—Such section is further amended—

(A) in subsection (c)(1)—

(i) in the matter preceding subparagraph (A), by striking “Gulf war veterans” and all that follows through “Persian Gulf War” and inserting “veterans who served in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War or, after September 11, 2001, in another Post-9/11 Global Theater of Operations and the health

consequences of exposures to risk factors during such service”; and

(ii) in subparagraph (A), by striking “who served” and all that follows through “such service” and inserting “who may have been exposed by reason of service in the Southwest Asia theater of operations during the Persian Gulf War or, after September 11, 2001, in another Post-9/11 Global Theater of Operations”;

(B) in subsection (e)(1)—

(i) in the matter preceding subparagraph (A), by striking “Gulf War service or exposure during Gulf War service” and inserting “service in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War or, after September 11, 2001, in another Post-9/11 Global Theater of Operations or exposure during such service”; and

(ii) in subparagraphs (E) and (F), by striking “Gulf War veterans” each place it appears and inserting “veterans described in subsection (c)(1)”;

(C) in subsection (f)(1)—

(i) by striking “service in the Persian Gulf War” and inserting “service described in subsection (c)(1)(A)”;

(ii) by striking “Gulf War service” and inserting “such service”;

(D) in subsection (h), by adding at the end the following new paragraph:

“(5) In each report under this subsection submitted after the date of the enactment of this paragraph, any determinations, discussions, and recommendations as described in paragraph (2) shall be submitted separately as follows:

“(A) For the Southwest Asia theater of operations for the period of the Persian Gulf War ending on September 11, 2001.

“(B) For the Post-9/11 Global Theaters of Operations for the period of the Persian Gulf War beginning on September 11, 2001.”;

(E) in subsection (i)—

(i) in paragraph (2)—

(I) by striking “Persian Gulf War service” and inserting “service described in subsection (c)(1)(A)”;

(II) by striking “service in the Persian Gulf War” and inserting “such service”; and

(III) by striking “Gulf War veterans” and inserting “veterans described in subsection (c)(1)(A)”;

(ii) by adding at the end the following new paragraph:

“(4) In each report under this subsection submitted after the date of the enactment of this paragraph, any recommendations as described in paragraph (2) shall be submitted separately as follows:

“(A) For the Southwest Asia theater of operations for the period of the Persian Gulf War ending on September 11, 2001.

“(B) For the Post-9/11 Global Theaters of Operations for the period of the Persian Gulf War beginning on September 11, 2001.”; and

(F) in subsection (k)—

(i) by striking “In this section, the term” and inserting the following: “In this section:

“(1) The term ‘Persian Gulf War’ has the meaning given that term in section 101(33) of title 38, United States Code.

“(2) The term ‘Post-9/11 Global Theater of Operations’ means Afghanistan, Iraq, and any other theater of operations for which the Global War on Terrorism Expeditionary Medal is awarded for service.

“(3) The term”; and

(ii) in paragraph (3), as designated by clause (i)—

(I) by striking “vaccine associated with Gulf War service” means” and inserting “vaccine”, with respect to service described in subsection (c)(1)(A), means”; and

(II) by striking “service in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War” and inserting “service described in such subsection (c)(1)(A)”.

(3) CONFORMING AMENDMENT.—Section 1604 of the Persian Gulf War Veterans Act of 1998 (Public Law 105-277; 38 U.S.C. 1117 note) is repealed.

SEC. 807. EXTENSION OF AUTHORITY FOR REGIONAL OFFICE IN REPUBLIC OF THE PHILIPPINES.

(a) EXTENSION OF AUTHORITY.—Section 315(b) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

(b) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Veterans’ Affairs and the Committee on Appropriations of the Senate and the Committee on Veterans’ Affairs and the Committee on Appropriations of the House of Representatives a report on the regional office of the Department of Veterans Affairs in the Republic of the Philippines.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the activities of the office described in such paragraph, including activities relating to the administration of benefits provided under laws administered by the Secretary of Veterans Affairs and benefits provided under the Social Security Act (42 U.S.C. 301 et seq.).

(B) An assessment of the costs and benefits of maintaining such office in the Republic of the Philippines in comparison with the costs and benefits of moving the activities of such office to the United States.

SEC. 808. EXTENSION OF AN ANNUAL REPORT ON EQUITABLE RELIEF.

Section 503(c) is amended by striking “December 31, 2009” and inserting “December 31, 2014”.

SEC. 809. AUTHORITY FOR THE PERFORMANCE OF MEDICAL DISABILITY EXAMINATIONS BY CONTRACT PHYSICIANS.

Section 704(c) of the Veterans Benefits Act of 2003 (Public Law 108-183; 38 U.S.C. 5101 note), as amended by section 105 of the Veterans’ Benefits Improvement Act of 2008 (Public Law 110-389; 122 Stat. 4149) is amended by striking “December 31, 2010” and inserting “December 31, 2012”.

TITLE IX—AUTHORIZATION OF MEDICAL FACILITY PROJECTS AND MAJOR MEDICAL FACILITY LEASES

SEC. 901. AUTHORIZATION OF FISCAL YEAR 2011 MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may carry out the following fiscal year 2011 major medical facility leases at the locations specified, in an amount not to exceed the amount shown for each such location:

(1) Billings, Montana, Community Based Outpatient Clinic, in an amount not to exceed \$7,149,000.

(2) Boston, Massachusetts, Outpatient Clinic, in an amount not to exceed \$3,316,000.

(3) San Diego, California, Community Based Outpatient Clinic, in an amount not to exceed \$21,495,000.

(4) San Francisco, California, Research Lab, in an amount not to exceed \$10,055,000.

(5) San Juan, Puerto Rico, Mental Health Facility, in an amount not to exceed \$5,323,000.

SEC. 902. MODIFICATION OF AUTHORIZATION AMOUNT FOR MAJOR MEDICAL FACILITY CONSTRUCTION PROJECT PREVIOUSLY AUTHORIZED FOR THE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, NEW ORLEANS, LOUISIANA.

Section 801(a)(1) of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109-461; 120 Stat. 3442), as amended by section 702(a)(1) of the Veterans' Mental Health and Other Care Improvements Act of 2008 (Public Law 110-387; 122 Stat. 4137), is amended by striking "\$625,000,000" and inserting "\$995,000,000".

SEC. 903. MODIFICATION OF AUTHORIZATION AMOUNT FOR MAJOR MEDICAL FACILITY CONSTRUCTION PROJECT PREVIOUSLY AUTHORIZED FOR THE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, LONG BEACH, CALIFORNIA.

Section 802(9) of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109-461; 120 Stat. 3443) is amended by striking "\$107,845,000" and inserting "\$117,845,000".

SEC. 904. AUTHORIZATION OF APPROPRIATIONS.

(a) **AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION.**—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2011 for the Construction, Major Projects account \$1,112,845,000, of which—

(1) \$995,000,000 is for the increased amounts authorized for the project whose authorization is modified by section 902; and

(2) \$117,845,000 is for the increased amounts authorized for the project whose authorization is modified by section 903.

(b) **AUTHORIZATION OF APPROPRIATIONS FOR MEDICAL FACILITY LEASES.**—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2011 for the Medical Facilities account \$47,338,000 for the leases authorized in section 901.

(c) **LIMITATIONS.**—The projects whose authorizations are modified under sections 902 and 903 may only be carried out using—

(1) funds appropriated for fiscal year 2011 pursuant to the authorization of appropriations in subsection (a) of this section;

(2) funds available for Construction, Major Projects, for a fiscal year before fiscal year 2011 that remain available for obligation;

(3) funds available for Construction, Major Projects, for a fiscal year after fiscal year 2011 that remain available for obligation;

(4) funds appropriated for Construction, Major Projects, for fiscal year 2011 for a category of activity not specific to a project;

(5) funds appropriated for Construction, Major Projects, for a fiscal year before 2011 for a category of activity not specific to a project; and

(6) funds appropriated for Construction, Major Projects, for a fiscal year after 2011 for a category of activity not specific to a project.

SEC. 905. REQUIREMENT THAT BID SAVINGS ON MAJOR MEDICAL FACILITY PROJECTS OF DEPARTMENT OF VETERANS AFFAIRS BE USED FOR OTHER MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS OF THE DEPARTMENT.

Section 8104(d) is amended—

(1) by striking "In any case" and inserting "(1) Except as provided in paragraph (2), in any case"; and

(2) by adding at the end the following new paragraph:

"(2)(A) In any fiscal year, unobligated amounts in the Construction, Major Projects account that are a direct result of bid savings from a major medical facility project

may only be obligated for major medical facility projects authorized for that fiscal year or a previous fiscal year.

"(B) Whenever the Secretary obligates amounts for a major medical facility under subparagraph (A), the Secretary shall submit to the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate and the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives notice of the following:

"(i) The major medical facility project that is the source of the bid savings.

"(ii) The other major medical facility project for which the amounts are being obligated.

"(iii) The amounts being obligated for such other major medical facility project."

TITLE X—OTHER MATTERS

SEC. 1001. TECHNICAL CORRECTIONS.

(a) **CHAPTER 1.**—The table of sections at the beginning of chapter 1 is amended by striking the item relating to section 118 and inserting the following new item:

"118. Submission of reports to Congress in electronic form."

(b) **CHAPTER 11.**—Section 1114(r)(2) is amended by striking "\$2,983" and inserting "\$2,983".

(c) **CHAPTER 17.**—Chapter 17 is amended as follows:

(1) In each of subparagraphs (A) and (B) of section 1717(a)(2), by striking "the date of the Caregivers and Veterans Omnibus Health Services Act of 2010" each place it appears and inserting "May 5, 2010".

(2) In section 1785—

(A) by striking "section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh-11(b))" and inserting "section 2812 of the Public Health Service Act (42 U.S.C. 300hh)"; and

(B) by striking "paragraph (3)(A) of".

(d) **CHAPTER 19.**—Chapter 19 is amended as follows:

(1) In the third sentence of section 1967(a)(3)(B), by striking "spouse," and inserting "spouse,".

(2) In the second sentence of section 1980A(h), by inserting "section" before "1968(a)".

(e) **CHAPTER 20.**—Section 2044(e)(3) is amended by striking "fiscal year" and inserting "fiscal years".

(f) **CHAPTER 30.**—The table of sections at the beginning of chapter 30 is amended by striking the item relating to section 3020 and inserting the following new item:

"3020. Authority to transfer unused education benefits to family members for career service members."

(g) **CHAPTER 33.**—Chapter 33 is amended as follows:

(1) In section 3313(c)(1), by striking "higher education" each place it appears and inserting "higher learning"

(2) In section 3313(d)(3), by striking "assistance this chapter" and inserting "assistance under this chapter".

(3) In section 3313(e)(2)(B), by inserting a period at the end.

(4) In section 3316(b)(2), by striking "supplement" and inserting "supplemental".

(5) In section 3316(b)(3), by striking "educational payable" and inserting "educational assistance payable".

(6) In section 3318(b)(2)(B), by striking "higher education" and inserting "higher learning".

(7) In section 3319(b)(2), by striking "section (k)" and inserting "subsection (j)".

(8) In section 3321(b)(2), by striking "3312" and inserting "section 3312 of this title".

(h) **CHAPTER 35.**—Section 3512(a)(6) is amended by striking "this clause" and inserting "this paragraph".

(i) **CHAPTER 36.**—Section 3684(a)(1) is amended by striking "," and inserting a comma.

(j) **CHAPTER 37.**—Section 3733(a)(7) is amended by inserting a comma after "2003".

(k) **CHAPTER 41.**—Section 4102A(b)(8) is amended by striking "Employment and Training" and inserting "Employment, Training".

(l) **CHAPTER 55.**—Chapter 55 is amended as follows:

(1) In section 5510, in the second sentence of the matter preceding paragraph (1) by striking "following: —" and inserting "following:".

(2) In section 5510(9), by striking "government" and inserting "Government".

(m) **CHAPTER 57.**—Chapter 57 is amended as follows:

(1) In section 5723(g)(2), by inserting "the" before "Department".

(2) In section 5727(20), by striking "subordinate plan defines" and inserting "plan that defines".

(n) **CHAPTER 73.**—Chapter 73 is amended as follows:

(1) The table of sections at the beginning of such chapter is amended by striking the item relating to section 7333 and inserting the following new item:

"7333. Nondiscrimination against alcohol and drug abusers and persons infected with the human immunodeficiency virus."

(2) In section 7325(b)(2), by striking "section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh-11(b))" and inserting "section 2812 of the Public Health Service Act (42 U.S.C. 300hh-11)".

(o) **CHAPTER 79.**—Section 7903(a) is amended by striking "paragraph (2)" and inserting "paragraph (3)".

(p) **CHAPTER 81.**—Chapter 81 is amended as follows:

(1) In section 8111A(a)(2)(B)(ii)—

(A) by striking "section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh-11(b))" and inserting "section 2812 of the Public Health Service Act (42 U.S.C. 300hh)"; and

(B) by striking "paragraph (3)(A) of".

(2) In section 8117(e)—

(A) in paragraph (1), by striking "(42 U.S.C. 300hh-11(b))" and inserting "(42 U.S.C. 300hh-11)"; and

(B) in paragraph (2), by striking "(42 U.S.C. 247d-6(a))" and inserting "(42 U.S.C. 247d-6)".

SEC. 1002. STATUTORY PAY-AS-YOU-GO ACT COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 4672. Mr. DURBIN (for Mr. AKAKA) proposed an amendment to the bill H.R. 3219, to amend title 38, United States Code, and the Servicemembers Civil Relief Act to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes; as follows:

Amend the title so as to read: "An Act to amend title 38, United States Code, and the Servicemembers Civil Relief Act to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes."

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on September 28, 2010, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on September 28, 2010, at 10 a.m. in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 28, 2010, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled "Do Private Long-Term Disability Policies Provide the Protection They Promise?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on September 28, 2010, at 10 a.m. in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on September 28, 2010, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Restoring Key Tools to Combat Fraud and Corruption After the Supreme Court's Skilling Decision."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BURRIS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 28, 2010 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, AND INSURANCE

Mr. BURRIS. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Protection, Product Safety, and Insurance of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on September 28, 2010, at 10:30 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE INFRASTRUCTURE, SAFETY, AND SECURITY

Mr. BURRIS. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on September 28, 2010, at 3 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

STEM CELL THERAPEUTIC AND RESEARCH REAUTHORIZATION ACT OF 2010

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 587, S. 3751.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3751) to amend the Stem Cell Therapeutic and Research Act of 2005.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stem Cell Therapeutic and Research Reauthorization Act of 2010".

SEC. 2. AMENDMENTS TO THE STEM CELL THERAPEUTIC AND RESEARCH ACT OF 2005.

(a) CORD BLOOD INVENTORY.—Section 2 of the Stem Cell Therapeutic and Research Act of 2005 (42 U.S.C. 274k note) is amended—

(1) in subsection (a), by inserting "the inventory goal of at least" before "150,000";

(2) in subsection (c)—

(A) in paragraph (2), by striking "or is transferred" and all that follows through the period and inserting "for a first-degree relative."; and

(B) in paragraph (3), by striking "150,000";

(3) in subsection (d)—

(A) in paragraph (1), by inserting "beginning on the last date on which the recipient of a contract under this section receives Federal funds under this section" after "10 years";

(B) in paragraph (2), by striking "and" and inserting ";;";

(C) by redesignating paragraph (3) as paragraph (5); and

(D) by inserting after paragraph (2) the following:

"(3) will provide a plan to increase cord blood unit collections at collection sites that exist at the time of application, assist with the establishment of new collection sites, or contract with new collection sites;

"(4) will annually provide to the Secretary a plan for, and demonstrate, ongoing measurable progress toward achieving self-sufficiency of cord blood unit collection and banking operations; and";

(4) in subsection (e)—

(A) in paragraph (1)—

(i) by striking "10 years" and inserting "a period of at least 10 years beginning on the last date on which the recipient of a contract under this section receives Federal funds under this section"; and

(ii) by striking the second sentence and inserting "The Secretary shall ensure that no Federal funds shall be obligated under any such contract after the date that is 5 years after the date on which the contract is entered into, except as provided in paragraphs (2) and (3).";

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A)—

(I) by striking "Subject to paragraph (1)(B), the" and inserting "The"; and

(II) by striking "3" and inserting "5";

(ii) in subparagraph (A) by striking "150,000" and all that follows through "and" at the end and inserting "the inventory goal described in subsection (a) has not yet been met;";

(iii) in subparagraph (B)—

(I) by inserting "meeting the requirements under subsection (d)" after "receive an application for a contract under this section"; and

(II) by striking "or the Secretary" and all that follows through the period at the end and inserting "or"; and

(iv) by adding at the end the following:

"(C) the Secretary determines that the outstanding inventory need cannot be met by the qualified cord blood banks under contract under this section."; and

(C) by striking paragraph (3) and inserting the following:

"(3) EXTENSION ELIGIBILITY.—A qualified cord blood bank shall be eligible for a 5-year extension of a contract awarded under this section, as described in paragraph (2), provided that the qualified cord blood bank—

"(A) demonstrates a superior ability to satisfy the requirements described in subsection (b) and achieves the overall goals for which the contract was awarded;

"(B) provides a plan for how the qualified cord blood bank will increase cord blood unit collections at collection sites that exist at the time of consideration for such extension of a contract, assist with the establishment of new collection sites, or contract with new collection sites; and

"(C) annually provides to the Secretary a plan for, and demonstrates, ongoing measurable progress toward achieving self-sufficiency of cord blood unit collection and banking operations.";

(5) in subsection (g)(4), by striking "or parent"; and

(6) in subsection (h)—

(A) by striking paragraphs (1) and (2) and inserting the following:

"(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the program under this section \$23,000,000 for each of fiscal years 2011 through 2014 and \$20,000,000 for fiscal year 2015.";

(B) by redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2), as so redesignated, by striking "in each of fiscal years 2007 through

2009" and inserting "for each of fiscal years 2011 through 2015".

(b) NATIONAL PROGRAM.—Section 379 of the Public Health Service Act (42 U.S.C. 274k) is amended—

(1) by striking subsection (a)(6) and inserting the following:

"(6) The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall submit to Congress an annual report on the activities carried out under this section.";

(2) in subsection (d)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking "With respect to cord blood, the Program shall—" and inserting the following:

"(A) IN GENERAL.—With respect to cord blood, the Program shall—";

(ii) by redesignating subparagraphs (A) through (H) as clauses (i) through (viii) respectively;

(iii) by striking clause (iv), as so redesignated, and inserting the following:

"(iv) support and expand new and existing studies and demonstration and outreach projects for the purpose of increasing cord blood unit donation and collection from a genetically diverse population and expanding the number of cord blood unit collection sites partnering with cord blood banks receiving a contract under the National Cord Blood Inventory program under section 2 of the Stem Cell Therapeutic and Research Act of 2005, including such studies and projects that focus on—

"(I) remote collection of cord blood units, consistent with the requirements under the Program and the National Cord Blood Inventory program goal described in section 2(a) of the Stem Cell Therapeutic and Research Act of 2005; and

"(II) exploring novel approaches or incentives to encourage innovative technological advances that could be used to collect cord blood units, consistent with the requirements under the Program and such National Cord Blood Inventory program goal;" and

(iv) by adding at the end the following:

"(B) EFFORTS TO INCREASE COLLECTION OF HIGH QUALITY CORD BLOOD UNITS.—In carrying out subparagraph (A)(iv), not later than 1 year after the date of enactment of the Stem Cell Therapeutic and Research Reauthorization Act of 2010 and annually thereafter, the Secretary shall set an annual goal of increasing collections of high quality cord blood units, consistent with the inventory goal described in section 2(a) of the Stem Cell Therapeutic and Research Act of 2005 (referred to in this subparagraph as the 'inventory goal'), and shall identify at least one project under subparagraph (A)(iv) to replicate and expand nationwide, as appropriate. If the Secretary cannot identify a project as described in the preceding sentence, the Secretary shall submit a plan, not later than 180 days after the date on which the Secretary was required to identify such a project, to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives for expanding remote collection of high quality cord blood units, consistent with the requirements under the National Cord Blood Inventory program under section 2 of the Stem Cell Therapeutic and Research Act of 2005 and the inventory goal. Each such plan shall be made available to the public.

"(C) DEFINITION.—In this paragraph, the term 'remote collection' means the collection of cord blood units at locations that do not have written contracts with cord blood banks for collection support.";

(B) in paragraph (3)(A), by striking "(2)(A)" and inserting "(2)(A)(i)"; and

(3) by striking subsection (f)(5)(A) and inserting the following:

"(A) require the establishment of a system of strict confidentiality to protect the identity and privacy of patients and donors in accordance with Federal and State law; and"

(c) ADDITIONAL REPORTS.—

(1) INTERIM REPORT.—In addition to the annual report required under section 379(a)(6) of the Public Health Service Act (42 U.S.C. 274k(a)(6)), the Secretary of Health and Human Services (referred to in this subsection as the "Secretary"), in consultation with the Advisory Council established under such section 379, shall submit to Congress an interim report not later than 180 days after the date of enactment of this Act describing—

(A) the methods to distribute Federal funds to cord blood banks used at the time of submission of the report;

(B) how cord blood banks contract with collection sites for the collection of cord blood units; and

(C) recommendations for improving the methods to distribute Federal funds described in subparagraph (A) in order to encourage the efficient collection of high-quality and diverse cord blood units.

(2) RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this Act, the Advisory Council shall submit recommendations to the Secretary with respect to—

(A) whether models for remote collection of cord blood units should be allowed only with limited, scientifically-justified safety protections; and

(B) whether the Secretary should allow for cord blood unit collection from routine deliveries without temperature or humidity monitoring of delivery rooms in hospitals approved by the Joint Commission.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 379B of the Public Health Service Act (42 U.S.C. 274m) is amended by striking "\$34,000,000" and all that follows through the period at the end, and inserting "\$30,000,000 for each of fiscal years 2011 through 2014 and \$33,000,000 for fiscal year 2015."

(e) REPORT ON CORD BLOOD UNIT DONATION AND COLLECTION.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate, the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives, and the Secretary of Health and Human Services a report reviewing studies, demonstration programs, and outreach efforts for the purpose of increasing cord blood unit donation and collection for the National Cord Blood Inventory to ensure a high-quality and genetically diverse inventory of cord blood units.

(2) CONTENTS.—The report described in paragraph (1) shall include a review of such studies, demonstration programs, and outreach efforts under section 2 of the Stem Cell Therapeutic and Research Act of 2005 (42 U.S.C. 274k note) (as amended by this Act) and section 379 of the Public Health Service Act (42 U.S.C. 274k) (as amended by this Act), including—

(A) a description of the challenges and barriers to expanding the number of cord blood unit collection sites, including cost, the cash flow requirements and operations of awarding contracts, the methods by which funds are distributed through contracts, the impact of regulatory and administrative requirements, and the capacity of cord blood banks to maintain high-quality units;

(B) remote collection or other innovative technological advances that could be used to collect cord blood units;

(C) appropriate methods for improving provider education about collecting cord blood

units for the national inventory and participation in such collection activities;

(D) estimates of the number of cord blood unit collection sites necessary to meet the outstanding national inventory need and the characteristics of such collection sites that would help increase the genetic diversity and enhance the quality of cord blood units collected;

(E) best practices for establishing and sustaining partnerships for cord blood unit collection at medical facilities with a high number of minority births;

(F) potential and proven incentives to encourage hospitals to become cord blood unit collection sites and partner with cord blood banks participating in the National Cord Blood Inventory under section 2 of the Stem Cell Therapeutic and Research Act of 2005 and to assist cord blood banks in expanding the number of cord blood unit collection sites with which such cord blood banks partner;

(G) recommendations about methods cord blood banks and collection sites could use to lower costs and improve efficiency of cord blood unit collection without decreasing the quality of the cord blood units collected; and

(H) a description of the methods used prior to the date of enactment of this Act to distribute funds to cord blood banks and recommendations for how to improve such methods to encourage the efficient collection of high-quality and diverse cord blood units, consistent with the requirements of the C.W. Bill Young Cell Transplantation Program and the National Cord Blood Inventory program under section 2 of the Stem Cell Therapeutic and Research Act of 2005.

(f) DEFINITION.—In this Act, the term "remote collection" has the meaning given such term in section 379(d)(2)(C) of the Public Health Service Act.

Mr. REED. Mr. President, today the Senate passed the Stem Cell Therapeutic and Research Reauthorization Act of 2010. I was pleased to have been involved in the crafting of this bill, which is the product of months of bipartisan discussions, collaboration, and negotiation. I also want to recognize the hard work and dedication of Senators DODD, HATCH, BURR, and ENSIGN in getting this bill across the finish line in the Senate.

This bill offers promise to the tens of thousands of individuals diagnosed with leukemia and lymphomas, sickle cell anemia, and rare genetic blood disorders.

It will reauthorize the C.W. Bill Young National Marrow Donor Program, which has been helping to connect individuals in need of a bone marrow transplant with donors since 1986, and the National Cord Blood Inventory, which has been helping to connect individuals in need of an umbilical cord blood transplant with donors since 1999.

I am particularly pleased that the bill will remove a cap on the number of cord blood units that could be stored by qualified cord blood banks in the National Cord Blood Inventory. The original law limited the number to 150,000 units. As the science has evolved, we know that 150,000 is nowhere near the amount necessary to meet the demands of those in need of a cord blood transplant. And, in eliminating this cap, I am pleased that we

have included provisions to encourage greater cord blood donation and collection as well as provisions to help shed light onto the obstacles to greater donation and collection.

I am proud that the Rhode Island Blood Center has contributed to the success of the National Marrow Donor Program with over 61,000 registered marrow donors. In addition, last year a new partnership formed between the Rhode Island Blood Bank and Women and Infants Hospital in Providence, RI, to begin collecting umbilical cord blood units as part of a pilot project. Over 1,000 units have already been collected, and I look forward to the time when Rhode Island will be contributing to the National Cord Blood Inventory.

The public registries made up of Rhode Island donors and those from all over the country have been a true lifeline for the Americans who have found an unrelated match. By strengthening and enhancing the important programs operating these registries, many more Americans will be afforded the opportunity to find a match if they are ever in need.

I look forward to swift passage of this legislation in the House of Representatives and the President signing this bill into law shortly thereafter.

Mr. HATCH. Mr. President, I am pleased that the Senate is considering S. 3751, the Stem Cell Therapeutic and Research Reauthorization Act of 2010 which reauthorizes the Stem Cell Therapeutic and Research Act of 2005—P.L. 109-129—through the end of 2015. I am also grateful that Senators DODD, BURR, REED, ENSIGN, FRANKEN and COBURN have joined me as sponsors of this bipartisan bill, which was unanimously approved by the Senate Committee on Health, Education, Labor and Pensions and the House Energy and Commerce Committee last week.

S. 3751, the Stem Cell Therapeutic and Research Reauthorization Act, reauthorizes the C.W. Bill Young Cell Transplantation Program—the Program—and the National Cord Blood Inventory program—NCBI. These programs maintain donor registries for individuals in need of bone marrow and umbilical cord blood transplants. Today, more than eight million Americans are registered bone marrow donors, and in the 5 years since NCBI was established, more than 28,600 cord blood units have been collected. Cord blood transplantation accounts for over 40 percent of all transplants in the country.

I believe it is important for Senators to understand the specifics of S. 3751. Our bill reauthorizes the program through the end of Fiscal Year 2015. The authorization levels for the Program are \$30 million from FY11 through FY14 and \$33 million in FY15. The NCBI authorization levels are \$23 million from FY11 through FY14 and \$20 million in FY15. The total author-

ization level for both programs combined is \$53 million annually, which is the same authorization level included in the Stem Cell Therapeutic and Research Act of 2005.

Our bill calls for the collection and maintenance of at least 150,000 high-quality cord blood units. In order to collect high-quality and diverse units, the Health Resources and Services Administration—HRSA—contracts with cord blood banks to collect and maintain umbilical cord blood units for the national inventory. To achieve the goal of collecting at least 150,000 units, S. 3751 requires cord blood banks to provide a strategic plan to increase collection, assist with the creation of new collection sites, or contract with new collection sites when first applying for a contract or extending an existing contract. S. 3751 also requires cord blood banks to submit an annual plan for achieving self-sufficiency and demonstrates on-going measurable progress toward achieving self-sufficiency of cord blood collection and banking operations. The bill also extends the duration of a contract from 3 to 5 years and allows cord blood units to remain part of the national inventory for at least 10 years.

Additionally, S. 3751 redefines the term “first-degree relative” as a sibling of an individual requiring a transplant. Children are not a match for parents in need of a cord blood transplant, as the original law suggested. The bill also aligns the privacy protections provided to bone marrow donors and patients with umbilical cord blood donors and transplant patients.

The legislation encourages the Program to support studies and demonstration projects to increase cord blood donation and collection. More specifically, S. 3751 directs the Secretary of Health and Human Services—HHS, acting through the HRSA Administrator, to submit to Congress an annual report on the National Program’s activities including novel approaches for increasing cord blood unit donation and collection. The HHS Secretary also is directed to set an annual goal of increasing collections of high-quality and diverse cord blood units through remote collection or other approaches. In addition, S. 3751 directs the HHS Secretary to identify at least one of these approaches to replicate and expand across the country. If a project is not identified, the HHS Secretary shall submit a plan for expanding remote collection of high-quality and diverse cord blood units.

S. 3751 requires the HHS Secretary, in consultation with the Advisory Council, to submit to Congress an interim report within 6 months after enactment, describing existing methods used to distribute Federal funds to cord blood banks. The report also would explain how cord blood banks contract with cord blood unit collection sites

and recommend how these methods may be improved in order to encourage efficient collection of high-quality and diverse cord blood units.

Our legislation also requires the Advisory Council to submit recommendations to the HHS Secretary 1 year after enactment on whether remote models for cord blood unit collection should be allowed with only limited, scientifically justified safety protections. The Advisory Council would also make recommendations on whether HHS should allow for cord blood unit collection from routine deliveries without temperature or humidity monitoring of delivery rooms in hospitals approved by the Joint Commission.

Finally, S. 3751 requires the Government Accountability Office—GAO—to study existing cord blood donation and collection methods and the barriers responsible for limiting donation and collection. GAO also would analyze the methods used to distribute funds to cord blood banks and novel approaches to grow the NCBI.

S. 3751 proves that contrary to popular belief, bipartisanship still exists in the United States Congress. The original Stem Cell Therapeutic and Research Act passed Congress unanimously and became law—P.L. 109-129—on December 20, 2005. This law offered a unique opportunity to assist those suffering from a serious illness requiring cord blood or bone marrow transplants. In 2005, our goal was to increase the number of bone marrow and cord blood donors to meet our goal of 150,000 high-quality and diverse cord blood units. Today, our goal remains the same except we are encouraging the collection of at least 150,000 units. The sponsors of this legislation want to do everything in our power to provide patients with the best transplant options and signing this legislation into law is how we achieve this second goal. Transplant patients and their families deserve nothing less.

S. 3751 is supported by the following organizations: American Society of Bone Marrow Transplant, Aplastic Anemia and MDS Society, Center for International Blood and Marrow Transplantation, Colorado Cord Blood Bank, Duke University Cord Blood Bank, Intermountain Primary Children’s Hospital, Jeff Gordon Foundation, Leukemia and Lymphoma Foundation, LifeCord Cord Blood Bank, National Marrow Donor Program, Nevada Cancer Institute, New Jersey Cord Blood Bank, New York Blood Center Cord Blood Bank, Rhode Island Blood Center, St. Louis Cord Blood Bank, StemCyte International Cord Blood Bank, University of Utah’s Cell Therapy Facility, Villanova football head coach Andy Talley, and Yale University Hospital.

Finally, I ask unanimous consent to have printed in the RECORD the section by section analysis of S. 3751.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEC. 1. SHORT TITLE

Stem Cell Therapeutic and Research Reauthorization Act of 2010.

SEC. 2. AMENDMENTS TO THE STEM CELL THERAPEUTIC AND RESEARCH ACT OF 2005

(a) Instructs the Secretary of Health and Human Services (HHS) to enter into contracts with qualified cord blood banks in order to create and maintain a national inventory of at least 150,000 new high quality cord blood units suitable for transplantation into unrelated recipients. The 2005 law authorized a 3-year demonstration project to collect umbilical cord blood units specifically for use in a first-degree relative. The law instructed these units to be combined with the national inventory at the end of the 3-year demo. Since the FDA follows different collection and storage requirements for cord blood units intended for use in a first-degree relative and a stranger, the substitute amendment eliminates this instruction and requires the units collected for the demonstration program only be stored for use in a first-degree relative.

Includes additional requirements for entities applying to be qualified cord blood banks. First, the entity must provide a plan to increase cord blood unit collections at collection sites that exist at the time of application, assist with the establishment of new collection sites or contract with new collection sites. Second, contract recipients must annually provide to the HHS Secretary a plan for and demonstrate ongoing, measurable progress toward achieving self-sufficiency of cord blood collection and banking operations.

Extends the length of a cord blood bank contract from three years to five years. A five year extension of cord blood contracts will be permitted if such entities: (1) demonstrate a superior ability to satisfy the requirements included in the original statute to be federal cord blood banks; (2) provide a plan for increasing cord blood unit collections at collection sites that exist at the time of consideration of such extension, assist with the establishment of new collection sites, or contract with new collection sites; and (3) annually provide to the HHS Secretary a plan for and demonstrate ongoing, measurable progress toward achieving self-sufficiency of cord blood collection and banking operations.

Redefines the term, "first-degree relative" as a sibling of the individual requiring a transplant. Authorizes appropriations for the National Cord Blood Inventory Program (NCBI) at \$23 million in fiscal years 2011–2014 and \$20 million in fiscal year 2015. The substitute amendment eliminates language in the law which allows funds to remain available until expended since this is overridden by long-standing policy in appropriations bills. The statutory language was originally necessary because the 2005 authorization law passed after funds had been appropriated.

(b) Clarifies that the C.W. Bill Young Cell Transplantation Program, known as the Program, shall support studies and outreach projects to increase cord collection donation and collection from a genetically diverse population, including exploring novel approaches or incentives, such as remote or other innovative technological advances that could be used to collect cord blood units, to expand the number of cord blood collection sites partnering with cord blood banks that receive a contract under the NCBI program.

Directs the Secretary, acting through the Administrator of the Health Resources and Services Administration, to submit to Congress an annual report on activities conducted through the National Program including novel approaches for the purpose of increasing cord blood unit donation and collection. Directs the Secretary to set an annual goal of increasing collections of high quality cord blood units through remote collection or other novel approaches. The Secretary shall identify at least one of these approaches to replicate and expand nationwide as appropriate. If such a project cannot be identified by the Secretary, then the Secretary shall submit a plan for expanding remote collection of high quality cord blood units. Remote collection is defined as cord blood unit collections occurring at locations that do not hold written contracts with existing cord blood banks for collection support.

Requires the Secretary, in consultation with the Advisory Council, to submit to Congress an interim report not later than 6 months after date of enactment, describing the existing methods used to distribute federal funds to cord blood banks; how cord blood banks contract with collection sites for the collection of cord blood units; and recommendations to improve these methods to encourage the efficient collection of high quality and diverse cord blood units.

Requires the Advisory Council shall submit recommendations to the Secretary one year after enactment about whether:

1. remote models for cord blood unit collection should be allowed with only limited, scientifically justified safety protections; and

2. HHS should allow for cord blood unit collection from routine deliveries without temperature or humidity monitoring of delivery rooms in hospitals approved by the Joint Commission.

Authorizes appropriations for the C.W. Bill Young Cell Transplantation Program (the Program) at \$30 million in fiscal years 2011–2014 and \$33 million in fiscal year 2015. The substitute amendment eliminates language in the law which allows funds to remain available until expended since this is overridden by long-standing policy in appropriations bills. The statutory language was originally necessary because the 2005 authorization law passed after funds had been appropriated.

Directs the Government Accountability Office (GAO) to submit a report on cord blood unit donation and collection as well as methods used to distribute funds to cord blood banks no later than one year after enactment. The report shall be submitted to the Senate Committee on Health, Education, Labor and Pensions, the Senate Committee on Appropriations, the House Energy and Commerce Committee and the House Committee on Appropriations.

Mr. FRANKEN. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to, the bill, as amended, be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 3751), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

VIETNAM VETERANS MEMORIAL VISITOR CENTER

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 406, H.R. 3689.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3689) to provide for an extension of the legislative authority of the Vietnam Veterans Memorial Fund, Inc. to establish a Vietnam Veterans Memorial visitor center, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table, that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3689) was ordered to a third reading, was read the third time, and passed.

PREVENTION OF INTERSTATE COMMERCE IN ANIMAL CRUSH VIDEOS ACT OF 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Judiciary be discharged from further consideration of H.R. 5566, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5566) to amend title 18, United States Code, to prohibit interstate commerce in animal crush videos, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate will pass the Animal Crush Video Prohibition Act. In doing so, we have taken this important step toward banning obscene animal crush videos, and I thank Senators KYL, MERKLEY and BURR for their leadership on this issue. We worked on a bipartisan basis to ensure that this legislation respects the first amendment and the role of our court system, while at the same time giving law enforcement a valuable and necessary tool to stop obscene animal cruelty. I urge the House to quickly adopt the legislation.

Earlier this year, in *United States v. Stevens*, the Supreme Court struck down a Federal statute banning depictions of animal cruelty because it held the statute to be overbroad and in violation of the first amendment. Animal crush videos, which can depict obscene, extreme acts of animal cruelty, were a primary target of that legislation.

Two months ago, in response to the Stevens decision, the House overwhelmingly passed a narrower bill banning animal crush videos on obscenity grounds. The Senate Judiciary Committee regularly looks at questions raised by Supreme Court decisions and the first amendment, and the House-passed bill was referred to the Senate Judiciary Committee for consideration.

There are a few well-established exceptions to the first amendment. The United States has long prohibited the interstate sale of obscene materials, and the Supreme Court recognized this exception to the first amendment in 1957. Earlier this month, the Judiciary Committee held a hearing focused on the obscene nature of many animal crush videos. We heard testimony from experts who confirmed that many animal crush videos depict extreme acts of animal cruelty which are designed to appeal to a specific, prurient, sexual fetish. Indeed, these animal crush videos are patently offensive, lack any redeeming social value, and can be banned consistent with the Supreme Court's obscenity jurisprudence. In drafting the substitute amendment to the House bill, we were careful to respect the role that courts and juries play in determining obscenity. In any given case, it will be up to the prosecutor to prove and the jury to determine whether a given depiction is obscene, because obscenity is a separate element that occurs in animal crush videos and which warrants a higher punishment than simple obscenity is that it involves the intentional torture or pain to a living animal. Congress finds this combination deplorable and worthy of special punishment. That is why the maximum penalty is higher than general obscenity law.

The United States also has a history of prohibiting speech that is integral to criminal conduct. The acts of animal cruelty depicted in many animal crush videos violate State laws, but these laws are hard to enforce. The acts of cruelty are often committed in a clandestine manner that allows the perpetrators to remain anonymous. The nature of the videos also makes it extraordinarily difficult to establish the jurisdiction necessary to prosecute the crimes. Given the severe difficulties that State law enforcement agencies have encountered in attempting to investigate and prosecute the underlying conduct, reaffirming Congress's commitment to closing the distribution network for obscene animal crush videos is an effective means of combating the crimes of extreme animal cruelty that they depict.

I have long been a champion of first amendment rights. As the son of Vermont printers, I know firsthand that the freedom of speech is the cornerstone of our democracy. This is why

I have worked hard to pass legislation such as the SPEECH Act, which protects American authors, journalists and publishers from foreign libel lawsuits that undermine the first amendment.

Today the Senate struck the right balance between the first amendment and the needs of law enforcement, while adhering to the separation of powers enshrined in our Constitution. I commend the bipartisan coalition that worked hard, alongside the Humane Society and first amendment experts, to strike this balance, and I look forward to the time when obscene animal crush videos no longer threaten animal welfare.

Mr. DURBIN. Mr. President, I ask unanimous consent the substitute at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4668) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Animal Crush Video Prohibition Act of 2010".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The United States has a long history of prohibiting the interstate sale, marketing, advertising, exchange, and distribution of obscene material and speech that is integral to criminal conduct.

(2) The Federal Government and the States have a compelling interest in preventing intentional acts of extreme animal cruelty.

(3) Each of the several States and the District of Columbia criminalize intentional acts of extreme animal cruelty, such as the intentional crushing, burning, drowning, suffocating, or impaling of animals for no socially redeeming purpose.

(4) There are certain extreme acts of animal cruelty that appeal to a specific sexual fetish. These acts of extreme animal cruelty are videotaped, and the resulting video tapes are commonly referred to as "animal crush videos".

(5) The Supreme Court of the United States has long held that obscenity is an exception to speech protected under the First Amendment to the Constitution of the United States.

(6) In the judgment of Congress, many animal crush videos are obscene in the sense that the depictions, taken as a whole—

(A) appeal to the prurient interest in sex;

(B) are patently offensive; and

(C) lack serious literary, artistic, political, or scientific value.

(7) Serious criminal acts of extreme animal cruelty are integral to the creation, sale, distribution, advertising, marketing, and exchange of animal crush videos.

(8) The creation, sale, distribution, advertising, marketing, and exchange of animal crush videos is intrinsically related and integral to creating an incentive for, directly causing, and perpetuating demand for the serious acts of extreme animal cruelty the vid-

eos depict. The primary reason for those criminal acts is the creation, sale, distribution, advertising, marketing, and exchange of the animal crush video image.

(9) The serious acts of extreme animal cruelty necessary to make animal crush videos are committed in a clandestine manner that—

(A) allows the perpetrators of such crimes to remain anonymous;

(B) makes it extraordinarily difficult to establish the jurisdiction within which the underlying criminal acts of extreme animal cruelty occurred; and

(C) often precludes proof that the criminal acts occurred within the statute of limitations.

(10) Each of the difficulties described in paragraph (9) seriously frustrates and impedes the ability of State authorities to enforce the criminal statutes prohibiting such behavior.

SEC. 3. ANIMAL CRUSH VIDEOS.

(a) IN GENERAL.—Section 48 of title 18, United States Code, is amended to read as follows:

"§ 48. Animal crush videos

"(a) DEFINITION.—In this section the term 'animal crush video' means any photograph, motion-picture film, video or digital recording, or electronic image that—

"(1) depicts actual conduct in which 1 or more living non-human mammals, birds, reptiles, or amphibians is intentionally crushed, burned, drowned, suffocated, impaled, or otherwise subjected to serious bodily injury (as defined in section 1365 and including conduct that, if committed against a person and in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242); and

"(2) is obscene.

"(b) PROHIBITIONS.—

"(1) CREATION OF ANIMAL CRUSH VIDEOS.—It shall be unlawful for any person to knowingly create an animal crush video, or to attempt or conspire to do so, if—

"(A) the person intends or has reason to know that the animal crush video will be distributed in, or using a means or facility of, interstate or foreign commerce; or

"(B) the animal crush video is distributed in, or using a means or facility of, interstate or foreign commerce.

"(2) DISTRIBUTION OF ANIMAL CRUSH VIDEOS.—It shall be unlawful for any person to knowingly sell, market, advertise, exchange, or distribute an animal crush video in, or using a means or facility of, interstate or foreign commerce, or to attempt or conspire to do so.

"(c) EXTRATERRITORIAL APPLICATION.—Subsection (b) shall apply to the knowing sale, marketing, advertising, exchange, distribution, or creation of an animal crush video outside of the United States, or any attempt or conspiracy to do so, if—

"(1) the person engaging in such conduct intends or has reason to know that the animal crush video will be transported into the United States or its territories or possessions; or

"(2) the animal crush video is transported into the United States or its territories or possessions."

"(d) PENALTY.—Any person who violates subsection (b) shall be fined under this title, imprisoned for not more than 7 years, or both.

"(e) EXCEPTIONS.—

"(1) IN GENERAL.—This section shall not apply with regard to any visual depiction of—

"(A) customary and normal veterinary or agricultural husbandry practices;

“(B) the slaughter of animals for food; or
 “(C) hunting, trapping, or fishing.

“(2) GOOD-FAITH DISTRIBUTION.—This section shall not apply to the good-faith distribution of an animal crush video to—

“(A) a law enforcement agency; or

“(B) a third party for the sole purpose of analysis to determine if referral to a law enforcement agency is appropriate.

“(f) NO PREEMPTION.—Nothing in this section shall be construed to preempt the law of any State or local subdivision thereof to protect animals.”.

(b) CLERICAL AMENDMENT.—The item relating to section 48 in the table of sections for chapter 3 of title 18, United States Code, is amended to read as follows:

“48. Animal crush videos.”.

(c) SEVERABILITY.—If any provision of section 48 of title 18, United States Code (as amended by this section), or the application of the provision to any person or circumstance, is held to be unconstitutional, the provision and the application of the provision to other persons or circumstances shall not be affected thereby.

The amendment was ordered to be engrossed and the bill read a third time.

The bill (H.R. 5566), as amended, was read the third time and passed.

ANTI-BORDER CORRUPTION ACT OF 2010

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to Calendar No. 619, S. 3243.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3243) to require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to complete all periodic background reinvestigations of certain law enforcement personnel, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment.

[Omit the part in boldface brackets]

S. 3243

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Anti-Border Corruption Act of 2010”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the Office of the Inspector General of the Department of Homeland Security, since 2003, 129 U.S. Customs and Border Protection officials have been arrested on corruption charges and, during 2009, 576 investigations were opened on allegations of improper conduct by U.S. Customs and Border Protection officials.

(2) To foster integrity in the workplace, established policy of U.S. Customs and Border Protection calls for—

(A) all job applicants for law enforcement positions at U.S. Customs and Border Pro-

tection to receive a polygraph examination and a background investigation before being offered employment; and

(B) relevant employees to receive a periodic background reinvestigation every 5 years.

(3) According to the Office of Internal Affairs of U.S. Customs and Border Protection—

(A) in 2009, less than 15 percent of applicants for jobs with U.S. Customs and Border Protection received polygraph examinations;

(B) as of March 2010, U.S. Customs and Border Protection had a backlog of approximately 10,000 periodic background reinvestigations of existing employees; and

(C) without additional resources, by the end of fiscal year 2010, the backlog of periodic background reinvestigations will increase to approximately 19,000.

SEC. 3. REQUIREMENTS WITH RESPECT TO ADMINISTERING POLYGRAPH EXAMINATIONS TO LAW ENFORCEMENT PERSONNEL OF U.S. CUSTOMS AND BORDER PROTECTION.

The Secretary of Homeland Security shall ensure that—

(1) by not later than 2 years after the date of the enactment of this Act, all applicants for law enforcement positions with U.S. Customs and Border Protection receive polygraph examinations before being hired for such a position; and

(2) by not later than 180 days after the date of the enactment of this Act, U.S. Customs and Border Protection initiates [or completes] all periodic background reinvestigations for all law enforcement personnel of U.S. Customs and Border Protection that should receive periodic background reinvestigations pursuant to relevant policies of U.S. Customs and Border Protection in effect on the day before the date of the enactment of this Act.

SEC. 4. PROGRESS REPORT.

Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter through the date that is 2 years after such date of enactment, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the progress made by U.S. Customs and Border Protection toward complying with section 3.

Amend the title so as to read: “To require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to initiate all periodic background reinvestigations of certain law enforcement personnel, and for other purposes.”.

Mr. DURBIN. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read a third time and passed, the committee-reported title amendment be agreed to, the motions to reconsider be laid upon the table, without intervening action or debate, and any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The bill (S. 3243) was ordered to be engrossed for a third reading, was read the third time, and passed.

The title amendment was agreed to, as follows:

A bill to require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to initiate all periodic background reinvestigations of certain law enforcement personnel, and for other purposes.

SOCIAL SECURITY NUMBER PROTECTION ACT OF 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that the Finance Committee be discharged from S. 3789 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3789) to limit access to social security account numbers.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate; and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3789

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Social Security Number Protection Act of 2010”.

SEC. 2. SOCIAL SECURITY NUMBER PROTECTION.

(a) PROHIBITION OF USE OF SOCIAL SECURITY ACCOUNT NUMBERS ON CHECKS ISSUED FOR PAYMENT BY GOVERNMENTAL AGENCIES.—

(1) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended by adding at the end the following:

“(x) No Federal, State, or local agency may display the Social Security account number of any individual, or any derivative of such number, on any check issued for any payment by the Federal, State, or local agency.”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to checks issued after the date that is 3 years after the date of enactment of this Act.

(b) PROHIBITION OF INMATE ACCESS TO SOCIAL SECURITY ACCOUNT NUMBERS.—

(1) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) (as amended by subsection (a)) is amended by adding at the end the following:

“(xi) No Federal, State, or local agency may employ, or enter into a contract for the use or employment of, prisoners in any capacity that would allow such prisoners access to the Social Security account numbers of other individuals. For purposes of this clause, the term ‘prisoner’ means an individual confined in a jail, prison, or other penal institution or correctional facility

pursuant to such individual's conviction of a criminal offense."

(2) **EFFECTIVE DATE.**—The amendment made by this subsection shall apply with respect to employment of prisoners, or entry into contract with prisoners, after the date that is 1 year after the date of enactment of this Act.

CLARIFYING AUTHORITY OF THE SECRETARY OF THE INTERIOR

Mr. DURBIN. I ask unanimous consent that the Energy Committee be discharged from H.R. 3940, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3940) to amend Public Law 96-597 to clarify the authority of the Secretary of the Interior to extend grants and other assistance to facilitate political status public education programs for people of the non-self-governing territories of the United States.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. I ask unanimous consent that the Bingaman substitute amendment, which is at the desk, be considered and agreed to; the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table; that the title amendment at the desk be considered and agreed to; and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4669) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SENSE OF CONGRESS REGARDING POLITICAL STATUS EDUCATION IN GUAM.

It is the sense of Congress that the Secretary of the Interior may provide technical assistance to the Government of Guam under section 601(a) of the Act entitled "An Act to authorize appropriations for certain insular areas of the United States, and for other purposes", approved December 24, 1980 (48 U.S.C. 1469d(a)), for public education regarding political status options only if the political status options are consistent with the Constitution of the United States.

SEC. 2. MINIMUM WAGE IN AMERICAN SAMOA AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) **DELAYED EFFECTIVE DATE.**—Section 8103(b) of the Fair Minimum Wage Act of 2007 (29 U.S.C. 206 note) (as amended by section 520 of division D of Public Law 111-117) is amended—

(1) in paragraph (1)(B), by inserting "(except 2011 when there shall be no increase)" after "thereafter" the second place it appears; and

(2) in paragraph (2)(C), by striking "except that, beginning in 2010" and inserting "except that there shall be no such increase in 2010 or 2011 and, beginning in 2012".

(b) **GAO REPORT.**—Section 8104 of such Act (as amended) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) **REPORT.**—The Government Accountability Office shall assess the impact of minimum wage increases that have occurred pursuant to section 8103, and not later than September 1, 2011, shall transmit to Congress a report of its findings. The Government Accountability Office shall submit subsequent reports not later than April 1, 2013, and every 2 years thereafter until the minimum wage in the respective territory meets the federal minimum wage."; and

(2) by redesignating subsection (c) as subsection (b).

The amendment was ordered to be engrossed and the bill read a third time.

The bill (H.R. 3940), as amended, was read the third time and passed.

The amendment (No. 4670) was agreed to, as follows:

Amend the title so as to read: "To clarify the availability of existing funds for political status education in the Territory of Guam, and for other purposes."

FIVE-STAR GENERALS COMMEMORATIVE COIN ACT

Mr. DURBIN. I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of H.R. 1177, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1177) to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army 5-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry "Hap" Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College, and so forth.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1177) was ordered to be read a third time, was read the third time, and passed.

VETERANS' INSURANCE AND HEALTH CARE IMPROVEMENTS ACT

Mr. DURBIN. I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 3219, and the Senate

proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3219) to amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to insurance and health care, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. AKAKA. Mr. President, I am pleased that the Senate is acting on H.R. 3219, the proposed "Veterans' Benefits Act of 2010." The bill, as it comes before the Senate, is a compromise agreement developed with our counterparts on the House Committee on Veterans' Affairs. I thank Chairman FILER and Ranking Member BUYER of the House Committee for their cooperation on this legislation. I also thank my good friend, the committee's ranking member, Senator BURR, for his cooperation as we have developed this bill. A full explanation of the Senate and House negotiated agreement can be found in the Joint Explanatory Statement, which I will ask be printed in the RECORD at the conclusion of my remarks.

The amended bill, which I will refer to as the "compromise agreement," contains ten titles that are designed to enhance compensation, housing, labor and education, burial, and insurance benefits for veterans. I will highlight a few of the provisions.

The compromise agreement would make several important improvements in insurance programs for disabled veterans. It would increase the maximum amount of veterans' mortgage life insurance that a service-connected disabled veteran may purchase from the current maximum of \$90,000 up to \$200,000. In the event of the veteran's death, the veteran's family would be protected because VA will pay the balance of the mortgage owed up to the maximum amount of insurance purchased. The need for this increase is obvious in today's housing market.

In addition, this legislation would increase the amount of supplemental life insurance available to totally disabled veterans from \$20,000 to \$30,000. Many totally disabled veterans find it difficult to obtain commercial life insurance. This legislation would provide these veterans with a reasonable amount of life insurance coverage.

This benefits package also includes a provision that will expand eligibility for retroactive benefits from traumatic injury protection coverage under the Servicemembers' Group Life Insurance program, commonly referred to as TSGLI. Section 1032 of Public Law 109-13, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief,

2005, established traumatic injury protection under the SGLI program. TSGLI went into effect on December 1, 2005. Therefore, all insured servicemembers under SGLI from that point forward are also insured under TSGLI and their injuries are covered regardless of where they occur. In order to provide assistance to those servicemembers who suffered traumatic injuries on or between October 7, 2001, and November 30, 2005, retroactive TSGLI payments were authorized under section 1032(c) of the Supplemental Appropriations Act to individuals whose qualifying losses were sustained "as a direct result of injuries incurred in Operation Enduring Freedom or Operation Iraqi Freedom." Under section 501(b) of Public Law 109-233, the Veterans' Housing Opportunity and Benefits Improvement Act of 2006, this definition was amended to allow retroactive payments to individuals whose qualifying losses were sustained "as a direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom and Operation Iraqi Freedom."

However, without corrective action, men and women who were traumatically injured on or between October 7, 2001, and November 30, 2005, but were not in the OIF or OEF theaters of operation, will continue to be denied the same retroactive payment given to their wounded comrades. This legislation would correct that inequity.

This bill also modifies programs that provide adaptive assistance to veterans. It would increase and provide an index for an existing VA grant program, which provides funds to assist severely disabled veterans in purchasing automobiles or other conveyances that can accommodate their disabilities. The increase to \$18,900 would help prevent erosion of the value and effectiveness of this benefit.

Another provision included in this bill would expand this grant program to provide automobile and adaptive equipment assistance to disabled veterans and servicemembers with severe burn injuries. Due to the severe damage done to their skin, individuals with these disabilities experience difficulty operating a standard automobile not equipped to accommodate their disabilities. This legislation would help them obtain vehicles with special adaptations for assistance in and out of the vehicle, seat comfort, and climate control.

Another key part of this legislation is a provision to help homeless women veterans and homeless veterans with children. The majority of programs and service providers currently available to homeless veterans have historically been designed to assist male veterans. However, due to the increasing number of women serving in the Armed Forces, more than 5 percent of veterans requesting assistance from VA and com-

munity-based homeless veteran service providers are women. More than 10 percent of these women have dependent children. In addition, there are reports of a significant number of male homeless veterans who have dependent children as well. To meet these changing needs of our Nation's veterans and correct this inequity, this bill will establish a grant program for the reintegration of homeless women veterans and homeless veterans with children into the labor force.

This bill would also increase to 2,700 the number of veterans who are authorized to enroll annually in a program of independent living services. This important program is designed to meet the needs of the most severely service-connected disabled veterans and more of those returning from combat have suffered the kind of devastating injuries that may make employment not reasonably feasible for extended periods of time.

This is not a comprehensive recitation of all the provisions within this legislation. However, I hope that I have provided an appropriate overview of the major benefits this legislation would provide for America's veterans and servicemembers. I urge our colleagues to support this important legislation that would benefit many of this Nation's more than 23 million veterans and their families. I also urge the House of Representatives to work on this matter expeditiously so that this may be sent to the President for his signature.

Mr. President, I ask unanimous consent that the Joint Explanatory Statement, which was developed with our colleagues in the House, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOINT EXPLANATORY STATEMENT FOR H.R. 3219, AS AMENDED

H.R. 3219, as amended, the Veterans' Benefits Act of 2010, reflects a Compromise Agreement reached by the House and Senate Committees on Veterans' Affairs (the Committees) on the following bills reported during the 111th Congress: H.R. 174; H.R. 466, as amended; H.R. 1037, as amended; H.R. 1088; H.R. 1089, as amended; H.R. 1168, as amended; H.R. 1170, as amended; H.R. 1171, as amended; H.R. 1172, as amended; H.R. 2180; H.R. 3219, as amended; H.R. 3949, as amended; H.R. 4592, as amended (House Bills); and S. 728, as amended; S. 1237, as reported; and S. 3609 (Senate Bills).

H.R. 174 passed the House on November 2, 2009; H.R. 466, as amended, passed the House on June 8, 2009; H.R. 1037, as amended, passed the House on July 14, 2009; H.R. 1088 passed the House on May 19, 2009; H.R. 1089, as amended, passed the House on May 19, 2009; H.R. 1168, as amended, passed the House on November 2, 2009; H.R. 1170, as amended, passed the House on May 19, 2009; H.R. 1171, as amended, passed the House on March 30, 2009; H.R. 1172, as amended, passed the House on June 23, 2009; H.R. 3219, as amended, passed the House on July 27, 2009; H.R. 3949, as amended, passed the House on November

3, 2009. H.R. 4592 passed the House on March 23, 2010. H.R. 1037, as amended, passed the Senate on October 7, 2009.

The Committees have prepared the following explanation of H.R. 3219, as amended, to reflect a Compromise Agreement between the Committees. Differences between the provisions contained in the Compromise Agreement and the related provisions of the House Bills and the Senate Bills are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement, and minor drafting, technical, and clarifying changes.

TITLE I—EMPLOYMENT, SMALL BUSINESS, AND EDUCATION MATTERS

EXTENSION AND EXPANSION OF AUTHORITY FOR CERTAIN QUALIFYING WORK-STUDY ACTIVITIES FOR PURPOSES OF THE EDUCATIONAL ASSISTANCE PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS

Current Law

Section 3485 of title 38, United States Code (U.S.C.), permits certain students enrolled in a program of education to participate in work-study programs. Approved work-study activities are generally activities relating to processing documents or providing services at Department of Veterans Affairs (VA) facilities. However, until June 30, 2010, approved activities also included outreach services provided by State approving agencies, care to veterans in State homes, and activities related to the administration of national or State veterans' cemeteries.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

H.R. 1037, as amended, would require VA to conduct a five-year pilot program to expand work-study opportunities by adding to the list of approved activities positions in academic departments (including positions as tutors or research, teaching, and lab assistants) and in student services (including positions in career centers and financial aid, campus orientation, cashiers, admissions, records, and registration offices).

Compromise Agreement

Section 101 of the Compromise Agreement would extend the authority from June 30, 2010, to June 30, 2013, during which qualifying work-study activities may include assisting with outreach services to servicemembers and veterans furnished by employees of State approving agencies, provision of care to veterans in State homes, and activities related to administration of a national cemetery or State veterans' cemetery. In addition, effective October 1, 2011, it would add to the list of qualifying work-study activities the following:

Activities of State veterans agencies helping veterans obtain any benefit under laws administered by VA or States;

Positions at Centers of Excellence for Veteran Student Success;

Positions working in programs run jointly by VA and an institution of higher learning; and

Any other veterans-related position in an institution of higher learning.

REAUTHORIZATION OF VETERANS' ADVISORY COMMITTEE ON EDUCATION

Current Law

Section 3692 of title 38 provides for the formation of a Veterans' Advisory Committee on Education. The authority for this Committee expired on December 31, 2009.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 102 of H.R. 3949, as amended, would reauthorize the Advisory Committee until December 31, 2015.

Compromise Agreement

Section 102 of the Compromise Agreement would extend the Veterans' Advisory Committee on Education until December 31, 2013.

18-MONTH PERIOD FOR TRAINING OF NEW DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES BY NATIONAL VETERANS' EMPLOYMENT AND TRAINING SERVICES INSTITUTE

Current Law

Section 4102A(c)(8) of title 38, U.S.C., requires that, as a condition of receiving grants under the Disabled Veterans' Outreach Program (DVOP) and the Local Veterans' Employment Representatives (LVER) program authorities, States are generally required to have each DVOP and LVER complete a program of training through the National Veterans' Employment and Training Services Institute within three years of beginning employment.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

H.R. 1088 would require that DVOPs and LVERs assigned to perform those duties on or after the date of enactment complete training within one year of being so assigned and that DVOPs and LVERs hired on or after January 1, 2006, also complete training within one year of the date of enactment.

Compromise Agreement

Section 103 of the Compromise Agreement would require that DVOPs and LVERs hired on or after the date of enactment complete training within 18 months of employment and that any previously-hired DVOPs and LVERs who were hired on or after January 1, 2006, also complete training within 18 months of the date of enactment.

CLARIFICATION OF RESPONSIBILITY OF SECRETARY OF VETERANS AFFAIRS TO VERIFY SMALL BUSINESS OWNERSHIP

Current Law

Public Law 109-461 (120 Stat. 3403), the Veterans Benefits, Health Care, and Information Technology Act of 2006, requires VA to maintain the VetBiz Vendor Information Page (VIP) database containing Veteran Owned Small Businesses (VOSB) and Service-Disabled Veteran Owned Small Businesses (SDVOSB). This law also requires VA to verify that registered firms meet the eligibility requirements to be classified as VOSBs or SDVOSBs to be included in the database.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 101 of H.R. 3949, as amended, would require VA to verify small business concerns prior to being listed in the VIP database.

Compromise Agreement

Section 104 of the Compromise Agreement follows the House Bill.

DEMONSTRATION PROJECT FOR REFERRAL OF USERRA CLAIMS AGAINST FEDERAL AGENCIES TO THE OFFICE OF SPECIAL COUNSEL

Current Law

Under chapter 43 of title 38, U.S.C., the Department of Labor has responsibility for receiving, investigating, and attempting to re-

solve all claims filed under the Uniformed Services Employment and Reemployment Rights Act (USERRA).

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

H.R. 1089, as amended, would provide the U.S. Office of Special Counsel with initial jurisdiction to investigate and prosecute all USERRA complaints involving Federal executive agencies and provide authority for individuals to file complaints with the U.S. Office of Special Counsel. It would clarify that the U.S. Office of Special Counsel has the same authority as the U.S. Department of Labor to conduct investigations and issue subpoenas when investigating USERRA complaints.

Compromise Agreement

Section 105 of the Compromise Agreement would require the Secretary of Labor and the Office of Special Counsel to carry out a 36-month demonstration project to start no later than 60 days after the Comptroller General submits a report assessing the proposed methods and procedures for the demonstration project; under the demonstration project, certain USERRA claims against Federal executive agencies would be received by or referred to the Office of Special Counsel. It would also allow the Office of Special Counsel to receive and investigate certain claims under USERRA and related prohibited personnel practice claims. Finally, the Compromise Agreement would establish general guidelines for administration of the demonstration project; would require the Department of Labor and the Office of Special Counsel to jointly establish methods and procedures to be used during the demonstration project and submit to Congress a report describing those methods and procedures; would require the Comptroller General to submit to Congress a report assessing those methods and procedures; and would require the Comptroller General to submit to Congress reports on the demonstration project.

VETERANS ENERGY-RELATED EMPLOYMENT PROGRAM

Current Law

Current law contains no relevant provision.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

H.R. 4592, as amended, would create a Veterans Energy-Related Employment Program pilot program, which would award competitive grants to three States for the establishment of a program that would reimburse energy employers for the cost of providing on-the-job training for veterans in the energy sector. The reimbursements would go to employers or labor-management organizations. Each participating State would be required to provide evidence that it can produce such training to serve a population of eligible veterans, has a diverse energy industry, and the ability to carry out such a program, as well as certify that participating veterans would be hired at a wage rate consistent with the standard industry average for jobs that are technically involved and have a skill-set that is not transferable to other non-energy industries. It would authorize appropriations of \$10 million a year for five years, beginning in 2011 through 2015.

Compromise Agreement

Section 106 of the Compromise Agreement would establish a pilot competitive grant

program (Veterans Energy-Related Employment Program) as part of the Veterans Workforce Investment Program for up to three States to provide grants to energy employers that train veterans in skills particular to the energy industry. States would need to repay funds not used for the purposes outlined for this pilot program and submit reports on the use of the grant funds to the Secretary of Labor. This section would outline requirements employers must meet to receive funds from a State and would prohibit the use of funds for non-eligible veterans or eligible veterans whose employment is funded through any other governmental program. A report to Congress would be required to be submitted by the Secretary. The administrative costs of the Secretary would be limited to 2 percent of the appropriations for this program and the Secretary of Labor would be permitted to determine the maximum amounts of each grant that may be used for administration and reporting costs. Section 106 of the Compromise Agreement would authorize \$1.5 million for the grant program for each of fiscal years 2012 through 2014.

PAT TILLMAN VETERANS' SCHOLARSHIP INITIATIVE

Current Law

There is no relevant provision in current law.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

H.R. 1172, as amended, would require VA to provide and maintain on its website by June 1, 2010, information regarding scholarships that are available to veterans and family members of deceased veterans. Information to be provided on the website would include a list of organizations offering scholarships and a link to their websites. VA would also be required to notify schools and other organizations of the opportunity to be listed on the website.

Compromise Agreement

Section 107 of the Compromise Agreement follows the House Bill but requires the VA, by June 1, 2011, to make available on its website a list of organizations that provide scholarships to veterans and their survivors. VA would be required to make reasonable efforts to notify schools and other organizations of the opportunity to be listed on the website.

TITLE II—HOUSING AND HOMELESSNESS MATTERS

REAUTHORIZATION OF APPROPRIATIONS FOR HOMELESS VETERANS REINTEGRATION PROGRAM

Current Law

The Homeless Veterans Reintegration Program (HVRP) was initially enacted in 1987 as part of Public Law 100-77, the Stewart B. McKinney Homeless Assistance Act, to expand services beyond food and shelter to homeless veterans. Public Law 107-95, the Homeless Veterans Comprehensive Assistance Act of 2001, directed the Secretary of Labor to provide homeless veterans with job training, counseling, and placement services as part of a holistic approach to reintegrating homeless veterans back into society. The authorization of appropriations to carry out this program expired at the end of fiscal year 2009.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 2 of H.R. 1171, as amended, would reauthorize, through fiscal year 2014, the Department of Labor's HVRP.

Compromise Agreement

Section 201 of the Compromise Agreement follows the House Bill, except that it would reauthorize the HVRP through fiscal year 2011.

HOMELESS WOMEN VETERANS AND HOMELESS VETERANS WITH CHILDREN REINTEGRATION GRANT PROGRAM

Current Law

Currently, under section 2021 of title 38, U.S.C., the Secretary of Labor is required to conduct, directly or through grant or contract, the HVRP. Through HVRP, the Secretary selects programs that are appropriate to provide job training, counseling, and placement services (including job readiness, literacy and skills training) to expedite the reintegration of homeless veterans into the labor force. HVRP is administered through the Assistant Secretary of Labor for Veterans' Employment and Training (VETS).

Senate Bill

Section 102 of S. 1237, as reported, would amend Subchapter III of chapter 20 of title 38, U.S.C., by adding a new section 2021A, entitled "Grant program for reintegration of homeless women veterans and homeless veterans with children." This grant program would differ from the current HVRP grants in that it would be strictly a grant program and would focus specifically on providing services that will assist in the reintegration into the labor force of homeless women veterans and homeless veterans with children. Like the current HVRP grants, services under this new grant program would include job training, counseling, and job placement services, including job readiness, literacy, and skills training. Importantly, it would also include child care services to serve more effectively the target population.

House Bill

Section 3 of H.R. 1171, as amended, would amend title 38, U.S.C., adding a new section 2021A, entitled "Homeless women veterans and homeless veterans with children reintegration grant program." That bill would direct the Secretary of Labor to carry out a grant program to provide reintegration services through programs and facilities that emphasize services for homeless women veterans and homeless veterans with children.

Compromise Agreement

Section 202 of the Compromise Agreement generally follows the House Bill. However, the authorization of appropriations to carry out this program is \$1 million for fiscal years 2011 to 2015.

SPECIALLY ADAPTED HOUSING ASSISTIVE TECHNOLOGY GRANT PROGRAM

Current Law

There is no current provision in title 38, U.S.C., authorizing grants to develop assistive technology for specially adapted housing. The Specially Adapted Housing (SAH) program was established in 1948 by Public Law 80-702, an act to authorize assistance to certain veterans in acquiring specially adapted housing which they require by reason of their service-connected disabilities. The SAH program provides grants to certain qualifying service-connected disabled veterans to assist them in acquiring suitable housing.

Senate Bill

The Senate Bills contain no comparable provisions.

House Bill

H.R. 1170, as amended, would authorize a five-year pilot program to promote research and development of adaptive technologies that would be applicable to the SAH program. It would also provide that VA retain a 30 percent interest in any patent approved as a result of funding through this grant program. The bill would further require that VA retain any investment returns from these patents to assist in funding grants, during the duration of this program. It would authorize \$2 million per year for purposes of this grant program; those amounts would be derived from amounts appropriated for VA Medical Services.

Compromise Agreement

Section 203 of the Compromise Agreement generally follows the House Bill. However, under the Compromise Agreement, the Secretary would not retain any patent rights to the technology developed by any grant recipient, the funding amount would be reduced from \$2 million to \$1 million per fiscal year to carry out this program, and the funding would now come from amounts appropriated to VA for readjustment benefits, not Medical Services. The effective date of the five-year pilot program would be October 1, 2011.

WAIVER OF HOUSING LOAN FEE FOR CERTAIN VETERANS WITH SERVICE-CONNECTED DISABILITIES CALLED TO ACTIVE SERVICE

Current Law

Current law, section 3729(c)(1) of title 38, U.S.C., states that a loan fee, normally collected from each person obtaining a housing loan guaranteed, insured or made under chapter 37, will be waived for a veteran who is receiving compensation, or who, but for the receipt of retirement pay, would be entitled to receive compensation.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

H.R. 2180 would waive housing loan fees for certain veterans with service-connected disabilities called back to active service.

Compromise Agreement

Section 204 of the Compromise Agreement follows the House Bill.

TITLE III—SERVICEMEMBERS CIVIL RELIEF ACT MATTERS

RESIDENTIAL AND MOTOR VEHICLE LEASES

Current Law

Section 305 of the Servicemembers Civil Relief Act (SCRA) permits the cancellation of motor vehicle leases and prohibits early termination penalties. It also permits cancellation of residential leases, but it does not provide protection from early termination fees.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 202 of H.R. 3949 would amend subsection (e) of section 305 of SCRA to revise provisions concerning arrearages and other obligations to prohibit a lessor from charging an early termination charge with respect to a residential, professional, business, or agricultural rental lease entered into by a person who subsequently enters military service, or for a servicemember who has received orders for permanent change of station or for deployment in support of a military operation. It would provide that unpaid lease charges shall be paid by the lessee.

Compromise Agreement

Section 301 of the Compromise Agreement follows the House bill.

TERMINATION OF TELEPHONE SERVICE CONTRACTS

Current Law

Section 305A of SCRA permits certain servicemembers the option to request a termination or suspension of their cellular phone contracts if they are deployed outside of the continental United States for a period of not less than 90 days or have a permanent change of duty station within the United States.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 201 of H.R. 3949 would amend section 305A of the SCRA to allow a servicemember to terminate certain service contracts if the servicemember has received military orders to deploy for a period of not less than 90 days or for a change of duty station to a location that does not support such service. Furthermore, if the terminated contract was for cellular or telephone exchange services, it would allow a servicemember to keep the phone number to the extent practicable and in accordance with applicable law. Covered contracts would include cellular telephone service (including family plans with the servicemember), telephone exchange service, multi-channel video programming service and internet service, as well as home water, electricity, home heating oil and natural gas services. Servicemembers would be required to deliver a written notice of termination of the service contract and the military orders to the service provider by hand delivery, private carrier, fax, or U.S. Postal Service with return receipt requested and sufficient postage. A service provider would be prohibited from imposing an early termination charge, but could collect appropriate tax, obligation or liability under the contract.

Compromise Agreement

Section 302 of the Compromise Agreement would allow a servicemember to terminate a contract for cellular telephone or telephone exchange service at any time after receiving notice of military orders to relocate for a period of 90 days or more to a location that does not support the contract. It would further require the telephone number of an individual who terminated a contract to be kept available for a period of not to exceed three years if the servicemember re-subscribes to the service within 90 days of the last day of relocation. Finally, section 302 of the Compromise Agreement would permit certain family plan contracts for cellular telephone service entered into by a family member of a servicemember to be terminated.

ENFORCEMENT BY THE ATTORNEY GENERAL AND BY PRIVATE RIGHT OF ACTION

Current Law

Current law contains no relevant provision.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 203 of H.R. 3949 would amend the SCRA to add a new title, Title VIII—Civil Liability, which would authorize the U.S. Attorney General to bring a civil action in U.S. district court to enforce provisions of the SCRA. It would also authorize the court to

grant appropriate relief to include monetary damages. The court would be authorized in certain circumstances to impose a civil penalty that, for the first violation, will not exceed \$55,000 and, for any subsequent violation, will not exceed \$110,000. It would provide intervenor rights to aggrieved persons for a civil action that has already been started. In addition, it would clarify that a person has a private right of action to file a civil action for violations under the SCRA and that the court may award costs and attorney fees to a servicemember who prevails. Finally, it would provide that the rights granted under sections 801 or 802 will not limit or exclude any other rights that may also be available under Federal or state law.

Compromise Agreement

Section 303 of the Compromise Agreement generally follows the House bill with some technical changes.

TITLE IV—INSURANCE MATTERS

INCREASE IN AMOUNT OF SUPPLEMENTAL INSURANCE FOR TOTALLY DISABLED VETERANS

Current Law

Section 1922A of title allows eligible totally disabled veterans to receive a maximum of \$20,000 in Service-Disabled Veterans' Insurance (S-DVI) supplemental life insurance coverage.

Senate Bill

Section 101 of H.R. 1037, as amended, would amend section 1922A(a) of title 38, U.S.C., to increase the amount of life insurance available to totally disabled veterans by allowing them to purchase an additional \$10,000 in supplemental insurance coverage. This would raise the maximum amount of S-DVI supplemental coverage to \$30,000.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 401 of the Compromise Agreement follows the Senate Bill, except that the provision would take effect on October 1, 2011.

PERMANENT EXTENSION OF DURATION OF SERVICEMEMBERS' GROUP LIFE INSURANCE COVERAGE FOR TOTALLY DISABLED VETERANS

Current Law

VA offers a variety of life insurance options for servicemembers, veterans, and their families. Among these is the Servicemembers' Group Life Insurance (SGLI) program, which offers low-cost group life insurance for servicemembers on active duty, Ready Reservists, members of the National Guard, members of the Commissioned Corps of the National Oceanic and Atmospheric Administration and the Public Health Service, cadets and midshipmen of the four service academies, and members of the Reserve Officer Training Corps. SGLI coverage is available in \$50,000 increments up to the maximum of \$400,000.

Public Law 93-289, the Veterans' Insurance Act of 1974, established a new program of post-separation insurance known as Veterans' Group Life Insurance (VGLI). VGLI provides for the post-service conversion of SGLI to a renewable term policy of insurance. Persons eligible for full-time coverage include former servicemembers who were insured full-time under SGLI and who were released from active duty or the Reserves, Ready Reservists who have part-time SGLI coverage and who incur certain disabilities during periods of active or inactive duty training, and members of the Individual Ready Reserve and Inactive National Guard.

VGLI coverage is issued in multiples of \$10,000 up to a maximum of \$400,000.

Under current law, VGLI applications for coverage must occur within one year and 120 days from discharge. However, servicemembers who are totally disabled at the time of discharge may have a longer period within which to convert their SGLI coverage to VGLI. Public Law 109-233, the Veterans' Housing Opportunity and Benefits Improvement Act of 2006, authorized VA to extend from one to two years, after separation from active duty service, the period within which totally disabled members may receive premium free SGLI coverage and convert their coverage to a policy under the VGLI program after separation from active duty service. However, Public Law 109-233 mandated that on or after October 1, 2011, this two-year time period would be shortened to 18 months.

Senate Bill

Section 101 of S. 3765 would amend section 1968(a) of title 38, U.S.C., to eliminate the expiration date for a potential two-year extension of SGLI coverage available to servicemembers who are totally disabled when they separate from service.

House Bill

Section 101 of H.R. 3219, as amended, would amend section 1968(a) of title 38, U.S.C., to eliminate the expiration date for a potential two-year extension of SGLI coverage available to servicemembers who are totally disabled when they separate from service.

Compromise Agreement

Section 402 of the Compromise Agreement follows the language in both bills.

ADJUSTMENT OF COVERAGE OF DEPENDENTS UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE

Current Law

Under current law, insurable dependents of servicemembers on active duty, or Ready Reservists who are totally disabled on the date of separation or release from service or assignment, are authorized to continue receiving insurance coverage long after the servicemembers' separation or release from service. Servicemembers on active duty are potentially eligible for continued coverage for up to 2 years after the date of separation or release from service; Ready Reservists are potentially eligible for an additional 1 year of coverage after separation or release from an assignment. Thereafter, the insurable dependents of covered servicemembers on active duty are also potentially eligible for continued coverage for up to 2 years after the date of separation or release from service or, in the case of an insurable dependent of a Ready Reservist, up to 1 year after the date of separation or release from an assignment.

Senate Bill

Section 102 of H.R. 1037, as amended, would amend section 1968(a)(5)(B)(ii) of title 38, U.S.C., so that no insurable dependent, not even those of servicemembers who remain covered for up to 1 or 2 years after service or assignment, could remain covered under SGLI for more than 120 days after the servicemember's separation or release from service or assignment.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 403 of the Compromise Agreement follows the Senate Bill.

OPPORTUNITY TO INCREASE AMOUNT OF VETERANS' GROUP LIFE INSURANCE

Current Law

Section 1977(a)(1) of title 38, U.S.C., limits the amount of VGLI coverage a veteran may carry to the amount of SGLI coverage that continued in force after that veteran was separated from service.

Senate Bill

Section 102 of S. 3765 would amend section 1977(a) of title 38, U.S.C., to allow VGLI participants who are under the age of 60 and insured for less than the current maximum authorized for SGLI the opportunity to obtain, without a health care examination, an additional \$25,000 in coverage once every 5 years at the time of renewal.

House Bill

Section 102 of H.R. 3219, as amended, would amend section 1977(a) of title 38, U.S.C., to allow VGLI participants who are under the age of 60 and insured for less than the current maximum authorized for SGLI the opportunity to obtain, without a health care examination, an additional \$25,000 in coverage once every 5 years at the time of renewal.

Compromise Agreement

Section 404 of the Compromise Agreement follows the language in both bills.

ELIMINATION OF REDUCTION IN AMOUNT OF ACCELERATED DEATH BENEFIT FOR TERMINALLY ILL PERSONS INSURED UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE

Current Law

The current SGLI/VGLI Accelerated Benefits Option (ABO) requires VA to discount or reduce the payout available under both the SGLI and VGLI programs for terminally ill servicemembers and veterans who exercise the option to use up to half of their policy. Currently, VA discounts this payment by an amount commensurate to the interest rate earned by the program on its investment in effect at the time that a servicemember or veteran applies for the benefits, thereby often significantly reducing the amount of the ABO payment.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 103 of H.R. 3219, as amended, would amend section 1980(b)(1) of title 38, U.S.C., by eliminating the requirement that the lump sum accelerated payment be "reduced by an amount necessary to assure that there is no increase in the actuarial value of the benefit paid, as determined by the Secretary."

Compromise Agreement

Section 405 of the Compromise Agreement follows the House Bill.

CONSIDERATION OF LOSS OF DOMINANT HAND IN PRESCRIPTION OF SCHEDULE OF SEVERITY OF TRAUMATIC INJURY UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE

Current Law

Under current law, traumatic injury protection under Servicemembers' Group Life Insurance (TSGLI) provides for payment to servicemembers who suffer a qualifying loss as a result of a traumatic injury event. In the event of a qualifying loss, VA will pay between \$25,000 and \$100,000, depending on the severity of the qualifying loss. In prescribing payments, VA does not account for the effect, if any, that the loss of a dominant hand has on lengthening hospitalization or rehabilitation periods.

Senate Bill

Section 104 of H.R. 1037, as amended, would amend section 1980A(d) of title 38, U.S.C., to authorize VA to distinguish in specifying payments for qualifying losses of a dominant hand and a non-dominant hand.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 406 of the Compromise Agreement follows the Senate Bill except that the provision would take effect on October 30, 2011.

ENHANCEMENT OF VETERANS' MORTGAGE LIFE INSURANCE

Current Law

Under current law, service-connected disabled veterans who have received specially adapted housing grants from VA may purchase up to \$90,000 in Veterans' Mortgage Life Insurance (VMLI). In the event of the veteran's death, the veteran's family is protected because VA will pay the balance of the mortgage owed up to the maximum amount of insurance purchased.

Senate Bill

Section 105 of H.R. 1037, as amended, would amend section 2106(b) of title 38, U.S.C., to increase the maximum amount of insurance that may be purchased under the VMLI program from the current maximum of \$90,000 to \$150,000 effective on October 1, 2012. The maximum amount would then increase from \$150,000 to \$200,000 on January 1, 2012.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 407 of the Compromise Agreement follows the Senate Bill, except that the provision would take effect on October 1, 2011.

EXPANSION OF INDIVIDUALS QUALIFYING FOR RETROACTIVE BENEFITS FROM TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE

Current Law

Under current law, TSGLI provides coverage against qualifying losses incurred as a result of a traumatic injury. In the event of a loss, VA will pay between \$25,000 and \$100,000 depending on the severity of the qualifying loss. TSGLI went into effect on December 1, 2005. In order to provide assistance to those servicemembers suffering traumatic injuries on or before October 7, 2001, and November 30, 2005, retroactive TSGLI payments were authorized under section 1032(c) of Public Law 109-13, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, to individuals whose qualifying losses were sustained as "a direct result of injuries incurred in Operation Enduring Freedom or Operation Iraqi Freedom." Under section 501(b) of Public Law 109-233, the Veterans' Housing Opportunity Benefits Improvement Act of 2006, this definition was amended to allow retroactive payments to individuals whose qualifying losses were sustained as a "direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom and Operation Iraqi Freedom." Men and women who were traumatically injured on or between October 7, 2001, and November 30, 2005, but were not in the Operation Iraqi Freedom or Operation Enduring Freedom theaters of operation are not eligible for retroactive payments.

Senate Bill

Section 103 of H.R. 1037, as amended, would amend section 501(b) of Public Law 109-233 so

as to remove the requirement that limits retroactive TSGLI payments to those who served in the Operation Iraqi Freedom (OIF) or Operation Enduring Freedom (OEF) theaters of operation. Thus, this section of the Compromise Agreement would authorize retroactive TSGLI payments for qualifying traumatic injuries incurred on or after October 7, 2001, but before December 1, 2005, irrespective of where the injuries occurred.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 408 of the Compromise Agreement follows the Senate Bill, except that the provision would take effect on October 1, 2011.

TITLE V—BURIAL AND CEMETERY MATTERS

INCREASE IN CERTAIN BURIAL AND FUNERAL BENEFITS AND PLOT ALLOWANCES FOR VETERANS

Current Law

Under current law, VA will pay up to \$300 toward the funeral and burial costs of veterans who die while receiving care at certain VA facilities. In addition, VA will pay a \$300 plot allowance when a veteran is buried in a cemetery not under U.S. government jurisdiction if: the veteran was discharged from active duty because of a disability incurred or aggravated in the line of duty; the veteran was receiving compensation or pension, or would have been if he/she was not receiving military retired pay; or the veteran died in a VA facility. The plot allowance may be paid to the State for the cost of a plot or interment in a State-owned cemetery reserved solely for veteran burials if the veteran was buried without charge.

Senate Bill

Section 501 of H.R. 1037, as amended, would increase payments for funeral and burial expenses in the case of individuals who die in VA facilities and for plot allowances up to \$745 and would increase this amount annually by a cost-of-living adjustment. These increases would be effective for deaths occurring on or after October 1, 2010, but no cost-of-living adjustment would be paid in fiscal year 2011.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 501 of the Compromise Agreement would increase the amount paid for the burial and funeral of a veteran who dies in a VA facility or the plot allowance for a deceased veteran who is eligible for burial at a national cemetery from \$300 to \$700, effective October 1, 2011. It would further direct the Secretary of Veterans Affairs to provide an annual percentage increase in relation to the Consumer Price Index. Finally, the Compromise Agreement would provide that no cost-of-living increases are to be made to these benefits in fiscal year 2012.

INTERMENT IN NATIONAL CEMETERIES OF PARENTS OF CERTAIN DECEASED VETERANS

Current Law

Under section 2402(5) of title 38, U.S.C., certain spouses, surviving spouses, and minor children of servicemembers and veterans who are eligible for burial in national cemeteries are eligible to be interred in national cemeteries.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 303 of H.R. 3949, the Corey Shea Act, would give VA the discretion to provide space-available burial to qualifying parents in the gravesite of their deceased son or daughter who, on or after October 7, 2001, died in combat or died of a combat-related training injury and who has no other eligible survivors as identified under section 2402(5) of title 38, U.S.C. The term parent would mean the biological mother or father or, in the case of adoption, the adoptive mother or father.

Compromise Agreement

Section 502 of the Compromise Agreement follows the House Bill.

REPORTS ON SELECTION OF NEW NATIONAL CEMETERIES

Current Law

Current law contains no relevant provision.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

H.R. 174 would direct VA to establish a national cemetery for veterans in the Southern Colorado area.

Compromise Agreement

Section 503 of the Compromise Agreement would require VA, not later than one year following the date of enactment, to report to Congress on the selection and construction of five new national cemeteries in areas in Southern Colorado; Melbourne and Daytona, Florida; Rochester and Buffalo, New York; Tallahassee, Florida; and Omaha, Nebraska. The Secretary would be required to solicit the advice and views of State and local veterans organizations. The report would be required to include a schedule for the establishment of and the funds available for each such cemetery. The Compromise Agreement would further require annual reports to be submitted to Congress until the completion of the cemeteries.

TITLE VI—COMPENSATION AND PENSION ENHANCEMENT OF DISABILITY COMPENSATION FOR CERTAIN DISABLED VETERANS WITH DIFFICULTIES USING PROSTHESES AND DISABLED VETERANS IN NEED OF REGULAR AID AND ATTENDANCE FOR RESIDUALS OF TRAUMATIC BRAIN INJURY

Current Law

Currently, under subsections (a) through (j) of section 1114 of title 38, U.S.C., VA pays disability compensation to a veteran based on the rating assigned to the veteran's service-connected disabilities. Under subsections (m), (n), and (o) of section 1114, higher levels of monthly compensation are paid to veterans with severe disabilities if certain criteria are satisfied. The criteria for compensation under section 1114(m) include "the anatomical loss . . . of both legs at a level, or with complications, preventing natural knee action with prostheses in place" or "the anatomical loss . . . of one arm and one leg at levels, or with complications, preventing natural elbow and knee action with prostheses in place." The criteria for compensation under section 1114(n) include "the anatomical loss . . . of both arms at levels, or with complications, preventing natural elbow action with prostheses in place"; "the anatomical loss of both legs so near the hip as to prevent the use of prosthetic appliances"; or "the anatomical loss of one arm and one leg so near the shoulder and hip as to prevent the use of prosthetic appliances."

The criteria for compensation under section 1114(o) include “the anatomical loss of both arms so near the shoulder as to prevent the use of prosthetic appliances.”

Currently, the monthly compensation under subsections (a) through (j) of section 1114 ranges from \$123 per month for a single veteran with no dependents rated 10 percent to \$2,673 per month for the same single veteran rated 100 percent. Under section 1114(l) of title 38, U.S.C., VA provides a higher amount of compensation, currently \$3,327 per month for a single veteran, if the veteran is “in need of regular aid and attendance.” A veteran who requires regular aid and attendance may be entitled to an additional \$2,002 per month, under section 1114(r)(1) of title 38, U.S.C., if the veteran suffers from severe service-connected physical disabilities. Also, under section 1114(r)(2), a higher level of aid and attendance compensation, currently an additional \$2,983 per month, is provided to certain veterans with severe service-connected disabilities who need “a higher level of care” in addition to regular aid and attendance. Under section 1114(r)(2), this higher level of compensation generally is provided only to a veteran who has suffered a severe anatomical loss, who needs “health-care services provided on a daily basis in the veteran’s home,” and who would require institutionalization in the absence of that care.

Senate Bill

Section 205(a) of H.R. 1037, as amended, would amend subsections (m), (n), and (o) of section 1114 to remove the provisions conditioning higher monthly compensation on the site of, or complications from, an anatomical loss. Instead, if the other requirements are satisfied, it would allow the higher rates to be paid if any factors prevent natural elbow or knee action with prostheses in place or prevent the use of prosthetic appliances.

Section 205(b) of H.R. 1037, as amended, would add a new subsection (t) to section 1114, which would provide that, if a veteran is in need of regular aid and attendance due to the residuals of traumatic brain injury, is not eligible for compensation under section 1114(r)(2), and, in the absence of regular aid and attendance, would require institutional care, the veteran will be entitled to a monthly aid and attendance allowance equivalent to the allowance provided under section 1114(r)(2).

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 601 of the Compromise Agreement follows the Senate Bill.

COST-OF-LIVING INCREASE FOR TEMPORARY DEPENDENCY AND INDEMNITY COMPENSATION PAYABLE FOR SURVIVING SPOUSES WITH DEPENDENT CHILDREN UNDER THE AGE OF 18

Current Law

Under section 1310 of title 38, U.S.C., VA provides dependency and indemnity compensation (DIC) to a surviving spouse if a veteran’s death resulted from: (1) a disease or injury incurred or aggravated in the line of duty while on active duty or active duty for training; (2) an injury incurred or aggravated in the line of duty while on inactive duty for training; or (3) a service-connected disability or a condition directly related to a service-connected disability.

Section 301 of Public Law 108–454, the Veterans Benefits Improvement Act of 2004, amended section 1311 of title 38, U.S.C., to authorize VA to pay a \$250 per month tem-

porary benefit to a surviving spouse with one or more children below the age of 18, during the 2 years following the date on which entitlement to DIC began. This provision was enacted in response to a May 2001 program evaluation report recommendation on the need for transitional DIC.

Senate Bill

Section 201 of H.R. 1037, as amended, would amend section 1311(f) of title 38, U.S.C., by authorizing a permanent, automatic, cost-of-living adjustment for this temporary DIC payment so that the value of the benefit does not erode over time.

This cost-of-living increase would occur whenever there is an increase in benefit amounts payable under title II of the Social Security Act, section 401 et seq., title 42, U.S.C.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 602 of the Compromise Agreement follows the Senate bill.

PAYMENT OF DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVORS OF FORMER PRISONERS OF WAR WHO DIED ON OR BEFORE SEPTEMBER 30, 1999

Current Law

Under chapter 13 of title 38, U.S.C., DIC is paid to the surviving spouse or children of a veteran when the veteran’s death is a result of a service-connected disability. In addition, VA provides DIC to the surviving spouses and children of veterans who have died after service from a non-service-connected disability if the veteran had been totally disabled due to a service-connected disability for a continuous period of 10 or more years immediately preceding death or for a continuous period of at least 5 years after the veteran’s release from service.

Prior to Public Law 106–117, the Veterans Millennium Health Care and Benefits Act, the survivors of former Prisoners of War (POWs) were eligible for DIC under the same rules as all other survivors. Section 501 of Public Law 106–117 extended eligibility for DIC to the survivors of former POWs who died after September 30, 1999, from non-service-connected causes if the former POWs were totally disabled due to a service-connected cause for a period of 1 or more years, rather than 10 or more years, immediately prior to death.

Senate Bill

Section 208 of H.R. 1037, as amended, would amend section 1318(b)(3) of title 38, U.S.C., to make all survivors of former POWs eligible for DIC if the veteran died from non-service-connected causes and was totally disabled due to a service-connected condition for a period of 1 or more years immediately prior to death, without regard to date of death.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 603 of the Compromise Agreement follows the Senate bill.

EXCLUSION OF CERTAIN AMOUNTS FROM CONSIDERATION AS INCOME FOR PURPOSES OF VETERANS PENSION BENEFITS

Current Law

Under chapter 15 of title 38, U.S.C., VA is authorized to pay pension benefits to wartime veterans who have limited or no income, and who are ages 65 or older, or, if under 65, who are permanently and totally disabled.

When calculating annual income for purposes of these pension benefits, section 1503 of title 38, U.S.C., authorizes VA to include income received by the veteran and from most sources. However, certain sources of income, such as donations from public or private relief or welfare organizations, are not taken into account.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 604 of the Compromise Agreement would exclude, for purposes of determining income for pension eligibility, up to \$5,000, paid to a veteran from a State or municipality, if the benefit was paid due to the veteran’s injury or disease.

COMMENCEMENT OF PERIOD OF PAYMENT OF ORIGINAL AWARDS OF COMPENSATION FOR VETERANS RETIRED OR SEPARATED FROM THE UNIFORMED SERVICES FOR CATASTROPHIC DISABILITY

Current Law

Under section 5110(b)(1) of title 38, U.S.C., if a veteran files a claim for VA disability compensation within 1 year after being discharged from military service, the effective date of an award of service connection will be the day after the date of discharge. However, under section 5111(a) of title 38, U.S.C., the effective date for payment of compensation based on that award will not be until the first day of the month following the month in which the service-connection award is effective.

Senate Bill

Section 206 of H.R. 1037, as amended, would amend section 5111 of title 38, U.S.C., to provide that, if a veteran is retired from the military for a catastrophic disability or disabilities, payment of disability compensation based on an original claim for benefits will be made as of the date on which the award of compensation becomes effective. “Catastrophic disability” would be defined as a permanent, severely disabling injury, disorder, or disease that compromises the ability of the veteran to carry out the activities of daily living to such a degree that the veteran requires personal or mechanical assistance to leave home or bed, or requires constant supervision to avoid physical harm to self or others.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 605 of the Compromise Agreement follows the Senate Bill.

APPLICABILITY OF LIMITATION TO PENSION PAYABLE TO CERTAIN CHILDREN OF VETERANS OF A PERIOD OF WAR

Current Law

Under current law, a veteran with no dependents who is entitled to receive pension under section 1521 of title 38, U.S.C., cannot be paid more than \$90 per month if the veteran is in a nursing facility where services are covered by a Medicaid plan. In instances where a veteran’s surviving spouse is entitled to receive pension under section 1541 of title 38, U.S.C., the surviving spouse also cannot be paid more than \$90 per month if the surviving spouse has no dependents and is in a nursing facility where services are covered by a Medicaid plan. The \$90 pension

benefit may not be counted in determining eligibility for Medicaid or the patient's share of cost.

Under section 101(4)(A) of title 38, U.S.C., a child is defined as a person who is unmarried and under the age of 18 years; before reaching the age of 18 years, became permanently incapable of self-support; or, after attaining the age of 18 years and until completion of education or training, but not after attaining the age of 23 years, is pursuing a course of instruction at an approved educational institution. Such a child is entitled to pension under section 1542 of title 38, U.S.C., if the income of the child is less than the statutory benefit amount payable to the child. If such a child is admitted to a nursing facility where services are covered by a Medicaid plan, the pension benefits for the child are not currently reduced to \$90.

Senate Bill

Section 207 of H.R. 1037, as amended, would amend section 5503 of title 38, U.S.C., so that adult-disabled children of veterans who receive pension under section 1542 of title 38, U.S.C., and are covered by a Medicaid plan while residing in nursing homes, would have their pension benefits reduced in the same manner as veterans and surviving spouses.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 606 of the Compromise Agreement follows the Senate bill.

EXTENSION OF REDUCED PENSION FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES

Current Law

Public Law 101-508, the Omnibus Budget Reconciliation Act of 1990, reduced VA pension for certain veterans in receipt of Medicaid-covered nursing home care to no more than \$90 per month, for any period after the month of admission to the nursing care facility. This authority expired on September 30, 1992, and was extended through 1997 in Public Law 102-568, the Veterans' Benefits Act of 1992; through 1998 in Public Law 103-66, the Omnibus Budget Reconciliation Act of 1993; through 2002 in Public Law 105-33, the Balanced Budget Act of 1997; through 2008 in Public Law 106-419, the Veterans' Benefits and Health Care Improvement Act of 2000; and through 2011 in Public Law 107-103, the Veterans' Education and Benefits Expansion Act of 2001.

Senate Bill

Section 204 of H.R. 1037, as amended, would amend section 5503(d)(7) of title 38, U.S.C., to extend, from September 30, 2011, to September 30, 2014, the authority for limitation of VA pension to \$90 per month for certain beneficiaries receiving Medicaid-covered nursing home care.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 607 of the Compromise Agreement follows the Senate bill, except that the limitation would be extended until May 31, 2015.

CODIFICATION OF 2009 COST-OF-LIVING ADJUSTMENT IN RATES OF PENSION FOR DISABLED VETERANS AND SURVIVING SPOUSES AND CHILDREN

Current Law

Under current law, section 5312 of title 38, U.S.C., whenever there is an increase in ben-

efits payable under title II of the Social Security Act, VA automatically increases pension benefits by the same percentage increase.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 608 of the Compromise Agreement codifies current pension rates for disabled veterans and surviving spouses and children.

TITLE VII—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

CLARIFICATION THAT USERRA PROHIBITS WAGE DISCRIMINATION AGAINST MEMBERS OF THE ARMED FORCES

Current Law

Under current law, section 4311(a) of title 38, U.S.C., employers may not deny any "benefit of employment" to employees or applicants on the basis of membership in the uniformed services, application for service, performance of service, or service obligation. However, the U.S. Court of Appeals for the Eighth Circuit held in 2002 that USERRA does not prohibit wage discrimination because "wages or salary for work performed" are specifically excluded from the law's definition of "benefit of employment." *Gagnon v. Sprint Corp.*, 284 F.3d 839, 853 (8th Cir. 2002).

Senate Bill

Section 403 of H.R. 1037, as amended, would amend section 4303(2) of title 38, U.S.C., to make it clear that wage discrimination is not permitted under USERRA.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 701 of the Compromise Agreement follows the Senate Bill.

CLARIFICATION OF THE DEFINITION OF "SUCCESSOR IN INTEREST"

Current Law

Section 4303 of title 38, U.S.C., uses a broad definition of the term "employer" and includes in subsection (4)(A)(iv) a definition of a "successor in interest." In regulations, the Department of Labor has provided that an employer is a "successor in interest" where there is a substantial continuity in operations, facilities and workforce from the former employer. It further stipulates that the determination of whether an employer is a successor in interest must be made on a case-by-case basis using a multifactor test (20 C.F.R. §1002.35). One Federal court, however, in a decision made prior to the promulgation of the regulation, held that an employer could not be a successor in interest unless there was a merger or transfer of assets from the first employer to the second. (See *Coffman v. Chugach Support Services Inc.*, 411 F.3d 1231 (11th Cir. 2005); but see *Murphree v. Communications Technologies, Inc.*, 460 F. Supp. 2d 702 (E.D. La 2006) applying 20 C.F.R. §1002.35 and rejecting the Coffman merger or transfer of assets requirement.)

Senate Bill

Section 402 of H.R. 1037, as amended, would amend section 4303 of title 38, U.S.C., to clarify the definition of "successor in interest" by incorporating language that mirrors the

regulatory definition adopted by the Department of Labor.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 702 of the Compromise Agreement follows the Senate bill.

TECHNICAL AMENDMENTS

Senate Bill

Section 406 of H.R. 1037, as amended, would make three technical and conforming changes to various provisions of law in order to correct cross references to various USERRA provisions contained in chapter 43 of title 38, U.S.C., and clarify existing language in the USERRA.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 703 of the Compromise Agreement follows the Senate Bill.

TITLE VIII—BENEFITS MATTERS

INCREASE IN NUMBER OF VETERANS FOR WHICH PROGRAMS OF INDEPENDENT LIVING SERVICES AND ASSISTANCE MAY BE INITIATED

Current Law

Section 3120(e) of title 38, U.S.C., authorizes VA to initiate a program of independent living services for no more than 2,600 service-connected disabled veterans in each fiscal year.

Senate Bill

Section 301 of H.R. 1037, as amended, would eliminate the annual cap on the number of service-connected disabled veterans who may enroll in a program of independent living.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 801 of the Compromise Agreement would increase to 2,700 the number of veterans who may initiate a program of independent living services in any fiscal year.

PAYMENT OF UNPAID BALANCES OF DEPARTMENT OF VETERANS AFFAIRS GUARANTEED LOANS

Current Law

Under current law, section 3732 of title 38, U.S.C., provides default procedures for VA home loans and illustrates the actions VA may take to preserve the loan before suit or foreclosure. However, it does not address what would occur in the event an individual files for bankruptcy and a loan is modified under the authority provided under section 1322(b) of title 11.

Senate Bill

Section 304 of H.R. 1037, as amended, would amend section 3732(a)(2) by adding a new subparagraph that would authorize additional default procedures for VA home loans in the event that a VA home loan is modified under the authority provided under section 1322(b) of title 11. This new authority would allow VA to pay the holder of the obligation the unpaid balance of the obligation, plus accrued interest, due as of the date of the filing of the petition under title 11, but only upon the assignment, transfer, and delivery to VA in a form and manner satisfactory to VA of all rights, interest, claims, evidence, and records with respect to the housing loan.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 802 of the Compromise Agreement follows the Senate Bill.

ELIGIBILITY OF DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES WITH SEVERE BURN INJURIES FOR AUTOMOBILES AND ADAPTIVE EQUIPMENT

Current Law

Under current law, section 3901 of title 38, U.S.C., veterans and members of the Armed Forces are eligible for assistance with automobiles and adaptive equipment if they suffer from one of three qualifying service-connected disabilities: loss or permanent loss of use of one or both feet; loss or permanent loss of use of one or both hands; or a central visual acuity of 20/200 or less or a peripheral field of vision of 20 degrees or less.

Senate Bill

Section 302 of H.R. 1037, as amended, would amend section 3901 of title 38, U.S.C., so as to include individuals with a service-connected disability due to a severe burn injury, effective October 1, 2010. The scope and definition of what constitutes a disability due to a severe burn injury would be determined pursuant to regulations prescribed by VA.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 803 of the Compromise Agreement follows the Senate Bill, except that provision would take effect on October 1, 2011.

ENHANCEMENT OF AUTOMOBILE ASSISTANCE ALLOWANCE FOR VETERANS

Current Law

Under current law, section 3902 of title 38, U.S.C., provides up to \$11,000 to eligible veterans and servicemembers for the purchase of an automobile or other conveyance and adaptive equipment to safely operate either.

Senate Bill

Section 303 of H.R. 1037, as amended, would amend section 3902 of title 38, U.S.C., to increase the maximum authorized automobile assistance allowance from \$11,000 to \$22,500, effective October 1, 2010. Section 303 would also direct VA to establish a method of determining the average retail cost of new automobiles for the preceding calendar year. The maximum allowance would increase, effective October 1 of each fiscal year, beginning in 2011, to an amount equal to 80 percent of what VA determined to be the average retail cost of new automobiles for the preceding calendar year.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 804 of the Compromise Agreement would generally follow the Senate Bill. However, the amount of the allowance was increased to \$18,900 instead of \$22,500. This allowance would be adjusted October 1 of each year, beginning in 2011, by a percentage equal to the percentage by which the Consumer Price Index for all urban consumers (U.S. city average) increased during the 12-month period ending with the last month for which Consumer Price Index data is available. If the Consumer Price Index does not increase, the amount of the allowance will remain the same as the previous fiscal year.

NATIONAL ACADEMIES REVIEW OF BEST TREATMENTS FOR GULF WAR ILLNESS

Current Law

Current law contains no relevant provision.

Senate Bill

Section 601 of H.R. 1037, as amended, would require VA to contract with the Institute of Medicine to gather a group of medical professionals, who are experienced in treating individuals diagnosed with Gulf War Illness, in order to conduct a comprehensive review of the best treatments for this illness. The individuals these medical professionals must have experience treating must have served during the Persian Gulf War in the Southwest Asia theater of operations, or in Afghanistan, Iraq, or any other theater in which the Global War on Terrorism Expeditionary Medal is awarded for service.

The final report on the review required by this section must be submitted to VA and the House and Senate Committees on Veterans' Affairs by December 31, 2011, and include recommendations for legislative or administrative actions as the Institute of Medicine considers appropriate in light of the results of that review.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 805 of the Compromise Agreement generally follows the Senate Bill except that the final report is due to the Committees by December 31, 2012, and the term "chronic multisymptom illness" replaces the term "Gulf War Illness."

EXTENSION AND MODIFICATION OF NATIONAL ACADEMY OF SCIENCES REVIEWS AND EVALUATIONS ON ILLNESS AND SERVICE IN PERSIAN GULF WAR AND POST 9/11 GLOBAL OPERATIONS THEATERS

Current Law

Public Law 105-277, the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, required VA to enter into an agreement with the National Academy of Sciences to review and evaluate the available scientific evidence regarding associations between illnesses and exposure to toxic agents, environmental or wartime hazards, or preventive medicines or vaccines associated with Persian Gulf War service. Congress extended these reviews and evaluations in Public Law 107-103, the Veterans Education and Benefits Expansion Act of 2001. This requirement will expire on October 1, 2010.

Public Law 105-368, the Veterans Programs Enhancement Act of 1998, required the National Academy of Sciences to examine the scientific and medical literature on the potential health effects of chemical and biological agents related to the 1991 Gulf War. The requirement for this examination ended in 2009.

Senate Bill

Section 602 of H.R. 1037, as amended, would extend until October 1, 2015, the mandate for the National Academy of Sciences to review and evaluate scientific evidence regarding associations between illnesses and exposure. Section 602(b) would extend until October 1, 2018, the requirement for the National Academy of Sciences to report on the health effects of exposure.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 806 of the Compromise Agreement generally follows the Senate Bill except that it requires the disaggregation of results by theaters of operations before and after September 11, 2001.

EXTENSION OF AUTHORITY FOR REGIONAL OFFICE IN REPUBLIC OF THE PHILIPPINES

Current Law

Current law, section 315(b) of title 38, U.S.C., authorizes VA to maintain a regional office in the Republic of the Philippines until December 31, 2010. Congress has periodically extended this authority, most recently in Public Law 111-117, the Consolidated Appropriations Act, 2010.

Senate Bill

Section 603 of H.R. 1037, as amended, would authorize VA to maintain a regional office in the Republic of the Philippines until December 31, 2011.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 807 of the Compromise Agreement follows the Senate Bill, and adds that within one year, the Comptroller General would be required to provide a report to the House and Senate Committees on Veterans' Affairs and Appropriations on the activities of the Manila Regional Office. This report would also include an assessment of the costs and benefits of maintaining the office in the Philippines in comparison with moving the activities of the office to the United States.

EXTENSION OF AN ANNUAL REPORT ON EQUITABLE RELIEF

Current Law

Under current law, VA is authorized to provide monetary relief to persons whom the Secretary determines were deprived of VA benefits by reason of administrative error by a federal government employee. The Secretary may also provide relief which the Secretary determines is equitable to a VA beneficiary who has suffered a loss as a consequence of an erroneous decision made by a federal government employee. No later than April 1 of each year, the Secretary was required to submit to Congress a report containing a statement as to the disposition of each case recommended to the Secretary for equitable relief during the preceding calendar year; the requirement for this report was extended through December 31, 2009, by Public Law 109-233, the Veterans' Housing Opportunity and Benefits Improvement Act of 2006.

Senate Bill

The Senate Bills contains no comparable provision.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

The Compromise Agreement extends the requirement for the report on equitable relief through December 31, 2014.

AUTHORITY FOR THE PERFORMANCE OF MEDICAL DISABILITY EXAMINATIONS BY CONTRACT PHYSICIANS

Current Law

In 1996, in Public Law 104-275, the Veterans' Benefits Improvements Act of 1996, VA was authorized to carry out a pilot program of contract disability examinations through ten VA regional offices using amounts available for payment of compensation and pensions. During the initial pilot program, one contractor performed all contract examinations at the ten selected regional offices.

Subsequently, in 2003, in Public Law 108-183, the Veterans Benefits Act of 2003, VA

was given additional, time-limited authority to contract for disability examinations using other appropriated funds. That initial authority was extended until December 31, 2010, by Public Law 110-389, the Veterans' Benefits Improvement Act of 2008. VA continues to report high demand for compensation and pension examinations and satisfaction with the contracted examinations.

Senate Bill

S. 3609 would extend VA's authority, through December 31, 2012, to use appropriated funds for the purpose of contracting with non-VA providers to conduct disability examinations. The examinations would be conducted pursuant to contracts entered into and administered by the Under Secretary for Benefits.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 809 of the Compromise Agreement follows the Senate Bill.

TITLE IX—AUTHORIZATION OF MEDICAL FACILITY PROJECTS AND MAJOR MEDICAL FACILITY LEASES

AUTHORIZATION OF FISCAL YEAR 2011 MAJOR MEDICAL FACILITY LEASES

Current Law

Current law contains no relevant provision.

Senate Bill

Section 203 of S. 3325, as amended, would authorize fiscal year 2011 major medical facility leases as follows:

\$7,149,000 for a Community Based Outpatient Clinic (CBOC) in Billings, Montana.

\$3,316,000 for an Outpatient Clinic in Boston, Massachusetts.

\$21,495,000 for a CBOC in San Diego, California.

\$10,055,000 for a Research Lab in San Francisco, California.

\$5,323,000 for a Mental Health Facility in San Juan, Puerto Rico.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 901 of the Compromise Agreement follows the Senate Bill.

MODIFICATION OF AUTHORIZATION AMOUNT FOR MAJOR MEDICAL FACILITY CONSTRUCTION PROJECT PREVIOUSLY AUTHORIZED FOR THE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, NEW ORLEANS, LOUISIANA

Current Law

Current law contains no relevant provision.

Senate Bill

Section 201 of S. 3325, as amended, authorizes up to \$995,000,000 for restoration, new construction, or replacement of the medical care facility for the VA Medical Center (VAMC) at New Orleans, Louisiana.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 902 of the Compromise Agreement modifies previous authorizations by pro-

viding \$995,000,000 for restoration, new construction, or replacement of the medical care facility for the VAMC at New Orleans, Louisiana.

MODIFICATION OF AUTHORIZATION AMOUNT FOR MAJOR MEDICAL FACILITY CONSTRUCTION PROJECT PREVIOUSLY AUTHORIZED FOR THE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, LONG BEACH, CALIFORNIA

Current Law

Current law contains no relevant provision.

Senate Bill

Section 202 of S. 3325, as amended, authorizes up to \$117,845,000 to conduct seismic corrections on Buildings 7 and 126 at the VAMC in Long Beach, California.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 903 of the Compromise Agreement modifies previous authorizations by providing \$117,845,000 to conduct seismic corrections on Buildings 7 and 126 at the VAMC in Long Beach, California.

AUTHORIZATION OF APPROPRIATIONS

Current Law

Current law contains no relevant provision.

Senate Bill

Section 204 of S. 3325, as amended, authorizes \$47,338,000 to be appropriated to the Medical Facilities account for the leases authorized in section 901 and \$1,112,845,000 to be appropriated to the Construction, Major Projects account for the projects authorized in sections 902 and 903.

House Bill

The House Bills contain no applicable provision.

Compromise Agreement

Section 904 of the Compromise Agreement generally follows the Senate Bill.

REQUIREMENT THAT BID SAVINGS ON MAJOR MEDICAL FACILITY PROJECTS OF DEPARTMENT OF VETERANS AFFAIRS BE USED FOR OTHER MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS OF THE DEPARTMENT

Current Law

Current law contains no relevant provision.

Senate Bill

Section 207 of S. 3325, as amended, contains a provision that requires that bid savings from major medical facility projects realized in any fiscal year must be used for major medical facility projects authorized for that fiscal year or a prior year. At the time of obligation, VA would be required to submit to the Committees on Veterans' Affairs and Appropriations of the Senate and the House of Representatives notice of the source of the savings, the amount obligated, and the authorized project the savings are being obligated to.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 905 of the Compromise Agreement follows the Senate Bill.

TITLE X—OTHER MATTERS

TECHNICAL CORRECTIONS

Current Law

Current law contains no relevant provision.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 1001 of the Compromise Agreement contains technical corrections to title 38, U.S.C.

STATUTORY PAY-AS-YOU-GO ACT COMPLIANCE

Current Law

Public Law 111-139, the Statutory Pay-As-You-Go Act (PAYGO Act), requires that most new spending is offset by spending cuts or added revenue elsewhere.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 1002 of the Compromise Agreement contains language required by the PAYGO Act in order for the estimate of budgetary effects from the Senate Budget Committee to be used by the Office of Management and Budget on PAYGO scorecards.

Mr. DURBIN. I ask unanimous consent that an Akaka substitute amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time; that a budgetary pay-go statement be considered read and printed in the RECORD; that the bill be passed; that the title amendment which is at the desk be agreed to; the motions to reconsider be laid upon the table, with no intervening action or debate; and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, this is the Statement of Budgetary Effects of PAYGO legislation for H.R. 3219, as amended.

Total Budgetary Effects of H.R. 3219 for the 5-year Statutory PAYGO Scorecard: net decrease in the deficit of \$394 million.

Total Budgetary Effects of H.R. 3219 for the 10-year Statutory PAYGO Scorecard: net decrease in the deficit of \$8 million.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act, as follows:

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 3219, THE VETERANS' BENEFITS ACT OF 2010 AS PROVIDED BY THE SENATE COMMITTEE ON THE BUDGET ON SEPTEMBER 27, 2010

By fiscal year, in millions of dollars—

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Statutory Pay-As-You-Go Impact ^a	0	0	–154	–70	–115	–55	74	74	77	79	82	–394	–8

^a H.R. 3219 contains provisions that would both increase and decrease direct spending for veterans' programs. Affected programs include veterans' education and employment benefits, disability compensation and pensions, burial benefits, and housing and insurance benefits for disabled veterans.

The amendment (No. 4671) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendment was ordered to be engrossed and the bill, as amended, read a third time.

The bill (H.R. 3219) was read the third time and passed.

The amendment (No. 4672) was agreed to, as follows:

(Purpose: to amend the title)

Amend the title so as to read: "An Act to amend title 38, United States Code, and the Servicemembers Civil Relief Act to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes."

60TH ANNIVERSARY OF THE FULBRIGHT PROGRAM IN THAILAND

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 408, S. Res. 469.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 469) recognizing the 60th Anniversary of the Fulbright Program in Thailand.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 469) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 469

Whereas 2008 was the 175th anniversary of relations between the Kingdom of Thailand and the United States;

Whereas the Fulbright Program is sponsored by the Bureau of Educational and Cultural Affairs of the Department of State;

Whereas the Fulbright Program currently operates in over 150 countries;

Whereas the Thailand-United States Educational Foundation (TUSEF) was established by a formal agreement in 1950;

Whereas 2010 is the 60th anniversary of the Fulbright Program partnership with the Kingdom of Thailand;

Whereas approximately 1,600 Fulbright students and scholars from Thailand have studied, conducted research, or lectured in the United States;

Whereas 800 Fulbright grantees from the United States conducted research or gave lectures in Thailand from 1951 through 2008;

Whereas active consideration is being given to increasing the emphasis of the Fulbright Program in southern Thailand, including through the Fulbright English Teaching Assistantship Program; and

Whereas the United States Government supports additional programs in Thailand in the areas of education, democracy promotion, good governance, and public diplomacy: Now, therefore, be it

Resolved, That the Senate encourages the President to maintain and expand interaction with the Kingdom of Thailand in ways which facilitate close coordination and partnership in the areas of education and cultural exchange throughout all of Thailand, including the southern provinces.

FEED AMERICA DAY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to the consideration of S. Res. 646.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 646) designating Thursday, November 18, 2010, as "Feed America Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 646) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 646

Whereas Thanksgiving Day celebrates the spirit of selfless giving and an appreciation for family and friends;

Whereas the spirit of Thanksgiving Day is a virtue upon which the United States was founded;

Whereas, according to the Department of Agriculture, roughly 35,000,000 people in the United States, including 12,000,000 children, continue to live in households that do not have an adequate supply of food; and

Whereas selfless sacrifice breeds a genuine spirit of thanksgiving, both affirming and restoring fundamental principles in our society: Now, therefore, be it

Resolved, That the Senate—

(1) designates Thursday, November 18, 2010, as "Feed America Day"; and

(2) encourages the people of the United States to sacrifice 2 meals on Thursday, November 18, 2010, and to donate the money that would have been spent on that food to the religious or charitable organization of their choice for the purpose of feeding the hungry.

RESOLUTIONS SUBMITTED TODAY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions, which were submitted earlier today: S. Res. 652, S. Res. 653, S. Res. 654, S. Res. 655, S. Res. 656, S. Res. 657, S. Res. 658, S. Res. 659, S. Res. 660, and S. Res. 661.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and any statements relating to the resolutions be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING MR. ALFRED LIND

The resolution (S. Res. 652) honoring Mr. Alfred Lind for his dedicated service to the United States of America during World War II as a member of the Armed Forces and a prisoner of war, and for his tireless efforts on behalf of other members of the Armed Forces touched by war was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 652

Whereas Mr. Alfred Lind served in World War II from 1942 to 1945 as a member of the 58th Armored Field Artillery Battalion;

Whereas Mr. Lind was wounded in action in combat near Brolo, Sicily when his M-7 self-propelled howitzer was hit during a tank battle;

Whereas Mr. Lind was captured and held as a prisoner of war for 2 years, being transferred between Stalag IIB near Hammerstein, Stalag IIB near Furstenberg, and Stalag IIIA near Luckenwalde;

Whereas, after the war, Mr. Lind returned to his roots as a farmer and retired after many years of hard work;

Whereas, after retiring, Mr. Lind turned his attention to supporting members of the Armed Forces by making quilts for the Quilts of Valor Foundation;

Whereas the Quilt of Valor Foundation distributes handmade quilts to members of the Armed Forces and veterans who have been wounded or touched by war to demonstrate support, honor and care for our Armed Forces;

Whereas the Quilt of Valor Foundation has made and distributed over 30,000 quilts to members of the Armed Forces and veterans since the foundation began in 2003;

Whereas Mr. Lind has made over 400 quilts in honor of other members of the Armed Forces who have been touched by war;

Whereas Mr. Lind passed away on September 10, 2010, at the age of 92; and

Whereas Mr. Lind was a true patriot, who continued his service to the Armed Forces of the United States long after his retirement: Now, therefore, be it

Resolved, That the Senate honors Mr. Alfred Lind for—

(1) his service to the United States as a soldier and as a prisoner of war; and

(2) his dedication to provide solace and comfort through Quilts of Valor to members of the Armed Forces and veterans alike.

NATIONAL DAY OF REMEMBRANCE FOR NUCLEAR WEAPONS PROGRAM WORKERS

The resolution (S. Res. 653) designating October 30, 2010, as national day of remembrance for nuclear weapons program workers was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 653

Whereas, since World War II, hundreds of thousands of men and women, including uranium miners, millers, and haulers, have served the United States by building the nuclear defense weapons of the United States;

Whereas these dedicated workers paid a high price for their service to develop a nuclear weapons program for the benefit of the United States, including having developed disabling or fatal illnesses;

Whereas, in 2009, Congress recognized the contribution, service, and sacrifice these patriotic men and women made for the defense of the United States;

Whereas, in the year prior to the approval of this resolution, a national day of remembrance time capsule has been crossing the United States, collecting artifacts and the stories of the nuclear workers relating to the nuclear defense era of the United States;

Whereas these stories and artifacts reinforce the importance of recognizing these nuclear workers; and

Whereas these patriotic men and women deserve to be recognized for the contribution, service, and sacrifice they have made for the defense of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 30, 2010, as a national day of remembrance for nuclear weapons program workers, including uranium miners, millers, and haulers, of the United States; and

(2) encourages the people of the United States to support and participate in appro-

priate ceremonies, programs, and other activities to commemorate October 30, 2010, as a national day of remembrance for past and present workers in the nuclear weapons program of the United States.

GOLD STAR WIVES DAY

The resolution (S. Res. 654) designating December 18, 2010, as “Gold Star Wives Day” was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 654

Whereas the Senate has always honored the sacrifices made by the spouses and families of the fallen members of the Armed Forces of the United States;

Whereas the Gold Star Wives of America, Inc. represents the spouses and families of the members and veterans of the Armed Forces of the United States who have died on active duty or as a result of a service-connected disability;

Whereas the primary mission of the Gold Star Wives of America, Inc. is to provide services, support, and friendship to the spouses of the fallen members and veterans of the Armed Forces of the United States;

Whereas, in 1945, the Gold Star Wives of America, Inc. was organized with the help of Mrs. Eleanor Roosevelt to assist the families left behind by the fallen members and veterans of the Armed Forces of the United States;

Whereas the first meeting of the Gold Star Wives of America, Inc. was in 1945;

Whereas December 18, 2010, marks the 65th anniversary of the incorporation of the Gold Star Wives of America;

Whereas the members and veterans of the Armed Forces of the United States bear the burden of protecting freedom for the United States; and

Whereas the sacrifices of the families of the fallen members and veterans of the Armed Forces of the United States should never be forgotten: Now, therefore, be it

Resolved, That the Senate—

(1) designates December 18, 2010, as “Gold Star Wives Day”;

(2) honors and recognizes—

(A) the contributions of the members of the Gold Star Wives of America, Inc.; and

(B) the dedication of the members of the Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(3) encourages the people of the United States to observe “Gold Star Wives Day” to promote awareness of—

(A) the contributions and dedication of the members of the Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(B) the important role the Gold Star Wives of America, Inc. plays in the lives of the spouses and families of the fallen members and veterans of the Armed Forces of the United States.

STOMACH CANCER AWARENESS MONTH

The resolution (S. Res. 655) designating November 2010 as “Stomach Cancer Awareness Month” and supporting efforts to educate the public about stomach cancer was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 655

Whereas stomach cancer is one of the most difficult cancers to detect and treat in the early stages of the disease, which contributes to high mortality rates and human suffering;

Whereas stomach cancer is the second leading cause of cancer mortality worldwide;

Whereas, in 2009, an estimated 21,000 new cases of stomach cancer were diagnosed in the United States;

Whereas, in 2010, an estimated 10,000 Americans will die from stomach cancer;

Whereas the estimated 5-year survival rate for stomach cancer is only 26 percent;

Whereas approximately 1 in 113 individuals will be diagnosed with stomach cancer in their lifetimes;

Whereas an inherited form of stomach cancer carries a 67 to 83 percent risk that an individual will be diagnosed with stomach cancer by age 80;

Whereas, in the United States, stomach cancer is more prevalent among racial and ethnic minorities;

Whereas better patient and health care provider education is needed for the timely recognition of stomach cancer risks and symptoms;

Whereas more research into effective early diagnosis, screening, and treatment for stomach cancer is needed; and

Whereas November 2010 is an appropriate month to observe “Stomach Cancer Awareness Month”: Now, therefore, be it

Resolved, That the Senate—

(1) designates November 2010 as “Stomach Cancer Awareness Month”;

(2) supports efforts to educate the people of the United States about stomach cancer;

(3) recognizes the need for additional research into early diagnosis and treatment for stomach cancer; and

(4) encourages the people of the United States and interested groups to observe and support November 2010 as “Stomach Cancer Awareness Month” through appropriate programs and activities to promote public awareness of, and potential treatments for, stomach cancer.

EXPRESSING SUPPORT FOR THE INAUGURAL USA SCIENCE & ENGINEERING FESTIVAL

The resolution (S. Res. 656) expressing support for the inaugural USA Science & Engineering Festival was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 656

Whereas the global economy of the future will require a workforce that is educated in the fields of science, technology, engineering, and mathematics (referred to in this preamble as “STEM”);

Whereas a new generation of American students educated in STEM is crucial to ensure continued economic growth;

Whereas advances in technology have resulted in significant improvements in the daily lives of the people of the United States;

Whereas scientific discoveries are critical to curing diseases, solving global challenges, and expanding our understanding of the world;

Whereas strengthening the interest of American students, particularly young

women and underrepresented minorities, in STEM education is necessary to maintain the global competitiveness of the United States;

Whereas countries around the world have held science festivals that have brought together hundreds of thousands of visitors to celebrate science;

Whereas the inaugural 2009 San Diego Science Festival attracted more than 500,000 participants and inspired a national STEM effort;

Whereas the mission of the USA Science & Engineering Festival is to reinvigorate the interest of the young people of the United States in STEM by producing exciting and educational science and engineering gatherings; and

Whereas thousands of individuals from universities, museums and science centers, STEM professional societies, educational societies, government agencies and laboratories, community organizations, K-12 schools, volunteers, corporate and private sponsors, and nonprofit organizations have come together to organize the inaugural USA Science & Engineering Festival across the United States, including a 2-day exposition on the National Mall that will feature more than 1,500 hands-on activities and more than 75 stage shows: Now, therefore, be it

Resolved, That the Senate—

(1) expresses the support of the Senate for the inaugural USA Science & Engineering Festival to be held in October 2010 in Washington, D.C.;

(2) commends the Nobel Laureates, institutions of higher education, corporate sponsors, and all the various organizations whose efforts will make the USA Science & Engineering Festival possible; and

(3) encourages students and their families to participate in the activities which will take place on the National Mall and across the United States at satellite locations as part of the inaugural USA Science & Engineering Festival.

Mr. KAUFMAN. Mr. President, I rise today to express my support for the inaugural USA Science & Engineering Festival.

As the only serving Senator who has worked as an engineer, I am proud to sponsor a resolution acknowledging the importance of science and engineering education.

I would also like to thank Majority Leader REID and Senators AKAKA, BAUCUS, and ROCKEFELLER for joining me in introducing this resolution.

I have spoken many times on the Senate floor about the need to inspire a new generation of graduates educated in science, technology, engineering, and mathematics, or STEM. According to a report released last week by the National Academy of Sciences, the United States ranks 27th among developed nations in the proportion of college students receiving undergraduate degrees in engineering or science. This trend must be reversed.

Last year, the science community of greater San Diego recognized this need and launched the inaugural San Diego Science Festival. According to the festival's Web site, part of its mission was to demonstrate to students that careers in STEM are "interesting, accessible, and a pathway to a better fu-

ture." By all accounts, the San Diego Science Festival was sensational and attracted more than 500,000 participants which inspired a national STEM effort—the USA Science & Engineering Festival.

Hosted by Lockheed Martin, the USA Science & Engineering Festival is a grassroots collaboration of over 500 of the Nation's leading science organizations, including professional science and engineering societies, universities, government agencies, industry partners, and K-12 schools working to reinvigorate young people's interest in STEM. It also has a strong advisory board including Nobel Laureates, leaders of Fortune 100 technology and science companies, innovators, scientists, and STEM educators.

The festival launches in the Washington, DC area on October 10 and culminates in a 2-day expo on the National Mall on October 23 and 24. It will feature more than 1,500 hands-on activities and more than 75 stage shows. At the same time, dozens of satellite locations will be hosting festival events across the country. This first-ever national science festival is gearing up to be an extremely successful event.

I believe that encouraging more students to pursue careers in the STEM fields, particularly young women and underrepresented minorities, is necessary to maintaining our economic and global competitiveness. Countries around the world have held science festivals in support of STEM education and I am so pleased that the United States is on the eve of doing the same. I commend those individuals who are working hard to make the USA Science & Engineering Festival a success and I encourage students and families across the country to participate in this extraordinary event.

CELEBRATING THE 75TH ANNIVERSARY OF THE DEDICATION OF THE HOOVER DAM

The resolution (S. Res. 657) celebrating the 75th anniversary of the dedication of the Hoover Dam was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 657

Whereas the Hoover Dam, a concrete arch-gravity storage dam, was built in the Black Canyon of the Colorado River between the States of Nevada and Arizona, forever changing how water is managed across the West;

Whereas, on September 30, 1935, President Franklin D. Roosevelt dedicated the Hoover Dam;

Whereas the construction of the Hoover Dam created Lake Mead, a reservoir that can store an amount of water that is equal to 2 years average flow of the Colorado River;

Whereas the construction of the Hoover Dam provided vitally critical flood control, water supply, and electrical power and

helped to create and support the economic growth and development of the Southwestern United States;

Whereas the Hoover Dam has prevented an estimated \$50,000,000,000 in flood damages in the Lower Colorado River Basin;

Whereas the Hoover Dam provides water for more than 18,000,000 people and 1,000,000 acres of farmland in the States of Arizona, California, and Nevada and 500,000 acres of farmland in Mexico, as well as produces an average of 4,000,000,000 kilowatt-hours of hydroelectric power each year;

Whereas the Hoover Dam, an engineering marvel at 726.4 feet from bedrock to crest, was the highest dam in the world at the time the Hoover Dam was constructed;

Whereas the Hoover Dam is an enduring symbol of the ingenuity of the United States and the persistence of hardworking Americans during the Great Depression;

Whereas the Hoover Dam is the model for major water management projects around the world; and

Whereas the Hoover Dam is registered as a National Historic Landmark on the National Register of Historic Places and is considered 1 of 7 modern engineering wonders by the American Society of Civil Engineers: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates and acknowledges the thousands of workers and families that overcame difficult working conditions and great challenges to make construction of the Hoover Dam possible;

(2) celebrates and acknowledges the economic, cultural, and historic significance of the Hoover Dam;

(3) recognizes the past, present, and future benefits of the construction of the Hoover Dam to the agricultural, industrial, and urban development of the Southwestern United States; and

(4) joins the States of Arizona, California, Nevada, and the people of the United States in celebrating the 75th anniversary of the dedication of the Hoover Dam.

NATIONAL CHARACTER COUNTS WEEK

The resolution (S. Res. 658) designating the week beginning October 17, 2010, as "National Character Counts Week" was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 658

Whereas the well-being of the United States requires that the young people of the United States become an involved, caring citizenry of good character;

Whereas the character education of children has become more urgent, as violence by and against youth increasingly threatens the physical and psychological well-being of the people of the United States;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and the positive effects that good character can have in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and that, therefore, conscientious efforts must be made by institutions and individuals that influence youth to help young people develop the essential traits and characteristics that comprise good character;

Whereas although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play an important role in fostering and promoting good character;

Whereas Congress encourages students, teachers, parents, youth, and community leaders to recognize the importance of character education in preparing young people to play a role in determining the future of the United States;

Whereas effective character education is based on core ethical values, which form the foundation of a democratic society;

Whereas examples of character are trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty;

Whereas elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the character and conduct of our youth reflect the character and conduct of society, and, therefore, every adult has the responsibility to teach and model ethical values and every social institution has the responsibility to promote the development of good character;

Whereas Congress encourages individuals and organizations, especially those that have an interest in the education and training of the young people of the United States, to adopt the elements of character as intrinsic to the well-being of individuals, communities, and society;

Whereas many schools in the United States recognize the need, and have taken steps, to integrate the values of their communities into their teaching activities; and

Whereas the establishment of "National Character Counts Week", during which individuals, families, schools, youth organizations, religious institutions, civic groups, and other organizations focus on character education, is of great benefit to the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning October 17, 2010, as "National Character Counts Week"; and

(2) calls upon the people of the United States and interested groups—

(A) to embrace the elements of character identified by local schools and communities, such as trustworthiness, respect, responsibility, fairness, caring, and citizenship; and

(B) to observe the week with appropriate ceremonies, programs, and activities.

Mr. DODD. Mr. President, today Senator GRASSLEY and I resubmitted a resolution designating the third week of October as National Character Counts Week. Last year, Senator GRASSLEY and I worked together on the issue of character education, and I am pleased to continue to designate a special week to this cause. I hope that with this resolution we may highlight the importance of character building activities in schools not only this week but all year long.

Since 1994, when the Partnerships in Character Education Pilot Project was first established, I have worked to commemorate National Character Counts

Week. Character Counts was founded on a simple notion: our core ethical values are not just important to us as individuals—they form the very foundation of democratic society. We know that in order to face our challenges as communities and as a Nation, we need our children to be both well-educated and trained—and that begins with instilling character in our children. Trustworthiness, respect, responsibility, fairness, caring, and citizenship—these are the six pillars of character.

Character education provides students a context within which to learn those values and integrate them into our daily lives. Indeed, if we view education simply as the imparting of knowledge to our children, then we not only miss an opportunity, but we also jeopardize our future.

The American public wants character education in our schools, too. Studies show that approximately 90 percent of Americans support schools teaching character education. Character education programs work. Currently, there are character education programs across all 50 States in rural, urban and suburban areas at every grade level. Schools across the country that have adopted strong character education programs report better student performance, fewer discipline problems, and increased student involvement within the community.

This renewed focus on character sends a wonderful message to Americans and will help reinvigorate our efforts to get communities and schools involved. With this resolution, it is my hope that even more communities will make character education a part of every child's life. I hope that my colleagues will support this important effort.

SUPPORTING "LIGHTS ON AFTERSCHOOL"

The resolution (S. Res. 659) supporting "Lights On Afterschool," a national celebration of afterschool programs, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 659

Whereas high-quality afterschool programs provide safe, challenging, engaging, and fun learning experiences that help children and youth develop their social, emotional, physical, cultural, and academic skills;

Whereas high-quality afterschool programs support working families by ensuring that the children in such families are safe and productive after the regular school day ends;

Whereas high-quality afterschool programs build stronger communities by involving students, parents, business leaders, and adult volunteers in the lives of the youth of the Nation, thereby promoting positive relationships among children, youth, families, and adults;

Whereas high-quality afterschool programs engage families, schools, and diverse commu-

nity partners in advancing the well-being of the children in the United States;

Whereas "Lights On Afterschool", a national celebration of afterschool programs held on October 21, 2010, highlights the critical importance of high-quality afterschool programs in the lives of children, their families, and their communities;

Whereas more than 28,000,000 children in the United States have parents who work outside the home and 15,100,000 children in the United States have no place to go after school; and

Whereas many afterschool programs across the United States are struggling to keep their doors open and their lights on: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of "Lights On Afterschool", a national celebration of afterschool programs.

Mr. DODD. Mr. President, today Senator ENSIGN and I have submitted a resolution designating October 21, 2010, Lights On Afterschool Day. Lights On Afterschool brings students, parents, educators, lawmakers, and community and business leaders together to celebrate afterschool programs. This year, more than 1 million Americans are expected to attend about 7,500 events designed to raise awareness and support for these much needed programs.

In America today, one in four youth—more than 15 million children—go home alone after the school day ends. This includes more than 40,000 kindergartners and almost 4 million middle school students in grades six to eight. On the other hand, only 8.4 million children, or approximately 15 percent of school-aged children, participate in afterschool programs. An additional 18.5 million would participate if a quality program were available in their community.

Lights On Afterschool, a national celebration of afterschool programs, is celebrated every October in communities nationwide to call attention to the importance of afterschool programs for America's children, families and communities. Lights On Afterschool was launched in October 2000 with celebrations in more than 1,200 communities nationwide. The event has grown from 1,200 celebrations in 2001 to more than 7,500 today. This October, 1 million Americans will celebrate Lights On Afterschool.

Mr. President, quality afterschool programs should be available to children in all communities. These programs support working families and prevent kids from being both victims and perpetrators of violent crime. They also help parents in balancing work and home-life. Quality afterschool programs help to engage students in their communities, and when students are engaged, they are more successful in their educational endeavors.

As co-chairmen of the Senate Afterschool Caucus, Senator ENSIGN and I have been working for more than 5 years to impress upon our colleagues the importance of afterschool programming. It is our hope that they will join

us on October 21 to celebrate the importance of afterschool programs in their communities back home.

EXPRESSING SUPPORT FOR A PUBLIC DIPLOMACY PROGRAM PROMOTING ADVANCEMENTS IN SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS

The resolution (S. Res. 660) expressing support for a public diplomacy program promoting advancements in science, technology, engineering, and mathematics made by or in partnership with the people of the United States was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 660

Whereas science, technology, engineering, and mathematics are vital fields of increasing importance in driving the economic engine and ensuring the security of the United States;

Whereas science, technology, engineering, and mathematics have played, and will continue to play, critical roles in helping to develop clean energy technologies, find life-saving cures for diseases, solve security challenges, and discover new solutions for deteriorating transportation and infrastructure;

Whereas the United States is recognized as an international leader in science, technology, engineering, and mathematics and a destination for individuals from all over the world studying in those fields;

Whereas in partnership with countries and individuals across the globe, the people of the United States have made advances in science, technology, engineering, and mathematics that have advanced the knowledge and improved the condition of human beings everywhere;

Whereas international scientific cooperation enhances relationships among participating countries by building trust and increasing understanding between those countries and cultures through the collaborative nature of scientific dialogue;

Whereas partnerships between the people of other countries and the people of the United States are the most effective form of public diplomacy, helping to counter misconceptions based on fear, ignorance, and misinformation;

Whereas consistent polling and scholarly research have shown that even countries that disagree with some aspects of United States foreign policy admire the leadership of the United States in science, technology, engineering, and mathematics; and

Whereas international scientific cooperation has produced successful engagement and led to improved relations with countries that exhibited hostility to the United States in the past, including Russia and the People's Republic of China: Now, therefore, be it

Resolved, That the Senate—

(1) commends individuals and institutions that participate in and support advancements in science, technology, engineering, and mathematics, especially through international partnerships;

(2) supports the Science Envoy Program as representative of the commitment of the United States to collaborate with other countries to promote the advancement of science and technology throughout the world based on issues of common interest and expertise; and

(3) encourages the Secretary of State to establish a public diplomacy program that uses embassies of the United States and the resources of the Smithsonian Institution and other such institutions—

(A) to establish engaging exhibits that provide examples of cooperation between institutions and the people of the United States and the institutions and people of the host country in the fields of science, technology, engineering, and mathematics;

(B) to create fora for individuals working or conducting research in science, technology, engineering, and mathematics in the host country to discuss their work and the cooperation with the institutions and people of the United States and those of the host country; and

(C) to encourage future cooperation and relationships with students around the world in science, technology, engineering, and mathematics.

SENATE LEGAL COUNSEL AUTHORIZATION

The resolution (S. Res. 661) to authorize representation by the Senate Legal Counsel in the case of *McCarthy v. Byrd*, et al. was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 661

Whereas, in the case of *McCarthy v. Byrd*, et al., Case No. 1:10-CV-03317, pending in the United States District Court for the District of New Jersey, plaintiff has named as a defendant the President Pro Tempore of the Senate; and

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members and officers of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Inouye, the President Pro Tempore of the Senate, in the case of *McCarthy v. Byrd*, et al.

Mr. REID. Mr. President, this resolution concerns a civil action filed against the President pro tempore of the Senate and the Speaker of the House of Representatives seeking to have the Federal courts order Congress to pass legislation enacting the plaintiff's proposal to purportedly save Social Security. This lawsuit seeking to compel the Congress to take legislative action is not cognizable before the Federal courts. This resolution authorizes the Senate Legal Counsel to represent the President pro tempore, Senator INOUE, in this case and to move for its dismissal.

ORDERS FOR WEDNESDAY, SEPTEMBER 29, 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, September 29; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that after any leader remarks, the Senate proceed to a period of morning business until 10 a.m., with the time equally divided between the two leaders or their designees; that following morning business, the Senate debate the motion to proceed to S.J. Res. 39 as provided for under the previous order; that upon disposition of the joint resolution, the Senate resume consideration of the motion to proceed to H.R. 3081, the legislative vehicle for the continuing resolution; and that the Senate recess from 12:30 until 2:15 to allow for the caucus meetings. Finally, I ask that any time during consideration of the motion to proceed to S.J. Res. 39, morning business, recess, or adjournment count postclosure.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Mr. President, Senators should expect the first vote of the day to begin at 12 noon. That vote will be on the motion to proceed to S.J. Res. 39, a joint resolution providing for congressional disapproval of a rule relating to status as a grandfathered health plan under the Patient Protection and Affordable Care Act. We are also working on an agreement to complete action on the continuing resolution tomorrow. Senators will be notified when any additional votes are scheduled.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 8:13 p.m., adjourned until Wednesday, September 29, 2010, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—Tuesday, September 28, 2010

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. YARMUTH).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 28, 2010.

I hereby appoint the Honorable JOHN A. YARMUTH to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

MANY CHALLENGES FACING EL SALVADOR: PRESIDENT FUNES DESERVES U.S. SUPPORT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. MCGOVERN) for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, in 1992, when the historic Peace Accords were signed ending El Salvador's 12 years of civil war, many of us anticipated a new and prosperous era for that country. In the following years, political competition flourished and electoral processes matured. The ruling ARENA party maintained its power, base, and organization, winning consecutive elections for the next 17 years. But in 2009, the FMLN opposition party won the presidency. It was a watershed moment for El Salvador.

Sadly, many things did not change over these years. The ability of the courts and justice system to hold elites, government officials, and members of the security forces accountable for crimes, including human rights crimes, continued to fail, reinforcing a culture of impunity. The newly created police, although light years ahead of the old security forces, was infiltrated by criminal elements and human rights

abusers who blocked investigations and collaborated with criminal groups. The poor did not benefit from trade and investment, and international aid diminished, including U.S. aid. And the migration of Salvadorans to the U.S. is as great or greater as it was during the civil war. And some things got worse. Little could I have imagined the violence in El Salvador becoming worse after the war, but it has. Criminal networks invaded the country and use it to traffic drugs, guns, human beings, and other contraband throughout the hemisphere. Youth gangs are exploited; poor neighborhoods are terrorized; security and judicial authorities are corrupted; and crime, violence, and murder have exploded.

This is the reality inherited by Mauricio Funes when he became president 18 months ago. I have had the privilege of meeting President Funes. I find his administration to be pragmatic, committed to improving the lives of the majority poor, and addressing the crime and corruption that are robbing the country of its much-longed-for peace. However, there are longstanding institutional problems that remain obstacles to reform, the pursuit of justice, and even the consolidation of democracy. Among them, in my opinion, is the Attorney General's Office—the Fiscalía—where countless cases of murder, corruption, drug trafficking, money laundering, and other crimes are stymied. But the Funes administration is taking courageous and positive steps to confront these challenges. These include naming an Inspector General for the National Civilian Police, Zaira Navas, who is serious about ensuring that an honest, hard-working police force is not sullied by corrupt cops.

This month, Inspector General Navas suspended from duty over 150 police officers. These “bad apples” are under investigation for corruption and links to criminal and drug organizations. Rather than embracing this effort to clean up the police, intransigent forces chose instead to create a new commission inside the National Assembly to investigate the Inspector General. This action has been accompanied by renewed death threats against her life.

Last December, Senator LEAHY praised the hard work of PCN Inspector General Navas and the importance of strengthening the rule of law in El Salvador. I agree. I believe Inspector General Navas is taking courageous action, and I encourage the State Department and the U.S. Embassy to support her in

these efforts. President Funes is exploring the possibility of establishing an independent commission, similar to the one created in Guatemala, under the auspices of the United Nations, to investigate drug and criminal networks and key human rights crimes. This would ensure an independent investigation into many of the criminal cases and charges of official corruption that have languished in the Fiscalía for years. It could open new paths to ending impunity.

President Funes is also working with Mexican President Calderon, the Obama administration, and his Central American neighbors to confront the escalating penetration of the region by major drug cartels and criminal networks. He is seeking coordinated strategies and action, increased aid and assistance, stronger laws and policies, and more effective social investment.

El Salvador has experienced several tragic episodes of violence carried out by gang members, and public revulsion at gang crimes is at an all-time high. President Funes is seeking to respond decisively to this terrible situation, while not repeating the mistaken policies of the past that sounded tough but failed to reduce crime or keep young people out of gangs. He has also established an advisory commission on gangs and gang-related violence. One program that might be a model is the Center for Formation and Orientation at St. Francis of Assisi Parish in Mejicanos. It has had success working with young people on rejecting gang life and providing those who want to leave the gangs with advice, education, and training. Its pastor, Father Antonio Rodriguez, has made important contributions to the discussions about how to address the youth violence.

Mr. Speaker, it is in the best interest of the U.S. to support the Funes administration as it seeks to strengthen the rule of law, clean up institutional corruption and crime, and help lead the region in breaking impunity and confronting criminal threats.

[From the Los Angeles Times, Sept. 11, 2010]

SALVADORAN LEADER SPEAKS OF CRIMINAL GANGS' LINKS TO DRUG CARTELS

El Salvador's president, Mauricio Funes, the country's first leftist leader since the end of its civil war in 1992, finds himself preoccupied with a deepening struggle against criminal gangs and international drug cartels.

Since winning office in 2009, Funes has deployed the army to back up police, who are trying to curb a drug-fueled homicide rate that claims about 12 victims a day.

On Thursday, he signed a controversial law criminalizing gang membership. The gangs

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

responded by shutting down nationwide public transportation with the threat of violence.

During a visit to Los Angeles this week to meet with community leaders on immigration issues, Funes spoke with Times editors about the growing links between Salvadoran gangs and international drug cartels, and he argued that boosting U.S.-led economic investment holds the most hope for defeating drug violence and illegal immigration.

WHO CONTROLS THE NARCOTICS TRAFFIC IN EL SALVADOR?

Everybody. There are Salvadoran cartels in connection with Colombian cartels. Guatemalan cartels are there. And recently we have found evidence of the presence of [the Mexican-based drug cartel] Los Zetas.

Just a few days after I came to office, I received an intelligence report saying that Los Zetas were exploring the territory and that they had started to make contacts with Salvadoran narcotraffickers and Salvadoran gangs, particularly the MS [Mara Salvatrucha, a transnational gang born in L.A.'s Salvadoran immigrant community]. It is the one that has shown, up to now, to have the most firepower.

The change that has occurred lately is that the [criminal] gangs have become involved in the business. At the beginning, the gangs were just a group of rebel youngsters. As time moved on, the gangs became killers for hire. Now the situation is that the gangs have become part of the whole thing. They control territory and they are disputing territory with the drug traffickers. Why? Because they need to finance their way of life: basically, getting arms.

HAVE STATE INSTITUTIONS BEEN INFILTRATED?

I am convinced that the army is not infiltrated by the cartels. The grenades and the arms that these people have, they have not gotten them through the army. That does not mean that there are not other institutions that are infiltrated. Since my government started, we have dismissed more than 150 police officers, out of a total of slightly more than 20,000, because of suspicions they were involved with organized crime. I have my suspicions that the judicial system is also infiltrated by organized crime.

Yes, organized crime has penetrated certain institutions, but these institutions have not collapsed. We are talking about rotten apples, and we still have the opportunity and the time to get rid of them.

HOW DO YOU EXPLAIN THAT CIVILIAN INSTITUTIONS REMAIN STRONGER IN EL SALVADOR THAN IN GUATEMALA OR MEXICO?

The 1992 peace accords [which ended the civil war] allowed for a sort of re-foundation of the Salvadoran state. Through that process, it was possible to cleanse the army and security forces that were linked to gross violations of human rights. And now we have a professional armed force. If that cleansing of the armed forces had not taken place, we would probably be in the same situation as Guatemala.

ARE CURRENT U.S. POLICIES ON DRUGS AND IMMIGRATION ON THE RIGHT TRACK?

There will be [cartels] as long as there are consumers of drugs.

Furthermore, the only way we can prevent more migrants from coming to the U.S. is by providing jobs, opportunities and development. The same thing applies to narcotics. If the United States is concerned about [illegal] immigration and drug traffic, the best solution is a strategic alliance that together will bring development and job opportunities and social benefits to El Salvador.

AFGHANISTAN-PAKISTAN STUDY GROUP

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. WOLF) for 5 minutes.

Mr. WOLF. Mr. Speaker, I rise today to share with my colleagues the text of a letter I sent today to President Obama, Secretary Gates, Admiral Mullen, and all other parties in the administration charged with executing the war effort. I will enclose in my correspondence to the administration a copy of a letter from a constituent who is a mother of six children, all of whom are currently serving or have served in the U.S. military.

I submit for the RECORD a copy of my original letter to the President as well as a copy of the letter from my constituent.

My letter today to the administration will read, in part, "I implore you to consider my constituent's views—the views of an 'American mother with children glad to serve our country,' and to move swiftly to establish an Afghanistan-Pakistan Study Group, modeled after the Iraq Study Group, to bring 'fresh eyes' to the war effort in Afghanistan."

"The group would be comprised of nationally known and respected individuals who love their country more than their political party and would serve to provide much-needed clarity to a policy that increasingly appears adrift."

"Candidly, after reading yesterday's Washington Post piece adapted from Bob Woodward's *Obama's Wars*, I have serious concerns that the needed clarity about our aim in Afghanistan ever existed within the administration. Woodward writes, 'Even at the end of the process, the President's team wrestled with the most basic questions about the war, then entering its ninth year: What is the mission? What are we trying to do? What will work?'"

"These are sobering questions—but they are questions that must be answered, and the Afghanistan-Pakistan Study Group is just the means to arrive at these answers in a way that honors our men and women in uniform."

"In the halls of Congress or the White House, at Foggy Bottom or the Pentagon, public discussions can at times be detached from the actual lives that are most directly impacted by the decisions being made. This couldn't be further from the case for this mother. She doesn't have that luxury when it comes to the war in Afghanistan. And we mustn't either."

"This is not a matter of politics—for at least it ought not be—for it is always in our national interest to openly assess the challenges before us and to chart a clear course to victory. Frankly, I've been deeply troubled by Woodward's reporting which indicates that discussions of the war strategy were infused with political calculations. An

Afghanistan-Pakistan Study Group could help redeem what was clearly a deeply flawed process."

I close with a line from my constituent. She said, "The casualties suffered aren't just numbers to me. Each name, each face, represents a family who is paying the ultimate price—the loss of a son or a daughter, brother or sister, father or mother; a family that will never be the same. Therefore, I wholeheartedly support the formation of an Afghanistan-Pakistan Study Group in the hope that it will help to turn the tide of this war and lessen the number of casualties as well."

I hope the President and his advisers will heed the eloquent words of this military mother who has six children serving and another child is married to a marine. And many have served in both Afghanistan and Iraq.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,

August 4, 2010.

Hon. BARACK H. OBAMA,
The President,
Washington, DC.

DEAR MR. PRESIDENT: On September 14, 2001, following the catastrophic and deliberate terrorist attack on our country, I voted to go to war in Afghanistan. I stand by that decision and have the utmost confidence in General Petraeus's proven leadership. I also remain unequivocally committed to the success of our mission there and to the more than 100,000 American troops sacrificing toward that end. In fact, it is this commitment which has led me to write to you. While I have been a consistent supporter of the war effort in both Afghanistan and Iraq, I believe that with this support comes a responsibility. This was true during a Republican administration in the midst of the wars, and it remains true today.

In 2005, I returned from my third trip to Iraq where I saw firsthand the deteriorating security situation. I was deeply concerned that Congress was failing to exercise the necessary oversight of the war effort. Against this backdrop I authored the legislation that created the Iraq Study Group (ISG). The ISG was a 10-member bipartisan group of well-respected, nationally known figures who were brought together with the help of four reputable organizations—the U.S. Institute for Peace, the Center for the Study of the Presidency, the Center for Strategic and International Studies, and the Baker Institute for Public Policy at Rice University—and charged with undertaking a comprehensive review of U.S. efforts there. This panel was intended to serve as "fresh eyes on the target"—the target being success in Iraq.

While reticent at first, to their credit President Bush, State Secretary Rice and Defense Secretary Rumsfeld came to support the ISG, ably led by bipartisan co-chairs, former Secretary of State James Baker and former Congressman Lee Hamilton. Two members of your national security team, Secretary of Defense Robert Gates and CIA Director Leon Panetta, saw the merit of the ISG and, in fact, served on the panel. Vice President Biden, too, then serving in the Senate, was supportive and saw it as a means to unite the Congress at a critical time. A number of the ISG's recommendations and ideas were adopted. Retired General Jack Keane, senior military adviser to the ISG, was a lead proponent of "the surge," and the

ISG referenced the possibility on page 73. Aside from the specific policy recommendations of the panel, the ISG helped force a moment of truth in our national conversation about the war effort.

I believe our nation is again facing such a moment in the Afghanistan war effort, and that a similar model is needed. In recent days I have spoken with a number of knowledgeable individuals including former senior diplomats, public policy experts and retired and active military. Many believe our Afghanistan policy is adrift, and all agreed that there is an urgent need for what I call an Afghanistan-Pakistan Study Group (APSG). We must examine our efforts in the region holistically, given Pakistan's strategic significance to our efforts in Afghanistan and the Taliban's presence in that country as well, especially in the border areas.

This likely will not come as a surprise to you as commander in chief. You are well acquainted with the sobering statistics of the past several weeks—notably that July surpassed June as the deadliest month for U.S. troops. There is a palpable shift in the nation's mood and in the halls of Congress. A July 2010 CBS news poll found that 62 percent of Americans say the war is going badly in Afghanistan, up from 49 percent in May. Further, last week, 102 Democrats voted against the war spending bill, which is 70 more than last year; and they were joined by 12 members of my own party. Senator Lindsay Graham, speaking last Sunday on CNN's "State of the Union," candidly expressed concern about an "unholy alliance" emerging of anti-war Democrats and Republicans.

I have heard it said that Vietnam was not lost in Saigon; rather, it was lost in Washington. While the Vietnam and Afghanistan parallels are imperfect at best, the shadow of history looms large. Eroding political will has consequences—and in the case of Afghanistan, the stakes could not be higher. A year ago, speaking before the Veterans of Foreign War National Convention, you rightly said, "Those who attacked America on 9/11 are plotting to do so again. If left unchecked, the Taliban insurgency will mean an even larger safe haven from which al Qaeda would plot to kill more Americans. So this is not only a war worth fighting . . . this is fundamental to the defense of our people." Indeed it is fundamental. We must soberly consider the implications of failure in Afghanistan. Those that we know for certain are chilling—namely an emboldened al-Qaeda, a reconstituted Taliban with an open staging ground for future worldwide attacks, and a destabilized, nuclear-armed Pakistan.

Given these realities and wavering public and political support, I urge you to act immediately, through executive order, to convene an Afghanistan-Pakistan Study Group modeled after the Iraq Study Group. The participation of nationally known and respected individuals is of paramount importance. Among the names that surfaced in my discussions with others, all of whom more than meet the criteria described above, are ISG co-chairs Baker and Hamilton; former Senators Chuck Robb, Bob Kerrey and Sam Nunn; former Congressman Duncan Hunter; former U.S. ambassador Ryan. Crocker; former Secretary of Defense James Schlesinger, and General Keane. These names are simply suggestions among a cadre of capable men and women, as evidenced by the makeup of the ISG, who would be more than up to the task.

I firmly believe that an Afghanistan-Pakistan Study Group could reinvigorate national confidence in how America can be suc-

cessful and move toward a shared mission in Afghanistan. This is a crucial task. On the Sunday morning news shows this past weekend, it was unsettling to hear conflicting statements from within the leadership of the administration that revealed a lack of clarity about the end game in Afghanistan. How much more so is this true for the rest of the country? An APSG is necessary for precisely that reason. We are nine years into our nation's longest running war and the American people and their elected representatives do not have a clear sense of what we are aiming to achieve, why it is necessary and how far we are from attaining that goal. Further, an APSG could strengthen many of our NATO allies in Afghanistan who are also facing dwindling public support, as evidenced by the recent Dutch troop withdrawal, and would give them a tangible vision to which to commit.

Just as was true at the time of the Iraq Study Group, I believe that Americans of all political viewpoints, liberals and conservatives alike, and varied opinions on the war will embrace this "fresh eyes" approach. Like the previous administration's support of the Iraq Study Group, which involved taking the group's members to Iraq and providing high-level access to policy and decision makers, I urge you to embrace an Afghanistan-Pakistan Study Group. It is always in our national interest to openly assess the challenges before us and to chart a clear course to success.

As you know, the full Congress comes back in session in mid-September—days after Americans around the country will once again pause and remember that horrific morning nine years ago when passenger airlines became weapons, when the skyline of one of America's greatest cities was forever changed, when a symbol of America's military might was left with a gaping hole. The experts with whom I have spoken in recent days believe that time is of the essence in moving forward with a study panel, and waiting for Congress to reconvene is too long to wait. As such, I am hopeful you will use an executive order and the power of the bully pulpit to convene this group in short order, and explain to the American people why it is both necessary and timely. Should you choose not to take this path, respectfully, I intend to offer an amendment by whatever vehicle necessary to mandate the group's creation at the earliest possible opportunity.

The ISG's report opened with a letter from the co-chairs that read, "There is no magic formula to solve the problems of Iraq. However, there are actions that can be taken to improve the situation and protect American interests." The same can be said of Afghanistan.

I understand that you are a great admirer of Abraham Lincoln. He, too, governed during a time of war, albeit a war that pitted brother against brother, and father against son. In the midst of that epic struggle, he relied on a cabinet with strong, often times opposing viewpoints. Historians assert this served to develop his thinking on complex matters. Similarly, while total agreement may not emerge from a study group for Afghanistan and Pakistan, I believe that vigorous, thoughtful and principled debate and discussion among some of our nation's greatest minds on these matters will only serve the national interest. The biblical admonition that iron sharpens iron rings true.

Best wishes.

P.S. We as a nation must be successful in Afghanistan. We owe this to our men and women in the military serving in harm's way and to the American people.

DEAR CONGRESSMAN WOLF: I have read your proposal for the formation of an Afghanistan/Pakistan Study Group with deep personal interest and approbation. I applaud its respectful, well-reasoned, bipartisan approach to rethinking the war in Afghanistan. The following are my personal thoughts regarding this war. Please accept them as the insights of an average American mother.

It has been troubling to me how distant this war is for so many Americans. Many are only vaguely aware of the events taking place, other than perhaps the recent increase in the number of casualties. Even gathering information of what is daily happening in Afghanistan hasn't been easy. I comb the internet daily searching many different online news sources in an attempt to be informed. Our country is at war and yet so often the top news items contain nothing regarding it. Often it is the local papers in towns with soldiers, sailors and marines serving in Afghanistan that contain the most news. Other times it is the news stations with an embedded reporter who will have a flurry of articles while the reporter is there but then nothing once they return.

The War on Terror is not just impersonal news but it is a war that strikes very close to home. My father has a dear friend whose son-in-law died in the Twin Towers. I have a friend who lost a son in Iraq during the battle for Fallujah. A student of mine lost her fiancée in the war. My children and son-in-law have served in both Iraq and Afghanistan and have buddies injured or killed in action.

One of my daughters is currently serving in Afghanistan in a Combat Support Hospital. She arrived in time to experience first hand the peak number of casualties in June and July. In a recent news interview her Commanding Officer said they are seeing an almost constant stream of casualties; something that none of them were prepared for, but will remember the horrors of the rest of their lives.

It has sometimes appeared that the efforts in Afghanistan have trudged along, with success measured in part by the areas in which we have gained some measure of control versus the price paid in human lives both civilian and military. The casualties suffered aren't just numbers to me; each name, each face, represents a family who is paying the ultimate price, the loss of a son or daughter, brother or sister, father or mother; a family that will never be the same. Therefore, I wholeheartedly support the formation of an Afghanistan/Pakistan Study Group in the hope that it will help to turn the tide of this war and lessen the number of casualties as well.

I, too, have a deep respect and confidence in Gen. Petraeus and would not want my comments to be construed as being critical of the leadership of our military. I have no formal training in political science or history so please accept these comments as simply the perspective of an American mother with children glad to serve our country.

God bless you and give you wisdom as you serve in the leadership of our country.

Sincerely,

P.S. It meant so much to see my sons receive a standing ovation when introduced during last week's luncheon. It is these very Lance Corporals, Corporals and Sergeants who are almost daily listed among the casualties. My son, ——— remarked that listening to your speech "restored his faith in the republic." Thank you again for recognizing their service.

□ 1040

FISCAL SOLUTIONS AND
ECONOMIC RECOVERY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, the political parties are missing an opportunity to deal with both the discontent and the fundamental causes we see in the political process today. You don't have to identify with the tea party to be frustrated with the tax system. It is incomprehensible, expensive, unfair, and unsustainable. People of all parties and philosophies understand that the long-term debt of the United States and the fiscal practices that drive it are heading for a train wreck.

The answer is not to ignore real problems, change the subject, or make it worse. A tax discussion should, frankly, address why the system is incomprehensible, the lack of certainty, how it doesn't pay for what America needs, and how we spend through tax breaks about what we collect overall.

There are real problems that we should be zeroing in on, like the alternative minimum tax. It was a millionaire's tax some 40 years ago that now threatens 30 million American families, not the billionaires. They won't pay it at all. It will be the near rich and the middle class. It was a system that was actually made worse the way the Bush tax cuts were structured.

We should deal with the corporate tax. Yes, it is the second highest stated rate in the world, but few companies pay the full amount because of a Swiss cheese of exemptions and special provisions. It actually penalizes people who manufacture here in the United States.

I would suggest that, if we can borrow trillions of dollars for tax changes, shouldn't the trillions be used to fix the broken system and not to push problems ahead a couple of years?

Instead, the debate is largely about extending \$3.5 trillion in expiring Bush tax cuts or maybe about only extending \$2.8 trillion, not to mention the cost of borrowing that money from the Chinese, the Europeans, or the Japanese. Missing in the debate is how much of that we can afford at all, not just the borrowed money and the deficit, but the lost opportunity to get the tax system right.

Yet it is not just about taxation. We must also look at the expending side of the equation, which is widely acknowledged. Our defense budget can be reduced and redirected. There are hints of this in the Obama administration, but we can do far more. We cannot continue to spend above the rate of inflation, not counting the wars in Afghanistan and Iraq, while we spend billions of dollars to protect West Germany from the Soviet Union, neither of which exists anymore.

We lavish agricultural subsidies on the richest agribusiness, but it doesn't help most farmers or ranchers. We can help far more for far less.

There is the bottomless pit in the name of homeland security. Dana Priest's brilliant writing in The Washington Post pointed out: It is out-of-control spending, layer upon layer of activities, that doesn't make us any safer. Perhaps we may be less safe with all the expenditure.

There are some on the other side of the aisle who talk about eliminating health care reform. No. We should actually accelerate the reforms that are in the health care bill so that they won't just save money but will actually improve health care. We can invest in value over volume. We must not ignore why the long-term picture is such a problem and certainly we don't want to make it worse.

Many tea party sympathizers and Jon Stewart fans could agree on this path forward. It would be nice, instead of campaign documents that get people past an election but that don't solve a problem, to work on areas of agreement with the public which start us on a path to fiscal solutions and economic recovery.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 45 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CUELLAR) at noon.

PRAYER

Reverend Roy Bennett, Calvary Assembly of God Church, Jefferson City, Missouri, offered the following prayer:

Our Heavenly Father, we come to You today, asking Your divine blessing upon this House of Representatives. As they are called upon to make many decisions, we ask for Your divine direction for not only this House, but for our President and all others that are called upon to lead this great Nation.

Lord, help them to remember we are not great because of our vast resources or our manufacturing abilities, but because our forefathers believed when Your word said, "Blessed is the Nation whose God is the Lord." And as they looked to You, Lord, You led them, and Your blessing was upon this great land.

But today, Lord, we need Your divine direction and blessing to be upon this Nation more than ever. And now, Lord,

let Your blessings be upon each one of these men and women that are leaders today. This we pray in Jesus' name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Missouri (Mr. SKELTON) come forward and lead the House in the Pledge of Allegiance.

Mr. SKELTON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 3847. An act to implement certain defense trade cooperation treaties, and for other purposes.

WELCOMING REVEREND ROY
BENNETT

The SPEAKER pro tempore. Without objection, the gentleman from Missouri (Mr. SKELTON) is recognized for 1 minute.

There was no objection.

Mr. SKELTON. Mr. Speaker, I rise today to personally welcome to the House our guest chaplain, Pastor Roy Bennett of Missouri. His son David is accompanying him in the gallery. A native of the Show-Me State, Pastor Bennett was raised on a farm in southeast Missouri, and attended high school in Zalma. Moving with his family to St. Louis following high school, he attended Brooks Bible Institute, and was ordained in the Assemblies of God. Excelling in his ministry, Pastor Bennett would go on to serve congregations in the communities of Marble Hill, Potosi, Salem, and Versailles.

For the past 7 years, Pastor Bennett has grown a vibrant congregation at the First Assembly of God Church in Jefferson City, Missouri, where he currently serves as senior pastor. As his 50 years of service throughout rural Missouri demonstrate, Pastor Bennett has been an invaluable leader for several communities throughout our State.

I join my colleagues in welcoming Pastor Bennett to the U.S. House of Representatives, and we thank his son, David, who is with him today—one of

his two sons. David is a former member of the Armed Services.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
Washington, DC, September 24, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 24, 2010 at 12:43 p.m.:

That the Senate passed S. 3839.

That the Senate passed S. 3196.

That the Senate passed without amendment H.R. 6190.

Appointments: (3).

State and Local Law Enforcement Congressional Badge of Bravery Board.

Federal Law Enforcement Congressional Badge of Bravery Board.

Public Safety Officer Medal of Valor Review Board.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
Washington, DC, September 28, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 28, 2010 at 10:00 a.m.:

That the Senate passed with an amendment H.R. 553.

That the Senate passed without amendment H.R. 3553.

That the Senate passed without amendment H.R. 3808.

That the Senate passed without amendment H.R. 2923.

That the Senate passed with amendments H.R. 946.

That the Senate passed with amendments H.R. 2092.

That the Senate concur in House amendment to the text of the bill with an amendment; Senate agrees to the House amendment to the title of the bill. S. 1510.

That the Senate concur in House amendments to the text and title of the bill. S. 2868.

That the Senate passed with an amendment H.R. 2701.

That the Senate passed S. 1338.

That the Senate passed S. 3802.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bills were signed by the Speaker on Friday, September 24, 2010:

S. 1674, to provide for an exclusion under the Supplemental Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions;

S. 3717, to amend the Securities Exchange Act of 1934, the Investment Company Act of 1940, and the Investment Advisers Act of 1940 to provide for certain disclosures under section 552 of title 5, United States Code, (commonly referred to as the Freedom of Information Act), and for other purposes;

S. 3814, to extend the National Flood Insurance Program until September 30, 2011.

SENATOR PAUL SIMON WATER FOR THE WORLD ACT KEY FACTS

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, almost 1 billion people lack access to safe drinking water and basic sanitation. Sick children miss 300 million school days a year from waterborne illness. And it kills 5,000 children every day. Our Water for the World Act emphasizes building sustainable expertise in these troubled countries. Their version of the Water for the World bill passed out of the Senate Foreign Relations Committee unanimously, and it passed the full Senate unanimously. Our House version has over 80 bipartisan cosponsors. This legislation does not provide new money, but helps us focus existing resources much more effectively to save lives.

I hope that our leadership on both sides of the aisle will schedule and support this important legislation, a symbol that we can work together while we help poor people around the globe.

WHERE IS THE TAX POLICY?

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, as you know, we're back in town for a 1- or 2-day workweek. But where is the tax policy that this country so desperately needs to know? People are waiting. We heard it all the month of August while we were home in our districts. End-of-the-year tax planning; businesses making hiring decisions; employee pay raises; and yes, people doing estate planning—no one can move because this Congress has yet to act on extension of tax policy. We're all on hold until next year. Now the Internal Rev-

enue Service cannot even begin to print the forms that it will send out for people who want to be in compliance with our tax laws—forms that Americans will need to be and be expected to fill out in January are not yet being printed.

Now, Mr. Speaker, Madam Speaker, we worked late when it suited your purpose. Cap-and-trade, may I remind you, was passed in this House late on a Friday night. The first version of health care passed this House in November, late on a Saturday night. And the second version of health care, the Senate version, which is now the law, passed late on a Sunday night. This House is capable of working late, but it seems only when it suits the purpose of the Speaker of the House.

Madam Speaker, I urge us to complete this important task before we go home. The House should not adjourn until our work is done.

□ 1210

A COMPREHENSIVE PEACE AGREEMENT

(Mr. POLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POLIS. One of the most troubled areas of the world is at the threshold of a great breakthrough for peace and for humanity. I call upon the Israeli and Palestinian leadership to remain committed to peace talks. I applaud the courageous decision of both Prime Minister Netanyahu and President Abbas to work together to achieve peace.

A majority of Israelis and Palestinians supports an agreement of creating a Palestinian state. The majorities in both populations support a negotiated two-state solution, and there is not a lot left to negotiate.

We have known the basic parameters of such an agreement for many years. It is critical that, as new developments threaten to derail the process, President Abbas must put his people and their hopes for independence and statehood above preconditions, and Israel should avoid providing excuses for the Palestinians to exit their talks or actions to alienate Palestinian support for the talks.

I call upon both parties, in the interests of their people and the people of the United States and the world, to continue to engage in a good-faith negotiation to create a Comprehensive Peace Agreement to end the cycle of violence and to replace it with a cycle of peace and prosperity for both peoples.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair

will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

RECOGNIZING MILITARY MEDICAL AND AIR CREWS

Mr. CRITZ. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1605) recognizing the service of the medical and air crews in helping our wounded warriors make the expeditious and safe trip home to the United States and commending the personnel of the Air Force for their commitment to the well-being of all our service men and women, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1605

Whereas aeromedical evacuation by the Air Force is part of an integrated combat casualty care system that includes front-line medics and Corpsmen of the Army, Navy, and Air Force, as well as medical evacuation and casualty evacuation by Army, Navy, and Marine Corps flight, air ambulance, and ground ambulance crews;

Whereas aeromedical evacuation missions provide support for all of the Armed Forces;

Whereas, since September 11, 2001, the aeromedical evacuation system has moved over 81,000 patients, including almost 14,000 battle-injured soldiers;

Whereas troops wounded in Operation Enduring Freedom and Operation Iraqi Freedom reach United States military hospitals out of theater in 30 hours on average;

Whereas the majority of patients are normally flown to Ramstein Air Base in Germany, and then to appropriate care facilities in the United States;

Whereas our wounded troops arrive at United States hospitals in an average of 3 days;

Whereas now troops wounded in Operation Enduring Freedom and Operation Iraqi Freedom arrive at United States hospitals on average 7 days faster than they did during Operation Desert Storm and over 40 days faster than during the Vietnam conflict;

Whereas yielding a survival rate of 98 percent for wounded service members by adopting a new strategy of rapid evacuation from the battlefield, critical care air transport teams provide care that has resulted in the lowest mortality rate of any war in United States history;

Whereas aeromedical evacuation is a Total Force effort which includes Active Duty, Reserve, and Air National Guard members;

Whereas there are 18 Air Force Reserve squadrons, 10 National Guard squadrons, and 4 Active Duty squadrons;

Whereas the aeromedical evacuation system is comprised of aeromedical evacuation crews, aeromedical staging facilities, aeromedical liaison teams, support and communications personnel, and command and control teams;

Whereas the Air Force has up to 500 aeromedical evacuation, aeromedical stag-

ing, aeromedical liaison, support, communications, and command and control personnel deployed to Afghanistan, to Iraq, in Europe, and in the United States, as part of the team providing care and helping ensure that wounded soldiers, sailors, airmen, and Marines get safely home to their families;

Whereas a normal aeromedical evacuation crew is composed of 2 flight nurses and 3 technicians;

Whereas a normal critical care air transport team, composed of a critical care physician, critical care nurse, and a respiratory technician, augments an aeromedical evacuation crew when ICU level patients are transported; and

Whereas Air Mobility Command plays a crucial role in providing humanitarian support at home and around the world: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the service of the medical and air crews in helping our wounded warriors make the expeditious and safe trip home to the United States; and

(2) commends the personnel of the Air Force for their commitment to the well-being of all our service men and women.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. CRITZ) and the gentleman from North Carolina (Mr. JONES) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. CRITZ. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CRITZ. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1605, recognizing the service of the medical and aircrews in helping our wounded warriors make the expeditious and safe trip home to the United States and commending the personnel of the Air Force for their commitment to the well-being of all our servicemen and -women.

I would like to thank the gentleman from California (Mr. THOMPSON) for bringing this resolution before the House.

Mr. Speaker, twice a week, those of us who have south-facing offices in the Cannon, Longworth and Rayburn House Office Buildings can sometimes catch a glimpse of something subtle but something altogether awe-inspiring. Every once in a while, we can see the arresting silhouette of a C-17 in a flight pattern towards Andrews Air Force Base in the final few minutes of the journey home for some of America's wounded warriors. Twice per week, on schedule, these aeromedical crews bring our wounded servicemembers home right here to the National Capital Area after having fallen ill or having suffered injury during an al-

ready difficult deployment overseas. This powerful image is part of a much larger system.

The Air Force has up to 500 aeromedical personnel deployed to Afghanistan, Iraq, in Europe, and in the United States as part of the team providing care and helping to ensure that wounded soldiers, sailors, airmen, and marines get safely home to their families. It takes an average of 3 days for wounded troops to arrive at hospitals in the United States. This is over 40 days faster than during the Vietnam war. We have Air Force aeromedical evacuation to thank for being the transportation spine of the effort to bring our ill and injured men and women home as safely and as quickly as possible.

Ultimately, aeromedical evacuation by the Air Force is part of an integrated combat casualty care system that includes front-line medics and corpsmen of the Army, Navy and Air Force, as well as medical evacuation and casualty evacuation by Army, Navy and Marine Corps flight, air ambulance and ground ambulance crews.

We owe our sincerest gratitude to each and every person in this system who has yielded an extraordinary 98 percent survival rate for wounded servicemembers.

So, Mr. Speaker, if you are ever facing south on the Hill and see a C-17 on the horizon, you might now just sigh in relief because it might be one of our aeromedical evacuation transports bringing our wounded warriors home to receive world-class medical care.

I urge my colleagues to support House Resolution 1605.

I reserve the balance of my time.

Mr. JONES. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 1605, as amended, recognizing the service of the military medical and aircrews who help our wounded warriors return home quickly and safely and commending the members of the Air Force for their commitment to our service men and women.

I thank the gentleman from California (Mr. THOMPSON) for introducing this resolution.

The key to our having our men and women survive after being wounded in combat is immediate medical care, followed by the quick and safe evacuation from the battlefield. No one does this better than the United States military.

Mr. Speaker, today's combat casualty care system is a complex, integrated effort that brings a wounded servicemember from the point of injury on the battlefield to the most sophisticated medical treatment available in the world. All of the military services have a role in this effort—from front-line medics who treat our casualties to the ambulance and aircrews who provide critical transportation to the next level of medical care. We owe our utmost gratitude to all of the dedicated

individuals who have a part in this lifesaving endeavor.

But today we specifically recognize the men and women of the United States Air Force. Their commitment to excellence has raised aeromedical evaluation to an unprecedented level of success. One only has to travel to Andrews Air Force Base to witness firsthand the care, compassion and love given to our returning wounded. The Air Force pilots, crew chiefs, doctors, nurses, and medics have worked tirelessly to bring the wounded safely home.

I urge my colleagues who have not had that opportunity to watch the Air Force unloading these medical transport planes to go out to Andrews and see it. It is truly unforgettable. I have been out there myself, and I must say that it is heartwarming and a humbling experience to see this fine work done by the United States Air Force in the care for these wounded.

Mr. Speaker, I join all of my colleagues to honor the military medical personnel and aircrews whose skills and professionalism ensure that our wounded warriors return home quickly and safely. I, therefore, strongly urge all Members to support this resolution.

I yield back the balance of my time.

Mr. THOMPSON of California. Mr. Speaker, I rise in strong support of House Resolution 1605, which recognizes the service of medical and air crews in helping our wounded warriors make the expeditious and safe trip home to the United States and commends the personnel of the Air Force for their commitment to the well-being of all our service men and women.

The Air Force's Aeromedical Evacuation Squadrons help guarantee that our wounded soldiers are quickly reunited with their families and given the best medical care in U.S. hospitals. Since September 11, 2001, Aeromedical Evacuation flights have been responsible for transporting over 81,000 patients from Operation Enduring Freedom and Operation Iraqi Freedom, yielding a 98 percent survival rate for injured soldiers. Today, a soldier injured on the battlefield in Afghanistan or Iraq will be back in an American hospital in an average of three days. This is over seven days faster than during Operation Desert Storm and over 40 days quicker than during the conflict in Vietnam.

As a veteran who was wounded in Vietnam, I was flown into Travis Air Force Base in Northern California. Travis Air Force Base is now home to the 349th Aeromedical Evacuation Squadron. These physicians, nurses and medical technicians go above and beyond the call of duty every day.

I am honored to bring this resolution to the floor and remain committed to supporting our Armed Forces.

Mr. RANGEL. Mr. Speaker, I rise today to express my support for H. Res 1605, a bill recognizing the service of the medical and air crews in helping our wounded warriors make the expeditious and safe trip home to the United States.

These physicians, nurses, technicians, and flight air crews represent squadrons of the Air

Force Reserve, Air Force National Guard, and Air Force Active Duty. I thank my colleague, Congressman MIKE THOMPSON, for introducing this bill, which gives us the opportunity to pay tribute to the dynamic support these crews provide to our troops. We commend these Air Force members for their commitment to the well-being of all our service men and women.

Aeromedical services are essential to the success of our Armed Forces, contributing to a survival rate of 98 percent—the lowest mortality rate of any war in U.S. history. Medical and air personnel closely tend to the urgent medical needs of our troops ensuring that they return home with their lives intact. We salute them.

Mr. CRITZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. CRITZ) that the House suspend the rules and agree to the resolution, H. Res. 1605, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING FIRST ANNIVERSARY OF FORT HOOD SHOOTINGS

Mr. CRITZ. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 319) recognizing the anniversary of the tragic shootings that occurred at Fort Hood, Texas, on November 5, 2009.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 319

Whereas, on November 5, 2009, a gunman entered the Soldier Readiness Processing Center at Fort Hood, Texas, and opened fire on military and civilian personnel who were preparing for deployment or who had recently returned to the United States from overseas;

Whereas 13 people were killed, including 12 soldiers, one of whom was an expecting mother, and one former soldier;

Whereas 31 people were wounded, and some of the wounded required months of care and rehabilitation;

Whereas civilian and military law enforcement personnel of the Department of Defense acted swiftly and courageously to neutralize the threat;

Whereas Army medics immediately began treating the wounded, greatly reducing the loss of life;

Whereas nearby Army personnel selflessly evacuated wounded individuals to safety prior to the threat being eliminated; and

Whereas the Fort Hood regional communities, the State of Texas, military service organizations and countless Americans united in support of the Fort Hood victims and their families: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the shootings that occurred at Fort Hood, Texas, on November 5, 2009, as

a tragic event in the history of the Army and the United States;

(2) extends its deepest sympathies to the families and friends of the victims of the shootings who had already sacrificed a great deal by righteously answering their country's call to serve;

(3) honors the civilian law enforcement personnel of the Department of Defense for effectively implementing their training to promptly eliminate the threat, thereby limiting additional loss of life or injury;

(4) commends the Fort Hood command team for its timely response and situational control; and

(5) expresses gratitude to the Fort Hood communities, military personnel stationed at Fort Hood, military service organizations, and the American people for promptly extending comfort and assistance to the victims of the shootings and their families.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. CRITZ) and the gentleman from North Carolina (Mr. JONES) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. CRITZ. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CRITZ. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Concurrent Resolution 319, recognizing the anniversary of the tragic shootings that occurred at Fort Hood, Texas, on November 5, 2009.

I am grateful to my colleague from Texas (Mr. CARTER) for his work in authoring this resolution.

Mr. Speaker, last November a gunman opened fire at the Soldier Readiness Processing Center at Fort Hood, where military and civilian personnel had recently returned from deployment or were preparing to go overseas. This was an event that saddened every American, and it is important that we as a Nation remember those killed and injured and that we honor those who responded with courage and skill to assist the victims.

Ultimately, 12 soldiers and one civilian lost their lives in this atrocious attack. In addition to these 13 unfortunate Americans who were murdered that day, 31 more were wounded. Many of them were seriously wounded, but a quick response from Army medics saved lives and mitigated the severity of some of the injuries. Soldiers and civilians rushed to remove those in need of medical attention from the building, even while the threat of the gunman was still present. At the same time, law enforcement personnel worked to eliminate the danger to Fort Hood and to the surrounding community.

I would like to convey my deepest sympathies to the families and friends

of those killed and injured in the Fort Hood shootings and express gratitude to the soldiers, Army civilians, and local residents who assisted in the rescue and recuperation of the victims, especially as the anniversary of this event draws closer.

□ 1220

I urge my colleagues to recognize the soldiers and civilians killed and wounded by voting in favor of House Concurrent Resolution 319.

LIST OF SOLDIERS AND THE FORMER SOLDIER
WHO LOST THEIR LIVES AT FORT HOOD

Lieutenant Colonel Juanita Warman.
Major Libardo Caraveo.
Captain John Gaffaney.
Captain Russell Seager.
Staff Sergeant Justin Decrow.
Sergeant Amy Krueger.
Specialist Jason Hunt.
Specialist Frederick Greene.
Private First Class Aaron Nemelka.
Private First Class Michael Pearson.
Private First Class Kham Xiong.
Private Francheska Velez.
Michael Cahill.

I reserve the balance of my time.

Mr. JONES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on November 5, 2009, 13 people were killed and 31 wounded at Ft. Hood, Texas, when a gunman attacked unarmed military civilian personnel who were preparing for deployment or who recently returned to the United States from deployments. This was an attack that devastated the people there and across this Nation. It was a senseless act of horror that betrayed our respect and dignity for human life.

I want to thank my colleague, Representative JOHN CARTER of Texas, for introducing this legislation to give all Members the opportunity today to once again stand in support of the men and women at Ft. Hood and their families who suffered in that time of trial.

This resolution also honors those military and civilian law enforcement officers who acted swiftly and courageously to neutralize the threat, as well as the medical personnel who immediately began treating the wounded, thereby reducing the loss of life.

While we wait for the justice system to decide the fate of the gunman, it is important that we also recognize that Ft. Hood's preparations beforehand enabled a timely response and situational control once the attack occurred. Unfortunately, the attack at Ft. Hood signals the requirement that such preparation apply to all of our military installations.

Mr. Speaker, I reserve the balance of my time.

Mr. CRITZ. Mr. Speaker, I yield such time as he may consume to my friend and colleague, the chairman of the Military Construction and Veterans Affairs Appropriations Subcommittee and original cosponsor of this resolution, the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS of Texas. Mr. Speaker, I rise in support of House Concurrent Resolution 319 and want to commend my colleague from Texas (Mr. CARTER) for offering this resolution and also for his tremendous leadership day in and day out on behalf of the incredible soldiers and families of Ft. Hood.

Mr. Speaker, on behalf of citizens all across America, we rise today to express our deepest respect for the soldiers and families of Ft. Hood, Texas, as we approach the 1-year anniversary of the tragic shooting there. I want to reaffirm to the Ft. Hood families that they are still in the thoughts and prayers of our Nation.

It is a tragedy beyond words that Americans who were willing to risk their lives for our country and combat abroad ended up losing their lives here at home in an attack that just 1 year ago would have seemed unimaginable. While the 12 soldiers and one civilian killed at Ft. Hood last November did not die in combat in a foreign country, they gave their lives defending America, and for that, we will always consider them heroes. The spouses, children, and families of the fallen may not have worn our Nation's uniform, but they, too, have served our Nation through their deep personal sacrifice. We will never ever forget that sacrifice. We cannot bring back their loved ones, but I hope that they will forever feel the collective love and gratitude and prayers of millions of their fellow Americans.

Mr. Speaker, during this attack last year, Ft. Hood was a scene of unspeakable tragedy, but I know it as a place of great triumph—a place where service to country isn't just an idea; it is a way of life, a place where the American spirit is alive and well.

I hope the world will see the Ft. Hood I saw as its Representative in Congress for 14 years through three combat deployments. When I think of Ft. Hood, I think of soldiers, their families, their children, and their neighbors in nearby communities who care for each other and are proud to serve and, yes, sacrifice for our Nation's freedom.

Ft. Hood is known as "The Great Place" because that is what it is: past, present, and future. The actions of one deranged gunman should not, and will not, change that fact. The servicemen and -women of Ft. Hood, their families, and the neighboring communities are a very special, unique family. They make Ft. Hood what it is—a shining star in our Nation's defense, a star that will burn brightly for decades to come.

While we honor the sacrifice of our veterans and our troops on Veterans Day and Memorial Day, I hope Americans will remember every day how blessed we are to live in a land where our servicemen and -women and their families are willing to sacrifice so much in service to country. Let us all

rededicate ourselves to honoring our troops, our veterans, and their families. Let us remember them not just on Veterans Day and Memorial Day with our words but every day.

Today, we send our prayers to those who were wounded, physically and emotionally, by the unprovoked attack last year at Ft. Hood, and we ask that God keep them in His loving arms, those who gave that day, in the words of Lincoln, "their last full measure of devotion to country."

Michael Grant Cahill, civilian physician assistant; Major L. Eduardo Caraveo; Staff Sergeant Justin M. DeCrow; Captain John P. Gaffaney; Specialist Frederick Greene; Specialist Jason Dean Hunt; Sergeant Amy Krueger; Private First Class Aaron Thomas Nemelka; Private First Class Michael Pearson; Captain Russell Seager; Private Francheska Velez; Lieutenant Colonel Juanita Warman; and Private First Class Kham Xiong.

While these heroes are now in God's loving arms, we here on Earth shall not forget them.

Mr. JONES. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. CARTER), who introduced this resolution.

Mr. CARTER. I thank my friend for yielding.

Mr. Speaker, I rise today in strong support of House Concurrent Resolution 319 commemorating the 1-year anniversary of the terrible shooting at Ft. Hood, Texas.

On November 5, 2009, a gunman entered the Soldier Readiness Processing Center at Ft. Hood, Texas, and mercilessly opened fire on military and civilian personnel who were preparing for deployment or who had recently returned from being overseas in a deployment. Thirteen people were killed in this attack, including 12 soldiers, one of whom was an expecting mother and one former soldier. Thirty-one people were wounded. Some of the wounded, like Staff Sergeant Patrick Zeigler, have required months of care and rehabilitation, and that is an ongoing situation.

But wonderful stories come out of this. One story that I heard, as a young soldier saw his sergeant get shot the third time, he jumped between his sergeant and the shooter and took the rest of the rounds into his body because he just was afraid his sergeant wouldn't be able to survive any more.

At the time there was a graduation ceremony going on at Ft. Hood from college, and a bunch of young soldiers were graduating from college right next door. When the call went out for medics, multiple members of that group threw off their cap and gown before they graduated and took off next door to the processing center to work with the wounded. Without regard to their own safety, civilian and military law enforcement personnel, including

Sergeants Munley and Todd, acted swiftly and courageously to neutralize the threat, using the active shooter training program they had recently completed.

□ 1230

Army medics immediately reverted to their combat-honed training and began treating the wounded, greatly reducing the loss of more life. Fellow soldiers from everywhere descended upon this area and, while the shooting was going on, risked their lives to evacuate their brethren safely to Darnall Army Hospital.

Fort Hood regional communities, the State of Texas, military service organizations, and countless Americans united in support of Fort Hood victims and their families, collecting millions of dollars in charitable donations. My office has worked hard to ensure that the Fort Hood victims receive all the benefits to which they are entitled as combat victims. Additionally, we are working with the Department of Defense to overcome regulatory obstacles that have prevented the victims and their families from receiving charitable donations. I am hopeful our Senate colleagues will agree to these legislative adjustments included in this year's defense authorization bill to ensure that Fort Hood victims and their families receive every benefit to which they are rightly entitled.

I want to thank the House Armed Services Committee and the House leadership for working with my office to swiftly bring this resolution to the floor.

I ask my colleagues to join me in honoring the Fort Hood victims and their families by passing this House Concurrent Resolution 319.

Mr. Speaker, I intentionally did not discuss the accused shooter in an effort to protect his right to a fair and impartial trial when that trial occurs.

Mr. PETRI. Mr. Speaker, as the House considers H. Con. Res. 319 recognizing the anniversary of the shootings at Fort Hood last November, I would like to pay tribute to all of the 43 shooting casualties and recognize two of my constituents.

Staff Sergeant Amy Krueger of Kiel, Wisconsin, was one of those who lost their lives that day. Following the 9/11 terrorists attacks, she was moved to join the Army because she wanted to help keep America safe. She was proud of her military service and returned to Kiel High School to share her experiences with current students. Staff Sergeant Krueger had been to Afghanistan previously and, like others in the Soldier Readiness Processing Center that day, was about to be deployed again.

In his remarks at the Fort Hood memorial service shortly after the shooting, President Obama shared a story that symbolizes Staff Sergeant Krueger's energy, drive and determination. He said, "When her mother told her she couldn't take on Osama bin Laden by herself, Amy replied 'Watch me.'" That spirit was evident to all who knew her.

In the small Wisconsin town of Kiel, the news of Staff Sergeant Krueger's death was met with an outpouring of love and support for her family and friends, as well as respect for her service to our country. On Memorial Day this year, the town unveiled a memorial in her honor that includes words that meant so much to her: "All Gave Some—Some Gave All." As we mark this sad day one year later, we remember Staff Sergeant Krueger and send our thoughts and prayers to her loved ones.

Private First Class Amber Bahr of Random Lake, Wisconsin, is a Sixth District resident who was injured in the shootings. As the events unfolded that terrible day, Amber immediately reacted to help her injured comrades and did not even realize that she too had been shot. This generous spirit was also cited by President Obama as an example of the bravery and caring of these soldiers for one another.

Our service men and women have joined the military to serve their country; many, like Amy, to join the fight against terrorism. I am sure they did not expect that they would be fighting it here on U.S. soil.

I join my colleagues in supporting H. Con. Res. 319 as we take time to remember and pay our respects to those lives lost, as well as commend and thank the civilian and military law enforcement personnel, the medics and all others who helped those in need that day.

Mr. JONES. I yield back the balance of my time.

Mr. CRITZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. CRITZ) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 319.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL POW/MIA RECOGNITION DAY

Mr. CRITZ. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1630) expressing support for National POW/MIA Recognition Day, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1630

Whereas the United States depends upon the service and sacrifices of courageous young Americans to protect and uphold the nation's ideals;

Whereas generations of American men and women have served bravely and honorably in foreign conflicts over the course of the history of the United States;

Whereas thousands of these Americans serving overseas were detained and interned as prisoners of war ("POW") or went missing in action ("MIA") during their wartime service;

Whereas more than 138,000 members of the United States Armed Forces who fought in World War II, the Korean War, the Vietnam War, the Cold War, the Gulf War, and Operation Iraqi Freedom were detained or interned as POWs, many suffering and thousands dying from starvation, forced labor, and severe torture;

Whereas, in addition to those POWs, more than 84,000 members of the Armed Forces who served in those wars remain listed by the Department of Defense as unaccounted for;

Whereas there remains today members of the Armed Forces being held in Iraq and Afghanistan;

Whereas these thousands of American POWs and MIAs gave an immeasurable sacrifice for their country and for the well-being of their fellow Americans;

Whereas their bravery and sacrifice should be forever memorialized and honored by all Americans;

Whereas the uncertainty, hardship, and pain endured by the families and loved ones of POWs and MIAs should not be forgotten;

Whereas Congress first passed a resolution commemorating "National POW/MIA Recognition Day" in 1979;

Whereas the President annually honors "National POW/MIA Recognition Day" on the third Friday of each September through Presidential proclamation; and

Whereas in 2010, "National POW/MIA Recognition Day" is honored on September 17: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes that National POW/MIA Recognition Day is one of the six days specified by law (pursuant to section 902 of title 36, United States Code) as a day on which the POW/MIA flag is to be flown over specified Federal facilities and national cemeteries, military installations, and post offices;

(2) extends the gratitude of the House of Representatives and the nation to those who have served the United States in captivity to hostile forces as prisoners of war;

(3) recognizes and honors the more than 84,000 members of the Armed Forces who remain unaccounted for and their families;

(4) recognizes the untiring efforts of national POW/MIA organizations in ensuring that America never forgets the contribution of the nation's prisoners of war and unaccounted for military personnel;

(5) applauds the personnel of the Defense POW/Missing Personnel Office, the Joint POW/MIA Accounting Command, the Armed Forces Identification Laboratory, the Life Sciences Equipment Laboratory, and the military departments for continuing their mission of achieving the fullest possible accounting of all Americans unaccounted for as a result of the previous conflicts of the United States; and

(6) calls on all Americans to recognize National POW/MIA Recognition Day with appropriate remembrances, ceremonies, and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. CRITZ) and the gentleman from North Carolina (Mr. JONES) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. CRITZ. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend

their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CRITZ. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 1630, expressing support for National Prisoner of War/Missing in Action Recognition Day. I would like to thank the gentleman from Illinois (Mr. LIPINSKI) for sponsoring this resolution.

Mr. Speaker, on September 17, a very important and symbolic flag flew over the United States Capitol, one that represents both the deepest and rawest wounds of war as well as uncommon valor and the most selfless of sacrifices. This is the POW/MIA flag. Etched in black and white on this flag is a silhouette of a young man whose face cannot be seen. This is the face of every soldier, sailor, airman, and marine who has endured imprisonment and the harshest of conditions as a prisoner at the hands of the enemy, and of every brave soul who did not return home from battle but remains unaccounted for in a distant land.

As a Nation, it is our sacred duty to ensure that these missing soldiers are not forgotten and to work tirelessly until every story ends and all are accounted for. By recovering our missing soldiers, we also recover a missing piece of our national heritage and honor, those who fought to preserve it. Honoring American POWs and MIAs is a reminder to look back on our proud history, a tapestry woven of thousands of individual stories and sacrifices and of lives dedicated to the preservation of the freedom we hold so dear. This is the embodiment of our country's solemn promise to the prisoners of war and missing in action of our Armed Forces. We will never stop searching for you, and you are not forgotten.

I urge my colleagues to recognize and commend the service of the thousands of former prisoners of war and servicemembers missing in action by voting in favor of House Resolution 1630.

I reserve the balance of my time.

Mr. JONES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 1630 to express support for National Prisoner of War/Missing in Action Recognition Day.

I would like to commend the gentleman from Illinois (Mr. LIPINSKI) for introducing this resolution. At the heart of this resolution is the principle that the American military never leaves a fallen comrade behind. More than 84,000 members of the Armed Forces remain unaccounted for from World War II, the Korean war, Vietnam, the cold war, and the gulf war, and U.S. military personnel have been held in Afghanistan and Iraq.

Since the Vietnam war, achieving the fullest possible accounting of our POWs and MIAs has been a national priority. The Department of Defense organizations principally responsible for the accounting effort have made significant progress even at the cost of the lives of some involved in the physically demanding, dangerous fieldwork required. So I want to especially commend the efforts of the Defense POW/Missing Persons Office, the Joint POW/MIA Accounting Command, the Armed Forces Identification Laboratory, the Life Sciences Equipment Laboratory, and each of the military services. They make up the core of the Department of Defense's accounting community.

Yet with all the progress that has been made, more needs to be done. The House Armed Services Committee took the lead a year ago with the enactment, for the first time, of a statutory requirement that the POWs and missing from all America's prior wars be fully accounted for. In addition, the legislation mandated that by 2015, the Department of Defense achieve the fullest possible accounting of no less than 200 persons a year. To achieve this requirement will require additional resources and an improved integration of effort among the DOD accounting community. We look forward to the Department of Defense plan to improve the way it has conducted the accounting mission.

It is also important for us to understand and commend the efforts of the families and loved ones of those who remain unaccounted for. Their unflagging grassroots efforts, as well as those of national POW/MIA organizations, have been essential to ensure that both the Congress and the executive branch remain committed to the accounting effort.

Finally, we must not forget those who died as POWs or survived captivity despite starvation, forced labor, and severe torture. For this reason, this resolution in support of National Prisoner of War/Missing in Action Recognition Day is an important one, and I urge unanimous support for its adoption.

I yield back the balance of my time.

Mr. CRITZ. I yield such time as he may consume to my friend and colleague, and the sponsor of this resolution, the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Speaker, I rise today in support of H. Res. 1630, expressing support for National POW/MIA Recognition Day, which occurred on September 17.

With every war America wages, our Nation owes a greater debt to the courageous and selfless members of the United States Armed Forces who have fought to secure our freedom and liberty. During the course of these conflicts, more than 138,000 brave American service men and women have been detained or interned as prisoners of

war. Many suffered through torture, forced labor, and unspeakable hardships. Some POWs return home; others did not. They all deserve our recognition and our gratitude.

Also deserving special recognition are those Americans who never return from war—who are missing in action. Indeed, there remain today over 84,000 missing in action soldiers, sailors, airmen, and marines who are unaccounted for on the battlefields of World War II, Korea, Vietnam, the cold war, and the gulf war.

One particular group of American heroes I want to mention today are the more than 500 U.S. marines and sailors from World War II who remain unaccounted for on the small Pacific atoll of Tarawa. I worked with Armed Forces Committee Chairman IKE SKELTON to include language in the 2010 defense reauthorization urging the Defense Department to review new research on the location of the remains of U.S. servicemen on Tarawa and to do everything feasible to see that they are recovered.

□ 1240

The Joint POW/MIA Accounting Command, JPAC, has just returned from Tarawa with word that they have recovered the remains of what they believe to be two U.S. servicemen. I, along with the families of those missing servicemembers, look forward to receiving the full report on this mission.

It is our obligation to honor the extraordinary service of all American POWs and MIAs. Congress first passed a resolution commemorating National POW/MIA Recognition Day in 1979. Since then, the third Friday of every September has been set aside to give remembrance to our Nation's prisoners of war, unaccounted for military personnel, and their families and friends.

So long as members of our Armed Forces remain unaccounted for, we must expend every effort to bring them home to the country in whose defense they fought and sacrificed. It is vital that today's troops and their families know the U.S. will pursue all possible measures to fulfill the promise of recovery.

I want to highlight the unwavering commitment of the military commands devoted to recovering remains and providing solace and closure to the families of Americans who remain missing in action from previous conflicts. The Joint POW/MIA Accounting Command has successfully undertaken countless missions throughout the world to bring home the remains of fallen servicemembers, and the efforts of the Defense Department's POW/Missing Personnel Office, the Armed Forces Identification Laboratory, the Life Sciences Equipment Laboratory, and numerous veterans and POW/MIA organizations are more than deserving of recognition as well.

And, unfortunately, we cannot forget the two U.S. servicemen who are currently listed as held captive in Iraq and Afghanistan. We will continue to pray for a swift and auspicious end to their ordeal.

I want to thank my colleagues who joined me in cosponsoring this resolution, as well as House Armed Services Committee Chairman SKELTON for his help in moving that resolution.

I want to thank Mr. CRITZ for his work on this issue and other issues in serving our veterans, and also Mr. JONES for all his work for our veterans.

Until they are home, our thoughts and prayers will forever remain with the families, friends and loved ones of those Americans who have suffered through tremendous hardship for their country.

I ask all my colleagues to join in support of National POW/MIA Recognition Day and to take a moment to reflect upon the immeasurable sacrifices made by America's service men and women to ensure our freedom.

Mr. JOHNSON of Georgia. I rise today in support of H. Res. 1630, a resolution expressing support for National POW/MIA Recognition Day.

Mr. Speaker, as Members of Congress our most solemn obligation is to defend the United States and protect the American people from those who would do them harm. But we merely make national security policy. The men and women in uniform who shoulder the burden of defending our nation—who fight and sacrifice around the world on our behalf—they are the tip of the spear, who risk life and limb to keep us safe.

Those American warriors who are captured or missing in action must be honored, and this resolution does honor them. We extend the gratitude of this body and the nation to those who have served and continue to serve the United States in captivity to hostile forces as prisoners of war, and those who remain missing. But more importantly, we must make every effort to find and liberate them. American service men and women must know that they will not be forgotten. They will not be abandoned.

More than 138,000 members of the Armed Forces who fought in World War II, the Korean war, the Vietnam war, the cold war, the gulf war, and Operation Iraqi Freedom were detained or interned as POWs. Many of them endured unimaginable suffering. Today, more than 84,000 members of the Armed Forces remain unaccounted for. And there remain today members of the Armed Forces held captive in Iraq and Afghanistan.

Mr. Speaker, let us pause to honor those who have been captured or missing while serving our country at war. I urge my colleagues to support this resolution, a small token of our solemn appreciation.

Mr. CRITZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. CRITZ) that the House suspend the

rules and agree to the resolution, H. Res. 1630, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

CONDEMNING REMOVAL OF MOJAVE CROSS MEMORIAL

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1378) condemning the theft from the Mojave National Preserve of the national Mojave Cross memorial honoring American soldiers who died in World War I.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1378

Whereas in 1934, World War I veterans placed a cross memorial on Sunset Rock near Barstow, California, with a wooden plaque proclaiming the simple monument honored the lives of all who have defended America and freedom;

Whereas in 2002, Congress declared the Mojave Cross a national memorial, the only such memorial dedicated to the war dead of World War I;

Whereas in 2003, Congress passed legislation to protect the Mojave Cross memorial by providing for a land swap that would leave the cross on private land, to be maintained by the Veterans of Foreign Wars;

Whereas, on April 28, 2010, the United States Supreme Court, in *Salazar v. Buono*, reversed a Court of Appeals judgment that invalidated an effort by Congress to preserve the Mojave Cross memorial through a land transfer and remanded the case for further proceedings; and

Whereas, on May 9, 2010, the Mojave Cross memorial was reportedly vandalized and stolen: Now therefore, be it

Resolved, That the House of Representatives—

(1) condemns the illegal removal of the Mojave Cross memorial by vandals as a repulsive act that is an insult to the brave men and women who have served in the Armed Forces and who have given their lives to defend the country; and

(2) urges the National Park Service and Federal law enforcement to continue working with the Veterans of Foreign Wars to recover the Mojave Cross memorial.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, House Resolution 1378 was introduced in May by Representative LEWIS of California. The resolution condemns the theft of a cross from the Sunrise Rock in the Mojave National Preserve. This cross was first placed on Federal land in 1934 as a memorial to American soldiers who died in the First World War. Legal proceedings regarding constitutional issues raised by the cross are ongoing.

However, the theft of the cross is inexcusable. We support this measure's condemnation of that theft and urge all Federal law enforcement officials to continue their efforts to recover the cross and bring those responsible for the theft to justice.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend Mr. LEWIS of California for his leadership in bringing this resolution before the House. The recent theft of the Mojave Cross memorial honoring American soldiers who died in World War I is an act that merits our strongest condemnation. So I urge my colleagues to support this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. ADERHOLT. Mr. Speaker, as has been mentioned the monument that is being debated has stood in the Mojave Desert for 75 years to honor our veterans. It stood there, that is, until the night of May 9th when vandals stole it. This memorial was a 7-foot cross that has endured much turmoil including a recent legal attempt to have the cross removed, which was turned away by the Supreme Court.

Those responsible for the disappearance of the cross have shown disrespect for both veterans and this Nation's legal process.

I would also like to commend the VFW for their determination in the face of this disrespectful act. They have vowed that the memorial will be rebuilt and are offering a \$125,000 reward for information leading to an arrest.

President George Washington once said, "The willingness with which our young people are likely to serve in any war shall be directly proportional to how they perceive the Veterans of earlier wars were appreciated by their nation."

I think President Washington would agree that this appreciation includes allowing our veterans' memorials to stand in honor of them.

Mrs. CHRISTENSEN. I yield back the balance of my time, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and agree to the resolution, H. Res. 1378.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CELEBRATING 75TH ANNIVERSARY OF HOOVER DAM

Mrs. NAPOLITANO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1636) celebrating the 75th anniversary of the Hoover Dam.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1636

Whereas the Hoover Dam, a concrete arch-gravity storage dam, was built in the Black Canyon of the Colorado River between the States of Nevada and Arizona, forever changing how water is managed across the West;

Whereas, on September 30, 1935, President Franklin D. Roosevelt dedicated the Hoover Dam;

Whereas the construction of the dam created Lake Mead, a reservoir that can store two years average flow of the Colorado River providing vitally critical flood control, water supply, and electrical power to help create and support the economic growth and development of the Southwestern United States;

Whereas the Hoover Dam has prevented an estimated \$50,000,000,000 in flood damages in the Lower Colorado River Basin, provides water for more than 18,000,000 people, for 1,000,000 acres of farmland in Arizona, California, and Nevada, and for 500,000 acres in Mexico, and produces on average 4,000,000,000 kilowatt-hours of hydroelectric power each year;

Whereas the Hoover Dam, an engineering marvel at 726.4 feet from bedrock to crest, was the highest dam in the world at construction;

Whereas the Hoover Dam is an enduring symbol of the country's ingenuity and persistence of hard working Americans at the time of the Great Depression;

Whereas the Hoover Dam is the model for major water management projects around the world; and

Whereas the Hoover Dam is registered as a National Historic Landmark on the United States National Register of Historic Places and is considered one of seven modern engineering wonders by the American Society of Civil Engineers; Now, therefore, be it

Resolved, That the House of Representatives—

(1) celebrates and acknowledges the thousands of workers and families that overcame difficult working conditions and great challenges to make construction of the facility possible;

(2) celebrates and acknowledges the economic, cultural, and historic significance of the Hoover Dam and its role in meeting future challenges;

(3) recognizes the past, present, and future benefits of its construction to the agricultural, industrial, and urban development of the Southwestern United States; and

(4) joins the States of Arizona, California, Nevada, and the entire Nation in celebrating the 75th anniversary of the dedication of the Hoover Dam.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. NAPOLITANO) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. NAPOLITANO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. NAPOLITANO. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1636, a bipartisan resolution, commemorates the 75th anniversary of the dedication of Hoover Dam, and recognizes the past, the present, and the future benefits of its construction to the agricultural, to the industrial, and to the urban development of the southwestern United States.

During its 75-year history, Hoover Dam has played a pivotal role in shaping what the Southwest is today, from a region with an inconsistent supply of water, to now providing water for more than 18 million people, including irrigation water for over 1 million acres of farm land in the States of Arizona, California, Nevada and 500,000 acres in Mexico. That beautiful natural resource that sparkles adds life and economy to our west.

While this facility was completed three-quarters of a century ago, it continues for today and tomorrow to provide water and power certainty for millions of people. We currently have legislation pending in the Senate, Senate bill 2891, and H.R. 4349, the Hoover Power Allocation Act of 2010. This legislation would allocate hydropower generated at Hoover Dam, estimated at 4 billion kilowatt hours of hydroelectric power each year, for the next 50 years. I would want to reiterate our support for the enactment of this important legislation.

Mr. Speaker, I ask my colleagues to support the passage of this bipartisan resolution. Hoover Dam is truly a marvel of engineering, of technology and human endeavor. And tomorrow this reenactment of its 75-year dedication will take place in Las Vegas.

Mr. Speaker, I reserve the balance of my time.

□ 1250

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, generations ago water and power visionaries came up with the idea of making the West bloom by harnessing our rivers. The Hoover Dam is a legendary example of that vision.

When completed in 1935, it was the tallest dam and the largest hydroelectric generator in the world. It literally helped create cities in the arid West and to this day, as my friend from

California pointed out, still provides numerous benefits: emissions-free hydropower, drinking and irrigation water, and recreation and flood control.

This bipartisan resolution is a fitting honor to the Hoover Dam and to those who had the foresight to create one of the world's best-known engineering marvels.

Mr. Speaker, I yield back the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, very, very swiftly and quickly, before I yield back the balance of my time, I thank my staff and the minority staff on this beautiful resolution that is going to commemorate some magnificent achievements by the United States to really promote what we now know as the Southwest.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. NAPOLITANO) that the House suspend the rules and agree to the resolution, H. Res. 1636.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

VIRGIN ISLANDS NATIONAL PARK LAND LEASE

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 714) to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

On page 2, line 12 before the period insert: "as amended, assigned, and assumed".

On page 2, line 21 after "lease" insert:

"with the owner of the retained use estate".

On page 3, line 19, strike "with" and insert: "without".

On page 4, line 5, strike "and" and insert:

"(E) include provisions to ensure the protection of the natural, cultural, and historic features of the resort and associated property, consistent with the laws and policies applicable to property managed by the National Park Service; and".

On page 4, line 6, strike "(E)" and insert: "(F)".

On page 5, line 3, strike "effective date" and insert: "award".

On page 5, line 24, strike "that" and insert: "who".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. I ask unanimous consent that all Members may

have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 714, legislation that I introduced to authorize the Secretary of the Interior to enter into a lease with the owners of Caneel Bay Resort in my congressional district.

I have a longer statement which I will submit for the RECORD, but I want to begin by thanking Natural Resources Committee Chairman NICK RAHALL and Subcommittee Chairman RAÚL GRIJALVA for their strong and steadfast support of this bill. I also want to thank Ranking Member HASTINGS and Subcommittee Ranking Member BISHOP for their support as well.

Mr. Speaker, H.R. 714 passed the House in February of 2009 and was approved by the other body, with an amendment, on May 14 of this year. We have been working to secure the enactment of this or a similar bill for more than 4 years, which will mean that the largest employer on the island of St. John in my district will be able to make badly needed upgrades to its facilities and keep operating and save jobs of over 400 employees during these challenging economic times.

In conclusion, Mr. Speaker, I want to thank the Natural Resources Committee Chief of Staff Jim Zoia, Chief Counsel Rick Healy, and National Parks, Forest and Public Land Subcommittee Staff Director David Watkins for all their hard work and assistance on this bill. H.R. 714 is an example of an effective public-private partnership, and I urge my colleagues to support its adoption.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, H.R. 714 has been adequately explained by the gentlelady from the Virgin Islands, and we have no objections at all to this legislation.

I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 714.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

HOUSING, EMPLOYMENT, AND LIVING PROGRAMS FOR VETERANS ACT OF 2010

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5360) to amend title 38, United States Code, to modify the standard of visual acuity required for eligibility for specially adapted housing assistance provided by the Secretary of Veterans Affairs, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5360

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the “Housing, Employment, and Living Programs for Veterans Act of 2010” or the “HELP Veterans Act of 2010”.

(b) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. References to title 38, United States Code.

Sec. 3. Modification of standard of visual acuity required for eligibility for specially adapted housing assistance provided by the Secretary of Veterans Affairs.

Sec. 4. Authorities regarding housing loans guaranteed by the Department of Veterans Affairs.

Sec. 5. Reauthorization and improvement of Department of Veterans Affairs small business loan program.

Sec. 6. Assistance for flight training.

Sec. 7. Seven-year increase in amount of assistance for individuals pursuing apprenticeships or on-job training.

Sec. 8. Extension of authority for certain qualifying work-study activities for purposes of the educational assistance programs of the Department of Veterans Affairs.

Sec. 9. Expansion of work-study allowance to include certain outreach services conducted through congressional offices.

Sec. 10. Temporary reduction of required amount of wages for on-the-job training programs.

Sec. 11. Reauthorization of Veterans’ Advisory Committee on Education.

Sec. 12. Homeless women veterans and homeless veterans with children reintegration grant program.

Sec. 13. Technology review and grant program.

Sec. 14. Child care; President’s Budget.

Sec. 15. Increase in amount of reporting fee payable to educational institutions that enroll veterans receiving educational assistance.

Sec. 16. Modification of advance payment of initial educational assistance or subsistence allowance.

Sec. 17. Increase in amount of subsistence allowance payable to veterans participating in vocational rehabilitation program.

Sec. 18. Expansion of availability of employment assistance allowance for veterans using employment services.

Sec. 19. Promoting jobs for veterans teaching in rural areas.

Sec. 20. Promoting jobs for veterans through the establishment of an internship program.

Sec. 21. Veterans entrepreneurial development summit.

Sec. 22. Increase in the maximum amount of specially adapted housing assistance authorized to be provided by the Secretary of Veterans Affairs.

Sec. 23. Department of Veterans Affairs housing loans for construction of energy efficient dwellings.

Sec. 24. Pilot program on specially adapted housing assistance for veterans residing temporarily in housing owned by a family member.

Sec. 25. Compliance with Statutory Pay-As-You-Go Act of 2010.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 3. MODIFICATION OF STANDARD OF VISUAL ACUITY REQUIRED FOR ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING ASSISTANCE PROVIDED BY THE SECRETARY OF VETERANS AFFAIRS.

(a) *IN GENERAL.*—Section 2101(b)(2)(A) is amended by striking “with 5/200” and all that follows through the period and inserting the following: “with central visual acuity of 20/200 or less in the better eye with the use of standard correcting lenses (for purposes of this subparagraph, an eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be treated as having a central visual acuity of 20/200 or less).”.

(b) *EFFECTIVE DATE.*—The amendment made by subsection (a) shall apply with respect to specially adapted housing assistance provided on or after the date of the enactment of this Act.

SEC. 4. AUTHORITIES REGARDING HOUSING LOANS GUARANTEED BY THE DEPARTMENT OF VETERANS AFFAIRS.

(a) *COVENANTS AND LIENS IN RESPONSE TO DISASTER-RELIEF ASSISTANCE.*—Paragraph (3) of section 3703(d) is amended to read as follows:

“(3)(A) Any real estate housing loan (other than for repairs, alterations, or improvements) shall be secured by a first lien on the realty. In determining whether a loan is so secured, the Secretary may either disregard or allow for subordination to a superior lien that—

“(i) is created by a duly recorded covenant running with the realty in favor of—

“(I) a public entity that provides assistance in response to a major disaster as determined by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

“(II) a private entity to secure an obligation to such entity for the homeowner’s share of the costs of the management, operation, or maintenance of property, services, or programs within and for the benefit of the development or community in which the veteran’s realty is located; and

“(ii) the Secretary determines will not prejudice the interests of the veteran borrower and of the Government by the operation of such a covenant.

“(B) In respect to a superior lien described by subparagraph (A) that is created after June 6, 1969, the Secretary’s determination must have been made prior to the recordation of the covenant.”.

(b) *EXTENSION OF AUTHORITY TO POOL LOANS.*—Paragraph (2) of section 3720(h) is amended by striking “2011” and inserting “2016”.

SEC. 5. REAUTHORIZATION AND IMPROVEMENT OF DEPARTMENT OF VETERANS AFFAIRS SMALL BUSINESS LOAN PROGRAM.

(a) *REAUTHORIZATION.*—

(1) *IN GENERAL.*—Chapter 37 is amended by striking section 3751.

(2) *CLERICAL AMENDMENT.*—The table of sections at the beginning of such chapter is amended by striking the item relating to section 3751.

(b) **EXPANSION OF ELIGIBILITY FOR SMALL BUSINESS LOANS.**—Chapter 37 is further amended—

(1) in section 3741, by striking paragraph (2); and

(2) in section 3742(a)(3)(A), by striking “veterans of the Vietnam era or”.

(c) **REPEAL OF AUTHORITY TO MAKE DIRECT LOANS.**—Chapter 37, as amended by subsections (a) and (b), is further amended—

(1) in section 3742—

(A) in subsection (a)—

(i) in paragraph (2), by striking “(A) loan guaranties, or (B) direct loans” and inserting “loan guaranties”; and

(ii) in paragraph (3)(A), by striking “and that at least 51 percent of a business concern must be owned by disabled veterans in order for such concern to qualify for a direct loan”;

(B) in subsection (b)—

(i) by striking paragraph (1) and redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively; and

(ii) in paragraph (2), as so redesignated, by striking “make or”;

(C) in subsection (c), by striking “made or”;

(D) in subsection (d)—

(i) by striking paragraph (2);

(ii) by striking “(1) Except as provided in paragraph (2) of this subsection, the” and inserting “The”; and

(iii) by striking “make or”; and

(E) in subsection (e)—

(i) in paragraph (1)—

(I) in the first sentence, by striking “or, if the loan was a direct loan made by the Secretary, may suspend such obligation”; and

(II) in the second sentence, by striking “or while such obligation is suspended”;

(ii) by striking “or suspend” each place it appears;

(iii) by striking “or suspension” each place it appears

(iv) by striking “or suspends” each place it appears; and

(v) in paragraph (4), by striking “or suspended” each place it appears;

(2) in section 3743—

(A) by striking “that is provided a direct loan under this subchapter, or”;

(B) by striking the comma between “subchapter” and “shall”;

(C) by striking “direct or”; and

(D) by striking “for the amount of such direct loan or, in the case of a guaranteed loan,”;

(3) in section 3745—

(A) by striking “(a)”;

(B) by striking subsection (b);

(4) in section 3746, by striking “made or” both places it appears; and

(5) in section 3750, by striking “made or”.

(d) **AUTHORITY TO ENTER INTO A CONTRACT.**—Section 3742, as amended by subsection (c), is further amended by adding at the end the following new subsection:

“(f) The Secretary shall enter into a contract with an appropriate entity for the purpose of carrying out the program under this subchapter.”.

(e) **FUNDING.**—Section 3742(b), as amended by subsection (c), is further amended by adding at the end the following new paragraph:

“(4) The Secretary may only guarantee a loan under this subchapter to the extent that a limitation commitment to guarantee loans for a fiscal year has been provided in advance in an appropriations Act.”.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—Section 3749 is amended to read as follows:

“§3749. Authorization of appropriations

“There are authorized to be appropriated to carry out this subchapter such sums as may be necessary.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 37 is amended by striking the item relating to section 3749 and inserting the following new item:

“3749. Authorization of appropriations.”.

(g) **LOAN FEE.**—

(1) **IN GENERAL.**—Chapter 37 is further amended by inserting after section 3749 the following new section:

“§3749A. Loan Fee

“(a) **REQUIREMENT OF FEE.**—(1) The Secretary shall collect a fee from each veterans’ small business concern obtaining a loan guaranteed under this subchapter.

“(2) No loan may be guaranteed under this subchapter until the fee payable under this section has been remitted to the Secretary.

“(3) The fee may be included in the loan guaranteed under this subchapter and paid from the proceeds thereof.

“(b) **DETERMINATION OF FEE.**—The amount of the fee shall be the full cost of the loan guarantee plus an additional amount determined by the Secretary as sufficient to cover applicable administrative expenses.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3749 the following new item:

“3749A. Loan fee.”.

(h) **DEFINITIONS.**—Section 3741 is amended by adding at the end the following new paragraphs:

“(2) The term ‘cost’ has the meaning given the term ‘cost of a loan guarantee’ within the meaning of section 502(5)(C) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)(C)).

“(3) The term ‘guarantee’—

“(A) has the meaning given the term ‘loan guarantee’ in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a); and

“(B) includes a loan guarantee commitment (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)).

“(4) The term ‘obligation’ means the loan or other debt obligation that is guaranteed under this subchapter.”.

SEC. 6. ASSISTANCE FOR FLIGHT TRAINING.

Subsection (e)(1) of section 3032 is amended by striking “60 percent” and inserting “75 percent”.

SEC. 7. SEVEN-YEAR INCREASE IN AMOUNT OF ASSISTANCE FOR INDIVIDUALS PURSUING APPRENTICESHIPS OR ON-JOB TRAINING.

During the seven-year period beginning on the date of the enactment of this Act, the Secretary of Veterans Affairs shall apply—

(1) section 3032(c)(1) of title 38, United States Code—

(A) in subparagraph (A), by substituting “80 percent” for “75 percent”;

(B) in subparagraph (B), by substituting “60 percent” for “55 percent”; and

(C) in subparagraph (C), by substituting “40 percent” for “35 percent”;

(2) section 3233(a) of such title—

(A) in paragraph (1), by substituting “80 percent” for “75 percent”;

(B) in paragraph (2), by substituting “60 percent” for “55 percent”; and

(C) in paragraph (3), by substituting “40 percent” for “35 percent”;

(3) section 3687(b)(2) of such title—

(A) by substituting “\$603” for “\$574”;

(B) by substituting “\$450” for “\$429”; and

(C) by substituting “\$299” for “\$285”; and

(4) section 16131(d)(1) of title 10, United States Code—

(A) in subparagraph (A), by substituting “80 percent” for “75 percent”;

(B) in subparagraph (B), by substituting “60 percent” for “55 percent”; and

(C) in subparagraph (C), by substituting “40 percent” for “35 percent”.

SEC. 8. EXTENSION OF AUTHORITY FOR CERTAIN QUALIFYING WORK-STUDY ACTIVITIES FOR PURPOSES OF THE EDUCATIONAL ASSISTANCE PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.

Paragraph (4) of section 3485(a) is amended by striking “June 30, 2010” each place it appears and inserting “June 30, 2020”.

SEC. 9. EXPANSION OF WORK-STUDY ALLOWANCE TO INCLUDE CERTAIN OUTREACH SERVICES CONDUCTED THROUGH CONGRESSIONAL OFFICES.

Section 3485(a)(4) is amended by adding at the end the following new subparagraph:

“(G) The following activities carried out at the offices of Members of Congress for such Members:

“(i) The distribution of information to members of the Armed Forces, veterans, and their dependents about the benefits and services under laws administered by the Secretary and other appropriate governmental and non-governmental programs.

“(ii) The provision of assistance in ascertaining the status of claims (including appeals) for benefits under laws administered by the Secretary, as well as other constituent services for veterans as the Secretary determines appropriate.”.

SEC. 10. TEMPORARY REDUCTION OF REQUIRED AMOUNT OF WAGES FOR ON-THE-JOB TRAINING PROGRAMS.

(a) **IN GENERAL.**—

(1) **REDUCING REQUIREMENT.**—Section 3677(b)(1)(A)(ii) is amended by striking “85 percent” and inserting “60 percent”.

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall take effect on October 1, 2010, and shall apply to a veteran who enrolls in a program of training on the job approved under section 3677 of title 38, United States Code, on or after such date.

(b) **SUNSET.**—

(1) **REVERSION.**—Effective October 1, 2013, section 3677(b)(1)(A)(ii) of such title, as amended by subsection (a) of this section, is amended by striking “60 percent” and inserting “85 percent”.

(2) **APPLICATION.**—The amendment made by paragraph (1) shall apply to a veteran who enrolls in a program of training on the job approved under section 3677 of title 38, United States Code, on or after October 1, 2013.

(c) **GAO REPORT.**—Not later than October 1, 2013, the Comptroller General shall submit to the Committee on Veterans’ Affairs of the House of Representatives and the Committee on Veterans’ Affairs of the Senate a report on the effects of eliminating the requirement under section 3677(b)(1)(A)(ii) of title 38, United States Code, for a private employer to provide wage increases to veterans enrolled in a program of training on the job approved under section 3677 of such title.

SEC. 11. REAUTHORIZATION OF VETERANS’ ADVISORY COMMITTEE ON EDUCATION.

Section 3692(c) is amended by striking “December 31, 2009” and inserting “December 31, 2020”.

SEC. 12. HOMELESS WOMEN VETERANS AND HOMELESS VETERANS WITH CHILDREN REINTEGRATION GRANT PROGRAM.

(a) **GRANT PROGRAM.**—Chapter 20 is amended by inserting after section 2021 the following new section:

“§2021A. Homeless women veterans and homeless veterans with children reintegration grant program

“(a) **GRANTS.**—Subject to the availability of appropriations provided for such purpose, the

Secretary of Labor shall make grants to programs and facilities that the Secretary determines provide dedicated services for homeless women veterans and homeless veterans with children.

“(b) **USE OF FUNDS.**—Grants under this section shall be used to provide job training, counseling, placement services (including job readiness and literacy and skills training) and child care services to expedite the reintegration of homeless women veterans and homeless veterans with children into the labor force.

“(c) **REQUIREMENT TO MONITOR EXPENDITURES OF FUNDS.**—(1) The Secretary of Labor shall collect such information as that Secretary considers appropriate to monitor and evaluate the distribution and expenditure of funds appropriated to carry out this section. The information shall include data with respect to the results or outcomes of the services provided to each homeless veteran under this section.

“(2) Information under paragraph (1) shall be furnished in such form and manner as the Secretary of Labor may specify.

“(d) **ADMINISTRATION THROUGH THE ASSISTANT SECRETARY OF LABOR FOR VETERANS’ EMPLOYMENT AND TRAINING.**—The Secretary of Labor shall carry out this section through the Assistant Secretary of Labor for Veterans’ Employment and Training.

“(e) **BIENNIAL REPORT TO CONGRESS.**—The Secretary of Labor shall include as part of the report required under section 2021(d) of this title an evaluation of the grant program under this section, which shall include an evaluation of services furnished to veterans under this section and an analysis of the information collected under subsection (c).

“(f) **APPROPRIATED FUNDS.**—(1) In addition to any amount authorized to be appropriated to carry out section 2021 of this title, there is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2011 through 2016.

“(2) Funds appropriated to carry out this section shall remain available until expended. Funds obligated in any fiscal year to carry out this section may be expended in that fiscal year and the succeeding fiscal year.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2021 the following new item:

“2021A. Homeless women veterans and homeless veterans with children reintegration grant program.”.

SEC. 13. TECHNOLOGY REVIEW AND GRANT PROGRAM.

(a) **REVIEW AND EVALUATION OF NEW TECHNOLOGY.**—The Secretary of Veterans Affairs shall establish a team of individuals from appropriate disciplines to be responsible for reviewing new technologies, processes, and products and for determining which such technologies, processes, and products may be beneficial to the Department of Veterans Affairs or to the veterans served by the Department. Upon completion of the review under this subsection, the team shall submit the review to the Secretary, who shall disseminate the review within the Department, as appropriate.

(b) **SPECIALLY ADAPTED HOUSING ASSISTIVE TECHNOLOGY GRANT PROGRAM.**—

(1) **IN GENERAL.**—Chapter 21 is amended by adding at the end the following new section:

“§2108. Specially adapted housing assistive technology grant program

“(a) **AUTHORITY TO MAKE GRANTS.**—The Secretary shall make grants to encourage the development of new assistive technologies for specially adapted housing.

“(b) **APPLICATION.**—A person or entity seeking a grant under this section shall submit to the Secretary an application for the grant in such form and manner as the Secretary shall specify.

“(c) **GRANT FUNDS.**—Each grant awarded under this section shall be in an amount of not more than \$250,000 per year.

“(d) **USE OF FUNDS.**—The recipient of a grant under this section shall use the grant to develop assistive technologies for use in specially adapted housing.

“(e) **REPORT.**—Not later than March 1 of each year following a year in which the Secretary makes a grant, the Secretary shall submit to Congress a report containing information related to each grant awarded under this section during the preceding calendar year, including—

“(1) the name of the grant recipient;

“(2) the amount of the grant; and

“(3) the goal of the grant.

“(f) **FUNDING.**—From amounts authorized to be appropriated to the Department for each fiscal year for which the Secretary is authorized to make a grant under this section, \$1,500,000 shall be available for that fiscal year for the purposes of the program under this section.

“(g) **TERMINATION.**—The authority to make a grant under this section shall terminate on the date that is five years after the date of the enactment of this section.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2108. Specially adapted housing assistive technology grant program.”.

(3) **EFFECTIVE DATE.**—The Secretary of Veterans Affairs shall begin making grants under section 2108 of title 38, United States Code, as added by paragraph (1), by not later than one year after the date of the enactment of this Act.

SEC. 14. CHILD CARE; PRESIDENT'S BUDGET.

(a) **IN GENERAL.**—Chapter 31 is amended by adding at the end the following new sections:

“§3123. Child care assistance for single parents

“(a) **IN GENERAL.**—Pursuant to regulations prescribed by the Secretary to carry out this section, the Secretary shall provide reimbursements for the actual cost of child care provided by a licensed provider to a veteran who—

“(1) is participating in a vocational rehabilitation program under this chapter;

“(2) is the sole caretaker of a child; and

“(3) would not otherwise be able to afford such child care.

“(b) **AMOUNT AND DURATION.**—The amount of the reimbursement for the actual cost for child care under this section shall be not more than \$2,000 per month for each month the veteran is

participating in a vocational rehabilitation program under this chapter.

“§3124. Information included in support of President's budget

“The Secretary shall include in documents submitted to Congress by the Secretary in support of the President's budget for each fiscal year submitted under section 1105 of title 31, United States Code, the following:

“(1) For the calendar year preceding the submission—

“(A) the percentage of veterans receiving assistance under this chapter who became employed; and

“(B) the percentage of veterans receiving assistance under this chapter who achieved independence in daily living.

“(2) Any changes made by the Secretary in measuring or calculating the performance of the department under this chapter.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following:

“3123. Child care assistance for single parents.

“3124. Information included in support of President's budget.”.

SEC. 15. INCREASE IN AMOUNT OF REPORTING FEE PAYABLE TO EDUCATIONAL INSTITUTIONS THAT ENROLL VETERANS RECEIVING EDUCATIONAL ASSISTANCE.

(a) **INCREASE IN AMOUNT OF FEE.**—Subsection (c) of section 3684 is amended—

(1) by striking “\$7” and inserting “\$16”; and

(2) by striking “\$11” and inserting “\$16”.

(b) **TECHNICAL CORRECTION.**—Subsection (a) of such section is amended by striking the second comma after “34”.

(c) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall take effect on January 1, 2011.

SEC. 16. MODIFICATION OF ADVANCE PAYMENT OF INITIAL EDUCATIONAL ASSISTANCE OR SUBSISTENCE ALLOWANCE.

(a) **MODIFICATION.**—Section 3680(d)(2) is amended by inserting after the third sentence the following new sentence: “For purposes of the entitlement to educational assistance of the veteran or person receiving an advance payment under this subsection, the advance payment shall be charged against the final month of the entitlement of the person or veteran and, if necessary, the penultimate such month. In no event may any veteran or person receive more than one advance payment under this subsection during any academic year.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to an advance payment of educational assistance made on or after January 1, 2011.

SEC. 17. INCREASE IN AMOUNT OF SUBSISTENCE ALLOWANCE PAYABLE TO VETERANS PARTICIPATING IN VOCATIONAL REHABILITATION PROGRAM.

(a) **INCREASE IN SUBSISTENCE ALLOWANCE.**—Section 3108(b)(1) is amended by striking the table and inserting the following new table:

“Column I	Column II	Column III	Column IV	Column V
Type of program	No dependents	One dependent	Two dependents	More than two dependents
.....	The amount in column IV, plus the following for each dependent in excess of two:
Full-time	\$585.87	\$726.72	\$856.39	\$62.42
Three-quarter time	\$440.21	\$545.83	\$640.27	\$48.00
Half-time	\$294.55	\$364.94	\$428.98	\$32.03”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to a payment made for the third month beginning after the date of the enactment of this Act and each subsequent month.

SEC. 18. EXPANSION OF AVAILABILITY OF EMPLOYMENT ASSISTANCE ALLOWANCE FOR VETERANS USING EMPLOYMENT SERVICES.

Paragraph (2) of section 3108(a) is amended to read as follows:

“(2) In the case of a veteran with a service-connected disability who the Secretary determines has reached a point of employability and who is participating only in a program of employment services provided under section 3104(a)(5) of this title, the Secretary shall pay the veteran a subsistence allowance as prescribed in this section for three months while the veteran is satisfactorily pursuing such program.”.

SEC. 19. PROMOTING JOBS FOR VETERANS TEACHING IN RURAL AREAS.

(a) **IN GENERAL.**—Part III is amended by adding at the end the following new chapter:

“CHAPTER 44—VETERAN TEACHERS

“Sec.

“4401. Assistance allowance for rural veteran teachers.

“§4401. Assistance allowance for rural veteran teachers

“(a) **REDUCING ADMINISTRATIVE BURDEN.**—The Secretary may pay to a rural veteran teacher a monthly assistance allowance of \$500.

“(b) **DURATION.**—The aggregate period for which the Secretary may pay a rural veteran teacher a monthly assistance allowance under subsection (a) may not exceed 24 months.

“(c) **RURAL VETERAN TEACHER DEFINED.**—In this section, the term ‘rural veteran teacher’ means a veteran who—

“(1) is discharged from service in the Armed Forces under honorable conditions;

“(2) has not been employed as a teacher prior to receiving assistance under this section;

“(3) is employed to teach full-time at an accredited elementary or secondary school that is located in a rural area (as determined by the Bureau of the Census); and

“(4) on the date on which the veteran applies for a monthly assistance allowance under subsection (a), is enrolled in a State-approved course leading to certification as a teacher.

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$15,000,000 for fiscal year 2012 and each fiscal year thereafter.”.

(b) **CLERICAL AMENDMENTS.**—The tables of chapters at the beginning of title 38, United States Code, and of part III, are each amended by inserting after the item relating to chapter 43 the following new item:

“44. Assistance allowance for rural veteran teachers 4401”.

SEC. 20. PROMOTING JOBS FOR VETERANS THROUGH THE ESTABLISHMENT OF AN INTERNSHIP PROGRAM.

(a) **IN GENERAL.**—Chapter 7 is amended by adding at the end the following new section:

“§712. Internship program

“(a) **INTERNSHIP PROGRAM.**—From amounts available in the ‘General operating expenses’ account of the Department, the Secretary may carry out an internship program through which the Secretary shall award internships to up to 2,000 veterans each year in accordance with this section. The recipient of an internship under this section shall be employed in the Veterans Benefits Administration for the duration of the internship.

“(b) **ELIGIBILITY.**—To be eligible to receive an internship under this section a veteran shall have completed a rehabilitation program under

chapter 31 of this title. In awarding internships under this section, the Secretary shall give a preference to a veteran who has completed a program of long-term education or training, as determined by the Secretary.

“(c) **SALARY; BENEFITS.**—(1) Each recipient of an internship under this section shall be paid at a rate determined by the Secretary, except that such rate shall be at least the maximum annual rate of basic pay payable for grade GS-3 of the General Schedule under section 5332 of title 5, United States Code, and shall not exceed the maximum annual rate of basic pay payable for grade GS-5 of such schedule. Payments under this paragraph shall be derived from amounts available in the ‘General operating expenses’ account of the Department.

“(2) Each such recipient shall be entitled to leave on the same basis as employees of the Department who are paid at the same annual rate, except that such recipient may not be reimbursed for any unused leave at the end of the internship.

“(3) The Secretary shall furnish hospital care, medical services, and nursing home care to each recipient of an internship under this section on the same basis as a veteran described in subsection (B) of paragraph (2) of subsection (a) of section 1710 of this title unless the recipient is eligible for such care and services under subparagraph (A) of such paragraph or under paragraph (1) of such subsection.

“(4) The recipient of an internship under this section may receive an allowance under section 3108 of this title if such recipient is entitled to such an allowance.

“(d) **DURATION.**—No internship under this section shall exceed 12 months in duration.

“(e) **OUTREACH.**—The Secretary shall notify each participant in a rehabilitation program under chapter 31 of this title of the internship program under this section.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 711 the following new item:

“712. Internship program.”.

SEC. 21. VETERANS ENTREPRENEURIAL DEVELOPMENT SUMMIT.

(a) **IN GENERAL.**—Subchapter II of chapter 81 is amended by adding at the end the following new section:

“§8129. Veterans entrepreneurial development summit

“(a) **VETERANS ENTREPRENEURIAL DEVELOPMENT SUMMIT.**—The Secretary may hold an event, once every year, to provide networking opportunities, outreach, education, training, and support to small business concerns owned and controlled by veterans, veterans service organizations, and other entities as determined appropriate by the Secretary.

“(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$1,000,000 for each of fiscal years 2011 and 2021.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end of the items relating to subchapter II the following:

“8129. Veterans entrepreneurial development summit.”.

SEC. 22. INCREASE IN THE MAXIMUM AMOUNT OF SPECIALLY ADAPTED HOUSING ASSISTANCE AUTHORIZED TO BE PROVIDED BY THE SECRETARY OF VETERANS AFFAIRS.

(a) **IN GENERAL.**—Section 2102 is amended—

(1) in subsection (b)(2), by striking “\$12,000” and inserting “\$13,756”; and

(2) in subsection (d)—

(A) in paragraph (1), by striking “\$60,000” and inserting “\$65,780”; and

(B) in paragraph (2), by striking “\$12,000” and inserting “\$13,756”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply with respect to assistance furnished after the date of the enactment of this Act.

SEC. 23. DEPARTMENT OF VETERANS AFFAIRS HOUSING LOANS FOR CONSTRUCTION OF ENERGY EFFICIENT DWELLINGS.

(a) **LOANS AUTHORIZED.**—Section 3710(d) is amended—

(1) in paragraph (1)—

(A) by striking “The Secretary” and inserting “(A) The Secretary”; and

(B) by striking “for the acquisition of” and all that follows through the end and inserting “for any of the following purposes:”;

(C) by adding at the end the following new clauses:

“(i) The acquisition of an existing dwelling and the cost of making energy efficiency improvements to the dwelling.

“(ii) The construction of a new dwelling and the cost of making energy efficiency improvements to the dwelling.

“(iii) Energy efficiency improvements to a dwelling owned and occupied by a veteran.”; and

(D) by adding at the end the following new subparagraphs:

“(B) Except as otherwise provided in this subsection, a loan may be guaranteed under this subsection only if it meets the requirements of this chapter.

“(C) The Secretary shall determine appropriate energy efficiency standards for purposes of this subsection and shall require that dwellings purchased, constructed, or improved using a loan guaranteed under this subsection meet such standards.”; and

(2) in paragraph (2), by striking subparagraphs (A) and (B) and inserting the following new subparagraphs (A) and (B):

“(A) five percent of the total established value of the property, dwelling, and improvements; or

“(B) \$6,000, or a higher amount specifically provided by the Secretary.”.

(b) **GUIDANCE.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue guidance on appraising the value of energy efficiency improvements for purposes of section 3710(d) of title 38, United States Code, as amended by this Act.

(c) **REGULATIONS.**—

(1) **INTERIM POLICY GUIDANCE.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall prescribe interim policy guidance on energy efficiency audits and the conditions under which the performance of such audits may be included in the amount guaranteed by the Secretary under section 3710(d) of title 38, United States Code, as amended by subsection (a).

(2) **REGULATIONS.**—Not later than one year after the date of the enactment of this Act, the Secretary shall prescribe regulations to carry out the amendments made by subsection (a).

(3) **ENERGY EFFICIENCY AUDIT DEFINED.**—For purposes of this subsection, the term “energy efficiency audit” means a measurement of the effects of an improvement made to a dwelling for the purpose of reducing energy consumption or increasing energy efficiency that is carried out by a certified professional auditor, as determined by the Secretary.

(d) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall apply with respect to a loan secured on or after January 1, 2011.

SEC. 24. PILOT PROGRAM ON SPECIALLY ADAPTED HOUSING ASSISTANCE FOR VETERANS RESIDING TEMPORARILY IN HOUSING OWNED BY A FAMILY MEMBER.

(a) **TREATMENT OF CERTAIN LIMITATIONS.**—Notwithstanding subsection (d) of section 2102

of title 38, United States Code, and subject to subsection (b), a grant under section 2102A of such title shall not count toward the dollar amount limitations specified in that subsection.

(b) **TERMINATION.**—Subsection (a) shall apply only to the first 25 grants made during fiscal year 2011.

SEC. 25. COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to rule, the gentleman from California (Mr. FILNER) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. FILNER. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5360.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

I want to commend, Mr. Speaker, Congresswoman STEPHANIE HERSETH SANDLIN for introducing H.R. 5360, also known as the HELP Veterans Act of 2010. For the last 4 years, as the chair of the Economic Opportunities Subcommittee, the Congresswoman has held hearings to investigate the needs raised by veterans, worked directly with veterans service groups to craft solutions and advance important policy to respond.

This is a comprehensive bill that addresses the critical issues facing veterans: housing, education, employment. It is a collaboration amongst a number of Members working together to make an impact and strengthen the economic opportunities for veterans.

Mr. Speaker, we know that in today's terrible 10 percent unemployment rate for the Nation, veterans as a whole are almost double that, and recently returned veterans are almost triple that. We, as a body and as a Nation, need to far more directly confront this issue. This is not a way to say "thank you" to our veterans who have served us, and this is one bill that will help make an improvement in all this.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, this bill has been adequately explained by the gentleman from California, and it does enjoy strong bipartisan support.

Ms. HERSETH SANDLIN. Mr. Speaker, I urge my colleagues to support H.R. 5360, the Housing, Employment and Living Programs (HELP) for Veterans Act of 2010, which the

Veterans Affairs Committee approved with bipartisan support on Sept. 15, 2010.

I would like to thank Veterans Affairs Chairman FILNER and Ranking Member BUYER for their leadership on the committee and their support of this legislation.

I introduced the original version of H.R. 5360 on May 20, 2010, with the support of my colleague, Economic Opportunity Subcommittee Ranking Member BOOZMAN. The bill, as introduced, was titled the "Blinded Veterans Adaptive Housing Improvement Act of 2010." The Blinded Veterans Adaptive Housing Improvement Act aligns the VA's definition of blindness with existing federal laws with regards to eligibility criteria for Specially Adapted Housing Grants. The Economic Opportunity Subcommittee that I chair held a hearing in November 2009 that identified this excessively restrictive definition as having prevented some visually impaired veterans from qualifying for the assistance they need to modify their homes for their disability.

Thanks to a concerted bipartisan effort by Ranking Member BOOZMAN, the other members of the Economic Opportunity Subcommittee, and other members of the full Veterans Affairs Committee, H.R. 5360 was improved and expanded throughout the legislative process to provide aid and assistance to many veterans beyond the visually impaired. I'm pleased the committee worked together in a bipartisan way to craft the final version of this legislation.

Importantly, these benefit improvements for veterans don't add a dime to the deficit. They are fully paid for by making a change that the VA requested to regulations regarding the VA's Home Loan Guarantee program.

H.R. 5360, now known as the HELP Veterans Act, improves benefits to veterans in a number of areas in addition to the assistance for blinded veterans, including:

Increasing apprenticeship, on-the-job training and flight training educational benefits through the Montgomery G.I. Bill.

Extending authorization for the VA's work-study program for student veterans to 2020 and authorizing new program standards to allow these veterans to work in Congressional offices as part of their work-study.

Temporarily reducing, for the three years, the requirement for private employers to provide a wage increase for veterans participating in an approved on-the-job training program.

Reauthorizing the Veterans' Advisory Committee on Education.

Improving the Vocational Rehabilitation and Employment program by providing reimbursement for certified child care assistance for single parents as well as increasing the subsistence allowance payable to veterans participating in VR&E by 5.2 percent.

Updating regulations for VA educational benefit programs to increase the reporting fees payable to educational institutions as well as modifying the rules for advance payment of educational assistance to prevent any break in educational benefits.

Giving the Department of Labor the authority to make grants to programs and facilities to provide services for homeless women veterans and homeless veterans with children.

Again, I wish to thank Ranking Member BOOZMAN and the rest of my colleagues on the

committee for the cooperative and bipartisan spirit in which they worked to better serve our veterans through this legislation. I urge my colleagues to pass H.R. 5360, the HELP Veterans Act.

Mr. BUYER. Mr. Speaker, I rise to express my strong support for another bipartisan bill H.R. 5360, despite my deep disappointment that certain veteran-friendly small business provisions passed unanimously by the Veterans Affairs Committee have been stricken from the bill before us today. Those provisions directly would have improved opportunities for small businesses owned and controlled by service disabled veterans.

H.R. 5360, is a bill that is a compilation of several bills reported to the Veterans Affairs Committee by the Subcommittee on Economic Opportunity under the leadership of the distinguished Chairwoman STEPHANIE HERSETH SANDLIN and I appreciate her work and that of Ranking Member BOOZMAN and Chairman FILNER for bringing this bill to the floor.

At a time when small businesses are facing a continuing shortage of credit, I am delighted to see that the bill includes section five which I introduced to reestablish the VA's small business loan program that expired in 1986. Under section five, VA would be authorized to guarantee small business loans up to \$200,000 made by financial institutions. VA would also be required to contract with a financial institution experienced in this field to manage the program. I had originally introduced a similar provision in H.R. 293 and H.R. 4220.

However, I am deeply disappointed that the Democrats on the Small Business Committee led by Chairwoman NADIA VELÁZQUEZ once again chose to favor their small business set aside groups over service disabled veteran-owned small business by objecting to section 21 which I also included in this bill by amendment at the Full Committee markup. Section 21 would have merely leveled the playing field for service disabled veteran-owned small businesses when competing with other set aside groups for VA contracts by changing the word "may" to "shall" when awarding sole source contracts to service disabled veteran-owned small businesses.

The Veterans Affairs Committee unanimously passed both of these provisions in hope that an additional source of credit backed by the VA will encourage lenders to increase the amount of credit and that a level playing field is the right thing to do for small businesses owned and controlled by service disabled veterans. It is truly unfortunate that Chairwoman VELÁZQUEZ and Speaker PELOSI continue their history of opposing provisions that would benefit disabled veteran-owned small business.

Mr. Speaker, it is unfortunate indeed that about 10 percent of homeless veterans are women and a significant percentage of those veterans bring children with them. So I am also pleased that the bill includes another provision which I introduced to establish a Homeless Veteran Reintegration Program for Women or HVRP-W. This program will focus on homeless programs specially designed to serve homeless women veterans and veterans with children. A veteran, especially one with children at their side should never be homeless.

Section 13 of the bill contains a provision introduced by Mr. BOOZMAN to encourage research and development in the field of assistive technologies used to adapt the homes of severely injured veterans. This authority will make a disabled veterans' homes just a bit more livable.

Mr. Speaker, it is no secret that our young people need positive role models. That is why the provisions I introduced as part of H.R. 4220 are an important part in this bill. Section 19 would provide a small temporary stipend to veterans who are new teachers in rural areas. Therefore, we are not only helping veterans to become teachers in rural areas, but we are also showing our next generation of America's what it means to make a commitment to the nation.

Section 20 would also provide one-year internship jobs at VA for up to 2,000 graduates of the Vocational Rehabilitation and Employment program. These positions will provide service disabled veterans with work experience while helping VA meet the needs of their fellow veterans.

Anyone who has renovated a home recently knows the cost of construction continues to climb more rapidly than the overall inflation rate. Severely disabled veteran often need their homes adapted to make them more livable. That is why Mr. BOOZMAN introduced provisions to make a small increase in the grants made under VA's Specially Adapted Home program. These provisions would increase the existing small grant to \$13,756 and the large grant to \$65,780.

Mr. Speaker, section 24 contains provisions also introduced by Mr. BOOZMAN as H.R. 4259 known as the WARMER Act. This bill updates the types and maximum values of energy efficiency loans that VA may guarantee while directing VA to standardize its appraisal process to ensure energy efficiency improvements are properly valued.

Finally, section 25 is a provision introduced by Mr. MORAN of Kansas to make it easier for severely disabled veterans to use the Temporary Residence Adaptation or TRA grant. TRA grants make small grants up to \$12,000 available to adapt the homes of family members with whom a severely injured veteran is living. Normally, TRA grants are deducted from the veterans overall grant, thus reducing subsequent grants. The provision would allow VA to issue up to 25 grants in Fiscal Year 2011 without reducing the veterans total award. This will help determine whether disabled veterans would be more likely to use the TRA grant.

Mr. Speaker, I want to ensure the Members of my support for this excellent bill despite the removal of several provisions that would benefit veteran-owned small businesses at this critical time and urge my colleagues to support H.R. 5360.

Mr. HASTINGS of Washington. I yield back the balance of my time.

Mr. FILNER. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 5360, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes."

A motion to reconsider was laid on the table.

VETERANS BENEFITS AND ECONOMIC WELFARE IMPROVEMENT ACT OF 2010

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6132) to amend title 38, United States Code, to establish a transition program for new veterans, to improve the disability claim system, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Veterans Benefits and Economic Welfare Improvement Act of 2010".

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Military transition program.

Sec. 3. Waiver of claim development period for claims under laws administered by Secretary of Veterans Affairs.

Sec. 4. Tolling of timing of review for appeals of final decisions of Board of Veterans' Appeals.

Sec. 5. Exclusion of certain amounts from determination of annual income with respect to pensions for veterans and surviving spouses and children of veterans.

Sec. 6. Extension of authority of Secretary of Veterans Affairs to obtain certain income information from other agencies.

Sec. 7. VetStar Award program.

Sec. 8. Increase in amount of pension for Medal of Honor recipients.

Sec. 9. Compliance with Statutory Pay-As-You-Go Act of 2010.

SEC. 2. MILITARY TRANSITION PROGRAM.

(a) **IN GENERAL.**—Chapter 41 of title 38, United States Code, is amended by inserting after section 4114 the following new section:

"§4115. Military transition program

"(a) **ESTABLISHMENT; ELIGIBILITY.**—(1) Subject to the availability of appropriations for such purpose, the Secretary of Veterans Affairs and the Assistant Secretary of Labor for Veterans' Employment and Training shall jointly carry out a program of training to provide eligible veterans with skills relevant to the job market.

"(2) For purposes of this section, the term 'eligible veteran' means any veteran whom the Secretary of Veterans Affairs determines—

"(A) is not otherwise eligible for education or training services under this title;

"(B) has not acquired a marketable skill since being separated or released from service in the Armed Forces;

"(C) was discharged under honorable conditions; and

"(D)(i) has been unemployed for at least 90 days during the 180-day period preceding the date of application for the program established under this section; or

"(ii) during such 180-day period received a maximum hourly rate of pay of not more than 150 percent of the Federal minimum wage.

"(b) **APPRENTICESHIP OR ON-THE-JOB TRAINING PROGRAM.**—The program established under this section shall provide for payments to employers who provide for eligible veterans a program of apprenticeship or on-the-job training if—

"(1) such program is approved as provided in paragraph (1) or (2) of section 3687(a) of this title;

"(2) the rate of pay for veterans participating in the program is not less than the rate of pay for nonveterans in similar jobs; and

"(3) the Assistant Secretary of Labor for Veterans' Employment and Training reasonably expects that—

"(A) the veteran will be qualified for employment in that field upon completion of training; and

"(B) the employer providing the program will continue to employ the veteran at the completion of training.

"(c) **PAYMENTS TO EMPLOYERS.**—(1) Subject to the availability of appropriations for such purpose, the Assistant Secretary of Labor for Veterans' Employment and Training shall enter into contracts with employers to provide programs of apprenticeship or on-the-job training that meet the requirements of this section. Each such contract shall provide for the payment of the amounts described in paragraph (2) to employers whose programs meet such requirements.

"(2) The amount paid under this section with respect to any eligible veteran for any period shall be 50 percent of the wages paid by the employer to such veteran for such period. Wages shall be calculated on an hourly basis.

"(3)(A) Except as provided in subparagraph (B)—

"(i) the amount paid under this section with respect to a veteran participating in the program established under this section may not exceed \$20,000 in the aggregate or \$1,666.67 per month; and

"(ii) such payments may only be made during the first 12 months of such veteran's participation in the program.

"(B) In the case of a veteran participating in the program on a less than full-time basis, the Assistant Secretary of Labor for Veterans' Employment and Training may extend the number of months of payments under subparagraph (A) and proportionally adjust the amount of such payments, but the aggregate amount paid with respect to such veteran may not exceed \$20,000 and the maximum number of months of such payments may not exceed 24 months.

"(4) Payments under this section shall be made on a quarterly basis.

"(5) Each employer providing a program of apprenticeship or on-the-job training pursuant to this section shall submit to the Assistant Secretary of Labor for Veterans' Employment and Training on a quarterly basis a report certifying the wages paid to eligible veterans under such program (which shall be certified by the veteran as being correct) and containing such other information as the Assistant Secretary may specify. Such report shall be submitted in the form and manner required by the Assistant Secretary.

"(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$10,000,000 for each fiscal year for which the program is carried out.

"(e) **REPORTING.**—The Secretary of Veterans Affairs, in coordination with the Assistant Secretary of Labor for Veterans' Employment and Training, shall include a description of activities carried out under this section in the annual

report prepared submitted under section 529 of this title.

“(f) **TERMINATION.**—The authority to carry out a program under this section shall terminate on September 30, 2016.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4114 the following new item:

“4115. Military transition program”.

(c) **CONFORMING AMENDMENTS.**—(1) Subsection (a)(1) of section 3034 of such title is amended by striking “and 3687” and inserting “3687, and 4115”.

(2) Subsections (a)(1) and (c) of section 3241 of such title are each amended by striking “section 3687” and inserting “sections 3687 and 4115”.

(3) Subsection (d)(1) of section 3672 of such title is amended by striking “and 3687” and inserting “3687, and 4115”.

(4) Paragraph (3) of section 4102A(b) of such title is amended by striking “section 3687” and inserting “section 3687 or 4115”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 3. WAIVER OF CLAIM DEVELOPMENT PERIOD FOR CLAIMS UNDER LAWS ADMINISTERED BY SECRETARY OF VETERANS AFFAIRS.

(a) **IN GENERAL.**—Section 5101 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) If a claimant submits to the Secretary a claim that the Secretary determines is a fully developed claim, the Secretary shall provide—

“(A) the claimant with the opportunity to waive any claim development period otherwise made available by the Secretary with respect to such claim; and

“(B) expeditious treatment to such claim.

“(2) If a person submits to the Secretary any written notification sufficient to inform the Secretary that the person plans to submit a fully developed claim and, not later than one year after submitting such notification submits to the Secretary a claim that the Secretary determines is a fully developed claim, the Secretary shall provide expeditious treatment to the claim.

“(3) If the Secretary determines that a claim submitted by a claimant as a fully developed claim is not fully developed, the Secretary shall provide such claimant with the notice described in section 5103(a) within 30 days after the Secretary makes such determination.

“(4) For purposes of this section:

“(A) The term ‘fully developed claim’ means a claim—

“(i) for which the claimant—

“(I) received assistance from a veterans service officer, a State or county veterans service organization, an agent, or an attorney; or

“(II) submits, together with the claim, an appropriate indication that the claimant does not intend to submit any additional information or evidence in support of the claim and does not require additional assistance with respect to the claim; and

“(ii) for which the claimant or the claimant’s representative, if any, each signs, dates, and submits a certification in writing stating that, as of such date, no additional information or evidence is available or needs to be submitted in order for the claim to be adjudicated.

“(B) The term ‘expeditious treatment’ means, with respect to a claim for benefits under the laws administered by the Secretary, treatment of such claim so that the claim is fully processed and adjudicated within 90 days after the Secretary receives an application for such claim.”.

(b) **APPEALS FORM AVAILABILITY.**—Subsection (b) of section 5104 of such title is amended—

(1) by striking “and (2)” and inserting “(2)”; and

(2) by inserting before the period at the end the following: “, and (3) any form or application required by the Secretary to appeal such decision”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to claims submitted on or after the date of the enactment of this Act.

SEC. 4. TOLLING OF TIMING OF REVIEW FOR APPEALS OF FINAL DECISIONS OF BOARD OF VETERANS’ APPEALS.

(a) **IN GENERAL.**—Section 7266(a) of title 38, United States Code, is amended—

(1) by striking “In order” and inserting “(1) Except as provided in paragraph (2), in order”; and

(2) by adding at the end the following new paragraph:

“(2)(A) The 120-day period described in paragraph (1) shall be extended upon a showing of good cause for such time as justice may require.

“(B) For purposes of this paragraph, it shall be considered good cause if a person was unable to file a notice of appeal within the 120-day period because of the person’s service-connected disability.”.

(b) **APPLICABILITY.**—

(1) **IN GENERAL.**—Paragraph (2) of section 7266(a) of such title, as added by subsection (a), shall apply to a notice of appeal filed with respect to a final decision of the Board of Veterans’ Appeals that was issued on or after July 24, 2008.

(2) **REINSTATEMENT.**—Any petition for review filed with the Court of Appeals for Veterans Claims that was dismissed by such Court on or after July 24, 2008, as untimely, shall, upon the filing of a petition by an adversely affected person filed not later than six months after the date of the enactment of this Act, be reinstated upon a showing that the petitioner had good cause for filing the petition on the date it was filed.

SEC. 5. EXCLUSION OF CERTAIN AMOUNTS FROM DETERMINATION OF ANNUAL INCOME WITH RESPECT TO PENSIONS FOR VETERANS AND SURVIVING SPOUSES AND CHILDREN OF VETERANS.

(a) **CERTAIN AMOUNTS PAID FOR REIMBURSEMENTS AND FOR PAIN AND SUFFERING.**—Paragraph (5) of section 1503(a) of title 38, United States Code, is amended to read as follows:

“(5) payments regarding—

“(A) reimbursements of any kind (including insurance settlement payments) for—

“(i) expenses related to the repayment, replacement, or repair of equipment, vehicles, items, money, or property resulting from—

“(I) any accident (as defined in regulations which the Secretary shall prescribe), but the amount excluded under this subclause shall not exceed the greater of the fair market value or reasonable replacement value of the equipment or vehicle involved at the time immediately preceding the accident;

“(II) any theft or loss (as defined in regulations which the Secretary shall prescribe), but the amount excluded under this subclause shall not exceed the greater of the fair market value or reasonable replacement value of the item or the amount of the money (including legal tender of the United States or of a foreign country) involved at the time immediately preceding the theft or loss; or

“(III) any casualty loss (as defined in regulations which the Secretary shall prescribe), but the amount excluded under this subclause shall not exceed the greater of the fair market value or reasonable replacement value of the property involved at the time immediately preceding the casualty loss; and

“(ii) medical expenses resulting from any accident, theft, loss, or casualty loss (as defined in regulations which the Secretary shall prescribe),

but the amount excluded under this clause shall not exceed the costs of medical care provided to the victim of the accident, theft, loss, or casualty loss; and

“(B) pain and suffering (including insurance settlement payments and general damages awarded by a court) related to an accident, theft, loss, or casualty loss, but the amount excluded under this subparagraph shall not exceed an amount determined by the Secretary on a case-by-case basis;”.

(b) **CERTAIN AMOUNTS PAID BY STATES AND MUNICIPALITIES AS VETERANS BENEFITS.**—Section 1503(a) of title 38, United States Code, is amended—

(1) by striking “and” at the end of paragraph (10);

(2) by redesignating paragraph (11) as paragraph (12); and

(3) by inserting after paragraph (10) the following new paragraph (11):

“(11) payment of a monetary amount of up to \$5,000 to a veteran from a State or municipality that is paid as a veterans’ benefit due to injury or disease; and”.

(c) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall apply with respect to determinations of income for calendar years beginning after October 1, 2011.

SEC. 6. EXTENSION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO OBTAIN CERTAIN INCOME INFORMATION FROM OTHER AGENCIES.

Section 5317 of title 38, United States Code, is amended by striking “September 30, 2011” and inserting “September 30, 2015”.

SEC. 7. VETSTAR AWARD PROGRAM.

(a) **ESTABLISHMENT.**—The Secretary of Veterans Affairs shall establish an award program, to be known as the “VetStar Award Program”, to annually recognize businesses for their contributions to veterans’ employment.

(b) **ADMINISTRATION.**—The Secretary shall establish a process for the administration of the award program, including criteria for—

(1) categories and sectors of businesses eligible for recognition each year; and

(2) objective measures to be used in selecting businesses to receive the award.

(c) **VETERAN DEFINED.**—In this section, the term “veteran” has the meaning given that term in section 101(2) of title 38, United States Code.

SEC. 8. INCREASE IN AMOUNT OF PENSION FOR MEDAL OF HONOR RECIPIENTS.

Section 1562(a) of title 38, United States Code, is amended by striking “\$1,000” and inserting “\$2,000”.

SEC. 9. COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. FILNER. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 6132, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill, H.R. 6132.

Once again, this attacks a part of the employment problem that I mentioned earlier, and many members of our committee worked on this. Not only Chairwoman HERSETH SANDLIN of the Subcommittee on Economic Opportunity but its ranking member, Mr. BOOZMAN, plus our colleagues Mr. WELCH from Vermont and Mr. TEAGUE from New Mexico. It again helps our veterans find jobs. And Congressman DONNELLY from Indiana, Congressman ADLER from New Jersey, and Congressman HASTINGS of Florida all contributed to this, along with Chairman HALL of the Disability Assistance Subcommittee and his Ranking Member LAMBORN of Colorado.

I reserve the balance of my time.

□ 1300

Mr. BUYER. I yield myself such time as I may consume.

Mr. Speaker, you are moving fast today. Had I known, I would have been here for the first bill. And I am serious about that comment. You have to give us adequate time to get to the floor so we can respond to the bills.

I am recognized, and I am making a statement, because I am really upset. I am upset because this is the way the majority has been running the Congress, Mr. Speaker.

If you want to know why the American people are upset with the majority, it is because of this. If you don't give adequate notice to even a ranking member to be on the floor on bills, people are going to know. Do you know why they are going to know? Because I am going to tell the story. Rules matter around this place.

Now, let me go back to the first bill. The only reason I mention this is because I want to thank—you just passed it, by voice vote.

Let me tell you what is upsetting, something else that matters around here, and it is the Parliamentarian. You drop that bill, and the Parliamentarian makes those bills go to the appropriate jurisdictions. Something may get added by amendment to a particular bill that some other committee thinks that they want a view on it. Then what happens is the majority, not giving a doggone about the minority, puts bills onto this floor, whatever they want to do, so long as it is in comfort with someone else. They don't care about the minority or what our views are, so they just put it on the floor.

So once again we try to change the "may" to "shall" language in the last bill. The Small Business Committee prevents it. Now, why would you do

that? Why would the Small Business Committee, run by the Democrat majority, alienate the disabled veterans? Why do you keep doing this? We keep appealing to you to place the disabled veteran in a higher position with regard to other set-asides, and you won't do it.

Mr. President, don't stand up and tell the American people, well, now we are going to focus on small business. Or, Madam Speaker, don't stand up and say we are now going to focus on small business. What did you do at the moment of calling? At the moment of calling, when you had an opportunity to do something about it, what did you do? Don't give the American people rhetoric. What did you do at the moment of acting? Oh, no, no, no, we are not going to do it.

Oh, you do your stimulus bill. I want to respond to a \$1 billion small business bill on veterans. No, we're not going to do that; we are going to do VA construction.

Now you say, oh, my gosh, what are we going to do to stimulate small business? You had your opportunity over and over and over.

So, yes, I am pretty upset, Mr. Speaker. I am really upset. I am upset at what happened on that last bill. I am retiring. I am leaving Congress. And I am hopeful that the chairman—that you are as pugnacious as you can be and focus on that to help that disabled veteran, and change that language, Mr. FILNER, from "may" to "shall," and I think it will go a very long way.

Mr. Speaker, with regard to the bill in front of us, I rise in support of it. It is the Veterans Benefits and Economic Welfare Improvement Act of 2010. It is a bipartisan, omnibus veterans benefits bill that includes many provisions that help veterans and their families.

H.R. 6132 will assist transitioning servicemembers by creating a new program through the Veterans Employment and Training Service to assist unemployed veterans who are not eligible for other VA education programs by creating a new on-the-job training and apprenticeship program.

The bill also codifies programs that the VA is currently using to transform its disability claims processing system and provide veterans the right to equitable tolling when a claim reaches the Board of Veterans' Claims.

The bill would assist pensioners by excluding the repayment of medical expenses or medical insurance awards or settlements from the veteran's annual income when determining their pension amount.

I am also pleased and also appreciate the chairman's supporting of the provision by the ranking member, HENRY BROWN of the Subcommittee on Health to increase the pension for Medal of Honor recipients to \$2,000 a month.

Mr. Speaker, while I am sure we all agree that the provisions in this bill

are laudable, it is unfortunate that certain provisions have also been left out.

Ranking Member BOOZMAN of the Subcommittee on Economic Opportunity was also successful at the full committee markup of this bill in adding a provision that would have protected the veteran's Second Amendment right to bear arms. His amendment would have prevented veterans from losing this right without a judicial decision or due process. The amendment was agreed to by voice vote.

The provision was supported by the American Legion, AMVETS, the Veterans of Foreign Wars, the National Alliance on Mental Illness, the NRA, and the Gun Owners of America. Chairman CONYERS of the Judiciary Committee raised questions on the jurisdictional issue regarding the provision and insisted that it be taken out.

Here we go again. So to America, bills are coming to the floor, people are yanking things out of the bill. So what is happening is we are rushing bills to the floor, rather than allow them to be properly vetted through all jurisdictions. We are not going to do that.

So what do we have? We have a bill now on the floor that had a gun provision taken out of it right before an election. That is great. I am not running again, so those of you who are pleased that I guess the gun provision was taken out of the bill, you can answer to your constituents about why that happened.

So I'm, once again, bothered. It's unfortunate. I am leaving an institution that I love and respect, but, boy, am I bothered with the way it is being run.

I ask Members to support this bill.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of H.R. 6132, the Veterans Benefits and Economic Welfare Improvement Act of 2010. I want to thank the author, the gentleman from California and Chairman of the House Committee on Veterans' Affairs (VA), Mr. BOB FILNER, and also members of the House Committee on Veterans' Affairs, for their support of our men and women who have served our country in the military.

Mr. Speaker, this bill incorporates language from H.R. 5549, the Rating and Processing Individuals' Disability Claims (RAPID) Act, which I have cosponsored. I thank Chairman FILNER for including this language in H.R. 6132 and I thank the gentleman from Indiana, Mr. JOE DONNELLY, for his leadership on the RAPID provision, which adds more accountability and transparency to the process by which the Secretary of Veterans' Affairs (VA) reviews veterans' disability claims.

In addition to the language on disability claims, H.R. 6132 also directs the Secretary of Veterans Affairs and the Assistant Secretary of Labor for Veterans' Employment and Training to carry out a joint training program to assist veterans in acquiring critical skills that are needed in the job market. At a time when opportunities are limited, the program provided for under this bill will help our veterans compete in the job market.

Veterans across the nation are facing many challenges as they assimilate back into a civilian lifestyle. Our most recent veterans from Operation Enduring Freedom and Operation Iraqi Freedom have experienced greater frequency of deployment, increased mental health problem, and strains on their families that continue long after they return from war. Given these immense challenges, it is only fitting that Congress works towards helping these brave men and women who risked their lives for our freedom.

I urge my colleagues to support and pass the Veterans Benefits and Economic Welfare Improvement Act.

Mr. DONNELLY of Indiana. Mr. Speaker, I rise today to speak in support of H.R. 6132, The Veterans Benefits and Economic Welfare Improvement Act. This bill combines several measures into one solid piece of legislation that will serve our veterans by helping them transition into the job market and improving the disability claims and appeals process, among other things.

Included in this legislation is a bill I introduced to help improve the disability claims process, H.R. 5549, The RAPID Claims Act. The RAPID Claims Act codifies the already successful Fully Developed Claim pilot program that Congress created in 2008, with a few improvements.

Since veterans who participate in the Fully Developed Claim program are gathering their evidence without VA assistance, they should be able to notify VA to mark their date of disability compensation as soon as they begin to put their case together. The RAPID Claims Act ensures this date is protected.

Additionally, if VA decides that a claim submitted by a veteran for the Fully Developed Claim program is actually ineligible for that program, VA should immediately notify the veteran of what is needed to substantiate the claim to allow it to proceed efficiently through the normal disability claim process. If VA adjudicates an incomplete claim without notifying the veteran, the result would be more inaccurately processed claims and a longer appeals backlog. The RAPID Claims Act requires VA to assist such veterans in putting together a regular disability claim to prevent unsatisfactory decisions and unnecessary appeals.

Finally, The RAPID Claims Act ensures that veterans receive an appeals form at the same time as the decision on their disability claim. This will help veterans more quickly prepare and file an appeal if necessary.

I am proud to have worked with the Iraq and Afghanistan Veterans of America and the Disabled American Veterans in crafting this legislation, as well as 60 bipartisan colleagues who support it.

Ms. HERSETH SANDLIN. Mr. Speaker, I urge my colleagues to support H.R. 6132, the Veterans Benefits and Economic Welfare Improvement Act of 2010, which the Veterans Affairs Committee approved with bipartisan support on September 15th.

I would like to thank Veterans Affairs Chairman FILNER for his leadership in introducing H.R. 6132, as well as the support and leadership of Ranking Member BUYER.

I am proud to be an original cosponsor of this legislation, which contains a number of important provisions that will directly improve

the lives of veterans and the services available to those veterans and their families. Included among these provisions are four bills that I originally introduced. All four of these bills—H.R. 1088, H.R. 1089, H.R. 2461, and H.R. 1037—have previously passed the House, and I am pleased they have been included in this legislation.

H.R. 1089, the Veterans Employment Rights Realignment Act, originally passed the House without opposition by a vote of 423 to 0 on May 19, 2009. The provisions before us today create a three-year demonstration project to move the enforcement of the Uniformed Services Employment and Reemployment Rights Act (USERRA) protections of veterans and members of the Armed Services employed by Federal executive agencies to the U.S. Office of Special Counsel (OSC).

Under a previous demonstration project established by Public Law 108-454, OSC investigated some federal sector USERRA claims from 2004 to 2007. This demonstration project showed that the OSC had the expertise and ability to quickly obtain corrective action for federally employed veterans, and that success warranted a further continuation of this study.

H.R. 1088, the Mandatory Veteran Specialist Training Act, originally passed the House by voice vote on May 19, 2009. The provisions before us today take an important step toward providing better employment assistance to those who have bravely served their country.

These provisions reduce from 3 years to 18 months the period during which Disabled Veterans' Outreach Program (DVOP) specialists or Local Veterans' Employment Representatives (LVER) with the Department of Labor (DOL) must complete the specialized veterans employment training program provided by the National Veterans' Training Institute (NVTI).

Through several Economic Opportunity Subcommittee hearings I chaired during the 110th Congress, I learned it was taking, on average, 2.5 years before DOL veterans employment specialists were completing the NVTI program. This leaves untrained specialists who don't have the necessary skills trying to help veterans with their employment needs, and this bill helps correct that situation.

H.R. 2461, the Veterans Small Business Verification Act, passed the House as part of H.R. 3949 with overwhelming bipartisan support on November 3, 2009. The provisions before us today clarify the responsibility of the Secretary of Veterans Affairs to verify the veteran status of owners of small businesses listed in the VetBiz Vendor Information Pages database. Furthermore, it requires that the VA notify small businesses already listed in the database of the need to verify their status.

The Economic Opportunity Subcommittee learned through hearings, and meetings with VA staff and the veterans community that the database contained firms that didn't qualify because the verification process was voluntary. Since firms registered in the database can qualify to receive set-aside or sole-source awards, this new legislation will help ensure our veterans are afforded the small business opportunities they are due.

H.R. 1037, the Pilot College Work Study Programs for Veterans Act of 2009, originally passed the House on July 14, 2009 without

opposition by a vote of 422 to 0. The provisions before us today improve the educational benefits available to our country's veterans by expanding the scope of work-study activities available to veterans receiving educational benefits through the VA.

Currently, eligible student veterans enrolled in college degree programs, vocational programs or professional programs are eligible to participate in the work-study allowance program. However, they are limited to positions involving VA related work, such as processing VA paperwork, performing outreach services, and assisting staff at medical facilities or the offices of the National Cemetery Administration.

This legislation both reauthorizes the work-study program for 3 additional years and expands the list of qualifying work-study activities to include positions with State veterans agencies, Centers for Excellence for Veterans Student Success and other veterans-related positions at institutions of higher learning.

Given the wide variety of tasks our men and women in uniform perform while serving their country, our Nation should be capitalizing on the unique training and skill sets that veterans who are pursuing their degrees bring to their educational institutions.

In conclusion, H.R. 6132 takes a number of important steps toward helping veterans who have bravely served their country. I urge my colleagues to support H.R. 6132.

Mr. HASTINGS of Florida. Mr. Speaker, I rise in strong support of H.R. 6132, the Veterans Benefits and Economic Welfare Improvement Act of 2010. This important legislation extends much-needed improvements to benefits and services for our Nation's veterans, who deserve the best we can offer. This legislation makes a number of critical corrections and updates to streamline services, expedite benefits, and ensure that veterans can take advantage of educational and vocational training opportunities to develop skills relevant to today's job market.

I am extremely pleased that the underlying legislation includes my bill, H.R. 4541, the Veterans Pensions Protection Act of 2010. This legislation protects veterans from losing their pension benefits because they received payments to cover expenses incurred after an accident, theft, loss or casualty loss.

Under current law, if a veteran is seriously injured in an accident or is the victim of a theft and receives insurance compensation, he or she may lose their pension if the money exceeds the income limit set by the VA. This means that the law effectively punishes veterans when they suffer from such an accident or theft.

Such a tragedy happened to one of my constituents, a Navy veteran with muscular dystrophy who was hit by a truck when crossing the street in his wheelchair. His pension was abruptly cut off after he received an insurance settlement payment to cover medical expenses for himself and his service dog, and material expenses to replace his wheelchair. As a result, he could not cover his daily expenses and mortgage payments and almost lost his home. This is unacceptable.

The Veterans Pensions Protection Act exempts the reimbursement of expenses related to accidents, theft, loss or casualty loss from

being included into the determination of a veteran's income.

I want to thank Chairman BOB FILNER as well as Subcommittee Chairman JOHN HALL and Ranking Member DOUG LAMBORN for their support on this issue.

Mr. Speaker, at a time when our Nation's service men and women are fighting two wars abroad and engaged in action in other parts of the world, we have a duty to our past, present, and future veterans to provide the very best in health care, job training, housing assistance, educational opportunities, and other services and benefits. We owe our veterans an enormous debt, and cannot thank them enough for their service. I urge my colleagues to give their unanimous support to this legislation.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H.R. 6132, which improves the social services currently offered by the U.S. Department of Veterans Affairs, VA, by reaching out to and providing benefits for many veterans not currently enrolled accounted for under our current federally-funded programs.

I want to thank Chairman FILNER for his leadership in bringing this resolution to the floor. I also thank the Congressman for sponsoring this legislation and for his dedication to ensuring that this nation does everything it can to repay our veterans for the sacrifices they have made to protect us.

Mr. Speaker, as the representative of a district that is home to over 23,000 veterans and the VA Medical Center of Long Beach, I know how important it is to ensure that our veterans have the resources to access affordable health care, housing, and financial security.

H.R. 6132 establishes a transition program for new veterans not eligible for other employment aid programs. With 40 percent of young veterans from who Iraq and Afghanistan more likely to be unemployed than anyone in their age group, it is vital that we continue to demonstrate our support for them through bills such as this.

The bill's provisions are aimed at directly improving the disability claim system by extending the 120-day limit for filing an appeal to the Court of Veterans Appeals after a final decision of the Board of Veterans' Appeals. The bill would also increase the pension amount for Medal of Honor recipients, establish an award program that will allow the VA to recognize businesses for their contributions to veteran employment, and protect veterans from losing their non-service connected pension benefits.

Mr. Speaker, the bold actions taken by Congress and the Administration thus far have been critical in assisting our courageous Veterans. Not only have they provided the vital services that our veterans have earned, but they also equip our former soldiers with the resources they need to lift them out of unemployment and live stable, healthy lives.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 6132.

Mr. HALL of New York. Mr. Speaker, thank you for the opportunity to speak this morning. I rise in support of several pieces of legislation before us this week that aim to improve the lives of our Nation's veterans.

As Chairman of the House Veterans' Affairs Subcommittee on Disability Assistance and

Memorial Affairs, it was my honor and privilege to help move some of these bills forward. I also thank the sponsors of these bills for their commitment to our veterans.

These bills make substantial improvements to the VA's job training programs, making veterans more attractive to small businesses to hire and train, and to ensure that veterans suffering from PTSD and other mental conditions are able to appeal their claims decisions if they miss an arbitrary deadline, set by a bureaucrat.

I strongly support the provision in H.R. 6132 which will allow veterans receiving a pension from the VA to keep receiving their pension in the event they are awarded a settlement for loss or injury. This will correct an extremely unfair part of current law that includes these payments as income when determining a veteran's eligibility for a means-based pension.

I am also glad that the House is addressing the issue of Retained Asset Accounts. We have heard a great deal about these accounts for recipients of Service Group Life Insurance Policies. H.R. 5993 will ensure that the families of veterans understand their rights and are fully informed of their options when their loved one passes.

Thank you again Mr. Speaker, and thank you to Chairman FILNER for his assistance in bringing these bills forward. I encourage all of my colleagues to vote in favor of these important bills.

Mr. BUYER. I yield back the balance of my time.

Mr. FILNER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 6132, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REQUIRING HYPERLINK TO VETSUCCESS WEBSITE

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3685) to require the Secretary of Veterans Affairs to include on the main page of the Internet website of the Department of Veterans Affairs a hyperlink to the VetSuccess Internet website and to publicize such Internet website.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3685

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROMOTION OF THE VETSUCCESS INTERNET WEBSITE.

(a) INCLUSION OF HYPERLINK.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall include on the main page of the Inter-

net website of the Department of Veterans Affairs a new hyperlink with a drop-down menu entitled "Veterans Employment". The drop-down menu shall include a direct hyperlink to the VetSuccess Internet website, the USA Jobs Internet website, the Job Central website, and any other appropriate employment Internet websites, as determined by the Secretary, especially such websites that focus on jobs for veterans.

(b) ADVERTISEMENT OF INTERNET WEBSITE.—Subject to the availability of appropriations for such purpose, the Secretary of Veterans Affairs shall, in accordance with section 532 of title 38, United States Code, purchase advertising in national media outlets for the purpose of promoting awareness of the VetSuccess Internet website to veterans.

(c) OUTREACH TO VETERANS OF OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.—The Secretary of Veterans Affairs shall conduct outreach to veterans of Operation Iraqi Freedom and Operation Enduring Freedom to inform such veterans of the VetSuccess Internet website.

(d) VETSUCCESS INTERNET WEBSITE DEFINED.—In this section, the term "VetSuccess Internet website" means www.vetsuccess.gov or any successor Internet website maintained by the Department of Veterans Affairs.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank Congressman CLIFF STEARNS of Florida for introducing this bill, which seeks to include an important link to the VetSuccess program on the home page of the Department of Veterans Affairs' Web site. Like the other two bills before us today, it helps those veterans seeking employment.

I reserve the balance of my time.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3685, which was introduced by my good friend, the deputy ranking member of the House Committee on Veterans Affairs, CLIFF STEARNS of Florida.

This bill would make it easier to find employment opportunities in their area and promote the VetSuccess Web site.

I yield such time as he may consume to the gentleman from Florida (Mr. STEARNS) to discuss his legislation.

Mr. STEARNS. Mr. Speaker, I thank the distinguished ranking member, and I also thank Chairman FILNER for allowing this bill to come to the floor.

My colleagues, today unemployment continues to be record high, particularly in my congressional district. In my hometown, it is 14.5 percent, and the unemployment rate in the veterans community is even higher. It is higher than I think many of us can ever remember.

So my bill, H.R. 3685, would simply require the Department of Veterans Affairs to have a drop-down menu entitled "Veterans Employment" on its home page. This drop menu would have links to VetSuccess, USA Jobs, Job Central and other appropriate employment Web sites. It also would require the Secretary of VA to advertise and promote the VetSuccess Web site and require direct outreach to veterans of Operation Iraqi Freedom and Operation Enduring Freedom.

This bill comes out of many discussions I have had with the VA over the past couple of years. And while the VA has addressed some of my concerns, they continue to miss what I believe is the underlying reason for the bill—consumer service and usability.

□ 1310

The VA should have a clear link that will take veterans to a listing of jobs based simply on zip code. Today, if you're a veteran and you're looking for a job, whether it is in the private sector or within the United States Government, it can be a daunting task. The VA should not make it harder to use their job searching services to help find a job, but make it easier.

For example, when you go to the VA home page under quick links, under "Federal Jobs for Veterans," this is close to what I want, but private sector jobs are not listed since it only lists Federal jobs and completely omits private sector jobs. To find private sector jobs on this site, you have to click on the Veteran Service drop-down menu and navigate 28 possible links and somehow know that VetSuccess is the proper link while you're doing all these 28 links. There's no simple link for Veteran Employment or Veteran Jobs. Instead, you need to know that the VetSuccess program is what you're looking for.

If you're unfamiliar with veterans programs, you may not know that VetSuccess is the web portal for private sector jobs. The title, VetSuccess, isn't even clear in this title. VetSuccess might be the link for successful navigation of the Veterans Affairs bureaucracy. The title should clearly mention jobs or employment to make it easier for our veterans.

Then, my colleagues, once you get to the VetSuccess web page, you must register to look up jobs. You can't just type in your zip code and get a list of jobs. My office had to fill out an excessively long form and then monitor our spam filter to catch the authentication e-mail verifying that we signed up. And

then we waited for a follow-up e-mail to get our password to finally access the VetSuccess job portal. Can you imagine the frustration that must occur?

This is too high a hurdle for something so simple as a job listing for veterans. You should be able to simply go to this one site, type your zip code in, and simply get a list of the job listings. When I was finally able to type in my zip code and found jobs in my hometown of Ocala, Florida, I got a list of about 60 jobs, mostly menial jobs driving as a chauffeur and lawn care jobs. But when I went to Monster.com, the private side, I don't need to register to do a quick lookup for the 240 jobs that were listed within 20 miles of my hometown. VetSuccess needs to be more like Monster.com—immediate access to job listings by zip code without hiding behind vague titles and a crowded drop menu with excessive registration requirement.

The purpose of my bill, my colleagues, is to get the VA thinking about how they should properly address the need for veterans, provide good customer service, and lower the barriers to get this information. This type of employment information should be easily accessible in plain, simple language on the VA's home page and the VetSuccess program should provide these job listings without making veterans jump through so many hoops.

So, with that in mind, Mr. BUYER, I want to thank you and thank Mr. FILLNER, the chairman, for allowing this bill to come forward. I hope my colleagues will vote in the affirmative.

Today, unemployment continues to be a record high. In the State of Florida the unemployment rate is over 10 percent. In my hometown of Ocala, it is over 14 percent. It can be a daunting task finding a job for a civilian. It can be even harder to find a job if you are a Guard or Reservist returning from deployment or a veteran just exiting the service. The unemployment rate in the veteran's community is higher than at any time that I remember.

The VA has created a job portal to help veterans develop their resume and hunt for jobs. Unfortunately, like many government run programs, they built a program without thinking about the customer, our veterans.

My bill, HR 3685, would require that the Department of Veterans Affairs would have a drop-down menu titled "Veterans Employment" on its homepage. This drop menu would have links to VetSuccess, USA Jobs, Job Central and other appropriate employment websites. It would also require the Secretary of VA to advertise and promote the VetSuccess website and require direct outreach to veterans of Operation Iraqi Freedom and Operation Enduring Freedom.

This bill comes out of discussions I had with the VA over the past couple of years and while the VA has addressed some of my concerns, they continue to miss the underlying reason for my bill: customer service and usability. The VA should have a clear link that

will take veterans to a listing of jobs based on zip code.

Today, if you are a veteran and are looking for a job, whether it is in the private sector or within the government, it can be a difficult task. The VA should not make it harder to use their job searching services to help find a job.

For example, when you go to the VA homepage under quick links there is "Federal Jobs for Veterans." This is close to what I want, but private sector jobs are not listed since it only lists federal jobs. To find private sector jobs, you have to click on the Veteran Service dropdown menu and navigate 28 possible links and somehow know that VetSuccess is the proper link.

There is no simple link for Veteran Employment or Veteran Jobs. Instead you need to know that the VetSuccess program is what you're looking for. If you're unfamiliar with veteran programs, you may not know that VetSuccess is the web portal for private sector jobs. The title, VetSuccess, isn't clear. VetSuccess might be the link for successful navigation of the VA bureaucracy. The title should clearly mention jobs or employment.

Then, once you get to the VetSuccess webpage you must register to look up jobs. You can't just type in your zip code and get a list of jobs. My office had to fill out an excessively long form, and then monitor our spam filter to catch the authentication e-mail verifying that we signed up and then we waited for a follow up e-mail to get our password to finally access the VetSuccess job portal.

This is too high a hurdle for something so simple as a job listing for veterans. You should be able to go to this site, type your zip code and get the job listings. When I was finally able to type in my zip code and found jobs in my hometown of Ocala, I got a list of 64 jobs, mostly menial, Driving and Lawncare jobs.

When I go to Monster.com, I don't need to register to do a quick lookup for the 237 jobs listed within 20 miles of Ocala. VetSuccess needs to be more like Monster: immediate access to job listings by zip code without hiding behind vague titles in a crowded drop menu with excessive registration requirements.

The purpose of my bill is to get the VA thinking about how they should properly address the needs of Veterans, provide good customer service and lower the barriers to information. This type of employment information should be easily accessible in plain language on the VA's homepage and the VetSuccess program should provide these job listings without making veterans jump through more hoops.

A March 13, 2010 Washington Post article stated that 21.1 percent of veterans age 18–24 are unemployed in this nation. These numbers are far above the standard unemployment rate for the nation or for individuals of similar ages. Many of these veterans are members of the National Guard and reserves who have deployed multiple times. In 2008, the unemployment rate among veterans in that age group was 14 percent, lower than today's veteran unemployment but still above the national average.

According to the Bureau of Labor & Statistics March 2010 report, the average unemployment rate for veterans over all eras is 8.1

percent. The unemployment rate for all veterans in 2009 was 10.2 percent.

Mr. BUYER. Reclaiming my time, Mr. Speaker, I want to congratulate the gentleman from Florida on his legislation. He's worked hard on it. As you can tell, he has put a lot of time and effort into this. The only thing I would add is that it's not just veterans—those whom have been recently discharged from the military. We also have guardsmen and reservists who are returning. We just had a brigade return from Tennessee. Of this brigade that has just returned from a theater of war, 40 percent do not have jobs waiting on them. Think about that. Forty percent of those just now coming back from a theater of war don't have a job waiting on them. So it is not just the veterans who may have served the Nation many years ago. It is those who are returning who are still active guardsmen and reservists, yet now they don't have that job to come back to. We had better be leaning forward on this one.

Mr. STEARNS, I want to thank you for your legislation. I want to thank the chairman for supporting the legislation.

I urge all Members to support H.R. 3685.

I yield back the balance of my time.

Mr. FILNER. I urge my colleagues to unanimously support H.R. 3685, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 3685.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BUYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PROVIDING HONORARY TITLE FOR ARMY RESERVISTS

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3787) to amend title 38, United States Code, to deem certain service in the reserve components as active service for purposes of laws administered by the Secretary of Veterans Affairs, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3787

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROVISION OF STATUS UNDER LAW BY HONORING CERTAIN MEMBERS OF THE RESERVE COMPONENTS AS VETERANS.

(a) *IN GENERAL.*—Chapter 1 of title 38, United States Code, is amended by inserting after section 107 the following new section:

“§ 107A. Honoring as veterans certain persons who performed service in the reserve components

“Any person who is entitled under chapter 1223 of title 10 to retired pay for nonregular service or, but for age, would be entitled under such chapter to retired pay for nonregular service shall be honored as a veteran but shall not be entitled to any benefit by reason of this section.”

(b) *CLERICAL AMENDMENT.*—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 107 the following new item:

“107A. Honoring as veterans certain persons who performed service in the reserve components.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3787, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today there are over a million men and women serving in our country in the National Guard and Reserves performing a wide variety of duties from combat operations around the world to responding to natural disasters at home. Members in the National Guard serve two commanders—the President, if called upon to join active duty components of the armed services, and the Governor of their State. Because of this, they were some of the first on the scene to bring calm following Hurricane Katrina. And during the recent British Petroleum oil spill in the gulf, over 1,600 members of National Guard units from four States were mobilized to protect our treasured coastline.

At age 60, members of the Guard with 20 years of service qualify for benefits similar to military retirees but cannot be designated as veterans of the armed services. As such, these so-called gray-area retirees cannot call themselves veterans even for honorary purposes. As such, they are not saluted during veterans' tributes and don't enjoy other ceremonial veterans' honors.

This bill would allow the members of the Reserve component the honor of calling themselves veterans. Specifically, this bill would establish mem-

bers of the National Guard who are eligible for a non-regular retirement, but who were never called to active duty during their careers, to be called veterans for honorary purposes.

The chief sponsor of this bill is Representative WALZ from Minnesota. He served 24 years in the National Guard, rising to the rank of Command Sergeant Major; and in fact is the highest ranking enlisted man ever elected to this Congress. When he was called to active duty for the period required to earn him full veteran status, he realized that many of his brothers and sisters at arms were denied that honor.

This legislation is supported by members of the Military Coalition and the National Military Veterans Alliance, which together represent several million active duty servicemembers, veterans, and their families. I urge my colleagues to join me in supporting H.R. 3787.

I reserve the balance of my time.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

I rise also in support of H.R. 3787, as amended, introduced by my good friend, the former Command Sergeant Major TIM WALZ of the Minnesota National Guard. I know where he wanted to go with this legislation. I think what he has done is really struck the right compromise. I discussed this even at the time in the committee. We don't like to think of America as a coalition government, but in fact that's what we are. We are States out there for which we all have to recognize the constitutions of each of the States and we are bound together by a U.S. Constitution. Different States have their own militia but at the same time they're also under the United States Code, and can be called upon. When they're called upon to serve in Federal status, in particular serving the Nation at war for a period of greater than 180 days or are injured on active duty, they gain access to not only being called a veteran but also to veterans' benefits.

But this is a pretty good title. It is an honorary title with regard to those who served greater than 20 years in the National Guard and they had not been called to active duty for an extended period of time, which would make them eligible for VA benefits under the statute. So I think what the gentleman from Minnesota has tried to do is to strike the appropriate balance, and I believe that he has found it.

I urge all Members to support H.R. 3787, as amended. I congratulate the former Sergeant Major on a job well done.

□ 1320

Mr. Speaker, I yield back the balance of my time.

Mr. LATHAM. Mr. Speaker, I strongly urge my colleagues to support H.R. 3787, which I joined my colleague the gentleman from Minnesota in introducing. Our military increasingly

depends on the National Guard and Reserve to keep our country safe. Men and women who served our country faithfully for decades deserve full recognition as veterans, even if they were never deployed. The legislation would extend full veteran status under federal law to retired members of the Guard and Reserve. Current law does not consider Guard and Reserve members to be veterans unless they were deployed for more than 30 days. The policy excludes many soldiers in the Guard and Reserve who, while never deployed for long periods of time, carried out critical support roles during times of war and peace, engaged in frequent and often dangerous training exercises, and stood ready to risk their lives to protect our nation during military careers that spanned decades. This legislation recognizes the service and sacrifice of National Guard and Reserve retirees and grants them the full honor of being called veterans that they have earned. I urge my colleagues to support this legislation, which is a matter of honor and fairness to our citizen soldiers.

Mr. FILNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 3787, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend title 38, United States Code, to recognize the service in the reserve components of certain persons by honoring them with status as veterans under law."

A motion to reconsider was laid on the table.

CHANGING CERTIFICATION REQUIREMENTS FOR VA COUNSELORS

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5630) to amend title 38, United States Code, to provide for qualifications for vocational rehabilitation counselors and vocational rehabilitation employment coordinators employed by the Department of Veterans Affairs.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5630

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. QUALIFICATIONS FOR VOCATIONAL REHABILITATION COUNSELORS AND VOCATIONAL REHABILITATION EMPLOYMENT COORDINATORS EMPLOYED BY THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Chapter 31 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 3123. Qualifications for vocational rehabilitation counselors and vocational rehabilitation employment coordinators

"(a) VOCATIONAL REHABILITATION COUNSELORS.—Each individual employed by the Department as a vocational rehabilitation counselor shall—

"(1) have completed a masters degree in vocational rehabilitation counseling before being so employed;

"(2) by not later than five years after the individual is first so employed, obtain certification by an accredited certifying body recognized by the National Commission for Certifying Agencies; and

"(3) as a condition of continued employment, maintain such certification.

"(b) VOCATIONAL REHABILITATION EMPLOYMENT COORDINATORS.—Each individual employed by the Department as a vocational rehabilitation employment coordinator shall—

"(1) have completed a bachelors degree in the relevant field, as designated by the Secretary, before being so employed;

"(2) by not later than five years after the individual is first so employed, obtain certification by an accredited certifying body recognized by the National Commission for Certifying Agencies; and

"(3) as a condition of continued employment, maintain such certification.

"(c) REMEDIATION PLAN.—If an individual employed by the Department as a vocational rehabilitation counselor or a vocational rehabilitation employment coordinator fails to meet a condition of employment applicable to such individual under subsection (a) or (b), the Director of the Vocational Rehabilitation and Employment Service shall develop a remediation plan for such individual. If the individual fails to complete the remediation plan, such failure shall be cause for termination."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"§ 3123. Qualifications for vocational rehabilitation counselors and vocational rehabilitation employment coordinators."

(c) APPLICABILITY.—

(1) INDIVIDUALS HIRED AFTER DATE OF ENACTMENT.—Section 3123 of title 38, United States Code, as added by subsection (a), shall apply with respect to an individual hired by the Department of Veterans Affairs after the date of the enactment of this Act.

(2) INDIVIDUALS HIRED BEFORE DATE OF ENACTMENT.—In the case of an individual hired as a vocational rehabilitation counselor or a vocational rehabilitation employment coordinator by the Department of Veterans Affairs before the date of the enactment of this Act, such individual is required to have the qualifications described in section 3123 of title 38, United States Code, as added by subsection (a), for the position held by the individual by not later than five years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to

include extraneous material on H.R. 5630.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. I yield myself such time as I may consume.

Mr. Speaker, I would like to commend the gentleman from Arkansas, Representative JOHN BOOZMAN, for introducing this bill, which seeks to set minimum educational and training standards for certain employees of the Vocational Rehabilitation and Employment program operated by the Department of Veterans Affairs. This would, of course, help veterans while they set their employment goals.

I reserve the balance of my time.

Mr. BUYER. I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 5630, a bill which would set certain requirements for professional level jobs at the Department of Veterans Affairs' Vocational Rehabilitation and Employment program.

In 2009, the Government Accountability Office reported that one-third of the VA's regional offices reported that their VRE staffs did not have the skills needed to properly serve the disabled veterans who come to them for help. Although it is our understanding the VA currently hires counselors with at least a master's degree in vocational rehabilitation counseling, it does not require counselors to obtain and maintain certification in their field from a national certifying organization. There are also no educational qualifications for VRE employment coordinators.

To ensure that the VA rehabilitation counselors are the best qualified in their field, H.R. 5630 would set a minimum hiring standard at a master's degree and would require counselors to obtain national certification within 5 years of hiring and to maintain these qualifications. Employment coordinators would be required to have a relevant bachelor's degree, to obtain certification within 5 years, and to maintain these qualifications. Counselors and coordinators who fail to comply with these standards will be subject to termination.

Mr. Speaker, these are commonsense provisions which are designed to ensure that our disabled veterans are receiving the best vocational rehabilitation and employment services possible.

I urge my colleagues to support H.R. 5630, and I yield back the balance of my time.

Mr. FILNER. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 5630.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SECURING AMERICA'S VETERANS INSURANCE NEEDS AND GOALS ACT OF 2010

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5993) to amend title 38, United States Code, to ensure that beneficiaries of Servicemembers' Group Life Insurance receive financial counseling and disclosure information regarding life insurance payments, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5993

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Securing America's Veterans Insurance Needs and Goals Act of 2010" or the "SAVINGS Act of 2010".

SEC. 2. FINANCIAL COUNSELING AND DISCLOSURE INFORMATION FOR SERVICEMEMBERS' GROUP LIFE INSURANCE BENEFICIARIES.

(a) FINANCIAL COUNSELING AND DISCLOSURE INFORMATION.—

(1) IN GENERAL.—Section 1966 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) In order to be an eligible life insurance company under this section, a life insurance company shall—

"(A) make available, both orally and in writing, financial counseling to a beneficiary or other person otherwise entitled to payment upon the establishment of a valid claim under section 1970(a) of this title; and

"(B) at the time that such beneficiary or other person entitled to payment establishes a valid claim under section 1970(a) of this title, provide to such beneficiary or other person the disclosures described in paragraph (2).

"(2) The disclosures provided pursuant to paragraph (1)(B) shall—

"(A) be provided both orally and in writing; and

"(B) include information with respect to the payment of the claim, including—

"(i) an explanation of the methods available to receive such payment, including—

"(I) receipt of a lump-sum payment;

"(II) allowing the insurance company to maintain the lump-sum payment;

"(III) receipt of thirty-six equal monthly installments; and

"(IV) any alternative methods;

"(ii) an explanation that any such payment that is maintained by the life insurance company or paid in thirty-six equal monthly installments by the company is not insured by the Federal Deposit Insurance Corporation;

"(iii) an explanation of the interest rate earned on any such payment that is maintained by the life insurance company or paid in thirty-six equal monthly installments by the company and how such rate compares to the interest rate earned by accounts at financial institutions, including demand accounts; and

"(iv) other relevant information.

"(3) In order to be an eligible life insurance company under this section, a life insurance company may not charge any fees to a beneficiary or other person otherwise entitled to pay-

ment upon the establishment of a valid claim under section 1970(a) of this title for any purpose, including for maintaining such payment with the company.

"(4) The Secretary shall include in each annual performance and accountability report submitted by the Secretary to Congress information concerning—

"(A) the number of individuals who received financial counseling under paragraph (1)(A);

"(B) the number of individuals who received the disclosures under paragraph (1)(B);

"(C) the type of information received by such individuals during such counseling; and

"(D) any recommendations, complaints, or other information with respect to such counseling that the Secretary considers relevant."

(2) REGULATIONS.—The Secretary of Veterans Affairs shall prescribe regulations to carry out section 1966(e) of title 38, United States Code, as added by paragraph (1).

(b) OFFICE OF SURVIVORS ASSISTANCE.—

(1) ADVISORY ROLE.—Subsection (b) of section 321 of such title is amended—

"(A) by striking "The Office" and inserting

"(1) The Office"; and

"(B) by adding at the end the following:

"(2) The Director of the Office shall attend each meeting of the Advisory Council on Servicemembers' Group Life Insurance under section 1974 of this title."

(2) RESOURCES.—Subsection (d) of such section is amended—

"(A) by striking "The Secretary" and inserting

"(1) The Secretary"; and

"(B) by adding at the end the following:

"(2) In carrying out paragraph (1), the Secretary shall ensure that the Office has the personnel necessary to serve as a resource to provide individuals described in paragraph (1) and (2) of subsection (a) with information on how to receive the Servicemembers' Group Life Insurance financial counseling pursuant to section 1966(e)(1) of this title."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 5993, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 5993, the Securing America's Veterans Insurance Needs and Goals, or SAVINGS, Act.

This bill was sponsored by one of our esteemed colleagues, Representative DEBBIE HALVORSON of Illinois, to ensure that beneficiaries of the Servicemembers' Group Life Insurance, SGLI, receive financial counseling, greater disclosure information and other needed support concerning the proceeds of their SGLI life insurance benefits. Mrs. HALVORSON acted very quickly in response to some of the publicity on this

and to some of the pain felt by the survivors.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Illinois (Mrs. HALVORSON).

Mrs. HALVORSON. I thank the chairman for yielding.

Mr. Speaker, I rise today on behalf of military families and the surviving family members of our men and women who were killed in battle as they fought to defend our freedom.

H.R. 5993 will help ensure that the families of our soldiers killed in action fully understand the benefits that they are entitled to, and it will help them comprehend the financial products they are using.

As many of our colleagues know, Mr. Speaker, many of our soldiers participate in the Servicemembers' Group Life Insurance program, or the SGLI, as they fight overseas. The SGLI is intended to provide our servicemembers and their families with low-cost life insurance under circumstances in which most insurance companies would not take the risk of providing life insurance coverage. In the tragic circumstance that a soldier is killed in action, the surviving family member is then entitled to a policy that helps ease some of the financial burdens left behind.

Currently, the beneficiary may receive the payment in the form of what is called a "Retained Asset Account," which is administered by the insurance company. These financial products are similar to a checking account in that they allow the beneficiary the ability to draw down the funds in increments until exhausted.

Unfortunately, there have been recent media reports highlighting that some beneficiaries did not fully understand that their money was being held in these accounts. I know I was outraged, as many of my colleagues were, to hear about the lack of disclosure and transparency, which is what we are fixing today—addressing disclosure, transparency and accountability so that our families know exactly what they have coming to them. They didn't understand what these accounts were, what was happening to their money when it was sitting in these accounts and, three, that these accounts were not FDIC-insured. This left the beneficiaries feeling as though they were being taken advantage of and that they were part of a financial scheme buried in the fine print of their policies.

The surviving family members of our fallen soldiers should never feel that way. It is our responsibility to make sure that they don't ever feel that way again. We need to make sure that 100 percent of these survivors feel protected and safe.

My bill is endorsed by the American Legion, the National Military Family Association, the Military Officers Association of America, the Gold Star

Wives of America, and on and on and on. I have letters from all of them that I would like to include in the RECORD. However, I want to read an excerpt from the National Military Family Association.

It reads: "Dear Representative Halvorson, the National Military Family Association has long been an advocate for improving the quality of life of our military family members who have sacrificed greatly in support of our Nation. We are writing today in support of H.R. 5993, which seeks to ensure that insurance companies provide appropriate information and financial counseling to survivors who receive payments from the SGLI groups.

"H.R. 5993, the Securing America's Veterans Insurance Needs and Goals, which is called the SAVINGS Act, which you have introduced, would mandate that the Secretary of Veterans Affairs require insurance companies providing coverage through these programs to only provide counseling and disclosure information to family members of fallen soldiers.

"The National Military Family Association is the leading nonprofit organization committed to improving the lives of military families. Our over 40 years of service and accomplishments have made us a trusted resource for families and the Nation's leaders. As the only nonprofit organization that represents the families of the Army, Navy, Air Force, Marine Corps, Coast Guard, the Commissioned Corps of the Public Health Service, and the National Oceanic and Atmospheric Administration, the association protects benefits vital to all families, including those of the deployed, wounded, and fallen."

□ 1330

So as you can see, this is something that is badly needed so that the families know exactly what they have available to them so that they can make the best decision with those benefits. It focuses on making Congress also better aware of what these SGLI programs are about.

Again, let me be perfectly clear. Today we are strictly focused on disclosure, transparency, financial counseling, and oversight. And make no mistake, we need to do more work on improving the SGLI program. I think we are all committed to doing that, and that is being done through investigations, through the VA, and through other committees of jurisdiction, but we can't wait. Our military families can't wait. The families of our fallen soldiers cannot wait.

Today, we have the opportunity to move forward on an important protection for our military families, and this is an urgent issue, and it absolutely needs to be our main focus. It is our responsibility to go above and beyond the call of duty. They sure have, and we

need to protect these widows and orphans. This is one of the most important and solemn duties that we have as Members of Congress. H.R. 5993 will help us fulfill that responsibility in a reasonable and effective manner.

Before I close, I would like to thank Chairman FILNER, Chairman HALL, as well as all of our committee staff who have worked so hard to move this legislation along, and we have all worked hard on this bill.

I urge my colleagues to stand with me—protect the families of our fallen soldiers—by voting "yes" on H.R. 5993.

Mr. FILNER. Mr. Speaker, at this time, I guess I thank the gentlelady. Within a day of the publicity that surrounded Prudential apparently not giving sufficient information, you had this bill. You moved very quickly and very decisively, and it is going to help all of the survivors and their families. Thank you so much for your quick action.

I reserve the balance of my time.

Mr. BUYER. Mr. Speaker, I rise in opposition, opposition to this bill.

For that very moment, the chairman compliments the gentlelady for having legislation immediately upon a concern. It is so much like an American. We don't even have the patience to figure out where the problem is but let me tell you about our solution.

Now, what we're supposed to do around this place is do a little homework, do a little investigation, find out what's going on, have the distillation of the facts, find out what the facts are in the first place. Oh, no, no, no. Let's run out there and act like we are "doing something" when we don't even know what the heck we're doing. It's the reason the American people get upset with us and they get upset with this institution; especially now, when you get so close to an election, you have to protect and guard yourself against politics over substance.

This bill, by forcing it onto the floor at this moment in time, is exactly that. This bill condones a controversial practice the VA called retained asset, or alliance accounts, for paying Servicemembers' Group Life Insurance, SGLI, proceeds to the families of deceased servicemembers. Now, we all thought that the statute was being followed. It wasn't. Someone years ago down at the VA changed it.

In the Veterans' Affairs Committee, we have not had adequate time to address the issues on this bill. There's no record on which we base and form policy decision or evaluate the views of the life insurance experts. None of us had the opportunity to do that.

One of the executives from Prudential came by the office. We had a very good discussion about relevant concerns I can address a little bit later. The use of these accounts in place of the SGLI lump sum payment called for in the Federal statute is currently the subject of a Federal fraud lawsuit in

Boston by five plaintiffs against the Prudential Life Insurance Company. Prudential is the VA's contractor managing the SGLI program and making the payments. New York's attorney general has launched an investigation of Prudential as well.

My colleagues on the committee know next to nothing about a very complex issue, its history, the controversy surrounding it. Indeed, I would like to know more about it myself before having to even vote on it. I'm learning something new almost every day I deal with this issue. The issue requires careful deliberation by the committee. We should not have to base decisions on media reports in Bloomberg or The Washington Post.

Ms. FOXX. Will the gentleman yield?

Mr. BUYER. I yield to the gentlelady from North Carolina.

Ms. FOXX. Mr. Speaker, it's my understanding that this bill is being brought to the floor in a rush without there even being any hearings in the committee.

Mr. BUYER. Reclaiming my time, when we marked up the bill in the committee, I raised very pertinent issues. I sought to work with the author of the bill. She had no interest in working out an amendment on the language. I thought what would happen is, well, I won't offer the amendment in the committee. We'll work this matter out as we learn more.

The chairman even spoke about this week we were to have done a hearing on this bill. We get notice on Friday that they want to bring it to the floor. We're supposed to be doing a hearing on the bill this week before we bring it to the floor. But what's happening is is this body, called Congress, is in a panic.

I yield to the gentlelady.

Ms. FOXX. Well, I think, again, we're seeing that the House Democrats are proving not only that they've run out of ideas but they've run out of the will to govern. They won't make a budget. They won't deal with these impending tax hikes that we're going to have. I heard you say on the floor a few minutes ago that 40 percent of the reservists are coming back without jobs, and all our friends across the aisle seem to want to do is to get home so they can campaign for their own job instead of doing something to remove the uncertainty that's keeping small businesses from hiring new employees, many of them veterans, many of them reservists coming back.

We must do something about these tax hikes that are looming and provide some certainty for small businesses, and I hope you agree with that.

Mr. BUYER. Reclaiming my time, the challenge before the body is we now have legislation before us which is on an issue which is now being thrown into the courts, and we've got a statute that's not being followed by the executive branch; and it is completely with-in the rights of Congress to speak, but

we've got to be very careful. Do we understand the scope and issues at hand? I submit we do not, and we are eagerly rushing something onto the floor. Let me go a little bit further.

My colleague Mrs. HALVORSON argues that this bill does not change the existing payment authority and does not address the legality of retained asset accounts for SGLI purposes, but I'm also a lawyer, and I respectfully suggest that it may do just that. I am not alone in my view with regard to this concern because I have been talking with other lawyers about my legal analysis of this present challenge.

After the markup, one of the representatives of one of the veterans service organizations, of whom I've had disagreements with over the years, came up to me and told me that he agreed with the concerns. Members of the committee actually regret that I didn't offer the amendment to actually strip the bill, and I guess I never thought that this would actually come to the floor until these matters got addressed.

It's laudable to require the VA to counsel SGLI beneficiaries on their benefits, the payment methods available to them. It's very clear in the statute, very clear already in the statute, but this bill goes a lot further and specifically requires counseling about something the bill euphemistically terms, quote, maintaining the payment, end quote. Now, what is that? What do you mean "maintaining the payment"? The statute is already very clear what you're to do with the money when it comes to widows and orphans or other beneficiaries. This is a reference to the retained asset account payment method without calling it that.

I think it is reasonable to ask how Congress can tell the VA to counsel anyone about Prudential's practice that may be illegal without well informing them of what Prudential is doing may be illegal and is being challenged in a Federal class action today unless, of course, we change the law and expressly make the practice legal, which Mrs. HALVORSON maintains she's not doing. But somehow, I don't think that full disclosure is going to occur.

□ 1340

I completely understand how my colleagues might find all this rather confusing, and I don't find it funny either.

I'm also confused by Mr. Chairman's report statement after the Bloomberg article was released that he was outraged, and the VA should demand answers. Did we get answers, and now everything is all right? Did the VA's self-investigation resolve everything?

The White House has also made a statement, calling this an unacceptable business practice. Have the unacceptable business practices been identified? Have they been stopped? Has some-

thing changed, and now Congress should mandate that the VA give specific counseling on the "outrageous" and the "unacceptable" business practice? That's what this legislation does.

Mr. Speaker, this complex issue is directly before Congress in the form of H.R. 5993, as amended. We should not be effectively ratifying this practice by requiring the VA to counsel beneficiaries about it. Instead, we should give careful scrutiny and make sure we understand it sufficiently to decide whether to expressly authorize it in the law for the future. Our servicemembers and veterans and their families in the VA, Prudential, and life insurance experts should all have an opportunity to weigh in on the record. I want to make sure that it's clear and that I'm not taking a position for or against the practice of retained asset accounts.

The real problem, as I see it, is that the retained asset accounts now, as they have been questioned, are receiving scrutiny and appear not to match the payment authorized in the United States Code. So when you pull out the United States Code—and we're talking about the present statute—so you turn to title 38, section 1790, and then you turn to (d). It says: "The member may elect settlement of an insurance under this subchapter either in lump sum or in 36 equal monthly installments." It doesn't say anything in the statute about retained asset accounts. Now, why is that? Go back to legislative history. When this statute was written back in the mid-1960s, there as no such thing as a retained asset account.

So what has changed? There is a commonly accepted business practice in America with regard to retained asset accounts. Now, in the latter part of the 1990s, the VA struck an agreement with Prudential then to adopt that business practice. But what they did is they adopted a business practice that is contradictory to the United States Code, the statute. So this bill before us is about to say, the VA should provide counsel to the beneficiaries about a business practice that is not even legal. That's like saying, Okay, in title 10, it is illegal to smoke marijuana, but in another statute Congress is going to provide counseling on the proper use of an illegal substance. And you say, Steve that's crazy. You are absolutely right, that's crazy, and that's why this legislation before us today is crazy. We should not be saying we're going to provide counseling with regard to some agreement that the executive branch struck that's in contradiction to the statute.

Now, you've got the VA and Prudential. Immediately they do a powwow. Oh, my gosh, we've got a problem. We've got to try to define this. The White House has made a statement. Ooh, it says "unacceptable." We've got to figure out—come together and strike an agreement.

This is Groundhog Day, Mr. Speaker. The agreement that the executive branch struck with an insurance company back in the latter part of the 1990s was not authorized for them to do because the statute says how SGLI payments are to go directly to beneficiaries. It doesn't say you can do three or four other types of payment schedules. It only says two of them. You either give them a lump sum or you do 36 monthly installments. It's very clear.

So this agreement is just as worthless as the agreement they struck in the 1990s when it comes to the law. I guess maybe it makes them feel better. Maybe they hope that it takes the heat off. This thing, this agreement is about politics, it is about substance and legality, and it is about public relations. But if you really want it to be about the law, then what we should do is look at the law; and we need to say, Okay, then maybe you need to amend the Code. If you have to amend the Code to say, We want to permit retained asset accounts, then that is, in fact, what we should be doing.

U.S. DEPARTMENT OF VETERANS AFFAIRS (VA)
FACT SHEET

Actions for Improving the Alliance Account Program, September 13, 2010

VA takes seriously the concerns raised regarding the Alliance Accounts (AA) and has reviewed the program to ensure that beneficiaries are protected, being treated fairly, and accorded the utmost care and respect. A full explanation of terms up-front, education about options, and financial counseling to assist in decision making will provide the transparency that will continue to ensure confidence in this important program.

By the end of October, 2010, VA will make the following modifications to ensure:

All benefits due under Servicemembers' Group Life Insurance (SGLI) or Veterans' Group Life Insurance (VGLI) policies are received by the beneficiaries in a secure, timely manner.

Beneficiaries are enabled in making deliberate and responsible decisions with the assets they receive.

Beneficiaries making financial decisions have been educated and assisted in understanding the complex issues before them. They will be made comfortable in competently managing benefits in accordance with their own time lines.

Options available to the beneficiaries will be clear, competitive, and at no cost to the beneficiary.

The entire settlement process is dignified and respectful of the individuals involved.

The specific approaches that VA, working in consultation with other Agencies, has determined it will pursue in the near term are:

VA will provide better clarity of payment options by using a new Claim Form that requires the beneficiary to affirmatively choose one of three clear payment options:

Lump Sum Alliance Account (Retained Asset Account).

Lump Sum Payment—Paid out in full via a check sent to the beneficiary. VA is exploring Electronic Funds Transfer (EFT).

36 Monthly Installments—Paid out in full via monthly installments, as mandated by law, sent to the beneficiary (this three year payout option has always been available to beneficiaries).

If the beneficiary does not select an option, the SGLI Program will utilize the AA. The AA provides immediate access to funds, while permitting beneficiaries the time necessary to study their options and make deliberate, responsible financial decisions.

In addition: A VA-supplied letter will be enclosed with every Claim Form and every AA Kit that will explain in a clear and complete manner:

That the insurance proceeds have been deposited into an interest bearing account at rates competitive with similar types of "demand accounts" (e.g., checking, money market, etc.).

The current interest rate and the fact that the interest rate may vary over time.

That the beneficiary can immediately write a "check" for the entire payment or any lesser amount.

That AA funds are retained by Prudential until paid out.

That while AA is not FDIC insured; it is backed by Prudential and State Guaranty Associations. The National Association of Insurance Commissioners has established the following Web site for additional consumer information: http://www.naic.org/consumer_military_insurance.htm

That free, professional independent financial counseling is available to all beneficiaries for a period of two years or as long as they have funds remaining in their AA.

VA will also take the following actions:

VA will require Prudential to conduct a follow up contact with beneficiaries whose accounts remain open after six months to confirm beneficiary understands the terms of the account.

All SGLI/VGLI related information, including FAQ's, Web site information, handbooks, etc. will be modified to clearly and completely explain all aspects of the AA and all options available to the beneficiary.

VA will clearly designate the source of correspondence by removing the SGLI seal from all "checks", forms, and correspondence and replacing it to show that it is from Prudential, with the subtitle of "Office of Servicemembers' Group Life Insurance".

VA will identify additional opportunities to encourage beneficiaries to use the free financial counseling service.

VA will, in coordination with DoD, improve support to Casualty Assistant Officers and Transition Assistance Program (TAP) Personnel by helping to prepare additional training materials and instruction.

VA continues to carefully monitor this program and remains committed to making any improvements necessary to ensure that Servicemember and Veteran beneficiaries are well-protected.

I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

By the way, I didn't see a copy of the agreement. What is the date of that agreement, Mr. BUYER?

I yield to the gentleman.

Mr. BUYER. September 13, 2010.

Mr. FILNER. I thank the gentleman from Indiana.

The ranking member and I have no disagreement that this law before us is not about substance. There is an investigation ongoing. Our committee is investigating. We will have hearings on this. But it's not politics over substance. It's accountability transparency over substance. And all of the leading organizations which have to

deal with the beneficiaries, with the survivors of those killed in action support this bill. The National Military Family Association, the Gold Star Wives, amongst others.

So this legislation is about transparency. It's about accountability. It's about disclosure. It's about people understanding the process. This bill doesn't condone anything. It just says that those grief-stricken survivors know what's happening to them under the procedure that we have. Whether it's a proper procedure, whether it's based on an illegal account is something that the courts are working out and we're investigating.

Right now everybody just wants to know what is going on and to have the insurance company, Prudential, disclose everything in advance so a decision can be made by the grief-stricken survivors. That is all we are doing in this bill, and it is needed. It is, in fact, demanded by those who represent the survivors that we act quickly to give some measure of accountability and disclosure to those beneficiaries. We need this bill, and we need it now.

I reserve the balance of my time.

Mr. BUYER. I yield myself such time as I may consume.

Here is our challenge. I don't know what about these other groups, Mr. Chairman, that you have had a chance to talk to. I just spoke to the new chairman of the American Legion.

Mr. FILNER. Mr. Speaker, how much time does each side have?

The SPEAKER pro tempore. The gentleman from California has 9½ minutes remaining. The gentleman from Indiana has 8½ minutes remaining.

Mr. BUYER. I am going to take all of it. I will even take your time, if you will give it to me.

You know, you can stand up and say, Well, this veterans group supports it, and this one doesn't. You cited the American Legion. I just spoke to a brand-new commander of the American Legion who supports my position, so I don't know what the disconnect is.

I can assure you, now that I am speaking about the fact that there is a legal problem, the fact that I informed the executive of Prudential with regard to this way forward that you have signed with the VA does not get you out of the hot water that you are in. There is a legal problem here. And the four corners of the document that we have before us is actually legislation that uses this clever and artful language about maintaining the lump sum payment. What do you mean, "maintaining the lump sum payment"? It's almost like a code word for saying, We want to maintain our current business practice of the retained asset account because that's what the way forward agreement is. It's very clever. This is very wrong.

Here is what we ought to do, Mr. Speaker. I have never done this before

on the House floor with anyone in my 18 years, but I am going to ask this of Chairman FILNER: Would the gentleman ask that this legislation be pulled from the floor at this time so we may work out the details rather than having this heated debate? You said that you would have a hearing on it. Let's go have a hearing. Let's work this out with our leading experts, and let's bring a work product to the floor that we can be proud of. And I want to ask the gentleman if he would withdraw this legislation.

I yield to the gentleman.

□ 1350

Mr. FILNER. The gentleman stands behind Mrs. HALVORSON's bill, and we will not withdraw it.

Mr. BUYER. Well, all right. Reclaiming my time, this was a very good moment for bipartisanship, to actually bring a work product to the floor that we could all agree on. And I am greatly disappointed, BOB, that you made that judgment call. But this is not right. This isn't right at all.

The suspension calendar, Mr. Speaker, is supposed to be for legislation that is noncontroversial. It is supposed to be for legislation that the parties have worked out in a collegial manner, not to take something for which there is utter and complete disagreement, not to take something that there have been no hearings on, not to take an issue that it now finds itself in attorney generals' investigations and class action lawsuits, and we are just going to, like, bring it to the floor, even though we are going to pass a statute that is in complete contradiction of an existing statute. What are we doing?

I mean, this is really a time-out moment here. This is a time-out moment, Mr. Speaker. And it is very, very bothersome to me that something like this would be placed on the suspension calendar, especially when this was the week in which we were supposed to be holding hearings on it.

I know, Mr. Speaker, that you are anxious to get out of here and you want us to adjourn for an election, but don't take legislation to the floor that is not properly prepared for the floor. And you have permitted that to occur, and that is not right. It is wrong, in my book.

But you are the majority, and you have actually been able to show that you can do as you please, and the rules don't always matter, I guess, around here.

But I want the RECORD to reflect my views on what is happening here. Also, I will file additional views with the bill and the report to explain in greater detail the legality of what I feel that we are facing, and I will do everything in my power to ensure that this bill does not become law until it is fixed.

Mr. Speaker, I yield back the balance of my time.

Mr. FILNER. Mr. Speaker, we had a little lecture on the suspension calendar, which is supposed to be items of consensus. This item was discussed and voted on by our committee. If I recall, there was one "no," the ranking member. There were no other "no" votes. The ranking member confuses his singular and personal opposition to the fact that, oh, I guess everybody disagrees with it. No, this came out of our committee with one "no" vote. So the gentleman just doesn't understand what consensus means. He thinks if he alone is against it—as I recall, he was the only one in this whole body that voted against a truly interesting new way to approach financing, and that was advanced appropriations.

Mr. Speaker, the gentleman gave us a lecture on suspension calendar and consensus. He was the only "no" vote. He was the only "no" vote when we had advance appropriations. Everybody else is wrong but the gentleman.

This bill, as I said before, and as Mrs. HALVORSON said very distinctly and very eloquently, is about disclosure, accountability, transparency. The survivors need to know what is going on.

We will, as the gentleman requested, have and are pursuing the investigation. We are pursuing whether the so-called retained asset account is the legal structure that should happen. The VA is pursuing that. And we will get to that.

But right now, right now, as men and women are dying in action, their survivors need to know what is going on. We can't wait for this process to go on and on and on and on, especially when they face a huge insurance company.

The gentleman asked what organizations support us. The American Legion has a letter supporting us. I didn't hear any letter that the gentleman had. As Mrs. HALVORSON read, the National Military Families Association supports this bill. And the Gold Star Wives of America, the preeminent group that works for the benefit of survivors of those who are killed in action, has sent us the following letter:

"In light of the recent news that insurance companies could potentially use group life insurance policies to profit from accounts it maintains for families of fallen soldiers, Gold Star Wives of America supports H.R. 5993. It would ensure that insurance companies authorized by VA to administer the SGLI accounts are fully open and honest about its practices for those policies on which so many servicemembers rely to ensure financial security for their families.

"The bill, the SAVINGS Act introduced by Representative Debbie Halvorson of Illinois, would mandate that the Secretary of Veterans Affairs require insurance companies that provide coverage through this program to offer financial counseling and improved disclosure of information to family members and survivors.

"It is critical that the options and information available for survivors offered under the SGLI program involve more disclosure and greater transparency. H.R. 5993 would do that by guaranteeing that survivors of our fallen heroes have access to oral and written financial counseling. These greater disclosure requirements and counseling would better help survivors to understand their options so that they make sound decisions during a stressful and sorrowful time.

"Gold Star Wives of America supports H.R. 5993 so that we can do everything in our power to protect the families and survivors of our fallen soldiers. Their loved ones have answered the call and their survivors deserve these protections."

Mr. Speaker, in support of H.R. 5993, as amended, I am submitting letters of support from The American Legion, Veterans of Foreign Wars of the United States, Gold Star Wives of America, Inc., and the National Military Family Association.

THE AMERICAN LEGION,
OFFICE OF THE NATIONAL COMMANDER,
Washington, DC, September 27, 2010.
Hon. DEBBIE HALVORSON,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE HALVORSON: In light of recent news that insurance companies contracted by the Department of Veterans Affairs (VA) to administer the Servicemembers' Group Life Insurance program (SGLI) could potentially use group life insurance policies to obtain profits from the families of fallen soldiers, The American Legion supports proposed legislation which seeks to ensure that insurance companies are open and honest about the policies on which so many military families rely.

The legislation you recently introduced, H.R. 5993, Securing America's Veterans Insurance Needs and Goals (SAVINGS) Act, would mandate the VA Secretary to require those insurance companies offering coverage through the SGLI program to provide the beneficiaries of fallen soldiers with financial counseling and disclosure information. In addition, this Act would obligate the VA to provide a report to Congress annually to ensure that those insurance companies are being responsive to military families.

It is critical to insure complete transparency, full disclosure, and increased information be afforded to military families on insurance matters. This legislation would guarantee the families of our fallen heroes have access to oral and written financial counseling. This counseling would better help family members understand their options so that they can make sound fiscal decisions during a stressful and harrowing period.

The American Legion supports H.R. 5993 as introduced so that we can protect the military families of our fallen soldiers. However, The American Legion has additional concerns not addressed in the original bill which are equally as important.

This legislation does not address Retained Asset Accounts (RAA) for disbursement of benefits. This is a common practice used by many insurers for distribution of benefits. However, The American Legion is concerned this method of disbursement may be a violation of Title 38 USC §1970(d) which requires payments be in 36 monthly installments or

one lump sum. The practice should be either stopped or the law needs to be changed. Of further concern to The American Legion is that this legislation does not address the practice of the insurance company executing the program making a profit on the account after the death of a service member and actually misrepresenting or over representing the "interest bearing account," benefit of the program to a payee.

It is standard policy of the insurance industry to reinvest the money not withdrawn by the payee and to collect interest on that money. The insurer then passes on to the payee a small amount of the interest. While legal and a common industry practice, it should be forbidden by law in the case of military members who have given their lives for the Nation. Precedence has been made in setting aside veterans and military in the case of health care insurance and other entitlements due to military service. The American Legion feels that ALL interest received on investments after servicemember's death should be passed on to the payees of the policy.

Sincerely,

JIMMIE L. FOSTER,
National Commander.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, September 28, 2010.

Hon. DEBORAH HALVORSON,
House of Representatives,
Washington DC.

DEAR CONGRESSWOMAN HALVORSON: On behalf of the 2.1 million members of the Veterans of Foreign Wars and its Auxiliaries, I would like to offer our support for H.R. 5993, the Securing America's Insurance Needs and Goals (SAVINGS) Act.

In light of recent disclosures that insurance companies could potentially profit from their holding of funds guaranteed to the families of fallen soldiers through the Veterans Group Life Insurance (VGLI) plan, we believe this legislation is necessary to reassure families of the fallen by ensuring insurance companies are open and honest about the policies on which so many military families rely.

H.R. 5993 would mandate that the Secretary of Veterans Affairs require that insurance companies that provide coverage through the VGLI program provide measures to ensure transparency, financial counseling and disclosure information to family members of fallen soldiers. This counseling, both in writing and during in-person counseling sessions with trained professionals, would better help family members understand their options so that they can make sound fiscal decisions during a stressful and harrowing period. It would also require an annual report to Congress by the VA to ensure that insurance companies are being responsive to military families.

Beneficiaries of the VGLI program have made tremendous sacrifices, and we must do everything in our power to protect them from any unscrupulous entities or practices that would seek to take advantage of their tragic fortunes. The VFW looks forward to working with you and your staff on this and other measures to properly care for our veterans and their families.

Sincerely,

GERALD T. MANAR,
Deputy Director,
National Veterans Service.

GOLD STAR WIVES OF

AMERICA, INC.,

Bellevue, NE, September 26, 2010.

Chairman BOB FILNER,
House Committee on Veterans' Affairs, Wash-
ington, DC.

In light of recent news that insurance companies could potentially use group life insurance policies to profit from accounts it maintains for the families of fallen soldiers, Gold Star Wives of America, Inc supports H.R. 5993. H.R. 5993 would ensure that insurance companies authorized by VA to administer SGLI accounts are fully open and honest about its practices for these policies on which so many servicemembers rely to ensure financial security for their families.

H.R. 5993, the Securing America's Veterans Insurance Needs and Goals (SAVINGS) Act of 2010, introduced by Representative Debbie Halvorson, would mandate that the Secretary of Veterans Affairs require insurance companies that provide coverage through the Servicemembers' Group Life Insurance (SGLI) program, to offer financial counseling and improved disclosure information to family members and survivors of fallen soldiers. It would also require an annual report to Congress by VA to ensure that insurance companies are being responsive to military families and survivors and that the Office of Survivors Assistance will be a greater resource in this effort.

It is critical that the options and information available for survivors offered under the SGLI program involve more disclosure and greater transparency. H.R. 5993 would do that by guaranteeing that survivors of our fallen heroes have access to oral and written financial counseling. This greater disclosure requirements and counseling would better help survivors to understand their options so that they can make sound decisions during a stressful and sorrowful time.

Gold Star Wives of America, Inc supports H.R. 5993 so that we can do everything in our power to protect the families and survivors of our fallen soldiers. Their loved ones have answered the call and their survivors deserve these protections.

Respectfully,

MARTHA M. DIDAMO,
Board Chair,

NATIONAL MILITARY FAMILY
ASSOCIATION,

Alexandria, VA, September 23, 2010.

Hon. DEBORAH L. HALVORSON,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE HALVORSON: The National Military Family Association has long been an advocate for improving the quality of life of our military family members, who have sacrificed greatly in support of our Nation. We are writing today in support of H.R. 5993 which seeks to ensure that insurance companies provide appropriate information and financial counseling to survivors who receive payments from the Servicemembers' Group Life Insurance (SGLI).

H.R. 5993, the Securing America's Veterans Insurance Needs and Goals (SAVINGS) Act, which you have introduced, would mandate that the Secretary of Veterans' Affairs (VA) require insurance companies providing coverage through the SGLI program to provide financial counseling and disclosure information to family members of fallen soldiers. It would also require an annual report to Congress by the VA to make certain insurance companies are being responsive to military families.

It is critical that these insurance policies provide more transparency, more disclosure, and more information for military families. H.R. 5993 does that by guaranteeing the families of our fallen heroes access to oral and written financial counseling. This counseling would assist family members in understanding their options so that they can make sound fiscal decisions during a most stressful time.

Thank you again for your support of our service members, retirees, veterans, their families, and survivors. Our contact, should you have any questions, is Kathleen Moakler, Government Relations Director.

The National Military Family Association is the leading non-profit organization committed to improving the lives of military families. Our over 40 years of service and accomplishments have made us a trusted resource for families and the Nation's leaders. As the only non-profit organization that represents the families of the Army, Navy, Air Force, Marine Corps, Coast Guard, and the Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration, the Association protects benefits vital to all families, including those of the deployed, wounded, and fallen.

Sincerely,

MARY SCOTT,
Chairman, Board of Governors.

Mrs. HALVORSON. Mr. Speaker, the intent of H.R. 5993, the Securing America's Veterans Insurance Needs and Goals (SAVINGS) Act is to increase transparency and disclosure of the Servicemembers' Group Life Insurance (SGLI) program. The intent is to increase financial counseling for beneficiaries and to allow Congress to play a better role in providing oversight and access of the program.

It is not the intent of H.R. 5993 to have Congress weigh in on the legal question of whether or not the Department of Veterans Affairs has the authority to allow 'retained asset accounts'. The language in H.R. 5993 is not intended to validate in any manner whether 'retained asset accounts' are authorized in section 1970(d) of title 38, United States Code.

Mr. FILNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 5993, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BUYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1400

ALL-AMERICAN FLAG ACT

Mr. DRIEHAUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2853) to require the purchase of

domestically made flags of the United States of America for use by the Federal Government, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2853

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "All-American Flag Act".

SEC. 2. REQUIREMENT FOR PURCHASE OF DOMESTICALLY MADE UNITED STATES FLAGS FOR USE BY FEDERAL GOVERNMENT.

Only such flags of the United States of America, regardless of size, that are 100 percent manufactured in the United States, from articles, materials, or supplies 100 percent of which are grown, produced, or manufactured in the United States, may be acquired for use by the Federal Government.

SEC. 3. REQUIREMENT TO USE WORKERS AUTHORIZED TO WORK IN THE UNITED STATES.

In carrying out section 2, the Federal Government may purchase flags only from a manufacturer that certifies that—

(1) the manufacturer does not employ aliens who are not authorized to be employed in the United States; and

(2) the manufacturer participates in the E-Verify Program under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 4. EFFECTIVE DATE.

Section 2 shall apply to purchases of flags made on or after 180 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. DRIEHAUS) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. DRIEHAUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. DRIEHAUS. I yield myself such time as I may consume.

Mr. Speaker, H.R. 2853, the All-American Flag Act, ensures that the flags purchased by the Federal Government will be made right here in the United States, ensuring that tax dollars used for these purchases will stay here in our economy.

H.R. 2853 was introduced by our colleague, the gentleman from Iowa, Representative BRUCE BRALEY, on June 12, 2009. It was referred to the House Committee on Oversight and Government Reform, which ordered the measure reported by unanimous consent on July 28, 2010.

This bill requires that all flags of the United States of America, of any size, purchased by the Federal Government be 100 percent manufactured here in

the United States. This also includes any articles, materials, or supplies used to manufacture or produce those flags. Those materials must all be produced here. This represents a vast improvement over existing law, which only requires 50 percent of these materials to be American made.

Mr. Speaker, H.R. 2853 ensures that the flag of this country, flown by this country, will be made in this country.

I would like to thank my colleagues for their hard work on this bill, and I encourage them to join me in supporting this commonsense legislation.

I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank the author of the bill and the committee working on this. I think that we have been able to not only address the issue of where flags are made and what material goes into those flags but, because of the overwhelming bipartisan support for my amendment, we are also going to make sure that those flags are made by legal Americans. I think that is something that was overlooked. In fact, if I remember right, the vote in committee was unanimous except for one vote; let's say that. I think that bipartisan support for the fact that we want flags flying over our Capitol that are made in America, with American material and by Americans who are legally here, was a great message to send. I think that is the kind of bipartisan support and consensus that the American people have been asking about for a long time.

I think that one of the things that we clarify here is that, with the amendment that the majority accepted from me, we were able to point out that there may be a lot of disagreements about the immigration issue, a lot of differences about where jobs go, but if there is one place that we can kind of meet together, the one thing that seems to be working, a very moderate consensus builder, was the success of E-Verify. One place the Bush administration and the Obama administration agrees on: The expansion of E-Verify as being the minimum standard that we make sure employers take, including those who are making the flags for our country that are going to fly over this Capitol.

I think the only place that I can actually think about when it comes to immigration that Arizona and Massachusetts agree on is that employers should E-Verify, not just to make sure that those who are here legally are working, but also to make sure that we do not prejudge employees before. One of the great things is that E-Verify doesn't ask the employer to make a determination based on just sheer observation is somebody a U.S. citizen or a foreign national; it treats everybody equally. I think that is one of the big successes here.

So I would just like to say, again, I think one of the big successes of this bill is not just that the American people will know that the flags that fly over our Capitol are made in America, with American material and with legal Americans, but the fact is symbolic of the success of the majority supporting my amendment, and that this bill will actually show, too, that: America, we can agree on one thing on immigration, and that is that E-Verify seems to be a success that all of us can get around.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, I appreciate my colleague from California's yielding the time.

We are requiring flags to be made in the United States because our colleagues say they are concerned about jobs. Well, House Republicans are also very much concerned about jobs in this country, and we have been listening to the American people.

Unemployment near 10 percent is one of the chief concerns of the people in this country, so they want to know why Democrats are allowing both chambers to adjourn this week without stopping this massive \$3.9 trillion tax increase that will hurt small businesses and kill more jobs.

Our friends across the aisle can adjourn the House this week and walk away from their responsibility to govern, or Speaker PELOSI could allow full and open debate on tax increases before this House is adjourned. We want an up-or-down vote now. We can't allow the American people and small businesses to face this uncertainty.

We were elected to serve the people in our districts, not to put our personal political gain ahead of our constituents' welfare. Certainly, we want to make efforts to keep jobs in America, such as through bills like this one, but especially by giving certainty to businesses.

Let's vote before we adjourn to extend tax cuts for all Americans. No family and no job-creating small business owner should face a tax increase on January 1.

Mr. DRIEHAUS. I yield myself such time as I may consume.

Mr. Speaker, again, this bill is about creating American flags in the United States of America purchased by the Federal Government.

I very much appreciate the gentlelady's concern over small businesses and business creation. That is why this House and the Senate came together and passed the Small Business bill last week, which the President signed yesterday, creating more jobs and small businesses, allowing capital to flow into small businesses through our community banks. It is a step in the right direction to create businesses here in the United States. I am pleased that we passed it. I am sorry that the Repub-

licans didn't join us in that vote and support for small businesses.

Again, I will remind the gentlelady that small businesses benefit from the health care bill as well, getting a tax credit for providing health insurance for their employees for the first time. The small business community had been shut out of the process of receiving tax credits for providing health insurance. I am proud of what we have done for small businesses here in this Congress and will continue to work on behalf of small businesses.

I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I yield 30 seconds to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, unfortunately, our colleagues across the aisle are stuck on failure, the bailouts, one after the other. Last week, the bill that was passed here, the \$30 billion, is another bailout of banks. It is a failure. Everything that our friends across the aisle—mostly recommended by the President, have failed. Our unemployment rate, which was never supposed to go above 8 percent, based on the stimulus, is at almost 10 percent.

Your ways of doing this are to keep the American people under the control of the government. Tax credits make them beholden. That is not the way to do it. No tax increases is the way to do it.

Mr. DRIEHAUS. I yield myself such time as I may consume.

Again, I would like to comment on the lady's comments regarding the supposed failure of the Recovery Act.

I would invite her to come to Cincinnati, Ohio, where the Banks Project, the largest project in Cincinnati, is moving forward because of the Recovery Act. She can meet the hundreds of workers that she calls a failure. Or she can go to the bridge that is being painted by 90 employees, also funded by the Recovery Act, that crosses the Ohio River. It is the Roebling Suspension Bridge that connects Kentucky and Cincinnati. Again, I don't consider that to be a failure. Nor do I consider to be a failure the hundreds, if not thousands, of jobs in the State of Ohio that police and firefighters now have, the thousands of jobs that teachers now have because the Recovery Act.

As a matter of fact, Mr. Speaker, I think it was crystal clear in the CBO report that came out just a few weeks ago that the Recovery Act in fact saved or created 3.5 million jobs here in the United States.

I will remind the lady of the failures of the Bush economic policies that led us into the worst recession in our lifetime. A failure was the last 6 months of 2008, when we saw the loss of 3 million jobs in this economy.

I don't call saving and creating 3.5 million jobs a failure, and I would challenge her to come to Cincinnati and look those workers in the face that are

working on I-75, that are working on the Banks Project, and suggest to them that their paychecks are a failure of the Federal Government.

I reserve the balance of my time.

Mr. BILBRAY. I yield myself such time as I may consume.

Mr. Speaker, we can talk about successes and failures. Some people think that the stimulus package costing \$200,000 per job, on average, is not something that is sustainable. But let's talk about something we can agree is a success, and that is we were able to meet on this bill. Sadly, it is one of those few things we have been able to reach across the aisle and work on—that the flags not only that are flown over this Capitol and around the country, but as somebody who had the privilege and the honor of having the flag that was on my father's casket fly and be hung in my office, this will mean that the men and women who served for the military and fought for the freedoms and for the free enterprise system that makes our freedoms possible will be able to be sure that they will not be covered with a flag made in China.

□ 1410

They will not have slave labor making the Stars and Stripes that are laid over their casket; that the sacred oath we make to them in so many different ways will include that the honor of a military funeral and having the Nation's colors draped over your casket, you will be assured that it will be said to be made in America.

So with that, I think we need to look at where is the success we can work on. This is one of those places we have been able to meet. And as we have been able to meet, talking about how the flags are made, and especially, finally, some agreement on who should be working in this country, I think it is one of those things that I hope that we can build on.

Mr. Speaker, if I can suggest that maybe Republicans and Democrats, rather than talking about an amnesty here or this proposal, we join on a bill that is so commonsensical that we don't even talk about it.

H.R. 3580 by STEVE KING, all that bill says is let's build on the success of E-Verify and tell employers that we as a government will no longer allow you to have a tax deduction for employing somebody unless you take the time to check that that person is legally in the country. There is a place that Democrats and Republicans can agree on. There is a place that we can reach a common ground and find answers, rather than pointing out each other's shortcomings.

Again, I would ask my colleagues on both side of the aisle, look at STEVE KING's New IDEA bill, H.R. 3580. It is the most moderate, it is the most commonsense proposal you can put for-

ward. All it says is before an employer can deduct the expense of hiring somebody, they darn well ought to take the time to check that they are legally in the country. That, I think, is something that we can agree on.

I would love to see that before we adjourn, and maybe when we come back, that we meet at that middle ground and show the American people that we not only can stand up and make sure that flags are made legally in this country, but we can take this step to make sure that employers who are breaking the law by hiring people illegally are not given a tax deduction for it. I think that is one place that Republican and Democrats can join together and be Americans when it comes to these issues.

Mr. Speaker, we have no other speakers at this time; so I will just close by saying I think we have had a good discussion here. There are agreements and disagreements, but I think we found an agreement here. After all, if Americans cannot get together and agree that American flags should be made with American material in the United States by legal Americans, my God, what can we agree on?

I think this is one thing that may be small, most people won't think it is a big deal, but hopefully this is a prototype and a blueprint for Democrats and Republicans getting together and agreeing to be Americans first and voting together and passing the kind of laws the American people have been waiting for for a long time.

Mr. Speaker, I yield back the balance of my time.

Mr. DRIEHAUS. Mr. Speaker, I very much respect the gentleman's remarks, and I too have the flag of my father's coffin in my office. We buried him two years ago last week. So it means something very special to me that we have come together today to support this legislation, because when it comes to our Federal tax dollars being spent on American flags, those jobs should be in the United States, those flags should be made in the United States, the parts of those flags should be made in the United States.

I appreciate the support of all the Members of the committee, and I applaud Representative BRALEY for bringing the bill forward.

Mr. Speaker, I again urge my colleagues to join me in supporting this measure.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. DRIEHAUS) that the House suspend the rules and pass the bill, H.R. 2853, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BILBRAY. Mr. Speaker, I object to the vote on the ground that a

quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

EMIL BOLAS POST OFFICE

Mr. DRIEHAUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4602) to designate the facility of the United States Postal Service located at 1332 Sharon Copley Road in Sharon Center, Ohio, as the "Emil Bolas Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4602

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EMIL BOLAS POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1332 Sharon Copley Road in Sharon Center, Ohio, shall be known and designated as the "Emil Bolas Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Emil Bolas Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. DRIEHAUS) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. DRIEHAUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. DRIEHAUS. Mr. Speaker, I yield myself such time as I may consume.

On behalf of the Committee on Government Reform and Oversight, I am pleased to present H.R. 4602 for consideration. This legislation will designate the facility of the United States Postal Service located at 1332 Sharon Copley Road in Sharon Center, Ohio, as the Emil Bolas Post Office.

Introduced by our friend and colleague Representative JOHN BOCCIERI of Ohio on February 4, 2010, H.R. 4602 was favorably reported out of the Oversight and Government Reform Committee on December 9, 2010. This legislation enjoys the support of the entire Ohio delegation to the House.

Mr. Speaker, Emil Bolas dedicated his life to the service of his beloved community of Sharon Township and Medina County, Ohio. As noted in The

Medina County Gazette, Mr. Bolas' mission in life was helping people and improving his community.

As a young man, Mr. Bolas served in the U.S. Army from 1953 to 1961. After finishing his service in the army, Mr. Bolas focused his time and attention on making his community a better place. Mr. Bolas served as zoning appeals board chairman, as a Sharon Township trustee, and was also active in a wide array of community organizations, including the Medina County Drug Task Force, the Highland Foundation For Educational Excellence, the Boy Scouts of America, the Ohio Township Association, and the Sharon Township Heritage Society.

Sadly, Mr. Bolas passed away on August 14, 2008, following a long battle with cancer. His memory will live on through his adoring family and the countless individuals whose lives he improved through his tireless work on behalf of his community.

Mr. Speaker, let us further honor the life and legacy of Emil Bolas through the passage of H.R. 4602, which will designate the postal facility located at 1332 Sharon Copley Road in Sharon Center, Ohio, in his honor. I urge my colleagues to join me in supporting this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, this is one time that a Californian cannot best the Ohio gentleman. So I will just say I think he presented this item quite appropriately, and basically I will just say I agree totally with the majority on this item. The gentleman from Ohio has not only represented his district but his State and this gentleman quite appropriately in the post office proposal.

Mr. Speaker, I yield back the balance of my time.

Mr. DRIEHAUS. Mr. Speaker, I appreciate the support of the Buckeyes in this case, and I thank Congressman BOCCIERI for bringing this measure before the House. I again urge my colleagues to join me in supporting this measure.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. DRIEHAUS) that the House suspend the rules and pass the bill, H.R. 4602.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BILBRAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

JAMES M. 'JIMMY' STEWART POST OFFICE BUILDING

Mr. DRIEHAUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5606) to designate the facility of the United States Postal Service located at 47 South 7th Street in Indiana, Pennsylvania, as the "James M. 'Jimmy' Stewart Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5606

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JAMES M. "JIMMY" STEWART POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 47 South 7th Street in Indiana, Pennsylvania, shall be known and designated as the "James M. 'Jimmy' Stewart Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "James M. 'Jimmy' Stewart Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. DRIEHAUS) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. DRIEHAUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

□ 1420

Mr. DRIEHAUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the House Committee on Oversight and Government Reform, I am proud to present H.R. 5606 for consideration. This legislation will designate the facility of the United States Postal Service located at 47 South 7th Street in Indiana, Pennsylvania, as the "James M. 'Jimmy' Stewart Post Office Building." H.R. 5606 was introduced by our colleague, Representative MARK CRITZ of Pennsylvania, on June 25, 2010. It was favorably reported out of the Oversight Government Reform Committee on July 28, 2010. In addition, this legislation enjoys the support of the entire Pennsylvania House delegation.

As we all know, Jimmy Stewart was an American film and stage actor who worked in Hollywood during its "Golden Age." Mr. Stewart was born on May 20, 1908, in Indiana, Pennsylvania, and attended Mercersburg Academy Prep School. After graduating from

Mercersburg in 1928, Mr. Stewart went on to attend Princeton University, where he developed a lifelong love for acting.

In 1939, Mr. Stewart starred in one of the great films about American politics, "Mr. Smith Goes to Washington," which portrays the experience of a young senator learning the ropes in Washington. The film was a great success and was nominated for 11 Academy Awards in 1939, and won the Oscar for Best Writing and Original Story.

In 1941, Mr. Stewart enlisted in the Army, where he was assigned to the 445th Bombardment Group stationed out of Sioux City Army Base in Iowa. Mr. Stewart was eventually promoted to the rank of captain and commanded the 703rd Bombardment Squadron for the duration of World War II. Notably, in 1959, Mr. Stewart was promoted to brigadier general in the Air Force Reserve and served as a non-duty adviser during the Vietnam War.

In 1989, Mr. Stewart became a co-founder of the American Spirit Foundation, which applied entertainment industry resources and talent to help develop innovative approaches to public education and to assist emerging democratic movements in the former Soviet satellite states. Mr. Stewart also worked with President Reagan and Chief Justice Warren Burger on initiatives to promote awareness of the Constitution and the Bill of Rights. Sadly, Mr. Stewart passed away on July 2, 1997.

Mr. Speaker, let us honor the life and legacy of Jimmy Stewart through the passage of H.R. 5606, which will designate the postal facility located at 47 South 7th Street in Indiana, Pennsylvania, in his honor. I urge my colleagues to join me in supporting H.R. 5606.

I reserve the balance of my time.

Mr. BILBRAY. I yield myself such time as I may consume.

Mr. Speaker, I will join in supporting this motion. Frankly, I think that we appreciate Mr. Stewart for much service in the military, but mostly most of us remember him as a great actor. The fact is many of us may remember him doing one of the extraordinary, almost a solo performance as Charles Lindbergh in scenes where he is talking to himself and getting across. I have just got to say that I think it is quite appropriate, as some people may not know, that Jimmy Stewart did not fly across the Atlantic and land in Paris alone. He was playing the role of Charles Lindbergh. But as San Diegans we're very sensitive to that scene that the plane might have been called the Spirit of St. Louis, but it was actually built in San Diego right at what is now Lindbergh field. But I think that this motion for the great actor, great American, great veteran, is quite appropriate.

I yield back the balance of my time.

Mr. DRIEHAUS. Mr. Speaker, at this time I would like to yield 3 minutes to the sponsor of the legislation, the gentleman from Pennsylvania (Mr. CRITZ).

Mr. CRITZ. Mr. Speaker, I rise today in support of H.R. 5606, which would rename the United States Postal Service building in Indiana, Pennsylvania, after Jimmy Stewart, one of the most distinguished and acclaimed actors of American history.

James Maitland "Jimmy" Stewart was born on May 20, 1908, in Indiana, Pennsylvania. He studied at Princeton University, where he developed his love of acting before pursuing a career in theater and film. He starred in several movies, including the 1938 Academy Award-winning Best Picture, "You Can't Take It With You." In 1939, he starred in the acclaimed "Mr. Smith Goes to Washington," a film in which he played an idealist statesman trying to make a difference for his constituents.

After his early Hollywood success, a sense of patriotism compelled Stewart to serve his Nation during World War II. He enlisted in the Army in 1941, becoming the first major American movie star to wear the uniform during the war. After the Japanese attacked Pearl Harbor, he helped with recruiting efforts, and in 1944 he was sent to Europe where he participated in 20 air missions over Nazi Germany. After the war he continued to play an active role in the Air Force Reserve and was eventually promoted to the rank of Major General. He served during the Vietnam War as a nonduty adviser and retired in 1968, after 27 years of military service.

Stewart resumed his acting career following World War II, and in 1946 he starred in the classic "It's a Wonderful Life." In 1989, he cofounded the American Spirit Foundation, which helped to develop new approaches to public education and assisted in budding democratic movements in former Soviet satellite states. He retired from acting in 1991, after providing the voice for Sheriff Wylie Burp in "An American Tail: Fievel Goes West." In his 35 years of acting, Stewart appeared in 92 films, television programs, and shorts. He passed away on July 2, 1997, in Beverly Hills, California.

Mr. Speaker, renaming the Indiana, Pennsylvania, post office after one of its most accomplished natives is fitting for one of the most inspiring and patriotic actors of the 20th century.

I encourage my colleagues to support this bill.

Mr. DRIEHAUS. Mr. Speaker, I again urge my colleagues to join me in supporting this measure.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. DRIEHAUS) that the House suspend the rules and pass the bill, H.R. 5606.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BILBRAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GEORGE C. MARSHALL POST OFFICE

Mr. DRIEHAUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5605) to designate the facility of the United States Postal Service located at 47 East Fayette Street in Uniontown, Pennsylvania, as the "George C. Marshall Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5605

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GEORGE C. MARSHALL POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 47 East Fayette Street in Uniontown, Pennsylvania, shall be known and designated as the "George C. Marshall Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "George C. Marshall Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. DRIEHAUS) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. DRIEHAUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. DRIEHAUS. Mr. Speaker, I now yield such time as he may consume to the author of the legislation, the gentleman from Pennsylvania (Mr. CRITZ).

Mr. CRITZ. Thank you, Mr. Chairperson, for yielding.

Mr. Speaker, I rise today in support of H.R. 5605, which would rename the facility of the United States Postal Service in Uniontown, Pennsylvania, after its most famous son, George C. Marshall, Jr. Most notable for the Marshall Plan, he was born on December 31, 1880, in the coal hills of southwestern Pennsylvania. Marshall was commissioned as a Second Lieutenant

in 1902, following his graduation from the Virginia Military Institute. He quickly rose through the ranks and was appointed Chief of Staff of the Army in 1939 by President Franklin D. Roosevelt. Marshall inherited an Army on the cusp of a Second World War and oversaw the largest military expansion in U.S. history. In 1944, he became the first American General to be promoted to a five-star rank, the newly created General of the Army.

Marshall resigned his post of Chief of Staff of the Army in 1945 and devoted himself to international security and peace. Between 1945 and 1946, he served as the envoy for President Truman in China to peacefully resolve a conflict between the nationalists and the communists. President Truman appointed him as Secretary of State in 1947, where he oversaw the Marshall Plan, the \$13 billion economic recovery plan that was instrumental in the rebuilding of Europe. For his efforts, Marshall received the Nobel Peace Prize. He retired from the State Department in 1949 and became the president of the American Red Cross. In 1950, President Truman appointed Marshall Secretary of Defense. During his tenure he oversaw the formation of a United Nations international force that turned back the North Korean invasion of South Korea. He retired from public life in 1951 and passed away on October 16, 1959.

Mr. Speaker, George C. Marshall had a profound impact on the 20th century, not only here in the United States, but across the globe. This year we celebrate the 130th anniversary of his birth, and renaming his hometown post office is a fitting and worthy tribute to this great soldier, general, secretary and true American statesman.

I urge my colleagues to support this bill.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.

At this time I would like to yield to the gentlelady from North Carolina.

□ 1430

Ms. FOXX. I thank my colleague from California for yielding.

Certainly, Mr. Speaker, I think that General Marshall was a great man and deserves recognition. In fact, he received a great deal of recognition during his lifetime. He received the Nobel Prize.

However, this Congress has shown an unfortunate propensity for bringing up bills that are not exactly high priorities in the minds of the American people. Yet our colleagues across the aisle, Mr. Speaker, are not even trying to deal with legislation that the American people do want and are clamoring for. The failed trillion-dollar stimulus, the government takeover of health care, and billions of dollars in bailouts were all pushed through by Democrats in charge; but when it comes to making a budget or to staving off the largest tax increase in American history,

these Democrats are sitting on their hands. It would be a travesty for this body to adjourn this week and to leave a \$3.9 trillion tax increase looming over the heads of American families and small businesses.

Mr. Speaker, we stand here today with more than 30 Members of your own party who are making a simple request: let us have a full and open debate before you impose those job-killing tax hikes on the American people. Give us an up-or-down vote, and let the will of the American people have its way. Let's stop frittering away our time.

Mr. BILBRAY. Mr. Speaker, I reserve the balance of my time.

Mr. DRIEHAUS. Mr. Speaker, I would just remind the Members that this is a consent agenda, an agenda for which Republicans and Democrats have come together and for which the Members are not here to cast votes. They will be here tomorrow for our votes for the week. This is an opportunity for Members of both sides to bring legislation forward which we have recognized, certainly throughout my year and a half in Congress, and it is due to the bipartisan nature of the work that is done in Oversight and Government Reform, which we should be proud of.

So I don't apologize for bringing these bills to the floor today. I think the Republicans have made laudable efforts here, and I think we have made laudable efforts here. I would like to remind the Members that this is a consent agenda which has been agreed upon by both parties.

I reserve the balance of my time.

Mr. BILBRAY. I yield myself such time as I may consume.

Mr. Speaker, Mr. Marshall was not a perfect man. He made mistakes. Those of us who have studied history know the fact is anyone who does very much is going to make mistakes; but Marshall, obviously, was a very, very noted figure in history.

I think, if nothing else, when we talk about naming something after someone, we have got to remember we are not doing it for that person. We are not honoring that person as much as we are inspiring future generations to try to live up to an idea. So even though Mr. Marshall might have made mistakes and was flawed, overall he is still a role model to present for future generations.

I am not going to ask how old the Speaker was in 1959, Mr. Speaker, but the fact is Mr. Marshall passed away. It is sad that we have waited this long and that so many generations have grown up in this community who have not recognized that Marshall was a hometown boy. Maybe every time, in having gone to the post office, some grade school child might have been able to have been inspired to think big, to have tried harder—and, yes, even having failed sometimes.

As we go through all of these consent items, one of the things I would ask us to consider is, as I am sure the gentlewoman from North Carolina has said: What about the things that we aren't doing? We have got to recognize that. A lot of the frustration out there is that we are naming a lot of post offices. Yet I think this one is appropriate.

As my cousin says, who is actually a former Democratic Congressman from Las Vegas and a member of the commission that handles these post offices, if we don't get together in Washington and talk about how we are going to continue to provide the money and the resources to keep these post offices open, we will have the right to name them, but will they be around to inspire future generations? Will our actions actually have the staying power if we don't talk about those tough things like the budget, like the financial crisis, and like many other things that we have basically swept under the rug?

I think that this is an appropriate bill at this time, but there is the frustration that we are doing these bills again and again and again; and it seems we are not addressing or finding bipartisan support on a lot of other things that the American people would like to look at, which is why I brought up Mr. KING's bill, because it is one of those little things that, too bad, sadly, leadership will not consider.

I mean, we just had a case last week. Rather than talking about eliminating the tax deduction for the employers of illegal immigrants, they had a comedian at a hearing, and I think a lot of people were very embarrassed—Democrats and Republicans. I guess, if there were a bipartisan response last week, it was: My God, have we allowed things to get to this point? I appreciate good comedy, obviously, while serving in Congress, but I think that there are mistakes we have made.

This bill should pass, but, sadly, we should be talking about a lot of other issues that are not even allowed to come to the floor, Mr. Speaker, which the American people want us to work on. I hope that we will be able to get leadership, especially the majority, to sit down with the minority and to ask, Okay, where are those substantive issues that we can agree on? and do that. There are little things that could make a lot of difference, like Mr. KING's bill, which would eliminate the tax deduction for people who are exploiting illegal labor.

At this time, again, I would support the bill.

I yield back the balance of my time.

Mr. DRIEHAUS. Mr. Speaker, again, I thank the gentleman for his support in the legislation before us. I urge my colleagues to join me in supporting this measure.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. DRIEHAUS) that the House suspend the rules and pass the bill, H.R. 5605.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BILBRAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

M.R. "BUCKY" WALTERS POST OFFICE

Mr. DRIEHAUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6014) to designate the facility of the United States Postal Service located at 212 Main Street in Hartman, Arkansas, as the "M.R. 'Bucky' Walters Post Office."

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6014

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. M.R. "BUCKY" WALTERS POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 212 Main Street in Hartman, Arkansas, shall be known and designated as the "M.R. 'Bucky' Walters Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "M.R. 'Bucky' Walters Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. DRIEHAUS) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. DRIEHAUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. DRIEHAUS. I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I am proud to present H.R. 6014 for consideration. This legislation will designate the facility of the United States Postal Service located at 212 Main Street, in Hartman, Arkansas, as

the "M.R. 'Bucky' Walters Post Office."

H.R. 6014 was introduced by our friend and colleague, Representative JOHN BOOZMAN of Arkansas, on July 30, 2010. It was favorably reported out of the Oversight and Government Reform Committee on September 23, 2010. The legislation enjoys the support of the entire Arkansas House delegation.

M.R. "Bucky" Walters was born on May 22, 1920, in Lincoln, Nebraska; and he dedicated his life to the service of his country and to his beloved Hartman, Arkansas. Mr. Walters served his country proudly for 58 years, spending 5 years in the Army during World War II and an astonishing 53 years with the United States Postal Service.

After serving as a master mechanic in the Arkansas National Guard at Camp Robinson in Little Rock, Arkansas, Mr. Walters was appointed as a full-time letter carrier for the Hartman Post Office in Hartman, Arkansas, by President Dwight D. Eisenhower. After 11 years of exemplary service, Mr. Walters was appointed postmaster of the Hartman Post Office by President Lyndon Johnson.

As both a letter carrier and as a postmaster, Mr. Walters developed a reputation as a tireless employee who always went the extra mile for his community.

Sadly, Mr. Walters died on March 16, 2010, at the age of 89. He is survived by his wife, Maurine; his son, Neal; his sister, Doris; and by his two grandchildren.

Mr. Speaker, let us further honor the life and legacy of Mr. Walters through the passage of H.R. 6014, which will designate the postal facility located at 212 Main Street in Hartman, Arkansas, in his honor.

I urge my colleagues to join me in supporting H.R. 6014.

I reserve the balance of my time.

□ 1440

Mr. BILBRAY. Mr. Speaker, I appreciate the leadership on this item. I appreciate the fact that this naming is more punctual than the last. Maybe we're seeing a positive train here, but I think that the gentleman from Ohio explained it quite appropriately and articulated perfectly exactly why we're willing to take this action.

I yield back the balance of my time.

Mr. DRIEHAUS. Mr. Speaker, I again urge my colleagues to join me in supporting this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. DRIEHAUS) that the House suspend the rules and pass the bill, H.R. 6014.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BILBRAY. Mr. Speaker, I object to the vote on the ground that a

quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 3751. An act to amend the Stem Cell Therapeutic and Research Act of 2005.

SUPPORTING UNITED STATES MILITARY HISTORY MONTH

Mr. DRIEHAUS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1442) supporting the goals and ideals of United States Military History Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1442

Whereas United States citizens of every race, class and ethnic background from every State and territory have made memorable sacrifices as members of the United States Air Force, Army, Coast Guard, Marines, and Navy that have revolutionized armed conflict;

Whereas the United States has produced a legacy of pioneering military minds since Congress first appointed George Washington in 1775 as general and commander-in-chief of the Continental Army in the American Revolution;

Whereas since then, citizen soldiers of the United States have valiantly overcome monumental odds, exhibited leadership in the face of superior forces, and achieved victory on battlefields at home and around the world when this Nation or its people have been threatened;

Whereas 3,468 Medals of Honor—the Nation's highest decoration—have been awarded to United States veterans for Homeric courage and sacrifices above and beyond the call of duty in the line of fire defending the Nation;

Whereas the names of these recipients and other veterans of the United States Armed Forces have been recorded in the histories of other nations where they served in air, on land, and at sea defending freedom and protecting liberty;

Whereas the founding of the United States and its continued existence can be documented through the actions, leadership, and protection of its freedoms through the efforts of the United States Armed Forces;

Whereas November 11 was originally declared Armistice Day to commemorate the sacrifices of United States soldiers in World War I and later designated by President Dwight D. Eisenhower in 1954 as a day to honor all United States veterans;

Whereas members of the United States Armed Forces have played and continue to

play a critical economic, cultural, and societal role in protecting the life of the Nation by their dedicated service, prowess, and resolve;

Whereas despite these contributions, the role of veterans and the wars in which they served have been consistently undervalued and overlooked in the history of the Nation, and their stories diminished in American education;

Whereas November would be an appropriate month to designate as United States Military History Month and State legislatures and assemblies have been requested to issue proclamations designating November as United States Military History month and to encourage students to study this vital subject and participate in Veterans Day activities: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of United States Military History Month; and

(2) encourages the President to issue a proclamation to emphasize the importance of United States Military History Month.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. DRIEHAUS) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. DRIEHAUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. DRIEHAUS. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 1442, a resolution supporting the goals and ideals of United States Military History Month.

H. Res. 1442 was introduced by our colleague, the gentleman from Tennessee, Representative JOHN DUNCAN, on June 15, 2010. It was referred to the Committee on Oversight and Government Reform, which ordered it reported favorably by unanimous consent on September 23, 2010. The measure enjoys the support of over 50 Members of the House.

Mr. Speaker, from the Revolutionary War to the present conflicts in Iraq and Afghanistan, the actions and leadership of our Armed Forces have shaped the history of our Nation and helped to preserve our freedoms. One cannot understand our country without understanding our history, and our military has always had a critical role in our history.

For all that they've done for our Nation, our soldiers, sailors, airmen, guardians, and marines deserve our appreciation and respect. One of the ways we can do this is by helping to ensure that Americans understand the role that our military has played in the development of our Nation and in the history of our world. I, therefore, ask my colleagues to join me in supporting H.

Res. 1442 and encourage all Americans to take time to learn more about our Nation's military history.

I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, at this time I yield such time as he may consume to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. I thank the gentleman from California for yielding me the time, and I thank the gentleman from Ohio for his words in support of this legislation, and I also want to thank the very large number of cosponsors from both sides of the aisle that we have on this bill.

Mr. Speaker, H. Res. 1442 would designate the month of November as Military History Month. While still a general in the Continental Army, George Washington said, "When we assumed the soldier, we did not set aside the citizen," meaning that he believed from the early days of this country's history that citizen-soldiers were the most important people in this Nation in so many, many ways.

Since even before there was a United States until today, Americans have never shied away from the fight to make life better, not only for ourselves but for many millions of others. To better understand, appreciate, and celebrate the influence of the military on our Nation's narrative, we should designate November as United States Military History Month.

There are two major holidays already set aside to honor the men and women who have served this Nation. First known as Declaration Day, what is now known as Memorial Day commemorates the American soldiers who have died in combat. Veterans Day began as Armistice Day to note the end of World War I. The Congress changed it to Veterans Day in 1954, and now on November 11 of each year we honor all those who have served in the military. But without celebrating our country's military history, these holidays might very well end up being seen merely as days off work or just days that government buildings and banks are closed.

The U.S. military has always played a very important role in our Nation's evolution and in protecting the American way of life. Establishing, through the passage of this resolution, H. Res. 1442, a month each year to highlight our Armed Forces will hopefully encourage Americans to learn, remember, and appreciate the sacrifices of the men and women who serve.

It is often said that a nation which forgets its own history does so at its peril. This resolution is a fitting and appropriate way to honor our past and especially the extremely important role the U.S. military has played in that history.

I have submitted this resolution at the request of one of my constituents, Mr. Ed Hooper, a great military historian; and this is very appropriate, too,

because it shows that legislation often does not emanate from Washington but, really, comes from the ground up, from the people that we represent. This is truly the American way to do legislation, and I urge all of my colleagues to support this resolution to designate November as Military History Month in this Nation.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the Representative from San Diego, a community that knows a little bit about the military, one of the largest military complexes in the world, I am very honored to support this motion by the gentleman from Tennessee and want to thank him for that. Not only do I have the privilege of representing a community that is steeped in military history that goes, in fact, all the way back to our founding by Cabrillo, a military man in service of Spain, but also the fact of being raised—not only raised in a military family but born on a military base. So those of us from San Diego know exactly how deeply the roots of the military go as free Americans and as those who do not question the perception that service, as George Washington said, is always the highest honor and the greatest contribution.

Mr. Speaker, I just have to say that I'm sorry that some are not here to see Congress finally take up this item, and I think the gentleman from Tennessee should be commended, and I think the majority should be thanked for allowing the gentleman from Tennessee to bring this bill up for consideration, something I hope to see more of.

I wish that my parents were alive today, parents that not only was he at Pearl Harbor on his birthday, at Leyte Gulf, and at Inchon, but also, more importantly, something we don't think about the military, and that's from my mother's side, of the people around the world like my mother, that in the 1940s in Australia was watching the Japanese empire threaten to conquer her hometown of Brisbane, and the Yanks showed up in time to be able to save them from the tyranny of fascism.

I think that too often when we talk about things like the service in the military, we think only of service to those of us who are Americans; but recognizing that the American military is not only not a threat to the rest of the world, it's an essential component of the world peace and the world freedom and the world prosperity that not only Americans but the entire world, sadly, I think takes for granted.

I think that this is quite appropriate that the gentleman from Tennessee brings this up, that we not only recognize but we celebrate how unique our American military is. We go around the world to set people free. We go around the world to give them a better life. We do not go to conquer and to oppress; and that is something the Amer-

icans have done from the get-go and it's something that we should recognize, be it at Barbary Coast to put down the pirates that were raiding innocent ships or to go and depose dictators that have been oppressing their own and killing their own people.

I think this bill is quite appropriate, and hopefully we will see the kind of celebration of the heritage of military service that we have in this country as we have seen on others.

So I again congratulate the gentleman from Tennessee, and I thank the majority for allowing the bill to go forward.

I yield back the balance of my time.

Mr. DRIEHAUS. Mr. Speaker, I again urge my colleagues to join me in supporting this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. DRIEHAUS) that the House suspend the rules and agree to the resolution, H. Res. 1442.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BILBRAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1450

CONGRATULATING THE WASHINGTON STEALTH

Ms. CHU. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1546) congratulating the Washington Stealth for winning the National Lacrosse League Championship, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1546

Whereas, on May 15, 2010, the Washington Stealth defeated Toronto Rock 15 to 11 in the National Lacrosse League Championship in Everett, Washington;

Whereas the Stealth franchise won the Western Division during the regular season with a NLL-best 11 and 5 record, capturing the Western Divisional Championship by defeating the Edmonton Rush;

Whereas the 2010 National Lacrosse League Championship game was sold out and 8,609 people watched the game at the Comcast Arena in Everett, Washington;

Whereas this was the Washington Stealth's first season in Everett, Washington, after spending 6 seasons in San Jose, California;

Whereas Washington Stealth led the National Lacrosse League in goal-scoring with 211 goals in 16 regular season games;

Whereas team member Lewis Ratcliff was the league's top goal-scorer with 46 goals and earned the Championship Game MVP honors after scoring 5 goals during the championship game;

Whereas David Takata, President of Washington Stealth, has been named the National Lacrosse League's Executive of the Year;

Whereas Chris Hall, Head Coach of Washington Stealth, has been named the National Lacrosse League's Coach of the Year;

Whereas Forwards Lewis Ratcliff and Rhys Duch have earned the honor of Second Team All-Pro;

Whereas Defenseman Matt Beers earned the honor of All-Rookie Team;

Whereas Lacrosse is one of America's fastest-growing sports;

Whereas the National Lacrosse League has 11 teams throughout North America;

Whereas the National Lacrosse League's West Division includes the Washington Stealth, Colorado Mammoth, Minnesota Swarm, Edmonton Rush, and Calgary Roughnecks;

Whereas the National Lacrosse League's East Division includes the Toronto Rock, Boston Blazers, Rochester Knighthawks, Buffalo Bandits, Orlando Titans, and Philadelphia Wings;

Whereas 2010 marked the National Lacrosse League's 24th season; and

Whereas over 1,000,000 fans enter the doors of the National Lacrosse League arenas on a yearly basis: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Washington Stealth for winning the National Lacrosse League Championship; and

(2) recognizes the achievements of the players, coaches, students, and support staff who were instrumental in the victory.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. CHU. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. CHU. Mr. Speaker, I yield myself such time as I may consume.

On behalf of the Committee on Oversight and Government Reform, I present House Resolution 1546 for consideration. This measure congratulates the Washington Stealth for winning the National Lacrosse League championship.

Mr. Speaker, lacrosse is among the Nation's fastest-growing sports, and its origins on this continent are centuries old. I am, therefore, very glad that we can congratulate the Washington Stealth on their victory in the National Lacrosse League championship earlier this year.

House Resolution 1546 was introduced by our colleague, the gentleman from Washington, Representative JAY INS-

LEE, on July 21, 2010. It was referred to the Committee on Oversight and Government Reform, which ordered it reported favorably by unanimous consent on July 28, 2010. It enjoys the support of over 50 Members of the House.

Mr. Speaker, let us now take time to congratulate the Washington Stealth and the entire team organization on a historic championship through the passage of House Resolution 1546. I urge my colleagues to join me in supporting it.

I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, the minority will support this bill. And, as pointed out by the gentlelady, this is probably—in fact, I would kind of challenge my own history background—the only general sport that has its origin from the New World. Lacrosse was actually a training device by American Indians to be able to train their young, sadly, for war. But it is a sport now that obviously may look a lot like a violent confrontation but is actually a very, very competitive sport, especially out here in the East.

I appreciate the fact that we are recognizing the Washington Stealth. They must live up to their name. A lot of us have not heard of them before. But I, representing the minority, will accept the motion and will support it, Mr. Speaker.

I yield back the balance of my time.

Ms. CHU. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and agree to the resolution, H. Res. 1546, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BILBRAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SUPPORTING THE UNITED STATES PARALYMPICS

Ms. CHU. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1479) supporting the United States Paralympics, honoring the Paralympic athletes, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1479

Whereas today there are more than 21 million Americans with a physical disability;

Whereas in the past few years thousands of military personnel have sustained serious injuries during active duty;

Whereas research shows that daily physical activity enhances self-esteem and peer relationships, and results in increased achievement, better overall health, and a higher quality of life;

Whereas United States Paralympics, a division of the United States Olympic Committee, is dedicated to becoming the world leader in the Paralympic sports movement, and promoting excellence in the lives of people with physical disabilities;

Whereas since its formation in 2001, United States Paralympics has been inspiring Americans to achieve their dreams;

Whereas United States Paralympics makes a difference in the lives of thousands of individuals with a physical disability every day;

Whereas United States Paralympic athletes have been competing in the Paralympic Games since 1960;

Whereas the athletes in the Paralympic Games are the very best at their sports, devote countless hours to training, and receive support from their families, schools, and communities;

Whereas the United States Paralympics Team brought home a total of 13 medals, including 4 gold medals, from the 2010 Paralympic Winter games in Vancouver; and

Whereas the United States Paralympics Team won gold medals in Ice Hockey (Ice Sledge Hockey), Women's Super Combined (Sitting), Women's Downhill (Sitting), and Women's Giant Slalom (Sitting): Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) supports the work of the United States Paralympics;

(2) congratulates all of the United States Paralympics Team medal winners from the 2010 Winter Paralympic Games in Vancouver, British Columbia;

(3) honors all of the Paralympic athletes for their contributions to the games; and

(4) recognizes the contributions of the athletes' families, schools, and communities to the Paralympic Games, and the United States Team.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. CHU. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. CHU. I yield myself such time as I may consume.

I rise in support of House Resolution 1479, a bill supporting the United States Paralympics. A division of the U.S. Olympic Committee, the United States Paralympics organizes elite athletes with physical disabilities to compete internationally in the summer and winter Paralympic Games.

House Resolution 1479 was introduced by our colleague, the gentleman from

New Jersey, Representative LEONARD LANCE, on June 25, 2010. It was referred to the Committee on Oversight and Government Reform, which ordered it reported favorably by unanimous consent on July 28, 2010. The measure enjoys the support of over 50 cosponsors. I would like to thank the gentleman from New Jersey for introducing this measure, and I would also like to enter into the RECORD an exchange of letters between our committee, the Committee on Oversight and Government Reform, and the House Committee on Foreign Affairs, which expresses Chairman BERMAN's and the Foreign Affairs Committee's support of House Resolution 1479 and waives their jurisdictional interest in this bill.

Mr. Speaker, the Olympic Games promote ideals of fair sportsmanship, fair play, physical fitness, and peace through sport. The Paralympics ensures that athletes with physical disabilities can take part in these games, representing our Nation on the world stage.

There are over 21 million Americans with a physical disability, including thousands of men and women who sustained serious injuries while serving in the military. I am glad that they have the opportunity to represent our country by taking part in these games. Let us now honor these athletes and recognize their achievements through the passage of House Resolution 1479, and I urge my colleagues to join me in supporting it.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, September 21, 2010.

Hon. EDOLPHUS TOWNS,
Chairman, Committee on Oversight and Government Reform, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN TOWNS: I am writing to you concerning H. Res. 1479, a resolution "Supporting the United States Paralympics, honoring the Paralympic athletes, and for other purposes," introduced by Congressman Leonard Lance on July 28, 2010.

As you know, this measure was referred to the Committee on Oversight and Government Reform and, in addition, to the Committee on Foreign Affairs for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

This bill contains provisions within the rule X jurisdiction of the Committee on Foreign Affairs. In the interest of permitting your Committee to proceed expeditiously to floor consideration of this important bill, I am willing to waive this Committee's right to mark up this bill. I do so with the understanding that by waiving consideration of the bill, the Committee on Foreign Affairs does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its rule X jurisdiction.

Please include a copy of this letter and your response in the Congressional Record during consideration of the measure on the House floor.

Sincerely,

HOWARD L. BERMAN,
Chairman.

HOUSE OF REPRESENTATIVES, COM-
MITTEE ON OVERSIGHT AND GOV-
ERNMENT REFORM,
Washington, DC, September 22, 2010.

Hon. HOWARD BERMAN,
Chairman, Committee on Foreign Affairs, House
of Representatives, Rayburn House Office
Building, Washington, DC.

DEAR CHAIRMAN BERMAN: Thank you for your letter regarding H. Res. 1479, a resolution "Supporting the United States Paralympics, honoring the Paralympic athletes, and for other purposes," introduced by Congressman Leonard Lance on July 28, 2010.

I agree that the Committee on Foreign Affairs has valid jurisdictional claims to this resolution and I appreciate your willingness to waive further consideration of H. Res. 1479 in the interest of expediting consideration of this important measure. I acknowledge that your Committee is not relinquishing its jurisdiction over the relevant provisions of H. Res. 1479, nor waiving its jurisdictional claims over similar measures in the future.

This exchange of letters will be in the Congressional Record as part of the consideration of H. Res. 1479 in the House.

I thank you for working with me to pass this important legislation.

Sincerely,

EDOLPHUS TOWNS,
Chairman.

I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, at this time it's my privilege to yield such time as he may consume to the gentleman from New Jersey (Mr. LANCE).

Mr. LANCE. I thank the gentleman from California and the gentlewoman from California.

Mr. Speaker, I am proud to offer this resolution today to honor all of the athletes of the 2010 U.S. Paralympic Team, including my constituent Josh Pauls, the youngest member of Team USA. Josh Pauls of Watchung, New Jersey, is a remarkable young man, a real American hero, and I am proud to recognize him before the United States Congress and the American people.

During the Paralympic Games and every day of the year, Paralympic athletes like Josh demonstrate great American spirit, courage, and achievement. I am proud we are able to work in a bipartisan fashion to bring this important measure to the House floor for final consideration, and I am proud of athletes like Josh Pauls.

Josh was 10 years old when his father first took him to a sled hockey game at the Bridgewater, New Jersey, arena. Soon after, Josh began playing locally and showed so much talent that his team manager recommended that he try out for the national team. He took that advice and successfully made the team. Now Josh is on the ice 11 months out of the year, both locally and traveling as far as the U.S. Olympic Center in Colorado Springs to train with his national team teammates. This is a sacrifice made not only by Josh but by his loving and supportive parents, Debbie and Tony Pauls. Josh and his teammates brought home one of four gold medals won by Team USA in the 2010 games and one of 13 overall medals won by this inspiring team.

I urge all of my colleagues to support this bipartisan resolution, honoring not only Josh but all of the members of Team USA, the United States Paralympics, and the athletes, families, schools, and communities that support these athletes year-round and not just during the Olympic Games.

□ 1500

These athletes are the very best at what they do and should serve as an inspiration for all Americans for the dedication and tenacity they show in representing the United States of America.

Mr. BILBRAY. Mr. Speaker, I would like to thank the majority for allowing the Congressman to bring his item onto the floor for a vote. It is a tough thing to do sometimes, especially from the minority, and I appreciate the fact that the majority was willing to allow him to do that.

I ask for an affirmative vote, and I yield back the balance of my time.

Ms. CHU. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and agree to the resolution, H. Res. 1479.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BILBRAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

DOROTHY I. HEIGHT POST OFFICE BUILDING

Ms. CHU. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6118) to designate the facility of the United States Postal Service located at 2 Massachusetts Avenue, N.E., in Washington, D.C., as the "Dorothy I. Height Post Office Building," as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6118

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DOROTHY I. HEIGHT POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2 Massachusetts Avenue, NE, in Washington, D.C., shall be known and designated as the "Dorothy I. Height Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to

be a reference to the "Dorothy I. Height Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. CHU. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. CHU. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the House Committee on Oversight and Government Reform, I am pleased to present H.R. 6118 for consideration. This measure designates the facility of the United States Postal Service located at 2 Massachusetts Avenue, NE in Washington, D.C. as the "Dorothy I. Height Post Office."

H.R. 6118 was introduced by our colleague, the gentlewoman from the District of Columbia, Representative ELEANOR HOLMES NORTON, on September 14, 2010. It was referred to the Committee on Oversight and Government Reform, which ordered it reported favorably by unanimous consent on September 23, 2010.

Mr. Speaker, this chamber mourned the loss of one of America's most celebrated civil rights leaders, Dr. Dorothy I. Height, earlier this year. Today, we have the opportunity to continue to honor her life and achievements by giving her name to the post office in Washington, DC's historic Postal Square Building.

Mr. Speaker, I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the minority will support this bill. Ms. Height actually had bipartisan support in her life. She got an award from one of the greatest, Ronald Reagan, and one of the more recent, Bill Clinton. And I think that in that spirit we should try, in a bipartisan effort, to support this bill.

Ms. PELOSI. Mr. Speaker, I rise today in strong support of this legislation naming a post office in Washington, D.C. after the godmother of the civil rights movement and a champion of social justice: Dr. Dorothy I. Height.

I thank Congresswoman ELEANOR HOLMES NORTON for providing us with the opportunity to honor Dr. Height's commitment and compassion, grace and patriotism.

In her memoir, "Open Wide the Freedom Gates," Dr. Height wrote, "It is in the neighborhood and communities where the world begins. That is where children grow and families are developed, where people exercise the power to change their lives."

Today, we have the opportunity to ensure that Dr. Height's name will live on in the neighborhoods and communities of our nation's capital. And when we do so, we will

have named the first public building in Washington's history after an African American woman.

I think it is particularly appropriate that the Dorothy I. Height Post Office Building will be just four blocks from the United States Capitol—where Dr. Height tirelessly lobbied on behalf of social justice, human rights, and equality. It is almost as if she is keeping a watchful eye over us.

Men and women of every race and faith are heirs to the work, passion, and legacy of Dorothy Height. Together, we must continue to help build the America that Dr. Height envisioned: a nation defined by equality, shaped by civil rights, and driven by the pursuit of justice for all.

Hundreds of people came to the Washington National Cathedral to pay their last respects to Dr. Height—ordinary residents of the nation's capital, dignitaries, and even the President of the United States. As President Barack Obama said that day, "May God bless Dr. Dorothy Height and the union that she made more perfect"

I urge my colleagues to join me in making our union more perfect by honoring Dr. Height today.

Ms. NORTON. Mr. Speaker, I would like to thank Chairman TOWNS for moving my bill to designate the facility of the United States Postal Service located at 21 Massachusetts Avenue, NE in Washington, D.C., as the "Dorothy I. Height Post Office" through committee, and Speaker PELOSI and Majority Leader HOYER for bringing it to the House floor.

Dr. Dorothy I. Height, the longtime president of the National Council of Negro Women who died this year, was never a public official, but she spent her life in service of African Americans, especially African American women, and in service of the people of the United States of America. So strong was the power of her example that she was a role model to generations of women beyond her reach. Dorothy Height was a visionary and a civil rights leader known as the "Godmother of the Civil Rights Movement." She championed countless efforts for basic justice in our country, particularly equal rights for women and people of color, from equal pay to the integration of the nation's governmental institutions and its societal norms.

Dr. Height was recognized with virtually every significant national honor, from the NAACP Spingarn Medal to the Presidential Medal of Freedom and the Congressional Gold Medal. Dorothy Height was also a proponent of strong family life, and organized the annual Black Family Reunion, which is held yearly. The Black Family Reunion for this region was held on Saturday, September 11, 2010, on the National Mall and is an African-American celebration held throughout the nation during the summer.

Please join me in honoring Dr. Height's immensely productive and impactful life by designating the facility of the United States Postal Service located at 2 Massachusetts Avenue NE, in Washington, D.C., as the "Dorothy I. Height Post Office."

I urge my colleagues to support this bill.

Mr. BILBRAY. Mr. Speaker, I ask for an affirmative vote, and I yield back the balance of my time.

Ms. CHU. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and pass the bill, H.R. 6118, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BILBRAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SUPPORTING GOLD STAR MOTHERS DAY

Ms. CHU. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1617) supporting the goals and purpose of Gold Star Mothers Day, which is observed on the last Sunday in September of each year in remembrance of the supreme sacrifice made by mothers who lose a son or daughter serving in the Armed Forces.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1617

Whereas the American Gold Star Mothers have suffered the supreme sacrifice of motherhood by losing a son or daughter who served in the Armed Forces, and thus perpetuate the memory of all whose lives are sacrificed in war;

Whereas the American Gold Star Mothers assist veterans of the Armed Forces and their dependents in the presentation of claims to the Department of Veterans Affairs and aid members of the Armed Forces who served and died or were wounded or incapacitated during hostilities;

Whereas the services rendered to the United States by the mothers of America have strengthened and inspired Americans throughout the history of the United States;

Whereas Americans honor themselves and the mothers of America when they revere and emphasize the role of the home and the family as the true foundations of the United States;

Whereas by doing so much for the home, the American mother is a source of moral and spiritual guidance for the people of the United States and thus acts as a positive force to promote good government and peace among all mankind; and

Whereas the last Sunday in September of each year is observed as Gold Star Mothers Day: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and purpose of Gold Star Mothers Day, which is observed in remembrance of the supreme sacrifice made by mothers who lose a son or daughter serving in the Armed Forces; and

(2) urges the President to issue a proclamation calling upon the people of the United States to observe Gold Star Mothers Day with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. CHU. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. CHU. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 1617, a measure supporting the goals and ideals of Gold Star Mothers Day, observed each September in remembrance of the supreme sacrifice made by mothers who lose a son or a daughter serving in the Armed Forces.

H. Res. 1617 was introduced by our colleague gentleman from California, Representative PETER ROSKAM on September 14, 2010. It was referred to the Committee on Oversight and Government Reform, which ordered it reported favorably by unanimous consent on September 23, 2010. The measure enjoys the support of over 50 members of the House.

We here in the House of Representatives regularly take time to honor our brave men and women serving in the armed services, particularly those who have made the ultimate sacrifice in the line of duty. With so many putting themselves in harm's way, I'm very pleased that we can make it a priority to keep them and their families in our thoughts and prayers. The American Gold Star Mothers are a group of women who have all lost a son or daughter serving in the Armed Forces, and today we honor their sacrifice. The Gold Star Mothers provide services and comfort to their members, assist veterans in presenting claims to the VA, and host a number of events throughout the year to show support for our military. We thank them for all they do for our troops and our veterans.

Mr. Speaker, the sacrifices of the Gold Star Mothers should never be far from our thoughts and prayers, and so I ask my colleagues to join me in honoring the Gold Star Mothers through the passage of H. Res. 1617.

Mr. Speaker, I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think that as we were talking about many different items today, I think that as a culture, and especially as a Congress, we always talk about the men and women who serve and those who pay the ultimate sacrifice.

But I think anyone who is a parent, especially those who are mothers, recognize that the only thing worse than

running into harm's way is to watch your child run into harm's way. And the greatest loss is not the loss of one's life, but a loss of a child's life. And I think this is quite appropriate that we finally start focusing on the fact that the great sacrifice made on the battlefield is not by the men and women who are fighting, but the mothers who are left behind and must live with whatever results occur on that battlefield, something that they will live with for the rest of their lives. And I think it is quite appropriate that we do this today.

I am sad that we haven't done it before, to really recognize that those greatest heroes in America are the mothers who have raised the children that do the fighting that protect the freedoms and the prosperity, and those mothers who pay the ultimate sacrifice should be recognized, not just here, but much more often.

And so I thank the majority for allowing this to be brought forward. And, hopefully, as a nation, as a culture, we will recognize the contribution mothers make in this great effort.

The military couldn't be the military if it wasn't for the mothers who were willing to raise the children that we put in harm's way. And they are willing and, sadly, forced many times as the Gold Star Mothers are, to live with the repercussions for the rest of their lives of the great loss that they witness and this Nation has ignored for too long. I ask for passage of this bill.

Mr. Speaker, I yield back the balance of my time.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H. Res. 1617, which supports the goals and ideals of Gold Star Mothers Day. Gold Star Mothers Day is observed on the last Sunday of September each year. I am proud to cosponsor H. Res. 1617, and I thank my colleague, Congressman ROSKAM for introducing this resolution.

Gold Star Mothers Day reminds us all of the ultimate sacrifice made by our men and women in uniform who gave their lives for our country. We also remember the mothers of our fallen soldiers who have to deal with the pain of losing their child.

On June 4, 1928, the American Gold Star Mothers, Inc. was established when twenty-five mothers who lost a child in World War I met in Washington, DC. Membership was later opened to mothers who lost children in other armed conflicts. Congress then designated the last Sunday as Gold Star Mothers Day on June 23, 1936.

These remarkable women have turned their grief into service to others. Gold Star Mothers provides a mutual bond of sympathy and support. They also assist veterans and their dependents with VA claims, and provide aid to service members and their families who have died or were wounded during active duty.

Mr. Speaker, I also want to recognize the 11 service members from Long Beach, California, which is in my district, who lost their lives during Operation Iraqi Freedom and Operation Enduring Freedom. They are: Pfc. Sphen

Castellano, Sgt. Anthony Davis, Jr., Pvt. Ernesto Guerra, Spec. Roberto Martinez Salazar, Pfc. David T. Toomalatai, Staff Sgt. Joshua Whitaker, Sgt. 1st Class Randy Collins, Sgt. Israel Garcia, Pfc. Lyndon Marcus, Jr., Spec. Astor Sunsin-Pineda, Pfc. George Torres. I ask my colleagues to join me in thanking and remembering these individuals for their service to our country, and to keep their families and especially their mothers in our thoughts and prayers.

Mr. Speaker, I ask my colleagues to join me in supporting H. Res. 1617.

Mr. RANGEL. Mr. Speaker, I rise today to express my support in recognition of Gold Star Mothers Day, which is celebrated the last Sunday of September. These mothers have given the supreme sacrifice for their country: they have lost a son or daughter serving in the Armed Forces. But instead of mourning alone, these courageous women have taken their personal loss and used it to help others in the same situation.

Several weeks ago, I hosted the Congressional Black Caucus Annual Legislative Conference, along with Rep. CORRINE BROWN of Florida and Rep. SANFORD BISHOP of Georgia. At that conference, we were honored to have here with us Ms. Aseneth Blackwell, a former President of the Gold Star Wives of America, a sister organization of the Gold Star Mothers. Both members of these organizations have lost loved ones in service for their country.

These honorable women provide support to those who may not know who to turn to. They provide a listening ear and sympathetic voice to the bereaved, because they have been there too. They assist veteran's families in understanding and obtaining the benefits provided by the government for veteran's families. And they make sure that the Nation never forgets those sacrifices made by the men and women of the Armed Forces.

My condolences go out to any family member that has lost a spouse, a child, or a parent in the service of their country. That is why I am proud to speak today on behalf of this bill that recognizes the sacrifice made by mothers of this country, by observing Gold Star Mothers Day. I also commend President Obama for his proclamation on September 24th, asking the public to observe this special day with them.

Mr. ROSKAM. Mr. Speaker, I rise today to recognize Gold Star Mothers day, which was observed on the last Sunday of September. This day commemorated the supreme sacrifice made by those who have lost a son or daughter serving in the Armed Forces. By honoring these mothers, we also remember all those who have given their lives in service for our country.

The American Gold Star Mothers assist veterans of the Armed Forces and their dependents in the presentation of claims to the Department of Veterans Affairs, and aid members of the Armed Forces who served and died, or were wounded or incapacitated during hostilities. Their services have strengthened and inspired Americans throughout the history of the United States.

The sacrifice of Gold Star Mothers emphasizes the role of the home and the family as the true foundation of the United States. The American mother is a source of moral and

spiritual guidance for the people of the United States; she acts as a positive force to promote good government and peace among all mankind.

For more than eighty years, American Gold Star Mothers have banded together to show their pride and love of our country. These women have given their time and effort to honor all fallen children and assist veterans. In spite of their grief, they have demonstrated an ardent support for and deep service of our country.

Mr. Speaker and Distinguished Colleagues, please join me in recognizing the heroic precedent set by Gold Star Mothers and their legacy of patriotism, sacrifice, and service.

Ms. CHU. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and agree to the resolution, H. Res. 1617.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BILBRAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SUPPORTING NATIONAL CRANIOFACIAL ACCEPTANCE MONTH

Ms. CHU. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1603) expressing support for designation of September 2010 as National Craniofacial Acceptance Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1603

Whereas there are 100,000 children born each year in the United States with a craniofacial anomaly affecting the head, neck, extremities, or organs;

Whereas craniofacial treatment will often last from infancy to adulthood;

Whereas it is not uncommon for one to undergo multiple surgeries before reaching adulthood;

Whereas most craniofacial conditions affect individuals and their families physically, mentally, and socially;

Whereas in the past 30 years, many medical procedures have been developed to help improve the quality of life for those affected by craniofacial anomalies;

Whereas the number of physicians specializing in treating these rare and complex conditions is very small;

Whereas many groups have developed to help advocate on the behalf of those with craniofacial anomalies and to encourage

greater acceptance and support of individuals with craniofacial anomalies; and

Whereas September 2010 would be an appropriate month to designate as National Craniofacial Acceptance Month: Now, therefore, be it

Resolved, That the House of Representatives supports the designation of National Craniofacial Acceptance Month to encourage all citizens to become better informed of craniofacial conditions and advances in medical treatment.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

□ 1510

GENERAL LEAVE

Ms. CHU. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. CHU. Mr. Speaker, I rise in support of House Resolution 1603, expressing support for National Craniofacial Acceptance Month.

H. Res. 1603 was introduced by our colleague, the gentleman from Arkansas, Representative MIKE ROSS, on July 30, 2010. It was referred to the Committee on Oversight and Government Reform, which ordered it reported favorably by unanimous consent on September 23, 2010. The measure has the support of over 70 members of the House.

Mr. Speaker, there are 100,000 children born each year in the United States with a craniofacial anomaly affecting the head, neck, extremities, or organs. These include cleft lip and cleft palate, the most common congenital craniofacial anomalies seen at birth, as well as other conditions that can cause hearing loss or other complications.

The development of more advanced treatment options for individuals with these conditions can greatly improve their quality of life, but the number of physicians who specialize in treating these rare and complex conditions is very small. People born with craniofacial anomalies often require extensive surgery in childhood and a great deal of support and encouragement along the way, so I am glad that we can do our part to raise awareness of these conditions today through the passage of H. Res. 1603. I ask my colleagues to join me in supporting it.

I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, we support the bill, and I will support the gentlewoman from California's motion to approve it. I appreciate the fact that we are able to consider the item at this time.

I yield back the balance of my time.

Ms. CHU. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms.

CHU) that the House suspend the rules and agree to the resolution, H. Res. 1603.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BILBRAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

AMENDING RULE ON FIREFIGHTER OVERTIME PAY

Ms. CHU. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3243) to amend section 5542 of title 5, United States Code, to provide that any hours worked by Federal firefighters under a qualified trade-of-time arrangement shall be excluded for purposes of determinations relating to overtime pay.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3243

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF HOURS WORKED UNDER A TRADE-OF-TIME ARRANGEMENTS.

Section 5542 of title 5, United States Code, is amended by adding at the end the following:

“(g)(1) Notwithstanding any other provision of this section, any hours worked by a firefighter under a qualified trade-of-time arrangement shall be disregarded for purposes of any determination relating to eligibility for or the amount of any overtime pay under this section.

“(2) For purposes of this section—

“(A) the term ‘qualified trade-of-time arrangement’ means an arrangement under which 2 firefighters who are employed by the same agency agree, solely at their option and with the approval of their employing agency, to substitute for one another during scheduled work hours in performance of work in the same capacity; and

“(B) the term ‘firefighter’ has the meaning given such term by sections 8331(21) and 8401(14), respectively.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. CHU. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. CHU. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 3243, legislation to promote flexibility in work arrangements and scheduling for Federal firefighters. H.R. 3243 was introduced by Representative JOHN SARBANES, the gentleman from Maryland, on July 16, 2009. The bill was reported favorably by the Oversight and Government Reform Committee on September 23, 2010.

H.R. 3243 allows federal firefighters to trade shifts without triggering mandatory overtime payments and added costs for their agency. The bill simply allows traded time to be excluded from the calculation of overtime. This grants more leave flexibility to these workers, without costing the government any money. The change is consistent with the workplace practices of state and municipal fire departments across the country. Under the bill, any decision to approve the workers' request to switch shifts would remain at the discretion of the employing agency. Trade time will boost federal agencies' ability to recruit and retain trained firefighters. The bill is strongly supported by the International Association of Firefighters.

I thank Mr. SARBANES for his work on this bill.

I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have a substantive bill here, and I appreciate the leadership bringing it up in the committee we are working on.

One of the things we haven't done enough on Government Oversight, and I think the American people say we haven't done enough as a Congress as a whole, is to look at those things that we are doing in the government that are not efficient, not effective, and, frankly, can be very wasteful not just of the taxpayers' money but in their time.

This bill is a commonsense approach. It changes the accounting process and really makes the system much more user friendly for those who are serving.

As the lady from California pointed out, those of us from California know how important the Federal firefighters can be. We just recently had massive fires break out again, and we are sadly looking forward to another season that could be very, very damaging. These firefighters are not just those covering military installations but actually protect homes throughout the country, especially in those fire-prone areas such as California.

I would again just say that I think this is appropriate. It is those little things that add up that the American people have been asking us to do more of, and I think this is one of those bipartisan issues. We can go back to our districts and say there is a lot of stuff we haven't done, we really need to do more, but at least we got together and got this item done. And this item could not only save money but may be able to make the system work efficiently.

Mr. LYNCH. Mr. Speaker, as Chairman of the House Subcommittee with jurisdiction over the Federal Workforce, Postal Service, and the District of Columbia, and as a strong supporter of this bill, I am pleased that the House will act today to advance H.R. 3243. The bill, introduced by Congressman JOHN SARBANES of Maryland, will allow federal fire fighters to trade shifts with each other, without triggering required overtime payments from their employing agencies. Notably, state and municipal fire fighters have long been able to swap shifts, or to exchange time, and still be paid according to the original work schedule. Such workplace flexibility aids in boosting employee morale and increases overall retention rates, without costing these local and state governments any additional money.

The Sarbanes bill simply amends title 5 by excluding trade time from the calculation of overtime pay for federal fire fighters. Clearly, it will still be up to the agency—such as the Department of Defense—to approve the request to switch schedules. The bill's enactment will actually save federal agencies money, because under current law, agencies must at times pay overtime for fill-in workers. However, under this legislation, these entities will now have employees voluntarily agreeing to work shifts without overtime being required.

Again, extending a small amount of scheduling flexibility to our federal fire fighters—that neither increases agency costs nor reduces manpower—is the right thing to do. Moreover, the bill's enactment will increase the attractiveness of federal fire fighters positions, that at present can actually go unfilled for as long as half a year.

I'd like to take the opportunity to thank all federal fire fighters as well as other fire fighters, including those recently combating the fires in the Salt Lake City suburbs, as well as my own fire fighters from Boston Local 718.

I also want to express my appreciation to Chairman TOWNS for his unwavering commitment to extending workplace flexibilities to all federal workers—regardless of whether they are white collar desk workers or shift workers such as our federal fire fighters.

Mr. BILBRAY. I yield back the balance of my time.

Ms. CHU. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and pass the bill, H.R. 3243.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BILBRAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

PRE-ELECTION PRESIDENTIAL TRANSITION ACT OF 2010

Ms. CHU. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3196) to amend the Presidential Transition Act of 1963 to provide that certain transition services shall be available to eligible candidates before the general election.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3196

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Pre-Election Presidential Transition Act of 2010”.

SEC. 2. CERTAIN PRESIDENTIAL TRANSITION SERVICES MAY BE PROVIDED TO ELIGIBLE CANDIDATES BEFORE GENERAL ELECTION.

(a) IN GENERAL.—Section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended by adding at the end the following new subsection:

“(h)(1)(A) In the case of an eligible candidate, the Administrator—

“(i) shall notify the candidate of the candidate's right to receive the services and facilities described in paragraph (2) and shall provide with such notice a description of the nature and scope of each such service and facility; and

“(ii) upon notification by the candidate of which such services and facilities such candidate will accept, shall, notwithstanding subsection (b), provide such services and facilities to the candidate during the period beginning on the date of the notification and ending on the date of the general elections described in subsection (b)(1).

The Administrator shall also notify the candidate that sections 7601(c) and 8403(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 provide additional services.

“(B) The Administrator shall provide the notice under subparagraph (A)(i) to each eligible candidate—

“(i) in the case of a candidate of a major party (as defined in section 9002(6) of the Internal Revenue Code of 1986), on one of the first 3 business days following the last nominating convention for such major parties; and

“(ii) in the case of any other candidate, as soon as practicable after an individual becomes an eligible candidate (or, if later, at the same time as notice is provided under clause (i)).

“(C)(i) The Administrator shall, not later than 12 months before the date of each general election for President and Vice-President (beginning with the election to be held in 2012), prepare a report summarizing modern presidential transition activities, including a bibliography of relevant resources.

“(ii) The Administrator shall promptly make the report under clause (i) generally available to the public (including through electronic means) and shall include such report with the notice provided to each eligible candidate under subparagraph (A)(i).

“(2)(A) Except as provided in subparagraph (B), the services and facilities described in this paragraph are the services and facilities described in subsection (a) (other than paragraphs (2), (3), (4), (7), and 8(A)(v) thereof), but only to the extent that the use of the services and facilities is for use in connection with the eligible candidate's preparations for the assumption of official duties as President or Vice-President.

“(B) The Administrator—

“(i) shall determine the location of any office space provided to an eligible candidate under this subsection;

“(ii) shall, as appropriate, ensure that any computers or communications services provided to an eligible candidate under this subsection are secure;

“(iii) shall offer information and other assistance to eligible candidates on an equal basis and without regard to political affiliation; and

“(iv) may modify the scope of any services to be provided under this subsection to reflect that the services are provided to eligible candidates rather than the President-elect or Vice-President-elect, except that any such modification must apply to all eligible candidates.

“(C) An eligible candidate, or any person on behalf of the candidate, shall not use any services or facilities provided under this subsection other than for the purposes described in subparagraph (A), and the candidate or the candidate's campaign shall reimburse the Administrator for any unauthorized use of such services or facilities.

“(3)(A) Notwithstanding any other provision of law, an eligible candidate may establish a separate fund for the payment of expenditures in connection with the eligible candidate's preparations for the assumption of official duties as President or Vice-President, including expenditures in connection with any services or facilities provided under this subsection (whether before such services or facilities are available under this section or to supplement such services or facilities when so provided). Such fund shall be established and maintained in such manner as to qualify such fund for purposes of section 501(c)(4) of the Internal Revenue Code of 1986.

“(B)(i) The eligible candidate may—

“(I) transfer to any separate fund established under subparagraph (A) contributions (within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8))) the candidate received for the general election for President or Vice-President or payments from the Presidential Election Campaign Fund under chapter 95 of the Internal Revenue Code of 1986 the candidate received for the general election; and

“(II) solicit and accept amounts for receipt by such separate fund.

“(ii) Any expenditures from the separate fund that are made from such contributions or payments described in clause (i)(I) shall be treated as expenditures (within the meaning of section 301(9) of such Act (2 U.S.C. 431(9))) or qualified campaign expenses (within the meaning of section 9002(11) of such Code), whichever is applicable.

“(iii) An eligible candidate establishing a separate fund under subparagraph (A) shall (as a condition for receiving services and facilities described in paragraph (2)) comply with all requirements and limitations of section 5 in soliciting or expending amounts in the same manner as the President-elect or Vice-President-elect, including reporting on the transfer and expenditure of amounts described in subparagraph (B)(i) in the disclosures required by section 5.

“(4)(A) In this subsection, the term ‘eligible candidate’ means, with respect to any presidential election (as defined in section 9002(10) of the Internal Revenue Code of 1986)—

“(i) a candidate of a major party (as defined in section 9002(6) of such Code) for President or Vice-President of the United States; and

“(ii) any other candidate who has been determined by the Administrator to be among

the principal contenders for the general election to such offices.

“(B) In making a determination under subparagraph (A)(ii), the Administrator shall—

“(i) ensure that any candidate determined to be an eligible candidate under such subparagraph—

“(I) meets the requirements described in Article II, Section 1, of the United States Constitution for eligibility to the office of President;

“(II) has qualified to have his or her name appear on the ballots of a sufficient number of States such that the total number of electors appointed in those States is greater than 50 percent of the total number of electors appointed in all of the States; and

“(III) has demonstrated a significant level of public support in national public opinion polls, so as to be realistically considered among the principal contenders for President or Vice-President of the United States; and

“(ii) consider whether other national organizations have recognized the candidate as being among the principal contenders for the general election to such offices, including whether the Commission on Presidential Debates has determined that the candidate is eligible to participate in the candidate debates for the general election to such offices.”

(b) ADMINISTRATOR REQUIRED TO PROVIDE TECHNOLOGY COORDINATION UPON REQUEST.—Section 3(a)(10) of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended to read as follows:

“(10) Notwithstanding subsection (b), consultation by the Administrator with any President-elect, Vice-President-elect, or eligible candidate (as defined in subsection (h)(4)) to develop a systems architecture plan for the computer and communications systems of the candidate to coordinate a transition to Federal systems if the candidate is elected.”

(c) COORDINATION WITH OTHER TRANSITION SERVICES.—

(1) SECURITY CLEARANCES.—Section 7601(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b note) is amended—

(A) by striking paragraph (1) and inserting:

“(1) DEFINITION.—In this section, the term ‘eligible candidate’ has the meaning given such term by section 3(h)(4) of the Presidential Transition Act of 1963 (3 U.S.C. 102 note).”, and

(B) by striking “major party candidate” in paragraph (2) and inserting “eligible candidate”.

(2) PRESIDENTIALLY APPOINTED POSITIONS.—Section 8403(b)(2)(B) of such Act (5 U.S.C. 1101 note) is amended to read as follows:

“(B) OTHER CANDIDATES.—After making transmittals under subparagraph (A), the Office of Personnel Management shall transmit such electronic record to any other candidate for President who is an eligible candidate described in section 3(h)(4)(B) of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) and may transmit such electronic record to any other candidate for President.”

(d) CONFORMING AMENDMENTS.—Section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended—

(1) in subsection (a)(8)(B), by striking “President-elect” and inserting “President-elect or eligible candidate (as defined in subsection (h)(4)) for President”; and

(2) in subsection (e), by inserting “, or eligible candidate (as defined in subsection (h)(4)) for President or Vice-President,” before “may designate”.

SEC. 3. AUTHORIZATION OF TRANSITION ACTIVITIES BY THE INCUMBENT ADMINISTRATION.

(a) IN GENERAL.—The President of the United States, or the President's delegate, may take such actions as the President determines necessary and appropriate to plan and coordinate activities by the Executive branch of the Federal Government to facilitate an efficient transfer of power to a successor President, including—

(1) the establishment and operation of a transition coordinating council comprised of—

(A) high-level officials of the Executive branch selected by the President, which may include the Chief of Staff to the President, any Cabinet officer, the Director of the Office of Management and Budget, the Administrator of the General Services Administration, the Director of the Office of Personnel Management, the Director of the Office of Government Ethics, and the Archivist of the United States, and

(B) any other persons the President determines appropriate;

(2) the establishment and operation of an agency transition directors council which includes career employees designated to lead transition efforts within Executive Departments or agencies;

(3) the development of guidance to Executive Departments and agencies regarding briefing materials for an incoming administration, and the development of such materials; and

(4) the development of computer software, publications, contingency plans, issue memoranda, memoranda of understanding, training and exercises (including crisis training and exercises), programs, lessons learned from previous transitions, and other items appropriate for improving the effectiveness and efficiency of a Presidential transition that may be disseminated to eligible candidates (as defined in section 3(h)(4) of the Presidential Transition Act of 1963, as added by section 2(a)) and to the President-elect and Vice-President-elect.

Any information and other assistance to eligible candidates under this subsection shall be offered on an equal basis and without regard to political affiliation.

(b) REPORTS.—

(1) IN GENERAL.—The President of the United States, or the President's delegate, shall provide to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate reports describing the activities undertaken by the President and the Executive Departments and agencies to prepare for the transfer of power to a new President.

(2) TIMING.—The reports under paragraph (1) shall be provided six months and three months before the date of the general election for the Office of President of the United States.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. CHU. Mr. Speaker, I ask unanimous consent that all Members may

have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. CHU. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of Senate Bill 3196, the Pre-Election Presidential Transition Act of 2010. This bipartisan legislation makes important improvements to the Presidential Transition Act of 1963 to better equip qualified candidates to prepare, and prepare earlier, for the all-too-short process of transitioning from running a campaign to running the executive branch of the United States.

As the non-partisan Partnership for Public Service has warned, "Given the complexity and urgency of issues facing an incoming administration in a post-9/11 world, we need our president and his senior leadership to be ready to govern on day one. An effective transition relies on advance preparation and skillful execution, not hope and luck."

S. 3196 takes important steps to help future Presidents with the transition process, and therefore helps them to navigate and prepare for governing in an increasingly complex world.

The Pre-Election Presidential Transition Act will make the decision to undertake transition planning easier by providing resources to qualified candidates. The bill requires GSA to offer each candidate an array of services promptly upon nomination, including fully equipped office space, communication services, briefings, and training. Candidates will also be authorized to establish a separate 501(c)(4) fund to cover transition-related expenses or to supplement GSA's services.

The bill also authorizes the appropriation of funds for use by the outgoing Administration to plan and coordinate activities to facilitate an efficient transfer of power. This follows the model put in place by the Bush Administration, which facilitated a highly efficient and effective transition.

S. 3196 encourages presidential candidates to take steps that are necessary to effectively protect national and homeland security during the transition period, and I want to thank Senator KAUFMAN for his leadership on this important issue. I encourage all Members to support this important bill.

I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when we look at this bill, we have got to think about what if 9/11 had happened 6 months before or 9 months before. And what if on Inauguration Day terrorists decided that is the time that America's leadership would be the weakest, that how could they really cause havoc not just with an attack but be able to catch America when its political leadership was at its weakest point. I think this bill is trying to make sure we avoid that vulnerability.

It is still a threat I think we must still be concerned about, but I think

this helps to address the potential gap that exists today, and hopefully we'll close that gap to make sure that we tighten up the process and make it more outcome-based, and basically reflecting the fact that Washington gets it that the world is changing and we need to change too. We need to improve. Just because this is the way Washington has done something, it doesn't mean that is the way we should not only do it in the future. But it is not only that we can't do it in the future; we can't afford to do it in the future. If we are going to uphold our responsibility to defend this country, to serve this country, then we not only have the right to change our procedures; we have the responsibility to make these changes. I think this bill fulfills that responsibility in a very small manner, but it could be very important.

I yield back the balance of my time.

Ms. CHU. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and pass the bill, S. 3196.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BILBRAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SECURITY COOPERATION ACT OF 2010

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3847) to implement certain defense trade cooperation treaties, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3847

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Security Cooperation Act of 2010".

TITLE I—DEFENSE TRADE COOPERATION TREATIES

SEC. 101. SHORT TITLE.

This title may be cited as the "Defense Trade Cooperation Treaties Implementation Act of 2010".

SEC. 102. EXEMPTIONS FROM REQUIREMENTS.

(a) RETRANSFER REQUIREMENTS.—Section 3(b) of the Arms Export Control Act (22 U.S.C. 2753(b)) is amended by inserting "a

treaty referred to in section 38(j)(1)(C)(i) of this Act permits such transfer without prior consent of the President, or if" after "if".

(b) BILATERAL AGREEMENT REQUIREMENTS.—Section 38(j)(1) of such Act (22 U.S.C. 2778(j)(1)) is amended—

(1) in the subparagraph heading for subparagraph (B), by inserting "FOR CANADA" after "EXCEPTION"; and

(2) by adding at the end the following new subparagraph:

"(C) EXCEPTION FOR DEFENSE TRADE COOPERATION TREATIES.—

"(i) IN GENERAL.—The requirement to conclude a bilateral agreement in accordance with subparagraph (A) shall not apply with respect to an exemption from the licensing requirements of this Act for the export of defense items to give effect to any of the following defense trade cooperation treaties, provided that the treaty has entered into force pursuant to article II, section 2, clause 2 of the Constitution of the United States:

"(I) The Treaty Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, done at Washington and London on June 21 and 26, 2007 (and any implementing arrangement thereto).

"(II) The Treaty Between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, done at Sydney September 5, 2007 (and any implementing arrangement thereto).

"(ii) LIMITATION OF SCOPE.—The United States shall exempt from the scope of a treaty referred to in clause (i)—

"(I) complete rocket systems (including ballistic missile systems, space launch vehicles, and sounding rockets) or complete unmanned aerial vehicle systems (including cruise missile systems, target drones, and reconnaissance drones) capable of delivering at least a 500 kilogram payload to a range of 300 kilometers, and associated production facilities, software, or technology for these systems, as defined in the Missile Technology Control Regime Annex Category I, Item 1;

"(II) individual rocket stages, re-entry vehicles and equipment, solid or liquid propellant motors or engines, guidance sets, thrust vector control systems, and associated production facilities, software, and technology, as defined in the Missile Technology Control Regime Annex Category I, Item 2;

"(III) defense articles and defense services listed in the Missile Technology Control Regime Annex Category II that are for use in rocket systems, as that term is used in such Annex, including associated production facilities, software, or technology;

"(IV) toxicological agents, biological agents, and associated equipment, as listed in the United States Munitions List (part 121.1 of chapter I of title 22, Code of Federal Regulations), Category XIV, subcategories (a), (b), (f)(1), (i), (j) as it pertains to (f)(1), (l) as it pertains to (f)(1), and (m) as it pertains to all of the subcategories cited in this paragraph;

"(V) defense articles and defense services specific to the design and testing of nuclear weapons which are controlled under United States Munitions List Category XVI(a) and (b), along with associated defense articles in Category XVI(d) and technology in Category XVI(e);

"(VI) with regard to the treaty cited in clause (i)(I), defense articles and defense services that the United States controls under the United States Munitions List that are not controlled by the United Kingdom, as

defined in the United Kingdom Military List or Annex 4 to the United Kingdom Dual Use List, or any successor lists thereto; and

“(VII) with regard to the treaty cited in clause (i)(II), defense articles for which Australian laws, regulations, or other commitments would prevent Australia from enforcing the control measures specified in such treaty.”.

SEC. 103. ENFORCEMENT.

(a) CRIMINAL VIOLATIONS.—Section 38(c) of such Act (22 U.S.C. 2778(c)) is amended by striking “this section or section 39, or any rule or regulation issued under either section” and inserting “this section, section 39, a treaty referred to in subsection (j)(1)(C)(i), or any rule or regulation issued under this section or section 39, including any rule or regulation issued to implement or enforce a treaty referred to in subsection (j)(1)(C)(i) or an implementing arrangement pursuant to such treaty”.

(b) ENFORCEMENT POWERS OF PRESIDENT.—Section 38(e) of such Act (22 U.S.C. 2778(e)) is amended by striking “defense services,” and inserting “defense services, including defense articles and defense services exported or imported pursuant to a treaty referred to in subsection (j)(1)(C)(i).”.

(c) NOTIFICATION REGARDING EXEMPTIONS FROM LICENSING REQUIREMENTS.—Section 38(f) of such Act (22 U.S.C. 2778(f)) is amended by adding at the end the following new paragraph:

“(4) Paragraph (2) shall not apply with respect to an exemption under subsection (j)(1) to give effect to a treaty referred to in subsection (j)(1)(C)(i) (and any implementing arrangements to such treaty), provided that the President promulgates regulations to implement and enforce such treaty under this section and section 39.”.

(d) INCENTIVE PAYMENTS.—Section 39A(a) of such Act (22 U.S.C. 2779a(a)) is amended by inserting “or exported pursuant to a treaty referred to in section 38(j)(1)(C)(i) of this Act” after “under this Act”.

SEC. 104. CONGRESSIONAL NOTIFICATION.

(a) RETRANSFERS AND REEXPORTS.—Section 3(d)(3)(A) of such Act (22 U.S.C. 2753(d)(3)(A)) is amended by inserting “or has been exempted from the licensing requirements of this Act pursuant to a treaty referred to in section 38(j)(1)(C)(i) of this Act where such treaty does not authorize the transfer without prior United States Government approval” after “approved under section 38 of this Act”.

(b) DISCRIMINATION.—Section 5(c) of such Act (22 U.S.C. 2755(c)) is amended by inserting “or any import or export under a treaty referred to in section 38(j)(1)(C)(i) of this Act” after “under this Act”.

(c) ANNUAL ESTIMATE OF SALES.—Section 25(a) of such Act (22 U.S.C. 2765(a)) is amended—

(1) in paragraph (1), by inserting “, as well as exports pursuant to a treaty referred to in section 38(j)(1)(C)(i) of this Act,” after “commercial exports under this Act”; and

(2) in paragraph (2), by inserting “, as well as exports pursuant to a treaty referred to in section 38(j)(1)(C)(i) of this Act,” after “commercial exports”.

(d) PRESIDENTIAL CERTIFICATIONS.—

(1) EXPORTS.—Section 36(c) of such Act (22 U.S.C. 2776(c)) is amended by adding at the end the following new paragraph:

“(6) The President shall notify the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate at least 15 days prior to an export pursuant to a treaty referred to in section 38(j)(1)(C)(i) of this Act to which the

provisions of paragraph (1) of this subsection would apply absent an exemption granted under section 38(j)(1) of this Act, for which purpose such notification shall contain information comparable to that specified in paragraph (1) of this subsection.”.

(2) COMMERCIAL TECHNICAL ASSISTANCE OR MANUFACTURING LICENSING AGREEMENTS.—Section 36(d) of such Act (22 U.S.C. 2776(d)) is amended by adding at the end the following new paragraph:

“(6) The President shall notify the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate at least 15 days prior to an export pursuant to a treaty referred to in section 38(j)(1)(C)(i) of this Act to which the provisions of paragraph (1) of this subsection would apply absent an exemption granted under section 38(j)(1) of this Act, for which purpose such notification shall contain information comparable to that specified in paragraph (1) of this subsection.”.

(e) FEES AND POLITICAL CONTRIBUTIONS.—Section 39(a) of such Act (22 U.S.C. 2779(a)) is amended—

(1) in paragraph (1), by striking “; or” and inserting a semicolon;

(2) in paragraph (2), by inserting “or” after the semicolon; and

(3) by adding at the end the following new paragraph:

“(3) exports of defense articles or defense services pursuant to a treaty referenced in section 38(j)(1)(C)(i) of this Act;”.

SEC. 105. LIMITATION ON IMPLEMENTING ARRANGEMENTS.

(a) IN GENERAL.—No amendment to an implementing arrangement concluded pursuant to a treaty referred to in section 38(j)(1)(C)(i) of the Arms Export Control Act, as added by this Act, shall enter into effect for the United States unless the Congress adopts, and there is enacted, legislation approving the entry into effect of that amendment for the United States.

(b) COVERED AMENDMENTS.—

(1) IN GENERAL.—The requirements specified in subsection (a) shall apply to any amendment other than an amendment that addresses an administrative or technical matter. The requirements in subsection (a) shall not apply to any amendment that solely addresses an administrative or technical matter.

(2) U.S.-UK IMPLEMENTING ARRANGEMENT.—In the case of the Implementing Arrangement Pursuant to the Treaty Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, signed at Washington February 14, 2008, amendments to which the requirements specified in subsection (a) apply shall include—

(A) any amendment to section 2, paragraphs (1), (2), or (3) that modifies the criteria governing operations, programs, and projects to which the treaty applies;

(B) any amendment to section 3, paragraphs (1) or (2) that modifies the criteria governing end-use requirements and the requirements for approved community members responding to United States Government solicitations;

(C) any amendment to section 4, paragraph (4) that modifies the criteria for including items on the list of defense articles exempt from the treaty;

(D) any amendment to section 4, paragraph (7) that modifies licensing and other applicable requirements relating to items added to the list of defense articles exempt from the scope of the treaty;

(E) any amendment to section 7, paragraph (4) that modifies the criteria for eligibility in the approved community under the treaty for nongovernmental United Kingdom entities and facilities;

(F) any amendment to section 7, paragraph (9) that modifies the conditions for suspending or removing a United Kingdom entity from the approved community under the treaty;

(G) any amendment to section 7, paragraphs (11) or (12) that modifies the conditions under which individuals may be granted access to defense articles exported under the treaty;

(H) any amendment to section 9, paragraphs (1), (3), (7), (8), (9), (12), or (13) that modifies the circumstances under which United States Government approval is required for the re-transfer or re-export of a defense article, or to exceptions to such requirement; and

(I) any amendment to section 11, paragraph (4)(b) that modifies conditions of entry to the United Kingdom community under the treaty.

(3) U.S.-AUSTRALIA IMPLEMENTING ARRANGEMENT.—In the case of the Implementing Arrangement Pursuant to the Treaty Between the Government of the United States of America and the Government of the Australia Concerning Defense Trade Cooperation, signed at Washington March 14, 2008, amendments to which the requirements specified in subsection (a) apply shall include—

(A) any amendment to section 2, paragraphs (1), (2), or (3) that modifies the criteria governing operations, programs, and projects to which the treaty applies;

(B) any amendment to section 3, paragraphs (1) or (2) that modifies the criteria governing end-use requirements and the requirements for approved community members responding to United States Government solicitations;

(C) any amendment to section 4, paragraph (4) that modifies criteria for including items on the list of defense articles exempt from the scope of the treaty;

(D) any amendment to section 4, paragraph (7) that modifies licensing and other applicable requirements relating to items added to the list of defense articles exempt from the scope of the treaty;

(E) any amendment to section 6, paragraph (4) that modifies the criteria for eligibility in the approved community under the treaty for nongovernmental Australian entities and facilities;

(F) any amendment to section 6, paragraph (9) that modifies the conditions for suspending or removing an Australian entity from the Australia community under the treaty;

(G) any amendment to section 6, paragraphs (11), (12), (13), or (14) that modifies the conditions under which individuals may be granted access to defense articles exported under the treaty;

(H) any amendment to section 9, paragraphs (1), (2), (4), (7), or (8) that modifies the circumstances under which United States Government approval is required for the re-transfer or re-export of a defense article, or to exceptions to such requirement; and

(I) any amendment to section 11, paragraph (6) that modifies conditions of entry to the Australian community under the treaty.

(c) CONGRESSIONAL NOTIFICATION FOR OTHER AMENDMENTS TO IMPLEMENTING ARRANGEMENTS.—Not later than 15 days before any amendment to an implementing arrangement to which subsection (a) does not apply

shall take effect, the President shall provide to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report containing—

- (1) the text of the amendment; and
- (2) an analysis of the amendment's effect, including an analysis regarding why subsection (a) does not apply.

SEC. 106. IMPLEMENTING REGULATIONS.

The President is authorized to issue regulations pursuant to the Arms Export Control Act (22 U.S.C. 2751 et seq.) to implement and enforce the Treaty Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, done at Washington and London on June 21 and 26, 2007 (and any implementing arrangement thereto) and the Treaty Between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, done at Sydney, September 5, 2007 (and any implementing arrangement thereto), consistent with other applicable provisions of the Arms Export Control Act, as amended by this Act, and with the terms of any resolution of advice and consent adopted by the Senate with respect to either treaty.

SEC. 107. RULE OF CONSTRUCTION.

Nothing in this title, the Treaty Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, done at Washington and London on June 21 and 26, 2007 (and any implementing arrangement thereto), the Treaty Between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, done at Sydney, September 5, 2007 (and any implementing arrangement thereto), or in any regulation issued to implement either treaty, shall be construed to modify or supersede any provision of law or regulation other than the Arms Export Control Act (22 U.S.C. 2751 et seq.), as amended by this Act, and the International Traffic in Arms Regulations (subchapter M of chapter I of title 22, Code of Federal Regulations).

TITLE II—AUTHORITY TO TRANSFER NAVAL VESSELS

SEC. 201. SHORT TITLE.

This title may be cited as the “Naval Vessel Transfer Act of 2010”.

SEC. 202. TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN RECIPIENTS.

(a) TRANSFERS BY GRANT.—The President is authorized to transfer vessels to foreign countries on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(1) INDIA.—To the Government of India, the OSPREY class minehunter coastal ships KINGFISHER (MHC-56) and CORMORANT (MHC-57).

(2) GREECE.—To the Government of Greece, the OSPREY class minehunter coastal ships OSPREY (MHC-51), BLACKHAWK (MHC-58), and SHRIKE (MHC-62).

(3) CHILE.—To the Government of Chile, the NEWPORT class amphibious tank landing ship TUSCALOOSA (LST-1187).

(4) MOROCCO.—To the Government of Morocco, the NEWPORT class amphibious tank landing ship BOULDER (LST-1190).

(b) TRANSFER BY SALE.—The President is authorized to transfer the OSPREY class minehunter coastal ship ROBIN (MHC-54) to the Taipei Economic and Cultural Rep-

resentative Office of the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act (22 U.S.C. 3309(a)) on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(c) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to another country on a grant basis pursuant to authority provided by subsection (a) shall not be counted against the aggregate value of excess defense articles transferred in any fiscal year under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(d) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient (notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e))).

(e) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the recipient to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of the recipient, performed at a shipyard located in the United States, including a United States Navy shipyard.

(f) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

TITLE III—OTHER MATTERS

SEC. 301. EXPEDITED CONGRESSIONAL DEFENSE EXPORT REVIEW PERIOD FOR ISRAEL.

The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended—

(1) in sections 3(d)(2)(B), 3(d)(3)(A)(i), 3(d)(5), 21(e)(2)(A), 36(b), 36(c), 36(d)(2)(A), 62(c)(1), and 63(a)(2), by inserting “Israel,” before “or New Zealand” each place it appears; and

(2) in section 3(b)(2), by inserting “the Government of Israel,” before “or the Government of New Zealand”.

SEC. 302. EXTENSION OF WAR RESERVES STOCKPILE AUTHORITY.

(a) DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005.—Section 12001(d) of the Department of Defense Appropriations Act, 2005 (Public Law 108-287; 118 Stat. 1011) is amended by striking “more than 4 years after” and inserting “more than 8 years after”.

(b) FOREIGN ASSISTANCE ACT OF 1961.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by striking “fiscal years 2007 and 2008” and inserting “fiscal years 2011 and 2012”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. BERMAN).

□ 1520

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Mr. Speaker, I rise in strong support of the bill, and I yield myself such time as I may consume.

Mr. Speaker, the bill before us, the Security Cooperation Act of 2010, has three major components. First, it includes implementing legislation for the defense trade treaties between the United States and two of our closest allies, the United Kingdom and Australia, respectively. These treaties will support the longstanding special relationship shared by the U.S., the United Kingdom, and Australia by streamlining the processes for transferring certain controlled items among our items to support combined military and counterterrorism operations, cooperative security and research, and other defense projects. The implementing legislation also provides a clear statutory basis for enforcement of the treaties, including the prosecution of those who violate their requirements.

Second, S. 3847 gives Israel the same status as our NATO allies Australia, Japan, New Zealand and South Korea with regard to the length of the congressional review period for U.S. arms sales. The security relationship between the U.S. and Israel is vital and strong, and Israel deserves the same treatment as these other nations.

Finally, this bill authorizes the transfer by grant and sale of excess naval vessels to India, Greece, Chile, Morocco, and Taiwan to better assist them with their legitimate defense needs, and in so doing strengthens our relationship with these nations.

Mr. Speaker, I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the chairman's action on this item. Let me just say as probably the only Member of Congress of Australian ancestry, I want to point out that the British, we might have had a couple of run-ins with the British every once in a while over the last few centuries, but the only country, the only country that fought in every war in the last century and this last century alongside the United States was those men and women from Australia.

I am very proud to be able to serve here in Congress and be able to support this bill in this forum. I think that we just have to remember that too often we take our allies for granted, our truly close friends, who are close to us in many ways. But in some of us, it is closer than others, and I hope that somewhere I can be able to stick this to my cousins in Queensland, Australia, and point out that I was here to at least speak in favor of this bill.

Mr. Speaker, I yield the balance of my time to the gentleman from New Jersey (Mr. SMITH), and I ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this important national security measure. Mr. Speaker, this legislation is comprised of three components. First, it authorizes the transfer of certain naval vessels to U.S. friends and allies abroad, including India, Greece and Taiwan.

It also includes language previously adopted by the House that strengthens the U.S. commitment to the security of the Jewish state of Israel by expediting the process for approving foreign military sales to that country and by extending the dates and the amounts of U.S. excess equipment that can be transferred to Israel from regional stockpiles.

Thirdly, it provides a statutory basis for the President to implement defense trade cooperation treaties signed between the government of the United States and the governments of the U.K. and Australia respectively. These treaties represent a fundamental shift in the way the United States conducts defense trade with its closest allies.

Rather than reviewing export licenses, the treaties will establish a structure in which trade in defense articles, technology, and services can take place more freely between approved communities in the United States, the United Kingdom, and Australia where such trade is in support of combined military and counterterrorism operations, joint research and development, production and support programs, and mutually agreed upon projects where the end user is the U.K., the Australian Government, or U.S. Government end users.

Mr. Speaker, I yield back the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and pass the bill, S. 3847.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CALLING ON JAPAN TO ADDRESS CHILD ABDUCTION CASES

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1326) calling on the Government of Japan to immediately address the growing problem of abduction to and retention of United States citizen minor children in Japan, to

work closely with the Government of the United States to return these children to their custodial parent or to the original jurisdiction for a custody determination in the United States, to provide left-behind parents immediate access to their children, and to adopt without delay the 1980 Hague Convention on the Civil Aspects of International Child Abduction, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1326

Whereas Japan is an important partner with the United States and shares interests in the areas of economy, defense, global peace and prosperity, and the protection of the human rights of the two nations' respective citizens in an increasingly integrated global society;

Whereas the Government of Japan acceded in 1979 to the International Covenant on Civil and Political Rights that states "States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children [Article 23]";

Whereas since 1994, the Office of Children's Issues (OCI) at the United States Department of State had opened over 214 cases involving 300 United States citizen children abducted to or wrongfully retained in Japan, and as of September 17, 2010, OCI had 95 open cases involving 136 United States citizen children abducted to or wrongfully retained in Japan;

Whereas the United States Congress is not aware of any legal decision that has been issued and enforced by the Government of Japan to return a single abducted child to the United States;

Whereas Japan has not acceded to the 1980 Hague Convention on the Civil Aspects of International Child Abduction (the Hague Convention), resulting in the continued absence of an immediate civil remedy that as a matter of urgency would enable the expedited return of abducted children to their custodial parent in the United States where appropriate, or otherwise immediately allow access to their United States parent;

Whereas the Government of Japan is the only G-7 country that has not acceded to the Hague Convention;

Whereas the Hague Convention would not apply to most abductions occurring before Japan's ratification of the Hague Convention, requiring, therefore, that Japan create a separate parallel process to resolve the abductions of all United States citizen children who currently remain wrongfully removed to or retained in Japan, including the 136 United States citizen children who have been reported to the United States Department of State and who are being held in Japan against the wishes of their parent in the United States and, in many cases, in direct violation of a valid United States court order;

Whereas the Hague Convention provides enumerated defenses designed to provide protection to children alleged to be subjected to a grave risk of physical or psychological harm in the left-behind country;

Whereas United States laws against domestic violence extend protection and redress to Japanese spouses;

Whereas there are cases of Japanese consulates located within the United States issuing or reissuing travel documents of dual-national children notwithstanding United States court orders restricting travel;

Whereas Japanese family courts may not actively enforce parental access and joint custody arrangements for either a Japanese national or a foreigner, there is little hope for children to have contact with the non-custodial parent;

Whereas the Government of Japan has not prosecuted an abducting parent or relative criminally when that parent or relative abducts the child into Japan, but has prosecuted cases of foreign nationals removing Japanese children from Japan;

Whereas according to the United States Department of State's April 2009 Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction, abducted children are at risk of serious emotional and psychological problems and have been found to experience anxiety, eating problems, nightmares, mood swings, sleep disturbances, aggressive behavior, resentment, guilt, and fearfulness, and as adults may struggle with identity issues, their own personal relationships, and parenting;

Whereas left-behind parents may encounter substantial psychological, emotional, and financial problems, and many may not have the financial resources to pursue civil or criminal remedies for the return of their children in foreign courts or political systems;

Whereas, on October 16, 2009, the Ambassadors to Japan of Australia, Canada, France, Italy, New Zealand, Spain, the United Kingdom, and the United States, all parties to the Hague Convention, called upon Japan to accede to the Hague Convention and to identify and implement measures to enable parents who are separated from their children to establish contact with them and to visit them;

Whereas, on January 30, 2010, the Ambassadors to Japan of Australia, France, New Zealand, the United Kingdom and the United States, the Charges d'Affaires ad interim of Canada and Spain, and the Deputy Head of Mission of Italy, called on Japan's Minister of Foreign Affairs, submitted their concerns over the increase in international parental abduction cases involving Japan and affecting their nationals, and again urged Japan to sign the Hague Convention;

Whereas the Government of Japan has recently created a new office within the Ministry of Foreign Affairs to address parental child abduction and a bilateral commission with the Government of the United States to share information on and seek resolution of outstanding Japanese parental child abduction cases; and

Whereas it is critical for the Governments of the United States and Japan to work together to prevent future incidents of international parental child abduction to Japan, which damages children, families, and Japan's national image with the United States: Now, therefore, be it

Resolved, That—

(1) the House of Representatives—

(A) condemns the abduction and wrongful retention of all children being held in Japan away from their United States parents;

(B) calls on the Government of Japan to immediately facilitate the resolution of all abduction cases, to recognize United States court orders governing persons subject to jurisdiction in a United States court, and to

make immediately possible access and communication for all children with their left-behind parents;

(C) calls on the Government of Japan to include Japan's Ministry of Justice in work with the Government of the United States to facilitate the identification and location of all United States citizen children alleged to have been wrongfully removed to or retained in Japan and for the immediate establishment of procedures and a timetable for the resolution of existing cases of abduction, interference with parental access to children, and violations of United States court orders;

(D) calls on the Government of Japan to review and amend its consular procedures to ensure that travel documents for children are issued with due consideration to any orders by a court of competent jurisdiction and with notarized signatures from both parents;

(E) calls on Japan to accede to the 1980 Hague Convention on the Civil Aspects of International Child Abduction without delay and to promptly establish judicial and enforcement procedures to facilitate the immediate return of children to their habitual residence and to establish procedures for recognizing rights of parental access; and

(F) calls on the President of the United States and the Secretary of State to continue raising the issue of abduction and wrongful retention of those United States citizen children in Japan with Japanese officials and domestic and international press; and

(2) it is the sense of the House of Representatives that the United States should—

(A) recognize the issue of child abduction to and retention of United States citizen children in Japan as an issue of paramount importance to the United States within the context of its bilateral relationship with Japan;

(B) work with the Government of Japan to enact consular and passport procedures and legal agreements to prevent parental abduction to and retention of United States citizen children in Japan;

(C) review its advisory services made available to United States citizens domestically and internationally from the Department of State, the Department of Defense, the Department of Justice, and other government agencies to ensure that effective and timely assistance is given to United States citizens in preventing the incidence of wrongful retention or removal of children and acting to obtain the expeditious return of their children from Japan;

(D) review its advisory services for members of the United States Armed Forces, particularly those stationed in Japan by the Department of Defense and the United States Armed Forces, to ensure that preventive education and timely legal assistance are made available; and

(E) call upon the Secretary of State to establish procedures with the Government of Japan to resolve immediately any parental child abduction or access issue reported to the United States Department of State.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include

extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am in strong support of this resolution. It is a bipartisan resolution, and if I might just take a second to mention that the two real leaders in the movement to this resolution and in pushing the underlying issue, a very important one, Mr. MORAN of Virginia and Mr. SMITH of New Jersey, are on the floor, both I believe to speak on this resolution.

What it does is it addresses the abduction of American citizen children to Japan, as you might imagine, a very, very important issue for the families involved and for the governments of both the United States and Japan.

Japan is a vital partner and a friend of the United States, but on the issue of international parental child abduction our two countries's viewpoints are substantially different and progress has been painfully slow. Once American children are abducted to Japan, the left-behind parents have little or no access to them, even though their children are dual U.S. and Japanese citizens. Currently there are 136 U.S. citizen children abducted to and held in Japan.

Japan is the only G-7 country that is not a signatory to the Hague Convention that governs international parental child abduction. We urge the Japanese government to ratify the convention as quickly as possible.

The Japanese government also needs to create a process to resolve existing cases of American children who are being held in Japan against the wishes of their parents in the United States, and in many cases in direct violation of a valid U.S. court order. Steps need to be taken immediately to help facilitate dialogue, visitation, and greater access for the left-behind parents with their children.

Our children are the most important and cherished resource, and it is a tragedy for everyone involved when they are taken away and denied access to one of their parents. These children have a right to enjoy the love of both parents and the benefits of both their Japanese and American cultures.

Mr. Speaker, I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all let me thank Chairman BERMAN and ILEANA ROS-LEHTINEN, our Ranking Member, for their leadership in helping to shepherd this legislation to the floor today, and I want to thank my good friend and colleague Mr. MORAN for his sponsor-

ship. I am very proud to join him as the original cosponsor of this very important and very timely resolution.

You know, Mr. Speaker, last year we learned and really the country learned a great deal about this growing problem of international child abduction with the case of David Goldman, whose son was abducted for 5 years at the time, to Brazil. Thankfully, after a full court press, he was not only reunited, but he is now safe, father and son, in New Jersey.

But what we learned, the lessons learned from that, was that far too little has been done to help the other 2,800 American children who have been abducted to foreign countries, often in defiance of court orders that had said you cannot leave.

This resolution that we are considering today, H. Res. 1326, is an urgent appeal to the government of Japan to end its complicity and/or its indifference to international child abduction.

□ 1530

Frankly, Mr. Speaker, American patience has finally run out. At present, at least 136 American children are being held in Japan against the wishes of their American parent, and in many cases, in violation of valid U.S. court orders. According to the Department of Defense, in 2009 alone—and we just got this by way of a report—10 American children were abducted to Japan from members of the U.S. Armed Forces. That's in 2009 alone. It is simply unacceptable and unconscionable that today Japan still has no mechanism to equitably issue and enforce a return or visitation order for children. It is intolerable that the lawless and damaging act of child abduction goes unpunished in a civilized nation. When an American parent who has taken every legal precaution to ensure their child is not abducted realizes that his or her child has disappeared, their heart breaks and a lifetime of waiting and pleading for action by both the U.S. and the Japanese Government begins.

Patrick Braden is one such father. Mr. Braden took every possible legal precaution to protect his daughter from abduction and to maintain his presence in her life as her father. However, in 2006, Mr. Braden's infant daughter, Melissa, was abducted from her home by her mother, in violation of a Los Angeles Superior Court order giving both parents access to the child and prohibiting international travel with the child by either parent. Mr. Braden has been unjustly cut off from his daughter by the covert illegal actions of the mom and daily worries that his daughter is being abused by a grandparent who has a history of such abuse.

Likewise, Sergeant Michael Elias hopes and waits and pleads with two governments, the U.S. Government and the Japanese Government, because we

haven't done enough to work out some way of reuniting his family. While stationed in Japan, he met the woman who would become his wife. She came to the United States and they were married in New Jersey in 2005. Jade was born in 2006 and Michael in 2007. Sadly, his wife started an affair while Michael was on active duty in Iraq.

Their marriage came to an end in 2008, with a judge granting both parents custody and requiring the surrender of the children's American and Japanese passports because their mother had threatened to abduct the children. Tragically, the Japanese consulate reissued Japanese passports for the children in violation of the valid U.S. court orders restricting travel and in violation of U.S. federal criminal parental kidnapping statutes. Sergeant Elias has not seen his children since 2008. And the Japanese Government has done nothing to assist in their return or in the return of Patrick Braden's daughter.

And the list goes on. Chris Savoie's children, Isaac and Rebecca Savoie, were abducted in 2009 to Japan by their mother, in violation of a Tennessee State order of joint custody and in violation of Tennessee statutes. As a result of the mother's selfish actions, Mr. Savoie has been awarded sole custody of the children, but Japan will not recognize either the joint custody or the sole custody award. Although Chris is the children's father, the Japanese Government will not enforce any access or communication with his children.

Mr. Speaker, for 50 years we have seen all talk and no action on the part of the Japanese Government. Japan has never issued and enforced a legal decision to return a single American child. The circumstances of each particular abduction seem not to matter. Once in Japan, the abducting parent is untouchable and the children are bereft of their American parent for the rest of their childhood. France, Canada, Italy, New Zealand, Spain, and the United Kingdom have all repeatedly asked Japan to work with them on returning their abducted children. Japan's inaction on the issue is a thorn in the side of their relations with the entire international community.

Japan's current inaction violates its duties under the International Covenant on Civil and Political Rights Article 23, completely and unjustly ignoring the equal rights of one parent. H. Res. 1326 calls upon Japan to immediately and urgently establish a process for the resolution of abduction and wrongful retention of American children. Japan must find the will to establish today a process that would justly and equitably end the cruel separation currently endured by parents and children alike.

H. Res. 1326 also calls on Japan to join the Hague Convention on the Civil

Aspects of International Child Abduction. The Convention sets out the international norms for resolution of abduction and wrongful retention cases and would create a framework to quickly resolve future cases—and would act as a deterrent to parents who now feel that they can abduct their child to Japan and never be caught. In light of the misuse of Japanese consulates in the Elias case, H. Res. 1326 also calls on Japan to ensure that its consulates are not accessories to parental kidnapping. Japan must put into place a system that stops the issuing or reissuing of passports without the explicit and verifiable consent of the American parent.

Finally, Japan must recognize the terrible damage to children and families caused by international child abduction. Children who have suffered an abduction are at risk of serious emotional and psychological problems and have been found to experience anxiety, eating problems, nightmares, mood swings, sleep disturbances, aggressive behavior, resentment, guilt, and fearfulness, and as adults may struggle with identity issues, their own personal relationships, and parenting.

I urge my colleagues to support H. Res. 1326, calling on Japan to end the child abuse of international child abduction.

I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from Tennessee will control the time.

There was no objection.

Mr. TANNER. Mr. Speaker, I am pleased at this time to yield 10 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank my friend from Tennessee; I thank my colleague from New Jersey (Mr. SMITH); and, of course, Chairman BERMAN.

Mr. Speaker, the United States and Japan have a strong and critical alliance. It is based on shared interests and values and our common support for political and economic freedoms, human rights, and international law. Japan, for example, is second to none in supporting President Barack Obama's vision of a "world without nuclear weapons," and advocating for nuclear disarmament and nonproliferation. Japan has also recently doubled its civilian aid to Afghanistan, helping in our mission there to a great and important extent.

But, Mr. Speaker, this resolution involves 214 cases involving more than 300 American children who have been abducted to Japan and/or wrongfully retained in Japan since 1994. These American children are in Japan because they were kidnapped by a parent with Japanese citizenship. Despite a shared concern within the international community, the Japanese Government has yet to accede to the

1980 Hague Convention on the Civil Aspects of International Child Abduction or create any other mechanism to resolve international child abductions.

Japan's existing family law system, which dates back to the 1600s, neither recognizes joint custody nor actively enforces parental access agreements that have been adjudicated by United States courts. Essentially, American parents must beg to see their abducted children and have no legal recourse if the taking parent decides to deny them access. That's wrong. In no case has the Japanese Government facilitated the return to a parent outside their country.

So the intent of this resolution is to bring the plight of these parents to the forefront of the public consciousness. It calls on the Japanese Government to ratify the 1980 Hague Convention on the Civil Aspects of International Child Abduction so that Japan will commit to a process that will return abducted children to their custodial parent in the United States and elsewhere, where appropriate, or otherwise immediately at least allow access to their non-Japanese parent.

The Japanese Government doesn't consider it a crime and will not prosecute a Japanese citizen that abducts a child and moves the child across national borders, which essentially makes Japan complicit in what many foreign governments consider to be a crime, including the United States Government, which considers it kidnapping.

□ 1540

Japan does, however, prosecute cases of foreign nationals who remove Japanese children from Japan, which violates any basic sense of fairness. So they apply a different law if somebody abducts a child from Japan than they apply if somebody abducts a child from the United States or from another foreign country and brings the child to Japan, where they have haven from the law. It is infuriating to learn, frankly, that Japanese officials have issued travel documents and passports to these abductors in defiance of previously established U.S. custody orders. In some cases, they have given false names to the children being kidnapped to Japan, issuing false passports so that they are directly complicit in these abductions.

Now, there are numerous heart-breaking abduction stories, and I am just going to mention a few because Mr. SMITH went into several.

One case, though, in particular, which I want to underscore involves a case from my district in Virginia, which is right across the river from the Nation's Capital. It involves a Japanese mother who, for fear of what might happen to her child, has to request that her name not be used. Her husband, who is not Japanese, fled to

Japan because he is a lawyer, and he knew that he would find safe haven from Virginia court orders in violation of U.S. law. So, here, he kidnapped a child from a Japanese mother, knowing that he could take the child to Japan and that he would find haven there from any prosecution under U.S. laws and not even have to allow access of the child to the mother.

It gets even worse.

Despite having no contact with her children, this woman has to continue to pay child support, and the address on the payment statement is the only connection she has with her children. That is wrong.

Mr. SMITH mentioned the Braden case. Melissa Braden was secretly abducted from her home in 2006 by her mother and brought to Japan in violation of previous Los Angeles Superior Court orders, which gave both parents access to the child and prohibited international travel with the child by either parent. Yet the mother was able to take the child from the father in violation of court orders, and she is protected by the Japanese Government.

There is the case of Erika Toland, who was abducted in 2003 from Negishi United States Navy Family housing in Yokohama to Tokyo, Japan, by her now-deceased mother. So the mother is deceased, but she is being held by her Japanese maternal grandmother and is denied access by her father. So her father is living and wants to be with his child. The mother is deceased, and he can't even see the child because of the protection provided by the Japanese Government.

There is the case of Isaac and Rebecca Savoie. This was mentioned by Mr. SMITH. They were abducted just last year by their mother in violation of a Tennessee State court order. You shouldn't be messing with Tennessee State courts. In violation of a Tennessee State court order of joint custody and Tennessee statutes, they were taken to Japan. Both children have been denied any communication by and access to their father. So the mother is holding them in Japan, and the father cannot have access to either child even though the court has ordered it.

There is one other case. Again, this is typical of so many other cases—more than 100. Lastly, the Eliases—one child aged 4, the other aged 2. They were abducted just about a year and a half ago, in December of 2008, from New Jersey. It was in violation of another court order prohibiting the removal of the children from the State of New Jersey. Yet they were taken out of the country. The children's father tries desperately to have contact with his children, but he is forbidden to have that contact. This father needs to be mentioned specifically.

Here is an Iraqi war veteran. He was shot twice in the service of our coun-

try. He was dragged from a vehicle that had been destroyed by a mine, and he returned home only to find an empty home and his children abducted. Right now, without this resolution's achieving its objective, he will have very little hope in ever seeing or hearing from his children again.

So, as tragic as these cases are, more are developing as we speak. According to this year's statistics provided by the U.S. Embassy in Japan, the number of cases of parental child abduction to Japan has doubled in the past 2 years and has more than quadrupled in the past 4 years. The problem of abduction isn't going away. It's only getting worse. These children who have been abducted to Japan have not only lost their previous precious connections with their parents, but they have been deprived of their full heritage, their families and culture.

American parents are calling on the U.S. Government to urgently intervene and to quickly find a diplomatic solution. They have no other voice in this convoluted process. That's what we are asking for. These parents are not going to give up.

I want to thank Chairman BERMAN and particularly two of his staff members, JJ Ong and Jessica Lee, for their tireless efforts; Mr. SMITH and his staff; and my own staff—Tim Aiken, legislative director; Yasmine Taeb; and Shai Tamari. They have worked diligently with these parents. I thank them for their efforts.

I particularly thank the parents who have committed themselves, devoted themselves to reuniting with their children. Who would not do that? That is why this resolution is so important. I trust that it will be passed unanimously.

Mr. SMITH of New Jersey. I yield myself 2 minutes.

Mr. Speaker, after all of the publicity surrounding David Goldman, several people, including Patrick Braden, walked into my office and said that they had been totally frustrated not just by the Japanese Government but, to some extent, by our own.

We need the tools at the State Department, at the Office of Children's Issues, to more effectively promote the interests of American parents and of American abducted children. I've introduced legislation, and my good friend JIM MORAN is one of the cosponsors. It is legislation which would comprehensively give the Administration real tools to make this a government-to-government fight rather than a David versus Goliath fight, where it is one individual fighting a court system and a government in a faraway land.

Paul Toland walked into my office, who is JIM MORAN's constituent—he walked into his office as well—and we have both been trying to help him. Here is a man who served honorably as a commander in the United States

Navy; and for over 6 years, close to 7 years, he has not seen his daughter. As my good friend and colleague pointed out, the grandmother has custody. Just like David Goldman, his wife had passed away, the man whose son was abducted to Brazil, and somebody else had custody of his child. Paul Toland's case is similar.

Patrick Braden invited me down to the Japanese Embassy. I have to tell you, as a father of four, I was moved to tears when a group of left-behind parents and people concerned about left-behind parents and abducted children gathered in front of the Japanese Embassy.

So what did Patrick do?

In a very dignified and very respectful way, he requested that he at least get to see his child. It was her birthday that day. There was a birthday cake to Melissa, who was halfway around the world. We all sang Happy Birthday, and he blew out the candles. He was missing her again for another year. It goes on and on.

This has to be resolved, Mr. Speaker. We need our President, our Secretary of State and the Congress to get behind these left-behind parents and to get behind bringing back our abducted children. If there is a custody issue, resolve it in the courts of habitual residence.

□ 1550

That's where those custody issues need to be fought out, not in a land like Japan where abduction is treated with kid gloves and actually embraced. I said previously, "with indifference." Sometimes I wonder if it's indifference in the way the Japanese Government deals with this. They are a safe harbor for child abductors, and that brings dishonor to the government, in my opinion.

Mr. MORAN of Virginia. Will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman.

Mr. MORAN of Virginia. I appreciate your mentioning Mr. Toland. He, for 2 years, has worked with our office day in and day out. He will not give up on his child, but he has made it clear we now are his only hope and that of more than 100 parents who are desperate to see their children. They have been denied. Thank you for particularly mentioning Mr. Toland.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of New Jersey. I yield myself the balance of my time to conclude.

I want to thank my friend for his leadership on this. This is a bipartisan issue. This is a human rights issue of American parents and of American children. We rightfully speak out on human rights abuses in China and Darfur and all over the world wherever and whenever they occur. This is a human rights abuse that's occurring

against our own families, and our government—and this goes through successive administrations, Republican and Democrat—does not do enough.

You know, I don't know how many you have ever seen that Seinfeld episode with the Penske file which gets moved around from left to right and George doesn't do anything of, really, substance with it. We have very good people at the State Department who have these files in hand that would love to do more but they lack the tools. They lack the ability authorized by this Congress and by law to take it to the next level.

This is a government-to-government fight. Had it not been for the Congress rallying around David Goldman, Sean Goldman would still be in Brazil today because there would have been another appeal in the court and another appeal. They run out the clock and then the child is an adult. That's what is happening to all 2,800 American abducted children. The abductors are playing a game, a very dangerous game; and in Japan, as Mr. MORAN and I know so well, nobody comes back.

Our government has to get serious. This resolution puts all of us on record and says we mean business. This is only the first step.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to express my support and sympathy for U.S. parents who are not able to see their children, when those children are in the custody of other family members in another country. I am committed to doing everything I can to help these parents be reunited with their children. However, I believe strongly that if we adopt H. Res. 1326 today, we will undermine the progress that has been made by our Government and the Government of Japan on this extremely important matter.

On April 5, I cosigned a letter to Japan's Foreign Minister, a letter authored by our Committee's distinguished Chairman, Mr. BERMAN, requesting that the Government of Japan provide us a status report on its actions in this matter. Then, on May 12, I chose to cosponsor H. Res. 1326.

My intention was—by cosigning the Chairman's letter and co-sponsoring this resolution—to provide additional incentive to the Government of Japan to work with our government in trying to find ways to bring U.S. parents together with their children in Japan.

I am pleased to inform you that in the past four months—thanks in large part to the leadership and dedication of my colleagues and friends, Mr. MORAN and Mr. SMITH—significant progress has been made. In that time, the Government of Japan has taken serious steps to address this matter and to lay the groundwork for an ongoing process, in close cooperation with the Government of the United States.

On August 11, I received a copy of Japan's response to our letter. The response makes it clear that a great deal more remains to be done by both of our governments, but the response also shows Japan has certainly taken some significant first steps.

I seek unanimous consent to submit for the RECORD a copy of Japan's response describ-

ing those steps. The letter is detailed and specific. It reflects a willingness by the Government of Japan first to reorganize itself to deal more effectively with this matter and, even more importantly, a clear readiness to take concrete actions to prevent future cases where parents are unable to be with their children.

For these reasons, it is very clear that the Government of Japan is taking seriously the expressions of concern from Members of this body, and I believe those efforts should be recognized.

EMBASSY OF JAPAN,
Washington, DC.

Hon. ENI F.H. FALEOMAVAEGA,
House of Representatives,
Washington, DC.

DEAR CHAIRMAN FALEOMAVAEGA: I am sending this letter under the instruction of Minister for Foreign Affairs of Japan in response to your letter dated April 5th, 2010.

The child custody issues are complex and each parent may claim his/her own assertion. The Government of Japan is making sincere efforts to deal with this issue, from the standpoint that the welfare of the child should be of utmost importance. We are well aware of and sympathetic to the plight of children and families who have been affected by unfortunate child custody disputes involving Japanese and American citizens.

The officials at the political level in the Ministry of Foreign Affairs are in close contact with their counterparts in the Ministry of Justice to address this issue. As for the Hague Convention, which you also raised in your letter, the Government of Japan is seriously considering the possibility of joining the Convention, and we are accelerating our consideration process, which was initiated by Prime Minister Hatoyama. Aside from the Convention, we are also discussing possible ways for the consular officers of the U.S. in Japan and parents who claim that their children were taken to Japan to have better access to their children.

Please find attached an information sheet that responds to other points referred in your letter. The Ministry will continue to have close consultation with the State Department on this issue. I would appreciate your kind understanding and your support towards our continued efforts.

Identical letters will be sent to each member signatory of your April 5, 2010 letter.

Sincerely,

ICHIRO FUJISAKI,
Ambassador Extraor-
dinary and Pleni-
potentiary of Japan
to the United States
of America.

"We understand that your government established a new Office of Child Custody within the Foreign Ministry. We would like to learn more about the new office, including who and how many staff are dedicated to this office; the mission of the office and duties of its staff; and how this new office intends to address the systemic challenges and resolve existing cases of international parental child abduction."

The Ministry of Foreign Affairs established the Division for Issues related to Child Custody in December 2009. The Division is to supervise various efforts regarding child custody issues within the Ministry of Foreign Affairs.

The Division was established within the Foreign Policy Bureau, which is the head bureau in the Ministry. The Senior Foreign Policy Coordinator is assigned to be the Di-

vision's director. Ten staff, including officials of the related divisions, are assigned to the Division and a full time staff was added in May 2010 to strengthen its function.

The Division is closely working with related divisions on major issues related to international child custody. For example, the Division is coordinating following endeavors in the Ministry of Foreign Affairs; considering the possibility of joining the Convention; informing Japanese nationals residing in foreign countries of local laws and regulations; and considering possible measures to facilitate consular visits and child visitations, etc. Also, the Division is working on facilitating discussions with related ministries like the Ministry of Justice, timely explaining developments on international child custody issues to Diet members and liaising with media, etc. The Division is also promoting public awareness on this issue in Japan, and as a part of its exercise, it is cooperating with the Japan Federation of Bar Associations to hold a symposium on the Convention.

Besides the consideration process of the Hague Convention, existing cases of cross-border removal of children have to be addressed, including visitation issues. As a part of such an effort, we established a US-Japan consultative group and started the discussion.

Under the current Japanese legal system, the Japanese government does not have the authority to order or instruct a parent who is alleged to have taken away a child to permit his or her child to meet with the child's other parent, or U.S. consular officers. Meanwhile, regardless of their nationalities, under Japanese law, parents who claim their children were taken improperly may seek redress—including possibly gaining custody of their children and their children's return or asserting other rights regarding their children, like visitations—by availing themselves of established judicial proceedings (conciliation/determination) based on the Domestic Relations Procedure Act. In instances where a party violates an agreement relating to custody or visitation obtained through such proceedings, or does not comply with orders issued in such proceedings which relate to custody, visitation, etc., the aggrieved party may request the family courts to recommend the other parties to fulfill their obligations. Also, although there are some restrictions from the viewpoint of the child's best interest, the parties may request the family court to force direct compliance or order compulsory payment to enforce an order on return of child, and request the court to order compulsory payment to enforce court order on visitation, depending on the facts of each case. There have been many cases where return of children and visitation were successfully implemented under the current system.

In addition, there have been cases where US embassy or consular officials were unable to resolve child custody matters but sought and received assistance from Ministry of Foreign Affairs of Japan (MOFA). In these instances, MOFA officials made diligent and even intensive efforts to convey the US government's request to the Japanese parents in question and/or their lawyers through all appropriate measures, including making telephone calls and sending letters. Because parents, children and their families usually have very complicated feelings in such matters, the Ministry's contacts are often rejected at first. However, the MOFA officials make repeated efforts to contact them and to hold sincere talks with them.

In the US-Japan consultative group, we would like to exchange information about the current situation regarding consular visits and child visitations and discuss effective and appropriate means and methods and points to be improved with regard to these systems.

Mr. BECERRA. Mr. Speaker, I rise today in support of H. Res. 1326, a resolution calling on the Government of Japan to immediately address the urgent problem involving United States citizen children who are abducted by one parent and unlawfully taken to Japan without intervention by the Japanese Government.

This resolution urges the Government of Japan to work closely with the United States Government to return American children to their custodial parent in the United States and to adopt the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

As a father of three beautiful daughters, I have cherished every moment I have spent watching them grow up and I look forward to seeing them continue to develop into confident, young women. Sadly, not all parents have been as fortunate as me.

Since 1994, the State Department's Office of Children's Issues had opened 194 cases involving 214 American children taken to Japan. As of March 25, 2010, there were 95 open cases involving 136 American children abducted or wrongfully retained in Japan. One of those cases is that of Melissa Braden, the daughter of one of my constituents, Patrick Braden.

In the midst of a custody dispute in 2006, Melissa was taken to Japan by her mother in violation of a court order giving both parents access to the child and prohibiting either parent from taking Melissa outside of the United States. Melissa has been in Japan ever since. Despite an arrest warrant issued by the FBI for her mother, Japanese authorities have refused to act on this case. Japanese courts give no recognition to the parental rights of the non-Japanese parent, and the Japanese government refuses to enforce U.S. court orders related to child custody or visitation.

I have tried for the past 3 years to help secure the return of Melissa or at the very least reunite Mr. Braden with his daughter in Japan. Unfortunately, Japan is not a signatory to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. Parties to the Hague Abduction Convention agree to promptly return a child who is living in one Convention country and who has been removed to or retained in another Convention country in violation of a left-behind parent's custodial rights. I spoke about Melissa's case before this body last year, but it is important that I continue to speak about her case so that other parents do not have to live through what Mr. Braden is still experiencing today.

As my mother once told me: there is nothing worse than losing your own child, especially when your child is still alive. I thank Chairman BERMAN for his support of this issue and Mr. MORAN of Virginia and Mr. SMITH of New Jersey for standing up for America's parents and children.

I urge all of my colleagues to support this resolution to secure action on behalf of our American families with children retained in Japan.

Mr. HOLT. Mr. Speaker, the resolution before us this week addresses a painful issue:

the problem of international parental child abduction. Over the last several years, I've gained a greater understanding of this problem through the travails of one of my constituents, Mr. David Goldman of Tinton Falls, New Jersey. As the case involving his son, Sean, has received international media attention, I will not revisit all of the details of that case now. Suffice it to say that even with a treaty on his side—the Hague Convention on the Civil Aspects of International Child Abduction—Mr. Goldman needed my help and that of our State Department, along with countless other generous Americans, to finally secure the return of his son in December 2009. Their 5½ year separation and the legal maneuvering surrounding the case helped focus the world's attention on the problem of international parental child abduction, but unfortunately, the overall problem remains.

Over the last decade alone, thousands of American children have been kidnapped by a foreign-born parent and taken to other countries, where the American-born parents inevitably face a years-long process of trying to recover their children. In the case of Japan—which is not a signatory to the Hague Convention—it has proven literally impossible for American parents to recover their parentally-kidnapped children. The resolution before us calls upon the government of Japan to facilitate the resolution of all such abduction cases, and to ratify the Hague Convention on the Civil Aspects of International Child Abduction. Nearly a year ago, the members of the Tom Lantos Human Rights Commission received testimony from parents whose children had been parentally kidnapped to Japan. Each story was heartbreaking, and the frustration and sense of despair of the affected parents was palpable. H. Res. 1326 will send a clear message to the government of Japan that the Congress remains seized of this issue, and it will also remind the affected parents that we stand with them and that we know we have much more work to do on behalf of their abducted children. I'm proud to be a co-sponsor of this measure, and I urge my colleagues to support it.

Mrs. BLACKBURN. Mr. Speaker, I rise today in support of House Resolution 1326. It is time to reunite the families torn apart by the abduction and retention of American children in Japan.

In Tennessee, we have personally been affected by this issue. Sadly I have constituents that await the passage of this resolution with high hopes and are eager to see their children returned home.

Without an agreement on international child abduction between the U.S. and Japan, many children are left in limbo between feuding parents. Custodial arrangements are created to provide the optimal environment for children after a divorce. When foreign countries choose to not recognize these agreements, they are harming the well being of the children.

The best and most immediate solution to this issue is for Japan to adopt the Hague Convention on the Civil Aspects of International Child Abduction. This agreement protects the rights of both parents while ensuring the health and safety of the children.

Mr. GARY G. MILLER of California. Mr. Speaker, I rise in support of House Resolution

1326, a resolution calling on the Government of Japan to immediately address the growing problem of American children abducted to Japan.

Since 1994, the Office of Children's Issues—commonly referred to as OCI—at the United States State Department had opened 194 cases involving 269 U.S. children abducted to or wrongfully retained in Japan. As of March 25, 2010, OCI had 85 open cases involving over 121 American children abducted to Japan. Of these abducted children, Keisuke Collins, is the son of one of my constituents, Randy Collins.

Unfortunately, since the signing of the Treaty of Peace with Japan between the Allied Powers and the Government of Japan in 1951, the Japanese Government has never issued and enforced a legal decision to return a single abducted child to the United States. In addition, Japan has not agreed to the 1980 Hague Convention on the Civil Aspects of International Child Abduction, which has resulted in the continued absence of an immediate remedy that would enable the expedited return of abducted children to their custodial parent in the United States. Sadly, the Government of Japan is the only G-7 country that has not acceded to the Hague Convention.

This problem is also compounded by Japan's legal system. Because Japan's existing family law system does not recognize joint custody nor actively enforces parental access agreements for both its own citizens and foreigners, there is little hope for children to have contact with the noncustodial parent in violation of internationally recognized and protected rights. What is worse, the Government of Japan has repeatedly claimed to foreign governments that parental child abduction is not considered a crime in Japan despite the fact that Article 3 of the Japanese Penal Code does indeed make it a crime for a Japanese citizen to abduct a child and move the child across national borders.

Although Japan's current Justice Minister said upon her appointment that she is determined to show that Japan "is very proactive" in adopting international protocols and conventions that are the "international standard," child abductions to Japan continue to be a very serious and rampant problem. Consequently, is critical for the United States and Japan to work together to prevent future incidents of international parental child abduction to Japan.

As such, I call on my colleagues to support House Resolution 1326. This resolution calls on the Government of Japan to immediately address the growing problem of abduction to and retention of American children in Japan. The resolution also calls on Japan to work closely with the United States to return these children to their custodial parent in the United States and to provide left-behind parents immediate access to their children. Lastly, House Resolution 1326 calls on Japan to immediately adopt the 1980 Hague Convention on the Civil Aspects of International Child Abduction so that these abducted children can be returned to their custodial parent.

As an original cosponsor of this resolution, it is of utmost importance to not only me, but to my constituents Randy and Keisuke, that it is passed with the overwhelming support of

the House of Representatives. These abducted kids—and their families—cannot wait any longer.

Mr. SMITH of New Jersey. Mr. Speaker, I would like to submit the names of the children abducted to Japan whose left-behind American parent has contacted me directly.

M.B., abducted to Japan July 21, 1995

E.B., abducted to Japan July 21, 1995

Ezra Lui, abducted to Japan November 13, 1999

Kaira Kelly Litwiller, abducted to Japan June 10, 2003

Takoda Tei Weed, abducted to Japan January 16, 2004

Tiana Kiku Weed, abducted to Japan January 16, 2004

Kento Didier Touboule, abducted to Japan October 15, 2005

Mary Victoria Lake, abducted to Japan August 2005

Kai Hachiya, abducted to Japan December 28, 2006

Masahiro Brown, abducted in Japan since April of 2007

David N. Gessleman, abducted to Japan May 13, 2007

Joshua K. Gessleman, abducted to Japan May 13, 2007

Kaya Summer Xiao-Lian Wong, abducted to Japan August 2007

Wayne Kosaku Sawyer, abducted to Japan December 15, 2008

Yuuki Patrick McCoy (Kojima), abducted in Japan August 17, 2008

Keisuke Christian Collins, abducted to Japan June 16, 2008

Sean Hillman, abducted to Japan July 5, 2008

Kana Sugiyama-Gomez, abducted to Japan April 10, 2008

Joe Yamada, abducted to Japan September 1, 2008

Grace Danielle Starr, abducted to Japan January or February 2009

Brian Senna Starr, abducted to Japan January or February 2009

"Mochi" Atomu Imoto Morehouse, abducted to Japan June 23, 2010

Mr. Speaker, the United States is currently seeking the return of at least 136 abducted American children.

I yield back the balance of my time.

Mr. TANNER. I yield back the balance of my time, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 1326, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MORAN of Virginia. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CALLING ON TURKISH-OCCUPIED CYPRUS TO PROTECT RELIGIOUS ARTIFACTS

Mr. TANNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1631) calling for the protection of religious sites and artifacts from and in Turkish-occupied areas of northern Cyprus as well as for general respect for religious freedom.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1631

Whereas the Government of Turkey invaded the northern area of the Republic of Cyprus on July 20, 1974, and the Turkish military continues to illegally occupy the territory to this day;

Whereas the Church of Cyprus has filed an application against Turkey with the European Court of Human Rights for violations of freedom of religion and association as Greek Cypriots in the occupied areas are unable to worship freely due to the restricted access to religious sites and continued destruction of the property of the Church of Cyprus;

Whereas according to the United Nations-brokered Vienna III Agreement of August 2, 1975, "Greek-Cypriots in the north of the island are free to stay and they will be given every help to lead a normal life, including facilities for education and for the practice of their religion . . .";

Whereas according to the Secretary General's Report on the United Nations Operation in Cyprus in June 1996, the Greek Cypriots and Maronites living in the northern part of the island "were subjected to severe restrictions and limitations in many basic freedoms, which had the effect of ensuring that inexorably, with the passage of time, the communities would cease to exist.";

Whereas the very future and existence of historic Greek Cypriot, Maronite, and Armenian communities are now in grave danger of extinction;

Whereas the Abbot of the Monastery of the Apostle Barnabas is routinely denied permission to hold services or reside in the monastery of the founder of the Church of Cyprus and the Bishop of Karpas has been refused permission to perform the Easter Service for the few enclaved people in his occupied diocese;

Whereas there are only two priests serving the religious needs of the enclaved in the Karpas peninsula, Armenians are not allowed access to any of their religious sites or income generating property, and Maronites are unable to celebrate the mass daily in many churches;

Whereas in the past Muslim Alevis were forced out of their place of prayer and until recently were denied the right to build a new place of worship;

Whereas under the Turkish occupation of northern Cyprus, religious sites have been systematically destroyed and a large number of religious and archaeological objects illegally looted, exported, and subsequently sold or traded in international art markets, including an estimated 16,000 icons, mosaics, and mural decorations stripped from most of the churches, and 60,000 archaeological items dating from the 6th to 20th centuries;

Whereas at a hearing held on July 21, 2009, entitled "Cyprus' Religious Cultural Heritage in Peril" by the U.S. Helsinki Commission, Michael Jansen provided testimony detailing first-hand accounts of Turkish sol-

diers throwing icons from looted churches onto burning pyres during the Turkish invasion and provided testimonies of how churches were left open to both looters and vandals with nothing done to secure the religious sites by the Turkish forces occupying northern Cyprus;

Whereas Dr. Charalampos G. Chotzakakoglou also provided testimony to the U.S. Helsinki Commission that around 500 churches, monasteries, cemeteries, and other religious sites have been desecrated, pillaged, looted, and destroyed, including one Jewish cemetery;

Whereas 80 Christian churches have been converted into mosques, 28 are being used by the Turkish army as stores and barracks, 6 have been turned into museums, and many others are used for other nonreligious purposes such as coffee shops, hotels, public baths, nightclubs, stables, cultural centers, theaters, barns, workshops, and one is even used as a mortuary;

Whereas expert reports indicate that since 2004 several churches have been leveled, such as St. Catherine Church in Gerani which was bulldozed in mid-2008, the northern wall of the Chapel of St. Euphemianos in Lysi which was destroyed by looters as they removed all metal objects within the wall, the Church of the Holy Virgin in the site of Trachonas was used as a dancing school until the Turkish occupiers built a road that destroyed part of it in March 2010, the Church of the Templars was converted into a night club, and the Church of Panagia Trapeza in Acheritou village was used as a sheep stall before it was recently destroyed by looters removing metal objects from medieval graves within the church;

Whereas the Republic of Cyprus discovered iron-inscribed crosses stolen from Greek cemeteries in the north in trucks owned by a Turkish-Cypriot firm that intended to send them to India to be recycled;

Whereas United States art dealer Peggy Goldberg was found culpable for illegally marketing 6th century mosaics from the Panagia Kanakaria church because the judge found that a "thief obtains no title or right of possession of stolen items" and therefore "a thief cannot pass any right of ownership . . . to subsequent purchasers.";

Whereas the extent of the illicit trade of religious artifacts from the churches in the Turkish occupied areas of northern Cyprus by Turkish black market dealer Aydin Dikmen was exposed following a search of his property by the Bavarian central department of crime which confiscated Byzantine mosaics, frescoes, and icons valued at over €30 million;

Whereas a report prepared by the Law Library of Congress on the "Destruction of Cultural Property in the Northern Part of Cyprus and Violations of International Law" for the U.S. Helsinki Commission details what obligations the Government of Turkey has as the occupying power in northern Cyprus for the destruction of religious and cultural property there under international law;

Whereas the Hague Convention of 1954 for the Protection of Cultural Property During Armed Conflict, of which Turkey is a party, states in article 4(3) that the occupying power undertakes to "Prohibit, prevent and, if necessary, put a stop to any form of theft, pillage or misappropriation of any acts of vandalism directed against cultural property";

Whereas according to the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the

Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership which has been ratified by Cyprus and Turkey, parties are required to take steps to prevent illicit traffic through the adoption of legal and administrative measures and the adoption of an export certificate for any cultural object that is exported, and "illicit" refers to any export or transfer of ownership of cultural property under compulsion that arises from the occupation of a country by a foreign power;

Whereas according to the European Court of Human Rights in its judgment in the case of Cyprus v. Turkey of May 10, 2001, Turkey was responsible for continuing human rights abuses under the European Convention on Human Rights throughout its 27-year military occupation of northern Cyprus, including restricting freedom of movement for Greek Cypriots and limiting access to their places of worship and participation in other aspects of religious life;

Whereas the European Court further ruled that Turkey's responsibility covers the acts of soldiers and subordinate local administrators because the occupying Turkish forces have effective control of the northern part of the Republic of Cyprus;

Whereas in March 2008, President Christofias and former Turkish Cypriot leader Talat agreed to the setting up of a "Technical Committee on Cultural Heritage" with a mandate to engage in "serious work" to protect the varied cultural heritage of the entire island;

Whereas this Committee was developing a list of all cultural heritage sites on the island to create an educational interactive program for the island's youth to understand the shared heritage and to undertake a joint effort to restore the Archangel Michael Church and the Arnavut Mosque;

Whereas while significant work was done on the Arnavut Mosque, the Archangel Michael Church remains in disrepair; and

Whereas, on July 16, 2002, and again in 2007, the United States and the Government of the Republic of Cyprus signed a Memorandum of Understanding to impose import restrictions on categories of Pre-Classical and Classical archaeological objects, as well as Byzantine period ecclesiastical and ritual ethnological materials, from Cyprus: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses appreciation for the efforts of those countries that have restored religious property wrongly confiscated during the Turkish occupation of northern Cyprus;

(2) welcomes the efforts of many countries to address the complex and difficult question of the status of illegally confiscated religious art and artifacts, and urges those countries to continue to ensure that these items are restored to the Republic of Cyprus in a timely, just manner;

(3) welcomes the initiatives and commitment of the Republic of Cyprus to work to restore and maintain religious heritage sites;

(4) urges the Government of Turkey to—

(A) immediately implement the United Nations Security Council Resolutions relevant to Cyprus as well as the judgments of the European Court of Human Rights;

(B) work to retrieve and restore all lost artifacts and immediately halt destruction on religious sites, illegal archaeological excavations, and traffic in icons and antiquities; and

(C) allow for the proper preservation and reconstruction of destroyed or altered religious sites and immediately cease all restrictions on freedom of religion for the enclaved Cypriots;

(5) calls on the United States Commission on International Religious Freedom to investigate and make recommendations on violations of religious freedom in the areas of northern Cyprus under control of the Turkish military;

(6) calls on the President and the Secretary of State to include information in the annual International Religious Freedom and Human Rights reports on Cyprus that detail the violations of religious freedom and humanitarian law including the continuous destruction of property, lack of justice in restitution, and restrictions on access to holy sites and the ability of the enclaved to freely practice their faith;

(7) calls on the State Department Office of International Religious Freedom to address the concerns and actions called for in this resolution with the Government of Turkey, OSCE, the United Nations Special Rapporteur on Freedom of Religion or Belief, and other international bodies or foreign governments;

(8) urges OSCE to ensure that member states do not receive stolen Cypriot art and antiquities; and

(9) urges OSCE to press the Government of Turkey to abide by its international commitments by calling on it to work to retrieve and restore all lost artifacts, to immediately halt destruction on religious sites, illegal archaeological excavations, and traffic in icons and antiquities, to allow for the proper preservation and reconstruction of destroyed or altered religious sites, and to immediately cease all restrictions on freedom of religion for the enclaved Cypriots.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. TANNER) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. TANNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. TANNER. Mr. Speaker, I rise in support of this legislation.

One of the most tragic aspects of Turkey's 1974 invasion of Cyprus and subsequent occupation of the northern part of that country has been the desecration and destruction of religious property, primarily Greek Orthodox, and other manifestations of contempt for freedom of worship.

I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the author of the resolution, the gentleman from Florida (Mr. BILIRAKIS), a member of the committee.

Mr. BILIRAKIS. Mr. Speaker, I rise today in support of H. Res. 1631, a resolution calling for protection of religious sites and artifacts from and in Turkish-occupied areas of northern Cyprus, as well as for general respect for religious freedom.

First, I would like to recognize my colleagues for this incredible bipartisan effort. Thank you so much to Ranking Member ILEANA ROS-LEHTINEN and Chairman BERMAN, not only for their cosponsorship but also for assisting in fast-tracking this measure to the House floor.

Also, thanks to my Hellenic Caucus cochair, CAROLYN MALONEY, and all of my colleagues who are cosponsors, including the U.S. House's strongest champion of human rights, CHRIS SMITH. This display of bipartisanship illustrates that Congress can work together in a collegial spirit when it comes to protecting religious freedom throughout the world.

As cosponsor and cochair of the Hellenic Caucus and member of the International Religious Freedom Caucus, we've introduced this measure to highlight the continued violations that are taking place on the divided island nation of Cyprus. Even as Cyprus celebrates the 50th anniversary of its independence, we are reminded that roughly one-third of Cyprus continues to be under Turkish military occupation since 1974. This resolution demands that Turkey be held responsible for the continued violations of humanitarian law with respect to the destruction of religious and cultural property in Cyprus.

The Turkish military, which continues to illegally occupy northern Cyprus, has overseen the systematic destruction of religious sites and the illegal looting of a large number of religious and archaeological objects. When northern Cyprus was invaded, churches were left open to looters and to vandals. The Turkish forces, though required to secure the religious sites by several conventions to which it is a signatory, failed to do so.

Around 500 churches, monasteries, cemeteries, and other religious sites belonging to Greek Cypriots, Armenians, and Maronites have been desecrated, pillaged, looted, and destroyed, including one Jewish cemetery. Eighty Christian churches have been converted into mosques; 28 are being used by the Turkish army as stores and barracks, and many others are used for other nonreligious purposes such as coffee shops, hotels, public baths, nightclubs, stables, theaters, and barns.

Since 2004, at least 15 churches have been leveled, such as St. Catherine's Church in the district of Famagusta, which was bulldozed in mid-2008. Additionally, the Church of the Holy Virgin in the site of Trachonas was used as a dancing studio until the Turkish occupiers built a road that destroyed part of it in March 2010. And the Church of the Templars was converted into a nightclub. These are a few examples of the destruction that has been overseen by the Turkish military, if not directly perpetrated by it.

Mr. Speaker, this resolution urges the Government of Turkey to immediately implement the United Nations Security Council resolutions relevant to Cyprus, as well as the judgments of the European Court of Human Rights, by retrieving and restoring all lost artifacts and immediately halting destruction on religious sites, stopping illegal archaeological excavations, and ceasing to traffic in icons and antiquities.

Further, proper preservation and reconstruction of destroyed or altered religious sites must immediately take place, and all restrictions on freedom of religion for the enclaved Cypriots must end.

Mr. Speaker, I hope the beginning of the next 50 years of Cyprus' statehood is marked by the immediate removal of the Turkish occupation forces, followed by immediate reunification of the island nation in which respect for human rights and fundamental freedoms for all Cypriots is a reality.

I urge swift passage of this resolution.

□ 1600

Mr. TANNER. Madam Speaker, I am pleased to yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentleman for yielding and for his leadership on this and so many other important issues.

Madam Speaker, I rise in strong support of H.R. 1631, a resolution calling for the protection of religious sites and artifacts in Turkish-occupied areas of northern Cyprus. I joined my Hellenic Caucus cochair and good friend and colleague, Representative GUS BILIRAKIS, in introducing this important resolution before us today. And I would like to particularly thank Chairman BERMAN for his work in bringing this resolution to the floor today for a vote.

I am honored to represent Astoria, Queens, one of the largest and most vibrant communities of Greek and Cypriot Americans in this country. This year we marked the 36th anniversary of the Turkish invasion and continuing illegal occupation of the northern part of the Republic of Cyprus. Since the 1974 invasion, many priceless symbols of Cyprus' religious and cultural heritage have been destroyed, looted, or vandalized, and even stolen, or illegally shipped for sale abroad. Very disturbing is the way the churches have been razed, converted into barns, into barracks, into beer halls with total disrespect to their religious importance. To date, Turkey has repeatedly ignored all U.N. resolutions pertaining to Cyprus and has continued to occupy the island in complete violation of international law.

As Cyprus prepares to celebrate its 50th anniversary, we in Congress have a responsibility to make our voices

heard on our ultimate goal of a reunified and prosperous Cyprus where Greek Cypriots and Turkish Cypriots can live together in peace, security, and stability. Passage of this resolution would demonstrate the United States' commitment to protecting the rights and fundamental freedoms of the Cypriot people, religious freedom on the island of Cyprus, and religious freedom for people everywhere.

In the interest of time, I would like to place in the RECORD this report from the Library of Congress pertaining to the destruction of cultural property and religious sites in Cyprus.

I urge all of my colleagues to vote in support of this important resolution.

[Law Library of Congress]

CYPRUS—DESTRUCTION OF CULTURAL PROPERTY IN THE NORTHERN PART OF CYPRUS AND VIOLATIONS OF INTERNATIONAL LAW

EXECUTIVE SUMMARY

Due to the military invasion by Turkey in July and August 1974, the Republic of Cyprus has been de facto divided into two separate areas: the southern area under the Government of Cyprus, which is recognized as the only legitimate government; and the northern area, amounting to approximately 36 percent of the territory, under the non-recognized, illegal, and unilaterally declared "Turkish Republic of Northern Cyprus" ("TRNC"). As documented, the northern part of Cyprus has experienced a vast destruction and pillage of religious sites and objects during the armed conflict and continuing occupation. In addition, a large number of religious and archaeological objects have been illegally exported and subsequently sold in art markets. The Republic of Cyprus has asserted its ownership over its religious and archaeological sites located in Cyprus through use of its domestic legislation. The Cyprus government and the Church of Cyprus claim that such religious sites constitute part of Cyprus' cultural property and are of paramount importance to the collective history and memory of the people of Cyprus as a nation, as well as to humankind. In a few instances, Cyprus, either through diplomatic channels or through legal action, has been successful in repatriating religious and archaeological objects.

Protection of religious sites and other cultural property during armed conflict and occupation falls within the ambit of international humanitarian law, otherwise known as the law of war. The basic principle is that cultural property must be safeguarded and protected, subject to military necessity only when such property has been converted to a military objective. Pursuant to the major international agreement on this subject, the 1954 Hague Convention for the Protection of Cultural Property During Armed Conflict and its Protocols, as well as the legal regime on occupation, Turkey, as a state party, is required to refrain from acts of hostility and damage against cultural property located in the northern part of Cyprus; to prohibit and prevent theft, pillage, or misappropriation of cultural property; and to establish criminal jurisdiction to prosecute individuals who engage in acts of destruction, desecration, and pillage. Archaeological excavations in the occupied northern part of Cyprus are prohibited unless they are critical to the preservation of cultural property; in such a case, excavations must be carried out with the cooperation of the national competent authori-

ties of the occupied territory. Such violations of conventional and customary international rules on the protection of cultural property may give rise to legal responsibility on the part of Turkey as the occupying power before an international court or tribunal, provided that other requirements are met. A legal precedent for the responsibility of Turkey for actions against cultural property would be the judgments of the European Court of Human Rights. The Court, based on the "effective control" test, used in *Loizidou v. Turkey*, found Turkey responsible for deprivation of private property of Greek-Cypriots expelled from the occupied northern part of Cyprus.

The International Criminal Tribunal for the Former Yugoslavia (ICTY) and the Rome Statute of the International Criminal Court (ICC) consider the destruction of cultural property to be a war crime. The ICTY has held individuals accountable for the destruction or damage done to institutions dedicated to religious, artistic, scientific, or historic monuments. Moreover, the ICTY has reaffirmed that the rules on protection of cultural property during armed conflict have achieved the status of customary international law; thus, they are binding erga omnes, against all states, even if a state is not party to an international humanitarian law instrument.

Two international Conventions governing protection of cultural property apply to the issue of illicit traffic and exportation of cultural property from the northern part of Cyprus: a) the 1970 UNESCO (United Nations Educational, Scientific, and Cultural Organization) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership; and b) the 1995 UNIDROIT (International Institute for the Unification of Private Law) Convention on Stolen or Illegally Exported Cultural Objects. A basic objective of both Conventions is to fight the illicit trade in art and cultural property. Under the 1970 Convention, which has been ratified by Cyprus and Turkey, parties are required to take steps to prevent illicit traffic through the adoption of legal and administrative measures and the adoption of an export certificate for any cultural object that is exported. Cyprus has complied with these requirements. In addition, the 1970 Convention regards as "illicit" any export or transfer of ownership of cultural property under compulsion that arises from the occupation of a country by a foreign power. The 1995 UNIDROIT Convention establishes uniform rules for restitution claims by individuals regarding stolen cultural objects and return claims by states regarding illicitly exported cultural objects. While Cyprus has ratified the Convention, Turkey has not.

The Cyprus Government stresses that the optimum way to preserve and protect its cultural property is to find a solution to the Cyprus issue and the end of the military occupation of the northern part of Cyprus. Meanwhile, Cyprus may opt, inter alia, to utilize judicial remedies to resolve outstanding disputes pertaining to its cultural and religious property either before foreign courts, as it has already done, or international and regional courts, provided that other criteria are met.

I. INTRODUCTION

Following the military invasion of Cyprus in 1974 and the continuing occupation of the northern part of Cyprus by Turkey, it has been documented that extensive destruction, desecration, and pillage of religious sites and other historic monuments, as well as some disputed archaeological excavations and illegal

exportation of objects, have occurred in the northern part of Cyprus. The Government of Cyprus claims that the impetus behind the acts of destruction and desecration of religious sites is the obliteration of their cultural and religious symbols, which form part of the cultural and spiritual heritage of Cyprus; as such they are extremely significant not only for the Greek-Cypriots, but also for the entire population of Cyprus and for humankind in general. On the other hand, the unilaterally declared and unrecognized (with the exception of Turkey) "state" of the "Turkish Republic of Northern Cyprus" ("TRNC") argues that its competent authorities are engaged in actions designed to preserve and protect religious sites, regardless of their origin and, moreover, that the excavations are taking place within the "TRNC's" own "sovereign" area.

It is against this background that this report analyses the international legal framework governing the protection of cultural property in the northern part of Cyprus. The report also examines the rights and obligations of Turkey and Cyprus arising out of international agreements and especially the legal consequences of the destruction and pillage of Cyprus' religious and cultural property by "TRNC."

The analysis focuses on the international legal norms and standards applicable to:

(a) The protection of cultural property during armed conflict;

(b) Occupied territory;

(c) The protection of cultural property against the illicit trade and export of artifacts; and,

(d) Religious intolerance.

In order to draw out the issues, the report provides a historical background, continuing to the time of the de facto partition of the island and the ensuing military occupation. Also included is a brief description of the reported destruction of cultural property that occurred in the northern part of Cyprus and an overview of Cyprus' domestic ownership laws on cultural property. In analyzing the international legal standards applicable to the protection of cultural property, this report examines three key legal issues:

(a) Whether religious sites in Cyprus (including churches, chapels, monasteries, synagogues, and mosques used by the Greek Cypriot community and other minorities for religious purposes) qualify as "cultural property" as defined in the relevant law and thus warrant international protection;

(b) Whether the northern part of Cyprus meets the legal definition of an occupied territory; and

(c) Whether the destruction of religious sites in the northern part of Cyprus could give rise to international responsibility on the part of the occupying Turkish military forces in Cyprus; the sub-issue of whether "TRNC" bears any degree of responsibility is briefly touched upon as well.

The report concludes with a short overview of courses of action available to the Republic of Cyprus to pursue its legal claims against the destruction, illicit trade, and transfer of its cultural property.

II. HISTORICAL BACKGROUND

The Republic of Cyprus is a small nation in size and population with a very rich and ancient history and civilization. Archeological findings indicate that Cyprus was inhabited around 7,000 B.C. The island was exposed to Christianity early, with the visit of Apostles Barnabas and Peter. During the Byzantine era, Cyprus was under the administration of Byzantine emperors for approximately 800 years (395–1191 A.D.).¹ It was during this time

that a great number of churches were built and decorated with mosaics and frescoes of exquisite beauty.² In 1571, Cyprus became part of the Ottoman Empire and in 1878 fell under British rule.

After a long period as a British colony,³ the Republic of Cyprus became an independent nation on August 16, 1960, with the signing of the Treaty of Alliance, Treaty of Guarantee, and the adoption of the Cyprus Constitution.⁴ Under the Treaty of Guarantee,⁵ the three guarantor powers, Greece, Turkey and the United Kingdom, agreed to safeguard and respect the independence and sovereignty of Cyprus. Cyprus' population is composed of two communities; Greek-Cypriots, and Turkish-Cypriots. The two communities are linguistically and religiously distinct from each other. They had long inhabited the island in peaceful symbiosis, with some sporadic periods of political instability and internal strife. Prior to 1974, the Greek-Cypriot community comprised 80 percent of the population of Cyprus, the Turkish-Cypriots totaling approximately 18 percent, with the balance being comprised of a small percentage of Armenians, Maronites, and Latin.⁶

Since the 1974 military invasion of Cyprus by Turkey and the ensuing occupation of the northern 37 percent of the island, the Republic of Cyprus has been de facto divided into two separate areas, with the southern area under the government of Cyprus, which is recognized as the only legitimate government, and the northern area under the non-recognized, illegal, and unilaterally declared "TRNC." The United Nations Peacekeeping Force in Cyprus (UNFICYP) was established in 1964 after the eruption of intercommunal violence in 1963, and is in control along the so called "green line" to guarantee maintenance of peace and security between the two communities.⁷ The military invasion by Turkey was precipitated when the Greek military regime, with the assistance of the Cypriot armed forces, planned and executed a coup d'etat against the government of Archbishop Makarios, the first elected President of the Republic of Cyprus. On July 20, 1974, Turkey, using the coup d'etat as grounds to allegedly protect the Turkish community, intervened militarily in Cyprus in order to "reestablish the constitutional order."⁸ A series of unsuccessful peace negotiations ensued between the two communities under the auspices of the United Nations (UN) until August 14, 1974, when Turkey initiated a second military attack on Cyprus and occupied 36.02 percent of the territory of the Republic of Cyprus.⁹

As a result of the 1974 Turkish invasion of Cyprus, almost 200,000 Greek-Cypriots fled their homes in the north and either became refugees or were internally displaced, and eventually settled in the southern part of Cyprus. The Turkish-Cypriots who lived in various parts of the island prior to 1974 moved to the north.¹⁰

Currently, the population of Cyprus includes approximately 660,000 Greek-Cypriots who live in the south, 89,000 Turkish-Cypriots in the north, and a Turkish military force of approximately 43,000. Moreover, Turkey has brought close to 160,000 Turkish settlers to the northern part of Cyprus from mainland Turkey in an effort to alter the demographics of Cyprus. The European Court of Human Rights of the Council of Europe, to which Turkey and Cyprus are members, in numerous instances has found Turkey to have violated various human rights in the northern part of Cyprus, in particular the rights of individuals to their property, and the right to life, liberty, and security.

The "TRNC" was unilaterally proclaimed in 1983 and adopted a Constitution. The United Nations Security Council, in Resolutions 541 and 550, adopted in 1983 and 1984, respectively, declared the secession invalid, null, and void. The Security Council also urged the Cyprus: Destruction of Cultural Property—April 2009 The Law Library of Congress international community not to recognize the "TRNC."¹¹ Thus far, no country (with the exception of Turkey) has recognized the "TRNC" as a separate state under international law. The United Nations, the European Union (EU),¹² the Council of Europe,¹³ and others¹⁴ have repeatedly reaffirmed the status of the Republic of Cyprus as the only legitimate government. A number of national and international courts, in adjudicating legal issues that have incidentally raised the question of the status of the "TRNC," have not recognized its legitimacy.¹⁵

On May 1, 2004, the Republic of Cyprus, as a single state, joined the EU.¹⁶ For the time being, the entire body (acquis communautaire) of EU law applies only to the southern part of the * * *

END NOTES

¹ Kypros Chrysostomides, *The Republic of Cyprus: A Study in International Law* (2000); see also Republic of Cyprus, Press and Information Office, *The Almanac of Cyprus 16* (1996); Republic of Cyprus, Press and Information Office, *Window on Cyprus* (2005).

² Chrysostomides, *supra* note 1.

³ In 1914, Cyprus was annexed by Great Britain. Between the period of 1925 to 1960 Cyprus had the status of a Crown colony. For an analysis of the history of Cyprus, see Chrysostomides, *supra* note 1. See also, Criton G. Tornaritis, *Cyprus and Its Constitution and Other Legal Problems* (1980).

⁴ M. Alamides, *The Constitution of the Republic of Cyprus 3* (2004).

⁵ Treaty of Guarantee, Aug. 16, 1960, 382 U.N.T.S. 3.

⁶ Chrysostomides, *supra* note 1. Appendix E of the 1960 Cyprus Constitution recognizes three religious groups in Cyprus consisting of Armenians, Maronites, and Latins. Latins originated from the Franciscan Order of the Roman Catholic Church and were established in Cyprus during the Ottoman period. Members of these groups are guaranteed human rights and freedoms comparable to those afforded by the European Convention of Human Rights and are also constitutionally protected against discrimination.

⁷ The role of the UNFICYP was expanded in response to the Turkish military invasions. For information on the UNFICYP, see <http://www.un.org/Depts/dpko/missions/unficy/>. For an analysis of the efforts of the United Nations to find a workable solution to the Cyprus problem, see Claire Palley, *An International Relations Debacle*, *The UN Secretary-General's Mission of Good Offices in Cyprus 1999–2004* (2005).

⁸ Chrysostomides, *supra* note 1.

⁹ Chrysostomides, *Cyprus—The Way Forward* 63 (2006).

¹⁰ See Ministry of Foreign Affairs of the Republic of Cyprus, *The Third Vienna Agreement—August 1975* (Aug. 2, 1975) (communiqué issued after the third round of talks on Cyprus held in Vienna from July 31–Aug. 2, 1975), available at [http://www.mfa.gov.cy/mfa/mfa2006.nsf/All/0658E5B2F4D1A538C22571D30034D15D/\\$FILE/August%201975.pdf?OpenElement](http://www.mfa.gov.cy/mfa/mfa2006.nsf/All/0658E5B2F4D1A538C22571D30034D15D/$FILE/August%201975.pdf?OpenElement).

¹¹ S.C. Res. 541, U.N. Doc. S/RES/541 (Nov. 18, 1983) and S.C. Res. 550, U.N. Doc. S/RES/541 (May 11, 1984), available at http://www.un.org/Docs/sc/unsc_resolutions.html,

reprinted in Resolutions Adopted by the United Nations on the Cyprus Problem (Press and Information Office, Ministry of Interior, Republic of Cyprus, 1964–1990).

¹²On November 16, 1983, the European Community adopted a statement rejecting the declaration and expressing its deep concerns regarding the establishment of “TRNC” as an independent state. The statement also reaffirmed its support of the sovereignty, independence, and unity of Cyprus. The European Parliament has held hearings on the issue of destruction of cultural property and, *inter alia*, in 2006 it adopted a Declaration on the Protection and Preservation of the Religious Heritage in the northern part of Cyprus, Eur. Parl. Doc. P6 TA(2006)0335 (Aug. 30, 2006), available at [http://www.europarl.europa.eu/registre/seance_plenierte/textes_adoptes/definitif/2006/09-05/0335/P6_TA\(2006\)0335_EN.pdf](http://www.europarl.europa.eu/registre/seance_plenierte/textes_adoptes/definitif/2006/09-05/0335/P6_TA(2006)0335_EN.pdf). The Parliament's Committee of Education and Culture also endorsed funds from the 2007 budget for a study on the situation of religious sites in northern Cyprus. Alexia Saoulli, European Parliament Backs Funds for Study on Churches in the North, Museum Security Network Mailing List (Sept. 14, 2006), available at <http://msn-list.te.verweg.com/2006-September/005975.html>.

¹³In 1983, the Committee of Ministers of the Council of Europe issued a Resolution which, *inter alia*: a) deplored the declaration by the Turkish Cypriot leaders of the “purported independence of the so-called “Turkish Republic of Northern Cyprus”; b) declared the unilateral declaration invalid; and, c) reaffirmed its commitment to the Republic of Cyprus as the only legitimate government. Comm. of Ministers Resolution (83) 13, Nov. 24, 1983, on Cyprus, available at [http://www.mfa.gov.cy/mfa/mfa2006.nsf/All/C1E21396890CA83CC22571D2001E8A47/\\$file/Res%2083.pdf?OpenElement](http://www.mfa.gov.cy/mfa/mfa2006.nsf/All/C1E21396890CA83CC22571D2001E8A47/$file/Res%2083.pdf?OpenElement).

¹⁴The Commonwealth Heads of Government, in a meeting convened in New Delhi, India, November 23–29, 1983, condemned the declaration of the “TRNC” “to create a secessionist state in northern Cyprus, in the area under foreign occupation.” A press communiqué was issued stating, *inter alia*, as follows: “[The] Heads of Government condemned the declaration by the Turkish Cypriot authorities issued on 15 November 1983 to create a secessionist state in northern Cyprus, in the area under foreign occupation. Fully endorsing Security Council Resolution 541, they denounced the declaration as legally invalid and reiterated the call for its non-recognition and immediate withdrawal. They further called upon all States not to facilitate or in any way assist the illegal secessionist entity. They regarded this illegal act as a challenge to the international community and demanded the implementation of the relevant UN Resolutions on Cyprus.” Quoted in *Loizidou v. Turkey* (Merits), Eur. Ct. Hum. H.R., VI Dec. & Rep. (1996), available at <http://cmiskp.echr.coe.int/tkp197/viewbkm.asp?sessionId=9256208&skin=hudoc-en&action=html&table=P69A27FD8FB86142BF01C1166DEA398649&key=588&highlight=>.

¹⁵For a review of several cases involving courts in the United States and the United Kingdom, the European Court of Justice, and the European Court of Human Rights, see Chrysostomides, *supra* note 1, at 280–315.

¹⁶See Press Release, Cyprus Government, Press and Information Office, EU Accession Treaty—Protocols on Cyprus, available at <http://www.cyprus.gov.cy/moi/PIO/PIO.nsf/All/DA5EA02B13392A77C2256DC2002B662A?OpenDocument> (last visited Mar. 9, 2009).

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of H. Res. 1631, calling for the protection of religious sites and artifacts from and in Turkish-occupied areas of northern Cyprus and calling on the Turkish Government to respect the religious freedom of all the people living in the territory it occupies. I thank my very good friend Mr. BILIRAKIS for introducing this outstanding resolution and for his faithfulness and effectiveness in exposing human rights violations in Cyprus.

Madam Speaker, this resolution reminds us of the ongoing barbarism of the Turkish Government's military occupation of the northern part of the Republic of Cyprus, a sovereign State. The Turkish Government frequently prevents Greek Cypriots from holding divine liturgy, and it has pillaged their sacred churches and holy sites. The Turkish Government currently uses no less than 28 Orthodox churches as army barracks, has converted 80 churches into mosques, and permits others to be used as nightclubs, sheep stalls, and dancing schools. Under Turkish occupation, 500 churches, monasteries, cemeteries, and other religious sites have been desecrated, destroyed, or looted.

Madam Speaker, this resolution performs a great service in documenting in painstaking detail the trade in sacred objects looted from these churches, which is extensive, international, and totally illicit. It also points out the legal obligation of the Turkish Government to prevent this trade, to restore looted objects as well as churches, and to respect the human rights of those who live under its occupation.

Madam Speaker, I am profoundly disappointed that over the years, including since the passage of the International Religious Freedom Act, that our government has far too often failed to speak out and to speak out vigorously in defense of the religious freedom of Orthodox Christians. This is really shameful. The Turkish Government's persecution of Orthodoxy, whether in Cyprus or Istanbul, the home of the Ecumenical Patriarchate, in Syriac Orthodox monasteries, or of the Armenian Orthodoxy, seems to aim at extinguishing Christian Orthodoxy within its borders.

As the Secretary General's report on the United Nations operations in Cyprus stated as far back as 1996, the restrictions on basic freedoms of Christians in Turkish-occupied areas of Cyprus have the effect “of ensuring that with the passage of time, the communities (that is, Greek Cypriots and Maronites) would cease to exist.” So I am glad that this resolution specifically urges the President, the Secretary of State, and the State Depart-

ment Office of International Religious Freedom to report and take vigorous action on the traffic of Cypriot Orthodox heritage. The executive branch should take this seriously. Hopefully with the backing of the Congress, they will.

Mr. BURTON of Indiana. Madam Speaker, I rise today to express my serious concerns with H. Res. 1631. I think many of my colleagues know that I have been a vocal supporter of religious freedom and human rights around the world for many years. But, I believe the resolution before us is less about promoting religious freedom and religious tolerance than it is about poking a stick in the eye of Turkish Cypriots; who are currently working together with their Greek Cypriot neighbors to strike a comprehensive peace deal for that troubled island.

Time and time again, I have come to the floor to ask my colleagues to review the facts and stop oversimplifying this issue. Revisionist history attempts to lay all the blame for the ills of Cyprus at the doorstep of Turkish Cypriots and Turkey. H. Res. 1631 seems to repeat this pattern. I urge my colleagues to step back and ask themselves whether this resolution will truly advance the reconciliation process or merely add fuel to the fire. If we do that, the answer is obvious, H. Res. 1631 is an unnecessary and inappropriate assertion of opinion that does nothing to bring peace to a divided land.

In fact, those on both sides of the issue are already working together to come to a resolution. On March 21, 2008 the Greek Cypriot leader Mr. Christofias and the Turkish Cypriot leader Mr. Talat forged an agreement that paved the way for the establishment of the Technical Committee on Cultural Heritage. This committee has already set in order plans to protect, preserve and restore the rich cultural heritage of Cyprus and by all accounts have made great strides to date towards achieving these goals. According to a recent press statement, the Cultural Committee has expressed a commitment to “compile the entire list of immovable cultural heritage of Cyprus [and] to create an educational interactive program that would give the opportunity to younger generation of Greek Cypriots and Turkish Cypriots to learn about each other and the cultural heritage of the island.”

The effort is an open and honest dialogue between Greek and Turkish Cypriots regarding the preservation of their shared history. I believe, if left alone, this cooperation could well serve to open dialogue in other areas.

Rather than restating the tired talking points of yesterday which only serve to place blame for past offenses, as appears to be the case with H. Res. 1631, I would urge my colleagues to applaud and support these efforts.

Too often, the international community and many well-meaning members of this body fail to recognize the two sides of this issue. For example, the Turkish Cypriots have expressed concern over destruction and neglect of Turkish-Muslim monuments of importance in the South of Cyprus while at the same time committing to protect the heritage of the Greek Cypriots. In a letter to Mr. HASTINGS, the Turkish Cypriots expressed that “The Turkish side believes that the cultural heritage of a people

is its most important asset, its identity and a sense of community through time. With this understanding, we regard all the cultural heritage in North Cyprus, regardless of its origin, as part of the common heritage of both the Turkish Cypriot people and of humanity."

Thankfully, and as I've already stated, the Committee on Cultural Heritage has agreed to work to establish a mechanism that does just this. But why if H. Res. 1631, is the fair and balanced resolution its supporters claim it to be, is it silent in terms of commending all efforts to preserve the cultural heritage of both sides.

Madam Speaker, if we can redirect our misspent energies towards the real work of reshaping Cyprus into a Cyprus that respects human rights and the fundamental freedoms for all Cypriots; by bolstering the efforts of the Greek Cypriots and the Turkish Cypriots to work together in good faith for the future of all Cypriots; then the future will be bright for Cyprus.

However, if we as the United States Congress continue only to echo the shrill cries of the "blame Turkey" groups here in the United States, we will only help further delay the day that peace comes to Cyprus. I urge my colleagues to reject H. Res. 1632.

Mr. WHITFIELD. Madam Speaker, I rise today to voice my strong opposition to H. Res. 1631, a one-sided resolution that seeks to advance political interests under the guise of the protection of religious sites on the island of Cyprus. This resolution carries with it the potential to significantly damage relations between Turkish and Greek Cypriots at a time when reconciliation talks are at a critical stage. In fact, the United Nations special envoy for Cyprus expressed hope that, an agreement on the divided island could be brokered by the end of the year.

In 2009, Greek and Turkish Cypriot leaders took a tremendous step toward reconciliation with the formation of the Cultural Heritage Technical Committee, an organization tasked with the protection, preservation, and restoration of the rich cultural heritage of Cyprus. This committee has made enormous progress in identifying sites, located in both northern and southern Cyprus, which are suitable for restoration and protection. This committee has been one of the most successful vehicles yet created for fostering open dialogue and honest conversation between Greek and Turkish Cypriots on an issue of great importance to both communities. It would be unfortunate if actions by the U.S. Congress were to somehow unintentionally disrupt the progress that has been made so far to protect and restore precious artifacts and heritage sites.

While I commend my colleagues for their desire to protect the rich cultural heritage of Cyprus, the two parties in this conflict are already working to correct the wrongs of the past. This resolution puts their hard work in jeopardy, and I urge Congress to play a peacemaking role, rather than take sides in a dispute.

Ms. FOXX. Madam Speaker, I have serious concerns regarding H. Res. 1631 which was considered on the House Floor today.

While the resolution purports to raise awareness regarding the smuggling of Cypriot religious and cultural artifacts, it only addresses

cases related to Northern Cyprus and ignores the fact that it is a problem on both sides of the island, and should be addressed by both sides in addition to the international community.

H. Res. 1631 overlooks the destruction of over 100 mosques, shrines, mausoleums and other valuable Ottoman and other cultural treasures in the 103 towns and villages which the Turkish Cypriots were forced to abandon in the southern part of the island.

There is also no mention of the vast sums spent by Turkish Cypriots to restore 15 Orthodox Churches over the last three years—each of which has been completed.

In order to address this problem, Greek and Turkish Cypriot leaders established a Technical Committee on Cultural Heritage in May 2008 in conjunction with talks to settle the Cyprus issue. This Committee was given an important mandate for the protection of the rich cultural heritage of the island. It aims at preserving secular and religious cultural heritage monuments, which is an integral part of the ongoing process of improving relations between Turkish Cypriots and Greek Cypriots.

Had Greek Cypriots accepted the UN peace plan in the simultaneous referenda in April 2004, these issues would have been well on the way to being resolved, rather than discussed in third country legislatures.

Despite the rejection of the so called Annan Plan in 2004, direct negotiations between the two leaders on the island have continued in pursuit of a comprehensive solution to the conflict. As the party that has supported the UN peace plan along with the international community in 2004, the Turkish Cypriots continue to demonstrate their commitment to a comprehensive settlement based on the political equality of the two sides. Both sides need the support and encouragement of the United States and other members of the international community in order to bridge their differences and reach a mutually agreed upon settlement. The Congress should engage in activities that aim to bring the two sides together, not inflame passions. That is why I believe it was ill advised for the Congress to adopt this resolution.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to convey my opposition to H. Res. 1631, which passed by a voice vote on September 29, 2010.

Unfortunately, I was not able to come to the floor of the House to personally express my concerns that this resolution will be against the interest of the America's Foreign Policy. I have always been and will continue to be a strong advocate for religious freedom, and human rights around the world, but this resolution, while cloaked under the mask of religious freedom is actually a direct attack towards our NATO Ally, Turkey and the Turkish Cypriots.

The United States has supported the many efforts by international organizations who have long been engaged in the efforts to bring about a negotiated compromise to the dispute in Cyprus. Moreover, the current Greek and Turkish Cypriot Leaders are currently engaged in peace talks.

Instead of helping to solve the problem between Greece and Turkey, two NATO Allies, this resolution could harm those careful negotiations. This Congress should be supporting

the efforts to find a mutually agreed resolution between the parties instead of passing one-sided resolutions.

I urge this Congress to take actions to ensure that an accord is achieved that would lead to an independent government with both Greek and Turkish Cypriot governmental engagement, and I oppose H. Res. 1631 since it may harm the United States Foreign Policy in that region.

Mr. DELAHUNT. Madam Speaker, I am concerned that the voice vote passage of H. Res. 1631, on September, 28, 2010, "Calling for the protection of religious sites and artifacts from and in Turkish-occupied areas of northern Cyprus as well as for general respect for religious freedom," may be detrimental to efforts at reunification of Cyprus.

While the Cyprus dispute is between Greek Cypriots and Turkish Cypriots, it has commanded the attention of other countries for decades. In that time, negotiations over Cyprus have involved not only the Cypriot communities, but also Turkey, Greece, the United Kingdom, the United States, the United Nations, and the European Union. The impasse over Cyprus has had a number of implications, including the continuing stalemate on Turkey's accession to the European Union.

While sponsors of H. Res. 1631, spoke about religious tolerance, this legislation is clearly intended to target Turkey and Turkish Cypriots directly. No mention was made about the destruction of Turkish-Muslim cultural sites in the Republic of Cyprus, or the fact that both Greek and Turkish Cypriot communities have been working to tackle this problem together since 2008, under a Technical Committee established jointly by the leaders of the two communities.

Turkey, a friend of the United States and a NATO ally, has been supportive of the current discussions within the global community and between the two Cypriot leaders. The continuation of these efforts should be encouraged.

Passage of H. Res. 1631 at this time, could provoke a highly negative reaction and completely sidetrack the ongoing reunification process. Instead of a one-sided resolution, this House should commend and endorse the steps taken by both parties to resolve their longstanding dispute and settle their differences together.

Mr. SMITH of New Jersey. I yield back the balance of my time.

Mr. TANNER. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and agree to the resolution, H. Res. 1631.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING IMPLEMENTATION OF PEACE AGREEMENT IN SUDAN

Mr. TANNER. Madam Speaker, I move to suspend the rules and agree to

the resolution (H. Res. 1588) expressing the sense of the House of Representatives on the importance of the full implementation of the Comprehensive Peace Agreement to help ensure peace and stability in Sudan during and after mandated referenda, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1588

Whereas Sudan stands at a crossroads, in the final phase of what could be a historic transition from civil war to peace, and Sudan's full implementation of the Comprehensive Peace Agreement (CPA) in this next year will determine the future of this centrally important country in Africa and the stability of the region;

Whereas January 2010 marked the fifth anniversary of the signing of the CPA which ended more than 20 years of civil war between northern and southern Sudan, fueled by northern persecution of populations in the south, that resulted in the deaths of more than 2,000,000 people and the displacement of over 4,000,000 people in southern Sudan;

Whereas the CPA committed the northern-dominated National Congress Party (NCP) and the southern-dominated Sudan People's Liberation Movement/Army (SPLM/A), to assume joint governing responsibility during a six-year Interim Period ending in July 2011;

Whereas Sudan's April 2010 elections did not meet international standards due to widespread and continuing violations of political rights, irregularities in voter registration, significant logistical and procedural shortcomings, intimidation and violence in some localities, and the continuing conflict in Darfur which prevented full campaigning and voter participation;

Whereas the conflict in Darfur remains unresolved, with over 300,000 people killed and over 2,000,000 people still displaced in a highly unstable security situation perpetrated largely by the government in Khartoum;

Whereas since 1999, the United States Department of State has designated Sudan as a "country of particular concern" for its systematic, ongoing, and egregious violations of religious freedom or belief and related human rights, as recommended by the United States Commission on International Religious Freedom, and despite progress made via the CPA on religious freedom issues, there are still reports of abuses;

Whereas at the end of the CPA in January 2011, the agreement requires referenda on self-determination for southern Sudan and on whether Abyei will remain in the north or join the south;

Whereas following the Interim Period, popular consultations in Southern Kordofan State and Blue Nile State are to be held to determine the governance arrangements in those two states;

Whereas it is essential that the referenda and accompanying popular consultations are held on time, that they are free, fair, and credible, and that if the outcome of the southern Sudan referendum is independence, two stable and viable democratic states result;

Whereas the Government of Southern Sudan faces post-conflict reconstruction challenges including establishing democratic, responsive, and transparent governance, addressing human resources and capacity-building needs, strengthening and reforming the judiciary and security forces to

address communal and inter-ethnic violence, professionalizing the police and security forces, developing basic infrastructure, natural resources and the economy; providing basic services including water, education, health care and social services, and establishing cooperative and transparent wealth-sharing mechanisms;

Whereas in August 2009, the NCP and SPLM signed a bilateral agreement to address and implement many of the CPA's outstanding provisions, but since that time the NCP has consistently delayed and reneged on its CPA commitments, thereby increasing tension and distrust between northern and southern Sudan and endangering the CPA by infringing on the freedom of speech, assembly, and association of candidates, political party activists, and journalists during and after the election process, including censoring the media and arresting political party leaders;

Whereas the NCP continues to restrict and disrupt United Nations peacekeeping, humanitarian operations, and human rights organizations in Darfur;

Whereas the United States played a central role in negotiations that led to the CPA, is a guarantor of that peace agreement, and continues to play a leading role bilaterally and multilaterally to bring about a just and lasting peace in Sudan;

Whereas Secretary of State Hillary Rodham Clinton stated in October 2009 that "the Comprehensive Peace Agreement between the North and South will be a flashpoint for renewed conflict if not fully implemented through viable national elections, a referendum on self-determination for the South, resolution of the border disputes, and the willingness of the respective parties to live up to their agreements"; and

Whereas sustained pressure and engagement from the international community in support of the CPA, including the upcoming referenda, is essential to bring about sustainable peace in Sudan: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the United States Government should—

(1) work with appropriate Sudanese parties and responsible regional and international partners to—

(A) build consensus on the steps needed to implement the Comprehensive Peace Agreement (CPA), including the upcoming referenda, and promote stability throughout Sudan;

(B) correct serious and systemic problems in the election process to ensure that they do not reoccur during the referenda campaign and voting processes, including irregularities in voter registration, logistical and procedural challenges, poor voter education, human rights infringements, intimidation, and violence; and

(C) ensure that the National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM) implement procedures whereby the referenda occur as scheduled, including appointing competent and credible members to all referenda commissions and providing technical assistance to and funding for the commissions;

(2) work with the United Nations Mission in Sudan (UNMIS) to ensure security during and after the referenda campaign and voting processes, which will require a robust monitoring and protection presence in areas prone to conflict;

(3) take concrete steps through the contribution of targeted resources and technical expertise to—

(A) ensure international monitoring and observation of registration and polling to guarantee a secure environment for individual registration and voting, and to prevent voter intimidation or fraud occurring during these critical phases of the referenda;

(B) ensure that the Government of National Unity (GNU), as required by the CPA, provides adequate funding at predetermined levels and timelines for the registration and polling periods, given the need to ensure that those who register are able to access polling stations on voting day;

(C) ensure that responsible nations commit adequate resources and technical expertise to support the referenda and voter education programs in southern Sudan, Abyei, and other areas where people will vote in the referenda to promote understanding of the nature, importance of participation, consequences of the referenda process; and

(D) support the popular consultation processes in Southern Kordofan State and Blue Nile State, including through provision of technical assistance and support for public education;

(4) work with appropriate Sudanese parties and responsible regional and international partners to ensure—

(A) the right of return of Sudanese refugees and displaced persons, including Darfuris and southerners, by providing assistance and safe passage to all such persons; and

(B) that the citizenship rights of southerners in the north and northerners in the south are respected in accordance with international standards should the south vote for independence;

(5) work with responsible regional and international partners to ensure a stable north-south border and a permanent peace in Sudan, utilizing policy options if parties fail to honor the CPA, especially as it relates to border demarcation pre-referenda;

(6) continue to utilize diplomats and experts and sustain engagement to support the African Union and United Nations-led negotiations over the post-referendum issues, including working with responsible regional and international partners to assist in making necessary arrangements for a post-2011 peaceful transition, with specific focus on oil and revenue sharing, citizenship, return of refugees and displaced persons, security arrangements along the border, and protection of the rights of minorities, particularly the religious and ethnic minorities historically marginalized;

(7) utilize diplomats and experts to revitalize the Darfur Peace Process and press the NCP, northern political parties, armed groups, and civil society representatives to address human rights abuses (including gender-based violence) and the ongoing atrocities and displacement in Darfur;

(8) undertake renewed efforts to define and implement the Administration's stated Sudan policy of October 2009, including by publicly articulating the benchmarks and related incentives and pressures used by the Administration to gauge progress or backsliding on key provisions of the CPA, including the holding of a free and fair referendum in southern Sudan;

(9) hold the NCP accountable for its actions given the NCP's human rights violations and efforts to impede CPA implementation since the announcement of the United States Sudan policy, and the need for the United States to both balance incentives with pressures, by—

(A) identifying NCP government agencies and officials responsible for particularly severe human rights and religious freedom violations as required under section 402b(2) of the International Religious Freedom Act of 1998 (IRFA), and prohibit those individuals identified under section 402b(2) of IRFA from entry into the United States;

(B) encouraging multilateral asset freezes on NCP government agencies and travel bans on officials responsible for particularly severe human rights and religious freedom violations;

(C) continuing to encourage greater multilateral enforcement of the arms embargo set out in the 2004 United Nations Security Council Resolution 1556 and strengthened in the 2005 United Nations Security Council Resolution 1591;

(D) continuing to encourage multilateral support for efforts to hold accountable Omar al-Bashir and other Sudanese officials accused of genocide, war crimes, or crimes against humanity, recognizing that justice is essential for there to be lasting peace; and

(E) vigorously advocating on behalf of any credible humanitarian organizations that come under pressure from Khartoum or are at any point expelled from the country, thereby compromising their ability to provide vital services;

(10) support the Government of Southern Sudan, including through the provision of technical assistance and expertise, in developing its economy, rule of law, and social service and educational infrastructures, improving democratic accountability and human rights, and strengthening reconciliation efforts; and

(11) unequivocally stand, during this period of preparation and possible transition, with those people of Sudan who share aspirations for a peaceful, prosperous and democratic future.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. TANNER) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. TANNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. TANNER. Madam Speaker, I yield myself such time as I may consume.

I want to thank Mr. CAPUANO and Members of the House Sudan Caucus for introducing this resolution to remind us of the important work that needs to be done to implement the final stages of the Comprehensive Peace Agreement between the National Congress Party and the Southern Sudanese Liberation Movement in Sudan.

The CPA requires referenda in January 2011 to determine whether South Sudan will become an independent country and whether Abyei (AH-BEE-AY) region will be a part of the North or South.

The Obama Administration has worked tirelessly to help the Sudanese people prepare

for the referenda and the hard policy choices that must come after.

This resolution puts the Congress on record encouraging the President to continue a robust engagement in the CPA process and make sure the National Congress Party and the Sudanese Peoples' Liberation Movement fulfill the obligations of the agreement.

I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I am pleased to rise in support of H. Res. 1588, of which I am the original cosponsor.

Madam Speaker, we are all too familiar with the famous quote by the American philosopher George Santayana, who said, "Those who cannot remember the past are condemned to repeat it." The truth of this saying is tragically realized in the case of war and genocide.

General Romeo Dallaire, the commander of the former United Nations mission in Rwanda, tried unsuccessfully in 1994 to warn the United Nations that huge massacres were imminent in that country. Even he miscalculated the magnitude of the threat. Within a few months, Rwanda was engulfed in genocide, leading to the deaths of nearly 800,000 people.

Larry Eagleburger, a former ambassador to Yugoslavia who served as Deputy Secretary of State and then Secretary of State, never suspected that the hostilities in the Republic of Bosnia and Herzegovina would escalate to the slaughter of more than 8,000 people that took place in Srebrenica in 1995.

Sadly, we have too many indications about what could happen if the two referenda scheduled to take place in Sudan in January do not take place fairly and peacefully. The 20-year war between the north and the south of Sudan that ended in 1995 took the lives of over 2 million people and displaced a further 4 million.

□ 1610

Peace in Darfur is inextricably linked to peace throughout the rest of Sudan. And the genocide there in 2003 unleashed the slaughter of over 300,000 women, men, and children. Almost 3 million have been displaced and are still consigned to the misery of camps for internally displaced persons.

Like many of my colleagues, I have visited Sudan. I have been to Mukjar and Kalma camp, and I have actually had a face-to-face meeting with General Bashir, the dictator in Khartoum, pushing for peace, pushing for an end to this slaughter. Unfortunately, he was obsessed only with trying to convince me that the sanctions against his government needed to be lifted. The fact that the sanctions were based on the senseless killing and displacement sponsored by his government was dismissed by him as of no consequence.

This signing of the Comprehensive Peace Agreement between the Government of Sudan and the Sudan People's

Liberation Movement in 2005 marked a potential turning point for the Sudanese people. It calls for elections leading to a referendum in January of 2011 to determine whether the south will remain united to the north or secede as an independent state. The region of Abyei is also to hold a referendum to determine whether it will remain in the north or possibly secede with the south should the south choose that course. Specific conditions were to be met in anticipation of these major events, to ensure that they would be conducted credibly and peacefully.

Madam Speaker, these interim 5 years have yielded signs of hope that the country could settle into a stable, lasting peace. The United States has devoted substantial resources, nearly \$9 billion in humanitarian, development, and peacekeeping assistance since 1994 to support the CPA's implementation. But numerous incidents have also exposed the extreme lack of trustworthiness of the Khartoum government and the urgent need for the government of southern Sudan to increase its capacity and accountability.

The Subcommittee on Africa and Global Health, on which I serve as ranking member, and the Tom Lantos Human Rights Commission have held several hearings over the last 14 months. The testimony we have heard at those hearings sounded a major alarm about the ominous storm clouds gathering over Sudan. In fact, the issues raised at the two hearings in July of 2009 and the proposed solutions to those issues were so compelling that I and several other Members forwarded the expert testimony to Secretary of State Hillary Clinton and Scott Graton, our Special Envoy, asking them to take this incredibly compelling information into account as the administration engaged in peace efforts in Sudan.

Unfortunately, the administration took little or no account of that advice. Furthermore, it seemed to ignore its own strategy that was publicized in October of last year. Key members of the National Security Council deputies committee, which was supposed to meet quarterly, met only once in January with no noticeable outcome. The administration claimed it was taking the advice of numerous experts to establish specific benchmarks to be met by the respective parties according to a set time frame. The achievement of those benchmarks, created to ensure the timely implementation of the CPA, would be tied to incentives and disincentives to motivate their achievement. There is no evidence that these benchmarks were ever created, much less enforced with discernible consequences.

Madam Speaker, the President and the State Department have taken some

action during the past few weeks, apparently recognizing that the time remaining until the North-South referendum is extremely short. One most hope that the adage “better late than never” will apply in this case. The challenges to be addressed in the next few weeks, particularly the demarcation of the North-South border and the post-referendum agreement on wealth sharing and citizenship can be met if the United States plays a leadership role in gathering the influence and cooperation of the African Union and other international players. Herculean measures must also be undertaken to ensure that the January 9 referendum is conducted in a manner that ensures the credibility of the outcome as well as the peaceful acceptance of that outcome by the parties.

With H. Res. 1588, I join my colleagues in pressing upon the administration the urgent need to assist the Sudanese people in their long-sought-after quest for peace. The effort will be great, but the price of another even more catastrophic war would be even greater. No one, particularly the Sudanese people, can afford to pay that price.

Madam Speaker, I reserve the balance of my time.

Mr. TANNER. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Madam Speaker, I am here to support this resolution. Very clearly, this resolution is simply intended to encourage the Government of the United States and other governments around world to continue pressing to make sure that the resolution that is on the ballot January 9 of next year for the people of south Sudan to decide for themselves whether they want to make their own country or be part of the Government of Sudan. That is all we want. It is an agreement that was made in 2005 by warring parties.

I want to be clear. Before I got elected to Congress 12 years ago, I might have known where Sudan was, not sure. I would not have known where Darfur was. I would not have known that there was a problem in south Sudan. This is not a problem that I have been studying for a while. It is a problem that started to come to my attention after 9/11 when I realized, like many Americans, you trace back who is this bin Laden guy, where is he from. He spent years in Sudan training, recruiting, preparing for attacks like 9/11. That was just the beginning of it.

South Sudan decided that it wanted some freedom. They had a revolution of their own. Hundreds of thousands of people were killed. Millions were displaced. That same government in Khartoum also, soon thereafter, started a genocide on their own people in Darfur.

All we are asking, in a very difficult situation, with multi-facets that are

beyond comprehension, to simply have the United States Government continue what they are doing. The President of the United States went to New York City last week to meet on Sudan at the U.N. The United States has a Special Envoy there. We are paying special attention.

And by the way, it is not just because I have a bleeding heart for people who have been massacred. It is not just that people should have their own right of self-determination. It is also because this particular country, this particular section of the country is in a critically important region in Africa.

I think most everybody in this country have now heard of the Pilots of Somalia. That is right next door. Eritrea, right next door, Ethiopia, right next door. All around them is instability, danger and potential violence that could draw in the entire region. That is what this peace agreement is all about. That is why I am here, for January 9 of next year, to encourage the world to pay attention to this for their own sake, if not for the sake of the people in Sudan and south Sudan.

Mr. PAYNE. Madam Speaker, I rise today in support of Res. 1588, which calls attention to the upcoming referendum in Sudan and the need to ensure full implementation of that country's Comprehensive Peace Agreement, CPA. I want to commend my fellow co-chairs of the Sudan Caucus, Mr. CAPUANO, Mr. WOLF, and Mr. MCCAUL, for their bipartisan leadership on this issue. Mr. CAPUANO, our Republican co-chairs, and I have worked hard to bring this resolution to the floor because time is short. I support this resolution and say we must sound the alarm for what is going on in Sudan. The people of Sudan deserve our support for timely, free and fair referendum on the independence of Southern Sudan and Abyei. The National Congress Party, headed by President Omar el Bashir, must not be allowed to derail the referendum.

The referendum are part of the peace dividend promised to the people of South Sudan and Abyei following the 21-year war civil war between North and South Sudan. During the war, which claimed the lives of 2 million Southerners and displaced 4 million, the Bashir regime used aerial bombings against innocent, defenseless children, women, men, elderly, and disabled. Indeed, the war nearly destroyed an entire region—South Sudan, but it could not destroy the spirit of its people.

On January 9, 2005 members of the U.S. Government, including myself, witnessed the signing of the Comprehensive Peace Agreement, CPA, which ended the war and outlined the path to secure lasting peace in Sudan. The signing of the agreement launched a 6-year Interim Period during which Khartoum would have the opportunity to show the people of the South that it was capable of change. At the end of the 6 year period—on January 9, 2011—the CPA promised an opportunity for the people of the South to determine whether the regime in Khartoum had changed enough that they want to remain a part of Sudan or whether they want to secede. The people in the marginal area of Abyei—the region that

holds in its soil Sudan's oil wealth—would decide if they would retain their special administrative status in the North or to become part of the South.

Today, with less than four months until the referendum, Sudan is dismally behind on implementing the CPA. Bashir's regime has refused to cooperate on key measures that must be put in place. Khartoum has repeatedly played games, stalled, held up, and obstructed so many critical steps in the fulfillment of the CPA that as of today, it is unclear whether the referendum in January can actually be held freely and fairly. Sudan also faces a number of challenges as it struggles to emerge as a democracy from decades of civil war. The conflict and violence in Darfur still rage even as the international community hopes for peace.

Indeed, Sudan could erupt into conflict once again if the referendum are not held freely and fairly. We support House Resolution 1588 to call on the Administration and the international community to fully employ all of our diplomatic tools, as well as significant international technical assistance, to ensure that the referendum are timely, free, peaceful, and fair to the people of Sudan. The consequences of failed referendum are too great.

The United States has served as a guarantor of the CPA, helping to negotiate the agreement and facilitate its implementation by both signatories—the National Congress Party, NCP, and Sudan People's Liberation Movement/Army, SPLM/A. We have invested considerable time and resources in helping the people of Sudan, and we must ensure that this level of commitment is maintained through this critical time and beyond. Now is the time to refocus attention on Sudan.

H. Res. 1588 sends a clear message to Khartoum that a dismissal of the CPA will not be tolerated. I urge my colleagues to vote in favor of this bipartisan resolution.

Mr. MCCAUL. Madam Speaker, I rise today in support of H. Res. 1588, concerning the implementation of the Comprehensive Peace Agreement in Sudan during and after the upcoming referendum. We are now less than 100 days away from one of the most crucial dates in Sudan's recent history. On January 9th, the Comprehensive Peace Agreement will expire and the citizens of Sudan will have the opportunity to vote both on the referendum on self-determination for Southern Sudan and the referendum on whether Abyei will remain in the north or join the south. This resolution highlights the importance of these votes and the many challenges currently facing Sudan, from continued violence in Darfur to questions about resource allocation.

We are concerned about the repeated lack of attention and focus placed on Sudan in the months leading up to the referendum. The Administration must engage further with the local groups and governments to ensure these votes are fair and free and that all citizens have the ability to determine their future. Many issues including borders, oil and revenue sharing, and right of return for refugees still need to be discussed in advance of the votes and resolved in a manner that satisfies the concerns of all of the groups involved. Even as the Comprehensive Peace Agreement expires, we must work to facilitate continued dialogue on these important issues.

This is a critical time for the future of Sudan, and we must not put ourselves in a position where we look back in January and regret not taking action sooner. No matter the outcome of the referenda, we need to encourage the people of Sudan to continue to take positive steps towards a peaceful future. This resolution lays out our specific recommendations for how the Administration can encourage this outcome, and I hope you all will support it.

Mr. SMITH of New Jersey. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TANNER. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and agree to the resolution, H. Res. 1588, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

HONORING AID WORKERS KILLED IN AFGHANISTAN

Mr. TANNER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1661) honoring the lives of the brave and selfless humanitarian aid workers, doctors, and nurses who died in the tragic attack of August 5, 2010, in northern Afghanistan.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1661

Whereas 10 unarmed civilians were brutally killed in Badakhshan province, Afghanistan, on August 5, 2010;

Whereas those killed were humanitarian aid workers, operating a mobile health clinic for people with little access to medical care;

Whereas the humanitarian assistance team included a surgeon, an optometrist, a dentist, a nurse, a photographer, translators, a cook, and a guard;

Whereas among the murdered humanitarian aid workers were 6 United States citizens, including Cheryl Beckett, Brian Carderelli, Thomas Grams, Glen Lapp, Tom Little, and Dan Terry;

Whereas Cheryl Beckett, who grew up near Cincinnati, Ohio, had spent 6 years in Afghanistan, helping mothers to provide adequate nutrition for themselves and their children, and organizing relief efforts for more than 200 Afghan families struggling to survive the winter without heat or electricity;

Whereas Brian Carderelli, a recent graduate of James Madison University in Harrisonburg, Virginia, joined the medical team as a photographer and videographer, documenting the Afghan communities to which the team provided assistance and the successes they together achieved;

Whereas Dr. Thomas Grams, a dentist from Durango, Colorado, gave up his practice 4

years ago to devote his life to providing free dental care to those in need, especially children throughout Asia and Latin American, with a focus on Nepal and Afghanistan;

Whereas Glen Lapp, a nurse from Lancaster, Pennsylvania, came to Afghanistan in 2008 in order to serve as manager of a much-needed provincial eye care program in Afghanistan;

Whereas the humanitarian assistance team was led by Tom Little, an optometrist from New York, who raised 3 daughters while living in Afghanistan and was deeply dedicated to serving the health needs of Afghans, particularly those in remote areas without access to medical care;

Whereas Dan Terry, originally from Sequim, Washington, was fluent in multiple languages and had lived in Afghanistan since 1971, working tirelessly on behalf of the country's most impoverished and marginalized populations and helping international humanitarian aid workers to understand and respect the local culture;

Whereas the organization that sponsored these humanitarian aid workers was a signatory to the "Principles of Conduct for the International Red Cross and Red Crescent for NGOs and Disaster Response Programmes", which states that "aid will not be used to further a particular political or religious standpoint";

Whereas international humanitarian aid workers have played a vital role in saving lives and meeting basic human needs in Afghanistan over the last 3 decades;

Whereas violent extremists have committed many ruthless and brutal attacks against the people of Afghanistan, starting in the 1990s with public executions in soccer stadiums, attacks against girls attending school, and many other terrible measures;

Whereas these violent extremists have directed wanton acts of cruelty against Afghanistan's poorest and most vulnerable populations, as well as against humanitarian aid workers; and

Whereas these senseless killings will have a tragic impact for decades to come, both on the families of the victims and on the people of Afghanistan: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the lives of the brave and selfless humanitarian aid workers, doctors, and nurses who died in the tragic attack of August 5, 2010, in northern Afghanistan;

(2) extends its deepest condolences to the families of the victims;

(3) strongly condemns those who committed these brutal murders;

(4) urges the Afghan authorities to do their utmost to bring the perpetrators of this heinous act to justice;

(5) encourages all parties to respect the neutral status of humanitarian aid workers; and

(6) commends international humanitarian aid workers for their courageous efforts to save lives and alleviate suffering by providing important services to the Afghan people.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. TANNER) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. TANNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise

and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. TANNER. I yield myself such time as I may consume.

Madam Speaker, on August 5, 2010, 10 unarmed humanitarian aid workers affiliated with the International Assistance Mission, a nongovernmental organization operating a mobile health clinic for Afghans with little access to medical care, were brutally killed in Badakhshan province, Afghanistan.

There were six Americans among the murdered aid workers. These brave and selfless individuals, Cheryl Beckett, Brian Carderelli, Thomas Grams, Glen Lapp, Tom Little and Dan Terry, dedicated their lives to serving the people of Afghanistan.

Despite the grave danger that many humanitarian aid workers face, including from the Taliban, aid workers continue to operate in Afghanistan on behalf of the country's most impoverished and marginalized populations.

We urge all parties involved in the conflict in Afghanistan to respect the neutral status of humanitarian aid workers and urge the Afghan authorities to do their utmost to bring the perpetrators of this heinous act to justice.

The resolution before us today honors the sacrifice and the service of the brave and caring aid workers, doctors, and nurses who died in the tragic attack, and extends our condolences to the families of the victims.

I reserve the balance of my time.

□ 1620

Mr. SMITH of New Jersey. I yield such time as he may consume to the author of the resolution, the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. I want to first thank the chairman of the committee, Mr. BERMAN, and Ranking Member ROS-LEHTINEN for moving this resolution so promptly.

It is a privilege for me to sponsor this resolution. The six Americans had their lives brutally taken from them as they served the people of Afghanistan, and they deserve our deepest respect.

From my district, in Lancaster, Pennsylvania, Glen Lapp came to Afghanistan in 2008, leaving his life in Pennsylvania behind in order to serve as the manager of a much-needed provincial eye care program in Afghanistan. Glen wrote that his hope was to treat the Afghan people with respect and with love as he served them throughout their country.

The others who were killed were just as dedicated to providing humanitarian aid to the Afghans in remote areas.

Aid workers have played a vital role in serving the Afghan public over the last three decades, due to the country's instability. While many aid workers in the past were given safe passage in conflict areas, sadly, in recent months, attacks against them have escalated. The

perpetrators are breaking longstanding customs and have resorted to targeting the very people who are trying to supply the people of Afghanistan with the resources necessary to meet their most basic needs.

It is obvious that those who killed these aid workers oppose economic and social progress in Afghanistan, including access to medical care, education, and shelter. These perpetrators must be brought to justice. These terrorists who killed these six Americans and four others are no different from the terrorists who throw acid in girls' faces when they try to go to school. They are the same terrorists who use children as human shields against American troops.

Do we understand that these senseless killings are another terrible reminder of the brutality of the Taliban and al Qaeda foreign fighters? Do we understand that these murderers must be brought to justice no matter where they originated, either in Afghanistan or Pakistan?

The people of Afghanistan suffer every day from the cruelty of the Taliban. Along with the families who lost loved ones, the Afghans suffer from the loss of these dedicated and courageous aid workers. As a result of this brutal attack, critical medical care will no longer be available to many of the Afghans who were served by these humanitarian workers. We in the United States need to understand that, and we need to call for justice. The Afghan authorities must conduct an investigation and find these murderers, no matter where they might be hiding or receiving sanctuary.

From various reports, there are strong indications that the attackers were not local and some were speaking non-Afghan languages. Given the location of the attack, the proximity to Taliban strongholds in Nuristan, a province that borders volatile areas of Pakistan, and given the cross-border nature of the Afghan insurgency, I strongly urge the Government of Pakistan to do its utmost to cooperate in rooting out extremism on its soil, in particular, the safe havens that exist on the Pakistani side that have been the source of many acts of violence in both Afghanistan and Pakistan.

The safe havens for the Taliban, the al Qaeda, and the Haqqani network must be eradicated.

This attack has been called by some the worst attack on humanitarian aid workers in three decades of conflict in Afghanistan. Justice must be served so that it never happens again.

To this end, I hope the U.S. Government is seeking to enhance and dedicate greater resources to establishing law and order and strengthening Afghan institutions to better protect the Afghan people and their partners.

In closing, today we honor the brave and selfless humanitarian aid workers,

doctors, nurses who died on August 5. Their efforts to bring healing and care to the Afghans were noble and good.

My thoughts and prayers are with the families of these heroes and quiet leaders, as well as with the Afghan people who have suffered so many decades of conflict and loss.

Mr. TANNER. I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself 2 minutes.

First, I want to thank Mr. PITTS for offering this important resolution to remember the aid workers who died in Afghanistan. These aid workers were killed because of their humanitarian efforts, because they were trying to provide the Afghan people with important services so they could live in freedom, opportunity, and prosperity.

For undertaking these noble efforts, the aid workers lost their lives at the hands of murderous extremists who seek an Afghanistan in the dark ages, an Afghanistan where people are debilitated by poverty and illiteracy, where democratic elections are unthinkable, where women and girls are murdered simply for trying to go to school, where freedom is a forbidden idea. Such an Afghanistan would again be a safe haven for violent extremist groups like the Taliban and al Qaeda who seek to destroy our Nation and our allies and to plunge civilization itself into darkness. So, Madam Speaker, we continue to strive to prevent such a threatening scenario from becoming a dangerous reality.

In that respect, we owe a great deal of gratitude to the many Americans who have done their part and sacrificed so very much, particularly our men and women in uniform, to build a safe, secure, and free Afghanistan. And we owe gratitude to the courageous humanitarian aid workers who risk their lives as well to save lives and to alleviate the suffering of the Afghan people.

In particular, we owe our thanks to the American aid workers who gave their lives almost 2 months ago—Cheryl Beckett; Brian Carderelli; Thomas Grams; Glen Lapp, who was Congressman PITTS' constituent and friend; Tom Little; and Dan Terry. We mourn their loss, and we send our condolences to their families.

Mr. SALAZAR. Madam Speaker, I rise today in support of H. Res. 1661, to honor the lives of the brave and selfless humanitarian aid workers, doctors, and nurses who died in the tragic attack of August 5, 2010, in northern Afghanistan, one of whom was my constituent, Dr. Thomas Grams.

Dr. Grams practiced dentistry in Durango, Colorado, for many years.

Several years ago, he retired from private practice so that he could dedicate his life fulltime to the assistance of residents in developing countries.

Dr. Grams took countless trips to India, Nepal, and Afghanistan to provide care for the indigent residents of these countries.

The focus of Dr. Grams' life was to provide service to others and his mission was to provide access to dental and health care in some of the most remote corners of the world.

Dr. Grams represented Western Colorado and his entire nation with honor.

He exemplified what is best in our country, a strong sense of compassion paired with the will and ability to help those in need.

Dr. Grams' passion for service will be sincerely missed in both Durango and around the world by those he helped.

Our Nation and our world have lost a strong voice for compassion and healing.

In honor of Dr. Grams' legacy, as well as those who were lost with him, I urge my colleagues to support H. Res. 1661.

Mr. GOODLATTE. Madam Speaker, I rise today to honor the 10 courageous men and women whose lives were brutally cut short in Nuristan Province, Afghanistan, on August 5th, 2010. These individuals devoted their lives to helping others, and unfortunately, paid the ultimate price.

In particular, I would like to recognize and honor Brian Carderelli, a constituent of mine from Harrisonburg, Virginia. Mr. Carderelli was a recent graduate from James Madison University and was working to chronicle the work of the aid workers by recording them in photographs and video. Unlike many new college graduates, Mr. Carderelli chose to pursue a career in a challenging foreign environment, where his dedication to improving the lives of others took priority. His work with the International Assistance Mission and the International School of Kabul are a testament to that dedication.

Though the work of Mr. Carderelli and the International Assistance Mission team was certainly valued by those they helped, unfortunately not everyone appreciated their efforts. For several years, the Taliban ruled Afghanistan with brutality and terror. Intolerance for other religions and ignorance of human rights was standard. While the situation for the citizens of Afghanistan has improved since the rule of the Taliban, their presence has not been eliminated, and their brutal tactics persist.

The work of Brian Carderelli and his nine fellow workers is the work that will ultimately erode support for the Taliban and end that chapter in the country's history for good. Their efforts were selfless and humble, and are an inspiration to us all. These dedicated individuals will be missed, but the untold impact that each one of them had on the lives that they touched will certainly not be forgotten.

Mr. SMITH of New Jersey. I yield back the balance of my time.

Mr. TANNER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and agree to the resolution, H. Res. 1661.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING SUPPORT FOR TRAPPED CHILEAN MINERS

Mr. TANNER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1662) expressing support for the 33 trapped Chilean miners following the Copiapo mining disaster and the Government of Chile as it works to rescue the miners and reunite them with their families.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1662

Whereas, on August, 5, 2010, the San José copper-gold mine in Copiapo, Chile, collapsed, leaving 33 miners trapped underground;

Whereas Chilean President Sebastián Piñera has made it a national priority to rescue the stranded miners and reunite them with their families;

Whereas the Chilean Ministry of Minerals and Ministry of Health are working tirelessly to rescue the 33 miners and make the necessary preparations to ease them back into society after they are rescued;

Whereas the United States continues to assist in the rescue effort, through the efforts of the National Aeronautics and Space Administration, private United States companies, and others who shared expertise on rescue missions and the psychological impact of isolation; and

Whereas, on September 17, 2010, a rescue drill completed a bore hole ahead of schedule raising hopes that the miners may be pulled out earlier than the previous forecasts for early November: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the bravery of the 33 miners trapped in the San José mine in Copiapo, Chile;

(2) expresses solidarity with the stranded miners and their families;

(3) commends the efforts of President Sebastián Piñera and the Government of Chile in their tireless rescue efforts;

(4) commends the efforts by United States Federal agencies and private individuals and entities in responding directly and promptly to Chile's request for advice and expertise to assist in this humanitarian endeavor; and

(5) expresses continued support for the successful rescue, recovery, and reintegration of the 33 miners into Chilean society.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. TANNER) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. TANNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. TANNER. Madam Speaker, I yield myself such time as I may consume.

On August 5, 2010, the San Jose copper-gold mine in Copiapo, Chile collapsed, leaving 33 miners trapped 2,300 feet underground. As of today, they have been there for 55 days.

The Chilean President has made the rescue of these stranded miners a national priority. This resolution addresses that deplorable event.

While initial estimates suggested that a complete rescue will take as long as 4 months, recent developments give hope that relief could come for the miners and their families much sooner.

Chilean officials are working tirelessly to rescue the 33 miners, and are making the necessary preparations to ease them back into society post-rescue. In this context, NASA has provided its unique expertise on rescue missions and the psychological impact of isolation. Private U.S. companies such as UPS have also contributed.

Madam Speaker, this resolution expresses solidarity with the stranded miners and their families, and I urge my colleagues to support it.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

I want to commend Congressman MACK, the ranking member of the Western Hemisphere Committee, for offering this resolution.

H. Res. 1662 commends the bravery of the 33 trapped miners in Chile who have endured nearly 2 months of unimaginable mental and physical strain following the August 5 collapse of the San Jose copper-gold mine which trapped them one-half mile below ground.

It was believed that these men did not survive the original collapse, but 17 days after the disaster the miners were miraculously discovered to be alive and in fair condition. Quick-thinking and decisive action led the men to take refuge in a shelter where they have been surviving for the last 7 weeks.

The Chilean Government has been working tirelessly to secure the safety of the miners as quickly as possible and to secure their release. In addition, scientists and doctors from NASA, as well as private U.S. engineers and companies, have been instrumental throughout the rescue process and continue to aid in the drilling efforts.

Various supply holes have reached the group to provide them with food, water, health supplies, air, and games to keep the 33 individuals safe and stable.

I rise today in support of House Resolution 1662, which commends the bravery of the 33 trapped miners in Chile who have endured nearly 2 months of unimaginable mental and physical strain following the August 5th collapse of the San José copper-gold mine which trapped them half a mile below ground.

It was believed that the men did not survive the original collapse, but 17 days after the disaster the miners were miraculously discovered to be alive and in fair condition.

Quick thinking and decisive action led the men to take refuge in a shelter where they have been surviving for the last seven weeks.

The Chilean government has been working tirelessly to secure the safety of the miners as quickly as possible.

In addition, scientists and doctors from the National Aeronautics and Space Administration, NASA, as well as private U.S. engineers and companies, have been instrumental throughout the rescue process and continue to aid in the drilling efforts.

Various supply holes have reached the group to provide them with food, water, health supplies, air, and games to keep the 33 individuals safe and stable.

Because of the exhausting emotional and physical impact of the situation, psychologists have made it a priority to keep them occupied, and believe it is an integral part of the rescue, and reintegration process when they are finally pulled out.

Happily, recent advancements in the drilling efforts have improved rescue forecasts originally set for November.

I would like to commend President Piñera and the Chilean government for their tireless rescue efforts and again recognize the invaluable contributions of the U.S. agencies and private entities that have been a part of this humanitarian endeavor.

I also would like to extend my heartfelt sentiments to the trapped miners and their families.

Please know that we have you in our hearts and prayers.

Mr. ENGEL. Madam Speaker, I rise in support of H. Res. 1662, which expresses solidarity with the 33 trapped miners in Chile, whose story we've all been following in the news. Imagine: If we sit riveted to the tireless efforts of the rescue teams, what it must be like in Chile in "Camp Hope" where the families of the stranded miners hold vigil every day. Hope—Esperanza in Spanish—is a powerful force. In fact, the wife of one of the miners has given birth in the days since the collapse. The daughter's name: Esperanza.

Just last week, I met with the Chilean Defense Minister in my office. We spoke of miracles. For 17 days after the mine's collapse, not a shred of evidence existed that the men below were alive. Their families didn't know whether to grieve or to hope. Yet, on August 22, a miracle occurred. Discovering the miners were alive provided an entire country with hope and inspiration. And after a method was engineered to communicate with the trapped miners, my friend, President Sebastian Piñera, broadcast a message to the world from the miners: "We are 33. We are fine."

As we speak, engineers and other experts are leading three simultaneous efforts to rescue the miners. They involve sophisticated heavy machinery and precision drilling equipment, and every inch they descend into the mine must be undertaken with care. The miners are in a precarious situation. But the sense of optimism I observe in Chile is uplifting. The men have created a livable environment down there. They exercise, they pray, they play dominos. They are surviving—but they need the support of their families, their country, and people around the world.

Their rescue is imminent. I am proud that our government has stepped up to help in this difficult, but worthy endeavor. This is not an example of gaining political points or helping a

political ally. This is our government doing what it does best: lending humanitarian support. A handful of medical experts from the National Aeronautics and Space Administration—NASA—are in Chile now. They are providing psychological expertise on the effects of isolation. They will be there when the miners emerge from their temporary homes and will assist in their reintegration. I commend their efforts.

I urge my fellow lawmakers to join me in voting in favor of this resolution, so that these 33 brave souls—whether they rise to the Earth's surface in one week or one month in a metal contraption aptly called "The Phoenix"—their families, and those who collaborated in their rescue know that here in the United States this chamber has taken the time to reflect on the plight of these heroes and express solidarity with them.

Mr. SMITH of New Jersey. I yield back the balance of my time.

Mr. TANNER. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and agree to the resolution, H. Res. 1662.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1630

SUPPORTING INAUGURAL USA SCIENCE AND ENGINEERING FESTIVAL

Mr. GORDON of Tennessee. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1660) expressing support for the goals and ideals of the inaugural USA Science and Engineering Festival in Washington, D.C., and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1660

Whereas Science, Technology, Engineering, and Mathematics (STEM) education is an essential element of America's future competitiveness in the world;

Whereas advances in technology have resulted in significant improvement in the daily lives of Americans;

Whereas the global economy of the future will require a workforce which is educated in science and engineering specialties;

Whereas a new generation of Americans educated in STEM is crucial to ensure continued economic growth;

Whereas scientific discoveries are critical to curing diseases, solving global challenges, and expanding our understanding of our world;

Whereas it is the sense of the House of Representatives that invigorating the interest of the next generation of Americans in STEM education is necessary to maintain America's global competitiveness;

Whereas nations around the world have held science festivals which have brought together hundreds of thousands of visitors celebrating science;

Whereas the inaugural 2009 San Diego Science & Engineering Festival attracted more than 500,000 participants and inspired a national effort to promote science and engineering;

Whereas thousands of universities, museums and science centers, STEM professional societies, educational societies, government agencies and laboratories, community organizations, K-12 schools, volunteers, corporate and private sponsors, and nonprofit organizations, have come together to produce the USA Science & Engineering Festival on a nationwide scale in Washington, D.C. in October, 2010;

Whereas the USA Science & Engineering Festival will highlight the important contribution of science and engineering to American competitiveness through exhibits on such topics as human spaceflight, satellites, weather forecasting, and telescopes; and

Whereas the House of Representatives believes scientific research is essential to American competitiveness and events like the USA Science & Engineering Festival promote the importance of scientific research and development to the future of America : Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its support for the goals and ideals of the inaugural USA Science & Engineering Festival to promote science scholarship and an interest in scientific research and development as the cornerstones of innovation and competition in America;

(2) supports festivals such as the USA Science & Engineering Festival which focus on the importance of science and engineering to our every day lives through exhibits in such topics as human spaceflight, weather forecasting, satellite technology, and telescopes;

(3) congratulates all the individuals and organizations whose efforts will make the USA Science & Engineering Festival highlighting American accomplishments in science and engineering possible; and

(4) encourages families and their children to participate in the activities and exhibits which will occur on the National Mall and across America as satellite events to the USA Science & Engineering Festival.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. GORDON of Tennessee. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 1660, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORDON of Tennessee. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of House Resolution

1660, a resolution supporting the goals and ideals of the inaugural USA Science and Engineering Festival. I want to congratulate the gentleman from California (Mr. BILBRAY) for introducing this resolution.

A number of much-publicized studies have shown that the mathematics and science achievement of American students is poor by international standards. This is a dark cloud over the future of American competitiveness. Without high-achieving math and science students today, we won't have the innovative scientists, engineers and technologists for tomorrow.

As you know, the House recently passed the America COMPETES Act reauthorization, which seeks to improve STEM education at all levels, not only so that our Nation will produce the world's leading scientists and engineers, but also so that all students, high school, and junior college students will have a strong background in math and science.

The USA Science and Engineering Festival, which is taking place in October on the National Mall and in satellite locations across the country, is a collaboration of hundreds of science and engineering companies, professional associations, colleges and universities, K-12 schools, and other organizations, all with the goal to recruit the next generation of scientists and engineers by inspiring students and showing them how science intersects daily with their lives. The culmination of the festival will be a free 2-day expo on the National Mall and will feature over 1,500 interactive science activities.

Once again I want to commend Mr. BILBRAY and his cosponsors for introducing this resolution, and urge my colleagues to join me in supporting the goals and ideals of the inaugural USA Science and Engineering Festival.

I reserve the balance of my time.

Mr. HALL of Texas. Madam Speaker, I rise in support of H. Res. 1660, and I yield myself such time as I may consume.

Madam Speaker, I, of course, rise in support of H. Res. 1660, supporting the goals and ideals of the USA Science and Engineering Festival taking place on the National Mall and at satellite events around the country.

This inaugural national event on October 23 and 24 is intended to celebrate science and raise awareness of the importance of science, technology, engineering, and math education in the United States. STEM education is a crucial component to our Nation's growth and well-being. Advances in the science and engineering fields not only have made our lives significantly better but also have had a global impact as well.

The USA Science and Engineering Festival will have over 1,500 free hands-on activities and shows for all ages featuring some of the most talented and

experienced specialists in the science and engineering fields. This festival aims to reinvigorate the interests of our Nation's youth in STEM by producing and presenting the most compelling, exciting, educational, and entertaining science gatherings in the United States.

Inspiring our children to become more interested in the STEM fields and in careers through endeavors such as this is the key to unlocking our future economic and innovative potential and success. Over 100 members of Congress have joined to support the efforts of this festival in a bipartisan fashion.

I am pleased to support the USA Science and Engineering Festival, and I encourage my colleagues to join me in this support.

At this time I yield such time as he may consume to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Madam Speaker, I rise today to offer a resolution to support the inaugural USA Science and Engineering Festival to be held here in Washington, D.C., and, more importantly, to be held in 49 other locations across this country between October 10 and October 24. I say "more importantly" because of the fact that sometimes those of us in Washington forget that we are the capital of the Nation, but we are not the Nation. The foundation of this concept of our Federal republic is to make sure that we represent those communities out throughout this Nation, not just here in D.C.

This festival is actually going to be centered here in D.C. and in 49 other locations, and I think it is one of those bipartisan efforts that I would like to thank my colleagues for, those such as Chairman GORDON, PETE OLSON of Texas, CATHY MCMORRIS RODGERS and BRIAN BAIRD of Washington, two colleagues from Washington.

This is a unique opportunity for thousands of Americans to learn more about science and engineering from exhibits, participation, demonstrations, performances and discussions.

For those of us in San Diego who firsthand witnessed the wonderful event we had in 2009, the inaugural event of the San Diego Science and Energy Festival that attracted over a half-million participants, we are really kind of excited for the rest of the Nation to experience this.

Our Nation finds itself in the midst of a terrible economic recession, a crisis that is one that has been growing for generations, not one that was just spurred in the recent past. One of the key answers to pulling ourselves out of this economic trouble is to activate those entrepreneurial spirits in the scientific research that has always led America on the cutting edge of technology, and of economic and social prosperity.

Our Nation needs this kind of stimulus. Frankly, I think the USA Science

and Engineering Festival is a great opportunity and can help the private sector work with the public sector. In fact, I think the latest I saw was that there were millions of dollars being put into this by the private sector because they see how important this investment of not just money, but of minds and creativity is going to be for all of us.

Madam Speaker, I think that we can recognize that though we have been successful in the past, only if we recognize that science, math, technology is going to be essential for a prosperous future, I think that we can look at each other and say maybe we need to spend more time focusing on those things that we have taken for granted for much too long.

I am happy to say I think culturally America is waking up to the fact that science is cool, that science is a neat thing to be involved with. In fact, I think that those of us who remember when the chairman and I were growing up, the great heroes of law enforcement were Joe Friday and the cops carrying the badge, who are still the heroes, but now our young people are learning it is the scientists who can find that little particle that leads to the answers. And every day, every night we can always turn on the television now, and we don't just see the strong cop on the beat, we see the scientists in the laboratory being our heroes.

Hopefully this will help to continue to grow the culture that being smart is cool, being a scientist is something to aspire to be. And maybe in our own little way, in our small way by supporting this festival, we can cultivate those minds and that creativity out there and maybe we will see the future Alexander Graham Bells, the Thomas Edisons, the Robert Fultons and many other great Americans who have been able to create the America we know today and the world we see around us that too often we take for granted that science and technology made it all possible.

With this event, maybe we will be able to remind all of us how lucky we are to be in America, where freedom of mind goes along with freedom of spirit.

Mr. HALL of Texas. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GORDON of Tennessee. Madam Speaker, I once again thank my friend from San Diego for an excellent resolution and also for the good constructive role he plays on our Science and Technology Committee.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and agree to the resolution, H. Res. 1660.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1640

RECOGNIZING 40TH ANNIVERSARY OF "APOLLO 13" MISSION

Mr. GORDON of Tennessee. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1421) recognizing the 40th anniversary of the *Apollo 13* mission and the heroic actions of both the crew and those working at mission control in Houston, Texas, for bringing the three astronauts, Fred Haise, Jim Lovell, and Jack Swigert, home to Earth safely.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1421

Whereas, on April 11, 1970, Apollo 13 was launched with an intended destination of Fra Mauro highlands on the Moon;

Whereas on the way to the Moon, roughly 199,990 miles from Earth, the number 2 oxygen tank exploded and seriously damaged the Apollo 13 spacecraft;

Whereas after mission control calculated that a lunar landing was impossible, mission control decided to fly a circumlunar orbit and use the Moon's gravity to return the ship to Earth;

Whereas the tireless and heroic work of both mission control and the astronauts on board the spacecraft allowed Apollo 13 to safely navigate back to Earth;

Whereas the heroic work of mission control in Houston, Texas, solved a number of unique engineering problems, such as using the lunar module as a lifeboat for the crew and devising a carbon dioxide control system completely from scratch;

Whereas without the outstanding work of the men and women at mission control, the astronauts would most certainly not have been able to return to Earth safely;

Whereas the safe return of the crew is a testament to United States ingenuity, and a can-do attitude which represents the best of the space program and the Nation;

Whereas the Apollo program lasted from 1961 to 1975 and set a number of milestones in human spaceflight, including the first mission that left low Earth orbit and the first man on the Moon;

Whereas the Apollo program spurred advances in many areas of technology including avionics, telecommunications, and computers; and

Whereas the Apollo missions sparked interest in many fields of engineering which benefitted the United States economy, national psyche, and leadership in science and technology: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 40th anniversary of the Apollo 13 mission;

(2) recognizes the bravery and heroism of the astronauts of the Apollo 13 mission, as well as the men and women in mission control;

(3) reaffirms its support of National Aeronautics and Space Administration (NASA) and human space flight; and

(4) recognizes the tremendous advances to science and technology in the United States

that were spurned by the Apollo space program.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. GORDON of Tennessee. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 1421, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORDON of Tennessee. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, it is hard to imagine a more difficult problem than that of figuring out how to safely return to Earth in a critically damaged spacecraft heading towards the Moon—or one that is more urgent. Yet, through the combined efforts of the three consummately trained astronauts, the skilled NASA engineers and flight controllers and contractor workforce, *Apollo 13* and its crew were brought back to Earth safely. As we consider the future of NASA and its human spaceflight programs, let this 40th anniversary of the *Apollo 13* mission both inspire us and remind us of the importance of ensuring safety and the strength and capabilities of our human spaceflight workforce as we send our astronauts into space.

I would like to thank the resolution's sponsor, Mr. POE, for introducing this good resolution.

I reserve the balance of my time.

Mr. HALL of Texas. Madam Speaker, I yield myself such time as I may consume.

I rise in support of H. Res. 1421, recognizing the 40th anniversary of the safe return of the *Apollo 13* crew capsule. *Apollo 13* launched from Kennedy Space Center on April 11, 1970, for a planned lunar landing, but suffered serious mechanical and systems failures 2 days later while en route to the Moon.

Through inventiveness and tireless efforts, the men and women at NASA's mission control center provided untested solutions to complex challenges that, up to that time, were unthinkable and unknown. Using out-of-the-box creativity, NASA engineers and program managers salvaged what was later deemed to be a "successful failure," bringing the crew successfully back to Earth on April 17.

I am proud to support this resolution. I am proud, of course, of American ingenuity and the valor of the people of NASA, and encourage my colleagues to

join me in recognizing the 40th anniversary of the *Apollo 13* mission.

I yield back the balance of my time. Mr. GORDON of Tennessee. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and agree to the resolution, H. Res. 1421.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RARE EARTHS AND CRITICAL MATERIALS REVITALIZATION ACT OF 2010

Mr. GORDON of Tennessee. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6160) to develop a rare earth materials program, to amend the National Materials and Minerals Policy, Research and Development Act of 1980, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6160

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Rare Earths and Critical Materials Revitalization Act of 2010".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—RARE EARTH MATERIALS

Sec. 101. Rare earth materials program.

Sec. 102. Rare earth materials loan guarantee program.

TITLE II—NATIONAL MATERIALS AND MINERALS POLICY, RESEARCH, AND DEVELOPMENT

Sec. 201. Amendments to National Materials and Minerals Policy, Research and Development Act of 1980.

Sec. 202. Repeal.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate Congressional committees" means the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Energy and Natural Resources of the Senate.

(2) DEPARTMENT.—The term "Department" means the Department of Energy.

(3) RARE EARTH MATERIALS.—The term "rare earth materials" means any of the following chemical elements in any of their physical forms or chemical combinations:

- (A) Scandium.
- (B) Yttrium.
- (C) Lanthanum.
- (D) Cerium.
- (E) Praseodymium.
- (F) Neodymium.
- (G) Promethium.

(H) Samarium.

(I) Europium.

(J) Gadolinium.

(K) Terbium.

(L) Dysprosium.

(M) Holmium.

(N) Erbium.

(O) Thulium.

(P) Ytterbium.

(Q) Lutetium.

(4) SECRETARY.—The term "Secretary" means the Secretary of Energy.

TITLE I—RARE EARTH MATERIALS

SEC. 101. RARE EARTH MATERIALS PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—There is established in the Department a program of research, development, demonstration, and commercial application to assure the long-term, secure, and sustainable supply of rare earth materials sufficient to satisfy the national security, economic well-being, and industrial production needs of the United States.

(2) PROGRAM ACTIVITIES.—The program shall support activities to—

(A) better characterize and quantify virgin stocks of rare earth materials using theoretical geochemical research;

(B) explore, discover, and recover rare earth materials using advanced science and technology;

(C) improve methods for the extraction, processing, use, recovery, and recycling of rare earth materials;

(D) improve the understanding of the performance, processing, and adaptability in engineering designs of rare earth materials;

(E) identify and test alternative materials that can be substituted for rare earth materials in particular applications;

(F) engineer and test applications that—

(i) use recycled rare earth materials;

(ii) use alternative materials; or

(iii) seek to minimize rare earth materials content;

(G) collect, catalogue, archive, and disseminate information on rare earth materials, including scientific and technical data generated by the research and development activities supported under this section, and assist scientists and engineers in making the fullest possible use of the data holdings; and

(H) facilitate information sharing and collaboration among program participants and stakeholders.

(3) IMPROVED PROCESSES AND TECHNOLOGIES.—To the maximum extent practicable, the Secretary shall support new or significantly improved processes and technologies as compared to those currently in use in the rare earth materials industry.

(4) EXPANDING PARTICIPATION.—The Secretary shall encourage—

(A) multidisciplinary collaborations among program participants; and

(B) extensive opportunities for students at institutions of higher education, including institutions listed under section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

(5) CONSISTENCY.—The program shall be consistent with the policies and programs in the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1601 et seq.).

(6) INTERNATIONAL COLLABORATION.—In carrying out the program, the Secretary may collaborate, to the extent practicable, on activities of mutual interest with the relevant agencies of foreign countries with interests relating to rare earth materials.

(b) PLAN.—

(1) IN GENERAL.—Within 180 days after the date of enactment of this Act and biennially

thereafter, the Secretary shall prepare and submit to the appropriate Congressional committees a plan to carry out the program established under subsection (a).

(2) **SPECIFIC REQUIREMENTS.**—The plan shall include a description of—

(A) the research and development activities to be carried out by the program during the subsequent 2 years;

(B) the expected contributions of the program to the creation of innovative methods and technologies for the efficient and sustainable provision of rare earth materials to the domestic economy;

(C) the criteria to be used to evaluate applications for loan guarantees under section 1706 of the Energy Policy Act of 2005;

(D) any projects receiving loan guarantee support under such section and the status of such projects;

(E) how the program is promoting the broadest possible participation by academic, industrial, and other contributors; and

(F) actions taken or proposed that reflect recommendations from the assessment conducted under subsection (c) or the Secretary's rationale for not taking action pursuant to any recommendation from such assessment for plans submitted following the completion of the assessment under such subsection.

(3) **CONSULTATION.**—In preparing each plan under paragraph (1), the Secretary shall consult with appropriate representatives of industry, institutions of higher education, Department of Energy national laboratories, professional and technical societies, and other entities, as determined by the Secretary.

(c) **ASSESSMENT.**—

(1) **IN GENERAL.**—After the program has been in operation for 4 years, the Secretary shall offer to enter into a contract with the National Academy of Sciences under which the National Academy shall conduct an assessment of the program under subsection (a).

(2) **INCLUSIONS.**—The assessment shall include the recommendation of the National Academy of Sciences that the program should be—

(A) continued, accompanied by a description of any improvements needed in the program; or

(B) terminated, accompanied by a description of the lessons learned from the execution of the program.

(3) **AVAILABILITY.**—The assessment shall be made available to Congress and the public upon completion.

SEC. 102. RARE EARTH MATERIALS LOAN GUARANTEE PROGRAM.

(a) **AMENDMENT.**—Title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.) is amended by adding at the end the following new section:

“SEC. 1706. TEMPORARY PROGRAM FOR RARE EARTH MATERIALS REVITALIZATION.

“(a) **IN GENERAL.**—As part of the program established in section 101 of the Rare Earths and Critical Materials Revitalization Act of 2010, the Secretary is authorized, only to the extent provided in advance in a subsequent appropriations act, to make guarantees under this title for the commercial application of new or significantly improved technologies (compared to technologies currently in use in the United States at the time the guarantee is issued) for the following categories of projects:

“(1) The separation and recovery of rare earth materials from ores or other sources.

“(2) The preparation of rare earth materials in oxide, metal, alloy, or other forms

needed for national security, economic well-being, or industrial production purposes.

“(3) The application of rare earth materials in the production of improved—

“(A) magnets;

“(B) batteries;

“(C) refrigeration systems;

“(D) optical systems;

“(E) electronics; and

“(F) catalysis.

“(4) The application of rare earth materials in other uses, as determined by the Secretary.

“(b) **TIMELINESS.**—The Secretary shall seek to minimize delay in approving loan guarantee applications, consistent with appropriate protection of taxpayer interests.

“(c) **COOPERATION.**—To the maximum extent practicable, the Secretary shall cooperate with appropriate private sector participants to achieve a complete rare earth materials production capability in the United States within 5 years after the date of enactment of the Rare Earths and Critical Materials Revitalization Act of 2010.

“(d) **DOMESTIC SUPPLY CHAIN.**—In support of the objective in subsection (c) to achieve a rare earth materials production capability in the United States that includes the complete value chain described in paragraphs (1) through (4) of subsection (a), the Secretary may not award a guarantee for a project unless the project's proponent provides to the Secretary an assurance that the loan or guarantee shall be used to support the separation, recovery, preparation, or manufacturing of rare earth materials in the United States for customers within the United States unless insufficient domestic demand for such materials results in excess capacity.

“(e) **SUNSET.**—The authority to enter into guarantees under this section shall expire on September 30, 2015.”

(b) **TABLE OF CONTENTS AMENDMENT.**—The table of contents of the Energy Policy Act of 2005 is amended by inserting after the item relating to section 1705 the following new item:

“Sec. 1706. Temporary program for rare earth materials revitalization.”

TITLE II—NATIONAL MATERIALS AND MINERALS POLICY, RESEARCH, AND DEVELOPMENT

SEC. 201. AMENDMENTS TO NATIONAL MATERIALS AND MINERALS POLICY, RESEARCH AND DEVELOPMENT ACT OF 1980.

(a) **PROGRAM PLAN.**—Section 5 of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1604) is amended—

(1) by striking “date of enactment of this Act” each place it appears and inserting “date of enactment of the Rare Earths and Critical Materials Revitalization Act of 2010”; and

(2) in subsection (b), by striking “Federal Coordinating Council for Science, Engineering, and Technology” and inserting “National Science and Technology Council.”;

(3) in subsection (c)—

(A) by striking “the Federal Emergency” and all that follows through “Agency, and”; and

(B) by striking “appropriate shall” and inserting “appropriate, shall”;

(C) by striking paragraph (1);

(D) in paragraph (2), by striking “in the case” and all that follows through “subsection.”;

(E) by redesignating paragraph (2) as paragraph (1); and

(F) by amending paragraph (3) to read as follows:

“(2) assess the adequacy, accessibility, and stability of the supply of materials necessary to maintain national security, economic well-being, and industrial production.”;

(4) by striking subsections (d) and (e); and

(5) by redesignating subsection (f) as subsection (d).

(b) **POLICY.**—Section 3 of such Act (30 U.S.C. 1602) is amended—

(1) by striking “The Congress declares that it” and inserting “It”; and

(2) by striking “The Congress further declares that implementation” and inserting “Implementation”.

(c) **IMPLEMENTATION.**—Section 4 of such Act (30 U.S.C. 1603) is amended—

(1) by striking “For the purpose” and all that follows through “declares that the” and inserting “The”; and

(2) by striking “departments and agencies,” and inserting “departments and agencies to implement the policies set forth in section 3”.

SEC. 202. REPEAL.

Title II of Public Law 98-373 (30 U.S.C. 1801 et seq.; 98 Stat. 1248), also known as the National Critical Materials Act of 1984, is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. GORDON of Tennessee. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 6160, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORDON of Tennessee. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support today of H.R. 6160, the Rare Earths and Critical Materials Revitalization Act of 2010. This bill was introduced by the gentlelady from Pennsylvania (Mrs. DAHLKEMPER) and cosponsored by Mr. JERRY LEWIS, Mr. COFFMAN, Mr. CARNAHAN, myself, and a number of other Members who all recognize that we must take steps to recapture our technological lead in a wide range of industries critical to our economic health, our national defense, and a clean and secure energy future.

For the last week you couldn't open a newspaper or watch TV without seeing a story warning us about the danger of our reliance on China for a little-known but critical class of raw materials called “rare earths.” Rare earths are an essential component of technologies in a wide array of emerging and established industries. And, for everything from oil refining to hybrid cars, wind turbines to weapon systems, computer monitors to disk drives, the future demand for rare earths is only expected to grow. However, despite the U.S. at one time being the leader in

this field, China now controls 97 percent of the global market. Making matters more urgent, China has begun limiting production and export of rare earths. This is clearly an untenable position for the U.S.

This is not the first time the Congress has been concerned with the competitive implications of materials such as rare earths. In 1980—30 years ago—we established a national minerals and materials policy. One core element in that legislation was a call to support “a vigorous, comprehensive, and coordinated program of materials research and development.” Unfortunately, over successive administrations the effort to sustain the program eroded. Now it is time to revive a coordinated effort to level the global playing field in rare earths. Mrs. DAHLKEMPER’s bill calls for increased research and development to help address the Nation’s rare earths shortage and reinvigorates the national policy for critical materials.

Furthermore, the bill does not start a big new government program. All activities authorized in this Act should take place within existing programs at the Department of Energy, the Office of Science and Technology Policy, and other relevant agencies. And the bill does not authorize any new appropriations.

I call on my colleagues to support H.R. 6160, and I look forward to its passage.

I reserve the balance of my time.

Mr. HALL of Texas. I yield myself such time as I may consume.

The legislation before us today, H.R. 6160, the Rare Earths and Critical Materials Revitalization Act of 2010, deals with a very important matter of potential concern to national security and to the economy. Rare earths are used in many different high-tech applications, including certain military and weapons systems, and China controls the bulk of world supply and recently announced its intention to reduce exports, triggering concerns that the U.S. could face a supply gap. This is clearly an important issue that warrants our attention.

The obvious question we face now is how best to address this concern. H.R. 6160 intends to do so through establishment of a rare earths materials research and development program and authorization of loan guarantees to support rare earth minerals mining, processing, and production activities. Notwithstanding the clear and significant potential for a rare earth supply shortage, during the committee markup of this bill Republicans questioned whether the activities called for in H.R. 6160 provide the appropriate policy response to this issue. I will summarize these concerns as they were noted in the additional GOP views included in the report on the bill.

To the extent that a rare earth supply gap may present national security

concerns, such concerns should probably be addressed through the Department of Defense and the House and Senate Armed Services Committees.

With respect to commercial supply needs, taxpayer subsidies in the form of loan guarantees should be restricted to those areas not undertaken by the private sector. This principle is particularly important in the case of rare earths due to the aggressive private pursuit of rare earth mining opportunities in response to recent price increases. Unfortunately, an amendment to address this concern was defeated in committee.

I am pleased, however, that several other Republican amendments to improve H.R. 6160 were approved with bipartisan support, specifically amendments to, one, eliminate funding authorizations for R&D activities; two, elimination of a rare earth “R&D Information Center”; three, limit loan guarantee support for the exportation of unprocessed rare earth materials necessary to meet domestic demand; and, four, reduce the length of authorization for rare earth loan guarantees from 8 years to 5 years.

Further, modified language addressing additional Republican concerns related to the international collaboration was worked out following the markup, and I thank Chairman GORDON for working with our side of the aisle to improve this provision.

□ 1650

Overall, despite the many remaining questions and concerns regarding rare earths in this legislation, I recognize the importance of ensuring a stable supply of rare earth materials and the potential for a near-term supply shortage, and I remain committed to working on this issue and on this bill as it moves through the legislative process.

I reserve the balance of my time.

Mr. GORDON of Tennessee. I yield such time as she may consume to the lead sponsor of this good bill, the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER).

Mrs. DAHLKEMPER. Madam Speaker, I want to thank the leadership of the House and, particularly, Chairman GORDON and Ranking Member HALL for allowing this bill to come forward. I think it is a very important piece of legislation for, certainly, the national defense and the economy of our country.

I ask: What would happen to our national defense if we could no longer build a jet engine, vehicle batteries or advanced targeting systems? What are the chances that our country would become energy independent if we could not produce hybrid cars, wind turbines or other alternative energy products? What would happen to our economy if the technologies we depend on to make business work were no longer available?

These are questions we would have to answer if China cut off our supply of rare earth materials—vital components to nearly every piece of advanced technology we use in our national defense and throughout business and industry.

For the past decade, the United States has been almost entirely dependent on China for its supply of rare earth materials despite the fact that we have an abundant reserve of these materials within our own borders. China currently accounts for as much as 90 percent of the world’s available supply of rare earth materials, but they are reducing the amount of these materials going into the global market. Just this summer, China announced it would cut its rare earth exports for the second half of 2010 by 72 percent.

The bottom line is this: China is cornering the market on rare earth materials, and we, the United States, are falling behind. That is why we need to act now to begin the process of creating our own domestic supply of rare earth materials so the United States is never dependent on China or on any other country for crucial components for our national security.

My bill, H.R. 6160, the Rare Earths and Critical Materials Revitalization Act, is a bipartisan plan to jump-start U.S. research and development in rare earth materials to improve our ability to find, extract, process, and use rare earths to improve products. We want to ultimately create a robust domestic supply of rare earths.

My legislation will foster a strong rare earths industry here in the United States. The scope of this bill spans the full supply chain from exploration to mining to manufacturing. It will reduce risks in financing new rare earth production facilities by guaranteeing loans to companies with new processing and refining technologies. My bill will also help create a U.S. minerals and materials policy so we are never without a plan of action if our supply of rare earths falls short.

China has stated clearly that foreign firms that move their manufacturing capacities onto Chinese soil will have no trouble procuring rare earth materials for their needs. That’s just another way that American manufacturing jobs are being lured overseas. That has to stop. We need to make things right here in our country and to give those great manufacturing jobs to American men and women.

Madam Speaker, this bill cannot wait. Just last week, China reportedly cut off Japan’s supply of rare earths in the wake of a territory conflict. This is a clear warning sign, and we would be foolish to ignore it. If China is willing to use its control of rare earths as leverage over other countries, we need to counter that advantage by jump-starting our domestic market of rare earths now. The GAO reports that it may take

up to 15 years to rebuild the United States' rare earth supply chain. Delaying the seed money to begin this process only prolongs our dependency on China.

I urge my colleagues to support this bipartisan plan to promote U.S. global competitiveness and to ensure our national defense technology is made in America.

Mr. HALL of Texas. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Madam Speaker, I appreciate this bill on two points. I appreciate the fact that the chairman of the Science and Technology Committee has been willing to bring forth this bill, which is very critical at a very critical time. I also want to thank the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER) for raising this issue.

From the Science and Technology Committee's point of view, this is an appropriate action to take. Sadly, Madam Speaker, we should have sitting on the podium next to our chairman the chairman of the Natural Resources Committee, because I think all of us will agree that all of the funding and all of the studies do not accomplish anything if we do not have access to the material to make it reality. One of the critical things we need to do is to bridge the gap between what we know we need to do and what we allow to be done.

One of the sad things right now is the fact that we keep talking about great breakthroughs. We have got to recognize that all of us are so excited about high-tech electrification of transportation systems, about the efficiency and energy saved there and about the reduction in the carbon footprint. If we want to drive our Priuses, then we have to be brave enough not only to support this bill but to tell our colleagues that we have to open up the public lands to allow the mining to be done so that we will have access to create these miracles. Too often we are willing to talk about spending money to do the kinds of things that need to be done, but we are not willing to say we need to reform our Federal regulations and our processes to make those things possible.

One hears all the time that what America needs for energy independence is a new Manhattan Project. Well, ladies and gentlemen, as somebody who has worked on environmental issues for over 30 years, the Manhattan Project would be illegal to do today. Federal regulation would not allow a Manhattan Project. As the committee that works on science, we need to understand that we can only do so much. The jurisdiction of the Natural Resources Committee needs to be partners in this effort. We need to tear down the barriers of government regulation which do not allow access to those important

components that are public property and public resources. The American people own these resources, and they should be able to have access to them.

I am very sensitive to the environmental impact of exploiting resources in an inappropriate way. Yet, as a former member of the Air Resources Board, I am very, very aware of the great environmental threat if we do not utilize our own native resources to address these issues.

So I want to thank the chairman. This is probably one of his last bills to be before this committee. It is a great, great bill at a critical time. I hope the committees of jurisdiction, such as the Natural Resources Committee, will be as strong and as brave to bring these items forward so the gentlewoman from Pennsylvania's bill can not only see the light of day here in this body but actually can see the implementation of one of the most important things that is facing us as an economy and as a free people, which is just making sure that we have the access to those items that make these miracles possible.

Thank you very much for this bill, and I support it.

Mr. HALL of Texas. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GORDON of Tennessee. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and pass the bill, H.R. 6160, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GORDON of Tennessee. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1700

WIPA AND PABSS EXTENSION ACT OF 2010

Mr. TANNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6200) to amend part A of title XI of the Social Security Act to provide for a 1-year extension of the authorizations for the Work Incentives Planning and Assistance program and the Protection and Advocacy for Beneficiaries of Social Security program.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6200

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "WIPA and PABSS Extension Act of 2010".

SEC. 2. EXTENSION OF AUTHORIZATIONS FOR THE WORK INCENTIVES PLANNING AND ASSISTANCE PROGRAM AND THE PROTECTION AND ADVOCACY FOR BENEFICIARIES OF SOCIAL SECURITY PROGRAM.

(a) WORK INCENTIVES PLANNING AND ASSISTANCE.—Section 1149(d) of the Social Security Act (42 U.S.C. 1320b-20(d)) is amended by striking "2010" and inserting "2011".

(b) PROTECTION AND ADVOCACY FOR BENEFICIARIES OF SOCIAL SECURITY.—Section 1150(h) of such Act (42 U.S.C. 1320b-21(h)) is amended by striking "2010" and inserting "2011".

SEC. 3. CONFORMING CHANGES TO THE WORK INCENTIVES PLANNING AND ASSISTANCE PROGRAM.

(a) ANNUAL REPORTS.—Section 1149 of the Social Security Act (as amended by section 2(a)) is further amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting after subsection (b) the following new subsection:

"(c) ANNUAL REPORT.—Each entity awarded a grant, cooperative agreement, or contract under this section shall submit an annual report to the Commissioner on the benefits planning and assistance provided to individuals under such grant, agreement, or contract."

(b) ONE-YEAR CARRYOVER.—

(1) IN GENERAL.—Section 1149(b)(4) of such Act (42 U.S.C. 1320b-20(b)(4)) is amended—

(A) by striking "(4) ALLOCATION OF COSTS.—The costs" and inserting the following:

"(4) FUNDING.—

"(A) ALLOCATION OF COSTS.—The costs"; and

(B) by adding at the end the following:

"(B) CARRYOVER.—An amount not in excess of 10 percent of the total amount obligated through a grant, cooperative agreement, or contract awarded under this section for a fiscal year to a State or a private agency or organization shall remain available for obligation to such State or private agency or organization until the end of the succeeding fiscal year. Any such amount remaining available for obligation during such succeeding fiscal year shall be available for providing benefits planning and assistance only for individuals who are within the caseload of the recipient of the grant, agreement, or contract as of immediately before the beginning of such fiscal year."

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply with respect to amounts allotted under section 1149 of the Social Security Act for payment for a fiscal year after fiscal year 2010.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. TANNER) and the gentleman from Texas (Mr. SAM JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. TANNER. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. TANNER. Madam Speaker, I yield myself as much time as I may consume.

This bill is an extension of two very important provisions of the Ticket to Work Act of 1999 which basically helps disabled Americans return to work when, and if, they can. This has been a bipartisan team effort I was pleased to work on with Mr. JOHNSON some time ago. The bill has no direct spending and complies with pay-as-you-go rules.

I am pleased to support this important extension of two programs from the bipartisan Ticket to Work Act of 1999, which was introduced by my colleagues EARL POMEROY, JIM McDERMOTT, and SAM JOHNSON.

This has been a bipartisan, collaborative effort to ensure that two important programs that help disabled Americans return to work continue for another year, and I thank my colleagues for their good work on this issue.

The Work Incentives Planning and Assistance program (WIPA) provides \$23 million for community-based organizations to provide personalized assistance to help Supplemental Security Income (SSI) and Social Security Disability Insurance (DI) recipients understand Social Security's complex work incentive policies and the effect that working will have on their benefits. In 2009, WIPA assisted over 37,000 SSI and DI beneficiaries who wanted to return to work.

The Protection and Advocacy for Beneficiaries of Social Security (PABSS) program provides \$7 million in grants to designated Protection and Advocacy Systems to provide legal advocacy services that beneficiaries need to secure, maintain, or regain employment. In 2009, PABSS served nearly 9,000 beneficiaries.

If Congress does not extend these programs by the end of October, the Social Security Administration has told us there may be a lapse in service to beneficiaries, so it's important that we act now.

The bill also includes two commonsense, good-government changes to increase accountability and make the WIPA program more efficient.

First, we add a requirement that all WIPA grantees report data to the Social Security Administration about the beneficiaries they serve and the kinds of help they provided, the same requirement that current PABSS grantees have.

Good data is critical to our efforts to make sure that taxpayer funds to WIPAs are well-spent.

It also helps us learn more about what kind of help disabled beneficiaries may need if they are able to return to work, which will allow us to make other improvements in future legislation.

Second, this legislation would allow all WIPA grantees to carry over 10 percent of their funding into the next year, a change originally proposed by the Obama Administration. This change will allow for better and more consistent budgeting instead of encouraging end-of-year spending.

By extending WIPA and PABSS for a year, we reaffirm our commitment to these important work support programs, while also acknowledging the need to consider policy and funding changes in the near future.

I urge my colleagues to support this bipartisan, commonsense legislation.

I reserve the balance of my time.

Mr. SAM JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of the passage of this legislation, and I think the Supplemental Security Income and Social Security disability benefit programs provide an essential income safety net for people with disabilities.

Yet these programs face a real fiscal challenge. Waste, fraud and abuse continues to threaten public confidence. Most importantly the disability program will not be able to pay full benefits beginning just eight years from now in 2018.

Those who depend on these critical benefits are counting on us to act. They want answers and we must turn to these issues without delay.

With respect to the legislation we are considering today, just over 10 years ago Congress passed The Ticket to Work and Work Incentives Improvement Act to help those with disabilities get back to work.

The two grant programs we would reauthorize today were created as part of that landmark legislation.

One of the grant programs, The Work Incentives Planning Assistance Program funds community-based organizations to assist those receiving benefits to find work as well as understand Social Security's complex rules and the effect of working on their benefits, their health care and on other public benefits they may receive.

Today there are a total of 103 community-based cooperative agreements in all 50 States. Last year these programs served over 37,000 people.

One example is The Work Incentive Planning Assistance Program of Easter Seals North Texas which serves 19 counties in the north Texas area, including my district. Thanks to their hard work, so far this year over 20 percent of their caseload has jobs.

The other grant program, The Protection and Advocacy Program for Beneficiaries of Social Security Program funds 57 grant programs covering all 50 States. These programs served almost 9,000 people last year, helping those working or trying to work by assisting in the resolution of potential disputes, including those with their employer.

The authorized funding level included in the bill for these two programs is \$30 million. This funding level has remained constant since these programs were created.

While I support a one-year extension of these two important programs, I am disappointed that our Subcommittee has not continued the work it began in May of last year when we learned that Social Security's Ticket to Work Program wasn't working as we would like.

Despite some signs of improvement since new rules were issued, now more than ever, we need to look at how every taxpayer dollar is spent. No matter how well intended these programs are, at the end of the day taxpayers deserve to know if they are getting their money's worth. Programs that don't work must be changed or must end.

I urge all my colleagues to vote yes.

I yield back the balance of my time.

Mr. TANNER. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and pass the bill, H.R. 6200.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REGULATED INVESTMENT COMPANY MODERNIZATION ACT OF 2010

Mr. NEAL. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4337) to amend the Internal Revenue Code of 1986 to modify certain rules applicable to regulated investment companies, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4337

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the “Regulated Investment Company Modernization Act of 2010”.

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title, etc.

TITLE I—CAPITAL LOSS CARRYOVERS OF REGULATED INVESTMENT COMPANIES

Sec. 101. Capital loss carryovers of regulated investment companies.

TITLE II—MODIFICATION OF GROSS INCOME AND ASSET TESTS OF REGULATED INVESTMENT COMPANIES

Sec. 201. Income from commodities counted toward gross income test of regulated investment companies.

Sec. 202. Savings provisions for failures of regulated investment companies to satisfy gross income and asset tests.

TITLE III—MODIFICATION OF RULES RELATED TO DIVIDENDS AND OTHER DISTRIBUTIONS

Sec. 301. Modification of dividend designation requirements and allocation rules for regulated investment companies.

Sec. 302. Earnings and profits of regulated investment companies.

Sec. 303. Pass-thru of exempt-interest dividends and foreign tax credits in fund of funds structure.

Sec. 304. Modification of rules for spillover dividends of regulated investment companies.

Sec. 305. Return of capital distributions of regulated investment companies.

Sec. 306. Distributions in redemption of stock of a regulated investment company.

Sec. 307. Repeal of preferential dividend rule for publicly offered regulated investment companies.

Sec. 308. Elective deferral of certain late-year losses of regulated investment companies.

Sec. 309. Exception to holding period requirement for certain regularly declared exempt-interest dividends.

TITLE IV—MODIFICATIONS RELATED TO EXCISE TAX APPLICABLE TO REGULATED INVESTMENT COMPANIES

Sec. 401. Excise tax exemption for certain regulated investment companies owned by tax exempt entities.

Sec. 402. Deferral of certain gains and losses of regulated investment companies for excise tax purposes.

Sec. 403. Distributed amount for excise tax purposes determined on basis of taxes paid by regulated investment company.

Sec. 404. Increase in required distribution of capital gain net income.

TITLE V—OTHER PROVISIONS

Sec. 501. Repeal of assessable penalty with respect to liability for tax of regulated investment companies.

Sec. 502. Modification of sales load basis deferral rule for regulated investment companies.

TITLE VI—PAYGO COMPLIANCE

Sec. 601. Paygo compliance.

TITLE I—CAPITAL LOSS CARRYOVERS OF REGULATED INVESTMENT COMPANIES

SEC. 101. CAPITAL LOSS CARRYOVERS OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Subsection (a) of section 1212 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

“(3) REGULATED INVESTMENT COMPANIES.—

“(A) IN GENERAL.—If a regulated investment company has a net capital loss for any taxable year—

“(i) paragraph (1) shall not apply to such loss,

“(ii) the excess of the net short-term capital loss over the net long-term capital gain for such year shall be a short-term capital loss arising on the first day of the next taxable year, and

“(iii) the excess of the net long-term capital loss over the net short-term capital gain for such year shall be a long-term capital loss arising on the first day of the next taxable year.

“(B) COORDINATION WITH GENERAL RULE.—If a net capital loss to which paragraph (1) applies is carried over to a taxable year of a regulated investment company—

“(i) LOSSES TO WHICH THIS PARAGRAPH APPLIES.—Clauses (ii) and (iii) of subparagraph (A) shall be applied without regard to any amount treated as a short-term capital loss under paragraph (1).

“(ii) LOSSES TO WHICH GENERAL RULE APPLIES.—Paragraph (1) shall be applied by substituting ‘net capital loss for the loss year or any taxable year thereafter (other than a net capital loss to which paragraph (3)(A) applies) for ‘net capital loss for the loss year or any taxable year thereafter’.”.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (C) of section 1212(a)(1) is amended to read as follows:

“(C) a capital loss carryover to each of the 10 taxable years succeeding the loss year, but only to the extent such loss is attributable to a foreign expropriation loss.”.

(2) Paragraph (10) of section 1222 is amended by striking “section 1212” and inserting “section 1212(a)(1)”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to net capital losses for taxable years beginning after the date of the enactment of this Act.

(2) COORDINATION RULES.—Subparagraph (B) of section 1212(a)(3) of the Internal Revenue Code of 1986, as added by this section, shall apply to taxable years beginning after the date of the enactment of this Act.

TITLE II—MODIFICATION OF GROSS INCOME AND ASSET TESTS OF REGULATED INVESTMENT COMPANIES

SEC. 201. INCOME FROM COMMODITIES COUNTED TOWARD GROSS INCOME TEST OF REGULATED INVESTMENT COMPANIES.

(a) GROSS INCOME TEST.—Subparagraph (A) of section 851(b)(2) is amended—

(1) by striking “foreign currencies” and inserting “commodities”, and

(2) by striking “or currencies” and inserting “or commodities”.

(b) REPEAL OF REGULATORY AUTHORITY TO EXCLUDE CERTAIN FOREIGN CURRENCY GAINS FROM QUALIFYING INCOME.—Subsection (b) of section 851 is amended by striking “For purposes of paragraph (2), the Secretary may by regulation exclude from qualifying income foreign currency gains which are not directly related to the company’s principal business of investing in stock or securities (or options and futures with respect to stock or securities).” in the flush matter after paragraph (3).

(c) CONFORMING AMENDMENTS.—

(1) Subsection (h) of section 851 is amended by inserting “(determined by substituting ‘foreign currencies’ for ‘commodities’ therein)” after “subsection (b)(2)(A)”.

(2) Paragraph (4) of section 7704(d) is amended by inserting “(determined by substituting ‘foreign currencies’ for ‘commodities’ therein)” after “section 851(b)(2)(A)”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 202. SAVINGS PROVISIONS FOR FAILURES OF REGULATED INVESTMENT COMPANIES TO SATISFY GROSS INCOME AND ASSET TESTS.

(a) ASSET TEST.—Subsection (d) of section 851 is amended—

(1) by striking “A corporation which meets” and inserting the following:

“(1) IN GENERAL.—A corporation which meets”, and

(2) by adding at the end the following new paragraph:

“(2) SPECIAL RULES REGARDING FAILURE TO SATISFY REQUIREMENTS.—If paragraph (1) does not preserve a corporation’s status as a regulated investment company for any particular quarter—

“(A) IN GENERAL.—A corporation that fails to meet the requirements of subsection (b)(3) (other than a failure described in subparagraph (B)(i)) for such quarter shall nevertheless be considered to have satisfied the requirements of such subsection for such quarter if—

“(i) following the corporation’s identification of the failure to satisfy the requirements of such subsection for such quarter, a description of each asset that causes the cor-

poration to fail to satisfy the requirements of such subsection at the close of such quarter is set forth in a schedule for such quarter filed in the manner provided by the Secretary,

“(ii) the failure to meet the requirements of such subsection for such quarter is due to reasonable cause and not due to willful neglect, and

“(iii)(I) the corporation disposes of the assets set forth on the schedule specified in clause (i) within 6 months after the last day of the quarter in which the corporation’s identification of the failure to satisfy the requirements of such subsection occurred or such other time period prescribed by the Secretary and in the manner prescribed by the Secretary, or

“(II) the requirements of such subsection are otherwise met within the time period specified in subclause (I).

“(B) RULE FOR CERTAIN DE MINIMIS FAILURES.—A corporation that fails to meet the requirements of subsection (b)(3) for such quarter shall nevertheless be considered to have satisfied the requirements of such subsection for such quarter if—

“(i) such failure is due to the ownership of assets the total value of which does not exceed the lesser of—

“(I) 1 percent of the total value of the corporation’s assets at the end of the quarter for which such measurement is done, or

“(II) \$10,000,000, and

“(ii)(I) the corporation, following the identification of such failure, disposes of assets in order to meet the requirements of such subsection within 6 months after the last day of the quarter in which the corporation’s identification of the failure to satisfy the requirements of such subsection occurred or such other time period prescribed by the Secretary and in the manner prescribed by the Secretary, or

“(II) the requirements of such subsection are otherwise met within the time period specified in subclause (I).

“(C) TAX.—

“(i) TAX IMPOSED.—If subparagraph (A) applies to a corporation for any quarter, there is hereby imposed on such corporation a tax in an amount equal to the greater of—

“(I) \$50,000, or

“(II) the amount determined (pursuant to regulations promulgated by the Secretary) by multiplying the net income generated by the assets described in the schedule specified in subparagraph (A)(i) for the period specified in clause (ii) by the highest rate of tax specified in section 11.

“(ii) PERIOD.—For purposes of clause (i)(II), the period described in this clause is the period beginning on the first date that the failure to satisfy the requirements of subsection (b)(3) occurs as a result of the ownership of such assets and ending on the earlier of the date on which the corporation disposes of such assets or the end of the first quarter when there is no longer a failure to satisfy such subsection.

“(iii) ADMINISTRATIVE PROVISIONS.—For purposes of subtitle F, a tax imposed by this subparagraph shall be treated as an excise tax with respect to which the deficiency procedures of such subtitle apply.”.

(b) GROSS INCOME TEST.—Section 851 is amended by adding at the end the following new subsection:

“(i) FAILURE TO SATISFY GROSS INCOME TEST.—

“(1) DISCLOSURE REQUIREMENT.—A corporation that fails to meet the requirement of paragraph (2) of subsection (b) for any taxable year shall nevertheless be considered to

have satisfied the requirement of such paragraph for such taxable year if—

“(A) following the corporation’s identification of the failure to meet such requirement for such taxable year, a description of each item of its gross income described in such paragraph is set forth in a schedule for such taxable year filed in the manner provided by the Secretary, and

“(B) the failure to meet such requirement is due to reasonable cause and not due to willful neglect.

“(2) IMPOSITION OF TAX ON FAILURES.—If paragraph (1) applies to a regulated investment company for any taxable year, there is hereby imposed on such company a tax in an amount equal to the excess of—

“(A) the gross income of such company which is not derived from sources referred to in subsection (b)(2), over

“(B) $\frac{1}{2}$ of the gross income of such company which is derived from such sources.”.

(c) DEDUCTION OF TAXES PAID FROM INVESTMENT COMPANY TAXABLE INCOME.—Paragraph (2) of section 852(b) is amended by adding at the end the following new subparagraph:

“(G) There shall be deducted an amount equal to the tax imposed by subsections (d)(2) and (i) of section 851 for the taxable year.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years with respect to which the due date (determined with regard to any extensions) of the return of tax for such taxable year is after the date of the enactment of this Act.

TITLE III—MODIFICATION OF RULES RELATED TO DIVIDENDS AND OTHER DISTRIBUTIONS

SEC. 301. MODIFICATION OF DIVIDEND DESIGNATION REQUIREMENTS AND ALLOCATION RULES FOR REGULATED INVESTMENT COMPANIES.

(a) CAPITAL GAIN DIVIDENDS.—

(1) IN GENERAL.—Subparagraph (C) of section 852(b)(3) is amended to read as follows:

“(C) DEFINITION OF CAPITAL GAIN DIVIDEND.—For purposes of this part—

“(i) IN GENERAL.—Except as provided in clause (ii), a capital gain dividend is any dividend, or part thereof, which is reported by the company as a capital gain dividend in written statements furnished to its shareholders.

“(ii) EXCESS REPORTED AMOUNTS.—If the aggregate reported amount with respect to the company for any taxable year exceeds the net capital gain of the company for such taxable year, a capital gain dividend is the excess of—

“(I) the reported capital gain dividend amount, over

“(II) the excess reported amount which is allocable to such reported capital gain dividend amount.

“(iii) ALLOCATION OF EXCESS REPORTED AMOUNT.—

“(I) IN GENERAL.—Except as provided in subclause (II), the excess reported amount (if any) which is allocable to the reported capital gain dividend amount is that portion of the excess reported amount which bears the same ratio to the excess reported amount as the reported capital gain dividend amount bears to the aggregate reported amount.

“(II) SPECIAL RULE FOR NONCALENDAR YEAR TAXPAYERS.—In the case of any taxable year which does not begin and end in the same calendar year, if the post-December reported amount equals or exceeds the excess reported amount for such taxable year, subclause (I) shall be applied by substituting ‘post-December reported amount’ for ‘aggregate reported amount’ and no excess reported amount shall

be allocated to any dividend paid on or before December 31 of such taxable year.

“(iv) DEFINITIONS.—For purposes of this subparagraph—

“(I) REPORTED CAPITAL GAIN DIVIDEND AMOUNT.—The term ‘reported capital gain dividend amount’ means the amount reported to its shareholders under clause (i) as a capital gain dividend.

“(II) EXCESS REPORTED AMOUNT.—The term ‘excess reported amount’ means the excess of the aggregate reported amount over the net capital gain of the company for the taxable year.

“(III) AGGREGATE REPORTED AMOUNT.—The term ‘aggregate reported amount’ means the aggregate amount of dividends reported by the company under clause (i) as capital gain dividends for the taxable year (including capital gain dividends paid after the close of the taxable year described in section 855).

“(IV) POST-DECEMBER REPORTED AMOUNT.—The term ‘post-December reported amount’ means the aggregate reported amount determined by taking into account only dividends paid after December 31 of the taxable year.

“(v) ADJUSTMENT FOR DETERMINATIONS.—If there is an increase in the excess described in subparagraph (A) for the taxable year which results from a determination (as defined in section 860(e)), the company may, subject to the limitations of this subparagraph, increase the amount of capital gain dividends reported under clause (i).

“(vi) SPECIAL RULE FOR LOSSES LATE IN THE CALENDAR YEAR.—For special rule for certain losses after October 31, see paragraph (8).”.

(2) CONFORMING AMENDMENT.—Subparagraph (B) of section 860(f)(2) is amended by inserting “or reported (as the case may be)” after “designated”.

(b) EXEMPT-INTEREST DIVIDENDS.—Subparagraph (A) of section 852(b)(5) is amended to read as follows:

“(A) DEFINITION OF EXEMPT-INTEREST DIVIDEND.—

“(i) IN GENERAL.—Except as provided in clause (ii), an exempt-interest dividend is any dividend or part thereof (other than a capital gain dividend) paid by a regulated investment company and reported by the company as an exempt-interest dividend in written statements furnished to its shareholders.

“(ii) EXCESS REPORTED AMOUNTS.—If the aggregate reported amount with respect to the company for any taxable year exceeds the exempt interest of the company for such taxable year, an exempt-interest dividend is the excess of—

“(I) the reported exempt-interest dividend amount, over

“(II) the excess reported amount which is allocable to such reported exempt-interest dividend amount.

“(iii) ALLOCATION OF EXCESS REPORTED AMOUNT.—

“(I) IN GENERAL.—Except as provided in subclause (II), the excess reported amount (if any) which is allocable to the reported exempt-interest dividend amount is that portion of the excess reported amount which bears the same ratio to the excess reported amount as the reported exempt-interest dividend amount bears to the aggregate reported amount.

“(II) SPECIAL RULE FOR NONCALENDAR YEAR TAXPAYERS.—In the case of any taxable year which does not begin and end in the same calendar year, if the post-December reported amount equals or exceeds the excess reported amount for such taxable year, subclause (I) shall be applied by substituting ‘post-December reported amount’ for ‘aggregate reported amount’ and no excess reported amount shall

be allocated to any dividend paid on or before December 31 of such taxable year.

“(iv) DEFINITIONS.—For purposes of this subparagraph—

“(I) REPORTED EXEMPT-INTEREST DIVIDEND AMOUNT.—The term ‘reported exempt-interest dividend amount’ means the amount reported to its shareholders under clause (i) as an exempt-interest dividend.

“(II) EXCESS REPORTED AMOUNT.—The term ‘excess reported amount’ means the excess of the aggregate reported amount over the exempt interest of the company for the taxable year.

“(III) AGGREGATE REPORTED AMOUNT.—The term ‘aggregate reported amount’ means the aggregate amount of dividends reported by the company under clause (i) as exempt-interest dividends for the taxable year (including exempt-interest dividends paid after the close of the taxable year described in section 855).

“(IV) POST-DECEMBER REPORTED AMOUNT.—The term ‘post-December reported amount’ means the aggregate reported amount determined by taking into account only dividends paid after December 31 of the taxable year.

“(V) EXEMPT INTEREST.—The term ‘exempt interest’ means, with respect to any regulated investment company, the excess of the amount of interest excludable from gross income under section 103(a) over the amounts disallowed as deductions under sections 265 and 171(a)(2).”.

(c) FOREIGN TAX CREDITS.—

(1) IN GENERAL.—Subsection (c) of section 853 is amended—

(A) by striking “so designated by the company in a written notice mailed to its shareholders not later than 60 days after the close of the taxable year” and inserting “so reported by the company in a written statement furnished to such shareholder”, and

(B) by striking “NOTICE” in the heading and inserting “STATEMENTS”.

(2) CONFORMING AMENDMENTS.—Subsection (d) of section 853 is amended—

(A) by striking “and the notice to shareholders required by subsection (c)” in the text thereof, and

(B) by striking “AND NOTIFYING SHAREHOLDERS” in the heading thereof.

(d) CREDITS FOR TAX CREDIT BONDS.—

(1) IN GENERAL.—Subsection (c) of section 853A is amended—

(A) by striking “so designated by the regulated investment company in a written notice mailed to its shareholders not later than 60 days after the close of its taxable year” and inserting “so reported by the regulated investment company in a written statement furnished to such shareholder”, and

(B) by striking “NOTICE” in the heading and inserting “STATEMENTS”.

(2) CONFORMING AMENDMENTS.—Subsection (d) of section 853A is amended—

(A) by striking “and the notice to shareholders required by subsection (c)” in the text thereof, and

(B) by striking “AND NOTIFYING SHAREHOLDERS” in the heading thereof.

(e) DIVIDEND RECEIVED DEDUCTION, ETC.—

(1) IN GENERAL.—Paragraph (1) of section 854(b) is amended—

(A) by striking “designated under this subparagraph by the regulated investment company” in subparagraph (A) and inserting “reported by the regulated investment company as eligible for such deduction in written statements furnished to its shareholders”,

(B) by striking “designated by the regulated investment company” in subparagraph

(B)(i) and inserting “reported by the regulated investment company as qualified dividend income in written statements furnished to its shareholders”.

(C) by striking “designated” in subparagraph (C)(i) and inserting “reported”, and

(D) by striking “designated” in subparagraph (C)(ii) and inserting “reported”.

(2) CONFORMING AMENDMENTS.—Subsection (b) of section 854 is amended by striking paragraph (2) and by redesignating paragraphs (3), (4), and (5), as paragraphs (2), (3), and (4), respectively.

(f) DIVIDENDS PAID TO CERTAIN FOREIGN PERSONS.—

(1) INTEREST-RELATED DIVIDENDS.—Subparagraph (C) of section 871(k)(1) is amended by striking all that precedes “any taxable year of the company beginning” and inserting the following:

“(C) INTEREST-RELATED DIVIDEND.—For purposes of this paragraph—

“(i) IN GENERAL.—Except as provided in clause (ii), an interest related dividend is any dividend, or part thereof, which is reported by the company as an interest related dividend in written statements furnished to its shareholders.

“(ii) EXCESS REPORTED AMOUNTS.—If the aggregate reported amount with respect to the company for any taxable year exceeds the qualified net interest income of the company for such taxable year, an interest related dividend is the excess of—

“(I) the reported interest related dividend amount, over

“(II) the excess reported amount which is allocable to such reported interest related dividend amount.

“(iii) ALLOCATION OF EXCESS REPORTED AMOUNT.—

“(I) IN GENERAL.—Except as provided in subclause (II), the excess reported amount (if any) which is allocable to the reported interest related dividend amount is that portion of the excess reported amount which bears the same ratio to the excess reported amount as the reported interest related dividend amount bears to the aggregate reported amount.

“(II) SPECIAL RULE FOR NONCALENDAR YEAR TAXPAYERS.—In the case of any taxable year which does not begin and end in the same calendar year, if the post-December reported amount equals or exceeds the excess reported amount for such taxable year, subclause (I) shall be applied by substituting ‘post-December reported amount’ for ‘aggregate reported amount’ and no excess reported amount shall be allocated to any dividend paid on or before December 31 of such taxable year.

“(iv) DEFINITIONS.—For purposes of this subparagraph—

“(I) REPORTED INTEREST RELATED DIVIDEND AMOUNT.—The term ‘reported interest related dividend amount’ means the amount reported to its shareholders under clause (i) as an interest related dividend.

“(II) EXCESS REPORTED AMOUNT.—The term ‘excess reported amount’ means the excess of the aggregate reported amount over the qualified net interest income of the company for the taxable year.

“(III) AGGREGATE REPORTED AMOUNT.—The term ‘aggregate reported amount’ means the aggregate amount of dividends reported by the company under clause (i) as interest related dividends for the taxable year (including interest related dividends paid after the close of the taxable year described in section 855).

“(IV) POST-DECEMBER REPORTED AMOUNT.—The term ‘post-December reported amount’ means the aggregate reported amount deter-

mined by taking into account only dividends paid after December 31 of the taxable year.

“(v) TERMINATION.—The term ‘interest related dividend’ shall not include any dividend with respect to”.

(2) SHORT-TERM CAPITAL GAIN DIVIDENDS.—Subparagraph (C) of section 871(k)(2) is amended by striking all that precedes “any taxable year of the company beginning” and inserting the following:

“(C) SHORT-TERM CAPITAL GAIN DIVIDEND.—For purposes of this paragraph—

“(i) IN GENERAL.—Except as provided in clause (ii), the term ‘short-term capital gain dividend’ means any dividend, or part thereof, which is reported by the company as a short-term capital gain dividend in written statements furnished to its shareholders.

“(ii) EXCESS REPORTED AMOUNTS.—If the aggregate reported amount with respect to the company for any taxable year exceeds the qualified short-term gain of the company for such taxable year, the term ‘short-term capital gain dividend’ means the excess of—

“(I) the reported short-term capital gain dividend amount, over

“(II) the excess reported amount which is allocable to such reported short-term capital gain dividend amount.

“(iii) ALLOCATION OF EXCESS REPORTED AMOUNT.—

“(I) IN GENERAL.—Except as provided in subclause (II), the excess reported amount (if any) which is allocable to the reported short-term capital gain dividend amount is that portion of the excess reported amount which bears the same ratio to the excess reported amount as the reported short-term capital gain dividend amount bears to the aggregate reported amount.

“(II) SPECIAL RULE FOR NONCALENDAR YEAR TAXPAYERS.—In the case of any taxable year which does not begin and end in the same calendar year, if the post-December reported amount equals or exceeds the excess reported amount for such taxable year, subclause (I) shall be applied by substituting ‘post-December reported amount’ for ‘aggregate reported amount’ and no excess reported amount shall be allocated to any dividend paid on or before December 31 of such taxable year.

“(iv) DEFINITIONS.—For purposes of this subparagraph—

“(I) REPORTED SHORT-TERM CAPITAL GAIN DIVIDEND AMOUNT.—The term ‘reported short-term capital gain dividend amount’ means the amount reported to its shareholders under clause (i) as a short-term capital gain dividend.

“(II) EXCESS REPORTED AMOUNT.—The term ‘excess reported amount’ means the excess of the aggregate reported amount over the qualified short-term gain of the company for the taxable year.

“(III) AGGREGATE REPORTED AMOUNT.—The term ‘aggregate reported amount’ means the aggregate amount of dividends reported by the company under clause (i) as short-term capital gain dividends for the taxable year (including short-term capital gain dividends paid after the close of the taxable year described in section 855).

“(IV) POST-DECEMBER REPORTED AMOUNT.—The term ‘post-December reported amount’ means the aggregate reported amount determined by taking into account only dividends paid after December 31 of the taxable year.

“(v) TERMINATION.—The term ‘short-term capital gain dividend’ shall not include any dividend with respect to”.

(g) CONFORMING AMENDMENTS.—Section 855 is amended—

(1) by striking subsection (c) and redesignating subsection (d) as subsection (c), and

(2) by striking “, (c) and (d)” in subsection (a) and inserting “and (c)”.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(i) APPLICATION OF JGTRRA SUNSET.—Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 shall apply to the amendments made by subparagraphs (B) and (D) of subsection (e)(1) to the same extent and in the same manner as section 303 of such Act applies to the amendments made by section 302 of such Act.

SEC. 302. EARNINGS AND PROFITS OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Paragraph (1) of section 852(c) is amended to read as follows:

“(1) TREATMENT OF NONDEDUCTIBLE ITEMS.—

“(A) NET CAPITAL LOSS.—If a regulated investment company has a net capital loss for any taxable year—

“(i) such net capital loss shall not be taken into account for purposes of determining the company’s earnings and profits, and

“(ii) any capital loss arising on the first day of the next taxable year by reason of clause (i) or (iii) of section 1212(a)(3)(A) shall be treated as so arising for purposes of determining earnings and profits.

“(B) OTHER NONDEDUCTIBLE ITEMS.—

“(i) IN GENERAL.—The earnings and profits of a regulated investment company for any taxable year (but not its accumulated earnings and profits) shall not be reduced by any amount which is not allowable as a deduction (other than by reason of section 265 or 171(a)(2)) in computing its taxable income for such taxable year.

“(ii) COORDINATION WITH TREATMENT OF NET CAPITAL LOSSES.—Clause (i) shall not apply to a net capital loss to which subparagraph (A) applies.”.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (c) of section 852 is amended by adding at the end the following new paragraph:

“(4) REGULATED INVESTMENT COMPANY.—For purposes of this subsection, the term ‘regulated investment company’ includes a domestic corporation which is a regulated investment company determined without regard to the requirements of subsection (a).”.

(2) Paragraphs (1)(A) and (2)(A) of section 871(k) are each amended by inserting “which meets the requirements of section 852(a) for the taxable year with respect to which the dividend is paid” before the period at the end.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 303. PASS-THRU OF EXEMPT-INTEREST DIVIDENDS AND FOREIGN TAX CREDITS IN FUND OF FUNDS STRUCTURE.

(a) IN GENERAL.—Section 852 is amended by adding at the end the following new subsection:

“(g) SPECIAL RULES FOR FUND OF FUNDS.—

“(1) IN GENERAL.—In the case of a qualified fund of funds—

“(A) such fund shall be qualified to pay exempt-interest dividends to its shareholders without regard to whether such fund satisfies the requirements of the first sentence of subsection (b)(5), and

“(B) such fund may elect the application of section 853 (relating to foreign tax credit allowed to shareholders) without regard to the requirement of subsection (a)(1) thereof.

“(2) QUALIFIED FUND OF FUNDS.—For purposes of this subsection, the term ‘qualified fund of funds’ means a regulated investment

company if (at the close of each quarter of the taxable year) at least 50 percent of the value of its total assets is represented by interests in other regulated investment companies.”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 304. MODIFICATION OF RULES FOR SPILL-OVER DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) **DEADLINE FOR DECLARATION OF DIVIDEND.**—Paragraph (1) of section 855(a) is amended to read as follows:

“(1) declares a dividend before the later of—

“(A) the 15th day of the 9th month following the close of the taxable year, or

“(B) in the case of an extension of time for filing the company’s return for the taxable year, the due date for filing such return taking into account such extension, and”.

(b) **DEADLINE FOR DISTRIBUTION OF DIVIDEND.**—Paragraph (2) of section 855(a) is amended by striking “the first regular dividend payment” and inserting “the first dividend payment of the same type of dividend”.

(c) **SHORT-TERM CAPITAL GAIN.**—Subsection (a) of section 855 is amended by adding at the end the following: “For purposes of paragraph (2), a dividend attributable to any short-term capital gain with respect to which a notice is required under the Investment Company Act of 1940 shall be treated as the same type of dividend as a capital gain dividend.”

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to distributions in taxable years beginning after the date of the enactment of this Act.

SEC. 305. RETURN OF CAPITAL DISTRIBUTIONS OF REGULATED INVESTMENT COMPANIES.

(a) **IN GENERAL.**—Subsection (b) of section 316 is amended by adding at the end the following new paragraph:

“(4) **CERTAIN DISTRIBUTIONS BY REGULATED INVESTMENT COMPANIES IN EXCESS OF EARNINGS AND PROFITS.**—In the case of a regulated investment company that has a taxable year other than a calendar year, if the distributions by the company with respect to any class of stock of such company for the taxable year exceed the company’s current and accumulated earnings and profits which may be used for the payment of dividends on such class of stock, the company’s current earnings and profits shall, for purposes of subsection (a), be allocated first to distributions with respect to such class of stock made during the portion of the taxable year which precedes January 1.”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to distributions made in taxable years beginning after the date of the enactment of this Act.

SEC. 306. DISTRIBUTIONS IN REDEMPTION OF STOCK OF A REGULATED INVESTMENT COMPANY.

(a) **REDEMPTIONS TREATED AS EXCHANGES.**—

(1) **IN GENERAL.**—Subsection (b) of section 302 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

“(5) **REDEMPTIONS BY CERTAIN REGULATED INVESTMENT COMPANIES.**—Except to the extent provided in regulations prescribed by the Secretary, subsection (a) shall apply to any distribution in redemption of stock of a publicly offered regulated investment company (within the meaning of section 67(c)(2)(B)) if—

“(A) such redemption is upon the demand of the stockholder, and

“(B) such company issues only stock which is redeemable upon the demand of the stockholder.”.

(2) **CONFORMING AMENDMENT.**—Subsection (a) of section 302 is amended by striking “or (4)” and inserting “(4), or (5)”.

(b) **LOSSES ON REDEMPTIONS NOT DISALLOWED FOR FUND-OF-FUNDS REGULATED INVESTMENT COMPANIES.**—Paragraph (3) of section 267(f) is amended by adding at the end the following new subparagraph:

“(D) **REDEMPTIONS BY FUND-OF-FUNDS REGULATED INVESTMENT COMPANIES.**—Except to the extent provided in regulations prescribed by the Secretary, subsection (a)(1) shall not apply to any distribution in redemption of stock of a regulated investment company if—

“(i) such company issues only stock which is redeemable upon the demand of the stockholder, and

“(ii) such redemption is upon the demand of another regulated investment company.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to distributions after the date of the enactment of this Act.

SEC. 307. REPEAL OF PREFERENTIAL DIVIDEND RULE FOR PUBLICLY OFFERED REGULATED INVESTMENT COMPANIES.

(a) **IN GENERAL.**—Subsection (c) of section 562 is amended by striking “The amount” and inserting “Except in the case of a publicly offered regulated investment company (as defined in section 67(c)(2)(B)), the amount”.

(b) **CONFORMING AMENDMENT.**—Section 562(c) is amended by inserting “(other than a publicly offered regulated investment company (as so defined))” after “regulated investment company” in the second sentence thereof.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to distributions in taxable years beginning after the date of the enactment of this Act.

SEC. 308. ELECTIVE DEFERRAL OF CERTAIN LATE-YEAR LOSSES OF REGULATED INVESTMENT COMPANIES.

(a) **IN GENERAL.**—Paragraph (8) of section 852(b) is amended to read as follows:

“(8) **ELECTIVE DEFERRAL OF CERTAIN LATE-YEAR LOSSES.**—

“(A) **IN GENERAL.**—Except as otherwise provided by the Secretary, a regulated investment company may elect for any taxable year to treat any portion of any qualified late-year loss for such taxable year as arising on the first day of the following taxable year for purposes of this title.

“(B) **QUALIFIED LATE-YEAR LOSS.**—For purposes of this paragraph, the term ‘qualified late-year loss’ means—

“(i) any post-October capital loss, and

“(ii) any late-year ordinary loss.

“(C) **POST-OCTOBER CAPITAL LOSS.**—For purposes of this paragraph, the term ‘post-October capital loss’ means the greatest of—

“(i) the net capital loss attributable to the portion of the taxable year after October 31,

“(ii) the net long-term capital loss attributable to such portion of the taxable year, or

“(iii) the net short-term capital loss attributable to such portion of the taxable year.

“(D) **LATE-YEAR ORDINARY LOSS.**—For purposes of this paragraph, the term ‘late-year ordinary loss’ means the excess (if any) of—

“(i) the sum of—

“(I) the specified losses (as defined in section 4982(e)(5)(B)(ii)) attributable to the portion of the taxable year after October 31, plus

“(II) the ordinary losses not described in subclause (I) attributable to the portion of the taxable year after December 31, over

“(ii) the sum of—

“(I) the specified gains (as defined in section 4982(e)(5)(B)(i)) attributable to the portion of the taxable year after October 31, plus

“(II) the ordinary income not described in subclause (I) attributable to the portion of the taxable year after December 31.

“(E) **SPECIAL RULE FOR COMPANIES DETERMINING REQUIRED CAPITAL GAIN DISTRIBUTIONS ON TAXABLE YEAR BASIS.**—In the case of a company to which an election under section 4982(e)(4) applies—

“(i) if such company’s taxable year ends with the month of November, the amount of qualified late-year losses (if any) shall be computed without regard to any income, gain, or loss described in subparagraphs (C), (D)(i)(I), and (D)(ii)(I), and

“(ii) if such company’s taxable year ends with the month of December, subparagraph (A) shall not apply.”.

(b) **CONFORMING AMENDMENTS.**—

(1) Subsection (b) of section 852 is amended by striking paragraph (10).

(2) Paragraph (2) of section 852(c) is amended by striking the first sentence and inserting the following: “For purposes of applying this chapter to distributions made by a regulated investment company with respect to any calendar year, the earnings and profits of such company shall be determined without regard to any net capital loss attributable to the portion of the taxable year after October 31 and without regard to any late-year ordinary loss (as defined in subsection (b)(8)(D)).”

(3) Subparagraph (D) of section 871(k)(2) is amended by striking the last two sentences and inserting the following: “For purposes of this subparagraph, the net short-term capital gain of the regulated investment company shall be computed by treating any short-term capital gain dividend includible in gross income with respect to stock of another regulated investment company as a short-term capital gain.”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 309. EXCEPTION TO HOLDING PERIOD REQUIREMENT FOR CERTAIN REGULARLY DECLARED EXEMPT-INTEREST DIVIDENDS.

(a) **IN GENERAL.**—Subparagraph (E) of section 852(b)(4) is amended by striking all that precedes “In the case of a regulated investment company” and inserting the following:

“(E) **EXCEPTION TO HOLDING PERIOD REQUIREMENT FOR CERTAIN REGULARLY DECLARED EXEMPT-INTEREST DIVIDENDS.**—

“(i) **DAILY DIVIDEND COMPANIES.**—Except as otherwise provided by regulations, subparagraph (B) shall not apply with respect to a regular dividend paid by a regulated investment company which declares exempt-interest dividends on a daily basis in an amount equal to at least 90 percent of its net tax-exempt interest and distributes such dividends on a monthly or more frequent basis.

“(ii) **AUTHORITY TO SHORTEN REQUIRED HOLDING PERIOD WITH RESPECT TO OTHER COMPANIES.**—”.

(b) **CONFORMING AMENDMENT.**—Clause (ii) of section 852(b)(4)(E), as amended by subsection (a), is amended by inserting “(other than a company described in clause (i))” after “regulated investment company”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to losses incurred on shares of stock for which the taxpayer’s holding period begins after the date of the enactment of this Act.

TITLE IV—MODIFICATIONS RELATED TO EXCISE TAX APPLICABLE TO REGULATED INVESTMENT COMPANIES

SEC. 401. EXCISE TAX EXEMPTION FOR CERTAIN REGULATED INVESTMENT COMPANIES OWNED BY TAX EXEMPT ENTITIES.

(a) IN GENERAL.—Subsection (f) of section 4982 is amended—

(1) by striking “either” in the matter preceding paragraph (1),

(2) by striking “or” at the end of paragraph (1),

(3) by striking the period at the end of paragraph (2), and

(4) by inserting after paragraph (2) the following new paragraphs:

“(3) any other tax-exempt entity whose ownership of beneficial interests in the company would not preclude the application of section 817(h)(4), or

“(4) another regulated investment company described in this subsection.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to calendar years beginning after the date of the enactment of this Act.

SEC. 402. DEFERRAL OF CERTAIN GAINS AND LOSSES OF REGULATED INVESTMENT COMPANIES FOR EXCISE TAX PURPOSES.

(a) IN GENERAL.—Subsection (e) of section 4982 is amended by striking paragraphs (5) and (6) and inserting the following new paragraphs:

“(5) TREATMENT OF SPECIFIED GAINS AND LOSSES AFTER OCTOBER 31 OF CALENDAR YEAR.—

“(A) IN GENERAL.—Any specified gain or specified loss which (but for this paragraph) would be properly taken into account for the portion of the calendar year after October 31 shall be treated as arising on January 1 of the following calendar year.

“(B) SPECIFIED GAINS AND LOSSES.—For purposes of this paragraph—

“(i) SPECIFIED GAIN.—The term ‘specified gain’ means ordinary gain from the sale, exchange, or other disposition of property (including the termination of a position with respect to such property). Such term shall include any foreign currency gain attributable to a section 988 transaction (within the meaning of section 988) and any amount includible in gross income under section 1296(a)(1).

“(ii) SPECIFIED LOSS.—The term ‘specified loss’ means ordinary loss from the sale, exchange, or other disposition of property (including the termination of a position with respect to such property). Such term shall include any foreign currency loss attributable to a section 988 transaction (within the meaning of section 988) and any amount allowable as a deduction under section 1296(a)(2).

“(C) SPECIAL RULE FOR COMPANIES ELECTING TO USE THE TAXABLE YEAR.—In the case of any company making an election under paragraph (4), subparagraph (A) shall be applied by substituting the last day of the company’s taxable year for October 31.

“(6) TREATMENT OF MARK TO MARKET GAIN.—

“(A) IN GENERAL.—For purposes of determining a regulated investment company’s ordinary income, notwithstanding paragraph (1)(C), each specified mark to market provision shall be applied as if such company’s taxable year ended on October 31. In the case of a company making an election under paragraph (4), the preceding sentence shall be applied by substituting the last day of the company’s taxable year for October 31.

“(B) SPECIFIED MARK TO MARKET PROVISION.—For purposes of this paragraph, the term ‘specified mark to market provision’ means sections 1256 and 1296 and any other provision of this title (or regulations thereunder) which treats property as disposed of on the last day of the taxable year.

“(7) ELECTIVE DEFERRAL OF CERTAIN ORDINARY LOSSES.—Except as provided in regulations prescribed by the Secretary, in the case of a regulated investment company which has a taxable year other than the calendar year—

“(A) such company may elect to determine its ordinary income for the calendar year without regard to any net ordinary loss (determined without regard to specified gains and losses taken into account under paragraph (5)) which is attributable to the portion of such calendar year which is after the beginning of the taxable year which begins in such calendar year, and

“(B) any amount of net ordinary loss not taken into account for a calendar year by reason of subparagraph (A) shall be treated as arising on the 1st day of the following calendar year.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after the date of the enactment of this Act.

SEC. 403. DISTRIBUTED AMOUNT FOR EXCISE TAX PURPOSES DETERMINED ON BASIS OF TAXES PAID BY REGULATED INVESTMENT COMPANY.

(a) IN GENERAL.—Subsection (c) of section 4982 is amended by adding at the end the following new paragraph:

“(4) SPECIAL RULE FOR ESTIMATED TAX PAYMENTS.—

“(A) IN GENERAL.—In the case of a regulated investment company which elects the application of this paragraph for any calendar year—

“(i) the distributed amount with respect to such company for such calendar year shall be increased by the amount on which qualified estimated tax payments are made by such company during such calendar year, and

“(ii) the distributed amount with respect to such company for the following calendar year shall be reduced by the amount of such increase.

“(B) QUALIFIED ESTIMATED TAX PAYMENTS.—For purposes of this paragraph, the term ‘qualified estimated tax payments’ means, with respect to any calendar year, payments of estimated tax of a tax described in paragraph (1)(B) for any taxable year which begins (but does not end) in such calendar year.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to calendar years beginning after the date of the enactment of this Act.

SEC. 404. INCREASE IN REQUIRED DISTRIBUTION OF CAPITAL GAIN NET INCOME.

(a) IN GENERAL.—Subparagraph (B) of section 4982(b)(1) is amended by striking “98 percent” and inserting “98.2 percent”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after the date of the enactment of this Act.

TITLE V—OTHER PROVISIONS

SEC. 501. REPEAL OF ASSESSABLE PENALTY WITH RESPECT TO LIABILITY FOR TAX OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 is amended by striking section 6697 (and by striking the item relating to such section in the table of sections of such part).

(b) CONFORMING AMENDMENT.—Section 860 is amended by striking subsection (j).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 502. MODIFICATION OF SALES LOAD BASIS DEFERRAL RULE FOR REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Subparagraph (C) of section 852(f)(1) is amended by striking “subsequently acquires” and inserting “acquires, during the period beginning on the date of the disposition referred to in subparagraph (B) and ending on January 31 of the calendar year following the calendar year that includes the date of such disposition.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to charges incurred in taxable years beginning after the date of the enactment of this Act.

TITLE VI—PAYGO COMPLIANCE

SEC. 601. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. NEAL) and the gentleman from Michigan (Mr. CAMP) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. NEAL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. NEAL. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, more than 100 years ago, the first U.S. mutual fund was started in Boston. Mutual funds have been a way of life for “everyman” to invest in the market, with the benefits of pooling and diversification. Indeed, it invites the term “mutualization.” Today, more than 50 million households invest through mutual funds with a median household income of \$80,000. More than 50 percent of 401(k) plan assets were invested in mutual funds at the end of 2009.

H.R. 4337 was introduced last year by Mr. RANGEL and me to modernize the tax laws regarding regulated investment companies, better known as mutual funds. A technical explanation and revenue table for this bill may be found on the Joint Tax Web site, www.jct.gov.

The tax rules that relate to mutual funds date back more than a half century. Although these rules have been updated from time to time, it has been

over 20 years since they were last revisited. The bill before us today would make several changes to the Tax Code to address outdated provisions, such as rules that relate to preferential dividends and rules that require mutual funds to send separate annual dividend designation notices to shareholders and rules that prevent mutual funds from earning income from commodities.

In June, my subcommittee, the Select Revenue Measures Subcommittee, reviewed this legislation with a panel of experts who expressed support for these changes.

Today, I am pleased to be joined by my friend, the gentleman from Michigan (Mr. CAMP), in bringing this bill to the floor with a few technical changes and revenue offsets from within the industry. The Ways and Means Committee has the responsibility to review our tax rules from time to time, remove the dead wood, and update where necessary. This bill accomplishes that to the benefit of investors, taxpayers, and mutual fund companies. I urge its adoption.

I reserve the balance of my time.

Mr. CAMP. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, regulated investment companies, better known in their most prevalent form as mutual funds, are intended to provide individual investors the ability to invest easily and with low costs in a diversified pool of professionally managed investments. According to the Investment Company Institute, ICI, the main trade association for mutual funds, more than 50 million American families currently invest in mutual funds.

Most of the current law mutual fund rules were last collectively updated more than two decades ago. H.R. 4337 would modify and update certain technical tax rules pertaining to mutual funds in order to make them better conform to, and interact with, other aspects of the Tax Code and applicable securities laws.

On June 15, 2010, the Ways and Means Subcommittee on Select Revenue Measures held a hearing on H.R. 4337. Invited witnesses, including a representative of ICI, were supportive of the bill, and we are not aware of any controversy or opposition to the legislation.

Let me close by making a broader point. It certainly is appropriate for Ways and Means to periodically review the tax law to ensure that targeted provisions of importance to particular segments of the economy, including the mutual fund industry and their investors, are kept up to date; and I certainly appreciate the majority's decision to hold a hearing on this bill before bringing it to the floor, because our committee works best when it works under regular order.

Having said that, I must say that I am deeply disappointed that our com-

mittee seems to have lost sight of its responsibility to address the single most significant tax issue facing Americans right now—preventing a massive \$3.8 trillion tax increase at the end of this year. These looming tax hikes on families, seniors, investors, and small businesses not only threaten every American taxpayer with higher taxes, but they're also contributing significantly to the uncertainty we see in the economy as a whole. So while we should continue to work together to modernize the tax rules governing mutual funds, we also should be working together to prevent harmful tax increases, such as the tax hikes on capital gains and dividends that will dramatically affect the very same mutual fund investors we're focusing on here today.

With that, Madam Speaker, I urge support for the bill before us.

INVESTMENT COMPANY INSTITUTE,
Washington, DC, September 28, 2010.
Re: ICI Strongly Supports Mutual Fund Modernization Legislation.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
U.S. Capitol, Washington, DC.

Hon. JOHN BOEHNER,
Republican Leader, House of Representatives,
U.S. Capitol, Washington, DC.

DEAR SPEAKER PELOSI AND REPUBLICAN LEADER BOEHNER: The Investment Company Institute strongly supports the bipartisan Regulated Investment Company ("RIC") Modernization Act (H.R. 4337). On behalf of the millions of mutual fund shareholders who would benefit from this bill, we urge all House members to vote favorably on this bill when it is considered on the Suspension Calendar.

This bill would modernize the tax laws that govern mutual funds. These laws have not been updated in any meaningful or comprehensive way since 1986, almost a quarter century ago; some of the provisions in current law date back more than 60 years. Numerous developments during the past 20-plus years—including the development of new fund structures and distribution channels—have placed considerable stress on the currently applicable tax rules.

The legislation's many benefits were discussed in detail during the bill's June 2010 hearing before the Committee on Ways and Means Select Revenue Measures Subcommittee. The three key areas in which the bill would benefit funds and their shareholders involve:

- improving the efficiency of mutual fund investment structures,
- reducing disproportionate tax consequences for inadvertent errors, and
- minimizing the need for amended tax statements and amended tax returns.

As discussed in detail in our testimony before the Subcommittee, the bill would reduce the burden arising from amended year-end tax information statements, improve a fund's ability to meet its distribution requirements, create remedies for inadvertent mutual fund qualification failures, improve the tax treatment of investing in a "fund-of-funds" structure, and update the tax treatment of fund capital losses.

This bill reflects the sponsors' conclusion, with which we strongly agree, that it is important to update, clarify, and streamline the mutual fund tax rules. By eliminating

uncertainties and allowing appropriate innovations, funds will become more efficient. The ICI supports the pay-fors included in H.R. 4337, which apply to regulated investment companies and fully offset the modest revenue costs of the legislation.

Enacting this legislation will allow our members to focus on what they do best—serving their shareholders.

We urge your support.

Sincerely,

PAUL SCHOTT STEVENS,
President and Chief Executive Officer.

I reserve the balance of my time.

Mr. NEAL. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, we held a hearing on this bill. It is well received by the investors; it is well received by the mutual fund companies, and it certainly received no negative commentary in the House. Why cannot we just come to this floor and speak to the issue at hand?

I worked hard on this piece of legislation with Mr. TIBERI for a long period of time. This is the legislation that's in front of this Congress at this particular time. It was well met because it was fully vetted in the committee with sufficient opportunity for any- and everyone to comment on it.

This is a product that we should be proud of. For the first time in two decades, we are modernizing issues that relate to the industry that many, if not millions, of Americans come to depend upon for retirement. I don't understand why there would be any additional argument made on any other piece of legislation that was being considered when, in fact, this is the matter that's before us at this particular time.

I reserve the balance of my time.

□ 1710

Mr. CAMP. I have no further requests for time, and I yield back the balance of my time.

Mr. NEAL. Madam Speaker, I have no further requests for time, I urge adoption of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. NEAL) that the House suspend the rules and pass the bill, H.R. 4337, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ALGAE-BASED RENEWABLE FUEL PROMOTION ACT OF 2010

Mr. VAN HOLLEN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4168) to amend the Internal Revenue Code of 1986 to expand the definition of cellulosic biofuel to include algae-based biofuel for purposes of the cellulosic biofuel producer credit

and the special allowance for cellulosic biofuel plant property, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4168

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Algae-based Renewable Fuel Promotion Act of 2010”.

SEC. 2. ALGAE TREATED AS A QUALIFIED FEEDSTOCK FOR PURPOSES OF THE CELLULOSIC BIOFUEL PRODUCER CREDIT, ETC.

(a) IN GENERAL.—Subclause (I) of section 40(b)(6)(E)(i) of the Internal Revenue Code of 1986 is amended to read as follows:

“(I) is derived solely from qualified feedstocks, and”.

(b) QUALIFIED FEEDSTOCK; SPECIAL RULES FOR ALGAE.—Paragraph (6) of section 40(b) of such Code is amended by redesignating subparagraphs (F), (G), and (H) as subparagraphs (H), (I), and (J), respectively, and by inserting after subparagraph (E) the following new subparagraphs:

“(F) QUALIFIED FEEDSTOCK.—For purposes of this paragraph, the term ‘qualified feedstock’ means—

“(i) any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, and

“(ii) any cultivated algae, cyanobacteria, or lemma.

“(G) SPECIAL RULES FOR ALGAE.—In the case of fuel which is derived from feedstock described in subparagraph (F)(ii) and which is sold by the taxpayer to another person for refining by such other person into a fuel which meets the requirements of subparagraph (E)(i)(II)—

“(i) such sale shall be treated as described in subparagraph (C)(i),

“(ii) such fuel shall be treated as meeting the requirements of subparagraph (E)(i)(II) in the hands of such taxpayer, and

“(iii) except as provided in this subparagraph, such fuel (and any fuel derived from such fuel) shall not be taken into account under subparagraph (C) with respect to the taxpayer or any other person.”.

(c) ALGAE TREATED AS A QUALIFIED FEEDSTOCK FOR PURPOSES OF BONUS DEPRECIATION FOR BIOFUEL PLANT PROPERTY.—

(1) IN GENERAL.—Subparagraph (A) of section 168(1)(2) of such Code is amended by striking “solely to produce cellulosic biofuel” and inserting “solely to produce second generation biofuel (as defined in section 40(b)(6)(E))”.

(2) CONFORMING AMENDMENTS.—Subsection (1) of section 168 of such Code is amended—

(A) by striking “cellulosic biofuel” each place it appears in the text thereof and inserting “second generation biofuel”,

(B) by striking paragraph (3) and redesignating paragraphs (4) through (8) as paragraphs (3) through (7), respectively,

(C) by striking “CELLULOSIC” in the heading of such subsection and inserting “SECOND GENERATION”, and

(D) by striking “CELLULOSIC” in the heading of paragraph (2) and inserting “SECOND GENERATION”.

(d) CONFORMING AMENDMENTS.—

(1) Section 40 of such Code, as amended by subsection (b), is amended—

(A) by striking “cellulosic biofuel” each place it appears in the text thereof and inserting “second generation biofuel”,

(B) by striking “CELLULOSIC” in the headings of subsections (b)(6), (b)(6)(E), and

(d)(3)(D) and inserting “SECOND GENERATION”, and

(C) by striking “CELLULOSIC” in the headings of subsections (b)(6)(C), (b)(6)(D), (b)(6)(H), (d)(6), and (e)(3) and inserting “SECOND GENERATION”.

(2) Clause (ii) of section 40(b)(6)(E) of such Code is amended by striking “Such term shall not” and inserting “The term ‘second generation biofuel’ shall not”.

(3) Paragraph (1) of section 4101(a) of such Code is amended by striking “cellulosic biofuel” and inserting “second generation biofuel”.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to fuels sold or used after the date of the enactment of this Act.

(2) APPLICATION TO BONUS DEPRECIATION.—The amendments made by subsection (c) shall apply to property placed in service after the date of the enactment of this Act.

SEC. 3. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. VAN HOLLEN) and the gentleman from Michigan (Mr. CAMP) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. VAN HOLLEN. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include any extraneous material in the CONGRESSIONAL RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. VAN HOLLEN. Madam Speaker, Americans across the Nation are increasingly interested in the contribution that clean, homegrown fuels can make to our environment, economic development, and energy security. Additionally, I hear from many of my constituents that they believe Federal policy should move toward the development of biofuels that do not compete with food and otherwise operate on a feedstock and technology-neutral basis.

Today’s legislation advances those goals by including algae as a qualified feedstock under the existing cellulosic biofuel credit. It is forward-looking legislation that recognizes the rapidly evolving nature of the advanced biofuels industry and the demonstrated potential of biofuels made from algae.

With that, I yield 5 minutes to my colleague Congressman HARRY TEAGUE of New Mexico and thank him for his extraordinary leadership on this bipartisan initiative.

Mr. TEAGUE. Madam Speaker, I am an oil man. I always have been and always will be. When I was 9 years old, we moved from Caddo County, Oklahoma, to Hobbs, New Mexico, so my daddy could get a job in the oil patch. A few years later, at age 17, with my parents sick and the bills still needing to get paid, I went to work in the oil fields to earn a paycheck and support the family. Eventually, I built a small business from the ground up; and we employed 250 people, drilling oil and gas wells for other people and fixing them when they were broke.

Most every hamburger that I have ever had has come somehow from American oil and gas. The industry employs almost 20,000 people in New Mexico. It’s a critical source of wealth, jobs, energy, and education funding in my State; and I’ve been proud to fight for New Mexico oil and gas in Congress.

While New Mexico has been successful developing its oil and gas resources, we have failed to develop the diverse alternative energy resources that my State also possesses in great abundance. And, unfortunately for thousands of New Mexicans looking for work today, we have failed to create those alternative energy jobs.

Madam Speaker, if we want to create our energy jobs here in America and stop sending a billion dollars to countries like Saudi Arabia and Venezuela every day, we need a “Do it all, do it in America” energy policy. We need to drill for more oil and natural gas. We need to build new nuclear facilities. We need to capture the wind, the sun, and the Earth’s geothermal heat for electricity. We need to produce billions of gallons of liquid biofuels to burn in cars, trucks, and airplane engines, and we need to do it right here in America.

Madam Speaker, a pillar of a “Do it all, do it in America” approach to energy is producing biofuels from algae. Algal biofuels have high energy density and the near-term potential to produce more energy in a small footprint than earlier generation biofuels. They can be grown using brackish water not suitable for human consumption and on land not suitable for agriculture. And all the algae needs is ample sunlight and a source of nutrition, like cow manure, to grow and get fat with oil.

Although the companies and researchers that are now producing algal biofuels have intensively experimented with various techniques and algae breeds over many years, when it comes down to it, getting oil out of algae is pretty simple: You dig a pond, line it, and fill it with water. You fill the pond with algae, keep them fed. When the algae are good and fat, you squeeze the oil out of the organisms. And depending on your technology, you put it right to use or refine it into gasoline, diesel, or jet fuel. Additionally, many algal biofuels are designed to function

on a drop-in basis, so you can pour green crude right into the pipeline or tanker truck coming out of the oil patch. This means we can replace imported oil with homegrown fuel without costly investments in new refining and transportation infrastructure.

My district of southern New Mexico is among the many areas across the country primed to become a center for algal biofuel production and job creation. Our wide open spaces, ample sunlight, and brackish water make us the perfect place to produce our Nation's next generation of biofuels. We already have algal biofuel facilities in Dona Ana County and Eddy County. Luna County will soon be home to another facility which will create 700 jobs when it breaks ground this fall. The potential, though, is so much greater. Algal biofuels are poised to power America with homegrown energy on a large scale.

However, algal biofuels face an uneven playing field within our Nation's energy policy framework, most notably in our tax code. Under current law, algal biofuels do not qualify for tax incentives that currently benefit other biofuels, like cellulosic biofuels.

When these tax laws were written, cellulosic biofuels and biodiesel were the only renewable fuels on the lawmakers' radars and considered capable of actually reducing America's dependence on foreign oil. Since these laws were written, however, significant advances in the algae-based fuel industry have readied algae for prime time. Now, because algae has many advantages over cellulosic feedstocks and is operating on a near-term commercialization timeline similar to cellulosic fuels, algae-based fuel producers should receive tax incentives on par with those currently received by cellulosic biofuel producers.

H.R. 4168, the Algae-based Renewable Fuel Promotion Act, simply gives algal biofuels tax parity with cellulosic biofuels. The legislation contains a limitation on the products that will qualify for the tax incentives. They must be derived solely from qualifying feedstocks. Qualifying feedstocks include, in addition to cellulosic materials, cultivated algae, cyanobacteria, and lemna. Beyond that, the bill does not distinguish among these feedstocks with regard to the manner of cultivation, including nutrients or other inputs used to develop the feedstock and the biofuel. It is the intent of this provision to encompass all technologies using qualified feedstocks such as algae.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. VAN HOLLEN. Madam Speaker, I yield the gentleman another 2 minutes.

Mr. TEAGUE. Bottom line, tax parity will help algal biofuel producers attract needed capital to produce energy

right here at home and create hundreds of thousands of jobs for new energy in New Mexico and across this great country.

Madam Speaker, when Americans go to the pump to fill up their tanks today, they are sending 70 cents of every dollar to other countries, many of which don't like us very much, and are creating jobs in places like Saudi Arabia and Venezuela. I don't want Americans to be creating jobs for the supporters of Hugo Chavez when they use energy. We should be creating energy jobs right here at home, employing American workers to produce the energy our economy and military needs.

Passing this bill today is a step toward a "Do it all, do it in America" energy policy. We can create American jobs and make our country more secure by producing our energy right here at home. This is a commonsense bipartisan bill that will create jobs and move America toward energy independence.

I would like to thank Chairman LEVIN, Ranking Member CAMP, and members of the Ways and Means Committee for their support.

Mr. CAMP. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this bill seeks to expand the eligibility for certain current law tax benefits to algae-based fuels. Specifically, it would make algae or algae plant property eligible for both the cellulosic biofuel producer credit and for 50 percent bonus depreciation.

Regardless of whether Members believe these enhanced tax benefits for algae are appropriate, I think it's important to make a few observations about this bill, about the process under which we are considering it, and about the majority's decision to make this the centerpiece of its tax agenda during this, the final week of session. With respect to the bill itself, I would note that these same algae-related benefits, along with many other energy-related tax provisions, were included as a part of Chairman LEVIN's much broader green jobs discussion draft which had been expected to be formally considered by the Ways and Means Committee as a package. It's worth asking why only the algae-related provisions of that broader energy bill merit special consideration in stand-alone legislation, which is quite unusual for tax legislation from the committee, while the other provisions in that broader bill languish without so much as a committee markup.

□ 1720

If Ways and Means had actually held a markup on these algae-related provisions, Members could have fully explored whether it is advisable to expand the cellulosic biofuel producer credit, a credit that has proved controversial over the past several years.

Indeed, Members of both parties supported efforts to close a major potential loophole in that credit that could have permitted "black liquor," an alternative fuel created as a byproduct of the paper-making process to qualify. Given such recent, high-profile alarm about potential abuse of the cellulosic biofuel producer credit, one would think that efforts to further expand the credit would be pursued only after consideration and a formal Ways and Means Committee mark-up under regular order. I think we do the best work when we proceed under regular order. But, instead, these provisions have been rushed directly to the floor.

But what is most disturbing about the tax debate we are having here today is what we are not debating. Rather than using this last week of session prior to the election to prevent a massive \$3.8 trillion tax increase from taking effect at the end of the year, the majority's tax agenda for this final week, instead centers on a bill that provides tax benefits for algae. And let me repeat: instead of protecting American families, seniors and investors and small businesses from a job-killing, \$3.8 trillion tax hike, we are here debating tax benefits for algae.

Madam Speaker, governing is about setting priorities, and the majority's tax agenda for the week shows just how out of line the majority's priorities are with those of the American people.

Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. I thank the ranking member. I appreciate the fact of this bill being brought forward.

Madam Speaker, I know there is very little being brought forward, but at least we have something to discuss today. And I have to agree with my colleague that we wish the general tax cut, something that we hear all around, the American people want us to talk about.

But this is an item that hasn't been talked about enough anywhere. And I want to thank my colleague from New Mexico for cosponsoring this with me. And I want to congratulate the gentleman's State of New Mexico because, I tell you something, as a Californian, I am sort of envious. California spent lots of money on our universities, lots of money on our research. We have some of the best scientists in the world. And as the gentleman from New Mexico knows, our scientists in San Diego developed the ability to create this algae fuel, but, sadly, because of California's regulations and the lack of reform and its government oversight, the scientists in San Diego had to pack up and go to New Mexico to be able to produce this product. And the jobs will be created in New Mexico in the production because California hasn't reformed its government regulatory oversight.

And I think that is a challenge for all of us to look at that, hopefully, as the Federal Government will set an example that jobs aren't being taken overseas, because we are quick to write checks and maybe do research, but we are not quick at making the private sector viable to be able to create the jobs that all of us know the American people are desperate for.

You know, the algae-based fuel is one of the most promising fuels, Madam Speaker, when we talk about the next generation, second or third generation biofuels. We all know, any reasonable person knows, that the mandates of adding renewable fuels in our fuel stream, the mandate that you cannot sell legally gasoline in the United States unless it has a 10 or 8 percent by volume content of renewable fuels, that mandate never, ever meant to leave us with first generation renewable fuels. We all knew that first generation was a necessity, something we had to get through, something that was expensive, maybe not as environmentally friendly as we like, but a transition we hoped would come eventually.

Algae fuel has the capability of building that bridge to the future to lead the first generation renewables behind and move forward. The fact is that algae fuel is not only highly effective; algae fuel equals the fossil fuel one-to-one in energy capabilities.

The fact is that algae fuel, as it gets developed, is capable of not just driving our cars, but flying our airplanes, of actually replacing diesel. Algae fuel has the capability of total compatibility with the existing infrastructure. Unlike other fuels, you do not have to ship algae fuel by truck from one location to the other, thus creating a whole new group of environmental and air pollution problems. You can transport it within the pipe systems that exist today. You can refine it in the refineries that exist today.

Algae fuel has the capability of being 1, 2 percent, or 90 percent of the fuel stream within the existing infrastructure. It is totally compatible to be phased in, a huge benefit that does not exist with the first generation.

Algae fuel has the ability to consume and sequester massive amounts of CO₂, something that other fuels do not have the capability of doing along the line at the capability that they have here. And the drop-in capability and the capability is something we do not talk enough about.

Algae fuels have been tested. We have had one aircraft that flew with algae fuel and not only was compatible, but was 4 percent more efficient than fossil fuels of comparable weight and volume.

And the fact is, Madam Speaker, that we have the ability now to even the playing field when it comes to taxes. Why should Washington continue to choose winners and have alternatives

that should be allowed to win hamstrung and punished because they weren't here with their lobbyists years ago when these laws were passed?

This bill helps to correct the mistakes made in the past in our tax laws where Washington was choosing some to be winners and cutting out other people from participating in the system. We should allow winners to earn the right to be called winners and not be anointed by Washington or the legislators here in Washington. We should allow the technology and the products to compete on an open market, but equal tax benefits for everyone to be able to prove that America allows people to be innovative, to be creative, and we will not punish them just because they went down one technological road rather than the other.

Our Tax Code should be equal. It should be neutral, and it should be outcome-based, not profit-based and, most importantly, not Washington lobbying-based. This bill now equalizes that to some degree; and that degree, I think is appropriate at this time.

So it may not be doing everything we would like to do this week. It is not going to accomplish what I know we all know the American people want us to get accomplished before January 1 of 2011, but it does take a step in the right direction, helps to correct the mistake.

And yes, Congressman, I will go back to talk to Arnold Schwarzenegger and say, damn it, we have got to change our regulation so we can produce this algae in California so you don't get all the jobs from this great technology breakthrough.

Mr. CAMP. I yield back the balance of my time.

Mr. MCNERNEY. Madam Speaker, the House of Representatives passed H.R. 4168, the Algae-based Renewable Fuel Promotion Act of 2009, a bill I am pleased to support. I would like to thank Mr. TEAGUE for his efforts to incentivize the production of environmentally-friendly biofuels. Mr. TEAGUE worked across party lines to advance bipartisan legislation, and he deserves recognition for his leadership.

H.R. 4168 is a significant step forward, but I believe that additional refinements could help incentivize a broader array of environmentally friendly, economically viable biofuels. As we continue working to fine tune this legislation and related proposals, we should seek to ensure that federal tax policy treats all viable technologies fairly and equitably. I look forward to working with Mr. TEAGUE, Mr. BILBRAY, and other interested members to make sure that algal biofuels produced in Northern California fully benefit from this bill.

Developing new sources of cellulosic biofuels is beneficial to the environment, the economy, and national security. I thank the authors of H.R. 4168 for their efforts.

Mr. VAN HOLLEN. Madam Speaker, again, I want to thank the gentleman from New Mexico (Mr. TEAGUE) for this initiative and just respond to a couple of the points raised by Mr. CAMP, the

ranking member of the Ways and Means Committee.

First, this piece of the energy bill was brought to the floor for two reasons. Number one, it has strong bipartisan support, as you heard. In addition to Mr. BILBRAY, Mrs. BONO MACK and Mr. DREIER are cosponsors of the legislation.

And, secondly, this piece has no cost associated with it. And so those two aspects of the bill made it a good candidate for coming forward.

Secondly, given the other comments made by the gentleman with respect to the importance of moving forward on tax relief for small businesses and others around the country, I would just remind the gentleman that just last Thursday, on the floor of this House, we had a vote on a bill for small business lending to make sure that we increased credit to struggling small businesses around the country to make sure that they could make payroll, to make sure that they could take on the costs that they needed to expand. And part of that bill also contained significant tax relief for small businesses.

And it was ironic that many of our Republican colleagues were off-site at a small business venture, and then came back to the Hill to vote against that bill, a bill that the Republican Senator, retiring Republican Senator from Ohio, Senator VOINOVICH said was important to small businesses, and has said it is time to put aside politics and get this done.

□ 1730

I am very pleased that the result of the action taken in this House and the Senate was the President signed that bill yesterday so that small businesses can have access to credit and small businesses will get the tax relief they need.

We look forward in this body to being able to move on to make sure that middle class taxpayers, 98 percent of the American people, can get tax relief without being held hostage to the demand of the Senate Republican leader that we also provide budget-busting tax breaks to the folks at the very top, adding \$700 billion to the deficit over the next 10 years, which is fiscally reckless and which, in the long term, will crimp economic and job growth.

Mr. VAN HOLLEN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. VAN HOLLEN) that the House suspend the rules and pass the bill, H.R. 4168, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REDUNDANCY ELIMINATION AND ENHANCED PERFORMANCE FOR PREPAREDNESS GRANTS ACT

Mr. CUELLAR. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3980) to provide for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Redundancy Elimination and Enhanced Performance for Preparedness Grants Act”.

SEC. 2. IDENTIFICATION OF REPORTING REDUNDANCIES AND DEVELOPMENT OF PERFORMANCE METRICS FOR HOMELAND SECURITY PREPAREDNESS GRANT PROGRAMS.

(a) IN GENERAL.—Title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.) is amended by adding at the end the following:

“SEC. 2023. IDENTIFICATION OF REPORTING REDUNDANCIES AND DEVELOPMENT OF PERFORMANCE METRICS.

“(a) DEFINITION.—In this section, the term ‘covered grants’ means grants awarded under section 2003, grants awarded under section 2004, and any other grants specified by the Administrator.

“(b) INITIAL REPORT.—Not later than 90 days after the date of enactment of the Redundancy Elimination and Enhanced Performance for Preparedness Grants Act, the Administrator shall submit to the appropriate committees of Congress a report that includes—

“(1) an assessment of redundant reporting requirements imposed by the Administrator on State, local, and tribal governments in connection with the awarding of grants, including—

“(A) a list of each discrete item of data requested by the Administrator from grant recipients as part of the process of administering covered grants;

“(B) identification of the items of data from the list described in subparagraph (A) that are required to be submitted by grant recipients on multiple occasions or to multiple systems; and

“(C) identification of the items of data from the list described in subparagraph (A) that are not necessary to be collected in order for the Administrator to effectively and efficiently administer the programs under which covered grants are awarded;

“(2) a plan, including a specific timetable, for eliminating any redundant and unnecessary reporting requirements identified under paragraph (1); and

“(3) a plan, including a specific timetable, for promptly developing a set of quantifiable performance measures and metrics to assess the effectiveness of the programs under which covered grants are awarded.

“(c) BIENNIAL REPORTS.—Not later than 1 year after the date on which the initial report is required to be submitted under subsection (b), and once every 2 years thereafter, the Administrator shall submit to the appropriate committees of Congress a grants management report that includes—

“(1) the status of efforts to eliminate redundant and unnecessary reporting requirements imposed on grant recipients, including—

“(A) progress made in implementing the plan required under subsection (b)(2);

“(B) a reassessment of the reporting requirements to identify and eliminate redundant and unnecessary requirements;

“(2) the status of efforts to develop quantifiable performance measures and metrics to assess the effectiveness of the programs under which the covered grants are awarded, including—

“(A) progress made in implementing the plan required under subsection (b)(3);

“(B) progress made in developing and implementing additional performance metrics and measures for grants, including as part of the comprehensive assessment system required under section 649 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 749); and

“(3) a performance assessment of each program under which the covered grants are awarded, including—

“(A) a description of the objectives and goals of the program;

“(B) an assessment of the extent to which the objectives and goals described in subparagraph (A) have been met, based on the quantifiable performance measures and metrics required under this section, section 2022(a)(4), and section 649 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 749);

“(C) recommendations for any program modifications to improve the effectiveness of the program, to address changed or emerging conditions; and

“(D) an assessment of the experience of recipients of covered grants, including the availability of clear and accurate information, the timeliness of reviews and awards, and the provision of technical assistance, and recommendations for improving that experience.

“(d) GRANTS PROGRAM MEASUREMENT STUDY.—

“(1) IN GENERAL.—Not later than 30 days after the enactment of Redundancy Elimination and Enhanced Performance for Preparedness Grants Act, the Administrator shall enter into a contract with the National Academy of Public Administration under which the National Academy of Public Administration shall assist the Administrator in studying, developing, and implementing—

“(A) quantifiable performance measures and metrics to assess the effectiveness of grants administered by the Department, as required under this section and section 649 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 749); and

“(B) the plan required under subsection (b)(3).

“(2) REPORT.—Not later than 1 year after the date on which the contract described in paragraph (1) is awarded, the Administrator shall submit to the appropriate committees of Congress a report that describes the findings and recommendations of the study conducted under paragraph (1).

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out this subsection.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

“Sec. 2023. Identification of reporting redundancies and development of performance metrics.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. CUELLAR) and the gentleman from Georgia (Mr. BROUN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. CUELLAR. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CUELLAR. I rise in support of the motion to concur in the Senate amendment to H.R. 3980, and I yield myself such time as I may consume.

Madam Speaker, I introduced H.R. 3980, the Redundancy Elimination Enhanced Performance for Preparedness Grants Act, because I believe that we need greater accountability for the \$4 billion in grant funding provided annually by the Federal Emergency Management Agency.

I want to thank Chairman THOMPSON and Ranking Member KING of the committee, as well as Congresswoman RICHARDSON and Congressman ROGERS from Alabama, the chairman and the ranking member of the Subcommittee on Emergency Communications, Preparedness, and Response, as well as my good friend, Senator JOE LIEBERMAN, for the support in moving this bill, plus the staff who has worked very hard.

This bill passed unanimously, and I ask that we concur with the Senate amendment to H.R. 3980 that builds upon this legislation by directing FEMA to work with the National Academy of Public Administration to formulate performance measures for the grant programs.

This bill plus the amendment simply calls for greater accountability that we are able to measure and that we are able to see that we have results.

So I ask my colleagues to support this Senate amendment to H.R. 3980 and pass this piece of legislation.

I reserve the balance of my time.

Mr. BROUN of Georgia. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of H.R. 3980 as amended by the Senate. This bill was passed by the House on December 2, 2009, by a vote of 414-0. On September 22, 2010, the bill passed the Senate, with an amendment, by unanimous consent.

H.R. 3980 requires the Federal Emergency Management Agency, FEMA, to identify and eliminate any redundant requirements that place an undue burden on State and local governments to receive grant funds under the State Homeland Security Grant Program, the Urban Area Security Initiative, and other programs as determined by the FEMA administrator. This bill will help address the issue of grant recipients oftentimes having to report similar information under numerous grant programs.

In addition, H.R. 3980 builds on the requirements in the Post-Katrina

Emergency Management Reform Act of 2006 and the 9/11 Act of 2007 by requiring FEMA to develop and implement performance measures for these vital programs and to report to Congress every 2 years on the status of these efforts.

The Post-Katrina Reform Act and the 9/11 Act both required FEMA to develop metrics to identify and close gaps in preparedness. Unfortunately, several years later, FEMA continues to struggle with integrating these requirements to produce meaningful results.

This bill also calls on FEMA to conduct an overall assessment of the State Homeland Security Grant Program, the Urban Area Security Initiatives, and other grants specified by the administrator.

Together, these requirements will help ensure that Congress is kept informed of FEMA's progress in effectively administering these grants and addressing any deficiencies that may exist.

I urge my colleagues to support this bill, and I congratulate my good friend and colleague from Texas for the bill.

I yield back the balance of my time.

Mr. CUELLAR. Mr. Speaker, I yield myself such time as I may consume.

This Senate amendment is an amendment that just adds accountability to the grant dollars, and I think it is important, just as the gentleman from Georgia. And I certainly want to thank my friend from Georgia, because we understand, just as Mr. ROGERS, also, that we have got to make sure that we provide accountability. We are talking about \$4 billion a year. We just have got to have accountability.

I urge all my colleagues to support this measure.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in strong support of the Senate Amendment to H.R. 3980, the Redundancy Elimination and Enhanced Performance for Preparedness Grants Act.

I would like to thank Representative CUELLAR for introducing this legislation and my colleagues on the Committee on Homeland Security for helping to make this a truly bipartisan effort.

For years, FEMA has struggled to establish a system for determining the effectiveness of the billions of dollars it gives to State, local, and tribal governments to help them prepare for natural disasters, acts of terrorism and other man-made disasters.

Such a system is essential to ensure that the taxpayers' money is being used wisely and effectively.

The Senate Amendment to H.R. 3980 would address this problem by requiring the FEMA Administrator to submit a plan to Congress for developing performance measures for its preparedness grants and streamlining the grant process by eliminating duplicative reporting requirements for grant recipients.

In October of 2009, the House Committee on Homeland Security's Subcommittee on Emergency Communications, Preparedness

and Response, then chaired by Mr. CUELLAR of Texas, held an oversight hearing into whether FEMA had a plan in place for performance measures for the approximately \$29 billion in homeland security grants it had provided the nation.

At that hearing, it became evident that FEMA had not yet developed an effective system for measuring the effectiveness of its grants and that in administering them, it unnecessarily burdened State, local, and tribal governments by requiring grant recipients to submit duplicative information.

On November 2, 2009, Mr. CUELLAR translated the Committee's oversight findings into legislation—H.R. 3980.

Under this bill, FEMA is required to work with State, local, tribal and territorial stakeholders to develop a plan to:

Streamline homeland security grant reporting requirements, rules and regulations to eliminate redundant reporting;

Develop a strategy that includes a set timeline to provide much needed performance metrics for grant programs and ensure that the funds are going to the areas where they will be the most beneficial; and

Require an inventory of each homeland security grant program that incorporates the purpose, objectives and performance goals of each program.

The Redundancy Elimination and Enhanced Performance for Preparedness Grants Act would require FEMA to provide the Committee on Homeland Security with the plan required by the bill not later than 90 days after enactment of the bill.

This bill would also require biannual updates to maintain a careful and watchful eye on redundancies in the law that might hamper or confuse grant recipients.

The House unanimously passed H.R. 3980 on Dec. 2, 2009, and the Senate passed an amendment in the nature of a substitute for H.R. 3980 on September 22, 2010.

The Senate improved upon the House-passed bill by requiring FEMA to task the National Academy of Public Administration, NAPA, to study, develop and recommend performance measures for grants the Department of Homeland Security administers.

As you know, Mr. Speaker, NAPA is a congressionally-chartered nonprofit organization that has extensive experience working on performance measurement and they will provide valuable expertise to FEMA.

Mr. Speaker, this bill will ensure that FEMA takes steps to determine the Nation's overall preparedness and how homeland security grants have built the necessary capabilities to prepare for, protect against, and respond to an act of terrorism and other threats.

I urge all my colleagues to support the Senate Amendment to H.R. 3980.

Mr. CUELLAR. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MORAN of Virginia). The question is on the motion offered by the gentleman from Texas (Mr. CUELLAR) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3980.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

REDUCING OVER-CLASSIFICATION ACT

Ms. HARMAN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 553) to require the Secretary of Homeland Security to develop a strategy to prevent the over-classification of homeland security and other information and to promote the sharing of unclassified homeland security and other information, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reducing Over-Classification Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) *The National Commission on Terrorist Attacks Upon the United States (commonly known as the "9/11 Commission") concluded that security requirements nurture over-classification and excessive compartmentation of information among agencies.*

(2) *The 9/11 Commission and others have observed that the over-classification of information interferes with accurate, actionable, and timely information sharing, increases the cost of information security, and needlessly limits stakeholder and public access to information.*

(3) *Over-classification of information causes considerable confusion regarding what information may be shared with whom, and negatively affects the dissemination of information within the Federal Government and with State, local, and tribal entities, and with the private sector.*

(4) *Over-classification of information is antithetical to the creation and operation of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485).*

(5) *Federal departments or agencies authorized to make original classification decisions or that perform derivative classification of information are responsible for developing, implementing, and administering policies, procedures, and programs that promote compliance with applicable laws, executive orders, and other authorities pertaining to the proper use of classification markings and the policies of the National Archives and Records Administration.*

SEC. 3. DEFINITIONS.

In this Act:

(1) *DERIVATIVE CLASSIFICATION AND ORIGINAL CLASSIFICATION.*—The terms "derivative classification" and "original classification" have the meanings given those terms in Executive Order No. 13526.

(2) *EXECUTIVE AGENCY.*—The term "Executive agency" has the meaning given that term in section 105 of title 5, United States Code.

(3) *EXECUTIVE ORDER NO. 13526.*—The term "Executive Order No. 13526" means Executive Order No. 13526 (75 Fed. Reg. 707; relating to classified national security information) or any subsequent corresponding executive order.

SEC. 4. CLASSIFIED INFORMATION ADVISORY OFFICER.

(a) *IN GENERAL.*—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et

seq.) is amended by adding at the end the following:

“SEC. 210F. CLASSIFIED INFORMATION ADVISORY OFFICER.

“(a) **REQUIREMENT TO ESTABLISH.**—The Secretary shall identify and designate within the Department a Classified Information Advisory Officer, as described in this section.

“(b) **RESPONSIBILITIES.**—The responsibilities of the Classified Information Advisory Officer shall be as follows:

“(1) To develop and disseminate educational materials and to develop and administer training programs to assist State, local, and tribal governments (including State, local, and tribal law enforcement agencies) and private sector entities—

“(A) in developing plans and policies to respond to requests related to classified information without communicating such information to individuals who lack appropriate security clearances;

“(B) regarding the appropriate procedures for challenging classification designations of information received by personnel of such entities; and

“(C) on the means by which such personnel may apply for security clearances.

“(2) To inform the Under Secretary for Intelligence and Analysis on policies and procedures that could facilitate the sharing of classified information with such personnel, as appropriate.

“(c) **INITIAL DESIGNATION.**—Not later than 90 days after the date of the enactment of the Reducing Over-Classification Act, the Secretary shall—

“(1) designate the initial Classified Information Advisory Officer; and

“(2) submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a written notification of the designation.”.

(b) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 210E the following:

“Sec. 210F. Classified Information Advisory Officer.”.

SEC. 5. INTELLIGENCE INFORMATION SHARING.

(a) **DEVELOPMENT OF GUIDANCE FOR INTELLIGENCE PRODUCTS.**—Paragraph (1) of section 102A(g) of the National Security Act of 1947 (50 U.S.C. 403–1(g)) is amended—

(1) in subparagraph (E), by striking “and” at the end;

(2) in subparagraph (F), by striking the period at the end and inserting a semicolon and “and”; and

(3) by adding at the end the following:

“(G) in accordance with Executive Order No. 13526 (75 Fed. Reg. 707; relating to classified national security information) (or any subsequent corresponding executive order), and part 2001 of title 32, Code of Federal Regulations (or any subsequent corresponding regulation), establish—

“(i) guidance to standardize, in appropriate cases, the formats for classified and unclassified intelligence products created by elements of the intelligence community for purposes of promoting the sharing of intelligence products; and

“(ii) policies and procedures requiring the increased use, in appropriate cases, and including portion markings, of the classification of portions of information within one intelligence product.”.

(b) **CREATION OF UNCLASSIFIED INTELLIGENCE PRODUCTS AS APPROPRIATE FOR STATE, LOCAL, TRIBAL, AND PRIVATE SECTOR STAKEHOLDERS.**—

(1) **RESPONSIBILITIES OF SECRETARY RELATING TO INTELLIGENCE AND ANALYSIS AND INFRASTRUCTURE PROTECTION.**—Paragraph (3) of section

201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is amended to read as follows:

“(3) To integrate relevant information, analysis, and vulnerability assessments (regardless of whether such information, analysis or assessments are provided by or produced by the Department) in order to—

“(A) identify priorities for protective and support measures regarding terrorist and other threats to homeland security by the Department, other agencies of the Federal Government, State, and local government agencies and authorities, the private sector, and other entities; and

“(B) prepare finished intelligence and information products in both classified and unclassified formats, as appropriate, whenever reasonably expected to be of benefit to a State, local, or tribal government (including a State, local, or tribal law enforcement agency) or a private sector entity.”.

(2) **ITACG DETAIL.**—Section 210D(d) of the Homeland Security Act of 2002 (6 U.S.C. 124k(d)) is amended—

(A) in paragraph (5)—

(i) in subparagraph (D), by striking “and” at the end;

(ii) by redesignating subparagraph (E) as subparagraph (F); and

(iii) by inserting after subparagraph (D) the following:

“(E) make recommendations, as appropriate, to the Secretary or the Secretary’s designee, for the further dissemination of intelligence products that could likely inform or improve the security of a State, local, or tribal government, (including a State, local, or tribal law enforcement agency) or a private sector entity; and”;

(B) in paragraph (6)(C), by striking “and” at the end;

(C) in paragraph (7), by striking the period at the end and inserting a semicolon and “and”; and

(D) by adding at the end the following:

“(8) compile an annual assessment of the ITACG Detail’s performance, including summaries of customer feedback, in preparing, disseminating, and requesting the dissemination of intelligence products intended for State, local and tribal government (including State, local, and tribal law enforcement agencies) and private sector entities; and

“(9) provide the assessment developed pursuant to paragraph (8) to the program manager for use in the annual reports required by subsection (c)(2).”.

(c) **INTERAGENCY THREAT ASSESSMENT AND COORDINATION GROUP ANNUAL REPORT MODIFICATION.**—Subsection (c) of section 210D of the Homeland Security Act of 2002 (6 U.S.C. 124k) is amended—

(1) in the matter preceding paragraph (1), by striking “, in consultation with the Information Sharing Council,”;

(2) in paragraph (1), by striking “and” at the end;

(3) in paragraph (2), by striking the period at the end and inserting a semicolon and “and”; and

(4) by adding at the end the following:

“(3) in each report required by paragraph (2) submitted after the date of the enactment of the Reducing Over-Classification Act, include an assessment of whether the detailees under subsection (d)(5) have appropriate access to all relevant information, as required by subsection (g)(2)(C).”.

SEC. 6. PROMOTION OF ACCURATE CLASSIFICATION OF INFORMATION.

(a) **INCENTIVES FOR ACCURATE CLASSIFICATION.**—In making cash awards under chapter 45 of title 5, United States Code, the President or the head of an Executive agency with an officer or employee who is authorized to make original

classification decisions or derivative classification decisions may consider such officer’s or employee’s consistent and proper classification of information.

(b) **INSPECTOR GENERAL EVALUATIONS.**—

(1) **REQUIREMENT FOR EVALUATIONS.**—Not later than September 30, 2016, the inspector general of each department or agency of the United States with an officer or employee who is authorized to make original classifications, in consultation with the Information Security Oversight Office, shall carry out no less than two evaluations of that department or agency or a component of the department or agency—

(A) to assess whether applicable classification policies, procedures, rules, and regulations have been adopted, followed, and effectively administered within such department, agency, or component; and

(B) to identify policies, procedures, rules, regulations, or management practices that may be contributing to persistent misclassification of material within such department, agency or component.

(2) **DEADLINES FOR EVALUATIONS.**—

(A) **INITIAL EVALUATIONS.**—Each first evaluation required by paragraph (1) shall be completed no later than September 30, 2013.

(B) **SECOND EVALUATIONS.**—Each second evaluation required by paragraph (1) shall review progress made pursuant to the results of the first evaluation and shall be completed no later than September 30, 2016.

(3) **REPORTS.**—

(A) **REQUIREMENT.**—Each inspector general who is required to carry out an evaluation under paragraph (1) shall submit to the appropriate entities a report on each such evaluation.

(B) **CONTENT.**—Each report submitted under subparagraph (A) shall include a description of—

(i) the policies, procedures, rules, regulations, or management practices, if any, identified by the inspector general under paragraph (1)(B); and

(ii) the recommendations, if any, of the inspector general to address any such identified policies, procedures, rules, regulations, or management practices.

(C) **COORDINATION.**—The inspectors general who are required to carry out evaluations under paragraph (1) shall coordinate with each other and with the Information Security Oversight Office to ensure that evaluations follow a consistent methodology, as appropriate, that allows for cross-agency comparisons.

(4) **APPROPRIATE ENTITIES DEFINED.**—In this subsection, the term “appropriate entities” means—

(A) the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate;

(B) the Committee on Homeland Security, the Committee on Oversight and Government Reform, and the Permanent Select Committee on Intelligence of the House of Representatives;

(C) any other committee of Congress with jurisdiction over a department or agency referred to in paragraph (1);

(D) the head of a department or agency referred to in paragraph (1); and

(E) the Director of the Information Security Oversight Office.

SEC. 7. CLASSIFICATION TRAINING PROGRAM.

(a) **IN GENERAL.**—The head of each Executive agency, in accordance with Executive Order 13526, shall require annual training for each employee who has original classification authority. For employees who perform derivative classification, or are responsible for analysis, dissemination, preparation, production, receipt, publication, or otherwise communication of classified information, training shall be provided at least every two years. Such training shall—

(1) educate the employee, as appropriate, regarding—

(A) the guidance established under subparagraph (G) of section 102A(g)(1) of the National Security Act of 1947 (50 U.S.C. 403-1(g)(1)), as added by section 5(a)(3), regarding the formatting of finished intelligence products;

(B) the proper use of classification markings, including portion markings that indicate the classification of portions of information; and

(C) any incentives and penalties related to the proper classification of intelligence information; and

(2) ensure such training is a prerequisite, once completed successfully, as evidenced by an appropriate certificate or other record, for—

(A) obtaining original classification authority or derivatively classifying information; and

(B) maintaining such authority.

(b) RELATIONSHIP TO OTHER PROGRAMS.—The head of each Executive agency shall ensure that the training required by subsection (a) is conducted efficiently and in conjunction with any other required security, intelligence, or other training programs to reduce the costs and administrative burdens associated with carrying out the training required by subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. HARMAN) and the gentleman from Georgia (Mr. BROUN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. HARMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. HARMAN. Mr. Speaker, I rise in support of the motion to concur with the Senate amendment to H.R. 553, and I yield myself such time as I may consume.

For those who think nothing can happen in this very polarized year and toxic political environment, listen up. Congress is about to pass and send to the President H.R. 553, the Reducing Overclassification Act.

It has taken 3 long years to get to this point. After scores of hearings, the bill passed the House twice. The bill was amended by the Senate and finally passed that body yesterday.

H.R. 553 curbs overclassification, the practice of stamping intelligence “secret” for the wrong reasons, often to protect turf or avoid embarrassment. Overclassification prevents the sharing of accurate, actionable, and timely information horizontally across the government and vertically with State and local law enforcement. This is a problem now rampant throughout the intelligence community and one identified by the 9/11 Commission as a major obstacle in preventing future terror attacks.

To change the culture from “need to know” to “need to share,” H.R. 553:

Creates a Classified Information Advisory Officer to help State and local

law enforcement and the private sector access intelligence and information about terror threats to their own communities.

It requires training and incentives to assure materials are classified for the right reason—to protect sources and methods. Mr. Speaker, it is no joke that people die and our ability to monitor certain targets can be compromised if sources and methods are revealed.

Third, the bill requires “portion marking” so it is easy to separate classified and nonclassified parts of a document and standardizes procedures so that information can be more easily shared.

□ 1740

H.R. 553 also requires inspectors general of departments which classify information to issue reports and share them with any congressional committees which seek them.

Finally, it builds on the President’s executive order released last month and is widely supported by open government and law enforcement groups.

In conclusion, this bill will help first responders know what to look for and what to do. They, not any of us in Congress or an analyst sitting at a desk, will likely be the ones to uncover and foil the next terror plot.

My thanks to Chairman THOMPSON and Ranking Member KING and to Senators LIEBERMAN and COLLINS, who cleared the way for bill in the House and in the Senate. Also thanks to the hardworking staffs of the Senate and House Homeland Security Committees: Christian Beckner, Brandon Milhorn, Vance Serchuk and Rosaline Cohen, and to my own staffer, Meg King.

I urge prompt passage of this critical legislation, and hope our President will sign it into law as soon as possible.

I reserve the balance of my time.

Mr. BROUN of Georgia. Mr. Speaker, I rise in support of the bill, and I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 553, as amended by the Senate. This bill was agreed to by voice vote in the House on February 3, 2009, and on September 27, 2010, the bill passed the Senate with an amendment by unanimous consent.

The 9/11 Commission concluded that security requirements nurtured overclassification and excessive compartmentalization of information among government agencies. This stovepiping, so-to-speak, interferes with accurate, accountable, and timely information sharing, not only among Federal agencies, but also with State and local law enforcement.

H.R. 553 focuses on reducing the overclassification of information at the Department of Homeland Security and enhances understanding of the classification system by State, local, tribal, and private-sector partners.

The bill directs the Secretary of Homeland Security, DHS, operating through the Under Secretary for Intelligence and Analysis, to identify and designate a classified information advisory officer. The advisory officer will assist State, local, tribal, and private-sector partners who have responsibility for the security of critical infrastructure in matters related to classified materials. Additionally, the office is charged with developing educational materials and training programs to assist these authorities in developing policies to respond to requests related to classified information.

The bill also requires the head of each Federal department or agency with classification authority to share intelligence products with interagency threat assessment and coordination groups and allows them in turn to recommend to the DHS Under Secretary For Intelligence and Analysis to disseminate that product to the appropriate State, local, or tribal entities. This will be critical in directing actionable intelligence into the hands of those who need it the most.

H.R. 553 also aims at strengthening the responsibilities of the Director of National Intelligence with respect to information sharing government-wide and reinforces the authority of DNI to have maximum access to all information within the intelligence community.

I urge my colleagues to support the bill. I congratulate Ms. HARMAN on this great bill that I wholeheartedly support, and I look forward to seeing it signed into law by the President. I hope very soon, just like Ms. HARMAN does.

I reserve the balance of my time.

Ms. HARMAN. I thank the gentleman for his remarks and am pleased that we have had this very polite and informative and bipartisan debate on the House floor.

Mr. Speaker, we have no more speakers. If the gentleman from Georgia has no more speakers, then I am prepared to close after he closes.

Mr. BROUN of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to congratulate Ms. HARMAN. She and I worked together. We both have a strong interest in having a strong intelligence community, and I think both of us will agree that our intelligence community needs some help. But we have seen this overclassification of documents that has gotten to be a tremendous problem.

Ms. HARMAN has brought forth this piece of legislation that is going to help simplify the process and help our Federal Government to share information with the State, local, and tribal entities, as well as the private sector, so that they can have this information that they desperately need to be able to ensure security.

As an original-intent Constitutionalist, I believe that the major function of the Federal Government should be national security, national defense. We in Congress I think have overlooked that duty in many regards. I applaud Ms. HARMAN, Mr. Speaker, for her diligence in the area of intelligence and national security, and I greatly applaud her for this much-needed bill.

Mr. Speaker, I have no further speakers, so I yield back the balance of my time.

Ms. HARMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, police, firefighters and other first responders bravely put their lives on the line to protect us. They have proven their ability to unravel plots inside the U.S., like the Torrance, California, police department, which discovered a plot to attack military installations and religious sites in my district.

It is imperative that we give first responders and the public access to the threat information they need to find those among us who would seek to harm us. H.R. 553 ensures that. I urge its prompt passage, and I do hope that the President will sign it into law.

Mr. THOMPSON of Mississippi. Mr. Speaker, over-classification of homeland security information is a major barrier to Federal efforts at fostering greater information sharing within the Federal Government as well as with State, local, and tribal entities, and the private sector.

H.R. 553, the Reducing Over-Classification Act, introduced by Congresswoman JANE HARMAN, tackles this practice in a comprehensive fashion. To that end, H.R. 553 establishes a Classified Information Advisory Officer within DHS's Office of Intelligence and Analysis to develop and disseminate educational materials for State, local, and tribal authorities and the private sector on how to challenge classification designations and, at the same time, assist with the security clearance process.

This bill also tackles the practice of over-classification within the larger Intelligence Community (IC) by directing the Director of National Intelligence to: take new, proactive, steps to promote appropriate access of information by Federal, State, local, and tribal governments with a need to know; issue guidance to standardize, in appropriate cases, the formats for classified and unclassified products; establish policies and procedures requiring the increased use of so-called "tear lines" portion markings in intelligence products to foster broader distribution to State, local, and tribal law enforcement and others who need to access such information; and require annual training for each IC employee with the authority to classify material.

I am pleased that H.R. 553 also directs originators of intelligence products to share information that could likely benefit first preventers on the beat with the IC's in-house team of first preventer analysts—the "ITACG" or "Interagency Threat Assessment and Coordination Group."

The ITACG analysts have the boots-on-the-ground perspective on what information lends itself to cops on the beat. Through this new

process, we will have a new mechanism to tackle the stovepiping of information within the IC that we know cops need to keep their communities secure.

Reducing the amount of unnecessary classification and increasing the amount of information shared throughout the public and private sectors will contribute to improving or ability to detect, deter, and prevent terrorist plots.

Nine years after the attacks of September 11th, we must stand together and reject—once and for all—the practice of over-classification, an outgrowth of the outdated "need to know" paradigm.

Finally, I would like to applaud the Chairwoman of my Committee's Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment Subcommittee—Representative HARMAN. She has worked on this problem for many years and is a true champion for all the "first preventers" out there that have been kept from accessing intelligence information that they need to protect the public and should be commended for her steadfast efforts on this government-wide challenge.

I urge my colleagues to support this important homeland security bill so that we get it to the President's desk for his signature.

Ms. HARMAN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. HARMAN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 553.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

CHRISTOPHER BRYSKI STUDENT LOAN PROTECTION ACT

Mr. ADLER of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5458) to amend the Truth in Lending Act and the Higher Education Act of 1965 to require additional disclosures and protections for students and cosigners with respect to student loans, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5458

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "Christopher Bryski Student Loan Protection Act" and "Christopher's Law".

(b) FINDINGS.—The Congress finds the following:

(1) There is no requirement for Federal or private educational lenders to provide information with respect to creating a durable power of attorney for financial decision-making in accordance with State law to be used in the event of the death, incapacitation, or disability of the borrower or such cosigner (if any).

(2) No requirement exists for private educational lenders' master promissory notes to

include a clear and conspicuous description of the responsibilities of a borrower and cosigner in the event the borrower or cosigner becomes disabled, incapacitated, or dies.

(3) Of the 1,400,000 people who sustain a traumatic brain injury each year in the United States, 50,000 die; 235,000 are hospitalized; and 1,100,000 are treated and released from an emergency department.

(4) It is estimated that the annual incidence of spinal cord injury, not including those who die at the scene of an accident, is approximately 40 cases per 1,000,000 people in the United States or approximately 12,000 new cases each year. Since there have not been any overall incidence studies of spinal cord injuries in the United States since the 1970s, it is not known if incidence has changed in recent years.

(5) In the 2007–2008 academic year, 13 percent of students attending a 4-year public school, and 26.2 percent of students attending a 4-year private school, borrowed monies from private educational lenders.

(6) According to Sallie Mae, in 2009, the number of cosigned private education loans increased from 66 percent to 84 percent of all private education loans.

SEC. 2. ADDITIONAL STUDENT LOAN PROTECTIONS.

(a) IN GENERAL.—Section 140 of the Truth in Lending Act (15 U.S.C. 1650) is amended by adding at the end the following new subsection:

“(f) ADDITIONAL PROTECTIONS RELATING TO DEATH OR DISABILITY OF BORROWER OR COSIGNER OF A PRIVATE EDUCATION LOAN.—

“(1) OBLIGATION TO DISCUSS DURABLE POWER OF ATTORNEYS.—In conjunction with—

“(A) any student loan counseling, if any, provided by a covered educational institution to any new borrower and cosigner (if any) at the time of any loan application, loan origination, or loan consolidation, or at the time the cosigner assumes responsibility for repayment, the institution shall provide information with respect to creating a durable power of attorney for financial decision-making, in accordance with State law; and

“(B) any application for a private education loan, the private educational lender involved in such loan shall provide information to the borrower, and cosigner (if any), concerning the creation of a durable power of attorney for financial decisionmaking, in accordance with State law, with respect to such loan.

“(2) CLEAR AND CONSPICUOUS DESCRIPTION OF COSIGNER'S OBLIGATION.—In the case of any private educational lender who extends a private education loan for which any cosigner is jointly liable, the lender shall clearly and conspicuously describe, in writing, the cosigner's obligations with respect to the loan, including the effect the death, disability, or inability to engage in any substantial gainful activity of the borrower or cosigner (if any) would have on any such obligation, in language that the Board determines would give a reasonable person a reasonable understanding of the obligation being assumed by becoming a cosigner for the loan.

“(3) MODEL FORMS.—The Board shall publish model forms under section 105 for—

“(A) the information required under paragraph (1) with respect to a durable power of attorney for financial decisionmaking, for each State (and such model forms under this subparagraph shall be uniform for all States to the greatest extent possible); and

“(B) describing a cosigner's obligation for purposes of paragraph (2).

“(4) DEFINITION OF DEATH, DISABILITY, OR INABILITY TO ENGAGE IN ANY SUBSTANTIAL

GAINFUL ACTIVITY.—For the purposes of this subsection with respect to a borrower or cosigner, the term ‘death, disability, or inability to engage in any substantial gainful activity’—

“(A) means any condition described in section 437(a) of the Higher Education Act of 1965 (20 U.S.C. 1087(a)); and

“(B) shall be interpreted by the Board in such a manner as to conform with the regulations prescribed by such Secretary of Education under section 437(a) of the Higher Education Act of 1965 (20 U.S.C. 1087(a)) to the fullest extent practicable, including safeguards to prevent fraud and abuse.”.

(b) DEFINITIONS.—Subsection (a) of section 140 of the Truth in Lending Act (15 U.S.C. 1650(a)) is amended by adding at the end the following new paragraphs:

“(9) DURABLE POWER OF ATTORNEY.—The term ‘durable power of attorney’—

“(A) means a written instruction recognized under State law (whether statutory or as recognized by the courts of the State), relating to financial decisionmaking in cases when the individual lacks the capacity to make such decisions; or

“(B) has the meaning given to such term in the Uniform Durable Power of Attorney Act of 2006 and sections 5–501 through 5–505 of the Uniform Probate Code, as in effect in any State.

“(10) COSIGNER.—The term ‘cosigner’—

“(A) means any individual who is liable for the obligation of another without compensation, regardless of how designated in the contract or instrument;

“(B) includes any person whose signature is requested as condition to grant credit or to forebear on collection; and

“(C) does not include a spouse of an individual referred to in subparagraph (A) whose signature is needed to perfect the security interest in the loan.”.

SEC. 3. FEDERAL STUDENT LOANS.

Section 485(1)(2) of the Higher Education Act of 1965 (20 U.S.C. 1092(1)(2)) is amended by adding at the end the following:

“(L) Information on the conditions required to discharge the loan due to the death, disability, or inability to engage in any substantial gainful activity of the borrower in accordance with section 437(a), and an explanation that, in the case of a private education loan made through a private educational lender, the borrower, the borrower's estate, and any cosigner of a such a private education loan may be obligated to repay the full amount of the loan, regardless of the death or disability of the borrower or any other condition described in section 437(a).

“(M) The model form for the State in which the institution is located with respect to durable power of attorneys published by the Board of Governors of the Federal Reserve System in accordance with subsection (f)(3)(A) of section 140 of the Truth in Lending Act (15 U.S.C. 1650) and, in the case of a borrower who is not a resident of the State in which the institution is located, information on how to access such model form for the State in which the borrower is a resident.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. ADLER) and the gentleman from Alabama (Mr. BACHUS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. ADLER of New Jersey. Mr. Speaker, I ask unanimous consent that

all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ADLER of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to support the passage of H.R. 5458.

Like all of my colleagues, I receive thousands of pieces of mail each week. When a letter from my constituent Ryan Bryski came across my desk, I knew I had to act.

Ryan's brother Christopher, for whom this bill is named, was a young man attending Rutgers University when he suffered a traumatic brain injury after an accidental fall. Christopher was in a vegetative state for 2 years before his passing in 2006. For a parent, that situation would have been enough to endure, but for the Bryski family, their suffering was far more than just the loss of a youngest son.

Like most college students, Christopher had to borrow money to finance an education. He had received loans through both the Federal Government as well as a private lender. Like most college age kids, Christopher did not have enough credit to receive a private loan on his own, so his father Joseph cosigned his loan.

Federal loans discharge upon the death of a student. However, private loans do not. Since Joseph cosigned Christopher's loan, he was now responsible to pay it back in full. The situation puzzled the Bryski family because nowhere in their loan contract was a clause specifying what would happen to the loan upon the borrower or cosigner's death or disability. Their lender told them that according to the bank, Christopher's persistent vegetative state and subsequent death was a simple inability to pay, so the financial burden was placed on Joseph.

This was not the only problem the Bryskis encountered after their son's fatal accident. Due to the fact that Christopher was over 18 when he left home to attend school, he was, according to the law, an adult who was able to make his own financial, legal, and health care decisions.

With Christopher in a vegetative state, his parents needed to maintain his financial standing with the school, as well as pay the bills and fulfill all his contracts. The Bryskis spent countless time and money regaining custody of their son so that they could prevent him from defaulting on other bills in case he should recover.

□ 1750

They were not only being responsible parents, but responsible Americans.

The Bryskis also endured a personal interview of Christopher so that the

court could be sure Christopher was unable to make decisions on his behalf. Literally, someone from the court came to Christopher's hospital room and yelled in his face to ensure that he would not respond and that he was indeed in a vegetative state.

As a father of four boys, two of whom are in college, I cannot imagine going through what the Bryskis went through. This is why I introduced H.R. 5458, the Christopher Bryski Student Loan Protection Act, or Christopher's Law. This bill would help prevent other families from going through what the Bryskis did by ensuring that private educational lenders clearly describe the obligations of borrowers and cosigners upon their death or disability—what the banks call “an inability to pay.” The rest of us would call it a family tragedy.

Christopher's Law will also urge the Federal Reserve Board to adopt and interpret the same definitions of death and disability as the Department of Education, which has used these definitions for many, many years. This bill does not require that private loans be discharged in case of death or disability. It simply requires private educational lenders to define death and disability so borrowers and their cosigners can refer to these definitions should a catastrophe happen to their family. It also states that private education lenders as well as the Federal Government must provide information on creating a durable power of attorney to handle the borrower's financial affairs should the borrower be unable to make those decisions on their own. In other words, the borrower and the lender must be on the same page.

Since I introduced this legislation, I have been approached by many other families in my district with similar problems as the Bryskis encountered. I believe this is commonsense, bipartisan legislation that deserves the support of the entire body.

I would like to thank Chairman MILLER and Ranking Member KLINE, Chairman FRANK and Ranking Member BACHUS, for bringing this important legislation to the floor, and, frankly, minority staff, for improving this legislation with amendments just in the last few days. It is the way we're supposed to be doing business for the people of our great country. I urge its passage.

I reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, I rise to address this legislation, and I yield myself such time as I may consume.

H.R. 5458 requires private education loan lenders to provide disclosures to students about the benefits of creating a durable power of attorney. For most traditional students, a student loan is the first large financial decision he or she will be making. As such, a student and the cosigner of the loan—often a parent, as with the Bryskis—should be

aware of their repayment responsibilities, including those responsibilities if the student should become unable to make payments. And so disclosures, I think, are always helpful.

In addition to existing disclosures for loans, this bill requires private education loan lenders to provide additional information to students and cosigners about the benefits of durable powers of attorney for financial decision-making. A college's financial aid administrator would also be required to provide information to students and their cosigners about creating a durable power of attorney.

I do have some concerns not addressed to this bill itself but that the Federal Government is nearing the point of requiring so many disclosures that they may overwhelm the consumer. I also fear that the requirement that the Federal Reserve Board create 50 different forms based on various State laws surrounding durable powers of attorney will be especially burdensome to the Board. But that's a minor concern.

While a better solution long term would be to provide two simple disclosures that ensure that the cosigners and the students understand the responsibilities of loan repayment and are provided a place to do their own research about durable powers of attorney, this may be the first time that an individual may have a need for this sort of legal document, and these additional disclosures could help better inform the borrowers and cosigners. So for that reason I do not rise in opposition to this legislation.

I want to extend my prayers and thoughts to the Bryski family and other families who experience such a tragedy as this. I thank the gentleman from New Jersey for his kind words.

I yield back the balance of my time.

Mr. ADLER of New Jersey. I thank the gentleman from Alabama.

I am glad he mentioned the Bryski family. Ryan Bryski, the brother of Christopher, is in the gallery. I thank him and his family for sharing what they went through so we can avoid other families going through what you went through. I join Mr. BACHUS in having Christopher and other families similarly situated in our prayers. But, Ryan, I thank you personally for your guidance in this.

I think this is a wonderful example of people trying to work together to solve a people problem. I share some of Mr. BACHUS' concerns that maybe we have too many disclosures from time to time. I would be eager to work with the Member to try to work that out going forward and streamline the process. But I think this is simple legislation that is appropriate to meet a need that comes up every so often with tragic circumstances beyond the actual injury, disability, and death of young people.

I urge strong and immediate passage of this bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore. The Chair reminds Members that it is inappropriate to recognize occupants of the gallery.

Mr. ADLER of New Jersey. Mr. Speaker, I rise today to support the passage of H.R. 5458.

Like all of my colleagues, I receive thousands of pieces of mail a week. When a letter from my constituent Ryan Bryski came across my desk I knew I had to act.

Ryan's brother Christopher, for whom this bill is named, was a young man attending Rutgers University when he suffered a traumatic brain injury after an accidental fall.

Christopher was in a vegetative state for 2 years before his passing in 2006.

For a parent, that situation would have been enough to endure, but for the Bryski family, their suffering was far more than just the loss of their youngest son.

Like most college students, Christopher had to borrow money to finance his education.

He had received loans through both the Federal Government as well as a private lender. Like most college aged kids, Christopher did not have enough credit to receive a private loan on his own, so his father Joseph cosigned his loan.

Federal loans discharge upon the death of a student, however private loans do not. Since Joseph cosigned Christopher's loan he was now responsible to pay it back in full.

This situation puzzled the Bryski family because nowhere in their loan contract was a clause specifying what would happen to the loan upon the borrower or cosigner's death or disability.

Their lender told them that according to the bank Christopher's persistent vegetative state and subsequent death was a simple "inability to pay," so the financial burden was placed on Joseph.

This was not the only problem the Bryskis encountered after their son's fatal accident.

Due to the fact that Christopher was over 18 when he left home to attend school he was, according to the law, an adult who was able to make his own financial, legal, and health care decisions.

With Christopher in a vegetative state, his parent needed to maintain his financial standing with his school, as well as pay his bills and fulfill all of his contracts.

The Bryskis spent countless time and money regaining custody of their own son so that they could prevent him from defaulting on other bills in case he should recover.

They were not only being responsible parents, but responsible Americans.

The Bryskis also endured a personal interview of Christopher, so that the courts could be sure Christopher was indeed unable to make decisions on his behalf. Literally, someone from the court came to Christopher's hospital room and yelled in his face to ensure that he would not respond and he was indeed in a vegetative state.

As a father of 4 boys, 2 of whom are in college, I cannot imagine going through what the Bryskis went through.

This is why I introduced H.R. 5458 the Christopher Bryski Student Loan Protection Act or Christopher's Law.

This bill would help prevent other families from going through what the Bryskis did by ensuring that private educational lenders clearly describe the obligations of borrowers and cosigners upon their death or disability—what the banks call "an inability to pay." The rest of us would call it a family tragedy.

Christopher's Law will also urge the Federal Reserve Board to adopt and interpret the same definitions of death and disability as the Department of Education, mainstreaming and clarifying the law.

This bill does not require that private loans be discharged in case of death or disability. It simply requires private educational lenders to define death and disability so that borrowers and cosigners can refer to these definitions should a catastrophe happen to their family.

It also states that the private education lender as well as the Federal Government must provide information on creating a durable power of attorney to handle the borrower's financial affairs should the borrower be unable to make those decisions on their own.

In other words, borrower and lender must be on the same page.

Since I introduced this legislation I have been approached by other families in my district with the same problems the Bryskis encountered.

Giving students and their families more choices to protect them against disability or death is an important step. Our ultimate goal should be giving all students and families this protection. I would urge lenders to consider looking at student loan debt forgiveness in the case of death or disability as the Federal Government does. This is also an area where the new Consumer Financial Protection Bureau could play a role, and that agency does not need to wait for an act of Congress.

I believe this is a common-sense bipartisan piece of legislation that deserves the support of this entire body.

I would like to thank Chairman MILLER and Chairman FRANK for bringing this important legislation to the floor.

I urge its passage.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H.R. 5458, which would help families avoid financial uncertainty by requiring banks providing student loans to inform borrowers and cosigners of their obligations in case of incapacity or death; to define those terms in a standard way; and to discuss the option of credit insurance, which helps pay off debt in the event of death.

I want to thank my colleague, Congressman JOHN H. ADLER, for introducing this legislation. I would also like to express my deepest condolences to the family of Christopher Bryski.

Mr. Speaker, the Bryskis are hardworking people who in 2006 lost their son Christopher in a recreational accident, a tragedy no parent should ever have to endure and certainly one that the Bryskis could never have anticipated. In the midst of this tragedy, the Bryskis were unexpectedly burdened with Christopher's remaining student loan debt. As they soon found out, co-signers are often obliged to pay off the balance of private student loans in the instance of such tragedies, a requirement that is typically not included in federal loans. This bill would protect families like the Bryskis, including many of the families in my district, which

contains three community colleges and five universities.

From 2007–08, 13 percent of students attending four-year public colleges or universities and 26.2 percent of those attending private four-year institutions had private student loans. The SLM Corporation, the major private loan provider commonly known as Sallie Mae, estimates that 84 percent of private student loans involve cosigners. These statistics make clear the need for private loan companies to thoroughly educate the students and families to whom they provide aid. This is the best way to ensure that American families are adequately equipped to manage their loans under any circumstances.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 5458 and recognizing the immense burden that may befall millions of families across the nation if Congress does not act.

Mr. ADLER of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. ADLER) that the House suspend the rules and pass the bill, H.R. 5458, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MEDICAL DEBT RELIEF ACT OF 2010

Ms. KILROY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3421) to exclude from consumer credit reports medical debt that has been in collection and has been fully paid or settled, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3421

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Medical Debt Relief Act of 2010”.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) Medical debt is unique, and Americans do not choose when accidents happen or when illness strikes.

(2) Medical debt collection issues affect both insured and uninsured consumers.

(3) According to credit evaluators, medical debt collections are more likely to be in dispute, inconsistently reported, and of questionable value in predicting future payment performance because it is atypical and non-predictive.

(4) Nevertheless, medical debt that has been completely paid off or settled can significantly damage a consumer's credit score for years.

(5) As a result, consumers can be denied credit or pay higher interest rates when buying a home or obtaining a credit card.

(6) Healthcare providers are increasingly turning to outside collection agencies to help secure payment from patients and this comes at the expense of the consumer because medical debts are not typically reported unless they become assigned to collections.

(7) In fact, medical bills account for more than half of all non-credit related collection actions reported to consumer credit reporting agencies.

(8) The issue of medical debt affects millions.

(9) According to the Commonwealth Fund, medical bill problems or accrued medical debt affects roughly 72,000,000 working-age adults in America.

(10) For 2007, 28,000,000 working-age American adults were contacted by a collection agency for unpaid medical bills.

(b) PURPOSE.—It is the purpose of this Act to exclude from consumer credit reports medical debt that had been characterized as delinquent, charged off, or debt in collection for credit reporting purposes and has been fully paid or settled.

SEC. 3. AMENDMENTS TO FAIR CREDIT REPORTING ACT.

(a) MEDICAL DEBT DEFINED.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is amended by adding at the end the following new paragraph:

“(z) MEDICAL DEBT.—The term ‘medical debt’ means a debt described in section 604(g)(1)(C).”

(b) EXCLUSION FOR PAID OR SETTLED MEDICAL DEBT.—Section 605(a) of the Fair Credit Reporting Act (15 U.S.C. 1681c(a)) is amended by adding at the end the following new paragraph:

“(7) Any information related to a fully paid or settled medical debt that had been characterized as delinquent, charged off, or in collection which, from the date of payment or settlement, antedates the report by more than 45 days.”

SEC. 4. PAYGO BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Ohio (Ms. KILROY) and the gentleman from Alabama (Mr. BACHUS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Ohio.

GENERAL LEAVE

Ms. KILROY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. KILROY. Mr. Speaker, I yield myself such time as I may consume.

I thank the chair of the Financial Services Committee, Chairman BARNEY FRANK, and the subcommittee chair, LUIS GUTIERREZ; as well as my cosponsors, including my Republican cospon-

sors, Mr. MANZULLO, Mr. BURGESS and Mr. BILBRAY, for their support of H.R. 3421, the Medical Debt Relief Act of 2010.

This bill would protect hardworking Americans who play by the rules, pay or settle their medical debts, and yet find their economic well-being and credit scores adversely affected for years to come due to medical debt, large or small, that has gone to collection. Specifically, this legislation would prohibit credit reporting agencies from including in an individual's credit report fully paid off or settled medical debt collection.

So many of us have had issues with trying to figure out what insurance companies are paying and what they were responsible for or maybe had to fight with a health insurance company to get them to honor their obligation to pay a health care bill or maybe they had a high deductible policy to save money and took a little bit extra time to pay off their bill. But pay they did. And yet they find that their credit is adversely affected for years to come.

This is a serious problem that can affect millions of people. In fact, according to the Commonwealth Fund, medical bill problems or accrued medical debt affects roughly 72 million working-age adults in America. In 2007, 28 million working-age American adults were contacted by a collection agency for an unpaid medical bill. Furthermore, a 2003 report in the Federal Reserve Bulletin found that medical debt collections are more likely to be in dispute, inconsistently reported, and of questionable value in predicting future credit payments or credit performance because medical debt is atypical and non-predictive. In the same 2003 report, it was found that 85 percent of medical collections were for less than \$500.

□ 1800

This issue is further compounded by the fact that medical billing errors are common among third-party insurers. According to the Quicken Health Group, nearly 40 percent of Americans do not understand their medical bills or are confused about the amounts owed and if those amounts are correct. Finally, the enactment of H.R. 3421 would result in more accurate credit scores, allowing businesses to better price risk.

This legislation has broad-based support, including from the National Association of Home Builders, the Mortgage Bankers Association, Americans for Financial Reform, the National Credit Reporting Agency, Consumers Union, the National Consumer Law Center on behalf of its low-income clients, the National Association of Consumer Advocates, Consumer Action, Families USA, UNITE HERE, the National MS Society, the Corporation of Enterprise

Development, the NAACP, the National Council of La Raza, the Consumer Federation of America, U.S. PIRG, and Community Catalyst.

Mr. Speaker, I reserve the balance of my time.

Mr. BACHUS. I yield myself such time as I may consume.

Mr. Speaker, I rise to address H.R. 3421. Credit scores and the evolution of a robust credit reporting system have done much to improve access to credit for millions of Americans, and they are an integral component of our economy. Information found in credit reports and captured by credit scores is used in today's economy for much more than for just making credit decisions. A well-functioning national credit reporting system helps those deciding whether to extend credit to properly manage the associated risk, which in turn helps keep the cost of credit lower for those who wish to borrow. Anything that undermines the reliability or integrity of a consumer credit report is likely to result in less credit being available to average Americans.

The question before us today is whether Congress should micromanage the credit reporting system and restrict the ability of businesses and creditors to review information about the credit history of a customer. When evaluating H.R. 3421, it is important to remember that the right to credit is not a right guaranteed by the government. It is made available by lenders, and I think lenders have a right to all the information about the borrower in making those decisions. Government micromanagement of a consumer credit file could misallocate credit and distort lending practices—two serious causes of the economic crisis we are still struggling to escape.

Congresswoman KILROY mentioned certain situations, and I certainly sympathize with those situations. There may be other situations, though, that we could imagine in which that information would indicate something else. It may indicate an inability to pay on a loan that someone was getting.

As we consider proposals such as the one the gentlewoman brings to us in dealing with the use of credit reports, we must consider that, in certain cases, unintended consequences may result from a less than complete picture of a prospective borrower, and it may result in losses by the lender. This is something we can't just totally block out.

Mr. Speaker, I reserve the balance of my time.

Ms. KILROY. I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Alabama talks about robust reporting and about making sure that credit is more accurately reported. This is what this bill would do.

There is so much confusion and error surrounding the issue of medical debt,

and medical debt is not an accurate predictor of someone's creditworthiness. Somebody might get a sudden illness or might get hit by a car. It's not like a person is going out and buying a house full of televisions or is going on a lot of vacations or out to dinner every night. They are people who are playing by the rules and who are paying off that debt.

To the contrary, I think that this bill, rather than undermining the availability of credit, would actually encourage the availability of credit by having more accurate credit scores and by allowing people to obtain more reasonable rates on credit because of having more accurate credit scores. Particularly now when people are also using credit reporting with regard to employment decisions, it is all the more important. I think it is fairer to hardworking Americans. It will help the economy. It will help make a more accurate credit reporting score.

I reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, the gentlewoman talked about certain situations. Let me say that I am sympathetic to the purpose of this bill. You will see there are three Republican cosponsors on the bill. What I'm saying and what, I think, the American people are beginning to say pretty loudly is that they are uncomfortable with the government's making these decisions as to what will be disclosed and what will be withheld. I think the American people are sympathetic. I don't know of a family in America who has not faced a medical emergency or who has not faced a relative or a family member who has had a large medical bill. So it sounds like something that would benefit people who have gone through medical crises.

With each example of that, you could select another example of someone, let's say, who had had elective surgery or a type of plastic surgery who then had just not paid his bills for a few years. That might be an example to which we would all say, well, that wasn't intended, and that information would not be shared with lenders or with a landlord or whomever.

As I say, I think that this is something Congress can decide, and you obviously have some bipartisan support for this bill.

Mr. JOHNSON of Georgia. Mr. Speaker, today I rise in support of H.R. 3421, the Medical Debt Relief Act of 2009, which will ease the financial burden shouldered by American families facing unaffordable but necessary health care expenses.

Millions of Americans—especially unemployed Americans—struggle to afford the health care they need. Illness can befall anyone, and the financial burdens can be devastating. According to a joint study conducted by Harvard Law School and Harvard Medical School, almost half of Americans who file for bankruptcy do so because of medical expenses. In my district, there were 2,200 health care related bankruptcies in 2008 alone.

The Medical Debt Relief Act will ensure that Americans who have paid or settled their medical debt in full will have that medical debt removed from their credit records. Americans who are no longer indebted by medical expenses should not continue to be penalized and suffer from compromised financial standing and poor credit simply because they needed more time to fully pay off medical bills that can often be insurmountable.

I supported the historic health care reform we passed this Congress because I believe that quality health care should not be a privilege reserved for those with means. The Medical Debt Relief Act, is another step in the right direction. I support this legislation because it will protect Americans from some of the unnecessary, lifelong financial hardships that can arise from illness.

I hope my colleagues will join me and other bipartisan supporters of this common sense legislation to improve quality of life and financial security for hard working American families that have fully paid off or settled their medical debt.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H.R. 3421, the "Medical Debt Relief Act of 2010," which would address the issue of medical debt and the crippling effect that such debt can have on an individual's credit report, even long after it has been paid off. This bill will right an injustice in the credit scoring industry that unfairly penalizes thousands of families across the country.

I thank Chairman FRANK for his leadership in bringing this bill to the floor. I also thank the sponsor of this legislation, Congresswoman KILROY, for her attention to this important issue.

Mr. Speaker, in 2007, over 28 million Americans were contacted by debt collections agencies regarding medical debt. Unlike other forms of debt, however, individuals do not choose when to take on medical debt. The nature of serious illness is such that it often comes when we least expect it. Many people develop from low credit scores simply because they were forced to assume large amounts of medical debt when they did not expect it and were, thus, financially unprepared to do so. Unfortunately, these individuals' credit scores often remain low long after their debt has been paid off, and in some cases for the rest of their lives. This is an unfair penalty for individuals who have done nothing wrong.

H.R. 3421 will correct this problem by inserting a clause into the Fair Credit Reporting Act that to eliminate medical debt from credit reporting within 30 days of the debt being fully paid off. Credit reports are an important tool for lenders, lenders, and many other industries. This bill will ensure that credit reports reflect individuals' actual credit-worthiness, rather than providing an artificially low-score that is dragged down by medical debt from the past.

I urge my colleagues to join me in supporting this H.R. 3421.

Mr. BACHUS. I yield back the balance of my time.

Ms. KILROY. This is a bill that will help millions of Americans, and I ask my colleagues for their support.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CRITZ). The question is on the motion offered by the gentlewoman from Ohio (Ms. KILROY) that the House suspend the rules and pass the bill, H.R. 3421, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BACHUS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SMALL BUSINESS JOBS ACT AMENDMENT

Mr. MILLER of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6191) to amend the Small Business Jobs Act of 2010 to include certain construction and land development loans in the definition of small business lending.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6191

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT.

Section 4102(18)(A) of the Small Business Jobs Act of 2010 is amended by adding at the end the following new clause:

“(v) CONSTRUCTION, LAND DEVELOPMENT, AND OTHER LAND LOANS.—

“(I) IN GENERAL.—Loans secured by real estate—

“(aa) that are made to finance—

“(AA) land development that is preparatory to erecting new structures, including improving land, laying sewers, and laying water pipes; or

“(BB) the on-site construction of industrial, commercial, residential, or farm buildings;

“(bb) that is vacant land, except land known to be used or usable for agricultural purposes, such as crop and livestock production;

“(cc) the proceeds of which are to be used to acquire and improve developed or undeveloped property; or

“(dd) that are made under title I or title X of the National Housing Act.

“(II) CONSTRUCTION INDUSTRY REQUIREMENT.—Subclause (I) shall only apply to loans that are extended to small business concerns in the construction industry, as such term is defined by the Secretary in consultation with the Administrator of the Small Business Administration.

“(III) CONSTRUCTION DEFINED.—For purposes of this clause, the term ‘construction’ includes the construction of new structures, additions or alterations to existing structures, and the demolition of existing structures to make way for new structures.”.

SEC. 2. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect on the later of the following:

(1) The date of the enactment of this Act.

(2) The date of the enactment of the Small Business Jobs Act of 2010.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. MILLER) and the gentleman from Minnesota (Mr. PAULSEN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. MILLER of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. MILLER of North Carolina. I yield myself such time as I may consume.

Mr. Speaker, this bill amends the Small Business Lending Fund legislation that the President signed just yesterday. The bill is identical to a House amendment that passed 418-3 but was left out of the other body's version of the legislation for reasons that surpass understanding.

□ 1810

This bill, like the amendment, adds land acquisition and construction loans to the loans that qualify for the Small Business Lending Fund. The sad truth is that in many—really, most—parts of the country this bill will not have a lot of effect right away. Under the SBLF, community banks are on the hook if they make loans that don't get paid back, and they're going to steer clear of acquisition, development, and construction loans for home building until the demand for new housing improves.

Around the country, there is an enormous inventory of existing homes, on or off the market. Because so much of the foolishness that led to the financial crisis was connected to housing, the housing sector of our economy remains very sick and won't get well right away. There are millions of foreclosed homes and homes destined for foreclosure. Mr. Speaker, I wish everyone in Washington felt the urgency that I feel about fixing that problem.

But there are markets now that have a demand for new homes and home builders cannot get credit, ordinary loans, because of pressure from regulators on the smaller banks not to make real estate loans, not to make dirt loans.

That indiscriminate refusal to lend for residential construction is killing jobs. We've lost 3 million jobs in the last 5 years in home construction and related industries. The jobs we've lost are jobs for the working man and woman: carpenters, plumbers, electricians, masons, painters, roofers, landscapers, and on and on. We've got

to get as many of those working men and women back to work as soon as we can.

And as the economy recovers, there will be an enormous pent-up demand for new housing. Catching up with that demand can be part of the virtuous cycle of recovery coming out of a recession as it has been in the past. Home construction now is probably about a third of the natural demand for new housing that's created by new household formation, replacement of obsolete housing, and second home purchases.

As the economy recovers, young adults are going to move out of their parents' home or out of the apartment they're sharing with three or four roommates, and dilapidated housing will be torn down and replaced by new construction. We need to make sure that home builders can get credit to meet that pent-up demand and put more men and women back to work, and that's what this bill does.

I reserve the balance of my time.

Mr. PAULSEN. I yield myself such time as I may consume.

Mr. Speaker, I also want to rise in support of my colleague Mr. MILLER's bill to amend the Small Business Jobs Act of 2010, but I'd also like to point out the irony is that we are here on the floor the day after, of course; the President signed the bill just 1 day ago.

You know, this bill would allow construction, land development, and other land loans to be included in the program, which is important, and I commend Mr. MILLER's efforts to make sure that all small businesses will be eligible under this program.

I appreciate also what my colleagues are also trying to do, but I do believe that if we're really going to be focused on helping the small business community, we need to bring some certainty to the market and to the economy for them. Right now many small businesses are struggling with the uncertainty, not knowing what regulations this Congress is going to come up with next on health care or on cap-and-trade legislation; and most importantly now, rather than additional bailout programs, I do think we need to be talking more down the road, hopefully tomorrow, about extending the tax cuts rather than having tax increases that will take place on January 1.

So that hostile business environment also is going to hurt the small business community, but I commend the gentleman for his work on this legislation.

I yield back the balance of my time.

Mr. MILLER of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 6191.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

WOUNDED WARRIOR AND MILITARY SURVIVOR HOUSING ASSISTANCE ACT OF 2010

Mr. MINNICK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6058) to ensure that the housing assistance programs of the Department of Housing and Urban Development and the Department of Veterans Affairs are available to veterans and members of the Armed Forces who have service-connected injuries and to survivors and dependents of veterans and members of the Armed Forces.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6058

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wounded Warrior and Military Survivor Housing Assistance Act of 2010".

SEC. 2. AVAILABILITY OF HOUSING PROGRAMS.

The Secretary of Housing and Urban Development and the Secretary of Veterans Affairs shall take such actions as may be necessary to ensure that the housing assistance programs administered by such Secretaries, including mortgage insurance and home loan programs, are accessible by and available to, and address the particular needs and circumstances of, veterans and members of the Armed Forces who have service-connected injuries and survivors and dependents of veterans and members of the Armed Forces.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Idaho (Mr. MINNICK) and the gentleman from Minnesota (Mr. PAULSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Idaho.

GENERAL LEAVE

Mr. MINNICK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. MINNICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill directs the Secretary of Housing and Urban Development and the Veterans Administration to meet the needs of our veterans with service-related injuries and their families with their housing and mortgage programs.

As importantly, the bill asks that HUD and the VA help the survivors and families of these courageous people with respect to these matters. I com-

pliment my colleague from Minnesota (Mr. PAULSEN) for his leadership in introducing this legislation and urge my colleagues to pass this bipartisan bill.

Mr. Speaker, I reserve the balance of my time.

Mr. PAULSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also rise today in strong support of H.R. 6058, the Wounded Warrior and Military Survivor Housing Assistance Act, and I also want to thank my freshman colleague for offering his support of this measure and co-sponsorship as well.

A few weeks ago, I had the unfortunate honor of meeting the widow of a serviceman who had graduated from high school in my hometown of Eden Prairie and someone who had served in Afghanistan. And since she was in Washington, D.C. for her husband's burial at Arlington National Cemetery, she'd asked to come and meet with me so she could share some of the challenges that she was facing in the midst of her crisis. She had an exhaustive list of concerns, actually, that she was trying to juggle through in the midst of the ceremony taking place for her husband.

At the top of her list, the top priority was essentially wondering how she was going to be able to pay her mortgage now that the family was no longer receiving any income, and the monthly burden of her mortgage was something she had never really had to think about during her husband's entire military career, which had gone on for a long time.

While there are certainly many current provisions in law that try to help people remain in their homes when they come upon some difficult financial problems, I believe that these programs should take into account the special needs of survivors, of dependents, and those with service-connected injuries. That is why I introduced the legislation, the Wounded Warrior and Military Survivor Housing Act with Mr. MINNICK. This legislation directs the Secretaries of HUD and the VA to make sure that their housing programs do indeed address the needs of survivors and dependents as well as those who have those service-related injuries.

Mr. Speaker, these are families that have made great sacrifices. These are families that have basically allowed the rest of us to enjoy, and all Americans to enjoy, the freedoms that we have, more freedoms that are unprecedented ever in human history. The least we can do, I think, is recognize those special needs and make sure that we are giving them tools to help them adjust to the changes now that have taken place in their lives.

Mr. Speaker, I would appreciate support for the legislation.

Mr. Speaker, I yield such time as he may consume to the ranking member

of the committee, the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Let me say this to both gentlemen offering this legislation: As the father of a marine, I want to commend you for doing this. These young men and women are our true heroes of today, and their families face many hardships, many challenges, and this ought to be a priority. It's something that everyone in this body should embrace, and I'd like to commend you for standing up for our men and women in uniform and their families. Thank you very much.

□ 1820

Mr. PAULSEN. Mr. Speaker, in closing, I just simply want to thank both the staff of the Financial Services Committee as well as the House Veterans Affairs Committee for all their work in this legislation and putting this together. I hope we can pass this bill to help all the families of our service men and women.

I yield back the balance of my time.

Mr. MINNICK. I would like to thank the gentleman from Alabama for his remarks and the gentleman from Minnesota for his leadership.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Idaho (Mr. MINNICK) that the House suspend the rules and pass the bill, H.R. 6058.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECOGNIZING SICKLE CELL DISEASE AWARENESS MONTH

Ms. HIRONO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1663) supporting the goals and ideals of Sickle Cell Disease Awareness Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1663

Whereas Sickle Cell Disease is an inherited blood disorder that is a major health problem in the United States and worldwide;

Whereas Sickle Cell Disease causes the rapid destruction of sickle cells, which results in multiple medical complications, including anemia, jaundice, gallstones, strokes, and restricted blood flow, damaging tissue in the liver, spleen, and kidneys, and death;

Whereas Sickle Cell Disease causes episodes of considerable pain in one's arms, legs, chest, and abdomen;

Whereas Sickle Cell Disease affects an estimated 70,000 to 100,000 Americans;

Whereas approximately 1,000 babies are born with Sickle Cell Disease each year in the United States, with the disease occurring in approximately 1 in 500 newborn African American infants, 1 in 1,000 newborn Hispanic Americans, and is found in persons of

Greek, Italian, East Indian, Saudi Arabian, Asian, Syrian, Turkish, Cypriot, Sicilian, and Caucasian origin;

Whereas more than 2,000,000 Americans have the sickle cell trait, and 1 in 12 African Americans carry the trait;

Whereas there is a 1 in 4 chance that a child born to parents who both have the sickle cell trait will have the disease;

Whereas the life expectancy of a person with Sickle Cell Disease is severely limited, with an average life span for an adult being 45 years;

Whereas, though researchers have yet to identify a cure for this painful disease, advances in treating the associated complications have occurred;

Whereas researchers are hopeful that in less than two decades, Sickle Cell Disease may join the ranks of chronic illnesses that, when properly treated, do not interfere with the activity, growth, or mental development of affected children;

Whereas Congress recognizes the importance of researching, preventing, and treating Sickle Cell Disease by authorizing treatment centers to provide medical intervention, education, and other services and by permitting the Medicaid program to cover some primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease;

Whereas the Sickle Cell Disease Association of America, Inc. remains the preeminent advocacy organization that serves the sickle cell community by focusing its efforts on public policy, research funding, patient services, public awareness, and education related to developing effective treatments and a cure for Sickle Cell Disease; and

Whereas the Sickle Cell Disease Association of America, Inc. has requested that the Congress designate September as Sickle Cell Disease Awareness Month in order to educate communities across the Nation about sickle cell and the need for research funding, early detection methods, effective treatments, and prevention programs: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Sickle Cell Disease Awareness Month; and

(2) promotes education of teachers, school nurses, and school personnel in educational strategies such as distance learning and tutoring that will ensure children with Sickle Cell Disease can continue to access and pursue their education.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

GENERAL LEAVE

Ms. HIRONO. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1663 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Ms. HIRONO. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1663, which supports the designation of the month of

September as Sickle Cell Disease Awareness Month. Sickle cell disease is an inherited blood disorder that affects between 70,000 and 100,000 Americans and many more around the world.

While there is no cure, there have been recent advancements in the search, giving hope to millions affected by the disease. Researchers believe that with continued research and funding, sickle cell disease may become more manageable within the next two decades and no longer interfere with the activity, growth, or mental development of those affected. In addition, education and public awareness can play a critical role in fighting the disease, as early diagnosis can often help those who suffer from sickle cell disease manage its effects.

I want to thank Representative FUDGE for introducing this resolution. Once again, I express my support for House Resolution 1663, and I urge my colleagues to join me in supporting this resolution.

Two million Americans have the sickle cell trait, including 1 in 12 African-Americans. Children born to parents with the sickle cell trait have a 1 in 4 chance of having the disease.

Sickle cell disease is devastating to those who suffer from it. The rapid destruction of sickle cells can result in anemia, jaundice, gallstones, strokes, and possible liver, spleen and kidney damage. As a result, individuals with the disease often experience considerable pain in their arms, legs, chest, and abdomen as well as shortened life spans.

Once again I express my support for House Resolution 1663 which designates the month of September as Sickle Cell Awareness Month. I urge my colleagues to join me in supporting this resolution.

I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 1663, supporting the goals and ideals of Sickle Cell Disease Awareness Month.

Sickle cell anemia is a serious disease in which the body makes sickle-shaped red blood cells. Sickle shaped means that the red blood cells are shaped like the letter "C." Normal red blood cells are disc shaped and look like doughnuts without holes in the center. They move easily through your blood vessels. Red blood cells contain the protein hemoglobin. This iron-rich protein gives blood its red color and carries oxygen from the lungs to the rest of the body. Sickle cells contain abnormal hemoglobin that causes the cells to have a sickle shape. Sickle-shaped cells do not move easily through your blood vessels. They are stiff and sticky and tend to form clumps and get stuck in the blood vessels. The clumps of sickle cells block blood flow in the blood vessels that lead to the limbs and the organs. Blocked blood vessels can cause pain, serious infections, and organ damage.

This disease affects an estimated 70,000 to 100,000 people in this country.

Approximately 1,000 babies are born with sickle cell disease each year in the United States. More than 2 million Americans have the sickle cell trait, and 1 in 12 African Americans carry the trait. There is a 1 in 4 chance that a child born to parents who have the trait will have the disease. The life expectancy of a person with sickle cell disease is about 45 years of age. Researchers have yet to find a cure for this disease. However, there is hope that sickle cell disease, when properly treated like other chronic diseases, will not interfere with activity, growth, and development of affected children.

Today we recognize the importance of prevention, treatment, research, and education on sickle cell disease and support the designation of September as Sickle Cell Disease Awareness Month. I urge my colleagues to support this resolution, and I simply want to close by saying that this is primarily a disease of African Americans. For years it has been known that they tend to have, by far, the largest number of sickle cells in their bodies; and, therefore, there is a real demand, a great need to find out what the source of this disease is and what can be done to prevent it because it has a dramatic affect on the African Americans in our Nation. I urge my colleagues to support this resolution.

I have no further requests for time, and I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I support H. Res. 1663, a bill supporting the goals and ideals of Sickle Cell Disease Awareness Month. In 1983, Congress first recognized September as the month to nationally commemorate sickle cell disease awareness. And it is in that same vein today that I ask for support of H. Res. 1663.

More than 2.5 million Americans have the sickle cell trait. The sickle cell trait is found in 1 of 12 African Americans. There is a 1 in 4 chance that a child born to parents who both have the Sickle Cell Trait will develop the sickle cell disease. The average life span for an adult with the sickle cell disease is 45 years.

Sickle cell disease is an inherited blood disorder characterized by affected red blood cells that mutate into the shape of a crescent or sickle, and as such are unable to pass through small blood vessels. It is a recessive genetic condition that occurs when a child inherits two sickle cell genes— or traits— from each parent. The horrific outcomes of this condition include considerable pain in one's arms, chest, legs and abdomen, anemia, gallstone, strokes, as well as damaging tissue in the liver, spleen, kidney, and death. The sickle cell disease primarily affects African-Americans and other ethnic groups.

Mr. Speaker, I would also just note that the devastation of this disease on those who are affected by it is, indeed, tremendous. I have had firsthand experience with it by virtue of having run a sickle cell community education project for the University of Illinois in Chicago and came in contact with many of the patients

and their families; saw the pain and suffering firsthand.

I would urge all my colleagues to support the passage of this resolution.

Ms. HIRONO. In closing, I too want to ask my colleagues to support this important resolution, as it affects so many thousands and thousands of people, particularly the African American community.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution, H. Res. 1663.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH 2010

Ms. HIRONO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1637) supporting the goals and ideals of National Domestic Violence Awareness Month 2010 and expressing the sense of the House of Representatives that Congress should continue to raise awareness of domestic violence in the United States and its devastating effects on families and communities, and support programs and practices designed to prevent and end domestic violence, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1637

Whereas domestic violence affects people of all ages as well as racial, ethnic, gender, economic, and religious backgrounds;

Whereas females are disproportionately victims of domestic violence;

Whereas 6 in 10 Native American women will be physically assaulted in their lifetimes;

Whereas on average, more than 3 women are murdered by their husbands or boyfriends in the United States every day;

Whereas approximately 40 to 60 percent of men who abuse women also abuse children;

Whereas approximately 15,500,000 children are exposed to domestic violence every year;

Whereas children exposed to domestic violence are more likely to attempt suicide, abuse drugs and alcohol, run away from home, and engage in teenage prostitution;

Whereas a large study found that men exposed to physical abuse, sexual abuse, and adult domestic violence as children were almost 4 times more likely than other men to have perpetrated domestic violence as adults;

Whereas women ages 16 to 24 experience the highest rates, per capita, of intimate partner violence;

Whereas approximately 1 in 3 adolescent girls in the United States is a victim of physical, emotional, or verbal abuse from a dat-

ing partner, a figure that far exceeds victimization rates for other types of violence affecting youth;

Whereas teen girls who are physically and sexually abused are up to 6 times more likely to become pregnant, and more than 2 times as likely to report a sexually transmitted disease, than teen girls who are not abused;

Whereas 1,500,000 high school students nationwide experienced physical abuse from a dating partner in a single year;

Whereas young people who are physically abused perform worse in school;

Whereas adolescent girls who reported dating violence were 60 percent more likely to report one or more suicide attempts in the past year;

Whereas primary prevention programs are a key part of addressing teen dating violence, and many successful community examples include education, community outreach, and social marketing campaigns that account for the cultural appropriateness of programs;

Whereas one-quarter to one-half of domestic violence victims report that they have lost a job due, at least in part, to domestic violence;

Whereas the annual cost of lost productivity due to domestic violence is estimated at \$727,800,000 with over 7,900,000 paid workdays lost per year;

Whereas according to the Centers for Disease Control and Prevention, in 2003, the costs of intimate partner violence exceed \$8,300,000,000 and \$1,200,000,000 in the value of lost lives;

Whereas even 5 years after the abuse has ended, health care costs of women with a history of intimate partner violence remain 20 percent higher than those for women with no history of violence;

Whereas in addition to the immediate trauma caused by abuse, domestic violence contributes to a number of chronic health problems, including depression, alcohol, substance abuse, and sexually transmitted diseases such as HIV/AIDS, and often limits the ability of women to manage other chronic illnesses such as diabetes and hypertension;

Whereas men are the perpetrators in at least 85 percent of domestic violence cases and prevention programs should address their needs;

Whereas research demonstrates that men are willing to help prevent violence against women, particularly through shaping the attitudes of younger men and boys;

Whereas a multi-State study shows that domestic violence shelters are addressing victims' urgent and long-term needs and are helping victims protect themselves and their children;

Whereas there is a need to increase funding for programs aimed at intervening and preventing domestic violence in the United States; and

Whereas individuals and organizations that are dedicated to preventing and ending domestic violence should be recognized: Now, therefore, be it

Resolved, That—

(1) the House of Representatives—

(A) supports the goals and ideals of National Domestic Violence Awareness Month; and

(B) recognizes the National Safe Child Initiative as an awareness-raising campaign to educate the public about the prevalence and problem of child abuse, and commends the National Safe Child Coalition for bringing awareness to and working to protect children from batterers; and

(2) it is the sense of the House of Representatives that Congress should continue

to raise awareness of domestic violence in the United States and its devastating effects on families and communities, and support programs designed to end domestic violence.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

GENERAL LEAVE

Ms. HIRONO. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1637 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Ms. HIRONO. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1637, which supports the goals and ideals of National Domestic Violence Awareness Month to be recognized this October. National Domestic Violence Awareness Month is an important time to raise awareness of domestic violence and its devastating effects on our families and communities. In addition, this month offers organizations, social workers, and public officials a chance to spread the word about the resources which help victims seek the help they desperately need.

I would like to thank Representatives POE and GREEN for introducing this important measure. And once again, I express my support for House Resolution 1637.

Domestic violence is defined as the willful intimidation, assault, battery, sexual assault or other abusive behavior perpetrated by an intimate partner against another. It is an epidemic that affects women, men, and children in every community regardless of age, sex, economic status, nationality, or educational background.

One in four women and one in six men will be victims of domestic violence in their lifetime, and 15½ million children are abused every year. Children exposed to domestic violence are more likely themselves to commit acts of domestic violence when they are adults, and to commit suicide, abuse drugs, and engage in teenage prostitution. It is critical that our communities have the resources they need both to help prevent domestic violence from occurring and to support victims when abuse has occurred.

During this month, communities and groups nationwide hold events to increase awareness of domestic violence and the resources available to help victims escape the cycles of violence. Additionally, these events educate the public about ways to prevent and end abuse. We especially recognize the hard work and dedication shown by organizations and individuals that serve victims of abuse and educate the public about domestic violence prevention.

Mr. Speaker, I once again express my support for House Resolution 1637 which recognizes the month of October as National Domestic Violence Awareness Month.

I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 1637, supporting the goals and ideals of National Domestic Violence Awareness Month 2010 and expressing the sense of the House of Representatives that Congress should continue to raise awareness of domestic violence in the United States and its devastating effects on families and communities, and support families and practices designed to prevent and end domestic violence.

□ 1830

Women disproportionately experience domestic violence in their lives. Boys who are exposed to domestic violence are four times as likely to perpetrate domestic violence of adults. The cost of intimate partner violence exceeds \$8.33 billion each year. As evident by these staggering statistics, domestic violence has far-reaching effects in our society.

Domestic violence is the willful intimidation, assault, battery, sexual assault and/or other abusive behavior perpetrated by an intimate partner against another. It is an epidemic that affects individuals in every community, regardless of age, economic status, religion, nationality, educational background or gender.

Domestic violence is far-reaching and affects men and women of all ages and backgrounds. Male victims are less likely than women to report violence and seek services, but are often victims of domestic violence. Both men and women experience the same dynamics of interpersonal violence and face many of the same hurdles thereafter, including job loss, increased rates of drug and alcohol abuse, and increased rates of suicides.

Unfortunately, children are often victimized as the witnesses of domestic abuse. Research has shown that children who witness domestic violence and living in an environment where violence occurs may experience some of the same trauma as abused children. Children who witness domestic violence are more likely to become abusers as adults and face many of the same risk factors as the victims of abuse.

Domestic violence affects the victim, children, the abuser and entire families and communities. It is important that we support the promotion of awareness of this issue and those individuals and organizations that work to prevent and end domestic abuse.

I urge my colleagues to support House Resolution 1637.

Mr. Speaker, I yield the balance of my time to the gentleman from Louisiana (Mr. CASSIDY), and I ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Ms. HIRONO. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. I would like to start by thanking the gentlelady and the ranking member. I would also like to thank my friend, the sponsor of this resolution from Texas, Mr. TED POE, a former State district court judge in the State of Texas, former prosecutor in Harris County, and someone that I have known for more than 20 years. He and I have worked on this effort. It is a collaborative effort and this is his year to sponsor and I cosponsor with him. And I will be honored to sponsor next year and he will, of course, work with me as a cosponsor of this resolution.

But I want to say this about Mr. POE: This is something that he does, not because it happens to be legislation. I know him from his days as a prosecutor, and these cases concerning domestic violence were cases that he took seriously. And I know him from his many years as a State district court judge, and I can honestly say, as I look toward him, that these were cases that he took seriously.

So this is more than just another resolution for Mr. POE, and for me as well. This is something that we take seriously because we, as judges, we have seen what the results of domestic violence can do to a family, what it can do not only to the person who is actually the victim, but the entire family becomes a victim of domestic violence. And I am just honored to have this opportunity to cosponsor the resolution with Mr. POE this year.

The resolution has 41 Democratic and Republican cosponsors. Clearly, it is bipartisan. It is a resolution that receives wide support annually, and it is a resolution that transcends more than party lines. It also transcends lines of ethnicity. It transcends the lines of religion. It transcends the lines of business, the lines that tend to put us in various categories. This resolution transcends all of these lines because the violence that is perpetrated transcends all of these lines. It goes into all walks of life.

It doesn't matter what your economic status is, your social status is. Domestic violence can impact people at all levels of life. And this resolution hopefully will put enough focus on it, such that we will continue to admonish persons who engage in this kind of invidious, abhorrent behavior, admonish them to seek counseling, to try to get yourself in a position such that you can treat your fellow human being as a child of God meriting the same kind of consideration that you would want your daughter or your mother, if you happen to be a male.

I would also add that there have been Federal efforts that should not go unnoticed. This started about 20 years

ago and has continued, and we have had more than just this month. We also had the Violence Against Women Act of 1994, which created a new culture as it relates to domestic violence. It helped the police and the judges and the prosecutors to understand that this was more than a personal event that took place. It was something that impacted society as a whole. And I am looking forward to supporting the reauthorization of the Violence Against Women Act in 2010.

Family Violence Prevention and Services Act, this provides emergency shelters, crisis intervention programs, and community education.

I am also proud to mention the American Recovery and Reinvestment Act because this act provided \$225 million for violence against women in the sense that it helped to fund programs that will help women who find themselves being victimized.

The awareness of domestic violence is growing. I have indicated that judges and prosecutors and police officers—

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. HIRONO. I yield an additional 1 minute to the gentleman.

Mr. AL GREEN of Texas. The constabulary, if you will, now understands the importance of treating this as a serious issue, and much progress has been made. However, there is still much to be done. We still have about 9,000 requests for help that go unnoticed and unanswered on a daily basis. We still have victims who continue to suffer in silence: 29 women lost their lives in Harris County; 136 Texas women were killed; 11 Texas children were killed; 92 percent of homeless women suffer physical and sexual abuse.

So I will just simply close with this: I am honored to be a cosponsor, and I am honored that the resolution is being presented. And I beg that all of my colleagues would please support this resolution because you are supporting families across the length and breadth of the country. You are keeping them together, and you are helping to prevent someone from being abused.

Mr. CASSIDY. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. POE).

□ 1840

Mr. POE of Texas. I thank the gentleman for yielding.

It is an honor to once again sponsor this Domestic Violence Awareness Month resolution.

I want to commend Judge GREEN for working with me on this issue. He did make one mistake, however. He said we have known each other for 20 years. I'm sorry; it has been 30 years since we were young buck lawyers in the courthouse doing battle in Houston, Texas. So it has been a long time.

But he is correct, this is an issue that must continue to come to the awareness of the American people, that domestic violence is something that is, unfortunately, continuing in this country.

Thirty-five percent of the murder victims that were killed in 2008 were killed at the hands of people they knew. Intimate partners, 35 percent of them, murdered by people that were close to them.

In 2007, crimes by intimate partners accounted for 23 percent of all crimes against women.

In a single day in 2009, 65,000 victims were treated by domestic violence programs; but, due to lack of resources and funding, almost 10,000 were turned away because there were no resources to take care of them.

We have a growing need and presence of domestic violence shelters throughout the country, and they have fewer and fewer resources to take care of these women who seek refuge from someone that they knew who has been trying to assault them or has succeeded in assaulting them.

Congress must, of course, pass the reauthorization of the Family Violence Prevention and Services Act. Victim service providers are on the front lines of defense against domestic violence, and this funding is vital to the treatment and reduction of domestic violence.

I spent all of my legal career before coming here as a prosecutor and a criminal court judge, so I was always in the courthouse doing criminal cases, and I saw the result of what happens when people in family situations commit crimes against other family members. It is something that has to cease in this country, and it is also something that we, as a community, need to be aware of. Unfortunately, many times courts don't take these cases seriously.

One of my favorite people is Yvette Cade from Baltimore, Maryland. Yvette Cade was a real person, still is a real person. And all these cases are about real people, Mr. Speaker.

On October 10, 2005, Yvette Cade's estranged husband—Roger Hargrave is his name. He and his wife were not getting along, so he sought her out. He went to the business where she worked, a video store, walked inside with a bottle full of gasoline, came up to her, and he poured that gasoline over her head and he set her on fire. Yvette Cade, a victim of domestic violence.

She survived that brutal assault, and, thanks to a passerby that saw this happen, the fire was put out in the parking lot. The judge involved in this case, Prince George's County Judge Richard Palumbo, had already lifted a protective order against Hargrave. If he had not lifted that protective order to keep him away from his estranged wife, she may not have had this brutal assault committed against her.

Now, Hargrave is serving life in prison for the assault, setting his wife on fire, but Mrs. Yvette Cade has third-degree burns over 60 percent of her body. She has had 19 surgeries. She survived this brutal attack. She is a remarkable woman. She has a spirit that it surprises me she has the spirit that she does.

But she is just one of thousands of people, Mr. Speaker, that are assaulted in the family, and it continues. We, in this society, must make sure that it is socially unacceptable to hurt somebody in the family.

My grandmother, who was the most influential person in my life, lived to be the age of 99. Judge Green would like this: She never forgave me for being a Republican. That is a different issue. But she always said, You never hurt somebody you claim you love. And that is a true statement, and it always has been. You never hurt somebody you claim you love. We need to send that message out throughout the Nation, especially in these family situations. And young males need to understand that if they get in a relationship with a young woman that they never hurt them if they claim they love them.

So it is an honor for me to support this. I honor also and recognize the National Coalition Against Domestic Violence, all those wonderful organizations that are out there taking care mainly of women who find themselves in desperate situations because someone that supposedly loved them treated them so badly.

Mr. CASSIDY. I yield back the balance of my time.

Ms. HIRONO. In closing, Mr. Speaker, it is very clear, and I thank my colleagues for their very strong remarks in support of this resolution, because domestic violence truly knows no bounds; and the women, children, and seniors who are the most vulnerable in our communities, who are generally the victims of domestic violence, need our support and our help. So I again urge my colleagues to support House Resolution 1637.

Mr. BURTON of Indiana. Mr. Speaker, I rise in strong support of House Resolution 1637, expressing the support of the House of Representatives of the goals and ideals of National Domestic Violence Awareness month. I would like to thank the Chairman and Ranking Member of the Education and Labor Committee for bringing this resolution to the Floor; and I would also like to thank Representative TED POE—author of the resolution—for his tireless efforts to raise awareness of the scourge of domestic violence.

I am proud to be a cosponsor of this resolution because domestic violence for me is not an abstract concept. I have lived through domestic violence and I think it is important for people to hear my story and understand the human side of this problem. My colleagues who spoke before me did an excellent job laying out the statistics but the numbers do not

fully express what it's like to survive domestic violence.

I have said this before but I can't stress this point enough: it is so important that everybody in America be involved in stopping domestic violence. There are so many people out there that have heard some woman scream in the night or seen some child beaten by a father, mother or caregiver and simply done nothing about it. They say to themselves that it is not their business, and so they go on their merry way, and they feel like this problem will go away on its own. It doesn't go away. It only gets worse and worse and worse until sometimes people get killed or maimed for life. I know because I have lived through this hell.

My father was six-foot eight, and my mother was five-foot-and-a-half inches tall, and he used to beat her so badly that we couldn't recognize her. He would tear her clothes off of her in front of me and my brother and sister, and then if we said anything he would beat us too.

Thankfully for my family he eventually went to prison for trying to kill my mother, but one of the reasons it went that far, in my opinion, is because there wasn't enough attention paid to what he was doing in the first place.

I can remember one night about 2 o'clock in the morning, my mother, who had been beaten up, took me and my brother and sister down to the police station in Indianapolis, and she went to the desk sergeant and said to him, you know, she wanted to get a restraining order, get away from this brute and this brutality. And the desk officer said, you know what time it is, lady? It's 2 o'clock in the morning, and these kids ought to be in bed. If you don't take these kids home right now, I'm going to arrest you for child abuse. That was the attitude that we saw back in those days.

I can remember when she would throw a lamp through the front window when he was beating on her, or me, and scream for help so loud that you could hear it for blocks away and nobody came. Nobody's light went on. Nobody paid any attention. That is the crime! The crime isn't just the wife abuse or child abuse or spousal abuse. The crime is that people don't take it upon themselves to stop it.

Today, police departments have improved across this country; and there are a lot of organizations that are trying to help men, women and kids who are abused, and that's great. It's a great step in the right direction, but as the statistics that we've heard today tell you, the violence still goes on and on and on. The only way it's going to stop is, if collectively across this country, men and women who see violence in public or in private or hear about it, report it to the police, report it to the proper people and get that perpetrator away from that man and that woman and those kids. If we don't do that, this is never going to stop. The perpetrator has to be afraid of what's going to happen to him or her.

And so I'd like to say to my colleagues, this is very important legislation. I really appreciate it. I'm glad that we sponsor this every year, and I encourage everyone to vote in favor of this resolution. We need to make sure there's awareness of this violence. Only by shining the light of day on it can we eliminate this scourge once and for all.

Mr. BOSWELL. I rise today to bring to light my concerns about the growing epidemic of domestic violence in our country, and to vehemently voice my support for H. Res. 1637, commemorating October as Domestic Violence Awareness Month.

Domestic violence, sexual assault, dating violence and stalking are crimes of epidemic proportions that impact millions of individuals and every community in our Nation. To address and prevent these crimes, the Federal Government created the Violence Against Women Act (VAWA) and the Family Violence Prevention and Services Act (FVPSA). VAWA programs administered by the Departments of Justice (DOJ) and Health and Human Services (HHS) have changed Federal, tribal, State and local responses to these four crimes.

In 2007, crimes by intimate partners accounted for 23 percent of all violent crimes against females and 3 percent of all violent crimes against males. This rate jumped in 2008, when 35 percent of female murder victims were killed by an intimate partner. These staggering statistics are just a few examples of how serious this problem has become. These figures compel us to raise awareness in the health care community about the devastating effect that domestic violence has on families and communities.

The current economic crisis has a disproportionately high and devastating impact on victims of domestic violence, sexual assault, dating violence and stalking. When victims of these heinous acts take the difficult step to reach out for help, many are in life-threatening situations and must be able to find immediate refuge. Given the dangerous and potentially lethal nature of these crimes, we cannot afford to ignore these victims' needs.

We in Congress continue to support the Department of Justice and the Department of Health and Human Services as they continue their efforts to put an end to domestic violence in our country.

I urge my colleagues to continue to raise awareness about this grave issue by supporting H. Res. 1637 and designating October as Domestic Violence Awareness Month.

Mr. RANGEL. Mr. Speaker, I rise today to express my full support for H. Res. 1637, the National Domestic Violence Awareness Month Act. This act recognizes the importance of efforts to raise awareness of this problem nationally, while educating health care workers about the signs of domestic abuse and its long-term effect.

Domestic violence affects people of all races, religions, cultures, gender, age and economic standing. In New York City alone, it is estimated that over 25,000 women suffer some sort of domestic abuse annually. In New York State, over 20,000 women sought assistance from the authorities last year. Although much has been accomplished since the Violent Crime Control and Law Enforcement Act of 1994, much remains to be done.

This is not a problem that affects women alone; children, teenagers, men and the elderly can also be affected, either directly or indirectly. For example, research shows that children who grow up in violent households tend to do badly in school, abuse drugs or alcohol, engage in prostitution or become abusers themselves when they are older. This is why

it is important for Congress to broaden and strengthen its efforts in educating the public about this issue.

I commend Rep. TED POE of Texas for his legislation recognizing National Domestic Violence Awareness Month and the work that needs to be done, and I urge my colleagues to support this bill. I also commend the work of activists, organizations and law enforcement agencies in raising awareness of this issue.

Ms. HIRONO. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution, H. Res. 1637, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL SCHOOL PSYCHOLOGY WEEK

Ms. HIRONO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1645) expressing support for designation of the week beginning on November 8, 2010, as National School Psychology Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1645

Whereas all children and youth learn best when they are healthy, supported, and receive an education that meets their individual needs;

Whereas schools can more effectively ensure that all students are ready and able to learn if schools meet all the needs of each student;

Whereas learning and development are directly linked to the mental health of children, and a supportive learning environment is an optimal place to promote mental health;

Whereas sound psychological principles are critical to proper instruction and learning, social and emotional development, prevention and early intervention, and support for a culturally diverse student population;

Whereas school psychologists are specially trained to deliver mental health services and academic support that lowers barriers to learning and allows teachers to teach more effectively;

Whereas school psychologists facilitate collaboration that helps parents and educators identify and reduce risk factors, promote protective factors, create safe schools, and access community resources;

Whereas school psychologists are trained to assess barriers to learning, utilize data-based decision making, implement research driven prevention and intervention strategies, evaluate outcomes, and improve accountability;

Whereas State educational agencies and other State entities credential more than 35,000 school psychologists who practice in schools in the United States as key professionals that promote the learning and mental health of all children;

Whereas the National Association of School Psychologists establishes and maintains high standards for training, practice, and school psychologist credentialing, in collaboration with organizations such as the American Psychological Association, that promote effective and ethical services by school psychologists to children, families, and schools;

Whereas the National Association of School Psychologists has a Model for Comprehensive and Integrated School Psychological Services that promotes standards for the consistent delivery of school psychological services to all students in need;

Whereas the people of the United States should recognize the vital role school psychologists play in the personal and academic development of the Nation's children; and

Whereas the week beginning on November 8, 2010, would be an appropriate week to designate as National School Psychology Week: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of National School Psychology Week;

(2) honors and recognizes the contributions of school psychologists to the success of students in schools across the United States; and

(3) encourages the people of the United States to observe the week with appropriate ceremonies and activities that promote awareness of the vital role school psychologists play in schools, in the community, and in helping students develop into successful and productive members of society.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentleman from Louisiana (Mr. CASSIDY) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

GENERAL LEAVE

Ms. HIRONO. Mr. Speaker, I ask unanimous consent that Members be granted 5 legislative days to revise and extend and insert extraneous material on House Resolution 1645 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Ms. HIRONO. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1645, which honors and recognizes the contributions of school psychologists in our Nation's education system by designating the week of November 8, 2010, as National School Psychology Week.

School psychologists are mental health professionals with specialized training who understand that many students face barriers to learning and need additional support to overcome these barriers and improve academic and behavioral outcomes. There are more than 35,000 credentialed school psychologists in this country who are essential in helping children succeed in school.

National School Psychology Week reminds us of the integral role school psychologists play daily in our schools

to help ensure that our students have an opportunity to reach his or her full potential.

I would like to thank Representative LOEBSACK for introducing this important measure and, once again, express my support for House Resolution 1645.

The work of school psychologists helps reduce high school dropout rates, decreases problem behaviors, and promotes academic success. School psychologists work together with youth, parents, and educators to identify and reduce risk factors, create safe schools, and access community resources.

Mental health professionals in the academic setting, including school psychologists, can play an important role in increasing a student's engagement in school. The results of this work can be seen in absolute, concrete terms. Research points to higher standardized test scores and better grades as well as decreased absences and discipline referrals.

School psychologists are a vital resource in helping us narrow the achievement gap and reducing disproportionate representation of students from diverse backgrounds in special education.

Mr. Speaker, I once again express my support for House Resolution 1645 which recognizes the week of November 8th as National School Psychology Week.

I urge my colleagues to join me in support of the resolution.

I reserve the balance of my time.

Mr. CASSIDY. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 1645, expressing support for designation of the week beginning on November 8, 2010, as National School Psychology Week.

National School Psychology Week takes place from November 8 to November 12 this year. Recognizing National School Psychology Week promotes the importance of providing support for students to help to create a healthy, safe, and positive learning environment and to help remove academic and personal barriers to students' success.

The role of school psychologists is diverse. School psychologists may help deliver mental health services as well as academic support. These individuals may also help to assess students to determine what learning barriers they face and how best to address those barriers.

□ 1850

The theme of this year's National School Psychology Week is "today is a good day to shine." This theme focuses on highlighting the positive work school psychologists do to promote students' academic and personal success. We recognize National School Psychology Week to show our support for the efforts school psychologists make to create a healthy, safe, and positive learning environment. I stand in support of this resolution.

Mr. LOEBSACK. Mr. Speaker, I rise today in support of H. Res. 1645, designating the week

of November 8th as National School Psychology Week. I introduced this Resolution in support of National School Psychology Week because, were it not for caring adults in my school and my community, I would not be where I am today. I know from my own childhood how circumstances outside school can affect a student's performance in the classroom, so I believe it is extremely important that our schools have professionals trained to meet students' nonacademic needs.

School psychologists perform a myriad of functions within schools. They work with students to improve social, emotional, and behavioral problems that may affect their ability to succeed in school, assess barriers to learning, and design and implement behavioral interventions that help teachers create positive classroom environments.

That is why I would like to take this opportunity to honor and recognize the professionals that work so hard for our children and grandchildren in schools across the country. Your efforts on behalf of our nation's students are appreciated.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to applaud the actions of the House of Representatives in honoring and recognizing the contributions of school psychologists by designating the week of November 8, 2010 as National School Psychology Week. I proudly support H. Res. 1645 and urge my colleagues to support this important piece of legislation.

During the week of November 8, 2010, we will celebrate the critical role that school psychologists have in our nation's education system. It is imperative that our nation's children receive a complete education. While it is essential that our children take reading, writing, and arithmetic, a complete education includes proper social, emotional, and mental development. School psychologists ensure that our nation's children are receiving the mental health and psychological development they need to prosper in this world. School psychologists work with teachers, coaches, and guidance counselors to educate the whole child. School psychologists play a vital role in the lives of our nation's children as they are often the first and only mental health professionals with which our children come in contact.

School psychologists are highly trained individuals that work directly with students, teachers, and families to form collaborations that meet the educational needs of our children. The National Association of School Psychologists establishes and maintains high standards for training, practice, and school psychologist credentialing. School psychologists play a special role in promoting child development, motivating students, and forming collaborations between teachers, families, and administrators.

I take this time to especially thank the school psychologists in my home state of Georgia for all of their hard work and dedication. I encourage all of my constituents in the Fourth District to join in recognizing school psychologists and the vital role they have in educating our children.

I join the Chairman in urging my colleagues to support this resolution.

Mr. CASSIDY. I yield back the balance of my time.

Ms. HIRONO. Mr. Speaker, in closing, I would once again urge my colleagues to support House Resolution 1645. It takes many people to enable a child to succeed, and school psychologists are definitely among those.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution, H. Res. 1645.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

AMERICAN MANUFACTURING EFFICIENCY AND RETRAINING INVESTMENT COLLABORATION ACHIEVEMENT WORKS ACT

Ms. HIRONO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4072) to require that certain Federal job training and career education programs give priority to programs that provide a national industry-recognized and portable credential, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4072

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Manufacturing Efficiency and Retraining Investment Collaboration Achievement Works Act" or the "AMERICA Works Act".

SEC. 2. INDUSTRY-RECOGNIZED AND NATIONALLY PORTABLE CREDENTIALS FOR JOB TRAINING PROGRAMS.

(a) WORKFORCE INVESTMENT ACT OF 1998.—

(1) GENERAL EMPLOYMENT AND TRAINING ACTIVITIES.—Section 134(d)(4)(F) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(d)(4)(F)) is amended by adding at the end the following:

"(iv) PRIORITY FOR PROGRAMS THAT PROVIDE AN INDUSTRY-RECOGNIZED AND NATIONALLY PORTABLE CREDENTIAL.—In selecting and approving training services, or programs of training services, under this section, a one-stop operator and employees of a one-stop center referred to in subsection (c) shall give priority consideration to services and programs (approved by the appropriate State agency and local board in conjunction with section 122) that lead to a credential that is in high demand in the local area served and listed in the registry described in section 3(b) of the AMERICA Works Act."

(2) YOUTH ACTIVITIES.—Section 129(c)(1)(C) of the Workforce Investment Act of 1998 (29 U.S.C. 2854(c)(1)(C)) is amended—

(A) by redesignating clauses (ii) through (iv) as clauses (iii) through (v), respectively; and

(B) inserting after clause (i) the following:

"(ii) training (with priority consideration given to programs that lead to a credential that is in high demand in the local area served and listed in the registry described in section 3(b) of the AMERICA Works Act, if

the local board determines that such programs are available and appropriate);”.

(b) CAREER AND TECHNICAL EDUCATION.—

(1) STATE PLAN.—Section 122(c)(1)(B) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2342(c)(1)(B)) is amended by striking the semicolon at the end and inserting the following: “and, with respect to programs of study leading to an industry-recognized credential or certificate, will give priority consideration to programs of study that—

“(i) lead to an appropriate (as determined by the eligible agency) skills credential (which may be a certificate) that is in high demand in the area served and listed in the registry described in section 3(b) of the AMERICA Works Act; and

“(ii) may provide a basis for additional credentials, certificates, or degrees;”.

(2) USE OF LOCAL FUNDS.—Section 134(b) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2354(b)) is amended—

(A) in paragraph (11), by striking “; and” and inserting a semicolon;

(B) in paragraph (12)(B), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(13) describe the career and technical education activities supporting the attainment of industry-recognized credentials or certificates, and how the eligible recipient, in selecting such activities, gave priority consideration to activities supporting high-demand registry skill credentials described in section 122(c)(1)(B)(i).”.

(3) TECH-PREP PROGRAMS.—Section 203(c)(2)(E) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2373(c)(2)(E)) is amended by striking “industry-recognized credential, a certificate,” and inserting “industry-recognized credential or certificate (such as a high-demand registry skill credential described in section 122(c)(1)(B)(i)).”.

SEC. 3. SKILL CREDENTIAL REGISTRY.

(a) DEFINITIONS.—In this section:

(1) COVERED PROVISION.—The term “covered provision” means any of sections 129 and 134 of the Workforce Investment Act of 1998 (29 U.S.C. 2854, 2864) and section 122(c)(1)(B) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2342(c)(1)(B)).

(2) INDUSTRY-RECOGNIZED.—The term “industry-recognized”, used with respect to a credential, means a credential that—

(A) is sought or accepted by companies within the industry sector involved as recognized, preferred, or required for recruitment, screening, or hiring; and

(B) is endorsed by a nationally recognized trade association or organization representing a significant part of the industry sector.

(3) NATIONALLY PORTABLE.—The term “nationally portable”, used with respect to a credential, means a credential that is sought or accepted by companies within the industry sector involved, across multiple States, as recognized, preferred, or required for recruitment, screening, or hiring.

(4) WORKFORCE INVESTMENT ACTIVITIES.—The term “workforce investment activities” has the meaning given the term in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801).

(b) REGISTRY.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of Labor (referred to in this section as the “Secretary”) shall create a registry of skill credentials (which may be certificates), for purposes of enabling programs

that lead to such a credential to receive priority under a covered provision.

(2) REGISTRY.—The Secretary shall—

(A) list the credential in the registry if the credential is required by Federal or State law for an occupation (such as a credential required by a State law regarding qualifications for a health care occupation);

(B) list the credential in the registry if the credential is a credential from the Manufacturing Institute-Endorsed Manufacturing Skills Certification System; and

(C) list the credential, and list an updated credential, in the registry if the credential involved is an industry-recognized, nationally portable credential that is consistent with the Secretary’s established industry competency models and is consistently updated through third party validation to reflect changing industry competencies.

(c) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to require an entity with responsibility for selecting or approving an education, training, or workforce investment activities program with regard to a covered provision, to select a program with a credential listed in the registry described in subsection (b).

SEC. 4. EFFECTIVE DATE.

This Act, and the amendments made by this Act, take effect 120 days after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentleman from Louisiana (Mr. CASSIDY) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

GENERAL LEAVE

Ms. HIRONO. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H.R. 4072 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Ms. HIRONO. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4072, the American Manufacturing Efficiency and Retraining Investment Collaboration Act, or AMERICA Works Act. This bill would direct the use of the Workforce Investment Act funds for programs that provide a national industry-recognized and portable credential certificate or degree.

It would also encourage industry-recognized credentials that are nationally recognized and portable under the Carl D. Perkins Career and Technical Education Act.

Since May, the jobless rate has stayed about the same and economists predict unemployment will remain high for months to come. Despite current unemployment, employers continue to report a skills gap. Manufacturing, healthcare, and energy sectors in particular are finding it difficult to match workers with skills and industry-recognized credentials with employers that have job openings. As the economic outlook continues to stabilize, we must continue to take measures to bring about a full recovery, including investments in strengthening our Nation’s workforce.

One of the best ways to prepare today’s workforce for today’s fast-paced changing global economy is to offer training in industry recognized skills. This bill invests in training towards industry-recognized portable credentials, to help students build the skill sets needed to fill specialized in-demand jobs.

Industry-recognized credentials exist in many sectors of our economy. In manufacturing, industry leaders all across this sector have endorsed a system of skills certification for entry level workers. According to the president of the Minneapolis Federal Reserve Bank, addressing the current skills mismatch could reduce national unemployment from 9.6 percent to as low as 6.5 percent. This bill complements current sector approaches that modernize our workforce system, aligning job training strategies that help individuals improve their skills to find good jobs and employers hire skilled workers.

Mr. Speaker, I want to thank Representative MINNICK and the cosponsors of H.R. 4072 for bringing this bill forward. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CASSIDY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4072, the American Manufacturing Efficiency and Retraining Investment Collaboration Act, or the AMERICA Works Act.

H.R. 4072 amends provisions in the Workforce Investment Act, or WIA, and in the Perkins Career and Technical Education Act to highlight industry-recognized credentialing, especially those in high-demand professions.

This bill would require One-Stop Career Centers to give priority to training programs that result in participants receiving an industry-recognized credential for a high-demand profession in the locality these centers serve. This bill also requires schools to include in their career and technical education plans a description of how the Career and Technical Education Program will assist students in earning an industry-recognized credential or certification.

This bill makes some positive steps towards encouraging students and job seekers to pursue training that leads to industry-recognized credentials which could increase participants’ chances of obtaining a job in a given profession.

However, H.R. 4072 amends only a very small portion of the Workforce Investment Act, which is 8 years overdue for reauthorization. This bill would amend a provision without reauthorizing other important aspects of the law. Considering these changes within the context of a larger reauthorization discussion is important to ensuring the future of the American workforce. We need to take a comprehensive approach to workforce development and not approach these problems in a piecemeal fashion.

I reserve the balance of my time.

Ms. HIRONO. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Idaho (Mr. MINNICK).

Mr. MINNICK. Mr. Speaker, I rise in support of H.R. 4072, the AMERICA Works Act. This is a bill that would direct the use of already-appropriated funds within the Carl Perkins Vocational Technical Education Act to prepare American workers with the skills necessary to qualify for the increasingly high-tech jobs available in the 21st century. It would do so by making available Federal funds from these programs to obtain nationally recognized industry credentials acceptable anywhere in the country.

Under this bill, training would continue to be done by technical schools, universities, and union-sponsored journeyman programs in coordination with companies and business groups. A welder trained in a junior college in Maryland would have a certificate qualifying him to work in a machine shop in Idaho. An AmeriCorps trained diesel mechanic in my State could get an auto mechanic's job in yours.

American workers are the best in the world. They are resilient, innovative and hardworking, but they must be properly trained and have widely accepted and understood credentials making them employable anywhere. This bill will ensure that Federal job training is used to provide hardworking Americans desiring training with the certificates, degrees, and credentials American industry needs to fill the sophisticated technical jobs available in today's business world.

I thank my colleague from Louisiana for his support and the gentlewoman from Hawaii for her leadership, and urge my colleagues to support this bipartisan commonsense legislation.

Mr. CASSIDY. Mr. Speaker, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to promote America's workforce competitiveness by calling for measures that modernize our job training programs and prepare workers with the skills they need to succeed in the 21st century global economy. The bill before us, the AMERICA Works Act, H.R. 4072, would develop the technical workforce necessary to strengthen and attract in-demand industries in the United States, and create good jobs in regional economies across the country.

Our Nation's economic recovery remains extremely fragile. According to last month's jobs report, 42 percent of the nearly 15 million people have been unemployed for 6 months or longer. Despite large numbers of individuals looking for jobs, the staffing firm Manpower, Inc., found in a recent survey that one in five employers have left positions unfilled because they did not believe qualified candidates existed. Especially employers in key industries such as manufacturing, healthcare, and energy report difficulty finding workers with appropriate skill sets. With unemployment rates expected to remain high for months to come,

investing in targeted job training that matches labor market demand is an economic strategy needed for a strong and sustained recovery.

Employers rely on a pipeline of skilled workers to drive innovation, increase productivity, and remain globally competitive. At the same time, individuals need the skills and credentials to fill these jobs. According to the Virginia Council on Advanced Technology Skills, which include companies such as Micron Technology, Inc., and Boehringer Ingelheim Chemicals, more than 40,000 manufacturing jobs could open up in the region over the next few years. The industry group is currently developing an assessment to determine what skills employers require and help students learn what skills they need to increase their job prospects and increase their salary when they are hired. The goal is to be able to match workers with the core skills and industry-recognized credentials for employers that have job openings. Addressing the current skills mismatch, according to the president of the Minneapolis Federal Reserve Bank, could reduce national unemployment from 9.6 percent to as low as 6.5 percent.

The AMERICA Works Act will help workers and employers like the industry group in Virginia as well as other industry-sector partnerships fill the skills gap by honing in on the importance of industry-recognized, portable credentials. Specifically, the bill would direct the use of public funds for designated programs within the Carl D. Perkins Vocational-Technical Education Act and the Workforce Investment Act to prepare individuals with the core skills necessary to obtain good, middle-class jobs. This bill complements other efforts, including sector strategies, which support local partnerships between business, labor, the workforce system, and education and training providers to ensure that workers have the skills employers need to compete in the global marketplace.

Mr. Speaker, I want to thank Congressman MINNICK and Congressman LEE for introducing this legislation that invests in the skills of America's workers. I urge my colleagues to continue to advance education and training measures that build America's workforce and strengthen the economy.

Ms. HIRONO. Mr. Speaker, in closing, I would once again urge my colleagues to support the AMERICA Works Act. At a time when unemployment is high, we need to do everything we can to enable our workers not only to be trained, but to be able to utilize that training anywhere in our country.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and pass the bill, H.R. 4072, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Ms. HIRONO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this motion will be postponed.

TEMPORARY EXTENSION OF SMALL BUSINESS PROGRAMS

Ms. VELÁZQUEZ. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3839) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3839

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) IN GENERAL.—Section 1 of the Act entitled “An Act to extend temporarily certain authorities of the Small Business Administration”, approved October 10, 2006 (Public Law 109-316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 111-214 (124 Stat. 2346), is amended by striking “September 30, 2010” each place it appears and inserting “January 31, 2011”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on September 29, 2010.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Louisiana (Mr. CASSIDY) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the role of small businesses in moving the economy forward has never been more important. Making up over 99 percent of all U.S. firms, they are critical to innovation, wealth creation, and, most importantly, employment gains.

As the economy continues to show signs of resurgence, we need to make certain that entrepreneurs have the right tools to make the most out of the recovery. The legislation before us extends the authorization of the several important Small Business Administration programs which are key to supporting entrepreneurs across the country. Through the agency's initiatives, entrepreneurs are able to get a loan, secure a federal contract, and receive expert technical assistance.

The SBA is unique in that many of its programs work through resource partners. These partners, including training centers and community banks, are essential to the delivery of the agency's services to the small business community.

□ 1900

Through this public-private network, entrepreneurs are able to gain access to resources nationwide with the knowledge that the SBA stands behind these tools and services. This combination is a powerful one for small businesses, and it is the reason we need to extend the agency.

In the House, we have passed 14 bills since the beginning of the 111th Congress. However, because we have not completed work with the Senate on these matters, we must extend the SBA's programs. This legislation will make certain that the SBA keeps operating. We cannot afford any of these services to lapse just as our recovery is getting off the ground.

I urge my colleagues to vote "yes," and I reserve the balance of my time.

Mr. CASSIDY. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of the chairwoman's request to suspend the rules and pass S. 3839. The legislation provides a 4-month extension of all of these Small Business Administration's programs until January 31, 2011. This is a necessary measure as the extension we passed last July expires September 30.

America's small businesses are struggling in this tough economy. Employers are having a tough time accurately predicting costs and revenues, making them hesitant to hire new workers or to take steps to expand their businesses.

It is time to show our small business owners that we recognize and support the essential roles that they play in our economy. We can do so by approving this temporary extension of SBA programs, and then we must continue our work by crafting and implementing a more thoughtful and complete reauthorization of these critical programs.

Again, I support the chairwoman's request to pass S. 3839, and I urge all Members to vote for the measure.

I yield back the balance of my time.

Ms. VELÁZQUEZ. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, S. 3839.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECOGNIZING THE NATIONAL WATERWAYS CONFERENCE ON ITS 50TH ANNIVERSARY

Mr. SCHAUER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1639) recognizing the contributions of the National Waterways Conference on the occasion of its 50th anniversary, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1639

Whereas the Corps of Engineers (Corps) is the Nation's premier water resources agency, charged by the Congress with responsibility over its 3 principal mission areas of navigation, flood damage reduction, and environmental restoration;

Whereas the Corps is responsible for the maintenance of more than 11,000 miles of channels in 41 States for commercial navigation, the operation of locks at 230 individual sites, the maintenance of over 300 deep-draft commercial harbors and over 600 shallow-draft, coastal, and inland harbors, and the maintenance of over 8,500 miles of flood damage reduction structures, including levees;

Whereas the vast array of navigation and flood damage reduction infrastructure is important to the security and vitality of the Nation's economy and overall prosperity;

Whereas the Corps' environmental restoration mission seeks to achieve environmental sustainability, to promote balance and synergy among human development activities and natural systems, and to maintain a healthy, diverse, and sustainable condition necessary to support life;

Whereas the authorization for critical navigation, flood damage reduction, environmental restoration, and other water-related projects and studies carried out by the Corps is typically included in a water resources development act;

Whereas throughout the Corps' history, water resources development acts have provided the Corps with the authority to carry out nationally significant projects that have improved the economic prosperity of the Nation, have protected its citizenry from the threat of flooding and coastal storms, and have put in place environmental restoration efforts for many of the Nation's national treasures;

Whereas it is the tradition of the House of Representatives to consider a water resources development act in every Congress to address current and future needs for water-related projects and policy changes, including the historic override of a Presidential veto of the Water Resources Development Act of 2007 (Public Law 110-114);

Whereas continued and increased investment in the Nation's water-related infrastructure is essential for meeting the critical navigation, flood damage reduction, environmental restoration, and other water-related needs of the Nation, as well as to ensure the economic security and quality of life of American families;

Whereas the National Waterways Conference was established in 1960 to advocate before the Congress for "common-sense water resources policies that maximize the economic and environmental value" of the Nation's inland, coastal, and Great Lakes waterways;

Whereas the Conference supports continued congressional attention in meeting the

Nation's water-related needs, including navigation, flood damage reduction and risk management, environmental protection and restoration, hydroelectric power, recreation, and water supply;

Whereas the Conference is guided by the purpose of promoting a better understanding of the public value of the United States waterways system and to document the importance of farsighted navigation and water resources policies to a vibrant economy, industrial and agricultural productivity, regional development, environmental quality, energy conservation, international trade, defense preparedness, and the overall national interest;

Whereas the Conference strives to maintain a diverse membership that reflects many of the uses of the Nation's waterways, including flood control associations, levee boards, waterways shippers and carriers, industry and regional associations, port authorities, shipyards, dredging contractors, regional water districts, engineering consultants, and local governments;

Whereas the Conference has been a consistent advocate for continued investment in the Nation's water-related infrastructure, including its strong support for robust appropriations for the Corps of Engineers' Civil Works program;

Whereas the Conference serves as an effective national advocate for water resources-related policy and law; and

Whereas the Conference recognizes that regular authorization of a water resources development act is "essential to our nation's environmental well-being and our economic vitality": Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the value of the Corps of Engineers and its civil works mission to the economic prosperity and sustainable environmental health of the Nation;

(2) recognizes the contributions of the National Waterways Conference in the formulation of the Nation's water resources-related policies and programs for the Corps' civil works mission and its advocacy for continued and increased investment in meeting the water resource needs of the Nation; and

(3) commends the National Waterways Conference on the occasion of its 50th anniversary.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. SCHAUER) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. SCHAUER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on House Resolution 1639.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SCHAUER. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1639 recognizes the contributions of the National Waterways Conference as it celebrates its 50th anniversary.

I applaud Mr. HARE of Illinois, the sponsor of this legislation, for introducing this resolution, and I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. I yield myself such time as I may consume.

Mr. Speaker, I rise today to honor the National Waterways Conference on their 50th anniversary.

The United States Army Corps of Engineers operates and maintains more than 12,000 miles of commercial inland channels—12,000 miles. The Corps of Engineers maintains waterways leading to 926 coastal, Great Lakes and inland harbors, which are things that we take for granted every single day regarding our economy. So I am actually pleased to be here today, speaking on behalf of this recognition and, again, of this 50th anniversary.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, this resolution recognizes the 50th anniversary of the National Waterways Conference—an organization founded as a national advocate for effective policy and robust funding to meet our Nation's water-related infrastructure needs. I commend the gentleman from Illinois (Mr. HARE) for introducing this resolution.

This resolution recognizes the valuable work of the National Waterways Conference, and congratulates them on marking 50 years of effective advocacy for meeting the Nation's water-related infrastructure challenges.

Mr. Speaker, as the Chairman of the Committee on Transportation and Infrastructure, the gentleman from Minnesota (Mr. OBERSTAR) frequently states, we are a Nation that was formed along the waters. While initially used as the main thoroughfare for commerce and trade, the utility of our Nation's rivers, streams, and coastal areas to our communities has expanded through the years; however, their importance has never waned.

Throughout its history, our Nation has been well served by the U.S. Army Corps of Engineers, the lead-Federal agency charged by Congress with meeting the growing water-related challenges facing the Nation.

For centuries, the Corps has served as the Nation's premier water resource agency, charged by Congress with responsibility over its three principal mission areas of navigation, flood damage reduction, and environmental restoration.

Throughout this history, the Corps has had great successes in addressing many of the major water resource challenges presented to the agency by Congress.

From the development of major U.S. ports and the inland waterway system, to the protection of thousands of American cities and towns from the risk of flood damage, to the restoration of some of the Nation's most valuable natural treasures, such as Yellowstone National Park and the Everglades.

This Congress, on a regular basis, has provided the Corps with the authority to carry out nationally significant projects that have improved the economic prosperity of the Nation, have protected its citizenry from the threat of

flooding and coastal storms, and have put in place environmental restoration efforts for the Nation's natural treasures.

These authorities are typically included in a water resources development act, under the jurisdiction of the Committee on Transportation and Infrastructure, and my Subcommittee. Our Committee has a tradition of saying there are "no Republican levees, and no Democratic navigation projects"—but, I would contend, these projects are essential to the lives and livelihoods of the constituents we represent.

Investment in our water-related infrastructure should be one of those areas where we can come together as a nation—to meet the ever-growing challenges facing our Nation. As in the past, with the historic override of the Presidential veto of the Water Resources Development Act of 2007, this Congress has a history of transcending our political differences to address the needs of the Nation.

I look forward to continuing this work with my colleagues, and on completing our efforts on the Water Resources Development Act of 2010, which was approved by the Committee before the August District Work period.

Similarly, I join my colleagues in commending the work of the National Waterways Conference in the furtherance of our efforts to move water resources bills on a biennial basis. Throughout its 50-year history, the Conference has been an effective National advocate for water resources policy and law, as well as a strong supporter for robust funding of the authorities for the Corps of Engineers.

Fundamental to this effort is the Conference's attempts to maintain a diverse membership that reflects many of the uses of the Nation's waterways, including flood control associations, levee boards, waterways shippers and carriers, industry and regional associations, port authorities, shipyards, dredging contractors, regional water districts, engineering consultants, and local governments.

As is clear from the diversity of the Conference's membership, few areas of National policy have more divergent views, often competing needs, and potential for controversy than the Nation's waters.

However, to aid this effort, organizations, such as the National Waterways Conference, can bring together often competing view points to promote effective National policy with respect to the management and protection of the Nation's waters.

In that light, I applaud the Conference for its support of the Recovery Act, and its appropriation of \$4.6 billion for the Corps to address the water-resource needs of the Nation. This investment, of which, as of August 31, over 93 percent has been obligated, has allowed the Corps to address much of the critical backlog for operation and maintenance of projects in the Corps' jurisdiction.

I also applaud the Conference's support for the Committee on Transportation and Infrastructure's efforts to move the Water Resources Development Act of 2010. This effort is consistent with the traditions of the Committee to consider a water resources development act in every Congress to address the current and future water resource needs of the Nation.

Again, I congratulate the National Waterways Conference on the occasion of its 50th

anniversary, and urge my colleagues to join me in support of this resolution.

Mr. OBERSTAR. Mr. Speaker, I rise today in support of H. Res. 1639, a resolution recognizing the 50th anniversary of the founding of the National Waterways Conference.

I applaud the gentleman from Illinois (Mr. HARE) for introducing this resolution and for his advocating the recognition of this auspicious anniversary of the Conference.

Mr. Speaker, the National Waterways Conference was established in 1960 to advocate before Congress for "common-sense water resources policies that maximize the economic and environmental value" of the nation's inland, coastal, and Great Lakes waterways. Throughout its history, the Conference has been a vocal supporter for continued Congressional attention in meeting the nation's water-related needs, including navigation, flood damage reduction and risk management, environmental restoration, hydroelectric power, recreation, and water supply.

The Conference is guided by its purpose of promoting better understanding of the public value of the American waterways system, and to document the importance of far-sighted navigation and water resources policies to a sound economy, industrial and agricultural productivity, regional development, environmental quality, energy conservation, international trade, defense preparedness, and the overall national interest.

The Committee on Transportation and Infrastructure, understands the importance of the nation's waterways in preserving both the economic and environmental health and prosperity of the nation. Water is our common heritage. America's greatest population centers are cities because they have ports. Seventy-five percent of the nation's population lives along the water, either on the coasts or the inland waterways. Despite the relative scarcity of potable water supplies, generations of Americans have taken water for granted. For most Americans, the only time to think about water is when there is too much or not enough. Today, our nation and the world face significant water resources challenges; yet, there are clear signs that water-use is not being properly used or planned at home or throughout the world.

For over a century, the U.S. Army Corps of Engineers (Corps) has served our nation well in investigating and addressing our most critical water resources challenges. Whether it is the construction and maintenance of our coastal and inland navigation systems, protecting the lives and livelihoods of our constituents from flooding or coastal storms, or restoring some of the nation's greatest natural treasures, such as Yellowstone National Park or the Everglades, the nation has relied on its premier water-resources related agency, the Corps, to meet its current and future challenges.

The Committee on Transportation and Infrastructure, is a vital partner to that effort. It is through the periodic enactment of a water resources development act that Congress provides direction to the Corps to meet both the current and future water resources challenges of the nation, including authorizing critical navigation, flood damage reduction, environmental restoration projects, and studies carried out by the Corps.

Following the successful enactment of the Water Resources Development Act of 2007 (P.L. 110–114), the Democratic and Republican leadership of the Committee on Transportation and Infrastructure committed to enactment of a water resources development act every Congress.

Throughout its history, these water resources development acts have provided the Corps with the authority to carry out nationally significant projects that have improved the economic prosperity of the nation, have protected its citizenry from the threat of flooding and coastal storms, and have put in place restoration efforts for many of America's natural treasures.

Throughout this effort, the National Waterways Conference has been a vocal advocate for regular authorization of water resources development acts. In the view of the Conference, regular consideration of such laws, such as that taken by our Committee in support of H.R. 5892, the "Water Resources Development Act of 2010", is "essential to the nation's environmental well-being and our economic vitality." I applaud the valuable role that the Conference has played in the formation of water resources laws, and commend them for bringing the often-competing views of the various waterway users to the forefront of the debate on nationally significant water resources policies.

I also commend the Conference for its vocal support for funding of the Corps of Engineers in the American Recovery and Reinvestment Act (P.L. 111–5). Under the Recovery Act, Congress provided \$4.6 billion to the Corps to address both a significant portion of its backlog of operation and maintenance needs, as well as plan and begin construction of the next-generation of water-related infrastructure.

According to the Corps, as of August 31, more than 92 percent of the \$4.6 billion is under obligation, with the remainder likely to be obligated by the end of the fiscal year. By almost all accounts, this investment of \$4.6 billion has been a huge success in meeting the water-related infrastructure needs of the nation. I applaud the foresight of the National Waterways Conference in its advocacy for this effort.

Mr. Speaker, I commend the Conference for its commitment to meeting the water-resources-related challenges of the nation, and for marking its 50th anniversary.

I urge my colleagues to join me in supporting H. Res. 1639.

Mr. HARE. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 50th anniversary of the National Waterways Conference.

I would like to begin by thanking Chairman JIM OBERSTAR of the Transportation and Infrastructure Committee for his support of the National Waterways Conference and for cosponsoring this resolution.

I am proud to have introduced H. Res. 1639 because the National Waterways Conference has worked tirelessly since 1960 in educating the public and elected officials about the importance of our nation's inland waterways system. The Conference reaches all corners of inland waterways, the Great Lakes, and coastal stakeholders because it consists of a diverse group of professionals who all work toward a

common goal: utilizing the waterways in an efficient and responsible manner, while being accountable to the environment in and around our waters.

The Conference has also worked closely with the U.S. Army Corps of Engineers in planning valuable economic and environmental water-based projects in nearly every geographic region of the U.S. and territories. For example, in the 17th District of Illinois, the Sny Island Levee District and the Upper Mississippi, Illinois and Missouri Rivers Association have for years worked to ensure that Congress does not forget about the catastrophic flooding in the Midwest, and they have advocated for maximizing urgently needed flood protection and flood control. The Corps in turn has closely studied and crafted a plan for protecting the Upper Mississippi River Valley communities. The Conference and Corps complement each other extremely well.

In addition to recognizing and commending the Conference, the resolution recognizes the solid commitment and excellent work done by the Corps of Engineers—the nation's premier waterways infrastructure operators, designers and builders. The Corps is responsible for waterways navigation, flood damage reduction, and environmental restoration for more than 11,000 miles of channels in 41 States, in addition to the important role it plays in supporting our troops.

I believe it is in the best interest of the American people that the National Waterways Conference continues to work with the Congress, the Corps' Civil Works Division, and local communities because of its expertise in planning for a sound economy, industrial and agricultural productivity, regional development, environmental quality, energy conservation, international trade, and national defense preparedness.

Mr. Speaker, I know the National Waterways Conference will have another successful 50 years advocating for improvements to our nation's water infrastructure. I would like to thank the National Waterways Conference for all of their hard work, and I wish them the best of luck in their next chapter.

I urge all of my colleagues to support passage of this bill.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. SCHAUER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. SCHAUER) that the House suspend the rules and agree to the resolution, H. Res. 1639.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

WINSTON E. ARNOW FEDERAL BUILDING

Mr. SCHAUER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4387) to designate the Federal

building located at 100 North Palafox Street in Pensacola, Florida, as the "Winston E. Arnow Federal Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4387

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 100 North Palafox Street in Pensacola, Florida, shall be known and designated as the "Winston E. Arnow Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Winston E. Arnow Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. SCHAUER) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. SCHAUER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 4387.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SCHAUER. Mr. Speaker I yield myself such time as I may consume.

I would urge the adoption of this resolution, and I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. I yield myself such time as I may consume.

Mr. Speaker, I would like to take this opportunity to thank Congressman MILLER of Florida for his leadership and hard work on this bill to correct the designation of this building, which was named after Judge Arnow.

Now, we could say so much about the judge, but Mr. Speaker, I would just like to highlight one part of his career, which is something I try to do whenever possible whenever anybody serves in the Armed Forces of the United States of America. I think, as much as his record is meritorious, it is something I always like to highlight.

Judge Arnow was in the private practice of law, but he also served as a U.S. Army major in the JAG Corps during World War II and served as a municipal judge in Gainesville, Florida. Again, I could go on and on, but I always try to highlight when someone has a military career in order to make sure that it is something we will never forget.

Mr. OBERSTAR. Madam Speaker, I rise in support of H.R. 4387, a bill to designate the Federal building located at 100 North Palafox Street in Pensacola, Florida, as the "Winston E. Arnow Federal Building".

Winston Eugene Arnow was an American lawyer and judge of the United States District Court for the Northern District of Florida. He practiced civil rights law in Gainesville before he was appointed to the Federal bench by President Johnson. His name is now synonymous with the momentous civil rights period from 1969 to 1978 in Northwest Florida when he followed the U.S. Supreme Court mandates to ensure the election of African Americans, public school desegregation, and improved prison conditions in the Escambia County jail.

Judge Arnow served as the chief judge of the Northern District of Florida, stretching from Pensacola to Gainesville, from 1969 until 1981. In 1969, Arnow ordered the Escambia County School District desegregated. In 1972, he presided over the trial of the Gainesville Eight, a group of anti-Vietnam War activists who were indicted on charges of conspiracy to disrupt the 1972 Republican National Convention in Miami Beach, Florida. All eight were acquitted.

Judicial authorities and officials viewed Judge Arnow as "all integrity," ignoring criticism by doing what he thought was the right and proper thing to do to protect civil liberties. He believed firmly in the U.S. Constitution and followed the statutes and higher court decisions to the letter. Judge Arnow was a man of strong moral character, and conducted his court proceedings based on fairness and courtesy. He was a courageous trial judge and dedicated public servant. It is both fitting and proper that we honor his public service with this designation.

I urge my colleagues to join me in supporting H.R. 4387.

Mr. MARIO DIAZ-BALART of Florida. I yield back the balance of my time.

Mr. SCHAUER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. SCHAUER) that the House suspend the rules and pass the bill, H.R. 4387.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RAY DAVES AIR TRAFFIC CONTROL TOWER

Mr. SCHAUER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5591) to designate the facility of the Federal Aviation Administration located at Spokane International Airport in Spokane, Washington, as the "Ray Daves Air Traffic Control Tower," as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5591

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The airport traffic control tower located at Spokane International Airport in Spokane,

Washington, and any successor airport traffic control tower at that location, shall be known and designated as the "Ray Daves Airport Traffic Control Tower".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the airport traffic control tower referred to in section 1 shall be deemed to be a reference to the "Ray Daves Airport Traffic Control Tower".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. SCHAUER) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. SCHAUER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 5591.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SCHAUER. I yield myself such time as I may consume.

Mr. Speaker, I support H.R. 5591, and I urge support of this bill.

I reserve the balance of my time.

□ 1910

Mr. MARIO DIAZ-BALART of Florida. I yield myself such time as I may consume.

Mr. Speaker, I also rise in support of H.R. 5591, introduced by my colleague from Washington, Representative McMORRIS RODGERS, which, as the gentleman has just said, designates the airport traffic control tower located at Spokane International Airport as the Ray Daves Air Traffic Control Tower.

Again, I urge all our colleagues to also support it.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 5591, as amended, introduced by the gentleman from Washington (Mrs. McMORRIS RODGERS), which designates the airport traffic control tower located at Spokane International Airport in Spokane, Washington, as the "Ray Daves Air Traffic Control Tower".

The air traffic controllers in Spokane, Washington, were so inspired by the biography of Ray Daves, a World War II radioman and civilian air traffic controller, that they began urging to have the airport traffic control tower where he had worked named after him.

Ray Daves was a radioman for the U.S. Navy during World War II. He survived the bombing of Pearl Harbor. During the attack, he carried ammunition to a machine gun on the second-story roof of the U.S. Pacific Fleet Headquarters on Oahu, Hawaii. Later, Daves volunteered for service aboard the USS *Yorktown* aircraft carrier, where he was assigned to the emergency radio room. He was present during the Battle of the Coral Sea and the sinking of *Yorktown* during the Battle of Midway in 1942.

During the rest of World War II, Daves served his country in Alaska as a radioman at

Cold Bay, Alaska, for the U.S. Navy's air fields in the Aleutian Islands and flew "second seat" as gunner for aerial search-and-destroy missions against Japanese submarines in Alaskan waters. He also served as a liaison for the Soviet Air Force pilots who acquired U.S. bombers and fighter planes for the war in Europe. Daves taught at the Navy's school for radiomen in Gulfport, Mississippi, from 1945 until the end of the war.

When the war was over, Daves became a civilian air traffic controller at Geiger Field, later known as the Spokane International Airport in Spokane, Washington. He worked as an air traffic controller there for almost 30 years (from 1946 to 1974). Currently, Daves volunteers by educating other veterans about the Honor Flight program, which helps World War II veterans visit the memorial in their honor located in Washington, DC.

I urge my colleagues to join me in supporting H.R. 5591.

Mrs. McMORRIS RODGERS. Mr. Speaker, I rise today in strong support of H.R. 5591, to designate the Federal Aviation Administration facility at the Spokane International Airport in Spokane, Washington, as the "Ray Daves Air Traffic Control Tower." I thank Chairman OBERSTAR and Ranking Member MICA for bringing the bill to the floor today.

As the sponsor of this bill, it is with great pride I stand here today. Ray Daves is a Purple Heart recipient and Pearl Harbor survivor who served our nation aboard the USS *Yorktown* throughout the Pacific during World War II.

While Ray's military service alone warrants this dedication, his commitment to his country and community since leaving the military justifies it as well. For the last 65 years, Ray has made Spokane his home—first working as an air traffic controller and still to this day volunteering his time to educate others about the Honor Flight Program for World War II veterans.

This recognition not only commemorates Ray's sacrifices and accomplishments, but also those made by the greatest generation, whose sacrifices to our country will never be forgotten.

I urge all of my colleagues to support H.R. 5591 and join me in thanking Ray Daves and those like him for his life of service.

Mr. MARIO DIAZ-BALART of Florida. I yield back the balance of my time.

Mr. SCHAUER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. SCHAUER) that the House suspend the rules and pass the bill, H.R. 5591, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to designate the airport traffic control tower located at Spokane International Airport in Spokane, Washington, as the 'Ray Daves Air Traffic Control Tower'."

A motion to reconsider was laid on the table.

CORPORATE LIABILITY AND EMERGENCY ACCIDENT NOTIFICATION ACT

Mr. SCHAUER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6008) to amend title 49, United States Code, to ensure telephonic notice of certain incidents, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6008

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Corporate Liability and Emergency Accident Notification Act” or “CLEAN Act”.

SEC. 2. NOTIFICATION OF INCIDENTS.

(a) TELEPHONIC NOTICE OF CERTAIN INCIDENTS.—

(1) IN GENERAL.—Chapter 601 of title 49, United States Code, is amended by adding at the end the following:

“§60138. Telephonic notice of certain incidents

“(a) IN GENERAL.—An owner or operator of a pipeline facility shall provide immediate telephonic notice of—

“(1) a release of hazardous liquid or another substance regulated under part 195 of title 49, Code of Federal Regulations, resulting in an event for which notice is required under section 195.50 of such title; and

“(2) a release of gas resulting in an incident, as defined in section 191.3 of such title.

“(b) IMMEDIATE TELEPHONIC NOTICE DEFINED.—In subsection (a), the term ‘immediate telephonic notice’ means telephonic notice, as described in section 191.5 of such title, to the Secretary and the National Response Center at the earliest practicable moment following discovery of a release of gas or hazardous liquid and not later than one hour following the time of such discovery.

“(c) REFERENCES.—Any reference to a regulation in this section means the regulation as in effect on the date of enactment of this section.”

(2) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

“60138. Telephonic notice of certain incidents.”

(b) GUIDANCE.—Not later than 60 days after the date of enactment of this Act, the Secretary shall issue guidance to clarify the meaning of the term “discovery” as used in section 60138(b) of title 49, United States Code, as added by subsection (a) of this section.

SEC. 3. TRANSPARENCY OF ACCIDENTS AND INCIDENTS.

Not later than December 31, 2010, the Secretary of Transportation shall maintain on the Department of Transportation’s Internet Web site a database of all reportable incidents involving gas or hazardous liquid pipelines and allow the public to search the database for incidents by owner or operator of a pipeline facility.

SEC. 4. CIVIL PENALTIES.

Section 60122(a)(1) of title 49, United States Code, is amended—

(1) in the first sentence—

(A) by inserting “, or has obstructed or prevented the Secretary from carrying out an inspection or investigation under this chapter,” after “under this chapter”; and

(B) by striking “\$100,000” and inserting “\$250,000”; and

(2) in the last sentence by striking “\$1,000,000” and inserting “\$2,500,000”.

SEC. 5. COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. SCHAUER) and the gentleman from New Jersey (Mr. LOBIONDO) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. SCHAUER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous materials on H.R. 6008.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SCHAUER. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, after the BP Deepwater Horizon oil spill, I never could have imagined that my community too could have been impacted by such an oil spill, but it happened.

On July 26, 2010, Enbridge Energy Partners reported a ruptured pipeline that spilled an estimated 1 million gallons of heavy Canadian crude oil into Talmadge Creek south of Marshall, Michigan, in my district. Oil-covered wildlife, a river and creek flowing black with oil for miles, and citizens were evacuated from their homes—these were all images from this oil spill that my constituents will not soon forget.

According to the National Transportation Safety Board, on Sunday, July 25, 2010, at 5:58 p.m., alarms began sounding in Enbridge Energy Partner’s control room in Edmonton, Alberta, Canada, on Line 6B of Enbridge’s Lakehead Pipeline. For more than 13 hours, alarms continued in Enbridge’s control room. Enbridge did not know what was wrong with their 6B pipeline until 11:18 a.m. the following day when another company’s technician reported to Enbridge that there was oil in Talmadge Creek. The leak was confirmed by Enbridge personnel at 11:45 a.m. on July 26, and they began laying boom immediately but did not report the spill until 1:29 p.m., nearly 2 hours later, to the National Response Center.

Another recent incident in San Bruno, California, the tragic PG&E rupture, took the lives of four people—

three more are still missing—injured numerous others, destroyed 37 homes and damaged 11 others. This occurred at 6:11 p.m. on September 9, 2010. It wasn’t reported to the National Response Center until 11:35 p.m., over 5 hours later.

When public’s safety and health are at risk, every second counts. In the time Enbridge and PG&E waited to report these spills, Federal agencies and government emergency responders could have been en route or at the sites to help.

Congress directed that “a pipeline facility shall provide immediate telephonic notice of a release of hazardous liquid.” In 2002, the Pipeline and Hazardous Materials Safety Administration’s predecessor determined “immediately” to be defined as between 1 and 2 hours after discovery. Congress said a reportable spill incident needs to be reported immediately. Five hours is not immediately. Two hours is not even immediately.

My bipartisan bill, H.R. 6008, the Corporate Liability and Emergency Accident Notification Act, the CLEAN Act, clarifies the congressional intent of the term “immediately” in reporting a spill incident to the National Response Center and defines “immediately” to be no more than 1 hour after the discovery of an incident. My bill also increases penalties for any violation of a Federal pipeline safety regulation, including failure to report a spill incident in a timely manner. Additionally, the CLEAN Act seeks to increase transparency by directing the U.S. Department of Transportation to create a searchable public database of all reportable hazardous liquids incidents.

I urge Members to support H.R. 6008, the CLEAN Act, to hold companies accountable to reporting spill releases “immediately,” as Congress intended, and to increase transparency of spill incidents to the public. With the proper spill reporting standards, we can work toward preventing devastating spills in the future for safety and protection of our communities and our environment.

Mr. Speaker, I reserve the balance of my time.

Mr. LOBIONDO. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Michigan has adequately described the critical importance of this bill on pipeline safety. We support the bill.

H.R. 6008—the Corporate Liability and Emergency Accident Notification Act—makes three changes to the Federal pipeline safety law.

The bill requires that the Department of Transportation maintain a database on its website of all reportable pipeline incidents and make the database available to the public.

The bill also increases the civil liability caps for violations of pipeline safety laws.

H.R. 6008 also requires that pipeline operators notify the National Response Center not later than 1 hour after the discovery of a release of natural gas or hazardous liquids.

Pipeline operators are currently required to notify the NRC not later than 2 hours after the discovery of a leak.

The Federal pipeline safety programs are set to expire in one week. Recent pipeline accidents in San Bruno, California; Romeoville, Illinois; and Marshall, Michigan have brought pipeline safety to the forefront. While this bill addresses some of the issues that should be addressed in a comprehensive pipeline safety reauthorization bill, it does not address all of them.

I hope that Congress considers a comprehensive pipeline safety reauthorization bill that addresses all of the relevant pipeline safety issues in the very near future.

Mr. Speaker, I urge all of my colleagues to support this resolution.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 6008, as amended, the "Corporate Liability and Emergency Accident Notification Act," introduced by the gentleman from Michigan (Mr. SCHAUER).

Last week, the Committee on Transportation and Infrastructure held a hearing on the rupture of Enbridge's Line 6B pipeline, which released more than one million gallons of crude oil into Talmadge Creek and the Kalamazoo River just one mile south of Marshall, Michigan. The Kalamazoo River flows into Lake Michigan. The spill devastated the local environment and wildlife, uprooted homeowners that live near the creek and river, and exposed local communities to noxious and toxic substances before Enbridge even raised alarm.

I recall vividly in 1986, as Congress prepared for reauthorization of the pipeline safety program, a massive rupture that occurred on the Williams Pipe Line in Mounds View, Minnesota. Corrosion was the culprit. Unleaded gasoline spilled from a 7.5-foot long opening along the longitudinal seam of the pipe. Gasoline vapors combined with air and liquid gasoline flowed along neighborhood streets for about an hour and a half—until the manually operated gate valve was shut off. About 30 minutes into the release, the gasoline vapor was ignited when a car entered the area, its loose tailpipe struck the pavement, sparked and ignited the vapor. An inferno engulfed three full blocks of the neighborhood: a woman and her daughter were burned severely when the fireball rolled over them, later taking their lives. Another person suffered serious burns.

I have talked about that incident during debate on every pipeline safety bill that has come before this House because I will never forget where I was and what I was doing when I heard about the devastation that rupture had caused; it will be with me for the rest of my life. Congressman SCHAUER, I assure you, will never forget where he was when he learned of the Enbridge spill in Marshall, Michigan. Nor will Congressman RICK LARSEN ever blot out the memory of the gasoline spill in a creek that flowed through Whatcom Falls Park in Bellingham, Washington, that claimed the lives of two 10-year-old boys and a young man of 18 celebrating high school graduation by fishing in that creek.

While we do not yet know the cause of the Michigan incident, we do know that the spill likely occurred sometime the day before Enbridge reported it to the National Response

Center. We know that, contrary to Enbridge's claims at our hearing, the Enbridge control center did not even realize that a massive rupture had occurred on the pipeline until a utility worker from an unrelated company, Consumers Energy, called Enbridge to report that oil was spilling into Talmadge Creek. We know that Enbridge personnel at the control center experienced an abrupt pressure drop on the line, that they experienced multiple volume balance alarms over the course of 13 hours before sending a technician to the pump station, located just three-quarters of a mile from the rupture. We know that Enbridge reported that the technician did not see any problems or smell any odors at the pump station, even though numerous residents in the immediate vicinity of the pump station (and others living nine miles away) reported to Committee staff that they smelled strong odors the day before. We also know that Enbridge knew about hundreds of defects in the line, and we know that the Pipeline and Hazardous Materials Safety Administration was made aware of them and failed to do anything to address Enbridge's inaction.

The bill before you today holds pipeline operators accountable to a maximum of one hour to telephonically report a release of hazardous liquid or gas resulting in an incident. As the Enbridge oil disaster in Marshall, Michigan, underscores—every minute that passes following a release of hazardous liquid or gas from a pipeline is one less minute that responders have to protect the community and the surrounding environment.

The bill also increases the maximum civil penalty for each pipeline safety violation from \$100,000 to \$250,000 and the maximum civil penalty per incident from \$1 million to \$2.5 million, the same amounts proposed by the Obama administration in its pipeline safety reauthorization bill. The maximum penalties for violations of pipeline safety regulations under current law have not been increased in almost a decade. Adequate levels of penalties are necessary to deter unsafe operating practices by the pipeline industry, particularly in serious cases involving injuries, fatalities, and significant environmental damage. The bill further clarifies that civil penalties are applicable to obstruction of an investigation.

The bill includes a requirement that the Secretary of Transportation maintain a Web site that depicts all reportable incidents involving hazardous liquid and gas pipelines and allows the public to search the database for incidents by the owner or operator of a pipeline facility.

Over the coming weeks, I intend to work in a bipartisan manner to develop a comprehensive pipeline safety reauthorization bill. In the interim, I feel that this bill strengthens the accountability of pipeline operators.

I urge my colleagues to join me in supporting H.R. 6008.

Ms. RICHARDSON. Mr. Speaker, as a member of the Committee on Transportation and Infrastructure I rise today in strong support of H.R. 6008, the Corporate Liability and Emergency Accident Notification Act. This legislation enhances public safety by requiring an owner or operator of a pipeline facility to notify the Secretary of Transportation, DOT, and the National Response Center, NRC, within one hour upon discovering the leak of hazardous

material. Timely notification is an essential component of an effective response. This legislation will help ensure that DOT and NRC have the information needed to act in order to save lives and protect property.

I thank my colleague, Congressman SCHAUER, for his leadership in introducing this legislation and Chairman OBERSTAR for his skillful leadership in shepherding this bill to the floor.

Mr. Speaker, it was only a short time ago on July 26, 2010 in Marshall, Michigan when the Enbridge Pipeline oil spill transpired. Roughly 1 million barrels of crude oil were dumped into the Talmadge Creek and Kalamazoo River. This incident negatively impacted the environmental and public health of the surrounding areas. Similar subsequent incidents occurred earlier this month in Romeoville, Illinois and San Bruno, California. These episodes vividly illustrate the urgent need for action.

In addition, H.R. 6008 instructs the Secretary of Transportation to maintain an online database on the Department of Transportation website, which will record all reportable releases involving gas or hazardous liquid pipelines. The public will be able to view and search the database for incidents by pipeline facility owner or operator. This bill also increases the maximum civil penalties per violation and incident to further dissuade such incidents from occurring. These important measures will strive to decrease the response time, the overall damage, and the number of leaks.

I am particularly concerned by reports of pipeline spills and explosions because my district, the 37th Congressional District of California, contains over 643 total pipeline miles in the National Pipeline Mapping System. More than 558 of these miles are hazardous liquid pipelines. The map of pipelines in my district looks like a spaghetti bowl with pipelines crossing in every direction. Not a single one of my constituents can possibly live more than a mile or so away from a pipeline carrying hazardous material. Unfortunately, from 2000 to 2008 there were 21 incidents in my district significant enough to be reported to the DOT's Pipelines and Hazardous Materials Safety Administration.

The new notification requirements imposed by H.R. 6008 will help decrease the time required to respond to pipeline leaks, thereby lessening the damage caused by such leaks. Moreover, the increased penalties for violations of Federal pipeline safety laws will provide incentives for pipeline owners and operators to follow guidelines and aid responsibility. All in all, this is a very good bill and I strongly support it.

I urge my colleagues to join me in supporting H.R. 6008.

Mr. LoBIONDO. I yield back the balance of my time.

Mr. SCHAUER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. SCHAUER) that the House suspend the rules and pass the bill, H.R. 6008, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to ensure telephonic notice of certain incidents involving hazardous liquid and gas pipeline facilities, and for other purposes."

A motion to reconsider was laid on the table.

NATIONAL TRANSPORTATION SAFETY BOARD REAUTHORIZATION ACT OF 2010

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4714) to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2011 through 2014, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4714

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Transportation Safety Board Reauthorization Act of 2010".

(b) TABLE OF CONTENTS.—

- Sec. 1. Short title; table of contents.
- Sec. 2. Amendments to title 49, United States Code.
- Sec. 3. Definitions.
- Sec. 4. General organization.
- Sec. 5. Administrative.
- Sec. 6. Disclosure, availability, and use of information.
- Sec. 7. Training.
- Sec. 8. Reports and studies.
- Sec. 9. Authorization of appropriations.
- Sec. 10. Accident investigation authority.
- Sec. 11. Marine casualty investigations.
- Sec. 12. Inspections and autopsies.
- Sec. 13. Discovery and use of cockpit and surface vehicle recordings and transcripts.
- Sec. 14. Family assistance.
- Sec. 15. Notification of marine casualties.
- Sec. 16. Use of board name, logo, initials, and seal.

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. DEFINITIONS.

Section 1101 is amended to read as follows:

"§ 1101. Definitions

"(a) ACCIDENT DEFINED.—In this chapter, the term 'accident'—

"(1) means an event associated with the operation of a vehicle, aircraft, or pipeline, which results in damage to or destruction of the vehicle, aircraft, or pipeline, or which results in the death of or serious injury to any person, regardless of whether the initiating event is accidental or otherwise; and

"(2) may include an incident that does not involve destruction or damage of a vehicle, aircraft, or pipeline, but affects transportation safety, as the Board prescribes by regulation.

"(b) APPLICABILITY OF DEFINITIONS IN OTHER LAWS.—The definitions contained in

section 2101(17a) of title 46 and section 40102(a) of this title apply to this chapter."

SEC. 4. GENERAL ORGANIZATION.

The last sentence of section 1111(d) is amended by striking "absent" and inserting "unavailable".

SEC. 5. ADMINISTRATIVE.

(a) GENERAL AUTHORITY.—Section 1113(a) is amended—

(1) in paragraph (1)—

(A) by inserting "and depositions" after "hearings"; and

(B) by striking "subpena" and inserting "subpoena"; and

(2) in paragraph (2) by inserting before the first sentence the following: "In the interest of promoting transportation safety, the Board shall have the authority by subpoena to summon witnesses and obtain evidence relevant to an accident investigation conducted under this chapter."

(b) ADDITIONAL POWERS.—

(1) AUTHORITY OF BOARD TO ENTER INTO CONTRACTS AND OTHER AGREEMENTS WITH NON-PROFIT ENTITIES.—Section 1113(b)(1)(H) is amended by inserting "and other agreements" after "contracts".

(2) AUTHORITY OF BOARD TO ENTER INTO AND PERFORM CONTRACTS, AGREEMENTS, LEASES, OR OTHER TRANSACTIONS.—Section 1113(b) is amended—

(A) by striking paragraph (1)(I) and inserting the following:

"(I) negotiate, enter into, and perform contracts, agreements, leases, or other transactions with individuals, private entities, departments, agencies, and instrumentalities of the Government, State and local governments, and governments of foreign countries on such terms and conditions as the Chairman of the Board considers appropriate to carry out the functions of the Board and require that such entities provide appropriate consideration for the reasonable costs of any facilities, goods, services, or training provided by the Board."; and

(B) by adding at the end the following:

"(3) LEASE LIMITATION.—The authority of the Board to enter into leases shall be limited to the provision of special use space related to an accident investigation, or for general use space, at an average annual rental cost of not more than \$300,000 for any individual property."

(3) AUTHORITY OF OTHER FEDERAL AGENCIES.—Section 1113(b)(2) is amended to read as follows:

"(2) AUTHORITY OF OTHER FEDERAL AGENCIES.—Notwithstanding any other provision of law, the head of a Federal department, agency, or instrumentality may transfer to or receive from the Board, with or without reimbursement, supplies, personnel, services, and equipment (other than administrative supplies and equipment)."

(c) CRITERIA ON PUBLIC HEARINGS.—

(1) IN GENERAL.—Section 1113 is amended by adding at the end the following:

"(1) PUBLIC HEARINGS.—

"(1) DEVELOPMENT OF CRITERIA.—The Board shall establish by regulation criteria to be used by the Board in determining, for each accident investigation and safety study undertaken by the Board, whether or not the Board will hold a public hearing on the investigation or study.

"(2) FACTORS.—In developing the criteria, the Board shall give priority consideration to the following factors:

"(A) Whether the accident has caused significant loss of life.

"(B) Whether the accident has caused significant property damage.

"(C) Whether the accident may involve a national transportation safety issue.

"(D) Whether a public hearing may provide needed information to the Board.

"(E) Whether a public hearing may offer an opportunity to educate the public on a safety issue.

"(F) Whether a public hearing may increase both the transparency of the Board's investigative process and public confidence that such process is comprehensive, accurate, and unbiased.

"(G) Whether a public hearing is likely to significantly delay the conclusion of an investigation and whether the possible adverse effects of the delay on safety outweigh the benefits of a public hearing."

(2) ANNUAL REPORT.—Section 1117 is amended—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting "; and"; and

(C) by adding at the end the following:

"(7) an analysis of the Board's implementation of the criteria established pursuant to section 1113(i) during the prior calendar year, including an explanation of any instance in which the Board did not hold a public hearing for an investigation of an accident that has caused significant loss of life or property damage or that may involve a national transportation safety issue."

(d) ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE.—Section 1113 is further amended by adding at the end the following:

"(j) ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE.—

"(1) AUTHORITY TO PROVIDE INSURANCE.—The Board may procure accidental death and dismemberment insurance for an employee of the Board who travels for an accident investigation or other activity of the Board outside the United States or inside the United States under hazardous circumstances, as defined by the Board.

"(2) CREDITING OF INSURANCE BENEFITS TO OFFSET UNITED STATES TORT LIABILITY.—Any amounts paid to a person under insurance coverage procured under this subsection shall be credited as offsetting any liability of the United States to pay damages to that person under section 1346(b) of title 28, chapter 171 of title 28, chapter 163 of title 10, or any other provision of law authorizing recovery based upon tort liability of the United States in connection with the injury or death resulting in the insurance payment.

"(3) TREATMENT OF INSURANCE BENEFITS.—Any amounts paid under insurance coverage procured under this subsection shall not—

"(A) be considered additional pay or allowances for purposes of section 5536 of title 5; or

"(B) offset any benefits an employee may have as a result of government service, including compensation under chapter 81 of title 5.

"(4) ENTITLEMENT TO OTHER INSURANCE.—Nothing in this subsection shall be construed as affecting the entitlement of an employee to insurance under section 8704(b) of title 5."

SEC. 6. DISCLOSURE, AVAILABILITY, AND USE OF INFORMATION.

(a) TRADE SECRETS, COMMERCIAL INFORMATION, AND FINANCIAL INFORMATION.—Section 1114(b) is amended—

(1) by striking the subsection heading and inserting the following: "TRADE SECRETS, COMMERCIAL INFORMATION, AND FINANCIAL INFORMATION";

(2) in paragraph (1) in the matter preceding subparagraph (A)—

(A) by inserting "submitted to the Board in the course of a Board investigation or study and" after "information"; and

(B) by inserting “, or commercial or financial information if the information would otherwise be withheld under section 552(b)(4) of title 5,” after “title 18”;

(3) in paragraph (2) by striking “paragraph (1) of this subsection” and inserting “subparagraphs (A) through (C) of paragraph (1)”;

and

(4) by adding at the end the following:

“(4) ANNOTATION OF CONTROLLED INFORMATION.—Each person submitting to the Board trade secrets, commercial information, financial information, or information that could be classified as controlled under the International Traffic in Arms Regulations shall appropriately annotate the information to indicate the restricted nature of the information in order to facilitate proper handling of such materials by the Board. In this paragraph, the term ‘International Traffic in Arms Regulations’ means those regulations contained in parts 120 through 130 of title 22, Code of Federal Regulations (or any successor regulations).”

“(5) DISCLOSURES TO PROTECT PUBLIC HEALTH AND SAFETY.—Disclosures of information under paragraph (1)(D) may include disclosures through accident investigation reports, safety studies, and safety recommendations.”

(b) SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.—The second sentence of section 1114(d)(1) is amended by striking “that” after “information”.

(c) VESSEL RECORDINGS AND TRANSCRIPTS.—Section 1114 is amended—

(1) in subsection (a)(1) by striking “and (f)” and inserting “(e), and (g)”;

(2) in subsection (d)(1) by striking “or vessel”;

(3) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(4) by inserting after subsection (d) the following:

“(e) VESSEL RECORDINGS AND TRANSCRIPTS.—

“(1) CONFIDENTIALITY OF RECORDINGS AND TRANSCRIPTS.—The Board may not disclose publicly any part of a vessel’s voice or video recorder recording or transcript of oral communications by or among the crew, pilots, or docking masters of a vessel, vessel traffic services, or other vessels, or between the vessel’s crew and company communication centers, related to a marine casualty investigated by the Board. However, the Board shall make public any part of a transcript or any written depiction of visual information the Board decides is relevant to the marine casualty—

“(A) if the Board holds a public hearing on the marine casualty, at the time of the hearing; or

“(B) if the Board does not hold a public hearing, at the time a majority of the other factual reports on the marine casualty are placed in the public docket.

“(2) REFERENCES TO INFORMATION IN MAKING SAFETY RECOMMENDATIONS.—This subsection does not prevent the Board from referring at any time to voice or video recorder information in making safety recommendations.”

(d) FOREIGN INVESTIGATIONS.—Section 1114(g) (as redesignated by subsection (c)(3) of this section) is amended—

(1) in paragraph (1)(A) by striking “shall” and inserting “may”; and

(2) in paragraph (2) by inserting “, or other relevant information authorized for disclosure under this chapter,” after “information”.

(e) PARTY REPRESENTATIVES TO NTSB INVESTIGATIONS.—

(1) IN GENERAL.—Section 1114 is further amended by adding at the end the following:

“(h) PARTY REPRESENTATIVES TO NTSB INVESTIGATIONS.—

“(1) PROHIBITION ON DISCLOSURE OF INFORMATION.—A party representative to an accident or marine casualty investigation of the Board is prohibited from disclosing, orally or in written form, investigative information, as defined by the Board, to anyone who is not an employee of the Board or who is not a party representative to such investigation, except—

“(A) as provided in paragraph (2); or

“(B) at the conclusion of the fact finding stage of an investigation, which the investigator-in-charge shall announce by formal posting of a notice in the publicly available investigation docket.

“(2) EXCEPTION.—If the investigator-in-charge determines that a disclosure of information related to an accident or marine casualty investigation is necessary to prevent additional accidents or marine casualties, to address a perceived safety deficiency, or to assist in the conduct of the investigation, the investigator-in-charge may at any time authorize in writing a party representative to disclose such information under conditions approved by the investigator-in-charge. Such conditions shall ensure that, until the posting of a formal notice described in paragraph (1)(B), or until the information disclosed pursuant to this paragraph becomes publicly available by any other means, neither the entity represented by the party representative nor any other person may use such information in preparation for the prosecution of any claim or defense in litigation in connection with the accident or marine casualty being investigated or to make or deny any insurance claim in connection with such accident or marine casualty.

“(3) COMPLIANCE.—The Board shall require any individual who is a party representative to an investigation of the Board to sign a party agreement that includes language informing the individual of the prohibition in paragraph (1).

“(4) REPRESENTATIVES OF FEDERAL AGENCIES.—Paragraph (3) shall not apply to an individual who is a representative of the Secretary of Transportation, the Secretary of the department in which the Coast Guard is operating, or any other Federal department, agency, or instrumentality participating in the investigation and deemed by the Board to be performing a law enforcement or similar function.

“(5) COMPLIANCE WITH FAA STATUTORY OBLIGATIONS.—Nothing in this subsection prohibits the Federal Aviation Administration from fulfilling statutory obligations to ensure safe operations.

“(6) PARTY REPRESENTATIVE DEFINED.—In this subsection, the term ‘party representative’ means an individual representing a party to an investigation pursuant to section 831.11 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this subsection.”

(2) CIVIL PENALTY.—Section 1151 is amended—

(A) in the section heading by striking “Aviation enforcement” and inserting “Enforcement”; and

(B) by inserting “1114(h),” before “1132,” in each of subsections (a), (b)(1), and (c).

(3) CONFORMING AMENDMENT.—The analysis for chapter 11 is amended by striking the item relating to section 1151 and inserting the following:

“1151. Enforcement.”

(f) GAO STUDY OF PARTY PROCESS.—

(1) IN GENERAL.—The Comptroller General shall conduct a study on the use of party rep-

resentatives in investigations conducted by the National Transportation Safety Board.

(2) CONTENTS.—In conducting the study, the Comptroller General shall examine, at a minimum—

(A) whether the composition of the party representatives should be broadened to include on-going representatives from other entities that could provide independent, technically qualified representatives to a Board investigation;

(B) whether the participation of party representatives in a Board investigation results in any unfair advantages for the entities represented by the party representatives while the Board is conducting the investigation;

(C) whether the use of party representatives leads to bias in the outcome of a Board investigation; and

(D) whether Board investigations would be compromised in any way absent the participation and expertise of party representatives.

(3) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under this subsection, including any recommendations for improvements in the Board’s use of the party representative process.

SEC. 7. TRAINING.

Section 1115(d) is amended—

(1) by inserting “theory and techniques and on transportation safety methods to advance Board safety recommendations” before the period at the end of the first sentence;

(2) by inserting “or who influence the course of transportation safety through support or adoption of Board safety recommendations” before the period at the end of the second sentence; and

(3) by inserting “under section 1118(c)(2)” before the period at the end of the third sentence.

SEC. 8. REPORTS AND STUDIES.

(a) STUDIES AND INVESTIGATIONS.—Section 1116(b) is amended—

(1) in paragraph (1) by striking “carry out” and inserting “conduct”; and

(2) by striking paragraph (3) and inserting the following:

“(3) prescribe requirements for persons reporting accidents, as defined in section 1101(a), that may be investigated by the Board under this chapter.”

(b) URGENT SAFETY RECOMMENDATIONS AND INTERIM MEASURES.—Section 1116 is amended by adding at the end the following:

“(c) URGENT SAFETY RECOMMENDATIONS AND INTERIM MEASURES.—

“(1) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall restrict the Board from—

“(A) making urgent safety recommendations, as identified by the Board during an ongoing safety investigation or study, to any department, agency, or instrumentality of the Federal Government, a State or local governmental authority, or a person concerned with transportation safety; or

“(B) recommending interim measures, as identified by the Board, to a department, agency, instrumentality, authority, or person described in subparagraph (A) to mitigate risks to transportation safety pending implementation of more comprehensive responses by the department, agency, instrumentality, authority, or person.

“(2) INCLUSION IN FINAL ACCIDENT REPORTS.—If the Board makes an urgent safety

recommendation or recommends an interim measure before completing a relevant final accident report, if any, the urgent safety recommendation or interim measure shall also be reflected in the final accident report.”.

(c) EVALUATION AND AUDIT.—Section 1138(a) is amended by striking “conducted at least annually, but may be”.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 1118(a) is amended to read as follows:

“(a) IN GENERAL.—There is authorized to be appropriated for the purposes of this chapter—

- “(1) \$107,583,000 for fiscal year 2011;
- “(2) \$115,347,000 for fiscal year 2012;
- “(3) \$122,187,000 for fiscal year 2013; and
- “(4) \$124,158,000 for fiscal year 2014.

Such sums shall remain available until expended.”.

(b) FEES, REFUNDS, REIMBURSEMENTS, AND ADVANCES.—Section 1118(c) is amended—

(1) by striking the subsection heading and inserting the following: “FEES, REFUNDS, REIMBURSEMENTS, AND ADVANCES”;

(2) in paragraph (1)—

(A) by striking “and reimbursements” and inserting “reimbursements, and advances”;

(B) by striking “services” and inserting “activities, services, and facilities”;

(3) in paragraph (2)—

(A) in the matter preceding subparagraph (A) by striking “or reimbursement” and inserting “reimbursement, or advance”;

(B) in each of subparagraphs (A) and (B) by striking “activities” and all that follows before the semicolon and inserting “activities, services, or facilities for which the fee, refund, reimbursement, or advance is associated”;

(4) by redesignating paragraph (3) as paragraph (4);

(5) by inserting after paragraph (2) the following:

“(3) ANNUAL RECORD OF COLLECTIONS.—The Board shall maintain an annual record of collections received under paragraph (2).”; and

(6) in paragraph (4) (as redesignated by paragraph (4) of this subsection) by inserting “or advance” after “fee”.

SEC. 10. ACCIDENT INVESTIGATION AUTHORITY.

(a) IN GENERAL.—Section 1131(a)(1) is amended—

(1) in the matter preceding subparagraph (A) by striking “cause or probable cause” and inserting “causes or probable causes”;

(2) in subparagraph (C) by striking “a fatality or substantial property damage” and inserting “a fatality (other than a fatality involving a trespasser) or substantial property damage”;

(3) in subparagraph (E) by striking “and” at the end;

(4) in subparagraph (F) by striking the period at the end and inserting “; and”; and

(5) by adding at the end the following:

“(G) an accident in response to an international request and delegation under appropriate international conventions, coordinated through the Department of State and accepted by the Board.”.

(b) AUTHORITIES OF OTHER AGENCIES.—The second sentence of section 1131(a)(3) is amended by inserting “or relevant to” after “developed about”.

(c) ACCIDENTS NOT INVOLVING GOVERNMENT MISFEASANCE OR NONFEASANCE.—Section 1131(c) is amended by adding at the end the following:

“(3) AUTHORITY OF BOARD REPRESENTATIVE.—In the case of a delegation of authority under paragraph (1), the Secretary, or a

person designated by the Secretary, shall have the authority of the Board, on display of appropriate credentials and written notice of inspection authority, to enter property where the aircraft accident has occurred or wreckage from the accident is located and to gather evidence in support of a Board investigation, in accordance with rules the Board may prescribe.”.

(d) INCIDENT INVESTIGATIONS.—Section 1131 is amended by adding at the end the following:

“(f) INCIDENT INVESTIGATIONS.—

“(1) MEMORANDUM OF UNDERSTANDING.—Not later than 90 days after the issuance of final regulations under section 1101(a)(2), the Chairman of the Board shall seek to enter into a memorandum of understanding with the Secretary of Transportation and the head of each modal administration of the Department of Transportation that sets forth—

“(A) an understanding of the conditions under which the Board will conduct an incident investigation that involves the applicable mode of transportation; and

“(B) the roles and responsibilities of the parties to the memorandum when the Board is conducting an incident investigation.

“(2) UPDATES AND RENEWALS.—Each memorandum of understanding required under paragraph (1) shall be updated and renewed not less than once every 5 years, unless parties to the memorandum agree that updating the memorandum is unnecessary.

“(3) BOARD AUTHORITY.—Nothing in this paragraph negates the authority of the Board to investigate an incident.

“(4) INCIDENT DEFINED.—In this subsection, the term ‘incident’ means an incident described in regulations issued under section 1101(a)(2).”.

SEC. 11. MARINE CASUALTY INVESTIGATIONS.

(a) IN GENERAL.—Chapter 11 is amended by inserting after section 1132 the following:

“§ 1132a. Marine casualty investigations

“(a) DELEGATION OF AUTHORITY TO COAST GUARD.—

“(1) IN GENERAL.—In an investigation of a major marine casualty under section 1131(a)(1)(E), the Board, with the consent of the Secretary of the department in which the Coast Guard is operating, may delegate to the Commandant of the Coast Guard full authority to obtain the facts of the casualty. In the case of such a delegation, the Commandant, acting through the Commandant’s on-scene representative, shall have the full authority of the Board.

“(2) REQUIRED TRAINING, EXPERIENCE, AND QUALIFICATIONS.—The Board may not make a delegation under paragraph (1) unless the Board determines that the Commandant’s on-scene representatives have sufficient training, experience, and qualifications in investigation, marine casualty reconstruction, evidence collection and preservation, human factors, and documentation to act in accordance with the best investigation practices of Federal and non-Federal entities.

“(b) PARTICIPATION OF COMMANDANT IN MARINE INVESTIGATIONS.—The Board shall provide for the participation of the Commandant of the Coast Guard in an investigation by the Board of a major marine casualty under section 1131(a)(1)(E) if such participation is necessary to carry out the duties and powers of the Commandant, except that the Commandant may not participate in establishing the probable cause of the marine casualty (other than as provided in section 1131(b)).”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 11 is amended by inserting after the item relating to section 1132 the following:

“1132a. Marine casualty investigations.”.

SEC. 12. INSPECTIONS AND AUTOPSIES.

(a) ENTRY AND INSPECTION.—Section 1134(a) is amended in the matter preceding paragraph (1)—

(1) by striking “officer or employee” and inserting “officer, employee, or Federal designee”; and

(2) by inserting “in the conduct of any accident investigation or study” after “National Transportation Safety Board”.

(b) INSPECTION, TESTING, PRESERVATION, AND MOVING OF AIRCRAFT AND PARTS.—Section 1134(b) is amended to read as follows:

“(b) INSPECTION, TESTING, PRESERVATION, AND MOVING OF AIRCRAFT AND PARTS.—

“(1) INSPECTION AND TESTING.—In investigating an aircraft accident under this chapter, the Board may—

“(A) inspect and test, to the extent necessary, any civil aircraft, aircraft engine, propeller, appliance, or property on an aircraft involved in an accident in air commerce;

“(B) seize or otherwise obtain any recording device and recording pertinent to the accident; and

“(C) require specific information only available from the manufacturer to enable the Board to read and interpret any flight parameter or navigation storage device or media on board the aircraft involved in the accident.

“(2) MOVING OF AIRCRAFT AND PARTS.—Any civil aircraft, aircraft engine, propeller, appliance, or property on an aircraft involved in an accident in air commerce shall be preserved, and may be moved, only as provided by regulations of the Board.

“(3) TRADE SECRETS, COMMERCIAL INFORMATION, AND FINANCIAL INFORMATION.—The provisions of section 1114(b) shall apply to materials provided under paragraph (1)(C) and properly identified as trade secrets, commercial information, or financial information.”.

(c) AVOIDING UNNECESSARY INTERFERENCE; PRESERVING EVIDENCE.—Section 1134(c) is amended to read as follows:

“(c) AVOIDING UNNECESSARY INTERFERENCE; PRESERVING EVIDENCE.—

“(1) INSPECTION AND TESTING.—In carrying out subsection (a)(1), an officer or employee may—

“(A) examine or test any vehicle, vessel, rolling stock, track, or pipeline component;

“(B) seize or otherwise obtain any recording device and recording pertinent to the accident; and

“(C) require the production of specific information only available from the manufacturer to enable the Board to read and interpret any operational parameter or navigation storage device or media on board the vehicle, vessel, or rolling stock involved in the accident.

“(2) TRADE SECRETS, COMMERCIAL INFORMATION, AND FINANCIAL INFORMATION.—The provisions of section 1114(b) shall apply to materials provided under paragraph (1)(C) and properly identified as trade secrets, commercial information, or financial information.

“(3) CONDUCT OF EXAMINATIONS AND TESTS.—An examination or test under paragraph (1)(A) shall be conducted in a way that—

“(A) does not interfere unnecessarily with transportation services provided by the owner or operator of the vehicle, vessel, rolling stock, track, or pipeline component; and

“(B) to the maximum extent feasible, preserves evidence related to the accident, consistent with the needs of the investigation and with the cooperation of that owner or operator.”.

SEC. 13. DISCOVERY AND USE OF COCKPIT AND SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.

Section 1154(a)(1)(A) is amended by striking “; and” and inserting “; or”.

SEC. 14. FAMILY ASSISTANCE.

(a) FAMILY ASSISTANCE IN COMMERCIAL AVIATION ACCIDENTS.—Section 4113(b)(7) is amended by inserting before the period at the end the following: “, and that at least 60 days before the planned destruction of any unclaimed possession of a passenger a reasonable attempt will be made to notify the family of the passenger”.

(b) FAMILY ASSISTANCE IN COMMERCIAL AVIATION ACCIDENTS INVOLVING FOREIGN CARRIERS.—Section 4131(c)(7) is amended by inserting before the period at the end the following: “, and that at least 60 days before the planned destruction of any unclaimed possession of a passenger a reasonable attempt will be made to notify the family of the passenger”.

SEC. 15. NOTIFICATION OF MARINE CASUALTIES.

Not later than 6 months after the date of enactment of this Act, the National Transportation Safety Board and the Secretary of the department in which the Coast Guard is operating shall jointly prescribe regulations to ensure the prompt notification and reporting of marine casualties by the Coast Guard to the Board.

SEC. 16. USE OF BOARD NAME, LOGO, INITIALS, AND SEAL.

Section 709 of title 18, United States Code, is amended—

(1) by inserting “or” at the end of the paragraph immediately preceding the paragraph that begins “Shall be punished as follows.”; and

(2) by inserting the following before the paragraph that begins “Shall be punished as follows.”:

“Whoever, except with the written permission of the Chairman of the National Transportation Safety Board, knowingly uses the words ‘National Transportation Safety Board’, the logo of the Board, the initials ‘NTSB’, or the official seal of the Board, or any colorable imitation of such words, logo, initials, or seal, in connection with any advertisement, circular, book, pamphlet, or other publication, or any play, motion picture, broadcast, telecast, or other production, in a manner reasonably calculated to convey the impression that such advertisement, circular, book, pamphlet, or other publication, or such play, motion picture, broadcast, telecast, or other production, is approved, endorsed, or authorized by the National Transportation Safety Board;”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from New Jersey (Mr. LOBIONDO) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4714.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a very special moment for me. It’s at least the fourth or fifth National Transportation Safety Board reauthorization bill that I have brought to the floor to manage during the years that I chaired the aviation authorization subcommittee. And during the years when we were in the minority and partnered with our Republican colleagues on the committee to bring NTSB authorizations to the floor, I’m proud to say they have all, under management by either party in our committee, these bills have all come out of committee with a unanimous vote.

□ 1920

We have not had recorded votes within committee. Whatever differences of view, we have been able to resolve and acknowledge one another’s contributions. And the same with this reauthorization for NTSB.

I will just observe that I served in Congress as staff in 1966–67 when the Congress created the Department of Transportation and included within it an independent safety board. But after a few years, it was apparent that the Safety Board could not be independent within the Department. So the Congress, before I was elected, moved to separate the NTSB, separate the safety board from the Department and establish it as an independent agency separate from the Department itself.

In the years since then, the NTSB has become the worldwide gold standard for safety standards, for investigation of transportation accidents, and for leading the world to a better safety regime in all modes of transportation. Other nations have come to the U.S. to emulate our NTSB, to see how it works, how it’s structured, and how it acts with independence. And we, in this authorization, continue that standard for the NTSB, increasing staff, increasing funding modestly only just to accommodate the needs of NTSB for the additional responsibilities we have shouldered upon the Safety Board. I would like to say that we add two full-time equivalent employees to support the recently enacted Rail Disaster Family Assistance Act, legislation that the former chairman of the committee, DON YOUNG, had introduced in 2006 and which we adopted by voice vote in the committee. I just want to make an acknowledgement of Mr. YOUNG’s continued splendid contribution.

With that, I reserve the balance of my time.

Mr. LOBIONDO. Mr. Speaker, I yield myself such time as I may consume. Mr. OBERSTAR has been very passionate on this issue, along with a number of other issues. The critical importance of NTSB has been outlined over and over again. I urge all Members to look very carefully at this.

I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, we have no further requests for time on

our side. I submit for the RECORD a more detailed explanation of the provisions of the reauthorization.

Mr. Speaker, I rise in strong support of H.R. 4714, as amended, a bill to reauthorize the National Transportation Safety Board (NTSB), an independent agency with the vitally important responsibility to improve the safety of our nation’s transportation network.

Since its inception in 1967, the NTSB has investigated more than 132,000 aviation accidents and more than 10,000 surface transportation accidents. During those 43 years, the Safety Board has issued more than 13,000 safety recommendations, with 82 percent of those recommendations accepted by the related agency or organization. In the last three years alone, the Safety Board has investigated more than 64 major accidents, issued 63 major reports covering all transportation modes (aviation, highway, transit, maritime, railroad, and pipeline/hazardous materials), and issued more than 521 safety recommendations.

The NTSB is widely acknowledged as the world’s premier accident investigation agency. Thanks to the NTSB’s diligent work in investigating the causes of past transportation accidents, and in recommending solutions, the traveling public is safer today than ever before.

But we must not be content with the progress we have made in improving transportation safety. That is why H.R. 4714, the “National Transportation Safety Board Reauthorization Act of 2010”, provides the Safety Board with additional tools it needs to accomplish its crucial mission. To maintain its position as the world’s preeminent investigative agency, the NTSB must have the resources necessary to handle increasingly complex accident investigations.

Accordingly, this bill authorizes increased funding over the next four years: \$107.6 million in fiscal year (FY) 2011, \$115.3 million in FY 2012, \$122.2 million in FY 2013, and \$124.2 million in FY 2014. These funding levels will allow the NTSB to hire an additional 66 full-time equivalent (FTE) positions, increasing its staffing to 477 FTEs. According to the NTSB’s 2009 human capital forecast, 477 FTEs represent the Safety Board’s optimal staffing level and enables the agency to take on more investigations and accomplish detailed examinations of transportation safety issues.

These funding levels are consistent with the previous NTSB authorization bill. In 2006, the Committee on Transportation and Infrastructure authorized \$100 million for the Safety Board to support 475 FTEs in FY 2008 and FY 2009. That is the same number we are discussing today, plus two additional FTEs to support the recently-enacted Rail Disaster Family Assistance Act. My good friend from Alaska, and former Chairman of the Committee, DON YOUNG, introduced that legislation in 2006, which was adopted by a voice vote in Committee.

Unfortunately, appropriations have not kept pace with the Safety Board’s needs. NTSB believes that it is imperative to increase its staffing to 477 FTEs to ensure that it has the investigative staff it needs to conduct effective investigations.

Importantly, H.R. 4714 also contains an explicit authorization for the NTSB to do what it has done historically: investigate incidents as well as accidents. The Safety Board's work in response to incidents is no less important and has produced a body of work that, without question, has prevented future accidents and loss of life.

The NTSB's work in investigating past incidents has taught us that incidents are often precursors to major accidents that involve fatalities and serious damage. I recall the Safety Board's work on near-collisions and runway incursions in the 1980s, when I chaired our Subcommittee on Investigations and Oversight. In response to a spate of runway incursions—including one incident in which two DC-10s with a combined 501 passengers on board nearly collided at Minneapolis-St. Paul International Airport—the Safety Board issued detailed recommendations to the Federal Aviation Administration and operators on how to prevent similar near-disasters. In the years since, the Safety Board has continued its work in analyzing runway incursions. Enhancing runway safety remains a priority on the NTSB's Most Wanted List of aviation safety improvements.

In addition, H.R. 4714 should resolve, once and for all, any ambiguity in the NTSB's authority to issue subpoenas in all investigations. In a few cases, NTSB investigations have been hindered or delayed when the recipients of subpoenas have not complied, arguing that the NTSB's authority to issue subpoenas only extends to the conduct of public hearings. H.R. 4714 makes it clear that the NTSB's subpoena authority extends equally to all investigations: those that require public hearings, as well as those that do not.

The bill also clarifies that the NTSB is not required to determine a single cause or probable cause of a transportation accident, but may determine that there was more than one probable cause. The bill keeps pace with advances in accident investigation, which recognize that a particular accident is rarely attributable to a single cause or probable cause, and that most accidents happen as the result of cumulative factors.

The bill also holds the NTSB accountable, by requiring the Safety Board to develop a list of criteria that it will use to determine whether to hold a public hearing in any particular investigation.

Furthermore, H.R. 4714 permits the NTSB to delegate its full authority to investigate major marine casualties to the Coast Guard if the NTSB determines that Coast Guard personnel assigned to investigate marine casualties possess the training, experience, and qualifications necessary to employ best practices in use by marine casualty investigators. In addition, the bill ensures coordination and cooperation between the NTSB and the Coast Guard in investigations of major marine casualties.

H.R. 4714 also permits the NTSB, upon coordination with the State Department, to investigate a transportation accident that occurred overseas, and to use appropriated funds to complete that investigation. The NTSB accepted such a delegation of responsibility by the government of Afghanistan to investigate the 2004 crash of Blackwater 61, in which six Americans lost their lives.

H.R. 4714 provides the NTSB with the necessary funding and authority to accomplish its critical mission of ensuring the safety of the traveling public.

I urge my colleagues to join me in supporting H.R. 4714.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, March 4, 2010.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation, House
of Representatives, Washington, DC.

DEAR CHAIRMAN OBERSTAR: This is to advise you that, as a result of your having consulted with us on provisions in H.R. 4714, the National Transportation Safety Board Reauthorization Act of 2010, that fall within the rule X jurisdiction of the Committee on the Judiciary, we are able to agree to discharging our committee from further consideration of the bill without seeking formal referral, in order that it may proceed without delay to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 4714 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward, so that we may address any remaining issues in our jurisdiction. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor. Thank you for your attention to this request, and for the cooperative relationship between our two committees.

Sincerely,

JOHN CONYERS, JR.,
Chairman.

HOUSE OF REPRESENTATIVES, COM-
MITTEE ON TRANSPORTATION AND
INFRASTRUCTURE,
Washington, DC, March 4, 2010.

Hon. JOHN CONYERS, JR.,
Chairman, Committee on the Judiciary, House
of Representatives, Washington, DC.

DEAR CHAIRMAN CONYERS: I write to you regarding H.R. 4714, the "National Transportation Safety Reauthorization Act of 2010".

I agree that provisions included in H.R. 4714 are of jurisdictional interest to the Committee on the Judiciary. I acknowledge that by forgoing a sequential referral, your Committee is not relinquishing its jurisdiction. I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on the Judiciary has jurisdiction in H.R. 4714.

This exchange of letters will be placed in the Committee Report on H.R. 4714 and the Congressional Record as part of the consideration of this legislation in the House.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR,
Chairman.

Mr. CARNAHAN. Mr. Speaker, I rise today in strong support of H.R. 4714, the National Transportation Safety Board Reauthorization Act.

At its heart, the reauthorization of the NTSB is about safety. Every year, the NTSB inves-

tigates thousands of accidents over all modes of transportation—investigations that are critical to determining why accidents happen, so steps can be taken to prevent them in the future.

One of the main ways the Board is able to complete so many investigations is by the use of the party process, where outside groups with specific technical expertise are brought in to assist in the course of the investigation.

Clearly, the party process is of critical importance to NTSB investigations.

However, reports have indicated during the course of these investigations it has become common place for official party representatives to provide information about the ongoing investigation to other members of their organization who have not signed the certification of party representative.

Meanwhile, the families of loved ones killed or injured in an accident do not have access to the information until it is placed in a public docket—often many months after the accident.

The idea that anyone could receive information about the possible cause of an accident in advance of victims or family members is not acceptable. What is even more appalling is the idea that this information could be handed over to entities or companies who might have a vested interest in the outcome of the investigation.

I am very pleased that this legislation includes a provision that prohibits a party representative to an NTSB investigation from violating the code of silence either orally or in writing during the course of an investigation.

This language will simply level the playing field for the family members of those killed or injured in an accident being investigated by the Board. It strengthens what is in fact already Board policy by putting the prohibition in statute and there by strengthens the party process.

This would not have been possible without the support and cooperation of the NTSB, as well as Chairman OBERSTAR and Subcommittee Chair COSTELLO, who worked with me to make sure this important language was included. And I must extend a special thanks to the families of Colgan Flight 3407. Their support for this provision is particularly meaningful to me.

As many of my colleagues know, this is a very personal issue to me. I know first-hand what it is like to wait for the conclusion on an NTSB investigation to learn more about the cause of the accident, knowing others many have access to the information about the investigation prior to you. I came out of that experience convinced that more needed to be done to make sure no one gets information before families do. Today, it is my hope that we are one step closer to codifying that common-sense principle into law.

Ms. NORTON. Mr. Speaker, I rise in strong support of the National Transportation Safety Board Reauthorization Act of 2010. This reauthorization, which extends the National Transportation Safety Board's (NTSB's) oversight functions, is particularly important in the wake of the 2009 Metro Red Line train collision near the Fort Totten station here in the nation's capital, for which the NTSB just issued its final report. A provision in this bill, based on one of my bills, the National Transportation Safety

Board Interim Safety Recommendations Act, clarifies that the NTSB may, and should, offer both interim and urgent safety recommendations to federal, state and local transportation authorities. This provision will save lives and does not impede investigations or affect final recommendations.

On June 22, 2009, two Washington Metropolitan Area Transit Authority (WMATA) trains collided near the Fort Totten station here in the nation's capital. This collision was devastating for this region and for the nation's transit systems, as nine regional residents died, including seven from the nation's capital. Members of congress and their staff and many other federal employees of every rank form the majority of Metro's weekday riders. Millions of tourists, people who work in every sector and school children are regular riders. The collision has had nation-wide consequences. On September 22, 2010, even before its Metro study was complete, the NTSB issued nine nation-wide safety recommendations to address concerns about the safety of train control systems that use audio frequency track circuits, like those that contributed to the June 22nd train collision here, showing that low-cost recommendations are in order and might save lives.

The NTSB has been particularly vigilant in quickly reporting defects and operational problems to encourage remediation even before its final reports. In 1996, long before the June 22nd collision, the NTSB recommended that WMATA replace or retrofit its 1000-series train cars after a train overran a station platform, striking a standing, unoccupied train, and killing the driver of the striking train. The NTSB renewed this recommendation to replace or refurbish the older cars following the rollback accident in the Woodley Park Metro station in 2004, as it should have. The NTSB is not prohibited by statute from making interim recommendations for corrective actions, but low-cost recommendations were not made after any of the Metro accidents. This amendment clarifies that the NTSB does have such authority.

Even before the reasons for the June 22nd crash had been determined, it was evident that the striking car, which was a 1000-series train car, was significantly more damaged than the struck car, which was a newer 6000-series car. In fact, all of the fatalities were from the 1000-series car. Following the collision, the Amalgamated Transit Union Local 689 suggested that WMATA put the 1000-series cars between the newer, more crashworthy 6000-series cars. Unfortunately, without clarification of the regulatory authority provided by my provision, there have been no tests of crash-worthiness either of the newer 6000-series cars or of the older 1000-series. However, the evidence from the crash suggests that 40-year-old cars may be more dangerous as lead and rear cars. The NTSB did not disagree with this interim step at a congressional hearing in July 2010, but it never recommended this or any other interim action, except action that is so costly that it cannot occur in a timely manner.

It is a well-known and frustrating fact that, for years, Metro has tried to convince Congress and its local jurisdictions to fund replacements for the old 1000-series cars and

only in fiscal year 2010, after the tragic collision, did Congress appropriate the first \$150 million of the \$1.5 billion authorized in 2007. The 1000-series cars represent only 300 of Metro's 1,100-car fleet, but replacing those cars will cost \$600 million and take at least five years. Congress and members of our regional delegation had been working long before the collision to get from Congress the \$1.5 billion that has now been authorized for WMATA's urgent capital and preventive maintenance needs, including new cars. While we have finally been successful in getting the first \$150 million, it will take years to fund these replacements, not to mention other capital needs. Recommendations short of multi-million dollar upgrades and replacements can save lives. My provision requires the NTSB to specifically consider recommending interim and urgent recommendations where appropriate, especially when a transit agency has not secured funds to comply with the costly permanent recommendations.

I ask that my colleagues support this bill.

Ms. RICHARDSON. Mr. Speaker, as a member of the Committee on Transportation and Infrastructure, I rise today in strong support of H.R. 4714, the National Transportation Safety Board Reauthorization Act of 2010. This legislation authorizes appropriations for the National Transportation Safety Board (NTSB) to conduct investigations necessary to determine the causes of transportation incidents and accidents. H.R. 4714 also clarifies the NTSB's authority to investigate incidents and calls for a collaborative effort between NTSB and the U.S. Coast Guard when investigating major maritime accidents. Further, H.R. 4714 provides the NTSB resources needed to improve safety regulations.

I thank Chairman OBERSTAR for his dedication and skillful leadership in guiding this bill to the floor.

Mr. Speaker, H.R. 4714 will also confer upon the NTSB the authority to make essential safety recommendations when NTSB investigators identify a need for immediate safety improvements. Such authority has long been enjoyed by other international accident-investigation agencies.

This legislation benefits the 37th Congressional District of California, which I am privileged to represent. Improvements in transportation safety—whether for automobiles, airplanes, or ships—disproportionately affect my district, which is one of the most transportation-intensive in the nation. Within my district or on its borders lie five major freeways, three airports, and the largest port complex in the country. H.R. 4714 improves the safety of my constituents when they are traveling, commuting, and working.

I urge my colleagues to join me in supporting H.R. 4714.

Mr. MICA. Mr. Speaker, I want to thank Chairman OBERSTAR, Chairman COSTELLO and Ranking Member PETRI for their bipartisan work on this important legislation. While there are several issues that we would like to continue working on in conference, I support H.R. 4714 as amended.

U.S. commercial aviation is the safest in the world. U.S. aviation law and safety regulations are the international gold standard. The National Transportation Safety Board (NTSB) can

join the Federal Aviation Administration (FAA) in taking credit for the safety record.

The NTSB has done an excellent job with the resources and authority they currently have. In fact, the number of commercial aviation accidents has steadily dropped over the last several decades. The three-year average commercial aviation accident rate is now .018 accidents per 100,000 departures.

But there is always room for improvement—one accident is one too many, as was tragically demonstrated by the February 2009 Colgan accident.

Even though it has no regulatory authority, the NTSB has a unique role in transportation safety.

The NTSB investigates accidents and makes recommendations to improve transportation safety with over 82 percent of their recommendations being adopted by the Department of Transportation. NTSB certainly shares in the credit for the safety improvements achieved.

H.R. 4714 as amended, would authorize the NTSB for four years—2011 through 2014.

While we are very supportive of the NTSB and its mission, given the current state of the U.S. economy and the Federal budget, we remain concerned with the authorization levels included in both the introduced bill and the amended bill being considered today.

It has been pointed out that during the 107th and 108th Congresses—when Republicans were in the Majority—we supported NTSB funding for 479 full-time equivalent employees.

It is important to note that these bills were considered well before the recession and the current Federal budget deficit in excess of \$1.3 trillion. According to the Congressional Budget Office, "Relative to the size of the economy, this year's deficit is expected to be the second largest shortfall in the past 65 years: At 9.1 percent of gross domestic product (GDP), it is exceeded only by last year's deficit of 9.9 percent of GDP."

At a time of high Federal deficits, budget constraints, and belt tightening by American tax payers, we are concerned with the overall 27% increase in NTSB funding over 4 years and the 10% increase in NTSB authorization levels from 2010 to 2011.

The President's budget request for the NTSB in FY2011 was \$100.4 million, a level the NTSB itself supports. We believe that this level is the proper starting point.

The NTSB has been very successful in carrying out its mission with staffing levels at the 380 FTE level.

We look forward to continuing to work with our colleagues to reach agreement on the appropriate authorization levels as consideration of the bill moves forward.

H.R. 4714 expands the workload of the Board and would duplicate reviews of other agencies with respect to transportation "incidents".

The FAA and other DOT modal agencies conduct accident investigations and have numerous programs in place to collect information and address safety concerns. The NTSB and these agencies need to better coordinate to avoid duplicative investigations and to ensure the best and most efficient use of scarce resources.

The inclusion of "incidents" in NTSB's investigative authority will require close Congressional oversight to ensure that the regulatory authority of the Department of Transportation is not negatively impacted.

So, we do have some remaining concerns and we will work with our colleague to address these concerns as we move forward. But given the importance of the NTSB's mission, I support this bill and urge Members to vote for its passage.

Mr. PETRI. Mr. Speaker, while there are several issues that we would like to continue working on as this bill moves forward, I want to voice my support for H.R. 4714, the "National Transportation Safety Board Reauthorization Act of 2010."

The NTSB is a small, but important, part of the federal government and makes critical contributions to our nation's transportation safety each year.

In 1967, Congress formed the NTSB as an independent agency to investigate civil aviation accidents and significant transportation accidents in the surface modes—railroad, highway, marine, and pipeline—as well as assisting victims of fatal accidents.

Since its creation in 1967, the NTSB has investigated more than 132,000 aviation accidents and more than 10,000 accidents in other transportation modes. As a result of these investigations, the Board has issued a total of almost 13,000 safety recommendations and over 82 percent of those have been adopted.

In making safety improvement recommendations based on world-class investigations, hundreds of NTSB professionals as well as the Federal Aviation Administration and the aviation industry have helped create the safest aviation system in the world. With its current resources, NTSB continues to do a tremendous service to this Nation and the traveling public in all modes of transportation.

H.R. 4714, as amended, provides for a four-year reauthorization—fiscal years 2011 through 2014.

Given the size of the federal deficit and the improvement in aviation safety resulting in fewer aviation accidents requiring NTSB's attention, we are concerned with the level of funding authorized in this bill.

We believe that a better starting point for the NTSB's funding levels is \$100.4 million, the amount requested in the fiscal year 2011 President's budget. The NTSB both supports and is comfortable with the President's budget Request.

Despite the state of the federal budget, as introduced, H.R. 4714 would have authorized a twenty percent increase over current levels from 2010 to 2011.

Even a ten percent increase in authorization levels, as included in the amended version of H.R. 4714, raises concerns due to the Federal deficit. H.R. 4714, as amended, would authorize a total of a 27 percent increase in funding over 4 years.

We remain concerned with the authorization levels contained in the bill and look forward to continuing to work with our colleagues on this issue should H.R. 4714 go to conference.

This bill also expands the NTSB's authority to investigate "incidents" in all modes of transportation. The bill directs the NTSB to define the term "incidents" in a rulemaking. It is our

understanding that the Department of Transportation will be given the opportunity to comment on and influence the NTSB's rulemaking. This bill would also require the formulation of Memorandums of Understanding (MOU) with each appropriate modal agency to describe and reach understanding on the roles and responsibilities of each party in the event of an NTSB incident investigation.

We believe that the inclusion of "incidents" in the definition of "accidents" will require close oversight by Congress to ensure that there are no negative impacts on the ability of each modal transportation agency to investigate and conduct enforcement activities. The potential for the NTSB to obtain evidence voluntarily from the parties involved in an incident may limit the evidence available to the modal agencies in the pursuit of an enforcement action.

We also remain concerned about the impact of a provision prohibiting the disclosure of information by party representatives during an investigation. While the intent of the provision is sincere, its impact may severely harm the party representative system, a system that has served the Nation well over the years.

We would like to work with the Chairman and Rep. CARNAHAN to ensure the provision achieves its intended result without unintended consequences.

Finally, we would like to thank the Chairman for trying to address the concerns raised at markup regarding the language in the bill on interim recommendations.

Unfortunately, despite these changes to the bill, we are still concerned that there may be some confusion with the issuance of both interim safety recommendations and final recommendations. Again, we hope the Chairman will continue to work with us to address these concerns as this bill moves forward.

While these are several issues that we would like to continue working on in a bipartisan manner, we do support H.R. 4714 and look forward to working together to improve the bill.

I thank the Chairman as well as my other colleagues for their work on this bipartisan bill.

Mr. VAN HOLLEN. Mr. Speaker, I rise to support the National Transportation Safety Board Reauthorization Act. This important legislation will give NTSB the tools it needs to investigate transportation accidents and make timely recommendations to improve safety.

NTSB is the federal agency responsible for determining the probable cause of aviation, railroad, marine, and selected highway accidents. They assist victims and families and make recommendations aimed at addressing systemic issues and improving safety of all transportation modes. NTSB recently completed a year-long investigation into a catastrophic accident on the Red Line of the Washington Metro. Throughout the process, I was impressed by the knowledge and professionalism of the Board and its staff.

Today's legislation will help NTSB complete its mission—expanding its staff, clarifying its authority to identify multiple causes of accidents, and ensuring that it can conduct necessary on-scene fact-finding and access the information it needs. Importantly, the bill also allows NTSB to release urgent and interim safety recommendations so that transportation agencies can address safety issues quickly.

Mr. Speaker, when accidents happen, NTSB is there to determine the cause and provide expert advice to strengthen transportation safety. I urge my colleagues to vote in favor of this reauthorization.

Mr. OBERSTAR. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, H.R. 4714, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

STATE ETHICS LAW PROTECTION ACT OF 2010

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3427) to amend title 23, United States Code, to protect States that have in effect laws or orders with respect to pay to play reform, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3427

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "State Ethics Law Protection Act of 2010".

SEC. 2. PAY TO PLAY REFORM.

Section 112 of title 23, United States Code, is amended by adding at the end the following:

"(h) PAY TO PLAY REFORM.—A State transportation department shall not be considered to have violated a requirement of this section solely because the State in which that State transportation department is located, or a local government within that State, has in effect a law or an order that limits the amount of money an individual or entity that is doing business with a State or local agency with respect to a Federal-aid highway project may contribute to a political party, campaign, or elected official."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from New Jersey (Mr. LOBIONDO) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, I yield such as he may consume to the gentleman from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. Mr. Speaker, now more than ever, we must use every tool at our disposal to fight corruption. My home State of Illinois has made headlines time and again with charges of cronyism, corruption, and waste. Many of these charges involved pay-to-play politics, trading campaign contributions for government contracts.

In 2008, the Illinois General Assembly took a bipartisan stand by passing a

bill to eliminate pay-to-play contracting. Amazingly, the Federal Government then told Illinois that it had to back down or risk losing highway funds. The Federal Highway Administration interpreted their competitive bidding requirements to mean that States couldn't weed out corrupt contractors. Clearly that wasn't the intent of this Chamber when it passed those requirements. That is why I am pleased we are debating this important fix.

H.R. 3427, the State Ethics Law Protection Act, will make it clear that Congress supports the right of States to fight corruption. States like Connecticut, New Jersey, South Carolina, Pennsylvania, and Kentucky have passed laws like Illinois', and others are debating similar bills. They are all arriving at the same bipartisan conclusion: Corruption must be stamped out and pay-to-play made a thing of the past. Our States have shown they are ready for reform. It is now our duty to ensure they have the ability to do so.

At this critical juncture, we must do all we can to inspire the trust and confidence of people across the country. After all, without the people's trust, we cannot govern. I wish to thank Chairman OBERSTAR and the committee for bringing this bill to the floor and urge my colleagues to support the State Ethics Law Protection Act.

Mr. LOBIONDO. Mr. Speaker, I yield myself such time as I may consume.

This is a commonsense good government bill which I support.

I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Illinois stated the case very clearly and thoughtfully, and the gentleman from New Jersey has further underscored the significance of this bill. This legislation makes clear that no State will be considered to have violated the Federal Highway Administration's competitive bidding requirements solely because the State chose to enact an anti-pay-to-play law. The bill would neither require a State to pass anti-pay-to-play nor prohibit a State from doing so. It would not weigh in on the merits of any existing State law. It simply removes what currently functions as a Federal prohibition on some States' efforts to prohibit pay-to-play. As the gentleman from New Jersey said, it is commonsense legislation, and I urge its passage.

Mr. Speaker, I rise today in strong support of H.R. 3427, as amended, the "State Ethics Law Protection Act of 2010", introduced by the gentleman from Illinois (Mr. QUIGLEY).

This bill aids State efforts to clean up their procurement processes by removing the threat of the loss of Federal-aid highway funds if a State chooses to enact "anti-pay-to-play" reforms.

Specifically, H.R. 3427 provides that a State may not be considered to have violated the

Federal Highway Administration's (FHWA) competitive bidding requirements solely because of the enactment of a State or local law prohibiting "pay-to-play".

In an effort to improve State procurement processes, many States have enacted anti-pay-to-play laws that limit the amount of money that an individual or entity doing business with a State agency may contribute to a political party, campaign, or elected official.

Unfortunately, FHWA has interpreted State anti-pay-to-play laws as potentially conflicting with the competitive bidding requirements that apply to the use of Federal-aid highway funds under title 23 of the United States Code.

As a result of this statutory requirement, FHWA has twice threatened to withhold Federal highway funds from States that enacted anti-pay-to-play laws that applied to contracts on Federal-aid highway projects. The first instance occurred in 2004 in New Jersey. The second occurred last year in Illinois.

The competitive bidding requirements of title 23 are designed to ensure that the lowest qualified bidder is awarded Federal-aid highway contracts. They are not designed to prevent States from conducting procurement under the highest ethical standards. Unfortunately, in some instances, they have had just this effect.

H.R. 3427 addresses this situation by making it clear that no State will be considered to have violated FHWA competitive bidding requirements solely because the State chose to enact an anti-pay-to-play law.

This bill would neither require any State to pass an "anti-pay-to-play" law nor prohibit it from doing so. It would not weigh in on the merits of any existing State law. It would simply remove what currently functions as a Federal prohibition on some States' efforts to prohibit "pay-to-play".

I urge my colleagues to join me in supporting H.R. 3427.

Mr. FOSTER. Mr. Speaker, I rise today in strong support of H.R. 3427, the State Ethics Law Protection Act of 2009. This simple bill goes a long way in closing a loophole that discourages states from enacting tough pay-to-play reforms.

Under current policy, states like Illinois that take a stand against corrupt practices by prohibiting the awarding of highway contracts to campaign contributors may jeopardize a share of their highway funding. In 2008, when a tough pay-to-play law was being considered in Illinois, the Federal Highway Administration intervened and threatened to withhold Federal dollars if the law was enacted.

The shameful and unethical string of crimes perpetrated by public officials in the State of Illinois is by now well known, but the FHWA's intervention led the General Assembly to water down what would have been a tough and effective anti-corruption law. What's more, the FHWA's application of this policy has been occasional and uneven. Of the eight states that have enacted pay-to-play legislation, only New Jersey and Illinois have been singled out.

H.R. 3427 will untie the hands of state legislatures that seek to take bold action to combat pay-to-play practices and restore the public's faith in government. It will also help ensure that federal dollars will not be wasted on contracts doled out to political cronies.

I urge my colleagues to support this important bill, which will help state legislatures hold the line against corruption.

Mr. QUIGLEY. Mr. Speaker, I am pleased that we are considering this legislation to clarify the language of Section 112 of title 23, United States Code to reaffirm the intent of Congress that Section 112 does not bar enforcement of State and local ordinances and contracting policies, in connection with Federal-aid highway projects, that disadvantage or disqualify classes of contractors. The Secretary properly enjoys discretion to approve contract requirements, consistent with the Federal-Aid Highway Act, 23 U.S.C. § 101, et seq.

Possible ambiguity in Section 112 has come to the Congress's attention in light of recent State and local efforts to combat corruption and favoritism in contracting. States, local jurisdictions, and the Securities and Exchange Commission have enacted "pay-to-play" restrictions that disqualify contractors who make campaign contributions to officials responsible for government contracts. Concerns have been raised that application of Section 112 may limit the discretion of FHWA to approve Federal-aid highway projects subject to State pay-to-play policies. Accordingly, the FHWA temporarily withheld federal highway funds from the States of New Jersey and Illinois.

The soundness of these concerns has been called into question by the United States Court of Appeals for the Sixth Circuit in *City of Cleveland v. State of Ohio*, 508 F.3d 827 (6th Cir. 2007), and, in any event, these concerns misunderstand Congress's long-standing intent regarding the operation of the current laws governing Federal-aid highway projects. Section 17 of the Federal-Aid Highway Act of 1954, which is codified at Section 112 of title 23, United States Code, imposes a requirement on FHWA to ensure that government contractors are selected through a competitive bidding process. This competitive bidding requirement was "designed to prohibit collusion or action in restraint of free competitive bidding in connection with the contract." S. Rep. 83-1093 (1954) at 14. The enactment of Section 112, however, was not intended to "add to or otherwise affect the powers of the Secretary [of Transportation] . . . with respect to the selection of projects." *Id.* Subsequent amendments have not altered that purpose.

The language of this legislation simply makes clear that it has always been Congress's intent that the Secretary may concur in the award of a Federal-aid highway contract despite a State or local requirement, imposed by law or through contract, disqualifying contractors on the basis of the amount of money contributed to a political campaign. To be clear, the enactment of this legislation would not be construed to mean that existing law would have foreclosed the application of State pay-to-play restrictions, or similarly situated provisions, to highway projects supported by Federal funds.

This bill will dispel any misunderstandings about the application of State pay-to-play restrictions and similar policies to Federal-aid highway projects. It will have an immediate, positive effect for local and State governments determined to implement pay-to-play restrictions to combat corruption and favoritism.

I urge my colleagues to join me in supporting H.R. 3427.

Mr. OBERSTAR. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, H.R. 3427, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1930

PROVIDING FOR CONCURRENCE WITH AMENDMENTS IN SENATE AMENDMENT TO H.R. 3619, COAST GUARD AUTHORIZATION ACT OF 2010

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1665) providing for the concurrence by the House in the Senate amendment to H.R. 3619, with amendments.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1665

Resolved, That, upon the adoption of this resolution, the House shall be considered to have taken from the Speaker's table the bill, H.R. 3619, with the Senate amendment thereto, and to have concurred in the Senate amendment with the following amendments:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Coast Guard Authorization Act of 2010”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- TITLE I—AUTHORIZATION**
- Sec. 101. Authorization of appropriations.
- Sec. 102. Authorized levels of military strength and training.
- TITLE II—COAST GUARD**
- Sec. 201. Appointment of civilian Coast Guard judges.
- Sec. 202. Industrial activities.
- Sec. 203. Reimbursement for medical-related travel expenses.
- Sec. 204. Commissioned officers.
- Sec. 205. Coast Guard participation in the Armed Forces Retirement Home (AFRH) system.
- Sec. 206. Grants to international maritime organizations.
- Sec. 207. Leave retention authority.
- Sec. 208. Enforcement authority.
- Sec. 209. Repeal.
- Sec. 210. Merchant Mariner Medical Advisory Committee.
- Sec. 211. Reserve commissioned warrant officer to lieutenant program.
- Sec. 212. Enhanced status quo officer promotion system.
- Sec. 213. Coast Guard vessels and aircraft.
- Sec. 214. Coast Guard District Ombudsmen.

- Sec. 215. Coast Guard commissioned officers: compulsory retirement.
- Sec. 216. Enforcement of coastwise trade laws.
- Sec. 217. Report on sexual assaults in the Coast Guard.
- Sec. 218. Home port of Coast Guard vessels in Guam.
- Sec. 219. Supplemental positioning system.
- Sec. 220. Assistance to foreign governments and maritime authorities.
- Sec. 221. Coast guard housing.
- Sec. 222. Child development services.
- Sec. 223. Chaplain activity expense.
- Sec. 224. Coast Guard cross; silver star medal.

TITLE III—SHIPPING AND NAVIGATION

- Sec. 301. Seaward extension of anchorage grounds jurisdiction.
- Sec. 302. Maritime Drug Law Enforcement Act amendment-simple possession.
- Sec. 303. Technical amendments to tonnage measurement law.
- Sec. 304. Merchant mariner document standards.
- Sec. 305. Ship emission reduction technology demonstration project.
- Sec. 306. Phaseout of vessels supporting oil and gas development.
- Sec. 307. Arctic marine shipping assessment implementation.

TITLE IV—ACQUISITION REFORM

- Sec. 401. Chief Acquisition Officer.
- Sec. 402. Acquisitions.
- Sec. 403. National Security Cutters.
- Sec. 404. Acquisition workforce expedited hiring authority.

TITLE V—COAST GUARD MODERNIZATION

- Sec. 501. Short title.
- Subtitle A—Coast Guard Leadership**
- Sec. 511. Vice admirals.
- Subtitle B—Workforce Expertise**
- Sec. 521. Prevention and response staff.
- Sec. 522. Marine safety mission priorities and long-term goals.
- Sec. 523. Powers and duties.
- Sec. 524. Appeals and waivers.
- Sec. 525. Coast Guard Academy.
- Sec. 526. Report regarding civilian marine inspectors.

TITLE VI—MARINE SAFETY

- Sec. 601. Short title.
- Sec. 602. Vessel size limits.
- Sec. 603. Cold weather survival training.
- Sec. 604. Fishing vessel safety.
- Sec. 605. Mariner records.
- Sec. 606. Deletion of exemption of license requirement for operators of certain towing vessels.
- Sec. 607. Log books.
- Sec. 608. Safe operations and equipment standards.
- Sec. 609. Approval of survival craft.
- Sec. 610. Safety management.
- Sec. 611. Protection against discrimination.
- Sec. 612. Oil fuel tank protection.
- Sec. 613. Oaths.
- Sec. 614. Duration of licenses, certificates of registry, and merchant mariners' documents.
- Sec. 615. Authorization to extend the duration of licenses, certificates of registry, and merchant mariners' documents.
- Sec. 616. Merchant mariner assistance report.
- Sec. 617. Offshore supply vessels.
- Sec. 618. Associated equipment.
- Sec. 619. Lifesaving devices on uninspected vessels.

- Sec. 620. Study of blended fuels in marine application.
- Sec. 621. Renewal of advisory committees.
- Sec. 622. Delegation of authority.

TITLE VII—OIL POLLUTION PREVENTION

- Sec. 701. Rulemakings.
- Sec. 702. Oil transfers from vessels.
- Sec. 703. Improvements to reduce human error and near miss incidents.
- Sec. 704. Olympic Coast National Marine Sanctuary.
- Sec. 705. Prevention of small oil spills.
- Sec. 706. Improved coordination with tribal governments.
- Sec. 707. Report on availability of technology to detect the loss of oil.
- Sec. 708. Use of oil spill liability trust fund.
- Sec. 709. International efforts on enforcement.
- Sec. 710. Higher volume port area regulatory definition change.
- Sec. 711. Tug escorts for laden oil tankers.
- Sec. 712. Extension of financial responsibility.
- Sec. 713. Liability for use of single-hull vessels.

TITLE VIII—PORT SECURITY

- Sec. 801. America's Waterway Watch Program.
- Sec. 802. Transportation Worker Identification Credential.
- Sec. 803. Interagency operational centers for port security.
- Sec. 804. Deployable, specialized forces.
- Sec. 805. Coast Guard detection canine team program expansion.
- Sec. 806. Coast Guard port assistance Program.
- Sec. 807. Maritime biometric identification.
- Sec. 808. Pilot Program for fingerprinting of maritime workers.
- Sec. 809. Transportation security cards on vessels.
- Sec. 810. Maritime Security Advisory Committees.
- Sec. 811. Seamen's shoreside access.
- Sec. 812. Waterside security of especially hazardous cargo.
- Sec. 813. Review of liquefied natural gas facilities.
- Sec. 814. Use of secondary authentication for transportation security cards.
- Sec. 815. Assessment of transportation security card enrollment sites.
- Sec. 816. Assessment of the feasibility of efforts to mitigate the threat of small boat attack in major ports.
- Sec. 817. Report and recommendation for uniform security background checks.
- Sec. 818. Transportation security cards: access pending issuance; deadlines for processing; receipt.
- Sec. 819. Harmonizing security card expirations.
- Sec. 820. Clarification of rulemaking authority.
- Sec. 821. Port security training and certification.
- Sec. 822. Integration of security plans and systems with local port authorities, State harbor divisions, and law enforcement agencies.
- Sec. 823. Transportation security cards.
- Sec. 824. Pre-positioning interoperable communications equipment at interagency operational centers.
- Sec. 825. International port and facility inspection coordination.
- Sec. 826. Area transportation security incident mitigation plan.

Sec. 827. Risk based resource allocation.
 Sec. 828. Port security zones.

TITLE IX—MISCELLANEOUS PROVISIONS

Sec. 901. Waivers.
 Sec. 902. Crew wages on passenger vessels.
 Sec. 903. Technical corrections.
 Sec. 904. Manning requirement.
 Sec. 905. Study of bridges over navigable waters.
 Sec. 906. Limitation on jurisdiction of States to tax certain seamen.
 Sec. 907. Land conveyance, Coast Guard property in Marquette County, Michigan, to the City of Marquette, Michigan.
 Sec. 908. Mission requirement analysis for navigable portions of the Rio Grande River, Texas, international water boundary.
 Sec. 909. Conveyance of Coast Guard property in Cheboygan, Michigan.
 Sec. 910. Alternative licensing program for operators of uninspected passenger vessels on Lake Texoma in Texas and Oklahoma.
 Sec. 911. Strategy regarding drug trafficking vessels.
 Sec. 912. Use of force against piracy.
 Sec. 913. Technical amendments to chapter 313 of title 46, United States Code.
 Sec. 914. Conveyance of Coast Guard vessels for public purposes.
 Sec. 915. Assessment of certain aids to navigation and traffic flow.
 Sec. 916. Fresnel Lens from Presque Isle Light Station in Presque Isle, Michigan.
 Sec. 917. Maritime law enforcement.
 Sec. 918. Capital investment plan.
 Sec. 919. Reports.
 Sec. 920. Compliance provision.
 Sec. 921. Conveyance of Coast Guard property in Portland, Maine.

TITLE X—CLEAN HULLS

Subtitle A—General Provisions

Sec. 1011. Definitions.
 Sec. 1012. Covered vessels.
 Sec. 1013. Administration and enforcement.
 Sec. 1014. Compliance with international law.
 Sec. 1015. Utilization of personnel, facilities or equipment of other Federal departments and agencies.

Subtitle B—Implementation of the Convention

Sec. 1021. Certificates.
 Sec. 1022. Declaration.
 Sec. 1023. Other compliance documentation.
 Sec. 1024. Process for considering additional controls.
 Sec. 1025. Scientific and technical research and monitoring; communication and information.
 Sec. 1026. Communication and exchange of information.

Subtitle C—Prohibitions and Enforcement Authority

Sec. 1031. Prohibitions.
 Sec. 1032. Investigations and inspections by Secretary.
 Sec. 1033. EPA enforcement.
 Sec. 1034. Additional authority of the Administrator.

Subtitle D—Action on Violation, Penalties, and Referrals

Sec. 1041. Criminal enforcement.
 Sec. 1042. Civil enforcement.
 Sec. 1043. Liability in rem.
 Sec. 1044. Vessel clearance or permits; refusal or revocation; bond or other surety.

Sec. 1045. Warnings, detentions, dismissals, exclusion.

Sec. 1046. Referrals for appropriate action by foreign country.

Sec. 1047. Remedies not affected.

Sec. 1048. Repeal.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for fiscal year 2011 for necessary expenses of the Coast Guard as follows:

(1) For the operation and maintenance of the Coast Guard, \$6,970,681,000 of which \$24,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$1,640,000,000, of which—

(A) \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990, to remain available until expended;

(B) \$1,233,502,000 is authorized for the Integrated Deepwater System Program; and

(C) \$100,000,000 is authorized for shore facilities and aids to navigation.

(3) To the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, \$28,034,000, to remain available until expended, of which \$500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$1,400,700,000, to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, \$16,000,000.

(6) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operation and maintenance), \$13,329,000, to remain available until expended.

(7) For the Coast Guard Reserve program, including personnel and training costs, equipment, and services, \$135,675,000.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 47,000 for the fiscal year ending on September 30, 2011.

(b) MILITARY TRAINING STUDENT LOADS.—For fiscal year 2011, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 2,500 student years.

(2) For flight training, 165 student years.

(3) For professional training in military and civilian institutions, 350 student years.

(4) For officer acquisition, 1,200 student years.

TITLE II—COAST GUARD

SEC. 201. APPOINTMENT OF CIVILIAN COAST GUARD JUDGES.

(a) IN GENERAL.—Chapter 7 of title 14, United States Code, is amended by adding at the end the following:

“§ 153. Appointment of judges

“The Secretary may appoint civilian employees of the department in which the Coast Guard is operating as appellate military judges, available for assignment to the Coast Guard Court of Criminal Appeals as provided for in section 866(a) of title 10.”

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

“153. Appointment of judges.”

SEC. 202. INDUSTRIAL ACTIVITIES.

Section 151 of title 14, United States Code, is amended—

(1) by inserting “(a) IN GENERAL.—” before “All orders”; and

(2) by adding at the end the following:

“(b) ORDERS AND AGREEMENTS FOR INDUSTRIAL ACTIVITIES.—Under this section, the Coast Guard industrial activities may accept orders from and enter into reimbursable agreements with establishments, agencies, and departments of the Department of Defense and the Department of Homeland Security.”

SEC. 203. REIMBURSEMENT FOR MEDICAL-RELATED TRAVEL EXPENSES.

(a) IN GENERAL.—Chapter 13 of title 14, United States Code, is amended by adding at the end the following:

“§ 518. Reimbursement for medical-related travel expenses for certain persons residing on islands in the continental United States

“In any case in which a covered beneficiary (as defined in section 1072(5) of title 10) resides on an island that is located in the 48 contiguous States and the District of Columbia and that lacks public access roads to the mainland and is referred by a primary care physician to a specialty care provider (as defined in section 1074i(b) of title 10) on the mainland who provides services less than 100 miles from the location where the beneficiary resides, the Secretary shall reimburse the reasonable travel expenses of the covered beneficiary and, when accompanied by an adult is necessary, for a parent or guardian of the covered beneficiary or another member of the covered beneficiary's family who is at least 21 years of age.”

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

“518. Reimbursement for medical-related travel expenses for certain persons residing on islands in the continental United States.”

SEC. 204. COMMISSIONED OFFICERS.

(a) ACTIVE DUTY PROMOTION LIST.—Section 42 of title 14, United States Code, is amended to read as follows:

“§ 42. Number and distribution of commissioned officers on active duty promotion list

“(a) MAXIMUM TOTAL NUMBER.—The total number of Coast Guard commissioned officers on the active duty promotion list, excluding warrant officers, shall not exceed 7,200; except that the Commandant may temporarily increase that number by up to 2 percent for no more than 60 days following the date of the commissioning of a Coast Guard Academy class.

“(b) DISTRIBUTION PERCENTAGES BY GRADE.—

“(1) REQUIRED.—The total number of commissioned officers authorized by this section shall be distributed in grade in the following percentages: 0.375 percent for rear admiral; 0.375 percent for rear admiral (lower half); 6.0 percent for captain; 15.0 percent for commander; and 22.0 percent for lieutenant commander.”

“(2) DISCRETIONARY.—The Secretary shall prescribe the percentages applicable to the grades of lieutenant, lieutenant (junior grade), and ensign.

“(3) AUTHORITY OF SECRETARY TO REDUCE PERCENTAGE.—The Secretary—

“(A) may reduce, as the needs of the Coast Guard require, any of the percentages set forth in paragraph (1); and

“(B) shall apply that total percentage reduction to any other lower grade or combination of lower grades.

“(c) COMPUTATIONS.—

“(1) IN GENERAL.—The Secretary shall compute, at least once each year, the total number of commissioned officers authorized to serve in each grade by applying the grade distribution percentages established by or under this section to the total number of commissioned officers listed on the current active duty promotion list.

“(2) ROUNDING FRACTIONS.—Subject to subsection (a), in making the computations under paragraph (1), any fraction shall be rounded to the nearest whole number.

“(3) TREATMENT OF OFFICERS SERVING OUTSIDE COAST GUARD.—The number of commissioned officers on the active duty promotion list below the rank of rear admiral (lower half) serving with other Federal departments or agencies on a reimbursable basis or excluded under section 324(d) of title 49 shall not be counted against the total number of commissioned officers authorized to serve in each grade.

“(d) USE OF NUMBERS; TEMPORARY INCREASES.—The numbers resulting from computations under subsection (c) shall be, for all purposes, the authorized number in each grade; except that the authorized number for a grade is temporarily increased during the period between one computation and the next by the number of officers originally appointed in that grade during that period and the number of officers of that grade for whom vacancies exist in the next higher grade but whose promotion has been delayed for any reason.

“(e) OFFICERS SERVING COAST GUARD ACADEMY AND RESERVE.—The number of officers authorized to be serving on active duty in each grade of the permanent commissioned teaching staff of the Coast Guard Academy and of the Reserve serving in connection with organizing, administering, recruiting, instructing, or training the reserve components shall be prescribed by the Secretary.”

(b) CLERICAL AMENDMENT.—The analysis for chapter 3 of such title is amended by striking the item relating to section 42 and inserting the following:

“42. Number and distribution of commissioned officers on active duty promotion list.”

SEC. 205. COAST GUARD PARTICIPATION IN THE ARMED FORCES RETIREMENT HOME (AFRH) SYSTEM.

(a) IN GENERAL.—Section 1502 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 401) is amended—

(1) by striking paragraph (4);

(2) in paragraph (5)—

(A) by striking “and” at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting “; and”; and

(C) by inserting at the end the following:

“(E) the Assistant Commandant of the Coast Guard for Human Resources.”; and

(3) by adding at the end of paragraph (6) the following:

“(E) The Master Chief Petty Officer of the Coast Guard.”

(b) CONFORMING AMENDMENTS.—(1) Section 2772 of title 10, United States Code, is amended—

(A) in subsection (a) by inserting “or, in the case of the Coast Guard, the Commandant” after “concerned”; and

(B) by striking subsection (c).

(2) Section 1007(i) of title 37, United States Code, is amended—

(A) in paragraph (3) by inserting “or, in the case of the Coast Guard, the Commandant” after “Secretary of Defense”; and

(B) by striking paragraph (4); and

(C) by redesignating paragraph (5) as paragraph (4).

SEC. 206. GRANTS TO INTERNATIONAL MARITIME ORGANIZATIONS.

Section 149 of title 14, United States Code, is amended by adding at the end the following:

“(c) GRANTS TO INTERNATIONAL MARITIME ORGANIZATIONS.—After consultation with the Secretary of State, the Commandant may make grants to, or enter into cooperative agreements, contracts, or other agreements with, international maritime organizations for the purpose of acquiring information or data about merchant vessel inspections, security, safety, environmental protection, classification, and port state or flag state law enforcement or oversight.”

SEC. 207. LEAVE RETENTION AUTHORITY.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, is amended by inserting after section 425 the following:

“§ 426. Emergency leave retention authority

“(a) IN GENERAL.—A duty assignment for an active duty member of the Coast Guard in support of a declaration of a major disaster or emergency by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or in response to a spill of national significance shall be treated, for the purpose of section 701(f)(2) of title 10, as a duty assignment in support of a contingency operation.

“(b) DEFINITIONS.—In this section:

“(1) SPILL OF NATIONAL SIGNIFICANCE.—The term ‘spill of national significance’ means a discharge of oil or a hazardous substance that is declared by the Commandant to be a spill of national significance.

“(2) DISCHARGE.—The term ‘discharge’ has the meaning given that term in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701).”

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 425 the following:

“426. Emergency leave retention authority.”

(c) APPLICATION.—The amendments made by this section shall be deemed to have been enacted on April 19, 2010.

SEC. 208. ENFORCEMENT AUTHORITY.

(a) IN GENERAL.—Chapter 5 of title 14, United States Code, is amended by adding at the end the following:

“§ 99. Enforcement authority

“Subject to guidelines approved by the Secretary, members of the Coast Guard, in the performance of official duties, may—

“(1) carry a firearm; and

“(2) while at a facility (as defined in section 70101 of title 46)—

“(A) make an arrest without warrant for any offense against the United States committed in their presence; and

“(B) seize property as otherwise provided by law.”

(b) CONFORMING REPEAL.—Section 70117 of title 46, United States Code, and the item relating to such section in the analysis at the beginning of chapter 701 of such title, are repealed.

(c) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

“99. Enforcement authority.”

SEC. 209. REPEAL.

Section 216 of title 14, United States Code, and the item relating to such section in the analysis for chapter 11 of such title, are repealed.

SEC. 210. MERCHANT MARINER MEDICAL ADVISORY COMMITTEE.

(a) IN GENERAL.—Chapter 71 of title 46, United States Code, is amended by adding at the end the following new section:

“§ 7115. Merchant Mariner Medical Advisory Committee

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established a Merchant Mariner Medical Advisory Committee (in this section referred to as the ‘Committee’).

“(2) FUNCTIONS.—The Committee shall advise the Secretary on matters relating to—

“(A) medical certification determinations for issuance of licences, certificates of registry, and merchant mariners’ documents;

“(B) medical standards and guidelines for the physical qualifications of operators of commercial vessels;

“(C) medical examiner education; and

“(D) medical research.

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—The Committee shall consist of 14 members, none of whom is a Federal employee, and shall include—

“(A) ten who are health-care professionals with particular expertise, knowledge, or experience regarding the medical examinations of merchant mariners or occupational medicine; and

“(B) four who are professional mariners with knowledge and experience in mariner occupational requirements.

“(2) STATUS OF MEMBERS.—Members of the Committee shall not be considered Federal employees or otherwise in the service or the employment of the Federal Government, except that members shall be considered special Government employees, as defined in section 202(a) of title 18, United States Code, and shall be subject to any administrative standards of conduct applicable to the employees of the department in which the Coast Guard is operating.

“(c) APPOINTMENTS; TERMS; VACANCIES.—

“(1) APPOINTMENTS.—The Secretary shall appoint the members of the Committee, and each member shall serve at the pleasure of the Secretary.

“(2) TERMS.—Each member shall be appointed for a term of five years, except that, of the members first appointed, three members shall be appointed for a term of two years.

“(3) VACANCIES.—Any member appointed to fill the vacancy prior to the expiration of the term for which that member’s predecessor was appointed shall be appointed for the remainder of that term.

“(d) CHAIRMAN AND VICE CHAIRMAN.—The Secretary shall designate one member of the Committee as the Chairman and one member as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairman.

“(e) COMPENSATION; REIMBURSEMENT.—Members of the Committee shall serve without compensation, except that, while engaged in the performance of duties away from their homes or regular places of business of the member, the member of the Committee may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5.

“(f) STAFF; SERVICES.—The Secretary shall furnish to the Committee the personnel and services as are considered necessary for the conduct of its business.”.

(b) FIRST MEETING.—No later than six months after the date of enactment of this Act, the Merchant Mariner Medical Advisory Committee established by the amendment made by this section shall hold its first meeting.

(c) CLERICAL AMENDMENT.—The analysis for chapter 71 of that title is amended by adding at the end the following:

“7115. Merchant Mariner Medical Advisory Committee.”.

SEC. 211. RESERVE COMMISSIONED WARRANT OFFICER TO LIEUTENANT PROGRAM.

Section 214(a) of title 14, United States Code, is amended to read as follows:

“(a) The president may appoint temporary commissioned officers—

“(1) in the Regular Coast Guard in a grade, not above lieutenant, appropriate to their qualifications, experience, and length of service, as the needs of the Coast Guard may require, from among the commissioned warrant officers, warrant officers, and enlisted members of the Coast Guard, and from holders of licenses issued under chapter 71 of title 46; and

“(2) in the Coast Guard Reserve in a grade, not above lieutenant, appropriate to their qualifications, experience, and length of service, as the needs of the Coast Guard may require, from among the commissioned warrant officers of the Coast Guard Reserve.”.

SEC. 212. ENHANCED STATUS QUO OFFICER PROMOTION SYSTEM.

Chapter 11 of title 14, United States Code, is amended—

(1) in section 253(a)—

(A) by inserting “and” after “considered,”; and

(B) by striking “, and the number of officers the board may recommend for promotion”;

(2) in section 258—

(A) by inserting “(a) IN GENERAL.—” before “The Secretary shall”;

(B) in subsection (a) (as so designated) by striking the colon at the end of the material preceding paragraph (1) and inserting “—”;

and

(C) by adding at the end the following:

“(b) PROVISION OF DIRECTION AND GUIDANCE.—

“(1) In addition to the information provided pursuant to subsection (a), the Secretary may furnish the selection board—

“(A) specific direction relating to the needs of the Coast Guard for officers having particular skills, including direction relating to the need for a minimum number of officers with particular skills within a specialty; and

“(B) any other guidance that the Secretary believes may be necessary to enable the board to properly perform its functions.

“(2) Selections made based on the direction and guidance provided under this subsection shall not exceed the maximum percentage of officers who may be selected from below the announced promotion zone at any given selection board convened under section 251 of this title.”;

(3) in section 259(a), by inserting after “whom the board” the following: “, giving due consideration to the needs of the Coast Guard for officers with particular skills so noted in specific direction furnished to the board by the Secretary under section 258 of this title,”; and

(4) in section 260(b), by inserting after “qualified for promotion” the following: “to meet the needs of the service (as noted in specific direction furnished to the board by the Secretary under section 258 of this title)”.

SEC. 213. COAST GUARD VESSELS AND AIRCRAFT.

(a) AUTHORITY TO FIRE AT OR INTO A VESSEL.—Section 637(c) of title 14, United States Code, is amended—

(1) in paragraph (1), by striking “; or” and inserting a semicolon;

(2) in paragraph (2), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(3) any other vessel or aircraft on government noncommercial service when—

“(A) the vessel or aircraft is under the tactical control of the Coast Guard; and

“(B) at least one member of the Coast Guard is assigned and conducting a Coast Guard mission on the vessel or aircraft.”.

(b) AUTHORITY TO DISPLAY COAST GUARD ENSIGNS AND PENNANTS.—Section 638(a) of title 14, United States Code, is amended by striking “Coast Guard vessels and aircraft” and inserting “Vessels and aircraft authorized by the Secretary”.

SEC. 214. COAST GUARD DISTRICT OMBUDSMEN.

(a) IN GENERAL.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following new section:

“§ 55. District Ombudsmen

“(a) IN GENERAL.—The Commandant shall appoint in each Coast Guard District a District Ombudsman to serve as a liaison between ports, terminal operators, shipowners, and labor representatives and the Coast Guard.

“(b) PURPOSE.—The purpose of the District Ombudsman shall be the following:

“(1) To support the operations of the Coast Guard in each port in the District for which the District Ombudsman is appointed.

“(2) To improve communications between and among port stakeholders including, port and terminal operators, ship owners, labor representatives, and the Coast Guard.

“(3) To seek to resolve disputes between the Coast Guard and all petitioners regarding requirements imposed or services provided by the Coast Guard.

“(c) FUNCTIONS.—

“(1) COMPLAINTS.—The District Ombudsman may examine complaints brought to the attention of the District Ombudsman by a petitioner operating in a port or by Coast Guard personnel.

“(2) GUIDELINES FOR DISPUTES.—

“(A) IN GENERAL.—The District Ombudsman shall develop guidelines regarding the types of disputes with respect to which the District Ombudsman will provide assistance.

“(B) LIMITATION.—The District Ombudsman shall not provide assistance with respect to a dispute unless it involves the impact of Coast Guard requirements on port business and the flow of commerce.

“(C) PRIORITY.—In providing such assistance, the District Ombudsman shall give priority to complaints brought by petitioners who believe they will suffer a significant hardship as the result of implementing a Coast Guard requirement or being denied a Coast Guard service.

“(3) CONSULTATION.—The District Ombudsman may consult with any Coast Guard per-

sonnel who can aid in the investigation of a complaint.

“(4) ACCESS TO INFORMATION.—The District Ombudsman shall have access to any Coast Guard document, including any record or report, that will aid the District Ombudsman in obtaining the information needed to conduct an investigation of a complaint.

“(5) REPORTS.—At the conclusion of an investigation, the District Ombudsman shall submit a report on the findings and recommendations of the District Ombudsman, to the Commander of the District in which the petitioner who brought the complaint is located or operating.

“(6) DEADLINE.—The District Ombudsman shall seek to resolve each complaint brought in accordance with the guidelines—

“(A) in a timely fashion; and

“(B) not later than 4 months after the complaint is officially accepted by the District Ombudsman.

“(d) APPOINTMENT.—The Commandant shall appoint as the District Ombudsman an individual who has experience in port and transportation systems and knowledge of port operations or of maritime commerce (or both).

“(e) ANNUAL REPORTS.—The Secretary shall report annually to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the matters brought before the District Ombudsmen, including—

“(1) the number of matters brought before each District Ombudsman;

“(2) a brief summary of each such matter; and

“(3) the eventual resolution of each such matter.”.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of that chapter is amended by adding at the end the following new item:

“55. District Ombudsmen.”.

SEC. 215. COAST GUARD COMMISSIONED OFFICERS: COMPULSORY RETIREMENT.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, is amended by striking section 293 and inserting the following:

“§ 293. Compulsory retirement

“(a) REGULAR COMMISSIONED OFFICERS.—Any regular commissioned officer, except a commissioned warrant officer, serving in a grade below rear admiral (lower half) shall be retired on the first day of the month following the month in which the officer becomes 62 years of age.

“(b) FLAG-OFFICER GRADES.—(1) Except as provided in paragraph (2), any regular commissioned officer serving in a grade of rear admiral (lower half) or above shall be retired on the first day of the month following the month in which the officer becomes 64 years of age.

“(2) The retirement of an officer under paragraph (1) may be deferred—

“(A) by the President, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age; or

“(B) by the Secretary of the department in which the Coast Guard is operating, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 66 years of age.”.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by striking the item relating to such section and inserting the following:

“293. Compulsory retirement.”.

SEC. 216. ENFORCEMENT OF COASTWISE TRADE LAWS.

(a) IN GENERAL.—Chapter 5 of title 14, United States Code, is further amended by adding at the end the following:

“§ 100. Enforcement of coastwise trade laws

“Officers and members of the Coast Guard are authorized to enforce chapter 551 of title 46. The Secretary shall establish a program for these officers and members to enforce that chapter.”.

(b) CLERICAL AMENDMENT.—The analysis for that chapter is further amended by adding at the end the following new item:

“100. Enforcement of coastwise trade laws.”.

(c) REPORT.—The Secretary of the department in which the Coast Guard is operating shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Senate Committee on Commerce, Science, and Transportation within one year after the date of enactment of this Act on the enforcement strategies and enforcement actions taken to enforce the coastwise trade laws.

SEC. 217. REPORT ON SEXUAL ASSAULTS IN THE COAST GUARD.

(a) IN GENERAL.—Not later than January 15 of each year, the Commandant of the Coast Guard shall submit a report on the sexual assaults involving members of the Coast Guard to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) CONTENTS.—The report required under subsection (a) shall contain the following:

(1) The number of sexual assaults against members of the Coast Guard, and the number of sexual assaults by members of the Coast Guard, that were reported to military officials during the year covered by such report, and the number of the cases so reported that were substantiated.

(2) A synopsis of, and the disciplinary action taken in, each substantiated case.

(3) The policies, procedures, and processes implemented by the Secretary concerned during the year covered by such report in response to incidents of sexual assault involving members of the Coast Guard concerned.

(4) A plan for the actions that are to be taken in the year following the year covered by such report on the prevention of and response to sexual assault involving members of the Coast Guard concerned.

SEC. 218. HOME PORT OF COAST GUARD VESSELS IN GUAM.

Section 96 of title 14, United States Code, is amended—

(1) by striking “a State of the United States” and inserting “the United States or Guam”; and

(2) by inserting “or Guam” after “outside the United States”.

SEC. 219. SUPPLEMENTAL POSITIONING SYSTEM.

Not later than 180 days after date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating in consultation with the Commandant of the Coast Guard shall conclude their study of whether a single, domestic system is needed as a back-up navigation system to the Global Positioning System and notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the results of such determination.

SEC. 220. ASSISTANCE TO FOREIGN GOVERNMENTS AND MARITIME AUTHORITIES.

Section 149 of title 14, United States Code, as amended by section 206, is further amended by adding at the end the following:

“(d) AUTHORIZED ACTIVITIES.—

“(1) The Commandant may use funds for—

“(A) the activities of traveling contact teams, including any transportation expense, translation services expense, or administrative expense that is related to such activities;

“(B) the activities of maritime authority liaison teams of foreign governments making reciprocal visits to Coast Guard units, including any transportation expense, translation services expense, or administrative expense that is related to such activities;

“(C) seminars and conferences involving members of maritime authorities of foreign governments;

“(D) distribution of publications pertinent to engagement with maritime authorities of foreign governments; and

“(E) personnel expenses for Coast Guard civilian and military personnel to the extent that those expenses relate to participation in an activity described in subparagraph (C) or (D).

“(2) An activity may not be conducted under this subsection with a foreign country unless the Secretary of State approves the conduct of such activity in that foreign country.”.

SEC. 221. COAST GUARD HOUSING.

(a) IN GENERAL.—Chapter 18 of title 14, United States Code, is amended—

(1) in section 680—

(A) by striking paragraphs (1), (2), and (3) and inserting the following new paragraphs:

“(1) The term ‘construct’ means to build, renovate, or improve military family housing and military unaccompanied housing.

“(2) The term ‘construction’ means building, renovating, or improving military family housing and military unaccompanied housing.”; and

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively;

(2) in section 681(a)—

(A) in the matter preceding paragraph (1), by striking “exercise any authority or any combination of authorities provided under this chapter in order to provide for the acquisition or construction by private persons, including a small business concern qualified under section 8(a) of the Small Business Act (15 U.S.C. 637(a)), of the following:” and inserting “acquire or construct the following:”;

(B) in paragraph (1), by striking “Family housing units” and inserting “Military family housing”; and

(C) in paragraph (2), by striking “Unaccompanied housing units” and inserting “Military unaccompanied housing”;

(3) by repealing sections 682, 683, and 684;

(4) by amending section 685 to read as follows:

“§ 685. Conveyance of real property

“(a) CONVEYANCE AUTHORIZED.—Notwithstanding any other provision of law, the Secretary may convey, at fair market value, real property, owned or under the administrative control of the Coast Guard, for the purpose of expending the proceeds from such conveyance to acquire and construct military family housing and military unaccompanied housing.

“(b) TERMS AND CONDITIONS.—

“(1) The conveyance of real property under this section shall be by sale, for cash. The Secretary shall deposit the proceeds from

the sale in the Coast Guard Housing Fund established under section 687 of this title, for the purpose of expending such proceeds to acquire and construct military family housing and military unaccompanied housing.

“(2) The conveyance of real property under this section shall not diminish the mission capacity of the Coast Guard, but further the mission support capability of the Coast Guard with regard to military family housing or military unaccompanied housing.

“(c) RELATIONSHIP TO ENVIRONMENTAL LAW.—This section does not affect or limit the application of or obligation to comply with any environmental law, including section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).”;

(5) by repealing section 686;

(6) in section 687—

(A) in subsection (b)—

(i) in paragraph (2), by striking “or unaccompanied” and inserting “or military unaccompanied”;

(ii) in paragraph (3)—

(I) by striking “or lease”;

(II) by striking “or facilities”; and

(III) by striking “military family and” and inserting “military family housing and”; and

(iii) by repealing paragraph (4);

(B) subsection (c), by amending paragraph (1) to read as follows: (1) In such amounts as provided in appropriations Acts, and except as provided in subsection (d), the Secretary may use amounts in the Coast Guard Housing Fund to carry out activities under this chapter with respect to military family housing and military unaccompanied housing, including—

“(A) the planning, execution, and administration of the conveyance of real property;

“(B) all necessary expenses, including expenses for environmental compliance and restoration, to prepare real property for conveyance; and

“(C) the conveyance of real property.”;

(C) in subsection (e), by striking “or b(3)”;

(D) by repealing subsections (f) and (g);

(7) by repealing 687a;

(8) by amending section 688 to read as follows:

“§ 688. Reports

“The Secretary shall prepare and submit to Congress, concurrent with the budget submitted pursuant to section 1105 of title 31, a report identifying the contracts or agreements for the conveyance of properties pursuant to this chapter executed during the prior calendar year.”; and

(9) by repealing section 689.

(b) SAVINGS CLAUSE.—This section shall not affect any action commenced prior to the date of enactment of this Act.

(c) CLERICAL AMENDMENT.—The chapter analysis at the beginning of such chapter is amended—

(1) by striking the items relating to sections 682, 683, 684, 686, 687a, and 689; and

(2) by amending the item relating to section 685 to read as follows:

“685. Conveyance of real property.”.

SEC. 222. CHILD DEVELOPMENT SERVICES.

Section 515 of title 14, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

“(b)(1) The Commandant is authorized to use appropriated funds available to the Coast Guard to provide child development services.

“(2)(A) The Commandant is authorized to establish, by regulations, fees to be charged parents for the attendance of children at Coast Guard child development centers.

“(B) Fees to be charged, pursuant to subparagraph (A), shall be based on family income, except that the Commandant may, on a case-by-base basis, establish fees at lower rates if such rates would not be competitive with rates at local child development centers.

“(C) The Commandant is authorized to collect and expend fees, established pursuant to this subparagraph, and such fees shall, without further appropriation, remain available until expended for the purpose of providing services, including the compensation of employees and the purchase of consumable and disposable items, at Coast Guard child development centers.

“(3) The Commandant is authorized to use appropriated funds available to the Coast Guard to provide assistance to family home daycare providers so that family home daycare services can be provided to uniformed service members and civilian employees of the Coast Guard at a cost comparable to the cost of services provided by Coast Guard child development centers.”;

(2) by repealing subsections (d) and (e); and
(3) by redesignating subsections (f) and (g) as subsections (d) and (e), respectively.

SEC. 223. CHAPLAIN ACTIVITY EXPENSE.

Section 145 of title 14, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(4) detail personnel from the Chaplain Corps to provide services, pursuant to section 1789 of title 10, to the Coast Guard.”; and

(2) by adding at the end the following new subsection:

“(d)(1) As part of the services provided by the Secretary of the Navy pursuant to subsection (a)(4), the Secretary may provide support services to chaplain-led programs to assist members of the Coast Guard on active duty and their dependents, and members of the reserve component in an active status and their dependents, in building and maintaining a strong family structure.

“(2) In this subsection, the term ‘support services’ include transportation, food, lodging, child care, supplies, fees, and training materials for members of the Coast Guard on active duty and their dependents, and members of the reserve component in an active status and their dependents, while participating in programs referred to in paragraph (1), including participation at retreats and conferences.

“(3) In this subsection, the term ‘dependents’ has the same meaning as defined in section 1072(2) of title 10.”.

SEC. 224. COAST GUARD CROSS; SILVER STAR MEDAL.

(a) COAST GUARD CROSS.—Chapter 13 of title 14, United States Code, is amended by inserting after section 491 the following new section:

“§ 491a. Coast Guard cross

“The President may award a Coast Guard cross of appropriate design, with ribbons and appurtenances, to a person who, while serving in any capacity with the Coast Guard, when the Coast Guard is not operating under the Department of the Navy, distinguishes himself or herself by extraordinary heroism not justifying the award of a medal of honor—

“(1) while engaged in an action against an enemy of the United States;

“(2) while engaged in military operations involving conflict with an opposing foreign force or international terrorist organization; or

“(3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.”.

(b) SILVER STAR MEDAL.—Such chapter is further amended—

(1) by striking the designation and heading of section 492a and inserting the following:

“§ 492b. Distinguished flying cross”;

and

(2) by inserting after section 492 the following new section:

“§ 492a. Silver star medal

“The President may award a silver star medal of appropriate design, with ribbons and appurtenances, to a person who, while serving in any capacity with the Coast Guard, when the Coast Guard is not operating under the Department of the Navy, is cited for gallantry in action that does not warrant a medal of honor or Coast Guard cross—

“(1) while engaged in an action against an enemy of the United States;

“(2) while engaged in military operations involving conflict with an opposing foreign force or international terrorist organization; or

“(3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.”.

(c) CONFORMING AMENDMENTS.—Such chapter is further amended—

(1) in section 494, by striking “distinguished service medal, distinguished flying cross,” and inserting “Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross,” in both places it appears;

(2) in section 496—

(A) in the matter preceding paragraph (1) of subsection (a), by striking “distinguished service medal, distinguished flying cross,” and inserting “Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross,”; and

(B) in subsection (b)(2), by striking “distinguished service medal, distinguished flying cross,” and inserting “Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross,”; and

(3) in section 497, by striking “distinguished service medal, distinguished flying cross,” and inserting “Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross,”.

(d) CLERICAL AMENDMENTS.—The analysis at the beginning of such chapter is amended—

(1) by inserting after the item relating to section 491 the following new item:

“491a. Coast Guard cross.”.

(2) by striking the item relating to section 492a and inserting the following new items:

“492a. Silver star medal.

“492b. Distinguished flying cross.”.

TITLE III—SHIPPING AND NAVIGATION

SEC. 301. SEAWARD EXTENSION OF ANCHORAGE GROUNDS JURISDICTION.

Section 7 of the Rivers and Harbors Appropriations Act of 1915 (33 U.S.C. 471) is amended—

(1) by striking “That the” and inserting the following:

“(a) IN GENERAL.—The”.

(2) in subsection (a) (as designated by paragraph (1)) by striking “\$100; and the” and in-

serting “up to \$10,000. Each day during which a violation continues shall constitute a separate violation. The”;

(3) by adding at the end the following:

“(b) DEFINITION.—As used in this section ‘navigable waters of the United States’ includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.”.

SEC. 302. MARITIME DRUG LAW ENFORCEMENT ACT AMENDMENT—SIMPLE POSSESSION.

Section 70506 of title 46, United States Code, is amended by adding at the end the following:

“(c) SIMPLE POSSESSION.—

“(1) IN GENERAL.—Any individual on a vessel subject to the jurisdiction of the United States who is found by the Secretary, after notice and an opportunity for a hearing, to have knowingly or intentionally possessed a controlled substance within the meaning of the Controlled Substances Act (21 U.S.C. 812) shall be liable to the United States for a civil penalty of not to exceed \$5,000 for each violation. The Secretary shall notify the individual in writing of the amount of the civil penalty.

“(2) DETERMINATION OF AMOUNT.—In determining the amount of the penalty, the Secretary shall consider the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other matters that justice requires.

“(3) TREATMENT OF CIVIL PENALTY ASSESSMENT.—Assessment of a civil penalty under this subsection shall not be considered a conviction for purposes of State or Federal law but may be considered proof of possession if such a determination is relevant.”.

SEC. 303. TECHNICAL AMENDMENTS TO TONNAGE MEASUREMENT LAW.

(a) DEFINITIONS.—Section 14101(4) of title 46, United States Code, is amended—

(1) by striking “engaged” the first place it appears and inserting “that engages”;

(2) in subparagraph (A), by striking “arriving” and inserting “that arrives”;

(3) in subparagraph (B)—

(A) by striking “making” and inserting “that makes”; and

(B) by striking “(except a foreign vessel engaged on that voyage)”;

(4) in subparagraph (C), by striking “departing” and inserting “that departs”; and

(5) in subparagraph (D), by striking “making” and inserting “that makes”.

(b) DELEGATION OF AUTHORITY.—Section 14103(c) of that title is amended by striking “intended to be engaged on” and inserting “that engages on”.

(c) APPLICATION.—Section 14301 of that title is amended—

(1) by amending subsection (a) to read as follows:

“(a) Except as otherwise provided in this section, this chapter applies to any vessel for which the application of an international agreement or other law of the United States to the vessel depends on the vessel’s tonnage.”;

(2) in subsection (b)—

(A) in paragraph (1), by striking the period at the end and inserting “, unless the government of the country to which the vessel belongs elects to measure the vessel under this chapter.”;

(B) in paragraph (3), by inserting “of United States or Canadian registry or nationality, or a vessel operated under the authority of the United States or Canada, and that is” after “vessel”;

(C) in paragraph (4), by striking “a vessel (except a vessel engaged)” and inserting “a vessel of United States registry or nationality, or one operated under the authority of the United States (except a vessel that engages”;

(D) by striking paragraph (5);

(E) by redesignating paragraph (6) as paragraph (5); and

(F) by amending paragraph (5), as so redesignated, to read as follows:

“(5) a barge of United States registry or nationality, or a barge operated under the authority of the United States (except a barge that engages on a foreign voyage) unless the owner requests.”;

(3) by striking subsection (c);

(4) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively; and

(5) in subsection (c), as redesignated, by striking “After July 18, 1994, an existing vessel (except an existing vessel referred to in subsection (b)(5)(A) or (B) of this section)” and inserting “An existing vessel that has not undergone a change that the Secretary finds substantially affects the vessel’s gross tonnage (or a vessel to which IMO Resolutions A.494 (XII) of November 19, 1981, A.540 (XIII) of November 17, 1983, or A.541 (XIII) of November 17, 1983, apply)”.

(d) MEASUREMENT.—Section 14302(b) of that title is amended to read as follows:

“(b) A vessel measured under this chapter may not be required to be measured under another law.”.

(e) TONNAGE CERTIFICATE.—

(1) ISSUANCE.—Section 14303 of title 46, United States Code, is amended—

(A) in subsection (a), by adding at the end the following: “For a vessel to which the Convention does not apply, the Secretary shall prescribe a certificate to be issued as evidence of a vessel’s measurement under this chapter.”;

(B) in subsection (b), by inserting “issued under this section” after “certificate”; and

(C) in the section heading by striking “**International**” and “(1969)”.

(2) MAINTENANCE.—Section 14503 of that title is amended—

(A) by designating the existing text as subsection (a); and

(B) by adding at the end the following new subsection:

“(b) The certificate shall be maintained as required by the Secretary.”.

(3) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 143 of that title is amended by striking the item relating to section 14303 and inserting the following: “14303. Tonnage Certificate.”.

(f) OPTIONAL REGULATORY MEASUREMENT.—Section 14305(a) of that title is amended by striking “documented vessel measured under this chapter,” and inserting “vessel measured under this chapter that is of United States registry or nationality, or a vessel operated under the authority of the United States.”.

(g) APPLICATION.—Section 14501 of that title is amended—

(1) by amending paragraph (1) to read as follows:

“(1) A vessel not measured under chapter 143 of this title if the application of an international agreement or other law of the United States to the vessel depends on the vessel’s tonnage.”; and

(2) in paragraph (2), by striking “a vessel” and inserting “A vessel”.

(h) DUAL TONNAGE MEASUREMENT.—Section 14513(c) of that title is amended—

(1) in paragraph (1)—

(A) by striking “vessel’s tonnage mark is below the uppermost part of the load line

marks,” and inserting “vessel is assigned two sets of gross and net tonnages under this section.”; and

(B) by inserting “vessel’s tonnage” before “mark” the second place such term appears; and

(2) in paragraph (2), by striking the period at the end and inserting “as assigned under this section.”.

(i) RECIPROCITY FOR FOREIGN VESSELS.—Subchapter II of chapter 145 of that title is amended by adding at the end the following:

“§ 14514. Reciprocity for foreign vessels

“For a foreign vessel not measured under chapter 143, if the Secretary finds that the laws and regulations of a foreign country related to measurement of vessels are substantially similar to those of this chapter and the regulations prescribed under this chapter, the Secretary may accept the measurement and certificate of a vessel of that foreign country as complying with this chapter and the regulations prescribed under this chapter.”.

(j) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 145 of such title is amended by adding at the end the following: “14514. Reciprocity for foreign vessels.”.

SEC. 304. MERCHANT MARINER DOCUMENT STANDARDS.

Not later than 270 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(1) a plan, including estimated costs, to ensure that the process for an application, by an individual who has, or has applied for, a transportation security card under section 70105 of title 46, United States Code, for a merchant mariner document can be completed entirely by mail; and

(2) a report on the feasibility of, and a timeline to, redesign the merchant mariner document to comply with the requirements of such section, including a biometric identifier, and all relevant international conventions, including the International Labour Organization Convention Number 185 concerning the seafarers identity document, and include a review on whether or not such redesign will eliminate the need for separate identity credentials and background screening and streamline the application process for mariners.

SEC. 305. SHIP EMISSION REDUCTION TECHNOLOGY DEMONSTRATION PROJECT.

(a) STUDY.—The Commandant of the Coast Guard, in conjunction with the Administrator of the Environmental Protection Agency, shall conduct a study—

(1) that surveys new technology and new applications of existing technology for reducing air emissions from cargo or passenger vessels that operate in United States waters and ports; and

(2) that identifies the impediments, including any laws or regulations, to demonstrating the technology identified in paragraph (1).

(b) REPORT.—Within 180 days after the date of enactment of this Act, the Commandant shall submit a report on the results of the study conducted under subsection (a) to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate.

SEC. 306. PHASEOUT OF VESSELS SUPPORTING OIL AND GAS DEVELOPMENT.

(a) IN GENERAL.—Notwithstanding section 12111(d) of title 46, United States Code, foreign-flag vessels may be chartered by, or on behalf of, a lessee to be employed for the setting, relocation, or recovery of anchors or other mooring equipment of a mobile offshore drilling unit that is located over the Outer Continental Shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)) for operations in support of exploration, or flow-testing and stimulation of wells, for offshore mineral or energy resources in the Beaufort Sea or the Chukchi Sea adjacent to Alaska—

(1) for a 1-year period from the date the lessee gives the Secretary of Transportation written notice of the commencement of such exploration drilling if the Secretary determines, after publishing notice in the Federal Register, that insufficient vessels documented under section 12111(d) of title 46, United States Code, are reasonably available and suitable for these support operations and all such reasonably available and suitable vessels are employed in support of such operations; and

(2) for an additional period until such vessels are available if the Secretary of Transportation determines—

(A) that, by April 30 of the year following the commencement of exploration drilling, the lessee has entered into a binding agreement to employ a suitable vessel or vessels to be documented under section 12111(d) of title 46, United States Code, in sufficient numbers and with sufficient suitability to replace any foreign-flag vessel or vessels operating under this section; and

(B) after publishing notice in the Federal Register, that insufficient vessels documented under section 12111(d) of title 46, United States Code, are reasonably available and suitable for these support operations and all such reasonably available and suitable vessels are employed in support of such operations.

(b) EXPIRATION.—Irrespective of the year in which the commitment referred to in subsection (a)(2)(A) occurs, foreign-flag anchor handling vessels may not be employed for the setting, relocation, or recovery of anchors or other mooring equipment of a mobile offshore drilling unit after December 31, 2017.

(c) LESSEE DEFINED.—In this section, the term “lessee” means the holder of a lease (as defined in section 1331(c) of title 43, United States Code), who, prior to giving the written notice in subsection (a)(1), has entered into a binding agreement to employ a suitable vessel documented or to be documented under 12111(d) of title 46, United States Code.

(d) SAVINGS PROVISION.—Nothing in subsection (a) may be construed to authorize the employment in the coastwise trade of a vessel that does not meet the requirements of 12111 of title 46, United States Code.

SEC. 307. ARCTIC MARINE SHIPPING ASSESSMENT IMPLEMENTATION.

(a) PURPOSE.—The purpose of this section is to ensure safe and secure maritime shipping in the Arctic including the availability of aids to navigation, vessel escorts, spill response capability, and maritime search and rescue in the Arctic.

(b) INTERNATIONAL MARITIME ORGANIZATION AGREEMENTS.—To carry out the purpose of this section, the Secretary of the department in which the Coast Guard is operating is encouraged to enter into negotiations through the International Maritime Organization to conclude and execute agreements to promote

coordinated action among the United States, Russia, Canada, Iceland, Norway, and Denmark and other seafaring and Arctic nations to ensure, in the Arctic—

(1) placement and maintenance of aids to navigation;

(2) appropriate marine safety, tug, and salvage capabilities;

(3) oil spill prevention and response capability;

(4) maritime domain awareness, including long-range vessel tracking; and

(5) search and rescue.

(c) **COORDINATION BY COMMITTEE ON THE MARITIME TRANSPORTATION SYSTEM.**—The Committee on the Maritime Transportation System established under a directive of the President in the Ocean Action Plan, issued December 17, 2004, shall coordinate the establishment of domestic transportation policies in the Arctic necessary to carry out the purpose of this section.

(d) **AGREEMENTS AND CONTRACTS.**—The Secretary of the department in which the Coast Guard is operating may, subject to the availability of appropriations, enter into cooperative agreements, contracts, or other agreements with, or make grants to individuals and governments to carry out the purpose of this section or any agreements established under subsection (b).

(e) **ICEBREAKING.**—The Secretary of the department in which the Coast Guard is operating shall promote safe maritime navigation by means of icebreaking where necessary, feasible, and effective to carry out the purposes of this section.

(f) **INDEPENDENT ICE BREAKER ANALYSES.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall require a non-governmental, independent third party (other than the National Academy of Sciences) that has extensive experience in the analysis of military procurements, to—

(A) conduct a comparative cost-benefit analysis, taking into account future Coast Guard budget projections (which assume Coast Guard budget growth of no more than inflation) and other recapitalization needs, of—

(i) rebuilding, renovating, or improving the existing fleet of polar icebreakers for operation by the Coast Guard;

(ii) constructing new polar icebreakers for operation by the Coast Guard;

(iii) construction of new polar icebreakers by the National Science Foundation for operation by the Foundation;

(iv) rebuilding, renovating, or improving the existing fleet of polar icebreakers by the National Science Foundation for operation by the Foundation; and

(v) any combination of the activities described in clause (i), (ii), (iii), or (iv) to carry out the missions of the Coast Guard and the National Science Foundation; and

(B) conduct a comprehensive analysis of the impact on all Coast Guard activities, including operations, maintenance, procurements, and end strength, of the acquisition of polar icebreakers described in subparagraph (A) by the Coast Guard or the National Science Foundation assuming that total Coast Guard funding will not increase more than the annual rate of inflation.

(2) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit a report containing the results of the analyses required under paragraph (1), together with recommendations the Commandant considers

appropriate under section 93(a)(24) of title 14, United States Code, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(g) **HIGH-LATITUDE STUDY.**—Not later than 90 days after the date of enactment of this Act or the date of completion of the ongoing High-Latitude Study to assess polar icebreaking mission requirements for all Coast Guard missions including search and rescue, marine pollution response and prevention, fisheries enforcement, and maritime commerce, whichever occurs later, the Commandant of the Coast Guard shall submit a report containing the results of the study, together with recommendations the Commandant considers appropriate under section 93(a)(24) of title 14, United States Code, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(h) **ARCTIC DEFINITION.**—In this section the term “Arctic” has the same meaning as in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

TITLE IV—ACQUISITION REFORM

SEC. 401. CHIEF ACQUISITION OFFICER.

(a) **IN GENERAL.**—Chapter 3 of title 14, United States Code, is further amended by adding at the end the following:

“§ 56. Chief Acquisition Officer

“(a) **IN GENERAL.**—There shall be in the Coast Guard a Chief Acquisition Officer selected by the Commandant who shall be a Rear Admiral or civilian from the Senior Executive Service (career reserved) and who meets the qualifications set forth under subsection (b). The Chief Acquisition Officer shall serve at the Assistant Commandant level and have acquisition management as that individual’s primary duty.

“(b) **QUALIFICATIONS.**—

“(1) The Chief Acquisition Officer and any flag officer serving in the Acquisition Directorate shall be an acquisition professional with a Level III acquisition management certification and must have at least 10 years experience in an acquisition position, of which at least 4 years were spent as—

“(A) the program executive officer;

“(B) the program manager of a Level 1 or Level 2 acquisition project or program;

“(C) the deputy program manager of a Level 1 or Level 2 acquisition;

“(D) the project manager of a Level 1 or Level 2 acquisition; or

“(E) any other acquisition position of significant responsibility in which the primary duties are supervisory or management duties.

“(2) The Commandant shall periodically publish a list of the positions designated under paragraph (1).

“(3) In this subsection each of the terms ‘Level 1 acquisition’ and ‘Level 2 acquisition’ has the meaning that term has in chapter 15 of this title.

“(c) **FUNCTIONS OF THE CHIEF ACQUISITION OFFICER.**—The functions of the Chief Acquisition Officer include—

“(1) monitoring the performance of acquisition projects and programs on the basis of applicable performance measurements and advising the Commandant, through the chain of command, regarding the appropriate business strategy to achieve the missions of the Coast Guard;

“(2) maximizing the use of full and open competition at the prime contract and sub-contract levels in the acquisition of prop-

erty, capabilities, assets, and services by the Coast Guard by establishing policies, procedures, and practices that ensure that the Coast Guard receives a sufficient number of sealed bids or competitive proposals from responsible sources to fulfill the Government’s requirements, including performance and delivery schedules, at the lowest cost or best value considering the nature of the property, capability, asset, or service procured;

“(3) making acquisition decisions in concurrence with the technical authority, or technical authorities, of the Coast Guard, as designated by the Commandant, consistent with all other applicable laws and decisions establishing procedures within the Coast Guard;

“(4) ensuring the use of detailed performance specifications in instances in which performance-based contracting is used;

“(5) managing the direction of acquisition policy for the Coast Guard, including implementation of the unique acquisition policies, regulations, and standards of the Coast Guard;

“(6) developing and maintaining an acquisition career management program in the Coast Guard to ensure that there is an adequate acquisition workforce;

“(7) assessing the requirements established for Coast Guard personnel regarding knowledge and skill in acquisition resources and management and the adequacy of such requirements for facilitating the achievement of the performance goals established for acquisition management;

“(8) developing strategies and specific plans for hiring, training, and professional development; and

“(9) reporting to the Commandant, through the chain of command, on the progress made in improving acquisition management capability.”.

(b) **CLERICAL AMENDMENT.**—The table of contents for chapter 3 of title 14, United States Code, is amended by adding at the end the following:

“56. Chief Acquisition Officer.”.

(c) **SELECTION DEADLINE.**—As soon as practicable after the date of enactment of this Act, but no later than October 1, 2011, the Commandant of the Coast Guard shall select a Chief Acquisition Officer under section 56 of title 14, United States Code, as amended by this section.

(d) **SPECIAL RATE SUPPLEMENTS.**—

(1) **REQUIREMENT TO ESTABLISH.**—Not later than 1 year after the date of enactment of this Act and in accordance with part 9701.333 of title 5, Code of Federal Regulations, the Commandant of the Coast Guard shall establish special rate supplements that provide higher pay levels for employees necessary to carry out the amendment made by this section.

(2) **SUBJECT TO APPROPRIATIONS.**—The requirement under paragraph (1) is subject to the availability of appropriations.

(e) **ELEVATION OF DISPUTES TO THE CHIEF ACQUISITION OFFICER.**—If, after 90 days following the elevation to the Chief Acquisition Officer of any design or other dispute regarding Level 1 or Level 2 acquisition, the dispute remains unresolved, the Commandant shall provide to the appropriate congressional committees a detailed description of the issue and the rationale underlying the decision taken by the Chief Acquisition Officer to resolve the issue.

SEC. 402. ACQUISITIONS.

(a) **IN GENERAL.**—Part I of title 14, United States Code, is amended by inserting after chapter 13 the following:

"CHAPTER 15—ACQUISITIONS

"SUBCHAPTER I—GENERAL PROVISIONS

"Sec.

"561. Acquisition directorate.

"562. Improvements in Coast Guard acquisition management.

"563. Recognition of Coast Guard personnel for excellence in acquisition.

"564. Prohibition on use of lead systems integrators.

"565. Required contract terms.

"566. Department of Defense consultation.

"567. Undefinitized contractual actions.

"568. Guidance on excessive pass-through charges.

"569. Report on former Coast Guard officials employed by contractors to the agency.

"SUBCHAPTER II—IMPROVED ACQUISITION PROCESS AND PROCEDURES

"Sec.

"571. Identification of major system acquisitions.

"572. Acquisition.

"573. Preliminary development and demonstration.

"574. Acquisition, production, deployment, and support.

"575. Acquisition program baseline breach.

"576. Acquisition approval authority.

"SUBCHAPTER III—DEFINITIONS

"581. Definitions.

"SUBCHAPTER I—GENERAL PROVISIONS

"§ 561. Acquisition directorate

"(a) ESTABLISHMENT.—The Commandant of the Coast Guard shall establish an acquisition directorate to provide guidance and oversight for the implementation and management of all Coast Guard acquisition processes, programs, and projects.

"(b) MISSION.—The mission of the acquisition directorate is—

"(1) to acquire and deliver assets and systems that increase operational readiness, enhance mission performance, and create a safe working environment; and

"(2) to assist in the development of a workforce that is trained and qualified to further the Coast Guard's missions and deliver the best-value products and services to the Nation.

"§ 562. Improvements in Coast Guard acquisition management

"(a) PROJECT OR PROGRAM MANAGERS.—

"(1) LEVEL 1 PROJECTS.—An individual may not be assigned as the project or program manager for a Level 1 acquisition unless the individual holds a Level III acquisition certification as a program manager.

"(2) LEVEL 2 PROJECTS.—An individual may not be assigned as the project or program manager for a Level 2 acquisition unless the individual holds a Level II acquisition certification as a program manager.

"(b) GUIDANCE ON TENURE AND ACCOUNTABILITY OF PROGRAM AND PROJECT MANAGERS.—

"(1) ISSUANCE OF GUIDANCE.—Not later than one year after the date of enactment of the Coast Guard Authorization Act for Fiscal Years 2010 and 2011, the Commandant shall issue guidance to address the qualifications, resources, responsibilities, tenure, and accountability of program and project managers for the management of acquisition projects and programs. The guidance shall address, at a minimum—

"(A) the qualifications required for project or program managers, including the number of years of acquisition experience and the professional training levels to be required of those appointed to project or program management positions;

"(B) authorities available to project or program managers, including, to the extent appropriate, the authority to object to the addition of new program requirements that would be inconsistent with the parameters established for an acquisition program; and

"(C) the extent to which a project or program manager who initiates a new acquisition project or program will continue in management of that project or program without interruption until the delivery of the first production units of the program.

"(2) STRATEGY.—

"(A) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Commandant shall develop a comprehensive strategy for enhancing the role of Coast Guard project or program managers in developing and carrying out acquisition programs.

"(B) MATTERS TO BE ADDRESSED.—The strategy required by this section shall address, at a minimum—

"(i) the creation of a specific career path and career opportunities for individuals who are or may become project or program managers, including the rotational assignments that will be provided to project or program managers;

"(ii) the provision of enhanced training and educational opportunities for individuals who are or may become project or program managers;

"(iii) the provision of mentoring support to current and future project or program managers by experienced senior executives and program managers within the Coast Guard, and through rotational assignments to the Department of Defense;

"(iv) the methods by which the Coast Guard will collect and disseminate best practices and lessons learned on systems acquisition to enhance project and program management throughout the Coast Guard;

"(v) the templates and tools that will be used to support improved data gathering and analysis for project and program management and oversight purposes, including the metrics that will be utilized to assess the effectiveness of Coast Guard project or program managers in managing systems acquisition efforts; and

"(vi) the methods by which the accountability of project or program managers for the results of acquisition projects and programs will be increased.

"(c) ACQUISITION WORKFORCE.—

"(1) IN GENERAL.—The Commandant shall designate a sufficient number of positions to be in the Coast Guard's acquisition workforce to perform acquisition-related functions at Coast Guard headquarters and field activities.

"(2) REQUIRED POSITIONS.—In designating positions under subsection (a), the Commandant shall include, at a minimum, positions encompassing the following competencies and functions:

"(A) Program management.

"(B) Systems planning, research, development, engineering, and testing.

"(C) Procurement, including contracting.

"(D) Industrial and contract property management.

"(E) Life-cycle logistics.

"(F) Quality control and assurance.

"(G) Manufacturing and production.

"(H) Business, cost estimating, financial management, and auditing.

"(I) Acquisition education, training, and career development.

"(J) Construction and facilities engineering.

"(K) Testing and evaluation.

"(3) ACQUISITION MANAGEMENT HEADQUARTER ACTIVITIES.—The Commandant shall also designate as positions in the acquisition workforce under paragraph (1) those acquisition-related positions located at Coast Guard headquarters units.

"(4) APPROPRIATE EXPERTISE REQUIRED.—The Commandant shall ensure that each individual assigned to a position in the acquisition workforce has the appropriate expertise to carry out the responsibilities of that position.

"(d) MANAGEMENT INFORMATION SYSTEM.—

"(1) IN GENERAL.—The Commandant shall establish a management information system capability to improve acquisition workforce management and reporting.

"(2) INFORMATION MAINTAINED.—Information maintained with such capability shall include the following standardized information on individuals assigned to positions in the workforce:

"(A) Qualifications, assignment history, and tenure of those individuals assigned to positions in the acquisition workforce or holding acquisition-related certifications.

"(B) Promotion rates for officers and members of the Coast Guard in the acquisition workforce.

"(e) REPORT ON ADEQUACY OF ACQUISITION WORKFORCE.—

"(1) IN GENERAL.—The Commandant shall report to the appropriate congressional committees and the Committee on Homeland Security of the House of Representatives by July 1 of each year on the scope of the acquisition activities to be performed in the next fiscal year and on the adequacy of the current acquisition workforce to meet that anticipated workload.

"(2) CONTENTS.—The report shall—

"(A) specify the number of officers, members, and employees of the Coast Guard currently and planned to be assigned to each position designated under subsection (c); and

"(B) identify positions that are understaffed to meet the anticipated acquisition workload, and actions that will be taken to correct such understaffing.

"(f) APPOINTMENTS TO ACQUISITION POSITIONS.—The Commandant shall ensure that no requirement or preference for officers or members of the Coast Guard is used in the consideration of persons for positions in the acquisition workforce.

"(g) CAREER PATHS.—

"(1) IDENTIFICATION OF CAREER PATHS.—To establish acquisition management as a core competency of the Coast Guard, the Commandant shall—

"(A) ensure that career paths for officers, members, and employees of the Coast Guard who wish to pursue careers in acquisition are identified in terms of the education, training, experience, and assignments necessary for career progression of those officers, members, and employees to the most senior positions in the acquisition workforce; and

"(B) publish information on such career paths.

"(2) PROMOTION PARITY.—The Commandant shall ensure that promotion parity is established for officers and members of the Coast Guard who have been assigned to the acquisition workforce relative to officers and members who have not been assigned to the acquisition workforce.

"§ 563. Recognition of Coast Guard personnel for excellence in acquisition

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Coast Guard Authorization Act for Fiscal Years 2010 and 2011, the Commandant shall commence implementation of a program to recognize excellent performance by individuals

and teams comprised of officers, members, and employees of the Coast Guard that contributed to the long-term success of a Coast Guard acquisition project or program.

“(b) ELEMENTS.—The program shall include—

“(1) specific award categories, criteria, and eligibility and manners of recognition;

“(2) procedures for the nomination by personnel of the Coast Guard of individuals and teams comprised of officers, members, and employees of the Coast Guard for recognition under the program; and

“(3) procedures for the evaluation of nominations for recognition under the program by one or more panels of individuals from the Government, academia, and the private sector who have such expertise and are appointed in such manner as the Commandant shall establish for the purposes of this program.

“(c) AWARD OF CASH BONUSES.—As part of the program required by subsection (a), the Commandant, subject to the availability of appropriations, may award to any civilian employee recognized pursuant to the program a cash bonus to the extent that the performance of such individual so recognized warrants the award of such bonus.

“§ 564. Prohibition on use of lead systems integrators

“(a) IN GENERAL.—

“(1) USE OF LEAD SYSTEMS INTEGRATOR.—Except as provided in subsection (b), the Commandant may not use a private sector entity as a lead systems integrator for an acquisition contract awarded or delivery order or task order issued after the date of enactment of the Coast Guard Authorization Act for Fiscal Years 2010 and 2011.

“(2) FULL AND OPEN COMPETITION.—The Commandant and any lead systems integrator engaged by the Coast Guard, pursuant to the exceptions described in subsection (b), shall use full and open competition for any acquisition contract awarded after the date of enactment of that Act, unless otherwise excepted in accordance with Federal acquisition laws and regulations promulgated under those laws, including the Federal Acquisition Regulation.

“(3) NO EFFECT ON SMALL BUSINESS ACT.—Nothing in this subsection shall be construed to supersede or otherwise affect the authorities provided by and under the Small Business Act (15 U.S.C. 631 et seq.).

“(b) EXCEPTIONS.—

“(1) NATIONAL DISTRESS AND RESPONSE SYSTEM MODERNIZATION PROGRAM; C4ISR; NATIONAL SECURITY CUTTERS 2 AND 3.—Notwithstanding subsection (a), the Commandant may use a private sector entity as a lead systems integrator for the Coast Guard to complete the National Distress and Response System Modernization Program (otherwise known as the ‘Rescue 21’ program), the C4ISR projects directly related to the Integrated Deepwater program, and National Security Cutters 2 and 3, if the Secretary of the department in which the Coast Guard is operating certifies that—

“(A) the acquisition is in accordance with Federal law and the Federal Acquisition Regulation; and

“(B) the acquisition and the use of a private sector lead systems integrator for the acquisition is in the best interest of the Federal Government.

“(2) REPORT ON DECISIONMAKING PROCESS.—If the Commandant uses a private sector lead systems integrator for an acquisition, the Commandant shall notify in writing the appropriate congressional committees of the Commandant’s determination and shall provide

vide to such committees a detailed rationale for the determination, at least 30 days before the award of a contract or issuance of a delivery order or task order, using a private sector lead systems integrator, including a comparison of the cost of the acquisition through the private sector lead systems integrator with the expected cost if the acquisition were awarded directly to the manufacturer or shipyard. For purposes of that comparison, the cost of award directly to a manufacturer or shipyard shall include the costs of Government contract management and oversight.

“(c) LIMITATION ON LEAD SYSTEMS INTEGRATORS.—Neither an entity performing lead systems integrator functions for a Coast Guard acquisition nor a Tier 1 subcontractor for any acquisition may have a financial interest in a subcontractor below the Tier 1 subcontractor level unless—

“(1) the subcontractor was selected by the prime contractor through full and open competition for such procurement;

“(2) the procurement was awarded by the lead systems integrator or a subcontractor through full and open competition;

“(3) the procurement was awarded by a subcontractor through a process over which the lead systems integrator and a Tier 1 subcontractor exercised no control; or

“(4) the Commandant has determined that the procurement was awarded in a manner consistent with Federal acquisition laws and regulations promulgated under those laws, including the Federal Acquisition Regulation.

“(d) TERMINATION DATE FOR EXCEPTIONS.—Except as described in subsection (b)(1), the Commandant may not use a private sector entity as a lead systems integrator for acquisition contracts awarded, or task orders or delivery orders issued, after the earlier of—

“(1) September 30, 2011; or

“(2) the date on which the Commandant certifies in writing to the appropriate congressional committees that the Coast Guard has available and can retain sufficient acquisition workforce personnel and expertise within the Coast Guard, through an arrangement with other Federal agencies, or through contracts or other arrangements with private sector entities, to perform the functions and responsibilities of the lead systems integrator in an efficient and cost-effective manner.

“§ 565. Required contract terms

“(a) IN GENERAL.—The Commandant shall ensure that a contract awarded or a delivery order or task order issued for an acquisition of a capability or an asset with an expected service life of 10 or more years and with a total acquisition cost that is equal to or exceeds \$10,000,000 awarded or issued by the Coast Guard after the date of enactment of the Coast Guard Authorization Act for Fiscal Years 2010 and 2011—

“(1) provides that all certifications for an end-state capability or asset under such contract, delivery order, or task order, respectively, will be conducted by the Commandant or an independent third party, and that self-certification by a contractor or subcontractor is not allowed;

“(2) provides that the Commandant shall maintain the authority to establish, approve, and maintain technical requirements;

“(3) requires that any measurement of contractor and subcontractor performance be based on the status of all work performed, including the extent to which the work performed met all performance, cost, and schedule requirements;

“(4) specifies that, for the acquisition or upgrade of air, surface, or shore capabilities

and assets for which compliance with TEMPEST certification is a requirement, the standard for determining such compliance will be the air, surface, or shore standard then used by the Department of the Navy for that type of capability or asset; and

“(5) for any contract awarded to acquire an Offshore Patrol Cutter, includes provisions specifying the service life, fatigue life, and days underway in general Atlantic and North Pacific Sea conditions, maximum range, and maximum speed the cutter will be built to achieve.

“(b) PROHIBITED PROVISIONS.—

“(1) IN GENERAL.—The Commandant shall ensure that any contract awarded or delivery order or task order issued by the Coast Guard after the date of enactment of the Coast Guard Authorization Act of 2010 does not include any provision allowing for equitable adjustment that is not consistent with the Federal Acquisition Regulations.

“(2) EXTENSION OF PROGRAM.—A contract, contract modification, or award term extending a contract with a lead systems integrator—

“(A) may not include any minimum requirements for the purchase of a given or determinable number of specific capabilities or assets; and

“(B) shall be reviewed by an independent third party with expertise in acquisition management, and the results of that review shall be submitted to the appropriate congressional committees at least 60 days prior to the award of the contract, contract modification, or award term.

“(c) INTEGRATED PRODUCT TEAMS.—Integrated product teams, and all teams that oversee integrated product teams, shall be chaired by officers, members, or employees of the Coast Guard.

“(d) TECHNICAL AUTHORITY.—The Commandant shall maintain or designate the technical authority to establish, approve, and maintain technical requirements. Any such designation shall be made in writing and may not be delegated to the authority of the Chief Acquisition Officer established by section 56 of this title.

“§ 566. Department of Defense consultation

“(a) IN GENERAL.—The Commandant shall make arrangements as appropriate with the Secretary of Defense for support in contracting and management of Coast Guard acquisition programs. The Commandant shall also seek opportunities to make use of Department of Defense contracts, and contracts of other appropriate agencies, to obtain the best possible price for assets acquired for the Coast Guard.

“(b) INTERSERVICE TECHNICAL ASSISTANCE.—The Commandant shall seek to enter into a memorandum of understanding or a memorandum of agreement with the Secretary of the Navy to obtain the assistance of the Office of the Assistant Secretary of the Navy for Research, Development, and Acquisition, including the Navy Systems Command, with the oversight of Coast Guard major acquisition programs. The memorandum of understanding or memorandum of agreement shall, at a minimum, provide for—

“(1) the exchange of technical assistance and support that the Assistant Commandants for Acquisition, Human Resources, Engineering, and Information technology may identify;

“(2) the use, as appropriate, of Navy technical expertise; and

“(3) the temporary assignment or exchange of personnel between the Coast Guard and the Office of the Assistant Secretary of the

Navy for Research, Development, and Acquisition, including Naval Systems Command, to facilitate the development of organic capabilities in the Coast Guard.

“(c) **TECHNICAL REQUIREMENT APPROVAL PROCEDURES.**—The Chief Acquisition Officer shall adopt, to the extent practicable, procedures modeled after those used by the Navy Senior Acquisition Official to approve all technical requirements.

“(d) **ASSESSMENT.**—Within 180 days after the date of enactment of the Coast Guard Authorization Act for fiscal years 2010 and 2011, the Comptroller General of the United States shall transmit a report to the appropriate congressional committees that—

“(1) contains an assessment of current Coast Guard acquisition and management capabilities to manage Level 1 and Level 2 acquisitions;

“(2) includes recommendations as to how the Coast Guard can improve its acquisition management, either through internal reforms or by seeking acquisition expertise from the Department of Defense; and

“(3) addresses specifically the question of whether the Coast Guard can better leverage Department of Defense or other agencies’ contracts that would meet the needs of Level 1 or Level 2 acquisitions in order to obtain the best possible price.

“§ 567. Undefined contractual actions

“(a) **IN GENERAL.**—The Coast Guard may not enter into an undefined contractual action unless such action is directly approved by the Head of Contracting Activity of the Coast Guard.

“(b) **REQUESTS FOR UNDEFINED CONTRACTUAL ACTIONS.**—Any request to the Head of Contracting Activity for approval of an undefined contractual action shall include a description of the anticipated effect on requirements of the Coast Guard if a delay is incurred for the purposes of determining contractual terms, specifications, and price before performance is begun under the contractual action.

“(c) **REQUIREMENTS FOR UNDEFINED CONTRACTUAL ACTIONS.**—

“(1) **DEADLINE FOR AGREEMENT ON TERMS, SPECIFICATIONS, AND PRICE.**—A contracting officer of the Coast Guard may not enter into an undefined contractual action unless the contractual action provides for agreement upon contractual terms, specification, and price by the earlier of—

“(A) the end of the 180-day period beginning on the date on which the contractor submits a qualifying proposal to definitize the contractual terms, specifications, and price; or

“(B) the date on which the amount of funds obligated under the contractual action is equal to more than 50 percent of the negotiated overall ceiling price for the contractual action.

“(2) **LIMITATION ON OBLIGATIONS.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), the contracting officer for an undefined contractual action may not obligate under such contractual action an amount that exceeds 50 percent of the negotiated overall ceiling price until the contractual terms, specifications, and price are definitized for such contractual action.

“(B) **EXCEPTION.**—Notwithstanding subparagraph (A), if a contractor submits a qualifying proposal to definitize an undefined contractual action before an amount that exceeds 50 percent of the negotiated overall ceiling price is obligated on such action, the contracting officer for such action may not obligate with respect to such contractual action an amount that exceeds

75 percent of the negotiated overall ceiling price until the contractual terms, specifications, and price are definitized for such contractual action.

“(3) **WAIVER.**—The Commandant may waive the application of this subsection with respect to a contract if the Commandant determines that the waiver is necessary to support—

“(A) a contingency operation (as that term is defined in section 101(a)(13) of title 10);

“(B) operations to prevent or respond to a transportation security incident (as defined in section 70101(6) of title 46);

“(C) an operation in response to an emergency that poses an unacceptable threat to human health or safety or to the marine environment; or

“(D) an operation in response to a natural disaster or major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

“(4) **LIMITATION ON APPLICATION.**—This subsection does not apply to an undefined contractual action for the purchase of initial spares.

“(d) **INCLUSION OF NONURGENT REQUIREMENTS.**—Requirements for spare parts and support equipment that are not needed on an urgent basis may not be included in an undefined contractual action by the Coast Guard for spare parts and support equipment that are needed on an urgent basis unless the Commandant approves such inclusion as being—

“(1) good business practice; and

“(2) in the best interests of the United States.

“(e) **MODIFICATION OF SCOPE.**—The scope of an undefined contractual action under which performance has begun may not be modified unless the Commandant approves such modification as being—

“(1) good business practice; and

“(2) in the best interests of the United States.

“(f) **ALLOWABLE PROFIT.**—The Commandant shall ensure that the profit allowed on an undefined contractual action for which the final price is negotiated after a substantial portion of the performance required is completed reflects—

“(1) the possible reduced cost risk of the contractor with respect to costs incurred during performance of the contract before the final price is negotiated; and

“(2) the reduced cost risk of the contractor with respect to costs incurred during performance of the remaining portion of the contract.

“(g) **DEFINITIONS.**—In this section:

“(1) **UNDEFINED CONTRACTUAL ACTION.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), the term ‘undefined contractual action’ means a new procurement action entered into by the Coast Guard for which the contractual terms, specifications, or price are not agreed upon before performance is begun under the action.

“(B) **EXCLUSION.**—The term ‘undefined contractual action’ does not include contractual actions with respect to—

“(i) foreign military sales;

“(ii) purchases in an amount not in excess of the amount of the simplified acquisition threshold; or

“(iii) special access programs.

“(2) **QUALIFYING PROPOSAL.**—The term ‘qualifying proposal’ means a proposal that contains sufficient information to enable complete and meaningful audits of the information contained in the proposal as determined by the contracting officer.

“§ 568. Guidance on excessive pass-through charges

“(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of the Coast Guard Authorization Act for Fiscal Years 2010 and 2011, the Commandant shall issue guidance to ensure that pass-through charges on contracts, subcontracts, delivery orders, and task orders that are entered into with a private entity acting as a lead systems integrator by or on behalf of the Coast Guard are not excessive in relation to the cost of work performed by the relevant contractor or subcontractor. The guidance shall, at a minimum—

“(1) set forth clear standards for determining when no, or negligible, value has been added to a contract by a contractor or subcontractor;

“(2) set forth procedures for preventing the payment by the Government of excessive pass-through charges; and

“(3) identify any exceptions determined by the Commandant to be in the best interest of the Government.

“(b) **EXCESSIVE PASS-THROUGH CHARGE DEFINED.**—In this section the term ‘excessive pass-through charge’, with respect to a contractor or subcontractor that adds no, or negligible, value to a contract or subcontract, means a charge to the Government by the contractor or subcontractor that is for overhead or profit on work performed by a lower tier contractor or subcontractor, other than reasonable charges for the direct costs of managing lower tier contractors and subcontracts and overhead and profit based on such direct costs.

“(c) **APPLICATION OF GUIDANCE.**—The guidance under this subsection shall apply to contracts awarded to a private entity acting as a lead systems integrator by or on behalf of the Coast Guard on or after the date that is 360 days after the date of enactment of the Coast Guard Authorization Act for Fiscal Years 2010 and 2011.

“§ 569. Report on former Coast Guard officials employed by contractors to the agency

“(a) **REPORT REQUIRED.**—Not later than December 31, 2011, and annually thereafter, the Comptroller General of the United States shall submit a report to the appropriate congressional committees on the employment during the preceding year by Coast Guard contractors of individuals who were Coast Guard officials in the previous 5-year period. The report shall assess the extent to which former Coast Guard officials were provided compensation by Coast Guard contractors in the preceding calendar year.

“(b) **OBJECTIVES OF REPORT.**—At a minimum, the report required by this section shall assess the extent to which former Coast Guard officials who receive compensation from Coast Guard contractors have been assigned by those contractors to work on contracts or programs between the contractor and the Coast Guard, including contracts or programs for which the former official personally had oversight responsibility or decisionmaking authority when they served in or worked for the Coast Guard.

“(c) **CONFIDENTIALITY REQUIREMENT.**—The report required by this subsection shall not include the names of the former Coast Guard officials who receive compensation from Coast Guard contractors.

“(d) **ACCESS TO INFORMATION.**—A Coast Guard contractor shall provide the Comptroller General access to information requested by the Comptroller General for the purpose of conducting the study required by this section.

“(e) **DEFINITIONS.**—In this section:

“(1) COAST GUARD CONTRACTOR.—The term ‘Coast Guard contractor’ includes any person that received at least \$10,000,000 in contractor awards from the Coast Guard in the calendar year covered by the annual report.

“(2) COAST GUARD OFFICIAL.—The term ‘Coast Guard official’ includes former officers of the Coast Guard who were compensated at a rate of pay for grade O-7 or above during the calendar year prior to the date on which they separated from the Coast Guard, and former civilian employees of the Coast Guard who served at any Level of the Senior Executive Service under subchapter VIII of chapter 53 of title 5, United States Code, during the calendar year prior to the date on which they separated from the Coast Guard.

“SUBCHAPTER II—IMPROVED ACQUISITION PROCESS AND PROCEDURES

“§ 571. Identification of major system acquisitions

“(a) IN GENERAL.—

“(1) SUPPORT MECHANISMS.—The Commandant shall develop and implement mechanisms to support the establishment of mature and stable operational requirements for all acquisitions.

“(2) MISSION ANALYSIS; AFFORDABILITY ASSESSMENT.—The Commandant may not initiate a Level 1 or Level 2 acquisition project or program until the Commandant—

“(A) completes a mission analysis that—

“(i) identifies the specific capability gaps to be addressed by the project or program; and

“(ii) develops a clear mission need to be addressed by the project or program; and

“(B) prepares a preliminary affordability assessment for the project or program.

“(b) ELEMENTS.—

“(1) REQUIREMENTS.—The mechanisms required by subsection (a) shall ensure the implementation of a formal process for the development of a mission-needs statement, concept-of-operations document, capability development plan, and resource proposal for the initial project or program funding, and shall ensure the project or program is included in the Coast Guard Capital Investment Plan.

“(2) ASSESSMENT OF TRADE-OFFS.—In conducting an affordability assessment under subsection (a)(2)(B), the Commandant shall develop and implement mechanisms to ensure that trade-offs among cost, schedule, and performance are considered in the establishment of preliminary operational requirements for development and production of new assets and capabilities for Level 1 and Level 2 acquisitions projects and programs.

“(c) HUMAN RESOURCE CAPITAL PLANNING.—The Commandant shall develop staffing predictions, define human capital performance initiatives, and identify preliminary training needs required to implement each Level 1 and Level 2 acquisition project and program.

“§ 572. Acquisition

“(a) IN GENERAL.—The Commandant may not establish a Level 1 or Level 2 acquisition project or program until the Commandant—

“(1) clearly defines the operational requirements for the project or program;

“(2) establishes the feasibility of alternatives;

“(3) develops an acquisition project or program baseline;

“(4) produces a life-cycle cost estimate; and

“(5) assesses the relative merits of alternatives to determine a preferred solution in accordance with the requirements of this section.

“(b) SUBMISSION REQUIRED BEFORE PROCEEDING.—Any Coast Guard Level 1 or Level 2 acquisition project or program may not begin to obtain any capability or asset or proceed beyond that phase of its development that entails approving the supporting acquisition until the Commandant submits to the appropriate congressional committees the following:

“(1) The key performance parameters, the key system attributes, and the operational performance attributes of the capability or asset to be acquired under the proposed acquisition project or program.

“(2) A detailed list of the systems or other capabilities with which the capability or asset to be acquired is intended to be interoperable, including an explanation of the attributes of interoperability.

“(3) The anticipated acquisition project or program baseline and acquisition unit cost for the capability or asset to be acquired under the project or program.

“(4) A detailed schedule for the acquisition process showing when all capability and asset acquisitions are to be completed and when all acquired capabilities and assets are to be initially and fully deployed.

“(c) ANALYSIS OF ALTERNATIVES.—

“(1) IN GENERAL.—The Coast Guard may not acquire an experimental or technically immature capability or asset or implement a Level 1 or Level 2 acquisition project or program, unless it has prepared an analysis of alternatives for the capability or asset to be acquired in the concept and technology development phase of the acquisition process for the capability or asset.

“(2) REQUIREMENTS.—The analysis of alternatives shall be prepared by a federally funded research and development center, a qualified entity of the Department of Defense, or a similar independent third-party entity that has appropriate acquisition expertise and has no financial interest in any part of the acquisition project or program that is the subject of the analysis. At a minimum, the analysis of alternatives shall include—

“(A) an assessment of the technical maturity of the capability or asset, and technical and other risks;

“(B) an examination of capability, interoperability, and other advantages and disadvantages;

“(C) an evaluation of whether different combinations or quantities of specific assets or capabilities could meet the Coast Guard's overall performance needs;

“(D) a discussion of key assumptions and variables, and sensitivity to change in such assumptions and variables;

“(E) when an alternative is an existing capability, asset, or prototype, an evaluation of relevant safety and performance records and costs;

“(F) a calculation of life-cycle costs including—

“(i) an examination of likely research and development costs and the levels of uncertainty associated with such estimated costs;

“(ii) an examination of likely production and deployment costs and the levels of uncertainty associated with such estimated costs;

“(iii) an examination of likely operating and support costs and the levels of uncertainty associated with such estimated costs;

“(iv) if they are likely to be significant, an examination of likely disposal costs and the levels of uncertainty associated with such estimated costs; and

“(v) such additional measures as the Commandant or the Secretary of the department in which the Coast Guard is operating deter-

mines to be necessary for appropriate evaluation of the capability or asset; and

“(G) the business case for each viable alternative.

“(d) TEST AND EVALUATION MASTER PLAN.—

“(1) IN GENERAL.—For any Level 1 or Level 2 acquisition project or program the Chief Acquisition Officer must approve a test and evaluation master plan specific to the acquisition project or program for the capability, asset, or subsystems of the capability or asset and intended to minimize technical, cost, and schedule risk as early as practicable in the development of the project or program.

“(2) TEST AND EVALUATION STRATEGY.—The master plan shall—

“(A) set forth an integrated test and evaluation strategy that will verify that capability-level or asset-level and subsystem-level design and development, including performance and supportability, have been sufficiently proven before the capability, asset, or subsystem of the capability or asset is approved for production; and

“(B) require that adequate developmental tests and evaluations and operational tests and evaluations established under subparagraph (A) are performed to inform production decisions.

“(3) OTHER COMPONENTS OF THE MASTER PLAN.—At a minimum, the master plan shall identify—

“(A) the key performance parameters to be resolved through the integrated test and evaluation strategy;

“(B) critical operational issues to be assessed in addition to the key performance parameters;

“(C) specific development test and evaluation phases and the scope of each phase;

“(D) modeling and simulation activities to be performed, if any, and the scope of such activities;

“(E) early operational assessments to be performed, if any, and the scope of such assessments;

“(F) operational test and evaluation phases;

“(G) an estimate of the resources, including funds, that will be required for all test, evaluation, assessment, modeling, and simulation activities; and

“(H) the Government entity or independent entity that will perform the test, evaluation, assessment, modeling, and simulation activities.

“(4) UPDATE.—The Chief Acquisition Officer must approve an updated master plan whenever there is a revision to project or program test and evaluation strategy, scope, or phasing.

“(5) LIMITATION.—The Coast Guard may not—

“(A) proceed beyond that phase of the acquisition process that entails approving the supporting acquisition of a capability or asset before the master plan is approved by the Chief Acquisition Officer; or

“(B) award any production contract for a capability, asset, or subsystem for which a master plan is required under this subsection before the master plan is approved by the Chief Acquisition Officer.

“(e) LIFE-CYCLE COST ESTIMATES.—

“(1) IN GENERAL.—The Commandant shall implement mechanisms to ensure the development and regular updating of life-cycle cost estimates for each acquisition with a total acquisition cost that equals or exceeds \$10,000,000 and an expected service life of 10 or more years, and to ensure that these estimates are considered in decisions to develop or produce new or enhanced capabilities and assets.

“(2) TYPES OF ESTIMATES.—In addition to life-cycle cost estimates that may be developed by acquisition program offices, the Commandant shall require that an independent life-cycle cost estimate be developed for each Level 1 or Level 2 acquisition project or program.

“(3) REQUIRED UPDATES.—For each Level 1 or Level 2 acquisition project or program the Commandant shall require that life-cycle cost estimates shall be updated before each milestone decision is concluded and the project or program enters a new acquisition phase.

“§ 573. Preliminary development and demonstration

“(a) IN GENERAL.—The Commandant shall ensure that developmental test and evaluation, operational test and evaluation, life-cycle cost estimates, and the development and demonstration requirements applied by this chapter to acquisition projects and programs are met to confirm that the projects or programs meet the requirements identified in the mission-analysis and affordability assessment prepared under section 571(a)(2), the operational requirements developed under section 572(a)(1) and the following development and demonstration objectives:

“(1) To demonstrate that the design, manufacturing, and production solution is based upon a stable, producible, and cost-effective product design.

“(2) To ensure that the product capabilities meet contract specifications, acceptable operational performance requirements, and system security requirements.

“(3) To ensure that the product design is mature enough to commit to full production and deployment.

“(b) TESTS AND EVALUATIONS.—

“(1) IN GENERAL.—The Commandant shall ensure that the Coast Guard conducts developmental tests and evaluations of a capability or asset and the subsystems of the capability or asset in accordance with the master plan prepared for the capability or asset under section 572(d)(1).

“(2) USE OF THIRD PARTIES.—The Commandant shall ensure that the Coast Guard uses independent third parties with expertise in testing and evaluating the capabilities or assets and the subsystems of the capabilities or assets being acquired to conduct developmental tests and evaluations and operational tests and evaluations whenever the Coast Guard lacks the capability to conduct the tests and evaluations required by a master plan.

“(3) COMMUNICATION OF SAFETY CONCERNS.—The Commandant shall require that safety concerns identified during developmental or operational tests and evaluations or through independent or Government-conducted design assessments of capabilities or assets and subsystems of capabilities or assets to be acquired by the Coast Guard shall be communicated as soon as practicable, but not later than 30 days after the completion of the test or assessment event or activity that identified the safety concern, to the program manager for the capability or asset and the subsystems concerned and to the Chief Acquisition Officer.

“(4) REPORTING OF SAFETY CONCERNS.—Any safety concerns that have been reported to the Chief Acquisition Officer for an acquisition program or project shall be reported by the Commandant to the appropriate congressional committees at least 90 days before the award of any contract or issuance of any delivery order or task order for low, initial, or full-rate production of the capability or

asset concerned if they will remain uncorrected or unmitigated at the time such a contract is awarded or delivery order or task order is issued. The report shall include a justification for the approval of that level of production of the capability or asset before the safety concerns are corrected or mitigated. The report shall also include an explanation of the actions that will be taken to correct or mitigate the safety concerns, the date by which those actions will be taken, and the adequacy of current funding to correct or mitigate the safety concerns.

“(5) ASSET ALREADY IN LOW, INITIAL, OR FULL-RATE PRODUCTION.—If operational test and evaluation of a capability or asset already in low, initial, or full-rate production identifies a safety concern with the capability or asset or any subsystems of the capability or asset not previously identified during developmental or operational test and evaluation, the Commandant shall—

“(A) notify the program manager and the Chief Acquisition Officer of the safety concern as soon as practicable, but not later than 30 days after the completion of the test and evaluation event or activity that identified the safety concern; and

“(B) notify the Chief Acquisition Officer and include in such notification—

“(i) an explanation of the actions that will be taken to correct or mitigate the safety concern in all capabilities or assets and subsystems of the capabilities or assets yet to be produced, and the date by which those actions will be taken;

“(ii) an explanation of the actions that will be taken to correct or mitigate the safety concern in previously produced capabilities or assets and subsystems of the capabilities or assets, and the date by which those actions will be taken; and

“(iii) an assessment of the adequacy of current funding to correct or mitigate the safety concern in capabilities or assets and subsystems of the capabilities or assets and in previously produced capabilities or assets and subsystems.

“(c) TECHNICAL CERTIFICATION.—

“(1) IN GENERAL.—The Commandant shall ensure that any Level 1 or Level 2 acquisition project or program is certified by the technical authority of the Coast Guard after review by an independent third party with capabilities in the mission area, asset, or particular asset component.

“(2) TEMPEST TESTING.—The Commandant shall—

“(A) cause all electronics on all aircraft, surface, and shore capabilities and assets that require TEMPEST certification and that are delivered after the date of enactment of the Coast Guard Authorization Act of 2010 to be tested in accordance with TEMPEST standards and communications security (comsec) standards by an independent third party that is authorized by the Federal Government to perform such testing; and

“(B) certify that the assets meet all applicable TEMPEST requirements.

“(3) CUTTER CLASSIFICATION.—

“(A) IN GENERAL.—The Commandant shall cause each cutter, other than a National Security Cutter, acquired by the Coast Guard and delivered after the date of enactment of the Coast Guard Authorization Act of 2010 to be classed by the American Bureau of Shipping before final acceptance.

“(B) REPORTS.—Not later than December 31, 2011, and biennially thereafter, the Commandant shall provide a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and

Transportation of the Senate identifying which, if any, Coast Guard cutters that have been issued a certificate of classification by the American Bureau of Shipping have not been maintained in class and detailing the reasons why they have not been maintained in class.

“(4) OTHER VESSELS.—The Commandant shall cause the design and construction of each National Security Cutter, other than National Security Cutters 1, 2, and 3, to be assessed by an independent third party with expertise in vessel design and construction certification.

“(5) AIRCRAFT AIRWORTHINESS.—The Commandant shall cause all aircraft and aircraft engines acquired by the Coast Guard and delivered after the date of enactment of the Coast Guard Authorization Act of 2010 to be assessed for airworthiness by an independent third party with expertise in aircraft and aircraft engine certification before final acceptance.

“§ 574. Acquisition, production, deployment, and support

“(a) IN GENERAL.—The Commandant shall—

“(1) ensure there is a stable and efficient production and support capability to develop an asset or capability for the Coast Guard;

“(2) conduct follow-on testing to confirm and monitor performance and correct deficiencies; and

“(3) conduct acceptance tests and trials prior to the delivery of each asset or system to ensure the delivered asset or system achieves full operational capability.

“(b) ELEMENTS.—The Commandant shall—

“(1) execute production contracts;

“(2) ensure that delivered assets and capabilities meet operational cost and schedules requirements established in the acquisition program baseline;

“(3) validate manpower and training requirements to meet system needs to operate, maintain, support, and instruct the assets or capabilities; and

“(4) prepare an acquisition project or program transition plan to enter into programmatic sustainment, operations, and support.

“§ 575. Acquisition program baseline breach

“(a) IN GENERAL.—The Commandant shall submit a report to the appropriate congressional committees and the Committee on Homeland Security of the House of Representatives as soon as possible, but not later than 30 days, after the Chief Acquisition Officer of the Coast Guard becomes aware of the breach of an acquisition program baseline for any Level 1 or Level 2 acquisition program, by—

“(1) a likely cost overrun greater than 15 percent of the acquisition program baseline for that individual capability or asset or a class of capabilities or assets;

“(2) a likely delay of more than 180 days in the delivery schedule for any individual capability or asset or class of capabilities or assets; or

“(3) an anticipated failure for any individual capability or asset or class of capabilities or assets to satisfy any key performance threshold or parameter under the acquisition program baseline.

“(b) CONTENT.—The report submitted under subsection (a) shall include—

“(1) a detailed description of the breach and an explanation of its cause;

“(2) the projected impact to performance, cost, and schedule;

“(3) an updated acquisition program baseline and the complete history of changes to the original acquisition program baseline;

“(4) the updated acquisition schedule and the complete history of changes to the original schedule;

“(5) a full life-cycle cost analysis for the capability or asset or class of capabilities or assets;

“(6) a remediation plan identifying corrective actions and any resulting issues or risks; and

“(7) a description of how progress in the remediation plan will be measured and monitored.

“(c) **SUBSTANTIAL VARIANCES IN COSTS OR SCHEDULE.**—If a likely cost overrun is greater than 20 percent or a likely delay is greater than 12 months from the costs and schedule described in the acquisition program baseline for any Level 1 or Level 2 acquisition project or program of the Coast Guard, the Commandant shall include in the report a written certification, with a supporting explanation, that—

“(1) the capability or asset or capability or asset class to be acquired under the project or program is essential to the accomplishment of Coast Guard missions;

“(2) there are no alternatives to such capability or asset or capability or asset class that will provide equal or greater capability in both a more cost-effective and timely manner;

“(3) the new acquisition schedule and estimates for total acquisition cost are reasonable; and

“(4) the management structure for the acquisition program is adequate to manage and control performance, cost, and schedule.

“§ 576. Acquisition approval authority

“Nothing in this subchapter shall be construed as altering or diminishing in any way the statutory authority and responsibility of the Secretary of the department in which the Coast Guard is operating, or the Secretary's designee, to—

“(1) manage and administer department procurements, including procurements by department components, as required by section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341); or

“(2) manage department acquisition activities and act as the Acquisition Decision Authority with regard to the review or approval of a Coast Guard Level 1 or Level 2 acquisition project or program, as required by section 16 of the Office of Federal Procurement Policy Act (41 U.S.C. 414) and related implementing regulations and directives.

“SUBCHAPTER III—DEFINITIONS

“§ 581. Definitions

“In this chapter:

“(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term ‘appropriate congressional committees’ means the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

“(2) **CHIEF ACQUISITION OFFICER.**—The term ‘Chief Acquisition Officer’ means the officer appointed under section 56 of this title.

“(3) **COMMANDANT.**—The term ‘Commandant’ means the Commandant of the Coast Guard.

“(4) **LEVEL 1 ACQUISITION.**—The term ‘Level 1 acquisition’ means—

“(A) an acquisition by the Coast Guard—

“(i) the estimated life-cycle costs of which exceed \$1,000,000,000; or

“(ii) the estimated total acquisition costs of which exceed \$300,000,000; or

“(B) any acquisition that the Chief Acquisition Officer of the Coast Guard determines to have a special interest—

“(i) due to—

“(I) the experimental or technically immature nature of the asset;

“(II) the technological complexity of the asset;

“(III) the commitment of resources; or

“(IV) the nature of the capability or set of capabilities to be achieved; or

“(ii) because such acquisition is a joint acquisition.

“(5) **LEVEL 2 ACQUISITION.**—The term ‘Level 2 acquisition’ means an acquisition by the Coast Guard—

“(A) the estimated life-cycle costs of which are equal to or less than \$1,000,000,000, but greater than \$300,000,000; or

“(B) the estimated total acquisition costs of which are equal to or less than \$300,000,000, but greater than \$100,000,000.

“(6) **LIFE-CYCLE COST.**—The term ‘life-cycle cost’ means all costs for development, procurement, construction, and operations and support for a particular capability or asset, without regard to funding source or management control.

“(7) **PROJECT OR PROGRAM MANAGER DEFINED.**—The term ‘project or program manager’ means an individual designated—

“(A) to develop, produce, and deploy a new asset to meet identified operational requirements; and

“(B) to manage cost, schedule, and performance of the acquisition, project, or program.

“(8) **SAFETY CONCERN.**—The term ‘safety concern’ means any hazard associated with a capability or asset or a subsystem of a capability or asset that is likely to cause serious bodily injury or death to a typical Coast Guard user in testing, maintaining, repairing, or operating the capability, asset, or subsystem or any hazard associated with the capability, asset, or subsystem that is likely to cause major damage to the capability, asset, or subsystem during the course of its normal operation by a typical Coast Guard user.

“(9) **DEVELOPMENTAL TEST AND EVALUATION.**—The term ‘developmental test and evaluation’ means—

“(A) the testing of a capability or asset and the subsystems of the capability or asset to determine whether they meet all contractual performance requirements, including technical performance requirements, supportability requirements, and interoperability requirements and related specifications; and

“(B) the evaluation of the results of such testing.

“(10) **OPERATIONAL TEST AND EVALUATION.**—The term ‘operational test and evaluation’ means—

“(A) the testing of a capability or asset and the subsystems of the capability or asset, under conditions similar to those in which the capability or asset and subsystems will actually be deployed, for the purpose of determining the effectiveness and suitability of the capability or asset and subsystems for use by typical Coast Guard users to conduct those missions for which the capability or asset and subsystems are intended to be used; and

“(B) the evaluation of the results of such testing.”.

(b) **CONFORMING AMENDMENT.**—The part analysis for part I of title 14, United States Code, is amended by inserting after the item relating to chapter 13 the following:

“15. Acquisitions 561”.

SEC. 403. NATIONAL SECURITY CUTTERS.

(a) **NATIONAL SECURITY CUTTERS 1 AND 2.**—Not later than 90 days before the Coast

Guard awards any contract or issues any delivery order or task order to strengthen the hull of either of National Security Cutter 1 or 2 to resolve the structural design and performance issues identified in the Department of Homeland Security Inspector General's Report OIG-07-23 dated January 2007, the Commandant shall submit to the appropriate congressional committees all results of an assessment of the proposed hull strengthening design conducted by the Coast Guard, including—

(1) a description in detail of the extent to which the hull strengthening measures to be implemented on those cutters will enable the cutters to meet contract and performance requirements;

(2) a cost-benefit analysis of the proposed hull strengthening measures for National Security Cutters 1 and 2; and

(3) a description of any operational restrictions that would have to be applied to either National Security Cutter 1 or 2 if the proposed hull strengthening measures were not implemented on either cutter.

(b) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—In this section the term ‘appropriate congressional committees’ means the Committees on Transportation and Infrastructure and Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 404. ACQUISITION WORKFORCE EXPEDITED HIRING AUTHORITY.

(a) **IN GENERAL.**—For purposes of sections 3304, 5333, and 5753 of title 5, United States Code, the Commandant of the Coast Guard may—

(1) designate any category of acquisition positions within the Coast Guard as shortage category positions; and

(2) use the authorities in such sections to recruit and appoint highly qualified persons directly to positions so designated.

(b) **LIMITATION.**—The Commandant may not appoint a person to a position of employment under this paragraph after September 30, 2012.

(c) **REPORTS.**—The Commandant shall include in reports under section 562(d) of title 14, United States Code, as added by this title, information described in that section regarding positions designated under this section.

TITLE V—COAST GUARD MODERNIZATION

SEC. 501. SHORT TITLE.

This title may be cited as the “Coast Guard Modernization Act of 2010”.

Subtitle A—Coast Guard Leadership

SEC. 511. VICE ADMIRALS.

(a) **VICE ADMIRALS.**—Section 50 of such title is amended to read as follows:

“§ 50. Vice admirals

“(a)(1) The President may designate no more than 4 positions of importance and responsibility that shall be held by officers who—

“(A) while so serving, shall have the grade of vice admiral, with the pay and allowances of that grade; and

“(B) shall perform such duties as the Commandant may prescribe.

“(2) The President may appoint, by and with the advice and consent of the Senate, and reappoint, by and with the advice and consent of the Senate, to any such position an officer of the Coast Guard who is serving on active duty above the grade of captain. The Commandant shall make recommendations for such appointments.

“(3) (A) Except as provided in subparagraph (B), one of the vice admirals designated under paragraph (1) must have at

least 10 years experience in vessel inspection, marine casualty investigations, mariner licensing, or an equivalent technical expertise in the design and construction of commercial vessels, with at least 4 years of leadership experience at a staff or unit carrying out marine safety functions and shall serve as the principal advisor to the Commandant on these issues.

“(B) The requirements of subparagraph (A) do not apply to such vice admiral if the subordinate officer serving in the grade of rear admiral with responsibilities for marine safety, security, and stewardship possesses that experience.

“(b)(1) The appointment and the grade of vice admiral shall be effective on the date the officer assumes that duty and, except as provided in paragraph (2) of this subsection or in section 51(d) of this title, shall terminate on the date the officer is detached from that duty.

“(2) An officer who is appointed to a position designated under subsection (a) shall continue to hold the grade of vice admiral—

“(A) while under orders transferring the officer to another position designated under subsection (a), beginning on the date the officer is detached from that duty and terminating on the date before the day the officer assumes the subsequent duty, but not for more than 60 days;

“(B) while hospitalized, beginning on the day of the hospitalization and ending on the day the officer is discharged from the hospital, but not for more than 180 days; and

“(C) while awaiting retirement, beginning on the date the officer is detached from duty and ending on the day before the officer's retirement, but not for more than 60 days.

“(c)(1) An appointment of an officer under subsection (a) does not vacate the permanent grade held by the officer.

“(2) An officer serving in a grade above rear admiral who holds the permanent grade of rear admiral (lower half) shall be considered for promotion to the permanent grade of rear admiral as if the officer was serving in the officer's permanent grade.

“(d) Whenever a vacancy occurs in a position designated under subsection (a), the Commandant shall inform the President of the qualifications needed by an officer serving in that position or office to carry out effectively the duties and responsibilities of that position or office.”

(b) REPEAL.—Section 50a of such title is repealed.

(c) CONFORMING AMENDMENTS.—Section 51 of such title is amended—

(1) by striking subsections (a), (b), and (c) and inserting the following:

“(a) An officer, other than the Commandant, who, while serving in the grade of vice admiral, is retired for physical disability shall be placed on the retired list with the highest grade in which that officer served.

“(b) An officer, other than the Commandant, who is retired while serving in the grade of vice admiral, or who, after serving at least 2½ years in the grade of vice admiral, is retired while serving in a lower grade, may in the discretion of the President, be retired with the highest grade in which that officer served.

“(c) An officer, other than the Commandant, who, after serving less than 2½ years in the grade of vice admiral, is retired while serving in a lower grade, shall be retired in his permanent grade.”; and

(2) by striking “Area Commander, or Chief of Staff” in subsection (d)(2) and inserting “or Vice Admiral”.

(d) CONTINUITY OF GRADE.—Section 52 of title 14, United States Code, is amended by inserting “or admiral” after “vice admiral” the first place it appears.

(e) CONTINUATION ON ACTIVE DUTY.—The second sentence of section 290(a) of title 14, United States Code, is amended to read as follows: “Officers, other than the Commandant, serving for the time being or who have served in the grade of vice admiral are not subject to consideration for continuation under this subsection, and as to all other provisions of this section shall be considered as having been continued at the grade of rear admiral.”

(f) CLERICAL AMENDMENTS.—

(1) The section caption for section 47 of such title is amended to read as follows:

“§ 47. Vice commandant; appointment”.

(2) The section caption for section 52 of title 14, United States Code, is amended to read as follows:

“§ 52. Vice admirals and admiral, continuity of grade”.

(3) The table of contents for chapter 3 of such title is amended—

(A) by striking the item relating to section 47 and inserting the following:

“47. Vice Commandant; appointment.”;

(B) by striking the item relating to section 50a;

(C) by striking the item relating to section 50 and inserting the following:

“50. Vice admirals.”; and

(D) by striking the item relating to section 52 and inserting the following:

“52. Vice admirals and admiral, continuity of grade.”

(g) TECHNICAL CORRECTION.—Section 47 of such title is further amended by striking “subsection” in the fifth sentence and inserting “section”.

(h) TREATMENT OF INCUMBENTS; TRANSITION.—

(1) Notwithstanding any other provision of law, an officer who, on the date of enactment of this Act, is serving as Chief of Staff, Commander, Atlantic Area, or Commander, Pacific Area—

(A) shall continue to have the grade of vice admiral with pay and allowance of that grade until such time that the officer is relieved of his duties and appointed and confirmed to another position as a vice admiral or admiral; or

(B) for the purposes of transition, may continue at the grade of vice admiral with pay and allowance of that grade, for not more than 1 year after the date of enactment of this Act, to perform the duties of the officer's former position and any other such duties that the Commandant prescribes.

Subtitle B—Workforce Expertise

SEC. 521. PREVENTION AND RESPONSE STAFF.

(a) IN GENERAL.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following new sections:

“§ 57. Prevention and response workforces

“(a) CAREER PATHS.—The Secretary, acting through the Commandant, shall ensure that appropriate career paths for civilian and military Coast Guard personnel who wish to pursue career paths in prevention or response positions are identified in terms of the education, training, experience, and assignments necessary for career progression of civilians and members of the Armed Forces to the most senior prevention or response positions, as appropriate. The Secretary shall make available published information on such career paths.

“(b) QUALIFICATIONS FOR CERTAIN ASSIGNMENTS.—An officer, member, or civilian employee of the Coast Guard assigned as a—

“(1) marine inspector shall have the training, experience, and qualifications equivalent to that required for a similar position at a classification society recognized by the Secretary under section 3316 of title 46 for the type of vessel, system, or equipment that is inspected;

“(2) marine casualty investigator shall have the training, experience, and qualifications in investigation, marine casualty reconstruction, evidence collection and preservation, human factors, and documentation using best investigation practices by Federal and non-Federal entities; or

“(3) marine safety engineer shall have knowledge, skill, and practical experience in—

“(A) the construction and operation of commercial vessels;

“(B) judging the character, strength, stability, and safety qualities of such vessels and their equipment; or

“(C) the qualifications and training of vessel personnel.

“(c) APPRENTICESHIP REQUIREMENT TO QUALIFY FOR CERTAIN CAREERS.—The Commandant may require an officer, member, or employee of the Coast Guard in training for a specialized prevention or response career path to serve an apprenticeship under the guidance of a qualified individual. However, an individual in training to become a marine inspector, marine casualty investigator, or marine safety engineer shall serve a minimum of one-year as an apprentice unless the Commandant authorizes a shorter period for certain qualifications.

“(d) MANAGEMENT INFORMATION SYSTEM.—The Secretary, acting through the Commandant, shall establish a management information system for the prevention and response workforces that shall provide, at a minimum, the following standardized information on persons serving in those workforces:

“(1) Qualifications, assignment history, and tenure in assignments.

“(2) Promotion rates for military and civilian personnel.

“(e) ASSESSMENT OF ADEQUACY OF MARINE SAFETY WORKFORCE.—

“(1) REPORT.—The Secretary, acting through the Commandant, shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate by December 1 of each year on the adequacy of the current marine safety workforce to meet that anticipated workload.

“(2) CONTENTS.—The report shall specify the number of civilian and military Coast Guard personnel currently assigned to marine safety positions and shall identify positions that are understaffed to meet the anticipated marine safety workload.

“(f) SECTOR CHIEF OF PREVENTION.—There shall be in each Coast Guard sector a Chief of Prevention who shall be at least a Lieutenant Commander or civilian employee within the grade GS-13 of the General Schedule, and who shall be a—

“(1) marine inspector, qualified to inspect vessels, vessel systems, and equipment commonly found in the sector; and

“(2) qualified marine casualty investigator or marine safety engineer.

“(g) SIGNATORIES OF LETTER OF QUALIFICATION FOR CERTAIN PREVENTION PERSONNEL.—Each individual signing a letter of qualification for marine safety personnel must hold a

letter of qualification for the type being certified.

“(h) **SECTOR CHIEF OF RESPONSE.**—There shall be in each Coast Guard sector a Chief of Response who shall be at least a Lieutenant Commander or civilian employee within the grade GS-13 of the General Schedule in each Coast Guard sector.

“§ 58. Centers of expertise for Coast Guard prevention and response

“(a) **ESTABLISHMENT.**—The Commandant of the Coast Guard may establish and operate one or more centers of expertise for prevention and response missions of the Coast Guard (in this section referred to as a ‘center’).

“(b) **MISSIONS.**—Each center shall—

“(1) promote and facilitate education, training, and research;

“(2) develop a repository of information on its missions and specialties; and

“(3) perform any other missions as the Commandant may specify.

“(c) **JOINT OPERATION WITH EDUCATIONAL INSTITUTION AUTHORIZED.**—The Commandant may enter into an agreement with an appropriate official of an institution of higher education to—

“(1) provide for joint operation of a center; and

“(2) provide necessary administrative services for a center, including administration and allocation of funds.

“(d) **ACCEPTANCE OF DONATIONS.**—

“(1) Except as provided in paragraph (2), the Commandant may accept, on behalf of a center, donations to be used to defray the costs of the center or to enhance the operation of the center. Those donations may be accepted from any State or local government, any foreign government, any foundation or other charitable organization (including any that is organized or operates under the laws of a foreign country), or any individual.

“(2) The Commandant may not accept a donation under paragraph (1) if the acceptance of the donation would compromise or appear to compromise—

“(A) the ability of the Coast Guard or the department in which the Coast Guard is operating, any employee of the Coast Guard or the department, or any member of the Armed Forces to carry out any responsibility or duty in a fair and objective manner; or

“(B) the integrity of any program of the Coast Guard, the department in which the Coast Guard is operating, or of any person involved in such a program.

“(3) The Commandant shall prescribe written guidance setting forth the criteria to be used in determining whether or not the acceptance of a donation from a foreign source would have a result described in paragraph (2).

“§ 59. Marine industry training program

“(a) **IN GENERAL.**—The Commandant shall, by policy, establish a program under which an officer, member, or employee of the Coast Guard may be assigned to a private entity to further the institutional interests of the Coast Guard with regard to marine safety, including for the purpose of providing training to an officer, member, or employee. Policies to carry out the program—

“(1) with regard to an employee of the Coast Guard, shall include provisions, consistent with sections 3702 through 3704 of title 5, as to matters concerning—

“(A) the duration and termination of assignments;

“(B) reimbursements; and

“(C) status, entitlements, benefits, and obligations of program participants; and

“(2) shall require the Commandant, before approving the assignment of an officer, member, or employee of the Coast Guard to a private entity, to determine that the assignment is an effective use of the Coast Guard's funds, taking into account the best interests of the Coast Guard and the costs and benefits of alternative methods of achieving the same results and objectives.

“(b) **ANNUAL REPORT.**—Not later than the date of the submission each year of the President's budget request under section 1105 of title 31, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that describes—

“(1) the number of officers, members, and employees of the Coast Guard assigned to private entities under this section; and

“(2) the specific benefit that accrues to the Coast Guard for each assignment.”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is further amended by adding at the end the following new items:

“57. Prevention and response workforces.

“58. Centers of expertise for Coast Guard prevention and response.

“59. Marine industry training programs.”

SEC. 522. MARINE SAFETY MISSION PRIORITIES AND LONG-TERM GOALS.

(a) **IN GENERAL.**—Chapter 21 of title 46, United States Code, is amended by adding at the end the following new section:

“§ 2116. Marine safety strategy, goals, and performance assessments

“(a) **LONG-TERM STRATEGY AND GOALS.**—In conjunction with existing federally required strategic planning efforts, the Secretary shall develop a long-term strategy for improving vessel safety and the safety of individuals on vessels. The strategy shall include the issuance each year of an annual plan and schedule for achieving the following goals:

“(1) Reducing the number and rates of marine casualties.

“(2) Improving the consistency and effectiveness of vessel and operator enforcement and compliance programs.

“(3) Identifying and targeting enforcement efforts at high-risk vessels and operators.

“(4) Improving research efforts to enhance and promote vessel and operator safety and performance.

“(b) **CONTENTS OF STRATEGY AND ANNUAL PLANS.**—

“(1) **MEASURABLE GOALS.**—The strategy and annual plans shall include specific numeric or measurable goals designed to achieve the goals set forth in subsection (a). The purposes of the numeric or measurable goals are the following:

“(A) To increase the number of safety examinations on all high-risk vessels.

“(B) To eliminate the backlog of marine safety-related rulemakings.

“(C) To improve the quality and effectiveness of marine safety information databases by ensuring that all Coast Guard personnel accurately and effectively report all safety, casualty, and injury information.

“(D) To provide for a sufficient number of Coast Guard marine safety personnel, and provide adequate facilities and equipment to carry out the functions referred to in section 93(c).

“(2) **RESOURCE NEEDS.**—The strategy and annual plans shall include estimates of—

“(A) the funds and staff resources needed to accomplish each activity included in the strategy and plans; and

“(B) the staff skills and training needed for timely and effective accomplishment of each goal.

“(c) **SUBMISSION WITH THE PRESIDENT'S BUDGET.**—Beginning with fiscal year 2011 and each fiscal year thereafter, the Secretary shall submit to Congress the strategy and annual plan not later than 60 days following the transmission of the President's budget submission under section 1105 of title 31.

“(d) **ACHIEVEMENT OF GOALS.**—

“(1) **PROGRESS ASSESSMENT.**—No less frequently than semiannually, the Coast Guard Commandant shall assess the progress of the Coast Guard toward achieving the goals set forth in subsection (b). The Commandant shall convey the Commandant's assessment to the employees of the marine safety workforce and shall identify any deficiencies that should be remedied before the next progress assessment.

“(2) **REPORT TO CONGRESS.**—The Secretary shall report annually to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

“(A) on the performance of the marine safety program in achieving the goals of the marine safety strategy and annual plan under subsection (a) for the year covered by the report;

“(B) on the program's mission performance in achieving numerical measurable goals established under subsection (b); and

“(C) recommendations on how to improve performance of the program.”

(b) **CLERICAL AMENDMENT.**—The analysis for such chapter is amended by adding at the end the following new item:

“2116. Marine safety strategy, goals, and performance assessments.”

(c) **CERTIFICATES OF INSPECTION.**—Section 3309 of title 46, United States Code, is amended by adding at the end the following:

“(d) A certificate of inspection issued under this section shall be signed by the senior Coast Guard member or civilian employee who inspected the vessel, in addition to the officer in charge of marine inspection.”

SEC. 523. POWERS AND DUTIES.

Section 93 of title 14, United States Code, is amended by adding at the end the following new subsections:

“(c) **MARINE SAFETY RESPONSIBILITIES.**—In exercising the Commandant's duties and responsibilities with regard to marine safety, the individual with the highest rank who meets the experience qualifications set forth in section 50(a)(3) shall serve as the principal advisor to the Commandant regarding—

“(1) the operation, regulation, inspection, identification, manning, and measurement of vessels, including plan approval and the application of load lines;

“(2) approval of materials, equipment, appliances, and associated equipment;

“(3) the reporting and investigation of marine casualties and accidents;

“(4) the licensing, certification, documentation, protection and relief of merchant seamen;

“(5) suspension and revocation of licenses and certificates;

“(6) enforcement of manning requirements, citizenship requirements, control of log books;

“(7) documentation and numbering of vessels;

“(8) State boating safety programs;

“(9) commercial instruments and maritime liens;

“(10) the administration of bridge safety;

“(11) administration of the navigation rules;

“(12) the prevention of pollution from vessels;

“(13) ports and waterways safety;

“(14) waterways management; including regulation for regattas and marine parades;

“(15) aids to navigation; and

“(16) other duties and powers of the Secretary related to marine safety and stewardship.

“(d) OTHER AUTHORITY NOT AFFECTED.—Nothing in subsection (c) affects—

“(1) the authority of Coast Guard officers and members to enforce marine safety regulations using authority under section 89 of this title; or

“(2) the exercise of authority under section 91 of this title and the provisions of law codified at sections 191 through 195 of title 50 on the date of enactment of this paragraph.”.

SEC. 524. APPEALS AND WAIVERS.

(a) IN GENERAL.—Chapter 5 of title 14, United States Code, is further amended by inserting at the end the following new section:

“§ 102. Appeals and waivers

“Except for the Commandant of the Coast Guard, any individual adjudicating an appeal or waiver of a decision regarding marine safety, including inspection or manning and threats to the environment, shall—

“(1) be a qualified specialist with the training, experience, and qualifications in marine safety to effectively judge the facts and circumstances involved in the appeal and make a judgment regarding the merits of the appeal; or

“(2) have a senior staff member who—

“(A) meets the requirements of paragraph (1);

“(B) actively advises the individual adjudicating the appeal; and

“(C) concurs in writing on the decision on appeal.”.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is further amended by adding at the end the following new item:

“102. Appeals and waivers.”.

SEC. 525. COAST GUARD ACADEMY.

(a) IN GENERAL.—Chapter 9 of title 14, United States Code, is further amended by adding at the end the following new section:

“§ 200. Marine safety curriculum

“The Commandant of the Coast Guard shall ensure that professional courses of study in marine safety are provided at the Coast Guard Academy, and during other officer accession programs, to give Coast Guard cadets and other officer candidates a background and understanding of the marine safety program. These courses may include such topics as program history, vessel design and construction, vessel inspection, casualty investigation, and administrative law and regulations.”.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is further amended by adding at the end the following new item:

“200. Marine safety curriculum.”.

SEC. 526. REPORT REGARDING CIVILIAN MARINE INSPECTORS.

Not later than one year after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on Coast Guard's efforts to recruit and retain civilian marine inspectors and investigators and the impact of such recruitment and re-

tention efforts on Coast Guard organizational performance.

TITLE VI—MARINE SAFETY

SEC. 601. SHORT TITLE.

This title may be cited as the “Maritime Safety Act of 2010”.

SEC. 602. VESSEL SIZE LIMITS.

(a) LENGTH, TONNAGE, AND HORSEPOWER.—Section 12113(d)(2) of title 46, United States Code, is amended—

(1) by inserting “and” after the semicolon at the end of subparagraph (A)(i);

(2) by striking “and” at the end of subparagraph (A)(ii);

(3) by striking subparagraph (A)(iii);

(4) by striking the period at the end of subparagraph (B) and inserting a semicolon; and

(5) by inserting at the end the following:

“(C) the vessel is either a rebuilt vessel or a replacement vessel under section 208(g) of the American Fisheries Act (title II of division C of Public Law 105-277; 112 Stat. 2681-627) and is eligible for a fishery endorsement under this section; or

“(D) the vessel is a fish tender vessel that is not engaged in the harvesting or processing of fish.”.

(b) CONFORMING AMENDMENTS.—

(1) VESSEL REBUILDING AND REPLACEMENT.—Section 208(g) of the American Fisheries Act (title II of division C of Public Law 105-277; 112 Stat. 2681-627) is amended to read as follows:

“(g) VESSEL REBUILDING AND REPLACEMENT.—

“(1) IN GENERAL.—

“(A) REBUILD OR REPLACE.—Notwithstanding any limitation to the contrary on replacing, rebuilding, or lengthening vessels or transferring permits or licenses to a replacement vessel contained in sections 679.2 and 679.4 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Coast Guard Authorization Act of 2010 and except as provided in paragraph (4), the owner of a vessel eligible under subsection (a), (b), (c), (d), or (e), in order to improve vessel safety and operational efficiencies (including fuel efficiency), may rebuild or replace that vessel (including fuel efficiency) with a vessel documented with a fishery endorsement under section 12113 of title 46, United States Code.

“(B) SAME REQUIREMENTS.—The rebuilt or replacement vessel shall be eligible in the same manner and subject to the same restrictions and limitations under such subsection as the vessel being rebuilt or replaced.

“(C) TRANSFER OF PERMITS AND LICENSES.—Each fishing permit and license held by the owner of a vessel or vessels to be rebuilt or replaced under subparagraph (A) shall be transferred to the rebuilt or replacement vessel or its owner, as necessary to permit such rebuilt or replacement vessel to operate in the same manner as the vessel prior to the rebuilding or the vessel it replaced, respectively.

“(2) RECOMMENDATIONS OF NORTH PACIFIC FISHERY MANAGEMENT COUNCIL.—The North Pacific Fishery Management Council may recommend for approval by the Secretary such conservation and management measures, including size limits and measures to control fishing capacity, in accordance with the Magnuson-Stevens Act as it considers necessary to ensure that this subsection does not diminish the effectiveness of fishery management plans of the Bering Sea and Aleutian Islands Management Area or the Gulf of Alaska.

“(3) SPECIAL RULE FOR REPLACEMENT OF CERTAIN VESSELS.—

“(A) IN GENERAL.—Notwithstanding the requirements of subsections (b)(2), (c)(1), and (c)(2) of section 12113 of title 46, United States Code, a vessel that is eligible under subsection (a), (b), (c), or (e) and that qualifies to be documented with a fishery endorsement pursuant to section 213(g) may be replaced with a replacement vessel under paragraph (1) if the vessel that is replaced is validly documented with a fishery endorsement pursuant to section 213(g) before the replacement vessel is documented with a fishery endorsement under section 12113 of title 46, United States Code.

“(B) APPLICABILITY.—A replacement vessel under subparagraph (A) and its owner and mortgagee are subject to the same limitations under section 213(g) that are applicable to the vessel that has been replaced and its owner and mortgagee.

“(4) SPECIAL RULES FOR CERTAIN CATCHER VESSELS.—

“(A) IN GENERAL.—A replacement for a covered vessel described in subparagraph (B) is prohibited from harvesting fish in any fishery (except for the Pacific whiting fishery) managed under the authority of any Regional Fishery Management Council (other than the North Pacific Fishery Management Council) established under section 302(a) of the Magnuson-Stevens Act.

“(B) COVERED VESSELS.—A covered vessel referred to in subparagraph (A) is—

“(i) a vessel eligible under subsection (a), (b), or (c) that is replaced under paragraph (1); or

“(ii) a vessel eligible under subsection (a), (b), or (c) that is rebuilt to increase its registered length, gross tonnage, or shaft horsepower.

“(5) LIMITATION ON FISHERY ENDORSEMENTS.—Any vessel that is replaced under this subsection shall thereafter not be eligible for a fishery endorsement under section 12113 of title 46, United States Code, unless that vessel is also a replacement vessel described in paragraph (1).

“(6) GULF OF ALASKA LIMITATION.—Notwithstanding paragraph (1), the Secretary shall prohibit from participation in the groundfish fisheries of the Gulf of Alaska any vessel that is rebuilt or replaced under this subsection and that exceeds the maximum length overall specified on the license that authorizes fishing for groundfish pursuant to the license limitation program under part 679 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Coast Guard Authorization Act of 2010.

“(7) AUTHORITY OF PACIFIC COUNCIL.—Nothing in this section shall be construed to diminish or otherwise affect the authority of the Pacific Council to recommend to the Secretary conservation and management measures to protect fisheries under its jurisdiction (including the Pacific whiting fishery) and participants in such fisheries from adverse impacts caused by this Act.”.

(2) REPEAL OF EXEMPTION OF CERTAIN VESSELS.—Section 203(g) of the American Fisheries Act (title II of division C of Public Law 105-277; 112 Stat. 2681-620) is repealed.

(3) FISHERY COOPERATIVE EXIT PROVISIONS.—Section 210(b) of the American Fisheries Act (title II of division C of Public Law 105-277; 112 Stat. 2681-629) is amended—

(A) by moving the matter beginning with “the Secretary shall” in paragraph (1) 2 ems to the right; and

(B) by adding at the end the following:

“(7) FISHERY COOPERATIVE EXIT PROVISIONS.—

“(A) FISHING ALLOWANCE DETERMINATION.—For purposes of determining the aggregate

percentage of directed fishing allowances under paragraph (1), when a catcher vessel is removed from the directed pollock fishery, the fishery allowance for pollock for the vessel being removed—

“(i) shall be based on the catch history determination for the vessel made pursuant to section 679.62 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Coast Guard Authorization Act of 2010; and

“(ii) shall be assigned, for all purposes under this title, in the manner specified by the owner of the vessel being removed to any other catcher vessel or among other catcher vessels participating in the fishery cooperative if such vessel or vessels remain in the fishery cooperative for at least one year after the date on which the vessel being removed leaves the directed pollock fishery.

“(B) ELIGIBILITY FOR FISHERY ENDORSEMENT.—Except as provided in subparagraph (C), a vessel that is removed pursuant to this paragraph shall be permanently ineligible for a fishery endorsement, and any claim (including relating to catch history) associated with such vessel that could qualify any owner of such vessel for any permit to participate in any fishery within the exclusive economic zone of the United States shall be extinguished, unless such removed vessel is thereafter designated to replace a vessel to be removed pursuant to this paragraph.

“(C) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this paragraph shall be construed—

“(i) to make the vessels AJ (United States official number 905625), DONA MARTITA (United States official number 651751), NOR-DIC EXPLORER (United States official number 678234), and PROVIDIAN (United States official number 1062183) ineligible for a fishery endorsement or any permit necessary to participate in any fishery under the authority of the New England Fishery Management Council or the Mid-Atlantic Fishery Management Council established, respectively, under subparagraphs (A) and (B) of section 302(a)(1) of the Magnuson-Stevens Act; or

“(ii) to allow the vessels referred to in clause (i) to participate in any fishery under the authority of the Councils referred to in clause (i) in any manner that is not consistent with the fishery management plan for the fishery developed by the Councils under section 303 of the Magnuson-Stevens Act.”.

SEC. 603. COLD WEATHER SURVIVAL TRAINING.

The Commandant of the Coast Guard shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the efficacy of cold weather survival training conducted by the Coast Guard over the preceding 5 years. The report shall include plans for conducting such training in fiscal years 2010 through 2013.

SEC. 604. FISHING VESSEL SAFETY.

(a) SAFETY STANDARDS.—Section 4502 of title 46, United States Code, is amended—

(1) in subsection (a), by—

(A) striking paragraphs (6) and (7) and inserting the following:

“(6) other equipment required to minimize the risk of injury to the crew during vessel operations, if the Secretary determines that a risk of serious injury exists that can be eliminated or mitigated by that equipment; and”;

(B) redesignating paragraph (8) as paragraph (7);

(2) in subsection (b)—

(A) in paragraph (1) in the matter preceding subparagraph (A), by striking “documented”;

(B) in paragraph (1)(A), by striking “the Boundary Line” and inserting “3 nautical miles from the baseline from which the territorial sea of the United States is measured or beyond 3 nautical miles from the coastline of the Great Lakes”;

(C) in paragraph (2)(B), by striking “lifeboats or liferafts” and inserting “a survival craft that ensures that no part of an individual is immersed in water”;

(D) in paragraph (2)(D), by inserting “marine” before “radio”;

(E) in paragraph (2)(E), by striking “radar reflectors, nautical charts, and anchors” and inserting “nautical charts, and publications”;

(F) in paragraph (2)(F), by striking “, including medicine chests” and inserting “and medical supplies sufficient for the size and area of operation of the vessel”;

(G) by amending paragraph (2)(G) to read as follows:

“(G) ground tackle sufficient for the vessel.”;

(3) by amending subsection (f) to read as follows:

“(f) To ensure compliance with the requirements of this chapter, the Secretary—

“(1) shall require the individual in charge of a vessel described in subsection (b) to keep a record of equipment maintenance, and required instruction and drills; and

“(2) shall examine at dockside a vessel described in subsection (b) at least once every 2 years, and shall issue a certificate of compliance to a vessel meeting the requirements of this chapter.”; and

(4) by adding at the end the following:

“(g)(1) The individual in charge of a vessel described in subsection (b) must pass a training program approved by the Secretary that meets the requirements in paragraph (2) of this subsection and hold a valid certificate issued under that program.

“(2) The training program shall—

“(A) be based on professional knowledge and skill obtained through sea service and hands-on training, including training in seamanship, stability, collision prevention, navigation, fire fighting and prevention, damage control, personal survival, emergency medical care, emergency drills, and weather;

“(B) require an individual to demonstrate ability to communicate in an emergency situation and understand information found in navigation publications;

“(C) recognize and give credit for recent past experience in fishing vessel operation; and

“(D) provide for issuance of a certificate to an individual that has successfully completed the program.

“(3) The Secretary shall prescribe regulations implementing this subsection. The regulations shall require that individuals who are issued a certificate under paragraph (2)(D) must complete refresher training at least once every 5 years as a condition of maintaining the validity of the certificate.

“(4) The Secretary shall establish a publicly accessible electronic database listing the names of individuals who have participated in and received a certificate confirming successful completion of a training program approved by the Secretary under this section.

“(h) A vessel to which this chapter applies shall be constructed in a manner that provides a level of safety equivalent to the minimum safety standards the Secretary may

establish for recreational vessels under section 4302, if—

“(1) subsection (b) of this section applies to the vessel;

“(2) the vessel is less than 50 feet overall in length; and

“(3) the vessel is built after January 1, 2010.

“(i)(1) The Secretary shall establish a Fishing Safety Training Grants Program to provide funding to municipalities, port authorities, other appropriate public entities, not-for-profit organizations, and other qualified persons that provide commercial fishing safety training—

“(A) to conduct fishing vessel safety training for vessel operators and crewmembers that—

“(i) in the case of vessel operators, meets the requirements of subsection (g); and

“(ii) in the case of crewmembers, meets the requirements of subsection (g)(2)(A), such requirements of subsection (g)(2)(B) as are appropriate for crewmembers, and the requirements of subsections (g)(2)(D), (g)(3), and (g)(4); and

“(B) for purchase of safety equipment and training aids for use in those fishing vessel safety training programs.

“(2) The Secretary shall award grants under this subsection on a competitive basis.

“(3) The Federal share of the cost of any activity carried out with a grant under this subsection shall not exceed 75 percent.

“(4) There is authorized to be appropriated \$3,000,000 for each of fiscal years 2010 through 2014 for grants under this subsection.

“(j)(1) The Secretary shall establish a Fishing Safety Research Grant Program to provide funding to individuals in academia, members of non-profit organizations and businesses involved in fishing and maritime matters, and other persons with expertise in fishing safety, to conduct research on methods of improving the safety of the commercial fishing industry, including vessel design, emergency and survival equipment, enhancement of vessel monitoring systems, communications devices, de-icing technology, and severe weather detection.

“(2) The Secretary shall award grants under this subsection on a competitive basis.

“(3) The Federal share of the cost of any activity carried out with a grant under this subsection shall not exceed 75 percent.

“(4) There is authorized to be appropriated \$3,000,000 for each fiscal year 2010 through 2014 for activities under this subsection.”.

(b) CONFORMING AMENDMENT.—Section 4506(b) of title 46, United States Code, is repealed.

(c) ADVISORY COMMITTEE.—

(1) CHANGE OF NAME.—Section 4508 of title 46, United States Code, is amended—

(A) by striking the section heading and inserting the following:

“§ 4508. Commercial Fishing Safety Advisory Committee”;

and

(B) in subsection (a) by striking “Industry Vessel”.

(2) MEMBERSHIP REQUIREMENTS.—Section 4508(b)(1) of that title is amended—

(A) by striking “seventeen” and inserting “eighteen”;

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “from the commercial fishing industry who—” and inserting “who shall represent the commercial fishing industry and who—”;

(ii) in clause (ii), by striking “an uninspected” and inserting “a”;

(C) by striking subparagraph (B) and inserting the following:

“(B) three members who shall represent the general public, including, whenever possible—

“(i) an independent expert or consultant in maritime safety;

“(ii) a marine surveyor who provides services to vessels to which this chapter applies; and

“(iii) a person familiar with issues affecting fishing communities and families of fishermen;”;

(D) in subparagraph (C)—

(i) in the matter preceding clause (i), by striking “representing each of—” and inserting “each of whom shall represent—”;

(ii) in clause (i), by striking “or marine surveyors;” and inserting “and marine engineers;”;

(iii) in clause (iii), by striking “and” after the semicolon at the end;

(iv) in clause (iv), by striking the period at the end and inserting “; and”; and

(v) by adding at the end the following new clause:

“(v) owners of vessels to which this chapter applies.”.

(3) **TERMINATION.**—Section 4508(e)(1) of that title is amended by striking “September 30, 2010.” and inserting “September 30, 2020.”.

(4) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 45 of title 46, United States Code, is amended by striking the item relating to such section and inserting the following:

“4508. Commercial Fishing Safety Advisory Committee.”.

(d) **LOADLINES FOR VESSELS 79 FEET OR GREATER IN LENGTH.**—

(1) **LIMITATION ON EXEMPTION FOR FISHING VESSELS.**—Section 5102(b)(3) of title 46, United States Code, is amended by inserting after “vessel” the following “, unless the vessel is built after July 1, 2012”.

(2) **ALTERNATE PROGRAM FOR CERTAIN FISHING VESSELS.**—Section 5103 of title 46, United States Code, is amended by adding at the end the following:

“(c) A fishing vessel built on or before July 1, 2012, that undergoes a substantial change to the dimension of or type of the vessel completed after the later of July 1, 2012, or the date the Secretary establishes standards for an alternate loadline compliance program, shall comply with such an alternative loadline compliance program that is developed in cooperation with the commercial fishing industry and prescribed by the Secretary.”.

(e) **CLASSING OF VESSELS.**—

(1) **IN GENERAL.**—Section 4503 of title 46, United States Code, is amended—

(A) by striking the section heading and inserting the following:

“§ 4503. Fishing, fish tender, and fish processing vessel certification”;

(B) in subsection (a) by striking “fish processing vessel;” and

(C) by adding at the end the following:

“(c) This section applies to a vessel to which section 4502(b) of this title applies that is at least 50 feet overall in length and is built after July 1, 2012.

“(d)(1) After January 1, 2020, a fishing vessel, fish processing vessel, or fish tender vessel to which section 4502(b) of this title applies shall comply with an alternate safety compliance program that is developed in cooperation with the commercial fishing industry and prescribed by the Secretary, if the vessel—

“(A) is at least 50 feet overall in length;

“(B) is built before July 1, 2012; and

“(C) is 25 years of age or older.

“(2) A fishing vessel, fish processing vessel, or fish tender vessel built before July 1, 2012, that undergoes a substantial change to the dimension of or type of vessel completed after the later of July 1, 2012, or the date the Secretary establishes standards for an alternate safety compliance program, shall comply with such an alternative safety compliance program that is developed in cooperation with the commercial fishing industry and prescribed by the Secretary.

“(3) Alternative safety compliance programs may be developed for purposes of paragraph (1) for specific regions and fisheries.

“(4) Notwithstanding paragraph (1), vessels owned by a person that owns more than 30 vessels subject to that paragraph are not required to meet the alternate safety compliance requirements of that paragraph until January 1, 2030, if that owner enters into a compliance agreement with the Secretary that provides for a fixed schedule for all of the vessels owned by that person to meet requirements of that paragraph by that date and the vessel owner is meeting that schedule.

“(5) A fishing vessel, fish processing vessel, or fish tender vessel to which section 4502(b) of this title applies that was classed before July 1, 2012, shall—

“(A) remain subject to the requirements of a classification society approved by the Secretary; and

“(B) have on board a certificate from that society.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 45 of title 46, United States Code, is amended by striking the item relating to such section and inserting the following:

“4503. Fishing, fish tender, and fish processing vessel certification.”.

(f) **ALTERNATIVE SAFETY COMPLIANCE PROGRAM.**—No later than January 1, 2017, the Secretary of the department in which the Coast Guard is operating shall prescribe an alternative safety compliance program referred to in section 4503(d)(1) of the title 46, United States Code, as amended by this section.

SEC. 605. MARINER RECORDS.

Section 7502 of title 46, United States Code, is amended—

(1) by inserting “(a)” before “The”;

(2) by striking “computerized records” and inserting “records, including electronic records,”; and

(3) by adding at the end the following:

“(b) The Secretary may prescribe regulations requiring a vessel owner or managing operator of a commercial vessel, or the employer of a seaman on that vessel, to maintain records of each individual engaged on the vessel subject to inspection under chapter 33 on matters of engagement, discharge, and service for not less than 5 years after the date of the completion of the service of that individual on the vessel. The regulations may require that a vessel owner, managing operator, or employer shall make these records available to the individual and the Coast Guard on request.

“(c) A person violating this section, or a regulation prescribed under this section, is liable to the United States Government for a civil penalty of not more than \$5,000.”.

SEC. 606. DELETION OF EXEMPTION OF LICENSE REQUIREMENT FOR OPERATORS OF CERTAIN TOWING VESSELS.

Section 8905 of title 46, United States Code, is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

SEC. 607. LOG BOOKS.

(a) **IN GENERAL.**—Chapter 113 of title 46, United States Code, is amended by adding at the end the following:

“§ 11304. Additional logbook and entry requirements

“(a) A vessel of the United States that is subject to inspection under section 3301 of this title, except a vessel on a voyage from a port in the United States to a port in Canada, shall have an official logbook, which shall be kept available for review by the Secretary on request.

“(b) The log book required by subsection (a) shall include the following entries:

“(1) The time when each seaman and each officer assumed or relieved the watch.

“(2) The number of hours in service to the vessels of each seaman and each officer.

“(3) An account of each accident, illness, and injury that occurs during each watch.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following:

“11304. Additional logbook and entry requirements.”.

SEC. 608. SAFE OPERATIONS AND EQUIPMENT STANDARDS.

(a) **IN GENERAL.**—Chapter 21 of title 46, United States Code, is further amended by adding at the end the following new sections:

“§ 2117. Termination for unsafe operation

“An individual authorized to enforce this title—

“(1) may remove a certificate required by this title from a vessel that is operating in a condition that does not comply with the provisions of the certificate;

“(2) may order the individual in charge of a vessel that is operating that does not have on board the certificate required by this title to return the vessel to a mooring and to remain there until the vessel is in compliance with this title; and

“(3) may direct the individual in charge of a vessel to which this title applies to immediately take reasonable steps necessary for the safety of individuals on board the vessel if the official observes the vessel being operated in an unsafe condition that the official believes creates an especially hazardous condition, including ordering the individual in charge to return the vessel to a mooring and to remain there until the situation creating the hazard is corrected or ended.

“§ 2118. Establishment of equipment standards

“(a) In establishing standards for approved equipment required on vessels subject to part B of this title, the Secretary shall establish standards that are—

“(1) based on performance using the best available technology that is economically achievable; and

“(2) operationally practical.

“(b) Using the standards established under subsection (a), the Secretary may also certify lifesaving equipment that is not required to be carried on vessels subject to part B of this title to ensure that such equipment is suitable for its intended purpose.

“(c) At least once every 10 years the Secretary shall review and revise the standards established under subsection (a) to ensure that the standards meet the requirements of this section.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is further amended by adding at the end the following:

“2117. Termination for unsafe operation.

“2118. Establishment of equipment standards.”.

SEC. 609. APPROVAL OF SURVIVAL CRAFT.

(a) IN GENERAL.—Chapter 31 of title 46, United States Code, is amended by adding at the end the following new section:

“§ 3104. Survival craft

“(a) Except as provided in subsection (b), the Secretary may not approve a survival craft as a safety device for purposes of this part, unless the craft ensures that no part of an individual is immersed in water.

“(b) The Secretary may authorize a survival craft that does not provide protection described in subsection (a) to remain in service until not later than January 1, 2015, if—

“(1) it was approved by the Secretary before January 1, 2010; and

“(2) it is in serviceable condition.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following: “3104. Survival craft.”.

SEC. 610. SAFETY MANAGEMENT.

(a) VESSELS TO WHICH REQUIREMENTS APPLY.—Section 3202 of title 46, United States Code, is amended—

(1) in subsection (a) by striking the heading and inserting “FOREIGN VOYAGES AND FOREIGN VESSELS.—”;

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(3) by inserting after subsection (a) the following:

“(b) OTHER PASSENGER VESSELS.—This chapter applies to a vessel that is—

“(1) a passenger vessel or small passenger vessel; and

“(2) is transporting more passengers than a number prescribed by the Secretary based on the number of individuals on the vessel that could be killed or injured in a marine casualty.”;

(4) in subsection (d), as so redesignated, by striking “subsection (b)” and inserting “subsection (c)”; and

(5) in subsection (d)(4), as so redesignated, by inserting “that is not described in subsection (b) of this section” after “waters”.

(b) SAFETY MANAGEMENT SYSTEM.—Section 3203 of title 46, United States Code, is amended by adding at the end the following new subsection:

“(c) In prescribing regulations for passenger vessels and small passenger vessels, the Secretary shall consider—

“(1) the characteristics, methods of operation, and nature of the service of these vessels; and

“(2) with respect to vessels that are ferries, the sizes of the ferry systems within which the vessels operate.”.

SEC. 611. PROTECTION AGAINST DISCRIMINATION.

(a) IN GENERAL.—Section 2114 of title 46, United States Code, is amended—

(1) in subsection (a)(1)(A), by striking “or” after the semicolon;

(2) in subsection (a)(1)(B), by striking the period at the end and inserting a semicolon;

(3) by adding at the end of subsection (a)(1) the following new subparagraphs:

“(C) the seaman testified in a proceeding brought to enforce a maritime safety law or regulation prescribed under that law;

“(D) the seaman notified, or attempted to notify, the vessel owner or the Secretary of a work-related personal injury or work-related illness of a seaman;

“(E) the seaman cooperated with a safety investigation by the Secretary or the National Transportation Safety Board;

“(F) the seaman furnished information to the Secretary, the National Transportation Safety Board, or any other public official as

to the facts relating to any marine casualty resulting in injury or death to an individual or damage to property occurring in connection with vessel transportation; or

“(G) the seaman accurately reported hours of duty under this part.”; and

(4) by amending subsection (b) to read as follows:

“(b) A seaman alleging discharge or discrimination in violation of subsection (a) of this section, or another person at the seaman’s request, may file a complaint with respect to such allegation in the same manner as a complaint may be filed under subsection (b) of section 31105 of title 49. Such complaint shall be subject to the procedures, requirements, and rights described in that section, including with respect to the right to file an objection, the right of a person to file for a petition for review under subsection (c) of that section, and the requirement to bring a civil action under subsection (d) of that section.”.

(b) EXISTING ACTIONS.—This section shall not affect the application of section 2114(b) of title 46, United States Code, as in effect before the date of enactment of this Act, to an action filed under that section before that date.

SEC. 612. OIL FUEL TANK PROTECTION.

Section 3306 of title 46, United States Code, is amended by adding at the end the following new subsection:

“(k)(1) Each vessel of the United States that is constructed under a contract entered into after the date of enactment of the Maritime Safety Act of 2010, or that is delivered after January 1, 2011, with an aggregate capacity of 600 cubic meters or more of oil fuel, shall comply with the requirements of Regulation 12A under Annex I to the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, entitled ‘Oil Fuel Tank Protection’.

“(2) The Secretary may prescribe regulations to apply the requirements described in Regulation 12A to vessels described in paragraph (1) that are not otherwise subject to that convention. Any such regulation shall be considered to be an interpretive rule for the purposes of section 553 of title 5.

“(3) In this subsection the term ‘oil fuel’ means any oil used as fuel in connection with the propulsion and auxiliary machinery of the vessel in which such oil is carried.”.

SEC. 613. OATHS.

Section 7105 of title 46, United States Code, is amended by striking “before a designated official”.

SEC. 614. DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS’ DOCUMENTS.

(a) MERCHANT MARINER’S DOCUMENTS.—Section 7302(f) of title 46, United States Code, is amended to read as follows:

“(f) PERIODS OF VALIDITY AND RENEWAL OF MERCHANT MARINERS’ DOCUMENTS.—

“(1) IN GENERAL.—Except as provided in subsection (g), a merchant mariner’s document issued under this chapter is valid for a 5-year period and may be renewed for additional 5-year periods.

“(2) ADVANCE RENEWALS.—A renewed merchant mariner’s document may be issued under this chapter up to 8 months in advance but is not effective until the date that the previously issued merchant mariner’s document expires or until the completion of any active suspension or revocation of that previously issued merchant mariner’s document, whichever is later.”.

(b) DURATION OF LICENSES.—Section 7106 of such title is amended to read as follows:

“§ 7106. Duration of licenses

“(a) IN GENERAL.—A license issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a license issued to a radio officer is conditioned on the continuous possession by the holder of a first-class or second-class radiotelegraph operator license issued by the Federal Communications Commission.

“(b) ADVANCE RENEWALS.—A renewed license issued under this part may be issued up to 8 months in advance but is not effective until the date that the previously issued license expires or until the completion of any active suspension or revocation of that previously issued merchant mariner’s document, whichever is later.”.

(c) CERTIFICATES OF REGISTRY.—Section 7107 of such title is amended to read as follows:

“§ 7107. Duration of certificates of registry

“(a) IN GENERAL.—A certificate of registry issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a certificate issued to a medical doctor or professional nurse is conditioned on the continuous possession by the holder of a license as a medical doctor or registered nurse, respectively, issued by a State.

“(b) ADVANCE RENEWALS.—A renewed certificate of registry issued under this part may be issued up to 8 months in advance but is not effective until the date that the previously issued certificate of registry expires or until the completion of any active suspension or revocation of that previously issued merchant mariner’s document, whichever is later.”.

SEC. 615. AUTHORIZATION TO EXTEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS’ DOCUMENTS.

(a) MERCHANT MARINER LICENSES AND DOCUMENTS.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

“§ 7507. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents

“(a) LICENSES AND CERTIFICATES OF REGISTRY.—Notwithstanding sections 7106 and 7107, the Secretary of the department in which the Coast Guard is operating may—

“(1) extend for not more than one year an expiring license or certificate of registry issued for an individual under chapter 73 if the Secretary determines that the extension is required to enable the Coast Guard to eliminate a backlog in processing applications for those licenses or certificates of registry or in response to a national emergency or natural disaster, as deemed necessary by the Secretary; or

“(2) issue for not more than five years an expiring license or certificate of registry issued for an individual under chapter 73 for the exclusive purpose of aligning the expiration date of such license or certificate of registry with the expiration date of a merchant mariner’s document.

“(b) MERCHANT MARINER DOCUMENTS.—Notwithstanding section 7302(g), the Secretary may—

“(1) extend for not more than one year an expiring merchant mariner’s document issued for an individual under chapter 73 if the Secretary determines that the extension is required to enable the Coast Guard to eliminate a backlog in processing applications for those licenses or certificates of registry or in response to a national emergency

or natural disaster, as deemed necessary by the Secretary; or

“(2) issue for not more than five years an expiring merchant mariner’s document issued for an individual under chapter 73 for the exclusive purpose of aligning the expiration date of such merchant mariner’s document with the expiration date of a merchant mariner’s document.

“(c) MANNER OF EXTENSION.—Any extensions granted under this section may be granted to individual seamen or a specifically identified group of seamen.”.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

“7507. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents.”.

SEC. 616. MERCHANT MARINER ASSISTANCE REPORT.

Not later than 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report regarding the feasibility of—

(1) expanding the streamlined evaluation process program that was affiliated with the Houston Regional Examination Center of the Coast Guard to all processing centers of the Coast Guard nationwide;

(2) including proposals to simplify the application process for a license as an officer, staff officer, or operator and for a merchant mariner’s document to help eliminate errors by merchant mariners when completing the application form (CG-719B), including instructions attached to the application form and a modified application form for renewals with questions pertaining only to the period of time since the previous application;

(3) providing notice to an applicant of the status of the pending application, including a process to allow the applicant to check on the status of the application by electronic means; and

(4) ensuring that all information collected with respect to applications for new or renewed licenses, merchant mariner documents, and certificates of registry is retained in a secure electronic format.

SEC. 617. OFFSHORE SUPPLY VESSELS.

(a) REMOVAL OF TONNAGE LIMITS.—

(1) DEFINITION.—

(A) IN GENERAL.—Section 2101(19) of title 46, United States Code, is amended by striking “of more than 15 gross tons but less than 500 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title”.

(B) EXEMPTION.—Section 5209(b)(1) of the Oceans Act of 1992 (Public Law 102-587; 46 U.S.C. 2101 note) is amended by striking “vessel.” and inserting “vessel of less than 500 gross tons as measured under section 14502, or an alternate tonnage measured under section 14302 of such title as prescribed by the Secretary under section 14104 of such title.”.

(2) APPLICATION.—Section 3702(b) of title 46, United States Code, is amended by striking paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(b) SCALE OF EMPLOYMENT: ABLE SEAMEN.—Section 7312(d) of title 46, United States Code, is amended to read as follows:

“(d) INDIVIDUALS QUALIFIED AS ABLE SEAMEN.—Offshore supply vessel under section

7310 of this title may constitute all of the able seamen required on board a vessel of less than 500 gross tons as measured under section 14502 of this title or 6,000 gross tons as measured under section 14302 of this title engaged in support of exploration, exploitation, or production of offshore mineral or energy resources. Individuals qualified as able seamen—limited under section 7308 of this title may constitute all of the able seamen required on board a vessel of at least 500 gross tons as measured under section 14502 of this title or 6,000 gross tons as measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title engaged in support of exploration, exploitation, or production of offshore mineral or energy resources.”.

(c) MINIMUM NUMBER OF LICENSED INDIVIDUALS.—Section 8301(b) of title 46, United States Code, is amended to read as follows:

“(b)(1) An offshore supply vessel of less than 500 gross tons as measured under section 14502 of this title or 6,000 gross tons as measured under section 14302 of this title on a voyage of less than 600 miles shall have a licensed mate. If the vessel is on a voyage of at least 600 miles, however, the vessel shall have 2 licensed mates.

“(2) An offshore supply vessel of at least 6,000 gross tons as measured under section 14302 of this title on a voyage of less than 600 miles shall have at least two licensed mates, provided the offshore supply vessel meets the requirements of section 8104(g)(2). An offshore supply vessel of at least 6,000 gross tons as measured under section 14302 of this title on a voyage of at least 600 miles shall have three licensed mates.

“(3) An offshore supply vessel of more than 200 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title, may not be operated without a licensed engineer.”.

(d) WATCHES.—Section 8104(g) of title 46, United States Code, is amended—

(1) by inserting “(1)” after “(g)”;

(2) by adding at the end the following:

“(2) Paragraph (1) applies to an offshore supply vessel of at least 6,000 gross tons as measured under section 14302 of this title if the individuals engaged on the vessel are in compliance with hours of service requirements (including recording and record-keeping of that service) as prescribed by the Secretary.”.

(e) OIL FUEL TANK PROTECTION.—

(1) APPLICATION.—An offshore supply vessel of at least 6,000 gross tons as measured under section 14302 of title 46, United States Code, that is constructed under a contract entered into after the date of enactment of this Act, or that is delivered after August 1, 2010, with an aggregate capacity of 600 cubic meters or more of oil fuel, shall comply with the requirements of Regulation 12A under Annex I to the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, entitled Oil Fuel Tank Protection, regardless of whether such vessel is engaged in the coastwise trade or on an international voyage.

(2) DEFINITION.—In this subsection the term “oil fuel” means any oil used as fuel in connection with the propulsion and auxiliary machinery of the vessel in which such oil is carried.

(f) REGULATIONS.—

(1) IN GENERAL.—Not later than January 1, 2012, the Secretary of the department in which the Coast Guard is operating shall

promulgate regulations to implement the amendments and authorities enacted by this section for offshore supply vessels of at least 6,000 gross tons as measured under section 14302 of title 46, United States Code, and to ensure the safe carriage of oil, hazardous substances, and individuals in addition to the crew on such vessels. The final rule issued pursuant to such rulemaking may supersede the interim final rule promulgated under paragraph (2) of this subsection. In promulgating regulations under this subsection, the Secretary shall take into consideration the characteristics of offshore supply vessels, their methods of operation, and their service in support of exploration, exploitation, or production of offshore mineral or energy resources.

(2) INTERIM FINAL RULE AUTHORITY.—As soon as is practicable and without regard to the provisions of chapters 5 and 6 of title 5, United States Code, the Secretary shall issue an interim final rule as a temporary regulation implementing this section (including the amendments made by this section) for offshore supply vessels of at least 6,000 gross tons as measured under section 14302 of title 46, United States Code, and to ensure the safe carriage of oil, hazardous substances, and individuals in addition to the crew on such vessels.

(3) INTERIM PERIOD.—After the effective date of this Act, prior to the effective date of the regulations prescribed by paragraph (2) of this subsection, and without regard to the provisions of chapters 5 and 6 of title 5, United States Code, and the offshore supply vessel tonnage limits of applicable regulations and policy guidance promulgated prior to the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating may—

(A) issue a certificate of inspection under section 3309 of title 46, United States Code, to an offshore supply vessel of at least 6,000 gross tons as measured under section 14302 of that title if the Secretary determines that such vessel’s arrangements and equipment meet the current Coast Guard requirements for certification as a cargo and miscellaneous vessel;

(B) authorize a master, mate, or engineer who possesses an ocean or near coastal license and endorsement under part 11 of subchapter B of title 46, Code of Federal Regulations, (or any successor regulation) that qualifies the licensed officer for service on offshore supply vessels of at least 3,000 gross tons but less than 6,000 gross tons, as measured under section 14302 of title 46, United States Code, to operate offshore supply vessels of at least 6,000 gross tons, as measured under such section; and

(C) authorize any such master, mate, or engineer who also possesses an ocean or near coastal license and endorsement under such part that qualifies the licensed officer for service on non trade-restricted vessels of at least 1,600 gross tons but less than 3,000 gross tons, as measured under such section, to increase the tonnage limitation of such license and endorsement under section 402(c) of such part, using service on vessels certificated under both subchapters I and L of such title and measured only under such section, except that such tonnage limitation shall not exceed 10,000 gross tons as measured under such section.

SEC. 618. ASSOCIATED EQUIPMENT.

Section 2101(1)(B) of title 46, United States Code, is amended by inserting “with the exception of emergency locator beacons for recreational vessels operating beyond 3 nautical miles from the baselines from which

the territorial sea of the United States is measured or beyond 3 nautical miles from the coastline of the Great Lake," before "does".

SEC. 619. LIFESAVING DEVICES ON UNINSPECTED VESSELS.

Section 4102(b) of title 46, United States Code, is amended to read as follows:

"(b) The Secretary shall prescribe regulations requiring the installation, maintenance, and use of life preservers and other lifesaving devices for individuals on board uninspected vessels."

SEC. 620. STUDY OF BLENDED FUELS IN MARINE APPLICATION.

(a) SURVEY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall submit a survey of published data and reports, pertaining to the use, safety, and performance of blended fuels in marine applications, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committees on Commerce, Science, and Transportation of the Senate.

(2) INCLUDED INFORMATION.—To the extent possible, the survey required in subsection (a), shall include data and reports on—

(A) the impact of blended fuel on the operation, durability, and performance of recreational and commercial marine engines, vessels, and marine engine and vessel components and associated equipment;

(B) the safety impacts of blended fuels on consumers that own and operate recreational and commercial marine engines and marine engine components and associated equipment; and

(C) to the extent available, fires and explosions on board vessels propelled by engines using blended fuels.

(b) STUDY.—

(1) IN GENERAL.—Not later than 36 months after the date of enactment of this Act, the Secretary, acting through the Commandant, shall conduct a comprehensive study on the use, safety, and performance of blended fuels in marine applications. The Secretary is authorized to conduct such study in conjunction with—

(A) any other Federal agency;

(B) any State government or agency;

(C) any local government or agency, including local police and fire departments; and

(D) any private entity, including engine and vessel manufacturers.

(2) EVALUATION.—The study shall include an evaluation of—

(A) the impact of blended fuel on the operation, durability and performance of recreational and commercial marine engines, vessels, and marine engine and vessel components and associated equipment;

(B) the safety impacts of blended fuels on consumers that own and operate recreational and commercial marine engines and marine engine components and associated equipment; and

(C) fires and explosions on board vessels propelled by engines using blended fuels.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Homeland Security to carry out the survey and study under this section \$1,000,000.

SEC. 621. RENEWAL OF ADVISORY COMMITTEES.

(a) GREAT LAKES PILOTAGE ADVISORY COMMITTEE.—Section 9307(f)(1) of title 46, United States Code, is amended by striking "September 30, 2010." and inserting "September 30, 2020."

(b) NATIONAL BOATING SAFETY ADVISORY COUNCIL.—Section 13110 of title 46, United States Code, is amended—

(1) in subsection (d), by striking the first sentence; and

(2) in subsection (e), by striking "September 30, 2010." and inserting "September 30, 2020."

(c) HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE.—Section 18(h) of the Coast Guard Authorization Act of 1991 (Public Law 102-241 as amended by Public Law 104-324) is amended by striking "September 30, 2010." and inserting "September 30, 2020."

(d) LOWER MISSISSIPPI RIVER WATERWAY SAFETY ADVISORY COMMITTEE.—Section 19 of the Coast Guard Authorization Act of 1991 (Public Law 102-241) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "twenty-four" and inserting "twenty-five"; and

(B) by adding at the end the following new paragraph:

"(12) One member representing the Associated Federal Pilots and Docking Masters of Louisiana."; and

(2) in subsection (g), by striking "September 30, 2010." and inserting "September 30, 2020."

(e) TOWING SAFETY ADVISORY COMMITTEE.—The Act entitled "An Act To establish a Towing Safety Advisory Committee in the Department of Transportation", approved October 6, 1980, (33 U.S.C. 1231a) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) There is established a Towing Safety Advisory Committee (hereinafter referred to as the 'Committee'). The Committee shall consist of eighteen members with particular expertise, knowledge, and experience regarding shallow-draft inland and coastal waterway navigation and towing safety as follows:

"(1) Seven members representing the barge and towing industry, reflecting a regional geographic balance.

"(2) One member representing the offshore mineral and oil supply vessel industry.

"(3) One member representing holders of active licensed Masters or Pilots of towing vessels with experience on the Western Rivers and the Gulf Intracoastal Waterway.

"(4) One member representing the holders of active licensed Masters of towing vessels in offshore service.

"(5) One member representing Masters who are active ship-docking or harbor towing vessel.

"(6) One member representing licensed or unlicensed towing vessel engineers with formal training and experience.

"(7) Two members representing each of the following groups:

"(A) Port districts, authorities, or terminal operators.

"(B) Shippers (of whom at least one shall be engaged in the shipment of oil or hazardous materials by barge).

"(8) Two members representing the general public."; and

(2) in subsection (e), by striking "September 30, 2010." and inserting "September 30, 2020."

(f) NAVIGATION SAFETY ADVISORY COUNCIL.—Section 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) ESTABLISHMENT OF COUNCIL.—

"(1) IN GENERAL.—The Secretary of the department in which the Coast Guard is oper-

ating shall establish a Navigation Safety Advisory Council (hereinafter referred to as the 'Council'), consisting of not more than 21 members. All members shall have expertise in Inland and International vessel navigation Rules of the Road, aids to maritime navigation, maritime law, vessel safety, port safety, or commercial diving safety. Upon appointment, all non-Federal members shall be designated as representative members to represent the viewpoints and interests of one of the following groups or organizations:

"(A) Commercial vessel owners or operators.

"(B) Professional mariners.

"(C) Recreational boaters.

"(D) The recreational boating industry.

"(E) State agencies responsible for vessel or port safety.

"(F) The Maritime Law Association.

"(2) PANELS.—Additional persons may be appointed to panels of the Council to assist the Council in performance of its functions.

"(3) NOMINATIONS.—The Secretary, through the Coast Guard Commandant, shall not less often than once a year publish a notice in the Federal Register soliciting nominations for membership on the Council.

"(b) FUNCTIONS.—The Council shall advise, consult with, and make recommendations to the Secretary, through the Coast Guard Commandant, on matters relating to maritime collisions, ramblings, groundings, Inland Rules of the Road, International Rules of the Road, navigation regulations and equipment, routing measures, marine information, diving safety, and aids to navigation systems. Any advice and recommendations made by the Council to the Secretary shall reflect the independent judgment of the Council on the matter concerned. The Council shall meet at the call of the Coast Guard Commandant, but in any event not less than twice during each calendar year. All proceedings of the Council shall be public, and a record of the proceedings shall be made available for public inspection."; and

(2) in subsection (d), by striking "September 30, 2010." and inserting "September 30, 2020."

(g) DELAWARE RIVER AND BAY OIL SPILL ADVISORY COMMITTEE.—

(1) IN GENERAL.—Section 607 of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109-241; 120 Stat. 556) is amended—

(A) in subsection (c)(2), by striking "Not later than 18 months after the date that the Commandant completes appointment of the members of the Committee," and inserting "Not later than December 31, 2010,";

(B) in subsection (h), by striking "2007" and inserting "2011"; and

(C) by striking subsection (i) and inserting the following:

"(i) TERMINATION.—The Committee shall terminate 30 days after it transmits its report, pursuant to subsection (c)(2), but no later than December 31, 2010, whichever is earlier."

(2) EFFECTIVE DATE.—The amendments made by this subsection are deemed to have taken effect as if they were enacted on July 11, 2006.

(3) CHARTER.—Any charter pertaining to the Delaware River and Bay Oil Spill Advisory Committee is deemed not to have lapsed, and to have remained in effect, and, notwithstanding any other provision of law or policy, shall terminate 30 days after the date the Committee transmits its report, pursuant to section 607(c)(2) of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109-241; 120 Stat. 557), but

not later than December 31, 2010, whichever is earlier.

(4) APPOINTMENTS TO COMMITTEE.—Any appointment to the Delaware River and Bay Oil Spill Advisory Committee is deemed not to have lapsed, and to have remained in effect, and, notwithstanding any other provision of law or policy, shall terminate 30 days after the Committee transmits its report, pursuant to section 607(c)(2) of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109-241; 120 Stat. 557), but not later than December 31, 2010, whichever is earlier.

SEC. 622. DELEGATION OF AUTHORITY.

(a) IN GENERAL.—Section 3316 of title 46, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) The Secretary may delegate to the American Bureau of Shipping or another classification society recognized by the Secretary as meeting acceptable standards for such a society, for a United States offshore facility, the authority to—

“(A) review and approve plans required for issuing a certificate of inspection, a certificate of compliance, or any other certification and related documents issued by the Coast Guard pursuant to regulations issued under section 30 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356); and

“(B) conduct inspections and examinations.

“(2) The Secretary may make a delegation under paragraph (1) to a foreign classification society only if—

“(A) the foreign society has offices and maintains records in the United States; and

“(B)(i) the government of the foreign country in which the foreign society is headquartered delegates that authority to the American Bureau of Shipping; or

“(ii) the Secretary has entered into an agreement with the government of the foreign country in which the foreign society is headquartered that—

“(I) ensures the government of the foreign country will accept plan review, inspections, or examinations conducted by the American Bureau of Shipping and provide equivalent access to inspect, certify, and provide related services to offshore facilities located in that country or operating under the authority of that country; and

“(II) is in full accord with principles of reciprocity in regards to any delegation contemplated by the Secretary under paragraph (1).

“(3) If an inspection or examination is conducted under authority delegated under this subsection, the person to which the authority was delegated—

“(A) shall maintain in the United States complete files of all information derived from or necessarily connected with the inspection or examination for at least 2 years after the United States offshore facility ceases to be certified; and

“(B) shall permit access to those files at all reasonable times to any officer, employee, or member of the Coast Guard designated—

“(i) as a marine inspector and serving in a position as a marine inspector; or

“(ii) in writing by the Secretary to have access to those files.

“(4) For purposes of this subsection—

“(A) the term ‘offshore facility’ means any installation, structure, or other device (including any vessel not documented under chapter 121 of this title or the laws of another country), fixed or floating, that dynamically holds position or is temporarily or permanently attached to the seabed or subsoil under the sea; and

“(B) the term ‘United States offshore facility’ means any offshore facility, fixed or floating, that dynamically holds position or is temporarily or permanently attached to the seabed or subsoil under the territorial sea of the United States or the outer Continental Shelf (as that term is defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)), including any vessel, rig, platform, or other vehicle or structure subject to regulation under section 30 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356).”.

(b) REVIEW AND APPROVAL OF CLASSIFICATION SOCIETY REQUIRED.—Section 3316(c) of title 46, United States Code, is amended by striking so much as precedes paragraph (2) and inserting the following:

“(c)(1) A classification society (including an employee or agent of that society) may not review, examine, survey, or certify the construction, repair, or alteration of a vessel in the United States unless the society has applied for approval under this subsection and the Secretary has reviewed and approved that society with respect to the conduct of that society under paragraph (2).”.

TITLE VII—OIL POLLUTION PREVENTION

SEC. 701. RULEMAKINGS.

(a) STATUS REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the status of all Coast Guard rulemakings required or otherwise being developed (but for which no final rule has been issued as of the date of enactment of this Act) under section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321).

(2) INFORMATION REQUIRED.—The Secretary shall include in the report required in paragraph (1)—

(A) a detailed explanation with respect to each such rulemaking as to—

(i) what steps have been completed;

(ii) what areas remain to be addressed; and

(iii) the cause of any delays; and

(B) the date by which a final rule may reasonably be expected to be issued.

(b) FINAL RULES.—The Secretary shall issue a final rule in each pending rulemaking described in subsection (a) as soon as practicable, but in no event later than 18 months after the date of enactment of this Act.

(c) TOWING VESSELS.—No later than 90 days after the date of enactment of this Act, the Secretary shall issue a notice of proposed rulemaking regarding inspection requirements for towing vessels required under section 3306(j) of title 46, United States Code. The Secretary shall issue a final rule pursuant to that rulemaking no later than one year after the date of enactment of this Act.

SEC. 702. OIL TRANSFERS FROM VESSELS.

(a) REGULATIONS.—Within 1 year after the date of enactment of this Act, the Secretary shall promulgate regulations to reduce the risks of oil spills in operations involving the transfer of oil from or to a tank vessel. The regulations—

(1) shall focus on operations that have the highest risks of discharge, including operations at night and in inclement weather;

(2) shall consider—

(A) requirements for the use of equipment, such as putting booms in place for transfers, safety, and environmental impacts;

(B) operational procedures such as manning standards, communications protocols,

and restrictions on operations in high-risk areas; or

(C) both such requirements and operational procedures; and

(3) shall take into account the safety of personnel and effectiveness of available procedures and equipment for preventing or mitigating transfer spills.

(b) APPLICATION WITH STATE LAWS.—The regulations promulgated under subsection (a) do not preclude the enforcement of any State law or regulation the requirements of which are at least as stringent as requirements under the regulations (as determined by the Secretary) that—

(1) applies in State waters; and

(2) does not conflict with, or interfere with the enforcement of, requirements and operational procedures under the regulations.

SEC. 703. IMPROVEMENTS TO REDUCE HUMAN ERROR AND NEAR MISS INCIDENTS.

(a) REPORT.—Within 1 year after the date of enactment of this Act, the Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure that, using available data—

(1) identifies the types of human errors that, combined, could cause oil spills, with particular attention to human error caused by fatigue, in the past 10 years;

(2) in consultation with representatives of industry and labor and experts in the fields of marine casualties and human factors, identifies the most frequent types of near-miss oil spill incidents involving vessels such as collisions, allisions, groundings, and loss of propulsion in the past 10 years;

(3) describes the extent to which there are gaps in the data required under paragraphs (1) and (2), including gaps in the ability to define and identify fatigue, and explains the reason for those gaps; and

(4) includes recommendations by the Secretary and representatives of industry and labor and experts in the fields of marine casualties and human factors to address the identified types of errors and any such gaps in the data.

(b) MEASURES.—Based on the findings contained in the report required by subsection (a), the Secretary shall take appropriate action to reduce the risk of oil spills caused by human error.

(c) CONFIDENTIALITY OF VOLUNTARILY SUBMITTED INFORMATION.—The identity of a person making a voluntary disclosure under this section, and any information obtained from any such voluntary disclosure, shall be treated as confidential.

(d) DISCOVERY OF VOLUNTARILY SUBMITTED INFORMATION.—

(1) IN GENERAL.—Except as provided in this subsection, a party in a judicial proceeding may not use discovery to obtain information or data collected or received by the Secretary for use in the report required in subsection (a).

(2) EXCEPTION.—

(A) Notwithstanding paragraph (1), a court may allow discovery by a party in a judicial proceeding of data described in paragraph (1) if, after an in camera review of the information or data, the court decides that there is a compelling reason to allow the discovery.

(B) When a court allows discovery in a judicial proceeding as permitted under this paragraph, the court shall issue a protective order—

(i) to limit the use of the data to the judicial proceeding; and

(ii) to prohibit dissemination of the data to any person who does not need access to the data for the proceeding.

(C) A court may allow data it has decided is discoverable under this paragraph to be admitted into evidence in a judicial proceeding only if the court places the data under seal to prevent the use of the data for a purpose other than for the proceeding.

(3) APPLICATION.—Paragraph (1) shall not apply to—

(A) any disclosure made with actual knowledge that the disclosure was false, inaccurate, or misleading; or

(B) any disclosure made with reckless disregard as to the truth or falsity of that disclosure.

(e) RESTRICTION ON USE OF DATA.—Data that is voluntarily submitted for the purpose of the study required under subsection (a) shall not be used in an administrative action under chapter 77 of title 46, United States Code.

SEC. 704. OLYMPIC COAST NATIONAL MARINE SANCTUARY.

The Secretary of the Department in which the Coast Guard is operating and the Under Secretary of Commerce for Oceans and Atmosphere shall revise the area to be avoided off the coast of the State of Washington so that restrictions apply to all vessels required to prepare a response plan pursuant to section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)) (other than fishing or research vessels while engaged in fishing or research within the area to be avoided).

SEC. 705. PREVENTION OF SMALL OIL SPILLS.

(a) PREVENTION AND EDUCATION PROGRAM.—The Under Secretary of Commerce for Oceans and Atmosphere, in consultation with the Secretary of the Department in which the Coast Guard is operating and other appropriate agencies, shall establish an oil spill prevention and education program for small vessels. The program shall provide for assessment, outreach, and training and voluntary compliance activities to prevent and improve the effective response to oil spills from vessels and facilities not required to prepare a vessel response plan under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), including recreational vessels, commercial fishing vessels, marinas, and aquaculture facilities. The Under Secretary may provide grants to sea grant colleges and institutes designated under section 207 of the National Sea Grant College Program Act (33 U.S.C. 1126) and to State agencies, tribal governments, and other appropriate entities to carry out—

(1) regional assessments to quantify the source, incidence and volume of small oil spills, focusing initially on regions in the country where, in the past 10 years, the incidence of such spills is estimated to be the highest;

(2) voluntary, incentive-based clean marina programs that encourage marina operators, recreational boaters, and small commercial vessel operators to engage in environmentally sound operating and maintenance procedures and best management practices to prevent or reduce pollution from oil spills and other sources;

(3) cooperative oil spill prevention education programs that promote public understanding of the impacts of spilled oil and provide useful information and techniques to minimize pollution, including methods to remove oil and reduce oil contamination of bilge water, prevent accidental spills during maintenance and refueling and properly cleanup and dispose of oil and hazardous substances; and

(4) support for programs, including outreach and education to address derelict ves-

sels and the threat of such vessels sinking and discharging oil and other hazardous substances, including outreach and education to involve efforts to the owners of such vessels.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary of Commerce for Oceans and Atmosphere to carry out this section, \$10,000,000 for each of fiscal years 2010 through 2014.

SEC. 706. IMPROVED COORDINATION WITH TRIBAL GOVERNMENTS.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Secretary of the Department in which the Coast Guard is operating shall complete the development of a tribal consultation policy, which recognizes and protects to the maximum extent practicable tribal treaty rights and trust assets in order to improve the Coast Guard's consultation and coordination with the tribal governments of federally recognized Indian tribes with respect to oil spill prevention, preparedness, response and natural resource damage assessment.

(b) INCLUSION OF TRIBAL GOVERNMENT.—The Secretary of the Department in which the Coast Guard is operating shall ensure that, as soon as practicable after identifying an oil spill that is likely to have a significant impact on natural or cultural resources owned or directly utilized by a federally recognized Indian tribe, the Coast Guard will—

(1) ensure that representatives of the tribal government of the affected tribes are included as part of the incident command system established by the Coast Guard to respond to the spill;

(2) share information about the oil spill with the tribal government of the affected tribe; and

(3) to the extent practicable, involve tribal governments in deciding how to respond to the spill.

(c) COOPERATIVE ARRANGEMENTS.—The Coast Guard may enter into memoranda of agreement and associated protocols with Indian tribal governments in order to establish cooperative arrangements for oil pollution prevention, preparedness, and response. Such memoranda may be entered into prior to the development of the tribal consultation and coordination policy to provide Indian tribes grant and contract assistance. Such memoranda of agreement and associated protocols with Indian tribal governments may include—

(1) arrangements for the assistance of the tribal government to participate in the development of the National Contingency Plan and local Area Contingency Plans to the extent they affect tribal lands, cultural and natural resources;

(2) arrangements for the assistance of the tribal government to develop the capacity to implement the National Contingency Plan and local Area Contingency Plans to the extent they affect tribal lands, cultural and natural resources;

(3) provisions on coordination in the event of a spill, including agreements that representatives of the tribal government will be included as part of the regional response team co-chaired by the Coast Guard and the Environmental Protection Agency to establish policies for responding to oil spills;

(4) arrangements for the Coast Guard to provide training of tribal incident commanders and spill responders for oil spill preparedness and response;

(5) demonstration projects to assist tribal governments in building the capacity to protect tribal treaty rights and trust assets from oil spills; and

(6) such additional measures the Coast Guard determines to be necessary for oil pollution prevention, preparedness, and response.

(d) FUNDING FOR TRIBAL PARTICIPATION.—Subject to the availability of appropriations, the Commandant of the Coast Guard shall provide assistance to participating tribal governments in order to facilitate the implementation of cooperative arrangements under subsection (c) and ensure the participation of tribal governments in such arrangements. There are authorized to be appropriated to the Commandant \$500,000 for each of fiscal years 2010 through 2014 to be used to carry out this section.

SEC. 707. REPORT ON AVAILABILITY OF TECHNOLOGY TO DETECT THE LOSS OF OIL.

Within 1 year after the date of enactment of this Act, the Secretary of the Department in which the Coast Guard is operating shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the availability, feasibility, and potential cost of technology to detect the loss of oil carried as cargo or as fuel on tank and non-tank vessels greater than 400 gross tons.

SEC. 708. USE OF OIL SPILL LIABILITY TRUST FUND.

(a) IN GENERAL.—Section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)) is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) by inserting after subparagraph (A) the following:

“(B) not more than \$15,000,000 in each fiscal year shall be available to the Under Secretary of Commerce for Oceans and Atmosphere for expenses incurred by, and activities related to, response and damage assessment capabilities of the National Oceanic and Atmospheric Administration.”

(b) AUDITS; ANNUAL REPORTS.—Section 1012 of the Oil Pollution Act of 1990 (33 U.S.C. 2712) is amended—

(1) by striking subsection (g) and inserting the following:

“(g) AUDITS.—

“(1) IN GENERAL.—The Comptroller General of the United States shall conduct an audit, including a detailed accounting of each disbursement from the Fund in excess of \$500,000 that is—

“(A) disbursed by the National Pollution Fund Center and not reimbursed by the responsible party; and

“(B) administered and managed by the receiving Federal agencies, including final payments made to agencies and contractors and, to the extent possible, subcontractors.

“(2) FREQUENCY.—The audits shall be conducted—

“(A) at least once every 3 years after the date of enactment of the Coast Guard Authorization Act of 2010 until 2016; and

“(B) at least once every 5 years after the last audit conducted under subparagraph (A).

“(3) SUBMISSION OF RESULTS.—The Comptroller shall submit the results of each audit conducted under paragraph (1) to—

“(A) the Senate Committee on Commerce, Science, and Transportation;

“(B) the House of Representatives Committee on Transportation and Infrastructure; and

“(C) the Secretary or Administrator of each agency referred to in paragraph (1)(B).”;

and

(2) by adding at the end thereof the following:

“(1) REPORTS.—

“(1) IN GENERAL.—Within one year after the date of enactment of the Coast Guard Authorization Act of 2010, and annually thereafter, the President, through the Secretary of the Department in which the Coast Guard is operating, shall—

“(A) provide a report on disbursements for the preceding fiscal year from the Fund, regardless of whether those disbursements were subject to annual appropriations, to—

“(i) the Senate Committee on Commerce, Science, and Transportation; and

“(ii) the House of Representatives Committee on Transportation and Infrastructure; and

“(B) make the report available to the public on the National Pollution Funds Center Internet website.

“(2) CONTENTS.—The report shall include—

“(A) a list of each disbursement of \$250,000 or more from the Fund during the preceding fiscal year; and

“(B) a description of how each such use of the Fund meets the requirements of subsection (a).

“(3) AGENCY RECORDKEEPING.—Each Federal agency that receives amounts from the Fund shall maintain records describing the purposes for which such funds were obligated or expended in such detail as the Secretary may require for purposes of the report required under paragraph (1).”

SEC. 709. INTERNATIONAL EFFORTS ON ENFORCEMENT.

The Secretary of the department in which the Coast Guard is operating, in consultation with the heads of other appropriate Federal agencies, shall ensure that the Coast Guard pursues stronger enforcement in the International Maritime Organization of agreements related to oil discharges, including joint enforcement operations, training, and stronger compliance mechanisms.

SEC. 710. HIGHER VOLUME PORT AREA REGULATORY DEFINITION CHANGE.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Commandant shall initiate a rulemaking proceeding to modify the definition of the term “higher volume port area” in section 155.1020 of the Coast Guard regulations (33 C.F.R. 155.1020) by striking “Port Angeles, WA” in paragraph (13) of that section and inserting “Cape Flattery, WA”.

(b) VESSEL RESPONSE PLAN REVIEWS.—Within 5 years after the date of enactment of this Act, the Coast Guard shall complete its review of any changes to vessel response plans under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) resulting from the modification of the higher volume port area definition required by subsection (a).

SEC. 711. TUG ESCORTS FOR LADEN OIL TANKERS.

(a) COMPARABILITY ANALYSIS.—

(1) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Commandant, in consultation with the Secretary of State, is strongly encouraged to enter into negotiations with the Government of Canada to update the comparability analysis which serves as the basis for the Cooperative Vessel Traffic Service agreement between the United States and Canada for the management of maritime traffic in Puget Sound, the Strait of Georgia, Haro Strait, Rosario Strait, and the Strait of Juan de Fuca. The updated analysis shall, at a minimum, consider—

(A) requirements for laden tank vessels to be escorted by tug boats;

(B) vessel emergency response towing capability at the entrance to the Strait of Juan de Fuca; and

(C) spill response capability throughout the shared water, including oil spill response planning requirements for vessels bound for one nation transiting through the waters of the other nation.

(2) CONSULTATION REQUIREMENT.—In conducting the analysis required under this subsection, the Commandant shall consult with the State of Washington and affected tribal governments.

(3) RECOMMENDATIONS.—Within 18 months after the date of enactment of this Act, the Commandant shall submit recommendations based on the analysis required under this subsection to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure. The recommendations shall consider a full range of options for the management of maritime traffic, including Federal legislation, promulgation of Federal rules, and the establishment of cooperative agreements for shared funding of spill prevention and response systems.

(b) DUAL ESCORT VESSELS FOR DOUBLE HULLED TANKERS IN PRINCE WILLIAM SOUND, ALASKA.—

(1) IN GENERAL.—Section 4116(c) of the Oil Pollution Act of 1990 (46 U.S.C. 3703 note) is amended—

(A) by striking “Not later than 6 months after the date of the enactment of this Act, the” and inserting “(1) IN GENERAL.—The”;

(B) by adding at the end the following:

“(2) PRINCE WILLIAM SOUND, ALASKA.—

“(A) IN GENERAL.—The requirement in paragraph (1) relating to single hulled tankers in Prince William Sound, Alaska, described in that paragraph being escorted by at least 2 towing vessels or other vessels considered to be appropriate by the Secretary (including regulations promulgated in accordance with section 3703(a)(3) of title 46, United States Code, as set forth in part 168 of title 33, Code of Federal Regulations (as in effect on March 1, 2009) implementing this subsection with respect to those tankers) shall apply to double hulled tankers over 5,000 gross tons transporting oil in bulk in Prince William Sound, Alaska.

“(B) IMPLEMENTATION OF REQUIREMENTS.—The Secretary of the department in which the Coast Guard is operating shall prescribe interim final regulations to carry out subparagraph (A) as soon as practicable without notice and hearing pursuant to section 553 of title 5 of the United States Code.”

(2) EFFECTIVE DATE.—The amendments made by subsection (b) take effect on the date that is 90 days after the date of enactment of this Act.

(c) PRESERVATION OF STATE AUTHORITY.—Nothing in this Act or in any other provision of Federal law related to the regulation of maritime transportation of oil shall affect, or be construed or interpreted as preempting, the authority of any State or political subdivision thereof which require the escort by one or more tugs of laden oil tankers in the areas which are specified in section 4116(c) of the Oil Pollution Act of 1990 (46 U.S.C. 3703 note).

(d) VESSEL TRAFFIC RISK ASSESSMENT.—

(1) REQUIREMENT.—The Commandant of the Coast Guard, acting through the appropriate Area Committee established under section 311(j)(4) of the Federal Water Pollution Control Act, shall prepare a vessel traffic risk assessment for Cook Inlet, Alaska, within

one year after the date of enactment of this Act.

(2) CONTENTS.—The assessment shall describe, for the region covered by the assessment—

(A) the amount and character of present and estimated future shipping traffic in the region; and

(B) the current and projected use and effectiveness in reducing risk, of—

(i) traffic separation schemes and routing measures;

(ii) long-range vessel tracking systems developed under section 70115 of title 46, United States Code;

(iii) towing, response, or escort tugs;

(iv) vessel traffic services;

(v) emergency towing packages on vessels;

(vi) increased spill response equipment including equipment appropriate for severe weather and sea conditions;

(vii) the Automatic Identification System developed under section 70114 of title 46, United States Code;

(viii) particularly sensitive sea areas, areas to be avoided, and other traffic exclusion zones;

(ix) aids to navigation; and

(x) vessel response plans.

(3) RECOMMENDATIONS.—

(A) IN GENERAL.—The assessment shall include any appropriate recommendations to enhance the safety, or lessen potential adverse environmental impacts, of marine shipping.

(B) CONSULTATION.—Before making any recommendations under paragraph (1) for a region, the Area Committee shall consult with affected local, State, and Federal government agencies, representatives of the fishing industry, Alaska Natives from the region, the conservation community, and the merchant shipping and oil transportation industries.

(4) PROVISION TO CONGRESS.—The Commandant shall provide a copy of the assessment to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 712. EXTENSION OF FINANCIAL RESPONSIBILITY.

Section 1016(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2716(a)) is amended—

(1) by striking “or” after the semicolon in paragraph (1);

(2) by inserting “or” after the semicolon in paragraph (2); and

(3) by inserting after paragraph (2) the following:

“(3) any tank vessel over 100 gross tons using any place subject to the jurisdiction of the United States;”

SEC. 713. LIABILITY FOR USE OF SINGLE-HULL VESSELS.

Section 1001(32)(A) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(32)(A)) is amended by inserting “In the case of a vessel, the term ‘responsible party’ also includes the owner of oil being transported in a tank vessel with a single hull after December 31, 2010 (other than a vessel described in section 3703a(b)(3) of title 46, United States Code).” after “vessel.”

TITLE VIII—PORT SECURITY

SEC. 801. AMERICA'S WATERWAY WATCH PROGRAM.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended by adding at the end thereof the following:

“§ 70122. Waterway watch program

“(a) PROGRAM ESTABLISHED.—There is hereby established, within the Coast Guard, the America’s Waterway Watch Program.

“(b) PURPOSE.—The Secretary shall administer the Program in a manner that promotes voluntary reporting of activities that may indicate that a person or persons may be preparing to engage or engaging in a violation of law relating to a threat or an act of terrorism (as that term is defined in section 3077 of title 18) against a vessel, facility, port, or waterway.

“(c) INFORMATION; TRAINING.—

“(1) INFORMATION.—The Secretary may establish, as an element of the Program, a network of individuals and community-based organizations that encourage the public and industry to recognize activities referred to in subsection (b), promote voluntary reporting of such activity, and enhance the situational awareness within the Nation’s ports and waterways. Such network shall, to the extent practicable, be conducted in cooperation with Federal, State, and local law enforcement agencies.

“(2) TRAINING.—The Secretary may provide training in—

“(A) observing and reporting on covered activities; and

“(B) sharing such reports and coordinating the response by Federal, State, and local law enforcement agencies.

“(d) VOLUNTARY PARTICIPATION.—Participation in the Program—

“(1) shall be wholly voluntary;

“(2) shall not be a prerequisite to eligibility for, or receipt of, any other service or assistance from, or to participation in, any other program of any kind; and

“(3) shall not require disclosure of information regarding the individual reporting covered activities or, for proprietary purposes, the location of such individual.

“(e) COORDINATION.—The Secretary shall coordinate the Program with other like watch programs. The Secretary shall submit, concurrent with the President’s budget submission for each fiscal year, a report on coordination of the Program and like watch programs within the Department of Homeland Security to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the purposes of this section \$3,000,000 for each of fiscal years 2011 through 2016. Such funds shall remain available until expended.”

(b) CLERICAL AMENDMENT.—The table of contents for chapter 701 of title 46, United States Code, is amended by inserting after the item relating to section 70121 the following:

“70122. Waterway watch program.”

SEC. 802. TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL.

(a) IN GENERAL.—Not later than 120 days after completing the pilot program under section 70105(k)(1) of title 46, United States Code, to test TWIC access control technologies at port facilities and vessels nationwide, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and to the Comptroller General a report containing an assessment of the results of the pilot. The report shall include—

(1) the findings of the pilot program with respect to key technical and operational as-

pects of implementing TWIC technologies in the maritime sector;

(2) a comprehensive listing of the extent to which established metrics were achieved during the pilot program; and

(3) an analysis of the viability of those technologies for use in the maritime environment, including any challenges to implementing those technologies and strategies for mitigating identified challenges.

(b) GAO ASSESSMENT.—The Comptroller General shall review the report and submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate an assessment of the report’s findings and recommendations.

SEC. 803. INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.

Section 70107A(b) of title 46, United States Code, is amended—

(1) by striking paragraph (3);

(2) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(3) by inserting before paragraph (2), as so redesignated, the following:

“(1)(A) include—

“(i) information management systems, and

“(ii) sensor management systems; and

“(B) where practicable, provide for the physical co-location of the Coast Guard and, as the Secretary determines appropriate, representatives of the United States Customs and Border Protection, the United States Immigration and Customs Enforcement, the Transportation Security Administration, the Department of Justice, the Department of Defense, and other Federal agencies, State and local law enforcement or port security personnel, members of the Area Maritime Security Committee, and other public and private sector stakeholders adversely affected by a transportation security incident or transportation disruption;”;

(4) in paragraph (2), as so redesignated—

(A) by striking “existing centers, including—” and inserting “existing centers;”;

(B) by striking subparagraph (A) and (B); and

(5) by adding “and” at the end of paragraph (3), as so redesignated.

SEC. 804. DEPLOYABLE, SPECIALIZED FORCES.

(a) IN GENERAL.—Section 70106 of title 46, United States Code, is amended to read as follows:

“§ 70106. Deployable, specialized forces

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—To enhance the domestic maritime security capability of the United States, the Secretary shall establish deployable specialized forces of varying capabilities as are needed to safeguard the public and protect vessels, harbors, ports, facilities, and cargo in waters subject to the jurisdiction of the United States from destruction, loss or injury from crime, or sabotage due to terrorist activity, and to respond to such activity in accordance with the transportation security plans developed under section 70103.

“(2) ENHANCED TEAMS.—Such specialized forces shall include no less than two enhanced teams to serve as deployable forces capable of combating terrorism, engaging in interdiction, law enforcement, and advanced tactical maritime security operations to address known or potentially armed security threats (including non-compliant actors at sea), and participating in homeland security, homeland defense, and counterterrorism exercises in the maritime environment.

“(b) MISSION.—The combined force of the specialized forces established under sub-

section (a) shall be trained, equipped, and capable of being deployed to—

“(1) deter, protect against, and rapidly respond to threats of maritime terrorism;

“(2) conduct maritime operations to protect against and disrupt illegal use, access to, or proliferation of weapons of mass destruction;

“(3) enforce moving or fixed safety or security zones established pursuant to law;

“(4) conduct high speed intercepts;

“(5) board, search, and seize any article or thing on or at, respectively, a vessel or facility found to present a risk to the vessel or facility, or to a port;

“(6) rapidly deploy to supplement United States armed forces domestically or overseas;

“(7) respond to criminal or terrorist acts so as to minimize, insofar as possible, the disruption caused by such acts;

“(8) assist with facility vulnerability assessments required under this chapter; and

“(9) carry out any other missions of the Coast Guard as are assigned to it by the Secretary.

“(c) MINIMIZATION OF RESPONSE TIMES.—The enhanced teams established under subsection (a)(2) shall, to the extent practicable, be stationed in such a way so as to minimize the response time to maritime terrorist threats and potential or actual transportation security incidents.

“(d) COORDINATION WITH OTHER AGENCIES.—To the maximum extent feasible, the combined force of the specialized forces established under subsection (a) shall coordinate their activities with other Federal, State, and local law enforcement and emergency response agencies.”

(b) CLERICAL AMENDMENT.—The table of contents for chapter 701 of title 46, United States Code, is amended by striking the item relating to section 70106 and inserting the following:

“70106. Deployable, specialized forces.”

SEC. 805. COAST GUARD DETECTION CANINE TEAM PROGRAM EXPANSION.

(a) DEFINITIONS.—For purposes of this section:

(1) CANINE DETECTION TEAM.—The term “detection canine team” means a canine and a canine handler that are trained to detect narcotics or explosives, or other threats as defined by the Secretary.

(2) SECRETARY.—The term “Secretary” means the Secretary of Homeland Security.

(b) DETECTION CANINE TEAMS.—

(1) INCREASED CAPACITY.—Not later than one year after the date of enactment of this Act, and subject to the availability of appropriations, the Secretary shall—

(A) begin to increase the number of detection canine teams certified by the Coast Guard for the purposes of maritime-related security by no fewer than 10 canine teams annually through fiscal year 2012; and

(B) encourage owners and operators of port facilities, passenger cruise liners, oceangoing cargo vessels, and other vessels identified by the Secretary to strengthen security through the use of highly trained detection canine teams.

(2) CANINE PROCUREMENT.—The Secretary, acting through the Commandant of the Coast Guard, shall procure detection canine teams as efficiently as possible, including, to the greatest extent possible, through increased domestic breeding, while meeting the performance needs and criteria established by the Commandant.

(c) DEPLOYMENT.—The Secretary shall prioritize deployment of the additional canine teams to ports based on risk, consistent

with the Security and Accountability For Every Port Act of 2006 (Public Law 109-347).

SEC. 806. COAST GUARD PORT ASSISTANCE PROGRAM.

(a) FOREIGN PORT ASSESSMENT.—Chapter 701 of title 46, United States Code, is amended—

(1) by adding at the end of section 70108 the following:

“(e) LIMITATION ON STATUTORY CONSTRUCTION.—The absence of an inspection of a foreign port shall not bar the Secretary from making a finding that a port in a foreign country does not maintain effective antiterrorism measures.”;

(2) by striking “If the Secretary, after conducting an assessment under section 70108, finds that a port in a foreign country does not maintain effective antiterrorism measures,” in section 70109(a) and inserting “Unless the Secretary finds that a port in a foreign country maintains effective antiterrorism measures.”;

(3) by striking “If the Secretary finds that a foreign port does not maintain effective antiterrorism measures,” in section 70110(a) and inserting “Unless the Secretary finds that a foreign port maintains effective antiterrorism measures.”.

(b) ASSISTANCE PROGRAM.—Section 70110 of title 46, United States Code, is amended by adding at the end the following:

“(f) COAST GUARD ASSISTANCE PROGRAM.—

“(1) IN GENERAL.—The Secretary may lend, lease, donate, or otherwise provide equipment, and provide technical training and support, to the owner or operator of a foreign port or facility—

“(A) to assist in bringing the port or facility into compliance with applicable International Ship and Port Facility Code standards; and

“(B) to assist the port or facility in correcting deficiencies identified in periodic port assessments and reassessments required under section 70108 of this title.

“(2) CONDITIONS.—The Secretary—

“(A) may provide such assistance based upon an assessment of the risks to the security of the United States and the inability of the owner or operator of the port or facility to bring the port or facility into compliance with those standards and to maintain compliance with, or exceed, such standards;

“(B) may not provide such assistance unless the port or facility has been subjected to a comprehensive port security assessment by the Coast Guard; and

“(C) may only lend, lease, or otherwise provide equipment that the Secretary has first determined is not required by the Coast Guard for the performance of its missions.”.

(c) SAFETY AND SECURITY ASSISTANCE FOR FOREIGN PORTS.—

(1) IN GENERAL.—Section 70110(e)(1) of title 46, United States Code, is amended by striking the second sentence and inserting the following: “The Secretary shall establish a strategic plan to utilize those assistance programs to assist ports and facilities that are found by the Secretary under subsection (a) not to maintain effective antiterrorism measures in the implementation of port security antiterrorism measures.”.

(2) CONFORMING AMENDMENTS.—

(A) Section 70110 of title 46, United States Code, is amended—

(i) by inserting “or facilities” after “ports” in the section heading;

(ii) by inserting “or facility” after “port” each place it appears; and

(iii) by striking “PORTS” in the heading for subsection (e) and inserting “PORTS, FACILITIES.”.

(B) Section 70108(c) of such title is amended—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively

(C) The table of contents for chapter 701 of title 46, United States Code, is amended by striking the item relating to section 70110 and inserting the following:

“70110. Actions and assistance for foreign ports or facilities and United States territories.”.

SEC. 807. MARITIME BIOMETRIC IDENTIFICATION.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is further amended by adding at the end the following:

“§ 70123. Mobile biometric identification

“(a) IN GENERAL.—Within one year after the date of the enactment of the Coast Guard Authorization Act of 2010, the Secretary shall conduct, in the maritime environment, a program for the mobile biometric identification of suspected individuals, including terrorists, to enhance border security and for other purposes.

“(b) REQUIREMENTS.—The Secretary shall ensure the program required in this section is coordinated with other biometric identification programs within the Department of Homeland Security.

“(c) DEFINITION.—For the purposes of this section, the term ‘biometric identification’ means use of fingerprint and digital photography images and facial and iris scan technology and any other technology considered applicable by the Department of Homeland Security.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

“70123. Mobile biometric identification.”.

(c) COST ANALYSIS.—Within 90 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committees on Homeland Security and Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an analysis of the cost of expanding the Coast Guard’s biometric identification capabilities for use by the Coast Guard’s Deployable Operations Group, cutters, stations, and other deployable maritime teams considered appropriate by the Secretary, and any other appropriate Department of Homeland Security maritime vessels and units. The analysis may include a tiered plan for the deployment of this program that gives priority to vessels and units more likely to encounter individuals suspected of making illegal border crossings through the maritime environment.

(d) STUDY ON EMERGING BIOMETRIC CAPABILITIES.—

(1) STUDY REQUIRED.—The Secretary of Homeland Security shall submit to the Committees on Homeland Security and Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a study on the use by the Coast Guard and other departmental entities of the combination of biometric technologies to rapidly identify individuals for security purposes. Such study shall focus on—

(A) increased accuracy of facial recognition;

(B) enhancement of existing iris recognition technology; and

(C) other emerging biometric technologies capable of assisting in confirming the identification of individuals.

(2) PURPOSE OF STUDY.—The purpose of the study required by paragraph (1) is to facilitate the use of a combination of biometrics, including facial and iris recognition, to provide a higher probability of success in identification than a single approach and to achieve transformational advances in the flexibility, authenticity, and overall capability of integrated biometric detectors. The operational goal of the study should be to provide the capability to nonintrusively collect biometrics in an accurate and expeditious manner to assist the Coast Guard and the Department of Homeland Security in fulfilling its mission to protect and support national security.

SEC. 808. PILOT PROGRAM FOR FINGERPRINTING OF MARITIME WORKERS.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall establish procedures providing for an individual who is required to be fingerprinted for purposes of obtaining a transportation security card under section 70105 of title 46, United States Code, the ability to be fingerprinted at any of not less than 20 facilities operated by or under contract with an agency of the Department of Homeland Security that fingerprints the public for the Department. These facilities shall be in addition to facilities established under section 70105 of title 46, United States Code.

(b) EXPIRATION.—The requirement made by subsection (a) expires one year after the date the Secretary establishes the facilities required under that subsection.

SEC. 809. TRANSPORTATION SECURITY CARDS ON VESSELS.

Section 70105(b)(2) of title 46, United States Code, is amended—

(1) in subparagraph (B), by inserting after “title” the following: “allowed unescorted access to a secure area designated in a vessel security plan approved under section 70103 of this title”; and

(2) in subparagraph (D), by inserting after “tank vessel” the following: “allowed unescorted access to a secure area designated in a vessel security plan approved under section 70103 of this title”.

SEC. 810. MARITIME SECURITY ADVISORY COMMITTEES.

Section 70112 of title 46, United States Code, is amended—

(1) by amending subsection (b)(5) to read as follows:

“(5)(A) The National Maritime Security Advisory Committee shall be composed of—

“(i) at least 1 individual who represents the interests of the port authorities;

“(ii) at least 1 individual who represents the interests of the facilities owners or operators;

“(iii) at least 1 individual who represents the interests of the terminal owners or operators;

“(iv) at least 1 individual who represents the interests of the vessel owners or operators;

“(v) at least 1 individual who represents the interests of the maritime labor organizations;

“(vi) at least 1 individual who represents the interests of the academic community;

“(vii) at least 1 individual who represents the interests of State or local governments; and

“(viii) at least 1 individual who represents the interests of the maritime industry.

“(B) Each Area Maritime Security Advisory Committee shall be composed of individuals who represents the interests of the port industry, terminal operators, port labor

organizations, and other users of the port areas.”; and

(2) in subsection (g)—

(A) in paragraph (1)(A), by striking “2008;” and inserting “2020;”; and

(B) in paragraph (2), by striking “2006” and inserting “2018”.

SEC. 811. SEAMEN'S SHORESIDE ACCESS.

Each facility security plan approved under section 70103(c) of title 46, United States Code, shall provide a system for seamen assigned to a vessel at that facility, pilots, and representatives of seamen's welfare and labor organizations to board and depart the vessel through the facility in a timely manner at no cost to the individual.

SEC. 812. WATERSIDE SECURITY OF ESPECIALLY HAZARDOUS CARGO.

(a) NATIONAL STUDY.—

(1) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall—

(A) initiate a national study to identify measures to improve the security of maritime transportation of especially hazardous cargo; and

(B) coordinate with other Federal agencies, the National Maritime Security Advisory Committee, and appropriate State and local government officials through the Area Maritime Security Committees and other existing coordinating committees, to evaluate the waterside security of vessels carrying, and waterfront facilities handling, especially hazardous cargo.

(2) MATTERS TO BE INCLUDED.—The study conducted under this subsection shall include—

(A) an analysis of existing risk assessment information relating to waterside security generated by the Coast Guard and Area Maritime Security Committees as part of the Maritime Security Risk Analysis Model;

(B) a review and analysis of appropriate roles and responsibilities of maritime stakeholders, including Federal, State, and local law enforcement and industry security personnel, responsible for waterside security of vessels carrying, and waterfront facilities handling, especially hazardous cargo, including—

(i) the number of ports in which State and local law enforcement entities are providing any services to enforce Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or to conduct security patrols in United States ports;

(ii) the number of formal agreements entered into between the Coast Guard and State and local law enforcement entities to engage State and local law enforcement entities in the enforcement of Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or the conduct of port security patrols in United States ports, the duration of those agreements, and the aid that State and local entities are engaged to provide through such agreements;

(iii) the extent to which the Coast Guard has set national standards for training, equipment, and resources to ensure that State and local law enforcement entities engaged in enforcing Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or in conducting port security patrols in United States ports (or both) can deter to the maximum extent practicable a transportation security incident;

(iv) the extent to which the Coast Guard has assessed the ability of State and local law enforcement entities to carry out the se-

curity assignments that they have been engaged to perform, including their ability to meet any national standards for training, equipment, and resources that have been established by the Coast Guard in order to ensure that those entities can deter to the maximum extent practicable a transportation security incident;

(v) the extent to which State and local law enforcement entities are able to meet national standards for training, equipment, and resources established by the Coast Guard to ensure that those entities can deter to the maximum extent practicable a transportation security incident;

(vi) the differences in law enforcement authority, and particularly boarding authority, between the Coast Guard and State and local law enforcement entities, and the impact that these differences have on the ability of State and local law enforcement entities to provide the same level of security that the Coast Guard provides during the enforcement of Coast Guard-imposed security zones and the conduct of security patrols in United States ports; and

(vii) the extent of resource, training, and equipment differences between State and local law enforcement entities and the Coast Guard units engaged in enforcing Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or conducting security patrols in United States ports;

(C) recommendations for risk-based security measures to improve waterside security of vessels carrying, and waterfront facilities handling, especially hazardous cargo; and

(D) identification of security funding alternatives, including an analysis of the potential for cost-sharing by the public and private sectors as well as any challenges associated with such cost-sharing.

(3) INFORMATION PROTECTION.—In carrying out the coordination necessary to effectively complete the study, the Commandant shall implement measures to ensure the protection of any sensitive security information, proprietary information, or classified information collected, reviewed, or shared during collaborative engagement with maritime stakeholders and other Government entities, except that nothing in this paragraph shall constitute authority to withhold information from—

(A) the Congress; or

(B) first responders requiring such information for the protection of life or property.

(4) REPORT.—Not later than 12 months after the date of enactment of this Act, the Secretary of the Department in which the Coast Guard is operating shall submit to the Committees on Homeland Security and Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study under this subsection.

(b) NATIONAL STRATEGY.—Not later than 6 months after submission of the report required by subsection (a), the Secretary of the department in which the Coast Guard is operating shall develop, in conjunction with appropriate Federal agencies, a national strategy for the waterside security of vessels carrying, and waterfront facilities handling, especially hazardous cargo. The strategy shall utilize the results of the study required by subsection (a).

(c) SECURITY OF ESPECIALLY HAZARDOUS CARGO.—Section 70103 of title 46, United States Code, is amended by adding at the end the following:

“(e) ESPECIALLY HAZARDOUS CARGO.—

“(1) ENFORCEMENT OF SECURITY ZONES.—Consistent with other provisions of Federal law, the Coast Guard shall coordinate and be responsible for the enforcement of any Federal security zone established by the Coast Guard around a vessel containing especially hazardous cargo. The Coast Guard shall allocate available resources so as to deter and respond to a transportation security incident, to the maximum extent practicable, and to protect lives or protect property in danger.

“(2) RESOURCE DEFICIENCY REPORTING.—

“(A) IN GENERAL.—When the Secretary submits the annual budget request for a fiscal year for the department in which the Coast Guard is operating to the Office of Management and Budget, the Secretary shall provide to the Committees on Homeland Security and Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that includes—

“(i) for the last full fiscal year preceding the report, a statement of the number of security zones established for especially hazardous cargo shipments;

“(ii) for the last full fiscal year preceding the report, a statement of the number of especially hazardous cargo shipments provided a waterborne security escort, subdivided by Federal, State, local, or private security; and

“(iii) an assessment as to any additional vessels, personnel, infrastructure, and other resources necessary to provide waterborne escorts to those especially hazardous cargo shipments for which a security zone is established.

“(B) ESPECIALLY HAZARDOUS CARGO DEFINED.—In this subsection, the term ‘especially hazardous cargo’ means anhydrous ammonia, ammonium nitrate, chlorine, liquefied natural gas, liquefied petroleum gas, and any other substance, material, or group or class of material, in a particular amount and form that the Secretary determines by regulation poses a significant risk of creating a transportation security incident while being transported in maritime commerce.”.

(d) DEFINITIONS.—For the purposes of this section, the following definitions apply:

(1) ESPECIALLY HAZARDOUS CARGO.—The term “especially hazardous cargo” means anhydrous ammonia, ammonium nitrate, chlorine, liquefied natural gas, liquefied petroleum gas, and any other substance, material, or group or class of material, in a particular amount and form that the Secretary determines by regulation poses a significant risk of creating a transportation security incident while being transported in maritime commerce.

(2) AREA MARITIME SECURITY COMMITTEE.—The term “Area Maritime Security Committee” means each of those committees responsible for producing Area Maritime Transportation Security Plans under chapter 701 of title 46, United States Code.

(3) TRANSPORTATION SECURITY INCIDENT.—The term “transportation security incident” has the same meaning as that term has in section 70101 of title 46, United States Code.

SEC. 813. REVIEW OF LIQUEFIED NATURAL GAS FACILITIES.

Consistent with other provisions of law, the Secretary of the department in which the Coast Guard is operating shall make a recommendation, after considering recommendations made by the States, to the Federal Energy Regulatory Commission as

to whether the waterway to a proposed waterside liquefied natural gas facility is suitable or unsuitable for the marine traffic associated with such facility.

SEC. 814. USE OF SECONDARY AUTHENTICATION FOR TRANSPORTATION SECURITY CARDS.

Section 70105 of title 46, United States Code, is amended by adding at the end the following new subsection:

“(n) The Secretary may use a secondary authentication system to verify the identification of individuals using transportation security cards when the individual’s fingerprints are not able to be taken or read.”.

SEC. 815. ASSESSMENT OF TRANSPORTATION SECURITY CARD ENROLLMENT SITES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall prepare an assessment of the enrollment sites for transportation security cards issued under section 70105 of title 46, United States Code, including—

(1) the feasibility of keeping those enrollment sites open after the date of enactment of this Act; and

(2) the quality of customer service, including the periods of time individuals are kept on hold on the telephone, whether appointments are kept, and processing times for applications.

(b) TIMELINES AND BENCHMARKS.—The Secretary shall develop timelines and benchmarks for implementing the findings of the assessment as the Secretary deems necessary.

SEC. 816. ASSESSMENT OF THE FEASIBILITY OF EFFORTS TO MITIGATE THE THREAT OF SMALL BOAT ATTACK IN MAJOR PORTS.

The Secretary of the department in which the Coast Guard is operating shall assess and report to Congress on the feasibility of efforts to mitigate the threat of small boat attack in security zones of major ports, including specifically the use of transponders, radio frequency identification devices, and high-frequency surface radar systems to track small boats.

SEC. 817. REPORT AND RECOMMENDATION FOR UNIFORM SECURITY BACKGROUND CHECKS.

Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that contains—

(1) a review of background checks and forms of identification required under State and local transportation security programs;

(2) a determination as to whether the background checks and forms of identification required under such programs duplicate or conflict with Federal programs; and

(3) recommendations on limiting the number of background checks and forms of identification required under such programs to reduce or eliminate duplication with Federal programs.

SEC. 818. TRANSPORTATION SECURITY CARDS: ACCESS PENDING ISSUANCE; DEADLINES FOR PROCESSING; RECEIPT.

(a) ACCESS; DEADLINES.—Section 70105 of title 46, United States Code, is further amended by adding at the end the following new subsections:

“(o) ESCORTING.—The Secretary shall coordinate with owners and operators subject to this section to allow any individual who has a pending application for a transpor-

tation security card under this section or is waiting for reissuance of such card, including any individual whose card has been lost or stolen, and who needs to perform work in a secure or restricted area to have access to such area for that purpose through escorting of such individual in accordance with subsection (a)(1)(B) by another individual who holds a transportation security card. Nothing in this subsection shall be construed as requiring or compelling an owner or operator to provide escorted access.

“(p) PROCESSING TIME.—The Secretary shall review an initial transportation security card application and respond to the applicant, as appropriate, including the mailing of an Initial Determination of Threat Assessment letter, within 30 days after receipt of the initial application. The Secretary shall, to the greatest extent practicable, review appeal and waiver requests submitted by a transportation security card applicant, and send a written decision or request for additional information required for the appeal or waiver determination, within 30 days after receipt of the applicant’s appeal or waiver written request. For an applicant that is required to submit additional information for an appeal or waiver determination, the Secretary shall send a written decision, to the greatest extent practicable, within 30 days after receipt of all requested information.”.

(b) RECEIPT OF CARDS.—

(1) REPORT BY COMPTROLLER GENERAL.—Within 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report assessing the costs, technical feasibility, and security measures associated with implementing procedures to deliver a transportation security card to an approved applicant’s place of residence in a secure manner or to allow an approved applicant to receive the card at an enrollment center of the individual’s choosing.

(2) PROCESS FOR ALTERNATIVE MEANS OF RECEIPT.—If the Comptroller General finds in the final report under paragraph (1) that it is feasible for a transportation security card to be sent to an approved applicant’s place of residence in a secure manner, the Secretary shall, within one year after the date of issuance of the final report by the Comptroller General, implement a secure process to permit an individual approved for a transportation security card to receive the card at the applicant’s place of residence or at the enrollment center of the individual’s choosing. The individual shall be responsible for any additional cost associated with the secure delivery of a transportation security card.

SEC. 819. HARMONIZING SECURITY CARD EXPIRATIONS.

Section 70105(b) of title 46, United States Code, is amended by adding at the end the following new paragraph:

“(6) The Secretary may extend for up to one year the expiration of a biometric transportation security card required by this section to align the expiration with the expiration of a license, certificate of registry, or merchant mariner document required under chapter 71 or 73.”.

SEC. 820. CLARIFICATION OF RULEMAKING AUTHORITY.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is further amended by adding at the end the following:

“SEC. 70124. REGULATIONS.

“Unless otherwise provided, the Secretary may issue regulations necessary to implement this chapter.”.

(b) CLERICAL AMENDMENT.—The table of contents for chapter 701 of such title is further amended by adding at the end the following new item:

“70124. Regulations”.

SEC. 821. PORT SECURITY TRAINING AND CERTIFICATION.

(a) PORT SECURITY TRAINING PROGRAM.—Chapter 701 of title 46, United States Code, is further amended by adding at the end the following:

“§ 70125. Port security training for facility security officers

“(a) FACILITY SECURITY OFFICERS.—The Secretary shall establish comprehensive facility security officer training requirements designed to provide full security training that would lead to certification of such officers. In establishing the requirements, the Secretary shall—

“(1) work with affected industry stakeholders; and

“(2) evaluate—

“(A) the requirements of subsection (b);

“(B) existing security training programs employed at marine terminal facilities; and

“(C) existing port security training programs developed by the Federal Government.

“(b) REQUIREMENTS.—The training program shall provide validated training that—

“(1) provides training at the awareness, performance, management, and planning levels;

“(2) utilizes multiple training mediums and methods;

“(3) establishes a validated provisional on-line certification methodology;

“(4) provide for continuing education and training for facility security officers beyond certification requirements, including a program to educate on the dangers and issues associated with the shipment of hazardous and especially hazardous cargo;

“(5) addresses port security topics, including—

“(A) facility security plans and procedures, including how to develop security plans and security procedure requirements when threat levels are elevated;

“(B) facility security force operations and management;

“(C) physical security and access control at facilities;

“(D) methods of security for preventing and countering cargo theft;

“(E) container security;

“(F) recognition and detection of weapons, dangerous substances, and devices;

“(G) operation and maintenance of security equipment and systems;

“(H) security threats and patterns;

“(I) security incident procedures, including procedures for communicating with governmental and nongovernmental emergency response providers; and

“(J) evacuation procedures;

“(6) is consistent with, and supports implementation of, the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, the National Maritime Transportation Security Plan, and other such national initiatives;

“(7) is evaluated against clear and consistent performance measures;

“(8) addresses security requirements under facility security plans;

“(9) addresses requirements under the International Code for the Security of Ships

and Port Facilities to address shore leave for mariners and access to visitors, representatives of seafarers' welfare organizations, and labor organizations; and

“(10) such other subject matters as may be prescribed by the Secretary.

“(c) CONTINUING SECURITY TRAINING.—The Secretary, in coordination with the Secretary of Transportation, shall work with State and local law enforcement agencies and industry stakeholders to develop and certify the following additional security training requirements for Federal, State, and local officials with security responsibilities at United States seaports:

“(1) A program to familiarize them with port and shipping operations, requirements of the Maritime Transportation Security Act of 2002 (Public Law 107-295), and other port and cargo security programs that educate and trains them with respect to their roles and responsibilities.

“(2) A program to familiarize them with dangers and potential issues with respect to shipments of hazardous and especially hazardous cargoes.

“(3) A program of continuing education as deemed necessary by the Secretary.

“(d) TRAINING PARTNERS.—In developing curriculum and delivering training established pursuant to subsections (a) and (c), the Secretary, in coordination with the Maritime Administrator of the Department of Transportation and consistent with section 109 of the Maritime Transportation Security Act of 2002 [46 U.S.C. 70101 note], shall work with institutions with maritime expertise and with industry stakeholders with security expertise to develop appropriate training capacity to ensure that training can be provided in a geographically balanced manner to personnel seeking certification under subsection (a) or education and training under subsection (c).

“(e) ESTABLISHED GRANT PROGRAM.—The Secretary shall issue regulations or grant solicitations for grants for homeland security or port security to ensure that activities surrounding the development of curriculum and the provision of training and these activities are eligible grant activities under both grant programs.”

(b) CONFORMING AMENDMENT.—Section 113 of the SAFE Port Act (6 U.S.C. 911) is repealed.

(c) TABLE OF CONTENTS AMENDMENT.—The table of contents for chapter 701 of title 46, United States Code, is further amended by adding at the end the following:

“70125. Port security training for facility security officers”.

SEC. 822. INTEGRATION OF SECURITY PLANS AND SYSTEMS WITH LOCAL PORT AUTHORITIES, STATE HARBOR DIVISIONS, AND LAW ENFORCEMENT AGENCIES.

Section 70102 of title 46, United States Code, is amended by adding at the end thereof the following:

“(c) SHARING OF ASSESSMENT INTEGRATION OF PLANS AND EQUIPMENT.—The owner or operator of a facility, consistent with any Federal security restrictions, shall—

“(1) make a current copy of the vulnerability assessment conducted under subsection (b) available to the port authority with jurisdiction of the facility and appropriate State or local law enforcement agencies; and

“(2) integrate, to the maximum extent practical, any security system for the facility with compatible systems operated or maintained by the appropriate State, law enforcement agencies, and the Coast Guard.”.

SEC. 823. TRANSPORTATION SECURITY CARDS.

Section 70105 of title 46, United States Code, is further amended by adding at the end thereof the following:

“(q) RECEIPT AND ACTIVATION OF TRANSPORTATION SECURITY CARD.—

“(1) IN GENERAL.—Not later than one year after the date of publication of final regulations required by subsection (k)(3) of this section the Secretary shall develop a plan to permit the receipt and activation of transportation security cards at any vessel or facility described in subsection (a) of this section that desires to implement this capability. This plan shall comply, to the extent possible, with all appropriate requirements of Federal standards for personal identity verification and credential.

“(2) LIMITATION.—The Secretary may not require any such vessel or facility to provide on-site activation capability.”.

SEC. 824. PRE-POSITIONING INTEROPERABLE COMMUNICATIONS EQUIPMENT AT INTERAGENCY OPERATIONAL CENTERS.

Section 70107A of title 46, United States Code, is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

“(e) DEPLOYMENT OF INTEROPERABLE COMMUNICATIONS EQUIPMENT AT INTERAGENCY OPERATIONAL CENTERS.—The Secretary, subject to the availability of appropriations, shall ensure that interoperable communications technology is deployed at all interagency operational centers established under subsection (a) and that such technology and equipment has been tested in live operational environments before deployment.”.

SEC. 825. INTERNATIONAL PORT AND FACILITY INSPECTION COORDINATION.

(a) COORDINATION.—The Secretary of the department in which the Coast Guard is operating shall, to the extent practicable, conduct the assessments required by the following provisions of law concurrently, or develop a process by which they are integrated and conducted by the Coast Guard:

(1) Section 205 of the SAFE Port Act (6 U.S.C. 945).

(2) Section 213 of that Act (6 U.S.C. 964).

(3) Section 70108 of title 46, United States Code.

(b) LIMITATION.—Nothing in subsection (a) shall be construed to affect or diminish the Secretary's authority or discretion—

(1) to conduct an assessment of a foreign port at any time;

(2) to compel the Secretary to conduct an assessment of a foreign port so as to ensure that 2 or more assessments are conducted concurrently; or

(3) to cancel an assessment of a foreign port if the Secretary is unable to conduct 2 or more assessments concurrently.

(c) MULTIPLE ASSESSMENT REPORT.—The Secretary shall provide written notice to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and Homeland Security of the House of Representatives whenever the Secretary conducts 2 or more assessments of the same port within a 3-year period.

SEC. 826. AREA TRANSPORTATION SECURITY INCIDENT MITIGATION PLAN.

Section 70103(b)(2) of title 46, United States Code, is amended—

(1) by redesignating subparagraphs (E) through (G) as subparagraphs (F) through (H), respectively; and

(2) by inserting after subparagraph (D) the following:

“(E) establish area response and recovery protocols to prepare for, respond to, mitigate against, and recover from a transportation security incident consistent with section 202 of the SAFE Port Act of 2006 (6 U.S.C. 942) and subsection (a) of this section;”.

SEC. 827. RISK BASED RESOURCE ALLOCATION.

(a) NATIONAL STANDARD.—Within 1 year after the date of enactment of this Act, in carrying out chapter 701 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating shall develop and utilize a national standard and formula for prioritizing and addressing assessed security risks at United States ports and facilities on or adjacent to the waterways of the United States, such as the Maritime Security Risk Assessment Model that has been tested by the Department of Homeland Security.

(b) USE BY MARITIME SECURITY COMMITTEES.—Within 2 years after the date of enactment of this Act, the Secretary shall require each Area Maritime Security Committee to use this standard to regularly evaluate each port's assessed risk and prioritize how to mitigate the most significant risks.

(c) OTHER USES OF STANDARD.—The Secretary shall utilize the standard when considering departmental resource allocations and grant making decisions.

(d) USE OF MARITIME RISK ASSESSMENT MODEL.—Within 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall make the United States Coast Guard's Maritime Security Risk Assessment Model available, in an unclassified version, on a limited basis to regulated vessels and facilities to conduct true risk assessments of their own facilities and vessels using the same criteria employed by the Coast Guard when evaluating a port area, facility, or vessel.

SEC. 828. PORT SECURITY ZONES.

(a) IN GENERAL.—Section 701 of title 46, United States Code, is amended by adding at the end the following:

“SUBCHAPTER II—PORT SECURITY ZONES

“§ 70131. Definitions

“In this subchapter:

“(1) LAW ENFORCEMENT AGENCY.—The term ‘law enforcement agency’ means an agency of a State, a political subdivision of a State, or a Federally recognized tribe that is authorized by law to supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

“(2) SECURITY ZONE.—The term ‘security zone’ means a security zone, established by the Commandant of the Coast Guard or the Commandant's designee pursuant to section 1 of title II of the Act of June 15, 1917 (50 U.S.C. 191) or section 7(b) of the Ports and Waterways Safety Act (33 U.S.C. 1226(b)), for a vessel carrying especially hazardous cargo when such vessel—

“(A) enters, or operates within, the internal waters of the United States and the territorial sea of the United States; or

“(B) transfers such cargo or residue in any port or place, under the jurisdiction of the United States, within the territorial sea of the United States or the internal waters of the United States.

“§ 70132. Credentialing standards, training, and certification for State and local support for the enforcement of security zones for the transportation of especially hazardous cargo

“(a) STANDARD.—The Commandant of the Coast Guard shall establish, by regulation,

national standards for training and credentialing of law enforcement personnel—

“(1) to enforce a security zone; or

“(2) to assist in the enforcement of a security zone.

“(b) TRAINING.—

“(1) The Commandant of the Coast Guard—

“(A) shall develop and publish a training curriculum for—

“(i) law enforcement personnel to enforce a security zone;

“(ii) law enforcement personnel to enforce or assist in the enforcement of a security zone; and

“(iii) personnel who are employed or retained by a facility or vessel owner to assist in the enforcement of a security zone; and

“(B) may—

“(i) test and deliver such training, the curriculum for which is developed pursuant to subparagraph (A);

“(ii) enter into an agreement under which a public entity (including a Federal agency) or private entity may test and deliver such training, the curriculum for which has been developed pursuant to subparagraph (A); and

“(iii) may accept a program, conducted by a public entity (including a Federal agency) or private entity, through which such training is delivered the curriculum for which is developed pursuant to subparagraph (A).

“(2) Any Federal agency that provides such training, and any public or private entity that receives moneys, pursuant to section 70107(b)(8) of this title, to provide such training, shall provide such training—

“(A) to law enforcement personnel who enforce or assist in the enforcement of a security zone; and

“(B) on an availability basis to—

“(i) law enforcement personnel who assist in the enforcement of a security zone; and

“(ii) personnel who are employed or retained by a facility or vessel owner or operator to assist in the enforcement of a security zone.

“(3) If a Federal agency provides the training, the head of such agency may, notwithstanding any other provision of law, accept payment from any source for such training, and any amount received as payment shall be credited to the appropriation, current at the time of collection, charged with the cost thereof and shall be merged with, and available for, the same purposes of such appropriation.

“(4) Notwithstanding any other provision of law, any moneys, awarded by the Department of Homeland Security in the form of awards or grants, may be used by the recipient to pay for training of personnel to assist in the enforcement of security zones and limited access areas.

“(c) CERTIFICATION; TRAINING PARTNERS.—In developing and delivering training under the training program, the Secretary, in coordination with the Maritime Administrator of the Department of Transportation, and consistent with section 109 of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70101 note), shall—

“(1) work with government training facilities, academic institutions, private organizations, employee organizations, and other entities that provide specialized, state-of-the-art training for governmental and non-governmental emergency responder providers or commercial seaport personnel and management;

“(2) utilize, as appropriate, government training facilities, courses provided by community colleges, public safety academies, State and private universities, and other facilities; and

“(3) certify organizations that offer the curriculum for training and certification.”.

(b) GRANTS; ADMINISTRATION.—Section 70107 of title 46, United States Code, is amended—

(1) by striking “services.” in subsection (a) and inserting “services and to train law enforcement personnel under section 70132 of this title.”;

(2) by adding at the end of subsection (b) the following:

“(8) The cost of training law enforcement personnel—

“(A) to enforce a security zone under section 70132 of this title; or

“(B) assist in the enforcement of a security zone.”;

(3) by adding at the end of subsection (c)(2) the following:

“(C) TRAINING.—There are no matching requirements for grants under subsection (a) to train law enforcement agency personnel in the enforcement of security zones under section 70132 of this title or in assisting in the enforcement of such security zones.”; and

(4) by striking “2011” in subsection (1) and inserting “2013”.

(c) CONFORMING AMENDMENTS.—

(1) SUBCHAPTER I DESIGNATION.—Chapter 701 of title 46, United States Code, is amended by inserting before section 70101 the following:

“SUBCHAPTER I—GENERAL”.

(2) TABLE OF CONTENTS AMENDMENTS.—The table of contents for chapter 701 of title 46, United States Code, is amended—

(3) by inserting before the item relating to section 70101 the following:

“Subchapter I—General”; and

(4) by adding at the end the following:

“SUBCHAPTER II—PORT SECURITY ZONES

“70131. Definitions

“70132. Credentialing standards, training, and certification for State and local support for the enforcement of security zones for the transportation of especially hazardous cargo”.

TITLE IX—MISCELLANEOUS PROVISIONS

SEC. 901. WAIVERS.

(a) GENERAL COASTWISE WAIVER.—Notwithstanding section 12112 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for the following vessels:

(1) ZIPPER (State of New York regulation number NY3205EB).

(2) GULF DIVER IV (United States official number 553457).

(b) GALLANT LADY.—Section 1120(c) of the Coast Guard Authorization Act of 1996 (110 Stat. 3977) is amended—

(1) in paragraph (1)—

(A) by striking “of Transportation” and inserting “of the department in which the Coast Guard is operating”; and

(B) by striking subparagraph (A) and inserting the following:

“(A) the vessel GALLANT LADY (Feadship hull number 672, approximately 168 feet in length).”;

(2) by amending paragraph (3) to read as follows:

“(3) CONDITION.—The only nonrecreational activity authorized for the vessel referred to in subparagraph (A) of paragraph (1) is the transportation of individuals on behalf of an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, for which the owner of the vessel receives no compensation.”;

(3) by striking paragraph (4) and redesignating paragraph (5) as paragraph (4); and

(4) in paragraph (4) (as so redesignated) by striking all after “shall expire” and inserting “on the date of the sale of the vessel by the owner.”.

(c) ACTIVITY OF CERTAIN VESSELS.—

(1) IN GENERAL.—Section 12102 of title 46, United States Code, is amended by adding at the end the following:

“(d) AQUACULTURE WAIVER.—

“(1) PERMITTING OF NONQUALIFIED VESSELS TO PERFORM CERTAIN AQUACULTURE SUPPORT OPERATIONS.—Notwithstanding section 12113 and any other law, the Secretary of Transportation may issue a waiver allowing a documented vessel with a registry endorsement or a foreign flag vessel to be used in operations that treat aquaculture fish for or protect aquaculture fish from disease, parasitic infestation, or other threats to their health if the Secretary finds, after publishing a notice in the Federal Register, that a suitable vessel of the United States is not available that could perform those services.

“(2) PROHIBITION.—Vessels operating under a waiver issued under this subsection may not engage in any coastwise transportation.”.

(2) IMPLEMENTING AND INTERIM REGULATIONS.—The Secretary of the department in which the Coast Guard is operating shall, in accordance with section 553 of title 5, United States Code, and after public notice and comment, promulgate regulations necessary and appropriate to implement this subsection. The Secretary may grant interim permits pending the issuance of such regulations upon receipt of applications containing the required information.

SEC. 902. CREW WAGES ON PASSENGER VESSELS.

(a) FOREIGN AND INTERCOASTAL VOYAGES.—

(1) CAP ON PENALTY WAGES.—Section 10313(g) of title 46, United States Code, is amended—

(A) by striking “When” and inserting “(1) Subject to paragraph (2), when”; and

(B) by adding at the end the following:

“(2) The total amount required to be paid under paragraph (1) with respect to all claims in a class action suit by seamen on a passenger vessel capable of carrying more than 500 passengers for wages under this section against a vessel master, owner, or operator or the employer of the seamen shall not exceed ten times the unpaid wages that are the subject of the claims.

“(3) A class action suit for wages under this subsection must be commenced within three years after the later of—

“(A) the date of the end of the last voyage for which the wages are claimed; or

“(B) the receipt, by a seaman who is a claimant in the suit, of a payment of wages that are the subject of the suit that is made in the ordinary course of employment.”.

(2) DEPOSITS.—Section 10315 of such title is amended by adding at the end the following:

“(f) DEPOSITS IN SEAMAN ACCOUNT.—By written request signed by the seaman, a seaman employed on a passenger vessel capable of carrying more than 500 passengers may authorize the master, owner, or operator of the vessel, or the employer of the seaman, to make deposits of wages of the seaman into a checking, savings, investment, or retirement account, or other account to secure a payroll or debit card for the seaman if—

“(1) the wages designated by the seaman for such deposit are deposited in a United States or international financial institution designated by the seaman;

“(2) such deposits in the financial institution are fully guaranteed under commonly

accepted international standards by the government of the country in which the financial institution is licensed;

“(3) a written wage statement or pay stub, including an accounting of any direct deposit, is delivered to the seaman no less often than monthly; and

“(4) while on board the vessel on which the seaman is employed, the seaman is able to arrange for withdrawal of all funds on deposit in the account in which the wages are deposited.”.

(b) COASTWISE VOYAGES.—

(1) CAP ON PENALTY WAGES.—Section 10504(c) of such title is amended—

(A) by striking “When” and inserting “(1) Subject to subsection (d), and except as provided in paragraph (2), when”; and

(B) by inserting at the end the following:

“(2) The total amount required to be paid under paragraph (1) with respect to all claims in a class action suit by seamen on a passenger vessel capable of carrying more than 500 passengers for wages under this section against a vessel master, owner, or operator or the employer of the seamen shall not exceed ten times the unpaid wages that are the subject of the claims.

“(3) A class action suit for wages under this subsection must be commenced within three years after the later of—

“(A) the date of the end of the last voyage for which the wages are claimed; or

“(B) the receipt, by a seaman who is a claimant in the suit, of a payment of wages that are the subject of the suit that is made in the ordinary course of employment.”.

(2) DEPOSITS.—Section 10504 of such title is amended by adding at the end the following:

“(f) DEPOSITS IN SEAMAN ACCOUNT.—On written request signed by the seaman, a seaman employed on a passenger vessel capable of carrying more than 500 passengers may authorize, the master, owner, or operator of the vessel, or the employer of the seaman, to make deposits of wages of the seaman into a checking, savings, investment, or retirement account, or other account to secure a payroll or debit card for the seaman if—

“(1) the wages designated by the seaman for such deposit are deposited in a United States or international financial institution designated by the seaman;

“(2) such deposits in the financial institution are fully guaranteed under commonly accepted international standards by the government of the country in which the financial institution is licensed;

“(3) a written wage statement or pay stub, including an accounting of any direct deposit, is delivered to the seaman no less often than monthly; and

“(4) while on board the vessel on which the seaman is employed, the seaman is able to arrange for withdrawal of all funds on deposit in the account in which the wages are deposited.”.

SEC. 903. TECHNICAL CORRECTIONS.

(a) COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2006.—Effective with enactment of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109-241), such Act is amended—

(1) in section 311(b) (120 Stat. 530) by inserting “paragraphs (1) and (2) of” before “section 8104(o)”;

(2) in section 603(a)(2) (120 Stat. 554) by striking “33 U.S.C. 2794(a)(2)” and inserting “33 U.S.C. 2704(a)(2)”;

(3) in section 901(r)(2) (120 Stat. 566) by striking “the” the second place it appears;

(4) in section 902(c) (120 Stat. 566) by inserting “of the United States” after “Revised Statutes”;

(5) in section 902(e) (120 Stat. 567) is amended—

(A) by inserting “and” after the semicolon at the end of paragraph (1);

(B) by striking “and” at the end of paragraph (2)(A); and

(C) by redesignating paragraphs (3) and (4) as subparagraphs (C) and (D) of paragraph (2), respectively, and aligning the left margin of such subparagraphs with the left margin of subparagraph (A) of paragraph (2);

(6) in section 902(e)(2)(C) (as so redesignated) by striking “this section” and inserting “this paragraph”;

(7) in section 902(e)(2)(D) (as so redesignated) by striking “this section” and inserting “this paragraph”;

(8) in section 902(h)(1) (120 Stat. 567)—

(A) by striking “Bisti/De-Na-Zin” and all that follows through “Protection” and inserting “Omnibus Parks and Public Lands Management”; and

(B) by inserting a period after “Commandant of the Coast Guard”; and

(9) in section 902(k) (120 Stat. 568) is amended—

(A) by inserting “the Act of March 23, 1906, commonly known as” before “the General Bridge”;

(B) by striking “491” and inserting “494.”;

and

(C) by inserting “each place it appears” before “and inserting”.

(b) TITLE 14.—

(1) The analysis for chapter 7 of title 14, United States Code, is amended by adding a period at the end of the item relating to section 149.

(2) The analysis for chapter 17 of title 14, United States Code, is amended by adding a period at the end of the item relating to section 677.

(3) The analysis for chapter 9 of title 14, United States Code, is amended by adding a period at the end of the item relating to section 198.

(4) Section 182 of title 14, United States Code, is amended by striking the third sentence.

(c) TITLE 46.—

(1) The analysis for chapter 81 of title 46, United States Code, is amended by adding a period at the end of the item relating to section 8106.

(2) Section 70105(c)(3)(C) of such title is amended by striking “National Intelligence Director” and inserting “Director of National Intelligence”.

(d) DEEPWATER PORT ACT OF 1974.—Section 5(c)(2) of the Deepwater Port Act of 1974 (33 U.S.C. 1504(c)(2)) is amended by aligning the left margin of subparagraph (K) with the left margin of subparagraph (L).

(e) OIL POLLUTION ACT OF 1990.—

(1) Section 1004(a)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(2)) is amended by striking the first comma following “\$800,000”.

(2) The table of sections in section 2 of such Act is amended by inserting a period at the end of the item relating to section 7002.

(f) COAST GUARD AUTHORIZATION ACT OF 1996.—The table of sections in section 2 of the Coast Guard Authorization Act of 1996 is amended in the item relating to section 103 by striking “reports” and inserting “report”.

SEC. 904. MANNING REQUIREMENT.

Section 421 of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109-241; 120 Stat. 547) is amended—

(1) in subsection (a), by striking “in the 48-month period beginning on the date of enactment of this Act if,” and inserting “until the date of expiration of this section if,”;

(2) in subsection (b), by striking “Subsection (a)(1)” and inserting “Subsection (a)”;

(3) in subsection (d), by striking “48 months after the date of enactment of this Act.” and inserting “on December 31, 2012.”; and

(4) by redesignating subsection (e) as subsection (f) and inserting after subsection (d) the following:

“(e) SAFETY INSPECTIONS.—A vessel may not engage a foreign citizen to meet a manning requirement under this section unless it has an annual safety examination by an individual authorized to enforce part B of subtitle II of title 46, United States Code.”.

SEC. 905. STUDY OF BRIDGES OVER NAVIGABLE WATERS.

The Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a comprehensive study on the proposed construction or alteration of any bridge, drawbridge, or causeway over navigable waters with a channel depth of 25 feet or greater of the United States that may impede or obstruct future navigation to or from port facilities.

SEC. 906. LIMITATION ON JURISDICTION OF STATES TO TAX CERTAIN SEAMEN.

Section 11108(b)(2)(B) of title 46, United States Code, is amended to read as follows:

“(B) who performs regularly assigned duties while engaged as a master, officer, or crewman on a vessel operating on navigable waters in 2 or more States.”.

SEC. 907. LAND CONVEYANCE, COAST GUARD PROPERTY IN MARQUETTE COUNTY, MICHIGAN, TO THE CITY OF MARQUETTE, MICHIGAN.

(a) CONVEYANCE AUTHORIZED.—

(1) IN GENERAL.—The Commandant of the Coast Guard may convey as surplus property, under section 550 of title 40, United States Code, and other relevant Federal Laws governing the disposal of Federal surplus property, to the City of Marquette, Michigan (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, located in Marquette County, Michigan, that is under the administrative control of the Coast Guard, consisting of approximately 5.5 acres of real property, as depicted on the Van Neste survey (#204072), dated September 7, 2006, together with the land between the intermediate traverse line as shown on such survey and the ordinary high water mark, the total comprising 9 acres, more or less, and commonly identified as Coast Guard Station Marquette and Lighthouse Point.

(2) COSTS OF CONVEYANCE.—The responsibility for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the transaction shall be determined by the Commandant of the Coast Guard and the City.

(b) RETENTION OF CERTAIN EASEMENTS.—In conveying the property under subsection (a), the Commandant of the Coast Guard may retain such easements over the property as the Commandant considers appropriate for access to aids to navigation.

(c) LIMITATIONS.—The property to be conveyed under subsection (a) may not be conveyed under that subsection until—

(1) the Coast Guard has relocated Coast Guard Station Marquette to a newly constructed station;

(2) any environmental remediation required under Federal law with respect to the property has been completed; and

(3) the Commandant of the Coast Guard determines that retention of the property by the United States is not required to carry out Coast Guard missions or functions.

(d) **CONDITIONS OF TRANSFER.**—All conditions placed within the deed of title of the property to be conveyed under subsection (a) shall be construed as covenants running with the land.

(e) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Commandant of the Coast Guard.

(f) **ADDITIONAL TERMS AND CONDITIONS.**—The Commandant of the Coast Guard may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) as the Commandant considers appropriate to protect the interests of the United States.

SEC. 908. MISSION REQUIREMENT ANALYSIS FOR NAVIGABLE PORTIONS OF THE RIO GRANDE RIVER, TEXAS, INTERNATIONAL WATER BOUNDARY.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall prepare a mission requirement analysis for the navigable portions of the Rio Grande River, Texas, international water boundary. The analysis shall take into account the Coast Guard's involvement on the Rio Grande River by assessing Coast Guard missions, assets, and personnel assigned along the Rio Grande River. The analysis shall also identify what would be needed for the Coast Guard to increase search and rescue operations, migrant interdiction operations, and drug interdiction operations. In carrying out this section, the Secretary shall work with all appropriate entities to facilitate the collection of information under this section as necessary and shall report the analysis to the Congress.

SEC. 909. CONVEYANCE OF COAST GUARD PROPERTY IN CHEBOYGAN, MICHIGAN.

(a) **CONVEYANCE AUTHORIZED.**—Notwithstanding any other provision of law, the Commandant of the Coast Guard is authorized to convey, at fair market value, all right, title, and interest of the United States in and to a parcel of real property, consisting of approximately 3 acres, more or less, that is under the administrative control of the Coast Guard and located at 900 S. Western Avenue in Cheboygan, Michigan.

(b) **RIGHT OF FIRST REFUSAL.**—The Cornerstone Christian Academy, located in Cheboygan, MI, shall have the right of first refusal to purchase, at fair market value, all or a portion of the real property described in subsection (a).

(c) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Commandant of the Coast Guard.

(d) **FAIR MARKET VALUE.**—The fair market value of the property shall be—

(1) determined by appraisal, in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice; and

(2) subject to the approval of the Commandant.

(e) **COSTS OF CONVEYANCE.**—The responsibility for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the transaction shall be determined by the Commandant of the Coast Guard and the purchaser.

(f) **ADDITIONAL TERMS AND CONDITIONS.**—The Commandant of the Coast Guard may require such additional terms and conditions in connection with the conveyance under subsection (a) as is considered appropriate to protect the interests of the United States.

SEC. 910. ALTERNATIVE LICENSING PROGRAM FOR OPERATORS OF UNINSPECTED PASSENGER VESSELS ON LAKE TEXOMA IN TEXAS AND OKLAHOMA.

(a) **IN GENERAL.**—Upon the request of the Governor of the State of Texas or the Governor of the State of Oklahoma, the Secretary of the department in which the Coast Guard is operating shall enter into an agreement with the Governor of the State whereby the State shall license operators of uninspected passenger vessels operating on Lake Texoma in Texas and Oklahoma in lieu of the Secretary issuing the license pursuant to section 8903 of title 46, United States Code, and the regulations issued thereunder, but only if the State plan for licensing the operators of uninspected passenger vessels—

(1) meets the equivalent standards of safety and protection of the environment as those contained in subtitle II of title 46, United States Code, and regulations issued thereunder;

(2) includes—

(A) standards for chemical testing for such operators;

(B) physical standards for such operators;

(C) professional service and training requirements for such operators; and

(D) criminal history background check for such operators;

(3) provides for the suspension and revocation of State licenses;

(4) makes an individual, who is ineligible for a license issued under title 46, United States Code, ineligible for a State license; and

(5) provides for a report that includes—

(A) the number of applications that, for the preceding year, the State rejected due to failure to—

(i) meet chemical testing standards;

(ii) meet physical standards;

(iii) meet professional service and training requirements; and

(iv) pass criminal history background check for such operators;

(B) the number of licenses that, for the preceding year, the State issued;

(C) the number of license investigations that, for the preceding year, the State conducted;

(D) the number of licenses that, for the preceding year, the State suspended or revoked, and the cause for such suspensions or revocations; and

(E) the number of injuries, deaths, collisions, and loss or damage associated with uninspected passenger vessels operations that, for the preceding year, the State investigated.

(b) **ADMINISTRATION.**—

(1) The Governor of the State may delegate the execution and enforcement of the State plan, including the authority to license and the duty to report information pursuant to subsection (a), to any subordinate State officer. The Governor shall provide, to the Secretary, written notice of any delegation.

(2) The Governor (or the Governor's designee) shall provide written notice of any amendment to the State plan no less than 45 days prior to the effective date of such amendment.

(3) At the request of the Secretary, the Governor of the State (or the Governor's designee) shall grant, on a biennial basis, the Secretary access to State records and State

personnel for the purpose of auditing State execution and enforcement of the State plan.

(c) **APPLICATION.**—

(1) The requirements of section 8903 of title 46, United States Code, and the regulations issued thereunder shall not apply to any person operating under the authority of a State license issued pursuant to an agreement under this section.

(2) The State shall not compel a person, operating under the authority of a license issued either by another State, pursuant to a valid agreement under this section, or by the Secretary, pursuant to section 8903 of title 46, United States Code, to—

(A) hold a license issued by the State, pursuant to an agreement under this section; or

(B) pay any fee, associated with licensing, because the person does not hold a license issued by the State, pursuant to an agreement under this section.

Nothing in this paragraph shall limit the authority of the State to impose requirements or fees for privileges, other than licensing, that are associated with the operation of uninspected passenger vessels on Lake Texoma.

(3) For the purpose of enforcement, if an individual is issued a license—

(A) by a State, pursuant to an agreement entered into under to this section; or

(B) by the Secretary, pursuant to section 8903 of title 46, United States Code, then the individual shall be entitled to lawfully operate an uninspected passenger vessel on Lake Texoma in Texas and Oklahoma without further requirement to hold an additional operator's license.

(d) **TERMINATION.**—

(1) If—

(A) the Secretary finds that the State plan for the licensing the operators of uninspected passenger vessels—

(i) does not meet the equivalent standards of safety and protection of the environment as those contained in subtitle II of title 46, United States Code, and regulations issued thereunder;

(ii) does not include—

(I) standards for chemical testing for such operators,

(II) physical standards for such operators,

(III) professional service and training requirements for such operators, or

(IV) background and criminal investigations for such operators;

(iii) does not provide for the suspension and revocation of State licenses; or

(iv) does not make an individual, who is ineligible for a license issued under title 46, United States Code, ineligible for a State license; or

(B) the Governor (or the Governor's designee) fails to report pursuant to subsection (b),

the Secretary shall terminate the agreement authorized by this section, provided that the Secretary provides written notice to the Governor of the State 60 days in advance of termination. The findings of fact and conclusions of the Secretary, if based on a preponderance of the evidence, shall be conclusive.

(2) The Governor of the State may terminate the agreement authorized by this section, provided that the Governor provides written notice to the Secretary 60 days in advance of the termination date.

(e) **EXISTING AUTHORITY.**—Nothing in this section shall affect or diminish the authority or jurisdiction of any Federal or State officer to investigate, or require reporting of, marine casualties.

(f) **DEFINITIONS.**—For the purposes of this section, the term “uninspected passenger

vessel" has the same meaning such term has in section 2101(42)(B) of title 46, United States Code.

SEC. 911. STRATEGY REGARDING DRUG TRAFFICKING VESSELS.

Within 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, shall submit a report to Congress on its comprehensive strategy to combat the illicit flow of narcotics, weapons, bulk cash, and other contraband through the use of submersible and semi-submersible vessels. The strategy shall be developed in coordination with other Federal agencies engaged in detection, interdiction, or apprehension of such vessels. At a minimum, the report shall include the following:

(1) An assessment of the threats posed by submersible and semi-submersible vessels, including the number of such vessels that have been detected or interdicted.

(2) Information regarding the Federal personnel, technology and other resources available to detect and interdict such vessels.

(3) An explanation of the Coast Guard's plan, working with other Federal agencies as appropriate, to detect and interdict such vessels.

(4) An assessment of additional personnel, technology, or other resources necessary to address such vessels.

SEC. 912. USE OF FORCE AGAINST PIRACY.

(a) IN GENERAL.—Chapter 81 of title 46, United States Code, is amended by adding at the end the following new section:

"§ 8107. Use of force against piracy

"(a) LIMITATION ON LIABILITY.—An owner, operator, time charterer, master, mariner, or individual who uses force or authorizes the use of force to defend a vessel of the United States against an act of piracy shall not be liable for monetary damages for any injury or death caused by such force to any person engaging in an act of piracy if such force was in accordance with standard rules for the use of force in self-defense of vessels prescribed by the Secretary.

"(b) PROMOTION OF COORDINATED ACTION.—To carry out the purpose of this section, the Secretary of the department in which the Coast Guard is operating shall work through the International Maritime Organization to establish agreements to promote coordinated action among flag- and port-states to deter, protect against, and rapidly respond to piracy against the vessels of, and in the waters under the jurisdiction of, those nations, and to ensure limitations on liability similar to those established by subsection (a).

"(c) DEFINITION.—For the purpose of this section, the term 'act of piracy' means any act of aggression, search, restraint, depredation, or seizure attempted against a vessel of the United States by an individual not authorized by the United States, a foreign government, or an international organization recognized by the United States to enforce law on the high seas."

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end the following new item:

"8107. Use of force against piracy."

(c) STANDARD RULES FOR THE USE OF FORCE FOR SELF-DEFENSE OF VESSELS OF THE UNITED STATES.—Not later than 180 days after the date of enactment of this act, the secretary of the department in which the coast guard is operating, in consultation with representatives of industry and labor, shall develop standard rules for the use of force for self-defense of vessels of the United States.

SEC. 913. TECHNICAL AMENDMENTS TO CHAPTER 313 OF TITLE 46, UNITED STATES CODE.

(a) IN GENERAL.—Chapter 313 of title 46, United States Code, is amended—

(1) by striking "of Transportation" in sections 31302, 31306, 31321, 31330, and 31343 each place it appears;

(2) by striking "and" after the semicolon in section 31301(5)(F);

(3) by striking "office." in section 31301(6) and inserting "office; and"; and

(4) by adding at the end of section 31301 the following:

"(7) 'Secretary' means the Secretary of the Department of Homeland Security, unless otherwise noted."

(b) SECRETARY AS MORTGAGEE.—Section 31308 of such title is amended by striking "When the Secretary of Commerce or Transportation is a mortgagee under this chapter, the Secretary" and inserting "The Secretary of Commerce or Transportation, as a mortgagee under this chapter,".

(c) SECRETARY OF TRANSPORTATION.—Section 31329(d) of such title is amended by striking "Secretary." and inserting "Secretary of Transportation."

(d) MORTGAGEE.—

(1) Section 31330(a)(1) of such title, as amended by subsection (a)(1) of this section, is amended—

(A) by inserting "or" after the semicolon in subparagraph (B);

(B) by striking "Secretary; or" in subparagraph (C) and inserting "Secretary."; and

(C) by striking subparagraph (D).

(2) Section 31330(a)(2) is amended—

(A) by inserting "or" after the semicolon in subparagraph (B);

(B) by striking "faith; or" in subparagraph (C) and inserting "faith."; and

(C) by striking subparagraph (D).

SEC. 914. CONVEYANCE OF COAST GUARD VESSELS FOR PUBLIC PURPOSES.

(a) IN GENERAL.—Whenever the transfer of ownership of a Coast Guard vessel or aircraft to an eligible entity for use for educational, cultural, historical, charitable, recreational, or other public purposes is authorized by law or declared excess by the Commandant, the Coast Guard shall transfer the vessel or aircraft to the General Services Administration for conveyance to the eligible entity.

(b) CONDITIONS OF CONVEYANCE.—The General Services Administration may not convey a vessel or aircraft to an eligible entity as authorized by law unless the eligible entity agrees—

(1) to provide the documentation needed by the General Services Administration to process a request for aircraft or vessels under section 102.37.225 of title 41, Code of Federal Regulations;

(2) to comply with the special terms, conditions, and restrictions imposed on aircraft and vessels under section 102-37.460 of such title;

(3) to make the vessel available to the United States Government if it is needed for use by the Commandant of the Coast Guard in time of war or a national emergency; and

(4) to hold the United States Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls, that occurs after conveyance of the vessel, except for claims arising from use of the vessel by the United States Government under paragraph (3).

(c) OTHER OBLIGATIONS UNAFFECTED.—Nothing in this section amends or affects any obligation of the Coast Guard or any other person under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) or any

other law regarding use or disposal of hazardous materials including asbestos and polychlorinated biphenyls.

(d) ELIGIBLE ENTITY DEFINED.—In this section, the term "eligible entity" means a State or local government, nonprofit corporation, educational agency, community development organization, or other entity that agrees to comply with the conditions established under this section.

SEC. 915. ASSESSMENT OF CERTAIN AIDS TO NAVIGATION AND TRAFFIC FLOW.

(a) INFORMATION ON USAGE.—Within 60 days after the date of enactment of this Act, the Commandant of the Coast Guard shall—

(1) determine the types and numbers of vessels typically transiting or utilizing that portion of the Atlantic Intracoastal Waterway beginning at a point that is due East of the outlet of the Cutler Drain Canal C-100 in Dade County, Florida, and ending at the Dade County line, during a period of 30 days; and

(2) provide the information on usage compiled under this subsection to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(b) ASSESSMENT OF CERTAIN AIDS TO NAVIGATION.—Within 90 days after the date of enactment of this Act, the Commandant of the Coast Guard shall—

(1) review and assess the buoys, markers, and other aids to navigation in and along that portion of the Atlantic Intracoastal Waterway specified in subsection (a), to determine the adequacy and sufficiency of such aids, and the need to replace such aids, install additional aids, or both; and

(2) submit a report on the assessment required by this section to the committees.

(c) SUBMISSION OF PLAN.—Within 180 days after the date of enactment of this Act, the Commandant shall submit a plan to the committees to address the needs identified under subsection (b).

SEC. 916. FRESNEL LENS FROM PRESQUE ISLE LIGHT STATION IN PRESQUE ISLE, MICHIGAN.

(a) DETERMINATION; ANALYSES.—

(1) DETERMINATION.—The Commandant of the Coast Guard shall determine the necessity and adequacy of the existing Federal aids to navigation at Presque Isle Light Station, Presque Isle, Michigan (hereinafter "Light Station"), and submit such determination to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. The Commandant may base such determination on the Waterways Analysis and Management System study of such Federal aid to navigation, provided that such study was completed not more than one year prior to the date of enactment of this section.

(2) ANALYSES.—The Commandant of the Coast Guard shall conduct—

(A) an analysis of the feasibility of restoring the Fresnel Lens from the Light Station to operating condition, the capacity of the Coast Guard to maintain the Fresnel Lens as a Federal aid to navigation, and the impact on the Fresnel Lens as an artifact if used as a Federal aid to navigation; and

(B) a comparative analysis of the cost of restoring, reinstalling, operating, and maintaining the Fresnel Lens (including life-cycle costs) and the cost of operating and maintaining the existing Federal aid to navigation at the Light Station (including life-cycle costs).

(3) SUBMISSION.—Not later than 1 year after the date of enactment of this section, the

Commandant of the Coast Guard shall submit the determination and analyses, conducted pursuant to this subsection, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) **TRANSFER POSSESSION OF LENS AUTHORIZED.**—

(1) **TRANSFER OF POSSESSION.**—Notwithstanding any other provision of law, the Commandant of the Coast Guard may transfer to the Township of Presque Isle, Michigan (hereinafter “Township”), possession of the Fresnel Lens from the Light Station for the purpose of conserving and displaying such Fresnel Lens as an artifact in an exhibition facility at or near the Light Station.

(2) **CONDITION.**—As a condition of the transfer of possession pursuant to paragraph (1)—

(A) all Federal aids to navigation located at, on, or in the Light Station in operation on the date of transfer of possession shall remain the personal property of the United States and continue to be operated and maintained by the United States for as long as needed for navigational purposes;

(B) there is reserved to the United States the right to maintain, remove, replace, or install any Federal aid to navigation located at, on, or in the Light Station as may be necessary for navigational purposes; and

(C) the Township shall neither interfere nor allow interference in any manner with any Federal aid to navigation, nor hinder activities required for the operation and maintenance of any Federal aid to navigation.

(3) **ALTERNATIVE DISPLAY.**—

(A) In the event that—

(i) the Commandant of the Coast Guard, pursuant to a Waterways Analysis and Management System study, discontinues the existing Federal aids to navigation at, on, or in the Light Station; and

(ii) the Township demonstrates to the satisfaction of the Commandant that the Township can restore, reinstall, and display the Fresnel Lens from the Light Station in the lantern room of such Light Station in a manner that conserves such Fresnel Lens as an artifact;

the Township is authorized, notwithstanding paragraph (1), to display such Fresnel Lens in the lantern room of such Light Station.

(B) Nothing in this paragraph shall be construed to prevent the Township from installing a replica of the Fresnel Lens in the lantern room of such Light Station.

(c) **CONVEYANCE, TRANSFER OF ADDITIONAL PERSONAL PROPERTY.**—Notwithstanding any other provision of law, the Commandant may convey or transfer possession of any personal property of the United States, pertaining to the Fresnel Lens or the Light Station, as an artifact to the Township.

(d) **TERMS; REVERSIONARY INTEREST.**—As a condition of transfer of possession of personal property of the United States, pursuant to subsection (c), the Commandant may require the Township to comply with terms and conditions necessary to protect and conserve such personal property. Upon notice that the Commandant has determined that the Township has not complied with such terms and conditions, the Township shall immediately transfer possession of such personal property to the Coast Guard, except to the extent otherwise approved by the Commandant.

(e) **CONVEYANCE WITHOUT CONSIDERATION.**—The conveyance or transfer of possession of any personal property of the United States (including the Fresnel Lens) under this section shall be without consideration.

(f) **DELIVERY OF PROPERTY.**—The Commandant shall deliver any personal property, conveyed or transferred pursuant to this section (including the Fresnel Lens)—

(1) at the place where such property is located on the date of the conveyance;

(2) in condition on the date of conveyance; and

(3) without cost to the United States.

(g) **MAINTENANCE OF PROPERTY.**—As a condition of the transfer of possession of the Fresnel Lens and any other personal property of the United States to the Township under this section, the Commandant shall enter into an agreement with the Township under which the Township agrees to hold the United States harmless for any claim arising with respect to the Fresnel Lens or such personal property.

(h) **LIMITATION ON FUTURE TRANSFERS.**—The instruments providing for the transfer of possession of the Fresnel Lens or any other personal property of the United States under this section shall—

(1) require that any further transfer of an interest in the Fresnel Lens or personal property may not be made without the advance approval of the Commandant; and

(2) provide that, if the Commandant determines that an interest in the Fresnel Lens or personal property was transferred without such approval—

(A) all right, title, and interest in the Fresnel Lens or personal property shall revert to the United States, and the United States shall have the right to immediate possession of the Fresnel Lens or personal property; and

(B) the recipient of the Fresnel Lens or personal property shall pay the United States for costs incurred by the United States in recovering the Fresnel Lens or personal property.

(i) **ADDITIONAL TERMS AND CONDITIONS.**—The Commandant may require such additional terms and conditions in connection with the conveyance or transfer of personal property of the United States (including the Fresnel Lens) authorized by this section as the Commandant considers appropriate to protect the interests of the United States.

SEC. 917. MARITIME LAW ENFORCEMENT.

(a) **PENALTIES.**—Section 2237(b) of title 18, United States Code, is amended to read as follows:

“(b) Whoever knowingly violates this section shall—

“(1) if the offense results in death or involves kidnapping, an attempt to kidnap or kill, conduct required for an offense or an attempt to commit an offense, under section 2241 (relating to aggravated sexual abuse) without regard to where it takes place, or an attempt to kill, be fined under this title or imprisoned for any term of years or life, or both;

“(2) if the offense results in serious bodily injury (as defined in section 1365), be fined under this title or imprisoned for not more than 15 years, or both;

“(3) if the offense involves knowing transportation under inhumane conditions and is committed in the course of a violation of section 274 of the Immigration and Nationality Act; chapter 77 or section 111, 111A, 113, or 117 of this title; chapter 705 of title 46; or title II of the Act of June 15, 1917 (Chapter 30; 40 Stat. 220), be fined under this title or imprisoned for not more than 15 years, or both; and

“(4) in any other case, be fined under this title or imprisoned for not more than 5 years, or both.”.

(b) **DEFINITION.**—Section 2237(e) of title 18, United States Code is amended—

(1) by amending paragraph (3) to read as follows:

“(3) the term ‘vessel subject to the jurisdiction of the United States’ has the meaning given the term in section 70502 of title 46;”;

(2) in paragraph (4), by striking “section 2 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903).” and inserting “section 70502 of title 46; and”; and

(3) by adding at the end the following new paragraph:

“(5) the term ‘transportation under inhumane conditions’ means—

“(A) transportation—

“(i) of one or more persons in an engine compartment, storage compartment, or other confined space;

“(ii) at an excessive speed; or

“(iii) of a number of persons in excess of the rated capacity of the vessel; or

“(B) intentional grounding of a vessel in which persons are being transported.”.

SEC. 918. CAPITAL INVESTMENT PLAN.

The Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure and the Committee on Commerce, Science, and Transportation of the Senate the Coast Guard’s 5-year capital investment plan concurrent with the President’s budget submission for each fiscal year.

SEC. 919. REPORTS.

Notwithstanding any other provision of law, in fiscal year 2011 the total amount of appropriated funds obligated or expended by the Coast Guard during any fiscal year in connection with any study or report required by law may not exceed the total amount of appropriated funds obligated or expended by the Coast Guard for such purpose in fiscal year 2010. In order to comply with the requirements of this limitation, the Commandant of the Coast Guard shall establish for each fiscal year a rank order of priority for studies and reports that can be conducted or completed during the fiscal year consistent with this limitation and shall post the list on the Coast Guard’s public website.

SEC. 920. COMPLIANCE PROVISION.

The budgetary effects of this Act, for purposes of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendments between the Houses.

SEC. 921. CONVEYANCE OF COAST GUARD PROPERTY IN PORTLAND, MAINE.

Section 347 of the Maritime Transportation Security Act of 2002 (116 Stat. 2108; as amended by section 706 of Public Law 109-347 (120 Stat. 1946)) is amended in subsection (i), by adding at the end the following new paragraph:

“(3) **PUBLIC AQUARIUM.**—For purposes of this section, the term ‘aquarium’ or ‘public aquarium’ as used in this section or in the deed delivered to the Corporation or any agreement entered into pursuant to this section, means any new building constructed by the Corporation adjacent to the pier and bulkhead in compliance with the waterfront provisions of the City of Portland Code of Ordinances.”.

TITLE X—CLEAN HULLS

Subtitle A—General Provisions

SEC. 1011. DEFINITIONS.

In this title:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) **ANTIFOULING SYSTEM.**—The term “antifouling system” means a coating, paint, surface treatment, surface, or device that is used or intended to be used on a vessel to control or prevent attachment of unwanted organisms.

(3) **CONVENTION.**—The term “Convention” means the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001, including its annexes, and including any amendments to the Convention or annexes which have entered into force for the United States.

(4) **FPSO.**—The term “FPSO” means a floating production, storage, or offloading unit.

(5) **FSU.**—The term “FSU” means a floating storage unit.

(6) **GROSS TONNAGE.**—The term “gross tonnage” as defined in chapter 143 of title 46, United States Code, means the gross tonnage calculated in accordance with the tonnage measurement regulations contained in annex 1 to the International Convention on Tonnage Measurement of Ships, 1969.

(7) **INTERNATIONAL VOYAGE.**—The term “international voyage” means a voyage by a vessel entitled to fly the flag of one country to or from a port, shipyard, offshore terminal, or other place under the jurisdiction of another country.

(8) **ORGANOTIN.**—The term “organotin” means any compound or additive of tin bound to an organic ligand, that is used or intended to be used as biocide in an antifouling system.

(9) **PERSON.**—The term “person” means—

(A) any individual, partnership, association, corporation, or organized group of persons whether incorporated or not;

(B) any department, agency, or instrumentality of the United States, except as provided in section 3(b)(2); or

(C) any other government entity.

(10) **SECRETARY.**—The term “Secretary” means the Secretary of the department in which the Coast Guard is operating.

(11) **SELL OR DISTRIBUTE.**—The term “sell or distribute” means to distribute, sell, offer for sale, hold for distribution, hold for sale, hold for shipment, ship, deliver for shipment, release for shipment, import, export, hold for import, hold for export, or receive and (having so received) deliver or offer to deliver.

(12) **VESSEL.**—The term “vessel” has the meaning given that term in section 3 of title 1, United States Code, including hydrofoil boats, air cushion watercraft, submersibles, floating craft, fixed or floating platforms, floating storage units, and floating production, storage, and offloading units.

(13) **TERRITORIAL SEA.**—The term “territorial sea” means the territorial sea as described in Presidential Proclamation No. 5928 on December 27, 1988.

(14) **UNITED STATES.**—The term “United States” means the several States of the United States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas, and any other territory or possession over which the United States has jurisdiction.

(15) **USE.**—The term “use” includes application, reapplication, installation, or any other employment of an antifouling system.

SEC. 1012. COVERED VESSELS.

(a) **INCLUDED VESSEL.**—Except as provided in subsection (b), after the Convention enters into force for the United States, the following vessels are subject to the requirements of this title:

(1) A vessel documented under chapter 121 of title 46, United States Code, or one operated under the authority of the United States, wherever located.

(2) Any vessel permitted by a Federal agency to operate on the Outer Continental Shelf.

(3) Any other vessel when—

(A) in the internal waters of the United States;

(B) in any port, shipyard, offshore terminal, or other place in the United States;

(C) lightering in the territorial sea; or

(D) to the extent consistent with international law, anchoring in the territorial sea of the United States.

(b) **EXCLUDED VESSELS.**—

(1) **IN GENERAL.**—The following vessels are not subject to the requirements of this title:

(A) Any warship, naval auxiliary, or other vessel owned or operated by a foreign state, and used, for the time being, only on government noncommercial service.

(B) Except as provided in paragraph (2), any warship, naval auxiliary, or other vessel owned or operated by the United States and used for the time being only on government noncommercial service.

(2) **APPLICATION TO UNITED STATES GOVERNMENT VESSELS.**—

(A) **IN GENERAL.**—The Administrator may apply any requirement of this title to one or more classes of vessels described in paragraph (1)(B), if the head of the Federal department or agency under which those vessels operate concurs in that application.

(B) **LIMITATION FOR COMBAT-RELATED VESSEL.**—Subparagraph (A) shall not apply to combat-related vessels.

SEC. 1013. ADMINISTRATION AND ENFORCEMENT.

(a) **IN GENERAL.**—Unless otherwise specified in this title, with respect to a vessel, the Secretary shall administer and enforce the Convention and this title.

(b) **ADMINISTRATOR.**—Except with respect to section 1031(b) and (c), the Administrator shall administer and enforce subtitle C.

(c) **REGULATIONS.**—The Administrator and the Secretary may each prescribe and enforce regulations as may be necessary to carry out their respective responsibilities under this title.

SEC. 1014. COMPLIANCE WITH INTERNATIONAL LAW.

Any action taken under this title shall be taken in accordance with treaties to which the United States is a party and other international obligations of the United States.

SEC. 1015. UTILIZATION OF PERSONNEL, FACILITIES OR EQUIPMENT OF OTHER FEDERAL DEPARTMENTS AND AGENCIES.

The Secretary and the Administrator may utilize by agreement, with or without reimbursement, personnel, facilities, or equipment of other Federal departments and agencies in administering the Convention, this title, or any regulations prescribed under this title.

Subtitle B—Implementation of the Convention

SEC. 1021. CERTIFICATES.

(a) **CERTIFICATE REQUIRED.**—On entry into force of the Convention for the United States, any vessel of at least 400 gross tons that engages in one or more international voyages (except fixed or floating platforms, FSUs, and FPSOs) shall carry an International Antifouling System Certificate.

(b) **ISSUANCE OF CERTIFICATE.**—On entry into force of the Convention, on a finding that a successful survey required by the Convention has been completed, a vessel of at least 400 gross tons that engages in at least

one international voyage (except fixed or floating platforms, FSUs, and FPSOs) shall be issued an International Antifouling System Certificate. The Secretary may issue the Certificate required by this section. The Secretary may delegate this authority to an organization that the Secretary determines is qualified to undertake that responsibility.

(c) **MAINTENANCE OF CERTIFICATE.**—The Certificate required by this section shall be maintained as required by the Secretary.

(d) **CERTIFICATES ISSUED BY OTHER PARTY COUNTRIES.**—A Certificate issued by any country that is a party to the Convention has the same validity as a Certificate issued by the Secretary under this section.

(e) **VESSELS OF NONPARTY COUNTRIES.**—Notwithstanding subsection (a), a vessel of at least 400 gross tons, having the nationality of or entitled to fly the flag of a country that is not a party to the Convention, may demonstrate compliance with this title through other appropriate documentation considered acceptable by the Secretary.

SEC. 1022. DECLARATION.

(a) **REQUIREMENTS.**—On entry into force of the Convention for the United States, a vessel of at least 24 meters in length, but less than 400 gross tons engaged on an international voyage (except fixed or floating platforms, FSUs, and FPSOs) must carry a declaration described in subsection (b) that is signed by the owner or owner's authorized agent. That declaration shall be accompanied by appropriate documentation, such as a paint receipt or a contractor invoice, or contain an appropriate endorsement.

(b) **CONTENT OF DECLARATION.**—The declaration must contain a clear statement that the antifouling system on the vessel complies with the Convention. The Secretary may prescribe the form and other requirements of the declaration.

SEC. 1023. OTHER COMPLIANCE DOCUMENTATION.

In addition to the requirements under sections 1021 and 1022, the Secretary may require vessels to hold other documentation considered necessary to verify compliance with this title.

SEC. 1024. PROCESS FOR CONSIDERING ADDITIONAL CONTROLS.

(a) **ACTIONS BY ADMINISTRATOR.**—The Administrator may—

(1) participate in the technical group described in Article 7 of the Convention, and in any other body convened pursuant to the Convention for the consideration of new or additional controls on antifouling systems;

(2) evaluate any risks of adverse effects on nontarget organisms or human health presented by a given antifouling system such that the amendment of annex 1 of the Convention may be warranted;

(3) undertake an assessment of relevant environmental, technical, and economic considerations necessary to evaluate any proposals for new or additional controls of antifouling systems under the Convention, including benefits in the United States and elsewhere associated with the production and use in the United States and elsewhere, of the subject antifouling system; and

(4) develop recommendations based on that assessment.

(b) **REFERRALS TO TECHNICAL GROUP.**—

(1) **CONVENING OF SHIPPING COORDINATING COMMITTEE.**—On referral of any antifouling system to the technical group described in article 7 of the Convention for consideration of new or additional controls, the Secretary of State shall convene a public meeting of the Shipping Coordinating Committee for the purpose of receiving information and

comments regarding controls on such antifouling system. The Secretary of State shall publish advance notice of such meeting in the Federal Register and on the State Department's Web site. The Administrator shall assemble and maintain a public docket containing notices pertaining to that meeting, any comments responding to those notices, the minutes of that meeting, and materials presented at that meeting.

(2) **REPORT BY TECHNICAL GROUP.**—The Administrator shall promptly make any report by the technical group described in the Convention available to the public through the docket established pursuant to subsection (b) and announce the availability of that report in the Federal Register. The Administrator shall provide an opportunity for public comment on the report for a period of not less than 30 days from the time the availability of the report is announced in the Federal Register.

(3) **CONSIDERATION OF COMMENTS.**—To the extent practicable, the Administrator shall take any comments into consideration in developing recommendations under subsection (a).

SEC. 1025. SCIENTIFIC AND TECHNICAL RESEARCH AND MONITORING; COMMUNICATION AND INFORMATION.

The Secretary, the Administrator, and the Administrator of the National Oceanic and Atmospheric Administration may each undertake scientific and technical research and monitoring pursuant to article 8 of the Convention and to promote the availability of relevant information concerning—

- (1) scientific and technical activities undertaken in accordance with the Convention;
- (2) marine scientific and technological programs and their objectives; and
- (3) the effects observed from any monitoring and assessment programs relating to antifouling systems.

SEC. 1026. COMMUNICATION AND EXCHANGE OF INFORMATION.

(a) **IN GENERAL.**—Except as provided in subsection (b), with respect to those antifouling systems regulated by the Administrator, the Administrator shall provide to any party to the Convention that requests it, relevant information on which the decision to regulate was based, including information provided for in annex 3 to the Convention, or other information suitable for making an appropriate evaluation of the antifouling system.

(b) **LIMITATION.**—This section shall not be construed to authorize the provision of information the disclosure of which is otherwise prohibited by law.

Subtitle C—Prohibitions and Enforcement Authority

SEC. 1031. PROHIBITIONS.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, it is unlawful for any person—

- (1) to act in violation of this title, or any regulation prescribed under this title;
 - (2) to sell or distribute in domestic or international commerce organotin or an antifouling system containing organotin;
 - (3) to manufacture, process, or use organotin to formulate an antifouling system;
 - (4) to apply an antifouling system containing organotin on any vessel to which this title applies; or
 - (5) after the Convention enters into force for the United States, to apply or otherwise use in a manner inconsistent with the Convention, an antifouling system on any vessel that is subject to this title.
- (b) **VESSEL HULLS.**—Except as provided in subsection (c), no vessel shall bear on its hull

or outer surface any antifouling system containing organotin, regardless of when such system was applied, unless that vessel bears an overcoating which forms a barrier to organotin leaching from the underlying antifouling system.

(c) **LIMITATIONS.**—

(1) **EXCEPTED VESSEL.**—Subsection (b) does not apply to fixed or floating platforms, FSUs, or FPSOs that were constructed prior to January 1, 2003, and that have not been in dry dock on or after that date.

(2) **SALE, MANUFACTURE, ETC.**—This section does not apply to—

(A) the sale, distribution, or use pursuant to any agreement between the Administrator and any person that results in an earlier prohibition or cancellation date than specified in this title; or

(B) the manufacture, processing, formulation, sale, distribution, or use of organotin or antifouling systems containing organotin used or intended for use only for sonar domes or in conductivity sensors in oceanographic instruments.

SEC. 1032. INVESTIGATIONS AND INSPECTIONS BY SECRETARY.

(a) **IN GENERAL.**—The Secretary may conduct investigations and inspections regarding a vessel's compliance with this title or the Convention.

(b) **VIOLATIONS; SUBPOENAS.**—In any investigation under this section, the Secretary may issue subpoenas to require the attendance of witnesses and the production of documents and other evidence. In case of refusal to obey a subpoena issued to any person, the Secretary may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance.

(c) **FURTHER ACTION.**—On completion of an investigation, the Secretary may take whatever further action the Secretary considers appropriate under the Convention or this title.

(d) **COOPERATION.**—The Secretary may cooperate with other parties to the Convention in the detection of violations and in enforcement of the Convention. Nothing in this section affects or alters requirements under any other laws.

SEC. 1033. EPA ENFORCEMENT.

(a) **INSPECTIONS, SUBPOENAS.**—

(1) **IN GENERAL.**—For purposes of enforcing this title or any regulation prescribed under this title, officers or employees of the Environmental Protection Agency or of any State designated by the Administrator may enter at reasonable times any location where there is being held or may be held organotin or any other substance or antifouling system regulated under the Convention, for the purpose of inspecting and obtaining samples of any containers or labeling for organotin or other substance or system regulated under the Convention.

(2) **SUBPOENAS.**—In any investigation under this section the Administrator may issue subpoenas to require the attendance of any witness and the production of documents and other evidence. In case of refusal to obey such a subpoena, the Administrator may request the Attorney General to compel compliance.

(b) **STOP MANUFACTURE, SALE, USE, OR REMOVAL ORDERS.**—Consistent with section 1013, whenever any organotin or other substance or system regulated under the Convention is found by the Administrator and there is reason to believe that a manufacturer, seller, distributor, or user has violated or is in violation of any provision of this title, or that such organotin or other sub-

stance or system regulated under the Convention has been or is intended to be manufactured, distributed, sold, or used in violation of this title, the Administrator may issue a stop manufacture, sale, use, or removal order to any person that owns, controls, or has custody of such organotin or other substance or system regulated under the Convention. After receipt of that order the person may not manufacture, sell, distribute, use, or remove the organotin or other substance or system regulated under the Convention described in the order except in accordance with the order.

SEC. 1034. ADDITIONAL AUTHORITY OF THE ADMINISTRATOR.

The Administrator, in consultation with the Secretary, may establish, as necessary, terms and conditions regarding the removal and disposal of antifouling systems prohibited or restricted under this title.

Subtitle D—Action on Violation, Penalties, and Referrals

SEC. 1041. CRIMINAL ENFORCEMENT.

Any person who knowingly violates paragraph (2), (3), (4), or (5) of section 1031(a) or section 1031(b) shall be fined under title 18, United States Code, or imprisoned not more than 6 years, or both.

SEC. 1042. CIVIL ENFORCEMENT.

(a) **CIVIL PENALTY.**—

(1) **IN GENERAL.**—Any person who is found by the Secretary or the Administrator, as appropriate, after notice and an opportunity for a hearing, to have—

(A) violated the Convention, this title, or any regulation prescribed under this title, is liable to the United States Government for a civil penalty of not more than \$37,500 for each violation; or

(B) made a false, fictitious, or fraudulent statement or representation in any matter in which a statement or representation is required to be made to the Secretary under the Convention, this title, or any regulations prescribed under this title, is liable to the United States for a civil penalty of not more than \$50,000 for each such statement or representation.

(2) **RELATIONSHIP TO OTHER LAW.**—This subsection shall not limit or affect the authority of the Government under section 1001 of title 18, United States Code.

(b) **ASSESSMENT OF PENALTY.**—The amount of the civil penalty shall be assessed by the Secretary or Administrator, as appropriate, by written notice.

(c) **LIMITATION FOR RECREATIONAL VESSEL.**—A civil penalty imposed under subsection (a) against the owner or operator of a recreational vessel, as that term is defined in section 2101 of title 46, United States Code, for a violation of the Convention, this title, or any regulation prescribed under this title involving that recreational vessel, may not exceed \$5,000 for each violation.

(d) **DETERMINATION OF PENALTY.**—For purposes of penalties under this section, each day of a continuing violation constitutes a separate violation. In determining the amount of the penalty, the Secretary or Administrator shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, the economic impact of the penalty on the violator, the economic benefit to the violator and other matters as justice may require.

(e) **REWARD.**—An amount equal to not more than one-half of any civil penalty assessed by the Secretary or Administrator under this section may, subject to the availability

of appropriations, be paid by the Secretary or Administrator, respectively, to any person who provided information that led to the assessment or imposition of the penalty.

(f) **REFERRAL TO ATTORNEY GENERAL.**—If any person fails to pay a civil penalty assessed under this section after it has become final, or comply with an order issued under this title, the Secretary or Administrator, as appropriate, may refer the matter to the Attorney General of the United States for collection in any appropriate district court of the United States.

(g) **COMPROMISE, MODIFICATION, OR REMISSION.**—Before referring any civil penalty that is subject to assessment or has been assessed under this section to the Attorney General, the Secretary, or Administrator, as appropriate, may compromise, modify, or remit, with or without conditions, the civil penalty.

(h) **NONPAYMENT PENALTY.**—Any person who fails to pay on a timely basis a civil penalty assessed under this section shall also be liable to the United States for interest on the penalty at an annual rate equal to 11 percent compounded quarterly, attorney fees and costs for collection proceedings, and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. That nonpayment penalty shall be in an amount equal to 20 percent of the aggregate amount of that person's penalties and nonpayment penalties that are unpaid as of the beginning of that quarter.

SEC. 1043. LIABILITY IN REM.

A vessel operated in violation of the Convention, this title, or any regulation prescribed under this title, is liable in rem for any fine imposed under section 18, United States Code, or civil penalty assessed pursuant to section 1042, and may be proceeded against in the United States district court of any district in which the vessel may be found.

SEC. 1044. VESSEL CLEARANCE OR PERMITS; REFUSAL OR REVOCATION; BOND OR OTHER SURETY.

If any vessel that is subject to the Convention or this title, or its owner, operator, or person in charge, is liable for a fine or civil penalty under section 1042 or 1043, or if reasonable cause exists to believe that the vessel, its owner, operator, or person in charge may be subject to a fine or civil penalty under section 1042 or 1043, the Secretary may refuse or revoke the clearance required by section 60105 of title 46, United States Code. Clearance may be granted upon the filing of a bond or other surety satisfaction to the Secretary.

SEC. 1045. WARNINGS, DETENTIONS, DISMISSALS, EXCLUSION.

(a) **IN GENERAL.**—If a vessel is detected to be in violation of the Convention, this title, or any regulation prescribed under this title, the Secretary may warn, detain, dismiss, or exclude the vessel from any port or offshore terminal under the jurisdiction of the United States.

(b) **NOTIFICATIONS.**—If action is taken under subsection (a), the Secretary, in consultation with the Secretary of State, shall make the notifications required by the Convention.

SEC. 1046. REFERRALS FOR APPROPRIATE ACTION BY FOREIGN COUNTRY.

Notwithstanding sections 1041, 1042, 1043, and 1045, if a violation of the Convention is committed by a vessel registered in or of the nationality of a country that is a party to the Convention, or by a vessel operated under the authority of a country that is a party to the Convention, the Secretary, acting in coordination with the Secretary of

State, may refer the matter to the government of the country of the vessel's registry or nationality, or under whose authority the vessel is operating, for appropriate action, rather than taking the actions otherwise required or authorized by this subtitle.

SEC. 1047. REMEDIES NOT AFFECTED.

(a) **IN GENERAL.**—Nothing in this title limits, denies, amends, modifies, or repeals any other remedy available to the United States.

(b) **RELATIONSHIP TO STATE AND LOCAL LAW.**—Nothing in this title limits, denies, amends, modifies, or repeals any rights under existing law, of any State, territory, or possession of the United States, or any political subdivision thereof, to regulate any antifouling system. Compliance with the requirements of a State, territory, or possession of the United States, or political subdivision thereof related to antifouling paint or any other antifouling system does not relieve any person of the obligation to comply with this title.

SEC. 1048. REPEAL.

The Organotin Antifouling Paint Control Act of 1988 (33 U.S.C. 2401 et seq.) is repealed.

Amend the title so as to read: "An Act to authorize appropriations for the Coast Guard for fiscal year 2011, and for other purposes."

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from New Jersey (Mr. LOBIONDO) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on House Resolution 1665.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

The Coast Guard Authorization Act of 2010 is a bill this committee has worked on for the past 4 years, actually 6 years, starting in the time of the Republican majority, when our committee was united, our committee was unified behind this bill but we couldn't get the other body to act upon it. We have now happily been able to do so.

The bill will enable the Coast Guard to continue to perform and meet its daily demands, allowing it to continue to be defined as the world's premier maritime service.

Over the past several years, the Coast Guard has fought international terrorism, defended Iraqi pipelines, patrolled for pirates in the Arabian Sea, saved thousands of lives during Hurricane Katrina, and is leading the response effort to the largest oil spill in U.S. history. We must provide the Coast Guard with the support it needs to take care of its staff and carry out its everyday missions. We also need to make long overdue reforms that will enhance the Coast Guard's ability to carry out its important responsibilities

for maritime safety, for security, and protection of the environment. The bill we consider today carries out those objectives.

Mr. Speaker, I reserve the balance of my time.

Mr. LOBIONDO. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, I thank the gentleman, the ranking member, Mr. LOBIONDO, for his yielding, and also for the excellent job. There is no one more dedicated to the United States Coast Guard than the gentleman from New Jersey (Mr. LOBIONDO). He loves, works, breathes, just exists to assist the United States Coast Guard. I am very proud of that dedication he exhibits.

And also I have to compliment Mr. OBERSTAR, my partner. We have probably one of the greatest challenges of any of the teams that serve in Congress. We have the largest committee in Congress, great deal of jurisdictional areas and none that we enjoy working on more than the United States Coast Guard. These are some fantastic Americans, one of the major service organizations of the United States, and sometimes I think the least recognized.

And we have been blessed with great leaders, Thad Allen. He came just at the right time, inherited so many problems, I can't even begin to spend tonight enumerating the problems. I think he came on duty about the same time I became the ranking Republican, and I would get his calls. And he always handles every situation so professionally. We have been blessed as a Nation to have leadership in the Coast Guard like that, Thad Allen, now Admiral Papp. And poor Thad Allen, just when he thought he was about to retire, just at the end of his watch and service, we, of course, had the incredible disaster in the gulf. And folks have to remember, the first responder to our shores is the United States Coast Guard, the protectors of our, not just maritime safety, but national security. And they have done that through their long, rich, and productive history.

So tonight, this is long overdue too, this authorization. I believe that is some 4 years in coming. I have been the ranking member for 3. And I am pleased that tonight, as the Congress probably will go into recess, that we are able to set with this bill the major policy decisions to operate the United States Coast Guard. This is the whole framework of Federal policy. You have to authorize these projects by the Constitution. Under the Constitution and laws, we must pass a law that gives them the authority to operate. So it is the framework, the policy. It really sets the funding parameters.

And I think also I am pleased to rise on behalf of my side of the aisle. Right now, people—I just got back from my district and traveled in August across

the United States—they are tired of huge expenditures, 200 percent increases in programs and a skyrocketing deficit that this Congress has brought on. This is a moderate increase. It represents a 3 percent increase, and I think it deserves and is worthy of our support.

The other thing about the Coast Guard is, they aren't like some agencies, lobbying for huge amounts of money, or this team of lobbyists or special interests or whoever coming here, whining, complaining, trying to get more of the taxpayer money, expanding the range and control of their programs. They just get their job done. And, again, I am pleased that we are finally getting our job done and authorizing this Coast Guard legislation.

Let me also say that this is a much better bill than was introduced several years ago. And it may have taken more time, but I want to say, from my side of the aisle, I am pleased with what we have accomplished.

Again, leadership by Mr. LOBIONDO and others who have worked on this, we blocked, I think, some—first of all, we blocked some devastating operational and structural policy changes that the Coast Guard did not want. The Coast Guard is, again, one of our service organizations, and it doesn't need to be hamstrung by Congress.

Safety is important, and we need the component of safety as one of their priorities. And I think we have properly placed that, fixed some of the original provisions that I don't think that they felt they could properly operate or live with. So I think, first of all, we have got that provision which is much better and will operate on a sounder basis.

The second thing is, there were provisions in here, and there are folks that had their own little interests, and some of those interests would have blocked our energy supplies. And as far as liquefied natural gas and bringing gas into some of our ports, I think we would have created higher costs for the consumers. I think the Northeast region in particular would have been hard hit by some of the original constraints and provisions that were in here. Yes, we want safety for the delivery of those kinds of fuels, but we also want reasonableness in the process. So we don't want to make, again, a problem where there isn't a problem. And we do need to have clean energy available at affordable price for the consumer. I think we have been able to do that.

We have also, I think, put provisions in here that protect America's ports. There was a provision originally introduced that would have prohibited States from conducting additional background checks on port workers to ensure that drug smugglers and other convicted felons' access to secure areas of our ports was actually allowed under this bill, and States were prohibited

from, again, putting these provisions forward for safety and security.

We have seen what happened with the Federal Government in Arizona, and Arizona wants to enforce Federal immigration laws. Well, States should be able to ensure that their ports too are safe; and if they have the need of a background check, it should be done. And we shouldn't have felons and others with bad records in some of the secure areas of our ports. So I think we have also improved the quality of that particular provision.

Then I think we have put some commonsense acquisition reform. When originally introduced, this bill would have, I think, created a disastrous recipe for failure for the United States Coast Guard to become a systems integrator. Now, I know we have had problems. We had problems with the national security class Coast Guard cutter that we tried to produce for the first time. We had problems with changing out 110-foot Coast Guard cutters to a longer model—I believe it was a 123-foot version. Yes, we had problems with some of these projects. But the answer isn't for government to step in and create a huge operation.

□ 1940

When you get into some of the acquisition questions and systems design and systems integration, even the United States Navy, which has one of the largest maritime fleets in the world, has trouble doing some of this by itself. The Navy is a much larger entity than the United States Coast Guard, which is the smaller entity, and casting legislation that would require them to do things that really they don't have the capability of doing was, I think, not a good proposal, and I think we have made it a better proposal.

The other thing we have to remember too, the Coast Guard pays a lot less than the private sector. And God bless those men and women who serve. Many of those professionals end up going into the private sector, or the private sector attracts folks to do these highly technical systems integration programs, and they have the resources to do this. Also, the other thing, too, we found with the Coast Guard is we do have a turnover in Coast Guard personnel. Many people serve their whole career there, but there is also a turnover in some of these highly professional, highly technical positions.

So given all of that, I think the provisions that were put in this legislation will allow us to not repeat some of the mistakes of past acquisitions and not get the government into creating a huge bureaucracy of acquisition or to take on something that the Federal Government should not do and cannot do, and we can do it much more cost effectively, I think, in the manner that we prescribed in this legislation.

So I am pleased with the bill. It took some tough negotiations. It took some time. I am honored to join my colleagues—Mr. OBERSTAR, Mr. LOBIONDO, Mr. CUMMINGS, some of the other members here tonight, anyone who was involved in this on both sides of the aisle—and particularly the staff who worked so hard to secure what I think is not only a sound piece of legislation but an excellent bipartisan product that the American people can be proud of.

Mr. OBERSTAR. I yield myself such time as I may consume.

Mr. Speaker, I will conclude on our side recognizing and acknowledging the splendid work and the diligent effort of the gentleman from Maryland (Mr. CUMMINGS) who is the chair of the Coast Guard Subcommittee. He devoted an enormous amount of time, hours of effort in hearings, one of which went for 10 hours on the Coast Guard procurement program where we had to hear in great detail the failure of allowing the private sector to self-certify, in effect. That was a massive failure of the procurement system. We went into great detail. Mr. CUMMINGS spent an enormous amount of time and effort.

Mr. LOBIONDO as well gave his expertise, his years of seasoning and understanding of the Coast Guard's work.

We passed major procurement reform. The Senate passed it, and we do not have to include that language in this legislation. Those reforms are moving into place. We are not going to repeat those mistakes of the past. It was necessary to make those changes. It was urgent for the integrity of the Coast Guard and for its successful operation. And all through this, the gentleman from New Jersey (Mr. LOBIONDO) who was a partner, he regularly participated in all of the subcommittee hearings and our markup and lent great expertise to the final product of the committee. For that, I am enormously grateful and recognize and acknowledge his splendid contribution.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. STUPAK) such time as he may consume.

Mr. STUPAK. Mr. Speaker, I thank the chairman for yielding me the time, and would like to engage the chairman, if I may, in a colloquy.

Mr. Chairman, as you know, the Coast Guard Station in Marquette, Michigan, relocated to a new location within the city of Marquette. The new location allows the Coast Guard to streamline their operations, be closer to the dock, and therefore respond to emergencies more quickly.

The city sold the city property for the new facility to the Coast Guard for \$1 in 2008. Since then, the city has funded the necessary infrastructure improvements, such as water mains, water lateral construction, rerouting of bike routes, and other improvements

for the new Coast Guard facility, at a total cost of \$170,000. On April 7, 2008, the City of Marquette turned over the property, with infrastructure improvements, to the Coast Guard.

The bill before us, the Coast Guard Authorization Act for Fiscal Year 2010 and 2011, conveys the old Coast Guard land back to the City of Marquette. However, it may result in the city paying for the conveyance of the property, despite the city's generous contribution of land and infrastructure improvements for the Coast Guard in 2008.

Mr. OBERSTAR. The gentleman has stated the case very well.

Summarizing it very simply, the City of Marquette and the Coast Guard entered into an agreement. The City of Marquette kept its part of the agreement, conveyed property to the Coast Guard for \$1, and now is going to be stuck with the bill.

The problem is that the way the transfer worked out, the statutory PAYGO rules preclude inclusion of past conveyance in calculating the cost of the bill. We simply got hung up with our own legislation, our own PAYGO rules to reduce the cost of government, but now we are in the position of possibly increasing the cost of government to a local unit of government, the City of Marquette. The city's contribution to the Coast Guard cannot therefore be calculated into the cost of this bill. I look forward to the day when we will be able to work this out in a different setting.

Mr. STUPAK. I thank the chairman. I ask the Congress to recognize the generous contribution of the City of Marquette and urge the Coast Guard to perform this land transfer at no cost to the city. The city has already borne significant cost by transferring a new parcel of land to the agency and spent \$170,000 for reasonable and necessary infrastructure costs.

My fellow colleague in the Michigan delegation, Senator STABENOW, and I have constantly advocated that the City of Marquette has contributed greatly to the Coast Guard, and the city should not incur additional costs.

I yield to the gentleman.

Mr. OBERSTAR. I agree that the Coast Guard should not conduct its business in this manner. It should recognize the contributions of the City of Marquette in exercising this conveyance, and we will continue to work with the gentleman throughout the balance of this Congress and, if necessary, into the next Congress. Even though the gentleman is retiring, this issue will not be forgotten. We will find a way to work it out equitably and recognize the good-faith contribution of the City of Marquette that held its part of the bargain but is not being fairly treated.

Mr. STUPAK. I thank the chairman, and I thank the minority side for their help and assistance in this matter.

Mr. OBERSTAR. How much time remains on our side, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Minnesota has 13 minutes, and the gentleman from New Jersey has 9½ minutes.

Mr. OBERSTAR. I yield myself such time as I may consume.

I wish to express my appreciation to the ranking member of the full committee, Mr. MICA, who made a very elaborate statement about the provisions of the bill. I will not elaborate on it, except to concur with him that we are getting the best bargain perhaps in all of government—although he didn't put it this way, I do—in supporting the missions of the Coast Guard. They are extraordinarily frugal and economical in carrying out their missions.

When I was elected to Congress in 1974 and started my service on the Merchant Marine and Fisheries Committee as well as the Public Works Committee, the Coast Guard's authorized personnel limit was 39,000. Today, we increase it to 47,000. But in that almost 36 years, we have added 27 new missions to the Coast Guard without commensurately increasing their personnel.

□ 1950

The Coast Guard has proudly held itself up as a multimission agency, able to carry out numerous overlapping missions without adding personnel. We recognize, however, that there is a limit to how much you can stretch your existing personnel. By a modest increase in the Coast Guard's personnel limit, we give them the personnel resources they will need to carry out the mission of the future for safety and for security.

Mr. Speaker, this also is a very nostalgic moment for me. This year represents 34 years that John Cullather, the chief counsel of the Subcommittee on Coast Guard, has served the House of Representatives. He started with our former colleague Don Pease as a legislative assistant, and then as counsel on the Committee on Merchant Marine and Fisheries. This will be the last bill that John Cullather will bring to the House floor as counsel of the Coast Guard Subcommittee.

He has served enormously well, with a profound grasp of the legislative history of the Coast Guard, of our Merchant Marine forces, of maritime law. He is recognized widely across Washington as the font of knowledge on maritime law of the United States and, of course, specifically the Coast Guard.

John has told me just today of his intention to retire at the end of this session. I am personally grateful for the friendship that we have had over these 30-plus years, and more specifically during the years he served on the Committee on Transportation and Infrastructure in the role of counsel.

When I think back over the long history of this country, in the First Con-

gress, the third act of the first Congress was to establish the Revenue Cutter Service to collect duties from inbound cargos and pay the debts of the Revolutionary War. That Revenue Cutter Service became what we know as the Coast Guard today.

John Cullather has served our maritime history, served the Coast Guard, enormously well with his rich knowledge of the practices and the strengths, as well as the weaknesses, the shortcomings of this service, and has constantly worked to improve the quality of service with the resources that the Coast Guard has at its disposal, the training of its personnel, to make it the very best uniformed service of this country and the best of its kind in the world.

To John Cullather, I offer my enormous personal gratitude and the gratitude of all of the members of the committee for his superb, stellar service on our committee for three-and-a-half decades.

I reserve the balance of my time.

Mr. LOBIONDO. Mr. Speaker, I yield myself such time as I may consume.

I want to again thank Mr. OBERSTAR for his diligent work on this, and Mr. MICA. A lot has been said by both Mr. OBERSTAR and Mr. MICA, but a couple of points need to be reiterated, I believe.

I think the men and women of the Coast Guard are some of the most under-recognized and under-appreciated patriots that we have in our country. For far too many years a message was sent to them as we increased their mission that it was acceptable for them to be expected to do more with less. We send a very clear signal with this legislation that that is not the case.

I am very appreciative of the majority's position in rejecting the President's very misguided direction to cut the Coast Guard with personnel and funding, exactly the wrong message at the wrong time.

We can look to some other things that are in this bill that maybe aren't quite as high profile, but there is a housing provision in this bill that the Master Chief of the Coast Guard, Mr. Bowen, Master Chief Bowen, came and talked about, the horrendous conditions that we are expecting men and women of the Coast Guard to live in, and this helps to correct that.

Another issue that is not at the forefront right now but certainly was a very short time ago, and that was the piracy issue. We are taking steps to allow the captain and crew of U.S. vessels to be able to defend themselves and their cargo. This is a good step in the right direction.

Overall, this bill is very, very much past due, and I am very pleased that we are going to be able to move forward with that. I want to thank Mr. OBERSTAR, Mr. CUMMINGS, Mr. MICA and all

staff on both sides for so much in their doing.

I yield back the balance of my time. Mr. OBERSTAR. I yield myself the balance of my time.

Again, in addition to Mr. Cullather, there are staff on the Republican side of the committee and other members on the majority side who have all worked together diligently. These have been stressful times these last several weeks as we worked to craft a bill that could pass the other body and overcome several reservations and objections raised.

We have accomplished that. We have done that in a bipartisan fashion and have brought to the House, and I think directly through the Senate to the President—it should go to the President this week and be signed, this authorization for the U.S. Coast Guard.

Again, it will be the culminating work of John Cullather in his service to the committee and to the Congress. I know, having served on the staff, without our dedicated, seasoned, career professional staff, we members of Congress would have a very difficult time accomplishing our work.

I thank you on both sides for your splendid contributions, and to John Cullather, *Semper Paratus*.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in strong support of H.R. 3619, a bill to authorize the activities of the United States Coast Guard.

A version of this legislation passed the House in October of last year and was subsequently amended by the Senate in May.

Action on the resolution before us today would send the bill back to the Senate for passage, clearing it for signature by the President.

H.R. 3619 provides long-overdue resources to the Coast Guard—a multi-mission agency that has been without an authorization for many years.

As Chairman of the Committee on Homeland Security, I am especially pleased that the bill strengthens Coast Guard's maritime security operations to meet the challenges of our post-9/11 world.

Specifically, the bill: authorizes an end-of-year strength of 47,000 Service Members for FY 2011; enhances acquisition reform for essential Coast Guard assets, such as the National Security Cutter; strengthens the Coast Guard's Maritime Security Response Team-related activities; increases the number of Canine Detection Teams; expands a maritime biometrics verification system for individuals interdicted at sea; authorizes interagency operational centers for port security; improves port security training for facility security officers; enhances security measures for liquefied natural gas (LNG) and other especially hazardous cargoes; and authorizes a "see it, say it" type public awareness program for recreational boaters to report suspicious activities on the waters.

The bill also includes provisions that I fought hard for to improve the Transportation Worker Identification Credential (TWIC) program.

My Committee has done extensive oversight over the implementation of the TWIC program

and, through that work, we have identified a number of areas where the program should be improved to take into account the interests of affected workers.

Specifically, H.R. 3619 includes provisions to: help workers who have applied for but are still waiting to receive their TWIC cards continue to work; improve TWIC application processing times; facilitate more convenient methods of applying for the credential; and require GAO to look at whether DHS could mail credentials to applicants' homes like the State Department does with passports.

We received testimony on September 17, 2008, from a trucker who needlessly spent hours making multiple visits to an enrollment center to complete the TWIC process.

Streamlining that process will save workers and their employers a significant amount of time that would otherwise be wasted.

Though this bill does a great deal to take into account the challenges that workers have experienced with the implementation of the TWIC program, I am disappointed that language from the House-passed version—dealing with prohibiting redundant federal and state background checks—is not included in this version of the legislation.

I was also dismayed that certain House provisions dealing with the Coast Guard Academy are not included in this version of the bill.

When the bill was passed by the House last year, I worked with the Coast Guard Subcommittee Chairman, Mr. CUMMINGS, to include a new process for Members of Congress to nominate candidates for the Coast Guard Academy—as we are able to do for other Military Service academies.

It also included language specifically authorizing a Minority Service Institution Management Internship Program.

Coast Guard lags behind the other Services in diversity and these measures were intended to help make the Coast Guard better reflect the American people.

Unfortunately, the provisions were removed from the bill due to objections by certain Members of the other body.

Nevertheless, what you have before you is a good and necessary bill.

It authorizes the resources and programs necessary to ensure that the Coast Guard is able to live up to its motto—"Always Ready."

This bill and the United States Coast Guard deserve our support.

In closing, I would like to thank Chairman OBERSTAR and Chairman CUMMINGS for working to bring this bill to the floor.

I would also like to express my appreciation to Ranking Member KING and his staff for working so cooperatively, particularly to ensure that the maritime security needs of the Coast Guard are met.

It is my hope that our Senate colleagues will act expeditiously to clear the bill for the President.

Mr. OBERSTAR. Mr. Speaker, I rise today in strong support of H.R. 3619, as amended, the "Coast Guard Authorization Act of 2010". This bill is a comprehensive bill that will enable the Coast Guard to continue to perform and meet its daily demands, allowing it to continue to be defined as the world's premier maritime service.

H.R. 3619 passed the House on October 23, 2009, and the Senate passed its version

of the bill by unanimous consent on May 7, 2010.

Over the past several years, the Coast Guard has fought international terrorism, defended Iraqi pipelines, patrolled for pirates in the Arabian Sea, saved thousands of lives during Hurricane Katrina, and is now leading the response effort to the largest oil spill in U.S. history. It is now time to provide the Coast Guard with the support that it needs to take care of its employees and carry out its everyday missions. At the same time, we need to make long overdue reforms, which will enhance the Coast Guard's ability to carry out its important responsibilities for maritime safety and security, and protection of the environment.

The bill that we consider today will carry out these objectives. After a long period of negotiation, we are in agreement with the Senate on a bipartisan basis. I am hopeful that following our passage, the Senate will pass the bill before the recess. It will be one of the major accomplishments of the 111th Congress.

H.R. 3619 authorizes \$10.2 billion for the Coast Guard, of which \$6.9 billion is for operations and maintenance and \$1.6 billion is for Acquisition, Construction, and Improvements (including \$1.2 billion for the Deepwater program). The Coast Guard is also authorized to increase its end strength by 1,500 personnel to a total of 47,000. In addition, H.R. 3619 incorporates other provisions addressing marine safety, port security, the Coast Guard's management structure, and acquisition reform.

H.R. 3619 makes administrative changes to the Coast Guard, including creating the position of District Ombudsman in each Coast Guard district to serve as a liaison between the Coast Guard and the maritime community. It also authorizes the reimbursement of medical-related travel for Coast Guard personnel who live in remote locations and grants access to the Armed Forces Retirement Home system to Coast Guard veterans. In addition, this administrative title authorizes active duty Coast Guard personnel who are assigned in support of a major disaster or spill of national significance to retain leave and authorizes the Coast Guard to retain and promote officers that have specialized skills to meet the needs of the Coast Guard.

H.R. 3619 also makes changes to laws applying to shipping and navigation. It contains provisions that establish a civil penalty for the possession of controlled substances on vessels. Further, H.R. 3619 requires the Commandant of the Coast Guard and the Administrator of the Environmental Protection Agency to study new technologies for reducing emissions from cruise and cargo vessels, including measures to help ensure safe and secure shipping in the Arctic.

While the Coast Guard has made significant improvements in strengthening its acquisition workforce, H.R. 3619 requires the implementation of acquisition-related policies and procedures and personnel standards that will build on the acquisition reform efforts that the service has already undertaken. H.R. 3619 establishes training and experience standards for acquisition personnel and requires the Commandant of the Coast Guard to select a Chief Acquisition Officer who meets prescribed training and experience standards. In addition, title

IV of H.R. 3619 establishes an Acquisition Directorate within the Coast Guard with a defined mission and a workforce dedicated to performing acquisition functions.

H.R. 3619 modernizes the Coast Guard by reorganizing its senior leadership and establishing career tracks for its members to develop expertise in a specific Coast Guard mission. It is imperative for the Coast Guard to sustain a marine safety program that is capable of preventing maritime casualties, mitigating circumstances of casualties, and maximizing the lives of a crew in the event of a casualty. Therefore, H.R. 3619 modernizes the management of the service's marine safety program and requires minimum qualifications for marine safety personnel. It also requires the Coast Guard to develop a long-term strategy for improving vessel safety, and authorizes creation of centers of expertise for marine safety.

In addition, H.R. 3619 enhances marine safety by establishing safety equipment and construction standards for uninspected commercial fishing vessels operating beyond three nautical miles of the coast of the United States. It requires fishing vessels of certain sizes and those that undergo substantial changes to comply with loadline regulations. H.R. 3619 also requires "safety management systems" on certain passenger vessels that establish safety and environmental protection policies and procedures for reporting accidents and responding to emergency situations. Further, it permits seamen who suffer discrimination because they report safety violations to use the same Department of Labor complaint process that is currently available to workers in the other transportation modes.

Focusing on improving oil pollution prevention, H.R. 3619 requires the Coast Guard to conduct a study and issue regulations to reduce the risk of oil spills during transfers of oil between vessels. In addition, H.R. 3619 extends liability for oil spills to the owners of cargo shipped on single-hulled vessels and amends the Oil Pollution Act of 1990 to extend to tank vessels of 100 gross tons or more the requirement to show financial responsibility for oil spills.

In addition, H.R. 3619 enhances port and cargo security through the establishment of the America's Waterway Watch Program to promote voluntary reporting of activities that may indicate a threat or an act of terrorism. It also requires the Secretary of Homeland Security to establish, as needed, specialized deployable response teams to protect vessels, port facilities, and cargo. Furthermore, H.R. 3619 increases the Coast Guard's capacity with respect to canine teams and authorizes the Coast Guard to assist foreign port facility operators to meet international port security standards.

This port security provision also prohibits approval of port facility security plans for new facilities unless the Secretary determines that sufficient security resources are available, and requires the Secretary to coordinate with owners and operators of port facilities to allow workers who have applied for a transportation workers' security card and are awaiting issuance to be escorted into secure or restricted areas of a port facility.

H.R. 3619 also includes several miscellaneous provisions as follows:

Changes the penalties payable by operators of certain cruise ships for nonpayment of wages in class action suits;

Limits the liability for monetary damages of individuals who use or authorize the use of force to defend a vessel against piracy; and

Strengthens, under certain conditions, criminal penalties for failing to heave to, obstructing Coast Guard boardings, and providing false information to the Coast Guard particularly for those vessels that are driven at an excessively high rate of speed to avoid enforcement of our immigration laws.

H.R. 3619 also aligns U.S. law with the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001, and prohibits the sale, distribution, or manufacture of organotin or antifouling systems containing organotin.

Mr. Speaker, H.R. 3619 gives the hard-working men and women of the Coast Guard the tools and the direction that they need to continue as the world's leading maritime agency.

I urge my colleagues to join me in supporting H.R. 3619.

Mr. CUELLAR. Mr. Speaker, I rise in strong support of the Coast Guard Authorization Act of 2010, a bill to authorize the important activities and programs of the United States Coast Guard.

This comprehensive legislation includes new and enhanced port security programs that will help the Coast Guard protect and defend our nation's seaports, coastlines and waterways.

Since the September 11, 2001 terrorist attacks, the Coast Guard has assumed additional security-related responsibilities and has improved its port and maritime border security and readiness capabilities.

Accordingly, the bill includes a strong port security title that builds upon the Coast Guard's current initiatives to safeguard the public and protect vessels, harbors, ports, facilities, and cargo within the jurisdiction of the United States.

For example, the bill's expansion of rapidly deployable specialized forces will enhance the Coast Guard's current ability to respond and operate effectively in a hazardous threat environment.

The bill also directs the Coast Guard to lead the effort to enforce security zones around vessels carrying certain hazardous cargos, such as liquefied natural gas, as well as to increase the number of detection canine teams responsible for maritime-related security.

As the Chair of the Subcommittee on Border, Maritime, and Global Counterterrorism, I am particularly pleased that this legislation includes strong provisions to protect our nation's maritime border.

The bill authorizes the America's Waterway Watch Program—a "see it, say it" maritime domain awareness program that encourages the reporting of suspicious activities on and around our waterways to the Coast Guard.

Additionally, it authorizes the Mobile Biometric Identification Program, a program that will enhance border security by providing the Coast Guard with state-of-the-art biometric technology to help identify individuals interdicted at sea.

The bill will require the Coast Guard to develop a comprehensive strategy to combat the

illicit flow of narcotics, weapons, bulk cash and other contraband through the use of submersible and semi-submersible vessels.

Drug trafficking organizations are constructing these vessels for the purpose of bringing narcotics from South America to the United States, and their efforts are becoming increasingly sophisticated.

Even more troubling is the thought that such vessels could be used to smuggle terrorists or their weapons into our country.

The Coast Guard's development of a comprehensive strategy to detect and interdict these vessels will be a key component of our effort to defeat these drug trafficking organizations.

Our Nation demands more from the Coast Guard now than at any other time in the Service's over 200-year history.

During these challenging times, it is critical that we ensure that the Coast Guard has the resources necessary to fulfill its homeland security mission requirements.

Passage of H.R. 3619 will provide the Coast Guard with the long-term tools that are needed in this post-9/11 world. Therefore, I urge my colleagues to join me in giving this important resolution their full support.

Mr. CUMMINGS. Mr. Speaker, as Chairman of the Subcommittee on Coast Guard and Maritime Transportation, I rise today in strong support of H. Res. 1665, which provides for concurrence by the House in the Senate Amendments to H.R. 3619, with amendments.

The Coast Guard reauthorization before us is the product of four years of work. I commend Chairman OBERSTAR for his leadership and Ranking Members MICA and LOBIONDO on the Transportation Committee for working so closely with us.

I also thank Chairman BENNIE THOMPSON and Ranking Member KING of the Homeland Security Committee—and I thank all of our Senate counterparts for their commitment to completing this authorization.

I have often described the Coast Guard as our "thin blue line" at sea. That line has rarely been stretched as thin as it was this past year as the service responded to the Gulf oil spill and the earthquake in Haiti while carrying out its other daily missions.

H.R. 3619 authorizes \$10.2 billion in fiscal year 2011 for the Coast Guard and increases the authorized end-strength for military personnel by 1,500 members to 47,000 total personnel.

This is a small down-payment on what we owe our Coast Guardsmen and women—and it is long overdue.

This legislation also includes a number of finely tuned provisions strengthening the Coast Guard's implementation and management of its many missions.

Title IV of this legislation, which includes provisions I authored and that previously passed the House as H.R. 1665, will modernize the Coast Guard's management of its billion dollar annual acquisition program by imposing requirements that complement reforms the Coast Guard has already enacted and ensure full accountability for taxpayer funds.

Specifically, Title IV will require the appointment of a chief acquisition officer who can be a senior military officer or member of the senior executive service but who must be a

trained acquisition professional with the highest available acquisition certification.

It will also eliminate the use of private sector lead systems integrators and require the Coast Guard to develop independent life-cycle cost estimates for its largest procurements.

Further, Title IV requires the Coast Guard to complete a thorough mission needs analysis and a preliminary affordability assessment before initiating a large acquisition; it requires the Coast Guard to consider trade-offs among cost, schedule, and performance when establishing operational requirements; and it requires thorough testing of new assets.

Finally, this legislation applies strict cost and schedule breach standards to Coast Guard acquisitions so that Congress will be alerted when cost overruns or schedule delays occur.

H.R. 3619 will also reorganize the service's senior leadership, strengthen its marine safety program, establish safety equipment and construction standards for certain fishing vessels, and strengthen the service's homeland security missions.

I am disappointed that a number of provisions in the House-passed legislation were dropped in the final bill, including provisions I authored that would have created a student loan program for maritime workers and provisions strengthening diversity at the Coast Guard Academy.

I will continue to work on these critical issues, including working to move legislation that I believe addresses significant current challenges.

That said, H.R. 3619 is an urgently needed authorization for the Coast Guard and I urge its passage in the House today.

Finally, I also join Chairman OBERSTAR in commending the outstanding service of the Staff Director of the Subcommittee on Coast Guard and Maritime Transportation, John Cullather.

John is one of the true professionals on the Hill—and he will be sorely missed.

His knowledge of maritime issues and of the history and missions of the Coast Guard is truly unparalleled—as is his knowledge of House procedures and his passion of service to those who work, travel, and recreate on our nation's waterways.

John is also an exceptional man—a profoundly generous and caring individual who has the respect of every single person on the Transportation Committee and of everyone throughout our maritime industry.

I wish John the very best as he begins his new adventures.

Mr. OBERSTAR. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and agree to the resolution, H. Res. 1665.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RESIDENTIAL AND COMMUTER TOLL FAIRNESS ACT OF 2010

Mr. McMAHON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3960) to provide authority and sanction for the granting and issuance of programs for residential and commuter toll, user fee and fare discounts by States, municipalities, other localities, as well as all related agencies and departments thereof, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3960

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Residential and Commuter Toll Fairness Act of 2010”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Residents of, and regular commuters to, certain localities in the United States are subject to a transportation toll when using a transportation facility to access or depart the locality.

(2) Revenue generated from these tolls is sometimes used to support infrastructure maintenance and capital improvement projects that benefit not only the users of these transportation facilities, but the regional and national economy as well.

(3) Certain localities in the United States are situated on islands, peninsulas, or other areas in which transportation access is substantially constrained by geography, sometimes leaving residents of, or regular commuters to, these localities with no reasonable means of accessing or departing their neighborhood or place of employment without paying a transportation toll.

(4) Residents of, or regular commuters to, these localities often pay far more for transportation access than residents of, and commuters to, other areas for similar transportation options, and these increased transportation costs can impose a significant and unfair burden on these residents and commuters.

(5) To address this inequality, and to reduce the financial hardship often imposed on captive tollpayers, several public authorities have developed and implemented programs to provide discounts in transportation tolls.

SEC. 3. PURPOSE.

The purpose of this Act is to clarify the existing authority of, and as necessary provide express authorization for, public authorities to offer discounts in transportation tolls to captive tollpayers.

SEC. 4. TRANSPORTATION TOLLS.

(a) AUTHORITY TO PROVIDE DISCOUNTS.—A public authority is authorized to carry out a program that offers discounts in transportation tolls to captive tollpayers.

(b) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this Act may be construed to—

(1) limit any other authority of a public authority, including the authority to offer discounts in transportation tolls to other tollpayers; or

(2) affect, alter, or limit the applicability of a State or local law with respect to the authority of a public authority to impose toll discounts.

SEC. 5. DEFINITIONS.

In this Act, the following definitions apply:

(1) CAPTIVE TOLLPAYER.—The term “captive tollpayer” means an individual who—

(A) is a resident of, or regular commuter to, a locality in the United States that is situated on an island, peninsula, or other area where transportation access is substantially constrained by geography; and

(B) is subject to a transportation toll when using a transportation facility to access or depart the locality.

(2) PUBLIC AUTHORITY.—The term “public authority” has the meaning given that term by section 101 of title 23, United States Code.

(3) TRANSPORTATION FACILITY.—The term “transportation facility” includes a road, highway, bridge, rail, bus, or ferry facility.

(4) TRANSPORTATION TOLL.—The term “transportation toll” means a toll or fare required for use of a transportation facility.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. McMAHON) and the gentleman from New Jersey (Mr. LoBIONDO) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. McMAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3960.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McMAHON. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 3960, the Residential and Commuter Toll Fairness Act of 2010. This bill aims to protect locally provided residential commuter toll and fare discounts throughout the Nation.

Many of us represent people in communities burdened by high tolls and fares. Due to specific isolating geographic factors, like residents on an island or peninsula, as well as the location of tolled roads and bridges, residents in and commuters to certain localities endure a disproportionate toll burden. These people are captive toll payers, toll payers who have little or no choice but to pay much more in tolls than their fellow citizens even within the same region.

□ 2000

In order to address these inequities for captive tollpayers, many States, local governments and local transportation agencies have enacted toll and fare discount programs. My district of Staten Island and Brooklyn, New York, suffers from some of the highest toll burdens in the Nation. In fact, per capita, Staten Island is the highest tolled county in the United States, and the cost of these tolls is truly outrageous. Just to put this issue in context for my colleagues, let me give you some examples:

The toll on the Verrazano-Narrows Bridge, which connects the Staten Island and Brooklyn sides of my district, now costs \$11, and is scheduled to increase to \$12 in the next few months. It

may be hard for many Americans to believe, but discussions are already underway to further increase the toll on the Verrazano-Narrows Bridge to \$13 in the coming years—\$13 just to cross a bridge in order to visit a relative, to go to school, to go to work or just to get off the island. It is not much better on all the other bridges surrounding Staten Island. The Bayonne, the Goethals Bridges and the Outerbridge Crossing—all to New Jersey—each cost \$8. Staten Islanders are truly captive tollpayers. No matter which way they travel, they have no choice but to pay these tolls if they want to get back on the island.

To help alleviate the situation, the Metropolitan Transit Authority and the Port Authority of New York and New Jersey, which are the transportation agencies that run these bridges, have instituted a series of residential discount programs for Staten Islanders which reduce the amount that islanders pay for these bridges, sometimes reducing the cost by almost 50 percent. Many of these discounts have been in place for a decade or more; but even with these discounts, Staten Islanders pay almost \$500 million in tolls every year, making it more than 7 percent of all tolls paid nationwide even though Staten Island represents less than .16 percent, or 1/600th, of the U.S. population. These statistics take into account the tolls paid with the residential discount programs in effect. Just imagine how much worse the situation would be without these residential discount programs.

But my district is not unique. Many other States and localities grant similar residential discounts to captive tollpayers on roads across the country, including the Massachusetts Turnpike, the Sumner and Ted Williams Tunnels in Boston, the Marine Parkway and Cross Bay Vets Parkway in Rockaway, Queens, New York, the Tappan Zee Bridge in the Hudson Valley of New York, the New York Thruway, the Delaware Bay Bridge, the Rhode Island Turnpike, and the Newport Pell Bridge in Rhode Island, just to name a few.

In the last few years, many of these discount programs have come under attack in the courts. Last October, in a case entitled *Selevan vs. New York Thruway Authority*, the U.S. Court of Appeals for the Second Circuit held that toll discounts for residents of towns bordering the New York State Thruway may be unconstitutional. The plaintiffs in *Selevan* claimed, among other things, that these residential toll discount programs may be a dormant commerce clause violation, but the U.S. District Court for the Northern District of New York dismissed their case. The Second Circuit's decision remanded and reinstated the action, which will now move forward in the district court.

H.R. 3960 provides express congressional authorization for these dis-

counts, and it makes clear that residential toll and fare discounts are constitutional, fair, and necessary to help alleviate the heavy toll burdens paid by so many captive tollpayers across the Nation. This is a national issue, affecting every person in communities burdened by high tolls and fares, many of whom would otherwise be unable to travel without these critical discounts. Let me be clear about a few things:

First, the bill does not in any way limit the existing ability of States, local governments or local transportation agencies to provide discounts to captive tollpayers or to other tollpayers, nor does this bill provide any additional Federal authority over State or local decision-making. In fact, the bill actually safeguards current State and local power.

All this bill actually does is provide an extra layer of protection against court challenges for those States, local governments and local transportation agencies that choose to offer discounts to captive tollpayers, like the people I represent, who suffer disproportionate toll burdens. Since article I, section 8 of the United States Constitution gives Congress "the power to regulate commerce among the several States," H.R. 3960 provides an express congressional statement under that provision, supporting the current ability of States, local governments and local transportation agencies to issue discounts to captive tollpayers.

However, toll discounts or government actions designed to give preferential treatment to residents of their States at the expense of other States or of the national economy will receive no benefits from this bill, and they will likely be struck down by the courts as violating the commerce clause. Therefore, I urge all of my colleagues to support this critical legislation.

I thank Chairman OBERSTAR, Chairman DEFAZIO and their terrific staffs for working with me to revise this bill to be sure we protect captive tollpayers and for helping to bring this bill to the floor today. I also thank my legislative director, Jeff Siegel, a Staten Islander who grew up paying these unfair tolls and who knows quite well the inequity that exists.

Mr. Speaker, I reserve the balance of my time.

Mr. LOBIONDO. Mr. Speaker, the gentleman from New York did an excellent job of explaining how important this legislation is. It is a commonsense approach to solving a problem, and I support the bill.

Mr. OBERSTAR. Mr. Speaker, I rise today in strong support of H.R. 3960, as amended, the "Residential and Commuter Toll Fairness Act of 2010".

The bill, introduced by the gentleman from New York (Mr. MCMAHON), clarifies the existing authority of, and as necessary provides express authorization for, public authorities to offer discounts in transportation tolls to resi-

dents of communities faced with limited transportation access and heavy toll burdens.

I have long been concerned about the high cost that highway or bridge tolls may impose on those who lack transportation alternatives. H.R. 3960 helps to respond to these concerns.

A number of communities across the nation have limited transportation access because the communities are located on islands, peninsulas, or other geographically-constrained areas. Furthermore, residents of, and commuters into, some of these localities face bridge tolls every time they enter or depart their communities.

Due to geography and the presence of tolls, residents and commuters in these communities often pay far more for transportation access than residents and commuters in other areas. Such increased transportation costs can impose a significant and unfair burden on these "captive toll payers."

To address this inequality, and to reduce the undue financial hardship on these individuals, a number of localities have implemented programs that offer residentially-based toll discounts. The Federal Highway Administration recognizes the authority of States and localities to operate these toll discount programs.

H.R. 3960 does not mandate the use of residentially-based toll discount programs. It simply makes clear that Federal law allows public authorities to offer these programs to captive toll payers.

In short, this bill reinforces the right of communities to reduce the extreme toll burdens borne by captive toll payers, and it does so without infringing on any State or local laws or existing programs.

I urge my colleagues to join me in supporting H.R. 3960.

Mr. LOBIONDO. I yield back the balance of my time.

Mr. MCMAHON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MCMAHON) that the House suspend the rules and pass the bill, H.R. 3960, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to clarify the existing authority of, and as necessary provide express authorization for, public authorities to offer discounts in transportation tolls to captive tollpayers, and for other purposes."

A motion to reconsider was laid on the table.

AUDIT THE BP FUND ACT OF 2010

Mr. MCMAHON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6016) to provide for a GAO investigation and audit of the operations of the fund created by BP to compensate persons affected by the Gulf oil spill, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6016

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Audit the BP Fund Act of 2010”.

SEC. 2. INVESTIGATION AND AUDIT.

(a) **IN GENERAL.**—The Comptroller General shall conduct an ongoing independent investigation and audit of the operations of the fund and claims process created by BP to compensate persons affected by the BP Deepwater Horizon oil spill in the Gulf of Mexico beginning on April 20, 2010, as those operations take place to determine their effectiveness, including the timeliness of claim payments and the accuracy of those operations in determining amounts of damages compensated.

(b) **USE OF SUBPOENA POWER.**—The Comptroller General may use any investigative powers, including those of subpoena granted to the Comptroller General for the purposes of other investigations and audits, to conduct this investigation and audit.

(c) **REPORT TO CONGRESS.**—Every 90 days during the operations, and once after all those operations are completed, the Comptroller General shall report to Congress on the effectiveness of those operations.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) BP should fully cooperate with the Comptroller General to assure that the BP relief fund is accurately, expediently, and efficiently compensating Gulf coast victims of the BP Deepwater Horizon oil spill for their losses; and

(2) the costs incurred by the Comptroller General to carry out responsibilities under this Act should be reimbursed by BP.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCMAHON) and the gentleman from New Jersey (Mr. LOBIONDO) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. MCMAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 6016.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MCMAHON. I yield myself such time as I may consume.

Mr. Speaker, H.R. 6016 requires the Comptroller General of the Government Accountability Office to conduct an independent investigation and audit of the operations of the fund and claims process created by BP in response to the Deepwater Horizon oil spill disaster.

This fund and claims process, established by BP after negotiations with the Obama administration, was created to ensure that the lives and livelihoods of those adversely affected by this massive oil spill would be duly compensated for their losses. Mr. Speaker, it is clear that the Deepwater Horizon

oil spill disaster caused immeasurable damage to both the livelihoods of the gulf coast population and to the gulf coast ecosystem.

From the outset, BP volunteered that it would compensate victims of the spill for their losses. However, as with any process for compensation, there is a need for transparency, for efficiency and for equity in compensation. This legislation can provide another avenue to ensure that these essential elements are included in any compensation paid out of the BP fund and claims process.

Specifically, this legislation directs the GAO to undertake an “ongoing independent investigation and audit” of the BP fund and claims process—specifically targeting the effectiveness of the fund and claims process, the efficiency in which the claims process operates, and the accuracy in accounting for and paying out of claims. The legislation authorizes GAO to use its underlying subpoena power, where necessary, to ensure the accuracy and completeness of its audit and investigation.

Finally, Mr. Speaker, this legislation requires the GAO to issue a report to Congress every 90 days during its audit and investigation, as well as a final report to Congress when the BP fund and claims process is completed. This information is essential for Congress to continue its ongoing oversight of the response and recovery of what is now likely the world’s fifth largest oil spill in history.

I reserve the balance of my time.

Mr. LOBIONDO. I yield such time as he may consume to the gentleman from Texas (Mr. BRADY).

□ 2010

Mr. BRADY of Texas. I thank my friend, the gentleman from New Jersey (Mr. LOBIONDO), for yielding.

Mr. Speaker, I rise today in support of H.R. 6016, the Audit the BP Fund Act of 2010. I urge support for the bill that would provide for an ongoing independent Government Accountability Office investigation and audit of the operations of the compensation fund created by BP to reimburse those who were harmed by the BP Deepwater Horizon oil spill in the Gulf of Mexico beginning on April 20, 2010.

The bill specifically determines the effectiveness, including the timeliness of claim payments and the accuracy of these operations in determining amounts of damages compensated.

I believe the BP fund was established to help make whole the economies along the gulf coast that were damaged or destroyed by the disaster. \$20 billion, as we know, is a tremendous amount of money, and it can go a long way to compensate gulf coast victims of the spill.

We must ensure that compensation is done fairly, timely, and without bias, political pressure, or fraud.

We have heard complaints from State and local attorneys critical of the overly restrictive terms. Others have said there’s not been enough time to assess

the damages. Others are concerned that fraudsters will take money away from those honest people and families and businesses that are waiting for their dollars.

And thus far, the fund has paid out about \$400 million to approximately 30,000 claimants. Obviously, that is about 2 percent of the fund. That is slow—we think a little too inefficient for those who have been damaged—and this is precisely why we need this bill, to ensure that the fund functions as it should.

With that, I urge support for H.R. 6016.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 6016, as amended, the “Audit the BP Fund Act of 2010”. This legislation requires the Government Accountability Office (GAO) to undertake an ongoing audit and investigation of the BP Oil Spill Victims Compensation Fund (Fund). This bill authorizes GAO to use its subpoena power to ensure that victims of the oil spill are provided with compensation in a timely manner, the claim amounts are determined accurately, and the operations process occurs effectively. GAO will be required to report its findings to Congress every 90 days until the operations of the Fund are completed, in approximately three years.

The BP Deepwater Horizon oil spill caused immeasurable damage both to the livelihoods of the Gulf coast population and to the Gulf coast ecosystem. From the outset, BP volunteered that it would compensate victims of the spill. This summer, the White House secured a legally-binding commitment from BP to establish a \$20 billion fund to compensate victims of the spill. A central element of this Fund is that any fines and penalties that may be levied against BP and its partners shall remain wholly separate from the Fund itself. BP has also committed to honor any legitimate claims that would result in expenditures above and beyond the agreed-upon \$20 billion.

The challenge with any victims compensation fund is determining who gets —what, and how much. The agreement brokered by the White House creates an entity known as the Independent Claims Facility (ICF) to establish and implement a process by which claims will be evaluated and distributed. The White House and BP agreed that Kenneth Feinberg would be appointed to run the ICF and oversee the claims process. Mr. Feinberg was the Special Master in charge of the September 11th Victims Compensation Fund. His performance in that very difficult undertaking was widely praised. As a result—and based on his other professional experiences—Mr. Feinberg is certainly the logical choice to run the ICF fund.

While we do not doubt Mr. Feinberg’s capacity and willingness for ensuring that the BP Oil Spill Victims Compensation Fund claims process occurs in an irreproachable manner, the BP spill was very much a matter of national interest and concern. This legislation will provide an oversight mechanism to ensure that the commitments of BP, negotiated by the White House, are fulfilled by all parties, and that—most importantly—those that have suffered financial misfortune are duly compensated.

GAO has a long history of auditing programs. As such, it is well-situated to bring its experience to bear and report its findings to Congress. This legislation requires that the Comptroller General report to Congress every 90 days. This reporting requirement will keep Congress abreast of the effective workings of the Fund—but will also not overburden GAO's resources.

I urge my colleagues to join me in supporting H.R. 6016.

Mr. LOBIONDO. I yield back the balance of my time.

Mr. McMAHON. Mr. Speaker, I support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TONKO). The question is on the motion offered by the gentleman from New York (Mr. McMAHON) that the House suspend the rules and pass the bill, H.R. 6016, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECOGNIZING LIBRARY OF CONGRESS AND NATIONAL BOOK FESTIVAL

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1646) recognizing the commitment and efforts made by the Library of Congress to promote the joy of reading through the sponsorship of the National Book Festival.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1646

Whereas the National Book Festival is a great national treasure that fosters the joy of reading;

Whereas the first National Book Festival was held on September 8, 2001, and was organized and sponsored by the Library of Congress and hosted by First Lady Laura Bush;

Whereas the first National Book Festival, held on the grounds of the Library of Congress and the United States Capitol, was such a success that it has become an annual event;

Whereas the National Book Festival has grown in popularity, in recent years bringing over 130,000 book lovers to the National Mall;

Whereas the National Book Festival each year has featured more than 70 award-winning and nationally known authors, illustrators, poets and storytellers;

Whereas the National Book Festival invites readers from around the Nation to celebrate books, reading, and creativity;

Whereas the National Book Festival convenes representatives from all 50 states, the District of Columbia, and the territories and possessions to join the Festival's "Pavilion of the States", where they may discuss and distribute materials about their respective reading and literacy-promotion programs;

Whereas the 2010 National Book Festival will be the 10th National Book Festival, representing a milestone for the Library of Congress and the Nation; and

Whereas the 2010 National Book Festival will be held on the National Mall on September 25, 2010, and will be sponsored and organized by the Library of Congress and supported by Honorary Co-chairs President Barack Obama and First Lady Michelle Obama: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the commitment and efforts made by the Library of Congress to promote the joy of reading through the sponsorship of the National Book Festival;

(2) recognizes and emphasizes the important historic and ongoing role of the Library of Congress in organizing and running the National Book Festival; and

(3) encourages all Americans to celebrate the 10th National Book Festival, "A Decade of Words and Wonder".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. DAVIS) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks in the RECORD and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. DAVIS of California. I yield myself such time as I may consume.

Today, we commemorate the 10th anniversary of the National Book Festival. The Library of Congress' commitment to the spread of knowledge is well-known and so is their unbridled joy of books and reading.

I am pleased to be a cosponsor of this resolution, along with all the members of the Committee on House Administration, and would like to congratulate the Library of Congress on another highly successful National Book Festival and laud their continued efforts to spread the joy and wonder of reading.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 1646. I was privileged to be the main sponsor of this, but this is one of those unique bills where every single member of the committee, Democrat and Republican, sponsored it. That is not unusual in the sense that the goal of this bill is to celebrate one of the greatest gifts we can give to our children; that is, the gift of reading.

The first Library of Congress National Book Festival was held on September 8, 2001, so this year it celebrates its 10th anniversary with another highly attended, all-day event and remarkable panoply of authors. The National Book Festival has only grown in popularity over this last dec-

ade, and this year's estimate is that over 150,000 individuals attended the 2010 festival this past Saturday.

The festival highlights and demonstrates the importance of literacy, creativity, and imagination in our schools, our young people, and throughout our society. The festival vividly brings to life the richness of books and fosters a lifelong love of reading.

So we congratulate the Library of Congress for its achievements in hosting the festival and wish them continued success. I urge my colleagues to support this resolution.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to applaud the actions of the House of Representatives in recognizing the commitment and efforts made by the Library of Congress to promote the joy of reading through the National Book Festival. I support the Library of Congress in its efforts to promote and foster the joy of reading.

On September 25, 2010, the Library of Congress held its tenth National Book Festival on the National Mall. President Barack Obama and First Lady Michelle Obama served as the honorary chairs for this event. The National Book Festival invites readers from around the nation to celebrate books, reading, and creativity. It gives attendees from across the country the opportunity to visit with more than 70 award-winning authors who will talk about and sign their books. Over the past ten years, the National Book Festival has grown in popularity. Last year, it brought more than 130,000 book lovers, including those from my home state of Georgia, to the National Mall.

As the resolution states, the National Book Festival is a national treasure that fosters the joy of reading. Even in this modern digital age, reading has a host of benefits. Reading develops our creativity, broadens our interests, and introduces us to new things and different parts of the world. I am proud that Georgia was represented at the National Book Festival, along with all 50 states and the District of Columbia, at the Pavilion of the States where representatives were able to discuss and distribute materials about Georgia's reading and literacy programs.

Mr. Speaker, I urge my colleagues to join me in support of this resolution.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I'm pleased to join with my colleague in recognizing the successful annual book festival. It did set a new attendance record, and we're delighted and we look forward to next year.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1646.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

FEDERAL ELECTION INTEGRITY ACT OF 2010

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 512) to amend the Federal Election Campaign Act of 1971 to prohibit certain State election administration officials from actively participating in electoral campaigns, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 512

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Election Integrity Act of 2010”.

SEC. 2. FINDINGS.

Congress finds that—

(1) chief State election administration officials have served on political campaigns for Federal candidates whose elections those officials will supervise;

(2) such partisan activity by the chief State election administration official, an individual charged with certifying the validity of an election, represents a fundamental conflict of interest that may prevent the official from ensuring a fair and accurate election;

(3) this conflict impedes the legal duty of chief State election administration officials to supervise Federal elections, undermines the integrity of Federal elections, and diminishes the people's confidence in our electoral system by casting doubt on the results of Federal elections;

(4) the Supreme Court has long recognized that Congress's power to regulate Congressional elections under Article I, Section 4, Clause 1 of the Constitution is both plenary and powerful; and

(5) the Supreme Court and numerous appellate courts have recognized that the broad power given to Congress over Congressional elections extends to Presidential elections.

SEC. 3. PROHIBITION ON CAMPAIGN ACTIVITIES BY CHIEF STATE ELECTION ADMINISTRATION OFFICIALS.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by inserting after section 319 the following new section:

“CAMPAIGN ACTIVITIES BY CHIEF STATE
ELECTION ADMINISTRATION OFFICIALS

“SEC. 319A. (a) PROHIBITION.—It shall be unlawful for a chief State election administration official to take an active part in political management or in a political campaign with respect to any election for Federal office over which such official has supervisory authority.

“(b) CHIEF STATE ELECTION ADMINISTRATION OFFICIAL.—The term ‘chief State election administration official’ means the highest State official with responsibility for the administration of Federal elections under State law.

“(c) ACTIVE PART IN POLITICAL MANAGEMENT OR IN A POLITICAL CAMPAIGN.—The term ‘active part in political management or in a political campaign’ means—

“(1) serving as a member of an authorized committee of a candidate for Federal office;

“(2) the use of official authority or influence for the purpose of interfering with or af-

fecting the result of an election for Federal office;

“(3) the solicitation, acceptance, or receipt of a contribution from any person on behalf of a candidate for Federal office; and

“(4) any other act which would be prohibited under paragraph (2) or (3) of section 7323(b) of title 5, United States Code, if taken by an individual to whom such paragraph applies (other than any prohibition on running for public office).

“(d) EXCEPTION FOR CAMPAIGNS OF OFFICIAL OR IMMEDIATE FAMILY MEMBERS.—

“(1) IN GENERAL.—This section does not apply to a chief State election administration official with respect to an election for Federal office in which the official or an immediate family member of the official is a candidate.

“(2) IMMEDIATE FAMILY MEMBER DEFINED.—In paragraph (1), the term ‘immediate family member’ means, with respect to a candidate, a father, mother, son, daughter, brother, sister, husband, wife, father-in-law, or mother-in-law.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to elections for Federal office held after December 2010.

SEC. 4. COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. DAVIS) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks in the RECORD and to include extraneous matter on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. DAVIS of California. I yield myself such time as I may consume.

Mr. Speaker, H.R. 512 offers each Member of this body the opportunity to help Americans feel confident that their electoral process is fair and their interests are protected. This legislation that we're considering today would take the long overdue step of prohibiting chief election officials from playing a leadership role in the political campaigns of Federal candidates and elections over which they have supervisory authority, and that includes using their name, serving on a campaign committee, fundraising, or using their official office to interfere or affect the results of an election.

When I introduced this in the last Congress, they gave us the number

H.R. 101. Well, I thought that was pretty fitting because this bill is so basic you could call it Election Officiating 101, and as any novice knows, when the outcome of a contest is determined by judges, steps are taken to ensure that the judging is impartial so that everyone involved knows that the contest is fair, that they have confidence in the results, and that they want to participate. To actively support one side and to be a judge is unthinkable in every kind of competition I can think of, except, Mr. Speaker, one, our elections, the most important contest in our country.

It's right. Under current law—people probably are surprised by this. Under current law, the chief election official, the person who actually is certifying the final validity of the results, can be actively backing a side by giving a candidate money or other support. It is the equivalent of a person being a player and referee at the same time. In sports, everyone knows who the refs are because they wear the stripes. In elections, the officials can actually run plays on the field and blow the whistle, all while wearing team jerseys and being head of the booster club.

□ 2020

The election official may be and probably is—I would suspect mostly is making the right calls. But it doesn't look unbiased, and it certainly doesn't inspire confidence in the system and in the results.

As a former president of the League of Women Voters in San Diego and a proud American voter myself, I know that election officials are entrusted with a crucial responsibility for our democracy. Their only allegiance must be to the will of the voters, not to partisan political agendas or special interests.

Americans are craving good government solutions to problems facing our country, and this legislation is just that. Congress should not wait for another Florida or Ohio before passing a bill that should not be a partisan fight. In fact, this isn't a partisan issue. It's an issue of preserving the American people's faith and the integrity of our democracy. This bill will finally close the door on inherent conflict of interest. It certainly won't solve everything, but it will help prevent future controversies.

Those who want to oppose this bill can come up with all kinds of excuses for their position. But let's be clear: A vote against this bill is a vote for allowing those who certify our elections to fund-raise and rally for candidates of their choice. If you want our elections to appear tainted, then go ahead and vote against this bill. But if you think election officials should join Federal judges in restraining from political activity, then I hope my colleagues will join me in voting for this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I'm sorry that after the wonderful bipartisanship on the last vote today I have to rise in opposition to H.R. 512.

When I heard the gentlelady talking about the analogy to a football referee having a conflict with a team playing, I was reminded of the game I saw this last weekend where unfortunately my alma mater, Notre Dame, didn't do too well against a Pac-10 team with Pac-10 referees. As a matter of fact, there was one case where it was clear that the fullback for Stanford didn't even come close to making a first down, and yet with some myopic vision, they were given a first down. But I would not suggest there was a conflict there. The way we played, we would have lost anyway.

I would just say that we should proceed with great caution before depriving any individual State official or non-State official of their full rights as citizens to participate in the electoral process. Unfortunately, I feel the majority has preceded with H.R. 512 without adequate justification. The bill does prohibit the chief State election administrator from taking an active role in a political campaign of any Federal office.

And while this bill places significant restrictions on the ability of secretaries of State to participate in the political process, it does so, in my judgment, without producing any justification why such a drastic action is warranted. Restricting secretaries of State from their First Amendment right to speak without any history of abuse is a dangerous precedent this House should not undertake.

I notice that in the bill before us, we have exceptions. That is, if the secretary of State is himself or herself running for Federal office, they continue to be the secretary of State and the chief election officer. The analogy that was drawn between this situation and a Federal judge is an inept analogy because, I believe, under the canons of ethics a Federal judge cannot run for another Federal office while still occupying the position of Federal judge. Also, if an immediate family member is running for Federal office, the election officer of the State is not prohibited.

It would seem to me that if you are going to argue for this bill on the basis of a conflict of interest, why do you exempt the greatest conflict of interest that there would be? That is, if the election officer is running for a Federal office, she is allowed to do so and continue to be the chief election officer. If one of her immediate family members is running, she—or he—is allowed to continue to participate fully in all of that election process.

Now, if, in fact, the concern of the majority is that there is a conflict of interest, it is interesting that what most people would consider to be the greatest example of a conflict of interest is not covered here. Now I will listen to the majority as they tell us why that happens. Perhaps it is what we call that difficult truth. The Constitution might come into play here. But I would just wonder why, if they are going to say this is absolutely necessary and that any of us vote against it must want conflicts of interest, must wish that we have this cloud over our elections to exist, why those situations which would seem to be the greatest opportunity for that concern are specifically exempted under the terms of this bill.

We can all agree that if someone is breaking the law and abusing their power to try to skew elections, they should be prosecuted accordingly. If, for instance, someone is standing outside a polling place with a billy club in his hand and is making threatening gestures to people as they come before him, have to pass by him to vote, and this person has had a record of saying that "crackers' babies ought to be killed" and stands on the street corner condemning racially mixed couples, but yet we have a Justice Department which says that that doesn't violate any laws.

Maybe I would be a little more concerned about the bill before us if I found any evidence whatsoever of the other side being concerned about the New Black Panther Party standing there all dressed in black with a billy club as people come forward, and one of the two individuals is known as someone who has made those kinds of threats against somebody else merely because they are of another race.

Now if we want to bring that forward, I think we could get a strong vote of support here. But we can't even get a hearing on that. We haven't heard a thing from our Judiciary Committee. It's more important to bring Steve Colbert to testify before our committee, for him to remain in character. Maybe we ought to bring one of those New Black Panthers to our committee and have him in character, as he was on the day of election. Maybe then we would be getting down to our concern for equal treatment of each and every voter in America.

But when you have a Justice Department which decides they are not going to treat people equally based on their race, as was testified to last week, last Friday at the same time on the same day as Mr. Colbert was gracing us with his presence in our Judiciary Committee, and where we had this rush, this tremendous rush of cameras to cover him, yet we have very little coverage of the amazingly cogent testimony about terrible decisions that were made in the Justice Department

in the voting rights section of the Civil Rights Division. That ought to be what we take our time discussing here.

I'm not trying to denigrate the gentlelady's efforts here. I understand her sincerity in this bill. We have a dispute over whether this bill is the proper response to the situation she sees. But I find it very, very interesting that we can find time to bring comedians to Washington, D.C., to testify before committees, but we can't find the time with the committees of jurisdiction to investigate what appears to be an absolute disgrace with respect to the protection of individuals.

I would just ask this question: If instead of the New Black Panther Party you had had there, you had had the New Klux Klan party dressed in white robes with billy clubs, standing in front of a voting place with both blacks and whites coming in, whether we would not have raised our voices in protest against that and demanded that the full extent of the law be brought against those people.

□ 2030

But, no, we find ourselves too busy doing other things, too busy doing other things, bringing comedians to Washington, DC and forgetting about something taking place at that exact moment, where a career attorney in the Justice Department, who has been banished to some hinterland—I don't mean to say that. That might be someone's State that someone here represents. I apologize—who has been sent a way from main Justice and the basic responsibility he has had for protecting the rights of citizens and their votes, where he has testified, and yet we couldn't spend the time to pay attention to him, nor have we scheduled any hearings whatsoever in this Congress. Something is wrong.

So I don't in any way suggest the gentlelady had anything to do with that or that this bill interferes with it. I am trying to show the contrast of what I happen to think is an immediate problem, as opposed to the potential problem that the gentlelady here has spoken about.

It is an immediate problem when you have a situation with people with billy clubs standing in front of a voting poll with a reputation for having talked about the fact that people need to kill babies for the very reason that they happen to be of another race. That ought to outrage Americans. It ought to outrage every one of us here, and it ought to outrage everybody at the Justice Department, but thus far it has not.

Mr. Speaker, I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, it is really interesting to me because one of the first things I think my colleague said was that this was somehow drastic legislation. And yet he

went on to go out and think about how he might expand it.

Well, I appreciate the issues that he is referring to. Those are issues that, in fact, the Justice Department is looking at, a number of allegations that they are looking at.

But that is not part of this bill. And I go back and I ask my colleague, please read the bill. The bill talks about an active part that a chief State election official might take in political management or in a political campaign, which means serving as a member of an authorized committee of a candidate for Federal office, or the use of official authority, official authority to influence for the purpose of interfering with or affecting the result of an election for Federal office.

That is a very different situation than what my colleague is referring to. And he seems to be concerned about the Secretaries of State. I respect them greatly. A lot of them support this bill. Some of them don't. I am not sure I understand why they don't, because what we are doing here is talking about not them so much as the voters. It is about the voters. And the most important thing is that voters trust that elections are fair.

And my colleague would suggest that maybe there shouldn't be any rules; but I think we do have some rules, and it is important that we have them. We have them for judges as well.

So I think we need to understand what is in this bill. It is not solving all the problems that have been raised, but it is solving a very important one for voters. And they do need to feel, and we saw it happen in our history, in our pretty recent history, that it is an issue for people. It should be.

Why shouldn't people be concerned that their State official person who is overseeing, who is supervising elections doesn't have a bias that is quite clear?

Mr. Speaker, many years ago I was very active with the League of Women Voters. And one of the rules is, if you are a key official, a vice president overseeing the election process for that organization, for the community, or a president, that you don't get involved in political activity. That is one of the rules. I thought it was a great rule, and I was very happy to adhere to it.

This gets to be serious business because we have people out in the streets and we know that because they were concerned about this issue. So I think this is important. It is very narrowly drawn, of course, and it should be. And I would certainly hope that my colleagues would really take a serious look at this because we need to ensure that voters trust the election. That is what this is about. And I believe that they have every right, and we have every right to make certain that that judgment is there, and that there is nothing that gets in the way between the voters and the political process.

Remember, these are Federal elections. And article I, section 4 of the Constitution gives Congress the authority to make laws governing the time, the place and the manner of holding Federal elections. This is in our purview. I urge my colleagues to support this measure.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and pass the bill, H.R. 512, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SMITHSONIAN CONSERVATION BIOLOGY INSTITUTE ENHANCEMENT ACT

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5717) to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct a facility and to enter into agreements relating to education programs at the National Zoological Park facility in Front Royal, Virginia, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5717

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Smithsonian Conservation Biology Institute Enhancement Act".

SEC. 2. FACILITY FOR RESEARCH AND EDUCATIONAL PROGRAMS.

(a) *IN GENERAL.*—The Board of Regents of the Smithsonian Institution is authorized to plan, design, and construct a facility on National Zoological Park property in Front Royal, Virginia for the purpose of conducting research and educational programs.

(b) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to carry out subsection (a)—

(1) \$1,000,000 for each of fiscal years 2010 and 2011; and

(2) \$3,000,000 in the aggregate for all succeeding fiscal years.

SEC. 3. AGREEMENTS FOR HOUSING AND OTHER SERVICES.

(a) *IN GENERAL.*—The Board of Regents of the Smithsonian Institution is authorized to enter into agreements for the provision of housing and other services to the participants in the programs referenced in section 2.

(b) *COSTS.*—The housing and other services described in subsection (a) shall be provided at no cost to the Smithsonian Institution.

SEC. 4. ANIMAL HOLDING FACILITY.

The Board of Regents of the Smithsonian Institution is authorized to plan, design, and construct animal holding and related program facilities on National Zoological Park property in Front Royal, Virginia, to be funded from non-federal sources.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. DAVIS) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks in the RECORD and to include extraneous matter on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5717 would upgrade the Smithsonian Institution's scientific and educational activities at its unique animal conservation facility, the Smithsonian Conservation Biology Institute at Front Royal, Virginia.

Mr. Speaker, in the interest of time, I understand that there is a consensus on this legislation.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is a pleasure to rise in support of H.R. 5717. Once again, we are back in a bipartisan state supporting this bill.

Mr. Speaker, the Smithsonian Institution is an invaluable part of our national heritage and our ongoing commitment to historical preservation and scientific advancement. I am pleased to support this legislation sponsored by our friend and colleague, Congressman SAM JOHNSON, and the congressional members of the Smithsonian Board of Regents. This legislation will help further the institution's founding mission, which is to support and increase the diffusion of knowledge.

This authorizing legislation supports the Smithsonian's important biological conservation work conducted at the National Zoological Park located in Front Royal, Virginia, and strengthens their collaborative partnership with George Mason University in these efforts. The planned renovation and construction, which leverages a very modest Federal investment with significant non-Federal funds, will enhance the education and professional training programs currently underway.

□ 2040

The Smithsonian is truly a unique part of our American culture. I am pleased to support this authorization

which helps the Smithsonian maintain its well-deserved international reputation for excellence in scientific discovery and advancement and its continued commitment to the environment that we must steward.

Mr. Speaker, I urge my colleagues to support H.R. 5717.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 5717, the "Smithsonian Conservation Biology Institute Enhancement Act".

H.R. 5717, as amended, authorizes the Smithsonian Institution to expand the National Zoological Park facility in Front Royal, Virginia, in furtherance of conservation biology research, education and training.

Specifically, this legislation will authorize the Smithsonian to: renovate a building to be used primarily for classroom and laboratory space; enter into agreements that will enable third party strategic partners to construct and operate housing and food service facilities on Smithsonian property; and plan, design, and construct animal holding facilities—all at the Front Royal property.

The building renovation project is to be funded equally by Federal appropriation, in the amount of \$5 million, and by Smithsonian trust sources. The housing and food service facilities are to be funded entirely by third-party financing. The animal holding facility is to be funded entirely from Smithsonian trust sources (i.e., non-Federal sources).

The plans and cost estimates for the building renovation project, for which Federal funding is sought, have been carefully reviewed by the Committee on Transportation and Infrastructure. The Committee finds the plans and estimates to be reasonable and in consonance with the Smithsonian mission to increase the diffusion of knowledge. Further, the Smithsonian's plans to partner with a third party, in this particular case, George Mason University, to shoulder the capital and operating costs of the residential and food service facilities, is a sensible and business-savvy way to further the Smithsonian's scientific and educational reach.

I urge my colleagues to join me in supporting H.R. 5717.

Mr. BRADY of Pennsylvania. Mr. Speaker, H.R. 5717 would upgrade the Smithsonian Institution's scientific and educational activities at its unique animal conservation facility, the Smithsonian Conservation Biology Institute at Front Royal, Virginia. The SCBI, a part of the National Zoo, is renowned worldwide for its work preserving and breeding endangered species, and is a magnet for prominent researchers and students starting careers in related fields. The bill will provide additional modern facilities to conduct programs and house students at the site, and relocate animal holding facilities for endangered red pandas and clouded leopards.

H.R. 5717 contains three elements. First, the bill would authorize \$1 million in Federal funds in fiscal 2010 which has already been appropriated; \$1 million in fiscal 2011; and \$3 million in later fiscal years, to plan, design, and construct a facility which would include laboratories and offices to conduct research and educational programs. This aggregate authorization of \$5 million constitutes the only Federal funds provided in the bill. The Smith-

sonian would supply an additional \$5 million out of its own privately-raised trust funds to complete the project.

The bill would also authorize the Smithsonian Board of Regents to enter into agreements for the provision of housing and dining services to participants in the programs, at no cost to the Smithsonian. George Mason University, located in northern Virginia, plans to use \$20 million in state revenue bonds to construct a dormitory and cafeteria facility at the site. There would not be any cost to the Federal government or to the Smithsonian. In October, 2008, the Smithsonian and GMU signed a Memorandum of Understanding to establish the "Smithsonian-Mason Global Conservation Studies Program", and GMU will give course credit to participants.

The Smithsonian Institution has frequently entered into cooperative agreements with other institutions, including universities, though this is the first time that it would allow an outside entity to construct a building on property it controls. After 30 years, ownership of the GMU-constructed facilities will pass to the Smithsonian. This no-cost feature makes the project an especially attractive addition to the Smithsonian's infrastructure.

Finally, the bill would authorize the Smithsonian to plan, design and construct animal holding and related program facilities at Front Royal, but without any Federal funding. The cost, estimated to be between \$1 to 2 million, would be paid for entirely by the Smithsonian's privately-raised trust funds.

Mr. Speaker, this legislation was introduced by the three House Members who serve on the Smithsonian Board of Regents—Representatives BECERRA, MATSUI and SAM JOHNSON—and by Rep. WOLF of Virginia, in whose district the facility is located. It was considered and reported by voice vote both by the primary committee of jurisdiction, the Committee on House Administration, and by the Committee on Transportation and Infrastructure. I know of no controversy and I urge Members to support H.R. 5717.

Mr. DANIEL E. LUNGREN of California. I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I certainly support the Smithsonian in this effort, and I look forward to passage of this important legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and pass the bill, H.R. 5717, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

BANKRUPTCY TECHNICAL CORRECTIONS ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6198) to amend title 11 of the United States Code to make tech-

nical corrections; and for related purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6198

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bankruptcy Technical Corrections Act of 2010".

SEC. 2. TECHNICAL CORRECTIONS RELATING TO AMENDMENTS MADE BY PUBLIC LAW 109-8.

(a) TITLE 11 OF THE UNITED STATES CODE.—Title 11 of the United States Code is amended—

(1) in section 101—

(A) in paragraph (13A)—

(i) in subparagraph (A) by inserting "if used as the principal residence by the debtor" after "structure" the 1st place it appears, and

(ii) in subparagraph (B) by inserting "if used as the principal residence by the debtor" before the period at the end,

(B) in paragraph (35) by striking "(23) and (35)" and inserting "(21B) and (33)(A)",

(C) in paragraph (40B) by striking "written document relating to a patient or a" and inserting "record relating to a patient, including a written document or a",

(D) in paragraph (42) by striking "303, and 304" and inserting "303 and 1504",

(E) in paragraph (51B) by inserting "there-to" before the period at the end,

(F) in paragraph (51D) by inserting "of the filing" after "date" the 1st place it appears, and

(G) by redesignating paragraphs (56A) and (53D) as (53D) and (53E), respectively,

(2) in section 103(a) by striking "362(n)" and inserting "362(o)",

(3) in section 105(d)(2) by inserting "may" after "Procedure",

(4) in section 106(a)(1) by striking "728",

(5) in section 107(a) by striking "subsection (b) of this section" and inserting "subsections (b) and (c)",

(6) in section 109—

(A) in subsection (b)(3)(B) by striking "1978" and inserting "1978", and

(B) in subsection (h)(1)—

(i) by inserting "other than paragraph (4) of this subsection" after "this section", and

(ii) by striking "preceding" and inserting "ending on",

(7) in section 110—

(A) in subsection (b)(2)(A) by inserting "or on behalf of" after "from", and

(B) in subsection (h)—

(i) in the last sentence of paragraph (1)—

(I) by striking "a" and inserting "the", and

(II) by inserting "or on behalf of" after "from",

(ii) in paragraph (3)(A)—

(I) by striking "found to be in excess of the value of any services", and

(II) in clause (i) by inserting "found to be in excess of the value of any services" after "(i)", and

(iii) in paragraph (4) by striking "paragraph (2)" and inserting "paragraph (3)",

(8) in section 111(d)(1)(E)—

(A) by striking the period at the end and insert "; and", and

(B) by indenting the left margin of such subparagraph 2 additional ems to the right,

(9) in section 303 by redesignating subsection (l) as subsection (k),

(10) in section 308(b)—

(A) by striking “small business debtor” and inserting “debtor in a small business case”, and

(B) in paragraph (4)—

(i) in subparagraph (A)—

(I) by striking “(A)”, and

(II) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively,

(ii) in subparagraph (B)—

(I) by striking “(B)” and inserting “(5)”,

(II) by striking “subparagraph (A)(i)” and inserting “paragraph (4)(A)”, and

(III) by striking “subparagraph (A)(ii)” and inserting “paragraph (4)(B)”,

(iii) by redesignating subparagraph (C) as paragraph (6), and

(11) in section 348—

(A) in subsection (b)—

(i) by striking “728(a), 728(b)”, and

(ii) by striking “1146(a), 1146(b)”, and

(B) in subsection (f)(1)(C)(i) by inserting “of the filing” after “date”,

(12) in section 362—

(A) in subsection (a)(8)—

(i) by striking “corporate debtor’s”, and

(ii) by inserting “of a debtor that is a corporation” after “liability” the 1st place it appears,

(B) in subsection (c)—

(i) in paragraph (3), in the matter preceding subparagraph (A), by inserting “a” after “against”, and

(ii) in paragraph (4)(A)(i) by inserting “under a chapter other than chapter 7 after dismissal” after “refiled”,

(C) in subsection (d)(4) by striking “hinder, and” and inserting “hinder, or”, and

(D) in subsection (1)(2) by striking “nonbankruptcy” and inserting “nonbankruptcy”,

(13) in section 363(d)—

(A) in the matter preceding paragraph (1) by striking “only”,

(B) by amending paragraph (1) to read as follows:

“(1) in the case of a debtor that is a corporation or trust that is not a moneyed business, commercial corporation, or trust, only in accordance with nonbankruptcy law applicable to the transfer of property by a debtor that is such a corporation or trust; and”, and

(C) in paragraph (2) by inserting “only” after “(2)”,

(14) in section 505(a)(2)(C) by striking “any law (other than a bankruptcy law)” and inserting “applicable nonbankruptcy law”,

(15) in section 507(a)(8)(A)(ii) by striking the period at the end and inserting “; or”,

(16) in section 521(a)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking “the debtor shall”, and

(II) by adding “and” at the end,

(ii) in subparagraph (B)—

(I) by striking “the debtor shall”, and

(II) by striking “and” at the end, and

(iii) in subparagraph (C) by striking “(C)” and inserting the following:

“except that”, and

(B) in paragraphs (3) and (4) by inserting “is” after “auditor”,

(17) in section 522—

(A) in subsection (b)(3)(A)—

(i) by striking “at” the 1st place it appears and inserting “to”, and

(ii) by striking “at” the 2d place it appears and inserting “in”, and

(B) in subsection (c)(1) by striking “section 523(a)(5)” and inserting “such paragraph”,

(18) in section 523(a)—

(A) in paragraph (2)(C)(ii)(II) by striking the period at the end and inserting a semicolon, and

(B) in paragraph (3) by striking “521(1)” and inserting “521(a)(1)”,

(19) in section 524(k)—

(A) in the last undesignated paragraph of the quoted matter in paragraph (3)(J)(i)—

(i) by striking “security property” the 1st place it appears and inserting “property securing the lien”,

(ii) by striking “current value of the security property” and inserting “amount of the allowed secured claim”, and

(iii) in the last sentence by inserting “must” after “you”, and

(B) in paragraph (5)(B) by striking “that” and inserting “that,”,

(20) in section 526(a)—

(A) in paragraph (2) by striking “untrue and” and inserting “untrue or”, and

(B) in paragraph (4) by inserting “a” after “preparer”,

(21) in the 3d sentence of the 4th undesignated paragraph of the quoted matter in section 527(b), by striking “Schedules and Statement of Financial Affairs, as well as in some cases a Statement of Intention” and inserting “Schedules, and Statement of Financial Affairs, and in some cases a Statement of Intention”,

(22) in section 541(b)(6)(B) by striking “section 529(b)(7)” and inserting “section 529(b)(6)”,

(23) in section 554(c) by striking “521(1)” and inserting “521(a)(1)”,

(24) in section 704(a)(3) by striking “521(2)(B)” and inserting “521(a)(2)(B)”,

(25) in section 707—

(A) in subsection (a)(3) by striking “521” and inserting “521(a)”, and

(B) in subsection (b)—

(i) in paragraph (2)(A)(iii)(I) by inserting “of the filing” after “date”, and

(ii) in paragraph (3) by striking “subparagraph (A)(i) of such paragraph” and inserting “paragraph (2)(A)(i)”,

(26) in section 723(c) by striking “Notwithstanding section 728(c) of this title, the” and inserting “The”,

(27) in section 724(b)(2)—

(A) by striking “507(a)(1)” and inserting “507(a)(1)(C) or 507(a)(2)”,

(B) by inserting “under each such section” after “expenses” the 1st place it appears,

(C) by striking “chapter 7 of this title” and inserting “this chapter”, and

(D) by striking “507(a)(2)”, and inserting “507(a)(1)(A), 507(a)(1)(B)”,

(28) in section 726(b) by striking “or (8)” and inserting “(8), (9), or (10)”,

(29) in section 901(a)—

(A) by inserting “333,” after “301,” and

(B) by inserting “351,” after “350(b)”,

(30) in section 1104—

(A) in subsection (a)

(i) in paragraph (1) by inserting “or” at the end,

(ii) in paragraph (2) by striking “; or” and inserting a period, and

(iii) by striking paragraph (3), and

(B) in subsection (b)(2)(B)(ii) by striking “subsection (d)” and inserting “subsection (a)”,

(31) in section 1106(a)—

(A) in paragraph (1) by striking “704” and inserting “704(a)”, and

(B) in paragraph (2) by striking “521(1)” and inserting “521(a)(1)”,

(32) in section 1111(a) by striking “521(1)” and inserting “521(a)(1)”,

(33) amending section 1112—

(A) in subsection (b)—

(i) by amending paragraph (1) to read as follows:

“(1) Except as provided in paragraph (2) and subsection (c), on request of a party in interest, and after notice and a hearing, the court shall convert a case under this chapter

to a case under chapter 7 or dismiss a case under this chapter, whichever is in the best interests of creditors and the estate, for cause unless the court determines that the appointment under section 1104(a) of a trustee or an examiner is in the best interests of creditors and the estate.”, and

(ii) in paragraph (2)—

(I) by striking the matter preceding subparagraph (A) and inserting the following:

“(2) The court may not convert a case under this chapter to a case under chapter 7 or dismiss a case under this chapter if the court finds and specifically identifies unusual circumstances establishing that converting or dismissing the case is not in the best interests of creditors and the estate, and the debtor or any other party in interest establishes that—”, and

(II) in subparagraph (B) by striking “granting such relief” and inserting “converting or dismissing the case”, and

(B) in subsection (e) by striking “521” and inserting “521(a)”,

(34) in section 1127(f)(1) by striking “subsection (a)” and inserting “subsection (e)”,

(35) in section 1129(a)(16) by striking “of the plan” and inserting “under the plan”,

(36) in section 1141(d)(5)—

(A) in subparagraph (B)—

(i) in clause (i) by striking “and” at the end; and

(ii) by adding at the end the following:

“(iii) subparagraph (C) permits the court to grant a discharge; and”, and

(B) in subparagraph (C)—

(i) by striking “unless” and inserting “the court may grant a discharge if,”,

(ii) in clause (ii) by striking the period at the end and inserting a semicolon, and

(iii) by adding at the end the following:

“and if the requirements of subparagraph (A) or (B) are met.”,

(37) in section 1145(b) by striking “2(11)” each place it appears and inserting “2(a)(11)”,

(38) in section 1202(b)—

(A) in paragraph (1) by striking “704(2), 704(3), 704(5), 704(6), 704(7), and 704(9)” and inserting “704(a)(2), 704(a)(3), 704(a)(5), 704(a)(6), 704(a)(7), and 704(a)(9)”, and

(B) in paragraph (5) by striking “704(8)” and inserting “704(a)(8)”,

(39) in section 1302(b)(1) by striking “704(2), 704(3), 704(4), 704(5), 704(6), 704(7), and 704(9)” and inserting “704(a)(2), 704(a)(3), 704(a)(4), 704(a)(5), 704(a)(6), 704(a)(7), and 704(a)(9)”,

(40) in section 1304(c) by striking “704(8)” and inserting “704(a)(8)”,

(41) in section 1307—

(A) in subsection (c)—

(i) by striking “subsection (e)” and inserting “subsection (f)”,

(ii) in paragraph (9) by striking “521” and inserting “521(a)”, and

(iii) in paragraph (10) by striking “521” and inserting “521(a)”, and

(B) in subsection (d) by striking “subsection (e)” and inserting “subsection (f)”,

(42) in section 1308(b)(2)—

(A) in subparagraph (A) by striking “paragraph (1)” and inserting “paragraph (1)(A)”,

(B) in subparagraph (B) by striking “paragraph (2)” and inserting “paragraph (1)(B)”, and

(C) by striking “this subsection” each place it appears and inserting “paragraph (1)”,

(43) in section 1322(a)—

(A) by striking “shall” the 1st place it appears,

(B) in paragraph (1) by inserting “shall” after “(1)”,

(C) in paragraph (2) by inserting “shall” after “(2)”,

(D) in paragraph (3) by inserting “shall” after “claims,” and

(E) in paragraph (4) by striking “a plan”, (44) in section 1325—

(A) in the last sentence of subsection (a) by inserting “period” after “910-day”, and

(B) in subsection (b)(2)(A)(ii) by striking “548(d)(3)” and inserting “548(d)(3))”,

(45) in the heading of section 1511 by inserting “, 302,” after “301”,

(46) in section 1519(f) by striking “362(n)” and inserting “362(o)”,

(47) in section 1521(f) by striking “362(n)” and inserting “362(o)”,

(48) in section 1529(1) by inserting “is” after “States”,

(49) in the table of sections of chapter 3, by striking the item relating to section 333 and inserting the following:

“333. Appointment of patient care ombudsman.”, and

(50) in the table of sections of chapter 5, by striking the item relating to section 562 and inserting the following:

“562. Timing of damage measure in connection with swap agreements, securities contracts, forward contracts, commodity contracts, repurchase agreements, and master netting agreements.”.

(b) TITLE 18 OF THE UNITED STATES CODE.—Section 157 of title 18, United States Code is amended—

(1) in paragraph (1) by striking “bankruptcy”, and

(2) in paragraphs (2) and (3) by striking “, including a fraudulent involuntary bankruptcy petition under section 303 of such title”.

(c) TITLE 28 OF THE UNITED STATES CODE.—

(1) AMENDMENT RELATING TO APPEALS.—Section 158(d)(2)(D) of title 28 of the United States Code is amended by striking “appeal in” and inserting “appeal is”.

(2) AMENDMENT RELATING TO BANKRUPTCY STATISTICS.—Section 159(c)(3)(H) of title 28 of the United States Code is amended by inserting “the” after “against”.

(3) TECHNICAL AMENDMENTS.—Section 586(a) of title 28 of the United States Code is amended—

(A) in paragraph (3)(A)(ii) is amended by striking the period at the end and inserting a semicolon,

(B) in paragraph (7)(C) by striking “identify” and inserting “determine”, and

(C) in paragraph (8) by striking “the United States trustee shall”.

SEC. 3. TECHNICAL CORRECTION TO PUBLIC LAW 109-8.

Section 1406(b)(1) of Public Law 109-8 is amended by striking “cept” and inserting “Except”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, 5 years ago, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 was enacted into law. It exceeded 500 pages in length and made significant changes in our Nation's bankruptcy law.

Since its enactment, a number of technical drafting errors have been identified. These include spelling errors, erroneous statutory cross-references, incorrect grammar and terminology references, and mistakes in punctuation. I am pleased that H.R. 6198, the Bankruptcy Technical Corrections Act of 2010, corrects these purely technical errors.

Mr. Speaker, I urge my colleagues to support H.R. 6198.

H.R. 6198, THE “BANKRUPTCY TECHNICAL CORRECTIONS ACT OF 2010” SECTION-BY-SECTION EXPLANATION

Sec. 1. Short Title. Section 1 sets forth the short title of the bill as the “Bankruptcy Technical Corrections Act of 2010.”

Sec. 2. Technical Corrections Relating to Amendments Made by Public Law 109-8. Section 2 makes a series of technical corrections to the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8 (2005 Act).

Subsection (a)(1)(A) amends section 101(13A) of title 11 of the United States Code (Bankruptcy Code), which defines “debtor’s principal residence.” The amendment clarifies that the definition pertains to a structure used by the debtor as a principal residence.

Subsection (a)(1)(B) amends Bankruptcy Code section 101(35), which defines “insured depository institution.” The amendment corrects erroneous statutory references in this provision.

Subsection (a)(1)(C) amends Bankruptcy Code section 101(40B), which defines “patient records.” The amendment clarifies that the term means a record relating to a patient, including a written document or an electronic record.

Subsection (a)(1)(D) amends Bankruptcy Code section 101(42), which defines “petition.” The amendment deletes the reference to section 304 of the Bankruptcy Code, which was eliminated as a result of the 2005 Act, and adds a reference to section 1504, which was added by the 2005 Act.

Subsection (a)(1)(E) amends Bankruptcy Code section 101(51B), which defines “single asset real estate.” The amendment corrects a drafting error by reinserting a missing word.

Subsection (a)(1)(F), amends Bankruptcy Code section 101(51D), which defines “small business debtor.” The amendment clarifies that the debt limit specified therein is determined as of the date of the filing of the petition.

Subsection (a)(1)(G) redesignates paragraphs (56A) and (53D) of Bankruptcy Code section 101 as (53D) and (53E), respectively.

Subsection (a)(2) amends Bankruptcy Code section 103(a), which pertains to the applicability of chapters of the Code. The amendment corrects an erroneous statutory reference in this provision.

Subsection (a)(3) amends Bankruptcy Code section 105(d)(2), which pertains to status conferences. The amendment makes a grammatical correction.

Subsection (a)(4) amends Bankruptcy Code section 106(a)(1), which pertains to the waiv-

er of sovereign immunity. The amendment deletes a reference to Bankruptcy Code section 728, which was eliminated by the 2005 Act.

Subsection (a)(5) amends Bankruptcy Code section 107(a), which pertains to public access to bankruptcy cases. The amendment corrects a drafting instruction error.

Subsection (a)(6) makes several amendments to Bankruptcy Code section 109, which sets forth the eligibility criteria for a debtor. Subsection (a)(6)(A) amends Bankruptcy Code section 109(b)(3)(B) to add a missing parenthesis. Subsection (a)(6)(B) makes a conforming amendment to Bankruptcy Code section 109(h)(1) to clarify that Bankruptcy Code section 109(h)(4) is an exception. In addition, subsection (a)(6)(B) clarifies that the 180-day period ends on the date of the filing of the petition.

Subsection (a)(7) amends Bankruptcy Code section 110, which pertains to bankruptcy petition preparers. It makes conforming amendments to Bankruptcy Code section 110(b)(2)(A) and (h)(1) so that they conform to other provisions in section 110 with respect to fees received by a petition preparer on behalf of a debtor. In addition, subsection (a)(7) restructures section 110(h)(3) to clarify the court's authority to disallow fees under this provision.

Subsection (a)(8) amends Bankruptcy Code section 111, which concerns nonprofit budget and credit counseling agencies and financial management instructional courses. The amendment corrects two typographical errors in Bankruptcy Code section 111(d)(1)(E). The first error concerns incorrect punctuation and the second error pertains to incorrect indentation of the subparagraph.

Subsection (a)(9) amends Bankruptcy Code section 303, which pertains to involuntary bankruptcy cases. The amendment corrects the misdesignation of subsection (1) by redesignating it as subsection (k).

Subsection (a)(10) amends Bankruptcy Code section 308, which concerns reporting requirements for small business debtors. The amendment restructures subsection 308(b)(4) to clarify its intent.

Subsection (a)(11) makes two amendments to Bankruptcy Code section 348, which pertains to the effect of conversion of a case. First, it amends Bankruptcy Code section 348(b) to strike references to Bankruptcy Code sections 728(a), 728(b), 1146(a) and 1146(b) as these provisions were eliminated by the 2005 Act. Second, it amends Bankruptcy Code section 348(f)(1)(C)(i) to clarify that the provision applies with respect to the date of the filing of the petition.

Subsection (a)(12) amends Bankruptcy Code section 362, which pertains to the automatic stay, in several respects. First, the amendment makes a stylistic correction to subsection 362(a)(8) with respect to its reference to a debtor that is a corporation. Second, it adds a missing article in subsection 362(c)(3). Third, the amendment conforms the reference in subsection 362(c)(4)(A)(i) to “refiled” with subsection 362(c)(3) so that it applies to a case filed under a chapter other than chapter 7 after dismissal of a prior case pursuant to Bankruptcy Code section 707(b). Fourth, it corrects an erroneous conjunctive in subsection 362(d)(4). Fifth, it corrects a spelling error in subsection 362(1).

Subsection (a)(13) amends Bankruptcy Code section 363, which concerns the use, sale, or lease of property. The amendment restructures subsection 363(d) to clarify its intent.

Subsection (a)(14) amends Bankruptcy Code section 505, which pertains to the determination of tax liability. The amendment corrects the provision's use of terminology.

Subsection (a)(15) amends Bankruptcy Code section 507, which pertains to priorities. The amendment corrects a punctuation error.

Subsection (a)(16) amends Bankruptcy Code section 521, which pertains to the duties of the debtor. The amendment makes several revisions. First, it deletes redundant text in subsection 521(a)(2)(A) and (B). Second, it restructures section 521(a)(2) to clarify its meaning. Third, the amendment corrects grammatical errors in paragraphs (3) and (4) of subsection 521(a).

Subsection (a)(17) amends Bankruptcy Code section 522, which concerns exemptions. The amendment corrects two grammatical errors in subsection 522(b)(3)(A). In addition, it makes a conforming revision to subsection 522(c)(1).

Subsection (a)(18) amends Bankruptcy Code section 523, which pertains to the dischargeability of debts. The amendment corrects a punctuation error in subsection 523(a)(2)(C)(ii)(II) and corrects an erroneous statutory cross reference in subsection 523(a)(3).

Subsection (a)(19) amends Bankruptcy Code section 524, which concerns reaffirmation agreements, among other matters. The amendment makes several revisions. First, it corrects erroneous terminology in subsection 524(k)(3)(J)(i) and inserts a missing verb. Second, it corrects a punctuation error in subsection 524(k)(5)(B).

Subsection (a)(20) amends Bankruptcy Code section 526, which deals with restrictions on debt relief agencies. The amendment makes a conforming revision to subsection 526(a)(2). It also adds a missing article to subsection 526(a)(4).

Subsection (a)(21) amends Bankruptcy Code section 527, which concerns disclosures by debt relief agencies. The amendment makes a grammatical correction.

Subsection (a)(22) amends Bankruptcy Code section 541, which deals with property of the estate. The amendment corrects a statutory reference to the Internal Revenue Code of 1986 in section 541(b)(6)(B).

Subsection (a)(23) amends Bankruptcy Code section 554, which concerns abandonment. The amendment corrects an erroneous statutory reference in subsection 554(c).

Subsection (a)(24) amends Bankruptcy Code section 704, which pertains to duties of the trustee. The amendment corrects an erroneous statutory reference in subsection 704(a)(3).

Subsection (a)(25) amends Bankruptcy Code section 707, which concerns dismissal of a chapter 7 case or conversion to a case under chapter 11 or 13. The amendment makes several revisions. First, it corrects an erroneous statutory cross reference in subsection 707(a)(3). Second, the amendment clarifies that the provision's reference to date means the date of the filing of the petition in subsection 707(b)(2)(A)(iii)(I). Third, the amendment corrects an erroneous statutory reference in subsection 707(b)(3).

Subsection (a)(26) amends Bankruptcy Code section 723(c), which pertains to the rights of a partnership trustee against general partners. The amendment strikes a reference to Bankruptcy Code section 728, which was eliminated by the 2005 Act.

Subsection (a)(27) amends Bankruptcy Code section 724, which concerns the treatment of liens. The amendment clarifies certain statutory references in section 724(b)(2) and makes other clarifying revisions.

Subsection (a)(28) amends Bankruptcy Code section 726(b), which concerns distribution priorities in a chapter 7 case, to add a

statutory reference to section 507(a)(9) and (10).

Subsection (a)(29) amends Bankruptcy Code section 901, which concerns the applicability of the Bankruptcy Code to municipality cases. The amendment adds references to Bankruptcy Code sections 333, dealing with the appointment of a patient care ombudsman, and 351, concerning the disposal of patient records, both of which were added by the 2005 Act.

Subsection (a)(30) amends Bankruptcy Code section 1104, which pertains to the appointment of a trustee and examiner. The amendment restructures subsection 1104(a) to clarify the provision's intent and how it relates to Bankruptcy Code section 1112(b), as amended by the 2005 Act. In addition, it corrects an erroneous statutory reference in subsection 1104(b)(2)(B)(ii).

Subsection (a)(31) amends Bankruptcy Code section 1106, which pertains to the duties of a trustee and examiner. The amendment corrects two erroneous statutory references in section 1106(a).

Subsection (a)(32) amends Bankruptcy Code section 1111, which concerns claims and interests. The amendment corrects an erroneous statutory reference in section 1111(a).

Subsection (a)(33) amends Bankruptcy Code section 1112(b), which sets forth the grounds for converting or dismissing a chapter 11 case. The amendment restructures this provision to eliminate an internal redundancy. In addition, it corrects an erroneous statutory reference in section 1112(e).

Subsection (a)(34) amends Bankruptcy Code section 1127, which pertains to modification of a chapter 11 plan. The amendment corrects an erroneous statutory reference in section 1127(f)(1).

Subsection (a)(35) amends Bankruptcy Code section 1129(a), which sets forth the criteria for confirmation of a chapter 11 plan. The amendment makes a grammatical correction to section (a)(16).

Subsection (a)(36) amends Bankruptcy Code section 1141(d)(5), which concerns the effect of confirmation. The amendment clarifies the intent of this provision.

Subsection (a)(37) amends Bankruptcy Code section 1145(b), which pertains to the applicability of securities laws. The amendment corrects an erroneous statutory reference in this section.

Subsection (a)(38) amends Bankruptcy Code section 1202, which details the responsibilities of a trustee in a chapter 12 case. The amendment corrects several erroneous statutory references in section 1202(b).

Subsection (a)(39) amends Bankruptcy Code section 1302, which details the responsibilities of a trustee in a chapter 13 case. The amendment corrects several erroneous statutory references in section 1302(b)(1).

Subsection (a)(40) amends Bankruptcy Code section 1304, which concerns a chapter 13 debtor engaged in business. The amendment corrects an erroneous statutory reference in section 1304(c).

Subsection (a)(41) amends Bankruptcy Code section 1307, which sets forth the grounds for converting or dismissing a chapter 13 case. The amendment corrects several erroneous statutory references in this section.

Subsection (a)(42) amends Bankruptcy Code section 1308, which concerns the filing of prepetition tax returns. The amendment clarifies several statutory references in section 1308(b)(2).

Subsection (a)(43) amends Bankruptcy Code section 1322(a), which pertains to the contents of a chapter 13 plan. The amendment corrects an internal inconsistency.

Subsection (a)(44) amends Bankruptcy Code section 1325, which pertains to confirmation of a chapter 13 plan. The amendment adds a missing word to subsection 1325(a) and adds a missing parenthesis to subsection 1325(b)(2)(A)(ii).

Subsection (a)(45) amends the heading of Bankruptcy Code section 1511, to include a reference to section 302.

Subsection (a)(46) amends Bankruptcy Code section 1519, which pertains to the relief that may be granted upon the filing of a petition for recognition in a chapter 15 case. The amendment corrects an erroneous statutory reference in section 1519(f).

Subsection (a)(47) amends Bankruptcy Code section 1521(f) which concerns relief that may be granted upon recognition in a chapter 15 case. The amendment corrects an erroneous statutory reference.

Subsection (a)(48) amends Bankruptcy Code section 1529, which concerns the coordination of a case under title 11 and a foreign proceeding. The amendment adds a missing word to section 1529(1).

Subsection (a)(49) amends the table of sections for chapter 3 of the Bankruptcy Code to correct an erroneous description of section 333.

Subsection (a)(50) amends the table of sections for chapter 5 of the Bankruptcy Code to correct an erroneous description of section 562.

Subsection (b) amends section 157 of title 18 of the United States Code, which concerns bankruptcy fraud. The amendment removes superfluous references in this section.

Subsection (c)(1) amends section 158 of title 28 of the United States Code, which pertains to bankruptcy appeals. The amendment corrects a grammatical error in section 158(d)(2)(D).

Subsection (c)(2) amends section 159 of title 28 of the United States Code, which pertains to the collection of bankruptcy statistics. The amendment adds a missing word to section 159(c)(3)(H).

Subsection (c)(3) amends section 586 of title 28 of the United States Code, which concerns the United States Trustee Program. The amendment corrects a punctuation error in section 586(a)(3)(A)(ii), corrects erroneous terminology in section 586(a)(7)(C), and eliminates redundant language in section 586(a)(8).

Sec. 3. Technical Correction to Public Law 109-8. Section 3 amends section 1406(b)(1) of the 2005 Act to correct a spelling error.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

The Bankruptcy Technical Corrections Act of 2010 contains a number of useful spelling, grammatical, and other purely technical amendments to the Bankruptcy Code. These amendments will facilitate the work of bankruptcy lawyers and judges.

When any provision of law is unclear or its text inaccurate, judges and lawyers may become confused about how Congress intends for the law to operate. Sometimes legislative inaccuracies even open the door to judicial activism. It is particularly important that the Bankruptcy Code be error free, as the number of bankruptcy filings continues to rise.

Last week, economists at the National Bureau of Economic Research told us that the recession technically

ended in June 2009, but the American people have not seen the end of the recession's effects. The number of bankruptcy filings by small businesses and individuals continues to increase at a rate of about 30 percent per year.

The bill under consideration today adopts many amendments suggested by the Administrative Office of the United States Courts. The Administrative Office suggested these changes in consultation with bankruptcy practitioners and judges. As a result, I expect this bill to yield a more user-friendly Bankruptcy Code.

It is important to highlight on the record that this bill does not, and is not intended to, enact any substantive change to the Bankruptcy Code. The changes made to the Code by this bill are purely technical in nature.

No Federal judge should interpret any provision of this bill to confer, modify, or delete any substantive bankruptcy right, nor should anyone infer a congressional intent to alter substantive rights from the bill's attention to one section of the Bankruptcy Code but not another.

With this understanding, I am pleased to cosponsor the Bankruptcy Technical Corrections bill.

I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

There were strong differences of opinion about the changes made in 2005. Many of us questioned whether some of those changes were justified and whether they were fair or constructive, but those discussions are left to another day.

This bill before us today is simply a technical cleanup of the 2005 legislation. I would like to thank the ranking member of the full committee, Mr. SMITH, for making this a bipartisan effort. I urge my colleagues to support the bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 6198, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FEDERAL COURTS JURISDICTION AND VENUE CLARIFICATION ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4113) to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4113

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Federal Courts Jurisdiction and Venue Clarification Act of 2010”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—JURISDICTIONAL IMPROVEMENTS

Sec. 101. Treatment of resident aliens.

Sec. 102. Citizenship of corporations and insurance companies with foreign contacts.

Sec. 103. Removal and remand procedures.

Sec. 104. Effective date.

TITLE II—VENUE AND TRANSFER IMPROVEMENTS

Sec. 201. Scope and definitions.

Sec. 202. Venue generally.

Sec. 203. Repeal of section 1392.

Sec. 204. Change of venue.

Sec. 205. Effective date.

TITLE I—JURISDICTIONAL IMPROVEMENTS

SEC. 101. TREATMENT OF RESIDENT ALIENS.

Section 1332(a) of title 28, United States Code, is amended—

(1) by striking the last sentence; and

(2) in paragraph (2), by inserting after “foreign state” the following: “, except that the district courts shall not have original jurisdiction under this subsection of an action between citizens of a State and citizens or subjects of a foreign state who are lawfully admitted for permanent residence in the United States and are domiciled in the same State”.

SEC. 102. CITIZENSHIP OF CORPORATIONS AND INSURANCE COMPANIES WITH FOREIGN CONTACTS.

Section 1332(c)(1) of title 28, United States Code, is amended—

(1) by striking “any State” and inserting “every State and foreign state”;

(2) by striking “the State” and inserting “the State or foreign state”; and

(3) by striking all that follows “party-defendant,” and inserting “such insurer shall be deemed a citizen of—

“(A) every State and foreign state of which the insured is a citizen;

“(B) every State and foreign state by which the insurer has been incorporated; and

“(C) the State or foreign state where the insurer has its principal place of business; and”.

SEC. 103. REMOVAL AND REMAND PROCEDURES.

(a) ACTIONS REMOVABLE GENERALLY.—Section 1441 of title 28, United States Code, is amended as follows:

(1) The section heading is amended by striking “Actions removable generally” and inserting “Removal of civil actions”.

(2) Subsection (a) is amended—

(A) by striking “(a) Except” and inserting “(a) GENERALLY.—Except”; and

(B) by striking the last sentence;

(3) Subsection (b) is amended to read as follows:

“(b) REMOVAL BASED ON DIVERSITY OF CITIZENSHIP.—(1) In determining whether a civil action is removable on the basis of the jurisdiction under section 1332(a) of this title, the citizenship of defendants sued under fictitious names shall be disregarded.

“(2) A civil action otherwise removable solely on the basis of the jurisdiction under

section 1332(a) of this title may not be removed if any of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.”.

(4) Subsection (c) is amended to read as follows:

“(c) JOINDER OF FEDERAL LAW CLAIMS AND STATE LAW CLAIMS.—(1) If a civil action includes—

“(A) a claim arising under the Constitution, laws, or treaties of the United States (within the meaning of section 1331 of this title), and

“(B) a claim not within the original or supplemental jurisdiction of the district court or a claim that has been made nonremovable by statute,

the entire action may be removed if the action would be removable without the inclusion of the claim described in subparagraph (B).

“(2) Upon removal of an action described in paragraph (1), the district court shall sever from the action all claims described in paragraph (1)(B) and shall remand the severed claims to the State court from which the action was removed. Only defendants against whom a claim described in paragraph (1)(A) has been asserted are required to join in or consent to the removal under paragraph (1).”.

(5) Subsection (d) is amended by striking “(d) Any” and inserting “(d) ACTIONS AGAINST FOREIGN STATES.—Any”.

(6) Subsection (e) is amended by striking “(e)(1) Notwithstanding” and inserting “(e) MULTIPARTY, MULTIFORUM JURISDICTION.—(1) Notwithstanding”.

(7) Subsection (f) is amended—

(A) by striking “(f) The court” and inserting “(f) DERIVATIVE REMOVAL JURISDICTION.—The court”; and

(B) by striking “under this section” and inserting “under this title or other applicable law”.

(b) PROCEDURE FOR REMOVAL OF CIVIL ACTIONS.—Section 1446 of title 28, United States Code, is amended as follows:

(1) The section heading is amended to read as follows:

“§ 1446. Procedure for removal of civil actions”.

(2) Subsection (a) is amended—

(A) by striking “(a) A defendant” and inserting “(a) GENERALLY.—A defendant”; and

(B) by striking “or criminal prosecution”.

(3) Subsection (b) is amended—

(A) by striking “(b) The notice” and inserting “(b) REQUIREMENTS; GENERALLY.—(1) The notice”; and

(B) by striking the second paragraph and inserting the following:

“(2)(A) When a civil action is removed solely under section 1441(a), all defendants who have been properly joined and served must join in or consent to the removal of the action.

“(B) Each defendant shall have 30 days after receipt by or service on that defendant of the initial pleading or summons described in paragraph (1) to file the notice of removal.

“(C) If defendants are served at different times, and a later-served defendant files a notice of removal, any earlier-served defendant may consent to the removal even though that earlier-served defendant did not previously initiate or consent to removal.

“(3) Except as provided in subsection (c), if the case stated by the initial pleading is not removable, a notice of removal may be filed within thirty days after receipt by the defendant, through service or otherwise, of a copy of an amended pleading, motion, order

or other paper from which it may first be ascertained that the case is one which is or has become removable.”;

(C) by striking subsection (c) and inserting the following:

“(c) REQUIREMENTS; REMOVAL BASED ON DIVERSITY OF CITIZENSHIP.—(1) A case may not be removed under subsection (b)(3) on the basis of jurisdiction conferred by section 1332 more than 1 year after commencement of the action, unless the plaintiff has acted in bad faith in order to prevent a defendant from removing the action.

“(2) If removal of a civil action is sought on the basis of the jurisdiction conferred by section 1332(a), the sum demanded in good faith in the initial pleading shall be deemed to be the amount in controversy, except that—

“(A) the notice of removal may assert the amount in controversy if the initial pleading seeks—

“(i) nonmonetary relief; or

“(ii) a money judgment, but the State practice either does not permit demand for a specific sum or permits recovery of damages in excess of the amount demanded; and

“(B) removal of the action is proper on the basis of an amount in controversy asserted under subparagraph (A) if the district court finds, by the preponderance of the evidence, that the amount in controversy exceeds the amount specified in section 1332(a).

“(3)(A) If the case stated by the initial pleading is not removable solely because the amount in controversy does not exceed the amount specified in section 1332(a), information relating to the amount in controversy in the record of the State proceeding, or in responses to discovery, shall be treated as an ‘other paper’ under subsection (b)(3).

“(B) If the notice of removal is filed more than 1 year after commencement of the action and a finding is made that the plaintiff deliberately failed to disclose the actual amount in controversy to prevent removal, that finding shall be deemed bad faith under paragraph (1).”.

(4) Section 1446 is further amended—

(A) in subsection (d), by striking “(d) Promptly” and inserting “(d) NOTICE TO ADVERSE PARTIES AND STATE COURT.—Promptly”;

(B) by striking “thirty days” each place it appears and inserting “30 days”;

(C) by striking subsection (e); and

(D) in subsection (f), by striking “(f) With respect” and inserting “(e) COUNTERCLAIM IN 337 PROCEEDING.—With respect”.

(c) PROCEDURE FOR REMOVAL OF CRIMINAL ACTIONS.—Chapter 89 of title 28, United States Code, is amended by adding at the end the following new section:

“§1454. Procedure for removal of criminal prosecutions

“(a) NOTICE OF REMOVAL.—A defendant or defendants desiring to remove any criminal prosecution from a State court shall file in the district court of the United States for the district and division within which such prosecution is pending a notice of removal signed pursuant to Rule 11 of the Federal Rules of Civil Procedure and containing a short and plain statement of the grounds for removal, together with a copy of all process, pleadings, and orders served upon such defendant or defendants in such action.

“(b) REQUIREMENTS.—(1) A notice of removal of a criminal prosecution shall be filed not later than 30 days after the arraignment in the State court, or at any time before trial, whichever is earlier, except that for good cause shown the United States district court may enter an order granting the

defendant or defendants leave to file the notice at a later time.

“(2) A notice of removal of a criminal prosecution shall include all grounds for such removal. A failure to state grounds that exist at the time of the filing of the notice shall constitute a waiver of such grounds, and a second notice may be filed only on grounds not existing at the time of the original notice. For good cause shown, the United States district court may grant relief from the limitations of this paragraph.

“(3) The filing of a notice of removal of a criminal prosecution shall not prevent the State court in which such prosecution is pending from proceeding further, except that a judgment of conviction shall not be entered unless the prosecution is first remanded.

“(4) The United States district court in which such notice is filed shall examine the notice promptly. If it clearly appears on the face of the notice and any exhibits annexed thereto that removal should not be permitted, the court shall make an order for summary remand.

“(5) If the United States district court does not order the summary remand of such prosecution, it shall order an evidentiary hearing to be held promptly and, after such hearing, shall make such disposition of the prosecution as justice shall require. If the United States district court determines that removal shall be permitted, it shall so notify the State court in which prosecution is pending, which shall proceed no further.

“(c) WRIT OF HABEAS CORPUS.—If the defendant or defendants are in actual custody on process issued by the State court, the district court shall issue its writ of habeas corpus, and the marshal shall thereupon take such defendant or defendants into the marshal’s custody and deliver a copy of the writ to the clerk of such State court.”.

(d) CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 89 of title 28, United States Code, is amended—

(A) in the item relating to section 1441, by striking “Actions removable generally” and inserting “Removal of civil actions”;

(B) in the item relating to section 1446, by inserting “of civil actions” after “removal”; and

(C) by adding at the end the following new item:

“1454. Procedure for removal of criminal prosecutions.”.

(2) Section 1453(b) of title 28, United States Code, is amended by striking “1446(b)” and inserting “1446(c)(1)”.

SEC. 104. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to subsection (b), the amendments made by this title shall take effect upon the expiration of the 30-day period beginning on the date of the enactment of this Act, and shall apply to any action or prosecution commenced on or after such effective date.

(b) TREATMENT OF CASES REMOVED TO FEDERAL COURT.—For purposes of subsection (a), an action or prosecution commenced in State court and removed to Federal court shall be deemed to commence on the date the action or prosecution was commenced, within the meaning of State law, in State court.

TITLE II—VENUE AND TRANSFER IMPROVEMENTS

SEC. 201. SCOPE AND DEFINITIONS.

(a) IN GENERAL.—Chapter 87 of title 28, United States Code, is amended by inserting before section 1391 the following new section:

“§1390. Scope

“(a) VENUE DEFINED.—As used in this chapter, the term ‘venue’ refers to the geographic

specification of the proper court or courts for the litigation of a civil action that is within the subject-matter jurisdiction of the district courts in general, and does not refer to any grant or restriction of subject-matter jurisdiction providing for a civil action to be adjudicated only by the district court for a particular district or districts.

“(b) EXCLUSION OF CERTAIN CASES.—Except as otherwise provided by law, this chapter shall not govern the venue of a civil action in which the district court exercises the jurisdiction conferred by section 1333, except that such civil actions may be transferred between district courts as provided in this chapter.

“(c) CLARIFICATION REGARDING CASES REMOVED FROM STATE COURTS.—This chapter shall not determine the district court to which a civil action pending in a State court may be removed, but shall govern the transfer of an action so removed as between districts and divisions of the United States district courts.”.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 87 of title 28, United States Code, is amended by inserting before the item relating to section 1391 the following new item:

“Sec. 1390. Scope.”.

SEC. 202. VENUE GENERALLY.

Section 1391 of title 28, United States Code, is amended as follows:

(1) By striking subsections (a) through (d) and inserting the following:

“(a) APPLICABILITY OF SECTION.—Except as otherwise provided by law—

“(1) this section shall govern the venue of all civil actions brought in district courts of the United States; and

“(2) the proper venue for a civil action shall be determined without regard to whether the action is local or transitory in nature.

“(b) VENUE IN GENERAL.—A civil action may be brought in—

“(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;

“(2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or

“(3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court’s personal jurisdiction with respect to such action.

“(c) RESIDENCY.—For all venue purposes—

“(1) a natural person, including an alien lawfully admitted for permanent residence in the United States, shall be deemed to reside in the judicial district in which that person is domiciled;

“(2) a party with the capacity to sue and be sued in its common name under applicable law, whether or not incorporated, shall be deemed to reside, if a defendant, in any judicial district in which such defendant is subject to the court’s personal jurisdiction with respect to the civil action in question and, if a plaintiff, only in the judicial district in which it maintains its principal place of business; and

“(3) a defendant not resident in the United States may be sued in any judicial district, and the joinder of such a defendant shall be disregarded in determining where the action may be brought with respect to other defendants.

“(d) RESIDENCY OF CORPORATIONS IN STATES WITH MULTIPLE DISTRICTS.—For purposes of

venue under this chapter, in a State which has more than one judicial district and in which a defendant that is a corporation is subject to personal jurisdiction at the time an action is commenced, such corporation shall be deemed to reside in any district in that State within which its contacts would be sufficient to subject it to personal jurisdiction if that district were a separate State, and, if there is no such district, the corporation shall be deemed to reside in the district within which it has the most significant contacts.”.

(2) In subsection (e)—

(A) in the first paragraph—

(i) by striking “(1)”, “(2)”, and “(3)” and inserting “(A)”, “(B)”, and “(C)”, respectively; and

(ii) by striking “(e) A civil action” and inserting the following:

“(e) ACTIONS WHERE DEFENDANT IS OFFICER OR EMPLOYEE OF THE UNITED STATES.—

“(1) IN GENERAL.—A civil action”; and

(B) in the second undesignated paragraph by striking “The summons and complaint” and inserting the following:

“(2) SERVICE.—The summons and complaint”.

(3) In subsection (f), by striking “(f) A civil action” and inserting “(f) CIVIL ACTIONS AGAINST A FOREIGN STATE.—A civil action”.

(4) In subsection (g), by striking “(g) A civil action” and inserting “(g) MULTIPARTY, MULTIFORUM LITIGATION.—A civil action”.

SEC. 203. REPEAL OF SECTION 1392.

Section 1392 of title 28, United States Code, and the item relating to that section in the table of sections at the beginning of chapter 87 of such title, are repealed.

SEC. 204. CHANGE OF VENUE.

Section 1404 of title 28, United States Code, is amended—

(1) in subsection (a), by inserting before the period at the end the following: “or to any district or division to which all parties have consented”; and

(2) in subsection (d), by striking “As used in this section” and inserting “Transfers from a district court of the United States to the District Court of Guam, the District Court for the Northern Mariana Islands, or the District Court of the Virgin Islands shall not be permitted under this section. As otherwise used in this section.”.

SEC. 205. EFFECTIVE DATE.

The amendments made by this title—

(1) shall take effect upon the expiration of the 30-day period beginning on the date of the enactment of this Act; and

(2) shall apply to—

(A) any action that is commenced in a United States district court on or after such effective date; and

(B) any action that is removed from a State court to a United States district court and that had been commenced, within the meaning of State law, on or after such effective date.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, H.R. 4113, the Federal Courts Jurisdiction and Venue Clarification Act of 2010, is intended to clarify a number of uncertainties and technical flaws in laws regarding Federal court jurisdiction and venue that have come to light in recent years. Let me just cite one example.

Under current law, we have an odd scenario where State law claims can be brought in Federal court using a diversity of citizenship basis for Federal jurisdiction even though both parties are residents of the same State; but because one party is a permanent resident, not a citizen, they can claim diversity of citizenship.

H.R. 4113 makes clear that permanent legal residents are treated the same as citizens for the purpose of diversity of citizenship. There are many other technical clarifications in the bill like that.

I would like to thank our ranking member of the full committee, Mr. SMITH, for his leadership in bringing this bill to the floor, and I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

The Federal Courts and Venue Clarification Act brings more clarity to the operation of jurisdictional statutes and facilitates the identification of the appropriate State or Federal court in which action should be brought.

I support this legislation and appreciate the bipartisan effort that has been made on the part of Mr. SCOTT, the gentleman from Virginia.

Judges believe the current rules force them to waste time determining jurisdictional issues at the expense of adjudicating the underlying litigation. The contents of this bill are based on recommendations developed and approved by the United States Judicial Conference.

The first version of the bill was developed in 2006, when I chaired the Courts Subcommittee. At the time, we confined our review to jurisdictional issues. Following a hearing and bill introduction, the Courts Subcommittee favorably reported the legislation to the full Judiciary Committee, but no further action was taken.

Since then, jurists, legal scholars, bar groups, and policy-makers rekindled interest in resurrecting the project. This led to a rewriting of the bill to include a second title pertaining to venue.

Given the press of legislative business, the Judiciary Committee was unable to conduct a hearing or markup of H.R. 4113. Instead, we processed, reviewed, and amended the bill informally, working closely with the judiciary and various stakeholders.

In this regard, I thank the Administrative Office of the U.S. Courts, which functioned as a

clearinghouse to vet the bill with the Judicial Conference's Federal-State Jurisdiction Committee, academics, and interested stakeholders.

The groups that assisted in this effort include the American Bar Association, Lawyers for Civil Justice, the Federal Bar Association, the American Association for Justice, and the U.S. Chamber of Commerce.

Legal scholars from the law schools at Houston, Chicago-Kent, Loyola, and Duke endorse suggested changes to the original text as developed by Professor Arthur Hellman of the University of Pittsburgh School of Law, who testified at the 2005 Subcommittee hearing and contributed substantially to the project in the 111th Congress.

The result is a thoroughly processed, well-conceived bill that addresses important if mundane jurisdictional and venue issues.

It's legislation that helps federal judges process their work more promptly and fairly while clarifying what litigants should expect as they prepare their cases.

H.R. 4113 contains a number of revisions to federal jurisdictional and venue law. Among the changes, the bill—

clarifies the definition of “citizenship” for foreign corporations and domestic corporations doing business abroad;

separates the removal provisions governing civil cases and those governing criminal cases into two statutes;

promotes timeliness of removal by giving each defendant 30 days after service to file a notice of removal;

creates a general venue statute that unifies the approach to venue in diversity and federal question cases, while maintaining current venue standards;

eliminates the outdated “local action” rule, which unnecessarily restricts venue choices for certain real-property actions; and

stipulates that a natural person is deemed to reside in the judicial district in which that person is domiciled.

Mr. Speaker, it's taken us about 5 years to reach this point, but the wait was worth the journey. The “Federal Courts Jurisdiction and Venue Clarification Act” illustrates how Congress can work with the Judiciary and stakeholders to pursue legislative initiatives that enhance the practice of law and the operations of our federal courts.

This is a bill that ultimately benefits American citizens who use our legal system in defense of their legal rights and civil liberties.

I urge the Members to support H.R. 4113.

I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 4113, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ORGANIZED RETAIL THEFT INVESTIGATION AND PROSECUTION ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5932) to establish the Organized Retail Theft Investigation and Prosecution Unit in the Department of Justice, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5932

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Organized Retail Theft Investigation and Prosecution Act of 2010”.

SEC. 2. ORGANIZED RETAIL THEFT INVESTIGATION AND PROSECUTION UNIT.

(a) **ESTABLISHMENT.**—Not later than 180 days after the date of enactment of this Act, the Attorney General shall establish the Organized Retail Theft Investigation and Prosecution Unit (hereinafter in this Act referred to as the “ORTIP Unit”).

(b) **COMPOSITION.**—The ORTIP Unit shall include representatives from the Federal Bureau of Investigation, United States Immigration and Customs Enforcement, the United States Secret Service, the United States Postal Inspection Service, prosecutors, and any other personnel necessary to carry out the duties of the ORTIP Unit.

(c) **DUTIES.**—The duties of the ORTIP Unit are as follows:

(1) To investigate and prosecute those instances of organized retail theft over which the Department of Justice has jurisdiction.

(2) To assist State and local law enforcement agencies in investigating and prosecuting organized retail theft.

(3) To consult with key stakeholders, including retailers and online marketplaces, to obtain information about instances of and trends in organized retail theft.

SEC. 3. DEFINITION.

In this Act, the term “organized retail theft” means—

(1) the obtaining of retail merchandise by illegal means for the purpose of reselling or otherwise placing such merchandise back into the stream of commerce; or

(2) aiding or abetting the commission of or conspiring to commit any of the acts described in paragraph (1).

SEC. 4. REPORT.

Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit a report containing recommendations on how retailers, online businesses, and law enforcement agencies can help prevent and combat organized retail theft to the Chairs and Ranking Members of the Committee on the Judiciary of the House of Representatives and of the Committee on the Judiciary of the Senate. The Attorney General shall make the report available to the public on the web site of the Department of Justice.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Attorney General to carry out this Act, \$5,000,000 for each of fiscal years 2011 through 2015.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gen-

tleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the legislation under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

□ 2050

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5932 directs the Attorney General to establish an Organized Retail Theft Investigation and Prosecution Unit to combat the growing problem of organized retail crime.

Theft from retail establishments has been a problem as long as stores have existed. The problem has gradually grown beyond simple isolated cases of shoplifting and burglary into something far more complex.

It wasn't until the 1980s that organized retail theft was recognized as a phenomenon, and the problem has continued to grow in volume, sophistication and scope. Today, sophisticated, multilevel criminal organizations steal large amounts of high volume products, focusing on small and easily resalable items, and then they resell the goods through a variety means, including flea markets, smaller stores, and, increasingly the Internet. Sales of stolen items over the Internet have evolved to the point where there has been a new crime phenomenon referred to as “E-fencing.”

With organized retail theft reaching an estimated \$30 billion to \$42 billion, it impacts everyone from the Big Box retailers to the small independent stores. This type of crime obviously has a direct impact on stores from which the items are stolen. They have fewer items in their inventory to sell and their profits suffer. To make up for it, they must pass along the burden to consumers in the form of higher prices.

Consumer safety is also at risk when retail crime organizations steal consumable products, especially over-the-counter drug items and infant formula, two popular items for organized theft rings. In many cases, after merchandise has been stolen, the products are not stored properly, which can render the products ineffective or even dangerous.

Retailers spend lots of time and resources trying to prevent such thefts and trying to catch the thieves, but it is becoming increasingly difficult to do so. Last year, the Judiciary Committee Subcommittee on Crime held a hearing about the role of the Federal law en-

forcement in combating this kind of crime. I was encouraged to see that agencies such as the FBI; Immigration and Customs Enforcement, ICE; the Secret Service; and postal inspectors all play a role in investigating organized retail theft.

Through this hearing we learned that there is a definite need for Federal law enforcement agencies in this area because local enforcement agencies face unique challenges in combating organized retail theft. In particular, organized retail theft rings often operate in multiple jurisdictions, making it impossible for any one State or local law enforcement agency to investigate them and prosecute them effectively. In addition, the Internet has made it easier for such sellers to access a national, even international market, for buyers of stolen goods. Finally, the proceeds of these crimes are often laundered with tremendous sophistication.

Because of these challenges and the threat this type of crime poses to our businesses, I believe we must have a better coordinated and much more concentrated Federal effort. H.R. 5932 accordingly directs the Attorney General to establish an Organized Retail Theft Investigation and Prosecution Unit comprised of Federal prosecutors and investigators from the FBI, ICE, the Secret Service, and the Postal Inspection Service. This unit will investigate and prosecute instances of organized retail theft under Federal jurisdiction as well as assist State and local law enforcement agencies in their efforts against these crimes.

I want to thank the retail and online community for their support of this bill, and I commend their efforts to find ways to work together on this effort. We have also received letters in support of the bill from a number of major business groups, including the Coalition Against Retail Crime, the Food Marketing Institute, the National Association of Chain Drugstores, the Entertainment Merchants Association, the Retail Industry Leaders Association, and the National Retail Federation. EBay has also expressed support for the bill.

I am pleased this bill has strong bipartisan support, and I would like to thank the committee chairman, the gentleman from Michigan, Mr. CONYERS, the ranking member, the gentleman from Texas, Mr. SMITH, and my colleague from Virginia, Mr. GOODLATTE, for cosponsoring this important legislation and for their consistent commitment to this issue. I urge my colleagues to support H.R. 5932.

COALITION AGAINST
ORGANIZED RETAIL CRIME

Hon. ROBERT SCOTT,
House Judiciary Committee, House of Representatives,
Washington, DC.

DEAR CONGRESSMAN SCOTT: On behalf of the Coalition Against Organized Retail Crime (CAORC) and our membership, we urge you

to support and pass H.R. 5932 the "Organized Retail Theft Investigation and Prosecution Act of 2010." This bipartisan legislation, introduced by Representatives Conyers, Smith, Scott and Goodlatte, is an important first step in addressing this serious issue.

The CAORC, formed in 2001, is comprised of major retailers, grocers, product manufacturers and trade associations committed to bringing attention to the harmful effects and public safety risks associated with organized retail crime. As you know, sophisticated and methodical organized retail crime rings operate across state and local jurisdictions. These crime rings often use organized retail crime to fund other violent activities and utilize traditional money laundering techniques to conceal their profits. It is time the Department of Justice have the resources it needs to effectively investigate and prosecute these criminals.

Retailers spend millions of dollars on robust a security and loss prevention effort, that protects their goods and ensures consumer safety. They are continually upgrading and adapting these programs to limit retail crime. Nevertheless, this criminal activity continues to grow despite our best efforts.

We thank you for your consideration of H.R. 5932 and urge its passage. We look forward to seeing this legislation become law and working with you in the future to continue to work on this crime epidemic.

Sincerely,

JOHN G. EMLING,
Senior Vice President,
Government Affairs,
Retail Industry
Leaders Association.

FOOD MARKETING INSTITUTE,
Arlington, VA, September 20, 2010.

Hon. BOBBY SCOTT,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE SCOTT: The Food Marketing Institute (FMI), on behalf of the nation's grocery industry, wishes to express the industry's strong support for a bill (H.R. 5932) entitled the "Organized Retail Crime Theft Investigation and Prosecution Act of 2010." This bi-partisan initiative, sponsored by Representatives Bobby Scott (D-VA), John Conyers (D-MI), Lamar Smith (R-TX) and Bob Goodlatte (R-VA), will likely be scheduled for consideration and a vote on the floor of the House on Thursday, September 23, 2010.

If enacted into law, H.R. 5932 will establish a special unit within the U.S. Department of Justice (DOJ) to investigate and prosecute instances of organized retail theft (ORT) over which DOJ has jurisdiction as well as provide assistance to State and local law enforcement agencies in their efforts against what is clearly a very serious criminal problem in our country.

The grocery industry is routinely victimized by sophisticated theft rings that are responsible for stealing millions of dollars worth of merchandise from our members' stores annually. FMI firmly believes a more formal federal response as called for in H.R. 5932 is needed because ORT translates into as much as \$30 billion in losses each year to the retail community nationwide. Not only do consumers pay higher prices as retailers attempt to recover losses resulting from ORT, but state revenues are also adversely impacted by approximately \$1.6 billion in lost sales tax revenue attributable to ORT activity.

Most disturbing is the fact that our customers are often placed at great risk when

these criminal enterprises steal certain FDA regulated products, such as infant formula, over-the-counter medications and diabetic supplies, and then resell them in flea markets, pawn shops, swap meets, questionable store front operations and more frequently in recent years via internet auction sites. ORT rings have been known to tamper with the contents of the product and to change labels and expiration dates thereby endangering the health and safety of unknowing consumers, especially infants and the elderly.

In closing, FMI endorses H.R. 5932 and we urge you to vote in favor of this very important initiative.

Sincerely,

LESLIE G. SARASIN,
President and Chief Executive Officer.

Entertainment

MERCHANTS ASSOCIATION,
Encino, CA, September 22, 2010.

Re: Organized Retail Theft Investigation and Prosecution Act of 2010 (H.R. 5932).

Hon. ROBERT C. SCOTT,

Chairman, Subcommittee on Crime, Terrorism, and Homeland Security, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing on behalf of the Entertainment Merchants Association (EMA) and the approximately 40,000 retail locations operated by our members throughout the United States to express support for the Organized Retail Theft Investigation and Prosecution Act of 2010 (H.R. 5932). We commend you for introducing this important measure.

Unfortunately, the relatively small size and high desirability of DVDs and video games make them popular targets for organized retail crime perpetrators. Based on the "shrink" experience of our members, EMA estimates the loss to retailers in 2008 from DVD shrink (both internal and external sources) to be \$449 million and from video game shrink to be \$197 million. (Not all of these losses are attributable to organized retail crime, of course.) The losses are even more harmful in light of the 13% decline in DVD sales and 11% decline in video game software sales in 2009. The growth of organized retail crime undoubtedly contributes to these declines in sales.

EMA believes that federal organized retail crime legislation can help stem the shrink of DVD and video games. Specifically, EMA advocates, in part, that federal law should specifically criminalize organized retail crime, prevent criminal gangs from using online marketplaces as fencing bazaars, crack down on counterfeit devices that are used to facilitate organized retail crime, and provide additional resources to investigate and prosecute organized retail crime. (We believe this can and should be done without either unduly impairing the ability of video and video game retailers to participate in the used DVD and video game market or undermining the First Sale provision of the Copyright Act (permitting the resale, rental, or other alienation of a lawfully made copy of a copyrighted work without authorization from the copyright holder), which promotes vigorous retail competition and the wide dissemination of popular works.)

H.R. 5932 would establish an Organized Retail Theft Investigation and Prosecution Unit (ORTIP Unit) in the Department of Justice that would be staffed with investigators, prosecutors and others. The ORTIP Unit would be responsible for investigating and prosecuting instances of organized retail

theft, over which the Department of Justice has jurisdiction, assisting State and local law enforcement agencies in investigating and prosecuting organized retail theft, and consulting with and advising victims of organized retail theft. The bill would define "organized retail theft" as obtaining retail merchandise by illegal means for the purpose of reselling or otherwise placing such merchandise back into the stream of commerce, aiding or abetting the commission of such acts, or conspiring to commit such acts. H.R. 5932 would also require the Attorney General to submit a report containing recommendations on how retailers, online businesses, and law enforcement agencies can help prevent and combat organized retail theft. Finally, it authorizes \$5 million per year for fiscal years 2011 through 2015 to fund the ORTIP Unit.

EMA believes that the Organized Retail Theft Investigation and Prosecution Act of 2010 will enhance the federal government's focus and provide beneficial coordination among all levels of government on organized retail crime. We, therefore, urge its adoption.

About Entertainment Merchants Association

The Entertainment Merchants Association (EMA) is the not-for-profit international trade association dedicated to advancing the interests of the \$34 billion home entertainment industry. EMA-member companies operate approximately 35,000 retail outlets in the U.S. and 45,000 around the world that sell and/or rent DVDs, computer and console video games, and digitally distributed versions of these products. Membership comprises the full spectrum of retailers (from single-store specialists to multi-line mass merchants, and both brick and mortar and online stores), distributors, the home video divisions of major and independent motion picture studios, video game publishers, and other related businesses that constitute and support the home entertainment industry. EMA was established in April 2006 through the merger of the Video Software Dealers Association (VSDA) and the Interactive Entertainment Merchants Association (IEMA).

If you have any questions or need further information, you may contact me.

Thank you for the opportunity to express our support for this much-needed bill.

Sincerely,

SEAN DEVLIN BERSELL,
Vice President, Public Affairs.

NATIONAL ASSOCIATION
OF CHAIN DRUG STORES,
Alexandria, VA, September 21, 2010.

Hon. BOBBY SCOTT,
House of Representatives, Longworth House Office Building, Washington, DC.

Hon. LAMAR SMITH,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVES SCOTT AND SMITH: The National Association of Chain Drug Stores (NACDS) is writing to thank you for your extraordinary leadership in the fight against organized retail crime (ORC) by introducing and advancing H.R. 5932, the Organized Retail Theft Investigation and Prosecution Act of 2010. This bipartisan legislation is a strong first step to stem the growing problem of organized retail crime by creating a specific task force within the U.S. Department of Justice to investigate and prosecute instances involving ORC.

NACDS represents traditional drug stores, supermarkets, and mass merchants with pharmacies. Its more than 170 chain member companies include regional chains with a

minimum of four stores to national companies. NACDS members also include more than 1,000 suppliers of pharmacy and front-end products, and nearly 90 international members representing 29 countries. Chains operate more than 39,000 pharmacies, and employ a total of more than 2.5 million employees, including 118,000 pharmacists. They fill more than 2.5 billion prescriptions yearly, and have annual sales of over \$750 billion. For more information about NACDS, visit www.NACDS.org.

As you know, organized retail crime is responsible for over \$30 billion in losses annually, resulting in increased costs for merchants, higher prices for consumers, and lost tax revenue for state and local governments. In addition to increased costs faced by retailers to cover losses and investment in additional security measures, consumers are placed at risk when package tampering occurs on consumer health care products, such as infant formula and OTC medications. These stolen products are repackaged and relabeled to falsely extend a product's expiration date or to hide the fact that the item has been stolen.

NACDS has long advocated for federal legislation that treats theft committed by organized, professional crime rings as a federal felony—especially since much of the stolen product is transported across state lines. Therefore, as Congress continues to examine this issue, we would strongly urge you to consider enacting legislation, such as H.R. 1173, the Organized Retail Crime Act of 2009, which would give federal law enforcement officials the authority to pursue and prosecute individuals who engage in such criminal activities, and H.R. 1166, the E-fencing Enforcement Act of 2009, which would combat the growing problem of the use of online marketplaces by criminals to redistribute stolen merchandise, including those obtained through organized retail crime.

We commend you again for introducing and advancing strong bipartisan legislation that will assist retailers and law enforcement combat the serious problem of organized retail crime, and we look forward to working with you to enact this important legislation.

Sincerely,

STEVEN C. ANDERSON,
President and Chief Executive Officer.

RETAIL INDUSTRY
LEADERS ASSOCIATION,
Arlington, VA.

*House of Representatives,
Washington, DC.*

DEAR CONGRESSMAN SCOTT: On behalf of the Coalition Against Organized Retail Crime (CAORC) and our membership, we would urge you to vote in favor of H.R. 5932 the "Organized Retail Theft Investigation and Prosecution Act of 2010" when it comes before the full body later this week.

RILA is a trade association of the largest and most successful companies in the retail industry. Its member companies include more than 200 retailers, product manufacturers, and service suppliers, which together account for more than \$1.5 trillion in annual sales. RILA members operate more than 100,000 stores, manufacturing facilities and distribution centers, have facilities in all 50 states, and provide millions of jobs domestically and worldwide.

This bipartisan legislation, introduced by Representatives Conyers, Smith, Scott and Goodlatte, would create a unit inside the Department of Justice dedicated to investigating and prosecuting organized retail

crime (ORC) and assisting state and local law enforcement and prosecuting agencies.

As the U.S. Immigration and Customs Enforcement has indicated, "ORC rings are very sophisticated, compartmentalized and operate similar to criminal organizations involved in drug trafficking or human smuggling. Furthermore, transnational criminal syndicates such as Eastern European street gangs and organized crime elements have become increasingly involved, and utilize traditional money laundering techniques to conceal their profits." Furthermore, estimates conclude this crime costs retailers tens of billions of dollars per year and deprives states of hundreds of millions of dollars in lost sales tax revenue.

Retailers spend millions of dollars on robust a security and loss prevention effort, that protects their goods and ensures consumer safety. They are continually upgrading and adapting these programs to limit retail crime. Nevertheless, this criminal activity continues to grow despite their best efforts.

Once again, we ask you to support H.R. 5932.

Sincerely,

JOHN G. EMLING,
Senior Vice President, Government Affairs.

NATIONAL RETAIL FEDERATION,
Washington, DC, September 22, 2010.
Re: Support the "Organized Retail Theft Investigation and Prosecution Act of 2010" (H.R. 5932).

HON. NANCY PELOSI,
*Speaker of the House, House of Representatives,
The Capitol, Washington, DC.*

DEAR SPEAKER PELOSI: On behalf of the National Retail Federation (NRF), I am writing to you today to urge your support for the "Organized Retail Theft Investigation and Prosecution Act of 2010" (H.R. 5932) when it comes up for a vote on the suspension calendar this week. We believe this bill is one of the keys to protecting both retailers and consumers against the massive economic costs and very real public health and safety risks posed by organized retail crime. Establishing a team of law enforcement professionals dedicated to fighting these crimes and working in close consultation with retailers shows the importance of this issue to industry, consumers and law enforcement, and serves as an important deterrent to perpetrators.

Retailers lose between \$15 and \$30 billion to organized retail crime (ORC) each year, according to the FBI and retail loss prevention experts. In addition, 89 percent of retailers reported that they were victims of organized retail crime in the past year, according to an annual NRF survey released earlier this year.

ORC rings typically target everyday consumer products that are in high demand and easy to steal, such as infant formula, razor blades, batteries, analgesics, cosmetics and gift cards. More expensive products such as DVDs, CDs, video games, designer clothing and electronics are also highly prized. Once stolen, the goods are resold at pawn shops, flea markets, swap meets and on the Internet. These thefts force retailers to increase prices to cover the losses, and also threaten public health when crime rings tamper with items such as infant formula or medication by extending expiration dates or repackaging and relabeling the items.

This bill will be an important tool in the fight against ORC. It would accomplish this through several key steps. First, it would create an Organized Retail Theft Investiga-

tion and Prosecution Unit (ORTIP Unit) in the Department of Justice staffed with investigators, prosecutors and other personnel charged with investigating and prosecuting instances of ORC over which the Department of Justice has jurisdiction. Second, it would define "organized retail theft" as obtaining retail merchandise by illegal means for the purpose of reselling or otherwise placing such merchandise back into the stream of commerce, aiding or abetting the commission of such acts, or conspiring to commit such acts. Third, it requires the Attorney General to submit a report containing recommendations on how retailers, online businesses and law enforcement agencies can help prevent and combat organized retail crime. Finally, it authorizes \$5 million per year for fiscal years 2011 through 2015 to fund the ORTIP Unit.

As the world's largest retail trade association and the voice of retail worldwide, NRF's global membership includes retailers of all sizes, formats and channels of distribution as well as chain restaurants and industry partners from the United States and more than 45 countries abroad. In the United States, NRF represents the breadth and diversity of an industry with more than 1.6 million American companies that employ nearly 25 million workers and generated 2009 sales of \$2.3 trillion.

We thank Representatives Bobby Scott (D-VA), John Conyers (D-MI), Lamar Smith (R-TX) and Bob Goodlatte (R-VA) for their leadership on this important issue. We urge all members of Congress to support their efforts and vote in favor of H.R. 5932.

Sincerely,

STEVE PFISTER,
*Senior Vice President,
Government Relations.*

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5932, the Organized Retail Theft Investigation and Prosecution Act of 2010, is an important step in combating a crime that costs retailers and taxpayers billions of dollars every year. I am pleased to join my Judiciary Committee colleagues Chairman CONYERS, Chairman SCOTT, and Congressman GOODLATTE as an original sponsor of this legislation.

Organized retail theft involves the theft of large quantities of merchandise from retail stores. Unlike shoplifters, these thieves steal the merchandise with the intention of selling it back into the marketplace.

In the past, the majority of these stolen goods were resold at swap meets, flea markets, or pawn shops. Today, the most popular venue for selling stolen goods is the Internet. Web sites such as eBay, Craigslist, and Amazon are being exploited by organized retail thieves to sell their stolen goods with relative ease and anonymity. This dynamic makes it increasingly more difficult for retailers and law enforcement agents to identify and apprehend these thieves.

According to FBI estimates, organized retail theft rings cost businesses more than \$30 billion in losses annually. A recent survey conducted by the National Retail Federation found that

nearly 90 percent of the retailers surveyed have been victimized by organized retail theft, an 11 percent increase from 2007. The survey also found that roughly 6 out of 10 retailers have seen an increase in organized retail theft in just the last 12 months.

In 2003, the FBI established an Organized Retail Crime Initiative to identify and dismantle large multijurisdictional organized retail crime rings. This initiative included the formation of a National Retail Federation FBI intelligence network. The network is intended to establish an effective means of sharing organized retail crime information and intelligence to discuss trends as they relate to specific sectors and regions of the retail market, and to identify and target the more sophisticated criminal enterprises.

Earlier this year, the National Retail Federation partnered with eBay to develop greater information sharing between eBay and participating retailers. This partnership is a significant step forward in the fight against organized retail theft. Bringing these two industries together will hopefully increase the likelihood of linking thefts from retail stores to goods offered for sale on eBay's Web site.

H.R. 5932 builds upon these efforts by increasing the Federal resources dedicated to organized retail theft investigation. The bill requires the Attorney General to establish an Organized Retail Theft Investigation and Prosecution Unit within the Department of Justice. This unit will include representatives from the FBI, ICE, the U.S. Secret Service and postal inspectors, as well as prosecutors.

The unit will investigate and prosecute large-scale organized retail thefts and provide assistance to State and local law enforcement agencies. The unit will also work in consultation with retailers and online marketplaces to gather information about and identify trends in organized retail thefts.

H.R. 5932 instructs the Attorney General to prepare a report to Congress on how retailers and law enforcement agencies can best combat OCR. The bill authorizes \$5 million a year over 5 years to operate the unit.

This legislation is supported by the National Retail Federation, the Retail Industry Leaders Association, the Coalition Against Organized Retail Crime, the Food Marketing Institute, the National Association of Chain Drugstores, eBay, and the Entertainment Merchants Association.

I would like to thank my colleagues again, Chairman CONYERS, Chairman SCOTT, and Congressman GOODLATTE for their dedication to this issue and for working together to draft this bipartisan legislation. I urge my colleagues to support this bill.

Mr. Speaker, I hope the individual I just mentioned, the gentleman from Virginia, Mr. GOODLATTE, is on his way

to the floor, and I hope he will be able to speak on this bill shortly. So I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I appreciate the indulgence of the gentleman from Virginia (Mr. SCOTT), but since our expected speaker is not yet on the floor and I am not entirely certain of the time of his arrival, although I am stalling slightly, I will yield back the balance of my time.

Mr. SCOTT of Virginia. As has been said, Mr. Speaker, I have no further requests for time. I would like to thank the gentleman from Texas for his strong support.

Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from Virginia (Mr. GOODLATTE).

□ 2100

Mr. GOODLATTE. Mr. Speaker, I rise in support of H.R. 5932, the Organized Retail Theft Investigation and Prosecution Act of 2010. This legislation is an important step in combating a growing threat to retailers and consumers.

I am pleased to join my Judiciary Committee colleagues Chairman CONYERS, Ranking Member SMITH and Chairman SCOTT as an original sponsor of this legislation, and I thank the gentleman for true bipartisanship in allowing me to catch my breath in order to be able to give these remarks.

Organized retail theft is a huge and growing problem in the United States. According to FBI estimates, organized retail theft rings cost businesses more than \$30 billion in losses annually. Organized retail theft groups target anything from everyday household commodities to health products to baby formula that can be easily sold through flea markets, swap meets, shady storefront operations, and through online marketplaces.

Thieves often travel from retail store to retail store, stealing relatively small amounts of goods from each store but cumulatively stealing significant amounts of goods. Once stolen, these products are sold back to fencing operations, which can dilute, alter, repackage the goods, and then resell them, sometimes back to the same stores from which the products were originally stolen. These goods are also sold at flea markets, pawn shops and increasingly on the Internet.

When a product does not travel through the authorized channels of distribution, there is an increased potential that the product has been altered, diluted, reproduced, and/or repackaged. These so-called "diverted products" pose significant health risks to the public, especially the diverted medications and food products. Diverted products also cause considerable financial losses for legitimate manufacturers

and retailers. Ultimately, the consumers bear the brunt of these losses as retail establishments are forced to raise prices to cover the additional costs of security and theft prevention measures.

Even more troubling is where the money is going. We have seen evidence that organized retail theft is increasingly being used to fund international organized crime and other nefarious activities. At the State level, organized retail theft crimes are normally prosecuted under State shoplifting statutes as mere misdemeanors. As a result, the thieves who participate in organized retail crime rings typically receive the same punishment as common shoplifters. The thieves who are convicted usually see very limited jail time or are placed on probation.

I believe that the punishment does not fit the crime in these situations. Mere slaps on the wrists of these criminals have practically no deterrent effect. In addition, the low-level criminals who are actually stealing these goods from the shelves are easily replaced by the criminal organization's higher level coordinators.

During my 8 years of working on ways to combat organized retail theft, I found that the Federal law enforcement community believed it had adequate Federal laws to prosecute organized retail theft crimes, but that poor communication, lack of coordination among State and local law enforcement and lack of resources were major impediments to effective enforcement.

In order to improve the communications and intelligence-sharing between industry and law enforcement, I offered an amendment to the Department of Justice's reauthorization bill back in 2005, which created a Federal definition of organized retail theft crimes and directed the FBI to contribute to the construction of a national database housed in the private sector where retail establishments, as well as Federal, State and local law enforcement, could compile evidence on specific organized retail theft crimes to aid investigations and prosecutions. This database, which has now become the current LERPnet, has helped to put the pieces together to show the organized and multi-state nature of these crimes as well as to provide important evidence for prosecutions.

I am also pleased to report that the private sector is working together to address this problem. Earlier this year, the National Retail Federation partnered with eBay to develop greater information sharing between eBay and participating retailers. This partnership will hopefully increase the likelihood that more organized retail theft will be detected and prosecuted. H.R. 5932 will build upon the successes of these efforts to provide additional resources to the FBI to investigate organized retail theft.

The bill funds and requires the Attorney General to establish an organized retail theft investigation and prosecution unit within the Department of Justice. This unit will include representatives from the FBI, ICE, U.S. Secret Service, and postal inspectors, as well as prosecutors. The unit will investigate and prosecute large-scale organized retail thefts and will provide assistance to State and local law enforcement agencies. The unit will also work in consultation with retailers and online marketplaces to gather information about and identify trends in organized retail thefts.

In addition, H.R. 5932 instructs the Attorney General to prepare a report to Congress on how retailers and law enforcement agencies can best combat organized retail theft. This legislation is supported by the National Retail Federation, the Retail Industry Leaders Association, the Coalition Against Organized Retail Crime, the Food Marketing Institute, the National Association of Chain Drug Stores, eBay, and the Entertainment Merchants Association.

Again, I wish to thank my colleagues Chairman CONYERS, Ranking Member SMITH and Chairman SCOTT for their dedication to this issue and for working with me to draft this bipartisan legislation. I urge my colleagues to support the bill.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I would urge my colleagues to support H.R. 5932, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 5932, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

TWENTY-FIRST CENTURY COMMUNICATIONS AND VIDEO ACCESSIBILITY ACT OF 2010

Mr. MARKEY of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3304) to increase the access of persons with disabilities to modern communications, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3304

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Twenty-First Century Communications and Video Accessibility Act of 2010”.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

Sec. 2. Limitation on liability.

Sec. 3. Proprietary technology.

TITLE I—COMMUNICATIONS ACCESS

Sec. 101. Definitions.

Sec. 102. Hearing aid compatibility.

Sec. 103. Relay services.

Sec. 104. Access to advanced communications services and equipment.

Sec. 105. Universal service.

Sec. 106. Emergency Access Advisory Committee.

TITLE II—VIDEO PROGRAMMING

Sec. 201. Video Programming and Emergency Access Advisory Committee.

Sec. 202. Video description and closed captioning.

Sec. 203. Closed captioning decoder and video description capability.

Sec. 204. User interfaces on digital apparatus.

Sec. 205. Access to video programming guides and menus provided on navigation devices.

Sec. 206. Definitions.

SEC. 2. LIMITATION ON LIABILITY.

(a) **IN GENERAL.**—Except as provided in subsection (b), no person shall be liable for a violation of the requirements of this Act (or of the provisions of the Communications Act of 1934 that are amended or added by this Act) with respect to video programming, online content, applications, services, advanced communications services, or equipment used to provide or access advanced communications services to the extent such person—

(1) transmits, routes, or stores in intermediate or transient storage the communications made available through the provision of advanced communications services by a third party; or

(2) provides an information location tool, such as a directory, index, reference, pointer, menu, guide, user interface, or hypertext link, through which an end user obtains access to such video programming, online content, applications, services, advanced communications services, or equipment used to provide or access advanced communications services.

(b) **EXCEPTION.**—The limitation on liability under subsection (a) shall not apply to any person who relies on third party applications, services, software, hardware, or equipment to comply with the requirements of this Act (or of the provisions of the Communications Act of 1934 that are amended or added by this Act) with respect to video programming, online content, applications, services, advanced communications services, or equipment used to provide or access advanced communications services.

SEC. 3. PROPRIETARY TECHNOLOGY.

No action taken by the Federal Communications Commission to implement this Act or any amendment made by this Act shall mandate the use or incorporation of proprietary technology.

TITLE I—COMMUNICATIONS ACCESS

SEC. 101. DEFINITIONS.

Section 3 of the Communications Act of 1934 (47 U.S.C. 153) is amended—

(1) by adding at the end the following new paragraphs:

“(53) **ADVANCED COMMUNICATIONS SERVICES.**—The term ‘advanced communications services’ means—

“(A) interconnected VoIP service;

“(B) non-interconnected VoIP service;

“(C) electronic messaging service; and

“(D) interoperable video conferencing service.”

“(54) **CONSUMER GENERATED MEDIA.**—The term ‘consumer generated media’ means content created and made available by consumers to online websites and services on the Internet, including video, audio, and multimedia content.

“(55) **DISABILITY.**—The term ‘disability’ has the meaning given such term under section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

“(56) **ELECTRONIC MESSAGING SERVICE.**—The term ‘electronic messaging service’ means a service that provides real-time or near real-time non-voice messages in text form between individuals over communications networks.

“(57) **INTERCONNECTED VOIP SERVICE.**—The term ‘interconnected VoIP service’ has the meaning given such term under section 9.3 of title 47, Code of Federal Regulations, as such section may be amended from time to time.

“(58) **NON-INTERCONNECTED VOIP SERVICE.**—The term ‘non-interconnected VoIP service’—

“(A) means a service that—

“(i) enables real-time voice communications that originate from or terminate to the user’s location using Internet protocol or any successor protocol; and

“(ii) requires Internet protocol compatible customer premises equipment; and

“(B) does not include any service that is an interconnected VoIP service.

“(59) **INTEROPERABLE VIDEO CONFERENCING SERVICE.**—The term ‘interoperable video conferencing service’ means a service that provides real-time video communications, including audio, to enable users to share information of the user’s choosing.”; and

(2) by reordering paragraphs (1) through (52) and the paragraphs added by paragraph (1) of this section in alphabetical order based on the headings of such paragraphs and renumbering such paragraphs as so reordered.

SEC. 102. HEARING AID COMPATIBILITY.

(a) **COMPATIBILITY REQUIREMENTS.**—

(1) **TELEPHONE SERVICE FOR THE DISABLED.**—Section 710(b)(1) of the Communications Act of 1934 (47 U.S.C. 610(b)(1)) is amended to read as follows:

“(b)(1) Except as provided in paragraphs (2) and (3) and subsection (c), the Commission shall require that customer premises equipment described in this paragraph provide internal means for effective use with hearing aids that are designed to be compatible with telephones which meet established technical standards for hearing aid compatibility. Customer premises equipment described in this paragraph are the following:

“(A) All essential telephones.

“(B) All telephones manufactured in the United States (other than for export) more than one year after the date of enactment of the Hearing Aid Compatibility Act of 1988 or imported for use in the United States more than one year after such date.

“(C) All customer premises equipment used with advanced communications services that is designed to provide 2-way voice communication via a built-in speaker intended to be held to the ear in a manner functionally equivalent to a telephone, subject to the regulations prescribed by the Commission under subsection (e).”.

(2) **ADDITIONAL AMENDMENTS.**—Section 710(b) of the Communications Act of 1934 (47 U.S.C. 610(b)) is further amended—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i)—

(aa) by striking “initial”;

(bb) by striking “of this subsection after the date of enactment of the Hearing Aid Compatibility Act of 1988”; and

(cc) by striking “paragraph (1)(B) of this subsection” and inserting “subparagraphs (B) and (C) of paragraph (1)”;

(II) by inserting “and” at the end of clause (ii);

(III) by striking clause (iii); and

(IV) by redesignating clause (iv) as clause (iii);

(ii) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B); and

(iii) in subparagraph (B) (as so redesignated)—

(I) by striking the first sentence and inserting “The Commission shall periodically assess the appropriateness of continuing in effect the exemptions for telephones and other customer premises equipment described in subparagraph (A) of this paragraph.”; and

(II) in each of clauses (iii) and (iv), by striking “paragraph (1)(B)” and inserting “subparagraph (B) or (C) of paragraph (1)”;

(B) in paragraph (4)(B)—

(i) by striking “public mobile” and inserting “telephones used with public mobile”;

(ii) by inserting “telephones and other customer premises equipment used in whole or in part with” after “means”;

(iii) by striking “and” after “public land mobile telephone service,” and inserting “or”;

(iv) by striking “part 22 of”; and

(v) by inserting after “Regulations” the following: “, or any functionally equivalent unlicensed wireless services”; and

(C) in paragraph (4)(C)—

(i) by striking “term ‘private radio services’” and inserting “term ‘telephones used with private radio services’”; and

(ii) by inserting “telephones and other customer premises equipment used in whole or in part with” after “means”.

(b) **TECHNICAL STANDARDS.**—Section 710(c) of the Communications Act of 1934 (47 U.S.C. 610(c)) is amended by adding at the end the following: “A telephone or other customer premises equipment that is compliant with relevant technical standards developed through a public participation process and in consultation with interested consumer stakeholders (designated by the Commission for the purposes of this section) will be considered hearing aid compatible for purposes of this section, until such time as the Commission may determine otherwise. The Commission shall consult with the public, including people with hearing loss, in establishing or approving such technical standards. The Commission may delegate this authority to an employee pursuant to section 5(c). The Commission shall remain the final arbiter as to whether the standards meet the requirements of this section.”.

(c) **RULEMAKING.**—Section 710(e) of the Communications Act of 1934 (47 U.S.C. 610(e)) is amended—

(1) by striking “impairments” and inserting “loss”; and

(2) by adding at the end the following sentence: “In implementing the provisions of subsection (b)(1)(C), the Commission shall use appropriate timetables or benchmarks to the extent necessary (1) due to technical feasibility, or (2) to ensure the marketability or availability of new technologies to users.”.

(d) **RULE OF CONSTRUCTION.**—Section 710(h) of the Communications Act of 1934 (47 U.S.C. 610(h)) is amended to read as follows:

“(h) **RULE OF CONSTRUCTION.**—Nothing in the Twenty-First Century Communications

and Video Accessibility Act of 2010 shall be construed to modify the Commission’s regulations set forth in section 20.19 of title 47 of the Code of Federal Regulations, as in effect on the date of enactment of such Act.”.

SEC. 103. RELAY SERVICES.

(a) **DEFINITION.**—Paragraph (3) of section 225(a) of the Communications Act of 1934 (47 U.S.C. 225(a)(3)) is amended to read as follows:

“(3) **TELECOMMUNICATIONS RELAY SERVICES.**—The term ‘telecommunications relay services’ means telephone transmission services that provide the ability for an individual who is deaf, hard of hearing, deaf-blind, or who has a speech disability to engage in communication by wire or radio with one or more individuals, in a manner that is functionally equivalent to the ability of a hearing individual who does not have a speech disability to communicate using voice communication services by wire or radio.”.

(b) **INTERNET PROTOCOL-BASED RELAY SERVICES.**—Title VII of such Act (47 U.S.C. 601 et seq.) is amended by adding at the end the following new section:

“SEC. 715. INTERNET PROTOCOL-BASED RELAY SERVICES.

“Within one year after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, each interconnected VoIP service provider and each provider of non-interconnected VoIP service shall participate in and contribute to the Telecommunications Relay Services Fund established in section 64.604(c)(5)(iii) of title 47, Code of Federal Regulations, as in effect on the date of enactment of such Act, in a manner prescribed by the Commission by regulation to provide for obligations of such providers that are consistent with and comparable to the obligations of other contributors to such Fund.”.

SEC. 104. ACCESS TO ADVANCED COMMUNICATIONS SERVICES AND EQUIPMENT.

(a) **TITLE VII AMENDMENT.**—Title VII of the Communications Act of 1934 (47 U.S.C. 601 et seq.), as amended by section 103, is further amended by adding at the end the following new sections:

“SEC. 716. ACCESS TO ADVANCED COMMUNICATIONS SERVICES AND EQUIPMENT.

“(a) **MANUFACTURING.**—

“(1) **IN GENERAL.**—With respect to equipment manufactured after the effective date of the regulations established pursuant to subsection (e), and subject to those regulations, a manufacturer of equipment used for advanced communications services, including end user equipment, network equipment, and software, shall ensure that the equipment and software that such manufacturer offers for sale or otherwise distributes in interstate commerce shall be accessible to and usable by individuals with disabilities, unless the requirements of this subsection are not achievable.

“(2) **INDUSTRY FLEXIBILITY.**—A manufacturer of equipment may satisfy the requirements of paragraph (1) with respect to such equipment by—

“(A) ensuring that the equipment that such manufacturer offers is accessible to and usable by individuals with disabilities without the use of third party applications, peripheral devices, software, hardware, or customer premises equipment; or

“(B) if such manufacturer chooses, using third party applications, peripheral devices, software, hardware, or customer premises equipment that is available to the consumer at nominal cost and that individuals with disabilities can access.

“(b) **SERVICE PROVIDERS.**—

“(1) **IN GENERAL.**—With respect to services provided after the effective date of the regulations established pursuant to subsection (e), and subject to those regulations, a provider of advanced communications services shall ensure that such services offered by such provider in or affecting interstate commerce are accessible to and usable by individuals with disabilities, unless the requirements of this subsection are not achievable.

“(2) **INDUSTRY FLEXIBILITY.**—A provider of services may satisfy the requirements of paragraph (1) with respect to such services by—

“(A) ensuring that the services that such provider offers are accessible to and usable by individuals with disabilities without the use of third party applications, peripheral devices, software, hardware, or customer premises equipment; or

“(B) if such provider chooses, using third party applications, peripheral devices, software, hardware, or customer premises equipment that is available to the consumer at nominal cost and that individuals with disabilities can access.

“(c) **COMPATIBILITY.**—Whenever the requirements of subsections (a) or (b) are not achievable, a manufacturer or provider shall ensure that its equipment or service is compatible with existing peripheral devices or specialized customer premises equipment commonly used by individuals with disabilities to achieve access, unless the requirement of this subsection is not achievable.

“(d) **NETWORK FEATURES, FUNCTIONS, AND CAPABILITIES.**—Each provider of advanced communications services has the duty not to install network features, functions, or capabilities that do not impede accessibility or usability.

“(e) **REGULATIONS.**—

“(1) **IN GENERAL.**—Within one year after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Commission shall promulgate such regulations as are necessary to implement this section. In prescribing the regulations, the Commission shall—

“(A) include performance objectives to ensure the accessibility, usability, and compatibility of advanced communications services and the equipment used for advanced communications services by individuals with disabilities;

“(B) provide that advanced communications services, the equipment used for advanced communications services, and networks used to provide advanced communications services may not impair or impede the accessibility of information content when accessibility has been incorporated into that content for transmission through advanced communications services, equipment used for advanced communications services, or networks used to provide advanced communications services;

“(C) determine the obligations under this section of manufacturers, service providers, and providers of applications or services accessed over service provider networks; and

“(D) not mandate technical standards, except that the Commission may adopt technical standards as a safe harbor for such compliance if necessary to facilitate the manufacturers’ and service providers’ compliance with sections (a) through (c).

“(2) **PROSPECTIVE GUIDELINES.**—The Commission shall issue prospective guidelines for a manufacturer or provider regarding the requirements of this section.

“(f) **SERVICES AND EQUIPMENT SUBJECT TO SECTION 255.**—The requirements of this section shall not apply to any equipment or

services, including interconnected VoIP service, that are subject to the requirements of section 255 on the day before the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010. Such services and equipment shall remain subject to the requirements of section 255.

“(g) **ACHIEVABLE DEFINED.**—For purposes of this section and section 718, the term ‘achievable’ means with reasonable effort or expense, as determined by the Commission. In determining whether the requirements of a provision are achievable, the Commission shall consider the following factors:

“(1) The nature and cost of the steps needed to meet the requirements of this section with respect to the specific equipment or service in question.

“(2) The technical and economic impact on the operation of the manufacturer or provider and on the operation of the specific equipment or service in question, including on the development and deployment of new communications technologies.

“(3) The type of operations of the manufacturer or provider.

“(4) The extent to which the service provider or manufacturer in question offers accessible services or equipment containing varying degrees of functionality and features, and offered at differing price points.

“(h) **COMMISSION FLEXIBILITY.**—

“(1) **WAIVER.**—The Commission shall have the authority, on its own motion or in response to a petition by a manufacturer or provider of advanced communications services or any interested party, to waive the requirements of this section for any feature or function of equipment used to provide or access advanced communications services, or for any class of such equipment, for any provider of advanced communications services, or for any class of such services, that—

“(A) is capable of accessing an advanced communications service; and

“(B) is designed for multiple purposes, but is designed primarily for purposes other than using advanced communications services.

“(2) **SMALL ENTITY EXEMPTION.**—The Commission may exempt small entities from the requirements of this section.

“(i) **CUSTOMIZED EQUIPMENT OR SERVICES.**—The provisions of this section shall not apply to customized equipment or services that are not offered directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

“(j) **RULE OF CONSTRUCTION.**—This section shall not be construed to require a manufacturer of equipment used for advanced communications or a provider of advanced communications services to make every feature and function of every device or service accessible for every disability.

“SEC. 717. ENFORCEMENT AND RECORDKEEPING OBLIGATIONS.

“(a) **COMPLAINT AND ENFORCEMENT PROCEDURES.**—Within one year after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Commission shall establish regulations that facilitate the filing of formal and informal complaints that allege a violation of section 255, 716, or 718, establish procedures for enforcement actions by the Commission with respect to such violations, and implement the recordkeeping obligations of paragraph (5) for manufacturers and providers subject to such sections. Such regulations shall include the following provisions:

“(1) **NO FEE.**—The Commission shall not charge any fee to an individual who files a

complaint alleging a violation of section 255, 716, or 718.

“(2) **RECEIPT OF COMPLAINTS.**—The Commission shall establish separate and identifiable electronic, telephonic, and physical receptacles for the receipt of complaints filed under section 255, 716, or 718.

“(3) **COMPLAINTS TO THE COMMISSION.**—

“(A) **IN GENERAL.**—Any person alleging a violation of section 255, 716, or 718 by a manufacturer of equipment or provider of service subject to such sections may file a formal or informal complaint with the Commission.

“(B) **INVESTIGATION OF INFORMAL COMPLAINT.**—The Commission shall investigate the allegations in an informal complaint and, within 180 days after the date on which such complaint was filed with the Commission, issue an order concluding the investigation, unless such complaint is resolved before such time. The order shall include a determination whether any violation occurred.

“(i) If the Commission determines that a violation has occurred, the Commission may, in the order issued under this subparagraph or in a subsequent order, direct the manufacturer or service provider to bring the service, or in the case of a manufacturer, the next generation of the equipment or device, into compliance with requirements of those sections within a reasonable time established by the Commission in its order.

“(ii) **NO VIOLATION.**—If a determination is made that a violation has not occurred, the Commission shall provide the basis for such determination.

“(C) **CONSOLIDATION OF COMPLAINTS.**—The Commission may consolidate for investigation and resolution complaints alleging substantially the same violation.

“(4) **OPPORTUNITY TO RESPOND.**—Before the Commission makes a determination pursuant to paragraph (3), the party that is the subject of the complaint shall have a reasonable opportunity to respond to such complaint, and may include in such response any factors that are relevant to such determination. Before issuing a final order under paragraph (3)(B)(i), the Commission shall provide such party a reasonable opportunity to comment on any proposed remedial action.

“(5) **RECORDKEEPING.**—(A) Beginning one year after the effective date of regulations promulgated pursuant to section 716(e), each manufacturer and provider subject to sections 255, 716, and 718 shall maintain, in the ordinary course of business and for a reasonable period, records of the efforts taken by such manufacturer or provider to implement sections 255, 716, and 718, including the following:

“(i) Information about the manufacturer’s or provider’s efforts to consult with individuals with disabilities.

“(ii) Descriptions of the accessibility features of its products and services.

“(iii) Information about the compatibility of such products and services with peripheral devices or specialized customer premise equipment commonly used by individuals with disabilities to achieve access.

“(B) An officer of a manufacturer or provider shall submit to the Commission an annual certification that records are being kept in accordance with subparagraph (A).

“(C) After the filing of a formal or informal complaint against a manufacturer or provider in the manner prescribed in paragraph (3), the Commission may request, and shall keep confidential, a copy of the records maintained by such manufacturer or provider pursuant to subparagraph (A) of this paragraph that are directly relevant to the equipment or service that is the subject of such complaint.

“(6) **FAILURE TO ACT.**—If the Commission fails to carry out any of its responsibilities to act upon a complaint in the manner prescribed in paragraph (3), the person that filed such complaint may bring an action in the nature of mandamus in the United States Court of Appeals for the District of Columbia to compel the Commission to carry out any such responsibility.

“(7) **COMMISSION JURISDICTION.**—The limitations of section 255(f) shall apply to any claim that alleges a violation of section 255, 716, or 718. Nothing in this paragraph affects or limits any action for mandamus under paragraph (6) or any appeal pursuant to section 402(b)(10).

“(8) **PRIVATE RESOLUTIONS OF COMPLAINTS.**—Nothing in the Commission’s rules or this Act shall be construed to preclude a person who files a complaint and a manufacturer or provider from resolving a formal or informal complaint prior to the Commission’s final determination in a complaint proceeding. In the event of such a resolution, the parties shall jointly request dismissal of the complaint and the Commission shall grant such request.

“(b) **REPORTS TO CONGRESS.**—

“(1) **IN GENERAL.**—Every two years after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that includes the following:

“(A) An assessment of the level of compliance with sections 255, 716, and 718.

“(B) An evaluation of the extent to which any accessibility barriers still exist with respect to new communications technologies.

“(C) The number and nature of complaints received pursuant to subsection (a) during the two years that are the subject of the report.

“(D) A description of the actions taken to resolve such complaints under this section, including forfeiture penalties assessed.

“(E) The length of time that was taken by the Commission to resolve each such complaint.

“(F) The number, status, nature, and outcome of any actions for mandamus filed pursuant to subsection (a)(6) and the number, status, nature, and outcome of any appeals filed pursuant to section 402(b)(10).

“(G) An assessment of the effect of the requirements of this section on the development and deployment of new communications technologies.

“(2) **PUBLIC COMMENT REQUIRED.**—The Commission shall seek public comment on its tentative findings prior to submission to the Committees of the report under this subsection.

“(c) **COMPTROLLER GENERAL ENFORCEMENT STUDY.**—

“(1) **IN GENERAL.**—The Comptroller General shall conduct a study to consider and evaluate the following:

“(A) The Commission’s compliance with the requirements of this section, including the Commission’s level of compliance with the deadlines established under and pursuant to this section and deadlines for acting on complaints pursuant to subsection (a).

“(B) Whether the enforcement actions taken by the Commission pursuant to this section have been appropriate and effective in ensuring compliance with this section.

“(C) Whether the enforcement provisions under this section are adequate to ensure compliance with this section.

“(D) Whether, and to what extent (if any), the requirements of this section have an effect on the development and deployment of new communications technologies.

“(2) REPORT.—Not later than 5 years after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the results of the study required by paragraph (1), with recommendations for how the enforcement process and measures under this section may be modified or improved.

“(d) CLEARINGHOUSE.—Within one year after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Commission shall, in consultation with the Architectural and Transportation Barriers Compliance Board, the National Telecommunications and Information Administration, trade associations, and organizations representing individuals with disabilities, establish a clearinghouse of information on the availability of accessible products and services and accessibility solutions required under sections 255, 716, and 718. Such information shall be made publicly available on the Commission's website and by other means, and shall include an annually updated list of products and services with access features.

“(e) OUTREACH AND EDUCATION.—Upon establishment of the clearinghouse of information required under subsection (d), the Commission, in coordination with the National Telecommunications and Information Administration, shall conduct an informational and educational program designed to inform the public about the availability of the clearinghouse and the protections and remedies available under sections 255, 716, and 718.

“SEC. 718. INTERNET BROWSERS BUILT INTO TELEPHONES USED WITH PUBLIC MOBILE SERVICES.

“(a) ACCESSIBILITY.—If a manufacturer of a telephone used with public mobile services (as such term is defined in section 710(b)(4)(B)) includes an Internet browser in such telephone, or if a provider of mobile service arranges for the inclusion of a browser in telephones to sell to customers, the manufacturer or provider shall ensure that the functions of the included browser (including the ability to launch the browser) are accessible to and usable by individuals who are blind or have a visual impairment, unless doing so is not achievable, except that this subsection shall not impose any requirement on such manufacturer or provider—

“(1) to make accessible or usable any Internet browser other than a browser that such manufacturer or provider includes or arranges to include in the telephone; or

“(2) to make Internet content, applications, or services accessible or usable (other than enabling individuals with disabilities to use an included browser to access such content, applications, or services).

“(b) INDUSTRY FLEXIBILITY.—A manufacturer or provider may satisfy the requirements of subsection (a) with respect to such telephone or services by—

“(1) ensuring that the telephone or services that such manufacturer or provider offers is accessible to and usable by individuals with disabilities without the use of third party applications, peripheral devices, software, hardware, or customer premises equipment; or

“(2) using third party applications, peripheral devices, software, hardware, or customer premises equipment that is available to the consumer at nominal cost and that individuals with disabilities can access.”.

(b) EFFECTIVE DATE FOR SECTION 718.—Section 718 of the Communications Act of 1934, as added by subsection (a), shall take effect 3 years after the date of enactment of this Act.

(c) TITLE V AMENDMENTS.—Section 503(b)(2) of such Act (47 U.S.C. 503(b)(2)) is amended by adding after subparagraph (E) the following:

“(F) Subject to paragraph (5) of this section, if the violator is a manufacturer or service provider subject to the requirements of section 255, 716, or 718, and is determined by the Commission to have violated any such requirement, the manufacturer or provider shall be liable to the United States for a forfeiture penalty of not more than \$100,000 for each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of \$1,000,000 for any single act or failure to act.”.

(d) REVIEW OF COMMISSION DETERMINATIONS.—Section 402(b) of such Act (47 U.S.C. 402(b)) is amended by adding the following new paragraph:

“(10) By any person who is aggrieved or whose interests are adversely affected by a determination made by the Commission under section 717(a)(3).”.

SEC. 105. RELAY SERVICES FOR DEAF-BLIND INDIVIDUALS.

Title VII of the Communications Act of 1934, as amended by section 104, is further amended by adding at the end the following:

“SEC. 719. RELAY SERVICES FOR DEAF-BLIND INDIVIDUALS.

“(a) IN GENERAL.—Within 6 months after the date of enactment of the Equal Access to 21st Century Communications Act, the Commission shall establish rules that define as eligible for relay service support those programs that are approved by the Commission for the distribution of specialized customer premises equipment designed to make telecommunications service, Internet access service, and advanced communications, including interexchange services and advanced telecommunications and information services, accessible by individuals who are deaf-blind.

“(b) INDIVIDUALS WHO ARE DEAF-BLIND DEFINED.—For purposes of this subsection, the term ‘individuals who are deaf-blind’ has the same meaning given such term in the Helen Keller National Center Act, as amended by the Rehabilitation Act Amendments of 1992 (29 U.S.C. 1905(2)).

“(c) ANNUAL AMOUNT.—The total amount of support the Commission may provide from its interstate relay fund for any fiscal year may not exceed \$10,000,000.”.

SEC. 106. EMERGENCY ACCESS ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—For the purpose of achieving equal access to emergency services by individuals with disabilities, as a part of the migration to a national Internet protocol-enabled emergency network, not later than 60 days after the date of enactment of this Act, the Chairman of the Commission shall establish an advisory committee, to be known as the Emergency Access Advisory Committee (referred to in this section as the “Advisory Committee”).

(b) MEMBERSHIP.—As soon as practicable after the date of enactment of this Act, the Chairman of the Commission shall appoint the members of the Advisory Committee, en-

suring a balance between individuals with disabilities and other stakeholders, and shall designate two such members as the co-chairs of the Committee. Members of the Advisory Committee shall be selected from the following groups:

(1) STATE AND LOCAL GOVERNMENT AND EMERGENCY RESPONDER REPRESENTATIVES.—Representatives of State and local governments and representatives of emergency response providers, selected from among individuals nominated by national organizations representing such governments and representatives.

(2) SUBJECT MATTER EXPERTS.—Individuals who have the technical knowledge and expertise to serve on the Advisory Committee in the fulfillment of its duties, including representatives of—

(A) providers of interconnected and non-interconnected VoIP services;

(B) vendors, developers, and manufacturers of systems, facilities, equipment, and capabilities for the provision of interconnected and non-interconnected VoIP services;

(C) national organizations representing individuals with disabilities and senior citizens;

(D) Federal agencies or departments responsible for the implementation of the Next Generation E 9-1-1 system;

(E) the National Institute of Standards and Technology; and

(F) other individuals with such technical knowledge and expertise.

(3) REPRESENTATIVES OF OTHER STAKEHOLDERS AND INTERESTED PARTIES.—Representatives of such other stakeholders and interested and affected parties as the Chairman of the Commission determines appropriate.

(c) DEVELOPMENT OF RECOMMENDATIONS.—Within 1 year after the completion of the member appointment process by the Chairman of the Commission pursuant to subsection (b), the Advisory Committee shall conduct a national survey of individuals with disabilities, seeking input from the groups described in subsection (b)(2), to determine the most effective and efficient technologies and methods by which to enable access to emergency services by individuals with disabilities and shall develop and submit to the Commission recommendations to implement such technologies and methods, including recommendations—

(1) with respect to what actions are necessary as a part of the migration to a national Internet protocol-enabled network to achieve reliable, interoperable communication transmitted over such network that will ensure access to emergency services by individuals with disabilities;

(2) for protocols, technical capabilities, and technical requirements to ensure the reliability and interoperability necessary to ensure access to emergency services by individuals with disabilities;

(3) for the establishment of technical standards for use by public safety answering points, designated default answering points, and local emergency authorities;

(4) for relevant technical standards and requirements for communication devices and equipment and technologies to enable the use of reliable emergency access;

(5) for procedures to be followed by IP-enabled network providers to ensure that such providers do not install features, functions, or capabilities that would conflict with technical standards;

(6) for deadlines by which providers of interconnected and non-interconnected VoIP services and manufacturers of equipment

used for such services shall achieve the actions required in paragraphs (1) through (5), where achievable, and for the possible phase out of the use of current-generation TTY technology to the extent that this technology is replaced with more effective and efficient technologies and methods to enable access to emergency services by individuals with disabilities;

(7) for the establishment of rules to update the Commission's rules with respect to 9-1-1 services and E-911 services (as defined in section 158(e)(4) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942(e)(4))), for users of telecommunications relay services as new technologies and methods for providing such relay services are adopted by providers of such relay services; and

(8) that take into account what is technically and economically feasible.

(d) MEETINGS.—

(1) INITIAL MEETING.—The initial meeting of the Advisory Committee shall take place not later than 45 days after the completion of the member appointment process by the Chairman of the Commission pursuant to subsection (b).

(2) OTHER MEETINGS.—After the initial meeting, the Advisory Committee shall meet at the call of the chairs, but no less than monthly until the recommendations required pursuant to subsection (c) are completed and submitted.

(3) NOTICE; OPEN MEETINGS.—Any meetings held by the Advisory Committee shall be duly noticed at least 14 days in advance and shall be open to the public.

(e) RULES.—

(1) QUORUM.—One-third of the members of the Advisory Committee shall constitute a quorum for conducting business of the Advisory Committee.

(2) SUBCOMMITTEES.—To assist the Advisory Committee in carrying out its functions, the chair may establish appropriate subcommittees composed of members of the Advisory Committee and other subject matter experts as determined to be necessary.

(3) ADDITIONAL RULES.—The Advisory Committee may adopt other rules as needed.

(f) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee.

(g) IMPLEMENTING RECOMMENDATIONS.—The Commission shall have the authority to promulgate regulations to implement the recommendations proposed by the Advisory Committee, as well as any other regulations, technical standards, protocols, and procedures as are necessary to achieve reliable, interoperable communication that ensures access by individuals with disabilities to an Internet protocol-enabled emergency network, where achievable and technically feasible.

(h) DEFINITIONS.—In this section—

(1) the term “Commission” means the Federal Communications Commission;

(2) the term “Chairman” means the Chairman of the Federal Communications Commission; and

(3) except as otherwise expressly provided, other terms have the meanings given such terms in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

TITLE II—VIDEO PROGRAMMING

SEC. 201. VIDEO PROGRAMMING AND EMERGENCY ACCESS ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Chairman shall establish an advisory com-

mittee to be known as the Video Programming and Emergency Access Advisory Committee.

(b) MEMBERSHIP.—As soon as practicable after the date of enactment of this Act, the Chairman shall appoint individuals who have the technical knowledge and engineering expertise to serve on the Advisory Committee in the fulfillment of its duties, including the following:

(1) Representatives of distributors and providers of video programming or a national organization representing such distributors.

(2) Representatives of vendors, developers, and manufacturers of systems, facilities, equipment, and capabilities for the provision of video programming delivered using Internet protocol or a national organization representing such vendors, developers, or manufacturers.

(3) Representatives of manufacturers of consumer electronics or information technology equipment or a national organization representing such manufacturers.

(4) Representatives of video programming producers or a national organization representing such producers.

(5) Representatives of national organizations representing accessibility advocates, including individuals with disabilities and the elderly.

(6) Representatives of the broadcast television industry or a national organization representing such industry.

(7) Other individuals with technical and engineering expertise, as the Chairman determines appropriate.

(c) COMMISSION OVERSIGHT.—The Chairman shall appoint a member of the Commission's staff to moderate and direct the work of the Advisory Committee.

(d) TECHNICAL STAFF.—The Commission shall appoint a member of the Commission's technical staff to provide technical assistance to the Advisory Committee.

(e) DEVELOPMENT OF RECOMMENDATIONS.—

(1) CLOSED CAPTIONING REPORT.—Within 6 months after the date of the first meeting of the Advisory Committee, the Advisory Committee shall develop and submit to the Commission a report that includes the following:

(A) A recommended schedule of deadlines for the provision of closed captioning service.

(B) An identification of the performance requirement for protocols, technical capabilities, and technical procedures needed to permit content providers, content distributors, Internet service providers, software developers, and device manufacturers to reliably encode, transport, receive, and render closed captions of video programming, except for consumer generated media, delivered using Internet protocol.

(C) An identification of additional protocols, technical capabilities, and technical procedures beyond those available as of the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010 for the delivery of closed captions of video programming, except for consumer generated media, delivered using Internet protocol that are necessary to meet the performance objectives identified under subparagraph (B).

(D) A recommendation for technical standards to address the performance objectives identified in subparagraph (B).

(E) A recommendation for any regulations that may be necessary to ensure compatibility between video programming, except for consumer generated media, delivered using Internet protocol and devices capable of receiving and displaying such program-

ming in order to facilitate access to closed captions.

(2) VIDEO DESCRIPTION, EMERGENCY INFORMATION, USER INTERFACES, AND VIDEO PROGRAMMING GUIDES AND MENUS.—Within 18 months after the date of enactment of this Act, the Advisory Committee shall develop and submit to the Commission a report that includes the following:

(A) A recommended schedule of deadlines for the provision of video description and emergency information.

(B) An identification of the performance requirement for protocols, technical capabilities, and technical procedures needed to permit content providers, content distributors, Internet service providers, software developers, and device manufacturers to reliably encode, transport, receive, and render video descriptions of video programming, except for consumer generated media, and emergency information delivered using Internet protocol or digital broadcast television.

(C) An identification of additional protocols, technical capabilities, and technical procedures beyond those available as of the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010 for the delivery of video descriptions of video programming, except for consumer generated media, and emergency information delivered using Internet protocol that are necessary to meet the performance objectives identified under subparagraph (B).

(D) A recommendation for technical standards to address the performance objectives identified in subparagraph (B).

(E) A recommendation for any regulations that may be necessary to ensure compatibility between video programming, except for consumer generated media, delivered using Internet protocol and devices capable of receiving and displaying such programming, except for consumer generated media, in order to facilitate access to video descriptions and emergency information.

(F) With respect to user interfaces, a recommendation for the standards, protocols, and procedures used to enable the functions of apparatus designed to receive or display video programming transmitted simultaneously with sound (including apparatus designed to receive or display video programming transmitted by means of services using Internet protocol) to be accessible to and usable by individuals with disabilities.

(G) With respect to user interfaces, a recommendation for the standards, protocols, and procedures used to enable on-screen text menus and other visual indicators used to access the functions on an apparatus described in subparagraph (F) to be accompanied by audio output so that such menus or indicators are accessible to and usable by individuals with disabilities.

(H) With respect to video programming guides and menus, a recommendation for the standards, protocols, and procedures used to enable video programming information and selection provided by means of a navigation device, guide, or menu to be accessible in real-time by individuals who are blind or visually impaired.

(3) CONSIDERATION OF WORK BY STANDARD-SETTING ORGANIZATIONS.—The recommendations of the advisory committee shall, insofar as possible, incorporate the standards, protocols, and procedures that have been adopted by recognized industry standard-setting organizations for each of the purposes described in paragraphs (1) and (2).

(f) MEETINGS.—

(1) **INITIAL MEETING.**—The initial meeting of the Advisory Committee shall take place not later than 180 days after the date of the enactment of this Act.

(2) **OTHER MEETINGS.**—After the initial meeting, the Advisory Committee shall meet at the call of the Chairman.

(3) **NOTICE; OPEN MEETINGS.**—Any meeting held by the Advisory Committee shall be noticed at least 14 days before such meeting and shall be open to the public.

(g) **PROCEDURAL RULES.**—

(1) **QUORUM.**—The presence of one-third of the members of the Advisory Committee shall constitute a quorum for conducting the business of the Advisory Committee.

(2) **SUBCOMMITTEES.**—To assist the Advisory Committee in carrying out its functions, the Chairman may establish appropriate subcommittees composed of members of the Advisory Committee and other subject matter experts.

(3) **ADDITIONAL PROCEDURAL RULES.**—The Advisory Committee may adopt other procedural rules as needed.

(h) **FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee.

SEC. 202. VIDEO DESCRIPTION AND CLOSED CAPTIONING.

(a) **VIDEO DESCRIPTION.**—Section 713 of the Communications Act of 1934 (47 U.S.C. 613) is amended—

(1) by striking subsections (f) and (g);

(2) by redesignating subsection (h) as subsection (j); and

(3) by inserting after subsection (e) the following:

“(f) **VIDEO DESCRIPTION.**—

“(1) **REINSTATEMENT OF REGULATIONS.**—On the day that is 1 year after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Commission shall, after a rulemaking, reinstate its video description regulations contained in the Implementation of Video Description of Video Programming Report and Order (15 F.C.C.R. 15.230 (2000)), reconfirmed in part and denied in part, (16 F.C.C.R. 1251 (2001)), modified as provided in paragraph (2).

“(2) **MODIFICATIONS TO REINSTATED REGULATIONS.**—Such regulations shall be modified only as follows:

“(A) The regulations shall apply to video programming, as defined in subsection (h), insofar as and programming is transmitted for display on television in digital format.

“(B) The Commission shall update the list of the top 25 designated market areas, the list of the top 5 national nonbroadcast networks that at least 50 hours per quarter of prime time programming that is not exempt under this paragraph, and the beginning calendar quarter for which compliance shall be calculated.

“(C) The regulations may permit a provider of video programming or a program owner to petition the Commission for an exemption from the requirements of this section upon a showing that the requirements contained in this section be economically burdensome.

“(D) The Commission may exempt from the regulations established pursuant to paragraph (1) a service, class of services, program, class of programs, equipment, or class of equipment for which the Commission has determined that the application of such regulations would be economically burdensome for the provider of such service, program, or equipment.

“(E) The regulations shall not apply to live or near-live programming.

“(F) The regulations shall provide for an appropriate phased schedule of deadlines for compliance.

“(G) The Commission shall consider extending the exemptions and limitations in the reinstated regulations for technical capability reasons to all providers and owners of video programming.

“(3) **INQUIRIES ON FURTHER VIDEO DESCRIPTION REQUIREMENTS.**—The Commission shall commence the following inquiries not later than 1 year after the completion of the phase-in of the reinstated regulations and shall report to Congress 1 year thereafter on the findings for each of the following:

“(A) **VIDEO DESCRIPTION IN TELEVISION PROGRAMMING.**—The availability, use, and benefits of video description on video programming distributed on television, the technical and creative issues associated with providing such video description, and the financial costs of providing such video description for providers of video programming and program owners.

“(B) **VIDEO DESCRIPTION IN VIDEO PROGRAMMING DISTRIBUTED ON THE INTERNET.**—The technical and operational issues, costs, and benefits of providing video descriptions for video programming that is delivered using Internet protocol.

“(4) **CONTINUING COMMISSION AUTHORITY.**—

“(A) **IN GENERAL.**—The Commission may not issue additional regulations unless the Commission determines, at least 2 years after completing the reports required in paragraph (3), that the need for and benefits of providing video description for video programming, insofar as such programming is transmitted for display on television, are greater than the technical and economic costs of providing such additional programming.

“(B) **LIMITATION.**—If the Commission makes the determination under subparagraph (A) and issues additional regulations, the Commission may not increase, in total, the hour requirement for additional described programming by more than 75 percent of the requirement in the regulations reinstated under paragraph (1).

“(C) **APPLICATION TO DESIGNATED MARKET AREAS.**—

“(i) **IN GENERAL.**—After the Commission completes the reports on video description required in paragraph (3), the Commission shall phase in the video description regulations for the top 60 designated market areas, except that the Commission may grant waivers to entities in specific designated market areas where it deems appropriate.

“(ii) **PHASE-IN DEADLINE.**—The phase-in described in clause (i) shall be completed not later than 6 years after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010.

“(iii) **REPORT.**—Nine years after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Commission shall submit to the Committee on Energy of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report assessing—

“(I) the types of described video programming that is available to consumers;

“(II) consumer use of such programming;

“(III) the costs to program owners, providers, and distributors of creating such programming;

“(IV) the potential costs to program owners, providers, and distributors in designated market areas outside of the top 60 of creating such programming;

“(V) the benefits to consumers of such programming;

“(VI) the amount of such programming currently available; and

“(VII) the need for additional described programming in designated market areas outside the top 60.

“(iv) **ADDITIONAL MARKET AREAS.**—Ten years after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Commission shall have the authority, based upon the findings, conclusions, and recommendations contained in the report under clause (iii), to phase in the video description regulations for up to an additional 10 designated market areas each year—

“(I) if the costs of implementing the video description regulations to program owners, providers, and distributors in those additional markets are reasonable, as determined by the Commission; and

“(II) except that the Commission may grant waivers to entities in specific designated market areas where it deems appropriate.

“(g) **EMERGENCY INFORMATION.**—Not later than 1 year after the Advisory Committee report under subsection (e)(2) is submitted to the Commission, the Commission shall complete a proceeding to—

“(1) identify methods to convey emergency information (as that term is defined in section 79.2 of title 47, Code of Federal Regulations) in a manner accessible to individuals who are blind or visually impaired; and

“(2) promulgate regulations that require video programming providers and video programming distributors (as those terms are defined in section 79.1 of title 47, Code of Federal Regulations) and program owners to convey such emergency information in a manner accessible to individuals who are blind or visually impaired.

“(h) **DEFINITIONS.**—For purposes of this section, section 303, and section 330:

“(1) **VIDEO DESCRIPTION.**—The term ‘video description’ means the insertion of audio narrated descriptions of a television program’s key visual elements into natural pauses between the program’s dialogue.

“(2) **VIDEO PROGRAMMING.**—The term ‘video programming’ means programming by, or generally considered comparable to programming provided by a television broadcast station, but not including consumer-generated media (as defined in section 3).

(b) **CLOSED CAPTIONING ON VIDEO PROGRAMMING DELIVERED USING INTERNET PROTOCOL.**—Section 713 of such Act is further amended by striking subsection (c) and inserting the following:

“(c) **DEADLINES FOR CAPTIONING.**—

“(1) **IN GENERAL.**—The regulations prescribed pursuant to subsection (b) shall include an appropriate schedule of deadlines for the provision of closed captioning of video programming once published or exhibited on television.

“(2) **DEADLINES FOR PROGRAMMING DELIVERED USING INTERNET PROTOCOL.**—

“(A) **REGULATIONS ON CLOSED CAPTIONING ON VIDEO PROGRAMMING DELIVERED USING INTERNET PROTOCOL.**—Not later than 6 months after the submission of the report to the Commission required by subsection (e)(1) of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Commission shall revise its regulations to require the provision of closed captioning on video programming delivered using Internet protocol that was published or exhibited on television with captions after the effective date of such regulations.

“(B) **SCHEDULE.**—The regulations prescribed under this paragraph shall include an

appropriate schedule of deadlines for the provision of closed captioning, taking into account whether such programming is prerecorded and edited for Internet distribution, or whether such programming is live or near-live and not edited for Internet distribution.

“(C) **COST.**—The Commission may delay or waive the regulation promulgated under subparagraph (A) to the extent the Commission finds that the application of the regulation to live video programming delivered using Internet protocol with captions after the effective date of such regulations would be economically burdensome to providers of video programming or program owners.

“(D) **REQUIREMENTS FOR REGULATIONS.**—The regulations prescribed under this paragraph—

“(i) shall contain a definition of ‘near-live programming’ and ‘edited for Internet distribution’;

“(ii) may exempt any service, class of service, program, class of program, equipment, or class of equipment for which the Commission has determined that the application of such regulations would be economically burdensome for the provider of such service, program, or equipment;

“(iii) shall clarify that, for the purposes of implementation, of this subsection, the terms ‘video programming distribution’ and ‘video programming providers’ include an entity that makes available directly to the end user video programming through a distribution method that uses Internet protocol;

“(iv) and describe the responsibilities of video programming providers or distributors and video programming owners;

“(v) shall establish a mechanism to make available to video programming providers and distributors information on video programming subject to the Act on an ongoing basis;

“(vi) shall consider that the video programming provider or distributor shall be deemed in compliance if such entity enables the rendering or pass through of closed captions and video description signals and make a good faith effort to identify video programming subject to the Act using the mechanism created in (v); and

“(vii) shall provide that de minimis failure to comply with such regulations by a video programming provider or owner shall not be treated as a violation of the regulations.

“(3) **ALTERNATE MEANS OF COMPLIANCE.**—An entity may meet the requirements of this section through alternate means than those prescribed by regulations pursuant to subsection (b), as revised pursuant to paragraph (2)(A) of this subsection, if the requirements of this section are met, as determined by the Commission.”.

(c) **CONFORMING AMENDMENT.**—Section 713(d) of such Act is amended by striking paragraph (3) and inserting the following:

“(3) a provider of video programming or program owner may petition the Commission for an exemption from the requirements of this section, and the Commission may grant such petition upon a showing that the requirements contained in this section would be economically burdensome. During the pendency of such a petition, such provider or owner shall be exempt from the requirements of this section. The Commission shall act to grant or deny any such petition, in whole or in part, within 6 months after the Commission receives such petition, unless the Commission finds that an extension of the 6-month period is necessary to determine whether such requirements are economically burdensome.”.

SEC. 203. CLOSED CAPTIONING DECODER AND VIDEO DESCRIPTION CAPABILITY.

(a) **AUTHORITY TO REGULATE.**—Section 303(u) of the Communications Act of 1934 (47 U.S.C. 303(u)) is amended to read as follows:

“(u) Require that, if technically feasible—
“(1) apparatus designed to receive or play back video programming transmitted simultaneously with sound, if such apparatus is manufactured in the United States or imported for use in the United States and uses a picture screen of any size—

“(A) be equipped with built-in closed caption decoder circuitry or capability designed to display closed-captioned video programming;

“(B) have the capability to decode and make available the transmission and delivery of video description services as required by regulations reinstated and modified pursuant to section 713(f); and

“(C) have the capability to decode and make available emergency information (as that term is defined in section 79.2 of the Commission’s regulations (47 CFR 79.2)) in a manner that is accessible to individuals who are blind or visually impaired; and

“(2) notwithstanding paragraph (1) of this subsection—

“(A) apparatus described in such paragraph that use a picture screen that is less than 13 inches in size meet the requirements of subparagraph (A), (B), or (C) of such paragraph only if the requirements of such subparagraphs are achievable (as defined in section 716);

“(B) any apparatus or class of apparatus that are display-only video monitors with no playback capability are exempt from the requirements of such paragraph; and

“(C) the Commission shall have the authority, on its own motion or in response to a petition by a manufacturer, to waive the requirements of this subsection for any apparatus or class of apparatus—

“(i) primarily designed for activities other than receiving or playing back video programming transmitted simultaneously with sound; or

“(ii) for equipment designed for multiple purposes, capable of receiving or playing video programming transmitted simultaneously with sound but whose essential utility is derived from other purposes.”.

(b) **OTHER DEVICES.**—Section 303 of the Communications Act of 1934 (47 U.S.C. 303) is further amended by adding at the end the following new subsection:

“(z) Require that—

“(1) if achievable (as defined in section 716), apparatus designed to record video programming transmitted simultaneously with sound, if such apparatus is manufactured in the United States or imported for use in the United States, enable the rendering or the pass through of closed captions, video description signals, and emergency information (as that term is defined in section 79.2 of title 47, Code of Federal Regulations) such that viewers are able to activate and deactivate the closed captions and video description as the video programming is played back on a picture screen of any size; and

“(2) interconnection mechanisms and standards for digital video source devices are available to carry from the source device to the consumer equipment the information necessary to permit or render the display of closed captions and to make encoded video description and emergency information audible.”.

(c) **SHIPMENT IN COMMERCE.**—Section 330(b) of the Communications Act of 1934 (47 U.S.C. 330(b)) is amended—

(1) by striking “303(u)” in the first sentence and inserting “303(u) and (z)”;

(2) by striking the second sentence and inserting the following: “Such rules shall provide performance and display standards for such built-in decoder circuitry or capability designed to display closed captioned video programming, the transmission and delivery of video description services, and the conveyance of emergency information as required by section 303 of this Act.”; and

(3) in the fourth sentence, by striking “closed-captioning service continues” and inserting “closed-captioning service and video description service continue”.

(d) **IMPLEMENTING REGULATIONS.**—The Federal Communications Commission shall prescribe such regulations as are necessary to implement the requirements of sections 303(u), 303(z), and 330(b) of the Communications Act of 1934, as amended by this section, including any technical standards, protocols, and procedures needed for the transmission of—

(1) closed captioning within 6 months after the submission to the Commission of the Advisory Committee report required by section 201(e)(1); and

(2) video description and emergency information within 18 months after the submission to the Commission of the Advisory Committee report required by section 201(e)(2).

(e) **ALTERNATE MEANS OF COMPLIANCE.**—An entity may meet the requirements of sections 303(u), 303(z), and 330(b) of the Communications Act of 1934 through alternate means than those prescribed by regulations pursuant to subsection (d) if the requirements of those sections are met, as determined by the Commission.

SEC. 204. USER INTERFACES ON DIGITAL APPARATUS.

(a) **AMENDMENT.**—Section 303 of the Communications Act of 1934 (47 U.S.C. 303) is further amended by adding after subsection (z), as added by section 203 of this Act, the following new subsection:

“(aa) Require—

“(1) if achievable (as defined in section 716) that digital apparatus designed to receive or play back video programming transmitted in digital format simultaneously with sound, including apparatus designed to receive or display video programming transmitted in digital format using Internet protocol, be designed, developed, and fabricated so that control of appropriate built-in apparatus functions are accessible to and usable by individuals who are blind or visually impaired, except that the Commission may not specify the technical standards, protocols, procedures, and other technical requirements for meeting this requirement;

“(2) that if on-screen text menus or other visual indicators built in to the digital apparatus are used to access the functions of the apparatus described in paragraph (1), such functions shall be accompanied by audio output that is either integrated or peripheral to the apparatus, so that such menus or indicators are accessible to and usable by individuals who are blind or visually impaired in real-time;

“(3) that for such apparatus equipped with the functions described in paragraphs (1) and (2) built in access to those closed captioning and video description features through a mechanism that is reasonably comparable to a button, key, or icon designated by activating the closed captioning or accessibility features; and

“(4) that in applying this subsection the term ‘apparatus’ does not include a navigation device, as such term is defined in section 76.1200 of the Commission’s rules (47 CFR 76.1200).”

(b) IMPLEMENTING REGULATIONS.—Within 18 months after the submission to the Commission of the Advisory Committee report required by section 201(e)(2), the Commission shall prescribe such regulations as are necessary to implement the amendments made by subsection (a).

(c) ALTERNATE MEANS OF COMPLIANCE.—An entity may meet the requirements of section 303(aa) of the Communications Act of 1934 through alternate means than those prescribed by regulations pursuant to subsection (b) if the requirements of those sections are met, as determined by the Commission.

(d) DEFERRAL OF COMPLIANCE WITH ATSC MOBILE DTV STANDARD A/153.—A digital apparatus designed and manufactured to receive or play back the Advanced Television Systems Committee’s Mobile DTV Standards A/153 shall not be required to meet the requirements of the regulations prescribed under subsection (b) for a period of not less than 24 months after the date on which the final regulations are published in the Federal Register.

SEC. 205. ACCESS TO VIDEO PROGRAMMING GUIDES AND MENUS PROVIDED ON NAVIGATION DEVICES.

(a) AMENDMENT.—Section 303 of the Communications Act of 1934 (47 U.S.C. 303) is further amended by adding after subsection (aa), as added by section 204 of this Act, the following new subsection:

“(bb) Require—

“(1) if achievable (as defined in section 716), that the on-screen text menus and guides provided by navigation devices (as such term is defined in section 76.1200 of title 47, Code of Federal Regulations) for the display or selection of multichannel video programming are audibly accessible in real-time upon request by individuals who are blind or visually impaired, except that the Commission may not specify the technical standards, protocols, procedures, and other technical requirements for meeting this requirement; and

“(2) for navigation devices with built-in closed captioning capability, that access to that capability through a mechanism is reasonably comparable to a button, key, or icon designated for activating the closed captioning, or accessibility features.

With respect to apparatus features and functions delivered in software, the requirements set forth in this subsection shall apply to the manufacturer of such software. With respect to apparatus features and functions delivered in hardware, the requirements set forth in this subsection shall apply to the manufacturer of such hardware.”

(b) IMPLEMENTING REGULATIONS.—

(1) IN GENERAL.—Within 18 months after the submission to the Commission of the Advisory Committee report required by section 201(e)(2), the Commission shall prescribe such regulations as are necessary to implement the amendment made by subsection (a).

(2) EXEMPTION.—Such regulations may provide an exemption from the regulations for cable systems serving 20,000 or fewer subscribers.

(3) RESPONSIBILITY.—An entity shall only be responsible for compliance with the requirements added by this section with respect to navigation devices that it provides to a requesting blind or visually impaired individual.

(4) SEPARATE EQUIPMENT OR SOFTWARE.—

(A) IN GENERAL.—Such regulations shall permit but not require the entity providing the navigation device to the requesting blind or visually impaired individual to comply with section 303(bb)(1) of the Communications Act of 1934 through that entity’s use of software, a peripheral device, specialized consumer premises equipment, a network-based service or other solution, and shall provide the maximum flexibility to select the manner of compliance.

(B) REQUIREMENTS.—If an entity complies with section 303(bb)(1) of the Communications Act of 1934 under subparagraph (A), the entity providing the navigation device to the requesting blind or visually impaired individual shall provide any such software, peripheral device, equipment, service, or solution at no additional charge and within a reasonable time to such individual and shall ensure that such software, device, equipment, service, or solution provides the access required by such regulations.

(5) USER CONTROLS FOR CLOSED CAPTIONING.—Such regulations shall permit the entity providing the navigation device maximum flexibility in the selection of means for compliance with section 303(bb)(2) of the Communications Act of 1934 (as added by subsection (a) of this section).

(6) PHASE-IN.—

(A) IN GENERAL.—The Commission shall provide affected entities with—

(i) not less than 2 years after the adoption of such regulations to begin placing in service devices that comply with the requirements of section 303(bb)(2) of the Communications Act of 1934 (as added by subsection (a) of this section); and

(ii) not less than 3 years after the adoption of such regulations to begin placing in service devices that comply with the requirements of section 303(bb)(1) of the Communications Act of 1934 (as added by subsection (a) of this section).

(B) APPLICATION.—Such regulations shall apply only to devices manufactured or imported on or after the respective effective dates established in subparagraph (A).

SEC. 206. DEFINITIONS.

In this title:

(1) ADVISORY COMMITTEE.—The term “Advisory Committee” means the advisory committee established in section 201.

(2) CHAIRMAN.—The term “Chairman” means the Chairman of the Federal Communications Commission.

(3) COMMISSION.—The term “Commission” means the Federal Communications Commission.

(4) EMERGENCY INFORMATION.—The term “emergency information” has the meaning given such term in section 79.2 of title 47, Code of Federal Regulations.

(5) INTERNET PROTOCOL.—The term “Internet protocol” includes Transmission Control Protocol and a successor protocol or technology to Internet protocol.

(6) NAVIGATION DEVICE.—The term “navigation device” has the meaning given such term in section 76.1200 of title 47, Code of Federal Regulations.

(7) VIDEO DESCRIPTION.—The term “video description” has the meaning given such term in section 713 of the Communications Act of 1934 (47 U.S.C. 613).

(8) VIDEO PROGRAMMING.—The term “video programming” has the meaning given such term in section 713 of the Communications Act of 1934 (47 U.S.C. 613).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. MARKEY) and the

gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY of Massachusetts. I yield myself such time as I may consume.

Mr. Speaker, I would like to begin by commending subcommittee Chairman BOUCHER for his incredible work on this issue. I also commend Chairman WAXMAN, who dedicated a lot of time to making sure that this piece of legislation would come to fruition here this evening. I would also like to thank Chairman STEARNS—Ranking Member STEARNS on the minority side—along with Mr. BARTON, who is the ranking member of the full committee, Mr. BURGESS, and all of the minority members.

If you were to look up in the dictionary the words “bipartisan effort,” this bill’s number would be next to that effort.

□ 2110

On July 26, the 20th anniversary of the Americans with Disabilities Act, the House passed, by an overwhelming bipartisan margin of 348–23, the 21st Century Communications and Video Accessibility Act that I’d introduced last year to update the ADA for the digital era.

On August 5 the Senate passed the companion bill by unanimous consent, and then on September 22 the Senate unanimously passed the bill to make technical corrections to its companion bill. We are now taking up both of these bills, and we’ll send them, after passage, to the President to be signed into law.

If you’re an individual who’s blind, deaf, or both, navigating an intersection can be a challenge, but navigating the Internet can sometimes be even more difficult; and that’s because laws to ensure equal treatment for Americans with disabilities have focused primarily on things like wheelchair access rather than Web access. That is about to change.

At this historic moment, I’d like to think that Helen Keller and Annie Sullivan are looking down on us here tonight and smiling. This picture was taken in 1888 in Brewster, Massachusetts, on Cape Cod. Whether it is a braille reader or a broadband connection, access to technology is not a political issue—it’s a participation issue. Each of us should be able to participate in the world to the fullest extent possible, and the latest communications and video devices and services can enrich and ennoble how Americans experience and enjoy their lives.

Coming out of the Energy and Commerce Committee’s Telecommunications Subcommittee over the last two decades have been a whole series of legislative initiatives aimed at broadening access for Americans who are

disabled to technologies that can help them do things that most of us take for granted.

In 1990, we made sure that Americans who are deaf could make telephone calls.

Around the same time, 1990, we mandated that television shows be closed captioned for the deaf so that they can enjoy the same entertainment and other programming as many Americans. Many deaf and hard-of-hearing people say that closed captioning is the single modern accessibility technology that has changed their lives the most.

And in 1996, in the Telecommunications Act, we inserted language which required accessibility of all telephone equipment, including telephones, telephone calls, call waiting, speed dialing, caller ID, and related services.

Twenty years ago, the ADA mandated physical ramps into buildings. Today, individuals with disabilities need online ramps to the Internet so that they can get to the Web from wherever they happen to be.

From the time of Helen Keller and Annie Sullivan through the Americans with Disabilities Act to closed captioning for television programming and ability of the deaf to make telephone calls, and now to the 21st Century Communications and Video Accessibility Act on the floor tonight, we've made important progress. We've moved from braille to broadcast, from broadband to the BlackBerry.

Annie Sullivan used special language she spelled in Helen Keller's palm. In the 21st century, we've moved from tracing letters of the alphabet on a palm to navigating a Palm Pilot, and we must ensure that all of these devices are accessible to the deaf and the blind in our society. That's what this legislation does here this evening.

Annie Sullivan was an incredibly dedicated and determined teacher. Now, technology needs to be the teacher, the constant companion providing instruction and access to the world and opportunities that otherwise would be out of reach. Helen Keller did learn to speak—and Helen Keller is still speaking to us tonight—about how all of us should make the most of our abilities and participate in society to the fullest, but we need the technologies to make that possible being made accessible to each American.

The bill we are considering tonight significantly increases accessibility for Americans with disabilities to the indispensable telecommunications and video technology tools of the 21st century by making getting on the Web easier through improved user interfaces for smartphones; enabling Americans who are blind to enjoy TV more fully through audible descriptions of the on-air action; making cable TV program guides and selection menus accessible to people with vision loss;

providing Americans who are deaf the ability to watch new TV programs online with the captions included; mandating that remote controls have a button or similar mechanism to easily access the closed captioning on broadcast and pay TV; requiring that telecom equipment used to make calls over the Internet is compatible with hearing aids; and for low-income Americans who are deaf and blind, providing a share of the total \$10 million per year of funding to purchase accessible Internet access and telecom services so these individuals can more fully participate in our society.

I thank my colleagues for their support for this landmark legislation.

I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield myself such time as I may consume.

This bill will help Americans with hearing or vision disabilities, or those who have both, allow them access to 21st century technology and prohibit the Federal Communications Commission from mandating proprietary technologies, relying instead on advisory committees and industry-developed technical standards.

The members of the House Energy and Commerce Committee, on a bipartisan basis, supported this legislation when it moved through the committee and the House in July. I want to commend my colleagues on the other side of the aisle for working with the minority and with all of the stakeholders to get a consensus. Because of that work, the bill originally passed this House by a vote of 348–23.

We are now considering the Senate version in an effort to move the bill quickly to the President. Unfortunately, the version from the other body originally included a number of significant technical errors. To fix those errors, the other body passed S. 3828 to make corrections to their work.

As corrected, S. 3304, like the House bill, includes language explicitly stating that the new provisions of the law shall not be construed to require every feature and function, of every device or service, to be accessible for every disability. Furthermore, the law will create goals rather than impose technology mandates, which will allow innovation in this area to flourish. In that same spirit, it allows manufacturers and providers to rely on third-party solutions in order to achieve accessibility for people with disabilities.

However, all businesses and their products are not created equal. This bill recognizes that some small businesses and fledgling entrepreneurs may not be able to bear the financial burden of these new requirements, so there is the possibility of exemptions for small businesses. The legislation also contemplates waivers for some multi-function devices that are not primarily designed for advanced communications, as well as authorizes the Federal

Communications Commission to grant waivers to address concerns of the electronics community about very small devices.

I, again, want to thank the majority for working together on this bill. I wish the rest of the legislation that has been considered in this Congress could have been dealt with in such a collaborative process.

With that, Mr. Speaker, I ask my colleagues to support the bill.

I reserve the balance of my time.

GENERAL LEAVE

Mr. MARKEY of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 3304.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARKEY of Massachusetts. I yield myself such time as I may consume.

This bill has been several years in the making. It's going to have a transformative effect on the lives of the deaf and the blind in our country, and ultimately in the world, because the technologies we develop here will help all of the deaf and blind be able to use information in this wireless world that all information is now migrating to.

□ 2120

I want to thank Roger Sherman, Tim Powderly, Sarah Fisher, Amy Levine on the Democratic side. Neil Fried and Will Carty on the Republican side for their great work. To Colin Crowell on my staff for many years, who helped to conceptualize what it is that we are doing today. And especially to Mark Bayer on my staff, who has worked tirelessly over the last year and a half to bring this bill to fruition. Looking down I think and smiling right now on this legislation are Karen Peltz Strauss, Rosaline Crawford, Jenifer Simpson, Eric Bridges, Mark Richert, Larry Goldberg, Steve Rothstein from the Perkins School, and Mike Festa at the Carroll Center. Incredible advocates, and the conscience of this issue, why we're here. I thank all who worked on this legislation.

I urge an "aye" vote.

I yield back the balance of my time.

Mr. BURGESS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. MARKEY) that the House suspend the rules and pass the bill, S. 3304.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MAKING TECHNICAL CORRECTIONS IN THE TWENTY-FIRST CENTURY COMMUNICATIONS AND VIDEO ACCESSIBILITY ACT OF 2010

Mr. MARKEY of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3828) to make technical corrections in the Twenty-First Century Communications and Video Accessibility Act of 2010 and the amendments made by that Act.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3828

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT OF TWENTY-FIRST CENTURY COMMUNICATIONS AND VIDEO ACCESSIBILITY ACT OF 2010.

The Twenty-First Century Communications and Video Accessibility Act of 2010 is amended—

(1) by striking the item relating to section 105 in the table of contents in section 1(b) and inserting the following:

“Sec. 105. Relay services for deaf-blind individuals.”;

(2) by striking “requirement” in section 201(e)(1)(B) and inserting “objectives”;

(3) by striking “requirement” in section 201(e)(2)(B) and inserting “objectives”;

(4) by inserting “or digital broadcast television” after “protocol” in section 201(e)(2)(C); and

(5) by inserting “or digital broadcast television” after “protocol” in section 201(e)(2)(E).

SEC. 2. AMENDMENT OF COMMUNICATIONS ACT OF 1934.

The Communications Act of 1934 (47 U.S.C. 151 et seq.), as amended by the Twenty-First Century Communications and Video Accessibility Act of 2010, is amended—

(1) by striking “do not” in section 716(d);

(2) by striking “facilities” in section 716(e)(1)(D) and inserting “facilitate”;

(3) by striking “provider in the manner prescribed in paragraph (3),” in section 717(a)(5)(C) and inserting “provider,”;

(4) by striking “Equal Access to 21st Century Communications Act” in section 719(a) and inserting “Twenty-First Century Communications and Video Accessibility Act of 2010”;

(5) by inserting “low-income” after “accessible by” in section 719(a);

(6) by striking “and” in section 713(f)(2)(A) and inserting “such”;

(7) by inserting “have” after “that” the first place it appears in section 713(f)(2)(B);

(8) by inserting “and Commerce” after “Energy” in section 713(f)(4)(C)(iii);

(9) by striking “programming distribution” in section 713(c)(2)(D)(iii) and inserting “programming distributors”;

(10) by striking “progamming” in section 713(c)(2)(D)(v) and inserting “programming”;

(11) by striking “and video description signals and make” in section 713(c)(2)(D)(vi) and inserting “and makes”;

(12) by striking “by” in section 303(aa)(3) and inserting “for”;

(13) by striking “and” after the semicolon in section 303(bb)(1);

(14) by striking “features.” in section 303(bb)(2) and inserting “features; and”; and

(15) by striking the matter following subdivision (2) of section 303(bb) and inserting the following:

“(3) that, with respect to navigation device features and functions—

“(A) delivered in software, the requirements set forth in this subsection shall apply to the manufacturer of such software; and

“(B) delivered in hardware, the requirements set forth in this subsection shall apply to the manufacturer of such hardware.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. MARKEY of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARKEY of Massachusetts. I rise in support of this legislation to make corrections to the bill that the House just passed. The corrections are technical in nature, and once this bill passes, the House will send to the President landmark legislation to update our country's accessibility laws for the Internet age.

Again, I thank the minority for their cooperation on this historic legislation. It does show what good can be done when this institution works as it should. I thank my colleagues for their support.

I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I also urge our colleagues to support the technical corrections which are necessary for the previously passed bill. I yield back the balance of my time.

Mr. MARKEY of Massachusetts. Mr. Speaker, I have no further requests for time, so with the request that this body in unison vote “aye” on this historic legislation, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. MARKEY) that the House suspend the rules and pass the bill, S. 3828.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PEDIATRIC RESEARCH CONSORTIA ESTABLISHMENT ACT

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 758) to amend title IV of the Public Health Service Act to provide for the establishment of pediatric research consortia, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 758

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Pediatric Research Consortia Establishment Act”.

SEC. 2. NATIONAL PEDIATRIC RESEARCH CONSORTIA.

Subpart 7 of part C of title IV of the Public Health Service Act (42 U.S.C. 285g et seq.) is amended by adding at the end the following:

“SEC. 452H. NATIONAL PEDIATRIC RESEARCH CONSORTIA.

“(a) IN GENERAL.—The Director of NIH, acting through the Director of the Eunice Kennedy Shriver National Institute of Child Health and Human Development and in collaboration with all other Institutes of the National Institutes of Health that support pediatric research, may, subject to the availability of funds, award grants, contracts, or cooperative agreements to public or nonprofit private entities to pay all or part of the cost of planning, establishing, and providing basic operating support for up to 20 national pediatric research consortia. The Director of NIH shall take unmet research needs into account when making awards under this section.

“(b) RESEARCH.—Research conducted under this section shall supplement, but not replace, research that is otherwise conducted or supported as part of the comprehensive pediatric research portfolio of entities receiving awards under subsection (a). Consortia established under subsection (a) shall, in the aggregate, conduct basic, clinical, behavioral, social, or translational research to meet unmet research needs, as well as training in and demonstration of advanced diagnostic and treatment methods relating to pediatrics, as appropriate.

“(c) COORDINATION OF CONSORTIA REPORTS.—The Director of NIH shall—

“(1) as appropriate, provide for the coordination of information among consortia established under subsection (a) and ensure regular communication between such consortia; and

“(2) require the periodic preparation of reports on the activities of the consortia and the submission of the reports to the Director.

“(d) ORGANIZATION OF CONSORTIUM.—Each consortium established under subsection (a) shall be formed from a collaboration of cooperating institutions with a lead institution, meeting such requirements as may be prescribed by the Director of NIH, including participation in a network of such consortia.

“(e) LIMITATION.—Payments under subsection (a) shall not exceed \$2,500,000 per year for each consortium in the first 5-year cycle.

“(f) DURATION OF PAYMENTS.—Payments under subsection (a) for a consortium may be provided under this section for a period of 5 years and may be extended for additional periods of 5 years each, with enhanced funding opportunities based on a review of the operations by an appropriate scientific review.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of H. Res. 758, the Pediatric Research Consortia Establishment Act. The goal of H.R. 758 is to enhance the Nation's research program into pediatric conditions by creating a strong research infrastructure. I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, H.R. 758, the Pediatric Research Consortia Establishment Act, would allow the National Institutes of Health to support up to 20 national pediatric research consortia that would conduct vital pediatric research. Specifically, the Pediatric Research Consortia Establishment Act would allow but not require the National Institutes of Health award grants to public or nonprofit private entities to pay for the cost of planning, establishing, and providing a basic operating support for up to 20 national pediatric research consortia. These consortia would conduct basic clinical, behavioral, social, and translational research. They could also provide training on advanced diagnostic and treatment methods relating to pediatrics. The consortia will foster efficiency and collaboration at all levels of pediatric research, and they will provide patients with greater access to vital research.

I urge my colleagues to support the bill.

Mr. KING of New York. Mr. Speaker, I rise today in support of H.R. 758, the Pediatric Research Consortia Establishment Act.

This legislation is an important step towards understanding and eradicating diseases in children. The consortia will lead to new insights to the major disorders that affect children and will empower researchers to discover innovative strategies for diagnosis and treatment.

Pediatric research and care is currently underfunded despite the fact that children comprise 20 percent of our nation's population. Enrolling and evaluating a sufficiently large group of children is the most effective way of understanding these disorders and to monitor how they manifest in adults. By having Pediatric research institutions collaborate and share information in a methodical way, we can speed up breakthroughs and treatments to fight diseases that affect children.

This investment in research is an important step in speeding up the development of therapies to combat devastating diseases in children. I am proud to support this legislation.

I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I urge support for the bill and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the

rules and pass the bill, H.R. 758, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BURGESS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

VETERINARY PUBLIC HEALTH AMENDMENTS ACT OF 2010

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2999) to amend the Public Health Service Act to enhance and increase the number of veterinarians trained in veterinary public health, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2999

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterinary Public Health Amendments Act of 2010".

SEC. 2. INCLUSION OF VETERINARY PUBLIC HEALTH IN CERTAIN PUBLIC HEALTH WORKFORCE PROVISIONS.

(a) *PUBLIC HEALTH WORKFORCE GRANTS.—Subsections (b)(1)(A) and (d)(6) of section 765 of the Public Health Service Act (42 U.S.C. 295) are amended by inserting "veterinary public health," after "preventive medicine," each place it appears.*

(b) *PUBLIC HEALTH WORKFORCE LOAN REPAYMENT PROGRAM.—*

(1) *IN GENERAL.—Subparagraphs (A) and (B) of section 776(b)(1) of the Public Health Service Act (42 U.S.C. 295f-1(b)(1)) are amended by striking "public health or health professions degree or certificate" each place it appears and inserting "public health (including veterinary public health) or health professions degree or certificate".*

(2) *TECHNICAL CORRECTION.—Subparagraph (A) of section 776(b)(1) of the Public Health Service Act (42 U.S.C. 295f-1(b)(1)) is amended by adding "or" at the end.*

(c) *DEFINITION.—Section 799B of the Public Health Service Act (42 U.S.C. 295p) is amended by adding at the end the following:*

"(27) VETERINARY PUBLIC HEALTH.—The term 'veterinary public health' includes veterinarians engaged in one or more of the following areas to the extent such areas have an impact on human health: biodefense and emergency preparedness, emerging and reemerging infectious diseases, environmental health, ecosystem health, pre- and post-harvest food protection, regulatory medicine, diagnostic laboratory medicine, veterinary pathology, biomedical research, the practice of food animal medicine in rural areas, and government practice."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

I rise today, Mr. Speaker, in strong support of H.R. 2999, the Veterinary Public Health Amendments of 2010. Veterinary medicine is an important component of our human public health system. From H1N1 to SARS to food safety, public health veterinarians are critical to our protection of human health.

This bill would ensure that veterinary public health professionals are eligible for two important public health workforce programs, but only to the extent that the work of these veterinarians has an impact on human health. I commend Representative BALDWIN for her leadership on this legislation. I urge my colleagues to support the bill.

I reserve the balance of my time.

□ 2130

Mr. BURGESS. Mr. Speaker, H.R. 2999, the Veterinary Public Health Workforce and Education Act, would take important steps to increase the number of public health veterinarians.

Food animal veterinarians play a vital role in public health, and experts have said that there is a major shortage. This shortage will have a negative impact on our public health, including the safety of our Nation's food supply. This legislation will help us solve that problem.

H.R. 2999 would allow those seeking veterinary public health degrees to be eligible for public health workforce loan repayment programs. It would also permit the Secretary of Health and Human Services to award training grants to increase the veterinary public health workforce.

On committee we worked in a bipartisan basis to ensure that it is crystal clear that our Nation's food animal veterinarians will be eligible for programs under this bill. We need more food animal veterinarians, and this will help us get there. I urge my colleagues to support this bill.

I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I also yield back the balance of my time and urge passage of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 2999, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BURGESS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GESTATIONAL DIABETES ACT OF 2010

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5354) to establish an Advisory Committee on Gestational Diabetes, to provide grants to better understand and reduce gestational diabetes, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5354

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gestational Diabetes Act of 2010" or the "GEDI Act".

SEC. 2. GESTATIONAL DIABETES.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by adding after section 317H the following:

"SEC. 317H-1. GESTATIONAL DIABETES.

"(a) UNDERSTANDING AND MONITORING GESTATIONAL DIABETES.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, in consultation with the Diabetes Mellitus Interagency Coordinating Committee established under section 429 and representatives of appropriate national health organizations, shall develop a multisite gestational diabetes research project within the diabetes program of the Centers for Disease Control and Prevention to expand and enhance surveillance data and public health research on gestational diabetes.

"(2) AREAS TO BE ADDRESSED.—The research project developed under paragraph (1) shall address—

"(A) procedures to establish accurate and efficient systems for the collection of gestational diabetes data within each State and commonwealth, territory, or possession of the United States;

"(B) the progress of collaborative activities with the National Vital Statistics System, the National Center for Health Statistics, and State health departments with respect to the standard birth certificate, in order to improve surveillance of gestational diabetes;

"(C) postpartum methods of tracking women with gestational diabetes after delivery as well as targeted interventions proven to lower the incidence of type 2 diabetes in that population;

"(D) variations in the distribution of diagnosed and undiagnosed gestational diabetes, and of impaired fasting glucose tolerance and impaired fasting glucose, within and among groups of women; and

"(E) factors and culturally sensitive interventions that influence risks and reduce the inci-

dence of gestational diabetes and related complications during childbirth, including cultural, behavioral, racial, ethnic, geographic, demographic, socioeconomic, and genetic factors.

"(3) REPORT.—Not later than 2 years after the date of the enactment of this section, and annually thereafter, the Secretary shall generate a report on the findings and recommendations of the research project including prevalence of gestational diabetes in the multisite area and disseminate the report to the appropriate Federal and non-Federal agencies.

"(b) EXPANSION OF GESTATIONAL DIABETES RESEARCH.—

"(1) IN GENERAL.—The Secretary shall expand and intensify public health research regarding gestational diabetes. Such research may include—

"(A) developing and testing novel approaches for improving postpartum diabetes testing or screening and for preventing type 2 diabetes in women with a history of gestational diabetes; and

"(B) conducting public health research to further understanding of the epidemiologic, socioenvironmental, behavioral, translation, and biomedical factors and health systems that influence the risk of gestational diabetes and the development of type 2 diabetes in women with a history of gestational diabetes.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$5,000,000 for each fiscal year 2012 through 2016.

"(c) DEMONSTRATION GRANTS TO LOWER THE RATE OF GESTATIONAL DIABETES.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall award grants, on a competitive basis, to eligible entities for demonstration projects that implement evidence-based interventions to reduce the incidence of gestational diabetes, the recurrence of gestational diabetes in subsequent pregnancies, and the development of type 2 diabetes in women with a history of gestational diabetes.

"(2) PRIORITY.—In making grants under this subsection, the Secretary shall give priority to projects focusing on—

"(A) helping women who have 1 or more risk factors for developing gestational diabetes;

"(B) working with women with a history of gestational diabetes during a previous pregnancy;

"(C) providing postpartum care for women with gestational diabetes;

"(D) tracking cases where women with a history of gestational diabetes developed type 2 diabetes;

"(E) educating mothers with a history of gestational diabetes about the increased risk of their child developing diabetes;

"(F) working to prevent gestational diabetes and prevent or delay the development of type 2 diabetes in women with a history of gestational diabetes; and

"(G) achieving outcomes designed to assess the efficacy and cost-effectiveness of interventions that can inform decisions on long-term sustainability, including third-party reimbursement.

"(3) APPLICATION.—An eligible entity desiring to receive a grant under this subsection shall submit to the Secretary—

"(A) an application at such time, in such manner, and containing such information as the Secretary may require; and

"(B) a plan to—

"(i) lower the rate of gestational diabetes during pregnancy; or

"(ii) develop methods of tracking women with a history of gestational diabetes and develop effective interventions to lower the incidence of the recurrence of gestational diabetes in subse-

quent pregnancies and the development of type 2 diabetes.

"(4) USES OF FUNDS.—An eligible entity receiving a grant under this subsection shall use the grant funds to carry out demonstration projects described in paragraph (1), including—

"(A) expanding community-based health promotion education, activities, and incentives focused on the prevention of gestational diabetes and development of type 2 diabetes in women with a history of gestational diabetes;

"(B) aiding State- and tribal-based diabetes prevention and control programs to collect, analyze, disseminate, and report surveillance data on women with, and at risk for, gestational diabetes, the recurrence of gestational diabetes in subsequent pregnancies, and, for women with a history of gestational diabetes, the development of type 2 diabetes; and

"(C) training and encouraging health care providers—

"(i) to promote risk assessment, high-quality care, and self-management for gestational diabetes and the recurrence of gestational diabetes in subsequent pregnancies; and

"(ii) to prevent the development of type 2 diabetes in women with a history of gestational diabetes, and its complications in the practice settings of the health care providers.

"(5) REPORT.—Not later than 4 years after the date of the enactment of this section, the Secretary shall prepare and submit to the Congress a report concerning the results of the demonstration projects conducted through the grants awarded under this subsection.

"(6) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means a nonprofit organization (such as a nonprofit academic center or community health center) or a State, tribal, or local health agency.

"(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$5,000,000 for each fiscal year 2012 through 2016.

"(d) POSTPARTUM FOLLOW-UP REGARDING GESTATIONAL DIABETES.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall work with the State- and tribal-based diabetes prevention and control programs assisted by the Centers to encourage postpartum follow-up after gestational diabetes, as medically appropriate, for the purpose of reducing the incidence of gestational diabetes, the recurrence of gestational diabetes in subsequent pregnancies, the development of type 2 diabetes in women with a history of gestational diabetes, and related complications."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as many as 135,000 women in the United States each year develop gestational diabetes, and this number is steadily growing. Many

women who have had gestational diabetes later developed type 2 diabetes. Babies born to women with gestational diabetes are also at risk for high birth weight.

The Gestational Diabetes Act, sponsored by Representatives ENGEL and BURGESS, will expand research and grant resources available through the Department of Health and Human Services to fight this dangerous disease. It is an important piece of legislation. I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield myself as much time as I may consume.

I rise today in strong support of H.R. 5354. I worked on this bill with Mr. ENGEL. This bill has gone through regular order and passed the Energy and Commerce Committee unanimously, and I thank all of the staff involved, from the personal staff levels of Mr. ENGEL's office and mine, and the committee staff for their hard work on the bill before us today.

As an obstetrician, I have witnessed the effect of gestational diabetes on both mother and child. Gestational diabetes is a growing problem, and we really don't know why. Unlike type 2 diabetes, gestational diabetes has a very different issue, requiring a unique approach.

Gestational diabetes affects between 2 and 5 percent of pregnant women, about 135,000 cases in the United States each year, and usually occurs late in pregnancy. If left untreated, gestational diabetes can have a significant impact on both mother and child. Women and children affected by gestational diabetes are at higher risk of developing type 2 diabetes, and it is associated with additional health problems for both mother and child during both pregnancy and childbirth.

In addition, once a mother contracts gestational diabetes, her chances are 2 in 3 that it may return in future pregnancies. That is why this act, the Gestational Diabetes Act of 2009, is a vital investment in our future. This bill will allow for the collection of data and the study of risk factors, as well as continued postpartum evaluations, with the goal of developing proven intervention strategies that will lower the rates of gestational diabetes.

For example, maternal obesity is an independent and more important risk factor for large infants and women with gestational diabetes than it is with simple glucose intolerance.

This legislation has the support of many groups, including the American Diabetes Association, the American Association of Diabetes Educators, the American College of Obstetricians and Gynecologists.

There is currently an insufficient system for monitoring cases of gesta-

tional diabetes to uncover trends and target at-risk populations.

This legislation will go beyond what we do know and promote public health research to understand the epidemiological, socioenvironmental, behavioral, translation, and biomedical factors that influence the risk of gestational diabetes and type 2 diabetes. Current treatments are primarily focused on diet and exercise, but there is general disagreement about the degree to which each should be recommended and the overall effectiveness of this approach. There needs to be greater understanding by both providers and patients on how to prevent and treat this condition. New therapies and interventions to detect, treat and slow the incidence of gestational diabetes need to be identified. Through targeted research we will be able to identify triggers that result in gestational diabetes in women with no previous risk factors. Given the tremendous impact for this disease, I urge support of the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield back the balance of my time and urge passage of the bill.

Mr. ENGEL. Mr. Speaker, I am proud to stand here today as the sponsor of the Gestational Diabetes Act and urge my colleagues to support this important bipartisan legislation.

I would like to thank my colleague and an original sponsor of the legislation, Dr. BURGESS and his staff member, James Paluskiewicz for their efforts on behalf of this legislation. I would also like to thank the Committee staff who worked tirelessly to bring this bill to the floor today. Specifically, I would like to acknowledge Anne Morris of the Energy and Commerce Committee and Emily Gibbons of the Health subcommittee who is also a former member of my staff.

Mr. Speaker, every single year 135,000 women in the United States are diagnosed with gestational diabetes. And, while gestational diabetes generally goes away after pregnancy, it can have significant health impacts upon both the mother and baby. In particular, women are at much higher risk of developing Type 2 diabetes in the future, and their children are at higher risk of obesity and/or the onset of Type 2 diabetes as adults.

This is why I introduced the GEDI Act. This bill aims to lower the incidence of gestational diabetes and prevent women afflicted with this condition and their children from developing Type 2 diabetes.

We need to have a greater understanding on how to prevent and treat this condition. There is currently an insufficient system for monitoring cases of gestational diabetes to uncover trends and target at risk populations. In addition, new therapies and interventions to detect, treat and slow the disease need to be identified. The GEDI Act will help us accomplish those goals.

This legislation is supported by the American Diabetes Association, the American Association of Colleges of Pharmacy, American Association of Diabetes Educators, the American

Congress of Obstetricians and Gynecologists, the American Medical Women's Association, the Association of Women's Health, Obstetric and Neonatal Nurses, the International Community Health Services, and the Society for Women's Health Research.

The statistics surrounding diabetes are staggering, but we must always remember there is a human face behind every number, with far too many of them being pregnant women and their children.

Mr. Speaker, I urge my colleagues to vote in favor of this important legislation.

Mr. BURGESS. Mr. Speaker, seeing no further speakers on my time, I will just say the increased incidence in the United States has raised the prevalence, but the risk of gestational diabetes can also be due to genetics, ethnicity, and maternal age. The rates of gestational diabetes are higher among women of African American, Hispanic, Asian and Native American descent. In addition, there is currently an insufficient system for monitoring cases of gestational diabetes, which this legislation will begin to correct.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 5354, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BURGESS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

METHAMPHETAMINE EDUCATION, TREATMENT, AND HOPE ACT OF 2010

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2818) to amend the Public Health Service Act to provide for the establishment of a drug-free workplace information clearinghouse, to support residential methamphetamine treatment programs for pregnant and parenting women, to improve the prevention and treatment of methamphetamine addiction, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2818

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Methamphetamine Education, Treatment, and Hope Act of 2010”.

SEC. 2. ENHANCING HEALTH CARE PROVIDER AWARENESS OF METHAMPHETAMINE ADDICTION.

Section 507(b) of the Public Health Service Act (42 U.S.C. 290bb(b)) is amended—

(1) by redesignating paragraphs (13) and (14) as paragraphs (14) and (15), respectively; and

(2) by inserting after paragraph (12) the following:

“(13) collaborate with professionals in the addiction field and primary health care providers to raise awareness about how to—

“(A) recognize the signs of a substance abuse disorder; and

“(B) apply evidence-based practices for screening and treating individuals with or at risk for developing an addiction, including addiction to methamphetamine or other drugs.”;

SEC. 3. RESIDENTIAL TREATMENT PROGRAMS FOR PREGNANT AND PARENTING WOMEN.

Section 508 of the Public Health Service Act (42 U.S.C. 290bb-1) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “postpartum women treatment for substance abuse” and inserting “parenting women treatment for substance abuse (including treatment for addiction to methamphetamine)”;

(B) in paragraph (1), by striking “reside in” and inserting “reside in or receive outpatient treatment services from”; and

(C) in paragraph (2), by striking “the minor children of the women reside with the women in such facilities” and inserting “the minor children of the women who reside in such facilities reside with such women”;

(2) in subsection (d), by amending paragraph (2) to read as follows:

“(2) Referrals for necessary hospital and dental services.”;

(3) by amending subsection (m) to read as follows:

“(m) **ALLOCATION OF AWARDS.**—In making awards under subsection (a), the Director shall give priority to any entity that agrees to use the award for a program serving an area that—

“(1) is a rural area, an area designated under section 332 by the Administrator of the Health Resources and Services Administration as a health professional shortage area with a shortage of mental health professionals, or an area determined by the Director to have a shortage of family-based substance abuse treatment options; and

“(2) is determined by the Director to have high rates of addiction to methamphetamine or other drugs.”;

(4) in subsection (p)—

(A) by striking “October 1, 1994” and inserting “one year after the date of the enactment of the Methamphetamine Education, Treatment, and Hope Act of 2010”;

(B) by inserting “In submitting reports under this subsection, the Director may use data collected under this section or other provisions of law, insofar as such data is used in a manner consistent with all Federal privacy laws applicable to the use of data collected under this section or other provision, respectively.” after “biennial report under section 501(k).”; and

(C) by striking “Each report under this subsection shall include” and all that follows and inserting “Each report under this subsection shall, with respect to the period for which the report is prepared, include the following:

“(1) A summary of any evaluations conducted under subsection (o).

“(2) Data on the number of pregnant and parenting women in need of, but not receiving,

treatment for substance abuse. Such data shall include, but not be limited to, the number of pregnant and parenting women in need of, but not receiving, treatment for methamphetamine abuse, disaggregated by State and tribe.

“(3) Data on recovery and relapse rates of women receiving treatment for substance abuse under programs carried out pursuant to this section, including data disaggregated with respect to treatment for methamphetamine abuse.”;

(5) by redesignating subsections (q) and (r) as subsections (r) and (s), respectively;

(6) by inserting after subsection (p) the following:

“(q) **METHAMPHETAMINE ADDICTION.**—In carrying out this section, the Director shall expand, intensify, and coordinate efforts to provide pregnant and parenting women treatment for addiction to methamphetamine or other drugs.”; and

(7) in subsection (s) (as so redesignated), by striking “such sums as may be necessary to fiscal years 2001 through 2003” and inserting “\$16,000,000 for fiscal year 2012, \$16,500,000 for fiscal year 2013, \$17,000,000 for fiscal year 2014, \$17,500,000 for fiscal year 2015, and \$18,000,000 for fiscal year 2016”.

SEC. 4. WORKPLACE INFORMATION CLEARINGHOUSE.

Section 515(b) of the Public Health Service Act (42 U.S.C. 290bb-21(b)) is amended—

(1) in paragraph (10), by striking “and” at the end;

(2) by redesignating paragraph (11) as paragraph (13); and

(3) by inserting after paragraph (10) the following new paragraph:

“(11) maintain a clearinghouse that provides information and educational materials to employers and employees about comprehensive drug-free workplace programs and substance abuse prevention and treatment resources.”.

SEC. 5. YOUTH INVOLVEMENT IN PREVENTION STRATEGIES.

Section 515(b) of the Public Health Service Act (42 U.S.C. 290bb-21(b)), as amended by section 4, is further amended by inserting after paragraph (11) the following new paragraph:

“(12) support the involvement of youth in the development and implementation of prevention strategies focused on youth, with regard to methamphetamine and other drugs; and”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of H.R. 2818, the Methamphetamine Education, Treatment and Hope Act, or METH Act, introduced by Representative MCNERNEY. This bill reauthorizes and updates HHS programs for family-based substance abuse treatment, workplace education, and youth.

Mr. Speaker, I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, H.R. 2818, the Methamphetamine Education, Treatment and Hope Act, would reauthorize the residential treatment program for pregnant and low-income women. Currently, the program is only available for those receiving inpatient drug addiction treatment. This legislation would expand the scope to women who are receiving outpatient treatment.

According to the Substance Abuse and Mental Health Services Administration, methamphetamine is a stimulant that is highly addictive. The drug can have a severe impact on an individual's physical and mental well-being.

Under the legislation, priority for the grants would be given to programs in rural areas and mental health professional shortage areas that have high rates of addiction to methamphetamine or other drugs.

I urge my colleagues to support this legislation.

I yield back the balance of my time.

□ 2140

Mr. PALLONE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. MCNERNEY), who is the bill's sponsor, and I do want to thank him for all this work on what is really an important issue. The meth crisis is really severe in this country, and this bill seeks to address that in a significant way.

Mr. MCNERNEY. Mr. Speaker, I rise today in support of H.R. 2818, the Methamphetamine Education, Treatment, and Hope Act, a bill I was proud to introduce.

Unfortunately, methamphetamine use is a serious problem throughout the country, including California and my district. For instance, one recent survey indicates that meth use by children 12 years and older increased by 60 percent between 2008 and 2009. That is 154,000 new users of methamphetamine in 2009, compared to only 95,000 new users in 2008.

Children don't start using meth or other drugs without learning it from someone else, and, sadly, they are often introduced to it by adult family members.

By improving Federal treatment programs so they serve all parenting women, H.R. 2818 enables mothers to receive the help they need. This bill will benefit mothers and children alike. Addressing addictions will also help reduce drug-related crimes and benefit children and families.

H.R. 2818 also includes provisions that will ensure that the rural areas with a shortage of mental health professionals or family-based substance abuse treatment centers are provided the resources they need. By focusing grants in areas with higher concentrations of drug use, we can effectively utilize appropriated funds.

I have worked with Members on both sides of the aisle to introduce this bill and update the current law. Congresswoman BONO MACK joined me as an original cosponsor, and this bill traveled through the legislative process. Constructive suggestions by the minority members of the Committee on Energy and Commerce were incorporated to improve the legislation.

Improving meth treatment programs will help reduce crime and benefit children, and I urge my colleagues to support this bipartisan effort.

Mr. PALLONE. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 2818, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BURGESS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 1177. An act to require the Secretary of the Treasury to mint coins in recognition of five United States Army 5-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry "Hap" Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

H.R. 3689. An act to provide for an extension of the legislative authority of the Vietnam Veterans Memorial Fund, Inc. to establish a Vietnam Veterans Memorial visitor center, and for other purposes.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 3219. An act to amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to insurance and health care, and for other purposes.

H.R. 3940. An act to amend Public Law 96-597 to clarify the authority of the Secretary of the Interior to extend grants and other assistance to facilitate political status public

education programs for the peoples of the non-self-governing territories of the United States.

H.R. 5566. An act to amend title 18, United States Code, to prohibit interstate commerce in animal crush videos, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 3243. An act to require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to initiate all periodic background reinvestigations of certain law enforcement personnel, and for other purposes.

S. 3789. An act to limit access to Social Security account numbers.

SUPPORTING NATIONAL PROSTATE CANCER AWARENESS MONTH

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1485) expressing support for designation of September 2010 as "National Prostate Cancer Awareness Month".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1485

Whereas countless families in the United States live with prostate cancer;

Whereas 1 in 6 men in the United States will be diagnosed with prostate cancer in his lifetime;

Whereas prostate cancer is the most commonly diagnosed non-skin cancer and the second most common cause of cancer-related deaths among men in the United States;

Whereas in 2010, 217,730 men in the United States will be diagnosed with prostate cancer and 32,050 men in the United States will die of prostate cancer;

Whereas 30 percent of new diagnoses of prostate cancer occur in men under the age of 65;

Whereas a man in the United States turns 50 years old approximately every 14 seconds, increasing his odds of developing cancer, including prostate cancer;

Whereas African-American males suffer a prostate cancer incidence rate up to 65 percent higher than White males and double the prostate cancer mortality rates of White males;

Whereas obesity is a significant predictor of the severity of prostate cancer and the probability that the disease will lead to death, and high cholesterol levels are strongly associated with advanced prostate cancer;

Whereas if a man in the United States has 1 family member diagnosed with prostate cancer, he has a 1 in 3 chance of being diagnosed with prostate cancer, if he has 2 family members with such diagnoses, he has an 83 percent risk, and if he has 3 family members with such diagnoses, he then has a 97 percent risk of prostate cancer;

Whereas screening by both a digital rectal examination and a prostate-specific antigen blood test can detect the disease in its early stages, increasing the chances of surviving more than 5 years to nearly 100 percent,

while only 33 percent of men survive more than 5 years if diagnosed during the late stages of the disease;

Whereas there are no noticeable symptoms of prostate cancer while it is still in the early stages, making screening critical;

Whereas ongoing research promises further improvements in prostate cancer prevention, early detection, and treatments;

Whereas educating people in the United States, including health care providers, about prostate cancer and early detection strategies is crucial to saving the lives of men and preserving and protecting families; and

Whereas September 2010 would be an appropriate month to designate as "National Prostate Cancer Awareness Month": Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of "National Prostate Cancer Awareness Month";

(2) declares that steps should be taken—

(A) to raise awareness about the importance of screening methods for, and treatment of, prostate cancer;

(B) to support research so that the screening and treatment of prostate cancer may be improved, and so that the causes of, and a cure for, prostate cancer may be discovered; and

(C) to continue to consider ways for improving access to, and the quality of, health care services for detecting and treating prostate cancer; and

(3) calls on the people of the United States, interested groups, and affected persons—

(A) to promote awareness of prostate cancer;

(B) to take an active role in the fight to end the devastating effects of prostate cancer on individuals, their families, and the economy; and

(C) to observe National Prostate Cancer Awareness Month with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. I yield myself such time as I may consume.

Mr. Speaker, H. Res. 1485 expresses support for the designation of September 2010 as National Prostate Cancer Awareness Month.

I would like to thank Representative NEUGEBAUER for his leadership on this issue, and I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Mr. Speaker, I rise today as the author of H. Res. 1485, to express support for the designation of September as Prostate Cancer Awareness Month by the House of Representatives.

I didn't know much about prostate cancer, other than occasionally one of my friends would turn up with that diagnosis; and about every year when I went to my health care provider, I went through the normal process of having a digital exam and also taking my PSA, and was pretty religious about doing that, always with the good news of a negative result.

Well, that all changed in August of last year when I went for my test and it was decided that additional testing needed to be done. So tests were done, and it was determined that I did in fact have prostate cancer. Once you get cancer, then you get a lot more interested in that subject, and I wanted to share with the folks this evening a little bit about this prostate cancer.

Just in 2010 alone, 217,730 men will be diagnosed with prostate cancer, and 32,000 men in the United States will die from prostate cancer. Thirty percent of the new diagnoses of prostate cancer will occur in men under the age of 65. Prostate cancer takes one life every 18 minutes. In the next 24 hours, prostate cancer will claim the lives of 83 American men.

If a close relative has prostate cancer, a man's risk of the disease more than doubles. With two relatives, his risk increases five times. With three close relatives, the risk is about 97 percent.

African American males suffer prostate cancer at a rate of 65 percent higher than white males and double the prostate cancer mortality rates of their white counterparts.

Obesity is a significant predictor of the severity of prostate cancer and the probability that the disease will lead to death. In fact, high cholesterol levels are strongly associated with advanced prostate cancer.

If a man in the United States has one family member diagnosed with prostate cancer, he has a 1 in 3 chance of being diagnosed with prostate cancer.

What we have learned is that this is a deadly disease, and it affects men. The good news is that once I learned some of those facts, obviously that got my attention. But the good news is that almost 100 percent of the men diagnosed with prostate cancer will stay alive for at least 5 years; about 90 percent of the prostate cancer cases are found while the cancer is still either local or regional, and nearly 100 percent of these men will be alive 5 years after being diagnosed.

So what is the importance of National Prostate Cancer Awareness Month? Well, it is important to recognize that this is a real hazard for men. But, most importantly, and the good

news is, if caught early and treated early, the survival chances are extremely good.

So that is the reason that I decided to bring this resolution before this House and to help bring awareness to the American people, and particularly men, is that it is important to make sure you get screened and to make that a part of your annual physical. And, if you are unfortunate enough to be diagnosed with prostate cancer, that the earlier you detect it, the better your chances of survival and eventual cure are.

So I am about to celebrate the day after tomorrow, on September 30, of being 1 year cancer free. The reason I am able to do that and the reason I am able to stand before this body tonight is because we have got important research going on on how to treat this cancer. There is important research going on on hopefully some day being able to prevent prostate cancer. But until then, it is important that men get screened and get their tests done so that they too can stand and say, You know what? I survived prostate cancer.

Mr. Speaker, I urge the passage of this bill and urge all men get tested.

Mr. PALLONE. I yield back the balance of my time.

Mr. BURGESS. Mr. Speaker, I also want to thank our colleague from Texas for sharing his story with us.

Just to reiterate. Physical exams and blood tests are a primary means of diagnosing the disease, and all men should discuss this matter with their physicians to determine the best course for them, particularly men who are most at risk.

Again, I want to thank Representative NEUGEBAUER from Texas for his work on the resolution, which calls for an increase in awareness of the screening methods and treatments of prostate cancer and continued research into the causes and potential cures.

Mr. Speaker, as a cosponsor of this resolution, I urge Members to support H. Res. 1485.

Mr. BURTON of Indiana. Mr. Speaker, I rise in strong support of H. Res. 1485, a resolution expressing the support of the House of Representatives for the designation of September 2010, as "National Prostate Cancer Awareness Month." I would like to thank the Chairman and Ranking Member of the Energy and Commerce Committee for bringing this important resolution to the Floor. I would also like to thank Representative RANDY NEUGEBAUER for his tireless efforts to raise awareness of this terrible disease.

The prostate is a topic that makes all men uncomfortable, present company included. And because of this fact, the disease has become a silent epidemic. According to the latest statistics, 1 in 6 men will be diagnosed with prostate cancer in their lifetime (218,000 men will be diagnosed with prostate cancer this year alone); this rivals the rate of breast cancer in women which is approximately 1 in 8.

That is why we must promote and support Prostate Cancer Awareness Month, to bring

this issue into the light, and get men to begin having conversations about their prostate health. It is important for men to take advantage of prostate cancer screening exams in order to detect the disease at the earliest opportunity, when it is still curable.

However, getting more men to pay attention to this issue is only half the battle because a recent study funded by the National Cancer Institute demonstrated that the most common available methods of detecting prostate cancer, the PSA blood test and Digital Rectal Exam, DRE, the only preinvasive indicators available for the detection of prostate cancer, are not particularly adept at detecting prostate cancer. The study showed that many PSA blood tests that screen for prostate cancer result in false-negative reassurances and numerous false-positive alarms (15 percent of men with normal PSA levels still have prostate cancer). Even when PSA levels are abnormal, 88 percent of men end up not having prostate cancer that would require surgery but undergo unnecessary biopsies. As a result more than 1,000,000 U.S. men have prostate biopsies annually—costing our health care system approximately \$1.44 billion—many of which could be eliminated if we had advanced diagnostic imaging tools.

When one look at the battle against breast cancer, a disease that again affects about 1 in 8 women, we see that it was a combination of increased awareness along with the development of more sophisticated diagnostic and imaging tools that help improve early detection and survival rates. The same strategy can work for prostate cancer.

For example, preliminary data from a European study demonstrated that when prostate cancer biopsies were guided by high-precision, experimental MRI, they accurately detected 59% of clinically significant prostate cancer missed by at least two consecutive blind biopsies. Unfortunately, today, neither the U.S. Department of Health and Human Services nor the Department of Defense devotes substantial resources to prostate cancer imaging research. I have been told that the National Institutes of Health spent only \$10 million on prostate cancer detection research last year out of a total prostate cancer research budget of \$350 million. In short, there is no concerted Federal effort to bring the equivalent of mammography to prostate cancer detection. Representative CUMMINGS and I have introduced legislation, the PRIME Act (H.R. 1485) to correct this problem. The PRIME Act would, among other things, require the National Institutes of Health (NIH), to: (1) carry out a program to expand and intensify research to develop advanced imaging technologies for prostate cancer detection, diagnosis, and treatment comparable to mammogram technology. I encourage my colleagues to co-sponsor this critically importance legislation.

There is still much work to be done if we want to gain the upper hand against a disease that has negatively impacted so many men and their families. Prostate Cancer Awareness Month is a time for us to discuss and confront this epidemic, regardless of how uncomfortable it makes us feel. Despite the fact that men don't like to address these sorts of issues openly, we must acknowledge that the numbers speak for themselves. 32,000 men will

die in 2010, 1.5 million men will have invasive and inaccurate biopsies performed, and 70,000 men will have treatment failures while trying to seek help for their condition. These statistics stand as stark reminders of the importance of this month and the dialogue that it will hopefully encourage.

It is my hope that through increased awareness and discussion about prostate cancer, we can begin to chip away at this silent killer. We owe it to ourselves, our fathers, grandfathers, brothers, sons, husbands, and friends to make this effort. I urge my colleagues to support H. Res. 1458.

Mr. BURGESS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and agree to the resolution, H. Res. 1485.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

□ 2150

CONCUSSION TREATMENT AND CARE TOOLS ACT OF 2010

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1347) to amend title III of the Public Health Service Act to provide for the establishment and implementation of concussion management guidelines with respect to school-aged children, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1347

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Concussion Treatment and Care Tools Act of 2010" or the "ConTACT Act of 2010".

SEC. 2. CONCUSSION MANAGEMENT GUIDELINES WITH RESPECT TO SCHOOL-AGED CHILDREN.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 317T the following:

"SEC. 317U. CONCUSSION MANAGEMENT GUIDELINES WITH RESPECT TO SCHOOL-AGED CHILDREN.

"(a) CONCUSSION MANAGEMENT GUIDELINES.—
"(1) ESTABLISHMENT.—Not later than 2 years after the date of the enactment of this section, the Secretary shall establish concussion management guidelines that address the prevention, identification, treatment, and management of concussions (as defined by the Secretary) in school-aged children, including standards for such children to return to play after experiencing such a concussion, and shall make available such guidelines and standards to the general public, including health professionals.

"(2) CONFERENCE.—The Secretary shall convene a conference of medical, athletic, and educational stakeholders for purposes of assisting in the establishment of the guidelines.

"(b) GRANTS TO STATES.—

"(1) IN GENERAL.—After establishing the guidelines under subsection (a), the Secretary may make grants to States for purposes of—

"(A) providing for the collection by target entities of information on the incidence and prevalence of concussions among school-aged children attending or participating in such entities;

"(B) adopting, disseminating, and ensuring the implementation by target entities of the guidelines;

"(C) funding implementation by target entities of pre-season baseline and post-injury testing, including computerized testing, for school-aged children; and

"(D) any other activity or purpose specified by the Secretary.

"(2) GRANT APPLICATIONS.—

"(A) IN GENERAL.—To be eligible to receive a grant under this subsection, the Secretary shall require a State to submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall require.

"(B) MINIMUM CONTENTS.—The Secretary shall require that an application of a State under subparagraph (A) contain at a minimum—

"(i) a description of the strategies the State will use to disseminate, and ensure the implementation by target entities of, the guidelines, including coordination with ongoing State-based efforts to implement State laws governing youth concussion management; and

"(ii) an agreement by the State to periodically provide data to the Secretary with respect to the incidence of concussions and second impact syndrome among school-aged children in the State.

"(3) UTILIZATION OF HIGH SCHOOL SPORTS ASSOCIATIONS, YOUTH SPORTS ASSOCIATIONS, ATHLETIC TRAINER ASSOCIATIONS, AND LOCAL CHAPTERS OF NATIONAL BRAIN INJURY ORGANIZATIONS.—In disseminating and ensuring the implementation by target entities of the guidelines pursuant to a grant under this subsection, the Secretary shall require States receiving grants under this subsection to utilize, to the extent practicable, applicable expertise and services offered by high school sports associations, youth sports associations, athletic trainer associations, and local chapters of national brain injury organizations in such States.

"(c) COORDINATION OF ACTIVITIES.—In carrying out activities under this section, the Secretary shall coordinate in an appropriate manner with the heads of other Federal departments and agencies that carry out activities related to concussions and other traumatic brain injuries.

"(d) REPORTS.—

"(1) ESTABLISHMENT OF THE GUIDELINES.—Not later than 2 years after the date of the enactment of this section, the Secretary shall submit to the Congress a report on the implementation of subsection (a).

"(2) GRANT PROGRAM AND DATA COLLECTION.—Not later than 4 years after the date of the enactment of this section, the Secretary shall submit to the Congress a report on the implementation of subsection (b), including—

"(A) the number of States that have adopted the guidelines;

"(B) the number of target entities that have implemented pre-season baseline and post-injury testing, including computerized testing, for school-aged children; and

"(C) the data collected with respect to the incidence of concussions and second impact syndrome among school-aged children.

"(e) DEFINITIONS.—In this section:

"(1) The term 'guidelines' means the concussion management guidelines established under subsection (a).

"(2) The term 'return to play' means, with respect to a school-aged child experiencing a con-

cussion, the return of such child to participating in the sport or other activity related to such concussion.

"(3) The term 'school-aged children' means individuals who are at least 5 years of age and not more than 18 years of age.

"(4) The term 'second impact syndrome' means catastrophic or fatal events that occur when an individual suffers a concussion while symptomatic and healing from a previous concussion.

"(5) The term 'Secretary' means the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention.

"(6) The term 'State' means each of the 50 States and the District of Columbia.

"(7) The term 'target entity' means an elementary school, a secondary school, or a youth sports association."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1347, or the ConTACT Act, will help to reduce the number of concussion-related injuries nationally by improving a school's ability to guide return-to-play decisions and by raising awareness for parents, students, health professionals, and others of the consequences of multiple concussions.

I want to thank Mr. SHIMKUS and Mr. BARTON for their willingness to work on this bill with me and, of course, thank the sponsor of the bill, my colleague from New Jersey (Mr. PASCRELL) who has worked so hard on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, H.R. 1347, the Concussion Treatment and Care Tools Act seeks to reduce the number of concussions sustained by our young people.

According to the Centers for Disease Control and Prevention, a concussion is a type of traumatic brain injury. The Centers for Disease Control estimates that 1.7 million people sustain a traumatic brain injury each year. Some of these are sustained by children while they are playing sports. This bill will help reduce that number.

The bill would require the Centers for Disease Control to develop model guidelines that address the prevention, identification, treatment, and management of concussions in school-age children, including standards for student

athletes to return to play after a concussion.

The bill also would direct the secretary to convene a conference of experts to develop the model guidelines. The secretary would be allowed, but not required, to award grants to States to help implement these guidelines. I must also note that the bill would ensure that the Centers for Disease Control uses its existing budget to award these grants if they deem them necessary. It does not create a separate funding source for these grants.

I urge my colleagues to support the bill.

I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield such time as he may consume to the sponsor of the bill, my colleague from New Jersey (Mr. PASCARELL). I just want to say he has worked tirelessly as an advocate for this bill, doing investigations and having a hearing that we held in the State of New Jersey. As you know, he was very aggressive in a very positive way to make sure this bill came to the floor.

Mr. PASCARELL. Mr. Speaker, as you know, Speaker PELOSI gavelled in the 110th Congress on behalf of America's children. Today I am proud to say the House will consider this bipartisan bill to protect our children in youth sports.

As cochair of the Congressional Brain Injury Task Force with Congressman PLATTS from Pennsylvania, I have worked for the last 9 years on the issue of brain injury for our troops, as well as those who are playing sports, all sports, men and women.

Back then, we had no idea how prevalent brain injury would become for our youth. A study published this month in *Pediatrics* found that between 1997 and 2007, the number of children seeking emergency medical care for concussions doubled.

To address this growing problem for schools, Congressman TODD PLATTS and I introduced the ConTACT Act, H.R. 1347, to create Federal guidelines on concussion management and a grant program for States to implement these policies.

This bill is dedicated to kids like Ryne Dougherty, a constituent of mine who died after returning to a football game without recovering from a previous concussion, and Niki Popyer, who suffered over 11 concussions from basketball. While we did not have the proper guidelines in place to protect them on the field of play, this bill would create Federal guidelines, not by the Congress but by professionals, to protect other student athletes so they can excel not only in sports but in school.

I want to thank Speaker PELOSI, and I want to thank Majority Leader HOYER for recognizing the importance of bringing this bill to the floor, and Chairman WAXMAN and Chairman PALLONE for helping this particular bill through the committee process.

I want to thank the organizations that supported the bill, that recognized its value for our citizens: The Brain Injury Association, Easter Seals, the NFL, the NFL Players Association, the Parkinson's Action Network, the National Athletic Trainers Association, the National Association of Head Injury Administrators, the New Jersey Council of General Hospitals, and the American College of Rehabilitation Medicine.

This is a big deal for the kids that are our children, our grandchildren, throughout the United States. Thank you, Mr. Speaker, thank you, Mr. Chairman, and thank you, Mr. Minority Leader.

Mr. CONYERS. Mr. Speaker, I rise in support of H.R. 1347, the "Concussion Treatment and Care Tools Act of 2009" or the "ConTACT Act of 2009." This legislation directs the Department of Health and Human Services, acting through the Centers for Disease Control and Prevention, to establish concussion management guidelines for preventing, identifying, treating, and managing concussions in children between the ages of 5 and 18.

As Chairman of the Judiciary Committee, I convened four hearings and forums beginning on October 28, 2009 to examine and highlight the growing evidence linking concussions sustained while playing football to long-term brain damage.

Brain injuries are the leading cause of death and disability for children in our Nation. According to research by *The New York Times*, at least 50 high school or younger football players in more than 20 States since 1997 have been killed or have sustained serious concussions on the football field.

With 1.2 million high school athletes and approximately 3 million American youngsters between the ages of 6 and 14 playing tackle football, many kids continue to be at risk.

The Centers for Disease Control and Prevention found that more than 300,000 athletes lose consciousness from concussions every year in the United States, and that the total number of concussions could be as high as 3.8 million.

Since most brains aren't fully developed until age 25, a concussion is even more dangerous for a youth than for an adult.

Furthermore, a repeat concussion—one that occurs before the brain recovers from a previous concussion—can be even more devastating.

Research indicates that younger, less-developed brains are at even greater risk of second-impact syndrome. This syndrome may include brain swelling, permanent brain damage, and death.

Given that young athletes are more susceptible to second-impact syndrome, it is troubling that there is a shortage of trainers available to attend to young players on the football field.

According to the National Athletic Trainers' Association, 58 percent of high schools nationwide do not have a certified athletic trainer available for players.

And as former National Football League player Merril Hoge testified at our first hearing on football head injuries last year, trainers are virtually non-existent at the youth level, where he coaches his children.

Even if high school or youth teams do have a sideline trainer available, these individuals often have little experience in the subtleties of concussion management.

This fact may explain the alarming results of a recent study by the Center for Injury Research and Policy at Nationwide Children's Hospital in Columbus, Ohio. The study found that as many as 41 percent of high school athletes who suffer concussions on the field may be returning to play too soon.

In part because of the Judiciary Committee's scrutiny, the National Football League has made significant changes with respect to concussion prevention, identification, treatment, and education. However, it is not clear whether these changes are filtering down to younger levels of football or to other contact sports.

That is why I applaud Representative BILL PASCARELL's effort to bring some nationwide uniformity for the management of concussions in school-aged children. I urge my colleagues to support H.R. 1347.

Mr. PLATTS. Mr. Speaker, I rise today in support of House of Representatives Bill 1347 (H.R. 1347), the Concussion Treatment and Care Tools Act. I am honored to have joined with my fellow cochair of the Congressional Traumatic Brain Injury Taskforce, Representative BILL PASCARELL, in introducing this important legislation that aims to make significant progress in protecting student athletes from brain injuries.

It is estimated that as many as 41 percent of high school athletes who suffer from concussions return to play too soon. The consequences of this practice are extremely dangerous, as suffering a second concussion before an existing head injury has time to heal can lead to brain swelling, permanent brain damage and even death. However, when students, coaches and athletic trainers are provided the proper training in prevention, detection, and management, these instances can largely be prevented. As such, the bill we are considering today provides States with the tools needed to adopt and disseminate concussion management guidelines for school-sponsored sports. In addition, the bill would fund schools' implementation of computerized pre-season baseline and post-injury neuropsychological testing for student athletes to determine the severity of each injury. I urge my colleagues to join me in supporting H.R. 1347 and making significant gains in protecting high school student-athletes.

Mr. PALLONE. Mr. Speaker, I have no additional speakers. I would yield back the balance of my time and urge passage of this important legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 1347, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BURGESS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

DIABETES SCREENING ACT

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6012) to direct the Secretary of Health and Human Services to review uptake and utilization of diabetes screening benefits and establish an outreach program with respect to such benefits, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6012

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DIABETES SCREENING EVALUATION AND OUTREACH PROGRAM RECOMMENDATIONS.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by inserting after section 399V-3 the following new section:

"SEC. 399V-3A. DIABETES SCREENING EVALUATION AND OUTREACH PROGRAM RECOMMENDATIONS.

"(a) ESTABLISHMENT.—With respect to diabetes screening tests and for the purposes of reducing the number of undiagnosed seniors with diabetes or prediabetes, the Secretary shall—

"(1) review utilization of diabetes screening benefits under programs of the Department of Health and Human Services to identify and address any existing problems with regard to such utilization and related data collection mechanisms; and

"(2) make recommendations (informed by the review under paragraph (1)) on outreach activities being carried out by the Secretary as of the date of the enactment of this section to ensure awareness among seniors and health care providers of—

"(A) such diabetes screening benefits; and

"(B) the advantages of knowing one's diabetic or prediabetic status for the purpose of diabetes self management.

"(b) CONSULTATION.—The Secretary shall carry out this section in consultation with—

"(1) the heads of appropriate health agencies and offices in the Department of Health and Human Services; and

"(2) entities with an interest in diabetes, including industry, voluntary health organizations (such as diabetes advocacy groups and other related stakeholders), trade associations, and professional societies.

"(c) REPORT.—For each of the fiscal years 2011, 2012, and 2013, the Secretary shall submit to Congress an annual report on the activities carried out under this section during such respective year.

"(d) DEFINITION.—For purposes of this section, the term 'senior' means an individual who is at least 65 years of age."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6012, sponsored by Representative Zack Space of Ohio, is designed to reduce the number of undiagnosed seniors with diabetes by evaluating more seniors sooner through the HHS diabetes screening benefit. I urge my colleagues to support this commonsense legislation.

I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield myself such time as I may consume.

H.R. 6012, the diabetes screening bill, would require Health and Human Services to review the utilization of diabetes screening tests available to seniors under Medicare and make recommendations to increase utilization.

We obviously don't know the cause of diabetes, but both genetics and environmental factors such as obesity and lack of activity appear to play roles. Diabetes affects an estimated 24 million Americans.

Approximately 57 million Americans have a pre-diabetic condition. Identifying those with diabetes early can reduce the likelihood of people developing costly and debilitating conditions associated with the disease. We do need to know if people are using this provided service, and if not why not, and examine how do we ensure to connect people with the service.

I urge my colleagues to support this resolution.

I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I also yield back the balance of my time and urge passage of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 6012, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to direct the Secretary of Health and Human Services to review utilization of diabetes screening benefits and make recommendations on outreach programs with respect to such benefits, and for other purposes."

A motion to reconsider was laid on the table.

□ 2200

NATIONAL NEUROLOGICAL DISEASES SURVEILLANCE SYSTEM ACT OF 2010

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1362) to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1362

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Neurological Diseases Surveillance System Act of 2010".

SEC. 2. NATIONAL NEUROLOGICAL DISEASES SURVEILLANCE SYSTEM.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

"SEC. 399V-5 SURVEILLANCE OF NEUROLOGICAL DISEASES.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall—

"(1) enhance and expand infrastructure and activities to track the epidemiology of neurological diseases, including multiple sclerosis and Parkinson's disease; and

"(2) incorporate information obtained through such activities into a statistically-sound, scientifically-credible, integrated surveillance system, to be known as the National Neurological Diseases Surveillance System.

"(b) RESEARCH.—The Secretary shall ensure that the National Neurological Diseases Surveillance System is designed in a manner that facilitates further research on neurological diseases.

"(c) CONTENT.—In carrying out subsection (a), the Secretary—

"(1) shall provide for the collection and storage of information on the incidence and prevalence of neurological diseases in the United States;

"(2) to the extent practicable, shall provide for the collection and storage of other available information on neurological diseases, such as information concerning—

"(A) demographics and other information associated or possibly associated with neurological diseases, such as age, race, ethnicity, sex, geographic location, and family history;

"(B) risk factors associated or possibly associated with neurological diseases, including genetic and environmental risk factors; and

"(C) diagnosis and progression markers;

"(3) may provide for the collection and storage of information relevant to analysis on neurological diseases, such as information concerning—

"(A) the epidemiology of the diseases;

"(B) the natural history of the diseases;

"(C) the prevention of the diseases;

"(D) the detection, management, and treatment approaches for the diseases; and

"(E) the development of outcomes measures; and

"(4) may address issues identified during the consultation process under subsection (d).

"(d) CONSULTATION.—In carrying out this section, the Secretary shall consult with individuals with appropriate expertise, including—

"(1) epidemiologists with experience in disease surveillance or registries;

“(2) representatives of national voluntary health associations that—

“(A) focus on neurological diseases, including multiple sclerosis and Parkinson’s disease; and

“(B) have demonstrated experience in research, care, or patient services;

“(3) health information technology experts or other information management specialists;

“(4) clinicians with expertise in neurological diseases; and

“(5) research scientists with experience conducting translational research or utilizing surveillance systems for scientific research purposes.

“(e) GRANTS.—The Secretary may award grants to, or enter into contracts or cooperative agreements with, public or private nonprofit entities to carry out activities under this section.

“(f) COORDINATION WITH OTHER FEDERAL AGENCIES.—Subject to subsection (h), the Secretary shall make information and analysis in the National Neurological Diseases Surveillance System available, as appropriate, to Federal departments and agencies, such as the National Institutes of Health, the Food and Drug Administration, the Centers for Medicare & Medicaid Services, the Agency for Healthcare Research and Quality, the Department of Veterans Affairs, and the Department of Defense.

“(g) PUBLIC ACCESS.—Subject to subsection (h), the Secretary shall make information and analysis in the National Neurological Diseases Surveillance System available, as appropriate, to the public, including researchers.

“(h) PRIVACY.—The Secretary shall ensure that privacy and security protections applicable to the National Neurological Diseases Surveillance System are at least as stringent as the privacy and security protections under HIPAA privacy and security law (as defined in section 3009(a)(2)).

“(i) REPORT.—Not later than 4 years after the date of the enactment of this section, the Secretary shall submit a report to the Congress concerning the implementation of this section. Such report shall include information on—

“(1) the development and maintenance of the National Neurological Diseases Surveillance System;

“(2) the type of information collected and stored in the System;

“(3) the use and availability of such information, including guidelines for such use; and

“(4) the use and coordination of databases that collect or maintain information on neurological diseases.

“(j) DEFINITION.—In this section, the term ‘national voluntary health association’ means a national nonprofit organization with chapters, other affiliated organizations, or networks in States throughout the United States.

“(k) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated \$5,000,000 for each of fiscal years 2012 through 2016.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 1362, the National Neurological Diseases Surveillance System Act of 2010.

H.R. 1362 seeks to improve our understanding of multiple sclerosis, Parkinson’s disease and other neurological diseases by directing the Centers for Disease Control and Prevention to carry out systematic data collection analysis and interpretation.

I ask my colleagues to support H.R. 1362, and I reserve the balance of my time.

Mr. BURGESS. I yield myself such time as I may consume.

Mr. Speaker, I rise tonight in strong support of H.R. 1362, which I authored with Mr. VAN HOLLEN.

There are over 400,000 Americans living with MS and millions of more Americans who live with some form of neurological disorder.

As co-chairman of the Congressional MS Caucus, I have been working to further research into the development of MS and other neurological disorders to help the population of Americans living with MS. I firmly believe that a national surveillance system will be a critical first step toward allowing our researchers access to information that could be the key to finding cures.

The other night, I was told that we are running for second base in our efforts to cure neurological diseases and that we have never tagged first. This bill, H.R. 1362, the National Neurological Diseases Surveillance System Act of 2010, is our first base.

Currently, there is no formal coordinated system to track and collect data on these diseases, and the lack of comprehensive data collection impedes progression to finding a cure. In fact, the last national study of the prevalence of MS was conducted 34 years ago. This integrated research will help drive innovation and will provide a solid understanding of how factors such as gender and age influence disease prevalence.

As diagnoses are made, we will have the ability to create progression markers, allowing for the compilation of the data and the construction of treatments for future patients with similar backgrounds. Through these efforts, we will be able to disseminate information and to encourage high-risk populations to connect to the available resources.

This legislation will emphasize the study of the epidemiology of neurological diseases. It is vital that we examine previous trends of the disease as they relate to geography, environmental factors, and heredity in order to forecast future trends. In order to advance, we must create a foundation of research for the millions of Americans suffering from MS, Parkinson’s, Alzheimer’s, and other conditions.

The National Neurological Diseases Surveillance System Act of 2010 has wide support, including by the National MS Society and the Parkinson’s Action Network, among many others.

The bill before us reflects countless hours of negotiation. I want to thank Anne Morris and Ryan Long, who are with the committee, as well as Ray Thorn, who is with Mr. VAN HOLLEN’s office, for their work. This bill went through regular order. It passed the Energy and Commerce Committee unanimously, and it has come to the floor a better product because of the bipartisan work.

I have spoken to medical students several times recently, and I have told them that the tools and technologies they will have at their disposal will revolutionize the practice of medicine. This bill is part of that future.

A surveillance system will aid doctors on the ground right now who are struggling with ensuring a proper diagnosis. For example, with an MS examination, it generally reveals evidence of neurologic dysfunction, often asymptomatic in other locations. It is not science fiction to think that, in the future, a scientist noticing a genetic or blood marker in certain patients will be able to use surveillance systems like the ones created under this bill to link genetic factors with occupations, environmental and other demographic information.

As diagnoses are made, we will have the ability to create progression markers, which will help researchers compile the data and construct treatments for future patients with similar backgrounds. That is how we will get the vaccines, the treatments, and the cures for the next generation.

Future physicians will be able to tailor treatment to patients based on previous results and will be able to disseminate the information and encourage high-risk populations to connect to available resources, but we need to put in place the first building blocks. The epidemiologic evidence supports the role of environmental exposure to conditions like multiple sclerosis. MS also correlates with high socioeconomic status, which might reflect improved sanitation and delayed initial exposure to infectious agents, but we will not be able to be sure until we can monitor on a statistically significant basis.

Again, I want to reiterate my strong support for the bill, and I urge my colleagues to support it.

I yield back the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I am pleased to join my colleague, Rep. MICHAEL BURGESS, on this bipartisan legislation and I want to thank him for his leadership on this important issue. I also want to thank Chairman WAXMAN, Chairman PALLONE, Ranking Member BARTON, and Ranking Member SHIMKUS for their support.

Our staffs have worked long and hard in a bipartisan manner to get to this point today. I

particularly want to recognize Ray Thorn on my staff, Anne Morris on the Committee staff, and JP Paluskeiwisc on Rep. BURGESS' staff for their work on this legislation.

While thousands of Americans are affected by Multiple Sclerosis, Parkinson's, or other neurological diseases, very little accurate information exists to assist those who research, treat, and provide care to those suffering from these diseases. Accurate incidence and prevalence information is critical and needed to gain a better understanding of these diseases. This lack of information inhibits research, treatments, programs, and services.

In 2000, the Pew Environmental Health Commission, recommended that neurological diseases, such as Parkinson's and Multiple Sclerosis, be tracked by a national data system. Today, we take an important step implementing that recommendation by establishing a national neurological diseases surveillance system at CDC.

Quite simply, the National Neurological Diseases Surveillance System Act will help improve and enhance the infrastructure in tracking the incidence and prevalence on neurological diseases, including Multiple Sclerosis and Parkinson's disease. The information collected through this surveillance system will provide a foundation for evaluating and understanding many factors such as geographic clusters of diagnosis, variances in the gender ratio, disease burden, and changes in health care practices.

Mr. Speaker, this legislation represents an opportunity to move neurological disease research in a meaningful way that aims to improve the lives of all Americans suffering from Multiple Sclerosis, Parkinson's, or other neurological diseases.

I urge my colleagues to support this bipartisan bill.

Mr. PALLONE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 1362, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

STEM CELL THERAPEUTIC AND RESEARCH REAUTHORIZATION ACT OF 2010

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3751) to amend the Stem Cell Therapeutic and Research Act of 2005.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3751

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stem Cell Therapeutic and Research Reauthorization Act of 2010".

SEC. 2. AMENDMENTS TO THE STEM CELL THERAPEUTIC AND RESEARCH ACT OF 2005.

(a) CORD BLOOD INVENTORY.—Section 2 of the Stem Cell Therapeutic and Research Act of 2005 (42 U.S.C. 274k note) is amended—

(1) in subsection (a), by inserting "the inventory goal of at least" before "150,000";

(2) in subsection (c)—

(A) in paragraph (2), by striking "or is transferred" and all that follows through the period and inserting "for a first-degree relative."; and

(B) in paragraph (3), by striking "150,000";

(3) in subsection (d)—

(A) in paragraph (1), by inserting "beginning on the last date on which the recipient of a contract under this section receives Federal funds under this section" after "10 years";

(B) in paragraph (2), by striking "and" and inserting "and";

(C) by redesignating paragraph (3) as paragraph (5); and

(D) by inserting after paragraph (2) the following:

"(3) will provide a plan to increase cord blood unit collections at collection sites that exist at the time of application, assist with the establishment of new collection sites, or contract with new collection sites;

"(4) will annually provide to the Secretary a plan for, and demonstrate, ongoing measurable progress toward achieving self-sufficiency of cord blood unit collection and banking operations; and";

(4) in subsection (e)—

(A) in paragraph (1)—

(i) by striking "10 years" and inserting "a period of at least 10 years beginning on the last date on which the recipient of a contract under this section receives Federal funds under this section"; and

(ii) by striking the second sentence and inserting "The Secretary shall ensure that no Federal funds shall be obligated under any such contract after the date that is 5 years after the date on which the contract is entered into, except as provided in paragraphs (2) and (3).";

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A)—

(I) by striking "Subject to paragraph (1)(B), the" and inserting "The"; and

(II) by striking "3" and inserting "5";

(ii) in subparagraph (A) by striking "150,000" and all that follows through "and" at the end and inserting "the inventory goal described in subsection (a) has not yet been met";

(iii) in subparagraph (B)—

(I) by inserting "meeting the requirements under subsection (d)" after "receive an application for a contract under this section"; and

(II) by striking "or the Secretary" and all that follows through the period at the end and inserting "or"; and

(iv) by adding at the end the following:

"(C) the Secretary determines that the outstanding inventory need cannot be met by the qualified cord blood banks under contract under this section."; and

(C) by striking paragraph (3) and inserting the following:

"(3) EXTENSION ELIGIBILITY.—A qualified cord blood bank shall be eligible for a 5-year extension of a contract awarded under this section, as described in paragraph (2), provided that the qualified cord blood bank—

"(A) demonstrates a superior ability to satisfy the requirements described in subsection (b) and achieves the overall goals for which the contract was awarded;

"(B) provides a plan for how the qualified cord blood bank will increase cord blood unit collections at collection sites that exist at the time of consideration for such extension of a contract, assist with the establishment of new collection sites, or contract with new collection sites; and

"(C) annually provides to the Secretary a plan for, and demonstrates, ongoing measurable progress toward achieving self-sufficiency of cord blood unit collection and banking operations.";

(5) in subsection (g)(4), by striking "or parent"; and

(6) in subsection (h)—

(A) by striking paragraphs (1) and (2) and inserting the following:

"(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the program under this section \$23,000,000 for each of fiscal years 2011 through 2014 and \$20,000,000 for fiscal year 2015.";

(B) by redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2), as so redesignated, by striking "in each of fiscal years 2007 through 2009" and inserting "for each of fiscal years 2011 through 2015".

(b) NATIONAL PROGRAM.—Section 379 of the Public Health Service Act (42 U.S.C. 274k) is amended—

(1) by striking subsection (a)(6) and inserting the following:

"(6) The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall submit to Congress an annual report on the activities carried out under this section.";

(2) in subsection (d)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking "With respect to cord blood, the Program shall—" and inserting the following:

"(A) IN GENERAL.—With respect to cord blood, the Program shall—";

(ii) by redesignating subparagraphs (A) through (H) as clauses (i) through (viii) respectively;

(iii) by striking clause (iv), as so redesignated, and inserting the following:

"(iv) support and expand new and existing studies and demonstration and outreach projects for the purpose of increasing cord blood unit donation and collection from a genetically diverse population and expanding the number of cord blood unit collection sites partnering with cord blood banks receiving a contract under the National Cord Blood Inventory program under section 2 of the Stem Cell Therapeutic and Research Act of 2005, including such studies and projects that focus on—

"(I) remote collection of cord blood units, consistent with the requirements under the Program and the National Cord Blood Inventory program goal described in section 2(a) of the Stem Cell Therapeutic and Research Act of 2005; and

"(II) exploring novel approaches or incentives to encourage innovative technological advances that could be used to collect cord blood units, consistent with the requirements under the Program and such National Cord Blood Inventory program goal"; and

(iv) by adding at the end the following:

"(B) EFFORTS TO INCREASE COLLECTION OF HIGH QUALITY CORD BLOOD UNITS.—In carrying out subparagraph (A)(iv), not later than 1 year after the date of enactment of the Stem Cell Therapeutic and Research Reauthorization Act of 2010 and annually thereafter, the Secretary shall set an annual goal of increasing collections of high quality cord blood

units, consistent with the inventory goal described in section 2(a) of the Stem Cell Therapeutic and Research Act of 2005 (referred to in this subparagraph as the 'inventory goal'), and shall identify at least one project under subparagraph (A)(iv) to replicate and expand nationwide, as appropriate. If the Secretary cannot identify a project as described in the preceding sentence, the Secretary shall submit a plan, not later than 180 days after the date on which the Secretary was required to identify such a project, to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives for expanding remote collection of high quality cord blood units, consistent with the requirements under the National Cord Blood Inventory program under section 2 of the Stem Cell Therapeutic and Research Act of 2005 and the inventory goal. Each such plan shall be made available to the public.

“(C) DEFINITION.—In this paragraph, the term ‘remote collection’ means the collection of cord blood units at locations that do not have written contracts with cord blood banks for collection support.”; and

(B) in paragraph (3)(A), by striking “(2)(A)” and inserting “(2)(A)(i)”; and

(3) by striking subsection (f)(5)(A) and inserting the following:

“(A) require the establishment of a system of strict confidentiality to protect the identity and privacy of patients and donors in accordance with Federal and State law; and”.

(C) ADDITIONAL REPORTS.—

(1) INTERIM REPORT.—In addition to the annual report required under section 379(a)(6) of the Public Health Service Act (42 U.S.C. 274k(a)(6)), the Secretary of Health and Human Services (referred to in this subsection as the “Secretary”), in consultation with the Advisory Council established under such section 379, shall submit to Congress an interim report not later than 180 days after the date of enactment of this Act describing—

(A) the methods to distribute Federal funds to cord blood banks used at the time of submission of the report;

(B) how cord blood banks contract with collection sites for the collection of cord blood units; and

(C) recommendations for improving the methods to distribute Federal funds described in subparagraph (A) in order to encourage the efficient collection of high-quality and diverse cord blood units.

(2) RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this Act, the Advisory Council shall submit recommendations to the Secretary with respect to—

(A) whether models for remote collection of cord blood units should be allowed only with limited, scientifically-justified safety protections; and

(B) whether the Secretary should allow for cord blood unit collection from routine deliveries without temperature or humidity monitoring of delivery rooms in hospitals approved by the Joint Commission.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 379B of the Public Health Service Act (42 U.S.C. 274m) is amended by striking “\$34,000,000” and all that follows through the period at the end, and inserting “\$30,000,000 for each of fiscal years 2011 through 2014 and \$33,000,000 for fiscal year 2015.”.

(e) REPORT ON CORD BLOOD UNIT DONATION AND COLLECTION.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Com-

troller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate, the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives, and the Secretary of Health and Human Services a report reviewing studies, demonstration programs, and outreach efforts for the purpose of increasing cord blood unit donation and collection for the National Cord Blood Inventory to ensure a high-quality and genetically diverse inventory of cord blood units.

(2) CONTENTS.—The report described in paragraph (1) shall include a review of such studies, demonstration programs, and outreach efforts under section 2 of the Stem Cell Therapeutic and Research Act of 2005 (42 U.S.C. 274k note) (as amended by this Act) and section 379 of the Public Health Service Act (42 U.S.C. 274k) (as amended by this Act), including—

(A) a description of the challenges and barriers to expanding the number of cord blood unit collection sites, including cost, the cash flow requirements and operations of awarding contracts, the methods by which funds are distributed through contracts, the impact of regulatory and administrative requirements, and the capacity of cord blood banks to maintain high-quality units;

(B) remote collection or other innovative technological advances that could be used to collect cord blood units;

(C) appropriate methods for improving provider education about collecting cord blood units for the national inventory and participation in such collection activities;

(D) estimates of the number of cord blood unit collection sites necessary to meet the outstanding national inventory need and the characteristics of such collection sites that would help increase the genetic diversity and enhance the quality of cord blood units collected;

(E) best practices for establishing and sustaining partnerships for cord blood unit collection at medical facilities with a high number of minority births;

(F) potential and proven incentives to encourage hospitals to become cord blood unit collection sites and partner with cord blood banks participating in the National Cord Blood Inventory under section 2 of the Stem Cell Therapeutic and Research Act of 2005 and to assist cord blood banks in expanding the number of cord blood unit collection sites with which such cord blood banks partner;

(G) recommendations about methods cord blood banks and collection sites could use to lower costs and improve efficiency of cord blood unit collection without decreasing the quality of the cord blood units collected; and

(H) a description of the methods used prior to the date of enactment of this Act to distribute funds to cord blood banks and recommendations for how to improve such methods to encourage the efficient collection of high-quality and diverse cord blood units, consistent with the requirements of the C.W. Bill Young Cell Transplantation Program and the National Cord Blood Inventory program under section 2 of the Stem Cell Therapeutic and Research Act of 2005.

(f) DEFINITION.—In this Act, the term “remote collection” has the meaning given such term in section 379(d)(2)(C) of the Public Health Service Act.

The SPEAKER pro tempore (Mr. KRATOVIL). Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas

(Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. I yield myself such time as I may consume.

Mr. Speaker, S. 3751, the Stem Cell Therapeutic and Research Reauthorization Act of 2010, is identical to legislation sponsored by Representatives YOUNG and MATSUI, H.R. 6081, and passed by voice vote by the Energy and Commerce Committee.

S. 3751 would reauthorize the C.W. Bill Young Cell Transplantation Program, which includes the national registry for adult donors of bone marrow, peripheral blood adult stem cells and umbilical cord blood units, the Office of Patient Advocacy, and the Stem Cell Therapeutic Outcomes Database. It would also reauthorize the National Cord Blood Inventory, which is a program that provides grants to public cord blood banks to assist them in collecting donated cord blood units that are then listed on the national registry.

This is good legislation. It has strong bipartisan support, and I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. BURGESS. I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I thank my good friend for yielding.

To Chairman PALLONE, thank you.

Mr. Speaker, today the House will vote to reauthorize the Stem Cell Therapeutic and Research Act, which is the law that I, along with ARTUR DAVIS, sponsored back in 2005.

That law created a new nationwide umbilical cord blood stem cell program, designed to collect, derive, type, and freeze cord blood units for transplantation into patients to mitigate and to even cure serious disease. Pursuant to the law, it also provided stem cells for research. The new cord blood program was combined in our 2005 law with an expanded bone marrow initiative, which was crafted over several years by our distinguished colleague BILL YOUNG.

Since the program was enacted in 2005, 12 cord blood banks have received contracts with the Health Resources and Services Administration. Earlier this year, HRSA reported that there were some 27,493 cord blood units collected and that another 13,000-plus units will be collected with the funds that have already been awarded.

The reauthorization before us authorizes \$23 million to be appropriated for fiscal year 2011 through fiscal year 2014 and \$20 million for fiscal year 2015 for the national cord blood inventory, and it also authorizes \$30 million to be appropriated for fiscal years 2011 through 2014 and \$33 million for fiscal year 2015 for the bone marrow transplant program.

□ 2210

It also enhances the studies, demonstration programs and outreach projects related to cord blood donation and collection to include exploring innovative technologies, novel approaches, and expanding the number of collection sites.

It also extends the term of initial and contract extensions from 3 to 5 years, making it easier for banks to engage in long-term relationship building with birthing hospitals.

It will also require the cord blood banks to establish a plan for increasing cord blood unit collections and/or to expand the number of collection sites with which they work and provide a plan for becoming self-sufficient.

Mr. Speaker, each year over 4 million babies are born in America. In the past, virtually every placenta and umbilical cord was tossed as medical waste. Today, doctors have turned this medical waste into medical miracles.

Not only has God in His wisdom and goodness created a placenta and umbilical cord to nurture and protect the precious life of an unborn child, but now we know that another gift awaits us immediately after birth. Something very special is left behind—cord blood that is teeming with lifesaving stem cells. Indeed, it remains one of the best kept secrets in America that umbilical cord blood stem cells and adult stem cells in general are curing people of a myriad of terrible conditions and diseases—over 70 diseases in adults as well as in children.

Cord blood transplants are on the cutting edge of science for the treatment of leukemia. In June, researcher Dr. Mary Eapen of the Medical College of Wisconsin said that, in treating leukemia in adult patients, cord blood is so flexible that it even worked when it's not an exact match. "What we found is when you look at the outcome of leukemia-free survival, which is the likelihood of a patient being alive without disease, it's the same whether you are transplanting using an adult graft which is from an adult donor or a cord blood unit." Very promising results are also being found in children with leukemia who undergo cord blood transplants, with 60 percent of patients alive and leukemia-free at 60 months.

In addition to treating blood cancers, clinical trials are underway for the treatment of many other cancers, such as breast and kidney cancer and treating solid tumors. Human clinical trials

show promise in treating type 1 diabetes, cerebral palsy, metabolic storage diseases, brain injury and encephalopathy, respiratory distress in newborns, spinal cord injury, and cartilage injuries.

Cord blood stem cells transplants can cure sickle cell anemia, one of the most horrific diseases suffered by and affecting one out of every 500 African Americans in America.

The legislation that is before us, thankfully, has already cleared the Senate and will soon be down to the President's desk for signature. The legislation before us lays out many important goals and benchmarks so that more patients will be able to receive the treatments that they so desperately need.

Dr. Joanne Kurtzberg with Duke University Medical Center recently stated in a review of the successes of cord blood transplantations: "Cord blood transplantation is now an established field with enormous potential. In the future, it may emerge as a source of cells for cellular therapies focused on tissue repair and regeneration."

This is a great bill. It is bipartisan and deserves the support of the entire body.

Mr. BURGESS. Mr. Speaker, I yield myself 1 minute.

I urge passage of S. 3751 to reauthorize the Stem Cell Therapeutic and Research Authorization Act that was enacted in 2005 and is now being implemented.

The C.W. Bill Young Cell Transplantation Program provides support to patients with leukemia, lymphoma, and sickle cell who need a potentially lifesaving bone marrow or cord blood transplant. One of the goals of the program is to increase the amount of marrow donors and cord blood units.

This program has been a success, and the reauthorization will allow us to continue the good work that was started in 2005.

Again, I urge my colleagues to support the bill.

I yield back the balance of my time.

Ms. MATSUI. Mr. Speaker, I rise today in strong support of S. 3751, the Stem Cell Therapeutic and Research Reauthorization Act of 2010.

This legislation is identical to H.R. 6081, a bill that I introduced with Mr. YOUNG of Florida to reauthorize critical bone marrow and cord blood transplant programs that save thousands of lives each year.

Each year, nearly 40,000 people under the age of 55 are diagnosed with fatal bone marrow illnesses, and about 16,000 of those individuals can only be treated via blood stem cell transplant.

These patient's lives depend on finding an acceptable adult stem cell donor match—quickly and easily.

The Stem Cell Therapeutic and Research Reauthorization Act of 2010 would reauthorize the key programs responsible for helping these individuals by recruiting bone marrow,

adult stem cell, and cord blood donations; matching donors and potential recipients; and linking these patients to care.

S. 3751 includes two main parts to achieve this spectrum of donation, connection, and care.

The first is the C.W. Bill Young Cell Transplantation Program, which houses the National Registry, the Office of Patient Advocacy, and the Stem Cell Therapeutic Outcomes Database.

The second is the National Cord Blood Inventory (NCBI), a program that provides grants to public cord blood banks to assist them in collecting a diverse population of donated cord blood units. These units are then listed on the National Registry, where patients and doctors can find them.

The reauthorization represents legislation that is truly bipartisan and bicameral, which is evident in the fact that it passed the Senate by unanimous consent on September 28, 2010.

Mr. Speaker, I commend our Leadership and thank Chairman WAXMAN, Chairman PALLONE and their staffs for bringing the reauthorization to the floor in time to vote before these programs expire on Thursday, September 30, 2010.

This is meaningful legislation with strong bipartisan support and a proven track record.

I urge my colleagues to support passage of this important legislation.

Mr. PALLONE. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, S. 3751.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BURGESS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

COMMENDING EYECARE AMERICA

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1226) commending EyeCare America for its work over the last 25 years, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1226

Whereas American public opinion polls have identified fear of loss of vision as second only to fear of cancer;

Whereas in those public opinion polls Americans have said that loss of vision would have significant impact on their lives;

Whereas the National Eye Institute estimates that more than 42 million Americans have common vision problems, such as myopia (nearsightedness) and hyperopia (farsightedness);

Whereas approximately 35 million Americans experience an age-related eye disease, such as age-related macular degeneration (the leading cause of vision loss in older Americans), glaucoma, diabetic retinopathy, or cataracts;

Whereas the number of Americans to experience an age-related eye disease is expected to increase to 50 million by 2020;

Whereas vision impairment and eye disease is a major public health issue;

Whereas 2010 begins the decade in which the 78 million baby boomers will begin to turn 65 and be at greater risk for certain forms of eye disease;

Whereas much can be done to preserve sight with early detection and treatment;

Whereas EyeCare America, the public service program of the Foundation of the American Academy of Ophthalmology, works to ensure that eye health is not neglected, by matching eligible patients with one of more than 7,000 volunteer ophthalmologists across the country committed to preventing unnecessary blindness in their communities;

Whereas these volunteer ophthalmologists provide seniors with eye examinations and care for up to one year at no out-of-pocket cost to the patient;

Whereas individuals throughout the United States may contact EyeCare America to see if they are eligible to be referred to a volunteer ophthalmologist; and

Whereas EyeCare America has helped over 1 million people since its inception in 1985 and is one of the largest public service programs of its kind in American medicine today; Now, therefore, be it

Resolved, That the House of Representatives commends EyeCare America for its work over the last 25 years.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I rise today in support of House Resolution 1226. This resolution recognizes EyeCare America, a public service program with the Foundation of the American Academy of Ophthalmology, for 25 years of service. I urge my colleagues to support House Resolution 1226.

I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H. Res. 1226, commending EyeCare America for its work over the past 25 years.

The American Academy of Ophthalmology founded EyeCare America in

1985. Its vision is to lower the incidence of severe visual impairments, including blindness, through education and by facilitating access to medical eye care.

Since its founding, EyeCare America has helped over 1 million people, which makes it one of the largest public service programs of its kind. In fulfilling its mission, EyeCare America has also had over 7,000 volunteers. This highlights what many of us have known for a long time—Americans care for one another and they are willing to donate their time and energy to help others.

And this work has been important. Already, over 40 million Americans are nearsighted or farsighted. And as the over 65 population grows, more Americans are being diagnosed with age-related eye diseases such as macular degeneration, glaucoma, diabetic retinopathy, and cataracts. By educating Americans on the importance of early detection and treatments, and by helping refer qualifying patients to volunteer ophthalmologists, EyeCare America is doing its part to help prevent avoidable eye diseases.

I would like to thank my fellow Texan, Representative GENE GREEN, for his work on this resolution. I congratulate EyeCare America and its 7,000 volunteers for their efforts over the last 25 years. As a fellow physician and co-sponsor of this legislation, let me just say, Keep up the good work.

Mr. Speaker, I urge Members to support H. Res. 1226.

I yield back the balance of my time.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support of H. Res. 1226, recognizing the 25th anniversary of EyeCare America, the public service program of the Foundation of the American Academy of Ophthalmology.

Founded in 1985, EyeCare America's mission is to reduce avoidable blindness and severe visual impairment by raising awareness about eye disease and care, providing free health education materials and facilitating access to medical eye care.

EyeCare America has programs for seniors, glaucoma, diabetes and children.

In 2010, EyeCare America celebrates its 25th anniversary and across our nation, nearly 7,000 ophthalmologists volunteer their services to this worthwhile public service program.

Approximately, 35 million Americans experience an age-related eye disease, including age-related macular degeneration, glaucoma, diabetic retinopathy, and cataracts, with this number expected to grow to 50 million by 2020.

Vision impairment and eye disease is a major public health issue, especially as 2010 begins the decade in which more than half of the 78 million Baby Boomers will turn 65 and be at greatest risk for aging eye disease.

EyeCare America works to ensure that eye health is not neglected, by matching eligible patients with one of nearly 7,000 volunteer ophthalmologists across the country committed to preventing unnecessary blindness in their communities.

These volunteer ophthalmologists will provide them with a medical eye exam and up to

one year of care at no out-of-pocket cost. Seniors without insurance receive this care at no charge.

EyeCare America has helped over 1 million people since its inception and is one of the largest public service programs of its kind in American medicine today.

I'd like to thank Rep. WHITFIELD, Chairman PALLONE, Chairman WAXMAN, and Ranking Member BARTON for their support and assistance in moving this bipartisan resolution.

Mr. PALLONE. Mr. Speaker, I ask for passage of the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and agree to the resolution, H. Res. 1226, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

HEART DISEASE EDUCATION, ANALYSIS RESEARCH, AND TREATMENT FOR WOMEN ACT

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1032) to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1032

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Heart Disease Education, Analysis Research, and Treatment for Women Act" or the "HEART for Women Act".

SEC. 2. REPORT BY GOVERNMENT ACCOUNTABILITY OFFICE.

(a) *IN GENERAL.*—The Comptroller General of the United States shall conduct a study investigating the extent to which sponsors of clinical studies of investigational drugs, biologics, and devices and sponsors of applications for approval or licensure of new drugs, biologics, and devices comply with Food and Drug Administration requirements and follow guidance for presentation of clinical study safety and effectiveness data by sex, age, and racial subgroups.

(b) *REPORT BY GAO.*—

(1) *SUBMISSION.*—Not later than 12 months after the date of the enactment of this Act, the Comptroller General shall complete the study under subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the results of such study.

(2) *CONTENTS.*—The report required by paragraph (1) shall include each of the following:

(A) A description of the extent to which the Food and Drug Administration assists sponsors in complying with the requirements and following the guidance referred to in subsection (a).

(B) A description of the effectiveness of the Food and Drug Administration's enforcement of compliance with such requirements.

(C) An analysis of the extent to which females, racial and ethnic minorities, and adults of all ages are adequately represented in Food and Drug Administration-approved clinical studies (at all phases) so that product safety and effectiveness data can be evaluated by gender, age, and racial subgroup.

(D) An analysis of the extent to which a summary of product safety and effectiveness data disaggregated by sex, age, and racial subgroup is readily available to the public in a timely manner by means of the product label or the Food and Drug Administration's Website.

(E) Appropriate recommendations for—
(i) modifications to the requirements and guidance referred to in subsection (a); or
(ii) oversight by the Food and Drug Administration of such requirements.

(c) **REPORT BY HHS.**—Not later than 6 months after the submission by the Comptroller General of the report required under subsection (b), the Secretary of Health and Human Services shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a response to that report, including a corrective action plan as needed to respond to the recommendations in that report.

(d) **DEFINITIONS.**—In this section:

(1) The term “biologic” has the meaning given to the term “biological product” in section 351(i) of the Public Health Service Act (42 U.S.C. 262(i)).

(2) The term “device” has the meaning given to such term in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)).

(3) The term “drug” has the meaning given to such term in section 201(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)).

SEC. 3. REPORTING ON QUALITY OF AND ACCESS TO CARE FOR WOMEN WITH CARDIOVASCULAR DISEASES.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

“SEC. 399V-5. REPORTING ON QUALITY OF AND ACCESS TO CARE FOR WOMEN WITH CARDIOVASCULAR DISEASES.

“Not later than September 30, 2013, and annually thereafter, the Secretary of Health and Human Services shall prepare and submit to the Congress a report on the quality of and access to care for women with heart disease, stroke, and other cardiovascular diseases. The report shall contain recommendations for eliminating disparities in, and improving the treatment of, heart disease, stroke, and other cardiovascular diseases in women.”

SEC. 4. EXTENSION OF WISEWOMAN PROGRAM.

Section 1509 of the Public Health Service Act (42 U.S.C. 300n-4a) is amended—

(1) in subsection (a)—

(A) by striking the heading and inserting “*IN GENERAL.*”; and

(B) in the matter preceding paragraph (1), by striking “may make grants” and all that follows through “purpose” and inserting the following: “may make grants to such States for the purpose”; and

(2) in subsection (d)(1), by striking “there are authorized” and all that follows through the period and inserting “there are authorized to be appropriated \$23,000,000 for fiscal year 2012, \$25,300,000 for fiscal year 2013, \$27,800,000 for fiscal year 2014, \$30,800,000 for fiscal year 2015, and \$34,000,000 for fiscal year 2016.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

□ 2220

Mr. PALLONE. I yield myself such time as I may consume.

I rise today in strong support of H.R. 1032, the HEART for Women Act. Heart disease is the number one killer of women, and stroke is the number three killer of women. H.R. 1032 expands the CDC's Wise Women Program, which serves low-income, uninsured, and underinsured women by providing cardiovascular disease screenings, referrals, outreach, and education about healthy behaviors.

I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1032, the Heart Disease Education, Analysis, Research, and Treatment for Women Act, would take several important steps in the fight against heart disease, stroke, and other cardiovascular diseases.

First, the amended bill would require the Government Accountability Office to conduct a study on the extent to which sponsors of new drugs, biologics, and devices follow current guidelines with respect to providing clinical trial data by gender and ethnicity. It would also require the Secretary to submit a report to Congress by September 30, 2013, and annually thereafter on the quality and access to care for women with heart disease, stroke, and other cardiovascular disease. Finally, the bill would reauthorize the Wise Women Program for 5 years. The program provides preventative benefits to uninsured and underinsured women who are at high risk of heart disease.

I urge my colleagues to support the bill.

Mrs. CAPPS. Mr. Speaker, I rise in strong support of H.R. 1032, the HEART for Women Act. As you may know, heart disease is the number one killer of American women, claiming the lives of over 400,000 women annually.

The HEART for Women Act seeks to improve our capability to prevent, diagnose and treat heart disease in women in three ways.

First, it requires a GAO report to carefully look at the FDA's record of evaluating new drug and device applications in an effort to ensure we are taking into account how new drugs and devices affect women differently than men as well as people of different ethnicities or ages.

This could not be more timely following the recently released Institute of Medicine report

“Women's Health Research: Progress, Pitfalls, and Promise” recommending that “all medical product evaluations by the Food and Drug Administration present efficacy and safety data separately for men and women. . .”

Second, the bill requires the Secretary to report on the quality and access to care for women with heart disease, stroke and other cardiovascular disease.

And finally, it expands the CDC's successful WISEWOMAN program which provides critical cardiovascular screening, treatment, education and prevention services to low-income women.

I'd like to thank the broad coalition of supporters who have endorsed this legislation, especially American Heart Association, WomenHeart and the Society for Women's Health Research.

I urge my colleagues to vote in favor of this legislation and in favor of improving the health of women living with heart disease.

Mr. BURGESS. I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 1032, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BURGESS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SCLERODERMA RESEARCH AND AWARENESS ACT OF 2010

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2408) to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2408

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Scleroderma Research and Awareness Act of 2010”.

SEC. 2. NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES; SCLERODERMA RESEARCH EXPANSION.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following:

"SEC. 409K. SCLERODERMA RESEARCH.

"The Director of NIH may expand, intensify, and coordinate the activities of the National Institutes of Health with respect to scleroderma, with particular emphasis on the following:

"(1) Research focused on the etiology of scleroderma and the development of new treatment options.

"(2) Clinical research to evaluate new treatment options.

"(3) Basic research on the relationship between scleroderma and secondary conditions such as pulmonary hypertension, gastroparesis, Raynaud's phenomenon, Sjögren's Syndrome, and other diseases as determined by the Director."

SEC. 3. PROMOTING PUBLIC AWARENESS OF SCLERODERMA.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

"SEC. 399V-5. PROMOTING PUBLIC AWARENESS OF SCLERODERMA.

"The Secretary may carry out an educational campaign to increase public awareness of scleroderma. Print, video, and Web-based materials distributed through this campaign may include—

"(1) basic information on scleroderma and its symptoms; and

"(2) information on—

"(A) the incidence and prevalence of scleroderma;

"(B) diseases and conditions affiliated with scleroderma; or

"(C) the importance of early diagnosis and treatment of scleroderma."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I rise today in strong support of H.R. 2408, the Scleroderma Research and Awareness Act. H.R. 2408 would encourage NIH to conduct more research into scleroderma and encourage HHS to conduct a public awareness campaign about scleroderma. I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2408, the Scleroderma Research and Awareness Act, would expand research and education for scleroderma. There are an estimated 300,000 people in the United States who have this disease. The exact cause or causes of scleroderma are still unknown, but scientists and medical investigators in a wide variety of fields are working to make those determinations.

Scleroderma, or systemic sclerosis, is a chronic connective tissue disease

generally classified as one of the autoimmune rheumatic diseases. This bill will provide the Department of Health and Human Services flexibility to help us in the fight against scleroderma in the following ways: First, the bill would allow but not require the director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases of the National Institutes of Health to expand, intensify, and coordinate the activities of the institute with respect to scleroderma. Second, the amended bill would allow but not require the Health and Human Services Secretary, acting through the Centers for Disease Control, to carry out an educational campaign to increase public awareness of scleroderma.

This bill underwent some very important modifications at the committee level. I think it is a better bill for that bipartisan effort. I do urge my colleagues to support this legislation.

Mrs. CAPPS. Mr. Speaker, I rise in strong support of H.R. 2408, the Scleroderma Research and Awareness Act.

Scleroderma is a chronic connective tissue disease in which hardening of the skin is one of the most visible manifestations of the disease.

An estimated 300,000 people in the United States have scleroderma and female patients outnumber male patients an astonishing four to one.

The exact cause or causes of scleroderma are still unknown and there is no cure, which make greater research into this disease all the more necessary.

H.R. 2408 would encourage NIH to conduct more research into Scleroderma and encourage the Secretary of Health & Human Services to conduct a public awareness campaign about the disease.

Passage of this bill out of Committee and in the House of Representatives would not be possible without the grassroots advocacy of patients and families of patients with Scleroderma so I would like to thank them personally for helping us reach today.

Finally, I would like to thank the lead Republican co-sponsor of this legislation, VERN EHLERS of Michigan for his continued support of H.R. 2408.

I urge my colleagues to vote in favor of this bill.

Mr. BURGESS. I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 2408, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BURGESS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

NEGLECTED INFECTIONS OF IMPOVERISHED AMERICANS ACT OF 2010

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5986) to require the submission of a report to the Congress on parasitic disease among poor Americans.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5986

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Neglected Infections of Impoverished Americans Act of 2010".

SEC. 2. REPORT TO CONGRESS ON THE CURRENT STATE OF PARASITIC DISEASES THAT HAVE BEEN OVERLOOKED AMONG THE POOREST AMERICANS.

(a) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall report to the Congress on the epidemiology of, impact of, and appropriate funding required to address neglected diseases of poverty, including neglected parasitic diseases such as—

- (1) Chagas disease;
- (2) cysticercosis;
- (3) toxocariasis;
- (4) toxoplasmosis;
- (5) trichomoniasis;
- (6) the soil-transmitted helminths; and
- (7) other related diseases, as designated by the Secretary.

(b) REQUIRED INFORMATION.—The report under subsection (a) should provide the information necessary to guide future health policy to—

- (1) accurately evaluate the current state of knowledge concerning diseases described in such subsection and define gaps in such knowledge; and
- (2) address the threat of such diseases.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I rise today in strong support of H.R. 5986, the Neglected Infections of Impoverished Americans Act of 2010. This bill

requires a report that will help CDC and Congress to determine the best and most effective next steps for addressing neglected infections of poverty in the United States.

Mr. Speaker, I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield myself such time as I may consume.

H.R. 5986, the Neglected Infections of Impoverished Americans Act of 2010, would require the Secretary of Health and Human Services to issue a report on neglected diseases of poverty, including parasitic diseases. Researchers have suggested that poor citizens are affected by infections, including those caused by parasites. Under the bill, the Health and Human Services Department must conduct a study within 12 months on the epidemiology and impact of neglected parasitic infections associated with poverty. The report would provide the information to guide future health policy so we can accurately evaluate the current state of knowledge concerning such diseases and define gaps in the knowledge so that we can properly address the threat of such illnesses. It's a worthwhile endeavor. It's been significantly modified by the committee process, and I urge my colleagues to support it.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today in support of my bill H.R. 5986, the Neglected Infections of Impoverished Americans Act of 2010. This bill would require the Secretary of Health and Human Services to report to Congress on the epidemiology of, impact of, and appropriate funding required to address neglected diseases of poverty, including neglected parasitic diseases such as Chagas disease, cysticercosis, toxocariasis, toxoplasmosis, trichomoniasis, the soil-transmitted helminths, and other related diseases. The bill requires the report to provide the information necessary to guide future health policy to accurately evaluate the current state of knowledge concerning these diseases and define gaps in such knowledge and address the threat of these diseases.

Mr. Speaker, according to the Centers for Disease Control and Prevention (CDC), neglected infections of poverty are a group of parasitic, bacterial, and viral infections that disproportionately affect impoverished groups, cause illness in a significant number of people, and receive limited attention in tracking, prevention, and treatment. A CDC fact sheet on Neglected Infections of Poverty states that improved tracking and research would help combat these diseases.

Neglected infections of poverty are associated with communities with contaminated playgrounds or other public spaces and lack of access to the health care system. This bill will help public health officials understand where these illnesses are and how many Americans are infected so that we can begin to deal with the negative health outcomes associated with these infections.

I support our efforts to fight neglected infections abroad and it is time that we begin to fight these infections here at home.

This bill has bipartisan support because we can all agree that better information is nec-

essary to understand the threat of these diseases and guide future health policy.

I urge my colleagues to support this bill.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in strong support of H.R. 5986, the Neglected Infections of Impoverished Americans Act of 2010.

H.R. 5986 would require HHS to submit a report to Congress on the current state of parasitic diseases that have been overlooked among the poorest Americans.

A 2008 study by the George Washington University and Sabin Vaccine Institute identified high prevalence rates of parasitic infections in the poorest areas of the United States and along our border regions.

Scientists estimate that there may be up to 100 million infections of the neglected diseases identified in our legislation including Chagas Disease, Cysticercosis, Toxocariasis, Toxoplasmosis, and Trichomoniasis and other neglected diseases of poverty in the United States.

These diseases and other neglected diseases of poverty collectively infect up to 1.7 billion people around the world, but they disproportionately affect minority and impoverished populations across the United States, producing effects ranging from asymptomatic infection to asthma-like symptoms, seizures, and death.

This study is especially important because these neglected diseases receive less financial support than they deserve. A mere \$231,730 of research funding was allocated by NIH since 1995.

This discrepancy in funding is known as the "10/90 gap"; a mere 10 percent of global health research funding is directed towards diseases affecting 90 percent of the global population.

The Neglected Infections of Impoverished Americans Act of 2010 would provide an up-to-date evaluation of the current dearth of knowledge regarding the epidemiology of these diseases and the socioeconomic, health and development impact they have on our society.

I'd like to thank Rep. HANK JOHNSON and Rep. GINGREY for their efforts on this legislation. This will mark the second time we've passed this legislation out of the House and I'm hopeful we can swiftly move it through the Senate.

I'd also like to thank Chairman WAXMAN, Chairman PALLONE, and Ranking Member BARTON for their efforts on this bipartisan legislation.

Mr. BURGESS. I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 5986.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

DIABETES IN MINORITY POPULATIONS EVALUATION ACT OF 2010

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1995) to amend the Public Health Service Act to prevent and treat diabetes, to promote and improve the care of individuals with diabetes, and to reduce health disparities, relating to diabetes, within racial and ethnic minority groups, including the African-American, Hispanic American, Asian American, Native Hawaiian and Other Pacific Islander, and American Indian and Alaskan Native communities, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1995

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Diabetes in Minority Populations Evaluation Act of 2010".

SEC. 2. REPORT ON RESEARCH AND OTHER PUBLIC HEALTH ACTIVITIES OF HHS WITH RESPECT TO DIABETES AMONG MINORITY POPULATIONS.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Congress a report on the research and other public health activities of the Department of Health and Human Services with respect to diabetes among minority populations.

(b) REQUIRED CONTENTS.—At a minimum, the report under subsection (a) shall include, with respect to research and activities described in subsection (a), the following:

(1) EVALUATION.—An evaluation of the following:

(A) Research on diabetes among minority populations, including with respect to—

(i) genetic, behavioral, and environmental factors that may contribute to disproportionate rates of diabetes among these populations; and

(ii) prevention of complications among individuals within these populations who have already developed diabetes.

(B) Surveillance and data collection on diabetes among minority populations, including with respect to—

(i) efforts to better determine the prevalence of diabetes among Asian Americans and Pacific Islanders subgroups; and

(ii) efforts to coordinate data collection on the American Indian population.

(C) Community-based interventions targeting minority populations, including with respect to—

(i) the evidence base for such interventions;

(ii) the cultural appropriateness of such interventions; and

(iii) efforts to educate the public on the causes and consequences of diabetes.

(D) Education and training of health professionals (including community health workers) on the prevention and management of diabetes and its related complications that is supported by the Health Resources and Services Administration, including through—

(i) the National Health Service Corps program; and

(ii) the community health center program.

(2) **RECOMMENDATIONS.**—Recommendations for improvement of the research and other public health activities of the Department of Health and Human Services with respect to diabetes among minority populations, including recommendations for coordination and comprehensive planning of such research and activities.

(c) **DEFINITION.**—In this Act, the term “minority population” means a racial and ethnic minority group, as defined in section 1707(g) of the Public Health Service Act (42 U.S.C. 300u–6(g)).

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. **PALLONE**) and the gentleman from Texas (Mr. **BURGESS**) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. **PALLONE**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the **RECORD**.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. **PALLONE**. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of H.R. 1995, the Diabetes in Minority Populations Evaluation Act of 2010. H.R. 1995 directs the Secretary of Health and Human Services to submit a report to Congress on the Department's research and other public health activities with respect to diabetes among minority populations.

□ 2230

I ask my colleagues to support H.R. 1995.

I reserve the balance of my time.

Mr. **BURGESS**. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1995, the Eliminating Disparities in Diabetes Prevention and Access and Care Act, would authorize a study on how diabetes affects those with health disparities.

Diabetes affects an estimated 24 million Americans. Approximately 57 million Americans have a pre-diabetic condition. Type 1 diabetes is a disease which results from the body's failure to produce insulin. Type 2 diabetes, which is far more common, results from the body's inability to make enough insulin or properly use insulin, or the body is peripherally resistant to insulin.

According to the World Health Organization, an astonishing 6 percent of the world's population is affected with diabetes, causing six deaths every minute and 3.2 million deaths yearly.

In the United States we spend well over \$200 billion a year on diabetes, yet the 2006 diabetes mortality rate for Texas was 27 deaths per 100,000 persons. For my Hispanic and African American constituents, the rate was 42 and 49 per 100,000; 1.7 million Texans over 18 years

old have diabetes, and it is our State's sixth leading cause of death.

This bill would allow us to understand if minorities have a higher prevalence of type 2 diabetes, understand the reason for that higher rate, and begin to provide some relief for this condition.

I urge my colleagues to support this bill.

I yield back the balance of my time. Mr. **PALLONE**. Mr. Speaker, I also yield back the balance of my time and urge passage of the bill.

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. **PALLONE**) that the House suspend the rules and pass the bill, H.R. 1995, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: “A bill to direct the Secretary of Health and Human Services to prepare a report on the research and other public health activities of the Department of Health and Human Services with respect to diabetes among minority populations.”

A motion to reconsider was laid on the table.

ACQUIRED BONE MARROW FAILURE DISEASE RESEARCH AND TREATMENT ACT OF 2010

Mr. **PALLONE**. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1230) to amend the Public Health Service Act to provide for the establishment of a National Acquired Bone Marrow Failure Disease Registry, to authorize research on acquired bone marrow failure diseases, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1230

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Acquired Bone Marrow Failure Disease Research and Treatment Act of 2010”.

SEC. 2. ACQUIRED BONE MARROW FAILURE DISEASE RESEARCH.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 317T the following:

“SEC. 317U. ACQUIRED BONE MARROW FAILURE DISEASE RESEARCH.

“(a) **IN GENERAL.**—The Secretary may conduct research on acquired bone marrow failure diseases. Such research may address factors including—

“(1) trends in the characteristics of individuals who are diagnosed with acquired bone marrow failure diseases, including age, race and ethnicity, general geographic location, sex, family history, and any other characteristics determined appropriate by the Secretary;

“(2) the genetic and environmental factors, including exposure to toxins, that may be asso-

ciated with developing acquired bone marrow failure diseases;

“(3) approaches to treating acquired bone marrow failure diseases;

“(4) outcomes for individuals treated for acquired bone marrow failure diseases, including outcomes for recipients of stem cell therapeutic products; and

“(5) any other factors pertaining to acquired bone marrow failure diseases determined appropriate by the Secretary.

“(b) **COLLABORATION WITH THE RADIATION INJURY TREATMENT NETWORK.**—In carrying out subsection (a), the Secretary may collaborate with the Radiation Injury Treatment Network of the C.W. Bill Young Cell Transplantation Program established pursuant to section 379 to—

“(1) augment data for the studies under such subsection;

“(2) access technical assistance that may be provided by the Radiation Injury Treatment Network; or

“(3) perform joint research projects.

“(c) **DEFINITION.**—In this section, the term ‘acquired bone marrow failure disease’ means—

“(1) myelodysplastic syndromes (MDS);

“(2) aplastic anemia;

“(3) paroxysmal nocturnal hemoglobinuria (PNH);

“(4) pure red cell aplasia;

“(5) acute myeloid leukemia that has progressed from myelodysplastic syndromes;

“(6) large granular lymphocytic leukemia; or

“(7) any other bone marrow failure disease specified by the Secretary, to the extent such disease is acquired and not inherited, as determined by the Secretary.”

SEC. 3. MINORITY-FOCUSED PROGRAMS ON ACQUIRED BONE MARROW FAILURE DISEASES.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) is amended by inserting after section 1707A the following:

“SEC. 1707B. MINORITY-FOCUSED PROGRAMS ON ACQUIRED BONE MARROW FAILURE DISEASES.

“(a) **INFORMATION AND REFERRAL SERVICES.**—

“(1) **IN GENERAL.**—The Secretary may establish and coordinate outreach and informational programs targeted to minority populations, including Hispanic, Asian-American, Native Hawaiian, and Pacific Islander populations, that are affected by acquired bone marrow failure diseases.

“(2) **PROGRAM ACTIVITIES.**—Programs under subsection (a) may carry out activities that include—

“(A) making information about treatment options and clinical trials for acquired bone marrow failure diseases publicly available; and

“(B) providing referral services for treatment options and clinical trials.

“(b) **DEFINITION.**—In this section, the term ‘acquired bone marrow failure disease’ has the meaning given such term in section 317U(c).”

SEC. 4. BEST PRACTICES FOR DIAGNOSIS OF AND CARE FOR INDIVIDUALS WITH ACQUIRED BONE MARROW FAILURE DISEASES.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.), as amended by section 2, is further amended by inserting after section 317U the following:

“SEC. 317V. BEST PRACTICES FOR DIAGNOSIS OF AND CARE FOR INDIVIDUALS WITH ACQUIRED BONE MARROW FAILURE DISEASES.

“(a) **GRANTS.**—The Secretary, acting through the Director of the Agency for Healthcare Research and Quality, may award grants to researchers to study best practices with respect to diagnosing acquired bone marrow failure diseases and providing care to individuals with such diseases.

“(b) **DEFINITION.**—In this section, the term ‘acquired bone marrow failure disease’ has the meaning given such term in section 317U(c).”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their marks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1230, sponsored by the gentleman from California, Representative MATSUI, promotes research by HHS on acquired bone marrow failure disease, including the study of trends and the characteristics of individuals who are diagnosed with the disease, including age, race and ethnicity, sex and family history.

Mr. Speaker, it is my understanding that our former colleague, Representative Bob Matsui, actually passed away from this, and that is why it is particularly important, not only to Congresswoman MATSUI, but to all of us.

So I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1230, the Bone Marrow Failure Disease Research and Treatment Act, would allow the Secretary of Health and Human Services to conduct research and outreach on acquired bone marrow failure diseases.

This bill would allow the Secretary of Health and Human Services to conduct additional research on acquired bone marrow diseases to aid in figuring out the causes of the disease and study how to better diagnose and care for individuals suffering from bone marrow diseases. The bill would also allow the Secretary to establish outreach programs that would help minority populations, who appear to be disproportionately affected by such acquired bone marrow diseases, in finding clinical trials and other treatment options.

I am a cosponsor of the bill. I urge my colleagues to support it.

I yield back the balance of my time.

Ms. MATSUI. Mr. Speaker, I rise today in strong support of H.R. 1230, the Acquired Bone Marrow Failure Disease Research and Treatment Act.

Every year, it is estimated that between 20,000 and 30,000 Americans are diagnosed with some form of acquired bone marrow failure disease.

This classification of diseases, which include myelodysplastic syndromes (commonly known as MDS), aplastic anemia, paroxysmal nocturnal hemoglobinuria (known as PNH), and

others, take a debilitating and deadly toll on those diagnosed, forcing patients and families to deal with significant health, social, and economic hardships.

In some cases, MDS can even progress over time to become leukemia, which affects hundreds of thousands of Americans in its own right.

And while individuals stricken with these conditions can take some action to prolong their lives, this diagnosis offers little hope that affected patients will ever fully recover.

In light of this, I introduced the Acquired Bone Marrow Failure Disease Research and Treatment Act to enhance and intensify current and future efforts in the fight against bone marrow failure diseases.

This legislation would support increased research on these still relatively unstudied diseases, including what genetic and environmental factors may be associated with the condition and best practices for the diagnosis and treatment of these diseases.

In addition, the bill would authorize coordinated outreach and informational programs targeted to minority populations affected by these diseases, including information on treatment options and clinical trials research.

These provisions are critical to the individuals affected by bone marrow failure diseases and their families, as it would bring both tangible progress to fighting these diseases, and provide hope to those who have suffered their effects.

This bill has bipartisan support, 62 cosponsors, and has incorporated suggestions from both sides of the aisle.

Mr. Speaker, I commend our Leadership and thank Chairman WAXMAN and Chairman PALLONE and their staff for bringing H.R. 1230 to the floor, and for their commitment to protecting the health of all Americans.

I urge my colleagues to support passage of this important legislation.

Mr. PALLONE. Mr. Speaker, I would also yield back the balance of my time and urge that the House pass this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 1230, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BURGESS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GYNECOLOGIC CANCER EDUCATION AND AWARENESS ACT

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 2941) to reauthorize and enhance Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2941

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REAUTHORIZATION AND ENHANCEMENT OF JOHANNA'S LAW.

(a) *IN GENERAL.*—Section 317P(d) of the Public Health Service Act (42 U.S.C. 247b–17(d)(4)) is amended—

(1) in paragraph (4), by inserting after “2009” the following: “and \$18,000,000 for the period of fiscal years 2012 through 2014”; and

(2) by redesignating paragraph (4) as paragraph (6).

(b) *CONSULTATION WITH NONPROFIT GYNECOLOGIC CANCER ORGANIZATIONS.*—Section 317P(d) of such Act (42 U.S.C. 247b–17(d)), as amended by subsection (a), is further amended by inserting after paragraph (3) the following:

“(4) *CONSULTATION WITH NONPROFIT GYNECOLOGIC CANCER ORGANIZATIONS.*—In carrying out the national campaign under this subsection, the Secretary shall consult with the leading nonprofit gynecologic cancer organizations, with a mission both to conquer ovarian or other gynecologic cancer nationwide and to provide outreach to State and local governments and communities, for the purpose of determining the best practices for providing gynecologic cancer information and outreach services to varied populations.”.

SEC. 2. DEMONSTRATION PROJECTS REGARDING OUTREACH AND EDUCATION STRATEGIES RELATING TO GYNECOLOGIC CANCER.

(a) *IN GENERAL.*—Section 317P(d) of the Public Health Service Act (42 U.S.C. 247b–17(d)), as amended by section 1, is further amended by inserting after paragraph (4) the following:

“(5) *DEMONSTRATION PROJECTS REGARDING OUTREACH AND EDUCATION STRATEGIES.*—

“(A) *IN GENERAL.*—The Secretary may carry out a program to award grants or contracts to public or nonprofit private entities for the purpose of carrying out demonstration projects to test and compare different evidence-based outreach and education strategies to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers, including early warning signs, risk factors, prevention, screening, and treatment options. Such strategies shall include efforts directed at women and their families, physicians, nurses, and key health professionals.

“(B) *PREFERENCES IN AWARDED GRANTS OR CONTRACTS.*—In making awards under subparagraph (A), the Secretary shall give preference to—

“(i) applicants with demonstrated expertise in gynecologic cancer education or treatment or in working with groups of women who are at increased risk of gynecologic cancers; and

“(ii) applicants that, in the demonstration project funded by the grant or contract, will establish linkages between physicians, nurses, and key health professionals, health profession students, hospitals, payers, and State health departments.

“(C) *APPLICATION.*—To seek a grant or contract under subparagraph (A), an entity shall submit an application to the Secretary in such form, in such manner, and containing such agreements, assurances, and information as the Secretary determines to be necessary to carry out this paragraph.

“(D) *CERTAIN REQUIREMENTS.*—In making awards under subparagraph (A), the Secretary shall—

“(i) make awards, as practicable, to not fewer than five applicants; and

“(ii) ensure that information provided through demonstration projects under this paragraph is consistent with the best available medical information.

“(E) REPORT TO CONGRESS.—Not later than 12 months after the date of the enactment of this paragraph, and annually thereafter, the Secretary shall submit to the Congress a report that—

“(i) summarizes the activities of demonstration projects under subparagraph (A);

“(ii) evaluates the extent to which the projects were effective in increasing early detection of gynecologic cancers and awareness and knowledge of risk factors and early warning signs in the populations to which the projects were directed; and

“(iii) identifies barriers to early detection and appropriate treatment of such cancers.”.

(b) CONFORMING AMENDMENT.—Section 317P(d)(3)(A) of the Public Health Service Act (42 U.S.C. 247b-17(d)(3)(A)) is amended by inserting “(other than paragraph (5))” after “this section”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

I rise this evening in strong support of H.R. 2941, a bill to reauthorize Johanna's law. The bill reauthorizes an existing CDC program to promote awareness and outreach of gynecological cancers among women and health care providers.

Mr. Speaker, I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2941, a law to reauthorize Johanna's Law, was actually signed into law at the end of the 109th Congress and directed Health and Human Services to carry out a national campaign to increase awareness of gynecological cancer.

Gynecological cancer of the female reproductive tract affected, in 2006, over 76,000 women, and 27,000 died from their disease. H.R. 2941 would authorize the Centers for Disease Control and Prevention to continue the nationwide campaign.

This bill also calls for the Secretary of Health and Human Services to award grants to nonprofit private entities to carry out demonstration projects. These projects would test outreach and education strategies to increase the awareness and knowledge of women

and health care provided regarding gynecologic cancer.

I am a cosponsor of the legislation. I urge my colleagues to support it.

Mr. BURTON of Indiana. Mr. Speaker, I rise today in strong support of H.R. 2941, a bill to reauthorize and enhance Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers. I would like to thank the Chairman and Ranking Member of the Energy and Commerce Committee for bringing this vitally important bill to the Floor. I would also like to thank Representative ROSA DELAURO and Representative DARRELL ISSA who have been tireless champions of this bill. I am proud to have worked with them to enact the “Gynecologic Cancer Education and Awareness Act”—also known as Johanna's Law—back in 2006; and I am proud to be a part of their efforts this year to reauthorize and enhance this program.

I first got involved in the fight against gynecologic cancer when Ms. Kolleen Stacey, a constituent of mine, who became a dear, dear friend, told me about her personal battle with ovarian cancer—the deadliest of the gynecological cancers. Kolleen told me about Johanna's Law, convinced me to become a co-sponsor; and she never stopped pushing me to get the bill signed into law; because she never wanted any other woman to go through what she was going through.

It took more than two years and a lot of hard work but in 2006, Johanna's Law became law and this country took a huge step forward towards fulfilling Kolleen's dream. On July 10, 2009, Kolleen tragically lost her fight with ovarian cancer. But I know that she is looking down on us today and smiling because her dream lives on in our actions today. God bless you Kolleen.

The American Cancer Society estimates that about 21,880 new cases of ovarian cancer will be diagnosed and 13,850 deaths are expected to be caused by ovarian cancer in the United States in 2010 alone. For the State of Indiana, The American Cancer Society estimates that in 2010, 450 women will be diagnosed with ovarian cancer and 300 women will die of ovarian cancer.

This is a tragedy. Research shows that many of those deaths could be prevented if more women knew the risk factors and recognized the early symptoms of gynecologic cancers so that they could discuss them with their doctors. Ovarian cancer has a 93 percent five-year survival rate if detected in Stage One and only a 27 percent survival rate if detected in Stage Three or Four.

Yet, the majority of women and medical professionals are unaware of the symptoms of ovarian cancer. Women can go undiagnosed or misdiagnosed for years, like Kolleen Stacey. Just over five years ago on September 5, 2005, Kolleen testified before Congress about the need for legislation for added awareness and education on gynecological cancers. “It took an entire year for me to be diagnosed correctly. By then the cancer was Stage IIIC, an advanced stage of ovarian cancer with only a 38 percent chance of complete cure. Had it been discovered in an early stage, I would have had a 90 percent chance of complete cure.”

That is why, in December 2006, Congress passed Johanna's Law, named for Johanna

Silver Gordon, who lost her life to ovarian cancer despite being a health conscious woman who visited the gynecologist regularly. Like many women, Johanna had symptoms of ovarian cancer that were missed by both her and her healthcare provider.

Johanna's Law authorized the Centers for Disease Control to create a gynecologic cancer awareness campaign aimed at educating women and health care providers about the signs and symptoms of gynecologic cancers—bloating, pelvic or abdominal pain, difficulty eating or feeling full quickly, and urinary symptoms (urgency or frequency). The campaign, Inside Knowledge: Get the Facts About Gynecologic Cancer, seeks to raise awareness of the five main types of gynecologic cancer: ovarian, cervical, uterine, vaginal and vulvar. To date, the Inside Knowledge campaign has supported many activities, including the development of:

Cancer-specific fact sheets about gynecologic cancers in both English and Spanish,

A comprehensive gynecologic cancer brochure,

Formative research and concept testing using focus groups to better understand the target audience,

Materials for primary care and health care professionals, and

Print and broadcast Public Service Announcements (PSAs).

All materials created through Johanna's Law have been sent to television, radio and print outlets around the country. The CDC is tracking the airing of PSAs and audience impressions. The CDC is also reaching out to groups, encouraging the use of the materials.

We still have a long way to go but Johanna's law is making a difference. Doctors, nurses and cancer survivors agree—providing more information about gynecologic cancers saves women's lives.

H.R. 2941 reauthorizes and enhances this critically important awareness campaign. This legislation provides for the continuation of the education campaign started by the Centers for Disease Control and Prevention to increase the awareness and knowledge of health care providers and women with respect to gynecological cancers. It also enhances cooperation with non-governmental organizations carrying out complementary education and awareness campaigns.

H.R. 2941 is a good bill, it is good public policy. I urge my colleagues to support this bill, and I urge our colleagues in the Senate to act quickly and move this critically needed legislation to the President's desk for his signature. This is literally a matter of life and death.

Mr. LEVIN. Mr. Speaker, I rise to urge the passage of H.R. 2941, to renew and enhance “Johanna's Law” to increase public awareness and knowledge of gynecological cancers. I am pleased to have introduced this important bill with Representatives DELAURO, ISSA, and BURTON.

Johanna's Law established a national public information campaign to educate women and health care providers about the risk factors and early warning signs of gynecologic cancers. This bill before the House carries on that important work by extending funding of Johanna's Law for 3 more years, from 2011 to

2014, and providing funds for demonstration projects to identify the most effective educational tools.

The law was named after Michigan resident Johanna Silver Gordon, a loving mother and dedicated public school teacher, who, despite visiting her doctor regularly, was blindsided by a late stage diagnosis of ovarian cancer, learning only after her diagnosis that the symptoms she had been experiencing were common symptoms of that disease. Tragically, Johanna lost her life to ovarian cancer 3½ years after being diagnosed.

Johanna's story is far too common. Although, it has been 10 years since Johanna Silver died of ovarian cancer, and 4 years since Congress passed this important legislation, each year over 71,000 women in U.S. are diagnosed with a gynecologic cancer and over 26,000 women are lost to one of these serious cancers. Many of those deaths could be prevented if more women knew and recognized the early symptoms of gynecologic cancers and received prompt treatment. For all gynecological cancers, early detection dramatically improves a woman's chance of survival. For instance, ovarian cancer causes more deaths in women than any other gynecological cancer; however, it has a 90 percent survival rate if detected in Stage One, but only a 20 percent survival rate if detected in Stage Three or Four.

Right now, awareness, education, early diagnosis, and treatment are the most effective weapons we have in our war against gynecological cancers. I urge my colleagues to support Johanna's Law so we can prevail in our battle against these terrible cancers that cut short the lives of our mothers, daughters, sisters, wives, partners and friends. I urge the House to join me in voting for this vital legislation.

Mr. BURGESS. I yield back the balance of my time.

Mr. PALLONE. I yield back the balance of my time and urge passage of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 2941, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BURGESS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

BIRTH DEFECTS PREVENTION, RISK REDUCTION, AND AWARENESS ACT OF 2010

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 5462) to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to establish and implement a birth defects prevention, risk reduction, and public awareness program, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5462

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Birth Defects Prevention, Risk Reduction, and Awareness Act of 2010".

SEC. 2. BIRTH DEFECTS PREVENTION, RISK REDUCTION, AND AWARENESS.

(a) PROGRAM.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by inserting after section 317T (42 U.S.C. 247b–22) the following new section:

"SEC. 317U. BIRTH DEFECTS PREVENTION, RISK REDUCTION, AND AWARENESS.

"(a) GRANT PROGRAM.—The Secretary shall establish and implement a birth defects prevention and public awareness program to award grants to States or organizations for the provision of pregnancy and breastfeeding information services.

"(b) PREFERENCE.—In the case of States or organizations that are otherwise equally qualified, the Secretary, in awarding a grant under this section, shall give preference to—

"(1) States that made pregnancy and breastfeeding information services available on January 1, 2006; and

"(2) organizations that will provide pregnancy and breastfeeding information services in such States.

"(c) MATCHING FUNDS.—The Secretary may only award a grant under this section to a State or organization that agrees, with respect to the costs to be incurred in carrying out the grant activities, to make available (directly or through donations from public or private entities) non-Federal funds toward such costs in an amount equal to not less than 25 percent of the amount of the grant.

"(d) COORDINATION.—The Secretary shall ensure that activities carried out using a grant under this section are coordinated, to the maximum extent practicable, with other birth defects prevention and environmental health activities of the Federal Government, including activities carried out by the Health Resources and Services Administration and the Centers for Disease Control and Prevention with respect to pediatric environmental health specialty units and children's environmental health centers.

"(e) EVALUATION.—In furtherance of the program established under subsection (a), the Secretary shall provide for an evaluation of pregnancy and breastfeeding information services to identify efficient and effective models of—

"(1) providing information;

"(2) raising awareness and increasing knowledge about birth defects prevention measures;

"(3) modifying risk behaviors; or

"(4) other outcome measures as determined appropriate by the Secretary.

"(f) PREGNANCY AND BREASTFEEDING INFORMATION SERVICES DEFINED.—For purposes of this section, the term 'pregnancy and breastfeeding information services' includes only—

"(1) information services to provide accurate, evidence-based, clinical information regarding maternal exposures during pregnancy or breastfeeding that may be associated with birth defects or other health risks to an infant that is

breastfed, such as exposures to medications, chemicals, infections, foodborne pathogens, illnesses, nutrition, or lifestyle factors;

"(2) the provision of accurate, evidence-based information weighing risks of exposures during breastfeeding against the benefits of breastfeeding; and

"(3) the provision of information described in paragraph (1) or (2) through counselors, Web sites, fact sheets, telephonic or electronic communication, community outreach efforts, or other appropriate means.

"(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated \$4,500,000 for fiscal year 2012, \$5,500,000 for fiscal year 2013, \$6,500,000 for fiscal year 2014, \$7,500,000 for fiscal year 2015, and \$8,500,000 for fiscal year 2016."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. I yield myself such time as I may consume.

Mr. Speaker, H.R. 5462, the Birth Defects Prevention, Risk Reduction and Awareness Act, would establish a program to award grants for evidence-based clinical information to mothers and their health care professionals about exposures during pregnancy and breast feeding. I would like to thank my colleague from Connecticut (Ms. DELAURO) for her leadership on this issue and so many issues that affect mothers and children.

I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5462, the Birth Defects Prevention, Risk Reduction and Awareness Act of 2010, legislation that I authored with the gentlewoman from Connecticut (Ms. DELAURO).

This bill was developed over a period of several months with the guidance of the Centers for Disease Control. It does speak volumes that a bill can come this far in such a short period of time when we are willing to do our due diligence prior to introduction.

I have dedicated my professional career to protecting mother and child, while providing them with the most accurate information possible and the health services that they need.

People like to think that doctors have all the answers. Doctors like to think the CDC can provide all the information, but that isn't always the way it works. I can't tell you the number of times that women came into the

hospital, usually late at night, because she was concerned about the health of her baby. Maybe it was because of something she had done, maybe she just had concerns. But this type of unnecessary utilization can be reduced by education, particularly among populations that may not have had the same level of health literacy as to how this could have happened.

□ 2240

H.R. 5462 will provide mothers with up-to-date, evidence-based information through services designed to do targeted research. We have such a service in Texas. I used them when I was in practice. Ideally, they should be serving at least 4 percent of our pregnant population but are only able to serve up to 3,000 persons today. Those cases are important, but I know we can do better.

Many women with chronic diseases may discontinue or reduce medications when they become pregnant due to fears about the risk of birth defects. In fact, in many cases the medications cause a lower risk of birth defects than the failure to treat and appropriately manage the underlying disease during pregnancy.

Pregnancy risk information services provide information and expert consultation to pregnant women and their health care providers regarding exposures to medications, chemicals, illicit drugs, alcohol, infections, and illness that may pose a risk of birth defects. These services also provide information on exposures during breast-feeding. The information provided reduces unnecessary concern about perceived and nonexistent risk and ensures that women stay on the path to a healthy pregnancy.

Currently, Federal agencies are only able to provide awareness and information about pregnancy and breast-feeding issues. They do not provide pregnancy and breast-feeding exposure risk assessment, education, and counseling.

This legislation will establish a grant program to revitalize the Nation's network of pregnancy risk information services. This will help save health care costs by avoiding unnecessary doctor visits and reducing the cost of treating uncontrolled chronic illness when pregnant women discontinue their medications unnecessarily. I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I urge passage of the bill.

I yield back the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield myself such time as I may consume.

I just wanted to point out that this legislation has the support of the American College of Obstetrics and Gynecology, the American Academy of Pediatrics, the March of Dimes Foundation, amongst many others. I join

these organizations in urging my support for this legislation.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 5462, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BURGESS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

ARTHRITIS PREVENTION, CONTROL, AND CURE ACT OF 2010

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1210) to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1210

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arthritis Prevention, Control, and Cure Act of 2010".

SEC. 2. ENHANCING PUBLIC HEALTH ACTIVITIES RELATED TO ARTHRITIS THROUGH THE NATIONAL ARTHRITIS ACTION PLAN.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 314 the following:

"SEC. 315. NATIONAL ARTHRITIS ACTION PLAN.

"(a) ESTABLISHMENT OF PLAN.—The Secretary may develop and implement a National Arthritis Action Plan (in this section referred to as the 'Plan') consistent with this section.

"(b) CONTROL, PREVENTION, AND SURVEILLANCE.—

"(1) IN GENERAL.—Under the Plan, the Secretary may, directly or through competitive grants to eligible entities, conduct, support, and promote the coordination of research, investigations, demonstrations, training, and studies relating to the control, prevention, and surveillance of arthritis and other rheumatic diseases.

"(2) TRAINING AND TECHNICAL ASSISTANCE.—

"(A) PROVISION.—Upon the request of an applicant receiving a grant under paragraph (1), the Secretary may, subject to subparagraph (B), provide training, technical assistance, supplies, equipment, or services for the purpose of aiding the applicant in carrying out grant activities and, for such purpose, may detail to the applicant any officer or employee of the Department of Health and Human Services.

"(B) CORRESPONDING REDUCTION IN PAYMENTS.—With respect to a request described in subparagraph (A), the Secretary shall reduce the amount of payments under the grant under

paragraph (1) to the applicant involved by an amount equal to the costs of detailing personnel (including pay, allowances, and travel expenses) and the fair market value of any supplies, equipment, or services provided by the Secretary.

"(3) ARTHRITIS PREVENTION RESEARCH AT THE CENTERS FOR DISEASE CONTROL AND PREVENTION.—The Secretary may provide additional grant support under this subsection to encourage the expansion of research related to the prevention and management of arthritis at the Centers for Disease Control and Prevention.

"(4) ELIGIBLE ENTITY.—For purposes of this subsection, the term 'eligible entity' means a public or private nonprofit entity that demonstrates to the satisfaction of the Secretary, in the application described in subsection (e), the ability of the entity to carry out the activities described in paragraph (1).

"(c) EDUCATION AND OUTREACH.—

"(1) IN GENERAL.—Under the Plan, the Secretary may coordinate and carry out national education and outreach activities, directly or through the provision of grants to eligible entities, to support, develop, and implement education initiatives and outreach strategies appropriate for arthritis and other rheumatic diseases.

"(2) INITIATIVES AND STRATEGIES.—Initiatives and strategies implemented under paragraph (1) may include public awareness campaigns, public service announcements, and community partnership workshops, as well as programs targeted to businesses and employers, managed care organizations, and health care providers.

"(3) PRIORITY.—In carrying out paragraph (1), the Secretary—

"(A) may emphasize prevention, early diagnosis, and appropriate management of arthritis, and opportunities for effective patient self-management; and

"(B) may give priority to reaching high-risk or underserved populations.

"(4) COLLABORATION.—In carrying out this subsection, the Secretary shall consult and collaborate with stakeholders from the public, private, and nonprofit sectors with expertise relating to arthritis control, prevention, and treatment.

"(5) ELIGIBLE ENTITY.—For purposes of this subsection, the term 'eligible entity' means a public or private nonprofit entity that demonstrates to the satisfaction of the Secretary, in the application described in subsection (e), the ability of the entity to carry out the activities described in paragraph (1).

"(d) COMPREHENSIVE STATE GRANTS.—

"(1) IN GENERAL.—Under the Plan, the Secretary may award grants to eligible entities to provide support for comprehensive arthritis control and prevention programs and to enable such entities to provide public health surveillance, prevention, and control activities related to arthritis and other rheumatic diseases.

"(2) APPLICATION.—The Secretary may only award a grant under this subsection to an eligible entity that submits to the Secretary an application at such time, in such manner, and containing such agreements, assurances, and information as the Secretary may require, including a comprehensive arthritis control and prevention plan that—

"(A) is developed with the advice of stakeholders from the public, private, and nonprofit sectors that have expertise relating to arthritis control, prevention, and treatment that increase the quality of life and decrease the level of disability;

"(B) is intended to reduce the morbidity of arthritis, with priority on preventing and controlling arthritis in at-risk populations and reducing disparities in arthritis prevention, diagnosis, management, and quality of care in underserved populations;

“(C) describes the arthritis-related services and activities to be undertaken or supported by the entity; and

“(D) demonstrates the relationship the entity has with the community and local entities and how the entity plans to involve such community and local entities in carrying out the activities described in paragraph (1).

“(3) USE OF FUNDS.—An eligible entity may use amounts received under a grant awarded under this subsection to conduct, in a manner consistent with the comprehensive arthritis control and prevention plan submitted by the entity in the application under paragraph (2)—

“(A) public health surveillance and epidemiological activities relating to the prevalence of arthritis and assessment of disparities in arthritis prevention, diagnosis, management, and care;

“(B) public information and education programs; and

“(C) education, training, and clinical skills improvement activities for health professionals, including allied health personnel.

“(4) ELIGIBLE ENTITY.—For purposes of this subsection, the term ‘eligible entity’ means a State or an Indian tribe.

“(e) GENERAL APPLICATION.—The Secretary may only award a grant under subsection (b) or (c) to an entity that submits to the Secretary an application at such time, in such manner, and containing such agreements, assurances, and information as the Secretary may require, including a description of how funds received under a grant awarded under such subsection will supplement or fulfill unmet needs identified in a comprehensive arthritis control and prevention plan of the entity.

“(f) DEFINITIONS.—For purposes of this section:

“(1) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given such term in section 4(e) of the Indian Self-Determination and Education Assistance Act.

“(2) STATE.—The term ‘State’ means any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(1) for fiscal year 2012, \$14,600,000;

“(2) for fiscal year 2013, \$16,000,000;

“(3) for fiscal year 2014, \$17,700,000;

“(4) for fiscal year 2015, \$19,400,000; and

“(5) for fiscal year 2016, \$21,400,000.”

SEC. 3. ACTIVITIES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES WITH RESPECT TO JUVENILE ARTHRITIS AND RELATED CONDITIONS.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following:

“SEC. 409K. JUVENILE ARTHRITIS AND RELATED CONDITIONS.

“(a) IN GENERAL.—The Secretary, in coordination with the Director of NIH, may expand and intensify programs of the National Institutes of Health with respect to research and related activities designed to improve the outcomes and quality of life for children with arthritis and other rheumatic diseases.

“(b) COORDINATION.—The Director of NIH may coordinate the programs referred to in subsection (a) and consult with additional Federal officials, voluntary health associations, medical professional societies, and private entities, as appropriate.”

SEC. 4. INVESTMENT IN TOMORROW'S PEDIATRIC RHEUMATOLOGISTS.

Subpart I of part C of title VII of the Public Health Service Act (42 U.S.C. 293k et seq.) is amended by adding at the end the following:

“SEC. 749A-1. PEDIATRIC RHEUMATOLOGISTS.

“In order to ensure an adequate future supply of pediatric rheumatologists, the Secretary, in

consultation with the Administrator of the Health Resources and Services Administration, may award institutional training grants to institutions to support pediatric rheumatology training.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

I rise this evening in strong support of H.R. 1210, the Arthritis Prevention, Control, and Cure Act of 2010.

This bill provides for enhanced arthritis public health efforts at CDC, enhanced juvenile arthritis research activities at NIH, and new authorities at the Health Resources and Service Administration to support training for new pediatric rheumatologists. I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1210 would enhance our Nation's efforts to combat arthritis. I am a cosponsor of the legislation.

According to the Centers for Disease Control and Prevention, an estimated 46 million Americans have arthritis, though the number is expected to increase as the country's population ages. The Centers for Disease Control also estimates that almost 300,000 children have arthritis.

This bill will help in the fight against arthritis in the following ways:

First, the bill would authorize the Secretary of Health and Human Services to establish a national arthritis action plan.

Second, it would allow the Department of Health and Human Services to award grants for arthritis research, surveillance, and education.

Third, the bill would permit the National Institutes of Health to expand its research into children with rheumatic diseases.

Finally, the bill would allow Health and Human Services to award grants to increase the number of pediatric rheumatologists.

I have spoken with several rheumatologists who have discussed the importance of this legislation. Unfortunately, those in need of rheumatologists, especially pediatric rheumatologists, often have very few options. This bill is an important first

step in addressing a critical workforce shortfall.

I am a cosponsor of the legislation, and I urge my colleagues to support the bill.

I yield back the balance of my time.

Mr. KUCINICH. Mr. Speaker, I rise in support of the Arthritis Prevention, Control, and Cure Act. It is estimated that approximately 46 million Americans suffer from arthritis or chronic joint symptoms. Of those, 19 million suffer enough to limit their activities. According to the Centers for Disease Control and Prevention (CDC), by the year 2030, 25 percent of the population in the United States will have physician-diagnosed arthritis. Those projections are likely to be low since they do now account for an expected increase attributable to rising obesity rates.

Arthritis affects the daily lives of its victims in powerful ways. The pain is often chronic and relief can be rare. The inability to kneel or even walk more than a few hundred yards requires profound changes in almost every aspect of lifestyle. Those stricken might risk losing their job, and their ability to provide for loved ones. It is a devastating disease with no known cure.

The Arthritis Prevention, Control, and Cure Act, would establish the National Arthritis Action Program. This program will help in the research and identification of ailments, possible treatments, and preventative methods of Arthritis and other rheumatic diseases. It will also allow the CDC to access more grant money, permitting them to further their research. Those already suffering from arthritis will be assisted with control and prevention programs along with opportunities for patients to learn self-management. It would also provide education of the public and education and training for physicians.

I am proud to support this bill as an important first step toward a day when we can prevent, treat, and cure Arthritis.

Ms. ESHOO. Mr. Speaker, I rise today in strong support of my legislation, H.R. 1210, the Arthritis Prevention, Control, and Cure Act. I have fought long and hard for this bill alongside the Arthritis Foundation, the American College of Rheumatology, and the thousands of advocates across the country who understand how important this is. The legislation enjoys the bipartisan support of 181 Members of the House, and passed out of the Energy and Commerce Committee unanimously.

One out of every five adults suffers from arthritis, making it the most common cause of disability in the United States. More than 300,000 children suffer from juvenile arthritis. Early diagnosis for this disease is critical to ensure children get access to the right doctor and the care they need.

My bill will authorize the “National Arthritis Action Plan,” giving legislative direction and leadership to a program which has proven successful since 1998. The Plan distributes important grants to states and nonprofits to carry out arthritis outreach and education activities. The bill expands the Secretary of Health and Human Services' authority to increase juvenile arthritis research at NIH, and authorizes important institutional training grants to increase the number of pediatric rheumatologists in the U.S.

I'm proud of the work I've done to raise awareness about the devastating effects of arthritis but I'm far prouder of the tireless work of the arthritis advocates who have walked these halls, called their Representatives, and shared their stories. Their grassroots efforts are at the heart of this bill and I'm so pleased we could work on this together.

Passage of the Arthritis Prevention, Control, and Cure Act is also a tribute to my friend, Senator Edward Kennedy, as we introduced this legislation together in the 110th Congress. His commitment to public health, improving care for children, and ending suffering are the principles which guided everything he did and I know he's looking down on us today and smiling.

Mr. PALLONE. I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 1210, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BURGESS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

DENTAL EMERGENCY RESPONDER ACT OF 2010

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 903) to amend the Public Health Service Act to enhance the roles of dentists and allied dental personnel in the Nation's disaster response framework, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 903

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dental Emergency Responder Act of 2010".

SEC. 2. DENTAL EMERGENCY RESPONDERS: PUBLIC HEALTH AND MEDICAL RESPONSE.

(a) NATIONAL HEALTH SECURITY STRATEGY.—Section 2802(b)(3) of the Public Health Service Act (42 U.S.C. 300hh–1(b)(3)) is amended—

(1) in the matter preceding subparagraph (A), by inserting "and which may include dental health facilities" after "mental health facilities"; and

(2) in subparagraph (D), by inserting "(which may include such dental health assets)" after "medical assets".

(b) ALL-HAZARDS PUBLIC HEALTH AND MEDICAL RESPONSE CURRICULA AND TRAINING.—Section 319F(a)(5)(B) of the Public Health Service Act (42 U.S.C. 247d–6(a)(5)(B)) is amended by striking "public health or medical" and inserting "public health, medical, or dental".

SEC. 3. DENTAL EMERGENCY RESPONDERS: HOMELAND SECURITY.

(a) NATIONAL RESPONSE FRAMEWORK.—Paragraph (6) of section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by inserting "and dental" after "emergency medical".

(b) NATIONAL PREPAREDNESS SYSTEM.—Subparagraph (B) of section 653(b)(4) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 753(b)(4)) is amended by striking "public health and medical" and inserting "public health, medical, and dental".

(c) CHIEF MEDICAL OFFICER.—Paragraph (5) of section 516(c) of the Homeland Security Act of 2002 (6 U.S.C. 321e(c)) is amended by striking "medical community" and inserting "medical and dental communities".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I would like to include in the RECORD an exchange of letters between Chairman WAXMAN and Chairman THOMPSON, who is chairman of the Homeland Security Committee, regarding this legislation.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, September 24, 2010.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Energy and Commerce,
Rayburn Bldg., House of Representatives,
Washington, DC.

DEAR CHAIRMAN WAXMAN: I write to you regarding H.R. 903, the "Dental Emergency Responder Act of 2009."

H.R. 903 contains provisions that fall within the jurisdiction of the Committee on Homeland Security. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, agreeing to waive consideration of this bill should not be construed as the Committee on Homeland Security waiving, altering, or otherwise affecting its jurisdiction over subject matters contained in the bill which fall within its Rule X jurisdiction.

Further, I request your support for the appointment of Homeland Security conferees during any House-Senate conference convened on this or similar legislation. I also ask that a copy of this letter and your response be included in the legislative report on H.R. 903 and in the Congressional Record during floor consideration of this bill.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, September 24, 2010.
Hon. BENNIE THOMPSON,
Chairman, Committee on Homeland Security,
Ford House Office Building, Washington, DC.

DEAR CHAIRMAN THOMPSON: Thank you for your letter regarding H.R. 903, the "Dental Emergency Responder Act." The Committee on Energy and Commerce recognizes that the Committee on Homeland Security has a jurisdictional interest in H.R. 903, and I appreciate your effort to facilitate consideration of this bill.

I also concur with you that forgoing action on the bill does not in any way prejudice the Committee on Homeland Security with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will include our letters on H.R. 903 in the Committee report on H.R. 903 and in the Congressional Record during floor consideration of the bill. Again, I appreciate your cooperation regarding this legislation and I look forward to working with the Committee on Homeland Security as the bill moves through the legislative process.

Sincerely,

HENRY A. WAXMAN,
Chairman.

I yield myself such time as I may consume.

I rise this evening in strong support of H.R. 903, the Dental Emergency Responder Act of 2010. This bill amends the Public Health Service Act to include dentists in the national health security strategy, which is the strategy HHS develops to respond to a public health emergency. And I would particularly like to thank Representative STUPAK for all his work on this bill. I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield myself such time as I may consume.

H.R. 903 would allow the Department of Health and Human Services to utilize dentists and dental facilities to respond to medical emergencies. The bill amends the Homeland Security Act of 2002 to include dental personnel within the definition of "emergency response providers." Mr. Speaker, there has been uncertainty as to whether dental providers could be considered emergency response providers.

This bill also requires the Chief Medical Officer of the Department of Homeland Security to serve as the Department's primary point of contact for the dental community with respect to medical and public health matters related to natural disasters, acts of terrorism, and other manmade disasters.

Finally, the bill amends the Post-Katrina Emergency Management Reform Act of 2006 to allow, if necessary,

operational plans developed by Federal agencies with responsibilities under the National Response Plan to address preparedness and deployment of dental resources.

This bill was drafted to ensure that Congress was not being prescriptive as to how the Department of Health and Human Services or the Department of Homeland Security should plan for medical emergencies. The bill provides these Departments increased flexibility to utilize additional professional expertise and capacity, if they feel it is appropriate. This is just common sense. The fact that today the Department of Homeland Security could not talk to a dental school where it is decided it would be an ideal place to stockpile materials like vaccines but could if it was a medical school is just absurd.

If these facilities can aid our national defense, or if dentists want to be included in our Nation's post-disaster response, the fact that the government felt constrained to include them is a gross oversight that this bill corrects. I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I would also like to include in the RECORD an exchange of letters between Chairman WAXMAN of my committee and Chairman OBERSTAR of the Transportation and Infrastructure Committee that pertains to this legislation.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Washington, DC, September 28, 2010.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Energy and Commerce,
U.S. House of Representatives, Washington,
DC.

DEAR CHAIRMAN WAXMAN: I write to you regarding H.R. 903, the "Dental Emergency Responder Act of 2009".

H.R. 903 contains provisions that fall within the jurisdiction of the Committee on Transportation and Infrastructure. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, I agree to waive consideration of this bill with the mutual understanding that my decision to forgo a sequential referral of the bill does not waive, reduce, or otherwise affect the jurisdiction of the Committee on Transportation and Infrastructure over H.R. 903.

Further, the Committee on Transportation and Infrastructure reserves the right to seek the appointment of conferees during any House-Senate conference convened on this legislation on provisions of the bill that are within the Committee's jurisdiction. I ask for your commitment to support any request by the Committee on Transportation and Infrastructure for the appointment of conferees on H.R. 903 or similar legislation.

Please place a copy of this letter and your response acknowledging the Committee on Transportation and Infrastructure's jurisdictional interest in the Congressional Record during consideration of the measure in the House.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, September 28, 2010.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR CHAIRMAN OBERSTAR: Thank you for your letter regarding H.R. 903, the "Dental Emergency Responder Act." The Committee on Energy and Commerce recognizes that the Committee on Transportation and Infrastructure has a jurisdictional interest in H.R. 903, and I appreciate your effort to facilitate consideration of this bill.

I also concur with you that forgoing action on the bill does not in any way prejudice the Committee on Transportation and Infrastructure with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will include our letters on H.R. 903 in the Congressional Record during floor consideration of the bill. Again, I appreciate your cooperation regarding this legislation and I look forward to working with the Committee on Transportation and Infrastructure as the bill moves through the legislative process.

Sincerely,

HENRY A. WAXMAN,
Chairman.

Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 903, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 2250

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

POSSIBLE LEGISLATION FOR CONSIDERATION DURING LAME DUCK SESSION OF CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the minority leader.

Mr. GOHMERT. Mr. Speaker, it is always an honor to be here. We have had quite a day of different suspension bills. It has been an interesting day all

the way around. Also I was honored to have a visit from the new president of Baylor University, a man named President Ken Starr. I think he will do a great deal of good for Baylor University. In fact, I am wearing a green and gold tie in his honor and in honor of the school where I got my law degree.

A lot has been going on. We haven't had time to take up the issue of extending the current tax rates for another year so businesses could be sure about what is going to be happening, so they could go ahead and make plans, go ahead and make those additional hires, take those folks off the unemployment rolls because they would finally know what the future holds in the way of taxes. But that was not to be. No, instead we have taken up 85, reduced by one, 84 suspension bills, all done today in a bipartisan manner. And it does bring to the fore the question as to why couldn't we do the same thing in a bipartisan way to help the economy?

We are hearing over and over from business people, there is so much uncertainty. If we are really going to have this massive tax increase come January 1, we have got to hunker down and get ready. We may have to let some more people go so we can pay the additional tax burden that the Federal Government is going to lay on us.

They made clear if we are going to pass what the well-respected on both sides of the aisle former chairman of Energy and Commerce, Mr. DINGELL, called not just a tax, but a great big tax, the crap-and-trade bill, if that is still looming out there, then that is a potential albatross around the neck of employers. They need to move forward. But Mr. DINGELL is exactly right; it is a great big tax. It is still looming out there. It is still a threat to be taken up in a lame duck session.

In fact, the lame duck session, after the election in November, could be devastating to our economy, as if we haven't already done enough. We have got not only the crap-and-trade bill looming and being threatened as a potential lame duck session bill in which Members of Congress would be asked to vote who had already lost their jobs on election day, but we got other bills hanging out there that some have said they would like to see come up during a lame duck session.

One such bill is on the other side of the aisle affectionately known as "card check," which is really intriguing. Card check is quite a misnomer, because it would provide for the elimination of secret ballots in union elections, in deciding whether a group were to go union or not.

I was intrigued. In the last Congress we were voting on card check, and the majority leader of the House of Representatives, the Honorable STENY HOYER, came down this aisle right over here. And I was standing over there,

and I said, "Leader?" He turned around and said, "Yes?"

I said, "The rumor is you are going to vote against your party, and you are going to vote against card check." He said, "Well, the odds of that happening are infinitesimal." He has a great sense of humor.

I pointed out, "Well, it is just that everybody on the floor knows that if it were not for the secret ballot, John Murtha would have been elected majority leader." And he just laughs, "Oh, you are so funny." He moved on.

But the truth is, the Speaker of the House, she said she wanted John Murtha to be the majority leader. And we have already seen that this Speaker of the House is amazing at the wielding of power. She has been far more effective at the wielding of power, both with carrots and sticks, to get things done than our Speaker was my first 2 years here, in 2005–2006. She knows how to wield power.

She said she wanted John Murtha to be majority leader, and yet STENY HOYER of Maryland won the election. Why? Because there was a secret ballot, and the will of the Democratic Party here in the House was that STENY HOYER be the majority leader. So because of the secret ballot, because there had been no card check bill that had been rammed through to change the rules in the House of Representatives, here in the House of Representatives there was still a secret ballot.

Now, when I was growing up in Mount Pleasant, Texas, I went through public schools, and I am pretty sure most of my teachers I had voted in the Democratic primary, voted for Democratic candidates. And I had some wonderful teachers. They inspired me. They instilled in me that the secret ballot is such a foundational block of any society that wants to have free elections that to withdraw that would bring the whole political building down, would subject you to a tyranny.

So it is absolutely staggering that people who would come in here and be protected with secret ballots in their own party elections would not grant that same right. Actually, they don't have the power to grant the rights; those are given by God. But they have the power to prevent people from enjoying the rights that were bestowed on us through our Constitution and with the grace of almighty God.

We are endowed by our Creator with certain inalienable rights. Apparently the President left out the Creator. It is understandable. When you rely heavily on teleprompters, as our President does, it is understandable that sometimes you just read past things, and certainly the person who fills in his teleprompter with the information would not have left that important part of the Declaration of Independence out.

□ 2300

We are endowed by our Creator, because if it were otherwise, if we were endowed by the government with inalienable rights, then the government could certainly take them away anytime they wished.

Yet, we go back to the founding of this country, to the time when those people gathered together and gave us the foundation of what we have grown from and grown into as this fantastic Republic, the greatest country in the history of the world. As Tony Blair recently said and as another member of Parliament said this week: this is an extraordinary country like no other in history, and we have so much to be proud of.

I know there are those who have only recently been proud of America, but when you study its accurate and true history so thoroughly, there is so much to be proud of, and the Founders could see that. They had the vision. Proverbs tells us: Where there is no vision, the people perish. Yet those Founders had vision for the future. They stood firmly on eternal truths.

One example is Peter Muhlenberg. Now, since the 1950s, Lyndon Johnson had gotten a tag into the Internal Revenue Code, which for the first time since our country's inception said, If you're a terrible institution as designated by the Internal Revenue Code, you cannot get involved in politics.

That was new and different because, for over 170 years, it was the churches that were behind the most important movements, one of which was the Declaration of Independence. Before that, you had the Virginian Commonwealth laws that were put together. You later had the Northeast Ordinances. There was so much that the churches pushed forward.

Peter Muhlenberg was a minister, a Christian minister, and he had already talked to Washington. Washington had made him a colonel, unbeknownst to Muhlenberg's congregation there in Pennsylvania. He was preaching that Sunday, in his black ministerial robe, and he was preaching from Ecclesiastes 3: "There is a time to every purpose under Heaven." When he got down to verse 8, he recited the words in the last half of Ecclesiastes 3:8: "There is a time for war and a time for peace."

That is when Muhlenberg took off his black ministerial robe, as he is depicted doing in the statue here in the Capitol. Underneath, he had on a Revolutionary officer's uniform, including the saber. He had been carrying that saber around, wearing that and the uniform underneath his robe. Then he said, in essence: "Ladies and gentlemen, now is the time for war," because they believed they were endowed by their Creator with certain inalienable rights, and those were things worth fighting for.

When you read those Founders' letters and their diaries and journals,

when you read their speeches and their writings, you find out they knew they were on to something that would be something new, a new order of things, a new order of the ages. That's why the great seal has "Novus Ordo Seclorum" at the bottom, underneath the one side. In fact, it's on the back of everyone's dollar bills. This was a new order of the ages, a new order of things—not a new world order. This was a new order of the ages, a new order of things where people would get to govern themselves. For so long, this country has borne out the old adage that democracy ensures people are governed no better than they deserve.

That was one of the hardest things for me to come to grips with in the 1990s. As a Nation, like it or not, we had what we deserved as a Nation. In fact, in every election, from the beginning of this country, whether we have liked it or not, regardless of which party has been in power, we have gotten what we deserved.

I do not seek to ever use my position to force my religious beliefs on others; but when I was a judge, I was required to discern whether or not the people who claimed disqualifications had legitimate disqualifications from jury duty. I was struck over and over because I had Christians who would come up and say, I cannot sit on jury duty. I'm disqualified because I'm a Christian.

I would explain to them, I'm not seeking to change your religious beliefs, but I need to find out exactly whether or not you're disqualified for religious reasons or whether this is just a personal preference. So I would have to inquire, Does this mean you believe what is in the Old and New Testaments?

Well, Of course, I would be told.

Well, does that mean you believe it to be true when Jesus said, in Matthew, if you say "rock eye" to your brother, you'll answer to the courts?

Now, the verse was mainly about answering to the Father in Heaven for what's in your heart, but Jesus knew that, in an orderly society, there would have to be some form of government which would hold people accountable.

They would say, generally, Yes, I believe that.

You know, over in Romans 13, it makes it clear that, if you believe the Romans is supposed to be part of the New Testament and if you said you're a Christian, do you believe that Romans is and that Romans 13 is valid as part of your belief system?

They would normally say, Well, yes, of course.

Well, then, you have to believe that in Romans 13 God has basically ordained any government for good or bad and that in Romans 13:4 it points out: "If you do evil, be afraid," because God does not give the sword to the government in vain.

The government is God's minister to avenge evil, to reward good deeds, and of course, in our Constitution, it is to provide for the common defense. But I would ask the people who would come forward as Christians if those were their beliefs, if they believed those things in Romans, so I could try to make the judgment as to whether or not they were disqualified as jurors.

The response was normally, Of course.

I was in a position to point out, Then if you understand our history, you believe, then you understand, as a called juror, you've been given the sword. If you believe Romans 13, then when you're called for jury duty, that sword has been placed in your hand, and you're expected to come forth and administer and to make sure that people who have not done evil don't get punished and to make sure that those who have done evil are to be afraid, because they will be punished as they, as the jurors called forward, are the government.

In fact, the Founders believed that the people would be the government and that every so often there would be a day in which the people, as the government, would come forward. They would say, We are going to hire new folks to carry out our will. We the people, as the government, will hire people to do what we tell them for the next 1, 2, 4, 6 years. Over the years, we've been told even still that the most widespread religion in America which people in polling data indicate is Christianity.

□ 2310

If they believe the Founders and they truly believe the Old and New Testament, they have to understand they're the government. They have been given—in fact, we all as American citizens have been given—the source.

Now, all of those in this body are hired public servants. We get hired every other year. The government, we the people, the government have the right to fire us every other year. And as the government, if you truly believe the responsibility is to carry out your duties as the government in the most effective and efficient manner possible, well, that would require coming out on hiring and firing day to see that the best people got elected, because when people stay home, they get what they deserve on hiring day. When people come out and vote, they get what they deserve on hiring and firing day. And when people don't bother to educate themselves on who all has applied to be the public servant to get hired on hiring day, then they're not carrying out their duties as a proper government.

When people know that they would be a better candidate and be a better public servant, then it's their obligation under our founding documents, under the concepts on which this Na-

tion was based, to step forward and run for office or to help others as they run for office, if they know they would be the best person to fill the job of public servant. But we have forgotten what role who plays. The people are the government. We're the public servants. And all too often that gets forgotten.

Of course, Peter Muhlenberg, Peter Muhlenberg's brother Frederick, there are stories that he was not very pleased that his brother Peter had recruited from his church, because he recruited from the church. He got people there in his congregation to join the Army with him and recruited from the town, and they all came to the Army together. And there were stories Frederick wasn't that pleased with what Peter did from the pulpit.

There were other stories that when Frederick's church was burned down, that he did likewise. He recruited. He joined the revolutionary forces and helped defeat the British, and, in fact, the Christian minister named Frederick Muhlenberg was the first Speaker of the House of Representatives.

We also know that behind the abolitionist movement was the churches. There were many right-thinking people, but the primary groups were the churches; because when they really studied New Testament principle, they worried and feared that how could God continue to bless America when we're putting our brothers and sisters in chains and bondage, and they fought it. And Abraham Lincoln, so troubled by that battle, and, in fact, after he was defeated for a second term in the House of Representatives in 1848, new person took office early 1849, stories were that he did not plan to ever run again.

But stories that John Quincy Adams had told and sermons basically that John Quincy Adams preached just down the hall on the evils of slavery and pleading with his colleagues to end the blight against America called slavery, those fell not on deaf ears but on a young freshman's ears, Abraham Lincoln, between the time he was sworn in in early 1847 to the time his successor was sworn in in early 1849.

1850 brought about the compromise of 1850. Other States were going to be coming in. They were going to be allowed to have slavery. This ate away at Lincoln because he knew, and those sermons John Quincy Adams preached on the floor of the House just ate away at him. We could not continue to go forward without stopping this terrible sin called slavery in America. He knew that was no way to treat brothers and sisters.

And eventually he got back into politics, ran again as we know. Of course, got defeated by Stephen Douglas for the Senate but later elected in 1860 to be President. There's some historians who say that when Lincoln's son died, he believed it was God blaming him; because he knew when he got elected

President that was ordained by God so that he could bring an end to slavery, and he waited too long to do that. There's always different versions of different historians, but that is one version of history, that Lincoln blamed himself when his son died, that he should have immediately sought to end slavery. But as the States started seceding from the Union, he felt, Okay, I will hold the Union together, and then I will end slavery.

But he carried a heavy heart as President of the United States, as a Christian, and his second inaugural address that's inscribed on the north inside wall of the Lincoln Memorial is so profound, and it is an intellectual giant dealing with theology and this issue of how could a just God allow so much injustice and so much hate and war. And he goes through, deals with the issue, and ultimately says we have to proclaim God is righteous all together.

We have an extraordinary history. Who was it that inspired Dr. Martin Luther King, Junior, to push for civil rights for everyone? Some people think, well, all he did was make sure that African Americans were treated like others, like everybody else, that he fought for minorities. But the truth is his theology as a Christian minister was so deep, he understood that in bringing about a society where people were judged by the content of their character, rather than the color of their skin, that he was also freeing Anglos who were Christians, many for the first time, to treat people the way a Christian brother and sister is supposed to treat another Christian brother and sister.

But that was in the 1960s, and the change of the law in the 1950s for the first time in our history saying churches could not be involved in politics had a profound effect. And then in the early 1960s, 1963, we have the Supreme Court say, you know, we're not real sure. We don't think that you should be having prayers in public schools.

And yet, it was Ben Franklin that broke the logjam after 5 weeks in the Constitutional Convention of 1787 by being recognized. He was 80 at the time. He was 2 or 3 years away from meeting his Maker. He was suffering apparently from gout, had to have help getting in and out of Independence Hall for the Constitutional Convention, but he got recognized. And he pointed out they'd been meeting for nearly 5 weeks and had accomplished basically nothing.

How does it happen, sir, he said, that we have not once thought of applying to the Father of lights to illuminate our understanding? In the beginning contest with Great Britain, when we were sensible of danger, we had daily prayer in this room. Our prayers, sir, were heard and they were graciously answered.

Franklin went on, and then he came to the point, we're told, that a sparrow

cannot fall to the ground without His notice. Is it possible an empire could rise without His aid?

□ 2320

We've been assured in the sacred writing that unless the Lord build the house, they labor in vain that build it. "Firmly believe this," Franklin said. Then he said, "I also firmly believe that without his concurring aid, we shall succeed in our political building no better than the builders of Babel." And he knew. This 80-year-old man in pain and suffering had a mind and wit as sharp as ever, though his body was deteriorating.

He ultimately moved that we would begin each day with prayer, led by a local minister. And from then until now, today when we start, we have a minister start with prayer. So it was staggering, in the 1960s, that the Supreme Court, as they continue to do, say, Yeah, we don't think prayer is appropriate. Well, thank goodness I had a great legal education at Baylor University, and we learned about the Constitution. We learned about the Constitution's history, and it doesn't take much digging to find exactly where it came from.

One of the things that the Founders pointed out was that "we don't trust government." The people, as the government, in this new creation, this Republic, "if we can keep it," as Franklin said, was going to rely on people being diligent and coming to the polls on election day, on hiring day, and making sure they hired good people to carry out the will of the government, the people. And over the years, we've lost that.

Of course they wanted, not just one legislative body, a huge House of Representatives, big for that time. And then also, that was not enough, not some just elite or social elite in another body like, a House of Lords. They wanted a group they would call the Senate, and they would have the power to nix anything that the guys in the House of Representatives did. That's what the Founders thought: We want to make it as hard as we possibly can to pass laws because when it's too easy, then you have tyranny. And that's what we've seen a great deal of lately.

We saw with the automobile bailout an auto task force. We had all these czars. We have an auto task force, unelected, unaccountable—certainly to Congress. They wouldn't tell us what went on. They wouldn't give anybody any information about the conversations that took place, who said what. And yet they come out with a bankruptcy plan that turned the bankruptcy laws upside down.

I mean, the law is supposed to mean something. There are businesses and individuals that have had to file bankruptcy, and they were forced to always play by the rules. And yet here were

these automakers who got to just thumb their noses at the law. Why? Because the safeguards that were put in place by the Founders were just ignored. Well, there were checks and balances. You can't just have a czar or some task force that's unaccountable, just ignore laws and come forth with a bankruptcy plan that doesn't allow for any motions. It doesn't allow for any other alternative plans, does not allow the secured creditors to be treated as secured creditors but instead, flips them upside down so the secured creditors are treated as unsecured and the unsecured union is treated as secured.

Nobody could get away with turning the law upside down like that. We have too many other checks and balances, we thought. But not here in Washington now, we don't. And that's why this body and the Senate allowed a terribly illegal bankruptcy plan to go forward. It wasn't hard apparently to find a bankruptcy judge that would welcome the chance to avoid ever having to have months and months or years of hearings. He would just simply sign off on that because, as we know, bankruptcy judges are subject to reappointment on a regular basis. And we also know many bankruptcy judges want to be district judges and other things. So it apparently wasn't too hard to find a bankruptcy judge to sign that order, giving it color of law. This body should have struck it down. We had the power. We turned our heads. There was one hope left. That was the Supreme Court, another wonderful check and balance put in place by the Founders. Ruth Bader Ginsburg, to her credit, put a 24-hour hold on the deal that was born out of these private, secret meetings unaccountable, unelected people were having when they turned the law and the Constitution upside down.

There were takings of dealerships born out of these private, secret seedy discussions. They took property rights away from these people. Some of them still owe money at the bank today, yet their dealerships were taken away. Their security was taken away. The banks that had loaned money to buy dealerships were harmed when the dealer's dealership was taken away by this anarchy group.

But the Supreme Court let the 24 hours go, and an illegal, unconstitutional bankruptcy plan went through unimpeded. And lots of people suffered. I understand their claims, the claims being made currently, it sounds like, to me, legitimately by dealers who had a Federal taking without due process and without remuneration. It sounds like they're doing the right thing. And yet we've heard from people on the other side about how terrible the economy was that the Democrats inherited from President Bush.

When if you go back to January 3, 2007, that was the day that the Democratic majority took over the Senate

and the Congress. We can just visit that day. January 3, 2007, the Dow Jones closed at 12,474.52. The GDP for the fourth quarter of 2006, we found out after election day, had grown 3 percent higher than in the third quarter. The unemployment rate was 4.5 percent. Bush's economic policies had led to 40 straight months of job creation, more jobs than were being lost. January 3, 2007, was also the day that BARNEY FRANK took over as chairman of the House Financial Services Committee and CHRIS DODD, as Senator, took over the Senate Banking Committee as chairman.

Over and over, the Bush administration had asked Congress to stop Fannie Mae and Freddie Mac, to rein it in, and to Republicans' dismay and dishonor, it was not done. It should have been. And certainly the Democratic friends across the aisle were objecting. The man who became chairman, BARNEY FRANK, was objecting. Of course we've seen the speech where he said, No, they were fine, in essence. They were fine. They were not fine. They were in big trouble, and nothing was done. It should have been.

If we look back, we will find that Fannie Mae and Freddie Mac, they weren't sitting dormant on the side. Oh, no. They were actively involved in politics. And if you look at the period, as Open Secrets did, from 1989 to 2008 to find out who gained the most in political contributions during that period from Fannie Mae and Freddie Mac as they sought to try to entrench their futures, well the second-highest amount of contributions from Fannie Mae and Freddie Mac went to a Senator named Barack Obama.

□ 2330

Things changed, didn't they? And now we have the book come out from Mr. Woodward. Who is to know exactly what is absolute truth and what is affected by unartful memory?

As a judge, we would hear well-meaning witnesses all try to give their version of what they saw with their own eyes, and it was amazing. Eye-witnesses so often varied on details that occurred.

But Mr. Woodward has a book out. I was deeply saddened to see what he had said about President Obama's discussion with Secretary Gates, that he could either endorse the President's idea of 25 percent fewer new troops going to Afghanistan, 25 percent fewer than the military had asked for in McChrystal's report, or the President could go with what he described to Gates as a "hope for the best" plan of 10,000 trainers, under which Afghanistan would almost certainly be lost to the Taliban.

Woodward quotes President Obama as saying, Can you support this? And then he is quoted as saying, Because if the answer is no, I understand it, and I

will be happy it just authorize another 10,000 troops and we can continue to go as we are and train the Afghan national force and just hope for the best.

Woodward's comment was "hope for the best." The condescending words hung in the air. Well, there were accounts, reports that supposedly, possibly, that McChrystal had originally orally said, We probably need 80,000 troops in Afghanistan to have as much effect as the surge in Iraq had had and to get things under control.

I am not sure if those were true, but one account was that the President, or the White House, had asked, Let's cut that down from 80 to 40 because that's more reasonable, something more doable.

But nonetheless, the request was in writing for 40,000. And the report made very clear that time was of the essence. And if we delay doing this, the whole outcome of Afghanistan could hinge within the next 12 months. And it was shocking to wait for 90 days. Thirty days, nothing happened. The President said he had been busy, been running around congratulating people all over the country. Kind of like in here. We don't have time to help the economy by assuring people and businesses we will keep the same tax rate for at least the next year or so. Oh, no. We had to do 84 suspension bills on various things today. No time to help the economy, though, by assuring businesses and people their taxes will not have the biggest increase in American history, which looms as of January 1.

But anyway, 30,000 troops were authorized. And it's a shame if that ends up being true, that President Obama told Gates, either go along with the 30,000, 25 percent less than McChrystal said were absolutely essential to having a chance, the best chance to defeat the Taliban, and to win in Afghanistan.

But the trouble is, my friend, DANA ROHRBACHER, had let me know this past summer that there were some members of the northern alliance that we called upon, some call them warlords, tribal groups, who we had allied ourselves with when we first went into Afghanistan. We let them do most of the fighting, and they were able to defeat the Taliban. We provided weaponry and consultants, trainers, and they were able to defeat the Taliban.

But then, as Afghanistan languished, the Taliban has made a resurgence. And there were stories that these people with the northern alliance, these leaders had heard that the United States was indirectly negotiating with Pakistan and with Karzai, as the leader of Afghanistan, and indirectly with the Taliban, basically, if you'll just let us out next summer and not make a fuss, you can have the country. You guys can work it out. That was what the northern alliance people were hearing.

And what I didn't know until we met with a number of those leaders, these

are brave warriors. These are brave fighters. But they were concerned for themselves and more so for their families and for those who looked to them for leadership, because what I didn't know was that after they had defeated the Taliban to help us, we demanded that they disarm and basically said, you know, you can count on us. You know, the Taliban's been defeated. You can disarm now. That's the only way to peace. And don't worry, we are around to make sure that the Taliban won't be back. They won't be bothering you. You defeated them. We are here. We will see that nothing bad happens.

So they disarmed. And they said they really did. They trusted the United States, their ally.

And now, the Taliban making this resurgence, because McChrystal didn't get the soldiers he asked for, and although the President said that is the war, that's where Bush is messing up, he didn't make that the central war. This President has not done any better and, instead, has announced to our enemies, not in so many words, but it's something any enemy would get. When you say we're going to pull out next summer, it tells the enemy, if you can just hang on until next year, then you win.

And lest we forget, the Taliban was behind the training and the planning of 9/11 and the killing of 3,000 Americans. How quickly we have forgotten. Have you forgotten? Have we forgotten?

They killed 3,000 people, and now we are going to let them—we are going to walk away from Afghanistan and let them have a stronghold there. And the northern alliance knows what that means. It means that they and their families are dead. Our allies will be dead.

It isn't hard to figure out, if you're out there in the world, and United States representatives say, you can trust us, be our ally, you'd want to say, well, no, no thank you very much. I have seen what you have done to your allies. I have seen what your best friend, Israel, has had happen to them and the pressure you have put on them not to defend themselves, to give away part of their country; to keep giving away unilaterally, when there is nothing being brought to the bargaining table by the other side. Yeah, we have seen what you have done to your allies.

We saw how you voted to demand Israel show off their weaponry, just like Hezekiah did as king of Israel when he showed the weaponry to Babylonian leaders. And for that, Isaiah said, in essence, you fool. Because you have done this you will lose it all.

You don't show your enemies all of your defenses. You don't do that. And you don't make your friends do that either. You don't make your friends give away their ability to conventionally defend themselves like we have been putting pressure on Israel to do.

And now, with Afghanistan. I don't know what the answers are. But I would have hoped that from Vietnam we learned, not that we couldn't win, because we find out from the true history, Vietnam was winnable, but we didn't have the will. Washington could have decided to win the Vietnam war whenever it got ready, but, instead, we kept sending people over there piecemeal to die.

The message ought to be clear. If you are going to send American men and women into harm's way, you send with them everything they need to win, and you don't tie their hands behind them. You let them fight.

And the rules of engagement in Afghanistan are causing losses of life because we are so tying our own hands that it puts our people at risk.

□ 2340

Is there any wonder people are hesitant to be our allies? The Northern Alliance could tell them, watch out. I hope and pray that the Northern Alliance leaders were wrong, that our administration here is not indirectly sending messages to the Taliban: If you just hang in there, you guys can divide things up. Because it does mean our allies in Afghanistan will be dead.

It is rather hard to hear people in this administration say that the Republican Party has no leaders when they took one of my ideas. And I did tell them, I don't care who gets the credit. But that was back in January of 2009—actually, November of 2008, when I pushed forward the tax holiday idea. It is a great idea. People would leave the money in their own checks.

I emailed the idea to Newt Gingrich. He fired back: This is brilliant. I will push it.

I don't get a lot of emails saying something I proposed is brilliant. Art Laffer had said more recently that would have been the best thing to do, a tax holiday.

The trouble is the majority right now believes that the money being earned by people doesn't belong to them, it belongs to us, and we will decide what of this government's money they get to keep. That is not way it is supposed to work.

And we have been told we are supposed to be for something. We have got all kinds of fantastic plans, but the majority has a choke hold on CBO so that they will come forward; if the President needs a CBO score to be under \$900 billion, they get it under there and then conveniently find out later on that they missed it by a quarter of a trillion dollars. If the administration needs a scoring to be done in the time that the rest of us are told by CBO they can't score something in that amount of time or with what little is given, if this administration or this majority wants it, they get it done. I don't see how that is bipartisan.

When you look at over 700 bills that they have scored and you find just barely over 100 Republican bills, including what Newt Gingrich had told me: You have got to get your health care bill scored. It could change the debate. It ought to have a good score. Well, CBO has shut out that possibility, as if they were the most partisan of all partisans, because they know by preventing alternative bills from getting scored, then they prevent a viable alternative from being debated here on the floor. Shame on CBO.

There have been some great ideas, and they are so basic. Do you want to get the economy going? Let people keep their own money. You wouldn't have needed an automobile bailout if you had let people keep their own money for 2 or 3 months.

People say: You guys on this side of the aisle are only out to help the rich. I am not. We are not. But what we want to do is focus tax relief only to the limited people who are paying the taxes, and we have the unmitigated gall to think that we should not engage in class warfare. That is divisive. Or maybe I should say divisive, derisive, dismissive. Tax relief should go to those who are paying taxes, pure and simple. And it is not a tax rebate if people didn't put any "bait" in in the first place.

Art Laffer also says, as an economist that helped Reagan get the cart out of the ditch for this country: Quit buying all this stuff. Start selling off things. Yet every month that goes by, this government buys more and more lands, which takes the land off of the tax rolls for the local government and the schools. We do so much damage taking away tax dollars from schools, and we take away areas where we have got natural resources that could be mined or produced.

I want alternative energy sources, and it would be easy. Instead of having the crap-and-trade bill that does so much more damage to the economy, heck, just start drilling what we have, making sure it is done safely. And that does not mean as it was being done when Deepwater Horizon blew up, where the part of MMS that was allowed to unionize was the offshore inspectors.

And when I asked the question, "What kinds of checks and balances do you have to make sure those offshore inspectors who are unionized and had a union contract to limit what they could be required to do, what kind of checks and balances do you have to make sure that they do the right thing?" they said, "Oh, the checks and balances? That is that we send them out in pairs so they are watching each other, and they will report each other if they don't do exactly what they are supposed to."

Yet the last two people who were sent as offshore inspectors, unionized,

to inspect the Deepwater Horizon were a father-and-son team. That is this administration and the union's idea of a good check and balance.

We have apparently hundreds of billions, and now it is estimated even over \$1 trillion, of Americans' money in foreign banks that was earned overseas, and it has been left there, and this government will never have a chance to tax that at all. So here we are in economic crisis.

This was proposed in September of 2008 by some leading economists here: Instead of a TARP giveaway slush fund, don't get the government involved in the socialist action of buying into business, buying into Wall Street, engorging Goldman Sachs and AIG. Let them go through reorganization like everybody else does.

But what you could do is say, okay, for you American people, companies that have money in foreign banks that has never come into American banks, here is the deal. You come in and purchase things that will get the economy going.

And we could direct that. There will be no tax consequences, no penalties. So you, with private money, can get things going. And then, of course, once that money is here, it does get the economy going; and, once it is in this country, then it is taxable for the future. Or we could start selling off some of the land. You know, we have got to start thinking outside the box.

One of the great things that happened under Abraham Lincoln was the Morrill Act. The Morrill Act allowed universities to be started with land grants. We have people on welfare. And I know there are some that just don't want to work, but there are some that do. How about if, instead of the welfare, we give them an alternative: We will give you so many acres that can provide land where you can live off of it and make a living. And we will give you seed money to start, but you have to sign an agreement you will never accept welfare again. How about that? We have got plenty of land.

How about using the energy sources we have and taking 25 or even 50 percent of the royalty and designating that to go for research for alternative energy sources, so that it happens without the government taxing and destroying the American economy?

And, how about dropping the corporate tax down to 15 percent, 2 percentage points below China? I am told by CEOs that have moved manufacturing industries to China that if we lowered our corporate tax rate to 17, 15, 12 percent, they would be building new plants back in the United States. Those jobs would return. We need to do that.

□ 2350

We need to do that.

We need a zero baseline budget, no automatic increases. I have that bill. I

filed it each of the three times that I have been here, each of the three terms.

I have got a U.N. voting accountability bill that simply says any nation, since they are sovereign they can do what they want to in the U.N., how they vote. They can applaud Ahmadinejad's crazy speeches, but for any country that votes against our position in the U.N. more than half the time, they get no financial assistance from the United States of any kind in the subsequent year. It is their choice. I said it before: you don't have to pay people to hate you. They will do it for free.

There are so many things we could do to get out of the economic malaise we are in. We need a balanced budget amendment. That would help.

I honestly believe we have got to pass a bill on Social Security that would shore it up. And, no, we didn't do it my first 2 years.

I proposed it to some of our leaders back then, our leading thinkers. They said it was a bad idea, but I still say it is a good idea, and that is for the first time since the inception of Social Security, you require Social Security tax money to go into the Social Security trust fund, real money in there to draw real interest. We could create instruments that would not create risk, that would allow us to draw interest without affecting the bond markets. There are so many things we can do.

We have been blessed so richly. I have said this before, but, Mr. Speaker, I want to conclude with it tonight, because people have been frustrated, I have been frustrated.

But the message is clear. John Adams wrote to Abigail after the signing of the Declaration of Independence. He was so excited, and he talked about the celebrations, and he finished his letter with this:

You will think me transported with enthusiasm, but I am not. I am well aware of the toil and blood and treasure it will cost us to maintain this Declaration and to support and defend these States. Yet through all the gloom I can see the rays of ravishing light and glory. I can see that the end is more than worth all the means, and that posterity will triumph in that day's transaction, even though we should rue it, which I trust in God we shall not.

With that, Mr. Speaker, I yield back.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. MCGOVERN, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.
Mr. DEFAZIO, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Mr. SHERMAN, for 5 minutes, today.

(The following Members (at the request of Mr. GOHMERT) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today, September 29 and 30.

Mr. FRANKS of Arizona, for 5 minutes, September 29.

Mr. FORBES, for 5 minutes, September 29.

Mr. BROWN of Georgia, for 5 minutes, September 29.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1338. An act to require the accreditation of English language training programs, and for other purposes; to the Committee on the Judiciary.

S. 3243. An act to require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to initiate all periodic background reinvestigations of certain law enforcement personnel, and for other purposes, to the Committee on Homeland Security.

S. 3802. An act to designate a mountain and icefield in the State of Alaska as the "Mount Stevens" and "Ted Stevens Icefield", respectively, to the Committee on Natural Resources.

S. 3839. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, to the Committee on Small Business.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 714. An act to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and for other purposes.

H.R. 1517. An act to allow certain U.S. Customs and Border Protection employees who serve under an overseas limited appointment for at least 2 years, and whose service is rated fully successful or higher throughout that time, to be converted to a permanent appointment in the competitive service.

H.R. 2923. An act to enhance the ability to combat methamphetamine.

H.R. 3553. An act to exclude from consideration as income under the Native American Housing Assistance and Self-Determination Act of 1996 amounts received by a family from the Department of Veterans Affairs for service-related disabilities of a member of the family.

H.R. 3808. An act to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce.

H.R. 6190. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 846. An act to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 1055. An act to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1674. An act to provide for an exclusion under the Supplemental Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions.

S. 2868. An act to provide increased access to the Federal supply schedules of the General Services Administration to the American Red Cross, other qualified organizations, and State and local governments.

S. 3717. An act to amend the Securities Exchange Act of 1934, the Investment Company Act of 1940, and the Investment Advisers Act of 1940 to provide for certain disclosures under section 552 of title 5, United States Code, (commonly referred to as the Freedom of Information Act), and for other purposes.

S. 3814. An act to extend the National Flood Insurance Program until September 30, 2011.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on September 23, 2010 she presented to the President of the United States, for his approval, the following bills.

H.R. 5682. To improve the operation of certain facilities and programs of the House of Representatives, and for other purposes.

H.R. 5297. To create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

H.R. 4667. To increase, effective as of December 1, 2010, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

H.R. 1454. Multinational Species Conservation Funds Semipostal Stamp Act of 2010

H.R. 4505. To enable State homes to furnish nursing home care to parents any of whose children died while serving in the Armed Forces.

H.R. 6102. To amend the National Defense Authorization Act for Fiscal Year 2010 to extend the authority of the Secretary of the Navy to enter into multiyear contracts for F/A-18E, F/A-18F, and EA-18G aircraft.

H.R. 3562. To designate the federally occupied building located at 1220 Echelon Parkway in Jackson, Mississippi, as the "James Chaney, Andrew Goodman, Michael Schwerner, and Roy K. Moore Federal Building".

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 52 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 29, 2010, at 10 a.m.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 512, the Federal Election Integrity Act, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF PAY-AS-YOU GO EFFECTS FOR H.R. 512, THE FEDERAL ELECTION INTEGRITY ACT OF 2010, AS PROVIDED TO CBO BY THE HOUSE COMMITTEE ON THE BUDGET ON SEPTEMBER 27, 2010

	By fiscal year, in millions of dollars—														2010–2015	2010–2020
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020					
	NET INCREASE OR DECREASE (–) IN THE DEFICIT															
Statutory Pay-As-You-Go Impact ^a	0	0	0	0	0	0	0	0	0	0	0	0	0	0		

^a H.R. 512 would amend the Federal Election Campaign Act of 1971 to prohibit any chief state election administration official from taking part in the political management or campaign for any federal office, except under specified circumstances. Enacting the legislation could affect federal revenues by increasing the collections of fines for violations of the law. Such collections are recorded in the budget as revenues and in certain cases, may be spent without further appropriation. CBO estimates that any additional revenues and direct spending would be insignificant because of the small number of anticipated violations.

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 3421, the Medical Debt Relief Act, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU GO EFFECTS FOR H.R. 3421, THE MEDICAL DEBT RELIEF ACT OF 2010, AS TRANSMITTED TO CBO ON SEPTEMBER 27, 2010

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010- 2015	2010- 2020
Statutory Pay-As-You-Go Impact ^a	0	0	0	0	0	0	0	0	0	0	0	0	0

^a H.R. 3421 would prohibit credit reporting agencies from listing certain medical debts in consumer credit reports. Enacting the bill could increase the collection of civil penalties and this could affect federal revenues; CBO estimates that those amounts would not be significant.

Pursuant to Public Law 111-139, after consultation with the Chairman of the Senate Budget Committee, and on behalf of both of us, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the House amendment to the Senate amendment to the bill H.R. 3619, the Coast Guard Authorization Act, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR A DRAFT RESOLUTION PROVIDING FOR THE CONCURRENCE BY THE HOUSE IN THE SENATE AMENDMENT TO H.R. 3619, THE COAST GUARD AUTHORIZATION ACT OF 2010, WITH AMENDMENTS, AS PROVIDED TO CBO BY THE HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE ON SEPTEMBER 28, 2010

By fiscal year, in millions of dollars—													
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010- 2015	2010- 2020
NET INCREASE OR DECREASE (—) IN THE DEFICIT													
Statutory Pay-As-You-Go Impact ^a	0	0	0	0	0	0	0	0	0	0	0	0	0

^a Title VI of H.R. 3619 would authorize the U.S. Coast Guard (USCG) to extend certain expiring marine licenses, certificates of registry, and merchant mariners' documents. Because the extension could delay the collection of fees charged for renewal of such documents, enacting this provision could reduce offsetting receipts over the next year or two. Some of those receipts may be spent without further appropriation, however, to cover collection costs. CBO estimates that the net effect on direct spending from enacting this provision would be insignificant.

Title X of the legislation would establish new criminal and civil penalties. CBO estimates that any new revenues resulting from those penalties or related direct spending (of criminal penalties from the Crime Victims Fund) would be less than \$500,000 a year.

Other provisions of H.R. 3619 would direct the USCG to donate certain real and personal property to local governments or other nonfederal entities. CBO expects that, under current law, nearly all of that property would either be retained by the USCG or eventually given to other federal or nonfederal entities; therefore, donating those assets under the legislation would result in no significant loss of offsetting receipts.

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 4168, the Algae-based Renewable Fuel Promotion Act, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 4168, THE ALGAE-BASED RENEWABLE FUEL PROMOTION ACT OF 2010, AS TRANSMITTED TO CBO ON SEPTEMBER 28, 2010

By fiscal year, in millions of dollars—													
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010- 2015	2010- 2020
NET INCREASE OR DECREASE (—) IN THE DEFICIT													
Statutory Pay-As-You-Go Impact ^a	0	0	0	0	0	0	0	0	0	0	0	0	0

^a H.R. 4168 would allow certain algae-based renewable fuels to qualify for the cellulosic biofuel tax credit, and would make the production facilities of those fuels eligible for the bonus depreciation allowed to cellulosic fuel facilities. The staff of the Joint Committee on Taxation estimates that the effect of these changes on federal revenues would be insignificant in any year and over the 2010-2020 period.

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 4337, the Regulated Investment Company Modernization Act, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 4337, THE REGULATED INVESTMENT COMPANY MODERNIZATION ACT OF 2010, AS TRANSMITTED TO CBO ON SEPTEMBER 28, 2010

By fiscal year, in millions of dollars—													
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010- 2015	2010- 2020
NET INCREASE OR DECREASE (—) IN THE DEFICIT													
Statutory Pay-As-You-Go Impact ^a	0	19	24	26	27	32	37	41	46	51	275	131	30

^a H.R. 4337 would make a number of changes to the tax treatment of income from certain regulated investment companies. On net, the staff of the Joint Committee on Taxation estimates that these changes will increase federal revenues over the 2010-2020 period.

Note: Components may not sum to totals because of rounding.

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 5360, the Blinded Veterans Adaptive Housing Improvement Act of 2010, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 5360, THE HOUSING, EMPLOYMENT, AND LIVING PROGRAMS FOR VETERANS ACT OF 2010, AS PROVIDED TO CBO ON SEPTEMBER 27, 2010

By fiscal year, in millions of dollars—													
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010- 2015	2010- 2020
NET INCREASE OR DECREASE (—) IN THE DEFICIT													
Statutory Pay-As-You-Go Impact	0	54	25	36	48	58	67	57	38	40	41	113	4

Note: H.R. 5360 contains several provisions that would both increase and decrease the costs of certain veterans' programs, including veterans' housing assistance, veterans's readjustment benefits, and employment.

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 6026, the Access to Congressionally Mandated Reports Act, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 6026, THE ACCESS TO CONGRESSIONALLY MANDATED REPORTS ACT, AS PROVIDED TO CBO BY THE HOUSE COMMITTEE ON THE BUDGET ON SEPTEMBER 28, 2010

	By fiscal year, in millions of dollars—													
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010-2015	2010-2020	
NET INCREASE OR DECREASE (–) IN THE DEFICIT														
Statutory Pay-As-You-Go Impact ^a	0	0	0	0	0	0	0	0	0	0	0	0	0	

^a H.R. 6026 would require that all congressionally mandated reports be made available to the public on a website operated by the Office of Management and Budget. Enacting the legislation could affect direct spending by agencies not funded through annual appropriations, such as the Tennessee Valley Authority and the Bonneville Power Administration. CBO estimates, however, that any net increase in spending by those agencies would not be significant. Enacting H.R. 6026 would not affect revenues.

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 6132, the Veterans Benefits and Economic Welfare Improvement Act of 2010, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 6132, THE VETERANS BENEFITS AND ECONOMIC WELFARE ACT OF 2010, PROVIDED BY THE HOUSE COMMITTEE ON THE BUDGET ON SEPTEMBER 27, 2010

	By fiscal year, in millions of dollars—													
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010-2015	2010-2020	
NET INCREASE OR DECREASE (–) IN THE DEFICIT														
Statutory Pay-As-You-Go Impact ^a	0	0	0	–4	–8	–11	4	4	4	4	4	–23	–3	

^a H.R. 6132 would exclude certain payments from the annual income determination for veterans pension purposes, extend the authority for the Department of Veterans Affairs to complete an income verification match with the Internal Revenue Service, and increase the amount of monthly pension payable to Medal of Honor recipients.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

9664. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Apricots Grown in Designated Counties in Washington; Increased Assessment Rate [Doc. No.: AMS-FV-10-0050; FV10-922-1 FR] received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9665. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Perishable Agricultural Commodities Act: Increase in License Fees [Document No.: AMS-FV-08-0098] (RIN: 0581-AC92) received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9666. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Walnuts Grown in California; Changes to the Quality Regulations for Shelled Walnuts [Doc. No.: AMS-FV-09-0036; FV09-984-4 FR] received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9667. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — National Organic Program; Amendment to the National List of Allowed and Prohibited Substances (Livestock) [Document Number: AMS-NOP-10-0051; NOP-10-041R] (RIN: 0581-AD04) received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9668. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Cold Treatment Regulations [Docket No.: APHIS-2006-0050] received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9669. A letter from the Budget Coordinator, Research, Education & Economics, Department of Agriculture, transmitting the Department's final rule — United States De-

partment of Agriculture Research Misconduct Regulations for Extramural Research (RIN:0524-AA34) received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9670. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Milk in the Northeast and Other Marketing Areas; Order Amending the Orders [Doc. No.: AMS-DA-09-0062; AO-14-A73, et al.; DA-03-10] received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9671. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's annual Developing Countries Combined Exercise Program report of expenditures for Fiscal Year 2009, pursuant to 10 U.S.C. 2010; to the Committee on Armed Services.

9672. A letter from the Secretary, Department of the Army, transmitting determination that the Excalibur program has exceeded the program acquisition unit cost baseline, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

9673. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Acquisition Strategies to Ensure Competition throughout the Life Cycle of Major Defense Acquisition Programs (DFARS Case 2009-D014) received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9674. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Transportation (DFARS Case 2003-D028) received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9675. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement Lieutenant General Keith W. Dayton, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

9676. A letter from the Under Secretary, Department of Defense, transmitting interim report on the submission of a plan for actions to eliminate the need for members of the Armed Forces and their dependants to rely on the supplemental nutrition assistance program; to the Committee on Armed Services.

9677. A letter from the Chair, Congressional Oversight Panel, transmitting the Panel's monthly report pursuant to Section 125(b)(1) of the Emergency Economic Stabilization Act of 2008, Pub. L. 110-343; to the Committee on Financial Services.

9678. A letter from the Acting Director, Single Family Housing Guaranteed Loan Division, Department of Agriculture, transmitting the Department's final rule — Guaranteed Single Family Housing Loans (RIN: 0575-AC85) received August 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9679. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Brazil pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9680. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to New Zealand pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9681. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Turkey pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9682. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Ireland pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9683. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to India pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9684. A letter from the Chairman and President, Export-Import Bank, transmitting a

report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9685. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9686. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9687. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9688. A letter from the Chairman and President, Export-Import Bank, transmitting the transaction involving U.S. exports to the Republic of Panama; to the Committee on Financial Services.

9689. A letter from the Chairman and President, Export-Import Bank, transmitting a report involving U.S. exports to Kuwait; to the Committee on Financial Services.

9690. A letter from the Secretary, Department of Health and Human Services, transmitting first annual financial report as required by the Animal Generic Drug User Fee Act of 2009; to the Committee on Energy and Commerce.

9691. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Theft Prevention Standard; Final Listing of 2011 Light Duty Truck Lines Subject to the Requirements of This Standard and Exempted Vehicle Lines for Model Year 2011 [Docket No.: NHTSA-2010-0070] (RIN: 2127-AK68) received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9692. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Electric-Powered Vehicles; Electrolyte Spillage and Electrical Shock Protection [Docket No.: NHTSA-2010-0021] (RIN: 2127-AK05) received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9693. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Schedule of Fees Authorized by 49 U.S.C. 30141 [Docket No.: NHTSA 2010-0035; Notice 2] (RIN: 2127-AK70) received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9694. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Theft Protection and Rollaway Prevention [Docket No.: NHTSA 2010-0043] (RIN: 2127-AK38) received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9695. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Side Impact Protection; Fuel System Integrity; Electric-Powered Vehicles; Electrolyte Spillage and Electrical Shock Protection [Docket No.: NHTSA-2010-0032] (RIN: 2127-AK48) received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9696. A letter from the Senior Regulation Analyst, Department of Transportation, transmitting the Department's final rule — List of Nonconforming Vehicles Decided To Be Eligible for Importation [Docket No.: NHTSA-2006-0134] received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9697. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Baton Rouge 8-Hour Ozone Non-attainment Area; Determination of Attainment of the 8-Hour Ozone Standard [EPA-R06-OAR-2010-0113; FRL-9197-8] received September 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9698. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Change of Address for Region 5 State and Local Agencies; Technical Correction [FRL-9198-2] received September 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9699. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Approval and Promulgation of Air Quality Implementation Plans; Minnesota; Carbon Monoxide (CO) Limited Maintenance Plan for the Twin Cities Area [EPA-R05-OAR-2010-0556; FRL-9197-9] received September 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9700. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Withdrawal of Direct Final Rule [EPA-R03-OAR-2010-0431; FRL-9197-5] received September 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9701. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the National Emergency with respect to persons who commit, threaten to commit, or support terrorism that was declared in Executive Order 13224 of September 23, 2001, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

9702. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting notification that effective August 1, 2010, the danger pay allowance for the Cote d'Ivoire has been eliminated, pursuant to 5 U.S.C. 5928; to the Committee on Foreign Affairs.

9703. A letter from the Acting Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-28, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

9704. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 10-12 informing of an intent to sign a Memorandum of Understanding with Canada; to the Committee on Foreign Affairs.

9705. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning inter-

national agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

9706. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a copy of the intention to obligate Fiscal Year 2010 Economic Support Funds (ESF) on behalf of the Bureau of East Asian and Pacific Affairs; to the Committee on Foreign Affairs.

9707. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's annual report on the extent and disposition of United States contributions to international organizations for fiscal year 2009, pursuant to 22 U.S.C. 287b(b); to the Committee on Foreign Affairs.

9708. A letter from the Acting Executive Secretary, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

9709. A letter from the Acting Executive Secretary, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

9710. A letter from the Chairman, National Transportation Safety Board, transmitting in accordance with Pub. L. 105-270, the Federal Activities Inventory Reform Act of 1998 (FAIR Act), the Board's inventory of commercial activities for 2009; to the Committee on Oversight and Government Reform.

9711. A letter from the Program Analyst, Department of Homeland Security, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. Model A119 and AW119 MKII Helicopters [Docket No.: FAA-2010-0806; Directorate Identifier 2010-SW-071-AD; Amendment 39-16397; AD 2010-15-51] (RIN: 2120-AA64) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9712. A letter from the Program Analyst, Department of Homeland Security, transmitting the Department's final rule — Airworthiness Directives; PILATUS AIRCRAFT LTD. Model PC-12/47E Airplanes [Docket No.: FAA-2010-0583; Directorate Identifier 2010-CE-028-AD; Amendment 39-16401; AD 2010-17-09] (RIN: 2120-AA64) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9713. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Corporation Model MD-90-30 Airplanes [Docket No.: FAA-2010-0433; Directorate Identifier 2009-NM-117-AD; Amendment 39-16388; AD 2010-16-11] (RIN: 2120-AA64) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9714. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Canada Corp. PW617F-E Turbofan Engines [Docket No.: FAA-2010-0246; Directorate Identifier 2010-NE-16-AD; Amendment 39-16391; AD 2010-17-01] (RIN: 2120-AA64) received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9715. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Airworthiness Directives; Pratt & Whitney Canada Corp. (P&WC) PW615F-A Turbofan Engines [Docket No.: FAA-2010-0245; Directorate Identifier 2010-NE-15-AD; Amendment 39-16398; AD 2010-17-06] (RIN: 2120-AA64) received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9716. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland Ltd. & Co. KG. (RRD) Models Tay 650-15 and Tay 651-54 Turbofan Engines [Docket No.: FAA-2007-0037; Directorate Identifier 2007-NE-41-AD; Amendment 39-16404; AD 2010-17-12] (RIN: 2120-AA64) received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9717. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dowty Propellers R408/6-123F/17 Model Propellers [Docket No.: FAA-2009-0776; Directorate Identifier 2009-NE-32-AD; Amendment 39-16403; AD 2010-17-11] (RIN: 2120-AA64) received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9718. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc (RR) RB211-22B and RB211-524 Series Turbofan Engines [Docket No.: FAA-2009-1157; Directorate Identifier 2009-NE-26-AD; Amendment 39-16402; AD 2010-17-10] (RIN: 2120-AA64) received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9719. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault-Aviation Model FALCON 7X Airplanes [Docket No.: FAA-2010-0800; Directorate Identifier 2010-NM-162-AD; Amendment 39-16416; AD 2010-18-03] (RIN: 2120-AA64) received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9720. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Restricted Area R-3405; Sullivan, IN [Docket No.: FAA-2007-28633; Airspace Docket No. 07-ASW-7] received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9721. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30738; Amdt. No. 3386] received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9722. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30739; Amdt. No. 3387] received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9723. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Colored Federal Airway B-38;

Alaska [Docket No.: FAA-2010-0365; Airspace Docket No. 10-AAL-12] (RIN: 2120-AA66) received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9724. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aircraft Industries a.s. (Type Certificate G24EU Previously Held by LETECKE ZAVODY a.s. and LET Aeronautical Works) Model L-13 Blanik Gliders [Docket No.: FAA-2010-0839; Directorate Identifier 2010-CE-042-AD; Amendment 39-16418; AD 2010-18-05] (RIN: 2120-AA64) received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9725. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Re-Registration and Renewal of Aircraft Registration; OMB Approval of Information Collection [Docket No.: FAA-2008-0118; Amdt. Nos. 13-34, 47-29, 91-318] (RIN: 2120-AI89) received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9726. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of the Pacific High and Low Offshore Airspace Areas; California [Docket No.: FAA-2010-0187; Airspace Docket No. 09-AWP-10] (RIN: 2120-AA66) September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9727. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-201, -202, -203, -223, -243, -301, -302, -303, -321, -322, -323, -341, -342, and -343 Airplanes, Model A340-211, -212, -213, -311, -312, and -313 Airplanes, and Model A340-541 and -642 Airplanes [Docket No.: FAA-2010-0041; Directorate Identifier 2009-NM-218-AD; Amendment 39-16392; AD 2010-17-02] (RIN: 2120-AA64) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9728. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 767-300 Series Airplanes [Docket No.: FAA-2010-0762; Directorate Identifier 2010-NM-011-AD; Amendment 39-16393; AD 2010-17-03] (RIN: 2120-AA64) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9729. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211-524C2 Series Turbofan Engines [Docket No.: FAA-2010-0521; Directorate Identifier 2009-NE-21-AD; Amendment 39-16405; AD 2010-17-13] (RIN: 2120-AA64) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9730. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A380-800 Series Airplanes [Docket No.: FAA-2010-0763; Directorate Identifier 2009-NM-253-AD; Amendment 39-16394; AD 2010-17-04] (RIN: 2120-AA64) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9731. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No.: FAA-2008-0269; Directorate Identifier 2007-NM-320-AD; Amendment 39-16395; AD 2010-17-05] (RIN: 2120-AA64) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9732. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Maneuvering Speed Limitation Statement [Docket No.: FAA-2009-0810; Amendment No. 25-130] (RIN: 2120-AJ21) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9733. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Procedures for Transportation Workplace Drug and Alcohol Testing Programs [Docket: OST-2010-0026] (RIN: 2105-AD95) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9734. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-223, -321, -322, and -323 Airplanes [Docket No.: FAA-2010-0278; Directorate Identifier 2009-NM-255-AD; Amendment 39-16399; AD 2010-17-07] (RIN: 2120-AA64) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9735. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Various Aircraft Equipped with Rotax Aircraft Engines 912 A Series Engines [Docket No.: FAA-2010-0329; Directorate Identifier 2010-CE-016-AD; Amendment 39-16400; AD 2010-17-08] (RIN: 2120-AA64) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9736. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France (Eurocopter) Model AS350B, BA, B1, B2, C, D, and D1 Helicopters and Model AS355E, F, F1, F2, and N Helicopters [Docket No.: FAA-2010-0782; Directorate Identifier 2010-SW-053-AD; Amendment 39-16396; AD 2010-11-51] (RIN: 2120-AA64) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9737. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment and Establishment of Restricted Areas and Other Special Use Airspace, Avon Park Air Force Range, FL [Docket No.: FAA-2008-1261; Airspace Docket No. 06-ASO-18] received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9738. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Ontic Engineering and Manufacturing, Inc. Propeller Governors, Part Numbers C210776, T210761, D210760, and J21076 [Docket No.: FAA-2010-0102; Directorate Identifier 2010-NE-09-AD; Amendment 39-16341; AD 2010-13-10] (RIN: 2120-AA64) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9739. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE SYSTEMS (OPERATIONS) LIMITED Model Avro 146-RJ and BAe 146 Airplanes [Docket No.: FAA-2010-0222; Directorate Identifier 2008-NM-012-AD; Amendment 39-16387; AD 2010-16-10] (RIN: 2120-AA64) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9740. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc (RR) RB211-Trent 900 Series Turbofan Engines [Docket No.: FAA-2010-0748; Directorate Identifier 2010-NE-13-AD; Amendment 39-16384; AD 2010-16-07] (RIN: 2120-AA64) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9741. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F airplanes (Collectively Called A300-600 series airplanes); and A310 Series Airplanes [Docket No.: FAA-2010-0281; Directorate Identifier 2009-NM-184-AD; Amendment 39-16390; AD 2010-16-13] (RIN: 2120-AA64) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9742. A letter from the Assistant Chief Counsel for Pipeline Safety, Department of Transportation, transmitting the Department's final rule — Pipeline Safety: Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Edits [Docket No.: PHMSA-2008-0301; Amdt. Nos. 192-114; 193-22; 195-94] (RIN: 2137-AE41) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9743. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Ocean Dumping; Guam Ocean Dredged Material Disposal Site Designation [FRL-9197-6] received September 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9744. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's report entitled, "Report to Congress: Study of Discharges Incidental to Normal Operation of Commercial Fishing Vessels and Other Non-Recreational Vessels Less than 79 Feet"; to the Committee on Transportation and Infrastructure.

9745. A letter from the Director, Regulations Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Disenrollment procedures (RIN: 2900-AN76) received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

9746. A letter from the Commissioner, Social Security Administration, transmitting the Administration's Fourteenth 2010 Annual Report of the Supplemental Security Income Program, pursuant to Public Law 104-193, section 231 (110 Stat. 2197); to the Committee on Ways and Means.

9747. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Customs Broker License Examination Individual Eligibility Requirements [RIN: 1651-AA74] re-

ceived August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9748. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Technical Corrections To Customs and Border Protection Regulations [CBP Dec. 10-29] received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9749. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Entry Requirements For Certain Softwood Lumber Products Exported From Any Country Into the United States (RIN: 1505-AB98) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9750. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Announcement of the Results of 2009-10 Allocation Round of the Qualifying Advanced Coal Project Program and the Qualifying Gasification Project Program [CASE-MIS Number: ANN-132462-10] (Announcement 2010-56) received September 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9751. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Notice and Request for Comments Regarding Implementation of Information Reporting and Withholding Under Chapter 4 of the Code [Notice 2010-60] received September 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9752. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's tenth report describing the progress made in licensing and constructing the Alaska natural gas pipeline and describing any issue impeding that progress; jointly to the Committees on Energy and Commerce and Transportation and Infrastructure.

9753. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Establishing Additional Medicare Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) Supplier Enrollment Safeguards [CMS-6063-F] (RIN: 0938-A090) received August 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FILNER: Committee on Veterans' Affairs. H.R. 3685. A bill to require the Secretary of Veterans Affairs to include on the main page of the Internet website of the Department of Veterans Affairs a hyperlink to the VetSuccess Internet website and to publicize such Internet website (Rept. 111-624). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 3787. A bill to amend title 38, United States Code, to deem certain service in the reserve components as active service for purposes of laws administered by the Sec-

retary of Veterans Affairs; with an amendment (Rept. 111-625). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 5360. A bill to amend title 38, United States Code, to modify the standard of visual acuity required for eligibility for specially adapted housing assistance provided by the Secretary of Veterans Affairs; with an amendment (Rept. 111-626). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 5630. A bill to amend title 38, United States Code, to provide for qualifications for vocational rehabilitation counselors and vocational rehabilitation employment coordinators employed by the Department of Veterans Affairs (Rept. 111-627). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 5993. A bill to amend title 38, United States Code, to ensure that beneficiaries of Servicemembers' Group Life Insurance receive financial counseling and disclosure information regarding life insurance payment, and for other purposes; with an amendment (Rept. 111-628). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 3421. A bill to exclude from consumer credit reports medical debt that has been in collection and has been fully paid or settled, and for other purposes; with an amendment (Rept. 111-629). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 6132. A bill to amend title 38, United States Code, to establish a transition program for new veterans, to improve the disability claim system, and for other purposes; with an amendment (Rept. 111-630). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 2408. A bill to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma, and for other purposes; with an amendment (Rept. 111-631). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee of Energy and Commerce. H.R. 1347. A bill to amend title III of the Public Health Service Act to provide for the establishment and implementation of concussion management guidelines with respect to school-aged children, and for other purposes; with amendments (Rept. 111-632). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee of Energy and Commerce. H.R. 5354. A bill to establish an Advisory Committee on Gestational Diabetes, to provide grants to better understand and reduce gestational diabetes, and for other purposes; with amendments (Rept. 111-633). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 2999. A bill to amend the Public Health Service Act to enhance and increase the number of veterinarians trained in veterinary public health; with an amendment (Rept. 111-634). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 2941. A bill to reauthorize

and enhance Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers; with an amendment (Rept. 111-635). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 1362. A bill to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders; with an amendment (Rept. 111-636). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 1230. A bill to amend the Public Health Service Act to provide for the establishment of a National Acquired Bone Marrow Failure Disease Registry, to authorize research on acquired bone marrow failure diseases, and for other purposes; with amendments (Rept. 111-637). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 1210. A bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes; with an amendment (Rept. 111-638). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 1032. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women; with amendments (Rept. 111-639). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 758. A bill to amend title IV of the Public Health Service Act to provide for the establishment of pediatric research consortia; with an amendment (Rept. 111-640). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 2818. A bill to amend the Public Health Service Act to provide for the establishment of a drug-free workplace information clearinghouse, to support residential methamphetamine treatment programs for pregnant and parenting women, to improve the prevention and treatment of methamphetamine addiction, and for other purposes; with an amendment (Rept. 111-641). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 5462. A bill to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to establish and implement a birth defects prevention, risk reduction, and public awareness program; with amendment (Rept. 111-642). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 6081. A bill to amend the Stem Cell Therapeutic and Research Act of 2005; with an amendment (Rept. 111-643). Referred to the Committee of the Whole House on the State of the Union.

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 6160. A bill to develop a rare earth materials program, to amend the National Materials and Minerals Policy, Research and Development Act of 1980, and for other purposes; with an amendment (Rept. 111-644). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 305. A bill to amend title 49, United States Code, to prohibit the transportation of horses in interstate transportation in a motor vehicle containing 2 or more levels stacked on top of one another (Rept. 111-645). Referred to the Committee of the Whole House of the State of the Union.

Mr. LEVIN: Committee on Ways and Means. H.R. 2378. A bill to amend title VII of the Tariff Act of 1930 to clarify that fundamental exchange-rate misalignment by any foreign nation is actionable under United States countervailing and antidumping duty laws, and for other purposes; with an amendment (Rept. 111-646). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 903. A bill to amend the Public Health Service Act to enhance the roles of dentists and allied dental personnel in the Nation's disaster response framework, and for other purposes; with an amendment (Rept. 111-647). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CARDOZA (for himself, Mr. LARSON of Connecticut, Ms. DELAUNO, Mr. GEORGE MILLER of California, Ms. ESHOO, Mr. KAGEN, Mr. GARAMENDI, Mr. WELCH, Ms. CASTOR of Florida, Ms. BERKLEY, Mr. BACA, Mr. HASTINGS of Florida, Mr. COSTA, Ms. WASSERMAN SCHULTZ, Mr. MCNERNEY, Ms. GIFFORDS, and Mr. SIREN):

H.R. 6218. A bill to prevent foreclosure of home mortgages and provide for the affordable refinancing of mortgages held by Fannie Mae and Freddie Mac; to the Committee on Financial Services.

By Mr. FRANK of Massachusetts:

H.R. 6219. A bill to amend the Small Business Jobs Act of 2010 to enhance the provisions of the Small Business Lending Fund Program, to amend the Small Business Investment Act of 1958 to create a Small Business Early-Stage Investment Program, and to create the Small Business Borrower Assistance Program; to the Committee on Financial Services.

By Ms. PINGREE of Maine:

H.R. 6220. A bill to amend title 38, United States Code, to ensure that the Secretary of Veterans Affairs provides veterans with information concerning service-connected disabilities at health care facilities; to the Committee on Veterans' Affairs.

By Mr. YOUNG of Alaska:

H.R. 6221. A bill to authorize the Secretary of the Interior to issue permits for a microhydro project in nonwilderness areas within the boundaries of Denali National Park and Preserve, to acquire land for Denali National Park and Preserve from Doyon Tourism, Inc., and for other purposes; to the Committee on Natural Resources.

By Mr. MCGOVERN:

H.R. 6222. A bill to establish the National Competition for Community Renewal to encourage communities to adopt innovative strategies and design principles to programs related to poverty prevention, recovery and response, and for other purposes; to the Committee on Ways and Means, and in addition

to the Committees on Education and Labor, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 6223. A bill to establish a Congressional Office of Regulatory Analysis, to require the periodic review and automatic termination of Federal regulations, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself and Mr. PALLONE):

H.R. 6224. A bill to modernize cancer research, increase access to preventative cancer services, provide cancer treatment and survivorship initiatives, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAULSEN:

H.R. 6225. A bill to amend the Emergency Economic Stabilization Act of 2008 to terminate authority under the Troubled Asset Relief Program; to the Committee on Financial Services.

By Mr. FOSTER:

H.R. 6226. A bill to amend the Small Business Act to permit agencies to count certain contracts toward contracting goals; to the Committee on Small Business.

By Mr. BILIRAKIS (for himself and Mr. MILLER of Florida):

H.R. 6227. A bill to establish a temporary prohibition on termination of coverage under the TRICARE program for age of dependents under the age of 26 years; to the Committee on Armed Services.

By Mr. BURGESS:

H.R. 6228. A bill to repeal certain amendments to the Clean Air Act relating to the expansion of the renewable fuel program, and for other purposes; to the Committee on Energy and Commerce.

By Ms. CHU (for herself, Mr. LOEBSACK, and Ms. SHEA-PORTER):

H.R. 6229. A bill to strengthen student achievement and graduation rates and prepare young people for college, careers, and citizenship through innovative partnerships that meet the comprehensive needs of children and youth; to the Committee on Education and Labor, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DRIEHAUS:

H.R. 6230. A bill to amend title 37, United States Code, to exclude bonus payments made by a State or political subdivision thereof to a member of the Armed Forces, including a reserve component member, on account of the service of the member in the Armed Forces from consideration in determining the eligibility of the member (or the member's spouse or family) for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds; to the Committee on Armed Services.

By Ms. GIFFORDS (for herself and Mr. MANZULLO):

H.R. 6231. A bill to amend the Export Enhancement Act of 1988 to further enhance the promotion of exports of United States goods and services, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HASTINGS of Florida (for himself, Mr. RANGEL, Mr. JACKSON of Illinois, Ms. NORTON, Ms. FUDGE, Ms. CORRINE BROWN of Florida, and Ms. CLARKE):

H.R. 6232. A bill to establish a scholarship program in the Department of State for Haitian students whose studies were interrupted as a result of the January 12, 2010, earthquake, and for other purposes; to the Committee on Foreign Affairs.

By Ms. HERSETH SANDLIN (for herself, Mr. KILDEE, Mr. COLE, and Mr. YOUNG of Alaska):

H.R. 6233. A bill to establish a Native American entrepreneurial development program in the Small Business Administration; to the Committee on Small Business.

By Ms. HERSETH SANDLIN (for herself and Mr. HINCHEY):

H.R. 6234. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, a credit for individuals who care for those with long-term care needs, and for other purposes; to the Committee on Ways and Means.

By Mr. MCMAHON (for himself, Mr. HOYER, Mr. CUMMINGS, Mr. HALL of New York, Mr. PATRICK J. MURPHY of Pennsylvania, Mrs. MALONEY, Ms. BORDALLO, Mrs. CHRISTENSEN, Mr. FALCOMA, and Mr. PIERLUISI):

H.R. 6235. A bill to encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty; to the Committee on the Judiciary.

By Mr. SCHIFF:

H.R. 6236. A bill to require Federal agencies, and persons engaged in interstate commerce, in possession of data containing sensitive personally identifiable information, to disclose any breach of such information; to the Committee on Energy and Commerce, and in addition to the Committees on Oversight and Government Reform, Financial Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California (for himself, Mr. BACA, Mr. BECERRA, Mr. BERMAN, Mr. BILBRAY, Mrs. BONO MACK, Mr. CALVERT, Mr. CAMPBELL, Mrs. CAPPS, Mr. CARDOZA, Ms. CHU, Mr. COSTA, Mrs. DAVIS of California, Mr. DREIER, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. GALLEGLY, Mr. GARAMENDI, Ms. HARMAN, Mr. HERGER, Mr. HONDA, Mr. HUNTER, Mr. ISSA, Ms. LEE of California, Mr. LEWIS of California, Ms. ZOE LOFGREN of California, Mr. DANIEL E. LUNGREN of California, Mr. MCKEON, Ms. MATSUI, Mr. MCCARTHY of California, Mr. MCCLINTOCK, Mr. MCNERNEY, Mr. GARY G. MILLER of California, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. RADANOVICH, Ms. RICHARDSON, Mr. ROHRBACHER, Ms. ROYBAL-ALLARD, Mr. ROYCE, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Ms. SPEIER,

Mr. STARK, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Ms. WOOLSEY, Mr. NUNES, and Ms. PELOSI):

H.R. 6237. A bill to designate the facility of the United States Postal Service located at 1351 2nd Street in Napa, California, as the "Tom Kongsgaard Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. TONKO:

H.R. 6238. A bill to direct the Secretary of Veterans Affairs to establish a registry of certain veterans who were stationed at Fort McClellan, Alabama, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTON of Texas:

H. Con. Res. 320. Concurrent resolution recognizing the 45th anniversary of the White House Fellows Program; to the Committee on Oversight and Government Reform.

By Mr. BILBRAY (for himself, Mr. OLSON, Mrs. MCMORRIS RODGERS, and Mr. BAIRD):

H. Res. 1660. A resolution expressing support for the goals and ideals of the inaugural USA Science & Engineering Festival in Washington, D.C., and for other purposes; to the Committee on Science and Technology; considered and agreed to.

By Mr. PITTS (for himself, Mr. SALAZAR, Mr. TONKO, Mr. GOODLATTE, Mr. BOEHNER, Ms. ROS-LEHTINEN, Mr. LARSEN of Washington, Mr. JORDAN of Ohio, Mr. WOLF, Mr. WHITFIELD, Ms. GIFFORDS, Mr. WILSON of South Carolina, Mr. THOMPSON of Pennsylvania, Mr. POSEY, Mr. WALDEN, Mr. LEWIS of California, Mrs. MYRICK, Mr. DUNCAN, Mr. PLATTS, Mr. BILIRAKIS, Mr. LAMBORN, Mr. DICKS, Mr. INGLIS, Mr. SHUSTER, Mr. BARTLETT, Mr. TIM MURPHY of Pennsylvania, Mr. GERLACH, Mr. ROSKAM, Mr. DENT, Mr. GARAMENDI, Mr. MANZULLO, Mr. MCCAUL, Mr. ROYCE, Mr. MACK, Mr. POE of Texas, Mr. BOOZMAN, and Mr. BURTON of Indiana):

H. Res. 1661. A resolution honoring the lives of the brave and selfless humanitarian aid workers, doctors, and nurses who died in the tragic attack of August 5, 2010, in northern Afghanistan; to the Committee on Foreign Affairs; considered and agreed to.

By Mr. MACK (for himself, Mr. ENGEL, Mr. BURTON of Indiana, Mr. BILIRAKIS, Mr. PAYNE, Ms. JACKSON LEE of Texas, Mr. FALCOMA, Mr. BERMAN, Ms. ROS-LEHTINEN, and Mr. SMITH of New Jersey):

H. Res. 1662. A resolution expressing support for the 33 trapped Chilean miners following the Copiapo mining disaster and the Government of Chile as it works to rescue the miners and reunite them with their families; to the Committee on Foreign Affairs; considered and agreed to.

By Ms. FUDGE (for herself and Mr. DAVIS of Illinois):

H. Res. 1663. A resolution supporting the goals and ideals of Sickle Cell Disease Awareness Month; to the Committee on Education and Labor; considered and agreed to.

By Mr. SMITH of New Jersey (for himself, Mr. STUPAK, Mr. BURTON of Indiana, and Mr. GRIJALVA):

H. Res. 1664. A resolution supporting the goals and ideals of Spina Bifida Awareness Month, recognizing the importance of in-

creasing access to health care for individuals with disabilities, including those with Spina Bifida, and raising awareness of the need for health care facilities and examination rooms to be accessible for individuals with disabilities; to the Committee on Energy and Commerce.

By Mr. OBERSTAR:

H. Res. 1665. A resolution providing for the concurrence by the House in the Senate amendment to H.R. 3619, with amendments; considered and agreed to.

By Mr. BOSWELL (for himself, Mr. LOEBACK, Mr. GRAVES of Missouri, and Mr. TERRY):

H. Res. 1666. A resolution expressing support for designation of October 2010 as "Crime Prevention Month"; to the Committee on the Judiciary.

By Mrs. CAPPS (for herself, Mr. LATOURETTE, and Mr. TOWNS):

H. Res. 1667. A resolution congratulating the National Institute of Nursing Research on the occasion of its 25th anniversary; to the Committee on Energy and Commerce.

By Mr. CARDOZA:

H. Res. 1668. A resolution recognizing the 100th anniversary of the formation of the California Almond Growers Exchange, a cooperative to market almonds produced by members of the cooperative; to the Committee on Agriculture.

By Mr. DUNCAN:

H. Res. 1669. A resolution congratulating the National Air Transportation Association for celebrating its 70th anniversary; to the Committee on Transportation and Infrastructure.

By Ms. GIFFORDS (for herself, Mr. TONKO, Mr. CHILDERS, Mr. DEFazio, Ms. RICHARDSON, Ms. WATSON, Mr. CROWLEY, Mr. COURTNEY, Mr. HARE, Ms. SHEA-PORTER, Mr. FILNER, Mr. HINCHEY, Mr. CONYERS, Mr. RAHALL, Ms. FUDGE, Mr. FARR, Mr. RANGEL, Mr. CRITZ, Mr. DEUTCH, Mr. BOREN, Mr. CARSON of Indiana, Mr. KILDEE, Mr. HEINRICH, Mr. MAFFEI, Mrs. HALVORSON, Ms. PINGREE of Maine, Mr. ARCURI, Ms. KILROY, Mr. WILSON of Ohio, Mr. COSTELLO, Mr. KISSELL, Mr. SCHAUER, Ms. DELAUNO, Mr. LANGEVIN, Mr. BOUCHER, Mr. NADLER of New York, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. PETERS, Mr. OLVER, Mr. FOSTER, Mr. FRANK of Massachusetts, Mr. LEWIS of Georgia, Mr. OBERSTAR, Mr. WU, Mr. STARK, Ms. KAPTUR, Mr. ROTHMAN of New Jersey, Mr. RYAN of Ohio, Ms. LORETTA SANCHEZ of California, Mr. MITCHELL, Ms. CORRINE BROWN of Florida, Mr. BRADY of Pennsylvania, Mr. HALL of New York, Mr. HODES, Ms. LEE of California, Ms. SUTTON, and Mr. CUMMINGS):

H. Res. 1670. A resolution expressing the sense of the House of Representatives with respect to legislation relating to raising the retirement age under title II of the Social Security Act; to the Committee on Ways and Means.

By Mr. MCDERMOTT (for himself, Mr. DICKS, Mr. INSLEE, Mr. BAIRD, and Mr. LARSEN of Washington):

H. Res. 1671. A resolution congratulating the Seattle Storm for their remarkable season and winning the 2010 Women's National Basketball Association Championship; to the Committee on Oversight and Government Reform.

By Mr. MICHAUD (for himself, Mr. ALEXANDER, Mr. BARTLETT, Mr. BILIRAKIS, Ms. BORDALLO, Mr. CONNOLLY

of Virginia, Mr. CRITZ, Mr. DELAHUNT, Mr. FILNER, Ms. GIFFORDS, Mr. GENE GREEN of Texas, Mr. INGLIS, Mr. JOHNSON of Georgia, Mr. KINGSTON, Mr. KISSELL, Mr. KRATOVIL, Mr. LIPINSKI, Mr. MEEKS of New York, Mr. MITCHELL, Mr. MURPHY of New York, Mr. NYE, Ms. PINGREE of Maine, Mr. POE of Texas, Mr. ROGERS of Alabama, Mr. ROSS, Mr. RYAN of Ohio, Mr. SABLAN, Mr. SCOTT of Georgia, Ms. SHEA-PORTER, Mr. SIREs, Mr. SPRATT, Ms. SUTTON, Mr. TANNER, Mr. TAYLOR, Mr. TEAGUE, Mr. THORNBERRY, Mr. WILSON of South Carolina, and Mr. WITTMAN):

H. Res. 1672. A resolution commemorating the Persian Gulf War and reaffirming the commitment of the United States towards Persian Gulf War veterans; to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H. Res. 1673. A resolution recognizing 75 Texas World War II veterans visiting Washington, D.C., on September 27, 2010, to visit the memorials built in their honor; to the Committee on Veterans' Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

386. The SPEAKER presented a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 317 supporting the unification of Northern Ireland with the Republic of Ireland; to the Committee on Foreign Affairs.

387. Also, a memorial of the Council of the District of Columbia, relative to Resolution 18-541 to declare the sense of the Council that the United States Congress must not adopt legislation restricting the District government's ability to legislate the regulation of firearms; to the Committee on Oversight and Government Reform.

388. Also, a memorial of the Council of the District of Columbia, relative to Resolution 18-537 to approve the proposed transfer of jurisdiction over a portion of U.S. Reservation 495 from the National Park Service to the District of Columbia; to the Committee on Natural Resources.

389. Also, a memorial of the Senate of the State of California, relative to Senate Joint Resolution No. 34 urging the Congress to protect and preserve the ability of California wineries, as well as all American wineries, to ship wine directly to consumers without discrimination between in-state and out-of-state wine producers; to the Committee on the Judiciary.

390. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 54 urging the Port Authority of New York and New Jersey to formulate an engineering solution to the impasse at Bayonne Bridge; to the Committee on Transportation and Infrastructure.

391. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 12 requesting the Congress and the President of the United States to enact legislation to close corporate federal tax loopholes; to the Committee on Ways and Means.

392. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 29 requesting that for tax years beginning before January 1, 2011 that the Revenue Ruling referred to allowing same-sex married couples may, but are not required to, amend their returns to report income in accordance with the Revenue Ruling; to the Committee on Ways and Means.

393. Also, a memorial of the Council of the District of Columbia, relative to Resolution 18-538 to approve the transfer of jurisdiction over 2 portions of U.S. Reservations 334 and 334-I from the National Park Service to the District of Columbia; jointly to the Committees on Natural Resources and Oversight and Government Reform.

394. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 42 requesting the Congress and the President of the United States enact the federal Medicare Secondary Payer Enhancement Act of 2010; jointly to the Committees on Ways and Means and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 147: Mr. PASCRELL.
H.R. 197: Mr. DINGELL.
H.R. 305: Mr. PLATTS and Ms. GIFFORDS.
H.R. 333: Mr. ACKERMAN.
H.R. 393: Mr. ROE of Tennessee.
H.R. 503: Mr. FILNER.
H.R. 523: Mr. SMITH of Nebraska.
H.R. 571: Mr. SESTAK.
H.R. 615: Mr. SCHIFF.
H.R. 678: Mr. KING of New York and Mr. MCNERNEY.
H.R. 704: Mr. ISRAEL.
H.R. 707: Mr. CALVERT.
H.R. 758: Mr. REICHERT.
H.R. 868: Ms. BALDWIN and Mr. WU.
H.R. 903: Mr. LEE of New York.
H.R. 932: Mr. PRICE of North Carolina.
H.R. 1024: Mr. MOORE of Kansas.
H.R. 1034: Mr. CARNAHAN.
H.R. 1079: Ms. BALDWIN and Mr. BONNER.
H.R. 1179: Mr. PASCRELL.
H.R. 1339: Mr. MILLER of North Carolina and Ms. MATSUI.
H.R. 1347: Ms. ESHOO and Mr. BACA.
H.R. 1414: Mrs. BACHMANN.
H.R. 1443: Mr. SCHRADER.
H.R. 1551: Mr. MICHAUD.
H.R. 1616: Mr. LÚJAN, Mr. ANDREWS, Mr. DAVIS of Illinois, Mr. GARAMENDI, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 1625: Ms. NORTON, Ms. SUTTON, and Mr. DOYLE.
H.R. 1670: Mrs. LOWEY.
H.R. 1718: Mr. CALVERT.
H.R. 1751: Ms. SPEIER and Mr. PERLMUTTER.
H.R. 1792: Mr. MOORE of Kansas.
H.R. 1806: Ms. FUDGE and Mr. HONDA.
H.R. 1831: Mr. MANZULLO.
H.R. 1927: Mr. GARAMENDI.
H.R. 1966: Mr. BACA.
H.R. 2030: Mr. PETRI and Mr. LIPINSKI.
H.R. 2049: Mr. CRITZ.
H.R. 2104: Mr. HONDA and Mr. GARAMENDI.
H.R. 2159: Mr. DOYLE.
H.R. 2378: Mr. AL GREEN of Texas, Mr. HALL of New York, Mr. CLEAVER, and Ms. MATSUI.
H.R. 2381: Mr. CRITZ and Mr. DEUTCH.
H.R. 2414: Mr. CONYERS.
H.R. 2443: Mr. COSTA.
H.R. 2578: Ms. SUTTON and Ms. WASSERMAN SCHULTZ.

H.R. 2624: Mr. PRICE of North Carolina.
H.R. 2625: Ms. EDWARDS of Maryland, Mr. BERMAN, Mr. PALLONE, Ms. MATSUI, Mr. LÚJAN, Ms. RICHARDSON, Ms. SCHWARTZ, Mr. MARKEY of Massachusetts, Ms. CLARKE, and Mr. CUMMINGS.

H.R. 2672: Mr. JOHNSON of Georgia.
H.R. 2673: Mr. SABLAN.
H.R. 2692: Ms. PINGREE of Maine.
H.R. 2698: Mr. SABLAN and Mr. VISCLOSKEY.
H.R. 2699: Mr. SABLAN.
H.R. 2746: Mr. MELANCON.
H.R. 2766: Mr. DELAHUNT and Mr. THOMPSON of California.

H.R. 2906: Ms. SUTTON, Mr. DEUTCH, and Mr. BACA.

H.R. 3012: Mr. McMAHON.
H.R. 3118: Mr. SHERMAN.
H.R. 3149: Mr. DOYLE.
H.R. 3212: Mr. PRICE of North Carolina.
H.R. 3567: Mr. GARAMENDI, Mr. GRAYSON, Ms. RICHARDSON, and Mr. DAVIS of Illinois.
H.R. 3586: Mr. BOSWELL and Mr. AKIN.
H.R. 3652: Mr. CLAY, Mr. ROSKAM, Mr. RYAN of Wisconsin, and Mr. HARPER.

H.R. 3666: Mr. TONKO, Mr. CARNEY, Mr. TIM MURPHY of Pennsylvania, Ms. DELAUNO, Mr. MOORE of Kansas, and Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 3724: Mr. DJOU and Mr. AKIN.
H.R. 3753: Mr. GUTIERREZ.
H.R. 3781: Mr. LAMBORN.
H.R. 4063: Mr. BUTTERFIELD.
H.R. 4121: Mr. KLINE of Minnesota, Mr. COURTNEY, Mr. EDWARDS of Texas, Mrs. LOWEY, Mr. BRADY of Pennsylvania, Mr. CONYERS, Mr. SCHIFF, Mr. BOCCIERI, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. WILSON of Ohio.

H.R. 4210: Mr. WELCH.
H.R. 4436: Mr. SHIMKUS, Mr. McKEON, and Mr. KIRK.

H.R. 4594: Mr. CASTLE, Mr. COURTNEY, Mr. BOSWELL, Mr. CARDOZA, and Mr. ISRAEL.
H.R. 4645: Mr. DAVIS of Illinois, Mr. PAYNE, Mr. MICHAUD, and Mr. CARNAHAN.

H.R. 4676: Mr. TONKO.
H.R. 4677: Ms. NORTON and Mr. JACKSON of Illinois.

H.R. 4690: Mr. PRICE of North Carolina, Mr. MAFFEI, and Ms. SCHAKOWSKY.

H.R. 4787: Mr. TEAGUE and Mr. TURNER.
H.R. 4796: Mr. KIND.

H.R. 4808: Mr. SHERMAN and Mr. CUMMINGS.
H.R. 4830: Ms. SLAUGHTER.

H.R. 4844: Mr. MCNERNEY and Mr. NADLER of New York.

H.R. 4959: Ms. CHU, Mr. CLAY, Mr. VAN HOLLEN, and Mr. FARR.

H.R. 5010: Mr. HOLT.
H.R. 5028: Mr. CLAY and Mr. FILNER.

H.R. 5034: Ms. FALLIN and Mr. SMITH of New Jersey.

H.R. 5081: Mr. ELLISON.
H.R. 5106: Mr. ROSS.

H.R. 5141: Mr. PETERSON.
H.R. 5209: Mrs. CAPPS.

H.R. 5211: Mr. PRICE of North Carolina and Mr. SHERMAN.

H.R. 5321: Mr. MORAN of Virginia.
H.R. 5360: Ms. SLAUGHTER.

H.R. 5400: Mr. EDWARDS of Texas, Mr. CLAY, Mr. SCHIFF, Mr. CONYERS, Mr. BRADY of Pennsylvania, Mr. BOCCIERI, Mr. WILSON of Ohio, Mr. BRALEY of Iowa, Mr. MICHAUD, Mr. PLATTS, Ms. TITUS, and Mr. PASTOR of Arizona.

H.R. 5434: Mr. MAFFEI, Mr. ADERHOLT, Mr. SHERMAN, and Ms. BALDWIN.

H.R. 5441: Ms. MCCOLLUM.
H.R. 5462: Mr. BILBRAY and Mr. LIPINSKI.

H.R. 5475: Mr. FILNER.
H.R. 5504: Mr. INSLEE, Ms. KILPATRICK of Michigan, and Mr. FALCOMA-VAEGA.

H.R. 5549: Mr. SERRANO, Mr. HINCHEY, Mr. SMITH of Washington, Mr. COURTNEY, Mr. EDWARDS of Texas, Mrs. LOWEY, Mr. TIM MURPHY of Pennsylvania, Mr. BRADY of Pennsylvania, Mr. CONYERS, Mr. SCHIFF, Mr. BLUMENAUER, Mr. BOCCIERI, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. WILSON of Ohio, Mr. BRALEY of Iowa, Mr. LIPINSKI, Mr. MICHAUD, Mr. HARE, Ms. MATSUI, Mr. JACKSON of Illinois, Mr. PLATTS, Mr. PASTOR of Arizona, Mr. DOYLE, and Mr. MURPHY of New York.

H.R. 5575: Ms. WASSERMAN SCHULTZ.

H.R. 5588: Mrs. NAPOLITANO and Ms. GIFFORDS.

H.R. 5645: Mrs. BONO MACK.

H.R. 5652: Mr. DEFazio and Ms. WASSERMAN SCHULTZ.

H.R. 5718: Mr. GUTIERREZ.

H.R. 5723: Mr. SERRANO.

H.R. 5740: Mr. CUMMINGS.

H.R. 5746: Ms. MOORE of Wisconsin, Mr. POLIS of Colorado, Mr. CARNEY, Mr. HIGGINS, Mr. LANGEVIN, Mrs. DAHLKEMPER, Ms. DEGETTE, Mr. HOLT, Mr. MAFFEI, Mr. TIERNEY, Mr. GARAMENDI, and Mr. FOSTER.

H.R. 5766: Mr. COSTA, Ms. MARKEY of Colorado, Ms. ROS-LEHTINEN, Mr. INSLEE, Mrs. NAPOLITANO, and Mr. BACA.

H.R. 5791: Mr. LANGEVIN.

H.R. 5792: Ms. BALDWIN.

H.R. 5806: Mrs. CAPPS and Mr. CONNOLLY of Virginia.

H.R. 5842: Mr. COBLE.

H.R. 5843: Mrs. KIRKPATRICK of Arizona and Mr. COSTELLO.

H.R. 5853: Mr. SHADEGG, Mr. MARCHANT, Mr. BONNER, Mr. OLSON, and Mr. CONAWAY.

H.R. 5894: Mr. TOWNS.

H.R. 5907: Mr. STARK.

H.R. 5928: Mr. COURTNEY, Mr. EDWARDS of Texas, Mr. SCHIFF, Mr. CONYERS, Mr. BRADY of Pennsylvania, Mr. BLUMENAUER, Mr. BOCCIERI, Mr. WILSON of Ohio, Mr. BRALEY of Iowa, Mr. MICHAUD, Mr. HARE, Ms. MATSUI, Mr. PLATTS, Mr. PASTOR of Arizona, and Mr. DOYLE.

H.R. 5931: Mr. HONDA.

H.R. 5939: Mr. PETRI, Mr. DRIEHAUS, Mr. WALDEN, Mr. ROONEY, Mr. ROYCE, and Mr. BILBRAY.

H.R. 5957: Mr. COBLE.

H.R. 5967: Ms. SLAUGHTER, Mr. DOGGETT, Ms. RICHARDSON, and Mr. WU.

H.R. 5976: Mr. McDERMOTT and Mr. ELLISON.

H.R. 5983: Ms. RICHARDSON, Mr. LYNCH, Mr. HINCHEY, Mrs. MALONEY, Mr. YOUNG of Alaska, Mr. LARSEN of Washington, Mr. CASTLE, Mrs. McMORRIS RODGERS, Mr. FRANK of Massachusetts, Mr. PETERSON, Mr. BISHOP of Georgia, Mr. MCGOVERN, Mr. DELAHUNT, Mr. JOHNSON of Georgia, Mr. TIERNEY, Ms. NORTON, Mr. CLAY, Mr. CLEAVER, and Mr. LINDER.

H.R. 5987: Mr. BOUCHER, Mr. EDWARDS of Texas, Mr. CONYERS, Mr. HEINRICH, Ms. SLAUGHTER, Mr. BACA, Mr. SPACE, Ms. HERSETH SANDLIN, and Mr. CLEAVER.

H.R. 5993: Ms. SLAUGHTER, Mr. MICHAUD, and Mr. CUMMINGS.

H.R. 6003: Mr. VAN HOLLEN.

H.R. 6057: Mr. MURPHY of New York and Mr. TONKO.

H.R. 6067: Mr. HONDA.

H.R. 6072: Mr. MCGOVERN, Ms. TITUS, and Mr. HINCHEY.

H.R. 6081: Mr. ELLISON.

H.R. 6095: Mr. CONYERS.

H.R. 6099: Mr. HONDA.

H.R. 6117: Mr. STARK.

H.R. 6118: Mr. CONNOLLY of Virginia.

H.R. 6123: Mr. TEAGUE.

H.R. 6128: Ms. CHU, Mr. HILL, Mr. SIRES, Ms. PINGREE of Maine, Mr. WALZ, Mr. FARR, Mr. DOGGETT, Mr. DAVIS of Illinois, Ms. NORTON, Mr. VISCLOSKEY, Mr. WELCH, Ms. JACKSON LEE of Texas, Mr. BOSWELL, Mr. HIGGINS, Ms. LINDA T. SANCHEZ of California, Mr. OBERSTAR, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Mr. BRALEY of Iowa, and Mr. PALLONE.

H.R. 6132: Mr. HASTINGS of Florida, Mr. WELCH, and Mr. VISCLOSKEY.

H.R. 6133: Mr. KLEIN of Florida.

H.R. 6134: Mr. SHADEGG.

H.R. 6139: Ms. SLAUGHTER.

H.R. 6143: Mr. GRIJALVA and Mrs. NAPOLITANO.

H.R. 6150: Ms. ZOE LOFGREN of California and Mr. RADANOVICH.

H.R. 6160: Mr. McMAHON and Mr. LIPINSKI.

H.R. 6174: Mr. MEEKS of New York.

H.R. 6184: Mr. INSLEE, Mr. BLUMENAUER, Mr. SIMPSON, Mr. WU, Mrs. McMORRIS RODGERS, and Mr. McDERMOTT.

H.R. 6192: Ms. DELAURO, Mr. CONYERS, and Mr. CARDOZA.

H.R. 6198: Mr. SMITH of Texas and Mr. COHEN.

H.R. 6211: Mr. NYE.

H. Con. Res. 224: Mr. LAMBORN.

H. Con. Res. 259: Mr. LATOURETTE, Mr. MAFFEI, and Mr. DOYLE.

H. Con. Res. 267: Mr. QUIGLEY Mrs. BACHMANN, Mr. ROHRBACHER, and Mr. FALEOMAVAEGA.

H. Con. Res. 303: Mr. CAMPBELL.

H. Con. Res. 312: Mr. AKIN, Mr. LINDER, Mr. DUNCAN, Mr. BILBRAY, Mr. NEUGEBAUER, Mr. FORTENBERRY, Mrs. LUMMIS, Mr. THOMPSON of Pennsylvania, Mr. BARTON of Texas, Mr. GOHMERT, Mr. FRANKS of Arizona, Mr. SHIMKUS, Mr. FLEMING, Mr. CONAWAY, Mr. KING of Iowa, Mr. HERGER, Mr. POSEY, and Mr. SESSIONS.

H. Con. Res. 319: Mr. PETRI, Mr. FORBES, Mr. ANDREWS, Mr. KISSELL, Ms. SHEA-PORTER, and Mr. TURNER.

H. Res. 111: Mr. TAYLOR and Mr. MAFFEI.

H. Res. 155: Mr. QUIGLEY.

H. Res. 397: Mr. THOMPSON of Pennsylvania.

H. Res. 510: Mr. MCGOVERN.

H. Res. 767: Mr. COHEN.

H. Res. 840: Mr. THOMPSON of Pennsylvania.

H. Res. 929: Mr. CALVERT.

H. Res. 1207: Mr. GERLACH.

H. Res. 1217: Mr. DJOU.

H. Res. 1226: Mr. NYE and Mr. LARSON of Connecticut.

H. Res. 1343: Mr. PITTS.

H. Res. 1378: Mr. JONES, Mrs. BONO MACK, and Mr. FORBES.

H. Res. 1431: Mr. MURPHY of New York, Ms. MCCOLLUM, Mr. SPACE, Mr. HARE, Mrs. BONO MACK, Mr. JACKSON of Illinois, Mr. SCHAUER, Mr. LIPINSKI, Mr. GRIJALVA, Mr. LINCOLN DIAZ-BALART of Florida, Ms. BALDWIN, and Mr. MOORE of Kansas.

H. Res. 1476: Mr. BAIRD, Ms. CASTOR of Florida, Mr. INSLEE, Ms. JACKSON LEE of Texas, and Ms. HIRONO.

H. Res. 1485: Ms. KILROY, Mr. LIPINSKI, and Ms. ZOE LOFGREN of California.

H. Res. 1488: Mr. SNYDER, Mrs. LOWEY, and Ms. DEGETTE.

H. Res. 1501: Ms. GRANGER, Mrs. SCHMIDT, Mr. ROGERS of Alabama, Ms. NORTON, Mr. ISSA, and Mrs. MYRICK.

H. Res. 1531: Mr. LOBIONDO, Mr. POMEROY, Mr. PETERSON, Ms. MARKEY of Colorado, Mrs.

NAPOLITANO, Mr. KISSELL, Mr. JONES, Mr. MURPHY of New York, Mr. MORAN of Kansas, Mr. SCOTT of Georgia, Ms. MCCOLLUM, and Mrs. BLACKBURN.

H. Res. 1563: Mr. PASCRELL, Mr. PAYNE, and Mr. PALLONE.

H. Res. 1570: Mr. OLVER.

H. Res. 1576: Mr. BOCCIERI and Mr. LAMBORN.

H. Res. 1588: Mr. HOYER, Mr. LOBIONDO, Mr. SMITH of Washington, and Ms. TSONGAS.

H. Res. 1590: Mr. ROGERS of Alabama, Mr. PITTS, and Mr. BROWN of Georgia.

H. Res. 1598: Ms. WOOLSEY, Ms. BALDWIN, Mr. FILNER, Mr. GRIJALVA, Mr. CLEAVER, Mr. TOWNS, and Mr. MCGOVERN.

H. Res. 1600: Mrs. DAHLKEMPER, Mr. LATTA, Mr. BURGESS, Mr. OLVER, Mr. CLAY, Mr. SPRATT, Mr. WELCH, Mr. BRIGHT, Mr. JACKSON of Illinois, Ms. EDWARDS of Maryland, Mrs. MILLER of Michigan, Ms. BERKLEY, Mr. MATHESON, Mr. TOWNS, Mr. McKEON, Mrs. CAPPS, Mr. BUTTERFIELD, Mr. CHANDLER, Mr. KENNEDY, Mr. BARROW, Mr. McDERMOTT, Ms. MARKEY of Colorado, Mr. HOLT, Mr. SCALISE, Mr. HOLDEN, Mr. KIND, Mr. FARR, Ms. Linda T. Sanchez of California, Mr. GRIFFITH, Mr. SCHIFF, Mr. SALAZAR, Mr. ROSS, Mr. CAO, Mr. DOYLE, Mrs. KIRKPATRICK of Arizona, Ms. DEGETTE, Mr. RYAN of Ohio, Mr. BAIRD, Mr. OBERSTAR, and Mr. ELLISON.

H. Res. 1615: Mr. CALVERT and Ms. GINNY BROWN-WAITE of Florida.

H. Res. 1617: Mr. MARIO DIAZ-BALART of Florida, Mr. KAGEN, Mrs. MYRICK, and Mr. SESTAK.

H. Res. 1621: Mr. PASCRELL, Mr. MCGOVERN, Mr. MELANCON, Ms. KAPTUR, and Mr. HARE.

H. Res. 1624: Mr. HODES and Ms. PINGREE of Maine.

H. Res. 1628: Ms. SUTTON.

H. Res. 1630: Mr. WALDEN and Mr. ISSA.

H. Res. 1631: Mr. BERMAN, Mr. GALLEGLY, Mr. COSTA, and Mr. GENE GREEN of Texas.

H. Res. 1636: Mr. GALLEGLY.

H. Res. 1637: Ms. TITUS, Mrs. CAPITO, Mr. GORDON of Tennessee, Ms. EDWARDS of Maryland, Ms. SLAUGHTER, and Mr. PERRIELLO.

H. Res. 1641: Mr. CONNOLLY of Virginia, Mr. GONZALEZ, Mr. HALL of New York, Mr. ISSA, Mr. RADANOVICH, and Mr. RYAN of Ohio.

H. Res. 1645: Mrs. NAPOLITANO, Mr. MCGOVERN, Mr. COURTNEY, Ms. LORETTA SANCHEZ of California, Mr. POLIS of Colorado, Mr. CONYERS, Mr. TOWNS, and Ms. CHU.

H. Res. 1646: Mr. LARSON of Connecticut.

H. Res. 1648: Mr. BOCCIERI, Ms. GINNY BROWN-WAITE of Florida, Mr. COSTELLO, Mr. GALLEGLY, Ms. JENKINS, Mr. LAMBORN, Mr. PETERSON, Mr. ROGERS of Michigan, Mr. SABLAN, and Mrs. SCHMIDT.

H. Res. 1651: Mr. RANGEL, Mr. CLEAVER, and Mr. AL GREEN of Texas.

H. Res. 1655: Mrs. MCCARTHY of New York, Mr. COURTNEY, Mr. ELLISON, and Mr. JOHNSON of Georgia.

H. Res. 1656: Mr. SCOTT of Georgia.

PETITIONS, ETC.

Under clause 3 of rule XII:

170. The SPEAKER presented a petition of City of Conover, North Carolina, relative to Resolution 27-10 expressing opposition to federally mandated collective bargaining; which was referred to the Committee on Education and Labor.

EXTENSIONS OF REMARKS

HONORING LATINA LEADER
AWARD RECIPIENT BETTY JEAN
LONGORIA, NUECES COUNTY
COMMISSIONER

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. ORTIZ. Madam Speaker, I rise today to honor the work, dedication and leadership of Nueces County Commissioner, Betty Jean Longoria, who will receive this evening the Latina Leader Award at the Washington Court Hotel.

Commissioner Longoria was first elected to the Nueces County Commissioner's Court in November 2002. On January 1, 2003, Betty Jean Longoria took her oath of office to become the first elected Hispanic woman to serve as a Commissioner since the Commissioner's Court was established. She represents Agua Dulce, Petronila, Banquete, Bishop and the western part of Corpus Christi.

Prior to being elected to the Commissioner's Court, Commissioner Longoria served on the Corpus Christi City Council for 10 years and was a school board trustee with the Tuloso-Midway Independent School District for 6 years. Throughout her political career, she has been a strong advocate of education. She has served as a student mentor at Crossley Special Emphasis, Lamar Elementary, Blanche Moore Elementary, South Park Middle School and Solomon Coles Elementary.

Commissioner Longoria serves on the board of directors for the Corpus Christi Botanical Gardens, Big Brothers Big Sisters of South Texas, Friends of the Corpus Christi Public Libraries and board of trustees for the South Texas Institute for the Arts. Previously, she has served on the boards of the National Conference for Community and Justice, Goodwill Industries of Corpus Christi, Nueces County Community Action Agency, Westside Business Association, Corpus Christi Chamber of Commerce, Corpus Christi Hispanic Chamber of Commerce and the Hispanic Women's Network.

Her record of service, leadership and advocacy of business and community development, has led her to receive numerous recognitions and awards from various civic organizations, including the Westside Business Association; the Hispanic Women's Network; the National Conference for Community and Justice; Leadership Corpus Christi; and the Corpus Christi Hispanic Chamber of Commerce.

Commissioner Longoria was born and raised in Corpus Christi and graduated from Roy Miller High School. Commissioner Longoria and her husband, Alfredo Longoria, Jr., have been married for 49 years and have four sons and eight grandchildren.

I ask my colleagues to join me in commemorating Commissioner Longoria for her

work and dedication to the people of Nueces County and her well deserved award as a Latina Leader.

HONORING THE 150-YEAR ANNI-
VERSARY OF THE TEMPLE
HESED SYNAGOGUE IN SCRAN-
TON, PENNSYLVANIA

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to the 150th anniversary of Temple Hese, the oldest synagogue in Scranton, Pennsylvania.

Temple Hese's roots were founded during the mid-19th Century when small groups of worshipers would travel back and forth between Scranton and Wilkes-Barre, Pennsylvania to attend High Holy Day Services.

The group, made up mostly of German immigrants, was originally known in the 1840s as "Chevra Rodef Shalom," meaning, "Brotherhood of the Pursuer of Peace."

On August 20, 1860, the group was renamed "Kehilat Anshe Chesed," meaning the "Congregation of the People of Loving-Kindness."

By 1862, its membership had increased to 27 and was granted a charter.

The congregation's first synagogue was located in the 100 block of Linden Street in Scranton. They purchased the land in 1867 from the Lackawanna Iron and Coal Company, and worshiped in the original synagogue through 1902.

During this time, the congregation joined the American Reform Movement, an organization founded by Rabbi Isaac Mayer Wise, who was present to dedicate the original synagogue in Scranton in April of 1867.

In 1902, the congregation moved from its original synagogue to a new building on Madison Avenue in Scranton. Over the next few decades, the synagogue was renovated and expanded to accommodate the group's growing membership, and in the 1960s its name was changed to "The Madison Avenue Temple."

The congregation moved into its current synagogue off of Lake Scranton Road in 1974, and its name was changed one last time to "Temple Hese," meaning the "Temple of Loving Kindness," and reflecting the congregation's 19th Century roots.

Currently, Temple Hese remains a member of the American Reform Movement, today known as the Union of Reform Judaism, which now has over 900 member congregations throughout the country.

The synagogue promotes a "welcoming" environment, and offers traditional worship

services along with youth and adult education opportunities to its congregation, which now includes about 180 member families of all lifestyles and backgrounds.

Madam Speaker, please join me in recognizing this remarkable anniversary. Over the past 150 years, Temple Hese has evolved from a small group of worshipers to a prominent Jewish community in Northeastern Pennsylvania.

HONORING THE LIFE OF STAFF
SERGEANT CHRISTOPHER STOUT

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. DAVIS of Kentucky. Madam Speaker, today I rise to pay tribute to SSG Christopher Stout, from Worthville, Kentucky. He lost his life on July 13, 2010, after receiving wounds during an insurgent attack on his unit in Kandahar City, Afghanistan.

He was assigned to the 1st Battalion, 508th Parachute Infantry Regiment, 4th Brigade Combat Team, 82nd Airborne Division, Fort Bragg, NC.

Staff Sergeant Stout is survived by his parents Billy and Sharon Neuner of Worthville, Kentucky.

Staff Sergeant Stout was a dedicated husband to his wife, Misty Stout as well as a devoted father to his three daughters, Jacqueline, Audreanna, and Kristin.

Today, as we celebrate the life and accomplishments of this exceptional Kentuckian, my thoughts and prayers are with Staff Sergeant Stout's family and friends.

We are all deeply indebted to SSG Christopher Stout for his service and his sacrifice.

CELEBRATING THE CAVE SPRINGS
CENTENNIAL

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. BOOZMAN. Madam Speaker, today I rise to recognize the 100th birthday of Cave Springs, Arkansas.

At the turn of the century Cave Springs was a busy town that centered on commerce and tourism. The town cave and therapeutic waters attracted people who would travel up to two days by horse and carriage just to visit.

Commerce was booming. The town had two hotels, a lumber yard, three churches, a bank, a doctor and dentist's office as well as several other services. Commerce has changed through the years and now revolves mostly around agriculture, but community leaders are

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

just as committed to making it a vibrant area where people want to spend time.

Today Cave Springs is known as the "Gateway to the Future." Those on the way to the Northwest Arkansas Regional Airport pass through this small community that still maintains its friendly rural charm where people still say hi to their neighbors.

Mayor Mark Reeves said that's what attracted him to the town in 1982. Since then the population of the community has grown as it is uniquely situated between rural beauty and busy cities that offer a lot of activities.

Congratulations to Cave Springs for 100 amazing years and best of luck on the next 100.

HONORING STANLEY MOSKAL AS
GRAND MARSHAL OF THE 2010
PULASKI DAY PARADE

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. ROTHMAN of New Jersey. Madam Speaker, I rise today to recognize Garfield Deputy Mayor Stanley J. Moskal for his selection as grand marshal of the 2010 Pulaski Day Parade. The parade, which will be held on October 3, 2010, in New York City, is the 73rd annual celebration of Polish heritage and General Casimir Pulaski's heroic military contributions during the American Revolutionary War.

A lifelong resident of Garfield, New Jersey, located within my Congressional District, the Honorable Stanley Moskal was elected to the Garfield Council in 2004. In 2008, he was re-elected to the council as Deputy Mayor. Mr. Moskal is an active community leader in the City of Garfield, serving on the Board of Directors of both the Garfield YMCA and the Garfield Vistula Soccer Club. He is Vice President of the Pulaski Parade Association of Garfield and has served as a commissioner to Garfield's Joint Insurance Fund. Mr. Moskal is a member of Garfield's Community Response Team, having been one of the first councilmen in New Jersey to complete this program.

Deputy Mayor Moskal is an active parishioner of Saint Stanislaus Kostka, Roman Catholic Church, where he has served as an usher for their Sunday Mass since the age of 15. In 2004, he was selected to be Marshal of the Garfield Contingent in the Pulaski Day Parade, making him the youngest ever individual to lead Garfield in this annual celebration. Mr. Moskal's election as 2010 Grand Marshal brings him the additional distinction of being the first-ever Garfield resident to serve as Grand Marshal and one of the youngest Grand Marshals in the history of the Pulaski Day Parade.

Madam Speaker, today I would like to congratulate Deputy Mayor Moskal on this exciting honor and thank him for his extraordinary contributions to the City of Garfield. I am proud to have such a dedicated and enthusiastic leader as part of my constituency.

HONORING THE 50TH ANNIVERSARY OF NEW PROVIDENCE MISSIONARY BAPTIST CHURCH

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. MEEK of Florida. Madam Speaker, today I rise to honor the 50th anniversary of New Providence Missionary Baptist Church in Miami, Florida. Since its inception, the Church has stood in the community as a symbol of perseverance and inspiration. This anniversary of New Providence Missionary Baptist Church marks a time of remembrance of a storied past and renewal for a bright future.

On October 4, 1960, the late Reverend C. J. Burney organized New Providence Missionary Baptist Church with a membership totaled at 376 members. After 23 years, Rev. Burney retired in November 1983. On December 8, 1983, Rev. James Walthour became the Pastor of New Providence. He served and led the Church faithfully until he passed on September 6, 2001. Rev. Vinson Davis became the interim Pastor on July 25, 2002. He was elected to be the Pastor of New Providence and was installed on September 15, 2002. For the last eight years Pastor Davis has followed his motto and vision for New Providence Missionary Baptist Church—"The Spirit of Oneness."

Madam Speaker, please join me in applauding and honoring New Providence Missionary Baptist Church as it celebrates 50 years of dedicated fellowship. Throughout the past 50 years, the clergy and members have dedicated themselves to providing spirituality, service and guidance to the Church and greater community of South Florida. New Providence is a model for our community and our Nation. New Providence has never wavered from the ministry of saving lost souls, preaching the gospel, feeding the hungry, helping the homeless, and reaching out and renewing the spirit of neighbors in need. It is my hope New Providence Missionary Baptist Church continues to stand as a beacon of resolve, inspiration and worship for many years to come.

CONGRATULATING THE SEATTLE
STORM FOR WINNING THE 2010
WNBA NATIONAL CHAMPIONSHIP
TITLE

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. McDERMOTT. Madam Speaker, I rise today to congratulate the Seattle Storm for winning the 2010 WNBA National Championship Title, their second national championship in six years. After a record-breaking season, the Storm swept the Atlanta Dream in three close games during the WNBA finals, winning on Thursday night in Atlanta, 87-to-84. Their victory is not only a tribute to the hard work of the players but also the determination and gumption of our team's female owners, who bought the team in 2008, refusing to make the

move to Oklahoma City with the Sonics. I applaud our players, owners, and fans for allowing our team to grow and thrive in Seattle.

While none of the athletes on the Storm were born when Patsy Mink wrote and worked to pass Title IX, in 1972, all have reaped the benefits of her efforts. Title IX gave women and girls greater opportunities to participate in high school and collegiate sports, which the talented and dedicated women of the WNBA have parlayed into professional careers.

I am so very proud of our team and their accomplishments. As we all learned in grade school, it's not just if you win, but how you win. Too many of our professional athletes have forgotten this lesson, but not the women of the Storm. As ESPN's Mechelle Voepel put it: "The Storm weren't a team that was dominant in the sense that it throttled all its opponents. To the contrary, the Storm made rallying an art form this summer. But the Storm were a team that always seemed to figure out how to get the job done whenever it really mattered." Congratulations.

HONORING THE LIFE OF MARINE
CORPORAL MAX WILLIAM
DONAHUE

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. DAVIS of Kentucky. Madam Speaker, today I pay tribute to Marine Corporal Max William Donahue. He lost his life on August 7, 2010 after he was severely wounded in Helmand Province, Afghanistan.

He was assigned to Military Police Support Company, First Marine Expeditionary Force Headquarters Group, Camp Pendleton, California.

Corporal Donahue served two previous combat tours in Iraq before deploying to Afghanistan.

Corporal Donahue was the son of Gregory Donahue of Worthington, Kentucky.

Today, as we celebrate the life and accomplishments of this exceptional Kentuckian, my thoughts and prayers are with Corporal Donahue's family and friends.

We are all deeply indebted to Corporal Donahue for his service and his sacrifice.

IN TRIBUTE TO DISMAS BECKER,
A MAN OF FAITH

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Ms. MOORE of Wisconsin. Madam Speaker, I rise today in tribute to a dear friend, a mentor, a legislator, a community organizer, a loving husband and father to his family. Dismas Becker was a man of faith and that unshakeable faith remains with us even with his passing.

Dismas Becker was a former activist priest who was in the forefront of the civil rights movement during the tumultuous 1960's.

Along with the well-known activist Father James Groppi, Dismas participated in welfare rights demonstrations, open housing marches, and publicly defended Father Groppi's efforts to organize demonstrations in support of these causes. In October 1969, Dismas was beaten by police while occupying the chambers of the State Assembly in Madison, to protest welfare funding cutbacks. Dismas Becker's sermons were filled with anti-war sentiment and the fight for civil rights that brought complaints from some parishioners. The dissent did not sway Dismas from this calling.

In fact, speaking in 1969 Dismas said, "If you do find yourself in a conflict between you and society and you do not dissent, you are not a Christian." He later left the priesthood, but did not leave his activism behind. Dismas Becker went on to serve in other roles, including as a state representative in the Legislature and was eventually chosen as the Majority Leader in the Assembly by his fellow Democrats in 1984.

Dismas Becker married an amazing woman, Fay Anderson, who was active in the local Democratic Party, and was an alderperson in her own right. He adopted her children and they adopted a son of their own. He never stopped working on behalf of those who needed it most. With his own personal ministry never wavering, he reached out to the down-trodden, and to people who were going in the wrong direction, to help them turn a corner.

Madam Speaker, for these many reasons I rise in tribute to Dismas Becker. He reached out to me, then a young woman with 3 children and encouraged me throughout his lifetime. In 1988, he decided to run for the State Senate. Dismas Becker suggested, pushed, and encouraged me with love to run for his Assembly seat. I am here today due in no small part to the incredible commitment of this loving and giving human being. I will miss my beloved friend, Dismas Becker, and he will be missed by the entire community.

IN HONOR OF GEORGE ALCOTT'S
MORE THAN TWENTY YEARS OF
SERVICE TO COMMUNICATIONS
WORKERS OF AMERICA, LOCAL
1301, AND THE WORKING FAMILIES
OF THE COMMONWEALTH
OF MASSACHUSETTS AND NEW
ENGLAND

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. LYNCH. Madam Speaker, I rise today in honor of George Alcott, a constituent from Braintree, Massachusetts, in recognition of his decades of commitment to the men and women of Communications Workers of America, Local 1301, and for ensuring access to quality communications service for the people of the Ninth Congressional District, the Commonwealth of Massachusetts, and New England.

George was born to George and Marilyn Alcott and raised in the city of Quincy, Massachusetts, where he graduated from North Quincy High School. After attending Boston

College, George taught in the Boston school system and was also a manufacturer's representative.

George began his career with New England Telephone in 1983 as a Yellow Pages Sales Representative and worked in the Boston and Providence, Rhode Island markets. He quickly became a leader among his peers, and in 1986 was elected Vice President of Communications Workers of America (CWA) Local 1301, a position he held through 1989. In 1990, George became President of CWA Local 1301 and remained the Local's leader through 2010, representing Yellow Pages Sales Representatives throughout New England for two decades.

During his tenure George served on both the Local and Regional Bargaining Committees and negotiated numerous contracts, which were viewed in the industry as "best in class" for the hundreds of members that he represented. These contracts provided workers and their families with outstanding compensation, healthcare and pension benefits. Although he has stepped down as President, George still works tirelessly on behalf of active and retired members of CWA Local 1301 on issues critical to their well being.

Currently, as a Vice President on the Executive Board of the Massachusetts AFL-CIO, George represents hundreds of thousands of working people in Massachusetts. He also sits on the Board of Directors of Blue Cross Blue Shield of Massachusetts, and in this role is able to provide the perspective of labor and working families to his colleagues of this leading healthcare organization. His lifelong commitment to the people he represents has earned George Alcott the admiration and respect of the men and women in the labor movement, in Massachusetts and across the Nation.

When reflecting on a lifetime of good works, George counts as his greatest achievements marrying his loving wife of 11 years Kathy, and raising his children, Daniel and Courtney.

Madam Speaker, it is my distinct honor to take the floor of the House today to join with his family, friends and contemporaries to thank George for his commitment to the men and women of Communications Workers of America, Local 1301, and the working families of Massachusetts and New England. I urge my colleagues to join me in recognizing George Alcott's efforts and dedicated service to others.

CONGRESSIONAL RECOGNITION
FOR SUPPORT OUR TROOPS OF
TUCSON, ARIZONA

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Ms. GIFFORDS. Madam Speaker, I rise today to commend Support Our Troops, a non-profit organization in my hometown of Tucson, Arizona, that over the past four years has sent more than eight tons of care items to our troops serving around the world.

Support Our Troops was the brainchild of veteran Jonathan Rice, who served in the U.S.

Army from 1966 until 1970 and in the U.S. Army Reserve from 1981 until 1985. Mr. Rice is a resident of Atria Bell Court Gardens, an independent senior community in Tucson. He formed Support Our Troops as a non-profit organization to let troops from Arizona know that their fellow Arizonans support them and appreciate their efforts.

Support Our Troops has sent more than 1,600 packages that have benefitted nearly 12,000 Arizonans serving in the Army, Air Force, Navy and Marines. Two years ago, I had the honor of visiting Mr. Rice and the other residents of Atria Bell Court Gardens for the completion of their 1,000th package for our troops. The packages contain snack and hygiene items for our men and women in uniform as well as small gifts for children in the areas where the troops are deployed.

The packages have been delivered to Iraq, Afghanistan, Serbia, Kosovo, Qatar, Kuwait and other nations where our troops have been deployed. Since the packages have been sent, a number of troops have returned to Tucson and visited Atria Bell Court Gardens to say how much they appreciated these generous gifts of love and support.

Residents of Atria Bell Court Gardens shop for the contents of the packages each week and pay for the items out of their own pockets. The boxes are packed each Saturday and owners of Atria Bell Court Gardens pay for all postage costs. The residents and owners of this community have spent tens of thousands of dollars to send these gifts of appreciation to our Armed Forces.

Madam Speaker, I am proud to recognize Jonathan Rice, his fellow residents of Atria Bell Court Gardens as well as owners of the retirement community on the occasion of the fourth anniversary of their Support Our Troops program, which has delivered an untold amount of good will and support to the men and women who defend our country.

DOMESTIC VIOLENCE AWARENESS
MONTH

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. REICHERT. Madam Speaker, last year on the 22nd of October I submitted remarks in recognition of Domestic Violence Awareness Month, a tradition that started in this House in 1989. Today, Madam Speaker, I'm doing the same. Domestic violence is a debilitating scourge in our society, and our goal in this House and as a nation should be to completely eliminate it.

Before joining this House in 2004, I spent 33 years in law enforcement, Madam Speaker. I witnessed acts of domestic violence, and I watched the debilitating results play out in families and communities for weeks, months, and years afterward. The toll domestic violence takes on people across this country is incalculable. Madam Speaker, domestic violence recognizes no boundaries.

Children who witness abuse and are themselves abused are more than twice as likely to commit acts of domestic violence as adults.

Generations of Americans have failed to break this terrible cycle of violence and even more alarmingly, many of those same Americans have not properly identified acts of domestic violence or sought help or protection due to ignorance, fear, or a host of other troubling reasons. In 2006, a survey conducted by Teen Research Unlimited showed that fifteen percent of teens who have been in a relationship reported being hit, slapped, or pushed by their boyfriend or girlfriend. Madam Speaker, we must work harder to raise awareness of this critical issue to ensure people know that help is available, and that they can feel safe in reaching out and taking hold of that help.

I urge members of this House to support organizations committed to stamping out domestic violence, Madam Speaker. I also urge every American to take the time during October—Domestic Violence Awareness Month—to tell their spouse or child how important each is to their lives. Hug your spouse. Hug your children. And should people feel moved to do so, figure out how to extend a helping hand to victims in communities across our country. Every day in October we have the opportunity to work against domestic violence. Americans must stay vigilant; thank you.

INTRODUCING RESOLUTION “RECOGNIZING 75 TEXAS WORLD WAR II VETERANS VISITING WASHINGTON, D.C., ON SEPTEMBER 27, 2010, TO VISIT THE MEMORIALS BUILT IN THEIR HONOR

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. PAUL. Madam Speaker, I am introducing today a resolution honoring 75 Texas World War II veterans who are being flown by Dow Chemical Company to Washington, DC on September 27, 2010. These veterans have spent their post-WWII careers working at Dow's Freeport, Texas Operations, which is in the district I represent. Now they are finally getting the chance to see the WWII monument, which was built to honor their service to our country in the war.

Madam Speaker, I would like to express my deepest appreciation to these veterans and all the veterans of WWII and I am pleased that Dow Chemical Company is making it possible for them to come to Washington, DC.

HONORING THE LIFE OF ARMY RANGER SPECIALIST CHRISTOPHER WRIGHT

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. DAVIS of Kentucky. Madam Speaker, today I pay tribute to Army Ranger Christopher Wright, from Tollesboro, Kentucky, who lost his life on August 19, 2010 from wounds sustained when insurgents attacked his unit with small arms fire in the Konar Province of Afghanistan.

He was assigned to Company C, 1st Battalion, 75th Ranger Regiment, Hunter Army Airfield in Georgia.

Specialist Wright was a 2005 graduate of Lewis County High School and was on his second tour of duty overseas.

He was the beloved son of James Cochran and Linda Dennis. He also was a role model for his three younger siblings.

Today, as we celebrate the life and accomplishments of this exceptional Kentuckian, my thoughts and prayers are with Specialist Wright's family and friends.

We are all deeply indebted to Specialist Wright for his service and his sacrifice.

HONORING BLUE DIAMOND GROWERS

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. CARDOZA. Madam Speaker, I rise today to recognize Blue Diamond Growers, celebrating 100 years of quality service, both domestically and worldwide.

The seed for this American icon was planted on May 6, 1910, by 230 California almond growers, forming the California Almond Growers Exchange, a cooperative created to establish a market for quality almond production.

Sixty percent of California's almond growers joined the cooperative, giving birth to America's first almond brand, the Blue Diamond, named after the world's rarest and most precious of gems, a true symbol of quality.

In an effort to expand Blue Diamond's commitment to innovation and quality, the Blue Diamond forefathers made their first voyage to Italy and Spain, in 1917, to share cultural and marketing information. This marked the first promotion by an American cooperative to provide almonds to a foreign market. Soon after, Spain would become a leading market for California almonds.

Blue Diamond established a partnership with the Federal government in 1928 to obtain better rail rates, thus facilitating the first speech in America aboard a train headed cross country about the importance of equitable almond prices.

With continuing commitment to innovation, integrity, and satisfaction of customer needs, Blue Diamond developed the first cellophane bag to package almonds. The company funded the first nutritional research program, establishing almonds as a viable source of protein and energy. As a result, almonds are now an essential source of food in the Federal School Lunch Program.

Continually searching for new ways to make almonds enjoyable and fun, Blue Diamond introduced the first almond snack, Smokehouse Almond, an American favorite for airline passengers.

In 1950, Blue Diamond established the Almond Board of California, a federal marketing order, which helped to collect market information by funding research and promoting California almonds.

With a commitment to quality and a desire to provide for almond lovers everywhere, Blue

Diamond led the way in opening the Japanese market and established its first foreign office in Japan in the 1950s.

Blue Diamond exported California almonds to Russia when it was still known as the Soviet Union. In the 1970s, Blue Diamond provided the Indian market with California almonds, a relationship that still exists today. India now imports over \$100 million dollars of California almonds, making almonds the number-one U.S. export to India.

Blue Diamond is currently expanding the almond market in China, which ranks among the largest in the world for California almonds.

From Blue Diamond's modest beginnings as a small industry of three million pounds of almonds in 1910, California is now producing more than 1.65 billion pounds and 80 percent of the global supply. Blue Diamond's business has grown to nearly \$1 billion dollars with over half of the state's almond growers owning the cooperative.

Due to Blue Diamond's diligence and commitment to quality, almonds are now California's largest food export and rank as the largest tree crop in the world. Blue Diamond represents the best of the American entrepreneurial spirit and its products have become ingrained in many aspects of Americans' lives. It is a privilege to honor Blue Diamond Growers for its 100 years of leadership in developing and promoting the California almond industry both domestically and abroad.

LI-ION MOTORS CORP “WAVE II” X PRIZE WINNER

HON. PATRICK T. MCHENRY

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. MCHENRY. Madam Speaker, on September 16, 2010, the X PRIZE Foundation, an educational nonprofit prize organization, and Progressive Insurance, awarded a total of \$10 million to three teams who successfully completed the rigorous Progressive Insurance Automotive X PRIZE competition. Among the three winning teams was Li-ion Motors Corp. in my district. Li-ion Motors emerged from an original field of 111 competing teams, representing 136 vehicle entries from around the world. The winning vehicles were showcased to an audience of individuals from the auto industry, national and international businesses, and U.S. government leaders.

Li-ion Motors' design of the “Wave II” was awarded \$2.5 million for the Alternative Side-by-Side Class category. The two-seat battery electric car was built on a lightweight aluminum chassis and weighed in at only 2,176 pounds, despite the weight of its powerful lithium ion batteries. The Wave II demonstrated outstanding low mechanical and aerodynamic drag that resulted in 187 miles per gallon equivalent, MPGe, in combined on-track and laboratory efficiency testing, and a 14.7 second zero-to-60 mph acceleration time. The vehicle also has a range of 100 miles in a real-world driving cycle.

This is a great day for all the individuals who work at Li-ion Motors and helped achieve this amazing accomplishment. This company

is now eligible for a U.S. Department of Energy program that will help ready highly efficient vehicles for introduction to the U.S. market.

SUPPORTING ARMS SALE TO TAIWAN

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. SESSIONS. Madam Speaker, I rise today to express my strong support for strengthening the bilateral relationship the United States has with Taiwan. Taiwan is an important ally and trading partner, and we must continue to support its defense.

Taiwan faces a continuous threat from the People's Republic of China, PRC, and must be capable of defending itself in the event of an attack. Section 2(b)(4) of the 1979 Taiwan Relations Act, which is the cornerstone of United States-Taiwan relations, declares that it is the policy of the United States "to consider any effort to determine the future of Taiwan by other than peaceful means, including by boycotts or embargoes, a threat to the peace and security of the Western Pacific area and of grave concern to the United States." Section 3(b) of the Act stipulates that both the President and Congress shall determine the nature and quantity of defense articles and services that Taiwan needs.

On January 29, 2010 the Obama Administration announced to Congress a planned arms package to Taiwan totaling \$6.4 billion. The package included 114 Patriot PAC-3 missiles, 60 Black Hawk helicopters, 12 Harpoon missiles for training purposes, two Osprey class refurbished mine hunters, and military communication equipment. This package was extremely significant and will help ensure the security of the Taiwan Strait. However, this package did not include the 66 F-16 fighter aircrafts, which were requested by Taiwan in 2006. I request that the Obama Administration give full, prompt, and fair consideration to Taiwan's request for the F-16 fighter aircrafts.

HONORING AND CELEBRATING THE 50TH WEDDING ANNIVERSARY OF VAN P. AND MARGARET SMITH

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. PENCE. Madam Speaker, I rise today to honor Van P. and Margaret Smith—of Muncie, Indiana—on the extraordinary occasion of their fiftieth wedding anniversary. Their dedication to one another, their family, their friends, and their community is a shining example of the foundational values which have made this nation great.

Margaret Ann Kennedy, born October 27, 1934, in Chicago, Illinois, moved to Muncie with her family as a young girl. There she attended Muncie Central High School and graduated from Ball State University in 1956 with

a degree in Education. She went on to teach at Washington Elementary School in Muncie from 1956 to 1961.

Van P. Smith was born on September 8, 1928, in Oneida, New York. He graduated from Colgate University with a degree in Public Administration and Economics in 1950, and from Georgetown University with a Doctor of Jurisprudence in 1955. He has also received honorary doctorate degrees from Ball State, Colgate, Indiana State, and Vincennes Universities as well as the Catholic University of America.

Van and Margaret met through mutual friends and were married on November 19, 1950. They made their home in Muncie, Indiana, where they continue to be active members of the community. The Smiths have a large and loving family, including five children and nineteen grandchildren. Margaret has been a loving and tirelessly devoted spouse, mother, and grandmother, while Van has been the leader and captain of their tight knit family.

Both Van and Margaret have given back to their local community for decades now, and I cannot praise them enough for their many generous charitable gifts. Margaret remains active with St. Mary's Parish, Tri Kappa Sorority, and the Harvest Soup Kitchen. For over 50 years, Van served as an owner and executive leader of Ontario Corporation, employing hundreds of Hoosiers. He was also instrumental in purchasing the Sherry Laboratories unit, where he still reports for work daily at the age of 82. He is recognized by community and business leaders as a respected and honored entrepreneur, dedicated to faith, family, and integrity. His accolades and achievements, though too numerous to list in this brief tribute, have had an immeasurable impact on not only my congressional district, but the entire state of Indiana and beyond. Perhaps most moving to me is the influence that Van and Margaret Smith have had on my life and on my family. My history with Van and Margaret goes back many years, and not only are they dear friends, but they have been a source of great guidance to me; words are inadequate to relay the depth of gratitude I feel for them both. The Good Book tells us that "the fear of the Lord adds length to life," and it is clear that the Lord has had His hand on this remarkable couple. Their contribution is indeed impressive on a local, state, national, and international level. However, their defining characteristic is the depth of their humility and the breadth of their generosity. As is evident to all who are fortunate to know them, Van and Margaret have strived to live their lives honoring to God, family, friends, and their community with integrity and character.

Madam Speaker, I again congratulate Van and Margaret Smith on their fifty wonderful years of marriage and humbly thank them for their years of community service and friendship. I honor and applaud them for their dedication and generosity and pray God's best for them and their family.

REMEMBERING AND HONORING MR. JOHN HARWOOD OF ST. LOUIS, MISSOURI

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. AKIN. Madam Speaker, I rise today to honor John Harwood of St. Louis, Missouri.

On Saturday, September 25th, 2010 John Harwood passed into eternity. Mr. Harwood lived an exemplary life of service. He dedicated over a quarter of a century to helping fellow men live lives based on spiritual principles. He assisted many with the development of personal character based on humility, faith, love and service. Mr. Harwood was known as a tough man, who had the courage of his convictions and unique powers of persuasion. Yet, he had a deep sense of service and dedication to fellow human beings. Mr. Harwood often stated that one of the secrets of life is to "learn to love another human being." He exemplified this philosophy in his own life, every day, as he held out his hand to many who needed a little experience, strength and hope on the way to a better way of being.

I ask my colleagues to join me in honoring John today.

IN HONOR OF THE LEBANON REGIONAL FFA CHAPTER FOR PLACING SECOND AT THE EASTERN REGIONAL FFA DAIRY PRODUCTS CONTEST AND QUALIFYING FOR NATIONALS

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. COURTNEY. Madam Speaker, I rise today to honor Lyman Memorial High School students Rachel Mackewicz, Kelly Pestey, Erin White and Emily Von Edwins. I want to offer my congratulations to these students who placed second at the Eastern Regional FFA Dairy Products Contest on September 18, 2010.

These students, along with their faculty advisor Mrs. Brenda Wildes, honorably represented themselves, their family and their community at the Eastern Regional FFA Dairy Products contest. By finishing in second place, the team not only placed higher than any previous Lebanon FFA team, but also qualified to compete for the national title at the National FFA Convention.

Since it was founded in 1928, The Future Farmers of America has promoted agricultural education for millions of students across the country. FFA's commitment to bringing students, teachers and agribusiness together helps to ensure that each generation of our nation's leaders comes equipped with the agricultural understanding necessary to lead our country. Last summer, I was fortunate enough to meet with some of these impressive young leaders at the Connecticut state FFA convention and saw firsthand the important impact

the FFA has on middle and high school students across the country.

It is important to highlight the important role the FFA and this team of students in maintaining our rural heritage and promoting the agricultural ideals that serve as the backbone of our country. I ask all of my colleagues to join with me, and the people of Connecticut in recognizing the Lebanon Regional Future Farmers of America Chapter for their achievement and wishing them good luck at the national competition.

IN MEMORY OF ROBERT U.
CASSEL, WORLD WAR II VETERAN

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. ANDREWS. Madam Speaker, I rise today to honor the life and memory of Robert U. Cassel of Mantua Township, New Jersey, who died September 1st, 2010 at the age of 95. A longtime resident of Gloucester County, Mr. Cassel has left a legacy of dedication and commitment to his community.

Mr. Cassel was born in Philadelphia and graduated from Woodbury High School in 1932. An avid learner, Mr. Cassel continued on to Lebanon Valley College to study biology, leading to his career as a chemist with the Mobil Corporation.

During World War II, Mr. Cassel's supervisor advised him that he was exempted from the draft as a result of the importance of his position. Understanding the call of his country, he ignored that exemption and entered the 94th Infantry Division, arriving in France three months after D-Day. He later became a battalion operations officer in the 301st Infantry Regiment. In that position, he was awarded two Bronze Stars for helping fellow battalion members escape a trap that could have destroyed the unit. During his service, Mr. Cassel collected several battle artifacts that he shared at veteran events and Veterans Day presentations at schools. He later donated these items to the University of Georgia. Until recently, he was also the editor of the Hoodlum News, a quarterly newsletter for the 301st Infantry Association.

Combining his passion for nature with his dedication to the community, Mr. Cassel was a founding member of the Gloucester County Nature Club in 1949. Furthermore, Mr. Cassel embodied a spirit of volunteerism, dedicating his time to the Battleship New Jersey Museum and Memorial, the Mennonite relief warehouse in Lancaster County, and the Boy Scouts of America.

He is survived by his wife Carol and his two daughters, Claire Cassel and Judith Cassel Williams, as well as three grandchildren, two great-grandchildren and a sister. Mr. Cassel is predeceased by his first wife, Eve.

Madam Speaker, Robert U. Cassel's endless dedication to Gloucester County and our country should not go unrecognized. I express my sincere condolences to his family for their loss and pay tribute to the memory of this exceptional man.

A TRIBUTE TO JWCH INSTITUTE
ON THE OCCASION OF THE NON-
PROFIT ORGANIZATION'S 50TH
ANNIVERSARY OF PROVIDING
QUALITY AND AFFORDABLE
HEALTH CARE TO THE COUNTY'S
UNDERSERVED COMMUNITIES

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to recognize the John Wesley Community Health Institute—also known as the JWCH Institute—on the occasion of the organization's 50th anniversary of providing quality and affordable health care to thousands of uninsured patients throughout Los Angeles.

During my years in Congress, I have had the privilege of working closely with JWCH as well as the other community health centers in my district. I have seen firsthand the important role they play in improving the health of our communities, especially among Latinos, African Americans, the homeless and people with physical and mental health problems.

As a safety-net provider, I am proud to say JWCH is a true leader in this arena.

The Institute was established in 1960 by a group of concerned physicians at the John Wesley County Hospital, JWCH, as a vehicle for obtaining additional funds to support and augment patient care, education, and research. When the hospital was demolished in 1979, medical services and patient education took priority with a refined and expanded focus on community-based health education and social support programs.

Today, the center's mission is being accomplished through a wide variety of programs and activities. In addition to providing primary medical care, the agency's services include: medical outreach and referrals for medical care; HIV services and drug treatment; health education; psychosocial assessment and intervention; family planning services; and research.

Since its inception, JWCH has grown from a very small entity housed in a county building to a \$21 million Federally Qualified Community Health Center. Last year, the private non-profit agency provided 84,191 medical visits to the indigent at 13 locations, including clinics in Skid Row and Bell Gardens in the 34th Congressional District as well as South Los Angeles, East Los Angeles, El Monte, Lynwood and Norwalk.

A recent highlight of this innovative growth, JWCH opened the Center for Community Health last year. Located at 522 S. San Pedro Street in Skid Row, the center is the first fully integrated system of care for homeless persons on the West Coast. The center offers a "one-stop shop" approach to addressing the complex health care needs of homeless individuals and families, which includes providing patients one complete medical record to better ensure a continuum of care.

Madam Speaker, as JWCH prepares to mark its 50-year milestone at a special October 19 anniversary celebration at the Dorothy Chandler Pavilion in Downtown Los Angeles in the 34th Congressional District, I ask my col-

leagues to please join the Los Angeles community and me in recognizing JWCH for its steadfast commitment to strengthening the safety-net for the county's medically underserved. I also commend JWCH's Board Chair, Cesar Portillo, its Chief Executive Officer, Al Ballesteros and all of the many dedicated people who make this health care organization the safety net that it is today for thousands of Los Angeles County residents.

JWCH provides critical resources and services that enable our community members—including the most hard-to-reach and at-risk patients—to stay healthy and strong, and I wish everyone involved with this fine organization many more years of continued success.

CONGRATULATING CATHERINE
MAY AND DAN ABBOTT, TEMPE
COMMUNITY COUNCIL'S 2010 HU-
MANITARIANS OF THE YEAR

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Catherine May and Dan Abbott, the Tempe couple recently named the 2010 Don Carlos Humanitarians of the Year by the Tempe Community Council. The Tempe Community Council was founded in 1972 with the mission of "connecting those in need with those who care," and has been honoring exceptional individuals with the Don Carlos Humanitarian Award for the past 26 years. This award honors a Tempe resident or couple who upholds the humanitarian ideals of Charles Trumbull Hayden, Tempe's founder, referred to as "Don Carlos" by Hispanic pioneers due to his generosity and compassion for people in need. Catherine and Dan truly live a life of generosity and compassion and are both incredibly deserving of this award.

Catherine, a senior research analyst for the Salt River Project and Dan, a retired social worker who specialized in emotionally disturbed youths, were both active volunteers prior to their marriage fifteen years ago, and have been enthusiastically volunteering ever since. Both are involved with the University Presbyterian Church which has been a big influence in their outreach efforts. Their outreach into the community touches on human issues at both the state and community levels and includes hunger, homelessness, mental health, counseling, child abuse prevention, GLBT tolerance advocacy and humane treatment of documented workers.

Catherine and Dan's direct influences on the community are numerous and include the annual Tempe Empty Bowls event. Catherine and Dan made the original proposal to establish the event which has since raised more than \$100,000 for the Tempe Community Action Agency and United Food Bank.

Madam Speaker, please join me in congratulating Catherine May and Dan Abbott for their well deserved recognition as the 2010 Don Carlos Humanitarians of the Year. Couples like Catherine and Dan help strengthen our communities and our nation.

HONORING DR. HOWARD W. JONES,
JR. PIONEER IN REPRODUCTIVE
MEDICINE

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Ms. DeGETTE. Madam Speaker, today, I rise in honor of Dr. Howard W. Jones, Jr., a pioneer in the field of reproductive medicine, whose revolutionary work alongside that of his late wife, Dr. Georgeanna Seegar Jones, led to the birth of the first American baby borne of in vitro fertilization nearly 30 years ago. Together Dr. Howard and Georgeanna Jones, and the procedure they perfected, offered hope and happiness to thousands of American couples struggling with diseases and conditions that stifled their dreams of building a family. Dr. Jones celebrates his centennial birthday this year and here, we salute his accomplished life.

Today infertility affects 1 in 8 couples. But the in vitro techniques developed by the Jones' team, and the subsequent advancements in the field of reproductive medicine, have repeatedly proven to be safe and effective, producing millions of successful pregnancies, happy parents and healthy babies worldwide. Dr. Jones will be recognized at the 66th Annual Meeting of the American Society of Reproductive Medicine to be held in my state in late October and I am pleased to be able to salute his career here on the floor of the U.S. House of Representatives today.

As my colleagues know, I have been a strong advocate in Congress for scientific advancement. I have worked to strengthen federal support for scientific research, including embryonic stem cell research, which potentially holds so much promise for the millions of Americans who are living with debilitating diseases such as Parkinson's, diabetes, and spinal cord injury. Federal funding of this vital research is in jeopardy, and I stand ready to work with my colleagues to remedy problems that undermine scientific advancement, just as Dr. Jones was willing and eager to ensure that groundbreaking research in the field of reproductive medicine was developed and employed.

And so I thank Dr. Jones for the optimism and determination he and his wife exhibited in paving a path for scientific advancement and for the contributions he has made throughout his career in improving the lives of those suffering from infertility. Happy 100th Birthday, Dr. Jones.

RECOGNIZING THE ACHIEVEMENTS
OF AEROJET'S ORANGE, VIR-
GINIA EMPLOYEES

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. CANTOR. Madam Speaker, I rise today to recognize the employees of Aerojet-General Corporation's Orange, Virginia production facility and their achievement of the milestone de-

livery of the 1,000th solid propellant rocket motor for the Nulka active ship decoy system to the United States Navy.

Aerojet is a world-recognized aerospace and defense leader principally serving the missile, space propulsion and armaments markets. This most significant milestone will be commemorated with a celebration ceremony held in Orange, Virginia on Thursday, September 30, 2010.

Nulka is a rapid response active expendable decoy system that protects naval surface combatants from the threat of anti-ship missiles. The Nulka solid rocket motor is the prime propulsion system for the U.S., Royal Australian and Canadian navies, and has been manufactured in Orange, Virginia since 2004. Nulka is one of a number of U.S. and allied Navy propulsion programs produced at Orange which utilize advanced technologies to protect our Nation's servicemembers and those of our allies, while also generating significant employment opportunities for the area.

On the occasion of this milestone, I am proud to recognize the dedicated, hardworking employees of Aerojet in Orange and this latest of their many achievements in support of our courageous men and women who serve in the U.S. Armed Forces. These Virginians are working hard to ensure our men and women in uniform are protected and have the resources they need to carry out their missions effectively and quickly and they are most deserving of our sincere appreciation.

IN RECOGNITION OF THE 7TH AN-
NUAL KIT'S MIRACLE MILE AND
BRAIN INJURY SERVICES, INC.

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the 7th Annual Kit's Miracle Mile 10k Run/Walk and Brain Injury Awareness Fair. This event serves to raise money and awareness to better treat and understand those suffering from traumatic brain injury.

Brain Injury Services, Inc., BIS, works to assist those living with the consequences of a traumatic brain injury. Since 1989, BIS has offered services to residents throughout the northern Virginia area. Individuals suffering from traumatic brain injuries often require help learning to navigate the world with reduced cognitive functions. BIS addresses the needs of these individuals with professional experience and compassion in connecting people with the information and resources they need to be successful in their daily lives. With roughly 500 cases at any given time, BIS provides independent living skills training, respite care, specialized clubhouse programs and social skills training, often at no cost to individuals or families.

Kit's Miracle Mile is named after Kit Callahan, whose life was touched by the work of Brain Injury Services, Inc. A graduate of Virginia Tech, Kit was athletic and motivated to begin a career in finance. He pursued this endeavor by taking a job as a runner at the Chi-

cago Commodities Exchange. Shortly after his move to Chicago, Kit suffered a traumatic brain injury, which would change his life forever. Although Kit narrowly survived, he suffered traumatic brain damage which would require him to relearn many of the day-to-day activities that most of us take for granted. He was fortunate in that he had strong community partners like Brain Injury Services, Inc. to help him navigate the challenges he faced. Kit also possessed a determination to return to a productive life and pursue the goals he had set before his injury. Through case management and training, his family became able to assist Kit in restoring his ability to be independent and maintain employment. Although to this day Kit requires the care and assistance of his family, his miraculous recovery from near death is an inspiration to everyone suffering from a traumatic brain injury.

Madam Speaker, I ask that my colleagues join me in recognizing Brain Injury Services Inc. and the important work they perform in the community and in honoring Kit Callahan for his courage and determination to recover and return to productive life. I would also like to express my sincere gratitude to the many volunteers and staff who contribute their time and energy to make this organization and the annual run/walk possible.

HONORING GLORIA AUSTIN

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. STEARNS. Madam Speaker, I rise today to honor a great Floridian, an internationally recognized leader in the equestrian world, founder of the Florida Carriage Museum, and the president of the Equine Heritage Institute—Ms. Gloria Austin of Weirsdale, Florida.

Ms. Austin has been justifiably credited with being responsible for educating, celebrating and preserving the history of the horse and its role in shaping world civilization and changing lives through the creation of the Florida Carriage Museum and Equine Heritage Institute.

Ms. Austin brings to her passion for all things equine an astute understanding of how beneficial involvement with horses can be to those who have development and/or physical disabilities. She has a long and storied history of actively advocating for this needy population with both financial and therapeutic support.

She has recently expanded her support into the area of providing assistance to include helping physically and mentally challenged service veterans. Her willingness to give back to those who have given so much has been justifiably lauded by numerous veterans groups as commendable.

I would be remiss if I did not acknowledge that Ms. Austin has been involved with the equine world for almost 7 decades. I have stated many of her outstanding accomplishments, but perhaps her greatest legacy to equestrian society will through her establishment of meaningful educational programs offered in the partnership with leading collegiate

educational institutions, and the creation of the highly acclaimed Florida Carriage Museum. These attributes will have a lasting impact well beyond the lifespan of Ms. Austin.

Madam Speaker, please join me in honoring this outstanding leader and benefactor for her humanitarian accomplishments in the equestrian world.

TESTIMONY OF MR. CHRISTOPHER COATES BEFORE THE U.S. COMMISSION ON CIVIL RIGHTS REGARDING UNEQUAL ENFORCEMENT OF THE LAW

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. WOLF. Madam Speaker, I submit a copy of my September 23, 2010, letter to Attorney General Holder strongly supporting the decision of Mr. Christopher Coates to comply with a subpoena to appear before the U.S. Commission on Civil Rights. Mr. Coates contacted me prior to his testimony to share this information and he requested all applicable federal whistleblower protections.

I also submit a portion of Mr. Coates' testimony before the U.S. Commission on Civil Rights in which he discusses the unequal enforcement of federal voting laws by political and career officials in the Department of Justice.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 23, 2010.

Hon. ERIC H. HOLDER, JR.,
Attorney General, U.S. Department of Justice,
Washington DC.

DEAR ATTORNEY GENERAL HOLDER: I write to strongly support Mr. Christopher Coates' decision to comply with a federal subpoena to appear before the U.S. Commission on Civil Rights. I also wanted to make you aware that prior to appearing before the commission, Mr. Coates contacted me to share similar information relating to the equal enforcement of federal voting laws.

Mr. Coates has every right to bring this information to a Member of Congress as well as a responsibility to comply with the commission's subpoena, despite the department's obstruction. I trust that Mr. Coates will face no repercussion for his decision and expect you to inform political and career supervisors to respect his decision.

As you are aware, the 1912 Anti-Gag Legislation and Whistleblower Protection Laws for Federal Employees guaranteed that "the right of any persons employed in the civil service . . . to petition Congress, or any Member thereof, or to furnish information to either House of Congress, or to any committee or member thereof, shall not be denied or interfered with." (37 Stat. 555, 1912; codified at 5 U.S.C. 7211, 1994)

Additionally, you should be aware that federal officials who deny or interfere with employees' rights to furnish information to Congress are not entitled to have their salaries paid by the taxpayers. As ranking member on the House Commerce-Justice-Science Appropriations subcommittee, I assure you that I take this statute very seriously and will do everything in my power to enforce it should any negative actions be taken against Mr. Coates as a result of his decision to con-

tact Congress and appear before the commission.

A copy of this letter and Mr. Coates' testimony before the commission will be submitted to the Congressional Record for public review.

Sincerely,

FRANK R. WOLF,
Member of Congress

TESTIMONY OF CHRISTOPHER COATES—U.S. COMMISSION ON CIVIL RIGHTS, SEPTEMBER 24, 2010

Good morning, Chairman Reynolds, Vice-Chair Thernstrom, and other members of this Commission. I am here to testify about the Department of Justice's (DOJ) final disposition of the New Black Panther Party (NBPP) case and the hostility in the Civil Rights Division (CRD) and Voting Section toward the equal enforcement of some of the federal voting laws.

This Commission served me with a subpoena in December 2009 to testify in its investigation of the DOJ's actions in the NBPP case. Since service of that subpoena, I have been instructed by DOJ officials not to comply with it. I have communicated with these officials, including Assistant Attorney General for Civil Rights, Thomas Perez, and expressed my view that I should be allowed to testify concerning this important civil rights enforcement issue. I have pointed out that I have personal knowledge that is relevant to your investigation—personal knowledge that Mr. Perez does not have—because he was not serving as AAG for Civil Rights at the time of the final disposition of the NBPP case. My requests to be allowed to testify and your repeated requests to the DOJ for it to allow me to respond to the lawfully-issued subpoena have all been denied.

Furthermore, I have reviewed the written statements and the testimony that Mr. Perez and others from the DOJ have given to this Commission and to Congress concerning the CRD's enforcement activities, including its enforcement activities in the NBPP case. In addition, I have reviewed Mr. Perez' August 11, 2010 letter to this Commission in which he again denied your request that I be allowed to testify before you and in which he made various representations concerning the CRD's enforcement practices. Based upon my own personal knowledge of the events surrounding the CRD's actions in the NBPP case and the atmosphere that has existed and continues to exist in the CRD and in the Voting Section against fair enforcement of certain federal voting laws, I do not believe these representations to this Commission accurately reflect what occurred in the NBPP case and do not reflect the hostile atmosphere that has existed within the CRD for a long time against race-neutral enforcement of the Voting Rights Act (VRA).

In giving this testimony, I do not claim that Mr. Perez has knowingly given false testimony to either this Commission or to Congress. Indeed, as I have previously indicated, Mr. Perez was not present in the CRD at the time the decisions were made in the NBPP case, and he may not be fully aware of the long-term hostility to the race-neutral enforcement of the VRA in either the CRD or in the Voting Section. Instead, my testimony claims that DOJ's public representations to this Commission and other entities do not accurately reflect what caused the dismissals of three defendants in the NBPP case and the very limited injunctive relief obtained against the remaining defendant, and they do not accurately describe the longstanding opposition in the CRD and in the

Voting Section to the equal enforcement of the provisions of the VRA.

I did not lightly decide to comply with your subpoena in contradiction to the DOJ's directives not to testify. I had hoped that this controversy would not come to this point; however, I have determined that I will no longer fail to respond to your subpoena and thereby fail to provide this Commission accurate information pertinent to your investigation. Quite simply, if incorrect representations are going to successfully thwart inquiry into the systemic problems regarding race-neutral enforcement of the VRA by the CRD—problems that were manifested in the DOJ's disposition of the NBPP case—that end is not going to be furthered or accomplished by my sitting silently by at the direction of my supervisors while incorrect information is provided. I do not believe that I am professionally, ethically, legally, much less, morally bound to allow such a result to occur. In addition, in giving this testimony I am claiming the protections of all applicable federal whistleblower statutes.

On the other hand, in giving this testimony I will not answer questions which will require me to disclose communications in the NBPP case that are protected by the deliberative process privilege. That privilege that the DOJ has asserted in this matter can, in my opinion, be protected while at the same time, I can provide you information that you need to conduct your investigation—indeed, first hand information you will not have if I do not testify—that respects the privilege.

THE IKE BROWN CASE

To understand what occurred in the NBPP case, those action must be placed in the context of *United States v. Ike Brown et al.* Prior to the filing of the Brown case in 2005, the CRD had never filed a single case under the VRA in which it claimed that white voters had been subjected to racial discrimination by defendants who were African American or members of other minority groups. Moreover, the CRD and the Voting Section had never objected to any voting change under the preclearance requirement of Section 5 of the VRA on the ground that the change had a racially discriminatory purpose or effect on white voters. (No such objection, even in jurisdictions that have majority-minority populations, has been interposed to date. I will return to that subject later in my presentation.) I am very familiar with the reaction of many employees, both line and management attorneys and support staff in both the CRD and the Voting Section, to the Ike Brown investigation and ease because I was the attorney who initiated and led the investigation in that matter and was the lead trial attorney throughout the case in the trial court.

Opposition within the Voting Section was widespread to taking actions under the VRA on behalf of white voters in Noxubee County, MS, the jurisdiction in which Ike Brown is and was the Chairman of the local Democratic Executive Committee. In 2003, white voters and candidates complained to the Voting Section that elections had been administered in a racially discriminatory manner and asked that federal observers be sent to the primary run-off elections. Career attorneys in the Voting Section recommended that we not even go to Noxubee County for the primary run-off to do election coverage, but that opposition to going to Noxubee was overridden by the Bush Administration's CRD Front Office. I went on the coverage and while traveling to Mississippi, the Deputy Chief who was leading that election coverage asked me, "can you believe that we are

going to Mississippi to protect white voters?" What I observed on that election coverage in Noxubee County was some of the most outrageous and blatant racially discriminatory behavior at the polls committed by Ike Brown and his allies that I have seen or had reported to me in my thirty three-plus years as a voting rights litigator. A description of this wrongdoing is well summarized in Judge Tombee's opinion in that case, which is reported at 494 F. Supp. 2d 440 (2007) and in the Fifth Circuit Court of Appeals' opinion affirming the judgment and injunctive relief against Mr. Brown and the local Democratic Executive Committee, which is reported at 561 F. 3d 420 (2009).

Sometime, as best I recall, in the winter of 2003-04 I wrote a preliminary memorandum summarizing the evidence we had to that point and made a recommendation as to what action to take in Noxubee County. In that memorandum, I recommended that the Voting Section go forward with an investigation under the VRA and argued that a civil injunction against Ike Brown and the local Democratic Executive Committee was the most effective way of stopping the pattern of voting discrimination that I had observed. I forwarded this memorandum to Joe Rich who was the Chief of the Voting Section at that time. I later found out that Mr. Rich had forwarded the memorandum to the CRD Front Office, but he had omitted the portion of the memorandum in which I discussed why it was best to seek civil injunctive relief in the Brown case. Because I am aware that Mr. Rich and Mr. Hans von Spakovsky have filed conflicting affidavits on this point with this Commission, I believe that I am at liberty to address this issue without violating DOJ privileges.

I want to underscore that my memorandum in which Mr. Rich omitted portions was not the subsequent justification memorandum that sought approval to file the case in Noxubee County, but was a preliminary memorandum that sought permission to go forward with the investigation. Nevertheless, it is my clear recollection that Mr. Rich omitted a portion of my memorandum—a highly unusual act—and that I was later informed by the Division Front Office that Mr. Rich had stated that the omission was because he did not agree with my recommendation that the investigation needed to go forward or that a civil injunction should be sought. Nevertheless, approval to go forward with the investigation was obtained from the Bush Administration CRD Front Office in 2004.

Once the full investigation into Ike Brown's practices commenced, opposition to it by career personnel in the Voting Section was widespread. Several examples will suffice. I talked with one career attorney with whom I had previously worked successfully in a voting case and ask him whether he might be interested in working on the Ike Brown case. He informed me in no uncertain terms that he had not come to the Voting Section to sue African American defendants. One of the social scientists who worked in the Voting Section and whose responsibility it was to do past and present research into a local jurisdiction's history flatly refused to participate in the investigation. On another occasion, a Voting Section career attorney informed me that he was opposed to bringing voting rights cases against African American defendants, such as in the Ike Brown case, until we reached the day when the socio-economic status of blacks in Mississippi was the same as the socio-economic status of whites living there. Of course, there is nothing

in the statutory language of the VRA that indicates that DOJ attorneys can decide not to enforce the racial-neutral prohibitions in the Act against racial discrimination or intimidation until socio-economic parity is achieved between blacks and whites in the jurisdiction in which the cases arises.

But with the help of one attorney and one paralegal who was new to the Voting Section, and the support of the CRD Front Office, we were able to investigate and bring suit. By the time the case went into discovery and to trial in 2007, the Bush Administration had hired some attorneys, such as Christian Adams and Joshua Rogers, who did not oppose working on lawsuits of this kind. They and I were able to complete discovery and try the case and win and obtain meaningful injunctive relief, including the removal of Ike Brown from his position as Superintendent of the Democratic Primary elections. However, I have no doubt that this investigation and case would not have gone forward if the decision had been ultimately made by the career managers in the Voting Section when the case was first approved for investigation and then filing.

A regrettable incident occurred during the trial of the case. A young African American who worked in the Voting Section as a paralegal volunteered to work on the Ike Brown case, and he later volunteered to work on the NBPP case. Because of his participation in the Ike Brown case, he and his mother who was an employee in another Section of the CRD were harassed by an attorney in that other Section and by an administrative employee and a paralegal in the Voting Section. I reported this to the Bush Administration CRD Front Office, and the harassment was addressed.

But even after the favorable ruling in the Ike Brown case, opposition to it continued to occur. At a meeting with CRD management in 2008 concerning preparations for the general election, I pointed to the ruling in the Ike Brown case as precedent supporting race-neutral enforcement of the VRA. Mark Kappelhoff, then Chief of the CRD's Criminal Section, complained that the Brown case had caused the CRD problems in its relationship with civil rights groups. Mr. Kappelhoff was correct in claiming that a number of these groups are opposed to the race-neutral enforcement of the VRA, that they only want the Act enforced for the benefit of racial minorities, and that they had complained bitterly about the Ike Brown case. But of course, what Mr. Kappelhoff had not factored in his criticism of the Brown case was that the primary role of the CRD is to enforce the civil rights laws enacted by Congress, not to serve as a "crowd pleaser" for many of the civil rights groups.

Many of those groups on the issue of race-neutral enforcement of the VRA frankly have not pursued the goal of equal protection of law for all people. Instead, many of these groups act, as they did in the Brown case, not as civil rights groups, but as special interest lobbies for racial and ethnic minorities and demand, not equal treatment, but enforcement of the VRA only for racial and language minorities. Such a claim for unequal treatment is the ultimate demand for preferential racial treatment.

When I became Chief of the Voting Section in 2008 and because I had experienced, as I have described, employees in the Voting Section refusing to work on the Ike Brown case, I began to ask applicants for trial attorney positions in their job interviews whether they would be willing to work on cases that involved claims of racial discrimination

against white voters, as well as cases that involved claims of discrimination against minority voters. For obvious reasons, I did not want to hire people who were politically or ideologically opposed to the equal enforcement of the voting statutes the Voting Section is charged with enforcing. The asking of this question in job interviews did not ever, to my knowledge, cause any problems with the applicants to whom I ask that question, and in fact every applicant to whom I asked the question responded that he or she would have no problem working on a case involving white victims such as in the Ike Brown case.

However, word that I was asking applicants that question got back to Loretta King. In the spring of 2009, Ms. King, who by then had been appointed Acting AAG for Civil Rights by the Obama Administration, called me to her office and specifically instructed me that I was not to ask any other applicants whether they would be willing to, in effect, race-neutrally enforce the VRA. Ms. King took offense that I was asking such a question of job applicants and directed me not to ask it because she does not support equal enforcement of the provisions of the VRA and had been highly critical of the filing and civil prosecution of the Ike Brown case. From Ms. King's view, why should I ask that question when a response that an applicant would not be willing to work on a case against minority election officials would not in any way, in her opinion, weigh against hiring that applicant to work in the Voting Section.

The election of President Obama brought to positions of influence and power within the CRD many of the very people who had demonstrated hostility to the concept of equal enforcement of the VRA. For example, Mr. Kappelhoff, who had complained in 2008 that the Brown case had caused problems with civil rights groups, was appointed as the Acting Chief of Staff for the entire CRD. And Loretta King, the person who forbid me even to ask any applicants for a Voting Section position whether he or she would be willing to enforce the VRA in a race-neutral manner, was appointed as Acting Assistant Attorney General for Civil Rights.

Furthermore, one of the groups who had opposed the CRD's civil prosecution of Ike Brown case the most adamantly was the NAACP Legal Defense Fund (LDF), through its Director of Political Participation, Kristin Clark. Ms. Clarke has spent a considerable amount of her time attacking the CRD's decision to file and prosecute the Ike Brown case. Grace Chung Becker, the Acting AAG for Civil Rights during the last year of the Bush Administration, and I were involved in a meeting in the fall of 2008 with representatives of a number of civil rights organizations concerning the Division's preparations for the 2008 general election. At this meeting Ms. Clarke spent considerable time criticizing the Division and the Voting Section for bringing the Brown case when, in fact, the district court had already ruled in the case. Indeed, it was reported to me that Ms. Clarke approached an African American attorney who had been working in the Voting Section for only a short period of time in the winter of 2009 before the dismissals in the NBPP case and asked that attorney when the NBPP case was going to be dismissed. The Voting Section attorney to whom I refer was not even involved in the NBPP case. This reported incident led me to believe in 2009 that LDF Political Participation Director, Ms. Clarke, was lobbying for the dismissal of the NBPP case.

CONGRATULATING MS. MADIE
TILLMAN

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. TURNER. Madam Speaker, it is my privilege to acknowledge a hardworking community leader from Ohio's Third Congressional District.

Ms. Madie Tillman was recently honored as a recipient of the "Living Witness for Christ" Award at the 64th Annual Convention of the African Methodist Episcopal (AME) Church, Third District Lay Organization. This year's convention was held in Washington, Pennsylvania on July 29–31, 2010.

Each year, the Living Witness for Christ Award recognizes a Lay person for their work in response to God's call for Christian service. It is the highest award given to a Lay person. The award was presented by Bishop C. Garrett Henning, Sr., Presiding Prelate of the Third Episcopal District and Dr. Willie C. Glover, International Lay President.

Ms. Tillman is an active member of the Greater Allen AME Church, located at 1620 West Fifth Street in Dayton, Ohio. She serves on the Trustee Board, the Finance Committee, and is Treasurer of the Lay Organization. She holds positions on the conference and district levels of the Lay Organization of the AME Church. Ms. Tillman is also an active member of the Dayton Alumnae Chapter of Delta Sigma Theta Sorority.

As the widow of a veteran, Ms. Tillman has been a dedicated advocate for veterans and their families through her volunteer work at the Dayton VA Medical Center, and as a member of the General Daniel "Chappie" James American Legion Auxiliary, Unit 776, in Riverside, Ohio. She serves as President of both the Midwest Region and the Miami Valley Chapter of the Gold Star Wives of America.

I appreciate this opportunity to recognize a good and compassionate citizen, Ms. Madie Tillman, for her devotion to our community and our Nation's veterans, and I congratulate her on receiving this prestigious award.

HONORING DIVERSE AND
RESILIENT, INC.

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Ms. BALDWIN. Madam Speaker, I rise today to commend Diverse and Resilient, Inc. on their 15 years of success and their critical contributions to the health and well-being of lesbian, gay, bisexual, and transgender, LGBT, organizations, citizens, and their allies.

Diverse and Resilient is a nonprofit public benefit organization that has been vital to the development of public health leadership on behalf of LGBT people in Wisconsin communities for 15 years.

Diverse and Resilient has been a pioneer in the development of community health workers who promote participation in healthy activities,

dissuade health risk behaviors, and engage all sectors within the LGBT communities across Wisconsin.

Further, Diverse and Resilient projects and activities are dedicated to building capacity of LGBT individuals, organizations, and their allies to meet the public health needs of Wisconsin's LGBT communities in Madison, Milwaukee, Eau Claire, Appleton, and La Crosse.

I am particularly grateful to Diverse and Resilient for bringing to light the alarming health disparities that exist for LGBT youth and adults through its tireless advocacy to include important demographic questions in national and State health surveys.

This organization has taken leadership in national, State, and local public health planning and fostered partnerships in public health, secondary and post-secondary education, communities of color, healthcare, and advocacy.

I honor the commitment, leadership, and zestfulness of the founding director, Dr. Gary Hollander, the board of directors, the dedicated staff, youth advisors, and community health workers of Diverse and Resilient as they celebrate 15 years of vital contributions to our community.

CELEBRATING THE 50TH ANNIVERSARY OF GODFREY, ILLINOIS
LIONS CLUB

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in recognizing the 50th Anniversary of the Godfrey, Illinois Lions Club.

The Godfrey Lions Club, chartered in February 1960, has been a model service organization in the Riverbend region of Southwestern Illinois for half a century. As part of The International Association of Lions Clubs, the Godfrey Lions Club is part of a 45,000 club association with 1.35 million members worldwide. The Lions Clubs are known for their work assisting those with vision and hearing impairments and the Godfrey Lions Club has followed that service goal by providing eyeglasses, hearing aids and eye exams to students in the Alton School District. Some of the other community services they provide include infant hearing screenings, support of centers that provide service for battered women and children, stocking food crisis centers, and support of diabetes education programs at area hospitals.

While service to individuals in need is an important role of the Godfrey Lions Club, they contribute to their community in many other ways as well, such as planting flowers at a local park and participating in community and holiday festivals.

The Godfrey Lions Club is made up of people who believe that communities are built by people helping each other. The Lions Club motto is very simple, "We Serve," and throughout its 50-year existence the Godfrey Lions Club has been true to that basic premise.

Madam Speaker, I ask my colleagues to join me in congratulating the members of the Godfrey, Illinois Lions Club on their 50th Anniversary and wishing them the very best for many more years of service to their community.

HONORING BETH JEWELL, RECIPIENT OF THE 2010 NATIONAL MARINE EDUCATION ASSOCIATION OUTSTANDING TEACHER AWARD

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize Beth Jewell, the recipient of the 2010 National Marine Education Association Outstanding Teacher Award. This award is given annually to a teacher who demonstrates a dedication to the teaching of marine education and a dynamic and effective teaching style. The National Marine Education Association presented this award to Ms. Jewell at its annual conference, held this year in Gatlinburg, Tenn.

Ms. Jewell is currently a biology and oceanography teacher at West Springfield High School, where she has taught since 1986. Throughout her time as an educator, she has participated in various career development programs such as the Maury Project, a national teacher enhancement program administered by the American Meteorological Society; the Japan Fulbright Memorial Fund Program, providing fully-funded academic tours of Japan for administrators and teachers; and the ARMADA Project, providing peer mentoring and environmental science research opportunities for kindergarten through twelfth grade teachers associated with the National Science Foundation. Additionally, Ms. Jewell has participated in the Teacher at Seas program of the National Oceanic and Atmospheric Administration as well as served as an Einstein Fellow, allowing her to affect public policy as well as the sciences. She has used each of these experiences to enrich the classroom experience for her students. She even shared her experience with her students in real time through the Internet. Ms. Jewell also serves as the Secretary for the National Marine Education Association and has been the President of the Mid-Atlantic Marine Education Association.

Madam Speaker, I ask my colleagues to join me in honoring Beth Jewell for being recognized as the 2010 National Marine Education Association Outstanding Teacher for her innovation in the classroom and for providing such a tremendous learning experience for the students at West Springfield High School.

HONORING THE LIFE OF DR.
ROLAND CHAMBLEE

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. DONNELLY of Indiana. Madam Speaker, today I rise to honor the life of a distinguished physician, civil rights activist, and war

hero, Dr. Roland Chamblee of South Bend, Indiana. Sadly, Dr. Chamblee passed away on September 23, 2010 at the age of 86. Dr. Chamblee was born on November 23, 1923 in Atlanta, Georgia. He served in World War II, achieved the rank of First Lieutenant with the Army Corps of Engineers in the European Theater of Operations, and received a Purple Heart for injuries suffered while disarming landmines in Normandy. Upon his return to the United States, Dr. Chamblee completed a Bachelor of Science degree from Tennessee State University and a PhD from Meharry Medical College.

In 1953, Dr. Chamblee, his first wife, Dorothy, and the first three of their six children moved to South Bend where he interned at St. Joseph Hospital. He established a medical practice one year later, becoming one of just a few African American doctors in the city. He went on to deliver several generations of babies, care for thousands of patients and dedicate himself to making health care available to all. He and Dorothy raised six children: Michael, Daryl, Roland Jr., Alan, Marquita, and Ruth. Dorothy passed away in 1995. He is survived by his second wife, Donna, whom he married in 2003, his six children, two step children, 14 grandchildren, and one great grandchild.

Dr. Chamblee was a tireless champion for civil rights, served as the local president of the NAACP, Urban League, and United Negro Council, and attended the 1963 March on Washington. His devotion to human rights led him to take his wife and two youngest children to Uganda in 1972, where he provided health care for villagers, many of whom were impressed by the doctor who would actually touch them, despite the risk of contracting their diseases. He continued serving the poor when he returned to South Bend, becoming the co-founder and medical director of the Chapin Street Clinic, which provides health care to the uninsured.

Dr. Chamblee continued to promote public health as the director of the St. Joseph County Health Department. He has served on the boards of St. Joseph Regional Medical Center, Indiana University South Bend Board of Advisors, and Catholic Social Service, received an honorary doctoral degree from the University of Notre Dame, and was appointed by Pope Paul VI as a member of the Equestrian Order of the Knights of St. Gregory the Great, in recognition of his good character and notable accomplishments. He is the recipient of too many awards to count, having worked with numerous professional, service-related, and human rights organizations.

Despite his many professional successes, he considered his greatest accomplishment to be his children. His son, Judge Roland Chamblee Jr., noted that no matter how late he worked due to his service to others, the family always ate dinner together. He will be dearly missed by his family and all whose lives were touched by his friendliness, his generosity, and his devotion to fairness and unity. It is with great pride and honor that I enter Dr. Roland Chamblee's name into the United States CONGRESSIONAL RECORD.

HOLY REDEEMER HEALTH SYSTEM ANNIVERSARIES

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate Holy Redeemer Health System in Meadowbrook, Montgomery County, Pennsylvania on the momentous occasion of Holy Redeemer St. Joseph Manor's 75-year and Holy Redeemer Hospital's 50-year anniversaries. These milestones will be celebrated with an Anniversary Mass on Sunday, October 17, 2010.

In 1924, a group of Catholic Sisters journeyed from their home in Werzburg, Germany, to Baltimore, Maryland, and then Philadelphia, Pennsylvania to continue their ministry of service to those challenged by poverty and illness. The Sisters cared for the sick and elderly in their homes. Through their homecare visits, they recognized the need for a home for the elderly to provide for their security, as well as their spiritual and physical comfort. To meet this need they purchased a 45-acre estate in Meadowbrook, Pennsylvania and in 1936 celebrated the groundbreaking for Holy Redeemer St. Joseph Manor.

St. Joseph Manor opened its doors on June 11, 1937, accommodating 125 residents. In its beginning days, the Sisters ran the Manor and did all of the nursing, cooking, cleaning, washing, and gardening as a demonstration of their heartfelt care for all of the residents. St. Joseph Manor was funded solely on donations, "built by good people for the good of people."

As their endeavor grew, the Sisters' desire to realize their dream of providing a hospital for Northeast Philadelphia and Montgomery County grew ever stronger. In the mid-1950s the Sisters donated a portion of their land to build Holy Redeemer Hospital. The Sisters, along with civic-minded citizens and friends, raised the funds for the construction of the \$3.5 million, 217-bed community hospital which was dedicated on December 8, 1958 and officially opened in March 1959.

Through Holy Redeemer St. Joseph Manor's 75-year and Holy Redeemer Hospital's 50-year history, buildings have expanded, updated technology, and developed treatment techniques. What has remained constant is the unwavering commitment to "care, comfort and heal" those under the health system's care. The Holy Redeemer Health System has grown to include nearly 4000 staff members who provide services through the Delaware Valley and in 11 counties in New Jersey.

Please join me in wishing Holy Redeemer Health System congratulations on these milestone anniversaries. I am proud to have had the privilege of visiting the Hospital itself and representing Holy Redeemer in the U.S. Congress.

RECOGNITION OF A NEW POST-GRADUATE PROGRAM IN DENTISTRY OF THE UNITED STATES AIR FORCE

HON. DONNA F. EDWARDS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Ms. EDWARDS of Maryland. Madam Speaker, I rise today in recognition of a new postgraduate educational program in dentistry of the United States Air Force. The Uniformed Services University of the Health Sciences, USUHS, and the United States Air Force, USAF, Dental Service have collaborated to provide a Master of Science in Oral Biology. The recently accredited USAF Postgraduate School of Dentistry is a unique partnership between USUHS and the 59th Medical Wing at Wilford Hall Medical Center on Lackland Air Force Base, Texas. The newly established Air Force postgraduate educational program in dentistry will give our airmen and women the opportunity to receive an accredited master's degree in oral biology for the first time in its history. The initiative was spearheaded by Major General Gar S. Graham, Assistant Surgeon General for Dental Services and Commander of the 79th Medical Wing at Joint Base Andrews, Maryland. This is another step towards fulfilling our commitment to providing our servicemembers with the educational opportunities they deserve. The class of summer 2010 will be the first class eligible to receive this prestigious degree through USUHS.

CONGRATULATING JUDGE JAMES LAWRENCE KING FOR HIS 40TH ANNIVERSARY OF HIS INVESTITURE AS A UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to congratulate Judge James Lawrence King on the 40th anniversary of his investiture as a United States District Judge for the Southern District of Florida.

Judge King was nominated by President Richard Nixon for his appointment as a United States District Judge for the Southern District of Florida in 1970. Judge King was approved by the Senate and sworn in later that year. In 1984, Judge King was elevated to Chief Judge of the Southern District of Florida, where he served for the duration of his seven year term ending in 1991. In 1992, Judge King achieved Senior Judge status.

Throughout his career, Judge King has carried himself with great integrity, respect, and dedication in everything he has done for both his profession and community. After graduating from the University of Florida College of Law, Judge King served active duty as a First Lieutenant in the Air Force Judge Advocacy General's Department during the Korean War.

In 1955, Judge King began his career in private practice, joining the Miami Beach law firm of Sibley & Davis as an associate. Judge King advocated in private practice until 1964, when he was appointed Circuit Judge for the Eleventh Judicial Circuit of Florida. Judge King remained on the Eleventh Circuit until his appointment to the federal bench in 1970. During his time on the Eleventh Circuit, Judge King served temporary appointments to the Florida Supreme Court as well as the Second, Third, and Fourth District Courts of Appeal of Florida.

Judge King has been recognized on numerous occasions throughout the state of Florida including the Lifetime Achievement Award from the Greater Miami Jewish Federation Commerce and Professions' Attorneys Division and an honorary Doctorate of Humanities from St. Thomas University. He has been the commencement speaker at both the University of Florida College of Law and St. Thomas University School of Law. On April 30, 1996, the United States Congress renamed the United States Courthouse in Miami: The James Lawrence King Federal Justice Building.

The Judge is my personal friend of long-standing. I know no one that has done more to insure justice, fairness, and equality.

Madam Speaker, I am privileged to recognize Judge King for his dedication to the legal profession, public service, and to the South Florida community as a whole. I take this moment of personal privilege to acknowledge his service to our nation and the many years of friendship we have enjoyed together.

HONORING MOTHER NORMA L.
BURRELL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. KILDEE. Madam Speaker, on September 25th through September 30th the Northeast Michigan (Historic First) Jurisdiction Church of God in Christ, Incorporated is holding its 59th Jurisdictional Women's Convention at Civic Heights Church of God in Christ in my hometown of Flint, Michigan. The host will be Mt. Zion District Superintendent Samuel Marsh, District Missionary is Jessie Wortham and Bishop P.A. Brooks is the Jurisdictional Prelate, First Assistant Presiding Bishop, Church of God in Christ Worldwide.

Presiding at the Convention is Mother Norma L. Burrell, Jurisdictional Supervisor. Mother Burrell has an extensive history of church service going back to 1955 when she received her Missionary's License. She has served under and received appointments from each successive Supervisor of Women in the Historic First Jurisdiction of Michigan since that time. Mother Burrell is the 7th Supervisor in the Succession. She has also held appointments in the National Women's Department of the Church of God in Christ for more than 50 years.

Mother Burrell attended Baker Business College, Cortez Peters College of Business and Northwestern University. When she retired from Child and Family Services after 29 years of service, she was the Comptroller of Fi-

nance. She was married to the late Pastor Arthur George Burrell and has three children from a previous marriage.

Madam Speaker, please join me in congratulating Mother Norma L. Burrell as she presides over the 59th Jurisdictional Women's Convention. I pray that the attendees benefit from her spiritual guidance, her deep faith in Our Lord, Jesus Christ, and draw inspiration from her enthusiasm for spreading the Gospel.

HONORING JOHN W. HARROD

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Ms. NORTON. Madam Speaker, I rise today to ask the House of Representatives to join me in honoring the life of John W. Harrod, who was instrumental in establishing the Market 5 Art Gallery in Washington, D.C. and was its president during 30 years of devoted service to the Market 5 Art Gallery.

In the late 1970s, the first District of Columbia Mayor, Walter E. Washington, started a neighborhood arts initiative, and Mr. Harrod launched the Market 5 Art Gallery. The community embraced John Harrod's work in establishing a facility for comprehensive artistic expression, including poetry readings, dance performances, and theater productions, as well as a workspace for artists, musicians, and theater troupes.

Through the Market 5 Art Gallery, John Harrod committed himself to serving the community and filling the void in artistic education in the neighborhood. With John's assistance, a colleague from the Peace Corps was able to start a photography shop for at-risk youth. Throughout its 30 years in the Capitol Hill neighborhood, Market 5 Art Gallery has served as an exhibitor of work by aspiring youth and local and national artists. Market 5 Art Gallery grew in popularity through the Saturday arts and crafts festivals and Sunday flea markets. The gallery remains an indispensable fixture of the community and serves as a prototype for art galleries.

Mr. Harrod graduated from Northeastern University, where he played football. Mr. Harrod was a District native and maintained residency here throughout his 69 years.

Madam Speaker, I ask the House of Representatives to join me in celebrating the life of John W. Harrod.

HONORING CAPTAIN GEORGE M.
VUJNOVICH

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. BURTON of Indiana. Madam Speaker, as cofounder and cochair of the Congressional Serbian Caucus, I rise tonight to honor an outstanding Serbian-American, Captain (Ret.) George M. Vujnovich, who was recently awarded the Bronze Star Medal, for his heroic actions during World War II.

The Bronze Star is awarded to military service personnel for bravery, acts of merit or meritorious service. When awarded for bravery, it is the fourth-highest combat award of the United States Armed Forces. Captain Vujnovich's participation in the planning and execution of Operation Halyard—one of the most successful air force rescue missions in history and an operation so secret that the records were only declassified in 1997—certainly exemplifies the heroism required to receive this prestigious military honor.

Captain Vujnovich served with the Office of Strategic Services, the predecessor of the modern Central Intelligence Agency, CIA, and the wartime organization charged with coordinating activities behind enemy lines for the branches of the United States military. Operation Halyard evolved in the wake of the Allied bombing campaign to destroy Nazi Germany's vast network of petroleum resources in occupied Eastern Europe. The most vital target of bombing was the facilities located in Ploesti, Romania, which supplied 35 percent of Germany's wartime petroleum. Beginning in April 1944, bombers of the Fifteenth Allied Air Force began a relentless campaign to blast the heavily guarded facilities in Ploesti in an attempt to halt petroleum production altogether. By August, Ploesti was virtually destroyed—but at the cost of 350 bombers lost, with their crews either killed, captured, or missing in action.

The assault on Ploesti forced hundreds of Allied airmen to bail out over Nazi-occupied eastern Serbia, an area patrolled by the Allied-friendly Chetnik guerrilla army. When the Chetnik commander, General Draza Mihailovich, realized that Allied airmen were parachuting into his territory, he ordered his troops, as well as the local peasantry, to aid the aviators by taking them to Chetnik headquarters in Pranjani, Serbia, for evacuation.

General Mihailovich's attempts to alert American authorities to the situation regrettably initially failed to produce action. Fortunately, fate would have it that when Mirjana Vujnovich, a Serb employee of the Yugoslav embassy in Washington, DC, heard of the trapped airmen, she immediately wrote to her husband, Captain Vujnovich, stationed in Bari, Italy. As an American, descended from Serb parents, Vujnovich knew the region intimately and also knew how to escape from Nazi-occupied territory: he had been a medical student in Belgrade when Yugoslavia fell to the Axis powers in 1941, and he and his wife spent months sneaking through minefields and begging for visas before they finally escaped from Nazi-occupied Europe.

Captain Vujnovich made it his personal crusade to get the airmen home. From the outset though, Operation Halyard encountered opposition from Allied leaders—from the U.S. State Department, from communist sympathizers in the British Special Operations Executive, SOE, even from British Prime Minister Winston Churchill himself. It was an operation that seemed condemned from the start, but Captain Vujanovich persevered rather than let the mission die. His persistence eventually won out. Within only the first two days, Operation Halyard—which officially ran from August 9, 1944, through December 27, 1944—successfully retrieved 241 American and Allied airmen.

By the time the Operation was officially ended, Vujnovich's team had airlifted 512 downed Allied airmen to safety without the loss of a single life or aircraft—a truly impressive accomplishment.

Captain George Vujnovich's recognition as a hero and valued asset to this country and the United States Air Force is long overdue. Frankly, had the records of the operation not remained sealed until 1997, I feel certain Captain Vujanovich would have received this honor years ago. Nevertheless, the decades do not and cannot diminish the valor and patriotism of this extraordinary man. I ask all my colleagues to join me now to honor this Serbian-American hero, to thank him for his dedicated service to our country and to congratulate him for winning the Bronze Star. Captain Vujanovich, I salute you.

**A TRIBUTE TO THE HISTORIC
DETERDING FAMILY—PIONEERS
OF CARMICHAEL, CA**

HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I rise today to recognize and honor the Deterding family for its legacy to Carmichael, California.

After the marriage between Charles Deterding and Mary Shields in 1894, along with their three children they forded the American River during the dry months to claim their homestead. This is where Charles and Mary Deterding established their legacy in Carmichael—on 425 acres of farmland that they continued to plough and live on.

The Deterdings' San Juan Meadow Farm was named for the old Mexican land grant on which Carmichael was later established. Their original farmhouse was on a bluff above what is now Ancil Hoffman Park. Clearing the land, they planted grains and raised livestock.

Mary's lasting impression on Carmichael was her generosity. She donated wood for settlers' cooking and heating. She was the first president of a local improvement club that eventually evolved into the Carmichael Chamber of Commerce. This visionary helped establish the irrigation company that became the Carmichael Water District.

A local school and an Arcade Park bear her name but Mary Deterding's legacy stands tallest in Palm Drive. The avenue that once led to the Deterding farmhouse is shaded by 88 date palms that Mary planted herself.

Younger generations of Deterdings have since included builders, property developers,

teachers, landscapers, military and nursing careerists. In 2006, family ranks were reinforced by the famous McNulty babies—quadruplets. The only boy, Russ, is named for his great-grandfather.

Says patriarch Russ Deterding: "As Mary and Charles' descendants, we have to admire how, 100 years ago, they survived such a challenging environment. Their work paved the way for what Daniel Carmichael developed. But nobody paved the way for Mary and Charles. They were the true pioneers."

I am pleased to recognize and congratulate the Deterding family for over 100 years of contribution to the Carmichael community.

**HONORING STETSON UNIVERSITY'S
COLLEGE OF LAW ON ITS 110TH
ANNIVERSARY**

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. BILIRAKIS. Madam Speaker, I rise today to honor Stetson University's College of Law as it celebrates its 110th anniversary. Founded in 1900 in DeLand, Stetson was Florida's first law school. In 1954, the Law School moved to Gulfport, where a handful of students began classes. Today, it boasts an enrollment of more than 1,100 students.

As a proud graduate of Stetson Law School, I can attest to the esteemed community fostered by Stetson University's College of Law in which students learn the skills necessary to become excellent lawyers and effective leaders in society.

In addition to the acclaim received from its students, the law school has earned national and international attention for its exceptional programs in advocacy, elder law, environmental and biodiversity law, higher education law and policy, international law, legal writing, and professionalism.

Stetson University's College of Law has educated thousands of outstanding lawyers, judges, and community leaders over the past 110 years. My experience at Stetson Law nurtured my love of the law, which eventually led me to a career in public service as a member of the U.S. Congress.

Stetson has been a beneficiary of the work of philanthropists like Dolly and Homer Hand. Mrs. Hand holds the admirable designation of being Stetson Law's youngest graduate at the age of 20; additionally, she and her husband have also made tremendous contributions to the law school, as well as education throughout the State of Florida. Generations of

Stetson graduates will surely benefit from the generosity of their contributions.

Madam Speaker I am truly honored to call Stetson Law School my alma mater and recognize it on its 110th anniversary. I look forward to watching future community leaders and scholars graduate and contribute to our Nation.

**HONORING THE LADIES AUXILIARY
OF THE BOONTON FIRE DEPARTMENT**

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the members of the Ladies Auxiliary of the Boonton Fire Department located in Morris County, New Jersey, as they celebrate 75 years of dedicated service to the community.

The Ladies Auxiliary of the Boonton Fire Department plays a vital role in the continued success of the Boonton Fire Department. From assisting at fire scenes, marching in parades, helping the fire department sponsor the Labor Day Celebration and raising funds, the Ladies Auxiliary has been a constant supporter of the fire department.

Every year, the Ladies Auxiliary holds numerous fundraisers, including bake sales, spaghetti dinners, and, for the past 20 years, a Tricky Tray. The funds generated from these events help supply new equipment for the department's fire trucks and firehouse. They also provide the Auxiliary with the resources to support a number of organizations, including Boonton Welfare Department, Boonton Kiwanis Ambulance Squad, and St. Barnabas Burn Center. Without the hard, dedicated work of the Ladies Auxiliary, the fire department and the community would lack a necessary support system.

Members of the Ladies Auxiliary range in age from 19 to 85-plus years. Many of their members have been active for over 25 years while some have remained active for over 50.

This group of women is truly one to be admired and applauded, not only for their dedication to the Boonton Fire Department, but also for their remarkable dedication to the Town of Boonton.

Madam Speaker, I ask you and my colleagues to join me in congratulating the Ladies Auxiliary of the Boonton Fire Department as they celebrate 75 years of service.

HOUSE OF REPRESENTATIVES—Wednesday, September 29, 2010

The House met at 10 a.m. and was called to order by the Speaker.

PRAYER

Rev. Scott Moore, Doctoral Student, Erfurt, Germany, offered the following prayer:

God of the nations, You have chosen many and various ways to show Your presence in the world. You have been a guiding light in dark times and a refuge against the storms of life.

We ask You to send the Spirit of Your holy wisdom and compassion to the Members of the 111th Congress, who gather here for this most important work.

Strengthen them in their work for justice. Lead them in their work for peace. Guide them as they speak and act for all who would call this great land their home. Bless their families, and bless them in their work today.

Grant them the opportunity and the serenity, O Lord, to reflect on all they have achieved so far, and unite them in a common vision inspired by Your love.

We ask this in the Name of the One who calls each of us by name.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida (Ms. ROS-LEHTINEN) come forward and lead the House in the Pledge of Allegiance.

Ms. ROS-LEHTINEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

IMPROVING THE ECONOMY AND CREATING JOBS

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHWARTZ. Madam Speaker, last week, the Small Business Jobs Act was signed into law, marking the latest effort by the Democratic Congress to partner with small businesses to put the economy back on track.

The Jobs Act makes \$30 billion in lending and \$12 billion in tax breaks available to small businesses to create 500,000 new jobs. The Democratic Congress has already helped small businesses by providing tax credits for hiring unemployed workers, by reducing tariffs on goods used in U.S. manufacturing and by expanding incentives for capital investments.

Nearly 2 years ago, our economy was losing 700,000 jobs per month. Now we are on pace to create hundreds of thousands of new jobs in the private sector.

Yet, instead of joining with us to grow small businesses and the jobs they create, Republicans in Congress opposed loans to small businesses, opposed tax incentives for businesses to hire unemployed workers, opposed tax credits for health benefits, and opposed new incentives for business investments.

Democratic Members stood up to provide American businesses with the right tools to innovate and create jobs. Access to capital, encouraging investment and hiring will ensure that we are continuing to create new jobs today and for tomorrow.

□ 1010

CONGRATULATING US1 RADIO ON ITS 30TH ANNIVERSARY

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate US1 Radio on celebrating 30 years on the air. For many residents, US1 provides the soundtrack for the Keys. Since 1989, US1 Radio has been the most listened to radio station in the Florida Keys. The station also received the Edward R. Murrow Award for broadcasting during Hurricane George. These hard-earned accolades are due not only to its great programming but also to the station's commitment to the Keys community.

After the BP oil spill, US1 Radio provided information to Monroe residents to keep them updated and aware of the situation. And there is no oil in the Keys, folks. Come on down.

Congratulations to Bill Becker, Ezra Marcus, Kevin LeRoux, Kevin Redding,

and all of the staff at US1 Radio for their hard work. Here's to 30 more years of US1 Radio.

JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, today we are considering a bill that is overwhelmingly supported by the American people. The James Zadroga 9/11 Health and Compensation Act, which I offered along with the entire New York delegation, will provide needed health care for more than 36,000 Americans who are sick or injured because of 9/11.

This is a national issue. Those who are suffering come from all 50 States, which this chart shows. The darker color shows States that have more than 1,000 of their residents enrolled in health programs. For those Americans, the 9/11 attacks are not history but are an ongoing nightmare that is slowly robbing them of their health, their strength, their livelihood, and, in some cases, their lives.

Thousands lost their lives 9 years ago, but since then, thousands and thousands more have lost their health. This is not an entitlement program. This is a responsibility to take care of those who took care of us when our Nation was attacked, and this bill sends a message to future generations that we take care of our veterans from the war against terror.

In today's debate, I hope that all Members will put politics aside and, in a bipartisan way, honor and respect the sacrifices of the 9/11 victims.

A PLEDGE TO AMERICA WITH TAX CUTS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, after months of disastrous job losses and free-for-all spending sprees, it is quite obvious that a new way forward is very much needed. Through town hall meetings, district tours, and interactive forums, House Republicans heard the pleas from hardworking Americans wanting to correct Washington's misplaced priorities.

Last week, we answered their call and provided concrete solutions for immediate action to create jobs, stop frivolous spending, enhance national

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

security, improve health care, and reform a broken Washington.

Not only will we extend tax cuts for all Americans, we will, additionally, allow small business owners to take a tax deduction equal to 20 percent. This is crucial that we move quickly on this NFIB goal, as it will allow entrepreneurs to keep their own earnings for investments for new jobs.

In conclusion, God bless our troops and we will never forget September the 11th in the global war on terrorism.

Congratulations to Joy and Julian Wilson on the birth Friday, September 24, 2010, of Julian Dusenbury Wilson, Jr., at Lexington Medical Center in West Columbia, South Carolina.

PROGRESS FOR AMERICAN SMALL BUSINESS

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Last week, this Chamber passed another measure to move America's small business forward, the backbone of this country. The Small Business Jobs Act provides \$12 billion in tax cuts for America's small businesses and creates a \$30 billion lending fund to increase available capital and spur small business lending right here in America and not overseas.

This bill was one of many that congressional Democrats worked on to provide relief for hardworking Americans. That is why we passed the Recovery Act, which boosted SBA funding to authorize loans. That is why President Obama has already signed into law eight separate small business tax cuts. Republicans don't seem to get it. Instead of working for the people, they would rather work to obstruct and continue to be the Party of No.

On the other hand, congressional Democrats and the President have constantly supported the American economic backbone. We didn't create this economic mess, but I am confident that we will be the ones to lead us out of it.

BORDER FENCE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, in spite of objections to the contrary, a fence is still being built along the southern border. Illegals objected to this but the President is resilient. He is standing firm on his commitment to build the fence to keep illegals out.

You see, over 500,000 illegals cross the border every year into Mexico, and the fence is being built at the southern end of Mexico to keep people like Guatemalans out. It's the Mexican southern border that they're protecting.

You know, Calderon demands that the United States not build a fence. He arrogantly demands the Arizona law

not be enforced, but when Mexico has problems with illegals coming to "take jobs that Mexicans won't do," Calderon says he's building a fence on his southern border, whether illegals like it or not.

Every country has the right to defend its border. We should stop listening to anything President Calderon says and do what's right for our country. Secure our borders by sending immediately the National Guard to our southern border.

And that's just the way it is.

PASS THE MIDDLE CLASS TAX CUTS

(Mr. PASCRELL asked and was given permission to address the House for 1 minute.)

Mr. PASCRELL. Mr. Speaker, middle class families are the backbone of our economy, and that is why we should not wait any longer to vote on extending tax cuts for these middle class families. There is near universal agreement to extend these cuts. There is also agreement that we should extend the investment portion of the current Tax Code. So we need a universal agreement to extend the cuts. We can and must take this action now. There is uncertainty within American families and there is uncertainty in businesses.

Extension of these taxes have been held hostage by the discussion of whether to extend the rates for the wealthiest Americans. We can't afford \$700 billion over 10 years just for the highest income earners with 79 percent of that \$700 billion, get this, going to less than one-fifth of 1 percent of all American taxpayers. That's preposterous.

The nonpartisan Tax Policy Center has said the extension of middle class tax cuts would affect less than 2 percent of all small business. My colleagues—CAPUANO, HIGGINS, and OWENS—have put forth our own proposal: a 5-year extension of the current middle class tax cuts, a 5-year extension of the current rates on long-term capital gains and qualified dividends, and a 1-year extension of the highest tax rates of those making up to \$500,000.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 847, JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT OF 2010; PROVIDING FOR CONSIDERATION OF H.R. 2378, CURRENCY REFORM FOR FAIR TRADE ACT; AND PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2701, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Ms. PINGREE of Maine, from the Committee on Rules, submitted a priv-

ileged report (Rept. No. 111-648) on the resolution (H. Res. 1674) providing for consideration of the bill (H.R. 847) to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes; providing for consideration of the bill (H.R. 2378) to amend title VII of the Tariff Act of 1930 to clarify that fundamental exchange-rate misalignment by any foreign nation is actionable under United States countervailing and antidumping duty laws, and for other purposes; and providing for consideration of the Senate amendment to the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

TAX AND SPEND DEMOCRATS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, Democrats in Congress won't tell the American people how much they're going to raise their taxes. They're going to wait till after the election when we come back into session.

And Democrats in Congress won't tell the American people how they're going to spend their money. For the first time in 35 years, no budget was offered.

Meanwhile, the Democrats are spending almost \$2 for every \$1 the Federal Government collects. That puts a drag on the economy and kills jobs.

The American people have had enough. It's time to end the one-party monopoly in Washington.

□ 1020

TAX CUT EXTENSIONS

(Mr. NEAL asked and was given permission to address the House for 1 minute.)

Mr. NEAL. Mr. Speaker, this Democrat will tell you what we intend to do. We have heard a lot of conflicting opinions during the past week about whether to extend the tax cuts for those at the top of the ladder. It is difficult to break through the clutter. But what is clear in this basic argument is it's about fairness and the type of tax system that we want to create.

A recent analysis shows at various income levels both the cumulative benefit of tax cuts and the 2011 benefit, if we extend the tax cuts to everyone. Since 2004, those earning \$10,000 have

received \$335 in total tax benefits. And next year they can look forward to an additional \$5 if we extend the Bush tax cuts. Now, for someone earning more than \$7 million, we will note that they have enjoyed more than \$2 million in tax benefits since 2004. And next year they can look forward to \$339,000 in tax cuts if we extend the tax cut system that President Bush offered as-is.

Five dollars versus \$339,000? It's a basic question of fairness. The tax code should treat working families better.

HONORING HINSDALE DEPUTY FIRE CHIEF MARK JOHNSON

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BIGGERT. Mr. Speaker, I rise today with heavy heart to mourn the loss, in my hometown, of the Hinsdale Fire Department's Deputy Chief Mark Johnson. Mark's family, his fellow firefighters, and the community of Hinsdale are grieving his unexpected loss, but we are also celebrating his life as a dedicated public servant.

In 1986 Mark joined the Hinsdale Fire Department and has since served as a firefighter, lieutenant, captain, and finally deputy chief. He was driven, committed to the job, and a mentor for many young firefighters. His colleagues remember him as someone you could always count on and a selfless, positive person to be around.

A seasoned veteran with the fire department, Mark dedicated his career to saving lives and rescuing people from harm's way. He will be truly remembered as a hero. In addition to his work, he was loved and respected by all who knew him. The community of Hinsdale has really lost one of our own. I offer my deepest sympathies to his wife, Cheryl, and his son, Matt.

DEPARTMENT OF DEFENSE INDEMNIFICATION

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, in working with 26 Oregon National Guard members who have filed a lawsuit against defense contractor KBR, I discovered these Oregon veterans have a compelling case that, while serving in Iraq, KBR's negligence resulted in their poisoning by hexavalent chromium, a very potent carcinogen. In the legal proceedings, KBR recently revealed the existence of a still-classified contract clause that could shift the cost of all the damages and court fees onto the Department of Defense and, of course by extension, the U.S. taxpayers.

I vowed to fight to end a contracting flaw that can shield contractors from their own reckless behavior and re-

moves incentives for them to operate responsibly. Today I will introduce legislation that will set important long overdue limits to indemnification agreements and to correct this problem with congressional oversight of the defense contracting process. I hope my colleagues will join me in passing this legislation before the end of the session.

EXTENDING THE TAX CUTS

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute.)

Mr. BUCHANAN. Mr. Speaker, when we talk about this tax debate, it needs to be less about politics and more about doing what's right for the American people. On January 1, everybody's taxes are going to go up \$3.9 trillion overall. The lowest tax bracket goes from 15 percent to 25 percent. A family of four, \$1,540.

Most importantly, everybody is talking about jobs and the economy. It's the number one issue in our area. We have 13 percent unemployment. They are looking at raising taxes on small business. They create 70 percent of the jobs. I know personally that it will have a huge impact, as someone who was an employer for 30 years and created thousands of jobs.

We are in the worst recession since the Depression. We don't need a tax increase today. We need to take the politics out of this and do everything that we can in the best interests of the American people. We need to extend all the tax cuts.

AWARDING THE PURPLE HEART

(Ms. PINGREE of Maine asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PINGREE of Maine. Mr. Speaker, a recent investigation has found that the Department of Defense has been denying Purple Heart medals for soldiers and marines who were injured by IEDs in Iraq. Some of these awards were denied because the injured troops received only "minimal medical attention."

Mr. Speaker, if you are serving our country and you are injured by the enemy, you are entitled to a Purple Heart, period. It is not something subject to interpretation by a Pentagon bureaucrat. It is not something that can or should be denied based on small print or technicalities. It is utterly outrageous that veterans who continue to pay for this sacrifice with lasting effects of brain trauma are being denied this recognition because they don't have the "right" kind of injury. These men and women are defending our country, and when they suffer an injury at the hands of the enemy, we owe them. We owe them appropriate recognition in the form of a Purple Heart.

STOP JOB-KILLING TAX INCREASES

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, we must stop these job-killing tax increases. House Republicans have been listening to the American people. Unemployment near 10 percent is one of their chief concerns. So why are Democrats allowing both Chambers to adjourn without stopping this massive \$3.9 trillion tax increase that will hurt small businesses and kill more jobs? Our friends across the aisle can adjourn the House this week and walk away from their responsibility to govern, or Speaker PELOSI could allow a full and open debate on tax increases before this House is adjourned. We want an up-or-down vote now. We can't allow the American people and small businesses to continue to face this uncertainty.

We were elected to serve the people in our districts, not to put our personal political gain ahead of our constituents' welfare. Let's vote before we adjourn to extend tax cuts for all Americans. No family and no job-creating small business owner should face a tax increase on January 1.

REMEMBERING THE AID WORKERS LOST IN AFGHANISTAN

(Mr. TONKO asked and was given permission to address the House for 1 minute.)

Mr. TONKO. Mr. Speaker, I rise to honor the memory of 10 brave women and men who were killed in a tragic attack in northern Afghanistan in August, and to express my support for the resolution by the gentleman from Pennsylvania which we will consider here today.

This team of dedicated humanitarian aid workers was led by my constituent, Dr. Thomas Little. Tom and his wife, Libby, lived and worked in Afghanistan for more than 30 years. They raised three daughters there, Katie, Molly, and Nellika, and ran an organization that has long provided the majority of eye care services in Afghanistan. Though I am proud to call them constituents, Afghanistan has been their home.

Like so many parts of America, New York's 21st Congressional District has witnessed far too many deaths overseas this year, a fact no less true across the districts of Afghanistan where Tom Little worked with sight and lived with vision. Tom and his team were heroes, and I am honored to recognize their service and sacrifice to America, Afghanistan, and the ideals that unite us all.

HONORING AMIR ABO-SHAEER

(Mrs. CAPPS asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I rise with great pride this morning to congratulate Amir Abo-Shaeer from Goleta, California. Mr. Abo-Shaeer was awarded a MacArthur Fellowship Grant for his tremendous work at Dos Pueblos High School as an engineering and physics teacher. He also established and leads the Dos Pueblos Engineering Academy, which competes annually in the Robotics World Championship, entitled FIRST.

For the last 2 years, the Dos Pueblos High School team, half of which are young women, has been awarded the Motorola Award for the best designed robot at the competition. Mr. Abo-Shaeer is the first public school teacher to win this prestigious award and a powerful testament to the importance of science and math education in our schools. His innovative, challenging, and outside-the-box teaching style is exactly what we need to create and inspire the next generation of American engineers, scientists, and innovators.

On behalf of the entire Santa Barbara community, I want to send the heartiest congratulations to this dedicated public servant.

□ 1030

AMERICA IS NOT FOR SALE

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, the Republicans have a plan for America; not their so-called pledge, just a garbled rehash of the failed policies of the Bush era that put us in this mess.

The real plan, step one, try to block every Democratic initiative, even those that could aid our economic recovery, put people back to work. They would harm people for their own political ends. And if something passes, lie about it. Remember death panels?

Now, step two, aided and abetted by a right-wing activist Supreme Court overturning 100 years of precedent. New independent groups, independent groups every day, one a day, are filing with the Federal Elections Commission. They can raise and spend unlimited amounts of money anonymously, no disclosure necessary to try to buy the election for their Republican lap dog buddies.

Well, I have got news for you over on that side of the aisle: America is not for sale.

EXTENDING TAX CUTS

(Mr. OWENS asked and was given permission to address the House for 1 minute.)

Mr. OWENS. Mr. Speaker, Democrats are committed to extending tax cuts for the middle class working families.

Unfortunately, our friends on the other side of the aisle have been unwilling to compromise so far on tax cuts for the wealthy, which would add \$700 billion to the national debt over the next 10 years.

I was proud to join several of my colleagues, led by Mr. PASCRELL and Mr. CAPUANO, in sending a letter to Speaker PELOSI and Leader BOEHNER advocating for a compromise on this issue. Our idea involves a 1-year extension of the higher tax rates for individuals and joint filers making under \$500,000 annually, a 5-year extension of the middle class tax cuts for individuals making less than \$200,000 and joint filers making less than \$250,000 annually, and a 5-year extension of the current tax rates on long-term capital gains and qualified dividends.

I hope we come together to address this issue quickly when Congress returns. And I urge my colleagues on both sides of the aisle to focus on working out a compromise.

HONORING THE LIFE OF BISHOP KENNETH H. MOALES

(Mr. HIMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HIMES. Mr. Speaker, a week ago the City of Bridgeport lost a friend, spiritual leader and powerful force for good in the community.

Bishop Kenneth H. Moales, whose humble origins in Father Panik Village public housing foreshadowed little of his lifelong leadership, dedicated his life to shepherding the souls and improving the worldly conditions of some of the least fortunate people in Fairfield County.

I worshipped in his church just 3 weeks ago, and the ministries of the Cathedral of the Holy Spirit and his presence among his flock reminded me of the saying of St. Francis of Assisi when he said, "Always preach the gospel. Sometimes use words."

The bishop was an accomplished musician, and his choirs enriched those who heard them and those who sang in them.

At one time or another, the bishop was contributing to just about every civic institution in Bridgeport, from the police to the YMCA.

Mr. Speaker, we will miss Bishop Moales, but we celebrate a life well lived. And we take confidence in the fact that, as of last week, the music in heaven got a whole lot better.

HONORING THE LIFE OF CORPORAL PHILIP CHARTE

(Mr. MURPHY of New York asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of New York. Mr. Speaker, I rise today with the very sad

duty of reporting the tragic loss of U.S. Marine Corps Corporal Philip Charte. He had just turned 22 years old. Charte was killed in action in Afghanistan on Monday, September 6, 2010.

Corporal Charte, a rifleman, joined the Marines in June 2007, the same day he graduated high school. Last year he served in Iraq; and after being promoted to Corporal little more than a few months ago, he was deployed once again, this time to Afghanistan.

Corporal Charte was willing to give his life in service to all of us and to the country he loved. Our gratitude cannot simply be expressed nor our sorrow properly conveyed.

Charte will be remembered as many things: a prankster, a dedicated athlete, a competitor and a teammate. But above all else, he was a soldier, serving his country and community with honor.

While Philip lived in New Hampshire, he grew up and his family still lives in Washington County in New York. My heart goes out to Philip's father, also named Philip, and his sister, Alicia.

His father perhaps said it best: "Philip served his country with courage, honor and distinction. He was a great son, brother, nephew, uncle and friend. He will be missed sorely."

On behalf of a grateful Nation, our thoughts and prayers are with the entire Charte family during this incredibly difficult time.

NASA REAUTHORIZATION BILL

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, thank you so very much for the opportunity to address this House on an important issue that will be confronting this Congress today, and that is the recommitment of the American people to a dream and a challenge of John F. Kennedy. Today we will reauthorize the NASA reauthorization bill, if you will, or the authorization bill, to be able to commit America's future to science and technology.

Although I would have advocated stronger for the work of the House and Chairman GORDON, I believe that we have the opportunity now to save jobs and to promote science and technology and to provide for the creation of the heavy lift launch vehicle and stop the termination of the workforce, technical workforce and contractor jobs that are all across America from Mississippi to Houston, Texas.

In addition, this funding will support the development of commercial crew services. Although I am concerned about the heavy emphasis on commercialization to the exclusion, sometimes, of human space exploration, I want to see jobs being created and jobs being saved.

And so I will rise to the floor today thanking the House Science Committee and saying that NASA needs to

be reauthorized and jobs need to be saved.

YOU CAN'T HAVE IT BOTH WAYS

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, I have been home for a while during the break and during these 3 weeks listening to constituents; and I understand there are a lot of constituents that are upset because the economy hasn't come back completely. But the economy is getting better, and a great indicator of that is the Dow Jones average which has gone up in the 10,800 range now. It has gone up tremendously this month.

The American Recovery and Reinvestment Act, called the stimulus bill, has been maligned. But it has been responsible for at least 3 million jobs: firemen, policemen and teachers being kept on public payrolls and keeping taxes down and public employees hired.

The middle class has been threatened and threatened greatly. And as I sit in committee meetings and think about the future and what would happen if this House turned over to the other side, I realize the middle class would be greatly hurt. It is the middle class that is hurting. It is the middle that is concerned.

The middle class is most of the tea party, but the tea party is being led by some of the richest people in the country who are more concerned about the estate tax and getting 100 percent of their money sent to the next generation tax free, contributing greatly to the deficit, and to seeing that the upper 2 percent get their tax cuts given during the Bush years, which means a \$700 billion addition to the deficit.

They talk deficit, and they also talk about taxes and spending. Well, you can't have it both ways. The bottom line is the richest people of the country are pushing the middle class in a direction that will run them off a cliff. And their home is with the Democratic Party that is helping small business and providing jobs.

PROVIDING FOR CONSIDERATION OF H.R. 847, JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT OF 2010; PROVIDING FOR CONSIDERATION OF H.R. 2378, CURRENCY REFORM FOR FAIR TRADE ACT; AND PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2701, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1674 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1674

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 847) to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. In lieu of the amendments recommended by the Committees on Energy and Commerce and the Judiciary now printed in the bill, the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate, with 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce, 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary, and 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2378) to amend title VII of the Tariff Act of 1930 to clarify that fundamental exchange-rate misalignment by any foreign nation is actionable under United States countervailing and antidumping duty laws, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

SEC. 3. Upon adoption of this resolution, it shall be in order to take from the Speaker's table the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chair of the Permanent Select Committee on Intelligence or his designee that the House concur in the Senate amendment. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

□ 1040

The SPEAKER pro tempore (Mr. PASTOR of Arizona). The gentleman from New York is recognized for 1 hour.

Mr. ARCURI. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. ARCURI. I ask unanimous consent that all Members be given 5 legislative days within which to revise and extend their remarks on House Resolution 1674.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ARCURI. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1674 provides for the consideration of three bills in one rule:

H.R. 847, the James Zadroga 9/11 Health and Compensation Act of 2010. The rule provides 1 hour of general debate, with 30 minutes controlled by the Committee on Energy and Commerce, 20 minutes controlled by the Committee on the Judiciary, and 10 minutes controlled by the Committee on Ways and Means. The rule considers as adopted the substitute amendment printed in the report of the Committee on Rules. Finally, the rule provides one motion to recommit H.R. 847, with or without instructions;

H.R. 2378, the Currency Reform for Fair Trade Act. The rule provides 1 hour for general debate controlled by the Committee on Ways and Means. The rule makes in order the substitute that was adopted by voice vote in the Ways and Means Committee last week. And, finally, the rule provides one motion to recommit, with or without instructions; and, three.

The Senate amendment to H.R. 2701, the Intelligence Authorization Act of 2010. The rule makes in order a motion offered by the chair of the Permanent Select Committee on Intelligence that the House concur in the Senate amendment. The motion is debatable for 1 hour, controlled by the Permanent Select Committee on Intelligence.

Mr. Speaker, all three bills that this rule provides for consideration of are important and very pressing matters. I will speak to the merits of each this morning, but let me take this opportunity to begin by discussing H.R. 847, the James Zadroga 9/11 Health and Compensation Act.

I want to start by thanking Congresswoman CAROLYN MALONEY, Speaker PELOSI, and Leader HOYER for their dedication to the heroes and heroines and survivors of 9/11. I would like to thank all my colleagues in the New York delegation. With their support, we will finally do, after 9 years, what

has been so long overdue—guarantee help for the survivors who served their country in the time of a national emergency.

The 9/11 attacks were attacks on the United States. The response was a national response, and providing for those heroes who served our Nation is our responsibility because many of them are sick and dying today as a result of their service to our country. This is not a New York bill, no. This is a bill for America.

As has been repeated many times, there are more than 71,000 people enrolled in the Federal World Trade Health Registry from—and I cannot stress this enough—every single State in the country. Thousands of firefighters, rescue workers, first responders, medical personnel, and construction workers traveled to Ground Zero to help search for survivors, to help clean up, and to help New York City recover. Many spent days, weeks, or months doing this hard work on behalf of our Nation. These heroes are now sick. We owe them more than we are currently providing. We are indebted to their service, and we must repay that debt if we hope to be able to count on others to act with similar valor if, God forbid, we were ever to face another national emergency of that nature again.

I strongly urge my colleagues, whether they be Democrat or Republican, liberal or conservative, northern or southern, eastern or western, to vote “yes” on the previous question and to vote “yes” on the rule and vote “yes” on the bill. Those who stood up for our country in the wake of 9/11 are now counting on each of us to stand up for them.

Another important measure of this rule allows for the consideration of H.R. 2378, the Currency Reform for Fair Trade Act, which is necessary to level the international playing field so that United States manufacturers can fairly compete with our trading partners.

China is, without a doubt, undercutting our Nation’s industrial base by devaluing its currency and dumping products into our markets, and we must do something about it.

There is no way our domestic manufacturers can compete globally when our trading partners don’t play by the same rules. Without action, we face the possibility of losing thousands of fair wage manufacturing jobs in upstate New York as well as across the Nation.

I have dealt with this countless times with the steel industry and have testified before the House Ways and Means Committee and the International Trade Commission to express my views. It is one of the reasons I became a cosponsor of the Currency Reform for Fair Trade Act, along with 159 of my House colleagues, Republicans and Democrats alike, because we feel that countries like China that devalue their currency should be held accountable,

and, as a Nation, we should have the ability to defend our domestic business.

This rule provides for consideration of H.R. 2378, the Currency Reform for Fair Trade Act, which will require the Department of Commerce to assess whether a Nation’s currency rules grant a benefit in terms of the additional currency the country’s exporters receive as a result of the undervaluation and to use widely accepted IMF methods for determining the level of undervaluation.

As amended, H.R. 2378 is WTO consistent, because countervailing duties may only be imposed when commerce finds, based on an assessment of all the facts, the WTO criteria for an export subsidy have been met.

Again, I urge all Members to support this rule so that we can have a debate here today on this legislation which is so important to the businesses and employees that each of us represent.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my friend, the gentleman from New York (Mr. ARCURI), for the time, and I yield myself such time as I may consume.

Today, the majority brings to the floor another closed rule denying the minority, denying all Members, the right to offer amendments, in this case, to three very important bills. Despite debating over 130 rules bringing legislation to the floor of this Congress, we have yet to see one open rule. We have before us a closed rule, as I said before, Mr. Speaker, bringing three important pieces of legislation to the floor:

The 9/11 Health and Compensation legislation. It is important that we honor the police and firefighters, the first responders and volunteers also, that served New York and, really, our entire country in the aftermath of the 9/11/2001 terrorist attacks.

□ 1050

Those brave men and women deserve to be treated fairly, and their families as well. Unfortunately, as noble as this bill is, it is paid for by increased taxes on companies located in the United States that are employing American workers. Many of us believe that at a time of high unemployment and really evident economic stagnation, our country should not allow the majority to raise taxes.

With regard to the currency legislation, it is meant, Mr. Speaker, to provide leverage to the administration, to the President, in what is America’s ongoing work to achieve a proper valuation of the Chinese regime’s currency. Despite the best efforts of the Secretary of the Treasury, Mr. Geithner, and others, the PRC regime has given no indication that they are willing to advance efforts to create a level playing field, and that is not acceptable.

The distinguished ranking member of the Ways and Means Committee, Mr. CAMP, has included changes in the legislation meant to make the bill compliant with WTO regulations. But, Mr. Speaker, make no mistake, the bill is about sending a message to the PRC regime, a message of American unity, and it is important, it is very important at this time. I think the legislation will move us closer to correcting an obvious unacceptable situation which the PRC regime insists on maintaining, but they need to be clearly informed that they are wrong.

With regard to the intelligence authorization, this is the third time in this Congress that legislation has been brought to the House floor. The most recent delay was the result of a disagreement between the Speaker and the administration, and that has caused a significant delay, about an 8 month delay.

But the third time doesn’t seem to be the charm for the majority to allow an open process to consider this legislation that is very important to our national security. One Republican amendment was allowed during the first consideration of the legislation; four Republican amendments the second time, while 26 majority amendments were made in order; and now we are facing a closed rule, no amendments.

The underlying bill contains changes that were negotiated with no House Republican input. The collaboration of one Republican Senator led the majority to declare that this is a bipartisan bill. That is not serious.

Despite the Speaker’s insistence on delaying the legislation, the delay has resulted in little tangible change to the requirement to notify leaders of this body in the Intelligence committees. Instead, the administration under the bill retains authority to decide on its own which Members of Congress receive those vital briefings.

The legislation also removes the prohibition on using intelligence funding to bring prisoners from Guantanamo to the United States, and it excludes a bipartisan amendment that would prohibit the granting of Miranda rights to foreign terrorists captured overseas.

I know, Mr. Speaker, the majority wishes to rush to the exit to be back in their districts campaigning, but we should not pass a bill that hurts the intelligence community in the process.

I reserve the balance of my time.

Mr. ARCURI. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank my colleague from New York for yielding to me.

Mr. Speaker, I rise today in support of the rule on H.R. 847, the James Zadroga 9/11 Health and Compensation Act.

We all know on September 11, 2001, what happened, and I said it on the House floor shortly thereafter and I repeat it again today that I was never

more proud to be an American and a New Yorker than on that day. Many of my constituents rushed in to help. Tearfully, many of them perished.

But within days of the attack, over 40,000 responders from across the Nation, let me repeat, across the United States, 431 congressional districts out of 435, these heroes descended upon Ground Zero to do anything possible to help with the rescue, recovery, and cleanup.

The people that rushed in didn't put themselves first. They selflessly helped others. They rushed in to help their fellow human beings. And the question is, why should we now penalize these people who risked their lives?

They thought it was safe to work at the site and the air was safe to breathe. They were told this by Federal officials, that the air is fine, come down and help. They never questioned their own safety when they ran in to help others, because they put others in need ahead of themselves. And do you know what? The statements that were given about the air being safe to breathe were false. Many became sick, and the illnesses from exposure to the toxins have developed to become severe and debilitating, and for some deadly, and these heroes deserve more.

The past 9 years have not been kind to so many of the first responders who put themselves in harm's way and the residents of the surrounding neighborhoods. It is estimated that up to 400,000 people in the World Trade Center area on 9/11 were exposed to extreme toxic environmental hazards, including asbestos, particulate matter, and smoke, and the illnesses that those exposed to the toxins developed are severe, debilitating, and, for many families, simply devastating.

Many people think that H.R. 847 is a special benefit for New York. No, it isn't. The benefit is, with these people, you get sick, you get sicker, and you die. That is not a benefit. Every single congressional district, save three or four, has constituents who were exposed to the fateful day.

So I call on my colleagues on both sides of the aisle to vote yes on this rule so we can proceed with an honest debate on H.R. 847. The American public is fed up with the bickering and the fighting. This is something we can and should all come together for.

So I urge my colleagues, please, don't vote against this rule and don't vote down the bill because of any kind of politics. Let's honor the sacrifice that so many of our constituents made on that fateful day.

The pay-fors are fine for me. If others feel the pay-fors are not proper and want to change them, I am not particularly bothered by that. I think we need to all put our heads together and pass this bill, whatever the pay-fors are. The important thing is to pass this bill and help these people.

New York was attacked because it is a symbol of this country. It wasn't attacked because it is New York. It is New York, but New York is a symbol of the United States.

So let's work together in a show of unity. I have talked to a number of my colleagues on both sides of the aisle. We all want to get this done with. Let's get it done with. Vote "yes" on the previous question, vote "yes" on the rule, and vote "yes" on the bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to my friend, the great leader from New York (Mr. KING).

Mr. KING of New York. I thank my friend from Florida for yielding.

Let me at the outset thank the leadership in both parties for allowing this bill to come to the House floor. Whatever differences we have, I am sure today they will be resolved in a way that is fitting the Congress of the United States.

This is a real issue. Those of us who live in New York—and, as my friend Congressman ENGEL said, this is not a New York issue per se because it affects 431 districts across the country, but those of us who live in New York, we see the reality of this every day when we see our neighbors, we see our constituents who are so severely afflicted by their work at Ground Zero.

Many of these illnesses did not occur until several years later. But of the glass that is in their lungs, the toxins that are in their blood, all of that is now coming forward, and you see people in the prime of life, 40, 50 years old, people who would run marathons, people who were in the peak of shape, dying slowly in front of us. So this is a real issue.

I understand the points the gentleman made as far as procedure, as far as funding. Quite frankly, I would agree with him on that. But when we look at the overall bill, when we look at the good that would come from this, we really shouldn't allow the firefighters, the police officers, the construction workers, the EMS workers to have to wait longer to get the treatment and the care that they deserve while we try to resolve our internal differences.

We cannot allow the perfect to be the enemy of the good. And this is a good bill. On balance it is a very good bill, but for those who are suffering, it is absolutely essential that this bill pass.

So, I want to again thank the Democratic leadership and the Republican leadership. It is being brought up today. Again, we can have differences about how it is being brought up, or when it should have been brought up, or how it should have been paid for, but the bottom line is we are talking about life and death.

We are talking about the life and death of men and women who put their lives on the line without asking any

questions at all. They just went to Ground Zero, and they worked from September 11 for the next 6, 7, 8 months, day in and day out, and they put their lives at risk. And many of them, because of that, are now suffering the horrible, unspeakable consequences of the illnesses they incurred from that day.

With that, I just ask for the passage of the underlying bill.

□ 1100

Mr. ARCURI. I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. More than 70,000 Americans from every State, including more than 1,100 from my district, descended upon Ground Zero to recover and rebuild after 9/11. They ran into burning buildings. They rescued trapped workers. They sorted through destruction. I know. We were there.

Just as we provide medical care for our troops, we must care for the 13,000 who are now sick as a result of their heroic actions in a toxic environment. They disregarded their personal safety for our country. We must pass the bipartisan bill before us today. Nearly all of us represent a responder, no matter where in the United States we're from, and 9 years later we have a responsibility to do what is right.

Vote for the rule and vote for the bipartisan bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to my friend from Minnesota (Mr. PAULSEN).

Mr. PAULSEN. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this week's YouCut winner.

Mr. Speaker, how long are the American people supposed to wait before this Congress will take action that will positively change the economic prosperity for our citizens? Our country cannot simply continue down its current path of fiscal recklessness.

The most recent Congressional Oversight Panel report found that the Troubled Asset Relief Program, the TARP bailout program, has not been effective in meeting its statutory obligations. Last year, I offered legislation that would have repealed the Secretary of the Treasury's ability to extend the TARP bailout program. It would have saved taxpayers hundreds of billions of dollars at that time. I thought, as did many of my colleagues, that there was no reason to continue throwing good money after bad in a program that wasn't working. Unfortunately, and nonetheless, Congress failed to act and the administration extended the TARP program for another 10 months.

As of this month, \$80 billion in funds have yet to be dispersed. By voting against the previous question today and for this week's YouCut winner, tens of billions of dollars that are now

going to programs that do not work, including more taxpayer money for AIG, can be stopped. People are absolutely tired of Washington's bailouts.

Mr. Speaker, some will say that the TARP program will end in just a few days. But what you will not hear is that the Congressional Budget Office will certainly say and has said that they now estimate that the Federal Government will spend between \$4 billion and \$7 billion next year and the year after that and the year after that and the year after that. So, sadly, taxpayers will be stuck with that tab. So when will the bailout stop? We can and we must do better. Americans deserve better.

I urge Members to end the TARP program once and for all.

Mr. ARCURI. Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. It is my pleasure, Mr. Speaker, to yield 1 minute to the distinguished gentleman from New Jersey (Mr. LANCE).

Mr. LANCE. I rise to express my strong support for today's YouCut proposal offered by my friend and colleague from Minnesota, Congressman ERIK PAULSEN.

As freshmen members of the Financial Services Committee, Mr. PAULSEN and I have been vigorous in our efforts to bring the TARP program to a close and to ensure that any remaining funds be used for deficit reduction and not for new government spending.

The TARP law was meant to provide a one-time infusion of funds to help stabilize a financial system on the brink of failure. Yet some in Washington see TARP as a slush fund for more spending. Acting to terminate TARP and TARP-related programs once and for all will protect taxpayers from future losses and provide certainty that the remaining funds will not be used for further Washington bailouts.

I urge my colleagues to join me in support of Mr. PAULSEN's fiscally responsible proposal.

Mr. ARCURI. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank my colleague and good friend from New York for yielding me time on this very important rule, and I rise in support of this rule. As I have many times in my tenure as chairman, I note that I owe a great deal to my vice chairman and good friend, the gentleman from Florida, as well, Mr. HASTINGS, who unfortunately has another commitment and was unable to be here. But H.R. 2701 contains a lot that is the product of his work. And I'm thankful for his long-term support on this important aspect to our national security.

The authorities and institutions that govern the intelligence community are set by statute, but the threats that are

posed by our adversaries continuously change. Regular updates to the law are necessary to ensure that the intelligence community has the tools that it needs to keep us safe. This bill includes nearly 6 years' worth of these statutory improvements. The bill reasserts Congress' role in conducting oversight of intelligence activities. And, most importantly, the bill fundamentally reforms the process for briefing Congress on certain sensitive covert operations.

The bill also includes a compromise on GAO, which directs that the DNI come up with directives governing GAO access to the intelligence community. The bill also creates a new Inspector General for the intelligence community with the authority to root out waste, fraud, and abuse across the community and also assess the information sharing in that community. The bill includes language to bring intelligence community acquisition procedures closer in line with those of DOD acquisition reforms, including a provision that was modeled on the Nunn-McCurdy Act.

I would also like to make an additional point about process. This is admittedly an unusual time to consider an authorization bill. The fiscal year is almost over and all relevant appropriations bills have already been enacted.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ARCURI. I yield the gentleman 1 additional minute.

Mr. REYES. I thank the gentleman for yielding.

To avoid significant complications regarding the use of appropriated funds, the bill does not include a classified annex or schedule of authorizations. But the legislative provisions in the bill, including those that I have just delineated, would make changes to permanent law and live well beyond this fiscal year. Moreover, I would like to emphasize that we sought a negotiation process that was as open as possible. The staffs of the House and Senate Intelligence Committees had dozens of meetings and countless hours in which both parties from both Chambers were represented.

Like any important piece of legislation, H.R. 2701 includes some difficult compromises. Not every Republican provision or Democratic provision was included in the final version. Then, again, that's the process of compromise in the legislative process. The final bill incorporates a number of Republican ideas, including a floor amendment by Mr. HOEKSTRA requiring disclosure of a report regarding the shoot-down of a plane in Peru; an amendment by Mr. ROGERS dealing with FBI jurisdiction overseas; and a provision by Mr. CONAWAY to ensure auditability of elements of the intelligence community.

At the end of the day, this is a bipartisan product, and I urge adoption of the rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, I rise today to speak in favor of today's YouCut proposal to fulfill a promise made to the American people. TARP must end. Since January 2009, many of us in this body have voted to end TARP and the continued abuse of taxpayer dollars. Congress created the emergency Troubled Asset Relief Program, or TARP, as a temporary stopgap against an imminent financial collapse. Ronald Reagan once said that "no government ever voluntarily reduces itself in size. Government programs, once launched, never disappear. Actually, a government bureau is the nearest thing to eternal life we'll ever see on this Earth."

The emergency has ended. It is time to terminate TARP and return the money to taxpayers, as promised. Instead, the administration has continued to hand out billions of dollars to irresponsible actors on Wall Street. It has used the money as a slush fund, created new Federal programs, and paid for \$19 million in new spending in the Dodd-Frank bill.

□ 1110

In August, the Congressional Budget Office estimated that TARP will cost taxpayers an additional \$4 billion to \$7 billion per year over the next 3 years, and let's not forget that the Dodd-Frank Act makes taxpayer-backed bailouts permanent.

Our country can't afford this kind of excessive spending and permanent government intrusion into the private marketplace. American taxpayers—our constituents, families and small businesses—are demanding tax relief, not more spending and bailouts. Congress must listen to the American people.

This week, Americans voted overwhelmingly through the YouCut initiative for this House to end TARP bailouts. We need to stop the hemorrhaging, end the bailouts and return the TARP funds to the American taxpayers.

I urge my colleagues to vote against the previous question. In doing so, support today's YouCut initiative, and protect taxpayers from more bailouts that we cannot afford in this economy.

Mr. ARCURI. I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the distinguished manager of this bill.

Mr. Speaker, people are in need in America, and I support the rule and the underlying bills in intelligence, currency and, certainly, the legislation of H.R. 847, the James Zadroga 9/11 health bill.

How long do those first responders have to wait?

We have been on this floor before where we have embarrassed ourselves. These individuals who have lived—and some who have died—were the first on line during the tragedy of 9/11. However, they were not captured in the relief and recovery. Many of them have suffered with respiratory diseases, and their families have suffered. Some have already lost their lives. It is crucial that we pass this bill.

Similarly, I am hoping that we will have come to the floor legislation that will help my constituents in Houston, Texas, and Texas in the relief of Hurricane Ike, where we are trying to extend the Health and Human Services block grant dollars for the thousands of Hurricane Ike victims who have not been helped. Here, too, we need to help those individuals who are now trying to be processed because Federal Government dollars came late and came late to Catholic Charities and to other nonprofits which are trying to work. We are waiting on the legislation in the Senate. We hope that we will be able to move this. Otherwise, we hope that there will be some action by the administration.

We can't act on H.R. 847 by any other means than to pass this legislation today. So my message is that we must pass this rule because people are in need. They ask this Congress: When are you going to stand for the people, stand for the victims of Hurricane Ike and stand for the first responders of 9/11?

I ask my colleagues to support the rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to my friend, the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, I rise today with a little bit of hope that we may have a great awakening in this body of what has been an assault on the manufacturing community of this great country.

We have lost over 2 million manufacturing jobs in the last 2 years. Chinese currency manipulation is directly responsible for a quarter of those job losses. According to the Economic Policy Institute, China's currency policy has destroyed almost 5,000 jobs just in my district alone. Part of the 68,000 jobs, China has destroyed in Michigan.

It is part of a larger pattern.

There are 25,000 auto manufacturing jobs which have been lost in Detroit because of Chinese theft of intellectual property. The currency manipulation bill before you has been a long effort, an effort to understand that, when they cheat in the market, they steal American jobs. We welcome their rise in the economy. We hope that we can sell them cars and goods, but we can no longer stand by and let the Chinese Government and other governments manipulate their currencies and do other things that give them unfair

competitive advantages against American workers. Given the chance to compete, we will absolutely win that fight. They know it. That's why they cheat to steal our jobs.

You know, around this body, unfortunately, we have spent a lot of time trying to figure out how to hate success—with taxation to our companies and heavy regulation, which will add huge, unknown quantities into this economy, and with a health care bill that absolutely destroys innovation and that absolutely raises the costs of a small business owner in this country.

The cap-and-trade bill that will add so much uncertainty, one of the highest energy tax increases in the history of this country, looms over the business community—with tax increases set to take effect December 31 of this year. If you hire somebody in December of this year at about \$40,000, the employer has to generate about \$55,000 of income just to pay for that one employee. You know what? In January of next year, we have no idea what those costs are going to be. That's why businesses aren't hiring.

So this step, this recognition, is to say that we have got to stop borrowing money from the Chinese so that we can impact our ability to help stop this currency manipulation that we know creates an unfair competitive advantage for U.S. manufacturers.

I hope, again, that this is this first small step in the recognition that it is not about big programs here and about lots more spending and lots more borrowing and lots more regulation that is going to make America prosperous. It is about getting the playing field equal, and it is about getting out of the way of our businesses and manufacturers around this great country, and it is about letting them do what they do best—innovate, hire people, create wealth, create prosperity. We have to stop hating success in this country because, if we continue it, you will start to hate America.

Mr. ARCURI. Mr. Speaker, may I inquire as to the amount of time I have remaining?

The SPEAKER pro tempore. The gentleman from New York has 16 minutes remaining.

Mr. ARCURI. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. I thank the gentleman for the time.

I congratulate the leadership of the House and the members of the New York delegation for bringing the 9/11 bill to the floor. I especially want to thank Mrs. MALONEY, Mr. NADLER and Mr. KING, who in a bipartisan fashion have put together this bill.

Mr. Speaker, this bill is long overdue. This bill simply says that we recognize the health needs of the people who volunteered on that day, who volunteered to go for a long period of time and who

were told by the Federal Government that the air and the conditions in that area were safe. These folks are now suffering from very difficult and complex illnesses that very few doctors and hospitals understand. Only certain specialized care facilities can manage their health problems.

As I said before, the bill has a bipartisan approach, and that's something we don't always see around here, but we see it on this bill because of the importance and of the need to do something and to do it now.

It has been a long time since 9/11. Yet we have spent a lot of money, as we perhaps should have, on the war on terrorism—that is correct—but there is another war. It is a war to bring good health care to those who volunteered and to those who were contracted to do this work.

So, today, I join the New York delegation, and I join all Members of Congress in a bipartisan fashion to say that this bill was long overdue and that we should approve this bill today without any stumbling blocks. We should just simply come together as Members of Congress, come together as two parties, come together as Americans to say thank you and to say the least we can do is to provide this health care for you in a very thankful way.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my pleasure to yield 2 minutes to the distinguished Republican whip, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. I thank the gentleman from Florida.

Mr. Speaker, I rise in opposition to the way this bill has come forward and to the rule upon which we are voting.

As our surging debt rises to unsustainable levels, the majority's desire to spend and spend shows no signs of abating, but now the American people are speaking up and are saying that enough is enough.

Through the YouCut program, the American people have found a vehicle to actively shape how their government spends public dollars. YouCut voters have helped House Republicans offer more than \$120 billion in spending cuts—money that would go straight back to the taxpayers if not for the majority's refusal to bring even one single reduction of spending before the House for a vote.

This week's winning item is a proposal by the gentleman from Minnesota, Representative ERIK PAULSEN, to finally bring closure to the TARP program and to put those moneys towards retiring the national debt. The plan would wall off TARP as a source of funding for any further bailouts, saving the taxpayers several billions of dollars. It would reduce moral hazard across numerous industries and government programs while signaling that the days of bailing out irresponsible decisionmakers are over.

□ 1120

Under Speaker PELOSI and President Obama, the size and scope of government have ballooned while the private sector workforce has shrunk. Mr. Speaker, the answer to our economy's ills does not rest in more spending, taxation, and government regulation. It rests in private sector growth, entrepreneurship, and innovation, spurred by lower taxes and economic freedom. That's why, Mr. Speaker, we must move forcefully to trim spending and focus like a laser on fostering an economic atmosphere conducive to investment, innovation, and job creation.

Mr. ARCURI. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from New York (Mrs. MALONEY), the sponsor of the 9/11 bill.

Mrs. MALONEY. I thank my colleague from the great State of New York for his leadership on this bill and his outstanding leadership in so many other ways and in so many other areas to help our great State.

I strongly support and rise in support of the rule. The time is now to pass the James Zadroga 9/11 Health and Compensation Act, legislation that is overwhelmingly supported by Americans across our country.

This is not a New York issue. Our Nation was attacked, and those who are suffering come from all 50 States. In 428 of the 435 congressional districts nationwide, nearly every Member of Congress has constituents who lost their health because of the attacks. For these Americans, the 9/11 attacks are not history but are an ongoing nightmare that is slowly robbing them of their health, their strength, their livelihood, and, in worst cases, their lives.

The attacks caused all kinds of terrible health problems that are unique to 9/11. 9/11 responders have received a lot of awards and praise, but what they tell me is what they really need is their health care. And this bill provides health care to all who need it—monitoring for those who were exposed to the deadly toxins, and assistance for the survivors of the attacks.

It will also open the Federal Victims Compensation Fund. It is fully paid for. After Pearl Harbor, Congress passed health care and financial relief for civilians and the responders who helped salvage our Pacific Fleet. It is time for Congress to do the same for 9/11 responders and survivors.

I thank the entire New York delegation, especially Congressmen KING and NADLER and their staffs who have worked almost every day for years with my staff, Ben Chevat and others, to bring this bill to the floor.

Our responders and our survivors were there for us. We need to be there for them. And in today's debate, I hope that all Members will put politics aside.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. ARCURI. Mr. Speaker, I yield the gentlewoman an additional 30 seconds.

Mrs. MALONEY. I thank the gentleman.

I am urging all Members in a bipartisan way on both sides of the aisle to put politics aside and to honor and respect the sacrifice made by so many Americans on 9/11.

I thank the leadership on both sides of the aisle, particularly Speaker PELOSI and Leader HOYER.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to my friend from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, I speak in favor of the Currency Reform for Fair Trade Act, H.R. 2378.

This day has been long in coming. In 2003, I was one of the first Members of Congress to introduce legislation to stop currency undervaluation, especially by China. There has been some modest progress taking place over the years, but the overall practice continues to the detriment of our manufacturers.

Counties in northern Illinois have a real unemployment rate of somewhere between 18 and 25 percent. We can't wait any longer for more promises to solve this problem in the future.

Just listen to one of my constituents, Jerry Busse from Rockford Toolcraft, who was quoted in the Rockford Register Star on August 30 of this year.

Mr. Busse: "We have done work for a big manufacturer in Chicago for 20 years. All of a sudden, we lost a lot of their business because they decided to move the work to China," Busse said. He asked the Chicago company what he had to do to get the work back.

"The prices they were getting from China were close to what we had been getting. I said, I think I can do the work for that amount," Busse said. But the company refused.

"Their management said anyone in America has to be 30 percent under the Chinese price. And I can't do that."

Well, that's about the extent of the valuation of the Chinese RMB.

I support the new version of the legislation to combat exchange rate undervaluation by China and other countries. We have to take a stand to stop China from making their imports cheaper in the U.S. and our exports more expensive going to China.

One study estimates that correction of all the Asian currency undervaluations would cut the global U.S. trade deficit by about \$100 billion and generate at least 700,000 American jobs.

This legislation provides another weapon in our trade arsenal to empower trade enforcement officials to confront unfair trade practices by China and others. If you want to stop Chinese imports coming in at predatory prices and give our manufacturers and farmers the chance to fairly compete, then support the currency reform bill.

Mr. ARCURI. Mr. Speaker, I yield 2 minutes to my colleague and friend from New York, Representative WEINER.

Mr. WEINER. Within the next 30 minutes or so, about four, perhaps five, buses of people are going to arrive on the West front of the Capitol and walk in here and fill up these Chambers. These are people who, almost every single one of them, are to some degree a victim of September 11. They are people who aren't going to run very fast; although, they were, not so long ago, very healthy. These are people who, after September 11, not because it was their job, although some of them are professional firefighters and first responders, but because they are patriotic Americans, they went down to Ground Zero and, with their hands, literally, helped dig out our city and our country.

It was not just from New York. We all remember iconically that the days after September 11, if you stood on the West Side Highway of Manhattan and looked at the license plates of the fire trucks, of the cars, of the ambulances, they were from all around the country. Every single district—434, in fact, of the 435 districts have someone who has that 9/11 cough.

Nine years later, 900 Americans have died from 9/11-related illnesses. Now, they're going to come here and they're going to fill up these galleries, and they don't know a motion to recommit from a suspension. They don't know what the rule is. They don't know what the number is. All that they know is that, by degrees, every single day they're dying. They're dying from diseases they didn't have. These are some of the most vigorous people you can imagine. The fact that they're coming here—you are going to see people in wheelchairs who, on that day, were healthy and vigorous. James Zadroga, for whom the bill is named, one of the fittest guys you can imagine, dead today because of 9/11-related illnesses.

My colleagues on both sides of the aisle, this is a fierce political time of year. No one's more political than I, and no one's more partisan than I. I am proud to be a Democrat. I'm going to fight very hard to win my election. I'm going to fight very hard to make sure you guys lose yours. But if there's one day of the year, if there's one item on the calendar where people like me and PETER KING are working shoulder to shoulder where we're trying to figure out a way to do the right thing and put aside politics, this should be the day.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ARCURI. I yield the gentleman 1 additional minute.

Mr. WEINER. This is the day that we can stand up and say, You know what? If you really believe philosophically we shouldn't take care of these people, vote "no." But let's try not to make

mischievous. Let's try to talk about this in a serious, adult way. And I'm convinced that we're going to do the right thing. If this is the last thing we do in this Congress, let's, in a bipartisan way, go home to our constituents to say to those people in the galleries, We understand, and we get it.

They are the first casualties of the war in Afghanistan, and the amount of money that we're going to spend would not support the war in Afghanistan more than 11 days. These people have been waiting 9 years. Let's not have any more people die because of the attacks of September 11.

Let's pass the September 11 Act that was sponsored by PETER KING and CAROLYN MALONEY and JERROLD NADLER. This is something that affects every single district in this country. Let us do the right thing. And if you believe the right thing is to take care of these people, please vote "yes" on the rule. Please vote "yes" on the bill. Please vote "no" on any troublesome amendments to the bill that come up later.

□ 1130

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 1 minute to the great young leader from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, today I am here to support the YouCut proposal on the floor that would end the bailouts permanently, the Troubled Asset Relief Program, the so-called TARP program which we all know and dislike, and the bailouts. This is our opportunity to vote to cut billions of dollars worth of spending that Washington has propagated in the last few years. Namely, within this bill, within this vote is the Home Affordability Mortgage Program. It is a great idea. It is a fantastic idea to give mortgage relief to those who are trying to make ends meet and make their payments. Unfortunately, this program has been an abject failure. It has modified 230,000 mortgages but cost billions of dollars, far from its goal of 3 million mortgage modifications. So many of the folks who participate in this program are later rejected for permanent modifications. They end up 3 months behind in their mortgage or more, hit with penalties and late fees, show delinquency on their credit report, and, at the same time, end up worse off than if the program had never existed. President Obama's proposal here is absolutely the wrong approach, and moreover, it's just another symptom of the bailout culture of Washington, D.C. So vote to cut spending.

Mr. ARCURI. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. HASTINGS), my colleague from the Rules Committee.

Mr. HASTINGS of Florida. I thank my colleague on the Rules Committee, my good friend Mr. ARCURI.

Mr. Speaker, as vice chairman of the House Permanent Select Committee on Intelligence, I know that the intelligence community is the first line of defense against terrorists, proliferators of weapons of mass destruction, and other rogue elements who wish to do us harm here at home and across the globe. This legislation, for the first time since 2004, is an opportunity for the Congress to guide the 16 agencies of the intelligence community while making significant strides in improving oversight of the intelligence community.

I have had the honor and privilege of meeting many of our intelligence professionals during my oversight travel as a member of the Intelligence Committee. I cannot overstate how much I appreciate and am humbled by their service.

The past year has been a busy one for the intelligence community. There have been some very low points, including the loss of seven brave Americans in an attack on the CIA in Afghanistan and the attack on Northwest Airlines flight 253. At the same time, there have been some high points, like the roll-up of the Russian illegal intelligence operation and the significant intelligence gained by the FBI and DOJ in several counterterrorism cases. But the danger is as high as it ever was. Our enemies are motivated to strike us, as they always have been. The constant threat from violent extremists reinforces that now more than ever. We must give the intelligence community the resources and flexibility it needs to thwart the continuing and emerging threats to U.S. national security.

Since 2004, this country has gone without an intelligence authorization bill. Each year the House Intelligence Committee has passed a bill, but we have not seen one signed into law in recent years. The intelligence community needs strong and independent oversight. This bill would make great strides in that direction. First, it would create a statutory Inspector General for the entire intelligence community. This bill also contains a new provision that I believe the chairman talked about in reforming the "Gang of Eight" process. I believe that the administration has a statutory and constitutional duty to keep members of the entire intelligence community fully informed, and this bill, for the first time, requires all members of the intelligence community to get information about all covert actions.

The bill also traces the challenges of GAO access to the intelligence community, a priority subject for many of my colleagues on both sides of the aisle. It directs the DNI, in conjunction with the Comptroller General, to issue a written directive governing GAO access to information in possession of the intelligence community.

In my tenure, Mr. Speaker, on the committee, I have consistently pushed

for greater diversity in the intelligence community. I have stated time and again that the intelligence community is not diverse enough to do its job of stealing and analyzing foreign countries' secrets.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ARCURI. I yield the gentleman 1 additional minute.

Mr. HASTINGS of Florida. We need people who blend in, people who look like America. And that includes every aspect, from Arab to Asian to Latin to African American, women, the whole nine yards.

Mr. Speaker, I plead that after several years, we finally stand on the verge of enactment of an intelligence authorization act. I believe it's good for the Congress and for the intelligence community and for the American people.

Mr. Speaker, I want to take this moment to personally thank Chairman SILVESTRE REYES and the HPSCI staff for their hard work and dedication in helping to see this excellent bill to fruition. And this will be my last time speaking on a rule in the Intelligence Committee for the reason that now, after 10 years, I will no longer serve on that committee. It has been a humbling experience, and I am delighted and privileged that I have been given that opportunity in this great country of ours.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it's my privilege to yield 3 minutes to my friend from Indiana (Mr. PENCE).

Mr. PENCE. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to the rule, not just for what's in it but for what's not in it. This rule will allow a vote on three separate pieces of legislation, none of which will allow the Republicans and Democrats in Congress, who support extending all current tax relief, to have an up-or-down vote before we adjourn for this campaign season.

The truth is, what's happening in Washington, D.C., this week is just unconscionable. Democrats are putting their politics over your prosperity. The economic policies of this administration have failed. Fifteen million Americans are unemployed, millions more have given up even looking for work. But now Speaker PELOSI and the Democrat majority want to impose one of the largest tax increases in our country's history on job creators in less than 100 days, and they won't even allow a vote on the floor to extend all tax relief.

Mr. Speaker, raising taxes on job creators won't create jobs. The Democrats are poised to embrace one of the largest tax increases in history in one of the worst economies in my lifetime, and it must not stand. The American people deserve to know. Washington

Democrats are putting saving their jobs ahead of saving yours. Mr. Speaker, higher taxes won't get anybody hired. Congress must not vote to adjourn. We must not leave this Chamber before we permit a fair and open up-or-down vote to prevent higher taxes on any American in January of next year. House Republicans say, No extension of all tax relief for every American? No adjournment.

Mr. ARCURI. I reserve the balance of my time, Mr. Speaker.

Mr. LINCOLN DIAZ-BALART of Florida. I yield myself such time as I may consume.

Mr. Speaker, on the heels of consideration of legislation last week that I referred to as "Junior TARP," where the majority added another \$30 billion to the Nation's debt, I think it seems fitting that we, Republicans, are bringing forward another YouCut proposal, voted on and recommended to this House by the American people. The people really are sounding an alarm, and we have to change course. We must focus on reducing the size of government and not continuing programs that dig our fiscal hole deeper and deeper, and this process is going to require bipartisanship. Certainly I hope that the Nation can witness bipartisanship soon, but we're not seeing it yet, and that's worrisome.

□ 1140

Over the last week, participants in Republican Whip CANTOR's YouCut initiative voted on programs for us to bring to this floor for cutting spending. To date, participants in that program have voted to cut over \$150 billion in spending. This week, the participants in that program voted to end the TARP program.

I was surprised to learn that TARP is still scheduled to spend billions of dollars in the next years. We must take action to end TARP now.

I will be asking Members to vote "no" on the previous question so that we can have a vote on Congressman PAULSEN's bill on ending TARP. I would like to remind the membership that a "no" vote on the previous question will not preclude consideration on the underlying legislation before us today.

Let me take a minute, at this point, if I may, Mr. Speaker, to a point of personal privilege. This may be the last rule that I come to the floor to debate because, in January, as you know, I will be leaving Congress. And it has been an extraordinary honor to be a Member of the United States Congress for 18 years, to represent an honorable and hardworking constituency.

I will leave Congress in January with a sense of duty fulfilled, Mr. Speaker, with infinite love and admiration for the most generous and noble Nation in history, the United States of America, and with profound gratitude to my

wonderful staff for their hard work and their loyalty in representing our constituents and the Nation, and of gratitude to all of my colleagues for the honor of having been able to serve with them.

At this point, I reserve the balance of my time, as I ask my friend Mr. ARCURI if he has any other speakers.

Mr. ARCURI. I have no additional speakers, and I am ready to close.

MOTION TO ADJOURN

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 2, nays 409, answered "present" 1, not voting 20, as follows:

[Roll No. 545]

YEAS—2

Rangel

Young (AK)

NAYS—409

Ackerman
Aderholt
Adler (NJ)
Akin
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrera (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggart
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Bocchieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess

Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt

DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Fortenberry
Foster
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene

Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovich
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei

Maloney
Manzullo
Marchant
Markey (CO)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Olson
Olver
Ortiz
Owens
Pallone
Pascarella
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Pollis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher

Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scallise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schradler
Schwartz
Scott (GA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skeltton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth

ANSWERED "PRESENT"—1

Cleaver

NOT VOTING—20

Alexander
Bishop (UT)

Blunt
Butterfield

Culberson
Engel

Fallin
Forbes
Griffith
Grijalva
Holden
Markey (MA)

Nye
Obey
Rahall
Sánchez, Linda
T.
Scott (VA)

Taylor
Wittman
Young (FL)

□ 1214

Ms. SUTTON, Ms. LORETTA SANCHEZ of California, Messrs. HILL, CHAFFETZ, ETHERIDGE, ELLSWORTH, and FARR, Ms. CORRINE BROWN of Florida, Messrs. TIAHRT, BRADY of Pennsylvania, and TONKO, Mrs. KIRKPATRICK of Arizona, Messrs. WILSON of Ohio, BERMAN, GORDON of Tennessee, and SCHRAMMER, Mrs. NAPOLITANO, Messrs. SCOTT of Georgia and WELCH, Ms. SCHWARTZ, Ms. RICHARDSON, Messrs. GEORGE MILLER of California, COHEN, and FILNER changed their vote from "yea" to "nay."

So the motion was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 847, JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT OF 2010; PROVIDING FOR CONSIDERATION OF H.R. 2378, CURRENCY REFORM FOR FAIR TRADE ACT; AND PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2701, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The SPEAKER pro tempore. The gentleman from Florida has 7 minutes remaining. The gentleman from New York has 4½ minutes remaining.

The Chair recognizes the gentleman from New York.

Mr. ARCURI. Mr. Speaker, I am prepared to close, and I would reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. I yield the balance of my time to the distinguished Republican leader, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker and my colleagues, in a few minutes we're going to have a series of votes. One of those votes is going to be on the adjournment resolution that will allow the House to adjourn sometime over the next few days until November 15. The American people are asking the question, Where are the jobs? And this Congress has an obligation to help get our economy moving again and get the American people back to work. We've had time all year to move a lot of job-

killing policies; yet we've had no time to do a budget, no time to move any appropriation bills, which means no opportunity to cut spending.

Earlier this year 100 economists, 100 economists, sent a letter to the President saying, Mr. President, if you cut spending now, it will help our economy. But I do believe that we have an obligation to help end the uncertainty that is affecting American families and small businesses all across the country. We ought to be cutting spending, and, yes, we ought to end the uncertainty about what the tax rates are going to be at the beginning of the year.

The idea that we're going to leave here and not extend all of the current tax rates to end the uncertainty is an irresponsibility on the part of this Congress. And how any Member can vote to adjourn and pump this into a lame-duck session, I think, is putting your election above the needs of your constituents. The American people sent us here to do their work. We're not here to do our work to get reelected.

I am going to ask all of my colleagues, vote "no" on this adjournment resolution. Give the House an opportunity in a fair and open debate to extend all of the current tax rates.

Mr. ARCURI. Mr. Speaker, I yield myself the balance of my time.

I would like to begin by thanking my friend and colleague, Mr. DIAZ-BALART, for his able management of this rule and also to wish him well. This will be the last time that we will be managing a rule together, and I would like to wish him well in the future.

I would like to thank my friends from the other side of the aisle for their impassioned remarks during our debate. But when all is said and done, this rule is about three things, and three things only.

□ 1220

It's about security. It's about the intelligence reauthorization bill of 2010. It's about the economy and the currency manipulation bill. Most of all, it's about doing the right thing. It's about the 9/11 bill and doing the right thing for the people who have been injured.

Mr. Speaker, for these reasons, I urge my colleagues to support the rule and to allow us to do just that.

The material previously referred to by Mr. LINCOLN DIAZ BALART of Florida is as follows:

AMENDMENT TO H. RES. 1674 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution add the following new section:

SEC. 4. Immediately upon the adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 6225) to amend the Emergency Economic Stabilization Act of 2008 to terminate authority under the Troubled Asset Relief Program. The first

reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the Majority Leader and the Minority Leader or their respective designees. After general debate the bill shall be considered for amendment under the five-minute rule. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 6225.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the

Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. ARCURI. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. ARCURI. Mr. Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 321

Resolved by the House of Representatives (the Senate concurring). That when the House adjourns on any legislative day from Wednesday, September 29, 2010, through Friday, October 8, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, November 15, 2010, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Wednesday, September 29, 2010, through Friday, November 12, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, November 15, 2010, or such other time on that

day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adopting House Concurrent Resolution 321 will be followed by 5-minute votes on ordering the previous question on House Resolution 1674, and adopting House Resolution 1674, if ordered.

The vote was taken by electronic device, and there were—yeas 210, nays 209, not voting 14, as follows:

[Roll No. 546]

YEAS—210

Ackerman	Deutch	Kind
Andrews	Dicks	Kissell
Baca	Doggett	Klein (FL)
Baird	Doyle	Kosmas
Baldwin	Edwards (MD)	Kucinich
Barrow	Ellison	Langevin
Becerra	Engel	Larsen (WA)
Berkley	Eshoo	Larson (CT)
Berman	Etheridge	Lee (CA)
Berry	Farr	Levin
Bishop (GA)	Fattah	Lewis (GA)
Blumenauer	Filner	Lipinski
Boccheri	Frank (MA)	Loeb sack
Boren	Fudge	Lofgren, Zoe
Boswell	Garamendi	Lowey
Boucher	Gonzalez	Lujan
Brady (PA)	Gordon (TN)	Lynch
Braley (IA)	Grayson	Maloney
Brown, Corrine	Green, Al	Markey (MA)
Capps	Green, Gene	Matheson
Capuano	Grijalva	Matsui
Cardoza	Gutierrez	McCarthy (NY)
Carnahan	Hall (NY)	McCollum
Carson (IN)	Halvorson	McDermott
Castor (FL)	Hare	McGovern
Chandler	Harman	Meek (FL)
Chu	Hastings (FL)	Meeks (NY)
Clarke	Higgins	Miller (NC)
Clay	Hill	Miller, George
Cleaver	Himes	Mollohan
Clyburn	Hinchev	Moore (KS)
Cohen	Hinojosa	Moore (WI)
Conyers	Hirono	Moran (VA)
Cooper	Hodes	Murphy (CT)
Costa	Holden	Murphy (NY)
Costello	Holt	Nadler (NY)
Courtney	Honda	Napolitano
Critz	Hoyer	Neal (MA)
Crowley	Inslee	Oberstar
Cuellar	Israel	Obey
Cummings	Jackson (IL)	Oliver
Dahlkemper	Jackson Lee	Ortiz
Davis (AL)	(TX)	Owens
Davis (CA)	Johnson (GA)	Pallone
Davis (IL)	Johnson, E. B.	Pascarell
Davis (TN)	Kagen	Pastor (AZ)
DeFazio	Kanjorski	Payne
DeGette	Kaptur	Pelosi
DeLaunt	Kildee	Perlmutter
DeLauro	Kilpatrick (MI)	Peterson

Pingree (ME)	Schiff
Polis (CO)	Schrader
Pomeroy	Schwartz
Price (NC)	Scott (GA)
Quigley	Scott (VA)
Rangel	Serrano
Reyes	Shea-Porter
Richardson	Sherman
Rodriguez	Sires
Ross	Skelton
Rothman (NJ)	Slaughter
Roybal-Allard	Smith (WA)
Ruppersberger	Snyder
Rush	Speier
Ryan (OH)	Spratt
Salazar	Stark
Sanchez, Linda	Stupak
T.	Sutton
Sanchez, Loretta	Tanner
Sarbanes	Teague
Schakowsky	Thompson (CA)

Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—209

Adler (NJ)	Gallegly	Miller, Gary
Akin	Garrett (NJ)	Minnick
Alexander	Gerlach	Mitchell
Altmire	Giffords	Moran (KS)
Arcuri	Gingrey (GA)	Murphy, Patrick
Austria	Gohmert	Murphy, Tim
Bachmann	Goodlatte	Myrick
Bachus	Granger	Neugebauer
Barrett (SC)	Graves (GA)	Nunes
Bartlett	Graves (MO)	Nye
Barton (TX)	Guthrie	Olson
Bean	Hall (TX)	Paul
Biggart	Harper	Paulsen
Billbray	Hastings (WA)	Pence
Bilirakis	Heinrich	Perriello
Bishop (NY)	Heller	Peters
Bishop (UT)	Hensarling	Petri
Blackburn	Herger	Pitts
Boehner	Herseth Sandlin	Platts
Bonner	Hoekstra	Poe (TX)
Bono Mack	Hunter	Posey
Boozman	Inglis	Price (GA)
Boustany	Issa	Putnam
Brady (TX)	Jenkins	Radanovich
Bright	Johnson (IL)	Rehberg
Broun (GA)	Johnson, Sam	Reichert
Brown (SC)	Jones	Roe (TN)
Brown-Waite,	Jordan (OH)	Rogers (AL)
Ginny	Kilroy	Rogers (KY)
Buchanan	King (IA)	Rogers (MI)
Burgess	King (NY)	Rohrabacher
Burton (IN)	Kingston	Rooney
Calvert	Kirk	Ros-Lehtinen
Camp	Kirkpatrick (AZ)	Roskam
Campbell	Kline (MN)	Royce
Cantor	Kratovil	Ryan (WI)
Cao	Lamborn	Scallise
Capito	Lance	Schauer
Carney	Latham	Schmidt
Carter	LaTourette	Sensenbrenner
Cassidy	Latta	Sessions
Castle	Lee (NY)	Sestak
Chaffetz	Lewis (CA)	Shadegg
Childers	Linder	Shimkus
Coble	LoBiondo	Shuler
Coffman (CO)	Lucas	Shuster
Cole	Luetkemeyer	Simpson
Conaway	Lummis	Smith (NE)
Connolly (VA)	Lungren, Daniel	Smith (NJ)
Crenshaw	E.	Smith (TX)
Culberson	Mack	Space
Davis (KY)	Manzullo	Stearns
Dent	Marchant	Sullivan
Diaz-Balart, M.	Markey (CO)	Taylor
Djou	Marshall	Terry
Donnelly (IN)	McCarthy (CA)	Thompson (PA)
Dreier	McCaul	Thornberry
Driehaus	McClintock	Tiahrt
Duncan	McCotter	Tiberi
Edwards (TX)	McHenry	Titus
Ehlers	McIntyre	Turner
Ellsworth	McKeon	Upton
Emerson	McMahon	Walden
Flake	McMorris	Wamp
Fleming	Rodgers	Westmoreland
Forbes	McNerney	Whitfield
Fortenberry	Melancon	Wilson (SC)
Foster	Mica	Wittman
Fox	Michaud	Wolf
Franks (AZ)	Miller (FL)	Young (AK)
Frelinghuysen	Miller (MI)	

NOT VOTING—14

Aderholt	Diaz-Balart, L.	Maffei
Blunt	Dingell	Rahall
Boyd	Fallin	Schock
Butterfield	Griffith	Young (FL)
Buyer	Kennedy	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1247

Messrs. MCNERNEY, ALTMIRE and TAYLOR changed their vote from “yea” to “nay.”

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 847, JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT OF 2010; PROVIDING FOR CONSIDERATION OF H.R. 2378, CURRENCY REFORM FOR FAIR TRADE ACT; AND PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2701, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1674, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 235, nays 183, not voting 14, as follows:

[Roll No. 547]

YEAS—235

Ackerman	Chu	Driebehaus
Altmire	Clarke	Edwards (MD)
Andrews	Clay	Edwards (TX)
Arcuri	Cleaver	Ellison
Baca	Clyburn	Ellsworth
Baird	Cohen	Engel
Baldwin	Connolly (VA)	Eshoo
Barrow	Conyers	Etheridge
Bean	Cooper	Farr
Becerra	Costa	Fattah
Berkley	Costello	Filner
Berman	Courtney	Foster
Berry	Critz	Frank (MA)
Bishop (GA)	Crowley	Fudge
Bishop (NY)	Cuellar	Garamendi
Blumenauer	Cummings	Gonzalez
Bocieri	Dahlkemper	Grayson
Boren	Davis (AL)	Green, Al
Boswell	Davis (CA)	Green, Gene
Boucher	Davis (IL)	Grijalva
Brady (PA)	Davis (TN)	Gutierrez
Braley (IA)	DeFazio	Hall (NY)
Brown, Corrine	DeGette	Halvorson
Capps	Delahunt	Hare
Capuano	DeLauro	Harman
Cardoza	Deutch	Hastings (FL)
Carnahan	Dicks	Heinrich
Carney	Dingell	Herseth Sandlin
Carson (IN)	Doggett	Higgins
Castor (FL)	Donnelly (IN)	Himes
Chandler	Doyle	Hinchey

Hinojosa	McMahon	Schakowsky
Hirono	Meek (FL)	Schauer
Hodes	Meeks (NY)	Schiff
Holden	Melancon	Schrader
Holt	Michaud	Schwartz
Honda	Miller (NC)	Scott (GA)
Hoyer	Miller, George	Scott (VA)
Inslee	Mollohan	Serrano
Israel	Moore (KS)	Sestak
Jackson (IL)	Moore (WI)	Shea-Porter
Jackson Lee	Moran (VA)	Sherman
(TX)	Murphy (CT)	Sires
Johnson (GA)	Murphy (NY)	Skelton
Johnson, E. B.	Murphy, Patrick	Slaughter
Kagen	Nadler (NY)	Smith (WA)
Kanjorski	Napolitano	Snyder
Kaptur	Neal (MA)	Space
Kennedy	Oberstar	Speier
Kildee	Obey	Spratt
Kilpatrick (MI)	Olver	Stark
Kilroy	Ortiz	Stupak
Kind	Owens	Sutton
Kissell	Pallone	Tanner
Klein (FL)	Pascrell	Teague
Kosmas	Pastor (AZ)	Thompson (CA)
Kucinich	Payne	Thompson (MS)
Langevin	Perlmutter	Tierney
Larsen (WA)	Peters	Titus
Larson (CT)	Peterson	Tonko
Lee (CA)	Pingree (ME)	Towns
Levin	Polis (CO)	Tsongas
Lewis (GA)	Pomeroy	Van Hollen
Lipinski	Price (NC)	Velázquez
Loebach	Quigley	Visclosky
Lofgren, Zoe	Rangel	Walz
Lowey	Reyes	Wasserman
Lujan	Richardson	Schultz
Lynch	Rodriguez	Waters
Maffei	Ross	Watson
Maloney	Rothman (NJ)	Watt
Markey (CO)	Roybal-Allard	Waxman
Markey (MA)	Ruppersberger	Weiner
Marshall	Rush	Welch
Matheson	Ryan (OH)	Wilson (OH)
Matsui	Salazar	Woolsey
McCarthy (NY)	Sánchez, Linda	Wu
McDermott	T.	Yarmuth
McGovern	Sanchez, Loretta	
McIntyre	Sarbanes	

NAYS—183

Adler (NJ)	Culberson	King (NY)
Akin	Davis (KY)	Kingston
Alexander	Dent	Kirk
Austria	Diaz-Balart, M.	Kirkpatrick (AZ)
Bachmann	Djou	Kline (MN)
Bachus	Dreier	Kratovil
Barrett (SC)	Duncan	Lamborn
Bartlett	Ehlers	Lance
Barton (TX)	Emerson	Latham
Biggert	Flake	LaTourette
Bilbray	Fleming	Latta
Bilirakis	Forbes	Lee (NY)
Bishop (UT)	Fortenberry	Lewis (CA)
Blackburn	Fox	Linder
Boehner	Franks (AZ)	LoBiondo
Bonner	Frelinghuysen	Lucas
Bono Mack	Gallegly	Luetkemeyer
Boozman	Garrett (NJ)	Lummis
Boustany	Gerlach	Lungren, Daniel
Brady (TX)	Giffords	E.
Bright	Gingrey (GA)	Mack
Brown (GA)	Gohmert	Manzullo
Brown (SC)	Goodlatte	Marchant
Brown-Waite,	Granger	McCarthy (CA)
Ginny	Graves (GA)	McCauley
Buchanan	Graves (MO)	McClintock
Burgess	Guthrie	McCotter
Burton (IN)	Hall (TX)	McHenry
Calvert	Harper	McKeon
Camp	Hastings (WA)	McMorris
Campbell	Heller	Rodgers
Cantor	Hensarling	Mica
Cao	Herger	Miller (FL)
Capito	Hill	Miller (MI)
Carter	Hoekstra	Miller, Gary
Cassidy	Hunter	Minnick
Castle	Inglis	Mitchell
Chaffetz	Issa	Moran (KS)
Childers	Jenkins	Murphy, Tim
Coble	Johnson (IL)	Myrick
Coffman (CO)	Johnson, Sam	Neugebauer
Cole	Jones	Nunes
Conaway	Jordan (OH)	Nye
Crenshaw	King (IA)	Olson

Paul	Rohrabacher	Stearns
Paulsen	Rooney	Sullivan
Pence	Ros-Lehtinen	Taylor
Perriello	Roskam	Terry
Petri	Royce	Thompson (PA)
Pitts	Ryan (WI)	Thornberry
Platts	Scalise	Tiahrt
Poe (TX)	Schmidt	Tiberi
Posey	Schock	Turner
Price (GA)	Sensenbrenner	Upton
Putnam	Sessions	Walden
Radanovich	Shadeeg	Wamp
Rehberg	Shimkus	Westmoreland
Reichert	Shuster	Whitfield
Roe (TN)	Simpson	Wilson (SC)
Rogers (AL)	Smith (NE)	Wittman
Rogers (KY)	Smith (NJ)	Wolf
Rogers (MI)	Smith (TX)	Young (AK)

NOT VOTING—14

Aderholt	Diaz-Balart, L.	McNerney
Blunt	Fallin	Rahall
Boyd	Gordon (TN)	Shuler
Butterfield	Griffith	Young (FL)
Buyer	McCollum	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SALAZAR) (during the vote). There are 2 minutes remaining in this vote.

□ 1257

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 234, nays 183, not voting 15, as follows:

[Roll No. 548]

YEAS—234

Ackerman	Connolly (VA)	Gordon (TN)
Adler (NJ)	Conyers	Grayson
Altmire	Costa	Green, Al
Andrews	Costello	Green, Gene
Arcuri	Courtney	Grijalva
Baca	Critz	Gutierrez
Baird	Crowley	Hall (NY)
Baldwin	Cuellar	Halvorson
Barrow	Cummings	Hare
Becerra	Dahlkemper	Harman
Berkley	Davis (AL)	Hastings (FL)
Berman	Davis (CA)	Heinrich
Berry	Davis (IL)	Higgins
Bishop (GA)	Davis (TN)	Himes
Bishop (NY)	DeFazio	Hinchey
Blumenauer	DeGette	Hinojosa
Bocieri	Delahunt	Hirono
Boren	DeLauro	Hodes
Boswell	Deutch	Holden
Boucher	Dicks	Holt
Brady (PA)	Dingell	Hoyer
Braley (IA)	Doggett	Inslee
Brown, Corrine	Doyle	Israel
Capps	Driebehaus	Jackson (IL)
Capuano	Edwards (MD)	Jackson Lee
Cardoza	Edwards (TX)	(TX)
Carnahan	Ellison	Johnson (GA)
Carney	Engel	Johnson, E. B.
Carson (IN)	Eshoo	Kagen
Castor (FL)	Etheridge	Kanjorski
Chandler	Farr	Kaptur
	Fattah	Kennedy
	Filner	Kildee
	Foster	Kilpatrick (MI)
	Frank (MA)	Kilroy
	Fudge	King (NY)
	Garamendi	Kissell
	Gonzalez	Klein (FL)

Kosmas
Kucinich
Langevin
Nye
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerny
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)

Napolitano
Neal (MA)
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)

Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—183

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, M.
Djou
Donnelly (IN)

Dreier
Duncan
Ehlers
Ellsworth
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Graves (GA)
Graves (MO)
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder

LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Badanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)

Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson

Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi

Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—15

Blunt
Boyd
Buyer
Diaz-Balart, L.
Fallin

Granger
Griffith
Honda
Kind
Kirk

Moran (VA)
Owens
Rahall
Sutton
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain on this vote.

□ 1306

So the resolution was agreed to.
The result of the vote was announced as above recorded.
A motion to reconsider was laid on the table.

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO SECRETARY OF HEALTH AND HUMAN SERVICES

Mr. WAXMAN, from the Committee on Energy and Commerce, submitted a privileged report (Rept. No. 111-649) on the resolution (H. Res. 1561) directing the Secretary of Health and Human Services to transmit to the House of Representatives copies of each portion of any document, record, or communication in her possession consisting of or relating to documents prepared by or for the Centers for Medicare & Medicaid Services regarding the Patient Protection and Affordable Care Act, and for other purposes, which was referred to the House Calendar and ordered to be printed.

JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT OF 2010

Mr. NADLER. Mr. Speaker, pursuant to House Resolution 1674, I call up the bill (H.R. 847) to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.
The SPEAKER pro tempore. Pursuant to House Resolution 1674, in lieu of the amendments recommended by the Committee on Energy and Commerce and the Committee on the Judiciary now printed in the bill, the amendment in the nature of a substitute printed in House Report 111-648 is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 847

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “James Zadroga 9/11 Health and Compensation Act of 2010”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—WORLD TRADE CENTER HEALTH PROGRAM

Sec. 101. World Trade Center Health Program.

“TITLE XXXIII—WORLD TRADE CENTER HEALTH PROGRAM

“Subtitle A—Establishment of Program; Advisory Committee

“Sec. 3301. Establishment of World Trade Center Health Program.

“Sec. 3302. WTC Health Program Scientific/Technical Advisory Committee; WTC Health Program Steering Committees.

“Sec. 3303. Education and outreach.

“Sec. 3304. Uniform data collection and analysis.

“Sec. 3305. Clinical Centers of Excellence and Data Centers.

“Sec. 3306. Definitions.

“Subtitle B—Program of Monitoring, Initial Health Evaluations, and Treatment

“PART 1—WTC RESPONDERS

“Sec. 3311. Identification of WTC responders and provision of WTC-related monitoring services.

“Sec. 3312. Treatment of enrolled WTC responders for WTC-related health conditions.

“Sec. 3313. National arrangement for benefits for eligible individuals outside New York.

“PART 2—WTC SURVIVORS

“Sec. 3321. Identification and initial health evaluation of screening-eligible and certified-eligible WTC survivors.

“Sec. 3322. Followup monitoring and treatment of certified-eligible WTC survivors for WTC-related health conditions.

“Sec. 3323. Followup monitoring and treatment of other individuals with WTC-related health conditions.

“PART 3—PAYOR PROVISIONS

“Sec. 3331. Payment of claims.

“Sec. 3332. Administrative arrangement authority.

“Subtitle C—Research Into Conditions

“Sec. 3341. Research regarding certain health conditions related to September 11 terrorist attacks.

“Sec. 3342. World Trade Center Health Registry.

“Subtitle D—Funding

“Sec. 3351. World Trade Center Health Program Fund.

TITLE II—SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001

Sec. 201. Definitions.

Sec. 202. Extended and expanded eligibility for compensation.

Sec. 203. Requirement to update regulations.

Sec. 204. Limited liability for certain claims.

Sec. 205. Funding; attorney fees.

TITLE III—LIMITATION ON TREATY BENEFITS FOR CERTAIN DEDUCTIBLE PAYMENTS; TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES

Sec. 301. Limitation on treaty benefits for certain deductible payments.

Sec. 302. Time for payment of corporate estimated taxes.

TITLE IV—BUDGETARY EFFECTS

Sec. 401. Compliance with Statutory Pay-As-You-Go Act of 2010.

TITLE I—WORLD TRADE CENTER HEALTH PROGRAM

SEC. 101. WORLD TRADE CENTER HEALTH PROGRAM.

The Public Health Service Act is amended by adding at the end the following new title:

“TITLE XXXIII—WORLD TRADE CENTER HEALTH PROGRAM

“Subtitle A—Establishment of Program; Advisory Committee

“SEC. 3301. ESTABLISHMENT OF WORLD TRADE CENTER HEALTH PROGRAM.

“(a) IN GENERAL.—There is hereby established within the Department of Health and Human Services a program to be known as the World Trade Center Health Program, which shall be administered by the WTC Program Administrator, to provide beginning on July 1, 2011—

“(1) medical monitoring and treatment benefits to eligible emergency responders and recovery and cleanup workers (including those who are Federal employees) who responded to the September 11, 2001, terrorist attacks; and

“(2) initial health evaluation, monitoring, and treatment benefits to residents and other building occupants and area workers in New York City who were directly impacted and adversely affected by such attacks.

“(b) COMPONENTS OF PROGRAM.—The WTC Program includes the following components:

“(1) MEDICAL MONITORING FOR RESPONDERS.—Medical monitoring under section 3311, including clinical examinations and long-term health monitoring and analysis for enrolled WTC responders who were likely to have been exposed to airborne toxins that were released, or to other hazards, as a result of the September 11, 2001, terrorist attacks.

“(2) INITIAL HEALTH EVALUATION FOR SURVIVORS.—An initial health evaluation under section 3321, including an evaluation to determine eligibility for followup monitoring and treatment.

“(3) FOLLOWUP MONITORING AND TREATMENT FOR WTC-RELATED HEALTH CONDITIONS FOR RESPONDERS AND SURVIVORS.—Provision under sections 3312, 3322, and 3323 of followup monitoring and treatment and payment, subject to the provisions of subsection (d), for all medically necessary health and mental health care expenses of an individual with respect to a WTC-related health condition (including necessary prescription drugs).

“(4) OUTREACH.—Establishment under section 3303 of an education and outreach program to potentially eligible individuals concerning the benefits under this title.

“(5) CLINICAL DATA COLLECTION AND ANALYSIS.—Collection and analysis under section 3304 of health and mental health data relating to individuals receiving monitoring or treatment benefits in a uniform manner in collaboration with the collection of epidemiological data under section 3342.

“(6) RESEARCH ON HEALTH CONDITIONS.—Establishment under subtitle C of a research program on health conditions resulting from the September 11, 2001, terrorist attacks.

“(c) NO COST SHARING.—Monitoring and treatment benefits and initial health evaluation benefits are provided under subtitle B without any deductibles, copayments, or other cost sharing to an enrolled WTC responder or certified-eligible WTC survivor. Initial health evaluation benefits are provided under subtitle B without any

deductibles, copayments, or other cost sharing to a screening-eligible WTC survivor.

“(d) PREVENTING FRAUD AND UNREASONABLE ADMINISTRATIVE COSTS.—

“(1) FRAUD.—The Inspector General of the Department of Health and Human Services shall develop and implement a program to review the WTC Program's health care expenditures to detect fraudulent or duplicate billing and payment for inappropriate services. This title is a Federal health care program (as defined in section 1128B(f) of the Social Security Act) and is a health plan (as defined in section 1128C(c) of such Act) for purposes of applying sections 1128 through 1128E of such Act.

“(2) UNREASONABLE ADMINISTRATIVE COSTS.—The Inspector General of the Department of Health and Human Services shall develop and implement a program to review the WTC Program for unreasonable administrative costs, including with respect to infrastructure, administration, and claims processing.

“(e) QUALITY ASSURANCE.—The WTC Program Administrator working with the Clinical Centers of Excellence shall develop and implement a quality assurance program for the monitoring and treatment delivered by such Centers of Excellence and any other participating health care providers. Such program shall include—

“(1) adherence to monitoring and treatment protocols;

“(2) appropriate diagnostic and treatment referrals for participants;

“(3) prompt communication of test results to participants; and

“(4) such other elements as the Administrator specifies in consultation with the Clinical Centers of Excellence.

“(f) ANNUAL PROGRAM REPORT.—

“(1) IN GENERAL.—Not later than 6 months after the end of each fiscal year in which the WTC Program is in operation, the WTC Program Administrator shall submit an annual report to the Congress on the operations of this title for such fiscal year and for the entire period of operation of the program.

“(2) CONTENTS INCLUDED IN REPORT.—Each annual report under paragraph (1) shall include at least the following:

“(A) ELIGIBLE INDIVIDUALS.—Information for each clinical program described in paragraph (3)—

“(i) on the number of individuals who applied for certification under subtitle B and the number of such individuals who were so certified;

“(ii) of the individuals who were certified, on the number who received monitoring under the program and the number of such individuals who received medical treatment under the program;

“(iii) with respect to individuals so certified who received such treatment, on the WTC-related health conditions for which they were treated; and

“(iv) on the projected number of individuals who will be certified under subtitle B in the succeeding fiscal year and the succeeding 10-year period.

“(B) MONITORING, INITIAL HEALTH EVALUATION, AND TREATMENT COSTS.—For each clinical program so described—

“(i) information on the costs of monitoring and initial health evaluation and the costs of treatment and on the estimated costs of such monitoring, evaluation, and treatment in the succeeding fiscal year; and

“(ii) an estimate of the cost of medical treatment for WTC-related health conditions that have been paid for or reimbursed by workers' compensation, by public or private

health plans, or by New York City under section 3331.

“(C) ADMINISTRATIVE COSTS.—Information on the cost of administering the program, including costs of program support, data collection and analysis, and research conducted under the program.

“(D) ADMINISTRATIVE EXPERIENCE.—Information on the administrative performance of the program, including—

“(i) the performance of the program in providing timely evaluation of and treatment to eligible individuals; and

“(ii) a list of the Clinical Centers of Excellence and other providers that are participating in the program.

“(E) SCIENTIFIC REPORTS.—A summary of the findings of any new scientific reports or studies on the health effects associated with exposure described in section 3306(1), including the findings of research conducted under section 3341(a).

“(F) ADVISORY COMMITTEE RECOMMENDATIONS.—A list of recommendations by the WTC Scientific/Technical Advisory Committee on additional WTC Program eligibility criteria and on additional WTC-related health conditions and the action of the WTC Program Administrator concerning each such recommendation.

“(3) SEPARATE CLINICAL PROGRAMS DESCRIBED.—In paragraph (2), each of the following shall be treated as a separate clinical program of the WTC Program:

“(A) FIREFIGHTERS AND RELATED PERSONNEL.—The benefits provided for enrolled WTC responders described in section 3311(a)(2)(A).

“(B) OTHER WTC RESPONDERS.—The benefits provided for enrolled WTC responders not described in subparagraph (A).

“(C) WTC SURVIVORS.—The benefits provided for screening-eligible WTC survivors and certified-eligible WTC survivors in section 3321(a).

“(g) NOTIFICATION TO CONGRESS UPON REACHING 80 PERCENT OF ELIGIBILITY NUMERICAL LIMITS.—The Secretary shall promptly notify the Congress of each of the following:

“(1) When the number of enrollments of WTC responders subject to the limit established under section 3311(a)(4) has reached 80 percent of such limit.

“(2) When the number of certifications for certified-eligible WTC survivors subject to the limit established under section 3321(a)(3) has reached 80 percent of such limit.

“(h) CONSULTATION.—The WTC Program Administrator shall engage in ongoing outreach and consultation with relevant stakeholders, including the WTC Health Program Steering Committees and the Advisory Committee under section 3302, regarding the implementation and improvement of programs under this title.

“SEC. 3302. WTC HEALTH PROGRAM SCIENTIFIC/TECHNICAL ADVISORY COMMITTEE; WTC HEALTH PROGRAM STEERING COMMITTEES.

“(a) ADVISORY COMMITTEE.—

“(1) ESTABLISHMENT.—The WTC Program Administrator shall establish an advisory committee to be known as the WTC Health Program Scientific/Technical Advisory Committee (in this subsection referred to as the ‘Advisory Committee’) to review scientific and medical evidence and to make recommendations to the Administrator on additional WTC Program eligibility criteria and on additional WTC-related health conditions.

“(2) COMPOSITION.—The WTC Program Administrator shall appoint the members of the Advisory Committee and shall include at least—

“(A) 4 occupational physicians, at least 2 of whom have experience treating WTC rescue and recovery workers;

“(B) 1 physician with expertise in pulmonary medicine;

“(C) 2 environmental medicine or environmental health specialists;

“(D) 2 representatives of WTC responders;

“(E) 2 representatives of certified-eligible WTC survivors;

“(F) an industrial hygienist;

“(G) a toxicologist;

“(H) an epidemiologist; and

“(I) a mental health professional.

“(3) MEETINGS.—The Advisory Committee shall meet at such frequency as may be required to carry out its duties.

“(4) REPORTS.—The WTC Program Administrator shall provide for publication of recommendations of the Advisory Committee on the public Web site established for the WTC Program.

“(5) DURATION.—Notwithstanding any other provision of law, the Advisory Committee shall continue in operation during the period in which the WTC Program is in operation.

“(6) APPLICATION OF FACA.—Except as otherwise specifically provided, the Advisory Committee shall be subject to the Federal Advisory Committee Act.

“(b) WTC HEALTH PROGRAM STEERING COMMITTEES.—

“(1) CONSULTATION.—The WTC Program Administrator shall consult with 2 steering committees (each in this section referred to as a ‘Steering Committee’) that are established as follows:

“(A) WTC RESPONDERS STEERING COMMITTEE.—One Steering Committee, to be known as the WTC Responders Steering Committee, for the purpose of receiving input from affected stakeholders and facilitating the coordination of monitoring and treatment programs for the enrolled WTC responders under part 1 of subtitle B.

“(B) WTC SURVIVORS STEERING COMMITTEE.—One Steering Committee, to be known as the WTC Survivors Steering Committee, for the purpose of receiving input from affected stakeholders and facilitating the coordination of initial health evaluations, monitoring, and treatment programs for screening-eligible and certified-eligible WTC survivors under part 2 of subtitle B.

“(2) MEMBERSHIP.—

“(A) WTC RESPONDERS STEERING COMMITTEE.—

“(i) REPRESENTATION.—The WTC Responders Steering Committee shall include—

“(I) representatives of the Centers of Excellence providing services to WTC responders;

“(II) representatives of labor organizations representing firefighters, police, other New York City employees, and recovery and cleanup workers who responded to the September 11, 2001, terrorist attacks; and

“(III) 3 representatives of New York City, 1 of whom will be selected by the police commissioner of New York City, 1 by the health commissioner of New York City, and 1 by the mayor of New York City.

“(ii) INITIAL MEMBERSHIP.—The WTC Responders Steering Committee shall initially be composed of members of the WTC Monitoring and Treatment Program Steering Committee (as in existence on the day before the date of the enactment of this title).

“(B) WTC SURVIVORS STEERING COMMITTEE.—

“(i) REPRESENTATION.—The WTC Survivors Steering Committee shall include representatives of—

“(I) the Centers of Excellence providing services to screening-eligible and certified-eligible WTC survivors;

“(II) the population of residents, students, and area and other workers affected by the September 11, 2001, terrorist attacks;

“(III) screening-eligible and certified-eligible survivors receiving initial health evaluations, monitoring, or treatment under part 2 of subtitle B and organizations advocating on their behalf; and

“(IV) New York City.

“(ii) INITIAL MEMBERSHIP.—The WTC Survivors Steering Committee shall initially be composed of members of the WTC Environmental Health Center Survivor Advisory Committee (as in existence on the day before the date of the enactment of this title).

“(C) ADDITIONAL APPOINTMENTS.—Each Steering Committee may recommend, if approved by a majority of voting members of the Committee, additional members to the Committee.

“(D) VACANCIES.—A vacancy in a Steering Committee shall be filled by an individual recommended by the Steering Committee.

“SEC. 3303. EDUCATION AND OUTREACH.

“The WTC Program Administrator shall institute a program that provides education and outreach on the existence and availability of services under the WTC Program. The outreach and education program—

“(1) shall include—

“(A) the establishment of a public Web site with information about the WTC Program;

“(B) meetings with potentially eligible populations;

“(C) development and dissemination of outreach materials informing people about the program; and

“(D) the establishment of phone information services; and

“(2) shall be conducted in a manner intended—

“(A) to reach all affected populations; and

“(B) to include materials for culturally and linguistically diverse populations.

“SEC. 3304. UNIFORM DATA COLLECTION AND ANALYSIS.

“(a) IN GENERAL.—The WTC Program Administrator shall provide for the uniform collection of data (and analysis of data and regular reports to the Administrator) on the prevalence of WTC-related health conditions and the identification of new WTC-related health conditions. Such data shall be collected for all individuals provided monitoring or treatment benefits under subtitle B and regardless of their place of residence or Clinical Center of Excellence through which the benefits are provided. The WTC Program Administrator shall provide, through the Data Centers or otherwise, for the integration of such data into the monitoring and treatment program activities under this title.

“(b) COORDINATING THROUGH CENTERS OF EXCELLENCE.—Each Clinical Center of Excellence shall collect data described in subsection (a) and report such data to the corresponding Data Center for analysis by such Data Center.

“(c) COLLABORATION WITH WTC HEALTH REGISTRY.—The WTC Program Administrator shall provide for collaboration between the Data Centers and the World Trade Center Health Registry described in section 3342.

“(d) PRIVACY.—The data collection and analysis under this section shall be conducted and maintained in a manner that protects the confidentiality of individually identifiable health information consistent with applicable statutes and regulations, in-

cluding, as applicable, HIPAA privacy and security law (as defined in section 3009(a)(2)) and section 552a of title 5, United States Code.

“SEC. 3305. CLINICAL CENTERS OF EXCELLENCE AND DATA CENTERS.

“(a) IN GENERAL.—

“(1) CONTRACTS WITH CLINICAL CENTERS OF EXCELLENCE.—The WTC Program Administrator shall, subject to subsection (b)(1)(B), enter into contracts with Clinical Centers of Excellence (as defined in subsection (b)(1)(A))—

“(A) for the provision of monitoring and treatment benefits and initial health evaluation benefits under subtitle B;

“(B) for the provision of outreach activities to individuals eligible for such monitoring and treatment benefits, for initial health evaluation benefits, and for followup to individuals who are enrolled in the monitoring program;

“(C) for the provision of counseling for benefits under subtitle B, with respect to WTC-related health conditions, for individuals eligible for such benefits;

“(D) for the provision of counseling for benefits for WTC-related health conditions that may be available under workers' compensation or other benefit programs for work-related injuries or illnesses, health insurance, disability insurance, or other insurance plans or through public or private social service agencies and assisting eligible individuals in applying for such benefits;

“(E) for the provision of translational and interpretive services for program participants who are not English language proficient; and

“(F) for the collection and reporting of data in accordance with section 3304.

“(2) CONTRACTS WITH DATA CENTERS.—

“(A) IN GENERAL.—The WTC Program Administrator shall enter into contracts with Data Centers (as defined in subsection (b)(2))—

“(i) for receiving, analyzing, and reporting to the WTC Program Administrator on data, in accordance with section 3304, that have been collected and reported to such Data Centers by the corresponding Clinical Centers of Excellence under subsection (b)(1)(B)(iii);

“(ii) for the development of monitoring, initial health evaluation, and treatment protocols, with respect to WTC-related health conditions;

“(iii) for coordinating the outreach activities conducted under paragraph (1)(B) by each corresponding Clinical Center of Excellence;

“(iv) for establishing criteria for the credentialing of medical providers participating in the nationwide network under section 3313;

“(v) for coordinating and administering the activities of the WTC Health Program Steering Committees established under section 3002(b); and

“(vi) for meeting periodically with the corresponding Clinical Centers of Excellence to obtain input on the analysis and reporting of data collected under clause (i) and on the development of monitoring, initial health evaluation, and treatment protocols under clause (ii).

“(B) MEDICAL PROVIDER SELECTION.—The medical providers under subparagraph (A)(iv) shall be selected by the WTC Program Administrator on the basis of their experience treating or diagnosing the health conditions included in the list of WTC-related health conditions.

“(C) CLINICAL DISCUSSIONS.—In carrying out subparagraph (A)(ii), a Data Center shall

engage in clinical discussions across the WTC Program to guide treatment approaches for individuals with a WTC-related health condition.

“(D) TRANSPARENCY OF DATA.—A contract entered into under this subsection with a Data Center shall require the Data Center to make any data collected and reported to such Center under subsection (b)(1)(B)(iii) available to health researchers and others as provided in the CDC/ATSDR Policy on Releasing and Sharing Data.

“(3) AUTHORITY FOR CONTRACTS TO BE CLASS SPECIFIC.—A contract entered into under this subsection with a Clinical Center of Excellence or a Data Center may be with respect to one or more class of enrolled WTC responders, screening-eligible WTC survivors, or certified-eligible WTC survivors.

“(4) USE OF COOPERATIVE AGREEMENTS.—Any contract under this title between the WTC Program Administrator and a Data Center or a Clinical Center of Excellence may be in the form of a cooperative agreement.

“(b) CENTERS OF EXCELLENCE.—

“(1) CLINICAL CENTERS OF EXCELLENCE.—

“(A) DEFINITION.—For purposes of this title, the term ‘Clinical Center of Excellence’ means a Center that demonstrates to the satisfaction of the Administrator that the Center—

“(i) uses an integrated, centralized health care provider approach to create a comprehensive suite of health services under this title that are accessible to enrolled WTC responders, screening-eligible WTC survivors, or certified-eligible WTC survivors;

“(ii) has experience in caring for WTC responders and screening-eligible WTC survivors or includes health care providers who have been trained pursuant to section 3313(c);

“(iii) employs health care provider staff with expertise that includes, at a minimum, occupational medicine, environmental medicine, trauma-related psychiatry and psychology, and social services counseling; and

“(iv) meets such other requirements as specified by the Administrator.

“(B) CONTRACT REQUIREMENTS.—The WTC Program Administrator shall not enter into a contract with a Clinical Center of Excellence under subsection (a)(1) unless the Center agrees to do each of the following:

“(i) Establish a formal mechanism for consulting with and receiving input from representatives of eligible populations receiving monitoring and treatment benefits under subtitle B from such Center.

“(ii) Coordinate monitoring and treatment benefits under subtitle B with routine medical care provided for the treatment of conditions other than WTC-related health conditions.

“(iii) Collect and report to the corresponding Data Center data in accordance with section 3304(b).

“(iv) Have in place safeguards against fraud that are satisfactory to the Administrator, in consultation with the Inspector General of the Department of Health and Human Services.

“(v) Treat or refer for treatment all individuals who are enrolled WTC responders or certified-eligible WTC survivors with respect to such Center who present themselves for treatment of a WTC-related health condition.

“(vi) Have in place safeguards, consistent with section 3304(c), to ensure the confidentiality of an individual’s individually identifiable health information, including requiring that such information not be disclosed to

the individual’s employer without the authorization of the individual.

“(vii) Use amounts paid under subsection (c)(1) only for costs incurred in carrying out the activities described in subsection (a), other than those described in subsection (a)(1)(A).

“(viii) Utilize health care providers with occupational and environmental medicine expertise to conduct physical and mental health assessments, in accordance with protocols developed under subsection (a)(2)(A)(ii).

“(ix) Communicate with WTC responders and screening-eligible and certified-eligible WTC survivors in appropriate languages and conduct outreach activities with relevant stakeholder worker or community associations.

“(x) Meet all the other applicable requirements of this title, including regulations implementing such requirements.

“(C) TRANSITION RULE TO ENSURE CONTINUITY OF CARE.—The WTC Program Administrator shall to the maximum extent feasible ensure continuity of care in any period of transition from monitoring and treatment of an enrolled WTC responder or certified-eligible WTC survivor by a provider to a Clinical Center of Excellence or a health care provider participating in the nationwide network under section 3313.

“(2) DATA CENTERS.—For purposes of this title, the term ‘Data Center’ means a Center that the WTC Program Administrator determines has the capacity to carry out the responsibilities for a Data Center under subsection (a)(2).

“(3) CORRESPONDING CENTERS.—For purposes of this title, a Clinical Center of Excellence and a Data Center shall be treated as ‘corresponding’ to the extent that such Clinical Center and Data Center serve the same population group.

“(c) PAYMENT FOR INFRASTRUCTURE COSTS.—

“(1) IN GENERAL.—The WTC Program Administrator shall reimburse a Clinical Center of Excellence for the fixed infrastructure costs of such Center in carrying out the activities described in subtitle B at a rate negotiated by the Administrator and such Centers. Such negotiated rate shall be fair and appropriate and take into account the number of enrolled WTC responders receiving services from such Center under this title.

“(2) FIXED INFRASTRUCTURE COSTS.—For purposes of paragraph (1), the term ‘fixed infrastructure costs’ means, with respect to a Clinical Center of Excellence, the costs incurred by such Center that are not reimbursable by the WTC Program Administrator under section 3312(c).

“SEC. 3306. DEFINITIONS.

“In this title:

“(1) The term ‘aggravating’ means, with respect to a health condition, a health condition that existed on September 11, 2001, and that, as a result of exposure to airborne toxins, any other hazard, or any other adverse condition resulting from the September 11, 2001, terrorist attacks, requires medical treatment that is (or will be) in addition to, more frequent than, or of longer duration than the medical treatment that would have been required for such condition in the absence of such exposure.

“(2) The term ‘certified-eligible WTC survivor’ has the meaning given such term in section 3321(a)(2).

“(3) The terms ‘Clinical Center of Excellence’ and ‘Data Center’ have the meanings given such terms in section 3305.

“(4) The term ‘enrolled WTC responder’ means a WTC responder enrolled under section 3311(a)(3).

“(5) The term ‘initial health evaluation’ includes, with respect to an individual, a medical and exposure history, a physical examination, and additional medical testing as needed to evaluate whether the individual has a WTC-related health condition and is eligible for treatment under the WTC Program.

“(6) The term ‘list of WTC-related health conditions’ means—

“(A) for WTC responders, the health conditions listed in section 3312(a)(3); and

“(B) for screening-eligible and certified-eligible WTC survivors, the health conditions listed in section 3322(b).

“(7) The term ‘New York City disaster area’ means the area within New York City that is—

“(A) the area of Manhattan that is south of Houston Street; and

“(B) any block in Brooklyn that is wholly or partially contained within a 1.5-mile radius of the former World Trade Center site.

“(8) The term ‘New York metropolitan area’ means an area, specified by the WTC Program Administrator, within which WTC responders and eligible WTC screening-eligible survivors who reside in such area are reasonably able to access monitoring and treatment benefits and initial health evaluation benefits under this title through a Clinical Center of Excellence described in subparagraphs (A), (B), or (C) of section 3305(b)(1).

“(9) The term ‘screening-eligible WTC survivor’ has the meaning given such term in section 3321(a)(1).

“(10) Any reference to ‘September 11, 2001’ shall be deemed a reference to the period on such date subsequent to the terrorist attacks at the World Trade Center, Shanksville, Pennsylvania, or the Pentagon, as applicable, on such date.

“(11) The term ‘September 11, 2001, terrorist attacks’ means the terrorist attacks that occurred on September 11, 2001, in New York City, in Shanksville, Pennsylvania, and at the Pentagon, and includes the aftermath of such attacks.

“(12) The term ‘WTC Health Program Steering Committee’ means such a Steering Committee established under section 3302(b).

“(13) The term ‘WTC Program’ means the World Trade Center Health Program established under section 3301(a).

“(14) The term ‘WTC Program Administrator’ means—

“(A) with respect to paragraphs (3) and (4) of section 3311(a) (relating to enrollment of WTC responders), section 3312(c) and the corresponding provisions of section 3322 (relating to payment for initial health evaluation, monitoring, and treatment), paragraphs (1)(C), (2)(B), and (3) of section 3321(a) (relating to determination or certification of screening-eligible or certified-eligible WTC responders), and part 3 of subtitle B (relating to payor provisions), an official in the Department of Health and Human Services, to be designated by the Secretary; and

“(B) with respect to any other provision of this title, the Director of the National Institute for Occupational Safety and Health, or a designee of such Director.

“(15) The term ‘WTC-related health condition’ is defined in section 3312(a).

“(16) The term ‘WTC responder’ is defined in section 3311(a).

“(17) The term ‘WTC Scientific/Technical Advisory Committee’ means such Committee established under section 3302(a).

“Subtitle B—Program of Monitoring, Initial Health Evaluations, and Treatment

“PART 1—WTC RESPONDERS

“SEC. 3311. IDENTIFICATION OF WTC RESPONDERS AND PROVISION OF WTC-RELATED MONITORING SERVICES.

“(a) WTC RESPONDER DEFINED.—

“(1) IN GENERAL.—For purposes of this title, the term ‘WTC responder’ means any of the following individuals, subject to paragraph (4):

“(A) CURRENTLY IDENTIFIED RESPONDER.—

An individual who has been identified as eligible for monitoring under the arrangements as in effect on the date of the enactment of this title between the National Institute for Occupational Safety and Health and—

“(i) the consortium coordinated by Mt. Sinai Hospital in New York City that coordinates the monitoring and treatment for enrolled WTC responders other than with respect to those covered under the arrangement with the Fire Department of New York City; or

“(ii) the Fire Department of New York City.

“(B) RESPONDER WHO MEETS CURRENT ELIGIBILITY CRITERIA.—An individual who meets the current eligibility criteria described in paragraph (2).

“(C) RESPONDER WHO MEETS MODIFIED ELIGIBILITY CRITERIA.—An individual who—

“(i) performed rescue, recovery, demolition, debris cleanup, or other related services in the New York City disaster area in response to the September 11, 2001, terrorist attacks, regardless of whether such services were performed by a State or Federal employee or member of the National Guard or otherwise; and

“(ii) meets such eligibility criteria relating to exposure to airborne toxins, other hazards, or adverse conditions resulting from the September 11, 2001, terrorist attacks as the WTC Program Administrator, after consultation with the WTC Scientific/Technical Advisory Committee, determines appropriate.

The WTC Program Administrator shall not modify such eligibility criteria on or after the date that the number of enrollments of WTC responders has reached 80 percent of the limit described in paragraph (4) or on or after the date that the number of certifications for certified-eligible WTC survivors under section 3321(a)(2)(B) has reached 80 percent of the limit described in section 3321(a)(3).

“(2) CURRENT ELIGIBILITY CRITERIA.—The eligibility criteria described in this paragraph for an individual is that the individual is described in any of the following categories:

“(A) FIREFIGHTERS AND RELATED PERSONNEL.—The individual—

“(i) was a member of the Fire Department of New York City (whether fire or emergency personnel, active or retired) who participated at least one day in the rescue and recovery effort at any of the former World Trade Center sites (including Ground Zero, Staten Island Landfill, and the New York City Chief Medical Examiner’s Office) for any time during the period beginning on September 11, 2001, and ending on July 31, 2002; or

“(ii)(I) is a surviving immediate family member of an individual who was a member of the Fire Department of New York City (whether fire or emergency personnel, active or retired) and was killed at the World Trade site on September 11, 2001; and

“(II) received any treatment for a WTC-related health condition described in section

3312(a)(1)(A)(ii) (relating to mental health conditions) on or before September 1, 2008.

“(B) LAW ENFORCEMENT OFFICERS AND WTC RESCUE, RECOVERY, AND CLEANUP WORKERS.—The individual—

“(i) worked or volunteered onsite in rescue, recovery, debris cleanup, or related support services in lower Manhattan (south of Canal St.), the Staten Island Landfill, or the barge loading piers, for at least 4 hours during the period beginning on September 11, 2001, and ending on September 14, 2001, for at least 24 hours during the period beginning on September 11, 2001, and ending on September 30, 2001, or for at least 80 hours during the period beginning on September 11, 2001, and ending on July 31, 2002;

“(ii)(I) was a member of the Police Department of New York City (whether active or retired) or a member of the Port Authority Police of the Port Authority of New York and New Jersey (whether active or retired) who participated onsite in rescue, recovery, debris cleanup, or related services in lower Manhattan (south of Canal St.), including Ground Zero, the Staten Island Landfill, or the barge loading piers, for at least 4 hours during the period beginning September 11, 2001, and ending on September 14, 2001;

“(II) participated onsite in rescue, recovery, debris cleanup, or related services in at Ground Zero, the Staten Island Landfill, or the barge loading piers, for at least one day during the period beginning on September 11, 2001, and ending on July 31, 2002;

“(III) participated onsite in rescue, recovery, debris cleanup, or related services in lower Manhattan (south of Canal St.) for at least 24 hours during the period beginning on September 11, 2001, and ending on September 30, 2001; or

“(IV) participated onsite in rescue, recovery, debris cleanup, or related services in lower Manhattan (south of Canal St.) for at least 80 hours during the period beginning on September 11, 2001, and ending on July 31, 2002;

“(iii) was an employee of the Office of the Chief Medical Examiner of New York City involved in the examination and handling of human remains from the World Trade Center attacks, or other morgue worker who performed similar post-September 11 functions for such Office staff, during the period beginning on September 11, 2001, and ending on July 31, 2002;

“(iv) was a worker in the Port Authority Trans-Hudson Corporation Tunnel for at least 24 hours during the period beginning on February 1, 2002, and ending on July 1, 2002; or

“(v) was a vehicle-maintenance worker who was exposed to debris from the former World Trade Center while retrieving, driving, cleaning, repairing, and maintaining vehicles contaminated by airborne toxins from the September 11, 2001, terrorist attacks during a duration and period described in subparagraph (A).

“(C) RESPONDERS TO THE SEPTEMBER 11 ATTACKS AT THE PENTAGON AND SHANKSVILLE, PENNSYLVANIA.—The individual—

“(i)(I) was a member of a fire or police department (whether fire or emergency personnel, active or retired), worked for a recovery or cleanup contractor, or was a volunteer; and performed rescue, recovery, demolition, debris cleanup, or other related services at the Pentagon site of the terrorist-related aircraft crash of September 11, 2001, during the period beginning on September 11, 2001, and ending on the date on which the cleanup of the site was concluded, as determined by the WTC Program Administrator; or

“(II) was a member of a fire or police department (whether fire or emergency personnel, active or retired), worked for a recovery or cleanup contractor, or was a volunteer; and performed rescue, recovery, demolition, debris cleanup, or other related services at the Shanksville, Pennsylvania, site of the terrorist-related aircraft crash of September 11, 2001, during the period beginning on September 11, 2001, and ending on the date on which the cleanup of the site was concluded, as determined by the WTC Program Administrator; and

“(ii) is determined by the WTC Program Administrator to be at an increased risk of developing a WTC-related health condition as a result of exposure to airborne toxins, other hazards, or adverse conditions resulting from the September 11, 2001, terrorist attacks, and meets such eligibility criteria related to such exposures, as the WTC Program Administrator determines are appropriate, after consultation with the WTC Scientific/Technical Advisory Committee.

“(3) ENROLLMENT PROCESS.—

“(A) IN GENERAL.—The WTC Program Administrator shall establish a process for enrolling WTC responders in the WTC Program. Under such process—

“(i) WTC responders described in paragraph (1)(A) shall be deemed to be enrolled in such Program;

“(ii) subject to clause (iii), the Administrator shall enroll in such program individuals who are determined to be WTC responders;

“(iii) the Administrator shall deny such enrollment to an individual if the Administrator determines that the numerical limitation in paragraph (4) on enrollment of WTC responders has been met;

“(iv) there shall be no fee charged to the applicant for making an application for such enrollment;

“(v) the Administrator shall make a determination on such an application not later than 60 days after the date of filing the application; and

“(vi) an individual who is denied enrollment in such Program shall have an opportunity to appeal such determination in a manner established under such process.

“(B) TIMING.—

“(i) CURRENTLY IDENTIFIED RESPONDERS.—In accordance with subparagraph (A)(i), the WTC Program Administrator shall enroll an individual described in paragraph (1)(A) in the WTC Program not later than July 1, 2011.

“(ii) OTHER RESPONDERS.—In accordance with subparagraph (A)(ii) and consistent with paragraph (4), the WTC Program Administrator shall enroll any other individual who is determined to be a WTC responder in the WTC Program at the time of such determination.

“(4) NUMERICAL LIMITATION ON ELIGIBLE WTC RESPONDERS.—

“(A) IN GENERAL.—The total number of individuals not described in paragraph (1)(A) or (2)(A)(ii) who may be enrolled under paragraph (3)(A)(ii) shall not exceed 25,000 at any time, of which no more than 2,500 may be individuals enrolled based on modified eligibility criteria established under paragraph (1)(C).

“(B) PROCESS.—In implementing subparagraph (A), the WTC Program Administrator shall—

“(i) limit the number of enrollments made under paragraph (3)—

“(I) in accordance with such subparagraph; and

“(II) to such number, as determined by the Administrator based on the best available information and subject to amounts available

under section 3351, that will ensure sufficient funds will be available to provide treatment and monitoring benefits under this title, with respect to all individuals who are enrolled through the end of fiscal year 2020; and

“(i) provide priority (subject to paragraph (3)(A)(i)) in such enrollments in the order in which individuals apply for enrollment under paragraph (3).

“(5) DISQUALIFICATION OF INDIVIDUALS ON TERRORIST WATCH LIST.—No individual who is on the terrorist watch list maintained by the Department of Homeland Security shall qualify as an eligible WTC responder. Before enrolling any individual as a WTC responder in the WTC Program under paragraph (3), the Administrator, in consultation with the Secretary of Homeland Security, shall determine whether the individual is on such list.

“(b) MONITORING BENEFITS.—

“(1) IN GENERAL.—In the case of an enrolled WTC responder (other than one described in subsection (a)(2)(A)(ii)), the WTC Program shall provide for monitoring benefits that include monitoring consistent with protocols approved by the WTC Program Administrator and including clinical examinations and long-term health monitoring and analysis. In the case of an enrolled WTC responder who is an active member of the Fire Department of New York City, the responder shall receive such benefits as part of the individual's periodic company medical exams.

“(2) PROVISION OF MONITORING BENEFITS.—The monitoring benefits under paragraph (1) shall be provided through the Clinical Center of Excellence for the type of individual involved or, in the case of an individual residing outside the New York metropolitan area, under an arrangement under section 3313.

“SEC. 3312. TREATMENT OF ENROLLED WTC RESPONDERS FOR WTC-RELATED HEALTH CONDITIONS.

“(a) WTC-RELATED HEALTH CONDITION DEFINED.—

“(1) IN GENERAL.—For purposes of this title, the term ‘WTC-related health condition’ means a condition that—

“(A)(i) is an illness or health condition for which exposure to airborne toxins, any other hazard, or any other adverse condition resulting from the September 11, 2001, terrorist attacks, based on an examination by a medical professional with experience in treating or diagnosing the health conditions included in the applicable list of WTC-related health conditions, is substantially likely to be a significant factor in aggravating, contributing to, or causing the illness or health condition, as determined under paragraph (2); or

“(ii) is a mental health condition for which such attacks, based on an examination by a medical professional with experience in treating or diagnosing the health conditions included in the applicable list of WTC-related health conditions, is substantially likely to be a significant factor in aggravating, contributing to, or causing the condition, as determined under paragraph (2); and

“(B) is included in the applicable list of WTC-related health conditions or—

“(i) with respect to a WTC responder, is provided certification of coverage under subsection (b)(2)(B)(iii); or

“(ii) with respect to a screening-eligible WTC survivor or certified-eligible WTC survivor, is provided certification of coverage under subsection (b)(2)(B)(iii), as applied under section 3322(a).

In the case of a WTC responder described in section 3311(a)(2)(A)(ii) (relating to a surviving immediate family member of a firefighter), such term does not include an illness or health condition described in subparagraph (A)(i).

“(2) DETERMINATION.—The determination under paragraph (1) or subsection (b) of whether the September 11, 2001, terrorist attacks were substantially likely to be a significant factor in aggravating, contributing to, or causing an individual's illness or health condition shall be made based on an assessment of the following:

“(A) The individual's exposure to airborne toxins, any other hazard, or any other adverse condition resulting from the terrorist attacks. Such exposure shall be—

“(i) evaluated and characterized through the use of a standardized, population-appropriate questionnaire approved by the Director of the National Institute for Occupational Safety and Health; and

“(ii) assessed and documented by a medical professional with experience in treating or diagnosing health conditions included on the list of WTC-related health conditions.

“(B) The type of symptoms and temporal sequence of symptoms. Such symptoms shall be—

“(i) assessed through the use of a standardized, population-appropriate medical questionnaire approved by the Director of the National Institute for Occupational Safety and Health and a medical examination; and

“(ii) diagnosed and documented by a medical professional described in subparagraph (A)(ii).

“(3) LIST OF HEALTH CONDITIONS FOR WTC RESPONDERS.—The list of health conditions for WTC responders consists of the following:

“(A) AERODIGESTIVE DISORDERS.—

“(i) Interstitial lung diseases.

“(ii) Chronic respiratory disorder—fumes/vapors.

“(iii) Asthma.

“(iv) Reactive airways dysfunction syndrome (RADS).

“(v) WTC-exacerbated chronic obstructive pulmonary disease (COPD).

“(vi) Chronic cough syndrome.

“(vii) Upper airway hyperreactivity.

“(viii) Chronic rhinosinusitis.

“(ix) Chronic nasopharyngitis.

“(x) Chronic laryngitis.

“(xi) Gastroesophageal reflux disorder (GERD).

“(xii) Sleep apnea exacerbated by or related to a condition described in a previous clause.

“(B) MENTAL HEALTH CONDITIONS.—

“(i) Posttraumatic stress disorder (PTSD).

“(ii) Major depressive disorder.

“(iii) Panic disorder.

“(iv) Generalized anxiety disorder.

“(v) Anxiety disorder (not otherwise specified).

“(vi) Depression (not otherwise specified).

“(vii) Acute stress disorder.

“(viii) Dysthymic disorder.

“(ix) Adjustment disorder.

“(x) Substance abuse.

“(C) MUSCULOSKELETAL DISORDERS FOR CERTAIN WTC RESPONDERS.—In the case of a WTC responder described in paragraph (4), a condition described in such paragraph.

“(D) ADDITIONAL CONDITIONS.—Any cancer (or type of cancer) or other condition added, pursuant to paragraph (5) or (6), to the list under this paragraph.

“(4) MUSCULOSKELETAL DISORDERS.—

“(A) IN GENERAL.—For purposes of this title, in the case of a WTC responder who received any treatment for a WTC-related musculoskeletal disorder on or before September 11, 2003, the list of health conditions in paragraph (3) shall include:

“(i) Low back pain.

“(ii) Carpal tunnel syndrome (CTS).

“(iii) Other musculoskeletal disorders.

“(B) DEFINITION.—The term ‘WTC-related musculoskeletal disorder’ means a chronic or recurrent disorder of the musculoskeletal system caused by heavy lifting or repetitive strain on the joints or musculoskeletal system occurring during rescue or recovery efforts in the New York City disaster area in the aftermath of the September 11, 2001, terrorist attacks.

“(5) CANCER.—

“(A) IN GENERAL.—The WTC Program Administrator shall periodically conduct a review of all available scientific and medical evidence, including findings and recommendations of Clinical Centers of Excellence, published in peer-reviewed journals to determine if, based on such evidence, cancer or a certain type of cancer should be added to the applicable list of WTC-related health conditions. The WTC Program Administrator shall conduct the first review under this subparagraph not later than 180 days after the date of the enactment of this title.

“(B) PROPOSED REGULATIONS AND RULEMAKING.—Based on the periodic reviews under subparagraph (A), if the WTC Program Administrator determines that cancer or a certain type of cancer should be added to such list of WTC-related health conditions, the WTC Program Administrator shall propose regulations, through rulemaking, to add cancer or the certain type of cancer to such list.

“(C) FINAL REGULATIONS.—Based on all the available evidence in the rulemaking record, the WTC Program Administrator shall make a final determination of whether cancer or a certain type of cancer should be added to such list of WTC-related health conditions. If such a determination is made to make such an addition, the WTC Program Administrator shall by regulation add cancer or the certain type of cancer to such list.

“(D) DETERMINATIONS NOT TO ADD CANCER OR CERTAIN TYPES OF CANCER.—In the case that the WTC Program Administrator determines under subparagraph (B) or (C) that cancer or a certain type of cancer should not be added to such list of WTC-related health conditions, the WTC Program Administrator shall publish an explanation for such determination in the Federal Register. Any such determination to not make such an addition shall not preclude the addition of cancer or the certain type of cancer to such list at a later date.

“(6) ADDITION OF HEALTH CONDITIONS TO LIST FOR WTC RESPONDERS.—

“(A) IN GENERAL.—Whenever the WTC Program Administrator determines that a proposed rule should be promulgated to add a health condition to the list of health conditions in paragraph (3), the Administrator may request a recommendation of the Advisory Committee or may publish such a proposed rule in the Federal Register in accordance with subparagraph (D).

“(B) ADMINISTRATOR'S OPTIONS AFTER RECEIPT OF PETITION.—In the case that the WTC Program Administrator receives a written petition by an interested party to add a health condition to the list of health conditions in paragraph (3), not later than 60 days after the date of receipt of such petition the Administrator shall—

“(i) request a recommendation of the Advisory Committee;

“(ii) publish a proposed rule in the Federal Register to add such health condition, in accordance with subparagraph (D);

“(iii) publish in the Federal Register the Administrator's determination not to publish such a proposed rule and the basis for such determination; or

“(iv) publish in the Federal Register a determination that insufficient evidence exists to take action under clauses (i) through (iii).

“(C) ACTION BY ADVISORY COMMITTEE.—In the case that the Administrator requests a recommendation of the Advisory Committee under this paragraph, with respect to adding a health condition to the list in paragraph (3), the Advisory Committee shall submit to the Administrator such recommendation not later than 60 days after the date of such request or by such date (not to exceed 180 days after such date of request) as specified by the Administrator. Not later than 60 days after the date of receipt of such recommendation, the Administrator shall, in accordance with subparagraph (D), publish in the Federal Register a proposed rule with respect to such recommendation or a determination not to propose such a proposed rule and the basis for such determination.

“(D) PUBLICATION.—The WTC Program Administrator shall, with respect to any proposed rule under this paragraph—

“(i) publish such proposed rule in accordance with section 553 of title 5, United States Code; and

“(ii) provide interested parties a period of 30 days after such publication to submit written comments on the proposed rule.

The WTC Program Administrator may extend the period described in clause (ii) upon a finding of good cause. In the case of such an extension, the Administrator shall publish such extension in the Federal Register.

“(E) INTERESTED PARTY DEFINED.—For purposes of this paragraph, the term ‘interested party’ includes a representative of any organization representing WTC responders, a nationally recognized medical association, a Clinical or Data Center, a State or political subdivision, or any other interested person.

“(b) COVERAGE OF TREATMENT FOR WTC-RELATED HEALTH CONDITIONS.—

“(1) DETERMINATION FOR ENROLLED WTC RESPONDERS BASED ON A WTC-RELATED HEALTH CONDITION.—

“(A) IN GENERAL.—If a physician at a Clinical Center of Excellence that is providing monitoring benefits under section 3311 for an enrolled WTC responder makes a determination that the responder has a WTC-related health condition that is in the list in subsection (a)(3) and that exposure to airborne toxins, other hazards, or adverse conditions resulting from the September 1, 2001, terrorist attacks is substantially likely to be a significant factor in aggravating, contributing to, or causing the condition—

“(i) the physician shall promptly transmit such determination to the WTC Program Administrator and provide the Administrator with the medical facts supporting such determination; and

“(ii) on and after the date of such transmittal and subject to subparagraph (B), the WTC Program shall provide for payment under subsection (c) for medically necessary treatment for such condition.

“(B) REVIEW; CERTIFICATION; APPEALS.—

“(i) REVIEW.—A Federal employee designated by the WTC Program Administrator shall review determinations made under subparagraph (A).

“(ii) CERTIFICATION.—The Administrator shall provide a certification of such condition based upon reviews conducted under clause (i). Such a certification shall be provided unless the Administrator determines that the responder's condition is not a WTC-related health condition in the list in subsection (a)(3) or that exposure to airborne toxins, other hazards, or adverse conditions resulting from the September 1, 2001, ter-

rorist attacks is not substantially likely to be a significant factor in aggravating, contributing to, or causing the condition.

“(iii) APPEAL PROCESS.—The Administrator shall establish, by rule, a process for the appeal of determinations under clause (ii).

“(2) DETERMINATION BASED ON MEDICALLY ASSOCIATED WTC-RELATED HEALTH CONDITIONS.—

“(A) IN GENERAL.—If a physician at a Clinical Center of Excellence determines pursuant to subsection (a) that the enrolled WTC responder has a health condition described in subsection (a)(1)(A) that is not in the list in subsection (a)(3) but which is medically associated with a WTC-related health condition—

“(i) the physician shall promptly transmit such determination to the WTC Program Administrator and provide the Administrator with the facts supporting such determination; and

“(ii) the Administrator shall make a determination under subparagraph (B) with respect to such physician's determination.

“(B) PROCEDURES FOR REVIEW, CERTIFICATION, AND APPEAL.—The WTC Program Administrator shall, by rule, establish procedures for the review and certification of physician determinations under subparagraph (A). Such rule shall provide for—

“(i) the timely review of such a determination by a physician panel with appropriate expertise for the condition and recommendations to the WTC Program Administrator; and

“(ii) not later than 60 days after the date of the transmittal under subparagraph (A)(i), a determination by the WTC Program Administrator on whether or not the condition involved is described in subsection (a)(1)(A) and is medically associated with a WTC-related health condition; and

“(iii) certification in accordance with paragraph (1)(B)(ii) of coverage of such condition if determined to be described in subsection (a)(1)(A) and medically associated with a WTC-related health condition; and

“(iv) a process for appeals of determinations relating to such conditions.

“(C) INCLUSION IN LIST OF HEALTH CONDITIONS.—If the WTC Program Administrator provides certification under subparagraph (B)(iii) for coverage of a condition, the Administrator may, pursuant to subsection (a)(6), add the condition to the list in subsection (a)(3).

“(D) CONDITIONS ALREADY DECLINED FOR INCLUSION IN LIST.—If the WTC Program Administrator publishes a determination under subsection (a)(6)(B) not to include a condition in the list in subsection (a)(3), the WTC Program Administrator shall not provide certification under subparagraph (B)(iii) for coverage of the condition. In the case of an individual who is certified under subparagraph (B)(iii) with respect to such condition before the date of the publication of such determination the previous sentence shall not apply.

“(3) REQUIREMENT OF MEDICAL NECESSITY.—

“(A) IN GENERAL.—In providing treatment for a WTC-related health condition, a physician or other provider shall provide treatment that is medically necessary and in accordance with medical treatment protocols established under subsection (d).

“(B) REGULATIONS RELATING TO MEDICAL NECESSITY.—For the purpose of this title, the WTC Program Administrator shall issue regulations specifying a standard for determining medical necessity with respect to health care services and prescription pharmaceuticals, a process for determining whether treatment furnished and pharma-

ceuticals prescribed under this title meet such standard (including any prior authorization requirement), and a process for appeal of a determination under subsection (c)(3).

“(4) SCOPE OF TREATMENT COVERED.—

“(A) IN GENERAL.—The scope of treatment covered under this subsection includes services of physicians and other health care providers, diagnostic and laboratory tests, prescription drugs, inpatient and outpatient hospital services, and other medically necessary treatment.

“(B) PHARMACEUTICAL COVERAGE.—With respect to ensuring coverage of medically necessary outpatient prescription drugs, such drugs shall be provided, under arrangements made by the WTC Program Administrator, directly through participating Clinical Centers of Excellence or through one or more outside vendors.

“(C) TRANSPORTATION EXPENSES FOR NATIONWIDE NETWORK.—The WTC Program Administrator may provide for necessary and reasonable transportation and expenses incident to the securing of medically necessary treatment through the nationwide network under section 3313 involving travel of more than 250 miles and for which payment is made under this section in the same manner in which individuals may be furnished necessary and reasonable transportation and expenses incident to services involving travel of more than 250 miles under regulations implementing section 3629(c) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of Public Law 106-398; 42 U.S.C. 7384t(c)).

“(5) PROVISION OF TREATMENT PENDING CERTIFICATION.—With respect to an enrolled WTC responder for whom a determination is made by an examining physician under paragraph (1) or (2), but for whom the WTC Program Administrator has not yet determined whether to certify the determination, the WTC Program Administrator may establish by rule a process through which the Administrator may approve the provision of medical treatment under this subsection (and payment under subsection (c)) with respect to such responder and such responder's WTC-related health condition (under such terms and conditions as the Administrator may provide) until the Administrator makes a decision on whether to certify the determination.

“(c) PAYMENT FOR INITIAL HEALTH EVALUATION, MONITORING, AND TREATMENT OF WTC-RELATED HEALTH CONDITIONS.—

“(1) MEDICAL TREATMENT.—

“(A) USE OF FECA PAYMENT RATES.—Subject to subparagraphs (B) and (C), the WTC Program Administrator shall reimburse costs for medically necessary treatment under this title for WTC-related health conditions according to the payment rates that would apply to the provision of such treatment and services by the facility under the Federal Employees Compensation Act. For treatment not covered under the previous sentence or subparagraph (B), the WTC Program Administrator shall establish by regulation a reimbursement rate for such treatment.

“(B) PHARMACEUTICALS.—

“(i) IN GENERAL.—The WTC Program Administrator shall establish a program for paying for the medically necessary outpatient prescription pharmaceuticals prescribed under this title for WTC-related health conditions through one or more contracts with outside vendors.

“(ii) COMPETITIVE BIDDING.—Under such program the Administrator shall—

“(I) select one or more appropriate vendors through a Federal competitive bid process; and

“(II) select the lowest bidder (or bidders) meeting the requirements for providing pharmaceutical benefits for participants in the WTC Program.

“(iii) TREATMENT OF FDNY PARTICIPANTS.—Under such program the Administrator may enter into an agreement with a separate vendor to provide pharmaceutical benefits to enrolled WTC responders for whom the Clinical Center of Excellence is described in section 3305 if such an arrangement is deemed necessary and beneficial to the program by the WTC Program Administrator.

“(C) IMPROVING QUALITY AND EFFICIENCY THROUGH MODIFICATION OF PAYMENT AMOUNTS AND METHODOLOGIES.—The WTC Program Administrator may modify the amounts and methodologies for making payments for initial health evaluations, monitoring, or treatment, if, taking into account utilization and quality data furnished by the Clinical Centers of Excellence under section 3305(b)(1)(B)(iii), the Administrator determines that a bundling, capitation, pay for performance, or other payment methodology would better ensure high quality and efficient delivery of initial health evaluations, monitoring, or treatment to an enrolled WTC responder, screening-eligible WTC survivor, or certified-eligible WTC survivor.

“(2) MONITORING AND INITIAL HEALTH EVALUATION.—The WTC Program Administrator shall reimburse the costs of monitoring and the costs of an initial health evaluation provided under this title at a rate set by the Administrator by regulation.

“(3) DETERMINATION OF MEDICAL NECESSITY.—

“(A) REVIEW OF MEDICAL NECESSITY AND PROTOCOLS.—As part of the process for reimbursement or payment under this subsection, the WTC Program Administrator shall provide for the review of claims for reimbursement or payment for the provision of medical treatment to determine if such treatment is medically necessary and in accordance with medical treatment protocols established under subsection (d).

“(B) WITHHOLDING OF PAYMENT FOR MEDICALLY UNNECESSARY TREATMENT.—The Administrator shall withhold such reimbursement or payment for treatment that the Administrator determines is not medically necessary or is not in accordance with such medical treatment protocols.

“(d) MEDICAL TREATMENT PROTOCOLS.—

“(1) DEVELOPMENT.—The Data Centers shall develop medical treatment protocols for the treatment of enrolled WTC responders and certified-eligible WTC survivors for health conditions included in the applicable list of WTC-related health conditions.

“(2) APPROVAL.—The medical treatment protocols developed under paragraph (1) shall be subject to approval by the WTC Program Administrator.

“SEC. 3313. NATIONAL ARRANGEMENT FOR BENEFITS FOR ELIGIBLE INDIVIDUALS OUTSIDE NEW YORK.

“(a) IN GENERAL.—In order to ensure reasonable access to benefits under this subtitle for individuals who are enrolled WTC responders, screening-eligible WTC survivors, or certified-eligible WTC survivors and who reside in any State, as defined in section 2(f), outside the New York metropolitan area, the WTC Program Administrator shall establish a nationwide network of health care providers to provide monitoring and treatment benefits and initial health evaluations near such individuals' areas of residence in such

States. Nothing in this subsection shall be construed as preventing such individuals from being provided such monitoring and treatment benefits or initial health evaluation through any Clinical Center of Excellence.

“(b) NETWORK REQUIREMENTS.—Any health care provider participating in the network under subsection (a) shall—

“(1) meet criteria for credentialing established by the Data Centers;

“(2) follow the monitoring, initial health evaluation, and treatment protocols developed under section 3305(a)(2)(A)(ii);

“(3) collect and report data in accordance with section 3304; and

“(4) meet such fraud, quality assurance, and other requirements as the WTC Program Administrator establishes, including sections 1128 through 1128E of the Social Security Act, as applied by section 3301(d).

“(c) TRAINING AND TECHNICAL ASSISTANCE.—The WTC Program Administrator may provide, including through contract, for the provision of training and technical assistance to health care providers participating in the network under subsection (a).

“PART 2—WTC SURVIVORS

“SEC. 3321. IDENTIFICATION AND INITIAL HEALTH EVALUATION OF SCREENING-ELIGIBLE AND CERTIFIED-ELIGIBLE WTC SURVIVORS.

“(a) IDENTIFICATION OF SCREENING-ELIGIBLE WTC SURVIVORS AND CERTIFIED-ELIGIBLE WTC SURVIVORS.—

“(1) SCREENING-ELIGIBLE WTC SURVIVORS.—

“(A) DEFINITION.—In this title, the term ‘screening-eligible WTC survivor’ means, subject to subparagraph (C) and paragraph (3), an individual who is described in any of the following clauses:

“(i) CURRENTLY IDENTIFIED SURVIVOR.—An individual, including a WTC responder, who has been identified as eligible for medical treatment and monitoring by the WTC Environmental Health Center as of the date of enactment of this title.

“(ii) SURVIVOR WHO MEETS CURRENT ELIGIBILITY CRITERIA.—An individual who is not a WTC responder, for purposes of the initial health evaluation under subsection (b), claims symptoms of a WTC-related health condition and meets any of the current eligibility criteria described in subparagraph (B).

“(iii) SURVIVOR WHO MEETS MODIFIED ELIGIBILITY CRITERIA.—An individual who is not a WTC responder, for purposes of the initial health evaluation under subsection (b), claims symptoms of a WTC-related health condition and meets such eligibility criteria relating to exposure to airborne toxins, other hazards, or adverse conditions resulting from the September 11, 2001, terrorist attacks as the WTC Administrator determines, after consultation with the Data Centers described in section 3305 and the WTC Scientific/Technical Advisory Committee and WTC Health Program Steering Committees under section 3302.

The Administrator shall not modify such criteria under clause (iii) on or after the date that the number of certifications for certified-eligible WTC survivors under paragraph (2)(B) has reached 80 percent of the limit described in paragraph (3) or on or after the date that the number of enrollments of WTC responders has reached 80 percent of the limit described in section 3311(a)(4).

“(B) CURRENT ELIGIBILITY CRITERIA.—The eligibility criteria described in this subparagraph for an individual are that the individual is described in any of the following clauses:

“(i) A person who was present in the New York City disaster area in the dust or dust cloud on September 11, 2001.

“(ii) A person who worked, resided, or attended school, childcare, or adult daycare in the New York City disaster area for—

“(I) at least 4 days during the 4-month period beginning on September 11, 2001, and ending on January 10, 2002; or

“(II) at least 30 days during the period beginning on September 11, 2001, and ending on July 31, 2002.

“(iii) Any person who worked as a cleanup worker or performed maintenance work in the New York City disaster area during the 4-month period described in subparagraph (B)(i) and had extensive exposure to WTC dust as a result of such work.

“(iv) A person who was deemed eligible to receive a grant from the Lower Manhattan Development Corporation Residential Grant Program, who possessed a lease for a residence or purchased a residence in the New York City disaster area, and who resided in such residence during the period beginning on September 11, 2001, and ending on May 31, 2003.

“(v) A person whose place of employment—

“(I) at any time during the period beginning on September 11, 2001, and ending on May 31, 2003, was in the New York City disaster area; and

“(II) was deemed eligible to receive a grant from the Lower Manhattan Development Corporation WTC Small Firms Attraction and Retention Act program or other government incentive program designed to revitalize the lower Manhattan economy after the September 11, 2001, terrorist attacks.

“(C) APPLICATION AND DETERMINATION PROCESS FOR SCREENING ELIGIBILITY.—

“(i) IN GENERAL.—The WTC Program Administrator in consultation with the Data Centers shall establish a process for individuals, other than individuals described in subparagraph (A)(i), to be determined to be screening-eligible WTC survivors. Under such process—

“(I) there shall be no fee charged to the applicant for making an application for such determination;

“(II) the Administrator shall make a determination on such an application not later than 60 days after the date of filing the application;

“(III) the Administrator shall make such a determination relating to an applicant's compliance with this title and shall not determine that an individual is not so eligible or deny written documentation under clause (ii) to such individual unless the Administrator determines that—

“(aa) based on the application submitted, the individual does not meet the eligibility criteria; or

“(bb) the numerical limitation on certifications of certified-eligible WTC survivors set forth in paragraph (3) has been met; and

“(IV) an individual who is determined not to be a screening-eligible WTC survivor shall have an opportunity to appeal such determination in a manner established under such process.

“(ii) WRITTEN DOCUMENTATION OF SCREENING-ELIGIBILITY.—

“(I) IN GENERAL.—In the case of an individual who is described in subparagraph (A)(i) or who is determined under clause (i) (consistent with paragraph (3)) to be a screening-eligible WTC survivor, the WTC Program Administrator shall provide an appropriate written documentation of such fact.

“(II) TIMING.—

“(aa) CURRENTLY IDENTIFIED SURVIVORS.—In the case of an individual who is described in subparagraph (A)(i), the WTC Program Administrator shall provide the written documentation under subclause (I) not later than July 1, 2011.

“(bb) OTHER MEMBERS.—In the case of another individual who is determined under clause (i) and consistent with paragraph (3) to be a screening-eligible WTC survivor, the WTC Program Administrator shall provide the written documentation under subclause (I) at the time of such determination.

“(2) CERTIFIED-ELIGIBLE WTC SURVIVORS.—

“(A) DEFINITION.—The term ‘certified-eligible WTC survivor’ means, subject to paragraph (3), a screening-eligible WTC survivor who the WTC Program Administrator certifies under subparagraph (B) to be eligible for followup monitoring and treatment under this part.

“(B) CERTIFICATION OF ELIGIBILITY FOR MONITORING AND TREATMENT.—

“(i) IN GENERAL.—The WTC Program Administrator shall establish a certification process under which the Administrator shall provide appropriate certification to screening-eligible WTC survivors who, pursuant to the initial health evaluation under subsection (b), are determined to be eligible for followup monitoring and treatment under this part.

“(ii) TIMING.—

“(I) CURRENTLY IDENTIFIED SURVIVORS.—In the case of an individual who is described in paragraph (1)(A)(i), the WTC Program Administrator shall provide the certification under clause (i) not later than July 1, 2011.

“(II) OTHER MEMBERS.—In the case of another individual who is determined under clause (i) to be eligible for followup monitoring and treatment, the WTC Program Administrator shall provide the certification under such clause at the time of such determination.

“(3) NUMERICAL LIMITATION ON CERTIFIED-ELIGIBLE WTC SURVIVORS.—

“(A) IN GENERAL.—The total number of individuals not described in paragraph (1)(A)(i) who may be certified as certified-eligible WTC survivors under paragraph (2)(B) shall not exceed 25,000 at any time.

“(B) PROCESS.—In implementing subparagraph (A), the WTC Program Administrator shall—

“(i) limit the number of certifications provided under paragraph (2)(B)—

“(I) in accordance with such subparagraph; and

“(II) to such number, as determined by the Administrator based on the best available information and subject to amounts made available under section 3351, that will ensure sufficient funds will be available to provide treatment and monitoring benefits under this title, with respect to all individuals receiving such certifications through the end of fiscal year 2020; and

“(ii) provide priority in such certifications in the order in which individuals apply for a determination under paragraph (2)(B).

“(4) DISQUALIFICATION OF INDIVIDUALS ON TERRORIST WATCH LIST.—No individual who is on the terrorist watch list maintained by the Department of Homeland Security shall qualify as a screening-eligible WTC survivor or a certified-eligible WTC survivor. Before determining any individual to be a screening-eligible WTC survivor under paragraph (1) or certifying any individual as a certified-eligible WTC survivor under paragraph (2), the Administrator, in consultation with the Secretary of Homeland Security, shall determine whether the individual is on such list.

“(b) INITIAL HEALTH EVALUATION TO DETERMINE ELIGIBILITY FOR FOLLOWUP MONITORING OR TREATMENT.—

“(1) IN GENERAL.—In the case of a screening-eligible WTC survivor, the WTC Program shall provide for an initial health evaluation to determine if the survivor has a WTC-related health condition and is eligible for followup monitoring and treatment benefits under the WTC Program. Initial health evaluation protocols under section 3305(a)(2)(A)(ii) shall be subject to approval by the WTC Program Administrator.

“(2) INITIAL HEALTH EVALUATION PROVIDERS.—The initial health evaluation described in paragraph (1) shall be provided through a Clinical Center of Excellence with respect to the individual involved.

“(3) LIMITATION ON INITIAL HEALTH EVALUATION BENEFITS.—Benefits for an initial health evaluation under this part for a screening-eligible WTC survivor shall consist only of a single medical initial health evaluation consistent with initial health evaluation protocols described in paragraph (1). Nothing in this paragraph shall be construed as preventing such an individual from seeking additional medical initial health evaluations at the expense of the individual.

“SEC. 3322. FOLLOWUP MONITORING AND TREATMENT OF CERTIFIED-ELIGIBLE WTC SURVIVORS FOR WTC-RELATED HEALTH CONDITIONS.

“(a) IN GENERAL.—Subject to subsection (b), the provisions of sections 3311 and 3312 shall apply to followup monitoring and treatment of WTC-related health conditions for certified-eligible WTC survivors in the same manner as such provisions apply to the monitoring and treatment of WTC-related health conditions for enrolled WTC responders.

“(b) LIST OF WTC-RELATED HEALTH CONDITIONS FOR SURVIVORS.—The list of health conditions for screening-eligible WTC survivors and certified-eligible WTC survivors consists of the following:

“(1) AERODIGESTIVE DISORDERS.—

“(A) Interstitial lung diseases.

“(B) Chronic respiratory disorder—fumes/vapors.

“(C) Asthma.

“(D) Reactive airways dysfunction syndrome (RADS).

“(E) WTC-exacerbated chronic obstructive pulmonary disease (COPD).

“(F) Chronic cough syndrome.

“(G) Upper airway hyperreactivity.

“(H) Chronic rhinosinusitis.

“(I) Chronic nasopharyngitis.

“(J) Chronic laryngitis.

“(K) Gastroesophageal reflux disorder (GERD).

“(L) Sleep apnea exacerbated by or related to a condition described in a previous clause.

“(2) MENTAL HEALTH CONDITIONS.—

“(A) Posttraumatic stress disorder (PTSD).

“(B) Major depressive disorder.

“(C) Panic disorder.

“(D) Generalized anxiety disorder.

“(E) Anxiety disorder (not otherwise specified).

“(F) Depression (not otherwise specified).

“(G) Acute stress disorder.

“(H) Dysthymic disorder.

“(I) Adjustment disorder.

“(J) Substance abuse.

“(3) ADDITIONAL CONDITIONS.—Any cancer (or type of cancer) or other condition added to the list in section 3312(a)(3) pursuant to paragraph (5) or (6) of section 3312(a), as such provisions are applied under subsection (a) with respect to certified-eligible WTC survivors.

“SEC. 3323. FOLLOWUP MONITORING AND TREATMENT OF OTHER INDIVIDUALS WITH WTC-RELATED HEALTH CONDITIONS.

“(a) IN GENERAL.—Subject to subsection (c), the provisions of section 3322 shall apply to the followup monitoring and treatment of WTC-related health conditions in the case of individuals described in subsection (b) in the same manner as such provisions apply to the followup monitoring and treatment of WTC-related health conditions for certified-eligible WTC survivors.

“(b) INDIVIDUALS DESCRIBED.—An individual described in this subsection is an individual who, regardless of location of residence—

“(1) is not an enrolled WTC responder or a certified-eligible WTC survivor; and

“(2) is diagnosed at a Clinical Center of Excellence with a WTC-related health condition for certified-eligible WTC survivors.

“(c) LIMITATION.—

“(1) IN GENERAL.—The WTC Program Administrator shall limit benefits for any fiscal year under subsection (a) in a manner so that payments under this section for such fiscal year do not exceed the amount specified in paragraph (2) for such fiscal year.

“(2) LIMITATION.—The amount specified in this paragraph for—

“(A) the last calendar quarter of fiscal year 2011 is \$5,000,000;

“(B) fiscal year 2012 is \$20,000,000; or

“(C) a succeeding fiscal year is the amount specified in this paragraph for the previous fiscal year increased by the annual percentage increase in the medical care component of the consumer price index for all urban consumers.

“PART 3—PAYOR PROVISIONS

“SEC. 3331. PAYMENT OF CLAIMS.

“(a) IN GENERAL.—Except as provided in subsections (b) and (c), the cost of monitoring and treatment benefits and initial health evaluation benefits provided under parts 1 and 2 of this subtitle shall be paid for by the WTC Program from the World Trade Center Health Program Fund.

“(b) WORKERS’ COMPENSATION PAYMENT.—

“(1) IN GENERAL.—Subject to paragraph (2), payment for treatment under parts 1 and 2 of this subtitle of a WTC-related health condition of an individual that is work-related shall be reduced or recouped to the extent that the WTC Program Administrator determines that payment has been made, or can reasonably be expected to be made, under a workers’ compensation law or plan of the United States, a State, or a locality, or other work-related injury or illness benefit plan of the employer of such individual, for such treatment. The provisions of clauses (iii), (iv), (v), and (vi) of paragraph (2)(B) of section 1862(b) of the Social Security Act and paragraphs (3) and (4) of such section shall apply to the recoupment under this subsection of a payment to the WTC Program (with respect to a workers’ compensation law or plan, or other work-related injury or illness plan of the employer involved, and such individual) in the same manner as such provisions apply to the reimbursement of a payment under section 1862(b)(2) of such Act to the Secretary (with respect to such a law or plan and an individual entitled to benefits under title XVIII of such Act) except that any reference in such paragraph (4) to payment rates under title XVIII of the Social Security Act shall be deemed a reference to payment rates under this title.

“(2) EXCEPTION.—Paragraph (1) shall not apply for any quarter, with respect to any workers’ compensation law or plan, including line of duty compensation, to which New

York City is obligated to make payments, if, in accordance with terms specified under the contract under subsection (d)(1)(A), New York City has made the full payment required under such contract for such quarter.

“(3) RULES OF CONSTRUCTION.—Nothing in this title shall be construed to affect, modify, or relieve any obligations under a worker’s compensation law or plan, other work-related injury or illness benefit plan of an employer, or any health insurance plan.

“(c) HEALTH INSURANCE COVERAGE.—

“(1) IN GENERAL.—In the case of an individual who has a WTC-related health condition that is not work-related and has health coverage for such condition through any public or private health plan (including health benefits under title XVIII, XIX, or XXI of the Social Security Act) the provisions of section 1862(b) of the Social Security Act shall apply to such a health plan and such individual in the same manner as they apply to group health plan and an individual entitled to benefits under title XVIII of such Act pursuant to section 226(a) of such Act. Any costs for items and services covered under such plan that are not reimbursed by such health plan, due to the application of deductibles, copayments, coinsurance, other cost sharing, or otherwise, are reimbursable under this title to the extent that they are covered under the WTC Program. The program under this title shall not be treated as a legally liable party for purposes of applying section 1902(a)(25) of the Social Security Act.

“(2) RECOVERY BY INDIVIDUAL PROVIDERS.—Nothing in paragraph (1) shall be construed as requiring an entity providing monitoring and treatment under this title to seek reimbursement under a health plan with which the entity has no contract for reimbursement.

“(3) MAINTENANCE OF REQUIRED MINIMUM ESSENTIAL COVERAGE.—No payment may be made for monitoring and treatment under this title for an individual for a month (beginning with July 2014) if with respect to such month the individual—

“(A) is an applicable individual (as defined in subsection (d) of section 5000A of Internal Revenue Code of 1986) for whom the exemption under subsection (e) of such section does not apply; and

“(B) is not covered under minimum essential coverage, as required under subsection (a) of such section.

“(d) REQUIRED CONTRIBUTION BY NEW YORK CITY IN PROGRAM COSTS.—

“(1) CONTRACT REQUIREMENT.—

“(A) IN GENERAL.—No funds may be disbursed from the World Trade Center Health Program Fund under section 3351 unless New York City has entered into a contract with the WTC Program Administrator under which New York City agrees, in a form and manner specified by the Administrator, to pay the full contribution described in subparagraph (B) in accordance with this subsection on a timely basis, plus any interest owed pursuant to subparagraph (E)(i). Such contract shall specify the terms under which New York City shall be considered to have made the full payment required for a quarter for purposes of subsection (b)(2).

“(B) FULL CONTRIBUTION AMOUNT.—Under such contract, with respect to the last calendar quarter of fiscal year 2011 and each calendar quarter in fiscal years 2012 through 2018 the full contribution amount under this subparagraph shall be equal to 10 percent of the expenditures in carrying out this title for the respective quarter and with respect to calendar quarters in fiscal years 2019 and

2020, such full contribution amount shall be equal to 1/2 of the Federal expenditures in carrying out this title for the respective quarter.

“(C) SATISFACTION OF PAYMENT OBLIGATION.—The payment obligation under such contract may not be satisfied through any of the following:

“(i) An amount derived from Federal sources.

“(ii) An amount paid before the date of the enactment of this title.

“(iii) An amount paid to satisfy a judgment or as part of a settlement related to injuries or illnesses arising out of the September 11, 2001, terrorist attacks.

“(D) TIMING OF CONTRIBUTION.—The payment obligation under such contract for a calendar quarter in a fiscal year shall be paid not later than the last day of the second succeeding calendar quarter.

“(E) COMPLIANCE.—

“(i) INTEREST FOR LATE PAYMENT.—If New York City fails to pay to the WTC Program Administrator pursuant to such contract the amount required for any calendar quarter by the day specified in subparagraph (D), interest shall accrue on the amount not so paid at the rate (determined by the Administrator) based on the average yield to maturity, plus 1 percentage point, on outstanding municipal bonds issued by New York City with a remaining maturity of at least 1 year.

“(ii) RECOVERY OF AMOUNTS OWED.—The amounts owed to the WTC Program Administrator under such contract shall be recoverable by the United States in an action in the same manner as payments made under title XVIII of the Social Security Act may be recoverable in an action brought under section 1862(b)(2)(B)(iii) of such Act.

“(F) DEPOSIT IN FUND.—The WTC Program Administrator shall deposit amounts paid under such contract into the World Trade Center Health Program Fund under section 3351.

“(2) PAYMENT OF NEW YORK CITY SHARE OF MONITORING AND TREATMENT COSTS.—With respect to each calendar quarter for which a contribution is required by New York City under the contract under paragraph (1), the WTC Program Administrator shall—

“(A) provide New York City with an estimate of such amount of the required contribution at the beginning of such quarter and with an updated estimate of such amount at the beginning of each of the subsequent 2 quarters;

“(B) bill such amount directly to New York City; and

“(C) certify periodically, for purposes of this subsection, whether or not New York City has paid the amount so billed.

Such amount shall initially be estimated by the WTC Program Administrator and shall be subject to adjustment and reconciliation based upon actual expenditures in carrying out this title.

“(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as authorizing the WTC Administrator, with respect to a fiscal year, to reduce the numerical limitation under section 3311(a)(4) or 3321(a)(3) for such fiscal year if New York City fails to comply with paragraph (1) for a calendar quarter in such fiscal year.

“(e) WORK-RELATED DESCRIBED.—For the purposes of this section, a WTC-related health condition shall be treated as a condition that is work-related if—

“(1) the condition is diagnosed in an enrolled WTC responder, or in an individual who qualifies as a certified-eligible WTC survivor on the basis of being a rescue, recovery, or cleanup worker; or

“(2) with respect to the condition the individual has filed and had established a claim under a workers’ compensation law or plan of the United States or a State, or other work-related injury or illness benefit plan of the employer of such individual.

“SEC. 3332. ADMINISTRATIVE ARRANGEMENT AUTHORITY.

“The WTC Program Administrator may enter into arrangements with other government agencies, insurance companies, or other third-party administrators to provide for timely and accurate processing of claims under sections 3312, 3313, 3322, and 3323.

“Subtitle C—Research Into Conditions

“SEC. 3341. RESEARCH REGARDING CERTAIN HEALTH CONDITIONS RELATED TO SEPTEMBER 11 TERRORIST ATTACKS.

“(a) IN GENERAL.—With respect to individuals, including enrolled WTC responders and certified-eligible WTC survivors, receiving monitoring or treatment under subtitle B, the WTC Program Administrator shall conduct or support—

“(1) research on physical and mental health conditions that may be related to the September 11, 2001, terrorist attacks;

“(2) research on diagnosing WTC-related health conditions of such individuals, in the case of conditions for which there has been diagnostic uncertainty; and

“(3) research on treating WTC-related health conditions of such individuals, in the case of conditions for which there has been treatment uncertainty.

The Administrator may provide such support through continuation and expansion of research that was initiated before the date of the enactment of this title and through the World Trade Center Health Registry (referred to in section 3342), through a Clinical Center of Excellence, or through a Data Center.

“(b) TYPES OF RESEARCH.—The research under subsection (a)(1) shall include epidemiologic and other research studies on WTC-related health conditions or emerging conditions—

“(1) among enrolled WTC responders and certified-eligible WTC survivors under treatment; and

“(2) in sampled populations outside the New York City disaster area in Manhattan as far north as 14th Street and in Brooklyn, along with control populations, to identify potential for long-term adverse health effects in less exposed populations.

“(c) CONSULTATION.—The WTC Program Administrator shall carry out this section in consultation with the WTC Scientific/Technical Advisory Committee.

“(d) APPLICATION OF PRIVACY AND HUMAN SUBJECT PROTECTIONS.—The privacy and human subject protections applicable to research conducted under this section shall not be less than such protections applicable to research conducted or funded by the Department of Health and Human Services.

“SEC. 3342. WORLD TRADE CENTER HEALTH REGISTRY.

“For the purpose of ensuring ongoing data collection relating to victims of the September 11, 2001, terrorist attacks, the WTC Program Administrator shall ensure that a registry of such victims is maintained that is at least as comprehensive as the World Trade Center Health Registry maintained under the arrangements in effect as of April 20, 2009, with the New York City Department of Health and Mental Hygiene.

“Subtitle D—Funding

“SEC. 3351. WORLD TRADE CENTER HEALTH PROGRAM FUND.

“(a) ESTABLISHMENT OF FUND.—

“(1) IN GENERAL.—There is established a fund to be known as the World Trade Center Health Program Fund (referred to in this section as the ‘Fund’).”

“(2) FUNDING.—Out of any money in the Treasury not otherwise appropriated, there shall be deposited into the Fund for each of fiscal years 2012 through 2020 (and the last calendar quarter of fiscal year 2011)—

“(A) the Federal share, consisting of an amount equal to the lesser of—

“(i) 90 percent of the expenditures in carrying out this title for the respective fiscal year (initially based on estimates, subject to subsequent reconciliation based on actual expenditures); or

“(ii)(I) \$71,000,000 for the last calendar quarter of fiscal year 2011, \$318,000,000 for fiscal year 2012, \$354,000,000 for fiscal year 2013, \$382,000,000 for fiscal year 2014, \$431,000,000 for fiscal year 2015, \$481,000,000 for fiscal year 2016, \$537,000,000 for fiscal year 2017, \$601,000,000 for fiscal year 2018, and \$173,000,000 for fiscal year 2019; and

“(II) subject to paragraph (4), an additional \$499,000,000 for fiscal year 2019 and \$743,000,000 for fiscal year 2020; plus

“(B) the New York City share, consisting of the amount contributed under the contract under section 3331(d).

“(3) CONTRACT REQUIREMENT.—

“(A) IN GENERAL.—No funds may be disbursed from the Fund unless New York City has entered into a contract with the WTC Program Administrator under section 3331(d)(1).

“(B) BREACH OF CONTRACT.—In the case of a failure to pay the amount so required under the contract—

“(i) the amount is recoverable under subparagraph (E)(ii) of such section;

“(ii) such failure shall not affect the disbursement of amounts from the Fund; and

“(iii) the Federal share described in paragraph (2)(A) shall not be increased by the amount so unpaid.

“(4) AGGREGATE LIMITATION ON FUNDING BEGINNING WITH FISCAL YEAR 2019.—Beginning with fiscal year 2019, in no case shall the share of Federal funds deposited into the Fund under paragraph (2) for such fiscal year and previous fiscal years and quarters exceed the sum of the amounts specified in paragraph (2)(A)(ii)(I).

“(b) MANDATORY FUNDS FOR MONITORING, INITIAL HEALTH EVALUATIONS, TREATMENT, AND CLAIMS PROCESSING.—

“(1) IN GENERAL.—The amounts deposited into the Fund under subsection (a)(2) shall be available, without further appropriation, consistent with paragraph (2) and subsection (c), to carry out subtitle B and sections 3302(a), 3303, 3304, 3305(a)(2), 3305(c), 3341, and 3342.

“(2) LIMITATION ON MANDATORY FUNDING.—This title does not establish any Federal obligation for payment of amounts in excess of the amounts available from the Fund for such purpose.

“(3) LIMITATION ON AUTHORIZATION FOR FURTHER APPROPRIATIONS.—This title does not establish any authorization for appropriation of amounts in excess of the amounts available from the Fund under paragraph (1).

“(c) LIMITS ON SPENDING FOR CERTAIN PURPOSES.—Of the amounts made available under subsection (b)(1), not more than each of the following amounts may be available for each of the following purposes:

“(1) SURVIVING IMMEDIATE FAMILY MEMBERS OF FIREFIGHTERS.—For the purposes of carrying out subtitle B with respect to WTC responders described in section 3311(a)(2)(A)(ii)—

“(A) for the last calendar quarter of fiscal year 2011, \$100,000;

“(B) for fiscal year 2012, \$400,000; and

“(C) for each subsequent fiscal year, the amount specified under this paragraph for the previous fiscal year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) as estimated by the Secretary for the 12-month period ending with March of the previous year.

“(2) WTC HEALTH PROGRAM SCIENTIFIC/TECHNICAL ADVISORY COMMITTEE.—For the purpose of carrying out section 3302(a)—

“(A) for the last calendar quarter of fiscal year 2011, \$25,000;

“(B) for fiscal year 2012, \$100,000; and

“(C) for each subsequent fiscal year, the amount specified under this paragraph for the previous fiscal year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) as estimated by the Secretary for the 12-month period ending with March of the previous year.

“(3) EDUCATION AND OUTREACH.—For the purpose of carrying out section 3303—

“(A) for the last calendar quarter of fiscal year 2011, \$500,000;

“(B) for fiscal year 2012, \$2,000,000; and

“(C) for each subsequent fiscal year, the amount specified under this paragraph for the previous fiscal year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) as estimated by the Secretary for the 12-month period ending with March of the previous year.

“(4) UNIFORM DATA COLLECTION.—For the purpose of carrying out section 3304 and for reimbursing Data Centers (as defined in section 3305(b)(2)) for the costs incurred by such Centers in carrying out activities under contracts entered into under section 3305(a)(2)—

“(A) for the last calendar quarter of fiscal year 2011, \$2,500,000;

“(B) for fiscal year 2012, \$10,000,000; and

“(C) for each subsequent fiscal year, the amount specified under this paragraph for the previous fiscal year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) as estimated by the Secretary for the 12-month period ending with March of the previous year.

“(5) RESEARCH REGARDING CERTAIN HEALTH CONDITIONS.—For the purpose of carrying out section 3341—

“(A) for the last calendar quarter of fiscal year 2011, \$3,750,000;

“(B) for fiscal year 2012, \$15,000,000; and

“(C) for each subsequent fiscal year, the amount specified under this paragraph for the previous fiscal year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) as estimated by the Secretary for the 12-month period ending with March of the previous year.

“(6) WORLD TRADE CENTER HEALTH REGISTRY.—For the purpose of carrying out section 3342—

“(A) for the last calendar quarter of fiscal year 2011, \$1,750,000;

“(B) for fiscal year 2012, \$7,000,000; and

“(C) for each subsequent fiscal year, the amount specified under this paragraph for the previous fiscal year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) as estimated by the Secretary for the 12-month period ending with March of the previous year.”

TITLE II—SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001

SEC. 201. DEFINITIONS.

Section 402 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

(1) in paragraph (6) by inserting “, or debris removal, including under the World Trade Center Health Program established under section 3001 of the Public Health Service Act, and payments made pursuant to the settlement of a civil action described in section 405(c)(3)(C)(iii)” after “September 11, 2001”;

(2) by inserting after paragraph (6) the following new paragraphs and redesignating subsequent paragraphs accordingly:

“(7) CONTRACTOR AND SUBCONTRACTOR.—The term ‘contractor and subcontractor’ means any contractor or subcontractor (at any tier of a subcontracting relationship), including any general contractor, construction manager, prime contractor, consultant, or any parent, subsidiary, associated or allied company, affiliated company, corporation, firm, organization, or joint venture thereof that participated in debris removal at any 9/11 crash site. Such term shall not include any entity, including the Port Authority of New York and New Jersey, with a property interest in the World Trade Center, on September 11, 2001, whether fee simple, leasehold or easement, direct or indirect.

“(8) DEBRIS REMOVAL.—The term ‘debris removal’ means rescue and recovery efforts, removal of debris, cleanup, remediation, and response during the immediate aftermath of the terrorist-related aircraft crashes of September 11, 2001, with respect to a 9/11 crash site.”

(3) by inserting after paragraph (10), as so redesignated, the following new paragraph and redesignating the subsequent paragraphs accordingly:

“(11) IMMEDIATE AFTERMATH.—The term ‘immediate aftermath’ means any period beginning with the terrorist-related aircraft crashes of September 11, 2001, and ending on August 30, 2002.”; and

(4) by adding at the end the following new paragraph:

“(14) 9/11 CRASH SITE.—The term ‘9/11 crash site’ means—

“(A) the World Trade Center site, Pentagon site, and Shanksville, Pennsylvania site;

“(B) the buildings or portions of buildings that were destroyed as a result of the terrorist-related aircraft crashes of September 11, 2001;

“(C) any area contiguous to a site of such crashes that the Special Master determines was sufficiently close to the site that there was a demonstrable risk of physical harm resulting from the impact of the aircraft or any subsequent fire, explosions, or building collapses (including the immediate area in which the impact occurred, fire occurred, portions of buildings fell, or debris fell upon and injured individuals); and

“(D) any area related to, or along, routes of debris removal, such as barges and Fresh Kills.”

SEC. 202. EXTENDED AND EXPANDED ELIGIBILITY FOR COMPENSATION.

(a) INFORMATION ON LOSSES RESULTING FROM DEBRIS REMOVAL INCLUDED IN CONTENTS OF CLAIM FORM.—Section 405(a)(2)(B) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

(1) in clause (i), by inserting “, or debris removal during the immediate aftermath” after “September 11, 2001”;

(2) in clause (ii), by inserting “or debris removal during the immediate aftermath” after “crashes”; and

(3) in clause (iii), by inserting “or debris removal during the immediate aftermath” after “crashes”.

(b) **EXTENSION OF DEADLINE FOR CLAIMS UNDER SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001.**—Section 405(a)(3) of such Act is amended to read as follows:

“(3) **LIMITATION.**—

“(A) **IN GENERAL.**—Except as provided by subparagraph (B), no claim may be filed under paragraph (1) after the date that is 2 years after the date on which regulations are promulgated under section 407(a).

“(B) **EXCEPTION.**—A claim may be filed under paragraph (1), in accordance with subsection (c)(3)(A)(i), by an individual (or by a personal representative on behalf of a deceased individual) during the period beginning on the date on which the regulations are updated under section 407(b) and ending on December 22, 2031.”.

(c) **REQUIREMENTS FOR FILING CLAIMS DURING EXTENDED FILING PERIOD.**—Section 405(c)(3) of such Act is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(2) by inserting before subparagraph (B), as so redesignated, the following new subparagraph:

“(A) **REQUIREMENTS FOR FILING CLAIMS DURING EXTENDED FILING PERIOD.**—

“(i) **TIMING REQUIREMENTS FOR FILING CLAIMS.**—An individual (or a personal representative on behalf of a deceased individual) may file a claim during the period described in subsection (a)(3)(B) as follows:

“(I) In the case that the Special Master determines the individual knew (or reasonably should have known) before the date specified in clause (iii) that the individual suffered a physical harm at a 9/11 crash site as a result of the terrorist-related aircraft crashes of September 11, 2001, or as a result of debris removal, and that the individual knew (or should have known) before such specified date that the individual was eligible to file a claim under this title, the individual may file a claim not later than the date that is 2 years after such specified date.

“(II) In the case that the Special Master determines the individual first knew (or reasonably should have known) on or after the date specified in clause (iii) that the individual suffered such a physical harm or that the individual first knew (or should have known) on or after such specified date that the individual was eligible to file a claim under this title, the individual may file a claim not later than the last day of the 2-year period beginning on the date the Special Master determines the individual first knew (or should have known) that the individual both suffered from such harm and was eligible to file a claim under this title.

“(ii) **OTHER ELIGIBILITY REQUIREMENTS FOR FILING CLAIMS.**—An individual may file a claim during the period described in subsection (a)(3)(B) only if—

“(I) the individual was treated by a medical professional for suffering from a physical harm described in clause (i)(I) within a reasonable time from the date of discovering such harm; and

“(II) the individual’s physical harm is verified by contemporaneous medical records created by or at the direction of the medical professional who provided the medical care.

“(iii) **DATE SPECIFIED.**—The date specified in this clause is the date on which the regulations are updated under section 407(a).”.

(d) **CLARIFYING APPLICABILITY TO ALL 9/11 CRASH SITES.**—Section 405(c)(2)(A)(i) of such Act is amended by striking “or the site of the aircraft crash at Shanksville, Pennsylvania” and inserting “the site of the aircraft crash at Shanksville, Pennsylvania, or any other 9/11 crash site”.

(e) **INCLUSION OF PHYSICAL HARM RESULTING FROM DEBRIS REMOVAL.**—Section 405(c) of such Act is amended in paragraph (2)(A)(ii), by inserting “or debris removal” after “air crash”.

(f) **LIMITATIONS ON CIVIL ACTIONS.**—

(1) **APPLICATION TO DAMAGES RELATED TO DEBRIS REMOVAL.**—Clause (i) of section 405(c)(3)(C) of such Act, as redesignated by subsection (c), is amended by inserting “, or for damages arising from or related to debris removal” after “September 11, 2001”.

(2) **PENDING ACTIONS.**—Clause (ii) of such section, as so redesignated, is amended to read as follows:

“(i) **PENDING ACTIONS.**—In the case of an individual who is a party to a civil action described in clause (i), such individual may not submit a claim under this title—

“(I) during the period described in subsection (a)(3)(A) unless such individual withdraws from such action by the date that is 90 days after the date on which regulations are promulgated under section 407(a); and

“(II) during the period described in subsection (a)(3)(B) unless such individual withdraws from such action by the date that is 90 days after the date on which the regulations are updated under section 407(b).”.

(3) **SETTLED ACTIONS; AUTHORITY TO REINSTITUTE CERTAIN LAWSUITS.**—Such section, as so redesignated, is further amended by adding at the end the following new clauses:

“(iii) **SETTLED ACTIONS.**—In the case of an individual who settled a civil action described in clause (i), such individual may not submit a claim under this title unless such action was commenced after December 22, 2003, and a release of all claims in such action was tendered prior to the date on which the James Zadroga 9/11 Health and Compensation Act of 2010 was enacted.

“(iv) **AUTHORITY TO REINSTITUTE CERTAIN LAWSUITS.**—In the case of a claimant who was a party to a civil action described in clause (i), who withdrew from such action pursuant to clause (ii), and who is subsequently determined to not be an eligible individual for purposes of this subsection, such claimant may reinstitute such action without prejudice during the 90-day period beginning after the date of such ineligibility determination.”.

SEC. 203. REQUIREMENT TO UPDATE REGULATIONS.

Section 407 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

(1) by striking “Not later than” and inserting “(a) **IN GENERAL.**—Not later than”; and

(2) by adding at the end the following new subsection:

“(b) **UPDATED REGULATIONS.**—Not later than 90 days after the date of the enactment of the James Zadroga 9/11 Health and Compensation Act of 2010, the Special Master shall update the regulations promulgated under subsection (a) to the extent necessary to comply with the provisions of title II of such Act.”.

SEC. 204. LIMITED LIABILITY FOR CERTAIN CLAIMS.

Section 408(a) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended by adding at the end the following new paragraphs:

“(4) **LIABILITY FOR CERTAIN CLAIMS.**—Notwithstanding any other provision of law, li-

ability for all claims and actions (including claims or actions that have been previously resolved, that are currently pending, and that may be filed through December 22, 2031) for compensatory damages, contribution or indemnity, or any other form or type of relief, arising from or related to debris removal, against the City of New York, any entity (including the Port Authority of New York and New Jersey) with a property interest in the World Trade Center on September 11, 2001 (whether fee simple, leasehold or easement, or direct or indirect) and any contractors and subcontractors, shall not be in an amount that exceeds the sum of the following, as may be applicable:

“(A) The amount of funds of the WTC Captive Insurance Company, including the cumulative interest.

“(B) The amount of all available insurance identified in schedule 2 of the WTC Captive Insurance Company insurance policy.

“(C) As it relates to the limitation of liability of the City of New York, the amount that is the greater of the City of New York’s insurance coverage or \$350,000,000. In determining the amount of the City’s insurance coverage for purposes of the previous sentence, any amount described in clauses (i) and (ii) shall not be included.

“(D) As it relates to the limitation of liability of any entity, including the Port Authority of New York and New Jersey, with a property interest in the World Trade Center on September 11, 2001 (whether fee simple, leasehold or easement, or direct or indirect), the amount of all available liability insurance coverage maintained by any such entity.

“(E) As it relates to the limitation of liability of any individual contractor or subcontractor, the amount of all available liability insurance coverage maintained by such contractor or subcontractor on September 11, 2001.

“(5) **PRIORITY OF CLAIMS PAYMENTS.**—Payments to plaintiffs who obtain a settlement or judgment with respect to a claim or action to which paragraph (4)(A) applies, shall be paid solely from the following funds in the following order, as may be applicable:

“(A) The funds described in clause (i) or (ii) of paragraph (4)(A).

“(B) If there are no funds available as described in clause (i) or (ii) of paragraph (4)(A), the funds described in clause (iii) of such paragraph.

“(C) If there are no funds available as described in clause (i), (ii), or (iii) of paragraph (4)(A), the funds described in clause (iv) of such paragraph.

“(D) If there are no funds available as described in clause (i), (ii), (iii), or (iv) of paragraph (4)(A), the funds described in clause (v) of such paragraph.

“(6) **DECLARATORY JUDGMENT ACTIONS AND DIRECT ACTION.**—Any party to a claim or action to which paragraph (4)(A) applies may, with respect to such claim or action, either file an action for a declaratory judgment for insurance coverage or bring a direct action against the insurance company involved.”.

SEC. 205. FUNDING; ATTORNEY FEES.

Section 406 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

(1) in subsection (a), by striking “Not later than” and inserting “Subject to the limitations under subsection (d), not later than”; and

(2) in subsection (b)—

(A) by inserting “in the amounts provided under subsection (d)(1)” after “appropriations Acts”; and

(B) by inserting “subject to the limitations under subsection (d)” before the period; and

(3) by adding at the end the following new subsections:

“(d) LIMITATION.—

“(1) IN GENERAL.—The total amount of Federal funds paid for compensation under this title, with respect to claims filed on or after the date on which the regulations are updated under section 407(b), shall not exceed \$8,400,000,000. Of such amounts, \$4,200,000,000 shall be available to pay such claims during the 10-year period beginning on such date and \$4,200,000,000 shall be available to pay such claims after such period.

“(2) PRO-RATION AND PAYMENT OF REMAINING CLAIMS.—

“(A) IN GENERAL.—With respect to the one-year period beginning on the date on which the first payment is made under this title for claims filed pursuant to the regulations updated under section 407(b), the Special Master shall examine the total number of such claims paid during such period and the amounts of the payments made for such claims to project the total number and amount of claims expected to be paid under this title during the 10-year period described in paragraph (1). If, based on such projection, the Special Master determines that there will be insufficient funds available under paragraph (1) to pay such claims during such 10-year period, beginning on the first day following such one-year period, the Special Master shall ratably reduce the amount of compensation due claimants under this title in a manner to ensure, to the extent possible, that—

“(i) all claimants who, before application of the limitation under the second sentence of paragraph (1), would have been determined to be entitled to a payment under this title during such 10-year period, receive a payment during such period; and

“(ii) the total amount of all such payments made during such 10-year period do not exceed the amount available under the second sentence of paragraph (1) to pay claims during such period.

“(B) PAYMENT OF REMAINDER OF CLAIM AMOUNTS.—In any case in which the amount of a claim is ratably reduced pursuant to subparagraph (A), on or after the first day after the 10-year period described in paragraph (1), the Special Master shall pay to the claimant the amount that is equal to the difference between—

“(i) the amount that the claimant would have been paid under this title during such period without regard to the limitation under the second sentence of paragraph (1) applicable to such period; and

“(ii) the amount the claimant was paid under this title during such period.

“(e) ATTORNEY FEES.—

“(1) IN GENERAL.—Notwithstanding any contract, and except as provided in paragraphs (2) and (3), the representative of an individual may not charge, for services rendered in connection with the claim of an individual under this title, more than 10 percent of an award made under this title on such claim.

“(2) LIMITATION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), in the case of an individual who was charged a legal fee in connection with the settlement of a civil action described in section 405(c)(3)(C)(iii), the representative of the individual may not charge any amount for compensation for services rendered in connection with a claim filed under this title.

“(B) EXCEPTION.—If the legal fee charged in connection with the settlement of a civil action described in section 405(c)(3)(C)(iii) of an

individual is less than 10 percent of the aggregate amount of compensation awarded to such individual through such settlement and the claim of the individual under this title, the representative of such individual may charge an amount for compensation for services rendered in connection with such claim under this title to the extent that such amount charged is not more than—

“(i) 10 percent of such aggregate amount, minus

“(ii) the total amount of all legal fees charged for services rendered in connection with such settlement.

“(3) EXCEPTION.—With respect to a claim made on behalf of an individual for whom a lawsuit was filed in the Southern District of New York prior to January 1, 2009, in the event that the representative believes in good faith that the fee limit set by paragraph (1) or (2) will not provide adequate compensation for services rendered in connection with such claim because of the substantial amount of legal work provided on behalf of the claimant (including work performed before the enactment of this legislation), application for greater compensation may be made to the Special Master. Upon such application, the Special Master may, in his or her discretion, award as reasonable compensation for services rendered an amount greater than that allowed for in paragraph (1). Such fee award will be final, binding, and non-appealable.”.

TITLE III—LIMITATION ON TREATY BENEFITS FOR CERTAIN DEDUCTIBLE PAYMENTS; TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES

SEC. 301. LIMITATION ON TREATY BENEFITS FOR CERTAIN DEDUCTIBLE PAYMENTS.

(a) IN GENERAL.—Section 894 of the Internal Revenue Code of 1986 (relating to income affected by treaty) is amended by adding at the end the following new subsection:

“(d) LIMITATION ON TREATY BENEFITS FOR CERTAIN DEDUCTIBLE PAYMENTS.—

“(1) IN GENERAL.—In the case of any deductible related-party payment, any withholding tax imposed under chapter 3 (and any tax imposed under subpart A or B of this part) with respect to such payment may not be reduced under any treaty of the United States unless any such withholding tax would be reduced under a treaty of the United States if such payment were made directly to the foreign parent corporation.

“(2) DEDUCTIBLE RELATED-PARTY PAYMENT.—For purposes of this subsection, the term ‘deductible related-party payment’ means any payment made, directly or indirectly, by any person to any other person if the payment is allowable as a deduction under this chapter and both persons are members of the same foreign controlled group of entities.

“(3) FOREIGN CONTROLLED GROUP OF ENTITIES.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘foreign controlled group of entities’ means a controlled group of entities the common parent of which is a foreign corporation.

“(B) CONTROLLED GROUP OF ENTITIES.—The term ‘controlled group of entities’ means a controlled group of corporations as defined in section 1563(a)(1), except that—

“(i) ‘more than 50 percent’ shall be substituted for ‘at least 80 percent’ each place it appears therein, and

“(ii) the determination shall be made without regard to subsections (a)(4) and (b)(2) of section 1563.

A partnership or any other entity (other than a corporation) shall be treated as a member of a controlled group of entities if

such entity is controlled (within the meaning of section 954(d)(3)) by members of such group (including any entity treated as a member of such group by reason of this sentence).

“(4) FOREIGN PARENT CORPORATION.—For purposes of this subsection, the term ‘foreign parent corporation’ means, with respect to any deductible related-party payment, the common parent of the foreign controlled group of entities referred to in paragraph (3)(A).

“(5) REGULATIONS.—The Secretary may prescribe such regulations or other guidance as are necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which provide for—

“(A) the treatment of two or more persons as members of a foreign controlled group of entities if such persons would be the common parent of such group if treated as one corporation, and

“(B) the treatment of any member of a foreign controlled group of entities as the common parent of such group if such treatment is appropriate taking into account the economic relationships among such entities.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after the date of the enactment of this Act.

SEC. 302. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 3 percentage points.

TITLE IV—BUDGETARY EFFECTS

SEC. 401. COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. The bill shall be debatable for 1 hour, with 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce, 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary, and 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

The gentleman from California (Mr. WAXMAN) and the gentleman from Texas (Mr. BARTON) each will control 15 minutes. The gentleman from New York (Mr. NADLER) and the gentleman from Texas (Mr. SMITH) each will control 10 minutes. The gentleman from Michigan (Mr. LEVIN) and the gentleman from Michigan (Mr. CAMP) each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. NADLER of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of the James Zadroga 9/11 Health and Compensation Act.

On September 11, 2001, al Qaeda orchestrated the deadliest terrorist attack in American history, killing almost 3,000 people and wounding thousands more. The attacks created an environmental nightmare as hundreds of tons of every contaminant known to man and woman came into the streets and the canyons of Manhattan and Brooklyn.

□ 1310

You can see pictures of this in front of us. Into this toxic crowd ran firefighters and police and other first responders. First responders came from all 50 States to aid in the rescue and cleanup of the subsequent days. The Environmental Protection Agency, the EPA, despite ample evidence to the contrary, kept falsely proclaiming that the air was safe to breathe. It wasn't. The terrorists caused the environmental catastrophe, but the Federal Government compounded the damage by telling people that the environment was safe when it wasn't, and now thousands of people are sick and in need of special care.

We have a moral obligation to treat those who became ill, and that is what this bill is all about. For 8 years, Representative MALONEY and I, supported in a bipartisan basis by the New York delegation and others, have worked to bring this bill to the floor. Now it is finally time to pass it.

Time and again as we moved this bill through the legislative process, we have adjusted it, reduced its size and scope, limited its cost, and made concessions to broaden the coalition and lower the cost to the taxpayers. We worked with our colleagues on the other side of the aisle to reopen the Victim Compensation Fund in a responsible way in order to protect contractors from liability so they would not find they sacrificed their businesses to serve their country. We even agreed to cap attorney's fees.

On the Victim Compensation Fund, this House, indeed this Congress, passed the Victim Compensation Fund almost unanimously a week or two after 9/11. Unfortunately, people who should have been compensated by that fund could not be because their sicknesses did not become evident until after the fund closed.

Had we known that they would become ill, we certainly would have included them unanimously. That is why Ken Feinberg, testifying before the Judiciary Committee, urged us to reopen the fund, which is one-half of this bill.

Feinberg said in March of last year, "It is truly ironic that many of these very individuals who have filed lawsuits seeking compensation are the same type of individuals who received payments from the 9/11 fund. Had these

individuals manifested a physical injury before the 9/11 fund expired, they too would have received compensation without litigating."

He went on to say, "Reenacting the law establishing the Federal September 11th Victim Compensation Fund for an additional period of years in order to provide the same public compensation to eligible physical claimants could be justified on grounds of basic fairness." Now is our chance to right that wrong and provide that basic fairness of which he speaks.

I know that some Members are concerned about the cost of providing the Victim Compensation Fund assistance and the health care for the survivors and first responders. Let me emphasize: This bill is fiscally responsible and balances the needs of our 9/11 heroes with fiscal restraints.

It is completely paid for. We have achieved this by closing a tax loophole which allows foreign companies to evade U.S. taxes. Second, we have capped the funding level, capped the number of people who can participate, and capped the number of years the program can continue. We have consistently worked to reduce its cost, and in the month of July alone we brought the cost of this bill down an additional \$3 billion.

Now let me appeal to my colleagues on the other side of the aisle. I understand that some may have a problem with the offset, even though it is not aimed at U.S. companies and is simply designed to improve withholding of taxes that are legally due. I understand.

But I have to ask this: Just consider for a moment what we are talking about. Balance that tax rate against the needs of our 9/11 heroes, needs that are so great, so raw, and so obvious, and let our moral obligation to the heroes of 9/11, our obligation, as Lincoln said, "to care for him who shall have borne the battle," prevail. Let us do the honorable thing and vote for this bill.

Mr. Speaker, the choice is simple. I will be voting today for the firefighters, for the police, for the first responders, for the survivors of the attacks. I urge every Member of the house to do the same.

I want to thank Congresswoman MALONEY, Congressman KING, the New York delegation, the Speaker, the majority leader, the chairmen of the various committees, subcommittee chairs PALLONE and LOFGREN, and all the organizations like the State AFL-CIO from New York, the International Association of Firefighters, and the National Association of Police Organizations for their invaluable support for this bill.

Mr. Speaker, my colleagues, do the right thing. Do the moral thing. Do the only moral thing. Vote for this bill.

I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are guests of the House, and any manifestation of approval or disapproval of the proceedings is a violation of the rules of the House.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill presents a sensitive issue with regard to compensation for those who are suffering ailments as a result of the recovery and cleanup efforts at the World Trade Center site. No doubt there are many with legitimate claims as a result of their efforts at Ground Zero. However, this legislation as written creates a huge \$8.4 billion slush fund paid for by taxpayers that is open to abuse, fraud, and waste. That is because the legislation creates an inexplicable and unprecedented 21-year long fund.

The case of the bill's namesake, James Zadroga, is indicative of the problems with this bill. Rather than finding that Detective Zadroga's death was the result of exposure to Ground Zero dust, the New York City medical examiner concluded that, "It is our unequivocal opinion, with certainty beyond doubt, that the foreign material in Detective Zadroga's lungs did not get there as a result of inhaling dust at the World Trade Center or elsewhere." So the bill is deceptive, starting with its title.

The danger here is not simply the occasional unsupported claim, as in the case of Detective Zadroga, but the creation of a massive and expensive compensation system that will be subject to pervasive problems over the unprecedented 21 years it will be open to claimants.

The legislation also vastly extends the geographic scope of the fund to cover "routes of debris removal." This will result in the potential for a huge number of additional claimants with tenuous connections between their medical problems and the cleanup efforts at Ground Zero.

The bill allows claims to be filed until the year 2031, an unjustifiable length of time. As Ken Feinberg, Special Master of the original 9/11 fund and the administrator of the BP oil spill claims process stated, "no latent claims need such an extended date."

Additionally, the bill permits those who have settled their lawsuits to reopen their claims and seek additional taxpayer-funded compensation through the 9/11 fund. This is contrary to both the terms of the original 9/11 fund and to normal legal principles regarding final settlements.

By greatly expanding the fund's eligibility criteria, these proposed changes not only will increase the cost of the fund, but will present more opportunities for fraud and abuse of taxpayer dollars.

Also the bill does little, if anything, to limit the special master's unbounded authority. The amount of discretion given to the Special Master may have been acceptable under the original 9/11 fund because it was designed to compensate a limited number of claimants with relatively non-controversial claims as soon as possible. However, this amount of discretion will not work for the 21-year-long fund created by this bill with its larger set of potential claimants who have injuries with more ambiguous causation. If nothing else, this structure will be an open invitation for spurious claims.

The original 9/11 fund was an understandable expression of a nation's compassion and generosity following the deaths of thousands of innocent people. It was designed to settle the claims of those covered once and for all. Maybe that claim should be reopened to protect the construction contractors from the financially ruinous litigation they now face. But if we are going to reopen the funds, we should do so in a much more narrow way, with far less discretion for the Special Master than that provided for in H.R. 847.

It is hard to explain spending billions of additional taxpayer dollars when Special Master Ken Feinberg has emphatically stated that the \$1.5 billion in taxpayer money, charitable contributions, and insurance coverage currently available for distribution is "more than sufficient to pay all eligible claims, as well as lawyers' fees and costs."

Why does Congress continue to overreach and consider taxpayers to be their personal slush fund? There is no excuse for this kind of legislation, and I hope thoughtful Members will want to oppose the bill.

Mr. Speaker, I reserve the balance of my time.

□ 1320

Mr. NADLER of New York. Mr. Speaker, I yield 1 minute to the distinguished chairperson of the House Rules Committee, the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. I thank the gentleman for yielding.

I am proud to rise in support of the men and women who risked their lives for their fellow citizens following the attacks on September 11. On that day in 2001, tens of thousands of Americans raced to rescue those injured in the terrorist attacks. In the course of the work that day and the days following, they were exposed to dangerous toxins and physical hazards. After giving so much of themselves, many of the firefighters, police officers, and bystanders face serious respiratory, gastrointestinal, and mental health conditions. While Ground Zero is 7 hours away from my own district in Rochester, the New Yorkers banded together as they joined the chorus of

Americans asking how we could help. Just the other day, I talked to a captain of the Niagara Falls Fire Company who broke his leg at Ground Zero in an effort to rescue those trapped under rubble, many of western New Yorkers who answered the call to serve.

We recently observed the anniversary of the 9/11 terrorist attacks, and we can't forget those who risked everything to help the victims at Ground Zero. For this reason, I support H.R. 847, the 9/11 Health and Compensation Fund.

Mr. SMITH of Texas. Mr. Speaker, I continue to reserve the balance of my time.

Mr. NADLER of New York. Mr. Speaker, I now yield 1 minute to the gentleman from New York (Mr. MAFFEI).

Mr. MAFFEI. I thank my distinguished colleague from New York.

September 11, 2001, it's a day we will never forget. Many people lost family members and neighbors, but alongside the sorrow and loss, we witnessed incredible acts of heroism and bravery. Thousands of emergency responders and volunteers risked their lives and came to our country's aid when we needed them most. Many of them were my constituents, even though I'm from upstate New York. Many came down in the months following and the weeks following.

Thomas Kwasnaza from Marietta, New York, was one of the heroes that day. He was working as a police officer on 9/11, and he actually trained with James Zadroga, who was one of the first NYPD officers whose death is attributed to toxic chemicals.

Mr. Speaker, on that day Members of Congress and all Americans alike, Republicans and Democrats, pledged to do anything we could—anything we could—for the victims, their families, and the rescuers who went in after them. We didn't say we would do anything as long as it doesn't cost too much. We didn't say we would do anything as long as there was no chance that an undocumented worker could possibly benefit. We didn't say we would do anything as long as it protects offshore companies that get away with sheltering their taxes. We said we would do anything. And that's what we have to do.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members shall heed the gavel.

Mr. SMITH of Texas. Mr. Speaker, may I ask how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Texas has 5 minutes remaining. The gentleman from New York has 3 minutes remaining.

Mr. SMITH of Texas. Mr. Speaker, I am prepared to close on this side; so at the appropriate time I will do so. Meanwhile, I reserve the balance of my time.

Mr. NADLER of New York. Mr. Speaker, I now yield 1 minute to the gentleman from New York (Mr. MCMAHON).

Mr. MCMAHON. I just want to be very clear that we all owe a great debt of gratitude to Congress Members MALONEY and NADLER from New York for their leadership on this issue.

Mr. Speaker, my district of Staten Island was particularly hard hit from the 9/11 attacks. Nearly 300 of my constituents were murdered, including one-third of the firefighters killed on that day, and sick today are those uninformed and hard hat-wearing heroes—the operating engineers, the laborers, the steelworkers, ironworkers, and all the volunteers and residents.

When I think about why we need this law, I think about Marty Fullam, a 30-year veteran FDNY lieutenant from Staten Island, who spent weeks going through toxic debris in the wake of 9/11, and years later his doctors confirmed his illness related thereto. He was told he would die without a new lung. And while he ultimately received a new lung earlier this year, his health continues to suffer. The last time he was here in July to fight for this bill, he actually made his condition worse. And he continues to recover from that. Our thoughts go out to him and his wife, Trish, and their daughters.

Despite their deteriorating health, many first responders like Marty send this message. For that reason, Mr. Speaker, we must pass this bill. We must pass this bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair requests that all Members respect the gavel.

Mr. SMITH of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this legislation represents an irresponsible overreach and does not contain the protections necessary to safeguard valuable taxpayer dollars from abuse, waste, and fraud. Ken Feinberg, Special Master of the original 9/11 Fund, testified twice before the Judiciary Committee on this legislation. Both times Mr. Feinberg advocated reenacting the 9/11 fund, but doing so on a much more limited basis than is done in this legislation. Why are we ignoring his advice?

Mr. Feinberg stated that if the fund is reenacted, it should be for "a window of 5 years," not 21, and that it should be done with "the understanding that there would be no changes in the rules and regulations governing the original fund and that the new law would simply be a 'one line' reaffirmation of the original 9/11 fund." Mr. Feinberg warned that "any attempt to modify the statutory provisions and accompanying regulations of the original fund will undercut political consensus."

Unfortunately, Mr. Feinberg's sound advice was ignored there, too. Instead,

we are considering a bill that creates a fund with an unnecessary 21-year long duration and that contains special protections for trial lawyers; unnecessarily extends the original fund's eligibility criteria; and does not include the protections necessary to safeguard the fund from abuse, waste, and fraud. This is another example of Congress' insatiable appetite for the taxpayers' hard-earned dollars. I urge my colleagues to vote "no" on this bill.

I yield back the balance of my time.

Mr. NADLER of New York. Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore. The gentleman from New York has 2 minutes remaining.

Mr. NADLER of New York. Mr. Speaker, I then yield the balance of my time to my partner for the last 6 years on this bill, the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentleman for his leadership and for yielding and for his hard work for 6 years. It took us 4 years in college, and it has been 6 years on this bill. The time to pass the James Zadroga 9/11 Health and Compensation Act is now. It is bipartisan. It is patriotic. And it is overwhelmingly supported by Americans across this country.

James Zadroga's father is with us today, as well as many hardworking men and women who worked on that pile, who selflessly risked their health and their lives to help others. And I thank the New York State AFL-CIO'S Dennis Hughes and Suzie Ballentine; the firefighters and fire officers who are here with us today, Al Hagen and Steve Cassidy; the police, Pat Lynch; the laborers, the construction workers; D.C. 37, Lee Clark, Mike McIntyre, John Feal. Many of you have received praise for your work, but many of you have said all you want is your health care.

An estimated 36,000 Americans have received treatment for illnesses as a direct result of 9/11. Those who are suffering come from all of our 50 States and 428 of the 435 congressional districts nationwide were represented at 9/11. Here is a map of locations in Florida and in California where health care providers have provided medical services to 9/11 responders. Nearly every Member of this House of Representatives have people that worked there. And they are losing their health.

Thousands of people lost their lives 9 years ago, but thousands and thousands more lost their health. This is not an entitlement. This is a responsibility to take care of those who took care of us when our country was attacked.

Mr. Speaker, I would ask people to go to our Web site that outlines the participants from across this country and all of our congressional districts.

It is now time for this Congress to do what we should have done long ago: provide proper

care for those who lost their health because of 9/11.

We have a moral obligation to help those who were harmed by the attacks on America.

In the spirit of patriotism and common purpose Congress showed the world in the aftermath of the 9/11 attacks, and for the sake of the thousands of 9/11 first responders and survivors who are suffering, I implore my colleagues to vote "yes" on this legislation.

□ 1330

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BARTON) each will control 15 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. PALLONE. Mr. Speaker, I rise in strong support of H.R. 847, the James Zadroga 9/11 Health and Compensation Act of 2010. This important legislation was reported by the Energy and Commerce Committee with bipartisan support on May 25 by a vote of 33-12.

I would like to take a moment to thank the bill's sponsors, Representative CAROLYN MALONEY and JERRY NADLER; as well as my colleagues from New York on the committee, ELIOT ENGEL and ANTHONY WEINER, for their tireless work on behalf of this legislation.

Now, beyond the immediate loss of life on September 11, today, thousands of people are suffering debilitating illnesses from its aftermath. H.R. 847 would establish the World Trade Center Health Program, a program to screen, monitor and treat eligible responders and survivors who are suffering from World Trade Center-related diseases, most commonly from the massive toxic dust cloud that enveloped lower Manhattan. The bill also funds research to improve our understanding of the health effects of the exposures over time.

Federal spending for the WTC Health Program is capped at \$3.2 billion and is fully paid for. The version before the House today is more than \$1 billion less expensive than that reported with bipartisan support from the Energy and Commerce Committee.

Mr. Speaker, Congress must ensure that the appropriate resources are available to take care of those who risked their own lives to save others on September 11, so I urge my colleagues to pass the bill.

I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in respectful but sincere opposition to the pending bill. I have no disrespect for the victims or for the namesake's sponsor and his family, but I also have a sincere regard for the United States taxpayer, who is going to have to pay for this new entitlement program.

The first myth that I want to relate is the implication that we don't have an existing victims' compensation fund. That is simply not true, Mr.

Speaker. Twelve days after the attack back in September of 2001, we passed Public Law 107-42, the Victim Compensation Fund of 2001. We gave 2 years, or a year and a half, for people to submit claims, and 97 percent of the eligible victims or their families filed injury or death claims by December 22, 2003. Of the 2,973 victims, 2,880 families filed claims. The average award for the families of the victims actually killed in the attack averaged \$2 million per victim while 70 people chose to file lawsuits and 23 eligible families took no action. In addition to death claims, 2,680 injury claims have been filed and processed. The average award for injured victims is nearly \$400,000 per injury. Overall, this fund has paid out over \$7 billion in the last 9 years.

We also passed the Victims of Terrorism Tax Relief Act back in 2001 so that the families of the victims would not be subject to Federal income taxes for the year of the attack and also for the previous year to the attack.

We currently have an existing 9/11 benefit program. President Obama requested \$150 million for this budget year. In the years that this program has been in existence, in addition to the program I just explained, it has paid out \$373 million.

As of September 30 of last year, there have been 55,331 first responders in the monitoring and treatment programs that I have just discussed. Of those, 44,754 have received initial exams, and 13,000 have been treated for World Trade Center-related health conditions in the past 12 months alone.

So, in point of fact, we have an existing fund that has paid out over \$7 billion. We have an ongoing fund. The President has asked for \$150 million per year, which the Republicans support. On top of that, we are expected to vote for this new entitlement program, which is over \$7 billion.

My good friend from New Jersey said that it is going to save \$1 billion over the bill that was reported out of the Energy and Commerce Committee several months ago. What he doesn't tell you is the way they do that, which is by using a budget gimmick that simply doesn't fund the program in the year 2019. In fiscal year 2018, the amount provided in the bill would be \$601 million. In 2019, that drops to \$173 million. In fiscal year 2020, there is no funding at all. So they have simply decided that, at a date certain, they would start reducing the amount of money so they could get under their self-imposed budget window.

Mr. Speaker, we want to help the victims of 9/11 in New York City. We certainly want to help the first responders. What we don't want to do is put on the average American taxpayers all around the country a \$7 billion to \$8 billion brand new entitlement program that compensates at health care/Medicare rates of 140 percent above the

baseline. As Congressman SMITH just pointed out, it reopens some of these lawsuits and some of these cases that have already been solved.

So, if you want help, we are willing to help, but let's use the existing program. Let's not create a new program, especially a new entitlement program, which we simply cannot afford at this point in time.

Mr. Speaker, I ask unanimous consent that the gentleman from Illinois (Mr. SHIMKUS), the ranking member of the Health Subcommittee, be given the opportunity to control the balance of the time for the Energy and Commerce Committee's minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ENGEL), who has been a champion on this legislation and who also managed it through the Rules Committee yesterday.

Mr. ENGEL. I thank my friend from New Jersey.

Mr. Speaker, I rise in strong support of this bill.

You know, I am going to try to speak from the heart. Those of us who represent districts in and around New York City all had constituents who died on 9/11. We all had friends who died on 9/11.

Remember after 9/11 how we all banded together as Americans? Remember singing "God Bless America" on the steps of the Capitol? Remember how it didn't matter if you were Democrat or Republican—we were all Americans that day, and we should all still be Americans above and beyond anything else?

I remember, on the Friday after the Tuesday attack, going with President Bush to Ground Zero, where he stood with a bullhorn and a fireman with him, where he pledged that there would be help forthcoming from the Federal Government. All we are asking now is to help these people who got sick—who were selfless, who didn't think of themselves, who responded, and who only wanted to try to help other people. They are now getting sick. They are now dying. They now need our help.

You know, it's not true, my friends, to say, Well, I'm for helping these people, but I'm not for this bill.

The bottom line is this: If you want to help the heroes of 9/11 and the first responders, you vote "yes" on the bill. If you don't want to help them and if you want to make excuses, you vote "no" on the bill. It's as simple as that. Yes or no. Yes or no.

Do we help the people who need our help now, those who responded on 9/11 when government officials told them that the air was clean and that it was okay to go down to Ground Zero, and they went there?

□ 1340

This is not a New York problem or a New Jersey problem or a Connecticut problem. This is an American problem. People are sick from 431 districts of the 435 districts, and who are we to turn our backs on them now?

So I beg my friends on both sides of the aisle, this is bipartisan. We're all American. Vote "yes."

Mr. SHIMKUS. Mr. Speaker, I yield 5 minutes to my colleague and friend, the gentleman from New York (Mr. KING).

Mr. KING of New York. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of H.R. 847, and at the outset, let me commend my colleagues, CAROLYN MALONEY and JERRY NADLER, for the truly outstanding job they've done for all these years and for their directness and for their candor and for always being there when the tough decisions had to be made.

Let me also thank former Congressman Vito Fossella for the work that he did for a number of years when he was here in the Congress on this bill as well.

Let me commend the leadership in both parties. I commend the Democratic leadership for bringing this back up for a majority vote. I commend them for it. I know it's been tough. Some tough decisions had to be made, and they've made them. I thank them for that. I also thank the leadership for the Republican Party for working with a number of us to make sure that it would be a fair and open vote and debate here today. So I thank them for that.

Let me also say that all of us know this has been a long and tortuous route to get this bill to the House floor today. During that time, there's been frustration, tempers have flared, but also, probably most importantly, people have died, and that's what we have to keep in mind. This is a real human issue. We have people sitting here in the gallery today. Many of them have breathing problems. Many of them have pulverized glass in their lungs. Many have poisonous toxins in their bloodstream. So this is real. This is a real human issue.

And I share some of the concerns that Republicans have regarding, for instance, the funding stream, how this is going to be paid for. But the fact is, this is a good bill. We cannot allow the perfect to be the enemy of the good. It's more important to me, I believe, that we take care of those who are truly in need and we look at the bill in full perspective and in full view and keep that in mind. Keep in mind the victims, the men and women who went to Ground Zero on September 11 and stayed there for the days, weeks, and months afterward, and they were on that pile, and they're now suffering the most horrible diseases, diseases and ill-

nesses which we see in our districts when we meet these people. We see them in the stores. We see them at ball games. We see them in church. So this, again, is for real.

So let's, today, try to have the debate as we are, I think, in a very civil way. Let's realize there are honest differences of opinions on both sides, but the reality is, the people in galleries, those who couldn't make it to the gallery today, they don't have the luxury of waiting another 1 year or 2 years or 3 years or 4 years.

I know that people on the Republican side have spoken about various programs that are available. The fact is this is such a unique type of disaster. The illnesses that have come from Ground Zero are very unique to Ground Zero, unfortunately. These are 9/11-type illnesses—the rarest types of cancer, the rarest types of blood disorders. It's essential we have a permanent registry so we will know exactly how these illnesses be treated, so that those in the other 430 districts around the country who could be suffering, for instance, from a cough, which a doctor may think is an innocent cough, will not realize it is a 9/11 cough; those who have symptoms which may otherwise be undetected, they will not realize how significant they are and how they could be directly related to 9/11.

And also, as far as whether or not this is an entitlement, or whatever term we want to use, the fact is, when it came to nuclear workers, Federal nuclear workers, we set up the exact same type of program. Call it entitlement, if you will. That program was set up to take care and compensate those who suffered serious illnesses resulting from their work in nuclear plants on nuclear projects.

As far as the issue of the Victims Compensation Fund and all those who were compensated, the fact is the people we are talking about today, the victims we are talking about today, were people who didn't realize their illness until after the deadline had expired, people who are today just finding out about their illness. It's latent. It's in their bloodstreams. It's in their lungs. And back in 2003 when this program closed, virtually no one knew the extent of the illnesses and diseases that would stem from September 11.

The fact is they are there and they are getting worse and worse, and, as you know, Congressman WEINER just walked in, and he and I always haven't had the highest things to say about each other on the House floor. We're standing here together on this bill today. As he pointed out in the Energy and Commerce Committee hearing, the one thing we can be certain of is that the number of those who are entitled to take part in this program, that number is going to diminish. It is going to diminish because they're dying one by one. So let's keep that in mind.

Again, it goes to the heart of what we should be as a Congress, what we should be as Republicans and Democrats, what we should be as Americans. And those of us, we all stood together on September 11, and 9 years have gone by. And to many people it's something that happened a long time ago, but for those who are suffering today, it's something they live with every moment.

So, with that, I urge everyone to make this as much of a bipartisan vote as possible. Send a message to the country, send a message to the world, and send a message to the victims that they are not forgotten. And not only that, we're not giving them any charity. We're not giving them anything. We're just rewarding them what they're entitled to receive for them putting their lives on the line for us.

With that, I urge adoption of H.R. 847.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would like to remind all Members that remarks in debate may not call attention to visitors in the gallery.

Mr. PALLONE. Mr. Speaker, at this time, I would yield 1 minute to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. I thank the gentleman.

Mr. Speaker, in the weeks after 9/11, I remember colleagues from throughout the Congress approaching those of us who suffered loss and who lost constituents saying, What can I do to help? What do you need? How can I assist? Today, we're taking you up on your offer.

A few weeks ago, we commemorated the ninth anniversary of 9/11 and many people said the right prayers and they gave the right speeches, but now it's time to do the right thing.

To the gentlemen and gentlewomen from Louisiana, when the hurricane swept through, New Yorkers paid to rebuild Louisiana.

To the gentlemen and the gentlewomen from California, when the fires burned, New Yorkers ponied up to help California.

To the gentleman from Texas who spoke earlier today, when Hurricane Alex ripped through Texas, New Yorkers helped pay the bill for recovery.

And I want to be able to say to those gentlemen and gentlewomen that, when the terrorists came to New York, you were there for us, and not just New Yorkers who happened to be there that day, but the 11,000 people who are suffering and ill today.

They're not just New Yorkers. They're Americans living in your districts.

Mr. SHIMKUS. Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. At this time, I yield 1 minute to the gentleman from New York (Mr. HALL).

Mr. HALL of New York. Mr. Speaker, I thank the chairman for yielding.

I rise in strong support of H.R. 847, the James Zadroga 9/11 Health and Compensation Act.

We cannot talk about the 9/11 attacks without remembering the first responders who answered that call that day and safeguard us here every day. Police officers, firefighters, EMTs, and ordinary American citizens rushed into crumbling buildings and then worked countless hours in the days and weeks that followed; and now, more than 9 years later, many of those courageous first responders are suffering from serious illnesses caused by inhaling toxic fumes and particles in air that they were told was clear and safe to breathe.

It is our patriotic duty to protect those who sacrificed for their fellow Americans. This is not a partisan issue. This is an issue of responsibility. Many of my constituents lost loved ones on that day, spent months combing through the rubble for remains, and are now suffering health problems as a result.

Let's honor those who selflessly returned to Ground Zero to save those they did not know by standing together and passing this bill.

Mr. SHIMKUS. I continue to reserve my time.

Mr. PALLONE. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. This is the United States House of Representatives, the United States of America. This is an institution that I am proud to be a Member of, and there comes a point in time in our lives when we just simply must do the right thing, keeping our priorities straight.

This is a political body, but this is not a political issue. It should not be. It was not political when every man and woman went out to save and to sacrifice their own lives, in essence, on 9/11. They went out there not because they were Democrats or Republicans, they're black or white, they're from here or there. They went out there because this is the United States of America. This is the people's House. There comes a time for us not to be political but to take care of our own, and that's what this is all about.

□ 1350

Our own are sick. Our own are dying. And we, in the people's House, need to come to their aid and come to their aid now.

Mr. SHIMKUS. I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, can I just ask the gentleman from Illinois if he has any additional speakers?

I yield to the gentleman.

Mr. SHIMKUS. I don't think we do. I mean, I'm not trying to game you here on this process. I just don't think there are any more, and I would like to close.

Mr. PALLONE. Thank you.

I yield 1½ minutes to the gentleman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. I want to thank the gentleman for yielding.

Mr. Speaker, as is often the case with disasters, on 9/11 and in the weeks that followed, the best of America was on display. Neighborhoods came together to comfort and support one another. Communities in every corner of the country rallied together. In New York City, our brave first responders answered the call valiantly, putting their lives at risk to protect the rest of us.

Over the last 9 years, the full scope of this tragedy's health effects has become increasingly clear. Firefighters, police officers, EMTs, and rescue workers are all suffering respiratory problems. Even schoolchildren and those who work in the area have exhibited health problems. It is estimated that 36,000 people have sought treatment after being exposed to the toxic dust at the World Trade Center site. It is not just New Yorkers who are affected. Ten thousand people traveled from every State of the Union, including Puerto Rico and the territories, to assist in the aftermath of these attacks. Like all of America, these heroes were a diverse group, representing every age, race, religion, and even status. No one asked them for their citizenship status when they stepped in to help. They were all there, and they were all heroes.

This legislation will provide needed benefits for all those who are suffering from the toxins they were exposed to. This is the right thing to do. These brave individuals cast aside their own safety to assist their fellow human beings.

Mr. SHIMKUS. I continue to reserve the balance of my time, Mr. Speaker.

Mr. PALLONE. Mr. Speaker, I now yield 3 minutes to another champion of this bill from our committee, the gentleman from New York (Mr. WEINER).

Mr. WEINER. I thank the gentleman from New Jersey.

You know, I have heard some people describe this bill as an entitlement bill, as if people are lining up to get this benefit. Like someone would really want to be on the list of people eligible to get the money that's eligible under this bill to get the health care. The idea that someone would volunteer or be eager to get the benefits that, in order to get them, you have to have a stew of toxic dust in your lungs, so much that you can't breathe normally, and you cough. And when you hear that 9/11 cough in New York, everyone knows it.

The idea that it's open-ended—no, it's actually a pretty close-ended program in the most final sense of the word, in that many people who have the illnesses that we are trying to treat with this legislation are dying. There are people in this Chamber who are watching these proceedings and those that are home who once upon a time were the most vigorous, fit people

imaginable. And it was because of that vigor and that fitness that they went down to Ground Zero on September 11. They didn't ask to be chosen. They didn't fill out a form. They didn't even wear protective gear. They went down because they felt it was their obligation. They didn't just come from Lower Manhattan. They didn't just come from New York.

As I've said many times, if you were in New York the days after September 11, the streets were clogged with parked ambulances and firetrucks and cars, every license plate imaginable. Those people aren't asking for anything beyond just being able to cure the diseases that they got because they served. That's what this is about.

To my colleagues who oppose this, yeah, I imagine there are 100 different ways you can describe it and you can look at line 7 and page 6 and come up with some reason to be against it. But I would ask my colleagues to take a step back. And every single one of us on September 11 stood up in our districts and said, We are not going to forget the commitment that we made that day. Well, this is the moment. You can't stand up in your district on September 11 and say you won't forget, and have a red light next to your name today. It just doesn't wash. This is the day we repay our debts.

You want to call it an entitlement bill? Okay, they are entitled. They are entitled to our care. They are entitled to our respect. They are entitled to the health care that they need, and they're entitled to a "yes" vote today. Let's give it to them.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of the proceedings is in violation of the rules of the House.

Mr. SHIMKUS. Mr. Speaker, may I ask for how much time is remaining and how many speakers my colleague from New Jersey has.

The SPEAKER pro tempore. The gentleman from Illinois has 5 minutes, and the gentleman from New Jersey has 4½ minutes.

Mr. PALLONE. At this point, I would just close myself, unless someone else comes down. So if you would like to close on our Energy and Commerce time, then I will follow you.

Mr. SHIMKUS. Mr. Speaker, I yield myself the balance of the time.

Our great friends from both sides of the aisle, our great friends from New York, it has been an interesting battle, one that is very tough to be engaged in. They are right. You know, the folks who responded need care. They need to be supported, and that's what we think we have been doing.

When we started marking up this bill, there was \$130 million in the fund.

That was still there, cash on hand. The President, in his budget, said, We can do better than that. We need \$150 million. So that started the process of us deciding what did we need to do and how did we need to do it, especially from the funding perspective.

Now the entitlement debate is an interesting one to get involved in. I am a military veteran. I served actively for 5½ years. I served another 23 in the Reserves. The first line responders are heroes. But our men and women in uniform in Afghanistan, our men and women in Iraq, and our men and women around the world, they are heroes too. They don't have an entitlement program. They go through the regular authorization process. They go through the appropriation process. And you know what? When we go into the political battle, which we are coming upon, people attack folks about whether they are authorizing enough money or whether they are spending enough money. This is what happens here.

We can spin it any way we want, but that's part of our debate. Do you use the same process to authorize funding to fight for the money and spend the money? And we would say, We should use the same categories we do with our military veterans, that we should use the same process we use for our active military forces. Again, the President wanted \$150 million. That's what we agreed upon. That's the amendment that we authorized in the marked-up bill. And some would argue and say, Gosh, there must be nothing being done. Nothing is being done. Well, we know that's not true. CDC has been before the committee twice, saying they have a list. They do have a registry. They are following up. In fact, as of September 30, the World Trade Center Program has enrolled 55,331 responders. There are 55,331 responders in the program now. It's not like we're not doing anything.

There are other issues with the bill. One of the concerns is, when the new health care law cuts money to hospitals under part A, about \$150 billion in payments, the CMS actuary says, Guess what? Ten percent of all hospitals are going to close.

□ 1400

That is under the new health care bill. And it is rural hospitals that are the targets under the new health care law.

Well, this provides more money under Medicare to New York City hospitals, at 140 percent of Medicare payments. We only pay 70 percent of Medicare payments in this country as a whole. But under this law, we are going to provide New York hospitals 140 percent of Medicare costs. So there are real issues of concern here, and it is unfortunate because it didn't have to be this way.

All we asked for was the number that President Obama thought was good. He

said \$150 million. We said, fine, 20 million more than what the money was still in the fund at the time.

And we are also saying they are all heroes. The 9/11 responders are heroes. Let's treat them like our veterans. Let's treat them like our active military. Why should we have a double standard? Can't we fight for their authorizations on an annual basis like we do for our active military and for our veterans? Of course we can.

So, with that, Mr. Speaker, it is, again, unfortunate that we are in this position. We could have had a strong bipartisan bill. We don't have that. People will cast their votes, and they will be held accountable.

I yield back the balance of my time.

Mr. PALLONE. At this time I would like to yield 1 minute to the Speaker of the House and point out that if it wasn't for her efforts, we would not be here today moving this legislation.

Ms. PELOSI. I thank the gentleman, but I, in turn, want to salute Congressman PETER KING, Congresswoman CAROLYN MALONEY, Congressman JERRY NADLER, and the entire bipartisan New York delegation for giving us this opportunity today to do what is right and fair and just.

Mr. Speaker, in observance of 9/11 earlier this month, we stood on the steps of the Capitol, Democrats and Republicans alike, to honor the memory that we lost that day. As we were standing there, I was thinking back to my first visit to Ground Zero. When you went there at that time following the tragedy, you knew that when you stepped there you were walking on sacred ground. There was an incredible silence as the workers feverishly, feverishly tried to retrieve the remains of those who were lost, and just repair the damage that was done to clear the wreckage.

No pictures were allowed in recognition that we were on sacred ground. No photographs were allowed, and of course, silence was generally observed so that those who were working could hear each other as they quietly went about their very, very sad assignment.

They, and those who rushed to the scene in real time when it happened, risked their lives and their health to do so. They didn't ask any questions: Is anybody going to take care of me? They were there to help.

Again, back to the steps of the Capitol. When we were standing there earlier this month, I am sure Congresswoman MALONEY, Congressman NADLER, Congressman KING and others recall that many signs went up in the crowd that was gathered there. It said: "Remember us next week." That was in anticipation that the bill might come up the following week. Well, it is another week later. And we are here today to say that we do remember you this week. We remember what you did

at the time. And it isn't only your sacrifice. It is the sacrifice of your families, of your health and the impact that that has on your family. You are community to New York, so there is the impact that it has on the community, and also the impact on our conscience to do what is right by those who we call heroes and we want to treat as such.

Today we remember all the heroes of 9/11. We praise the strength of thousands of firefighters, rescue workers, first responders and medical personnel who turned tragedy into inspiration and gave of themselves to help a city and our Nation rebuild.

We promised to help those who spent days, weeks and months doing the hard work our government and the American people expected them to do in the recovery effort. They went above and beyond the call of duty. We all know that. We all looked in frustration to think, if only we could help. But they were there. It was emotional, but it was professional. And we pledged to do everything in our power to ensure that their health and well-being would be taken care of. We did not want them to be unsung heroes. We wanted them to be recognized heroes.

Today we are here to honor that pledge. It is long overdue, but nonetheless we are here to do right by these workers and vote for the James Zadroga 9/11 Health and Compensation Act.

Words are, of course, inadequate to recognize and honor the bravery and courage of these brave Americans. But by this act of Congress, more than words, but by this act of Congress, we can truly express our gratitude to the ordinary men and women. Ordinary? No. Extraordinary men and women who took extraordinary action at that time.

Named for Officer James Zadroga, a hero of the New York Police Department who died from respiratory disease contracted during the Ground Zero recovery effort, this legislation will help those who jeopardized their health to rescue others secure necessary medical treatment, especially for the unique exposures suffered at Ground Zero which are real; and ensure survivors and victims' families can obtain compensation for their losses through a reopened 9/11 victims compensation fund.

It is fully paid for. This legislation does not increase the deficit. It is the least we can do for those who answered the call of duty and continue to suffer the ill health effects of their service. On September 11, 2001, all Americans were shocked by the horrifying images of terror and destruction. Yet, in the aftermath of that dark day, we responded in the best possible way, the best way Americans can: with resolve, with courage, with unity and with hope for a better future.

So many of us couldn't be at the scene ourselves. We all were willing to

help. People from all over were trying to send assistance. Those who did, though, did not do so for recognition or accolades or awards or medals. They did it because their fellow Americans were in need. In those acts they became heroes.

The American people are looking to us to cast a vote that will allow these heroes to live out their lives with health and happiness.

Again, I want to commend Congresswoman CAROLYN MALONEY, Congressman JERRY NADLER, Congressman PETER KING—thank you, PETER—for their efforts to bring this bipartisan bill to the floor.

We are all inspired by the firefighters and first responders who have advocated so hard and so long on behalf of their fellow heroes. And I am so pleased that so many of them are with us today to help us make this historic decision.

We must now join together to provide this critical assistance. We must vote "aye" for the Health and Compensation Act. We must do so in a strong, bipartisan manner.

I thank our colleagues for the personal involvement that they have taken in this. At times it has been emotional. There is a lot of passion in this issue, but this bill is a very dispassionate response to the needs of our heroes. Let's get a great big vote for it today.

□ 1410

Mr. PALLONE. Mr. Speaker, can I inquire how much time remains?

The SPEAKER pro tempore (Mr. CUELLAR). The gentleman from New Jersey has 3½ minutes.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

I have heard Members on the other side of the aisle talk about this as an entitlement program. I want to stress it is not an entitlement program. It is not a budget gimmick. The program sunsets in 10 years. The funding is capped. Enrollment is capped. The population can't grow beyond the enrollment cap in the bill.

I hear from the opponents all about money, how much money is going to New York hospitals. I want to stress that this isn't really about who is going to pay for somebody's health insurance.

One of the centers where people go for treatment is in my home State of New Jersey, in my district, at Rutgers, and my understanding is many, if not most of the people who go there, actually have health insurance. The problem is that we are creating these centers, and we want to make sure that they are there for a long time because they serve a very important purpose. People go there because they have particular diseases that come from the World Trade Center attack that can't be treated at other locations. And even

if they go to their doctor, they end up coming here because they know how to treat and get the specialty care that they need.

They also provide research. Many of these people don't contract the diseases until later in life; and I think, as time goes on, we are going to see, unfortunately, even more problems. At these centers they do the research to look and see what kind of treatment might be necessary as more and more people, unfortunately, come down with the diseases that resulted from the World Trade Center attack.

So I know there is a lot of talk about money from the other side. And I don't mean to say that money isn't important, but I want people to understand, I want everyone to understand, this is not really about money. This is really about having a specialized program where people can be treated who sacrificed everything for America, and these centers need to be here. They need to be here a long time from now, even when there aren't people that are going to be down here and asking that this program continue. That is why this program has to be set up in this fashion today. It has to be properly funded. It has to be available for anyone who suffered any kind of disorder from this World Trade Center attack.

Do I have any additional time, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has 1 minute remaining.

Mr. PALLONE. I would yield that to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I traveled this journey with all of you. And Congresswoman MALONEY, I wanted to come and thank you, along with the chairpersons of the Energy and Commerce and the Judiciary Committees, for never giving up.

I think it is important to note that this bill will cover Pennsylvania, the Pentagon, and New York. And for those of us who listened to the families and the witnesses or the first responders themselves who saw the pain, and particularly those who already lost their lives, I think that this is a major step of balance, putting this in a system and a structure that has oversight, that provides ongoing care and provides for the coverage of those who, to this date, have suffered without coverage and comfort.

So I rise to support this legislation, and I am very glad that the Judiciary Committee and Energy and Commerce continued to work, even when we were thwarted and rejected. We are now back with, I hope, the right approach, bipartisan approach. And I would ask all of my colleagues to ask the question what would they want to do for 9/11 responders, and that is, vote "yes."

Mr. Speaker, I stand in support of H.R. 847, the James Zadroga 9/11 Health and Compensation Act. As this Nation remembers,

September 11, 2001, terrorists attacked the World Trade Center and the Pentagon. An airplane was also crashed by terrorists in Shanksville, Pennsylvania. The first responders including firefighters and emergency personnel, who assisted to the heinous attacks on the World Trade Center, were exposed to extremely toxic dust resulting from the collapse of the Twin Towers.

This exposure has resulted in serious respiratory, related illnesses and serious medical conditions. I concur with my colleagues, enacting this offset into law has far reaching ramifications nationwide. This critical health program would monitor and provide specialized treatment through Centers of Excellence for responders including emergency personnel, rescue, and clean-up workers who responded to the 9/11 attacks on the World Trade Center, the Pentagon, and Shanksville, as well as residents, workers, and students who returned to the World Trade Center area shortly after the attacks.

Seventy-one thousand individuals are enrolled in the World Trade Center Health Registry, indicating they were exposed to the toxins. 36,000 Americans have received treatment for 9/11 related illnesses or injuries and over 53,000 responders are enrolled in medical monitoring. Additionally, over 10,000 people from across the country were on hand to assist in the aftermath of the 9/11 attacks. These responders came from nearly every congressional district and all 50 States. Funding for this health program to monitor and treat these responders and residents for resulting health conditions stemming from the terrorist attacks.

Due diligence has been taken to assure that this offset will not adversely affect most foreign multinationals corporations by this offset. Most foreign multinationals will not be affected; given that these companies are organized in countries the U.S. has income tax treaties.

It is imperative that we represent the tax payers of this Nation and close a loophole that has provided those multinational corporations, unfair competitive advantage over U.S. firms—allowing them to hide or shield their taxable income. This offset that must be enacted into law, would provide greater U.S. competition over rival foreign companies and illegal tax structures. Under the previous administration, the Under Secretary for Tax Policy clearly indicated some countries the U.S. has tax treaties negotiated decades ago, have adjusted their tax laws to become more like tax shelters.

Must we allow this to continue and unfairly allow the shifting of income out of the U.S. tax jurisdiction and further erode our U.S. corporate tax base. This offset will aid U.S. based companies and eliminate their unfair competitive advantage afforded them through the U.S. tax code to these companies that have become tax shelters. Let us be clear, this offset seeks only those companies that have intentionally attempted to avoid U.S. taxes and disadvantage their U.S. competitors.

As we enact fiscally sound and responsible legislation, it is important to note, this critical change is estimated to increase revenues by an estimated \$7.4 billion over 2011 through 2020.

We must live up to our obligation and not let the tragedy of 9/11 persist and continue to

deeply scar those who we should laud as this Nation's heroes. We must applaud our responders and show them that assistance is clearly at hand. I was pleased to work long years on the Judiciary Committee with Chairman CONYERS to come to this day.

I thank Representative CAROLYN MALONEY and my colleagues in advance who will rise in support of this important Act and reconfirm our commitment to this nation, and our first responders.

Mr. Speaker, I strongly support H.R. 847 and ask for its immediate adoption.

The SPEAKER pro tempore. The gentleman from New York (Mr. RANGEL) and the gentleman from Louisiana (Mr. BOUSTANY) each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from the sovereign State of New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, many folks from New Jersey, both first responders and workers, went to New York after this tragedy. There is no question that, when you look at the records, that there were people from all 50 States in Lower Manhattan on 9/11 and after 9/11. There are 435 congressional districts, and 430 of them were represented by the names of constituents on the World Trade Center Health Registry.

But you don't need that. You need to look at the two reports from Mount Sinai Hospital, a great hospital in New York City, to see the number of people that went to that hospital who worked on that pile even after they were given the all-clear signal by the government, not self-imposed.

What in God's name are we doing to ourselves and arguing amongst ourselves when we know that this is the right thing to do? Get out of the bureaucracy nightmare. Let's do something together for a change. The only thing we have to show for it is bickering over the last 2 years, and what did that bring us? These folks deserve our help, and they deserve it now.

Mr. Speaker, I am so proud to standing here to support our heroes from 9/11.

Today—more than four and a half years after the death of NYPD Det. James Zadroga—I am here to say that we need to pass the James Zadroga 9/11 Health and Compensation Act right away because we are losing these brave souls as we speak.

I'm sad to say it's now been nine years since 9/11 and we still haven't passed the James Zadroga 9/11 Health and Compensation Act—nine years is too long to wait and watch as our first responders from that day continue to suffer physically and emotionally—nine years is late, BUT it's not too late to do the right thing. We need to pass this bill and we need to pass it now.

Nine years ago we gave those brave souls the "all clear" sign, but the government now knows that we were exposing those men and women to a poisonous dust that would stay with them for the rest of their lives.

I have to admit it bothers me greatly that there were Members of this body who not only voted against the 9/11 Health Bill the last time, but spoke strongly against it as well.

And yet I imagine earlier this month on the ninth anniversary of the attacks they spoke eloquently about the loss we all suffered as a nation—and they would be right on that point, but they would also be hypocrites if they vote against the 9/11 Health Bill today.

I am proud to say that as a member of the Ways & Means Committee we found a way to pay for this bill so that we can do the right thing for our 9/11 workers AND for our children who will bear the debt of the decisions we make today.

So the choice is clear do we support a responsible course to do right by our heroes—or do we support keeping open foreign tax loopholes?

This isn't just a bill for New York and New Jersey—This is a bill for all Americans.

We know that people from all 50 states were in lower Manhattan on or after 9/11 and now are facing serious health concerns—there are 435 Congressional Districts and 431 of them are represented by the names of constituents on the World Trade Center Health Registry.

After 9/11 we all said we would be there for these brave first responders—but today if we vote against this bill we are asking those same brave individuals to come to Washington, year after year to fight for their health benefits—do we expect them to come here ten years from now?

By then it may be too late for many of these men and women who responded to their nation's call of duty.

I urge all my colleagues to support the James Zadroga 9/11 Health and Compensation Act.

Mr. BOUSTANY. I yield myself such time as I may consume.

Mr. Speaker, everyone in this Chamber salutes the heroic actions of those countless brave Americans, both first responders and ordinary citizens, who put sacrifice over self in responding to the tragic events of 9/11. In the wake of unspeakable tragedy in New York City, at the Pentagon, and in Shanksville, Pennsylvania, we also saw America at its best.

Now, we have already heard considerable debate today, passionate debate, about the new health care entitlement this bill would create, and I think reasonable people can disagree about whether that program, that particular entitlement is appropriate. But I want to focus my remarks on the other part of this bill and on the unfortunate decision of our friends in the majority to pay for this legislation with a highly controversial tax increase on employers that our economy and our workforce simply cannot afford.

Mr. Speaker, the bill would impose a \$7.4 billion tax hike on U.S. businesses that happen to be headquartered overseas but that create good, high-paying American jobs right here at home in communities across this great country. These "insourcing" companies provide

significant employment in the United States, with many of these jobs in the manufacturing sector.

This tax increase will make it less attractive for many of these insourcing companies to initiate or expand operations here in the United States, potentially encouraging them to ship these jobs overseas. With the unemployment rate hovering near 10 percent and businesses across the country continuing to struggle to meet payroll, now is the worst possible time for a tax hike on employers that will cost us more jobs.

□ 1420

This is not the first time House Democrats have tried to enact this particular tax hike, and it probably won't be the last. That is because even the Senate, Senate Democrats, continue to reject it, since it would not only cost jobs, but also violate our international treaty obligations. Even the Obama administration's own Treasury Department has testified before the House Ways and Means Committee that it "has concerns about the specifics of this provision and whether it will override many of our income tax treaties."

Mr. Speaker, all of us, all of us in this Chamber recognize the hardships experienced by those brave Americans who responded to the events of 9/11. But a tax increase on employers that will cost other Americans their jobs is not the answer. We could have done this in a bipartisan way, but it is unfortunate we are not there today. I urge my colleagues to reject this harmful, misguided tax increase.

I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself 1 minute.

This is not a tax question. This is a moral question. This is one of the most serious abuses that we have in the Tax Code. It has come before this august body before and it has been supported for sound tax reasons.

We are here today because we were given the opportunity by Mrs. MALONEY and Mr. NADLER and the people of the State of New York to bring this before the House, with the support of the Speaker of the House. We had hoped so badly that this bipartisan issue would get a bipartisan vote.

We have an opportunity to say thank you, not for those people who are jobless and helpless, but for those people who gave up their lives and their families that are surviving, and those heroes that came to the site, came to the pile, and exposed themselves to these death-threatening diseases.

We have a chance not to talk about loopholes that we have in our Tax Code, but loopholes we have in the hearts of people who want to say thank you to these brave men and women. From all over the country people came, and they didn't thank New Yorkers, they thanked the people who cared

about what was happening to the United States of America.

This flag is up, this flag is waving, and we really hope everyone gets a chance to salute it by saluting these people to be an example for Americans when anybody attacks us.

I reserve the balance of my time.

Mr. BOUSTANY. Mr. Speaker, I yield myself such time as I may consume.

I am from Louisiana and we are no stranger to tragedies, but this is being presented on the other side as an either/or proposition. The bottom line is we could have actually done better, we could have done better, and I am deeply concerned about those who will lose their jobs as a result of these tax provisions. It is important to recognize that.

Don't just take my word for it. I have three letters here that I want to enter into the RECORD. These were addressed to the House Ways and Means Committee leadership. One is from the Organization For International Investment, a second from the U.S. Chamber of Commerce, and a third from the National Foreign Trade Council, all of which highlight the potential for significant job loss.

As a physician I can say one of the first maxims I have always followed is first do no harm. We could have done better, Mr. Speaker.

ORGANIZATION FOR
INTERNATIONAL INVESTMENT,
September 29, 2010.

Hon. SANDER LEVIN,
*Chairman, Committee on Ways and Means,
House of Representatives, Washington, DC.*
Hon. DAVE CAMP,
*Ranking Member, Committee on Ways and
Means, House of Representatives, Wash-
ington, DC.*

DEAR CHAIRMAN LEVIN AND REPRESENTATIVE CAMP: On behalf of the Organization for International Investment (OFII), I am writing to express continued concern with section 301 of the James Zadroga 9/11 Health and Compensation Act (H.R. 847). While we recognize the need for revenue, we must oppose this provision as an offset because it represents a clear and harmful override of our existing U.S. income tax treaties. Although positive changes were made to this proposal since it was originally introduced as an offset to the 2007 Farm Bill (H.R. 2419), OFII remains opposed because it still uniquely discriminates against U.S. subsidiaries of companies headquartered abroad and clearly violates many of our international agreements.

OFII is the largest association of U.S. subsidiaries of companies headquartered abroad. U.S. subsidiaries play an important role in the growth and vitality of the U.S. economy. They provide high-paying jobs for over five million Americans and account for almost one-fifth of all U.S. exports. A discriminatory tax increase sends a negative signal to international investors and may dissuade these companies from choosing the United States as a location for job creating investment.

As drafted, this proposal would unilaterally override many of our bilateral income tax treaties and could lead to retaliatory actions by other countries or withdrawal by our treaty partners from existing treaties, negatively impacting international business transactions. The Senate has opposed this

and similar provisions twice in the past two years for these reasons.

Congress has not held any hearings to examine this issue and whether the proposal is the appropriate remedy to address any perceived concerns. In this regard, there is no evidence that existing safeguards, including the substantial and restrictive anti-treaty shopping provisions (so-called "Limitation on Benefits" (LOB) provisions) contained in most of our current U.S. income tax treaties, are ineffective. Further, if material tax abuses were evident, the Treasury could implement changes to the U.S. Model Tax Treaty that would avoid the negative consequences of violating our international agreements.

Since a similar proposal was introduced in 2007, the Treasury has taken great strides to update the three bilateral tax treaties without LOB provisions (Iceland, Hungary, Poland).

A protocol adding an LOB provision to the Iceland treaty was negotiated by Treasury and ratified by the Senate in 2008. A similar protocol with Hungary has been negotiated and initialed and could be ratified this year. Treasury is expected to pursue a similar amendment to the treaty with Poland during 2010-2011.

Consistent with the conclusions in the Treasury Report that was released in November 2007 that reviewed potential abuse of income tax treaties, OFII believes re-negotiation of existing income tax treaties without LOB provisions is a more appropriate way to address the concerns underlying this provision and we urge you to oppose including this provision in the final version 9/11 Health and Compensation Act. We would be glad to discuss our concerns with your staff in greater detail.

Sincerely,

NANCY L. MCLERNON,
President & CEO.

CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA,
Washington, DC, September 28, 2010.

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, urges that a provision related to taxation of foreign owned companies be removed from H.R. 847, the "James Zadroga 9/11 Health and Compensation Act of 2010," because H.R. 847 is an inappropriate vehicle for such esoteric and unrelated concerns.

The Chamber strongly opposes a tax on foreign-owned companies doing business in the United States. The provision included in H.R. 847 would raise taxes on foreign corporations that invest and create jobs domestically, would discourage foreign investment in the United States, override long-standing tax treaties, damage U.S. relationships with major trading partners, and could prompt retaliation by foreign governments against U.S. companies operating abroad.

Furthermore, the provision would further aggravate already unsettled financial markets. At a time when governments around the world are enhancing their companies' competitiveness by cutting corporate taxes, this provision would create an even more hostile tax environment in the United States. Such a provision sends precisely the wrong message to those firms wanting to invest in America.

This taxation provision should not be shoehorned into H.R. 847, which is legislation

targeted at the needs of some responders to the 9/11 terrorist attack. Should Congress seek to consider tax-related legislation during the few remaining session days before the election, the Chamber believes Congress should take up legislation that would help promote economic growth, especially legislation to extend all of the expiring 2001 and 2003 tax provisions and the tax provisions that expired at the end of 2009.

Sincerely,

R. BRUCE JOSTEN,
*Executive Vice President,
Government Affairs.*

NATIONAL FOREIGN
TRADE COUNCIL, INC.,
Washington, DC.

Hon. SANDER LEVIN,
*Chairman, Committee on Ways and Means,
House of Representatives, Washington, DC.*

Hon. DAVE CAMP,
*Ranking Member, Committee on Ways and
Means, House of Representatives, Wash-
ington, DC.*

DEAR CHAIRMAN LEVIN AND RANKING MEMBER CAMP: The NFTC, organized in 1914, is an association of some 300 U.S. business enterprises engaged in all aspects of international trade and investment. Our membership covers the full spectrum of industrial, commercial, financial, and service activities, and we seek to foster an environment in which U.S. companies can be dynamic and effective competitors in the international business arena. The NFTC opposes the provision included with the "James Zadroga 9/11 Health and Compensation Act of 2010" that would undermine and override our existing U.S. bilateral income tax treaties.

The NFTC has long supported the expansion and strengthening of the U.S. tax treaty network. Tax treaties reduce certain taxes on cross-border investment and offer other provisions that will greatly benefit U.S. trade and investment. The abrupt changes to the U.S. tax treaties inherent in this legislation could seriously impair the ability of the U.S. Treasury to negotiate tax treaties and protocols with our trading partners.

The provision would raise taxes on foreign corporations that invest and create jobs in the United States, would further discourage foreign investment in the U.S., and damage U.S. relationships with our major trading partners.

The provision could also prompt retaliation by foreign governments and would damage the credibility of our tax treaty negotiators. The Treasury Department places a high priority on preventing abuse or misuse of tax treaties. The broad brush approach that overrides existing agreements could impair on improving limitation on benefit provisions in future treaties and protocols.

Congress has not directly held any hearings to examine this issue and whether the proposal is the appropriate remedy to address any perceived concerns. Treasury has taken great strides to update tax treaties to tighten the limitation on benefit provisions. Any changes to the limitation on benefits provisions should be negotiated by the U.S. Treasury, and should not be dealt with through legislation.

The NFTC urges Congress to remove this provision from the legislation to avoid undermining our existing income tax treaty system.

Sincerely,

CATHERINE SCHULTZ,
Vice President for Tax Policy.

Mr. Speaker, I yield back the balance of my time.

Mr. RANGEL. Mr. Speaker, before I recognize the next speaker, I would just like to say when voters get an opportunity to ask the question, "and what did you do to help these people who have given so much of their lives to this cause," that you just won't have to say that you tried to save jobs through an abusive tax provision.

Our country wants to say thank you. Certainly our New York delegation in Congress does too.

One of our Members felt this strongly. He felt it as an American, but he felt it also as a relative that had lost so much in this attack on the United States of America.

For purposes of closing, Mr. Speaker, I recognize JOSEPH CROWLEY from the State of New York.

Mr. CROWLEY. I thank my colleague and friend from New York (Mr. RANGEL) for yielding me this time.

Mr. Speaker, I rise in strong support of this bill. I would like to thank those who are here today for the debate who served our Nation so nobly on 9/11 and the days and months following. We thank you for your bravery and for your service.

It has been 9 years since the terrorist attack that took the lives of close to 3,000 of our fellow Americans. Over those years, speeches have been offered and medals have been awarded and promises have been made—promises have been made, and yet not fulfilled—all regarding our 9/11 heroes. But 9 years later, the most important commitment and tribute remains to be fulfilled.

The first responders, the first rebuilders, and the residents who risked their lives at Ground Zero are still waiting for much-needed health care services. These are the heroes who dug through the broken glass and the debris, and, yes, through human remains. These are the heroes who were urged by our Federal officials, return to life as usual in downtown New York because "the air is safe."

Well, the government was wrong. The air was not safe, and now many, too many, are suffering as a result.

Today we once again have the opportunity to honor our commitment that we made to those who answered the call to service. By passing the James Zadroga 9/11 Health and Compensation Act, we will provide critical health care service to those who stood up for America.

As many of you know, my cousin, Battalion Chief John Moran, died on September 11. Many in the gallery above us knew my cousin John. As I mentioned back in July, his last known words to his driver that day were, "Let me off here. I am going to try to make a difference." "Here" was World Trade Center Tower Two.

John died with honor and in service to his country, and I know that he would have wanted it no other way.

But John, like the thousands of others who perished that day, would also want us to know that he would want the victims and the heroes of 9/11 who survived not to be forgotten.

We don't need all of our colleagues' votes. What we need is your respect for the victims, for the families, for the survivors. And for one hour, and for one day, and with one vote, do not do what is politically correct, but do what is patriotically correct, and vote for this bill.

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise again today in support of H.R. 847, the James Zadroga 9/11 Health and Compensation Act of 2010.

Voting for this bill is essential if we want to honor the true heroes of 9/11. These heroes are the firefighters, police officers, rescue workers, and volunteers who risked their lives to help the country during one of its darkest periods only to be misinformed by that country with respect to conditions at the World Trade Center crash site. They deserve our help. It is our duty to provide it to them.

In the days after 9/11, Congress came together and—in a truly bipartisan effort—conceived of a system through which the victims of those terrible attacks could obtain medical treatment and just compensation. As we learned in various hearings and markups before the Judiciary Committee, that system was a stunning success.

The 9/11 Victims Compensation Fund, for example, quickly compensated those who were injured or lost close family members in the attacks. Just over \$7 billion was paid out in a 33-month period, with overhead costs of less than 3 percent, and with 97 percent of the families of deceased victims opting into the fund rather than pursuing tort relief in the courts. As Special Master Kenneth Feinberg stated in his written testimony before our committee earlier this year, "this was one of the most efficient, streamlined and cost effective programs in American history."

Despite its incredible success, however, the job is not quite done. There remain thousands of people who require the protection of the VCF, but who—by no fault of their own—were unable to take advantage of it when it was available. This includes first responders, workers, and volunteers from around the country who rallied to help locate survivors, recover the dead, and clean up debris from the fallen towers. These are the people that the Nation and the world watched on television as they dropped everything in their own lives to rush to aid those who needed it the most.

They were told by their government that the air was safe to breathe. But many are now sick and suffering because of their exposure to the toxic dust that covered much of lower Manhattan.

People are sick and will continue to get sick because of their exposure to World Trade Center dust. We must resolve this problem, and that means passing H.R. 847.

The bill would provide medical monitoring and treatment to the continuing victims of the 9/11 attacks. It would also reopen the 9/11 Victims Compensation Fund to provide compensation to those victims.

One thing is clear: the status quo is unacceptable. Worker's compensation has failed.

Medical programs aren't covering enough people. And the World Trade Center Captive Insurance Fund, created by Congress to resolve claims such as those that remain outstanding, has instead used the money appropriated to contest each and every one of those claims. Six years and \$300 million in administrative and legal costs later, the Captive Insurance Fund has settled less than 10 claims.

I believe this bill, while perhaps not perfect, goes a long way to establishing a fair and just program to care for and compensate those who continue to bear the deep scars from 9/11. I urge my colleagues to support this bill, which is the result of a great deal of work on both sides of the aisle, and in the end is just the right thing to do.

I congratulate Ms. MALONEY, Mr. NADLER, Mr. KING of New York and the other members of the New York delegation for their long struggle to bring this bill to the floor. I also thank Speaker PELOSI for her strong commitment to helping the heroes and heroines of 9/11.

Mr. HOLT. Mr. Speaker, as a cosponsor of the James Zadroga 9/11 Health and Compensation Act of 2010, I urge passage of this important bill.

Today the House has the opportunity to honor the rescue and recovery workers who served our Nation after the devastating attacks at the World Trade Center on September 11, 2001 and, more important than empty honor, to provide for their care. My district suffered casualties that day and nine years later, the memory of that terrible day is still fresh in our minds.

Along with the victims of 9/11, there were thousands of rescue and recovery workers who came to the aid of our Nation that day. These brave women and men rushed to Ground Zero to help the fallen and to participate in the clean-up effort without thinking about their health or safety. These workers were exposed to environmental hazards and have developed significant respiratory illnesses, chronic infections, and other medical conditions. Further, many first responders are only now being diagnosed with illnesses that are related to their exposure at Ground Zero.

The Zadroga 9/11 Health and Compensation Act of 2010 would create the World Trade Center Health Program (WTCHP). The program would provide medical monitoring and treatment benefits to first responders and workers who were directly affected by the attacks. Additionally, the program would establish education and outreach programs and conduct research on physical and mental health conditions related to the 9/11 attacks. The program would continue until 2020 and the total federal spending would be capped at \$4.6 billion. The WTCHP program would serve more than 75,000 survivors, recovery workers, and members of the affected communities.

This bill provides long-term health care and compensation for thousands of responders and survivors. By passing this bill, we will be paying tribute to the sacrifice and courage of these women and men and we will be paying a debt. This bill will be paid for with a partnership with New York City and by closing tax loopholes.

When this bill was considered by the House before, some in the minority party put politics

over these brave first responders. Today, we get a second chance to approve this important piece of legislation. We cannot let our first responders down.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H.R. 847, the "James Zadroga 9/11 Health and Compensation Act," which will ensure that 9/11 emergency responders receive quality health care to address the lingering health effects resulting from their brave service on September 11, 2001.

I thank Chairman WAXMAN for his leadership in bringing this bill to the floor. I also thank the sponsor of this legislation, Congresswoman MALONEY, for her attention to this important issue.

Mr. Speaker the courageous men and women who responded to the attacks of September 11, 2001 thrust themselves into a life-threatening situation, risking everything to respond to one of our Nation's most devastating tragedies. Many of these firefighters and emergency responders died in the aftermath of the attacks; I am forever grateful for these men and women who made the ultimate sacrifice. Many of those who survived continue to suffer from serious health issues, ranging from respiratory illness to post-traumatic stress syndrome. These individuals deserve our assurance that they will always receive first-rate care.

Unfortunately, since the closing of the 9/11 Compensation Fund on March 31, 2003, many first responders have had to fight just to get the medical treatment that they need. This bill will change that. H.R. 847 will fund through 2019 the World Trade Center Health Program, ensuring that first responders suffering from 9/11-related health problems will be able to get care. The bill will also establish medical centers of excellence throughout the country to serve 9/11 responders. Currently many 9/11 emergency responders who no longer live in New York/New Jersey metro area are required to return there in order to receive care, a requirement that is often prohibitively inconvenient.

Mr. Speaker, H.R. 847 is part of our ongoing obligation to the brave men and women who responded to 9/11. I urge my colleagues to join me in supporting this bill.

Mr. ACKERMAN. Mr. Speaker, I rise today in the strongest possible support of the 9/11 Health and Compensation Act, H.R. 847.

Mr. Speaker, we are here again on the floor of the House to consider doing the decent thing: helping the living victims of the 9/11 who continue to suffer the terrible effects of that day. For too long, the federal government has not stepped-up enough to help the responders, volunteers, workers and residents that went to Ground Zero during and after the horrific 9/11 attack. For too long, this Congress has not acted to help these victims on a permanent basis. Tragically, some of the very people that we want to help with this legislation have already died. Thousands of Americans who responded need medical treatment now. Thousands more will need treatment in the future. Nine years is too long; we must show the American people today that their representatives can put away their differences and work together to pass this bill. The sick and injured don't care about offsets

and they don't care about election-year politics.

The horrific attack of 9/11 wasn't just an attack on New York City; it was an attack upon the entire United States. The brave men and women in uniform who risk their lives every day in Afghanistan and elsewhere aren't defending just New York City, they're defending America. Responders came to Ground Zero in the thousands from all around the country, from almost every Congressional District. Over 13,000 responders to Ground Zero are sick now and already are receiving medical treatment. Another 53,000 responders are currently being medically monitored and 71,000 individuals are enrolled in the World Trade Center Registry, meaning they were exposed to toxins at some point. In the coming years, these numbers will only increase as symptoms and conditions related to exposure to Ground Zero begin to manifest themselves in the victims. This measure would monitor and provide treatment to responders to Ground Zero and build on the existing monitoring and treatment programs. There's also an economic component to this bill. Victims would be able to be compensated for their economic losses and contractors would receive liability protection. We must pass this bill not only because it's the right thing to do for those people who are sick, but for the next generation of responders who will have to think twice about volunteering and working at a site of a terrorist attack.

So, Mr. Speaker, I urge all my colleagues to support the 9/11 Health and Compensation Act so that all the victims of 9/11 will receive the medical care and help they need and deserve.

Mr. BISHOP of New York. Mr. Speaker, I rise in strong support of this bill and thank the leadership for giving it a second chance. The heroes who responded on September 11th certainly deserve a second chance.

Those heroes didn't hesitate. Americans united immediately on September 11th. But 9 years later, this House remains divided.

First responders, survivors, and their families have waited too long for Congress to act. On this congressional session's final day, we must fulfill our promise to care for them and treat them for their exposure to toxins at Ground Zero.

Residents of Eastern Long Island, who I proudly represent, are getting sick, as are thousands who came from nearly every state. This isn't just a New York issue, it's an American issue.

I urge my colleagues on both sides of the aisle to unite in support of our heroes by voting for the 9/11 Health and Compensation Act.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1674, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. LEE of New York. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LEE of New York. In its present form.

Mr. WAXMAN. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Lee of New York moves to recommit the bill H.R. 847 to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendment:

In subparagraph (A) of section 3312(c)(1) of the Public Health Service Act, as added by section 101 of the bill, strike “the payment rates that would apply to the provision of such treatment and services by the facility under the Federal Employees Compensation Act” and insert “payment rates equal to the payment rates for similar services under parts A and B of title XVIII of the Social Security Act”.

Strike title III and insert the following (and make such changes to the table of contents in section 1(b) as may be necessary):

TITLE III—REPEAL OF CERTAIN SPENDING PROVISIONS IN PATIENT PROTECTION AND AFFORDABLE CARE ACT

SEC. 301. REPEALS.

(a) IN GENERAL.—The following provisions are hereby repealed:

(1) Subsections (a), (b), (c), (e), (g), (h), (i), (j), (k), (l), and (m) of section 1899A of the Social Security Act (relating to Independent Payment Advisory Board) and subsections (b) and (c) of section 3403 of the Patient Protection and Affordable Care Act (and the amendments made by such subsections).

(2) Section 4002 of such Act (relating to the Prevention and Public Health Fund).

(3) Subsections (a), (b), (c), and (d) of section 6301 of such Act (and the amendments made by such subsections) (relating to patient-centered outcomes research).

(4) Section 10502 of such Act (relating to improving infrastructure of a single health care facility).

(b) CONFORMING AMENDMENTS.—In the table of contents in section 101 of the Patient Protection and Affordable Care Act, strike the items relating to sections 3403, 4002, and 10502.

At the end of the bill, add the following new title (and make such changes to the table of contents in section 1(b) as may be necessary):

TITLE V—ENACTING REAL MEDICAL LIABILITY REFORM

SEC. 501. ENCOURAGING SPEEDY RESOLUTION OF CLAIMS.

The time for the commencement of a health care lawsuit shall be 3 years after the date of manifestation of injury or 1 year after the claimant discovers, or through the use of reasonable diligence should have discovered, the injury, whichever occurs first. In no event shall the time for commencement of a health care lawsuit exceed 3 years after the date of manifestation of injury unless tolled for any of the following—

(1) upon proof of fraud;

(2) intentional concealment; or

(3) the presence of a foreign body, which has no therapeutic or diagnostic purpose or effect, in the person of the injured person.

Actions by a minor shall be commenced within 3 years from the date of the alleged manifestation of injury except that actions by a minor under the full age of 6 years shall be commenced within 3 years of manifesta-

tion of injury or prior to the minor's 8th birthday, whichever provides a longer period. Such time limitation shall be tolled for minors for any period during which a parent or guardian and a health care provider or health care organization have committed fraud or collusion in the failure to bring an action on behalf of the injured minor.

SEC. 502. COMPENSATING PATIENT INJURY.

(a) UNLIMITED AMOUNT OF DAMAGES FOR ACTUAL ECONOMIC LOSSES IN HEALTH CARE LAWSUITS.—In any health care lawsuit, nothing in this title shall limit a claimant's recovery of the full amount of the available economic damages, notwithstanding the limitation in subsection (b).

(b) ADDITIONAL NONECONOMIC DAMAGES.—In any health care lawsuit, the amount of noneconomic damages, if available, may be as much as \$250,000, regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same injury.

(c) NO DISCOUNT OF AWARD FOR NONECONOMIC DAMAGES.—For purposes of applying the limitation in subsection (b), future noneconomic damages shall not be discounted to present value. The jury shall not be informed about the maximum award for noneconomic damages. An award for noneconomic damages in excess of \$250,000 shall be reduced either before the entry of judgment, or by amendment of the judgment after entry of judgment, and such reduction shall be made before accounting for any other reduction in damages required by law. If separate awards are rendered for past and future noneconomic damages and the combined awards exceed \$250,000, the future noneconomic damages shall be reduced first.

(d) FAIR SHARE RULE.—In any health care lawsuit, each party shall be liable for that party's several share of any damages only and not for the share of any other person. Each party shall be liable only for the amount of damages allocated to such party in direct proportion to such party's percentage of responsibility. Whenever a judgment of liability is rendered as to any party, a separate judgment shall be rendered against each such party for the amount allocated to such party. For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant's harm.

SEC. 503. MAXIMIZING PATIENT RECOVERY.

(a) COURT SUPERVISION OF SHARE OF DAMAGES ACTUALLY PAID TO CLAIMANTS.—In any health care lawsuit, the court shall supervise the arrangements for payment of damages to protect against conflicts of interest that may have the effect of reducing the amount of damages awarded that are actually paid to claimants. In particular, in any health care lawsuit in which the attorney for a party claims a financial stake in the outcome by virtue of a contingent fee, the court shall have the power to restrict the payment of a claimant's damage recovery to such attorney, and to redirect such damages to the claimant based upon the interests of justice and principles of equity. In no event shall the total of all contingent fees for representing all claimants in a health care lawsuit exceed the following limits:

(1) 40 percent of the first \$50,000 recovered by the claimant(s).

(2) 33½ percent of the next \$50,000 recovered by the claimant(s).

(3) 25 percent of the next \$500,000 recovered by the claimant(s).

(4) 15 percent of any amount by which the recovery by the claimant(s) is in excess of \$600,000.

(b) APPLICABILITY.—The limitations in this section shall apply whether the recovery is by judgment, settlement, mediation, arbitration, or any other form of alternative dispute resolution. In a health care lawsuit involving a minor or incompetent person, a court retains the authority to authorize or approve a fee that is less than the maximum permitted under this section. The requirement for court supervision in the first two sentences of subsection (a) applies only in civil actions.

SEC. 504. ADDITIONAL HEALTH BENEFITS.

In any health care lawsuit involving injury or wrongful death, any party may introduce evidence of collateral source benefits. If a party elects to introduce such evidence, any opposing party may introduce evidence of any amount paid or contributed or reasonably likely to be paid or contributed in the future by or on behalf of the opposing party to secure the right to such collateral source benefits. No provider of collateral source benefits shall recover any amount against the claimant or receive any lien or credit against the claimant's recovery or be equitably or legally subrogated to the right of the claimant in a health care lawsuit involving injury or wrongful death. This section shall apply to any health care lawsuit that is settled as well as a health care lawsuit that is resolved by a fact finder. This section shall not apply to section 1862(b) (42 U.S.C. 1395y(b)) or section 1902(a)(25) (42 U.S.C. 1396a(a)(25)) of the Social Security Act.

SEC. 505. PUNITIVE DAMAGES.

(a) IN GENERAL.—Punitive damages may, if otherwise permitted by applicable State or Federal law, be awarded against any person in a health care lawsuit only if it is proven by clear and convincing evidence that such person acted with malicious intent to injure the claimant, or that such person deliberately failed to avoid unnecessary injury that such person knew the claimant was substantially certain to suffer. In any health care lawsuit where no judgment for compensatory damages is rendered against such person, no punitive damages may be awarded with respect to the claim in such lawsuit. No demand for punitive damages shall be included in a health care lawsuit as initially filed. A court may allow a claimant to file an amended pleading for punitive damages only upon a motion by the claimant and after a finding by the court, upon review of supporting and opposing affidavits or after a hearing, after weighing the evidence, that the claimant has established by a substantial probability that the claimant will prevail on the claim for punitive damages. At the request of any party in a health care lawsuit, the trier of fact shall consider in a separate proceeding—

(1) whether punitive damages are to be awarded and the amount of such award; and

(2) the amount of punitive damages following a determination of punitive liability. If a separate proceeding is requested, evidence relevant only to the claim for punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(b) DETERMINING AMOUNT OF PUNITIVE DAMAGES.—

(1) FACTORS CONSIDERED.—In determining the amount of punitive damages, if awarded, in a health care lawsuit, the trier of fact shall consider only the following—

(A) the severity of the harm caused by the conduct of such party;

(B) the duration of the conduct or any concealment of it by such party;

(C) the profitability of the conduct to such party;

(D) the number of products sold or medical procedures rendered for compensation, as the case may be, by such party, of the kind causing the harm complained of by the claimant;

(E) any criminal penalties imposed on such party, as a result of the conduct complained of by the claimant; and

(F) the amount of any civil fines assessed against such party as a result of the conduct complained of by the claimant.

(2) **MAXIMUM AWARD.**—The amount of punitive damages, if awarded, in a health care lawsuit may be as much as \$250,000 or as much as two times the amount of economic damages awarded, whichever is greater. The jury shall not be informed of this limitation.

SEC. 506. AUTHORIZATION OF PAYMENT OF FUTURE DAMAGES TO CLAIMANTS IN HEALTH CARE LAWSUITS.

(a) **IN GENERAL.**—In any health care lawsuit, if an award of future damages, without reduction to present value, equaling or exceeding \$50,000 is made against a party with sufficient insurance or other assets to fund a periodic payment of such a judgment, the court shall, at the request of any party, enter a judgment ordering that the future damages be paid by periodic payments. In any health care lawsuit, the court may be guided by the Uniform Periodic Payment of Judgments Act promulgated by the National Conference of Commissioners on Uniform State Laws.

(b) **APPLICABILITY.**—This section applies to all actions which have not been first set for trial or retrial before the effective date of this title.

SEC. 507. DEFINITIONS.

In this title:

(1) **ALTERNATIVE DISPUTE RESOLUTION SYSTEM; ADR.**—The term “alternative dispute resolution system” or “ADR” means a system that provides for the resolution of health care lawsuits in a manner other than through a civil action brought in a State or Federal court.

(2) **CLAIMANT.**—The term “claimant” means any person who brings a health care lawsuit, including a person who asserts or claims a right to legal or equitable contribution, indemnity, or subrogation, arising out of a health care liability claim or action, and any person on whose behalf such a claim is asserted or such an action is brought, whether deceased, incompetent, or a minor.

(3) **COLLATERAL SOURCE BENEFITS.**—The term “collateral source benefits” means any amount paid or reasonably likely to be paid in the future to or on behalf of the claimant, or any service, product, or other benefit provided or reasonably likely to be provided in the future to or on behalf of the claimant, as a result of the injury or wrongful death, pursuant to—

(A) any State or Federal health, sickness, income-disability, accident, or workers’ compensation law;

(B) any health, sickness, income-disability, or accident insurance that provides health benefits or income-disability coverage;

(C) any contract or agreement of any group, organization, partnership, or corporation to provide, pay for, or reimburse the cost of medical, hospital, dental, or income-disability benefits; and

(D) any other publicly or privately funded program.

(4) **COMPENSATORY DAMAGES.**—The term “compensatory damages” means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for)

health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities, damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature. The term “compensatory damages” includes economic damages and non-economic damages, as such terms are defined in this section.

(5) **CONTINGENT FEE.**—The term “contingent fee” includes all compensation to any person or persons which is payable only if a recovery is effected on behalf of one or more claimants.

(6) **ECONOMIC DAMAGES.**—The term “economic damages” means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities.

(7) **HEALTH CARE LAWSUIT.**—The term “health care lawsuit” means any health care liability claim concerning the provision of health care goods or services or any medical product affecting interstate commerce, or any health care liability action concerning the provision of health care goods or services or any medical product affecting interstate commerce, brought in a State or Federal court or pursuant to an alternative dispute resolution system, against a health care provider, a health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, regardless of the theory of liability on which the claim is based, or the number of claimants, plaintiffs, defendants, or other parties, or the number of claims or causes of action, in which the claimant alleges a health care liability claim. Such term does not include a claim or action which is based on criminal liability; which seeks civil fines or penalties paid to Federal, State, or local government; or which is grounded in antitrust.

(8) **HEALTH CARE LIABILITY ACTION.**—The term “health care liability action” means a civil action brought in a State or Federal court or pursuant to an alternative dispute resolution system, against a health care provider, a health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action, in which the claimant alleges a health care liability claim.

(9) **HEALTH CARE LIABILITY CLAIM.**—The term “health care liability claim” means a demand by any person, whether or not pursuant to ADR, against a health care provider, health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, including, but not limited to, third-party claims, cross-claims, counter-claims, or contribution claims, which are based upon the provision of, use of, or payment for (or the failure to provide, use, or pay for) health care services

or medical products, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action.

(10) **HEALTH CARE ORGANIZATION.**—The term “health care organization” means any person or entity which is obligated to provide or pay for health benefits under any health plan, including any person or entity acting under a contract or arrangement with a health care organization to provide or administer any health benefit.

(11) **HEALTH CARE PROVIDER.**—The term “health care provider” means any person or entity required by State or Federal laws or regulations to be licensed, registered, or certified to provide health care services, and being either so licensed, registered, or certified, or exempted from such requirement by other statute or regulation.

(12) **HEALTH CARE GOODS OR SERVICES.**—The term “health care goods or services” means any goods or services provided by a health care organization, provider, or by any individual working under the supervision of a health care provider, that relates to the diagnosis, prevention, or treatment of any human disease or impairment, or the assessment or care of the health of human beings.

(13) **MALICIOUS INTENT TO INJURE.**—The term “malicious intent to injure” means intentionally causing or attempting to cause physical injury other than providing health care goods or services.

(14) **MEDICAL PRODUCT.**—The term “medical product” means a drug, device, or biological product intended for humans, and the terms “drug”, “device”, and “biological product” have the meanings given such terms in sections 201(g)(1) and 201(h) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321(g)(1) and (h)) and section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)), respectively, including any component or raw material used therein, but excluding health care services.

(15) **NONECONOMIC DAMAGES.**—The term “noneconomic damages” means damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature.

(16) **PUNITIVE DAMAGES.**—The term “punitive damages” means damages awarded, for the purpose of punishment or deterrence, and not solely for compensatory purposes, against a health care provider, health care organization, or a manufacturer, distributor, or supplier of a medical product. Punitive damages are neither economic nor noneconomic damages.

(17) **RECOVERY.**—The term “recovery” means the net sum recovered after deducting any disbursements or costs incurred in connection with prosecution or settlement of the claim, including all costs paid or advanced by any person. Costs of health care incurred by the plaintiff and the attorneys’ office overhead costs or charges for legal services are not deductible disbursements or costs for such purpose.

(18) **STATE.**—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, or any political subdivision thereof.

SEC. 508. EFFECT ON OTHER LAWS.**(a) VACCINE INJURY.—**

(1) To the extent that title XXI of the Public Health Service Act establishes a Federal rule of law applicable to a civil action brought for a vaccine-related injury or death—

(A) this title does not affect the application of the rule of law to such an action; and

(B) any rule of law prescribed by this title in conflict with a rule of law of such title XXI shall not apply to such action.

(2) If there is an aspect of a civil action brought for a vaccine-related injury or death to which a Federal rule of law under title XXI of the Public Health Service Act does not apply, then this title or otherwise applicable law (as determined under this title) will apply to such aspect of such action.

(b) **OTHER FEDERAL LAW.**—Except as provided in this section, nothing in this title shall be deemed to affect any defense available to a defendant in a health care lawsuit or action under any other provision of Federal law.

SEC. 509. STATE FLEXIBILITY AND PROTECTION OF STATES' RIGHTS.

(a) **HEALTH CARE LAWSUITS.**—The provisions governing health care lawsuits set forth in this title preempt, subject to subsections (b) and (c), State law to the extent that State law prevents the application of any provisions of law established by or under this title. The provisions governing health care lawsuits set forth in this title supersede chapter 171 of title 28, United States Code, to the extent that such chapter—

(1) provides for a greater amount of damages or contingent fees, a longer period in which a health care lawsuit may be commenced, or a reduced applicability or scope of periodic payment of future damages, than provided in this title; or

(2) prohibits the introduction of evidence regarding collateral source benefits, or mandates or permits subrogation or a lien on collateral source benefits.

(b) **PROTECTION OF STATES' RIGHTS AND OTHER LAWS.**—(1) Any issue that is not governed by any provision of law established by or under this title (including State standards of negligence) shall be governed by otherwise applicable State or Federal law.

(2) This title shall not preempt or supersede any State or Federal law that imposes greater procedural or substantive protections for health care providers and health care organizations from liability, loss, or damages than those provided by this title or create a cause of action.

(c) **STATE FLEXIBILITY.**—No provision of this title shall be construed to preempt—

(1) any State law (whether effective before, on, or after the date of the enactment of this Act) that specifies a particular monetary amount of compensatory or punitive damages (or the total amount of damages) that may be awarded in a health care lawsuit, regardless of whether such monetary amount is greater or lesser than is provided for under this title, notwithstanding section 502(a); or

(2) any defense available to a party in a health care lawsuit under any other provision of State or Federal law.

SEC. 510. APPLICABILITY; EFFECTIVE DATE.

This title shall apply to any health care lawsuit brought in a Federal or State court, or subject to an alternative dispute resolution system, that is initiated on or after the date of the enactment of this Act, except that any health care lawsuit arising from an injury occurring prior to the date of the enactment of this Act shall be governed by the applicable statute of limitations provisions in effect at the time the injury occurred.

Mr. LEE of New York (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. WAXMAN. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

The Clerk continued to read.

Mr. WAXMAN (during the reading). Mr. Speaker, I ask unanimous consent that the remainder of the motion to recommit be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Does the gentleman from California continue to reserve his point of order?

Mr. WAXMAN. I withdraw my point of order.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York is recognized for 5 minutes in support of his motion.

Mr. LEE of New York. Mr. Speaker, I, like many of my colleagues, am a strong supporter of the underlying provisions in H.R. 847, the James Zadroga 9/11 health bill. In fact, I am a cosponsor of the bill and believe we should pass it for our 9/11 heroes. Unfortunately, H.R. 847 is not on the floor today because the same harmful, job-killing tax hikes that were added to the bill in July are still here today.

I'm a new Member of Congress. I'm from New York. I spent my entire career in the private sector before coming here, not in politics, focused on growing jobs in the manufacturing sector, and I can tell you firsthand these taxes will kill jobs in the United States. These are taxes on new jobs.

I share the frustration of so many Americans when Congress talks a good game about creating jobs but does everything possible to send them offshore. These taxes, without a doubt, will send more jobs offshore. And with 15 million American workers out of work, it is unwise and unnecessary to pit America's jobless against the 9/11 heroes.

Earlier today, I signed a letter, with the entire New York delegation, to the House leadership urging that this bill be considered without procedural games or poison pills meant to make the other party look bad. This motion to recommit lives up to that request.

Specifically, this motion eliminates the job-killing tax hikes and, instead, finances the bill through spending cuts, just as the American people are urging us to do this in each and every one of our districts.

It eliminates the duplicative Public Health Service Act slush fund. It repeals the poorly drafted comparative effectiveness research program and the Medicare Independent Payment Advi-

sory Board. It also eliminates incentives to overutilize services by changing reimbursement rates. In addition, CBO says the motion reduces the deficit over the next 10 years. I want to repeat that. It reduces the deficit.

It takes the additional step to save money and improve care for everyone by enacting something that was missing from the health care bill that was passed earlier this year. It enacts meaningful medical liability reform, reform supported by both sides of the aisle.

By passing this motion to recommit, we can remove the harmful job-killing tax hikes and do what's right for these 9/11 heroes and leave the politics aside. I urge adoption of this motion.

I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. This legislation is designed to provide health care services for the heroes of 9/11, the policemen and the firemen who didn't know what would be in store for them when they went into the World Trade Center. Many of them are suffering from the health consequences of their activities, and we have an obligation to provide the services that they need.

What does this motion to recommit do? It would, first of all, reduce payments to health care providers, making it harder for those people to get access to hospitals to treat them. But the worst thing about this motion to recommit is that it strikes a pay-for that's been passed three times already in the House, and it eliminates areas of the health care reform law that are designed to save money and to prevent costly health problems.

There are 248 organizations that have signed a letter opposing these kinds of cuts. This same kind of proposal was offered in the Senate and rejected very soundly. These are groups that are concerned that we have a health system that is there to protect the public health. Can you imagine the irony that the public health measures we're trying to put in place so that we can deal with chronic disease would be struck? They would wipe that out in order to pay for this bill.

That is not the way to pay for this legislation. Groups such as the American Heart Association, the American Cancer Society, the American Diabetes Association, the American Lung Association, maternal and child health associations, and dozens of others all urge a "no" vote on this motion to recommit.

Mr. Speaker, I yield the balance of my time to the gentleman from New York (Mr. WIENER), a very important member of our committee and a champion for this legislation.

Mr. WEINER. You know, here in Washington, there are a couple of different ways you can kill a bill. One is

the honest way—you vote “no.” Put your card in, you press the “no” vote. It shows “no” up on the board. Another way you can kill legislation in this town is by offering up amendments or offering up procedures and offering up confusion about the bill, that it goes down for that reason and you don’t quite have your fingerprints on it.

Mr. LEE’s an honorable man, he’s a good man. But I have to tell you it as simply as I can. If you vote for his motion to recommit, the bill dies. If you vote for this motion that says, essentially, we’re going to take out the money for the care, it doesn’t matter how many 9/11 events you go to, doesn’t matter how many times you send out press releases that say you care, if you vote for this motion, you vote to kill the bill, period.

And there’s a lot of talk about what’s in it. You want to relitigate the health care bill? Okay. We’re going to get to do that the first Tuesday in November. People are going to be talking, oh, the health care bill is a good bill or bad bill. Let’s do that later. Let’s do the politics later. Let’s do the right thing now. Let’s try to take care of the people in this bill with money to do it.

I understand this is a political town and we’re in the midst of a political season, but can’t we look around? Can’t we, at this moment, look around and say this isn’t the time for a parliamentary move or a clever motion to recommit?

My colleagues, when you come down here, the only way you can go home and say that you care for the victims of September 11 is if you vote a “no” on this motion and a “yes” on final passage. That’s it.

□ 1500

The people in this room and back home are too smart to be fooled by anything else. “I want it paid for this way.” “I want it paid for that way.”

As Mr. WAXMAN just said, if you pass this amendment, it essentially says, We are going to go back and argue about the health care bill again. What is next? Are we going to go argue abortion or immigration? No, let’s not do that anymore. Well, if we are going to do it, let’s do it in November on elections. We are going to have TV commercials and ads. Now let’s just do the right thing. I want to see every Republican and every Democrat say, You know what, if there is one thing we agree upon, it’s that the people who gave up their health on September 11 and the days after deserve our care and our respect. We need a “no” vote, my colleagues.

I have to tell you something, I have worked with the people who were advocating for 9/11 health for 9 years, and some of them are here. They are too smart. They are going to know that if you vote in favor of this motion to recommit, plain and simple, you are vot-

ing to kill this bill. We are not going to let it happen. Nine years is too long.

But I’ll tell you something about time, it’s also pretty darn close to election day. In 434 districts in this country are people who have a 9/11 cough. I hope they are watching this debate, and I hope they watch not just final passage, which hopefully we get to, because if this Lee amendment passes, this bill is going down. We can’t let that happen.

I urge a “no” vote on the motion to recommit and a “yes” vote on passage.

Mr. POMEROY. Mr. Speaker, I rise in opposition to the Motion to Recommit H.R. 847, the James Zadroga 9/11 Health and Compensation Act.

I believe that our current medical malpractice system is in need of reform. Rising medical liability premiums are threatening trauma centers, emergency rooms and obstetrician-gynecological practices and the patients they serve, causing some to shut their doors because they cannot afford the cost or risk of treating patients. To help address this issue, I have repeatedly voted for legislation that would reform our medical malpractice system by, among other things, placing a cap of \$250,000 on noneconomic and punitive damages as well as limiting lawyers’ contingent fees.

While the flawed Motion to Recommit H.R. 847, the James Zadroga 9/11 Health and Compensation Act includes important provisions to help avoid frivolous medical malpractice lawsuits, it would also eliminate important delivery system reforms recently enacted in the health care reform law. This includes eliminating the Independent Payment Advisory Board which is charged with developing recommendations about innovative ways to better control costs both in public and private health programs while also ensuring that care is improved. In addition, I believe that comparative effectiveness research holds the potential to improve quality by helping doctors and patients determine the most effective treatment approaches. Repealing this important program would be an unacceptable step backwards. Furthermore, I have deep concerns with reducing funding aimed at improving public health.

For these reasons, I urge my colleagues to oppose the flawed Motion to Recommit H.R. 847, the James Zadroga 9/11 Health and Compensation Act.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LEE of New York. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered; and motions to suspend the rules with

respect to H.R. 3685, H.R. 5993, and House Resolution 1326.

The vote was taken by electronic device, and there were—yeas 185, nays 244, not voting 4, as follows:

[Roll No. 549]

YEAS—185

Aderholt	Gallegly	Myrick
Adler (NJ)	Garrett (NJ)	Neugebauer
Akin	Gerlach	Nunes
Alexander	Gingrey (GA)	Nye
Austria	Gohmert	Olson
Bachmann	Goodlatte	Paul
Bachus	Granger	Paulsen
Barrett (SC)	Graves (GA)	Pence
Bartlett	Graves (MO)	Peterson
Barton (TX)	Griffith	Petri
Biggert	Guthrie	Pitts
Blibray	Hall (TX)	Platts
Billakis	Harper	Poe (TX)
Bishop (UT)	Hastings (WA)	Posey
Blackburn	Heller	Price (GA)
Boehner	Hensarling	Putnam
Bonner	Herger	Radanovich
Bono Mack	Hoekstra	Rehberg
Boozman	Hunter	Reichert
Boucher	Inglis	Roe (TN)
Boustany	Issa	Rogers (AL)
Brady (TX)	Jenkins	Rogers (KY)
Bright	Johnson, Sam	Rogers (MI)
Broun (GA)	Jordan (OH)	Rohrabacher
Brown (SC)	King (IA)	Rooney
Brown-Waite,	Kingston	Ros-Lehtinen
Ginny	Kirk	Roskam
Buchanan	Kline (MN)	Royce
Burgess	Lamborn	Ryan (WI)
Burton (IN)	Lance	Scalise
Buyer	Latham	Schmidt
Calvert	LaTourette	Schock
Camp	Latta	Sensenbrenner
Campbell	Lee (NY)	Sessions
Cantor	Lewis (CA)	Shadegg
Capito	Linder	Shimkus
Carter	LoBiondo	Shuler
Cassidy	Lucas	Shuster
Castle	Luetkemeyer	Simpson
Chaffetz	Lummis	Smith (NE)
Coble	Lungren, Daniel	Smith (NJ)
Coffman (CO)	E.	Smith (TX)
Cole	Mack	Space
Conaway	Manzullo	Stearns
Crenshaw	Marchant	Sullivan
Culberson	Marshall	Taylor
Davis (KY)	Matheson	Teague
Davis (TN)	McCarthy (CA)	Terry
Dent	McCaul	Thompson (PA)
Diaz-Balart, L.	McClintock	Thornberry
Diaz-Balart, M.	McCotter	Tiahrt
Djou	McHenry	Tiberi
Dreier	McKeon	Turner
Duncan	McMorris	Upton
Ehlers	Rodgers	Walden
Emerson	Melancon	Wamp
Flake	Mica	Westmoreland
Fleming	Miller (FL)	Whitfield
Forbes	Miller (MI)	Wilson (SC)
Fortenberry	Miller, Gary	Wittman
Fox	Minnick	Wolf
Franks (AZ)	Moran (KS)	Young (AK)
Frelinghuysen	Murphy, Tim	

NAYS—244

Ackerman	Brown, Corrine	Costa
Altmire	Butterfield	Costello
Andrews	Cao	Courtney
Arcuri	Capps	Critz
Baca	Capuano	Crowley
Baird	Cardoza	Cuellar
Baldwin	Carnahan	Cummings
Barrow	Carney	Dahlkemper
Bean	Carson (IN)	Davis (AL)
Becerra	Castor (FL)	Davis (CA)
Berkley	Chandler	Davis (IL)
Berman	Childers	DeFazio
Berry	Chu	DeGette
Bishop (GA)	Clarke	Delahunt
Bishop (NY)	Clay	DeLauro
Blumenauer	Cleaver	Deutch
Bocchieri	Clyburn	Dicks
Boren	Cohen	Dingell
Boswell	Connolly (VA)	Doggett
Brady (PA)	Conyers	Donnelly (IN)
Braley (IA)	Cooper	Doyle

Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Hereth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)

Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Oliver
Ortiz
Owens
Pallone
Pascarell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perrillo
Peters
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall

Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Sutton
Stupak
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—4

Blunt
Boyd

Fallin
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER tempore (during the vote). The Chair will remind all persons in the gallery that they are here as guests of the House, and any manifestation of approval or disapproval of the proceedings is in violation of the rules of the House.

□ 1529

Mrs. NAPOLITANO, Messrs. BUTTERFIELD, SCHRADER, Ms. EDWARDS of Maryland, Ms. SPEIER, Messrs. CARSON of Indiana, SPRATT, BLUMENAUER, WELCH, and DELAHUNT changed their vote from “yea” to “nay.”

Mrs. LUMMIS, Messrs. GARRETT of New Jersey, POSEY, Ms. FOXX, Mrs. EMERSON, and Messrs. WITTMAN and COLE changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WAXMAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 268, noes 160, not voting 5, as follows:

[Roll No. 550]

AYES—268

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boccheri
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutsch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)

Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Luján
Lungren, Daniel
E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Oliver
Ortiz
Owens
Pallone
Pascarell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perrillo
Peters
Peterson
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel

Reyes
Richardson
Rodriguez
Roe (TN)
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)

Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)

NOES—160

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Berry
Biggert
Blibray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Emerson
Flake
Fleming
Forbes

Fortenberry
Foxy
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller, Gary

Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—5

Blunt
Boyd

Diaz-Balart, L.
Fallin

Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair will remind all persons in the gallery that they are here as guests of the House and any

manifestation of approval or disapproval of the proceedings is in violation of the rules of the House.

□ 1537

Ms. ESHOO changed her vote from “no” to “aye.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will once again remind all persons in the gallery that they are here as guests of the House and any manifestation of approval or disapproval of the proceedings is in clear violation of the rules of the House.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian Pate, one of his secretaries.

REQUIRING HYPERLINK TO VETSUCCESS WEBSITE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 3685) to require the Secretary of Veterans Affairs to include on the main page of the Internet website of the Department of Veterans Affairs a hyperlink to the VetSuccess Internet website and to publicize such Internet website, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FTLNER) that the House suspend the rules and pass the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 425, nays 0, not voting 7, as follows:

[Roll No. 551]

YEAS—425

Ackerman	Berman	Braley (IA)
Aderholt	Berry	Bright
Adler (NJ)	Biggert	Brown (GA)
Akin	Bilbray	Brown (SC)
Alexander	Bilirakis	Brown, Corrine
Altmire	Bishop (GA)	Brown-Waite,
Andrews	Bishop (NY)	Ginny
Arcuri	Bishop (UT)	Buchanan
Austria	Blackburn	Burgess
Baca	Blumenauer	Burton (IN)
Bachmann	Boccieri	Butterfield
Bachus	Boehner	Buyer
Baird	Bonner	Calvert
Baldwin	Bono Mack	Camp
Barrett (SC)	Boozman	Campbell
Barrow	Boren	Cantor
Bartlett	Boswell	Cao
Barton (TX)	Boucher	Capito
Bean	Boustany	Capps
Becerra	Brady (PA)	Capuano
Berkley	Brady (TX)	Cardoza

Carnahan	Hall (NY)	McCauley
Carney	Hall (TX)	McClintock
Carson (IN)	Halvorson	McCollum
Carter	Hare	McCotter
Cassidy	Harman	McDermott
Castle	Harper	McGovern
Castor (FL)	Hastings (FL)	McHenry
Chaffetz	Hastings (WA)	McIntyre
Childers	Heinrich	McKeon
Chu	Heller	McMahon
Clarke	Hensarling	McMorris
Clay	Herger	Rodgers
Cleaver	Hereth Sandlin	McNerney
Clyburn	Higgins	Meek (FL)
Coble	Hill	Meeks (NY)
Coffman (CO)	Himes	Melancon
Cohen	Hinchee	Mica
Cole	Hinojosa	Michaud
Conaway	Hirono	Miller (FL)
Connolly (VA)	Hodes	Miller (MI)
Conyers	Hoekstra	Miller (NC)
Cooper	Holden	Miller, Gary
Costa	Holt	Miller, George
Costello	Honda	Minnick
Courtney	Hoyer	Mitchell
Crenshaw	Hunter	Mollohan
Critz	Inglis	Moore (KS)
Crowley	Inslee	Moore (WI)
Cuellar	Israel	Moran (KS)
Culberson	Issa	Moran (VA)
Cummings	Jackson (IL)	Murphy (CT)
Dahlkemper	Jackson Lee	Murphy (NY)
Davis (AL)	(TX)	Murphy, Patrick
Davis (CA)	Jenkins	Murphy, Tim
Davis (IL)	Johnson (GA)	Myrick
Davis (KY)	Johnson (IL)	Nadler (NY)
Davis (TN)	Johnson, E. B.	Napolitano
DeFazio	Johnson, Sam	Neal (MA)
DeGette	Jones	Neugebauer
Delahunt	Jordan (OH)	Nunes
DeLauro	Kagen	Nye
Dent	Kanjorski	Oberstar
Deutch	Kaptur	Obey
Diaz-Balart, L.	Kennedy	Olson
Diaz-Balart, M.	Kildee	Oliver
Dicks	Kilpatrick (MI)	Ortiz
Dingell	Kilroy	Owens
Djou	Kind	Pallone
Doggett	King (IA)	Pascarell
Donnelly (IN)	King (NY)	Pastor (AZ)
Dreier	Kingston	Paul
Driehaus	Kirk	Paulsen
Duncan	Kirkpatrick (AZ)	Payne
Edwards (MD)	Kissell	Pence
Edwards (TX)	Klein (FL)	Perlmutter
Ehlers	Kline (MN)	Perriello
Ellison	Kosmas	Peters
Ellsworth	Kratovil	Peterson
Emerson	Kucinich	Petri
Engel	Lamborn	Pingree (ME)
Eshoo	Lance	Pitts
Etheridge	Langevin	Platts
Farr	Larsen (WA)	Pollis (CO)
Fattah	Larson (CT)	Pomeroy
Filner	Latham	Posey
Flake	LaTourette	Price (CA)
Fleming	Latta	Price (NC)
Forbes	Lee (CA)	Putnam
Fortenberry	Lee (NY)	Quigley
Foster	Levin	Radanovich
Fox	Lewis (CA)	Rahall
Frank (MA)	Lewis (GA)	Rangel
Franks (AZ)	Linder	Rehberg
Frelinghuysen	Lipinski	Reichert
Fudge	LoBiondo	Reyes
Gallely	Loeb	Richardson
Garamendi	Lofgren, Zoe	Rodriguez
Garrett (NJ)	Lucas	Roe (TN)
Gerlach	Luetkemeyer	Rogers (AL)
Giffords	Lujan	Rogers (KY)
Gingrey (GA)	Lummis	Rogers (MI)
Gohmert	Lungren, Daniel	Rohrabacher
Gonzalez	E.	Rooney
Goodlatte	Lynch	Ros-Lehtinen
Gordon (TN)	Mack	Roskam
Granger	Maffei	Ross
Graves (GA)	Maloney	Rothman (NJ)
Graves (MO)	Manzullo	Roybal-Allard
Grayson	Marchant	Royce
Green, Al	Markey (CO)	Ruppersberger
Green, Gene	Markey (MA)	Rush
Griffith	Marshall	Ryan (OH)
Grijalva	Matheson	Ryan (WI)
Guthrie	Matsumi	Salazar
Gutierrez	McCarthy (CA)	Sanchez, Linda
	McCarthy (NY)	T.

Sanchez, Loretta	Smith (NJ)	Turner
Sarbanes	Smith (TX)	Upton
Scalise	Smith (WA)	Van Hollen
Schakowsky	Snyder	Velázquez
Schauer	Space	Visclosky
Schiff	Speier	Walden
Schmidt	Spratt	Walz
Schock	Stark	Wamp
Schrader	Stearns	Wasserman
Schwartz	Stupak	Schultz
Scott (GA)	Sullivan	Waters
Scott (VA)	Sutton	Watson
Sensenbrenner	Tanner	Watt
Serrano	Taylor	Waxman
Sessions	Teague	Weiner
Sestak	Terry	Welch
Shadegg	Thompson (CA)	Westmoreland
Shea-Porter	Thompson (MS)	Whitfield
Sherman	Thompson (PA)	Wilson (OH)
Shimkus	Thornberry	Wilson (SC)
Shuler	Tiahrt	Wittman
Shuster	Tiberi	Wolf
Simpson	Tierney	Woolsey
Sires	Titus	Wu
Skelton	Tonko	Yarmuth
Slaughter	Towns	Young (AK)
Smith (NE)	Tsongas	

NOT VOTING—7

Blunt	Fallin	Young (FL)
Boyd	Lowey	
Chandler	Poe (TX)	

□ 1546

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SECURING AMERICA'S VETERANS INSURANCE NEEDS AND GOALS ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5993) to amend title 38, United States Code, to ensure that beneficiaries of Servicemembers' Group Life Insurance receive financial counseling and disclosure information regarding life insurance payments, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FTLNER) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 358, nays 66, not voting 8, as follows:

[Roll No. 552]

YEAS—358

Ackerman	Becerra	Boswell
Adler (NJ)	Berkley	Boucher
Akin	Berman	Boustany
Alexander	Berry	Brady (PA)
Altmire	Biggert	Braley (IA)
Andrews	Bilbray	Bright
Arcuri	Bilirakis	Brown (SC)
Austria	Bishop (GA)	Brown, Corrine
Baca	Bishop (NY)	Brown-Waite,
Bachmann	Bishop (UT)	Ginny
Baird	Blumenauer	Buchanan
Baldwin	Boccieri	Burgess
Barrett (SC)	Bono Mack	Burton (IN)
Barrow	Boozman	Butterfield
Bean	Boren	Calvert

Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleave
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)

Heinrich
Heller
Herger
Hereth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson Lee
Cohen
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Loftgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McColum
McCotter
McDermott
McGovern
McIntyre
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick

Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascarell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perrillo
Peters
Peterson
Petri
Pingree (ME)
Platts
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skeltan
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)

Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen

Velázquez
Visclosky
Walden
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch

Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth

NAYS—66

Aderholt
Bachus
Bartlett
Barton (TX)
Blackburn
Bonner
Brady (TX)
Broun (GA)
Buyer
Campbell
Cantor
Carter
Coble
Coffman (CO)
Conaway
Flake
Fleming
Fomx
Franks (AZ)
Gingrey (GA)
Granger
Graves (GA)

Griffith
Hall (TX)
Harper
Hastings (WA)
Hensarling
Hoekstra
Inglis
Issa
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Lamborn
Latta
Linder
Lummis
Marchant
McHenry
McKeon
Miller, Gary
Myrick
Neugebauer

NOT VOTING—8

Blunt
Boehner
Boyd

Fallin
Kirk
Polis (CO)

Scott (VA)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1554

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CALLING ON JAPAN TO ADDRESS CHILD ABDUCTION CASES

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1326) calling on the Government of Japan to immediately address the growing problem of abduction to and retention of United States citizen minor children in Japan, to work closely with the Government of the United States to return these children to their custodial parent or to the original jurisdiction for a custody determination in the United States, to provide left-behind parents immediate access to their children, and to adopt without delay the 1980 Hague Convention on the Civil Aspects of International Child Abduction, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the

rules and agree to the resolution, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 1, not voting 15, as follows:

[Roll No. 553]

YEAS—416

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Bocieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleave
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa

Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeGette
Delahunt
DeLauro
Dent
Deutch
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griiffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)

Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kirkpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loeb sack
Loftgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McColum
McCotter
McDermott
McGovern

McHenry	Polis (CO)	Slaughter
McIntyre	Posey	Smith (NE)
McKeon	Price (GA)	Smith (NJ)
McMahon	Price (NC)	Smith (TX)
McMorris	Putnam	Smith (WA)
Rodgers	Quigley	Snyder
McNerney	Rahall	Space
Meek (FL)	Rehberg	Speier
Meeks (NY)	Reichert	Spratt
Melancon	Reyes	Stark
Mica	Richardson	Stearns
Michaud	Rodriguez	Stupak
Miller (FL)	Roe (TN)	Sullivan
Miller (MI)	Rogers (AL)	Sutton
Miller (NC)	Rogers (KY)	Tanner
Miller, Gary	Rogers (MI)	Taylor
Miller, George	Rohrabacher	Teague
Minnick	Rooney	Terry
Mitchell	Ros-Lehtinen	Thompson (CA)
Mollohan	Roskam	Thompson (MS)
Moore (KS)	Ross	Thompson (PA)
Moore (WI)	Rothman (NJ)	Thornberry
Moran (KS)	Roybal-Allard	Tiahrt
Moran (VA)	Royce	Tiberi
Murphy (CT)	Ruppersberger	Tierney
Murphy (NY)	Rush	Titus
Murphy, Patrick	Ryan (OH)	Tonko
Murphy, Tim	Ryan (WI)	Towns
Myrick	Salazar	Tsongas
Nadler (NY)	Sánchez, Linda	Turner
Napolitano	T.	Upton
Neal (MA)	Sanchez, Loretta	Van Hollen
Neugebauer	Sarbanes	Velázquez
Nunes	Scalise	Visclosky
Nye	Schakowsky	Walden
Oberstar	Schauer	Walz
Obey	Schiff	Wamp
Olson	Schmidt	Wasserman
Olver	Schock	Schultz
Ortiz	Schrader	Waters
Owens	Schwartz	Watson
Pallone	Scott (GA)	Watt
Pascarella	Scott (VA)	Waxman
Pastor (AZ)	Sensenbrenner	Weiner
Paulsen	Serrano	Welch
Payne	Sessions	Westmoreland
Pence	Sestak	Whitfield
Perlmutter	Shadegg	Wilson (OH)
Perriello	Shea-Porter	Wilson (SC)
Peters	Sherman	Wittman
Peterson	Shinkus	Wolf
Petri	Shuler	Woolsey
Pingree (ME)	Shuster	Wu
Pitts	Simpson	Yarmuth
Platts	Sires	Young (AK)
Poe (TX)	Skeltton	

NAYS—1

Paul

NOT VOTING—15

Blunt	Diaz-Balart, L.	Maloney
Boehner	Diaz-Balart, M.	Pomeroy
Boyd	Fallin	Radanovich
Capuano	Gordon (TN)	Rangel
DeFazio	Kirk	Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members, there are 2 minutes remaining in this vote.

□ 1602

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: "Calling on the Government of Japan to address the urgent problem of abduction to and retention of United States citizen children in Japan, to work closely with the Government of the United States to return these children to their custodial parent or to the original jurisdiction for a custody determination in the United States, to provide left-behind parents immediate access to their chil-

dren, and to adopt without delay the 1980 Hague Convention on the Civil Aspects of International Child Abduction."

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER
AS COSPONSOR OF H.R. 5820

Mr. RUSH. Mr. Speaker, I ask unanimous consent to remove Mr. PETER DEFazio, the gentleman from Oregon, as a cosponsor from H.R. 5820, cited as the Toxic Chemicals Safety Act of 2010.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

REMOVAL OF NAME OF MEMBER
AS COSPONSOR OF H.R. 5820

Mr. HEINRICH. Mr. Speaker, I ask unanimous consent to be removed as a cosponsor from H.R. 5820.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

CURRENCY REFORM FOR FAIR
TRADE ACT

Mr. LEVIN. Mr. Speaker, pursuant to House Resolution 1674, I call up the bill (H.R. 2378) to amend title VII of the Tariff Act of 1930 to clarify that fundamental exchange-rate misalignment by any foreign nation is actionable under United States countervailing and antidumping duty laws, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1674, the amendment in the nature of a substitute recommended by the Committee on Ways and Means, printed in the bill, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 2378

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Currency Reform for Fair Trade Act".

SEC. 2. CLARIFICATION REGARDING DEFINITION OF COUNTERVAILABLE SUBSIDY.

(a) BENEFIT CONFERRED.—Section 771(5)(E) of the Tariff Act of 1930 (19 U.S.C. 1677(5)(E)) is amended—

(1) in clause (iii), by striking "and" at the end;

(2) in clause (iv), by striking the period at the end and inserting ", and"; and

(3) by inserting after clause (iv) the following new clause:

"(v) in the case in which the currency of a country in which the subject merchandise is produced is exchanged for foreign currency obtained from export transactions, and the cur-

rency of such country is a fundamentally undervalued currency, as defined in paragraph (37), the difference between the amount of the currency of such country provided and the amount of the currency of such country that would have been provided if the real effective exchange rate of the currency of such country were not undervalued, as determined pursuant to paragraph (38)."

(b) EXPORT SUBSIDY.—Section 771(5A)(B) of the Tariff Act of 1930 (19 U.S.C. 1677(5A)(B)) is amended by adding at the end the following new sentence: "In the case of a subsidy relating to a fundamentally undervalued currency, the fact that the subsidy may also be provided in circumstances not involving export shall not, for that reason alone, mean that the subsidy cannot be considered contingent upon export performance."

(c) DEFINITION OF FUNDAMENTALLY UNDERVALUED CURRENCY.—Section 771 of the Tariff Act of 1930 (19 U.S.C. 1677) is amended by adding at the end the following new paragraph:

"(37) FUNDAMENTALLY UNDERVALUED CURRENCY.—The administering authority shall determine that the currency of a country in which the subject merchandise is produced is a 'fundamentally undervalued currency' if—

"(A) the government of the country (including any public entity within the territory of the country) engages in protracted, large-scale intervention in one or more foreign exchange markets during part or all of the 18-month period that represents the most recent 18 months for which the information required under paragraph (38) is reasonably available, but that does not include any period of time later than the final month in the period of investigation or the period of review, as applicable;

"(B) the real effective exchange rate of the currency is undervalued by at least 5 percent, on average and as calculated under paragraph (38), relative to the equilibrium real effective exchange rate for the country's currency during the 18-month period;

"(C) during the 18-month period, the country has experienced significant and persistent global current account surpluses; and

"(D) during the 18-month period, the foreign asset reserves held by the government of the country exceed—

"(i) the amount necessary to repay all debt obligations of the government falling due within the coming 12 months;

"(ii) 20 percent of the country's money supply, using standard measures of M2; and

"(iii) the value of the country's imports during the previous 4 months."

(d) DEFINITION OF REAL EFFECTIVE EXCHANGE RATE UNDERVALUATION.—Section 771 of the Tariff Act of 1930 (19 U.S.C. 1677), as amended by subsection (c) of this section, is further amended by adding at the end the following new paragraph:

"(38) REAL EFFECTIVE EXCHANGE RATE UNDERVALUATION.—The calculation of real effective exchange rate undervaluation, for purposes of paragraph (5)(E)(v) and paragraph (37), shall—

"(A)(i) rely upon, and where appropriate be the simple average of, the results yielded from application of the approaches described in the guidelines of the International Monetary Fund's Consultative Group on Exchange Rate Issues; or

"(ii) if the guidelines of the International Monetary Fund's Consultative Group on Exchange Rate Issues are not available, be based on generally accepted economic and econometric techniques and methodologies to measure the level of undervaluation;

"(B) rely upon data that are publicly available, reliable, and compiled and maintained by the International Monetary Fund or, if the International Monetary Fund cannot provide

the data, by other international organizations or by national governments; and

“(C) use inflation-adjusted, trade-weighted exchange rates.”.

SEC. 3. REPORT ON IMPLEMENTATION OF ACT.

(a) *IN GENERAL.*—Not later than 9 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the implementation of the amendments made by this Act.

(b) *MATTERS TO BE INCLUDED.*—The report required by subsection (a) shall include a description of the extent to which United States industries that have been materially injured by reason of imports of subject merchandise produced in foreign countries with fundamentally undervalued currencies have received relief under title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.), as amended by this Act.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) and the gentleman from Michigan (Mr. CAMP) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I yield myself 3 minutes.

Colleagues, this is an important moment for this House and for the people of our Nation. There is a real problem—China's persistent manipulation of its currency. That requires real action, and under our leadership, real action is now being taken in this House.

China's practices represent, as the Secretary of the Treasury indicated in his testimony before us, “a major distortion in the global economy.”

For our country, it is impacted on our trade deficit with China—in 2009, \$226 billion—and it is impacted on our jobs. Their goods come to us, as a result of their manipulation, cheaper, and our goods to them, more expensive. There is a 15-35 or 40 percent imbalance, a tilted field of competition. The estimates mean 500,000 to 1.5 million jobs. This manipulation is one of the causes of the outsourcing of our jobs—of manufacturing and other good jobs.

Talk hasn't worked. Less than 2 percent appreciation has occurred since just before the last G-20 meeting when the Chinese said that they would make their currency more flexible.

Additional steps are needed, and this bill is just such a step. So, after 2 days of hearings before our committee, I worked over the weekend with our majority staff to modify, to make sure this bill was fully compliant with our international WTO obligations. It is compliant.

China has an economic strategy. For our businesses and workers, it is vital that our Nation has an active economic strategy, and this is one important piece of that strategy.

I strongly urge support of this legislation, and I reserve the balance of my time.

Mr. CAMP. I yield myself such time as I may consume.

Mr. Speaker, let me start by saying it is truly disappointing that this is the only trade bill in the past 2 years that has been marked up by the Ways

and Means Committee. I find it unacceptable that this is the sum total of our trade agenda. While this legislation addresses an important issue, it will not address many more pressing trade concerns with China, and it will not advance the goal of doubling exports in 5 years.

To achieve those goals, we must move expeditiously on the pending free trade agreements, work harder to open new markets to our exports, and address broader economic issues all over the world and with China.

□ 1610

We have held four separate hearings on China this year alone. At each, we heard from witnesses, including Treasury Secretary Geithner, who stressed that China's currency policy is only one element in our highly complicated trading relationship.

It's not that China's currency problem is not a problem or priority; it's just that there are far larger issues with regard to China and our trade imbalance. Issues like intellectual property rights, indigenous innovation, export restraints on rare earth minerals and other items, and a host of nontariff barriers are wreaking havoc on American employers, their workers, and our economy.

Despite my disappointment about the lack of a broader trade agenda and the lack of action on these other concerns with respect to China, it would be an enormous mistake to give up completely on addressing China's currency policy. We all agree that China's currency is fundamentally misaligned and that China must take prompt action to allow market forces to determine the value of its currency.

At the same time, it is important that any legislation be consistent with our international obligation and be effective. Any legislation that could potentially expose the United States to WTO-sanctioned retaliation would undoubtedly do more harm than good and would undermine our efforts to get China to comply with its own obligations.

At our hearings over the past few weeks, a number of witnesses and Republican Members raised serious concerns about the WTO consistency of the original version of H.R. 2378. As a result of these concerns, Chairman LEVIN completely rewrote the bill. The version before us today has little in common with the original, which, on its face, violated our WTO obligation. It addresses many of the criticisms raised by witnesses and by Republican Members, and I appreciate that the chairman has taken these concerns into account.

Unlike the original version, this bill does not mandate that the Commerce Department automatically adjust anti-dumping and countervailing duty calculations to account for China's cur-

rency policy. This version allows Commerce to consider many factors in determining whether or not China's currency policy satisfies the technical definition of an export subsidy, as it does today, and does not prejudge an outcome.

While I remain deeply concerned about using countervailing duty law to address China's currency policy, I believe the bill before us today does not, on its face, violate our WTO obligations.

I will vote for this bill because it sends a clear signal to China that Congress' patience is running out but does not give China an excuse to retaliate against U.S. companies and their workers. While we cannot pass legislation that likely violates our WTO commitments and would result in WTO-sanctioned retaliation, we cannot, at the same time, allow ourselves to be afraid of China's reaction to a WTO-consistent measure.

If China retaliates against this bill at this stage, I fully expect that USTR, and the administration as a whole, will act swiftly and aggressively to pursue every option available, including through action at the WTO. China's posturing and bad behavior cannot dictate our trade policy.

This legislation also sends an important signal to the administration: It is time to produce results. The administration must step up its bilateral and multilateral efforts and set a clear timeline for action. The administration should work to ensure that the issue of global imbalances, which naturally includes China's currency policy, is prominently on the agenda at the November G20 meetings in Seoul. We should also reengage in bilateral investment treaty negotiations.

As I noted at our markup, the fact that the administration has not moved aggressively on a multilateral basis has forced us to this point. The legislation we are considering today is better than the original but still won't resolve our trade imbalances with China.

Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. BRADY), and I ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore (Mr. CAPUANO). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LEVIN. I yield myself 15 seconds.

That statement really rewrites the history of this legislation. I suggest to everybody, go back and look at the opening statement of the ranking member. Also, we have urged support of the green 301 petition. Only three Republicans supported it. I regret the partisan inflection here. I won't engage in it. I hope we get bipartisan support.

I now yield 1½ minutes to the gentleman from Washington (Mr. McDERMOTT), a gentleman who is so actively engaged on these issues.

Mr. McDERMOTT. Mr. Speaker, there is an old Chinese proverb that says, "A journey of a thousand miles begins with a single step," and I rise today in support of this legislation which is before us to take the first step toward addressing the egregious imbalance between China's currency and our own.

For too long, the Chinese have not been playing fairly in the international trade arena, and this Congress has to send a clear message that China must become a responsible player in a multilateral trade. The Chinese export-driven strategy is smart, but subsidizing by suppressing their currency is an unfair way to do it.

This legislation is a good step, but it's not my preferred step. I would prefer the United States, together with our partners, bring a multilateral WTO case against China on the currency issue. Absent that, this commonsense legislation helps the Commerce Department do a fair job of making the multilateral mechanisms more available to U.S. businesses.

This legislation sends a clear signal that the American people respect international agreements and expect fairness. After years of an unlevel playing field, it is time to act, and this legislation is the right kind of measured first step we must take now.

I urge the passage of this bill.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the effort, Mr. Speaker, by Chairman LEVIN to address the concerns of Ranking Member CAMP and other Republican Members that were raised at our various hearings. And while the revised version addresses the WTO consistency issue, my view is that, on balance, the promises that this bill makes to compel China to appreciate its currency to reduce the trade deficit and to create U.S. jobs won't be realized, and, therefore, I oppose this bill.

Rather than focus on China's currency policy alone, a priority must be creating American jobs by promoting U.S. exports, and this bill doesn't do enough to provide new market access for American businesses, farmers, and workers. If we are to meet the President's goal of doubling exports, we must focus our energy on tearing down real substantive barriers to U.S. access to China's consumers. We must require China to better U.S. intellectual property rights and end its directed lending, cease its innovative policy, and move other artificial barriers to U.S. exports. Such an effort would benefit thousands more American workers than the focus on China currency alone.

I am concerned that moving on this bill makes it more difficult for us to resolve these other issues, and I think we ought to be careful to avoid doing

more harm than good in tearing down these barriers.

Breaking down barriers to U.S. exports is difficult work and requires concerted effort by Congress and the administration. To begin with, rather than merely paying lip service to new and pending trade agreements, we have to find a way to move these agreements forward.

Currently, there is no clear end date for concluding the Trans-Pacific partnership negotiations, no plan from the administration on how it intends to resolve issues related to the U.S.-Colombian, -Panama trade agreements, and just limited discussion on the U.S.-South Korea trade agreement.

The administration must also return to the negotiating table and complete bilateral investment treaty negotiations with China. Entering into a bit with China could help on many of these issues and is necessary to ensure that Americans have the same rights in China as our other trading partners.

Mr. Speaker, while this bill is improved from its original version, it is no substitute for a comprehensive China policy that the administration and the majority have failed to give us. I urge, and strongly urge, a "no" vote on this legislation.

I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, it is my privilege to yield 1½ minutes to the gentleman from Massachusetts (Mr. NEAL), another active member of our committee.

Mr. NEAL. I thank the gentleman.

Mr. Speaker, this legislation is about supporting American manufacturing jobs, plain and simple. The Peterson Institute suggests that this would increase American exports by \$100 to \$150 billion a year. The Ways and Means Committee held three hearings on this issue which confirmed that China is deliberately intervening in currency markets to continue its unfair advantage over American manufacturers and workers.

The committee reported out a bipartisan bill with important changes to make it fully consistent with WTO rules. In short, this bill allows currency manipulation to be considered in trade remedy cases. It is consistent with a free market solution to enabling fair trade.

□ 1620

Lawrence Lindsey, who was President George W. Bush's own economic adviser, said, "The Chinese clearly undervalue their exchange rate. It is the Chinese Government, not markets and not Americans, who are shaping how much is bought and from whom." This bill is not a solution to all the challenges relating to U.S.-China trade, but it is a significant and much-needed trade remedy tool to help American business and workers compete.

New initiatives such as this are needed in response to negotiations that time and again have been stymied in both Democratic and Republican administrations. This is a good step in the right direction.

Mr. BRADY of Texas. Mr. Speaker, I would like to yield 2 minutes to the gentleman from Louisiana (Mr. BOUSTANY), who has played a key role in opening trade barriers for U.S. products.

Mr. BOUSTANY. Mr. Speaker, let me just be clear to start. China's currency policy is wrong, and it is harmful for the U.S. and for China. But it is one of many problems, a whole host of problems that we have heard about: indigenous innovation, IPR protections, licensing and standards, all of these non-tariff barriers that we have heard so much about.

So if we're going to look at how we approach this, we have to, A, be consistent with our WTO and other international obligations; and, B, whatever we do has to be effective. Those are the parameters that Secretary Geithner himself laid out. I have questions as to whether this approach will meet either of those. Yes, the bill on its face is WTO compliant. But if we are to implement this connection between countervailing duties and currency valuation, I believe that will be subject to challenge. And I regret that we have not heard from the Department of Commerce, U.S. Trade Rep, Treasury on their read on this. In fact, the administration's not even made a statement with regard to this bill as to the effectiveness or as to whether or not it is consistent with our international obligations.

But to a broader point: If we're going to have leverage, we need trade policy, and we do not have a trade policy. Ranking Member CAMP has already made the statement that we have had nothing beyond this in the discussions about what are we going to do to really have leverage and to move forward with a trade policy. I have heard from the administration that we do need to move the South Korean free trade agreement. Clearly we need to do that. We need a bilateral investment treaty with China and with other countries. We have had no movement on that.

Finally, I just think it's unacceptable that this administration did not send a representative to the ASEAN conference in Asia recently. We are not even showing up on the playing field. How can the U.S. be truly credible if we're not actively engaged in a trade policy that makes sense? U.S. credibility is on the line. We have to prove that we keep our commitments.

Passing this bill is going to do nothing to solve our trade imbalance with China. It is not the kind of tool, I believe, that we need. We need to move forward in multilateral negotiations in a vigorous way and enlist other allies

who also have the same concerns that we do.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BRADY of Texas. I yield the gentleman 1 additional minute.

Mr. BOUSTANY. We are starting to see the makings of a currency war out there, where others are devaluing their currencies at our expense. That's why this needs to be addressed at a multi-lateral level. I feel we can do this in a responsible way. So because of these concerns, I am going to oppose this bill.

But I do want to thank you, Chairman LEVIN, for working back from what was originally a very bad bill to something that is improved. I think we can do better. I can only wish that we were able to work further on this to where we could have a truly strong bipartisan agreement to approaching our very complicated and important commercial and economic relationship with China.

Mr. LEVIN. I now yield 1½ minutes to the gentleman from California (Mr. BECERRA), another very distinguished member of our committee.

Mr. BECERRA. Mr. Speaker, we can talk or we can act. International trade is a high-stakes, cutthroat business. And every time we simply talk, the other side acts. And every time they act, an American loses a job. It's time for us to do what American workers for the last several years have been asking us to do, and that is to take action against what we know are unfair trade practices going on which cause us not only to lose jobs but to lose American businesses that can't continue to sustain themselves here and move abroad.

We know that the Chinese have been playing with their currency. Everyone knows that the Chinese have been playing with their currency. The Chinese know it. You know what? They are going to do everything they can for their workers. They are going to do everything they can for their businesses. You can't beat them for that. But please, let's not let them beat us at what we can do well. And that's why it's time to do this legislation.

Some credible estimates say that if we were to act on China's currency manipulation, we could return 1 million American jobs to this country, that we could reduce our \$250 billion trade deficit by \$100 billion with China. It is time for us to take action because the Chinese are certainly taking action. We can either take bold steps, as the American public has asked us, or we can take baby steps.

It's time for us to recognize that Americans are doing the best they can to produce American products so we can sell them, not just here but abroad. But if we allow someone to manipulate their currency by 25 to 40 percent, making their products look cheap here and making our products look expen-

sive abroad, then guess what? Shame on us, because the American public is working very hard. It's time to pass this legislation. It's time to take bold steps, not to take baby steps.

Mr. BRADY of Texas. At this time I yield 3 minutes to the gentleman from Pennsylvania (Mr. TIM MURPHY).

Mr. TIM MURPHY of Pennsylvania. I thank the gentleman for yielding. And I thank my colleague TIM RYAN, who is the Democrat lead in this, and I am the Republican lead on this. We know this is an important bill.

You know, the perfect is the enemy of the necessary. We are arguing about trade policies, what the WTO might think, what China might think, what negotiations might happen while the American people are out there saying, What are you doing about our jobs? China has been involved in a number of things, such as steel dumping and dumping products here, and setting these unfair currency practices which lead to up to a 40 percent discount. And while American companies see their factories close and American workers get their pink slips, they wonder if Washington gets it. Well, we do, and today is our chance to make good on that.

There was a time when "Made in the USA" was a standard for the world. It was a matter of fact that you owned the best. We earned that esteem. And now we are about to lose our position as a global leader when next year China overtakes us as the biggest manufacturer in the world. You know, the trouble is that China has never really accepted the basic rules of fair trade, and that's what we're standing for in this bill, fair trade.

Former Bush administration Commerce Secretary Carlos Gutierrez said that China's currency valuation does not yet adequately respond to market forces. Treasury Secretary Tim Geithner said similar things, believing that China is manipulating its currency. President Obama said the same thing and said, We need a two-way street. But unfortunately, when President Obama goes to talk to the Chinese, they push him back in a corner because we've got \$800 billion in debt to them, and they continue to stall and stall.

Now I don't care who is in the White House, Republican, Democrat, whoever. But I don't want another country saying to my President that we are not going to talk to you about these things and somehow make it sound like it is the United States' fault. This is an issue that Republicans and Democrats alike are backing, and action delayed is action denied. Only when our government starts pursuing policies that cultivate rather than stifle American manufacturing and holds China and other trading partners fully accountable for cheating on trade will we begin to revitalize that manufacturing sector which we have lost ground on.

If we unleash our factories and workers from the constraints of an overly burdensome taxation and regulatory requirements, giving them the tools they need to ensure that all countries play fair and by the rules, the American manufacturer will win in the global marketplace every time. With its dedicated workforce and demonstrated ingenuity, American manufacturing has a chance not just to repair our economy, not just lead us out of debt and deficit, but to create hundreds of thousands of new, well-paying, high-quality jobs.

We in Congress must do everything we can to support American manufacturing in this goal and not stand in their way and not quietly wring our hands and worry. We can start by passing the Currency Reform for Fair Trade Act tomorrow, because in matters of economic and job diplomacy, we can speak softly, but it sure is nice to carry a big stick.

□ 1630

Mr. LEVIN. I yield 1½ minutes to the distinguished gentleman from California (Mr. THOMPSON), another member of our committee.

Mr. THOMPSON of California. Mr. Speaker and Members, I rise in support of this legislation in part because it will help level the playing field for America's renewable energy manufacturers. China has time and again turned to unfair trade practice to promote their manufacturers, and it is time we put a stop to that.

For example, solar panel technology was developed in America. Yet in 2008, China became the largest producer of solar panels in the world. Right now it is cheaper to purchase Chinese-made solar panels here in the United States because of China's manipulated currency. This is unacceptable.

In my district our solar manufacturers compete on a global scale, but they are at a huge disadvantage because of China's current policy.

The solar and renewable energy sector creates tens of thousands of jobs, generating more jobs per megawatt of capacity than any other energy technology.

Further, petroleum currently accounts for half of our total trade deficit. By investing in and supporting our renewable energy manufacturers, we can help close our trade deficit and stop giving monies to countries who, in about 40 percent of the cases, are not our friends.

It is time to support American jobs, American renewable energy manufacturers, and, again, bring those jobs home. I urge my colleagues to vote in favor of H.R. 2378.

Mr. BRADY of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield 1½ minutes to the gentleman from Oregon (Mr. BLUMENAUER), another very, very

distinguished member of our Ways and Means Committee.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy, and I appreciate his leadership in working to have a piece of legislation here that can be brought forward in a bipartisan fashion, listening to the concerns that were expressed repeatedly to our committee.

I come from an area of the country that is intensely trade dependent. Some of our iconic brands, Nike, Harry and David, Columbia Sportswear, would not exist without strong international partnerships.

Oregon's largest private employer, Intel, is a product of the international market for high-tech products. This makes a difference to people in my community. When we find, as the International Monetary Fund has found, the currency of the Chinese is significantly undervalued, it makes the United States exports more expensive in China and Chinese imports cheap in the United States and third country markets.

My support for trade is contingent upon our making sure that we are using the tools in an aggressive fashion. We should be using all of the tools in our national trade tool box, the WTO, our bilateral agreements, shared agreements, forums that the United States and China are party to, U.S. domestic law, all of these to make sure that we are ensuring this level playing field that people are talking about here.

If, as has been estimated, China's currency policy could reduce our gross domestic product by over a percentage point when we are trying desperately to jump-start the economy, this is precisely the policy we should do moving forward.

Mr. Speaker, I appreciate having an opportunity to vote on this today. I think this sends a strong signal that we want our international trade regime to work, that we are not just mindlessly entering into these agreements, but we are going to make sure that they are enforced. This an important step.

Mr. BRADY of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. I yield 1½ minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ), another distinguished member of our committee.

Ms. LINDA T. SÁNCHEZ of California. I thank Chairman LEVIN and Ranking Member CAMP and Representatives RYAN and MURPHY for their leadership on this important bill, which I strongly support.

Mr. Speaker, this bill is about protecting one thing, the American economy. We must give American businesses a fair opportunity to sell their goods abroad and challenge underpriced Chinese imports.

This bill does that. It gives us stronger tools to address currency manipula-

tion and protect American businesses. We can compete and win against any nation in the world if we're all playing by the same rules. China isn't.

Opponents say that this bill will start a trade war. I say we are already in a trade war and China is using cannons, and we are standing here shooting BB pellets.

Some say "Let's wait." I say we have waited long enough.

When China joined the World Trade Organization in 2001, promises were made. We have held up our end of the bargain. China has not.

It has manipulated its currency, condoned intellectual property theft, and looked the other way while its businesses advertise schemes to avoid paying us the duties that we are owed.

For nearly 10 years, the prior administration failed to address the currency problem. Meanwhile, unfair Chinese imports caused small businesses across the country to close their doors, including one in my own district, Michels Furniture Store in Lynwood, California.

For nearly 10 years, our go-slow approach allowed China's job-killing mercantilist currency policy to flourish. The time for waiting is over.

Given the unemployment rate in this country and the economic pain that families feel in my district, shame on us if we fail to support this bill.

Mr. BRADY of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, today's debate has been a decade in the making. While this Congress and administrations of both parties fiddled, American manufacturing burned.

Michigan workers make an average of \$12,000 a year less than they did just a decade ago. Our trade deficit has skyrocketed, with manufacturing goods deficit up 3,000 percent. It is no accident and it is no coincidence. Chinese currency manipulation is the driving force behind this destruction.

Chinese currency is at least 25 percent below where it should be, making their goods cheap and destroying our manufacturing base.

In Michigan alone, Chinese currency manipulation has destroyed some 68,000 jobs in Michigan. In my district, some 4,500 jobs are gone because this Congress and both the Bush and the Obama administrations have refused to do anything but talk on Chinese currency manipulation.

Today's vote is a tough, first step toward fair trade with China. Fair trade and the livelihood of Michigan workers finally lets them compete on a level playing field with the start and the passage of this bill.

Mr. LEVIN. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Ms. SLAUGHTER), the very distinguished chair of the Rules Committee.

Ms. SLAUGHTER. I am going to forego the niceties of congressional conversation this afternoon because I have only got a minute to tell you what I really think. There are times when the timidity of the Congress of the United States absolutely overwhelms me into anger.

We have sat by in this country since the Second World War was over, watching American jobs go to rebuild the economies of Germany, Japan and Korea, one after the other. We have gone way too far. We have jeopardized our own well-being.

If we believe that we can be a superpower, the superpower, and not manufacture anything, I think we are sorely mistaken. When we are dependent on other countries for all the goods that we need, not only domestically but militarily, I think we are in a sorry shape.

Now, our trade policies that we have had have been awful, and it is bipartisanly awful. But I will tell you right now that as far as I am concerned, and I hope a lot of my colleagues agree with me, until we get reciprocity, until every trade agreement that we pass says that that country has to open its borders completely to trade from the United States of America, we don't have anything.

We are way late on this. We are 20 years too late to be doing this. We are right at the brink right now of financial disaster in this country. Those jobs that we have lost are not coming back. We have got to be rebuilding a new economy. We can't do it if China is going to do it all first and get there and dump on us and undercut.

So not only pass this bill today, but demand stronger policies in this country to save us for our next generation.

Mr. BRADY of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. HENSARLING), who is focused on jobs, spending, and getting this economy back on track.

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Speaker, as I look at the available evidence, I believe that the preponderance of the evidence does show that China is manipulating its currency. So I don't question the problem; I question the remedy. And I question whether or not punishing American consumers is the right remedy to apply to this situation. I believe that, ultimately, if this legislation is enacted, that is what will happen.

We know already—we don't know what the estimates are, 5 to maybe 30 percent—that the renminbi may be overvalued. And China should let their currency float.

□ 1640

It is wrong what they're doing. They are hurting their own people by doing what they're doing.

But in addition, Mr. Speaker, one thing I do know they are doing is they

are subsidizing goods to the American people at a time when many family budgets are being strained. The available evidence shows that if this was passed, if actually the renminbi was revalued, that prices for many of these Chinese goods may go up 10 percent. A pair of shoes that a mother needs for her child to go to school, maybe it is a pair of glasses, maybe it is toys at Christmas, all become more expensive.

So to some extent there is a question: Should we pass a law, pick winners and losers between manufacturers and consumers? Is that something we should be doing? I am not sure that it is.

In addition, Mr. Speaker, we all know our history. We know that presently we are still mired. Whether or not some Bureau economist tells us we are out of a recession, we know that people in our districts continue to suffer through probably the greatest economic crisis we have seen since the Great Depression. One of the most exacerbating factors happened to be the Smoot-Hawley tariff. I fear a trade war.

Now, some say we are already having a trade war. Well, by historic standards, we are probably having a trade skirmish. But we know that already the administration last year elected to impose tariffs on Chinese tires. And, guess what? They imposed tariffs on our poultry, one of the few areas where we actually had a favorable balance of trade, and so import tariffs up to 105 percent on U.S. exports of poultry. So any type of jobs that may be gained in manufacturing just might be lost in agriculture or some other area.

I am not convinced that the proponents of this bill have made the case that, on net, this would even create more jobs in America. It certainly would create more in one sector than another. But, again, precipitating a trade war at a time when we are in tough economic times, making it more difficult for consumers to afford the items they need to provide for their families, I think is unwise public policy. So I would urge defeat of this legislation.

Mr. LEVIN. I yield myself 10 seconds.

To the gentleman who just spoke, without a job, one can't buy goods at any price. This bill is about jobs.

I now yield 1 minute to the gentleman from Ohio (Mr. BOCCIERI).

Mr. BOCCIERI. Mr. Speaker, the American people are watching. While we may wear different jerseys, we are supposed to be playing for America, and this vote today is about whether we are going to stand up and fight for Americans.

Just last week, the Chinese Government ordered all our domestic manufacturers who are building cars in China to turn over all their battery technology. Ohio, who has 25 percent of her economy based on the automotive industry, cannot afford to stand on the

sidelines as countries like China refuse to play by the rules.

Critics believe that this legislation could start a trade war. America is already in a trade war, and the question is whether the U.S. Government is going to show up for the fight. And forcing the agreed-upon trade rules is not protectionist. In fact, the Chinese practices like currency manipulation and illegal subsidies are protectionist.

In 2005 Ohio lost more than 183,000 manufacturing jobs because of bad trade deals. I say that you can't afford to buy tennis shoes if you don't have a job. And that is what this bill is about.

In the past 2 years alone, workers from nine local companies in my district received trade adjustment assistance as a result of bad trade deals.

We respect the Chinese culture, their people, and their workers, but we are playing for America. We have got to build it; we have got to assemble it, and we have got to manufacture it here in our country. We can't be the movers of wealth; we have to be the producers of wealth, and it starts with this vote today.

Mr. BRADY of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. I rise in support of the resolution.

I think that the Chinese clique that dominates that country has not only mistreated its own people, because they are the worst kind of tyrants one can imagine, but they have also been treating the American people in a malicious way as well.

The fact is that we have adopted policies that are very positive toward the Chinese and the Chinese Government that have been to the detriment of the people of the United States. We have permitted a one-way free trade policy. We have permitted a lack of access to their markets while they have total access to our markets. We have put up with the wholesale theft of American technology. And, yes, we have put up with the fact that they have manipulated their currency in a way that ensures the flow of wealth into their society as opposed to an equal relationship that would benefit both countries.

What we have to do is decide are we going to permit the clique that runs China to continue to do great damage to the people of the United States of America, or are we going to provide some sort of action that we can take if they are manipulating the currency in a way that shifts the wealth from our society and the jobs from our society and transports them to China?

And let me note this. In a dictatorship like China, we are not talking about wealth that is raising the standard of living of their people. We are talking about wealth that, in the end, is manipulated and controlled by a clique of gangsters who are the worst

human rights abusers in the world. And what are they doing with this profit that they make from this unfair trade relationship and manipulation of currency? They are building a military, a modern military based on technology that they have stolen from us and an unfair trade relationship that we have acquiesced to over the years.

It is about time we have legislation that will at least prevent them from manipulating the currency and give us an alternative action that we can take to try to prevent the manipulation of currency on the part of the Chinese. So I rise in support of this resolution.

Mr. LEVIN. Mr. Speaker, I now yield 1½ minutes to the gentleman from North Carolina (Mr. ETHERIDGE), a member of our Ways and Means Committee.

Mr. ETHERIDGE. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of fair trade and making sure other countries play by the rules and in support of H.R. 2378, the Currency Reform for Fair Trade Act.

Just this week, China announced tariffs as high as 105.4 percent on U.S. poultry because of a trumped-up dumping charge. But the real trade distortion in the U.S.-China relationship is currency manipulation—a huge subsidy to their manufacturers and a hidden tariff on U.S. goods. China's currency manipulation allows them to sell the world cheaper goods, costing us jobs and economic growth.

This bill would give our trade negotiators the tools they need to investigate this manipulation and take action, if appropriate. It would restore balance to our trade relationship.

North Carolina's producers are second to none, and given a level playing field, our workers can compete with anybody. But how are they supposed to compete with a country that manipulates its currency? I say it is not fair.

Mr. Speaker, we should pass this bill and send a clear message to China that it is time to play by the rules. I call on my colleagues to stand up for our exporters, our producers, and the people of America, and join me in supporting American industry and H.R. 2378.

Earlier this week we saw another example of how China refuses to play by the rules for international trade. On Monday, China announced that it would impose steep tariffs on our poultry producers. Because of this decision, some U.S. producers will face tariffs as high as 105.4 percent. China claims that this is in response to "dumping" in its market, but we all know that this is actually retaliation for U.S. tariffs on tires. Once again, the Chinese government has shown that it will take extraordinary—and illegal—steps to make sure they enjoy unfair advantages in their trade relationship with the United States.

Nowhere is this unjustifiable trade distortion more evident than in China's intervention in the value of its currency. This currency manipulation amounts to a subsidy: It allows China

to sell goods at a cheaper price here in this country, while simultaneously making our exports more expensive. As a consequence, the United States now has a large trade deficit with China; a trade deficit that is now slowing the economic recovery. For the sake of our economy and our country, it is vital that we address this issue.

H.R. 2378 gives the U.S. Commerce Department the tools to examine this matter. It does not force any conclusion to be reached, but rather all the facts be taken into account when making a decision as to whether China's currency manipulation constitutes an illegal subsidy. If Commerce finds that China is violating trade law, this bill makes sure the United States takes action to protect our industry, our exporters and our economy. Nothing could be more important.

Trade is good for America, but only if it is fair. My state of North Carolina produces everything from pharmaceuticals, industrial goods such as jet engine parts, to tobacco and textiles. Our farms produce top quality poultry and pork. North Carolina's products are second to none, and, given a level playing field, our workers can compete with anybody. But how are they supposed to compete with a country that manipulates its currency? That's not fair.

I know that some of my friends on the other side of the aisle will object to this bill. Many are fearful that China will react to this legislation by imposing retaliatory tariffs that further hurt our exporters. But China already arbitrarily slaps tariffs on our goods regardless of what we do, as we saw earlier this week. This legislation, on the other hand, complies with WTO laws and precedents, and any retaliation by China because of this bill would be unlawful.

As our trade deficit threatens to sap our economic recovery, we should pass this bill and send a clear message to China that it is time to play by the rules. Some economists estimate that a significant appreciation of the Chinese currency will create 600,000 to 1,200,000 jobs. When many people throughout the country are struggling to find employment, it is the right time to pass this bill.

Mr. Speaker, this bill will ensure our trading partners play by the rules. I call on my colleagues to stand up for our exporters and producers, and join me in supporting American industry and H.R. 2378.

Mr. LEVIN. Mr. Speaker, I now yield 1 minute to the distinguished gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. I thank the gentleman for yielding, and I want to thank Chairman LEVIN and Mr. CAMP for bringing this bill to the floor. I want to thank Mr. RYAN and Mr. MURPHY for their very, very good work on this bill.

This is a jobs issue, and there should be no doubt in anyone's mind that that is what we are talking about today.

In 1990, in the State of Indiana, 226,000 more people worked in manufacturing than in government. This year, 7,000 more people work in manufacturing than government, because 165,000 manufacturing employees lost their jobs. That is 165,000 families in

the State of Indiana alone that lost good-paying manufacturing jobs. One of the causes is the currency manipulation by the Chinese Government.

□ 1650

We were told by the last administration if we just dialogue with the Chinese, we would solve this problem. We are told by the current administration, if we just dialogue with the Chinese, we will solve this problem. We were told by the Chinese on May 18, 2007, if we just dialogue on this problem, we will solve it.

The solution is on the floor today. I would ask my colleagues to strongly support passage of H.R. 2378, and give this administration the intestinal fortitude to stop dialoguing with the Chinese and to take serious action on jobs.

I strongly support H.R. 2378, the Currency Reform for Fair Trade Act. I am proud to have the opportunity to speak in support of this bill that takes an important step in leveling the playing field for United States manufacturers.

At the outset of my remarks, I would like to applaud the leadership of the Ways and Means Committee, especially Chairman LEVIN and Ranking Member CAMP for bringing this legislation to the floor. I would also like to commend Representative TIM RYAN, the sponsor of the legislation, and Representative TIM MURPHY, the Vice Chairman of the Congressional Steel Caucus, for their tireless efforts advocating for this much-needed bill.

As the Chairman of the Congressional Steel Caucus, I would like to focus my remarks on the steel industry. In the world of steel, China is of paramount concern. In 2009, China produced 47 percent of the world's total output of steel, which is 567.8 million tons. This is more than double the amount that China produced in 2003. By comparison, last year the United States produced approximately 60 million tons of steel, compared with approximately 100 million tons in 2003. While multiple factors contributed to China's unprecedented increase in production, paramount among them is China's currency manipulation. The undervalued Yuan is perpetuating a destructive trade imbalance and costing American jobs.

Congress must ensure that the U.S. remains a competitive place for manufacturing investment. This requires the U.S. to reverse the unsustainable imbalance that has allowed other nations to adopt policies supporting excessive exports of manufactured goods to the U.S., while we export debt and manufacturing jobs. And we must take action now, as evidenced by a recent report by the Economic Policy Institute, which estimates that the rising trade deficit with China will cost the U.S. over one-half of a million jobs in 2010.

I believe that the passage of H.R. 2378 represents a turning point in the battle to combat unfair Chinese trading practices. And I hope that its passage finally gives the Administration the intestinal fortitude to stop "dialoguing" with Beijing and start enforcing our trade laws.

Mr. Speaker, I again want to thank Representatives RYAN and MURPHY and the Committee for bringing this important legislation to the floor, and I urge my colleagues to support the measure.

Mr. BRADY of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I was a bit surprised to hear the gentleman from Texas and a few others on the Republican side find an excuse to oppose this legislation, but, then again, they always find an excuse to side with their international corporate benefactors.

He feigned, "Oh, my god, the American people won't be able to afford shoes for their kids next fall because we won't have those cheap Chinese imports shutting down American factories."

Now, what the Americans need are jobs. We don't need jobs in China; we need them here. And with an unfairly priced currency, we are losing more and more manufacturing.

When the Republicans controlled everything from 1994 to 2006, or the Congress and the presidency for a good part of that time, our trade deficit with China went up 806 percent, and they did nothing. But they can find little problems here and there with this legislation.

They are worried about a trade war. We are at war. We are having a trade war with China. They are supporting capitulation, and we are finally starting to fight back from this side of the aisle.

No, no excuses. Plain and simple: Are you with the American people and fair trade, or are you with the Chinese and the big international corporations and their excuse for free trade, which is manipulated currencies, trade barriers, and taking our jobs away from our workers. Plain and similar: Where do you stand?

Mr. BRADY of Texas. Mr. Speaker, I yield myself 15 seconds.

I would make the point that the Chinese currency appreciated 20 percent during President Bush's administration. It had no impact on the trade deficit. It has only appreciated 5 percent under the current administration, with no impact on the trade deficit.

I reserve my time.

Mr. LEVIN. Mr. Speaker, it is now my special pleasure to yield 2 minutes to the gentleman who is an original cosponsor of this important legislation, the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Let me thank the chairman for his good work. Let me thank Speaker PELOSI for her giving us this opportunity to bring this bill to the floor, and Leader HOYER, who was very instrumental in our Make It In America project, of which this is a major component.

In the late 1970s, the top 1 percent of the people in our country controlled about 9 percent of real income, and in 2007, the top 1 percent controlled about 23.5 percent of real income. If you go back and see the amount of time families worked in the late 1970s compared

to today, the average family works about 12 weeks more a year than they did back then.

So the average family is making less, working longer, sometimes two or three jobs just to make ends meet, and part of the problem has been this erosion of the manufacturing base. And what we are talking about with currency manipulation is the Chinese Government artificially subsidizing every single product that lands on our shores here in the United States. So, yes, it may be cheap, because it is being subsidized by their government, but it is putting American workers and American manufacturers out of business.

If we are going to resuscitate this economy, we have got to focus as a nation on making things in America again. And if you look at the list of the supporters of this bill, tool and die manufacturers, corn growers, the supply chain for all of our manufacturing that happens in the United States, they are all supporting this bill, along with all of the workers groups, all of the unions.

This is something we can all agree on. It will stimulate our economy and not add one dime to the deficit, and that is what this is about.

For every manufacturing job, you get five or six or seven spinoff jobs. Manufacturing jobs pay more. There are more patents, more innovation, more research and development.

This is about taking our country back. You wonder why people are anxious out there? They have been working longer, working more, and getting paid less. I would be anxious too. I would be upset. That is what we are feeling in the country.

I think this bill is an opportunity for us to reinvest back in the United States, put people back to work, and have good, middle class jobs here in the United States.

Mr. BRADY of Texas. I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, how much is there on both sides?

The SPEAKER pro tempore. The gentleman from Michigan has 11 minutes remaining. The gentleman from Texas has 10¾ minutes remaining.

Mr. LEVIN. It is now my pleasure to yield 1 minute to the gentleman from Maine (Mr. MICHAUD), an active participant in discussions of trade issues.

Mr. MICHAUD. Thank you very much, Mr. Chairman, for yielding, and I also thank you for your leadership on this issue of bringing this bill before the House.

Mr. Speaker, I rise today to express my strong support for H.R. 2378. This issue is simple: China's currency manipulation is illegal, and it costs Maine jobs. Just ask the Sappi Fine paper mill workers in Westbrook and Skowhegan, or those at the NewPage mill in Rumford. They have seen their coworkers get laid off and were cer-

tified for Trade Adjustment Assistance because of cheap Chinese paper imports.

In fact, over 9,000 Mainers in all sectors have lost their jobs because of our trade deficit with China, which is directly related to their currency manipulation. Companies like NewPage and Sappi Fine can't compete when China doesn't play by the rules.

This bill will help us hold China's feet to the fire for their unfair trade practices. It will make sure American companies are competing on a level playing field. And it will save American jobs.

I urge my colleagues to vote for this critical bill.

Mr. BRADY of Texas. I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, it is now my pleasure to yield 2 minutes to the very distinguished gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Let me congratulate the chairman and the ranking member of Ways and Means for coming together to have this civil type of discourse, having our staffs work together, agreeing on some things, disagreeing on others, but showing that bipartisanship, while it might be in intensive care, at least on the Ways and Means Committee it is not dead.

Mr. Speaker, we do recognize that there is a split among business people as to whether or not we should go forward with this bill that would point out to China, as so many developing countries would like to, but they certainly don't have our leverage, that it is time that they be fair in terms of international trade.

Those people who buy from China and enjoy the lower prices, I can understand why they would not support the equity that we are seeking in international affairs, as well as in the WTO.

But for those Americans who take a deep-seated pride when they see "made in the USA," when we know we can make it in the USA with jobs, then we don't get excited about the number of jobs that occur in China, but believe that it is patriotic, and if it hasn't reached that level, then certainly it is in the best interests of the United States of America, to say that we supported you, we supported you in getting into the World Trade Organization, with that comes some obligation. And if the President cannot succeed in persuading them, as he said, there are other means which we can use as a nation to encourage them to do the right thing.

So, Mr. Speaker, I hope that the chairman here and the ranking member could find some other things before we go home that we can come together on. But until that happens, congratulations to both of you.

Mr. BRADY of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I now yield 1½ minutes to the distinguished gentleman from Ohio (Ms. SUTTON).

□ 1700

Ms. SUTTON. Thank you, Chairman LEVIN, for your leadership on this issue.

Abusive trade practices by China have cost American small businesses opportunities and American workers jobs. We've heard the numbers—2.4 million jobs lost across the country, 92,000 jobs lost in Ohio, and 5,700 jobs have been lost in my congressional district due to China's deliberate and abusive trade policies—policies like their blatant currency manipulation that violates their obligations to international trading.

Today, we say we've had enough. Today, we stand with American workers and American small businesses. We send a clear message that American workers and businesses will compete with Chinese workers and businesses but they should not have to compete against a manipulated currency.

China's currency manipulation makes their goods artificially cheaper, costing our workers jobs and our businesses opportunities. Working families around the country see and feel the results of China's misaligned currency. We must stand against it. They see plants closing. They see friends and loved ones losing their jobs. And today, Mr. Speaker, they are seeing us stand up for American manufacturing and American workers and demand a level playing field and an end to China's currency manipulation.

Mr. BRADY of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, it is now my privilege, a deep privilege, to yield 1 minute to our distinguished Speaker, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. I thank our distinguished chairman of the Ways and Means Committee for the recognition and for his yielding time. I thank him for his leadership in bringing this legislation to the floor. I thank Mr. MURPHY of Pennsylvania and Mr. RYAN of Ohio for their leadership in this important legislation.

Mr. Speaker, for so many years we have watched the China-U.S. trade deficit grow and grow and grow. And today we are finally doing something about it by recognizing that China's manipulation of the currency represents a subsidy for Chinese exports coming to the United States and elsewhere.

Many of us have been working on this issue for decades. Twenty years ago, when the issue of China trade was before the floor of the House, the trade deficit was \$5 billion a year. The U.S.-China trade deficit was \$5 billion a year. We thought that that gave us tremendous leverage for them to stop violating our intellectual property, to give us market access, to stop nontariff barriers to our products going into China, and the rest. We had other

issues with China's proliferation of weapons of mass destruction to Pakistan, with the actions taken in Tiananmen Square, and human rights in China and Tibet. But strictly on the subject of trade, the imbalance was \$5 billion, which seems like an enormous amount of money.

We tried through legislation, unsuccessfully, on the floor under both Democratic and Republican Presidents—this is not a partisan thing—and because of the opposition of the administration, we were not able to pass any legislation that said, Halt. We understand the U.S.-China relationship is an important one in every way—culturally, politically, diplomatically, economically, and commercially—but we need to play by the rules.

When China came into the WTO, it was projected that they would play by the rules. But here we are today, and remember, I said the trade deficit was \$5 billion a year 20 years ago when we were having this debate then. It is now \$5 billion a week. A week. One way that we can address that is to address the issue of China's manipulation of the currency, which, as I mentioned, is a subsidy for their exports.

We believe that passing this legislation here today will give the President leverage in his conversations with the Chinese about how seriously and closely the American people are watching this situation. As part of our Make It In America agenda to stop the erosion of our manufacturing, industrial, and technological base, we have to stop that. It's an economic issue and it's a national security issue that we have the manufacturing capacity to protect the American people in every way.

So this is about America's workers. It's about making it in America so that our people can make it in America for their families, for their communities, for our country, for our economy. Especially now, when we're talking about all the new green technologies and the rest, which are part of the green, clean energy jobs for the future, and we see what is happening in the trade relationship with China on that score, it is absolutely essential, as we go farther into that future, that we do not have unfair subsidies of Chinese exports into the United States in the important competitive arena of innovation and new green technology.

So with this bipartisan legislation, and, again, I commend Representative TIM MURPHY and Representative TIM RYAN, we make it clear that if China wants a strong trading relationship with the United States, it must play by the rules. We owe that to American workers. It is our hope that passing this legislation, again, will give the Obama administration and future administrations greater leverage in its bilateral and multilateral negotiations with the Chinese Government. We do this because 1 million American jobs

could be created if the Chinese Government took its thumb off the scale and allowed its currency to respond to market forces.

The bipartisan Ryan-Murphy Currency Reform for Fair Trade Act marks a positive step in the direction of fairness for our workers, opportunities for our manufacturers, and growth for our economic prosperity. I urge our colleagues to vote "aye."

Mr. BRADY of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE), who is, again, focused on jobs and getting this economy back on track, as well as limiting the size of these dangerous debts and deficits.

Mr. FLAKE. I thank the gentleman for yielding.

I rise in opposition to this bill. There's no denying that there are issues related to Chinese currency valuation. Unfortunately, the passage of this bill today will do little to address those concerns. Instead, approval of this bill will likely only result in retaliatory actions on the part of the Chinese.

A recent letter was penned to leaders of the House of Representatives by a variety of business groups, including the Chamber of Commerce, Business Roundtable, National Foreign Trade Council, and others. They wrote: "Unilateral legislation, which seeks to increase tariffs on imports from China, is unlikely to incentivize China to move expeditiously to modify its exchange policies. Rather, it would likely have the opposite effect and could engender retaliation against U.S. exports into the Chinese market, currently the fastest growing market for U.S. exports."

Courting retaliation with no direct benefit likely qualifies for what you would call the very definition of counterproductive trade policy. And it's unfortunate that, as has been said here today before, in 2 years this is about the only trade legislation that we've considered. Certainly, very little to open up new markets. We have three pending trade agreements that languish that should be approved, and yet this is what we're doing. That's really sad.

Later today I think we're considering something like a Made in America Flag Act or something to require that we not import any flags made outside of the U.S. into the U.S. I don't know what's next. Maybe requiring Americans to eat apple pie while they make flags. I don't know. But we're into the crazy season here where we're simply pandering instead of actually addressing what will open new markets and help create jobs in the private sector.

I urge opposition to H.R. 2378.

Mr. LEVIN. I yield 1 minute to the distinguished gentleman and colleague from Michigan (Mr. KILDEE).

□ 1710

Mr. KILDEE. I thank the gentleman for yielding.

Mr. Speaker, I rise today in strong support of H.R. 2378, the Currency Reform for Fair Trade Act.

For years, China has unfairly pegged its currency to the U.S. dollar at a fixed exchange rate. It is estimated that this undervalues Chinese currency 20 to 40 percent, allowing them to offer significantly cheaper products for export. American workers are playing by the rules, but they are struggling to compete on the unfair playing field Chinese currency manipulation has created.

Cheap exports from China have contributed to hundreds of thousands of American job losses. In my hometown of Flint, Michigan, unemployment is more than 25 percent. However, currency manipulation is not currently considered when determining export subsidies to assist American businesses. This has to change. We must stand up for our workers and their livelihoods.

H.R. 2378 will make currency manipulation a factor when the Commerce Department awards export subsidies. I have long advocated for fair trade policies that protect American workers. This bill will go a long way toward achieving that goal.

I urge passage of the Currency Reform for Fair Trade Act.

Mr. BRADY of Texas. I reserve the balance of my time.

Mr. LEVIN. I yield 15 seconds to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, I just want to respond to the gentleman from Arizona. He talked about our exporting products to China. This bill would actually increase the buying power of the Chinese consumer because their yuan would be worth more money so they would have more buying power to buy American exports.

So this snake oil that the Chamber of Commerce is trying to send around and scare everybody not to vote for this doesn't make any sense. The more your currency is worth, the more you're going to be able to buy.

Mr. LEVIN. I now yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank the chairman for yielding.

My friend from Arizona said a few minutes ago, we're in the crazy season. I think on this issue we've been in the crazy season for about two decades. I think when we have a policy that says if the other side doesn't follow the rules, you just ignore it, I think that's crazy. If you have a policy that says if the Chinese manipulate their currency and make it easy to fill the shelves at Wal-Mart but empty the pockets of American workers and you ignore it, I think that's crazy.

So I think the process of going forward when the other side doesn't play by the same rules that we do, that empties factories, empties wallets and

empties communities in this country, I think ignoring that is crazy. And I am glad to see that this House on a bipartisan basis for the first time in a long time is saying it's time to stand up for American communities, American companies and American workers and vote "yes" on this legislation.

Mr. BRADY of Texas. Mr. Speaker, I continue to reserve.

Mr. LEVIN. It is now my special privilege to yield 1 minute to the distinguished gentleman from Virginia (Mr. PERRIELLO).

Mr. PERRIELLO. Thank you very much for your leadership on this issue.

This is a great day for American job creation, for the American worker, and a very sad day for American politics.

This is simple. If we give the American people, the American worker and American business a level playing field, they will still out-compete the world. We can still make it, build it and grow it better in America than anywhere else, if we give that fair playing field.

What could be simpler than going after China for manipulating its currency and unfairly dumping its products and pushing out the much-needed American manufacturing base that we must be rebuilding rather than suffocating?

If ever there was something we should be able to come together on, it should be standing with American workers instead of Chinese corporations and Chinese rule-breaking. And yet here we have a debate rather than unity.

Earlier today, we fought to extend health benefits to our heroes and their families from 9/11. And while we cheered and saluted, many on the other side of the aisle sat on their hands. Aren't these commonsense things that the American people are begging us to come together and focus on? Commonsense solutions. This is our chance—to fight for American jobs, like the steelworkers in my district. Six thousand manufacturing jobs lost to China in my district alone and 24,000 family members of those who have lost their jobs.

For those who want to play games with this issue, it is long past time to do what is right.

Mr. BRADY of Texas. Mr. Speaker, I yield myself 30 seconds.

I do think it is unfortunate to try to interject partisan politics into a serious issue. There is already concern that after 4 years this bill is now being rushed to the floor a few weeks ahead of the election. I think at this point on an issue so serious, we ought to be thoughtful, understanding there are Members on both sides of the aisle that have come to different conclusions about this bill.

With that, I continue to reserve my time.

Mr. LEVIN. Mr. Speaker, how much time remains on either side?

The SPEAKER pro tempore. The gentleman from Michigan has 2¼ minutes, and the gentleman from Texas has 8¼ minutes.

Mr. LEVIN. I yield now 1 minute to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. I thank you, Mr. Chairman.

Mr. Speaker, the American middle class has been built on having jobs that allow families to pay their bills, to send their kids to college, to own a home, to save for their own retirement.

The American middle class has been under assault; their wages declining, their jobs being outsourced and sent abroad. Our fundamental responsibility is to give folks who want to work the opportunity to work in jobs that are going to allow them to take care of their families. And if we stand by idly when a competitor country manipulates its currency to put our manufacturers, our workers, at a disadvantage, we are complicit in that. And this is the bare minimum of what we can do—give our workers, give our manufacturers, give our American middle class an even shot at the American Dream.

This legislation is necessary, it's overdue, and it must be passed.

Mr. BRADY of Texas. Mr. Speaker, I continue to reserve.

GENERAL LEAVE

Mr. LEVIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2378.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LEVIN. Is the gentleman ready to close?

Mr. BRADY of Texas. I am, Mr. Chairman.

Mr. LEVIN. So am I.

Mr. BRADY of Texas. Mr. Speaker, I yield myself the balance of my time.

This is an issue, I think, where good people can disagree. There is unanimity in the desire for China to appreciate its currency. There are differences of opinion about what impact that truly would have on our complex relationship with China economically. And there have been a number of issues raised throughout the hearings on this bill, and I do appreciate, to Chairman LEVIN, taking into account the number of the objections on the most, we think, troubling provisions that Ranking Member DAVE CAMP from Michigan and others raised during those hearings. I think some of those issues have been addressed in a very positive way, but there are real concerns about how effective this will be, and if it will truly compel China to change its currency regime or that it will significantly change our trade deficit.

I would like to submit for the RECORD a letter sent by, I think, al-

most 30 of our major job creators in America, groups that represent many of our agriculture companies and workers, our technology sector, our manufacturing and financial services sector, those who produce and sell medical devices and services throughout the world, including groups like the National Retail Federation; the broader job creators like the U.S. Chamber of Commerce, the Business Roundtable and companies that compete and succeed successfully selling U.S. products in China.

This letter agrees with Chairman LEVIN and others that China needs a yuan exchange rate response to trade flows and that China should move rapidly toward that. But it says:

"We do not agree, however, that H.R. 2378 as reported can help achieve that goal. To the contrary, we believe that passage of this legislation is counterproductive not only to the goals related to China's exchange rate that we all share but also to our Nation's broader goals of addressing the many and growing challenges in the U.S.-China economic relationship, including inadequate protection of intellectual property, restrictions on market access, financial services liberalization, export of commodities such as rare earths, discriminatory indigenous innovation and other industrial policies. Above all, this legislation will do more harm than good to job creation and economic growth at a time when we need both dearly."

The point of that, I think, is that there are a number of barriers to selling U.S. products fairly and successfully in that growing Chinese market. We all have the same goal. How we achieve it is where we honestly differ.

□ 1720

This group concludes this way:

"We share Congress' desire to have China act more quickly to adopt a market-determined exchange rate, but the proposed unilateral measure is not going to achieve that result. We urge you to oppose H.R. 2378 and, instead, work with and vigorously call on the administration to develop a robust bilateral and multilateral approach to achieve tangible results, not only on China's exchange rate policies, but also on other Chinese policies that are harming American businesses, workers and farmers."

I think that is the point, perhaps, of those of us who believe this bill will not achieve what we hope.

While I urge opposition of this bill, there are those who believe that, as we move forward, regardless of the outcome, we ought to, Republicans and Democrats, join hands and insist on a level playing field and on a growing trade relationship that is balanced to increase Chinese consumption, as well as to increase U.S. savings that will rebalance the trade relationship for decades to come. We share those goals and

look forward to working with those in Congress who also share them.

SEPTEMBER 28, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
U.S. Capitol, Washington, DC.

Hon. STENY HOYER,
Majority Leader, House of Representatives,
U.S. Capitol, Washington, DC.

Hon. JOHN BOEHNER,
Republican Leader, House of Representatives,
U.S. Capitol, Washington, DC.

DEAR SPEAKER PELOSI AND LEADERS HOYER AND BOEHNER: Like Congress and the Administration, we agree that China needs a yuan exchange rate that responds to trade flows and that China should move rapidly towards a market-determined exchange rate. In addition to continuing U.S. government efforts, our organizations support strong, coordinated and enhanced multilateral pressure, including at the early October Finance Ministers' Meeting in Washington and continuing at the November G20 Leaders' Meeting in Seoul, to achieve concrete progress on China's currency and exchange rate policies.

We do not agree, however, that H.R. 2378 as reported by the Committee on Ways and Means can help achieve that goal. To the contrary, we believe that passage of this legislation is counterproductive not only to the goals related to China's exchange rate that we all share, but also to our nation's broader goals of addressing the many and growing challenges in the U.S.-China economic relationship, including inadequate protection of intellectual property, restrictions on market access, financial services liberalization, export of commodities such as rare earths, discriminatory indigenous innovation and other industrial policies. Above all this legislation will do more harm than good to job creation and economic growth at a time when we need both dearly.

Unilateral legislation, which seeks to increase tariffs on imports from China, is unlikely to incentivize China to move expeditiously to modify its exchange policies. Rather, it would likely have the opposite effect and could engender retaliation against U.S. exports into the Chinese market, currently the fastest-growing market for U.S. exports. Our companies do not fear retaliation—if it were based on WTO-consistent actions that would achieve the desired result, with benefits outweighing the costs. But counterproductive tariff legislation will not get us closer to the goal of a market-driven exchange rate and will shift the focus away from the core issue of China's currency and onto U.S. unilateral action. Such an action would embolden PRC retaliation and undermine U.S. government efforts to address a growing number of discriminatory Chinese policies, weakening our economy by harming American exports of manufactured goods and farm products.

Despite efforts to make H.R. 2378 consistent with the rules of the WTO, it is not clear that the legislation meets the WTO's standards for the application of countervailing duties (CVDs). The legislation would require the Commerce Department to estimate what the "true" exchange rate is, a process that will be highly subjective and potentially politicized. Since application of CVDs to imports from China on the basis of this legislation is of questionable WTO legality, China would almost certainly challenge this action as violative of U.S. WTO obligations, which would focus the world's attention on the United States and WTO technicalities, and away from China's exchange-rate policies.

We share Congress' desire to have China act more quickly to adopt a market-determined exchange rate. But the proposed unilateral measure is not going to achieve that result. We urge you to oppose H.R. 2378 and instead work with and vigorously call on the Administration to develop a robust bilateral and multilateral approach to achieve tangible results not only on China's exchange-rate policies, but also on other Chinese policies that are harming American businesses, workers and farmers.

Sincerely,

Advanced Medical Technology Association (AdvaMed); American Chamber of Commerce in China; American Chamber of Commerce in Shanghai; American Chamber of Commerce in South China; American Apparel & Footwear Association (AAFA); American Soybean Association; American Meat Institute; Business Roundtable; Coalition of New England Companies for Trade (CONNECT); Coalition of Service Industries; Consumer Electronics Association; and Corn Refiners Association.

Distilled Spirits Council of the United States; Emergency Committee for American Trade (ECAT); Fashion Accessories Shippers Association (FASA); Financial Services Forum; Financial Services Roundtable; International Dairy Foods Association; Los Angeles Customs Brokers and Freight Forwarders Association; National Cattleman's Beef Association; National Customs Brokers and Forwarders Association of America (NCBFAA); National Fisheries Institute; National Foreign Trade Council; and National Retail Federation.

Pacific Coast Council of Customs Brokers and Freight Forwarders (PCC); Retail Industry Leaders Association; Securities Industry and Financial Markets Association; Sporting Goods Manufacturers Association; Toy Industry Association; Travel Goods Association (TGA); United States Association of Importers of Textiles and Apparel (USA-ITA); U.S. Chamber of Commerce; US-China Business Council; U.S. Council for International Business; USA Poultry & Egg Export Council; and Washington State China Relations Council.

Mr. Speaker, I yield back the balance of my time.

Mr. LEVIN. I yield myself the balance of my time.

Mr. Speaker, international trade is here to stay. The question before us today is whether we shape its course or simply let it roll—whether there are rules of competition that allow us to compete or whether we look the other way.

A 25–40 percent tilt against us is unacceptable. This bill says we cannot and will not look the other way. We are going to act. I say the more multilateral effort the better, but the lack of it should not leave us without a remedy.

China's manipulation of its currency is a major unilateral act, and we need to act. The President of our country said to the Chinese Premier, "Make your currency flexible or we have other means." This is just such a means.

This is a real problem. No more excuses. Goodwill isn't enough. We need a

real answer. This is a real answer. Support this legislation.

Mr. PASCARELL. Mr. Speaker, I want to thank Chairman LEVIN for bringing this bill to the floor today, as well as the sponsors of this legislation, Mr. RYAN and Mr. JOHNSON for working in a bipartisan way on behalf of America's workers and manufacturers.

In the Ways and Means Committee, we have studied how China uses "state capitalism" to manipulate world trade to give its industries an unfair advantage over the rest of the world, at the expense of our workers and businesses.

Currency manipulation is just the tip of the iceberg. China provides government subsidies to favored industries—notably green technology, selectively rebates its value added tax to penalize imports and encourage exports, imposes restrictive local content rules, and practices an "indigenous innovation" policy. We must deal with each of these issues as a part of a broad strategy.

Everyone acknowledges the reality that China's currency is fundamentally undervalued. My friends on the other side of the aisle, the Administration, our international partners, and even China itself have all said the RMB could and should appreciate.

However, despite this widespread consensus, China has not taken any meaningful steps to correct this manipulation that disrupts the flow of international trade.

With the passage of this bill today, we signal to China that enough is enough. The free ride is over. We will not stand by while we lose 1.5 million American jobs and shave 1.5 percent off of our GDP every year.

I hope that this legislation will cause China to change its behavior and strengthen the Administration's hand in multilateral negotiations. But after 8 years of asking nicely, the Congress will not be silent anymore.

We must allow American industries to respond to the injury being caused by this policy, and H.R. 2378 will help level the playing field, plain and simple—when the playing field is level, the American worker can out-compete anyone.

Our system of international trade only works when everyone plays by the same rules. By passing this legislation, we stand up for that system, and stand up for American workers and businesses.

Mr. HOLT. Mr. Speaker, I rise in support of H.R. 2378, the Currency Reform for Fair Trade Act. For every worker, every business, and every nation to get a fair shake in today's global economy, everyone must play by the rules. For too long, China has violated the rules of the global economy by deliberately undervaluing its currency. This practice reduces the costs of Chinese exports and makes it more expensive to export U.S. products to China, giving China an unfair advantage and making it difficult for U.S. companies to compete. I hear far too often from workers in central New Jersey who have been victims of this unfairness. They are laid off as their employers are undercut by Chinese competitors and forced to cut jobs or go out of business.

That story is repeated time and again around the country, and our economy suffers. The U.S. trade deficit with China ballooned

from \$10 billion in 1990 to \$226 billion in 2009. Economists estimate that China's currency manipulation reduces U.S. Gross Domestic Product by 1.4 percentage points annually and has led to the loss or displacement of millions of manufacturing jobs over the last decade. One recent study concluded that the increasing trade deficit with China will cost over 500,000 U.S. jobs in 2010 alone.

The Currency Reform for Fair Trade Act gives the Department of Commerce the necessary tools to combat unfair manipulation of foreign currencies. Upon finding that currency manipulation meets the criteria for an export subsidy, the Department will have the authority to correct the unfair advantage by impose countervailing duties that are consistent with World Trade Organization regulations. When they have a level playing field, Americans can and will out-compete their international counterparts every time. Passing this bill is an important step in preserving a fair world market for U.S. goods, revitalizing our domestic manufacturing base, and creating jobs for American workers.

Mr. KUCINICH. Mr. Speaker, I rise in strong support of H.R. 2378, the Currency Reform for Fair Trade Act. This legislation addresses the suppression of the renminbi—or RMB—the official currency of the People's Republic of China. The suppression of the RMB allows China to make its exports cheaper and thus makes foreign imports into China more expensive. As Chinese trade deficits continue to grow, so too does the negative impact on American workers, many of whom have been displaced by the growing trade deficit.

This legislation requires the Department of Commerce to levy countervailing duties if the affected U.S. company can prove it has been "materially injured" by imports from any country with undervalued currency. I strongly support the legislation and the remedial tools it provides to the Department of Commerce and American workers.

According to the Economic Policy Institute (EPI), ever increasing China trade deficits will displace between 512,000 and 566,000 jobs in the U.S. just this year. Between 2001 and 2007, 561,000 jobs were displaced by the China trade deficit. Two-thirds of the jobs displaced were in the manufacturing sector.

At the same time, we must remember that if we are trying to prevent the loss of more American jobs, we cannot forget about the reasons we have lost jobs in the U.S. We need to talk about the free trade policies we have actively pursued that have shipped American jobs overseas and left the American manufacturing sector in shambles.

The consideration of H.R. 2378 is an indication that we must do more to ensure that American industries, as a foundational part of our economy, remain strong. But it is not enough. Ohio has seen far too many idling manufacturing mills and hundreds of long-time steel workers being laid off at once. According to Public Citizen, of the 22 million jobs expected to be created in the U.S. between 2000 and 2010, only 187,000 or 0.1 percent will be manufacturing jobs. Ohio is one of the top ten states posting the biggest job losses in the manufacturing sector.

We cannot have a strong American economy without a strong industrial manufacturing

sector that includes not only the steel industry, but also the auto, shipping and aerospace industries. Addressing our trade deficit and foreign policies that add to it is important. But it is also about addressing our policies. I am the proud author of H. Res. 444, which says that the steel, automotive, aerospace and shipping industries are vital to America's national and economic security. We need a coordinated federal policy that puts the manufacturing sector back in its rightful place as an engine of the American economy.

I strongly support passage of this legislation and will continue to work to shore up our local manufacturing base and protect American workers.

Mr. CONYERS. Mr. Speaker, international trade is an integral part of the Southeast Michigan economy, with nearly \$113.3 billion worth of surface trade passing between the United States and Canada at the Detroit-Windsor border every year. I am, however, concerned that other nations' unfair trade practices have significantly hurt American workers. This is why I rise in support H.R. 2378, the "Currency Reform for Fair Trade Act," which will address currency manipulation.

Countries such as Japan and China have both manipulated their currencies and hurt American exporters. For example, Japan's currency has been undervalued by up to 25 percent in the past. This means that a car imported from Japan for \$20,000 has a hidden subsidy of up to \$5,000. According to General Motors' chief economist, Mustafa Mohatarem, "Japan's policies provided anywhere from a \$2,000 to \$14,000 cash windfall for each of the 2.2 million vehicles Japan's automakers exported to the U.S. in 2006."

Even worse, China has undervalued its currency by up to 40 percent in the past, which has put American manufacturers at a severe disadvantage. China's currency manipulation also attracts foreign investment into China and away from American manufacturing facilities. A recent study found that the U.S. has lost more than 2.3 million jobs since 2001 just as a result of the U.S. trade deficit with China. On a recent trip to China, President Obama urged the Chinese Yuan to appreciate and prevent global imbalances.

The Currency Reform for Fair Trade Act will take important steps in helping to address these unfair trade practices. The Act would empower the Department of Commerce to make findings that identify currency manipulation as an export subsidy. Today's legislation would make it easier for the Department of Commerce to add a countervailing duty to offset the amount of the export subsidy from currency manipulation. I believe American manufacturers can have honest and fair competition with foreign imports and thrive in global markets.

Mr. Speaker, in the American Recovery and Reinvestment Act, we hailed the investments in green and renewable technologies. However, many Americans green technology firms are being hurt by currency manipulation and other subsidies. Just last week, the Steel Workers filed a petition with the United States Trade Representative regarding China's currency manipulation and other subsidies to the green technology manufacturing industry. If the United States is to lead in this industry as

well as revitalize our manufacturing base, we need to make sure American firms can compete on a level playing field in the international market. I urge my colleagues to support today's legislation.

Mr. SPRATT. Mr. Speaker, today, I rise to support a bipartisan bill that will help rebuild our manufacturing sector and continue our economic recovery.

I am proud to be a cosponsor of the "Currency Reform for Fair Trade Act." The legislation was introduced in response to China's persistent intervention to keep its currency undervalued by 35–40 percent relative to the dollar and its resort to illegal subsidies and non-tariff barriers to promote its own industries at the expense of U.S. manufacturing jobs.

These practices affect billions of dollars in trade and have allowed China to flood our markets with their products while they limit our ability to export our goods to them. Many companies are left with little choice but to move their operations offshore in order to compete, costing us precious jobs.

According to the textile industry, these unfair trade practices have cost the United States over a million manufacturing jobs in the last decade, including hundreds of thousands of textile and apparel jobs.

The devaluation of China's currency worsens the already severe U.S.-China trade deficit. Statistics show that between January 2000 and May 2009, China's share of the U.S. trade deficit for non-oil goods grew from 26 percent to 83 percent. If we can convince the Chinese to stop pegging its currency, U.S. exports would get a huge boost, and in time, so would investment in new plant and equipment.

This is a great way to stimulate an economy on the mend without adding a dime to the deficit or incurring new public debt.

Specifically, the "Currency Reform for Fair Trade Act" requires the U.S. Department of Commerce to: (1) determine, based on certain requirements, whether the exchange rate of the currency of an exporting country is fundamentally and actionably undervalued or overvalued (misaligned) against the U.S. dollar for an 18-month period; and (2) take certain actions under a countervailing duty or anti-dumping duty proceeding to offset such misalignment in cases of an affirmative determination. This legislation provides U.S. manufacturers and workers the necessary tools to defend themselves against anti-competitive trade practices of foreign governments, whether it's China or any other country.

About ten years ago, I joined Representative SUE MYRICK in sponsoring one of the first bills filed to force a change in China's currency policy. The United States has been seeking to negotiate a solution to the issue for a decade without success; and recent talks between the Obama administration and Chinese officials have made marginal progress at best.

All we're asking for here is a level playing field for U.S. businesses.

Mr. STARK. Mr. Speaker, I rise today in support of H.R. 2378 the Currency Reform for Fair Trade Act.

American manufacturing has a long and proud history, but for years has lost hundreds of thousands of good paying jobs. Our workers are losing jobs to China, a country that

blatantly violates international trade laws. The Chinese government's prolonged and intentional intervention in its currency markets keeps the price of Chinese goods in the United States artificially low and the price of U.S. goods sold in China artificially high. With this pricing advantage, manufacturing jobs move to China instead of staying here in the U.S. Economists estimate that the Chinese currency is undervalued by between 25 and 40 percent. How can our manufacturing sector workers compete against a country that has the ability to effectively subsidize its exports by 25 to 40 percent?

It is our responsibility to stand up and defend our workers against these illegal practices. The Currency Reform for Fair Trade Act is just the first step to level the playing field between U.S. and Chinese manufacturers. The legislation expands our trade laws so that we can better combat illegal practices by countries that seek unfair advantages. The bill targets countries that persistently and significantly undervalue their currency. When these illegal subsidies harm a U.S. industry, our government will be able to impose countervailing duties to negate their impact.

This legislation is not the cure all for our \$266 billion trade deficit with China, but it should help our manufacturers. Nobel laureate Paul Krugman estimates that if China's currency manipulation ended, we would gain 6,000 jobs per billion dollar shift in the trade deficit and could therefore save or create 1.4 or 1.5 million jobs. Fred Bergsten, the director of the Peterson Institute of International Economics also offers an optimistic statistic, that an appreciation of China's currency could generate 700,000 to 1 million U.S. jobs. We cannot turn our back on this kind of job creation. I urge my colleagues to support this bill to begin bringing good jobs back to America.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in support of the Currency Reform for Fair Trade Act that is before the House today. I am an original cosponsor of this legislation and strongly urge my colleagues to support it.

As Americans continue to suffer from stagnant pay, underemployment, and 9.6 percent unemployment, across the Pacific in the People's Republic of China, business is booming. Almost all of this growth is due to China's export sector, which is able to sell goods at low prices and face little to no international competition domestically due to China's manipulation of its currency, the Renminbi, RMB.

Economists from across the political spectrum estimate that the Renminbi is undervalued by at least 35 to 40 percent. In other words, U.S. goods are, at least 35 percent, more expensive for Chinese consumers and make Chinese goods, at least 35 percent, cheaper in the United States.

China's currency manipulation has had terrible effects for competing economies from around the globe. Nations that rely heavily on exportation for growth, such as Japan and South Korea, have begun or are taking measures to emulate Beijing's manipulation of their own currencies so their goods can compete.

In the United States, the non-partisan Economic Policy Institute has estimated that between 2001 and 2008 alone, the growing trade deficits with China have displaced 2.4 million jobs. Sixty percent of these jobs were in the

manufacturing sector, the very sector that has given millions of Americans a path into the middle class.

If China allowed its currency to "float" on the international market, in a fashion similar to the U.S. Dollar, British Pound, and Japanese Yen, it could create a million U.S. manufacturing jobs and cut our trade deficit with China by \$100 billion a year, with no cost to the U.S. Treasury.

For years, this Congress, as well as the Administrations of President Bush and President Obama, have tried to persuade the Chinese government to moderate or end the manipulation of its currency. No significant progress has been made.

It is time we take action to hold China accountable for their market distortion and protectionist practices.

A vote "yes" today is a vote to stand up for American workers, to take strides to boost our economy, and to strengthen our domestic manufacturing sector.

Mr. TURNER. Mr. Speaker, today I speak in favor of H.R. 2378, the Currency Reform for Fair Trade Act, which seeks to level the playing field for American companies, some of whom have found themselves unable to compete with foreign companies who are unfairly subsidized by foreign governments.

Mr. Speaker, I would like to take my time to recognize the work of former Congressman Phil English, who represented the 3rd District of Pennsylvania until the 111th Congress. Congressman English was a long-time supporter of American manufacturers and was a champion of raising awareness and solving the problem of illegal trade practices.

Congressman English raised these issues when he introduced H. Res. 414 in the 108th Congress. The resolution, which encouraged China to engage fair currency valuation, passed nearly unanimously (411-1) in October 2003.

In the 109th Congress, Representative English introduced the first China currency bill in the House—H.R. 3004, the Currency Harmonization through Neutralizing Action, CHINA, Act. The bill directed the Treasury Department to analyze the exchange rate policies of the People's Republic of China, and to impose additional tariffs, if necessary, to equalize any currency manipulations.

He also helped advocate for the Department of Commerce to consider countervailing duty cases for nonmarket economies, such as China. First introducing this legislation in the 106th Congress, H.R. 3198, he pushed to clarify the countervailing duty statute to ensure these cases against China could proceed.

In the 109th Congress, the House passed H.R. 3283, English's bill to apply the countervailing duty law to nonmarket economies. It was after this bill passed the House that the Department of Commerce ultimately reversed its own policy and started accepting countervailing duty cases against China.

Mr. Speaker, as we look to help our domestic industry compete against unfair competition abroad, H.R. 2378 is an important step.

Mr. MANZULLO. Mr. Speaker, this day has been long in coming. In 2003, I was one of the first Members of Congress to introduce legislation on this topic to stop this anti-free market practice of foreign governments of deliberately

undermining the value of their own currency to make their exports less expensive and foreign imports more costly. We have had some modest progress over the years but the overall practice continues to the detriment of our manufacturers and farmers.

Currently, counties in northern Illinois have an official unemployment rate of between 8 and 16.4 percent. The unemployment rate in the cities of Rockford, Belvidere, and Freeport are 17.4 percent, 17.8 percent, and 13.3 percent respectively. But if you include those who have given up looking for work, the real unemployment rate for these counties and cities is probably somewhere between 18 and 28 percent. We can't wait any longer for more promises to solve this problem in the future.

I am pleased to support the "new and improved version" of the legislation introduced by my fellow co-chair of the House Manufacturing Caucus, Representative TIM RYAN of Ohio, to combat exchange rate misalignment by China and other foreign governments. I am a proud original co-sponsor of this legislation. Regardless of any person's view on free trade, opposing exchange rate undervaluation is an area where both sides of the trade debate should come together. We must take a stand to stop China and other nations from making their imports cheaper in the U.S. and our exports more expensive in their country.

Let me relate the experience of one manufacturer from Rockford, Illinois, Jerry Busse of Rockford Toolcraft. He was quoted in the Rockford Register Star last August saying, "We have done work for a big manufacturer in Chicago for 20 years. All of a sudden we lost a lot of their business because they decided to move the work to China." Jerry Busse asked the Chicago company what he had to do to get the work back. The prices they were getting from China were close to what Rockford Toolcraft had been getting. Jerry Busse thought to himself that he could do the work for that amount but the Chicago company refused. According to Jerry Busse, the management of the Chicago firm said anyone in America has to be 30 percent under the Chinese price. Mr. Speaker, 30 percent is approximately the undervaluation of the Chinese currency. Suffice it to say that Rockford Toolcraft couldn't meet this predatory price and lost a customer.

Despite any differences we may have over trade policy, we should all agree on the need to stop foreign governments from undervaluing their currencies to gain an economic advantage over us by making their goods artificially less expensive in the United States and making our exports more expensive overseas.

This bill is not targeted at one country. Currency undervaluation is not just a problem that plagues our trade relationship with China. About two weeks ago, Japanese monetary authorities sold a large amount of yen against the dollar to stem the Japanese currency's sharp appreciation against the U.S.—the first time since 2004. Other countries have joined in this anti-capitalistic, mercantilist behavior over the years and they should be equally condemned. It is in their long-term self interest to eventually move to a valuation of their currency that is based on the marketplace—not by a government official.

Fred Bergsten, Director of the highly respected Peterson Institute for International Economics, estimated that correction of all of the Asian currency undervaluations would cut the global U.S. trade deficit by about \$100 billion and generate at least 700,000 jobs.

This legislation provides another weapon in our trade arsenal to empower our trade enforcement officials to confront unfair trade practices by China and others. The revised bill gives discretion to the Department of Commerce to consider currency undervaluation as another form of a government subsidy that is eligible for higher countervailing duties.

This legislation is preferable to other bills that would impose blanket, across-the-board tariffs on just Chinese goods that would almost immediately be ruled illegal by the World Trade Organization. This approach is WTO compliant and does not target one specific country over another for currency undervaluation. This bill should unite both spectrums of the trade debate and one that should send shockwaves to capitals of foreign governments that deliberately undervalue their currency for a trade advantage. The frustration level is high among our small manufacturers such as Jerry Busse and the time is ripe for Congress to act.

I'm here as a proponent of free but fair trade in support of this carefully crafted legislation and I urge my colleagues to do the same. If you want to stop Chinese imports coming in at predatory prices and give our manufacturers and farmers the chance to fairly compete, then support this bill. If you don't like government subsidies and interference in the marketplace; if you prefer capitalism to mercantilism; then you vote for this bill.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of H.R. 2378, the Currency Reform Fair Trade Act.

First, I want to thank Chairman LEVIN and his staff for crafting this responsible and much needed WTO compliant legislation.

There is wide agreement that China is deliberately and illegally intervening in global currency markets to benefit its own economy. According to the Peterson Institute of International Economics, because of repeated Chinese government intervention, the RMB is unfairly undervalued by as much as 24 percent against the dollar.

This practice is harming the U.S. economy and weakening our ability to promote economic growth and jobs. Again, according to the Peterson Institute, if the RMB was fairly valued, there would be 500,000 more Americans employed today in good paying manufacturing jobs.

The President's strategy for boosting the economy includes a two year plan to increase manufacturing and expand exports—but increasing exports in a global economy where American goods are artificially more expensive than comparable Chinese goods, is like fighting an uphill battle.

H.R. 2378 will help encourage the Chinese government to do the right thing and float its currency in a wider band. This will help to protect those American businesses and jobs that are being injured by the imbalance.

Specifically, the bill requires the Department of Commerce to view deliberate currency undervaluation as an illegal export subsidy just as the World Trade Organization does. If this

bill becomes law, Commerce will have to use the same standard as the WTO when determining whether an illegal export subsidy exists. Commerce will have to weigh all relevant factors, including currency undervaluation, when determining whether to recommend that "countervailing duties" be applied against a foreign import.

This bill does not just target China, though China is the leading abuser of this practice. Any country that unfairly and significantly acts to suppress the value of its currency to boost its own exports will be a target.

The President's plan for strengthening the economy includes a vigorous enforcement of our rights in the global trade arena. The WTO says we have a right to respond when our trading partners employ illegal practices that injure our businesses. H.R. 2378 ensures that the Department of Commerce does not overlook or underestimate the impact that currency undervaluation has on American businesses.

I encourage my colleagues to support this measure. It provides one more tool that can be used to protect American companies and the workers they employ in the ongoing push to boost the U.S. economy.

Mr. DINGELL. Mr. Speaker, I rise in strong support of H.R. 2378, the Currency Reform for Fair Trade Act, of which I am also a co-sponsor. For too long, the United States has stood idly by while its trading partners—China, in particular—have manipulated the value of their currencies to gain a competitive advantage. H.R. 2378 will strengthen our country's ability to impose punitive tariffs on currency manipulators and, in so doing, help protect American workers and businesses from this most unfair trade practice.

I wish to thank Congressman RYAN of Ohio for introducing this fine bill. I also commend my good friend and colleague from Michigan, Chairman SANDER LEVIN of the Committee on Ways and Means, for understanding the dire need for this legislation and amending it in such a manner that conforms to the United States' obligations as a member of the World Trade Organization. I hope China will take note of this and adjust its behavior accordingly.

I urge my colleagues to vote in favor of H.R. 2378 and further call on the United States Senate to pass this bill with all due haste.

Mr. LIPINSKI. Mr. Speaker, I rise in strong support of H.R. 2378, the Currency Reform for Fair Trade Act. I am a proud cosponsor of this bill, and am pleased that this measure has been brought up for a vote.

American manufacturers are facing numerous challenges during this recession, but China's manipulation of its currency is undoubtedly the most insidious. These unfair practices put U.S. firms at a distinct disadvantage in their efforts to remain competitive and to export goods to a growing global market. By fixing the value of the renminbi to the American dollar, China effectively undervalues its currency by at least 25 percent and affords its manufacturers an unfair advantage, making their exports artificially cheap. As a result of this manipulation, American-made products are unable to compete in the marketplace and American manufacturers and other exporters are forced to lay off workers.

H.R. 2378 will begin to address this market exploitation by allowing the United States to

assess countervailing and anti-dumping duties on products exported from any nation that benefits from the export subsidy of manipulated currency. It has been estimated that by implementing these duties as many as 500,000 U.S. manufacturing jobs will be created. And by making American manufacturers more competitive, we can begin to overcome the estimated 1.4 percent annual GDP reduction caused by China's currency manipulation.

While both Presidents Bush and Obama have sought to address China's currency manipulation diplomatically through both bilateral and multilateral channels, China has provided only empty pledges to allow its currency to float freely with the market—pledges that have never truly been realized. When one looks at the value of the Chinese renminbi against the U.S. dollar, it is remarkable how unnaturally flat the rate has remained for the last 2 years. Though the renminbi has appreciated by a tiny amount in recent months, this is an obvious attempt by the Chinese to leave the impression that it is acting responsibly with respect to its currency, when in fact we all know that is not the case. This legislation is crucial to overcoming China's failed promises to operate in the global economy under fair rules and standards.

This is not some esoteric exercise. China's currency manipulation has a direct effect on a wide range of U.S. manufacturers, from steel to paper, machinery to textiles. It has driven firms out of business and cost us millions of jobs, especially in the Midwest. It serves to decrease exports and widen our trade deficit with China at a time when we need to be expanding our exports and growing our economy. As my constituent Zach Mottl, of Atlas Tool and Die and the Tool and Manufacturing Association, said, "a few percentage point difference [in currency value] can make that difference in terms of whether a company buys here or buys overseas."

It is the government's duty to defend the American people. American workers and families have been under assault for years from China's unfair currency policy which steals American jobs. While we've been playing by the rules, China has enriched itself by deliberately ignoring them. Our policy has been all carrot and no stick, with unfortunate but predictable consequences. We cannot continue to allow American businesses and workers to be put out of work by China's currency manipulation. I am pleased to support this much needed, bipartisan legislation, and I urge the Senate to quickly act on this important measure in order to bring fairness and balance to international trade.

Mr. PAUL. Mr. Speaker, the imbalances in international trade, and in particular trade between China and the United States, have prompted many to demand a realignment of the Chinese yuan and the American dollar. Since we are running a huge trade deficit with China the call now is for a stronger yuan and a weaker dollar. This trade imbalance problem will not be solved so easily.

I would urge my colleagues to consider the benefits we receive from our relationship with China, one of which is that American consumers benefit from lower-priced goods. Adopting the policy urged by supporters of this bill would cause consumer prices to increase,

thus reducing consumers' wealth. Other producers would suffer as a result of the consumers' decreased purchasing power. I doubt that many of our constituents want us to increase the prices they pay for goods and services.

Congress should also consider how the Chinese benefit the United States government by holding our debt. The dollars the Chinese acquire by selling us goods and services must be returned to the United States. Since the Chinese are not buying an equivalent amount of American goods and services, they are using the dollars to finance Congress' extravagant spending.

This deep and legitimate concern for the trade imbalance between China and the U.S. will fall short if the issue of fluctuating, worldwide fiat currencies is not addressed. The fact that the U.S. dollar is the principal reserve currency of the world gives us a benefit that others do not enjoy. It allows us to export paper dollars and import goods manufactured in countries with cheap labor. It also allows us to finance the welfare/warfare state with cheap loans from China and Japan. It's a good deal for the government but according to economic law must come to an end, and the end will be messy for the U.S. consumer and for world trade.

Our current account deficit and huge foreign indebtedness is a reflection of the world monetary system of fiat money. The longer the trade imbalances last, the more difficult the adjustment will be. The market will eventually force these adjustments on us.

Instead of having fluctuating currency exchange rates and the inevitable instability that accompanies them, we should be working to establish a commodity-backed currency whose value is determined by the market. This would provide an objective measurement of the value of economic goods and services and thus strengthen the economy by freeing it from the negative effects of our unstable monetary policy.

Instead of promoting global economic government, the United States Congress should reform those policies that reduce our manufacturers' competitiveness. The taxes and regulations imposed on American businesses are damaging economic growth and killing jobs. If we were serious about creating jobs, we would be working on an aggressive agenda of cutting taxes and repealing needless regulations.

Congress can also improve America's competitive position by ending the practice of forcing American workers to subsidize their foreign competitors through organizations such as the Export-Import Bank and the International Monetary Fund.

In conclusion, Mr. Speaker, I remind my colleagues that stability in currencies is something we should seek, not something we should condemn. The bill before us today will not solve our problems. In fact, by refusing to address the economic stability created by fiat currency and instead embracing protectionism, it will further weaken the American economy.

Ms. KAPTUR. Mr. Speaker, I believe in free and fair trade among free peoples conducted under a rule of law. Our nation boasts the most open markets in the world. But not all the world's markets are open house; con-

sequently, since 1975 our nation has amassed an enormous trade deficit that will top ½ billion dollars this year.

This trade gap has resulted in:

35 years of outsourced jobs by the millions to penny wage environments.

35 years of imports dwarfing our exports.

35 years of buying from countries who will not buy as much from us.

35 years of trying to penetrate the markets of countries who contort the trade and currency rules in their favor, not ours.

As our nation climbs out of its deepest recession since the 1930s, we must rebalance our trade policies and take action to dig us out of this deep hole.

Take the case of China. The massive hemorrhage of U.S. jobs and wealth to China is staggering—in 1990 America's trade deficit with China was \$10.4 billion, and by 2000 it was up to \$83.8 billion. As of July of this year we are already \$145.4 billion in the red to Communist China. These deficits mean lost jobs in America, a shrinking middle class as production and wealth get shifted offshore.

The evidence is all around us: Americans working harder each year, plants closing down despite increasing worker productivity. Now people's health and retirement benefits are cut, or they face unemployment, as their jobs are outsourced or destroyed.

This is not a recipe for a healthy economy nor a strong nation.

How did this happen?

The Chinese are gaining a mercantilist advantage in their economic practices, which some experts call "market Leninism." They manipulate trade through several devices, the most potent of which is currency manipulation.

We must take the necessary steps to create a level playing field for American workers and companies by holding China accountable for unfair devaluation by 40 percent or more of its currency.

By making the Yuan cheaper than it should be, their goods are 40 percent cheaper here and in global markets than American-made products, simply because of that government's actions.

China manipulates its currency by making massive purchases of dollars, Euros, and Yen in the global exchange markets, intervening with tens of billions of purchases of other currencies weekly.

The result: the U.S. GDP drops by 1.4 percentage points annually just because of China's currency manipulation.

Jobs are lost, factories closed, and America's competitiveness weakens.

The U.S. has the following four options:

1. Negotiate with the Chinese to end their currency manipulation. The U.S. has been in such negotiations for 6 years. The talks have failed. That is why the Currency Reform for Fair Trade Act is so important.

2. Intervene in the global currency market by selling massive amounts of dollars. Intervention would result in massive inflation and if the Chinese countered, it would not work.

3. Seek WTO approval of global sanctions. This would take 3–5 years and there is no certainty that Europe or Japan would be supportive.

4. Impose an Adjustable Currency Tariff (ACT). An ACT would be set at exactly the

amount that the Yuan is undervalued. Under this proposal, the amount of the undervaluation would be set by some neutral international financial organization such as the IMF. The value of the ACT would be adjusted quarterly. As China changed the value of the Yuan, the value of the ACT tariff would be altered correspondingly. When China ended their manipulation, the ACT would be zero. This is not old-fashioned protectionism, but rather a remedy against such protectionism directed towards American-based production and jobs. The crisis is huge and we must act now.

These corrections, including passage of H.R. 2378, if taken immediately, could create an estimated 500,000 manufacturing jobs here in the United States, helping to put Americans back to work and strengthening our economy.

The Chinese government's currency policy is an impediment to this great Republic of ours. It kills American jobs and weakens our nation in the global markets. It is time that we take action to fix this broken policy and stand up for our nation.

I urge my colleagues to join me in voting yes for this bill.

Mr. LEVIN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 1674, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LEVIN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of H.R. 2378 will be followed by 5-minute votes on motions to suspend the rules with regard to:

H.R. 6160, by the yeas and nays;

H.R. 4072, by the yeas and nays;

H.R. 3421, de novo.

The vote was taken by electronic device, and there were—ayes 348, noes 79, not voting 6, as follows:

[Roll No. 554]

AYES—348

Ackerman	Berkley	Boyd
Aderholt	Berman	Brady (PA)
Adler (NJ)	Berry	Braley (IA)
Akin	Biggert	Bright
Altmire	Bilbray	Brown (SC)
Andrews	Bilirakis	Brown, Corrine
Arcuri	Bishop (GA)	Brown-Waite,
Austria	Bishop (NY)	Ginny
Baca	Bishop (UT)	Burgess
Bachus	Blumenauer	Burton (IN)
Baird	Boccheri	Butterfield
Baldwin	Bonner	Calvert
Barrett (SC)	Boozman	Camp
Barrow	Boren	Cao
Bean	Boswell	Capito
Becerra	Boucher	Capps

Capuano	Hirono	Ortiz	Wasserman	Weiner	Wittman	[Roll No. 555] YEAS—325	
Cardoza	Hodes	Owens	Schultz	Welch	Wolf		
Carnahan	Hoekstra	Pallone	Waters	Westmoreland	Woolsey	Ackerman	Emerson
Carney	Holden	Pascarell	Watson	Whitfield	Wu		
Carson (IN)	Holt	Pastor (AZ)	Watt	Wilson (OH)	Yarmuth	Adler (NJ)	Engel
Cassidy	Honda	Payne	Waxman	Wilson (SC)	Young (AK)	Akin	Eshoo
Castle	Hoyer	Pelosi				Altmore	Etheridge
Castor (FL)	Hunter	Perlmutter				Andrews	Farr
Chandler	Inglis	Perriello	Alexander	Graves (GA)	McMorris	Arcuri	Fattah
Childers	Inslee	Peters	Bachmann	Hall (TX)	Rodgers	Austria	McCollum
Chu	Israel	Peterson	Bartlett	Hastings (WA)	Miller, Gary	Baca	Filner
Clarke	Jackson (IL)	Petri	Barton (TX)	Heller	Mitchell	Bachus	Forbes
Clay	Jackson Lee	Pingree (ME)	Blackburn	Hensarling	Neugebauer	Baird	Fortenberry
Cleaver	(TX)	Pitts	Boehner	Herger	Nunes	Baldwin	Foster
Clyburn	Johnson (GA)	Platts	Bono Mack	Issa	Olson	Barrow	Frank (MA)
Coble	Johnson (IL)	Pomeroy	Boustany	Jenkins	Paul	Bartlett	Fudge
Coffman (CO)	Johnson, E. B.	Posey	Brady (TX)	Johnson, Sam	Paulsen	Bean	Garamendi
Cohen	Jones	Price (NC)	Broun (GA)	Jordan (OH)	Pence	Becerra	Gerlach
Cole	Kagen	Putnam	Buchanan	King (IA)	Poe (TX)	Berkley	Giffords
Connolly (VA)	Kanjorski	Quigley	Campbell	King (NY)	Polis (CO)	Berman	Gingrey (GA)
Conyers	Kaptur	Rahall	Cantor	Kingston	Price (GA)	Berry	Gonzalez
Cooper	Kennedy	Rangel	Carter	Kline (MN)	Reichert	Biggert	Gordon (TN)
Costa	Kildee	Rehberg	Chaffetz	Lamborn	Ryan (WI)	Bilbray	Grayson
Costello	Kilpatrick (MI)	Reyes	Conaway	Lance	Scalise	Bilirakis	Green, Al
Courtney	Kilroy	Richardson	Cuellar	Larsen (WA)	Schmidt	Bishop (GA)	Green, Gene
Crenshaw	Kind	Rodriguez	Culberson	Latham	Sessions	Bishop (NY)	Griffith
Critz	Kirk	Roe (TN)	Djou	Latta	Shadegg	Bishop (UT)	Grijalva
Crowley	Kirkpatrick (AZ)	Rogers (AL)	Dreier	Lewis (CA)	Smith (NE)	Blumenauer	Guthrie
Cummings	Kissell	Rogers (KY)	Flake	Linder	Smith (TX)	Bocciari	Gutierrez
Dahlkemper	Klein (FL)	Rogers (MI)	Fleming	Lummis	Snyder	Bonner	Hall (NY)
Davis (AL)	Kosmas	Rohrabacher	Frank (AZ)	Mack	Sullivan	Boozman	Hall (TX)
Davis (CA)	Kratovil	Rooney	Frelinghuysen	Marchant	Thornberry	Boren	Halvorson
Davis (IL)	Kucinich	Ros-Lehtinen	Garrett (NJ)	McCarthy (CA)	Tiahrt	Boswell	Hare
Davis (KY)	Langevin	Roskam	Gohmert	McCauley	Walden	Boucher	Harman
Davis (TN)	Larson (CT)	Ross	Granger	McClintock		Boyd	Hastings (FL)
DeFazio	LaTourrette	Rothman (NJ)				Brady (PA)	Heinrich
DeGette	Lee (CA)	Roybal-Allard				Brayley (IA)	Heller
DeLauro	Lee (NY)	Royce				Bright	Herseth Sandlin
Dent	Levin	Ruppersberger	Blunt	Delahunt	Radanovich	Brown, Corrine	Higgins
Deutch	Lewis (GA)	Rush	Buyer	Fallin	Young (FL)	Buchanan	Hill
Diaz-Balart, L.	Lipinski	Ryan (OH)				Butterfield	Himes
Diaz-Balart, M.	LoBiondo	Salazar				Camp	Hinchee
Dicks	Loeb sack	Sánchez, Linda T.				Cao	Hinojosa
Dingell	Lofgren, Zoe	Sanchez, Loretta				Capito	Ortiz
Doggett	Lowey	Sarbanes				Capps	Holden
Donnelly (IN)	Lucas	Schakowsky				Capuano	Holt
Doyle	Luetkemeyer	Schauer				Cardoza	Honda
Driehaus	Lujan	Schiff				Carnahan	Hoyer
Duncan	Lungren, Daniel E.	Schock				Carney	Hunter
Edwards (MD)	Lynch	Schrader				Carson (IN)	Inglis
Edwards (TX)	Maffei	Schwartz				Castle	Inslee
Ehlers	Maloney	Scott (GA)				Castor (FL)	Israel
Ellison	Manzullo	Scott (VA)				Chandler	Jackson (IL)
Ellsworth	Markey (CO)	Sensenbrenner				Childers	Jackson Lee
Emerson	Markey (MA)	Serrano				Chu	(TX)
Engel	Marshall	Sestak				Clarke	Johnson (GA)
Etheridge	Matheson	Shea-Porter				Clay	Johnson (IL)
Farr	Matsui	Sherman				Cleaver	Johnson, E. B.
Fattah	McCarthy (NY)	Shimkus				Clyburn	Jones
Filner	McCollum	Shuler				Coble	Kagen
Forbes	McCotter	Shuster				Coffman (CO)	Kanjorski
Fortenberry	McDermott	Simpson				Cohen	Kaptur
Foster	McGovern	Sires				Cole	Kennedy
Fox	McHenry	Skelton				Connolly (VA)	Kildee
Frank (MA)	McIntyre	Slaughter				Conyers	Kilpatrick (MI)
Fudge	McKeon	Smith (NJ)				Cooper	Kilroy
Gallegly	McMahon	Smith (WA)				Costa	Kind
Garamendi	McNerney	Space				Costello	Kirkpatrick (AZ)
Gerlach	Meek (FL)	Speier				Courtney	Kissell
Giffords	Meeks (NY)	Spratt				Critz	Klein (FL)
Gingrey (GA)	Melancon	Stark				Crowley	Kosmas
Gonzalez	Mica	Stearns				Cuellar	Kratovil
Goodlatte	Michaud	Stupak				Culberson	Kucinich
Gordon (TN)	Miller (FL)	Sutton				Cummings	Lance
Graves (MO)	Miller (MI)	Tanner				Dahlkemper	Langevin
Grayson	Miller (NC)	Taylor				Davis (AL)	Larsen (WA)
Green, Al	Miller, George	Teague				Davis (CA)	Larson (CT)
Green, Gene	Minnick	Terry				Davis (IL)	Latham
Griffith	Mollohan	Thompson (CA)				Davis (TN)	LaTourrette
Grijalva	Moore (KS)	Thompson (MS)				DeFazio	Lee (CA)
Guthrie	Moore (WI)	Thompson (PA)				DeGette	Lee (NY)
Gutierrez	Moran (KS)	Tiberi				DeLauro	Levin
Hall (NY)	Moran (VA)	Tierney				Dent	Lewis (GA)
Halvorson	Murphy (CT)	Titus				Deutch	Lipinski
Hare	Murphy (NY)	Tonko				Dicks	LoBiondo
Harman	Murphy, Patrick	Towns				Dingell	Loeb sack
Harper	Murphy, Tim	Tsongas				Doggett	Lofgren, Zoe
Hastings (FL)	Myrick	Turner				Donnelly (IN)	Lowey
Heinrich	Nadler (NY)	Upton				Doyle	Lucas
Herseth Sandlin	Napolitano	Van Hollen				Driehaus	Luetkemeyer
Higgins	Neal (MA)	Velázquez				Edwards (MD)	Lujan
Hill	Nye	Visclosky				Edwards (TX)	Lynch
Himes	Oberstar	Walz				Ehlers	Maffei
Hinchee	Obey	Wamp				Ellison	Maloney
Hinojosa	Oliver					Ellsworth	Manzullo
							Markey (CO)
							Markey (MA)
							Marshall
							Matheson
							Matsui
							McCarthy (NY)
							McCaul
							McCollum
							McCotter
							McDermott
							McGovern
							McIntyre
							McKeon
							McMahon
							McNerney
							Meek (FL)
							Meeks (NY)
							Melancon
							Michaud
							Miller (MI)
							Miller (NC)
							Miller, George
							Minnick
							Mitchell
							Mollohan
							Moore (KS)
							Moore (WI)
							Moran (KS)
							Moran (VA)
							Murphy (CT)
							Murphy (NY)
							Murphy, Patrick
							Murphy, Tim
							Myrick
							Nadler (NY)
							Napolitano
							Neal (MA)
							Nye
							Oberstar
							Obey
							Oliver

NOES—79

NOT VOTING—6

□ 1757

Messrs. POE of Texas, TIAHRT, ISSA, and WALDEN changed their vote from “aye” to “no.”

Messrs. MILLER of Florida, GRIF-FITH and ROYCE changed their vote from “no” to “aye.”

So the bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: “A bill to amend title VII of the Tariff Act of 1930 to clarify that counter-vailing duties may be imposed to address subsidies relating to a fundamentally undervalued currency of any foreign country.”

A motion to reconsider was laid on the table.

RARE EARTHS AND CRITICAL MATERIALS REVITALIZATION ACT OF 2010

The SPEAKER pro tempore (Ms. JACKSON LEE of Texas). The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6160) to develop a rare earth materials program, to amend the National Materials and Minerals Policy, Research and Development Act of 1980, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 325, nays 98, not voting 9, as follows:

Sires	Thompson (CA)	Wasserman
Skelton	Thompson (MS)	Schultz
Slaughter	Thompson (PA)	Waters
Smith (NJ)	Tiberi	Watson
Smith (TX)	Tierney	Watt
Smith (WA)	Titus	Waxman
Space	Tonko	Weiner
Speier	Towns	Welch
Spratt	Tsongas	Whitfield
Stark	Turner	Wilson (OH)
Stearns	Upton	Wittman
Stupak	Van Hollen	Wolf
Sutton	Velázquez	Woolsey
Tanner	Visclosky	Wu
Taylor	Walden	Yarmuth
Teague	Walz	
Terry	Wamp	

NAYS—98

Alexander	Gallegly	Mica
Bachmann	Garrett (NJ)	Miller (FL)
Barrett (SC)	Gohmert	Miller, Gary
Barton (TX)	Goodlatte	Neugebauer
Blackburn	Granger	Nunes
Boehner	Graves (GA)	Paul
Bono Mack	Graves (MO)	Paulsen
Boustany	Harper	Pence
Brady (TX)	Hastings (WA)	Petri
Brown (GA)	Hensarling	Poe (TX)
Brown (SC)	Herger	Posey
Brown-Waite,	Hoekstra	Price (GA)
Ginny	Issa	Putnam
Burgess	Jenkins	Roe (TN)
Burton (IN)	Johnson, Sam	Rogers (AL)
Calvert	Jordan (OH)	Rooney
Campbell	King (IA)	Roskam
Cantor	King (NY)	Royce
Carter	Kingston	Ryan (WI)
Cassidy	Kline (MN)	Scalise
Chaffetz	Lamborn	Schmidt
Conaway	Latta	Sensenbrenner
Crenshaw	Lewis (CA)	Sessions
Davis (KY)	Linder	Shadegg
Diaz-Balart, L.	Lummis	Shuster
Diaz-Balart, M.	Lungren, Daniel	Smith (NE)
Djou	E.	Snyder
Dreier	Mack	Sullivan
Duncan	Marchant	Thornberry
Flake	McCarthy (CA)	Tiahrt
Fleming	McClintock	Westmoreland
Foxx	McHenry	Wilson (SC)
Franks (AZ)	McMorris	Young (AK)
Frelinghuysen	Rodgers	

NOT VOTING—9

Blunt	Fallin	Olson
Buyer	Hodes	Radanovich
Delahunt	Kirk	Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes left in this vote.

□ 1808

Messrs. PAULSEN, DAVIS of Kentucky, and KLINE of Minnesota changed their vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMERICAN MANUFACTURING EFFICIENCY AND RETRAINING INVESTMENT COLLABORATION ACHIEVEMENT WORKS ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4072) to require that certain Federal job training and career education programs give priority to pro-

grams that provide a national industry-recognized and portable credential, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 10, not voting 10, as follows:

[Roll No. 556]

YEAS—412

Ackerman	Clyburn	Griffith
Aderholt	Coble	Grijalva
Adler (NJ)	Coffman (CO)	Guthrie
Akin	Cohen	Gutierrez
Alexander	Cole	Hall (NY)
Altmire	Conaway	Hall (TX)
Andrews	Connolly (VA)	Halvorson
Arcuri	Cooper	Hare
Austria	Costa	Harman
Baca	Costello	Harper
Bachmann	Courtney	Hastings (FL)
Bachus	Crenshaw	Hastings (WA)
Baird	Critz	Heinrich
Baldwin	Crowley	Heller
Barrett (SC)	Cuellar	Herger
Barrow	Culberson	Herseth Sandlin
Barlett	Cummings	Higgins
Barton (TX)	Dahlkemper	Hill
Bean	Davis (AL)	Himes
Becerra	Davis (CA)	Hinchey
Berkley	Davis (IL)	Hinojosa
Berman	Davis (KY)	Hirono
Berry	Davis (TN)	Holden
Biggett	DeFazio	Holt
Bilbray	DeGette	Honda
Bilirakis	DeLauro	Hoyer
Bishop (GA)	Dent	Hunter
Bishop (NY)	Deutch	Inglis
Bishop (UT)	Diaz-Balart, L.	Inslee
Blackburn	Diaz-Balart, M.	Israel
Blumenauer	Dicks	Issa
Boccieri	Dingell	Jackson (IL)
Bonner	Djou	Jackson Lee
Bono Mack	Doggett	(TX)
Boozman	Donnelly (IN)	Jenkins
Boren	Doyle	Johnson (GA)
Boswell	Dreier	Johnson (IL)
Boucher	Driedhaus	Johnson, E. B.
Boustany	Duncan	Johnson, Sam
Boyd	Edwards (MD)	Jones
Brady (PA)	Edwards (TX)	Kagen
Brady (TX)	Ehlers	Kanjorski
Braley (IA)	Ellison	Kaptur
Bright	Ellsworth	Kennedy
Brown (SC)	Emerson	Kildee
Brown, Corrine	Engel	Kilpatrick (MI)
Brown-Waite,	Eshoo	Kilroy
Ginny	Etheridge	Kind
Buchanan	Farr	King (NY)
Burgess	Fattah	Kingston
Burton (IN)	Filner	Kirkpatrick (AZ)
Butterfield	Fleming	Kissell
Calvert	Forbes	Klein (FL)
Camp	Fortenberry	Kline (MN)
Cantor	Foster	Kosmas
Cao	Foxx	Kratovil
Capito	Frank (MA)	Kucinich
Capps	Frelinghuysen	Lamborn
Capuano	Fudge	Lance
Cardoza	Gallegly	Langevin
Carnahan	Garamendi	Larsen (WA)
Carney	Garrett (NJ)	Larson (CT)
Carson (IN)	Gerlach	Latham
Carter	Giffords	LaTourette
Cassidy	Gingrey (GA)	Latta
Castle	Gohmert	Lee (CA)
Castor (FL)	Gonzalez	Lee (NY)
Chaffetz	Goodlatte	Levin
Chandler	Gordon (TN)	Lewis (CA)
Childers	Granger	Lewis (GA)
Chu	Graves (MO)	Linder
Clarke	Grayson	Lipinski
Clay	Green, Al	LoBiondo
Cleaver	Green, Gene	Loeback

Lofgren, Zoe	Ortiz	Shadegg
Lowey	Owens	Shea-Porter
Lucas	Pallone	Sherman
Luetkemeyer	Pascarell	Shimkus
Lujan	Pastor (AZ)	Shuler
Lummis	Paulsen	Shuster
Lungren, Daniel	Payne	Simpson
E.	Pence	Sires
Lynch	Perlmutter	Skelton
Mack	Perriello	Slaughter
Maffei	Peters	Smith (NE)
Maloney	Peterson	Smith (NJ)
Manzullo	Petri	Smith (TX)
Marchant	Pingree (ME)	Smith (WA)
Markey (CO)	Pitts	Snyder
Markey (MA)	Platts	Space
Marshall	Poe (TX)	Speier
Matheson	Polis (CO)	Spratt
Matsui	Pomeroy	Stark
McCarthy (CA)	Posey	Stearns
McCarthy (NY)	Price (GA)	Stupak
McCaul	Price (NC)	Sullivan
McClintock	Putnam	Sutton
McCollum	Quigley	Tanner
McCotter	Rahall	Taylor
McDermott	Rangel	Teague
McGovern	Rehberg	Terry
McHenry	Reichert	Thompson (CA)
McIntyre	Reyes	Thompson (MS)
McKeon	Richardson	Thompson (PA)
McMahon	Rodriguez	Thornberry
McMorris	Roe (TN)	Tiahrt
Rodgers	Rogers (AL)	Tiberi
McNerney	Rogers (KY)	Tierney
Meek (FL)	Rogers (MI)	Titus
Meeks (NY)	Rohrabacher	Tonko
Melancon	Rooney	Towns
Mica	Ros-Lehtinen	Tsongas
Michaud	Roskam	Turner
Miller (FL)	Ross	Upton
Miller (MI)	Rothman (NJ)	Van Hollen
Miller (NC)	Roybal-Allard	Velázquez
Miller, Gary	Royce	Visclosky
Miller, George	Ruppersberger	Walden
Minnick	Rush	Walz
Mitchell	Ryan (OH)	Wamp
Mollohan	Ryan (WI)	Wasserman
Moore (KS)	Salazar	Schultz
Moore (WI)	Sánchez, Linda	Waters
Moran (VA)	T.	Watson
Moran (KS)	Sanchez, Loretta	Watt
Murphy (CT)	Sarbanes	Waxman
Murphy (NY)	Scalise	Weiner
Murphy, Patrick	Schakowsky	Welch
Murphy, Tim	Schauer	Westmoreland
Myrick	Schiff	Whitfield
Nadler (NY)	Schmidt	Wilson (OH)
Napolitano	Schock	Wilson (SC)
Neal (MA)	Schrader	Wittman
Neugebauer	Schwartz	Wolf
Nunes	Scott (GA)	Woolsey
Nye	Scott (VA)	Wu
Oberstar	Sensenbrenner	Yarmuth
Obey	Serrano	Young (AK)
Olson	Sessions	
Olver	Sestak	

NAYS—10

Brown (GA)	Graves (GA)	King (IA)
Campbell	Hensarling	Paul
Flake	Hoekstra	
Franks (AZ)	Jordan (OH)	

NOT VOTING—10

Blunt	Delahunt	Radanovich
Boehner	Fallin	Young (FL)
Buyer	Hodes	
Conyers	Kirk	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes left in this vote.

□ 1818

Mr. MACK changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to require that certain Federal job training and career education programs give priority to programs that provide an industry-recognized and nationally portable credential."

A motion to reconsider was laid on the table.

MEDICAL DEBT RELIEF ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 3421) to exclude from consumer credit reports medical debt that has been in collection and has been fully paid or settled, and for other purposes, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Ms. KILROY) that the House suspend the rules and pass the bill, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. BROWN of Georgia. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 336, noes 82, not voting 14, as follows,

[Roll No. 557]

AYES—336

Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boccheri
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Bright
Brown, Corrine
Buchanan
Burgess
Butterfield
Calvert
Camp

Campbell
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch

Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Galleghy
Garamendi
Gerlach
Giffords
Gohmert
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutiérrez
Hall (NY)
Hall (TX)

Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herger
Herseht Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Lujan
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)

McCaul
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Oliver
Ortiz
Owens
Pallone
Pascarella
Pastor (AZ)
Payne
Perlmutter
Perrillo
Peters
Peterson
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard

NOES—82

Akin
Austria
Bachmann
Barrett (SC)
Bartlett
Bishop (UT)
Bonner
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Cantor
Carter
Chaffetz
Coble
Coffman (CO)
Conaway
Culberson
Flake

Fleming
Foxy
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Goodlatte
Granger
Graves (GA)
Graves (MO)
Guthrie
Harper
Hastings (WA)
Heller
Hensarling
Hoekstra
Inglis
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kline (MN)

Royce
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NJ)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)

Petri
Poe (TX)
Price (GA)
Roskam
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Shadegg
Simpson
Smith (NE)
Smith (TX)
Smith (WA)
Terry

Thornberry
Tiahrt
Tiberi
Turner
Westmoreland
Whitfield
Wilson (SC)

NOT VOTING—14

Blunt
Boehner
Buyer
Clyburn
Delahunt

Diaz-Balart, L.
Diaz-Balart, M.
Fallin
Hodes
Kirk

McHenry
Radanovich
Salazar
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1826

Mr. SMITH of Texas changed his vote from "aye" to "no."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SMITH of Washington. Madam Speaker, this evening, Wednesday, September 29, 2010, I recorded an incorrect vote on the motion to suspend the rules and pass H.R. 3421, the Medical Debt Relief Act of 2010. I intended to vote "yes" on rollcall vote No. 557.

BLOCKING PROPERTY OF CERTAIN PERSONS WITH RESPECT TO SERIOUS HUMAN RIGHTS ABUSES BY IRANIAN GOVERNMENT AND TAKING CERTAIN OTHER ACTIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-147)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued an Executive Order (the "order") that takes additional steps with respect to the national emergency declared in Executive Order 12957 of March 15, 1995.

In Executive Order 12957, the President found that the actions and policies of the Government of Iran threaten the national security, foreign policy, and economy of the United States. To deal with that threat, the President in Executive Order 12957 declared a national emergency and imposed prohibitions on certain transactions with respect to the development of Iranian petroleum resources. To further respond to that threat, Executive Order 12959 of May 6, 1995, imposed comprehensive trade and financial sanctions on Iran. Finally, Executive Order 13059 of August 19, 1997, consolidated and clarified the previous orders.

I have determined that the actions and policies of the Government of Iran on or after its presidential election of June 12, 2009, including its violent response to peaceful demonstrations and its commission of serious human rights abuses, warrant the imposition of additional sanctions.

The prohibitions contained in the new order implement section 105(a) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111-195) (CISADA) concerning, *inter alia*, the imposition of sanctions pursuant to IEEPA with respect to each person on the list referred to in section 105(b). I applaud the efforts of the Congress to demonstrate the strong and sustained commitment of the United States to advancing the universal rights of all Iranians, and to sanction those who have abused their rights.

The order, however, goes beyond the scope of section 105 of CISADA by imposing sanctions pursuant to IEEPA on persons who meet a broader set of criteria than those specified in section 105(b).

The order blocks the property and interests in property of persons listed in the Annex to the order, who I have determined meet the first of the three criteria set forth below. The order also provides criteria for designations of persons determined by the Secretary of the Treasury, in consultation with or at the recommendation of the Secretary of State:

To be an official of the Government of Iran or a person acting on behalf of the Government of Iran (including members of paramilitary organizations) who is responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, the commission of serious human rights abuses against persons in Iran or Iranian citizens or residents, or the family members of the foregoing, on or after June 12, 2009, regardless of whether such abuses occurred in Iran;

To have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, the activities described in section 1(a)(ii)(A) of the order or any person whose property and interests in property are blocked pursuant to the order; or

To be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to the order.

I have delegated to the Secretary of the Treasury the authority, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and the relevant provisions of CISADA, as may be necessary to carry out the blocking-re-

lated purposes of the order and to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA, as may be necessary to carry out section 104 of CISADA. I have delegated to the Secretary of State the functions and authorities related to visa sanctions conferred upon the President by the relevant provisions of CISADA. I have also delegated to the Secretary of State, in consultation with the Secretary of the Treasury, the function of submitting to the appropriate congressional committees referred to in section 105(b) of CISADA the initial and updated lists of persons who are subject to visa sanctions and whose property and interests in property are blocked pursuant to the order. All executive agencies of the United States Government are directed to take all appropriate measures within their authority to carry out the provisions of the order.

The order, a copy of which is enclosed, became effective at 12:01 a.m. eastern daylight time on September 29, 2010.

BARACK OBAMA.

THE WHITE HOUSE, September 28, 2010.

□ 1830

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Mr. REYES. Madam Speaker, pursuant to House Resolution 1674, I call up the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with the Senate amendment thereto, and I have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the “Intelligence Authorization Act for Fiscal Year 2010”.

(b) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

Sec. 101. Authorization of appropriations.

Sec. 102. Restriction on conduct of intelligence activities.

Sec. 103. Budgetary provisions.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Technical modification to mandatory retirement provision of the Central Intelligence Agency Retirement Act.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Subtitle A—Personnel Matters

Sec. 301. Increase in employee compensation and benefits authorized by law.

Sec. 302. Enhanced flexibility in nonreimbursable details to elements of the intelligence community.

Sec. 303. Pay authority for critical positions.

Sec. 304. Award of rank to members of the Senior National Intelligence Service.

Sec. 305. Annual personnel level assessments for the intelligence community.

Sec. 306. Temporary personnel authorizations for critical language training.

Sec. 307. Conflict of interest regulations for intelligence community employees.

Subtitle B—Education Programs

Sec. 311. Permanent authorization for the Pat Roberts Intelligence Scholars Program.

Sec. 312. Modifications to the Louis Stokes Educational Scholarship Program.

Sec. 313. Intelligence officer training program.

Sec. 314. Pilot program for intensive language instruction in African languages.

Subtitle C—Acquisition Matters

Sec. 321. Vulnerability assessments of major systems.

Sec. 322. Intelligence community business system transformation.

Sec. 323. Reports on the acquisition of major systems.

Sec. 324. Critical cost growth in major systems.

Sec. 325. Future budget projections.

Sec. 326. National Intelligence Program funded acquisitions.

Subtitle D—Congressional Oversight, Plans, and Reports

Sec. 331. Notification procedures.

Sec. 332. Certification of compliance with oversight requirements.

Sec. 333. Report on detention and interrogation activities.

Sec. 334. Summary of intelligence relating to terrorist recidivism of detainees held at United States Naval Station, Guantanamo Bay, Cuba.

Sec. 335. Report and strategic plan on biological weapons.

Sec. 336. Cybersecurity oversight.

Sec. 337. Report on foreign language proficiency in the intelligence community.

Sec. 338. Report on plans to increase diversity within the intelligence community.

Sec. 339. Report on intelligence community contractors.

Sec. 340. Study on electronic waste destruction practices of the intelligence community.

Sec. 341. Review of records relating to potential health risks among Desert Storm veterans.

Sec. 342. Review of Federal Bureau of Investigation exercise of enforcement jurisdiction in foreign nations.

Sec. 343. Public release of information on procedures used in narcotics airbridge denial program in Peru.

Sec. 344. Report on threat from dirty bombs.

Sec. 345. Report on creation of space intelligence office.

Sec. 346. Report on attempt to detonate explosive device on Northwest Airlines flight 253.

Sec. 347. Repeal or modification of certain reporting requirements.

Sec. 348. Information access by the Comptroller General of the United States.

Sec. 349. Conforming amendments for report submission dates.

Subtitle E—Other Matters

- Sec. 361. Extension of authority to delete information about receipt and disposition of foreign gifts and decorations.
- Sec. 362. Modification of availability of funds for different intelligence activities.
- Sec. 363. Protection of certain national security information.
- Sec. 364. National Intelligence Program budget.
- Sec. 365. Improving the review authority of the Public Interest Declassification Board.
- Sec. 366. Authority to designate undercover operations to collect foreign intelligence or counterintelligence.
- Sec. 367. Security clearances: reports; reciprocity.
- Sec. 368. Correcting long-standing material weaknesses.
- Sec. 369. Intelligence community financial improvement and audit readiness.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

- Sec. 401. Accountability reviews by the Director of National Intelligence.
- Sec. 402. Authorities for intelligence information sharing.
- Sec. 403. Location of the Office of the Director of National Intelligence.
- Sec. 404. Title and appointment of Chief Information Officer of the Intelligence Community.
- Sec. 405. Inspector General of the Intelligence Community.
- Sec. 406. Chief Financial Officer of the Intelligence Community.
- Sec. 407. Leadership and location of certain offices and officials.
- Sec. 408. Protection of certain files of the Office of the Director of National Intelligence.
- Sec. 409. Counterintelligence initiatives for the intelligence community.
- Sec. 410. Inapplicability of Federal Advisory Committee Act to advisory committees of the Office of the Director of National Intelligence.
- Sec. 411. Membership of the Director of National Intelligence on the Transportation Security Oversight Board.
- Sec. 412. Repeal of certain authorities relating to the Office of the National Counterintelligence Executive.
- Sec. 413. Misuse of the Office of the Director of National Intelligence name, initials, or seal.
- Sec. 414. Plan to implement recommendations of the data center energy efficiency reports.
- Sec. 415. Director of National Intelligence support for reviews of International Traffic in Arms Regulations and Export Administration Regulations.

Subtitle B—Central Intelligence Agency

- Sec. 421. Additional functions and authorities for protective personnel of the Central Intelligence Agency.
- Sec. 422. Appeals from decisions involving contracts of the Central Intelligence Agency.
- Sec. 423. Deputy Director of the Central Intelligence Agency.
- Sec. 424. Authority to authorize travel on a common carrier.
- Sec. 425. Inspector General for the Central Intelligence Agency.

- Sec. 426. Budget of the Inspector General for the Central Intelligence Agency.
- Sec. 427. Public availability of unclassified versions of certain intelligence products.

Subtitle C—Defense Intelligence Components

- Sec. 431. Inspector general matters.
- Sec. 432. Clarification of national security missions of National Geospatial-Intelligence Agency for analysis and dissemination of certain intelligence information.
- Sec. 433. Director of Compliance of the National Security Agency.

Subtitle D—Other Elements

- Sec. 441. Codification of additional elements of the intelligence community.
- Sec. 442. Authorization of appropriations for Coast Guard National Tactical Integration Office.
- Sec. 443. Retention and relocation bonuses for the Federal Bureau of Investigation.
- Sec. 444. Extension of the authority of the Federal Bureau of Investigation to waive mandatory retirement provisions.
- Sec. 445. Report and assessments on transformation of the intelligence capabilities of the Federal Bureau of Investigation.

TITLE V—REORGANIZATION OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE

- Sec. 501. Reorganization of the Diplomatic Telecommunications Service Program Office.

TITLE VI—FOREIGN INTELLIGENCE AND INFORMATION COMMISSION ACT

- Sec. 601. Short title.
- Sec. 602. Definitions.
- Sec. 603. Establishment and functions of the Commission.
- Sec. 604. Members and staff of the Commission.
- Sec. 605. Powers and duties of the Commission.
- Sec. 606. Report of the Commission.
- Sec. 607. Termination.
- Sec. 608. Nonapplicability of Federal Advisory Committee Act.
- Sec. 609. Authorization of appropriations.

TITLE VII—OTHER MATTERS

- Sec. 701. Extension of National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.
- Sec. 702. Classification review of executive branch materials in the possession of the congressional intelligence committees.

TITLE VIII—TECHNICAL AMENDMENTS

- Sec. 801. Technical amendments to the Foreign Intelligence Surveillance Act of 1978.
- Sec. 802. Technical amendments to the Central Intelligence Agency Act of 1949.
- Sec. 803. Technical amendments to title 10, United States Code.
- Sec. 804. Technical amendments to the National Security Act of 1947.
- Sec. 805. Technical amendments relating to the multiyear National Intelligence Program.
- Sec. 806. Technical amendments to the Intelligence Reform and Terrorism Prevention Act of 2004.
- Sec. 807. Technical amendments to the Executive Schedule.
- Sec. 808. Technical amendments to section 105 of the Intelligence Authorization Act for Fiscal Year 2004.

- Sec. 809. Technical amendments to section 602 of the Intelligence Authorization Act for Fiscal Year 1995.
- Sec. 810. Technical amendments to section 403 of the Intelligence Authorization Act, Fiscal Year 1992.

SEC. 2. DEFINITIONS.

In this Act:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term “congressional intelligence committees” means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

For the purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414), appropriated funds available to an intelligence agency may be obligated or expended for an intelligence or intelligence-related activity as appropriated for fiscal year 2010, as modified by such reprogramming and transfers of funds authorized by and reported to the appropriate congressional committees.

SEC. 102. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity that is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 103. BUDGETARY PROVISIONS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. TECHNICAL MODIFICATION TO MANDATORY RETIREMENT PROVISION OF THE CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.

Subparagraph (A) of section 235(b)(1) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2055(b)(1)) is amended by striking “receiving compensation under the Senior Intelligence Service pay schedule at the rate” and inserting “who is at the Senior Intelligence Service rank”.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Subtitle A—Personnel Matters

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. ENHANCED FLEXIBILITY IN NONREIMBURSABLE DETAILS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 113 the following new section:

“DETAIL OF OTHER PERSONNEL

“SEC. 113A. Except as provided in section 904(g)(2) of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 402c(g)(2)) and section 113 of this Act, and notwithstanding any other provision of law, an officer or employee of the United States or member of the Armed Forces may be detailed to the staff of an element of the intelligence community funded through the National Intelligence Program from another element of the intelligence community or from another element of the United States Government on a reimbursable or nonreimbursable basis, as jointly agreed to by the head of the receiving element and the head of the detailing element, for a period not to exceed 2 years.”.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of such Act is amended by inserting after the item relating to section 113 the following new item:

“Sec. 113A. Detail of other personnel.”.

SEC. 303. PAY AUTHORITY FOR CRITICAL POSITIONS.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended by adding at the end the following new subsection:

“(s) PAY AUTHORITY FOR CRITICAL POSITIONS.—(1) Notwithstanding any pay limitation established under any other provision of law applicable to employees in elements of the intelligence community, the Director of National Intelligence may, in coordination with the Director of the Office of Personnel Management and the Director of the Office of Management and Budget, grant authority to the head of a department or agency to fix the rate of basic pay for one or more positions within the intelligence community at a rate in excess of any applicable limitation, subject to the provisions of this subsection. The exercise of authority so granted is at the discretion of the head of the department or agency employing the individual in a position covered by such authority, subject to the provisions of this subsection and any conditions established by the Director of National Intelligence when granting such authority.

“(2) Authority under this subsection may be granted or exercised only—

“(A) with respect to a position that requires an extremely high level of expertise and is critical to successful accomplishment of an important mission; and

“(B) to the extent necessary to recruit or retain an individual exceptionally well qualified for the position.

“(3) The head of a department or agency may not fix a rate of basic pay under this subsection at a rate greater than the rate payable for level II of the Executive Schedule under section 5313 of title 5, United States Code, except upon written approval of the Director of National Intelligence or as otherwise authorized by law.

“(4) The head of a department or agency may not fix a rate of basic pay under this subsection at a rate greater than the rate payable for level I of the Executive Schedule under section 5312 of title 5, United States Code, except upon written approval of the President in response to a request by the Director of National Intelligence or as otherwise authorized by law.

“(5) Any grant of authority under this subsection for a position shall terminate at the discretion of the Director of National Intelligence.

“(6)(A) The Director of National Intelligence shall notify the congressional intelligence committees not later than 30 days after the date on which the Director grants authority to the head of a department or agency under this subsection.

“(B) The head of a department or agency to which the Director of National Intelligence grants authority under this subsection shall notify the congressional intelligence committees and the Director of the exercise of such author-

ity not later than 30 days after the date on which such head exercises such authority.”.

SEC. 304. AWARD OF RANK TO MEMBERS OF THE SENIOR NATIONAL INTELLIGENCE SERVICE.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1), as amended by section 303 of this Act, is further amended by adding at the end the following new subsection:

“(t) AWARD OF RANK TO MEMBERS OF THE SENIOR NATIONAL INTELLIGENCE SERVICE.—(1) The President, based on the recommendation of the Director of National Intelligence, may award a rank to a member of the Senior National Intelligence Service or other intelligence community senior civilian officer not already covered by such a rank award program in the same manner in which a career appointee of an agency may be awarded a rank under section 4507 of title 5, United States Code.

“(2) The President may establish procedures to award a rank under paragraph (1) to a member of the Senior National Intelligence Service or a senior civilian officer of the intelligence community whose identity as such a member or officer is classified information (as defined in section 606(1)).”.

SEC. 305. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY.

(a) ASSESSMENT.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 506A the following new section:

“ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY

“SEC. 506B. (a) REQUIREMENT TO PROVIDE.—The Director of National Intelligence shall, in consultation with the head of each element of the intelligence community, prepare an annual personnel level assessment for such element that assesses the personnel levels for such element for the fiscal year following the fiscal year in which the assessment is submitted.

“(b) SCHEDULE.—Each assessment required by subsection (a) shall be submitted to the congressional intelligence committees each year at the time that the President submits to Congress the budget for a fiscal year pursuant to section 1105 of title 31, United States Code.

“(c) CONTENTS.—Each assessment required by subsection (a) submitted during a fiscal year shall contain the following information for the element of the intelligence community concerned:

“(1) The budget submission for personnel costs for the upcoming fiscal year.

“(2) The dollar and percentage increase or decrease of such costs as compared to the personnel costs of the current fiscal year.

“(3) The dollar and percentage increase or decrease of such costs as compared to the personnel costs during the prior 5 fiscal years.

“(4) The number of full-time equivalent positions that is the basis for which personnel funds are requested for the upcoming fiscal year.

“(5) The numerical and percentage increase or decrease of the number referred to in paragraph (4) as compared to the number of full-time equivalent positions of the current fiscal year.

“(6) The numerical and percentage increase or decrease of the number referred to in paragraph (4) as compared to the number of full-time equivalent positions during the prior 5 fiscal years.

“(7) The best estimate of the number and costs of core contract personnel to be funded by the element for the upcoming fiscal year.

“(8) The numerical and percentage increase or decrease of such costs of core contract personnel as compared to the best estimate of the costs of core contract personnel of the current fiscal year.

“(9) The numerical and percentage increase or decrease of such number and such costs of core

contract personnel as compared to the number and cost of core contract personnel during the prior 5 fiscal years.

“(10) A justification for the requested personnel and core contract personnel levels.

“(11) The best estimate of the number of intelligence collectors and analysts employed or contracted by each element of the intelligence community.

“(12) A statement by the Director of National Intelligence that, based on current and projected funding, the element concerned will have sufficient—

“(A) internal infrastructure to support the requested personnel and core contract personnel levels;

“(B) training resources to support the requested personnel levels; and

“(C) funding to support the administrative and operational activities of the requested personnel levels.”.

(b) APPLICABILITY DATE.—The first assessment required to be submitted under section 506B(b) of the National Security Act of 1947, as added by subsection (a), shall be submitted to the congressional intelligence committees at the time that the President submits to Congress the budget for fiscal year 2012 pursuant to section 1105 of title 31, United States Code.

(c) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of such Act, as amended by section 302 of this Act, is further amended by inserting after the item relating to section 506A the following new item:

“Sec. 506B. Annual personnel level assessments for the intelligence community.”.

SEC. 306. TEMPORARY PERSONNEL AUTHORIZATIONS FOR CRITICAL LANGUAGE TRAINING.

Section 102A(e) of the National Security Act of 1947 (50 U.S.C. 403–1(e)) is amended by—

(1) redesignating paragraph (3) as paragraph (4); and

(2) inserting after paragraph (2) the following new paragraph:

“(3)(A) In addition to the number of full-time equivalent positions authorized for the Office of the Director of National Intelligence for a fiscal year, there is authorized for such Office for each fiscal year an additional 100 full-time equivalent positions that may be used only for the purposes described in subparagraph (B).

“(B) Except as provided in subparagraph (C), the Director of National Intelligence may use a full-time equivalent position authorized under subparagraph (A) only for the purpose of providing a temporary transfer of personnel made in accordance with paragraph (2) to an element of the intelligence community to enable such element to increase the total number of personnel authorized for such element, on a temporary basis—

“(i) during a period in which a permanent employee of such element is absent to participate in critical language training; or

“(ii) to accept a permanent employee of another element of the intelligence community to provide language-capable services.

“(C) Paragraph (2)(B) shall not apply with respect to a transfer of personnel made under subparagraph (B).

“(D) The Director of National Intelligence shall submit to the congressional intelligence committees an annual report on the use of authorities under this paragraph. Each such report shall include a description of—

“(i) the number of transfers of personnel made by the Director pursuant to subparagraph (B), disaggregated by each element of the intelligence community;

“(ii) the critical language needs that were fulfilled or partially fulfilled through the use of such transfers; and

“(iii) the cost to carry out subparagraph (B).”.

SEC. 307. CONFLICT OF INTEREST REGULATIONS FOR INTELLIGENCE COMMUNITY EMPLOYEES.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403-1), as amended by section 304 of this Act, is further amended by adding at the end the following new subsection:

“(u) CONFLICT OF INTEREST REGULATIONS.—(1) The Director of National Intelligence, in consultation with the Director of the Office of Government Ethics, shall issue regulations prohibiting an officer or employee of an element of the intelligence community from engaging in outside employment if such employment creates a conflict of interest or appearance thereof.

“(2) The Director of National Intelligence shall annually submit to the congressional intelligence committees a report describing all outside employment for officers and employees of elements of the intelligence community that was authorized by the head of an element of the intelligence community during the preceding calendar year. Such report shall be submitted each year on the date provided in section 507.”

Subtitle B—Education Programs

SEC. 311. PERMANENT AUTHORIZATION FOR THE PAT ROBERTS INTELLIGENCE SCHOLARS PROGRAM.

(a) PERMANENT AUTHORIZATION.—Subtitle C of title X of the National Security Act of 1947 (50 U.S.C. 441m et seq.) is amended by adding at the end the following new section:

“PROGRAM ON RECRUITMENT AND TRAINING

“SEC. 1022. (a) PROGRAM.—(1) The Director of National Intelligence shall carry out a program to ensure that selected students or former students are provided funds to continue academic training, or are reimbursed for academic training previously obtained, in areas of specialization that the Director, in consultation with the other heads of the elements of the intelligence community, identifies as areas in which the current capabilities of the intelligence community are deficient or in which future capabilities of the intelligence community are likely to be deficient.

“(2) A student or former student selected for participation in the program shall commit to employment with an element of the intelligence community, following completion of appropriate academic training, under such terms and conditions as the Director considers appropriate.

“(3) The program shall be known as the Pat Roberts Intelligence Scholars Program.

“(b) ELEMENTS.—In carrying out the program under subsection (a), the Director shall—

“(1) establish such requirements relating to the academic training of participants as the Director considers appropriate to ensure that participants are prepared for employment as intelligence professionals; and

“(2) periodically review the areas of specialization of the elements of the intelligence community to determine the areas in which such elements are, or are likely to be, deficient in capabilities.

“(c) USE OF FUNDS.—Funds made available for the program under subsection (a) shall be used—

“(1) to provide a monthly stipend for each month that a student is pursuing a course of study;

“(2) to pay the full tuition of a student or former student for the completion of such course of study;

“(3) to pay for books and materials that the student or former student requires or required to complete such course of study;

“(4) to pay the expenses of the student or former student for travel requested by an element of the intelligence community in relation to such program; or

“(5) for such other purposes the Director considers reasonably appropriate to carry out such program.”

(b) CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of such Act, as amended by section 305 of this Act, is further amended—

(A) by transferring the item relating to section 1002 so such item immediately follows the item relating to section 1001; and

(B) by inserting after the item relating to section 1021 the following new item:

“Sec. 1022. Program on recruitment and training.”

(2) REPEAL OF PILOT PROGRAM.—

(A) AUTHORITY.—Section 318 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108-177; 50 U.S.C. 441g note) is repealed.

(B) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108-177; 117 Stat. 2599) is amended by striking the item relating to section 318.

SEC. 312. MODIFICATIONS TO THE LOUIS STOKES EDUCATIONAL SCHOLARSHIP PROGRAM.

(a) EXPANSION OF THE LOUIS STOKES EDUCATIONAL SCHOLARSHIP PROGRAM TO GRADUATE STUDENTS.—Section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended—

(1) in subsection (a)—

(A) by inserting “and graduate” after “undergraduate”; and

(B) by striking “the baccalaureate” and inserting “a baccalaureate or graduate”;

(2) in subsection (b), by inserting “or graduate” after “undergraduate”; and

(3) in subsection (c)(2), by inserting “and graduate” after “undergraduate”; and

(4) by adding at the end the following new subsection:

“(h) The undergraduate and graduate training program established under this section shall be known as the Louis Stokes Educational Scholarship Program.”

(b) AUTHORITY FOR PARTICIPATION BY INDIVIDUALS WHO ARE NOT EMPLOYED BY THE UNITED STATES GOVERNMENT.—

(1) IN GENERAL.—Subsection (b) of section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note), as amended by subsection (a)(2), is further amended by striking “civilian employees” and inserting “civilians who may or may not be employees”.

(2) CONFORMING AMENDMENTS.—Section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note), as amended by subsection (a), is further amended—

(A) in subsection (c), by striking “employees” and inserting “program participants”; and

(B) in subsection (d)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), strike “an employee of the Agency,” and insert “a program participant,”;

(II) in subparagraph (A), by striking “employee” and inserting “program participant”;

(III) in subparagraph (C)—

(aa) by striking “employee” each place that term appears and inserting “program participant”;

(bb) by striking “employee’s” each place that term appears and inserting “program participant’s”; and

(IV) in subparagraph (D)—

(aa) by striking “employee” each place that term appears and inserting “program participant”;

(bb) by striking “employee’s” each place that term appears and inserting “program participant’s”; and

(ii) in paragraph (3)(C)—

(I) by striking “employee” both places that term appears and inserting “program participant”;

(II) by striking “employee’s” and inserting “program participant’s”.

(c) TERMINATION OF PROGRAM PARTICIPANTS.—Subsection (d)(1)(C) of section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note), as amended by subsection (b)(2)(B)(i)(III), is further amended by striking “terminated” and all that follows and inserting “terminated—

“(i) by the Agency due to misconduct by the program participant;

“(ii) by the program participant voluntarily; or

“(iii) by the Agency for the failure of the program participant to maintain such level of academic standing in the educational course of training as the Director of the National Security Agency shall have specified in the agreement of the program participant under this subsection; and”.

(d) AUTHORITY TO WITHHOLD DISCLOSURE OF AFFILIATION WITH NSA.—Subsection (e) of Section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking “(1) When an employee” and all that follows through “(2) Agency efforts” and inserting “Agency efforts”.

(e) AUTHORITY OF ELEMENTS OF THE INTELLIGENCE COMMUNITY TO ESTABLISH A STOKES EDUCATIONAL SCHOLARSHIP PROGRAM.—

(1) AUTHORITY.—Subtitle C of title X of the National Security Act of 1947 (50 U.S.C. 441m et seq.), as amended by section 311 of this Act, is further amended by adding at the end the following new section:

“EDUCATIONAL SCHOLARSHIP PROGRAM

“SEC. 1023. The head of a department or agency containing an element of the intelligence community may establish an undergraduate or graduate training program with respect to civilian employees and prospective civilian employees of such element similar in purpose, conditions, content, and administration to the program that the Secretary of Defense is authorized to establish under section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note).”

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 311 of this Act, is further amended by inserting after the item relating to section 1022, as added by such section 311, the following new item:

“Sec. 1023. Educational scholarship program.”

SEC. 313. INTELLIGENCE OFFICER TRAINING PROGRAM.

(a) PROGRAM.—Subtitle C of title X of the National Security Act of 1947 (50 U.S.C. 441m et seq.), as amended by section 312(e) of this Act, is further amended by adding at the end the following new section:

“INTELLIGENCE OFFICER TRAINING PROGRAM

“SEC. 1024. (a) PROGRAMS.—(1) The Director of National Intelligence may carry out grant programs in accordance with subsection (b) to enhance the recruitment and retention of an ethnically and culturally diverse intelligence community workforce with capabilities critical to the national security interests of the United States.

“(2) In carrying out paragraph (1), the Director shall identify the skills necessary to meet current or emergent needs of the intelligence community and the educational disciplines that will provide individuals with such skills.

“(b) INSTITUTIONAL GRANT PROGRAM.—(1) The Director may provide grants to institutions of higher education to support the establishment or continued development of programs of study in educational disciplines identified under subsection (a)(2).

“(2) A grant provided under paragraph (1) may, with respect to the educational disciplines identified under subsection (a)(2), be used for the following purposes:

“(A) Curriculum or program development.

“(B) Faculty development.

“(C) Laboratory equipment or improvements.

“(D) Faculty research.

“(c) APPLICATION.—An institution of higher education seeking a grant under this section shall submit an application describing the proposed use of the grant at such time and in such manner as the Director may require.

“(d) REPORTS.—An institution of higher education that receives a grant under this section shall submit to the Director regular reports regarding the use of such grant, including—

“(1) a description of the benefits to students who participate in the course of study funded by such grant;

“(2) a description of the results and accomplishments related to such course of study; and

“(3) any other information that the Director may require.

“(e) REGULATIONS.—The Director shall prescribe such regulations as may be necessary to carry out this section.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘Director’ means the Director of National Intelligence.

“(2) The term ‘institution of higher education’ has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).”

(b) REPEAL OF DUPLICATIVE PROVISIONS.—

(1) IN GENERAL.—The following provisions of law are repealed:

(A) Subsections (b) through (g) of section 319 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 50 U.S.C. 403 note).

(B) Section 1003 of the National Security Act of 1947 (50 U.S.C. 441g–2).

(C) Section 922 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 50 U.S.C. 402 note).

(2) EXISTING AGREEMENTS.—Notwithstanding the repeals made by paragraph (1), nothing in this subsection shall be construed to amend, modify, or abrogate any agreement, contract, or employment relationship that was in effect in relation to the provisions repealed under paragraph (1) on the day prior to the date of the enactment of this Act.

(3) TECHNICAL AMENDMENT.—Section 319 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 50 U.S.C. 403 note) is amended by striking “(a) FINDINGS.—”

(c) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 312 of this Act, is further amended by striking the item relating to section 1003 and inserting the following new item:

“Sec. 1024. Intelligence officer training program.”

SEC. 314. PILOT PROGRAM FOR INTENSIVE LANGUAGE INSTRUCTION IN AFRICAN LANGUAGES.

(a) ESTABLISHMENT.—The Director of National Intelligence, in consultation with the National Security Education Board established under section 803(a) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1903(a)), may establish a pilot program for intensive language instruction in African languages.

(b) PROGRAM.—A pilot program established under subsection (a) shall provide scholarships for programs that provide intensive language instruction—

(1) in any of the five highest priority African languages for which scholarships are not offered under the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.), as determined by the Director of National Intelligence; and

(2) both in the United States and in a country in which the language is the native language of

a significant portion of the population, as determined by the Director of National Intelligence.

(c) TERMINATION.—A pilot program established under subsection (a) shall terminate on the date that is five years after the date on which such pilot program is established.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$2,000,000.

(2) AVAILABILITY.—Funds authorized to be appropriated under paragraph (1) shall remain available until the termination of the pilot program in accordance with subsection (c).

Subtitle C—Acquisition Matters

SEC. 321. VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS.

(a) VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 305 of this Act, is further amended by inserting after section 506B, as added by section 305(a), the following new section:

“VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS

“SEC. 506C. (a) INITIAL VULNERABILITY ASSESSMENTS.—(1)(A) Except as provided in subparagraph (B), the Director of National Intelligence shall conduct and submit to the congressional intelligence committees an initial vulnerability assessment for each major system and its significant items of supply—

“(i) except as provided in clause (ii), prior to the completion of Milestone B or an equivalent acquisition decision for the major system; or

“(ii) prior to the date that is 1 year after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2010 in the case of a major system for which Milestone B or an equivalent acquisition decision—

“(I) was completed prior to such date of enactment; or

“(II) is completed on a date during the 180-day period following such date of enactment.

“(B) The Director may submit to the congressional intelligence committees an initial vulnerability assessment required by clause (ii) of subparagraph (A) not later than 180 days after the date such assessment is required to be submitted under such clause if the Director notifies the congressional intelligence committees of the extension of the submission date under this subparagraph and provides a justification for such extension.

“(C) The initial vulnerability assessment of a major system and its significant items of supply shall include use of an analysis-based approach to—

“(i) identify vulnerabilities;

“(ii) define exploitation potential;

“(iii) examine the system’s potential effectiveness;

“(iv) determine overall vulnerability; and

“(v) make recommendations for risk reduction.

“(2) If an initial vulnerability assessment for a major system is not submitted to the congressional intelligence committees as required by paragraph (1), funds appropriated for the acquisition of the major system may not be obligated for a major contract related to the major system. Such prohibition on the obligation of funds for the acquisition of the major system shall cease to apply on the date on which the congressional intelligence committees receive the initial vulnerability assessment.

“(b) SUBSEQUENT VULNERABILITY ASSESSMENTS.—(1) The Director of National Intelligence shall, periodically throughout the procurement of a major system or if the Director determines that a change in circumstances warrants the issuance of a subsequent vulnerability assessment, conduct a subsequent vulnerability assessment of each major system and its significant items of supply within the National Intelligence Program.

“(2) Upon the request of a congressional intelligence committee, the Director of National Intelligence may, if appropriate, recertify the previous vulnerability assessment or may conduct a subsequent vulnerability assessment of a particular major system and its significant items of supply within the National Intelligence Program.

“(3) Any subsequent vulnerability assessment of a major system and its significant items of supply shall include use of an analysis-based approach and, if applicable, a testing-based approach, to monitor the exploitation potential of such system and reexamine the factors discussed in clauses (i) through (v) of subsection (a)(1)(C).

“(c) MAJOR SYSTEM MANAGEMENT.—The Director of National Intelligence shall give due consideration to the vulnerability assessments prepared for a given major system when developing and determining the National Intelligence Program budget.

“(d) CONGRESSIONAL OVERSIGHT.—(1) The Director of National Intelligence shall provide to the congressional intelligence committees a copy of each vulnerability assessment conducted under subsection (a) or (b) not later than 10 days after the date of the completion of such assessment.

“(2) The Director of National Intelligence shall provide the congressional intelligence committees with a proposed schedule for subsequent periodic vulnerability assessments of a major system under subsection (b)(1) when providing such committees with the initial vulnerability assessment under subsection (a) of such system as required by paragraph (1).

“(e) DEFINITIONS.—In this section:

“(1) The term ‘item of supply’ has the meaning given that term in section 4(10) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(10)).

“(2) The term ‘major contract’ means each of the 6 largest prime, associate, or Government-furnished equipment contracts under a major system that is in excess of \$40,000,000 and that is not a firm, fixed price contract.

“(3) The term ‘major system’ has the meaning given that term in section 506A(e).

“(4) The term ‘Milestone B’ means a decision to enter into major system development and demonstration pursuant to guidance prescribed by the Director of National Intelligence.

“(5) The term ‘vulnerability assessment’ means the process of identifying and quantifying vulnerabilities in a major system and its significant items of supply.”

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 313 of this Act, is further amended by inserting after the item relating to section 506B, as added by section 305(c) of this Act, the following new item:

“Sec. 506C. Vulnerability assessments of major systems.”

(b) DEFINITION OF MAJOR SYSTEM.—Paragraph (3) of section 506A(e) of the National Security Act of 1947 (50 U.S.C. 415a–1(e)) is amended by striking “(in current fiscal year dollars)” and inserting “(based on fiscal year 2010 constant dollars)”

SEC. 322. INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION.

(a) INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 321 of this Act, is further amended by inserting after section 506C, as added by section 321(a), the following new section:

“INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION

“SEC. 506D. (a) LIMITATION ON OBLIGATION OF FUNDS.—(1) Subject to paragraph (3), no funds

appropriated to any element of the intelligence community may be obligated for an intelligence community business system transformation that will have a total cost in excess of \$3,000,000 unless—

“(A) the Director of the Office of Business Transformation of the Office of the Director of National Intelligence makes a certification described in paragraph (2) with respect to such intelligence community business system transformation; and

“(B) such certification is approved by the board established under subsection (f).

“(2) The certification described in this paragraph for an intelligence community business system transformation is a certification made by the Director of the Office of Business Transformation of the Office of the Director of National Intelligence that the intelligence community business system transformation—

“(A) complies with the enterprise architecture under subsection (b) and such other policies and standards that the Director of National Intelligence considers appropriate; or

“(B) is necessary—

“(i) to achieve a critical national security capability or address a critical requirement; or

“(ii) to prevent a significant adverse effect on a project that is needed to achieve an essential capability, taking into consideration any alternative solutions for preventing such adverse effect.

“(3) With respect to a fiscal year after fiscal year 2010, the amount referred to in paragraph (1) in the matter preceding subparagraph (A) shall be equal to the sum of—

“(A) the amount in effect under such paragraph (1) for the preceding fiscal year (determined after application of this paragraph), plus

“(B) such amount multiplied by the annual percentage increase in the consumer price index (all items; U.S. city average) as of September of the previous fiscal year.

“(b) ENTERPRISE ARCHITECTURE FOR INTELLIGENCE COMMUNITY BUSINESS SYSTEMS.—(1) The Director of National Intelligence shall, acting through the board established under subsection (f), develop and implement an enterprise architecture to cover all intelligence community business systems, and the functions and activities supported by such business systems. The enterprise architecture shall be sufficiently defined to effectively guide, constrain, and permit implementation of interoperable intelligence community business system solutions, consistent with applicable policies and procedures established by the Director of the Office of Management and Budget.

“(2) The enterprise architecture under paragraph (1) shall include the following:

“(A) An information infrastructure that will enable the intelligence community to—

“(i) comply with all Federal accounting, financial management, and reporting requirements;

“(ii) routinely produce timely, accurate, and reliable financial information for management purposes;

“(iii) integrate budget, accounting, and program information and systems; and

“(iv) provide for the measurement of performance, including the ability to produce timely, relevant, and reliable cost information.

“(B) Policies, procedures, data standards, and system interface requirements that apply uniformly throughout the intelligence community.

“(c) RESPONSIBILITIES FOR INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION.—The Director of National Intelligence shall be responsible for the entire life cycle of an intelligence community business system transformation, including review, approval, and oversight of the planning, design, acquisition, deployment, operation, and maintenance of the business system transformation.

“(d) INTELLIGENCE COMMUNITY BUSINESS SYSTEM INVESTMENT REVIEW.—(1) The Director of the Office of Business Transformation of the Office of the Director of National Intelligence shall establish and implement, not later than 60 days after the enactment of the Intelligence Authorization Act for Fiscal Year 2010, an investment review process for the intelligence community business systems for which the Director of the Office of Business Transformation is responsible.

“(2) The investment review process under paragraph (1) shall—

“(A) meet the requirements of section 11312 of title 40, United States Code; and

“(B) specifically set forth the responsibilities of the Director of the Office of Business Transformation under such review process.

“(3) The investment review process under paragraph (1) shall include the following elements:

“(A) Review and approval by an investment review board (consisting of appropriate representatives of the intelligence community) of each intelligence community business system as an investment before the obligation of funds for such system.

“(B) Periodic review, but not less often than annually, of every intelligence community business system investment.

“(C) Thresholds for levels of review to ensure appropriate review of intelligence community business system investments depending on the scope, complexity, and cost of the system involved.

“(D) Procedures for making certifications in accordance with the requirements of subsection (a)(2).

“(e) BUDGET INFORMATION.—For each fiscal year after fiscal year 2011, the Director of National Intelligence shall include in the materials the Director submits to Congress in support of the budget for such fiscal year that is submitted to Congress under section 1105 of title 31, United States Code, the following information:

“(1) An identification of each intelligence community business system for which funding is proposed in such budget.

“(2) An identification of all funds, by appropriation, proposed in such budget for each such system, including—

“(A) funds for current services to operate and maintain such system;

“(B) funds for business systems modernization identified for each specific appropriation; and

“(C) funds for associated business process improvement or reengineering efforts.

“(3) The certification, if any, made under subsection (a)(2) with respect to each such system.

“(f) INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION GOVERNANCE BOARD.—(1) The Director of National Intelligence shall establish a board within the intelligence community business system transformation governance structure (in this subsection referred to as the ‘Board’).

“(2) The Board shall—

“(A) recommend to the Director policies and procedures necessary to effectively integrate all business activities and any transformation, reform, reorganization, or process improvement initiatives undertaken within the intelligence community;

“(B) review and approve any major update of—

“(i) the enterprise architecture developed under subsection (b); and

“(ii) any plans for an intelligence community business systems modernization;

“(C) manage cross-domain integration consistent with such enterprise architecture;

“(D) coordinate initiatives for intelligence community business system transformation to maximize benefits and minimize costs for the in-

telligence community, and periodically report to the Director on the status of efforts to carry out an intelligence community business system transformation;

“(E) ensure that funds are obligated for intelligence community business system transformation in a manner consistent with subsection (a); and

“(F) carry out such other duties as the Director shall specify.

“(g) RELATION TO ANNUAL REGISTRATION REQUIREMENTS.—Nothing in this section shall be construed to alter the requirements of section 8083 of the Department of Defense Appropriations Act, 2005 (Public Law 108-287; 118 Stat. 989), with regard to information technology systems (as defined in subsection (d) of such section).

“(h) RELATIONSHIP TO DEFENSE BUSINESS ENTERPRISE ARCHITECTURE.—Nothing in this section shall be construed to exempt funds authorized to be appropriated to the Department of Defense from the requirements of section 2222 of title 10, United States Code, to the extent that such requirements are otherwise applicable.

“(i) RELATION TO CLINGER-COHEN ACT.—(1) Executive agency responsibilities in chapter 113 of title 40, United States Code, for any intelligence community business system transformation shall be exercised jointly by—

“(A) the Director of National Intelligence and the Chief Information Officer of the Intelligence Community; and

“(B) the head of the executive agency that contains the element of the intelligence community involved and the chief information officer of that executive agency.

“(2) The Director of National Intelligence and the head of the executive agency referred to in paragraph (1)(B) shall enter into a Memorandum of Understanding to carry out the requirements of this section in a manner that best meets the needs of the intelligence community and the executive agency.

“(j) REPORTS.—Not later than March 31 of each of the years 2011 through 2015, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the compliance of the intelligence community with the requirements of this section. Each such report shall—

“(1) describe actions taken and proposed for meeting the requirements of subsection (a), including—

“(A) specific milestones and actual performance against specified performance measures, and any revision of such milestones and performance measures; and

“(B) specific actions on the intelligence community business system transformations submitted for certification under such subsection;

“(2) identify the number of intelligence community business system transformations that received a certification described in subsection (a)(2); and

“(3) describe specific improvements in business operations and cost savings resulting from successful intelligence community business systems transformation efforts.

“(k) DEFINITIONS.—In this section:

“(1) The term ‘enterprise architecture’ has the meaning given that term in section 3601(4) of title 44, United States Code.

“(2) The terms ‘information system’ and ‘information technology’ have the meanings given those terms in section 11101 of title 40, United States Code.

“(3) The term ‘intelligence community business system’ means an information system, including a national security system, that is operated by, for, or on behalf of an element of the intelligence community, including a financial system, mixed system, financial data feeder system, and the business infrastructure capabilities

shared by the systems of the business enterprise architecture, including people, process, and technology, that build upon the core infrastructure used to support business activities, such as acquisition, financial management, logistics, strategic planning and budgeting, installations and environment, and human resource management.

“(4) The term ‘intelligence community business system transformation’ means—

“(A) the acquisition or development of a new intelligence community business system; or

“(B) any significant modification or enhancement of an existing intelligence community business system (other than necessary to maintain current services).

“(5) The term ‘national security system’ has the meaning given that term in section 3542 of title 44, United States Code.

“(6) The term ‘Office of Business Transformation of the Office of the Director of National Intelligence’ includes any successor office that assumes the functions of the Office of Business Transformation of the Office of the Director of National Intelligence as carried out by the Office of Business Transformation on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2010.”.

(2) **TABLE OF CONTENTS AMENDMENT.**—The table of contents in the first section of that Act, as amended by section 321 of this Act, is further amended by inserting after the item relating to section 506C, as added by section 321(a)(2), the following new item:

“Sec. 506D. Intelligence community business system transformation.”.

(b) **IMPLEMENTATION.**—

(1) **CERTAIN DUTIES.**—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall designate a chair and other members to serve on the board established under subsection (f) of such section 506D of the National Security Act of 1947 (as added by subsection (a)).

(2) **ENTERPRISE ARCHITECTURE.**—

(A) **SCHEDULE FOR DEVELOPMENT.**—The Director shall develop the enterprise architecture required by subsection (b) of such section 506D (as so added), including the initial Business Enterprise Architecture for business transformation, not later than 60 days after the enactment of this Act.

(B) **REQUIREMENT FOR IMPLEMENTATION PLAN.**—In developing such an enterprise architecture, the Director shall develop an implementation plan for such enterprise architecture that includes the following:

(i) An acquisition strategy for new systems that are expected to be needed to complete such enterprise architecture, including specific time-phased milestones, performance metrics, and a statement of the financial and nonfinancial resource needs.

(ii) An identification of the intelligence community business systems in operation or planned as of the date that is 60 days after the enactment of this Act that will not be a part of such enterprise architecture, together with the schedule for the phased termination of the utilization of any such systems.

(iii) An identification of the intelligence community business systems in operation or planned as of such date, that will be a part of such enterprise architecture, together with a strategy for modifying such systems to ensure that such systems comply with such enterprise architecture.

(C) **SUBMISSION OF ACQUISITION STRATEGY.**—Based on the results of an enterprise process management review and the availability of funds, the Director shall submit the acquisition strategy described in subparagraph (B)(i) to the congressional intelligence committees not later than March 31, 2011.

SEC. 323. REPORTS ON THE ACQUISITION OF MAJOR SYSTEMS.

(a) **REPORTS.**—

(1) **IN GENERAL.**—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 322 of this Act, is further amended by inserting after section 506D, as added by section 322(a)(1), the following new section:

“REPORTS ON THE ACQUISITION OF MAJOR SYSTEMS

“SEC. 506E. (a) **DEFINITIONS.**—In this section:

“(1) The term ‘cost estimate’—

“(A) means an assessment and quantification of all costs and risks associated with the acquisition of a major system based upon reasonably available information at the time the Director establishes the 2010 adjusted total acquisition cost for such system pursuant to subsection (h) or restructures such system pursuant to section 506F(c); and

“(B) does not mean an ‘independent cost estimate’.

“(2) The term ‘critical cost growth threshold’ means a percentage increase in the total acquisition cost for a major system of at least 25 percent over the total acquisition cost for the major system as shown in the current Baseline Estimate for the major system.

“(3)(A) The term ‘current Baseline Estimate’ means the projected total acquisition cost of a major system that is—

“(i) approved by the Director, or a designee of the Director, at Milestone B or an equivalent acquisition decision for the development, procurement, and construction of such system;

“(ii) approved by the Director at the time such system is restructured pursuant to section 506F(c); or

“(iii) the 2010 adjusted total acquisition cost determined pursuant to subsection (h).

“(B) A current Baseline Estimate may be in the form of an independent cost estimate.

“(4) Except as otherwise specifically provided, the term ‘Director’ means the Director of National Intelligence.

“(5) The term ‘independent cost estimate’ has the meaning given that term in section 506A(e).

“(6) The term ‘major contract’ means each of the 6 largest prime, associate, or Government-furnished equipment contracts under a major system that is in excess of \$40,000,000 and that is not a firm, fixed price contract.

“(7) The term ‘major system’ has the meaning given that term in section 506A(e).

“(8) The term ‘Milestone B’ means a decision to enter into major system development and demonstration pursuant to guidance prescribed by the Director.

“(9) The term ‘program manager’ means—

“(A) the head of the element of the intelligence community that is responsible for the budget, cost, schedule, and performance of a major system; or

“(B) in the case of a major system within the Office of the Director of National Intelligence, the deputy who is responsible for the budget, cost, schedule, and performance of the major system.

“(10) The term ‘significant cost growth threshold’ means the percentage increase in the total acquisition cost for a major system of at least 15 percent over the total acquisition cost for such system as shown in the current Baseline Estimate for such system.

“(11) The term ‘total acquisition cost’ means the amount equal to the total cost for development and procurement of, and system-specific construction for, a major system.

“(b) **MAJOR SYSTEM COST REPORTS.**—(1) The program manager for a major system shall, on a quarterly basis, submit to the Director a major system cost report as described in paragraph (2).

“(2) A major system cost report shall include the following information (as of the last day of the quarter for which the report is made):

“(A) The total acquisition cost for the major system.

“(B) Any cost variance or schedule variance in a major contract for the major system since the contract was entered into.

“(C) Any changes from a major system schedule milestones or performances that are known, expected, or anticipated by the program manager.

“(D) Any significant changes in the total acquisition cost for development and procurement of any software component of the major system, schedule milestones for such software component of the major system, or expected performance of such software component of the major system that are known, expected, or anticipated by the program manager.

“(3) Each major system cost report required by paragraph (1) shall be submitted not more than 30 days after the end of the reporting quarter.

“(c) **REPORTS FOR BREACH OF SIGNIFICANT OR CRITICAL COST GROWTH THRESHOLDS.**—If the program manager of a major system for which a report has previously been submitted under subsection (b) determines at any time during a quarter that there is reasonable cause to believe that the total acquisition cost for the major system has increased by a percentage equal to or greater than the significant cost growth threshold or critical cost growth threshold and if a report indicating an increase of such percentage or more has not previously been submitted to the Director, then the program manager shall immediately submit to the Director a major system cost report containing the information, determined as of the date of the report, required under subsection (b).

“(d) **NOTIFICATION TO CONGRESS OF COST GROWTH.**—(1) Whenever a major system cost report is submitted to the Director, the Director shall determine whether the current acquisition cost for the major system has increased by a percentage equal to or greater than the significant cost growth threshold or the critical cost growth threshold.

“(2) If the Director determines that the current total acquisition cost has increased by a percentage equal to or greater than the significant cost growth threshold or critical cost growth threshold, the Director shall submit to Congress a Major System Congressional Report pursuant to subsection (e).

“(e) **REQUIREMENT FOR MAJOR SYSTEM CONGRESSIONAL REPORT.**—(1) Whenever the Director determines under subsection (d) that the total acquisition cost of a major system has increased by a percentage equal to or greater than the significant cost growth threshold for the major system, a Major System Congressional Report shall be submitted to Congress not later than 45 days after the date on which the Director receives the major system cost report for such major system.

“(2) If the total acquisition cost of a major system (as determined by the Director under subsection (d)) increases by a percentage equal to or greater than the critical cost growth threshold for the program or subprogram, the Director shall take actions consistent with the requirements of section 506F.

“(f) **MAJOR SYSTEM CONGRESSIONAL REPORT ELEMENTS.**—(1) Except as provided in paragraph (2), each Major System Congressional Report shall include the following:

“(A) The name of the major system.

“(B) The date of the preparation of the report.

“(C) The program phase of the major system as of the date of the preparation of the report.

“(D) The estimate of the total acquisition cost for the major system expressed in constant base-year dollars and in current dollars.

“(E) The current Baseline Estimate for the major system in constant base-year dollars and in current dollars.

“(F) A statement of the reasons for any increase in total acquisition cost for the major system.

“(G) The completion status of the major system—

“(i) expressed as the percentage that the number of years for which funds have been appropriated for the major system is of the number of years for which it is planned that funds will be appropriated for the major system; and

“(ii) expressed as the percentage that the amount of funds that have been appropriated for the major system is of the total amount of funds which it is planned will be appropriated for the major system.

“(H) The fiscal year in which the major system was first authorized and in which funds for such system were first appropriated by Congress.

“(I) The current change and the total change, in dollars and expressed as a percentage, in the total acquisition cost for the major system, stated both in constant base-year dollars and in current dollars.

“(J) The quantity of end items to be acquired under the major system and the current change and total change, if any, in that quantity.

“(K) The identities of the officers responsible for management and cost control of the major system.

“(L) The action taken and proposed to be taken to control future cost growth of the major system.

“(M) Any changes made in the performance or schedule milestones of the major system and the extent to which such changes have contributed to the increase in total acquisition cost for the major system.

“(N) The following contract performance assessment information with respect to each major contract under the major system:

“(i) The name of the contractor.

“(ii) The phase that the contract is in at the time of the preparation of the report.

“(iii) The percentage of work under the contract that has been completed.

“(iv) Any current change and the total change, in dollars and expressed as a percentage, in the contract cost.

“(v) The percentage by which the contract is currently ahead of or behind schedule.

“(vi) A narrative providing a summary explanation of the most significant occurrences, including cost and schedule variances under major contracts of the major system, contributing to the changes identified and a discussion of the effect these occurrences will have on the future costs and schedule of the major system.

“(O) In any case in which one or more problems with a software component of the major system significantly contributed to the increase in costs of the major system, the action taken and proposed to be taken to solve such problems.

“(2) A Major System Congressional Report prepared for a major system for which the increase in the total acquisition cost is due to termination or cancellation of the entire major system shall include only—

“(A) the information described in subparagraphs (A) through (F) of paragraph (1); and

“(B) the total percentage change in total acquisition cost for such system.

“(g) PROHIBITION ON OBLIGATION OF FUNDS.—If a determination of an increase by a percentage equal to or greater than the significant cost growth threshold is made by the Director under subsection (d) and a Major System Congressional Report containing the information described in subsection (f) is not submitted to Congress under subsection (e)(1), or if a determination of an increase by a percentage equal to or greater than the critical cost growth threshold is made by the Director under subsection (d) and the Major System Congressional Report con-

taining the information described in subsection (f) and section 506F(b)(3) and the certification required by section 506F(b)(2) are not submitted to Congress under subsection (e)(2), funds appropriated for construction, research, development, test, evaluation, and procurement may not be obligated for a major contract under the major system. The prohibition on the obligation of funds for a major system shall cease to apply at the end of the 45-day period that begins on the date—

“(1) on which Congress receives the Major System Congressional Report under subsection (e)(1) with respect to that major system, in the case of a determination of an increase by a percentage equal to or greater than the significant cost growth threshold (as determined in subsection (d)); or

“(2) on which Congress receives both the Major System Congressional Report under subsection (e)(2) and the certification of the Director under section 506F(b)(2) with respect to that major system, in the case of an increase by a percentage equal to or greater than the critical cost growth threshold (as determined under subsection (d)).

“(h) TREATMENT OF COST INCREASES PRIOR TO ENACTMENT OF INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010.—(1) Not later than 180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2010, the Director—

“(A) shall, for each major system, determine if the total acquisition cost of such major system increased by a percentage equal to or greater than the significant cost growth threshold or the critical cost growth threshold prior to such date of enactment;

“(B) shall establish for each major system for which the total acquisition cost has increased by a percentage equal to or greater than the significant cost growth threshold or the critical cost growth threshold prior to such date of enactment a revised current Baseline Estimate based upon an updated cost estimate;

“(C) may, for a major system not described in subparagraph (B), establish a revised current Baseline Estimate based upon an updated cost estimate; and

“(D) shall submit to Congress a report describing—

“(i) each determination made under subparagraph (A);

“(ii) each revised current Baseline Estimate established for a major system under subparagraph (B); and

“(iii) each revised current Baseline Estimate established for a major system under subparagraph (C), including the percentage increase of the total acquisition cost of such major system that occurred prior to the date of the enactment of such Act.

“(2) The revised current Baseline Estimate established for a major system under subparagraph (B) or (C) of paragraph (1) shall be the 2010 adjusted total acquisition cost for the major system and may include the estimated cost of conducting any vulnerability assessments for such major system required under section 506C.

“(i) REQUIREMENTS TO USE BASE YEAR DOLLARS.—Any determination of a percentage increase under this section shall be stated in terms of constant base year dollars.

“(j) FORM OF REPORT.—Any report required to be submitted under this section may be submitted in a classified form.”.

(2) APPLICABILITY DATE OF QUARTERLY REPORTS.—The first report required to be submitted under subsection (b) of section 506E of the National Security Act of 1947, as added by paragraph (1) of this subsection, shall be submitted with respect to the first fiscal quarter that begins on a date that is not less than 180 days after the date of the enactment of this Act.

(3) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of that Act, as amended by section 322 of this Act, is further amended by inserting after the item relating to section 506D, as added by section 322(a)(2), the following new item:

“Sec. 506E. Reports on the acquisition of major systems.”.

(b) MAJOR DEFENSE ACQUISITION PROGRAMS.—Nothing in this section, section 324, or an amendment made by this section or section 324, shall be construed to exempt an acquisition program of the Department of Defense from the requirements of chapter 144 of title 10, United States Code or Department of Defense Directive 5000, to the extent that such requirements are otherwise applicable.

SEC. 324. CRITICAL COST GROWTH IN MAJOR SYSTEMS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 323 of this Act, is further amended by inserting after section 506E, as added by section 323(a), the following new section:

“CRITICAL COST GROWTH IN MAJOR SYSTEMS

“SEC. 506F. (a) REASSESSMENT OF MAJOR SYSTEM.—If the Director of National Intelligence determines under section 506E(d) that the total acquisition cost of a major system has increased by a percentage equal to or greater than the critical cost growth threshold for the major system, the Director shall—

“(1) determine the root cause or causes of the critical cost growth, in accordance with applicable statutory requirements, policies, procedures, and guidance; and

“(2) carry out an assessment of—

“(A) the projected cost of completing the major system if current requirements are not modified;

“(B) the projected cost of completing the major system based on reasonable modification of such requirements;

“(C) the rough order of magnitude of the costs of any reasonable alternative system or capability; and

“(D) the need to reduce funding for other systems due to the growth in cost of the major system.

“(b) PRESUMPTION OF TERMINATION.—(1) After conducting the reassessment required by subsection (a) with respect to a major system, the Director shall terminate the major system unless the Director submits to Congress a Major System Congressional Report containing a certification in accordance with paragraph (2) and the information described in paragraph (3). The Director shall submit such Major System Congressional Report and certification not later than 90 days after the date the Director receives the relevant major system cost report under subsection (b) or (c) of section 506E.

“(2) A certification described by this paragraph with respect to a major system is a written certification that—

“(A) the continuation of the major system is essential to the national security;

“(B) there are no alternatives to the major system that will provide acceptable capability to meet the intelligence requirement at less cost;

“(C) the new estimates of the total acquisition cost have been determined by the Director to be reasonable;

“(D) the major system is a higher priority than other systems whose funding must be reduced to accommodate the growth in cost of the major system; and

“(E) the management structure for the major system is adequate to manage and control the total acquisition cost.

“(3) A Major System Congressional Report accompanying a written certification under paragraph (2) shall include, in addition to the requirements of section 506E(e), the root cause

analysis and assessment carried out pursuant to subsection (a), the basis for each determination made in accordance with subparagraphs (A) through (E) of paragraph (2), and a description of all funding changes made as a result of the growth in the cost of the major system, including reductions made in funding for other systems to accommodate such cost growth, together with supporting documentation.

“(c) ACTIONS IF MAJOR SYSTEM NOT TERMINATED.—If the Director elects not to terminate a major system pursuant to subsection (b), the Director shall—

“(1) restructure the major system in a manner that addresses the root cause or causes of the critical cost growth, as identified pursuant to subsection (a), and ensures that the system has an appropriate management structure as set forth in the certification submitted pursuant to subsection (b)(2)(E);

“(2) rescind the most recent Milestone approval for the major system;

“(3) require a new Milestone approval for the major system before taking any action to enter a new contract, exercise an option under an existing contract, or otherwise extend the scope of an existing contract under the system, except to the extent determined necessary by the Milestone Decision Authority, on a nondelegable basis, to ensure that the system may be restructured as intended by the Director without unnecessarily wasting resources;

“(4) establish a revised current Baseline Estimate for the major system based upon an updated cost estimate; and

“(5) conduct regular reviews of the major system.

“(d) ACTIONS IF MAJOR SYSTEM TERMINATED.—If a major system is terminated pursuant to subsection (b), the Director shall submit to Congress a written report setting forth—

“(1) an explanation of the reasons for terminating the major system;

“(2) the alternatives considered to address any problems in the major system; and

“(3) the course the Director plans to pursue to meet any intelligence requirements otherwise intended to be met by the major system.

“(e) FORM OF REPORT.—Any report or certification required to be submitted under this section may be submitted in a classified form.

“(f) WAIVER.—(1) The Director may waive the requirements of subsections (d)(2), (e), and (g) of section 506E and subsections (a)(2), (b), (c), and (d) of this section with respect to a major system if the Director determines that at least 90 percent of the amount of the current Baseline Estimate for the major system has been expended.

“(2)(A) If the Director grants a waiver under paragraph (1) with respect to a major system, the Director shall submit to the congressional intelligence committees written notice of the waiver that includes—

“(i) the information described in section 506E(f); and

“(ii) if the current total acquisition cost of the major system has increased by a percentage equal to or greater than the critical cost growth threshold—

“(I) a determination of the root cause or causes of the critical cost growth, as described in subsection (a)(1); and

“(II) a certification that includes the elements described in subparagraphs (A), (B), and (E) of subsection (b)(2).

“(B) The Director shall submit the written notice required by subparagraph (A) not later than 90 days after the date that the Director receives a major system cost report under subsection (b) or (c) of section 506E that indicates that the total acquisition cost for the major system has increased by a percentage equal to or greater than the significant cost growth threshold or critical cost growth threshold.

“(g) DEFINITIONS.—In this section, the terms ‘cost estimate’, ‘critical cost growth threshold’, ‘current Baseline Estimate’, ‘major system’, and ‘total acquisition cost’ have the meaning given those terms in section 506E(a).”.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of that Act, as amended by section 323 of this Act, is further amended by inserting after the items relating to section 506E, as added by section 323(a)(3), the following new item:

“Sec. 506F. Critical cost growth in major systems.”.

SEC. 325. FUTURE BUDGET PROJECTIONS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 324 of this Act, is further amended by inserting after section 506F, as added by section 324(a), the following new section:

“FUTURE BUDGET PROJECTIONS

“SEC. 506G. (a) FUTURE YEAR INTELLIGENCE PLANS.—(1) The Director of National Intelligence, with the concurrence of the Director of the Office of Management and Budget, shall provide to the congressional intelligence committees a Future Year Intelligence Plan, as described in paragraph (2), for—

“(A) each expenditure center in the National Intelligence Program; and

“(B) each major system in the National Intelligence Program.

“(2)(A) A Future Year Intelligence Plan submitted under this subsection shall include the year-by-year proposed funding for each center or system referred to in subparagraph (A) or (B) of paragraph (1), for the budget year for which the Plan is submitted and not less than the 4 subsequent fiscal years.

“(B) A Future Year Intelligence Plan submitted under subparagraph (B) of paragraph (1) for a major system shall include—

“(i) the estimated total life-cycle cost of such major system; and

“(ii) major milestones that have significant resource implications for such major system.

“(b) LONG-TERM BUDGET PROJECTIONS.—(1) The Director of National Intelligence, with the concurrence of the Director of the Office of Management and Budget, shall provide to the congressional intelligence committees a Long-term Budget Projection for each element of the intelligence community funded under the National Intelligence Program acquiring a major system that includes the budget for such element for the 5-year period that begins on the day after the end of the last fiscal year for which year-by-year proposed funding is included in a Future Year Intelligence Plan for such major system in accordance with subsection (a)(2)(A).

“(2) A Long-term Budget Projection submitted under paragraph (1) shall include—

“(A) projections for the appropriate element of the intelligence community for—

“(i) pay and benefits of officers and employees of such element;

“(ii) other operating and support costs and minor acquisitions of such element;

“(iii) research and technology required by such element;

“(iv) current and planned major system acquisitions for such element;

“(v) any future major system acquisitions for such element; and

“(vi) any additional funding projections that the Director of National Intelligence considers appropriate;

“(B) a budget projection based on effective cost and schedule execution of current or planned major system acquisitions and application of Office of Management and Budget inflation estimates to future major system acquisitions;

“(C) any additional assumptions and projections that the Director of National Intelligence considers appropriate; and

“(D) a description of whether, and to what extent, the total projection for each year exceeds the level that would result from applying the most recent Office of Management and Budget inflation estimate to the budget of that element of the intelligence community.

“(c) SUBMISSION TO CONGRESS.—The Director of National Intelligence, with the concurrence of the Director of the Office of Management and Budget, shall submit to the congressional intelligence committees each Future Year Intelligence Plan or Long-term Budget Projection required under subsection (a) or (b) for a fiscal year at the time that the President submits to Congress the budget for such fiscal year pursuant to section 1105 of title 31, United States Code.

“(d) MAJOR SYSTEM AFFORDABILITY REPORT.—(1) The Director of National Intelligence, with the concurrence of the Director of the Office of Management and Budget, shall prepare a report on the acquisition of a major system funded under the National Intelligence Program before the time that the President submits to Congress the budget for the first fiscal year in which appropriated funds are anticipated to be obligated for the development or procurement of such major system.

“(2) The report on such major system shall include an assessment of whether, and to what extent, such acquisition, if developed, procured, and operated, is projected to cause an increase in the most recent Future Year Intelligence Plan and Long-term Budget Projection submitted under section 506G for an element of the intelligence community.

“(3) The Director of National Intelligence shall update the report whenever an independent cost estimate must be updated pursuant to section 506A(a)(4).

“(4) The Director of National Intelligence shall submit each report required by this subsection at the time that the President submits to Congress the budget for a fiscal year pursuant to section 1105 of title 31, United States Code.

“(e) DEFINITIONS.—In this section:

“(1) BUDGET YEAR.—The term ‘budget year’ means the next fiscal year for which the President is required to submit to Congress a budget pursuant to section 1105 of title 31, United States Code.

“(2) INDEPENDENT COST ESTIMATE; MAJOR SYSTEM.—The terms ‘independent cost estimate’ and ‘major system’ have the meaning given those terms in section 506A(e).”.

(b) APPLICABILITY DATE.—The first Future Year Intelligence Plan and Long-term Budget Projection required to be submitted under subsection (a) and (b) of section 506G of the National Security Act of 1947, as added by subsection (a), shall be submitted to the congressional intelligence committees at the time that the President submits to Congress the budget for fiscal year 2012 pursuant to section 1105 of title 31, United States Code.

(c) CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of that Act, as amended by section 324 of this Act, is further amended by inserting after the items relating to section 506F, as added by section 324(b), the following new item:

“Sec. 506G. Future budget projections.”.

(2) REPEAL OF DUPLICATIVE PROVISION.—Section 8104 of the Department of Defense Appropriations Act, 2010 (50 U.S.C. 415a-3; Public Law 111-118; 123 Stat. 3451) is repealed.

SEC. 326. NATIONAL INTELLIGENCE PROGRAM FUNDED ACQUISITIONS.

Subsection (n) of section 102A of the National Security Act of 1947 (50 U.S.C. 403-1) is amended by adding at the end the following new paragraph:

“(4)(A) In addition to the authority referred to in paragraph (1), the Director of National Intelligence may authorize the head of an element

of the intelligence community to exercise an acquisition authority referred to in section 3 or 8(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c and 403j(a)) for an acquisition by such element that is more than 50 percent funded under the National Intelligence Program.

“(B) The head of an element of the intelligence community may not exercise an authority referred to in subparagraph (A) until—

“(i) the head of such element (without delegation) submits to the Director of National Intelligence a written request that includes—

“(I) a description of such authority requested to be exercised;

“(II) an explanation of the need for such authority, including an explanation of the reasons that other authorities are insufficient; and

“(III) a certification that the mission of such element would be—

“(aa) impaired if such authority is not exercised; or

“(bb) significantly and measurably enhanced if such authority is exercised; and

“(ii) the Director of National Intelligence issues a written authorization that includes—

“(I) a description of the authority referred to in subparagraph (A) that is authorized to be exercised; and

“(II) a justification to support the exercise of such authority.

“(C) A request and authorization to exercise an authority referred to in subparagraph (A) may be made with respect to an individual acquisition or with respect to a specific class of acquisitions described in the request and authorization referred to in subparagraph (B).

“(D)(i) A request from a head of an element of the intelligence community located within one of the departments described in clause (ii) to exercise an authority referred to in subparagraph (A) shall be submitted to the Director of National Intelligence in accordance with any procedures established by the head of such department.

“(ii) The departments described in this clause are the Department of Defense, the Department of Energy, the Department of Homeland Security, the Department of Justice, the Department of State, and the Department of the Treasury.

“(E)(i) The head of an element of the intelligence community may not be authorized to utilize an authority referred to in subparagraph (A) for a class of acquisitions for a period of more than 3 years, except that the Director of National Intelligence (without delegation) may authorize the use of such an authority for not more than 6 years.

“(ii) Each authorization to utilize an authority referred to in subparagraph (A) may be extended in accordance with the requirements of subparagraph (B) for successive periods of not more than 3 years, except that the Director of National Intelligence (without delegation) may authorize an extension period of not more than 6 years.

“(F) Subject to clauses (i) and (ii) of subparagraph (E), the Director of National Intelligence may only delegate the authority of the Director under subparagraphs (A) through (E) to the Principal Deputy Director of National Intelligence or a Deputy Director of National Intelligence.

“(G) The Director of National Intelligence shall submit—

“(i) to the congressional intelligence committees a notification of an authorization to exercise an authority referred to in subparagraph (A) or an extension of such authorization that includes the written authorization referred to in subparagraph (B)(ii); and

“(ii) to the Director of the Office of Management and Budget a notification of an authorization to exercise an authority referred to in sub-

paragraph (A) for an acquisition or class of acquisitions that will exceed \$50,000,000 annually.

“(H) Requests and authorizations to exercise an authority referred to in subparagraph (A) shall remain available within the Office of the Director of National Intelligence for a period of at least 6 years following the date of such request or authorization.

“(I) Nothing in this paragraph may be construed to alter or otherwise limit the authority of the Central Intelligence Agency to independently exercise an authority under section 3 or 8(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c and 403j(a)).”

Subtitle D—Congressional Oversight, Plans, and Reports

SEC. 331. NOTIFICATION PROCEDURES.

(a) **PROCEDURES.**—Section 501(c) of the National Security Act of 1947 (50 U.S.C. 413(c)) is amended by striking “such procedures” and inserting “such written procedures”.

(b) **INTELLIGENCE ACTIVITIES.**—Section 502(a)(2) of such Act (50 U.S.C. 413a(a)(2)) is amended by inserting “(including the legal basis under which the intelligence activity is being or was conducted)” after “concerning intelligence activities”.

(c) **COVERT ACTIONS.**—Section 503 of such Act (50 U.S.C. 413b) is amended—

(1) in subsection (b)(2), by inserting “(including the legal basis under which the covert action is being or was conducted)” after “concerning covert actions”;

(2) in subsection (c)—

(A) in paragraph (1), by inserting “in writing” after “be reported”;

(B) in paragraph (4), by striking “committee. When” and inserting the following: “committee.”

“(5)(A) When”; and

(C) in paragraph (5), as designated by subparagraph (B)—

(i) in subparagraph (A), as so designated—

(I) by inserting “, or a notification provided under subsection (d)(1),” after “access to a finding”;

(II) by inserting “written” before “statement”; and

(ii) by adding at the end the following new subparagraph:

“(B) Not later than 180 days after a statement of reasons is submitted in accordance with subparagraph (A) or this subparagraph, the President shall ensure that—

“(i) all members of the congressional intelligence committees are provided access to the finding or notification; or

“(ii) a statement of reasons that it is essential to continue to limit access to such finding or such notification to meet extraordinary circumstances affecting vital interests of the United States is submitted to the Members of Congress specified in paragraph (2).”;

(3) in subsection (d)—

(A) by striking “(d) The President” and inserting “(d)(1) The President”;

(B) in paragraph (1), as designated by subparagraph (A), by inserting “in writing” after “notified”; and

(C) by adding at the end the following new paragraph:

“(2) In determining whether an activity constitutes a significant undertaking for purposes of paragraph (1), the President shall consider whether the activity—

“(A) involves significant risk of loss of life;

“(B) requires an expansion of existing authorities, including authorities relating to research, development, or operations;

“(C) results in the expenditure of significant funds or other resources;

“(D) requires notification under section 504;

“(E) gives rise to a significant risk of disclosing intelligence sources or methods; or

“(F) presents a reasonably foreseeable risk of serious damage to the diplomatic relations of the

United States if such activity were disclosed without authorization.”; and

(4) by adding at the end the following new subsection:

“(g)(1) In any case where access to a finding reported under subsection (c) or notification provided under subsection (d)(1) is not made available to all members of a congressional intelligence committee in accordance with subsection (c)(2), the President shall notify all members of such committee that such finding or such notification has been provided only to the members specified in subsection (c)(2).

“(2) In any case where access to a finding reported under subsection (c) or notification provided under subsection (d)(1) is not made available to all members of a congressional intelligence committee in accordance with subsection (c)(2), the President shall provide to all members of such committee a general description regarding the finding or notification, as applicable, consistent with the reasons for not yet fully informing all members of such committee.

“(3) The President shall maintain—

“(A) a record of the members of Congress to whom a finding is reported under subsection (c) or notification is provided under subsection (d)(1) and the date on which each member of Congress receives such finding or notification; and

“(B) each written statement provided under subsection (c)(5).”

SEC. 332. CERTIFICATION OF COMPLIANCE WITH OVERSIGHT REQUIREMENTS.

(a) **IN GENERAL.**—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 325 of this Act, is further amended by adding at the end the following new section:

“CERTIFICATION OF COMPLIANCE WITH OVERSIGHT REQUIREMENTS

“SEC. 508. The head of each element of the intelligence community shall annually submit to the congressional intelligence committees—

“(1) a certification that, to the best of the knowledge of the head of such element—

“(A) the head of such element is in full compliance with the requirements of this title; and

“(B) any information required to be submitted by the head of such element under this Act before the date of the submission of such certification has been properly submitted; or

“(2) if the head of such element is unable to submit a certification under paragraph (1), a statement—

“(A) of the reasons the head of such element is unable to submit such a certification;

“(B) describing any information required to be submitted by the head of such element under this Act before the date of the submission of such statement that has not been properly submitted; and

“(C) that the head of such element will submit such information as soon as possible after the submission of such statement.”

(b) **APPLICABILITY DATE.**—The first certification or statement required to be submitted by the head of each element of the intelligence community under section 508 of the National Security Act of 1947, as added by subsection (a), shall be submitted not later than 90 days after the date of the enactment of this Act.

(c) **TABLE OF CONTENTS AMENDMENT.**—The table of contents in the first section of the National Security Act of 1947, as amended by section 325 of this Act, is further amended by inserting after the item related to section 507 the following new item:

“Sec. 508. Certification of compliance with oversight requirements.”

SEC. 333. REPORT ON DETENTION AND INTERROGATION ACTIVITIES.

(a) **REQUIREMENT FOR REPORT.**—Not later than December 1, 2010, the Director of National

Intelligence, in coordination with the Attorney General and the Secretary of Defense, shall submit to the congressional intelligence committees a comprehensive report containing—

(1) the policies and procedures of the United States Government governing participation by an element of the intelligence community in the interrogation of individuals detained by the United States who are suspected of international terrorism with the objective, in whole or in part, of acquiring national intelligence, including such policies and procedures of each appropriate element of the intelligence community or interagency body established to carry out interrogations;

(2) the policies and procedures relating to any detention by the Central Intelligence Agency of such individuals in accordance with Executive Order 13491;

(3) the legal basis for the policies and procedures referred to in paragraphs (1) and (2);

(4) the training and research to support the policies and procedures referred to in paragraphs (1) and (2); and

(5) any action that has been taken to implement section 1004 of the Detainee Treatment Act of 2005 (42 U.S.C. 2000dd-1).

(b) OTHER SUBMISSION OF REPORT.—

(1) **CONGRESSIONAL ARMED SERVICES COMMITTEES.**—To the extent that the report required by subsection (a) addresses an element of the intelligence community within the Department of Defense, the Director of National Intelligence, in consultation with the Secretary of Defense, shall submit that portion of the report, and any associated material that is necessary to make that portion understandable, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives. The Director of National Intelligence may authorize redactions of the report and any associated materials submitted pursuant to this paragraph, if such redactions are consistent with the protection of sensitive intelligence sources and methods.

(2) **CONGRESSIONAL JUDICIARY COMMITTEES.**—To the extent that the report required by subsection (a) addresses an element of the intelligence community within the Department of Justice, the Director of National Intelligence, in consultation with the Attorney General, shall submit that portion of the report, and any associated material that is necessary to make that portion understandable, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives. The Director of National Intelligence may authorize redactions of the report and any associated materials submitted pursuant to this paragraph, if such redactions are consistent with the protection of sensitive intelligence sources and methods.

(c) **FORM OF SUBMISSIONS.**—Any submission required under this section may be submitted in classified form.

SEC. 334. SUMMARY OF INTELLIGENCE RELATING TO TERRORIST RECIDIVISM OF DETAINEES HELD AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Director of the Central Intelligence Agency and the Director of the Defense Intelligence Agency, shall make publicly available an unclassified summary of—

(1) intelligence relating to recidivism of detainees currently or formerly held at the Naval Detention Facility at Guantanamo Bay, Cuba, by the Department of Defense; and

(2) an assessment of the likelihood that such detainees will engage in terrorism or communicate with persons in terrorist organizations.

SEC. 335. REPORT AND STRATEGIC PLAN ON BIOLOGICAL WEAPONS.

(a) **REQUIREMENT FOR REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on—

(1) the intelligence collection efforts of the United States dedicated to assessing the threat from biological weapons from state, nonstate, or rogue actors, either foreign or domestic; and

(2) efforts to protect the biodefense knowledge and infrastructure of the United States.

(b) **CONTENT.**—The report required by subsection (a) shall include—

(1) an assessment of the intelligence collection efforts of the United States dedicated to detecting the development or use of biological weapons by state, nonstate, or rogue actors, either foreign or domestic;

(2) information on fiscal, human, technical, open-source, and other intelligence collection resources of the United States dedicated for use to detect or protect against the threat of biological weapons;

(3) an assessment of any problems that may reduce the overall effectiveness of United States intelligence collection and analysis to identify and protect biological weapons targets, including—

(A) intelligence collection gaps or inefficiencies;

(B) inadequate information sharing practices; or

(C) inadequate cooperation among departments or agencies of the United States;

(4) a strategic plan prepared by the Director of National Intelligence, in coordination with the Attorney General, the Secretary of Defense, and the Secretary of Homeland Security, that provides for actions for the appropriate elements of the intelligence community to close important intelligence gaps related to biological weapons;

(5) a description of appropriate goals, schedules, milestones, or metrics to measure the long-term effectiveness of actions implemented to carry out the plan described in paragraph (4); and

(6) any long-term resource and human capital issues related to the collection of intelligence regarding biological weapons, including any recommendations to address shortfalls of experienced and qualified staff possessing relevant scientific, language, and technical skills.

(c) **IMPLEMENTATION OF STRATEGIC PLAN.**—Not later than 30 days after the date on which the Director of National Intelligence submits the report required by subsection (a), the Director shall begin implementation of the strategic plan referred to in subsection (b)(4).

SEC. 336. CYBERSECURITY OVERSIGHT.

(a) **NOTIFICATION OF CYBERSECURITY PROGRAMS.**—

(1) **REQUIREMENT FOR NOTIFICATION.**—

(A) **EXISTING PROGRAMS.**—Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress a notification for each cybersecurity program in operation on such date that includes the documentation referred to in subparagraphs (A) through (F) of paragraph (2).

(B) **NEW PROGRAMS.**—Not later than 30 days after the date of the commencement of operations of a new cybersecurity program, the President shall submit to Congress a notification of such commencement that includes the documentation referred to in subparagraphs (A) through (F) of paragraph (2).

(2) **DOCUMENTATION.**—A notification required by paragraph (1) for a cybersecurity program shall include—

(A) the legal basis for the cybersecurity program;

(B) the certification, if any, made pursuant to section 2511(2)(a)(ii)(B) of title 18, United States

Code, or other statutory certification of legality for the cybersecurity program;

(C) the concept for the operation of the cybersecurity program that is approved by the head of the appropriate department or agency of the United States;

(D) the assessment, if any, of the privacy impact of the cybersecurity program prepared by the privacy or civil liberties protection officer or comparable officer of such department or agency;

(E) the plan, if any, for independent audit or review of the cybersecurity program to be carried out by the head of such department or agency, in conjunction with the appropriate inspector general; and

(F) recommendations, if any, for legislation to improve the capabilities of the United States Government to protect the cybersecurity of the United States.

(b) PROGRAM REPORTS.—

(1) **REQUIREMENT FOR REPORTS.**—The head of a department or agency of the United States with responsibility for a cybersecurity program for which a notification was submitted under subsection (a), in consultation with the inspector general for that department or agency, shall submit to Congress and the President a report on such cybersecurity program that includes—

(A) the results of any audit or review of the cybersecurity program carried out under the plan referred to in subsection (a)(2)(E), if any; and

(B) an assessment of whether the implementation of the cybersecurity program—

(i) is in compliance with—

(I) the legal basis referred to in subsection (a)(2)(A); and

(II) an assessment referred to in subsection (a)(2)(D), if any;

(ii) is adequately described by the concept of operation referred to in subsection (a)(2)(C); and

(iii) includes an adequate independent audit or review system and whether improvements to such independent audit or review system are necessary.

(2) SCHEDULE FOR SUBMISSION OF REPORTS.—

(A) **EXISTING PROGRAMS.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the head of a department or agency of the United States with responsibility for a cybersecurity program for which a notification is required to be submitted under subsection (a)(1)(A) shall submit a report required under paragraph (1).

(B) **NEW PROGRAMS.**—Not later than 120 days after the date on which a certification is submitted under subsection (a)(1)(B), and annually thereafter, the head of a department or agency of the United States with responsibility for the cybersecurity program for which such certification is submitted shall submit a report required under paragraph (1).

(3) COOPERATION AND COORDINATION.—

(A) **COOPERATION.**—The head of each department or agency of the United States required to submit a report under paragraph (1) for a particular cybersecurity program, and the inspector general of each such department or agency, shall, to the extent practicable, work in conjunction with any other such head or inspector general required to submit such a report for such cybersecurity program.

(B) **COORDINATION.**—The heads of all of the departments and agencies of the United States required to submit a report under paragraph (1) for a particular cybersecurity program shall designate one such head to coordinate the conduct of the reports on such program.

(c) **INFORMATION SHARING REPORT.**—Not later than one year after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security and the Inspector

General of the Intelligence Community shall jointly submit to Congress and the President a report on the status of the sharing of cyber-threat information, including—

(1) a description of how cyber-threat intelligence information, including classified information, is shared among the agencies and departments of the United States and with persons responsible for critical infrastructure;

(2) a description of the mechanisms by which classified cyber-threat information is distributed;

(3) an assessment of the effectiveness of cyber-threat information sharing and distribution; and

(4) any other matters identified by either Inspector General that would help to fully inform Congress or the President regarding the effectiveness and legality of cybersecurity programs.

(d) PERSONNEL DETAILS.—

(1) **AUTHORITY TO DETAIL.**—Notwithstanding any other provision of law, the head of an element of the intelligence community that is funded through the National Intelligence Program may detail an officer or employee of such element to the National Cyber Investigative Joint Task Force or to the Department of Homeland Security to assist the Task Force or the Department with cybersecurity, as jointly agreed by the head of such element and the Task Force or the Department.

(2) **BASIS FOR DETAIL.**—A personnel detail made under paragraph (1) may be made—

(A) for a period of not more than three years; and

(B) on a reimbursable or nonreimbursable basis.

(e) **ADDITIONAL PLAN.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a plan for recruiting, retaining, and training a highly-qualified cybersecurity intelligence community workforce to secure the networks of the intelligence community. Such plan shall include—

(1) an assessment of the capabilities of the current workforce;

(2) an examination of issues of recruiting, retention, and the professional development of such workforce, including the possibility of providing retention bonuses or other forms of compensation;

(3) an assessment of the benefits of outreach and training with both private industry and academic institutions with respect to such workforce;

(4) an assessment of the impact of the establishment of the Department of Defense Cyber Command on such workforce;

(5) an examination of best practices for making the intelligence community workforce aware of cybersecurity best practices and principles; and

(6) strategies for addressing such other matters as the Director of National Intelligence considers necessary to the cybersecurity of the intelligence community.

(f) REPORT ON GUIDELINES AND LEGISLATION TO IMPROVE CYBERSECURITY OF THE UNITED STATES.—

(1) **INITIAL.**—Not later than one year after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Attorney General, the Director of the National Security Agency, the White House Cybersecurity Coordinator, and any other officials the Director of National Intelligence considers appropriate, shall submit to Congress a report containing guidelines or legislative recommendations, if appropriate, to improve the capabilities of the intelligence community and law enforcement agencies to protect the cybersecurity of the United States. Such report shall include guidelines or legislative recommendations on—

(A) improving the ability of the intelligence community to detect hostile actions and attribute attacks to specific parties;

(B) the need for data retention requirements to assist the intelligence community and law enforcement agencies;

(C) improving the ability of the intelligence community to anticipate nontraditional targets of foreign intelligence services; and

(D) the adequacy of existing criminal statutes to successfully deter cyber attacks, including statutes criminalizing the facilitation of criminal acts, the scope of laws for which a cyber crime constitutes a predicate offense, trespassing statutes, data breach notification requirements, and victim restitution statutes.

(2) **SUBSEQUENT.**—Not later than one year after the date on which the initial report is submitted under paragraph (1), and annually thereafter for two years, the Director of National Intelligence, in consultation with the Attorney General, the Director of the National Security Agency, the White House Cybersecurity Coordinator, and any other officials the Director of National Intelligence considers appropriate, shall submit to Congress an update of the report required under paragraph (1).

(g) **SUNSET.**—The requirements and authorities of subsections (a) through (e) shall terminate on December 31, 2013.

(h) DEFINITIONS.—In this section:

(1) **CYBERSECURITY PROGRAM.**—The term “cybersecurity program” means a class or collection of similar cybersecurity operations of a department or agency of the United States that involves personally identifiable data that is—

(A) screened by a cybersecurity system outside of the department or agency of the United States that was the intended recipient of the personally identifiable data;

(B) transferred, for the purpose of cybersecurity, outside the department or agency of the United States that was the intended recipient of the personally identifiable data; or

(C) transferred, for the purpose of cybersecurity, to an element of the intelligence community.

(2) **NATIONAL CYBER INVESTIGATIVE JOINT TASK FORCE.**—The term “National Cyber Investigative Joint Task Force” means the multiagency cyber investigation coordination organization overseen by the Director of the Federal Bureau of Investigation known as the National Cyber Investigative Joint Task Force that coordinates, integrates, and provides pertinent information related to cybersecurity investigations.

(3) **CRITICAL INFRASTRUCTURE.**—The term “critical infrastructure” has the meaning given that term in section 1016 of the USA PATRIOT Act (42 U.S.C. 5195c).

SEC. 337. REPORT ON FOREIGN LANGUAGE PROFICIENCY IN THE INTELLIGENCE COMMUNITY.

(a) **REPORT.**—Not later than one year after the date of the enactment of this Act, and biennially thereafter for four years, the Director of National Intelligence shall submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate a report on the proficiency in foreign languages and, as appropriate, in foreign dialects, of each element of the intelligence community, including—

(1) the number of positions authorized for such element that require foreign language proficiency and a description of the level of proficiency required;

(2) an estimate of the number of such positions that such element will require during the five-year period beginning on the date of the submission of the report;

(3) the number of positions authorized for such element that require foreign language proficiency that are filled by—

(A) military personnel; and

(B) civilian personnel;

(4) the number of applicants for positions in such element in the preceding fiscal year that indicated foreign language proficiency, including the foreign language indicated and the proficiency level;

(5) the number of persons hired by such element with foreign language proficiency, including the foreign language and a description of the proficiency level of such persons;

(6) the number of personnel of such element currently attending foreign language training, including the provider of such training;

(7) a description of the efforts of such element to recruit, hire, train, and retain personnel that are proficient in a foreign language;

(8) an assessment of methods and models for basic, advanced, and intensive foreign language training utilized by such element;

(9) for each foreign language and, as appropriate, dialect of a foreign language—

(A) the number of positions of such element that require proficiency in the foreign language or dialect;

(B) the number of personnel of such element that are serving in a position that requires proficiency in the foreign language or dialect to perform the primary duty of the position;

(C) the number of personnel of such element that are serving in a position that does not require proficiency in the foreign language or dialect to perform the primary duty of the position;

(D) the number of personnel of such element rated at each level of proficiency of the Interagency Language Roundtable;

(E) whether the number of personnel at each level of proficiency of the Interagency Language Roundtable meets the requirements of such element;

(F) the number of personnel serving or hired to serve as linguists for such element that are not qualified as linguists under the standards of the Interagency Language Roundtable;

(G) the number of personnel hired to serve as linguists for such element during the preceding calendar year;

(H) the number of personnel serving as linguists that discontinued serving such element during the preceding calendar year;

(I) the percentage of work requiring linguistic skills that is fulfilled by a foreign country, international organization, or other foreign entity; and

(J) the percentage of work requiring linguistic skills that is fulfilled by contractors;

(10) an assessment of the foreign language capacity and capabilities of the intelligence community as a whole;

(11) an identification of any critical gaps in foreign language proficiency with respect to such element and recommendations for eliminating such gaps;

(12) recommendations, if any, for eliminating required reports relating to foreign-language proficiency that the Director of National Intelligence considers outdated or no longer relevant; and

(13) an assessment of the feasibility of employing foreign nationals lawfully present in the United States who have previously worked as translators or interpreters for the Armed Forces or another department or agency of the United States Government in Iraq or Afghanistan to meet the critical language needs of such element.

(b) **FORM.**—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 338. REPORT ON PLANS TO INCREASE DIVERSITY WITHIN THE INTELLIGENCE COMMUNITY.

(a) **REQUIREMENT FOR REPORT.**—Not later than one year after the date of the enactment of

this Act, the Director of National Intelligence, in coordination with the head of each element of the intelligence community, shall submit to the congressional intelligence committees a report on the plans of each such element to increase diversity within the intelligence community.

(b) **CONTENT.**—The report required by subsection (a) shall include specific implementation plans to increase diversity within each element of the intelligence community, including—

(1) specific implementation plans for each such element designed to achieve the goals articulated in the strategic plan of the Director of National Intelligence on equal employment opportunity and diversity;

(2) specific plans and initiatives for each such element to increase recruiting and hiring of diverse candidates;

(3) specific plans and initiatives for each such element to improve retention of diverse Federal employees at the junior, midgrade, senior, and management levels;

(4) a description of specific diversity awareness training and education programs for senior officials and managers of each such element; and

(5) a description of performance metrics to measure the success of carrying out the plans, initiatives, and programs described in paragraphs (1) through (4).

(c) **FORM.**—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 339. REPORT ON INTELLIGENCE COMMUNITY CONTRACTORS.

(a) **REQUIREMENT FOR REPORT.**—Not later than February 1, 2011, the Director of National Intelligence shall submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate a report describing the use of personal services contracts across the intelligence community, the impact of the use of such contracts on the intelligence community workforce, plans for conversion of contractor employment into United States Government employment, and the accountability mechanisms that govern the performance of such personal services contracts.

(b) **CONTENT.**—

(1) **IN GENERAL.**—The report submitted under subsection (a) shall include—

(A) a description of any relevant regulations or guidance issued by the Director of National Intelligence or the head of an element of the intelligence community and in effect as of February 1, 2011, relating to minimum standards required regarding the hiring, training, security clearance, and assignment of contract personnel and how those standards may differ from those for United States Government employees performing substantially similar functions;

(B) an identification of contracts in effect during the preceding fiscal year under which the contractor is performing substantially similar functions to a United States Government employee;

(C) an assessment of costs incurred or savings achieved during the preceding fiscal year by awarding contracts for the performance of such functions referred to in subparagraph (B) instead of using full-time employees of the elements of the intelligence community to perform such functions;

(D) an assessment of the appropriateness of using contractors to perform the activities described in paragraph (2);

(E) an estimate of the number of contracts, and the number of personnel working under such contracts, related to the performance of activities described in paragraph (2);

(F) a comparison of the compensation of contract employees and United States Government employees performing substantially similar functions during the preceding fiscal year;

(G) an analysis of the attrition of United States Government employees for contractor positions that provide substantially similar functions during the preceding fiscal year;

(H) a description of positions that have been or will be converted from contractor employment to United States Government employment during fiscal years 2011 and 2012;

(I) an analysis of the oversight and accountability mechanisms applicable to personal services contracts awarded for intelligence activities by each element of the intelligence community during fiscal years 2009 and 2010;

(J) an analysis of procedures in use in the intelligence community as of February 1, 2011, for conducting oversight of contractors to ensure identification and prosecution of criminal violations, financial waste, fraud, or other abuses committed by contractors or contract personnel; and

(K) an identification of best practices for oversight and accountability mechanisms applicable to personal services contracts.

(2) **ACTIVITIES.**—Activities described in this paragraph are the following:

(A) Intelligence collection.

(B) Intelligence analysis.

(C) Covert actions, including rendition, detention, and interrogation activities.

SEC. 340. STUDY ON ELECTRONIC WASTE DESTRUCTION PRACTICES OF THE INTELLIGENCE COMMUNITY.

(a) **STUDY.**—The Inspector General of the Intelligence Community shall conduct a study on the electronic waste destruction practices of the intelligence community. Such study shall assess—

(1) the security of the electronic waste disposal practices of the intelligence community, including the potential for counterintelligence exploitation of destroyed, discarded, or recycled materials;

(2) the environmental impact of such disposal practices; and

(3) methods to improve the security and environmental impact of such disposal practices, including steps to prevent the forensic exploitation of electronic waste.

(b) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a report containing the results of the study conducted under subsection (a).

SEC. 341. REVIEW OF RECORDS RELATING TO POTENTIAL HEALTH RISKS AMONG DESERT STORM VETERANS.

(a) **REVIEW.**—The Director of the Central Intelligence Agency shall conduct a classification review of the records of the Agency that are relevant to the known or potential health effects suffered by veterans of Operation Desert Storm as described in the November 2008, report by the Department of Veterans Affairs Research Advisory Committee on Gulf War Veterans' Illnesses.

(b) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall submit to Congress the results of the classification review conducted under subsection (a), including the total number of records of the Agency that are relevant.

(c) **FORM.**—The report required under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

SEC. 342. REVIEW OF FEDERAL BUREAU OF INVESTIGATION EXERCISE OF ENFORCEMENT JURISDICTION IN FOREIGN NATIONS.

Not later than 120 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation, in consultation with the Secretary of State, shall submit to Congress a review of constraints under international law and the laws of foreign nations to

the assertion of enforcement jurisdiction with respect to criminal investigations of terrorism offenses under the laws of the United States conducted by agents of the Federal Bureau of Investigation in foreign nations and using funds made available for the National Intelligence Program, including constraints identified in section 432 of the Restatement (Third) of the Foreign Relations Law of the United States.

SEC. 343. PUBLIC RELEASE OF INFORMATION ON PROCEDURES USED IN NARCOTICS AIRBRIDGE DENIAL PROGRAM IN PERU.

Not later than 30 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall make publicly available an unclassified version of the report of the Inspector General of the Central Intelligence Agency entitled "Procedures Used in Narcotics Airbridge Denial Program in Peru, 1995–2001", dated August 25, 2008.

SEC. 344. REPORT ON THREAT FROM DIRTY BOMBS.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Nuclear Regulatory Commission, shall submit to Congress a report summarizing intelligence related to the threat to the United States from weapons that use radiological materials, including highly dispersible substances such as cesium-137.

SEC. 345. REPORT ON CREATION OF SPACE INTELLIGENCE OFFICE.

Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the feasibility and advisability of creating a national space intelligence office to manage space-related intelligence assets and access to such assets.

SEC. 346. REPORT ON ATTEMPT TO DETONATE EXPLOSIVE DEVICE ON NORTHWEST AIRLINES FLIGHT 253.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the attempt to detonate an explosive device aboard Northwest Airlines flight number 253 on December 25, 2009. Such report shall describe the failures, if any, to share or analyze intelligence or other information and the measures that the intelligence community has taken or will take to prevent such failures, including—

(1) a description of the roles and responsibilities of the counterterrorism analytic components of the intelligence community in synchronizing, correlating, and analyzing all sources of intelligence related to terrorism;

(2) an assessment of the technological capabilities of the United States Government to assess terrorist threats, including—

(A) a list of all databases used by counterterrorism analysts;

(B) a description of the steps taken by the intelligence community to integrate all relevant terrorist databases and allow for cross-database searches;

(C) a description of the steps taken by the intelligence community to correlate biographic information with terrorism-related intelligence; and

(D) a description of the improvements to information technology needed to enable the United States Government to better share information;

(3) any recommendations that the Director considers appropriate for legislation to improve the sharing of intelligence or information relating to terrorists;

(4) a description of the steps taken by the intelligence community to train analysts on watchlisting processes and procedures;

(5) a description of the manner in which watchlisting information is entered, reviewed, searched, analyzed, and acted upon by the relevant elements of the United States Government;

(6) a description of the steps the intelligence community is taking to enhance the rigor and raise the standard of tradecraft of intelligence analysis related to uncovering and preventing terrorist plots;

(7) a description of the processes and procedures by which the intelligence community prioritizes terrorism threat leads and the standards used by elements of the intelligence community to determine if follow-up action is appropriate;

(8) a description of the steps taken to enhance record information on possible terrorists in the Terrorist Identities Datamart Environment;

(9) an assessment of how to meet the challenge associated with exploiting the ever-increasing volume of information available to the intelligence community; and

(10) a description of the steps the intelligence community has taken or will take to respond to any findings and recommendations of the congressional intelligence committees, with respect to any such failures, that have been transmitted to the Director of National Intelligence.

SEC. 347. REPEAL OR MODIFICATION OF CERTAIN REPORTING REQUIREMENTS.

(a) **ANNUAL REPORT ON INTELLIGENCE.**—Section 109 of the National Security Act of 1947 (50 U.S.C. 404d) is repealed.

(b) **ANNUAL AND SPECIAL REPORTS ON INTELLIGENCE SHARING WITH THE UNITED NATIONS.**—Section 112 of the National Security Act of 1947 (50 U.S.C. 404g) is amended—

(1) by striking subsection (b); and
(2) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(c) **ANNUAL REPORT ON PROGRESS IN AUDITABLE FINANCIAL STATEMENTS.**—Section 114A of the National Security Act of 1947 (50 U.S.C. 404i-1) is repealed.

(d) **REPORT ON FINANCIAL INTELLIGENCE ON TERRORIST ASSETS.**—Section 118 of the National Security Act of 1947 (50 U.S.C. 404m) is amended—

(1) in the heading, by striking “SEMIANNUAL” and inserting “ANNUAL”;

(2) in subsection (a)—
(A) in the heading, by striking “SEMIANNUAL” and inserting “ANNUAL”;

(B) in the matter preceding paragraph (1)—
(i) by striking “semiannual basis” and inserting “annual basis”; and

(ii) by striking “preceding six-month period” and inserting “preceding one-year period”;

(C) by striking paragraph (2); and

(D) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(3) in subsection (d)—

(A) in paragraph (1), by inserting “the Committee on Armed Services,” after “the Committee on Appropriations,”; and

(B) in paragraph (2), by inserting “the Committee on Armed Services,” after “the Committee on Appropriations,”.

(e) **ANNUAL CERTIFICATION ON COUNTERINTELLIGENCE INITIATIVES.**—Section 1102(b) of the National Security Act of 1947 (50 U.S.C. 442a(b)) is amended—

(1) by striking “(1)”; and

(2) by striking paragraph (2).

(f) **REPORT AND CERTIFICATION UNDER TERRORIST IDENTIFICATION CLASSIFICATION SYSTEM.**—Section 343 of the Intelligence Authorization Act for Fiscal Year 2003 (50 U.S.C. 404n-2) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

(g) **ANNUAL REPORT ON COUNTERDRUG INTELLIGENCE MATTERS.**—Section 826 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 21 U.S.C. 873 note) is repealed.

(h) **BIENNIAL REPORT ON FOREIGN INDUSTRIAL ESPIONAGE.**—Subsection (b) of section 809 of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. App. 2170b) is amended—

(1) in the heading, by striking “ANNUAL UPDATE” and inserting “BIENNIAL REPORT”;

(2) by striking paragraphs (1) and (2) and inserting the following new paragraph:

“(1) **REQUIREMENT TO SUBMIT.**—Not later than February 1, 2011, and once every two years thereafter, the President shall submit to the congressional intelligence committees and congressional leadership a report updating the information referred to in subsection (a)(1)(D).”; and

(3) by redesignating paragraph (3) as paragraph (2).

(i) **TABLE OF CONTENTS AMENDMENTS.**—

(1) **NATIONAL SECURITY ACT OF 1947.**—The table of contents in the first section of the National Security Act of 1947, as amended by section 332 of this Act, is further amended—

(A) by striking the item relating to section 109;

(B) by striking the item relating to section 114A; and

(C) by striking the item relating to section 118 and inserting the following new item:

“Sec. 118. Annual report on financial intelligence on terrorist assets.”.

(2) **INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2003.**—The table of contents in the first section of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 116 Stat. 2383) is amended by striking the item relating to section 826.

SEC. 348. INFORMATION ACCESS BY THE COMPTROLLER GENERAL OF THE UNITED STATES.

(a) **DNI DIRECTIVE GOVERNING ACCESS.**—

(1) **REQUIREMENT FOR DIRECTIVE.**—The Director of National Intelligence, in consultation with the Comptroller General of the United States, shall issue a written directive governing the access of the Comptroller General to information in the possession of an element of the intelligence community.

(2) **AMENDMENT TO DIRECTIVE.**—The Director of National Intelligence, in consultation with the Comptroller General, may issue an amendment to the directive issued under paragraph (1) at any time the Director determines such an amendment is appropriate.

(3) **RELATIONSHIP TO OTHER LAWS.**—The directive issued under paragraph (1) and any amendment to such directive issued under paragraph (2) shall be consistent with the provisions of—

(A) chapter 7 of title 31, United States Code; and

(B) the National Security Act of 1947 (50 U.S.C. 401 et seq.).

(b) **CONFIDENTIALITY OF INFORMATION.**—

(1) **REQUIREMENT FOR CONFIDENTIALITY.**—The Comptroller General of the United States shall ensure that the level of confidentiality of information made available to the Comptroller General pursuant to the directive issued under subsection (a)(1) or an amendment to such directive issued under subsection (a)(2) is not less than the level of confidentiality of such information required of the head of the element of the intelligence community from which such information was obtained.

(2) **PENALTIES FOR UNAUTHORIZED DISCLOSURE.**—An officer or employee of the Government Accountability Office shall be subject to the same statutory penalties for unauthorized disclosure or use of such information as an officer or employee of the element of the intelligence community from which such information was obtained.

(c) **SUBMISSION TO CONGRESS.**—

(1) **SUBMISSION OF DIRECTIVE.**—The directive issued under subsection (a)(1) shall be submitted to Congress by the Director of National Intelligence, together with any comments of the

Comptroller General of the United States, no later than May 1, 2011.

(2) **SUBMISSION OF AMENDMENT.**—Any amendment to such directive issued under subsection (a)(2) shall be submitted to Congress by the Director, together with any comments of the Comptroller General.

(d) **EFFECTIVE DATE.**—The directive issued under subsection (a)(1) and any amendment to such directive issued under subsection (a)(2) shall take effect 60 days after the date such directive or amendment is submitted to Congress under subsection (c), unless the Director determines that for reasons of national security the directive or amendment should take effect sooner.

SEC. 349. CONFORMING AMENDMENTS FOR REPORT SUBMISSION DATES.

Section 507 of the National Security Act of 1947 (50 U.S.C. 415b) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking subparagraphs (A), (B), and (G);

(ii) by redesignating subparagraphs (C), (D), (E), (F), (H), (I), and (N) as subparagraphs (A), (B), (C), (D), (E), (F), and (G), respectively; and

(iii) by adding at the end the following new subparagraphs:

“(H) The annual report on outside employ-

ment of employees of elements of the intelligence community required by section 102A(u)(2).

“(I) The annual report on financial intelligence on terrorist assets required by section 118.”; and

(B) in paragraph (2), by striking subparagraphs (C) and (D); and

(2) in subsection (b), by striking paragraph (6).

Subtitle E—Other Matters

SEC. 361. EXTENSION OF AUTHORITY TO DELETE INFORMATION ABOUT RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS.

Paragraph (4) of section 7342(f) of title 5, United States Code, is amended to read as follows:

“(4)(A) In transmitting such listings for an element of the intelligence community, the head of such element may delete the information described in subparagraph (A) or (C) of paragraph (2) or in subparagraph (A) or (C) of paragraph (3) if the head of such element certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources or methods.

“(B) Any information not provided to the Secretary of State pursuant to the authority in subparagraph (A) shall be transmitted to the Director of National Intelligence who shall keep a record of such information.

“(C) In this paragraph, the term ‘intelligence community’ has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).”.

SEC. 362. MODIFICATION OF AVAILABILITY OF FUNDS FOR DIFFERENT INTELLIGENCE ACTIVITIES.

Subparagraph (B) of section 504(a)(3) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)) is amended to read as follows:

“(B) the use of such funds for such activity supports an emergent need, improves program effectiveness, or increases efficiency; and”.

SEC. 363. PROTECTION OF CERTAIN NATIONAL SECURITY INFORMATION.

(a) **INCREASE IN PENALTIES FOR DISCLOSURE OF UNDERCOVER INTELLIGENCE OFFICERS AND AGENTS.**—

(1) **DISCLOSURE OF AGENT AFTER ACCESS TO INFORMATION IDENTIFYING AGENT.**—Subsection (a) of section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended by striking “ten years” and inserting “15 years”.

(2) DISCLOSURE OF AGENT AFTER ACCESS TO CLASSIFIED INFORMATION.—Subsection (b) of such section is amended by striking “five years” and inserting “10 years”.

(b) MODIFICATIONS TO ANNUAL REPORT ON PROTECTION OF INTELLIGENCE IDENTITIES.—The first sentence of section 603(a) of the National Security Act of 1947 (50 U.S.C. 423(a)) is amended by inserting “including an assessment of the need, if any, for modification of this title for the purpose of improving legal protections for covert agents,” after “measures to protect the identities of covert agents.”.

SEC. 364. NATIONAL INTELLIGENCE PROGRAM BUDGET.

Section 601 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 415c) is amended to read as follows:

“SEC. 601. AVAILABILITY TO PUBLIC OF CERTAIN INTELLIGENCE FUNDING INFORMATION.

“(a) BUDGET REQUEST.—At the time that the President submits to Congress the budget for a fiscal year pursuant to section 1105 of title 31, United States Code, the President shall disclose to the public the aggregate amount of appropriations requested for that fiscal year for the National Intelligence Program.

“(b) AMOUNTS APPROPRIATED EACH FISCAL YEAR.—Not later than 30 days after the end of each fiscal year, the Director of National Intelligence shall disclose to the public the aggregate amount of funds appropriated by Congress for the National Intelligence Program for such fiscal year.

“(c) WAIVER.—

“(1) IN GENERAL.—The President may waive or postpone the disclosure required by subsection (a) or (b) for a fiscal year by submitting to the Select Committee on Intelligence of the Senate and Permanent Select Committee on Intelligence of the House of Representatives—

“(A) a statement, in unclassified form, that the disclosure required in subsection (a) or (b) for that fiscal year would damage national security; and

“(B) a statement detailing the reasons for the waiver or postponement, which may be submitted in classified form.

“(2) SUBMISSION DATES.—The President shall submit the statements required under paragraph (1)—

“(A) in the case of a waiver or postponement of a disclosure required under subsection (a), at the time of the submission of the budget for the fiscal year for which such disclosure is waived or postponed; and

“(B) in the case of a waiver or postponement of a disclosure required under subsection (b), not later than 30 days after the date of the end of the fiscal year for which such disclosure is waived or postponed.

“(d) DEFINITION.—As used in this section, the term ‘National Intelligence Program’ has the meaning given the term in section 3(6) of the National Security Act of 1947 (50 U.S.C. 401a(6)).”.

SEC. 365. IMPROVING THE REVIEW AUTHORITY OF THE PUBLIC INTEREST DECLASSIFICATION BOARD.

Paragraph (5) of section 703(b) of the Public Interest Declassification Act of 2000 (50 U.S.C. 435 note) is amended—

(1) by striking “jurisdiction,” and inserting “jurisdiction, or by a member of the committee of jurisdiction,”; and

(2) by inserting “, to evaluate the proper classification of certain records,” after “certain records”.

SEC. 366. AUTHORITY TO DESIGNATE UNDERCOVER OPERATIONS TO COLLECT FOREIGN INTELLIGENCE OR COUNTERINTELLIGENCE.

Paragraph (1) of section 102(b) of the Department of Justice and Related Agencies Appro-

priations Act, 1993 (Public Law 102-395; 28 U.S.C. 533 note) is amended in the flush text following subparagraph (D) by striking “(or, if designated by the Director, the Assistant Director, Intelligence Division) and the Attorney General (or, if designated by the Attorney General, the Assistant Attorney General for National Security)” and inserting “(or a designee of the Director who is in a position not lower than Deputy Assistant Director in the National Security Branch or a similar successor position) and the Attorney General (or a designee of the Attorney General who is in the National Security Division in a position not lower than Deputy Assistant Attorney General or a similar successor position)”.

SEC. 367. SECURITY CLEARANCES: REPORTS; RECIPROCITY.

(a) REPORTS RELATING TO SECURITY CLEARANCES.—

(1) QUADRENNIAL AUDIT; SECURITY CLEARANCE DETERMINATIONS.—

(A) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 325 of this Act, is further amended by inserting after section 506G, as added by section 325(a), the following new section:

“REPORTS ON SECURITY CLEARANCES

“SEC. 506H. (a) QUADRENNIAL AUDIT OF POSITION REQUIREMENTS.—(1) The President shall every four years conduct an audit of the manner in which the executive branch determines whether a security clearance is required for a particular position in the United States Government.

“(2) Not later than 30 days after the completion of an audit conducted under paragraph (1), the President shall submit to Congress the results of such audit.

“(b) REPORT ON SECURITY CLEARANCE DETERMINATIONS.—(1) Not later than February 1 of each year, the President shall submit to Congress a report on the security clearance process. Such report shall include, for each security clearance level—

“(A) the number of employees of the United States Government who—

“(i) held a security clearance at such level as of October 1 of the preceding year; and

“(ii) were approved for a security clearance at such level during the preceding fiscal year;

“(B) the number of contractors to the United States Government who—

“(i) held a security clearance at such level as of October 1 of the preceding year; and

“(ii) were approved for a security clearance at such level during the preceding fiscal year; and

“(C) for each element of the intelligence community—

“(i) the total amount of time it took to process the security clearance determination for such level that—

“(I) was among the 80 percent of security clearance determinations made during the preceding fiscal year that took the shortest amount of time to complete; and

“(II) took the longest amount of time to complete;

“(ii) the total amount of time it took to process the security clearance determination for such level that—

“(I) was among the 90 percent of security clearance determinations made during the preceding fiscal year that took the shortest amount of time to complete; and

“(II) took the longest amount of time to complete;

“(iii) the number of pending security clearance investigations for such level as of October 1 of the preceding year that have remained pending for—

“(I) 4 months or less;

“(II) between 4 months and 8 months;

“(III) between 8 months and one year; and

“(IV) more than one year;

“(iv) the percentage of reviews during the preceding fiscal year that resulted in a denial or revocation of a security clearance;

“(v) the percentage of investigations during the preceding fiscal year that resulted in incomplete information;

“(vi) the percentage of investigations during the preceding fiscal year that did not result in enough information to make a decision on potentially adverse information; and

“(vii) for security clearance determinations completed or pending during the preceding fiscal year that have taken longer than one year to complete—

“(I) the number of security clearance determinations for positions as employees of the United States Government that required more than one year to complete;

“(II) the number of security clearance determinations for contractors that required more than one year to complete;

“(III) the agencies that investigated and adjudicated such determinations; and

“(IV) the cause of significant delays in such determinations.

“(2) For purposes of paragraph (1), the President may consider—

“(A) security clearances at the level of confidential and secret as one security clearance level; and

“(B) security clearances at the level of top secret or higher as one security clearance level.

“(c) FORM.—The results required under subsection (a)(2) and the reports required under subsection (b)(1) shall be submitted in unclassified form, but may include a classified annex.”.

(B) INITIAL AUDIT.—The first audit required to be conducted under section 506H(a)(1) of the National Security Act of 1947, as added by subparagraph (A) of this paragraph, shall be completed not later than February 1, 2011.

(C) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of such Act, as amended by section 347(i) of this Act, is further amended by inserting after the item relating to section 506G, as added by section 325 of this Act, the following new item:

“Sec. 506H. Reports on security clearances.”.

(2) REPORT ON METRICS FOR ADJUDICATION QUALITY.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on security clearance investigations and adjudications. Such report shall include—

(A) United States Government-wide adjudication guidelines and metrics for adjudication quality;

(B) a plan to improve the professional development of security clearance adjudicators;

(C) metrics to evaluate the effectiveness of interagency clearance reciprocity;

(D) United States Government-wide investigation standards and metrics for investigation quality; and

(E) the advisability, feasibility, counterintelligence risk, and cost effectiveness of—

(i) by not later than January 1, 2012, requiring the investigation and adjudication of security clearances to be conducted by not more than two Federal agencies; and

(ii) by not later than January 1, 2015, requiring the investigation and adjudication of security clearances to be conducted by not more than one Federal agency.

(b) SECURITY CLEARANCE RECIPROCITY.—

(1) AUDIT.—The Inspector General of the Intelligence Community shall conduct an audit of the reciprocity of security clearances among the elements of the intelligence community.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall

submit to the congressional intelligence committees a report containing the results of the audit conducted under paragraph (1). Such report shall include an assessment of the time required to obtain a reciprocal security clearance for—

(A) an employee of an element of the intelligence community detailed to another element of the intelligence community;

(B) an employee of an element of the intelligence community seeking permanent employment with another element of the intelligence community; and

(C) a contractor seeking permanent employment with an element of the intelligence community.

(3) **FORM.**—The report required under paragraph (2) shall be submitted in unclassified form, but may include a classified annex.

SEC. 368. CORRECTING LONG-STANDING MATERIAL WEAKNESSES.

(a) **DEFINITIONS.**—In this section:

(1) **COVERED ELEMENT OF THE INTELLIGENCE COMMUNITY.**—The term “covered element of the intelligence community” means—

(A) the Central Intelligence Agency;

(B) the Defense Intelligence Agency;

(C) the National Geospatial-Intelligence Agency;

(D) the National Reconnaissance Office; or

(E) the National Security Agency.

(2) **INDEPENDENT AUDITOR.**—The term “independent auditor” means an individual who—

(A)(i) is a Federal, State, or local government auditor who meets the independence standards included in generally accepted government auditing standards; or

(ii) is a public accountant who meets such independence standards; and

(B) is designated as an auditor by the Director of National Intelligence or the head of a covered element of the intelligence community, as appropriate.

(3) **INDEPENDENT REVIEW.**—The term “independent review” means an audit, attestation, or examination conducted by an independent auditor in accordance with generally accepted government auditing standards.

(4) **LONG-STANDING, CORRECTABLE MATERIAL WEAKNESS.**—The term “long-standing, correctable material weakness” means a material weakness—

(A) that was first reported in the annual financial report of a covered element of the intelligence community for a fiscal year prior to fiscal year 2007; and

(B) the correction of which is not substantially dependent on a business system that was not implemented prior to the end of fiscal year 2010.

(5) **MATERIAL WEAKNESS.**—The term “material weakness” has the meaning given that term under the Office of Management and Budget Circular A–123, entitled “Management’s Responsibility for Internal Control,” revised December 21, 2004.

(6) **SENIOR INTELLIGENCE MANAGEMENT OFFICIAL.**—The term “senior intelligence management official” means an official within a covered element of the intelligence community who is—

(A)(i) compensated under the Senior Intelligence Service pay scale; or

(ii) the head of a covered element of the intelligence community; and

(B) compensated for employment with funds appropriated pursuant to an authorization of appropriations in this Act.

(b) **IDENTIFICATION OF SENIOR INTELLIGENCE MANAGEMENT OFFICIALS.**—

(1) **REQUIREMENT TO IDENTIFY.**—Not later than 30 days after the date of the enactment of this Act, the head of a covered element of the intelligence community shall designate a senior intelligence management official of such element

to be responsible for correcting each long-standing, correctable material weakness of such element.

(2) **HEAD OF A COVERED ELEMENT OF THE INTELLIGENCE COMMUNITY.**—The head of a covered element of the intelligence community may designate himself or herself as the senior intelligence management official responsible for correcting a long-standing, correctable material weakness under paragraph (1).

(3) **REQUIREMENT TO UPDATE DESIGNATION.**—If the head of a covered element of the intelligence community determines that a senior intelligence management official designated under paragraph (1) is no longer responsible for correcting a long-standing, correctable material weakness, the head of such element shall designate the successor to such official not later than 10 days after the date of such determination.

(c) **NOTIFICATION.**—Not later than 10 days after the date on which the head of a covered element of the intelligence community has designated a senior intelligence management official pursuant to paragraph (1) or (3) of subsection (b), the head of such element shall provide written notification of such designation to the Director of National Intelligence and to such senior intelligence management official.

(d) **CORRECTION OF LONG-STANDING, MATERIAL WEAKNESS.**—

(1) **DETERMINATION OF CORRECTION OF DEFICIENCY.**—If a long-standing, correctable material weakness is corrected, the senior intelligence management official who is responsible for correcting such long-standing, correctable material weakness shall make and issue a determination of the correction.

(2) **BASIS FOR DETERMINATION.**—The determination of the senior intelligence management official under paragraph (1) shall be based on the findings of an independent review.

(3) **NOTIFICATION AND SUBMISSION OF FINDINGS.**—A senior intelligence management official who makes a determination under paragraph (1) shall—

(A) notify the head of the appropriate covered element of the intelligence community of such determination at the time the determination is made; and

(B) ensure that the independent auditor whose findings are the basis of a determination under paragraph (1) submits to the head of the covered element of the intelligence community and the Director of National Intelligence the findings that such determination is based on not later than 5 days after the date on which such determination is made.

(e) **CONGRESSIONAL OVERSIGHT.**—The head of a covered element of the intelligence community shall notify the congressional intelligence committees not later than 30 days after the date—

(1) on which a senior intelligence management official is designated under paragraph (1) or (3) of subsection (b) and notified under subsection (c); or

(2) of the correction of a long-standing, correctable material weakness, as verified by an independent auditor under subsection (d)(2).

SEC. 369. INTELLIGENCE COMMUNITY FINANCIAL IMPROVEMENT AND AUDIT READINESS.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall—

(1) conduct a review of the status of the auditability compliance of each element of the intelligence community; and

(2) develop a plan and schedule to achieve a full, unqualified audit of each element of the intelligence community not later than September 30, 2013.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 401. ACCOUNTABILITY REVIEWS BY THE DIRECTOR OF NATIONAL INTELLIGENCE.

Subsection (f) of section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6) the following new paragraph:

“(7)(A) The Director of National Intelligence shall, if the Director determines it is necessary, or may, if requested by a congressional intelligence committee, conduct an accountability review of an element of the intelligence community or the personnel of such element in relation to a failure or deficiency within the intelligence community.

“(B) The Director of National Intelligence, in consultation with the Attorney General, shall establish guidelines and procedures for conducting an accountability review under subparagraph (A).

“(C)(i) The Director of National Intelligence shall provide the findings of an accountability review conducted under subparagraph (A) and the Director’s recommendations for corrective or punitive action, if any, to the head of the applicable element of the intelligence community. Such recommendations may include a recommendation for dismissal of personnel.

“(ii) If the head of such element does not implement a recommendation made by the Director under clause (i), the head of such element shall submit to the congressional intelligence committees a notice of the determination not to implement the recommendation, including the reasons for the determination.

“(D) The requirements of this paragraph shall not be construed to limit any authority of the Director of National Intelligence under subsection (m) or with respect to supervision of the Central Intelligence Agency.”

SEC. 402. AUTHORITIES FOR INTELLIGENCE INFORMATION SHARING.

(a) **AUTHORITIES FOR INTERAGENCY FUNDING.**—Section 102A(d)(2) of the National Security Act of 1947 (50 U.S.C. 403–1(d)(2)) is amended by striking “Program to another such program.” and inserting “Program—

“(A) to another such program;

“(B) to other departments or agencies of the United States Government for the development and fielding of systems of common concern related to the collection, processing, analysis, exploitation, and dissemination of intelligence information; or

“(C) to a program funded by appropriations not within the National Intelligence Program to address critical gaps in intelligence information sharing or access capabilities.”

(b) **AUTHORITIES OF HEADS OF OTHER DEPARTMENTS AND AGENCIES.**—Notwithstanding any other provision of law, the head of any department or agency of the United States is authorized to receive and utilize funds made available to the department or agency by the Director of National Intelligence pursuant to section 102A(d)(2) of the National Security Act of 1947 (50 U.S.C. 403–1(d)(2)), as amended by subsection (a), and receive and utilize any system referred to in such section that is made available to such department or agency.

SEC. 403. LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Subsection (e) of section 103 of the National Security Act of 1947 (50 U.S.C. 403–3) is amended to read as follows:

“(e) LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—The headquarters of the Office of the Director of National Intelligence may be located in the Washington metropolitan region, as that term is defined in section 8301 of title 40, United States Code.”

SEC. 404. TITLE AND APPOINTMENT OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

Section 103G of the National Security Act of 1947 (50 U.S.C. 403-3g) is amended—

(1) in subsection (a)—

(A) by inserting “of the Intelligence Community” after “Chief Information Officer”; and

(B) by striking “President,” and all that follows and inserting “President.”;

(2) by striking subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c), respectively;

(3) in subsection (b) (as so redesignated), by inserting “of the Intelligence Community” after “Chief Information Officer”; and

(4) in subsection (c) (as so redesignated), by inserting “of the Intelligence Community” before “may not”.

SEC. 405. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 347 of this Act, is further amended by inserting after section 103G the following new section:

“INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

“SEC. 103H. (a) OFFICE OF INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.—There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.

“(b) PURPOSE.—The purpose of the Office of the Inspector General of the Intelligence Community is—

“(1) to create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independent investigations, inspections, audits, and reviews on programs and activities within the responsibility and authority of the Director of National Intelligence;

“(2) to provide leadership and coordination and recommend policies for activities designed—

“(A) to promote economy, efficiency, and effectiveness in the administration and implementation of such programs and activities; and

“(B) to prevent and detect fraud and abuse in such programs and activities;

“(3) to provide a means for keeping the Director of National Intelligence fully and currently informed about—

“(A) problems and deficiencies relating to the administration of programs and activities within the responsibility and authority of the Director of National Intelligence; and

“(B) the necessity for, and the progress of, corrective actions; and

“(4) in the manner prescribed by this section, to ensure that the congressional intelligence committees are kept similarly informed of—

“(A) significant problems and deficiencies relating to programs and activities within the responsibility and authority of the Director of National Intelligence; and

“(B) the necessity for, and the progress of, corrective actions.

“(c) INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.—(1) There is an Inspector General of the Intelligence Community, who shall be the head of the Office of the Inspector General of the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

“(2) The nomination of an individual for appointment as Inspector General shall be made—

“(A) without regard to political affiliation;

“(B) on the basis of integrity, compliance with security standards of the intelligence community, and prior experience in the field of intelligence or national security; and

“(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or investigations.

“(3) The Inspector General shall report directly to and be under the general supervision of the Director of National Intelligence.

“(4) The Inspector General may be removed from office only by the President. The President shall communicate in writing to the congressional intelligence committees the reasons for the removal not later than 30 days prior to the effective date of such removal. Nothing in this paragraph shall be construed to prohibit a personnel action otherwise authorized by law, other than transfer or removal.

“(d) ASSISTANT INSPECTORS GENERAL.—Subject to the policies of the Director of National Intelligence, the Inspector General of the Intelligence Community shall—

“(1) appoint an Assistant Inspector General for Audit who shall have the responsibility for supervising the performance of auditing activities relating to programs and activities within the responsibility and authority of the Director;

“(2) appoint an Assistant Inspector General for Investigations who shall have the responsibility for supervising the performance of investigative activities relating to such programs and activities; and

“(3) appoint other Assistant Inspectors General that, in the judgment of the Inspector General, are necessary to carry out the duties of the Inspector General.

“(e) DUTIES AND RESPONSIBILITIES.—It shall be the duty and responsibility of the Inspector General of the Intelligence Community—

“(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the investigations, inspections, audits, and reviews relating to programs and activities within the responsibility and authority of the Director of National Intelligence;

“(2) to keep the Director of National Intelligence fully and currently informed concerning violations of law and regulations, fraud, and other serious problems, abuses, and deficiencies relating to the programs and activities within the responsibility and authority of the Director, to recommend corrective action concerning such problems, and to report on the progress made in implementing such corrective action;

“(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

“(4) in the execution of the duties and responsibilities under this section, to comply with generally accepted government auditing.

“(f) LIMITATIONS ON ACTIVITIES.—(1) The Director of National Intelligence may prohibit the Inspector General of the Intelligence Community from initiating, carrying out, or completing any investigation, inspection, audit, or review if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

“(2) Not later than seven days after the date on which the Director exercises the authority under paragraph (1), the Director shall submit to the congressional intelligence committees an appropriately classified statement of the reasons for the exercise of such authority.

“(3) The Director shall advise the Inspector General at the time a statement under paragraph (2) is submitted, and, to the extent con-

sistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such statement.

“(4) The Inspector General may submit to the congressional intelligence committees any comments on the statement of which the Inspector General has notice under paragraph (3) that the Inspector General considers appropriate.

“(g) AUTHORITIES.—(1) The Inspector General of the Intelligence Community shall have direct and prompt access to the Director of National Intelligence when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

“(2)(A) The Inspector General shall, subject to the limitations in subsection (f), make such investigations and reports relating to the administration of the programs and activities within the authorities and responsibilities of the Director as are, in the judgment of the Inspector General, necessary or desirable.

“(B) The Inspector General shall have access to any employee, or any employee of a contractor, of any element of the intelligence community needed for the performance of the duties of the Inspector General.

“(C) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other materials that relate to the programs and activities with respect to which the Inspector General has responsibilities under this section.

“(D) The level of classification or compartmentation of information shall not, in and of itself, provide a sufficient rationale for denying the Inspector General access to any materials under subparagraph (C).

“(E) The Director, or on the recommendation of the Director, another appropriate official of the intelligence community, shall take appropriate administrative actions against an employee, or an employee of a contractor, of an element of the intelligence community that fails to cooperate with the Inspector General. Such administrative action may include loss of employment or the termination of an existing contractual relationship.

“(3) The Inspector General is authorized to receive and investigate, pursuant to subsection (h), complaints or information from any person concerning the existence of an activity within the authorities and responsibilities of the Director of National Intelligence constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the intelligence community—

“(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

“(B) no action constituting a reprisal, or threat of reprisal, for making such complaint or disclosing such information to the Inspector General may be taken by any employee in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

“(4) The Inspector General shall have the authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the Intelligence Community designated by the Inspector General shall have the

same force and effect as if administered or taken by, or before, an officer having a seal.

“(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data in any medium (including electronically stored information, as well as any tangible thing) and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

“(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

“(C) The Inspector General may not issue a subpoena for, or on behalf of, any component of the Office of the Director of National Intelligence or any element of the intelligence community, including the Office of the Director of National Intelligence.

“(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

“(6) The Inspector General may obtain services as authorized by section 3109 of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for grade GS-15 of the General Schedule under section 5332 of title 5, United States Code.

“(7) The Inspector General may, to the extent and in such amounts as may be provided in appropriations, enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the provisions of this section.

“(h) COORDINATION AMONG INSPECTORS GENERAL.—(1)(A) In the event of a matter within the jurisdiction of the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, audit, or review by both the Inspector General of the Intelligence Community and an inspector general with oversight responsibility for an element of the intelligence community, the Inspector General of the Intelligence Community and such other inspector general shall expeditiously resolve the question of which inspector general shall conduct such investigation, inspection, audit, or review to avoid unnecessary duplication of the activities of the inspectors general.

“(B) In attempting to resolve a question under subparagraph (A), the inspectors general concerned may request the assistance of the Intelligence Community Inspectors General Forum established under paragraph (2). In the event of a dispute between an inspector general within a department or agency of the United States Government and the Inspector General of the Intelligence Community that has not been resolved with the assistance of such Forum, the inspectors general shall submit the question to the Director of National Intelligence and the head of the affected department or agency for resolution.

“(2)(A) There is established the Intelligence Community Inspectors General Forum, which shall consist of all statutory or administrative inspectors general with oversight responsibility for an element of the intelligence community.

“(B) The Inspector General of the Intelligence Community shall serve as the Chair of the Forum established under subparagraph (A). The Forum shall have no administrative authority over any inspector general, but shall serve as a

mechanism for informing its members of the work of individual members of the Forum that may be of common interest and discussing questions about jurisdiction or access to employees, employees of contract personnel, records, audits, reviews, documents, recommendations, or other materials that may involve or be of assistance to more than one of its members.

“(3) The inspector general conducting an investigation, inspection, audit, or review covered by paragraph (1) shall submit the results of such investigation, inspection, audit, or review to any other inspector general, including the Inspector General of the Intelligence Community, with jurisdiction to conduct such investigation, inspection, audit, or review who did not conduct such investigation, inspection, audit, or review.

“(i) COUNSEL TO THE INSPECTOR GENERAL.—(1) The Inspector General of the Intelligence Community shall—

“(A) appoint a Counsel to the Inspector General who shall report to the Inspector General; or

“(B) obtain the services of a counsel appointed by and directly reporting to another inspector general or the Council of the Inspectors General on Integrity and Efficiency on a reimbursable basis.

“(2) The counsel appointed or obtained under paragraph (1) shall perform such functions as the Inspector General may prescribe.

“(j) STAFF AND OTHER SUPPORT.—(1) The Director of National Intelligence shall provide the Inspector General of the Intelligence Community with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

“(2)(A) Subject to applicable law and the policies of the Director of National Intelligence, the Inspector General shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions, powers, and duties of the Inspector General. The Inspector General shall ensure that any officer or employee so selected, appointed, or employed has security clearances appropriate for the assigned duties of such officer or employee.

“(B) In making selections under subparagraph (A), the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively.

“(C) In meeting the requirements of this paragraph, the Inspector General shall create within the Office of the Inspector General of the Intelligence Community a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

“(3) Consistent with budgetary and personnel resources allocated by the Director of National Intelligence, the Inspector General has final approval of—

“(A) the selection of internal and external candidates for employment with the Office of the Inspector General; and

“(B) all other personnel decisions concerning personnel permanently assigned to the Office of the Inspector General, including selection and appointment to the Senior Intelligence Service, but excluding all security-based determinations that are not within the authority of a head of a component of the Office of the Director of National Intelligence.

“(4)(A) Subject to the concurrence of the Director of National Intelligence, the Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any department, agency, or other element of the United States Government.

“(B) Upon request of the Inspector General for information or assistance under subparagraph (A), the head of the department, agency, or element concerned shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the department, agency, or element, furnish to the Inspector General, such information or assistance.

“(C) The Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence community and in coordination with that element's inspector general pursuant to subsection (h), conduct, as authorized by this section, an investigation, inspection, audit, or review of such element and may enter into any place occupied by such element for purposes of the performance of the duties of the Inspector General.

“(k) REPORTS.—(1)(A) The Inspector General of the Intelligence Community shall, not later than January 31 and July 31 of each year, prepare and submit to the Director of National Intelligence a classified, and, as appropriate, unclassified semiannual report summarizing the activities of the Office of the Inspector General of the Intelligence Community during the immediately preceding 6-month period ending December 31 (of the preceding year) and June 30, respectively. The Inspector General of the Intelligence Community shall provide any portion of the report involving a component of a department of the United States Government to the head of that department simultaneously with submission of the report to the Director of National Intelligence.

“(B) Each report under this paragraph shall include, at a minimum, the following:

“(i) A list of the title or subject of each investigation, inspection, audit, or review conducted during the period covered by such report.

“(ii) A description of significant problems, abuses, and deficiencies relating to the administration of programs and activities of the intelligence community within the responsibility and authority of the Director of National Intelligence, and in the relationships between elements of the intelligence community, identified by the Inspector General during the period covered by such report.

“(iii) A description of the recommendations for corrective action made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies identified in clause (ii).

“(iv) A statement of whether or not corrective action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action.

“(v) A certification of whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

“(vi) A description of the exercise of the subpoena authority under subsection (g)(5) by the Inspector General during the period covered by such report.

“(vii) Such recommendations as the Inspector General considers appropriate for legislation to promote economy, efficiency, and effectiveness in the administration and implementation of programs and activities within the responsibility and authority of the Director of National Intelligence, and to detect and eliminate fraud and abuse in such programs and activities.

“(C) Not later than 30 days after the date of receipt of a report under subparagraph (A), the Director shall transmit the report to the congressional intelligence committees together with any comments the Director considers appropriate. The Director shall transmit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the

United States Government any portion of the report involving a component of such department simultaneously with submission of the report to the congressional intelligence committees.

“(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to programs and activities within the responsibility and authority of the Director of National Intelligence.

“(B) The Director shall transmit to the congressional intelligence committees each report under subparagraph (A) within 7 calendar days of receipt of such report, together with such comments as the Director considers appropriate. The Director shall transmit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of each report under subparagraph (A) that involves a problem, abuse, or deficiency related to a component of such department simultaneously with transmission of the report to the congressional intelligence committees.

“(3)(A) In the event that—

“(i) the Inspector General is unable to resolve any differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

“(ii) an investigation, inspection, audit, or review carried out by the Inspector General focuses on any current or former intelligence community official who—

“(I) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and consent of the Senate, including such a position held on an acting basis;

“(II) holds or held a position in an element of the intelligence community, including a position held on an acting basis, that is appointed by the Director of National Intelligence; or

“(III) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 106;

“(iii) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in clause (ii);

“(iv) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in clause (ii); or

“(v) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, audit, or review, the Inspector General shall immediately notify, and submit a report to, the congressional intelligence committees on such matter.

“(B) The Inspector General shall submit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of each report under subparagraph (A) that involves an investigation, inspection, audit, or review carried out by the Inspector General focused on any current or former official of a component of such department simultaneously with submission of the report to the congressional intelligence committees.

“(4) The Director shall submit to the congressional intelligence committees any report or findings and recommendations of an investigation, inspection, audit, or review conducted by the office which has been requested by the Chairman or Vice Chairman or ranking minority member of either committee.

“(5)(A) An employee of an element of the intelligence community, an employee assigned or

detailed to an element of the intelligence community, or an employee of a contractor to the intelligence community who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

“(B) Not later than the end of the 14-calendar-day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall transmit to the Director a notice of that determination, together with the complaint or information.

“(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within 7 calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

“(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

“(ii) An employee may contact the congressional intelligence committees directly as described in clause (i) only if the employee—

“(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the congressional intelligence committees directly; and

“(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the congressional intelligence committees in accordance with appropriate security practices.

“(iii) A member or employee of one of the congressional intelligence committees who receives a complaint or information under this subparagraph does so in that member or employee's official capacity as a member or employee of such committee.

“(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

“(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

“(G) In this paragraph, the term ‘urgent concern’ means any of the following:

“(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operation of an intelligence activity within the responsibility and authority of the Director of National Intelligence involving classified information, but does not include differences of opinions concerning public policy matters.

“(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

“(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (g)(3)(B) of this section in response to an employee's reporting an urgent concern in accordance with this paragraph.

“(H) Nothing in this section shall be construed to limit the protections afforded to an employee under section 17(d) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)) or section 8H of the Inspector General Act of 1978 (5 U.S.C. App.).

“(6) In accordance with section 535 of title 28, United States Code, the Inspector General shall expeditiously report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involves a program or operation of an element of the intelligence community, or in the relationships between the elements of the intelligence community, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

“(I) CONSTRUCTION OF DUTIES REGARDING ELEMENTS OF INTELLIGENCE COMMUNITY.—Except as resolved pursuant to subsection (h), the performance by the Inspector General of the Intelligence Community of any duty, responsibility, or function regarding an element of the intelligence community shall not be construed to modify or affect the duties and responsibilities of any other inspector general having duties and responsibilities relating to such element.

“(m) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall, in accordance with procedures issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of the Inspector General of the Intelligence Community.

“(n) BUDGET.—(1) For each fiscal year, the Inspector General of the Intelligence Community shall transmit a budget estimate and request to the Director of National Intelligence that specifies for such fiscal year—

“(A) the aggregate amount requested for the operations of the Inspector General;

“(B) the amount requested for all training requirements of the Inspector General, including a certification from the Inspector General that the amount requested is sufficient to fund all training requirements for the Office of the Inspector General; and

“(C) the amount requested to support the Council of the Inspectors General on Integrity and Efficiency, including a justification for such amount.

“(2) In transmitting a proposed budget to the President for a fiscal year, the Director of National Intelligence shall include for such fiscal year—

“(A) the aggregate amount requested for the Inspector General of the Intelligence Community;

“(B) the amount requested for Inspector General training;

“(C) the amount requested to support the Council of the Inspectors General on Integrity and Efficiency; and

“(D) the comments of the Inspector General, if any, with respect to such proposed budget.

“(3) The Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives for each fiscal year—

“(A) a separate statement of the budget estimate transmitted pursuant to paragraph (1);

“(B) the amount requested by the Director for the Inspector General pursuant to paragraph (2)(A);

“(C) the amount requested by the Director for the training of personnel of the Office of the Inspector General pursuant to paragraph (2)(B);

“(D) the amount requested by the Director for support for the Council of the Inspectors General on Integrity and Efficiency pursuant to paragraph (2)(C); and

“(E) the comments of the Inspector General under paragraph (2)(D), if any, on the amounts requested pursuant to paragraph (2), including whether such amounts would substantially inhibit the Inspector General from performing the duties of the Office of the Inspector General.”.

(2) **TABLE OF CONTENTS AMENDMENT.**—The table of contents in the first section of the National Security Act of 1947, as amended by section 347 of this Act, is further amended by inserting after the item relating to section 103G the following new item:

“Sec. 103H. Inspector General of the Intelligence Community.”.

(b) **PAY OF INSPECTOR GENERAL.**—Subparagraph (A) of section 4(a)(3) of the Inspector General Reform Act of 2008 (Public Law 110-409; 5 U.S.C. App. note) is amended by inserting “the Inspector General of the Intelligence Community,” after “basic pay of”.

(c) **CONSTRUCTION.**—Nothing in the amendment made by subsection (a)(1) shall be construed to alter the duties and responsibilities of the General Counsel of the Office of the Director of National Intelligence.

(d) **REPEAL OF SUPERSEDED AUTHORITY TO ESTABLISH POSITION.**—Section 8K of the Inspector General Act of 1978 (5 U.S.C. App.) shall be repealed on the date that the President appoints, with the advice and consent of the Senate, the first individual to serve as Inspector General for the Intelligence Community pursuant to section 103H of the National Security Act of 1947, as added by subsection (a), and such individual assumes the duties of the Inspector General.

SEC. 406. CHIEF FINANCIAL OFFICER OF THE INTELLIGENCE COMMUNITY.

(a) **ESTABLISHMENT.**—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 405 of this Act, is further amended by inserting after section 103H, as added by section 405(a)(1), the following new section:

“CHIEF FINANCIAL OFFICER OF THE INTELLIGENCE COMMUNITY

“SEC. 103I. (a) **CHIEF FINANCIAL OFFICER OF THE INTELLIGENCE COMMUNITY.**—To assist the Director of National Intelligence in carrying out the responsibilities of the Director under this Act and other applicable provisions of law, there is within the Office of the Director of National Intelligence a Chief Financial Officer of the Intelligence Community who shall be appointed by the Director.

“(b) **DUTIES AND RESPONSIBILITIES.**—Subject to the direction of the Director of National Intelligence, the Chief Financial Officer of the Intelligence Community shall—

“(1) serve as the principal advisor to the Director of National Intelligence and the Principal Deputy Director of National Intelligence on the management and allocation of intelligence community budgetary resources;

“(2) participate in overseeing a comprehensive and integrated strategic process for resource management within the intelligence community;

“(3) ensure that the strategic plan of the Director of National Intelligence—

“(A) is based on budgetary constraints as specified in the Future Year Intelligence Plans and Long-term Budget Projections required under section 506G; and

“(B) contains specific goals and objectives to support a performance-based budget;

“(4) prior to the obligation or expenditure of funds for the acquisition of any major system pursuant to a Milestone A or Milestone B decision, receive verification from appropriate authorities that the national requirements for meeting the strategic plan of the Director have been established, and that such requirements are prioritized based on budgetary constraints as specified in the Future Year Intelligence Plans and the Long-term Budget Projections for such major system required under section 506G;

“(5) ensure that the collection architectures of the Director are based on budgetary constraints as specified in the Future Year Intelligence Plans and the Long-term Budget Projections required under section 506G;

“(6) coordinate or approve representations made to Congress by the intelligence community regarding National Intelligence Program budgetary resources;

“(7) participate in key mission requirements, acquisitions, or architectural boards formed within or by the Office of the Director of National Intelligence; and

“(8) perform such other duties as may be prescribed by the Director of National Intelligence.

“(c) **OTHER LAW.**—The Chief Financial Officer of the Intelligence Community shall serve as the Chief Financial Officer of the intelligence community and, to the extent applicable, shall have the duties, responsibilities, and authorities specified in chapter 9 of title 31, United States Code.

“(d) **PROHIBITION ON SIMULTANEOUS SERVICE AS OTHER CHIEF FINANCIAL OFFICER.**—An individual serving in the position of Chief Financial Officer of the Intelligence Community may not, while so serving, serve as the chief financial officer of any other department or agency, or component thereof, of the United States Government.

“(e) **DEFINITIONS.**—In this section:

“(1) The term ‘major system’ has the meaning given that term in section 506A(e).

“(2) The term ‘Milestone A’ has the meaning given that term in section 506G(f).

“(3) The term ‘Milestone B’ has the meaning given that term in section 506C(e).”.

(b) **TABLE OF CONTENTS AMENDMENT.**—The table of contents in the first section of the National Security Act of 1947, as amended by section 405(a), is further amended by inserting after the item relating to section 103H, as added by section 405(a)(2), the following new item:

“Sec. 103I. Chief Financial Officer of the Intelligence Community.”.

SEC. 407. LEADERSHIP AND LOCATION OF CERTAIN OFFICES AND OFFICIALS.

(a) **NATIONAL COUNTER PROLIFERATION CENTER.**—Section 119A(a) of the National Security Act of 1947 (50 U.S.C. 404o-1(a)) is amended—

(1) by striking “Not later than 18 months after the date of the enactment of the National Security Intelligence Reform Act of 2004, the” and inserting “(1) The”; and

(2) by adding at the end the following new paragraphs:

“(2) The head of the National Counter Proliferation Center shall be the Director of the National Counter Proliferation Center, who shall be appointed by the Director of National Intelligence.

“(3) The National Counter Proliferation Center shall be located within the Office of the Director of National Intelligence.”.

(b) **OFFICERS.**—Section 103(c) of that Act (50 U.S.C. 403-3(c)) is amended—

(1) by redesignating paragraph (9) as paragraph (14); and

(2) by inserting after paragraph (8) the following new paragraphs:

“(9) The Chief Information Officer of the Intelligence Community.

“(10) The Inspector General of the Intelligence Community.

“(11) The Director of the National Counterterrorism Center.

“(12) The Director of the National Counter Proliferation Center.

“(13) The Chief Financial Officer of the Intelligence Community.”.

SEC. 408. PROTECTION OF CERTAIN FILES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) **IN GENERAL.**—Title VII of the National Security Act of 1947 (50 U.S.C. 431 et seq.) is

amended by adding at the end the following new section:

“PROTECTION OF CERTAIN FILES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

“SEC. 706. (a) **INAPPLICABILITY OF FOIA TO EXEMPTED OPERATIONAL FILES PROVIDED TO ODNI.**—(1) Subject to paragraph (2), the provisions of section 552 of title 5, United States Code, that require search, review, publication, or disclosure of a record shall not apply to a record provided to the Office of the Director of National Intelligence by an element of the intelligence community from the exempted operational files of such element.

“(2) Paragraph (1) shall not apply with respect to a record of the Office that—

“(A) contains information derived or disseminated from an exempted operational file, unless such record is created by the Office for the sole purpose of organizing such exempted operational file for use by the Office;

“(B) is disseminated by the Office to a person other than an officer, employee, or contractor of the Office; or

“(C) is no longer designated as an exempted operational file in accordance with this title.

“(b) **EFFECT OF PROVIDING FILES TO ODNI.**—Notwithstanding any other provision of this title, an exempted operational file that is provided to the Office by an element of the intelligence community shall not be subject to the provisions of section 552 of title 5, United States Code, that require search, review, publication, or disclosure of a record solely because such element provides such exempted operational file to the Office.

“(c) **SEARCH AND REVIEW FOR CERTAIN PURPOSES.**—Notwithstanding subsection (a) or (b), an exempted operational file shall continue to be subject to search and review for information concerning any of the following:

“(1) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of section 552 or 552a of title 5, United States Code.

“(2) Any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5, United States Code.

“(3) The specific subject matter of an investigation for any impropriety or violation of law, Executive order, or Presidential directive, in the conduct of an intelligence activity by any of the following:

“(A) The Select Committee on Intelligence of the Senate.

“(B) The Permanent Select Committee on Intelligence of the House of Representatives.

“(C) The Intelligence Oversight Board.

“(D) The Department of Justice.

“(E) The Office of the Director of National Intelligence.

“(F) The Office of the Inspector General of the Intelligence Community.

“(d) **DECENNIAL REVIEW OF EXEMPTED OPERATIONAL FILES.**—(1) Not less than once every 10 years, the Director of National Intelligence shall review the exemptions in force under subsection (a) to determine whether such exemptions may be removed from any category of exempted files or any portion thereof.

“(2) The review required by paragraph (1) shall include consideration of the historical value or other public interest in the subject matter of the particular category of files or portions thereof and the potential for declassifying a significant part of the information contained therein.

“(3) A complainant that alleges that the Director of National Intelligence has improperly withheld records because of failure to comply with this subsection may seek judicial review in the district court of the United States of the district in which any of the parties reside, or in the

District of Columbia. In such a proceeding, the court's review shall be limited to determining the following:

“(A) Whether the Director has conducted the review required by paragraph (1) before the expiration of the 10-year period beginning on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2010 or before the expiration of the 10-year period beginning on the date of the most recent review.

“(B) Whether the Director of National Intelligence, in fact, considered the criteria set forth in paragraph (2) in conducting the required review.

“(e) SUPERSEDITION OF OTHER LAWS.—The provisions of this section may not be superseded except by a provision of law that is enacted after the date of the enactment of this section and that specifically cites and repeals or modifies such provisions.

“(f) ALLEGATION; IMPROPER WITHHOLDING OF RECORDS; JUDICIAL REVIEW.—(1) Except as provided in paragraph (2), whenever any person who has requested agency records under section 552 of title 5, United States Code, alleges that the Office has withheld records improperly because of failure to comply with any provision of this section, judicial review shall be available under the terms set forth in section 552(a)(4)(B) of title 5, United States Code.

“(2) Judicial review shall not be available in the manner provided for under paragraph (1) as follows:

“(A) In any case in which information specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign relations is filed with, or produced for, the court by the Office, such information shall be examined *ex parte*, in camera by the court.

“(B) The court shall determine, to the fullest extent practicable, the issues of fact based on sworn written submissions of the parties.

“(C)(i) When a complainant alleges that requested records were improperly withheld because of improper exemption of operational files, the Office may meet the burden of the Office under section 552(a)(4)(B) of title 5, United States Code, by demonstrating to the court by sworn written submission that exempted files likely to contain responsive records are records provided to the Office by an element of the intelligence community from the exempted operational files of such element.

“(ii) The court may not order the Office to review the content of any exempted file in order to make the demonstration required under clause (i), unless the complainant disputes the Office's showing with a sworn written submission based on personal knowledge or otherwise admissible evidence.

“(D) In proceedings under subparagraph (C), a party may not obtain discovery pursuant to rules 26 through 36 of the Federal Rules of Civil Procedure, except that requests for admissions may be made pursuant to rules 26 and 36 of the Federal Rules of Civil Procedure.

“(E) If the court finds under this subsection that the Office has improperly withheld requested records because of failure to comply with any provision of this section, the court shall order the Office to search and review each appropriate exempted file for the requested records and make such records, or portions thereof, available in accordance with the provisions of section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and such order shall be the exclusive remedy for failure to comply with this section.

“(F) If at any time following the filing of a complaint pursuant to this paragraph the Office agrees to search each appropriate exempted file for the requested records, the court shall dismiss the claim based upon such complaint.

“(g) DEFINITIONS.—In this section:

“(1) The term ‘exempted operational file’ means a file of an element of the intelligence community that, in accordance with this title, is exempted from the provisions of section 552 of title 5, United States Code, that require search, review, publication, or disclosure of such file.

“(2) Except as otherwise specifically provided, the term ‘Office’ means the Office of the Director of National Intelligence.”.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 406(b) of this Act, is further amended by inserting after the item relating to section 705 the following new item:

“Sec. 706. Protection of certain files of the Office of the Director of National Intelligence.”.

SEC. 409. COUNTERINTELLIGENCE INITIATIVES FOR THE INTELLIGENCE COMMUNITY.

Section 1102 of the National Security Act of 1947 (50 U.S.C. 442a) is amended—

- (1) in subsection (a)—
 - (A) by striking paragraph (2); and
 - (B) by striking “(1) In” and inserting “In”; and
- (2) in subsection (c)—
 - (A) by striking paragraph (2); and
 - (B) by striking “(1) The” and inserting “The”.

SEC. 410. INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT TO ADVISORY COMMITTEES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Section 4(b) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended—

- (1) in paragraph (1), by striking “or”;
- (2) in paragraph (2), by striking the period and inserting “; or”; and
- (3) by adding at the end the following new paragraph:

“(3) the Office of the Director of National Intelligence, if the Director of National Intelligence determines that for reasons of national security such advisory committee cannot comply with the requirements of this Act.”.

(b) ANNUAL REPORT.—

(1) IN GENERAL.—The Director of National Intelligence and the Director of the Central Intelligence Agency shall each submit to the congressional intelligence committees an annual report on advisory committees created by each such Director. Each report shall include—

- (A) a description of each such advisory committee, including the subject matter of the committee; and
- (B) a list of members of each such advisory committee.

(2) REPORT ON REASONS FOR ODNI EXCLUSION OF ADVISORY COMMITTEE FROM FACA.—Each report submitted by the Director of National Intelligence in accordance with paragraph (1) shall include the reasons for a determination by the Director under section 4(b)(3) of the Federal Advisory Committee Act (5 U.S.C. App.), as added by subsection (a) of this section, that an advisory committee cannot comply with the requirements of such Act.

SEC. 411. MEMBERSHIP OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE TRANSPORTATION SECURITY OVERSIGHT BOARD.

Subparagraph (F) of section 115(b)(1) of title 49, United States Code, is amended to read as follows:

“(F) The Director of National Intelligence, or the Director's designee.”.

SEC. 412. REPEAL OF CERTAIN AUTHORITIES RELATING TO THE OFFICE OF THE NATIONAL COUNTERINTELLIGENCE EXECUTIVE.

(a) REPEAL OF CERTAIN AUTHORITIES.—Section 904 of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 402c) is amended—

- (1) by striking subsections (d), (h), (i), and (j);
- (2) by redesignating subsections (e), (f), (g), (k), (l), and (m) as subsections (d), (e), (f), (g), (h), and (i), respectively; and
- (3) in subsection (f), as redesignated by paragraph (2), by striking paragraphs (3) and (4).

(b) CONFORMING AMENDMENTS.—Such section 904 is further amended—

- (1) in subsection (d), as redesignated by subsection (a)(2) of this section, by striking “subsection (f)” each place it appears in paragraphs (1) and (2) and inserting “subsection (e)”; and
- (2) in subsection (e), as so redesignated—
 - (A) in paragraph (1), by striking “subsection (e)(1)” and inserting “subsection (d)(1)”; and
 - (B) in paragraph (2), by striking “subsection (e)(2)” and inserting “subsection (d)(2)”.

SEC. 413. MISUSE OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE NAME, INITIALS, OR SEAL.

(a) PROHIBITION.—Title XI of the National Security Act of 1947 (50 U.S.C. 442 et seq.) is amended by adding at the end the following new section:

“MISUSE OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE NAME, INITIALS, OR SEAL

“SEC. 1103. (a) PROHIBITED ACTS.—No person may, except with the written permission of the Director of National Intelligence, or a designee of the Director, knowingly use the words ‘Office of the Director of National Intelligence’, the initials ‘ODNI’, the seal of the Office of the Director of National Intelligence, or any colorable imitation of such words, initials, or seal in connection with any merchandise, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Director of National Intelligence.

“(b) INJUNCTION.—Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.”.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of such Act, as amended by section 408 of this Act, is further amended by inserting after the item relating to section 1102 the following new item:

“Sec. 1103. Misuse of the Office of the Director of National Intelligence name, initials, or seal.”.

SEC. 414. PLAN TO IMPLEMENT RECOMMENDATIONS OF THE DATA CENTER ENERGY EFFICIENCY REPORTS.

(a) PLAN.—The Director of National Intelligence shall develop a plan to implement the recommendations of the report submitted to Congress under section 1 of the Act entitled “An Act to study and promote the use of energy efficient computer servers in the United States” (Public Law 109-431; 120 Stat. 2920) across the intelligence community.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the

congressional intelligence committees a report containing the plan developed under subsection (a).

(2) **FORM.**—The report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 415. DIRECTOR OF NATIONAL INTELLIGENCE SUPPORT FOR REVIEWS OF INTERNATIONAL TRAFFIC IN ARMS REGULATIONS AND EXPORT ADMINISTRATION REGULATIONS.

The Director of National Intelligence may provide support for any review conducted by a department or agency of the United States Government of the International Traffic in Arms Regulations or Export Administration Regulations, including a review of technologies and goods on the United States Munitions List and Commerce Control List that may warrant controls that are different or additional to the controls such technologies and goods are subject to at the time of such review.

Subtitle B—Central Intelligence Agency

SEC. 421. ADDITIONAL FUNCTIONS AND AUTHORITIES FOR PROTECTIVE PERSONNEL OF THE CENTRAL INTELLIGENCE AGENCY.

Section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(4)) is amended—

(1) by striking “and the protection” and inserting “the protection”; and

(2) by inserting before the semicolon the following: “, and the protection of the Director of National Intelligence and such personnel of the Office of the Director of National Intelligence as the Director of National Intelligence may designate”.

SEC. 422. APPEALS FROM DECISIONS INVOLVING CONTRACTS OF THE CENTRAL INTELLIGENCE AGENCY.

Section 8(d) of the Contract Disputes Act of 1978 (41 U.S.C. 607(d)) is amended by adding at the end “Notwithstanding any other provision of this section and any other provision of law, an appeal from a decision of a contracting officer of the Central Intelligence Agency relative to a contract made by that Agency may be filed with whichever of the Armed Services Board of Contract Appeals or the Civilian Board of Contract Appeals is specified by such contracting officer as the Board to which such an appeal may be made and such Board shall have jurisdiction to decide that appeal.”.

SEC. 423. DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) **ESTABLISHMENT AND DUTIES OF DEPUTY DIRECTOR OF THE CIA.**—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 406 of this Act, is further amended by inserting after section 104A the following new section:

“DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

“SEC. 104B. (a) **DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.**—There is a Deputy Director of the Central Intelligence Agency who shall be appointed by the President.

“(b) **DUTIES.**—The Deputy Director of the Central Intelligence Agency shall—

“(1) assist the Director of the Central Intelligence Agency in carrying out the duties and responsibilities of the Director of the Central Intelligence Agency; and

“(2) during the absence or disability of the Director of the Central Intelligence Agency, or during a vacancy in the position of Director of the Central Intelligence Agency, act for and exercise the powers of the Director of the Central Intelligence Agency.”.

(b) **CONFORMING AMENDMENTS.**—

(1) **EXECUTIVE SCHEDULE III.**—Section 5314 of title 5, United States Code, is amended by strik-

ing “Deputy Directors of Central Intelligence (2)” and inserting “Deputy Director of the Central Intelligence Agency”.

(2) **TABLE OF CONTENTS AMENDMENT.**—The table of contents in the first section of the National Security Act of 1947, as amended by section 414 of this Act, is further amended by inserting after the item relating to section 104A the following new item:

“Sec. 104B. Deputy Director of the Central Intelligence Agency.”.

(c) **APPLICABILITY.**—The amendments made by this section shall apply on the earlier of—

(1) the date of the appointment by the President of an individual to serve as Deputy Director of the Central Intelligence Agency pursuant to section 104B of the National Security Act of 1947, as added by subsection (a), except that the individual administratively performing the duties of the Deputy Director of the Central Intelligence Agency as of the date of the enactment of this Act may continue to perform such duties until the individual appointed to the position of Deputy Director of the Central Intelligence Agency assumes the duties of such position; or

(2) the date of the cessation of the performance of the duties of the Deputy Director of the Central Intelligence Agency by the individual administratively performing such duties as of the date of the enactment of this Act.

SEC. 424. AUTHORITY TO AUTHORIZE TRAVEL ON A COMMON CARRIER.

Subsection (b) of section 116 of the National Security Act of 1947 (50 U.S.C. 404k) is amended by striking the period at the end and inserting “, who may delegate such authority to other appropriate officials of the Central Intelligence Agency.”.

SEC. 425. INSPECTOR GENERAL FOR THE CENTRAL INTELLIGENCE AGENCY.

(a) **APPOINTMENT AND QUALIFICATIONS OF THE INSPECTOR GENERAL.**—Paragraph (1) of section 17(b) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(b)) is amended by striking the second and third sentences and inserting “This appointment shall be made without regard to political affiliation and shall be on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigation. Such appointment shall also be made on the basis of compliance with the security standards of the Agency and prior experience in the field of foreign intelligence.”.

(b) **REMOVAL OF THE INSPECTOR GENERAL.**—Paragraph (6) of section 17(b) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(b)) is amended—

(1) by striking “immediately”; and

(2) by striking the period at the end and inserting “not later than 30 days prior to the effective date of such removal. Nothing in this paragraph shall be construed to prohibit a personnel action otherwise authorized by law, other than transfer or removal.”.

(c) **APPLICATION OF SEMIANNUAL REPORTING REQUIREMENTS WITH RESPECT TO REVIEW REPORTS.**—Paragraph (1) of section 17(d) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)) is amended in the matter preceding subparagraph (A) by inserting “review,” after “investigation.”.

(d) **PROTECTION AGAINST REPRISALS.**—Subparagraph (B) of section 17(e)(3) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(e)(3)) is amended by inserting “or providing such information” after “making such complaint”.

(e) **INSPECTOR GENERAL SUBPOENA POWER.**—Subparagraph (A) of section 17(e)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(e)(5)) is amended by inserting “in any medium (including electronically stored information or any tangible thing)” after “other data”.

(f) **OTHER ADMINISTRATIVE AUTHORITIES.**—

(1) **IN GENERAL.**—Subsection (e) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q), as amended by subsections (d) and (e) of this section, is further amended—

(A) by redesignating paragraph (8) as subparagraph (9);

(B) in paragraph (9), as so redesignated—

(i) by striking “Subject to the concurrence of the Director, the” and inserting “The”; and

(ii) by adding at the end the following: “Consistent with budgetary and personnel resources allocated by the Director, the Inspector General has final approval of—

“(A) the selection of internal and external candidates for employment with the Office of Inspector General; and

“(B) all other personnel decisions concerning personnel permanently assigned to the Office of Inspector General, including selection and appointment to the Senior Intelligence Service, but excluding all security-based determinations that are not within the authority of a head of other Central Intelligence Agency offices.”; and

(C) by inserting after paragraph (7) the following new paragraph:

“(8)(A) The Inspector General shall—

“(i) appoint a Counsel to the Inspector General who shall report to the Inspector General; or

“(ii) obtain the services of a counsel appointed by and directly reporting to another Inspector General or the Council of the Inspectors General on Integrity and Efficiency on a reimbursable basis.

“(B) The counsel appointed or obtained under subparagraph (A) shall perform such functions as the Inspector General may prescribe.”.

(2) **CONSTRUCTION.**—Nothing in the amendment made by paragraph (1)(C) shall be construed to alter the duties and responsibilities of the General Counsel of the Central Intelligence Agency.

SEC. 426. BUDGET OF THE INSPECTOR GENERAL FOR THE CENTRAL INTELLIGENCE AGENCY.

Subsection (f) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) by inserting “(1)” before “Beginning”; and

(2) by adding at the end the following new paragraph:

“(2) For each fiscal year, the Inspector General shall transmit a budget estimate and request through the Director to the Director of National Intelligence that specifies for such fiscal year—

“(A) the aggregate amount requested for the operations of the Inspector General;

“(B) the amount requested for all training requirements of the Inspector General, including a certification from the Inspector General that the amount requested is sufficient to fund all training requirements for the Office; and

“(C) the amount requested to support the Council of the Inspectors General on Integrity and Efficiency, including a justification for such amount.

“(3) In transmitting a proposed budget to the President for a fiscal year, the Director of National Intelligence shall include for such fiscal year—

“(A) the aggregate amount requested for the Inspector General of the Central Intelligence Agency;

“(B) the amount requested for Inspector General training;

“(C) the amount requested to support the Council of the Inspectors General on Integrity and Efficiency; and

“(D) the comments of the Inspector General, if any, with respect to such proposed budget.

“(4) The Director of National Intelligence shall submit to the Committee on Appropriations

and the Select Committee on Intelligence of the Senate and the Committee on Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives for each fiscal year—

“(A) a separate statement of the budget estimate transmitted pursuant to paragraph (2);

“(B) the amount requested by the Director of National Intelligence for the Inspector General pursuant to paragraph (3)(A);

“(C) the amount requested by the Director of National Intelligence for training of personnel of the Office of the Inspector General pursuant to paragraph (3)(B);

“(D) the amount requested by the Director of National Intelligence for support for the Council of the Inspectors General on Integrity and Efficiency pursuant to paragraph (3)(C); and

“(E) the comments of the Inspector General under paragraph (3)(D), if any, on the amounts requested pursuant to paragraph (3), including whether such amounts would substantially inhibit the Inspector General from performing the duties of the Office.”.

SEC. 427. PUBLIC AVAILABILITY OF UNCLASSIFIED VERSIONS OF CERTAIN INTELLIGENCE PRODUCTS.

The Director of the Central Intelligence Agency shall make publicly available an unclassified version of any memoranda or finished intelligence products assessing the—

(1) information gained from high-value detainee reporting; and

(2) dated April 3, 2003, July 15, 2004, March 2, 2005, and June 1, 2005.

Subtitle C—Defense Intelligence Components

SEC. 431. INSPECTOR GENERAL MATTERS.

(a) COVERAGE UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a)(2) of section 8G of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by inserting “the Defense Intelligence Agency,” after “the Corporation for Public Broadcasting,”;

(2) by inserting “the National Geospatial-Intelligence Agency,” after “the National Endowment for the Humanities,”; and

(3) by inserting “the National Reconnaissance Office, the National Security Agency,” after “the National Labor Relations Board.”.

(b) CERTAIN DESIGNATIONS UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following new paragraph:

“(3) The Inspectors General of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and the National Security Agency shall be designees of the Inspector General of the Department of Defense for purposes of this section.”.

(c) POWER OF HEADS OF ELEMENTS OVER INVESTIGATIONS.—Subsection (d) of section 8G of such Act (5 U.S.C. App.) is amended—

(1) by inserting “(1)” after “(d)”;

(2) in the second sentence of paragraph (1), as designated by paragraph (1) of this subsection, by striking “The head” and inserting “Except as provided in paragraph (2), the head”;

(3) by adding at the end the following new paragraph:

“(2)(A) The Secretary of Defense, in consultation with the Director of National Intelligence, may prohibit the inspector general of an element of the intelligence community specified in subparagraph (D) from initiating, carrying out, or completing any audit or investigation if the Secretary determines that the prohibition is necessary to protect vital national security interests of the United States.

“(B) If the Secretary exercises the authority under subparagraph (A), the Secretary shall submit to the committees of Congress specified in

subparagraph (E) an appropriately classified statement of the reasons for the exercise of such authority not later than 7 days after the exercise of such authority.

“(C) At the same time the Secretary submits under subparagraph (B) a statement on the exercise of the authority in subparagraph (A) to the committees of Congress specified in subparagraph (E), the Secretary shall notify the inspector general of such element of the submittal of such statement and, to the extent consistent with the protection of intelligence sources and methods, provide such inspector general with a copy of such statement. Such inspector general may submit to such committees of Congress any comments on a notice or statement received by the inspector general under this subparagraph that the inspector general considers appropriate.

“(D) The elements of the intelligence community specified in this subparagraph are as follows:

“(i) The Defense Intelligence Agency.

“(ii) The National Geospatial-Intelligence Agency.

“(iii) The National Reconnaissance Office.

“(iv) The National Security Agency.

“(E) The committees of Congress specified in this subparagraph are—

“(i) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

“(ii) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.”.

SEC. 432. CLARIFICATION OF NATIONAL SECURITY MISSIONS OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY FOR ANALYSIS AND DISSEMINATION OF CERTAIN INTELLIGENCE INFORMATION.

Section 442(a) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph (2):

“(2)(A) As directed by the Director of National Intelligence, the National Geospatial-Intelligence Agency shall develop a system to facilitate the analysis, dissemination, and incorporation of likenesses, videos, and presentations produced by ground-based platforms, including handheld or clandestine photography taken by or on behalf of human intelligence collection organizations or available as open-source information, into the National System for Geospatial Intelligence.

“(B) The authority provided by this paragraph does not include authority for the National Geospatial-Intelligence Agency to manage tasking of handheld or clandestine photography taken by or on behalf of human intelligence collection organizations.”; and

(3) in paragraph (3), as so redesignated, by striking “paragraph (1)” and inserting “paragraphs (1) and (2)”.

SEC. 433. DIRECTOR OF COMPLIANCE OF THE NATIONAL SECURITY AGENCY.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by inserting after the first section the following new section:

“SEC. 2. There is a Director of Compliance of the National Security Agency, who shall be appointed by the Director of the National Security Agency and who shall be responsible for the programs of compliance over mission activities of the National Security Agency.”.

Subtitle D—Other Elements

SEC. 441. CODIFICATION OF ADDITIONAL ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended—

(1) in subparagraph (H)—

(A) by inserting “the Coast Guard,” after “the Marine Corps,”; and

(B) by inserting “the Drug Enforcement Administration,” after “the Federal Bureau of Investigation,”; and

(2) in subparagraph (K), by striking “, including the Office of Intelligence of the Coast Guard”.

SEC. 442. AUTHORIZATION OF APPROPRIATIONS FOR COAST GUARD NATIONAL TACTICAL INTEGRATION OFFICE.

Title 14, United States Code, is amended—

(1) in paragraph (4) of section 93(a), by striking “function” and inserting “function, including research, development, test, or evaluation related to intelligence systems and capabilities,”; and

(2) in paragraph (4) of section 662, by inserting “intelligence systems and capabilities or” after “related to”.

SEC. 443. RETENTION AND RELOCATION BONUSES FOR THE FEDERAL BUREAU OF INVESTIGATION.

Section 5759 of title 5, United States Code, is amended—

(1) in subsection (a)(2), by striking “is transferred to a different geographic area with a higher cost of living” and inserting “is subject to a mobility agreement and is transferred to a position in a different geographical area in which there is a shortage of critical skills”;

(2) in subsection (b)(2), by striking the period at the end and inserting “, including requirements for a bonus recipient’s repayment of a bonus in circumstances determined by the Director of the Federal Bureau of Investigation.”;

(3) in subsection (c), by striking “basic pay,” and inserting “annual rate of basic pay. The bonus may be paid in a lump sum or installments linked to completion of periods of service.”; and

(4) in subsection (d), by striking “retention bonus” and inserting “bonus paid under this section”.

SEC. 444. EXTENSION OF THE AUTHORITY OF THE FEDERAL BUREAU OF INVESTIGATION TO WAIVE MANDATORY RETIREMENT PROVISIONS.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Subsection (b) of section 8335 of title 5, United States Code, is amended—

(1) in the paragraph (2) enacted by section 112(a)(2) of the Department of Justice Appropriations Act, 2005 (title I of division B of Public Law 108-447; 118 Stat. 2868), by striking “2009” and inserting “2011”; and

(2) by striking the paragraph (2) enacted by section 2005(a)(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3704).

(b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—Subsection (b) of section 8425 of title 5, United States Code, is amended—

(1) in the paragraph (2) enacted by section 112(b)(2) of the Department of Justice Appropriations Act, 2005 (title I of division B of Public Law 108-447; 118 Stat. 2868), by striking “2009” and inserting “2011”; and

(2) by striking the paragraph (2) enacted by section 2005(b)(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3704).

SEC. 445. REPORT AND ASSESSMENTS ON TRANSFORMATION OF THE INTELLIGENCE CAPABILITIES OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) REPORT.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation, in consultation with the Director of National Intelligence, shall submit to the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report describing—

(A) a long-term vision for the intelligence capabilities of the National Security Branch of the Bureau;

(B) a strategic plan for the National Security Branch; and

(C) the progress made in advancing the capabilities of the National Security Branch.

(2) **CONTENT.**—The report required by paragraph (1) shall include—

(A) a description of the direction, strategy, and goals for improving the intelligence capabilities of the National Security Branch;

(B) a description of the intelligence and national security capabilities of the National Security Branch that will be fully functional within the five-year period beginning on the date on which the report is submitted;

(C) a description—

(i) of the internal reforms that were carried out at the National Security Branch during the two-year period ending on the date on which the report is submitted; and

(ii) of the manner in which such reforms have advanced the capabilities of the National Security Branch;

(D) an assessment of the effectiveness of the National Security Branch in performing tasks that are critical to the effective functioning of the National Security Branch as an intelligence agency, including—

(i) human intelligence collection, both within and outside the parameters of an existing case file or ongoing investigation, in a manner that protects civil liberties;

(ii) intelligence analysis, including the ability of the National Security Branch to produce, and provide policymakers with, information on national security threats to the United States;

(iii) management, including the ability of the National Security Branch to manage and develop human capital and implement an organizational structure that supports the objectives and strategies of the Branch;

(iv) integration of the National Security Branch into the intelligence community, including an ability to robustly share intelligence and effectively communicate and operate with appropriate Federal, State, local, and tribal partners;

(v) implementation of an infrastructure that supports the national security and intelligence missions of the National Security Branch, including proper information technology and facilities; and

(vi) reformation of the culture of the National Security Branch, including the integration by the Branch of intelligence analysts and other professional staff into intelligence collection operations and the success of the National Security Branch in ensuring that intelligence and threat information drive the operations of the Branch;

(E) performance metrics and specific annual timetables for advancing the performance of the tasks referred to in clauses (i) through (vi) of subparagraph (D) and a description of the activities being undertaken to ensure that the performance of the National Security Branch in carrying out such tasks improves; and

(F) an assessment of the effectiveness of the field office supervisory term limit policy of the Federal Bureau of Investigation that requires the mandatory reassignment of a supervisor of the Bureau after a specific term of years.

(b) **ANNUAL ASSESSMENTS.**—

(1) **REQUIREMENT FOR ASSESSMENTS.**—Not later than 180 days after the date on which the report required by subsection (a)(1) is submitted, and annually thereafter for five years, the Director of National Intelligence, in consultation with the Director of the Federal Bureau of Investigation, shall submit to the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Ju-

diciary of the House of Representatives an assessment of the performance of the National Security Branch in carrying out the tasks referred to in clauses (i) through (vi) of subsection (a)(2)(D) in comparison to such performance during previous years.

(2) **CONSIDERATIONS.**—In conducting each assessment required by paragraph (1), the Director of National Intelligence—

(A) shall use the performance metrics and specific annual timetables for carrying out such tasks referred to in subsection (a)(2)(E); and

(B) may request the assistance of any expert that the Director considers appropriate, including an inspector general of an appropriate department or agency.

TITLE V—REORGANIZATION OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE

SEC. 501. REORGANIZATION OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.

(a) **REORGANIZATION OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.**—

(1) **IN GENERAL.**—Subtitle B of title III of the Intelligence Authorization Act for Fiscal Year 2001 (Public Law 106–567; 22 U.S.C. 7301 et seq.) is amended by striking sections 321, 322, 323, and 324, and inserting the following new sections:

“SEC. 321. DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.

“(a) **REORGANIZATION.**—The Diplomatic Telecommunications Service Program Office established pursuant to title V of Public Law 102–140 shall be reorganized in accordance with this subtitle.

“(b) **DUTIES.**—The duties of the DTS–PO include implementing a program for the establishment and maintenance of a DTS Network capable of providing multiple levels of service to meet the wide-ranging needs of all United States Government departments and agencies operating from diplomatic and consular facilities outside of the United States, including national security needs for secure, reliable, and robust communications capabilities.

“SEC. 322. ESTABLISHMENT OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE GOVERNANCE BOARD.

“(a) **GOVERNANCE BOARD.**—

“(1) **ESTABLISHMENT.**—There is established the Diplomatic Telecommunications Service Governance Board to direct and oversee the activities and performance of the DTS–PO.

“(2) **EXECUTIVE AGENT.**—

“(A) **DESIGNATION.**—The Director of the Office of Management and Budget shall designate, from among the departments and agencies of the United States Government that use the DTS Network, a department or agency as the DTS–PO Executive Agent.

“(B) **DUTIES.**—The Executive Agent designated under subparagraph (A) shall—

“(i) nominate a Director of the DTS–PO for approval by the Governance Board in accordance with subsection (e); and

“(ii) perform such other duties as established by the Governance Board in the determination of written implementing arrangements and other relevant and appropriate governance processes and procedures under paragraph (3).

“(3) **REQUIREMENT FOR IMPLEMENTING ARRANGEMENTS.**—Subject to the requirements of this subtitle, the Governance Board shall determine the written implementing arrangements and other relevant and appropriate governance processes and procedures to manage, oversee, resource, or otherwise administer the DTS–PO.

“(b) **MEMBERSHIP.**—

“(1) **SELECTION.**—The Director of the Office of Management and Budget shall designate from among the departments and agencies that use the DTS Network—

“(A) four departments and agencies to each appoint one voting member of the Governance Board from the personnel of such departments and agencies; and

“(B) any other departments and agencies that the Director considers appropriate to each appoint one nonvoting member of the Governance Board from the personnel of such departments and agencies.

“(2) **VOTING AND NONVOTING MEMBERS.**—The Governance Board shall consist of voting members and nonvoting members as follows:

“(A) **VOTING MEMBERS.**—The voting members shall consist of a Chair, who shall be designated by the Director of the Office of Management and Budget, and the four members appointed by departments and agencies designated under paragraph (1)(A).

“(B) **NONVOTING MEMBERS.**—The nonvoting members shall consist of the members appointed by departments and agencies designated under paragraph (1)(B) and shall act in an advisory capacity.

“(c) **CHAIR DUTIES AND AUTHORITIES.**—The Chair of the Governance Board shall—

“(1) preside over all meetings and deliberations of the Governance Board;

“(2) provide the Secretariat functions of the Governance Board; and

“(3) propose bylaws governing the operation of the Governance Board.

“(d) **QUORUM, DECISIONS, MEETINGS.**—A quorum of the Governance Board shall consist of the presence of the Chair and four voting members. The decisions of the Governance Board shall require a majority of the voting membership. The Chair shall convene a meeting of the Governance Board not less than four times each year to carry out the functions of the Governance Board. The Chair or any voting member may convene a meeting of the Governance Board.

“(e) **GOVERNANCE BOARD DUTIES.**—The Governance Board shall have the following duties with respect to the DTS–PO:

“(1) To approve and monitor the plans, services, priorities, policies, and pricing methodology of the DTS–PO for bandwidth costs and projects carried out at the request of a department or agency that uses the DTS Network.

“(2) To provide to the DTS–PO Executive Agent the recommendation of the Governance Board with respect to the approval, disapproval, or modification of each annual budget request for the DTS–PO, prior to the submission of any such request by the Executive Agent.

“(3) To review the performance of the DTS–PO against plans approved under paragraph (1) and the management activities and internal controls of the DTS–PO.

“(4) To require from the DTS–PO any plans, reports, documents, and records the Governance Board considers necessary to perform its oversight responsibilities.

“(5) To conduct and evaluate independent audits of the DTS–PO.

“(6) To approve or disapprove the nomination of the Director of the DTS–PO by the Executive Agent with a majority vote of the Governance Board.

“(7) To recommend to the Executive Agent the replacement of the Director of the DTS–PO with a majority vote of the Governance Board.

“(f) **NATIONAL SECURITY INTERESTS.**—The Governance Board shall ensure that those enhancements of, and the provision of service for, telecommunication capabilities that involve the national security interests of the United States receive the highest prioritization.

“SEC. 323. FUNDING OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE.

“(a) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary for the operations,

maintenance, development, enhancement, modernization, and investment costs of the DTS Network and the DTS-PO. Funds appropriated for allocation to the DTS-PO shall remain available to the DTS-PO for a period of two fiscal years.

“(b) FEES.—The DTS-PO shall charge a department or agency that uses the DTS Network for only those bandwidth costs attributable to such department or agency and for specific projects carried out at the request of such department or agency, pursuant to the pricing methodology for such bandwidth costs and such projects approved under section 322(e)(1), for which amounts have not been appropriated for allocation to the DTS-PO. The DTS-PO is authorized to directly receive payments from departments or agencies that use the DTS Network and to invoice such departments or agencies for the fees under this section either in advance of, or upon or after, providing the bandwidth or performing such projects. Such funds received from such departments or agencies shall remain available to the DTS-PO for a period of two fiscal years.

“SEC. 324. DEFINITIONS.

“In this subtitle:

“(1) DTS NETWORK.—The term ‘DTS Network’ means the worldwide telecommunications network supporting all United States Government agencies and departments operating from diplomatic and consular facilities outside of the United States.

“(2) DTS-PO.—The term ‘DTS-PO’ means the Diplomatic Telecommunications Service Program Office.

“(3) GOVERNANCE BOARD.—The term ‘Governance Board’ means the Diplomatic Telecommunications Service Governance Board established under section 322(a)(1).”

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1(b) of the Intelligence Authorization Act for Fiscal Year 2001 (Public Law 106-567; 114 Stat. 2831) is amended by striking the items relating to sections 321, 322, 323, and 324 and inserting the following new items:

“Sec. 321. Diplomatic Telecommunications Service Program Office.

“Sec. 322. Establishment of the Diplomatic Telecommunications Service Governance Board.

“Sec. 323. Funding of the Diplomatic Telecommunications Service.

“Sec. 324. Definitions.”

(b) CONFORMING AMENDMENTS.—

(1) REPEAL OF SUSPENSION OF REORGANIZATION.—

(A) REPEAL.—The Intelligence Authorization Act for Fiscal Year 2002 (Public Law 107-108; 22 U.S.C. 7301 note) is amended by striking section 311.

(B) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1 of such Act is amended by striking the item relating to section 311.

(2) REPEAL OF REFORM.—

(A) REPEAL.—The Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted into law by section 1000(a)(7) of Public Law 106-113 and contained in appendix G of that Act; 113 Stat. 1501A-405) is amended by striking section 305.

(B) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 2(b) of such Act is amended by striking the item related to section 305.

(3) REPEAL OF REPORTING REQUIREMENTS.—Section 507(b) of the National Security Act of 1947 (50 U.S.C. 415b(b)), as amended by section 351 of this Act, is further amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

TITLE VI—FOREIGN INTELLIGENCE AND INFORMATION COMMISSION ACT

SEC. 601. SHORT TITLE.

This title may be cited as the “Foreign Intelligence and Information Commission Act”.

SEC. 602. DEFINITIONS.

In this title:

(1) COMMISSION.—The term “Commission” means the Foreign Intelligence and Information Commission established in section 603(a).

(2) FOREIGN INTELLIGENCE; INTELLIGENCE.—The terms “foreign intelligence” and “intelligence” have the meaning given those terms in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

(3) INFORMATION.—The term “information” includes information of relevance to the foreign policy of the United States collected and conveyed through diplomatic reporting and other reporting by personnel of the United States Government who are not employed by an element of the intelligence community, including public and open-source information.

SEC. 603. ESTABLISHMENT AND FUNCTIONS OF THE COMMISSION.

(a) ESTABLISHMENT.—There is established in the legislative branch a Foreign Intelligence and Information Commission.

(b) PURPOSE.—The purpose of the Commission is to evaluate systems and processes at the strategic, interagency level and provide recommendations accordingly, and not to seek to duplicate the functions of the Director of National Intelligence.

(c) FUNCTIONS.—The Commission shall—

(1) evaluate the current processes or systems for the strategic integration of the intelligence community, including the Open Source Center, and other elements of the United States Government, including the Department of State, with regard to the collection, reporting, and analysis of foreign intelligence and information;

(2) provide recommendations to improve or develop such processes or systems to integrate the intelligence community with other elements of the United States Government, potentially including the development of an interagency strategy that identifies—

(A) the collection, reporting, and analysis requirements of the United States Government;

(B) the elements of the United States Government best positioned to meet collection and reporting requirements, with regard to missions, comparative institutional advantages, and any other relevant factors; and

(C) interagency budget and resource allocations necessary to achieve such collection, reporting, and analytical requirements;

(3) evaluate the extent to which current intelligence collection, reporting, and analysis strategies are intended to provide global coverage and anticipate future threats, challenges, and crises;

(4) provide recommendations on how to incorporate into the interagency strategy the means to anticipate future threats, challenges, and crises, including by identifying and supporting collection, reporting, and analytical capabilities that are global in scope and directed at emerging, long-term, and strategic targets;

(5) provide recommendations on strategies for sustaining human and budgetary resources to effect the global collection and reporting missions identified in the interagency strategy, including the prepositioning of collection and reporting capabilities;

(6) provide recommendations for developing, clarifying, and, if necessary, bolstering current and future collection and reporting roles and capabilities of elements of the United States Government that are not elements of the intelligence community deployed in foreign countries;

(7) provide recommendations related to the role of individual country missions in contributing to the interagency strategy;

(8) evaluate the extent to which the establishment of new embassies and out-of-embassy posts are able to contribute to expanded global coverage and increased collection and reporting and provide recommendations related to the establishment of new embassies and out-of-embassy posts;

(9) provide recommendations on executive or legislative changes necessary to establish any new executive branch entity or to expand the authorities of any existing executive branch entity, as needed to improve the strategic integration referred to in paragraph (1) and develop and oversee the implementation of any interagency strategy;

(10) provide recommendations on processes for developing and presenting to Congress budget requests for each relevant element of the United States Government that reflect the allocations identified in the interagency strategy and for congressional oversight of the development and implementation of the strategy; and

(11) provide recommendations on any institutional reforms related to the collection and reporting roles of individual elements of the United States Government outside the intelligence community, as well as any budgetary, legislative, or other changes needed to achieve such reforms.

SEC. 604. MEMBERS AND STAFF OF THE COMMISSION.

(a) MEMBERS OF THE COMMISSION.—

(1) APPOINTMENT.—The Commission shall be composed of 10 members as follows:

(A) Two members appointed by the majority leader of the Senate.

(B) Two members appointed by the minority leader of the Senate.

(C) Two members appointed by the Speaker of the House of Representatives.

(D) Two members appointed by the minority leader of the House of Representatives.

(E) One nonvoting member appointed by the Director of National Intelligence.

(F) One nonvoting member appointed by the Secretary of State.

(2) SELECTION.—

(A) IN GENERAL.—Members of the Commission shall be individuals who—

(i) are not officers or employees of the United States Government or any State or local government; and

(ii) have knowledge and experience—

(I) in foreign information and intelligence collection, reporting, and analysis, including clandestine collection and classified analysis (such as experience in the intelligence community), diplomatic reporting and analysis, and collection of public and open-source information;

(II) in issues related to the national security and foreign policy of the United States gained by serving as a senior official of the Department of State, a member of the Foreign Service, an employee or officer of an appropriate department or agency of the United States, or an independent organization with expertise in the field of international affairs; or

(III) with foreign policy decision-making.

(B) DIVERSITY OF EXPERIENCE.—The individuals appointed to the Commission should be selected with a view to establishing diversity of experience with regard to various geographic regions, functions, and issues.

(3) CONSULTATION.—The Speaker and the minority leader of the House of Representatives, the majority leader and the minority leader of the Senate, the Director of National Intelligence, and the Secretary of State shall consult among themselves prior to the appointment of the members of the Commission in order to achieve, to the maximum extent possible, fair and equitable representation of various points of view with respect to the matters to be considered by the Commission in accordance with this title.

(4) **TIME OF APPOINTMENT.**—The appointments under subsection (a) shall be made—

(A) after the date on which funds are first appropriated for the Commission pursuant to section 609; and

(B) not later than 60 days after such date.

(5) **TERM OF APPOINTMENT.**—Members shall be appointed for the life of the Commission.

(6) **VACANCIES.**—Any vacancy of the Commission shall not affect the powers of the Commission and shall be filled in the manner in which the original appointment was made.

(7) **CHAIR.**—The voting members of the Commission shall designate one of the voting members to serve as the chair of the Commission.

(8) **QUORUM.**—Five voting members of the Commission shall constitute a quorum for purposes of transacting the business of the Commission.

(9) **MEETINGS.**—The Commission shall meet at the call of the chair and shall meet regularly, not less than once every 3 months, during the life of the Commission.

(b) **STAFF.**—

(1) **IN GENERAL.**—The chair of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and chapter 51 and subchapter III of chapter 53 of that title relating to classification of positions and General Schedule pay rates, appoint and terminate an executive director and, in consultation with the executive director, appoint and terminate such other additional personnel as may be necessary to enable the Commission to perform its duties. In addition to the executive director and one full-time support staff for the executive director, there shall be additional staff with relevant intelligence and foreign policy experience to support the work of the Commission.

(2) **SELECTION OF THE EXECUTIVE DIRECTOR.**—The executive director shall be selected with the approval of a majority of the voting members of the Commission.

(3) **COMPENSATION.**—

(A) **EXECUTIVE DIRECTOR.**—The executive director shall be compensated at the maximum annual rate payable for an employee of a standing committee of the Senate under section 105(e) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61–1(e)), as adjusted by any order of the President pro tempore of the Senate.

(B) **STAFF.**—The chair of the Commission may fix the compensation of other personnel of the Commission without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the maximum annual rate payable for an employee of a standing committee of the Senate under section 105(e) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61–1(e)), as adjusted by any order of the President pro tempore of the Senate.

(c) **EXPERTS AND CONSULTANTS.**—The Commission is authorized to procure temporary or intermittent services of experts and consultants as necessary to the extent authorized by section 3109 of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable under section 5376 of such title.

(d) **STAFF AND SERVICES OF OTHER AGENCIES OR DEPARTMENTS OF THE UNITED STATES.**—Upon the request of the Commission, the head of a department or agency of the United States may detail, on a reimbursable or nonreimbursable basis, any of the personnel of that department or agency to the Commission to assist the Commission in carrying out this title. The detail of any such personnel shall be without interruption or loss of civil service or Foreign Service status or privilege.

(e) **SECURITY CLEARANCE.**—The appropriate departments or agencies of the United States shall cooperate with the Commission in expeditiously providing to the members and staff of the Commission appropriate security clearances to the extent possible pursuant to existing procedures and requirements.

(f) **REPORTS UNDER ETHICS IN GOVERNMENT ACT OF 1978.**—Notwithstanding any other provision of law, for purposes of title I of the Ethics in Government Act of 1978 (5 U.S.C. App.), each member and staff of the Commission—

(1) shall be deemed to be an officer or employee of the Congress (as defined in section 109(13) of such title); and

(2) shall file any report required to be filed by such member or such staff (including by virtue of the application of paragraph (1)) under title I of the Ethics in Government Act of 1978 (5 U.S.C. App.) with the Secretary of the Senate.

SEC. 605. POWERS AND DUTIES OF THE COMMISSION.

(a) **HEARINGS AND EVIDENCE.**—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this title.

(b) **INFORMATION FROM FEDERAL AGENCIES.**—The Commission may secure directly from any department or agency of the United States such information as the Commission considers necessary to carry out this title. Upon request of the chair of the Commission, the head of such department or agency shall furnish such information to the Commission, subject to applicable law.

(c) **POSTAL SERVICES.**—The Commission may use the United States mails in the same manner and under the same conditions as a department or agency of the United States.

(d) **ADMINISTRATIVE SUPPORT.**—The Administrator of the General Services Administration shall provide to the Commission on a reimbursable basis (or, in the discretion of the Administrator, on a nonreimbursable basis) such administrative support services as the Commission may request to carry out this title.

(e) **ADMINISTRATIVE PROCEDURES.**—The Commission may adopt such rules and regulations, relating to administrative procedure, as may be reasonably necessary to enable the Commission to carry out this title.

(f) **TRAVEL.**—

(1) **IN GENERAL.**—The members and staff of the Commission may, with the approval of the Commission, conduct such travel as is necessary to carry out this title.

(2) **EXPENSES.**—Members of the Commission shall serve without pay but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(g) **GIFTS.**—No member or staff of the Commission may receive a gift or benefit by reason of the service of such member or staff to the Commission.

SEC. 606. REPORT OF THE COMMISSION.

(a) **IN GENERAL.**—

(1) **INTERIM REPORT.**—Not later than 300 days after the date on which all members of the Commission are appointed under section 604(a), the Commission shall submit to the congressional intelligence committees an interim report setting forth the preliminary evaluations and recommendations of the Commission described in section 603(c).

(2) **FINAL REPORT.**—Not later than 60 days after the date of the submission of the report required by paragraph (1), the Commission shall submit a final report setting forth the final evaluations and recommendations of the Commission

described in section 603(c) to each of the following:

(A) The President.

(B) The Director of National Intelligence.

(C) The Secretary of State.

(D) The congressional intelligence committees.

(E) The Committee on Foreign Relations of the Senate.

(F) The Committee on Foreign Affairs of the House of Representatives.

(b) **INDIVIDUAL OR DISSENTING VIEWS.**—Each member of the Commission may include that member's individual or dissenting views in a report required by paragraph (1) or (2) of subsection (a).

(c) **FORM OF REPORT.**—The reports required by paragraphs (1) and (2) of subsection (a), including any finding or recommendation of such report, shall be submitted in unclassified form, but may include a classified annex.

SEC. 607. TERMINATION.

(a) **IN GENERAL.**—The Commission shall terminate on the date that is 60 days after the date of the submission of the report required by section 606(a)(2).

(b) **TRANSFER OF RECORDS.**—Upon the termination of the Commission under subsection (a), all records, files, documents, and other materials in the possession, custody, or control of the Commission shall be transferred to the Select Committee on Intelligence of the Senate and deemed to be records of such Committee.

SEC. 608. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated such sums as may be necessary to carry out this title.

(b) **AVAILABILITY.**—Amounts made available to the Commission pursuant to subsection (a) shall remain available until expended.

TITLE VII—OTHER MATTERS

SEC. 701. EXTENSION OF NATIONAL COMMISSION FOR THE REVIEW OF THE RESEARCH AND DEVELOPMENT PROGRAMS OF THE UNITED STATES INTELLIGENCE COMMUNITY.

(a) **EXTENSION.**—

(1) **IN GENERAL.**—Effective on the date on which funds are first appropriated pursuant to subsection (b)(1) and subject to paragraph (3), subsection (a) of section 1007 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 50 U.S.C. 401 note) is amended by striking “September 1, 2004,” and inserting “one year after the date on which all members of the Commission are appointed pursuant to section 701(a)(3) of the Intelligence Authorization Act for Fiscal Year 2010.”

(2) **APPLICABILITY OF AMENDMENT.**—The amendment made by paragraph (1) shall take effect as if included in the enactment of such section 1007.

(3) **COMMISSION MEMBERSHIP.**—The membership of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community established under subsection (a) of section 1002 of such Act (Public Law 107–306; 50 U.S.C. 401 note) (referred to in this section as the “Commission”) shall be considered vacant and new members shall be appointed in accordance with such section 1002, as amended by this section.

(4) **CLARIFICATION OF DUTIES.**—Section 1002(i) of such Act is amended in the matter preceding paragraph (1) by striking “including—” and inserting “including advanced research and development programs and activities. Such review shall include—”.

(b) **FUNDING.**—

(1) **IN GENERAL.**—There is authorized to be appropriated such sums as may be necessary to carry out this section.

(2) **AVAILABILITY.**—Amounts made available to the Commission pursuant to paragraph (1) shall remain available until expended.

(3) **REPEAL OF EXISTING FUNDING AUTHORITY.**—Section 1010 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 50 U.S.C. 401 note) is repealed.

(c) **TECHNICAL AMENDMENTS.**—

(1) **DIRECTOR OF CENTRAL INTELLIGENCE.**—The Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306) is amended by striking “Director of Central Intelligence” each place it appears and inserting “Director of National Intelligence” in the following provisions:

- (A) Section 1002(h)(2).
- (B) Section 1003(d)(1).
- (C) Section 1006(a)(1).
- (D) Section 1006(b).
- (E) Section 1007(a).
- (F) Section 1008.

(2) **DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE FOR COMMUNITY MANAGEMENT.**—Paragraph (1) of section 1002(b) of such Act is amended by striking “The Deputy Director of Central Intelligence for Community Management.” and inserting “The Principal Deputy Director of National Intelligence.”.

SEC. 702. CLASSIFICATION REVIEW OF EXECUTIVE BRANCH MATERIALS IN THE POSSESSION OF THE CONGRESSIONAL INTELLIGENCE COMMITTEES.

The Director of National Intelligence is authorized to conduct, at the request of one of the congressional intelligence committees and in accordance with procedures established by that committee, a classification review of materials in the possession of that committee that—

- (1) are not less than 25 years old; and
- (2) were created, or provided to that committee, by an entity in the executive branch.

TITLE VIII—TECHNICAL AMENDMENTS

SEC. 801. TECHNICAL AMENDMENTS TO THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

- (1) in section 101—
 - (A) in subsection (a), by moving paragraph (7) two ems to the right; and
 - (B) by moving subsections (b) through (p) two ems to the right;
- (2) in section 103, by redesignating subsection (i) as subsection (h);
- (3) in section 109(a)—
 - (A) in paragraph (1), by striking “section 112.” and inserting “section 112.”; and
 - (B) in paragraph (2), by striking the second period;
- (4) in section 301(1), by striking “‘United States’” and all that follows through “‘and State’” and inserting “‘United States’, ‘person’, ‘weapon of mass destruction’, and ‘State’”;
- (5) in section 304(b), by striking “subsection (a)(3)” and inserting “subsection (a)(2)”;
- (6) in section 502(a), by striking “a annual” and inserting “an annual”.

SEC. 802. TECHNICAL AMENDMENTS TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended—

- (1) in paragraph (1) of section 5(a), by striking “authorized under paragraphs (2) and (3) of section 102(a), subsections (c)(7) and (d) of section 103, subsections (a) and (g) of section 104, and section 303 of the National Security Act of 1947 (50 U.S.C. 403(a)(2), (3), 403-3(c)(7), (d), 403-4(a), (g), and 405)” and inserting “authorized under section 104A of the National Security Act of 1947 (50 U.S.C. 403-4a).”; and
- (2) in section 17(d)(3)(B)—
 - (A) in clause (i), by striking “advise” and inserting “advice”; and

(B) by amending clause (ii) to read as follows: “(ii) holds or held the position in the Agency, including such a position held on an acting basis, of—

- “(I) Deputy Director;
- “(II) Associate Deputy Director;
- “(III) Director of the National Clandestine Service;
- “(IV) Director of Intelligence;
- “(V) Director of Support; or
- “(VI) Director of Science and Technology.”.

SEC. 803. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE.

Section 528(c) of title 10, United States Code, is amended—

- (1) in the heading, by striking “ASSOCIATE DIRECTOR OF CIA FOR MILITARY AFFAIRS” and inserting “ASSOCIATE DIRECTOR OF MILITARY AFFAIRS, CIA”; and
- (2) by striking “Associate Director of the Central Intelligence Agency for Military Affairs” and inserting “Associate Director of Military Affairs, Central Intelligence Agency, or any successor position”.

SEC. 804. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended—

- (1) in section 3(4)(L), by striking “other” the second place it appears;
- (2) in section 102A—
 - (A) in subsection (c)(3)(A), by striking “annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities” and inserting “annual budget for the Military Intelligence Program or any successor program or programs”;
 - (B) in subsection (d)—
 - (i) in paragraph (1)(B), by striking “Joint Military Intelligence Program” and inserting “Military Intelligence Program or any successor program or programs”;
 - (ii) in paragraph (3) in the matter preceding subparagraph (A), by striking “subparagraph (A)” and inserting “paragraph (1)(A)”;
 - (iii) in paragraph (5)—
 - (I) in subparagraph (A), by striking “or personnel” in the matter preceding clause (i); and
 - (II) in subparagraph (B), by striking “or agency involved” in the second sentence and inserting “involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency)”;
 - (C) in subsection (1)(2)(B), by striking “section” and inserting “paragraph”; and
 - (D) in subsection (n), by inserting “AND OTHER” after “ACQUISITION”;
- (3) in section 103(b), by striking “, the National Security Act of 1947 (50 U.S.C. 401 et seq.)”;
- (4) in section 104A(g)(1) in the matter preceding subparagraph (A), by striking “Directorate of Operations” and inserting “National Clandestine Service”;
- (5) in section 119(c)(2)(B) (50 U.S.C. 404a(c)(2)(B)), by striking “subsection (h)” and inserting “subsection (i)”;
- (6) in section 701(b)(1), by striking “Directorate of Operations” and inserting “National Clandestine Service”;
- (7) in section 705(e)(2)(D)(i) (50 U.S.C. 432c(e)(2)(D)(i)), by striking “responsible” and inserting “responsive”; and
- (8) in section 1003(h)(2) in the matter preceding subparagraph (A), by striking “subsection (i)(2)(B)” and inserting “subsection (g)(2)(B)”.

SEC. 805. TECHNICAL AMENDMENTS RELATING TO THE MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.

(a) **IN GENERAL.**—Subsection (a) of section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

(1) in the heading, by striking “FOREIGN”; and

(2) by striking “foreign” each place it appears.

(b) **RESPONSIBILITY OF DIRECTOR OF NATIONAL INTELLIGENCE.**—Such section 1403, as amended by subsection (a), is further amended—

- (1) in subsections (a) and (c), by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”; and
- (2) in subsection (b), by inserting “of National Intelligence” after “Director”.

(c) **FUTURE-YEARS DEFENSE PROGRAM.**—Subsection (c) of such section 1403, as amended by subsection (b), is further amended by striking “multiyear defense program submitted pursuant to section 114a of title 10, United States Code” and inserting “future-years defense program submitted pursuant to section 221 of title 10, United States Code”.

(d) **CONFORMING AMENDMENTS.**—

(1) **IN GENERAL.**—The heading of such section 1403 is amended to read as follows:

“SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.”

(2) **TABLE OF CONTENTS AMENDMENT.**—The table of contents in section 2 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1485) is amended by striking the item relating to section 1403 and inserting the following new item:

“Sec. 1403. Multiyear National Intelligence Program.”.

SEC. 806. TECHNICAL AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) **AMENDMENTS TO THE NATIONAL SECURITY INTELLIGENCE REFORM ACT OF 2004.**—The National Security Intelligence Reform Act of 2004 (title I of Public Law 108-458; 118 Stat. 3643) is amended—

- (1) in subparagraph (B) of section 1016(e)(10) (6 U.S.C. 485(e)(10)), by striking “Attorney General” the second place it appears and inserting “Department of Justice”;
- (2) in subsection (e) of section 1071, by striking “(1)”;

(3) in subsection (b) of section 1072, in the subsection heading by inserting “AGENCY” after “INTELLIGENCE”.

(b) **OTHER AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.**—The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3638) is amended—

- (1) in section 2001 (28 U.S.C. 532 note)—
 - (A) in paragraph (1) of subsection (c)—
 - (i) by striking “shall,” and inserting “shall”; and
 - (ii) by inserting “of” before “an institutional culture”;
 - (B) in paragraph (2) of subsection (e), by striking “the National Intelligence Director in a manner consistent with section 112(e)” and inserting “the Director of National Intelligence in a manner consistent with applicable law”; and
 - (C) in subsection (f), by striking “shall,” in the matter preceding paragraph (1) and inserting “shall”; and
- (2) in section 2006 (28 U.S.C. 509 note)—
 - (A) in paragraph (2), by striking “the Federal” and inserting “Federal”; and
 - (B) in paragraph (3), by striking “the specific” and inserting “specific”.

SEC. 807. TECHNICAL AMENDMENTS TO THE EXECUTIVE SCHEDULE.

(a) **EXECUTIVE SCHEDULE LEVEL II.**—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new item:

“Director of the Central Intelligence Agency.”.

(b) **EXECUTIVE SCHEDULE LEVEL IV.**—Section 5315 of title 5, United States Code, is amended

by striking the item relating to the General Counsel of the Office of the National Intelligence Director and inserting the following new item:

"General Counsel of the Office of the Director of National Intelligence."

SEC. 808. TECHNICAL AMENDMENTS TO SECTION 105 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004.

Section 105(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108-177; 117 Stat. 2603; 31 U.S.C. 311 note) is amended—

(1) by striking "Director of Central Intelligence" and inserting "Director of National Intelligence"; and

(2) by inserting "or in section 313 of such title," after "subsection (a)."

SEC. 809. TECHNICAL AMENDMENTS TO SECTION 602 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1995.

Section 602 of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. 403-2b) is amended—

(1) in subsection (a), in paragraph (2), by striking "Director of Central Intelligence" and inserting "Director of National Intelligence"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "Director of Central Intelligence" and inserting "Director of National Intelligence";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "Director of Central Intelligence" and inserting "Director of National Intelligence"; and

(ii) in subparagraph (B), by striking "Director of Central Intelligence" and inserting "Director of National Intelligence"; and

(C) in paragraph (3), by striking "Director of Central Intelligence" and inserting "Director of the Central Intelligence Agency".

SEC. 810. TECHNICAL AMENDMENTS TO SECTION 403 OF THE INTELLIGENCE AUTHORIZATION ACT, FISCAL YEAR 1992.

(a) **ROLE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.**—Section 403 of the Intelligence Authorization Act, Fiscal Year 1992 (50 U.S.C. 403-2) is amended by striking "The Director of Central Intelligence" and inserting the following:

"(a) **IN GENERAL.**—The Director of National Intelligence".

(b) **DEFINITION OF INTELLIGENCE COMMUNITY.**—Section 403 of the Intelligence Authorization Act, Fiscal Year 1992, as amended by subsection (a), is further amended—

(1) by striking "Intelligence Community" and inserting "intelligence community"; and

(2) by striking the second sentence and inserting the following:

"(b) **INTELLIGENCE COMMUNITY DEFINED.**—In this section, the term 'intelligence community' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))."

MOTION TO CONCUR

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. Reyes moves that the House concur in the Senate amendment.

The SPEAKER pro tempore. Pursuant to House Resolution 1674, the motion shall be debatable for 1 hour, equally divided and controlled by the Chair and ranking minority member of the Permanent Select Committee on Intelligence.

The gentleman from Texas (Mr. REYES) and the gentleman from Michigan (Mr. HOEKSTRA) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. REYES. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. REYES. Madam Speaker, I yield myself such time as I may consume.

I am proud to rise today in support of my motion to concur in the Senate amendment to H.R. 2701, the Intelligence Authorization Act for Fiscal Year 2010.

This bill has been a long time coming. It has been almost 6 years since an intelligence authorization bill has been signed into law. Year after year, the intelligence committees have marked up authorization bills and tried to get them enacted. And year after year, these efforts have fallen short.

Authorization bills are critical to the smooth functioning of the intelligence community. We face innovative and aggressive adversaries, and the intelligence community needs the flexibility to adapt. But the authorities and institutions of the intelligence community are, to a large extent, set by statute. Only acts of Congress—traditionally in the form of authorization bills—can give the community the tools it needs to keep America safe.

Most intelligence activities are, by necessity, shielded from public scrutiny. Congress has an obligation to ensure that the activities of the intelligence community are legal, effective, and serve the best interests of the United States. The Intelligence Authorization Act is the principal means for doing this.

The bill before us today meets this high standard. It is the product of months of bipartisan discussions between the House and Senate intelligence committees, leadership, and the White House. Let me highlight several important provisions.

First, the bill would substantially reform the process through which the President notifies the so-called Gang of Eight regarding certain sensitive covert operations. As Members may know, the National Security Act gives the President the authority to limit briefings on certain sensitive covert actions to the Gang of Eight. It has been the belief of both intelligence committees that the Gang of Eight authority has been overused, and that the entire committee membership should be informed on matters of critical importance.

For that reason, an earlier version of the bill removed the statutory authority for limiting briefings to the Gang of Eight. Last July, the administration

threatened to veto the bill if it included that language. After months of tough negotiations, we have reached a compromise that substantially improves the notification process, and which the President will sign.

The bill requires that the President notify all members of the intelligence committees that a Gang of Eight briefing has occurred and give a "general description" of that notification. It requires that the full briefing be automatically made available to all members in 6 months, unless the President recertifies that the briefing must stay limited.

It also requires that all Gang of Eight briefings be in writing and that the President maintain a written record of those receiving these limited briefings. Finally, like earlier drafts, it requires that the President provide the legal basis for an intelligence activity and sets a new standard for determining when certain activities must be notified.

Second, the bill would help the General Accounting Office gain access to the intelligence community. For decades, the executive branch has prevented GAO from conducting audits or investigations into intelligence activities. This bill directs the Director of National Intelligence to come up with regulations to govern GAO access to the intelligence community.

The new DNI, General Clapper, has suggested in testimony that he would be open to working with GAO. This provision would give him the opportunity to put his words into action.

Third, the bill would put in place a number of measures to help stamp out waste, fraud, and abuse. It would create an Inspector General for the intelligence community, with authority to conduct oversight across the community and on the critical issues regarding coordination and cooperation between agencies. It also requires a comprehensive assessment of contracting practices across the community, which would give Congress the tools it needs to help control contractor costs.

Fourth, the bill creates new cost-control measures for the acquisition of major systems, many of which have been subject to serious cost and schedule overruns in recent years. This includes a mechanism—based on the Department of Defense's Nunn-McCurdry provision—that requires congressional notification and program restructuring when certain cost thresholds are exceeded.

Fifth, the bill modifies various authorities to ensure the intelligence community has the tools it needs to keep the country safe. These include an exemption to certain public disclosure requirements for operational files transferred to the ODNI, a reform that the Director of the National Counterterrorism Center said was critical to information sharing.

Madam Speaker, these are vital reforms, as are others in this important bill. They have been priorities of this body, on a bipartisan basis, for a very long time. It's time we got these reforms enacted. It's time for us to pass this bill.

Therefore, I urge all my colleagues to vote "yes."

With that, Madam Speaker, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Speaker, I yield myself as much time as I may consume.

The fourth time for this bill on the floor is not the charm. This continues the process of bringing badly thought through, badly formed legislation on intel to the floor of the House of Representatives.

This is the fourth rule that we've considered this year as we've gone through this process. It is interesting that this bill is titled the fiscal year 2010 authorization. It's September 29. Tomorrow is September 30. Maybe the President will sign this bill if we pass it tonight, meaning that much of the bill will be meaningless, or only in effect for 6 to 8 hours, maybe 10.

This bill, I don't believe, Mr. Chairman, even has a classified annex. It was the one thing that we agreed on, on a bipartisan basis, as to how funding for the bill, or for the intelligence community and different agencies within the intelligence community, at what level they would be funded. Again, it's one part where we had bipartisan agreement. It's gone. We're now just authorizing the expenditures as done through the appropriations committee. Members have no time to review the classified annex. There was no classified annex outlining these specific appropriations levels by different organizations within the intelligence community. Nothing for the Members to review.

The notifications, it's a fig leaf. It says the administration still shall determine who shall be informed of what and when.

□ 1840

We had stronger language before, accepted on a bipartisan basis. Now all the administration has to do is notify other people that the Gang of Four or the Gang of Eight has been notified of certain information, but they don't have to disclose. They have to outline why, but there is no requirement for more complete exposure.

It is a fig leaf that may serve as a justification for dealing with a complaint that was made by the Speaker of the House in May of 2009. The Speaker of this House said the CIA "misleads us all the time." You know, we've asked for more of an explanation on that. The chairman of the committee and the chairwoman of the subcommittee in October 2009 said that they were going to do a notification and a covert action

investigation—as far as I can tell, it has never happened, and it is not complete after almost a year now—to find out if there were problems with notification and if it were true that, as the Speaker claimed, the CIA misleads us all the time. So, in one way, we are providing something that may serve in dealing with this allegation by the Speaker.

At the same time, we have CIA employees around the world who did what the administration asked them to do and what previous administrations notified Congress they were doing about what they were going to do to keep America safe. They notified, and took Congress through that in great detail. The people went through that notification process in great detail, understanding that, when they left, if the administration had had a problem with it, they ought to have stood up and said, "We've got issues with these, and we need to work through them." Instead, there was either silence or affirmation that what the CIA and what these individuals within the CIA were doing was appropriate, was necessary and was supported by the political leadership of this Nation as being their best intent to keep us safe.

So, while this bill may serve to provide some people with political cover, it does nothing to protect the CIA employees who now, for the third time, are under review by the Justice Department as to whether they should be prosecuted for doing what the political leadership of this country asked them to do.

Where is the equality? Where is the fairness? How does this serve our national interest by allowing these people to continue to be hung out, facing possible prosecution? It is wrong. It is inappropriate. It should have been dealt with in this bill.

I will detail a number of other issues that also need to be dealt with, but at this point in time, I reserve the balance of my time.

Mr. REYES. Madam Speaker, I yield to the gentlewoman from California (Ms. HARMAN) for the purpose of a unanimous consent request.

Ms. HARMAN. Madam Speaker, I rise in strong support of H.R. 2701. I commend the Speaker and committee majority for achieving administration support for more inclusive briefings.

Madam Speaker, during four years as Ranking Member of the House Intelligence Committee, I fought hard to expand the handful of Members briefed by the Bush administration. In my view, that administration abused the definition of covert action under the National Security Act of 1947.

Recently declassified transcripts from those briefings will show instances when serious concerns were raised regarding legal authorities for a range of policies, including "enhanced interrogation techniques."

Those were dark days, when even as Ranking Member, I struggled to get operational de-

tails about programs well within the jurisdiction of our committee.

As a member of the so-called "Gang of 8," I had no ability to consult staff or other colleagues about the information I received.

By the end of the Bush administration, more Members were briefed about sensitive programs, but the changes were not sufficient. It has taken a lot of persuasion to convince the Obama administration to agree formally to brief the entire committee, in most cases, about the government's covert action programs.

The bill before us today requires the President to provide all Members of the Intelligence Committee the same briefings delivered to the "Gang of 8" within 6 months unless he certifies "extraordinary circumstances."

And all Members of the Intelligence Committee must be notified that a Gang of 8 briefing has occurred.

The bill also requires the Director of National Intelligence to work with GAO to gain access to information within the Intelligence Community to be included in their reports.

These changes go a long way toward correcting the problems that plagued both sides of the aisle during my tenure on the House Intelligence Committee.

I am also pleased that the bill contains a provision I authored to require the DNI, in consultation with the Nuclear Regulatory Commission, to submit a report to Congress about the threat of dirty bombs (including highly dispersible substances such as cesium-137).

As an institution, Congress must exert our prerogative to monitor and rectify problems that surface in the programs that affect both our security and our liberty.

The American people deserve no less.

Mr. REYES. Madam Speaker, I yield 2 minutes to the chair of the Intelligence Community Management Subcommittee, the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, thank you for your distinguished leadership of the House Intelligence Committee.

Madam Speaker, after 5 long years, we will soon have an intelligence authorization bill enacted into law. I would have thought that the ranking member of the committee would at least acknowledge that, because it is an accomplishment. It is an accomplishment that is worth highlighting, and it is an accomplishment that should be a source of pride to all Members of Congress, because the Congress is weighing in with its priorities.

Now, passage of this act, in my view, is going to reassert Congress' role in the oversight of our Nation's intelligence agencies. We have a very special duty to oversee intelligence activities because our Nation's security is always at stake.

As the chair of the Subcommittee on Intelligence Community Management, I've had a particular interest in congressional oversight and the tools that we need to improve it. This bill contains many provisions that will improve the congressional oversight of intelligence activities.

First, the bill requires the DNI to establish procedures to allow GAO access to intelligence community information. This provision will clarify the guidelines under which GAO may audit the intelligence community while recognizing that GAO, on behalf of the intelligence committees, has the authority to do so. The new DNI Clapper noted the value of GAO studies during his confirmation hearing, and this provision will give him the opportunity to live up to his words.

Second, the bill modifies statutory authorization for the so-called "Gang of Eight" procedure, and raises the threshold for this limited notification. This is a big change. It requires that the President inform all members of the intelligence committees that a Gang of Eight briefing has occurred and provide a general description of that briefing.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. REYES. I yield the gentlewoman an additional 30 seconds.

Ms. ESHOO. All committee members will receive a full briefing 6 months after the Gang of Eight briefing unless the President continues to certify that "extraordinary circumstances" still exist that require a limited briefing.

These were hard fought-for changes and reforms, and they were not easy to come to. I think that, regardless of whether it is a Republican administration or a Democratic administration, these reforms are tough to get. Yet they have been secured, and I think they are very important, not only for the operation and the oversight of the committees, but for the betterment of the American people and our national security.

Finally, the bill creates a statutory and independent Inspector General for the intelligence community, and I think that this is another great plus.

This bill strengthens the prerogatives of Congress, and I urge my colleagues to support it.

Mr. HOEKSTRA. Madam Speaker, at this time, I yield 1 minute to the gentleman from California (Mr. GALLEGLY).

Mr. GALLEGLY. Madam Speaker, this is my last opportunity to address the House as a member of the Permanent Select Committee on Intelligence. The past 8 years have been the opportunity of a lifetime for me.

I want to thank former Speaker Denny Hastert and Minority Leader JOHN BOEHNER for appointing me to this critically important committee.

I also want to take a minute to express my great appreciation to the most impressive staff I've ever served with, particularly Jim Lewis, our staff director. Jim is clearly a true patriot, and the service he has provided our country I will carry throughout the rest of my life.

I am going to miss the committee, but I will never forget the opportunities of the last 8 years.

Mr. REYES. Madam Speaker, I yield 2 minutes to the chairman of the Technical and Tactical Intelligence Subcommittee, the gentleman from Maryland (Mr. RUPPERSBERGER).

Mr. RUPPERSBERGER. Thank you, Mr. Chairman.

Madam Speaker, as a member of the House Intelligence Committee, as chairman of the Technical and Tactical Intelligence Subcommittee and as a proud representative of the National Security Agency, which is in my district, I rise in support of H.R. 2701.

It has been nearly 6 years since an intelligence authorization bill has been enacted into law. These bills help ensure that the intelligence community has the tools it needs to keep us safe and that Congress has the tools it needs to be effective in its oversight capacity.

□ 1850

The bill before us today does both, and I would like to highlight two provisions.

First, the bill includes significant reforms to the way the intelligence community makes major purchases. Our subcommittee has focused much of our time on helping to ensure that we buy the right kind of satellites at the right price. Just like recent reforms to our defense procurement process, this bill helps us protect tax dollars while keeping our country safe and secure.

The Nunn-McCurdy provision requires congressional notification when costs run significantly over budget and cancels programs that run 25 percent or more over budget unless we get a reasonable explanation.

Second, the bill gives the Director of National Intelligence a voice in the process as we review and update security-related export controls known as ITAR.

These regulations restrict what American companies can sell overseas, but there are prohibitions on old, simple, and widely available technologies that are putting American companies at a severe disadvantage to foreign competitors. Before the restrictions went into effect in 1998, 73 percent of the world market for commercial satellites went to U.S. companies. By 2000, that figure had dropped to 27 percent. That's unacceptable.

Loosening these outdated restrictions is critical to more than 250,000 American jobs supported by the satellite industry, which has taken a hit with the global economic downturn. Over the past 2 years, the industry has shed about 5 percent of its workforce.

In addition to this bill under consideration today, the House has passed an ITAR provision in the Foreign Affairs authorization, and we are waiting for the Senate to act.

Mr. HOEKSTRA. At this time, I yield 5 minutes to my colleague from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. I appreciate the gentleman from Michigan yielding.

Madam Speaker, I think it's important also to express my appreciation to the gentleman from Michigan who has served on this committee for the last 8 years, including as chairman of the committee and, for the last 4 years, as the ranking member of the committee. The contributions he has made in that capacity to the country will never be fully known, but those of us on the committee I think do appreciate the considerable work that he has done and the contributions he has made.

It's unfortunate that the last bill on which he will help manage time on the floor is this bill. I don't see how any Member can come and congratulate ourselves on finally getting an intelligence authorization bill to the floor that doesn't even have a classified annex to it. It doesn't seem to me to be a real bill at all. Unfortunately, and through no fault of the chairman who has been struggling to get a bill to the floor for months—years, actually, more than a year; it is not his fault—but this is not a real bill.

Madam Speaker, as a matter of fact, the history of this bill is rather pitiful. It was reported out of the committee in June of 2009, but then for 8 months you couldn't find time to bring it to the floor. Now, why was that? It wasn't like we had a lot of other pressing business for 8 months that prevented this bill from coming to the floor. It was because the Speaker set off a firestorm and controversy about when she was briefed on interrogations and what she knew and when she knew it. And then to defend herself, she charged that the CIA lies to us or misleads us all the time.

Well, then the bill could not be brought to the floor because there had to be a way found to protect the Speaker. And so 8 months later it finally comes to the floor, and then it takes two rules to get it to the floor because there was a provision added in the manager's amendment, again to prosecute CIA people, to hold them to a higher standard of accountability than all the law enforcement folks around the country. So they had to go back to the drawing board.

Now, 7 months after that, we are brought this kind of a shell bill and asked to rubber-stamp on the last day of the session what the Senate has done. As I say, Madam Speaker, I don't think there's much to be proud of here.

On the notification provision that we've heard so much about, it does very little. And I think it is sad in a lot of ways that the majority walked away from the bipartisan, the truly bipartisan compromise of a couple years ago that would raise the bar and require any administration to give this Congress more information. Instead, we have this token language which does very little, and yet, Madam Speaker, as

the Director of the National Counterterrorism Center testified last week before the Senate, we have had more attempted attacks on our homeland over the past year than at any time since the attacks of 9/11.

So I think what is particularly unfortunate is what this bill does not do. This bill does nothing to prevent Guantanamo detainees from being brought here to the mainland of the United States, and yet tomorrow, the end of the fiscal year, tomorrow, all of the existing statutory prohibitions on bringing those terrorists here to the mainland expire. This bill was an opportunity to do something about that, and yet it does nothing.

This bill says nothing about releasing detainees who end up returning to the fight and come back attacking and sometimes killing our soldiers around the world.

This bill does nothing about foreign terrorists being told that they have the right to remain silent even before we get the information we need from them to prevent the next attack. Even though this House has voted on a bipartisan basis that they are not entitled to be told they can remain silent before we get the information we need, that's not in this bill.

This bill does nothing to try to resolve the issues of whether detainees should be tried in military or civilian courts, and yet those are some of the very issues that the American people want to see resolved.

For you see, Madam Speaker, for the last several months House Republicans have been listening to people and asking them what they would like to see done in Congress, and we've heard lots of information about not letting taxes go up, about restraining spending, repealing the health care bill, but on national security, the things we heard and the things that are in the Pledge to America talk about bringing detainees to the United States and about not letting them be released prematurely so that they return to the fight and not caring more about their rights than about the rights of the lives of Americans that we try to prevent.

We could do a lot better than this bill, Madam Speaker, and it should be rejected.

Mr. REYES. Madam Speaker, I yield 2 minutes to a member of the committee, the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the chairman for yielding, and I want to compliment him on all his hard work in bringing the bill to this point after a long, tough challenge for many years.

I rise in strong support, Madam Speaker, of H.R. 2701, the Intelligence Authorization Act for Fiscal Year 2010.

This long overdue bill is the work of a committee that has been diligently pursuing, for years, our national security. H.R. 2701 addresses many vital

areas and contains critical provisions that will assist us in combating the ever-evolving and emerging threats that our Nation faces, such as those emanating from the FATA in Pakistan, Yemen, the Horn of Africa, and Somalia.

In this bill, we've sought to provide the necessary guidance and authorities for the critical intelligence and intelligence-related activities of our U.S. military and civilian personnel in Iraq and Afghanistan, and provide important support to address emerging issues in Africa, Latin America, and elsewhere.

I'm proud to say this bill also goes a long way toward bringing increased fiscal responsibility to the intelligence community. By reducing the cost overruns on our major systems acquisitions, the acquisitions provision of this bill will free up money to devote to our military and civilians combating threats and preserving our national security in Iraq, Afghanistan, Yemen, Somalia, and elsewhere.

This is a strong piece of legislation. It will make our country safer. I urge my colleagues to pass the bill and let us have an intelligence authorization act this Congress while we have so many men and women in uniform and out of uniform fighting for our safety and security.

I thank you again, Mr. Chairman, for your perseverance on this.

□ 1900

Mr. HOEKSTRA. I yield myself 1 minute.

Madam Speaker, I find it interesting that people talk about, we are bringing fiscal responsibility back to the Intelligence Committee. There's not even a classified annex which outlines the spending that this committee believes each of the agencies should have for running their operations for fiscal year 2010. As I said earlier, that's one area where we had bipartisan agreement. That's been taken out. That's gone. We are not providing any type of fiscal direction to the intelligence community by telling them what we believe our priorities are.

The other interesting thing, as we go through this process, is that in the bill 2 years ago, we had a bipartisan vote on the floor. We adopted an amendment that I offered to prohibit the use of authorized funds for earmark purposes. As you take a look here, we've authorized everything that the Appropriations Committee has done. What has the Appropriations Committee done? Lots of earmarks in the intelligence bill.

Mr. REYES. Madam Speaker, I now yield 2 minutes to a member of the committee, the gentleman from Oklahoma, who just, I might add, had a son last week, and a valued member of our committee, Mr. BOREN.

Mr. BOREN. Mr. Chairman, I thank you for all the hard work you and the

entire staff have done on this legislation.

Madam Speaker, I rise today in support of H.R. 2701, the Intelligence Authorization Act of 2010. This bill is an excellent product and addresses many critical areas, including those that have previously received little attention. One of the most important provisions in the bill is the commitment to developing foreign language capability, specifically in African languages that have historically been underrepresented in the intelligence community.

The bill creates a pilot program under the National Security Education Program, or the NSEP. It expands the David L. Boren Scholars by requiring the Director of National Intelligence to identify five high-priority African languages for which language education programs do not currently exist. The NSEP would then develop intensive training programs for implementation in both the United States and in countries where the languages are spoken.

Let's not forget that 10 years ago, we didn't anticipate conflicts along the Afghanistan-Pakistan border and the need for Dari, Pashto, and Urdu speakers. When the need arose, we didn't have the capabilities to meet immediate demands, and to this day, we are still playing catchup. Similarly, we cannot predict from where the next crisis will emerge. But by recognizing the current instability in the Horn of Africa, Sudan, and Congo, we can anticipate crises that may impact U.S. national security interests in the near future. We should be training the linguists and translators in the relevant languages now so that, once again, we are not reactive in our efforts but proactive in our actions. I urge my colleagues to support this bill.

Mr. HOEKSTRA. I yield 4 minutes to my colleague from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Madam Speaker, I too want to extend my thanks and gratitude on behalf of a grateful Nation for the work and service behind closed doors, with the microphones and the cameras gone, that the gentleman from Michigan has given to the Intelligence Committee and the intelligence community, and his efforts to continue to fight for policy that keeps Americans safe.

Sir, I know America won't know of most of it, but please know that those of us that do have your back for the work that you've done. Thank you very, very much.

The face of terrorism is changing, and it's changing in a very rapid way. Years ago we sat down and we asked our intelligence officials to do very hard things. We said to go to dangerous places and talk to dangerous people, find out the information that we need, identify those who have done horrible things to this country, and help us bring them to justice.

It was the President of the United States at the time, George Bush. It was NANCY PELOSI who was sitting in the meetings, the intelligence meetings who said, Yes, that's the right policy. That's the right thing to do. And the battlefield has changed. It isn't just overseas anymore, where we write songs about our soldiers leaving the shores of the United States. The battlefield has come to us. It has killed U.S. citizens, and they attempt again and again to do that.

This bill is a disappointment. This bill is really offensive. This is a 2010 bill that will be practically irrelevant tomorrow. We are passing a bill that will be almost irrelevant tomorrow. There is no classified annex. You can't call this an intelligence bill that sets us on the right path with no classified annex. How can we congratulate ourselves for this?

There is more political cover in this bill than there is cover for the United States to go aggressively and pursue terrorism around the world. This bill protects the Speaker of the House, but it doesn't protect the CIA officers that all of us ask to do dangerous work around the world. Instead, they have to get lawyers and answer questions, the Department of Justice, after the President and this Congress said, Go do this for your country, for our safety, for our future. That's a slap in the face for the very people we have asked to risk their lives. They're not supposed to be facing a subpoena. They should be facing a crowd of cheering Americans saying, Thank you for your service in the difficult times this country faces in the war on terror. That is abandoned in this bill.

Tomorrow we are going to allow Guantanamo detainees to be transferred to the U.S. That provision is not in the bill. We all unified, said, This is a bad idea. Don't bring the best trained terrorists to the United States. It doesn't take a rocket scientist to say, That's an awful idea. And Americans say, Don't do it. There's a better way. This bill rejects that notion and goes to the very heart of why Americans are concerned about the direction of how we pursue terrorism in these days and in the days ahead.

It now treats foreign terrorists committing acts of terrorism against the United States with the same benefits as a United States citizen. What? Most Americans, the average Americans know you don't do that. They are enemy combatants. The battlefield might not be in Afghanistan. It might be on the seat of an airplane coming to the United States of America. The battlefield is no different because the results of death and terrorism and mayhem are the same.

We reject that in this bill and say, You know what, we are turning the page. We are going to treat those enemy combatants, those foreign ter-

rorists, with all the benefits of a citizen of the United States.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HOEKSTRA. I yield the gentleman 30 additional seconds.

Mr. ROGERS of Michigan. Madam Speaker, I hope that we can shake ourselves out of this notion that we are going to take the war on terror and treat it like a law enforcement event. It slows things down. We had that fight, but this bill goes even further. It says that we don't care what Americans believe will keep us safe, and we care more about the politics of what's going on today than we do the policies of terrorists who seek to do us harm. This is not the direction that we need. I would strongly urge this body's rejection and let's get about the work of a 2011 budget that can serve to protect the United States of America.

Mr. REYES. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, the American people are tuned in tonight. They must be confused that we are kind of talking in parallel universes here. For instance, there are no earmarks in this bill, in H.R. 2701. There are also a host of legislative provisions in this bill that will have a permanent effect on the operations in the intelligence community. Today's date, tomorrow's date, next week's date doesn't change any of that. And it's gratifying to know that for the last few months, our colleagues on the other side of the aisle have embarked on a listening campaign. It is good that they listen, and I hope that they have also gotten back the message that the American people are sick and tired of their strategy of just saying "no" to everything.

Isn't it interesting—at least I find it interesting—that H.R. 2701 had unanimous support on the Senate side. That means both Democrats and Republicans. But somehow, some people don't understand or didn't get the memo that it is okay to agree on protecting this country. It's okay to agree to pass a piece of legislation that fundamentally does that.

□ 1910

This bill does that. Is it perfect? No. Is it a compromise? Yes. But that is the reality of legislative compromises.

They talk about Guantanamo. Tonight we are going to vote on a continuing resolution. This bill does nothing to impact on anything to do with Guantanamo. Voting on the continuing resolution, we will vote on keeping those protections in place.

Madam Speaker, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, let's talk about what should have been in this bill and what this bill does do and what it doesn't do.

We all know that the face of terrorism is changing. We have seen Fort Hood, we have seen the attempted attack in Detroit, we have seen the attempted attack at Times Square. We know that terrorism is changing.

This bill is based on the past. There were reports that came out after these attacks and attempted attacks on the United States outlining changes that they thought needed to be made. As terrorism changed, intelligence policies needed to change as well.

The recommendations included improving the systems that deal with information, information sharing, terrorist screening, watch lists, watch list criteria, and those types of things. That's not dealt with in this bill. It is on the sidelines, even though the threat has evolved.

My colleagues have clearly articulated that, by doing nothing, we now open the possibility for Gitmo folks to come to the United States. We open the possibility and the likelihood that once again terror suspects overseas will be Mirandized.

Where is there a provision in this bill that would regulate covert actions that may impact U.S. citizens? Where is the bipartisan part of this bill, the classified annex, the part that we did agree? It was tossed.

Why wasn't there a conference on this bill? Why couldn't we go and have a meaningful discussion and debate involving all the parties about what would make a good intelligence bill?

When did Members meet to discuss the bipartisan agreement that has been claimed in the Senate amendment? They didn't meet. This is a short-circuited process that didn't address and doesn't address the top issues that needed to be addressed to keep America safe.

Mr. REYES. Madam Speaker, I yield myself 1 minute.

There are a lot of things that aren't in this bill. There aren't any things dealing with water, there aren't any things dealing with the border, there aren't any things dealing with other aspects.

We are here to pass a piece of legislation that has the support of every Senator in the other body. We are here to pass a piece of legislation that fundamentally protects this country.

And I can certainly understand the questions that my colleague from Michigan has because for the last year he hasn't been here. He has been in Michigan doing other things.

But to criticize a piece of legislation that we have reached out, that we have worked together—and as I said in my opening statement, this is a compromise agreement that was agreed to by the House, the Senate, and the administration. It is a good piece of legislation. It deserves to be supported.

Madam Speaker, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Speaker, I yield myself 1 minute.

There aren't a lot of things in this bill. The chairman is absolutely right. Lots of things that should be in this bill. There should be a classified annex. There should be something that outlines our committee's response to what many believe are actions that are being carried out by the government through covert means that affect Americans overseas. This committee should take a stand on that position or on that issue.

This committee should take a stand on Mirandizing. This committee should take a stand on Gitmo. This committee should take a stand on the things that groups who have taken a look at what is happening to terrorism and have recommended changes that be made to keep America safe. And that is a reason why we are opposed to this bill.

We know what is in the bill, and we know what is not. The things that would keep America safe and safer in a changing environment are not in this bill.

Mr. REYES. Madam Speaker, it is my privilege now to yield 3 minutes to the gentleman from New Jersey (Mr. HOLT), a member of the committee and the chairman of the Select Intelligence Oversight Panel.

Mr. HOLT. Madam Speaker, I want to thank the distinguished chair of the House Permanent Select Committee on Intelligence, Mr. REYES, for bringing this bill to the floor today. It has required a lot of effort, some compromise and hard work.

The bill advances a number of my priorities, including a sustained emphasis on improving our foreign language capabilities, expanding the Government Accountability Office's ability to conduct investigations of intelligence community activities, and a long overdue declassification review requirement of the gulf war illness-related records at the CIA.

I think we can still do more to provide strong congressional oversight of our intelligence activities. And I am also disappointed that the other body blocked the inclusion of language that I developed that would mandate the video recording of detainee interrogations by the Central Intelligence Agency.

A similar version of this language has been law since last year and governs video recording of detainees in custody of the Defense Department. And multiple studies have documented the benefits of video recording, electronic recording of interrogations, and law enforcement organizations across the United States routinely use the practice to protect both the person being interrogated and the officer conducting the interrogations. Clearly, in the intelligence community, this would be a valuable tool as well. And of course we know that at times the intelligence community does think this is a

valuable tool. Otherwise, it would not have made recordings of interrogations of high-value detainees after they were captured in the wake of the 9/11 attacks.

Should a future President direct the CIA to hold detainees for interrogation, those interrogations certainly should be recorded. Accordingly, I hope we will be able to remedy this in next year's bill.

I also wanted to say a word about the so-called Gang of Eight briefings. Because of the importance of this issue, it can get obscured by "inside the beltway" jargon. I want to make it clear that in this legislation, we are not and we should not cede the congressional prerogative to compel the President to share information on covert action programs.

So as you read the language of this bill, as my colleagues read the language of the bill, I hope they will understand that we have a constitutional obligation, independent and separate from the executive, to oversee the activities of the executive branch in this area.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. REYES. Madam Speaker, I yield the gentleman an additional minute.

□ 1920

Mr. HOLT. I opposed the previous administration's effort to subvert congressional oversight of intelligence activities, and I am not convinced that we have struck the right compromise language in this legislation. But even so, the requirement of written notification of covert actions is an important step forward, and passing this bill will not mark the end of our reform process.

Given what is accomplished in this bill, I am pleased to vote for the bill, and I urge my colleagues to do so as well.

Mr. HOEKSTRA. I yield 2 minutes to my colleague from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Madam Speaker, let me just say that I agree with the gentleman from New Jersey that we do have an independent constitutional responsibility to obtain the information that is necessary for us to do our job, not just on covert action but on all information. That is one of the reasons I was so disappointed at this fig leaf notification provision which is in this bill.

Madam Speaker, there are all sorts of bad ideas that start coming out and can even pass one body or another unanimously at the end of a session, but this bill is not a real bill.

We have talked several times about the classified annex. What that means is a line-by-line description of the various intelligence programs and how much funding would go to each of them. That is the basic essence of an

intelligence authorization bill, and yet that does not exist with this bill. That is what had bipartisan support over the last 1½ years as we have been working on it. But then, when it comes to the floor, that part suddenly gets dropped. What is left is just a rubber stamp of what the appropriators have done, and that does include the earmarks that the gentleman from Michigan talked about.

So instead of coming to fruition for the work that this committee has done for the past 1½ years, instead we get what the Senate will accept or are expected to rubber-stamp it over here and pretend we have done something. But we haven't. We haven't done the basic things that the American people want us to do to keep this country safe.

And I think it is true, as the chairman indicated, the American people do not want us to just say "no." They want us to say "no" more often to bad ideas and wish this Congress had said "no" more often to a lot of the things that had actually gotten passed. But they want us to seriously address the issues about Guantanamo detainees, about Mirandizing terrorists, about making sure that terrorists are not released prematurely, keeping this country safe; yet this bill falls short. It is a disappointment.

Mr. REYES. Madam Speaker, it is now my privilege to yield 3 minutes to a Member who has been a leader on the issue of cybersecurity, a member of our great committee and the chair of the Armed Services Subcommittee on Strategic Forces, Mr. LANGEVIN.

Mr. LANGEVIN. I want to thank the chairman for yielding and congratulate him for his outstanding work on this important intelligence authorization bill. It has been my privilege to work on the committee now for 4 years.

Let me just say, Madam Speaker, that I rise in strong support of H.R. 2701. It has been nearly 6 years since an intelligence authorization bill has become law. This bill helps to provide the intelligence community with the essential tools it needs to confront the threats posed by our adversaries, and it is vital that this bill pass today.

It takes a number of important steps toward improving congressional notification, particularly with respect to Gang of Eight issues, making sure that the Intelligence Committee is actually informed when the top Members of the Congress have been notified that an intelligence activity has occurred. It also makes sure that the President has to provide the legal basis for all intelligence activities.

Beyond that, this bill would enact a number of important reforms, but it makes particularly important strides in securing the Nation's cyberspace.

Clearly, our Nation's water, power, communications, and emergency response systems all depend on a secure, resilient information infrastructure.

All are under regular threat from hackers, terrorists, and foreign intelligence agencies.

This bill includes an amendment that I proposed requiring a study of the capabilities of America's current Federal cybersecurity workforce. The administration's 60-day cyber review highlighted the government's cyber workforce as one of the areas that needs the most improvement. The government right now simply doesn't have enough cybersecurity experts, and we have to do a better job of competing with the private sector for scarce talent.

This study that I made sure was in this bill addresses these weaknesses by examining how best to attract, retain, and develop the workforce that the United States Government needs to defend our critical infrastructure. This includes an evaluation of the benefits of outreach to industry and academia, who can be critical partners in securing our cyber networks.

Madam Speaker, more than ever the United States needs to realize that cybersecurity is an issue that requires urgent attention. The American people are depending on us. We cannot remain complacent. We can't wait until a catastrophic event happens. I look at this as a potentially pre-9/11 moment, where we know that there is a critical vulnerability in our cybersecurity infrastructure and we need to move more quickly to protect it.

I want to thank Chairman REYES for his outstanding leadership on this issue. A lot of the work you don't see that he does and the committee does behind the scenes, but it is essential, it is important, and I thank the gentleman for his leadership. I certainly urge passage of this bill.

Madam Speaker, I rise in support of H.R. 2701.

It has been nearly six years since an intelligence authorization bill has become law. These bills help provide the Intelligence Community with the tools it needs to confront the threats posed by our adversaries, and it is vital that this bill pass today.

The bill would enact a number of important reforms, but it makes particularly important strides in securing cyberspace. Our nation's water, power, communications, and emergency response systems all depend on a secure and resilient information infrastructure. All are under regular threat from hackers, terrorists, and foreign intelligence agencies.

This bill includes an amendment I proposed that requires a study of the capabilities of America's current federal cyber workforce. The Administration's 60-day cyber review highlighted the government's cyber workforce as one of the areas that needs the most improvement. The government simply does not have enough cybersecurity experts; we must do a better job competing with the private sector for scarce talent.

This study addresses these weaknesses by examining how best to attract, retain, and develop the workforce the United States government needs to defend our critical infrastruc-

ture. This includes an evaluation of the benefits of outreach to industry and academia, who can be critical partners in securing our networks.

Madam Speaker, more than ever the U.S. needs to realize that cybersecurity is an issue that requires urgent attention. We cannot remain complacent.

I strongly support this bill. I urge all my colleagues to do the same.

Mr. HOEKSTRA. I reserve the balance of my time.

Mr. REYES. Could I inquire as to the amount of time on either side?

The SPEAKER pro tempore. The gentleman from Texas has 7 minutes, and the gentleman from Michigan has 8 minutes.

Mr. REYES. Madam Speaker, it is now my privilege to yield 1 minute to the majority leader, a gentleman who has worked tirelessly the last few months to make sure that we have a good bill and a good compromise. I have been told that compromise is one where everyone feels that they didn't get everything they needed but it's at a place where we should be able to support it. No one personifies that better than our majority leader, Mr. HOYER.

Mr. HOYER. I thank the chairman for his generous remarks. More importantly, however, I thank him for his very hard, focused, untiring work on making sure that, for the first time since 2004, we pass an authorization bill for intelligence.

I want to say that all of us have been engaged in this, but no one more than the chairman, and I thank him for his work. I also thank the staff, the staff director, and members of the staff who have done an extraordinary job as well. I know that the minority staff has worked hard on this as well, and Mr. HOEKSTRA, of course, who has been on the Intelligence Committee for many, many years.

I rise, Madam Speaker, in support of this intelligence authorization bill. The passage of this legislation, as I said earlier, is the first intelligence authorization bill to be passed since 2004. On something as critically important as our national security, national intelligence, it is unfortunate that we haven't been more successful in the past in passing a bill, for whatever reasons. This is a major step to strengthen our national security.

The bill continues policies that are working to help keep America safe from terrorist attack, policies which have been supported by two administrations. It also strengthens oversight of our intelligence community.

□ 1930

In a democracy, we have recognized in a bipartisan way that intelligence is critical, but in a free and open society it is also important that the people's representatives have meaningful oversight. While this community deserves the support of Congress, and it has al-

ways had mine, it also requires oversight by the Congress and direction from the Congress as to what policies the people's representatives believe ought to be followed. In my opinion, this bill does that.

The bill creates an independent inspector general with responsibility for the entire intelligence community. It reforms the briefing process for the bipartisan leadership of both Chambers and their Intelligence Committees, ensuring that the full membership of the House and Senate Intelligence Committees are informed when briefings occur and making the briefings available to all members of the committees 6 months after the initial briefings.

It is critically important that we keep secret those matters which are important to keep secret for our national security. On the other hand, we know from history, we know from experience, that it is critically important, as I have said in the past, that the people's representatives have knowledge and briefings as to those undertakings of this community.

This bill provides for the development of a framework that will enable the Government Accountability Office to conduct proper oversight of intelligence activities and reforms the intelligence community's acquisition process to avoid waste of taxpayer money.

This bill passed the Senate with unanimous support from both parties. This is not a partisan bill. This is a bill that the Senate Republicans and the Senate Democrats believed added to the security of our country.

In fact, I agree with Senate Intelligence Committee Vice Chairman KIT BOND, who formerly was, of course, the chairman of the Intelligence Committee, with whom I worked very hard in a bipartisan fashion to pass the Foreign Intelligence Surveillance Act, with the help of my friend the chairman and the support of President Bush.

KIT BOND said this about this bill: "We can do more to protect Americans from attack, and passing the intelligence authorization bill," referring to the bill that is on the floor, "passing the intelligence authorization bill and improving congressional oversight over our spy agencies is an important first step."

That is what Senator BOND said, the Republican chair of the Intelligence Committee, and now the vice chair of the Intelligence Committee.

I want to thank the members of the House Intelligence Committee on both sides of the aisle, especially, as I have said, Chairman SILVESTRE REYES and his staff, for their very hard work in writing and securing support for this legislation. It was not an easy road. There was disagreement.

The administration, this House, the Senate, had to come to an agreement. They have come to an agreement, an

agreement which I think is, as KIT BOND said, a step in the right direction, an important step, and I hope that my colleagues will support it.

This is another contribution to strong and responsible leadership of our national security. I urge my colleagues to support it so that President Obama can sign it into law.

There is no higher responsibility than we have when we raise our hands in this Chamber to support and defend the Constitution of the United States and the laws thereof. Clearly, one of our major responsibilities is to protect America from adversaries, whether they be domestic or foreign, and in that process have an intelligence community that has the capability of ferreting out those who would harm this country and its people. But we also need to have an active, engaged, and responsible, as we do, Intelligence Committee, both in the House and in the Senate, to ensure that the values that make this country so special are honored even as we take every step that is necessary and proper to defend and protect America and Americans.

I urge the passage of this important piece of legislation.

Mr. REYES. Madam Speaker, I reserve the balance of my time to close.

Mr. HOEKSTRA. I yield myself the balance of my time.

Mr. Chairman, thank you for the opportunity to work with you on the committee. I am disappointed that we did not get to agreement on this bill and that we are at different places on what is a very important piece of legislation to keep America safe.

I wish you the best in your future in Congress, as I leave this institution and as I leave the House Intelligence Committee. It has been a great honor to serve on this committee and do the work that we have tried to do to keep America safe.

You know, there are things that I wish we would have gotten done as we structured this bill that would have enabled us to move forward in a bipartisan basis.

There have been a number of investigations, beginning in 2007 dealing with the tapes investigation, dealing with detention, dealing with interrogation. I wish those investigations had been completed and reports would have been issued, and that we would have used the findings of those reports and those investigations to improve this bill.

I wish that we would have continued to move forward in a way that, a few years ago, in a bipartisan basis, this House said we are not going to put earmarks into intelligence bills.

I wish that we as a committee would have taken a position in repudiating a position that the President of the United States took soon after he assumed office which said he was going to close Gitmo and move the detainees

from Guantanamo, move them into the United States. I wish we had said in this bill that we would have continued that prohibition on moving and expending any funds for moving people from Guantanamo into the United States. That is now an open question as to whether that may or may not happen.

I wish that in this bill we would have taken a position and said that it is inappropriate to Mirandize terrorists captured overseas, in many ways, I believe, giving them more legal rights than what we give to our own employees of the CIA.

CIA employees that do face perhaps the possibility of being prosecuted, I wish we would have said in this bill, these people have been investigated twice, they did what the leadership and the political leadership of this country asked them to do, and we will now protect them and say no, no funds will be used to prosecute them for the things that leadership in the United States of America asked them to do to keep us safe.

I wish we would have clearly said that we repudiate the policy of this administration where they for a period of time said, "We are not going to use the word 'terrorism' anymore. We are going to wipe the slate clean, and we are not going to use that language. We are now going to call terrorism 'man-made disasters.'"

We all know that if you don't correctly identify the threat that you face, you will never be able to contain it, confront it, and defeat it.

I wish that we would have taken a strong position in this bill in response to what happened at Fort Hood. Remember at Fort Hood, for months after the attack at Fort Hood, where 14 Americans were brutally murdered, this administration refused to recognize that this might be related to terrorism or the threats that we face from overseas.

We now know that in this and other terrorist attacks, as this face of terrorism changes, that in Fort Hood and other instances, Anwar al-Awlaki, associated with al Qaeda on the Arabian Peninsula, played a part. We maybe don't know exactly how big of a part, but whether it was Fort Hood, whether it was the Christmas Day attack or what happened at Times Square, al-Awlaki may have been involved in some if not all of these attacks, and we know that al-Awlaki, bin Laden and all of these individuals continue to plan attacks against the U.S., against our allies in Europe, and against other friends around the planet.

These are all things that needed to be done in this bill. These are all things that needed to be done if we were going to keep America safer.

Right now, we all see and read about the fact that there is heightened awareness of threats, a heightened

threat alert in Europe and in the United States, because we sense that there is an urgency by the radical jihadists to attack the West and to attack them again. This bill needed to meet that standard of addressing a changing environment, a changing threat level.

□ 1940

We see that happening. And my fear is that sometime in the future people are going to say Congress came up short. They didn't connect the dots one more time. They didn't connect the dots of threats coming out of Pakistan, coming out of Somalia, coming out of northern Africa, coming out of the Arabian peninsula. They didn't clearly understand the changing face of terrorism. They didn't learn the lessons from Fort Hood. They didn't learn the lessons from Christmas Day. They didn't learn the lessons from Times Square. Because the people who investigated those said, These are the types of things that we need to do to keep America safe. And as we close out a fiscal year, Congress acted; but it didn't act on the lessons learned. Why didn't they act? Didn't they really have all the knowledge? Didn't they really connect the dots? I think we have the information. We could have connected the dots better. We needed to connect the dots better because each and every day the threats that we face change and adapt.

The challenge that we have as a Nation, that we have as an intelligence community is to design an intelligence community, to design an intelligence capability that is one step ahead of the challenges that we face, not one or two steps behind. The face of terrorism is changing. This bill doesn't put us out in front of dealing with those threats. It leaves us behind. That's why I am disappointed in this bill. That's why I am voting "no," and I encourage my colleagues to vote "no," because we need to do better than what is in this bill.

Having a bill with no classified annex providing no direction is not an authorization bill. Much more needs to be done. I wish and I hope that we can send this bill back, vote it down and improve it, and do what this country needs and what this country demands from us to keep America safe.

With that, I yield back the balance of my time.

Mr. REYES. I yield myself the balance of my time.

Madam Speaker, I want to take this time to thank the ranking member. Although we have disagreed many times on the way forward, we have never disagreed on the purpose that we're both here, and that is working hard to keep this country safe. As I thank the ranking member for his hard work and wish him well, knowing that he is going to be leaving Congress, I also want to assure you that we will continue to focus

on the many things that I know we have in common, and that is making sure we do everything we can to continue to protect this country, continue to work together, the Senate, the House, and the administration, towards that effort.

I, too, would like to close by thanking all of the people who have worked so hard and for so long to get this bill to this point. First, I would like to thank the Speaker and the majority leader for their leadership and support during these tough negotiations. I would like to also thank Chairman FEINSTEIN and Vice Chairman BOND for their dogged commitment towards working in a bipartisan fashion to get this bill passed.

I would like to thank the members of the House intelligence committee who have all contributed valuable ideas and hard work towards this bill. Not everyone got everything that they wanted included in this bill, but I think it is a good compromise. I would also like to thank the staffs of the House and Senate Intelligence Committees on both sides, the minority and the majority side; the legislative counsels; all those who worked so very hard and many long hours. And in our case here, since we are going to have a bill for the first time in almost 6 years, it is vital and important to recognize that hard work.

This has been a monumental effort on the part of many, many people. The intelligence communities have worked for years on Intelligence authorization bills, only to see those efforts and that hard work frustrated by vetoes, by bipartisan politics, and other roadblocks. We have only been able to break through these barriers through diligence, leadership on both sides, and a commitment to national security that extends beyond partisan divisions.

The bill that we bring to the floor tonight is a product of compromise. As I said, we didn't get everything through this body. We didn't get everything that everyone wanted to be included, but I think we have got a great product that will help keep this country safe.

Finally, as I reflect back on the faces of countless men and women throughout the world in the 16 different agencies and the military working together as never before to counter the challenges and the threats that we face as a country, I am impressed by their professionalism, their dedication, their commitment, and their trust that we are going to do the right thing to give them the tools to carry out their assignments, to carry out their work, and to continue to keep us safe.

We have worked very hard, and now it is time for Members to do their part. This is the essence of what we have been sent here to do. We make difficult decisions that are in the best interest of our country. We don't always agree, but we govern. That is the American way. I am proud to have been a part of

this process. I urge my colleagues to support this bipartisan product. And in the Senate, as the majority leader said, every member of the Senate supported this bill, sending a clear bipartisan statement on national security. That is what we're sent here to do.

So I hope that this evening we can send a similar message to the country that when the stakes are high, when the stakes are about the national security of our country, we can come together, set aside politics, set aside divisions and all the things that the American people have told us are not important in the realm of national security.

So it has been a great privilege and a great honor to lead this committee as chairman. This evening will be the culmination of months and months of work. And I am very appreciative of the work that has been done by both the majority and the minority and by the staffs on both sides. Certainly, I think we have a lot to be proud of; and, most of all, we can be grateful that the hard work being done by our men and women in the intelligence community through our support keeps us safe.

With that, Madam Speaker, I urge my colleagues to vote "yes."

Ms. PELOSI. Madam Speaker, every month, we take the time to pause here on the House floor and honor our men and women in uniform for their service.

Today, we have an opportunity to do the same for those who serve in our intelligence community. These officers are selflessly protecting the security of the American people. We are indebted to them for their dedication to the mission of keeping our Nation safe.

I would like to thank the distinguished Chairman of the Intelligence Committee, SILVESTRE REYES, for his leadership in bringing a bill to the floor today that has bipartisan support in Congress. It represents an agreement between Congress and the Executive Branch. And it will be signed into law by the President.

Keeping the American people safe is the first priority of every Member of Congress. One of the ways in which we do this is through the oversight of intelligence. A robust oversight framework is critical to ensuring that the intelligence community functions as effectively and efficiently as possible.

This legislation will enhance Congress's ability to perform its essential oversight role. It expands and improves congressional notification for covert action, including those currently restricted to the so-called gang of eight. It provides the framework for the Government Accountability Office to have access to intelligence community information so that it may conduct investigations, audits and evaluations when requested by Congress.

I urge my colleagues to join me in supporting this legislation, and the intelligence officers at home and abroad who keep the American people safe.

Mr. VAN HOLLEN. Madam Speaker, I rise in support of the Intelligence Authorization Act of 2010.

This measure authorizes funding for the Office of the National Intelligence Director, the Central Intelligence Agency, and the National

Security Agency, as well as the foreign intelligence activities of the Defense Department, FBI, State Department and Homeland Security Department. Further, to ensure that these and other activities are conducted in a manner that is consistent with the laws of the United States, the measure increases the levels of oversight of the intelligence community in several key ways.

First, the bill modifies the processes for reporting of intelligence activities, including covert actions, to the congressional intelligence committees.

The President is required by law to keep congressional intelligence committees fully and currently informed of intelligence activities, but under extraordinary circumstances, the President can limit these communications to the Chairmen and Ranking Members of the intelligence committees, the Speaker and Minority Leader of the House, and the Majority and Minority Leaders of the Senate. The bill alters this and requires the President to notify all members of the congressional intelligence committees when the 'Gang of Eight' has been contacted and notified of a covert incident and to provide a general description of that briefing.

Second, the bill requires the Director of National Intelligence to write regulations to permit the Government Accountability Office to audit the intelligence community. Additionally, the Director of National Intelligence is required to provide a comprehensive report on the use of contractors throughout the intelligence community.

This bill funds the U.S. national security and intelligence programs and objectives that help to keep Americans safe. The bill also helps to ensure that these activities are conducted in a manner consistent with the Constitution and laws of the United States.

I encourage my colleagues to join me today in support of this important bill.

Mr. HOEKSTRA. Madam Speaker, I would like to note for the RECORD my specific objections in several respects with the Fiscal Year 2010 Intelligence Authorization Act "agreement" that was passed by the Senate and agreed to by the Administration based on a Staff draft, and that now may come before the House just two days before the end of that fiscal year after repeated delays. The bill is completely unnecessary and moot for the purposes of authorizing intelligence activity; it instead appears intended to force through several controversial provisions as the House approaches a "lame duck" session.

While I have repeatedly raised our broader concerns with respect to this legislation in the House and in our formal Minority Views, I felt it important to memorialize what we believe are significant shortcomings and flaws in the current bill, especially with provisions that were not previously included in the House bill. I do not believe that this bill in its current form addresses a number of critical national security issues, and in many respects would fail to empower our intelligence professionals and create significant and unnecessary new bureaucracy and politicization of the intelligence community.

Most significantly, we are concerned with the absence of provisions to address the following critical issues:

Earmarks: The bill removes language from a previous Republican amendment to prohibit the use of funds authorized in the bill for any earmarked purpose, and effectively authorizes earmarks of the Appropriations Committee.

Covert Action Authorities: The bill does nothing to provide safeguards for certain covert action activities that could impact U.S. citizens.

Intelligence Flaws Revealed After Fort Hood Shooting: The bill contains no substantive provisions to address critical information sharing flaws brought to light in the aftermath of the Fort Hood shooting.

Interrogation of High Value Detainees: The bill contains no substantive provisions to make intelligence collection a priority in the interrogation of high value detainees, or to address the complete lack of coordinated decisionmaking with respect to interrogation of high value detainees.

FISA Authorities: The bill does nothing to provide critically needed clarification of authorities under the Foreign Intelligence Surveillance Act.

Guantanamo Detainees: The bill contains no outright prohibition on using intelligence funds to bring Guantanamo Bay detainees into the United States, or to prohibit secret payments to foreign countries using intelligence funds to accept Guantanamo Bay detainees. The conference agreement also omits a Republican amendment—agreed to on a bipartisan basis—to evaluate potential threats from released Uighur detainees.

Administration of Miranda Warnings: The bill omits a Republican amendment—supported on a bipartisan basis in the Committee and in the House—to prohibit giving Miranda warnings to foreign terrorist suspects in foreign countries in order to protect intelligence collection.

In addition, I have concerns with several provisions of the bill that we believe are seriously flawed in several different respects. A number of these provisions are inconsistent with the letter or the spirit of bipartisan agreements reached in the Intelligence Reform and Terrorism Prevention Act of 2004. I believe a number of provisions would unduly and unwisely further grow the intelligence bureaucracy. I believe that other provisions would impinge on the smooth operation of the intelligence community, and that others would interfere with efficient and centralized intelligence oversight as recommended by the 9/11 Commission. Other objectionable provisions do not appear to have been fully or adequately justified, some with potentially significant consequences. The objectionable provisions include, but are not limited to, the following:

Contractor Conversion: While I support appropriate review of the size and nature of the contractor workforce, Section 103 of the bill would provide unlimited authority to add an unlimited number of employees, regardless of any other statutory limitation. This is inconsistent with bipartisan agreements in the House Intelligence Committee with respect to limiting the size of the ODNI.

"A not A" Funds: Section 101 of the bill would deem any appropriated but unauthorized funding to be authorized. This provision fundamentally cedes the authorization prerogatives of the Intelligence Committees to the Appropriations Committees, and virtually renders moot bipartisan agreements on the funding authorizations contained in the classified annex.

No Classified Annex: The bill omits the classified annex that provides the specific direction to the intelligence community on the conduct of operations and the permissible uses of funds, which had been negotiated on a bipartisan basis.

Unlimited Increases in Employee Compensation: Section 301 of the bill would allow unlimited increases to pay and benefit authorization for any increases authorized by law. Such unrestricted authority effectively renders moot specific authorization levels elsewhere and can be used by the ODNI to circumvent such restrictions for additional unapproved growth. Similarly, Section 303 would permit the DNI to authorize technically unlimited pay for specific positions at his sole discretion. I am not aware of any demonstrated need for such extraordinary authority.

Award of SIS Rank: Section 304 of the bill would permit the Director of National Intelligence to recommend that the President directly award Senior Intelligence Service rank to employees across the intelligence community. This would directly involve the DNI in specific agency personnel matters contrary to the intent of the IRTPA and may foster cronyism and non-merit based promotions of intelligence community personnel.

Temporary Personnel Authorizations for Critical Language Training: Section 306 of the bill would exempt up to 100 ODNI personnel from personnel caps for the purposes of language training. Given the widespread prevalence of persons receiving foreign language training in the intelligence community, I believe this is a thinly veiled authorization to circumvent existing personnel caps, again inconsistent with the intended size and scope of the ODNI and bipartisan agreements within the House Committee on personnel levels within the ODNI.

Education Programs: Sections 311 through 314 of the bill would create or modify a number of education programs in the intelligence community. While I do not necessarily oppose any of these programs, I do not believe that these provisions—most of them permanent—have been adequately explained or justified. I note that previous versions of the bill would have required a study to review and justify such programs, which suggests that others share our concerns that these programs have not yet been fully reviewed. For that provision to be dropped in lieu of outright authorization makes little sense in light of the implicit acknowledgment that further study is needed.

Business System Transformation: Section 322 of the bill would require the DNI to "develop and implement" (rather than coordinate) an enterprise architecture to "cover all intelligence community business systems". I believe this provision is inconsistent with the role and scope of the ODNI contemplated in the IRTPA.

IP Funded Acquisitions: Section 326 of the bill authorizes the DNI to delegate certain acquisition authorities within the intelligence community. This provision is inconsistent with the express agreement reached in the IRTPA conference not to permit such delegation.

Congressional Notification: Section 331 of the bill continues to cede sole authority to the President to determine which members of the congressional intelligence committees would receive briefings on particularly sensitive intelligence matters. This provision is inconsistent with previous bipartisan agreements reached in the House Committee, and fails entirely to protect the Constitutional

prerogative of the Congress to make its own rules of proceedings. It would have little meaningful effect and appears to provide political cover at the expense of real reform in this critical area.

GAO Review: Section 348 of the bill also contains a provision that requires the Executive Branch to promulgate guidelines for dealing with GAO reviews of intelligence community programs. I believe that this provision is unwise for a number of reasons. Most notably, it potentially cedes significant elements of the traditional oversight role of the intelligence committees to the GAO and potentially to other Committees of the Congress, and it fails to adequately protect the security and dissemination of classified work product under the same terms as the Committee rules. In addition, this specific provision cedes to the Executive Branch and the Comptroller General the determination of how to manage GAO inquiries that should be directed by Members of Congress.

Report on Intelligence Community Contractors: Section 339 of the bill would improperly require reports on sensitive intelligence collection matters—including covert action programs—to be provided to the Armed Services committees, contrary to the Rules of the House. Several other provisions of the bill also require reports on intelligence matters to be submitted to Committees that may not have jurisdiction over the material to be reported on.

Reprogramming Standard: Section 362 of the bill would modify the reprogramming standard for intelligence activities in a manner that would render it virtually meaningless. This change is contrary to the express bipartisan agreement reached in the Intelligence Reform and Terrorism Prevention Act conference.

Declassification of Intelligence Budget Topline: Section 364 provides for permanent declassification of the intelligence budget topline. This provision serves no demonstrable intelligence purpose, and is contrary to the express bipartisan agreement reached in the Intelligence Reform and Terrorism Prevention Act conference.

Review Authority of the Public Interest Declassification Board: Section 365 would allow any individual member of certain committees to request declassification review of certain records. This provision is contrary to the express bipartisan agreement reached in the Intelligence Reform and Terrorism Prevention Act conference to restrict such requests.

Accountability Reviews: Section 401 of the bill would authorize the DNI or the congressional intelligence committees to directly conduct or request accountability reviews of individual intelligence community personnel. This provision would involve the DNI in individual personnel matters within intelligence agencies in a manner inconsistent with the authorities contemplated in the IRTPA.

Inspector General of the Intelligence Community: While I do not necessarily oppose the concept of greater coordination by the DNI of intelligence community inspectors general, Section 405 of the bill is a massive and unduly prescriptive provision that is inconsistent with the contemplated size and scope of the ODNI and in many respects duplicates existing oversight by Department inspectors general.

Inspector General of the Central Intelligence Agency: Similarly, I have significant concern that Section 425 of the bill is unduly prescriptive and burdensome with respect to the organization and management of the office of the Inspector General of the Central Intelligence Agency.

Defense Inspector General Matters: Section 431 of the bill would authorize the Secretary of Defense to prohibit certain inspector general reviews of intelligence matters within the intelligence community. I see no apparent justification for this provision, which we believe could potentially interfere with the independence of the intelligence community and may be inconsistent with the intention of the IRTPA.

Confirmation of Heads of Certain Components of the Intelligence Community: Section 432 of the bill would require Senate confirmation of the heads of certain IC agencies. This provision threatens to politicize such positions, which are often held by career military officers, and could impede the efficient functioning of these agencies in times of vacancy.

FBI Relocation and Retention Bonuses: Section 443 of the bill would provide certain authorities relating to relocation and retention bonuses for the entire Federal Bureau of Investigation—not just employees funded by the National Intelligence Program. Such a broad provision is outside the Committee's jurisdiction, has not been justified to the Committee, and has not been reviewed for consistency across the Intelligence Community and federal law enforcement. While I strongly support line personnel of the FBI, we believe that this provision must be more carefully reviewed and harmonized with personnel practices in other intelligence and law enforcement agencies. Similarly, we believe that section 444, which extends authority to delay certain FBI mandatory retirements must be better reviewed, especially for its implications for federal law enforcement retirement, which is intended to promote a young and vigorous workforce and should be applied consistently across federal law enforcement agencies.

Mr. THOMPSON of California. Madam Speaker, I rise in support of H.R. 2701.

As Chairman of the Subcommittee on Terrorism, Human Intelligence, Analysis, and Counterintelligence, I am pleased that today we can discuss the merits and qualities of this much needed, and long overdue, legislation. This bill will support critical U.S. intelligence capabilities, enhance congressional oversight, and improve accountability across the Intelligence Community.

In addition to modifying congressional notification procedures for covert actions and providing a framework to allow GAO access to the Intelligence Community, this legislation also contains several important reporting requirements.

Specifically, H.R. 2701 includes a reporting requirement related to the Intelligence Community's involvement in detention and interrogation activities. This report will assist in improving the effectiveness of interrogations and prevent the repeat of past abuses by directing the Director of National Intelligence to revisit training policies and procedures for interrogators, as well as evaluate current scientific research on the conduct of interrogations.

Another provision requires the newly created Inspector General of the Intelligence Community to study the electronic waste disposal practices of the IC. This provision serves a dual purpose: to protect our environment and our national security.

The language directs the IC/IG to assess both the environmental impact of disposal practices and the steps taken to ensure that discarded devices do not contain sensitive in-

formation that can be exploited by our adversaries.

Madam Speaker, this legislation is long overdue and will enhance the capabilities of the Intelligence Community and make our nation safer. I urge my colleagues to support this bill.

Mr. KUCINICH. Madam Speaker, I support the dedicated public servants of our intelligence community and commend their efforts to ensure our national security. However, I must oppose the Motion to Concur in the Senate Amendment to H.R. 2701, the Intelligence Authorization Act for Fiscal Year 2010.

I continue to grow concerned that covert intelligence activities may constitute violations of the Constitution and that they severely undermine the rule of law. I am further concerned that these activities are conducted with total impunity. This legislation includes provisions to establish mechanisms of accountability over operations conducted by the intelligence community. I support those provisions. However, the compromise language included in this bill further weakens already weak disclosure requirements. More importantly, the provisions meant to address a lack of accountability included in this bill will do nothing to control intelligence activities that are tantamount to war.

It was reported in The Washington Post this week that the Central Intelligence Agency (CIA) has deployed a covert "well-armed 3,000-member Afghan paramilitary force" that is used for "surveillance, raids and combat operations in Afghanistan. The senior official quoted in the article admits that these teams are also "crucial to the United States' secret war in Pakistan." In addition to this troubling revelation, the CIA has conducted over 20 drone attacks in Pakistan just this month. Philip Alston, the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions has called on the United States to comply with international rule of law and disclose the criteria for individuals that may be targeted, how the government ensures the drone attacks are legal, and the nature of the follow-up the government conducts when civilians are killed. Thus far, the Administration has failed to provide any of this information.

These actions severely undermine the rule of law and our moral standing in the world. We only stand to gain more enemies if we continue to conduct seemingly indiscriminate drone attacks in a country with whom we are not at war. We can only further diminish our national security with our war in Afghanistan, which includes significant covert intelligence operations.

This legislation will not quell the intelligence activities that urgently require reform. If this bill allows intelligence agencies to continue covert wars in Afghanistan, Pakistan and even Yemen, I cannot support this bill. I oppose this legislation and urge my colleagues to do the same.

Mr. SMITH of Washington. Madam Speaker, as a member of the House Permanent Select Committee on Intelligence, I support the passage of H.R. 2701, the Intelligence Authorization for Fiscal Year 2010. This important legislation addresses many critical issues for our intelligence community and provides essential resources for the men and women of the intelligence community to do the hard work to

combat our ever emerging threats. It provides necessary guidance and oversight, especially in key areas of notification and accountability to Congress. I am also very pleased about the improvements made in several key areas of importance to our national security including counterterrorism, acquisition reform, cybersecurity, and satellites.

H.R. 2071 advances our counterterrorism work by strengthening the ability of the National Counterterrorism Center to share information with State and local law enforcement officials without the risk of that information being exposed. The bill also ensures that Congress continues to receive reporting on intelligence concerning terrorist financial assets.

Mirroring the crucial cost control work my colleagues and I implemented in the House Armed Services Committee, this measure includes a number of provisions that bring our Intelligence community acquisition procedures closer in line with recently enacted Department of Defense acquisition reforms. These represent significant reforms to the way the intelligence community conducts acquisitions. Among other things, the provisions would create a notification system similar to the Department of Defense's "Nunn-McCurdy" system, which requires the community to report to Congress and restructure programs when costs for major systems grow beyond established thresholds.

The bill also makes important strides toward securing our cyber resources. The Intelligence community needs the ability to stop threats posed by hackers, cyber-criminals, and hostile governments. Our Intelligence community must be able to respond to these cyber threats quickly and with our best technologies. H.R. 2701 increases resources for critical cybersecurity programs to protect vulnerable infrastructure and requires reporting on the effectiveness of current cyber-threat information sharing and distribution.

Finally, this bill makes important investments to maintain current satellite manufacturing capabilities and encourages the Intelligence community to continue to work with the commercial imagery industry.

The Fiscal Year 2010 Intelligence Authorization Act advances a number of issues critical to protecting our national security and will improve the ability of our intelligence community to do the hard work to keep our nation safe. As the first Intelligence Authorization bill in six years, this legislation makes essential reforms and provides vital tools that apply not just to Fiscal Year 2010 but continue for years to come.

Mr. REYES. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 2701 is postponed.

COIN MODERNIZATION, OVERSIGHT, AND CONTINUITY ACT OF 2010

Mr. WATT. Madam Speaker, I ask unanimous consent that the Committee on Financial Services be discharged from further consideration of

the bill (H.R. 6162) to provide research and development authority for alternative coinage materials to the Secretary of the Treasury, increase congressional oversight over coin production, and ensure the continuity of certain numismatic items, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The text of the bill is as follows:

H.R. 6162

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Coin Modernization, Oversight, and Continuity Act of 2010”.

SEC. 2. AUTHORITY TO CONDUCT RESEARCH AND DEVELOPMENT ON ALL CIRCULATING COINS.

(a) IN GENERAL.—To accomplish the goals of this Act and the requirements of subchapter II of chapter 51 of title 31, United States Code, the Secretary of the Treasury may—

(1) conduct any appropriate testing of appropriate coinage metallic materials within or outside of the Department of the Treasury; and

(2) solicit input from or otherwise work in conjunction with entities within or outside of the Federal Government including independent research facilities or current or potential suppliers of the metallic material used in volume production of circulating coins,

to complete the report referred to in this Act and to develop, evaluate or begin the use of new metallic materials for such production.

(b) FACTORS TO BE CONSIDERED.—In the conduct of research, development, and the solicitation of input or work in conjunction with entities within and outside the Federal Government, and in reporting to the Congress with recommendations, as required by this Act, the Secretary of the Treasury shall consider the following:

(1) Factors relevant to the potential impact of any revisions to the composition of the material used in coin production on the current coinage material suppliers.

(2) Factors relevant to the ease of use and ability to co-circulate of new coinage materials, including the effect on vending machines and commercial coin processing equipment and making certain, to the greatest extent practicable, that any new coins work without interruption in existing coin acceptance equipment without modification.

(3) Such other factors that the Secretary of the Treasury, in consultation with merchants who would be affected by any change in the composition of circulating coins, vending machine and other coin acceptor manufacturers, vending machine owners and operators, transit officials, municipal parking officials, depository institutions, coin and currency handlers, armored-car operators, car wash operators, and American-owned manufacturers of commercial coin processing equipment, considers to be appropriate and in the public interest, after notice and opportunity for comment.

SEC. 3. BIENNIAL REPORT TO THE CONGRESS ON THE CURRENT STATUS OF COIN PRODUCTION COSTS AND ANALYSIS OF ALTERNATIVE CONTENT.

(a) REPORT REQUIRED.—Before the end of the 2-year period beginning on the date of the enactment of this Act, and at 2-year intervals following the end of such period, the Secretary of the Treasury shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate analyzing production costs for each circulating coin, cost trends for such production, and possible new metallic materials or technologies for the production of circulating coins.

(b) DETAILED RECOMMENDATIONS.—In preparing and submitting the reports required under subsection (a), the Secretary of the Treasury shall include detailed recommendations for any appropriate changes to the metallic content of circulating coins in such a form that the recommendations could be enacted into law as appropriate.

(c) IMPROVED PRODUCTION EFFICIENCY.—In preparing and submitting the reports required under subsection (a), the Secretary of the Treasury shall include recommendations for changes in the methods of producing coins that would further reduce the costs to produce circulating coins, and include notes on the legislative changes that are necessary to achieve such goals.

(d) MINIMIZING CONVERSION COSTS.—In preparing and submitting the reports required under subsection (a), the Secretary of the Treasury, to the greatest extent possible, may not include any recommendation for new specifications for producing a circulating coin that would require any significant change to coin-accepting and coin-handling equipment to accommodate changes to all circulating coins simultaneously.

(e) FRAUD PREVENTION.—The reports required under this section shall make no recommendation for a specification change that would facilitate or allow the use of a coin with a lesser value produced, minted, or issued by another country, or the use of any token or other easily or regularly produced metal device of minimal value, in the place of a circulating coin produced by the Secretary.

(f) RULE OF CONSTRUCTION.—No provision of this Act shall be construed as requiring that additional research and development be conducted for any report under this Act but any such report shall include information on any such research and development during the period covered by the report.

SEC. 4. MEETING DEMAND FOR SILVER NUMISMATIC ITEMS.

Section 5112(e) of title 31, United States Code is amended by striking “quantities” and inserting “qualities and quantities that the Secretary determines are”.

SEC. 5. TECHNICAL CORRECTIONS.

Section 5112 of title 31, United States Code is amended—

(1) in subsection (e), by inserting “qualities and” before “quantities”;

(2) in subsection (i)(1), by inserting “qualities and” before “quantities”; and

(3) in subsection (u)(1)—

(A) by striking “exact duplicates” and inserting “likenesses”;

(B) by striking subparagraph (C);

(C) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively; and

(D) in subparagraph (A), by striking “of 3.0 inches” and inserting “determined by the Secretary that is no less than 2.5 inches and no greater than 3.0 inches”.

AMENDMENT OFFERED BY MR. WATT

Mr. WATT. Madam Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Coin Modernization, Oversight, and Continuity Act of 2010”.

SEC. 2. AUTHORITY TO CONDUCT RESEARCH AND DEVELOPMENT ON ALL CIRCULATING COINS.

(a) IN GENERAL.—To accomplish the goals of this Act and the requirements of subchapter II of chapter 51 of title 31, United States Code, the Secretary of the Treasury may—

(1) conduct any appropriate testing of appropriate coinage metallic materials within or outside of the Department of the Treasury; and

(2) solicit input from or otherwise work in conjunction with entities within or outside of the Federal Government including independent research facilities or current or potential suppliers of the metallic material used in volume production of circulating coins, to complete the report referred to in this Act and to develop and evaluate the use of new metallic materials.

(b) FACTORS TO BE CONSIDERED.—In the conduct of research, development, and the solicitation of input or work in conjunction with entities within and outside the Federal Government, and in reporting to the Congress with recommendations, as required by this Act, the Secretary of the Treasury shall consider the following:

(1) Factors relevant to the potential impact of any revisions to the composition of the material used in coin production on the current coinage material suppliers.

(2) Factors relevant to the ease of use and ability to co-circulate of new coinage materials, including the effect on vending machines and commercial coin processing equipment and making certain, to the greatest extent practicable, that any new coins work without interruption in existing coin acceptance equipment without modification.

(3) Such other factors that the Secretary of the Treasury, in consultation with merchants who would be affected by any change in the composition of circulating coins, vending machine and other coin acceptor manufacturers, vending machine owners and operators, transit officials, municipal parking officials, depository institutions, coin and currency handlers, armored-car operators, car wash operators, and American-owned manufacturers of commercial coin processing equipment, considers to be appropriate and in the public interest, after notice and opportunity for comment.

SEC. 3. BIENNIAL REPORT TO THE CONGRESS ON THE CURRENT STATUS OF COIN PRODUCTION COSTS AND ANALYSIS OF ALTERNATIVE CONTENT.

(a) REPORT REQUIRED.—Before the end of the 2-year period beginning on the date of the enactment of this Act, and at 2-year intervals following the end of such period, the Secretary of the Treasury shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate analyzing production costs for each circulating coin, cost trends for such production, and possible new metallic materials or technologies for the production of circulating coins.

(b) DETAILED RECOMMENDATIONS.—In preparing and submitting the reports required under subsection (a), the Secretary of the Treasury shall include detailed recommendations for

any appropriate changes to the metallic content of circulating coins in such a form that the recommendations could be enacted into law as appropriate.

(c) **IMPROVED PRODUCTION EFFICIENCY.**—In preparing and submitting the reports required under subsection (a), the Secretary of the Treasury shall include recommendations for changes in the methods of producing coins that would further reduce the costs to produce circulating coins, and include notes on the legislative changes that are necessary to achieve such goals.

(d) **MINIMIZING CONVERSION COSTS.**—In preparing and submitting the reports required under subsection (a), the Secretary of the Treasury, to the greatest extent possible, may not include any recommendation for new specifications for producing a circulating coin that would require any significant change to coin-accepting and coin-handling equipment to accommodate changes to all circulating coins simultaneously.

(e) **FRAUD PREVENTION.**—The reports required under this section shall make no recommendation for a specification change that would facilitate or allow the use of a coin with a lesser value produced, minted, or issued by another country, or the use of any token or other easily or regularly produced metal device of minimal value, in the place of a circulating coin produced by the Secretary.

(f) **RULE OF CONSTRUCTION.**—No provision of this Act shall be construed as requiring that additional research and development be conducted for any report under this Act but any such report shall include information on any such research and development during the period covered by the report.

SEC. 4. MEETING DEMAND FOR SILVER AND GOLD NUMISMATIC ITEMS.

Subsections (e) and (i) of section 5112 of title 31, United States Code are each amended by striking “quantities” and inserting “qualities and quantities that the Secretary determines are”.

SEC. 5. TECHNICAL CORRECTIONS.

Section 5112(u)(1) of title 31, United States Code is amended—

(1) by striking “exact duplicates” and inserting “likenesses”;

(2) by striking subparagraph (C);

(3) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively; and

(4) in subparagraph (A), by striking “of 3.0 inches” and inserting “determined by the Secretary that is no less than 2.5 inches and no greater than 3.0 inches”.

SEC. 6. BUDGETARY EFFECT.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Mr. WATT (during the reading). Madam Speaker, I ask unanimous consent that the amendment be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1950

AMERICAN EAGLE PALLADIUM BULLION COIN ACT OF 2010

Mr. WATT. Madam Speaker, I ask unanimous consent that the Committee on Financial Services be discharged from further consideration of the bill (H.R. 6166) to authorize the production of palladium bullion coins to provide affordable opportunities for investments in precious metals, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The text of the bill is as follows:

H.R. 6166

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “American Eagle Palladium Bullion Coin Act of 2010”.

SEC. 2. PALLADIUM COIN.

Section 5112 of title 31, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new paragraph;

“(12) A \$25 coin of an appropriate size and thickness, as determined by the Secretary, that weighs 1 troy ounce and contains .9995 fine palladium.”; and

(2) by adding at the end the following new subsection:

“(v) **PALLADIUM BULLION INVESTMENT COINS.**—

“(1) **IN GENERAL.**—Subject to the submission to the Secretary and the Congress of a marketing study described in paragraph (8), beginning not more than 6 months after the submission of the study to the Secretary and the Congress, the Secretary shall mint and issue the palladium coins described in paragraph (12) of subsection (a) in such quantities as the Secretary may determine to be appropriate to meet demand.

“(2) **SOURCE OF BULLION.**—

“(A) **IN GENERAL.**—The Secretary shall acquire bullion for the palladium coins issued under this subsection by purchase of palladium mined from natural deposits in the United States, or in a territory or possession of the United States, within 1 year after the month in which the ore from which it is derived was mined. If no such palladium is available or if it is not economically feasible to obtain such palladium, the Secretary may obtain palladium for the palladium coins described in paragraph (12) of subsection (a) from other available sources.

“(B) **PRICE OF BULLION.**—The Secretary shall pay not more than the average world price for the palladium under subparagraph (A).

“(3) **SALE OF COINS.**—Each coin issued under this subsection shall be sold for an amount the Secretary determines to be appropriate, but not less than the sum of—

“(A) the market value of the bullion at the time of sale; and

“(B) the cost of designing and issuing the coins, including labor, materials, dies, use of machinery, overhead expenses, marketing, distribution, and shipping.

“(4) **TREATMENT.**—For purposes of section 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.

“(5) **QUALITY.**—The Secretary may issue the coins described in paragraph (1) in both proof and uncirculated versions, except that, should the Secretary determine that it is appropriate to issue proof or uncirculated versions of such coin, the Secretary shall, to the greatest extent possible, ensure that the surface treatment of each year's proof or uncirculated version differs in some material way from that of the preceding year.

“(6) **DESIGN.**—Coins minted and issued under this subsection shall bear designs on the obverse and reverse that are close likenesses of the work of famed American coin designer and medallic artist Adolph Alexander Weinman—

“(A) the obverse shall bear a high-relief likeness of the ‘Winged Liberty’ design used on the obverse of the so-called ‘Mercury dime’;

“(B) the reverse shall bear a high-relief version of the reverse design of the 1907 American Institute of Architects medal; and

“(C) the coin shall bear such other inscriptions, including ‘Liberty’, ‘In God We Trust’, ‘United States of America’, the denomination and weight of the coin and the fineness of the metal, as the Secretary determines to be appropriate and in keeping with the original design.

“(7) **MINT FACILITY.**—Any United States mint, other than the United States Mint at West Point, New York, may be used to strike coins minted under this subsection other than any proof version of any such coin. If the Secretary determines that it is appropriate to issue any proof version of such coin, coins of such version shall be struck only at the United States Mint at West Point, New York.

“(8) **MARKETING STUDY DEFINED.**—The market study described in paragraph (1) means an analysis of the market for palladium bullion investments conducted by a reputable, independent third party that demonstrates that there would be adequate demand for palladium bullion coins produced by the United States Mint to ensure that such coins could be minted and issued at no net cost to taxpayers.”.

AMENDMENT OFFERED BY MR. WATT

Mr. WATT. Madam Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the “American Eagle Palladium Bullion Coin Act of 2010”.

SEC. 2. PALLADIUM COIN.

Section 5112 of title 31, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new paragraph;

“(12) A \$25 coin of an appropriate size and thickness, as determined by the Secretary, that weighs 1 troy ounce and contains .9995 fine palladium.”; and

(2) by adding at the end the following new subsection:

“(v) **PALLADIUM BULLION INVESTMENT COINS.**—

“(1) **IN GENERAL.**—Subject to the submission to the Secretary and the Congress of a marketing study described in paragraph (8), beginning not more than 1 year after the submission of the study to the Secretary and the Congress, the Secretary shall mint and issue the palladium coins described in paragraph (12) of subsection (a) in such quantities as the Secretary may determine to be appropriate to meet demand.

“(2) *SOURCE OF BULLION.*—

“(A) *IN GENERAL.*—The Secretary shall acquire bullion for the palladium coins issued under this subsection by purchase of palladium mined from natural deposits in the United States, or in a territory or possession of the United States, within 1 year after the month in which the ore from which it is derived was mined. If no such palladium is available or if it is not economically feasible to obtain such palladium, the Secretary may obtain palladium for the palladium coins described in paragraph (12) of subsection (a) from other available sources.

“(B) *PRICE OF BULLION.*—The Secretary shall pay not more than the average world price for the palladium under subparagraph (A).

“(3) *SALE OF COINS.*—Each coin issued under this subsection shall be sold for an amount the Secretary determines to be appropriate, but not less than the sum of—

“(A) the market value of the bullion at the time of sale; and

“(B) the cost of designing and issuing the coins, including labor, materials, dies, use of machinery, overhead expenses, marketing, distribution, and shipping.

“(4) *TREATMENT.*—For purposes of section 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.

“(5) *QUALITY.*—The Secretary may issue the coins described in paragraph (1) in both proof and uncirculated versions, except that, should the Secretary determine that it is appropriate to issue proof or uncirculated versions of such coin, the Secretary shall, to the greatest extent possible, ensure that the surface treatment of each year's proof or uncirculated version differs in some material way from that of the preceding year.

“(6) *DESIGN.*—Coins minted and issued under this subsection shall bear designs on the obverse and reverse that are close likenesses of the work of famed American coin designer and medallic artist Adolph Alexander Weinman—

“(A) the obverse shall bear a high-relief likeness of the ‘Winged Liberty’ design used on the obverse of the so-called ‘Mercury dime’;

“(B) the reverse shall bear a high-relief version of the reverse design of the 1907 American Institute of Architects medal; and

“(C) the coin shall bear such other inscriptions, including ‘Liberty’, ‘In God We Trust’, ‘United States of America’, the denomination and weight of the coin and the fineness of the metal, as the Secretary determines to be appropriate and in keeping with the original design.

“(7) *MINT FACILITY.*—Any United States mint, other than the United States Mint at West Point, New York, may be used to strike coins minted under this subsection other than any proof version of any such coin. If the Secretary determines that it is appropriate to issue any proof version of such coin, coins of such version shall be struck only at the United States Mint at West Point, New York.

“(8) *MARKETING STUDY DEFINED.*—The market study described in paragraph (1) means an analysis of the market for palladium bullion investments conducted by a reputable, independent third party that demonstrates that there would be adequate demand for palladium bullion coins produced by the United States Mint to ensure that such coins could be minted and issued at no net cost to taxpayers.”.

SEC. 3. BUDGETARY EFFECT.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Mr. WATT (during the reading). Madam Speaker, I ask unanimous consent that the amendment be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WATT. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 6162 and H.R. 6166.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

PLAIN WRITING ACT OF 2010

Mr. CLAY. Madam Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 946) to enhance citizen access to Government information and services by establishing that Government documents issued to the public must be written clearly, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

On page 2, line 17, strike “relevant to” and insert “necessary for”.

On page 3, strike lines 5 through 9 and insert the following:

(3) *PLAIN WRITING.*—The term “plain writing” means writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience.

On page 4, line 2, after “website” insert “as required under paragraph (2)”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Madam Speaker, I ask unanimous consent that all Members

may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. I yield myself such time as I may consume.

H.R. 946, the Plain Writing Act of 2010, was introduced by Representative BRUCE BRALEY on February 10, 2009, and it passed the House by an overwhelming margin on March 17, 2010. The Senate made slight amendments to the bill and passed it by unanimous consent earlier this week.

This is straightforward, good-government legislation. H.R. 946 requires agencies to use plain writing in government documents.

The organization, AARP, wrote a letter supporting this bill, and I quote:

“The use of plain language in documents issued to the public will save the Federal Government an enormous amount of time now spent helping citizens understand the correspondence they receive.”

The changes made to the bill by the Senate are very minor, including adding language clarifying that plain writing should be appropriate to the subject or field and intended audience.

This bill will make the government more transparent and efficient, and I urge my colleagues to join me in support of the Senate amendments to H.R. 946.

Madam Speaker, I reserve the balance of my time.

Mr. CHAFFETZ. Madam Speaker, I yield myself such time as I may consume.

I rise today in opposition to H.R. 946, the Plain Writing Act of 2010.

Madam Speaker, we all want Federal agencies to communicate information about benefits and services in plain language. Overly bureaucratic language can confuse the public and prevent individual citizens from receiving benefits and services Congress intended to provide them. If we could get government agencies to write in plain language by issuing a congressional fiat, this problem would have been solved, I am sure, a long time ago. This bill is unlikely to accomplish its purpose, but it is likely to incur a cost of about \$5 million annually, according to the Congressional Budget Office. This is the heart of my concern.

The bill directs senior agency officials to make certain that the agency is communicating clearly with the public. Federal employees are to be trained to write plainly, and documents produced by the agency are to be drafted using writing that follows “best practices appropriate to the subject or field and intended audience.” Thus, even the bill’s definition of the term “plain writing” is not necessarily clear.

Madam Speaker, at a time of record budget deficits and amid our Federal

Government's fiscal woes, we should not be spending another \$5 million to direct the Federal Government to do something that it should already be doing. Federal agencies that deal with the public should obviously be communicating the benefits and services they provide in clear, understandable language. It should not require legislation to accomplish that goal, and it is not clear how the legislation would actually achieve that. Federal agencies already receive funds to communicate about their programs and throwing more money at the problem is unlikely to improve the situation.

I urge Members to oppose H.R. 946.

I reserve the balance of my time.

Mr. CLAY. Madam Speaker, I would now like to yield 5 minutes to the chief sponsor of this legislation, the gentleman from Iowa (Mr. BRALEY).

Mr. BRALEY of Iowa. I thank my friend from Missouri for yielding to me.

In February of 2009, I introduced the Plain Writing Act, and I rise today to talk about the responsibility of this government to communicate effectively with its citizens.

I know that lawyers are often blamed for the legalese that makes government documents so difficult to read and understand, so some might find it unusual that this "plain language" bill was introduced by someone who practiced law for 23 years before being elected to Congress. They might be surprised to learn that the use of clear, concise language in communications has been a passion of mine since I started practicing in 1983, when the Iowa Supreme Court adopted plain language guidelines for use in its jury instructions. Since that time, I've been speaking and writing about the importance of using plain language to improve both written and spoken communications.

I was proud to introduce the Plain Writing Act, a bill that requires the Federal Government to write documents such as letters from the Social Security Administration or a notice from the Department of Veterans Affairs in simple, easy-to-understand language. I first introduced this bill last Congress and was proud when it passed the House floor earlier this year with overwhelming support. In fact, this same bill passed by a vote of 376-1 on April 14, 2008, and by a vote of 386-33 on March 17, 2010. Yesterday it passed the Senate unanimously.

I want to thank Oversight and Government Reform Chairman ED TOWNS and Ranking Member DARRELL ISSA for their support of this important legislation. I also want to thank Senator BENNETT from Utah, Senator VOINOVICH from Ohio and Senator AKAKA from Hawaii for working together in a bipartisan manner to get the Senate to pass this important bill.

Anyone who's done their own taxes knows the headache of trying to under-

stand pages and pages of confusing forms and instructions. There is absolutely no reason for the Federal Government not to write these tax documents and other public documents in language we can all understand. Yet despite the objections of my friend from Utah, the Federal Government, no matter who's in charge, has always had a problem with this accountability.

Writing documents in plain language will increase government accountability and save Americans time and money. Plain, straightforward language makes it easier for taxpayers to understand what the Federal Government is doing and what services it's offering. Small businesses will see substantial benefits from eliminating Federal gobbledegook.

□ 2000

Often small businesses have to hire lawyers and accountants to help them navigate the maze of Federal paperwork and convoluted language. The National Federation of Independent Business estimates that the average per hour cost of paperwork and record-keeping for small businesses is \$48.72. The use of clear, easy-to-understand language in government paperwork will substantially reduce burdens on small businesses and save taxpayers millions of dollars.

The Plain Writing Act will require the Federal Government to use plain communications, forms, and public distributed documents, writing in a clear, concise, well-organized manner that follows the best practices of plain language writing.

Using these complex forms, letters, and notices imposes unnecessary hardships on American citizens, and replacing them with plain language will improve service to the public, save time that agencies currently spend answering questions about what documents mean, and make it easier to hold agencies accountable for their work.

I know this bill will make it easier for Americans and small businesses to work and understand their government.

I want to thank all of my colleagues on both sides of the aisle who join me today in standing up for plain language and plain writing and standing up for effective communication with our constituents and standing up for small business owners and in standing up for the taxpayers who, despite the CBO estimate of the short-term cost, will see substantial savings as we reduce the time that Federal agencies spend responding to requests for information.

Mr. CHAFFETZ. Madam Speaker, I yield myself such time as I may consume.

I have the greatest respect for Chairman CLAY and for Congressman BRALEY. I think their goals and intentions, the stated objective is admi-

nable. It is laudable. It's something I'm sure we can all agree with. We should be writing in plain, clear language.

There are two challenges. The thing that just makes me smile about this is that this language was put together. It passed in the House. It goes over to the Senate. The Senate comes back and says your definition of plain language is not clear. In fact, they came back—and this is what it says right in the bill that they sent back to us, the term, quote, plain writing, end quote, means writing that is clear, and then it continues on. This is not necessarily going to solve the problem. This is not going to solve the problem.

And yet in a time of record budget deficits, we're 13-plus trillion dollars in debt. We're spending \$5- to \$600 million a day just in interest on that debt. This bill suggests and authorizes that we're going to authorize \$50 million over the next 10 years, \$50 million to say, Go write in plain language.

Well, let's be plain and let's be clear. We've got a debt crisis in this country. That's plain. It is clear. We all understand it. Our Federal Government should not be spending \$50 million over 10 years directing agencies to say, Write more plain, clear language. Why they need \$5 million a year to try to implement this is beyond me, but enough is enough. We cannot afford this.

Tell and direct and insist that every agency and every document be instituted in plain, clear language, and if the head of that agency can't achieve that goal, then they should fire somebody and get somebody who can do that.

There is no definition in the bill of what clear and plain writing is. To say that it is clear does not solve the problem, and so the Federal Government, every time it runs into trouble, what does it do? Let's throw more money at it. We can't afford \$50 million over the next 10 years to write plain language. That's plain. That's clear. And that's why we should oppose this bill.

I have no additional speakers, and I yield back the balance of my time.

Mr. CLAY. Madam Speaker, again, I encourage all Members to support the Senate amendments to H.R. 946, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 946.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CHAFFETZ. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further

proceedings on this motion will be postponed.

SECURE AND RESPONSIBLE DRUG DISPOSAL ACT OF 2010

Mr. INSLEE. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 3397) to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the amendment is as follows:

Amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Secure and Responsible Drug Disposal Act of 2010".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The nonmedical use of prescription drugs is a growing problem in the United States, particularly among teenagers.

(2) According to the Department of Justice's 2009 National Prescription Drug Threat Assessment—

(A) the number of deaths and treatment admissions for controlled prescription drugs (CPDs) has increased significantly in recent years;

(B) unintentional overdose deaths involving prescription opioids, for example, increased 114 percent from 2001 to 2005, and the number of treatment admissions for prescription opioids increased 74 percent from 2002 to 2006; and

(C) violent crime and property crime associated with abuse and diversion of CPDs has increased in all regions of the United States over the past 5 years.

(3) According to the Office of National Drug Control Policy's 2008 Report "Prescription for Danger", prescription drug abuse is especially on the rise for teens—

(A) one-third of all new abusers of prescription drugs in 2006 were 12- to 17-year-olds;

(B) teens abuse prescription drugs more than any illicit drug except marijuana—more than cocaine, heroin, and methamphetamine combined; and

(C) responsible adults are in a unique position to reduce teen access to prescription drugs because the drugs often are found in the home.

(4)(A) Many State and local law enforcement agencies have established drug disposal programs (often called "take-back" programs) to facilitate the collection and destruction of unused, unwanted, or expired medications. These programs help get outdated or unused medications off household shelves and out of the reach of children and teenagers.

(B) However, take-back programs often cannot dispose of the most dangerous pharmaceutical drugs—controlled substance medications—because Federal law does not permit take-back programs to accept controlled substances unless they get specific permission from the Drug Enforcement Administration and arrange for full-time law enforcement officers to receive the controlled substances directly from the member of the public who seeks to dispose of them.

(C) Individuals seeking to reduce the amount of unwanted controlled substances in their household consequently have few

disposal options beyond discarding or flushing the substances, which may not be appropriate means of disposing of the substances. Drug take-back programs are also a convenient and effective means for individuals in various communities to reduce the introduction of some potentially harmful substances into the environment, particularly into water.

(D) Long-term care facilities face a distinct set of obstacles to the safe disposal of controlled substances due to the increased volume of controlled substances they handle.

(5) This Act gives the Attorney General authority to promulgate new regulations, within the framework of the Controlled Substances Act, that will allow patients to deliver unused pharmaceutical controlled substances to appropriate entities for disposal in a safe and effective manner consistent with effective controls against diversion.

(6) The goal of this Act is to encourage the Attorney General to set controlled substance diversion prevention parameters that will allow public and private entities to develop a variety of methods of collection and disposal of controlled substances, including some pharmaceuticals, in a secure, convenient, and responsible manner. This will also serve to reduce instances of diversion and introduction of some potentially harmful substances into the environment.

SEC. 3. DELIVERY OF CONTROLLED SUBSTANCES BY ULTIMATE USERS FOR DISPOSAL.

(a) REGULATORY AUTHORITY.—Section 302 of the Controlled Substances Act (21 U.S.C. 822) is amended by adding at the end the following:

"(g)(1) An ultimate user who has lawfully obtained a controlled substance in accordance with this title may, without being registered, deliver the controlled substance to another person for the purpose of disposal of the controlled substance if—

"(A) the person receiving the controlled substance is authorized under this title to engage in such activity; and

"(B) the disposal takes place in accordance with regulations issued by the Attorney General to prevent diversion of controlled substances.

"(2) In developing regulations under this subsection, the Attorney General shall take into consideration the public health and safety, as well as the ease and cost of program implementation and participation by various communities. Such regulations may not require any entity to establish or operate a delivery or disposal program.

"(3) The Attorney General may, by regulation, authorize long-term care facilities, as defined by the Attorney General by regulation, to dispose of controlled substances on behalf of ultimate users who reside, or have resided, at such long-term care facilities in a manner that the Attorney General determines will provide effective controls against diversion and be consistent with the public health and safety.

"(4) If a person dies while lawfully in possession of a controlled substance for personal use, any person lawfully entitled to dispose of the decedent's property may deliver the controlled substance to another person for the purpose of disposal under the same conditions as provided in paragraph (1) for an ultimate user."

(b) CONFORMING AMENDMENT.—Section 308(b) of the Controlled Substances Act (21 U.S.C. 828(b)) is amended—

(1) by striking the period at the end of paragraph (2) and inserting "or"; and

(2) by adding at the end the following:

"(3) the delivery of such a substance for the purpose of disposal by an ultimate user,

long-term care facility, or other person acting in accordance with section 302(g)."

SEC. 4. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements to ensure that the guidelines and policy statements provide an appropriate penalty increase of up to 2 offense levels above the sentence otherwise applicable in Part D of the Guidelines Manual if a person is convicted of a drug offense resulting from the authorization of that person to receive scheduled substances from an ultimate user or long-term care facility as set forth in the amendments made by section 3.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. INSLEE) and the gentleman from Pennsylvania (Mr. PITTS) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. INSLEE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. INSLEE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of S. 3397, as amended, the Secure and Responsible Drug Disposal Act of 2010. This bill is our effort to respond to the very rapidly rising rate of prescription drug abuse in our country where 2,500 teens a day are using prescription drugs illegally for the first time. And this bill will help, we think, significantly in helping remove prescription drugs from the illicit drug pipeline by giving citizens an ability to get rid of their drugs, their prescription drugs, in a legal fashion so that communities can fashion a way to create drug take-back programs so citizens can get rid of their unnecessary and no longer useful prescription drugs.

The House has previously passed a version. We have made some improvements to the bill after it went through the Senate. I just want to note some of those improvements.

Today, when people do not have ready access to drug disposal programs, they often flush them down, and drugs ultimately end up in the waterways. In order to ensure that the drug take-back programs that we fashion under this bill are environmentally sound, it's important that the Attorney General consider the environmental impacts of take-back programs and work with the Environmental Protection Agency and communities on appropriate ways to dispose of the collected substance in an environmentally sound

manner. We also have provided ways to make sure communities are engaged in designing these programs so that they meet the individual needs of specific communities.

I want to thank all the people who have worked on this bipartisan legislation, particularly Representative STUPAK who is ending his congressional career having done some great work in this regard.

With that, I yield as much time as he may consume to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. I thank the gentleman for yielding, and I rise in support of S. 3397.

Millions of Americans are prescribed narcotics for postoperative pain, bone fractures, and other ailments each year. However, most patients do not consume all the prescriptions they are prescribed. These drugs remain in drug cabinets for years, easily accessible to teens wishing to experiment with drugs.

But failure to dispose of prescription medications properly causes several problems. First, there's the potential for a child to ingest the drugs accidentally. Second, we know that teen prescription drug abuse is on the rise. Unused prescriptions in a house are easily accessible to teens wishing to experiment with drugs. Third, there's a potential for narcotics to be abused by the patient or sold to someone else to abuse.

□ 2010

The Controlled Substance Act regulates prescription narcotics through a registration system. Currently there are roughly 1.3 million DEA registrants who are legally allowed to handle or distribute narcotics from the manufacturer to the distributor to the pharmacist to the doctor. However, the Controlled Substance Act currently exempts patients from this registration requirement. This legislation allows individuals to dispose of unused prescription controlled substances to a recipient authorized by the DEA, Drug Enforcement Administration.

The bill also authorizes the Attorney General to promulgate regulations for the lawful disposal of prescription controlled substances by a long-term care facility. S. 3397 also clarifies that the DEA regulations set forth in this legislation may not require any entity to establish a drug take-back program. It's a voluntary program.

I want to thank my friend and colleague JAY INSLEE for all of his hard work on this legislation and his staff over the past years, LAMAR SMITH on the minority side, who worked closely with us, and colleagues on both sides of the aisle and their staff for their hard work and commitment to empower patients to prevent prescription drug abuse, especially amongst young people.

I urge my colleagues to vote in support of this legislation.

Mr. PITTS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the Secure and Responsible Drug Disposal Act will improve drug take-back programs where pharmacies and others accept unused prescription drugs and dispose of them safely. Prescription drugs provide valuable therapeutic benefits to tens of millions of Americans, from treating disease to improving people's quality of life. However, a segment of our society does not use these medications for therapy but, rather, abuses them for some sort of dangerous high. Many teenagers get their hands on these medications by stealing unused medications from the family's medicine cabinet.

While some pharmacies, States, and localities have established prescription drug take-back programs, these programs may not take back controlled substances due a technical reading of the Controlled Substances Act. By passing this legislation, these programs could help further reduce the likelihood of prescription drugs being diverted to those to whom they were not prescribed.

It is important to note that this bill does not require any entity to establish a drug take-back program. But if a drug take-back program currently operates, it only makes sense to allow that facility to take back controlled drugs like oxycontin as well as noncontrolled prescription drugs.

I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. INSLEE. I reserve the balance of my time.

Mr. PITTS. I yield such time as he may consume to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. I thank the gentleman for yielding, and I want to compliment the authors of the legislation in your work on this.

But I would like to point out something before we get too excited about whether we are doing a good thing today. Number one, we are—but what are we leaving on the table? If we are trying to address the issue with regard to prescription drugs and making sure that that drug gets in the hands of the right person and that the drug is safe, there is a bigger issue out there. It is called the drug safety issue and whether America's closed system is truly closed. And what we are leaving on the table is an issue which this Congress has not addressed, and it's JOHN DINGELL's drug safety bill. And not only is it that, its electronic pedigree, red paper pedigree with regard to drug safety, but the biggest one of all, I would say to the Colombian drug cartel, is that you're in the wrong drug business. We have got all the laws imaginable to whack you pretty hard

for your cocaine and your marijuana. But the great threat that is occurring right now to America are drugs coming into the country that we know are not safe.

Now, let's do a quick little math because I am leaving Congress, and this is an issue that those of you who are still here, we, as a Nation, you, as legislators, must address this. We have 11 international mail facilities, 11 of them. Our ports of entry. You add UPS at Louisville and FedEx at Memphis, 13. Every day we have on average of 35,000 pharmaceutical packages coming into the international mail facilities. They are coming in because people are getting them on the Internet, and they are going to some drugsave.com out of Canada or whomever. They think it is safe, and they think that that drug is just like what I can get down at my local drugstore, and they order it. And it's coming through illicit, bad operators who are preying on America's sick and elderly.

Every time FDA goes out there and checks, we are finding that, on average, 80 percent of those drugs are either adulterated, knock-off, or they are counterfeit. Now let's do the math: 13 international mail facilities times 35,000 average per day, that gives you 455,000 of these pharmaceutical packages per day, times 365. Now we are in excess of 160 million pharmaceutical packages. We are talking boxes of drugs, not just little ones. We are talking boxes of drugs. And if 80 percent of that number are counterfeit, knock-off, adulterated drugs, we are in excess of 132 million.

Now, of a smaller percentage that the FDA actually finds and discovers, we have a return-to-sender policy. That's why I wanted to address this. Can you believe that? FDA has a return-to-sender policy. So here we are—I compliment you. We are going to say, Okay, if these drugs aren't good, we want to make sure they don't get into the hands of the people that the doctor doesn't want them to. So we are going to say, Let's destroy them. But as a Nation, our FDA has a return-to-sender policy. So when they discover in an international mail facility that the package is adulterated, knock-off, or counterfeit drugs, they don't destroy them. They do not destroy them. They then take that package and send it back to the bad actor. The bad actor must think, America, what a great place. What a great place. I will steal people's money; I will prey on the sick and the elderly; and the American Government will actually send my counterfeit drugs back to me so I can do it again.

So I just want to make this point. Your legislation is absolutely wonderful. But I want to point out, there is a really large problem out there. So before we get too excited that we are doing something really good—and we

are but on a much smaller level. Because if we are going to allow millions of people to gain access to these types of drugs, we know that these drugs do not metastasize in the body in the way in which the doctors are intending them to do. And people actually think that the drugs they are taking are exactly what they can get down at CVS or Walgreens or whatever, and it's not happening.

So my only point I appeal to all of you is, number one, congratulations; number two, we have a really large issue that we need to address in the next Congress. We really do. And let's get our arms around this. I want to congratulate JOHN DINGELL on his drug safety bill. And it's a shame that we actually weren't able to get this done in the committee. Again, my compliments to you. But this is a big issue as a Nation we must address and protect America.

Mr. INSLEE. I just want to thank Senators KLOBUCHAR and CORNYN for their work on this and say this is a good bipartisan effort. We are not done on this, as Mr. BUYER pointed out, but this is a good start. I urge passage.

I yield back the balance of my time.

Mr. PITTS. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. JACKSON of Illinois). The question is on the motion offered by the gentleman from Washington (Mr. INSLEE) that the House suspend the rules and pass the bill, S. 3397, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 2020

LAW ENFORCEMENT OFFICERS SAFETY ACT IMPROVEMENTS ACT OF 2010

Mr. BOUCHER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1132) to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Law Enforcement Officers Safety Act Improvements Act of 2010".

SEC. 2. AMENDMENTS TO LAW ENFORCEMENT OFFICER SAFETY PROVISIONS OF TITLE 18.

(a) IN GENERAL.—Section 926B of title 18, United States Code, is amended—

(1) in subsection (c)(3), by inserting "which could result in suspension or loss of police powers" after "agency"; and

(2) by adding at the end the following:

"(f) For the purposes of this section, a law enforcement officer of the Amtrak Police Department, a law enforcement officer of the Federal Reserve, or a law enforcement or police officer of the executive branch of the Federal Government qualifies as an employee of a governmental agency who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest."

(b) ACTIVE LAW ENFORCEMENT OFFICERS.—Section 926B of title 18, United States Code is amended by striking subsection (e) and inserting the following:

"(e) As used in this section, the term 'firearm'—

"(1) except as provided in this subsection, has the same meaning as in section 921 of this title;

"(2) includes ammunition not expressly prohibited by Federal law or subject to the provisions of the National Firearms Act; and

"(3) does not include—

"(A) any machinegun (as defined in section 5845 of the National Firearms Act);

"(B) any firearm silencer (as defined in section 921 of this title); and

"(C) any destructive device (as defined in section 921 of this title)."

(c) RETIRED LAW ENFORCEMENT OFFICERS.—Section 926C of title 18, United States Code is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "retired" and inserting "separated from service"; and

(ii) by striking "other than for reasons of mental instability";

(B) in paragraph (2), by striking "retirement" and inserting "separation";

(C) in paragraph (3)—

(i) in subparagraph (A), by striking "retirement, was regularly employed as a law enforcement officer for an aggregate of 15 years or more" and inserting "separation, served as a law enforcement officer for an aggregate of 10 years or more"; and

(ii) in subparagraph (B), by striking "retired" and inserting "separated";

(D) by striking paragraph (4) and inserting the following:

"(4) during the most recent 12-month period, has met, at the expense of the individual, the standards for qualification in firearms training for active law enforcement officers, as determined by the former agency of the individual, the State in which the individual resides or, if the State has not established such standards, either a law enforcement agency within the State in which the individual resides or the standards used by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State;" and

(E) by striking paragraph (5) and replacing it with the following:

"(5)(A) has not been officially found by a qualified medical professional employed by the agency to be unqualified for reasons relating to mental health and as a result of this finding will not be issued the photographic identification as described in subsection (d)(1); or

"(B) has not entered into an agreement with the agency from which the individual is separating from service in which that individual acknowledges he or she is not qualified under this section for reasons relating to mental health and for those reasons will not receive or accept the photographic identification as described in subsection (d)(1);"

(2) in subsection (d)—

(A) paragraph (1)—

(i) by striking "retired" and inserting "separated"; and

(ii) by striking "to meet the standards" and all that follows through "concealed firearm" and inserting "to meet the active duty standards for qualification in firearms training as established by the agency to carry a firearm of the same type as the concealed firearm";

(B) paragraph (2)—

(i) in subparagraph (A), by striking "retired" and inserting "separated"; and

(ii) in subparagraph (B), by striking "that indicates" and all that follows through the period and inserting "or by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State that indicates that the individual has, not less than 1 year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State or a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State to have met—

"(I) the active duty standards for qualification in firearms training, as established by the State, to carry a firearm of the same type as the concealed firearm; or

"(II) if the State has not established such standards, standards set by any law enforcement agency within that State to carry a firearm of the same type as the concealed firearm.""; and

(3) by striking subsection (e) and inserting the following:

"(e) As used in this section—

"(1) the term 'firearm'—

"(A) except as provided in this paragraph, has the same meaning as in section 921 of this title;

"(B) includes ammunition not expressly prohibited by Federal law or subject to the provisions of the National Firearms Act; and

"(C) does not include—

"(i) any machinegun (as defined in section 5845 of the National Firearms Act);

"(ii) any firearm silencer (as defined in section 921 of this title); and

"(iii) any destructive device (as defined in section 921 of this title); and

"(2) the term 'service with a public agency as a law enforcement officer' includes service as a law enforcement officer of the Amtrak Police Department, service as a law enforcement officer of the Federal Reserve, or service as a law enforcement or police officer of the executive branch of the Federal Government."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. BOUCHER) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the legislation now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BOUCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise this evening in strong support of the Law Enforcement Officers Safety Act Improvements Act of 2010.

In 2004 the Congress approved the bipartisan Law Enforcement Officer Safety Act, which allows qualified retired and current law enforcement officers to carry a concealed firearm anywhere in the United States. The law requires that retired officers maintain appropriate firearms training and be current in that training.

Since enactment of the law, qualified retired officers have faced varying and inconsistent certification procedures from State to State, and that complicates their ability to carry a firearm and be properly certified to do so.

The bill that is before the House tonight was introduced in the other body by the Judiciary Committee chairman, Senator LEAHY, and it was introduced here in the House by my Virginia colleague (Mr. FORBES).

It modernizes the existing law in these very necessary respects. It will reduce from 15 to 10 the number of years a law enforcement officer must serve to be eligible to carry a firearm as a retiree with full privileges under the existing law. The 15-year requirement in current law inappropriately excludes many qualified retirees who go into law enforcement as a second career, often following their first career in the Armed Forces.

It will give retired officers more flexibility in obtaining certification to carry a firearm, while still maintaining rigorous standards for retirees who apply for this benefit. Our measure will clarify that a retiree can meet the qualifications requirement using either the standards of the agency at which the retiree formerly served, or those of the State in which the retiree currently resides.

It will also allow a certified firearms instructor qualified under State law to conduct the firearms qualification test for retired law enforcement officers.

It ensures that law enforcement officers of the Amtrak Police Department, the Federal Reserve, and the executive branch of the Federal Government are authorized to carry firearms under the law. And it also eliminates the requirement that retirees have nonforfeitable retirement benefits in order to qualify. That requirement unfairly excludes retirees from many of the smaller law enforcement agencies around the country which do not offer these retirement benefits.

Allowing the trained active and retired law enforcement officers to carry firearms on a nationwide basis enhances public safety by ensuring that officers have not only the means to defend themselves, but also the means to defend innocent victims from acts of violence. It also appropriately honors the men and women who so well protect our neighborhoods and protect our communities and our way of life.

The measure before us this evening was approved unanimously by the Senate in July. It is a commonsense, bipartisan measure that will ensure that retired law enforcement officers who have served honorably will be able to obtain the benefits conferred by the 2004 law. I urge approval of the measure.

Mr. Speaker, I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House considers S. 1132, the Law Enforcement Officers Safety Act Improvements Act of 2010. This bill was introduced as the Senate companion to H.R. 3752, a bill of the same name introduced by Mr. FORBES of Virginia, a distinguished member of the Judiciary Committee.

S. 1132 makes improvements to the Federal law that authorizes law enforcement officers who are currently serving, who are retired, or who are separated in good standing to carry a concealed weapon anywhere in the country, notwithstanding State or local laws to the contrary.

This bill reduces the period an officer must serve before gaining eligibility to carry firearms as a retiree. Under current law, only officers with 15 years of service are "qualified."

This requirement prevents some officers who entered into law enforcement as a second career, for example, those that have served nobly in our military, from realizing the law's benefits. Today's legislation reduces the service requirement from 15 years to 10 years.

S. 1132 also clarifies firearms training requirements and makes them a lot more flexible. This bill enables a retiree to meet the mandatory firearms re-qualification standard, either through the agency he or she formerly served with, or through the State where he or she currently resides.

Most importantly, this legislation provides additional current and retired officers the means to defend themselves and their families from the hardened, often vengeful criminals they have previously arrested somewhere in this country.

The legislation is supported by law enforcement associations, including the Fraternal Order of Police and the National Rifle Association.

I urge my colleagues to support the bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. FORBES), a member of the Judiciary Committee who has introduced a similar bill in the House.

Mr. FORBES. Mr. Speaker, like the other two Members, I rise in strong support of Senate bill 1132, the Law Enforcement Officers Safety Act Improvements Act of 2010. As has been mentioned, the Senate bill is a companion to legislation I sponsored in the House.

S. 1132 improves the current Federal law that authorizes active and retired police officers to carry firearms throughout the United States. The premise of that law was simple: allowing trained, active-duty, and retired law enforcement officers to carry firearms to enhance public safety.

Further, the law provides clear, uniform nationwide rules to replace the variety of local laws that create confusion and uncertainty as to whether an officer may carry a firearm when he or she is off duty.

The legislation that the House considers today expands the definition of qualified law enforcement officers to include current and retired officers of the Amtrak Police Department, the Federal Reserve System, and other agencies of the executive branch. S. 1132 further expands the categories of law enforcement officers authorized to possess a firearm in a school zone to include retired law enforcement officers.

Mr. Speaker, in a time when homeland security is paramount, this authority provides the country with additional trained and armed first responders at no additional cost to the taxpayers.

There is a long history of armed off-duty officers coming to the rescue in life threatening situations. This legislation expands the areas where these officers can be equipped for the emergencies they are trained to respond to.

In passing this legislation, Congress acknowledges the need for retired officers to have the opportunity to protect themselves and their families. The oath to serve and protect our communities is not nullified when officers retire.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. POE of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. BOUCHER. Mr. Speaker, I urge approval of this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BOUCHER) that the House suspend the rules and pass the bill, S. 1132.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 2030

VETERANS' BENEFITS ACT OF 2010

Mr. FILNER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 3219) to amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to insurance and health care, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the “Veterans’ Benefits Act of 2010”.

(b) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. References to title 38, United States Code.

TITLE I—EMPLOYMENT, SMALL BUSINESS, AND EDUCATION MATTERS

Sec. 101. Extension and expansion of authority for certain qualifying work-study activities for purposes of the educational assistance programs of the Department of Veterans Affairs.

Sec. 102. Reauthorization of Veterans’ Advisory Committee on Education.

Sec. 103. 18-month period for training of new disabled veterans’ outreach program specialists and local veterans’ employment representatives by National Veterans’ Employment and Training Services Institute.

Sec. 104. Clarification of responsibility of Secretary of Veterans Affairs to verify small business ownership.

Sec. 105. Demonstration project for referral of USERRA claims against Federal agencies to the Office of Special Counsel.

Sec. 106. Veterans Energy-Related Employment Program.

Sec. 107. Pat Tillman Veterans’ Scholarship Initiative.

TITLE II—HOUSING AND HOMELESSNESS MATTERS

Sec. 201. Reauthorization of appropriations for Homeless Veterans Reintegration Program.

Sec. 202. Homeless women veterans and homeless veterans with children reintegration grant program.

Sec. 203. Specially Adapted Housing assistive technology grant program.

Sec. 204. Waiver of housing loan fee for certain veterans with service-connected disabilities called to active service.

TITLE III—SERVICEMEMBERS CIVIL RELIEF ACT MATTERS

Sec. 301. Residential and motor vehicle leases.

Sec. 302. Termination of telephone service contracts.

Sec. 303. Enforcement by the Attorney General and by private right of action.

TITLE IV—INSURANCE MATTERS

Sec. 401. Increase in amount of supplemental insurance for totally disabled veterans.

Sec. 402. Permanent extension of duration of Servicemembers’ Group Life Insurance coverage for totally disabled veterans.

Sec. 403. Adjustment of coverage of dependents under Servicemembers’ Group Life Insurance.

Sec. 404. Opportunity to increase amount of Veterans’ Group Life Insurance.

Sec. 405. Elimination of reduction in amount of accelerated death benefit for terminally-ill persons insured under Servicemembers’ Group Life Insurance and Veterans’ Group Life Insurance.

Sec. 406. Consideration of loss of dominant hand in prescription of schedule of severity of traumatic injury under Servicemembers’ Group Life Insurance.

Sec. 407. Enhancement of veterans’ mortgage life insurance.

Sec. 408. Expansion of individuals qualifying for retroactive benefits from traumatic injury protection coverage under Servicemembers’ Group Life Insurance.

TITLE V—BURIAL AND CEMETERY MATTERS

Sec. 501. Increase in certain burial and funeral benefits and plot allowances for veterans.

Sec. 502. Interment in national cemeteries of parents of certain deceased veterans.

Sec. 503. Reports on selection of new national cemeteries.

TITLE VI—COMPENSATION AND PENSION

Sec. 601. Enhancement of disability compensation for certain disabled veterans with difficulties using prostheses and disabled veterans in need of regular aid and attendance for residuals of traumatic brain injury.

Sec. 602. Cost-of-living increase for temporary dependency and indemnity compensation payable for surviving spouses with dependent children under the age of 18.

Sec. 603. Payment of dependency and indemnity compensation to survivors of former prisoners of war who died on or before September 30, 1999.

Sec. 604. Exclusion of certain amounts from consideration as income for purposes of veterans pension benefits.

Sec. 605. Commencement of period of payment of original awards of compensation for veterans retired or separated from the uniformed services for catastrophic disability.

Sec. 606. Applicability of limitation to pension payable to certain children of veterans of a period of war.

Sec. 607. Extension of reduced pension for certain veterans covered by Medicaid plans for services furnished by nursing facilities.

Sec. 608. Codification of 2009 cost-of-living adjustment in rates of pension for disabled veterans and surviving spouses and children.

TITLE VII—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

Sec. 701. Clarification that USERRA prohibits wage discrimination against members of the Armed Forces.

Sec. 702. Clarification of the definition of “successor in interest”.

Sec. 703. Technical amendments.

TITLE VIII—BENEFITS MATTERS

Sec. 801. Increase in number of veterans for which programs of independent living services and assistance may be initiated.

Sec. 802. Payment of unpaid balances of Department of Veterans Affairs guaranteed loans.

Sec. 803. Eligibility of disabled veterans and members of the Armed Forces with severe burn injuries for automobiles and adaptive equipment.

Sec. 804. Enhancement of automobile assistance allowance for veterans.

Sec. 805. National Academies review of best treatments for chronic multisymptom illness in Persian Gulf War veterans.

Sec. 806. Extension and modification of National Academy of Sciences reviews and evaluations on illness and service in Persian Gulf War and Post-9/11 Global Operations Theaters.

Sec. 807. Extension of authority for regional office in Republic of the Philippines.

Sec. 808. Extension of an annual report on equitable relief.

Sec. 809. Authority for the performance of medical disability examinations by contract physicians.

TITLE IX—AUTHORIZATION OF MEDICAL FACILITY PROJECTS AND MAJOR MEDICAL FACILITY LEASES

Sec. 901. Authorization of fiscal year 2011 major medical facility leases.

Sec. 902. Modification of authorization amount for major medical facility construction project previously authorized for the Department of Veterans Affairs Medical Center, New Orleans, Louisiana.

Sec. 903. Modification of authorization amount for major medical facility construction project previously authorized for the Department of Veterans Affairs Medical Center, Long Beach, California.

Sec. 904. Authorization of appropriations.

Sec. 905. Requirement that bid savings on major medical facility projects of Department of Veterans Affairs be used for other major medical facility construction projects of the Department.

TITLE X—OTHER MATTERS

Sec. 1001. Technical corrections.

Sec. 1002. Statutory Pay-As-You-Go Act compliance.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—EMPLOYMENT, SMALL BUSINESS, AND EDUCATION MATTERS

SEC. 101. EXTENSION AND EXPANSION OF AUTHORITY FOR CERTAIN QUALIFYING WORK-STUDY ACTIVITIES FOR PURPOSES OF THE EDUCATIONAL ASSISTANCE PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) *EXTENSION.*—Paragraph (4) of section 3485(a) is amended by striking “June 30, 2010” each place it appears and inserting “June 30, 2013”.

(b) *ACTIVITIES IN STATE VETERANS AGENCIES.*—Such paragraph is further amended by adding at the end the following new subparagraphs:

“(G) Any activity of a State veterans agency related to providing assistance to veterans in obtaining any benefit under the laws administered by the Secretary or the laws of the State.

“(H) A position working in a Center of Excellence for Veteran Student Success, as established pursuant to part T of title VIII of the Higher Education Act of 1965 (20 U.S.C. 1161t et seq.).

“(I) A position working in a cooperative program carried out jointly by the Department and an institution of higher learning.

“(J) Any other veterans-related position in an institution of higher learning.”.

(c) *EFFECTIVE DATE.*—The amendment made by subsection (b) shall take effect on October 1, 2011.

SEC. 102. REAUTHORIZATION OF VETERANS' ADVISORY COMMITTEE ON EDUCATION.

Section 3692(c) is amended by striking "December 31, 2009" and inserting "December 31, 2013".

SEC. 103. 18-MONTH PERIOD FOR TRAINING OF NEW DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES BY NATIONAL VETERANS' EMPLOYMENT AND TRAINING SERVICES INSTITUTE.

(a) 18-MONTH PERIOD.—Section 4102A(c)(8)(A) is amended by striking "three-year period" and inserting "18-month period".

(b) EFFECTIVE DATE.—

(1) APPLICABILITY TO NEW EMPLOYEES.—The amendment made by subsection (a) shall apply with respect to a State employee assigned to perform the duties of a disabled veterans' outreach program specialist or a local veterans' employment representative under chapter 41 of title 38, United States Code, who is so assigned on or after the date of the enactment of this Act.

(2) APPLICABILITY TO PREVIOUSLY-HIRED EMPLOYEES.—In the case of such a State employee who is so assigned on or after January 1, 2006, and before the date of the enactment of this Act, the Secretary of Labor shall require the State to require, as a condition of a grant or contract under which funds are made available to the State in order to carry out section 4103A or 4104 of title 38, United States Code, each such employee to satisfactorily complete the training described in section 4102A(c)(8)(A) of such title by not later than the date that is 18 months after the date of the enactment of this Act.

SEC. 104. CLARIFICATION OF RESPONSIBILITY OF SECRETARY OF VETERANS AFFAIRS TO VERIFY SMALL BUSINESS OWNERSHIP.

(a) SHORT TITLE.—This section may be cited as the "Veterans Small Business Verification Act".

(b) CLARIFICATION OF RESPONSIBILITY OF SECRETARY OF VETERANS AFFAIRS TO VERIFY SMALL BUSINESS OWNERSHIP.—

(1) CLARIFICATION.—Section 8127(f) is amended—

(A) in paragraph (2)—

(i) by inserting "(A)" before "To be eligible";

(ii) by inserting after "or the veteran," the following new sentence: "Application for inclusion in the database shall constitute permission under section 552a of title 5 (commonly referred to as the Privacy Act) for the Secretary to access such personal information maintained by the Secretary as may be necessary to verify the information contained in the application."; and

(iii) by inserting after the sentence added by clause (ii) the following new subparagraph:

"(B) If the Secretary receives an application for inclusion in the database from an individual whose status as a veteran cannot be verified because the Secretary does not maintain information with respect to the veteran status of the individual, the Secretary may not include the small business concern owned and controlled by the individual in the database maintained by the Secretary until the Secretary receives such information as may be necessary to verify that the individual is a veteran."; and

(B) by striking paragraph (4) and inserting the following new paragraph (4):

"(4) No small business concern may be listed in the database until the Secretary has verified that—

"(A) the small business concern is owned and controlled by veterans; and

"(B) in the case of a small business concern for which the person who owns and controls the concern indicates that the person is a veteran with a service-connected disability, that the person is a veteran with a service-connected disability.".

(2) APPLICABILITY.—In the case of a small business concern included in the database as of the date of the enactment of this Act for which, as of such date, the Secretary of Veterans Affairs has not verified the status of such concern in accordance with paragraph (4) of subsection (f) of section 8127 of title 38, United States Code, as amended by paragraph (1), not later than 60 days after the date of the enactment of this Act, the Secretary shall notify the person who owns and controls the concern that—

(A) the Secretary is required to verify the status of the concern in accordance with such paragraph, as so amended;

(B) verification of such status shall require that the person who owns and controls the concern apply for inclusion in the database in accordance with such subsection, as so amended;

(C) application for inclusion in the database shall constitute permission under section 552a of title 5, United States Code (commonly referred to as the Privacy Act), for the Secretary to access such personal information maintained by the Secretary as may be necessary to verify the information contained in the application; and

(D) the person who owns and controls the concern must submit to the Secretary all information required by the Secretary under this paragraph within 90 days of receiving the Secretary's notice of such requirement or the concern shall be removed from the database.

SEC. 105. DEMONSTRATION PROJECT FOR REFERRAL OF USERRA CLAIMS AGAINST FEDERAL AGENCIES TO THE OFFICE OF SPECIAL COUNSEL.

(a) ESTABLISHMENT OF PROJECT.—The Secretary of Labor and the Office of Special Counsel shall carry out a 36-month demonstration project under which certain claims against Federal executive agencies under chapter 43 of title 38, United States Code, are referred to, or otherwise received by, the Office of Special Counsel for assistance, including investigation and resolution of the claim as well as enforcement of rights with respect to the claim. The demonstration program shall begin not later than 60 days after the Comptroller General of the United States submits the report required under subsection (e)(3).

(b) REFERRAL OF ALL PROHIBITED PERSONNEL PRACTICE CLAIMS TO THE OFFICE OF SPECIAL COUNSEL.—

(1) IN GENERAL.—Under the demonstration project, the Office of Special Counsel shall receive and investigate all claims under chapter 43 of title 38, United States Code, with respect to Federal executive agencies in cases where the Office of Special Counsel has jurisdiction over related claims pursuant to section 1212 of title 5, United States Code.

(2) RELATED CLAIMS.—For purposes of paragraph (1), a related claim is a claim involving the same Federal executive agency and the same or similar factual allegations or legal issues as those being pursued under a claim under chapter 43 of title 38, United States Code.

(c) REFERRAL OF OTHER CLAIMS AGAINST FEDERAL EXECUTIVE AGENCIES.—

(1) IN GENERAL.—Under the demonstration project, the Secretary—

(A) shall refer to the Office of Special Counsel all claims described in paragraph (2) made during the period of the demonstration project; and

(B) may refer any claim described in paragraph (2) filed before the demonstration project that is pending before the Secretary at the beginning of the demonstration project.

(2) CLAIMS DESCRIBED.—A claim described in this paragraph is a claim under chapter 43 of title 38, United States Code, against a Federal executive agency by a claimant with a social security account number with an odd number as its terminal digit or, in the case of a claim that does not contain a social security account number, a case number assigned to the claim with an odd number as its terminal digit.

(d) ADMINISTRATION OF DEMONSTRATION PROJECT.—

(1) IN GENERAL.—The Office of Special Counsel shall administer the demonstration project. The Secretary shall cooperate with the Office of Special Counsel in carrying out the demonstration project.

(2) TREATMENT OF CERTAIN TERMS IN CHAPTER 43 OF TITLE 38, UNITED STATES CODE.—In the case of any claim referred to, or otherwise received by, the Office of Special Counsel under the demonstration project, any reference to the "Secretary" in sections 4321, 4322, and 4326 of title 38, United States Code, is deemed to be a reference to the "Office of Special Counsel".

(3) ADMINISTRATIVE JURISDICTION.—In the case of any claim referred to, or otherwise received by, the Office of Special Counsel under the demonstration project, the Office of Special Counsel shall retain administrative jurisdiction over the claim.

(e) DATA COMPARABILITY FOR REVIEWING AGENCY PERFORMANCE.—

(1) IN GENERAL.—To facilitate the review of the relative performance of the Office of Special Counsel and the Department of Labor during the demonstration project, the Office of Special Counsel and the Department of Labor shall jointly establish methods and procedures to be used by both the Office and the Department during the demonstration project. Such methods and procedures shall include each of the following:

(A) Definitions of performance measures, including—

(i) customer satisfaction;

(ii) cost (such as, but not limited to, average cost per claim);

(iii) timeliness (such as, but not limited to, average processing time, case age);

(iv) capacity (such as, but not limited to, staffing levels, education, grade level, training received, caseload); and

(v) case outcomes.

(B) Definitions of case outcomes.

(C) Data collection methods and timing of collection.

(D) Data quality assurance processes.

(2) JOINT REPORT TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Special Counsel and the Secretary of Labor shall jointly submit to the Committees on Veterans' Affairs of the Senate and House of Representatives and to the Comptroller General of the United States a report describing the methods and procedures established under paragraph (1).

(3) COMPTROLLER GENERAL REPORT.—Not later than 30 days after the date of the submittal of the report under paragraph (2), the Comptroller General shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives under paragraph (2) and may provide recommendations for improving the methods and procedures described therein.

(f) AGENCY DATA TO GOVERNMENT ACCOUNTABILITY OFFICE.—The Office of Special Counsel and the Secretary of Labor shall submit to the Comptroller General such information and data about the demonstration project as may be required by the Comptroller General, from time to time during the course of the demonstration project and at the conclusion, in order for the Comptroller General to assess the reliability of the demonstration data maintained by both the Office of Special Counsel and the Department of Labor and to review the relative performance of the Office and Department under the demonstration project.

(g) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—The Comptroller General shall review the relative performance of the Office of Special Counsel and the Department of Labor under the demonstration project and—

(1) not later than one year after the commencement of the demonstration project, and annually thereafter during the period when the demonstration project is conducted, submit to the Committees on Veterans' Affairs of the Senate and House of Representatives an interim report on the demonstration project; and

(2) not later than 90 days after the conclusion of the demonstration project, submit to such committees a final report that includes the findings and conclusions of the Comptroller General regarding the relative performance of the Office and the Department under the demonstration project and such recommendations as the Comptroller General determines are appropriate.

SEC. 106. VETERANS ENERGY-RELATED EMPLOYMENT PROGRAM.

(a) **ESTABLISHMENT OF PILOT PROGRAM.**—To encourage the employment of eligible veterans in the energy industry, the Secretary of Labor, as part of the Veterans Workforce Investment Program, shall carry out a pilot program to be known as the "Veterans Energy-Related Employment Program". Under the pilot program, the Secretary shall award competitive grants to not more than three States for the establishment and administration of a State program to make grants to energy employers that provide covered training, on-job training, apprenticeships, and certification classes to eligible veterans. Such a program shall be known as a "State Energy-Related Employment Program".

(b) **ELIGIBILITY FOR GRANTS.**—To be eligible to receive a grant under the pilot program, a State shall submit to the Secretary an application that includes each of the following:

(1) A proposal for the expenditure of grant funds to establish and administer a public-private partnership program designed to provide covered training, on-job training, apprenticeships, and certification classes to a significant number of eligible veterans and ensure lasting and sustainable employment in well-paying jobs in the energy industry.

(2) Evidence that the State has—

(A) a population of eligible veterans of an appropriate size to carry out the State program;

(B) a robust and diverse energy industry; and

(C) the ability to carry out the State program described in the proposal under paragraph (1).

(3) Such other information and assurances as the Secretary may require.

(c) **USE OF FUNDS.**—A State that is the recipient of a grant under this section shall use the grant for the following purposes:

(1) Making grants to energy employers to reimburse such employers for the cost of providing covered training, on-job training, apprenticeships, and certification classes to eligible veterans who are first hired by the employer on or after November 1, 2010.

(2) Conducting outreach to inform energy employers and veterans, including veterans in rural areas, of their eligibility or potential eligibility for participation in the State program.

(d) **CONDITIONS.**—Under the pilot program, each grant to a State shall be subject to the following conditions:

(1) The State shall repay to the Secretary, on such date as shall be determined by the Secretary, any amount received under the pilot program that is not used for the purposes described in subsection (c).

(2) The State shall submit to the Secretary, at such times and containing such information as the Secretary shall require, reports on the use of grant funds.

(e) **EMPLOYER REQUIREMENTS.**—In order to receive a grant made by a State under the pilot program, an energy employer shall—

(1) submit to the administrator of the State Energy-Related Employment Program an application that includes—

(A) the rate of pay, during and after training, for each eligible veteran proposed to be trained using grant funds;

(B) the average rate of pay for an individual employed by the energy employer in a similar position who is not an eligible veteran; and

(C) such other information and assurances as the administrator may require; and

(2) agree to submit to the administrator, for each quarter, a report containing such information as the Secretary may specify.

(f) **LIMITATION.**—None of the funds made available to an energy employer through a grant under the pilot program may be used to provide training of any kind to—

(1) a person who is not an eligible veteran; or

(2) an eligible veteran for whom the employer has received a grant, credit, or subsidy under any other provision of law.

(g) **REPORT TO CONGRESS.**—Together with the report required to be submitted annually under section 4107(c) of title 38, United States Code, the Secretary shall submit to Congress a report on the pilot program for the year covered by such report. The report on the pilot program shall include a detailed description of activities carried out under this section and an evaluation of the program.

(h) **ADMINISTRATIVE AND REPORTING COSTS.**—Of the amounts appropriated pursuant to the authorization of appropriations under subsection (j), two percent shall be made available to the Secretary for administrative costs associated with implementing and evaluating the pilot program under this section and for preparing and submitting the report required under subsection (f). The Secretary shall determine the appropriate maximum amount of each grant awarded under this section that may be used by the recipient for administrative and reporting costs.

(i) **DEFINITIONS.**—For purposes of this section:

(1) The term "covered training, on-job training, apprenticeships, and certification classes" means training, on-job training, apprenticeships, and certification classes that are—

(A) designed to provide the veteran with skills that are particular to an energy industry and not directly transferable to employment in another industry; and

(B) approved as provided in paragraph (1) or (2), as appropriate, of subsection (a) of section 3687 of title 38, United States Code.

(2) The term "eligible veteran" means a veteran, as that term is defined in section 101(2) of title 38, United States Code, who is employed by an energy employer and enrolled or participating in a covered training, on-job training, apprenticeship, or certification class.

(3) The term "energy employer" means an entity that employs individuals in a trade or business in an energy industry.

(4) The term "energy industry" means any of the following industries:

(A) The energy-efficient building, construction, or retrofits industry.

(B) The renewable electric power industry, including the wind and solar energy industries.

(C) The biofuels industry.

(D) The energy efficiency assessment industry that serves the residential, commercial, or industrial sectors.

(E) The oil and natural gas industry.

(F) The nuclear industry.

(j) **APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary \$1,500,000 for each of fiscal years 2012 through 2014, for the purpose of carrying out the pilot program under this section.

SEC. 107. PAT TILLMAN VETERANS' SCHOLARSHIP INITIATIVE.

(a) **AVAILABILITY OF SCHOLARSHIP INFORMATION.**—By not later than June 1, 2011, the Secretary of Veterans Affairs shall include on the Internet website of the Department of Veterans Affairs a list of organizations that provide scholarships to veterans and their survivors

and, for each such organization, a link to the Internet website of the organization.

(b) **MAINTENANCE OF SCHOLARSHIP INFORMATION.**—The Secretary of Veterans Affairs shall make reasonable efforts to notify schools and other appropriate entities of the opportunity to be included on the Internet website of the Department of Veterans Affairs pursuant to subsection (a).

TITLE II—HOUSING AND HOMELESSNESS MATTERS

SEC. 201. REAUTHORIZATION OF APPROPRIATIONS FOR HOMELESS VETERANS REINTEGRATION PROGRAM.

Section 2021(e)(1)(F) is amended by striking "2009" and inserting "2011".

SEC. 202. HOMELESS WOMEN VETERANS AND HOMELESS VETERANS WITH CHILDREN REINTEGRATION GRANT PROGRAM.

(a) **GRANT PROGRAM.**—Chapter 20 is amended by inserting after section 2021 the following new section:

"§2021A. Homeless women veterans and homeless veterans with children reintegration grant program

"(a) **GRANTS.**—Subject to the availability of appropriations provided for such purpose, the Secretary of Labor shall make grants to programs and facilities that the Secretary determines provide dedicated services for homeless women veterans and homeless veterans with children.

"(b) **USE OF FUNDS.**—Grants under this section shall be used to provide job training, counseling, placement services (including job readiness and literacy and skills training) and child care services to expedite the reintegration of homeless women veterans and homeless veterans with children into the labor force.

"(c) **REQUIREMENT TO MONITOR EXPENDITURES OF FUNDS.**—(1) The Secretary of Labor shall collect such information as that Secretary considers appropriate to monitor and evaluate the distribution and expenditure of funds appropriated to carry out this section. The information shall include data with respect to the results or outcomes of the services provided to each homeless veteran under this section.

"(2) Information under paragraph (1) shall be furnished in such form and manner as the Secretary of Labor may specify.

"(d) **ADMINISTRATION THROUGH THE ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING.**—The Secretary of Labor shall carry out this section through the Assistant Secretary of Labor for Veterans' Employment and Training.

"(e) **BIENNIAL REPORT TO CONGRESS.**—The Secretary of Labor shall include as part of the report required under section 2021(d) of this title an evaluation of the grant program under this section, which shall include an evaluation of services furnished to veterans under this section and an analysis of the information collected under subsection (c).

"(f) **AUTHORIZATION OF APPROPRIATIONS.**—(1) In addition to any amount authorized to be appropriated to carry out section 2021 of this title, there is authorized to be appropriated to carry out this section \$1,000,000 for each of fiscal years 2011 through 2015.

"(2) Funds appropriated to carry out this section shall remain available until expended. Funds obligated in any fiscal year to carry out this section may be expended in that fiscal year and the succeeding fiscal year."

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2021 the following new item:

"2021A. Homeless women veterans and homeless veterans with children reintegration grant program."

SEC. 203. SPECIALLY ADAPTED HOUSING ASSISTIVE TECHNOLOGY GRANT PROGRAM.

(a) IN GENERAL.—Chapter 21 is amended by adding at the end the following new section:

“§2108. Specially adapted housing assistive technology grant program

“(a) **AUTHORITY TO MAKE GRANTS.**—The Secretary shall make grants to encourage the development of new assistive technologies for specially adapted housing.

“(b) **APPLICATION.**—A person or entity seeking a grant under this section shall submit to the Secretary an application for the grant in such form and manner as the Secretary shall specify.

“(c) **GRANT FUNDS.**—(1) Each grant awarded under this section shall be in an amount of not more than \$200,000 per fiscal year.

“(2) For each fiscal year in which the Secretary makes a grant under this section, the Secretary shall make the grant by not later than April 1 of that year.

“(d) **USE OF FUNDS.**—The recipient of a grant under this section shall use the grant to develop assistive technologies for use in specially adapted housing.

“(e) **REPORT.**—Not later than March 1 of each fiscal year following a fiscal year in which the Secretary makes a grant, the Secretary shall submit to Congress a report containing information related to each grant awarded under this section during the preceding fiscal year, including—

“(1) the name of the grant recipient;

“(2) the amount of the grant; and

“(3) the goal of the grant.

“(f) **FUNDING.**—From amounts appropriated to the Department for readjustment benefits for each fiscal year for which the Secretary is authorized to make a grant under this section, \$1,000,000 shall be available for that fiscal year for the purposes of the program under this section.

“(g) **DURATION.**—The authority to make a grant under this section shall begin on October 1, 2011, and shall terminate on September 30, 2016.”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item: “2108. Specially adapted housing assistive technology grant program.”

SEC. 204. WAIVER OF HOUSING LOAN FEE FOR CERTAIN VETERANS WITH SERVICE-CONNECTED DISABILITIES CALLED TO ACTIVE SERVICE.

Section 3729(c)(1) is amended by inserting after “retirement pay” the following: “or active service pay”.

TITLE III—SERVICEMEMBERS CIVIL RELIEF ACT MATTERS**SEC. 301. RESIDENTIAL AND MOTOR VEHICLE LEASES.**

Subsection (e) of section 305 of the Servicemembers Civil Relief Act (50 U.S.C. App. 535) is amended to read as follows:

“(e) **ARREARAGES AND OTHER OBLIGATIONS AND LIABILITIES.**—

“(1) **LEASES OF PREMISES.**—Rent amounts for a lease described in subsection (b)(1) that are unpaid for the period preceding the effective date of the lease termination shall be paid on a prorated basis. The lessor may not impose an early termination charge, but any taxes, summonses, or other obligations and liabilities of the lessee in accordance with the terms of the lease, including reasonable charges to the lessee for excess wear, that are due and unpaid at the time of termination of the lease shall be paid by the lessee.

“(2) **LEASES OF MOTOR VEHICLES.**—Lease amounts for a lease described in subsection (b)(2) that are unpaid for the period preceding the effective date of the lease termination shall

be paid on a prorated basis. The lessor may not impose an early termination charge, but any taxes, summonses, title and registration fees, or other obligations and liabilities of the lessee in accordance with the terms of the lease, including reasonable charges to the lessee for excess wear or use and mileage, that are due and unpaid at the time of termination of the lease shall be paid by the lessee.”

SEC. 302. TERMINATION OF TELEPHONE SERVICE CONTRACTS.

(a) IN GENERAL.—Section 305A of the Servicemembers Civil Relief Act (50 U.S.C. App. 535a) is amended to read as follows:

“SEC. 305A. TERMINATION OF TELEPHONE SERVICE CONTRACTS.

“(a) **TERMINATION BY SERVICEMEMBER.**—

“(1) **TERMINATION.**—A servicemember may terminate a contract described in subsection (b) at any time after the date the servicemember receives military orders to relocate for a period of not less than 90 days to a location that does not support the contract.

“(2) **NOTICE.**—In the case that a servicemember terminates a contract as described in paragraph (1), the service provider under the contract shall provide such servicemember with written or electronic notice of the servicemember's rights under such paragraph.

“(3) **MANNER OF TERMINATION.**—Termination of a contract under paragraph (1) shall be made by delivery of a written or electronic notice of such termination and a copy of the servicemember's military orders to the service provider, delivered in accordance with industry standards for notification of terminations, together with the date on which the service is to be terminated.

“(b) **COVERED CONTRACTS.**—A contract described in this subsection is a contract for cellular telephone service or telephone exchange service entered into by the servicemember before receiving the military orders referred to in subsection (a)(1).

“(c) **RETENTION OF TELEPHONE NUMBER.**—In the case of a contract terminated under subsection (a) by a servicemember whose period of relocation is for a period of three years or less, the service provider under the contract shall, notwithstanding any other provision of law, allow the servicemember to keep the telephone number the servicemember has under the contract if the servicemember re-subscribes to the service during the 90-day period beginning on the last day of such period of relocation.

“(d) **FAMILY PLANS.**—In the case of a contract for cellular telephone service entered into by any individual in which a servicemember is a designated beneficiary of the contract, the individual who entered into the contract may terminate the contract—

“(1) with respect to the servicemember if the servicemember is eligible to terminate contracts pursuant to subsection (a); and

“(2) with respect to all of the designated beneficiaries of such contract if all such beneficiaries accompany the servicemember during the servicemember's period of relocation.

“(e) **OTHER OBLIGATIONS AND LIABILITIES.**—For any contract terminated under this section, the service provider under the contract may not impose an early termination charge, but any tax or any other obligation or liability of the servicemember that, in accordance with the terms of the contract, is due and unpaid or unperformed at the time of termination of the contract shall be paid or performed by the servicemember. If the servicemember re-subscribes to the service provided under a covered contract during the 90-day period beginning on the last day of the servicemember's period of relocation, the service provider may not impose a charge for reinstating service, other than the usual and customary charges for the installation or acquisition

of customer equipment imposed on any other subscriber.

“(f) **RETURN OF ADVANCE PAYMENTS.**—Not later than 60 days after the effective date of the termination of a contract under this section, the service provider under the contract shall refund to the servicemember any fee or other amount to the extent paid for a period extending until after such date, except for the remainder of the monthly or similar billing period in which the termination occurs.

“(g) **DEFINITIONS.**—For purposes of this section:

“(1) The term ‘cellular telephone service’ means commercial mobile service, as that term is defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d)).

“(2) The term ‘telephone exchange service’ has the meaning given that term under section 3 of the Communications Act of 1934 (47 U.S.C. 153).”

(b) **TECHNICAL AMENDMENT.**—The heading for title III of such Act is amended by inserting “, **TELEPHONE SERVICE CONTRACTS**” after “**LEASES**”.

(c) **CLERICAL AMENDMENTS.**—The table of contents in section 1(b) of such Act is amended—

(1) by striking the item relating to title III and inserting the following new item:

“**TITLE III—RENT, INSTALLMENT CONTRACTS, MORTGAGES, LIENS, ASSIGNMENT, LEASES, TELEPHONE SERVICE CONTRACTS**”; AND

(2) by striking the item relating to section 305A and inserting the following new item:

“**Sec. 305A. Termination of telephone service contracts.**”.

SEC. 303. ENFORCEMENT BY THE ATTORNEY GENERAL AND BY PRIVATE RIGHT OF ACTION.

(a) IN GENERAL.—The Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) is amended by adding at the end the following new title:

“TITLE VIII—CIVIL LIABILITY**“SEC. 801. ENFORCEMENT BY THE ATTORNEY GENERAL.**

“(a) **CIVIL ACTION.**—The Attorney General may commence a civil action in any appropriate district court of the United States against any person who—

“(1) engages in a pattern or practice of violating this Act; or

“(2) engages in a violation of this Act that raises an issue of significant public importance.

“(b) **RELIEF.**—In a civil action commenced under subsection (a), the court may—

“(1) grant any appropriate equitable or declaratory relief with respect to the violation of this Act;

“(2) award all other appropriate relief, including monetary damages, to any person aggrieved by the violation; and

“(3) may, to vindicate the public interest, assess a civil penalty—

“(A) in an amount not exceeding \$55,000 for a first violation; and

“(B) in an amount not exceeding \$110,000 for any subsequent violation.

“(c) **INTERVENTION.**—Upon timely application, a person aggrieved by a violation of this Act with respect to which the civil action is commenced may intervene in such action, and may obtain such appropriate relief as the person could obtain in a civil action under section 802 with respect to that violation, along with costs and a reasonable attorney fee.

“SEC. 802. PRIVATE RIGHT OF ACTION.

“(a) IN GENERAL.—Any person aggrieved by a violation of this Act may in a civil action—

“(1) obtain any appropriate equitable or declaratory relief with respect to the violation; and

“(2) recover all other appropriate relief, including monetary damages.

“(b) **COSTS AND ATTORNEY FEES.**—The court may award to a person aggrieved by a violation of this Act who prevails in an action brought under subsection (a) the costs of the action, including a reasonable attorney fee.

“SEC. 803. PRESERVATION OF REMEDIES.

“Nothing in section 801 or 802 shall be construed to preclude or limit any remedy otherwise available under other law, including consequential and punitive damages.”.

(b) **CONFORMING AMENDMENTS.**—Such Act is further amended as follows:

(1) Section 207 (50 U.S.C. App. 527) is amended by striking subsection (f).

(2) Section 301(c) (50 U.S.C. App. 531(c)) is amended to read as follows:

“(c) **MISDEMEANOR.**—Except as provided in subsection (a), a person who knowingly takes part in an eviction or distress described in subsection (a), or who knowingly attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.”.

(3) Section 302(b) (50 U.S.C. App. 532(b)) is amended to read as follows:

“(b) **MISDEMEANOR.**—A person who knowingly resumes possession of property in violation of subsection (a), or in violation of section 107 of this Act, or who knowingly attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.”.

(4) Section 303(d) (50 U.S.C. App. 533(d)) is amended to read as follows:

“(d) **MISDEMEANOR.**—A person who knowingly makes or causes to be made a sale, foreclosure, or seizure of property that is prohibited by subsection (c), or who knowingly attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.”.

(5) Section 305(h) (50 U.S.C. App. 535(h)) is amended to read as follows:

“(h) **MISDEMEANOR.**—Any person who knowingly seizes, holds, or detains the personal effects, security deposit, or other property of a servicemember or a servicemember's dependent who lawfully terminates a lease covered by this section, or who knowingly interferes with the removal of such property from premises covered by such lease, for the purpose of subjecting or attempting to subject any of such property to a claim for rent accruing subsequent to the date of termination of such lease, or attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.”.

(6) Section 306(e) (50 U.S.C. App. 536(e)) is amended to read as follows:

“(e) **MISDEMEANOR.**—A person who knowingly takes an action contrary to this section, or attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.”.

(7) Section 307(c) (50 U.S.C. App. 537(c)) is amended to read as follows:

“(c) **MISDEMEANOR.**—A person who knowingly takes an action contrary to this section, or attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.”.

(c) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of such Act is amended by adding at the end the following new items:

“**TITLE VIII—CIVIL LIABILITY**

“Sec. 801. Enforcement by the Attorney General.

“Sec. 802. Private right of action.

“Sec. 803. Preservation of remedies.”.

TITLE IV—INSURANCE MATTERS

SEC. 401. INCREASE IN AMOUNT OF SUPPLEMENTAL INSURANCE FOR TOTALLY DISABLED VETERANS.

(a) **IN GENERAL.**—Section 1922A(a) is amended by striking “\$20,000” and inserting “\$30,000”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on October 1, 2011.

SEC. 402. PERMANENT EXTENSION OF DURATION OF SERVICEMEMBERS' GROUP LIFE INSURANCE COVERAGE FOR TOTALLY DISABLED VETERANS.

(a) **EXTENSION.**—Section 1968(a) is amended—

(1) in paragraph (1)(A), by striking clause (ii) and inserting the following new clause (ii):

“(ii) The date that is two years after the date of separation or release from such active duty or active duty for training.”; and

(2) in paragraph (4), by striking subparagraph (B) and inserting the following new subparagraph (B):

“(B) The date that is two years after the date of separation or release from such assignment.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply with respect to a person who is separated or released on or after June 15, 2005.

SEC. 403. ADJUSTMENT OF COVERAGE OF DEPENDENTS UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

Clause (ii) of section 1968(a)(5)(B) is amended to read as follows:

“(ii)(I) in the case of a member of the Ready Reserve of a uniformed service who meets the qualifications set forth in subparagraph (B) or (C) of section 1965(5) of this title, 120 days after separation or release from such assignment; or

“(II) in the case of any other member of the uniformed services, 120 days after the date of the member's separation or release from the uniformed services; or”.

SEC. 404. OPPORTUNITY TO INCREASE AMOUNT OF VETERANS' GROUP LIFE INSURANCE.

(a) **OPPORTUNITY TO INCREASE AMOUNT.**—Section 1977(a) is amended—

(1) in paragraph (1), by inserting “Except as provided in paragraph (3),” before “Veterans' Group Life Insurance shall be”; and

(2) by adding after paragraph (2) the following new paragraph:

“(3) Not more than once in each five-year period beginning on the one-year anniversary of the date a person becomes insured under Veterans' Group Life Insurance, such person may elect in writing to increase by \$25,000 the amount for which the person is insured if—

“(A) the person is under the age of 60; and

“(B) the total amount for which the person is insured does not exceed the amount provided for under section 1967(a)(3)(A)(i) of this title.”.

(b) **EFFECTIVE DATE.**—Paragraph (3) of section 1977(a) of title 38, United States Code, as added by subsection (a), shall take effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 405. ELIMINATION OF REDUCTION IN AMOUNT OF ACCELERATED DEATH BENEFIT FOR TERMINALLY-ILL PERSONS INSURED UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE.

(a) **ELIMINATION OF REDUCTION.**—Section 1980(b)(1) is amended by striking “reduced by” and all that follows through “the Secretary”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to a payment of an accelerated death benefit under section 1980 of title 38, United States Code, made on or after the date of the enactment of this Act.

SEC. 406. CONSIDERATION OF LOSS OF DOMINANT HAND IN PRESCRIPTION OF SCHEDULE OF SEVERITY OF TRAUMATIC INJURY UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) **SCHEDULE.**—

(1) **IN GENERAL.**—Section 1980A(d) is amended—

(A) by striking “Payments under” and inserting “(1) Payments under”; and

(B) by adding at the end the following new paragraph:

“(2) As the Secretary considers appropriate, the schedule required by paragraph (1) may distinguish in specifying payments for qualifying losses between the severity of a qualifying loss of a dominant hand and of a qualifying loss of a nondominant hand.”.

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall take effect on October 1, 2011.

(b) **PAYMENTS FOR QUALIFYING LOSSES INCURRED BEFORE DATE OF ENACTMENT.**—

(1) **IN GENERAL.**—To the extent necessary, the Secretary of Veterans Affairs shall prescribe in regulations mechanisms for payments under section 1980A of title 38, United States Code, for qualifying losses incurred before the date of the enactment of this Act, by reason of paragraph (2) of subsection (d) of such section (as added by subsection (a)(1) of this section).

(2) **QUALIFYING LOSS DEFINED.**—In this subsection, the term “qualifying loss” means—

(A) a loss specified in the second sentence of subsection (b)(1) of section 1980A of title 38, United States Code; and

(B) any other loss specified by the Secretary of Veterans Affairs pursuant to the first sentence of that subsection.

SEC. 407. ENHANCEMENT OF VETERANS' MORTGAGE LIFE INSURANCE.

(a) **IN GENERAL.**—Section 2106(b) is amended by striking “\$90,000” and inserting “\$150,000, or after January 1, 2012, \$200,000.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on October 1, 2011.

SEC. 408. EXPANSION OF INDIVIDUALS QUALIFYING FOR RETROACTIVE BENEFITS FROM TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) **IN GENERAL.**—Paragraph (1) of section 501(b) of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006 (Public Law 109-233; 120 Stat. 414; 38 U.S.C. 1980A note) is amended by striking “, if, as determined by the Secretary concerned, that loss was a direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom”.

(b) **CONFORMING AMENDMENT.**—The heading of such section is amended by striking “IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1, 2011.

TITLE V—BURIAL AND CEMETERY MATTERS

SEC. 501. INCREASE IN CERTAIN BURIAL AND FUNERAL BENEFITS AND PLOT ALLOWANCES FOR VETERANS.

(a) **INCREASE IN BURIAL AND FUNERAL EXPENSES FOR DEATHS IN DEPARTMENT FACILITIES.**—Paragraph (1)(A) of subsection (a) of section 2303 is amended by striking “\$300” and inserting “\$700 (as increased from time to time under subsection (c))”.

(b) **INCREASE IN AMOUNT OF PLOT ALLOWANCES.**—Subsection (b) of such section is amended by striking “\$300” both places it appears and inserting “\$700 (as increased from time to time under subsection (c))”.

(c) **ANNUAL ADJUSTMENT.**—Such section is further amended by adding at the end the following new subsection:

“(c) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the maximum amount of burial and funeral expenses payable

under subsection (a) and in the maximum amount of the plot or interment allowance payable under subsection (b), equal to the percentage by which—

“(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

“(2) the Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).”.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to deaths occurring on or after October 1, 2011.

(2) PROHIBITION ON COST-OF-LIVING ADJUSTMENT FOR FISCAL YEAR 2012.—No adjustments shall be made under section 2303(c) of title 38, United States Code, as added by subsection (c), for fiscal year 2012.

SEC. 502. INTERMENT IN NATIONAL CEMETERIES OF PARENTS OF CERTAIN DECEASED VETERANS.

(a) SHORT TITLE.—This section may be cited as the “Corey Shea Act”.

(b) INTERMENT OF PARENTS OF CERTAIN DECEASED VETERANS.—Section 2402 is amended—

(1) in the matter preceding paragraph (1), by striking “Under such regulations” and inserting “(a) Under such regulations”;

(2) by moving the margins of paragraphs (1) through (8) two ems to the right;

(3) by inserting after paragraph (8) the following new paragraph:

“(9)(A) The parent of a person described in subparagraph (B), if the Secretary determines that there is available space at the gravesite where the person described in subparagraph (B) is interred.

“(B) A person described in this subparagraph is a person described in paragraph (1) who—

“(i) is a hostile casualty or died from a training-related injury;

“(ii) is interred in a national cemetery; and

“(iii) at the time of the person’s parent’s death, did not have a spouse, surviving spouse, or child who is buried or who, upon death, may be eligible for burial in a national cemetery pursuant to paragraph (5).”; and

(4) by adding at the end the following new subsection:

“(b) For purposes of subsection (a)(9) of this section:

“(1) The term ‘parent’ means a biological father or a biological mother or, in the case of adoption, a father through adoption or a mother through adoption.

“(2) The term ‘hostile casualty’ means a person who, as a member of the Armed Forces, dies as the direct result of hostile action with the enemy, while in combat, while going to or returning from a combat mission if the cause of death was directly related to hostile action, or while hospitalized or undergoing treatment at the expense of the United States for injury incurred during combat, and includes a person killed mistakenly or accidentally by friendly fire directed at a hostile force or what is thought to be a hostile force, but does not include a person who dies due to the elements, a self-inflicted wound, combat fatigue, or a friendly force while the person was in an absent-without-leave, deserter, or dropped-from-rolls status or was voluntarily absent from a place of duty.

“(3) The term ‘training-related injury’ means an injury incurred by a member of the Armed Forces while performing authorized training activities in preparation for a combat mission.”.

(c) GUIDANCE REQUIRED.—The Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall develop guidance under which the parent of a person described in para-

graph (9)(B) of subsection (a) of section 2402 of title 38, United States Code, as added by subsection (b), may be designated for interment in a national cemetery under that section.

(d) CONFORMING AMENDMENTS.—

(1) CROSS-REFERENCE CORRECTION.—Section 107 is amended by striking “section 2402(8)” both places it appears and inserting “section 2402(a)(8)”.

(2) CROSS-REFERENCE CORRECTION.—Section 2301(e) is amended by striking “section 2402(6)” and inserting “section 2402(a)(6)”.

(3) CROSS-REFERENCE CORRECTION.—Section 2306(a) is amended—

(A) in paragraph (2), by striking “section 2402(4)” and inserting “section 2402(a)(4)”;

(B) in paragraph (4), by striking “section 2402(5)” and inserting “section 2402(a)(5)”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the death, on or after the date of the enactment of this Act, of the parent of a person described in paragraph (9)(B) of subsection (a) of section 2402 of title 38, United States Code, as added by subsection (b), who dies on or after October 7, 2001.

SEC. 503. REPORTS ON SELECTION OF NEW NATIONAL CEMETERIES.

(a) INITIAL REPORT.—

(1) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the selection of the sites described in paragraph (2) for the purpose of establishing new national cemeteries.

(2) SITES.—The sites described in this paragraph are the following:

(A) An area in southern Colorado.

(B) An area near Melbourne, Florida, and Daytona, Florida.

(C) An area near Omaha, Nebraska.

(D) An area near Buffalo, New York, and Rochester, New York.

(E) An area near Tallahassee, Florida.

(3) SITE SELECTION.—In carrying out this section, the Secretary shall solicit advice and views of representatives of State and local veterans organizations and other individuals as the Secretary considers appropriate.

(4) MATTERS INCLUDED.—The report under paragraph (1) shall include the following:

(A) A schedule for the establishment of each cemetery at each site described in paragraph (2) and an estimate of the costs associated with the establishment of each such cemetery.

(B) As of the date of the submittal of the report, the amount of funds that are available to establish each cemetery at each site described in paragraph (2) from amounts appropriated to the Department of Veterans Affairs for Advance Planning.

(b) ANNUAL REPORTS.—Not later than two years after the date of the enactment of this Act, and each year thereafter until the date on which each cemetery at each site described in subsection (a)(2) is established, the Secretary shall submit to Congress an annual report that includes updates to the information provided in the report under subsection (a).

TITLE VI—COMPENSATION AND PENSION

SEC. 601. ENHANCEMENT OF DISABILITY COMPENSATION FOR CERTAIN DISABLED VETERANS WITH DIFFICULTIES USING PROSTHESES AND DISABLED VETERANS IN NEED OF REGULAR AID AND ATTENDANCE FOR RESIDUALS OF TRAUMATIC BRAIN INJURY.

(a) VETERANS SUFFERING ANATOMICAL LOSS OF HANDS, ARMS, OR LEGS.—Section 1114 is amended—

(1) in subsection (m)—

(A) by striking “at a level, or with complications,” and inserting “with factors”; and

(B) by striking “at levels, or with complications,” and inserting “with factors”;

(2) in subsection (n)—

(A) by striking “at levels, or with complications,” and inserting “with factors”;

(B) by striking “so near the hip as to” and inserting “with factors that”; and

(C) by striking “so near the shoulder and hip as to” and inserting “with factors that”; and

(3) in subsection (o), by striking “so near the shoulder as to” and inserting “with factors that”.

(b) VETERANS WITH SERVICE-CONNECTED DISABILITIES IN NEED OF REGULAR AID AND ATTENDANCE FOR RESIDUALS OF TRAUMATIC BRAIN INJURY.—

(1) IN GENERAL.—Such section is further amended—

(A) in subsection (p), by striking the semicolon at the end and inserting a period; and

(B) by adding at the end the following new subsection:

“(t) Subject to section 5503(c) of this title, if any veteran, as the result of service-connected disability, is in need of regular aid and attendance for the residuals of traumatic brain injury, is not eligible for compensation under subsection (r)(2), and in the absence of such regular aid and attendance would require hospitalization, nursing home care, or other residential institutional care, the veteran shall be paid, in addition to any other compensation under this section, a monthly aid and attendance allowance equal to the rate described in subsection (r)(2), which for purposes of section 1134 of this title shall be considered as additional compensation payable for disability. An allowance authorized under this subsection shall be paid in lieu of any allowance authorized by subsection (r)(1).”.

(2) CONFORMING AMENDMENT.—Section 5503(c) is amended by striking “in section 1114(r)” and inserting “in subsection (r) or (t) of section 1114”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2011.

SEC. 602. COST-OF-LIVING INCREASE FOR TEMPORARY DEPENDENCY AND INDEMNITY COMPENSATION PAYABLE FOR SURVIVING SPOUSES WITH DEPENDENT CHILDREN UNDER THE AGE OF 18.

Section 1311(f) is amended—

(1) in paragraph (1), by inserting “(as increased from time to time under paragraph (4))” after “\$250”;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph (4):

“(4) Whenever there is an increase in benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) as a result of a determination made under section 215(i) of such Act (42 U.S.C. 415(i)), the Secretary shall, effective on the date of such increase in benefit amounts, increase the amount payable under paragraph (1), as such amount was in effect immediately prior to the date of such increase in benefit amounts, by the same percentage as the percentage by which such benefit amounts are increased. Any increase in a dollar amount under this paragraph shall be rounded down to the next lower whole dollar amount.”.

SEC. 603. PAYMENT OF DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVORS OF FORMER PRISONERS OF WAR WHO DIED ON OR BEFORE SEPTEMBER 30, 1999.

(a) IN GENERAL.—Section 1318(b)(3) is amended by striking “who died after September 30, 1999.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2011.

SEC. 604. EXCLUSION OF CERTAIN AMOUNTS FROM CONSIDERATION AS INCOME FOR PURPOSES OF VETERANS PENSION BENEFITS.

(a) EXCLUSION.—Section 1503(a) is amended—
(1) by striking “and” at the end of paragraph (10);

(2) by redesignating paragraph (11) as paragraph (12); and

(3) by inserting after paragraph (10) the following new paragraph (11):

“(11) payment of a monetary amount of up to \$5,000 to a veteran from a State or municipality that is paid as a veterans’ benefit due to injury or disease; and”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to determinations of income for calendar years beginning after October 1, 2011.

SEC. 605. COMMENCEMENT OF PERIOD OF PAYMENT OF ORIGINAL AWARDS OF COMPENSATION FOR VETERANS RETIRED OR SEPARATED FROM THE UNIFORMED SERVICES FOR CATASTROPHIC DISABILITY.

(a) COMMENCEMENT OF PERIOD OF PAYMENT.—Subsection (a) of section 5111 is amended—

(1) by inserting “(1)” after “(a)”;

(2) in paragraph (1), as so designated by paragraph (1) of this subsection, by striking “in subsection (c) of this section” and inserting “in paragraph (2) and subsection (c)”;

(3) by adding at the end the following new paragraph:

“(2)(A) In the case of a veteran who is retired or separated from the active military, naval, or air service for a catastrophic disability or disabilities, payment of monetary benefits based on an award of compensation based on an original claim shall be made as of the date on which such award becomes effective as provided under section 5110 of this title or another applicable provision of law.

“(B) For the purposes of this paragraph, the term ‘catastrophic disability’, with respect to a veteran, means a permanent, severely disabling injury, disorder, or disease that compromises the ability of the veteran to carry out the activities of daily living to such a degree that the veteran requires personal or mechanical assistance to leave home or bed, or requires constant supervision to avoid physical harm to self or others.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2011, and shall apply with respect to awards of compensation based on original claims that become effective on or after that date.

SEC. 606. APPLICABILITY OF LIMITATION TO PENSION PAYABLE TO CERTAIN CHILDREN OF VETERANS OF A PERIOD OF WAR.

Section 5503(d)(5) is amended—

(1) by inserting “(A)” after “(5)”;

(2) by adding at the end the following new subparagraph:

“(B) The provisions of this subsection shall apply with respect to a child entitled to pension under section 1542 of this title in the same manner as they apply to a veteran having neither spouse nor child.”.

SEC. 607. EXTENSION OF REDUCED PENSION FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES.

Section 5503(d)(7) is amended by striking “September 30, 2011” and inserting “May 31, 2015”.

SEC. 608. CODIFICATION OF 2009 COST-OF-LIVING ADJUSTMENT IN RATES OF PENSION FOR DISABLED VETERANS AND SURVIVING SPOUSES AND CHILDREN.

(a) DISABLED VETERANS.—Section 1521 of title 38, United States Code, is amended—

(1) in subsection (b), by striking “\$3,550” and inserting “\$11,830”;

(2) in subsection (c)—

(A) by striking “\$4,651” and inserting “\$15,493”; and

(B) by striking “\$600” and inserting “\$2,020”;

(3) in subsection (d)—

(A) in paragraph (1), by striking “\$5,680” and inserting “\$19,736”; and

(B) in paragraph (2)—

(i) by striking “\$6,781” and inserting “\$23,396”; and

(ii) by striking “\$600” and inserting “\$2,020”;

(4) in subsection (e)—

(A) by striking “\$4,340” and inserting “\$14,457”;

(B) by striking “\$5,441” and inserting “\$18,120”; and

(C) by striking “\$600” and inserting “\$2,020”;

(5) in subsection (f)—

(A) in paragraph (1), by striking “\$4,651” and inserting “\$15,493”;

(B) in paragraph (2)—

(i) by striking “\$6,781” and inserting “\$23,396”; and

(ii) by striking “\$8,911” and inserting “\$30,480”;

(C) in paragraph (3)—

(i) by striking “\$5,441” and inserting “\$18,120”; and

(ii) by striking “\$6,231” and inserting “\$20,747”;

(D) in paragraph (4), by striking “\$7,571” and inserting “\$26,018”; and

(E) in paragraph (5), by striking “\$600” and inserting “\$2,020”; and

(6) in subsection (g), by striking “\$800” and inserting “\$2,686”.

(b) SURVIVING SPOUSES.—Section 1541 of such title is amended—

(1) in subsection (b), by striking “\$2,379” and inserting “\$7,933”;

(2) in subsection (c)—

(A) by striking “\$3,116” and inserting “\$10,385”; and

(B) by striking “\$600” and inserting “\$2,020”;

(3) in subsection (d)—

(A) in paragraph (1), by striking “\$3,806” and inserting “\$12,681”; and

(B) in paragraph (2)—

(i) by striking “\$4,543” and inserting “\$15,128”; and

(ii) by striking “\$600” and inserting “\$2,020”;

and

(4) in subsection (e)(1)—

(A) by striking “\$2,908” and inserting “\$9,696”;

(B) by striking “\$3,645” and inserting “\$12,144”; and

(C) by striking “\$600” and inserting “\$2,020”.

(c) SURVIVING CHILDREN.—Section 1542 of such title is amended by striking “\$600” and inserting “\$2,020” both places it appears.

(d) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall apply with respect to pensions paid on or after December 1, 2009.

TITLE VII—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

SEC. 701. CLARIFICATION THAT USERRA PROHIBITS WAGE DISCRIMINATION AGAINST MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 4303(2) is amended by striking “other than” and inserting “including”.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to—

(1) any failure to comply with a provision of or any violation of chapter 43 of title 38, United States Code, that occurs before, on, or after the date of the enactment of this Act; and

(2) all actions or complaints filed under such chapter 43 that are pending on or after the date of the enactment of this Act.

SEC. 702. CLARIFICATION OF THE DEFINITION OF “SUCCESSOR IN INTEREST”.

(a) IN GENERAL.—Section 4303(4) is amended by adding at the end the following new subparagraph:

“(D)(i) Whether the term ‘successor in interest’ applies with respect to an entity described in subparagraph (A) for purposes of clause (iv) of such subparagraph shall be determined on a case-by-case basis using a multi-factor test that considers the following factors:

“(I) Substantial continuity of business operations.

“(II) Use of the same or similar facilities.

“(III) Continuity of work force.

“(IV) Similarity of jobs and working conditions.

“(V) Similarity of supervisory personnel.

“(VI) Similarity of machinery, equipment, and production methods.

“(VII) Similarity of products or services.

“(ii) The entity’s lack of notice or awareness of a potential or pending claim under this chapter at the time of a merger, acquisition, or other form of succession shall not be considered when applying the multi-factor test under clause (i).”.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to—

(1) any failure to comply with a provision of or any violation of chapter 43 of title 38, United States Code, that occurs before, on, or after the date of the enactment of this Act; and

(2) all actions or complaints filed under such chapter 43 that are pending on or after the date of the enactment of this Act.

SEC. 703. TECHNICAL AMENDMENTS.

(a) AMENDMENT TO SECTION 4324 OF TITLE 38, UNITED STATES CODE.—Section 4324(b)(4) is amended by inserting before the period the following: “declining to initiate an action and represent the person before the Merit Systems Protection Board”.

(b) AMENDMENT TO CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—Section 206(b) of the Congressional Accountability Act of 1995 (2 U.S.C. 1316(b)) is amended by striking “under paragraphs (1), (2)(A), and (3) of section 4323(c) of title 38, United States Code” and inserting “under section 4323(d) of title 38, United States Code”.

(c) AMENDMENT TO SECTION 416 OF TITLE 3, UNITED STATES CODE.—Section 416(b) of title 3, United States Code, is amended by striking “under paragraphs (1) and (2)(A) of section 4323(c) of title 38” and inserting “under section 4323(d) of title 38”.

TITLE VIII—BENEFITS MATTERS

SEC. 801. INCREASE IN NUMBER OF VETERANS FOR WHICH PROGRAMS OF INDEPENDENT LIVING SERVICES AND ASSISTANCE MAY BE INITIATED.

(a) INCREASE.—Section 3120(e) is amended by striking “2600” and inserting “2,700”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fiscal years beginning after the date of the enactment of this Act.

SEC. 802. PAYMENT OF UNPAID BALANCES OF DEPARTMENT OF VETERANS AFFAIRS GUARANTEED LOANS.

(a) IN GENERAL.—Section 3732(a)(2) is amended—

(1) by striking “Before suit” and inserting “(A) Before suit”; and

(2) by adding at the end the following new subparagraph:

“(B) In the event that a housing loan guaranteed under this chapter is modified under the authority provided under section 1322(b) of title 11, the Secretary may pay the holder of the obligation the unpaid principal balance of the obligation due, plus accrued interest, as of the date of the filing of the petition under title 11, but only upon the assignment, transfer, and delivery to the Secretary (in a form and manner satisfactory to the Secretary) of all rights, interest,

claims, evidence, and records with respect to the housing loan.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply with respect to a housing loan guaranteed after the date of the enactment of this Act.

SEC. 803. ELIGIBILITY OF DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES WITH SEVERE BURN INJURIES FOR AUTOMOBILES AND ADAPTIVE EQUIPMENT.

(a) **ELIGIBILITY.**—Paragraph (1) of section 3901 is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking “the disabilities described in subclause (i), (ii), or (iii) below” and inserting “the following disabilities”; and

(B) by adding at the end the following new clause:

“(iv) A severe burn injury (as determined pursuant to regulations prescribed by the Secretary).”; and

(2) in subparagraph (B), by striking “subclause (i), (ii), or (iii) of clause (A) of this paragraph” and inserting “clause (i), (ii), (iii), or (iv) of subparagraph (A)”.

(b) **STYLISTIC AMENDMENTS.**—Such section is further amended—

(1) in the matter preceding paragraph (1), by striking “chapter—” and inserting “chapter:”;

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “means—” and inserting “means the following:”;

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “any veteran” and inserting “Any veteran”;

(ii) in each of clauses (i) and (ii), by striking the semicolon at the end and inserting a period; and

(iii) in clause (iii), by striking “; or” and inserting a period; and

(C) in subparagraph (B), by striking “any member” and inserting “Any member”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1, 2011.

SEC. 804. ENHANCEMENT OF AUTOMOBILE ASSISTANCE ALLOWANCE FOR VETERANS.

(a) **INCREASE IN AMOUNT OF ALLOWANCE.**—Subsection (a) of section 3902 is amended by striking “\$11,000” and inserting “\$18,900 (as adjusted from time to time under subsection (e))”.

(b) **ANNUAL ADJUSTMENT.**—Such section is further amended by adding at the end the following new subsection:

“(e) Effective on October 1 of each year (beginning in 2011), the Secretary shall increase the dollar amount in effect under subsection (a) by a percentage equal to the percentage by which the Consumer Price Index for all urban consumers (U.S. city average) increased during the 12-month period ending with the last month for which Consumer Price Index data is available. In the event that such Consumer Price Index does not increase during such period, the Secretary shall maintain the dollar amount in effect under subsection (a) during the previous fiscal year.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1, 2011.

SEC. 805. NATIONAL ACADEMIES REVIEW OF BEST TREATMENTS FOR CHRONIC MULTISYMPTOM ILLNESS IN PERSIAN GULF WAR VETERANS.

(a) **IN GENERAL.**—The Secretary of Veterans Affairs shall seek to enter into an agreement with the Institute of Medicine of the National Academies to carry out a comprehensive review of the best treatments for chronic multisymptom illness in Persian Gulf War veterans and an

evaluation of how such treatment approaches could best be disseminated throughout the Department of Veterans Affairs to improve the care and benefits provided to veterans.

(b) **GROUP OF MEDICAL PROFESSIONALS.**—Under any agreement entered into under subsection (a), the Institute of Medicine shall convene a group of medical professionals who are experienced in treating individuals who served as members of the Armed Forces in the Southwest Asia Theater of Operations of the Persian Gulf War during 1990 or 1991 and who have been diagnosed with chronic multisymptom illness or another health condition related to chemical and environmental exposure that may have occurred during such service.

(c) **REPORT.**—Any agreement entered into under subsection (a) shall require the Institute of Medicine to submit to the Secretary and to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the review and evaluation described in subsection (a) by not later than December 31, 2012. The report shall include such recommendations for legislative or administrative action as the Institute considers appropriate in light of the results of the review.

(d) **FUNDING.**—Pursuant to any agreement entered into under subsection (a), the Secretary shall provide the Institute of Medicine with such funds as are necessary to ensure the timely completion of the review described that subsection.

(e) **DEFINITIONS.**—For purposes of this section:

(1) The term “chronic multisymptom illness in Persian Gulf War veterans” means a chronic multisymptom illness defined by a cluster of signs or symptoms relating to service in the Persian Gulf War, typically including widespread pain, persistent memory and concentration problems, chronic headaches, gastrointestinal problems, and other abnormalities not explained by well-established diagnoses.

(2) The term “Persian Gulf War” has the meaning given that term in section 101(33) of title 38, United States Code.

SEC. 806. EXTENSION AND MODIFICATION OF NATIONAL ACADEMY OF SCIENCES REVIEWS AND EVALUATIONS ON ILLNESS AND SERVICE IN PERSIAN GULF WAR AND POST-9/11 GLOBAL OPERATIONS THEATERS.

(a) **REVIEW AND EVALUATION OF AGENTS AND ILLNESSES ASSOCIATED WITH PERSIAN GULF WAR SERVICE.**—

(1) **EXTENSION OF REVIEW AND EVALUATION.**—Subsection (j) of section 1603 of the Persian Gulf War Veterans Act of 1998 (Public Law 105-277; 38 U.S.C. 1117 note), as amended by section 202(d)(2) of the Veterans Education and Benefits Expansion Act of 2001 (Public Law 107-173; 115 Stat. 989), is amended by striking “October 1, 2010” and inserting “October 1, 2015”.

(2) **DISAGGREGATION OF RESULTS BY THEATERS OF OPERATIONS BEFORE AND AFTER SEPTEMBER 11, 2001.**—Such section is further amended—

(A) in subsection (c)(1)(A), by striking “who served in the Southwest Asia theater of operations” and all that follows and inserting “who may have been exposed by reason of service in the Southwest Asia theater of operations during the Persian Gulf War or, after September 11, 2001, in another Post-9/11 Global Theater of Operations; and”;

(B) in subsection (g)(1), by striking “Gulf War service” and inserting “service described in subsection (c)(1)(A)”;

(C) in subsection (i)—

(i) in paragraph (1), by striking “paragraph (5)” and inserting “paragraph (6)”;

(ii) by redesignating paragraph (5) as paragraph (6); and

(iii) by inserting after paragraph (4) the following new paragraph (5):

“(5) In each report under this subsection submitted after the date of the enactment of this

paragraph, any determinations, results, and recommendations as described in paragraph (2) shall be submitted separately as follows:

“(A) For the Southwest Asia theater of operations for the period of the Persian Gulf War ending on September 11, 2001.

“(B) For the Post-9/11 Global Theaters of Operations for the period of the Persian Gulf War beginning on September 11, 2001.”; and

(D) by adding at the end the following new subsection:

“(I) **DEFINITIONS.**—In this section:

“(1) The term ‘Persian Gulf War’ has the meaning given that term in section 101(33) of title 38, United States Code.

“(2) The term ‘Post-9/11 Global Theater of Operations’ means Afghanistan, Iraq, and any other theater of operations for which the Global War on Terrorism Expeditionary Medal is awarded for service.”.

(b) **REVIEW AND EVALUATION OF AVAILABLE EVIDENCE REGARDING ILLNESS AND SERVICE IN PERSIAN GULF WAR.**—

(1) **IN GENERAL.**—Subsection (j) of section 101 of the Veterans Programs Enhancement Act of 1998 (Public Law 105-368; 112 Stat. 3321) is amended by striking “11 years after” and all that follows through “under subsection (b)” and inserting “on October 1, 2018”.

(2) **DISAGGREGATION OF RESULTS BY THEATERS OF OPERATIONS BEFORE AND AFTER SEPTEMBER 11, 2001.**—Such section is further amended—

(A) in subsection (c)(1)—

(i) in the matter preceding subparagraph (A), by striking “Gulf war veterans” and all that follows through “Persian Gulf War” and inserting “veterans who served in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War or, after September 11, 2001, in another Post-9/11 Global Theater of Operations and the health consequences of exposures to risk factors during such service”; and

(ii) in subparagraph (A), by striking “who served” and all that follows through “such service” and inserting “who may have been exposed by reason of service in the Southwest Asia theater of operations during the Persian Gulf War or, after September 11, 2001, in another Post-9/11 Global Theater of Operations”;

(B) in subsection (e)(1)—

(i) in the matter preceding subparagraph (A), by striking “Gulf War service or exposure during Gulf War service” and inserting “service in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War or, after September 11, 2001, in another Post-9/11 Global Theater of Operations or exposure during such service”; and

(ii) in subparagraphs (E) and (F), by striking “Gulf War veterans” each place it appears and inserting “veterans described in subsection (c)(1)”;

(C) in subsection (f)(1)—

(i) by striking “service in the Persian Gulf War” and inserting “service described in subsection (c)(1)(A)”;

(ii) by striking “Gulf War service” and inserting “such service”;

(D) in subsection (h), by adding at the end the following new paragraph:

“(5) In each report under this subsection submitted after the date of the enactment of this paragraph, any determinations, discussions, and recommendations as described in paragraph (2) shall be submitted separately as follows:

“(A) For the Southwest Asia theater of operations for the period of the Persian Gulf War ending on September 11, 2001.

“(B) For the Post-9/11 Global Theaters of Operations for the period of the Persian Gulf War beginning on September 11, 2001.”;

(E) in subsection (i)—

(i) in paragraph (2)—

(I) by striking “Persian Gulf War service” and inserting “service described in subsection (c)(1)(A)”;

(II) by striking “service in the Persian Gulf War” and inserting “such service”; and

(III) by striking “Gulf War veterans” and inserting “veterans described in subsection (c)(1)(A)”; and

(ii) by adding at the end the following new paragraph:

“(4) In each report under this subsection submitted after the date of the enactment of this paragraph, any recommendations as described in paragraph (2) shall be submitted separately as follows:

“(A) For the Southwest Asia theater of operations for the period of the Persian Gulf War ending on September 11, 2001.

“(B) For the Post-9/11 Global Theaters of Operations for the period of the Persian Gulf War beginning on September 11, 2001.”; and

(F) in subsection (k)—

(i) by striking “In this section, the term” and inserting the following: “In this section:

“(1) The term ‘Persian Gulf War’ has the meaning given that term in section 101(33) of title 38, United States Code.

“(2) The term ‘Post-9/11 Global Theater of Operations’ means Afghanistan, Iraq, and any other theater of operations for which the Global War on Terrorism Expeditionary Medal is awarded for service.

“(3) The term”; and

(ii) in paragraph (3), as designated by clause (i)—

(I) by striking “vaccine associated with Gulf War service” means” and inserting “vaccine”, with respect to service described in subsection (c)(1)(A), means”; and

(II) by striking “service in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War” and inserting “service described in such subsection (c)(1)(A)”.
(3) CONFORMING AMENDMENT.—Section 1604 of the Persian Gulf War Veterans Act of 1998 (Public Law 105–277; 38 U.S.C. 1117 note) is repealed.

SEC. 807. EXTENSION OF AUTHORITY FOR REGIONAL OFFICE IN REPUBLIC OF THE PHILIPPINES.

(a) EXTENSION OF AUTHORITY.—Section 315(b) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

(b) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Veterans’ Affairs and the Committee on Appropriations of the Senate and the Committee on Veterans’ Affairs and the Committee on Appropriations of the House of Representatives a report on the regional office of the Department of Veterans Affairs in the Republic of the Philippines.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the activities of the office described in such paragraph, including activities relating to the administration of benefits provided under laws administered by the Secretary of Veterans Affairs and benefits provided under the Social Security Act (42 U.S.C. 301 et seq.).

(B) An assessment of the costs and benefits of maintaining such office in the Republic of the Philippines in comparison with the costs and benefits of moving the activities of such office to the United States.

SEC. 808. EXTENSION OF AN ANNUAL REPORT ON EQUITABLE RELIEF.

Section 503(c) is amended by striking “December 31, 2009” and inserting “December 31, 2014”.

SEC. 809. AUTHORITY FOR THE PERFORMANCE OF MEDICAL DISABILITY EXAMINATIONS BY CONTRACT PHYSICIANS.

Section 704(c) of the Veterans Benefits Act of 2003 (Public Law 108–183; 38 U.S.C. 5101 note), as amended by section 105 of the Veterans’ Ben-

efits Improvement Act of 2008 (Public Law 110–389; 122 Stat. 4149) is amended by striking “December 31, 2010” and inserting “December 31, 2012”.

TITLE IX—AUTHORIZATION OF MEDICAL FACILITY PROJECTS AND MAJOR MEDICAL FACILITY LEASES

SEC. 901. AUTHORIZATION OF FISCAL YEAR 2011 MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may carry out the following fiscal year 2011 major medical facility leases at the locations specified, in an amount not to exceed the amount shown for each such location:

(1) Billings, Montana, Community Based Outpatient Clinic, in an amount not to exceed \$7,149,000.

(2) Boston, Massachusetts, Outpatient Clinic, in an amount not to exceed \$3,316,000.

(3) San Diego, California, Community Based Outpatient Clinic, in an amount not to exceed \$21,495,000.

(4) San Francisco, California, Research Lab, in an amount not to exceed \$10,055,000.

(5) San Juan, Puerto Rico, Mental Health Facility, in an amount not to exceed \$5,323,000.

SEC. 902. MODIFICATION OF AUTHORIZATION AMOUNT FOR MAJOR MEDICAL FACILITY CONSTRUCTION PROJECT PREVIOUSLY AUTHORIZED FOR THE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, NEW ORLEANS, LOUISIANA.

Section 801(a)(1) of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109–461; 120 Stat. 3442), as amended by section 702(a)(1) of the Veterans’ Mental Health and Other Care Improvements Act of 2008 (Public Law 110–387; 122 Stat. 4137), is amended by striking “\$625,000,000” and inserting “\$995,000,000”.

SEC. 903. MODIFICATION OF AUTHORIZATION AMOUNT FOR MAJOR MEDICAL FACILITY CONSTRUCTION PROJECT PREVIOUSLY AUTHORIZED FOR THE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, LONG BEACH, CALIFORNIA.

Section 802(9) of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109–461; 120 Stat. 3443) is amended by striking “\$107,845,000” and inserting “\$117,845,000”.

SEC. 904. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2011 for the Construction, Major Projects account \$1,112,845,000, of which—

(1) \$995,000,000 is for the increased amounts authorized for the project whose authorization is modified by section 902; and

(2) \$117,845,000 is for the increased amounts authorized for the project whose authorization is modified by section 903.

(b) AUTHORIZATION OF APPROPRIATIONS FOR MEDICAL FACILITY LEASES.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2011 for the Medical Facilities account \$47,338,000 for the leases authorized in section 901.

(c) LIMITATIONS.—The projects whose authorizations are modified under sections 902 and 903 may only be carried out using—

(1) funds appropriated for fiscal year 2011 pursuant to the authorization of appropriations in subsection (a) of this section;

(2) funds available for Construction, Major Projects, for a fiscal year before fiscal year 2011 that remain available for obligation;

(3) funds available for Construction, Major Projects, for a fiscal year after fiscal year 2011 that remain available for obligation;

(4) funds appropriated for Construction, Major Projects, for fiscal year 2011 for a category of activity not specific to a project;

(5) funds appropriated for Construction, Major Projects, for a fiscal year before 2011 for a category of activity not specific to a project; and

(6) funds appropriated for Construction, Major Projects, for a fiscal year after 2011 for a category of activity not specific to a project.

SEC. 905. REQUIREMENT THAT BID SAVINGS ON MAJOR MEDICAL FACILITY PROJECTS OF DEPARTMENT OF VETERANS AFFAIRS BE USED FOR OTHER MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS OF THE DEPARTMENT.

Section 8104(d) is amended—

(1) by striking “In any case” and inserting “(1) Except as provided in paragraph (2), in any case”; and

(2) by adding at the end the following new paragraph:

“(2)(A) In any fiscal year, unobligated amounts in the Construction, Major Projects account that are a direct result of bid savings from a major medical facility project may only be obligated for major medical facility projects authorized for that fiscal year or a previous fiscal year.

“(B) Whenever the Secretary obligates amounts for a major medical facility under subparagraph (A), the Secretary shall submit to the Committee on Veterans’ Affairs and the Committee on Appropriations of the Senate and the Committee on Veterans’ Affairs and the Committee on Appropriations of the House of Representatives notice of the following:

“(i) The major medical facility project that is the source of the bid savings.

“(ii) The other major medical facility project for which the amounts are being obligated.

“(iii) The amounts being obligated for such other major medical facility project.”.

TITLE X—OTHER MATTERS

SEC. 1001. TECHNICAL CORRECTIONS.

(a) CHAPTER 1.—The table of sections at the beginning of chapter 1 is amended by striking the item relating to section 118 and inserting the following new item:

“118. Submission of reports to Congress in electronic form.”.

(b) CHAPTER 11.—Section 1114(r)(2) is amended by striking “\$2,983” and inserting “\$2,983”.

(c) CHAPTER 17.—Chapter 17 is amended as follows:

(1) In each of subparagraphs (A) and (B) of section 1717(a)(2), by striking “the date of the Caregivers and Veterans Omnibus Health Services Act of 2010” each place it appears and inserting “May 5, 2010”.

(2) In section 1785—

(A) by striking “section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh–11(b))” and inserting “section 2812 of the Public Health Service Act (42 U.S.C. 300hh)”;

(B) by striking “paragraph (3)(A) of”.

(d) CHAPTER 19.—Chapter 19 is amended as follows:

(1) In the third sentence of section 1967(a)(3)(B), by striking “spouse,” and inserting “spouse,”.

(2) In the second sentence of section 1980A(h), by inserting “section” before “1968(a)”.

(e) CHAPTER 20.—Section 2044(e)(3) is amended by striking “fiscal year” and inserting “fiscal years”.

(f) CHAPTER 30.—The table of sections at the beginning of chapter 30 is amended by striking the item relating to section 3020 and inserting the following new item:

“3020. Authority to transfer unused education benefits to family members for career service members.”.

(g) CHAPTER 33.—Chapter 33 is amended as follows:

(1) In section 3313(c)(1), by striking “higher education” each place it appears and inserting “higher learning”.

(2) In section 3313(d)(3), by striking “assistance this chapter” and inserting “assistance under this chapter”.

(3) In section 3313(e)(2)(B), by inserting a period at the end.

(4) In section 3316(b)(2), by striking “supplement” and inserting “supplemental”.

(5) In section 3316(b)(3), by striking “educational payable” and inserting “educational assistance payable”.

(6) In section 3318(b)(2)(B), by striking “higher education” and inserting “higher learning”.

(7) In section 3319(b)(2), by striking “section (k)” and inserting “subsection (j)”.

(8) In section 3321(b)(2), by striking “3312” and inserting “section 3312 of this title”.

(h) CHAPTER 35.—Section 3512(a)(6) is amended by striking “this clause” and inserting “this paragraph”.

(i) CHAPTER 36.—Section 3684(a)(1) is amended by striking “,” and inserting a comma.

(j) CHAPTER 37.—Section 3733(a)(7) is amended by inserting a comma after “2003”.

(k) CHAPTER 41.—Section 4102A(b)(8) is amended by striking “Employment and Training” and inserting “Employment, Training”.

(l) CHAPTER 55.—Chapter 55 is amended as follows:

(1) In section 5510, in the second sentence of the matter preceding paragraph (1) by striking “following:—” and inserting “following:”.

(2) In section 5510(9), by striking “government” and inserting “Government”.

(m) CHAPTER 57.—Chapter 57 is amended as follows:

(1) In section 5723(g)(2), by inserting “the” before “Department”.

(2) In section 5727(20), by striking “subordinate plan defines” and inserting “plan that defines”.

(n) CHAPTER 73.—Chapter 73 is amended as follows:

(1) The table of sections at the beginning of such chapter is amended by striking the item relating to section 7333 and inserting the following new item:

“7333. Nondiscrimination against alcohol and drug abusers and persons infected with the human immunodeficiency virus.”.

(2) In section 7325(b)(2), by striking “section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh–11(b))” and inserting “section 2812 of the Public Health Service Act (42 U.S.C. 300hh–11)”.

(o) CHAPTER 79.—Section 7903(a) is amended by striking “paragraph (2)” and inserting “paragraph (3)”.

(p) CHAPTER 81.—Chapter 81 is amended as follows:

(1) In section 8111A(a)(2)(B)(ii)—

(A) by striking “section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh–11(b))” and inserting “section 2812 of the Public Health Service Act (42 U.S.C. 300hh)”;

(B) by striking “paragraph (3)(A) of”.

(2) In section 8117(e)—

(A) in paragraph (1), by striking “(42 U.S.C. 300hh–11(b))” and inserting “(42 U.S.C. 300hh–11)”;

(B) in paragraph (2), by striking “(42 U.S.C. 247d–6(a))” and inserting “(42 U.S.C. 247d–6)”.

SEC. 1002. STATUTORY PAY-AS-YOU-GO ACT COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Com-

mittee, provided that such statement has been submitted prior to the vote on passage.

Amend the title so as to read: “An Act to amend title 38, United States Code, and the Servicemembers Civil Relief Act to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3219.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. I yield myself such time as I may consume.

Mr. Speaker, as chairman of the House Committee on Veterans' Affairs, I rise in strong support of what is now entitled the Veterans' Benefits Act of 2010, H.R. 3219, the title being amended in the Senate.

This is an omnibus benefits bill jointly assembled by both the House Committee on Veterans' Affairs and the Senate Committee on Veterans' Affairs. It is comprehensive. It is bipartisan. It is bicameral. In fact, and we can rarely say this, Mr. Speaker, it has already been approved by the Senate by unanimous consent.

The critical bill would greatly enhance, expand, and modernize many of the benefits afforded to our veterans, particularly disabled veterans, their families, and survivors.

The provisions in this bill are the culminating result of numerous productive hearings and markups, meaningful oversight and bipartisan compromise, all to ensure that those who are willing to lay down their lives for our country and their families and survivors receive meaningful, world-class, 21st century benefits from their Nation.

I want to thank the chairman of the Subcommittee on Disability Assistance and Memorial Affairs, JOHN HALL of New York; Representative STEPHANIE HERSETH SANDLIN, the chairwoman of the Subcommittee on Economic Opportunity; and their respective ranking members, Mr. LAMBORN and Mr. BOOZMAN, for shepherding many of these provisions through their committees. It will do a great deal of good for our veterans, their families, and survivors.

For example, section 101 includes language originally sponsored by Congresswoman HERSETH SANDLIN of South Dakota that would reauthorize the recently expired VA work-study program and expand the type of work available

for veterans participating in the program. In the last fiscal year of 2009, a little over 17,000 veterans participated in this important program.

Section 102 incorporates legislation championed by Mrs. KIRKPATRICK of Arizona, which would reauthorize the VA Veterans' Advisory Committee on Education. The committee would provide the VA Secretary with a knowledgeable group of experts to give feedback on existing education benefits and information on ways to improve current programs.

Section 106 includes language championed by a new but very active member of our committee, Congressman HARRY TEAGUE of New Mexico. Congressman TEAGUE's bipartisan work in advancing this pilot program, which seeks to employ our Nation's veterans while addressing the growing need for an energy-related workforce, is to be strongly commended.

Mr. TEAGUE also championed section 204, which would provide injured servicemembers returning to active duty a waiver for the VA's home loan funding fees, keeping it in line with the intent of the waiver, which is to assist our injured servicemembers and veterans. I applaud Congressman TEAGUE for his leadership.

Sections 201 and 202 include provisions championed by Congressman BOOZMAN, which seek to reauthorize the Homeless Veterans Reintegration Program and create a similar program to focus on homeless women veterans and homeless veterans with children.

Sections 301 through 303 incorporate provisions that I and Congressman CONNOLLY of Virginia have worked on during this Congress. These sections seek to strengthen the Servicemembers Civil Relief Act by permitting the cancellation of motor vehicle leases, prohibiting early termination penalties, and allowing servicemembers the option to cancel certain phone and service contracts.

Sections 401, 402, 404, 405, and 407 represent the great work of Mr. DONNELLY of Indiana; Mrs. HALVORSON of Illinois; Mr. BUYER, who is retiring; Mrs. KIRKPATRICK of Arizona; and Mr. PERRIELLO. These provisions increase many of the outdated insurance policy amounts and terms for our veterans, many of whom are severely disabled or who have suffered traumatic injury.

Sections 501, 502, and 503 represent burial and cemetery matters put forth by Ms. BERKLEY of Nevada, Mr. FRANK of Massachusetts, and Mr. SALAZAR of Colorado.

Ms. BERKLEY and Mr. SALAZAR are both former members of our Committee on Veterans' Affairs. Ms. BERKLEY has been a longtime champion of increasing funeral benefits and plot allowances to reflect modern costs. Mr. SALAZAR has worked tirelessly to ensure that the veterans in the southern Colorado region would be served by a

national cemetery. Now, both of these goals are set for enactment.

Mr. FRANK's provision is known as the Corey Shea Act and would allow parents of our fallen servicemembers to be laid to rest with their son or daughter if there are no other eligible survivors.

The bill contains a host of upgraded benefits, including:

Section 604, championed by Mr. HIGGINS of New York, which would allow our low-income pensioners to receive payments of up to \$5,000 from States or municipalities without offset;

Section 803 would provide greater automobile and adaptive equipment to veterans with severe burn injuries;

Section 804 would increase the automobile allowance for disabled veterans from \$11,000 to almost \$19,000; and

Sections 805 and 806 would allow the Institute of Medicine to take a closer look at those veterans who suffer from illnesses associated with service in the Persian Gulf wars.

This bill enjoys resounding support from the veterans service organizations, including Gold Star Wives, Disabled American Veterans, Paralyzed Veterans of America, Veterans of Foreign Wars, AMVETS, Blinded Veterans Association, the American Legion, and the Military Order of the Purple Heart.

I thank all the Members of the House who have contributed to and worked on this comprehensive bill. On behalf of our 24 million veterans and their families and survivors and as chairman of the Committee on Veterans' Affairs, I thank all of you for your input.

Of course, none of this would have come to fruition without the hard work of our committee staff. I thank those on both sides of the aisle and their counterparts in the Senate. I want to especially thank the staff from the House Legislative Counsel and the Congressional Budget Office.

Finally, I want to thank our staff director, Malcom Shorter; our staff director for disability, Kimberly Ross; and her colleague, Juan Lara, for their tireless work to see this great effort through to finality.

AMVETS,
NATIONAL HEADQUARTERS,
Lanham, MD, September 24, 2010.

Hon. BOB FILNER,
Chairman, House Committee on Veterans Affairs, Washington, DC.

DEAR CHAIRMAN FILNER: On behalf of AMVETS (American Veterans) I would like to provide our organizational support for the Veterans' Benefits Act of 2010. There are countless provisions that will improve employment and education opportunities, increase insurance benefits, enhance compensation and pension, and the list goes on.

Many of the sections of this bill are issue AMVETS has been advocating for years, and AMVETS is pleased to see this bill is compliant with PAYGO rules.

AMVETS looks forward to the introduction and timely passage of this comprehensive piece of legislation. We look forward to

our continued work together to advance veterans issues

Respectfully,
RAYMOND C. KELLEY,
National Legislative Director, AMVETS.

PVA,
PARALYZED VETERANS OF AMERICA,
Washington, DC, September 27, 2010.
Hon. BOB FILNER,
Chairman, House Committee on Veterans Affairs, Washington, DC.

DEAR CHAIRMAN FILNER: On behalf of Paralyzed Veterans of America (PVA), I offer our support for the "Veterans Benefits Act of 2010." This critically important legislation addresses a wide range of needed improvements in benefits available to veterans and their families.

This legislation contains a number of provisions that are particularly important to PVA and its members. Specifically, we appreciate the significant increase in the adaptive automobile grant from \$11,000 to \$18,500 and the annual index that will now apply to this benefit to ensure that its purchasing power is not eroded over time. Likewise, we recognize the importance of expanding access to adaptive automobile assistance to disabled veterans who have incurred severe burns.

We are also pleased to see that the Committee has provided additional protections to veterans and their families by increasing the Veterans' Mortgage Life Insurance benefit from \$90,000 to \$150,000 and eventually to \$200,000. Moreover, the increase in the cap for Independent Living services administered by the Department of Veterans Affairs (VA) Vocational Rehabilitation program will prove beneficial to the most severely disabled veterans who simply want to become productive members of society.

Once again, we thank the Committee for its continued emphasis on improving benefits for severely disabled veterans and their families.

Sincerely,
CARL BLAKE,
National Legislative Director,
Paralyzed Veterans of America.

VETERANS OF FOREIGN WARS OF THE
UNITED STATES,
Washington, DC, September 27, 2010.
Hon. BOB FILNER,
Chairman, House Veterans Affairs Committee, Washington, DC.

DEAR CHAIRMAN FILNER: On behalf of the 2.1 million members of the Veterans of Foreign Wars and our Auxiliaries, I would like to offer our strong support for The Veterans' Benefit Act of 2010. We believe this important benefits bill would make a big difference in the lives of many veterans.

The legislation, which includes many issues that have broad support in the House and Senate should be moved forward favorably so veterans can benefit from the good policies contained in the bill. Some of the provisions included in the bill would improve life insurance benefits for those suffering from TBI, increase burial benefits, provide a cost-of-living increase for survivors with children under the age of 18, and make changes to USERRA as well as updating readjustment benefits for many disabled veterans.

We believe the provisions contained in the bill are far too important to be delayed until next year.

We look forward to the passage of this most critical legislation as it will truly make a significant impact in the lives of vet-

erans. We appreciate your commitment to America's veterans and look forward to working with you and your staff

Sincerely,
GERALD T. MANAR,
Deputy Director.

DISABLED AMERICAN VETERANS,
Washington, DC, September 28, 2010.
Hon. BOB FILNER,
Chairman, House Veterans Affairs Committee, Washington, DC.

DEAR CHAIRMAN FILNER: On behalf of the 1.2 million members of the Disabled American Veterans (DAV), I am writing to support compromise legislation entitled the "Veterans Benefits Act of 2010," which is expected to be considered in the House this week. This omnibus bill contains a number of provisions that are of great importance to America's veterans, including several that are priorities for DAV and the disabled veterans we represent.

Approval of this legislation would increase the automobile assistance allowance from \$11,000 to \$18,900, index it to the Consumer Price Index, and expand eligibility for the benefit to veterans and service members with severe burn injuries. The bill would increase disability compensation provided to severely disabled veterans who have difficulty using prostheses as well as provide aid and attendance benefits to veterans suffering from traumatic brain injury. Enactment of the legislation would increase the amount of supplemental insurance for totally disabled veterans from \$20,000 to \$30,000 and immediately increase the limit of Veterans Mortgage Life Insurance (VMLI) for disabled veterans from \$90,000 to \$150,000, and then to \$200,000 beginning in 2012. The bill would also increase the number of veterans who could participate in VA's independent living services and assistance program from 2,600 to 2,700.

Overall, the "Veterans Benefits Act of 2010" makes important improvements to an array of federal benefits that help to compensate and support veterans transitioning back into civilian life, especially those who return with disabilities from their service. DAV supports approval of this legislation and thanks you for your support of disabled veterans.

Sincerely,
JOSEPH A. VIOLANTE,
National Legislative Director.

BLINDED VETERANS ASSOCIATION,
Washington, DC, September 27, 2010.
Hon. BOB FILNER,
Chairman, House Veterans Affairs Committee, U.S. Congress, Washington, DC.

DEAR CHAIRMAN FILNER: The Blinded Veterans Association (BVA), is the only congressionally chartered veterans service organization exclusively dedicated to serving the needs of our nation's blinded veterans and their families for 65 years, and fully supports passage of HR 3219 Veterans Benefits Act of 2010 to help veterans with a wide variety of benefits and education issues. The positive changes in this legislation will assist veterans in many employment and education initiatives and expansion of other necessary changes to improve the lives of veterans and their families.

This legislation would improve the older blinded veterans' lives that receive small state annuities but lose them when they are offset currently from their VA pensions. We appreciate the effort that Congressman Hall and you both have made in including a fix to this long standing problem in section 604 for these disabled veterans.

Chairman Filner, BVA thanks you for your strong leadership on working to get passage of HR 3219 Veterans Benefits Act of 2010. Your dedication and solid commitment to America's current and future veterans, is very appreciated by the Blinded Veterans Association.

Sincerely,

THOMAS ZAMPIERI PH.D.,
Director, Government Relations.

GOLD STAR WIVES OF AMERICA, INC.,
Arlington, VA, September 27, 2010.
CHAIRMAN BOB FILNER,
House Committee on Veterans' Affairs, Washington, DC.

Gold Star Wives of America, Inc. is happy to support the Veterans' Benefits Act of 2010, H.R. 3219. All the provisions of this bill are beneficial, but we especially like the provisions listed below.

Section 107 requires the Department of Veterans Affairs to create a webpage to list the organizations that provide scholarship to veterans. This is much needed information and should be readily available. We hope that this webpage will include scholarships that are available to surviving families and families of disabled veterans eligible for Chapter 35 education benefits.

Section 401 increases the amount of supplemental life insurance available to totally disabled veterans to \$30,000. This is a much needed increase in this insurance benefit. We hope that some arrangement can be made so that those eligible for this insurance can be made aware that it is available.

Section 404 allows veterans to increase their Veterans Group Life Insurance to ensure the welfare of their surviving families.

Section 501 increases burial and funeral benefits and plot allowances for veterans. These benefits are greatly needed by veterans' families, and we are happy to see these increases.

Other provisions of the bill will benefit our servicemembers and veterans as well as their families, and we also fully support these provisions.

KATHRYN A. WITT,
Co-Chair, Government
Relations Committee,
Gold Star Wives of
America, Inc.

THE AMERICAN LEGION,
OFFICE OF THE NATIONAL COMMANDER,
Washington, DC, September 28, 2010.
Hon. BOB FILNER,
Chairman, House Veterans' Affairs Committee,
Washington, DC.

DEAR CHAIRMAN FILNER: On behalf of the 2.5 million members of The American Legion, I offer our support for H.R. 3219, the "Veterans Benefits Act of 2010." This wide-ranging omnibus bill contains a number of laudable provisions that would bring improvements in employment, compensation and pension, insurance and burial benefits available to veterans and their families.

Some of the noteworthy provisions included in this bill would improve employment opportunities for veterans pursuing an education; expedite the training of new disabled veterans' outreach program specialists (DVOPS) and local veterans' employment representatives (LVERS), thereby improving employment services offered to veterans seeking work. In addition, it would clarify and strengthen reemployment rights of veterans and members of reserve components. This legislation would increase disability compensation provided to severely disabled veterans who have difficulty using pros-

theses. Additionally, an increase would be realized regarding adaptive automobile grants, and expanding access to adaptive automobile assistance to disabled veterans who have incurred severe burns. It would also provide aid and attendance benefits to veterans suffering from traumatic brain injury.

We are especially pleased to see that this legislation would provide additional protections to veterans and their families by increasing the amount of supplemental insurance for totally disabled veterans and raising the limit of Veterans' Mortgage Life Insurance for disabled veterans. In addition, the bill includes language to increase the number of veterans who would be allowed to participate in VA's independent living services and assistance program.

The American Legion fully supports H.R. 3219 and we urge strong bipartisan support and expeditious passage of this measure. The American Legion thanks you, Mr. Chairman, and offers our sincere appreciation for your continued leadership in addressing the issues that are important to veterans, members of the Armed Forces, and their families.

Sincerely,

JIMMIE L. FOSTER,
National Commander.

MILITARY ORDER
OF THE PURPLE HEART,
Springfield, VA, September 29, 2010.

CHAIRMAN BOB FILNER,
House Veterans Affairs Committee, Washington, DC.

DEAR CHAIRMAN FILNER: On behalf of the Military Order of the Purple Heart (MOPH), I am writing to inform you that MOPH is in total support of legislation, H.R. 3219, that you have introduced. The "Veterans' Benefits Act of 2010" has many far reaching benefits for our membership which is comprised of combat wounded veterans as well as for all of America's veterans.

We commend you for your leadership on this worthwhile legislative effort.

Respectfully,

CLAYTON JONES,
National Commander.

EXPLANATORY STATEMENT FOR H.R. 3219, AS AMENDED

H.R. 3219, as amended, the Veterans' Benefits Act of 2010, reflects a Compromise Agreement reached by the House and Senate Committees on Veterans' Affairs (the Committees) on the following bills reported during the 111th Congress: H.R. 174; H.R. 466, as amended; H.R. 1037, as amended; H.R. 1088; H.R. 1089, as amended; H.R. 1168, as amended; H.R. 1170, as amended; H.R. 1171, as amended; H.R. 1172, as amended; H.R. 2180; H.R. 3219, as amended; H.R. 3949, as amended; H.R. 4592, as amended (House Bills); and S. 728, as amended; S. 1237, as reported; and S. 3609 (Senate Bills).

H.R. 174 passed the House on November 2, 2009; H.R. 466, as amended, passed the House on June 8, 2009; H.R. 1037, as amended, passed the House on July 14, 2009; H.R. 1088 passed the House on May 19, 2009; H.R. 1089, as amended, passed the House on May 19, 2009; H.R. 1168, as amended, passed the House on November 2, 2009; H.R. 1170, as amended, passed the House on May 19, 2009; H.R. 1171, as amended, passed the House on March 30, 2009; H.R. 1172, as amended, passed the House on June 23, 2009; H.R. 3219, as amended, passed the House on July 27, 2009; H.R. 3949, as amended, passed the House on November 3, 2009. H.R. 4592 passed the House on March 23, 2010. H.R. 1037, as amended, passed the Senate on October 7, 2009.

The Committees have prepared the following explanation of H.R. 3219, as amended, to reflect a Compromise Agreement between the Committees. Differences between the provisions contained in the Compromise Agreement and the related provisions of the House Bills and the Senate Bills are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement, and minor drafting, technical, and clarifying changes.

TITLE I—EMPLOYMENT, SMALL BUSINESS, AND EDUCATION MATTERS EXTENSION AND EXPANSION OF AUTHORITY FOR CERTAIN QUALIFYING WORK-STUDY ACTIVITIES FOR PURPOSES OF THE EDUCATIONAL ASSISTANCE PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS

Current Law

Section 3485 of title 38, United States Code (U.S.C.), permits certain students enrolled in a program of education to participate in work-study programs. Approved work-study activities are generally activities relating to processing documents or providing services at Department of Veterans Affairs (VA) facilities. However, until June 30, 2010, approved activities also included outreach services provided by State approving agencies, care to veterans in State homes, and activities related to the administration of national or State veterans' cemeteries.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

H.R. 1037, as amended, would require VA to conduct a five-year pilot program to expand work-study opportunities by adding to the list of approved activities positions in academic departments (including positions as tutors or research, teaching, and lab assistants) and in student services (including positions in career centers and financial aid, campus orientation, cashiers, admissions, records, and registration offices).

Compromise Agreement

Section 101 of the Compromise Agreement would extend the authority from June 30, 2010, to June 30, 2013, during which qualifying work-study activities may include assisting with outreach services to servicemembers and veterans furnished by employees of State approving agencies, provision of care to veterans in State homes, and activities related to administration of a national cemetery or State veterans' cemetery. In addition, effective October 1, 2011, it would add to the list of qualifying work-study activities the following:

Activities of State veterans agencies helping veterans obtain any benefit under laws administered by VA or States;

Positions at Centers of Excellence for Veteran Student Success;

Positions working in programs run jointly by VA and an institution of higher learning; and

Any other veterans-related position in an institution of higher learning.

REAUTHORIZATION OF VETERANS' ADVISORY COMMITTEE ON EDUCATION

Current Law

Section 3692 of title 38 provides for the formation of a Veterans' Advisory Committee on Education. The authority for this Committee expired on December 31, 2009.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 102 of H.R. 3949, as amended, would reauthorize the Advisory Committee until December 31, 2015.

Compromise Agreement

Section 102 of the Compromise Agreement would extend the Veterans' Advisory Committee on Education until December 31, 2013.

18-MONTH PERIOD FOR TRAINING OF NEW DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES BY NATIONAL VETERANS' EMPLOYMENT AND TRAINING SERVICES INSTITUTE

Current Law

Section 4102A(c)(8) of title 38, U.S.C., requires that, as a condition of receiving grants under the Disabled Veterans' Outreach Program (DVOP) and the Local Veterans' Employment Representatives (LVER) program authorities, States are generally required to have each DVOP and LVER complete a program of training through the National Veterans' Employment and Training Services Institute within three years of beginning employment.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

H.R. 1088 would require that DVOPs and LVERs assigned to perform those duties on or after the date of enactment complete training within one year of being so assigned and that DVOPs and LVERs hired on or after January 1, 2006, also complete training within one year of the date of enactment.

Compromise Agreement

Section 103 of the Compromise Agreement would require that DVOPs and LVERs hired on or after the date of enactment complete training within 18 months of employment and that any previously-hired DVOPs and LVERs who were hired on or after January 1, 2006, also complete training within 18 months of the date of enactment.

CLARIFICATION OF RESPONSIBILITY OF SECRETARY OF VETERANS AFFAIRS TO VERIFY SMALL BUSINESS OWNERSHIP

Current Law

Public Law 109-461 (120 Stat. 3403), the Veterans Benefits, Health Care, and Information Technology Act of 2006, requires VA to maintain the VetBiz Vendor Information Page (VIP) database containing Veteran Owned Small Businesses (VOSB) and Service-Disabled Veteran Owned Small Businesses (SDVOSB). This law also requires VA to verify that registered firms meet the eligibility requirements to be classified as VOSBs or SDVOSBs to be included in the database.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 101 of H.R. 3949, as amended, would require VA to verify small business concerns prior to being listed in the VIP database.

Compromise Agreement

Section 104 of the Compromise Agreement follows the House Bill.

DEMONSTRATION PROJECT FOR REFERRAL OF USERRA CLAIMS AGAINST FEDERAL AGENCIES TO THE OFFICE OF SPECIAL COUNSEL

Current Law

Under chapter 43 of title 38, U.S.C., the Department of Labor has responsibility for receiving, investigating, and attempting to re-

solve all claims filed under the Uniformed Services Employment and Reemployment Rights Act (USERRA).

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

H.R. 1089, as amended, would provide the U.S. Office of Special Counsel with initial jurisdiction to investigate and prosecute all USERRA complaints involving Federal executive agencies and provide authority for individuals to file complaints with the U.S. Office of Special Counsel. It would clarify that the U.S. Office of Special Counsel has the same authority as the U.S. Department of Labor to conduct investigations and issue subpoenas when investigating USERRA complaints.

Compromise Agreement

Section 105 of the Compromise Agreement would require the Secretary of Labor and the Office of Special Counsel to carry out a 36-month demonstration project to start no later than 60 days after the Comptroller General submits a report assessing the proposed methods and procedures for the demonstration project; under the demonstration project, certain USERRA claims against Federal executive agencies would be received by or referred to the Office of Special Counsel. It would also allow the Office of Special Counsel to receive and investigate certain claims under USERRA and related prohibited personnel practice claims. Finally, the Compromise Agreement would establish general guidelines for administration of the demonstration project; would require the Department of Labor and the Office of Special Counsel to jointly establish methods and procedures to be used during the demonstration project and submit to Congress a report describing those methods and procedures; would require the Comptroller General to submit to Congress a report assessing those methods and procedures; and would require the Comptroller General to submit to Congress reports on the demonstration project.

VETERANS ENERGY-RELATED EMPLOYMENT PROGRAM

Current Law

Current law contains no relevant provision.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

H.R. 4592, as amended, would create a Veterans Energy-Related Employment Program pilot program, which would award competitive grants to three States for the establishment of a program that would reimburse energy employers for the cost of providing on-the-job training for veterans in the energy sector. The reimbursements would go to employers or labor-management organizations. Each participating State would be required to provide evidence that it can produce such training to serve a population of eligible veterans, has a diverse energy industry, and the ability to carry out such a program, as well as certify that participating veterans would be hired at a wage rate consistent with the standard industry average for jobs that are technically involved and have a skill-set that is not transferable to other non-energy industries. It would authorize appropriations of \$10 million a year for five years, beginning in 2011 through 2015.

Compromise Agreement

Section 106 of the Compromise Agreement would establish a pilot competitive grant

program (Veterans Energy-Related Employment Program) as part of the Veterans Workforce Investment Program for up to three States to provide grants to energy employers that train veterans in skills particular to the energy industry. States would need to repay funds not used for the purposes outlined for this pilot program and submit reports on the use of the grant funds to the Secretary of Labor. This section would outline requirements employers must meet to receive funds from a State and would prohibit the use of funds for non-eligible veterans or eligible veterans whose employment is funded through any other governmental program. A report to Congress would be required to be submitted by the Secretary. The administrative costs of the Secretary would be limited to 2 percent of the appropriations for this program and the Secretary of Labor would be permitted to determine the maximum amounts of each grant that may be used for administration and reporting costs. Section 106 of the Compromise Agreement would authorize \$1.5 million for the grant program for each of fiscal years 2012 through 2014.

PAT TILLMAN VETERANS' SCHOLARSHIP INITIATIVE

Current Law

There is no relevant provision in current law.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

H.R. 1172, as amended, would require VA to provide and maintain on its website by June 1, 2010, information regarding scholarships that are available to veterans and family members of deceased veterans. Information to be provided on the website would include a list of organizations offering scholarships and a link to their websites. VA would also be required to notify schools and other organizations of the opportunity to be listed on the website.

Compromise Agreement

Section 107 of the Compromise Agreement follows the House Bill but requires the VA, by June 1, 2011, to make available on its website a list of organizations that provide scholarships to veterans and their survivors. VA would be required to make reasonable efforts to notify schools and other organizations of the opportunity to be listed on the website.

TITLE II—HOUSING AND HOMELESSNESS MATTERS

REAUTHORIZATION OF APPROPRIATIONS FOR HOMELESS VETERANS REINTEGRATION PROGRAM

Current Law

The Homeless Veterans Reintegration Program (HVRP) was initially enacted in 1987 as part of Public Law 100-77, the Stewart B. McKinney Homeless Assistance Act, to expand services beyond food and shelter to homeless veterans. Public Law 107-95, the Homeless Veterans Comprehensive Assistance Act of 2001, directed the Secretary of Labor to provide homeless veterans with job training, counseling, and placement services as part of a holistic approach to reintegrating homeless veterans back into society. The authorization of appropriations to carry out this program expired at the end of fiscal year 2009.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 2 of H.R. 1171, as amended, would reauthorize, through fiscal year 2014, the Department of Labor's HVRP.

Compromise Agreement

Section 201 of the Compromise Agreement follows the House Bill, except that it would reauthorize the HVRP through fiscal year 2011.

HOMELESS WOMEN VETERANS AND HOMELESS VETERANS WITH CHILDREN REINTEGRATION GRANT PROGRAM

Current Law

Currently, under section 2021 of title 38, U.S.C., the Secretary of Labor is required to conduct, directly or through grant or contract, the HVRP. Through HVRP, the Secretary selects programs that are appropriate to provide job training, counseling, and placement services (including job readiness, literacy and skills training) to expedite the reintegration of homeless veterans into the labor force. HVRP is administered through the Assistant Secretary of Labor for Veterans' Employment and Training (VETS).

Senate Bill

Section 102 of S. 1237, as reported, would amend Subchapter III of chapter 20 of title 38, U.S.C., by adding a new section 2021A, entitled "Grant program for reintegration of homeless women veterans and homeless veterans with children." This grant program would differ from the current HVRP grants in that it would be strictly a grant program and would focus specifically on providing services that will assist in the reintegration into the labor force of homeless women veterans and homeless veterans with children. Like the current HVRP grants, services under this new grant program would include job training, counseling, and job placement services, including job readiness, literacy, and skills training. Importantly, it would also include child care services to serve more effectively the target population.

House Bill

Section 3 of H.R. 1171, as amended, would amend title 38, U.S.C., adding a new section 2021A, entitled "Homeless women veterans and homeless veterans with children reintegration grant program." That bill would direct the Secretary of Labor to carry out a grant program to provide reintegration services through programs and facilities that emphasize services for homeless women veterans and homeless veterans with children.

Compromise Agreement

Section 202 of the Compromise Agreement generally follows the House Bill. However, the authorization of appropriations to carry out this program is \$1 million for fiscal years 2011 to 2015.

SPECIALLY ADAPTED HOUSING ASSISTIVE TECHNOLOGY GRANT PROGRAM

Current Law

There is no current provision in title 38, U.S.C., authorizing grants to develop assistive technology for specially adapted housing. The Specially Adapted Housing (SAH) program was established in 1948 by Public Law 80-702, an act to authorize assistance to certain veterans in acquiring specially adapted housing which they require by reason of their service-connected disabilities. The SAH program provides grants to certain qualifying service-connected disabled veterans to assist them in acquiring suitable housing.

Senate Bill

The Senate Bills contain no comparable provisions.

House Bill

H.R. 1170, as amended, would authorize a five-year pilot program to promote research and development of adaptive technologies that would be applicable to the SAH program. It would also provide that VA retain a 30 percent interest in any patent approved as a result of funding through this grant program. The bill would further require that VA retain any investment returns from these patents to assist in funding grants, during the duration of this program. It would authorize \$2 million per year for purposes of this grant program; those amounts would be derived from amounts appropriated for VA Medical Services.

Compromise Agreement

Section 203 of the Compromise Agreement generally follows the House Bill. However, under the Compromise Agreement, the Secretary would not retain any patent rights to the technology developed by any grant recipient, the funding amount would be reduced from \$2 million to \$1 million per fiscal year to carry out this program, and the funding would now come from amounts appropriated to VA for readjustment benefits, not Medical Services. The effective date of the five-year pilot program would be October 1, 2011.

WAIVER OF HOUSING LOAN FEE FOR CERTAIN VETERANS WITH SERVICE-CONNECTED DISABILITIES CALLED TO ACTIVE SERVICE

Current Law

Current law, section 3729(c)(1) of title 38, U.S.C., states that a loan fee, normally collected from each person obtaining a housing loan guaranteed, insured or made under chapter 37, will be waived for a veteran who is receiving compensation, or who, but for the receipt of retirement pay, would be entitled to receive compensation.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

H.R. 2180 would waive housing loan fees for certain veterans with service-connected disabilities called back to active service.

Compromise Agreement

Section 204 of the Compromise Agreement follows the House Bill.

TITLE III—SERVICEMEMBERS CIVIL RELIEF ACT MATTERS

RESIDENTIAL AND MOTOR VEHICLE LEASES

Current Law

Section 305 of the Servicemembers Civil Relief Act (SCRA) permits the cancellation of motor vehicle leases and prohibits early termination penalties. It also permits cancellation of residential leases, but it does not provide protection from early termination fees.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 202 of H.R. 3949 would amend subsection (e) of section 305 of SCRA to revise provisions concerning arrearages and other obligations to prohibit a lessor from charging an early termination charge with respect to a residential, professional, business, or agricultural rental lease entered into by a person who subsequently enters military service, or for a servicemember who has received orders for permanent change of station or for deployment in support of a military operation. It would provide that unpaid lease charges shall be paid by the lessee.

Compromise Agreement

Section 301 of the Compromise Agreement follows the House bill.

TERMINATION OF TELEPHONE SERVICE CONTRACTS

Current Law

Section 305A of SCRA permits certain servicemembers the option to request a termination or suspension of their cellular phone contracts if they are deployed outside of the continental United States for a period of not less than 90 days or have a permanent change of duty station within the United States.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 201 of H.R. 3949 would amend section 305A of the SCRA to allow a servicemember to terminate certain service contracts if the servicemember has received military orders to deploy for a period of not less than 90 days or for a change of duty station to a location that does not support such service. Furthermore, if the terminated contract was for cellular or telephone exchange services, it would allow a servicemember to keep the phone number to the extent practicable and in accordance with applicable law. Covered contracts would include cellular telephone service (including family plans with the servicemember), telephone exchange service, multi-channel video programming service and internet service, as well as home water, electricity, home heating oil and natural gas services. Servicemembers would be required to deliver a written notice of termination of the service contract and the military orders to the service provider by hand delivery, private carrier, fax, or U.S. Postal Service with return receipt requested and sufficient postage. A service provider would be prohibited from imposing an early termination charge, but could collect appropriate tax, obligation or liability under the contract.

Compromise Agreement

Section 302 of the Compromise Agreement would allow a servicemember to terminate a contract for cellular telephone or telephone exchange service at any time after receiving notice of military orders to relocate for a period of 90 days or more to a location that does not support the contract. It would further require the telephone number of an individual who terminated a contract to be kept available for a period of not to exceed three years if the servicemember resubscribes to the service within 90 days of the last day of relocation. Finally, section 302 of the Compromise Agreement would permit certain family plan contracts for cellular telephone service entered into by a family member of a servicemember to be terminated.

ENFORCEMENT BY THE ATTORNEY GENERAL AND BY PRIVATE RIGHT OF ACTION

Current Law

Current law contains no relevant provision.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 203 of H.R. 3949 would amend the SCRA to add a new title, Title VIII—Civil Liability, which would authorize the U.S. Attorney General to bring a civil action in U.S. district court to enforce provisions of the SCRA. It would also authorize the court to

grant appropriate relief to include monetary damages. The court would be authorized in certain circumstances to impose a civil penalty that, for the first violation, will not exceed \$55,000 and, for any subsequent violation, will not exceed \$110,000. It would provide intervenor rights to aggrieved persons for a civil action that has already been started. In addition, it would clarify that a person has a private right of action to file a civil action for violations under the SCRA and that the court may award costs and attorney fees to a servicemember who prevails. Finally, it would provide that the rights granted under sections 801 or 802 will not limit or exclude any other rights that may also be available under Federal or state law.

Compromise Agreement

Section 303 of the Compromise Agreement generally follows the House bill with some technical changes.

TITLE IV—INSURANCE MATTERS

INCREASE IN AMOUNT OF SUPPLEMENTAL INSURANCE FOR TOTALLY DISABLED VETERANS

Current Law

Section 1922A of title allows eligible totally disabled veterans to receive a maximum of \$20,000 in Service-Disabled Veterans' Insurance (S-DVI) supplemental life insurance coverage.

Senate Bill

Section 101 of H.R. 1037, as amended, would amend section 1922A(a) of title 38, U.S.C., to increase the amount of life insurance available to totally disabled veterans by allowing them to purchase an additional \$10,000 in supplemental insurance coverage. This would raise the maximum amount of S-DVI supplemental coverage to \$30,000.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 401 of the Compromise Agreement follows the Senate Bill, except that the provision would take effect on October 1, 2011.

PERMANENT EXTENSION OF DURATION OF SERVICEMEMBERS' GROUP LIFE INSURANCE COVERAGE FOR TOTALLY DISABLED VETERANS

Current Law

VA offers a variety of life insurance options for servicemembers, veterans, and their families. Among these is the Servicemembers' Group Life Insurance (SGLI) program, which offers low-cost group life insurance for servicemembers on active duty, Ready Reservists, members of the National Guard, members of the Commissioned Corps of the National Oceanic and Atmospheric Administration and the Public Health Service, cadets and midshipmen of the four service academies, and members of the Reserve Officer Training Corps. SGLI coverage is available in \$50,000 increments up to the maximum of \$400,000.

Public Law 93-289, the Veterans' Insurance Act of 1974, established a new program of post-separation insurance known as Veterans' Group Life Insurance (VGLI). VGLI provides for the post-service conversion of SGLI to a renewable term policy of insurance. Persons eligible for full-time coverage include former servicemembers who were insured full-time under SGLI and who were released from active duty or the Reserves, Ready Reservists who have part-time SGLI coverage and who incur certain disabilities during periods of active or inactive duty training, and members of the Individual Ready Reserve and Inactive National Guard.

VGLI coverage is issued in multiples of \$10,000 up to a maximum of \$400,000.

Under current law, VGLI applications for coverage must occur within one year and 120 days from discharge. However, servicemembers who are totally disabled at the time of discharge may have a longer period within which to convert their SGLI coverage to VGLI. Public Law 109-233, the Veterans' Housing Opportunity and Benefits Improvement Act of 2006, authorized VA to extend from one to two years, after separation from active duty service, the period within which totally disabled members may receive premium free SGLI coverage and convert their coverage to a policy under the VGLI program after separation from active duty service. However, Public Law 109-233 mandated that on or after October 1, 2011, this two-year time period would be shortened to 18 months.

Senate Bill

Section 101 of S. 3765 would amend section 1968(a) of title 38, U.S.C., to eliminate the expiration date for a potential two-year extension of SGLI coverage available to servicemembers who are totally disabled when they separate from service.

House Bill

Section 101 of H.R. 3219, as amended, would amend section 1968(a) of title 38, U.S.C., to eliminate the expiration date for a potential two-year extension of SGLI coverage available to servicemembers who are totally disabled when they separate from service.

Compromise Agreement

Section 402 of the Compromise Agreement follows the language in both bills.

ADJUSTMENT OF COVERAGE OF DEPENDENTS UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE

Current Law

Under current law, insurable dependents of servicemembers on active duty, or Ready Reservists who are totally disabled on the date of separation or release from service or assignment, are authorized to continue receiving insurance coverage long after the servicemembers' separation or release from service. Servicemembers on active duty are potentially eligible for continued coverage for up to 2 years after the date of separation or release from service; Ready Reservists are potentially eligible for an additional 1 year of coverage after separation or release from an assignment. Thereafter, the insurable dependents of covered servicemembers on active duty are also potentially eligible for continued coverage for up to 2 years after the date of separation or release from service or, in the case of an insurable dependent of a Ready Reservist, up to 1 year after the date of separation or release from an assignment.

Senate Bill

Section 102 of H.R. 1037, as amended, would amend section 1968(a)(5)(B)(ii) of title 38, U.S.C., so that no insurable dependent, not even those of servicemembers who remain covered for up to 1 or 2 years after service or assignment, could remain covered under SGLI for more than 120 days after the servicemembers' separation or release from service or assignment.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 403 of the Compromise Agreement follows the Senate Bill.

OPPORTUNITY TO INCREASE AMOUNT OF VETERANS' GROUP LIFE INSURANCE

Current Law

Section 1977(a)(1) of title 38, U.S.C., limits the amount of VGLI coverage a veteran may carry to the amount of SGLI coverage that continued in force after that veteran was separated from service.

Senate Bill

Section 102 of S. 3765 would amend section 1977(a) of title 38, U.S.C., to allow VGLI participants who are under the age of 60 and insured for less than the current maximum authorized for SGLI the opportunity to obtain, without a health care examination, an additional \$25,000 in coverage once every 5 years at the time of renewal.

House Bill

Section 102 of H.R. 3219, as amended, would amend section 1977(a) of title 38, U.S.C., to allow VGLI participants who are under the age of 60 and insured for less than the current maximum authorized for SGLI the opportunity to obtain, without a health care examination, an additional \$25,000 in coverage once every 5 years at the time of renewal.

Compromise Agreement

Section 404 of the Compromise Agreement follows the language in both bills.

ELIMINATION OF REDUCTION IN AMOUNT OF ACCELERATED DEATH BENEFIT FOR TERMINALLY-ILL PERSONS INSURED UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE

Current Law

The current SGLI/VGLI Accelerated Benefits Option (ABO) requires VA to discount or reduce the payout available under both the SGLI and VGLI programs for terminally-ill servicemembers and veterans who exercise the option to use up to half of their policy. Currently, VA discounts this payment by an amount commensurate to the interest rate earned by the program on its investment in effect at the time that a servicemember or veteran applies for the benefits, thereby often significantly reducing the amount of the ABO payment.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 103 of H.R. 3219, as amended, would amend section 1980(b)(1) of title 38, U.S.C., by eliminating the requirement that the lump sum accelerated payment be "reduced by an amount necessary to assure that there is no increase in the actuarial value of the benefit paid, as determined by the Secretary."

Compromise Agreement

Section 405 of the Compromise Agreement follows the House Bill.

CONSIDERATION OF LOSS OF DOMINANT HAND IN PRESCRIPTION OF SCHEDULE OF SEVERITY OF TRAUMATIC INJURY UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE

Current Law

Under current law, traumatic injury protection under Servicemembers' Group Life Insurance (TSGLI) provides for payment to servicemembers who suffer a qualifying loss as a result of a traumatic injury event. In the event of a qualifying loss, VA will pay between \$25,000 and \$100,000, depending on the severity of the qualifying loss. In prescribing payments, VA does not account for the effect, if any, that the loss of a dominant hand has on lengthening hospitalization or rehabilitation periods.

Senate Bill

Section 104 of H.R. 1037, as amended, would amend section 1980A(d) of title 38, U.S.C., to authorize VA to distinguish in specifying payments for qualifying losses of a dominant hand and a non-dominant hand.

House Bill

The House Bills contains no comparable provision.

Compromise Agreement

Section 406 of the Compromise Agreement follows the Senate Bill except that the provision would take effect on October 30, 2011.

ENHANCEMENT OF VETERANS' MORTGAGE LIFE INSURANCE

Current Law

Under current law, service-connected disabled veterans who have received specially adapted housing grants from VA may purchase up to \$90,000 in Veterans' Mortgage Life Insurance (VMLI). In the event of the veteran's death, the veteran's family is protected because VA will pay the balance of the mortgage owed up to the maximum amount of insurance purchased.

Senate Bill

Section 105 of H.R. 1037, as amended, would amend section 2106(b) of title 38, U.S.C., to increase the maximum amount of insurance that may be purchased under the VMLI program from the current maximum of \$90,000 to \$150,000 effective on October 1, 2012. The maximum amount would then increase from \$150,000 to \$200,000 on January 1, 2012.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 407 of the Compromise Agreement follows the Senate Bill, except that the provision would take effect on October 1, 2011.

EXPANSION OF INDIVIDUALS QUALIFYING FOR RETROACTIVE BENEFITS FROM TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE

Current Law

Under current law, TSGLI provides coverage against qualifying losses incurred as a result of a traumatic injury. In the event of a loss, VA will pay between \$25,000 and \$100,000 depending on the severity of the qualifying loss. TSGLI went into effect on December 1, 2005. In order to provide assistance to those servicemembers suffering traumatic injuries on or before October 7, 2001, and November 30, 2005, retroactive TSGLI payments were authorized under section 1032(c) of Public Law 109-13, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, to individuals whose qualifying losses were sustained as "a direct result of injuries incurred in Operation Enduring Freedom or Operation Iraqi Freedom." Under section 501(b) of Public Law 109-233, the Veterans' Housing Opportunity Benefits Improvement Act of 2006, this definition was amended to allow retroactive payments to individuals whose qualifying losses were sustained as a "direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom and Operation Iraqi Freedom." Men and women who were traumatically injured on or between October 7, 2001, and November 30, 2005, but were not in the Operation Iraqi Freedom or Operation Enduring Freedom theaters of operation are not eligible for retroactive payments.

Senate Bill

Section 103 of H.R. 1037, as amended, would amend section 501(b) of Public Law 109-233 so

as to remove the requirement that limits retroactive TSGLI payments to those who served in the Operation Iraqi Freedom (OIF) or Operation Enduring Freedom (OEF) theaters of operation. Thus, this section of the Compromise Agreement would authorize retroactive TSGLI payments for qualifying traumatic injuries incurred on or after October 7, 2001, but before December 1, 2005, irrespective of where the injuries occurred.

House Bill

The House Bills contains no comparable provision.

Compromise Agreement

Section 408 of the Compromise Agreement follows the Senate Bill, except that the provision would take effect on October 1, 2011.

TITLE V—BURIAL AND CEMETERY MATTERS

INCREASE IN CERTAIN BURIAL AND FUNERAL BENEFITS AND PLOT ALLOWANCES FOR VETERANS

Current Law

Under current law, VA will pay up to \$300 toward the funeral and burial costs of veterans who die while receiving care at certain VA facilities. In addition, VA will pay a \$300 plot allowance when a veteran is buried in a cemetery not under U.S. government jurisdiction if: the veteran was discharged from active duty because of a disability incurred or aggravated in the line of duty; the veteran was receiving compensation or pension, or would have been if he/she was not receiving military retired pay; or the veteran died in a VA facility. The plot allowance may be paid to the State for the cost of a plot or interment in a State-owned cemetery reserved solely for veteran burials if the veteran was buried without charge.

Senate Bill

Section 501 of H.R. 1037, as amended, would increase payments for funeral and burial expenses in the case of individuals who die in VA facilities and for plot allowances up to \$745 and would increase this amount annually by a cost-of-living adjustment. These increases would be effective for deaths occurring on or after October 1, 2010, but no cost-of-living adjustment would be paid in fiscal year 2011.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 501 of the Compromise Agreement would increase the amount paid for the burial and funeral of a veteran who dies in a VA facility or the plot allowance for a deceased veteran who is eligible for burial at a national cemetery from \$300 to \$700, effective October 1, 2011. It would further direct the Secretary of Veterans Affairs to provide an annual percentage increase in relation to the Consumer Price Index. Finally, the Compromise Agreement would provide that no cost-of-living increases are to be made to these benefits in fiscal year 2012.

INTERMENT IN NATIONAL CEMETERIES OF PARENTS OF CERTAIN DECEASED VETERANS

Current Law

Under section 2402(5) of title 38, U.S.C., certain spouses, surviving spouses, and minor children of servicemembers and veterans who are eligible for burial in national cemeteries are eligible to be interred in national cemeteries.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 303 of H.R. 3949, the Corey Shea Act, would give VA the discretion to provide space-available burial to qualifying parents in the gravesite of their deceased son or daughter who, on or after October 7, 2001, died in combat or died of a combat-related training injury and who has no other eligible survivors as identified under section 2402(5) of title 38, U.S.C. The term parent would mean the biological mother or father or, in the case of adoption, the adoptive mother or father.

Compromise Agreement

Section 502 of the Compromise Agreement follows the House Bill.

REPORTS ON SELECTION OF NEW NATIONAL CEMETERIES

Current Law

Current law contains no relevant provision.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

H.R. 174 would direct VA to establish a national cemetery for veterans in the Southern Colorado area.

Compromise Agreement

Section 503 of the Compromise Agreement would require VA, not later than one year following the date of enactment, to report to Congress on the selection and construction of five new national cemeteries in areas in Southern Colorado; Melbourne and Daytona, Florida; Rochester and Buffalo, New York; Tallahassee, Florida; and Omaha, Nebraska. The Secretary would be required to solicit the advice and views of State and local veterans organizations. The report would be required to include a schedule for the establishment of and the funds available for each such cemetery. The Compromise Agreement would further require annual reports to be submitted to Congress until the completion of the cemeteries.

TITLE VI—COMPENSATION AND PENSION ENHANCEMENT OF DISABILITY COMPENSATION FOR CERTAIN DISABLED VETERANS WITH DIFFICULTIES USING PROSTHESES AND DISABLED VETERANS IN NEED OF REGULAR AID AND ATTENDANCE FOR RESIDUALS OF TRAUMATIC BRAIN INJURY

Current Law

Currently, under subsections (a) through (j) of section 1114 of title 38, U.S.C., VA pays disability compensation to a veteran based on the rating assigned to the veteran's service-connected disabilities. Under subsections (m), (n), and (o) of section 1114, higher levels of monthly compensation are paid to veterans with severe disabilities if certain criteria are satisfied. The criteria for compensation under section 1114(m) include "the anatomical loss . . . of both legs at a level, or with complications, preventing natural knee action with prostheses in place" or "the anatomical loss . . . of one arm and one leg at levels, or with complications, preventing natural elbow and knee action with prostheses in place." The criteria for compensation under section 1114(n) include "the anatomical loss . . . of both arms at levels, or with complications, preventing natural elbow action with prostheses in place"; "the anatomical loss of both legs so near the hip as to prevent the use of prosthetic appliances"; or "the anatomical loss of one arm and one leg so near the shoulder and hip as to prevent the use of prosthetic appliances."

The criteria for compensation under section 1114(o) include “the anatomical loss of both arms so near the shoulder as to prevent the use of prosthetic appliances.”

Currently, the monthly compensation under subsections (a) through (j) of section 1114 ranges from \$123 per month for a single veteran with no dependents rated 10 percent to \$2,673 per month for the same single veteran rated 100 percent. Under section 1114(1) of title 38, U.S.C., VA provides a higher amount of compensation, currently \$3,327 per month for a single veteran, if the veteran is “in need of regular aid and attendance.” A veteran who requires regular aid and attendance may be entitled to an additional \$2,002 per month, under section 1114(r)(1) of title 38, U.S.C., if the veteran suffers from severe service-connected physical disabilities. Also, under section 1114(r)(2), a higher level of aid and attendance compensation, currently an additional \$2,983 per month, is provided to certain veterans with severe service-connected disabilities who need “a higher level of care” in addition to regular aid and attendance. Under section 1114(r)(2), this higher level of compensation generally is provided only to a veteran who has suffered a severe anatomical loss, who needs “health-care services provided on a daily basis in the veteran’s home,” and who would require institutionalization in the absence of that care.

Senate Bill

Section 205(a) of H.R. 1037, as amended, would amend subsections (m), (n), and (o) of section 1114 to remove the provisions conditioning higher monthly compensation on the site of, or complications from, an anatomical loss. Instead, if the other requirements are satisfied, it would allow the higher rates to be paid if any factors prevent natural elbow or knee action with prostheses in place or prevent the use of prosthetic appliances.

Section 205(b) of H.R. 1037, as amended, would add a new subsection (t) to section 1114, which would provide that, if a veteran is in need of regular aid and attendance due to the residuals of traumatic brain injury, is not eligible for compensation under section 1114(r)(2), and, in the absence of regular aid and attendance, would require institutional care, the veteran will be entitled to a monthly aid and attendance allowance equivalent to the allowance provided under section 1114(r)(2).

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 601 of the Compromise Agreement follows the Senate Bill.

COST-OF-LIVING INCREASE FOR TEMPORARY DEPENDENCY AND INDEMNITY COMPENSATION PAYABLE FOR SURVIVING SPOUSES WITH DEPENDENT CHILDREN UNDER THE AGE OF 18

Current Law

Under section 1310 of title 38, U.S.C., VA provides dependency and indemnity compensation (DIC) to a surviving spouse if a veteran’s death resulted from: (1) a disease or injury incurred or aggravated in the line of duty while on active duty or active duty for training; (2) an injury incurred or aggravated in the line of duty while on inactive duty for training; or (3) a service-connected disability or a condition directly related to a service-connected disability.

Section 301 of Public Law 108–454, the Veterans Benefits Improvement Act of 2004, amended section 1311 of title 38, U.S.C., to authorize VA to pay a \$250 per month tem-

porary benefit to a surviving spouse with one or more children below the age of 18, during the 2 years following the date on which entitlement to DIC began. This provision was enacted in response to a May 2001 program evaluation report recommendation on the need for transitional DIC.

Senate Bill

Section 201 of H.R. 1037, as amended, would amend section 1311(f) of title 38, U.S.C., by authorizing a permanent, automatic, cost-of-living adjustment for this temporary DIC payment so that the value of the benefit does not erode over time.

This cost-of-living increase would occur whenever there is an increase in benefit amounts payable under title II of the Social Security Act, section 401 et seq., title 42, U.S.C.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 602 of the Compromise Agreement follows the Senate bill.

PAYMENT OF DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVORS OF FORMER PRISONERS OF WAR WHO DIED ON OR BEFORE SEPTEMBER 30, 1999

Current Law

Under chapter 13 of title 38, U.S.C., DIC is paid to the surviving spouse or children of a veteran when the veteran’s death is a result of a service-connected disability. In addition, VA provides DIC to the surviving spouses and children of veterans who have died after service from a non-service-connected disability if the veteran had been totally disabled due to a service-connected disability for a continuous period of 10 or more years immediately preceding death or for a continuous period of at least 5 years after the veteran’s release from service.

Prior to Public Law 106–117, the Veterans Millennium Health Care and Benefits Act, the survivors of former Prisoners of War (POWs) were eligible for DIC under the same rules as all other survivors. Section 501 of Public Law 106–117 extended eligibility for DIC to the survivors of former POWs who died after September 30, 1999, from non-service-connected causes if the former POWs were totally disabled due to a service-connected cause for a period of 1 or more years, rather than 10 or more years, immediately prior to death.

Senate Bill

Section 208 of H.R. 1037, as amended, would amend section 1318(b)(3) of title 38, U.S.C., to make all survivors of former POWs eligible for DIC if the veteran died from non-service-connected causes and was totally disabled due to a service-connected condition for a period of 1 or more years immediately prior to death, without regard to date of death.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 603 of the Compromise Agreement follows the Senate bill.

EXCLUSION OF CERTAIN AMOUNTS FROM CONSIDERATION AS INCOME FOR PURPOSES OF VETERANS PENSION BENEFITS

Current Law

Under chapter 15 of title 38, U.S.C., VA is authorized to pay pension benefits to wartime veterans who have limited or no income, and who are ages 65 or older, or, if under 65, who are permanently and totally disabled.

When calculating annual income for purposes of these pension benefits, section 1503 of title 38, U.S.C., authorizes VA to include income received by the veteran and from most sources. However, certain sources of income, such as donations from public or private relief or welfare organizations, are not taken into account.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 604 of the Compromise Agreement would exclude, for purposes of determining income for pension eligibility, up to \$5,000, paid to a veteran from a State or municipality, if the benefit was paid due to the veteran’s injury or disease.

COMMENCEMENT OF PERIOD OF PAYMENT OF ORIGINAL AWARDS OF COMPENSATION FOR VETERANS RETIRED OR SEPARATED FROM THE UNIFORMED SERVICES FOR CATASTROPHIC DISABILITY

Current Law

Under section 5110(b)(1) of title 38, U.S.C., if a veteran files a claim for VA disability compensation within 1 year after being discharged from military service, the effective date of an award of service connection will be the day after the date of discharge. However, under section 5111(a) of title 38, U.S.C., the effective date for payment of compensation based on that award will not be until the first day of the month following the month in which the service-connection award is effective.

Senate Bill

Section 206 of H.R. 1037, as amended, would amend section 5111 of title 38, U.S.C., to provide that, if a veteran is retired from the military for a catastrophic disability or disabilities, payment of disability compensation based on an original claim for benefits will be made as of the date on which the award of compensation becomes effective. “Catastrophic disability” would be defined as a permanent, severely disabling injury, disorder, or disease that compromises the ability of the veteran to carry out the activities of daily living to such a degree that the veteran requires personal or mechanical assistance to leave home or bed, or requires constant supervision to avoid physical harm to self or others.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 605 of the Compromise Agreement follows the Senate Bill.

APPLICABILITY OF LIMITATION TO PENSION PAYABLE TO CERTAIN CHILDREN OF VETERANS OF A PERIOD OF WAR

Current Law

Under current law, a veteran with no dependents who is entitled to receive pension under section 1521 of title 38, U.S.C., cannot be paid more than \$90 per month if the veteran is in a nursing facility where services are covered by a Medicaid plan. In instances where a veteran’s surviving spouse is entitled to receive pension under section 1541 of title 38, U.S.C., the surviving spouse also cannot be paid more than \$90 per month if the surviving spouse has no dependents and is in a nursing facility where services are covered by a Medicaid plan. The \$90 pension

benefit may not be counted in determining eligibility for Medicaid or the patient's share of cost.

Under section 101(4)(A) of title 38, U.S.C., a child is defined as a person who is unmarried and under the age of 18 years; before reaching the age of 18 years, became permanently incapable of self-support; or, after attaining the age of 18 years and until completion of education or training, but not after attaining the age of 23 years, is pursuing a course of instruction at an approved educational institution. Such a child is entitled to pension under section 1542 of title 38, U.S.C., if the income of the child is less than the statutory benefit amount payable to the child. If such a child is admitted to a nursing facility where services are covered by a Medicaid plan, the pension benefits for the child are not currently reduced to \$90.

Senate Bill

Section 207 of H.R. 1037, as amended, would amend section 5503 of title 38, U.S.C., so that adult-disabled children of veterans who receive pension under section 1542 of title 38, U.S.C., and are covered by a Medicaid plan while residing in nursing homes, would have their pension benefits reduced in the same manner as veterans and surviving spouses.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 606 of the Compromise Agreement follows the Senate bill.

EXTENSION OF REDUCED PENSION FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES

Current Law

Public Law 101-508, the Omnibus Budget Reconciliation Act of 1990, reduced VA pension for certain veterans in receipt of Medicaid-covered nursing home care to no more than \$90 per month, for any period after the month of admission to the nursing care facility. This authority expired on September 30, 1992, and was extended through 1997 in Public Law 102-568, the Veterans' Benefits Act of 1992; through 1998 in Public Law 103-66, the Omnibus Budget Reconciliation Act of 1993; through 2002 in Public Law 105-33, the Balanced Budget Act of 1997; through 2008 in Public Law 106-419, the Veterans' Benefits and Health Care Improvement Act of 2000; and through 2011 in Public Law 107-103, the Veterans' Education and Benefits Expansion Act of 2001.

Senate Bill

Section 204 of H.R. 1037, as amended, would amend section 5503(d)(7) of title 38, U.S.C., to extend, from September 30, 2011, to September 30, 2014, the authority for limitation of VA pension to \$90 per month for certain beneficiaries receiving Medicaid-covered nursing home care.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 607 of the Compromise Agreement follows the Senate bill, except that the limitation would be extended until May 31, 2015.

CODIFICATION OF 2009 COST-OF-LIVING ADJUSTMENT IN RATES OF PENSION FOR DISABLED VETERANS AND SURVIVING SPOUSES AND CHILDREN

Current Law

Under current law, section 5312 of title 38, U.S.C., whenever there is an increase in ben-

efits payable under title II of the Social Security Act, VA automatically increases pension benefits by the same percentage increase.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 608 of the Compromise Agreement codifies current pension rates for disabled veterans and surviving spouses and children.

TITLE VII—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

CLARIFICATION THAT USERRA PROHIBITS WAGE DISCRIMINATION AGAINST MEMBERS OF THE ARMED FORCES

Current Law

Under current law, section 4311(a) of title 38, U.S.C., employers may not deny any "benefit of employment" to employees or applicants on the basis of membership in the uniformed services, application for service, performance of service, or service obligation. However, the U.S. Court of Appeals for the Eighth Circuit held in 2002 that USERRA does not prohibit wage discrimination because "wages or salary for work performed" are specifically excluded from the law's definition of "benefit of employment." *Gagnon v. Sprint Corp.*, 284 F.3d 839, 853 (8th Cir. 2002).

Senate Bill

Section 403 of H.R. 1037, as amended, would amend section 4303(2) of title 38, U.S.C., to make it clear that wage discrimination is not permitted under USERRA.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 701 of the Compromise Agreement follows the Senate Bill.

CLARIFICATION OF THE DEFINITION OF "SUCCESSOR IN INTEREST"

Current Law

Section 4303 of title 38, U.S.C., uses a broad definition of the term "employer" and includes in subsection (4)(A)(iv) a definition of a "successor in interest." In regulations, the Department of Labor has provided that an employer is a "successor in interest" where there is a substantial continuity in operations, facilities and workforce from the former employer. It further stipulates that the determination of whether an employer is a successor in interest must be made on a case-by-case basis using a multifactor test (20 CFR §1002.35). One Federal court, however, in a decision made prior to the promulgation of the regulation, held that an employer could not be a successor in interest unless there was a merger or transfer of assets from the first employer to the second. (See *Coffman v. Chugach Support Services Inc.*, 411 F.3d 1231 (11th Cir. 2005); but see *Murphree v. Communications Technologies, Inc.*, 460 F. Supp. 2d 702 (E.D. La 2006) applying 20 CFR §1002.35 and rejecting the *Coffman* merger or transfer of assets requirement.)

Senate Bill

Section 402 of H.R. 1037, as amended, would amend section 4303 of title 38, U.S.C., to clarify the definition of "successor in interest" by incorporating language that mirrors the regulatory definition adopted by the Department of Labor.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 702 of the Compromise Agreement follows the Senate bill.

TECHNICAL AMENDMENTS

Senate Bill

Section 406 of H.R. 1037, as amended, would make three technical and conforming changes to various provisions of law in order to correct cross references to various USERRA provisions contained in chapter 43 of title 38, U.S.C., and clarify existing language in the USERRA.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 703 of the Compromise Agreement follows the Senate Bill.

TITLE VIII—BENEFITS MATTERS

INCREASE IN NUMBER OF VETERANS FOR WHICH PROGRAMS OF INDEPENDENT LIVING SERVICES AND ASSISTANCE MAY BE INITIATED

Current Law

Section 3120(e) of title 38, U.S.C., authorizes VA to initiate a program of independent living services for no more than 2,600 service-connected disabled veterans in each fiscal year.

Senate Bill

Section 301 of H.R. 1037, as amended, would eliminate the annual cap on the number of service-connected disabled veterans who may enroll in a program of independent living.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 801 of the Compromise Agreement would increase to 2,700 the number of veterans who may initiate a program of independent living services in any fiscal year.

PAYMENT OF UNPAID BALANCES OF DEPARTMENT OF VETERANS AFFAIRS GUARANTEED LOANS

Current Law

Under current law, section 3732 of title 38, U.S.C., provides default procedures for VA home loans and illustrates the actions VA may take to preserve the loan before suit or foreclosure. However, it does not address what would occur in the event an individual files for bankruptcy and a loan is modified under the authority provided under section 1322(b) of title 11.

Senate Bill

Section 304 of H.R. 1037, as amended, would amend section 3732(a)(2) by adding a new subparagraph that would authorize additional default procedures for VA home loans in the event that a VA home loan is modified under the authority provided under section 1322(b) of title 11. This new authority would allow VA to pay the holder of the obligation the unpaid balance of the obligation, plus accrued interest, due as of the date of the filing of the petition under title 11, but only upon the assignment, transfer, and delivery to VA in a form and manner satisfactory to VA of all rights, interest, claims, evidence, and records with respect to the housing loan.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 802 of the Compromise Agreement follows the Senate Bill.

ELIGIBILITY OF DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES WITH SEVERE BURN INJURIES FOR AUTOMOBILES AND ADAPTIVE EQUIPMENT

Current Law

Under current law, section 3901 of title 38, U.S.C., veterans and members of the Armed Forces are eligible for assistance with automobiles and adaptive equipment if they suffer from one of three qualifying service-connected disabilities: loss or permanent loss of use of one or both feet; loss or permanent loss of use of one or both hands; or a central visual acuity of 20/200 or less or a peripheral field of vision of 20 degrees or less.

Senate Bill

Section 302 of H.R. 1037, as amended, would amend section 3901 of title 38, U.S.C., so as to include individuals with a service-connected disability due to a severe burn injury, effective October 1, 2010. The scope and definition of what constitutes a disability due to a severe burn injury would be determined pursuant to regulations prescribed by VA.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 803 of the Compromise Agreement follows the Senate Bill, except that provision would take effect on October 1, 2011.

ENHANCEMENT OF AUTOMOBILE ASSISTANCE ALLOWANCE FOR VETERANS

Current Law

Under current law, section 3902 of title 38, U.S.C., provides up to \$11,000 to eligible veterans and servicemembers for the purchase of an automobile or other conveyance and adaptive equipment to safely operate either.

Senate Bill

Section 303 of H.R. 1037, as amended, would amend section 3902 of title 38, U.S.C., to increase the maximum authorized automobile assistance allowance from \$11,000 to \$22,500, effective October 1, 2010. Section 303 would also direct VA to establish a method of determining the average retail cost of new automobiles for the preceding calendar year. The maximum allowance would increase, effective October 1 of each fiscal year, beginning in 2011, to an amount equal to 80 percent of what VA determined to be the average retail cost of new automobiles for the preceding calendar year.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 804 of the Compromise Agreement would generally follow the Senate Bill. However, the amount of the allowance was increased to \$18,900 instead of \$22,500. This allowance would be adjusted October 1 of each year, beginning in 2011, by a percentage equal to the percentage by which the Consumer Price Index for all urban consumers (U.S. city average) increased during the 12-month period ending with the last month for which Consumer Price Index data is available. If the Consumer Price Index does not increase, the amount of the allowance will remain the same as the previous fiscal year.

NATIONAL ACADEMIES REVIEW OF BEST TREATMENTS FOR GULF WAR ILLNESS

Current Law

Current law contains no relevant provision.

Senate Bill

Section 601 of H.R. 1037, as amended, would require VA to contract with the Institute of

Medicine to gather a group of medical professionals, who are experienced in treating individuals diagnosed with Gulf War Illness, in order to conduct a comprehensive review of the best treatments for this illness. The individuals these medical professionals must have experience treating must have served during the Persian Gulf War in the Southwest Asia theater of operations, or in Afghanistan, Iraq, or any other theater in which the Global War on Terrorism Expeditionary Medal is awarded for service.

The final report on the review required by this section must be submitted to VA and the House and Senate Committees on Veterans' Affairs by December 31, 2011, and include recommendations for legislative or administrative actions as the Institute of Medicine considers appropriate in light of the results of that review.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 805 of the Compromise Agreement generally follows the Senate Bill except that the final report is due to the Committees by December 31, 2012, and the term "chronic multisymptom illness" replaces the term "Gulf War Illness."

EXTENSION AND MODIFICATION OF NATIONAL ACADEMY OF SCIENCES REVIEWS AND EVALUATIONS ON ILLNESS AND SERVICE IN PERSIAN GULF WAR AND POST 9/11 GLOBAL OPERATIONS THEATERS

Current Law

Public Law 105-277, the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, required VA to enter into an agreement with the National Academy of Sciences to review and evaluate the available scientific evidence regarding associations between illnesses and exposure to toxic agents, environmental or wartime hazards, or preventive medicines or vaccines associated with Persian Gulf War service. Congress extended these reviews and evaluations in Public Law 107-103, the Veterans Education and Benefits Expansion Act of 2001. This requirement will expire on October 1, 2010.

Public Law 105-368, the Veterans Programs Enhancement Act of 1998, required the National Academy of Sciences to examine the scientific and medical literature on the potential health effects of chemical and biological agents related to the 1991 Gulf War. The requirement for this examination ended in 2009.

Senate Bill

Section 602 of H.R. 1037, as amended, would extend until October 1, 2015, the mandate for the National Academy of Sciences to review and evaluate scientific evidence regarding associations between illnesses and exposure. Section 602(b) would extend until October 1, 2018, the requirement for the National Academy of Sciences to report on the health effects of exposure.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 806 of the Compromise Agreement generally follows the Senate Bill except that it requires the disaggregation of results by theaters of operations before and after September 11, 2001.

EXTENSION OF AUTHORITY FOR REGIONAL OFFICE IN REPUBLIC OF THE PHILIPPINES

Current Law

Current law, section 315(b) of title 38, U.S.C., authorizes VA to maintain a regional

office in the Republic of the Philippines until December 31, 2010. Congress has periodically extended this authority, most recently in Public Law 111-117, the Consolidated Appropriations Act, 2010.

Senate Bill

Section 603 of H.R. 1037, as amended, would authorize VA to maintain a regional office in the Republic of the Philippines until December 31, 2011.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 807 of the Compromise Agreement follows the Senate Bill, and adds that within one year, the Comptroller General would be required to provide a report to the House and Senate Committees on Veterans' Affairs and Appropriations on the activities of the Manila Regional Office. This report would also include an assessment of the costs and benefits of maintaining the office in the Philippines in comparison with moving the activities of the office to the United States.

EXTENSION OF AN ANNUAL REPORT ON EQUITABLE RELIEF

Current Law

Under current law, VA is authorized to provide monetary relief to persons whom the Secretary determines were deprived of VA benefits by reason of administrative error by a Federal Government employee. The Secretary may also provide relief which the Secretary determines is equitable to a VA beneficiary who has suffered a loss as a consequence of an erroneous decision made by a Federal Government employee. No later than April 1 of each year, the Secretary was required to submit to Congress a report containing a statement as to the disposition of each case recommended to the Secretary for equitable relief during the preceding calendar year; the requirement for this report was extended through December 31, 2009, by Public Law 109-233, the Veterans' Housing Opportunity and Benefits Improvement Act of 2006.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

The Compromise Agreement extends the requirement for the report on equitable relief through December 31, 2014.

AUTHORITY FOR THE PERFORMANCE OF MEDICAL DISABILITY EXAMINATIONS BY CONTRACT PHYSICIANS

Current Law

In 1996, in Public Law 104-275, the Veterans' Benefits Improvements Act of 1996, VA was authorized to carry out a pilot program of contract disability examinations through ten VA regional offices using amounts available for payment of compensation and pensions. During the initial pilot program, one contractor performed all contract examinations at the ten selected regional offices.

Subsequently, in 2003, in Public Law 108-183, the Veterans Benefits Act of 2003, VA was given additional, time-limited authority to contract for disability examinations using other appropriated funds. That initial authority was extended until December 31, 2010, by Public Law 110-389, the Veterans' Benefits Improvement Act of 2008. VA continues to

report high demand for compensation and pension examinations and satisfaction with the contracted examinations.

Senate Bill

S. 3609 would extend VA's authority, through December 31, 2012, to use appropriated funds for the purpose of contracting with non-VA providers to conduct disability examinations. The examinations would be conducted pursuant to contracts entered into and administered by the Under Secretary for Benefits.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 809 of the Compromise Agreement follows the Senate Bill.

TITLE IX—AUTHORIZATION OF MEDICAL FACILITY PROJECTS AND MAJOR MEDICAL FACILITY LEASES

AUTHORIZATION OF FISCAL YEAR 2011 MAJOR MEDICAL FACILITY LEASES

Current Law

Current law contains no relevant provision.

Senate Bill

Section 203 of S. 3325, as amended, would authorize fiscal year 2011 major medical facility leases as follows:

\$7,149,000 for a Community Based Outpatient Clinic (CBOC) in Billings, Montana.

\$3,316,000 for an Outpatient Clinic in Boston, Massachusetts.

\$21,495,000 for a CBOC in San Diego, California.

\$10,055,000 for a Research Lab in San Francisco, California.

\$5,323,000 for a Mental Health Facility in San Juan, Puerto Rico.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 901 of the Compromise Agreement follows the Senate Bill.

MODIFICATION OF AUTHORIZATION AMOUNT FOR MAJOR MEDICAL FACILITY CONSTRUCTION PROJECT PREVIOUSLY AUTHORIZED FOR THE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, NEW ORLEANS, LOUISIANA

Current Law

Current law contains no relevant provision.

Senate Bill

Section 201 of S. 3325, as amended, authorizes up to \$995,000,000 for restoration, new construction, or replacement of the medical care facility for the VA Medical Center (VAMC) at New Orleans, Louisiana.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 902 of the Compromise Agreement modifies previous authorizations by providing \$995,000,000 for restoration, new construction, or replacement of the medical care facility for the VAMC at New Orleans, Louisiana.

MODIFICATION OF AUTHORIZATION AMOUNT FOR MAJOR MEDICAL FACILITY CONSTRUCTION PROJECT PREVIOUSLY AUTHORIZED FOR THE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, LONG BEACH, CALIFORNIA

Current Law

Current law contains no relevant provision.

Senate Bill

Section 202 of S. 3325, as amended, authorizes up to \$117,845,000 to conduct seismic corrections on Buildings 7 and 126 at the VAMC in Long Beach, California.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 903 of the Compromise Agreement modifies previous authorizations by providing \$117,845,000 to conduct seismic corrections on Buildings 7 and 126 at the VAMC in Long Beach, California.

AUTHORIZATION OF APPROPRIATIONS

Current Law

Current law contains no relevant provision.

Senate Bill

Section 204 of S. 3325, as amended, authorizes \$47,338,000 to be appropriated to the Medical Facilities account for the leases authorized in section 901 and \$1,112,845,000 to be appropriated to the Construction, Major Projects account for the projects authorized in sections 902 and 903.

House Bill

The House Bills contain no applicable provision.

Compromise Agreement

Section 904 of the Compromise Agreement generally follows the Senate Bill.

REQUIREMENT THAT BID SAVINGS ON MAJOR MEDICAL FACILITY PROJECTS OF DEPARTMENT OF VETERANS AFFAIRS BE USED FOR OTHER MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS OF THE DEPARTMENT

Current Law

Current law contains no relevant provision.

Senate Bill

Section 207 of S. 3325, as amended, contains a provision that requires that bid savings from major medical facility projects realized in any fiscal year must be used for major medical facility projects authorized for that fiscal year or a prior year. At the time of obligation, VA would be required to submit to the Committees on Veterans' Affairs and Appropriations of the Senate and the House of Representatives notice of the source of the savings, the amount obligated, and the authorized project the savings are being obligated to.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 905 of the Compromise Agreement follows the Senate Bill.

TITLE X—OTHER MATTERS TECHNICAL CORRECTIONS

Current Law

Current law contains no relevant provision.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 1001 of the Compromise Agreement contains technical corrections to title 38, U.S.C.

STATUTORY PAY-AS-YOU-GO ACT COMPLIANCE

Current Law

Public Law 111-139, the Statutory Pay-As-You-Go Act (PAYGO Act), requires that

most new spending is offset by spending cuts or added revenue elsewhere.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 1002 of the Compromise Agreement contains language required by the PAYGO Act in order for the estimate of budgetary effects from the Senate Budget Committee to be used by the Office of Management and Budget on PAYGO scorecards.

Mr. Speaker, I reserve the balance of my time.

Mr. BUYER. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3219, as amended, the Veterans' Benefits Act of 2010.

This is an omnibus benefit and health bill that contains many provisions to help veterans and their families. I am glad that we were finally able to work this out with the Senate and, really, pass many of the provisions that the House had passed previously in the summer of 2009.

This bill contains many provisions authored also by my Republican colleagues, including:

The Pat Tillman Scholarship Initiative that would require the VA to publish a list of college scholarship opportunities for veterans on their Web site. This initiative grew from a meeting that my staff had with the family of the U.S. Army Ranger and former NFL star, Pat Tillman.

After Tillman's death in Afghanistan, his family and friends founded the Pat Tillman Foundation. Foundation staff informed my staff that they were having problems educating and reaching potential veterans for college scholarships they were awarding. This provision will assist groups like the Pat Tillman Foundation by informing veterans of scholarship opportunities for veterans by placing them on their Web site.

We also have the reauthorization of the Homeless Veteran Reintegration Program. This program is run by the Department of Labor's Veterans Employment and Training Service and provides grants to local homeless veteran providers for job-skill training and counseling. This program has been lauded as one of the most successful programs in the Federal Government in combating homelessness.

I am also pleased that we were able to include an expansion of this program to local homeless providers that offer job skill training for homeless women veterans and homeless veterans with children. This is an initiative that I have worked on, and I appreciate the cooperation of the majority to make this, in fact, a reality.

I took up a cause with regard to addressing this in the 1990s, when the

Clinton administration went into a lot of the inner cities and wanted to help recruit women with children, as we were doing the welfare reform initiatives, and bring them into the military. So they joined the military and then they also brought their children. When they left the military, some actually returned to welfare and some became homeless. The fact that we have women with children in America who are homeless, I could not stand that thought.

□ 2040

So I want to thank the majority for working with us in making these provisions a reality.

This expansion was originally drafted as H.R. 293 and was part of the Nobel Warrior Initiatives that I introduced in January of 2009. Unfortunately, this program is needed, as I said, because recent reports also by the VA indicate 9 percent of the homeless veteran population is women, many of whom have children. These individuals obviously require a safe and supportive environment in a private setting in which they can regain their footing and acquire skills which will lead them to meaningful employment. Once that occurs, they become self-enriched, and they also become better mentors to their children.

I hope that this expansion, more homeless veteran providers, will expand beyond their normal male-dominated services to assist women as well as homeless veterans with children.

Another one of my provisions in H.R. 3219, as amended, would allow veterans to purchase additional amounts of Veterans Group Life Insurance coverage. Currently the amount of VGLI coverage that a veteran can have cannot be changed. Because the level of coverage must be made within the first year of a servicemember's discharge, and because most of the separating servicemembers are young and single, many select levels that become insufficient as they age and have families. The provision would allow veterans to purchase up to \$400,000 of VGLI coverage in \$25,000 increments every 5 years until age 60. The cost of such increases would be offset by premiums, so there would be no direct cost to taxpayers.

This provision would also allow veterans to tailor their life insurance coverage to fit their current needs and provide greater security for their families, and I am glad it was included in the bill.

The final provision I would like to highlight was introduced by the ranking member of the Subcommittee on Economic Opportunity, JOHN BOOZMAN. This provision would establish a program to make grants of up to \$200,000 to encourage the development of new assistive technologies for specifically adaptive housing.

The goal of this provision is to encourage the development of technology to provide the maximum level of independence to severely disabled veterans in their daily living. This includes emerging technologies such as voice command operations, integrated computer-managed functions, and fall prevention devices, and I am pleased this measure will also authorize much of the needed funding for this goal.

I am also pleased this bill includes many other improvements for veterans and their families, such as creating a new veterans energy-related employment program; increasing training for veteran employment specialists; increasing protections for deployed servicemembers under the Servicemembers Civil Relief Act in regard to cell phone contracts; providing numerous VA life insurance program improvements; increasing the plot and burial allowance for deceased veterans; authorizing aid and attendance benefits for veterans with traumatic brain injury; increasing the number of veterans who can begin receiving independent living services; expanding eligibility for adaptive auto grants to disabled veterans and servicemembers with severe burn injuries; and requiring a National Academies study of best treatments for chronic multi-symptom illness in Persian Gulf veterans.

It authorizes the funding for construction of medical facilities and/or community outpatient clinics in Long Beach, California; Billings, Montana; Boston, Massachusetts; San Francisco, California; and San Juan, Puerto Rico. We also have an increase in here with regard to the hospital in New Orleans.

Under section 902 of title IX under "construction," the modification of authorization for the amount of medical facility construction projects previously authorized for the Department of Veterans Affairs Medical Center in New Orleans, Louisiana, increases from \$625 million to \$995 million.

The reason I stopped to highlight that is I am going to exercise some disappointment, because we were never able to achieve a joint facility and agreement to actually save money by having some jointness here between Tulane and LSU and another one of the hospitals. This is a lost opportunity. It is really unfortunate. So we are going to be building another one of these big state-of-the-art VA hospitals, and it costs now about \$1 billion.

I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I yield 5 minutes to the gentlewoman from Nevada (Ms. BERKLEY), who is a former member of our committee and whom we miss very, very, very much.

Ms. BERKLEY. I want to particularly thank Chairman FILNER for shepherding this very important piece of legislation through the Congress. I know it wasn't easy, but it was a very important task, and he did it very well.

I rise today in support of the Senate amendments to H.R. 3219, the Veterans' Insurance and Health Care Improvements Act. It is this Nation's responsibility, indeed, it is our honor, to provide care to the brave men and women who have served this Nation so well and have sacrificed much on behalf of the rest of us. This legislation goes a long way to address many of the needs of our veterans.

About 13 years ago when I was first contemplating running for Congress, I met with a group of veterans, and then I met with another group, and I met with another group, all in the Las Vegas area. And I wasn't particularly surprised when they told me they didn't think they got the quality of care that was due them through the VA, and I wasn't surprised when they told me we didn't have a VA hospital in the southern Nevada area, or we had a large number of homeless veterans.

But what surprised me more than anything was family after family spoke of how difficult it was when the time came to bury their family member who was a veteran, that they had a difficult time finding the money so they could make a decent burial for this veteran.

I couldn't understand exactly why that was. I knew that we were providing veteran benefits in order to bury our veterans and to give them grave markers. Then I came to Congress and I started serving on the Veterans Affairs Committee, and I learned that the original bill that provided this funding was not indexed to inflation, and consequently the value continued to diminish with every passing year.

We have not changed the amount of money that we provide families for burying their veteran family members since the early 1970s. This bill finally, after introducing legislation year after year that I have been here in Congress, finally this piece of legislation provides the funding and moves us in the right direction so that families don't have a tremendous hardship when they bury their family members who were veterans and have fought for this Nation.

I could not be happier that we are doing this. It is an important piece of legislation. People don't realize it until you are in that position yourself. I am glad that the Veterans Committees in the House and the Senate have all recognized the importance of increasing these benefits. We have included these provisions today in the bill before us. Our veterans deserve to be laid to rest with the full recognition of their military service. This bill is a step in the right direction.

We always talk about supporting our veterans. You hear it here. Each one of us talks about supporting our veterans. This is a piece of legislation in which we can actually demonstrate our support of our veterans.

Mr. BUYER. I reserve my time.

Mr. FILNER. I yield myself such time as I may consume.

I just wanted to thank the gentleman, frankly, for not only her persistence in this particular benefit that is so important but, as I understand it, the Las Vegas veterans hospital is under construction.

You fought for that for more than a decade and it is finally going to be built. When does it open?

I yield to the gentlewoman.

Ms. BERKLEY. It is going to be completed at the end of 2011 and opened in 2012.

Mr. FILNER. We applaud again your persistence for that. We know the veterans in Las Vegas and surroundings are going to be well served.

Ms. BERKLEY. I hope you join us for the grand opening.

Mr. FILNER. I thank the gentlewoman.

I reserve the balance of my time.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

I would like to take the opportunity to thank the highly capable staff of the House Veterans Affairs Committee, not only the full committee, but also the subcommittees. It seems that each session of Congress both bodies pass so many different individual pieces of legislation that we have picked up as a now regular course of doing business creating an omnibus bill.

□ 2050

So we do a puts and takes, back and forth between the House and the Senate, and we actually then create a much larger bill that we then bring to the floor that can best serve the interests of America's veterans.

And that's in fact what we have here. This is really a very good bill. I couldn't begin to tell you, Mr. Speaker, how many hours have gone into the development of this bill. It is a bipartisan bill. I really appreciate the work of not only my colleagues in the Senate, but also their staff.

At this time I would specifically like to mention the leadership of Colonel Malcom Shorter. I would like to thank you for your leadership, sir, on the committee. I recognize it and it is appreciated. And to your counterpart, your pilot, an Air Force colonel himself, Kingston Smith, the Republican House staff director. The two staff directors I think worked very well together, both having worn the uniform. You don't get caught down in the fights between political parties. You think about serving the men and women in uniform. And for that I want to congratulate both of you for keeping everyone focused.

I also want to thank David Tucker. David is someone that I have known for a lot of years on the committee. I find him to be a man of distinct honor and integrity. You have always been a very straight shooter, David. Also, he

is one whereby if in fact you raise an issue of law or I have raised an issue of law, we diligently dive into it and we get our interpretations and we also get Kingston Smith for his read. But I have had a distinct pleasure, David, of working with you over the years, and I want to recognize your valuable contribution not only in this bill, but what you have done over the years. I consider your talent valuable, but I consider your friendship even more.

To Juan Lara, the Subcommittee on Economic Opportunity, the staff director, thank you very much for your work with Mike Brinck on the Subcommittee on Economic Opportunity. Not only do you two work together, but you also take the leads of STEPHANIE HERSETH SANDLIN and Dr. BOOZMAN. And, as I said many times, this subcommittee sets the pace not only for the House Veterans Affairs Committee itself, but I think you set the pace for the entire Congress. This little subcommittee, how you work together interoperably, you can't even tell who is a Republican and who is a Democrat. For that, I congratulate you. I think America would rejoice and may even be surprised that somebody in this town thinks about being an American first. So I want to thank you for your leadership and being a pacesetter.

Kimberly Ross, the Subcommittee on Disability Assistance and Memorial Affairs staff director, along with Brian Lawrence, the Subcommittee on Disability Assistance Republican Staff Director, both are also pacesetters and don't always get all the attention that they should. Brian, along with Mike Brinck, these are two individuals that are also incredibly talented. Mike, I really appreciate all the years that I have had the opportunity to work with you. And, Jon, I would say for you, you're an individual for whom much is expected. I truly believe that.

I guess I am at that point in my career, Mr. Speaker, that I am being a little nostalgic because I recognize individuals, that their diligence, hard work, it's invaluable to the committee; it's invaluable to Congress. There's a reason that we call them professional staff, because that's exactly what they are. They are very professional in their work. Both committees can actually go to a professional staffer and they're going to tell them exactly the read or give them the recommendation for the best interest in how to serve the Nation. And so these individuals whom I have read truly live up to the status of being a professional staffer here in Congress.

I also recognize that this is probably the last markup I will have with the House Veterans Affairs Committee. I want to share this. It has truly been a distinct honor to serve the Nation's veterans, Mr. Speaker. I serve the men and women who wear the military uniform. I help take care of their families,

the spouses, the children, the widows, the orphans, the consequences of war, the consequences of their service; and it has been a distinct honor to work with a lot of very talented people to do that.

I get upset at times in the committee, and I can have disagreements even with my friends in the veterans service organizations when individuals play their politics or they don't follow the rules or they don't follow the process. And we're meant to be a bipartisan committee. When that doesn't happen, I can get really upset pretty quick.

So I'll end with saying that, Mr. Speaker, it has been a distinct honor. I have also enjoyed serving with you, JESSE.

With that, I yield back the balance of my time.

Mr. FILNER. I yield myself such time as I may consume.

Mr. Speaker, I don't know that we'll be in session again before Veterans Day on November 11. This is a bill that will really raise the level of standards for all of our Nation's veterans; and we can look at it as, I think, a perfect gift that can be delivered on Veterans Day. So I ask my colleagues to unanimously support H.R. 3219.

I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 3219.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the House of the following title:

H. Con. Res. 321. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3081. An act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes.

M.R. "BUCKY" WALTERS POST OFFICE

Mr. DRIEHAUS. Mr. Speaker, I would like to withdraw my motion to

suspend the rules and pass the bill (H.R. 6014) to designate the facility of the United States Postal Service located at 212 Main Street in Hartman, Arkansas, as the "M.R. 'Bucky' Walters Post Office".

The SPEAKER pro tempore. The motion is withdrawn.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2010

Mr. GORDON of Tennessee. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3729) to authorize the programs of the National Aeronautics and Space Administration for fiscal years 2011 through 2013, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3729

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Aeronautics and Space Administration Authorization Act of 2010".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

- Sec. 101. Fiscal year 2011.
- Sec. 102. Fiscal year 2012.
- Sec. 103. Fiscal year 2013.

TITLE II—POLICY, GOALS, AND OBJECTIVES FOR HUMAN SPACE FLIGHT AND EXPLORATION

- Sec. 201. United States human space flight policy.
- Sec. 202. Goals and objectives.
- Sec. 203. Assurance of core capabilities.
- Sec. 204. Independent study on human exploration of space.

TITLE III—EXPANSION OF HUMAN SPACE FLIGHT BEYOND THE INTERNATIONAL SPACE STATION AND LOW-EARTH ORBIT

- Sec. 301. Human space flight beyond low-Earth orbit.
- Sec. 302. Space Launch System as follow-on launch vehicle to the Space Shuttle.
- Sec. 303. Multi-purpose crew vehicle.
- Sec. 304. Utilization of existing workforce and assets in development of Space Launch System and multi-purpose crew vehicle.
- Sec. 305. NASA launch support and infrastructure modernization program.
- Sec. 306. Report on effects of transition to Space Launch System on the solid and liquid rocket motor industrial bases.
- Sec. 307. Sense of Congress on other technology and robotic elements in human space flight and exploration.
- Sec. 308. Development of technologies and in-space capabilities for beyond near-Earth space missions.
- Sec. 309. Report requirement.

TITLE IV—DEVELOPMENT AND USE OF COMMERCIAL CREW AND CARGO TRANSPORTATION CAPABILITIES

- Sec. 401. Commercial Cargo Development program.
- Sec. 402. Commercial Crew Development program.
- Sec. 403. Requirements applicable to development of commercial crew transportation capabilities and services.
- Sec. 404. Report on International Space Station cargo return capability.

TITLE V—CONTINUATION, SUPPORT, AND EVOLUTION OF THE INTERNATIONAL SPACE STATION

- Sec. 501. Continuation of the International Space Station through 2020.
- Sec. 502. Maximum utilization of the International Space Station.
- Sec. 503. Maintenance of the United States segment and assurance of continued operations of the International Space Station.
- Sec. 504. Management of the ISS national laboratory.

TITLE VI—SPACE SHUTTLE RETIREMENT AND TRANSITION

- Sec. 601. Sense of Congress on the Space Shuttle program.
- Sec. 602. Retirement of Space Shuttle orbiters and transition of Space Shuttle program.
- Sec. 603. Disposition of orbiter vehicles.

TITLE VII—EARTH SCIENCE

- Sec. 701. Sense of Congress.
- Sec. 702. Interagency collaboration implementation approach.
- Sec. 703. Transitioning experimental research to operations.
- Sec. 704. Decadal survey missions implementation for Earth observation.
- Sec. 705. Expansion of Earth science applications.
- Sec. 706. Instrument test-beds and venture class missions.
- Sec. 707. Sense of Congress on NPOESS follow-on program.

TITLE VIII—SPACE SCIENCE

- Sec. 801. Technology development.
- Sec. 802. Suborbital research activities.
- Sec. 803. Overall science portfolio-sense of the Congress.
- Sec. 804. In-space servicing.
- Sec. 805. Decadal results.
- Sec. 806. On-going restoration of radioisotope thermoelectric generator material production.
- Sec. 807. Collaboration with ESMD and SOMD on robotic missions.
- Sec. 808. Near-Earth object survey and policy with respect to threats posed.
- Sec. 809. Space weather.

TITLE IX—AERONAUTICS AND SPACE TECHNOLOGY

- Sec. 901. Sense of Congress.
- Sec. 902. Aeronautics research goals.
- Sec. 903. Research collaboration.
- Sec. 904. Goal for agency space technology.
- Sec. 905. Implementation plan for agency space technology.
- Sec. 906. National space technology policy.
- Sec. 907. Commercial reusable suborbital research program.

TITLE X—EDUCATION

- Sec. 1001. Report on education implementation outcomes.
- Sec. 1002. Sense of Congress on the Experimental Program to Stimulate Competitive Research.

- Sec. 1003. Science, technology, engineering, and mathematics commercial orbital platform program.

TITLE XI—RESCOPING AND REVITALIZING INSTITUTIONAL CAPABILITIES

- Sec. 1101. Sense of Congress.
- Sec. 1102. Institutional requirements study.
- Sec. 1103. NASA capabilities study requirement.
- Sec. 1104. Sense of Congress on community transition support.
- Sec. 1105. Workforce stabilization and critical skills preservation.

TITLE XII—OTHER MATTERS

- Sec. 1201. Report on space traffic management.
- Sec. 1202. National and international orbital debris mitigation.
- Sec. 1203. Reports on program and cost assessment and control assessment.
- Sec. 1204. Eligibility for service of individual currently serving as Administrator of NASA.
- Sec. 1205. Sense of Congress on independent verification and validation of NASA software.
- Sec. 1206. Counterfeit parts.
- Sec. 1207. Information security.
- Sec. 1208. National Center for Human Performance.
- Sec. 1209. Enhanced-use Leasing.
- Sec. 1210. Sense of Congress concerning the Stennis Space Center.

TITLE XIII—COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010

- Sec. 1301. Compliance provision.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The United States human space flight program has, since the first Mercury flight on May 5, 1961, been a source of pride and inspiration for the Nation.

(2) The establishment of and commitment to human exploration goals is essential for providing the necessary long term focus and programmatic consistency and robustness of the United States civilian space program.

(3) The National Aeronautics and Space Administration is and should remain a multi-mission agency with a balanced and robust set of core missions in science, aeronautics, and human space flight and exploration.

(4) In the 50 years since the establishment of NASA, the arena of space has evolved substantially. As the uses and users of space continue to expand, the issues and operations in the regions closest to Earth have become increasingly complex, with a growing number of overlaps between civil, commercial and national security activities. These developments present opportunities and challenges to the space activities of NASA and the United States.

(5) The extraordinary challenges of achieving access to space both motivated and accelerated the development of technologies and industrial capabilities that have had widespread applications which have contributed to the technological excellence of the United States. It is essential to tie space activity to human challenges ranging from enhancing the influence, relationships, security, economic development, and commerce of the United States to improving the overall human condition.

(6) It is essential to the economic well-being of the United States that the aerospace industrial capacity, highly skilled workforce, and embedded expertise remain

engaged in demanding, challenging, and exciting efforts that ensure United States leadership in space exploration and related activities.

(7) Crewmembers provide the essential component to ensure the return on investment from and the growth and safe operation of the ISS. The Russian Soyuz vehicle has allowed continued human presence on the ISS for United States crewmembers with its ability to serve as both a routine and backup capability for crew delivery, rescue, and return. With the impending retirement of the Space Shuttle, the United States will find itself with no national crew delivery and return system. Without any other system, the United States and all the ISS partners will have no redundant system for human access to and from the ISS. It is therefore essential that a United States capability be developed as soon as possible.

(8) Existing and emerging United States commercial launch capabilities and emerging launch capabilities offer the potential for providing crew support assets. New capabilities for human crew access to the ISS should be developed in a manner that ensures ISS mission assurance and safety. Commercial services offer the potential to broaden the availability and access to space at lower costs.

(9) While commercial transportation systems have the promise to contribute valuable services, it is in the United States national interest to maintain a government operated space transportation system for crew and cargo delivery to space.

(10) Congress restates its commitment, expressed in the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109-155) and the National Aeronautics and Space Administration Authorization Act of 2008 (Public Law 110-422), to the development of commercially developed launch and delivery systems to the ISS for crew and cargo missions. Congress reaffirms that NASA shall make use of United States commercially provided ISS crew transfer and crew rescue services to the maximum extent practicable.

(11) It is critical to identify an appropriate combination of NASA and related United States Government programs, while providing a framework that allows partnering, leveraging and stimulation of the existing and emerging commercial and international efforts in both near Earth space and the regions beyond.

(12) The designation of the United States segment of the ISS as a National Laboratory, as provided by the National Aeronautics and Space Administration Authorization Act of 2005 and the National Aeronautics and Space Administration Authorization Act of 2008, provides an opportunity for multiple United States Government agencies, university-based researchers, research organizations, and others to utilize the unique environment of microgravity for fundamental scientific research and potential economic development.

(13) For some potential replacement elements necessary for ISS sustainability, the Space Shuttle may represent the only vehicle, existing or planned, capable of carrying those elements to the ISS in the near term. Additional or alternative transportation capabilities must be identified as contingency delivery options, and accompanied by an independent analysis of projected availability of such capabilities.

(14) The United States must develop, as rapidly as possible, replacement vehicles capable of providing both human and cargo

launch capability to low-Earth orbit and to destinations beyond low-Earth orbit.

(15) There is a need for national space and export control policies that protect the national security of the United States while also enabling the United States and its aerospace industry to undertake cooperative programs in science and human space flight in an effective and efficient manner and to compete effectively in the global market place.

SEC. 3. DEFINITIONS.

In this Act:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the National Aeronautics and Space Administration.

(2) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term “appropriate committees of Congress” means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Science of the House of Representatives.

(3) **CIS-LUNAR SPACE.**—The term “cis-lunar space” means the region of space from the Earth out to and including the region around the surface of the Moon.

(4) **DEEP SPACE.**—The term “deep space” means the region of space beyond cis-lunar space.

(5) **ISS.**—The term “ISS” means the International Space Station.

(6) **NASA.**—The term “NASA” means the National Aeronautics and Space Administration.

(7) **NEAR-EARTH SPACE.**—The term “near-Earth space” means the region of space that includes low-Earth orbit and extends out to and includes geo-synchronous orbit.

(8) **NOAA.**—The term “NOAA” means the National Oceanic and Atmospheric Administration.

(9) **OSTP.**—The term “OSTP” means the Office of Science and Technology Policy.

(10) **SPACE LAUNCH SYSTEM.**—The term “Space Launch System” means the follow-on government-owned civil launch system developed, managed, and operated by NASA to serve as a key component to expand human presence beyond low-Earth orbit.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. FISCAL YEAR 2011.

There are authorized to be appropriated to NASA for fiscal year 2011, \$19,000,000,000, as follows:

(1) For Exploration, \$3,868,000,000, of which—

(A) \$1,120,000,000 shall be for a multi-purpose crew vehicle, and associated program and other necessary support;

(B) \$1,631,000,000 shall be for Space Launch System and associated program and other necessary support;

(C) \$250,000,000 shall be for Exploration Technology Development;

(D) \$155,000,000 shall be for Human Research;

(E) \$300,000,000 shall be for Commercial Cargo;

(F) \$312,000,000 shall be for Commercial Crew Development activities and studies related to commercial crew services; and

(G) \$100,000,000 shall be for Robotic Precursor Studies and Instruments.

(2) For Space Operations, \$5,508,500,000, of which—

(A) \$2,779,800,000 shall be for the ISS program;

(B) \$1,609,700,000 shall be for Space Shuttle, to support Space Shuttle flight operations and related activities; and

(C) \$1,119,000,000 for Space and Flight Services, of which \$428,600,000 shall be directed toward NASA launch support and infrastructure modernization program.

(3) For Science, \$5,005,600,000, of which—

(A) \$1,801,800,000 shall be for Earth Sciences;

(B) \$1,485,700,000 shall be for Planetary Science;

(C) \$1,076,300,000 shall be for Astrophysics; and

(D) \$641,900,000 shall be for Heliophysics.

(4) For Aeronautics, \$929,600,000, of which—

(A) \$579,600,000 shall be for Aeronautics Research; and

(B) \$350,000,000 shall be for Space Technology.

(5) For Education, \$145,800,000, of which—

(A) \$25,000,000 shall be for the Experimental Program to Stimulate Competitive Research; and

(B) \$45,600,000 shall be for the Space Grant program.

(6) For Cross-Agency Support Programs, \$3,111,400,000.

(7) For Construction and Environmental Compliance and Restoration, \$394,300,000.

(8) For Inspector General, \$37,000,000.

SEC. 102. FISCAL YEAR 2012.

There are authorized to be appropriated to NASA for fiscal year 2012, \$19,450,000,000, as follows:

(1) For Exploration, \$5,252,300,000, of which—

(A) \$1,400,000,000 shall be for a multi-purpose crew vehicle and associated program and other necessary support;

(B) \$2,650,000,000 shall be for Space Launch System and associated program and other necessary support;

(C) \$437,300,000 shall be for Exploration Technology Development;

(D) \$165,000,000 shall be for Human Research;

(E) \$500,000,000 shall be for commercial crew capabilities; and

(F) \$100,000,000 shall be for Robotic Precursor Instruments and Low-Cost Missions.

(2) For Space Operations, \$4,141,500,000, of which—

(A) \$2,952,250,000 shall be for the ISS operations and crew/cargo support; and

(B) \$1,189,250,000 shall be for Space and Flight Services, of which \$500,000,000 shall be directed toward the NASA launch support and infrastructure modernization program.

(3) For Science, \$5,248,600,000, of which—

(A) \$1,944,500,000 shall be for Earth Sciences;

(B) \$1,547,200,000 shall be for Planetary Science;

(C) \$1,109,300,000 shall be for Astrophysics; and

(D) \$647,600,000 shall be for Heliophysics.

(4) For Aeronautics, \$1,070,600,000, of which—

(A) \$584,700,000 shall be for Aeronautics Research; and

(B) \$486,000,000 shall be for Space Technology.

(5) For Education, \$145,800,000, of which—

(A) \$25,000,000 shall be for the Experimental Program to Stimulate Competitive Research; and

(B) \$45,600,000 shall be for the Space Grant program.

(6) For Cross-Agency Support Programs, \$3,189,600,000.

(7) For Construction and Environmental Compliance and Restoration, \$363,800,000.

(8) For Inspector General, \$37,800,000.

SEC. 103. FISCAL YEAR 2013.

There are authorized to be appropriated to NASA for fiscal year 2013, \$19,960,000,000, as follows:

(1) For Exploration, \$5,264,000,000, of which—

(A) \$1,400,000,000 shall be for a multi-purpose crew vehicle and associated program and other necessary support;

(B) \$2,640,000,000 shall be for Space Launch System and associated program and other necessary support;

(C) \$449,000,000 shall be for Exploration Technology Development;

(D) \$175,000,000 shall be for Human Research;

(E) \$500,000,000 shall be for commercial crew capabilities; and

(F) \$100,000,000 shall be for Robotic Precursor Instruments and Low-Cost Missions.

(2) For Space Operations, \$4,253,300,000, of which—

(A) \$3,129,400,000 shall be for the ISS operations and crew/cargo support; and

(B) \$1,123,900,000 shall be for Space and Flight Services, of which \$400,000,000 shall be directed toward the NASA launch support and infrastructure modernization program.

(3) For Science, \$5,509,600,000, of which—

(A) \$2,089,500,000 shall be for Earth Sciences;

(B) \$1,591,200,000 shall be for Planetary Science;

(C) \$1,149,100,000 shall be for Astrophysics; and

(D) \$679,800,000 shall be for Heliophysics.

(4) For Aeronautics, \$1,105,000,000, of which—

(A) \$590,000,000 shall be for Aeronautics Research; and

(B) \$515,000,000 shall be for Space Technology.

(5) For Education, \$145,700,000, of which—

(A) \$25,000,000 shall be for the Experimental Program to Stimulate Competitive Research; and

(B) \$45,600,000 shall be for the Space Grant program.

(6) For Cross-Agency Support Programs, \$3,276,800,000.

(7) For Construction and Environmental Compliance and Restoration, \$366,900,000.

(8) For Inspector General, \$38,700,000.

TITLE II—POLICY, GOALS, AND OBJECTIVES FOR HUMAN SPACE FLIGHT AND EXPLORATION

SEC. 201. UNITED STATES HUMAN SPACE FLIGHT POLICY.

(a) **USE OF NON-UNITED STATES HUMAN SPACE FLIGHT TRANSPORTATION CAPABILITIES.**—It is the policy of the United States that reliance upon and use of non-United States human space flight capabilities shall be undertaken only as a contingency in circumstances where no United States-owned and operated human space flight capability is available, operational, and certified for flight by appropriate Federal agencies.

(b) **UNITED STATES HUMAN SPACE FLIGHT CAPABILITIES.**—Congress reaffirms the policy stated in section 501(a) of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16761(a)), that the United States shall maintain an uninterrupted capability for human space flight and operations in low-Earth orbit, and beyond, as an essential instrument of national security and of the capacity to ensure continued United States participation and leadership in the exploration and utilization of space.

SEC. 202. GOALS AND OBJECTIVES.

(a) **LONG TERM GOAL.**—The long term goal of the human space flight and exploration efforts of NASA shall be to expand permanent

human presence beyond low-Earth orbit and to do so, where practical, in a manner involving international partners.

(b) **KEY OBJECTIVES.**—The key objectives of the United States for human expansion into space shall be—

(1) to sustain the capability for long-duration presence in low-Earth orbit, initially through continuation of the ISS and full utilization of the United States segment of the ISS as a National Laboratory, and through assisting and enabling an expanded commercial presence in, and access to, low-Earth orbit, as elements of a low-Earth orbit infrastructure;

(2) to determine if humans can live in an extended manner in space with decreasing reliance on Earth, starting with utilization of low-Earth orbit infrastructure, to identify potential roles that space resources such as energy and materials may play, to meet national and global needs and challenges, such as potential cataclysmic threats, and to explore the viability of and lay the foundation for sustainable economic activities in space;

(3) to maximize the role that human exploration of space can play in advancing overall knowledge of the universe, supporting United States national and economic security and the United States global competitive posture, and inspiring young people in their educational pursuits; and

(4) to build upon the cooperative and mutually beneficial framework established by the ISS partnership agreements and experience in developing and undertaking programs and meeting objectives designed to realize the goal of human space flight set forth in subsection (a).

SEC. 203. ASSURANCE OF CORE CAPABILITIES.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the ISS, technology developments, the current Space Shuttle program, and follow-on transportation systems authorized by this Act form the foundation of initial capabilities for missions beyond low-Earth orbit to a variety of lunar and Lagrangian orbital locations; and

(2) these initial missions and related capabilities should be utilized to provide operational experience, technology development, and the placement and assured use of in-space infrastructure and in-space servicing of existing and future assets.

(b) **SPACE SHUTTLE CAPABILITY ASSURANCE.**—

(1) **DEVELOPMENT OF FOLLOW-ON SPACE TRANSPORTATION SYSTEMS.**—The Administrator shall proceed with the development of follow-on space transportation systems in a manner that ensures that the national capability to restart and fly Space Shuttle missions can be initiated if required by the Congress, in an Act enacted after the date of enactment of this Act, or by a Presidential determination transmitted to the Congress, before the last Space Shuttle mission authorized by this Act is completed.

(2) **REQUIRED ACTIONS.**—In carrying out the requirement in paragraph (1), the Administrator shall authorize refurbishment of the manufactured external tank of the Space Shuttle, designated as ET-94, and take all actions necessary to enable its readiness for use in the Space Launch System development as a critical skills and capability retention effort or for test purposes, while preserving the ability to use this tank if needed for an ISS contingency if deemed necessary under paragraph (1).

SEC. 204. INDEPENDENT STUDY ON HUMAN EXPLORATION OF SPACE.

(a) **IN GENERAL.**—In fiscal year 2012 the Administrator shall contract with the National

Academies for a review of the goals, core capabilities, and direction of human space flight, using the goals set forth in the National Aeronautics and Space Act of 1958, the National Aeronautics and Space Administration Authorization Act of 2005, and the National Aeronautics and Space Administration Authorization Act of 2008, the goals set forth in this Act, and goals set forth in any existing statement of space policy issued by the President.

(b) **ELEMENTS.**—The review shall include—

(1) a broad spectrum of participation with representatives of a range of disciplines, backgrounds, and generations, including civil, commercial, international, scientific, and national security interests;

(2) input from NASA's international partner discussions and NASA's Human Exploration Framework Team;

(3) an examination of the relationship of national goals to foundational capabilities, robotic activities, technologies, and missions authorized by this Act;

(4) a review and prioritization of scientific, engineering, economic, and social science questions to be addressed by human space exploration to improve the overall human condition; and

(5) findings and recommendations for fiscal years 2014 through 2023.

TITLE III—EXPANSION OF HUMAN SPACE FLIGHT BEYOND THE INTERNATIONAL SPACE STATION AND LOW-EARTH ORBIT

SEC. 301. HUMAN SPACE FLIGHT BEYOND LOW-EARTH ORBIT.

(a) **FINDINGS.**—Congress makes the following findings:

(1) The extension of the human presence from low-Earth orbit to other regions of space beyond low-Earth orbit will enable missions to the surface of the Moon and missions to deep space destinations such as near-Earth asteroids and Mars.

(2) The regions of cis-lunar space are accessible to other national and commercial launch capabilities, and such access raises a host of national security concerns and economic implications that international human space endeavors can help to address.

(3) The ability to support human missions in regions beyond low-Earth orbit and on the surface of the Moon can also drive developments in emerging areas of space infrastructure and technology.

(4) Developments in space infrastructure and technology can stimulate and enable increased space applications, such as in-space servicing, propellant resupply and transfer, and in situ resource utilization, and open opportunities for additional users of space, whether national, commercial, or international.

(5) A long term objective for human exploration of space should be the eventual international exploration of Mars.

(6) Future international missions beyond low-Earth orbit should be designed to incorporate capability development and availability, affordability, and international contributions.

(7) Human space flight and future exploration beyond low-Earth orbit should be based around a pay-as-you-go approach. Requirements in new launch and crew systems authorized in this Act should be scaled to the minimum necessary to meet the core national mission capability needed to conduct cis-lunar missions. These initial missions, along with the development of new technologies and in-space capabilities can form the foundation for missions to other destinations. These initial missions also should provide operational experience prior to the further human expansion into space.

(b) REPORT ON INTERNATIONAL COLLABORATION.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the following assets and capabilities:

(A) Any effort by NASA to expand and ensure effective international collaboration on the ISS.

(B) The efforts of NASA, including its approach and progress, in defining near-term, cis-lunar space human missions.

(2) NASA CONTRIBUTIONS.—In preparing the report required by paragraph (1), the Administrator shall assume that NASA will contribute to the efforts described in that paragraph the following:

(A) A Space Launch System.

(B) A multi-purpose crew vehicle.

(C) Such other technology elements the Administrator may consider appropriate, and which the Administrator shall specifically identify in the report.

SEC. 302. SPACE LAUNCH SYSTEM AS FOLLOW-ON LAUNCH VEHICLE TO THE SPACE SHUTTLE.

(a) UNITED STATES POLICY.—It is the policy of the United States that NASA develop a Space Launch System as a follow-on to the Space Shuttle that can access cis-lunar space and the regions of space beyond low-Earth orbit in order to enable the United States to participate in global efforts to access and develop this increasingly strategic region.

(b) INITIATION OF DEVELOPMENT.—

(1) IN GENERAL.—The Administrator shall, as soon as practicable after the date of the enactment of this Act, initiate development of a Space Launch System meeting the minimum capabilities requirements specified in subsection (c).

(2) MODIFICATION OF CURRENT CONTRACTS.—In order to limit NASA's termination liability costs and support critical capabilities, the Administrator shall, to the extent practicable, extend or modify existing vehicle development and associated contracts necessary to meet the requirements in paragraph (1), including contracts for ground testing of solid rocket motors, if necessary, to ensure their availability for development of the Space Launch System.

(c) MINIMUM CAPABILITY REQUIREMENTS.—

(1) IN GENERAL.—The Space Launch System developed pursuant to subsection (b) shall be designed to have, at a minimum, the following:

(A) The initial capability of the core elements, without an upper stage, of lifting payloads weighing between 70 tons and 100 tons into low-Earth orbit in preparation for transit for missions beyond low-Earth orbit.

(B) The capability to carry an integrated upper Earth departure stage bringing the total lift capability of the Space Launch System to 130 tons or more.

(C) The capability to lift the multipurpose crew vehicle.

(D) The capability to serve as a backup system for supplying and supporting ISS cargo requirements or crew delivery requirements not otherwise met by available commercial or partner-supplied vehicles.

(2) FLEXIBILITY.—The Space Launch System shall be designed from inception as a fully-integrated vehicle capable of carrying a total payload of 130 tons or more into low-Earth orbit in preparation for transit for missions beyond low-Earth orbit. The Space Launch System shall, to the extent practicable, incorporate capabilities for evolutionary growth to carry heavier payloads.

Developmental work and testing of the core elements and the upper stage should proceed in parallel subject to appropriations. Priority should be placed on the core elements with the goal for operational capability for the core elements not later than December 31, 2016.

(3) TRANSITION NEEDS.—The Administrator shall ensure critical skills and capabilities are retained, modified, and developed, as appropriate, in areas related to solid and liquid engines, large diameter fuel tanks, rocket propulsion, and other ground test capabilities for an effective transition to the follow-on Space Launch System.

(4) The capacity for efficient and timely evolution, including the incorporation of new technologies, competition of sub-elements, and commercial operations.

SEC. 303. MULTI-PURPOSE CREW VEHICLE.

(a) INITIATION OF DEVELOPMENT.—

(1) IN GENERAL.—The Administrator shall continue the development of a multi-purpose crew vehicle to be available as soon as practicable, and no later than for use with the Space Launch System. The vehicle shall continue to advance development of the human safety features, designs, and systems in the Orion project.

(2) GOAL FOR OPERATIONAL CAPABILITY.—It shall be the goal to achieve full operational capability for the transportation vehicle developed pursuant to this subsection by not later than December 31, 2016. For purposes of meeting such goal, the Administrator may undertake a test of the transportation vehicle at the ISS before that date.

(b) MINIMUM CAPABILITY REQUIREMENTS.—The multi-purpose crew vehicle developed pursuant to subsection (a) shall be designed to have, at a minimum, the following:

(1) The capability to serve as the primary crew vehicle for missions beyond low-Earth orbit.

(2) The capability to conduct regular in-space operations, such as rendezvous, docking, and extra-vehicular activities, in conjunction with payloads delivered by the Space Launch System developed pursuant to section 302, or other vehicles, in preparation for missions beyond low-Earth orbit or servicing of assets described in section 804, or other assets in cis-lunar space.

(3) The capability to provide an alternative means of delivery of crew and cargo to the ISS, in the event other vehicles, whether commercial vehicles or partner-supplied vehicles, are unable to perform that function.

(4) The capacity for efficient and timely evolution, including the incorporation of new technologies, competition of sub-elements, and commercial operations.

SEC. 304. UTILIZATION OF EXISTING WORKFORCE AND ASSETS IN DEVELOPMENT OF SPACE LAUNCH SYSTEM AND MULTI-PURPOSE CREW VEHICLE.

(a) IN GENERAL.—In developing the Space Launch System pursuant to section 302 and the multi-purpose crew vehicle pursuant to section 303, the Administrator shall, to the extent practicable utilize—

(1) existing contracts, investments, workforce, industrial base, and capabilities from the Space Shuttle and Orion and Ares 1 projects, including—

(A) space-suit development activities for application to, and coordinated development of, a multi-purpose crew vehicle suit and associated life-support requirements with potential development of standard NASA-certified suit and life support systems for use in alternative commercially-developed crew transportation systems; and

(B) Space Shuttle-derived components and Ares 1 components that use existing United

States propulsion systems, including liquid fuel engines, external tank or tank-related capability, and solid rocket motor engines; and

(2) associated testing facilities, either in being or under construction as of the date of enactment of this Act.

(b) DISCHARGE OF REQUIREMENTS.—In meeting the requirements of subsection (a), the Administrator—

(1) shall, to the extent practicable, utilize ground-based manufacturing capability, ground testing activities, launch and operations infrastructure, and workforce expertise;

(2) shall, to the extent practicable, minimize the modification and development of ground infrastructure and maximize the utilization of existing software, vehicle, and mission operations processes;

(3) shall complete construction and activation of the A-3 test stand with a completion goal of September 30, 2013;

(4) may procure, develop, and flight test applicable components; and

(5) shall take appropriate actions to ensure timely and cost-effective development of the Space Launch System and the multi-purpose crew vehicle, including the use of a procurement approach that incorporates adequate and effective oversight, the facilitation of contractor efficiencies, and the streamlining of contract and procurement requirements.

SEC. 305. NASA LAUNCH SUPPORT AND INFRASTRUCTURE MODERNIZATION PROGRAM.

(a) IN GENERAL.—The Administrator shall carry out a program the primary purpose of which is to prepare infrastructure at the Kennedy Space Center that is needed to enable processing and launch of the Space Launch System. Vehicle interfaces and other ground processing and payload integration areas should be simplified to minimize overall costs, enhance safety, and complement the purpose of this section.

(b) ELEMENTS.—The program required by this section shall include—

(1) investments to improve civil and national security operations at the Kennedy Space Center, to enhance the overall capabilities of the Center, and to reduce the long term cost of operations and maintenance;

(2) measures to provide multi-vehicle support, improvements in payload processing, and partnering at the Kennedy Space Center; and

(3) such other measures, including investments to improve launch infrastructure at NASA flight facilities scheduled to launch cargo to the ISS under the commercial orbital transportation services program as the Administrator may consider appropriate.

(c) REPORT ON NASA LAUNCH SUPPORT AND INFRASTRUCTURE MODERNIZATION PROGRAM.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the plan for the implementation of the NASA launch support and infrastructure modernization program.

(2) ELEMENTS.—The report required by this subsection shall include—

(A) a description of the ground infrastructure plan tied to the Space Launch System and potential ground investment activities at other NASA centers related to supporting the development of the Space Launch System;

(B) a description of proposed initiatives intended to be conducted jointly or in cooperation with Cape Canaveral Air Force Station,

Florida, or other installations or components of the United States Government; and

(C) a description of plans to use funds authorized to be appropriated by this Act to improve non-NASA facilities, which plans shall include a business plan outlining the nature and scope of investments planned by other parties.

SEC. 306. REPORT ON EFFECTS OF TRANSITION TO SPACE LAUNCH SYSTEM ON THE SOLID AND LIQUID ROCKET MOTOR INDUSTRIAL BASES.

(a) **REPORT REQUIRED.**—Not later than 120 days after the date of the enactment of this Act, the Administrator shall submit to Congress a report setting forth an assessment, prepared by the Administrator, in consultation with the Secretary of Defense and the Secretary of Commerce, of the effects of the retirement of the Space Shuttle, and of the transition to the Space Launch System developed pursuant to section 302, on the solid rocket motor industrial base and the liquid rocket motor industrial base in the United States.

(b) **MATTERS TO BE ADDRESSED.**—In preparing the assessment required by subsection (a), the Administrator shall address the following:

(1) The effects of efficiencies and efforts to stream-line the industrial bases referred to in subsection (a) for support of civil, military, and commercial users.

(2) The extent to which the United States is reliant on non-United States systems, including foreign rocket motors and foreign launch vehicles.

(3) Such other matters as the Administrator, in consultation with the Secretary of Defense and the Secretary of Commerce, may consider appropriate.

SEC. 307. SENSE OF CONGRESS ON OTHER TECHNOLOGY AND ROBOTIC ELEMENTS IN HUMAN SPACE FLIGHT AND EXPLORATION.

It is the sense of Congress that a balance is needed in human space flight between using and building upon existing capabilities and investing in and enabling new capabilities. Technology development provides the potential to develop an increased ability to operate and extend human presence in space, while at the same time enhance the nation's economic development and aid in addressing challenges here on Earth. Additionally, the establishment of in-space capabilities, use of space resources, and the ability to repair and reuse systems in space can contribute to the overall goals of extending human presence in space in an international manner, consistent with section 301(a).

SEC. 308. DEVELOPMENT OF TECHNOLOGIES AND IN-SPACE CAPABILITIES FOR BEYOND NEAR-EARTH SPACE MISSIONS.

(a) **DEVELOPMENT AUTHORIZED.**—The Administrator may initiate activities to develop the following:

(1) Technologies identified as necessary elements of missions beyond low-Earth orbit.

(2) In-space capabilities such as refueling and storage technology, orbital transfer stages, innovative in-space propulsion technology, communications, and data management that facilitate a broad range of users (including military and commercial) and applications defining the architecture and design of such missions.

(3) Spacesuit development and associated life support technology.

(4) Flagship missions.

(b) **INVESTMENTS.**—In developing technologies and capabilities under subsection (a), the Administrator may make investments—

(1) in space technologies such as advanced propulsion, propellant depots, in situ resource utilization, and robotic payloads or capabilities that enable human missions beyond low-Earth orbit ultimately leading to Mars;

(2) in a space-based transfer vehicle including these technologies with an ability to conduct space-based operations that provide capabilities—

(A) to integrate with the Space Launch System and other space-based systems;

(B) to provide opportunities for in-space servicing of and delivery to multiple space-based platforms; and

(C) to facilitate international efforts to expand human presence to deep space destinations;

(3) in advanced life support technologies and capabilities;

(4) in technologies and capabilities relating to in-space power, propulsion, and energy systems;

(5) in technologies and capabilities relating to in-space propellant transfer and storage;

(6) in technologies and capabilities relating to in situ resource utilization; and

(7) in expanded research to understand the greatest biological impediments to human deep space missions, especially the radiation challenge.

(c) **UTILIZATION OF ISS AS TESTBED.**—The Administrator may utilize the ISS as a testbed for any technology or capability developed under subsection (a) in a manner consistent with the provisions of this Act.

(d) **COORDINATION.**—The Administrator shall coordinate development of technologies and capabilities under this section through an overall agency technology approach, as authorized by section 905 of this Act.

SEC. 309. REPORT REQUIREMENT.

Within 90 days after the date of enactment of this Act, or upon completion of reference designs for the Space Launch System and Multi-purpose Crew Vehicle authorized by this Act, whichever occurs first, the Administrator shall provide a detailed report to the appropriate committees of Congress that provides an overall description of the reference vehicle design, the assumptions, description, data, and analysis of the systems trades and resolution process, justification of trade decisions, the design factors which implement the essential system and vehicle capability requirements established by this Act, the explanation and justification of any deviations from those requirements, the plan for utilization of existing contracts, civil service and contract workforce, supporting infrastructure utilization and modifications, and procurement strategy to expedite development activities through modification of existing contract vehicles, and the schedule of design and development milestones and related schedules leading to the accomplishment of operational goals established by this Act. The Administrator shall provide an update of this report as part of the President's annual Budget Request.

TITLE IV—DEVELOPMENT AND USE OF COMMERCIAL CREW AND CARGO TRANSPORTATION CAPABILITIES

SEC. 401. COMMERCIAL CARGO DEVELOPMENT PROGRAM.

The Administrator shall continue to support the existing Commercial Orbital Transportation Services program, aimed at enabling the commercial space industry in support of NASA to develop reliable means of launching cargo and supplies to the ISS throughout the duration of the facility's operation. The Administrator may apply funds towards the reduction of risk to the timely start of these services, specifically—

(1) efforts to conduct a flight test;

(2) accelerate development; and

(3) develop the ground infrastructure needed for commercial cargo capability.

SEC. 402. COMMERCIAL CREW DEVELOPMENT PROGRAM.

(a) **CONTINUATION OF PROGRAM DURING FISCAL YEAR 2011.**—The Administrator shall continue, and may expand the number of participants and the activities of, the Commercial Crew Development (CCDEV) program in fiscal year 2011, subject to the provisions of this title.

(b) **CONTINUATION OF ACTIVITIES AND AGREEMENTS OF FISCAL YEAR 2010.**—In carrying out subsection (a), the Administrator may continue or expand activities and agreements initiated in fiscal year 2010 that reduce risk, develop technologies, and lead to other advancements that will help determine the most effective and efficient means of advancing the development of commercial crew services.

SEC. 403. REQUIREMENTS APPLICABLE TO DEVELOPMENT OF COMMERCIAL CREW TRANSPORTATION CAPABILITIES AND SERVICES.

(a) **FY 2011 CONTRACTS AND PROCUREMENT AGREEMENTS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Administrator may not execute a contract or procurement agreement with respect to follow-on commercial crew services during fiscal year 2011.

(2) **EXCEPTION.**—Notwithstanding paragraph (1), the Administrator may execute a contract or procurement agreement with respect to follow-on commercial crew services during fiscal year 2011 if—

(A) the requirements of paragraphs (1), (2), and (3) of subsection (b) are met; and

(B) the total amount involved for all such contracts and procurement agreements executed during fiscal year 2011 does not exceed \$50,000,000 for fiscal year 2011.

(b) **SUPPORT.**—The Administrator may, beginning in fiscal year 2012 through the duration of the program, support follow-on commercially-developed crew transportation systems dependent upon the completion of each of the following:

(1) **HUMAN RATING REQUIREMENTS.**—Not later than 60 days after the date of the enactment of this Act, the Administrator shall develop and make available to the public detailed human rating processes and requirements to guide the design of commercially-developed crew transportation capabilities, which requirements shall be at least equivalent to proven requirements for crew transportation in use as of the date of the enactment of this Act.

(2) **COMMERCIAL MARKET ASSESSMENT.**—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress an assessment, conducted, in coordination with the Federal Aviation Administration's Office of Commercial Space Transportation, for purposes of this paragraph, of the potential non-Government market for commercially-developed crew and cargo transportation systems and capabilities, including an assessment of the activities associated with potential private sector utilization of the ISS research and technology development capabilities and other potential activities in low-Earth orbit.

(3) **PROCUREMENT SYSTEM REVIEW.**—The Administrator shall review current Government procurement and acquisition practices and processes, including agreement authorities under the National Aeronautics and Space Act of 1958, to determine the most

cost-effective means of procuring commercial crew transportation capabilities and related services in a manner that ensures appropriate accountability, transparency, and maximum efficiency in the procurement of such capabilities and services, which review shall include an identification of proposed measures to address risk management and means of indemnification of commercial providers of such capabilities and services, and measures for quality control, safety oversight, and the application of Federal oversight processes within the jurisdiction of other Federal agencies. A description of the proposed procurement process and justification of the proposed procurement for its selection shall be included in any proposed initiation of procurement activity for commercially-developed crew transportation capabilities and services and shall be subject to review by the appropriate committees of Congress before the initiation of any competitive process to procure such capabilities or services. In support of the review by such committees, the Comptroller General shall undertake an assessment of the proposed procurement process and provide a report to the appropriate committees of Congress within 90 days after the date on which the Administrator provides the description and justification to such committees.

(4) **USE OF GOVERNMENT-SUPPLIED CAPABILITIES AND INFRASTRUCTURE.**—In evaluating any proposed development activity for commercially-developed crew or cargo launch capabilities, the Administrator shall identify the anticipated contribution of government personnel, expertise, technologies, and infrastructure to be utilized in support of design, development, or operations of such capabilities. This assessment shall include a clear delineation of the full requirements for the commercial crew service (including the contingency for crew rescue). The Administrator shall include details and associated costs of such support as part of any proposed development initiative for the procurement of commercially-developed crew or cargo launch capabilities or services.

(5) **FLIGHT DEMONSTRATION AND READINESS REQUIREMENTS.**—The Administrator shall establish appropriate milestones and minimum performance objectives to be achieved before authority is granted to proceed to the procurement of commercially-developed crew transportation capabilities or systems. The guidelines shall include a procedure to provide independent assurance of flight safety and flight readiness before the authorization of United States government personnel to participate as crew onboard any commercial launch vehicle developed pursuant to this section.

(6) **COMMERCIAL CREW RESCUE CAPABILITIES.**—The provision of a commercial capability to provide ISS crew services shall include crew rescue requirements, and shall be undertaken through the procurement process initiated in conformance with this section. In the event such development is initiated, the Administrator shall make available any relevant government-owned intellectual property deriving from the development of a multi-purpose crew vehicle authorized by this Act to commercial entities involved with such crew rescue capability development which shall be relevant to the design of a crew rescue capability. In addition, the Administrator shall seek to ensure that contracts for development of the multi-purpose crew vehicle contain provisions for the licensing of relevant intellectual property to participating commercial providers of any crew rescue capability development under-

taken pursuant to this section. If one or more contractors involved with development of the multi-purpose crew vehicle seek to compete in development of a commercial crew service with crew rescue capability, separate legislative authority must be enacted to enable the Administrator to provide funding for any modifications of the multi-purpose crew vehicle necessary to fulfill the ISS crew rescue function.

SEC. 404. REPORT ON INTERNATIONAL SPACE STATION CARGO RETURN CAPABILITY.

Not later than 120 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on potential alternative commercially-developed means for the capability for a soft-landing return on land from the ISS of—

- (1) research samples or other derivative materials; and
- (2) small to mid-sized (up to 1,000 kilograms) equipment for return and analysis, or for refurbishment and redelivery, to the ISS.

TITLE V—CONTINUATION, SUPPORT, AND EVOLUTION OF THE INTERNATIONAL SPACE STATION

SEC. 501. CONTINUATION OF THE INTERNATIONAL SPACE STATION THROUGH 2020.

(a) **POLICY OF THE UNITED STATES.**—It shall be the policy of the United States, in consultation with its international partners in the ISS program, to support full and complete utilization of the ISS through at least 2020.

(b) **NASA ACTIONS.**—In furtherance of the policy set forth in subsection (a), NASA shall pursue international, commercial, and intragovernmental means to maximize ISS logistics supply, maintenance, and operational capabilities, reduce risks to ISS systems sustainability, and offset and minimize United States operations costs relating to the ISS.

SEC. 502. MAXIMUM UTILIZATION OF THE INTERNATIONAL SPACE STATION.

(a) **IN GENERAL.**—With assembly of the ISS complete, NASA shall take steps to maximize the productivity and use of the ISS with respect to scientific and technological research and development, advancement of space exploration, and international collaboration.

(b) **NASA ACTIONS.**—In carrying out subsection (a), NASA shall, at a minimum, undertake the following:

(1) **INNOVATIVE USE OF U.S. SEGMENT.**—The United States segment of the ISS, which has been designated as a National Laboratory, shall be developed, managed and utilized in a manner that enables the effective and innovative use of such facility, as provided in section 504.

(2) **INTERNATIONAL COOPERATION.**—The ISS shall continue to be utilized as a key component of international efforts to build missions and capabilities that further the development of a human presence beyond near-Earth space and advance United States security and economic goals. The Administrator shall actively seek ways to encourage and enable the use of ISS capabilities to support these efforts.

(3) **DOMESTIC COLLABORATION.**—The operations, management, and utilization of the ISS shall be conducted in a manner that provides opportunities for collaboration with other research programs and objectives of the United States Government in cooperation with commercial suppliers, users, and developers.

SEC. 503. MAINTENANCE OF THE UNITED STATES SEGMENT AND ASSURANCE OF CONTINUED OPERATIONS OF THE INTERNATIONAL SPACE STATION.

(a) **IN GENERAL.**—The Administrator shall take all actions necessary to ensure the safe and effective operation, maintenance, and maximum utilization of the United States segment of the ISS through at least September 30, 2020.

(b) **VEHICLE AND COMPONENT REVIEW.**—

(1) **IN GENERAL.**—In carrying out subsection (a), the Administrator shall, as soon as is practicable after the date of the enactment of this Act, carry out a comprehensive assessment of the essential modules, operational systems and components, structural elements, and permanent scientific equipment on board or planned for delivery and installation aboard the ISS, including both United States and international partner elements, for purposes of identifying the spare or replacement modules, systems and components, elements, and equipment that are required to ensure complete, effective, and safe functioning and full scientific utilization of the ISS through September 30, 2020.

(2) **DATA.**—In carrying out the assessment, the Administrator shall assemble any existing data, and provide for the development of any data or analysis not currently available, that is necessary for purposes of the assessment.

(c) **REPORTS.**—

(1) **REPORT ON ASSESSMENT.**—

(A) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the assessment required by subsection (b).

(B) **ELEMENTS.**—The report required by this paragraph shall include, at minimum, the following:

(i) A description of the spare or replacement modules, systems and components, elements, and equipment identified pursuant to the assessment that are currently produced, in inventory, or on order, a description of the state of their readiness, and a schedule for their delivery to the ISS (including the planned transportation means for such delivery), including for each such module, system or component, element, or equipment a description of—

(I) its specifications, including size, weight, and necessary configuration for launch and delivery to the ISS;

(II) its function;

(III) its location; and

(IV) its criticality for ISS system integrity.

(ii) A description of the spare or replacement modules, systems and components, elements, and equipment identified pursuant to the assessment that are not currently produced, in inventory, or on order, including for each such module, system or component, element, or equipment a description of—

(I) its specifications, including size, weight, and necessary configuration for launch and delivery to the ISS;

(II) its function;

(III) its location;

(IV) its criticality for ISS system integrity; and

(V) the anticipated cost and schedule for its design, procurement, manufacture, and delivery to the ISS.

(iii) A detailed summary of the delivery schedule and associated delivery vehicle requirements necessary to transport all spare and replacement elements considered essential for the ongoing and sustained functionality of all critical systems of the

ISS, both in and of themselves and as an element of an integrated, mutually dependent essential capability, including an assessment of the current schedule for delivery, the availability of delivery vehicles to meet that schedule, and the likelihood of meeting that schedule through such vehicles.

(2) GAO REPORT.—

(A) REPORT REQUIRED.—Not later than 90 days after the submittal to Congress under paragraph (1) of the assessment required by subsection (b), the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the assessment. The report shall set forth an evaluation of the assessment by the Comptroller General, including an evaluation of the accuracy and level of confidence in the findings of the assessment.

(B) COOPERATION WITH GAO.—The Administrator shall provide for the monitoring and participation of the Comptroller General in the assessment in a manner that permits the Comptroller General to prepare and submit the report required by subparagraph (A).

(d) UTILIZATION OF RESEARCH FACILITIES AND CAPABILITIES.—Utilization of research facilities and capabilities aboard the ISS (other than exploration-related research and technology development facilities and capabilities, and associated ground support and logistics), shall be planned, managed, and supported as provided in section 504. Exploration-related research and technology development facilities, capabilities, and associated ground support and logistics shall be planned, managed, and supported by the appropriate NASA organizations and officials in a manner that does not interfere with other activities under section 504.

(e) SPACE SHUTTLE MISSION TO ISS.—

(1) SPACE SHUTTLE MISSION.—The Administrator shall fly the Launch-On-Need Shuttle mission currently designated in the Shuttle Flight Manifest dated February 28, 2010, to the ISS in fiscal year 2011, but no earlier than June 1, 2011, unless required earlier by an operations contingency, and pending the results of the assessment required by paragraph (2) and the determination under paragraph (3)(A).

(2) ASSESSMENT OF SAFE MEANS OF RETURN.—The Administrator shall provide for an assessment by the NASA Engineering and Safety Center of the procedures and plans developed to ensure the safety of the Space Shuttle crew, and alternative means of return, in the event the Space Shuttle is damaged or otherwise unable to return safely to Earth.

(3) SCHEDULE AND PAYLOAD.—The determination of the schedule and payload for the mission authorized by paragraph (1) shall take into account the following:

(A) The supply and logistics delivery requirements of the ISS.

(B) The findings of the study required by paragraph (2).

(4) FUNDS.—Amounts authorized to be appropriated by section 101(2)(B) shall be available for the mission authorized by paragraph (1).

(f) SPACE SHUTTLE MANIFEST FLIGHT ASSURANCE.—

(1) IN GENERAL.—The Administrator shall take all actions necessary to preserve Space Shuttle launch capability through fiscal year 2011 in a manner that enables the launch, at a minimum, of missions and primary payloads in the Shuttle flight manifest as of February 28, 2010.

(2) CONTINUATION OF CONTRACTOR SUPPORT.—The Administrator may not terminate any contract that provides the system

transitions necessary for shuttle-derived hardware to be used on either the multi-purpose crew vehicle described in section 303 or the Space Launch System described in section 302.

SEC. 504. MANAGEMENT OF THE ISS NATIONAL LABORATORY.

(a) COOPERATIVE AGREEMENT WITH NOT-FOR-PROFIT ENTITY FOR MANAGEMENT OF NATIONAL LABORATORY.—

(1) IN GENERAL.—The Administrator shall provide initial financial assistance and enter into a cooperative agreement with an appropriate organization that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 to manage the activities of the ISS national laboratory in accordance with this section.

(2) QUALIFICATIONS.—The organization with which the Administrator enters into the cooperative agreement shall develop the capabilities to implement research and development projects utilizing the ISS national laboratory and to otherwise manage the activities of the ISS national laboratory.

(3) PROHIBITION ON OTHER ACTIVITIES.—The cooperative agreement shall require the organization entering into the agreement to engage exclusively in activities relating to the management of the ISS national laboratory and activities that promote its long term research and development mission as required by this section, without any other organizational objectives or responsibilities on behalf of the organization or any parent organization or other entity.

(b) NASA LIAISON.—

(1) DESIGNATION.—The Administrator shall designate an official or employee of the Space Operations Mission Directorate of NASA to act as liaison between NASA and the organization with which the Administrator enters into a cooperative agreement under subsection (a) with regard to the management of the ISS national laboratory.

(2) CONSULTATION WITH LIAISON.—The cooperative agreement shall require the organization entering into the agreement to carry out its responsibilities under the agreement in cooperation and consultation with the official or employee designated under paragraph (1).

(c) PLANNING AND COORDINATION OF ISS NATIONAL LABORATORY RESEARCH ACTIVITIES.—The Administrator shall provide initial financial assistance to the organization with which the Administrator enters into a cooperative agreement under subsection (a), in order for the organization to initiate the following:

(1) Planning and coordination of the ISS national laboratory research activities.

(2) Development and implementation of guidelines, selection criteria, and flight support requirements for non-NASA scientific utilization of ISS research capabilities and facilities available in United States-owned modules of the ISS or in partner-owned facilities of the ISS allocated to United States utilization by international agreement.

(3) Interaction with and integration of the International Space Station National Laboratory Advisory Committee established under section 602 of the National Aeronautics and Space Administration Authorization Act of 2008 (42 U.S.C. 17752) with the governance of the organization, and review recommendations provided by that Committee regarding agreements with non-NASA departments and agencies of the United States Government, academic institutions and consortia, and commercial entities leading to the utilization of the ISS national laboratory facilities.

(4) Coordination of transportation requirements in support of the ISS national laboratory research and development objectives, including provision for delivery of instruments, logistics support, and related experiment materials, and provision for return to Earth of collected samples, materials, and scientific instruments in need of replacement or upgrade.

(5) Cooperation with NASA, other departments and agencies of the United States Government, the States, and commercial entities in ensuring the enhancement and sustained operations of non-exploration-related research payload ground support facilities for the ISS, including the Space Life Sciences Laboratory, the Space Station Processing Facility and Payload Operations Integration Center.

(6) Development and implementation of scientific outreach and education activities designed to ensure effective utilization of ISS research capabilities including the conduct of scientific assemblies, conferences, and other fora for the presentation of research findings, methods, and mechanisms for the dissemination of non-restricted research findings and the development of educational programs, course supplements, interaction with educational programs at all grade levels, including student-focused research opportunities for conduct of research in the ISS national laboratory facilities.

(7) Such other matters relating to the utilization of the ISS national laboratory facilities for research and development as the Administrator may consider appropriate.

(d) RESEARCH CAPACITY ALLOCATION AND INTEGRATION OF RESEARCH PAYLOADS.—

(1) ALLOCATION OF ISS RESEARCH CAPACITY.—As soon as practicable after the date of the enactment of this Act, but not later than October 1, 2011, ISS national laboratory managed experiments shall be guaranteed access to, and utilization of, not less than 50 percent of the United States research capacity allocation, including power, cold storage, and requisite crew time onboard the ISS through September 30, 2020. Access to the ISS research capacity includes provision for the adequate upmass and downmass capabilities to utilize the ISS research capacity, as available. The Administrator may allocate additional capacity to the ISS national laboratory should such capacity be in excess of NASA research requirements.

(2) ADDITIONAL RESEARCH CAPABILITIES.—If any NASA research plan is determined to require research capacity onboard the ISS beyond the percentage allocated under paragraph (1), such research plan shall be prepared in the form of a requested research opportunity to be submitted to the process established under this section for the consideration of proposed research within the capacity allocated to the ISS national laboratory. A proposal for such a research plan may include the establishment of partnerships with non-NASA institutions eligible to propose research to be conducted within the ISS national laboratory capacity. Until September 30, 2020, the official or employee designated under subsection (b) may grant an exception to this requirement in the case of a proposed experiment considered essential for purposes of preparing for exploration beyond low-Earth orbit, as determined by joint agreement between the organization with which the Administrator enters into a cooperative agreement under subsection (a) and the official or employee designated under subsection (b).

(3) RESEARCH PRIORITIES AND ENHANCED CAPACITY.—The organization with which the

Administrator enters into the cooperative agreement shall consider recommendations of the National Academies Decadal Survey on Biological and Physical Sciences in Space in establishing research priorities and in developing proposed enhancements of research capacity and opportunities for the ISS national laboratory.

(4) **RESPONSIBILITY FOR RESEARCH PAYLOAD.**—NASA shall retain its roles and responsibilities in providing research payload physical, analytical, and operations integration during pre-flight, post-flight, transportation, and orbital phases essential to ensure safe and effective flight readiness and vehicle integration of research activities approved and prioritized by the organization with which the Administrator enters into the cooperative agreement and the official or employee designated under subsection (b).

TITLE VI—SPACE SHUTTLE RETIREMENT AND TRANSITION

SEC. 601. SENSE OF CONGRESS ON THE SPACE SHUTTLE PROGRAM.

(a) **FINDINGS.**—Congress makes the following findings:

(1) The Space Shuttle program represents a national asset consisting of critical skills and capabilities, including the ability to lift large payloads into space and return them to Earth.

(2) The Space Shuttle has carried more than 355 people from 16 nations into space.

(3) The Space Shuttle has projected the best of American values around the world, and Space Shuttle crews have sparked the imagination and dreams of the world's youth and young at heart.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) it is essential that the retirement of the Space Shuttle and the transition to new human space flight capabilities be done in a manner that builds upon the legacy of this national asset; and

(2) it is imperative for the United States to retain the skills and the industrial capability to provide a follow-on Space Launch System that is primarily designed for missions beyond near-Earth space, while offering some potential for supplanting shuttle delivery capabilities to low-Earth orbit, particularly in support of ISS requirements, if necessary.

SEC. 602. RETIREMENT OF SPACE SHUTTLE ORBITERS AND TRANSITION OF SPACE SHUTTLE PROGRAM.

(a) **IN GENERAL.**—The Administrator shall retire the Space Shuttle orbiters pursuant to a schedule established by the Administrator and in a manner consistent with provisions of this Act regarding potential requirements for contingency utilization of Space Shuttle orbiters for ISS requirements.

(b) **UTILIZATION OF WORKFORCE AND ASSETS IN FOLLOW-ON SPACE LAUNCH SYSTEM.**—

(1) **UTILIZATION OF VEHICLE ASSETS.**—In carrying out subsection (a), the Administrator shall, to the maximum extent practicable, utilize workforce, assets, and infrastructure of the Space Shuttle program in efforts relating to the initiation of a follow-on Space Launch System developed pursuant to section 302 of this Act.

(2) **OTHER ASSETS.**—With respect to the workforce, assets, and infrastructure not utilized as described in paragraph (1), the Administrator shall work closely with other departments and agencies of the Federal Government, and the private sector, to divest unneeded assets and to assist displaced workers with retraining and other placement efforts. Amounts authorized to be appropriated by section 101(2)(B) shall be available for activities pursuant to this paragraph.

SEC. 603. DISPOSITION OF ORBITER VEHICLES.

(a) **IN GENERAL.**—Upon the termination of the Space Shuttle program as provided in section 602, the Administrator shall decommission any remaining Space Shuttle orbiter vehicles according to established safety and historic preservation procedures prior to their designation as surplus government property. The orbiter vehicles shall be made available and located for display and maintenance through a competitive procedure established pursuant to the disposition plan developed under section 613(a) of the National Aeronautics and Space Administration Authorization Act of 2008 (42 U.S.C. 17761(a)), with priority consideration given to eligible applicants meeting all conditions of that plan which would provide for the display and maintenance of orbiters at locations with the best potential value to the public, including where the location of the orbiters can advance educational opportunities in science, technology, engineering, and mathematics disciplines, and with an historical relationship with either the launch, flight operations, or processing of the Space Shuttle orbiters or the retrieval of NASA manned space vehicles, or significant contributions to human space flight. The Smithsonian Institution, which, as of the date of enactment of this Act, houses the Space Shuttle Enterprise, shall determine any new location for the Enterprise.

(b) **DISPLAY AND MAINTENANCE.**—The orbiter vehicles made available under subsection (a) shall be displayed and maintained through agreements and procedures established pursuant to section 613(a) of the National Aeronautics and Space Administration Authorization Act of 2008 (42 U.S.C. 17761(a)).

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to NASA such sums as may be necessary to carry out this section. The amounts authorized to be appropriated by this subsection shall be in addition to any amounts authorized to be appropriated by title I, and may be requested by the President as supplemental requirements, if needed, in the appropriate fiscal years.

TITLE VII—EARTH SCIENCE

SEC. 701. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) Earth observations are critical to scientific understanding and monitoring of the Earth system, to protecting human health and property, to growing the economy of the United States, and to strengthening the national security and international posture of the United States. Additionally, recognizing the number of relevant participants and activities involved with Earth observations within the United States Government and internationally, Congress supports the strengthening of collaboration across these areas;

(2) NASA plays a critical role through its ability to provide data on solar output, sea level rise, atmospheric and ocean temperature, ozone depletion, air pollution, and observation of human and environment relationships;

(3) programs should utilize open standards consistent with international data-sharing principles and obtain and convert data from other government agencies, including data from the United States Geological Survey, and data derived from satellites operated by NOAA as well as from international satellites are important to the study of climate science and such cooperative relationships and programs should be maintained;

(4) Earth-observing satellites and sustained monitoring programs will continue to play a

vital role in climate science, environmental understanding, mitigation of destructive environmental impacts, and contributing to the general national welfare; and

(5) land remote sensing observation plays a critical role in Earth science, and the national space policy supports this role by requiring operational land remote sensing capabilities.

SEC. 702. INTERAGENCY COLLABORATION IMPLEMENTATION APPROACH.

The Director of OSTP shall establish a mechanism to ensure greater coordination of the research, operations, and activities relating to civilian Earth observation of those Agencies, including NASA, that have active programs that either contribute directly or indirectly to these areas. This mechanism should include the development of a strategic implementation plan that is updated at least every 3 years, and includes a process for external independent advisory input. This plan should include a description of the responsibilities of the various Agency roles in Earth observations, recommended cost-sharing and procurement arrangements between Agencies and other entities, including international arrangements, and a plan for ensuring the provision of sustained, long term space-based climate observations. The Director shall provide a report to Congress within 90 days after the date of enactment of this Act on the implementation plan for this mechanism.

SEC. 703. TRANSITIONING EXPERIMENTAL RESEARCH TO OPERATIONS.

The Administrator shall coordinate with the Administrator of NOAA and the Director of the United States Geological Survey to establish a formal mechanism that plans, coordinates, and supports the transitioning of NASA research findings, assets, and capabilities to NOAA operations and United States Geological Survey operations. In defining this mechanism, NASA should consider the establishment of a formal or informal Interagency Transition Office. The Administrator of NASA shall provide an implementation plan for this mechanism to Congress within 90 days after the date of enactment of this Act.

SEC. 704. DECADAL SURVEY MISSIONS IMPLEMENTATION FOR EARTH OBSERVATION.

The Administrator shall undertake to implement, as appropriate, missions identified in the National Research Council's Earth Science Decadal Survey within the scope of the funds authorized for the Earth Science Mission Directorate.

SEC. 705. EXPANSION OF EARTH SCIENCE APPLICATIONS.

It is the sense of the Congress that the role of NASA in Earth Science applications shall be expanded with other departments and agencies of the Federal government, State and local governments, tribal governments, academia, the private sector, nonprofit organizations, and international partners. NASA's Earth science data can increasingly aid efforts to improve the human condition and provide greater security.

SEC. 706. INSTRUMENT TEST-BEDS AND VENTURE CLASS MISSIONS.

The Administrator shall pursue innovative ways to fly instrument-level payloads for early demonstration or as co-manifested payloads. The Congress encourages the use of the ISS as an accessible platform for the conduct of such activities. Additionally, in order to address the cost and schedule challenges associated with large flight systems, NASA should pursue smaller systems where practicable and warranted.

SEC. 707. SENSE OF CONGRESS ON NPOESS FOLLOW-ON PROGRAM.

It is the Sense of the Congress that—

(1) polar orbiting satellites are vital for weather prediction, climate and environmental monitoring, national security, emergency response, and climate research;

(2) the National Polar Orbiting Environmental Satellite System has suffered from years of steadily rising cost estimates and schedule delays and an independent review team recommended that the System be restructured to improve the probability of success and protect the continuity of weather and climate data;

(3) the Congress supports the decision made by OSTP in February, 2010, to restructure the program to minimize schedule slips and cost overruns, clarify the responsibilities and accountability of NASA, NOAA, and the Department of Defense, and retain necessary coordination across civil and defense weather and climate programs;

(4) the Administrator of NOAA and the Secretary of Defense should maximize the use of assets from the NPOESS program as they establish the NOAA Joint Polar Satellite System at NASA's Goddard Space Flight Center, and the Department of Defense's Defense Weather Satellite System;

(5) the Administrator of NOAA and the Secretary of Defense should structure their programs in order to maintain satellite data continuity for the Nation's weather and climate requirements; and

(6) the Administrator of NOAA and the Secretary of Defense should provide immediate notification to the Congress of any impediments that may require Congressional intervention in order for the agencies to meet launch readiness dates, together with any recommended actions.

TITLE VIII—SPACE SCIENCE**SEC. 801. TECHNOLOGY DEVELOPMENT.**

The Administrator shall ensure that the Science Mission Directorate maintains a long term technology development program for space and Earth science. This effort should be coordinated with an overall Agency technology investment approach, as authorized in section 905 of this Act.

SEC. 802. SUBORBITAL RESEARCH ACTIVITIES.

(a) IN GENERAL.—The report of the National Academy of Sciences, Revitalizing NASA's Suborbital Program: Advancing Science, Driving Innovation and Developing Workforce, found that suborbital science missions were absolutely critical to building an aerospace workforce capable of meeting the needs of current and future human and robotic space exploration.

(b) MANAGEMENT.—The Administrator shall designate an officer or employee of the Science Mission Directorate to act as the responsible official for all Suborbital Research in the Science Mission Directorate. The designee shall be responsible for the development of short- and long term strategic plans for maintaining, renewing and extending suborbital facilities and capabilities, monitoring progress towards goals in the plans, and be responsible for integration of suborbital activities and workforce development within the agency, thereby ensuring the long term recognition of their combined value to the directorate, to NASA, and to the Nation.

(c) ESTABLISHMENT OF SUBORBITAL RESEARCH PROGRAM.—The Administrator shall establish a Suborbital Research Program within the Science Mission Directorate that shall include the use of sounding rockets, aircraft, high altitude balloons, suborbital reusable launch vehicles, and commercial launch vehicles to advance science and train

the next generation of scientists and engineers in systems engineering and systems integration which are vital to maintaining critical skills in the aerospace workforce. The program shall integrate existing suborbital research programs with orbital missions at the discretion of the designated officer or employee and shall emphasize the participation of undergraduate and graduate students and post-doctoral researchers when formulating announcements of opportunity.

(d) REPORT.—The Administrator shall report to the appropriate committees of Congress on the number and type of suborbital missions conducted in each fiscal year and the number of undergraduate and graduate students participating in the missions. The report shall be made annually for each fiscal year under this section.

(e) AUTHORIZATION.—There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out this section.

SEC. 803. OVERALL SCIENCE PORTFOLIO-SENSE OF THE CONGRESS.

Congress reaffirms its sense that a balanced and adequately funded set of activities, consisting of research and analysis grants programs, technology development, small, medium, and large space missions, and suborbital research activities, contributes to a robust and productive science program and serves as a catalyst for innovation.

SEC. 804. IN-SPACE SERVICING.

The Administrator shall continue to take all necessary steps to ensure that provisions are made for in-space or human servicing and repair of all future observatory-class scientific spacecraft intended to be deployed in Earth-orbit or at a Lagrangian point to the extent practicable and appropriate. The Administrator should ensure that agency investments and future capabilities for space technology, robotics, and human space flight take the ability to service and repair these spacecraft into account, where appropriate, and incorporate such capabilities into design and operational plans.

SEC. 805. DECADAL RESULTS.

NASA shall take into account the current decadal surveys from the National Academies' Space Studies Board when submitting the President's budget request to the Congress.

SEC. 806. ON-GOING RESTORATION OF RADIOISOTOPE THERMOELECTRIC GENERATOR MATERIAL PRODUCTION.

(a) FINDINGS.—The Congress finds the following:

(1) The United States has led the world in the scientific exploration of space for nearly 50 years.

(2) Missions such as Viking, Voyager, Cassini, and New Horizons have greatly expanded knowledge of our solar system and planetary characteristics and evolution.

(3) Radioisotope power systems are the only available power sources for deep space missions making it possible to travel to such distant destinations as Mars, Jupiter, Saturn, Pluto, and beyond and maintain operational control and systems viability for extended mission durations.

(4) Current radioisotope power system supplies and production will not fully support NASA missions planned even in the next decade and, without a new domestic production capability, the United States will no longer have the means to explore the majority of the solar system by the end of this decade.

(5) Continuing to rely on Russia or other foreign sources for radioisotope power system fuel production is not a secure option.

(6) Reestablishing domestic production will require a long lead-time. Thus, meeting future space exploration mission needs requires that a restart project begin at the earliest opportunity.

(b) IN GENERAL.—The Administrator shall, in coordination with the Secretary of Energy, pursue a joint approach beginning in fiscal year 2011 towards restarting and sustaining the domestic production of radioisotope thermoelectric generator material for deep space and other science and exploration missions. Funds authorized by this Act for NASA shall be made available under a reimbursable agreement with the Department of Energy for the purpose of reestablishing facilities to produce fuel required for radioisotope thermoelectric generators to enable future missions.

(c) REPORT.—Within 120 days after the date of enactment of this Act, the Administrator and the Secretary of Energy shall submit a joint report to the appropriate committees of Congress on coordinated agreements, planned implementation, and anticipated schedule, production quantities, and mission applications under this section.

SEC. 807. COLLABORATION WITH ESMD AND SOMD ON ROBOTIC MISSIONS.

The Administrator shall ensure that the Exploration Systems Mission Directorate and the Space Operations Mission Directorate coordinate with the Science Mission Directorate on an overall approach and plan for interagency and international collaboration on robotic missions that are NASA or internationally developed, including lunar, Lagrangian, near-Earth orbit, and Mars spacecraft, such as the International Lunar Network. Within 90 days after the date of enactment of this Act, the Administrator shall provide a plan to the appropriate committees of Congress for implementation of the collaborative approach required by this section. The Administrator may not cancel or initiate any Exploration Systems Mission Directorate or Science Mission Directorate robotic project before the plan is submitted to the appropriate committees of Congress.

SEC. 808. NEAR-EARTH OBJECT SURVEY AND POLICY WITH RESPECT TO THREATS POSED.

(a) POLICY REAFFIRMATION.—Congress reaffirms the policy set forth in section 102(g) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451(g)) relating to surveying near-Earth asteroids and comets.

(b) IMPLEMENTATION.—The Director of the OSTP shall implement, before September 30, 2012, a policy for notifying Federal agencies and relevant emergency response institutions of an impending near-Earth object threat if near-term public safety is at risk, and assign a Federal agency or agencies to be responsible for protecting the United States and working with the international community on such threats.

SEC. 809. SPACE WEATHER.

(a) FINDINGS.—The Congress finds the following:

(1) Space weather events pose a significant threat to modern technological systems.

(2) The effects of severe space weather events on the electric power grid, telecommunications and entertainment satellites, airline communications during polar routes, and space-based position, navigation and timing systems could have significant societal, economic, national security, and health impacts.

(3) Earth and Space Observing satellites, such as the Advanced Composition Explorer, Geostationary Operational Environmental Satellites, Polar Operational Environmental

Satellites, and Defense Meteorological Satellites, provide crucial data necessary to predict space weather events.

(b) **ACTION REQUIRED.**—The Director of OSTP shall—

(1) improve the Nation's ability to prepare, avoid, mitigate, respond to, and recover from potentially devastating impacts of space weather events;

(2) coordinate the operational activities of the National Space Weather Program Council members, including the NOAA Space Weather Prediction Center and the U.S. Air Force Weather Agency; and

(3) submit a report to the appropriate committees of Congress within 180 days after the date of enactment of this Act that—

(A) details the current data sources, both space- and ground-based, that are necessary for space weather forecasting; and

(B) details the space- and ground-based systems that will be required to gather data necessary for space weather forecasting for the next 10 years.

TITLE IX—AERONAUTICS AND SPACE TECHNOLOGY

SEC. 901. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) aeronautics research remains vital to NASA's mission and deserves continued support;

(2) NASA aeronautics research should be guided by, and consistent with, the National Aeronautics Research and Development Policy that guides the Nation's aeronautics research and development activities;

(3) the OSTP-led National Science and Technology Council Aeronautics Science and Technology subcommittee remains essential to developing and coordinating national aeronautics research and development plans and their prioritization for funding, and that it is also important that the plans include a focus on research, development, test, and evaluation infrastructure plans, as well as research and development goals and objectives; and

(4) technology research conducted by NASA as part of the larger national aeronautics effort would help to secure, sustain, and advance the leadership role of the United States in global aviation.

SEC. 902. AERONAUTICS RESEARCH GOALS.

The Administrator should ensure that NASA maintains a strong aeronautics research portfolio ranging from fundamental research through systems research with specific research goals, including the following:

(1) **AIRSPACE CAPACITY.**—NASA's Aeronautics Research Mission Directorate shall address research needs of the Next Generation Air Transportation System, including the ability of the National Airspace System to handle up to 3 times the current travel demand by 2025.

(2) **ENVIRONMENTAL SUSTAINABILITY.**—The Directorate shall consider and pursue concepts to reduce noise, emissions, and fuel consumption while maintaining high safety standards and shall pursue research related to alternative fuels.

(3) **AVIATION SAFETY.**—The Directorate shall proactively address safety challenges with new and current air vehicles and with operations in the Nation's current and future air transportation system.

SEC. 903. RESEARCH COLLABORATION.

(a) **DEPARTMENT OF DEFENSE.**—The Administrator shall continue to coordinate with the Secretary of Defense, through the National Partnership for Aeronautics Testing, to develop and implement joint plans for those elements of the Nation's research, development, testing, and engineering infra-

structure that are of common interest and use.

(b) **FEDERAL AVIATION ADMINISTRATION.**—The Administrator shall continue to coordinate with, and work closely with, the Administrator of the Federal Aviation Administration, under the framework of the Senior Policy Council, in development of the Next Generation Air Transportation Program. The Administrator shall encourage the Council to explore areas for greater collaboration, including areas where NASA can help to accelerate the development and demonstration of NextGen technologies.

SEC. 904. GOAL FOR AGENCY SPACE TECHNOLOGY.

It is critical that NASA maintain an Agency space technology base that helps align mission directorate investments and supports long term needs to complement mission-directorate funded research and support, where appropriate, multiple users, building upon its Innovative Partnerships Program and other partnering approaches.

SEC. 905. IMPLEMENTATION PLAN FOR AGENCY SPACE TECHNOLOGY.

Within 120 days after the date of enactment of this Act, NASA shall submit a plan to the appropriate committees of Congress that outlines how NASA's space technology program will meet the goal described in section 904, including an explanation of how the plan will link to other mission-directorate technology efforts outlined in sections 608, 801, and 802 of this Act.

SEC. 906. NATIONAL SPACE TECHNOLOGY POLICY.

(a) **IN GENERAL.**—The President or the President's designee, in consultation with appropriate Federal agencies, shall develop a national policy to guide the space technology development programs of the United States through 2020. The policy shall include national goals for technology development and shall describe the role and responsibilities of each Federal agency that will carry out the policy. In developing the policy, the President or the President's designee shall utilize external studies that have been conducted on the state of United States technology development and have suggested policies to ensure continued competitiveness.

(b) **CONTENT.**—

(1) At a minimum, the national space technology development policy shall describe for NASA—

(A) the priority areas of research for technology investment;

(B) the basis on which and the process by which priorities for ensuing fiscal years will be selected;

(C) the facilities and personnel needed to carry out the technology development program; and

(D) the budget assumptions on which the policy is based, which for fiscal years 2011, 2012, and 2013 shall be the authorized level for NASA's technology program authorized by this Act.

(2) The policy shall be based on the premise that the Federal Government has an established interest in conducting research and development programs that help preserve the role of the United States as a global leader in space technologies and their application.

(3) **CONSIDERATIONS.**—In developing the national space technology development policy, the President or the President's designee shall consider, and include a discussion in the report required by subsection (c), of the following issues:

(A) The extent to which NASA should focus on long term, high-risk research or more incremental technology development,

and the expected impact of that decision on the United States economy.

(B) The extent to which NASA should address military and commercial needs.

(C) How NASA will coordinate its technology program with other Federal agencies.

(D) The extent to which NASA will conduct research in-house, fund university research, and collaborate on industry research and the expected impact of that mix of funding on the supply of United States workers for industry.

(4) **CONSULTATION.**—In the development of the national space technology development policy, the President or the President's designee shall consult widely with academic and industry experts and with other Federal agencies. The Administrator may enter into an arrangement with the National Academy of Sciences to help develop the policy.

(c) **REPORT.**—

(1) **POLICY.**—Not later than 1 year after the date of enactment of this Act, the President shall transmit a report setting forth national space technology policy to the appropriate committees of Congress and to the Senate Committee on Appropriations and the House of Representatives Committee on Appropriations.

(2) **IMPLEMENTATION.**—Not later than 60 days after the President transmits the report required by paragraph (1) to the Congress, the Administrator shall transmit a report to the same committees describing how NASA will carry out the policy.

SEC. 907. COMMERCIAL REUSABLE SUBORBITAL RESEARCH PROGRAM.

(a) **IN GENERAL.**—The report of the National Academy of Sciences, Revitalizing NASA's Suborbital Program: Advancing Science, Driving Innovation and Developing Workforce, found that suborbital science missions were absolutely critical to building an aerospace workforce capable of meeting the needs of current and future human and robotic space exploration.

(b) **MANAGEMENT.**—The Administrator shall designate an officer or employee of the Space Technology Program to act as the responsible official for the Commercial Reusable Suborbital Research Program in the Space Technology Program. The designee shall be responsible for the development of short- and long term strategic plans for maintaining, renewing and extending suborbital facilities and capabilities.

(c) **ESTABLISHMENT.**—The Administrator shall establish a Commercial Reusable Suborbital Research Program within the Space Technology Program that shall fund the development of payloads for scientific research, technology development, and education, and shall provide flight opportunities for those payloads to microgravity environments and suborbital altitudes. The Commercial Reusable Suborbital Research Program may fund engineering and integration demonstrations, proofs of concept, or educational experiments for commercial reusable vehicle flights. The program shall endeavor to work with NASA's Mission Directorates to help achieve NASA's research, technology, and education goals.

(d) **REPORT.**—The Administrator shall submit a report annually to the appropriate committees of Congress describing progress in carrying out the Commercial Reusable Suborbital Research program, including the number and type of suborbital missions planned in each fiscal year.

(e) **AUTHORIZATION.**—There are authorized to be appropriated to the Administrator \$15,000,000 for each of fiscal years 2011 through 2013 to carry out this section.

TITLE X—EDUCATION**SEC. 1001. REPORT ON EDUCATION IMPLEMENTATION OUTCOMES.**

Not later than 120 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the metrics, internal and external relationships, and resources committed by NASA to each of the following:

(1) The development of a national STEM workforce.

(2) The retention of students in STEM disciplines as reflected by their education progression over time.

(3) The development of strategic partnerships and linkages between STEM formal and informal education providers.

SEC. 1002. SENSE OF CONGRESS ON THE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

It is the sense of Congress that—

(1) the Experimental Program to Stimulate Competitive Research of NASA strengthens the research capabilities of jurisdictions that historically have not participated equally in competitive aerospace and aerospace-related research activities;

(2) the Experimental Program to Stimulate Competitive Research of NASA has provided the American taxpayer with an excellent return on investment;

(3) the Experimental Program to Stimulate Competitive Research of NASA has been successful in helping to achieve broader geographical distribution of research and development support by improving the research infrastructure in States that historically have received limited Federal research and development funds; and

(4) in order to continue improvement and to increase efficiency the award of grants under the Experimental Program to Stimulate Competitive Research of NASA should be coordinated with the award of grants under the Experimental Program to Stimulate Competitive Research of the National Science Foundation, the Department of Energy, the Department of Agriculture, the Department of Defense, the Environmental Protection Agency, and the National Institutes of Health.

SEC. 1003. SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS COMMERCIAL ORBITAL PLATFORM PROGRAM.

A fundamental and unique capability of NASA is in stimulating science, technology, engineering, and mathematics education in the United States. In ensuring maximum use of that capability, NASA shall—

(1) establish a program to annually sponsor scientific and educational payloads developed with United States student and educator involvement to be flown on commercially available orbital platforms, when available and operational, with the goal of launching at least 50 such payloads (with at least one from each of the 50 States) to orbit on at least one mission per year;

(2) contract with providers of commercial orbital platform services for their use by the STEM-Commercial Orbital Platform program, preceded by the issuance of a request for proposal, not later than 90 days after the date of enactment of this Act, to enter into at least one funded, competitively-awarded contract for commercial orbital platform services and make awards within 180 days after such date; and

(3) engage with United States students and educators and make available NASA's science, engineering, payload development, and payload operations expertise to student

teams selected to participate in the STEM-Commercial Orbital Platform program.

TITLE XI—RE-SCOPING AND REVITALIZING INSTITUTIONAL CAPABILITIES**SEC. 1101. SENSE OF CONGRESS.**

It is the sense of Congress that NASA needs to re-scope, and as appropriate, downsize, to fit current and future missions and expected funding levels. Eighty percent of NASA's facilities are over 40 years old. Additionally, in a number of areas NASA finds itself "holding onto" facilities and capabilities scaled to another era.

SEC. 1102. INSTITUTIONAL REQUIREMENTS STUDY.

Within 1 year after the date of enactment of this Act, the Administrator shall provide to the appropriate committees of Congress a comprehensive study that, taking into account the long term direction provided by this Act, carefully examines NASA's structure, organization, and institutional assets and identifies a strategy to evolve toward the most efficient retention, sizing, and distribution of facilities, laboratories, test capabilities, and other infrastructure consistent with NASA's missions and mandates. The Administrator should pay particular attention to identifying and removing unneeded or duplicative infrastructure. The Administrator should include in the study a suggested reconfiguration and reinvestment strategy that would conform the needed equipment, facilities, test equipment, and related organizational alignment that would best meet the requirements of missions and priorities authorized and directed by this Act. As part of this strategy, the Administrator should include consideration and application of the findings and recommendations of the National Research Council report, *Capabilities for the Future: An Assessment of NASA Laboratories for Basic Research*, prepared in response to section 1003 of the National Aeronautics and Space Administration Authorization Act of 2008 (42 U.S.C. 17812).

SEC. 1103. NASA CAPABILITIES STUDY REQUIREMENT.

Upon completion of the study required by Section 1102, the Administrator shall establish an independent panel to examine alternative management models for NASA's workforce, centers, and related facilities in order to improve efficiency and productivity, while nonetheless maintaining core Federal competencies and keeping appropriately governmental functions internal to NASA. The study shall include a recommended implementation strategy, which shall identify any additional legislative authorities necessary to enable implementation of the recommended strategy, including recommended actions to provide aid and assistance to eligible communities to mitigate adverse impacts resulting from implementation of the proposed strategy. The Administrator shall provide the results of this study to the appropriate committees of Congress within 1 year after the date on which the study is begun.

SEC. 1104. SENSE OF CONGRESS ON COMMUNITY TRANSITION SUPPORT.

The Congress recognizes and supports current executive branch efforts to assist and provide aid to communities that are adversely impacted by NASA program changes, contract or program cancellations, or proposed institutional changes, so as to minimize the social and economic impacts to those communities, workers, and businesses. Communities eligible for such aid would be those in close proximity to NASA mission-related centers and their component facili-

ties located in Alabama, California, Florida, Louisiana, Maryland, Mississippi, New Mexico, Ohio, Texas, and Virginia which may be impacted by program changes authorized or directed by this Act or by the implementation strategy developed pursuant to section 1103.

SEC. 1105. WORKFORCE STABILIZATION AND CRITICAL SKILLS PRESERVATION.

Prior to receipt by the Congress of the study, recommendations, and implementation strategy developed pursuant to section 1103, none of the funds authorized for use under this Act may be used to transfer the functions, missions, or activities, and associated civil service and contractor positions, from any NASA facility without authorization by the Congress to implement the proposed strategy. The Administrator shall preserve the critical skills and competencies in place at NASA centers prior to enactment of this Act in order to facilitate timely implementation of the requirements of this Act and to minimize disruption to the workforce. The Administrator may not implement any reduction-in-force or other involuntary separations of permanent, non-Senior-Executive-Service, civil servant employees before September 30, 2013, except for cause on charges of misconduct, delinquency, or inefficiency.

TITLE XII—OTHER MATTERS**SEC. 1201. REPORT ON SPACE TRAFFIC MANAGEMENT.**

The Administrator shall submit to the appropriate committees of Congress a report on a status on the initiation of discussions with other nations on a framework to address space traffic management concerns, as required by section 1102 of the National Aeronautics and Space Administration Act Authorization Act of 2008 (42 U.S.C. 17821).

SEC. 1202. NATIONAL AND INTERNATIONAL ORBITAL DEBRIS MITIGATION.

(a) FINDINGS.—Congress makes the following findings:

(1) A national and international effort is needed to develop a coordinated approach towards the prevention, negation, and removal of orbital debris.

(2) The guidelines issued by the Inter-Agency Space Debris Coordination Committee provide a consensus understanding of 10 national space agencies (including NASA) plus the European Space Agency on the necessity of mitigating the creation of space debris and measures for doing so. NASA's participation on the Committee should be robust, and NASA should urge other space-relevant Federal agencies (including the Departments of State, Defense, and Commerce) to work to ensure that their counterpart agencies in foreign governments are aware of these national commitments and the importance in which the United States holds them.

(3) Key components of such an approach should include—

(A) a process for debris prevention through agreements regarding spacecraft design, operations, and end-of-life disposition plans to minimize orbiting vehicles or elements which are nonfunctional;

(B) the development of a robust Space Situational Awareness network that can identify potential collisions and provide sufficient trajectory and orbital data to enable avoidance maneuvers;

(C) the interagency development of an overall strategy for review by the President, with recommendations for proposed international collaborative efforts to address this challenge.

(b) INTERNATIONAL DISCUSSION.—

(1) IN GENERAL.—The Administrator shall, in consultation with such other departments

and agencies of the Federal Government as the Administrator considers appropriate, continue and strengthen discussions with the representatives of other space-faring countries, within the Inter-Agency Space Debris Coordination Committee and elsewhere, to deal with this orbital debris mitigation.

(2) **INTERAGENCY EFFORT.**—For purposes of carrying out this subsection, the Director of OSTP, in coordination with the Director of the National Security Council and using the President's Council of Advisors on Science and Technology coordinating mechanism, shall develop an overall strategy for review by the President, with recommendations for proposed international collaborative efforts to address this challenge.

SEC. 1203. REPORTS ON PROGRAM AND COST ASSESSMENT AND CONTROL ASSESSMENT.

(a) **FINDINGS.**—Congress makes the following findings:

(1) The adherence of NASA to program cost and schedule targets and discipline across NASA programs remains a concern.

(2) The James Webb Space Telescope has exceeded its cost estimate.

(3) In 2007 the Government Accountability Office issued a report on NASA's high risk acquisition performance.

(4) In response, NASA prepared a corrective action plan two years ago.

(b) **REPORTS.**—

(1) **REPORTS REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, and not later than April 30 of each year thereafter, the Administrator shall submit to the appropriate committees of Congress a report on the implementation during the preceding year for the corrective action plan referred to in subsection (a)(4).

(2) **ELEMENTS.**—Each report under this subsection shall set forth, for the year covered by such report, the following:

(A) A description of each NASA program that has exceeded its cost baseline by 15 percent or more or is more than 2 years behind its projected development schedule.

(B) For each program specified under subparagraph (A), a plan for such decrease in scope or requirements, or other measures, to be undertaken to control cost and schedule, including any cost monitoring or corrective actions undertaken pursuant to the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109-155), and the amendments made by that Act.

SEC. 1204. ELIGIBILITY FOR SERVICE OF INDIVIDUAL CURRENTLY SERVING AS ADMINISTRATOR OF NASA.

The individual serving in the position of Administrator of the National Aeronautics and Space Administration as of the date of the enactment of this Act comes from civilian life and is therefore eligible to serve in such position, in conformance with section 202 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2472(a)).

SEC. 1205. SENSE OF CONGRESS ON INDEPENDENT VERIFICATION AND VALIDATION OF NASA SOFTWARE.

It is the sense of Congress that—

(1) safety is at the heart of every NASA mission;

(2) the Office of Safety and Mission Assurance remains vital to assuring the safety of all NASA activities;

(3) among the most important activities of the Office of Safety and Mission Assurance is the performance of independent safety and mission assurance assessments and process verification reviews;

(4) as NASA embarks on a new path, independent verification and validation of soft-

ware must be of the highest priority to ensure safety throughout all NASA programs;

(5) NASA's activities depend on software integrity to achieve their goals and deliver a successful mission to the American people;

(6) independent verification and validation is necessary to ensure that safety-critical software will operate dependably and support mission success;

(7) the creation of the Independent Verification and Validation Facility of NASA was the direct result of recommendations made by the National Research Council and the Report of the Presidential Commission on the Space Shuttle Challenger Accident;

(8) the mission-critical software of NASA must operate dependably and safely;

(9) the Independent Verification and Validation Facility of NASA plays an important role in assuring the safety of all NASA activities by improving methodologies for risk identification and assessment, and providing recommendations for risk mitigation and acceptance; and

(10) the Independent Verification and Validation Facility shall be the sole provider of independent verification and validation services for software created by or for NASA.

SEC. 1206. COUNTERFEIT PARTS.

(a) **IN GENERAL.**—The Administrator shall plan, develop, and implement a program, in coordination with other Federal agencies, to detect, track, catalog, and reduce the number of counterfeit electronic parts in the NASA supply chain.

(b) **REQUIREMENTS.**—In carrying out the program, the Administrator shall establish—

(1) counterfeit part identification training for all employees that procure, process, distribute, and install electronic parts that will—

(A) teach employees how to identify counterfeit parts;

(B) educate employees on procedures to follow if they suspect a part is counterfeit;

(C) regularly update employees on new threats, identification techniques, and reporting requirements; and

(D) integrate industry associations, manufacturers, suppliers, and other Federal agencies, as appropriate;

(2) an internal database to track all suspected and confirmed counterfeit electronic parts that will maintain, at a minimum—

(A) companies and individuals known and suspected of selling counterfeit parts;

(B) parts known and suspected of being counterfeit, including lot and date codes, part numbers, and part images;

(C) countries of origin;

(D) sources of reporting;

(E) United States Customs seizures; and

(F) Government-Industry Data Exchange Program reports and other public or private sector database notifications; and

(3) a mechanism to report all information on suspected and confirmed counterfeit electronic parts to law enforcement agencies, industry associations, and other databases, and to issue bulletins to industry on counterfeit electronic parts and related counterfeit activity.

(c) **REVIEW OF PROCUREMENT AND ACQUISITION POLICY.**—

(1) **IN GENERAL.**—In establishing the program, the Administrator shall amend existing acquisition and procurement policy to purchase electronic parts from trusted or approved manufacturers. To determine trusted or approved manufacturers, the Administrator shall establish a list, assessed and adjusted at least annually, and create criteria for manufacturers to meet in order to be placed onto the list.

(2) **CRITERIA.**—The criteria may include—

(A) authentication or encryption codes;

(B) embedded security markings in parts;

(C) unique, harder to copy labels and markings;

(D) identifying distinct lot and serial codes on external packaging;

(E) radio frequency identification embedded into high-value parts;

(F) physical destruction of all defective, damaged, and sub-standard parts that are by-products of the manufacturing process;

(G) testing certifications;

(H) maintenance of procedures for handling any counterfeit parts that slip through;

(I) maintenance of secure facilities to prevent unauthorized access to proprietary information; and

(J) maintenance of product return, buy back, and inventory control practices that limit counterfeiting.

(d) **REPORT TO CONGRESS.**—Within one year after the date of enactment of this Act, the Administrator shall report on the progress of implementing this section to the appropriate committees of Congress.

SEC. 1207. INFORMATION SECURITY.

(a) **MONITORING RISK.**—

(1) **UPDATE ON SYSTEM IMPLEMENTATION.**—Not later than 120 days after the date of enactment of this Act, and on a biennial basis thereafter, the chief information officer of NASA, in coordination with other national security agencies, shall provide to the appropriate committees of Congress—

(A) an update on efforts to implement a system to provide dynamic, comprehensive, real-time information regarding risk of unauthorized remote, proximity, and insider use or access, for all information infrastructure under the responsibility of the chief information officer, and mission-related networks, including contractor networks;

(B) an assessment of whether the system has demonstrably and quantifiably reduced network risk compared to alternative methods of measuring security; and

(C) an assessment of the progress that each center and facility has made toward implementing the system.

(2) **EXISTING ASSESSMENTS.**—The assessments required of the Inspector General under section 3545 of title 44, United States Code, shall evaluate the effectiveness of the system described in this subsection.

(b) **INFORMATION SECURITY AWARENESS AND EDUCATION.**—

(1) **IN GENERAL.**—In consultation with the Department of Education, other national security agencies, and other agency directorates, the chief information officer shall institute an information security awareness and education program for all operators and users of NASA information infrastructure, with the goal of reducing unauthorized remote, proximity, and insider use or access.

(2) **PROGRAM REQUIREMENTS.**—

(A) The program shall include, at a minimum, ongoing classified and unclassified threat-based briefings, and automated exercises and examinations that simulate common attack techniques.

(B) All agency employees and contractors engaged in the operation or use of agency information infrastructure shall participate in the program.

(C) Access to NASA information infrastructure shall only be granted to operators and users who regularly satisfy the requirements of the program.

(D) The chief human capital officer of NASA, in consultation with the chief information officer, shall create a system to reward operators and users of agency information infrastructure for continuous high achievement in the program.

(c) **INFORMATION INFRASTRUCTURE DEFINED.**—In this section, the term “information infrastructure” means the underlying framework that information systems and assets rely on to process, transmit, receive, or store information electronically, including programmable electronic devices and communications networks and any associated hardware, software, or data.

SEC. 1208. NATIONAL CENTER FOR HUMAN PERFORMANCE.

(a) **IN GENERAL.**—The National Center for Human Performance is located in Houston's Texas Medical Center which is home to 49 non-profit and academic patient care, biomedical research, and health educational institutions serving 6 million patients each year, and works collaboratively with individuals and organizations, including NASA, to advance science and research on human performance in space, health, the military, athletics, and the arts.

(b) **DESIGNATION AS INSTITUTION OF EXCELLENCE.**—The National Center for Human Performance is designated as an Institution of Excellence for Human Performance dedicated to understanding and improving all aspects of human performance.

SEC. 1209. ENHANCED-USE LEASING.

(a) **SENSE OF THE CONGRESS.**—It is the sense of the Congress that the NASA enhanced-use leasing program is a fiscally responsible program to further maintain the exploration-related infrastructure of our Nation's space centers while ensuring continued private utilization of these Federal assets, and every effort should be made to ensure effective utilization of this program.

SEC. 1210. SENSE OF CONGRESS CONCERNING THE STENNIS SPACE CENTER.

It is the sense of the Congress that the Stennis Space Center represents the national capability for development and certification of liquid propulsion technologies vital to our Nation's space flight program, and that the Federal government should fully utilize that resource and continue to make the testing facility available for further development of commercial aerospace capabilities.

TITLE XIII—COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010

SEC. 1301. COMPLIANCE PROVISION.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous mate-

rial on S. 3729, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in his fiscal 2011 budget request, the President proposed a number of initiatives for NASA in the coming years, many of which I and my colleagues support. However, after extensive hearings and oversight, we reluctantly came to the conclusion that both the current Constellation program and the President's proposed human space flight plan are unexecutable under the current and projected budgets.

For too long, the mission hasn't matched the money at NASA, and I am unwilling to let that practice continue. As a result, an alternative approach was needed that would be executable and affordable, and both the House and the Senate authorizing committees have spent the major part of this last year work on a NASA reauthorization bill. The bill before us today represents the results of the Senate's efforts.

The House Science and Technology Committee marked up its version in late July, and we have spent the last several months in discussion with the Senate to come up with compromise language that would incorporate the best of both bills. Last week, I released bipartisan compromise language that reflects those discussions, as well as constructive input from colleagues here in the House.

□ 2100

I have a number of concerns about the Senate bill which I have enumerated. It has now, though, become clear that there is not time remaining to pass the bill incorporating the compromise language through the House and Senate before the start of the election recess.

For the sake of providing a degree of certainty, stability, and clarity to the NASA workforce and the larger space community, I felt it was better to consider a flawed bill than no bill at all as the new fiscal year begins. Thus, despite its flaws, I will vote to suspend the rules and pass the Senate bill.

However, I see today's floor consideration to be only one more step in crafting a substantial, affordable, and productive future path for NASA. To that end, I plan to continue to advocate to the appropriators for the provisions in the compromise language. I believe that the compromise language provides a solid basis for NASA's future activities.

Mr. Speaker, it has been a difficult year for NASA, its workforce and its contractors. We are in tough economic times and sacrifices will have to be

made. However, NASA is an investment in our future and in the future of our children. The United States has been a global leader in space exploration and technology and innovation, and our efforts over the remainder of the Congress should be aimed at preserving that leadership position.

With that, I encourage the House to pass the suspension.

I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I rise in support of S. 3729, the NASA Authorization Act, and I yield myself such time as I may require.

Let me begin by commending the Science Committee chairman, BART GORDON; Space Subcommittee chairwoman, GABRIELLE GIFFORDS; and subcommittee ranking member, PETE OLSON, for their tireless efforts conducting oversight on NASA's programs and performance. During the 111th Congress, they held 13 hearings before either the subcommittee or full committee that thoroughly examined NASA in all its aspects. During the second session especially, they helped our committee better understand the full impact of the administration's proposal to revamp our Nation's human spaceflight program.

The bill we're about to vote on is a 3-year NASA authorization that was reported by the Senate in early August. In many respects, this bill shares features similar to H.R. 5781, introduced by Chairman GORDON and cosponsored by the committee's leadership. Both bills are fairly similar in their treatment of NASA's aeronautics research and space science programs, and they authorize at the same agency top-line number. They do, however, diverge with regard to the future of NASA's human spaceflight program.

The House bill passed out of the Science and Technology Committee with almost unanimous bipartisan support. This was a good bill that keeps NASA on course to develop a new crew exploration vehicle, with safety a top priority. Unfortunately, this bill never made it to the floor for a vote. So, in the past few weeks, Chairman GORDON sought to reach an agreement with the Senate on a compromise bill that would bridge the differences. It is now clear that time has run out and that we have very few days remaining to advance a NASA authorization bill through this Congress. I see no realistic choice but to take the Senate bill because doing so will be preferable to taking no action at all.

As many of you know, this administration has taken unprecedented steps regarding NASA that has resulted in massive layoffs and created a great deal of uncertainty within the agency and in many of our communities. Without congressional approval or authorization, they have reversed the direction given by the two preceding Congresses and proposed throwing away

over \$10 billion and 5 years of design investment on the successor vehicle to the shuttle. The administration offered instead no substantive plans to provide a U.S.-built launch system that would be capable of taking astronauts to the international space station and put off even planning to go beyond the international space station until the year 2015. In short, the administration's proposal would have added several years of development and unknown cost before the U.S. would be able to fly astronauts on a new NASA launch system. We find this unacceptable.

The bill before us today seeks to remedy many of the problems created by this administration. It authorizes the immediate development on a heavy lift launch vehicle capable of going beyond the ISS. It advances further development of commercial cargo capabilities to service the ISS, a development that Congress has supported since the year 2005, and provides \$1.3 billion to begin the development of commercial crew systems. And through the development of a heavy lift launcher, it provides a backup system to the ISS in case the commercial providers or our international partners do not meet stated goals. One thing the House bill called for was a crew escape launch abort system, and we will need to exercise extensive oversight of NASA next year to ensure that such vitally important safety aspects are not overlooked or neglected by NASA.

It is also important to note that the annual authorizations in this bill are below the amount authorized for FY 2009 in our last NASA bill. Given that our Nation is in a tough economic climate, it is important that we are mindful of our spending.

During hearings this spring before the House Science Committee, three former Apollo astronauts, three giants—Neil Armstrong, Gene Cernan, and Tom Stafford—implored Congress to retain American leadership in space by maintaining continuity and certainty in NASA's role as manager of our space exploration programs. All three opposed the administration's efforts, and they are supportive of passing a bill that advances our Nation forward.

While the bill before us today is far from perfect, it offers clear direction to an agency that is floundering and sets us on the path toward maintaining America's leadership in space.

I urge a "yes" vote on this bill.

I reserve the balance of my time.

Mr. GORDON of Tennessee. I yield 2 minutes to the gentlelady from Houston, Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the chairman very much.

I served 12 years on the Science Committee, and I want to add my appreciation to Chairman GORDON for his service to the Nation and his service and his hard work for providing for Amer-

ica's competitive edge, not only in space but technology. Thank you, Mr. Chairman. Thank you to the ranking member. Thank you to RALPH HALL for his leadership. Thank you to the subcommittee chair for her great leadership and friendship to this agency.

I rise today, as reluctant as my friends on the floor, the chairman and ranking member, to support this particular bill. But I'm glad to be able to be here to say to the NASA family that we are saving jobs, 10,000 potentially in the State of Florida, many others in the other States, and 6,000 in NASA Johnson.

I am delighted to be able to say that this bill, the Senate bill, though I don't like the process, provides for immediate development to begin on a heavy lift launch vehicle, stops the termination of technical workforce and valuable contractor jobs, provides funding to support the development of commercial crew services, and funds additional technology development to lower costs of long-term space exploration.

In addition, NASA Johnson will continue to provide the astronauts for the space station. We will be looking for the robotic research work that will address the question of space exploration. We'll also be doing the work for cargo and crew on the commercial side. And then as it relates to the issue of minorities, I want to ensure that as we hire or as we fire, if we have to, that those who are minorities who are last in are not the first out.

I'm delighted to work with Senators NELSON and JOHN ROCKEFELLER to save the STEM program and the MUREP program. These cuts are unacceptable for the Minority University Research and Education and the STEM program. I'm delighted, however, that we'll be working with Senator NELSON and Senator ROCKEFELLER to ensure that this program is included in the America COMPETES reauthorization and the funding for the STEM program. We have to save jobs in America but we have to stay at the cutting edge of science, and I believe this bill will help us make one step.

Mr. Speaker, I rise today in support of S. 3729, the National Aeronautics and Space Administration Authorization Act of 2010. Although I share the concerns of some of my House colleagues regarding the process with which this legislation came to the House from the Senate, especially those colleagues I served with on the House Science Committee for 12 years, I nevertheless do support this compromise legislation as the best way forward to strengthen NASA for the present and the future. I also believe this legislation will protect American jobs, drive innovation, and ensure that our Nation's youth are encouraged to pursue careers in science, exploration, engineering, technology, and math.

Despite my concerns about the Administration's proposal to eliminate NASA's Constellation Program, I have concluded that we need to have this NASA reauthorization legislation

in place to avoid a complete dismantling of the manned space program. Although I advocated strongly for preserving the Constellation program, it is important to adopt this compromise in order to save more than 6,000 jobs in Texas and 10,000 in Florida, which would be in jeopardy without this legislation. This legislation will speed development of the heavy lift rocket crucial for reaching beyond low-Earth orbit and essential to keeping Houston's Johnson Space Center at the heart of future manned space operations. This compromise would also help bolster small contractors in the greater Houston area who serve as subcontractors for the major aerospace firms involved in NASA contracts.

I have also had extensive discussions with Administrator Bolden who has communicated NASA's intention to work with the Congress to make the transition of the Constellation program smooth and effective. NASA and the space industry are critical to Houston's economic success in both the short and long term. According to the Bay Area Houston Economic Partnership, NASA accounts for nearly 16,800 direct federal jobs and serves as the engine for another 3,100 civilian jobs that together supply more than \$2.5 billion in payroll into Houston's regional economy. Protecting the Johnson Space Center is of paramount concern to me, and I will continue to advocate on its behalf.

This bill will authorize NASA appropriations for FY 2011–2013 with the same top-line budget values as the President's request to Congress. The bill would grow science, aeronautics, and space technology and define expanding human presence in space as the goal for human space flight beyond low-Earth orbit. Key objectives for human space flight would include full utilization of the International Space Station (ISS), maximizing the role of space exploration and technology in current and future missions, advancing knowledge and inspiring young people into higher education, and building upon international partnerships.

Initially, I was concerned that the Senate version of the NASA Authorization Act could have led to cuts in funding for the Minority University Research and Education (MUREP) and STEM programs. This is because the legislation increased funding for the NASA Space Grant and the Experimental Program to Stimulate Competitive Research (EPSCOR) while keeping the topline authorization for education fixed, which could have led to other education programs such as MUREP and STEM being cut to provide for necessary offsets.

However, I have worked with Senator JOHN ROCKEFELLER, Chairman of the U.S. Senate Committee on Commerce, Science, and Transportation, Senator BILL NELSON, Chairman of the Subcommittee on Science and Space, and NASA Administrator Charles Bolden to ensure that funding for MUREP and STEM will be protected. The Senate is including language in the NASA title of the America COMPETES Reauthorization ensuring that funding for STEM programs are preserved and protected. Furthermore, Chairman NELSON has agreed to work with the Senate Appropriations Committee to ensure funding for MUREP is continued at existing levels. Administrator Bolden has also assured me that they will

continue their active support of not just MUREP and STEM programs, but also continue their existing efforts to increase the participation of minority serving institutions in the NASA Space Grant and College Fellowship Program as well as the Experimental Program to Stimulate Competitive Research. These agreements are crucial to ensuring that minority serving institutions and minority students are an integral part to NASA's future.

The United States space program has existed for over half a century and this legislation reaffirms the ever growing and changing role of NASA, providing resources to carry the agency forward with its ambitious agenda of research, exploration, and discovery. Mr. Speaker, today's legislation will allow NASA to continue to push the boundaries of what is possible, keeping our Nation on the forefront of innovation and exploration. It is the responsibility of this Congress to ensure that the future of NASA is one of continued progress. Space exploration remains a part of our national destiny. It inspires our children to look to the stars and dream of what they too, one day, may achieve. Space exploration allows us to push the bounds of our scientific knowledge, as we carry out research projects not possible within the constraints of the planet Earth.

Today, NASA is the nations' primary civil space and aeronautics research and development agency, and its current activities employ over 18,000 Americans. Today's legislation emphasizes the importance of NASA leadership in a range of endeavors by investing more in NASA; extending the life of the international space station; launches a commercial space transportation industry; fosters the development of path-breaking technologies; helps create thousands of new jobs; and embarks on a fundamentally more ambitious strategy to expand our frontiers in space. Passage of this bill represents an important step forward towards helping NASA achieve key goals that President Obama has laid out, such as placing the U.S. space program on a more sustainable trajectory and inspiring a new generation of Americans to pursue careers in science, technology, engineering, and mathematics. This important change in direction will not only help NASA chart a new path in space, but also reshape itself for the industries and jobs of the future that will be vital for long term economic growth.

As a Nation, we have made tremendous strides forward in the pursuit of space exploration since President John F. Kennedy set the course for our nation when on May 25, 1961, President John F. Kennedy proclaimed: "I believe this Nation should commit itself to achieving the goal, before this decade is out, of landing a man on the moon and returning him safely to earth. No single space project in this period will be more impressive to mankind, or more important for the long-range exploration of space; and none will be so difficult or expensive to accomplish." Over the next 50 years, NASA has been involved in many defining events which have shaped the course of human history and demonstrated to the world the character of the people of the United States.

The success of the United States space exploration program in the 20th Century augurs

well for its continued leadership in the 21st Century. This success is largely attributable to the remarkable and indispensable partnership between the National Aeronautics and Space Administration and its 10 space and research centers. One of these important research centers is located in my home city of Houston. The Johnson Space Center, which manages the development, testing, production, and delivery of all United States human spacecraft and all human spacecraft-related functions, is one of the crown jewels of the Houston area.

Always on the forefront of technological innovation, NASA has been home to countless "firsts" in the field of space exploration. America has, countless times, proven itself to be a leader in innovation, and many technologies that have become part of our everyday lives were developed by NASA scientists. The benefits of NASA's programming and innovation are felt far beyond scientific and academic spheres. Space technologies provide practical, tangible benefits to society, and NASA provides valuable opportunities to businesses in our community.

I urge my colleagues to join me in support of this legislation, and in support of the future of American innovation, exploration, and jobs.

Mr. HALL of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Texas, Congressman OLSON, who is the ranking member on the Space Subcommittee.

Mr. OLSON. I thank my esteemed colleague from Texas.

Mr. Speaker, as we take on great endeavors, it's important to have a workable plan and to stick to it. Not doing so leads us to uncertainty, like the uncertainty that has gripped NASA for most of this year. Nowhere have I felt and seen the effects of this uncertainty more than when I'm home talking to the men and women of the Johnson Space Center. It's been especially difficult for these men and women and their families because their lives and careers have been centered on uncertainty. They wanted to be part of America's space program, and how do we reward that commitment? By providing insufficient funds, constantly changing goals, and second-guessing the past instead of embracing a clear path to the future.

□ 2110

Meanwhile, thousands of workers have watched, waited, and most of all, safely worked throughout the seemingly difficult ups and downs.

The low point in this debate came in February with the release of the President's budget for NASA. In NASA's history of bold adventures, this was one of the boldest. Unfortunately, not in a manner that the agency is used to. The proposal neglected to build on our past, discarded work of the present, and lacked a vision for our future. The plan was so bad, so misguided that it did something unheard of in Washington, D.C.: It united Congress in opposition.

And along these lines, I would like to thank Chairman GORDON and Ranking

Member HALL for the partnership we have forged through these past several months. It has been an honor to work with each of you.

Our partnership has produced a great piece of legislation, our NASA authorization bill which passed out of the Science and Technology Committee in July. I believed then, and frankly believe now, that our bill was the right approach to sustain a robust exploration program. But we are running out of time. Let's send a message as a unified Congress that the proposal the administration submitted in February is not the direction our country is going to go.

If we fail to pass an authorization bill, we will witness the continued dismantling of America's human spaceflight infrastructure with no guarantee that it will be replaced. We will lose our most precious asset, our people.

This bill contains critical elements for the future: Funding for the Orion crew capsule; the ability to fly the "launch on need" flight of the space shuttle; extending the international space station through at least 2020; and a robust technology development program. We also agree with our Senate colleagues that NASA should focus on the immediate development of a heavy lift launch vehicle. Our future in space is not, not in low Earth orbit. We have to go beyond. A heavy lift vehicle will enable us to achieve the true mission of the agency—to explore.

This bill reaffirms what earlier Congresses have supported, particularly an increased role for commercial providers to fly cargo and eventually crew to the international space station. I will be vigilant in working with my colleagues, the agency, and those in the private sector who will conduct these cargo and crew flights. We need them to succeed, but we need to develop standard practices and an understanding of how a fundamentally different way of doing business will work. It is just another challenge for NASA, and one I know they will meet.

I grew up in Clear Lake, Texas, where the men and women who walked on the Moon, those people, and the people who got them there and back weren't just my heroes. They were my neighbors. I saw a community and a Nation unite around a grand goal and accomplish it. Today we take a step towards restoring the goals worthy of a great Nation. And in doing so, we are saying to the men and women of NASA currently and those to come that this Nation still chooses to explore. I ask my colleagues to support S. 3729.

Mr. GORDON of Tennessee. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. MEEK).

Mr. MEEK of Florida. Thank you, Mr. Chairman.

I strongly urge all of my colleagues here in a bipartisan way to support the

NASA Authorization Act of 2010. As the chairman mentioned, there are issues in this authorization bill that could be better. But I can tell you right now, there are a number of individuals that are involved in the space industry and also those hardworking men and women that are working as subcontractors and are looking for some direction from this Congress.

I want to commend Senator NELSON of Florida for being a leader, taking the very best of the administration's proposal and putting it in to work so that we can pass it in time to promote not only commercial and crew cargo as it relates to space exploration but also save the Kennedy Space Center and other NASA assets throughout the country. I think it's important. This makes our country very strong. And if not now, then when? I stand, Mr. Chairman, in full support of this bill. I ask all of my colleagues on both sides of the aisle to join me in making sure that we pass this very important authorization bill. Americans are counting on our leadership.

Mr. HALL of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from California, the Honorable Mr. ROHRABACHER, a very valuable member of the Science Committee.

Mr. ROHRABACHER. I rise in support of S. 3729. The NASA authorization before us is a step in the right direction. It provides for an initial shift in human spaceflight from being an exclusive endeavor run by and controlled by bureaucrats or other government employees and moves us toward entrepreneurial, cost-effective, and commercial-based alternatives.

This legislation stimulates efforts within the private sector to develop and demonstrate safe, reliable, less costly, and more capable space transportation to and from low-Earth orbit. At the same time, it enables NASA to focus on Discovery and sending humans to explore the far reaches of the space frontier, and this bill increases NASA research and technology development. It should be viewed as enabling legislation because it will enable America in the decades ahead to be the world's leading space faring nation. To achieve this, NASA must not just be a government program but also a catalyst for scientific research, technological development, and the exploration of the solar system and the universe beyond.

Finally, I would like to take this opportunity to express my appreciation and, of course, my admiration for Ranking Member RALPH HALL and, yes, for the great leadership that we have seen in this endeavor by Chairman BART GORDON. This bill is a workable compromise for those of us in the committee who had different views on what direction America's space program should go. This compromise does justice to the various opinions from people who are involved in this policy de-

bate. Of course this is the type of fairness that Chairman GORDON is known for, and thus we have been able to get together and to put forth a piece of legislation that is the best possible legislation that we could have actually enacted. That is due to the leadership of Chairman GORDON, and we thank him for his long career of leadership of this kind.

Mr. GORDON of Tennessee. Mr. Speaker, I thank my friend from California. I yield 2 minutes to the gentleman from Houston, Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Speaker, like my colleagues, both Republican and Democrat, I oppose the President's budget for NASA. And I thank Chairman GORDON and Ranking Member HALL and the whole Science Committee for their hard work to provide a way for NASA to do their job in space exploration.

Today the House has a profound choice, and the stakes are high for American-led spaceflight. The House will be voting on the Senate version of the NASA reauthorization act. This bill, while imperfect, is critical to the future of our Nation's spaceflight and exploration program and will greatly benefit our scientific research and development capabilities.

We share the concerns of some of you who are worried about certain provisions in this legislation, but I am pleased that this moves NASA in the correct direction. This is a good bill and could be stronger but is still a success for those of us who support NASA and understand what it means for our country, our economy, our national security, and our ability to maintain our edge in science and technology research and development. Simply said, if this bill fails today, it will profoundly undermine our space program. I urge all Members to pass this bill and commit to working with us and others interested in the future of NASA to improve this bill in significant ways down the road. If we fail to pass the bill, not only do we lose that opportunity, but we may lose the opportunity to keep NASA.

□ 2120

Mr. HALL of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. Mr. Speaker, I rise in support of the NASA reauthorization bill. Too often people use the term: You know, this isn't rocket science. Well, in my State of Louisiana, we have got the Michoud assembly facility, and they do rocket science. And right now there is tremendous uncertainty over the future of NASA because of the President's budget, and the fact that it actually cedes responsibility and our superiority in space exploration. We can't sit by and let that happen.

With this legislation tonight, we can actually present a clear future for NASA that involves heavy lift, that involves maintaining the United States of America's superiority in the space exploration program. And I don't think any of us can sit by and allow a country like Russia to take that superiority lead that we currently have today. And if we don't take action, that is exactly what will happen.

We need to make sure that we not only preserve those jobs that are so important, but that we also preserve that technological superiority that America enjoys today and America needs to enjoy in space exploration for the future. And we can do that tonight with this vote.

Mr. GORDON of Tennessee. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), a valued member of the Science and Technology Committee.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, let me thank our committee chair and ranking member for handling this bill, and thank all the staff who put it together and support it.

I rise to support Senate bill 3729, the National Aeronautics and Space Administration Authorization Act of 2010.

Forty years ago, the United States Apollo program put the first human on the Moon. Children across the United States watched Neil Armstrong, an American, speak the words, "That's one small step for man, one giant leap for mankind." After that moment, there was an outpouring of interest in science. Children dreamed that one day they too could be the next man or woman on the Moon.

I would like to see increased investments in these, particularly in the Minority University Education Research programs, which have been highly successful. But sometimes we can't get all that we want. This is that time. But we can continue without stopping.

And now is not the time for us to cede leadership to our international competitors. The research has been the most successful research in the history of our country for both commercial products and medical treatment.

I believe that NASA has a unique ability to touch the imagination of children like no other Federal agency. When money is short, however, we must adjust, not stop.

A robust NASA budget should contain concerted efforts toward inspiring our Nation's future scientists and engineers. A strong NASA is valuable to the national and Texas economies. Recent census data indicates that Texas ranks first in high-tech manufacturing and certain engineering industries. Space flight, aeronautics, and scientific research and education are top priorities for Texas.

NASA also conducts important educational programs.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. GORDON of Tennessee. I yield the gentlewoman 30 more seconds.

Ms. EDDIE BERNICE JOHNSON of Texas. NASA should be congratulated for the great research it has supported and the fearless missions carried out by its astronauts, scientists, and engineers. I support the agency and am interested to know how Congress can continue to partner with it for the benefit of the American people.

We cannot let America cede its leadership in human space flight. We need a strong NASA, and NASA needs an authorization bill. I strongly encourage my colleagues to support this legislation.

Mr. HALL of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Speaker, I think it is appropriate here in late September that we are discussing the future of America's manned space program, because it was in late September that America's first explorers, Lewis and Clark, returned from their incredible expedition to have seen the Pacific Ocean to find that overland route. And when they returned from that totally unknown country, they lit up the country, and something that America has always been built on, dreams and thinking big. It has always been a part of our spirit, our nature to explore the unknown. And NASA, more than any other function of the Federal Government, has the ability to inspire people, to encourage young people to go become scientists and engineers and astronauts.

In fact, today, Mr. Speaker, it was just reported by scientists at the University of California that they have discovered what appears to be an Earth-like planet with water in the habitable zone of a star only 20 light years away. But if we do not act, if we do not pass this NASA authorization bill tonight, the Obama administration will succeed in shutting down America's manned space program by the end of the year. And let me make it clear: that is what is really going on here, why all of us are working together, arm in arm, to save America's manned space program from being shut down by the Obama administration and the bureaucrats at NASA.

I asked Administrator Bolden in our subcommittee, Isn't what you are proposing, to totally privatize NASA? And we are all for partial privatization to supply fuel, food, et cetera. But to totally privatize NASA, Mr. Bolden, isn't that like privatizing the Navy?

Imagine if we were to allow the contractor that built a nuclear submarine or an aircraft carrier: Excuse me, may we please rent the aircraft carrier so that we can go to the Persian Gulf and defend America's interests?

What the Obama administration has proposed, and why Congress is passing

this bill tonight, is to stop the administration from shutting down America's civilian space program, to ensure that we will always maintain the ability to build rockets in the civilian workforce, which keeps the cost of rockets for the military considerably less; to preserve our leadership role in outer space, to maintain that technological and, frankly, spiritual edge America has always had to make dreams come true, to think about the exploration of the unknown.

NASA is the one entity that can combine the best of Americans, what makes us great as a Nation, inspiring young people, allowing, making dreams come true, exploring the unknown with very tangible technological spinoffs.

If we don't pass this bill tonight, by the end of this year there will be no more manned space program because the Obama administration is systematically and aggressively shutting it down.

We all have some disagreement with this bill; we would like to see a little different bill.

I thank Chairman GORDON and Mr. HALL, for bringing it to the floor. All of us working together to get it passed tonight will ensure that America preserves our manned space flight capability, the ability to build rockets with a tremendous civilian workforce of engineers and scientists who will all be gone. They will just lose their job, and we will lose that tremendous edge we have had as a Nation to build rockets and explore outer space.

Mr. Speaker, I urge all Members to support this vital legislation.

Mr. GORDON of Tennessee. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. KOSMAS).

Ms. KOSMAS. Mr. Speaker, I also would like to thank the chairman and the ranking member for their leadership on this issue.

Mr. Speaker, tonight we consider legislation of great importance to Florida's Space Coast and to our Nation, the NASA Authorization Act.

I want to echo the sentiments of my colleagues who have suggested that the uncertainty surrounding NASA and our manned space exploration has caused a great deal of anguish and difficult times for my constituents, literally thousands of individuals, families and businesses.

This legislation will define NASA's future by building on its past. The legislation mandates one additional shuttle flight next year, which will provide additional job stability for thousands of workers and ensure the long-term viability of the international space station, a national laboratory, 200 miles above our heads, only now complete after 10 years of construction, which has endless research and education possibilities.

The bill also directs the development of new NASA-led heavy lift vehicles

utilizing shuttle and constellation work, which will make our astronauts have the opportunity for even greater exploration to asteroids and eventually to Mars sooner than the current program. This exploration mission will drive technological innovation as we strive to address its challenges, as well as to inspire our students to become engineers and astronauts. And the bill provides funding to update the infrastructure at Kennedy Space Center so it will truly be America's 21st-century gateway to space.

Finally, the authorization bill seeds the commercial spaceflight industry, which includes new entrepreneurial small businesses, along with the giants of aerospace and decades of experience sending our astronauts and cargo into space.

□ 2130

This will provide new job opportunities for our skilled workforce and options for researchers and tourists to experience spaceflight.

On Friday in my district, about 900 workers will lose their jobs as the shuttle program begins to wind down. We must do everything that we can possibly do to preserve this unique workforce, as was referred to by my colleague earlier.

We cannot afford to lose our technological supremacy because we have failed to act. Failure is not an option. Please vote "yes" on the bill.

Mr. HALL of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, I yield 7 minutes to the chair of the Space and Aviation Subcommittee, the gentlelady from Arizona (Ms. GIFFORDS), who has had, very conscientiously, 17 or 18 subcommittee meetings on this subject.

Ms. GIFFORDS. Mr. Speaker, first of all, I would like to recognize Chairman GORDON for his outstanding leadership chairing our full committee. We are going to miss you, Mr. Chairman. It has been an outstanding experience for me the last couple of terms. And as well, to Ranking Member HALL and Ranking Member OLSON for their leadership.

Mr. Speaker, I rise today in strong opposition to S. 3729, the Senate's NASA authorization bill.

As chair of the House Space and Aeronautics Subcommittee, and along with the other members of the subcommittee and full committee, we care deeply about the future of NASA and the future of our Nation's civil space program. NASA defines us as a Nation, who we are—our defense, our innovation, our inspiration, our ability to explore. We care deeply about the role that Congress needs to play to ensure that NASA will embark on an executable and a sustainable path for the future.

In contrast to supporters of the Senate bill who will say that today they

reluctantly support the Senate bill because it is better than doing nothing, I have no reluctance in telling you that this is a bad bill. It will do damage to NASA if enacted, and it should be voted down tonight.

Now, I know that Members have a lot of different issues on their minds today. Certainly most Members didn't even know that a NASA authorization bill was coming up for a vote today. So for Members who are making up their minds on whether to support this bill today, I would like to offer a couple of reasons why you should oppose it.

If you are a member of the Blue Dog Coalition or a member of the Republican Study Committee, you should oppose this bill because it lacks serious budgetary discipline. To be specific, the bill contains an unfunded mandate to keep the shuttle program going through all of fiscal year 2011, even after the shuttle is retired, which, by NASA estimates, will cost NASA more than one-half billion dollars for 2011, and it doesn't have that money. It will bust the budget for the shuttle and jeopardize NASA's other important science, aeronautics, and technology programs.

It also contains a rocket designed not by our best engineers but by our colleagues over on the Senate side. By NASA's own internal analysis, they estimate this rocket will cost billions more than the Senate provides.

And, finally, if you are a Blue Dog or a member of the Republican Study Committee, or any Member of Congress, you should strenuously oppose a \$58 billion funding bill that is being brought up on the last day before adjourning with no House input on its creation and no opportunity for amendment by Members of the House. This is not the functioning bicameral legislature that our Founding Fathers fought to create.

Next, if you are a Member who cares deeply about STEM education or minority education programs, you need to know that this bill is written in a certain way that NASA's STEM education programs and Minority University Research and Education programs will be cut in excess of 30 percent.

What does this mean? Well, it means if you represent a Historically Black College or University or Hispanic-serving institution, a tribal college, this sort of institution, you will be affected by these cuts.

In addition, if you care about the future of NASA's human spaceflight program, you should oppose this bill. As I mentioned earlier, this bill contains provisions that will force NASA to build a rocket designed by Senators and not by engineers. Contrary to assertions that this bill's supporters talk about, this rocket will be too large to economically serve as a backup commercial crew transport to the space station. It may also prove to be too

small to effectively undertake human missions beyond low-Earth orbit. Not only do NASA's own internal studies indicate that it will cost significantly more than the Senate is budgeting, but they also estimate that it will become operational years later than the Senate plan assumes.

So we are looking at this gap and, in short, the Senate bill forces NASA to build a rocket that doesn't meet its needs, with a budget that is not adequate to do the job, and on a schedule that NASA's own analyses says is unrealistic. That is not my idea of the executable and sustainable human spaceflight program that we all desire.

And, finally, if you care about corporate responsibility, if you care about safety, and if you want to prevent us from being in the position a few years down the road of having to choose between sending more money to Russia or bailing out the would-be commercial crew and cargo providers who fail to perform in budget and on schedule, you should oppose this Senate NASA bill. The Senate bill gives an additional \$1.6 billion to would-be commercial cargo and crew transport companies who have yet to demonstrate that they can do either. There is no obligation that these commercial companies put any "skin in the game" of their own, and the safety requirements on their rockets are vague at best.

Since the Senate bill provides no credible government backup capability to the would-be commercial providers, approving the Senate bill today would inevitably put NASA in the position of relying on these companies that will become too big to fail. The American taxpayers will then have to bear the responsibility and the burden of bad public policy if we vote on this bill tonight. I think that the public deserves better.

Now, I know that in the Senate there is a lot of debate, and some Members will fall back on the argument that they have to approve this tonight before the end of the fiscal year because the contractors are facing layoffs. And no one has more sympathy than members of our subcommittee about the workforce, but the reality is different. It is different than the rhetoric.

Aerospace jobs are tied to funding, and funding for NASA for the balance of this calendar year will be set by the continuing resolution that we will be voting on tonight, not this authorization bill. Funding for the remainder of fiscal year 2011 will be determined by the appropriations bill that we enact after we return for a lame duck session, not by this authorization.

The bill before us today cannot change the fact that the funding level for NASA's workforce, and any layoff that will result from that funding level, will be the result of the continuing resolution and subsequent appropriation bills and not this author-

ization. So Members should not be fooled by this red herring argument. The truth is that you will not be doing anything to stop layoffs tonight by voting for the Senate bill today.

Does the aerospace industry need certainty? Absolutely. But they need certainty in an executable and affordable program that the Senate bill does not provide.

Could the problems with the Senate bill be fixed? Of course they could. But that is what the legislative process is about, not under suspension of the rules with no amendments allowed.

The fact of the matter is that there was a compromise NASA Authorization Act of 2010 that Science and Technology Chairman BART GORDON proposed and is the direct result of lengthy discussions with the Senate and the House Members. Of course, that isn't perfect, and no bill is, but flaws can be fixed by discussion between the Chambers. But if you vote tonight positively on this Senate bill, the democratic process that has been the cornerstone of our democracy will be undermined and that will not occur.

So let's take the time to get this job done, and done the right way. Let's vote down the Senate bill tonight so we can work with Chairman GORDON, Ranking Member HALL, and the Senate on a compromise bill so that we can have a responsible NASA bill that can be acted upon when we return for the lame duck session.

In closing, if you care about budgetary discipline, protecting STEM education, minority education programs, if you care about NASA's human spaceflight program, you should vote "no" on the Senate authorization bill.

Mr. HALL of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Speaker, if I could just very briefly point out to remind the Members and the people here that if we don't pass this bill tonight, there is no more manned space program.

The administration is pursuing a policy of aggressively and rapidly shutting down America's manned space program by bureaucratic order, by Executive order. It is all being done right now as we speak. If we don't pass this bill, there will not be another one by the end of the year, and by the end of the year there will be no more manned space program.

So any differences or concerns we have with this bill—and we all have concerns with it—can be fixed next year in the process. But it is essential to supersede by Federal statute, which we will pass tonight, and we will stop the Obama administration cold. We will stop them from shutting down America's manned space program so we have a program for our kids in the future.

Ms. JACKSON LEE of Texas. Will the gentleman yield?

Mr. CULBERSON. I yield to the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Minority institutions and the STEM program are also to be protected, as we come back and we are able to work with the appropriations process and work with the Senate on protecting these programs that are very important to Historically Black Colleges.

Mr. CULBERSON. Absolutely. All the concerns that have been raised can all be solved through the legislative process and appropriations. We will take care of them.

□ 2140

Mr. GORDON of Tennessee. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. SCHIFF).

The SPEAKER pro tempore. The gentleman is recognized for 1 minute.

Mr. SCHIFF. Mr. Speaker, I rise in support of the NASA Authorization Act to provide direction and stability for our Nation's space program. Tens of thousands of aerospace workers in communities across the country are looking to Congress to set a sustainable path for human spaceflight that will minimize the spaceflight gap and ensure that NASA is able to accomplish its mission of human exploration into the solar system.

This bill fully funds NASA's science mission to continue Earth-observing satellites, Mars rovers, space telescopes and other missions that provide valuable insight into our planet, our solar system and our universe.

It also revitalizes NASA's dormant Technology Development Program, which will provide the tools needed to push human and robotic exploration to new heights and destinations. It authorizes an evolvable NASA launch vehicle. It also provides for an additional shuttle flight in bringing vital tools and supplies to the space station.

I want to express my sincere appreciation to our chairman for his extraordinary leadership for many years and his unwavering support of NASA, and urge my colleagues to support the bill.

Mr. HALL of Texas. I yield 1 minute to the gentleman from Houston, Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Mr. Speaker, I thank Mr. HALL, the ranking member on the Science Committee, for allowing me this 1 minute. I also would like to thank the chairperson, Mr. GORDON, for his outstanding years of service and commitment.

This bill is about science, it is about technology, it is about education, but it is also about jobs, and it is about jobs at a time of high unemployment. It is about jobs and families that will benefit from having stability within the family unit.

I concede that there is more that I would like to see in the bill, but I am

in a position where I must now stand for what is obtainable, and we need to go after the jobs in this bill.

I am begging my colleagues to please understand that in this time of high unemployment, let's keep Americans working. Let's make sure that every family has an opportunity to have a breadwinner. Let's vote for this bill, and let's improve upon it with other legislation that may follow.

Mr. HALL of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. POSEY).

Mr. POSEY. Mr. Speaker, certainly no one in this Chamber wants to yield the military high ground to countries that are not friendly to us, and without the passage of this legislation, unfortunately, we will do that.

The legislation before us asks NASA to do too much with too little. There is something in here for everybody to hate, sure enough, but there is no other alternative. If we at least pass this legislation, we will keep the dream alive through the first of the year, and hopefully through the appropriations process we can move this country back on the right path to maintaining the economic and national militaristic security that is necessary for this generation and for future generations to prosper.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I have.

Mr. Speaker, with my appreciation to Ms. GIFFORDS and the chairman and everybody here that has spoken, I just want to sum it up real quickly.

The Senate bill being considered today is an attempt to provide congressional direction to a floundering agency. We simply can't let anybody continue to shut down our human spaceflight program.

Failure to reauthorize NASA provides further uncertainty to an agency in limbo, stalling efforts to develop a successor vehicle once the shuttle is retired next year, and could result in the loss of thousands of high-tech jobs nationwide.

I could vote for either of these bills. I am not in love with either of these bills. I feel like the coach's wife who was crying. He came home. He said, "What's wrong, honey?" She said, "You like football better than you do me." And he said, "Yeah, but I like you better than I do basketball."

I am that way with these two programs. I like both of them, either one of them. But we have to have one go, and I urge the acceptance of this bill today and passage of S. 3729.

Mr. KUCINICH. Mr. Speaker, I rise in opposition to the National Aeronautics and Space Administration (NASA) Authorization Act of 2010. As a stalwart supporter of NASA and with the privilege of representing the world-class workers at the NASA Glenn Research Center (NASA Glenn), I strongly support the vital workforce protections included in the Senate bill. My opposition to this legislation stems

from my concern for the NASA's long-term health. I am concerned that the language in the underlying bill sends the agency on a path toward privatization, and privatization undermines the agency and its workers.

I unequivocally support language in the underlying bill that provides NASA's unparalleled civil-servants with three years of protection from layoffs under a Reductions-In-Force (RIF) moratorium. For years, NASA employees have been caught in the cross-hairs of repeated program reorganizations and major cuts in in-house R&D funding—and they have paid for it with job loss and insecurity. The compromise language proposed by Chairman GORDON does not have the RIF moratorium I wanted. But it does include a RIF moratorium for a year and a half. Chairman GORDON was making progress toward a viable alternative and I believe that provisions in this bill under consideration today leave NASA employees vulnerable in the long-term and could force the agency to continue down the unsustainable path it currently finds itself on.

NASA research centers such as NASA Glenn—and the agency as a whole—will benefit more from increased investments in Solar-Electric Propulsion, High Efficiency Space Power Systems, Green Aviation and Cryogenic Propellant Storage and Transfer within the Aeronautics, Space Technology and Exploration programs. These programs are critical in the development of next generation technologies to support future key NASA missions over the next decade. These programs need to be funded. And they are often the first to be cut. In fact, this legislation includes a \$500 million unfunded mandate to extend Shuttle operations through Fiscal Year 2011, which means that Shuttle funding will have to come from somewhere else within NASA.

The NASA Authorization Act of 2010 privatizes two key functions for NASA; transporting crew and cargo to the International Space Station (ISS). Commercial providers have been given the opportunity to provide cargo to the space station and, according to Government Accountability Office (GAO), they have failed to meet the required safety benchmarks. The GAO also raises serious concerns about the lack of expertise at the Federal Aviation Administration to oversee the commercial space launch industry. This bill not only furthers the outsourcing of cargo transportation, but expands it to include transporting crew.

The results of privatizing government services frequently follow a pattern in which a company assumes control of a service from the government by promising lower costs. After winning the contract, the company requests more funding to do the job, and then attempts to save its own money by cutting corners through cuts in pay, benefits and safety. Our astronauts deserve better than to have their lives put at risk.

Further, if the services are privatized, those competencies among the expert staff at NASA would be effectively irreversible because it would take so much time to rebuild them. We must preserve and leverage ongoing technical work on Service Module for human spaceflight beyond Low Earth Orbit. This work will be critical to maintaining jobs and core-intellectual competencies embodied within the agency.

This legislation also fails to provide the agency with the option of a government-vehicle back-up should the commercial sector be unable to satisfactorily provide the services for which they were hired. The Augustine Commission—the Commission President Obama tasked with reviewing future human space flight plans—believed it would be too risky to rely solely on the commercial sector and suggested including a government back-up option.

Providing more money to the commercial sector without the necessary safety and regulatory safeguards could come at the expense of other in-house, long-lead research and development programs.

I cannot support legislation that provides the government with no other option than to rely exclusively on the commercial sector. I will continue to work with appropriators to preserve and protect civil servant jobs at NASA and I urge my colleagues to oppose this bill.

Mr. DEFAZIO. Mr. Speaker, today, I voted against S. 3729, the NASA Reauthorization Act because it will ultimately add \$230 billion to our deficit to under the ruse that we must land a man on Mars.

In 2004, President Bush announced his Mission to Mars initiative, with a goal of manned space flight to the moon and then to Mars. What President Bush didn't reveal was the future costs of Mission to Mars that would swell to astronomical levels and create further havoc with the federal budget.

With our economy still in a ditch and our national debt having doubled in the last 8 years, the United States cannot afford to begin a new space cowboy adventure. It is only reasonable that we reassess our budget priorities, just as millions of struggling Americans are reassessing theirs. Tough choices must be made, and manned space expeditions are not worth expanded deficit spending.

A 2008 report from the Government Accountability Office reported that NASA has estimated the total cost of the planned Mission to Mars, will have a final cost of over \$230 billion. That is not affordable in even the best of economic times.

In response to this breathtaking cost estimate, I attached an amendment to the 2008 NASA Reauthorization directing the Congressional Budget Office to update its budgetary analysis on NASA's near term exploration plans for the moon.

CBO reported that the average NASA program experiences a 50% cost growth over initial budget estimates, with some programs experiencing a final cost of almost 250% over initial estimates. It goes on to state that in order for NASA to meet its current schedule to get to the moon, it would have to spend \$110 billion through 2020.

Americans need to know that in these uncertain times we are doing everything we can to restore fiscal discipline and put our economy back on track. We've been to the moon, and we do not need to spend \$110 billion to go there again. We certainly can't afford the \$230 billion to go to Mars.

S. 3729, continues the costly Constellation program and specifically insists on the development of heavy-lift rockets. This bill keeps alive a program that should be eliminated.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise today to support our national

space industry. This industry is now facing a crisis point.

S. 3729, the NASA Authorization Act, gives NASA direction so the agency, contractors, and employees can plan for the future.

This bill will give NASA direction for foreseeable future. I am pleased that the ability to excite students and inspire our nation's youth to enter careers in STEM will continue. Being an astronaut or a rocket scientist are some of the most exciting job descriptions one can have. This bill allows children to dream of becoming one of them again.

The bill contains an extra \$50 million for the Space Technology Program led by NASA's new Chief Technology Officer, Bobby Braun, to include hundreds of scholarships allowing students to study math, science, and engineering. Minority education funding has been stable and this bill calls for the continuation of these programs. NASA and Administrator Bolden continue to actively support these programs and the Administration will work to ensure future funding is consistent with the President's request.

In addition this bill keeps shuttle employees and contractors in place for a while longer, sustains exploration funding. The country gains from launches and this bill continues those. This bill provides funding to upgrade critical infrastructure at Kennedy Space Center for the future of the space industry. Also, the bill extends the life of the International Space Station. The science we have received from the International Space Station is invaluable and this bill continues that project.

We need to pass this bill now. Science and space exploration wait for no one, not even politicians. We cannot let the perfect be the enemy of the good.

NASA serves a vital role in our economy and education system. Therefore, please join me in voting Yes on S. 3729.

Mr. WU. Mr. Speaker, it is with regret that I must rise in opposition to the NASA reauthorization bill we have before us today. The space program plays a critical role in driving innovation as well as inspiring our nation's young people to strive for careers in science, technology, engineering, and mathematics. Unfortunately, the bill before us today places these vital missions in jeopardy.

I strongly oppose the cancellation of the human spaceflight program. The Senate's bill, which was drafted without any House input, places too much faith in the private sector to deliver astronauts and cargo to space. By contrast, the bill approved by the House Science and Technology Committee ensured that there would continue to be a publicly owned human spaceflight capability developed following the retirement of the space shuttle. There are untold advancements in health care, energy, and environmental preservation to be gained from ongoing human research in space.

I am also concerned that the Senate's bill does not include language ensuring that retired space shuttles will be allocated fairly to museums and educational institutions across the country. The space program is a national treasure, supported with the tax dollars of each and every American. As such, I believe geographic diversity should be a consideration in the allocation of retired shuttles, so I offered an amendment that was adopted in committee

to ensure it would be. Unfortunately, the bill before us today includes no such protections, giving unfair preference to some regions while leaving much of the rest of the country effectively out of the running.

I urge my colleagues to join me in opposing S. 3729.

Mr. HALL of Texas. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and pass the bill, S. 3729.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. GIFFORDS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 3081, CONTINUING APPROPRIATIONS ACT, 2011

Mr. PERLMUTTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111-655) on the resolution (H.Res. 1682) providing for consideration of the Senate amendments to the bill (H.R. 3081) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

DELAYING MINIMUM WAGE INCREASE IN AMERICAN SAMOA AND NORTHERN MARIANA ISLANDS

Mr. GEORGE MILLER of California. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 3940) to authorize the Secretary of the Interior to extend grants and other assistance to facilitate a political status public education program for the people of Guam.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. SENSE OF CONGRESS REGARDING POLITICAL STATUS EDUCATION IN GUAM.

It is the sense of Congress that the Secretary of the Interior may provide technical assistance to the Government of Guam under section 601(a) of the Act entitled "An Act to authorize appropriations for certain insular areas of the United States, and for other purposes", approved December 24, 1980 (48 U.S.C. 1469d(a)), for public education regarding political status options only

if the political status options are consistent with the Constitution of the United States.

SEC. 2. MINIMUM WAGE IN AMERICAN SAMOA AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) **DELAYED EFFECTIVE DATE.**—Section 8103(b) of the Fair Minimum Wage Act of 2007 (29 U.S.C. 206 note) (as amended by section 520 of division D of Public Law 111–117) is amended—

(1) in paragraph (1)(B), by inserting “(except 2011 when there shall be no increase)” after “thereafter” the second place it appears; and

(2) in paragraph (2)(C), by striking “except that, beginning in 2010” and inserting “except that there shall be no such increase in 2010 or 2011 and, beginning in 2012”.

(b) **GAO REPORT.**—Section 8104 of such Act (as amended) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

“(a) **REPORT.**—The Government Accountability Office shall assess the impact of minimum wage increases that have occurred pursuant to section 8103, and not later than September 1, 2011, shall transmit to Congress a report of its findings. The Government Accountability Office shall submit subsequent reports not later than April 1, 2013, and every 2 years thereafter until the minimum wage in the respective territory meets the federal minimum wage.”; and

(2) by redesignating subsection (c) as subsection (b).

Amend the title so as to read: “An Act to clarify the availability of existing funds for political status education in the Territory of Guam, and for other purposes.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H.R. 3940 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in support of the Senate amendment to H.R. 3940. This amendment addresses two issues: The political status and education in Guam; and adjustment of the minimum wage schedules for two other Pacific territories, American Samoa and the Commonwealth of the Northern Mariana Islands.

Current law requires the minimum wage to increase in both of these territories by 50 cents per year until they reach the mainland's Federal minimum wage. Current law also requires the GAO to submit annual reports to the Congress on economic conditions for the minimum wage in both of these territories. These GAO reports are intended to give Congress information so that, if necessary, Congress can adjust the minimum wage schedules in these

territories. The adjustments proposed in this bill are as a result of the GAO's latest report.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we wind down this session of this Congress, it is probably fitting that this bill is in front of us, because the bill before us today is intended to provide economic relief to the Territories of American Samoa and the Northern Marianas. Specifically, these territories, which are each home to approximately 70,000 people, are appealing to us, to Congress, to forestall congressionally mandated increases in the minimum wage in their territories.

It was the Speaker Pelosi-led Congress in 2007 that imposed this job-killing policy. The impacts in these territories have been very real and very severe, especially in American Samoa, which has seen one of its two primary employers, tuna packing plants, shut down after the minimum wage policy went into effect.

□ 2150

The next increase in the minimum wage in these territories is slated to take effect at the end of this month, Mr. Speaker. That's tomorrow, Thursday, September 30. So there is indeed an urgent need to act right now.

While I agree with the need to spare these territories from the economic havoc that this Democrat Congress has inflicted on them, there are other laws that this Democrat Congress has imposed over the objections, and against the will, of the American people. The most obvious one has been talked about for nearly a year—and that, of course, is the Big Government health care takeover that is threatening, among others, small businesses. It has also caused some seniors to lose their Medicare coverage and we are seeing costs in health care insurance premiums that are rising higher and higher. And the 2001 and 2003 tax relief that is slated to expire at the end of this year, of course, has not been addressed. Thousands of small businesses will be hit with this massive tax increase. In fact, rates will rise on all individual taxpayers. The child tax credit will be cut in half. The marriage penalty return and the death tax would revert back to its high rate. And yet, Mr. Speaker, this Congress has voted to adjourn and leave town without addressing these tax increases. This uncertainty we have seen across the country inflicts a terrible toll on our economy.

However, always a silver lining, Mr. Speaker. With this bill, the Democrat Congress admits that they were wrong, that the policies they imposed are costing real people their jobs. I'm glad that they admit here tonight what they have done. But I should say this as, again, we're winding down, Mr. Speak-

er. Relief shouldn't just come for American Samoa. Americans across the 50 States are losing jobs and hurting because of the actions of this Democrat Congress. They, too, Mr. Speaker, need relief.

With that, I reserve the balance of my time.

Mr. GEORGE MILLER of California. At this time I yield 3 minutes to the gentleman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Speaker, I thank the gentleman from California.

I rise in support of H.R. 3940, which clarifies the authority of the Secretary of the Interior to extend assistance to Guam for the purpose of public education regarding political status options available to the territory of Guam. I introduced H.R. 3940 in October of last year, and the House passed this bill last year by voice vote. The Senate recently made some changes to the bill, given the administration's testimony on the bill before the Senate Energy and Commerce Committee on May 19 of this year.

H.R. 3940 represents an opportunity for Congress to fulfill its responsibility to Guam under the United States Constitution. The territorial clause in article IV of the United States Constitution vests with this body the power to dispose of and make all needful rules and regulations respecting the territories of the United States. Guam has been part of the United States now for over 111 years as an unincorporated territory and at the moment remains listed by the United Nations as one of several non-self-governing territories. Ceded to the United States by Spain, along with our sister territory Puerto Rico at the end of the Spanish American War, the people of Guam are ready to exercise their aspirations toward self-determination of their political status.

This bill is not meant to favor any particular political status option, nor is it meant to assert direct congressional involvement in this process. Ultimately, it is the sole responsibility of Congress to respond to the desires of the people of Guam on the question of status.

The bill is supported by the Governor of Guam, the Speaker of the Guam legislature, and several indigenous rights organizations on Guam. Further, the administration supports the enactment of H.R. 3940. I would also add that section 2 of the bill before us would make an adjustment to the implementation of public law 110–28 to American Samoa and the Northern Mariana Islands. This adjustment comes based on the thorough analysis of the Government Accountability Office at the request of American Samoa and the Northern Marianas. The gentleman from American Samoa (Mr. FALEOMAVAEGA) has worked steadfastly on this matter to ensure an appropriate balance is

struck. I, too, want to thank him for his diligence.

As chairwoman of the Subcommittee on Insular Affairs, Oceans, and Wildlife, and on behalf of my constituents, I ask that my colleagues support this bill.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman from Washington for yielding.

I came down here to the floor out of support for Guam, half a day, where America's day begins. And the first cup of coffee in America is there on Guam. So I have a special place in my heart for Guam, and I support the educational components of this legislation. I also come here, Mr. Speaker, and I think it is a bit unusual, but I support the balance of this underlying legislation that was amended to the gentlelady from Guam's bill in the Senate. I do that, but I also support the words of Mr. HASTINGS of Washington, who says that Democrats have admitted they were wrong.

We have to look at this legislation and see that the minimum wage was imposed upon the Northern Marianas and American Samoa in 2007. Two tuna canning factories; now one has closed as a direct result of the imposition of a minimum wage. And the sole garment factory in the Northern Marianas has also closed because of a direct result, at least in significant part, because of the imposition of minimum wage. It is a microcosm economy that anybody that understands free enterprise should know that when the government artificially raises the cost of wages, businesses that have to stay, therefore a profit, can't stay open unless they can operate from a profit.

Labor is, Mr. Speaker, a commodity. It is a commodity like gold or oil or corn or beans. Labor: it is a precious commodity. And the value of it needs to be determined by supply and demand in the marketplace, not by the United States Government.

And so here we are with a damaged economy out in the Pacific in America's territories and an example for all this Congress that if we continue to increase government-imposed regulations, government-imposed minimum wage, for example, and all of the burden that's been put upon the free enterprise system over here with this overmanagement and this Keynesian economist on steroids, which is our President's economic policy, we're going to pay the price in the United States of America the same way they're paying the price in American Samoa and the Northern Marianas.

I support the bill.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentleman from California, the distinguished chairman of the Education and Labor Committee, and I also want to thank my good friend, the distinguished ranking member of our Resources Subcommittee on the other side of the aisle for their management of this bill.

Mr. Speaker, this legislation is of critical importance to the people of American Samoa. How ironic, Mr. Speaker, that last year, on this very day, September 29, American Samoa was hit by the most powerful earthquake, which struck below the ocean at about 140 miles south of the Samoa Islands. The earthquake, which registered 8.3 on the Richter scale, set off a massive tsunami that ended up with 20-foot waves and causing a lot of villages to be severely damaged. People died, sweeping cars out in the ocean. It was a terrible experience for the people.

Mr. Speaker, one day after this, one of our two major tuna processing companies closed its operations in American Samoa, displacing well over 2,000 workers whose jobs were outsourced basically to Thailand, where workers are paid seventy-five cents per hour or even less at that time.

Mr. Speaker, today I am asking my colleagues in the House to support this legislation. While I am fully aware that some of my friends on the other side of the aisle who represent rural communities have similar challenges, I am deeply appreciative of the support that I have received from the other side of the aisle, my Republican friends.

□ 2200

I also want to thank Majority Leader REID and the Senator from Arizona, Senator McCAIN, Senator DEMINT, and Senator COBURN for their support of this legislation on the other side, and especially my dear colleague from the territory of Guam and her chairmanship, and not only that but her sponsorship of this legislation, Congresswoman BORDALLO.

I thank Majority Leader HOYER, the chairman of our Education and Labor Committee, and Chairman RAHALL. And I also want to say that I need the support of my colleagues on this legislation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. I yield the gentleman an additional 30 seconds.

Mr. FALEOMAVAEGA. I want to say to my friend from the distinguished State of Washington that, again, I deeply, deeply appreciate his support and help in getting this legislation and making it for the consideration of the Members of this body.

With that, again, I urge my colleagues to support this bill.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

I just want to say, Mr. Speaker, I urge my colleagues to support this legislation. This corrects actions that were done to these territories 3 years ago, and I think this is a very good policy. I wish we could have addressed this earlier rather than 1 day before the law would go into effect. So I urge my colleagues to support this much-needed legislation.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. I yield myself such time as I may consume.

As I mentioned in my opening statement, the adjustment proposed by this bill is the result of the GAO's recent report. The recent GAO report lays out in great detail the serious economic difficulties confronting each territory to varying degrees. These difficulties arise from a variety of factors, including recent global economic conditions, ongoing economic diversification issues within the territories.

The GAO report justifies an adjustment to the minimum wage scale. Accordingly, the bill adjusts the schedule over the next 2 years by foregoing the 2010 increase in American Samoa and foregoing to 2011 increase in both American Samoa and the CNMI, and then in 2012 the normal schedule will be resumed. Last year we took similar action, and I would hope that everybody would support this bill.

I have to say, however, we have to correct some history here. First of all, the gentleman from Washington—I thank him for his support of this legislation—indicated that the hardship has fallen mostly on American Samoa. As the gentleman from American Samoa pointed out, some of that was due to the tsunami, but I would also suggest that American Samoa was covered at the insistence of Mr. KIRK from Illinois in the Appropriations Committee who insisted that the original legislation apply to American Samoa. That was not the original intent of the bill when we introduced it.

Secondly, the jobs in the CNMI, of course, have been in decline for some years because of the changes in the Multi-Fiber Agreement, and those jobs started migrating to China. Most of those plants were Chinese-owned, and they started pulling the machinery out of those plants and moving the machinery to China. That was hastened because of the Jack Abramoff scandals, and many of the labels, the big international American labels that were having clothing made in those plants, did not want that association and they left those plants in haste. And now the CNMI has no further garment industry at all, but that's been migrating over the last couple of years.

The problem was that, in fact, as we know, they were using the CNMI to sew into the label of these shirts "Made in the USA" when, in fact, they were not and they were made with what turned

out to be, in many instances, slave labor from some of the poorest countries around the world. Many labels pulled out because they didn't want to be associated with those labor practices. They went off and had their clothes made in Indonesia or Mexico or the Caribbean or wherever. Others stayed and then things started getting worse. The final tier of the Multi-Fiber Agreement came along, and like so many other places in the Pacific, that's how that industry migrated to China, to Vietnam and elsewhere and left the CNMI.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman.

Mr. HASTINGS of Washington. Well, I appreciate the gentleman's giving some background on this, and I'm not going to refute that. However, it seems to me that the mere evidence of the remedy that we are proposing here is aimed at the minimum wage, which was passed in 2007, and the remedy addressing the minimum wage would certainly indicate to me that, at least in the real near term, the reason for this is the minimum wage, and so I stand by my remarks, but I know there's always more to it.

Mr. GEORGE MILLER of California. Certainly, the delegate from the CNMI continues to support the increase in the minimum wage. We're just trying to time it.

Mr. HASTINGS of Washington. If the gentleman will yield, I will just simply say that I find it remarkable that the remedy we are trying to pursue is prolonging an increase in the minimum wage.

Mr. GEORGE MILLER of California. We could have gone the other way, maybe more in keeping with the Republican doctrine. We could have lowered the wages to 70 cents an hour and then they could have kept the jobs from going to Malaysia, but I don't think they could support themselves in these territories with that, especially with the construction going on in Guam.

Mr. HASTINGS of Washington. If the gentleman will yield, I don't recall during the debate that there was a discussion of any level of minimum wage as the gentleman was referring to, but as was pointed out by the gentleman from Iowa, it simply is a matter of supply and demand, and we need to be cognizant of that.

So, with that, I thank the gentleman for yielding.

Mr. GEORGE MILLER of California. I am happy to yield to the gentleman.

Mr. KLINE of Minnesota. Mr. Speaker, I rise in support of the Senate amendment to H.R. 3940.

With great fanfare, this Democratic majority increased the federally mandated minimum wage as one of its first acts. At the time, many of us warned that without adequate financial

relief or transition time, especially for small businesses, workers would be harmed by a proposal that was intended to help them.

We warned that teens seeking their first job and the chance to build work experience would have fewer opportunities. We warned that unskilled workers would be replaced by a smaller number of more highly skilled workers. And we warned that regions with comparatively low wages and living expenses would be especially hard hit because of the added cost to job-creators.

With nearly 15 million Americans searching for work, it's a terrible time to have to say we told you so.

In July 2007, when the first phase of the wage hike took effect, the national unemployment rate was 4.6 percent. For teenagers, the unemployment rate was 15.3 percent.

Today, while the overall unemployment rate stands at an unacceptably high 9.6 percent, the figure for teens is far worse: more than one-quarter of all teens are unemployed, a total of 26.3 percent.

Young African-American men perhaps bear the greatest burden from this irresponsible tinkering with the free marketplace. At the time Democrats passed their minimum wage hike, 31 percent of African-American teen males were unemployed; today, these same young men have a 50–50 chance of being unemployed.

No one would suggest federal wage mandates are the sole cause of this spike in unemployment. But the difference between the overall jobless rate and the number of teens who cannot find work is startling and should not be ignored.

Economists from the University of California, Irvine and the Federal Reserve reviewed more than 100 academic studies on the impact of the minimum wage around the time these increases began. They found overwhelming evidence that the least skilled and the young suffer a loss of employment when the minimum wage is increased.

Similarly hard hit by the wage requirement are the territories of American Samoa and the Commonwealth of the Northern Mariana Islands. A major tuna cannery in American Samoa closed its doors last year, laying off some 2,000 workers—roughly 12 percent of the territory's workforce. The second cannery has already laid off hundreds of workers and its future remains in doubt.

In April of this year, the Government Accountability Office reported on the how the wage rate harms these territories:

In American Samoa . . . Many employers reported having taken cost-cutting actions, such as freezing hiring and cutting worker benefits, since the increases began. Employers also reported planning actions such as leaving American Samoa or closing by the end of 2010. More employers attributed their actions to the minimum wage increases than to other factors. . . . In discussion groups, workers generally said that their support for the wage increases had dwindled because of concerns about issues such as the cannery closure, job insecurity, and loss of benefits.

Today, the House is voting on a measure to temporarily suspend the destructive federal wage mandates. Another increase is scheduled to take effect tomorrow, which makes immediate action imperative.

But we can't pretend the negative consequences of the minimum wage hike wreaking havoc on businesses in American Samoa aren't equally damaging to businesses in Munie, Indiana. Or Le Center, Minnesota. Or Pittsburgh, Pennsylvania. Or anywhere else a business is struggling to meet its payroll and provide opportunities for its workers.

I certainly support this small measure of relief for the territories. Congress should do everything it can to right any wrongs it imposes on the people we are here to serve. However, I hope we do not fail to learn the larger lesson: Federal laws that force one-size-fits-all mandates on vastly different workers, workplaces, and communities often do far more harm than good.

Mr. GEORGE MILLER of California. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WEINER). The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 3940.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

COMMUNICATION FROM THE REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

SEPTEMBER 28, 2010.

Hon. NANCY PELOSI,
Speaker of the House,
H-232, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to Section 214(a) of the Help America Vote Act of 2002 (42 U.S.C. 15344), I am pleased to reappoint Mr. Thomas A. Fuentes of Lake Forest, California to the Election Assistance Commission Board of Advisors.

Mr. Fuentes has expressed interest in continuing to serve in this capacity and I am pleased to fulfill his request.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

APPOINTMENT AS MEMBER TO BOARD OF DIRECTORS OF THE NATIONAL URBAN AIR TOXICS RESEARCH CENTER

The SPEAKER pro tempore. Pursuant to section 112 of the Clean Air Act (42 U.S.C. 7412), and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following member on the part of

the House to the board of directors of the National Urban Air Toxics Research Center:

Ms. Jane Luxton, McLean, Virginia.

REAPPOINTMENT AS MEMBER TO SOCIAL SECURITY ADVISORY BOARD

The SPEAKER pro tempore. Pursuant to section 703 of the Social Security Act (42 U.S.C. 903), and the order of the House of January 6, 2009, and upon the recommendation of the minority leader, the Chair announces the Speaker's reappointment, effective October 9, 2010, of the following member on the part of the House to the Social Security Advisory Board for a term of 6 years:

Mrs. Dorcas R. Hardy, Spotsylvania, Virginia.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 3081, CONTINUING APPROPRIATIONS ACT, 2011

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1682 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1682

Resolved, That upon adoption of this resolution, it shall be in order to take from the Speaker's table the bill (H.R. 3081) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes, with the Senate amendments thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a single motion offered by the chair of the Committee on Appropriations or his designee that the House concur in the Senate amendments. The Senate amendments and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

□ 2210

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. SLAUGHTER. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1682.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. I yield myself such time as I may consume.

Mr. Speaker, H. Res. 1682 provides for consideration of the Senate amendments to H.R. 3081, the Continuing Appropriations Act of 2011. The rule makes in order a motion offered by the chair of the Committee on Appropriations, or his designee, that the House concur in the Senate amendments to H.R. 3081. The rule provides 1 hour of debate on the motion, equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the motion, except those arising under clause 10 of rule XXI. And finally, the rule provides the Senate amendments and the motion shall be considered as read.

Mr. Speaker, we are here tonight to approve the continuing resolution to maintain a level and consistent funding stream for the government. It is an easy issue to demagogue, and it is my hope that everybody will work together now and quickly move this bill to passage and to the President's desk. The Senate voted earlier this evening on the same straightforward bill that keeps funding even for the fiscal year that begins on Friday. As you know, the CR before us will fund government agencies until December 3, and Congress will revisit the issue in November.

There are some on the other side who question why we are considering a CR. They want us to stay here in Washington instead of getting this done and heading back to our districts. If you ask me, we've been here long enough. It has been an historic, groundbreaking session of Congress that will improve the quality of life for millions of Americans and has exceeded all of our expectations.

Generations from now, history will show that Speaker PELOSI and our majority helped usher in far-reaching health care reform that had been tried for 100 years and put curbs on insurance companies, restructured Wall Street rules, reformed student aid, increased small business assistance, added new regulations on tobacco, curbed credit card abuses, and protected Social Security. It has been one of the most productive sessions of Congress that I have ever been associated with, and I am proud of all the work that we have behind us. But now it's time to approve the CR and go home.

No one should be surprised with the CR. With the exception of fiscal years 1989, 1995 and 1997, one continuing resolution at least has been enacted for each fiscal year since 1955. In the 12 years that Republicans controlled the House, CRs were enacted 84 separate times. As in previous years, we are extending funding with a CR but are making no changes in policy. And I

hope all of my colleagues would join me in voting "yes" on this rule.

Mr. Speaker, before we spend more time on conversations about budgets and currency, I want to pause to pay tribute to a very special person who is retiring from Congress in November. Katharine Hayford, known to the world as Sophie, is more than just a dedicated member of the Rules Committee staff. She is an icon in the House, a symbol of the best attributes of the dedicated staff that keeps this place humming. She is a deep and irreplaceable reservoir of institutional knowledge, and to say she will be missed is a critical understatement.

Sophie is one of those rare people in Congress who has always been content to work quietly and professionally in the background. She never sought or wanted attention. Her pride was in being prepared for any scenario that could unfold in the hearing room or on the House floor. And as someone with more than a little experience on the Rules Committee, I can vouch for that. Almost anything can and does happen here every day, and that is one of the things that makes the place so wonderful to work in.

It's common knowledge to those of us on Rules that the tiny cubby holes and shelves behind her desk have more yellowed and dog-eared records than the National Archives and more paper and reports than a Presidential library. Sophie saved everything. Whenever the members were on the floor to manage a rule, Sophie was ready and waiting with a massive, double-phonebook-sized binder filled with House precedents, statistics, talking points, and even items that she had culled from the many blogs and Web sites she devoured.

My first email from her every morning came between 5:35 and 6 a.m. But she is much more than a mini research factory. Sophie has a smile for everyone and went out of her way to provide cookies, raisins, almonds, crackers, chips, and even doughnuts on a regular basis to our hardworking staff. She did that on her own because she knew it was needed and appreciated. She bakes cakes, even vegan ones, out of deference to our staff that don't eat dairy. Her birthday celebrations are a familiar and comforting routine.

Before we had the privilege of working with Sophie, she worked in the personal office of Congressman Joe Moakley, who was a friend to all of us. Sophie spent 10 years on Congressman Moakley's staff before coming to the Rules Committee in 1986, the year that I was elected to Congress, and some of my staff had not yet been born. More recently, she has discovered the pleasures of France and is a frequent visitor to Paris, where she is learning the language and discovering sites.

And now, as she prepares to leave the Hill and spend more time with Brad,

her quiet and extremely talented musician husband, it is time for us to say goodbye to Sophie and thank her for all this work over these many years.

Mr. DREIER. Mr. Speaker, will the gentlewoman yield?

Ms. SLAUGHTER. I yield to the gentleman from California (Mr. DREIER).

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, before I begin my formal remarks, I want to join in expressing both appreciation and congratulations to Sophie Hayford for her 34 years of dedicated service to this institution. It is true, I think, that the thing that struck me—I mean, I have never analyzed the National Archives hidden behind her desk. I have been able to benefit from some of the wonderful things that she has cooked. But I will say, Mr. Speaker, the most important thing from my perspective is that Sophie Hayford has always, always, always offered a smile and encouragement, which doesn't always take place from side to side in this institution. And that's the thing that I will miss the most.

I just want to wish her well. I know that her first action is going to be to jet off to Paris. And I will say, mine is going to be to jet off to Los Angeles, California. And while I am looking forward enthusiastically to that, I will say that the idea of going to Paris is very appealing. So after 34 years of great service, having worked with our Rules Committee colleague Mr. MCGOVERN on the staff of Mr. Moakley, and having worked so closely with that great man, our former chairman, it is something that obviously taught Sophie a great deal, Mr. Speaker, because Joe Moakley was a man from whom I learned a lot, and I know others in this body who had the opportunity to serve with him and staff members who had the opportunity to work for and with him learned as well. So I would say that those 10 years of service in Mr. Moakley's personal office obviously played a big role in creating the kind of spectacular public servant that Sophie has been. And I want to join in wishing her well, Mr. Speaker.

Ms. SLAUGHTER. I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to begin by expressing appreciation to my very good friend from Rochester for yielding me the customary 30 minutes, and to say that, not surprisingly, I believe that based on the facts, the American people have a slightly different take on what it is that has gotten us to where we are and what it is that we are doing here this evening. Apparently, the House is wrapping up its business tonight, adjourning early for the campaign season. Our final act will be the passage of this continuing resolution,

made necessary by this majority's many, many failures.

Our friends on the other side of the aisle like to remind us over and over again that they have completed their agenda. We just heard that from the distinguished chairwoman. That completed agenda is, Mr. Speaker, the failed stimulus bill, the unsuccessful cap-and-trade legislation, and the ever-more unpopular government takeover of our health care system.

What they will not mention, Mr. Speaker, what they will not mention is the work that they did not do. They did not pass a budget for the first time since the implementation of the 1974 Budget and Impoundment Act. They did not complete work on a single appropriations bill. And to make matters worse, they are leaving town with a tax hike looming for the American people.

□ 2220

Mr. Speaker, this is not a record of which to be proud.

But that is not all. The 111th Congress is departing with another dubious distinction. Not a single bill was considered under an open amendment process, not one. Not a single bill in this entire Congress considered under an open amendment process. This fact alone makes this Congress the most closed Congress in history.

Let me say that again. Sadly for the American people who have been denied the opportunity to be heard in this institution, the action of not allowing one bill to be considered under an open rule has made this the single most closed Congress in the 221-year history of our Republic.

How did we end up here?

Wasn't it just 4 short years ago that we were promised a new direction?

Didn't Speaker PELOSI assure the American people that their business would be conducted in the most open, honest, ethical way possible?

Those promises are still available on the Speaker's Web site. It is almost eerie, as we look at the past 4 years, Mr. Speaker. It is almost eerie to read the words that appear on the Speaker's Web site. They read, in part: with integrity, civility and fiscal discipline, our new direction for America will use commonsense principles to address the aspirations and fulfill the hopes and dreams of all Americans. That is our promise to the American people.

Mr. Speaker, those are the words that at this moment are still on the Speaker's Web site: with integrity, civility and fiscal discipline, our new direction for America will use commonsense principles to address the aspirations and fulfill the hopes and dreams of all Americans. That is our promise to the American people.

Mr. Speaker, 4 years later, the hopes and dreams of the American people are being crushed by a tragically high unemployment rate and rising debt. They

are clamoring to understand how and why legislation they pleaded with the Congress not to pass could be forced through with procedural games. They are wondering why, when they are being forced to tighten their own belts, the Congress refused to consider a budget for our Nation's spending priorities.

The American people know that this is not the new direction they were promised. They know that this majority has led our country the wrong way.

Today, my Republican colleagues on the Rules Committee and I released a new report that I have right here; and I would commend to my colleagues, and our colleagues who don't have a hard copy of it can get it by going to our site, which is house-rulesrepublicans.house.gov. So I would commend this to our colleagues: "The Wrong Way Congress: How the Democratic majority took America in the wrong direction with the wrong bills in the wrong way at the wrong time."

And we have right inside here, Mr. Speaker, symbolic of what it is that we have gotten, the sign that many people across this country have seen: "Putting America to Work Project funded by the American Recovery and Reinvestment Act." That is what we have right here. And we all know that this sign, in and of itself, is an indication of the failure.

This report outlines the procedural abuses and the failures of the 111th Congress and the role that the House Rules Committee has played in executing them. Rather than focusing on job creation, as the American people wanted, the Democratic majority pursued a job-killing agenda based on reckless spending, over-regulation and, tragically, tax increases. The details are all too familiar by now.

It all started, Mr. Speaker, with the failed stimulus bill. There were no hearings, and well after midnight the bill was rushed through the Rules Committee at warp speed. We continue to hear that everything is done in the light of day, and the stimulus bill was passed out of the Rules Committee after midnight.

We were told that this lack of regular order, Mr. Speaker, was necessary to keep the unemployment rate below 8 percent. That is why we had to rush the stimulus through so we could make sure that the unemployment rate that at that point was at 7.7 percent would not exceed 8 percent.

Well, we all know today how painful it is that we across the country are suffering with a 9.6 percent unemployment rate, and in my State of California, a nearly 12½ percent unemployment rate.

Next up was the unsuccessful cap-and-trade legislation. Now, I don't need to remind any of my Rules Committee colleagues about our meeting on that bill. Think back to the cap-and-trade

legislation. It wasn't considered in the light of day. Mr. Speaker, it was 3 o'clock in the morning—not 10 o'clock, 11 o'clock, 12 o'clock—3 o'clock in the morning, just hours before we voted here on the House floor, that my friend Mr. MCGOVERN was in the process of reading the motion to report out the special rule. He had already begun reading the motion to move this bill to the floor. And at that time, at 3 o'clock in the morning, we had dumped onto our places a very warm, 300-page amendment, a 300-page amendment that completely rewrote the bill.

It was that hearing, and that manager's amendment, that launched the hue and cry across this country when the American people said, read the bill. And the next day, Republican leader JOHN BOEHNER stood right where I am, and he took his privilege, as leader, to explain to our colleagues and the American people what was in that 300-page amendment.

Then, next up was the health care reform legislation. Who can forget the town hall meeting, the public outrage, the long hard slog that they went through, Mr. Speaker, to find the votes for its passage?

Things got so bad that the majority searched for ways to pass the bill without actually voting on it. It was dubbed the Slaughter Solution, named for our very distinguished committee chair. The public outrage was so intense that they eventually abandoned the so-called Slaughter Solution strategy.

Again, Mr. Speaker, that bill was reported from the Rules Committee in the middle of the night, not in the light of the day, in the middle of the night. The bill was unpopular when it was passed. And as we all know from public opinion polls today that we see from virtually every source, Democrat and Republican alike, that health care bill is even more unpopular now than it was then.

Mr. Speaker, as they pursued this job-killing agenda, the wrong-way Congress abandoned their constitutional responsibilities of budgeting and appropriations work. As I said earlier, for the first time since 1974, when the Budget Act was put into place, the House did not even consider a budget resolution. This failure was part and parcel of their strategy to shut down the appropriations process and restrict the amendment debate. It began in the summer of 2009, a year ago this past summer; and it became complete this year. We considered only two of the 12 spending bills and both with a hand-picked list of amendments.

Mr. Speaker, this crackdown was not without consequence. Listen to this number, Mr. Speaker. As the number of amendments declined, the rate of non-defense discretionary spending actually increased an astounding 91 percent. Nondefense discretionary spend-

ing since we put into place the crackdown on the opportunity for 435 Members, Democrat and Republican alike, to offer amendments, we have seen that increase take place since we saw the process for the first time ever completely shut down. This was not a coincidence.

So here we are on the final day of the legislative session before the election. The House is operating under unrestricted martial-law authority, giving the majority the ability to call up any bill at any time with just an hour's notice.

In the event that any of my colleagues are wondering when that happened, let me remind them that they voted for it last week when the House approved a rule providing for consideration of small business legislation. It is not surprising that most Members wouldn't notice. It was tucked into the rule, just as it has been for every single week that we have been in session, but one, since the month of May.

□ 2230

This is the new normal. The majority can do whatever it wants whenever they want to do it.

But let's remember, Mr. Speaker, what they won't do. They won't pass a budget. They won't vote to prevent the coming tax hikes that are crippling our economy with uncertainty. They won't allow a vote to get spending under control. They won't allow the House to debate a bill under an open rule.

Now, Mr. Speaker, I am an eternal optimist. I was privileged to be elected the day Ronald Reagan was elected President, and I believe in that Reagan sense of optimism. I believe that there is still a chance for the majority to do what was promised in a new direction for America, and that is to truly offer a new direction. I believe that the "Wrong Way Congress" can in fact make a U-turn and remove the uncertainty that is hurting our economy.

We can have a vote to prevent tax hikes on all Americans, including small businesses and job creators. We can have a vote on a responsible level of spending, sending a powerful signal that we will work together to get our fiscal house in order, as was promised and as can be still read on the Speaker's Web page. I believe, Mr. Speaker, that that would be the right thing to do for all of us and, most importantly, for the American people who have entrusted us with dealing with these very, very serious challenges and problems that we as a Nation face.

I urge my colleagues to defeat this rule, and I am going to urge my colleagues also to defeat the previous question first. And if we are successful in defeating the previous question, we will offer a motion to go to the spending levels that were before the failed stimulus and before the bailouts, to the 2008 spending levels.

Mr. Speaker, with that, I am going to urge a "no" vote on the previous question, and, if we are not successful on that, a "no" vote on the rule. And I will say let's work together in a bipartisan way to deal with these very important issues.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 30 seconds.

I just want to say to my friend, the eternal optimist, that I have served here for 22 years. I served in the State legislature in Albany, and I served in the county legislature. I have been a student of legislatures, Mr. Speaker, believe it or not, and I have never heard of, seen, or even contemplated any legislature anywhere where one party simply opted out and voted "no" on every single thing for political gain.

They did have plenty of opportunity at the hearings and all the committee meetings to make their input there and had a lot of effect, I think, with quite a bit of legislation that we passed. But we had to pass it, Mr. Speaker, the hard way.

I am pleased to yield 2 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), from the Rules Committee.

Mr. MCGOVERN. I thank the chairwoman for yielding to me.

Mr. Speaker, I support the rule and I support the CR, and I hope that we will promptly act on it.

Mr. Speaker, rather than taking my time to talk about how the disgraceful policies of my Republican friends drove this economy into a ditch nearly bankrupting us and how we have had to spend all this time trying to clean up their awful mess, and rather than talk about the Republicans' new pledge that they all just took that would drive this economy deeper into debt by, get this, passing tax cuts for millionaires and billionaires—not about middle-class tax cuts, but millionaires and billionaires; and that will be debt on the backs of our kids, and we will have to borrow that money from China and other countries—and, Mr. Speaker, rather than talking about how my Republican friends opposed all of our Democratic efforts to try to close corporate tax loopholes that eliminated tax incentives that allowed companies to ship jobs overseas, losing American jobs; and rather than talking about a number of the policies that they have stood for that I think have brought this country right to the edge of a cliff, I want to take my time instead to join with the distinguished chairwoman to praise my colleague and my friend, Sophie Hayford, who I am going to miss very much, not only because I think she represents the civility that desperately needs to come back to this House, but because she has been an incredible public servant.

At a time when we hear people denigrate those who work for the government, she is an example of what a government worker is all about—somebody who dedicates her entire life to trying to make the lives of others in this country better.

I have learned an awful lot from Sophie.

I first met her back in 1982, when I came to work here for Congressman Joe Moakley of South Boston, and Sophie was already a seasoned staffer when I arrived.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. I yield the gentleman an additional 1 minute.

Mr. DREIER. I yield my friend an additional 30 seconds.

Mr. MCGOVERN. I thank the gentleman.

I learned a great deal from Sophie, and I admired her dedication and her loyalty to Joe Moakley. He treasured her as one of his most valued staff members and he truly loved her, because Sophie gave that job her all.

I got to work with Sophie in a new capacity when I got elected to Congress and she was already on the Rules Committee, and she taught me a lot about the Rules Committee, even more than I got to know when I worked for Joe Moakley. I think she is an incredible human being, and everybody who has had the honor and the privilege of working with her I think knows what I am talking about.

So, Mr. Speaker, I would like to just say that I think Sophie is a model for all of us, not just members of the staff, but Members of Congress, about what public service is all about. She has had her fingerprints on every major piece of legislation that has impacted the lives of millions of people. I will always admire her for that.

But most importantly and most personally, I admire her for being an incredible friend. She has been a wonderful friend for many, many years, and I am going to miss her a lot, and I think I speak for everybody when I say I love her a lot.

Mr. DREIER. I reserve the balance of my time.

Ms. SLAUGHTER. I am pleased to yield 2 minutes to the gentlewoman from Ohio (Ms. SUTTON), a former member of the Rules Committee.

Ms. SUTTON. Mr. Speaker, I rise today to speak to the underlying legislation. In particular, I rise in strong support of the provision that extends the period for filing stop loss compensation claims to December 3 of this year.

Under the stop loss measure that I originally introduced in 2008, servicemen and -women, including members of the Reserve, who had their service extended due to stop loss after September 11, 2001, are eligible for stop loss pay of \$500 per month.

Our brave service men and women must know that we honor and respect their dedication and sacrifices to protect us and our country.

I received emails from servicemembers describing the effects of stop loss on their lives and the lives of their families. They share the hardship of being stop-lossed. They share some of the things that it has caused—financial problems and depression, family strife, and even divorce.

I am pleased that this bill will give our soldiers more time to file for the stop loss compensation that they deserve for all of their extended service in Iraq and Afghanistan.

I want my colleagues to know that these payments do not go unappreciated and urge all of you to help get the word out about the stop loss pay that some may be eligible for.

Yesterday, a posting online on VetVoice illustrates the importance of getting the word out about this pay. A Vietnam veteran tells us of an account of telling a few veterans about the stop loss pay, and he says:

“One, the big guy—I am over 6 feet and 200 pounds. If I call him a big guy, he is a big guy—had tears streaming down his face.

“‘I was stop-lossed 11 months ago,’ he said. ‘I’ve used up all of my unemployment. You mean I can get \$5,500?’ he sputtered through the tears. ‘Sure,’ I answered. ‘It’s as easy as going to the Web site and following the links.’

“He grabbed me in a bear hug as he told me that his wife hadn’t had a new thing in many months. His kids didn’t even get new clothes for school, yet alone supplies. They’d been subsisting on food stamps and the occasional visit to the food bank. His gratitude was more crushing than his considerable strength.”

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. SLAUGHTER. I yield 30 seconds more to Ms. SUTTON.

□ 2240

Ms. SUTTON. The other veteran said he hadn’t quite sunk that low financially but he sure could use the money. They offered me their thanks, and we parted ways.

That is what this Vietnam veteran relayed in relation to an account that he had to share the news about stop loss pay that they were potentially entitled to. I hope that we will all get the word out. I am glad that we are extending the deadline. Our servicemembers deserve it and have earned it.

Mr. DREIER. Mr. Speaker, I would ask if my friend is prepared to close.

Ms. SLAUGHTER. I am.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me say that it is very troubling that we are here at this late hour having not passed a budget for the first time since the Budget Act

was put into place in 1974, having not completed a single appropriations bill, and having passed legislation which has dramatically exacerbated the debt that is going to be shouldered by future generations.

We can do better, Mr. Speaker. I have no doubt that we can do better. We can do better right now. I and my colleagues are prepared to stay here so that we can ensure that Americans don’t face the uncertainty of a tax increase, which will clearly impinge the potential for economic growth as we are struggling to get out of this recession. I am convinced that if we stay here, we can in fact get that done; I am convinced that if we stay, we could complete a budget; and I am convinced we could even complete the appropriations work.

Now, I know the writing is on the wall. We have passed an adjournment resolution. It is up to the majority leader to determine whether or not we can do this. But things have moved so quickly, things have moved out of the Rules Committee so quickly, I think that we should make an attempt to try and address our constitutionally mandated items, like passing a budget, like completing our appropriations work.

So I urge my colleagues to do that. It is very sad that this has become the wrong-way Congress. But as I said, I believe, Mr. Speaker, that we do have the chance to turn things around, make a U-turn.

This wrong-way Congress document is not filled with lots of hyperbole. It is filled with facts. It is filled with the very sad facts about what we have seen over the past 4 years, and I would commend it to my colleagues.

I am going to ask my colleagues to join me now in defeating the previous question. If the previous question is defeated, I will offer an amendment to the rule that will change the budget enforcement “deemer” resolution to reduce our discretionary spending levels to pre-bailout and pre-stimulus levels, 2008 levels.

Mr. Speaker, I ask unanimous consent that the text of the amendment appear in the CONGRESSIONAL RECORD immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. Mr. Speaker, this House, as I said, has failed to budget and failed to appropriate. The majority leadership of this House has actively denied Democrats and Republicans the opportunity to make spending decisions, particularly when it comes to cutting its Federal deficit. We can see the result, as I have been saying: A 91 percent increase in nondefense discretionary spending.

This amendment we have would restore some sanity to our fiscal outlook,

and I urge my colleagues to join me in voting "no" on the previous question.

I yield back the balance of my time. Ms. SLAUGHTER. Mr. Speaker, let me talk about some of the consequences if we were to, and I pray we do not, vote "no" on the previous question.

My colleagues say they are going to extend the Bush tax cuts permanently, with a price tag of \$4 trillion over the next 10 years, more than doubling the deficit, while cutting the domestic discretionary Federal budget back to 2008 levels, which they say will save \$340 billion over the next decade.

Choosing once again to disinvest in America would save less than 10 percent of the increased deficits their policy would cause, but it would result in significant reductions to existing State and local law enforcement and crime-fighting programs.

It would slash and burn JAG grants, which help communities to fight crime, by \$260 million. It would gut the STOP grant funding that helps States prevent and respond to violent crimes against women. Overall, the Department of Justice would be cut by \$2.4 billion. That would result in thousands of law enforcement personnel being laid off.

The plan would slash \$700 million from new law enforcement initiatives, including \$210 million from DOJ and the FBI's cybersecurity, WMD, and counterterrorism programs, and 137 members from DEA, ATF and other agencies, all trying to fight the Mexican drug cartels that are threatening the communities along our borders.

The price is really much too great, Mr. Speaker. I urge a "yes" vote on the previous question.

The material previously referred to by Mr. DREIER is as follows:

AMENDMENT TO H. RES. 1682

OFFERED BY MR. DREIER OF CALIFORNIA

At the end of the resolution add the following new section:

BUDGET ENFORCEMENT

SEC. 2. In lieu of the budget enforcement levels established by paragraphs (a)(1)(B)(i) and (a)(1)(B)(ii) of House Resolution 1493:

(1) the new discretionary budget authority established by paragraph (a)(1)(B)(i) for fiscal year 2011 shall be \$1,028,893,000,000; and

(2) the discretionary outlays established by paragraph (a)(1)(B)(ii) for fiscal year 2011 shall be \$1,262,152,000,000.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further pro-

ceedings on this question will be postponed.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, proceedings will resume on the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1674, the previous question is ordered.

The question is on the motion offered by the gentleman from Texas (Mr. REYES).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. REYES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to concur will be followed by 5-minute votes on the previous question on House Resolution 1682; adoption of House Resolution 1682, if ordered; and motions to suspend the rules on S. 3729, Senate amendment to H.R. 946, and H.R. 512.

The vote was taken by electronic device, and there were—yeas 244, nays 181, not voting 7, as follows:

[Roll No. 558]

YEAS—244

Ackerman	Clyburn	Foster
Adler (NJ)	Cohen	Frank (MA)
Altmire	Connolly (VA)	Fudge
Andrews	Conyers	Garamendi
Arcuri	Cooper	Giffords
Baca	Costa	Gonzalez
Baird	Costello	Gordon (TN)
Baldwin	Courtney	Grayson
Barrow	Critz	Green, Al
Bean	Crowley	Green, Gene
Becerra	Cuellar	Grijalva
Berkley	Cummings	Gutierrez
Berman	Dahlkemper	Hall (NY)
Berry	Davis (AL)	Halvorson
Bishop (GA)	Davis (CA)	Hare
Bishop (NY)	Davis (IL)	Harman
Blumenauer	Davis (TN)	Hastings (FL)
Boccieri	DeFazio	Heinrich
Boren	DeGette	Herseth Sandlin
Boswell	DeLauro	Higgins
Boucher	Deuth	Hill
Boyd	Dicks	Himes
Brady (PA)	Dingell	Hinchee
Braley (IA)	Djou	Hinojosa
Bright	Doggett	Hirono
Brown, Corrine	Donnelly (IN)	Hodes
Butterfield	Doyle	Holden
Capps	Driehaus	Holt
Cardoza	Edwards (MD)	Honda
Carnahan	Edwards (TX)	Hoyer
Carson (IN)	Ellison	Inlee
Castor (FL)	Ellsworth	Israel
Chandler	Engel	Jackson (IL)
Childers	Eshoo	Jackson Lee
Chu	Etheridge	(TX)
Clarke	Farr	Johnson (GA)
Clay	Fattah	Johnson, E. B.
Cleaver	Filner	Kagen

Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Langevin
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell

NAYS—181

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Billirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capuano
Carney
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent

Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Oliver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky

Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watt
Weiner
Wilson (OH)
Woolsey
Yarmuth

Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster

Blunt
Delahunt
Fallin

Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stark
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton

NOT VOTING—7

Graves (MO)
Radanovich
Richardson

Walden
Wamp
Watson
Waxman
Welch
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Wu
Young (AK)

Young (FL)

Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)

Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Oliver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes

NAYS—186

Aderholt
Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Billirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw

Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Emerson
Flake
Fleming
Forbes
Fortenberry
Fox
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mittnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence

□ 2315

Messrs. JOHNSON of Illinois, KIRK, and SHUSTER changed their vote from “yea” to “nay.”

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 3081, CONTINUING APPROPRIATIONS ACT, 2011

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1682, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 240, nays 186, not voting 6, as follows:

[Roll No. 559]

YEAS—240

Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu

Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth

Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinckey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer

Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen

Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Stearns

Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—6

Blunt
Delahunt

Fallin
Graves (MO)

Radanovich
Young (FL)

□ 2323

So the previous question was ordered.
The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 233, nays 191, not voting 8, as follows:

[Roll No. 560]

YEAS—233

Ackerman
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bocchieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings

Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchev
Hinojosa
Hirono
Hodes
Holden
Holt

Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Loftgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)

Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Oliver
Ortiz
Owens
Pallone
Pascarell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall

Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skellton
Slaughter
Smith (WA)
Snyder

Space
Speier
Spratt
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—191

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cao
Capito
Carter
Cassidy
Castle
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon

Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon

McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stark
Stearns
Sullivan
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Cantor
Cao
Capito

Upton
Walden
Wamp

Westmoreland
Whitfield
Wilson (SC)

Wittman
Wolf
Young (AK)

NOT VOTING—8

Blunt
Cantor
Delahunt

Fallin
Graves (MO)
Kaptur

Radanovich
Young (FL)

□ 2329

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 3729) to authorize the programs of the National Aeronautics and Space Administration for fiscal years 2011 through 2013, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and pass the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 304, nays 118, not voting 10, as follows:

[Roll No. 561]

YEAS—304

Ackerman
Aderholt
Akin
Alexander
Altmire
Arcuri
Baca
Bachmann
Bachus
Bartlett
Barton (TX)
Becerra
Berkley
Bocchieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Campbell
Cantor
Cao
Capito

Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chaffetz
Chu
Cleaver
Clyburn
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Crenshaw
Critz
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djout
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (TX)
Ellison

Ellsworth
Eshoo
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Fudge
Gallegly
Cole
Garamendi
Gerlach
Gingrey (GA)
Gohmert
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Himes
Holden
Honda
Hoyer
Hunter
Inslee
Issa

Jackson Lee (TX)
 Jenkins
 Johnson (GA)
 Johnson, E. B.
 Johnson, Sam
 Kanjorski
 Kaptur
 Kennedy
 Kildee
 Kilpatrick (MI)
 Kind
 King (IA)
 King (NY)
 Kirk
 Kirkpatrick (AZ)
 Kissell
 Klein (FL)
 Kline (MN)
 Kosmas
 Kratovil
 Lamborn
 Langevin
 Larsen (WA)
 Larson (CT)
 Latham
 Lee (NY)
 Levin
 Lewis (CA)
 Linder
 Lipinski
 LoBiondo
 Loeb sack
 Lofgren, Zoe
 Lowey
 Lucas
 Luetkemeyer
 Lujan
 Lungren, Daniel E.
 Maloney
 Manzullo
 Marchant
 Markey (CO)
 Markey (MA)
 Marshall
 Matheson
 Matsui
 McCarthy (CA)
 McCarthy (NY)
 McCaul
 McClintock
 McCollum
 McHenry
 McIntyre
 McKeon
 McMorris
 Rodgers
 McRerney

Meek (FL)
 Meeks (NY)
 Melancon
 Mica
 Miller (FL)
 Miller, Gary
 Miller, George
 Minnick
 Mitchell
 Mollohan
 Moore (KS)
 Moran (KS)
 Moran (VA)
 Murphy (CT)
 Murphy, Patrick
 Murphy, Tim
 Nadler (NY)
 Napolitano
 Neal (MA)
 Neugebauer
 Nunes
 Nye
 Obey
 Olson
 Oliver
 Ortiz
 Pallone
 Pascrell
 Pastor (AZ)
 Pence
 Perlmutter
 Perriello
 Peters
 Peterson
 Pitts
 Platts
 Poe (TX)
 Polis (CO)
 Pomeroy
 Posey
 Price (NC)
 Putnam
 Quigley
 Rahall
 Rangel
 Rehberg
 Reichert
 Reyes
 Rodriguez
 Roe (TN)
 Rogers (AL)
 Rogers (KY)
 Rohrabacher
 Rooney
 Ros-Lehtinen
 Ross
 Rothman (NJ)
 Roybal-Allard
 Royce

Ruppersberger
 Rush
 Ryan (OH)
 Salazar
 Sanchez, Linda T.
 Sanchez, Loretta
 Sarbanes
 Scalise
 Schakowsky
 Schauer
 Schiff
 Schock
 Schrader
 Schwartz
 Scott (GA)
 Scott (VA)
 Serrano
 Sessions
 Sestak
 Shadegg
 Sherman
 Shuler
 Sires
 Skelton
 Slaughter
 Smith (NE)
 Smith (NJ)
 Smith (TX)
 Space
 Speier
 Spratt
 Stearns
 Stupak
 Sutton
 Taylor
 Teague
 Thompson (CA)
 Thompson (PA)
 Thornberry
 Tiahrt
 Titus
 Tonko
 Towns
 Tsongas
 Van Hollen
 Velázquez
 Wamp
 Wasserman
 Schultz
 Waters
 Watson
 Weiner
 Welch
 Whitfield
 Wilson (OH)
 Wittman
 Wolf

NAYS—118

Adler (NJ)
 Andrews
 Austria
 Baird
 Baldwin
 Barrett (SC)
 Barrow
 Bean
 Berman
 Berry
 Bilbray
 Blackburn
 Boehner
 Boswell
 Butterfield
 Camp
 Capuano
 Castle
 Chandler
 Childers
 Clarke
 Clay
 Coble
 Cohen
 Conyers
 Courtney
 Crowley
 Dahlkemper
 DeFazio
 Duncan
 Edwards (MD)
 Ehlers
 Emerson
 Engel

Flake
 Frank (MA)
 Frelinghuysen
 Garrett (NJ)
 Giffords
 Goodlatte
 Graves (GA)
 Grijalva
 Heller
 Hensarling
 Herger
 Hill
 Hinchey
 Hirono
 Hodes
 Hoekstra
 Holt
 Inglis
 Israel
 Jackson (IL)
 Johnson (IL)
 Jones
 Jordan (OH)
 Kagen
 Kilroy
 Kingston
 Kucinich
 Lance
 LaTourette
 Latta
 Lee (CA)
 Lewis (GA)
 Lummis
 Lynch

Mack
 Maffei
 McCotter
 McDermott
 McGovern
 Michaud
 Miller (MI)
 Miller (NC)
 Moore (WI)
 Murphy (NY)
 Myrick
 Oberstar
 Owens
 Paul
 Paulsen
 Payne
 Petri
 Pingree (ME)
 Price (GA)
 Rogers (MI)
 Roskam
 Ryan (WI)
 Schmidt
 Sensenbrenner
 Shea-Porter
 Shimkus
 Shuster
 Simpson
 Smith (WA)
 Snyder
 Stark
 Sullivan
 Tanner
 Terry

Thompson (MS)
 Tiberi
 Tierney
 Turner
 Upton
 Visclosky

Walden
 Walz
 Watt
 Waxman
 Westmoreland
 Wilson (SC)

Woolsey
 Wu
 Yarmuth
 Young (AK)

NOT VOTING—10

Blunt
 Delahunt
 Etheridge
 Fallin

Graves (MO)
 Hinojosa
 McMahon
 Radanovich

Richardson
 Young (FL)

□ 2336

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. McMAHON. Mr. Speaker, on rollcall No. 561, had I been present, I would have voted "yea."

PLAIN WRITING ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendments to the bill (H.R. 946) to enhance citizen access to Government information and services by establishing that Government documents issued to the public must be written clearly, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and concur in the Senate amendments.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 341, nays 82, not voting 9, as follows:

[Roll No. 562]

YEAS—341

Ackerman
 Adler (NJ)
 Alexander
 Altmire
 Andrews
 Arcuri
 Austria
 Baca
 Bachmann
 Bachus
 Baird
 Baldwin
 Barrett (SC)
 Barrow
 Barton (TX)
 Bean
 Becerra
 Berkley
 Berman
 Berry
 Bilbray
 Bishop (GA)
 Bishop (NY)
 Blackburn
 Blumenauer
 Boccieri
 Bonner
 Bono Mack
 Boozman
 Boren
 Boswell
 Boucher

Boustany
 Boyd
 Brady (PA)
 Braley (IA)
 Brown (SC)
 Brown, Corrine
 Brown-Waite,
 Ginny
 Buchanan
 Burton (IN)
 Butterfield
 Camp
 Cao
 Capito
 Capps
 Capuano
 Cardoza
 Carnahan
 Carney
 Carson (IN)
 Castle
 Castor (FL)
 Chandler
 Childers
 Chu
 Clarke
 Clay
 Cleaver
 Clyburn
 Coffman (CO)
 Cohen
 Cole

Connolly (VA)
 Conyers
 Cooper
 Costa
 Costello
 Courtney
 Crenshaw
 Critz
 Crowley
 Cuellar
 Cummings
 Dahlkemper
 Davis (AL)
 Davis (CA)
 Davis (IL)
 Davis (KY)
 DeFazio
 DeGette
 DeLauro
 Dent
 Deutch
 Diaz-Balart, L.
 Diaz-Balart, M.
 Dicks
 Dingell
 Djou
 Doggett
 Donnelly (IN)
 Doyle
 Driehaus
 Edwards (MD)
 Edwards (TX)

Ehlers
 Ellison
 Ellsworth
 Emerson
 Engel
 Eshoo
 Etheridge
 Farr
 Fattah
 Filner
 Fleming
 Forbes
 Fortenberry
 Foster
 Fox
 Frank (MA)
 Fudge
 Gallegly
 Garamendi
 Gerlach
 Giffords
 Gingrey (GA)
 Gonzalez
 Goodlatte
 Gordon (TN)
 Grayson
 Green, Al
 Green, Gene
 Griffith
 Grijalva
 Guthrie
 Gutierrez
 Hall (NY)
 Hall (TX)
 Halvorson
 Hare
 Harman
 Harper
 Hastings (FL)
 Heinrich
 Heller
 Herseth Sandlin
 Higgins
 Hill
 Himes
 Hinchey
 Hinojosa
 Hirono
 Hodes
 Holden
 Holt
 Honda
 Hoyer
 Inslee
 Israel
 Jackson (IL)
 Jackson Lee
 (TX)
 Jenkins
 Johnson (GA)
 Johnson (IL)
 Johnson, E. B.
 Kagen
 Kanjorski
 Kaptur
 Kennedy
 Kildee
 Kilpatrick (MI)
 Kilroy
 Kind
 King (NY)
 Kirk
 Kirkpatrick (AZ)
 Kissell
 Klein (FL)
 Kline (MN)
 Kosmas
 Kratovil
 Lance
 Langevin
 Larson (WA)
 Larson (CT)
 Latham
 Lee (CA)

Lee (NY)
 Levin
 Lewis (GA)
 Linder
 Lipinski
 LoBiondo
 Loeb sack
 Lofgren, Zoe
 Lowey
 Lucas
 Luetkemeyer
 Lujan
 Lynch
 Maffei
 Maloney
 Markey (CO)
 Markey (MA)
 Marshall
 Matheson
 Matsui
 McCarthy (NY)
 McCaul
 McCollum
 McCotter
 McDermott
 McGovern
 McIntyre
 McKeon
 McMahon
 McMorris
 Rodgers
 McRerney
 Meek (FL)
 Meeks (NY)
 Melancon
 Mica
 Michaud
 Miller (FL)
 Miller (MI)
 Miller (NC)
 Miller, George
 Minnick
 Mitchell
 Mollohan
 Moore (KS)
 Moore (WI)
 Moran (KS)
 Moran (VA)
 Murphy (CT)
 Murphy (NY)
 Murphy, Patrick
 Murphy, Tim
 Nadler (NY)
 Napolitano
 Neal (MA)
 Nye
 Oberstar
 Obey
 Oliver
 Ortiz
 Owens
 Pallone
 Pascrell
 Pastor (AZ)
 Paulsen
 Payne
 Perlmutter
 Perriello
 Peters
 Peterson
 Pingree (ME)
 Platts
 Polis (CO)
 Pomeroy
 Posey
 Price (NC)
 Putnam
 Quigley
 Rahall
 Rangel
 Rehberg
 Reichert
 Reyes
 Richardson

NAYS—82

Aderholt
 Akin
 Bartlett
 Biggert
 Bilirakis
 Bishop (UT)
 Boehner
 Brady (TX)
 Bright

Broun (GA)
 Burgess
 Calvert
 Campbell
 Cantor
 Carter
 Cassidy
 Chaffetz
 Coble

Conaway
 Culberson
 Dreier
 Duncan
 Flake
 Franks (AZ)
 Frelinghuysen
 Garrett (NJ)
 Gohmert

Granger	Lummis	Price (GA)
Graves (GA)	Lungren, Daniel	Rohrabacher
Hastings (WA)	E.	Rooney
Hensarling	Mack	Roskam
Herger	Manzullo	Royce
Hoekstra	Marchant	Scalise
Hunter	McCarthy (CA)	Sensenbrenner
Inglis	McClintock	Shadegg
Issa	McHenry	Shuster
Johnson, Sam	Miller, Gary	Simpson
Jones	Myrick	Smith (NE)
Jordan (OH)	Neugebauer	Stearns
King (IA)	Nunes	Sullivan
Kingston	Olson	Thornberry
Kucinich	Paul	Tiahrt
Lamborn	Pence	Westmoreland
LaTourette	Petri	Whitfield
Latta	Pitts	Young (AK)
Lewis (CA)	Poe (TX)	

NOT VOTING—9

Blunt	Delahunt	Radanovich
Buyer	Fallin	Sherman
Davis (TN)	Graves (MO)	Young (FL)

□ 2344

Messrs. ADERHOLT and CANTOR changed their vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FEDERAL ELECTION INTEGRITY ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 512) to amend the Federal Election Campaign Act of 1971 to prohibit certain State election administration officials from actively participating in electoral campaigns, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 296, nays 129, not voting 7, as follows:

[Roll No. 563]

YEAS—296

Ackerman	Boucher	Chandler
Adler (NJ)	Boyd	Childers
Altmire	Brady (PA)	Chu
Andrews	Braley (IA)	Clarke
Arcuri	Bright	Clay
Austria	Brown (SC)	Cleaver
Baca	Brown, Corrine	Clyburn
Baldwin	Brown-Waite,	Coffman (CO)
Barrow	Ginny	Cohen
Bean	Buchanan	Connolly (VA)
Becerra	Butterfield	Conyers
Berkley	Buyer	Cooper
Berman	Cao	Costa
Berry	Capito	Costello
Bilbray	Capps	Courtney
Bishop (GA)	Capuano	Critz
Bishop (NY)	Cardoza	Crowley
Blumenauer	Carnahan	Cuellar
Boccheri	Carney	Cummings
Bono Mack	Carson (IN)	Dahlkemper
Boren	Castle	Davis (AL)
Boswell	Castor (FL)	Davis (CA)

Davis (IL)	King (NY)	Quigley
Davis (TN)	Kirkpatrick (AZ)	Rahall
DeFazio	Kissell	Rangel
DeGette	Klein (FL)	Reichert
DeLauro	Kosmas	Reyes
Dent	Kratovil	Richardson
Deutch	Kucinich	Rodriguez
Diaz-Balart, L.	Langevin	Rogers (KY)
Diaz-Balart, M.	Larsen (WA)	Rogers (MI)
Dicks	Larson (CT)	Ros-Lehtinen
Dingell	LaTourette	Ross
Djou	Lee (CA)	Rothman (NJ)
Doggett	Levin	Roybal-Allard
Donnelly (IN)	Lewis (GA)	Ruppersberger
Doyle	Lipinski	Rush
Driehaus	LoBiondo	Ryan (OH)
Edwards (MD)	Loeback	Salazar
Edwards (TX)	Lofgren, Zoe	Sánchez, Linda
Ehlers	Lowey	T.
Ellison	Luetkemeyer	Sanchez, Loretta
Ellsworth	Luján	Sarbanes
Engel	Lynch	Schakowsky
Eshoo	Maffei	Schauer
Etheridge	Maloney	Schiff
Farr	Markey (CO)	Schrader
Fattah	Markey (MA)	Schwartz
Filner	Marshall	Scott (GA)
Fortenberry	Matheson	Scott (VA)
Foster	Matsui	Serrano
Frank (MA)	McCarthy (NY)	Sestak
Fudge	McCaul	Shea-Porter
Galleghy	McClintock	Sherman
Garamendi	McCollum	Shuler
Gerlach	McCotter	Simpson
Giffords	McDermott	Sires
Gonzalez	McGovern	Skelton
Gordon (TN)	McIntyre	Slaughter
Grayson	McMahon	Smith (NJ)
Green, Al	McNerney	Smith (TX)
Green, Gene	Meek (FL)	Smith (WA)
Grijalva	Meeks (NY)	Snyder
Guthrie	Melancon	Space
Gutierrez	Michaud	Speier
Hall (NY)	Miller (NC)	Spratt
Halvorson	Miller, George	Stark
Hare	Minnick	Stupak
Harman	Mitchell	Sutton
Hastings (FL)	Mollohan	Tanner
Heinrich	Moore (KS)	Taylor
Hereth Sandlin	Moran (VA)	Teague
Higgins	Murphy (CT)	Thompson (CA)
Hill	Murphy (NY)	Thompson (MS)
Himes	Murphy, Patrick	Thompson (PA)
Hinchey	Murphy, Tim	Tiberi
Hinojosa	Nadler (NY)	Tierney
Hirono	Napolitano	Titus
Hodes	Neal (MA)	Tonko
Holden	Nye	Towns
Holt	Oberstar	Tsongas
Honda	Obey	Turner
Hoyer	Oliver	Van Hollen
Inslee	Ortiz	Velázquez
Israel	Owens	Visclosky
Jackson (IL)	Pallone	Walz
Jackson Lee	Pascarell	Wasserman
(TX)	Pastor (AZ)	Schultz
Johnson (GA)	Payne	Waters
Johnson (IL)	Perlmutter	Watson
Johnson, E. B.	Perriello	Watt
Jones	Peters	Waxman
Kagen	Peterson	Weiner
Kanjorski	Pingree (ME)	Welch
Kaptur	Platts	Whitfield
Kennedy	Polis (CO)	Wilson (OH)
Kildee	Pomeroy	Wittman
Kilpatrick (MI)	Posey	Woolsey
Kilroy	Price (NC)	Wu
Kind	Putnam	Yarmuth

NAYS—129

Boozman	Conaway
Boustany	Crenshaw
Brady (TX)	Culberson
Broun (GA)	Davis (KY)
Burgess	Dreier
Burton (IN)	Duncan
Calvert	Emerson
Camp	Flake
Campbell	Fleming
Cantor	Forbes
Carter	Fox
Cassidy	Franks (AZ)
Chaffetz	Frelinghuysen
Coble	Garrett (NJ)
Cole	Gingrey (GA)

Gohmert	Lucas	Roe (TN)
Goodlatte	Lummis	Rogers (AL)
Granger	Lungren, Daniel	Rohrabacher
Graves (GA)	E.	Rooney
Griffith	Mack	Roskam
Hall (TX)	Manzullo	Royce
Harper	Marchant	Ryan (WI)
Hastings (WA)	McCarthy (CA)	Scalise
Heller	McHenry	Schmidt
Hensarling	McKeon	Schock
Herger	McMorris	Sensenbrenner
Hoekstra	Rodgers	Sessions
Hunter	Mica	Shadegg
Inglis	Miller (FL)	Shimkus
Issa	Miller (MI)	Shuster
Jenkins	Miller, Gary	Smith (NE)
Johnson, Sam	Moran (KS)	Stearns
Jordan (OH)	Myrick	Sullivan
King (IA)	Neugebauer	Terry
Kingston	Nunes	Thornberry
Kirk	Olson	Tiahrt
Kline (MN)	Paul	Upton
Lamborn	Paulsen	Walden
Lance	Pence	Wamp
Latham	Petri	Westmoreland
Latta	Pitts	Wilson (SC)
Lee (NY)	Poe (TX)	Wolf
Lewis (CA)	Price (GA)	Young (AK)
Linder	Rehberg	

NOT VOTING—7

Blunt	Graves (MO)	Young (FL)
Delahunt	Moore (WI)	
Fallin	Radanovich	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 2352

Messrs. GOODLATTE, WOLF and McKEON changed their vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 3774. An act to extend the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008.

CONTINUING APPROPRIATIONS ACT, 2011

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 1682, I call up the bill (H.R. 3081) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes, with the Senate amendments thereto, and offer the motion.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LARSEN of Washington). The Clerk will designate the Senate amendments.

The text of the Senate amendments is as follows:

Senate amendments:

Strike all after the enacting clause and insert the following:

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2011, and for other purposes, namely:

SEC. 101. Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2010 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2010, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111–80).

(2) Division A of the Department of Defense Appropriations Act, 2010 (division A of Public Law 111–118).

(3) The Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85).

(4) The Department of Homeland Security Appropriations Act, 2010 (Public Law 111–83) and section 601 of the Supplemental Appropriations Act, 2010 (Public Law 111–212).

(5) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (division A of Public Law 111–88).

(6) The Legislative Branch Appropriations Act, 2010 (division A of Public Law 111–68).

(7) The Consolidated Appropriations Act, 2010 (Public Law 111–117).

(8) Chapter 3 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111–212), except for appropriations under the heading “Operation and Maintenance” relating to Haiti following the earthquake of January 12, 2010, or the Port of Guam: Provided, That the amount provided for the Department of Defense pursuant to this paragraph shall not exceed a rate for operations of \$29,387,401,000: Provided further, That the Secretary of Defense shall allocate such amount to each appropriation account, budget activity, activity group, and subactivity group, and to each program, project, and activity within each appropriation account, in the same proportions as such appropriations for fiscal year 2010.

(9) Section 102(c) of chapter 1 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111–212) that addresses guaranteed loans in the rural housing insurance fund.

(10) The appropriation under the heading “Department of Commerce—United States Patent and Trademark Office” in the United States Patent and Trademark Office Supplemental Appropriations Act, 2010 (Public Law 111–224).

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for (1) the new production of items not funded for production in fiscal year 2010 or prior years; (2) the increase in production rates above those sustained with fiscal year 2010 funds; or (3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item that includes a program element and subprogram element within an appropriation account) for which appropri-

tions, funds, or other authority were not available during fiscal year 2010.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2010.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2011, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this Act; (2) the enactment into law of the applicable appropriations Act for fiscal year 2011 without any provision for such project or activity; or (3) December 3, 2010.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2011 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2010, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2010, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2010 but not later than 30 days after the date specified in section 106(3) may continue to be

made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2010, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 114. The following amounts are designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010:

(1) Amounts incorporated by reference in this Act that were previously designated as available for overseas deployments and other activities pursuant to such concurrent resolution.

(2) Amounts made available pursuant to paragraph (8) of section 101 of this Act.

SEC. 115. Notwithstanding any other provision of this Act, funds appropriated under the heading “Food for Peace Title II Grants” in chapter 1 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111–212) may be used to reimburse obligations incurred for the purposes provided therein prior to the enactment of such Act.

SEC. 116. The authority provided by section 18(h)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(h)(5)) shall continue in effect through the earlier of the date of enactment of an authorization Act related to the Richard B. Russell National School Lunch Act or the date specified in section 106(3) of this Act.

SEC. 117. Notwithstanding section 101, amounts are provided for “Department of Commerce—Bureau of the Census—Periodic Censuses and Programs”, for necessary expenses to collect and publish statistics for periodic censuses and programs provided for by law, at a rate for operations of \$964,315,000.

SEC. 118. The authority provided by section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163), as most recently amended by section 1222 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2518), shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 119. Notwithstanding subsection (b) of section 310 of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1870), a claim described in that subsection that is submitted before the date specified in section 106(3) of this Act shall be treated as a claim for which payment may be made under such section 310.

SEC. 120. (a) RESCISSION.—The unobligated balance of authority provided for investigations under the heading “Department of Defense—Civil, Department of the Army, Corps of Engineers—Civil, Investigations”, in chapter 4 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111–212; 124 Stat. 2312) is rescinded as of the date of enactment of this Act.

(b) APPROPRIATION.—Notwithstanding any other provision in this Act—

(1) there is appropriated to the Department of the Army, Corps of Engineers, an amount equal

to the unobligated balance rescinded by subsection (a), to remain available until expended, for investigations;

(2) that such amount be available on the date of enactment of this Act; and

(3) the amount is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 121. (a) RESCISSION.—The unobligated balance of authority provided for in section 401 of chapter 4 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111–212; 124 Stat. 2313) for drought emergency assistance is rescinded as of the date of enactment of this Act.

(b) APPROPRIATION.—Notwithstanding any other provision in this Act—

(1) there is appropriated to the Bureau of Reclamation, an amount equal to the unobligated balance rescinded by subsection (a), to remain available until expended, for drought emergency assistance: Provided, That financial assistance may be provided under the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2201 et seq.) and any other applicable Federal law (including regulations) for the optimization and conservation of project water supplies to assist drought-plagued areas of the West;

(2) that such amount be available on the date of enactment of this Act; and

(3) the amount is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 122. Notwithstanding section 101, amounts are provided for “Department of Energy—Weapons Activities” at a rate for operations of \$7,008,835,000.

SEC. 123. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds for programs and activities under the heading “District of Columbia Funds” for such programs and activities under title IV of S. 3677 (111th Congress), as reported by the Committee on Appropriations of the Senate, at the rate set forth under “District of Columbia Funds” as included in the Fiscal Year 2011 Budget Request Act (D.C. Act 18–448), as modified as of the date of the enactment of this Act.

SEC. 124. Section 550(b) of Public Law 109–295, as amended by section 550 of Public Law 111–83, shall be applied by substituting the date specified in section 106(3) of this Act for “October 4, 2010”.

SEC. 125. Section 203(m) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(m)) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2010”.

SEC. 126. Any funds made available pursuant to section 101 for the Federal Air Marshals may be obligated at a rate for operations not exceeding that necessary to sustain domestic and international flight coverage at the same level as the final quarter of fiscal year 2010.

SEC. 127. Any funds made available pursuant to section 101 for U.S. Customs and Border Protection may be obligated at a rate for operations not exceeding that necessary to sustain the numbers of personnel in place in the final quarter of fiscal year 2010. The Commissioner of U.S. Customs and Border Protection shall notify the Committees on Appropriations of the House of Representatives and the Senate on each use of the authority provided in this section.

SEC. 128. Notwithstanding section 101, amounts are provided for “Department of the Interior—Minerals Management Service—Royalty and Offshore Minerals Management” at a rate for operations of \$365,000,000: Provided,

That amounts provided herein from the general fund shall be reduced in an amount not to exceed \$154,890,000, as receipts from increases to rates in effect on August 5, 1993, and from cost recovery fees are received: Provided further, That of the prior-year unobligated balances available for “Department of the Interior—Minerals Management Service—Royalty and Offshore Minerals Management”, \$25,000,000 are rescinded.

SEC. 129. Section 2(e)(1)(B) of Public Law 109–129 shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2010”.

SEC. 130. From funds transferred to “Department of Health and Human Services—Office of the Secretary—Public Health and Social Services Emergency Fund” by Public Law 111–117 in the fourth paragraph under such heading, amounts shall be available through the date specified in section 106(3) of this Act to support advanced research and development pursuant to section 319L of the Public Health Service Act, at a rate for operations of \$305,000,000.

SEC. 131. (a) EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM.—Activities authorized by part A of title IV and section 1108(b) of the Social Security Act (other than the Emergency Contingency Fund for State Temporary Assistance for Needy Families Programs established under subsection (c) of section 403 of such Act) shall continue through the date specified in section 106(3) of this Act in the manner authorized for fiscal year 2010, subject to the amendments made by subsection (b) of this section, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the applicable portion of the first quarter of fiscal year 2011 at the pro rata portion of the level provided for such activities through the first quarter of fiscal year 2010.

(b) CONFORMING AMENDMENTS.—

(1) SUPPLEMENTAL GRANTS FOR POPULATION INCREASES.—Section 403(a)(3)(H)(ii) of the Social Security Act (42 U.S.C. 603(a)(3)(H)(ii)) is amended to read as follows:

“(ii) subparagraph (G) shall be applied as if ‘the date specified in section 106(3) of the Continuing Appropriations Act, 2011’ were substituted for ‘fiscal year 2001’; and”.

(2) CONTINGENCY FUND.—

(A) DEPOSIT INTO FUND.—Section 403(b)(2) of such Act (42 U.S.C. 603(b)(2)) is amended—

(i) by striking “fiscal years 1997” and all that follows through “2003” and inserting “fiscal years 2011 and 2012”; and

(ii) by striking “\$2,000,000,000” and inserting “\$, in the case of fiscal year 2011, \$506,000,000 and in the case of fiscal year 2012, \$612,000,000”.

(B) CONFORMING AMENDMENT.—Section 403(b)(3)(C)(ii) of such Act (42 U.S.C. 603(b)(3)(C)(ii)) is amended by striking “fiscal years 1997 through 2010 shall not exceed the total amount appropriated pursuant to paragraph (2)” and inserting “fiscal year 2011 and 2012, respectively, shall not exceed the total amount appropriated pursuant to paragraph (2) for each such fiscal year”.

(3) MAINTENANCE OF EFFORT.—Section 409(a)(7) of such Act (42 U.S.C. 609(a)(7)) is amended—

(A) in subparagraph (A), by striking “or 2011” and inserting “2011, or 2012”; and

(B) in subparagraph (B)(ii), by striking “2010” and inserting “2011”.

SEC. 132. Activities authorized by section 429 of the Social Security Act shall continue through September 30, 2011, in the manner authorized for fiscal year 2010, and out of any money in the Treasury of the United States not

otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority on a quarterly basis through fiscal year 2011 at the level provided for such activities for the corresponding quarter of fiscal year 2010.

SEC. 133. Effective October 1, 2010, subpart 2 of part B of title IV of the Social Security Act is amended—

(1) in section 436 (42 U.S.C. 629f)—

(A) in subsection (a)—

(i) by striking “2011” and inserting “2010”; and

(ii) by inserting before the period the following: “, and \$365,000,000 for fiscal year 2011”; and

(B) by striking “\$10,000,000” in subsection (b)(2) and inserting “\$30,000,000”; and

(2) in section 438 (42 U.S.C. 629h)—

(A) by striking “2010” in subsection (c)(2)(A) and inserting “2011”; and

(B) by adding at the end of subsection (e) the following flush sentence: “For fiscal year 2011, out of the amount reserved pursuant to section 436(b)(2) for such fiscal year, there are available \$10,000,000 for grants referred to in subsection (b)(2)(B), and \$10,000,000 for grants referred to in subsection (b)(2)(C).”.

SEC. 134. Notwithstanding any other provision of this Act, for payment in equal shares to the children and grandchildren of Robert C. Byrd, \$193,400 is appropriated.

SEC. 135. Notwithstanding section 101, amounts are provided for deposit into “Department of Defense Base Closure Account 2005” at a rate for operations of \$2,354,285,000.

SEC. 136. Notwithstanding section 101, amounts are provided for “Department of State—Administration of Foreign Affairs—Diplomatic and Consular Programs” at a rate for operations of \$8,601,000,000.

SEC. 137. Notwithstanding section 101, amounts are provided for “International Security Assistance—Funds Appropriated to the President—Foreign Military Financing Program” at a rate for operations of \$5,160,000,000, of which not less than \$2,775,000,000 shall be available for grants only for Israel, not less than \$1,300,000,000 shall be available for grants only for Egypt, and not less than \$300,000,000 shall be available for assistance for Jordan: Provided, That the dollar amount in the fourth proviso under such heading in title IV of division F of Public Law 111–117 shall be deemed to be \$729,825,000.

SEC. 138. (a) Notwithstanding section 101, amounts are provided for “International Security Assistance—Funds Appropriated to the President—Pakistan Counterinsurgency Capability Fund” at a rate for operations of \$700,000,000.

(b) Amounts provided by subsection (a) shall be available to the Secretary of State under the terms and conditions provided for this Fund in Public Law 111–32 and Public Law 111–212 through the date specified in section 106(3) of this Act.

SEC. 139. Section 1(b)(2) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2)) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2010”.

SEC. 140. (a) Section 1115(d) of Public Law 111–32 shall be applied by substituting the date specified in section 106(3) of this Act for “October 1, 2010”.

(b) Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) shall be applied by substituting the date specified in section 106(3) of this Act for “October 1, 2010” in paragraph (2).

(c) Section 61(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733(a)) shall be applied by substituting the date specified in section 106(3) of this Act for “October 1, 2010” in paragraph (2).

(d) Section 625(j)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2385(j)(1)) shall be applied by substituting the date specified in section 106(3) of this Act for "October 1, 2010" in subparagraph (B).

SEC. 141. The authority provided by section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) shall remain in effect through the date specified in section 106(3) of this Act.

SEC. 142. Commitments to guarantee loans incurred under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715c-3 and 1735c), shall not exceed a rate for operations of \$20,000,000,000: Provided, That total loan principal, any part of which is to be guaranteed, may be apportioned through the date specified in section 106(3) of this Act, at \$80,000,000 multiplied by the number of days covered by this Act.

SEC. 143. The provisions of title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.) shall continue in effect, notwithstanding section 209 of such Act, through the earlier of: (1) the date specified in section 106(3) of this Act; or (2) the date of the enactment into law of an authorization Act relating to the McKinney-Vento Homeless Assistance Act.

SEC. 144. Notwithstanding any other provision of law or of this Act, for mortgages for which the mortgagee issues credit approval for the borrower during fiscal year 2011, the second sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z-20(g)) shall be considered to require that in no case may the benefits of insurance under such section 255 exceed 150 percent of the maximum dollar amount in effect under the sixth sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)).

SEC. 145. (a) LOAN LIMIT FLOOR BASED ON 2008 LEVELS.—For mortgages for which the mortgagee issues credit approval for the borrower during fiscal year 2011, if the dollar amount limitation on the principal obligation of a mortgage determined under section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) for any size residence for such area is less than such dollar amount limitation that was in effect for such size residence for such area for 2008 pursuant to section 202 of the Economic Stimulus Act of 2008 (Public Law 110-185; 122 Stat. 620), notwithstanding any other provision of law or of this Act, the maximum dollar amount limitation on the principal obligation of a mortgage for such size residence for such area for purposes of such section 203(b)(2) shall be considered (except for purposes of section 255(g) of such Act (12 U.S.C. 1715z-20(g))) to be such dollar amount limitation in effect for such size residence for such area for 2008.

(b) DISCRETIONARY AUTHORITY FOR SUB-AREAS.—Notwithstanding any other provision of law or of this Act, if the Secretary of Housing and Urban Development determines, for any geographic area that is smaller than an area for which dollar amount limitations on the principal obligation of a mortgage are determined under section 203(b)(2) of the National Housing Act, that a higher such maximum dollar amount limitation is warranted for any particular size or sizes of residences in such sub-area by higher median home prices in such sub-area, the Secretary may, for mortgages for which the mortgagee issues credit approval for the borrower during fiscal year 2011, increase the maximum dollar amount limitation for such size or sizes of residences for such sub-area that is otherwise in effect (including pursuant to subsection (a) of this section), but in no case to an amount that exceeds the amount specified in section 202(a)(2) of the Economic Stimulus Act of 2008.

SEC. 146. (a) LOAN LIMIT FLOOR BASED ON 2008 LEVELS.—For mortgages originated during fiscal year 2011, if the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation determined under section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) or section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1754(a)(2)) respectively, for any size residence for any area is less than such maximum original principal obligation limitation that was in effect for such size residence for such area for 2008 pursuant to section 201 of the Economic Stimulus Act of 2008 (Public Law 110-185; 122 Stat. 619), notwithstanding any other provision of law or of this Act, the limitation on the maximum original principal obligation of a mortgage for such Association and Corporation for such size residence for such area shall be such maximum limitation in effect for such size residence for such area for 2008.

(b) DISCRETIONARY AUTHORITY FOR SUB-AREAS.—Notwithstanding any other provision of law or of this Act, if the Director of the Federal Housing Finance Agency determines, for any geographic area that is smaller than an area for which limitations on the maximum original principal obligation of a mortgage are determined for the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, that a higher such maximum original principal obligation limitation is warranted for any particular size or sizes of residences in such sub-area by higher median home prices in such sub-area, the Director may, for mortgages originated during fiscal year 2011, increase the maximum original principal obligation limitation for such size or sizes of residences for such sub-area that is otherwise in effect (including pursuant to subsection (a) of this section) for such Association and Corporation, but in no case to an amount that exceeds the amount specified in the matter following the comma in section 201(a)(1)(B) of the Economic Stimulus Act of 2008.

This Act may be cited as the "Continuing Appropriations Act, 2011".

Amend the title so as to read: "An Act making continuing appropriations for fiscal year 2011, and for other purposes."

MOTION TO CONCUR

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. Obey moves that the House concur in the Senate amendments.

The SPEAKER pro tempore. Pursuant to House Resolution 1682, the motion shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations.

The gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the pending legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. I yield myself such time as I might consume.

Mr. Speaker, I had planned to deliver a 10-minute oration outlining my concerns about this CR before us. However, given the late hour, I'll simply say that I believe it spends too much by continuing funding at last year's levels.

Mr. Speaker, I am reminded of the words of my friend and yours, Will Rogers, whose statue stands outside the door of the House Chamber. He said, "Never miss a good chance to shut up."

Mr. Speaker, by any definition, this year's appropriations process has been a complete and utter failure. The current fiscal year ends tomorrow and to date, only two spending bills have cleared the full Appropriations Committee and passed the House. In two of the last four years under Democrat control, Congress has failed to enact a single appropriations bill by the beginning of the new fiscal year.

It is now certain that any further consideration of the ten unfinished spending bills is unlikely this year, leaving a massive, end-of-the-year omnibus bill as the most likely course of action following the November elections.

The omnibus would be the latest in a long list of big money bills passed by this Congress—on top of health care reform, Stimulus, TARP, and too many bailouts to mention by name—over the loud objections of House Republicans. Taken together, these costly measures have cemented this legislative session's reputation as the most expensive in our country's history.

According to CNN, this Democrat-controlled Congress has committed our country to at least \$11 trillion in bailout spending alone over the last 2 years. Let me repeat that: Over eleven trillion dollars in new bailout spending in just two years paid for by the American taxpayer.

It is this spending by this Administration and this Democrat controlled Congress that has resulted in historic deficits and record levels of debt. Add to this spending the potential cost of cap and trade legislation, more costly regulations on small businesses, and the prospect of higher taxes on all Americans at the end of this year, it's no wonder that our country is facing 10 percent unemployment.

This is the most pro-spending, pro-regulation, anti-small business Congress in memory. What company or small business wants to hire anyone in this environment?

This record is all the more striking when you consider the fact that the House has spent week after week, month after month, considering hundreds of insignificant bills while ignoring the substantive work required of Congress each year to pass a federal budget.

This Continuing Resolution would have been the Democrat majority's last hope of telling voters that they're listening to the public's concern about out-of-control spending—and yet, one more time, they have turned a deaf ear. If voters need any additional motivation to go to the polls in November, this Democrat-controlled Congress has certainly provided it.

While I recognize the need to keep the government running in the absence of any spending bills being enacted, I cannot and will not support this CR because it continues unsustainable and unrestrained levels of spending established last year. Republicans have, and will continue, to advocate for lower spending that is nearly \$100 billion below the current level set by Chairman OBEY and the White House.

We should pass a bill that includes these reductions while maintaining the essential functions of government until Congress completes this year's budget. This CR as presently written fails that critical test.

In closing, I want to applaud the Senate for resisting the temptation to add a variety of legislative items and billions in additional spending requested by the Obama White House. At a time of extreme spending fatigue, it's simply unacceptable to use a must-pass CR as a legislative vehicle for more wasteful federal spending or completing an array of unfinished political business before the election.

Mr. Speaker, I don't believe we should shut down the government. But voters are telling Congress that Uncle Sam needs a diet. At a time of historic deficits, record debt, and 10 percent unemployment, I believe we owe our constituents more than the status quo. There's no question that we can keep government running and spend far less of the voters' money than we're presently spending.

With that, Mr. Speaker, I urge a "no" vote and yield back the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, this continuing resolution is designed to keep the government open and running. We have an obligation to do this. We've got enough problems in the economy right now without adding to uncertainty. The Senate passed this continuing resolution by a vote of 69-30. The House ought to pass it. It is a relatively straightforward and unadorned CR which simply keeps the government open for 64 days.

As far as the funding levels are concerned, in total this CR is a bit below what was enacted in 2010. The CR allows agencies to continue fiscal 2010 levels, with three exceptions. First, it provides additional funding for the National Nuclear Security Administration at the President's requested level of \$7 billion. This is for weapons security, included at the request of Senate Republicans. Second, the CR provides less funding for the Census and Defense BRAC activities because less is needed for 2011. Third, the CR provides funding equal to last year's security assistance for Israel, Egypt, Jordan, Pakistan, and the State Department operations in Iraq and Afghanistan. This exception is needed because some of last year's funding was provided in the 2009 supplemental. It also extends a number of authorizations that would otherwise expire, such as TANF. It also extends higher mortgage loan limits, stop-loss payments to our troops, and other programs.

Frankly, I had hoped that this CR would do a few other things, but the Senate would not accept them. For example, I had hoped that the CR would allow continuation of the emergency job program through which 37 States provide subsidized jobs for nearly 250,000 otherwise unemployed parents and youth. The Senate would not allow this program to continue.

I urge an "aye" vote on the legislation. And I would simply note that, given the calendar, a vote against this proposition would be a vote to shut down the government.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of this Continuing Resolution, which will fund continued government operations through December 3, 2010.

Mr. Speaker, I have no substantive objection to the temporary funding, authorization extensions and other spending included in this legislation. They are necessary to keep the government running and to minimize program disruption until Congress' FY 2011 appropriations bills can be enacted into law. But I am deeply disappointed that due to Republican opposition in the Senate the bill does not include a critical provision for our nation's wounded warriors.

This zero-cost technical correction, developed in consultation with and supported by the Department of Defense, would have allowed \$300 million of already appropriated FY 10 funds to be spent on needed BRAC-related infrastructure improvements at our nation's military medical hospitals. As a result of the action in the Senate, wounded warriors and their families may very well not get timely access to the care they have earned and deserve.

Mr. Speaker, I will support today's Continuing Resolution, but I will continue to work with the Department of Defense and my colleagues in both chambers on both sides of the aisle to make sure the federal government meets its responsibilities to our nation's wounded warriors. With BRAC-mandated consolidation at our military medical facilities now less than a year away, there is literally not a moment to waste.

Mr. KUCINICH. Mr. Speaker, I rise in opposition to the Senate Amendment to H.R. 3081 and the Continuing Appropriations Act of 2011. This bill is necessary to keep federal agencies running and I support a number of provisions contained in it. These programs provide vital assistance to American families across the country as we continue to experience the worst economic downturn in recent history.

However, I cannot support any bill that provides funding for the wars in Afghanistan and Iraq. Vice President JOE BIDEN was recently quoted in The Washington Post as telling President Obama that we were "locked into Vietnam" with the war in Afghanistan. The exposé on the war by veteran journalist Bob Woodward showed a military that was unwilling to provide our Commander in Chief with a way out. We are stuck in a seemingly endless war in Afghanistan.

The Obama Administration also wants us to believe that combat operations in Iraq have ended. The reality is that the remaining 50,000 U.S. troops in the country continue to conduct

joint combat operations with Iraqi military forces. This number does not reflect the 11,000 private security contractors currently operating in Iraq. Innocent Iraqi civilians and U.S. troops continue to be killed.

I also oppose funding in this bill that provides counterinsurgency assistance to Pakistan. These funds go toward their military, police and Frontier Corps forces—and toward U.S. military personnel operating in the country. I have long expressed concern over the growing presence of U.S. military personnel in Pakistan and the implications it has for our own national security.

We cannot afford to continue the status quo in Pakistan, Afghanistan and Iraq. Our counterinsurgency strategy places our troops and our national security in great peril. The truth is that we cannot afford these wars. We cannot afford an open-ended commitment to wars that have done nothing to further our security or moral standing in the world. The American people cannot afford to have Congress allocate vital resources under the façade of nation-building overseas, especially while people here at home have such urgent unmet economic needs.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1682, the previous question is ordered.

The question is on the motion offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LEWIS of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to concur will be followed by a 5-minute vote on concurring in Senate amendments to H.R. 3940.

The vote was taken by electronic device, and there were—ayes 228, noes 194, not voting 10, as follows:

[Roll No. 564]

AYES—228

Ackerman	Capps	Davis (CA)
Altmire	Capuano	Davis (IL)
Andrews	Cardoza	Davis (TN)
Arcuri	Carnahan	DeGette
Baca	Carney	DeLauro
Baird	Carson (IN)	Deutch
Baldwin	Castor (FL)	Dicks
Barrow	Chandler	Dingell
Becerra	Chu	Doggett
Berkley	Clarke	Donnelly (IN)
Berman	Cleaver	Doyle
Berry	Clyburn	Edwards (MD)
Bishop (GA)	Cohen	Edwards (TX)
Bishop (NY)	Connolly (VA)	Ellison
Blumenauer	Conyers	Ellsworth
Boccheri	Cooper	Engel
Boren	Costa	Eshoo
Boswell	Costello	Etheridge
Boucher	Courtney	Farr
Boyd	Critz	Fattah
Brady (PA)	Crowley	Filner
Braley (IA)	Cuellar	Foster
Brown, Corrine	Cummings	Frank (MA)
Butterfield	Dahlkemper	Fudge
Cao	Davis (AL)	Garamendi

Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch

Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Oliver
Ortiz
Owens
Pallone
Pascarelli
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)

Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skeltan
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz
Wasserman
Schultz
Waters
Watson
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)

NOT VOTING—10

Blunt
Childers
Clay
Delahunt
Fallin
Graves (MO)
Himes
Radanovich

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 0018

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DELAYING MINIMUM WAGE INCREASE IN AMERICAN SAMOA AND NORTHERN MARIANA ISLANDS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendments to the bill (H.R. 3940) to authorize the Secretary of the Interior to extend grants and other assistance to facilitate a political status public education program for the people of Guam, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and concur in the Senate amendments.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 386, nays 5, not voting 41, as follows:

[Roll No. 565]

YEAS—386

NOES—194
Aderholt
Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Billirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Coble

Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Driebeaus
Duncan
Ehlers
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus

Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Bean
Becerra
Biggert
Billbray
Billirakis
Bishop (GA)
Bishop (NY)

Bishop (UT)
Blackburn
Blumenauer
Bocciari
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany

Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Djoudj
Doggett
Donnelly (IN)
Doyle
Dreier
Driebeaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Garamendi
Garrett (NJ)
Gerlach
Giffords

Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kilroy
Kind
King (IA)
Kingston
Kirk
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui

McCarthy (CA)
McCarthy (NY)
McCauley
McClintock
McCollum
McCotter
McDermott
McGovern
McIntyre
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neugebauer
Nye
Oberstar
Obey
Olson
Oliver
Ortiz
Pallone
Pascarelli
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff

Schmidt	Space	Velázquez
Schock	Speier	Visclosky
Schrader	Spratt	Walden
Schwartz	Stearns	Walz
Scott (GA)	Stupak	Wamp
Scott (VA)	Sullivan	Wasserman
Sensenbrenner	Sutton	Schultz
Serrano	Tanner	Waters
Sessions	Taylor	Watson
Shadegg	Teague	Watt
Shea-Porter	Terry	Weiner
Sherman	Thompson (MS)	Welch
Shimkus	Thompson (PA)	Westmoreland
Shuler	Thornberry	Whitfield
Shuster	Tiahrt	Wilson (OH)
Simpson	Tiberi	Wilson (SC)
Sires	Tierney	Wittman
Skelton	Titus	Wolf
Smith (NE)	Tonko	Woolsey
Smith (NJ)	Towns	Wu
Smith (TX)	Turner	Young (AK)
Smith (WA)	Upton	
Snyder	Van Hollen	

NAYS—5

Hall (TX)	McHenry	Owens
Kildee	Nunes	

NOT VOTING—41

Barton (TX)	Fudge	McKeon
Berkley	Gallegly	Miller, Gary
Berman	Graves (MO)	Neal (MA)
Berry	Halvorson	Radanovich
Blunt	Hill	Rangel
Brown-Waite,	Hodes	Sanchez, Loretta
Ginny	Kennedy	Sestak
Calvert	Kilpatrick (MI)	Slaughter
Crowley	King (NY)	Stark
Davis (AL)	Kirkpatrick (AZ)	Thompson (CA)
DeGette	LaTourette	Tsongas
Delahunt	Lee (NY)	Waxman
Dicks	Linder	Yarmuth
Fallin	Marchant	Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 0025

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HALL of Texas. Mr. Speaker, I inadvertently voted "nay" on H.R. 3940, rollcall vote 565. I intended to vote "yea."

ALL-AMERICAN FLAG ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 2853) to require the purchase of domestically made flags of the United States of America for use by the Federal Government, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. DRIEHAUS) that the House suspend the rules and pass the bill, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EMIL BOLAS POST OFFICE

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 4602) to designate the facility of the United States Postal Service located at 1332 Sharon Copley Road in Sharon Center, Ohio, as the "Emil Bolas Post Office".

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. DRIEHAUS) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

JAMES M. "JIMMY" STEWART POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 5606) to designate the facility of the United States Postal Service located at 47 South 7th Street in Indiana, Pennsylvania, as the "James M. 'Jimmy' Stewart Post Office Building".

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. DRIEHAUS) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GEORGE C. MARSHALL POST OFFICE

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 5605) to designate the facility of the United States Postal Service located at 47 East Fayette Street in Uniontown, Pennsylvania, as the "George C. Marshall Post Office".

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. DRIEHAUS) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 0030

SUPPORTING UNITED STATES MILITARY HISTORY MONTH

The SPEAKER pro tempore. The unfinished business is the question on

suspending the rules and agreeing to the resolution (H. Res. 1442) supporting the goals and ideals of United States Military History Month.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. DRIEHAUS) that the House suspend the rules and agree to the resolution.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING THE WASHINGTON STEALTH

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1546) congratulating the Washington Stealth for winning the National Lacrosse League Championship, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and agree to the resolution, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING THE UNITED STATES PARALYMPICS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1479) supporting the United States Paralympics, honoring the Paralympic athletes, and for other purposes.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and agree to the resolution.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

DOROTHY I. HEIGHT POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 6118) to designate the facility

of the United States Postal Service located at 2 Massachusetts Avenue, N.E., in Washington, D.C., as the "Dorothy I. Height Post Office Building," as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and pass the bill, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to designate the facility of the United States Postal Service located at 2 Massachusetts Avenue, N.E., in Washington, D.C., as the 'Dorothy I. Height Post Office'."

A motion to reconsider was laid on the table.

HURRICANE IKE SURVIVORS

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Tomorrow, thousands of Hurricane Ike survivors across the gulf region may be stopped from receiving benefits that were due because of this terrible disaster. We have been working on this as the House and the Senate. The Senate passed the UC tonight to provide an extension for those benefits; however, we have not had an opportunity to do so, and many people are suffering. I hope that we will have that occasion again.

I would like to yield to the distinguished majority leader to inquire about the needs of those Hurricane Ike victims across the whole gulf region, as we did for Katrina and Rita, the opportunity to work on this matter so that their benefits could be continued for the families that are in need.

Mr. HOYER. I thank the gentlelady for her question.

Clearly, this is, as the gentlelady points out, a very serious matter of great concern. And I want to say that we will join with the lady and with all of those who represent the region on both sides of the aisle to look at this matter to make sure that we give it our earliest possible consideration and action.

Ms. JACKSON LEE of Texas. I thank the gentleman.

This is going to be comforting news to those individuals who are still suffering and living in the backdrop of Hurricane Ike.

I encourage my colleagues to work with us.

SUPPORTING GOLD STAR MOTHERS DAY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to

the resolution (H. Res. 1617) supporting the goals and purpose of Gold Star Mothers Day, which is observed on the last Sunday in September of each year in remembrance of the supreme sacrifice made by mothers who lose a son or daughter serving in the Armed Forces.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and agree to the resolution.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL CRANIO- FACIAL ACCEPTANCE MONTH

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1603) expressing support for designation of September 2010 as National Craniofacial Acceptance Month.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and agree to the resolution.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

AMENDING RULE ON FIREFIGHTER OVERTIME PAY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 3243) to amend section 5542 of title 5, United States Code, to provide that any hours worked by Federal firefighters under a qualified trade-of-time arrangement shall be excluded for purposes of determinations relating to overtime pay.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PRE-ELECTION PRESIDENTIAL TRANSITION ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the question on

suspending the rules and passing the bill (S. 3196) to amend the Presidential Transition Act of 1963 to provide that certain transition services shall be available to eligible candidates before the general election.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PEDIATRIC RESEARCH CONSORTIA ESTABLISHMENT ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 758) to amend title IV of the Public Health Service Act to provide for the establishment of pediatric research consortia, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

VETERINARY PUBLIC HEALTH AMENDMENTS ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 2999) to amend the Public Health Service Act to enhance and increase the number of veterinarians trained in veterinary public health, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate concurs in amendment of the House to the amendment of the Senate to the bill (H.R.

3619) “An act to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes,” with amendments and Senate agrees to House amendment to the title.

□ 0040

GESTATIONAL DIABETES ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 5354) to establish an Advisory Committee on Gestational Diabetes, to provide grants to better understand and reduce gestational diabetes, and for other purposes, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: “A bill to provide grants to better understand and reduce gestational diabetes, and for other purposes.”.

A motion to reconsider was laid on the table.

METHAMPHETAMINE EDUCATION, TREATMENT, AND HOPE ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 2818) to amend the Public Health Service Act to provide for the establishment of a drug-free workplace information clearinghouse, to support residential methamphetamine treatment programs for pregnant and parenting women, to improve the prevention, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONCUSSION TREATMENT AND CARE TOOLS ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 1347) to amend title III of the Public Health Service Act to provide for the establishment and implementation of concussion management guidelines with respect to school-aged chil-

dren, and for other purposes, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: “A bill to amend title III of the Public Health Service Act to provide for the establishment and implementation of concussion management guidelines with respect to school-aged children, and for other purposes.”.

A motion to reconsider was laid on the table.

STEM CELL THERAPEUTIC AND RESEARCH REAUTHORIZATION ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (S. 3751) to amend the Stem Cell Therapeutic and Research Act of 2005.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HEART DISEASE EDUCATION, ANALYSIS RESEARCH, AND TREATMENT FOR WOMEN ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 1032) to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: “A bill to amend the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.”.

A motion to reconsider was laid on the table.

SCLERODERMA RESEARCH AND AWARENESS ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 2408) to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma, and for other purposes, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ACQUIRED BONE MARROW FAILURE DISEASE RESEARCH AND TREATMENT ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 1230) to amend the Public Health Service Act to provide for the establishment of a National Acquired Bone Marrow Failure Disease Registry, to authorize research on acquired bone marrow failure diseases, and for other purposes, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: “A bill to amend the Public Health Service Act to provide for research on acquired bone marrow failure diseases, minority-focused programs on such diseases, and the development of best practices for diagnosis of and care for individuals with such diseases.”.

A motion to reconsider was laid on the table.

GYNECOLOGIC CANCER EDUCATION AND AWARENESS ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 2941) to reauthorize and enhance Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

BIRTH DEFECTS PREVENTION, RISK REDUCTION, AND AWARENESS ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 5462) to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to establish and implement a birth defects prevention, risk reduction, and public awareness program, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend title III of the Public Health Service Act to authorize the Secretary of Health and Human Services to establish and implement a birth defects prevention, risk reduction, and public awareness program."

A motion to reconsider was laid on the table.

ARTHRITIS PREVENTION, CONTROL, AND CURE ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 1210) to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

UNITED STATES SECRET SERVICE UNIFORMED DIVISION MODERNIZATION ACT OF 2010

Mr. CLAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1510) to transfer statutory entitlements to pay and hours of work authorized by the District of Columbia Code for current members of the United States Secret Service Uniformed Division from the District of Columbia Code to the United States Code, with the Senate amendment to the House amendment thereto, and concur in the Senate amendment to the House amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment to the House amendment, as follows:

Senate amendment to House amendment:
Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the "United States Secret Service Uniformed Division Modernization Act of 2010".

(b) PURPOSE.—The purpose of this Act is to transfer statutory entitlements to pay and hours of work authorized by laws codified in the District of Columbia Official Code for current members of the United States Secret Service Uniformed Division from such laws to the United States Code.

SEC. 2. HUMAN RESOURCES FOR UNITED STATES SECRET SERVICE UNIFORMED DIVISION.

(a) PAY FOR MEMBERS OF THE UNITED STATES SECRET SERVICE UNIFORMED DIVISION.—Subpart I of part III of title 5, United States Code, is amended by adding at the end the following:

"CHAPTER 102—UNITED STATES SECRET SERVICE UNIFORMED DIVISION PERSONNEL

"Sec.

"10201. Definitions.

"10202. Authorities.

"10203. Basic pay.

"10204. Rate of pay for original appointments.

"10205. Service step adjustments.

"10206. Technician positions.

"10207. Promotions.

"10208. Demotions.

"10209. Clothing allowances.

"10210. Reporting requirement.

"§ 10201. Definitions

"In this chapter—

"(1) the term 'member' means an employee of the United States Secret Service Uniformed Division having the authorities described under section 3056A(b) of title 18;

"(2) the term 'Secretary' means the Secretary of the Department of Homeland Security; and

"(3) the term 'United States Secret Service Uniformed Division' has the meaning given that term under section 3056A of title 18.

"§ 10202. Authorities

"(a) IN GENERAL.—The Secretary is authorized to—

"(1) fix and adjust rates of basic pay for members of the United States Secret Service Uniformed Division, subject to the requirements of this chapter;

"(2) determine what constitutes an acceptable level of competence for the purposes of section 10205;

"(3) establish and determine the positions at the Officer and Sergeant ranks to be included as technician positions; and

"(4) determine the rate of basic pay of a member who is changed or demoted to a lower rank, in accordance with section 10208.

"(b) DELEGATION OF AUTHORITY.—The Secretary is authorized to delegate to the designated agent or agents of the Secretary, any power or function vested in the Secretary under in this chapter.

"(c) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary to administer this chapter.

"§ 10203. Basic pay

"(a) IN GENERAL.—The annual rates of basic pay of members of the United States Secret Service Uniformed Division shall be fixed in accordance with the following schedule of rates, except that the payable annual rate of basic pay for positions at the Lieutenant, Captain, and Inspector ranks is limited to 95 percent of the rate of pay for level V of the Executive Schedule under subchapter II of chapter 53.

"Rank	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13
Officer	\$44,000	\$46,640	\$49,280	\$51,920	\$54,560	\$57,200	\$59,840	\$62,480	\$65,120	\$67,760	\$70,400	\$73,040	\$75,680
Sergeant				59,708	62,744	65,780	68,816	71,852	74,888	77,924	80,960	83,996	87,032
Lieutenant					69,018	72,358	75,698	79,038	82,378	85,718	89,058	92,398	95,738
Captain						79,594	83,268	86,942	90,616	94,290	97,964	101,638	105,312
Inspector						91,533	95,758	99,983	104,208	108,433	112,658	116,883	121,108
Deputy Chief	The rate of basic pay for Deputy Chief positions will be equal to 95 percent of the rate of pay for level V of the Executive Schedule.												
Assistant Chief	The rate of basic pay the Assistant Chief position will be equal to 95 percent of the rate of pay for level V of the Executive Schedule.												
Chief	The rate of basic pay the Chief position will be equal to the rate of pay for level V of the Executive Schedule.												

"(b) SCHEDULE ADJUSTMENT.—

"(1)(A) Effective at the beginning of the first pay period commencing on or after the first day of the month in which an adjustment in the rates of basic pay under the General Schedule takes effect under section 5303

or other authority, the schedule of annual rates of basic pay of members (except the Deputy Chiefs, Assistant Chief and Chief) shall be adjusted by the Secretary by a percentage amount corresponding to the per-

centage adjustment made in the rates of pay under the General Schedule.

"(B) The Secretary may establish a methodology of schedule adjustment that—

"(i) results in uniform fixed-dollar step increments within any given rank; and

“(ii) preserves the established percentage differences among rates of different ranks at the same step position.

“(2) Notwithstanding paragraph (1), the payable annual rate of basic pay for positions at the Lieutenant, Captain, and Inspector ranks after adjustment under paragraph (1) may not exceed 95 percent of the rate of pay for level V of the Executive Schedule under subchapter II of chapter 53.

“(3) Locality-based comparability payments authorized under section 5304 shall be applicable to the basic pay for all ranks under this section, except locality-based comparability payments may not be paid at a rate which, when added to the rate of basic pay otherwise payable to the member, would cause the total to exceed the rate of basic pay payable for level IV of the Executive Schedule.

“§ 10204. Rate of pay for original appointments

“(a) IN GENERAL.—Except as provided in subsection (b), all original appointments shall be made at the minimum rate of basic pay for the Officer rank set forth in the schedule in section 10203.

“(b) EXCEPTION FOR SUPERIOR QUALIFICATIONS OR SPECIAL NEED.—The Director of the United States Secret Service or the designee of the Director may appoint an individual at a rate above the minimum rate of basic pay for the Officer rank based on the individual's superior qualifications or a special need of the Government for the individual's services.

“§ 10205. Service step adjustments

“(a) DEFINITION.—In this section, the term ‘calendar week of active service’ includes all periods of leave with pay or other paid time off, and periods of non-pay status which do not cumulatively equal one 40-hour work-week.

“(b) ADJUSTMENTS.—Each member whose current performance is at an acceptable level of competence shall have a service step adjustment as follows:

“(1) Each member in service step 1, 2, or 3 shall be advanced successively to the next higher service step at the beginning of the first pay period immediately following the completion of 52 calendar weeks of active service in the member's service step.

“(2) Each member in service step 4, 5, 6, 7, 8, 9, 10, or 11 shall be advanced successively to the next higher service step at the beginning of the first pay period immediately following the completion of 104 calendar weeks of active service in the member's service step.

“(3) Each member in service step 12 shall be advanced successively to the next higher service step at the beginning of the first pay period immediately following the completion of 156 calendar weeks of active service in the member's service step.

“§ 10206. Technician positions

“(a) IN GENERAL.—(1) Each member whose position is determined under section 10202(a)(3) to be included as a technician position shall, on or after such date, receive, in addition to the member's scheduled rate of basic pay, an amount equal to 6 percent of the sum of such member's rate of basic pay and the applicable locality-based comparability payment.

“(2) A member described in this subsection shall receive the additional compensation authorized by this subsection until such time as the member's position is determined under section 10202(a)(3) not to be a technician position, or until the member no longer occupies such position, whichever occurs first.

“(3) The additional compensation authorized by this subsection shall be paid to a member in the same manner and at the same time as the member's basic pay is paid.

“(b) EXCEPTIONS.—(1) Except as provided in paragraph (2), the additional compensation authorized by subsection (a)(1) shall be considered as basic pay for all purposes, including section 8401(4).

“(2) The additional compensation authorized by subsection (a)(1) shall not be considered as basic pay for the purposes of—

“(A) section 5304; or

“(B) section 7511(a)(4).

“(3) The loss of the additional compensation authorized by subsection (a)(1) shall not constitute an adverse action for the purposes of section 7512.

“§ 10207. Promotions

“(a) IN GENERAL.—Each member who is promoted to a higher rank shall receive basic pay at the same step at which such member was being compensated prior to the date of the promotion.

“(b) CREDIT FOR SERVICE.—For the purposes of a service step adjustment under section 10205, periods of service at the lower rank shall be credited in the same manner as if it was service at the rank to which the employee is promoted.

“§ 10208. Demotions

“When a member is changed or demoted from any rank to a lower rank, the Secretary may fix the member's rate of basic pay at the rate of pay for any step in the lower rank which does not exceed the lowest step in the lower rank for which the rate of basic pay is equal to or greater than the member's existing rate of basic pay.

“§ 10209. Clothing allowances

“(a) IN GENERAL.—In addition to the benefits provided under section 5901, the Director of the United States Secret Service or the designee of the Director is authorized to provide a clothing allowance to a member assigned to perform duties in normal business or work attire purchased at the discretion of the employee. Such clothing allowance shall not to be treated as part of the member's basic pay for any purpose (including retirement purposes) and shall not be used for the purpose of computing the member's overtime pay, pay during leave or other paid time off, lump-sum payments under section 5551 or section 5552, workers' compensation, or any other benefit. Such allowance for any member may be discontinued at any time upon written notification by the Director of the United States Secret Service or the designee of the Director.

“(b) MAXIMUM AMOUNT AUTHORIZED.—A clothing allowance authorized under this section shall not exceed \$500 per annum.

“§ 10210. Reporting requirement

“Not later than 3 years after the date of the enactment of this chapter, the Secretary shall prepare and transmit to Congress a report on the operation of this chapter. The report shall include—

“(1) an assessment of the effectiveness of this chapter with respect to efforts of the Secretary to recruit and retain well-qualified personnel; and

“(2) recommendations for any legislation or administrative action which the Secretary considers appropriate.”.

(b) ANNUAL LEAVE LIMITATION FOR MEMBERS IN THE DEPUTY CHIEF, ASSISTANT CHIEF, AND CHIEF RANKS.—Section 6304(f)(1) of title 5, United States Code, is amended—

(1) in subparagraph (F), by striking “or” after the semicolon;

(2) in subparagraph (G), by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(H) a position in the United States Secret Service Uniformed Division at the rank of Deputy Chief, Assistant Chief, or Chief.”.

(c) SICK LEAVE FOR WORK-RELATED INJURIES AND ILLNESSES.—Section 6324 of title 5, United States Code, is amended—

(1) in subsection (a), by striking “Executive Protective Service force” and inserting “United States Secret Service Uniformed Division”;

(2) in subsection (b)(3), by striking “the Treasury for the Executive Protective Service force” and inserting “Homeland Security for the United States Secret Service Uniformed Division”; and

(3) by adding at the end the following:

“(c) This section shall not apply to members of the United States Secret Service Uniformed Division who are covered under chapter 84 for the purpose of retirement benefits.”.

SEC. 3. MISCELLANEOUS PROVISIONS.

(a) CONVERSION TO NEW SALARY SCHEDULE.—

(1) IN GENERAL.—

(A) RATES OF PAY FIXED.—Effective the first day of the first pay period which begins after the date of the enactment of this Act, the Secretary shall fix the rates of basic pay for members of the United States Secret Service Uniformed Division, as defined under section 10201 of title 5, United States Code, (as added by section 2(a)) in accordance with the provisions of this subsection.

(B) RATE BASED ON CREDITABLE SERVICE.—

(i) IN GENERAL.—Each member shall be placed in and receive basic pay at the corresponding scheduled rate under chapter 102 of title 5, United States Code, as added by section 2(a) (after any adjustment under paragraph (3) of this subsection) in accordance with the member's total years of creditable service, as provided in the table in this clause. If the scheduled rate of basic pay for the step to which the member would be assigned in accordance with this paragraph is lower than the member's rate of basic pay immediately before the date of enactment of this paragraph, the member shall be placed in and receive basic pay at the next higher service step, subject to the provisions of clause (iv). If the member's rate of pay exceeds the highest step of the rank, the rate of basic pay shall be determined in accordance with clause (iv).

Full Years of Creditable Service	Step Assigned Upon Conversion
0	1
1	2
2	3
3	4
5	5
7	6
9	7
11	8
13	9
15	10
17	11

Full Years of Creditable Service	Step Assigned Upon Conversion
19	12
22	13

(ii) **CREDITABLE SERVICE.**—For the purposes of this subsection, a member's creditable service is any police service in pay status with the United States Secret Service Uniformed Division, the United States Park Police, or the District of Columbia Metropolitan Police Department.

(iii) **STEP 13 CONVERSION MAXIMUM RATE.**—

(I) **IN GENERAL.**—A member who, at the time of conversion, is in step 13 of any rank below Deputy Chief, is entitled to that rate of basic pay which is the greater of—

(aa) the rate of pay for step 13 under the new salary schedule; or

(bb) the rate of pay for step 14 under the pay schedule in effect immediately before conversion.

(II) **STEP 14 RATE.**—Clause (iv) shall apply to a member whose pay is set in accordance with subclause (I)(bb).

(iv) **ADJUSTMENT BASED ON FORMER RATE OF PAY.**—

(I) **DEFINITION.**—In this clause, the term “former rate of basic pay” means the rate of basic pay last received by a member before the conversion.

(II) **IN GENERAL.**—If, as a result of conversion to the new salary schedule, the member's former rate of basic pay is greater than the maximum rate of basic pay payable for the rank of the member's position immediately after the conversion, the member is entitled to basic pay at a rate equal to the member's former rate of basic pay, and increased at the time of any increase in the maximum rate of basic pay payable for the rank of the member's position by 50 percent of the dollar amount of each such increase.

(III) **PROMOTIONS.**—For the purpose of applying section 10207 of title 5, United States Code, relating to promotions, (as added by section 2(a)) an employee receiving a rate above the maximum rate as provided under this clause shall be deemed to be at step 13.

(2) **CREDIT FOR SERVICE.**—Each member whose position is converted to the salary schedule under chapter 102 of title 5, United States Code, (as added by section 2(a)) in accordance with this subsection shall be granted credit for purposes of such member's first service step adjustment made after conversion to the salary schedule under that chapter for all satisfactory service performed by the member since the member's last increase in basic pay before the adjustment under this section.

(3) **ADJUSTMENTS DURING TRANSITION.**—The schedule of rates of basic pay shall be increased by the percentage of any annual adjustment applicable to the General Schedule authorized under section 5303 of title 5, United States Code, or any other authority, which takes effect during the period beginning on January 1, 2010, through the last day of the last pay period preceding the first pay period which begins after the date of the enactment of this Act. The Secretary of Homeland Security may establish a methodology of schedule adjustment that results in uniform fixed-dollar step increments within any given rank and preserves the established percentage differences among rates of different ranks at the same step position.

(b) **IMPACT ON BENEFITS UNDER THE DISTRICT OF COLUMBIA POLICE AND FIREFIGHTERS' RETIREMENT AND DISABILITY SYSTEM.**—

(1) **SALARY INCREASES FOR PURPOSES OF CERTAIN PENSIONS AND ALLOWANCES.**—For purposes of section 3 of the Act entitled “An Act to provide increased pensions for widows and children of deceased members of the Police Department and the Fire Department of the District of Columbia”, approved August 4, 1949 (sec. 5-744, D.C. Official Code) and section 301 of the District of Columbia Police and Firemen's Salary Act of 1953 (sec. 5-745, D.C. Official Code)—

(A) the conversion of positions and members of the United States Secret Service Uniformed Division to appropriate ranks in the salary schedule set forth in this Act and the amendments made by this Act shall not be treated as an increase in the salary of individuals who are members of the United States Secret Service Uniformed Division on the date of the enactment of this Act; and

(B) any adjustment of rates of basic pay of those positions and individuals in accordance with this Act and the amendments made by this Act which is made after such conversion shall be treated as an increase in the salary of individuals who are members of the United States Secret Service Uniformed Division on the date of the enactment of this Act.

(2) **TREATMENT OF RETIREMENT BENEFITS AND PENSIONS OF CURRENT AND FORMER MEMBERS.**—Except as otherwise provided in this Act, nothing in this Act shall affect retirement benefits and pensions of current members and former members who have retired under the District of Columbia Police and Firefighters' Retirement and Disability System.

SEC. 4. TECHNICAL AND CONFORMING AMENDMENTS.

(a) **IN GENERAL.**—To the extent that any provision of any law codified in the District of Columbia Official Code that authorizes an entitlement to pay or hours of work for current members of the United States Secret Service Uniformed Division is not expressly revoked by this Act, such provision shall not apply to such members after the effective date of this Act.

(b) **TECHNICAL AND CONFORMING AMENDMENTS TO LAWS CODIFIED IN DISTRICT OF COLUMBIA OFFICIAL CODE.**—The following laws codified in the District of Columbia Official Code are amended as follows:

(1) The Act entitled “An Act to provide for granting to officers and members of the Metropolitan Police force, the Fire Department of the District of Columbia, and the White House and United States Park Police forces additional compensation for working on holidays”, approved October 24, 1951, is amended—

(A) in the second sentence of section 1 (sec. 5-521.01, D.C. Official Code), by striking “the Fire Department of the District of Columbia,” and all that follows through “and the United States Park Police Force” and inserting “the Fire Department of the District of Columbia, and the United States Park Police Force”;

(B) in section 2 (sec. 5-521.02, D.C. Official Code), by striking “and with respect” and all that follows through “United States Park Police force” and inserting “and with respect to officers and members of the United States Park Police force”; and

(C) in section 3 (sec. 5-521.03, D.C. Official Code), by striking “shall be applicable” and all that follows and inserting the following: “shall be applicable to the United States Park Police force under regulations promulgated by the Secretary of the Interior.”

(2) The District of Columbia Police and Firemen's Salary Act of 1958 is amended as follows:

(A) In section 202 (sec. 5-542.02, D.C. Official Code), by striking “United States Secret Service Uniformed Division.”

(B) In section 301(b) (sec. 5-543.01(b), D.C. Official Code), by striking “the United States Secret Service Uniformed Division.”

(C) In section 302 (sec. 5-543.02, D.C. Official Code)—

(i) in subsection (a), by striking “the Secretary of Treasury, in the case of the United States Secret Service Uniformed Division.”;

(ii) in subsection (b), by striking “the United States Secret Service Uniformed Division or”;

(iii) in subsection (e), by striking “the United States Secret Service Uniformed Division or”.

(D) In section 303(a)(5) (sec. 5-543.03(a)(5), D.C. Official Code), by striking “the United States Secret Service Uniformed Division and”.

(E) In section 304(d)(1) (sec. 5-543.04(d)(1)), by striking “the United States Secret Service Uniformed Division or”.

(F) In section 305 (sec. 5-543.05, D.C. Official Code)—

(i) by striking “the United States Secret Service Uniformed Division.”; and

(ii) by striking “or the Secretary of the Treasury.”.

(G) In section 501 (sec. 5-545.01, D.C. Official Code)—

(i) in subsection (a), by striking “and the United States Secret Service Uniformed Division”;

(ii) in subsection (c)(1)—

(I) by striking “the United States Secret Service Uniformed Division and”;

(II) in the schedule set forth in such subsection, by striking “United States Secret Service Uniformed Division”;

(iii) in subsection (c)(2), by striking “the annual rates of basic compensation” and all that follows through “the Secretary of the Treasury, and”;

(iv) in subsection (c)(5), by striking “officers and members of the United States Secret Service Uniformed Division or”;

(v) in subsection (c)(6)(A), by striking “the United States Secret Service Uniformed Division or”;

(vi) in subsection (c)(7)(A), by striking “the United States Secret Service Uniformed Division or”.

(H) In section 506 (sec. 5-545.06, D.C. Official Code), by striking “, the Secretary of the Treasury.”.

(3) Section 118 of the Treasury and General Government Appropriations Act, 1998, is amended by striking subsection (b) (sec. 5-561.01, D.C. Official Code).

(4) Section 905(a)(1) of the Law Enforcement Pay Equity Act of 2000 (Public Law 106-554; sec. 5-561.02(a)(1), D.C. Official Code) is amended by striking “the Secretary of Treasury” and all that follows through “United States Secret Service Uniformed Division, and”.

(5) Subsection (k)(2)(B) of the Policemen and Firemen's Retirement and Disability Act (sec. 5-716(b)(2), D.C. Official Code) is amended by inserting “, or, for a member who was an officer or member of the United States Secret Service Uniformed Division, or the United States Secret Service Division, 40 percent of the corresponding salary for step 5 of the Officer rank in section 10203 of title 5, United States Code” after “member's death”.

(6) Section 1 of the Act entitled “An Act to provide a 5-day week for officers and members of the Metropolitan Police force, the United States Park Police force, and the

White House Police force, and for other purposes", approved August 15, 1950 (sec. 5-1304, D.C. Official Code), is amended—

(A) in subsection (a)(1)—
(i) by inserting "and" before "the Secretary of the Interior"; and

(ii) by striking ", and the Secretary of the Treasury in the case of the United States Secret Service Uniformed Division";

(B) in subsection (a)(9)—

(i) by inserting "or" before "the United States Park Police force"; and

(ii) by striking "or the United States Secret Service Uniformed Division";

(C) in subsection (b)—

(i) by inserting "or" before "the Secretary of the Interior"; and

(ii) by striking "or the Secretary of the Treasury,";

(D) in subsection (h)(3)(A), by striking "of the United States Secret Service Uniformed Division or"; and

(E) in subsection (h)(3)(B), by striking "of the United States Secret Service Uniformed Division or".

(7) Section 117(a) of the District of Columbia Police and Firemen's Salary Act Amendments of 1972 (sec. 5-1305, D.C. Official Code) is amended—

(A) by striking "the Fire Department of the District of Columbia," and all that follows through "or the United States Park Police force" and inserting "the Fire Department of the District of Columbia, or the United States Park Police force"; and

(B) by striking ", the Secretary of the Treasury,".

(c) TECHNICAL AND CONFORMING AMENDMENTS TO THE UNITED STATES CODE.—Title 5 of the United States Code is amended—

(1) in section 5102(c)(5), by striking "the Executive Protective Service" and inserting "the United States Secret Service Uniformed Division";

(2) in section 5541(2)(iv)(II), by striking "a member of the United States Secret Service Uniformed Division,"; and

(3) in the table of chapters for subpart I of part III by adding at the end the following:

**"102. United States Secret Service
Uniformed Division Personnel 10201".**

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the first day of the first pay period which begins after the date of the enactment of this Act.

The SPEAKER pro tempore (during the reading). Without objection, the reading is dispensed with.

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Missouri?

There was no objection.

A motion to reconsider was laid on the table.

□ 0050

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the measure just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

COAST GUARD AUTHORIZATION ACT OF 2010

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3619) to authorize appropriations for the Coast Guard for fiscal year 2011, and for other purposes, with the Senate amendments to the House amendment to the Senate amendment thereto, and concur in the Senate amendments to the House amendment to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendments to the House amendment to the Senate amendment, as follows:

Senate amendments to House amendment to Senate amendment:

In section 617(b), in the quoted subsection (d), strike "INDIVIDUALS QUALIFIED AS ABLE SEAMEN.—Offshore" and insert Individuals qualified as able seamen—offshore".

Strike section 917 and insert the following:

"SEC. 917. MARITIME LAW ENFORCEMENT.

"(a) PENALTIES.—Subsection (b) of section 2237 of title 18, United States Code, is amended to read as follows:

"(b)(1) Except as otherwise provided in this subsection, whoever knowingly violates subsection (a) shall be fined under this title or imprisoned for not more than 5 years, or both.

"(2)(A) If the offense is one under paragraph (1) or (2)(A) of subsection (a) and has an aggravating factor set forth in subparagraph (B) of this paragraph, the offender shall be fined under this title or imprisoned for any term of years or life, or both.

"(B) The aggravating factor referred to in subparagraph (A) is that the offense—

"(i) results in death; or

"(ii) involves—

"(I) an attempt to kill;

"(II) kidnapping or an attempt to kidnap; or

"(III) an offense under section 2241.

"(3) If the offense is one under paragraph (1) or (2)(A) of subsection (a) and results in serious bodily injury (as defined in section 1365), the offender shall be fined under this title or imprisoned for not more than 15 years, or both.

"(4) If the offense is one under paragraph (1) or (2)(A) of subsection (a), involves knowing transportation under inhumane conditions, and is committed in the course of a violation of section 274 of the Immigration and Nationality Act, or chapter 77 or section 113 (other than under subsection (a)(4) or (a)(5) of such section) or 117 of this title, the offender shall be fined under this title or imprisoned for not more than 15 years, or both."

"(b) DEFINITION.—Section 2237(e) of title 18, United States Code, is amended—

"(1) by amending paragraph (3) to read as follows:

"(3) the term "vessel subject to the jurisdiction of the United States" has the meaning given the term in section 70502 of title 46;";

"(2) in paragraph (4), by striking "section 2 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903)." and inserting "section 70502 of title 46; and"; and

"(3) by adding at the end the following new paragraph:

"(5) the term "transportation under inhumane conditions" means—

"(A) transportation—

"(i) of one or more persons in an engine compartment, storage compartment, or other confined space;

"(ii) at an excessive speed; or

"(iii) of a number of persons in excess of the rated capacity of the vessel; or

"(B) intentional grounding of a vessel in which persons are being transported.'".

Strike section 1032(b) and insert the following:

"(b) VIOLATIONS; SUBPOENAS.—

"(1) IN GENERAL.—In any investigation under this section, the Secretary may issue a subpoena to require the attendance of a witness or the production of documents or other evidence if—

"(A) before the issuance of the subpoena, the Secretary requests a determination by the Attorney General of the United States as to whether the subpoena will interfere with a criminal investigation; and

"(B) the Attorney General—

"(i) determines that the subpoena will not interfere with a criminal investigation; or

"(ii) fails to make a determination under clause (i) before the date that is 30 days after the date on which the Secretary makes a request under subparagraph (A).

"(2) ENFORCEMENT.—In the case of refusal to obey a subpoena issued to any person under this subsection, the Secretary may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance."

Strike section 1033(a)(2) and insert the following:

"(2) SUBPOENAS.—

"(A) IN GENERAL.—In any investigation under this section, the Administrator may issue a subpoena to require the attendance of a witness or the production of documents or other evidence if—

"(i) before the issuance of the subpoena, the Administrator requests a determination by the Attorney General of the United States as to whether the subpoena will interfere with a criminal investigation; and

"(ii) the Attorney General—

"(I) determines that the subpoena will not interfere with a criminal investigation; or

"(II) fails to make a determination under subsection (i) before the date that is 30 days after the date on which the Administrator makes a request under clause (i).

"(B) ENFORCEMENT.—In the case of refusal to obey a subpoena issued to any person under this paragraph, the Administrator may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

Mr. YOUNG of Alaska. Mr. Speaker, reserving the right to object, and I will not object, I yield to the gentleman from Minnesota, chairman of the Committee on Transportation and Infrastructure, to explain the legislation.

Mr. OBERSTAR. I thank the gentleman for yielding and compliment the gentleman from Alaska, Mr. Speaker, for his decades of advocacy for and in support of the United States Coast Guard.

My unanimous consent request to agree to H.R. 3619 with the Senate amendments corrects two errors in the drafting of H.R. 3619, the Coast Guard Authorization Act of 2010, which passed the House last night on a voice vote.

If the gentleman would allow, I would further yield to Chairman CUMMINGS to explain in a couple of paragraphs the substance.

Mr. YOUNG of Alaska. I yield to the gentleman from Maryland.

Mr. CUMMINGS. I thank the gentleman for yielding.

The Senate Judiciary Committee raised concerns about the drafting of section 917, which enhanced criminal penalties for individuals who fail to follow Coast Guard orders to "heave to" and stop their boat when they are smuggling people into the United States or when the incident results in a death, an attempt to kill, or a kidnapping. The Senate amendment clarifies those penalties and corrects cross-references in the original bill.

The other concern raised by the Senate Judiciary Committee is if the Coast Guard uses the subpoena authority in this act without coordinating that action with the Attorney General, it could compromise a criminal investigation. The Senate amendment addresses that concern by requiring the Coast Guard to coordinate its subpoenas under this act with the Attorney General.

Mr. YOUNG of Alaska. Mr. Speaker, I want to compliment the chairmen of the full committee and subcommittee on this legislation. It is vitally important to the State of Alaska and to the Coast Guard.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

A motion to reconsider was laid on the table.

MOUNT STEVENS AND TED STEVENS ICEFIELD DESIGNATION ACT

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that the Committee on Natural Resources be discharged from further consideration of the bill (S. 3802) to designate a mountain and icefield in the State of Alaska as the "Mount Stevens" and "Ted Stevens Icefield", respectively, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

Mr. YOUNG of Alaska. Reserving the right to object, Mr. Speaker, and I shall not object, I want to thank the gentleman for bringing this resolution up. This is in recognition of Senator Ted Stevens, who yesterday we laid to rest in Arlington Cemetery, for his service to the United States of America; and the Air Force at that time, flying for the Flying Tigers; receiving the Distinguished Flying Cross; serving in the Senate for 40 years; and serving this Nation with great honor. This is just a small tribute to his service to the great State of Alaska by naming a mountain and actually a glacier field after Ted Stevens and the great efforts he did for the State of Alaska.

It is an honor to have this done tonight, and I thank the gentleman for

bringing this legislation up, and I thank the Senate.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The text of the bill is as follows:

S. 3802

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mount Stevens and Ted Stevens Icefield Designation Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) Theodore "Ted" Fulton Stevens, who began serving in the Senate 9 years after Alaska was admitted to Statehood, represented the people of the State of Alaska with distinction in the Senate for over 40 years from 1968 to 2009 and played a significant role in the transformation of the State of Alaska from an impoverished territory to a full-fledged State through the assistance he provided in building energy facilities, hospitals and clinics, roads, docks, airports, water and sewer facilities, schools, and other community facilities in the State of Alaska, which earned him recognition as "Alaskan of the Century" from the Alaska Legislature in 2000;

(2) Ted Stevens distinguished himself as a transport pilot during World War II in support of the "Flying Tigers" of the United States Army Air Corps, 14th Air Force, earning 2 Distinguished Flying Crosses and other decorations for his skill and bravery;

(3) Ted Stevens, after serving as a United States Attorney in the territory of Alaska, came to Washington, District of Columbia in 1956 to serve in the Eisenhower Administration in the Department of the Interior, where he was a leading force in securing the legislation that led to the admission of Alaska as the 49th State on January 3, 1959, and then as Solicitor of the Department of the Interior;

(4) In 1961, Ted Stevens returned to the State of Alaska and, in 1964, was elected to the Alaska House of Representatives, where he was subsequently elected as Speaker pro tempore and majority leader until his appointment on December 24, 1968, to the Senate to fill the vacancy caused by the death of Senator E.L. Bartlett;

(5) Ted Stevens, the longest-serving Republican Senator in the history of the Senate, served as President pro tempore of the Senate from 2003 through 2007 and as President pro tempore emeritus from 2008 to 2009, and over the course of his career in the Senate, Ted Stevens served as assistant Republican leader, Chairman of the Select Committee on Ethics, Chairman of the Committee on Rules and Administration, Chairman of the Committee on Governmental Affairs, Chairman of the Committee on Appropriations, and Chairman of the Committee on Commerce, Science, and Transportation;

(6) Ted Stevens worked tirelessly for the enactment of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which provided for the conveyance of approximately 44,000,000 acres of land in the State of Alaska to the Aleut, Eskimo, and Indian peoples and created Native Corporations to secure the long-term economic, cultural, and political empowerment of the Native peoples of the State of Alaska;

(7) Ted Stevens was a leader in shaping the communications policies of the United States, as he helped to establish the spectrum auction policy, negotiated the Telecommunications Act of 1996, authored the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note; Public Law 109-171), and passionately advocated for the connection of rural America to the rest of the world and to improve the lives of the people of the United States through the use of telemedicine and distance learning;

(8) Ted Stevens was a conservationist who championed the safe development of the natural resources of the United States, as illustrated by his authorship of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1651 et seq.), the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), which established the 200-mile exclusive economic zone and led to a reduction in the dominance of foreign fishing fleets in the fisheries of the United States, the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (Public Law 109-479; 120 Stat. 3575), which established conservation measures designed to end overfishing, and the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826a et seq.), which provided for the denial of entry into ports of the United States and the imposition of sanctions on vessels carrying out large-scale driftnet fishing beyond the exclusive economic zone of any nation;

(9) Ted Stevens was committed to health and fitness in his personal life and in his legislative accomplishments, as illustrated by his authorship of the Ted Stevens Amateur and Olympic Sports Act (36 U.S.C. 220501 et seq.), his encouragement of providing equality to female athletes through the enactment of title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), and his leadership in improving physical education programs in schools through the Carol M. White Physical Education Program (20 U.S.C. 7261 et seq.);

(10) Ted Stevens unconditionally supported the needs of the Armed Forces of the United States through visits to soldiers, sailors, airmen, marines, and Coast Guardsmen in every major military conflict and war zone where United States military personnel have been assigned during his service in the Senate, including Vietnam, Kuwait, Bosnia, Kosovo, Iraq, and Afghanistan, and in his role as Chairman and Ranking Member of the Subcommittee on Defense Appropriations for more than 20 years;

(11) Ted Stevens was a devoted husband, father, and grandfather who worked to promote family-friendly policies in the Federal government;

(12) Ted Stevens was well-respected for reaching across the aisle to forge bipartisan alliances and enjoyed many close friendships with colleagues in both political parties and with his staff, who were deeply loyal to him; and

(13) the designation of the unnamed highest peak in the State of Alaska, along with an icefield in the Chugach National Forest in that State, in honor of Ted Stevens would be a fitting tribute to his honorable life and legacy.

SEC. 3. DESIGNATION OF MOUNT STEVENS.

(a) DESIGNATION.—Not later than 30 days after the date of enactment of this Act, the United States Board on Geographic Names (referred to in this Act as the "Board") shall designate the unnamed, 13,895-foot peak in the Alaska Range in Denali National Park and Preserve in the State of Alaska, located at latitude 62.920469308 and longitude -151.066510314, as the "Mount Stevens".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the peak referred to in subsection (a) shall be deemed to be a reference to the “Mount Stevens”.

SEC. 4. DESIGNATION OF TED STEVENS ICEFIELD.

(a) DEFINITION OF ICEFIELD.—In this section, the term “icefield” means the icefield in the northern Chugach National Forest in the State of Alaska—

(1) comprising approximately 8,340 square miles, as delineated by the map entitled “Ice Field Name Proposal in Honor of Stevens” dated September 24, 2010, as prepared by the Forest Service and available for inspection at Forest Service headquarters in Washington, District of Columbia; and

(2) including the Harvard, Yale, Columbia, Nelchina, Tazlina, Valdez, and Shoup Glaciers.

(b) DESIGNATION.—Not later than 30 days after the date of enactment of this Act, the Board shall designate the icefield as the “Ted Stevens Icefield”.

(c) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the icefield shall be deemed to be a reference to the “Ted Stevens Icefield”.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONGRATULATING ROCKLAND COUNTY, NEW YORK, HOST OF THE 2012 MACCABI GAMES

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. I rise to express my support for the JCC Maccabi Games, which will be held in 2012 in Rockland County, New York. The JCC Maccabi Games is an amazing event where thousands of Jewish teams meet, compete, and learn the values of sportsmanship. 2012 will also be the 40th anniversary of the massacre at the Munich Olympic Games. I can remember the moment as if it were yesterday when, on September 5, 1972, 11 athletes and coaches representing the State of Israel were taken hostage and ultimately killed by terrorists. The Rockland JCC Maccabi Games will commemorate the solemn event. It is important to note that nearly 38 years after the Munich massacre, the International Olympic Committee has yet to memorialize these individuals with a moment of silence at the Olympic Games. This should happen, and I will introduce a resolution to encourage the International Olympic Committee in the next Congress to hold a minute of silence at the Olympic Games in 2012 and to urge that all future Olympics honor the Munich 11.

Again, Mr. Speaker, I would like to congratulate Rockland County, New York, which will host the 2012 Maccabi Games and look forward to joining with the community in celebrating the sport and friendship which these games are about.

□ 0100

HONORING ROBERT D. GRIFFITH ON HIS RETIREMENT FROM THE PENNSYLVANIA RECREATION AND PARK SOCIETY

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to honor a man who has given 33 years of his life to the Pennsylvania Recreation and Park Society.

Robert D. Griffith is the executive director of the association of more than 1,600 members who provide recreation and parks programs and services to the citizens of the Commonwealth of Pennsylvania through Federal, State and local recreation and park agencies.

During his tenure, he was instrumental in the passage of the statewide Growing Greener 1 and 2 funding programs; and worked on another statewide funding program for parks, recreation and conservation through the Renew Growing Greener Coalition.

He headed up the Governor's Conference on Recreation, Parks and Leisure in 1990 and has assisted in the development of the State's comprehensive recreation plans through the State Recreation and Park Advisory Committee and the Citizens Recreation Advisory Council.

Bob is a veteran serving as commanding officer for six different units at naval reserve centers in Altoona, Ebensburg and McKeesport, Pennsylvania.

Recently, Bob made the decision to retire from his position with the Recreation and Park Society. The State and its citizens will miss his leadership and stewardship of our parks. He deserves our thanks and our commendation.

HONORING UNIVERSITY OF WYOMING HALL OF FAME INDUCTEES

(Mrs. LUMMIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LUMMIS. Mr. Speaker, I rise today to honor the University of Wyoming Athletics Hall of Fame Class of 2010.

This year's inductees include Norwegian skiers Steinar Hybertsen and Staale Engen, who was also recognized for his accomplishments in track and field along with Karen Sanford Gall of Casper, Wyoming.

Cowboy wrestler Jerry Frude of Laramie is inducted alongside football players Bob Jacobs of Bozeman, Montana, and Chuck Lamson of Ames, Iowa.

And rounding out this year's class is the 1966 Pokes football team that won the Western Athletic Conference title,

then finished with a 10-1 record by beating Florida State 28-20 in the Sun Bowl.

I extend my congratulations to all the student-athletes voted into the University of Wyoming Hall of Fame Class of 2010 on their outstanding accomplishments and their inspiration to Wyoming's community of fans.

Powder River Let'r Buck and Go Pokes.

A LOOK BACK AT THE 111TH CONGRESS

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Mr. Speaker, we were assured of a number of things when this Congress started. For one thing, the swamp was going to be drained. We were told that. There have been a lot of allegations. There's been no draining of anything.

We were told this would be the most open Congress in history. And yet, instead, the exact opposite. For the first time in the history of the United States Congress, we have gone right up, and as I understand we're not going to be back in session before this election, we will have gone through this entire Congress without having a single open rule for a vote, where anybody could make any amendments.

The old saying is, “Democracy ensures that people are governed no better than they deserve.” The people have deserved better. They deserve bipartisan. When one chairman, DINGELL, wanted to make a bipartisan approach to a bill, he was eliminated. We deserve better. And may God grant we get it.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FILNER, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost \$3,259.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 553. An act to require the Secretary of Homeland Security to develop a strategy to prevent the over-classification of homeland security and other information and to promote the sharing of unclassified homeland security and other information, and for other purposes.

H.R. 1177. An act to require the Secretary of the Treasury to mint coins in recognition of five United States Army 5-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry “Hap” Arnold, and Omar Bradley, alumni of the United

States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

H.R. 3081. An act making continuing appropriations for fiscal year 2011, and for other purposes.

H.R. 3689. An act to provide for an extension of the legislative authority of the Vietnam Veterans Memorial Fund, Inc, to establish a Vietnam Veterans Memorial visitor center, and for other purposes.

H.R. 3980. An act to provide for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants, and for other purposes.

ing to the carrying of concealed weapons by law enforcement officers, and for other purposes.

S. 3304. An act to increase the access of persons with disabilities to modern communications, and for other purposes.

S. 3828. An act to make technical corrections in the Twenty-First Century Communications and Video Accessibility Act of 2010 and the amendments made by that Act.

S. 3839. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

S. 3847. An act to implement certain defense trade cooperation treaties, and for other purposes.

H.R. 6190. To amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

H.R. 1517. To allow certain U.S. Customs and Border Protection employees who serve under an overseas limited appointment for at least 2 years, and whose service is rated fully successful or higher throughout that time, to be converted to a permanent appointment in the competitive service.

ADJOURNMENT

Mr. ENGEL. Mr. Speaker, pursuant to House Concurrent Resolution 321, 111th Congress, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 4 minutes a.m.), the House adjourned until Monday, November 15, 2010, at 2 p.m.

SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 1132. An act to amend title 18, United States Code, to improve the provisions relat-

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reports that on September 28, 2010 she presented to the President of the United States, for his approval, the following bills.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the second and third quarters of 2010 pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MARGARET CANTRELL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 6 AND AUG. 16, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	\$ U.S. equivalent or U.S. currency ²	Foreign currency	\$ U.S. equivalent or U.S. currency ²	Foreign currency	\$ U.S. equivalent or U.S. currency ²	Foreign currency	\$ U.S. equivalent or U.S. currency ²
Margaret Cantrell	8/08	8/12	India		2,030.00						2,030.00
	8/12	8/16	Thailand		760.00						760.00
Committee total					2,790.00						2,790.00

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MARGARET CANTRELL, Sept. 21, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	\$ U.S. Equivalent or U.S. currency ²	Foreign currency	\$ U.S. Equivalent or U.S. currency ²	Foreign currency	\$ U.S. Equivalent or U.S. currency ²	Foreign currency	\$ U.S. Equivalent or U.S. currency ²
Keenan Keller	5/31	6/03	Belgium		141.00		1,040.70				1,181.70
Committee total					141.00		1,040.70				1,181.70

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JOHN CONYERS, Jr., Chairman, Sept. 15, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	\$ U.S. Equivalent or U.S. currency ²	Foreign currency	\$ U.S. Equivalent or U.S. currency ²	Foreign currency	\$ U.S. Equivalent or U.S. currency ²	Foreign currency	\$ U.S. Equivalent or U.S. currency ²

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. ROBERT A. BRADY, Chairman, Sept. 10, 2010.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 847, the James Zadroga 9/11 Health and Compensation Act of 2010, as amended, for printing in the CONGRESSIONAL RECORD.

ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR AN AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 847, THE JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT OF 2010

By fiscal year in millions of dollars—

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
	NET INCREASE OR DECREASE (–) IN THE DEFICIT												
Statutory Pay-As-You-Go Impact	0	–173	233	1,733	147	–2,060	1,619	–180	–153	–434	–732	–120	0

H.R. 847 would provide compensation and health care benefits to certain individuals who worked or lived near the sites of the September 11, 2001, terrorist attacks. The bill would also change tax provisions that in some cases allow a U.S. subsidiary of a foreign corporation to avoid U.S. withholding tax on payments related to a subsidiary in a country that has a tax treaty with the United States and the legislation would shift about \$1.8 billion in revenues from 2016 to 2015 by temporarily changing the required amounts of quarterly estimated tax payments of large corporations to offset those casts.

Note: Components may not sum to totals because of rounding.

Sources: Congressional Budget Office and Joint Committee on Taxation.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

9754. A letter from the Under Secretary, Department of Defense, transmitting the Selected Acquisition Reports (SARs) for the quarter ending June 30, 2010 pursuant to section 2432, Title 10 United States Code; to the Committee on Armed Services.

9755. A letter from the Chairman, Military Leadership Diversity Commission, transmitting letter of extension for the Military leadership Diversity Commission; to the Committee on Armed Services.

9756. A letter from the Executive Director, The Appraisal Subcommittee, Federal Financial Institutions Examination Council, transmitting the 2009 Annual Report of the Appraisal Subcommittee, pursuant to 12 U.S.C. 3332; to the Committee on Financial Services.

9757. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting the Department's report for calendar year 2009 on the country of origin and the sellers or uranium and uranium enrichment services purchased by owners and operators of U.S. civilian nuclear power reactors, pursuant to Public Law 102-486, section 1015; to the Committee on Energy and Commerce.

9758. A letter from the Secretary, Department of Health and Human Services, transmitting FY 2009 Performance Report to Congress for the Medical Device User Fee Amendments of 2007; to the Committee on Energy and Commerce.

9759. A letter from the Director, Regulatory Management Agency, Environmental Protection Agency, transmitting the Department's final rule — Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; State of California; PM-10; Redesignation of the Coso Junction Planning Area to Attainment; Approval of PM-10 Maintenance Plan for the Coso Junction Planning Area [EPA-R09-OAR-2010-0336; FRL-9191-1] received August 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9760. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 10-12 informing of an intent to sign a Memorandum of Understanding with Canada; to the Committee on Foreign Affairs.

9761. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department of State and the Agency for International Development report entitled "Joint Summary of Perform-

ance and Financial Information Fiscal year 2009"; to the Committee on Foreign Affairs.

9762. A letter from the Executive Analyst, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

9763. A letter from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

9764. A letter from the Inspector General, Railroad Retirement Board, transmitting the Board's budget request for the Office of the Inspector General of the Railroad Retirement Board for fiscal year 2012, in accordance with Section 7(f) of the Railroad Retirement Act, pursuant to 45 U.S.C. 231f(f); to the Committee on Oversight and Government Reform.

9765. A letter from the Under Secretary for Oceans and Atmosphere, Department of Commerce, transmitting the Department's report regarding the activities of the Northwest Atlantic Fisheries Organization for 2008 and 2009, pursuant to 16 U.S.C. 5601 et. seq.; to the Committee on Natural Resources.

9766. A letter from the Assistant Attorney General, Department of Justice, transmitting a copy of a report required by Section 202(a)(1)(C) of Pub. L. 107-273, the "21st Century Department of Justice Appropriations Authorization Act", related to certain settlements and injunctive relief, pursuant to 28 U.S.C. 530D Public Law 107-273, section 202; to the Committee on the Judiciary.

9767. A letter from the Deputy Chief Financial Officer, Department of Homeland Security, transmitting notification that a sixth transfer of \$100 million from the Oil Spill Liability Trust Fund to the Emergency Fund has occurred; to the Committee on Transportation and Infrastructure.

9768. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 777-200LR and -300ER Series Airplanes Equipped with GE90-100 Series Engines [Docket No.: FAA-2010-0704; Directorate Identifier 2010-NM-037-AD; Amendment 39-16389; AD 2010-16-12] (RIN: 2120-AA64) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9769. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE SYSTEMS (OPERATIONS) LIMITED Model Bae 146-100A and -200A Airplanes [Docket No.: FAA-2010-0434; Directorate Identifier 2010-NM-221-AD; Amendment 39-16386 AD 2010-16-09] (RIN: 2120-AA64) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9770. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE SYSTEMS (OPERATIONS) LIMITED Model Avro 146-RJ and Bae 146 Airplanes [Docket No.: FAA-2010-0222; Directorate Identifier 2010-NM-012-AD; Amendment 39-16387; AD 2010-16-10] (RIN: 2120-AA64) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9771. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc (RR) RB211-Trent 900 Series Turbofan Engines [Docket No.: FAA-2010-0748; Directorate Identifier 2010-NE-13-AD; Amendment 39-16384 AD 2010-16-07] (RIN: 2120-AA64) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9772. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F airplanes (Collectively Called A300-600 series airplanes); and A310 Series Airplanes [Docket No.: FAA-2010-0281; Directorate Identifier 2010-NM-184-AD; Amendment 39-16390; AD 2010-16-13] (RIN: 2120-AA64) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9773. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Ontic Engineering and Manufacturing, Inc. Propeller Governors, Part Numbers C210776, T210761, D210760, and J210761 [Docket No.: FAA-2010-0102; Directorate Identifier 2010-NE-09-AD; Amendment 39-16341; AD 2010-13-10] (RIN: 2120-AA64) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9774. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE SYSTEMS (OPERATIONS) LIMITED Model Bae 146-100A and -200A Airplanes [Docket No.: FAA-2010-0434; Directorate Identifier 2010-NM-221-AD; Amendment 39-16386; AD 2010-16-09] (RIN: 2120-AA64) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9775. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 777-200LR and -300ER Series Airplanes Equipped with GE90-100 Series Engines [Docket No.: FAA-2010-0704; Directorate Identifier 2010-NM-037-AD; Amendment 39-16389; AD 2010-16-12] (RIN: 2120-AA64) received August 24, 2010, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9776. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Maneuvering Speed Limitation Statement [Docket No.: FAA-2009-0810; Amendment No. 25-130] (RIN: 2120-AJ21) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9777. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled "Analysis of the Classification Criteria for Inpatient Rehabilitation Facilities (IRFs)"; jointly to the Committees on Energy and Commerce and Ways and Means.

9778. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled "Evaluation of the Medical Adult Day Services Demonstration"; jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCURI: Committee on Rules. House Resolution 1674. Resolution providing for consideration of the bill (H.R. 847) to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes; providing for consideration of the bill (H.R. 2378) to amend title VII of the Tariff Act of 1930 to clarify that fundamental exchange-rate misalignment by any foreign nation is actionable under United States countervailing and anti-dumping duty laws, and for other purposes; and providing for consideration of the Senate amendment to the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. (Rept. 111-648). Referred to the House Calendar.

Mr. WAXMAN: Committee on Energy and Commerce. House Resolution 1561. Resolution directing the Secretary of Health and Human Services to transmit to the House of Representatives copies of each portion of any document, record, or communication in her possession consisting of or relating to documents prepared by or for the Centers for Medicare & Medicaid Services regarding the Patient Protection and Affordable Care Act, and for other purposes (Rept. 111-649). Referred to the House Calendar.

Mr. RAHALL: Committee on Natural Resources. H.R. 4416. A bill to reauthorize the Great Ape Conservation Act, and for other purposes; with an amendment (Rept. 111-650). Referred to the Committee on the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 5479. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to provide for use of excess funds available under that Act to provide for certain benefits, and for other purposes (Rept. 111-651). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 5897. A bill to

reauthorize and improve programs and activities carried out under the Public Works and Economic Development Act of 1965, and for other purposes; with an amendment (Rept. 111-652 Pt. 1). Referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. PETERSON: Committee on Agriculture. H.R. 4645. A bill to remove obstacles to legal sales of United States agricultural commodities to Cuba and to end travel restrictions on all Americans to Cuba (Rept. 111-653 Pt. 1). Ordered to be printed.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 5892. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; with an amendment (Rept. 111-654). Referred to the Committee of the Whole House on the State of the Union.

Ms. SLAUGHTER: Committee on Rules. House Resolution 1682. Resolution providing for consideration of the Senate Amendments to the bill (H.R. 3081) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111-655). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committee on Financial Services discharged from further consideration. H.R. 5897 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SMITH of Texas:

H.R. 6239. A bill to provide targeted liability protections for claims based on damages resulting from, or aggravated by, the inclusion of ethanol in certain fuel, and for other purposes; to the Committee on the Judiciary.

By Mrs. LUMMIS (for herself, Mr. DONNELLY of Indiana, Mr. ROE of Tennessee, Mr. BLUNT, Mr. MANZULLO, Mr. WILSON of South Carolina, Mr. BISHOP of Georgia, Mr. DAVIS of Tennessee, Mr. KIND, Mr. BISHOP of Utah, Mr. HUNTER, Mr. BURTON of Indiana, Mr. CRITZ, Mr. WAMP, Mr. REHBERG, Mrs. KIRKPATRICK of Arizona, Mrs. BLACKBURN, Mr. MARCHANT, and Mr. PETERSON):

H.R. 6240. A bill to amend the Arms Export Control Act to provide that certain firearms listed as curios or relics may be imported into the United States by a licensed importer without obtaining authorization from the Department of State or the Department of Defense, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROYBAL-ALLARD (for herself, Mr. WAMP, Ms. DELAULO, Mr. WOLF, Mr. WATT, Ms. SPEIER, Mr. SERRANO, Ms. WATSON, Ms. WOOLSEY, Mr. THOMPSON of Mississippi, Ms. MOORE

of Wisconsin, Mr. JACKSON of Illinois, Ms. CLARKE, Mr. GENE GREEN of Texas, Mr. SCHIFF, Mr. HINOJOSA, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. GEORGE MILLER of California, Ms. LEE of California, Mr. JOHNSON of Georgia, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 6241. A bill to provide for programs and activities with respect to the prevention of underage drinking; to the Committee on Energy and Commerce.

By Mr. CHILDERS:

H.R. 6242. A bill to render inadmissible to the United States aliens who have been convicted of a sex offense against a minor, and for other purposes; to the Committee on the Judiciary.

By Mr. GONZALEZ (for himself, Mr. GENE GREEN of Texas, and Mr. RODRIGUEZ):

H.R. 6243. A bill to make the United States exclusively liable for certain claims of liability to the extent such liability is a claim for damages resulting from, or aggravated by, the inclusion of ethanol in transportation fuel; to the Committee on the Judiciary.

By Mr. POLIS (for himself, Mr. HINOJOSA, and Ms. HIRONO):

H.R. 6244. A bill to provide incentives for States and local educational agencies to implement comprehensive reforms and innovative strategies that are designed to lead to significant improvement in outcomes for all students and significant reductions in achievement gaps among subgroups of students, and for other purposes; to the Committee on Education and Labor.

By Mr. JOHNSON of Georgia (for himself, Mr. ELLISON, Mr. DAVIS of Illinois, Mr. GRIJALVA, and Ms. NORTON):

H.R. 6245. A bill to amend title 18, United States Code, to require the electronic recording of custodial interrogations in Federal criminal cases; to the Committee on the Judiciary.

By Mr. POMEROY:

H.R. 6246. A bill to provide for loans to rural energy-producing communities in the United States, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARNAHAN (for himself and Mr. ROGERS of Michigan):

H.R. 6247. A bill to optimize transportation through efficient operations and maintenance programs; to the Committee on Transportation and Infrastructure.

By Mr. HONDA:

H.R. 6248. A bill to stimulate collaboration with respect to, and provide for coordination and coherence of, the Nation's science, technology, engineering, and mathematics education initiatives; to the Committee on Education and Labor, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SKELTON (for himself and Mr. DAVIS of Kentucky):

H.R. 6249. A bill to create a system to educate, train, and develop interagency national security professionals across the Government; to require personnel selected for senior-level interagency national security positions to meet interagency education, training, and experience requirements; to provide appropriate interagency training, education,

and assignment opportunities for national security professionals throughout their careers; and to authorize funds and create program structures for implementation of the system; to the Committee on Oversight and Government Reform.

By Mr. NUNES:

H.R. 6250. A bill to establish the terms and conditions States must follow in carrying out congressional redistricting; to the Committee on the Judiciary.

By Mr. WU (for himself, Mr. BLUMENAUER, and Mr. DEFazio):

H.R. 6251. A bill to amend the Small Business Act to temporarily designate as a HUBZone counties that are most affected by a recession; to the Committee on Small Business.

By Mr. GENE GREEN of Texas (for himself, Mr. THOMPSON of California, and Mr. CARTER):

H.R. 6252. A bill to prohibit the export from the United States of certain electronic waste, and for other purposes; to the Committee on Energy and Commerce.

By Mr. POE of Texas (for himself, Mr. SMITH of Texas, Mr. SESSIONS, Mr. OLSON, Mr. SAM JOHNSON of Texas, Mr. CARTER, Ms. GRANGER, Mr. MARCHANT, Mr. HALL of Texas, Mr. ROYCE, Mr. BARTON of Texas, Mr. CULBERSON, Mr. GOHMERT, Mr. BRADY of Texas, Mr. BARTLETT, Mr. HOEKSTRA, Mr. SHADEGG, Mr. FLEMING, Mr. GRAVES of Georgia, Mr. MCCAUL, and Mr. ROHRBACHER):

H.R. 6253. A bill to utilize the National Guard to provide support for the border control activities of the United States Customs and Border Protection of the Department of Homeland Security, and for other purposes; to the Committee on Armed Services.

By Mrs. KIRKPATRICK of Arizona:

H.R. 6254. A bill to amend the National Flood Insurance Act of 1968 to provide for certain exceptions to the mandatory 30-day waiting period before new or modified flood insurance coverage takes effect; to the Committee on Financial Services.

By Ms. SHEA-PORTER:

H.R. 6255. A bill to require mail-order pharmacies to notify customers when generic drugs become available and to prevent mail-order pharmacies from substituting drugs without the express authorization of the prescriber; to the Committee on Energy and Commerce.

By Mr. GARY G. MILLER of California:

H.R. 6256. A bill to establish a shared equity homeownership pilot program for FHA mortgage insurance; to the Committee on Financial Services.

By Mr. TURNER:

H.R. 6257. A bill to amend the Internal Revenue Code of 1986 to exempt certain emergency medical devices from the excise tax on medical devices; to the Committee on Ways and Means.

By Ms. FUDGE (for herself, Mr. CAO, Mr. JACKSON of Illinois, Mrs. CHRISTENSEN, Mr. RUSH, Mr. PAYNE, Mr. HARE, Mr. FALEOMAVAEGA, Mr. DAVIS of Illinois, Mr. HONDA, Ms. ROYBAL-ALLARD, and Ms. CHU):

H.R. 6258. A bill to address childhood obesity, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, Ways and Means, Natural Resources, Agriculture, the Judiciary, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall with-

in the jurisdiction of the committee concerned.

By Mr. SPACE:

H.R. 6259. A bill to require approval to enter into trade agreements with foreign countries, and for other purposes; to the Committee on Ways and Means.

By Ms. WATERS (for herself, Mr. SHERMAN, Ms. MOORE of Wisconsin, Mr. CLAY, Mr. SIRE, and Mr. MILLER of North Carolina):

H.R. 6260. A bill to amend the Real Estate Settlement Procedures Act of 1974 to prohibit certain transfer fees and covenants in connection with the sale of real property; to the Committee on Financial Services.

By Ms. ROYBAL-ALLARD:

H.R. 6261. A bill to amend titles XVIII and XIX of the Social Security Act to improve oversight of nursing facilities under the Medicare and Medicaid programs by ensuring adequate, trained surveyors, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HARE (for himself, Mr. MICHAUD, Mr. HASTINGS of Florida, Ms. MOORE of Wisconsin, Ms. KAPTUR, Mr. GRIJALVA, and Mr. FILNER):

H.R. 6262. A bill to stimulate job creation by directing Federal procurement to domestic sources, to ensure the enforcement of domestic sourcing requirements, to prohibit the procurement of sweatshop goods by the United States, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 6263. A bill to amend the Internal Revenue Code of 1986 to allow Indian tribes to receive charitable contributions of apparently wholesome food; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself and Mr. WU):

H.R. 6264. A bill to amend the Federal Food, Drug, and Cosmetic Act to require labeling of genetically-engineered fish; to the Committee on Energy and Commerce.

By Mr. YOUNG of Alaska:

H.R. 6265. A bill to amend the Federal Food, Drug, and Cosmetic Act to prevent the approval of genetically-engineered fish; to the Committee on Energy and Commerce.

By Ms. LORETTA SANCHEZ of California:

H.R. 6266. A bill to amend the Sex Offender Registration and Notification Act to require sex offenders to notify appropriate government officials before traveling internationally, and for other purposes; to the Committee on the Judiciary.

By Mr. TOWNS (for himself and Mr. ISSA):

H.R. 6267. A bill to require Federal agencies to begin acquiring all telecommunications services under the Networx contracts of the General Services Administration not later than May 31, 2011; to the Committee on Oversight and Government Reform.

By Mr. HARE (for himself, Mr. GEORGE MILLER of California, and Ms. BERKLEY):

H.R. 6268. A bill to establish a wage theft prevention grant program in the Department

of Labor to prevent wage and hour violations and expand and improve cooperative efforts between enforcement agencies and members of the community; to the Committee on Education and Labor.

By Ms. SHEA-PORTER:

H.R. 6269. A bill to amend title 38, United States Code, to expand eligibility for burial in national cemeteries for certain members of the reserve components of the Armed Forces and National Guard, and to increase the amount payable by the Secretary of Veterans Affairs for the burial and funeral expenses of certain veterans; to the Committee on Veterans' Affairs.

By Mr. KILDEE (for himself, Ms. LINDA T. SANCHEZ of California, Mr. LIPINSKI, and Mr. WELCH):

H.R. 6270. A bill to amend chapter 89 of title 40, United States Code, to require commemorative works in the District of Columbia and its environs to be constructed of materials that are grown, produced, or manufactured in the United States; to the Committee on Natural Resources.

By Mr. CHAFFETZ:

H.R. 6271. A bill to direct the Secretary of the Interior to convey certain Federal features of the electric distribution system to the South Utah Valley Electric Service District, and for other purposes; to the Committee on Natural Resources.

By Ms. GIFFORDS (for herself and Mr. JONES):

H.R. 6272. A bill to amend the Homeowners Assistance Program of the Department of Defense to eliminate the discretion of the Secretary of Defense to set an earlier termination date for the eligibility of a member of the Armed Forces for homeowner assistance when the member is permanently reassigned by order of the United States Government to a duty station or home port outside a 50-mile radius of the member's base or installation of residence; to the Committee on Armed Services, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERSON (for himself, Mr. HOLDEN, Mr. BOSWELL, Mr. CARDOZA, Mr. SKELTON, Ms. HERSETH SANDLIN, Mr. CHILDERS, Mr. ROSS, Mr. COSTA, Mr. POMEROY, Mr. KISSELL, Mr. ELLSWORTH, and Mr. OWENS):

H.R. 6273. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to exempt the application of pesticides subject to that Act, when applied in conformance with that Act, from certain permit requirements under the Federal Water Pollution Control Act, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAVIS of California (for herself and Mr. POLIS):

H.R. 6274. A bill to amend the Elementary and Secondary Education Act of 1965 to require the establishment of teacher evaluation programs; to the Committee on Education and Labor.

By Mr. MARKEY of Massachusetts (for himself, Ms. LORETTA SANCHEZ of California, and Mr. JONES):

H.R. 6275. A bill to amend title 49, United States Code, to improve air cargo security, and for other purposes; to the Committee on

Homeland Security, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SHEA-PORTER (for herself and Ms. BORDALLO):

H.R. 6276. A bill to authorize the Secretary of the Interior to identify and declare wildlife disease emergencies and to coordinate rapid response to these emergencies, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself and Mr. WOLF):

H.R. 6277. A bill to amend the Global Anti-Semitism Review Act of 2004 and the State Department Basic Authorities Act of 1956 to provide for additional reporting and briefing on anti-Semitism around the world and on Department of State actions to monitor and combat anti-Semitism, funding the Office to Monitor and Combat Anti-Semitism, training for Foreign Service Officers and other employees and staff of the Department of State, and for other purposes; to the Committee on Foreign Affairs.

By Ms. NORTON:

H.R. 6278. A bill to amend the National Children's Island Act of 1995 to expand allowable uses for Kingman and Heritage Islands by the District of Columbia, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. GIFFORDS:

H.R. 6279. A bill to amend title 10, United States Code, to provide for the retention of members of the reserve components on active duty for a period of 45 days following an extended deployment in contingency operations or homeland defense missions to support their reintegration into civilian life, and for other purposes; to the Committee on Armed Services.

By Mr. POLIS:

H.R. 6280. A bill to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, to designate the Red Table Mountain, Pisgah Mountain, Castle Peak, Tenmile, and Hoosier Ridge Special Management Areas, and for other purposes; to the Committee on Natural Resources.

By Mr. HASTINGS of Washington:

H.R. 6281. A bill to amend the Omnibus Public Land Management Act of 2009 to authorize the Secretary of the Interior to provide grants and enter into cooperative agreements for integrated regional water conservation plans, and for other purposes; to the Committee on Natural Resources.

By Ms. LEE of California (for herself, Mr. JONES, Ms. WOOLSEY, Mr. KUCINICH, Mr. PAUL, Mr. HONDA, Ms. PINGREE of Maine, Mr. STARK, Mr. ELLISON, and Mr. GRIJALVA):

H.R. 6282. A bill to repeal Public Law 107-40; to the Committee on Foreign Affairs.

By Ms. LEE of California (for herself, Ms. WOOLSEY, Ms. SLAUGHTER, and Ms. DEGETTE):

H.R. 6283. A bill to amend title V of the Social Security Act to eliminate the abstinence-only education program; to the Committee on Energy and Commerce, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consider-

ation of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROUN of Georgia (for himself, Mr. CHAFFETZ, Mr. TIAHRT, Mr. KING of Iowa, Mr. BARTLETT, Mr. ROONEY, Mr. GINGREY of Georgia, Mr. BISHOP of Utah, Mr. POSEY, Mr. NEUGEBAUER, Ms. GRANGER, Mr. MARCHANT, Mrs. BLACKBURN, Mr. WAMP, Mr. LATTA, Mr. LAMBORN, Mrs. SCHMIDT, Mr. PITTS, Mr. MCCLINTOCK, Mr. JORDAN of Ohio, Mr. SHADEGG, Mr. MANZULLO, Mr. HOEKSTRA, Mr. COFFMAN of Colorado, Mr. OLSON, Mr. CULBERSON, Mr. GRAVES of Georgia, Mr. GOHMERT, Mr. SAM JOHNSON of Texas, Mr. CARTER, Mr. AKIN, Mr. MILLER of Florida, Mr. BOOZMAN, Mrs. LUMMIS, Mr. REBERG, Mr. MORAN of Kansas, and Mr. SCALISE):

H.R. 6284. A bill to prohibit the Administrator of the Environmental Protection Agency from regulating, based on material composition, any type of firearm ammunition or fishing tackle; to the Committee on Energy and Commerce.

By Mr. KAGEN (for himself and Mr. DEFazio):

H.R. 6285. A bill to prohibit the importation into the United States of paper products that are not manufactured in accordance with requirements that are at least as stringent as the requirements under the Clean Air Act and the Federal Water Pollution Control Act; to the Committee on Ways and Means.

By Mr. COLE:

H.R. 6286. A bill to amend the Federal Election Campaign Act of 1971 to repeal the limitation on the annual aggregate amount of contributions individuals may make to candidates for election for Federal office, to repeal the limitations on the amount of coordinated expenditures by political parties, and to protect uncompensated Internet activity by individuals from treatment as a contribution or expenditure under the Act; to the Committee on House Administration.

By Mr. COLE:

H.R. 6287. A bill to amend the Internal Revenue Code of 1986 to extend for 1 year the deduction for expenses of elementary and secondary school teachers and to allow such deduction with respect to home school expenses; to the Committee on Ways and Means.

By Mr. COLE (for himself and Mr. BOREN):

H.R. 6288. A bill to amend the Internal Revenue Code of 1986 to extend the benefits of empowerment zones and enterprise communities if those zones and communities are determined to still qualify for designation; to the Committee on Ways and Means.

By Mr. FOSTER:

H.R. 6289. A bill to direct the Librarian of Congress to make available to the public the bulk legislative summary and status data used to provide the information posted on the THOMAS website, and for other purposes; to the Committee on House Administration.

By Ms. SCHAKOWSKY (for herself, Mr. HALL of Texas, Mr. ENGEL, Mr. TERRY, and Mr. BARROW):

H.R. 6290. A bill to amend title XIX of the Social Security Act to require Medicaid coverage of optometrists; to the Committee on Energy and Commerce.

By Ms. RICHARDSON:

H.R. 6291. A bill to provide for merit-based investment in the freight transportation system of the United States to ensure economic growth, increase vitality and competitiveness in national and global markets, address

goods mobility and accessibility issues, reduce air pollution and other environmental impacts of freight transportation, better public health conditions, enhance energy security, and improve the condition and connectivity of the freight transportation system, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. RICHARDSON:

H.R. 6292. A bill to improve the ability of the National Oceanic and Atmospheric Administration, the Coast Guard, and coastal States to sustain healthy ocean and coastal ecosystems by maintaining and sustaining their capabilities relating to oil spill preparedness, prevention, response, restoration, and research, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Science and Technology, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. RICHARDSON:

H.R. 6293. A bill to assist States and local governments develop and implement emergency notification systems suitable for use on public recreational lands, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. RICHARDSON:

H.R. 6294. A bill to ensure that seniors, veterans, and people with disabilities who receive Social Security and certain other Federal benefits receive a \$250 payment in the event that no cost-of-living adjustment is payable in a calendar year; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SPEIER (for herself, Ms. LEE of

California, Ms. RICHARDSON, Ms. WOOLSEY, Ms. ESHOO, Mr. HONDA, Mrs. NAPOLITANO, Ms. MATSUI, Mr. SCHAUER, Ms. ZOE LOFGREN of California, Mr. FILNER, Mr. STARK, Ms. CHU, Mr. GARAMENDI, Mr. FARR, Mr. TONKO, Mrs. CAPPS, Ms. SLAUGHTER, and Mr. THOMPSON of California):

H.R. 6295. A bill to amend title 49, United States Code, to enhance pipeline safety, to provide communities with access to improved information concerning the equipment and operations of pipeline facilities, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHERMAN (for himself, Mr.

ROYCE, Mr. KLEIN of Florida, Mr. DEUTCH, Mr. ENGEL, Mr. POE of Texas, Mr. SIRES, Mrs. MALONEY, Ms. BERKLEY, and Mr. GENE GREEN of Texas):

H.R. 6296. A bill to enhance United States diplomatic efforts with respect to Iran by imposing additional economic sanctions against Iran, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, the Judiciary, Financial Services, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHERMAN:

H.R. 6297. A bill to improve the international strategy of the United States for monitoring, reducing, and responding to biological risks, and for other purposes; to the Committee on Foreign Affairs.

By Ms. RICHARDSON (for herself, Mr. CONYERS, and Mr. GRIJALVA):

H.R. 6298. A bill to establish national and State putative father registries, to make grants to States to promote permanent families for children and responsible fatherhood, and for other purposes; to the Committee on Ways and Means.

By Ms. RICHARDSON:

H.R. 6299. A bill to amend title 23, United States Code, to reauthorize and modify the surface transportation project delivery pilot program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. KUCINICH (for himself and Mr. FILNER):

H.R. 6300. A bill to provide for general revenue sharing for States; to the Committee on Oversight and Government Reform.

By Ms. RICHARDSON:

H.R. 6301. A bill to clarify the application of section 14501(d) of title 49, United States Code, to prevent the imposition of unreasonable transportation terminal fees; to the Committee on Transportation and Infrastructure.

By Mr. ALTMIRE (for himself and Mr. HIMES):

H.R. 6302. A bill to provide professional development for elementary school principals in early childhood education and development; to the Committee on Education and Labor.

By Mr. ARCURI (for himself and Mr. MCMAHON):

H.R. 6303. A bill to preserve Medicare beneficiary choice by repealing section 3204(a) of the Patient Protection and Affordable Care Act; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA (for himself, Mr. GUTIERREZ, Mr. MILLER of North Carolina, Mr. MEEKS of New York, and Mr. SIREN):

H.R. 6304. A bill to establish in the Department of the Treasury the Office of the Homeowner Advocate to assist homeowners, housing counselors, and housing lawyers in resolving problems with the Home Affordable Modification Program; to the Committee on Financial Services.

By Mr. BACA:

H.R. 6305. A bill to require financial institutions to offer services to protect seniors from affinity scams, to report suspected affinity scams, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consider-

ation of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN:

H.R. 6306. A bill to improve the understanding and coordination of critical care health services; to the Committee on Energy and Commerce.

By Ms. BALDWIN:

H.R. 6307. A bill to amend title 17, United States Code, to enable a public broadcaster to obtain statutory licenses for the transmission of sound recordings online, unless a substantial portion of the sound recordings transmitted, on a weekly basis, are by the same featured recording artist or of the same musical work, and for other purposes; to the Committee on the Judiciary.

By Mr. BARTLETT (for himself, Mr. BRADY of Pennsylvania, Mr. CUMMINGS, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. SCHWARTZ, Mr. CARNEY, Mr. CRITZ, Mr. KANJORSKI, Mr. DENT, Mr. SMITH of New Jersey, Mr. GERLACH, Mr. SHUSTER, Mr. PLATTS, Mr. HOLDEN, Mr. PASCRELL, Mr. PITTS, Mr. LANCE, Mr. KRATOVIL, Mr. LOBIONDO, Mr. THOMPSON of Pennsylvania, Mr. RUPPERSBERGER, Ms. EDWARDS of Maryland, Mr. ANDREWS, Mr. CASTLE, Mr. HOYER, and Mr. SARBANES):

H.R. 6308. A bill to grant the consent of the Congress to the SMART Research and Development Compact; to the Committee on the Judiciary.

By Mr. BISHOP of New York:

H.R. 6309. A bill to require disclosure of the physical location of business agents engaging in customer service communications, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BLUMENAUER (for himself, Mr. SCHRADER, and Mr. JONES):

H.R. 6310. A bill to restore accountability and congressional oversight to the defense contracting process; to the Committee on Armed Services.

By Mr. BLUMENAUER (for himself, Ms. LINDA T. SANCHEZ of California, Mr. LEWIS of Georgia, and Mr. DOGGETT):

H.R. 6311. A bill to amend the Trade Act of 1974 to authorize the United States Trade Representative to take discretionary action if a foreign country is engaging in unreasonable acts, policies, or practices relating to the environment, and for other purposes; to the Committee on Ways and Means.

By Mr. BLUMENAUER:

H.R. 6312. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on heavy trucks and trailers, and for other purposes; to the Committee on Ways and Means.

By Mr. BLUMENAUER:

H.R. 6313. A bill to amend the Internal Revenue Code of 1986 to impose a vehicle mileage tax for mobile mounted concrete boom pumps in lieu of the tax on taxable fuels, and for other purposes; to the Committee on Ways and Means.

By Ms. BORDALLO:

H.R. 6314. A bill to provide for the non-reduction in pay from a position of employment with the Federal Government for members of the Coast Guard Reserve or the National Guard participating in homeland defense missions; to the Committee on Oversight and Government Reform.

By Ms. BORDALLO (for herself, Mr. SABLON, and Ms. HIRONO):

H.R. 6315. A bill to reauthorize and amend the Marine Debris Research, Prevention, and Reduction Act; to the Committee on Transportation and Infrastructure, and in addition

to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOREN (for himself, Mr. MILLER of Florida, Mr. RYAN of Wisconsin, Mr. ROSS, Mr. WITTMAN, Mr. ALEXANDER, Mr. YOUNG of Alaska, Mr. BROWN of South Carolina, and Ms. BORDALLO):

H.R. 6316. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to mitigate the economic impact of the transition to sustainable fisheries on fishing communities, and for other purposes; to the Committee on Natural Resources.

By Mr. BRADY of Texas:

H.R. 6317. A bill to amend Federal law, including the Internal Revenue Code of 1986, to reform and encourage investment in commercial real estate, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself, Ms. ROYBAL-ALLARD, and Mr. MURPHY of Connecticut):

H.R. 6318. A bill to amend the Public Health Service Act to ensure a national, coordinated approach to improving maternal and infant health; to the Committee on Energy and Commerce.

By Mr. CARNEY (for himself and Mr. CRITZ):

H.R. 6319. A bill to waive the annuity buyback requirement under the Federal Employees Retirement Service with respect to certain law enforcement officers involuntarily called or retained on active duty, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. COURTNEY:

H.R. 6320. A bill to improve the support, training, education, and compliance assistance regarding export licensing requirements provided to small businesses and medium-sized businesses; to the Committee on Foreign Affairs, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRITZ (for himself, Mr. HOLDEN, Mr. KANJORSKI, and Mr. WESTMORELAND):

H.R. 6321. A bill to amend the Internal Revenue Code of 1986 to provide for tax preferred savings accounts for individuals under age 26, and for other purposes; to the Committee on Ways and Means.

By Mr. CROWLEY (for himself and Mr. RYAN of Wisconsin):

H.R. 6322. A bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for mortgage insurance premiums; to the Committee on Ways and Means.

By Mr. CROWLEY:

H.R. 6323. A bill to exempt gain from the sale of certain C corporation stock from the capital gains rate increase resulting from the sunset of the Jobs and Growth Tax Relief Reconciliation Act of 2003; to the Committee on Ways and Means.

By Mr. DAVIS of Illinois:

H.R. 6324. A bill to authorize the Secretary of Education to make grants to local educational agencies to provide for the services of registered dietitians in schools; to the Committee on Education and Labor.

By Ms. DELAURO (for herself, Mr. FRANK of Massachusetts, and Ms. WOOLSEY):

H.R. 6325. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Federal Meat Inspection Act to require that food that contains bioengineered products be labeled accordingly, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DENT:

H.R. 6326. A bill to amend title 49, United States Code, to provide waivers and appeals to certain individuals; to the Committee on Homeland Security.

By Mr. DJOU:

H.R. 6327. A bill to authorize the cancellation of removal and adjustment of status of certain aliens who are long-term United States residents and who entered the United States as children, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ETHERIDGE:

H.R. 6328. A bill to amend the Internal Revenue Code of 1986 to encourage the re-refining of used oil; to the Committee on Ways and Means.

By Mr. GARAMENDI (for himself, Mr. GEORGE MILLER of California, Mr. THOMPSON of California, Ms. MATSUI, and Mr. MCNERNEY):

H.R. 6329. A bill to establish the Sacramento-San Joaquin Delta National Heritage Area; to the Committee on Natural Resources.

By Mr. GARRETT of New Jersey (for himself, Mr. HOEKSTRA, Mr. COFFMAN of Colorado, Mr. SHADEGG, Mr. CULBERSON, Mr. BISHOP of Utah, Mr. GINGREY of Georgia, Mr. GOHMERT, Mr. FRANKS of Arizona, Mr. SAM JOHNSON of Texas, Mr. PENCE, Mr. PITTS, Mr. MARCHANT, Mr. HENSARLING, Mr. CARTER, Mrs. SCHMIDT, and Mr. POSEY):

H.R. 6330. A bill to make permanent the reduced individual income tax rate on dividends; to the Committee on Ways and Means.

By Mr. GINGREY of Georgia (for himself, Mr. GENE GREEN of Texas, Mr. WHITFIELD, Mr. ROGERS of Michigan, and Ms. DEGETTE):

H.R. 6331. A bill to provide incentives for the development of qualified infectious disease products; to the Committee on Energy and Commerce.

By Mr. GINGREY of Georgia:

H.R. 6332. A bill to enhance disclosure of private transfer fees in real estate transactions; to the Committee on Financial Services.

By Mr. GRAVES of Missouri:

H.R. 6333. A bill to prohibit, for one year, the Administrator of the Environmental Protection Agency from issuing regulations that result in increased costs for small business concerns, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GUTIERREZ (for himself, Ms. WATERS, Mr. AL GREEN of Texas, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 6334. A bill to amend the Community Reinvestment Act of 1977 to improve the assessments of regulated financial institutions, and for other purposes; to the Committee on Financial Services.

By Mr. HEINRICH:

H.R. 6335. A bill to amend the Mineral Leasing Act to permanently withdraw all Federal lands from location and entry for uranium mining, to provide for leasing of such lands under such Act for uranium mining, and for other purposes; to the Committee on Natural Resources.

By Mr. HEINRICH:

H.R. 6336. A bill to amend title 38, United States Code, to extend the time period in which an individual may transfer entitlement of Post-9/11 Educational Assistance benefits to dependents; to the Committee on Veterans' Affairs.

By Mr. HENSARLING (for himself, Mr. BACHUS, Mr. GARRETT of New Jersey, Mrs. BIGGERT, Mr. MARCHANT, Mr. PITTS, Mr. FRANKS of Arizona, Mrs. BLACKBURN, Mr. GINGREY of Georgia, Mr. ROONEY, Mr. SHADEGG, Mr. KINGSTON, Mr. PRICE of Georgia, Mr. POSEY, Mr. PENCE, Mr. JORDAN of Ohio, Mr. GOHMERT, Mr. BISHOP of Utah, Mr. CULBERSON, Mr. FLEMING, Mr. OLSON, Mr. ISSA, and Mr. AKIN):

H.R. 6337. A bill to amend the Emergency Economic Stabilization Act of 2008 to require each institution with outstanding assistance under the Troubled Asset Relief Program to disclose such fact to the institution's customers; to the Committee on Financial Services.

By Ms. HERSETH SANDLIN:

H.R. 6338. A bill to amend the Federal Crop Insurance Act to permit certain livestock owners to plant a secondary crop for the use of the producer as emergency feed; to the Committee on Agriculture.

By Ms. HERSETH SANDLIN (for herself and Mr. BOOZMAN):

H.R. 6339. A bill to direct the Secretary of Veterans Affairs to establish a program to assist military medics and corpsmen in making transitions to civilian physician assistant jobs; to the Committee on Veterans' Affairs.

By Mr. HINCHEY:

H.R. 6340. A bill to amend the Supplemental Appropriations Act, 2008 to modify the threshold rates of unemployment that must be met by a State in order to establish eligibility for fourth-tier emergency unemployment compensation with respect to such State; to the Committee on Ways and Means.

By Mr. HOLDEN:

H.R. 6341. A bill to establish a loan program to promote energy conservation in rural areas; to the Committee on Agriculture.

By Mr. HOLDEN:

H.R. 6342. A bill to establish pilot projects for agriculture renewable energy systems; to the Committee on Agriculture.

By Mr. INSLEE:

H.R. 6343. A bill to authorize the Secretary of Agriculture to make loans to qualified projects for the production of renewable source jet fuel; to the Committee on Energy and Commerce.

By Mr. INSLEE (for himself and Mr. BAIRD):

H.R. 6344. A bill to promote the research, development, demonstration, and commercial application of marine and hydrokinetic

renewable energy technologies, to identify the potential environmental impacts of these technologies and ways to address these impacts, and for other purposes; to the Committee on Science and Technology.

By Mr. ISRAEL (for himself and Mr. ANDREWS):

H.R. 6345. A bill to amend the Internal Revenue Code of 1986 to adjust personal exemptions for high cost-of-living areas; to the Committee on Ways and Means.

By Mr. KIND (for himself and Mr. GRAVES of Missouri):

H.R. 6346. A bill to amend title XVIII of the Social Security Act to treat certain provider taxes as allowable costs for purposes of Medicare reimbursements to critical access hospitals; to the Committee on Ways and Means.

By Mr. KLEIN of Florida (for himself and Mr. DEUTCH):

H.R. 6347. A bill to make certain entities ineligible to contract with any agency or instrumentality of a State or local government for any high-speed rail project that is funded, either partially or fully, by the Federal Government; to the Committee on Transportation and Infrastructure.

By Mr. KRATOVIL:

H.R. 6348. A bill to amend title XIX of the Social Security Act to clarify the treatment of Medicaid EHR incentive payments for Federally qualified health centers; to the Committee on Energy and Commerce.

By Mr. LAMBORN:

H.R. 6349. A bill to amend title 10, United States Code, to provide for greater transparency in the conversion of Department of Defense functions previously performed by contractors to performance by Department of Defense employees, and for other purposes; to the Committee on Armed Services.

By Mr. LANGEVIN:

H.R. 6350. A bill to amend title XIX of the Public Health Service Act to reauthorize the program under such title relating to lifespan respite care; to the Committee on Energy and Commerce.

By Mr. LANGEVIN (for himself, Mr. RUPPERSBERGER, and Mr. BARTLETT):

H.R. 6351. A bill to establish the Executive Cyber Director in the Executive Office of the President, to clarify the authority of the Secretary of Homeland Security and the Executive Cyber Director with respect to critical information infrastructure policy creation, verification, and enforcement measures, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATTA:

H.R. 6352. A bill to amend title 35, United States Code, to modify the penalty for false marking, and for other purposes; to the Committee on the Judiciary.

By Mr. LATTA (for himself and Mr. LATOURETTE):

H.R. 6353. A bill to amend the Federal Water Pollution Control Act to assist municipalities that would experience a significant hardship raising the revenue necessary to finance projects and activities for the construction of wastewater treatment works, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LEWIS of Georgia (for himself, Mr. STARK, Ms. KILPATRICK of Michigan, Ms. FUDGE, Ms. TSONGAS, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 6354. A bill to reauthorize the Assets for Independence Act, to provide for the approval of applications to operate new demonstration programs and to renew existing programs, to enhance program flexibility, and for other purposes; to the Committee on Ways and Means.

By Mr. LOEBSACK:

H.R. 6355. A bill to amend the Elementary and Secondary Education Act of 1965 to provide for the development of State statistical literacy plans and to authorize the Secretary of Education to make grants for statistics-related teacher professional development and the improvement of statistics education; to the Committee on Education and Labor.

By Mr. LOEBSACK (for himself and Mr. PAYNE):

H.R. 6356. A bill to amend the Elementary and Secondary Education Act of 1965 to foster community involvement, and for other purposes; to the Committee on Education and Labor.

By Ms. ZOE LOFGREN of California:

H.R. 6357. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income discharge of indebtedness incurred for purposes of paying long-term care expenses; to the Committee on Ways and Means.

By Mr. MACK:

H.R. 6358. A bill to amend the Internal Revenue Code of 1986 to provide for a zero percent capital gains rate for individuals and corporations; to the Committee on Ways and Means.

By Mr. MAFFEI (for himself and Mr. ANDREWS):

H.R. 6359. A bill to amend title IV of the Employee Retirement Income Security Act of 1974 to provide for a guarantee by the Pension Benefit Guaranty Corporation for qualified preretirement survivor annuities under insolvent or terminated multiemployer pension plans; to the Committee on Education and Labor.

By Mr. MAFFEI:

H.R. 6360. A bill to amend the Federal Water Pollution Control Act to direct the Administrator of the Environmental Protection Agency to carry out activities for the restoration, conservation, and management of Onondaga Lake, New York, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. MCCARTHY of New York:

H.R. 6361. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to establish a demonstration grant program for nonprofit organizations to partner with juvenile justice agencies to monitor juvenile facilities and provide youth in the facilities and their families with increased positive engagement in the system; to the Committee on Education and Labor.

By Mrs. MCCARTHY of New York:

H.R. 6362. A bill to amend the Elementary and Secondary Education Act of 1965 to improve school safety; to the Committee on Education and Labor.

By Mrs. MCCARTHY of New York:

H.R. 6363. A bill to require the Attorney General to establish a competitive grant program for State and local law enforcement agencies to carry out training programs based on lessons from the Holocaust; to the Committee on the Judiciary.

By Mrs. MCCARTHY of New York (for herself and Mr. WEINER):

H.R. 6364. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for noise abatement property installed in residences impacted by train and airplane noise; to the Committee on Ways and Means.

By Mr. MCGOVERN (for himself, Mr. ISSA, and Mr. HASTINGS of Florida):

H.R. 6365. A bill to make certain individuals ineligible for visas or admission to the United States and to revoke visas and other entry documents previously issued to such individuals, and to impose certain financial measures on such individuals, until the Russian Federation has thoroughly investigated the death of Sergei Leonidovich Magnitsky and brought the Russian criminal justice system into compliance with international legal standards, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Kansas:

H.R. 6366. A bill to amend the National Trails System Act to designate the routes of the Shawnee Cattle Trail, the oldest of the major Texas Cattle Trails, for study for potential addition to the National Trails System, and for other purposes; to the Committee on Natural Resources.

By Mr. MORAN of Kansas:

H.R. 6367. A bill to restore American jobs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Education and Labor, the Judiciary, House Administration, Rules, Natural Resources, Appropriations, Financial Services, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 6368. A bill to provide for a voluntary, non-work related disability insurance program for Federal employees; to the Committee on Oversight and Government Reform.

By Mr. NYE:

H.R. 6369. A bill to amend title 10, United States Code, to codify the Military Spouse Career Advancement Account program (MyCAA) conducted by the Department of Defense to assist spouses of members of the Armed Forces serving on active duty to pursue educational opportunities and career training, to ensure that such educational opportunities and training are available to all military spouses, and for other purposes; to the Committee on Armed Services.

By Mr. NYE:

H.R. 6370. A bill to amend the Small Business Act to prevent fraud in transactions involving certain small business concerns; to the Committee on Small Business.

By Mr. NYE:

H.R. 6371. A bill to amend title 38, United States Code, to provide for the payment of a monthly stipend to the surviving parents (known as "Gold Star parents") of members of the Armed Forces who die during a period of war; to the Committee on Veterans' Affairs.

By Mr. NYE (for himself, Mr. BISHOP of New York, and Mr. MCNERNEY):

H.R. 6372. A bill to amend title 38, United States Code, to provide for the entitlement of surviving spouses of members of the Armed Forces who die while serving on active duty to educational assistance under the Post-9/11 Educational Assistance Program, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. OLIVER (for himself, Ms. BALDWIN, Mrs. CAPPS, Mr. FRANK of Massachusetts, Mr. AL GREEN of Texas, Mr.

GRIJALVA, Mr. HOLT, Mr. MARKEY of Massachusetts, Mrs. MALONEY, and Ms. ROYBAL-ALLARD):

H.R. 6373. A bill to amend title XIX of the Social Security Act to improve access to advanced practice nurses and physician assistants under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. PAYNE:

H.R. 6374. A bill to amend the Higher Education Act of 1965 to provide for the refinancing of certain private education loans for physicians practicing primary care medicine; to the Committee on Education and Labor.

By Mr. PITTS:

H.R. 6375. A bill to repeal the sugar price support program and marketing allotments for sugar, and for other purposes; to the Committee on Agriculture.

By Mr. POMEROY (for himself and Mr. MORAN of Kansas):

H.R. 6376. A bill to amend title XVIII of the Social Security Act with respect to physician supervision of therapeutic hospital outpatient services; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAHALL:

H.R. 6377. A bill to amend title 10, United States Code, to enhance the roles and responsibilities of the Chief of the National Guard Bureau; to the Committee on Armed Services.

By Mr. ROSKAM:

H.R. 6378. A bill to reduce waste, fraud, and abuse under the Medicare, Medicaid, and CHIP programs, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROTHMAN of New Jersey:

H.R. 6379. A bill to designate the facility of the United States Postal Service located at 20 Main Street in Little Ferry, New Jersey, as the "Sergeant Matthew J. Fenton Post Office"; to the Committee on Oversight and Government Reform.

By Mr. SABLAN:

H.R. 6380. A bill to authorize the Secretary of the Interior, acting through the National Park Service, to establish an annex in Tinian, Commonwealth of the Northern Mariana Islands, as an extension of the American Memorial Park located in Saipan; to the Committee on Natural Resources.

By Mr. SABLAN (for himself, Mr. GUTIERREZ, Mrs. CHRISTENSEN, Ms. BORDALLO, Mr. FALEOMAVAEGA, and Mr. PIERLUISI):

H.R. 6381. A bill to clarify the application of certain Federal laws relating to elections to American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the United States Virgin Islands; to the Committee on the Judiciary, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SARBANES:

H.R. 6382. A bill to amend the Federal Water Pollution Control Act to create a designation for property owners who take actions to reduce nutrient and sediment runoff

into the Chesapeake Bay watershed, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. SCHMIDT:

H.R. 6383. A bill to assist the State of Ohio in conducting a bed bug prevention and mitigation program; to the Committee on Energy and Commerce.

By Mr. SHERMAN (for himself, Mr. HARE, Mr. RANGEL, Mr. CONYERS, Mr. PAYNE, Ms. SCHAKOWSKY, Mr. ELLISON, Mr. BRADY of Pennsylvania, Mr. LEWIS of Georgia, Mr. GRIJALVA, Ms. SUTTON, Mr. MICHAUD, Mr. KILDEE, Mr. RYAN of Ohio, Ms. LINDA T. SANCHEZ of California, Mr. KUCINICH, Mr. STARK, and Ms. KAPTUR):

H.R. 6384. A bill to repeal a limitation in the Labor-Management Relations Act regarding requirements for labor organization membership as a condition of employment; to the Committee on Education and Labor.

By Mr. SMITH of Nebraska:

H.R. 6385. A bill to repeal the unearned income Medicare contribution provision in the Health Care and Education Reconciliation Act of 2010; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey:

H.R. 6386. A bill to amend the Atomic Energy Act of 1954 to require a nuclear power facility licensee to notify the Nuclear Regulatory Commission and the State and county in which the facility is located within 24 hours of an unplanned release of radionuclides in excess of allowable limits, and for other purposes; to the Committee on Energy and Commerce.

By Mr. THOMPSON of California (for himself, Mr. BACA, Mr. BECERRA, Mr. BERMAN, Mr. BILBRAY, Mrs. BONO MACK, Mr. CALVERT, Mr. CAMPBELL, Mrs. CAPPS, Mr. CARDOZA, Ms. CHU, Mr. COSTA, Mrs. DAVIS of California, Mr. DREIER, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. GALLEGLY, Mr. GARAMENDI, Ms. HARMAN, Mr. HERGER, Mr. HONDA, Mr. HUNTER, Mr. ISSA, Ms. LEE of California, Mr. LEWIS of California, Ms. ZOE LOFGREN of California, Mr. DANIEL E. LUNGREN of California, Mr. MCKEON, Ms. MATSUI, Mr. MCCARTHY of California, Mr. MCCLINTOCK, Mr. MCNERNEY, Mr. GARY G. MILLER of California, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. RADANOVICH, Ms. RICHARDSON, Mr. ROHRBACHER, Ms. ROYBAL-ALLARD, Mr. ROYCE, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Ms. SPEIER, Mr. STARK, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Ms. WOOLSEY, Mr. NUNES, and Ms. PELOSI):

H.R. 6387. A bill to designate the facility of the United States Postal Service located at 337 West Clark Street in Eureka, California, as the "Sam Sacco Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. THOMPSON of Mississippi:

H.R. 6388. A bill to amend title II of the Social Security Act to increase to \$332 the maximum amount of the lump-sum death benefit; to the Committee on Ways and Means.

By Mr. TOWNS:

H.R. 6389. A bill to reduce disparities and improve access to effective and cost efficient diagnosis and treatment of prostate cancer through advances in testing, research, and education, including through telehealth, comparative effectiveness research, and

identification of best practices in patient education and outreach particularly with respect to underserved racial, ethnic and rural populations and men with a family history of prostate cancer, to establish a directive on what constitutes clinically appropriate prostate cancer imaging, and to create a prostate cancer scientific advisory board for the Office of the Chief Scientist at the Food and Drug Administration to accelerate real-time sharing of the latest research and accelerate movement of new medicines to patients; to the Committee on Energy and Commerce, and in addition to the Committees on Armed Services, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 6390. A bill to require the disclosure to consumers of all fees and charges associated with the sale of Major League Baseball tickets prior to the completion of any Internet sale of such tickets; to the Committee on Energy and Commerce.

By Mr. WEINER (for himself, Ms. CHU, Mr. QUIGLEY, and Ms. SLAUGHTER):

H.R. 6391. A bill to amend title 18, United States Code, to prohibit public officials from engaging in undisclosed self-dealing; to the Committee on the Judiciary.

By Mr. WOLF (for himself, Mr. PERRIELLO, Mr. CANTOR, Mr. BOUCHER, Mr. WITTMAN, Mr. MORAN of Virginia, Mr. CONNOLLY of Virginia, Mr. SCOTT of Virginia, Mr. FORBES, Mr. NYE, and Mr. GOODLATTE):

H.R. 6392. A bill to designate the facility of the United States Postal Service located at 5003 Westfields Boulevard in Centreville, Virginia, as the "Colonel George Juskalian Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. YOUNG of Alaska (for himself and Mr. SIMPSON):

H.R. 6393. A bill to allow certain small public water systems to request an exemption from the requirements of any national primary drinking water regulation for a naturally occurring contaminant, and for other purposes; to the Committee on Energy and Commerce.

By Mr. YOUNG of Alaska:

H.R. 6394. A bill to amend the Marine Mammal Protection Act of 1972 to allow transport, purchase, sale, and export of pelts of Southcentral and Southeast Alaska northern sea otters that are taken for subsistence purposes; to the Committee on Natural Resources.

By Mr. YOUNG of Alaska:

H.R. 6395. A bill to amend the Alaska Natural Gas Pipeline Act with respect to certain requirements for construction job training program grants; to the Committee on Transportation and Infrastructure.

By Mr. DEUTCH:

H.J. Res. 98. A joint resolution proposing an amendment to the Constitution of the United States authorizing regulation of any expenditure in connection to an election; to the Committee on the Judiciary.

By Mr. ARCURI:

H. Con. Res. 321. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate; considered and agreed to.

By Mr. ISSA (for himself, Mr. HASTINGS of Florida, and Mr. GORDON of Tennessee):

H. Con. Res. 322. Concurrent resolution establishing the Congressional Commission on

the European Union, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WASSERMAN SCHULTZ (for herself, Mr. WOLF, Mr. KLEIN of Florida, Mr. DEUTCH, Mr. HASTINGS of Florida, Mr. PENCE, Ms. BERKLEY, Mrs. MYRICK, Mr. NADLER of New York, Mr. WAXMAN, Mr. LATOURETTE, Mr. JACKSON of Illinois, Mr. KIRK, Mr. ACKERMAN, Mr. BERMAN, Ms. ROSELEHTINEN, Ms. SCHAKOWSKY, Mr. FRANK of Massachusetts, Mr. WEINER, Mr. MARIO DIAZ-BALART of Florida, Mr. SMITH of New Jersey, Mr. BUCHANAN, and Mr. ROSKAM):

H. Con. Res. 323. Concurrent resolution supporting the goal of ensuring that all Holocaust survivors in the United States are able to live with dignity, comfort, and security in their remaining years; to the Committee on Education and Labor.

By Mr. BRADY of Texas:

H. Con. Res. 324. Concurrent resolution honoring those persons whose lives have been taken by bacterial meningitis and those who continue to struggle with bacterial meningitis and its consequences, and supporting all work for the eradication of bacterial meningitis in the United States; to the Committee on Energy and Commerce.

By Mr. HASTINGS of Florida (for himself, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. WOOLSEY, Ms. NORTON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Mr. COHEN, Mr. DAVIS of Kentucky, Ms. CASTOR of Florida, Mr. FRANK of Massachusetts, Mrs. BIGGERT, Ms. WASSERMAN SCHULTZ, Mr. CONYERS, Mr. DEUTCH, and Ms. PINGREE of Maine):

H. Con. Res. 325. Concurrent resolution supporting the goals and ideals of National Homeless Persons' Memorial Day; to the Committee on Financial Services.

By Mr. TIAHRT (for himself and Ms. LEE of California):

H. Con. Res. 326. Concurrent resolution honoring the life of Dr. Ronald W. Walters and commending his life as an example to future generations of the people of the United States; to the Committee on Oversight and Government Reform.

By Mr. VAN HOLLEN (for himself, Mr. GEORGE MILLER of California, Mrs. BONO MACK, Mr. REICHERT, Mr. CAO, Mr. LEWIS of Georgia, Mr. TOWNS, Mr. MEEKS of New York, Mr. ROTHMAN of New Jersey, Ms. NORTON, Mr. JOHNSON of Georgia, and Mr. MORAN of Virginia):

H. Con. Res. 327. Concurrent resolution to recognize and support the efforts of the USA Bid Committee to bring the 2018 or 2022 Federation Internationale de Football Association (FIFA) World Cup competition to the United States; to the Committee on Foreign Affairs.

By Mrs. BONO MACK:

H. Res. 1675. A resolution amending the Rules of the House of Representatives to require live dissemination on the Internet of all markups of bills and resolutions that are open to the public; to the Committee on Rules.

By Mr. CARNAHAN (for himself, Ms. SCHAKOWSKY, Ms. MOORE of Wisconsin, and Mr. DELAHUNT):

H. Res. 1676. A resolution recognizing the 10th anniversary of the unanimous adoption

of United Nations Security Council Resolution 1325 on women, peace, and security; to the Committee on Foreign Affairs.

By Mr. MANZULLO (for himself, Ms. ROS-LEHTINEN, Mr. BERMAN, Mr. BURTON of Indiana, Mr. KING of New York, Mr. WOLF, Mr. PITTS, Mr. MCGOVERN, Mr. CROWLEY, Mr. HOLT, and Mr. SMITH of New Jersey):

H. Res. 1677. A resolution condemning the Burmese regime's undemocratic upcoming elections on November 7, 2010; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BONO MACK (for herself and Mr. DELAHUNT):

H. Res. 1678. A resolution recognizing the importance of "National Drug Facts Week", beginning November 8, 2010; to the Committee on Education and Labor.

By Mr. CARNAHAN:

H. Res. 1679. A resolution expressing support for designation of September as Childhood Cancer Awareness Month; to the Committee on Energy and Commerce.

By Mr. TURNER (for himself and Mr. DELAHUNT):

H. Res. 1680. A resolution recognizing the 15th anniversary of the Dayton Peace Accords; to the Committee on Foreign Affairs.

By Mr. BLUNT (for himself, Mr. BACHUS, Mrs. EMERSON, Mr. GRAVES of Missouri, Mr. AKIN, and Mr. LUETKEMEYER):

H. Res. 1681. A resolution supporting effective enforcement of United States trade laws, including antidumping and countervailing duty orders and particularly with regard to transshipment, in order to protect United States revenue and consumers and remedy harm to impacted United States companies and industries and American workers; to the Committee on Ways and Means.

By Mr. COLE (for himself, Mr. TEAGUE, Ms. FALLIN, and Mr. BOREN):

H. Res. 1683. A resolution recognizing the Department of Defense for its work in identifying the dangers of tinnitus, or the perception of sound where no external source of such sound exists, for members of the Armed Forces subjected to blast injuries and high-decibel equipment; to the Committee on Armed Services.

By Mr. TURNER (for himself and Mr. DELAHUNT):

H. Res. 1684. A resolution honoring the memories of Ronald H. Brown, 32 other remarkable Americans and 2 distinguished Croatians who prematurely lost their lives on April 3, 1996, while on a trade mission to the Balkans; to the Committee on Energy and Commerce.

By Mr. BERRY (for himself, Mrs. EMERSON, Mr. THOMPSON of Mississippi, Mr. CHILDERS, Mr. POE of Texas, Mr. PAUL, Mr. HERGER, Mr. OLSON, and Mr. CASSIDY):

H. Res. 1685. A resolution recognizing the 20th anniversary of the annual September celebration of the harvest of rice in the United States; to the Committee on Agriculture.

By Mrs. BIGGERT:

H. Res. 1686. A resolution expressing support for designation of October 2, 2010, as World MRSA Day; to the Committee on Oversight and Government Reform.

By Mrs. BIGGERT:

H. Res. 1687. A resolution recognizing and supporting the goals and ideals of National

Runaway Prevention Month; to the Committee on Oversight and Government Reform.

By Ms. CLARKE (for herself, Mr. THOMPSON of Mississippi, Mr. KING of New York, and Mr. DANIEL E. LUNGREN of California):

H. Res. 1688. A resolution expressing the sense of the House of Representatives with respect to supporting the goals and ideals of the seventh annual National Cybersecurity Awareness Month and supporting the efforts of the Department of Homeland Security to raise awareness of cyber threats and enhance cybersecurity in the United States; to the Committee on Homeland Security.

By Mr. COSTA:

H. Res. 1689. A resolution recognizing the City of Fresno, California, as it celebrates its 125th anniversary; to the Committee on Oversight and Government Reform.

By Ms. DEGETTE (for herself, Mr. CASTLE, Mr. BECERRA, and Mr. KIRK):

H. Res. 1690. A resolution supporting the observance of American Diabetes Month; to the Committee on Energy and Commerce.

By Mr. MARIO DIAZ-BALART of Florida (for himself, Mr. OLSON, Mr. GRIJALVA, Mr. ROSKAM, Mr. SERRANO, Mr. PENCE, Mr. LINCOLN DIAZ-BALART of Florida, and Ms. ROS-LEHTINEN):

H. Res. 1691. A resolution recognizing Hispanic Heritage Month and celebrating the vast contributions of Hispanic-Americans to the strength and culture of the United States; to the Committee on Oversight and Government Reform.

By Ms. EDWARDS of Maryland (for herself, Ms. NORTON, Mr. BISHOP of Georgia, Mr. GRIJALVA, Mr. FARR, and Ms. BORDALLO):

H. Res. 1692. A resolution supporting the goals and ideals of the "International Day for the Eradication of Poverty"; to the Committee on Oversight and Government Reform.

By Mr. ETHERIDGE (for himself, Mr. CLEAVER, Mr. PLATTS, Mr. MORAN of Virginia, Mr. MOLLOHAN, Ms. FUDGE, Ms. LINDA T. SANCHEZ of California, Mr. PRICE of North Carolina, Mr. ISRAEL, Ms. WASSERMAN SCHULTZ, Mr. CARTER, Mr. REYES, Mr. GRIJALVA, Ms. GIFFORDS, Mr. BUTTERFIELD, Mr. CONAWAY, Mr. SHULER, Mrs. MALONEY, and Mr. LANGEVIN):

H. Res. 1693. A resolution honoring the 15th anniversary of the AbilityOne Base Supply Centers; to the Committee on Armed Services.

By Mr. GRAVES of Missouri:

H. Res. 1694. A resolution commending The Wall that Heals; to the Committee on Armed Services.

By Mr. HASTINGS of Florida:

H. Res. 1695. A resolution encouraging elected officials and political leaders in the Republic of Iraq to redouble their efforts to form a government that is just, representative, and accountable to the people of Iraq; to the Committee on Foreign Affairs.

By Mr. HASTINGS of Florida (for himself, Mr. VAN HOLLEN, and Mr. BURTON of Indiana):

H. Res. 1696. A resolution supporting the goals and ideals of United Nations General Assembly Resolution A/64/255 declaring a "Decade of Action for Road Safety" for 2011 to 2020; to the Committee on Foreign Affairs, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provi-

sions as fall within the jurisdiction of the committee concerned.

By Mr. HEINRICH:

H. Res. 1697. A resolution honoring the New Mexico Air National Guard and recognizing the invaluable service of the 150th Fighter Wing; to the Committee on Armed Services.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Ms. WATSON, Mr. HOLT, Mr. CARNAHAN, and Ms. BALDWIN):

H. Res. 1698. A resolution recognizing the myriad contributions of female ambassadors and members of the Foreign Service to help build a more free, prosperous, and secure world; to the Committee on Foreign Affairs.

By Mr. KAGEN:

H. Res. 1699. A resolution expressing the sense of the House of Representatives that foreign countries have engaged in unfair trade practices in the United States with regards to paper products; to the Committee on Ways and Means.

By Mr. KING of New York (for himself,

Mrs. MALONEY, Mr. LANCE, Mr. BURGESS, Mr. CASTLE, Mr. MARCHANT, Mrs. MILLER of Michigan, Mr. REICHERT, Mr. PASCRELL, Mr. MARKEY of Massachusetts, Mr. FRANK of Massachusetts, Mr. CROWLEY, Mr. TOWNS, Ms. DEGETTE, Mr. LEWIS of Georgia, Mr. BISHOP of New York, Ms. CLARKE, Mr. TONKO, Mr. ACKERMAN, Mr. JONES, Mr. GARRETT of New Jersey, and Mr. ISRAEL):

H. Res. 1700. A resolution supporting raising awareness and educating the public about Alzheimer's disease; to the Committee on Energy and Commerce.

By Mr. LANGEVIN (for himself, Mr. RODRIGUEZ, Mr. RUPPERSBERGER, Mr. MCCAUL, Mr. SCHIFF, Ms. GIFFORDS, Mr. SMITH of Washington, Mr. BARTLETT, Ms. TSONGAS, Mr. GARAMENDI, and Mr. CRITZ):

H. Res. 1701. A resolution supporting the goals and ideals of National Cyber Security Awareness Month and raising awareness and enhancing the state of computer security in the United States; to the Committee on Science and Technology.

By Mr. LANGEVIN:

H. Res. 1702. A resolution expressing the sense of the House of Representatives that adding art and design into Federal programs that target the Science, Technology, Engineering, and Mathematics (STEM) fields encourages innovation and economic growth in the United States; to the Committee on Education and Labor, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARSHALL (for himself, Mr.

BROWN of Georgia, Mr. GINGREY of Georgia, Mr. PRICE of Georgia, Mr. KINGSTON, Mr. BISHOP of Georgia, Mr. BARROW, Mr. LEWIS of Georgia, Mr. JOHNSON of Georgia, Mr. WESTMORELAND, and Mr. SCOTT of Georgia):

H. Res. 1703. A resolution congratulating the Warner Robins Little League softball team from Warner Robins, Georgia, on winning the 2010 Little League Softball World Series; to the Committee on Oversight and Government Reform.

By Mr. MCGOVERN (for himself and Mr. SARBANES):

H. Res. 1704. A resolution honoring the 2500th anniversary of the Battle of Marathon; to the Committee on Foreign Affairs.

By Mr. PASCRELL (for himself and Mr. TIBERI):

H. Res. 1705. A resolution expressing support for designation of the month of October as Italian and Italian American Heritage Month; to the Committee on Oversight and Government Reform.

By Mr. PASCARELL (for himself, Mr. HOYER, Mrs. EMERSON, Mr. KING of New York, and Mr. ANDREWS):

H. Res. 1706. A resolution supporting the goals and ideals of Fire Prevention Week, which begins on October 3, 2010, and the work of firefighters in educating and protecting the communities of the United States; to the Committee on Oversight and Government Reform.

By Mr. PETERS (for himself, Mr. LEVIN, and Mr. HIMES):

H. Res. 1707. A resolution requiring the posting of information on the disbursements made during each session of Congress from the Members' Representational Allowance on official public Internet sites of the House of Representatives, and for other purposes; to the Committee on House Administration.

By Mr. ROYCE (for himself and Ms. ROS-LEHTINEN):

H. Res. 1708. A resolution recognizing the destructive role of the Government of Eritrea and calling on the Secretary of State to designate Eritrea as a country that has provided support for international terrorism; to the Committee on Foreign Affairs.

By Mr. RUPPERSBERGER:

H. Res. 1709. A resolution supporting the goals and ideals of Red Ribbon Week; to the Committee on Energy and Commerce.

By Mr. SMITH of New Jersey (for himself, Mr. PITTS, and Mr. MCGOVERN):

H. Res. 1710. A resolution calling on the military regime in Burma, the State Peace and Development Council, to immediately recognize the Rohingya people as full and equal citizens of Burma, lift all restrictions on movement, marriage, and access to education for the Rohingya people, and end its campaign of religious and ethnic persecution amounting to crimes against humanity throughout Burma; to the Committee on Foreign Affairs.

By Ms. WATSON:

H. Res. 1711. A resolution commemorating the eminently successful performance and record of excellence of Barbara A. McKinzie, immediate past international president of the Alpha Kappa Alpha Sorority, Inc; to the Committee on Education and Labor.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

395. The SPEAKER presented a memorial of the Senate of the State of Louisiana, relative to Senate Resolution No. 147 memorializing the Congress to oppose the creation of a new consumer regulatory agency for FDIC insured institutions; to the Committee on Financial Services.

396. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 122 memorializing the Congress to continue to support and invest in the national Cancer Institute Community Cancer Centers Program; to the Committee on Energy and Commerce.

397. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 38 urging the Congress to adopt and submit to the states for ratification the Parental Rights Amendment to the Constitution of the United States; to the Committee on the Judiciary.

398. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Resolution No. 125 urging the United States Department of Commerce to establish a foreign trade zone in the Delta region of Louisiana; to the Committee on Ways and Means.

399. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Resolution No. 136 requesting the federal government to explore creating a federal entity to oversee and enforce federal, state, and local safety regulations on all deep-water drilling rigs; jointly to the Committees on Oversight and Government Reform and Natural Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. TOWNS.
H.R. 30: Mr. GARY G. MILLER of California.
H.R. 39: Mr. HILL.
H.R. 43: Mr. BROUN of Georgia.
H.R. 223: Mrs. CHRISTENSEN and Mr. MCGOVERN.
H.R. 268: Mr. BACHUS.
H.R. 423: Mr. MAFFEI.
H.R. 442: Mr. CARDOZA and Mr. WALZ.
H.R. 571: Mr. MOORE of Kansas, Mr. HINOJOSA, Mr. LATHAM, and Mr. MORAN of Kansas.
H.R. 691: Mr. WITTMAN.
H.R. 697: Mrs. NAPOLITANO.
H.R. 745: Mr. CULBERSON.
H.R. 760: Mr. WITTMAN.
H.R. 775: Mr. DEUTCH and Mr. DENT.
H.R. 789: Mr. STARK and Ms. NORTON.
H.R. 1074: Mr. CARDOZA.
H.R. 1079: Mr. LYNCH.
H.R. 1093: Mr. CRITZ.
H.R. 1098: Mr. VISCLOSKEY.
H.R. 1126: Mr. ROTHMAN of New Jersey, Mr. CONYERS, and Ms. PINGREE of Maine.
H.R. 1199: Mr. KLINE of Minnesota.
H.R. 1204: Mr. BOOZMAN.
H.R. 1206: Mr. BOSWELL, Mr. UPTON, Mrs. McMORRIS RODGERS, Ms. JENKINS, Mr. ROGERS of Michigan, and Mr. OLSON.
H.R. 1255: Mr. GENE GREEN of Texas and Mr. HIMES.
H.R. 1326: Mr. SHULER.
H.R. 1340: Mr. POLIS.
H.R. 1343: Mr. KLINE of Minnesota.
H.R. 1458: Mr. ANDREWS and Ms. LINDA T. SANCHEZ of California.
H.R. 1521: Mr. GALLEGLY, Mr. GRIFFITH, and Mr. KING of Iowa.
H.R. 1526: Mr. DAVIS of Kentucky.
H.R. 1545: Mr. PATRICK J. MURPHY of Pennsylvania and Mr. HOLT.
H.R. 1547: Mr. FLAKE.
H.R. 1589: Mr. BACA.
H.R. 1616: Mr. GRAYSON.
H.R. 1625: Mr. LEWIS of Georgia.
H.R. 1643: Mr. PRICE of North Carolina.
H.R. 1708: Mr. CRITZ.
H.R. 1751: Mr. PALLONE.
H.R. 1806: Mr. PAYNE and Mr. DELAHUNT.
H.R. 1898: Mr. FILNER.
H.R. 1961: Mr. HONDA.
H.R. 1972: Mr. PRICE of North Carolina.
H.R. 2024: Mr. HOLDEN.
H.R. 2030: Mr. QUIGLEY, Ms. PINGREE of Maine, and Mr. MAFFEI.
H.R. 2067: Mr. MAFFEI.
H.R. 2085: Ms. NORTON.
H.R. 2139: Ms. PINGREE of Maine.
H.R. 2149: Ms. SCHWARTZ.
H.R. 2156: Mr. ROTHMAN of New Jersey.
H.R. 2262: Mr. WALZ.
H.R. 2275: Mr. TIERNEY, Mr. LATOURETTE, Mr. CONNOLLY of Virginia, and Mr. DEFazio.

H.R. 2277: Mr. HIMES.
H.R. 2280: Mr. OWENS.
H.R. 2287: Mr. RAHALL, Mr. FLEMING, and Mrs. BACHMANN.
H.R. 2296: Mr. CARDOZA.
H.R. 2368: Mr. PRICE of North Carolina.
H.R. 2381: Mr. SCHRADER.
H.R. 2413: Mr. RAHALL.
H.R. 2425: Mr. CRITZ.
H.R. 2429: Mr. GRIJALVA.
H.R. 2472: Mr. KLINE of Minnesota and Mr. ROGERS of Kentucky.
H.R. 2559: Mr. SABLON and Mr. VISCLOSKEY.
H.R. 2579: Mr. DOYLE.
H.R. 2598: Mr. MARSHALL.
H.R. 2616: Ms. EDWARDS of Maryland.
H.R. 2625: Mr. GARAMENDI, Mr. ELLISON, Mr. LARSEN of Washington, Mr. DICKS, Mr. SCHRADER, and Mr. FATTAH.
H.R. 2697: Mr. FOSTER.
H.R. 2719: Mr. ETHERIDGE.
H.R. 2850: Mr. FILNER.
H.R. 2906: Mr. CRITZ and Mr. MOORE of Kansas.
H.R. 2964: Mrs. EMERSON.
H.R. 3017: Mr. HOYER.
H.R. 3024: Mr. KISSELL and Mr. SHUSTER.
H.R. 3035: Mr. DRIEHAUS.
H.R. 3043: Mr. CUELLAR, Ms. GIFFORDS, Ms. BALDWIN, Mr. KLEIN of Florida, and Ms. MATSUI.
H.R. 3059: Mr. FRANK of Massachusetts, Mr. FILNER, and Mr. CASSIDY.
H.R. 3108: Mr. BOUCHER and Ms. LINDA T. SANCHEZ of California.
H.R. 3130: Mr. POLIS, Mr. GRIJALVA, and Mr. COHEN.
H.R. 3168: Mr. STARK.
H.R. 3271: Ms. PINGREE of Maine and Mr. HIMES.
H.R. 3286: Ms. TSONGAS.
H.R. 3355: Mr. HOLT and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 3380: Mr. JACKSON of Illinois and Mr. DEFazio.
H.R. 3439: Mr. CARNAHAN.
H.R. 3531: Ms. LEE of California.
H.R. 3564: Ms. DEGETTE and Mr. POLIS.
H.R. 3580: Mr. BACHUS.
H.R. 3586: Ms. SCHWARTZ and Mr. MORAN of Kansas.
H.R. 3652: Mr. CRITZ.
H.R. 3697: Mr. BACHUS.
H.R. 3744: Mr. OWENS and Mr. WELCH.
H.R. 3758: Mr. HONDA.
H.R. 3765: Mr. ROE of Tennessee, Mr. BILBRAY, Mr. OLSON, Mr. BARTON of Texas, Mr. TIM MURPHY of Pennsylvania, Mr. YOUNG of Alaska, and Mr. MARIO DIAZ-BALART of Florida.
H.R. 3772: Mr. MCGOVERN.
H.R. 3813: Mr. DOYLE.
H.R. 3927: Mr. RODRIGUEZ, Mr. BRADY of Pennsylvania, Mr. CONAWAY, Ms. CLARKE, Mr. DONNELLY of Indiana, Mr. REYES, Mr. CAMPBELL, Mr. WAMP, and Mr. WITTMAN.
H.R. 3936: Mrs. KIRKPATRICK of Arizona and Mr. MARSHALL.
H.R. 3974: Mr. GENE GREEN of Texas.
H.R. 4077: Mr. STARK.
H.R. 4121: Mr. BRALEY of Iowa, Mr. MICHAUD, Mr. HARE, Mr. JACKSON of Illinois, Mr. PLATTS, Mr. PASTOR of Arizona, Mr. DOYLE, Mr. REYES, Mr. PASCARELL, Mr. BOSWELL, Mr. OWENS, Mr. KILDEE, Mr. ALTMIRE, Mr. RUSH, Mr. HIGGINS, Mr. LARSON of Connecticut, Mr. BACA, Mr. MAFFEI, Mr. CARNAHAN, Mr. MINNICK, Mr. HIMES, Mr. GRAYSON, Mr. LOBIONDO, Mr. DOGGETT, Mr. MANZULLO, Ms. SCHWARTZ, Mrs. MALONEY, Mr. SHULER, Mr. JOHNSON of Georgia, Ms. MCCOLLUM, Ms. BORDALLO, Mr. GINGREY of Georgia, Mr. PRICE of North Carolina, Mr. ACKERMAN, Ms. WOOLSEY, Mr. DENT, Mr. NYE, Mr.

PERRIELLO, Mr. DAVIS of Kentucky, Mr. BISHOP of New York, Ms. TSONGAS, and Ms. CASTOR of Florida.

H.R. 4133: Mr. DAVIS of Kentucky.
H.R. 4144: Mr. PASCRELL.
H.R. 4223: Ms. CASTOR of Florida.
H.R. 4229: Mr. PERLMUTTER.
H.R. 4237: Mr. DEUTCH.
H.R. 4259: Mr. MURPHY of New York.
H.R. 4287: Mr. PRICE of North Carolina.
H.R. 4303: Mr. FILNER.
H.R. 4310: Ms. LINDA T. SÁNCHEZ of California and Mr. COSTELLO.
H.R. 4318: Ms. BALDWIN.
H.R. 4321: Ms. WASSERMAN SCHULTZ.
H.R. 4322: Mr. COSTA and Mr. DENT.
H.R. 4324: Mr. FILNER.
H.R. 4353: Mr. LATHAM.
H.R. 4371: Ms. PINGREE of Maine.
H.R. 4480: Mr. SARBANES, Mr. WU, Ms. DELAUNO, and Mr. BLUMENAUER.

H.R. 4601: Mr. HINCHEY, Mr. HONDA, and Ms. BERKLEY.

H.R. 4645: Ms. CASTOR of Florida.
H.R. 4677: Mr. BRADY of Pennsylvania and Ms. CORRINE BROWN of Florida.
H.R. 4689: Mr. HODES and Ms. FUDGE.
H.R. 4717: Mr. BOREN.
H.R. 4720: Mrs. HALVORSON.
H.R. 4722: Mr. QUIGLEY.
H.R. 4746: Mrs. CAPITO and Mr. WITTMAN.
H.R. 4758: Mr. CALVERT.
H.R. 4788: Mr. MAFFEI, Mr. KISSELL, and Ms. EDWARDS of Maryland.

H.R. 4796: Mr. PUTNAM and Ms. LINDA T. SÁNCHEZ of California.
H.R. 4808: Mr. SMITH of Washington, Ms. ESHOO, and Mr. BECERRA.

H.R. 4829: Mr. HONDA.
H.R. 4844: Mr. WITTMAN and Ms. BORDALLO.
H.R. 4879: Mr. DEFazio.
H.R. 4890: Mr. BISHOP of New York, Mr. ISRAEL, Mr. NADLER of New York, Mr. LARSON of Connecticut, and Ms. SUTTON.

H.R. 4891: Mr. ISRAEL and Mr. NADLER of New York.

H.R. 4914: Mr. FATTAH.
H.R. 4923: Ms. KOSMAS and Mr. TIM MURPHY of Pennsylvania.

H.R. 4971: Ms. NORTON, Mr. FRANK of Massachusetts, Mr. WATT, and Mr. GENE GREEN of Texas.

H.R. 4993: Mr. CHANDLER, Mr. GERLACH, Mr. CUELLAR, and Mr. LYNCH.

H.R. 5033: Mr. SCHIFF.
H.R. 5034: Mr. LUCAS, Mr. BACHUS, and Mr. CAO.

H.R. 5037: Mr. COSTELLO.
H.R. 5040: Ms. SLAUGHTER.

H.R. 5056: Mr. LATHAM.
H.R. 5081: Mr. MOORE of Kansas and Ms. BALDWIN.

H.R. 5089: Mr. BISHOP of New York.
H.R. 5095: Mr. HUNTER.

H.R. 5107: Ms. NORTON, Mr. CONYERS, and Mr. FARR.

H.R. 5120: Mr. CARNEY, Mr. PASCRELL, Mr. KILDEE, Mr. COURTNEY, Mr. TONKO, Mr. BACA, Mr. TIM MURPHY of Pennsylvania, Mr. RUSH, Mr. HIGGINS, Mr. MAFFEI, Mr. SCHAUER, Mr. HIMES, Mr. MCGOVERN, Ms. SCHWARTZ, Mrs. MALONEY, Mr. HALL of New York, and Ms. TSONGAS.

H.R. 5141: Mr. WOLF.
H.R. 5191: Ms. WOOLSEY, Mr. ISRAEL, and Mr. MARSHALL.

H.R. 5197: Mr. FORTENBERRY and Ms. MATSUI.

H.R. 5234: Mr. ISRAEL, Mr. CARNEY, Mr. DEUTCH, Mr. RAHALL, Mr. BOUCHER, Mr. BERRY, Ms. HERSETH SANDLIN, Mr. ALEXANDER, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 5235: Ms. HERSETH SANDLIN and Mr. POMEROY.

H.R. 5258: Mr. HIMES and Ms. CHU.

H.R. 5260: Mr. MCGOVERN and Mr. KIND.

H.R. 5268: Mr. POLIS.

H.R. 5295: Ms. SPEIER.

H.R. 5300: Mr. CUMMINGS and Mr. WATT.

H.R. 5351: Mr. LATTI and Mrs. BONO MACK.

H.R. 5400: Ms. ESHOO, Mr. KLEIN of Florida,

Mr. DENT, Mr. DOYLE, Mr. COURTNEY, Mr. KILDEE, Mr. CARNAHAN, Mr. REYES, Mr. PASCRELL, Mr. BOSWELL, Mr. OWENS, Mr. ROGERS of Kentucky, Mr. RUSH, Mr. BACA, Mr. ALTMIRE, Mr. MOORE of Kansas, Mr. MAFFEI, Mr. SHULER, Mr. KIND, Mr. LARSON of Connecticut, Ms. WOOLSEY, Mr. DUNCAN, Mr. PRICE of North Carolina, Mr. DAVIS of Kentucky, Mr. STARK, Mr. KING of New York, Mr. LATHAM, Mr. COSTELLO, Ms. TSONGAS, Mr. KUCINICH, Mr. GRAYSON, Mr. MINNICK, Mr. LOBIONDO, Mr. REHBERG, Mr. MANZULLO, Mrs. MALONEY, Mr. JOHNSON of Georgia, Ms. MCCOLLUM, Mr. CRITZ, and Ms. BORDALLO.

H.R. 5434: Mr. CARNAHAN, Mr. REICHERT, Mr. KUCINICH, Mr. SCHAUER, Mr. PALLONE, Ms. TITUS, Mr. LIPINSKI, Mr. GARY G. MILLER of California, and Mr. TOWNS.

H.R. 5449: Mr. GARAMENDI.

H.R. 5477: Ms. PINGREE of Maine and Mr. DOYLE.

H.R. 5495: Mr. LOEBACK.

H.R. 5504: Ms. PINGREE of Maine.

H.R. 5527: Mr. ARCURI.

H.R. 5533: Mrs. CAPPS and Mr. CRITZ.

H.R. 5549: Mr. KUCINICH, Mr. PERRIELLO, Mr. DENT, Mr. NYE, Mr. DAVIS of Kentucky,

Mr. CARNAHAN, Ms. ESHOO, Mr. REYES, Mr. PASCRELL, Mr. BOSWELL, Mr. KLEIN of Florida, Mr. KILDEE, Mrs. HALVORSON, Mr. OWENS, Mr. ALTMIRE, Mr. RUSH, Mr. HIGGINS, Mr. BACA, Mr. MAFFEI, Mr. SHULER, Mr. MOORE of Kansas, Mr. MINNICK, Mr. BOUCHER, Mr. GRAYSON, Mr. DOGGETT, Ms. SCHWARTZ, Mrs. MALONEY, Mr. JOHNSON of Georgia, Ms. BORDALLO, Mr. PRICE of North Carolina, Mr. COSTELLO, Ms. WOOLSEY, Mr. LYNCH, and Ms. TSONGAS.

H.R. 5561: Mr. GENE GREEN of Texas.

H.R. 5577: Mr. COHEN.

H.R. 5588: Mr. GENE GREEN of Texas.

H.R. 5597: Mr. TIM MURPHY of Pennsylvania.

H.R. 5600: Mr. PERRIELLO, Mr. DINGELL, and Mr. HONDA.

H.R. 5612: Mr. POLIS.

H.R. 5625: Mr. ELLISON.

H.R. 5627: Mr. NYE.

H.R. 5643: Mr. HEINRICH, Mr. LIPINSKI, and Mr. POLIS.

H.R. 5644: Mr. PRICE of North Carolina.

H.R. 5652: Mr. VAN HOLLEN and Ms. ZOE LOFGREN of California.

H.R. 5692: Mr. HOLT.

H.R. 5740: Mr. FARR and Mr. KUCINICH.

H.R. 5746: Mr. CARNAHAN, Mr. PERLMUTTER, Ms. ESHOO, Mr. LARSON of Connecticut, Mr. NADLER of New York, Mrs. HALVORSON, Mr. COHEN, Ms. KOSMAS, Mr. PRICE of North Carolina, Mr. PETERS, and Mr. HIMES.

H.R. 5766: Mr. QUIGLEY.

H.R. 5778: Mr. WALZ, Mr. JOHNSON of Illinois, and Mr. REHBERG.

H.R. 5786: Mr. TONKO, Ms. TITUS, and Mr. ELLISON.

H.R. 5789: Mr. SCHAUER, Mr. CLAY, and Mr. BLUNT.

H.R. 5790: Mr. SMITH of Texas and Mr. SCHOCK.

H.R. 5801: Mr. OLSON, Mr. SESSIONS, Mr. LAMBORN, and Mr. LATTI.

H.R. 5803: Mr. ARCURI and Mr. CUELLAR.

H.R. 5807: Mr. INSLEE, Ms. SCHWARTZ, Mr. MURPHY of Connecticut, and Ms. PINGREE of Maine.

H.R. 5820: Mr. HASTINGS of Florida, Mr. TONKO, Mr. BERMAN, Mrs. CHRISTENSEN, Mr.

BLUMENAUER, Mr. HODES, Ms. PINGREE of Maine, Mr. COHEN, Ms. ZOE LOFGREN of California, Mrs. CAPPS, Ms. HARMAN, and Mr. ELLISON.

H.R. 5829: Mr. COURTNEY and Mr. MICHAUD.
H.R. 5833: Mr. COSTA, Mr. LOBIONDO, and Mr. ENGEL.

H.R. 5853: Mr. MILLER of Florida, Mr. LAMBORN, and Mr. FLEMING.

H.R. 5882: Mr. MILLER of Florida.

H.R. 5895: Ms. CHU.

H.R. 5902: Mr. PASCRELL.

H.R. 5905: Mr. FARR.

H.R. 5907: Mr. GERLACH.

H.R. 5922: Mr. TEAGUE.

H.R. 5923: Mr. CALVERT.

H.R. 5928: Mr. DENT, Mr. CARNAHAN, Mr. KLEIN of Florida, Mr. REYES, Ms. LINDA T. SÁNCHEZ of California, Mr. PASCRELL, Mr. BOSWELL, Mr. OWENS, Mr. KILDEE, Mr. BACA,

Mr. ALTMIRE, Mr. RUSH, Mr. MOORE of Kansas, Mr. HIGGINS, Mr. MAFFEI, Mr. SHULER, Mr. KIND, Mr. LARSON of Connecticut, Mr. STARK, Mr. PRICE of North Carolina, Mr. DUNCAN, Mr. COSTELLO, Mr. LATHAM, Ms. WOOLSEY, Mr. PERRIELLO, Mr. DAVIS of Kentucky, Ms. TSONGAS, Mr. BRIGHT, Mr. MINNICK, Mr. GRAYSON, Mrs. HALVORSON, Mr. LOBIONDO, Mr. DOGGETT, Mr. REHBERG, Ms. SCHWARTZ, Mrs. MALONEY, Mr. JOHNSON of Georgia, Mr. CRITZ, Mr. GINGREY of Georgia, and Ms. BORDALLO.

H.R. 5929: Mr. FILNER.

H.R. 5931: Mr. LUJÁN.

H.R. 5933: Mr. ROTHMAN of New Jersey, Mr. KIND, Mr. SERRANO, Mr. CLAY, Mr. UPTON, Mr. DONNELLY of Indiana, Mr. LIPINSKI, Mr. GERLACH, Ms. KILROY, Mr. EDWARDS of Texas, Mr. ACKERMAN, Mr. ALTMIRE, Mr. RUSH, Mr. HIGGINS, Mr. REYES, Mr. MAFFEI, Mr. KILDEE, Mr. HIMES, Mr. PASCRELL, Mr. KLEIN of Florida, Ms. ESHOO, Mr. JACKSON of Illinois, Mr. TAYLOR, Mr. DEFazio, Mr. HARE, Mr. MICHAUD, Ms. SLAUGHTER, Mr. BRALEY of Iowa, Mr. CROWLEY, Mr. BOCCIERI, Mr. CONYERS, Mr. BRADY of Pennsylvania, Mr. FOSTER, Mr. SABLON, Mr. SHULER, Mr. CARNAHAN, Mr. STARK, Mr. GRAYSON, Mr. DOGGETT, Ms. SCHWARTZ, Mr. REHBERG, Mrs. MALONEY, Mr. JOHNSON of Georgia, Ms. MCCOLLUM, Ms. BORDALLO, Mr. LANGEVIN, Mr. PRICE of North Carolina, Mr. DUNCAN, Mr. COSTELLO, Ms. WOOLSEY, Mr. KING of New York, Mr. LYNCH, and Ms. CASTOR of Florida.

H.R. 5939: Mr. PUTNAM, Mr. FLAKE, and Mr. ROHRBACHER.

H.R. 5940: Mr. BACHUS and Mr. BRIGHT.

H.R. 5942: Mr. TEAGUE.

H.R. 5944: Mr. COSTELLO and Mr. ARCURI.

H.R. 5945: Mr. BRIGHT, Mr. ROGERS of Alabama, Mr. ADERHOLT, Mr. GRIFFITH, Mr. BACHUS, and Mr. PAUL.

H.R. 5950: Mr. HARE, Mr. GRIJALVA, and Mr. CRITZ.

H.R. 5967: Mr. LEWIS of Georgia, Mr. HIMES, and Mr. MCGOVERN.

H.R. 5983: Mr. HEINRICH.

H.R. 5987: Mr. MCMAHON, Mr. BISHOP of Georgia, Mr. HOLDEN, Mr. MAFFEI, Mr. ALTMIRE, Mr. MCGOVERN, Mr. KILDEE, Mr. BOSWELL, Mr. HILL, Ms. BALDWIN, Mrs. NAPOLITANO, Mr. NYE, Mr. SKELTON, Ms. WOOLSEY, Mr. SARBANES, Mr. SESTAK, and Ms. MCCOLLUM.

H.R. 6021: Mr. VAN HOLLEN.

H.R. 6034: Mr. TURNER.

H.R. 6043: Mr. SHERMAN.

H.R. 6044: Mr. POSEY.

H.R. 6045: Mr. GRIJALVA and Mr. MICHAUD.

H.R. 6057: Mr. ARCURI.

H.R. 6070: Mr. WU.

H.R. 6072: Mr. COURTNEY and Mr. WAMP.

H.R. 6078: Ms. MATSUI, Mr. WU, and Ms. BERKLEY.

H.R. 6085: Mr. COSTA and Mr. MOORE of Kansas.

H.R. 6087: Mr. BACHUS and Mrs. MYRICK.

H.R. 6090: Mr. STARK.

H.R. 6112: Mr. ALEXANDER and Mr. MELANCON.

H.R. 6116: Ms. HIRONO, Mr. YARMUTH, Ms. WOOLSEY, and Mr. COSTELLO.

H.R. 6117: Ms. MATSUI.

H.R. 6123: Mr. YARMUTH and Mr. CHANDLER.

H.R. 6128: Mr. OWENS, Ms. DeLAURO, Mr. LIPINSKI, Mr. BECERRA, Mr. PETERSON, Mr. FRANK of Massachusetts, Mr. JOHNSON of Georgia, Mr. WEINER, Mr. WILSON of Ohio, Ms. LEE of California, Mr. LEWIS of Georgia, Ms. CORRINE BROWN of Florida, and Mr. ISRAEL.

H.R. 6147: Mr. PAUL, Mr. TONKO, Mr. KILDEE, Mr. PLATTS, Ms. SCHWARTZ, and Mr. DAVIS of Illinois.

H.R. 6169: Mr. KING of New York.

H.R. 6172: Mr. MCGOVERN.

H.R. 6181: Mr. DELAHUNT.

H.R. 6184: Mr. SCHRADER.

H.R. 6192: Mr. LEWIS of Georgia.

H.R. 6193: Ms. DeLAURO, Mr. CONYERS, and Mr. LEWIS of Georgia.

H.R. 6196: Mr. JONES and Mrs. SCHMIDT.

H.R. 6199: Mr. DAVIS of Illinois.

H.R. 6201: Mr. CONNOLLY of Virginia and Ms. NORTON.

H.R. 6211: Mr. MCGOVERN.

H.R. 6212: Ms. GIFFORDS.

H.R. 6214: Mr. STARK.

H.R. 6216: Mr. PETERS.

H.R. 6218: Mr. THOMPSON of California, Mr. FARR, Ms. SLAUGHTER, Mrs. NAPOLITANO, Ms. ROYBAL-ALLARD, Mr. BECERRA, Ms. WOOLSEY, Ms. RICHARDSON, Mr. STARK, Ms. LORETTA SANCHEZ of California, Ms. TITUS, Mr. PASTOR of Arizona, Ms. KILROY, Ms. SUTTON, Mr. HINCHEY, and Ms. HIRONO.

H.R. 6222: Ms. SLAUGHTER and Ms. LEE of California.

H.J. Res. 79: Mr. POE of Texas, Mr. CULBERSON, and Mrs. BACHMANN.

H.J. Res. 96: Mrs. MYRICK, Mr. ROYCE, Mr. SENSENBRENNER, Ms. FOXX, Ms. JENKINS, Mr. BURGESS, Mr. SHIMKUS, Mr. HALL of Texas, Mr. LINDER, Mrs. BACHMANN, Mr. LATTA, Mr. COBLE, Mr. PENCE, Mrs. LUMMIS, Mr. BROWN of South Carolina, Ms. GRANGER, Mr. GINGREY of Georgia, Mr. CARTER, Mr. POE of Texas, Mr. REHBERG, and Mr. SULLIVAN.

H.J. Res. 97: Mr. BURTON of Indiana, Mr. PRICE of Georgia, Mr. WESTMORELAND, Mrs. McMORRIS RODGERS, Mr. BARTLETT, Mr. NEUGEBAUER, Mr. COBLE, Mr. LAMBORN, Mr. KINGSTON, Mr. HERGER, Mr. PAUL, Mr. GARRETT of New Jersey, Mr. BRADY of Texas, Mr. SHADEGG, Mr. HOEKSTRA, Mr. FLEMING, Mr. OLSON, Mr. CULBERSON, Mr. COFFMAN of Colorado, Mr. BISHOP of Utah, Mr. GRAVES of Georgia, Mr. GOHMERT, Mr. CONAWAY, Mr. FRANKS of Arizona, Mr. SAM JOHNSON of Texas, Mr. PENCE, Mr. PITTS, Mrs. SCHMIDT, Mr. MARCHANT, Mr. CARTER, Mr. AKIN, Mr. HARPER, Mr. DUNCAN, Mrs. BLACKBURN, Mr.

BROUN of Georgia, Mr. WILSON of South Carolina, Mr. THORNBERRY, Mrs. MYRICK, Mr. JORDAN of Ohio, Mr. CAMPBELL, Mr. MILLER of Florida, and Mr. CANTOR.

H. Con. Res. 102: Mr. COURTNEY.

H. Con. Res. 259: Mr. VAN HOLLEN and Mr. MCGOVERN.

H. Con. Res. 267: Mr. MANZULLO, Mr. GALLEGLY, Mr. INGLIS, Mr. SIREs, Mr. POE of Texas, Mrs. BIGGERT, Ms. RICHARDSON, and Ms. LORETTA SANCHEZ of California.

H. Con. Res. 311: Mr. BERRY, Ms. GRANGER, Mr. CARTER, and Mr. BILBRAY.

H. Con. Res. 314: Mr. MORAN of Virginia.

H. Con. Res. 315: Mrs. MCCARTHY of New York.

H. Con. Res. 316: Mr. CAMPBELL, Mr. SIREs, Ms. ROS-LEHTINEN, Mr. SMITH of New Jersey, Mr. AKIN, Mr. CARTER, Mr. SAM JOHNSON of Texas, Mr. GOHMERT, Mr. CULBERSON, Mr. SHADEGG, Mr. PETERSON, and Mr. CAO.

H. Con. Res. 318: Mr. DELAHUNT.

H. Con. Res. 320: Mr. MEEKS of New York, Ms. RICHARDSON, Mr. CONAWAY, Mrs. MYRICK, Mr. WELCH, Mr. LEWIS of California, Mr. THOMPSON of Pennsylvania, and Mr. MARCHANT.

H. Res. 22: Mr. POLIS.

H. Res. 173: Ms. CORRINE BROWN of Florida.

H. Res. 444: Mr. CONYERS.

H. Res. 481: Mr. STUPAK.

H. Res. 1122: Mr. GENE GREEN of Texas.

H. Res. 1207: Mr. POLIS.

H. Res. 1311: Mr. WAMP.

H. Res. 1314: Mr. KUCINICH.

H. Res. 1377: Mr. AL GREEN of Texas, Mr. LEWIS of Georgia, Ms. LEE of California, Mr. PETRI, Mr. DANIEL E. LUNGREN of California, Mr. SCOTT of Virginia, and Mr. FARR.

H. Res. 1431: Mr. COURTNEY, Mr. HALL of Texas, Mr. ELLSWORTH, Mr. KILDEE, and Mr. BACHUS.

H. Res. 1444: Mr. ARCURI.

H. Res. 1461: Mr. SMITH of Texas and Mr. KING of New York.

H. Res. 1476: Mr. DAVIS of Illinois, Mr. HOLT, Ms. EDWARDS of Maryland, and Mr. QUIGLEY.

H. Res. 1488: Mr. EHLERS, Ms. MARKEY of Colorado, Mr. WITTMAN, and Mr. TIERNEY.

H. Res. 1507: Mr. JONES and Mr. MCGOVERN.

H. Res. 1518: Mr. SESTAK.

H. Res. 1523: Mr. BOCCIERI, Ms. JENKINS, Mr. COURTNEY, and Mr. SCHOCK.

H. Res. 1528: Mrs. DAVIS of California.

H. Res. 1531: Mr. ROGERS of Michigan, Mrs. MYRICK, Ms. HERSETH SANDLIN, Mr. SHULER, Ms. JENKINS, Mr. GOODLATTE, Mr. BACA, and Mr. WALZ.

H. Res. 1532: Mr. SPACE.

H. Res. 1534: Mr. CULBERSON, Mr. COFFMAN of Colorado, Mr. POSEY, Mrs. SCHMIDT, Mr. MARCHANT, Mr. WHITFIELD, and Mr. BISHOP of Utah.

H. Res. 1536: Mr. CONNOLLY of Virginia, Ms. MARKEY of Colorado, Mr. ORTIZ, Mr. GERLACH, and Mr. SESTAK.

H. Res. 1541: Mr. PERLMUTTER, Mr. WALZ, Ms. CASTOR of Florida, Ms. KOSMAS, Mrs.

HALVORSON, Mr. CONNOLLY of Virginia, Mr. KISSELL, Mr. OWENS, Ms. PINGREE of Maine, Mr. HEINRICH, Mr. MURPHY of New York, Mr. TEAGUE, Mr. HINOJOSA, Mr. PASTOR of Arizona, Ms. SCHWARTZ, Mr. FOSTER, Ms. RICHARDSON, Mr. MITCHELL, and Mr. BISHOP of New York.

H. Res. 1544: Mr. CONAWAY, Mr. INGLIS, Mr. CARNEY, Mr. MARIO DIAZ-BALART of Florida, Mr. BARTLETT, Ms. SPEIER, and Mr. PRICE of North Carolina.

H. Res. 1570: Mr. MATHESON.

H. Res. 1572: Mr. BURTON of Indiana.

H. Res. 1590: Mr. WOLF, Mrs. KIRKPATRICK of Arizona, and Mrs. BLACKBURN.

H. Res. 1594: Mr. MARSHALL and Mr. ALEXANDER.

H. Res. 1600: Mr. ISRAEL, Mr. SMITH of Nebraska, Mr. MORAN of Kansas, Mr. MAFFEI, Mr. WILSON of South Carolina, Mr. LEVIN, Mr. SCHAUER, Mr. DINGELL, Ms. MOORE of Wisconsin, Mr. JONES, Mr. VAN HOLLEN, Mr. CAMP, Mr. GERLACH, Ms. TITUS, Mr. ENGEL, and Mr. HILL.

H. Res. 1601: Mr. STARK and Mr. HONDA.

H. Res. 1615: Mr. LIPINSKI and Mrs. MYRICK.

H. Res. 1619: Mr. GUTIERREZ.

H. Res. 1621: Mr. PATRICK J. MURPHY of Pennsylvania, Mr. HINCHEY, Mr. DRIEHAUS, Ms. LINDA T. SANCHEZ of California, Mr. KUCINICH, Ms. ESHOO, Mr. DOGGETT, Mr. ALTMIRE, and Mr. COSTELLO.

H. Res. 1622: Mr. SESTAK, Mr. MURPHY of New York, and Mr. CAO.

H. Res. 1624: Mr. HASTINGS of Florida.

H. Res. 1625: Ms. ZOE LOFGREN of California and Mr. PRICE of North Carolina.

H. Res. 1628: Mr. PETERS.

H. Res. 1632: Mr. BISHOP of Utah.

H. Res. 1633: Ms. CLARKE.

H. Res. 1641: Mrs. LUMMIS, Mr. SABLAN, and Mr. MCINTYRE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 5820: Mr. DEFazio and Mr. HEINRICH.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 13 by Mr. LUNGREN, on H.R. 5141: Spencer Bachus, Donald A. Manzullo, Robert J. Wittman, Bob Goodlatte, Lee Terry, Scott Garrett, Jeff Flake, Kevin McCarthy, Sam Graves, and J. Randy Forbes.

SENATE—Wednesday, September 29, 2010

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Lord of heaven's armies, we come to You today seeking Your wise guidance. You asked us to embrace Your wisdom, for it is a treasure more precious than silver or gold. Help us to delight in Your sacred word and thrive like trees planted by streams of water. Lord, give us the faith to trust in You with all our hearts and not to lean only on our understanding. Encourage us to be doers of Your Word and not just hearers.

Bless our Senators and all Senate staff members today as they labor for our Nation and its citizens. Bless also those in harm's way and their families, and protect them from the dangers of the sea, land, and air, and from the violence of their enemies.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 29, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THANKING DR. BARRY C. BLACK

Mr. REID. Mr. President, before we get into the business of the day, I wish to take a minute, while the Chaplain of the Senate is here, Admiral Black, to comment on really a remarkable afternoon. Ted Stevens, who served in the Senate for many decades, was laid to rest yesterday at Arlington National Cemetery. It was strictly a military funeral—caissons came down the hill, the casket was over the grave.

The only speaking at the event was from the Senate Chaplain. It was very good, very spiritual. The setting was wonderful. It was a beautiful fall day. There were hundreds of people there. The Chaplain, with this booming voice he was given at birth, was able to do it without any amplification whatsoever. It was very nice.

The one thing that was stunning to everyone there was that the Chaplain said, "I am now going to recite," and he went through about eight or nine passages in the Bible. He named which passages he was going to recite—one, two, three, four, five, six, seven, eight—and then proceeded to do it without a note, without anything. It was remarkable. It reminded me so much of Senator Byrd because he also had that ability, the ability to remember. I am sure, for those of us there, it looked so easy for the Chaplain to do that, but I am sure he prepared as he did as a young boy, learning these verses of Scripture for his mother and grandmother.

While he is here on the floor, I wish to express my appreciation to him. But the appreciation is from everyone who was there who is not capable of doing that because they don't have the ability to speak. So I say to my friend the Chaplain, we appreciate your spiritual leadership of the Senate and your remarkable qualities as a person.

SCHEDULE

Mr. REID. Following any leader remarks, there will be a period of morning business until 10 a.m., with the time equally divided and controlled between the two leaders or their designees.

At 10 a.m., there will be 2 hours for debate on the motion to proceed to S.J. Res. 39, with the time equally divided and controlled between the leaders or their designees. S.J. Res. 39 is a joint resolution providing for congressional disapproval of a rule relating to status as a grandfathered health plan under the Patient Protection and Affordable Care Act.

At around noon, the Senate will vote on that matter. If cloture is not in-

voked, the Senate will resume consideration of the motion to proceed to the legislative vehicle we will use to complete work here on the continuing resolution. Senators will be notified when a vote on the continuing resolution is scheduled.

The Senate will recess from 12:30 until 2:15 today for our weekly party caucuses.

**UNANIMOUS-CONSENT REQUEST—
H.R. 388**

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 119, H.R. 388, the Crane Conservation Act; that the bill be read three times, passed, the motion to reconsider be laid on the table, and any statements relating to this matter be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection? The Senator from Oklahoma.

Mr. COBURN. Mr. President, I object. The ACTING PRESIDENT pro tempore. Objection is heard.

**UNANIMOUS-CONSENT REQUEST—
S. 859**

Mr. REID. I ask unanimous consent that we now move to Calendar No. 154, S. 859, the Marine Mammal Rescue Assistance Act; that the bill be read three times, passed, the motion to reconsider be laid upon the table, and that any statements related to the measure be printed in the RECORD.

Mr. COBURN. I object. The ACTING PRESIDENT pro tempore. Objection is heard.

**UNANIMOUS-CONSENT REQUEST—
S. 529**

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 117, S. 529, Great Cats and Rare Canids Act; that the bill be read three times, passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

Mr. COBURN. I object. The ACTING PRESIDENT pro tempore. Objection is heard.

**UNANIMOUS-CONSENT REQUEST—
S. 850**

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 270, S. 850, the Shark Conservation Act; that the bill be read

three times, passed, the motion to reconsider be laid on the table, and any statements relating to this matter be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection? The Senator from Oklahoma.

Mr. COBURN. Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

UNANIMOUS-CONSENT REQUEST— S. 1748

Mr. REID. Mr. President, I ask unanimous consent that we move now to consideration of S. 1748, the Southern Sea Otter Recovery & Research Act, as reported by the Commerce Committee; that the committee-reported substitute amendment be considered and agreed to, the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection? The Senator from Oklahoma.

Mr. COBURN. Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 10 a.m., with the time equally divided between the two leaders or their designees.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, I wish to speak in morning business and will confine my remarks to the objections I just made to the leader's motions.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SETTING PRIORITIES

Mr. COBURN. Mr. President, I am simply amazed that, when we are borrowing \$4.2 billion a day from our grandkids—that is what we are borrowing, \$4.2 billion a day—we are going to run a \$1.4 trillion deficit, and we have a unanimous consent request to move to things that spend more money, money we do not have that we are going to borrow from the Chinese or Russians to be able to pay for it, and we are going to spend the money overseas. There is no question that we should try to develop consensus in our body, but the first consensus we should have is the priorities of the problems that are facing this country. The problems that are facing this country are so big and so massive that our attention ought to be focused on those large problems, not on five separate bills that have been proffered for special interest groups. I don't understand the motivations. What I do understand is that the American people get it, even if we do not.

The fact that we are going to make attempts for political purposes to put bills that are not paid for and that will add to the \$4.2 billion a day that we borrow on the floor when our economy is languishing because we continue to grow the Federal Government, continue to build regulations that affect and diminish the desire for people with capital to invest it in our economy—and we force people out of this country to build their plants and manufacturing facilities because of our regulations and tax codes, I do not understand.

My objections—I will not spend the time exactly outlining my objections to all these bills, but my overall objection is the priorities we are setting in the Senate. We ought to be about creating confidence so people will invest in this country rather than continuing to undermine that confidence with superfluous, well-meaning bills that are put up for political purposes instead of addressing the real problems that are facing our country.

Out of a courtesy to Senator REID and the agreement I just made with him, I will not offer my unanimous consent request at this time, but I will later today after he has had a chance to read them, on the following five bills:

The Veterans Second Amendment Protection Act. Mr. President, 140,000 veterans in this country have lost their second amendment rights. It has never been adjudicated that they were a danger to themselves or anybody else. Yet a bureaucrat somewhere has taken away their second amendment rights. This bill has come out of committee twice. Senator BURR is the lead sponsor on it. We treat veterans as second-class citizens when it comes to their second amendment rights. We ought to pass that. I will ask that later.

The Firearms Fairness and Affordability Act. We make firearms manufacturers pay their taxes every 2 weeks instead of quarterly like every other manufacturer in this country. But we penalize them. We ought to treat them the same as everybody else.

The earmark transparency bill gives one Web site so everybody in America can see where the earmarks are, who offered them, what the basis for them is, whether they were competitively bid. That is something America would like to see.

Then there are two tax cheat bills, for us as Members of Congress and our employees and then other Federal employees.

So I will not offer those unanimous consent requests at this time, but I will later in the day. Again, there are important, big problems in front of this country. We need to be about addressing those rather than special interest favors at this time.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN.) Without objection, it is so ordered.

HONORING OUR ARMED FORCES

PRIVATE CHARLES HIGH

Mr. UDALL of New Mexico. Since the wars in Iraq and Afghanistan began nearly 9 years ago, 72 service members with New Mexico ties have lost their lives while defending our Nation and the freedoms we hold dear.

Seventy-two. They were brothers and fathers and husbands and sons and friends. Each was irreplaceable to his family. Each had a different story. Today, I rise to tell the story of one of those men.

U.S. Army PVT Charles High was 21 years old, a son of the city of Albuquerque who attended Eldorado High School.

Known as "Charlie" to his friends, he played the viola in his high school orchestra. He ran track. And he taught himself how to play guitar.

Charlie's dad says he always knew that his son would join the military. He signed up for Junior ROTC when he was 14, and his dad said he was hooked. He went on to join the Army in June of 2007 and was stationed at Fort Campbell in Kentucky as part of the elite 101st Airborne Division.

His tour in Afghanistan was his second overseas. He served his first tour in 2008 in Iraq.

Charlie was killed last month when an IED detonated near his vehicle,

which was patrolling in Afghanistan's Kunar Province.

He leaves behind his dad Charles, his mom Kimberlea Johnson of Illinois, his fiancée Maggie Jo Simmonds, four siblings, his grandparents and great-grandmother, and dozens of other family members and friends.

A month before he was killed, Charlie had gone home to Albuquerque for a visit with friends and family. Here is what his Dad said when asked about his son's death:

I would say he's a true American hero. He fought and died for his country. He died doing what he wanted to do. I hate to see him go so young, but he was quite a young man all the way around. When he was home, we could see how much he had grown.

Charlie's impact on all who knew him was evident in the messages of condolence left for his family after his death.

"He was a great friend and example," read one.

"You never gave up and never surrendered," said another.

"He gave his life for freedom."

"He is a hero to us all."

Private High: you truly are a "hero to us all." You are forever in our hearts, and we are forever in your debt.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENZI. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CONGRESSIONAL DISAPPROVAL OF RULE RELATING TO GRANDFATHERED HEALTH PLAN—MOTION TO PROCEED

Mr. ENZI. Mr. President, I move to proceed to S.J. Res. 39.

The PRESIDING OFFICER. There will be 2 hours of debate equally divided.

The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, the resolution we are debating today is about keeping a promise. The authors of the new health care law promised the American people that if they liked their current health insurance, they could keep it. On at least 47 separate occasions, President Obama promised: "If you like what you have, you can keep it."

Unfortunately, the Obama administration has broken that promise. Earlier this year, the administration pub-

lished a regulation that will fundamentally change the health insurance plans of millions of Americans. The reality of this new regulation is, if you like what you have, you can't keep it. The new regulation implemented the grandfathered health plan section of the new health care law. It specified how existing health plans could avoid the most onerous new rules and redtape included in the 2,700 pages of the new health care law.

This provision was a critical part of the new law. It allowed supporters to argue that current health insurance plans would be exempt from all of the rules and regulations created by the new law. Employers and health plans were told that the grandfathered protections would mean if you have coverage on the day the law passed, you could keep that coverage without having to make any major changes.

Employers and employees thought the bill would have cost-cutting measures, but now they find only cost increases. The new law will provide no relief to increasing costs until at least 2014. But this rule and its higher costs kick in now. Unfortunately, the regulation writers at the Departments of Treasury, Labor, and Health and Human Services broke all those promises. The regulation is crystal clear. Most businesses—the administration estimates between 39 and 69 percent—will not be able to keep the coverage they have.

Under the new regulation, once a business loses grandfathered status, they will have to comply with all of the new mandates in the law. This means these businesses will have to change their current plans and purchase more expensive ones that meet all of the new Federal minimum requirements. For the 80 percent of small businesses that will lose their grandfathered status because of this regulation, the net result is clear: They will pay more for their health insurance.

The Wall Street Journal recently reported costs as going up between 1 and 9 percent because of the mandates included in the new health care law. Couple this increase with inflation, and small businesses are looking at a 20-percent cost increase. I actually know something about small business; I used to run one.

I ran a shoe store in Wyoming. I stocked the shelves, worked the customers to fit shoes, ran the cash register. I placed the orders with suppliers. I did the accounting, I swept the sidewalk, I cleaned the toilets. I knew what it was like to worry about making payroll at the end of the month. I know firsthand about the struggles and challenges America's small businesses face. I understand what this regulation will do to small businesses across the country. Small businesses are struggling every day to find the resources to provide health insurance to their em-

ployees. Rather than making it easier for those businesses to continue to provide this coverage, the new regulation will mean that employers will simply drop their health coverage altogether. That is why I am so concerned about this grandfathered health plan regulation, and that is why I introduced the resolution we are debating today.

My resolution would force the administration to actually keep their promises. The resolution would overturn this grandfathered health plan regulation and allow tens of thousands of businesses across the country to keep their current plans. If we pass the resolution, millions of Americans will be spared from paying higher health care costs as a result of new Federal mandates. If we pass the resolution, small businesses across the country will not have to drop health insurance for their workers.

Congress created the Congressional Review Act we are using today specifically to overturn Federal regulations such as the one we are discussing. The sponsors of the Review Act recognized that too often Washington bureaucrats impose sweeping new regulations with little thought to the impact these changes will have in the real world. In particular, the Review Act was intended to protect small businesses across the country that are often most vulnerable to new government mandates and regulations.

That is precisely what happened with the grandfathered health plan regulation. The regulation writers went above and beyond what the law said and came up with a whole slew of requirements businesses must comply with if they want to keep what they have. The regulation includes a long list of things that will disqualify businesses from being able to keep what they have. If a business does anything to try to keep costs under control, they lose their grandfathered status.

Earlier this year, when the grandfathered regulation was first published by the administration, I came to the Senate floor and warned of the negative impact this regulation would have on small businesses. This new regulation appears to ignore the impact it will have in the real world. It will drive up costs and reduce the number of people who have insurance.

I recently heard from Jim, an insurance agent in Illinois, who wrote to me and said:

My experience in the last few months is—maintaining grandfather status to my group plans is all but impossible. All my clients' renewal rates in September and October are in excess of thirty percent. To keep grandfather status, the group is limited in deductible changes and contribution levels. The only option is for the employer to accept the premium increase at the worst economic time in forty years. They can't afford to keep the grandfather status and soon won't be able to afford insurance at all. In my opinion, the legislative goal was to make

maintaining grandfather status so restrictive, companies are forced out. It's working.

I have a whole slew of similar stories and I ask unanimous consent to have some of them printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOW THE GRANDFATHERED HEALTH PLAN REGULATION IS IMPACTING AMERICANS—REAL LIFE STORIES FROM AMERICA'S HEALTH INSURANCE AGENTS

I recently helped a couple in their 50's who each had their own individual policy. I signed them up with their policies about a year ago and they gave me a call when their annual rates increased the usual 15%. They wanted to look for something more affordable even if it was a higher deductible plan. They settled on a plan. I went to meet with them and began to explain grandfathering and that if they do choose the new plan, they will lose the chance to keep their grandfathered status and either way will have to pay more. They decided to stay with their "grandfathered plan" because the benefits are "better" than what they would have been if they went to a new plan where they would have more out of pocket costs.

Really, either way, it's a lose-lose. At least if things would've remained the same, the benefits would be better. But, now we have to tell our clients and prospects that prices are still going to go up, and benefits are still going to go down, but just at a faster pace. It's been kicked into high gear with ObamaCare. So, kudos to the people that are making these drastic decisions. I'm glad I'm just the messenger, because I wouldn't want to be responsible for killing our healthcare.

TRESSA GIRT,
Health Insurance Agent,
Milwaukie, OR.

Several of the insurance companies doing business in Utah have announced that they will not allow "grandfathering" plans for groups under 50 lives because of the expense to them to maintaining multiple plans on their books. This basically leaves those who had coverage with these carriers without any possibility of grandfathering and thus avoiding the expense of new mandates.

CHARLES COWLEY,
Charles H. Cowley Employee Benefits,
Salt Lake City, UT.

I am an agent in Lafayette, IN. My specialty is small group health insurance. I work with many farmers and builders. These are hardworking, honest Americans just trying to make a decent living. Many of my clients struggle to make ends meet and desperately want to continue providing health insurance to their employees. With the healthcare reform, they are extremely confused and disappointed when it comes to being able to grandfather their plans. In particular, I insure a local builder. He has ensured throughout the years that his employees have good health coverage. He has absorbed many of the renewal increases in the past few years. With the downturn in new home sales, his business has struggled. His group health plan renewed Sept 1, 2010. He received a 15% increase. In years past, he was able to absorb the increase and keep the health plan "as is." Financially, this year, that wasn't an option. He had to increase his deductible amount or risk being unable to offer health insurance at all. I explained that this small change would in fact cause his group to lose their grandfathering status. He

was upset and concerned about the loss. He didn't want to make the change but it was either that or offer no coverage at all. I believe that a group should be able to retain their grandfathered status when making changes in deductibles such as raising by \$500 or adjusting contribution levels. It is unrealistic to believe a small group can absorb 15+% increases for the next 4 yrs to maintain their grandfathered status.

My client is a 22-life group in Ft. Lauderdale, FL. Currently with Aetna. They received a large increase which is driving all my clients—not just them—out of a grandfathered plan! They feel forced to get a new plan because they made their current plan so expensive. Now, the new plans have much higher deductibles, more out-of-pocket and the affordable plans only offer to pay 50% co-insurance! The options are very limited.

JENNIFER L. EISLER.

Mr. ENZI. Folks all over the country are just like Jim. Insurance agents are explaining to small businesses that they will be forced to choose either to absorb premium increases in excess of 15 percent or lose their grandfathered health plan status. By the administration's own estimate, up to 80 percent of small businesses will lose the right to keep what they have. Lots of companies pay 90 percent of the cost of their employees' and families' insurance. They were hoping to be grandfathered at least until 2014, to see exactly how damaging the whole bill would be. But we are experiencing 2014 now, with no help in cost cutting.

The Small Business and Entrepreneurship Council says it pretty succinctly. In a letter they wrote to me supporting S.J. Res. 39, they write:

Rather than helping small business owners and their workforce keep their plans, it appears the rule has been rigged to force most small businesses and their employers out of grandfathered status.

The letter also reads:

The rule, as written, is in clear violation of President Obama's promise that Americans would be able to keep the health plans they currently have upon passage of the Patient Protection and Affordable Care Act.

As the Chamber of Commerce, the National Association of Manufacturers, the National Retail Federation, and other business groups supporting this resolution have said: This rule will make it harder for employers to make changes that will hold down their health care costs. Large and small businesses will have few options for both keeping costs in check and maintaining the grandfathered status.

If employers do almost anything to help slow the growth in their health insurance costs, they will lose the limited protections against the expensive new mandates in the bill. It is worth noting that two pages in the law that create the grandfathered plans give infinite leeway to the bureaucrats who are writing the rule, and they took it. The law doesn't say anything about cost-sharing requirements or coinsurance rates. The administration made up all of these provisions and require-

ments. They didn't have to write these rules in a way that precludes half of Americans from keeping what they have.

Our economy is already struggling. It doesn't need more job killing. It doesn't need cost increasing government mandates. We are hearing from small businesses across the country which are already being forced to swallow large premium increases that will prevent them from hiring more workers. It is about the jobs. We need to create more jobs, not write more regulations that lead to less jobs. This bill was sold as letting people keep what they have. But the devil is in the details. Do a little digging and it is clear; Americans would not be able to keep what they have.

The simple truth is, because this new rule will drastically tie the hands of employers, few employers are expected to be able to pursue grandfathered status. I even have letters from people who have individual situations, and they are concerned as well. That means more than half of Americans who like what they have would not be able to keep it.

The final result of the new regulation will be that all Americans will eventually be forced to buy the kind of health insurance the Federal Government thinks they should have. Never mind they can't afford it. Never mind that employers will be less likely to hire new workers and probably even lay off workers. Simply put, this rule states: Washington knows best.

This new rule is pretty clear. If you like what you have, you can't keep it.

Later today, the Senate will have the opportunity to vote on the resolution that will help small businesses actually keep what they have. I urge my colleagues to support this resolution and keep the promise that if Americans like the insurance they have, then they can keep it. That should be the bare minimum until at least 2014, so businesses and employers can assess the damage from all the regulations combined—and there is a pile of them coming. Help is not in the bill until 2014, but the rule is for now. The big question is, Why weren't the cost-cutting measures included in the regulation?

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is considering the motion to proceed to S.J. Res. 39.

The Senator from Iowa.

Mr. HARKIN. Mr. President, I have 1 hour?

The PRESIDING OFFICER. That is right.

Mr. HARKIN. I know the Senator from Montana wants to speak. If he could just withhold for a few moments

for my opening comment, and then I will yield to him.

Mr. BAUCUS. Sure.

Mr. HARKIN. Mr. President, I listened to the statement made by my good friend—and he is my good friend—Senator ENZI from Wyoming. We are in the seventh month since the Affordable Care Act became law. Ever since the day President Obama signed the bill into law, my friends on the Republican side have made it clear they intend to use every conceivable opportunity they have to repeal it. This resolution, regrettably, is another attempt to make good on that pledge by undoing some of the law's most critically important patient protections.

The resolution offered by Senator ENZI claims to protect small businesses by repealing the grandfather regulation, which defines which insurance plans and businesses have to comply with certain consumer protection provisions of the Affordable Care Act. However, if passed, the businesses and Americans could be in the worst of all worlds, losing the clear rules that allow them to keep the plans they have while not gaining additional consumer protections that apply when their plan changes.

I have a letter from the Main Street Alliance, which strongly opposes this resolution. This is an alliance of small businesses. Let me read an excerpt from that letter. They say:

Opponents of the health law's insurance market reforms continue to hide behind business arguments and claims about increasing costs. But independent analyses show that all the new protections in the law should contribute a mere one to two percent increase to costs next year, a number easily offset by provisions like the small business tax credits—

That we have given small businesses—

in the short term and savings from increased bargaining power and investing in prevention in the longer term. Let's be clear: those who seek to block implementation of the new grandfather regulations are acting in the best interests of the insurance industry, not Main Street small businesses.

Mr. President, I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE MAIN STREET ALLIANCE,
Seattle, WA, September 28, 2010.

Re Small business opposition to S.J. Res. 39, attempting to block implementation of health law's grandfathering rules.

HONORABLE SENATORS: On behalf of the Main Street Alliance, a national network of small business coalitions that brought the voices of real small business owners to the national dialogue over health reform, we write to urge your opposition to S.J. Res. 39, filed in the Senate on September 21. This resolution of disapproval would prevent the implementation of the grandfathering regulations that are critical to fostering an orderly transition to a reformed insurance market

under the Patient Protection & Affordable Care Act.

Some of the health care law's new protections apply to all health plans, regardless of grandfathered status, including the prohibition of rescissions, ban on lifetime coverage limits, and end to exclusion of children based on pre-existing conditions. Still, other market reforms that are impacted by the grandfather provision are among the new protections most important to small businesses.

Small business owners want their health plans to cover basic preventive care at no cost so they can maintain a healthy workforce. We want an end to premium discrimination based on our employees' health status. And we want stronger review of premium increases and a meaningful third-party appeals process to make sure we get a fair shake. What we don't want is to be stuck indefinitely with plans that, because of their grandfathered status, allow insurers to continue "business as usual" without fulfilling new protections or submitting their rate increases for meaningful review—that would not be reform.

Opponents of the health law's insurance market reforms continue to hide behind business arguments and claims about increasing costs. But independent analyses show that all the new protections in the law should contribute a mere one to two percent increase to costs next year, a number easily offset by provisions like the small business tax credits in the short term and savings from increased bargaining power and investing in prevention in the longer term.

Let's be clear: those who seek to block implementation of the new grandfather regulations are acting in the best interests of the insurance industry, not Main Street small businesses.

Health reform needs to lower costs for small businesses. It also needs to end the slide toward junk health insurance. The regulations drafted by the Administration to implement the grandfather provision create a reasonable transition to a reformed insurance market. We urge your opposition to S.J. Res. 39.

Sincerely, on behalf of the Main Street Alliance,

J. KELLY CONKLIN,
Foley-Waite Associates, Inc., Bloomfield, NJ.

LEANNE CLARKE,
Haleyanne Jewelry, Seattle, WA.

DAVID BORRIS,
Hel's Kitchen Catering, Northbrook, IL.

Mr. HARKIN. One of the things we put in the health care bill when we designed it was the protection for consumers to keep the plan they have if they like it; thus, the term "grandfathered plans." If you have a plan you like—existing policies—you can keep them. Well, then we left it to the Department of Health and Human Services to craft regulations to define exactly what a grandfathered plan is.

On the one hand, you want to give some flexibility to plans to be able to make reasonable changes. For example, if costs go up, they can increase their premiums somewhat. They can do certain things. But they cannot change the fundamental kind of nature of the plan and still call it a grandfathered plan. You want to protect consumers

to make sure that what plan they signed up for is the grandfathered plan and not something else.

For instance, if the regulations are overturned, which is what the Senator from Wyoming wants, insurance plans could change immensely. Yet that is not what you signed up for; for example, the grandfathering rule that says the insurer cannot significantly cut your benefits. Let's say your insurer decides to cut from your plan conditions such as cancer or diabetes or heart disease. Let's say they cut that out of your plan. Well, that plan would no longer be considered grandfathered because that is not what you signed up for.

The second one says they cannot raise your coinsurance charges. For instance, if you are required to pay 20 percent of the cost for all hospital visits, your insurer cannot raise that to 50 percent because that is not what you signed up for.

They cannot significantly raise copayments. If your plan is grandfathered, you are protected from drastic increases in copays. Copays would be allowed to rise nominally each year, but if they changed significantly, that is not what you signed up for.

Grandfathered plans cannot significantly raise deductibles. Let's say your plan is grandfathered. You are protected from large increases to your deductible. That keeps your insurance company from shifting more cost to you because that is not what you signed up for.

Grandfathered plans cannot significantly increase your premiums. Well, for example, if 20 percent of your insurance costs are currently deducted from your paycheck, and your employer pays the other 80 percent, under the rule that cannot be changed by more than 5 percentage points a year. Well, what if a company came in and said: You were paying 20 percent; now you have to pay 40 percent? If they did that, that is not what you signed up for, so that should not be a grandfathered plan.

Also, grandfathered plans cannot add or tighten an annual limit on benefits. If your plan is grandfathered, your insurer cannot add a new cap on the amount they will pay for covered services each year. Why? Because that is not what you signed up for.

Grandfathered plans cannot change insurance companies. If your plan is grandfathered, you get to keep your plan. This means you will keep your insurance company and with it your network of doctors. Because if that is changed on you, that is not what you signed up for.

So basically the rule my friend from Wyoming is seeking to overturn protects you, the consumer. It protects you in keeping the plan you like; we said, if you like a plan, you get to keep it, and you can grandfather it in. What

if they change the caps on certain annual limits? What if they raise your copays? What if they raise your deductibles? What if they sell out to another insurance company that has a different kind of a policy? Why should that be grandfathered? Because that is not what you signed up for.

We want to make sure if you signed up for a plan and you like that plan, it can be grandfathered. What cannot be grandfathered is something drastically different, which puts you at a disadvantage.

So it is clearcut on this issue before us: You either stand with consumers and you stand with Main Street businesses—which I just read a letter from, which recognizes that if they want grandfathered plans, they also want to be protected, they want some certainty out there to know what those plans are going to be; and that is what these rules provide. On the other hand, if you vote to overrule this rule, you are obviously standing with the insurance companies one more time, letting them continue what we closed the door on, some of these terrible abuses of cutting people off, putting caps on what you can get, changing your policies mid-stream.

Well, the rule says: Yes, insurance company, you can do that, but you are no longer a grandfathered plan. That is exactly what this rule is about, to protect consumers and to provide certainty out in the marketplace for small businesses so they know what the grandfathered plans are and what they are not. Without this, if you do not have a rule, who knows what a grandfathered plan is. It is up in the air.

So with that, I yield 15 minutes to my friend from Montana who did such a great job as chairman of the Finance Committee in shepherding the health care reform bill through. He is one of our great experts in this area, and I know he feels strongly about these grandfathered plans too. So I yield 15 minutes to my friend from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank my friend from Iowa, the chairman of the HELP Committee, for his excellent service.

A weather vane shows when the wind is blowing and in what direction it is blowing and a resolution such as this shows when it is election season.

This resolution is a political stunt. It is an election-season effort to take potshots at the new health care reform law. Before the Senate now is a joint resolution of disapproval under the Congressional Review Act of 1996. Colleagues will recall that the Congressional Review Act is part of what some folks called the Contract with America.

This particular resolution would nullify a regulation that is essential to implementing the new health reform

law. The resolution is, thus, a transparent effort to undermine the new law. I urge my colleagues to oppose the resolution.

From the beginning, the new health care reform law has been about ending the worst insurance company abuses. That is why the new law requires insurance companies to end lifetime limits on coverage. That is why the new law prevents insurance companies from canceling coverage when you get sick. That is why the new law requires insurance companies to allow parents to put their children up to age 26 on their insurance policy, and that is why the new law prevents most insurance companies from discriminating against kids with preexisting conditions.

These important new protections took effect just last week. From the beginning, the law has been about preserving what is good about American health care. That is why one of the central promises of health care reform has been and is: If you like what you have, you can keep it. That is critically important. If a person has a plan, and he or she likes it, he or she can keep it.

Now some on the other side of the aisle have tried to pick apart that promise. They have tried to find some rare example to the contrary. But despite what some folks might say, we stuck to that promise. If you like your health care plan, you can pretty much keep it.

Then the question becomes: How can we be sure that what you have is still the same health care plan? What changes can the insurance plan make and still remain the same plan? That is what this new regulation is all about.

The Departments of Health and Human Services, Labor, and Treasury promulgated this regulation on June 17. The regulation defines what changes an existing health care plan can and cannot make in order to retain what is called the “grandfathered” status.

The new health care reform law gives grandfathered plans special treatment. This treatment ensures that satisfied consumers can continue to get their current health care plans, and this treatment ensures that dissatisfied consumers can get access to a fairer marketplace.

Plans with grandfathered status get more time to incorporate some of the consumer protections guaranteed in the new health care reform law. Grandfathered status is valuable to the health insurance plans. In some cases, it exempts plans from having to make particular changes until the year 2014.

Some fundamental consumer protections, however, are so important that all plans have to comply with them right away. Many of those protections are the ones that became effective just last week. The new regulation strikes a careful balance. It protects consumers

from some of the insurance companies’ most egregious abuses. At the same time, it recognizes the realities of what insurers are able to do. That balance is important to maximizing consumer choice, and that balance is important to minimizing insurance market disruption.

The new regulation spells out coverage changes that would cause insurance plans to lose this special grandfathered status. For example, plans cannot significantly reduce benefits and still retain their grandfathered status. It makes perfect sense to require plans to maintain their benefits as a condition of their preferred status. After all, if a plan significantly reduces its benefits, it is not the same plan anymore. If a plan significantly reduces its benefits, the plan is not truly letting you keep what you have.

Another example under the new regulation is that plans cannot significantly increase cost sharing and retain their grandfathered status. In other words, plans cannot significantly increase deductibles, copays or coinsurance that are more than nominal.

Once again, the new regulation is only fair because plans should not be increasing the financial burden on consumers and still qualify for this special status. If a plan significantly increases the financial burden on consumers, it is not the same plan. If a plan significantly increases the financial burden on consumers, the plan is not letting you keep what you have.

A third example under the regulation is that plans cannot add new or more restrictive limits on coverage and remain grandfathered. This, too, makes sense, because imposing or lowering annual limits has the same effect as reducing benefits, and that is not something for which plans should be rewarded.

Once again, if a plan adds new or more restrictive annual limits on coverage, it is not the same plan and the plan is not letting you keep what you have. These examples demonstrate how reasonable the new rules for grandfathered status are. Plans basically have to offer the same coverage. They have to offer the same cost sharing and annual limits as they do today.

The resolution before us would allow health insurance plans to leave the path to full compliance with new, commonsense consumer protections. The resolution would leave consumers relying on the kindness of the insurance industry, and we have seen how well that works. That is the effect of the resolution before us.

The resolution before us would strike down disincentives for plans to cut benefits, increase consumers’ out-of-pocket costs, or reduce how much health care a consumer may use in a year. The resolution before us would thus free the health insurance companies to cut benefits, to increase out-of-

pocket costs, and to reduce annual limits.

The new health care reform law aims to eradicate these abusive practices, and the grandfathering regulation ensures a successful transition to a fully reformed insurance market.

The new health reform law puts consumers and their doctors—not insurance companies—in charge of their health care.

This resolution would put consumers at risk. It would put consumers at risk of paying more and getting less. This resolution is the exact opposite of health care reform.

This resolution is a political stunt. It is about repealing health care reform in an election season. This resolution is an attempt by the other side to dismantle the new health care reform law piece by piece. This time, they are sending a message to their friends in the insurance industry. This resolution invites the insurance companies to continue to put profits before patients. So I ask: What is next?

The other side says they want to repeal and replace the new health care law, but we saw what happened before health care reform. Before health care reform, insurance companies could discriminate against kids with a pre-existing health condition. Before health care reform, health insurance companies did not have to let adults under 26 stay part of their parents' health insurance plans. Before health care reform, health insurance companies could kick people off their rolls when they were sick and needed coverage the most. That is what the law was before the new health care reform law. Is that what the other side wants to go back to?

The bottom line is this resolution would take away consumer protections that the new health care reform law guarantees.

I urge my colleagues to reject the proposition that insurance companies know best. They don't know best. I urge my colleagues to maintain the commonsense consumer protections that have just come into effect, and I urge my colleagues to reject this election season resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I appreciate the comments by both of the leaders on health care from the other side, but you can't have your own facts. You can't show significant changes as being the only thing that eliminates grandfathering.

If you look at the Federal Register, page 34,568, the last few paragraphs say: Any increase in a percentage cost-sharing requirement causes a group health plan or health insurance to cease to be a grandfathered health plan.

Another part says: Any increase in a fixed-amount, cost-sharing require-

ment other than a copayment—any increase in a fixed amount copayment. It doesn't say significant changes, it says any change.

I yield up to 10 minutes to my friend, the Senator from Wyoming, Senator BARRASSO.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Thank you, Mr. President. As my colleagues know, I have come to the floor week after week after this bill was signed into law with a doctor's second opinion based on my nearly quarter of a century practice in Wyoming, taking care of families there. I go home every weekend and talk to people.

The people of Wyoming remember when the President of the United States spoke to a joint session of Congress and he told the American people about the plan that was later signed into law. During that speech the President said:

... if you are among the hundreds of millions of Americans who already have health insurance through your job, or Medicare, or Medicaid, or the VA, nothing in this plan will require you or your employer to change the coverage or the doctor you have.

Let me repeat:

Nothing in our plan requires you to change what you have.

I think I heard the chairman of the Finance Committee say that if you like your plan, you can pretty much keep it. That is not what the President said. Pretty much keep it? With those words, the President—and congressional Democrats—made a vow to 170 million people who get health coverage through their employer. The President and congressional Democrats promised that if you like what you have, then the health care law would let you keep it. What a difference a year makes.

On June 14 of this year, the Obama administration released a 121-page "grandfathered health plan" rule. It is a rule that clearly violates—clearly violates—the President's promise.

Let me explain how. ObamaCare included a provision allowing existing insurance plans to be "grandfathered" under the new law. Theoretically, that means that employers and individuals would not have to give up the coverage they have and they like to comply with onerous government rules and mandates.

So you have to make sure, though, that you read the fine print. Look at the chart. The chart in the new administration rules estimates between 39 and 69 percent of businesses will lose their grandfathered health plan status.

The picture is even worse for small businesses in America, and it is small businesses that are the engines that drive this economy. The same chart in this report estimates that by the year 2013, up to 80 percent—80 percent—of small businesses will lose their grandfathered status. This means American

businesses will not be able to keep their current insurance plans. That is what this means. They will be required by the Federal Government to comply with all the new mandates which are very expensive and are contained in the new health care law. This only serves to drive employer health care costs up, making it even more difficult for them to offer health insurance to their workers.

I am sorry. Maybe the American people are confused. The American people believed the goal of reform was to lower health care costs. America's small businesses struggle each and every day to find a way to provide health insurance to their employees. The government should be making it easier for businesses to keep providing the coverage. Instead, this bureaucratic regulation drives prices up. This is going to increase the odds that employers are going to simply choose to stop offering health care insurance coverage completely.

Additionally, this so-called grandfather regulation makes it much harder for employers to make health insurance changes that would actually help to keep down the cost of care, to keep down the cost of coverage. Today, businesses have very few options if they want to keep costs in check, as well as keep their grandfathered status. Businesses that lose their grandfathered status are then forced to comply with all the new rules, all the mandates in the health care law, and now, even by the White House's own admission, we are talking about up to 80 percent of the small businesses in this country.

Subjecting employers to these mandates forces them to change and to expand their insurance plans. What does that mean? Well, it means costs are going to go up. No surprise. It is obvious this administration doesn't want the American people to be able to keep what they have if they like it. The law wasn't written that way, and certainly the regulations were written in a way that violates—and this is the White House—the White House regulations were written in a way that violates the pledge the President made to the American people.

President Obama and congressional Democrats certainly like using their talking points, but the American people know it is just spin. That is why this bill was unpopular when it was signed into law and now, 6 months later, it is even more unpopular, with 61 percent of the American people wanting this bill and this law repealed and replaced.

That is why I come to the floor today to support the efforts of my friend, the senior Senator from Wyoming, the ranking member of the Health, Education, Labor and Pensions Committee, who has introduced Senate Joint Resolution 39, a resolution of disapproval that would overturn the administration's so-called grandfather rule. It is

an honor to stand with Senator ENZI and fight against this job-killing Washington mandate. I appreciate his leadership but, more importantly, his dedication to make sure the President keeps his promise—a promise that if you like the health insurance you had before the new health care law was passed, then you can actually keep it.

That is my second opinion. That is why we need to repeal and replace this health care law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. MCCONNELL. Mr. President, I wish to proceed under my leader time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, first, I had an opportunity to hear the remarks of Dr. BARRASSO, the Senator from Wyoming, about health care, and I wish to thank him for the ongoing contribution he has made in this very important debate. This is an issue that is not over and we will keep on revisiting the flaws in the coming years. So I thank the Senator from Wyoming for his important contribution.

I also thank the other Senator from Wyoming who is sitting to my left, who is the author of this measure we will be voting on—a necessary step. I thank the Senator from Wyoming for his important contribution as well.

VOICES GROW LOUDER

Mr. President, for the past year and a half, Americans have witnessed something truly remarkable here in Washington. They have watched a governing party that was more or less completely uninterested in what the governed had to say about the direction of the country. In a nation where the government's power is derived from the consent of the governed, that is a pretty risky governing philosophy. That is why the voices of the American people have grown louder and louder.

Republicans have listened to those voices. We heard the concerns Americans had with the stimulus bill that was based on the discredited premise that having bureaucrats and Democratic lawmakers spend \$1 trillion on their favorite programs would revive the economy, and we opposed it. We heard the concerns Americans had about a health spending bill that was built on the discredited premise that spending more money and growing the Federal bureaucracy would make health care less expensive, and we opposed it. We heard the concerns Americans had about a financial regulatory bill that was built on the discredited premise that hiring more of the same kind of bureaucrats who missed the last crisis was a good formula for preventing the next one, and we opposed it.

Again and again, Democrats were faced with a problem, and their solution was to ram through some costly,

big government solution Americans did not want, but that they are now expected to pay for. And they are still not finished.

In order to fund even more programs, more government, our friends on the other side now want to raise taxes. Nearly 15 million Americans are looking for work and can't find it. Another 11 million are underemployed, meaning they have settled for part-time work instead of a full-time job. Household income is down for the second year in a row, and Democrats want to take more money out of people's pockets.

Just yesterday, the nonpartisan Congressional Budget Office said these tax hikes will hurt the economy and slow the recovery. So what did we do here over the past week in the Senate? An ill-conceived bill the chairman of the Finance Committee said would put U.S. companies at a competitive disadvantage, and a campaign finance bill, the entire goal of which was to give Democrats an electoral advantage in the upcoming elections by muzzling their opponents.

If Americans need any further proof that Democrats haven't been listening to them, this past week has provided all the evidence they need. Americans want us to focus on jobs, and our friends on the other side focused on preserving their own jobs and spending more taxpayer dollars.

It has to stop.

That is why earlier this month I proposed a bill that would prevent a massive tax hike from going into effect on anyone at the end of the year, and that is why Republicans put forward an appropriations cap that would cut \$300 billion from the President's budget, even as our friends on the other side neglected to bring a single appropriations bill to the floor.

Sometime today or tomorrow, we will be leaving Washington to head back to our States and when we do, Democrats will have a lot of explaining to do about how they have spent their time here in the last year and a half. As for Republicans, we will be able to say we listened.

TRIBUTE TO LARRY COX

Mr. President, in the reception area of my office in the Russell Building, there is a framed copy of a page from my hometown newspaper hanging on the wall. It is from section B, the front page, and the date reads January 21, 1985, just days after I was first sworn in as Kentucky's newest Senator.

There is a picture of me sitting in my new Senate office, talking on the phone, with quite the head of dark hair. Behind me you can see a man in a sport coat lifting some boxes. And he looks like he can lift them quite easily, too. The caption under that photo reads:

"McConnell made a few telephone calls while aide Larry Cox moved boxes in on the first day."

The first day.

Now, in too many ways, it feels like an era has reached its final days. Because after more than 25 years of Senate service, and nearly 30 years of setting his own ego aside to help me and my career, on September 2 of this year, Larry Cox retired.

No other single person worked as hard or did as much for Team McConnell as Larry has. And because Larry was there from the beginning—when on any given day, he could serve as driver, security detail, advance man, political operative, caseworker, legislative advisor, and my eyes and ears all at once—no other single person probably ever will.

We have heard the phrase "jack of all trades," but Larry is a master of all trades—not only because of the many roles he filled in my office, but for the fullness of his life outside the office as well.

As the State director in my office beginning in 1985, Larry was my chief representative in Kentucky. He oversaw an 18-member field staff, spread out amongst six offices in the State, and led my efforts in constituent casework, project development, and outreach.

Beyond that, however, Larry was the picture of the perfect Senate staffer. Content to stay in the background, for years he happily worked without seeking credit. He is a man of fairly strong opinions, and was somewhat our resident keeper of the ideological flame—but he would never force his opinion on you if you didn't ask for it.

Most of all, for the hundreds of staffers that have been through my offices, he served as a role model, an example of good character, and a true friend.

Larry and I have more in common than just our Senate service. We were both born in Alabama, just a year apart, and after a little traveling, we both ended up about as Bluegrass as one can get. Additionally, both Larry's father and mine served in World War II.

After the war, Larry's father, Lawrence E. Cox, Jr., worked for Gulf Oil, and that job took him and his family all across the southern United States. Larry spent time growing up in Louisiana, Arkansas, and Tennessee.

He attended George Peabody College of Vanderbilt University, and earned his master's at the University of Tennessee. A city planner by trade, he finally moved home—that is to say, to Louisville—in 1972.

My friendship with Larry began in 1981, when Larry began working for county government as the deputy secretary for community development. I was the county judge/executive, and I successfully lured Larry away from his old job. By 1984, he was with me as I made my first run for the Senate.

I can't talk much longer about Larry without mentioning his lovely wife Joanie. Larry came to start working

for me just 3 months after he and Joanie got married. It is lucky for me it wasn't 3 months before. Joanie didn't know just how much I would take her husband away from her over the years.

Elaine and I have to thank Joanie for sharing Larry with us, because as we all know, sometimes Larry's work obligations have gotten the lion's share.

Sometimes Larry served as a one-man security detail. It was like being staffed by Clint Eastwood. You could call him "Dirty Larry," and he was just waiting for someone to make his day.

Larry is not a guy you want to make mad, even though those of us who know him know that under that tough exterior is a very kind and caring man. I am probably going to get in trouble with him for saying that out loud.

In the old days, Larry and I crisscrossed every county in the State, in a car that Larry faithfully had service every 3,000 miles. Every event, he had planned precisely down to the minute. Executing Larry's plans was like executing a military maneuver.

This was also when I first learned about Larry's honest-to-gosh superpower. He is a walking, talking human GPS. Ask him how to get anywhere, and he can give you landmarks, travel time, distance and cardinal direction.

Naturally, a fellow like that became one of my very first Senate staffers after we were victorious in the 1984 election. And he was the perfect choice to be my State director.

In that job, he has been to every town parade and county festival. I believe he could name the sitting judge/executive in all 120 Kentucky counties, or tell you which counties towns like Eighty Eight or Grab are in. Since 1985, there have been 14 commanding generals at the Fort Knox Armor Center, and he has known and worked with every one of them.

And in the hundreds of thousands of hours I have spent with Larry, if he ever had a bad day, he did it pretty well.

Maybe that is because Larry never got bored. I have already described how he did everything in my office, no job too big or too small. And the rich and complete life he leads has given him plenty else to do as well.

Larry knows a lot about a lot of things. If you are on the road with him, and you point out a nice looking Corvette, he will be able to tell you it's a ZR1 with 638 horsepower and over 600 pounds of torque that can pull one 'G' in a turn and goes zero to 60 in 3.5 seconds.

Larry once stopped me from boarding a plane because he could smell that it had been filled with the wrong kind of fuel. Despite the so-called experts telling him otherwise, he insisted they double check. Turned out he was right. Larry's nose saved some lives that day.

Larry's favored method of transportation, however, is not by air, but by land—specifically, by motorcycle. You can catch him driving across Kentucky on his Suzuki Bandit 1250, and he is usually with friends. In fact, Larry's got so many friends in the biker community that I have benefited from having a fleet of motorcycles roll in to many of my events. Larry's also a strong supporter of the second amendment. He believes in gun control—gun control being a firm hand and a steady grip.

I don't know how many guns Larry has, he may not even know, but I believe the number is somewhere north of 50. Years ago, Larry used to shoot skeet competitively.

You could even say Larry is one of those "bitter" people, the type who clings to his guns and his religion. He is a devout Christian who has been attending St. Matthew's United Methodist Church in Louisville since 1978.

He has faithfully volunteered countless hours over the years, including time spent at Susannah House, a daycare center run by the church. He has held every church leadership position, including serving on the board of trustees.

In what is becoming a recurring theme for Larry, he is always willing to do whatever is asked, and whatever it takes. On top of his church, he gives his time generously to the Kiwanis, and to the State Republican Party.

Larry is a great lover of the outdoors. He and Joanie have a farm in Hart County, KY, that is just shy of 100 acres. Now that Larry is leaving us I know he will be spending a lot more time there.

Larry generously opens up his farm to the McConnell Scholars, students at the University of Louisville who are part of a scholarship program for kids that I helped establish in 1991. He has held retreats for them there, mentored the students, and helped bring in speakers for other McConnell Center events. His contribution is so great that Dr. Gary Gregg, the center's director, puts it this way: "Simply put . . . we would be impoverished without Larry."

Dr. Gregg has a 15-year-old son, and Larry has helped encourage his interest in deer hunting, by letting him use his farm and his fields and educating him about shooting and gun safety. Whenever he has a chance to share his love of nature and the outdoors, Larry shines.

Anyone who thinks Republicans can't be conservationists, I want them to meet Larry and go visit his farm. The Green River runs through it, and Larry participates in the CREP program—a Kentucky conservationist effort to preserve and protect the river.

A third of the farm is planted with warm-season native grasses, to prevent soil erosion into the river and enhance

the local wildlife. A third of the property is in timber, and a third in hayfields. You may have noticed what's missing on this farm—Larry has to abide by Joanie's rule, "No crops, no critters."

Larry is so well known throughout the State for his conservation efforts, he was honored this year as the Kentucky Association of Conservation Districts Person of the Year. He is also the first person to receive the Award for Distinguished Service from the Natural Resources Conservation Service.

My wife Elaine is also close to Larry and Joanie, and I know she is going to miss them a lot. Larry was one of the first Kentuckians she met when she came to the State, and he was so knowledgeable and friendly he made her feel just at home. She liked going to Larry and Joanie's home, where she knew she would always find good food and good company.

During my 1996 campaign, Elaine's sister Angela came to Louisville to volunteer, and Larry and Joanie generously put her up in their home. They have done that many times for other volunteers and staffers through the years. The McConnell Team has always been grateful to stay at their home.

I have wondered often over the years how a man as unique and special as Larry Cox came to be, and how I was lucky enough to find him.

To the second question, I can only credit providence. But the first question, that I can take a stab at answering.

I know Larry learned a lot about living from his mother. So did I. So did everyone lucky to know her. Beryl O. Cox was a spirited, adventuresome woman—in other words, she was a lot like Larry.

She raised three boys, and she was like one of the boys. She knew her priorities: She loved her family, her church, her motorcycles, and her bourbon—not necessarily in that order.

She and Larry would go riding together. She had her own motorcycle, a Honda Valkyrie. She didn't drive it—Larry would drive, and she would sit on the back.

Beryl was a delightful woman—"a real kick," according to Joanie. And may I say she was a close friend of mine as well. I remember how much she volunteered on many of my campaigns.

She was about the same age as my own mother. She lived a full and robust life, until her passing at the age of 95 in 2007.

A full and robust life, well lived. Larry obviously learned that from his mother as well. And just like her, he has made countless friends along the way.

Those friends will get to see a lot more of Larry now. So will his family. Whether it is time spent on the farm or on the back seat of his motorcycle, if it

is time spent with Larry, I am sure they are grateful.

The Cox family includes Larry's wife Joanie; his daughter and son-in-law Lisa C. and Steve Pieragowski; his son and daughter-in-law J. Randall and Kristen A. Cox; his grandchildren Alexa Brooke Pieragowski, Erin Phoebe Pieragowski, Hayden Lawrence Cox, and Hadley Marie Cox; his brother and sister-in-law Alvin J. and Cammie Cox; his brother and sister-in-law Davis S. and Lynn C. Cox; his nieces and nephews Christopher L. Cox, Carter Cox, Lindsay F. Cox, and Stephen Cox; and many more beloved friends and family members.

Larry, your family's gain will certainly be our loss. It is a loss for my office, and a loss for the entire State of Kentucky that you have faithfully served for so many years.

As for me, I am going to miss my old friend.

After 30 years, there is too much to be said, so I simply say, thank you, Larry. For your dedication, your service, and your friendship, I don't think you can ever be thanked enough.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, before I yield to the Senator from Connecticut, I listened to my friend from Wyoming before the minority leader spoke. He was reading from the Federal Register, if I am not mistaken, saying that any change—and he kept repeating “any change,” “any change,” any increase because we have been talking about there had to be significant increases and changes. My friend from Wyoming was reading from the Federal Register and said “any increase.”

After reading through this, it reminds me of an example I have often used about not taking things out of context. It comes from Psalm 14 in the Bible. There is a sentence in the Bible that says, “There is no God.” I say to a lot of people, it cannot be true. Yes, there is a sentence in Psalm 14. It is right there. The problem is the sentence before that says: “The fool in his heart says there is no God.” You can take things out of context. I started reading this and saw how this was taken out of context.

First of all, my friend from Wyoming said “any increase in fixed amount cost sharing requirement.” But, it says—he did not read on—“if the total percentage increase exceeds the maximum percentage increase,” as defined in another paragraph over here, which is basically expressed as a percentage of inflation plus 15 points. So it is not any increase, it is any increase based on whether it is inflation plus 15 points.

Then my friend said: “Any increase in fixed amount copayment.” But you have to read on because it says “determined as of the effective date if the total increase in the copayment ex-

ceeds the greater of an amount equal to \$5 or the maximum percentage increase,” as I mentioned before, which is medical inflation plus 15 percentage points.

I ask unanimous consent to have printed in the RECORD this chart to show that it is not any changes, as my friend was saying.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHANGES THAT DISQUALIFY PLANS FROM GRANDFATHERED STATUS

Plan Element	Disqualifying Change*
Copayment	The greater of an increase of more than \$5 (adjusted for medical inflation since March 23, 2010) or an increase above medical inflation plus 15 percentage points.
Deductible	An increase above medical inflation (since March 23, 2010) plus 15 percentage points.
Out-of-Pocket Limit	An increase above medical inflation (since March 23, 2010) plus 15 percentage points.
Co-Insurance	Any increase in the co-insurance rate after March 23, 2010.
Annual Limit	Any decrease of an annual limit that was in place on March 23, 2010, disqualifies a plan. Adoption of a new annual limit for plans that did not have one on March 23, 2010, also disqualifies a plan.**
Employer Premium Contribution Rate (in group plans)	A decrease of more than 5 percentage points below the existing employer contribution rate as of March 23, 2010.
Benefits Package	The elimination of all or substantially all covered benefits to diagnose or treat a particular condition after March 23, 2010.

*See the interim final rule on grandfathered plans, listed under “Additional Resources,” for information regarding exceptions to the March 23, 2010 date. Exceptions may apply to plans that had already filed pending changes at the time that health reform was enacted.

**If a plan had a lifetime limit but no annual limit on March 23, 2010, it may replace its lifetime limit with an annual limit while maintaining its grandfathered status, as long as annual limit has a dollar value that is equal to or greater than the previous lifetime limit.

Mr. HARKIN. Mr. President, you have to read the whole paragraph. There is one where there is any change at all would disqualify a grandfather plan, and that is any increase in the percentage cost sharing. You can understand that. If you have a percentage cost sharing, let's say it is 20 percent, if the cost of the plan goes up, medical inflation goes up, then your total cost will go up because 20 percent of \$100 is \$20; 20 percent of \$120 is \$24. Your out-of-pocket will go up.

The only thing that would deny a plan from being grandfathered is if they changed the percentage of your copay. But if they have a fixed amount of copay, say \$20, they can go above that by the maximum percentage increase of inflation plus 15 points.

I wanted to try to clear that up, that there is only one case in which any change at all denies grandfathering, and that is if, in fact, the plan changes your percentage of what you have to pay in. I wanted to make that clear.

Now I yield to my good friend, Senator DODD, who was the leader on our committee in getting the Affordable Care Act through and who knows the importance of making sure we keep these protections, not only for consumers but for small businesses.

I yield whatever time he wants.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I express my gratitude to my friend and col-

league from Iowa and his terrific work. He, along with so many others, brought us to the point that has defied administrations and Congresses for more than half a century. Together, we were finally able to expand access, try to stabilize costs, and increase the quality of health care. It is no easy task. These efforts, obviously, consumed a great amount of this Congress's time and attention.

Despite the rigid opposition of those opposed to these changes, without an alternative ever being offered, for the first time the American people can look forward in the years to come to having increased access to health care, improved quality, in my view, but also stabilizing costs. Without these changes, we would put our great economy in this country at significant risk, beyond the other problems we are grappling with today.

I say respectfully—because my friend from Wyoming knows he and I have worked together on many issues over my tenure and his—it is with a deep sense of respect for him that I rise today in opposition to what his resolution would attempt to achieve and to associate myself with the remarks of Senator HARKIN, Senator BAUCUS, and others who worked day to day, along with their staffs, to achieve this health care reform package.

We are told health reform is not popular. I listened to one of my colleagues give a presentation that this is not terribly popular in the polls, as if somehow that is going to determine whether what we are doing is right or wrong.

I recall 1948, the Marshall Plan. If popularity in the polls had been the deciding factor as to whether we passed the Marshall Plan, it would have failed miserably. About 17 percent of Americans thought we should rebuild Europe. The Civil Rights Act and the Voting Rights Act—I can guarantee to this day there were those who said this was not a terribly popular idea. I am not sure how it would fare in certain quarters. I do not think anybody in this Chamber would disagree we are a better country today because of what we did in the Marshall Plan, what we did with the Voting Rights Act, the Civil Rights Act, and others.

I think it is disturbing that we ought to determine the outcome of trying to make America achieve its great potential by the results of polling data. I know that has become the standard some people use. It ought not be the standard by which the Senate determines its course of action.

Health reform is the culmination of more than a half century—in fact, arguably going back to Teddy Roosevelt's day, almost a century ago—a struggle by Democrats, Republicans, and Congresses to try and get to a point where we can get our arms around this very important issue. At long last, we set ourselves on a course to manage this issue.

At the center of that struggle was the question: Who would control a person's health care? On this issue there seems to be unanimity. I think all of us would like individuals and their health care providers to be in control when it comes to deciding what a person's health care coverage would be, and not the insurance industry that has a history of abusing those who fall ill and need coverage.

Just 6 months ago, we answered this question definitively. Americans should be able to control their own health care, and the insurance industry should not. This resolution before us today would take us backwards once again on that fundamental, underlying question at the heart of the long debate that consumed this Congress: Who would control whether a person had good health care, the insurance industry or the individual, their family, and their providers?

The law we passed phases in many new protections over several years protecting Americans' rights while ensuring stability of the health care system. Just last Thursday on the 6-month anniversary of the passage of the health care reform bill, many consumer protections came into effect making up what we call the Patients' Bill of Rights.

This Patients' Bill of Rights, which my colleagues and I fought so very hard to include in our final bill, provides that sense of security to people across the Nation and in each of our respective States by prohibiting the worst of the insurance companies' abuses and practices. These abuses went on year in and year out, disadvantaging average citizens in our country. As a result of that bill of rights we adopted in our health care reform bill and as a result of last Thursday, the following rights became the law of this land:

All insurance plans must end lifetime limits on coverage. How long have we heard that debate and how important is it today that protection exists?

All insurance plans must stop canceling coverage when you get sick. How many of my colleagues at townhall meetings heard the frustrations expressed by our constituents that just when they needed the coverage the most, they would be dropped by the insurance industry?

And, today, parents who have adult children but under the age of 26 know they can carry those kids on their plan. How many families, because of the economy we are in with high unemployment, particularly among younger people, go through sleepless nights worrying about their children who have been dropped from their plans, knowing they are struggling to get on their feet? The law today protects those families and those young adults.

New insurance plans must offer additional benefits and protections to con-

sumers under our bill such as preventive services—which Senator HARKIN championed day in and day out to be included as part of this bill—covered with no cost sharing, an increased choice of providers, and no prior authorization requirement for emergency care. Those protections benefit millions of people across this country.

If they knew what was at stake with this kind of a resolution, which can throw these back and change these plans in such a way, I suspect those using polling numbers to identify a reason for being for this resolution or against the health care bill might have second thoughts. When we began to debate the health care reform bill, the President of the United States made clear that part of having control of one's health care was having the right to keep what you have. We enshrined that in the bill during the HELP Committee markup, the Finance Committee markup, and the Senate debate on this bill.

No matter how important we thought those protections were, we said you can keep what you have, if that is what you want. But this was not *carte blanche* for the insurance industry to ignore the new law and continue abusive practices that have been in place for too long. They can continue their old plans as long as they did not dramatically increase the cost to their customers.

It made no significant negative changes to the coverage consumers were paying for. In other words, you can keep what you have. But if the insurance companies try to take away what you have, the law will protect you. In the parlance of Washington, this is called grandfathering.

To clarify to businesses, insurers, and all Americans what this meant in practice, the administration released a regulation on June 17. This regulation strikes an important balance of keeping our businesses strong while ensuring that employees and their families are able to weather difficult economic times, such as the ones we are in.

Under the regulation adopted on June 17, grandfathered plans are not required to offer the additional benefits included in the Patients' Bill of Rights. I wish they were, but they are not. The grandfather regulation provides insurers and businesses flexibility to continue to innovate and to grow and still maintain their status.

Businesses' health plans will not lose their grandfather status unless significant changes are made to policies which unduly burden employees and average American families.

For example, if a health plan increases co-payment charges for a working mother in Hartford, CT, as has been pointed out by Senator HARKIN, by more than 15 percentage points, it will lose the grandfather status. Or if a health care plan significantly reduces benefits for a family in New Haven, CT,

it loses its grandfather status, as it should.

These are not unreasonable requirements as we strive to protect average families in our country.

My colleague from Wyoming and I disagree about this new law. We sat together day in and day out during those long markup periods. He is a good man, a good Senator, and a good friend. But I disagree with him strongly on this resolution. In my view, he wrongly claims this repeal would benefit small businesses. I say today that adopting this resolution would not only hurt small businesses but also roll back the important consumer protections that ended some of the worst insurance industry abuses across our country.

If we repeal the grandfather regulations, we will harm small businesses and their employees because nothing would protect them from the insurance companies raising premiums by double digits each year, without offering any new and better benefits to the very people who would suffer.

Nothing would protect them from insurance companies deciding to drop benefits or price them out of reach for these very employees.

This resolution would not guarantee the right to keep what you have. What this resolution does guarantee is that the insurance industry can decide what you are going to get from them—not what you want. That is the fundamental difference if we adopt this resolution.

Health reform changed that by handing control, as we all agreed on, back to you and your family. If we adopt this resolution we fundamentally shift that equation once again. In order to help small businesses more easily provide coverage to their workers and make premiums more affordable, the law provides tax credits for that coverage. In Connecticut alone, there are 54,000 small businesses that will benefit from these tax credits. This is just the first step toward bringing health care costs down, as we all want, and ensuring quality care, as we all want as well, for coverage of average Americans and their providers.

This resolution is not about small businesses and harming them. This is another effort to dismantle health reform, and I believe it is fundamentally wrong for thousands of small businesses and employees across the country. It is a gift to the insurance industry, which all of us agree should no longer be the ones to decide what you get based on what they want to charge you, but whether you have insurance and confidence you are going to get for your family what you need not what they decide you get.

For those reasons, I strongly oppose this resolution and hope my colleagues will join us in that effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. I yield up to 10 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, Congress meets in the District of Columbia. The District of Columbia is an island surrounded by reality. Only in the District of Columbia could you get away with telling the people if you like what you have you can keep it, and then pass regulations 6 months later that do just the opposite and figure that people are going to ignore it. But common sense is eventually going to prevail in this town and common sense is going to have to prevail on this piece of legislation as well. I support the resolution of Senator ENZI, disapproving the regulation on grandfathered health plans.

The partisan health care overhaul enacted last March and subsequent implementation represents so many broken promises that I hardly know where to begin. But the resolution of Senator ENZI certainly sheds some light on one of the most glaring broken promises we have seen so far, and is as good a place as any for us to start.

Time and again throughout the health care debate, supporters of the health care overhaul assured voters that even after their proposal became law, "If you like what your current health plan is, you will be able to keep it."

The administration's own regulations prove this is not the case. Under the grandfathering regulation, according to the White House's own economic impact analysis, as many as 69 percent of businesses will lose their grandfathered status by 2013 and be forced to buy government-approved plans.

The estimates are even more troubling if you are a small business. Again, according to the administration's own estimates in the regulation, as many as 80 percent of small employers will be forced out of their current plan and into a more expensive government-approved plan. It is no wonder that the grandfathering regulation is opposed by pretty much every employer organization in the country. The National Federation of Independent Businesses, the Chamber of Commerce, the National Association of Manufacturers, and the National Retail Federation have all weighed in against this burdensome and disruptive policy. In every one of those cases, businesses that are members of those organizations want to provide health insurance and have been providing health insurance for their employees, and they want to keep it. They were believing Congress when they said if you have what you like you can keep it, and now they are finding out otherwise.

It is true our economy is in a fragile place right now. Yet the implementation of the new health care law is creating more uncertainty and higher

costs for American businesses. How can we ask them to go out and create jobs and hire new people when each new health care regulation adds another layer of bureaucracy and uncertainty? The White House should be making it easier to do business in this country, not harder.

This is not just about confusion, it is also about costs. When employers and individuals make even modest changes to their benefits and lose grandfathered status, they are forced to buy a new government-approved health care plan that in most cases will cost more than their current plan. That means the government will tell employers what benefits they have to cover, to whom they have to offer coverage, and how much they are going to have to contribute.

We have already seen data from health plans saying that the requirement in the new law could drive up premiums by about 9 percent. This is in line with the Congressional Budget Office's estimate that the overall increase in premiums could be as much as 10 percent to 13 percent. When you factor in medical inflation, some people are still seeing premium increases of 20 percent or more after the passage of the health care law.

What happened, then, to President Obama's promise about lowering premiums by \$2,500? Are we supposed to add that to the list as another broken promise? Each day it seems as if another news story comes out that shows why the partisan health care overhaul was the wrong approach. Health plans are being forced out of the child-only market. Some have stopped selling in individual markets entirely. Premiums continue to go up at twice the rate of inflation.

The White House's own actuary is telling us that health care inflation will be worse now than it was before the health care reform bill became law. Over 1 million seniors are being forced out of their current national Medicare Advantage or Medicare prescription drug plans, and this is only going to get worse. Businesses are considering dropping retiree health care benefits and possibly dropping health care coverage altogether.

With these kinds of stories coming out on a daily basis, it is no wonder that polls are showing close to 60 percent of the American people opposed to this new law. I support the efforts of Senator ENZI and appreciate that he is willing to shed some light on this issue. There is a lot of misinformation out there and people need to understand what this health care overhaul means for them.

The grandfathering regulation is a clear violation of the promises made by supporters of the health care law that, if you like what you have, you are able to keep it. We owe it to our constituents to fix that misrepresentation.

I urge my colleagues to support the resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I yield up to 10 minutes to the Senator from Nevada, Senator ENSIGN.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, many Americans may be wondering what this huge stack of paper is that I have on my desk. Over 2,000 pages of this stack of paper represent the actual health care bill. The rest of the stack consists of the regulations that have been written to this point.

From what we understand, once the whole health care bill and regulations are written, this stack of paper will grow much higher; estimates are as much as 20,000 pages total. The complexity of the health care law is incredible. The resolution we have before us today concerns grandfathered health plan status. This regulation is one of those regulations that many of us believe is going to do damage to our health care system. I want to talk a little bit about the regulations under discussion today.

Over the last couple of months, I have gone around to many businesses in my home State of Nevada, to talk about many of these regulations as well as the health care bill. Let me tell you, many small business owners in my State are very concerned about what this health reform bill is going to do to their businesses. A lot of small businesses struggle to do the right thing by giving their employees health care. A lot of them cannot afford the Cadillac plans that a lot of big businesses have, but they are trying to do the right thing. Some businesses cover half of what their employees pay. Some businesses have slimmed-down plans. The vast majority of the health plans that small businesses offer would not meet the minimum standards that this health care bill is going to require.

Why is that important? The President said during the health care debate that if you like your plan you can keep it. If you like your doctor, if you like your plan, you will absolutely be able to keep it. There is a small detail he left out. The detail is this: If you change your health plan—and it does not have to be in a significant way—or if you change your copays—you could lose your grandfathered status. If you lose your grandfathered status you now have to comply with the minimum standards in the Federal law. That is a problem because, for most small businesses, these standards will dramatically increase the cost of their health insurance for their employees and a lot of them are barely keeping their doors open today. A lot of small businesses I talk to are actually putting pencil to paper and figuring out whether they

are even going to be able to keep the plans they have today.

The advocates will say: Well, don't change your plan. The reality is that every single year, businesses look at the health care plans that they offer and almost every year they make changes to those health care plans. Under this regulation, if you make changes to your health care plan you could lose the grandfather status. That is a major problem.

According to the government's own statistics, by 2013 as many as almost 70 percent of all employer plans and 80 percent of small business plans will relinquish their grandfathered status. Those are the government's own estimates. Based on these numbers, it doesn't sound like everybody is going to be able to keep their plan, as the President talked about in his promises about this health care legislation.

In my view—and I think this view is shared by a lot of experts who are studying this health care plan, this bill is going to raise costs for those who currently have insurance. Think about it; if you are going to cover 30 million people there will be costs associated with that coverage. There was a \$500 billion cut in Medicare and there was an increase in taxes. We know that a lot of different taxes were increased to pay for this bill. But the other pay-for in this bill, that was not officially scored as a pay-for, is that for people who have insurance—it is going to become more expensive for them because of a lot of the mandates in the bill.

We have seen recently, insurance company after insurance company, when they are going to their State commissions bringing forward fairly large increases.

I was talking to a small business owner the other day in Nevada. He told me his plan is going up 38 percent. That was the lowest bid he could get; a 38-percent increase for this year. The insurance companies told him it is because of this health care bill.

I was on a telephone call yesterday. I did a telephone townhall meeting back in my State. A senior citizen was on the phone. He was telling me about his Medicare supplemental insurance that is covered by his union. The copays and the premiums for that were going up dramatically. He was wondering how he was going to be able to pay his rent. He has virtually no discretionary income, so any premium increase is going to make it tough for him. He is actually figuring out how he is going to be able to make his rent payments. Those are some of the unintended consequences with this bill and the regulations that are being written.

I think we need to take a second look at health reform. First of all, obviously I wish to see the health reform bill repealed and replaced with real health insurance reform that makes insurance more affordable. I support things such

as buying insurance across State lines—similar to how we buy car insurance across State lines. I also wish to see us enact real medical liability reform that would lower the costs of health care in this country. All of these things would be good to make health care more affordable and accessible for more Americans as opposed to what we have today. But let's at least start this process by rejecting the regulations that are going to hurt the grandfathered-in status of a lot of these plans. If you take away grandfathered status from a lot of plans, a lot of small business owners are going to be hurt and a lot of people who work for small businesses are going to lose their health insurance. This is because the small businesses will not be able to afford to comply with this health care bill and the regulations that are associated with it.

I urge support of this resolution of disapproval. I appreciate Senator ENZI for bringing this resolution of disapproval of these regulations forward. I think this resolution is something the Senate should support and support in a bipartisan way.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield up to 8 minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I rise in support of Senator ENZI's resolution of disapproval and thank him for that. It seems every day a new story comes out about the negative consequences of the health care reform law, and I cannot keep up with them. I know people involved in the health care industry are having a very difficult time also.

Do you remember the campaign pledge that health care reform would immediately reduce family's premiums by \$2,500? Well, last week a slew, a slew of new mandates on health insurers, including coverage of preventative services without any cost sharing, restrictions on annual limits on coverage, and coverage of children up to age 26—I guess a child 25 is a child—took effect.

Many of them, in fact, may be beneficial to some Americans, but they will not come free. Health insurers have begun alerting their customers to the fact that these new mandates cost money, money that has to be charged in additional premiums. I think most Americans understand you cannot get something for nothing.

But instead of admitting that their policies are causing health insurers to raise their rates, the Obama administration has unleashed Health and Human Services Secretary Kathleen Sebelius to silence its critics by intimidation.

In a letter to America's health insurance plans, the Secretary explicitly

threatens health insurers that do not toe the line on ObamaCare with exclusion from the State health insurance exchanges, which start in 2014. "There will be zero tolerance for this type of misinformation and unjustified rate increases," she has warned. "We will also keep track of insurers with a record of unjustified rate increases: those plans may be excluded from health care exchanges in 2014."

Well, let's be clear about what the Secretary, on behalf of the President, is saying. She is threatening to shut down private companies for exercising their first amendment right to free speech, and she is keeping a list. Some have called this gangster government in the press. As a former newspaper man, I am shocked. I am stunned by my former Governor's actions. First, it was the gag order on Humana Insurance for daring to describe the consequences of slashing more than \$100 billion from Medicare Advantage to the customers, now this.

This administration says it wants transparency. Well, transparency is a two-way street. It does not mean muzzle dissenting opinions or inconvenient facts because they are not advantageous to the administration. As the Wall Street Journal opined: "They're more subtle than this in Caracas, Venezuela."

Not only are the actions of the Obama administration unconstitutional, they are also extremely hypocritical in light of their own highly misleading rhetoric. For example, the President and Secretary Sebelius have been touting the recent decision of health insurer Blue Cross Blue Shield in North Carolina to issue rebates to its customers in the individual market as a supposed ObamaCare victory.

President Obama claimed this victory at a recent campaign stop in Virginia, saying that the insurance commissioners are newly empowered to look after consumers, that we are already seeing ObamaCare's new levels of accountability pay off.

Well, aside from the fact that most State insurance commissioners have had the ability to review rate increases for years, a fact that Secretary Sebelius, as a former Kansas insurance commissioner, knows all too well, they are leaving out another very important fact, the rest of the story.

What they are not telling you is, the reason why the insurer is paying out rebates is, because of ObamaCare, their plans in the individual insurance market will cease to exist in 2014. This means the reserves they have stored to protect their solvency are no longer necessary.

That is where the rebates are coming from, not some well of hidden profits. The insurer is paying the rebates out of their reserves because the plans will no longer exist. This is hardly a victory for the thousands of people enrolled in

those plans. If that is not misleading, I do not know what is.

What about the Secretary's taxpayer-financed mailer regarding Medicare Advantage that was recently sent to seniors all across the country? This mailer misleadingly claims that Medicare Advantage enrollees will not see any changes to their benefits under ObamaCare. That is a claim that is demonstrably false.

Already we are seeing insurers such as Harvard Pilgrim drop their Medicare Advantage plans altogether as a result of these huge cuts. So actually thousands of seniors will see changes in their benefits. They will not have any. I urge the President and the Secretary to reconsider their use of these tactics which only serve to further erode the government's credibility with the American people and to insult their elected representatives.

In the United States of America, private citizens are not only allowed to disagree with the government, it is a cornerstone of our democracy. So I say to the Department of Health and Human Services and the administration, stop the gag orders and the intimidation. To HHS, do not tread on the first amendment.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, while I am waiting for another speaker to come, I will make some additional comments.

Mr. HARKIN. Mr. President, can I ask how much time is remaining?

THE PRESIDING OFFICER. There is 27 minutes on the Senator's side and 21 minutes on the other side.

Mr. ENZI. Mr. President, I just wish to get a few things read into the RECORD. I have a list of 54 organizations that are supporting my resolution. They include the Latino Coalition, the Chamber of Commerce, the Coalition of Affordable Health Coverage, the Health Care Leadership Council, the National Federation of Independent Business, the National Restaurant Association, the Small Business and Entrepreneurship Council, to name just a few of the 54.

I ask unanimous consent to have printed letters of support from the Chamber of Commerce, the National Association of Health Underwriters, the National Association of Manufacturers, the National Federation of Independent Business, the National Retail Federation, the Small Business Entrepreneurship Council, and the Associated Builders and Contractors, all of which are in support of this and I suspect will be key voting this particular resolution.

THE PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1).

Mr. ENZI. The Chamber of Commerce, for instance, says:

The administration released an extremely complex regulation that makes it virtually

impossible for plans to maintain grandfathered status, instead subjecting them to many expenses and burdensome new requirements. In our view, this regulation violates Congressional intent, and does not live up to the promises of proponents of the new law.

NFIB, a small part of their letter says:

If required to comply with the administration's interim final rule, millions of small businesses will be forced out of the plans they know and like—

Which means their employees lose the plans they know and like.

The Associated Builders and Contractors say:

The grandfathered rule demonstrates a fundamental failure of the Federal Government to understand the needs of small businesses. With the current unemployment rate of 17 percent, the construction industry cannot endure another cost increase at the hands of the Federal Government. It is unfortunate that the Federal Government continues to fail to provide employers and their employees with health care solutions that are practical or affordable.

Earlier, there were some mainstays of health care that—I think there was an aspersion I was getting rid of with my resolution. I want you to know that if the resolution passes, businesses will still be prohibited from discriminating against someone with preexisting conditions, businesses will still be prohibited from imposing annual limits on benefits, all plans will still be prohibited from imposing lifetime limits on benefits, all plans will still have to cover kids under the age of 26 on their parents' plan, all plans will still be prohibited from canceling coverage because of a paperwork error.

All those things will exist when this resolution passes, and this resolution needs to pass. All those things that I mentioned, preexisting conditions, annual limits, lifetime limits, children under the age of 26, and canceling coverage for paperwork errors, all those cost money. That is why the price is going up at the present time.

The price is going up at the present time. This was supposed to be cutting costs. Help does not arrive until 2014. But small businesses, particularly small businesses, are going to be required to meet this grandfathering rule now. They cannot afford the grandfathering rule now. Another thing I am objecting to is watching television and seeing an old favorite of mine, Andy Griffith, getting paid, at taxpayer expense, to tell us that this whole deal is excellent.

You saw the stack of regulations over there. They estimate there will be 100 pages of regulation for each page of that bill. There are 2,700 pages in the bill. That means there are going to be 270,000 pages of regulations. We do not legislate that way. We try and fill in those blanks. You do not even know what those blanks are going to hold yet, neither does small business.

They already know these are things that are going to drive up cost in the

beginning, with no cost-cutting opportunity, and then the grandfathering rule kicking in right away, which means for 3 years, before they even know what some of those regulations are going to be, they are going to have to constrain everything in their organization within 15 points, as is pointed out, and we can expect the first year's increases to be even greater than the 15 points.

But they will try and stay with that grandfathered plan because it is what they can afford and it is what their employees like. So we are trying to keep people in the insurance they like. It is an employee request. I also noticed one of the Senators mentioned the Marshall Plan that was not liked when it was first passed; and the Civil Rights Act that was not liked when it was first passed.

I would like to point out those were both very bipartisan acts that were passed—bipartisan. It was not a partisan bill. You would have to notice that a lot of these people have been mentioning this was all passed by one side of the aisle, and there was a lot of warning before that if you do things in a hurry and you do it just partisan, that you do not devote the time that is necessary or put it in a small enough package that people can understand it.

There are vast parts of this that people did not get to read before they passed it. It is particularly noted on the House side. That leads to the kinds of difficulties we have now. We also turn over to bureaucrats writing the rules, and this is one of the examples, and we have a chance to overturn that at this point. They can go back and rewrite it again.

But, at this point, we can say: No, enough is enough. You cannot put all these things into place. You cannot kick people out of their insurance and let's see what happens in 2014 when we have all the regulation. So I think we have put a lot onto businesses that does increase cost. Because we do—even when this passes, we will still prohibit discriminating against someone with a preexisting condition, we will still prohibit imposing annual limits on benefits, we will still prohibit imposing lifetime limits on benefits. All plans will still have to cover kids under the age of 26. Although, I have noticed a whole bunch of the companies now are not going to write some of the plans that would do this, and they are getting out of the business. But all plans will still be prohibited from canceling coverage because of a paperwork error. Those drive up costs.

Relief is not in sight until 2014.

I yield the floor and reserve the remainder of my time.

EXHIBIT 1

LIST OF 54 ORGANIZATIONS SUPPORTING S.J.
RES 39

Aetna; American Council of Engineering Companies; American Osteopathic Association; American Rental Association; American Road & Transportation Builders Association; AMT—The Association For Manufacturing Technology; Associated Builders and Contractors; Association of Clinical Research Organizations; Assurant Health; Automotive Recyclers Association; Chamber of Commerce; Cigna; Coalition for Affordable Health Coverage; Communicating for America; Furniture Dealers Association; Health Equity; Healthcare Leadership Council; Independent Electrical Contractors; Inc; International Franchise Association; International Foodservice Distributors Association.

International Housewares Association; Manufacturers' Agents Association for the Foodservice Industry; National Association for Printing Leadership; National Association of Health Underwriters; National Association of Insurance and Financial Advisors; National Association of Manufacturers; National Association of Mortgage Brokers; National Association for the Self-Employed; National Association of Wholesaler-Distributors; National Club Association; National Federation of Independent Business; National Office Products Alliance; National Restaurants Association; National Retail Federation; National Roofing Contractors Association; National Tooling and Machining Association; Northeastern Retail Lumber Association; NPES The Association for Suppliers of Printing, Publishing and Converting Technologies; Office Furniture Dealers Alliance; Pediatrx.

Pharmaceutical Research & Manufacturers Association; Plumbing-Heating-Cooling Contractors—National Association; Precision Machined Products Association; Precision Metalforming Association; Printing Industries of America; Self-Insurance Institute of America; Service Station Dealers of America; Small Business & Entrepreneurship Council; Small Business Coalition for Affordable Health Care; Specialty Equipment Market Association; Textile Care Allied Trades Association; Tire Industry Association; Turfgrass Producers International; The Latino Coalition.

THE SPIRIT OF ENTERPRISE,
U.S. CHAMBER OF COMMERCE,

Washington, DC September 27, 2010.

TO THE MEMBERS OF THE UNITED STATES SENATE: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, urges you to support S.J. Res. 39, a resolution of disapproval that would repeal the onerous grandfathering regulations promulgated pursuant to the Patient Protection and Affordable Care Act.

The President and many other proponents of the new health care law repeatedly promised, "if you like the plan you have, you can keep it," and the grandfathering provision was meant to ensure this promise. The statute contained a few short paragraphs specifying that a plan operating when the bill was enacted could continue to operate as before; new employees and dependents of employees could also be added to the plan. The provisions demonstrate Congress clearly intended to preserve maximum flexibility for employer plans and those currently in operation.

However, the Administration released an extremely complex regulation that makes it

virtually impossible for plans to maintain grandfathered status, instead subjecting them to many expensive and burdensome new requirements. Rather than allowing plans to continue operating in the manner they are accustomed to, the regulation specifies numerous ways by which such plans would lose grandfathered status. Thus, many existing plans would be forced to change in order to comply with an array of new mandates. In our view, this regulation violates Congressional intent, and does not live up to the promises of proponents of the new law.

Due to the critical importance of this issue to the business community, the Chamber strongly urges you to support S.J. Res. 39. The Chamber may consider votes on, or in relation to, this issue in our annual How They Voted scorecard.

Sincerely,

R. BRUCE JOSTEN.

NATIONAL ASSOCIATION
OF HEALTH UNDERWRITERS,

Arlington, VA, September 28, 2010.

Hon. MICHAEL B. ENZI,

Ranking Member, Committee on Health, Education, Labor and Pensions, U.S. Senate,
Hart Office Building, Washington, DC.

DEAR SENATOR ENZI: On behalf of the National Association of Health Underwriters (NAHU), which represents more than 100,000 health insurance agents, brokers and employee benefit specialists involved on a daily basis in the sale and service of private health plans, I am writing to convey our support for your resolution of disapproval (S.J. Res. 39) to overturn the so-called grandfather rule in the Patient Protection and Affordable Care Act (PPACA).

As you know, throughout the legislative debate on health system reform, President Obama and congressional leaders repeatedly stated that "if you like the coverage you have, you can keep it." Unfortunately, the proposed interim final rule (IFR) on grandfathering issued this past June follows a rigid path in defining the requirements for "keeping what you have," which our professional benefit specialist members conclude will have a negative impact on employers large and small, their employees and their families. The complex and inflexible requirements could ultimately undermine the ability of employers to continue to provide existing health coverage for their employees.

The current grandfather IFR has not provided adequate guidance on various scenarios employers and consumers may encounter and, as such, there are many questions about the allowable changes that may be made to employer plans and the risk of losing grandfathered status. Once grandfathered status is lost, employers will be forced to follow a number of expensive new insurance rules, which will increase costs for employers and employees, threatening the coverage Americans currently have.

The Departments of Treasury, Labor and Health and Human Services own estimates indicate that the complex and restrictive IFR regime would effectively make grandfathering temporary: More than half of all employers, and two-thirds of all small employers, will relinquish their grandfathered health plans by the end of 2013.

Barring employers from changing insurance carriers or increasing cost sharing percentages of any level, for example, severely limits the ability of employers to maintain their grandfathered status. Other requirements to maintain grandfathered status, such as limits on the increases for fixed-amount cost sharing, are simply out of touch

with the individual and small-group insurance markets since most employers have little control over the plan designs offered in the small-group and individual market.

In addition, the current grandfather rules do not afford protections for individuals and employers who lose their grandfathered status through no fault of their own. For example, if an individual or employer's health insurance carrier pulls out of a state marketplace, the only option the consumer has is to buy a new non-grandfathered policy or cease to be covered altogether. Unfortunately, our members report that a number of carriers are vacating many health insurance markets as a result of PPACA provisions, particularly in the individual and limited benefit plan markets, and that millions of their clients will be affected.

Our members also report that many large health insurance carriers are reorganizing all of their policy offerings as a means of streamlining administrative expenses. So while an individual or employer may be offered identical benefits through the carrier, their contractual dates may shift and they may technically be sold a new policy offering. Such administrative simplification moves may inadvertently cause millions to relinquish their grandfathered status.

We are very concerned that a great number of individuals and employers will be left with even less choice and flexibility and will be faced with the difficult choice of paying more to maintain grandfathered coverage, shopping for a new (and more expensive) plan or possibly dropping it entirely.

A workable and sustainable grandfathering protection framework should be aimed at achieving a number of important health reform objectives: (1) to promote stability during the transition to full health care reform by ensuring that Americans have a choice of keeping their current coverages; (2) to allow individuals to better control their health care costs; (3) to preserve affordable coverage options and limit disruption of coverage for currently insured individuals; and (4) to lessen the potential for regulatory uncertainty.

Unfortunately, the current grandfather rules fall short of these objectives on a number of levels. As such, we very much support your resolution of disapproval of the current grandfather rules, and hope that Congress and the Administration can work together toward a more sensible and sustainable policy moving forward.

Sincerely,

JANET TRAUTWEIN,
Executive Vice President and CEO.

NATIONAL ASSOCIATION
OF MANUFACTURERS,

Washington, DC, September 23, 2010.

Hon. MICHAEL ENZI,

Ranking Member, Committee on Health, Education, Labor and Pensions, U.S. Senate,
Washington, DC.

DEAR RANKING MEMBER ENZI: The National Association of Manufacturers (NAM)—the nation's largest industrial trade association—urges you to support S.J. RES. 39, a "resolution of disapproval" to prevent implementation of the Interim Final Rule defining grandfathered health plans under the Patient Protection and Affordable Care Act.

The grandfather rule, as currently drafted, does not meet the standard on which the push for reform was predicated—insure the uninsured and allow those with coverage to keep an existing plan. The Department of Health and Human Services' own analysis determined that up to 80 percent of existing

small plans will lose their grandfathered status. Employers are proud to offer their employees health insurance, and freezing this benefit limits employers' ability to provide quality coverage.

Currently, 170 million people receive insurance from their employers. Under the new law, the health plans covering these employees were to have grandfathered status and were not to be subjected to the broad insurance market reforms necessary for newer plans. This exemption was intended to allow employees to keep the coverage they currently have and with which they are most comfortable. However, the Interim Final Rule limits the ability of these plans to make routine modifications that will control the rising health care costs crippling many manufacturers.

The rule also removes grandfathered status from those who are fully insured if they change issuers. This eliminates the ability of many smaller businesses to negotiate with insurers to obtain lower rates. Those that are fully insured should be able to negotiate with competing issuers and maintain grandfathered status if they change issuers. This would allow for a competitive marketplace, keep costs down and create parity for smaller businesses that, without a large pool of insured to manage costs like most self-insured plans, use the competition of an open market to lower costs. As a result, the current rule places small businesses at a significant disadvantage.

Ninety-seven percent of NAM members provide health insurance to their employees. Manufacturers are proud to provide health care to their employees and would like to continue that benefit. The rule, as it stands, will decrease competition and create a stagnant, uncompetitive and more expensive insurance market.

The Senate should disapprove this rule because it will unnecessarily disrupt the current employer-based system, which provides coverage to millions of Americans. As manufacturers face tremendous uncertainty in these challenging economic times, Congress should not allow a federal agency to issue regulations that harm manufacturers' ability to create and retain jobs.

On behalf of manufacturers, we urge your support for S.J. RES.39 and look forward to working with you on our shared goals for a strong economy and job creation.

Sincerely,

JOE TRAUGER,
Vice President,
Human Resources Policy.

SEPTEMBER 28, 2010.

Hon. MIKE ENZI,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR ENZI: On behalf of the National Federation of Independent Business (NFIB), the nation's leading small business advocacy organization, I am writing in support of S.J. Res 39, the Enzi disapproval resolution regarding the Interim Final Rule on grandfathered plans under the Patient Protection and Affordable Care Act (PPACA). The vote in support of the motion to proceed to S.J. Res 39 will be considered an NFIB Key Vote for the 111th Congress.

NFIB believes the Administration has overstepped its legal authority under PPACA in writing regulations that go beyond the legislative authority embedded in the statute. A strict reading of Section 1251 in the Act clearly outlines what defines a grandfathered plan. However, through its Interim Final Rule the government inappropriately

reinterprets the intent of Congress by narrowing the scope of how plans qualify to retain grandfathered status.

The Interim Final Rule appears to be based on an assumption that coverage choices should be narrowed in the run up to 2014. Nothing in the statutory language of the PPACA supports this assumption. In fact, interpreting the PPACA so that it narrows the range of coverage choices is inconsistent with the spirit of the Act, as well as the letter of the law.

If Congress is unable to overturn the Interim Final Rule, NFIB remains deeply concerned that the new regulations will most heavily impact small, rather than large businesses. As written, the Interim Final Rule is so restrictive that the rule provides small businesses with little to no flexibility to keep their plan.

The precedent set forth by this Interim Final Rule is especially detrimental for the men and women who currently have coverage through small businesses. Millions of Americans rely on small business plans for their health coverage, and must continue to rely on those plans until at least 2014 when new purchasing options become available. However, if the Interim Final Rule is not overturned, the government's own analysis confirms what many small businesses fear most—that upwards of 80 percent of small employers could lose the plan they have today by 2013.

NFIB strongly supports the Enzi resolution of disapproval. As the 111th Congress comes to a close, Congress must restore the true meaning of "if you like what you have today, you can keep it." If required to comply with the Administration's Interim Final Rule, millions of small businesses will be forced out of the plans they know and like. Thank you for your hard work on behalf of small business, and NFIB looks forward to working with you to address this critical issue.

Sincerely,

SUSAN ECKERLY,
Senior Vice President, Public Policy.

SEPTEMBER 27, 2010.

Hon. MIKE ENZI,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR ENZI: I write to lend the support of the National Retail Federation (NRF) to the resolution of congressional disapproval (S.J. Res. 39) you have recently introduced to block the "grandfathered plan" regulations. We strongly support and endorse your effort and urge that the resolution be promptly adopted.

We are also concerned that regulators have taken too narrow a view of the grandfathered plan regulation. NRF's formal comments (submitted on August 16, 2010) noted in part that: "[o]ur concern is that the [interim final regulation's] rigid, trip-wire rules make it entirely too possible (if not probable) that a plan that elects grandfathered plan status will not be able to maintain that status for long. Many plans may not even bother to elect grandfathered plan status." Our letter recommended several specific steps to improve the grandfathered plan regulation:

1. Allow employers to change insurance carriers without losing grandfathered status provided that: The coverage is actuarially equivalent or better, and that provider networks are substantially equivalent; prohibiting a change in carriers will needlessly inhibit competition bases on price and quality of service.

2. Allow for improvements in prescription drug formularies and provider networks without jeopardizing grandfathered plan status. New drugs come onto the market with great regularity and medical practice changes quickly. Formulary changes in the interest of plan beneficiaries are appropriate and necessary. Provider networks require regular maintenance to allow for retirements, addition of new providers and to maintain network quality. Reasonable changes that do not compromise ongoing treatment should be allowed.

3. Provide greater flexibility to manage future medical inflation. Changes in fixed dollar cost sharing should be made on a year-to-year basis rather than be based on March 23, 2010 and percentage increases from that.

We strongly concur with your view that a formal resolution of congressional disapproval is the appropriate next step under existing law. We urge its prompt adoption. Again, NRF commends you for introducing this legislation.

Sincerely,

STEVE PFISTER,
Senior Vice President, Government Relations.

SMALL BUSINESS &
ENTREPRENEURSHIP COUNCIL,
Oakton, VA, September 23, 2010.

Hon. MIKE ENZI,
Ranking Member, Health, Education, Labor and Pensions Committee, Senate Russell Office Building, Washington, DC.

DEAR SENATOR ENZI: On behalf of the Small Business & Entrepreneurship Council (SBE Council), I am writing to applaud you for introducing a Resolution of Disapproval (S.J. Res. 39) relating to the rule on "grandfathered plans" issued by the U.S. Department of Health and Human Services (HHS). The rule, as written, is in clear violation of President Obama's promise that Americans would be able to keep the health plans they currently have upon passage of the Patient Protection and Affordable Care Act (PPACA). In addition, we believe that HHS has taken creative license in its interpretation of PPACA, bringing an ideological bent that is not supported by the statutory language.

SBE Council strongly supports your Resolution. Without its successful passage most small business owners and their employees will lose the health coverage they currently enjoy.

Small business owners and the self-employed were promised by President Obama and supporters of PPACA that they could keep the plans they currently have under the legislation. However, this promise has turned out to be false and small business owners feel betrayed by what transpired during the rule-making process, as well as what is occurring in the insurance marketplace. In order to qualify for grandfathered status, small business owners must stay with their current carrier and not significantly alter their current health plan or coverage. If their current carrier significantly raises their premiums, small business owners cannot shop around for more affordable plans or they will risk losing grandfathered status. The alternative is to move to another carrier and face more costly coverage mandated by the new health care law. In sum, small business owners are rendered helpless by this catch-22 rule.

Rather than helping small business owners and their workforce keep their plans, it appears the rule has been rigged to force most small businesses and their employees out of grandfathered status. We are aware that

HHS estimates, worst case, 80 percent of small business owners will lose their current health plans. SBE Council believes 80 percent is the likely scenario, if not a conservative figure.

The consequence of the rule is obvious—more small business owners will drop coverage. Hiring will remain weak and jobs will be lost. This was not the promised outcome of PPACA.

Senator Enzi, SBE Council shares your desire to overturn this unjust rule. We applaud your leadership, and will do what it takes to see that S.J. Res. 39 advances into law.

Sincerely,

KAREN KERRIGAN,
President & CEO.

—
ASSOCIATED BUILDERS
AND CONTRACTORS, INC.,
Arlington, VA, September 28, 2010.

Hon. MIKE ENZI,
United States Senate.

DEAR SENATOR ENZI: On behalf of Associated Builders and Contractors (ABC), a national association with 77 chapters representing 25,000 merit shop construction and construction-related firms with 2 million employees, we are writing to express our strong support for S.J. Res. 39, which would overturn the recently issued rule relating to status as a grandfathered health plan under the Patient Protection and Affordable Care Act (PPACA).

Throughout the health care reform debate, ABC advocated for policies that reduce the cost of health care for employers and their employees. ABC called on Congress to advance commonsense proposals that would address the skyrocketing costs of health insurance, especially for employer-sponsored plans, and the rapidly rising number of uninsured Americans. ABC believes true reform should provide greater choice and affordability and allow private insurers to compete for business.

Unfortunately, the new health care law will do nothing to reduce the cost curve; instead it simply will enroll more Americans into a broken and unsustainable health care system. Specifically, the recently issued grandfather rule will increase, rather than decrease, costs for small businesses.

On June 17, the Departments of Health and Human Services, Labor and Treasury issued an interim final rule relating to a plan's status as a "grandfathered health plan" under PPACA. As part of the Small Business Coalition for Affordable HealthCare, ABC and several other organizations filed comments expressing concern that the grandfather rule is overly restrictive and could make it even more likely that small businesses will choose to drop their plans prior to 2014 as they are faced with unsustainable premium increases. Instead of lowering the number of uninsured Americans, the rule could actually increase the number of uninsured before the health care law is fully enacted.

The coalition also pointed out that neither PPACA nor the grandfather rule address the core problem facing small businesses: the rising costs of health care. Instead, the rule strips small employers of the ability to exercise flexibility in adjusting to cost increases in order to maintain their current plan.

The grandfather rule demonstrates a fundamental failure of the federal government to understand the needs of small businesses. With a current unemployment rate of 17 percent, the construction industry cannot endure another cost increase at the hands of the federal government. It is unfortunate that the federal government continues to fail

to provide employers and their employees with health care solutions that are practical or affordable.

Once again, ABC strongly supports S.J. Res. 39 and we commend you for introducing a resolution that is intended to reduce health care costs for a struggling sector of our economy: small businesses. We look forward to working with you in the future on commonsense health care initiatives.

Sincerely,

BREWSTER B. BEVIS,
Senior Director, Legislative Affairs

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I yield myself such time as I may consume.

I have to say to my friend from Wyoming: Where did that come from—100 pages of regulations for every page that is in the bill? That is going to be 200,000 pages of regulations. Where did that come from? It sounds like it came from the health insurance industry to me. Boy, I tell you, that is quite a figure. Well, obviously, it is a bogus number, and I do not know where that figure came from. I would like to ask my friend where that did come from.

But I say to my friend from Wyoming, the Senator just said there is no help—I wrote it down here as fast as I could—no help for small businesses until 2014.

Wait a minute. Wait a minute. In the Affordable Care Act, we attached—in the tax bill that Senator BAUCUS got through the Finance Committee, small businesses, beginning this year, 2010, will receive a tax credit—a tax credit, not deduction, a tax credit—of up to 35 percent of the cost of an employee's health insurance.

So you have a small business, prior to this year, that did not get a tax credit, I say to my friend from Wyoming. I mean, the Republicans ran this place for 8 years under George Bush—8 years. They had a Republican President, Republican Senate, Republican House. They did not give small businesses any tax breaks for health insurance. We did. It is in the bill, a 35-percent tax credit this year for small businesses. That would cover 83.7 percent of all small businesses in the country. That is quite a bit of help for small business.

I have heard from small businesses in my State that can get that tax credit this year that they have never had before. A lot of these small businesses are small businesses that employ just a few people—10, 12. They know their employees. They go to the same churches, schools. They are neighbors. I can't tell my colleagues how many small business owners in Iowa have told me: I feel so bad. Because of the increasing costs of health insurance, whether they are increased copays or deductibles, cutting out benefits, I have had to increase the cost of health insurance to my employees to the point that it is almost not worth it anymore because of high deductibles.

They feel badly about it because these are their friends, neighbors. They are related a lot of times. I have had them come to me and say: Finally, this year I can get a tax credit, up to 35 percent.

Quite frankly, in my State, 90.8 percent of small businesses will get the maximum 35 percent tax credit. Small businesses don't have to wait until 2014 to get help; they are getting that help right now.

Mr. DURBIN. Will the Senator yield for a question?

Mr. HARKIN. I am delighted to yield to my friend from Illinois.

Mr. DURBIN. I would like to ask the Senator from Iowa, if the Senator from Wyoming prevails in what he is seeking to do this morning, it is my understanding that almost half the people in America who currently have health insurance through their employers, people who are so-called grandfathered in under this bill, would not get the new protections that are coming in the law, protections that say that under their health insurance, they will not be subject to a lifetime limit. For example, if someone gets into long-term cancer therapy that is going to be very expensive over a long period and the insurance company decides halfway through they will cut them off, we now protect people so that they can continue to get the care they need. They can't be limited.

Isn't it also true that the effort of the Senator from Wyoming would protect the right of the insurance companies to literally cancel one's policy because of an error made in the application for the policy, to rescind the policy?

I might add, it is my understanding that this rescission is abused in my State more than any other in the Nation. The rescission rate on health insurance in Illinois is three times the national average. We have had over 5,000 people who have had their health insurance canceled. When they went to the company and said: I am facing surgery, I am facing cancer therapy, and I need coverage and want to make sure I have it, they ended up getting their policies canceled.

I ask the Senator, would the effort by the Senator from Wyoming take away these protections we are now building into the law to make sure health insurance is there when people need it the most?

Mr. HARKIN. Mr. President, we have two things here. We have the Patients' Bill of Rights which just went into effect. That covers everybody. That covers all plans. That covers grandfathered plans. They can't escape that. However, if a plan wanted to be grandfathered, we left it up to the Department to write rules and regulations as to what grandfathered means. For example, let's say the Senator from Illinois and I have a contract. We both

have agreed to it. We say we are going to let that contract go into the future. After a certain date, you are grandfathered in that contract.

What the Senator from Wyoming would say is that if you are the insurance company and I am the individual covered, we will grandfather it, but you can change it any way you want. You can raise my copay. You can raise my deductible. You can reduce the annual limit on claims you will pay. You can eliminate benefits, such as the Senator just pointed out, for cancer or diabetes. And guess what. You would still be considered grandfathered. But I am stuck with that. That is what is so important here. That is what people have to understand about what the Senator from Wyoming is trying to do. He is saying that basically we will grandfather it in, but the insurance companies can change it however they want, and you are stuck with it.

Mr. DURBIN. So if the Senator from Wyoming prevails and I am one of the grandfathered plans—in other words, I have my health insurance plan that I like through my employer—my health insurance company on my grandfathered plan can literally cut me off when I need health insurance the most, can literally put a limit on the amount they are going to pay on an annual basis?

Mr. HARKIN. That is right.

Mr. DURBIN. Can really take away my health insurance protection.

I ask the Senator from Iowa, hasn't he heard, as I have from people in my State, how vulnerable they are when you empower health insurance companies to bail out when you need them the most? If we voted with the Senator from Wyoming, we would empower the health insurance companies at the expense of vulnerable people who may face an accident or a diagnosis tomorrow that changes their lives. Isn't that what this gets down to in its most basic form? Do we want to give power to the people who are insured or power to the health insurance companies? As I understand the Senator from Wyoming, he thinks the health insurance companies should have the power and we should not be providing protection to the people who need it most.

Mr. HARKIN. That is the way I see it. It just seems that we have rules and regulations. What the Department has said is that, OK, to be a grandfathered plan, you have to fall under these items: You can only raise your copayment a certain amount. By the way, it is quite a bit. You can raise your copayment either the greater of 5 bucks or medical inflation plus 15 percent. That is pretty good. It says you can change different things but within certain limits. They can't, for example, raise your coinsurance charges—that is, if you have a percentage. For example, if it is 20/80, they can't just raise that. It has to stay the same percent-

age. They could raise the copayment if it is a dollar amount.

That is why the Senator from Illinois is so right. If this resolution passes, all of the protections for consumers are wiped out.

Mr. ENZI. Will the Senator yield for a question?

Mr. HARKIN. On whose time?

Mr. ENZI. I am about out of time.

Mr. HARKIN. How much time remains?

The PRESIDING OFFICER. The Senator from Iowa has 17 minutes, and the Senator from Wyoming has 13½ minutes remaining.

Mr. HARKIN. Mr. President, I will be glad to yield time if he will yield me time if I have a question.

Mr. ENZI. Certainly.

The Senator from Iowa is not answering the same question the Senator from Illinois is asking. I did say that when the resolution passes, they would not be able to discriminate on pre-existing, they would not be able to impose annual limits. They will not be imposing lifetime limits. They will have to keep people until age 26, and they will not be able to cancel it for paperwork error. I think that is the question the Senator from Illinois was asking, not the copays and those things.

Mr. HARKIN. I did respond that the bill of rights applies to all plans.

Mr. ENZI. All plans, even if the grandfathering clause is taken out?

Mr. HARKIN. Absolutely. I made that very clear. The bill of rights that came into effect stays for everything. But what I am saying is that the Senator is right, and I responded that way concerning the bill of rights. But what doesn't apply to grandfathered plans are preventive services that are covered with no cost. That is not covered. The right to an appeal to a third party is not covered. Restrictions on annual limits is not applied. They can put annual limits on coverage under these grandfathered plans. Direct access to OB/GYNs without a referral is not part of the Patients' Bill of Rights. No higher cost sharing for out-of-network emergency services, no prior authorization requirement for emergency care—none of that is in the bill of rights. So all of that is wiped out by the resolution of the Senator from Wyoming.

Again, for emphasis, you have a contract. You work for an employer. They have a plan. You are part of that plan. If you like that plan, you can stay with it. My friend from Wyoming said: Only in Washington, DC, could they say, if you like your plan, you can stay with it, and then they change it. No. Only in the health insurance industry, perhaps in the Republican philosophy, would you say that you can grandfather a plan, but you the consumer are stuck if the insurer wants to change it any way he wants to change it, with the exception of the bill of rights. They could

raise your copayment, they could take away your right of access to an OB/GYN without referral, and all the other things I mentioned.

If your insurer dramatically raises your copayment, that is not what you signed up for. That was not the plan you signed up for. If your insurer dramatically raises your deductible, that is not what you signed up for. If your insurer reduces the annual limit on claims they will pay, that is not what you signed up for. If your insurer eliminates covered benefits, such as cancer or diabetes, that is not what you signed up for.

We are saying: You have a plan here. You signed up for it. You like it. You can keep it.

But what if your insurer comes along and says: Guess what. We are not going to cover it if you get diabetes, and we are going to put an annual limit on claims we will pay, and we are going to raise your deductible by a huge amount. Is that the plan you signed up for? No. So why should you be stuck with that? Why should that be a grandfathered plan?

A grandfathered plan means a plan that was in existence before April of this year that you like but which is not changed dramatically on you by your insurer. So if you have a grandfathered plan, you are fine. What the Department did is that they issued regulations to define what that is. Quite frankly, I thought they were very lenient. For crying out loud, they can raise your copayment by the greater of \$5 or medical inflation plus 15 percent. Fifteen percent of medical inflation sounds like a lot to me. That is quite lenient.

Again, my friend had a lot of letters he included for the RECORD. I would like to insert letters in opposition from the Small Business Majority, from the Center for Budget and Policy Priorities. Here is a letter signed by the American Cancer Society Cancer Action Network, the American Diabetes Association, the American Heart Association, Families USA, the National Partnership for Women and Families, National Women's Law Center, SCIU, and U.S. PIRG. I also have letters from Health Care for America Now, Service Employees International Union, the AARP, and Trust for America's Health. I ask unanimous consent to have these letters printed in the RECORD.

All are in opposition to the Enzi resolution.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SMALL BUSINESS MAJORITY,
Sausalito, CA, September 28, 2010.

Hon. TOM HARKIN,
*Chair, Senate Committee on Health, Education,
 Labor and Pensions, Senate Dirksen Office
 Bldg., Washington, DC.*

Hon. MIKE ENZI,
*Senate Russell Office Bldg.,
 Washington, DC.*

DEAR SENATORS: Small Business Majority strongly opposes S.J. Res. 39—a resolution of disapproval that would prevent implementation of the grandfathering regulations under the Patient Protection and Affordable Care Act. This unnecessary resolution would impede the orderly and responsible implementation of comprehensive reform—which would deny small businesses and their employees the protections reform provides, and make it more difficult for them to access affordable care.

The passage of healthcare reform was a huge victory for small businesses, many of whom are being crushed under high healthcare costs and were looking to reform to give them some relief. However, there are small businesses that like their existing plans and want to keep them. The legislation allows them to do so. But these plans must continue to resemble their current form and also must work in the context of overall reform.

The regulations issued by Health and Human Services on June 15 strike the right balance. They require that the existing plans don't increase costs more than 15% above medical inflation and that they don't disturb reforms that will be put in place in 2014—such as prohibiting insurance companies from denying coverage due to preexisting conditions. We found from extensive opinion polling that these requirements address small business owners' biggest concerns: controlling costs and the elimination of preexisting condition rules. While we believe the regulations make sense, they aren't set in stone; HHS is open to making additional changes based on small business input.

Small Business Majority continues to support healthcare reform. Small businesses are the lifeblood of our nation's economy and shouldn't be denied the benefits reform provides, which is why we urge you to vote against this counterproductive resolution.

Sincerely,

JOHN ARENSMEYER,
Founder & CEO.

[From Off the Charts, Center on Budget and Policy Priorities, Sept. 29, 2010]

ENZI PROPOSAL WOULD THREATEN MARKET REFORMS IN AFFORDABLE CARE ACT

The Senate is expected to vote today on a proposal from Senator Mike Enzi (R-WY) to overturn federal regulations related to some of the Affordable Care Act's key health insurance market reforms that took effect last week.

The regulations define "grandfathered plans." Here's why this definition matters. Among other things, the new health reform law would require health plans to cover preventive care without cost-sharing, undergo reviews to see if their premium rate increases are unreasonable, and offer enrollees the choice of their primary care provider. But plans that existed when the law was enacted on March 23, 2010—known as "grandfathered" plans—aren't required to comply with these reforms.

The regulations define how much a grandfathered plan can change before it is considered a new plan that must abide by these new reforms and consumer protections. As

we explained in a recent fact sheet, they strike a good balance for consumers, allowing people to keep the plans they have while ensuring that consumer protections kick in if an insurance company reduces a plan's benefits or raises consumers' out-of-pocket costs significantly.

Repealing the regulations, as Senator Enzi is proposing, would confuse consumers, employers, and insurers about which plans are grandfathered and which plans have to comply with market reforms. As a result, it would threaten the implementation of the immediate market reforms, thus making the insurance market less stable and would likely leave many consumers without access to critical protections the Affordable Care Act provides.

In short, the Enzi proposal—which would require just 51 votes to pass—would be a significant step backward.

— SEPTEMBER 29, 2010.

DEAR SENATOR: The undersigned organizations write to you to express opposition to Senate Joint Resolution 39, Disapproval of Grandfathered Health Plans, filed by Senator Mike Enzi. The resolution would block key insurance reforms included in the Affordable Care Act that protect consumers and ensure high quality, affordable care.

Specifically, the resolution would eliminate an interim final rule issued by the Departments of Health and Human Services, Labor and Treasury in June that clarified important consumer protections. Many provisions in the Affordable Care Act apply to all plans, new and existing. However, some provisions only apply to new plans. The rule outlines how health insurance plans could maintain or lose their "grandfathered" status.

The rule, issued by the Administration, strikes the right balance between protecting consumers and providing stability and flexibility for employers. Specifically, the rule prohibits plans from significantly cutting or reducing benefits, increasing copays by an excessive amount, dramatically raising deductibles or decreasing employer contributions that result in an increase in workers' share of premiums. If plans significantly raise out-of-pocket costs for consumers, they lose their "grandfathered" status and would be considered a new plan, subject to further requirements in the law. Senator Enzi's resolution would completely eliminate the rule, making it impossible to enforce important consumer protections against potential insurance company abuses. If enacted, the resolution would put consumers' rights in jeopardy.

We strongly urge you to stand up for American families and vote "no" on SJ Resolution 39.

Sincerely,

American Cancer Society Cancer Action Network.

American Diabetes Association.

American Heart Association.

Families USA.

National Partnership for Women and Families.

National Women's Law Center.

SEIU.

U.S. PIRG.

— HEALTH CARE
 FOR AMERICA NOW!,

Washington, DC, September 28, 2010.

DEAR SENATOR: On behalf of Health Care for America Now, we urge you to oppose the Joint Resolution of Disapproval of the "grandfathering rules" filed by Senator

ENZI. We understand this could come up for a vote as early as Wednesday, September 29. The Enzi resolution would nullify the interim final rule defining grandfathered plans. In striking the rule, Senator Enzi's resolution potentially allows any health plan to be grandfathered—shielding plans indefinitely from complying with important new consumer protections that benefit millions of Americans.

Like the Affordable Care Act (ACA) itself, the interim final rule issued by the Departments of HHS, Labor and Treasury sought to strike a balance that allows consumers to keep current plans they like, while also ensuring that plans evolve to incorporate new consumer protections. To do this, the rule laid out the circumstances under which a health plan loses grandfathered status, and therefore must comply with certain new consumer protections. Factors that result in a plan losing grandfathered status include significant benefit cuts, cost-sharing hikes, lower employer contributions, a new or tightened annual limit, or switching insurance carriers.

The Enzi resolution wipes away the rules that define grandfathered plans, potentially allowing any plan to assert its permanent non-compliance with consumer protections. This would invalidate many benefits of the ACA for people that currently have insurance and indefinitely lock them into plans that fail to meet basic consumer protections. Though claiming to help small business, the resolution will plunge many small business health plans into a maze of litigation. This resolution is a transparent attempt to gut some of the most important provisions of insurance reform.

Consumers lose under the Enzi resolution. Plans would not have to cover preventive services at no cost. The right to internal and external appeals could be stripped. A trip to the emergency room could again require prior authorization and result in enormous out-of-network costs. These protections are so basic, popular and bipartisan that there can be no explanation for this resolution other than pandering to an insurance industry that lost the battle but is still gunning to win the war against consumers on health reform.

On September 23, people all around the country celebrated the arrival of key consumer protections. Advocates hosted hundreds of events nationwide, including 87 sponsored by Health Care for America Now and the Main Street Alliance. This spiteful resolution threatens to rip away those hard-won consumer benefits. We urge Senators to vote no on the motion to proceed and no on the resolution.

Sincerely,

ETHAN ROME,
Executive Director.

— SERVICE EMPLOYEES
 INTERNATIONAL UNION.

On behalf of the more than 2.2 million members of the Service Employees International Union (SEIU), I urge your boss to oppose S.J. Res. 39 filed by Senator ENZI. This resolution of disapproval would strike the interim final rule submitted by the Departments of Health and Human Services, Labor and Treasury on the grandfathered health plans under the Affordable Care Act (ACA).

Many of the new protections under the ACA apply to all health plans, both those in existence known as grandfathered plans and new health plans or non-grandfathered plans. Those provisions covering all health plans

include a prohibition of rescissions, a ban on annual lifetime coverage limits, coverage of children until age 26, and an end to exclusion of children based on pre-existing conditions. There are certain provisions that do not apply to grandfathered plans, including the requirement to provide preventive health services with no cost sharing and the new internal appeals and external review process. Senator Enzi's resolution seeks to disapprove the interim final rule which states that health plans would cease to be the same plan that was in effect on March 23, 2010 and therefore no longer maintain grandfathered status if they significantly cut benefits, raise deductibles or co-pays or lower employer contributions.

This resolution would give insurance companies free reign to change the structure of a health plan such as increasing co-pays and deductibles and not be required to provide stronger consumer protections/benefits enacted under health care reform designed to increase access and affordability. In short, S.J. Res 39 is a blatant attempt to erode the protections provided to consumers under health care reform.

SEIU strongly urges you to oppose S.J. Res. 39. SEIU will add votes related to this issue to our Congressional Score Card located on our Web site at www.seiu.org. Should you have any questions or concerns, contact Desiree Hoffman, Assistant Director of Legislation, at desiree.hoffman@seiu.org.

SEPTEMBER 29, 2010.

AARP: SENATE RESOLUTION WOULD WEAKEN NEW HEALTH INSURANCE PATIENT PROTECTIONS

ASSOCIATION URGES SENATORS TO OPPOSE S.J. RES. 39.

WASHINGTON.—AARP Legislative Director David Certner released a statement in advance of today's expected vote on S.J. Res. 39, a Senate resolution of disapproval that would weaken the patient protections put in place under the health care law. Certner's statement follows:

"The rules created earlier this year strike a good balance between preserving the rights of individuals to keep their existing coverage, while also honoring the purpose of the Affordable Care Act in providing for patient protections and important insurance reforms that safeguard individuals from practices that lead to denials of coverage or to underinsurance in the event of serious illness or accident.

"As I stated in AARP's letter regarding the Interim Final Rule (IFR) to implement the grandfather status rules, 'AARP supports the general thrust of the IFR that plans not lose their grandfather status for changes that are modest in nature. This is consistent with the need to balance the objectives in the ACA of preserving the right of individuals to keep their existing coverage with the goal of ensuring access to affordable essential coverage and improving the quality of that coverage.' AARP agrees with the IFR's determination of what would cause plans to lose their grandfather status (e.g., cannot significantly cut or reduce benefits, cannot significantly raise co-payment charges, cannot significantly lower employer contributions) as important consumer protections and consistent with the statute.

"As a result, AARP urges Senators to oppose this resolution to ensure critical new protections and rules remain in place so that the vast majority of Americans who get their health insurance through employers will have clear guidelines on how their plans comply with the new law."

AARP is a nonprofit, nonpartisan social welfare organization with a membership that helps people 50+ have independence, choice and control in ways that are beneficial and affordable to them and society as a whole. AARP does not endorse candidates for public office or make contributions to either political campaigns or candidates. We produce AARP The Magazine, the definitive voice for 50+ Americans and the world's largest-circulation magazine with over 35.1 million readers; AARP Bulletin, the go-to news source for AARP's millions of members and Americans 50+; AARP VIVA, the only bilingual U.S. publication dedicated exclusively to the 50+ Hispanic community; and our website, AARP.org. AARP Foundation is an affiliated charity that provides security, protection, and empowerment to older persons in need with support from thousands of volunteers, donors, and sponsors. We have staffed offices in all 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands.

TRUST FOR AMERICA'S HEALTH,
Washington, DC, September 29, 2010.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: The Trust for America's Health urges you to oppose S.J. Res 39, a resolution of disapproval of the interim final rule that stipulates what actions health plans are precluded from taking if they wish to be considered a "grandfathered" health plan under the Patient Protection and Affordable Care Act (ACA).

Among the many benefits of this critical law enacted earlier this year is the renewed focus of the law on the importance of prevention. As a result of ACA, patients and consumers who enroll in new health insurance plans will have access to recommended preventive clinical services for little to no cost. This represents a tremendous opportunity to encourage Americans to seek out and receive recommended preventive services, which will have a real impact on improving health outcomes. Furthermore, guaranteed coverage of preventive services is a critical component of establishing a national culture of prevention and wellness.

While we hope that one day all Americans will be guaranteed this access, a certain category of "grandfathered" health plans are exempt from this requirement. As released in June, the rule requires that health plans not make significant changes to plan benefits, premiums, or cost-sharing requirements should they wish to maintain their "grandfathered" status.

Enactment of this resolution would block the Department of Health and Human Services from implementing this rule and effectively permit any existing health plan to avoid the important affordability and benefit protections created under health reform, including coverage of preventive health services.

Once again, we urge you to vote against this resolution to ensure that "grandfathered" status does not become a route to curtailing the important prevention components of health insurance reform. We hope you will stand on the side of ensuring that patients have access to clinical preventive services and other important insurance reforms contained within ACA.

Sincerely,

JEFFREY LEVI,
Executive Director.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I yield up to 10 minutes to the Senator from Arizona, Mr. McCain.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCain. Mr. President, I ask unanimous consent to engage in a colloquy with the Senator from Wyoming.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCain. I would say to my friend from Wyoming, this seems like old times—what we tried to stop for over a year, and now our predictions came true, beginning with they turned 2 pages of this 2,733-page bill—2 pages—into 121 pages of regulation. Is that correct, I would ask my colleague from Wyoming?

Mr. ENZI. In one of the instances, that is correct.

Mr. McCain. So in a 2,733-page bill, if we have 121 pages of regulation for every 2 pages, that is going to be pretty interesting, isn't it? And the fun has just begun. The fun has just begun.

If the Senator might recall, I ask my friend from Wyoming, President Obama—quote after quote, time after time:

And if you do have health insurance, we'll make sure that your insurance is more affordable and more secure.

We know that is not true from every estimate. It is neither affordable nor secure.

If you like your health care plan, you can keep your health care plan. This is not some government takeover. . . . I don't want government bureaucrats meddling in your health care. . . . That's what reform is about.

I quote from the President of the United States.

So now they have taken 2 pages of a 2,733-page bill, and that is 121 pages of regulation.

Now, isn't it true, I would ask my colleague from Wyoming, who knows as much or more about this than anyone, that it will result in 50 percent of all employees being in plans ineligible for grandfathered status? Is that a correct statement?

Mr. ENZI. That is not only a correct statement, the estimate is a little low, according to the administration.

Mr. McCain. According to the administration.

Mr. ENZI. According to the administration, in small businesses, 80 percent of the people—unless this is passed—will lose the insurance they have and like, and in all businesses 69 percent will. Those are not my numbers; those are the administration's numbers.

Mr. McCain. But isn't it also true that is the case for small business and people and entrepreneurs all over America except the unions? Isn't that true? Isn't this a carve-out again, part of this sleaze that went into putting this bill together, part of the "Cornhusker kickback," the "Louisiana purchase," the buying of

PhRMA—all that went into this—the “negotiations” that were going to take place on C-SPAN that the President said during the Presidential campaign that went from one sweetheart deal cut to another. Part of one of those sweetheart deals was the unions are exempt; is that correct?

Mr. ENZI. That is correct. And so were the other parts that were done in order to buy the bill in a bipartisan way.

Mr. MCCAIN. So what you are saying is that unless a health care policy provided by an employer is absolutely unchanged totally for an unspecified period of time, then that health insurance policy can be declared invalid by the Department of Health and Human Services, and they will have to go to a government-mandated health insurance policy or pay a fine. Is that a correct assessment?

Mr. ENZI. It is a correct assessment in most of the parts. They will have to give up the insurance they have now, even if they like it, which the President did mention 47 times in public speeches. And there are some requirements on how much of a change there can be.

But I have been talking to small businessmen traveling across Wyoming, talking to them and visiting them, because Congress thinks “profit” is a bad word, and a lot in Congress think every business is simple to run. But they have never been out there and scratched the surface a little bit to see just how tough it is.

I have had businessman after businessman whom I have visited and ones who have come to Washington because they have been so concerned who have said: I am going to do everything I can to keep my plan just exactly the same because this regulation is so difficult to understand, and I am pretty busy anyway, so I don’t think I dare make any changes.

That is not true. They could make a few changes, but if they do, they will lose their status, and they will have to pay more.

Mr. MCCAIN. So an employer, a small businessperson provides health insurance for their employees. That employer sees health care costs go up,—as everybody knows, and that is every objective estimate—so that employer says to its 10, 50, 60, whatever, employees: Look, we are going to have to increase your copay. We are going to have to increase your copay because, simply, the costs are prohibitive, and we would like to sit down, and I think you would probably agree to it given the overall situation across health care. And the employees agree with that and they change the copay, and then automatically they are finished. Is that correct?

Mr. ENZI. Yes, that is correct. That is correct. If they change the copay, they are no longer grandfathered.

Mr. MCCAIN. So even though it is obvious that the cost of health care is going up, continues up dramatically—that is estimates of OMB, of literally every objective observer; the curve has not been bent down—that unless employers keep exactly, with very little wiggle room, basically the same health insurance policy for their employees, then they will then have to comply with a government-mandated health insurance policy. Is that correct?

Mr. ENZI. That is correct. The Federal bureaucrats have figured out what the minimum amount of insurance is that you ought to have and everybody else in America ought to have, and even if you like what you have, you are going to have to go to that if there are certain changes in your policy.

The small businessmen are worried about any changes. Because this thing is so complicated, they do not even know what the rest of the rules are going to be. They have talked about this tax credit, but a number of them have looked at the requirements on the tax credit and said: How in the heck do I ever comply with that? So they are a little worried about being able to get that too.

Mr. MCCAIN. So I guess it was one of our colleagues and the President who intimidated: Well, the American people really don’t pay attention. The American people don’t really—they are deceived by FOX News, et cetera.

The American people knew this was a bad deal then, and they know it is a bad deal now. The majority of the American people want it repealed. And all of this is suspicions confirmed when you take 2 pages of legislation and turn it into 121 pages of regulation—a 2,733-page bill.

Mr. ENZI. Yes, it will be dramatic. We have not begun to touch all of the regulations that have to be written on this yet. We looked at the Medicare bill and how many pages of regulations came out of that, and it was 100 per page, which would be 270,000 pages on this one. That is where that number came from.

Mr. MCCAIN. So here we are with an economy that the administration, the President, and his crack economic team said that if you pass this stimulus bill, maximum unemployment will be 8 percent. What is the problem with investment and hiring and economic growth in America today? The total uncertainty. We have just punted on the extension of the tax cuts or an Obama tax increase. We have just punted on a number of issues, and the American people now are going to have to—this small businessperson the NFIB represents is going to have to thumb through 121 pages of new regulations in order to understand. Big businesses and small businesses are going to say: What are the next 121 pages of regulations that are coming down for 2 pages of the bill? I guess the title page probably

would not have regulations associated with it, but the other 2,732 would.

Mr. ENZI. And the Senator from Arizona has not even mentioned the 1099 problem that is supposed to help pay for part of this bill.

Mr. MCCAIN. Yes, which our colleagues just voted down. They voted down a resolution by the Senator from Nebraska that would allow them not to have to report every single transaction of \$600 or more. No wonder small and large businesses in America are reluctant to invest and hire with this kind of foolishness going on.

Mr. ENZI. Right.

Mr. MCCAIN. The CPAs come to me in Arizona and say: I can’t advise my clients. I don’t know what the tax structure will be.

So here we are with a new 121 pages of regulation which obviously will affect 50, 60, 80 percent—let’s say it only affects 50 percent of businesses in America—and we are going to vote down, probably, with the big-government majority here, this effort to not have this regulation implemented.

All I can say to my colleague from Wyoming is, thank you for your leadership. Thank you for your thoughtful dissertation on this issue. And I guarantee you, maybe next January, we can take this up again.

Mr. President, I yield the floor.

Mr. KYL. Mr. President, last June, President Obama promised on national television that “Government is not going to make you change plans under health reform.”

In his September 2009 address to Congress he told Americans, “If you have health insurance through your job, nothing in our plan requires you to change what you have.”

Many Americans doubted this would be the case, and they have been proven right.

In the months after the health care law was passed, the administration wrote the regulations for plans with grandfathered status. Grandfathered status was supposed to allow employers to continue offering current health plans, even if those plans don’t meet all of the government’s new cost-increasing mandates and requirements. And we were told it was intended to help protect Americans enrolled in these plans from “rate shock,” or significant premium increases, as a result of the new government mandates.

The consulting firm Mercer has bad news for people hoping to keep what they currently have. It released a new survey of employers on the impact of the health care law. One-quarter of employers surveyed estimate that the law would raise premiums by at least 3 percent. That increase is beyond this year’s normal rise in costs due to medical inflation.

A majority of respondents—57 percent—said they will ask employees to pay a greater share of the cost of coverage in 2011, meaning higher deductibles and copays.

As the Mercer study notes, “The rules for maintaining grandfathered status were tougher than many employers expected. As they start to get a clearer picture of projected costs for 2011, many are finding they need more flexibility to get their cost increases down to a level they can handle.”

Yet the administration’s regulations expose employers and employees to extensive bureaucratic redtape just so they can keep their current plans.

In fact, the administration’s own experts at the Department of Health and Human Services estimate that between 39 and 69 percent of businesses won’t be able to keep the health plans they have now.

Small businesses will fare even worse. By 2013, up to 80 percent of small businesses could lose their grandfathered status. All of this means that few health plans will qualify for grandfathered status, so many Americans will not get to keep what they have.

Employers that lose grandfathered status for their health plans will be forced to comply with all of the new mandates included in the health care law and all of the administration’s regulations.

Subjecting employers’ health plans to these mandates will either force them to change their plans and increase their costs of insurance or pay a fine and dump their employees into the Federal Government’s new insurance exchange.

I do not support the health care law at all, but I believe Americans should get to keep what they have, as promised, so I support the Enzi resolution of disapproval. The resolution would nullify these regulations and direct the administration to develop true grandfathering protections that allow Americans to keep their current coverage.

These latest developments are consistent with the pattern that has emerged ever since this bill passed and was signed into law—one of broken promises. Americans never liked or wanted this bill, and we are continually reminded why they opposed it in the first place.

Mr. WARNER. Mr. President, I ask unanimous consent to have printed in the RECORD, the following letter to Secretary Sebelius which discusses my thoughts on the interim final rule, “Rule”, regarding grandfathered plans—75 Fed. Reg. 34538—as part of the Affordable Care Act. While I will vote against the motion to proceed on Senator ENZI’s joint resolution of disapproval, S.J. Res. 39, I do have concerns that the rule itself is overly restrictive. I look forward to working with the administration and my fellow colleagues on continuing to develop guidance on this issue.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, September 29, 2010.

Hon. KATHLEEN SEBELIUS,
Secretary, U.S. Department of Health and Human Services, Washington, DC.

DEAR SECRETARY SEBELIUS I write regarding the Interim Final Rule (“Rule”) regarding grandfathered plans (75 Fed. Reg. 34538).

While I understand that the Rule seeks to balance consumer protections while still allowing consumers to keep their existing plans, I am concerned that as currently written, the Rule is overly restrictive. In some places the Rule places significant restraints on the ability of employers and health plans to make adjustments to their existing plans that contain costs while maintaining the overall benefit structure and value for plan participants.

As a starting point for more flexibility, I urge you to reconsider the provision that automatically revokes grandfathered health plan status if an employer-sponsored health plan changes insurance carriers. This provision, as written, is overly restrictive and unfairly locks in employers to a specific carrier. For instance, changing carriers should not trigger a loss of grandfathered status if the benefit coverage under a different insurer remains the same. In fact, many new carriers have shown that they can offer lower cost-sharing to employees due to a better rate.

I hope to work with you to refine and adjust this and other aspects of the regulation as we further define grandfathered plans to ensure appropriate stability in the marketplace. I appreciate the opportunity to assist the Agencies in continuing to develop guidance on this important issue.

Sincerely,

MARK R. WARNER,
United States Senator.

Mr. HARKIN. Mr. President, how much time do we have?

The PRESIDING OFFICER. Eleven minutes 12 seconds.

Mr. HARKIN. How much time does the other side have?

The PRESIDING OFFICER. Three and a half minutes.

Mr. HARKIN. Mr. President, I yield 4, 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

Mr. DURBIN. Mr. President, I just listened to the Senator from Arizona, who is my friend and whom I respect. I cannot remember how many pages were in the McCain-Feingold bill. I voted for it. I believed in it. I did not count the pages. I thought he was on the right track to change campaign financing in America. It was a bipartisan bill, and I supported it.

Has that now become the measure in the Senate—we will count the pages, and if it goes over 1,000 pages, we are not going to pass the bill? I hope not because this bill, the underlying bill on health care reform, to make it more affordable and more accountable, took on one of the major industries in America, where the cost of health insurance has gone up 10, 15, 20 percent a year.

We know the health insurance industry and the companies behind it are not going to go down without a fight. They are going to hire the lawyers and

the lobbyists—and they did—to fight the passage of the bill and to fight its implementation in court and everywhere you turn because what is at stake is their money, their profit. What is at stake is the way they do business, and they know it. So when this administration writes the rules and regulations to make sure that when we are challenged in court, this is going to stand up under the law, it is the reasonable thing to do, and I think even the Senator from Arizona would acknowledge it.

Now, I know the Senator from Wyoming does not feel this way because he told me personally this morning that he does not favor repeal of the bill. I do not know what the position of the Senator from Arizona is. But I would say to those who want to repeal the health care bill that the President signed into law, this is what they want to repeal. They want to repeal the consumer protections which we have finally put into the law which say the health insurance companies cannot cancel your coverage when you need it the most. They cannot deny you coverage because of a pre-existing condition. They cannot deny to children under the age of 18 coverage under health insurance for a pre-existing condition. They cannot deny to you the right to keep your kids under your health insurance policy, your family’s policy, until they reach the age of 26.

In that bill was also a new deduction for the cost of health insurance for small businesses so they can afford to find health insurance for the owners and the employees of the businesses. In this bill was closing the doughnut hole on the Medicare prescription Part D, sending a \$250 check to the seniors who needed it this year and increasing that amount over the year and still not adding to the deficit overall with this bill. That is what they want to repeal.

Well, I am not going to stand before you and tell you that the bill we voted for was a perfect law. The only perfect law I am aware of was carved in stone tablets and carried down a mountain by Senator Moses. All the other bills that have been passed are going to need some changes over the years. But the change the Senator from Wyoming brings to the floor is a bad change—a bad change—because what he wants to do is empower the health insurance companies to increase the amount of money Americans pay for their coverage. That is it. Give them more protection so they can raise costs.

The Senator from Wyoming said we should not be embarrassed to say these companies are in business for a profit. I understand that. But this underlying bill limits the profits of the company and says that 80 percent of the premiums they collect need to be spent on health care. That leaves them 20 percent for their bonuses, for their salaries, whatever they want. But we want

to make sure people across America have a fighting chance to have health insurance protection when they absolutely need it the most.

I see my colleague on the floor, the Senator from South Dakota. He and I had an unexpected experience in the month of August. We were both in a hospital for surgery. Lucky for us, Senator JOHNSON and Senator DURBIN—and also the Senators on the other side of the aisle—are protected by the best health insurance in America. Shouldn't the people of this country have that same kind of peace of mind so that when they need medical care, even expensive medical care, their health insurance is there to protect them?

All of the people standing on the floor railing against government-administered health care are covered by government-administered health care. Our health insurance plans in Congress are administered by the Federal Government, and not a single Senator on the other side of the aisle has said: In principle, I am going to give up my health insurance to show you how much I hate government-administered health care. They have not done it because the plans are too darn good. We want to give every American the same peace of mind Members of Congress have.

We have to defeat the Enzi approach today. It empowers health insurance companies at the expense of people who need health insurance when they face a diagnosis, a surgery, a cancer treatment that could literally bankrupt their family unless they have health insurance protection. I urge my colleagues to oppose Senator ENZI's effort on the Senate floor today.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator has 6 minutes remaining.

Mr. HARKIN. Mr. President, again, I don't know where all of these figures come from, how many pages of regulations per page on the bill, and all that kind of stuff.

I have in front of me the Federal Register of Thursday, June 17, 2010. What we are dealing with today are grandfathered plans, right? The resolution offered by the Senator from Wyoming has to do with what is a grandfathered plan and the regulation of the grandfathered plan.

Well, I looked at the rules in the Register. It is one page and not even a half, about a page and one-third—well, not actually even a page and a third, a little over a page, a page and a third. I have it right here. Page 34,568 and page 34,569: Maintenance of Grandfather Status. That is what it is, and that takes into account all of the things to which the Senator from Wyoming referred.

It is a page and a quarter, right there. There is a bunch of other stuff in

this regulation that comes through there, including accounting tables and all kinds of things, but the actually rule, regulation, is a page and a third. I don't know what all this other stuff is in here. It is probably make work for somebody, I don't know. But it is a page and a third.

But getting to the crux of it, we provided in the health reform bill, which is now law, that if you had a plan you liked, you could keep it. If that plan was in effect prior to April of this year, you can keep it. It is called grandfathering. Many of the things we provided for new plans don't apply to those grandfathered plans, things such as preventive services. As my colleagues know, all new plans now must cover certain preventive services without any copays or deductibles, that type of thing. All new plans have a right to an external appeal to a third party, if you want. There are restrictions on annual limits and coverage in the individual market. There is direct access to OB/GYNs without a referral. You can't charge a higher cost sharing for out-of-service emergency services. You don't need a prior authorization requirement for emergency care. Those are just some of the elements that apply to new plans that will not apply to a grandfathered plan.

So then you have to ask, well, what is a grandfathered plan? A grandfathered plan is a plan that was in existence prior to April of this year on which the insurer and the insured agreed, like a contract.

What if that grandfathered plan—what if that insurer then says: Well, we agreed on a certain coinsurance charge. It was 20 percent. But now we are going to raise it to 40 percent. Well, that is not what you agreed to. That is not what you signed up for.

Let's say they want to raise deductibles. Let's say your deductible was \$1,000, and they say now they are going to raise your deductible to \$2,500. That is not what you agreed to. That is not the plan you liked or you signed up for. Or let's say the plan wants to significantly increase your premiums or they want to tighten down on your annual limits. That is not what you signed up for.

So the rules and regulations say: Look, there are certain limits. You can raise your copayment, but not more than \$5 or 15 percentage points above medical inflation. So there are certain restrictions put on what an insurer can do and still claim to have a grandfathered plan. That seems to me to make infinitely good sense because they leave the consumer with nothing. They are at the whims of the insurance company. That is what it was like before we passed the health care reform bill. That is what my friends on this side of the aisle want to go back to: Giving the insurance companies the wherewithal to define everything and

tell the consumer what it is that a consumer has to have. They call the shots.

Well, quite frankly, what this regulation does is it gives more empowerment to consumers. It says to an insurer: You can't just willy-nilly change your plans that you had prior to April and call it a grandfathered plan. If you change it, if you make all of these big changes, guess what. You are going to have to cover preventive services without copays and deductibles. If you do all of these big changes, well, your insurer is going to have the right to appeal that. Quite frankly, I think that has a lot to do with this. We said for any new plans, the insurer has the right to appeal to a third party—not the grandfathered plans but the new plans. That is why a lot of the old plans don't want to become new plans. They don't want to give you that right of appeal.

There are restrictions on annual limits, which I mentioned before, in the individual market.

So, again, if you want to have a grandfathered plan, fine, but you can't just change it dramatically. I say again to my friend from Wyoming, read it in full. It doesn't say any changes; it says any changes based upon certain things.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARKIN. So I say to my friends, we should vote this down and move ahead with health care reform and protect the consumers of America.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, when we talk about 121 pages, we are talking about what the small businessman has to access. He has to go on the Internet and print out the pages. There are 121 pages. Yes, if he could get it in the format of the Federal Register, he would have 34 pages. But you can't ignore everything but 1½ pages. You have to do the whole thing.

Small business is upset about this. That is why I listed the 54 different organizations that are opposing this bill. I have gotten, and I am sure everybody has gotten—even though I only brought this resolution up last week, there are hundreds of letters coming in with examples of what this will do to them.

From Fort Lauderdale, FL: They received such a large increase of people being grandfathered out of the plan, they will be forced to get a new plan because they made their current plan so expensive. Now the new plans have much higher deductibles, more out-of-pocket costs, and more affordable plans only offer to pay 50 percent coinsurance. So the options are limited.

The options are limited to all of the businesses. I have letter after letter that shows how it isn't just the business that has to absorb these costs. The individuals who have the insurance who have been pleased with their insurance are going to have to go out on the

open market because the company is going to say it can't afford to do it anymore. They are trying to keep the insurance, but that has been the problem for small businesses all along.

Our economy is already struggling. It doesn't need more job-killing, cost-increasing government mandates. We are hearing from small businesses across the country which are already being forced to swallow large premium increases that will prevent them from hiring more workers. That is jobs. We need to create more jobs, not write regulations that lead to less jobs.

The bill was sold as letting people keep what they have, but the devil is in the details. Do a little digging. It is clear. Americans would not be able to keep what they have. The simple truth is, because this new rule will drastically tie the hands of employers, few employers are expected to be able to pursue grandfathered status.

The Enzi resolution is about protecting small business and the people who work there. Anytime an individual doesn't like what they are getting, they can go out on the open market and get something, but most of the help on getting that doesn't arrive until 2014.

Where is the cost cutting they were promised in the bill? Now we are going to add this regulation to it, and small businesses are telling me they can't afford it. If this becomes the grandfathered thing, 80 percent of small businesses are going to have to change unless my resolution is passed. Sixty-nine percent of all businesses are going to change unless my resolution is passed. People out there who like what they have—listen to this. Help your small business and help get this grandfathered thing passed.

As I mentioned, there are several organizations that are key voting on this one because it is so critical to their members and the people who work for them.

I ask my colleagues to support the resolution.

I yield the floor.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 59, as follows:

[Rollcall Vote No. 244 Leg.]

YEAS—40

Alexander	Crapo	Lugar
Barrasso	DeMint	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Risch
Brown (MA)	Graham	Roberts
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burr	Hatch	Snowe
Chambliss	Hutchison	Thune
Coburn	Inhofe	Vitter
Cochran	Isakson	Voinovich
Collins	Johanns	Wicker
Corker	Kyl	
Cornyn	LeMieux	

NAYS—59

Akaka	Gillibrand	Murray
Baucus	Goodwin	Nelson (NE)
Bayh	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown (OH)	Kerry	Sanders
Burris	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Conrad	Levin	Udall (CO)
Dodd	Lieberman	Udall (NM)
Dorgan	Lincoln	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	

NOT VOTING—1

Murkowski

The motion was rejected.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:51 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Acting President pro tempore.

DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2010—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 3081, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to consideration of Calendar No. 107, H.R. 3081, an act making appropriations for the Department of State, Foreign Operations and Related Programs for the fiscal year ending September 30, 2010, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

Mr. KAUFMAN. Mr. President, I ask to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FAREWELL ADDRESS

Mr. KAUFMAN. Mr. President, I love the Senate. It is not always a beautiful thing, and surely it is not a picture of

a well-oiled machine, but years ago I found a home here. As my colleagues know, I first came to the Senate in 1973 as an aide to a young man who had won a stunning and very improbable election against a respected incumbent. At that campaign victory party 38 years ago—I can remember it as if it was yesterday—I thought to myself I would never again believe that anything is impossible.

In the intervening 37 years I have seen a lot of campaigns. I never saw one that was as big an upset as JOE BIDEN's. When I started working for JOE BIDEN that year, I told the DuPont Company—that is where I worked—I would take a 1-year leave of absence. I stayed for 22 years.

I will soon be leaving the Senate. I am grateful beyond words to have gone through much of JOE BIDEN's Senate career as his chief of staff and observed his career firsthand. I can say if my Senate career had ended then, if I had not been called on to serve as his successor, that experience, helping to represent Delawareans and fighting for the values that JOE BIDEN and I shared, would have been more than fulfilling enough. I would have been happy.

I thank our leader, HARRY REID, who is most responsible for the most historic, productive Congress since FDR. I thank my committee chairs. They have been great to me: PAT LEAHY, JOHN KERRY, CARL LEVIN, and JOE LIEBERMAN. I especially want to thank my senior Delaware colleague, Senator CARPER, for whom I have the greatest respect and who has helped me tremendously during my last 2 years in all manner of issues. I know I am going to alienate some of my Senators, but he is without a doubt the best senior Senator in the entire Senate.

After almost four decades, I think I finally got used to the unpredictable rhythms of the Senate. In the short time since I was sworn in last January, the Senate has seen heated debate over a basic principle under which this body functions—the filibuster. All Members are frustrated with the slower pace, and they are right to be frustrated when good bills, important bills that promise to help millions of Americans, are blocked for the wrong reasons.

But rule changes should be considered in the light of the fact, which we all know, that the Senate is not the House of Representatives. It serves a very different constitutional purpose, and the existence of the filibuster remains important to ensuring the balanced government the Framers envisioned.

Indeed, the history of the Senate is that of a struggle between compromise and intransigence. But this is the place where we protect political minorities. This is the place where we make sure the fast train of the majority doesn't overrun the minority. While I think there are changes, and good changes,

that are being considered, I do think the filibuster should remain at 60 votes because during the long struggle in the Senate, certain traditions have been adhered to by Members on both sides of the aisle. Whenever anyone moves to change one of those traditions in a way that may diminish the comity under which this body must function, I believe they should do it very carefully. I know my colleagues will do that.

Regardless, I continue to have faith that out of the debates in the Senate, the fights we are having now, out of the frustrations of some of the intransigence of others, we will eventually find our way toward the next great compromises we need to solve many of our problems, compromises that will keep America great.

I am incredibly proud of the opportunity I have had to work on important issues during the brief service I have had in the Senate. I feel especially privileged to have served in this historic Congress, when there were so many great challenges facing this country. I have been hanging out in this place since 1973. There has not been another Congress like the 111th, one where we have dealt with more issues. During my first month in office, more than 700,000 Americans lost their jobs on the heels of the economic collapse in late 2008.

People are wondering why are people upset? How soon they forget. Less than 2 years ago, 700,000 people lost their jobs in a month, and it was not the first month and it was not the last month. Action by the Federal Government to stop further decline was critical—and we acted. I am proud of my vote on the American Recovery and Reinvestment Act. I believe the ARRA worked to arrest the financial free fall to jump-start the economy—and if I had another hour and a half, I would show my charts and graphs to demonstrate it.

All across Delaware I have seen the benefits of this law—the investments in infrastructure and education and new technologies for our future, and I met with the people whose jobs were saved, literally met with the people whose jobs were saved or who found new employment that flowed from these investments.

We succeeded in passing many other initiatives to foster growth and to bring much needed help to those who have been hit hardest by the recession, which was my No. 1 job in the Senate. As Senator CARPER knows, it is all about jobs, jobs, jobs. We actually did a great many things that I firmly believe helped make us a stronger country.

As you know, as you grow older you realize that life is not about what you accomplish or about winning. It is about having tried, and I feel good that I tried my very best.

I was so pleased to work with Senators LEAHY and GRASSLEY on the

Fraud Enforcement and Recovery Act, to chair oversight hearings in the Judiciary Committee on law enforcement efforts to pursue financial fraud associated with the financial crisis, and to sit with my friend, Senator CARL LEVIN, as he and the Permanent Subcommittee on Investigations held hearings on financial fraud. I was honored to be a part, as were all of my colleagues, of two Supreme Court confirmation hearings for Justices Sotomayor and Elena Kagan.

I had the distinct honor, and it is a true honor, of serving on the Foreign Relations Committee with Chairman JOHN KERRY and ranked member DICK LUGAR, as well as on the Armed Services Committee with Chairman LEVIN and Senator JOHN MCCAIN.

I made two trips to Israel and the Middle East, three trips to Afghanistan and Pakistan, and four trips to Iraq in the last 18 months. I know a number of things: No. 1, we must build our civilian capability for engaging in counterinsurgency, and in this Congress we passed legislation to enhance civil-military unity of effort through joint training at Camp Atterbury.

Along with Senator BROWNBACK, I co-founded the Senate Caucus on Global Internet Freedom to promote greater access to freedom of expression and freedom of press online.

I also highlight the importance of U.S. public diplomacy efforts, especially international broadcasting. As you know, I served on the board for 13 years—there is nothing more important in our battle than international broadcasting and public diplomacy. I sought to raise the awareness of the limitations on press freedom in countries such as China and Iran through the passage of resolutions and have co-authored legislation funding the development of Internet censorship circumvention technology in Iran—getting around the jamming that Iran is doing to deny its citizens the right to get information on the Internet.

I have also had the privilege of working to promote science, technology, engineering, and mathematics, or STEM, education during my time in the Senate. As a former engineer, I know firsthand the importance of STEM education.

I spent much of my career in government service, and I decided early in my term to come to the Senate floor each week and recognize the contribution made to this country by our Federal employees. I honored 100 great Federal employees from this desk, sharing their stories and accomplishments with my colleagues and the American people, and I am very pleased that Senator WARNER from Virginia is going to be taking that on when I leave. I could not have left it to a better person.

Last but not least, I have tried my hardest to be a voice for the average investor and to work for financial ac-

countability and stability so our economy can thrive. That is what it is about. We can't thrive if we don't have credibility in the markets. I offered legislation with my good friend, Senator JOHNNY ISAKSON, to curb abusive short selling. I gave a number of speeches on this floor, from this desk, calling for the Securities and Exchange Commission to conduct a comprehensive review of equity market structure and high-frequency trading and to advance reforms that promote clear and transparent markets—not always clear and transparent to everybody listening. As I said from the floor dozens of times, it is critical that we preserve the credibility of our markets, one of our Nation's crown jewels, if our grandchildren are to live in the most economically powerful country in the world.

Finally, I repeatedly highlighted from the Senate floor the importance of the problem of too big to fail in the financial reform debate, working with my good friend, Senator SHERROD BROWN, to offer the Brown-Kaufman amendment. We made the good fight but, again, trying was better than succeeding—not better but the alternative to succeeding, and I thank every Senator who voted for that amendment. I am proud of that. While our amendment was not agreed to, I will ever be proud of the opportunity to work with Senator CHRIS DODD and participate in Senate debate on financial reform.

I could not have achieved anything—and I genuinely mean anything—during my term without the help and hard work of my excellent staff. I spoke early this week about the staff. They are vital to our work. I am going to tell you as someone who spent years delivering staff work and now someone who has been a consumer, I am more impressed than ever with my staff, and with Senate staffs and the job they do.

I want the American people to understand that one of the reasons I love the Senate is because it is filled with intelligent, hard-working people who are passionate about serving this country. This goes for Members and staff alike. The Senate is a magnet for those who feel called to public service. It is the destiny for countless improbable journeys. Our constitutional Framers would have been relieved to see this noble experiment working, to know that in the Senate today serve a farmer from Big Sandy, a realtor from Cobb County, a mayor from Lincoln, a former Army Ranger from Cranston, a social worker from Baltimore, and a doctor from Casper.

All of them are here for the same reason as the other Senators—because they love this country and their communities dearly and want to give back. Their paths to public service may have been different in their first steps just like mine was, but they converged here and this is what continues to sustain my faith in the Senate.

Here this leg in my improbable journey comes to an end. Although I leave the Senate as a Member, I will not be leaving the Senate behind. I will continue to teach about the institution to my students and encourage them to pursue their own path to public service. I will continue to speak out on issues that I worked on here because that important work, as always, goes on.

I love the Senate, and I will always cherish the unlikely opportunity I had to serve Delaware as its Senator. With deep gratitude to those who worked with me and stood by me through my journey—to my staff, to my colleagues, to my wife Lynn, to our children, grandchildren—with great appreciation to former Governor Ruth Ann Minner and the people of Delaware for the responsibility they gave me, and with optimism and faith in the future of the Senate and this great Nation, for the last time, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized.

COMMENDING SENATOR TED KAUFMAN

Mr. WARNER. Mr. President, for a variety of reasons, turnover in the Senate has been more rapid recently than at almost any other time in our history.

For some of us, the turnover has been the result of elections. For some, it has been the result of the passing of Senate legends Ted Kennedy and Robert Byrd, and as a result, as well, of filling Senate seats once held by our President, Vice President and the Secretaries of State and the Interior, while most of us—I think I saw a number of my colleagues from the freshman class here earlier listening to my good friend and colleague from Delaware—got here through the ballot box. We have been blessed to serve with some extraordinary individuals who were appointed to serve in this body.

Perhaps no one stands out more in this regard than our colleague for the past 21 months, the Senator from Delaware, Mr. TED KAUFMAN. But I think most of us have come to know Senator KAUFMAN's service to this body extends well beyond the 21 months he served as a Senator.

In fact, as we just heard from his comments, and he is oft to remind all of us freshmen, he actually has spent most of the last 20 years serving previously as a Senate staffer.

No matter how accomplished—I think we have former Governors, former State senators, folks who have been superintendent of school boards—no matter what our background was before we got to the Senate, we all have had a lot to learn about the peculiar institution rules, morays, and the flow of this body.

I think I may speak for some of my colleagues in the class of 2008, TED KAUFMAN has been an extraordinarily

generous resource. He has known the rhythms of this institution, has been someone who has counseled us at times as our—at least I can speak personally—my head was about to explode about some of the process, to kind of sometimes recognize the need to tune out some of the ceaseless distraction, to recognize the great power of this institution and, as he has demonstrated by his own conduct, that sometimes the best path is to simply keep your head down and do hard work.

Senator KAUFMAN, in his speech, went through the litany of activities he has participated in, in that short 21 months. I know we have other Members. I wish to speak about two of them, briefly. One was the incredibly important role he played on financial reform and, secondly, this, I think perhaps much underrecognized but incredibly important role, a role he has been kind enough to leave to me, pass the torch to me, in terms of recognizing our Federal workforce.

Senator KAUFMAN did not serve on the Banking Committee. But in terms of nonmembers on the Banking Committee, there was nobody more active in financial reform, on a host of issues, than TED KAUFMAN. We did not always see eye to eye. But nobody approached issues with more thoughtfulness, more hard work, and more generosity of spirit, who recognized we could have different opinions, but we both realized the financial system needed to be dramatically reformed.

But the area I particularly wish to call attention to is the fact that it was TED KAUFMAN, before virtually anybody else in this body, and for that matter beyond most of the commentators in the financial markets, who spotted and identified what could be the first sign of the next potential financial crisis, the lack of transparency, particularly around high-frequency trading and some of the techniques and tactics used by firms to institute that tool.

As the Member who oftentimes had the privilege, respectively, of sitting in the chair on Monday afternoons, I got to be educated by TED KAUFMAN, as he mentioned earlier, as he went through an explanation of the challenges this technique posed.

Because of his actions and working with Members across the aisle, he has raised the attention of the SEC to this very important issue. Again, this is an area I hope to pick up the baton on. Because the actions of May 6, in terms of the precipitous fall in the stock market, could have been that first warning shot, in many ways perhaps due to some of the techniques TED KAUFMAN has simply said let's bring more transparency to.

Senator KAUFMAN, as well, has done something that perhaps most of us in this institution and, for that matter, most of the 300 million Americans do

not often pay enough homage and respect to, literally, millions of folks who work for the Federal Government.

As somebody who has committed his whole life to public service, and most of that public service in serving the Federal Government, Senator KAUFMAN decided, during his tenure, that each and every week he would come down and recognize somebody who works in the Federal Government who is a star. He has now recognized over 100 of these Federal employees, and Senator KAUFMAN has again reminded all of us that while we have challenges in terms of getting the Federal Government right, we still have in the Federal workforce the best in the world. I, again, look forward to the honor of picking up that baton.

Public service is never easy at any moment. But I cannot think of a time in my 20 years around public service that its times are tougher than now, with a great kind of disregard about many of us who serve. But I can think of no better example of someone throughout his whole life who exemplified the best of public service, serving the staff roll, serving as a Senator, constantly calling us to our better angels, recognizing the great traditions of this body.

So while we heard that Senator KAUFMAN for the last time yielded the floor, at least it is my hope, and I believe the hope of many of my colleagues, that you will still continue to frequent this institution, that you will still continue to be an individual whom we can count on for respect, for guidance, and recommendations.

I have to say that while you will be missed, this body will be greatly diminished by your absence. I again wish to salute my colleague, I wish to salute my friend, and I thank Senator KAUFMAN for his distinguished service to not only the people of Delaware but to the people of the United States.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Ms. STABENOW. Before I speak about a very critical piece of legislation, I wish to join the Senator from Virginia in recognizing our friend and colleague from Delaware who has done such an extraordinary job in the time he has been here. I wish to associate myself with the comments of the Senator from Virginia.

There is no one who brings more intelligence, passion, commitment or generosity of heart than the Senator from Delaware, and the fact that he has given his life to public service is something we all thank you for. You will be greatly missed.

UNANIMOUS-CONSENT REQUEST—S. 3706

Mr. President, I rise this afternoon and join with my friend from Rhode Island as well, a cosponsor, to speak about a critical issue affecting millions

of Americans around the country. That is the question of lack of jobs and the need to help those who, through no fault of their own, find themselves without a job, trying to hold things together for their family, trying to keep moving, looking for work at a time that is incredibly difficult for our country.

So I rise to speak and to offer S. 3706, the Americans Want to Work Act, and to ask that our body act on this today—now. Americans want to work. That is a fact. That is a fact. People want to work. But this is the worst recession in our lifetime, the worst since the Great Depression.

Millions of people are out of work through no fault of their own and they need our help. Things are beginning to turn, but it is painfully slow, and too many families are caught in the middle. Nationally, we know the unemployment rate stands at 9.6 percent, much higher in my home State of Michigan. Of those, 42 percent who have been out of work have been out of work for more than 27 weeks and many of them, too many of them, much longer.

The reality is, as much as people want to work, there are, frankly, not enough jobs. When people say: Well why don't folks get out and get a job, go out and get a minimum wage job, the reality is there are five people are out of work for every one job that is available. That is a fact.

Now it is better than it was. At one time, it was six for one job opening. So we are creeping along. But the reality is we still have five people out of work for every one job. It is not their fault that they cannot find a job in this circumstance. We know there are about 3 million jobs available nationally, and there are more than 15 million people who need a job. We cannot just walk away from them, from this circumstance, caused by an economic tsunami between the crisis on Wall Street, between our lack of focus over the last decade on fair trade laws.

We have seen too many jobs being shipped overseas, which we tried to address yesterday and could not get any of our Republican colleagues to support us on to be able to get past that. There are multiple things that have happened but none of them caused by the people who have lost their jobs.

This is a moral issue as well as an economic issue. That is why I have authored the Americans Want to Work Act. I wish to thank all the cosponsors. First, I wish to thank our majority leader, Senator REID, who has given us the opportunity today to make the case and who understands the incredible urgency of this issue, and to Senator SCHUMER as well, who has been a great partner in this effort in combining an extension of unemployment benefits with his very successful HIRE Act, to be able to give a one-two punch.

I also wish to thank Senator BROWN of Ohio, Senators CASEY, DODD, LEVIN, REED, GILLIBRAND, LAUTENBERG, and Senator WHITEHOUSE. Our bill does two things to help people who have been out of work the longest. It creates a new tier of unemployment insurance that extends benefits for an additional 20 weeks, and it extends and expands Senator SCHUMER's HIRE Act tax credits to encourage companies to hire those workers who have been looking for work the longest.

I realize this is the longest extension of unemployment benefits ever. I understand that. But this is also the worst recession in our lifetime, and we also need to understand that. I have received so many phone calls and letters from people all across my State who are trying so hard to get work. They are out every single day pounding the pavement or checking the Internet. They are filling out applications. They are sending out resumes. They are making phone calls, trying so hard to find a job so they can put food on the table for their family and, frankly, keep their head above water, try to keep their house above water, to be able to have a roof over their head while they are looking for work.

They want to work. They do not want to be getting unemployment benefits. They do not want to be in this situation. They want the dignity of having a good-paying job so they can provide for themselves and their families.

I wish to share just one of the thousands of stories I received over the last month. It comes from Janice in Sterling Heights, MI.

At the age of 54—

She writes—

I have already worked 35 years of my life. Back when I was young, there was always talk of 30 and out. Never once did I dream at my age that I would be unemployed for over a year. That even though I apply for any job I am qualified for, I never hear back. Now, all I have to look forward to is working until the day I die, wondering where my health care is going to come from, and how I am going to be able to continue to pay my bills. I do not know how long I can hang on until my current unemployment benefits run out. I have nothing, nowhere to go, if evicted. I am so angry because I was brought up that working hard all your life is what you are supposed to do to have a home and a family and a retirement.

That is exactly what we are talking about—people who do nothing but work hard and play by the rules and are found in a situation they did not create.

She goes on to say:

I am angry and disappointed in the government because they are taking away benefits I have expected to be there after working for 35 years and paying into this system.

There are millions of stories like Janice's, not only in Michigan but in every State. We have been working hard to create jobs, to get the economy

back on track. We have passed, according to Business Week, four major jobs bills, including the small business jobs bill passed a couple of weeks ago and the President signed on Monday. That is expected to create hundreds of thousands of jobs. The reality is we are in a situation where the majority of our Republican colleagues voted no on the small business jobs bill. Yesterday they blocked our ability to bring up a bill to close loopholes, to stop jobs being shipped overseas. We now stand asking that they not block again help for people who can't find work because this economy is not moving fast enough.

I hope today my colleagues will join me in passing the Americans Want to Work Act. We should not walk away from so many Americans who are looking for work and need our help. I urge my colleagues to join us in saying yes on something, yes to the millions of Americans who want to work.

I will offer a unanimous consent request in a moment. I yield the floor to my friend, the Senator from Rhode Island. Then I wish to return to make my unanimous consent request.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, I thank the distinguished Senator from Michigan for her eloquent words that try to bring into this institution some of the difficulties and anxiety and pain families in our States particularly are feeling. Because while the national unemployment rate is at an atrocious above 9 percent, in our States it is considerably worse. In Rhode Island the unemployment rate hovers still around 12 percent. This has been a prolonged recession. For many Rhode Islanders, they have been out of work for as long as unemployment insurance benefits allow. Now they are coming to the end of the 99-week period under which they are allowed to recover. The plain, unvarnished fact is that the jobs aren't there. In a different economy, I might be less impatient with the argument that we have to cut off unemployment benefits on folks because, frankly, after a while they get lazy. And if we don't cut off the benefits, then they will wait around, collecting their unemployment, goofing off and not going back to work. That is the argument I hear made against this all too often.

When one is in a State where the jobs simply are not there, where the economy has not come close to recovering, then it is not logical, and it is heartless and wrong. There are now more than 65,000 Rhode Islanders out looking for work. By contrast, the economic recovery bill created 11,000 jobs in Rhode Island. It would be far worse were it not for the action we took. But when we compare 11,000 families who now have jobs and paychecks because of the

Recovery Act to the 65,000 still wondering when is this economy coming back for me, clearly we have a lot of work to do. To extend unemployment benefits for those who have run it through is the least we can do.

I remember visiting not too long ago Network Rhode Island, a job placement agency in Pawtucket and speaking to a married couple, a middle-age married couple sitting side by side at one of the computer screens looking for something. They come in to look every day. They have filed hundreds of applications for jobs. They have been unable to find anything because of the job market. They said: We are anxious. We are running out of our benefits. This was one of those occasions when the Republicans had filibustered extending unemployment benefits, adding additional funding. I assured them that when we got back we would be restoring those benefits, and we would be protecting them because we had that commitment and we had that determination. They said: No, you can't help us. We are in the 99ers. We have come to the end of the duration for which you are allowed to collect unemployment benefits.

I felt helpless, that there was nothing we were doing for them. Senator STABENOW and I discussed this problem. She filed this wonderful legislation, of which I was an immediate cosponsor. It addresses a problem that at least in our States is very real.

Two of the Rhode Islanders who have written to us and contacted me about this have let me use their images. Just so we are not always talking about heartless, bloodless statistics on the floor, 12 percent, 65,000, there are real people behind those statistics. There are real families. There are those terrible late nights at the kitchen table trying to figure out how you keep the mortgage, how you keep the health insurance, what you cut, what you give up. Those are discussions that are being had by real families.

This is Michael Coppola. He lives in Smithfield. He was a truckdriver for the same company from 2000 to 2007. He was laid off in October of 2008 when his unit closed. This month Michael hits the current 99-week limit for unemployment insurance benefits. He has had to give up health insurance. He is trying to keep up with his mortgage payments so he doesn't lose his house and add to the tide of foreclosures sweeping across Rhode Island and the rest of the country. His wife is totally disabled. As a result, she receives Social Security benefits and that is helping them keep the family together. But he wrote me to say:

Any extension of benefits for people like me who have exhausted their benefits would help allow me to stay in my house, pay my taxes, and [allow me] to regain my health coverage.

Michael actually took this picture for us so we could have a picture here

to show on the floor and put a human face on this problem that is so often drowned in statistics.

Here is another Rhode Islander from Portsmouth. This is Nancy Babcock. Nancy is 59 years old. She lost her job about 24 months ago. She had worked for 15 years steadily in the insurance industry. Next week she hits her 99-week limit. She has been able to find a little bit of part-time work, but it has not been enough to pay her bills and keep her finances afloat. Rhode Island's WorkShare program has permitted her to supplement her unemployment insurance benefits with a small amount of part-time income. This is a woman who has worked essentially all her life, who while on unemployment insurance has tried to find what work she could find and was permitted and has continued to look for work. She has a bachelor's degree. She has several industry certifications. She has extensive background in sales and marketing. Despite the long drought of unemployment she has had to live through, so many Rhode Islanders have had to live through, she is still out there every day looking for work, hoping the economy will turn for her. She has been going through the classifieds, beating her feet against the pavement trying to get to places where she might get an interview. She has been reaching out to friends, doing all the things that families do in this circumstance, trying to reach out wherever she can, and still, after 99 weeks, to no avail.

I thank Senator STABENOW for her leadership. In a better world, this would be an easy thing and the unanimous consent to allow us to go to this bill and extend these unemployment insurance benefits would be uncontroversial. It should be clear to anybody that these people have lost their jobs and have been out of work for this lengthy period through no fault of their own. Michael was not fired for cause. Nancy didn't lose her job because she did something wrong. The people who did something wrong were in Wall Street, with the Securities and Exchange Commission, creating phony baloney securitization of home mortgages. Most of them got bailed out. The banks are back rolling, firing off the big bonuses, reporting huge earnings, not loaning much money yet but taking care of their folks, rolling in the paychecks and the bonus checks. They are back on their feet again. But for the people who got clobbered by the tsunami of economic catastrophe that the Wall Street implosion and the housing implosion set off, they are still being washed around. Nobody has bailed them out.

Let's extend the unemployment insurance they have been contributing to, that they are a part of. Let's help our fellow Americans weather this unique financial storm.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Mr. President, I thank the Senator from Rhode Island. He is correct. The folks at the top got bailed out, and middle-class families are stuck on the hook. Five people looking for every one job. It is critical that we act. I am hopeful that instead of hearing another round of no, we will hear yes and that people will come together. There are millions of people out of work who have hit this wall. They are in every State. They are in red States, blue States, purple States. They are in every State. This should not be a partisan issue.

On behalf of millions, at least 2 to 3 million people who find themselves in this particular situation, who are asking us to understand, who are asking us for help, asking us to give a lifeline to them so they can care for their families and get back to work, I ask unanimous consent that the Finance Committee be discharged from S. 3706, the Americans Want to Work Act; that the Senate then proceed to its immediate consideration; that the bill be read three times, passed, and the motion to reconsider be laid upon the table; that any statement relating to the measure be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. LEMIEUX. Mr. President, reserving the right to object, may I ask of my colleague from Michigan a couple of questions.

Ms. STABENOW. Yes.

Mr. LEMIEUX. We have just been handed this. I wonder if my colleague could let us know what the cost of this bill is and how it is paid for.

Ms. STABENOW. The bill is designated, as other unemployment extensions have been designated, as emergency spending, just as we would do for any other catastrophe. If 15 million people out of work isn't an economic disaster, I don't know what is. For the millions involved, this is viewed as disaster assistance. We intend to move forward with a sense of urgency to put people back to work so in fact we will turn this economy around.

Mr. LEMIEUX. Respectfully, without knowing how much it is going to cost and how we will pay for it, while we are all certainly sympathetic and want to work to make people go back to work—my home State of Florida is certainly suffering with very high unemployment—we need to know what it is going to cost and how we will pay for it so we don't put the debt on our children and grandchildren.

I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Ms. STABENOW. Mr. President, the reality for us in America is that we will never get out of debt. We will never get out of debt with more than 15 million people out of work. We know it

is substantially more than 15 million. We know there are millions of others who have exhausted their benefits. When folks talk about the deficit and leaving the deficit for our children, we will never get out of debt in this country until people get back to work, until they have good-paying jobs. And in between time, we will not move this economy forward until we are helping people to keep going in this recession.

We know from the economists that for every \$1 we put into the kinds of benefits we are talking about in this bill, we are stimulating more than \$1.40 into the economy. So it more than pays for itself by the economic activity, and it is viewed as one of the top two best ways to stimulate the economy in a recession: to put money in the pocket of people who have to spend it because they do not have a job.

I deeply regret that one more time it is "object" and it is "no" under the false argument that somehow we cannot afford to stimulate the economy, to understand that this is about Americans who want us to understand what they are going through, and to give some temporary assistance that does stimulate the economy, while we are focusing on putting people back to work.

Unfortunately, this is the end of a week that demonstrates tremendous frustration, after we were able to get the small business jobs bill done, and then we hear "no" on efforts to stop jobs from going overseas, and "no" on helping the people caught because their jobs went overseas. So I am deeply disappointed. We will continue to bring the case of these millions of people to the floor of the Senate.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHANNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

Mr. JOHANNIS. Mr. President, I ask unanimous consent that I be allowed to speak for up to 12 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. JOHANNIS pertaining to the introduction of S. 14 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. JOHANNIS. Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NASA AUTHORIZATION

Mr. NELSON of Florida. Mr. President, this is a big day because in the House, they are about to consider the NASA bill we passed by unanimous consent in the Senate back in the first week of August. It is on what is called the consent calendar in the House which, in order for any of the six items on that consent calendar to be considered, they have to pass with a two-thirds vote. They are generally items that are less controversial in nature. It is certainly my hope that is going to be the case later this afternoon when the House takes up the NASA authorization bill.

This is so important because the new fiscal year starts this Friday, October 1, and NASA is without direction. Even though the appropriation is going to be decided in our lameduck session starting in November—probably by taking a whole bunch of appropriations bills and putting them together into what is known as an Omnibus appropriations bill and therefore the funding for NASA would be determined at that point. But this bill, the authorization for NASA for funding, for appropriations, is the blueprint, the roadmap. Even though certain appropriations may not be available until November or December, this gives direction to NASA to know what to do.

For example, in our bill—there is an additional shuttle that is ready to fly beyond the two that are scheduled, one for November and one for February. That hardware is ready to go, and there is still additional equipment and supplies that we need to get to the space station. So our proposal in the authorization bill is, which was agreed to by the Senate Appropriations Committee that appropriated very closely to what the NASA authorization bill was in the Senate, it gives the direction to NASA to go ahead and start the preparations for that third flight of which all the hardware is already there. But they have to know that. They can't wait around until next January or February to start that preparation; they have to start it now. These are some of the critical issues.

It is also critical that, for example, at the Kennedy Space Center, there are 1,100 jobs that are going to terminate tomorrow. This NASA authorization bill lays out the program for the future so they can start planning on some of those jobs that would be lost that may not be lost or recalled. That is why it is my fervent hope that we are going to get at least, if not more than, two-

thirds of the House voting this afternoon to pass the NASA bill and then send it to the President for signature next week.

Most of us have seen Ron Howard's dramatic film starring Tom Hanks called "Apollo 13." Tom Hanks played the commander of that mission, who was Jim Lovell. Remember, that was the mission, Apollo 13, where en route to the Moon there was a major explosion onboard. We thought we had basically three dead men because how were we going to bring them back. It is one of the greatest space successes coming out of failure because, real time, astronauts back in Houston and the engineers all over America—at the cape, at Houston, all in different NASA facilities, the industries, the aerospace corporations—they all came together trying to figure out how we were going to get this crippled spacecraft back that had just lost its power, that had just lost its engines. Of course, that is one of the great success stories, that they brought it back, and "Apollo 13" chronicles that enormous success.

Tom Hanks, who is playing Jim Lovell—in a part of the film, a person asks Jim:

Jim, people in my State are asking why we're continuing to fund this space program, now that we've beaten the Soviets to the Moon.

This is back in the late sixties and seventies because, remember, it was President Kennedy who said: We are going to the Moon. And we landed well before the Soviet Union did. They tried, but they never could make it. We landed in 1969.

That person said:

Jim, people in my State are asking why we're continuing to fund this program, now that we've beaten the Soviets to the Moon.

What does Jim Lovell say? He said:

Imagine if Christopher Columbus came back from the new world—and no one ever returned in his footsteps.

If we had not had discoverers who were willing to discover the unknown, if they had not gone back to the new world, we would not be here today. We would not have this wonderful country that has been built.

I think it is a truth that a society which does not seek to expand and explore is not going to be a society that will foster freedom and creativity, individuality, or progress.

Think about the birth of this Nation. We are, by nature as Americans, our character is that we are explorers, we are adventurers. We set out and explored this Nation, following the longings of our souls. And each generation born since has advanced constantly and consistently, such that today we have to decide where do we go next.

This country always had a frontier. When John F. Kennedy announced that we were going to the Moon, he had an administration that was called the New

Frontier. We remember the development of this country. The frontier developed westward. Where is that frontier now? That frontier is upward. Then with the discoveries we are finding in science, it is also inward. It is the discovery of matter. It is the discovery of the workings of the human body and how to keep it healthy. And it is the exploration upward of space.

What President Kennedy said was:

The exploration of space will go ahead, whether we join in it or not.

He said:

It is one of the great adventures of all time—and no nation which expects to be the leader among other nations can expect to stay behind.

Since those prophetic words of President Kennedy back in the early sixties, when the Soviet Union had beat us into space with the first satellite and then beat us into space with the first human to orbit, we see what this Nation has done. Look at what we have received on Earth from the first 50 years of exploring space. We went to the Moon, and we have gone beyond. We have gone out of the solar system with exploring satellites, spacecraft. During this time, this space program has produced thousands of scientists, mathematicians, and engineers. And it has helped make our Nation one of the most advanced and powerful in history. It has advanced the cause of science, and it has dramatically improved the quality of life on the surface of the Earth.

Why do you think we have the GPS that can tell us, at a moment, the pinpoint location of where we are? Why do you think we now take it for granted to turn on our TVs and have instant, uninterrupted communication on the other side of the globe real time? Why do you think we take it for granted that we turn it on if we hear of an inbound hurricane and that we can also monitor climate change?

We now, fortunately, have airbags in our automobiles. We have modern medical miracles such as kidney machines and heart ultrasound equipment and LASIK surgery. Where do you think all these things came from? They came from the spinoffs of the development of technology for the space program.

Look at a little watch such as this, which I have had for years. That came out of the microminiaturization revolution. Where did that come from? Back when we were going to the Moon, we had to develop highly reliable systems that were small in volume and light in weight. That set off the microminiaturization revolution.

As a result of all these spinoffs, we have created new companies and tens of thousands—hundreds of thousands of jobs for skilled workers.

Back in the summer, working with the White House, we developed this bipartisan legislation to get NASA on what we think is off the wrong track

and on the right track. As I said in my opening comments, the House is taking up the Senate bill in about an hour, hour-and-a-half.

What the President did was he declared Mars to be the ultimate goal. The goal is not to go back to the Moon. We were there 40 years ago. The goal is to get out of low-Earth orbit, get out of Earth's environment, and to explore the cosmos. The Senate bill provides the blueprint for NASA to lead the way for humans to explore beyond low-Earth orbit.

We recognize that more nations and more commercial operators can get into space. Look at all the private services now that you can get from a satellite: photographs of the ground, photographs of buildings—incredible—high-resolution photography. You can buy that from private companies.

The Presiding Officer used to be a major radio broadcaster off of a satellite radio. Where do you think that comes from? That was developed with technology that came out of the early days of the space program. That has been perfected and is now a multibillion-dollar business that employs Americans. Clearly, the Cold War shaped our space program to begin with—we against our adversary, the Soviet Union, the two nuclear-tipped nations. Look now. We have built the International Space Station with the Russians and 14 other nations.

Now we have the space station there but the shutdown of the space shuttle coming in another year. The space station is being completed in its construction, but NASA was starved over the last decade, and we do not have the new rocket ready. This legislation is going to reduce the time we have to depend on Russia for access to space, even though they have been a good partner, and their *Soyuz* spacecraft is a reliable way to get to and from the space station. It is going to shorten the time we have to depend just on them to get to the International Space Station.

As a result of this new legislation, many of the space centers that would receive huge layoffs—and as I said at the outset, there are 1,100 pink slips that have been delivered and take effect tomorrow afternoon just at the Kennedy Space Center and 1,000 or so more are coming at the Johnson Space Center and other space centers around. So what our legislation will do is it will push NASA's development of a new heavy-lift rocket that will allow us to explore the cosmos, it will push it forward with a goal to fly by 2016, and it would make a significantly higher investment in commercial space ventures, specifically by accelerating the development of commercial carriers to take both cargo and crew to and from the International Space Station.

Previously, NASA was going to shut down the space station by 2015. This is 2010, almost 2011. We are just com-

pleting the space station. Are we going to throw away, in 4 years, an investment of \$100 billion? No. What this bill does, upon the suggestion of the President—which I appreciate so much—it is going to keep the space station alive until the year 2020.

Now we have the time to move forward and start to get out and explore the cosmos. The bill develops the inspace technology that can help in the servicing and reusing of equipment to lessen the need to launch from Earth for future trips. By that I mean we take this heavy-lift vehicle, we get components up into low-Earth orbit, and in the zero gravity of the orbit with the capability of on-orbit refueling, we can put spacecraft together up there and not have to expend the energy to get out of gravity when we go out to an asteroid or we go out ultimately to Mars. It requires that this heavy-lift vehicle be designed to get us to other points beyond low-Earth orbit in a flexible path to Mars.

Rather than throw away the investments and capabilities that have already been developed in this space shuttle, we direct NASA in this bill, to pursue an evolvable heavy-lift vehicle, one you can build from the existing technology but you can improve that hardware.

At the same time, we insist that it be affordable. Designing and building within a budget is obviously the new challenge for NASA. NASA, too long in the past, has blown through budgets. It is a different day. It is a different discipline. That discipline is going to be needed at NASA.

Our objectives are now beyond just getting to and being in space. We must now answer some questions. Can we harness new sources of energy in space for use there and for use here on Earth? Can we sustain human life on distant journeys? Present technology would take us 10 months. A crewmate of mine is working on a plasma rocket that will take us to Mars in 39 days. But the fact is, once we are there, we have to be on the surface of Mars for a year. Why? Because of the alignment of the planets, to get Mars back closest to Earth for the return trip. Can we sustain that human life? Can we develop the technology for those journeys? What about all the cosmic radiation from the Sun—nuclear explosions. You can't fry your astronauts with radiation on the way to Mars. Can we establish permanent outposts beyond Earth?

Our vision is, we are going to explore asteroids, possibly go back to the Moon, and then to the surface of Mars, as this country, as the leader, and the rest of humanity journey toward the ultimate destiny in the stars.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. I ask consent to speak in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FILIBUSTER

Mr. MERKLEY. Mr. President, we are only a few weeks away now from the November elections. Therefore, this is a time for reflection. For me, it is a time to recognize I am nearly through my first 2 years as a Senator. I must say it is an incredible privilege to come and be part of this debate among these 100 colleagues, representing our 50 States.

It is also time to ponder whether that debate works as well as it might. The Senate is famed as the greatest deliberative body in the world, but I have seen too little deliberation and too much dysfunction. At this time, as we prepare to return back home to our citizens, to talk to our folks back home about the upcoming elections and the ideas they have, it is also time to think about when we come back, after these elections, after a new Congress comes in next January, how can we make this Senate work better as a deliberative body.

My perspective is affected not just by the time I spent here since January 2009 but by the perspective of first coming here in 1976 as an intern for Senator Hatfield. So I thought I would compare the use of what is commonly termed the “filibuster” between the 1975–76 session and our last complete session, the 2007–2008 session. We had in that 2007–2008 session the use of the filibuster on amendments 30 times. But if I turn the clock back to 1975–1976, 35 years ago, the number was zero. There were zero filibusters. Then, on motions to proceed, there were 3 in 1975–1976; there were 49 in 2007–2008.

You get the picture. Not only is there a huge increase in the use of the filibuster to block final votes but also a huge increase to stop votes on amendments and a phenomenal increase to stop getting to a bill at all. Again, it was only used 3 times 35 years ago but 49 times in the 110th Congress.

We cannot have a democracy that works if we can't debate and vote on bills. I have been pondering this. I have been pondering how first we need to understand how these rules work. I used the term “filibuster,” and indeed with that term everyone pictures “Mr. Smith Goes to Washington.” He stops a vote by continuing to speak, hour after hour. But that is not actually how the rules work in the Senate. The responsibility to block a vote, if you will, is not by those who object to the regular order, who object to a vote of 51, but it is on the majority to summon a supermajority.

So take that notion of a filibuster and continuous speaking and set that aside because that is not the way it works in this body. The way it works is if a single Senator objects to the regular order of 51, then the majority must obtain a supermajority of 60 to

proceed. That is why you do not see folks holding the floor day and night to block a vote—because they do not have to. It is because the burden is on the majority to get 60 votes to proceed.

This does a lot of damage. It does a lot of damage in terms of delay because when that single Senator says I object to the regular order of 51 and demands 60, not only under the rules do they trigger a 60-vote requirement but they also trigger a 1-week delay.

So you can imagine on a single bill, such an objection on a motion to proceed, an objection on one or two amendments, objection on final passage, and you now have a month wasted in this body without a final vote, with no terrific intervening debate because those who are objecting do not need to stay on the floor and make their case. Not only does this do a tremendous amount of damage to our responsibility as a Congress, as a legislative body, but it does a lot of damage to the other branches of government because it means we cannot process the nominations for the judicial branch. So, many judgeships are sitting empty as a result.

It means we cannot proceed to the nominations of folks for the executive branch. So a President probably gets the Secretaries in place, but often the second and third tier positions that develop the policy and execute the work, implement the plans, those positions are often vacant. There is nothing in our Constitution that says the right to advise and consent and indeed the responsibility to advise and consent gives this body the right to do damage to the other two branches of government. Indeed, it is an abuse of our responsibility to do so.

There are a number of things we should think about. I would like to applaud my colleagues who are putting forward so many ideas: CHUCK SCHUMER, the chair of the Rules Committee, is holding hearings; TOM UDALL, who is carrying our red rule book and studying it and thinking about the ways we can change this body; AMY KLOBUCHAR, who has recognized for a long time that dysfunction is different than deliberation; MICHAEL BENNET from Colorado, and many others—my colleague, AL FRANKEN, who is presiding. So many in the freshman and sophomore classes recognize this body needs to change so we can do the work we are expected to do by the American people.

So what are some of those ideas? One is to greatly reduce the use of the supermajority, which I will call it, because it is a much more accurate description than the filibuster. Reduce the use of the filibuster on nominations. Perhaps it should not be used on any nominations except perhaps to the Supreme Court. But find a line and a method to expedite nominations.

Second, reduce the use of the filibusters on motions other than final con-

sideration of a bill. There should not be a question about whether we get to the point of debating a bill or whether we get to vote on amendments because at each of those points, everyone would obtain or retain the final power to oppose or trigger a supermajority on the final vote.

Then, in regard to the ability to proceed to trigger a supermajority on the final vote, put the responsibility squarely on the minority. It should not be the majority's responsibility to get a supermajority. At least those who are objecting should have to maintain a large number of Senators continuously on this floor day and night. If they believe so much that it is so wrong to proceed to a final vote, they should have the courage and dedication to be here in a substantial number day and night to make their point to the American people.

Let the American people respond to that demonstration of saying: Yes, we are with you or, no, we are not, and let that final vote happen. We have an issue about participation of the minority, and this is an extremely important point. I have heard many of my colleagues across the aisle say: We are not guaranteed the opportunity to have amendments. Well, that is a fair point. What if we were to have in this body a fallback rule so that if the majority leader and the minority leader could not reach agreement on the number of amendments and the content of those amendments to be considered, that there would be a fallback position that both parties would get 5 amendments, or both parties would get 10 amendments, so that we could proceed back and forth—a Republican amendment, a Democratic amendment, a Republican amendment, a Democratic amendment, a debate for an hour and a vote, debate for another hour and another vote, therefore, having to respond and take positions on the issues of the day rather than seeing this Chamber, without action, paralyzed.

These are the types of ideas that we need to wrestle with. We who are privileged to be here as delegates from our States have a responsibility to our citizens not just in our State but all the citizens of this Nation to make this Chamber the deliberative body that was envisioned by the Framers of our Constitution.

That is why next January, when we come in to start the next session, the 112th Congress, we need to have a major debate over our rules. We need to recognize that under the Constitution it only takes 51 Members of this body to adopt new rules. But in that context we have to do honor to the ability of the minority party, whichever party that is, to fully participate in the process.

This situation in which the House passes 300 bills that never see the light of day, never see consideration in the

Senate because we cannot get anything done on the floor of the Senate, must end. We have a responsibility to restore this body to being the greatest deliberative body on the planet.

I yield the floor, and I subject the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. BROWN of Massachusetts. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MANAGEMENT OF ARLINGTON NATIONAL CEMETERY

Mr. BROWN of Massachusetts. Mr. President, I am here to talk just briefly about an issue to which I think I have actually found the solution, the one thing that I think we can all agree on, and maybe either before we leave or during the lameduck we can work together on something I think is troubling for everybody of both parties.

I rise to speak today about an extremely important issue that has bothered me as somebody who continues to serve in the military, and others who have any affiliation with the military or care deeply as to how our military servicemembers are treated after they give the ultimate sacrifice; that is regarding the severe mismanagement of the Arlington National Cemetery, which has resulted in the mishandling of remains of many of America's fallen heroes who have served our country and given their lives to keep our Nation safe and our citizens free.

I want to first take a moment to recognize the work of Senator McCASKILL, the chairwoman of the Senate Homeland Security and Governmental Affairs Subcommittee on contracting oversight on this issue. She and I have held a hearing on this matter. I have to tell you, it was one of the more frustrating hearings I have ever participated in, to listen to some of the responses, the cavalier answers and lack of dignity paid to the reason we are all here. Then to learn that through investigation, the causes of the absurd mismanagement and oversight lapses at the cemetery. During that July 29, 2010, hearing, we took the first step of getting to the bottom of what was going on and working to identify real solutions that will make sure this never happens again.

I am pleased to be on the Senate floor today to announce the introduction of legislation, Mr. President, I hope you will jump on and cosponsor to address these issues and to remedy the problems at Arlington National Cemetery, which I am proud to sponsor with Senator McCASKILL.

I am sure I do not have to remind everybody listening and watching and anyone who serves here after all the re-

ports that continue to be in the news about Arlington National Cemetery that has suffered from severe dysfunctional mismanagement and lack of established policies and procedures.

I was shocked. I remember during the hearing that they actually still keep all of the information on little cue cards, on little index cards. I mean, I have something that is a piece of modern technology that we can keep everything on in an instant, the way that we communicate around the world in an instant. My kids are using it; my grandkids are using it. Yet here we are, in one of the most historic cemeteries in our country, honoring the people who have given their lives through service, and we are on index cards. Not only that, we are burying them in the wrong grave.

Some graves do not even have bodies in them. I mean, come on. Give me a break. This bill establishes strict and recurring congressional reporting requirements for the Secretary of the Army to provide progress on correcting the management, operations, burial discrepancies, and contracting issues at the Arlington National Cemetery. The act also requires the Comptroller General to report on the management and contracts of Arlington National Cemetery and the feasibility and advisability of transferring Arlington National Cemetery to the Veterans' Administration.

The enactment of this act will also provide the appropriate congressional oversight to make certain that those responsible for managing the cemetery are being held accountable and meeting the highest standards when it comes to ensuring the proper burial of America's fallen men and women.

We absolutely cannot let this happen again at Arlington National Cemetery or any other cemetery. As I said earlier, as a 30-year member of the Army National Guard, I have tremendous respect for the men and women serving in our Armed Forces. I know you do, too, and every other person in this Chamber does who has made the ultimate sacrifice, as well as the families who provide the support to allow them to do their jobs.

These systematic problems at the cemetery have tarnished the sacred trust and are extremely troubling. Everyone entrusted with the solemn obligation has to ensure that the heroes buried at Arlington National Cemetery receive the utmost dignity and respect this country can offer.

Our legislation will help restore that so servicemembers' families will never, ever again have to endure such devastating emotional turmoil. I can't even imagine what it would be like to say: I am going to visit my loved one, and walk in the cemetery and learn the place you have been going for years, your loved one isn't even there or is maybe over there. The cavalier atti-

tude of the people controlling this operation makes me deeply troubled.

Our legislation will provide assurances to our military members and their families that corrective actions are expeditiously implemented and that management of the cemetery will be fixed and fixed soon.

I am hopeful my Senate colleagues will join me and Senator McCASKILL in supporting this very important piece of legislation. I hope this is one piece of legislation we can all agree on and get done and send a powerful message to the families and the service men and women who are serving that we are not going to let this happen any longer.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENDING JOBS OVERSEAS

Mr. DORGAN. Mr. President, today I wish to describe my disappointment at the vote yesterday, a vote on whether we were going to shut down the drain in this tub of ours down which we are draining American jobs. We are trying to create jobs and put new jobs into the economy. Now what we have discovered is that the drain is wide open. Even as we talk about this, we have American jobs going overseas in search of cheap labor. We actually give a tax break in our IRS Code for allowing companies to shut their American plant, get rid of their American workers, and move jobs overseas. We tried very hard to change that. I have tried that in the past on four occasions. Yesterday was the fifth vote to say, at least let's stand up for American jobs. Let's not give a tax break to move American jobs outside of the country, especially at a time when millions of Americans are out of work. Let's not do that.

The proposal was to shut down that unbelievable tax break. The vote was, no, we can't do it. Apparently on the floor of the Senate there is plenty of support for Chinese jobs. I didn't notice anybody got up in the morning to come to this Chamber to support Chinese jobs. It seems to me the hard work here is to support American jobs.

I see the two leaders. When they wish to seek the floor, I will continue my discussion.

I can't tell you how disappointed I am. Every member of the minority voted against a bill that stands up for American jobs and shuts down the tax break for moving jobs overseas. We did get 53 votes. In other eras of the history of the Senate, that would be enough to pass legislation. Here it is not because everything needs 60 votes.

Let me yield the floor with the understanding that when the leaders are

completed with their work, I know they have some important work trying to wrap up the business of the Senate, I want them to be able to do that, and then I will be recognized when their activity transpires.

I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that all postcloture time be considered yielded back and the motion to proceed to H.R. 3081 be agreed to; that the Senate then proceed to the consideration of H.R. 3081; that the bill be considered under the following limitations; that the only amendments in order be the following: Inouye substitute amendment, which is at the desk, and that once the amendment has been reported by number, it be considered read and not subject to division; Inouye title amendment; DeMint amendment regarding extending length of time on the continuing resolution; Thune amendment regarding reducing spending levels; that this amendment not be subject to a division; that general debate on the bill be limited to 2 hours equally divided and controlled between Senators INOUE and COCHRAN or their designees; that debate on each amendment be limited to 30 minutes, equally divided and controlled in the usual form; that upon the use or yielding back of all the time, the Senate proceed to vote with respect to the amendments to the substitute in the order in which they were offered; that each of the amendments to the substitute amendment be subject to an affirmative 60-vote threshold and that if they achieve that threshold, then they be agreed to and a motion to reconsider be laid on the table; that if they do not achieve that threshold, then they be withdrawn; that upon disposition of the amendments, the substitute amendment, as amended, if amended, be agreed to, the bill, as amended, be read a third time, and the Senate then proceed to vote on passage of the bill; that upon passage, the title amendment which is at the desk be considered and agreed to; further that no Budget Act points of order be in order to the substitute or the bill. Further, that if there are any sequenced votes, then there be 2 minutes equally divided and controlled in the usual form prior to each vote and that after the first vote, the remaining votes be limited to 10 minutes each.

I also want everyone to understand it is my understanding Senator LEMIEUX wants to offer an amendment by consent to this agreement I just read.

Mr. MCCONNELL. Mr. President, it is my understanding he will offer that later. We can proceed then.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

SENDING JOBS OVERSEAS

Mr. DORGAN. Mr. President, this unanimous consent agreement means we are now on a timeline to finish passing a continuing resolution very soon. I appreciate the work everyone has done. I do want to finish what I was saying.

It was a profound disappointment to me that after all of this time, going back 9 years and five votes, that we were not able to get sufficient votes in the Chamber, 60 votes to shut down a tax provision that rewards people who actually move their jobs overseas from this country. I won't go through the presentations I made previously, but it is quite clear that we need, on behalf of the American people, to say: Our job is to stand up for jobs in this country. Our work is to help people get back to work here and to support businesses which produce in this country, which decide to rent the building and hire the employees and produce here. That is what we ought to stand for. Yet those who produce here and stay here are at a disadvantage, because there is a tax break given to those companies that move overseas and hire foreign workers and then sell back into this country. That was the debate yesterday and the vote. Regrettably, not one Member of the minority voted with us. That is a profound disappointment. We will all get over that. But the people who are unemployed will not, if these jobs keep moving overseas. That is the point.

NEW YORK PHILHARMONIC IN CUBA

I did want to come for another reason. I will do this quickly. A long while ago I was on the floor talking about something that I think should happen, and it needs the approval of this government to make it happen, the approval of a license to make it happen. That is for the New York Philharmonic to be able to perform in Havana, Cuba. It would be a wonderful thing. They had to cancel a previous appearance because they couldn't get a license from their government to allow them to do it.

Let me describe with a couple charts what brings me to this point and the reason I want to talk about it for a moment. This is in the middle of the Cold War with Russia. This is Leonard Bernstein and the New York Philharmonic shown here performing in Moscow in 1959. It is the oldest symphony orchestra in America, since 1842, one of the most renowned cultural ambassadors for this country. It has performed all around the world in 59 countries on 5 continents. It performed many times in Communist countries with the full blessing of the U.S. Government. At the height of the Cold War the orchestra was enthusiastically received in Moscow. The audience applauded for 30 minutes following their performance. Conductor Bernstein took the New York Philharmonic to Moscow. Think of it.

In addition to performing in Moscow, the New York Philharmonic has performed elsewhere. They have performed in North Korea. I have seen the DVD of that performance. It was quite extraordinary, February of 2008 in the capital of North Korea, the first ever concert by a U.S. orchestra within the boundaries of that secretive state. We know that there is a lot wrong with North Korea, but the conductor and the president of the Philharmonic told me and a group of Senators that the State Department encouraged the visit of this orchestra, assisted with arrangements. The concert in Pyongyang was broadcast live on State radio and television. They played music by George Gershwin in North Korea's capital, even played the Star-Spangled Banner. I saw the video. The audience continued to applaud long after the orchestra had completed its music and left the stage.

This is a photograph of Hanoi, Vietnam in 2009.

The New York Philharmonic orchestra performed there, in Hanoi, Vietnam. The demand for tickets was so great they simulcast the concert live out on the streets of Hanoi.

The only country in the world in which the Philharmonic, at this point, is not able to perform in is Cuba. They had to cancel a previous visit to Cuba in October 2009. It was planned. But it was cancelled because they could not get a license from our government to travel to Cuba.

The U.S. government allows anyone, including an orchestra, to travel to North Korea, to Iran, to any other country in the world; but you have to have a license to travel to Cuba. Why is that the case? Because the Castro brothers have stuck their fingers in America's eye for a long time. We have an embargo against the country of Cuba, and we decided we were going to take care of the Castro brothers in Cuba by punishing the American people and restricting their right to travel to Cuba, unbelievably, in my judgment. We say to the American people: We are going to fix you. We will restrict the rights of the American people to travel to Cuba. So they have.

Senator ENZI and I have a bill with a large number of cosponsors in the Senate that would lift that travel restriction.

The reason I brought this issue to the floor of the Senate today is, I feel it is time to get a positive answer from this government—the Treasury Department and the State Department—to give a license to the New York Philharmonic to make this trip and perform in Havana, Cuba. They should not have to keep cancelling their plans because of U.S. government restrictions.

Some say: Well, what is the difference? What matter does it make if they are not able to travel? Do you know what? If you watch the DVD of

the New York Philharmonic performing in North Korea in 2008, and then take a look at the clips and the pictures of them in Moscow in 1959, and then ask yourself whether it makes a difference for us to be able to send, in a cultural exchange, this wonderful, unbelievably world-class orchestra to perform in these countries. I think it makes a difference.

We are in a circumstance at the moment where if you do not have a license to travel to Cuba, violators, U.S. citizens, can be fined up to \$50,000 by their government. It does not make any sense to me. That needs to change. Criminal penalties could be \$250,000 and 10 years in prison for violating the travel ban. We need to change all that.

In the meantime, I believe this government needs to provide a license, and they can do it under existing circumstances without changing the policy at all. They need to provide that license to allow the New York Philharmonic to be able to perform in Havana, Cuba. I am talking to the Treasury Secretary and the Secretary of State and asking for their cooperation. This is not something that is difficult. This can be allowed under existing rules. Members of the New York Philharmonic, and those who work with them and those who sponsor them, who would participate fully in the youth programs in Havana, Cuba, can be, in my judgment, approved with a license from the Treasury Department. I hope Secretary Geithner understands that and will take appropriate action. I know the Secretary of State wishes to see this happen. I believe the Treasury Secretary would as well. I hope within days they will make it happen.

I intend to work next week with all of those principals to see if at last, at long last, we might be able to resolve this issue. This makes no sense to me, to decide that the way we are going to conduct diplomacy is to prevent our Philharmonic Orchestra from playing in Havana, Cuba, given the fact they have played in the capital of North Korea, in Russia, in Vietnam, and more.

Mr. President, I was going to talk a little about energy and my profound disappointment that we are going to end this session without having done something in energy, and how some of us are trying very hard between now and the lameduck session to at least get what is called a renewable electricity standard or at least perhaps get that plus the Electric Vehicle Deployment Act moving so we can advance our country's energy interests. I will find another time to talk about that issue.

I do want to finally say, in addition, before this Congress adjourns sine die at the end of the year, there must—there must—be a solution to two things. One is the Cobell settlement, because American Indians deserve that

settlement. It has been negotiated, is done, is ready. This is an abuse of 120 and 150 years. It must be corrected, and that settlement needs to be done. No. 2, what is called the Carcieri fix needs to be resolved.

My colleague, the chairman of the Appropriations Committee, well understands this. Every Indian tribe that was recognized after 1934 has every parcel of land they took into trust since that time now in legal question. The Congress cannot possibly leave this session without addressing that issue. The issue arises from a court decision that in my judgment was wrong, but it places in jeopardy a wide range of facilities on Indian reservations with respect to the status of their property ownership and their lease. I hope and I know Senator INOUE shares my feelings that we must, before the end of this year, address both of these issues.

Mr. President, I yield the floor.

Mr. INOUE. Mr. President, I wish the RECORD to show that I concur fully with my colleague and that I will do my absolute best to see that his views are carried out.

DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the motion to proceed is agreed to and the clerk will report the bill.

The legislative clerk read as follows:

A bill (H.R. 3081) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, today is September 29, which means that fiscal year 2010 will come to an end tomorrow at midnight. We should all keep that in mind because in order to avoid a government shutdown, the Senate must act now to send this essential legislation to the House of Representatives.

I do not believe any of my colleagues wish the Government of the United States to be shut down on Friday, so I am hopeful we can avoid unnecessary amendments and work in a bipartisan fashion to pass this CR and send it to the House.

This is a clean continuing resolution that includes only those exceptions that are critical to allow the government to carry out its responsibilities. I would note that according to the CBO scoring of this bill, this resolution will fund the government through December 3, 2010, at a rate that is approximately \$8.2 billion below fiscal year 2010 enacted levels.

Vice Chairman COCHRAN and I have done our best to ensure that this CR includes only the bare minimum of what

is necessary to continue government operations until Members on both sides of the aisle are able to work out their differences and complete action on this year's appropriations bills.

In addition, the CR extends the temporary assistance for the Needy Families block grant program, which provides necessities such as food and clothing for those hardest hit by the struggling economy. This resolution also extends the current GSE loan limits, to prevent a disruption of the home mortgage market. Finally, this measure will fund current military operations for the next 2 months, ensuring that our soldiers, sailors, airmen, and marines will have what they need to carry out their missions.

While I know there are many additional matters which the administration and other Members of the Senate wish to have included, we have been unable to reach a bipartisan agreement to do so. But I can assure my colleagues that everything essential to continue government services has been included.

Time is short, and we have before us a clean CR that has the bare minimum of exceptions necessary to avoid disruptions to government services that is approximately \$8.2 billion below fiscal year 2010 levels, and that has the approval of both the majority and minority leaders.

I urge my colleagues to vote to support this CR and to send it to the House as quickly as possible.

I reserve the remainder of my time, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUE. Mr. President, I ask unanimous consent that the time expended during the quorum call be equally divided on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORKER. Mr. President, I want to speak for a few minutes. My understanding is that Senator THUNE is coming to the floor in a moment to offer an amendment to the continuing resolution that would reduce spending in the continuing resolution by 5 percent on

discretionary items that are non-defense oriented.

I want to say that I just came from a meeting with Chairman Bernanke talking about our debt situation. I know we have a Deficit Reduction Commission right now that is working on that and will have a report due on December 1. But I think everyone in this body understands it is a huge issue for our country and that right now the markets have allowed us to have lower interest rates because we are considered to be a safe haven. But the fact is, at some point in time we all understand this is going to disconnect and, in fact, we will pay higher interest rates because of our lack of ability to control our spending.

I think a great first step for us to be able to walk into—hopefully, something constructed by the Deficit Reduction Commission and, if not, by our own actions this next year, where we know the No. 1 issue that threatens our economic security in this country—and by virtue of threatening our economic security, it threatens our national security—is the huge amount of spending that is taking place. I think we have all seen throughout the country what I would say is a very centered and deep concern about the amount of money we spend here in Washington.

I want to say, anybody who thought last year's appropriations bills were far higher than they should have been should support the Thune amendment. The fact is, what we are actually doing by virtue of the CR that has been offered is we are actually continuing spending at 25 percent of our gross domestic product, which is a full 5 percentage points above our historic 50-year average of 20.3 percent.

I think the Thune amendment is an appropriate first step. I think all of us in this body know that over the course of the next couple years we are going to have to take Draconian steps to rein in spending, which has been out of control. We are operating this year without even a budget.

I do not cast blame. I just want to focus on solutions. The very best way we can start walking toward a solution that ensures continued economic security in this country is to support the Thune amendment.

I am here to talk for a few minutes. I know the Senator from Arizona has just stepped on the floor. I think the Thune amendment is thoughtful. I hope all of us on both sides of the aisle will consider it thoughtful, and that we will get behind it.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, obviously we are 1 day away from the end of the fiscal year. We have before us a continuing resolution, better known as a CR. It totals over \$1.1 trillion to fund the operations of the Federal Govern-

ment through December 3, after the elections.

In addition to continuing appropriations, this measure also includes numerous authorizing provisions from the fiscal year 2011 Defense authorization bill. We shouldn't have to selectively tuck important, defense-related provisions on to appropriations bills in order to meet the pressing needs of the Armed Forces.

The majority has decided to wait until the very last minute to bring this stopgap measure to the floor with the hope that Members will simply vote yes so that we can all go home and focus on the upcoming elections. I will not be voting yes. I will be voting no. If we pass this resolution, we can be assured that we will be considering yet another massive omnibus spending bill in December. The simple fact that we are considering this continuing resolution is evidence of the majority's inability to lead effectively and do the people's business.

As I said, we are 1 day from the end of the fiscal year. This body has not considered a single one of the annual appropriations bills on the floor. We have a \$13.5 trillion debt and a deficit of nearly \$1.4 trillion. Yet we have not debated a single spending bill or considered any amendments that would cut costs or get our debt under control.

Furthermore, the majority decided they just didn't feel like doing a budget this year, so we didn't do a budget this year.

On top of all of this, the majorities in both Houses have decided there will be no debate, no vote on extending the tax cuts that are due to expire at the end of this year. On Monday of this week, the New York Times published an editorial called "Profiles in Timidity." The editorial stated, in part:

We are starting to wonder whether Congressional Democrats lack the courage of their convictions, or simply lack convictions.

Last week, Senate Democrats did not even bother to schedule a debate, let alone a vote, on the expiring Bush tax cuts. This week, House Democrats appeared poised to follow suit.

The New York Times goes on to say:

This particular failure to act was not about Republican obstructionism . . . This was about Democrats failing to seize an opportunity to do the right thing and at the same time draw a sharp distinction between themselves and the Republicans.

Those are not my words; those are the words of the New York Times.

Anyone who converses with people in the business community around this country, whether it be small businesspeople or whether it be the largest, all of them will say the same thing: We have no certainty about what the financial future will hold, whether we will see tax increases or whether we will see tax cuts. What about the estate tax? What about all of these other "tax cuts" that will or will not be extended?

So rather than act one way or the other, we have now punted the ball down the field until after the election. At least we should have taken it up and debated and voted. I will stand by my vote to extend all the tax cuts because I don't believe we should increase anybody's taxes in tough economic times. But instead we will punt, go home, campaign, and then sometimes be curious why the approval rating of Congress is somewhere in the teens.

We have no business at the eleventh hour considering a continuing resolution so we can pack up and go home. We should stay here, in session, and consider each and every appropriations bill in regular order and give Members ample opportunity to offer amendments. Following that, we should debate the Defense authorization bill and consider all amendments by Members, not just those the majority deems necessary to please their base.

When the authorization bill was proposed to be brought up on the floor of the Senate, on this side, we said: Let's have 10 amendments on either side—10 amendments on each side—and we will move forward with regular debate and votes. The majority leader didn't want that to happen. The majority leader only wanted to consider don't ask, don't tell, secret holds, and the DREAM Act, and then take the bill off the floor and wait until—guess what—after the elections. That is not how this body should operate. We should consider all amendments. We would agree to time agreements. And if there are tough votes to be taken, that is why we are sent here—to take tough votes.

We should debate and vote on whether to extend the tax cuts, as I said. Each day this issue is left unresolved, millions of American taxpayers and small business owners are left without the ability to properly budget for the next year.

At a townhall meeting, a guy stands up and says: I am a CPA. I make a living advising people how they should adjust their estates and their expenses and their investments based on, at least in part, what kinds of tax liabilities they will be facing. I can't do my job because we don't know.

The environment of uncertainty is holding back investment and job creation in this country, and at least the people of this country should have the right to know what their taxes are going to be next year. That won't be the case.

Let me return for a minute to the continuing resolution and the very serious concerns I have about one of its provisions. According to the Appropriations Committee and press reports, section 146 of this bill would authorize Fannie Mae and Freddie Mac to continue buying and guaranteeing mortgages up to \$730,000 in expensive housing markets through September of next

year. Under current law, that amount was scheduled to drop to \$625,000 at the end of this year. One would think that by now we would all be sensitive to the disastrous fiscal implications of Fannie's and Freddie's performance and find ways to rein them in rather than maintain or expand their operations. Fannie and Freddie are synonymous with mismanagement and waste and have become the face of too big to fail.

Congress had the responsibility to ensure that Fannie and Freddie were properly supervised and adequately regulated. Congress failed, and the devastation caused by that failure continues to reverberate across the Nation every day.

A recent editorial in the Dallas Morning News said:

They—Fannie and Freddie—had long ago evolved from the modest backer of loans that met high underwriting standards into full-scale casino players in high-risk mortgages. By purchasing or backing the loans of mortgage companies and banks, Fannie and Freddie made it possible for lenders to create more money for new loans to new homeowners.

But Fannie and Freddie also conveniently benefited from their hybrid status: They could make loans at advantageous rates and run to Washington at the first sign of trouble. As a major political donor, they seldom heard the word “no” anywhere inside the Beltway.

That is right. They seldom heard the word “no” anywhere inside the beltway. Some suggest that because of their deep pockets and generous campaign contributions, Congress routinely overlooked the growing problems at Fannie and Freddie and allowed them to continue operating in the most obscene, corrupt fashion.

So where are we now? To date, the American taxpayer has spent \$160 billion to bail out Fannie Mae and Freddie Mac, and experts estimate those costs could rise to over \$1 trillion. Isn't it time we phase them out of being a government-supported enterprise? So why in the world would we provide these failing institutions with authority to continue to buy these high-dollar mortgages? It makes no sense.

My colleagues might recall that in May I offered an amendment to the financial regulatory reform bill to address the serious problems surrounding Fannie Mae and Freddie Mac. The amendment was designed to end the taxpayer-backed conservatorship of Fannie Mae and Freddie Mac by putting in place an orderly transition period and eventually require them to operate without government subsidies on a level playing field with their private sector competitors. Unfortunately, but not surprisingly, that amendment failed.

The time has come to end Fannie Mae and Freddie Mac's taxpayer-backed free ride and require them to

operate on a level playing field. Fannie and Freddie continue to post loss after loss and are failing right in front of our eyes. For Congress to yet again allow them to continue business as usual is the height of irresponsibility.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, a cursory review of the record will indicate that the Appropriations Committee has 12 subcommittees. Eleven of these subcommittees have reported their bills to the full committee, and they have all passed. They are on the desk, ready to go. But something has happened in the interim.

I ask my colleagues to keep in mind that the bulk of them—by that, I mean nine of the subcommittee bills—were passed by the middle of July. That is a long time ago. We have had hearings with not one or two witnesses but hundreds of witnesses. We have discussed and debated all of the items in the measure, and we present that to the floor and we try to schedule them, but there are holds and threats of filibuster and such. Therefore, I want the Senate to know that the Appropriations Committee has done its utmost to make certain that these measures are passed in the regular order.

One subcommittee has not been able to conclude its resolution because a new budget agreement just came in—a budget amendment which the committee has to consider, and therefore they have to look it over. We are not just cursorily rubberstamping every budget amendment.

AMENDMENT NO. 4674

(Purpose: In the nature of a substitute)

Mr. President, I have a substitute amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUE] proposes an amendment numbered 4674.

Mr. INOUE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under “Text of Amendments.”)

Mr. INOUE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold his suggestion for a quorum call.

Mr. INOUE. I will. I did not see the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I wish to spend a few minutes talking about where we are. There is no question the chairman of the Appropriations Committee has finished his bills, and they have not come up. But the quality of

the work doesn't meet with the depth of the problem we have today, No. 1; No. 2, it doesn't address the concerns of the American public.

So we are going to have a continuing resolution that we are going to pass through this body tonight, probably by a vote of about 80 to 20 or 75 to 25. But the signal we are sending is based on our tin ear. We are going to continue spending at the same rate we have been spending. We are borrowing \$4.2 billion a day under this continuing resolution. The government now is twice as big, in terms of expenditures, not including the war, as it was in 1999. We are not addressing what the American people want us to address; that is, that we ought to start living within our means.

I will not offer an amendment to the bill. There are several amendments. My colleague from South Dakota offered one that will bring us back to 2008 levels, but that is not enough. The fact is, we have to engage the American public in what is rightfully a cogent criticism of the Congress; that is, that we are allowing wasteful Washington spending to go on, not by intent—and I am not questioning anybody's motives—but the fact is, we have not done our job in terms of oversight.

We heard Senator MCCAIN talk about the tax cuts and raising taxes during a very soft economic time. The vast majority of the Americans don't want us to do that. I don't know why we are not discussing it, and I don't know why we are leaving town before we send that signal, but that is way above my pay grade.

What I will tell you is, I can take any group of Americans and sit down and go through this with them and show them, without question, \$350 billion worth of waste every year in the Federal Government. The amendment of my colleague from South Dakota is cutting less than \$50 billion from what we are going to spend—in fact, we did it in 2008, other than for homeland security, defense, and veterans. So even though I love what my colleague is doing, it doesn't go nearly far enough compared to what the real need is for us.

There are two real needs. One, if we are going to finance the debt we have today, we have to send a message and signal to the world that we are interested in getting our house back in order, that we are interested in becoming efficient, and interested in becoming austere with our taxpayers' money. The second message we need to send is to those who have capital in this country; that they, in fact, can have confidence that we are going to right this ship, and we will start seeing them deploy some of those assets to create the very jobs we so desperately want for the American people who do not have them today.

I have been here long enough to know what is going to happen. But what I

wish to do is register my dissatisfaction that we are not addressing the real problems in front of our country today. Instead, we are ducking out on tough decisions so we can go home—and I am up for reelection as well—and get to the voters. My question is a much more powerful message than going to the voters; it is us making hard choices that the American people want us to make.

This week, the 2010 fiscal year is coming to a close. On October 1, 2010, it will become the new budget year. Here is what we failed to do as a body—our fault just as much as yours. We didn't pass a budget. We didn't set priorities. We didn't decide where to spend and where to save. We didn't pay for new spending—\$266 billion in the last 6 months in this Congress on new spending that we waived pay-go on and borrowed it against our children. We didn't pass any appropriations bills. We didn't make any tough choices. We didn't conduct any significant oversight on the waste, fraud, and abuse in the Federal Government or the duplication in the Federal Government. We didn't eliminate any duplicative or ineffective programs—not one. We didn't do our job. No wonder America is disgusted with us.

What did we do? We increased the debt limit to more than \$14 trillion. We added more than \$1.4 trillion to the deficit and charged it to our grandchildren. We ignored the Constitution and expanded Washington's reach into our private lives, shrinking freedom and growing government. We put ourselves first and the country second. Despite promises from us that government programs can solve every challenge, taxpayers are getting ripped off. We sent \$1 trillion of their income to the Treasury this year just to watch it waste \$350 billion. At the same time, we created a lot of new programs, and some people are very proud of them. I am very worried about them. But I give you the credit that you went down the road you thought was right and did it.

The real problem is, we are continuing the same old habits. The real issue is, until we truly understand the severity of the difficulty we are in and start acting like we understand it, this ship is going to continue to sink. We are not going to create the confidence in the American public or the \$2 trillion that is sitting on the sidelines right now if, in fact, they had a clear signal it would start flowing into investment and capital that would create jobs.

Last December, my office spent 3 weeks just looking at duplicative programs. When we passed the debt limit, we agreed with an amendment I inserted that the GAO would give us a list of those. They are starting that work, and this February we will see the first large tranche of that. It is going to take 3 years to compile that because the government is so big.

We ought to have a little taste, and the American people ought to have a little taste, of what we didn't get rid of and didn't fix. We have 1,399 Federal programs that serve rural America; 337 of them are considered key. One thousand of them aren't considered key. They are not considered substantive. That is before you even take the test of saying whether they are authorized by the U.S. Constitution.

The Federal Government operates 70 programs costing tens of billions of dollars that provide domestic food assistance—70 different programs—and many of them overlap or are inefficient. Most of them cannot demonstrate they are effective. That is according to a recent review by the Government Accounting Office. We didn't fix it. We could have saved taxpayers some of that money. There are 14 programs administered by the U.S. Department of Education related to foreign exchanges and designed to increase opportunities for students to study abroad. Why do we have 14 programs? Why not have one good one that meets the needs of Americans?

We fund 44 job training programs, administered by 9 Federal agencies across the bureaucracy. The cost is \$30 billion a year, and we don't know what the overhead is because we have 44 programs instead of 2 or 3. We didn't address any of that. There are 17 offender reentry programs across 5 Federal agencies, costing \$¼ billion. There has been no oversight. In other words, we have not looked where the problems are. We have not looked to say: How do we make this government more efficient?

What we have done is to say we are going to raise taxes—or at least we are not going to vote on raising taxes until after the election. No matter whether you are middle income, lower income, or upper income, it makes no sense for us to say we need more money here, when we will not do the very simple job of eliminating the waste.

I don't question the motivation for job training programs; I think they are necessary. I don't question the motivation for food programs; I think they are necessary. But 44 and 70 different programs, with 70 sets of bureaucracies and 44 sets of bureaucracies? Then we are going to tell Americans they should pay more tax, when we will not even do the simple thing to save \$100 million here or there. With a \$30 billion program, if you save 10 percent, that is \$3 billion. So all you have to save is one-tenth of 1 percent or three-tenths of 1 percent. We will not even do that.

I have a book full of duplicative programs. It is available to anybody who wants it. We ought to ask what kind of rating or grade would the American people give us—Republicans and Democrats alike—in terms of running the government, funding the government, and working to make the government

efficient and effective. I don't think we have any good defense. I think people's intentions around here are excellent, but we never get around to the hard work of holding the bureaucracies accountable.

Senator CARPER had a great hearing today on the Defense Department and the fact that the Defense Department is trying to get where they can manage what they are doing by measuring it with a significant system, in terms of IT. It is just \$6.9 billion over budget. Where is the oversight on that procurement? What the GAO said is the following: The management was ineffective at looking at those programs. The management was ineffective in the testing of those programs during their development. The management was ineffective in terms of the procurement of those programs. When I asked the heads of every branch in the military whether they agreed with that, they said, yes, they agreed they were ineffective.

We don't have anything in the appropriations bills to change that effectiveness. We didn't have anything in the Defense authorization bill to change that effectiveness. We are just going to let it go on, and next year it will be \$7.9 billion or \$8.9 billion over. So we are not doing our job.

That is not to question my colleagues' motive; it is to raise the awareness that the jig is up. The American people know we are not doing our job. They want us to start doing our job—both Republicans and Democrats.

We have several colleagues on the floor. Rather than take more time, I just note that I am consistent in terms of coming down here and worrying about our future. I have done so for 5½ years—much to the chagrin of a lot of my colleagues. I wish to leave you with one statement.

Our children deserve to have the same opportunities in this country that we have experienced. By us failing to do the very duties that are called upon us in a rational, straightforward basis, of doing oversight of the Federal Government and making the hard choices, we abandon our oath, but, more importantly, we steal the heritage that was given to us.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 4676 TO AMENDMENT NO. 4674

Mr. THUNE. Mr. President, I ask unanimous consent to call up my amendment No. 4676 and ask that it be made pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant editor of the Daily Digest read as follows:

The Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 4676 to amendment No. 4674.

Mr. THUNE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reduce spending other than national security spending by 5 percent)

Strike section 101 and insert the following:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2010 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2010, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) Division A of the Department of Defense Appropriations Act, 2010 (division A of Public Law 111-118).

(2) The Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83) and section 601 of the Supplemental Appropriations Act, 2010 (Public Law 111-212).

(3) The Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2010, division E of the Consolidated Appropriations Act, 2010 (Public Law 111-117).

(4) Chapter 3 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111-212), except for appropriations under the heading "Operation and Maintenance" relating to Haiti following the earthquake of January 12, 2010, or the Port of Guam: *Provided*, That the amount provided for the Department of Defense pursuant to this paragraph shall not exceed a rate for operations of \$29,387,401,000: *Provided further*, That the Secretary of Defense shall allocate such amount to each appropriation account, budget activity, activity group, and subactivity group, and to each program, project, and activity within each appropriation account, in the same proportions as such appropriations for fiscal year 2010.

(5) Section 102(c) of chapter 1 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111-212) that addresses guaranteed loans in the rural housing insurance fund.

(6) The appropriation under the heading "Department of Commerce—United States Patent and Trademark Office" in the United States Patent and Trademark Office Supplemental Appropriations Act, 2010 (Public Law 111-224).

(b) Such amounts as may be necessary, at a rate for operations 5 percent less than the applicable appropriations Acts for fiscal year 2010 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2010, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111-80).

(2) The Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85).

(3) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (division A of Public Law 111-88).

(4) The Legislative Branch Appropriations Act, 2010 (division A of Public Law 111-68).

(5) The Consolidated Appropriations Act, 2010 (Public Law 111-117), except for division E.

Mr. THUNE. Mr. President, as you know, the budget-appropriations process has broken down. Neither the House nor the Senate passed a budget resolution which provides a basic roadmap for our spending decisions for the next fiscal year.

As a result of not having a budget, not a single appropriations bill has been signed into law for the new fiscal year that starts tomorrow at midnight. The House has passed only 2 of its 12 appropriations bills. Unfortunately, this 17-percent batting average, 17-percent success rate surpasses the Senate which has failed to pass any of the 12 appropriations bills.

Because of this, we find ourselves considering a measure to provide stop-gap funding through December 3 to provide more time for completion of our annual appropriations bills.

This delay and lack of floor debate on any of the annual appropriations bills has prevented us from having a much needed debate on the size of government and the amount of money we should be spending.

Keep in mind, the overall growth in nondefense spending since 2008 has amounted to roughly 21 percent at a time when inflation has amounted to only 3.5 percent. This excludes any mention of the \$814 billion stimulus bill.

The continuing resolution before us today seeks to provide funding at the same rate as fiscal year 2010. I will say that I am somewhat pleased to see that my colleagues on the other side of the aisle have not attempted to add other funding measures to this measure. That is commendable that we at least are going to do a continuing resolution that is relatively speaking clean. It would be my preference to dial back the overall spending level to the fiscal year 2008 levels.

I have introduced legislation that will do just that, as have some of my colleagues. Senator INHOFE from Oklahoma has a bill that will do that. Some of my House colleagues have come up with a similar proposal that will do that. I guess I would say to my colleague from Oklahoma who just got up and spoke and mentioned this amendment probably does not go far enough that I do not disagree. Frankly, I would like to see us go back to the 2008 levels.

What I am trying to do today is seek the support of my colleagues to at least take a measured step in reducing discretionary spending. My amendment simply seeks to reduce by 5 percent accounts not related to defense, homeland security, or veterans. This would not affect funding for the START treaty or any of the other new provisions in this continuing resolution.

On an annualized rate, it would, however, save us about \$22 billion compared to the \$1.25 trillion score that CBO has provided for the proposed continuing resolution before us today.

While this is a modest number and it is not going to solve our debt problems overnight, it is a necessary first step to reduce spending. Since nondefense discretionary spending has grown over 21 percent in the last 2 years—again, at a time when inflation was only 3.5 percent—I think the least we can do is support this reasonable reduction until we return after the election to decide what the remaining funding level should be for the fiscal year 2011 spending bills.

To put things into context as my colleague from Oklahoma, who just finished speaking, has done, we are looking at a \$13.4 trillion debt. Our deficit for 2010 is estimated to be \$1.3 trillion. About 40 cents out of every dollar that is spent in Washington, DC, by the Federal Government now is borrowed.

If we look at the last 34 years, there have only been four times—4 years—where all the appropriations bills have been passed on schedule.

If we actually did go to a freeze at 2008 spending levels and index it for inflation, it would save \$450 billion over 10 years. That makes a lot of sense.

As I said, that is legislation I introduced earlier. At a minimum, what we ought to be able to do is say to the American people, at a time when many of their family budgets are shrinking, at a time when they are trying to make ends meet, that we get it. In Washington, DC, we understand: You want our Federal Government to do with a little bit less.

What I am proposing is a 5-percent haircut; that is all, 5 percent. That is the least we can do for the American people at a time when, as I said, we are running these \$1.3 trillion deficits and have future generations of Americans faced with a massive amount of debt that will be on their backs for generations to come.

I hope today we can find the political will in the Senate to take what I think is a very modest, a very measured approach to reduce spending in this continuing resolution by 5 percent. When we come back in December, we can have a full-blown debate about what the size of government should be, which we should be having now and should have been having throughout the course of these last few months when these appropriations bills should have been debated and should have passed a budget.

That being said, we do not have a budget. We have not passed appropriations bills. We are where we are. The least we can do, in fairness to the American people, the taxpayers of this country, is send a clear message to them that we are going to do a modest amount, at least a 5-percent reduction

over last year's level in this continuing resolution and try in a very small way to get some of the overspending that is occurring in Washington, DC, under control.

Mr. President, 21 percent over the past 2 years at a time when the inflation rate was 3.5 percent, meaning that we are spending at the Federal level five to six times the rate of inflation, what the rate of price increases are across this country for most Americans. That is not fair to the American taxpayers. I hope my colleagues will support this amendment.

The Senator from Massachusetts is here. I believe he wants to speak as well to this issue and to this amendment. I yield as much time to him as he may consume.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Mr. President, I thank the Senator for yielding. I stand here in support of the Thune amendment and thank him for his leadership on this good first step.

To me, it is pure common sense. I agree with everything he has said in terms of we have overspent. It is time to draw a line in the sand, lead by example, and show the American people that they are doing without, and we can do without.

We are only talking about 5 percent. It is \$22 billion. I remember—it seems like 10 years ago I got here. I remember being in the Massachusetts Legislature, and we were throwing around millions. Here they throw around trillions like it is nothing. I know it is only \$22 billion we can save, which is still real money where I come from, and so over \$300 billion potentially over a 10-year period.

It is time. It is time to start leading by example. It is time to show we can also make some cuts. Quite frankly, I do not think they will hurt. We need to send a signal to our constituents and to the rest of the world that we are trying to finally get our fiscal house in order.

I just met with representatives from Great Britain. They are doing across the board a 25-percent cut. They recognize they do not want to be in a similar financial predicament as other countries in that part of the world. They are sending a very powerful bipartisan message to the people in that country that they have to get their fiscal house in order. We need to start sending that very same powerful fiscal message to do the same thing.

I remember when I got here back in the beginning of January, the national debt was about \$11.95 trillion. As Senator THUNE just pointed out, it is almost \$13.3 trillion or \$13.4 trillion right now. That is less than 7 months. Our deficit is over \$1 trillion.

At what point do we eliminate the inefficiencies and duplications throughout our Federal Government, as Senator COBURN has identified cuts in

many wasteful programs? I agree with him. We have to start somewhere. Can we not do just one thing—just one, that is it—to show the American people that, yes, we get it, we feel your pain, we get it. It is time. They are sending a very powerful message. They sent it in January and they are sending it again that they are tired of overspending, they are tired of deficit spending, they are tired of overtaxing. We have to get our fiscal house in order.

I thank Senator THUNE for his leadership and Senator COBURN for taking the time to find all these duplicate programs.

Mr. THUNE. Mr. President, before the Senator from Massachusetts yields the floor, will he yield for a question?

Mr. BROWN of Massachusetts. Yes.

Mr. THUNE. I ask the Senator from Massachusetts if he is hearing from his constituents back in his State the same message I hear from my constituents in South Dakota; that is, we are experiencing economic difficulties. In this economic downturn, many people lost jobs, many had a loss of income, many family budgets are being squeezed.

Does not the Senator from Massachusetts hear the same thing from his constituents I hear from South Dakotans; that is, we want the Federal Government to lead by example, and rather than growing at four, five, six times the rate of inflation, actually take some steps to get its spending under control in the same fashion, the same way we are having to do it?

That is what I hear from people in South Dakota. They are tired. They think the Federal Government is growing too fast, has gotten too big. They think it is a runaway train, especially when it is running \$1.3 trillion annual deficits.

I think 5 percent on this particular continuing resolution, this funding bill is a modest amount that at least most of my constituents would think is reasonable.

I ask the Senator from Massachusetts if he thinks his constituents believe this Federal Government could live with 5 percent less at a time when they are living with a lot less in many circumstances?

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Mr. President, I thank the Senator for his question. I commend his constituents on having the foresight to instruct him and let him know they are hurting. The people in my State are hurting also. They are absolutely concerned about the disconnect between Washington and the State I represent.

What I notice not only in Massachusetts but my travels throughout the country is that they believe the people in Washington go around saying: You are great, you are great, everything is

wonderful, there is no recession in Washington. All the restaurants are full. The housing market is great. Everything is great around here. But outside that, they say: He doesn't get it; she doesn't get it; we are going to make a statement pretty darn soon.

They are absolutely looking for fiscal leadership. Listen, there is absolutely a role for government. Government needs to know when to get out of the way also. It needs to know when to get out of the way and let free enterprise and the free market take shape and let us get the economy going through something besides government-created jobs.

I thank the Senator for his question. I agree wholeheartedly, yes, there is a great concern that we are overspending, we are overtaxing, we are overregulating, and we need to make sure this gesture, this 5 percent—I do not want to throw billions around like it is not money, but compared to the trillions we are all used to dealing with here, it is not big money. But I tell you what, it is a very good start. It sends a very powerful message to the people in Massachusetts and throughout the rest of this country and the world that a group of Senators have finally gotten together and have sent a message to the rest of the administration and to the folks that we are going to start to do one thing—just one thing: to start to get our fiscal house in order.

Mr. THUNE. Mr. President, if I might just say to the Senator from Massachusetts, again, I appreciate his willingness to come down here and express his support for this amendment. The Senator from South Carolina is here. I expect he will speak too. He has an amendment he would like to offer as well.

Most Americans believe government spends too much, especially at a time when their budgets, as I said, have been shrinking.

This is the kind of amendment that ought to attract broad bipartisan support. We are going to fund the government with this continuing resolution until December 3 because, again, we have not passed any appropriations bills or a budget—which, by the way is a discussion, perhaps, for another day but one that I think needs to be joined, a debate that needs to be joined, and that is, what are we going to do to fix this broken-down budget process that year after year puts us in a position where, at the very end of the fiscal year, we have to pass a continuing resolution because we have not gotten our work done? That is an incredibly strange way to run a \$3.5 trillion enterprise like the Federal Government.

I think the American people deserve better. They need a budget process that has some teeth in it, that is binding, that makes sense, where there is an appropriate role for oversight, as the Senator from Oklahoma pointed out—all the agencies where there is duplication

and redundancy where we can find savings. We don't do a lot of that around here because we have a budget process that has broken down.

I have a bill to reform the budget process which, again, I hope is something we can undertake. It is not going to happen now because we are going to wrap things up here this week, it seems. I would be happy to stay around and talk about budget reform, but I think a lot of my colleagues have other things and other places they want to go.

In the meantime, let's at least do something here that will rein in Federal spending and send a very important message and signal to the American people, who have been hurting: The Federal Government here in Washington doesn't live in a bubble, we actually get it, we are listening to the voices of the American people, and we can find a mere 5 percent in our Federal budget, this massive Federal budget, and demonstrate we are willing to tighten our belt a little bit, consistent with what is happening to the American people and the experience they are having in this economic downturn.

I reserve the remainder of my time. I do not know how much time I have left, but I reserve the remainder of my time on this amendment.

The PRESIDING OFFICER. The Senator has consumed all of his time on the amendment.

The Senator from South Carolina.

Mr. DEMINT. Mr. President, I commend Senator THUNE for, again, a very small request of the Senate to continue to fund the government at a 5-percent reduction. It is hardly a radical idea—except in Washington. I hope my colleagues will support that.

I would like to talk about another amendment for a minute, but first I think we need to address what I think has been the most irresponsible Congress I have seen in my time here.

Over the last 4 years, the majority has almost doubled the national debt of all previous Presidents in 4 years. We are on that track to do it. This year, things are so bad that we didn't even bother to do a budget. We are not going to show the American people what we plan to spend, what things are costing.

We are trying to get out of town today without passing funding bills to keep the government operating. We have to do a little makeshift continuing resolution. But we are getting out of town without addressing the fact that we are getting ready to stick the American people with one of the largest tax increases in history. By not doing anything, we are voting with our feet to raise taxes on everyone from the lowest income to the largest corporation, to tax dividends at a higher level, to tax death at a higher level. We are just leaving town.

In the meantime, as people are getting ready to leave town, there are 20

or 30 bills that folks here would like to pass in secret, by unanimous consent, without a vote, without any debate. Some of them have some pretty big price tags. And they are squealing like someone is doing them wrong if we ask for a day or two to read these bills, to see what they cost, to see what they would do to our country.

There is a sense of entitlement here that we have to pass their bill; it is some kind of emergency. But their bills have been hanging around here for months. One of them I just saw was from December of 2009. They are not emergencies, but we have to pass them but we are not going to do the business of the American people. We are not going to carry out our constitutional responsibility to set a budget, to appropriate money for the operation of our government, but we want to get our bills passed and we want to go home.

What we are doing is we are going to pass a continuing resolution tonight to fund the government until December. But the only reason to fund it until December is so we have to come back after the election in a lameduck Congress and pass another spending bill to keep our government going until the new Congress comes in. I think the only reason to do that is so Senators who are not coming back can come here and pass an omnibus spending bill with thousands of earmarks that people have come to expect, so they can take home the bacon to their States one last time.

There is no reason for us to have a continuing resolution that ends in December. We are going to have to come back and use the threat of a government shutdown to force through a bigger spending bill. We should not do that in the chaos after the election.

My amendment would take the exact same continuing resolution that everyone is going to agree on tonight and have it expire on February 4, after we have sworn in a new Congress, after the dust has settled. Then we can make a good decision with people who maybe represent the voices of the American people a little better because they have just come in off of the campaign trail. Instead of passing something in the chaos of November and December, let's do something that is more responsible and more focused.

My amendment is the exact same as the amendment tonight. The only thing it does is it strikes December 3, 2010, and inserts February 4, 2011, so it does not end, there is no emergency, there is no crisis, and there is no threat of a government shutdown. We come back in November and hopefully stop the tax increases and then go home and start over with the new Congress, with folks who are representing the voices of the American people.

My hope is that my colleagues will support this amendment. There is no reason not to support it unless you

want to come back here in November and increase spending, pass an omnibus and pass all of these porkbarrel earmarks to take home one last time.

I encourage my colleagues to support the amendment. I understand we will have a vote on it later this evening, and I will reserve the remainder of my time.

AMENDMENT NO. 4677 TO AMENDMENT NO. 4674

Mr. President, I understand I need to offer the amendment.

The PRESIDING OFFICER. Without objection, the clerk will report the Senator's amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 4677 to amendment No. 4674: Section 106(3) of the bill is amended by striking "December 3, 2010" and inserting "February 4, 2011".

Mr. DEMINT. Thank you. I didn't think it would be too painful to read that whole thing at this time. This is one I can guarantee I read.

Do I need to ask for a recorded vote at this time?

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, if I may again repeat, in June of this year, 9 of the 11 subcommittees of the Appropriations Committee passed their bills in the full committee and reported to the desk. They are all at the desk. But somebody held it up, and I can assure you none of us held it up.

I rise to speak against the amendment just submitted by Senator DEMINT, which would extend the CR from the current expiration date of December 3 to February 4 of next year.

I am certain most of my colleagues are aware that the government frequently operates under a short-term continuing resolution, not because they like to do it but because it takes time. It is not the most efficient way to operate. I agree with that. But it is frequently necessary as we resolve the differences over spending levels.

While our agencies decay living under the CR—and I have said many times that this is not the way to run our government—I believe these agencies have learned to operate in the short term, and I emphasize the two words "short term." This CR was crafted with a very narrow focus in the expectation that it would only last 2 months. It was agreed upon by both leaders, the majority and minority leaders.

The minimal authorization extensions were included in a bipartisan attempt to keep this bill as clean as possible. Many requested anomalies were excluded because it was clear the CR would expire on December 3. Hopefully, the Congress will have concluded its work by that date. If not, a new CR will be required, and I can assure my colleagues that it will be significantly

longer than this bill, with many more anomalies to cover exceptions that must be continued if this CR is extended.

A short-term CR is not efficient, as I have said before, but it is manageable. However, each week we go beyond that period, we further damage the ability of the government to function effectively. For example, contract awards can be delayed a month or two but not for 4 months.

The Appropriations Committee has worked very hard. We have held many hearings, heard from hundreds of witnesses—not just the administration but opposition witnesses—and in a truly bipartisan fashion come to an agreement on the CR we have before us. A large part of that effort was based on the good-faith assumption that once we agreed on an end date—in this case, December 3—Members and staff would use that date to properly identify programs that needed adjustments in order to function as they were intended.

If we accept this amendment and arbitrarily change the end date to February 4 of next year, we will ensure that the exact opposite will happen: The Government will not function as it should. Let me offer a few specific examples.

As chairman of the Defense Subcommittee, I know there are programs essential to the wars in Iraq and Afghanistan that would be disrupted if the Senate were to arbitrarily change the end date of the CR. To say that our troops deserve better is an understatement of the highest order. As a specific example, the Defense Subcommittee carefully reviewed the plans of the Department of Defense and the Department of State for the authorities under the Pakistan counterinsurgency fund. This authority allows the Secretary of Defense, with the concurrence of the Secretary of State, to provide funding for initiatives to reduce the terrorist presence in Pakistan. The subcommittee concluded that a 2-month delay would have minimal negative impact. However, stretching beyond 2 months could seriously erode our counterinsurgency efforts in Pakistan.

As my colleagues know, new starts are prohibited under CRs, so a CR through February 4 would restrict the DOD from proceeding with any new military construction projects during the first third of the fiscal year. Losing 4 months of the year before DOD can begin to implement its 2011 construction program puts the timely execution of the entire program at risk. Fifty percent of the requested funding is anticipated to be awarded by the end of February 2011.

A longer term CR would result in untimely delays for implementing certain farm bill programs, as requested by the Office of Management and Budget. The delay would present shortfalls in funding for food and drug safety approval

programs at the Food Safety and Inspection Service and the Food and Drug Administration due to a shortfall in the budget authority.

A longer term CR would result in untimely delays for implementing certain farm bill programs, as requested by OMB. The delay would present shortfalls in funding for food and drug safety and approval programs at the Food Safety and Inspection Service and Food and Drug Administration due to a shortfall in new budget authority. In addition, if the child nutrition reauthorization is not approved, a further delayed CR will result in reduced food services for children.

As another example, the administration sought to extend a highway provision of interest to Maine and Vermont but since it does not expire until December 17, it was not necessary to include in this CR. But if the CR does not expire until February, that provision is needed.

A final example. The delays that would result from this amendment would stall the implementation of all planned new law enforcement initiatives at the Justice Department, including \$366 million in new national security spending intended to improve the FBI's cyber security, WMD and counterterrorism capabilities and to assist in the litigation of intelligence and terrorism cases.

This CR was negotiated in good faith, it has bipartisan support, and it ensures the government will continue to operate in good order until December 3. This amendment violates all three of those tenets. Arbitrarily changing the end date violates our good faith, is highly partisan, and ensures that the government will not function as it should.

For all of these reasons I urge my colleagues to vote "no".

Mr. President, I suggest the absence of a quorum and ask that the time be divided equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRANKEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH.) Without objection, it is so ordered.

Mr. FRANKEN. Mr. President, I ask unanimous consent to speak for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. FRANKEN pertaining to the introduction of S. 3888 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. FRANKEN. Mr. President, I yield the floor and suggest the absence of a quorum and ask that the time be divided equally between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEMIEUX. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEMIEUX. Mr. President, in a moment I will request unanimous consent to address an issue important to the people of Florida having to do with the EPA and a mandate set to go into effect next month. The timing of this effort is critical. That is why I take the extraordinary measure of bringing it to the Senate floor today. I wish to make it clear that this effort is bipartisan. I am joined by the senior Senator from my State, Mr. NELSON, in this request. If we don't act, something is going to happen to Florida that will have a grave impact upon our economy. Although this is a Florida-specific issue now, it will have an impact on other States and set a precedent as time goes by.

Let me describe my amendment. Then I will talk about the issue. The amendment would prohibit the EPA from using any of the funds in the continuing resolution to implement or enforce the water standard rules that it is working on for Florida. Due to a consent decree between a group in the EPA which is part of a lawsuit, the rule setting water quality standards for inland waters in Florida is set to be finalized on October 15. It singles out Florida and only Florida for these new water standards. However, how this rule is promulgated will serve as a template for how rules are promulgated against other States. For example, EPA is already looking into an effort to promulgate these standards for the Chesapeake Bay area.

We are not against clean water. In fact, Florida has been working on clean water issues for some time and has made remarkable progress. However, this proposal is going to have a dramatic impact on the State of Florida without peer-reviewed science as the basis of this rule.

I ask unanimous consent to have printed in the RECORD an Article from the Jacksonville Business Journal.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Business Journal, Sept. 24, 2010]

JACKSONVILLE SEWER CHARGES COULD
DOUBLE

JEA CEO Jim Dickenson said the utility's sewer rates could nearly double by 2014 if new federal regulations require JEA to spend \$1.3 billion to remove more nitrogen from its sewage plant discharges.

Companies and hospitals—including Anheuser-Busch InBev, Southeast Atlantic Beverage Co., St. Vincent's Medical Center and Mayo Clinic Florida—are expected to be hit the hardest if the U.S. Environmental Protection Agency toughens its pollution standards in 2012. The new rules, which will also

make new development projects costlier, make Florida less competitive with its less regulated Southeast competitors, said Keyna Corey, spokeswoman for Associated Industries of Florida, a business lobbying group with about 8,000 members.

"We're not against keeping the water clean," she said. "I can't recruit a company to a dirty state, but we are going to lose jobs because Florida is the only one doing it."

The EPA's nutrient-criteria mandate is expected to deal an annual \$1.1 billion blow to the state's agriculture industry, costing about 14,500 jobs, Corey said. The new rules are expected to cost the pulp and paper industry more than \$169 million annually. The EPA's push for more stringent water pollution rules came after environmental groups, including the St. Johns Riverkeeper and the Sierra Club, sued the agency in 2008, alleging the agency wasn't enforcing the federal Clean Water Act strongly enough in Florida. Under the settlement, tougher criteria will come in mid-October regarding nutrient levels in the state's rivers, streams, springs and lakes.

Nitrogen is the main type of nutrient the EPA wants to reduce in water bodies, because in high concentrations, it can create algae blooms, which can cause fish kills, a localized die-off of the fish population. The St. Johns River was plagued by algae blooms and fish kills this summer.

Dickenson is worried that the \$400 million the utility has already spent to reduce nutrient discharges won't satisfy the EPA when it applies the new criteria to the state's estuaries, canals and coastal waters in 2012. If these past projects—aimed at meeting the federal total maximum daily limits rule—don't meet EPA's new mandate, JEA would have to spend \$1.3 billion or more to meet the higher standards, since the majority of its wastewater discharges are in the coastal region. The utility has 44 sewage plants.

To pay for the required upgrades, sewer rates would nearly double, causing the average residential sewer rate to increase annually to about \$1,400, Dickenson said. The average sewer rate for commercial and industrial JEA customers isn't known, but the rates are expected to be affected similarly.

If the EPA mandate "would actually help the environment, there would be no objection," said Paul Steinbrecher, JEA's director of environmental services, permitting and assessments.

He said JEA's past work to accommodate the TMDL limits brings nutrient levels to the natural level and he is unsure how levels could be further reduced under the new criteria.

The amount of nitrogen discharged annually by the average JEA residential user has decreased from 13 pounds in 1975 to about 2.2 pounds, Dickenson said.

"If we'd known the EPA would change the rules midstream, we'd have done our TMDL projects differently," Dickenson said.

The EPA projects the annual cost of meeting the new criteria to be \$130 million for all utilities in Florida. Darryll Joyner, chief of the Florida Department of Environmental Protection's bureau of assessment and restoration support, said that's not nearly enough. He projected the actual cost at between \$5 billion and \$8 billion. The EPA was not available for comment.

Joyner said JEA's \$1.3 billion estimate on how much it would have to pay to meet the criteria is correct. He is optimistic that the DEP will be able to make the case to the EPA that improvement gained through meeting the less-stringent TMDL requirements will satisfy the new criteria.

Steinbrecher said he hopes Joyner is right, but the EPA's decision to allow it to enter a "legal no-man's-land law" doesn't instill him with confidence.

Mr. LEMIEUX. This rule is going to deal a \$1.1 billion blow to the State's agricultural industry. A joint study by the Florida Department of Agriculture and Consumer Services in the University of Florida projects that it could cost in total up to \$1.6 billion a year and eliminate 14,500 jobs. The Environmental Protection Agency estimates it to cost more than between \$5 and \$8 billion. Water utilities in Florida have estimated that sewer rates would increase by \$62 per month or more than \$700 per year.

This article from the Jacksonville Business Journal talks about sewer charges doubling in Jacksonville because of the water standard that has not been peer reviewed and does not have the scientific basis it should.

Today, because I was coming to offer this unanimous consent proposal, the EPA has issued a 30-day stay of execution on the implementation of this rule. It was supposed to be October 15. Now it will be November 14. Conveniently, that is the day before we are likely to come back in November and bring Congress back into session. So we will be unable to continue this during our recess. This will most likely go into effect and do damage to Florida.

This is a bipartisan effort. In fact, on the House side, members of our delegation, some 20 of the 25—I believe it is 21, actually—have come together to support not letting this rule go into effect. Senator NELSON and I make this request.

I ask unanimous consent that the LeMieux-Nelson amendment be considered and agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection.

Mr. INOUE. Mr. President, on behalf of Senator CARDIN, chairman of the subcommittee that has jurisdiction over this measure, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LEMIEUX. If I may, that is unfortunate. It is unfortunate because this is a bipartisan agreement. This damage is going to be done to Florida, a State that is suffering from the worst unemployment that anyone can remember, nearly 12 percent, and the worst economy that anyone can remember. Now these ill-conceived rules that don't have a peer-reviewed scientific basis will go into effect and impact our economy to the tune of billions of dollars, hurting our workforce and doubling people's sewer rates at a time when they least can afford it. It is unfortunate we have an objection when we have both Senators from Florida, Democratic and Republican, supporting this; when we have the vast majority of the Florida delegation in the House

asking for this measure to be stated. It is not saying it would not go into effect. It is asking for more time so there would not be a rush to judgment and it would not be brought into effect in a hurried manner.

It is unfortunate we have an objection when we have such bipartisan support.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, I am concerned about the problem in Florida. I am well aware there may be some consternation. But I must once again remind the Senate that we are now considering the continuing resolution as a result of a bipartisan agreement reached by the majority leader and the minority leader. That agreement calls for a clean CR. There are many amendments that my colleagues would like to submit, but we have had to say, reluctantly, no. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. INOUE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INOUE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUE. Mr. President, I rise to speak against the Thune amendment. There are a number of reasons the Thune amendment is a bad idea. A 5-percent cut across the board may seem reasonable, small, and not a big cut. But it is a devastating cut when Members understand the specific programmatic impact. A 5-percent cut against non-national security accounts would be about \$20 billion below the current fiscal year spending level. This cut would be in addition to the current CR level which is \$18 billion below the Sessions amendments offered earlier this year.

I remind my colleagues that we have a \$5 billion problem outside of all this cutting in terms of addressing the Pell grants shortfall. I believe the vast majority of my colleagues are in favor of the Pell grants. I can assure them that the Pell grant problem is not going to magically cure itself.

Members may try and hide from taking responsibility for the devastating impacts of a generic across-the-board cut of this magnitude, but I am standing before my colleagues now and putting everyone in this Chamber on notice for what the actual impact of passing this amendment will be.

For starters, let me discuss America's security outside of the Department of Homeland Security and outside of the department that handles the southwest border. Cutting funding by 5 percent would mean a loss of \$1.5 billion for the Department of Justice. It

is not part of Homeland Security and not part of the Defense Department. The FBI's uniform crime report that was just released tells us that violent crime is down 5.3 percent, a decrease for the third year in a row, and a total 9 percent drop since 2006. Now is not the time to cut resources for Federal, State, and local law enforcement partners. We depend on Federal law enforcement to protect Americans from terrorism and violent crime and uphold the rule of law.

Cutting Federal law enforcement by 5 percent across the board would mean 1,650 fewer FBI agents to combat terrorist threats, 420 fewer DEA agents to reduce the flow of drugs across the U.S.-Mexican border, and over 2,000 fewer Federal correctional officers to safeguard our prisons.

In addition to the cuts to the Department of Justice, this amendment would reduce funding for the Treasury Department's Office of Terrorism and Financial Crimes Intelligence and Financial Crimes Enforcement Network by \$8.8 billion. Cuts of this magnitude would cripple the Treasury Department's unique efforts to keep our country safe.

Specifically, the Office of Foreign Assets Control would be forced to cut staff who enforce the Iran and North Korea sanctions programs and sanctions efforts aimed at al-Qaida and its affiliates, terrorist groups in Afghanistan, international drug traffickers, and other national security threats.

The Treasury Department's Office of Intelligence and Analysis would be forced to cut staff who work to locate hidden funding sources of terrorist networks. Finally, the Financial Crimes Enforcement Network would significantly reduce overseas staff who work with foreign government counterparts in support of law enforcement efforts, investigations that protect Americans.

In terms of our consumers and our small business owners, cutting the budget of the CFTC and the SEC by 5 percent would erode their ability to conduct necessary oversight of the futures and securities markets, respectively, at a time when such scrutiny is paramount. Such a move is simply irresponsible, given the Wall Street scandals that led to the financial meltdown and economic strife plaguing so many American households.

My colleagues on the other side of the aisle objected to funding any anomalies that would have allowed these agencies to increase staffing during the pendency of the continuing resolution to implement the Dodd-Frank requirements. To insist on a further cut in light of these new requirements is not responsible. For the CFTC, a rollback would diminish aggressive efforts in the past 18 months to enhance previously decimated staffing levels which would not have been adequate to keep pace with the growing markets the agency oversees.

The SEC would suffer similar erosion of critical seasoned professionals. During the past 2 years, efforts have been made to restore staffing shortages. This amendment will force these staff to be furloughed, which would undermine the significant strides to become a more aggressive and vigilant protector of American investors.

Funding for the Small Business Administration would be cut at a critical point in the Nation's economic recovery, severely diminishing the agency's ability to implement the Small Business Jobs and Credit Act recently signed into law. Such a cut would hamper the ability of the Small Business Administration to provide counseling services to small businesses at a time when they need it most.

Cuts to Small Business Development Centers, microloan technical assistance, SCORE, and the Women's Business Centers would be a blow to SBA's ability to assist citizens trying to start, sustain, or grow their small businesses.

In terms of public safety, the FAA faces challenges in maintaining an adequate workforce of trained air traffic controllers. Funding the FAA at 5 percent below the fiscal year 2010 level would force it to absorb almost \$500 million in cost-of-living and inflation expenses. Since 75 percent of the FAA's operation budget is payroll, the FAA would need to implement a hiring freeze, thereby reducing its air traffic controller and inspector workforces, increasing flight delays, and curbing air travel at many airports.

When it comes to NASA, this amendment would require \$936 million less in funding. I have heard from many Members concerned about job losses at NASA facilities in their States. I can assure you, the level of funding that will result from this amendment will only expedite these losses.

Specifically, this random across-the-board cut will jeopardize scientific discovery as well as the development of a new heavy-lift launch vehicle and space capsule, costing thousands of high-tech, high-skill jobs in States such as Alabama, Florida, Texas, and Colorado. The United States would abandon the high ground of space to Russia, China, and Europe, sacrificing our leadership.

In terms of environmental funding, this amendment would require a \$174 million cut to EPA's Clean Water and Drinking Water State Revolving Funds. That means 58 fewer sewer and water projects in our communities to ensure clean and safe water.

It would also require a \$302 million cut to the basic operating accounts at the National Park Service, the Forest Service, the Fish & Wildlife Service, and the Bureau of Land Management. That means approximately 2,000 fewer Park Rangers, Forest Rangers, refuge managers, and BLM managers.

The 5-percent cut proposed in this amendment would require the National Park Service to furlough virtually all of the seasonal employees that would result in the closing of many National Park facilities. Further, it would cut energy efficiency and renewable energy programs by over \$145 million, stopping in its tracks evolving R&D on solar energy and electric vehicles. That is what we have been talking about here: alternative energy sources. It would cut the nuclear energy R&D program by \$51 million, hampering the nuclear renaissance, and simultaneously it would hamper the cleanup of our nuclear weapon and civilian nuclear sites by cutting \$366 million from those programs. This action calls into question our ability to undertake new weapon and civilian nuclear activities if we cannot deal with the back end of the programs.

In terms of our senior citizens, the most vulnerable in our society, this amendment requires a cut of \$40 million to senior nutrition services at the Administration on Aging, which translates into a reduction of 13 million senior meals.

It also requires a cut of \$922 million from the fiscal year 2010 operating level for the Social Security Administration. This would force the Social Security Administration to furlough employees and severely increase the waiting times for everyone with a disability claim, retirement claim, or disability appeal.

In the last 3 years, the number of disability claims SSA has received has increased 30 percent, the number of disability hearings has increased 20 percent, and the number of retirement claims has increased 13 percent. By the end of the year, this cut would leave 900,000 more Americans waiting on a determination of their disability claim, almost doubling the current backlog, and 150,000 more waiting on an appeal of their disability case. This would also drastically limit program integrity efforts that save \$7 for every \$1 spent.

Section 8 tenant-based rental assistance, which helps the Nation's most vulnerable individuals and families find and maintain safe and affordable housing in the private market, would be cut by \$816 million, which would put as many as 85,000 of our country's low-income families, elderly, and disabled at risk of losing their housing.

Mr. President, I would like to submit for the RECORD a more comprehensive list of programs that will be severely impacted by this amendment. There are too many important programs being impacted by this amendment and not enough time to discuss them all.

I ask unanimous consent that list be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LIST OF PROGRAMS IMPACTED BY THE THUNE
AMENDMENT AND LEVEL OF IMPACT

The Thune amendment would require:

A \$148 million cut to the clinical health services provided by the Indian Health Service. For some of our most vulnerable citizens, that means at least 1,000 fewer inpatient admissions; approximately 200 fewer direct outpatient visits; and 200 fewer doctors and nurses that are required to staff the 4 new health care facilities scheduled to open next year.

A \$169 million cut to the Forest Service and Interior Department wildland fire accounts. That could mean as many as 2,560 fewer firefighters next year.

A \$22 million cut to the Interior Department's Outer Continental Shelf oil and gas leasing and inspection programs. That means a halt to many ongoing reform efforts, increasing the likelihood of environmental disasters like the BP Deepwater Horizon oil spill, and delaying the timeline for resumption of drilling in Gulf of Mexico deep water.

A \$38 million cut to the Smithsonian Institution. That means rolling closures of museums on the Mall and stopping construction of the African American Museum of History and Culture.

The Thune amendment would cut \$1.16 billion in discretionary spending for agricultural programs which will result in cuts to nutrition programs, food safety, rural housing, conservation, drug inspection, and farm service programs among others.

Specifically, cuts to the Food Safety program would reduce current levels for meat and poultry inspections, and cuts to FDA would reduce current levels for drug and food safety inspections (including imports) and drug approvals.

Both the Bush and Obama administrations have pushed the goal to double funding for science programs over 10 years—this amendment would put that initiative in reverse by cutting over \$300 million from DOE's Office of Science program. This will severely impact the United States ability to compete internationally.

The nuclear non-proliferation program would lose \$139 million. This would be lunacy in the face of bi-partisan acknowledgement of the threat posed to the United States by unsecured nuclear material in the world.

The Naval Reactors program, which must design a new reactor core for the new Ohio class submarine and refuel its test reactor, would be cut by \$61 million.

Finally, the Corps would be cut by \$270 million and the Bureau of Reclamation by \$56 million. As we struggle to maintain and build our infrastructure in this country these cuts would have significant implications to on-going projects.

Internationally, the Thune amendment will require a cut of \$388 million for global health programs to combat HIV/AIDS, malaria, Swine Flu, and many other deadly diseases that claim millions of lives annually.

The amendment will require an additional cut of \$87 million beyond the \$165 million supplemental funding not counted as part of the CR for aid for refugees. This translates into millions of lives lost.

The amendment will require a cut of \$42 million for international disaster relief. This cut along with the reduction of \$460 million that was included in the FY 10 Supplemental that is not counted in the CR would severely limit our ability to aid victims of earthquakes, floods, hurricanes, tsunamis, and other natural disasters.

\$16.5 million reduction to U.S. Capitol Police would result in the loss of approximately

90 officers. Capitol Police are already dealing with a \$10 million shortfall going into FY11. This would further decrease their mission of protecting the Capitol Complex.

The GAO would be reduced by \$28 million, which would be devastating to GAO's operations, staff, and ability to provide timely service to the Congress. To absorb a reduction of this magnitude in a labor intensive budget would require a reduction of almost 200 employees.

A cut of \$18 million to the Mine Safety and Health Administration. The tragic loss of 29 lives at the Upper Big Branch mine and other mine accidents this year were tragic reminders of what can happen when workplaces are not safe. This funding level will prevent MSHA from adequately enforcing the law which protects mineworkers.

This amendment would reduce funding for lifesaving medications by \$43 million, including the \$25 million recently allocated to 11 States to get 2,100 people off the waiting lists in Florida, Hawaii, Idaho, Iowa, Kentucky, Louisiana, Montana, North Carolina, South Carolina, South Dakota and Utah. The drugs cost an average of \$12,000 a year a person, meaning that this cut would eliminate access to care for over 3,500 people.

This amendment would reduce funding for health professions training by \$35.5 million.

A reduction of five percent below the FY 2010 funding level would cut approximately \$163 million that is necessary for States to administer unemployment benefits. Under current economic conditions, an estimated 14 million unemployed individuals will be served in FY 2011, an increase of approximately 60 percent, or 5.2 million individuals, since 2008. The proposed cut in funding would result in long wait times for claimants, increased erroneous payments, and continued neglect of aging infrastructure.

A reduction of 5 percent below the FY 2010 funding level for NIH would result in a cut of \$1.6 billion. This reduction is roughly equivalent to the total cost of all FY 2010 NIH funded research on asthma, Parkinson's disease, lung cancer, ovarian cancer, childhood leukemia, infant mortality, lymphoma, multiple sclerosis and sickle cell disease combined.

A cut of \$30 million for purchasing the medications and supplies needed in case of a bioterrorism attack or a pandemic illness.

This cut would prevent the implementation of all planned new law enforcement initiatives at DOJ, including \$366 million in new national security spending intended to improve the FBI's cyber security, WMD and counterterrorism capabilities and to assist in the litigation of intelligence and terrorism cases; \$153 million in new funding intended to strengthen DEA and ATF investigative activity focused on the activities of Mexican drug cartels; \$97 million intended to increase the number of FBI agents and US Attorneys working corporate, mortgage and government fraud cases.

For the U.S. Marshals Service, \$1.3 million would be cut from its construction resources bringing to a complete halt the Marshals' courthouse security improvement program, which funds the installation of security equipment in Federal courthouses and the construction of secure space for holding and processing Federal prisoners in courthouse facilities. Currently, less than a third of Federal courthouses meet established security standards; this percentage will further decrease if the Marshals do not continue to make necessary upgrades and improvements.

Without these funds, the Bureau of Prisons (BOP) would have to reduce staff by over

2,000, leaving prison staffing at less than 89 percent of the level identified by BOP as necessary to ensure prison security.

Grants to state and local law enforcement and community safety groups would be decimated by nearly \$200 million. We would be taking resources from law enforcement to fight violent crime, drug trafficking, terrorism and child predators. This cut would slash funding for the State Criminal Alien Assistance Program (SCAAP). We need to make sure police have every tool available to fight violent crime and drug trafficking, and keep our families and communities safe.

Further, NIST is responsible for creating standards that keep consumers safe and test new technology to advance America innovation. Cutting NIST's research funding by 5 percent would end the multi-year effort to double funding for investments in scientific research through the agency. Hardest hit would be American manufacturers who would lose over \$10 million in competitive grants that are designed to send new technology out to the workplace, improving efficiency and making American business more globally competitive.

This amendment would also put communities at risk for pipeline explosions. The Pipeline and Hazardous Materials Administration (PHMSA) ensures the safety of the interstate pipeline system and monitors State oversight of intrastate pipelines. In the wake of the San Bruno, California, pipeline explosion that killed 8 people and destroyed more than 50 homes, it is not the time to be cutting funding for pipeline safety. Rather, Congress needs to ensure PHMSA is adequately staffed to ensure companies are maintaining their pipelines to prevent senseless tragedies such as San Bruno from reoccurring. This reduction would do the opposite, curtailing safety oversight of the nation's 2.5 million miles of pipeline.

An across the board cut would impact NOAA and the National Weather Service which is standing watch over our communities to keep us safe. NOAA has made improvements to better warn American's about dangerous tornadoes, hurricanes, and other storms, but a spending cut would send NOAA's forecasting capabilities backwards and eliminate 40 forecasting jobs. Further, a 5 percent cut would harm NOAA weather satellite program resulting in gaps in weather data, forcing the United States to rely on foreign countries to supply weather data, or worse, leaving Americas completely blind to severe weather events.

Mr. INOUE. In closing, I would like to note that the CR that is being considered by the Senate this afternoon is at a rate that is \$18 billion below the Sessions amendment. The amendment being proposed by the Senator from South Dakota proposes a rate that is an additional \$23 billion below the Sessions amendment.

To ask our agencies to continue to operate for the next 2 months at a rate that is \$41 billion below the Sessions amendment will be devastating and is simply unacceptable. Under this scenario, every single program gets cut.

I believe what I have provided my colleagues is a thorough analysis of exactly what you are cutting. Make no mistake, a vote for this amendment is a vote for cutting these programs. It is that simple. I, for one, do not believe this is the way Congress should be

doing business, and I will oppose this amendment. I encourage my colleagues to do the same.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, it is my understanding the time on our side is controlled by the chairman of the Appropriations Committee.

The PRESIDING OFFICER. That is right.

Mr. DURBIN. Can I ask, Mr. President, how much time is remaining?

The PRESIDING OFFICER. For the majority, there is 40 minutes remaining for general debate.

Mr. DURBIN. If I could have the chairman's consent to speak for 5 minutes?

Mr. INOUE. Absolutely.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the chairman for that time.

One of the first amendments we will consider is a 5-percent across-the-board cut. There is some surface appeal to this because it is almost like taking money and not leaving any fingerprints because you do not have to pick the different agencies that are going to be reduced in spending. You just say generically cut 5 percent and call us back when it is all over. It sounds like an easy assignment, but it overlooks the obvious.

Senator INOUE, as chairman of the Appropriations Committee, is already preparing for next year's spending by reducing the spending level suggested by the President of the United States—if I am not mistaken, some \$16 billion below President Obama's budget request.

So the Senator, as chairman of this important committee, is acting in good faith to bring down spending. It is my understanding this continuing resolution, at least for the next few months, cuts even more deeply in terms of the money that will be allowed.

So if there is some argument being made on the Senate floor that we are not sensitive to the deficit needs of America and we have not already accepted responsibility to cut spending, they are ignoring Senator INOUE's leadership on the Senate Appropriations Committee and the fact that this bipartisan compromise cuts even more deeply.

Now comes the Senator from South Dakota who says: Well, let's cut some more. Let's cut 5 percent across the board. Then you take a look at the various programs, and you say to the Senator from South Dakota: Well, let's get down to specifics. Do you think we should cut 5 percent of the spending at the National Institutes of Health where they are engaged in medical research to find cures for the diseases which are afflicting and threatening people across America? Well, I bet he would say: No, we don't want to cut there.

Yet when you do an across-the-board cut and you are not specific, unfortunately, you run the risk of cutting a critical program like that.

Would you go to northern California and say to the people living there: Now is the time to cut the inspections of natural gas pipelines in the United States of America, after the terrible tragedy which occurred there just a few weeks ago, claiming innocent lives? No. Would you argue that now is the time to take away inspections for oil rigs across America? I think we are trying to move to the point where we resume drilling but with some confidence that we have inspected all these rigs and they are safe and we can move forward. Senator THUNE is saying, Well, let's cut across the board. That is going to take money away from that timely inspection which we want to get completed so we can put people back to work in that region of the country and around the United States.

How about the Centers for Disease Control? Do we take money out of the Centers for Disease Control at this moment in history? I think not. They are doing important work to try to protect us against the next influenza epidemic and whatever else might challenge us. Do we want to take money away from food safety and inspection? How many of us read newspaper stories on a daily basis about innocent people who ate spinach or peppers or peanut butter and ended up with salmonella or E. coli, in the hospital, and their health compromised for months, if not years? So do we want to reduce the inspections on food? How about the inspections on imported food? Does the Senator from South Dakota believe we should cut back on inspecting the food coming into our markets, being served on the tables of families across America? I think not.

Does he want to cut back on the COPS Program at a time when States and local cities are running out of money and laying off policemen? Do we want to cut back on the Federal funds we are sending so that there are cops on the beat to keep our neighborhoods safe?

Does he want to cut back on education? Does he believe that now is the time, when we are seeing layoffs of teachers, even though we have made some efforts here to try to reduce that? Does he want to cut more money from education when school districts across America are suffering? That is what he is proposing.

If he were standing here with the only proposals or cuts that the Congress is considering, we might say, Well, we have to face up to it, but he comes late to the party. The chairman of this committee has already taken this through the exercise of bringing down the spending for next year that starts on October 1, and this continuing resolution cuts even more deeply.

I am going to urge my colleagues to vote against this 5-percent across-the-board cut. The Senator from South Dakota has exempted a few agencies, but there are a lot that he hasn't. As a consequence, we are in a position where many of these agencies and the critical programs that are important for the health and safety of Americans are literally at risk because of this amendment.

Let's do this in a sensible, honest way. Let's not send a general letter. Let's use the appropriations process to bring down spending. The Congress cannot and should not abdicate its responsibility to review individual programs and make individual spending recommendations based on that review. The desire to hold spending in check should be based on congressional oversight of specific programs. We shouldn't take a meat ax, across-the-board, call-me-when-you-are-done approach. We should not yield our power to the President. We have our own special responsibility here on Capitol Hill.

Senator COBURN has been a strong proponent of oversight of spending. I support that oversight. He has come to this floor and advocated for the committees to look closely at spending and authorizations for scores of Federal programs. I think they should; I agree with him. This is exactly what the Appropriations Committee did last year in crafting bipartisan bills that garnered vast majorities of congressional support. The continuing resolution before us continues those levels for a short time at last year's spending levels while we work at crafting a responsible spending bill for the remainder of this fiscal year. I am committed as a member of that committee, working with Chairman INOUE, to meeting that challenge to reduce our deficit, but I am just as committed to doing it in an appropriate, responsible, and effective way. This amendment that is being offered for a 5-percent, across-the-board cut is not such an amendment.

I urge my colleagues to oppose that amendment. I urge them to support the passage of this continuing resolution so that the important business of our Federal Government and keeping American families safe and healthy can continue and not be interrupted.

Mr. LEAHY. Mr. President, the chairman of the Appropriations Committee has described in detail the severe consequences for domestic programs and personnel of the amendment offered by Senator THUNE. I want to mention three examples of what the Thune amendment would do to critical international programs that mean the difference between life and death for the world's poorest people.

It would cut \$388 million for global health programs to combat HIV/AIDS, malaria, Swine Flu, and many other deadly diseases that claim millions of lives annually.

It would cut \$87 million for aid for refugees, the world's most vulnerable people.

Funding for refugees will already be well below the amount provided in fiscal year 2010 because an additional \$165 million was included in the fiscal year 2010 Supplemental that is not counted in the CR, so the actual cut for refugee aid including this amendment would be \$252 million below the fiscal year 2010 total level. This translates into millions of lives lost.

It would cut \$42 million for international disaster relief. Funding for this account will already be reduced by \$460 million that was included in the fiscal year 2010 supplemental that is not counted in the CR.

The total amount under this amendment for disaster relief would therefore be \$502 million below the fiscal year 2010 total level. This would severely limit our ability to aid victims of earthquakes, floods, hurricanes, tsunamis, and other natural disasters.

These are not theoretical examples. They are real. This amendment is not just about dollars and cents. It is about human lives. It is a moral issue. A 5-percent cut may not sound like a lot. The sponsor of the amendment says it is only 5 percent. What he does not say is that the consequences of this amendment would be devastating for millions of people around the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, I ask that the time be divided equally between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that upon disposition of H.R. 3081, as amended, the Senate then proceed to the consideration of H. Con. Res. 321 and the Senate then proceed to vote on adoption of the concurrent resolution.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. All time has been yielded back, Senator INOUE and Senator COCHRAN so advise me.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the Thune amendment.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 245 Leg.]

YEAS—48

Alexander	Crapo	Lincoln
Barrasso	DeMint	Lugar
Bayh	Ensign	McCain
Bennet	Enzi	McCaskill
Bennett	Feingold	McConnell
Bond	Graham	Risch
Brown (MA)	Grassley	Roberts
Brownback	Gregg	Sessions
Bunning	Hatch	Shelby
Burr	Hutchison	Snowe
Chambliss	Inhofe	Thune
Coburn	Isakson	Udall (CO)
Cochran	Johanns	Vitter
Collins	Klobuchar	Voinovich
Corker	Kyl	Webb
Cornyn	LeMieux	Wicker

NAYS—51

Akaka	Gillibrand	Murray
Baucus	Goodwin	Nelson (NE)
Begich	Hagan	Nelson (FL)
Bingaman	Harkin	Pryor
Boxer	Inouye	Reed
Brown (OH)	Johnson	Reid
Burr	Kaufman	Rockefeller
Cantwell	Kerry	Sanders
Cardin	Kohl	Schumer
Carper	Landrieu	Shaheen
Casey	Lautenberg	Specter
Conrad	Leahy	Stabenow
Dodd	Levin	Tester
Dorgan	Lieberman	Udall (NM)
Durbin	Menendez	Warner
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden

NOT VOTING—1

Murkowski

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

AMENDMENT NO. 4677

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on the DeMint amendment.

The Senator from South Carolina.

Mr. DEMINT. Mr. President, my amendment only makes one change to the underlying continuing resolution. It changes the date from January 3 to February 4. There is no reason we should fund the government only to the lameduck. We need to wait until we have a new Congress and the dust settles after the election. We don't need to be passing another continuing resolution or an omnibus spending bill with the pressure of a government shutdown before Christmas. So the amendment is just a couple of lines that change the date. Everything else in the continuing resolution is the same. Let's push the operation of the government all the way through January to a new Congress.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, the Appropriations Committee worked in a

bipartisan fashion on this bill. It was crafted with a very narrow focus and the expectation that it will last only 2 months. As we all know, the short-term CR is not efficient, but it is manageable. For the many reasons I enumerated earlier, we know that if we accept this amendment, the government will not be able to function as it should. I urge that we vote no.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4677.

Mr. DEMINT. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

The result was announced—yeas 39, nays 60, as follows:

[Rollcall Vote No. 246 Leg.]

YEAS—39

Alexander	DeMint	Lugar
Barrasso	Ensign	McCain
Bayh	Enzi	McCaskill
Bennet	Graham	McConnell
Brown (MA)	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Snowe
Coburn	Isakson	Thune
Corker	Johanns	Udall (CO)
Cornyn	Kyl	Vitter
Crapo	LeMieux	Wicker

NAYS—60

Akaka	Feinstein	Mikulski
Baucus	Franken	Murray
Begich	Gillibrand	Nelson (NE)
Bennett	Goodwin	Nelson (FL)
Bingaman	Hagan	Pryor
Bond	Harkin	Reed
Boxer	Inouye	Reid
Brown (OH)	Johnson	Rockefeller
Burr	Kaufman	Sanders
Cantwell	Kerry	Schumer
Cardin	Klobuchar	Shaheen
Carper	Kohl	Specter
Casey	Landrieu	Stabenow
Cochran	Lautenberg	Tester
Collins	Leahy	Udall (NM)
Conrad	Levin	Voinovich
Dodd	Lieberman	Warner
Dorgan	Lincoln	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden

NOT VOTING—1

Murkowski

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of the amendment, the amendment is withdrawn.

The substitute amendment (No. 4674) is agreed to.

The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. KYL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 69, nays 30, as follows:

[Rollcall Vote No. 247 Leg.]

YEAS—69

Akaka	Franken	Menendez
Alexander	Gillibrand	Merkley
Baucus	Goodwin	Mikulski
Bayh	Grassley	Murray
Begich	Gregg	Nelson (NE)
Bennet	Hagan	Nelson (FL)
Bennett	Harkin	Pryor
Bingaman	Inouye	Reed
Bond	Johanns	Reid
Boxer	Johnson	Rockefeller
Brown (OH)	Kaufman	Sanders
Burr	Kerry	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Kohl	Specter
Carper	Kyl	Stabenow
Casey	Landrieu	Tester
Cochran	Lautenberg	Udall (CO)
Collins	Leahy	Udall (NM)
Conrad	Levin	Voinovich
Dodd	Lieberman	Warner
Dorgan	Lincoln	Webb
Durbin	Lugar	Whitehouse
Feinstein	McCaskill	Wyden

NAYS—30

Barrasso	DeMint	McCain
Brown (MA)	Ensign	McConnell
Brownback	Enzi	Risch
Bunning	Feingold	Roberts
Burr	Graham	Sessions
Chambliss	Hatch	Shelby
Coburn	Hutchison	Snowe
Corker	Inhofe	Thune
Cornyn	Isakson	Vitter
Crapo	LeMieux	Wicker

NOT VOTING—1

Murkowski

The bill (H.R. 3081), as amended, was passed.

The amendment (No. 4682) was agreed to, as follows:

Amend the title so as to read: “Making continuing appropriations for fiscal year 2011, and for other purposes”.

Mr. ROCKEFELLER. Mr. President, Congress has acted to improve our Nation’s intelligence community—and therefore our national security—by passing an intelligence authorization bill and will be sending it to the President.

The President’s signature will enact this bill into law and will implement several common sense solutions to problems in our large and unwieldy intelligence community that we have recognized for years. I believe the new Director of National Intelligence, Jim Clapper, is the right leader at the right time, and this timely bill will provide him the authorities he needs to do this job well.

The bill provides the DNI streamlined personnel management authorities throughout the intelligence com-

munity, including the authority to convert contractor positions to government jobs, move personnel from one agency to another, provide annual assessments of personnel levels for each agency, harmonize language training in different agencies, and conduct performance evaluations of personnel throughout the intelligence community.

It provides the DNI streamlined oversight for major acquisitions—perhaps most critically, to provide for interoperable information technology systems in different intelligence agencies—and strengthened budget authorities for his management of the intelligence community.

Beyond these improved DNI authorities, which I believe will significantly improve intelligence integration among the 16 agencies of the intelligence community, this bill also makes three substantial improvements in the independent oversight of intelligence. This constructive oversight is necessary to ensure that secret intelligence activities are legal, effective, and serve the national security interests of the United States.

First, the bill establishes a Senate-confirmed inspector general for the intelligence community who will have the authority to inspect any element or activity in any intelligence agency. Inspectors general play an important troubleshooting role in all agencies of our government, but nowhere is this role more important than in the intelligence community, where—unlike in government agencies whose activities are public—problems can often escape scrutiny.

For instance, in 2004 the CIA inspector general’s report on the CIA detention and interrogation program played a significant role in alerting the executive branch and the congressional Intelligence Committees to significant problems with the program.

The new intelligence community inspector general that this bill establishes will complement and supplement the important work of the inspectors general of individual intelligence agencies.

Second, the bill provides for access by the Comptroller General and the Government Accountability Office to information regarding intelligence activities. This access will be similar to the GAO’s access to the Department of Defense’s Special Access Programs. I believe that this agreement between Congress and the administration on this GAO provision bodes well for future cooperation on intelligence issues.

On that note, the third—and, I believe, most important—improvement this bill makes to the independent oversight of intelligence activities pertains to congressional oversight.

Constructive congressional oversight of intelligence activities is crucially important—both for our national secu-

rity and our national identity. We are a transparent democracy, and there is a natural tension between transparent democracy and secret intelligence activities.

The Congressional Select Intelligence Committees—which consist of representatives of the American people, selected from other specific congressional committees with jurisdiction over foreign policy, defense and judiciary issues—are vital to resolving that tension between democracy and secrecy.

Simply put, these committees act as a board of directors who verify that secret executive actions serve the interests of the shareholders—the American people.

That is why title V of the National Security Act of 1947 requires the President to keep the congressional Intelligence Committees “fully and currently informed” on all intelligence activities.

However, during the time that I was chairman and vice chairman of the committee from 2003 through 2009, I became very concerned about the way in which the executive branch interpreted this obligation. Rather than briefing the full committee, the executive branch restricted briefings about certain classified programs to the chairman and vice chairman only.

These restrictions impeded our oversight of these programs. This is not an academic issue; it is crucial to how our democracy makes secret national security decisions. Without the intelligence committees’ meaningful independent review and oversight—the very reason for the committees’ existence—intelligence programs are more susceptible to both mistakes and illegitimacy. This is the case regardless of which party is in the White House or which party has a majority in Congress.

With this in mind, last year I offered an amendment to this authorization bill that will establish in statute new requirements regarding congressional notification. My intent was to strengthen the committees’ constructive oversight relationship with the executive branch and the intelligence community.

A bipartisan majority of the committee approved my amendment. While this provision has undergone some changes in the process of Congress’s consideration of this bill over the past year, the key elements of these new notification requirements remain. The bill that the President will soon sign into law requires that:

(1) the congressional Intelligence Committees and the President must establish written procedures regarding the details of notification processes and expectations;

(2) the President must provide the committees written notice about intelligence activities and covert actions, including changes in covert action

findings and the legal authority under which an intelligence activity or a covert action is or will be conducted;

(3) the President must provide written reasons for limiting access to notifications to less than the full committee, and in such cases, provide the full committee a general description of the covert action in question; and

(4) the President must maintain records of all notifications, including names of Members briefed and dates of the briefings.

I strongly believe that congressional oversight of the executive branch's intelligence activities should not be adversarial; it should be a true, trusted and confidential partnership aimed exclusively at improving our Nation's collection and analysis capabilities, and ensuring the effectiveness and legitimacy of our covert action programs.

I think these new requirements for congressional notification are an important step toward such a partnership.

These new requirements—and this authorization bill as a whole—are the result of hard work and difficult negotiations after years of partisan divisions on intelligence issues.

The President has not signed an authorization bill into law since December 2004, and the last time Congress passed an intelligence authorization bill was February 2008, when I was chairman of the committee. Unfortunately, President George W. Bush vetoed that bill because it banned the use of coercive interrogation methods by any agency of our government, and the bipartisan majorities that passed the bill were not large enough to overcome the President's veto.

After all these difficult years, the bill that we are sending to the President today is exemplary of the bipartisan cooperation that is absolutely necessary for our intelligence community to perform as well as we need it to perform.

I want to commend my Intelligence Committee colleagues, particularly Chairwoman DIANNE FEINSTEIN and Vice Chairman KIT BOND and their staff, for sticking to it and completing the difficult negotiations with the administration and the House that brought this bill across the finish line.

This law will make our country more secure. Let us continue to build on this effort in the months and years to come.

PROVIDING FOR A RECESS AND/OR ADJOURNMENT OF THE HOUSE AND SENATE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H. Con. Res. 321, which the clerk will report by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 321) providing for a conditional adjournment of

the House of Representatives and a conditional recess or adjournment of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CARPER), the Senator from Connecticut (Mr. DODD), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Alaska (Ms. MURKOWSKI), the Senator from Arizona (Mr. KYL), and the Senator from Missouri (Mr. BOND).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 39, as follows:

[Rollcall Vote No. 248 Leg.]

YEAS—54

Akaka	Goodwin	Mikulski
Baucus	Gregg	Murray
Bayh	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bingaman	Inouye	Pryor
Boxer	Johnson	Reed
Brown (OH)	Kaufman	Reid
Burris	Kerry	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Kohl	Specter
Casey	Landrieu	Stabenow
Conrad	Lautenberg	Tester
Dorgan	Leahy	Udall (CO)
Durbin	Levin	Udall (NM)
Feingold	Lieberman	Warner
Feinstein	McCaskill	Webb
Franken	Menendez	Whitehouse
Gillibrand	Merkley	Wyden

NAYS—39

Alexander	Cornyn	Lincoln
Barrasso	Crapo	Lugar
Bennet	DeMint	McCain
Bennett	Ensign	McConnell
Brown (MA)	Enzi	Risch
Brownback	Graham	Roberts
Bunning	Grassley	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Collins	Johanns	Voinovich
Corker	LeMieux	Wicker

NOT VOTING—7

Bond	Kyl	Sanders
Carper	Murkowski	
Dodd	Rockefeller	

The concurrent resolution (H. Con. Res. 321) was agreed to, as follows:

H. CON. RES. 321

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Wednesday, September 29, 2010, through Friday, October 8, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, November 15, 2010, or until the time of any reassembly pursuant to section 2 of this concurrent resolution,

whichever occurs first; and that when the Senate recesses or adjourns on any day from Wednesday, September 29, 2010, through Friday, November 12, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, November 15, 2010, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The PRESIDING OFFICER. The Senator from Iowa.

GAO REPORT ON AIRPORT SECURITY

Mr. GRASSLEY. Mr. President, on January 8 of this year, I requested the Government Accountability Office to conduct followup tests of our Nation's airport security screening procedures. Investigators attempted to smuggle bomb-making materials past security checkpoints in a number of airports around the country. This is something the GAO has done for Congress on several occasions since the 9/11 terrorist attacks.

It is an important reality check for Congress to find out exactly how effective or ineffective the Transportation Security Administration's screening procedures are. TSA has spent a lot of time and money trying to prevent future terrorist attacks, and we are, no doubt, safer in many ways than we were before 9/11. However, it is important to cut through the talking points and the press releases. We need to test the system in real time with real people carrying potentially destructive materials once in a while to find out how vulnerable we still are.

Unfortunately, the Obama administration, which is now responsible for keeping airline passengers safe, does not want you to know the results of these tests. In fact, the administration classified almost every word of the GAO report as "secret." These sorts of classification decisions ought to be made only when the information is actually sensitive for national security reasons. The power to classify information should not be used merely to hide information that might be embarrassing to the administration.

I understand that certain details of how GAO investigators did what they did should not be made public. No one wants to give the terrorists a roadmap of how to attack us again. I do not want to do that, and the GAO investigators do not want that to happen.

That is why I asked them to draft a report that did not include those sorts

of details so that a declassified version could be released to the public. The problem, however, is that the Obama administration classified the report anyway.

The key data that should be public are the results. Did the GAO investigators succeed in penetrating our airport security checkpoints? If so, how many times? How many times did they fail? The public has a right to know those bottom-line results.

Those results are not going to help terrorists figure out how to better attack us, and they certainly are not going to give them any more motivation to try than they already have.

Keeping the results secret will accomplish one thing, however. It will ensure that the public has no idea how effective our airport screening strategy actually is, and it seems that is the way the Obama administration likes it.

Therefore, I am asking the TSA Administrator to personally come to our secure facilities here in the Senate and explain his decision. Several of my colleagues joined me in asking the GAO to do this work, including the chairs and the ranking members of the Homeland Security Committee in both the House and the Senate. I invite them to join us and help resolve this situation.

We need to work together to make sure that the entire Congress and the public are aware of the results of this important work while maintaining the security of information that truly needs to remain secure.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

UNANIMOUS CONSENT REQUEST— H.R. 5481

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 442, H.R. 5481, a bill to give subpoena power to the National Commission on the BP Deepwater Horizon Oilspill and Offshore Drilling; that the bill be read a third time and passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Oklahoma.

Mr. COBURN. Mr. President, reserving the right to object, I will not object if the Senator would kindly amend her request to include a substitute amendment with a Barrasso proposal to establish a National Commission on Outer Continental Shelf Oilspill prevention.

The PRESIDING OFFICER. Does the Senator so amend her request?

Mrs. SHAHEEN. Mr. President, I think we should have as many eyes looking into this issue as possible, and as a member of the Energy Committee I supported the Barrasso amendment.

But the issue before us today right now is that we already have a bipartisan commission appointed by the President. The commission is up and running.

The President's commission will issue its report in January, and the President's commission needs subpoena power to do its job right now. This was the largest environmental disaster in our country's history. It is important we get to the bottom of it.

I am disappointed that, once again, we are hearing our colleagues on the other side of the aisle who are objecting to giving the President's commission subpoena power.

Mr. COBURN. Mr. President, I object. The PRESIDING OFFICER. Objection is heard.

The Senator from New Hampshire.

Mrs. SHAHEEN. The BP oilspill was an unprecedented disaster—lives were lost, and the gulf region will suffer the environmental and economic consequences for years to come. We cannot turn back the clock and stop what happened. But we can prevent future disasters by finding out exactly what went wrong. We need to investigate this spill, and we need to make sure it never happens again.

That is why the President appointed a commission to investigate. But without subpoena power the commission cannot do the job they were appointed to do.

Already, we have seen reports that some witnesses are stonewalling the commission. Former Senator Graham and former President Nixon's EPA Administrator, William Reilly, who are cochairing the President's commission, told the press yesterday that investigators have "encountered resistance to full responses to their questions." That is unacceptable. We cannot let BP and Transocean cover up the truth. The American people deserve answers.

This is the fourth time I have asked for unanimous consent on the Senate floor to pass a bill giving the BP Oilspill Commission subpoena power. Unfortunately, as we saw, this is the fourth time the Republicans in the Senate have objected.

This should be noncontroversial. In the House of Representatives, 169 Republicans voted in favor of this bill in June. It is outrageous that this simple bill is being obstructed here in the Senate. A thorough investigation is needed, and it is needed now.

Commission cochairman William Reilly, who used to sit on the board of ConocoPhillips, even said yesterday that it is "unjustifiable" for Congress to not provide the commission with all of the tools they need to resolve this disaster. I could not agree more. I am totally disappointed in what we have heard from the other side.

I yield the floor.

Mr. DORGAN. Mr. President, will the Senator yield for a brief question? I know my colleague is waiting to speak.

Mrs. SHAHEEN. Yes.

Mr. DORGAN. I want to make the point—and then ask a question—this is probably a fitting description near the end of at least this portion of this session of the almost total lack of cooperation that exists in this Chamber. The House of Representatives passed this almost unanimously. On commissions that are important—the Three Mile Island Commission, the Commission on 9/11, the Financial Crisis Commission—they were all given subpoena power. Why? Because you need that if you are going to force and compel people to produce the records.

I was on the Energy Committee, and we heard the three parties that were out there drilling in that well site: BP, Transocean, and Halliburton. They were all involved. All of them were pointing at each other. The only way this commission can function is with subpoena power. What on Earth can they be thinking of to block subpoena power for this commission four successive times?

I would ask the Senator—first of all, I thank the Senator for doing this. Second, it is unthinkable to me that we see continued blockage. It represents a complete lack of cooperation. They did not do that in the House of Representatives. The minority was very interested in seeing that this works. Here the minority seems very interested in seeing that the commission cannot work.

I would ask, is this not the fourth occasion on the floor of the Senate that the Senator has made this request, and on four successive occasions the minority has objected, in some cases for other—they have a new excuse each time—but isn't this the case that four times the Senator has asked for this consent and four times it has been denied?

Mrs. SHAHEEN. Absolutely. I appreciate the Senator from North Dakota pointing this out, and also pointing out what has been a bipartisan history in the past when we have dealt with these kinds of disasters and tragedies in the country, that this used to be a bipartisan effort, and how sad and disappointing that now it has come down to partisanship rather than working together.

The PRESIDING OFFICER. The Senator from Washington.

UNANIMOUS CONSENT REQUEST— H.R. 3617

Mrs. MURRAY. Mr. President, I have been working very hard over the last several months to extend the critical sales tax deduction for families and small businesses in my home State of Washington and in a number of other States in this country. I know how important this is to middle-class families in my State, and I have heard from so many of them about how important it is that this deduction be extended.

But every time we brought forward a bill that would help these families, Republicans have banded together to block it. They would stand here on the floor and say they objected to the way we paid for this deduction or they did not like some of the other tax cut extensions we included in the bill. They gave different reasons each time, but they refused to come to the table with real solutions for this serious issue facing middle-class families.

I have been urging Senate Republicans to change their minds, and finally, on Monday night, Senate Republicans came forward with a proposal. Their bill came at the 11th hour, and it stripped away all of the other tax credits that would have helped families, clean energy companies, and small businesses.

Senator BAUCUS was here and he objected to it because he wanted to focus on a tax cut extension bill we had been working on for many months that already had the support of a majority of the Senate. But extending the sales tax deduction is too important for families in my home State of Washington to let the perfect be the enemy of the good.

So over the last several days, I have talked to a number of my colleagues about this. I made sure they understood that this issue is about more than the political back-and-forth in DC; it is about real people in my home State of Washington. It is about removing a bias in the Tax Code that is fundamentally unfair to our families. It is about putting more money into their pockets at a time when they can use all the help they can get.

So I am here to say that after many conversations with my colleagues on the Democratic side, they have agreed to set aside their objections and allow the sales tax deduction extension to pass this evening because, frankly, this issue shouldn't be controversial, and the livelihoods of middle-class families shouldn't be used as a political football in election year games.

So in just a minute I will ask unanimous consent to pass a bill that pulls the sales tax exemption out of the legislation we had it in before, which will allow it to stand alone tonight. It is what Republicans offered us on Monday night, with one small compromise. It is very close to the version the Republicans offered. I can't imagine they are going to object to it this evening, but rather than a permanent extension that I and many others would prefer, what I will offer is to extend the sales tax exemption alone for 1 year, which will offer greater stability and confidence for middle-class families in these tough times. I believe this is a reasonable compromise, and I believe it can and ought to pass tonight.

I was proud to work with my colleagues to put politics aside and advance this proposal that will help people and solve problems. It is very nar-

rowly drafted for just the State sales tax deduction. I know it is important to my State and to many, and I hope the Republicans will allow this to go forward tonight.

So I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 3617, that all after the enacting clause be stricken, and the text of S. 35, as amended, with the amendment at the desk, be inserted, and that the amendment be agreed to.

I ask unanimous consent that the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. THUNE. Mr. President, reserving the right to object, and I will not object if the Senator from Washington would substitute the language which is at the desk which extends all the things she has talked about this evening, as well as provides a 2-year extension for the physician fee issue which is expiring on November 30, but does it with spending reductions as opposed to tax increases. That amendment is at the desk, and if the Senator from Washington would substitute that language for her amendment, I will not object.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I object to the modification offered by the Senator from South Dakota.

The PRESIDING OFFICER. Is there objection to the original request by the Senator from Washington?

Mr. THUNE. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Washington.

Mrs. MURRAY. Mr. President, while the Senator from South Dakota is here, I wish to make sure he understood what I offered tonight. It is what the Republicans offered to us on Monday night, which is the simple extension of just the sales tax deduction, which I know affects his State as well as mine, for 1 year. So I want him to understand that is all I have asked to do tonight, to just extend the sales tax deduction which I know is important to his State and to mine, and I would again ask the Senator from South Dakota if he would allow us to move forward with just that deduction this evening.

Mr. President, I would again ask the Senator from South Dakota if we could just extend not the rest of the package but just the sales tax deduction, as your side offered to us on Monday night.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. I would say to the Senator from Washington through the Chair that I would be happy to take a

look at this and run it by my colleagues. Obviously, this is not something I think everybody—there isn't anybody here right now—has had an opportunity to look at. We have tried repeatedly to get some cooperation on an extenders package that includes a number of important tax provisions that have expired already, as well as some that are set to expire, and to do that through offsets that reduce spending as opposed to raising taxes, particularly at a time when the economy is in recession.

So as much as I would agree with the Senator from Washington that this is an important issue that needs to be addressed—and it is important to my State—I would have to object until we have an opportunity to look at the amendment that the Senator from Washington put forward.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I just have to say I am really confused by this because what we have offered is simply what the Republicans agreed to—offered Monday night, and I have come back to offer it again. It is perplexing to me on an issue that is so important to my State, and to several other States, that we can't now, a few days later, do this. So I am not sure we are not just having games about this. It is extremely important to people in my State, and I am deeply disconcerted that the Republicans have not agreed to allow us to just pass the State sales tax deduction for 1 year.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. CANTWELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COAST GUARD AUTHORIZATION ACT FOR FISCAL YEARS 2010 AND 2011

Ms. CANTWELL. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to H.R. 3619, the Coast Guard Authorization Act.

The PRESIDING OFFICER laid before the Senate a message from the House as follows:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 3619) entitled "An Act to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes, with amendments."

Ms. CANTWELL. I move to concur in the House amendments with amendments, and I ask unanimous consent that at the appropriate time, a budgetary pay-go statement be read; further, that the motion to concur in the

House amendments with amendments be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statement related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4684) was agreed to, as follows:

(Purpose: To make certain conforming amendments)

In section 617(b), in the quoted subsection (d), strike “INDIVIDUALS QUALIFIED AS ABLE SEAMEN.—Offshore” and insert “Individuals qualified as able seamen—offshore”.

Strike section 917 and insert the following: **“SEC. 917. MARITIME LAW ENFORCEMENT.**

“(a) PENALTIES.—Subsection (b) of section 2237 of title 18, United States Code, is amended to read as follows:

“(b)(1) Except as otherwise provided in this subsection, whoever knowingly violates subsection (a) shall be fined under this title or imprisoned for not more than 5 years, or both.

“(2)(A) If the offense is one under paragraph (1) or (2)(A) of subsection (a) and has an aggravating factor set forth in subparagraph (B) of this paragraph, the offender shall be fined under this title or imprisoned for any term of years or life, or both.

“(B) The aggravating factor referred to in subparagraph (A) is that the offense—

“(i) results in death; or

“(ii) involves—

“(I) an attempt to kill;

“(II) kidnapping or an attempt to kidnap; or

“(III) an offense under section 2241.

“(3) If the offense is one under paragraph (1) or (2)(A) of subsection (a) and results in serious bodily injury (as defined in section 1365), the offender shall be fined under this title or imprisoned for not more than 15 years, or both.

“(4) If the offense is one under paragraph (1) or (2)(A) of subsection (a), involves knowing transportation under inhumane conditions, and is committed in the course of a violation of section 274 of the Immigration

and Nationality Act, or chapter 77 or section 113 (other than under subsection (a)(4) or (a)(5) of such section) or 117 of this title, the offender shall be fined under this title or imprisoned for not more than 15 years, or both.”.

“(b) DEFINITION.—Section 2237(e) of title 18, United States Code, is amended—

“(1) by amending paragraph (3) to read as follows:

“(3) the term “vessel subject to the jurisdiction of the United States” has the meaning given the term in section 70502 of title 46;”;

“(2) in paragraph (4), by striking ‘section 2 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903).’ and inserting ‘section 70502 of title 46; and’; and

“(3) by adding at the end the following new paragraph:

“(5) the term “transportation under inhumane conditions” means—

“(A) transportation—

“(i) of one or more persons in an engine compartment, storage compartment, or other confined space;

“(ii) at an excessive speed; or

“(iii) of a number of persons in excess of the rated capacity of the vessel; or

“(B) intentional grounding of a vessel in which persons are being transported.”.

Strike section 1032(b) and insert the following:

“(b) VIOLATIONS; SUBPOENAS.—

“(1) IN GENERAL.—In any investigation under this section, the Secretary may issue a subpoena to require the attendance of a witness or the production of documents or other evidence if—

“(A) before the issuance of the subpoena, the Secretary requests a determination by the Attorney General of the United States as to whether the subpoena will interfere with a criminal investigation; and

“(B) the Attorney General—

“(i) determines that the subpoena will not interfere with a criminal investigation; or

“(ii) fails to make a determination under clause (i) before the date that is 30 days after the date on which the Secretary makes a request under subparagraph (A).

“(2) ENFORCEMENT.—In the case of refusal to obey a subpoena issued to any person

under this subsection, the Secretary may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance.”.

Strike section 1033(a)(2) and insert the following:

“(2) SUBPOENAS.—

“(A) IN GENERAL.—In any investigation under this section, the Administrator may issue a subpoena to require the attendance of a witness or the production of documents or other evidence if—

“(i) before the issuance of the subpoena, the Administrator requests a determination by the Attorney General of the United States as to whether the subpoena will interfere with a criminal investigation; and

“(ii) the Attorney General—

“(I) determines that the subpoena will not interfere with a criminal investigation; or

“(II) fails to make a determination under subclause (I) before the date that is 30 days after the date on which the Administrator makes a request under clause (i).

“(B) ENFORCEMENT.—In the case of refusal to obey a subpoena issued to any person under this paragraph, the Administrator may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance.”.

The PRESIDING OFFICER. The clerk will read the pay-go statement.

The assistant legislative clerk read as follows:

Mr. CONRAD. After consultation with the chairman of the House Budget Committee, and on behalf of both of us, I hereby submit this Statement of Budgetary Effects of PAYGO Legislation for H.R. 3619, as amended.

Total Budgetary Effects of H.R. 3619 for the 5-year Statutory PAYGO Scorecard: \$0.

Total Budgetary Effects of H.R. 3619 for the 10-year Statutory PAYGO Scorecard: \$0.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act, as follows:

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 3619, THE COAST GUARD AUTHORIZATION ACT OF 2010, AS AMENDED, AND AS FURTHER AMENDED BY A DRAFT SENATE AMENDMENT (“JEN10924”) AS PROVIDED TO CBO BY THE SENATE BUDGET COMMITTEE ON SEPTEMBER 29, 2010

	By fiscal year, in millions of dollars—											
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015
Statutory Pay-As-You-Go Impact ^a	0	0	0	0	0	0	0	0	0	0	0	0 ^b

^a Title VI of H.R. 3619 would authorize the U.S. Coast Guard (USCG) to extend certain expiring marine licenses, certificates of registry, and merchant mariners’ documents. Because the extension could delay the collection of fees charged for renewal of such documents, enacting this provision could reduce offsetting receipts over the next year or two. Some of those receipts may be spent without further appropriation, however, to cover collection costs. CBO estimates that the net effect on direct spending from enacting this provision would be insignificant.

^b Title X of the legislation would establish new criminal and civil penalties. CBO estimates that any new revenues resulting from those penalties or related direct spending (of criminal penalties from the Crime Victims Fund) would be less than \$500,000 a year.

Other provisions of H.R. 3619 would direct the USCG to donate certain real and personal property to local governments or other nonfederal entities. CBO expects that, under current law, nearly all of that property would either be retained by the USCG or eventually given to other federal or nonfederal entities; therefore, donating those assets under the legislation would result in no significant loss of offsetting receipts.

Ms. CANTWELL. Mr. President, I see the leader is on the Senate floor, and I will defer to him before making a statement about the legislation.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I appreciate very much my friend allowing me to get some of this housekeeping stuff out of the way.

EXECUTIVE SESSION

HAGUE CONVENTION ON INTERNATIONAL RECOVERY OF CHILD SUPPORT AND FAMILY MAINTENANCE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 2, Treaty Document No. 110–21; that the treaty be considered as

having advanced through the various parliamentary stages, up to including the presentation of the resolution of ratification; that any committee reservations and declarations be agreed to as applicable; that the DeMint amendment, which is at the desk, be agreed to; that any statements be printed in the RECORD; further, that when the vote on the resolution of ratification is taken, the motion to reconsider be considered made and laid on the table, and

the President of the United States be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4683) was agreed to, as follows:

(Purpose: To provide an understanding that the preamble to the Treaty does not create any obligations of the United States under the Convention on the Rights of the Child as a matter of United States or international law)

In the section heading for section 1, strike **"TWO RESERVATIONS AND THREE DECLARATIONS"** and insert **"TWO RESERVATIONS, ONE UNDERSTANDING, AND THREE DECLARATIONS"**.

In section 1, strike "the reservations of section 2, the declaration of section 3, and the declarations of section 4" and insert "the reservations of section 2, the understanding of section 3, the declaration of section 4, and the declarations of section 5".

Strike **"SEC. 3. DECLARATION"** and insert the following:

SEC. 3. UNDERSTANDING.

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the instrument of ratification:

The United States is not a party to the Convention on the Rights of the Child and understands that a mention of the Convention in the preamble of this Treaty does not create any obligations and does not affect or enhance the status of the Convention as a matter of United States or international law.

SEC. 4. DECLARATION.

Strike **"SEC. 4. DECLARATIONS"** and insert **"SEC. 5. DECLARATIONS"**.

Mr. DEMINT. Mr. President, Americans seem to be losing more and more control over their lives due to government intrusion. The government has decided what kinds of cars we can drive, what kinds of light bulbs we can purchase and what kind of health insurance we must carry. But now the government is going even further by reaching into the family unit.

I rise today to speak about an issue of great importance to families across America—the rights that parents have over their families and the ever encroaching role of the international community in American life—specifically through a treaty, the United Nations Convention on the Rights of the Child.

While the Convention on the Rights of the Child has many noble goals, I have significant concerns about the effects a treaty like this would have on parental rights in America. This week we looked at the Rights of the Child treaty again when it was referenced in the preamble of a different treaty—one on the international role in child support concerns, the Hague Treaty on International Recovery of Child Support and Other Forms of Family Maintenance.

So today, I am offering an amendment to the resolution of ratification for the Child Support Recovery Treaty

that reinstates that the United States has not ratified the United Nations Convention on the Rights of the Child. My amendment states that "The United States is not a party to the Convention on the Rights of the Child and understands that a mention of the Convention in the preamble of this Treaty does not create any obligations and does not affect or enhance the status of the Convention as a matter of United States or international law."

Last year, I introduced a joint resolution proposing an amendment to the U.S. Constitution concerning the rights of parents and their families, which would protect the liberty of parents to direct the upbringing and education of their children in the face of government intrusion.

Earlier this year, 30 Senators, including myself, introduced a resolution to oppose the ratification of the United Nations Convention on the Rights of the Child. My resolution focuses on the fact that the Convention on the Rights of the Child is incompatible with the Constitution of the United States and threatens U.S. principles of sovereignty and self-governance. It would place the U.S. under international legal standards in multiple areas of domestic policy that would have far-reaching effects on the way we educate and raise our children.

The Federal Government, or any source of international law, should not be mandating guidelines or setting standards for raising children. The Convention on the Rights of the Child would create international standards for parents that could be enforced through U.S. courts at the expense of the Constitution; courts could inappropriately use references to the Convention as legal precedent.

Parents are best equipped to decide how their children are raised and educated, not the government, and certainly not a board of bureaucrats headquartered in Geneva, Switzerland.

The fight for protecting parental rights goes on. The DeMint amendment to the Child Support Recovery Treaty is intended to ensure that despite the reference in the preamble, the Convention on the Rights of the Child has no place in the U.S. legal system.

As our Nation encounters new challenges, I believe the answers must include more freedom for Americans, not more government control—and certainly not more international control. Congress must work to protect and strengthen the freedom of American families who are the backbone of our strength as a nation.

I yield the floor.

Mr. REID. Mr. President, I ask for a division vote on the resolution of ratification.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the resolution of ratification, please rise. Those opposed will rise and stand until counted.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification, as amended, was agreed to, as follows:

TREATY

[Hague Convention on International Recovery of Child Support and Family Maintenance (Treaty Doc. 110-21)]

Sec. 1. Senate Advice and Consent subject to two reservations, one understanding, and three declarations.

The Senate advises and consents to the ratification of the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (the "Convention"), adopted at The Hague on November 23, 2007 (Treaty Doc. 110-21), subject to the reservations of section 2, the understanding of section 3, the declaration of section 4, and the declarations of section 5.

Sec. 2. Reservations. The advice and consent of the Senate under section 1 is subject to the following reservations, which shall be included in the instrument of ratification:

(1) In accordance with Articles 20 and 62 of the Convention, the United States of America makes a reservation that it will not recognize or enforce maintenance obligation decisions rendered on the jurisdictional bases set forth in subparagraphs 1(c), 1(e), and 1(f) of Article 20 of the Convention.

(2) In accordance with Articles 44 and 62 of the Convention, the United States of America makes a reservation that it objects to the use of the French language in communications between the Central Authority of any other Contracting State and the Central Authority of the United States of America.

Sec. 3. Understanding. The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the instrument of ratification:

The United States is not a party to the Convention on the Rights of the Child and understands that a mention of the Convention in the preamble of this Treaty does not create any obligations and does not affect or enhance the status of the Convention as a matter of the United States or international law.

Sec. 4. Declaration. The advice and consent of the Senate under section 1 is subject to the following declaration, which shall be included in the instrument of ratification:

The United States of America declares, in accordance with Articles 61 and 63 of the Convention, that for the United States of America the Convention shall extend only to the following: all 50 U.S. states, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands.

Sec. 5. Declarations. The advice and consent of the Senate under section 1 is subject to the following declarations:

(1) Article 55 of the Convention sets forth a special procedure for the amendment of the forms annexed to the Convention. In the event that the United States of America does not want a particular amendment to the forms adopted in accordance with Article 55 to enter into force for the United States of America on the first day of the seventh calendar month after the date of its communication by the depositary to all parties, the Executive Branch may by notification in writing to the depositary make a reservation, in accordance with Article 62 of the Convention, with respect to that amendment and without the approval of the Senate.

(2) This Convention is not self-executing.

TREATY WITH UNITED KINGDOM CONCERNING
DEFENSE TRADE COOPERATIONTREATY WITH AUSTRALIA CONCERNING DEFENSE
TRADE COOPERATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate consider Calendar Nos. 5 and 6, Treaty Document Nos. 110-7 and 110-10; that the treaties be considered as having advanced through the various parliamentary stages, up to and including the presentation of the resolutions of ratification; that any committee reservations and declarations be agreed to as applicable; that any statements be printed in the RECORD; further, that when the votes on the resolutions of ratification are taken, the motions to reconsider be considered made and laid on the table en bloc, and the President of the United States be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask for a division vote on each resolution of ratification.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the resolution of ratification, please rise.

Those opposed will rise and stand until counted.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification was agreed to, as follows:

TREATY

[Treaty with United Kingdom Concerning Defense Trade Cooperation (Treaty Doc. 110-7)]

Section 1. Senate Advice and Consent Subject to Conditions, Understandings And Declarations.

The Senate advises and consents to the ratification of the Treaty Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, done at Washington and London on June 21 and 26, 2007 (Treaty Doc. 110-7) (as defined in section 5 of this resolution), subject to the conditions in section 2, the understandings in section 3 and the declarations in section 4.

Section 2. Conditions.

The Senate's advice and consent to the ratification of the Treaty with the United Kingdom Concerning Defense Trade Cooperation is subject to the following conditions, which shall be binding upon the President:

(1) United States preparation for treaty implementation.

(A) At least 15 days before any exchange of notes pursuant to Article 20 of the Treaty, the President shall submit to the Congress a report—

(i) describing steps taken to insure that the Executive branch and United States industry are prepared to comply with Treaty requirements;

(ii) analyzing the implications of the Treaty, and especially of Article 3(3) of the Treaty, for the protection of intellectual property rights of United States persons;

(iii) explaining what steps the United States Government is taking and will take

to combat improper or illegal intangible exports (i.e., exports as defined in part 120.17(a)(4) of title 22, Code of Federal Regulations) under the Treaty; and

(iv) setting forth the issues to be addressed in the Management Plan called for by Section 12(3)(f) of the Implementing Arrangement and the procedures that are expected to be adopted in that Plan.

(B) Before any exchange of notes pursuant to Article 20 of the Treaty, the President shall submit to the Congress a certification that changes to the International Traffic in Arms Regulations (parts 120-130 of title 22, Code of Federal Regulations) have been published in the Federal Register pursuant to the Arms Export Control Act, as appropriate, that would, upon entry into force of the Treaty—

(i) make clear the legal obligation for any person involved in an Export, Re-export, Transfer, or Re-transfer under the Treaty to comply with all requirements in the revised International Traffic in Arms Regulations, including by taking all reasonable steps to ensure the accuracy of information received from a member of the Approved Community that is party to an Export, Re-export, Transfer, or Re-transfer under the Treaty;

(ii) make clear the legal obligation for Approved Community members to comply with United States Government instructions and requirements regarding United States Defense Articles added to the list of exempt Defense Articles pursuant to Article 3(2) of the Treaty;

(iii) limit a person from being a member of the United States Community, pursuant to Article 5(2) of the Treaty, if that person is generally ineligible to export pursuant to section 120.1(c) of title 22, Code of Federal Regulations; and

(iv) require any nongovernmental entity that ceases to be included in the United States Community to comply with instructions from authorized United States Government officials and to open its records of transactions under the Treaty to inspection by United States Government and, as appropriate, authorized United Kingdom Government officials pursuant to Article 12 of the Treaty.

(C) Before any exchange of notes pursuant to Article 20 of the Treaty, the President shall submit to the Congress—

(i) a certification that appropriate mechanisms have been established to identify, in connection with the process for determining whether a nongovernmental entity is in the United States Community pursuant to Article 5(2) of the Treaty, persons who meet the criteria in section 38(g)(1) of the Arms Export Control Act (22 U.S.C. 2778(g)(1));

(ii) a certification that appropriate mechanisms have been established to verify that nongovernmental entities in the United States that Export pursuant to the Treaty are eligible to export Defense Articles under United States law and regulation as required by Article 5(2) of the Treaty;

(iii) a certification that United States Department of Homeland Security personnel at United States ports—

(a) have prompt access to a State Department database containing registered exporters, freight forwarders and consignees, and watch lists regarding United States companies; and

(b) are prepared to prevent attempts to export pursuant to the Treaty by United States persons who are not eligible to export Defense Articles under United States law or regulation, even if such person has registered with the United States Government;

(iv) a certification that the Secretary of Defense has promulgated appropriate changes to the National Industrial Security Program Operating Manual and to Regulation DoD 5200.1-R, "Information Security Program," and has issued guidance to industry regarding marking and other Treaty compliance requirements; and

(v) a certification that a capability has been established to conduct post-shipment verification, end-use/end-user monitoring and related security audits for Exports under the Treaty, accompanied by a report setting forth the legal authority, staffing and budget provided for this capability and any further Executive branch or congressional action recommended to ensure its effective implementation.

(2) Treaty partner preparation for treaty implementation. Before any exchange of notes pursuant to Article 20 of the Treaty, the President shall certify to Congress that the Government of the United Kingdom has promulgated all necessary regulatory changes, including:

(A) changes to export control regulations, setting forth a Treaty-specific Open General Export License (OGEL);

(B) changes to the United Kingdom Security Policy Framework and related security regulations for Government and United Kingdom Industry; and

(C) changes to the MOD Classified Material Release Procedure (F680), to take account of Treaty Re-exports and Re-transfers.

(3) Joint operations, programs and projects.

The Secretary of State shall keep the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives informed of the lists of combined military and counter-terrorism operations developed pursuant to Article 3(1)(a) of the Treaty; cooperative security and defense research, development, production, and support programs developed pursuant to Article 3(1)(b) of the Treaty; and specific security and defense projects developed pursuant to article 3(1)(c) of the Treaty.

(4) Exempted defense articles.

(A) The President may remove a Defense Article from the list of Defense Articles exempt from the Scope of the Treaty, if such removal is not barred by United States law, 30 days after the President informs the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives of such proposed removal.

(B) When a Defense Article is added to the list of Defense Articles exempt from the Scope of the Treaty, the Secretary of State shall provide a copy of the Federal Register Notice delineating the policies and procedures that will govern the control of such Defense Article, consistent with Section 4(7) of the Implementing Arrangement, as well as an explanation of the reasons for adopting those policies and procedures, to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives within five days of the issuance of such Notice.

(5) Changes to the definition of the territory of the United Kingdom.

(A) The Secretary of State shall inform the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives within 15 days of the initiation of consultations with the United Kingdom concerning the inclusion of any additional territory or territories in the definition of "Territory of the United Kingdom" for the purposes of Article 1(8) of the

Treaty, and shall inform the Committees within 15 days of receipt through diplomatic channels of notice that a territory or group of territories has been added to the definition of "Territory of the United Kingdom" for the purposes of Article 1(8) of the Treaty.

(B) The Secretary of State shall consult with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives before approving any addition to the United Kingdom Community of a non-governmental entity or facility outside the territory of England, Scotland, Wales, or Northern Ireland.

(6) Approved community membership.

(A) If sanctions are in effect against a person in the United Kingdom Community pursuant to section 73(a)(2)(B) or section 81 of the Arms Export Control Act (22 U.S.C. 2797b(a)(2)(B) or 2798), the United States shall raise the matter pursuant to Article 4(2) of the Treaty and Section 7(9) of the Implementing Arrangement.

(B) The Secretary of State shall inform the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives not later than 5 days before the U.S. Government agrees to the initial inclusion in the United Kingdom Community of a nongovernmental United Kingdom entity, if the Department of State is aware that the entity, or any one or more of its relevant senior officers or officials:

(i) Has been convicted of violating a statute cited in paragraph 38(g)(1) of the Arms Export Control Act (22 U.S.C. 2778(g)(1)); or

(ii) is, or would be if that person were a United States person,

(a) ineligible to contract with any agency of the U.S. Government;

(b) ineligible to receive a license or other form of authorization to export from any agency of the U.S. Government; or

(c) ineligible to receive a license or any form of authorization to import defense articles or defense services from any agency of the U.S. Government.

(C) The Secretary of State shall inform and consult with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives not later than 5 days after the United States Government agrees to the continued inclusion in the United Kingdom Community of a nongovernmental United Kingdom entity, if the Department is aware that the entity, or any one or more of its relevant senior officers or officials, raises one or more of the concerns referred to in paragraph (B).

(7) Transition policies and procedures.

(A) No fewer than 15 days before formally establishing the procedures called for in Section 5(5) of the Implementing Arrangement, the President shall provide to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report concerning the policies and procedures developed to govern the transition to the application of the Treaty, pursuant to Article 3(3) of the Treaty, of Defense Articles acquired and delivered under the Foreign Military Sales program.

(B) No fewer than 15 days before formally establishing the procedures called for in Section 8(2) of the Implementing Arrangement, the President shall provide to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report concerning the policies and procedures developed to govern the members of the United Kingdom Community wishing to transition to the processes established under the Treaty, pursuant to

Article 14(2) of the Treaty, from the requirements of a United States Government export license or other authorization.

(8) Congressional oversight.

(A) The Secretary of State shall inform the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives promptly of any report, consistent with Section 11(4)(b)(vi) of the Implementing Arrangement, of a material violation of Treaty requirements or procedures by a member of the Approved Community.

(B) The Department of State shall brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives regularly regarding issues raised in the Management Board called for in Section 12(3) of the Implementing Arrangement, and the resolution of such issues.

(9) Annual report.

Not later than March 31, 2011, and annually thereafter, the President shall submit to Congress a report, which shall cover all Treaty activities during the previous calendar year. This report shall include:

(A) a summary of the amount of Exports under the Treaty and of Defense Articles transitioned into the Treaty, with an analysis of how the Treaty is being used;

(B) a list of all political contributions, gifts, commissions and fees paid, or offered or agreed to be paid, by any person in connection with Exports of Defense Articles under the Treaty in order to solicit, promote, or otherwise to secure the conclusion of such sales;

(C) any action to remove from the United Kingdom Community a nongovernmental entity or facility previously engaged in activities under the Treaty, other than due to routine name or address changes or mergers and acquisitions;

(D) any concerns relating to infringement of intellectual property rights that were raised to the President or an Executive branch Department or Agency by Approved Community members, and developments regarding any concerns that were raised in previous years;

(E) a description of any relevant investigation and each prosecution pursued with respect to activities under the Treaty, the results of such investigations or prosecutions and of such investigations and prosecutions that continued over from previous years, and any shortfalls in obtaining prompt notification pursuant to Article 13(3) of the Treaty or in cooperation between the Parties pursuant to Article 13(3) and (4) of the Treaty;

(F) a description of any post-shipment verification, end-user/end-use monitoring, or other security activity related to Treaty implementation conducted during the year, the purposes of such activity and the results achieved; and

(G) any Office of Inspector General activity bearing upon Treaty implementation conducted during the year, any resultant findings or recommendations, and any actions taken in response to current or past findings or recommendations.

Section 3. Understandings.

The Senate's advice and consent to the ratification of the Treaty with the United Kingdom Concerning Defense Trade Cooperation is subject to the following understandings, which shall be included in the instrument of ratification:

(1) Meaning of the phrase "identified in."

It is the understanding of the United States that the phrase "identified in" in the Treaty shall be interpreted as meaning "identified pursuant to."

(2) Meaning of the word "scope."

It is the understanding of the United States that the word "Scope" in the Treaty shall be interpreted as meaning "the Treaty's coverage as identified in Article 3."

(3) Cooperative programs with exempt and non-exempt defense articles.

It is the understanding of the United States that if a cooperative program is mutually determined, consistent with Section 2(2)(e) of the Implementing Arrangement, to be within the Scope of the Treaty pursuant to Article 3(1)(b) of the Treaty despite involving Defense Articles that are exempt from the Scope of the Treaty pursuant to Article 3(2) of the Treaty, the exempt Defense Articles shall remain exempt from the Scope of the Treaty and the Treaty shall apply only to non-exempt Defense Articles required for the program.

(4) Investigations and reports of alleged violations.

It is the understanding of the United States that the words "as appropriate" in Section 10(3)(f) of the Implementing Arrangement do not detract in any way from the obligation in Article 13(3) of the Treaty, that "Each Party shall promptly investigate all suspected violations and reports of alleged violations of the procedures established pursuant to this Treaty, and shall promptly inform the other Party of the results of such investigations."

(5) Exempt defense articles.

It is the understanding of the United States that if one Party to the Treaty exempts a type of Defense Articles from the scope of the Treaty pursuant to Article 3(2) of the Treaty, then Defense Articles of that type will be treated as exempt by both Parties to the Treaty.

(6) Intermediate consignees.

It is the understanding of the United States that any intermediate consignee of an Export from the United States under the Treaty must be a member of the Approved Community or otherwise approved by the United States Government.

(7) Scope of treaty exemption.

The United States interprets the Treaty not to exempt any person or entity from any United States statutory and regulatory requirements, including any requirements of licensing or authorization, other than those included in the International Traffic in Arms Regulations, as modified or amended.

Accordingly, the United States interprets the term 'license or other written authorization' in Article 2 and the term 'licenses or other authorizations' in Article 6(1), as these terms apply to the United States, and the term 'prior written authorization by the United States Government' in Article 7, to refer only to such licenses, licensing requirements, and other authorizations as are required or issued by the United States pursuant to the International Traffic in Arms Regulations, as modified or amended; and the United States interprets the reference to 'the applicable licensing requirements and the implementing regulations of the United States Arms Export Control Act' in Article 13(1) to refer only to the applicable licensing requirements under the International Traffic in Arms Regulations, as modified or amended.

Section 4. Declarations.

The Senate's advice and consent to the ratification of the Treaty with the United Kingdom Concerning Defense Trade Cooperation is subject to the following declarations:

(1) Self-execution.

This Treaty is not self-executing in the United States, notwithstanding the statement in the preamble to the contrary.

(2) Private rights.

This Treaty does not confer private rights enforceable in United States courts.

(3) Intellectual property rights.

No liability will be incurred by or attributed to the United States Government in connection with any possible infringement of privately owned patent or proprietary rights, either domestic or foreign, by reason of the United States Government's permitting Exports or Transfers or its approval of Re-exports or Re-transfers under the Treaty.

Section 5. Definitions.

As used in this resolution:

(1) The terms "Treaty with the United Kingdom Concerning Defense Trade Cooperation" and "Treaty" mean the Treaty between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, done at Washington and London on June 21 and 26, 2007.

(2) The terms "Implementing Arrangement Pursuant to the Treaty" and "Implementing Arrangement" mean the Implementing Arrangement Pursuant to the Treaty between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, which was signed in Washington on February 14, 2008.

(3) The terms "Defense Articles," "Export," "Re-export," "Re-transfer," "Transfer," "Approved Community," "United States Community," "United Kingdom Community," and "Territory of the United Kingdom" have the meanings given to them in Article 1 of the Treaty.

(4) The terms "Management Board" and "Management Plan" have the meanings given to them in Section 1 of the Implementing Arrangement.

(5) The terms "person" and "foreign person" have the meaning given to them by section 38(g)(9) of the Arms Export Control Act (22 U.S.C. 2778(g)(9)). The term "U.S. person" has the meaning given to it by part 120.15 of title 22, Code of Federal Regulations.

The PRESIDING OFFICER. Senators in favor of the next resolution of ratification, please rise. Those opposed will rise and stand until counted.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification was agreed to, as follows:

TREATY

[Treaty with Australia Concerning Defense Trade Cooperation (Treaty Doc. 110-10)]

Section 1. Senate Advice and Consent Subject to Conditions, Understandings and Declarations

The Senate advises and consents to the ratification of the Treaty Between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, done at Sydney, September 5, 2007 (Treaty Doc. 110-10), (as defined in section 5 of this resolution), subject to the conditions in section 2, the understandings in section 3 and the declarations in section 4.

Section 2. Conditions.

The Senate's advice and consent to the ratification of the Treaty with Australia Concerning Defense Trade Cooperation is subject to the following conditions, which shall be binding upon the President:

(1) United States preparation for treaty implementation.

(A) At least 15 days before any exchange of notes pursuant to Article 20 of the Treaty, the President shall submit to the Congress a report—

(i) describing steps taken to ensure that the Executive branch and United States industry are prepared to comply with Treaty requirements;

(ii) analyzing the implications of the Treaty, and especially of Article 3(3) of the Treaty, for the protection of intellectual property rights of United States persons;

(iii) explaining what steps the United States Government is taking and will take to combat improper or illegal intangible exports (i.e., exports as defined in part 120.17(a)(4) of title 22, Code of Federal Regulations) under the Treaty; and

(iv) setting forth the issues to be addressed in the Management Plan called for by Section 12(3)(f) of the Implementing Arrangement and the procedures that are expected to be adopted in that Plan.

(B) Before any exchange of notes pursuant to Article 20 of the Treaty, the President shall submit to the Congress a certification that changes to the International Traffic in Arms Regulations (parts 120-130 of title 22, Code of Federal Regulations) have been published in the Federal Register pursuant to the Arms Export Control Act, as appropriate, that would, upon entry into force of the Treaty,—

(i) make clear the legal obligation for any person involved in an Export, Re-export, Transfer, or Re-transfer under the Treaty to comply with all requirements in the revised International Traffic in Arms Regulations, including by taking all reasonable steps to ensure the accuracy of information received from a member of the Approved Community that is party to an Export, Re-export, Transfer, or Re-transfer under the Treaty;

(ii) make clear the legal obligation for Approved Community members to comply with United States Government instructions and requirements regarding United States Defense Articles added to the list of exempt Defense Articles pursuant to Article 3(2) of the Treaty;

(iii) limit a person from being a member of the United States Community, pursuant to Article 5(2) of the Treaty, if that person is generally ineligible to export pursuant to section 120.1(c) of title 22, Code of Federal Regulations; and

(iv) require any nongovernmental entity that ceases to be included in the United States Community to comply with instructions from authorized United States Government officials and to open its records of transactions under the Treaty to inspection by United States Government and, as appropriate, authorized Australian Government officials pursuant to Article 12 of the Treaty.

(C) Before any exchange of notes pursuant to Article 20 of the Treaty, the President shall submit to the Congress—

(i) a certification that appropriate mechanisms have been established to identify, in connection with the process for determining whether a nongovernmental entity is in the United States Community pursuant to Article 5(2) of the Treaty, persons who meet the criteria in section 38(g)(1) of the Arms Export Control Act (22 U.S.C. 2778(g)(1));

(ii) a certification that appropriate mechanisms have been established to verify that nongovernmental entities in the United States that Export pursuant to the Treaty are eligible to export Defense Articles under United States law and regulation as required by Article 5(2) of the Treaty;

(iii) a certification that United States Department of Homeland Security personnel at United States ports—

(a) have prompt access to a State Department database containing registered exporters, freight forwarders and consignees, and watch lists regarding United States companies; and

(b) are prepared to prevent attempts to export pursuant to the Treaty by United States persons who are not eligible to export Defense Articles under United States law or regulation, even if such person has registered with the United States Government;

(iv) a certification that the Secretary of Defense has promulgated appropriate changes to the National Industrial Security Program Operating Manual and to Regulation DoD 5200.1-R, "Information Security Program," and has issued guidance to industry regarding marking and other Treaty compliance requirements; and

(v) a certification that a capability has been established to conduct post-shipment verification, end-use/end-user monitoring and related security audits for Exports under the Treaty, accompanied by a report setting forth the legal authority, staffing and budget provided for this capability and any further Executive branch or congressional action recommended to ensure its effective implementation.

(2) Treaty partner preparation for treaty implementation.

Before any exchange of notes pursuant to Article 20 of the Treaty, the President shall certify to Congress that the Government of Australia has—

(A) enacted legislation to strengthen generally its controls over defense and dual-use goods, including controls over intangible transfers of controlled technology and brokering of controlled goods, technology, and services, and setting forth:

(i) the criteria for entry into the Australian Community and the conditions Australian Community members must abide by to maintain membership, including personnel, information and facilities security requirements;

(ii) the record-keeping and notification and reporting requirements under the Treaty;

(iii) the handling, marking and classification requirements for United States and Australian Defense Articles Exported or Transferred under the Treaty;

(iv) the requirements for Exports and Transfers of United States Defense Articles outside the Approved Community or to a third country;

(v) the rules for handling United States Defense Articles that are added to or removed from the list of items exempted from Treaty application;

(vi) the rules for transitioning into and out of the Australian Community;

(vii) auditing, monitoring and investigative powers for Commonwealth officials and powers to allow Commonwealth officials to perform post-shipment verifications and end-use/end-user monitoring; and

(viii) offenses and penalties, and administrative requirements, necessary for the enforcement of the Treaty and its Implementing Arrangement; and

(B) promulgated regulatory changes setting forth:

(i) the criteria for entry into the Australian Community, and terms for maintaining Australian Community membership;

(ii) the criteria for individuals to become authorized to access United States Defense Articles received pursuant to the Treaty;

(iii) benefits stemming from Australian Community membership, including a framework for license-free trade with the United

States in classified or controlled items falling within the scope of the Treaty;

(iv) the conditions Australian Community members must abide by to maintain membership, including:

(a) record-keeping and notification requirements;

(b) marking and classification requirements for defense articles Exported or Transferred under the Treaty;

(c) requirements for the Re-transfer to non-Approved Community members and Re-export to a third country of defense articles; and

(d) maintaining security standards and measures articulated in Defense protective security policy to protect defense articles pursuant to the Treaty;

(v) provisions to enforce the procedures established pursuant to the Treaty, including auditing and monitoring powers for Australian Department of Defence officials and powers to allow Department of Defence officials to perform post-shipment verifications and end-use/end-user monitoring;

(vi) offenses and penalties, including administrative and criminal penalties and suspension and termination from the Australian Community, to enforce the provisions of the Treaty; and

(vii) requirements and standards for transition into or out of the Australian Community and Treaty framework.

(3) Joint operations, programs and projects.

The Secretary of State shall keep the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives informed of the lists of combined military and counter-terrorism operations developed pursuant to Article 3(1)(a) of the Treaty; cooperative security and defense research, development, production, and support programs developed pursuant to Article 3(1)(b) of the Treaty; and specific security and defense projects developed pursuant to Article 3(1)(c) of the Treaty.

(4) Exempted defense articles.

(A) The President may remove a Defense Article from the list of Defense Articles exempt from the Scope of the Treaty, if such removal is not barred by United States law, 30 days after the President informs the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives of such proposed removal.

(B) When a Defense Article is added to the list of Defense Articles exempt from the Scope of the Treaty, the Secretary of State shall provide a copy of the Federal Register Notice delineating the policies and procedures that will govern the control of such Defense Article, consistent with Section 4(7) of the Implementing Arrangement, as well as an explanation of the reasons for adopting those policies and procedures, to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives within five days of the issuance of such Notice.

(5) Approved community membership.

(A) If sanctions are in effect against a person in the Australian Community pursuant to section 73(a)(2)(B) or section 81 of the Arms Export Control Act (22 U.S.C. 2797b(a)(2)(B) or 2798), the United States shall raise the matter pursuant to Article 4(2) of the Treaty and Section 6(9) of the Implementing Arrangement.

(B) The Secretary of State shall inform the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives not later than

5 days before the U.S. Government agrees to the initial inclusion in the Australian Community of a nongovernmental Australian entity, if the Department of State is aware that the entity, or any one or more of its relevant senior officers or officials:

(i) Has been convicted of violating a statute cited in paragraph 38(g)(1) of the Arms Export Control Act (22 U.S.C. 2778(g)(1)); or

(ii) is, or would be if that person were a United States person,

(a) ineligible to contract with any agency of the U.S. Government;

(b) ineligible to receive a license or other form of authorization to export from any agency of the U.S. Government; or

(c) ineligible to receive a license or any form of authorization to import defense articles or defense services from any agency of the U.S. Government.

(C) The Secretary of State shall inform and consult with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives not later than 5 days after the United States Government agrees to the continued inclusion in the Australian Community of a nongovernmental Australian entity, if the Department is aware that the entity, or any one or more of its relevant senior officers or officials, raises one or more of the concerns referred to in paragraph (B).

(6) Transition policies and procedures.

(A) No fewer than 15 days before formally establishing the procedures called for in Section 5(5) of the Implementing Arrangement, the President shall provide to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report concerning the policies and procedures developed to govern the transition to the application of the Treaty, pursuant to Article 3(3) of the Treaty, of Defense Articles acquired and delivered under the Foreign Military Sales program.

(B) No fewer than 15 days before formally establishing the procedures called for in Section 7(2) of the Implementing Arrangement, the President shall provide to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report concerning the policies and procedures developed to govern the members of the Australian Community wishing to transition to the processes established under the Treaty, pursuant to Article 14(2) of the Treaty, from the requirements of a United States Government export license or other authorization.

(7) Congressional oversight.

(A) The Secretary of State shall inform the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives promptly of any report, consistent with Section 11(6)(f) of the Implementing Arrangement, of a material violation of Treaty requirements or procedures by a member of the Approved Community.

(B) The Department of State shall brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives regularly regarding issues raised in the Management Board called for in Section 12(3) of the Implementing Arrangement, and the resolution of such issues.

(8) Annual report.

Not later than March 31, 2011, and annually thereafter, the President shall submit to Congress a report, which shall cover all Treaty activities during the previous calendar year. This report shall include:

(A) a summary of the amount of Exports under the Treaty and of Defense Articles

transitioned into the Treaty, with an analysis of how the Treaty is being used;

(B) a list of all political contributions, gifts, commissions and fees paid, or offered or agreed to be paid, by any person in connection with Exports of Defense Articles under the Treaty in order to solicit, promote, or otherwise to secure the conclusion of such sales;

(C) any action to remove from the Australian Community a nongovernmental entity or facility previously engaged in activities under the Treaty, other than due to routine name or address changes or mergers and acquisitions;

(D) any concerns relating to infringement of intellectual property rights that were raised to the President or an Executive branch Department or Agency by Approved Community members, and developments regarding any concerns that were raised in previous years;

(E) a description of any relevant investigation and each prosecution pursued with respect to activities under the Treaty, the results of such investigations or prosecutions and of such investigations and prosecutions that continued over from previous years, and any shortfalls in obtaining prompt notification pursuant to Article 13(3) of the Treaty or in cooperation between the Parties pursuant to Article 13(3) and (4) of the Treaty;

(F) a description of any post-shipment verification, end-user/end-use monitoring, or other security activity related to Treaty implementation conducted during the year, the purposes of such activity and the results achieved; and

(G) any Office of Inspector General activity bearing upon Treaty implementation conducted during the year, any resultant findings or recommendations, and any actions taken in response to current or past findings or recommendations.

Section 3. Understandings.

The Senate's advice and consent to the ratification of the Treaty with Australia Concerning Defense Trade Cooperation is subject to the following understandings, which shall be included in the instrument of ratification:

(1) Meaning of the phrase "identified in."

It is the understanding of the United States that the phrase "identified in" in the Treaty shall be interpreted as meaning "identified pursuant to."

(2) Cooperative programs with exempt and non-exempt defense articles.

It is the understanding of the United States that if a cooperative program is mutually determined, consistent with Section 2(2)(e) of the Implementing Arrangement, to be within the Scope of the Treaty pursuant to Article 3(1)(b) of the Treaty despite involving Defense Articles that are exempt from the Scope of the Treaty pursuant to Article 3(2) of the Treaty, the exempt Defense Articles shall remain exempt from the Scope of the Treaty and the Treaty shall apply only to non-exempt Defense Articles required for the program.

(3) Investigations and reports of alleged violations.

It is the understanding of the United States that the words "as appropriate" in Section 10(3)(f) of the Implementing Arrangement do not detract in any way from the obligation in Article 13(3) of the Treaty, that "Each Party shall promptly investigate all suspected violations and reports of alleged violations of the procedures established pursuant to this Treaty, and shall promptly inform the other Party of the results of such investigations."

(4) Exempt defense articles. It is the understanding of the United States that if one Party to the Treaty exempts a type of Defense Articles from the scope of the Treaty pursuant to Article 3(2) of the Treaty, then Defense Articles of that type will be treated as exempt by both Parties to the Treaty.

(5) Intermediate consignees. It is the understanding of the United States that any intermediate consignee of an Export from the United States under the Treaty must be a member of the Approved Community or otherwise approved by the United States Government.

(6) Scope of treaty exemption. The United States interprets the Treaty not to exempt any person or entity from any United States statutory and regulatory requirements, including any requirements of licensing or authorization, other than those included in the International Traffic in Arms Regulations, as modified or amended. Accordingly, the United States interprets the term "license or other written authorization" in Article 2 and the term "licenses or other authorizations" in Article 6(1), as these terms apply to the United States, and the term "prior written authorization by the United States Government" in Article 7, to refer only to such licenses, licensing requirements, and other authorizations as are required or issued by the United States pursuant to the International Traffic in Arms Regulations, as modified or amended; and the United States interprets the reference to "the applicable licensing requirements and the implementing regulations of the United States Arms Export Control Act" in Article 13(1) to refer only to the applicable licensing requirements under the International Traffic in Arms Regulations, as modified or amended.

Section 4. Declarations.

The Senate's advice and consent to the ratification of the Treaty with Australia Concerning Defense Trade Cooperation is subject to the following declarations:

(1) Self-execution. This Treaty is not self-executing in the United States, notwithstanding the statement in the preamble to the contrary.

(2) Private rights. This Treaty does not confer private rights enforceable in United States courts.

(3) Intellectual property rights. No liability will be incurred by or attributed to the United States Government in connection with any possible infringement of privately owned patent or proprietary rights, either domestic or foreign, by reason of the United States Government's permitting Exports or Transfers or its approval of Re-exports or Re-transfers under the Treaty.

Section 5. Definitions.

As used in this resolution:

(1) The terms "Treaty with Australia Concerning Defense Trade Cooperation" and "Treaty" mean the Treaty between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, done at Sydney, September 5, 2007.

(2) The terms "Implementing Arrangement Pursuant to the Treaty" and "Implementing Arrangement" mean the Implementing Arrangement Pursuant to the Treaty between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, which was signed in Washington on March 14, 2008.

(3) The terms "Defense Articles," "Export," "Re-export," "Re-transfer," "Transfer," "Approved Community," "United States Community," "Australian Commu-

nity," and "Scope" have the meanings given to them in Article 1 of the Treaty.

(4) The terms "Management Board" and "Management Plan" have the meanings given to them in Section 1 of the Implementing Arrangement.

(5) The terms "person" and "foreign person" have the meaning given to them by section 38(g)(9) of the Arms Export Control Act (22 U.S.C. 2778(g)(9)). The term "U.S. person" has the meaning given to it by part 120.15 of title 22, Code of Federal Regulations.

NOMINATIONS DISCHARGED

Mr. REID. I ask unanimous consent that the Foreign Relations Committee be discharged en bloc from the following nominations: PN2091, Nancy Lindborg; PN2098, Donald Kenneth Steinberg; and PN2128, Cameron Munter; that the Senate then proceed en bloc to their consideration; the nominations be confirmed en bloc; the motions to reconsider be considered made and laid on the table en bloc; that any statements related to the nominations be printed in the RECORD; the President of the United States be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

Nancy E. Lindborg, of the District of Columbia, to be an Assistant Administrator of the United States Agency for International Development, vice Michael E. Hess, resigned.

Donald Kenneth Steinberg, of California, to be Deputy Administrator of the United States Agency for International Development, vice Frederick W. Schieck, resigned.

DEPARTMENT OF STATE

Cameron Munter, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Pakistan.

NOMINATIONS DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged en bloc of the following nominations: PN1991, PN1988, PN1992, PN1952, PN1994, PN1989, PN1995, and PN2129.

The PRESIDING OFFICER. Without objection, it is so ordered. The nominations are discharged en bloc.

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed en bloc to their consideration; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table en bloc, that any statements relating to the nominations be printed in the RECORD, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Mark M. Boulware, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chad.

Kristie Anne Kenney, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Thailand.

Christopher J. McMullen, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Angola.

Robert P. Mikulak, of Virginia, for the rank of Ambassador during his tenure of service as United States Representative to the Organization for the Prohibition of Chemical Weapons.

Wanda L. Nesbitt, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Namibia.

Jo Ellen Powell, of Maryland, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Mauritania.

Karen Brevard Stewart, of Florida, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Lao People's Democratic Republic.

Pamela Ann White, of Maine, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of The Gambia.

Mr. REID. Mr. President, I now ask unanimous consent that the Agriculture Committee be discharged en bloc of the following nominations for membership on the Board of Directors of the Commodity Credit Corporation, and that the Senate then proceed en bloc to their consideration: PN832, PN833, PN834, and PN836; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table en bloc, any statements relating to the nominations be printed in the RECORD, and the President of the United States be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF AGRICULTURE

Kevin W. Concannon, of Maine, to be a Member of the Board of Directors of the Commodity Credit Corporation.

Kathleen A. Merrigan, of Massachusetts, to be a Member of the Board of Directors of the Commodity Credit Corporation.

James W. Miller, of Virginia, to be a Member of the Board of Directors of the Commodity Credit Corporation.

Dallas P. Tonsager, of South Dakota, to be a Member of the Board of Directors of the Commodity Credit Corporation.

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration en bloc of Calendar Nos. 1102, 1103, 1104, 1105, 1106, and 1107; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table en bloc, any statements relating to the nominations be printed in the RECORD, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Joseph H. Hogsett, of Indiana, to be United States Attorney for the Southern District of Indiana for the term of four years.

Michael J. Moore, of Georgia, to be United States Attorney for the Middle District of Georgia for the term of four years.

Beverly Joyce Harvard, of Georgia, to be United States Marshal for the Northern District of Georgia for the term of four years.

James Edward Clark, of Kentucky, to be United States Marshal for the Western District of Kentucky for the term of four years.

Kenneth James Runde, of Iowa, to be United States Marshal for the Northern District of Iowa for the term of four years.

Michael Robert Bladel, of Iowa, to be United States Marshal for the Southern District of Iowa for the term of four years.

Mr. REID. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1172, the nomination of Maria Raffinan, to be an associate judge of the DC Superior Court; that the nomination be confirmed and the motion to reconsider be considered made and laid upon the table; that any statements relating to the nomination be printed in the RECORD, and the President of the United States be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

THE JUDICIARY

Maria Elizabeth Raffinan, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1140 to and including 1170 and 1171, and all nominations on the Secretary's Desk in the Air Force, Army, and Navy; that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc; that no further motions be in order, that any statements relating thereto be printed in the RECORD, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Alfred J. Stewart

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Christopher J. Bence

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. James M. Kowalski

The following named officer for appointment as Vice Chief of Staff, United States Air Force, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 8034 and 601:

To be general

Lt. Gen. Philip M. Breedlove

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. William L. Shelton

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Richard Y. Newton III

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Herbert J. Carlisle

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Stanley T. Kresge

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Susan J. Helms

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Darrell D. Jones

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Larry D. James

IN THE ARMY

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be brigadier general

Col. Arthur W. Hinaman

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Curtis M. Scaparrotti

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Phillip M. Churn, Sr.

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Daniel J. Dire

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Ronald E. Dziedzicki

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John D. Johnson

The following named officer for appointment to the grade indicated in the United States Army under title 10, U.S.C., section 624:

To be brigadier general

Col. Joseph A. Brendler

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated in the United States Army under title 10, U.S.C., sections 12203 and 12211:

To be brigadier general

Col. Dana M. Capozzella

Col. Stephen L. Danner

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be major general

Brig. Gen. Maria L. Britt

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be major general

Brig. Gen. William L. Freeman, Jr.

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Frank J. Grass

IN THE MARINE CORPS

The following named officer for appointment as Commandant of the Marine Corps, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 5043 and 601:

To be general

Gen. James F. Amos

The following named officer for appointment as Assistant Commandant of the Marine Corps, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 5044 and 601:

To be general

Lt. Gen. Joseph F. Dunford, Jr.

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Thomas D. Waldhauser

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Robert B. Neller

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Richard T. Tryon

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Terry G. Robling

IN THE NAVY

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Charles D. Harr

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. (Selectee) John M. Richardson

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Cecil E. Haney

CENTRAL INTELLIGENCE

David B. Buckley, of Virginia, to be Inspector General, Central Intelligence Agency, vice John Leonard Helgersen.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN2151 AIR FORCE nominations (30) beginning ROBERT L. GAUER, and ending RAJENDRA C. YANDE, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2152 AIR FORCE nominations (40) beginning ARLENE D. ADAMS, and ending AMY S. WOOSLEY, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2153 AIR FORCE nominations (63) beginning MARIANNE E. ALANIZ, and ending MARK L. WIMLEY, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2179 AIR FORCE nomination of Ernest J. Prochazka, which was received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2227 AIR FORCE nominations (3) beginning DANIEL P. GILLIGAN, and ending NGHIA H. NGUYEN, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

IN THE ARMY

PN2048 ARMY nomination of Robert H. Kewley, Jr., which was received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2049 ARMY nomination of Wiley C. Thompson, which was received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2050 ARMY nomination of Raymond C. Nelson, which was received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2051 ARMY nomination of Bernard B. Banks, which was received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2052 ARMY nomination of David A. Wallace, which was received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2053 ARMY nominations (3) beginning MELISSA R. COVOLESKY, and ending JOHN H. STEPHENSON, II, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2054 ARMY nomination of Jonathan J. McCollum, which was received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2055 ARMY nomination of Daniel E. Banks, which was received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2056 ARMY nomination of Latanya A. Pope, which was received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2057 ARMY nomination of Ned W. Roberts, Jr., which was received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2058 ARMY nomination of John W. Paul, which was received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2059 ARMY nominations (3) beginning ERIC S. ALFORD, and ending MICHAEL K. HANIFAN, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2060 ARMY nominations (2) beginning GEORGE W. MELELEU, and ending AARON

L. POLSTON, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2061 ARMY nominations (3) beginning DEAN P. SUANICO, and ending ELIZABETH R. OATES, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2062 ARMY nominations (3) beginning BRIAN F. LANE, and ending KIMBERLY D. KUMER, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2063 ARMY nominations (3) beginning DUSTIN C. FRAZIER, and ending COURTNEY T. TRIPP, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2064 ARMY nominations (2) beginning DONALD P. BANDY, and ending KEITH J. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2065 ARMY nominations (10) beginning STANLEY GREEN, and ending JON B. TIPPON, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2073 ARMY nominations (3) beginning PATRICK L. MALLETT, and ending SCOTT H. SINKULAR, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2074 ARMY nominations (38) beginning LANNY J. ACOSTA, Jr., and ending PATRICK L. VERGONA, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2140 ARMY nomination of Polly R. Graham, which was received by the Senate and appeared in the Congressional Record of September 15, 2010.

PN2141 ARMY nomination of Dwaine K. Warren, which was received by the Senate and appeared in the Congressional Record of September 15, 2010.

PN2142 ARMY nominations (4) beginning JAMES K. BARNETT, and ending EDWARD D. NORTHROP, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2154 ARMY nomination of Thomas E. Koertge, which was received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2155 ARMY nomination of Edward B. Martin, which was received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2156 ARMY nomination of Timothy S. Allison-Aipa, which was received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2157 ARMY nomination of Vickie M. Jester, which was received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2158 ARMY nominations (2) beginning BERNARD H. HOFMANN, and ending GREGORY SEAN F. MCDUGAL, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2159 ARMY nominations (2) beginning CHARLES L. CLARK, and ending OKSANA BOYECHKO, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2160 ARMY nominations (2) beginning ALLEN L. FEIN, and ending ROSTYLAV R. SZWAJKUN, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2161 ARMY nominations (2) beginning ROBERT KIRK, and ending TIMOTHY M.

SNAVELY, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2162 ARMY nominations (3) beginning PAUL OLIVER, and ending MICHAEL A. KELLEY, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2163 ARMY nominations (6) beginning AMANDA J. CONLEY, and ending THOMAS F. SPENCER, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2164 ARMY nominations (9) beginning JEFFREY D. ALLEN, and ending TIMOTHY REYNOLDS, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2165 ARMY nominations (20) beginning DIXIE J. BURNER, and ending ELIZABETH A. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2166 ARMY nominations (78) beginning MICHELL L. AUUCK, and ending D010491, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2167 ARMY nominations (139) beginning LANEICE L. ABDELSHAKUR, and ending SASHI A. ZICKEFOOSE, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2168 ARMY nominations (177) beginning JOSEPH H. AFANADOR, and ending D010299, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2180 ARMY nomination of David C. Decker, which was received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2181 ARMY nomination of Elizabeth S. Mason, which was received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2182 ARMY nominations (2) beginning YVONNE J. FLEISCHMAN, and ending WENDY M. ROSS, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2183 ARMY nominations (2) beginning MARILYN S. CHIAFULLO, and ending HOWARD D. REITZ, JR., which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2184 ARMY nomination of Connie C. Dyer, which was received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2185 ARMY nomination of Jonathan J. Beitler, which was received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2186 ARMY nomination of David K. Powell, which was received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2187 ARMY nominations (7) beginning JOHN J. FERENCE, and ending DAVID M. SCHLAACK, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2188 ARMY nominations (9) beginning JULIE A. BLIKE, and ending AVA J. WALKER, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2189 ARMY nominations (14) beginning WILLIAM B. BRITT, and ending LYNN A. WISE, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2190 ARMY nominations (16) beginning JAMES T. BARBER, and ending JOSEPH C. WOOD, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2191 ARMY nominations (16) beginning SANDRA L. ALVEY, and ending AARON TUCKER, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2193 ARMY nominations (18) beginning JAN E. ALDYKIEWICZ, and ending LOUIS P. YOB, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2194 ARMY nominations (23) beginning REBECCA L. ALLEN, and ending TONI Y. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2195 ARMY nominations (39) beginning GEORGE A. BERNDT, III, and ending DOUGLAS W. YODER, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2196 ARMY nominations (7) beginning ALAN D. ABRAMS, and ending MARK D. SCHULTHESS, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2197 ARMY nominations (5) beginning PAMELA Y. DELANCY, and ending KAREN L. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2198 ARMY nominations (4) beginning ERICK J. ALVERIO, and ending CYNTHIA E. PIERCE, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2199 ARMY nominations (3) beginning BESS J. PIERCE, and ending TY J. VANNIEUWENHOVEN, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2200 ARMY nominations (3) beginning STEVEN M. GRODDY, and ending HEIDI M. WIEGAND, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2201 ARMY nominations (23) beginning HOWARD A. ALLEN, III, and ending SUZANNE P. VARESLUM, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2202 ARMY nominations (22) beginning TYLER C. CRANER, and ending BRENNAN V. WALLACE, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2203 ARMY nominations (6) beginning STEPHEN J. BETHONEY, and ending KIRK A. YAUKEY, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2204 ARMY nominations (3) beginning LAWRENCE E. WIDMAN, and ending JAMES I. JOUBERT, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2209 ARMY nominations (4) beginning PAMELA K. KING, and ending MARILYN TORRES, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2229 ARMY nominations (4) beginning MARIA E. BOVILL, and ending JOANNA J. REAGAN, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2230 ARMY nominations (6) beginning MARK E. BEICKE, and ending JAMES D.

TOOMBS, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2231 ARMY nominations (7) beginning TODD O. JOHNSON, and ending TAMI ZALEWSKI, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2232 ARMY nominations (17) beginning MARK R. BENNE, and ending JAMES WOOD, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2233 ARMY nominations (25) beginning CELETHIA M. ABNERWISE, and ending LISA A. TOVEN, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2234 ARMY nominations (31) beginning PAUL D. ANDERSON, and ending ALEX P. ZOTOMAYOR, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2235 ARMY nominations (92) beginning WILLIAM P. ADELMAN, and ending DAVID C. ZENGER, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

IN THE NAVY

PN2066 NAVY nomination of Timothy J. Ringo, which was received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2067 NAVY nominations (3) beginning WILLIAM A. BROWN, JR., and ending PAUL J. WISNIOWSKI, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2068 NAVY nominations (4) beginning JAIME E. RODRIGUEZ, and ending VINCENT M. PERONTI, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2075 NAVY nomination of Robert C. Moore, which was received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2076 NAVY nominations (2) beginning STEVEN D. SENEY, and ending NICHOLAS A. SINNOCKRAK, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2077 NAVY nominations (3) beginning ABBY L. O'DONNELL, and ending STELLA J. WEISS, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2078 NAVY nominations (6) beginning PATRICK P. DAVIS, and ending JERRY Y. TZENG, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2079 NAVY nominations (18) beginning ROBERT E. ATKINSON, and ending GIANCARLO WAGHELSTEIN, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2080 NAVY nominations (20) beginning ANTHONY H. BEASTER, and ending JONATHAN C. WOOD, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2081 NAVY nominations (20) beginning CHARLES M. ABELL, and ending CATHERINE F. WALLACE, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2082 NAVY nominations (29) beginning RANDY J. BERTI, and ending ROBERT H. VOHRER, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2083 NAVY nominations (30) beginning KATIE M. ABDALLAH, and ending NATHAN

J. WINTERS, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2084 NAVY nominations (40) beginning JEREMY S. BIEDIGER, and ending SCOTT E. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2085 NAVY nominations (42) beginning ADRIAN E. ARVIZO, and ending LISA L. ZUMBRUNN, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2086 NAVY nominations (70) beginning PHILIP T. ALCORN, and ending SCOTT D. ZIEGENHORN, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2087 NAVY nominations (184) beginning ARMAND P. ABAD, and ending MATTHEW A. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2088 NAVY nominations (913) beginning BENJAMIN P. ABBOTT, and ending DANIEL W. ZUCKSCHWERT, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2143 NAVY nomination of Tina F. Edwards, which was received by the Senate and appeared in the Congressional Record of September 15, 2010.

PN2144 NAVY nominations (2) beginning JOXEL GARCIA, and ending LARRY E. MENESTRINA, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2010.

PN2145 NAVY nominations (2) beginning BRIAN D. ONEIL, and ending JOSE R. PEREZTORRES, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2010.

PN2146 NAVY nomination of Erik Rangel, which was received by the Senate and appeared in the Congressional Record of September 15, 2010.

PN2169 NAVY nomination of Victor John Catullo, which was received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2170 NAVY nominations (3) beginning WILLIAM A. MIX, and ending JOHN H. STEELY, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2171 NAVY nominations (9) beginning RONALD K. BACH, and ending ANNA A. ROSS, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2205 NAVY nomination of Brian O. Walden, which was received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2206 NAVY nomination of Jeffrey P. Simko, which was received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2207 NAVY nomination of Patrick A. Garvey, which was received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2208 NAVY nominations (2) beginning SHERWIN Y. CHO, and ending JEFFREY G. SOTACK, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2236 NAVY nomination of Dominic V. Gonzales, which was received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2237 NAVY nomination of Michael H. Hooper, which was received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2238 NAVY nomination of Virgilio S. Crescini, which was received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2239 NAVY nominations (10) beginning ALDRIN J.A. CORDOVA, and ending JERALD L. ROOKS, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2240 NAVY nominations (60) beginning JOHN W. BAISE, and ending NING L. YUAN, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2241 NAVY nominations (25) beginning RAYNARD ALLEN, and ending ROBERT B. WILLS, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2242 NAVY nominations (114) beginning JOSE G. ACOSTA, JR., and ending SCOTT A. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2243 NAVY nominations (156) beginning KONIKI L. AIKEN, and ending JAMES S. ZMIJSKI, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2244 NAVY nominations (38) beginning DOMINIC J. ANTENUCCI, and ending DELICIA G. ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2245 NAVY nominations (134) beginning BRENT N. ADAMS, and ending EMILY L. ZYWICKE, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2246 NAVY nominations (27) beginning TERESITA ALSTON, and ending ERIN K. ZIZAK, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2247 NAVY nominations (284) beginning KENRIC T. ABAN, and ending FRANKLIN R. ZUEHL, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

CONFIRMATION OF DAVID BUCKLEY

Mrs. FEINSTEIN. Mr. President, I am in support of the nomination of Mr. David Buckley to be the next inspector general of the Central Intelligence Agency, CIA.

On Tuesday, the Senate Select Committee on Intelligence voted unanimously to recommend Mr. Buckley's nomination. So there is overwhelming, bipartisan support for Mr. Buckley.

It is also important that the Senate act on this nomination before the upcoming recess. The position of the CIA inspector general has remained vacant since the retirement of John Helgerson in March 2009.

The Senate Intelligence Committee has seen firsthand the importance of the CIA inspector general. Many of the reports and audits from this office remain classified, but have had a major impact on our committee's understanding of CIA programs and at times have led directly to major changes in those programs.

Other reports have been made public, like the 2004 Special Review into the CIA detention and interrogation program. The report raised major ques-

tions about the program's legality and compliance and allowed the public to see some of what went wrong with the CIA program.

The inspector general of the CIA plays a crucial role. The CIA is an agency that is charged with operating in secret in locations around the world, conducting covert actions and collecting intelligence. It shields its activities from the public, but it needs oversight. The IG's Office has been conducting independent reviews of Agency offices and programs, recommended measures of accountability where appropriated, and performed detailed audits of CIA expenditures and financial statements.

In April 2010, Vice Chairman BOND and I wrote a letter to President Obama, pointing out the importance of the CIA IG position and the need to nominate and confirm a strong, independent auditor and investigator.

I am pleased that he nominated Mr. Buckley. His confirmation hearing was held on September 21, where Senators reviewed his record, his views on the position to which he has been nominated, and his plans if confirmed. Mr. Buckley was straightforward with our committee and very clear about his belief in a strong and independent IG.

Mr. Buckley has had more than 30 years of experience in government service that should provide him with an excellent background for the challenges he will face when confirmed.

Mr. Buckley enlisted with the Air Force in 1976, specializing in investigations. He continued service with the Air Force Office of Special Investigations as a civilian in 1984, working for 3 years before moving to the Senate Permanent Subcommittee on Investigations under then Chairman Sam Nunn.

Senator Nunn offered the following endorsement for Mr. Buckley when he wrote to the committee recently:

I found David to be a consummate professional of the highest integrity, and he enjoyed a great reputation on both sides of the aisle. He has excellent judgment and an abundance of common sense.

Following 8 years on the Senate Permanent Subcommittee on Investigations, including time as chief investigator, Mr. Buckley worked as a special assistant to the inspector general of the Department of Defense, at the General Accounting Office, and at the Treasury Department for 7 years, most of it as assistant inspector general for investigations.

Mr. Buckley then served from 2005 to 2007 as the minority staff director of the House Permanent Select Committee on Intelligence. As such he had a purview of the entire intelligence community, including the CIA, and developed an understanding from the congressional point of view of the important relationships the intelligence committees have with the CIA inspector general.

Finally, Mr. Buckley has worked as a senior manager at Deloitte Consulting since 2007, consulting in the national security arena. In short, David Buckley has spent 34 years in a career focused on conducting oversight, much of it in the defense and intelligence areas.

I believe his background makes him an excellent candidate and I look forward to working with Mr. Buckley in his new position.

NOMINATIONS DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged en bloc from the following nominations: PN1499, PN1976, and PN2071; that the Senate then proceed en bloc, to the consideration of those nominations, that they be confirmed en bloc; the motions to reconsider be considered made and laid upon the table en bloc; that any statements relating to the nominations be printed in the RECORD; and that the President be notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Mark F. Green, of Oklahoma, to be United States Attorney for the Eastern District of Oklahoma for the term of four years, vice Sheldon J. Sperling, term expired.

Paul Charles Thielen, of South Dakota, to be United States Marshal for the District of South Dakota for the term of four years, vice Warren Douglas Anderson, term expired.

Michael C. Ormsby, of Washington, to be United States Attorney for the Eastern District of Washington for the term of four years, vice James A. McDevitt.

EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that the Senate consider en bloc the following nominations on the Executive Calendar: 500, 501, 1108, 1054, 810, 1109, 1110, 1111, 1112, 1113, 1115, 1116, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, and 1134; that the nominations be confirmed en bloc; the motions to reconsider be considered made and laid upon the table en bloc; and that the Senate then proceed to Calendar Nos. 1009, 1010, and 1011, and that the Senate proceed to vote on each of these three nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the motions to reconsider be considered made and laid upon the table; that any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, it is my understanding that in addition to what we have already agreed to, we have to

have the question laid before the body on Calendar Nos. 1009, 1010, and 1011. I ask that the Chair consider first No. 1009.

The PRESIDING OFFICER. The question is on agreeing to Executive Calendar No. 1009.

The nomination was agreed to.

Mr. REID. It is now my understanding we are going to move to Calendar No. 1110 and 1111 en bloc; is that right, Mr. President?

The PRESIDING OFFICER. That is correct.

Without objection, the question is on agreeing to Calendar Nos. 1110 and 1111 en bloc.

The nominations were agreed to.

Mr. REID. I want to make sure the RECORD reflects that I have asked consent on the numbers I read before in addition to 1009, 1010, and 1011; and that the motions to reconsider be laid upon the table; that any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and that the Senate now resume legislative session.

The PRESIDING OFFICER. That is the Chair's understanding.

Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

LEGAL SERVICES CORPORATION

Julie A. Reiskin, of Colorado, to be Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2010.

Gloria Valencia-Weber, of New Mexico, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2011.

DEPARTMENT OF STATE

Raul Yzaguirre, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Dominican Republic.

FEDERAL RESERVE SYSTEM

Sarah Bloom Raskin, of Maryland, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2002.

Janet L. Yellen, of California, to be a Member of the Board of Governors of the Federal Reserve System for a term of fourteen years from February 1, 2010.

Janet L. Yellen, of California, to be Vice Chairman of the Board of Governors of the Federal Reserve System for a term of four years.

DEPARTMENT OF ENERGY

Anne M. Harrington, of Virginia, to be Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration.

FEDERAL HOUSING FINANCE AGENCY

Steve A. Linick, of Virginia, to be Inspector General of the Federal Housing Finance Agency.

EXPORT-IMPORT BANK OF THE UNITED STATES

Oswaldo Luis Gratacos Munet, of Puerto Rico, to be Inspector General, Export-Import Bank.

AFRICAN DEVELOPMENT FOUNDATION

Edward W. Brehm, of Minnesota, to be a Member of the Board of Directors of the Afri-

can Development Foundation for a term expiring September 22, 2011.

Johnnie Carson, an Assistant Secretary of State (African Affairs), to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 27, 2015.

Mimi E. Alemayehou, Executive Vice President of the Overseas Private Investment Corporation, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2015.

DEPARTMENT OF STATE

Duane E. Woerth, of Nebraska, for the rank of Ambassador during his tenure of service as Representative of the United States of America on the Council of the International Civil Aviation Organization.

Alexander A. Arvizu, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Albania.

Joseph A. Mussomeli, of Virginia, a Career Member of the Senior Foreign Services, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Slovenia.

DEPARTMENT OF JUSTICE

William C. Killian, of Tennessee, to be United States Attorney for the Eastern District of Tennessee for the term of four years.

Robert E. O'Neill, of Florida, to be United States Attorney for the Middle District of Florida for the term of four years.

Albert Najera, of California, to be United States Marshal for the Eastern District of California for the term of four years.

William Claud Sibert, of Missouri, to be United States Marshal for the Eastern District of Missouri for the term of four years.

Myron Martin Sutton, of Indiana, to be United States Marshal for the Northern District of Indiana for the term of four years.

David Mark Singer, of California, to be United States Marshal for the Central District of California for the term of four years.

Jeffrey Thomas Holt, of Tennessee, to be United States Marshal for the Western District of Tennessee for the term of four years.

Steven Clayton Stafford, of California, to be United States Marshal for the Southern District of California for the term of four years.

NATIONAL MUSEUM AND LIBRARY SERVICES

BOARD

Mary Minow, of California, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2014.

NATIONAL SCIENCE FOUNDATION

Subra Suresh, of Massachusetts, to be Director of the National Science Foundation for a term of six years.

NATIONAL COUNCIL ON DISABILITY

Pamela Young-Holmes, of Wisconsin, to be a Member of the National Council on Disability for a term expiring September 17, 2013.

LEGAL SERVICES CORPORATION

Harry James Franklyn Korrell III, of Washington, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2011.

Joseph Pius Pietrzyk, of Ohio, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2011.

Julie A. Reiskin, of Colorado, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2013.

NOMINATION OF JANET YELLEN

Mr. BUNNING. Mr. President, I want to briefly explain for the record my votes on the nomination of Janet Yellen to be a member of the Board of Governors of the Federal Reserve System and to be Vice-Chairman of the Board of Governors of the Federal Reserve System.

Dr. Yellen is qualified to sit on the Board of Governors. She has already been a member of the Board, and is currently the president of a regional Fed—the Federal Reserve Bank of San Francisco. She has more monetary policy experience than most recent nominees and certainly understands what the job requires.

However, I have serious concerns about her views on monetary policy and her actions during the credit and housing bubble. In reviewing Federal Open Market Committee, FOMC, meeting minutes and transcripts, it is clear to me that Dr. Yellen will support easy money policies and I am afraid she will not take inflation seriously. I do not believe she will stand up to Chairman Bernanke or break the groupthink that exists at the Fed. The FOMC transcripts and minutes I reviewed only strengthen my concerns. I am also concerned that as president of the San Francisco Fed she did not spot or take action to address the housing and credit bubble while overseeing one of the most affected regions of the country. These reasons are why I oppose Dr. Yellen's nomination to be Vice-Chairman and will vote against her for that position when the vote is called.

The RECORD will thus reflect my vote against Dr. Yellen to be Vice-Chairman of the Board of Governors of the Federal Reserve System.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

PROMOTING NATURAL GAS AND ELECTRIC VEHICLES ACT OF 2010—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I ask unanimous consent to proceed to Calendar No. 577, S. 3815, and I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move

to bring to a close debate on the motion to proceed to Calendar No. 577, S. 3815, the Promoting Natural Gas and Electric Vehicles Act of 2010.

HARRY REID, JEFF BINGAMAN, MAX BAUCUS, TOM UDALL, JON TESTER, RICHARD J. DURBIN, JEANNE SHAHEEN, FRANK R. LAUTENBERG, ROBERT P. CASEY, JR., JACK REED, TOM HARKIN, THOMAS R. CARPER, BILL NELSON, KENT CONRAD, BYRON L. DORGAN, DANIEL K. AKAKA, AL FRANKEN.

Mr. REID. I now withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

PAYCHECK FAIRNESS ACT—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to the consideration of Calendar No. 561, S. 3772, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 561, S. 3772, the Paycheck Fairness Act.

HARRY REID, PATRICK J. LEAHY, JOHN F. KERRY, CARL LEVIN, JACK REED, BERNARD SANDERS, BENJAMIN L. CARDIN, FRANK R. LAUTENBERG, RON WYDEN, TOM HARKIN, AMY KLOBUCHAR, SHERROD BROWN, KIRSTEN E. GILLIBRAND, CHRISTOPHER J. DODD, PATTY MURRAY, BARBARA BOXER.

Mr. REID. Mr. President, I now withdraw that motion.

The PRESIDING OFFICER. The motion is withdrawn.

FDA FOOD SAFETY MODERNIZATION ACT—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to the consideration of Calendar No. 247, S. 510, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 247, S. 510, the FDA Food Safety Modernization Act.

HARRY REID, TOM HARKIN, RICHARD J. DURBIN, JEFF BINGAMAN, MAX BAUCUS, TOM UDALL, JON TESTER, BENJAMIN L. CARDIN, JEANNE SHAHEEN, FRANK R.

LAUTENBERG, HERB KOHL, ROBERT P. CASEY, JR., JACK REED, THOMAS R. CARPER, BILL NELSON, KENT CONRAD, CARL LEVIN, MARY L. LANDRIEU.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum with respect to the cloture motions be waived; further, that any pro forma sessions not count as an intervening day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I express my appreciation to the Senator from Washington for allowing me to conduct this business.

The PRESIDING OFFICER. The Senator from Washington is recognized.

COAST GUARD AUTHORIZATION ACT FOR FISCAL YEAR 2010—Resumed

Ms. CANTWELL. Mr. President, I rise to talk about the Coast Guard Authorization Act of 2010, which we have passed back to the House, with amendments. Hopefully, they will pass it later this evening, and it will be the first time we have gotten this authorization passed and the work that we have been doing for the last 4 years on reforming the Coast Guard's Deepwater Acquisition Program from the mistakes made in the past and setting on a new course will actually become law.

As the Presiding Officer knows, the Coast Guard is a vital agency for us in the Pacific Northwest, everything from maritime safety to protecting our environment to our fisheries and the important missions they carry out. Obviously, making sure the Coast Guard has the tools it needs to get the job done is very important.

I thank Senators SNOWE, ROCKEFELLER, and HUTCHISON for their hard work and for Members on both sides of the aisle for working on this legislation.

I said it has important acquisition reforms, and I wish to mention a few of those because the Deepwater program, with its acquisitions, ran into many problems.

First and foremost, the Coast Guard will return to its appropriate competitive procurement practices. This legislation ends what was an industry self-certification process, and it codifies the very rigorous process that the Coast Guard should have with the Major System Acquisition Manual. It establishes the right leadership and oversight for that and, an important aspect, I think, of all procurements related to acquisitions of this size, analyses of alternatives conducted by an independent third party.

This legislation also has other important safeguards for oilspill prevention and for fishing vessel safety, as the Presiding Officer knows, because one of the provisions in this legislation is to require a tug escort of double-hulled tanks in Prince William Sound, something the Presiding Officer, the Senators from Alaska, Mr. BEGICH and Ms.

MURKOWSKI, asked be included in the bill.

This is important legislation, as we can see from the gulf incident and from incidents before. We obviously have to have large vessels escorted in and out of sensitive areas. I appreciate the leadership of the Senators from Alaska on this legislation.

It also adds new protections to the Olympic Coast National Marine Sanctuary off the State of Washington, making sure it is protected from vessels that pose an oilspill threat.

It also extends the important oilspill response assets through Washington's very vulnerable Strait of Juan de Fuca making sure that it, too, is more protected and has more resources to deal with incidents in the case of oilspills.

Finally, there is a new requirement for fishing vessel safety designed to protect the life and welfare of those fishermen who risk their lives to bring seafood to our tables. It requires that large fishing vessels get a safety certification from independent third parties, and it mandates that smaller fishing vessels meet the same Coast Guard safety standards as recreation vessels.

This is important because we know our fishing vessels take great risk in providing catch to us in the product they bring to market. But it is important we do so in a safe and responsible fashion. Having this type of independent safety requirements will be much needed.

It allows the Alaska-Washington pollock fleet to replace their boats to help meet the new safety standards. As the President knows, the fishing fleets for Washington and Alaska are large operations. The pollock fishery alone is over a billion-dollar industry. Making sure these vessels operate in a safe manner is critical for our industries to continue to succeed.

I thank the Presiding Officer for his input and for my colleagues on the Coast Guard Subcommittee of the Commerce Committee and the committee at large for their help in getting this legislation passed.

As I said, it has been nearly 4 years in the making to get this important legislation through Congress. It comes at a time when we continue to want the Coast Guard to have the best resources to meet the missions and requirements of their job but to do their acquisition in a responsible way, to right the wrongs that has been in the Coast Guard acquisition process at the beginning of the Deepwater program, to make sure there is oversight and third-party evaluation of that, and to make sure, as I said, that this bill establishes new laws on oilspill prevention and on fishing vessel safety so we can continue to operate in these pristine waters in a safe and effective manner.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Alaska, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. In my capacity as a Senator from the State of Alaska, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 10:45 p.m., recessed subject to the call of the Chair and reassembled at 11:39 p.m. when called to order by the Presiding Officer (Mr. BEGICH).

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPIRING TERMS OF APPOINTED SENATORS

Mr. REID. Mr. President, the 111th Congress will be recorded as one of the country's most historic. It will be rightfully remembered for the landmark legislation we passed to help our economy recover from recession and to help Americans afford to recover from health problems and for the passion that characterized the debates over many of these laws. But it will also be remembered for the replacement of remarkable Senators, under remarkable circumstances, by dedicated and devoted appointees.

Two years ago, for the first time in half a century, the men elected President and the Vice President of the United States were sitting U.S. Senators. One year before the last time that happened, in 1959, Robert C. Byrd was sworn in for the first of his record nine consecutive full terms in this body.

In the 111th Congress, three pairs of the biggest shoes in American history needed to be filled, three public servants were chosen to sit in the seats vacated by the President, the Vice President, and the longest serving Member of Congress. That has never happened before and will probably never happen again.

Though Senators EDWARD KAUFMAN, ROLAND BURRIS, and CARTE GOODWIN were selected and not elected, none was content to be merely a footnote of his-

tory or the answer to a congressional trivia question. Each made the most of his time in the service of his State.

Before he became the junior Senator from Delaware, TED KAUFMAN was an engineer, a university professor, and Vice President BIDEN's right-hand man in this body for two decades. He spent nearly all his political career behind the scenes but impressed everyone in his State and in the Senate every time he stood up on the Senate floor or spoke out in a committee hearing.

Rarely has an appointed Senator serving such a short term made such an impact. Senator KAUFMAN wrote legislation to make sure no Wall Street bank is too big to fail and made it easier for Federal prosecutors to root out financial fraud. His ideas on how to crack down on health care fraud are now the law of the land.

He served less than one Congress, but he was no rookie. His knowledge of parliamentary procedure is vast, and he was a great legislative partner to me personally over the last 2 years.

But among the most remarkable things Senator KAUFMAN did in his time here were the 100 tributes he gave on the Senate floor honoring Federal employees of all stripes: military engineers, intelligence analysts, nuclear scientists, Medicare benefits administrators, advocates for the homeless and the sick, and so on everyone from administrative secretaries to assistant Cabinet Secretaries.

Senator KAUFMAN knows that the 2 million selfless public servants who choose to spend their careers in the Federal Government often make personal and financial sacrifices to work in relative anonymity and rarely receive recognition. He knows they often bear an undeserved reputation as part of a vast bureaucracy. But Senator KAUFMAN, a great former Federal employee himself, has both the character and class to publicly honor them for their good, hard, and honest work. He should be recognized for the same.

ROLAND BURRIS came to the Senate under difficult circumstances, but he impressed our caucus by rising above the controversy and concentrating on doing his job for the people of Illinois. He had already built an impressive record in that State, becoming the first African American to ever hold statewide office in Illinois and spending more than three successful decades in the public and private sectors.

During his time here, Senator BURRIS stood up for many progressive causes, including advocating for better civil rights education and writing legislation in support of our servicemembers overseas. He also presided over the Senate Chamber far more than anyone else during the 111th Congress, soaking in every minute of it along the way.

Senator GOODWIN succeeded the irreplaceable Senator Byrd with humility and honor. He was here only briefly,

and he didn't waste any time before delivering for West Virginians. In his first day as a U.S. Senator, he cast our caucus crucial 60th vote to break a filibuster and extend unemployment insurance for the millions of Americans who had lost their jobs and exhausted their benefits while looking for new ones. In the aftermath of this year's Big Branch Mine disaster that killed 29 West Virginians, Senator GOODWIN fought for comprehensive mine safety reforms.

In his young career, Senator GOODWIN has worked as a lawyer, as the general counsel to the Governor of West Virginia, the chairman of his State's School Building Authority, and the Independent Commission on Judicial Reform. He will soon be a 36-year-old former Senator, and my colleagues and I eagerly anticipate following the bright career he has ahead of him.

Senators EDWARD KAUFMAN, ROLAND BURRIS, and CARTE GOODWIN represented their respective States with distinction. They will forever hold a special place in American history for the good work they did in the short time they were U.S. Senators.

HISPANIC HERITAGE MONTH

Mr. REID. Mr. President, although September is coming to a close, we are right in the middle of Hispanic Heritage Month. Every fall we recognize how the invaluable contributions America's 47 million Latinos—Americans with roots in dozens of nations—strengthen our own Nation, and the way their rich cultures enrich our country.

It is a special time every year. But this Hispanic Heritage Month is even more exciting than most. This year we are also celebrating the bicentennials of four great nations' independence: Argentina, Chile, Colombia and Mexico. More than 200 million people in these great countries are commemorating 200 years of freedom, liberty and opportunity, and the United States of America celebrates alongside our global neighbors.

It is no secret, though, that the past year's challenges have tested our communities and our resolve closer to home. It has been tougher on Nevada than any other State, and tougher on Hispanics than any other group.

But in the year that has passed between last Hispanic Heritage Month and this one, we have achieved so much:

We affirmed the promise that affording to live a healthy life in America is the right of every citizen—not just a privilege for the wealthy few.

We cleaned up Wall Street so this kind of recession can never happen again, and ended the era of big-bank bailouts. That law also brings transparency to the remittance industry, which saves customers and their families millions of dollars.

We cracked down on mortgage fraud, including funding Spanish-language ads to stop scammers from preying on Latino homebuyers. I directed my staff to help Hispanic families in danger of foreclosure, and my office has held a number of housing workshops to help Latino homeowners avoid mortgage scams and stay out of foreclosure.

Important credit card reforms went into effect this summer that protect consumers from crippling late fees, protect college students from predatory lenders, and protect families from having to pay a fee to simply pay a bill.

And just a week before last year's Hispanic Heritage Month started, Sonia Sotomayor heard her first case as a Supreme Court Justice.

We're going to make this year even better. Hispanic Heritage Month is as much about the past as it is about the future. It is as much about honoring tradition as it is securing a legacy of honor for the next generation.

I will continue fighting for tough, fair and practical immigration reforms, including giving the children of immigrants the opportunity to serve America—the only nation they have ever called home—and to earn an education and contribute to our society.

I believe that everyone who grows up as an American and wants a quality American education should have the chance to pursue it. And I know our economy will not recover if we don't give everyone the opportunity to repair it.

REMEMBERING JOHN W. KLUGE

Mr. REID. Mr. President, on Tuesday, September 7, 2010, John Kluge passed away at a family home in Charlottesville, VA. He was 95.

Mr. Kluge was a successful businessman who parlayed the money he earned from a Fritos franchise into a multibillion-dollar communications company, Metromedia. This conglomerate grew to include 7 television stations, 14 radio stations, outdoor advertising, the Harlem Globetrotters, the Ice Capades, radio paging and mobile telephones.

Mr. Kluge was born on September 21, 1914, in Chemnitz, Germany. His father died in World War I. After his mother remarried, John was brought to America in 1922 by his German-American stepfather to live in Detroit. He began work at the age of 10, working for his stepfather's family contracting business. At the age of 14, he left home to live in the house of a schoolteacher, driving by his desire to have an education.

He worked hard to learn and speak well the English language and get the grades he needed in high school to win a scholarship to college. He first attended Detroit City College, which was later renamed Wayne State University, and transferred to Columbia University

when he was offered a full scholarship and living expenses. He graduated from Columbia in 1937 and went to work for a small paper company in Detroit. Within 3 years he went from shipping clerk to vice president and part owner.

After serving in Army intelligence in World War II, he turned to broadcasting and, with a partner, created the radio station WGAY in Silver Spring, MD, in 1946. In the 1950s he acquired radio stations in St. Louis, Dallas, Fort Worth, Buffalo, Tulsa, Nashville, Pittsburgh and Orlando, FL. Meanwhile, he invested in real estate and expanded the New England Fritos Corporation, which he founded in 1947 to distribute Fritos and Cheetos in the Northeast, adding Fleischmann's yeast, Blue Bonnet margarine and Wrigley's chewing gum to his distribution network.

In 1951 he formed a food brokerage company, expanding it in 1956 in a partnership with David Finkelstein, and augmented his fortune selling the products of companies like General Foods and Coca-Cola to supermarket chains.

Mr. Kluge served on the boards of numerous companies, including Occidental Petroleum, Orion Pictures, Conair and the Waldorf-Astoria Corporation, as well as many charitable groups, including United Cerebral Palsy.

His philanthropy was prodigious. The beneficiaries of his gifts included Columbia University and the University of Virginia.

Mr. Kluge also contributed to the restoration of Ellis Island and in 2000 gave \$73 million to the Library of Congress, which established the Kluge Prize for the Study of Humanities.

In his business endeavors, Mr. Kluge savored the chance to move into new areas of high technology and often took Wall Street by surprise with some of his commercial decisions. He never lost his zest for developing new businesses or his taste for complex financial deals. Mr. Kluge once said, "I love the work because it taxes your mind."

At the time of his death, Mr. Kluge was deeply involved in a new biological cancer treatment that has a positive effect on multiple organ cancers, with no side effects. He also was engaged in a new treatment for diabetes.

He is survived by his wife Maria, sons John, Jr. and Joseph, a daughter Samantha, a grandson Jack, and stepchildren Jeannette Brophy, Peter Townsend, and Diane Zeier.

EXTENDING UNEMPLOYMENT INSURANCE

Mr. REID. Mr. President, when the earthquake on Wall Street sent shockwaves throughout the country, Nevada got hit the worst. The economic collapse took down our housing and job markets along with it.

When so many Nevadans lost their jobs, they lost much more than just a place to go to work in the morning. They lost their incomes, their savings and their retirement security. Many lost their gas money and their grocery money. Some lost their children's tuition payments. They have lost a measure of dignity. All of this through no fault of their own.

But even after losing so much, they haven't lost hope. Now they wake up every morning and look for new work, a new way to support their families.

It hasn't been easy. Jobs are harder to come by today than at any other time in recent memory. The Labor Department reports there is only one open job in America for every five Americans desperate to fill it. As a result, nearly half of the unemployed in this country have been out of work for 6 months or longer.

One of those people is Scott Headrick of Las Vegas. Scott's been out of work for more than two years. He wrote me recently because he's angry how some on the other side are trying for political reasons to stigmatize and demonize the unemployed.

He has good reason to be upset. One of the top Republicans in the Senate called unemployment assistance a "disincentive for them to seek new work." Another senior Republican Senator said these Americans—people who want nothing more than to find a new job—"don't want to go look for work." And a third senior Republican Senator argued, "We should not be giving cash to people who basically are just going to blow it on drugs." That's a direct quote. Others have made the absurd allegation that you can make more money on unemployment than through a honest day's work.

These comments are not only offensive; they're also dead wrong. And that's why Scott was so upset. He wrote me the following:

"I've been unemployed since July 2008 and have not been able to obtain a position at a supermarket packing groceries. I've been religiously seeking, searching and applying for work without any luck. I have since left my family in Las Vegas, a wife and five children, to look for work in other states and again, without any luck."

While people like Scott seek, search and apply for work, they rely on unemployment insurance to get by. No one gets rich off of unemployment checks. They merely provide a fraction of one's old income to help keep food on the table this week, and keep a roof over a head this month, and keep the heat on this winter.

Unemployment insurance doesn't only help the out-of-work make ends meet—it can also help our economy recover. Respected economist Mark Zandi calculated that every time a dollar goes out in an unemployment check, \$1.61 comes back into the econ-

omy. The Congressional Budget Office has estimated that number could actually be as high as two dollars, meaning we double our investment.

It is easy to see why. When you are desperate, you don't keep that check under your mattress. You turn around and spend the money. You immediately pay your bills and go to the store and keep up with your mortgage payments.

You spend it on the basics and the bare necessities while you look for work. The money goes right back into the economy, which strengthens it, fuels growth and ultimately lets businesses create the very jobs the unemployed have been looking for, for so long.

But those benefits don't last forever. They expire. And in a crisis like today's, expiring benefits are leaving too many out in the cold. The Nevada Department of Employment, Training and Rehabilitation said that 22,000 Nevadans have exhausted both their state and federal benefits. Nationwide, that number reaches well into the millions.

I am proud to cosponsor Senator STABENOW's bill to help the hardest hit among us: out-of-work Americans who have exhausted their unemployment insurance. It is called the Americans Want to Work Act, and it is called that for a very good reason.

Contrary to the other side's reckless and heartless spin, the people we are trying to help want to find work. They're trying to find work. And they would much rather get a paycheck than an unemployment check.

These are people who have tried and tried to find work, who scour job listings, who send out résumés, who fill out applications, who go to interviews—but who haven't had any luck for weeks and months and, in some cases, years.

The Americans Want to Work Act recognizes that we can do more to help those who lost their jobs through no fault of their own.

First, it extends unemployment benefits for an additional 20 weeks—the longest extension ever to match the most painful crisis we've seen in generations.

Second, it takes the powerful and successful incentives we're giving businesses to hire and makes them even better. We passed a bill this year—the HIRE Act—that says to businesses: If you hire unemployed workers, we will give you a tax cut—you don't have to pay the Social Security payroll tax this year. These incentives are already working; businesses are starting to hire because of it. Senator STABENOW's bill will extend that tax credit through next year, too.

It will also double the tax credit we're giving businesses for keeping those previously long-term unemployed workers on the payroll for at least one year. The HIRE Act gave businesses a \$1,000 tax credit for each

such new hire. Senator STABENOW's bill will raise that tax credit to \$2,000 for workers who have exhausted their unemployment benefits.

Hundreds of thousands of Nevadans and millions of Americans want to work. Like Scott Headrick, they seek, search and apply, but time and again they hear nothing but "no" in return. What a shame it is that they are hearing the same answer from Republicans in the Senate when we propose sound legislation like this to give them a hand when they're hurting the most.

Americans need jobs. Nevadans need jobs. And it is our job to help them.

REMEMBERING SENATOR TED STEVENS

Mr. KYL. Mr. President, I offer my condolences to Catherine Stevens and to the entire family of Senator Ted Stevens and to the families of those who also lost their lives in that tragic August 9 accident.

I knew Ted for many years and will always remember his devotion to the U.S. Senate and, of course, to the State of Alaska. Ted tirelessly committed himself to help transform Alaska into a modern State. Even if he had not become the longest serving Republican Senator in history, with a career spanning over 38 years, "Uncle Ted" would still have become an Alaskan legend. He was beloved throughout the State. And his love for his State was well known, from the largest cities to the smallest towns.

Ted devoted his whole life to public service. Before he was elected to Congress, Ted went through pilot training in Douglas, AZ, and earned his Army Air Corps wings in May 1944. For his service in World War II, he received the Air Medal and the Distinguished Flying Cross.

Incidentally, Ted often told me of his appreciation for the time he spent training in Arizona, my home State. He often spoke, too, of the town of Wickenburg, AZ, where his wife is from.

During his time in the Senate, Ted became a master of Senate procedure. Republicans would often ask him to sit in the Presiding Officer's chair during an important vote because we knew he would handle all of the procedural details and intricacies perfectly.

Not only was he a good legislator, he was a tough legislator. Ted was not shy about inviting comparisons with the Incredible Hulk. When he debated an issue that meant a lot to him, he would wear his Incredible Hulk necktie. Indeed, that necktie saw many a political battle.

As much as I admired Ted for his tough side, I will most fondly recall his gentle spirit and his compassion for the people he was so proud to represent. His soft side and kind nature were so apparent I sometimes wondered how much of his feistier side was for effect.

It was an honor to have known him and a privilege to have served alongside him here in the Senate.

Mr. GRAHAM. Mr. President, I ask my colleagues to join me in honoring the memory of a dedicated public servant and leader, Senator Ted Stevens. After a lifetime of unprecedented service to his State and Nation, Senator Stevens passed away in Alaska on August 9, 2010, at the age of 86. His death was a loss to the U.S. Senate, the State of Alaska, and the Nation.

A decorated World War II pilot who survived a deadly 1978 plane crash, Senator Stevens was the longest-serving Republican Senator in the Nation's history and Alaska's most beloved political figure. Known as a giant in the Senate and affectionately referred to as "Uncle Ted" by his constituents, Stevens helped usher Alaska into statehood in 1959 and was instrumental in its economic growth. He was first and foremost a devoted advocate of Alaska and its people.

Born in Indianapolis, IN, Senator Stevens attended Oregon State University before serving as an Air Force pilot in World War II. He went on to graduate from the University of California Los Angeles—UCLA—with a bachelor of arts degree in political science, and from Harvard University with a juris doctor degree in law. After a successful career as a member of the Alaska House of Representatives, Stevens was appointed to the U.S. Senate, making him the third Senator in the State's history.

Senator Stevens is greatly admired for what he did during his four decades of service in the U.S. Senate. I had the pleasure of seeing the Senator in action on many occasions and particularly admired his deep commitment to working across the aisle to get things done. Senator Stevens was one of the Senate's most effective Members, both as a valuable ally and worthy opponent. Stevens' colleagues, both Republicans and Democrats alike, greatly enjoyed working with him and respected his views. We can all learn from the example he set.

I ask that the U.S. Senate join me in commemorating Senator Ted Stevens' lifelong dedication to the service of our country and to the State of Alaska. He was a courageous advocate for his State, and a dear friend who will be greatly missed by all.

BUDGET SCOREKEEPING REPORT

Mr. CONRAD. Mr. President, I rise to submit to the Senate the seventh budget scorekeeping report for the 2010 budget resolution. The report, which covers fiscal year 2010, was prepared by the Congressional Budget Office pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended.

The report shows the effects of congressional action through September 24, 2010, and includes the effects of legislation enacted since I filed my last report for fiscal year 2010 in June. The new legislation includes:

Public Law 111-191, an act to amend the Oil Pollution Act of 1990 to authorize advances from the Oil Spill Liability Trust Fund for the Deepwater Horizon oil spill;

Public Law 111-192, Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010;

Public Law 111-197, Airport and Airway Extension Act of 2010, Part II;

Public Law 111-198, Homebuyer Assistance and Improvement Act of 2010;

Public Law 111-205, Unemployment Compensation Extension Act of 2010;

Public Law 111-212, Supplemental Appropriations Act, 2010;

Public Law 111-224, United States Patent and Trademark Office Supplemental Appropriations Act, 2010;

Public Law 111-226, an act to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes;

Public Law 111-228, General and Special Risk Insurance Funds Availability Act of 2010;

Public Law 111-230, an act making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes; and

Public Law 111-237, Firearms Excise Tax Improvement Act of 2010.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the 2010 budget resolution.

The estimates show that for fiscal year 2010 current level spending is above the levels provided in the budget resolution by \$17.1 billion for budget authority and \$5.4 billion above for outlays. For revenues, current level shows that \$14.2 billion in room remains relative to the budget resolution level.

I ask unanimous consent that the letter and accompanying tables from CBO be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, September 29, 2010.

Hon. KENT CONRAD,
Chairman, Committee on the Budget, U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2010 budget and is current through September 24, 2010. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, as approved by the Senate and the House of Representatives.

Pursuant to section 403 of S. Con. Res. 13, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of Table 2 of the report).

Since my last letter, dated June 10, 2010, the Congress has cleared and President has signed the following acts which affect budget authority, outlays, or revenues for fiscal year 2010:

An act to amend the Oil Pollution Act of 1990 to authorize advances from Oil Spill Liability Trust fund for the Deepwater Horizon oil spill (Public Law 111-191);

Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010 (Public Law 111-192);

Airport and Airway Extension Act of 2010, Part II (Public Law 111-197);

Homebuyer Assistance and Improvement Act of 2010 (Public Law 111-198);

Unemployment Compensation Extension Act of 2010 (Public Law 111-205);

Supplemental Appropriations Act, 2010 (Public Law 111-212);

United States Patent and Trademark Office Supplemental Appropriations Act, 2010 (Public Law 111-224);

An act to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes (Public Law 111-226);

General and Special Risk Insurance Funds Availability Act of 2010 (Public Law 111-228);

An act to increase the flexibility of the Secretary of Housing and Urban Development with respect to the amount of premiums charged for FHA single housing mortgage insurance, and for other purposes (Public Law 111-229);

An act making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes (Public Law 111-230); and

Firearms Excise Tax Improvement Act of 2010 (Public Law 111-237).

Sincerely,

ROBERT A. SUNSHINE,
FOR DOUGLAS W. ELMENDORF,
Director.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2010, AS OF SEPTEMBER 24, 2010

(In billions of dollars)

	Budget Resolution ¹	Current level ²	Current level over/under (—) resolution
ON-BUDGET			
Budget authority	2,897.5	2,914.6	17.1
Outlays	3,010.1	3,015.5	5.4
Revenues	1,612.3	1,626.5	14.2
OFF-BUDGET			
Social Security Outlays ³	544.1	544.1	0.0
Social Security Revenues	668.2	668.1	–0.1

¹ S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, includes \$10.4 billion in budget authority and \$5.4 billion in outlays as an allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts.

² Current level is the estimated effect on revenues and spending of all legislation, excluding amounts designated as emergency requirements (see footnote 2 of Table 2), that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

³ Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.

SOURCE: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2010, AS OF SEPTEMBER 24, 2010

(In millions of dollars)

	Budget authority	Outlays	Revenues
Previously Enacted: ¹			
Revenues	n.a.	n.a.	1,633,385
Permanents and other spending legislation	1,656,952	1,651,725	n.a.
Appropriation legislation ²	1,917,749	2,048,775	n.a.
Offsetting receipts	— 690,252	— 690,252	n.a.
Total, previously enacted	2,884,449	3,010,248	1,633,385
Enacted this session:			
An act to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti (P.L. 111–126)	0	0	— 40
Emergency Aid to American Survivors of the Haiti Earthquake Act (P.L. 111–127)	50	50	0
Social Security Disability Applicants' Access to Professional Representation Act of 2010 (P.L. 111–142)	— 4	— 4	0
United States Capitol Police Administrative Technical Corrections Act of 2009 (P.L. 111–145)	10	6	0
Hiring Incentives to Restore Employment Act (P.L. 111–147)	20,903	141	— 4,380
Patient Protection and Affordable Care Act (P.L. 111–148)	8,500	2,130	— 580
Satellite Television Extension Act of 2010 (P.L. 111–151)	2	0	2
Health Care and Education Reconciliation Act of 2010 (P.L. 111–152)	1,130	220	— 1,930
An act to amend the Oil Pollution Act of 1990 to authorize advances from Oil Spill Liability Trust Fund for the Deepwater Horizon oil spill (P.L. 111–191)	200	50	0
Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010 (P.L. 111–192)	— 450	— 450	119
Airport and Airway Extension Act of 2010, Part II (P.L. 111–197)	— 485	0	0
Homebuyer Assistance and Improvement Act of 2010 (P.L. 111–198)	— 10	— 6	— 25
Supplemental Appropriations Act, 2010 (P.L. 111–212)	9,874	— 18	0
United States Patent and Trademark Office Supplemental Appropriations Act, 2010 (P.L. 111–224)	0	— 29	0
An act to modernize the air traffic control system . . . and for other purposes (P.L. 111–226)	5,187	298	0
General and Special Risk Insurance Funds Availability Act of 2010 (P.L. 111–228)	— 94	— 94	0
An act to increase the flexibility of the Secretary of Housing and Urban Development and for other purposes (P.L. 111–229)	— 75	— 75	0
An act making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes (P.L. 111–230)	— 100	0	0
Firearms Excise Tax Improvement Act of 2010 (P.L. 111–237)	0	0	— 82
Total, enacted this session	44,638	3,219	— 6,916
Entitlements and mandates:			
Budget resolution estimates of appropriated entitlements and mandatory programs	— 14,500	2,066	0
Total Current Level ^{2,3}	2,914,587	3,015,533	1,626,469
Total Budget Resolution ⁴	2,907,837	3,015,541	1,612,278
Adjustment to the budget resolution for disaster allowance ⁵	— 10,350	— 5,448	n.a.
Adjusted Budget Resolution	2,897,487	3,010,093	1,612,278
Current Level Over Budget Resolution	17,100	5,440	14,191
Current Level Under Budget Resolution	n.a.	n.a.	n.a.

¹ Includes legislation affecting budget authority, outlays, or revenues that was enacted in the first session of the 111th Congress.² Pursuant to section 403 of S. Con. Res. 13, provisions designated as emergency requirements (and rescissions of provisions previously designated as emergency requirements) are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2010, which are not included in the current level totals, are as follows:

SOURCE: Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law.

	Budget authority	Outlays	Revenues
Previously Enacted (see footnote 1)	12,042	21,040	— 4,475
Temporary Extension Act of 2010 (P.L. 111–144)	7,942	7,901	— 704
Continuing Extension Act of 2010 (P.L. 111–157)	14,401	14,337	— 1,292
Unemployment Compensation Extension Act of 2010 (P.L. 111–205)	8,545	8,545	0
Supplemental Appropriations Act, 2010 (P.L. 111–212)	45,615	5,419	0
An act to modernize the air traffic control system . . . and for other purposes (P.L. 111–226)	— 2,604	— 17	0
An act making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes (P.L. 111–230)	600	0	0
Total, amounts designated as emergency requirements	86,541	57,225	— 6,471

³ For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.⁴ Periodically, the Senate Committee on the Budget revises the totals in S. Con. Res. 13, pursuant to various provisions of the resolution. Those revisions are as follows:

	Budget authority	Outlays	Revenues
Original Budget Resolution Totals	2,888	3,001,311	1,653,682
Revisions:			
For the Supplemental Appropriations Act, 2009 (section 401(c)(4))	5	2,004	0
For an act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (sections 311(a) and 307)	0	0	40
For the Congressional Budget Office's reestimate of the President's request for discretionary appropriations (section 401(c)(5))	3,766	2,355	0
For further revisions to a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (sections 311(a) and 307)	10	13	6
For further revisions to the Supplemental Appropriations Act, 2009 (section 401(c)(4))	6	— 1,175	0
For an act to make technical corrections to the Higher Education Act of 1965, and for other purposes (section 303)	32	36	0
For further revisions to the Supplemental Appropriations Act, 2009 (section 401(c)(4))	— 11	— 11	0
For an amendment in the nature of substitute to H.R. 3548, the Unemployment Compensation Extension Act of 2009 (sections 306(f) and 306(g))	5,708	5,708	— 38,940
For the Patient Protection and Affordable Care Act of 2009 (section 301(a))	12,500	11,500	9,100
For the Department of Defense Appropriations Act, 2010 (section 401(c)(4))	0	1,950	0
For further revisions to the Patient Protection and Affordable Care Act of 2009 (section 301(a))	— 5,220	— 6,670	— 9,630
For further revisions to the Patient Protection and Affordable Care Act of 2009 (section 301(a))	— 7,280	— 4,830	530
For further revisions to the Patient Protection and Affordable Care Act of 2009 (section 301(a))	8,500	3,130	— 580
For the Health Care and Education Reconciliation Act of 2010 (section 301(a))	1,130	220	— 1,930
Revised Budget Resolution Totals	2,907,837	3,015,541	1,612,278

⁵ S. Con. Res. 13 includes \$10,350 million in budget authority and \$5,448 million in outlays as an allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the discretion of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts.

RECOGNIZING HELMETS TO HARDHATS PROGRAM

Mr. CONRAD. Mr. President, today I want to recognize and thank the Helmets to Hardhats program for its important work on behalf of our Nation's veterans.

In these tough economic times, unemployment among recent veterans is a growing concern. Recent statistics indicate that the jobless rate among Iraq and Afghanistan veterans tracks a full five points higher than the rate for the Nation as a whole. It is clear that

we must take serious steps to address this issue.

The Helmets to Hardhats program has helped tens of thousands of veterans find work in the construction industry by evaluating recently separated servicemembers to identify their

strengths and experience and match them with employers within the construction industry. The long-term partnerships that result benefit veterans, construction firms, and the Nation as a whole.

In times of crisis, it is our best and bravest that step forward in defense of our Nation. We owe our servicemembers a debt of gratitude for their sacrifice that we can never fully repay. The least that a grateful nation can do is to give them assistance in finding good jobs when they return from service.

Though the Departments of Defense and Veterans Affairs do excellent work with their transition programs, organizations like Helmets to Hardhats serve as the "boots on the ground" forces needed to help our veterans realize the American dream. I thank all of those involved in this important organization for their work across the country, and look forward to partnering with them to help veterans in North Dakota.

ECONOMIC RECOVERY

Mr. REED. Mr. President, yesterday we were again thwarted in our attempts to take another important step in supporting our Nation's economic recovery.

In 2009, we passed the American Recovery and Reinvestment Act, which provided a much needed jump-start to get our economy going again, save and create jobs, and make critical investments in our infrastructure.

In March of this year, we passed the HIRE Act, which has been providing businesses with tax incentives to hire out-of-work Americans.

Just Monday, President Obama signed the Small Business Jobs Act into law, which will provide support and relief to small businesses and lay the groundwork to help these businesses create up to 500,000 jobs.

Yesterday, Republicans blocked consideration of the Creating American Jobs and Ending Offshoring Act, which would have supported our Nation's manufacturing sector by encouraging American companies to bring jobs back to America. Even though we have been witnessing a growth in private sector jobs, we are still struggling to prevent the loss of good jobs.

The Creating American Jobs and Ending Offshoring Act would provide a tax break to companies that bring jobs back to the United States, in the form of relief from the employer share of the Social Security payroll tax.

Additionally, this legislation would discourage firms from eliminating American jobs and moving facilities offshore by prohibiting firms from taking any deduction, loss, or credit for amounts paid to reduce operations in the United States and start or expand similar operations overseas.

It would also end the Federal tax subsidy—known as deferral that rewards firms that move their production overseas by allowing them to defer paying tax on income earned by their foreign subsidiaries until that income is brought back to the United States.

The Creating American Jobs and Ending Offshoring Act would encourage American companies to get back in the business of hiring American workers. Nonfinancial companies in the United States are reportedly sitting on \$1.8 trillion of capital. With these reserves, it should not be prohibitive to bring new American workers on the payroll. This legislation would ensure that these companies are using their resources to create new American jobs instead of sending those jobs overseas.

I am disappointed that my colleagues on the other side of the aisle failed to join with us to support this commonsense legislation, which would provide desperately needed jobs to out-of-work Americans and support America's manufacturing sector. Instead, they have voted to preserve tax breaks that reward companies who ship jobs overseas.

I am also disappointed that we have failed to extend the TANF Emergency Contingency Fund, which is set to expire on Thursday. I joined with a number of my colleagues to introduce and press for legislation to extend the fund for 3 months.

The TANF Emergency Contingency Fund has been used to support the successful Jobs Now program in Rhode Island, which has provided local businesses with subsidies to hire workers from struggling families. In addition to providing jobs to out-of-work Americans, this program is a win for businesses that could not otherwise bring new workers on board. Without this fund, these businesses will be hard-pressed to keep these new employees on the payroll. Unfortunately, in outcome that has become all too common, this extension was subject to an objection from the other side of the aisle.

I hope my colleagues on the other side of the aisle will recognize what is at stake and join us in the effort to give American workers and businesses the help they need. I remain committed to pressing for innovative and commonsense efforts that will bolster the economy, create jobs, and help the middle class.

EDUCATION JOBS AND MEDICAID FUNDING

Mr. BAUCUS. Mr. President, I want colleagues and those who read the RECORD to know that the nonpartisan Joint Committee on Taxation has made available to the public the document entitled "Technical Explanation of the Revenue Provisions of the Senate Amendment to the House Amendment to the Senate Amendment to H.R. 1586, Scheduled for Consideration

by the House of Representatives on August 10, 2010." This document is an explanation of the education jobs and Medicaid funding bill that the Senate passed last month. This explanation reflects the intentions of the Senate and its understanding of the legislative text. It is available on the Joint Committee's Web site at <http://www.jct.gov/publications.html>?

func=startdown&id=3702 and is listed as document number JCX-46-10.

In addition, I would like to comment on the Secretary's grant of authority to issue regulations in section 211 of the legislation, which adds new section 909 to the Internal Revenue Code of 1986. I note that this grant of authority allows the Secretary to provide exceptions, as appropriate, from the application of the provision to certain foreign tax credit splitting events resulting from foreign consolidation regimes, group relief, or similar loss-sharing arrangements.

DEFENSE MODERNIZATION

Mr. INHOFE. Mr. President, I read an article from the October 2010 edition of the Defense Technology International this morning that discussed military and other technology advances. Entitled "Big Guns: China muscles up artillery punch," this article details China's efforts in the development of artillery and rocket systems and the associated doctrine they have created. Specifically, it addresses Chinese efforts in research and development in areas such as computer-based fire control, digital communication, and command capabilities, use of sophisticated radars and jammers, and the development of ramjet powered and stealth coated artillery shells, to name a few key areas. Though not necessarily new items of research and development for the United States, China's efforts in these areas tells me one thing: China is pursuing modernization and development initiatives that, based on our recent history of research and development specific to artillery and rockets, may be superior if they are not at least equal to our efforts.

Now let me shift same gears to another potential peer country: Russia and its fifth-generation fighter development. In the same context as China's efforts in artillery and rocket capability, Russia is pursuing the deployment of a fifth-generation fighter, known as the PAK FA advanced tactical frontline fighter. Russia has publicly stated that this aircraft is the peer to the F-22. This aircraft, together with upgraded fourth-generation fighters, will define Russian Air Force potential for the next several decades and will challenge our aviation efforts without question. And don't think that China isn't developing their own fifth-generation aircraft; they are. It is called the JA-12 it is also going to go head to head with our F-22.

The point to this is not a comparison of capabilities or numbers but a public reinforcement of an assessment I have maintained for a long time. We, the United States of America, are not taking our future national security seriously, because we are failing to focus on maintaining the edge that we have had for the last several decades.

So where is the United States in terms of future military hardware necessary to maintain that edge? Did you know that the oldest combat vehicle in the Army inventory is the M109A6 Paladin howitzer and we are on the sixth version of this vehicle which is built around a refurbished chassis circa 1963? The Army's answer to artillery modernization has been the Crusader, which was supposed to replace the Paladin, the Non-Line-of-Sight Cannon as part of FCS, the Non-Line-of-Sight Launch System, another FCS related system, and now the Paladin Integrated Management, or PIM program, which is a modification of the Paladin to a Bradley chassis. All but the PIM program have been cancelled in the last 8 years or so, and the PIM program has been delayed in production.

Current Army fleets of armored personnel carriers, tanks, wheeled vehicles, and helicopters were developed and procured 30 to 60 years ago. DOD and the President's answer to that: cancel FCS, with no viable replacement options, and continue to "upgrade" current fleets of Bradleys and Abrams tanks until the next-generation ground combat vehicle can be figured out.

Our strategic bomber fleet of B-52s, B-1s and B-2s vary in age from 10 to 30 years. The SECDEF has publicly stated in the press and in Congress that 2020 will be the first time we see a new bomber, which means that current airframes will have to remain in service until at least 2040.

One of our two fifth-generation aircraft, the F-22, the peer to the Russian's PAK FA and Chinese JA-12, has had the production line cancelled with only 187 aircraft built out of a requested 750, pulling us in a "high risk" state for air dominance. The other fifth-generation aircraft, the F-35, will not be ready until at least 2015, has suffered significant cost and timing problems, and will be 250 aircraft less than the requested 1,240.

Our Ohio class Trident submarines, the ones that deliver ballistic missiles from the sea, are an average of 20 years old. Replacement builds don't start till 2019 and won't be finished until 2028. As well, the administration remains opaque about plans for replacement of the 30-year-old air-launched cruise missile which is a critical component of our nuclear and long-range conventional strike capability. This is the same for our Minuteman ICBM, which is decades old as well.

I am convinced well beyond any reasonable doubt that we are heading

down a slippery slope due to a short-sighted and dangerous strategy from our current administration. The litany of programs cancelled, modified, or mismanaged over the last two budget periods is minf-boggling—FCS, F-22, F-35, NLOS-C and LS, PIM, missile defense, nuclear stockpile, surface and submarine ships, strategic bombers—the list is overwhelming.

I, for one, will not let this happen. I will continue to voice my concerns over this issue. I will continue to fight for a flat expenditure of at least 4 percent of GDP spent on defense to ensure that this country continues to have the best military in the world. I will continue to press the administration to do more for the future of our national security.

I ask unanimous consent to have printed in the RECORD the article "Big Guns" to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Defense Technology International, Oct. 2010]

BIG GUNS—CHINA MUSCLES UP ARTILLERY PUNCH

(By Richard D. Fisher, Jr.)

The International Institute for Strategic Studies' Military Balance 2010 report places China third in the number of artillery systems it fields, after Russia and North Korea. But China doubtless exceeds both in resource commitment and breadth of artillery investments. Credited with an estimated 17,700-plus towed, self-propelled and rocket systems, the People's Liberation Army (PLA) has at least 56 artillery systems in use, development or available for export. The U.S. Army and Marine Corps, by contrast, have 8,187-plus artillery pieces of roughly 10 types.

China has had a mixed record of using artillery for military and political-military goals. Its successes as when it routed Indian forces in 1962 with the high-altitude use of artillery and mortars, have been offset by incidents provoking third-party responses or leading to regional standoffs. Examples include the shelling of islands controlled by Taiwan in 1955-58, resulting in U.S. intervention and a stalemate over the Taiwan Strait. In July, a unit based in the Nanjing military region fired missiles from 300-mm. PHL-03 multiple rocket launchers (MRLs) into the Yellow Sea to show China's anger at U.S. naval exercises with South Korea. The exercises, a result of China-backed North Korea's sinking of the South Korean frigate Cheonan in March, went ahead anyway.

China evolution as an artillery power stems from Soviet and Russian influences dating to the Korean War. Soviet artillery and training improved PLA artillery operations during the war and led to the formation of the first formal artillery command. Soviet aid continued through the 1950s, and by the time of the Sin-Soviet split of the 1960s, China was producing copies or modified versions of Soviet pieces.

The PLA makes extensive use of Soviet-origin 152-, 130- and 122-mm. calibers, though Western calibers such as the 155- and 105-mm. are seeing greater use. China purchased the Russian 9A52 Smerch 300-mm. MRL in the 1990s, and the PLA produced a near facsimile in the A-100/PHL-03 MRL. The 155-mm. PLZ-05 self-propelled artillery system

that emerged in 2005 bears an uncanny resemblance to the Russian 2S19 MST-A.

In the 1990s, PLA artillery was affected by reforms in strategy (its closest concept to doctrine) and organization. Toward the end of the decade, the PLA was immersed in strategy goals of "informatization" and "mechanization." The former included the broad application of improving information technologies, which for artillery included new computer-based fire controls and ever-improving digital communication and command linkages. PLA artillery units increasingly include firefinding counter-battery radar such as the 50-km.-range (31-mi.) SLC-2 and Type 704, and use sophisticated electronic warfare systems such as the Russian SPR-2 radio fuse jammer, a possible Chinese facsimile and possibly a recently revealed artillery radar jammer. Artillery recon vehicles and recon troops feature advanced optronic and digital communication capabilities. In addition, PLA artillery units have sophisticated meteorological capabilities and use muzzle velocity radar to improve accuracy.

Mechanization put renewed emphasis on developing tracked and wheeled self-propelled tubed artillery, with rocket artillery largely truck-mounted. This trend was emphasized in late 2004 when Chinese Communist Party and PLA leader Hu Jintao enunciated the PLAs new "historic missions," a euphemism for invasions, which call on the PLA to defend state interests abroad. It is likely that new medium-weight artillery systems based on airmobile armored personnel carriers will follow for these strategic missions.

Organic PLA artillery units have decreased in size, following the pattern of general large-scale troop reductions. When combined with "informatization" advances, this will permit many infantry and armored divisions to be reformed into mechanized brigades. However, in a counter-trend that emphasizes their continued importance, the PLA maintains five independent artillery divisions and 20 independent brigades. Of these, two divisions and six brigades are stationed in the Shenyang and Beijing military regions, for potential Korean contingencies. Three divisions and eight brigades are in the Nanjing Guangzhou and Jinan military regions, for Taiwan contingencies.

Among artillery systems, mortars include a 60-mm. hand-held system used by infantry and special forces. The new Type 93 60-mm. fixed mortar weighs 22.4 kg. (49.2 lb.) and fires 20 rounds/min. to 5.5 km. There are also fixed W91 and W87 81-mm. mortars that fire to 8 km. and 5.6 km., respectively. The PLA has largely copied Russia's Vasilyev 81-mm. automatic mortar, called the W99 or SM-4, which comes in a towed version or mounted in a Hummer-like vehicle. It fires four rounds in 2 sec. out to 6.2 km. The W86 120-mm. towed mortar weighs 206 kg. and fires 20 rounds/min. to 4.7 km.

In 2001, the PLA revealed the PLL-05 mobile mortar based on the Russian 120-mm. 2S23 NONA-SVK that it purchased in the 1990s, but mounted on a WZ-551 6 X 6 armored personnel carrier (APC). It fires a rocket-assisted round 13.5 km. In 2007, the PLA revealed a laser-guided 120-mm. mortar round, though it is not clear if it is in service.

Towed and self-propelled tubed systems dominate artillery units. The largest number of towed guns are likely the 122-mm. versions. These include the Type-96, based on the Russian D-30, with a 360-deg. traversing base, and the simpler Type-83. Their rocket-assisted rounds have a 27-km. range. The

Type-59 130-mm. towed gun fires a rocket-assisted round 44 km. Of heavy towed artillery, the 152-mm. Type-66, a copy of the Russian D-20, is most numerous and fires rocket-assisted rounds 28 km. In 1999, the PLA revealed the 155-mm. PLL01/WA 021 towed artillery system, based on the Austrian Noricum GH N-45, which fires a rocket-assisted round 50 km. The PLL01 and the Type-66 fire 155- and 152-mm. versions of the Russian Krasnopol laser-guided shell.

Self-propelled tubed artillery includes the PLL02, which places the Type-86 100-mm. gun on a WZ-551 APC. In 2009, the PLA revealed the new Type-07 122-mm. tracked artillery system, which features hull and electronic improvements over the previous Type-89 Tracked 122-mm. system. In 2009, photographs appeared on the Internet of the SH-3, a truck-mounted 122-mm. artillery system with digital control systems in a hatch over the cab.

Heavy self-propelled systems include the 155-mm. PLZ-05, which has a version of the PLL01 gun, and appeared in 2005. It is replacing the 152-mm. Type-83, which entered service in 1983. The PLZ-05 also fires the Krasnopol laser-guided projectile and a rocket-assisted round 50 km., and is capable of flat-trajectory antitank fire. Unconfirmed reports state the PLZ-05 has an automatic gun-loading system and weighs 35 tons.

PLA investments in rocket artillery are impressive. A five-wheel all-terrain vehicle has been modified to carry a 107-mm. MRL for experimental mechanized special forces units. The tracked Type-89 and more recent Type-90 truck-mounted 122-mm. MRL feature self-contained 40-round rocket reloaders. In addition, the Smerch-derived 12-round PHL-03, which reportedly fires a 150-km.-range missile, is entering increasing numbers of artillery units. The latest ARIA export variant features a modular U.S. MLR system-style 5-round rocket carrier, which speeds reloading. In 2009, Norinco revealed an as yet unidentified truck carrier for this 5-round rocket box, similar to Lockheed Martin's High-Mobility Artillery Rocket System.

The PLA is also investing in larger MRL systems. The 400-mm. WS-2D reportedly has a range of 400 km., and one payload features three "killer unmanned aerial vehicles," according to a Chinese report. An earlier 200-km.-range version, the WS-3, uses navigation satellite guidance to achieve a remarkable 50-meter (164-ft.) circular error probable. The WS family complements the 150-km.-range P-12 and 250-km. B-611M maneuverable navsat-guided short-range ballistic missiles (SRBMs), which could supplement or replace the PLA's two brigades of 300-600-km. DF-11A SRBMs.

New artillery systems are entering amphibious and airborne units for possible missions abroad. PLA marine and army amphibious units are receiving the Type-07B tracked 122-mm. amphibious artillery system, which places the gun from the Type-07 on a larger hull. Airborne units are equipped with a version of the Type-96 122-mm. gun, but a new tracked airmobile APC may feature a mortar or gun system. The ZBD-09 122-mm. gun system could eventually feature in airmobile army units. Future artillery systems may feature electromagnetic launch, an area of extensive research. The PLA is also interested in ramjet-powered and stealth-coated artillery shells.

SUDAN

Mr. KERRY. Mr. President, in just over 100 days, Sudan will face a defin-

ing moment. The choices its leaders make can lead to a peaceful two-state solution. Or, as many fear, they could result in a return to chaos and war in a place too often synonymous with both.

Responding to this urgency, the Obama administration has recently launched a heightened campaign of diplomatic engagement with both North and South Sudan to help the parties to find their way through this process. I traveled to Sudan in April 2009 and I have met with Sudanese from all parts of the country since that time, including Salva Kiir, the leader of Southern Sudan, last week. Today, joined by Senators BROWNBACK, DURBIN, WICKER and FEINGOLD, I am introducing legislation known as the Sudan Peace and Stability Act. Congress must not be silent at this critical time.

On January 9, 2011, the people of Southern Sudan and the adjoining territory of Abyei are scheduled to hold referenda on secession. Realistically, Sudan's choice is no longer between unity and separation—southerners have apparently made that decision. Every reliable source indicates that they will vote for separation, dividing Africa's largest country and taking with them some eighty percent of known Sudanese oil reserves. The Secretary of State has called a vote for separation inevitable. No, the choice before the peoples of Sudan is that between a future of peaceful coexistence or a return to the country's bloody past.

The Sudanese, both North and South, set out on this path when they signed the 2005 Comprehensive Peace Agreement. The CPA brought to a close a war that had raged for two decades and claimed millions of lives. And it offered Southern Sudan the promise of a choice in 2011 between continuing unity and separation from the Sudanese government in Khartoum.

The landmark agreement ended the war, but it intentionally postponed the tough decisions about the modalities and meaning of 2011. In theory, the six intervening years were intended to solidify connections between former enemies. But not enough was done to build those ties, and the death of South Sudan's most forceful voice for unity, Dr. John Garang, further diminished unity's prospects. For champions of separation, the time period meant a deferral of their dream of independence that has now come due. But this intervening period has also served one crucial purpose: It has demonstrated that North and South can live side by side in peace.

With January fast approaching and progress scant on the mechanisms for division, the two sides are almost out of time to craft a peaceful transition. To fulfill the full promise of the landmark 2005 peace agreement, they must negotiate terms of separation and pre-

pare for a future in which they remain fundamentally connected.

Southern Sudan possesses most of the known petroleum reserves, but the pipelines to market for that oil run through the north. An estimated million and a half southerners displaced by the war live in Khartoum and may well remain there, and northerners will live in the South. Every dry season, herders from the north's Arab Misseriya tribes cross into what will likely become the country of Southern Sudan and then return. The Nile will continue to flow northward, irrespective of borders and politics. Boundaries must simultaneously be demarcated and accommodating. And the parties need to finalize the details fast enough to ensure that violence cannot fill the vacuum.

The last war between North and South lasted for decades and claimed millions of lives. And, earlier this year, then Director of National Intelligence Dennis Blair told Congress that, over the next five years, Southern Sudan is the place where "a new mass killing or genocide is most likely to occur."

America acted as one of the architects of the CPA in 2005, and has a moral obligation as well as a strategic interest in helping the parties to see it through. The Sudanese must make the decisions, but we—and others—can help them navigate this process. Failure to act now—whether by high level diplomatic engagement, scenario planning for a variety of potential outcomes, and pre-positioning humanitarian supplies in the region—may contribute to a larger crisis later.

While we try to prevent the next potential wave of genocide, we cannot ignore the fact that Darfur's tragedy remains unresolved. Even as America asks how it can help Southern Sudan prepare for the likely burdens of statehood, it must also consider the Sudan that remains and Darfur's need for peace, stability, and justice. Attention to Darfur must not be a casualty of our necessary fixation on the North-South crisis.

The goals of the legislation are:

1. To spell out clearly the objectives of U.S. policy and the bilateral and multilateral tools available to pursue them;

2. To emphasize the need for all parties to commit to see the CPA through the January referenda and beyond;

3. To underscore the importance of Darfur and to provide policy guidance on both the peace process and the humanitarian situation;

4. To lay the legal groundwork, spur the humanitarian planning, and shape the policy framework in the likelihood of secession; and

5. To strengthen both capacity building and accountability.

Our bill offers a number of specific prescriptions, including the designation of a senior official to work with

the Special Envoy to Sudan by heading up the U.S. team in the Darfur peace process, much as Ambassador Princeton Lyman is currently doing in Juba in the South. The legislation also seeks to strengthen multilateral efforts to build capacity in the South and aid implementation of the CPA.

In approaching Sudan we are rightly concentrating for the moment on the things that the parties must do between now and January 9, 2011, from registering voters for the referendum to coming to terms on major issues such as citizenship, oil, debts, and the border territory of Abyei. But we must also look beyond January as well. Much has to be done between January and July 2011, when, under the terms of the CPA, Southern Sudan and Abyei are to become independent if that is the outcome of the referendum. But even more importantly, we have to think beyond that milestone, to what independence will mean for a new and fragile country in the south and a significantly changed country in the north, including for Darfur.

The United States helped to bring about the Comprehensive Peace Agreement. We have led the world in providing humanitarian assistance and in supporting the peacekeeping mission in Darfur. While the Sudanese must own their future, the United States can help the parties find a path forward to peace and stability.

EPA OVERSIGHT

Mr. INHOFE. Mr. President, I would like to take a few minutes today to speak about the importance of oversight.

As you may recall, on April 22, 2010, EPA's new lead-based paint, the lead, renovation, repair and painting rule, went into effect. At that time, offices on the Hill were inundated with intense public outcry from constituents—from homeowners to contractors to landlords to plumbers—all trying to get more information about a rule that, in most cases, they had just learned about. People were confused about the implications of the rule.

This rule affects anyone who owns or lives in a home built before 1978 and looking to do a renovation. Specifically, the rule requires that renovations in these homes that disturb more than six square feet must be supervised by a certified renovator and conducted by a certified renovation firm. In order to become certified, contractors must submit an application—with a fee—to EPA, and complete a training course for instruction on lead-safe work practices. Those who violate the rule could face a fine of \$37,500 a day.

In my role as ranking member of the Environment and Public Works Committee, prior to implementation, I sent several letters to EPA expressing concern with the rate of training. I wrote

on two separate occasions warning EPA that it seemed badly unprepared to properly implement the rule. In both cases, EPA said they were ready.

In a June 3, 2009 letter responding to my concerns, EPA wrote:

I agree that both EPA and the regulated community have a great deal of preparation in front of us as we approach next April's deadline. I am confident, however, that the ten months between now and April 2010 will allow us to meet this deadline....We are confident that all renovators subject to the requirements of the rule will be able to find a provider in advance of our deadline.

In a letter dated December 1, 2009, EPA wrote:

We are confident there will be enough training providers to meet the demand. EPA does not plan to revise the April 2010 effective date of the RRP rule....Currently, the capacity for training is in excess of the demand as several training courses have been cancelled for lack of attendance.

On implementation day, April 22, 2010, EPA had only accredited 204 training providers who had conducted just over 6,900 courses, training an estimated 160,000 people in the construction and remodeling industries to use lead-safe work practices. That number fell far short of the total number of remodelers who would be working on pre-1978 homes.

Let me say it again: on implementation day, EPA had only trained an estimated 160,000 people in the construction and remodeling industries to use lead-safe work practices.

I suspected that there wouldn't be enough contractors to even meet EPA's estimate of certifying 186,811 renovators by April 2010. So I sent a bipartisan letter to OMB requesting that they delay implementation of the rule until there was enough time for more people to be certified. Additionally, I spoke to Cass Sunstein, Administrator of the Office of Information and Regulatory Affairs at OMB, and was joined by some of my Oklahoma contractors, who relayed the difficulties they were facing. I appreciate Mr. Sunstein listening to the concerns of my Oklahoma constituents. He told us he recognized the economic impact of the implementation of the rule and explored ways to provide a 60-day delay, but, by April 23, we simply ran out of options.

The rule was in place, there were not enough renovators, and EPA argued that a delay in the rule would delay protection for children and their families. But because the Federal Government failed to meet the demand for certified contractors, the Federal Government was already delaying the implementation of the rule.

I was proud that the Senate intervened to send a clear message to EPA. The Senate passed the Collins-Inhofe amendment, S. 4253, to the supplemental appropriations bill, H.R. 4899, by a vote of 60 to 37.

This amendment prevented supplemental funds from being used to imple-

ment the rule. The vote showed overwhelming bipartisan concern about EPA's disastrous implementation of the lead-based paint rule.

Fortunately, EPA got the message. On June 18, 2010, EPA's enforcement office issued a memorandum extending the lead rule deadline for renovators to enroll in training classes to September 30, 2010. Furthermore, it has extended the deadline for contractors to complete training to December 31, 2010, and most importantly, the agency agreed to work to provide additional trainers in areas of need.

EPA's concerns about extending additional time for renovators to become certified never materialized; in fact, instead of people continuing to delay signing up for classes, people flocked to them. EPA's most recent training numbers show that as of September 23, 2010, EPA has accredited 364 training providers who have conducted more than 21,400 courses, training an estimated 476,700 people in the construction and remodeling industries to use lead-safe work practices.

From just 160,000 people in April, to 476,700 people in September, more time has meant greater ability to take classes and come into compliance.

The delay has allowed another 160 training providers to be certified; an additional 14,500 courses to be held; and 316,700 people to receive training in lead safe work practices.

Unfortunately, we did not have one oversight hearing on this rule. There were numerous opportunities prior to the rule going final, but they were never taken. Nonetheless, I am pleased to have worked with Senators COLLINS, ALEXANDER, VITTER, COBURN and others to highlight this important issue and provide additional time for renovators to attend training classes.

LAW ENFORCEMENT OFFICERS SAFETY ACT IMPROVEMENTS ACT OF 2010

Mr. LEAHY. Mr. President, today, the House of Representatives passed the Law Enforcement Officers Safety Act Improvements Act of 2010, which passed the Senate unanimously in May. I applaud the leadership of the House for taking up this legislation, which is of great importance to the law enforcement community. Today's action brings to a successful conclusion the good work of Senators and Representatives who have helped move this legislation through both Chambers and builds upon the bipartisan Law Enforcement Officers Safety Act that was enacted in 2004.

I want to recognize the longstanding efforts and strong support of the Fraternal Order of Police, the Federal Law Enforcement Officers Association, and the National Association of Police Organizations, along with many others in

the broader law enforcement community. Their support and assistance contributed greatly to today's success. I also thank the Judiciary Committee's ranking member Senator SESSIONS, Senator KYL, and Senator CONRAD for their cosponsorship.

This legislation will assist qualified Federal, State, and local law enforcement officers in exercising their privileges related to the interstate concealed carry of firearms under existing law more easily and efficiently. The legislation will give active-duty officers and qualified retired officers more flexibility in obtaining the necessary credentials in several important ways and will overcome some of the challenges that retired officers have faced in the past in obtaining certification. The legislation will also remove some of the administrative pressure on law enforcement agencies by allowing the required firearms qualification testing of retired officers to be done by a private firearms instructor who is certified to test active-duty officers in his or her jurisdiction and at the officer's own expense. And it will give law enforcement agencies more certainty and authority when determining whether a retired officer suffers from mental health issues sufficient to disqualify that officer from certification under the law.

I have great confidence in the men and women in law enforcement who put their own lives on the line to serve their fellow citizens every day. This confidence extends to these men and women whether they are on the job or off duty. I trust in them and their proven ability to exercise the firearm privileges provided under the Law Enforcement Officers Safety Act responsibly and with the same solemnity with which they approach their official duties.

I have said many times that Congress's efforts to assist State and local law enforcement are a crucial part of our Federal policy and a policy that pays dividends in our overall capability to protect the citizens of the United States. State and local law enforcement officers are the first line of defense and support in America's communities, and for that they deserve the recognition and continued support of Congress. We must also recognize the men and women who serve as law enforcement officers throughout the Federal Government, for whom this legislation will also provide benefits. Federal officers play an indispensable role in the Federal system and in important partnerships with State and local officials around the country. I am glad that the improvements we have worked for over the last several years will finally be enacted, and I look forward to hearing about the positive changes that will come.

PERSECUTION OF THE BAHAI'S

Mr. LEAHY. Mr. President, I want to take a moment to call the Senate's attention to members of the Baha'i faith who have and continue to suffer severe persecution by the Iranian Government.

Senators should be aware that seven prominent Iranian Baha'i leaders are currently in prison, facing sentences of up to 10 years, charged with espionage, establishing an illegal administration, and promoting propaganda against the Islamic order. These spurious charges are only the latest example of the mistreatment of the largest religious minority in Iran.

Ironically, the Baha'i faith originated in Iran during the 19th century, separating the Baha'is from their previous affiliation with Islam. The founder of the faith, known as The Bb, was then arrested, locked in a dungeon, and executed, as were some 20,000 of his followers. These atrocities devastated a religion whose tenets include global unity, peace and diversity.

Persecution of the Baha'is in Iran continued into the next century, with the Iranian Government's destruction of Baha'i literature in 1933, and in 1955 the demolition of the Baha'i national headquarters. Since the establishment of the Islamic Republic of Iran in 1979, the government has stepped up its active discrimination against the Baha'is. Children are prohibited or discouraged from receiving higher education, Baha'is are unable to practice their faith in public, they are prevented from opening businesses or advancing their careers, and Baha'i cemeteries are destroyed. Baha'is are slandered by the Iranian media, often called worshippers of Satan.

The arrests of the seven Baha'i leaders are the latest official Iranian abuse against members of this religious faith. These men and women led the "Friends in Iran," a Baha'i group working to meet the needs of the Baha'is in Iran. After their arrest, the group disbanded, reducing the much needed support to the Baha'is. The leaders were incarcerated in 2008, and were not brought before a judge for over 20 months.

The systematic abuses of the Baha'i by the Iranian Government are clear violations of provisions in the International Covenant on Civil and Political Rights, to which Iran is a signatory, on economic and educational opportunities, religious freedom, and due process. They are also violations of Iran's own laws.

Prominent global leaders are speaking out in support of the Baha'is in Iran, including Secretary of State Clinton, her British counterpart William Hague, and the President of the European Parliament, Jerzy Buzek. They have each expressed concern and disapproval with Iran's mistreatment of Baha'is. They are joined by a long list of human rights groups, such as the

International Federation for Human rights, Human Rights Watch and the Iranian League for the Defense of Human Rights. I want to add my voice in condemning Iran's persecution of its Baha'i religious minority.

Our Nation stands for fundamental rights and freedoms. We are not perfect, and I have not hesitated to speak out when I felt we fell short of our own values and principles. But I also believe we have an obligation to speak out when the fundamental rights of citizens of other nations are being denied. The Baha'is of Iran deserve our admiration and support.

ASSISTANCE FOR AFGHANISTAN

Mr. LEAHY. Mr. President, at a time when many Americans are increasingly concerned with the situation in Afghanistan, I was interested in an investigative report on U.S. aid for Afghanistan in the August 2, 2010, issue of the Christian Science Monitor weekly magazine. The report describes several aspects of the U.S. Agency for International Development's approach to development in that country, and I want to take a minute to clarify what may be a misconception about the Congress's expectations.

The article describes USAID's focus on the "burn rate"—that is, how quickly aid funds are spent. With this as USAID's focus, the more money the President asks for, the more money Congress appropriates, the more money USAID has available to spend, and the faster USAID says it needs to spend it in order to satisfy Congress.

The article gives examples of the mistakes and problems that have resulted from trying to spend too much, too fast, in an environment where security threats severely limit the ability of USAID to monitor the funds, where a large percentage of the population lives as though it were the 12th century, where corruption is pervasive, and where the Karzai Government is widely perceived as ineffective or worse. The article describes big-dollar contracts with foreign companies that are not familiar with Afghanistan, for projects that are hastily designed from the top down, are overly ambitious, and too often do not produce good results.

This is one Senator who is not impressed by burn rates. I don't think they are a good measure of anything, except possibly waste. When I hear that the administration expects to increase the burn rate for USAID programs and activities in Afghanistan from \$250 million per month to \$300 million per month, it rings alarm bells. I am interested in projects that are worth the investment and that provide lasting improvements in the lives of the Afghan people. More often, that means spending less, and spending it more slowly and more carefully.

What we are seeing in Afghanistan is reminiscent of Iraq, although in Iraq the waste and shoddy results were on a far larger scale. The Pentagon was asked to be a relief and reconstruction agency that it was never meant to be. The empty buildings, electricity blackouts and unfinished projects are part of the costly legacy of that debacle.

But the increasing tendency in Afghanistan to measure progress by the rate at which money is spent is unwise. We have urged USAID to go slower, to focus on smaller, manageable, sustainable projects that are chosen with input from local communities. Local people, and local governments or national government ministries with a record of transparency, accountability and good performance, should be involved at all stages, from design to implementation to oversight. It may take longer, the projects may not be as grandiose, but the long term results are likely to be better.

In response, we are told USAID needs more money to support the civilian surge and implement bigger projects quickly as part of the "clear, hold, build" strategy. I understand the pressure USAID is under, from the Pentagon, the White House, and the State Department, to spend more money faster. I suspect if it were up to USAID alone it would spend less and get better results. And I am concerned that at the same time USAID is being told to spend more, it is treated as a second-class agency that sometimes has to fight just to be included in the discussions about the very strategy it is told to implement.

But I have seen, as the Christian Science Monitor describes, the disappointing results of the big-spending, rushed approach. Costly new roads that are already deteriorating, poorly built irrigation canals that have collapsed from landslides, hydro-electric projects that don't produce electricity. United States officials in Kabul who have been in the country only a few months and will be gone after a year, trying to direct what happens on the ground hundreds of miles away. Perhaps the worst of it is that many Afghans have become angry and distrustful of the United States because they know these projects were expensive and mismanaged, and promises were not kept. Just as bad is when USAID contractors issue self-serving reports—describing projects which cost too much and produced too little—as success stories.

Of course, spending billions of dollars does produce successes. Hundreds of thousands of Afghan girls are in school thanks to the United States. That alone is a major achievement. Agricultural productivity is increasing, thanks to USAID programs, although opium poppy cultivation is also flourishing. Another success is the money we provide to the National Solidarity Program, which works from the bot-

tom up, with better oversight and less waste than the big contracts. It is supporting economic development projects, often costing only a few tens of thousands of dollars, in thousands of Afghan towns and villages.

But these successes should not obscure the fact that planning, implementation, and oversight of programs need to be better, both for American taxpayers and for the Afghan people.

At a time when we face large budget deficits and money is scarce, I doubt the wisdom of spending billions of dollars this way. That is one reason the Department of State and Foreign Operations Subcommittee has recommended \$1.3 billion less than the President requested for aid for Afghanistan for fiscal year 2011. Some argue that we should have cut even more.

We want to help the people of Afghanistan. They have suffered, and continue to suffer, every imaginable hardship. Combating poverty, empowering women whose political participation is essential to the future of that country, building more effective public institutions, and strengthening the rule of law in Afghanistan are in the long term interests of the United States. We know that in a country torn by conflict and where corruption is rampant, some projects will fail no matter how well designed they are. We understand that there is an unavoidable element of risk. But spending money fast is not the same as taking risks to help people.

I urge the administration to review its current assumptions, look critically at the results so far, take the time to understand the lessons learned, and re-evaluate the amount of aid that Afghanistan can effectively absorb so progress is measured not by the rate at which money is spent, but by tangible improvements in the lives of the Afghan people.

10TH ANNIVERSARY OF BONE BUILDERS

Mr. LEAHY. Mr. President, next month, RSVP programs in Vermont's Rutland and Addison Counties will be celebrating the 10th anniversary of Bone Builders, a free exercise program that helps Vermonters combat and prevent osteoporosis. I congratulate all the participants and volunteers who have contributed to the success of Bone Builders and for reaching this milestone.

As we mark the 6-month milestone of the Affordable Health Care Act and the implementation of more and more of its benefits for Americans and their families, we all are increasingly attuned to the advantages of ending the corrosive health cost spiral, and the roles to be played by individual and organized preventive efforts like Bone Builders.

Bone Builders uses RSVP volunteers to lead weight training and balance ex-

ercise classes aimed at preventing fractures caused by osteoporosis. Classes help participants increase their muscular strength, balance, and overall bone density. Countless studies have shown that women who participate in exercise programs like Bone Builders can gain bone density while nonparticipants will continue to lose bone density.

One particular story shared with me captures how important this program is to help keep Vermonters healthy. A few years ago during a particularly rough winter, a Bone Builders participant was walking to her bird feeder and fell, injuring herself. Yards away from her house and her phone, she found the strength to drag herself back to her house. Later she told an RSVP volunteer that she would not have been able to get inside to call for help if she had not participated in Bone Builders.

Medical experts estimate that there are 1.5 million fractures per year in the United States due to osteoporosis, costing nearly \$20 million in health care services and treatments. Doctors in Vermont, understanding how important strength training programs are for seniors in order to prevent osteoporosis, have started to refer patients to local classes and hand out Bone Builders brochures. Since the program has been so successful and popular in Vermont, there are now more than 100 classes offered across our State.

The program has helped countless Vermonters not only improve their health but make connections in their communities. Some participants have recently lost spouses or have had health difficulties that may isolate them within their neighborhood and communities. The camaraderie and friendship that participants in Bone Builders find through classes often leads them to socialize outside of the program. In fact, the program has been so successful in Vermont that the Bone Builders model has been replicated in several other States, including California, Maine, Florida and Minnesota.

I am proud of the Vermonters who have taken the initiative and challenged themselves in these classes, and for the work of the volunteers who spend their time inspiring others to improve their health. I look forward to celebrating the work of RSVP Bone Builders and many other such anniversaries in the years ahead.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, recently I spoke to the Senate on the occasion of the consideration of the nomination of Jane Branstetter Stranch of Tennessee to the Sixth Circuit. It was nearly 10 months after her nomination was favorably reported by the Senate Judiciary Committee that Senate Republicans finally consented to a time

agreement and vote, despite the support of the senior Senator from Tennessee, a member of the Republican leadership. Nevertheless, I said then that if consideration of the Stranch nomination, after months of needless delay, represented a bipartisan willingness to return to the Senate's tradition of offering advice and consent without extensive delays, I welcomed it. I urged the Senate to consider the other 16 judicial nominations then on the Senate Executive Calendar favorably reported by the Judiciary Committee without further delay.

Regrettably, since Judge Stranch was approved by a bipartisan majority on September 13, the Senate has not considered a single additional judicial nomination, although some were reported as long ago as January. Indeed, during the rest of this work period the list of judicial nominations stalled on the calendar has grown to 23, including 16 that were reported by the committee unanimously. Meanwhile judicial vacancies around the country continue to rise and now number 104. These include 48 vacancies that the Judicial Conference has designated as judicial emergencies.

The Senate is well behind the pace set by a Democratic majority in the Senate considering President Bush's nominations during his first 2 years in office. Republicans have allowed the Senate to consider and confirm only 41 of President Obama's circuit and district court nominations over the last 2 years. In stark contrast, by this date in President Bush's second year in office, the Senate with a Democratic majority had confirmed 78 of his Federal circuit and district court nominations. That number reached 100 by the end of 2002, all considered and confirmed during the 17 months I chaired the Senate Judiciary Committee.

During those 17 months, I scheduled 26 hearings for the judicial nominees of a Republican President and the Judiciary Committee worked diligently to consider them. During the 2 years of the Obama administration, I have tried to maintain that same approach, and the committee has held 25 hearings for President Obama's Federal circuit and district court nominees. I have not altered my approach and neither have the Senate Democrats.

One thing that has changed is that we have been able to hold hearings for nominees more regularly because we now receive the paperwork on the nominations, the nominee's completed questionnaire, the confidential background investigation and the America Bar Association, ABA, peer review almost immediately after a nomination is made, allowing us to proceed. During 2001 and 2002, President Bush abandoned the procedure that President Eisenhower had adopted and that had been used by President George H.W. Bush, President Reagan and all Presi-

dents for more than 50 years. Instead, President George W. Bush delayed the start of the ABA peer review process until after the nomination was sent to the Senate. That added weeks and months to the timeline in which hearings were able to be scheduled on nominations.

When I became chairman of the Judiciary Committee midway through President Bush's first tumultuous year in office, I worked very hard to make sure Senate Democrats did not perpetuate the "judge wars" as tit-for-tat. Despite that fact that Senate Republicans pocket filibustered more than 60 of President Clinton's judicial nominations and refused to proceed on them while judicial vacancies skyrocketed during the Clinton administration to more than 110, in 2001 and 2002, during the 17 months I chaired the committee during President Bush's first 2 years in office, the Senate proceeded to confirm 100 of his judicial nominees.

By refusing to proceed on President Clinton's nominations while judicial vacancies skyrocketed during the 6 years they controlled the pace of nominations, Senate Republicans allowed vacancies to rise to more than 110 by the end of the Clinton administration. As a result of their strategy, Federal circuit court vacancies doubled. When Democrats regained the Senate majority halfway into President Bush's first year in office, we turned away from these bad practices. As a result, overall judicial vacancies were reduced during the Bush years from more than 10 percent to less than four percent. During the Bush years, the Federal court vacancies were reduced from 110 to 34 and Federal circuit court vacancies were reduced from a high of 32 down to single digits.

This progress has not continued with a Democratic President back in office. Instead, Senate Republicans have returned to the strategy they used during the Clinton administration of blocking the nominations of a Democratic President, again leading to skyrocketing vacancies. Last year the Senate confirmed only 12 Federal circuit and district court judges, the lowest total in 50 years. This year we have yet to confirm 30 Federal circuit and district judges. We are not even keeping up with retirements and attrition. As a result, judicial vacancies are, again, over 100 and, again, more than 10 percent.

This trend should alarm the American people who expect justice from the Federal courts. I will ask consent to have printed in the RECORD at the conclusion of my statement a recent column by Attorney General Eric Holder about the cost to the American system of justice. He writes:

The federal judicial system that has been a rightful source of pride for the United States—the system on which we all depend for a prompt and fair hearing of our cases when we need to call on the law—is stressed to the breaking point.

Last year, 259,000 civil cases and 75,000 criminal cases were filed in the federal courts, enough to tax the abilities of the judiciary even when it is fully staffed. But today there are 103 judicial vacancies—nearly one in eight seats on the bench. Men and women who need their day in court must stand in longer and longer lines.

I will also ask consent to have printed in the RECORD at the conclusion of my statement a recent article that appeared on Slate by Dahlia Lithwick and Professor Carl Tobias, pointing out that thousands of hard-working Americans seeking justice in our courts bear the cost of justice delayed and denied as a result of vacant courtrooms and overburdened judges. Many senior and retired judges continue to try to carry the workload, but we fall farther behind. They write:

It stands to reason that if you can't get into a courtroom, if the docket is too packed for your case to be heard promptly, or if the judge lacks sufficient time to address the issues raised, justice suffers. This will directly affect thousands of ordinary Americans plaintiffs and defendants whose liberty, safety, or job may be at stake and for whom justice may arrive too late, if at all. In some jurisdictions, civil litigants may well wait two to three years before going to trial. In jurisdictions with the most vacancies, it will often take far longer for published opinions to be issued, or courts will come to rely on more unpublished opinions. More worrisome still, because the Speedy Trial Act requires that courts give precedence to criminal cases, some backlogged courts have had to stop hearing civil cases altogether.

Earlier this month, I spoke to the Senate about the serious warning issued by Justice Anthony Kennedy at the Ninth Circuit Conference about skyrocketing judicial vacancies in California and throughout the country. He said, "It's important for the public to understand that the excellence of the federal judiciary is at risk." He noted that "if judicial excellence is cast upon a sea of congressional indifference, the rule of law is imperiled." A recent editorial in the Los Angeles Times focuses on the acute problems in the Ninth Circuit and urges the Senate to act on three nominations to fill vacancies in Federal courts in California.

President Obama has not made nominations opposed by home State Senators but has, instead, reached out and worked with home State Senators from both parties. Likewise, I have respected the minority. We have tried to develop and improve the cooperation between parties and branches. It is disappointing to see others take the opposite approach. We could help to address this vacancies crisis just by acting on the judicial nominations ready for action but which remain stalled on the Executive Calendar.

I have worked closely with the ranking Republicans on the Judiciary Committee while serving as its chairman. I have enjoyed my relationship with the current Ranking Republican, and I have often thanked Senator SESSIONS

for his cooperation in working with me to hold hearings and consider nominations in committee. I was disappointed by his statement to the Senate last week, however. He is entitled to his own perspective on these matters, of course. I feel very strongly that Democrats in the Senate treated President Bush's judicial nominations better and more fairly than Republicans had those of President Clinton, and certainly better than President Obama's nominees are currently being treated. The comparison of vacancy rates and the number of judges confirmed in President Bush's first 2 years with a Democratic majority—100, including 17 circuit court nominations—bear that out. I also believe that there was a clear difference in the smaller number of judicial nominees opposed by Democratic Senators and the open manner in which Democrats made clear the basis of their opposition in contrast to the secret holds and across the board nature of the Republican opposition. Another indisputable fact is the judicial vacancy crisis during the Clinton administration that has been recreated since President Obama was elected. By contrast, during the Bush administration Senate Democrats worked to reduce vacancies and the result was that we did so dramatically.

Indeed, much of Senator SESSIONS' statement last Wednesday reads like an attempted justification for some sort of payback. He does concede that we proceeded promptly to confirm President Bush's district court nominations, but unfortunately attributes a sinister cast even to those actions. Sometimes the statement does not merely attribute the wrong motive or mischaracterize what happened, but is a misstatement of the facts. For example, the Senator suggested that the Senate confirmed only 6 of President Bush's 25 circuit court nominees. In fact, we worked hard to confirm 17 circuit court nominees in the 17 months that I chaired the committee during 2001 and 2002.

By contrast, only 11 of President Obama's circuit court nominees have been confirmed these 2 years—this, despite the fact that 17 have, so far, been reported by the Judiciary Committee. Five of the six circuit court nominations stalled and still being prevented from being considered were reported unanimously, one as long ago as January. This is another good illustration of the difference in how Republican and Democratic Senators have treated judicial nominations by the President of the other party.

Democratic Senators did not stall such consensus nominations for spite or payback. And when we opposed nominations we said why. Unlike President Bush, President Obama has not made a series of judicial nominees designed to pack the courts with ideologues. Instead, he has worked

with home State Senators and selected highly qualified, predominately moderate nominees.

Nor have we sought to force through nominations by ignoring the rules and traditions of the Senate or the committee, as Republicans did. Those practices are detailed in my contemporaneous statements at the time but ignored in the statement made last Wednesday. For example, when I became chairman in 2001, I made home State Senators' "blue slips" public for the first time, preventing Senators from anonymously blocking committee action on judicial nominees. That was a bad practice that led to the pocket filibusters of more than 60 of President Clinton's judicial nominees. Also ignored in last Wednesday's statement was the history of earlier filibusters, such as that of the Supreme Court nomination of Abe Fortas to be the Chief Justice and of President Clinton's nominations to the Ninth Circuit.

The statement was in many regards ahistorical or anti-historical. In complaining about a handful of Fourth Circuit nominees in the last 2 years of President Bush's administration, the statement ignored the fact that we had broken the logjam caused by 8 years of Republican obstruction of President Clinton's nominations to that circuit and that the examples cited were after vacancies had been reduced and in light of opposition from home State Senators to some of the nominees. Indeed, we might have made even more progress had President Bush not proceeded for years to make several extreme nominations. The statement also seems unaware of the work we did to resolve the impasse in the Sixth Circuit, resulting in every single vacancy in the circuit being filled by President Bush.

Regrettably, the Senate this year is not being allowed to consider the consensus, mainstream judicial nominees favorably reported from the Judiciary Committee. It has taken nearly five times as long to consider President Obama's judicial nominations as it did to consider President Bush's during his first 2 years in office. During the first 2 years of the Bush administration, the 100 judges confirmed were considered by the Senate an average of 25 days from being reported by the Judiciary Committee. The average time for confirmed circuit court nominees was 26 days. By contrast, the average time for the 41 Federal circuit and district and circuit court judges confirmed since President Obama took office is 90 days and the average time for circuit nominees is 148 days—and that disparity is increasing.

Senate Republicans have refused to allow prompt consideration even to those consensus nominations that are reported unanimously and without opposition by the Judiciary Committee. There is no good reason to hold up con-

sideration for weeks and months of nominees reported without opposition from the Judiciary Committee. I have been urging since last year that these consensus nominees be considered promptly and confirmed.

In 2001 and 2002, the first 2 years of the Bush administration, the Senate with a Democratic majority confirmed 100 judicial nominees. We obviously will not reach that level or reduce judicial vacancies as effectively as we did in those 2 years. What we can do is consider the 23 judicial nominations already on the calendar. That could bring us to 64 Federal circuit and district court confirmations. If we also completed action on the 11 additional judicial nominees who participated in September hearings, that could bring us to a respectable total of 75 circuit and district court confirmations. That would be in the range of judicial confirmations during President Reagan's first 2 years (88) and President George H.W. Bush's, 72, but pale in comparison to the 100 confirmed in the first 2 years of the George W. Bush administration or those confirmed during President Clinton's first 2 years, 126.

Mr. President, I ask unanimous consent to have printed in the RECORD those materials to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Washington Post, Sep. 28, 2010]

NOW VACANT: A CONFIRMATION CRISIS IN OUR COURTS

(By Eric H. Holder, Jr.)

More than a year ago, President Obama nominated Jane Stranch, a respected Nashville labor lawyer, to a seat on the U.S. Court of Appeals for the 6th Circuit. That vacancy had been declared a "judicial emergency" because the Sixth Circuit does not have enough judges to promptly or effectively handle the court's caseload, leading to serious delays in the administration of justice to people in Tennessee and other parts of the 6th Circuit. Yet despite the fact that Judge Stranch enjoyed the support of both of her Republican home-state senators and bipartisan support in the Senate Judiciary Committee, she was forced to wait almost 300 days for an up-or-down vote by the full Senate. When she finally received that vote earlier this month, she was confirmed overwhelmingly.

Unfortunately, her story is all too typical. Nominee after nominee has languished in the Senate for many months, only to be confirmed by wide bipartisan margins when they finally do receive a vote. As Congress finishes its last week in session before the November elections, our judicial system desperately needs the Senate to act.

Today, 23 judicial nominees—honest and qualified men and women eager to serve the cause of justice—are enduring long delays while awaiting up-or-down votes, even though 16 of them received unanimous bipartisan approval in the Judiciary Committee. The confirmation process is so twisted in knots that we are losing ground—there are more vacancies today than when President Obama took office. The men and women whose confirmations have been delayed have received high marks from the nonpartisan

American Bar Association, have the support of their home-state senators (including Republicans), and have received little or no opposition in committee. These outstanding lawyers and jurists deserve better, as do litigants who bring cases to increasingly understaffed courts.

In the Eastern District of California, in Sacramento, there are 1,097 cases filed per judge annually. Six months ago, the president nominated California Judge Kimberly Mueller to help relieve that workload. Judge Mueller is a distinguished jurist with seven years' experience as a magistrate judge, a unanimous rating of well qualified from the American Bar Association and the unanimous backing of the Senate Judiciary Committee. Yet she has still not been confirmed.

For the 4th Circuit, the president nominated Albert Diaz, an experienced state court judge and former Marine and officer in the Navy's Judge Advocate General Corps, to a seat on the U.S. Court of Appeals that has been vacant for more than three years. He was approved unanimously by the Senate Judiciary Committee in January and is strongly backed by both of North Carolina's senators. Yet Judge Diaz has waited 242 days for a vote by the full Senate.

In the rotunda outside my Justice Department office, it is inscribed that "The United States wins its point whenever justice is done its citizens in the courts." As attorney general, I have the privilege of leading a strong department in which public servants seek justice every day. But the quotation that has greeted attorneys general for the past 70 years serves as a reminder that justice depends on effective courts. The federal judicial system that has been a rightful source of pride for the United States—the system on which we all depend for a prompt and fair hearing of our cases when we need to call on the law—is stressed to the breaking point.

Last year, 259,000 civil cases and 75,000 criminal cases were filed in the federal courts, enough to tax the abilities of the judiciary even when it is fully staffed. But today there are 103 judicial vacancies—nearly one in eight seats on the bench. Men and women who need their day in court must stand in longer and longer lines.

The problem is about to get worse. Because of projected retirements and other demographic changes, the number of annual new vacancies in the next decade will be 33 percent greater than in the past three decades. If the historic pace of Senate confirmations continues, one third of the federal judiciary will be vacant by 2020. If we stay on the pace that the Senate has set in the past two years—the slowest pace of confirmations in history—fully half the federal judiciary will be vacant by 2020.

As Justice Anthony Kennedy recently noted, the "rule of law is imperiled" if these important judicial vacancies remain unfilled. In 2005, Senate Republican leader Mitch McConnell called on Congress to return to the way the Senate operated for over 200 years, and give nominees who have majority support in the Senate an up-or-down floor vote.

I agree. It's time to address the crisis in our courts. It's time to confirm these judges.

[From Slate.com, Sep. 27, 2010]

VACANT STARES—WHY DON'T AMERICANS WORRY ABOUT HOW AN UNDERSTAFFED FEDERAL BENCH IS HAZARDOUS TO THEIR HEALTH?

(By Dahlia Lithwick and Carl Tobias)

The prospect of a federal bench with nearly one out of every eight judicial seats vacant

should scare the pants off every American. Yet few Americans are as worked up about it as those of us who think and worry about it a lot. Our argument was already a tough sell before the threat of global terrorism and a collapsed economy ate up every moment of the national political conversation. Now a 10 percent judicial vacancy rate seems like a Code Beige emergency in a Code Red world.

Part of the problem is politics: It has often seemed that the only people screaming for speedy judicial confirmations are panicked because it's their judges being blocked. The party not currently in control of the White House and Senate often sees less crisis than opportunity in a dwindling bench. Moreover, when the entire judicial selection process has been as fiercely politicized as it is has become lately, most Americans may suspect that empty benches might be better for democracy than full ones. But judicial vacancies are disastrous for Americans, all Americans, and not merely for partisan reasons, but also for practical ones. That's why in a recent speech, Justice Anthony Kennedy warned: "[I]t's important for the public to understand that the excellence of the federal judiciary is at risk. If judicial excellence is cast upon a sea of congressional indifference, the rule of law is imperiled."

Yet this issue, which seems to light up editorial writers and Brookings scholars with such ease, appears to leave the rest of you cold. So here we are taking one last crack at scaring your pants off with some strictly nonpartisan facts about the dangers of judicial vacancies.

Justice delayed truly is justice denied. There are approximately 850 lower-court federal judgeships, of which more than 100 are currently vacant, while 49 openings in 22 states are classified "judicial emergencies." Eighty-three of these are on the district courts—the trial courts that decide every important federal question in the country, on issues ranging from civil rights to environmental, economic, privacy, and basic freedoms. Whereas judicial obstruction once reached no further than the federal appeals courts, for the first time even noncontroversial district court nominees are being stalled by arcane Senate reindeer games. It stands to reason that if you can't get into a courtroom, if the docket is too packed for your case to be heard promptly, or if the judge lacks sufficient time to address the issues raised, justice suffers. This will directly affect thousands of ordinary Americans—plaintiffs and defendants—whose liberty, safety, or job may be at stake and for whom justice may arrive too late, if at all. In some jurisdictions, civil litigants may well wait two to three years before going to trial. In jurisdictions with the most vacancies, it will often take far longer for published opinions to be issued, or courts will come to rely on more unpublished opinions. More worrisome still, because the Speedy Trial Act requires that courts give precedence to criminal cases, some backlogged courts have had to stop hearing civil cases altogether.

Overtaxed federal judges can't do justice at some point. Take, for instance, the federal court based in Denver, where five active judges are doing the work that ought to be done by seven. The Judicial Conference of the United States suggests the court needs another judgeship and has labeled the two vacancies a "judicial emergency" because the judges there each carry 593 instead of the 430 cases deemed optimal. Alliance for Justice today put out a new report on the jurisdictions designated as judicial emergencies. Among their findings: Judicial emergencies

have more than doubled over the first 20 months of the Obama administration, and judicial emergencies now exist in 30 states. In many jurisdictions, judges who should have retired years ago are still actively hearing cases on courts that can't afford to lose even one more judge. This places unfair, undue pressure on every federal judge now sitting. Most judges have been stoic in the face of mounting work and caseloads. Few openly complain, lest they appear to be taking sides in the confirmation wars. Still the crisis is so urgent that some judges have begun to speak out: In May, Chief Judge Wiley Daniel of the U.S. District Court in Denver wrote to the majority and minority leaders in the Senate urging prompt confirmation and explaining that lingering vacancies impede public access to justice. Six highly regarded retired federal judges at the same time wrote to the senators that the current gridlock is not tenable for a nation "that believes in the rule of law." In 1997 and again in 2001, Chief Justice William Rehnquist admonished the White House and Senate, then in control of opposite parties, to fill the many vacancies for the good of the nation. Imagine how you would feel if your heart surgeon had to perform thousands of surgeries each day. That's how worried you should be about federal judges forced to manage ever-expanding caseloads.

Potential judges won't agree to be nominated. Depending on who's doing the calculations, the average length of time between being nominated and confirmed has more than quadrupled in the Obama administration. As a result of procedural shenanigans in the Senate, nominees may remain in limbo for months, with careers and law practices stuck on hold as they await a vote that may never come. Indeed, 6th Circuit Judge Jane Stranch waited 13 months for a 71-21 vote, while Judge Albert Diaz, a 4th Circuit nominee, has waited nearly 11. As the wait for confirmation drags on ever longer, the best nominees will be inclined to start to wonder whether it's worth the bother. Many excellent potential nominees may not even entertain the prospect of judicial service anymore. As President Stephen Zack, president of the American Bar Association, recently put it: "The current gridlock discourages anyone from subjecting themselves to the judicial nomination process."

The more seats remain vacant, the greater the incentive to politicize the process. In the George W. Bush administration, the judicial-vacancy rate dropped to 4 percent. Now it's up to 10 percent again. The stakes become higher and higher as the opportunity to significantly reshape the federal bench becomes more real. The incentive for a Senate minority to obstruct nominees also grows with the vacancy rate. The party not in control of the White House invariably believes it will recapture the presidency in the next election and thus has the opportunity to appoint judges more to its liking. Accordingly, each nominee obstructed now is another vacancy reserved for the out-of-power party's president. These dynamics are evident with the midterm elections approaching: The process has now essentially shut down. That's why only one appellate nominee even received floor consideration between April 23 and Sept. 12 of this year.

The rampant politicization of the selection process is undermining public respect for the co-equal branches of government. President George W. Bush's use of the White House for a ceremony introducing his first 11 appellate nominees and his promotion of his judicial nominees exacerbated the sense that federal

judgeships were a political prize for the winning party. Obama has attempted to depoliticize the confirmation process by naming judges generally regarded as centrist and moderate—much to the dismay of many liberals. But it has changed nothing. When the Senate confirmation process degenerates into cartoonish charges of judicial unfitness, name-calling, recriminations, and endless paybacks, the consequences go far beyond the legitimacy of Congress, to the legitimacy of the courts themselves. As courts are batted around for partisan political purposes, nominees and judges appear to be purely political actors—no different than members of Congress or the president. That doesn't just hurt judges. It hurts those of us who rely on judges to deliver just outcomes.

Americans watching the confirmation wars won't ultimately recall which president named which judge or what the final vote was. But they may begin to accept as normal an inaccurate and deeply politicized vision of judges as a bunch of alternating partisan hacks and a federal bench that is limping, rather than racing, to do justice.

COMMENDING SENATOR ROLAND BURRIS

Mr. LEVIN. Mr. President, Senator ROLAND BURRIS of Illinois was sworn into office less than 2 years ago. In that short time, he has debated and voted on some of the most important legislation the Senate has considered in 40 years. During his tenure, Senator BURRIS has helped pass major reforms to end abuses by the credit card industry, to put a cop back on the beat on Wall Street, and to expand health care coverage to 32 million Americans while reducing the Federal deficit by \$143 billion. Senator BURRIS also voted to confirm the nomination of two U.S. Supreme Court Justices: Justices Sonia Sotomayor and Elena Kagan.

Senator BURRIS serves on the Senate Armed Services Committee, which I chair. During his service on the committee, Senator BURRIS helped provide oversight of the military as we draw down U.S. forces in Iraq and standup Afghan forces in Afghanistan. He has helped pass weapons acquisition reform legislation and two National Defense Authorization Acts out of committee. He has helped confirm the nominations of Nation's top civilian and military leaders.

Before coming to the Senate, ROLAND BURRIS had a distinguished career in Illinois politics, as Illinois comptroller and then as the Illinois attorney general.

As Senator BURRIS ends his time here in the Senate, I thank him for his service to our Nation and wish him and his family the very best.

COMMENDING SENATOR CARTE GOODWIN

Mr. LEVIN. Mr. President, today I rise to congratulate Senator CARTE P. GOODWIN of West Virginia for his service. When he was sworn into office in July, Senator GOODWIN assumed the

seat previously held by the Chamber's longest serving and one of the most distinguished Senators in our history—Senator Robert C. Byrd, who passed away on June 28.

Before arriving in the Senate, Senator GOODWIN already had an impressive political career. As chief counsel to West Virginia Governor Joe Manchin, CARTE GOODWIN led the effort to reform mine safety rules in the wake of the Sago and Aracoma coal mine disasters that killed 14 coal miners. He also served as the chairman of the West Virginia School Building Authority.

Senator GOODWIN serves on the Senate Armed Services Committee, which I chair. As a committee member, Senator GOODWIN has helped pass the National Defense Authorization Act out of committee. He has also contributed to hearings overseeing the status of conflicts in Iraq and Afghanistan.

As Senator GOODWIN's time in the Senate draws to a close, I thank him for his service to our country, and I wish him and his family the very best.

WORLD STEM CELL SUMMIT

Mr. LEVIN. Mr. President, next week, scientists, researchers, industry leaders and advocates from around the world will gather in Detroit, MI, for the sixth annual World Stem Cell Summit. By bringing together experts in medicine, genetics, business, and economic development, the summit will give a boost to global efforts aimed at finding cures for debilitating and deadly diseases, as well as bringing the important economic benefits of bioscience. By choosing Detroit as the site of this year's summit, the organizers have made a powerful statement about Michigan's commitment to this vital area of scientific exploration.

In 2008, Michigan voters approved a referendum protecting the ability of Michigan researchers to engage in research involving stem cells. This wise decision has already paid significant dividends. Researchers at the University of Michigan, Michigan State University, Wayne State University, and other Michigan institutions have made significant progress even in that short time. UM has established a consortium to aid the search for treatments and cures, and a UM researcher, Dr. Eva Feldman, last year obtained FDA approval for the first ever clinical trials on a stem cell therapy for ALS, or Lou Gehrig's disease. Researchers at MSU are advancing work on stem cell treatments for Parkinson's disease. At Wayne State, scientists are examining how stem cells can be made more useful for a wide variety of medical purposes. These and other institutions across the State are working hard to save and improve lives, and I congratulate them for their efforts.

Michigan researchers will join others from across the country and around

the world at next week's summit. They will examine not only the latest scientific advances but important subjects such as how stem cell research can contribute to economic development efforts, another area in which Michigan has quickly become a leader.

I would like to welcome those who will travel to Detroit next week and thank them for the opportunity to show what Michigan has accomplished in the stem cell field. I wish them every success as they seek to protect the health and save the lives of the millions of people coping with diseases that stem cell research might one day cure.

COMBATTING TERRORISTS' ACCESS TO FIREARMS

Mr. LEVIN. Mr. President, in May 2010, the Senate Homeland Security and Governmental Affairs Committee held a hearing on how known or suspected terrorists are taking advantage of lax Federal laws to purchase firearms. The committee discussed two legislative proposals, both of which I have cosponsored, to address this weakness in current law: the Denying Firearms and Explosives to Dangerous Terrorists Act, S. 1317, and the PROTECT Act, S. 2820. S. 1317 would close the loophole in current law—known as the terror gap—that prevents the Federal Government from stopping the sale of firearms or explosives to a known or suspected terrorist—unless that individual falls under another disqualifying category. S.2820 would lengthen the time—from the current duration of 90 days to 10-years the FBI is required to keep gun transfer records that involve a purchaser on the terrorist watch list. Unfortunately, despite broad support from the law enforcement community, Congress has failed to pass these commonsense pieces of legislation.

On September 22, 2010, the Senate Homeland Security and Governmental Affairs Committee held a hearing entitled "Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland." At this hearing, I questioned FBI Director Robert Mueller about the FBI's efforts to prevent individuals on the terrorist watch list from acquiring firearms and explosives. In regard to S. 1317, I asked Director Mueller if he had an opinion as to whether or not persons on the terrorist watch list should be able to buy guns and explosives. I was pleased to hear Director Mueller's response that "all of us would want to keep weapons out of the hands of terrorists and/or persons on the terrorist watch list." This response echoes the support given at a November 2009 Senate Judiciary Committee hearing by Attorney General Eric Holder, the Nation's top law enforcement official, for legislation to close the terror gap.

In regard to S. 2820, I asked Director Mueller whether he would like to be able to keep firearm transfer records for longer than 90 days for persons on the terrorist watch list. Again, I was glad to hear that Director Mueller favors a longer period of record retention across the board, including for those persons who are on the terrorist watch list. According to Director Mueller, "retention of records gives us an ability to go back, when we identify some person, and determine whether or not there's additional information we would have in those records that would enable us to conduct a more efficient investigation."

At this hearing, Director Mueller added his voice to the chorus of support from so many law enforcement professionals for legislative solutions that address the deficiencies in current law. Closing the terror gap and increasing the duration of firearm record retention are two ways to give the law enforcement community the necessary tools to keep guns and explosives out of the hands of known and suspected terrorists. Congress should listen to the brave men and women charged with protecting the American public and, without further delay, pass these commonsense solutions.

TRIBUTE TO JIM CORLESS

Mr. LEVIN. Mr. President, as Members of the Senate, we work every day with public servants who fill an amazing variety of roles, and when one of those servants fills his or her role with exceptional skill and dedication, they deserve our praise. One such public servant, Jim Corless, the superintendent of Keweenaw National Historical Park in Michigan, is preparing to retire after nearly 30 years of Federal service, the last 3 of which have come in helping build one of the most unique national parks in the Nation.

Jim Corless came to Michigan's Copper Country from Klondike Gold Rush National Historical Park in Skagway, AK, making him that rare person who moved south to the Upper Peninsula of Michigan. This was good fortune for those of us who care about preserving the history of Michigan's copper mining era because Jim's career had prepared him well. As a trained historian, Jim had already helped bring alive the drama of our Nation's founding, the frontier grit of the earliest Texas settlers, the history of Ozark waterways in Arkansas, and the growth of textile manufacturing in Massachusetts in parks from coast to coast.

Preserving the legacy of Michigan's copper mining industry has long been a priority for many of us Michiganders. The Keweenaw Peninsula contained perhaps the world's richest and purest deposits of copper, and from native peoples 7,000 years ago to miners in the 19th and 20th centuries, those deposits

have had profound effects on human society across our Nation and on the peninsula.

The park established in 1992 to preserve that history is like no other in the Nation. Unlike the vast majority of National Park Service facilities, in which the government owns and controls the land and associated assets of the park, Keweenaw National Historical Park is an unusual public-private cooperative venture. Private citizens, nonprofit groups, and local governments own nearly all the park's historic assets, and they are managed cooperatively, with the Park Service providing coordination, advice and funding.

That calls for a superintendent who is part historian, part manager, and part diplomat. Jim has skillfully served all three roles. He has worked closely with officials at the Environmental Protection Agency to simultaneously preserve the industrial legacy of the copper mines while remediating the environmental impact of that legacy. And he has taken a leading, but always cooperative, role in bringing together the various community interests who have a stake in the park and its growth. Just one example of this work is his work to help create the Quincy Smelter Steering Committee to help preserve one of the park's most important historic resources.

Jim describes Keweenaw National Historical Park as a "parknership," and that illustrates the thoughtful way in which he has approached his job over the last 3 years. All of us who care about Michigan's vital mining past are grateful for his exceptional service, and we all wish him and his wife Mary Jane the very best as they embark on the next chapter of their lives.

HONORING OUR ARMED FORCES

MASTER SERGEANT JARED VAN AALST

Mrs. SHAHEEN. Mr. President, it is with a heavy heart that I rise today to pay tribute to the life and sacrifice of MSG Jared Van Aalst, a native of Laconia, NH. Jared was killed on August 4 while stationed in Kunduz Province, Afghanistan. He was serving on his sixth combat deployment as part of Operation Enduring Freedom. Jared exemplified the very best in our military's long tradition of selfless service on behalf of this great nation.

Master Sergeant Van Aalst enlisted in the U.S. Army on August 17, 1995. After completing basic training, the signal systems specialist course and basic airborne school, he was assigned to the Headquarters Company. He later completed the Ranger indoctrination program and sniper school, and continued to rise through the ranks as a sniper team leader and squad leader. Master Sergeant Van Aalst was promoted to sniper platoon sergeant, platoon sergeant, and finally served as the non-

commissioned officer in charge of Headquarters Company's 3rd Battalion Reconnaissance, Sniper and Technical Surveillance. He saw combat in both Operation Iraqi Freedom and in Operation Enduring Freedom in Afghanistan.

An exceptional marksman and soldier, in 2005 Master Sergeant Van Aalst defeated 147 of his brothers in arms to take first place at the service-rifle individual championship in the U.S. Army Small Arms Championships. He was later selected as a shooter and instructor for the U.S. Marksmanship Unit at Fort Benning.

Master Sergeant Van Aalst's many awards include the Bronze Star Medal, two Meritorious Service Medals, two Joint Service Commendation Medals, three Army Commendation Medals, seven Army Achievement Medals and five Good Conduct Medals, the Afghanistan Campaign Medal with two bronze service stars, the Iraq Campaign Medal with two bronze service stars and the National Defense Service Medal with bronze service star. He was posthumously awarded a second Bronze Star Medal and a third Purple Heart Medal, as well as the Defense Meritorious Service Medal. Our Nation can never adequately thank Jared for his willingness to make the ultimate sacrifice in the defense of American liberties, nor can words diminish the pain of losing this brave American. For his 15 years of service, he has earned our country's enduring gratitude and recognition.

A Laconia native, Jared was a graduate of Plymouth Regional High School in Plymouth, NH, where he was the captain of the high school wrestling team and one of the best wrestlers in the entire state in his weight class. He is remembered for his incredible drive and determination to succeed.

Jared has been laid to rest at Arlington National Cemetery. He is survived by his wife Katie Van Aalst, their two daughters Kaylie and Ava, and his parents Neville and Nancy Van Aalst. This brave New Hampshire son will be dearly missed by all.

I ask my colleagues and all Americans to join me in honoring the life of MSG Jared Van Aalst.

SERGEANT ANDREW NICOL

Mr. President, today it is also my sad duty to pay tribute to the service and sacrifice of SGT Andrew Nicol, a native of Kensington, NH. Andrew, just 23 years old, was killed in action by an improvised explosive device on August 8 in Kandahar, Afghanistan, while supporting Operation Enduring Freedom. He served as an Army Ranger and was a member of the 3rd Battalion, 75th Ranger Regiment, based at Fort Benning in Georgia.

Despite his young age, Sergeant Nicol served five tours in Iraq and Afghanistan and was awarded many medals for his valor. These included the

Army Achievement Medal, Army Good Conduct Medal, National Defense Service Medal, Afghanistan Campaign Medal with Combat Star, Iraq Campaign Medal with Combat Star, and the Global War on Terrorism Service Medal. He was honored for heroic actions during a combat mission in October 2008 and was also awarded the Bronze Star Medal for Valor for heroic actions in northern Iraq. His actions during these missions saved the lives of fellow soldiers and led to the capture of numerous enemy insurgents. Sergeant Nicol was posthumously awarded an additional Bronze Star Medal, a Meritorious Service Medal and a Purple Heart. Unquestionably, he served his country with both honor and distinction.

Andrew was a 2005 graduate of Exeter High School. He was captain of the wrestling team there, and earned the respect and affection of his peers through his leadership and wonderful sense of humor. Andrew looked for challenges, from racing in New Hampshire motocross competitions to serving as a volunteer firefighter and EMT. He was an indispensable member of his community.

Sergeant Nicol exemplified the best in New Hampshire's long tradition of service to this country. Our Nation can never adequately thank this young hero for his willingness to lay down his life in defense of the American people and words cannot fill the void left by his death. I hope that Andrew's family can find solace in knowing that all Americans share a deep appreciation for his service. Daniel Webster's words, first spoken during his eulogy for Presidents Adams and Jefferson in 1826, are fitting: "Although no sculptured marble should rise to their memory, nor engraved stone bear record of their deeds, yet will their remembrance be as lasting as the land they honored." Sergeant Nicol has earned our country's enduring gratitude and recognition.

Andrew has been laid to rest at the New Hampshire State Veterans Cemetery in Boscaawen. He is survived by his parents Roland and Patricia Nicol of Kensington, NH, and older brother Roland who lives in Boston. This young patriot will be dearly missed by all.

I ask my colleagues and all Americans to join me in honoring the life of SGT Andrew Nicol.

STAFF SERGEANT KYLE WARREN

Mr. President, today with a heavy heart, I also wish to pay tribute to the life and service of Army SSG Kyle Warren, who was killed on July 29 in Tsagay, Afghanistan, by an improvised explosive device. Warren, formerly of Manchester, NH, was on his second deployment to Afghanistan. He was a member of the 1st Battalion, 3rd Special Forces Group, Airborne, based at Fort Bragg, NC.

Staff Sergeant Warren joined the military in 2004, entering the Army as a Special Forces trainee. Following Basic and Special Forces training, he completed medical training at the John F. Kennedy Special Warfare Center and School. By 2007, Warren had earned a Green Beret and went on to serve as a Special Forces medical sergeant during two tours of duty. His awards include the Bronze Star Medal, Army Achievement Medal, Good Conduct Medal, National Defense Service Medal, Afghanistan Campaign Medal, NATO Medal, Purple Heart, and Global War on Terrorism Service Medal. Unquestionably, he served our Nation with distinction and honor.

A native of southern California, Kyle moved to New Hampshire in 2003 to be closer to his mother. While in Manchester, Kyle joined the local men's rugby club and quickly made friends with his teammates. He is remembered for his wonderful sense of humor, remarkable physical strength, and exceptional kindness.

SSG Kyle Warren exemplified the best in New Hampshire's long tradition of service to this country. Our Nation can never adequately thank him for his willingness to make the ultimate sacrifice in defense of the American people and words cannot fill the void left by his death. He has earned our Nation's enduring gratitude and recognition.

SSG Kyle Warren is survived by his wife Sandra, whom he met while living in New Hampshire, his mother and stepfather Lynn and Ed Linta, as well as his father and stepmother Del and Hill Warren. This patriot will be dearly missed by all.

I ask my colleagues and all Americans to join me in honoring the life of SSG Kyle Warren.

SERGEANT MARVIN RAY CALHOUN, JR.

Mr. BAYH. Mr. President, I rise today to honor the life of SGT Marvin Ray Calhoun, Jr. of the U.S. Army and Elkhart, IN.

Sergeant Calhoun was assigned to the Army's Bravo Company, 5th Battalion, 101st Combat Aviation Brigade, 101st Airborne Division. He lost his life on September 21, 2010, while serving bravely in support of Operation Enduring Freedom in Qalat, Afghanistan, where he was serving his second tour of duty. Sergeant Calhoun was 23 years old.

Marvin joined the Army soon after graduating from Elkhart Central High School in 2006. He played on his high school football team and was described by his coach as one of the team's hardest working players.

Today, I join Marvin's family and friends in mourning his tragic death. He is survived by his wife Yamili Sanchez and their daughter Yohani; his mother Shirin Reum; and his father Marvin Calhoun, Sr.

As I search for words to honor this fallen soldier, I recall President Lin-

coln's words to the families of the fallen at Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here."

As we struggle to express our sorrow over this loss, we take pride in the example of this American hero. We will cherish the legacy of his service and his life.

It is my sad duty to enter the name of Sergeant Marvin Ray Calhoun, Jr. in the RECORD of the U.S. Senate for his service to our country and for his profound commitment to freedom, democracy and peace.

PRIVATE FIRST CLASS GEBRAH NOONAN

Mr. DODD. Mr. President, it is with a heavy heart that I rise today to mark the passing and honor the service of Army soldier, PFC Gebrah Noonan of Watertown, CT.

Private First Class Noonan died in Fallujah, Iraq, on September 24. He was a member of the Headquarters Company of the Third Infantry Division stationed out of Fort Stewart, GA. His company had deployed to Iraq in July and Gebrah was eager for the opportunity to serve his country—something he had always wanted to do.

Gebrah Noonan graduated from Watertown High School in 2002, where he is fondly remembered by friends for having a larger than life personality, a smile on his face and a joke to share. His humor and wit earned him the title of class clown his senior year. Gebrah loved life and was an avid Yankees fan, but even more so a Michael Jackson enthusiast. He even dressed up like Michael Jackson during School Spirit Days.

Private First Class Noonan was always outspoken about his love of country. He enlisted in the Army last October because he felt it was an opportunity to serve his country as well as an opportunity for self-improvement. Private First Class Noonan's Army recruiter remembered him as a committed soldier who also brought his fun personality to everything he did. He truly had an infectious smile.

Private First Class Noonan leaves behind a family that has supported him through every part of his young life. Our thoughts and prayers are with his parents William and Ling Noonan, as well as his brothers and sister. There are no words to express the debt of gratitude we owe to Gebrah and his family. PFC Gebrah Noonan's selflessness and sacrifice will not be forgotten by those of us who mourn his tragic loss.

Mr. KAUFMAN. Mr. President, since last February, I have spoken at great length on what I viewed and continue

to view as the key issue in financial reform that of too big to fail. As my colleagues know, I sponsored legislation with Senator BROWN and others that would have placed strict limits on the size and riskiness of megabanks, but that did not pass. Instead, Congress placed its faith in regulators to set appropriate prudential standards for these institutions.

The issue of too big to fail has therefore not gone away with the passage of the landmark Dodd-Frank bill. It remains the most pressing issue for regulators and for all of us. As Fed Chairman Ben Bernanke stated recently in testimony before the Financial Crisis Inquiry Commission: "If the crisis has a single lesson, it is that the too-big-to-fail problem must be solved."

Given that, financial regulations being developed nationally and internationally will be judged by one critical standard: do they address the core problem of too big to fail? This will be my last Senate speech on this issue, and I will be focusing on whether the recent rules coming out of Basel, Switzerland and that will be considered in the upcoming G20 meeting in Seoul meet this standard.

The oversight body of the Basel Committee on Bank Supervision recently came to agreement on a core pillar of the Basel III framework of bank capital and liquidity standards. The agreement comes approximately 2 years after the original onslaught of the financial crisis and only a couple of months after the passage of a landmark financial reform bill in this Congress. This represents a rather quick turnaround for complex and oftentimes fractious international negotiations on financial regulation.

The new Basel III agreement also effectively increases the amount of common equity that banks must hold as a percentage of their risk weighted assets from 2 percent to 7 percent. Importantly, this change not only raises the international bar on the amount of capital that banks hold, but also the quality of the capital that they hold that is, more of their capital will need to be held in the form of common equity and retained earnings. In addition, this minimum risk-weighted capital ratio would also be supplemented for the first time on an international level by a leverage limit of 3 percent, a ratio that reflects the amount of capital that a bank holds relative to the size of its assets.

While I commend the committee on its efficiency and for producing a proposal that significantly strengthens existing international capital standards, I see several problems and flaws with regard to both the design and implementation of these rules.

First, the standards are still too weak and will take way too long to be implemented. Even with the greater focus on high-quality equity capital,

large U.S. bank holding companies are generally already well above the Basel III standards, which they will not have to comply with until 2019. And while the introduction of a leverage ratio has been hailed as a major achievement, it is subject to a long test and implementation period and is set at such a low level as to be mere window dressing. In fact, it would still permit financial institutions to leverage their balance sheets more than 33 times over their capital base, which is well above the gross leverage level at Lehman before it went into bankruptcy.

Second, given the weakness of the leverage ratio, it is even more incumbent on negotiators to go back to the drawing board on the flawed risk-based standards of Basel II. In short, determinations on capital adequacy under the Basel rules will continue to be dependent on arbitrary risk weights, the judgments of rating agencies and the banks' own internal models. Instead of correcting the fundamental flaws of Basel II, Basel III continues to walk on its Achilles heel.

The final financial reform bill partially addresses this problem by removing all references to credit rating agency ratings in Federal regulations. But since the Basel regulatory capital rules depend heavily on credit rating agency determinations, U.S. regulators are currently struggling to find a viable alternative. This is no doubt a tough task given that the use of ratings is at least as pervasive in the world of financial markets as it is in the world of financial regulations.

Third, the Basel Committee punts on a global liquidity standard. With all the focus on capital requirements, it is easy to forget that liquidity rules are at least as important, if not more so. After all, Lehman Brothers was deemed adequately capitalized only days before a run on the firm evaporated its liquidity. Other institutions that were reportedly adequately capitalized also had fatal or near-fatal experiences due to liquidity runs.

The Basel Committee initially proposed a fairly robust liquidity proposal late last year. Under it, banks would be subject to a liquidity coverage ratio, LCR, requiring them to hold enough high grade liquid assets to cover potential cash needs over a 30-day period. They would also be subject to a net stable funding ratio, NSFR, requiring them to have sufficient sources of stable funding based upon the overall liquidity profile of their assets. Such a standard would help limit overreliance on unstable wholesale financing sources, a cause of the financial crisis that I will discuss in greater detail later in this speech. Unfortunately, in the face of a vocal industry backlash, the committee watered down the proposals in July and has further backtracked on these standards in its most recent release. Both are also subject to

a long "observation period." In fact, the actual standards on the LCR and NSFR, which are likely to be much weaker than the initial proposals, will not be introduced until 2015 and 2018, respectively.

Instead of waiting on uncertain and delayed Basel rules, U.S. regulators can set their own liquidity rules and/or use new powers granted by Dodd-Frank to place basic limits on the use of short-term debt, including repos, by systemically significant financial institutions. In the years prior to the crisis, the repo market morphed from a means for money-center banks to use high-quality collateral like Treasuries to secure overnight liquidity to being a convenient way for banks to finance the booming securitization machine. Unfortunately, the use of repos and other forms of short-term borrowing to finance massive inventories of illiquid structured securities backed by dubious collateral led to serious structural weaknesses at the heart of our financial system. Placing basic limits on this practice would add greater stability to our financial system. Indeed, if financial institutions had to use more expensive longer term funding to finance risky assets, we would likely see fewer risky and needlessly complex financial assets being created. As a recent study by the Bank of International Settlements shows, the effect of higher capital and liquidity requirements will likely strengthen financial stability without hindering economic growth.

Finally, the Basel Committee has yet to specifically address the problem of too big to fail. Although the committee notes that systemically significant banks should have "loss absorbing capacity" that goes beyond these basic standards, it has yet to provide much in the way of details of what this will entail. Ultimately, systemically important banks might need to hold some combination of the following: additional capital; contingent capital that converts from debt to equity when overall capital levels drop below a minimum threshold; and so-called bail-in debt that would subject holders of the debt to an expedited cram-down in cases where the institution was distressed. Presently, concepts such as contingent capital and bail-in debt, neither of which is a high-quality form of capital, raise more questions than answers with regard to how expensive a form of capital they would be and how they would work in practice. Indeed, the Basel Committee itself continues to explore these issues as reflected by a recent consultative document. And while the committee calls for a "well integrated approach" on the supervision of systemically significant institutions, it seems more likely that the regulation of these firms will differ depending on national jurisdictions.

Under the new financial reform law, the Federal Reserve must set capital

and other prudential standards that are more stringent for systemically risky institutions than they are for other financial institutions. It can also set graduated capital requirements that rise as banks and other financial institutions grow bigger and more complex. In addition, the Fed can set countercyclical capital rules that require banks to build up capital buffers during a bubble. While the Basel agreement also calls for such countercyclical rules, national regulators will have great discretion on when and how to implement them.

But to truly address too big to fail, regulators will ultimately need to limit the size, complexity, and riskiness of megabanks. The final financial reform bill has a number of provisions that have the promise of doing this, if regulators avail themselves of them. For example, the final bill's inclusion of the Kanjorski provision will give regulators the explicit authority to break up megabanks that pose a "grave threat" to financial stability. In addition, the requirement that systemically significant firms develop "living wills" allows regulators eventually to force an institution to shed assets if it fails to submit a credible resolution plan. Because resolution authority does not work for global mega-banks sprawled across many borders, I believe it will be imperative for regulators to use these powers.

I hope we ultimately take heed of the lesson that Chairman Bernanke identified. While the Basel III framework will be useful in setting minimum international standards, U.S. and other national regulators will need to go far beyond it to address the problem of too big to fail. Of course, I would have preferred to have solved this problem by drawing simple statutory lines, such as those put forward in the Brown-Kaufman amendment. The Dodd-Frank bill instead takes a different tack, leaving critical decisions in the hands of the regulators. Its ultimate success or failure will therefore depend on the actions and follow through of these regulators for many years to come.

As I have said before, Congress has an important role to play in overseeing the enormous regulatory process that will ensue following the bill's enactment. The American people, for that matter, must stay focused on these issues, if just to help ensure that Congress indeed will fulfill its oversight duty and its duty to intervene if the regulators fail. Although I will be leaving the Senate in November, I will be watching to see if the regulators have learned the lesson to which Chairman Bernanke refers and are willing to take the tough steps to solve the too big to fail problem.

MIDDLE EAST PEACE PROCESS

Mr. KAUFMAN. Mr. President, while a U.S. Senator I have traveled to the

Middle East three times, visiting Israel each time and the West Bank twice. My travels through the region also included four visits to Iraq, as well as visits to Saudi Arabia, Lebanon, Egypt, Syria, Turkey, and Kuwait. What I have seen in those trips gives me a certain amount of qualified optimism different than any I have had in my 37 years following the Arab-Israeli peace process.

This morning, I shared my thoughts with the organization J Street, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Good morning. I am pleased to address you today about the Middle East peace process, a topic J Street has done so much on already. I often describe the Middle East as a roller coaster, full of ups and downs and the occasional complete loop. It might be an exciting ride, if only you had any idea when it was going to end. In my experience things are most dangerous in the Middle East when you are optimistic. We have all learned the Middle East can break your heart.

Even with that in mind, after 37 years working in and around Washington, I am optimistic about the prospects for a Middle East peace process. I know the major obstacles to peace and I will highlight two in particular that I believe are most threatening, but first let me explain the reasons this time feels different to me.

First is Iran. As one of my top priorities as a U.S. Senator, I sought out updates on the Middle East from my very first days in office. What I heard from senior administration officials and other senators surprised me: when they traveled to the region they found the Arab states—for the first time in my experience—did not start with a diatribe about Israel, but rather wanted to talk about Iran, and the destabilizing effect an Iranian nuclear weapon would have on the whole Middle East.

I went there myself and found it to be completely true. And I think my most recent trip to Saudi Arabia provides a wonderful illustration of this. In Riyadh, we spoke with members of King Abdullah's consultative assembly, a group of professionals appointed by the King to offer him advice. They certainly wanted to talk about the peace process with us, but at the same time a comment from the chair of their foreign relations committee was typical. He said "Iran wants to destabilize the Gulf. We do not believe they have a peaceful nuclear system, because otherwise, why would they be building delivery vehicles."

At higher levels in Saudi Arabia, the realization at last that Iran, not Israel, is the greatest danger to stability in the Middle East is even more pronounced. We met behind closed doors with a member of the Saudi royal family and had a lively back-and-forth about the peace process. But at the end of our discussion, he turned to us and said, I paraphrase, "It's really all about Iran."

It is not difficult to see why. Saudi Arabia has been the unrivaled most important Muslim country in the Gulf for nearly half a decade, the one that the other Muslim countries look to for leadership. A nuclear Iran is a direct challenge to Saudi existence in the Gulf, and the centuries of bad feelings between their peoples ensure that it will not be a friendly competition.

Saudi Arabia, as the leader of the Sunni world, sees an aggressive Shia Iran as a threat to its most basic principles, and fears its export of extremists around the region and within its own borders. The Saudi monarchy has already fought an extremist domestic insurgency in the last decade, and it understands all too well the threat they pose.

Why does this make me optimistic for the peace process? Well, for the first time a nation like Saudi Arabia has a cold-hearted realpolitik motivation to support peace. The looming threat of Iran has focused their mind so that they, and other Arab nations, know they need to solve one security issue and, in the words of a member of the Saudi consultative assembly, "take away Iran's best propaganda tool."

The best evidence of this is the Gaza flotilla. In years past, something like the flotilla incident would have derailed the peace process down and possibly led to an intifada, but this time, the direct talks started. The relatively muted response to the end of the settlement moratorium may very well be another example.

Second, I am optimistic because of the U.S. dream team working to promote the peace process. President Obama is unshakable in his commitment to this issue and is determined to have progress. At the UN General Assembly last week, I thought he laid out the stakes very well, when he said in clear terms about the next year of the peace process that "this time we will not let terror, or turbulence, or posturing, or petty politics stand in the way." If we do, he said, "when we come back here next year, we can have an agreement that will lead to a new member of the United Nations—an independent, sovereign state of Palestine, living in peace with Israel." And he is right.

But it is not the first time he has made clear the United States is done with the old games and will put all its efforts into peace. It was made clear when he assembled a crack team to work on this in the Middle East and in Washington. The Vice President is truly an expert in the region, and Israel has no better friend than him. And Secretary Clinton deserves enormous credit for her work to set the right tone. But I want to spend a few minutes talking about the President's peace envoy himself, George Mitchell.

Senator Mitchell and I share something in common, we were both appointed to replace our former bosses. Along with Senator Kirk, we are the only three men in history to replace a Senator for whom we served as chief of staff. But that is not why I think he is the dream team's MVP.

My father was a secular Jew, and my mother was Irish Catholic, so I have been deeply familiar with both conflicts throughout my life. The Troubles in Northern Ireland were every bit as intractable as the problems in the Middle East. Just like Israel and Palestine, people said that ancient grudges would ensure that there could never be a compromise between a population that would only settle if Ireland was all Catholic or all Protestant. But George Mitchell brokered a peace, by understanding that both Catholics and Protestants wanted an end to the violence so they could get on with their future, and that, through perseverance, a solution could be found that both thought tolerable.

Senator Mitchell has brought that same tireless approach to the Middle East, and it has paid off with the first direct talks in almost two years. At those talks, he is well-served by his extensive background in the region, stretching back to his time as a staffer

in Washington. He is certainly no neophyte to Arab-Israeli negotiations.

Even the history of the last two years that led to direct talks is based on his experience. When he chaired a fact-finding committee in 2001 to determine the best way to get the peace process back on track in the middle of the intifada, it produced what we call the Mitchell Report, suggesting three phases of action: the immediate end to violence, rebuilding confidence in the Palestinian Authority by focusing on their ability to prevent terrorism while the Israelis froze settlement activity, and then the resumption of direct negotiations. It took eight years to get this process moving, but look where we are today.

Senator Mitchell has also had a long and storied career, including bringing peace to Ireland. He did not take this job to be one for two. You can bet that he is confident that an answer is within reach, and within reach soon. He is not preparing an eight-year plan.

My third reason for optimism is the Israeli and Palestinian leadership, particularly Bibi and Abu Mazan. Much has been made of Prime Minister Netanyahu's unwieldy coalition and the multitude of small conservative parties which each have vested interests that could sink a peace deal. But after numerous meetings with him, I am convinced that he wants peace.

I have no doubt that Bibi has wanted peace his whole life, as so many do, because the security of his country and his family depends on it. But, like with the Arab leaders, current events have provided an added real-politik impetus right now. In my last trip, Defense Minister Ehud Barak sketched out why achieving a solution based on two states, living side-by-side in peace and security, is an existential issue for the unique Jewish democracy that exists in Israel. The alternative to lasting security through two states, he said, is the complete annexation of the West Bank and Gaza. The resulting state would either be non-Jewish, because of the size of the Israeli Arab and Palestinian population, or non-democratic, if Palestinians are disenfranchised. I believe Abu Mazan also really wants peace. Like Bibi, though, current conditions give him an unprecedented flexibility for achieving it. The Arab states that have awoken to the danger of Iran now give Abu Mazan, perhaps for the first time, a true green light to come to a negotiated settlement with the Israelis.

The Arab League in the past has acted as a break on negotiations, but now its members appear more eager for a conclusion to the long-running crisis. I am hopeful that when they meet on October 4 to consider what to do about the end of the settlement moratorium, amidst a great deal of angry rhetoric will be a go-ahead for Abu Mazan to continue talks. It is that important to both him and Arab leaders to achieve peace, and time is of the essence.

So those are three good reasons for optimism, but now the bad news: those that benefit from opposing peace will do everything they can to try to destroy the process. We know that both Hamas and Hezbollah will lose a major reason for their existence, if not the only reason for their existence, if peace is achieved. We should expect them to do everything in their power to stoke violence and provoke a reaction they can turn to their benefit.

After all, they do not need to defeat the peace process, they only need to delay it long enough that Abu Mazan follows through on his announced retirement or loses credibility, leaving a leadership vacuum for Pal-

estinians—and in all my travels, briefings, meetings, and hearings not a single person has been able to suggest a Palestinian leader who can effectively replace him. Or they only need to delay the peace process long enough that President Obama's dream team breaks up. Or delay it long enough that more Arab states follow the path of Syria and increasingly Lebanon and decide that the benefit of kowtowing to Iran outweighs the cost of being in their crosshairs.

As I said at the beginning, the Middle East will break your heart. Whenever you are most optimistic things are most dangerous. But the focus of Arab states on Iran as the true threat, the United States peace process team, and the leadership of Palestinians and Israelis are each new features in this long story. Well aware of the pitfalls, I remain optimistic. Thank you, and I look forward to your questions.

TAIWAN'S DOUBLE TEN DAY

Mr. BURRIS. Mr. President, on October 10, 2010, Taiwan—ROC—our good friend and our partner in peace and economic development will celebrate "Double Ten Day," its national day. I call upon my colleagues in the U.S. Senate to stand with Taiwan and to celebrate this important holiday.

The people on Taiwan have a vibrant democracy which sustains one of the region's most important and dynamic economies. Taiwan's economy has become an attractive base for international investment, and it has achieved economic growth of over 6 percent at a time when many world economies are faltering. Taiwan's economic strength has enabled it to become a major international investor, promoting economic development throughout the region. Clearly, Taiwan has much to offer on the world stage, and much to be proud of as they celebrate their Double Ten Day.

My good friend Taiwan's President Ma Ying-jeou deserves both recognition and congratulations for his leadership in negotiating and signing the Economic Cooperation Framework Agreement, ECFA, this summer which is helping to expand trade between Taiwan and mainland China, reducing regional tensions and encouraging regional prosperity.

Taiwan has been a strong partner to the United States in our collective work with the World Health Organization, WHO, and I feel strongly that Taiwan should play a similarly valuable role in the work of global aviation safety and security initiated by International Civil Aviation Organization, ICAO. I hope my colleagues will join me in urging that important international body to welcome the participation of Taiwan.

I ask my colleagues to join with me today in standing to salute Taiwan, as a partner and friend on the world stage, on its Double Ten Day and to reaffirm our friendship, support, and continued progress together and for many years ahead.

ADDITIONAL STATEMENTS

TRIBUTE TO LES MEYER

• Mr. BAUCUS. Mr. President, today I wish to recognize an outstanding education leader from my home State of Montana. Les Meyer, principal of Fairfield High School in Fairfield, MT, has been recognized by the Montana Association of Secondary School Principals as the Montana Principal of the Year for 2010.

Les has served in the Fairfield school system for over 13 years, beginning as an English teacher in 1997 and since 2002 as the principal of Fairfield High School. Under his leadership the school has seen test scores and student achievement rise every year, while the dropout rate has fallen to almost zero. Les has expanded professional development opportunities to help his teachers do an even better job of educating our children. He is well liked and admired by the staff and students alike.

When Les was recognized as the Montana Principal of the Year, he humbly accepted the award and praised his teachers, staff, students, parents, and community members who have all contributed to the success of the young people in Fairfield schools. He noted how fortunate he is to be working in a community where folks take the education of their children seriously—a trait in communities across Montana both large and small.

There is nothing more important to Montanans than giving children the best opportunities to succeed in life. Providing our young people with a solid education is the best thing we can give them. The investments we make in our education system today will provide our children with the skills and knowledge to be successful in the 21st-century economy. Montana has some of the best teachers and principals in the country, and I look forward to working with Les and other education leaders across the State to make sure that we continue to keep the promise of a good education to our children.

Les also knows that life's lessons extend beyond the classroom. Since 2004, in addition to being principal, Les has served as the football coach for Fairfield High. Under his leadership, the team has advanced to four Class B State Championship games in the past 5 years. This season the Eagles are off to a 4 to 0 start and are ranked No. 1 in the State. Les works to instill in the young men on his team the importance of teamwork, being role models and good citizens in the community, and giving it their all both on the field and in the classroom. I wish Coach Meyer and the team the best of luck.

Les is in Washington, DC, this week along with other award winning principals from across the country who are being recognized for their achievements and are sharing their insights on

how to make our education system even better. I congratulate Les on being chosen as the Montana Principal of the Year, and I applaud all our teachers, principals, and school administrators across Big Sky Country and thank them for their dedication to making our schools the best they can be.●

20TH ANNIVERSARY OF HOLY FAMILY HOSPITAL

●Mr. BOND. Mr. President, today I wish to recognize the 20-year anniversary of the Holy Family Hospital in Bethlehem, Palestine, which has long stood as an oasis of hope and peace in the Holy Land. This celebration also marks another significant milestone for the Holy Family Hospital, the 50,000th baby delivered.

In 1990 the Order of Malta, responding to the critical need of maternal care in the region, opened Holy Family Hospital. Since its opening, the hospital has become the premier maternity hospital and newborn critical care center of the entire region which includes Bethlehem, neighboring towns and villages, four United Nations refugee camps, and Bedouin encampments in the Judean Desert.

The need for Holy Family Hospital has continued to grow over the years, with an increase from 1,000 births annually to now over 3,000 and its outpatient clinics increased from 3,600 consultations a year, to over 22,000. The hospital built and maintains the only neonatal intensive care unit in the region. Thanks to their presence, the lives of 400 premature and low-birth-weight infants are saved every year. In addition, 90 midwives have been trained, which accounts for all the midwives working in all of the hospitals in the entire West Bank.

Holy Family Hospital continues to offer the latest in medicine to the Bethlehem area, including mammography, laparoscopic surgery, and Echo Doppler diagnosis not found anywhere else in the region. Additionally, a program of continuing medical education has been instituted which has brought renowned medical professionals to the hospital as visiting professors.

As well as providing critical health care, the hospital provides many a livelihood. Mr. President, 150 hospital employees are provided steady work and a fair wage, many of whom are the sole support of large extended families.

The top-notch care and much-needed jobs in an underserved area make the hospital special, but what makes Holy Family truly shine is their commitment to bringing peace to the families in the region. From facilitating Israeli-Palestinian cooperation in the medical field to their care of pregnant mothers and babies regardless of race or religion, Holy Family Hospital is a beacon of hope in the West Bank.

This 20th anniversary celebration and 50,000th baby delivered would not be possible without the Holy Family staff and volunteers from around the world and for their dedication to the most vulnerable Palestinians.

Over the next 20 years, it is critical that the U.S. continue to partner with Holy Family so the hospital can carry forward their critical vision for hope and peace.

Congratulations and thank you for not only saving the lives of thousands of babies, but touching the lives of countless more.●

TRIBUTE TO LOU RICE

●Mr. BROWN of Ohio. Mr. President, For over 25 years, the Edison Welding Institute, EWI, has been a national leader in helping manufacturers improve their products and productivity through advanced engineering. Based on the campus of the Ohio State University, EWI is a world-class model of a public-private partnership that works with universities and entrepreneurs, and small businesses and large corporations to strengthen Ohio's position as a national leader in aerospace, automotive production, and emerging advanced clean energy manufacturing.

Among its team of cutting-edge scientists and technicians, industry experts and project managers is an employee whose voice and face has made EWI among the most important assets of the great State of Ohio.

For the last 21 years, senior receptionist Willie Lou Rice has welcomed more than 1.5 million visitors by phone and in person at EWI. No one can walk through EWI without first being greeted by Lou not even Vice President Al Gore or U.S. and State Senators or Members of Congress representing districts from across the Nation. She has greeted high-ranking officials from the U.S. Departments of Energy, Commerce, Defense, and Transportation who visit EWI to learn about its latest work. Military personnel, corporate executives, university presidents, and dignitaries from all over the world have received Lou's greeting before meeting with EWI staff.

Her commitment to the mission of EWI also extends to the community. Each year Lou has welcomed 3rd graders from Columbus School For Girls and helps introduce them to the opportunities for women in welding technology. She regularly welcomes vocational school students and local science teachers to inspire them about engineering and to show them that Ohio has long been home to inventors and innovators behind the mask and torch, and the workers in a factory.

Lou has merged her role as frontline public relations ambassador for EWI with her love for her family, friends, and church. Willie Lou Rice will retire from EWI on October 31, 2010, having

served her State with distinction and honored her community with a commitment to all. On behalf of a grateful State, I congratulate her for all that she has accomplished and wish her well in her retirement. Her legacy is clearly one of strength, loyalty, and integrity. Congratulations, Lou. ●

MAINE'S "BLUE RIBBON SCHOOLS"

●Ms. COLLINS. Mr. President, Today I commend the James F. Doughty School of Bangor, ME, on being named a 2010 National Blue Ribbon School. This recognition of high accomplishment was bestowed by U.S. Secretary of Education Arne Duncan.

The Blue Ribbon Schools award, created in 1982, is considered the highest honor an American school can obtain. Schools singled out for this national honor reflect the goals of our Nation's education reforms for high standards and accountability. Specifically, the Blue Ribbon Schools Program is designed to honor public and private schools that are either academically superior in their States or that demonstrate dramatic gains in student achievement. This award recognizes that the James F. Doughty School has worked with its students to improve their academic standing and educational excellence.

I applaud the administrators, teachers, staff, parents, and students of the James F. Doughty School. Together, they are succeeding in their mission to generate confidence and momentum for learning. They are making a difference in the lives of their students, helping them reach their full potential as independent, responsible learners and citizens.

I also wish to commend Kennebunkport Consolidated School in Maine on being named a 2010 National Blue Ribbon School. This recognition of high accomplishment was bestowed by U.S. Secretary of Education Arne Duncan.

The Blue Ribbon Schools award, created in 1982, is considered the highest honor an American school can obtain. Schools singled out for this national honor reflect the goals of our Nation's education reforms for high standards and accountability. Specifically, the Blue Ribbon Schools Program is designed to honor public and private schools that are either academically superior in their States or that demonstrate dramatic gains in student achievement.

I applaud the administrators, teachers, staff, parents, and students of the Kennebunkport Consolidated School. Together, they have built a quality, caring, and supportive educational community. The school is making a difference in the lives of their students, helping them reach their full potential as independent, responsible learners and citizens.●

TRIBUTE TO LUCY S. GARVIN

• Mr. GRAHAM. Mr. President, I ask my colleagues to join me in recognizing Lucy S. Garvin on the occasion of her retirement as chairman of the board and president of the United States Tennis Association, USTA.

Lucy's truly outstanding career in the world of tennis directly reflects her over 30-year commitment to advancing and improving the game. She has impacted tennis as a competitor, instructor, referee, industry representative, and an avid volunteer. As a recreational player, she won titles at all levels between 1976 and 1990, and in 33 years as a certified referee, she has officiated at countless tournaments.

Leading with charm, determination, and humility, Lucy has worked to expand the sport of tennis at every level around the country. On a local level, she has been a tireless advocate of tennis in South Carolina and in the Southern Region. A former president of the USTA Southern Section and USTA South Carolina, she was inducted into the USTA Southern Tennis Hall for Fame in 2005. Lucy has also been recognized with the USTA Southern Section's Jacobs Bowl Award in 1999 and the South Carolina President's Award in 1998. The South Carolina Tennis Association established the Lucy Garvin Volunteer of the Year Award in her honor, and she was inducted into the South Carolina Tennis Hall of Fame in 1998.

Lucy was elected chairman of the board and president of the 730,000 member USTA in January 2009. In doing so she became the first South Carolinian and only the third woman to hold the position in the organization's 129-year history. Prior to her appointment as president, she served one term as first vice president, two consecutive terms as vice president, and one term as a director at large. In addition to her responsibilities as USTA chairman and president, Lucy is also the chairman of the U.S. Open, and represents the USTA on the Grand Slam Committee. During her tenure as USTA president, tennis has grown to over 30 million recreational players.

On an international level, Lucy was elected to the board of directors of the International Tennis Federation, ITF, in 2009, serving as a vice president. She currently serves as chair of the ITF Junior Competitions Committee and a member of the ITF Development Committee. Because of her career of dedicated leadership and commitment to tennis, Lucy was elected to the International Tennis Hall of Fame Board of Directors in 2008.

Beyond being respected for her numerous leadership positions, Lucy is equally admired for being a devoted volunteer. She has tirelessly advocated for growing the game of tennis both by focusing on younger players and through outreach to traditionally un-

derstood groups. As a result of her commitment and volunteerism with the QuickStart program, which focuses on bringing children to the game of tennis, four recently constructed QuickStart tennis courts were dedicated in Lucy's name.

Lucy's well deserved acknowledgments and recognitions highlight the impact she has had on both the game of tennis and its worldwide community. She is an invaluable asset to the tennis community, and as a leader has set an example for future USTA presidents to follow. She continues to live by her personal motto, "Teamwork: One Team, One Goal: To Promote and Develop the Growth of Tennis." I am confident Lucy will continue this mission.

I ask that the U.S. Senate join me in celebrating Lucy Garvin's lifelong dedication to both the game of tennis and to the State of South Carolina, and I wish Lucy the very best in her future endeavors.●

TRIBUTE TO SHERYL MILLER

• Mr. JOHNSON. Mr. President, today I wish to recognize a public servant from my home State of South Dakota. Sheryl Miller is retiring from the Department of Housing and Urban Development, HUD, after 33 years of Federal service, including 32 with HUD and the last dozen years as the field director of the South Dakota HUD office.

During her years at HUD, she has always displayed a steadfast awareness of the housing needs of South Dakotans and a commitment to share and convey agency policies and information. When confronted with congressional and public inquiries, she always handled issues in a timely manner and networked well within the agency to provide complete and concise answers to questions. By all accounts, Sheryl always displayed a pleasant demeanor and was a true professional in her work ethic and dedication to public service.

Sheryl has an extensive background working with HUD programs in single and multi-family housing, public housing and community planning and development. She has served in HUD positions in the Denver and San Francisco regional offices. She has definitely satisfied the credentials earned with her master degree in public administration from Drake University.

During her years of service, Sheryl has witnessed many changes in public housing policies and priorities. Because of her dedicated work, countless families in South Dakota have been helped immensely in obtaining or maintaining public housing. This has a dramatic impact on the livelihood of the individual family, but also has a dramatic positive impact on the community and State. It is my hope that Sheryl leaves her HUD post knowing that she greatly impacted the lives of many people and there can be fewer greater rewards in a public service career.

I wish Sheryl all the best in her retirement.●

TRIBUTE TO MIKE LOWELL

• Mr. LEMIEUX. Mr. President, today I pay tribute to one of baseball's great athletes. At the end of this baseball season, Floridian Mike Lowell will hang up his glove and bat and retire. From hitting a single his first time up at bat in the Major Leagues to being named Most Valuable Player of the 2007 World Series, Lowell has proven his excellence and consistency on the field throughout his career.

Mike Lowell began his 13-year professional career with the New York Yankees but soon returned to his home State to play for the Florida Marlins where he was an integral part of the 2003 Championship team. Having grown up in Miami, he had the opportunity to play in front of family and friends. Later, he joined the Boston Red Sox, where he spent the rest of his career.

His time as a baseball player did not transpire without obstacles. Months into his first season with the Marlins, Lowell was diagnosed with testicular cancer. He missed 2 months of the 1999 season while he underwent treatment. But he survived and went on to have a tremendously successful career.

Both on and off the field Mike Lowell has gained the respect of his fellow players. With his two World Series rings, four-time All-Star participation, Gold Glove, more than 220 home runs and nearly 1,000 RBIs, he is a player to be admired. He has also proven his leadership in the clubhouse by utilizing his bilingual background to bridge the gap between English-speaking and Spanish-speaking players.

Many young boys dream of growing up to play baseball in the Major Leagues. Mike Lowell achieved that dream and is an inspiration for today's youth to continue to reach for their goals. While his career as a professional ballplayer will soon come to a close, Mike Lowell will always be remembered as one of baseball's greatest. I wish him many years of happiness with his wife Bertha and his two children, Alexis and Anthony.●

125TH ANNIVERSARY OF M. JACOB & SONS

• Mr. LEVIN. Mr. President, small businesses are the engines of our economy. They provide jobs; they provide services; and they serve as anchors that help to stabilize communities across our nation. It is in this spirit that I recognize M. Jacob & Sons, a business headquartered in Farmington Hills, MI, that embodies the drive, determination, and entrepreneurial spirit at the core of any successful enterprise. M. Jacob & Sons, which has earned a reputation for innovation and commitment to service, is celebrating its 125th anniversary this year.

Established by Max Jacob in 1885 as a one-man bottle exchange, the company has developed into a packaging leader with business operations spanning the globe. While their international expansion is impressive, of equal significance is their firm adherence to the family tradition on which the company was founded. They have recently ushered in the fifth generation of Jacob family involvement. Each generation has made important contributions to the company's success.

M. Jacob & Sons has a robust legacy of innovation. The company was one of the first businesses in the nation to develop a bottle recycling program. They were also one of the first to offer plastic packaging. And, I understand they were the first in their industry to hire a female salesperson, Elaine Jacob. Elaine went on to serve as an executive until her retirement in 1983. It is this type of forward thinking that has allowed M. Jacob & Sons to thrive for more than a century.

In addition to their pioneering business accomplishments, M. Jacobs & Sons also has been a generous member of the greater Detroit community. Over the years, M. Jacob & Sons has contributed to a number of local charities. Most recently, in honor of their 125th anniversary, the company endowed a \$125,000 scholarship to Wayne State University.

I know my colleagues join me in commending all those who have contributed to the success of M. Jacob & Sons over the last 125 years.●

REMEMBERING JOSEPH SHAWINSKY

●Mr. LIEBERMAN. Mr. President, I wish to pay tribute to the extraordinary life and service of Joseph Shawinsky, a teacher, a leader in our community, and personal hero of mine. Mr. Shawinsky was a true American patriot, a valued leader and teacher in the Stamford community who touched the lives of hundreds of students. Beloved for his enthusiasm and wit, his brilliant mind and big heart, Joseph Shawinsky will be missed deeply.

I knew Joseph Shawinsky for many years and have long treasured the example he set in his career of devoted service. As his student at Burdick Junior High School, Mr. Shawinsky made history come alive for me and my classmates and instilled in me a deep love of our country's story. He also taught me about the importance of leadership, how much good leaders could influence human history for the better. Mr. Shawinsky was himself a touchstone of the greatest generation and his own great story will inspire me and others around the country for years to come.

During the Second World War, Joe. Shawinsky served our country with courage and distinction as a Seabee in

the 133rd Naval Construction Battalion. He was one of the first fighting Americans to go ashore during the 1945 assault on Iwo Jima, a battle in which some of the fiercest fighting in the Second World War took place a battle that revealed the uncommon courage of Joe Shawinsky and the Americans who served alongside him.

For decades, Joseph Shawinsky illuminated the hearts and minds of his students, his colleagues, and everyone who knew him. We, his students, were blessed with the opportunity to have learned from Joseph Shawinsky, and I believe more broadly that our State and this nation are blessed to have people like him who truly enrich our schools, our children, and our future.

My thoughts and prayers are with the entire Shawinsky family.●

TRIBUTE TO MICHAEL W. SHERMAN

●Mr. LIEBERMAN. Mr. President, I wish to commend and congratulate Michael W. Sherman upon his retirement as executive director of YMCA Camp Woodstock, located in Woodstock Valley, CT. Mike has been humbly shaping the lives of countless children and young adults in Connecticut's "Quiet Corner" since 1987, and he will leave his position after 24 years of service. He has dedicated his life to making Camp Woodstock a safe and fun place for our kids to learn how to respect one another's differences, become leaders in their communities, and be good stewards of our environment.

A gifted storyteller, Mike is known for his boundless creativity and enthusiasm. As his friends will tell you, when Mike speaks, people listen; and he has masterfully used this talent to inspire a very special culture at Camp Woodstock, embodied in its "CHoRR" values of Caring, Honesty, Respect, and Responsibility. A truly remarkable man, Mike Sherman's contributions to the growth and success of Camp Woodstock, along with his unwavering commitment to helping young people, are his enduring legacy.

During his tenure, Mike has helped transition Camp Woodstock to year-round programming, reaching out to community leaders throughout the State and deepening ties to the YMCA of Greater Hartford. Camp Woodstock now proudly hosts the Discovery Center, which brings together children from urban and suburban schools to learn tolerance and celebrate diversity, and Moderate Voices for Progress, which teaches conflict resolution skills to young Israeli and Palestinian adults. Mike has also taken a special interest in helping disadvantaged youth in Hartford, championing special youth outreach and conflict resolution retreats throughout the year. Over the years, he has led volunteers in raising nearly \$1 million in financial aid so

that less fortunate children throughout the State could experience the "Woodstock spirit."

Mike's most important contribution to Camp Woodstock has been his keen ability to recognize and nurture the human capital that makes Camp Woodstock so unique. Mike embraced a long tradition of campers growing up to become counselors and expanded on that concept by developing the leader-in-training and counselor-in-training programs for young adults. Also, under Mike's skillful leadership, Camp Woodstock has boosted its recruitment of international staff and has forged special relationships with YMCAs in Russia and the Dominican Republic.

Amid the tranquil pines of Woodstock and the calm shores of Black Pond, that have remained unchanged for generations, Mike has overseen the renovation and restoration of Camp Woodstock's facilities, including nearly all of the cabins, bathhouses, the Program Lodge, and the transformation of a beloved old barn into a program space containing an arts and crafts center, theater, and state-of-the-art indoor climbing wall. Mike's leadership has enabled Camp Woodstock to expand, as well, with the construction of a new climbing tower, the Roskin Lodge, for youth leadership training, the Lakeside Dining Hall, and, most recently, New Yurt City, a special living area for older campers.

I am honored today to pay tribute to Mike Sherman and wish him and his loving wife Susan all the best in their well-earned retirement. Mike has made Camp Woodstock a far better place; and, although he may be leaving as executive director, his lessons, like his stories, will live on for years to come. It is with great pride that I recognize such a distinguished leader, educator, and outstanding citizen for his service to Connecticut and the Nation.●

TIMBERFEST 2010

●Mrs. LINCOLN. Mr. President, today I congratulate the residents of Sheridan in my home State of Arkansas as they celebrate Timberfest, a time-honored tradition that commemorates Sheridan and Grant County's longstanding involvement with the timber industry. As many as 12,000 visitors are expected in Sheridan during the event, which will take place Friday and Saturday, October 1-2.

Timberfest began in 1984 when members of the local Chamber of Commerce decided to combine the annual bluegrass festival and merchants' fair into one event.

Centered on the Grant County Courthouse Square, Timberfest offers a variety of events for the entire family, including a parade, 5K Run and 2K Walk, horseshoe tournament, talent show, games, petting zoo, Dutch Oven cook-off, music, and pancake breakfast.

The highlight of Timberfest is the Arkansas State Lumberjack Championships. Lumberjacks from across the country travel to Sheridan to compete in the championship, where competitors battle it out with ax and chainsaw to see who is fastest at cutting wood.

I salute the entire community of Sheridan and Grant County as they celebrate Timberfest 2010. I commend them for keeping the history and heritage of their community alive.●

ARKANSAS'S BUSINESS LEADERS

● Mrs. LINCOLN. Mr. President, today I recognize four Arkansas business leaders who will be inducted into the Arkansas Business Hall of Fame early next year. They are L. Dickson Flake, cofounder and chairman of Colliers International-Arkansas in Little Rock; Wallace Fowler, chairman and chief executive officer of Liberty Bank of Arkansas and also Fowler Foods, both based in Jonesboro; Donald Soderquist, retired senior vice chairman of Wal-Mart Stores of Bentonville; and Leland Tollett, former chairman and chief executive of Tyson Foods of Springdale.

The Sam M. Walton College of Business established the first ever Arkansas Business Hall of Fame recognizing Arkansans—by birth or by choice—who have been successful business leaders. The Arkansas Business Hall of Fame is designed to honor, preserve and perpetuate the names and outstanding accomplishments of business leaders who have brought lasting fame to Arkansas.

This year's Hall of Fame class represents the best of our State, and I am proud to see them receive this significant achievement. Not only do they exemplify excellence in their chosen field, they also represent the highest standards of ethics and community service. I thank them for their contributions, along with the contributions of all business leaders in our great State.●

TRIBUTE TO BILLY AND DIANN SIMMONS

● Mrs. LINCOLN. Mr. President, today I honor Billy and Diann Simmons from my home State of Arkansas for their exemplary efforts to support foster children in our State. I am proud to recognize them as my choice for this year's "Angel in Adoption" for Arkansas. They join adoption advocates from across the Nation who have received this prestigious recognition.

The Angels in Adoption program, sponsored by the Congressional Coalition on Adoption Institute, provides Members of Congress the opportunity to honor those who have made an extraordinary contribution on behalf of children in need of homes.

The Simmons are certainly worthy of this recognition. Diann Simmons became a therapeutic foster parent in

1997 and persuaded her soon-to-be spouse to join her in this noble endeavor prior to their marriage in 1998. The Simmons' have now been therapeutic foster parents for 13 years and have significant experience fostering children with difficult behaviors.

Despite their experiences with children with challenging emotional and behavioral difficulties, they love children and maintain a sense of strong family values. These values have resulted in the adoption of seven children, including two sibling groups of two. Their most recent adoption was finalized this year.

Because of their experience, flexibility, strong family values and their belief in the potential for every child, they have been successful in changing the lives of numerous children. According to those who know them best, the Simmons have developed a strong bond with every child placed in their home. In fact, four of their adopted children were in their home as foster children prior to adoption.

Affectionately called "Mama Diann" and "Daddy Billy," the Simmons' commitment, genuine concern and caring for their foster children has endeared them to many of these children's birth families, including families of their own adopted children.

I commend both Diann and Billy for their dedication and perseverance helping children in need. They represent the best of Arkansas, and I commend them for their work on behalf of Arkansas's children.●

TRIBUTE TO PHIL E. MATTHEWS

● Mrs. LINCOLN. Mr. President, today I recognize Phil E. Matthews for his dedicated years of service at the Arkansas Hospital Association. His efforts on behalf of our State's hospitals are to be commended, and I thank him for his efforts to maintain high-quality hospital care for the citizens of Arkansas.

Phil has been a part of the Arkansas Hospital Association, known as AHA, since 1969 and was named president in 2005. During his tenure, he has worked hard to cultivate constructive relationships with State and Federal legislators in order to achieve great results for Arkansas. He has reinforced the AHA as a trusted partner for Arkansas hospitals and other health care providers and entities from all across the State.

In recent years, the AHA has helped to pass laws on the State level that will enhance the health of and health care services for Arkansans, including for the development of a statewide trauma care system, expansion of health insurance coverage for more than 6,000 additional children through ARKids, and public health initiatives that will increase seatbelt usage and decrease tobacco use in the State.

On the Federal level, it has been my pleasure to work closely with Phil and the AHA to develop and pass policies to expand health insurance coverage to more than 400,000 Arkansans, grow the health care workforce in Arkansas, modernize health care delivery and the use of health information technologies, and preserve the viability and valuable role of Arkansas's community hospitals. Together, we have fought back on policies that might have had a negative impact or unintended consequence for Arkansas hospitals, providers, and patients, and we have worked to advance policies that are best for our great State.

I am extremely proud of Phil's and the AHA's efforts to help Arkansas hospitals provide quality care to their patients, provide charity care for those in need, serve refugees of gulf coast hurricanes and other natural disasters, and play an active role in improving health care coverage and quality in Arkansas. I wish Phil all the very best in his retirement, and to Bo Ryall, who will serve as his successor as president of the AHA.●

ARKANSAS'S TRAUMA CENTERS

● Mrs. LINCOLN. Mr. President, today I recognize Arkansas's newly established trauma system, and I commend three facilities in the State for garnering the highest designations of trauma care.

The University of Arkansas for Medical Sciences in Little Rock and the Regional Medical Center in Memphis were selected to provide the highest level of trauma care under the system, which is aimed at getting patients specialized care in emergency situations. Jefferson Regional Medical Center in Pine Bluff was designated a Level 2 center, which can provide comprehensive clinical care.

The new system will connect hospitals, ambulance services and other emergency responders to act as a statewide triage, transporting trauma patients as quickly as possible to the facility best able to treat their specific injuries. Furthermore, it will help elevate Arkansas's status nationwide in terms of large-scale emergency management and disaster preparedness capabilities.

Eighty-six hospitals in Arkansas could eventually become a part of the new trauma system. Of those, 73 have already begun the process by filing letters of intent to request designation as one of the four levels of centers.

I commend all of Arkansas's health care providers for their dedicated efforts to save lives and keep Arkansans safe, healthy and strong. With this new trauma system, Arkansas has achieved a new level of high quality care, and I am pleased to see our State attain this significant designation.●

IRON COUNTY COURTHOUSE

• Mrs. McCASKILL. Mr. President, I ask the Senate to join me in honoring the 150th anniversary of the completion and opening of the Iron County Courthouse in Ironton, MO.

Chosen as the county seat in 1857, Ironton is home to the only courthouse in Iron County. Ironton businessmen David Carson and Hiram Tong donated town lots to the county, which covered more than \$10,000 of the \$14,000 cost of the courthouse.

Architect Henry H. Wright received \$25 for his proposed design of the building. George S. Evans and William F. Mitchell earned the building contract and used locally made red brick and white limestone from a nearby quarry. The original building measured 50 by 65 feet, with 6 rooms on the first floor and the courtroom on the second floor. The community laid the cornerstone on July 4, 1858, and officially opened the courthouse in October 1860.

The courthouse today serves as the home of several county offices and is a national registered historic site that still bears damage from the Civil War and the Battle of Pilot Knob in September 1864.

As the birthplace of Missouri's 4-H Program and a symbol of the commitment of the residents of Iron County to justice and service to the community, the Iron County Courthouse deserves commemoration on this important day in its history.

I ask that the Senate join me in recognizing the 150th anniversary of the Iron County Courthouse.●

TRIBUTE TO SHANNON MCDANIEL

• Mrs. MURRAY. Mr. President, today I wish to congratulate a hard-working Washingtonian, Mr. Shannon McDaniel, on his well-deserved retirement on October 29, 2010, after 30 years of dedicated service to Washington State agriculture.

As the manager of the South Columbia Basin Irrigation District, Mr. McDaniel has overseen the provision of water to 4,000 landowners and farm operators on 230,000 acres of farm and ranch lands in eastern Washington. Through his leadership and extensive knowledge of irrigated agriculture, Mr. McDaniel has brought certainty to many farmers in the South Columbia Basin Irrigation District by closely and responsibly managing important water delivery infrastructure.

Mr. McDaniel has assisted me and my colleagues in Congress with the drafting and passage of legislation important to Washington State farmers. He worked closely with both the State and Federal Government to foster strong working relationships with organizations such as the Bureau of Reclamation and the Bonneville Power Administration, as well as with numerous water resource and industry associa-

tions to ensure the highest quality of service to farmers and ranchers. Shannon also served as an invaluable resource to the Grand Coulee Project Hydroelectric Authority, the Columbia Basin Development League and the Columbia Basin Project.

The abundance of awards and honors that Mr. McDaniel has received demonstrate his hard work and commitment to Washington State. He has received many prestigious awards including, the National Water Resources Association President's Award, the Washington State Water Resources Association Water Resources Leadership Award and the Bonneville Power Administration's Administrator's Excellence Award for Exceptional Public Service.

On behalf of all Washingtonians, I commend Shannon for his many years of dedicated service to our State. His knowledge, experience, and commitment to dependable irrigation will be sorely missed. I congratulate Shannon and wish him the best of luck in his future endeavors.●

NEW HAMPSHIRE 2010 BLUE RIBBON SCHOOL AWARD WINNERS

• Mrs. SHAHEEN. Mr. President, today I wish to congratulate the Bath Village School and the Hollis/Brookline High School, respectively, for being recognized for their commitment to quality education and the outstanding educational achievements of their students. The Bath Village School and the Hollis/Brookline High School have been designated as 2010 National Blue Ribbon schools, one of the most prestigious honors bestowed upon our Nation's elementary, middle, and high schools.

Each year the Blue Ribbon Schools Program acknowledges exceptional public and private schools whose students either perform at a high level or achieve significant improvements in performance having come from disadvantaged backgrounds. Blue Ribbon schools stand out among their peers as examples of excellence in K-12 education. By setting high academic goals and enabling students to attain them, the Bath Village School and the Hollis/Brookline High School have opened up a world of academic and professional opportunities for the next generation of young people.

It is important that we celebrate the efforts of teachers and administrators at schools such as the Bath Village School and the Hollis/Brookline High School and recognize the invaluable contribution they have made to the lives of New Hampshire's children. I am extremely proud that the Bath Village School and the Hollis/Brookline High School have each been honored with this prestigious award.●

RECOGNIZING DARLING'S AUTO

• Ms. SNOWE. Mr. President, our Nation's 27.5 million small businesses all have their own unique characteristics and touching stories. Today, I rise to recognize the contributions of one of those small businesses from my home State of Maine—Darling's Auto that not only has provided exceptional service to greater Bangor but has also invested its time and heart into the community itself.

Darling's Auto has been ingrained in Bangor since 1903, when it first began selling cars, trucks, and bicycles. Over a century later, through hard work and care for the customer, Darling's Auto has become one of Maine's largest auto dealership groups, with additional locations in Brewer, Ellsworth, and Augusta. For over 100 years, Darling's Auto has provided Mainers with the vehicles they use every day to go to work, visit their loved ones, and embark on new journeys. Over the years, Darling's has employed hundreds of Mainers and has earned a reputation of excellence and integrity throughout eastern and central Maine.

Darling's Auto's rich history of perseverance and innovation alone would merit distinction. Yet, today, I honor Darling's Auto for an exemplary and magnanimous gesture that is truly inspirational. Maine is among the States with the highest percentage of military servicemembers per capita. When our servicemembers are deployed, the effects reverberate throughout families, businesses, and communities. Fortunately, Mainers have a reputation for taking care of one another in difficult times, and Darling's Auto certainly has fit that mold.

One of Darling's Auto's valued employees, Susan Maiden, is the mother of PFC Andrew "Andy" Chic. Susan typifies Maine's famed work ethic and independent spirit, values which she instilled in her son. Andy volunteered to join the National Guard and most recently was deployed to Afghanistan with Bravo Company, Third Battalion of the 172nd Infantry Division with the Maine National Guard. During his heroic service in Afghanistan, Andy's company was ambushed by insurgents.

On May 22, 2010, Bravo Company was conducting convoy operations with Private First Class Chic in the "gunner" position in the lead vehicle of a convoy—a Mine Resistant, Ambush Protected—MRAP—vehicle. Private First Class Chic's MRAP sustained two direct hits from rocket-propelled grenades, or RPGs, and other small arms weapons. While he was knocked down when the first RPG hit, he resumed his gunner position and returned fire against insurgents despite continuing RPG and small arms fire against his MRAP and the convoy. The vehicle was also carrying satchels of mail and care packages from family members in Maine, which absorbed some of the

shrapnel and mitigated the injuries to Private First Class Chic and his fellow soldiers.

Following the barbaric attack, Andy was taken to Walter Reed Medical Center to address his wounds and for rehabilitation. Knowing the concern and anxiousness any mother would have in Susan's situation, Darling's Auto stood up and gave assistance to Susan. The company has provided tremendous support to Susan during her time of need by giving her extra time off to see Andy and even purchasing an EZ Pass to help with Susan's expenses when she would drive all the way to Washington, DC, to visit her son. In light of Darling's Auto's understanding and assistance, the Employer Support of the Guard and Reserve will soon be presenting Darling's Auto with its "Above and Beyond Award," honoring those who help Guard members and Reservists, and their families, in times of need. Given the tremendous care and compassion extended for Susan and Andy's well-being, I can think of no business more deserving of this tremendous recognition than Darling's.

Darling's Auto has been a consistent presence in the Bangor community for over a century, and the company has thrived over that time because it operates in a manner consistent with Maine values. Darling's has treated its customers and employees with honesty, respect, and compassion, building a legacy of trust. I am so often reminded of the empathy that Mainers demonstrate, and it always reaffirms my belief in the exceptional nature of our State and our Nation. I am proud of the incredible example that Darling's Auto has set by its notable acts of kindness, and I wish the company another 100 years of success in all of its endeavors.●

RECOGNIZING 3RD RECON ASSOCIATION

● Mr. THUNE. Mr. President, today I wish to recognize the 3rd Recon Association. The 3rd Recon Association is a nonprofit veteran's organization made up of marines and Navy corpsmen who served in the 3rd Reconnaissance Battalion, in dedication to their involvement in the Republic of Vietnam from 1961 through 1971. The 3rd Recon Association was formed to honor the brotherhood they forged in Vietnam and to remember those who gave the ultimate sacrifice.

Today I not only honor the dedication and sacrifice of these noble Americans, but also commemorate their association's 2010 Reunion, to be held October 13-17, in Lead/Deadwood, SD. "Swift, Silent, and Deadwood" is an event properly named after the reconnaissance motto "Celer-Silens-Mortalis": "Swift-Silent-Deadly." This 4 day event will feature memorial services and social events, along with company and auxiliary meetings.

I voice my most heartfelt and sincere thanks to the members of the 3rd Recon Association for their sacrifice and service to our country. I would like to welcome them to the great State of South Dakota, and wish them the best for their 2010 reunion and in all future endeavors.●

SOUTH DAKOTA AIR NATIONAL GUARD'S 114TH FIGHTER WING

● Mr. THUNE. Mr. President, today I wish to recognize the South Dakota Air National Guard's 114th Fighter Wing. This elite group has been awarded the National Guard Bureau's Maj. Gen. Winston P. Wilson trophy, honoring them as the best Air National Guard fighter unit in the Nation. I am proud that the 114th "Fightin' Lobos" have brought this great honor back to South Dakota, having also won it in 1981, 1983, and 2007.

The National Bureau's Maj. Gen. Winston P. Wilson trophy is given to the most outstanding unit equipped with jet fighter or reconnaissance aircraft. The award is named for a former chief of the National Guard Bureau credited with ensuring readiness of Guard units to join regular forces on overseas missions.

The squadron was formed in 1946, when Joseph J. "Joe" Foss, a Medal of Honor winner and Marine Ace, was appointed to form a South Dakota Air National Guard squadron to help recruit and train flight crews. Since then, the unit has served as part of the Air Expeditionary Force, and actively supported Operation Noble Eagle, Operations Enduring Freedom, Iraqi Freedom, and the global war on terrorism.

In times of local crisis, the squadron has lent its men and women to respond to blizzards, floods, fires, and tornados, remaining "Proud, Prepared, and Professional" in its committed service to state and country.

Today I give great thanks to the men and women of the 114th "Fightin' Lobos" for being named the top fighter unit in the nation and for their outstanding service to the great State of South Dakota and the United States of America.

UNIVERSITY CORPORATION FOR ATMOSPHERIC RESEARCH

● Mr. UDALL of Colorado. Mr. President, today I congratulate the University Corporation for Atmospheric Research—UCAR—on the 50th anniversary of its founding in Boulder, CO. As the world's premier atmospheric science hub, UCAR has been on the cutting edge of research and innovation for half a century. They have made invaluable contributions to our knowledge and understanding of the world's atmosphere and weather and climate systems.

At its inception, UCAR was a consortium of 14 universities dedicated to the

simple hypothesis that university atmospheric science could be more effective through collaborative efforts. UCAR set about improving national coordination, funding, and basic support for the then burgeoning field of atmospheric research.

Since then, with invaluable Federal support from the National Science Foundation, UCAR has grown to a consortium of 75 universities, including the University of Colorado, Colorado State University, and the University of Denver. Similarly, the National Center for Atmospheric Research, NCAR, which is the research institute operated by UCAR, has grown from five full-time scientists to 220 Ph.D. researchers today.

UCAR established three main goals for itself in order to understand the behavior of the atmosphere and related physical, biological and social systems. These goals remain at the heart of their efforts today.

First, NCAR was to be an intellectual center cultivating world-class basic science in-house and through cooperative work with scientists from other institutions in the United States, Canada, and abroad.

Second, UCAR was to become a planning center where the world's leading atmospheric science experts could gather to discuss and determine the most promising strategies for understanding the major problems of atmospheric science.

Lastly, UCAR would provide and operate the research facilities needed for atmospheric science when those facilities were too large, expensive, or complicated for a single university or research institution to manage by itself.

By meeting these goals every day, UCAR has made itself an undeniable global leader in climate science.

As you drive west on U.S. Highway 36 near Louisville, CO, you start to climb Davidson Mesa. Just as you crest the mesa, you come upon an extraordinary scene: the foothills of the Rocky Mountains stretched out on the horizon before you with the city of Boulder below. Off to your left, perched on a hilltop beneath the majestic Flatirons, is UCAR's Mesa lab, housed in a pink sandstone, I.M. Pei-designed building. This sight never ceases to impress. That you are looking at the world's leading atmospheric research center is even more astounding.

I am proud to represent a State with such a talented and dedicated organization. They have helped make Colorado a leader in science and technology. They have been instrumental in educating the public on the science of climate change and informing our response to it. And they are helping create and inspire the next generations of scientists and engineers to tackle the unanswered questions of their time.

Again, I offer my sincere congratulations to UCAR and look forward to the next 50 years of discovery.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF AN EXECUTIVE ORDER THAT TAKES ADDITIONAL STEPS WITH RESPECT TO THE NATIONAL EMERGENCY WITH RESPECT TO IRAN THAT WAS DECLARED IN EXECUTIVE ORDER 12957—PM 67

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued an Executive Order (the "order") that takes additional steps with respect to the national emergency declared in Executive Order 12957 of March 15, 1995.

In Executive Order 12957, the President found that the actions and policies of the Government of Iran threaten the national security, foreign policy, and economy of the United States. To deal with that threat, the President in Executive Order 12957 declared a national emergency and imposed prohibitions on certain transactions with respect to the development of Iranian petroleum resources. To further respond to that threat, Executive Order 12959 of May 6, 1995, imposed comprehensive trade and financial sanctions on Iran. Finally, Executive Order 13059 of August 19, 1997, consolidated and clarified the previous orders.

I have determined that the actions and policies of the Government of Iran on or after its presidential election of June 12, 2009, including its violent response to peaceful demonstrations and its commission of serious human rights abuses, warrant the imposition of additional sanctions.

The prohibitions contained in the new order implement section 105(a) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111-195) (CISADA) concerning, inter alia, the imposition of sanctions pursuant to IEEPA with

respect to each person on the list referred to in section 105(b). I applaud the efforts of the Congress to demonstrate the strong and sustained commitment of the United States to advancing the universal rights of all Iranians, and to sanction those who have abused their rights. The order, however, goes beyond the scope of section 105 of CISADA by imposing sanctions pursuant to IEEPA on persons who meet a broader set of criteria than those specified in section 105(b).

The order blocks the property and interests in property of persons listed in the Annex to the order, who I have determined meet the first of the three criteria set forth below. The order also provides criteria for designations of persons determined by the Secretary of the Treasury, in consultation with or at the recommendation of the Secretary of State:

To be an official of the Government of Iran or a person acting on behalf of the Government of Iran (including members of paramilitary organizations) who is responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, the commission of serious human rights abuses against persons in Iran or Iranian citizens or residents, or the family members of the foregoing, on or after June 12, 2009, regardless of whether such abuses occurred in Iran;

To have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, the activities described in section 1(a)(ii)(A) of the order or any person whose property and interests in property are blocked pursuant to the order; or

To be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to the order. I have delegated to the Secretary of the Treasury the authority, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and the relevant provisions of CISADA, as may be necessary to carry out the blocking-related purposes of the order and to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA, as may be necessary to carry out section 104 of CISADA. I have delegated to the Secretary of State the functions and authorities related to visa sanctions conferred upon the President by the relevant provisions of CISADA. I have also delegated to the Secretary of State, in consultation with the Secretary of the Treasury, the function of submitting to the appropriate congressional committees referred to in section 105(b) of CISADA the initial and updated lists of persons

who are subject to visa sanctions and whose property and interests in property are blocked pursuant to the order. All executive agencies of the United States Government are directed to take all appropriate measures within their authority to carry out the provisions of the order.

The order, a copy of which is enclosed, became effective at 12:01 a.m. eastern daylight time on September 29, 2010.

BARACK OBAMA.

THE WHITE HOUSE, September 28, 2010.

MESSAGES FROM THE HOUSE

At 9:33 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 3839. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purpose.

The message also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 3619) to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes, with amendments, in which it requests the concurrence of the Senate.

At 10:23 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3427. An act to amend title 23, United States Code, to protect States that have in effect laws or orders with respect to pay to play reform, and for other purposes.

H.R. 3787. An act to amend title 38, United States Code, to recognize the service in the reserve components of certain persons by honoring them with status as veterans under law.

H.R. 4168. An act to amend the Internal Revenue Code of 1986 to expand the definition of cellulosic biofuel to include algae-based biofuel for purposes of the cellulosic biofuel producer credit and the special allowance for cellulosic biofuel plant property.

H.R. 4337. An act to amend the Internal Revenue Code of 1986 to modify certain rules applicable to regulated investment companies, and for other purposes.

H.R. 4387. An act to designate the Federal building located at 100 North Palafox Street in Pensacola, Florida, as the "Winston E. Arnow Federal Building".

H.R. 4714. An act to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2011 through 2014, and for other purposes.

H.R. 5360. An act to amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes.

H.R. 5458. An act to amend the Truth in Lending Act and the Higher Education Act of 1965 to require additional disclosures and protections for students and cosigners with respect to student loans, and for other purposes.

H.R. 5591. An act to designate the airport traffic control tower located at Spokane International Airport in Spokane, Washington, as the "Ray Daves Airport Traffic Control Tower".

H.R. 6008. An act to ensure telephonic notice of certain incidents involving hazardous liquid and gas pipeline facilities, and for other purposes.

H.R. 6058. An act to ensure that the housing assistance programs of the Department of Housing and Urban Development and the Department of Veterans Affairs are available to veterans and members of the Armed Forces who have service-connected injuries and to survivors and dependents of veterans and members of the Armed Forces.

H.R. 6132. An act to amend title 38, United States Code, to establish a transition program for new veterans, to improve the disability claim system, and for other purposes.

H.R. 6191. An act to amend the Small Business Jobs Act of 2010 to include certain construction and land development loans in the definition of small business lending.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 319. Concurrent resolution recognizing the anniversary of the tragic shootings that occurred at Fort Hood, Texas, on November 5, 2009.

ENROLLED BILLS SIGNED

The President pro tempore (Mr. INOUE) reported that he had signed the following enrolled bills, which were previously signed by the Speaker of the House:

H.R. 714. An act to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and for other purposes.

H.R. 2923. An act to enhance the ability to combat methamphetamine.

H.R. 3553. An act to exclude from consideration as income under the Native American Housing Assistance and Self-Determination Act of 1996 amounts received by a family from the Department of Veterans Affairs for service-related disabilities of a member of the family.

H.R. 3808. An act to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce.

S. 2868. An act to provide increased access to the Federal supply schedules of the General Services Administration to the American Red Cross, other qualified organizations, and State and local governments.

At 11:23 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5630. An act to amend title 38, United States Code, to provide for qualifications for vocational rehabilitation counselors and vocational rehabilitation employment coordinators employed by the Department of Veterans Affairs.

The message also announced that the House has passed the following bills, without amendment:

S. 3304. An act to increase the access of persons with disabilities to modern communications, and for other purposes.

S. 3828. An act to make technical corrections in the Twenty-First Century Communications and Video Accessibility Act of 2010 and the amendments made by that Act.

ENROLLED BILLS SIGNED

At 1:15 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 3839. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

S. 3847. An act to implement certain defense trade cooperation treaties, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUE).

At 2:19 p.m., a message from the House of Representatives, delivered by Mrs. Cole, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 903. An act to amend the Public Health Service Act to enhance the roles of dentists and allied dental personnel in the Nation's disaster response framework, and for other purposes.

H.R. 1362. An act to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders.

H.R. 1995. An act to direct the Secretary of Health and Human Services to prepare a report on the research and other public health activities of the Department of Health and Human Services with respect to diabetes among minority populations.

H.R. 3960. An act to clarify the existing authority of, and as necessary provide express authorization for, public authorities to offer discounts in transportation tolls to captive tollpayers, and for other purposes.

H.R. 4113. An act to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes.

H.R. 5717. An act to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct a facility and to enter into agreements relating to education programs at the National Zoological Park facility in Front Royal, Virginia, and for other purposes.

H.R. 5932. An act to establish the Organized Retail Theft Investigation and Prosecution Unit in the Department of Justice, and for other purposes.

H.R. 5986. An act to require the submission of a report to the Congress on parasitic disease among poor Americans.

H.R. 6012. An act to direct the Secretary of Health and Human Services to review utilization of diabetes screening benefits and make recommendations on outreach programs with respect to such benefits, and for other purposes.

H.R. 6016. An act to provide for a GAO investigation and audit of the operations of the fund created by BP to compensate persons affected by the Gulf oil spill.

H.R. 6198. An act to amend title 11 of the United States Code to make technical corrections; and for related purposes.

The message also announced that the House has agreed to the following con-

current resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 321. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message further announced that the House has agreed to the amendment of the Senate to the bill (H.R. 553) to require the Secretary of Homeland Security to develop a strategy to prevent the over-classification of homeland security and other information and to promote the sharing of unclassified homeland security and other information, and for other purposes.

The message also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 3980) to provide for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants, and for other purposes.

At 6:23 p.m., a message from the House of Representatives, delivered by Mrs. Cole, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 847. An act to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes.

H.R. 3685. An act to require the Secretary of Veterans Affairs to include on the main page of the Internet a website of the Department of Veterans Affairs a hyperlink to the VetSuccess Internet website and to publicize such Internet website.

H.R. 5993. An act to amend title 38, United States Code, to ensure that beneficiaries of Servicemembers' Group Life Insurance receive financial counseling and disclosure information regarding life insurance payments, and for other purposes.

At 9:48 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has agreed to the Senate amendment to the bill (H.R. 3219) to amend title 38, United States Code, to make certain improvements to the laws administered by the Secretary of Veterans Affairs relating to insurance and health care, and for other purposes.

The message also announced that the House has passed the following bill, without amendment:

S. 1132. An act to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and for other purposes.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2378. An act to amend title VII of the Tariff Act of 1930 to clarify that countervailing duties may be imposed to address subsidies relating to a fundamentally undervalued currency of any foreign country.

H.R. 3421. An act to exclude from consumer credit reports medical debt that has been in collection and has been fully paid or settled, and for other purposes.

H.R. 4072. An act to require that certain Federal job training and career education programs give priority to programs that provide an industry-recognized and nationally portable credential.

H.R. 6160. An act to develop a rare earth materials program, to amend the National Materials and Minerals Policy, Research and Development Act of 1980, and for other purposes.

H.R. 6162. An act to provide research and development authority for alternative coinage materials to the Secretary of the Treasury, increase congressional oversight over coin production, and ensure the continuity of certain numismatic items.

H.R. 6166. An act to authorize the production of palladium bullion coins to provide affordable opportunities for investments in precious metals, and for other purposes.

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 3397. An act to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes.

ENROLLED BILLS SIGNED

At 9:57 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 3304. An act to increase the access of persons with disabilities to modern communications, and for other purposes.

S. 3828. An act to make technical corrections in the Twenty-First Century Communications and Video Accessibility Act of 2010 and the amendments made by that Act.

H.R. 553. An act to require the Secretary of Homeland Security to develop a strategy to prevent the over-classification of homeland security and other information and to promote the sharing of unclassified homeland security and other information, and for other purposes.

H.R. 1177. An act to require the Secretary of the Treasury to mint coins in recognition of five United States Army 5-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry "Hap" Arnold, and Omar Bradley, alumni of the United States Army Command and the General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

H.R. 3689. An act to provide for an extension of the legislative authority of the Vietnam Veterans Memorial Fund, Inc. to establish a Vietnam Veterans Memorial visitor center, and for other purposes.

H.R. 3980. An act to provide for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants, and for other purposes.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 6, 2009, the Sec-

retary of the Senate, on September 24, 2010, during the adjournment of the Senate, received a message from the House announcing that the Speaker has signed the following enrolled bills:

S. 1132. An act to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and for other purposes.

H.R. 3081. An act making continuing appropriations for fiscal year 2011, and for other purposes.

The message also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 3081) making continuing appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 903. An act to amend the Public Health Service Act to enhance the roles of dentists and allied dental personnel in the Nation's disaster response framework, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 1362. An act to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders; to the Committee on Health, Education, Labor, and Pensions.

H.R. 1995. To direct the Secretary of Health and Human Services to prepare a report on the research and other public health activities of the Department of Health and Human Services with respect to diabetes among minority populations; to the Committee on Health, Education, Labor, and Pensions.

H.R. 2378. An act to amend title VII of the Tariff Act of 1930 to clarify that fundamental exchange-rate misalignment by any foreign nation is actionable under United States countervailing and antidumping duty laws, and for other purposes; to the Committee on Finance.

H.R. 3421. An act to exclude from consumer credit reports medical debt that has been in collection and has been fully paid or settled, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3427. An act to amend title 23, United States Code, to protect States that have in effect laws or orders with respect to pay to play reform, and for other purposes; to the Committee on Environment and Public Works.

H.R. 3685. An act to require the Secretary of Veterans Affairs to include on the main page of the Internet website of the Department of Veterans Affairs a hyperlink to the VetSuccess Internet website and to publicize such Internet website; to the Committee on Veterans' Affairs.

H.R. 3787. To amend title 38, United States Code, to recognize the service in the reserve components of certain persons by honoring them with status as veterans under law; to the Committee on Veterans' Affairs.

H.R. 3960. To clarify the existing authority of, and as necessary provide express authorization for, public authorities to offer discounts in transportation tolls to captive

tollpayers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 4072. An act to require that certain Federal job training and career education programs give priority to programs that provide a national industry-recognized and portable credential; to the Committee on Health, Education, Labor, and Pensions.

H.R. 4113. An act to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes; to the Committee on the Judiciary.

H.R. 4347. An act to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes, and for other purposes; to the Committee on Indian Affairs.

H.R. 4387. An act to designate the Federal building located at 100 North Palafox Street in Pensacola, Florida, as the "Winston E. Arnow Federal Building"; to the Committee on Environment and Public Works.

H.R. 4714. An act to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2011 through 2014, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 5360. To amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 5458. An act to amend the Truth in Lending Act and the Higher Education Act of 1965 to require additional disclosures and protections for students and cosigners with respect to student loans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 5494. To direct the Secretary of the Interior to transfer certain properties to the District of Columbia; to the Committee on Energy and Natural Resources.

H.R. 5591. To designate the airport traffic control tower located at Spokane International Airport in Spokane, Washington, as the "Ray Daves Airport Traffic Control Tower"; to the Committee on Commerce, Science, and Transportation.

H.R. 5630. An act to amend title 38, United States Code, to provide for qualifications for vocational rehabilitation counselors and vocational rehabilitation employment coordinators employed by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

H.R. 5717. An act to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct a facility and to enter into agreements relating to education programs at the National Zoological Park facility in Front Royal, Virginia, and for other purposes; to the Committee on Rules and Administration.

H.R. 5932. An act to establish the Organized Retail Theft Investigation and Prosecution Unit in the Department of Justice, and for other purposes; to the Committee on the Judiciary.

H.R. 5986. An act to require the submission of a report to the Congress on parasitic disease among poor Americans; to the Committee on Health, Education, Labor, and Pensions.

H.R. 5993. An act to amend title 38, United States Code, to ensure that beneficiaries of Servicemembers' Group Life Insurance receive financial counseling and disclosure information regarding life insurance payments, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 6008. To ensure telephonic notice of certain incidents involving hazardous liquid

and gas pipeline facilities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 6012. To direct the Secretary of Health and Human Services to review utilization of diabetes screening benefits and make recommendations on outreach programs with respect to such benefits, and for other purposes; to the Committee on the Judiciary.

H.R. 6016. An act to provide for a GAO investigation and audit of the operations of the fund created by BP to compensate persons affected by the Gulf oil spill; to the Committee on Commerce, Science, and Transportation.

H.R. 6058. An act to ensure that the housing assistance programs of the Department of Housing and Urban Development and the Department of Veterans Affairs are available to veterans and members of the Armed Forces who have service-connected injuries and to survivors and dependents of veterans and members of the Armed Forces; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 6132. An act to amend title 38, United States Code, to establish a transition program for new veterans, to improve the disability claim system, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 6160. An act to develop a rare earth materials program, to amend the National Materials and Minerals Policy, Research and Development Act of 1980, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 6162. An act to provide research and development authority for alternative coinage materials to the Secretary of the Treasury, increase congressional oversight over coin production, and ensure the continuity of certain numismatic items; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 6166. An act to authorize the production of palladium bullion coins to provide affordable opportunities for investments in precious metals, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 6191. An act to amend the Small Business Jobs Act of 2010 to include certain construction and land development loans in the definition of small business lending; to the Committee on Small Business and Entrepreneurship.

H.R. 6198. An act to amend title 11 of the United States Code to make technical corrections; and for related purposes; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2476. An act to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that are subject to ski area permits, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 847. An act to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in

New York City on September 11, 2001, and for other purposes.

H.R. 4168. An act to amend the Internal Revenue Code of 1986 to expand the definition of cellulosic biofuel to include algae-based biofuel for purposes of the cellulosic biofuel producer credit and the special allowance for cellulosic biofuel plant property.

H.R. 4337. An act to amend the Internal Revenue Code of 1986 to modify certain rules applicable to regulated investment companies, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on September 29, 2010, she had presented to the President of the United States the following enrolled bills:

S. 2868. An act to provide increased access to the Federal supply schedules of the General Services Administration to the American Red Cross, other qualified organizations, and State and local governments.

S. 3839. An act to provide for an additional temporary extension of programs under the Small Business Act and Small Business Investment Act of 1958, and for other purposes.

S. 3847. An act to implement certain defense trade cooperation treaties, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7587. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "National Veterinary Accreditation Program; Currently Accredited Veterinarians Performing Accredited Duties and Electing to Participate" (Docket No. APHIS-2006-0093) received in the Office of the President of the Senate on September 28, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7588. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fluoxastobin; Pesticide Tolerances" (FRL No. 8845-7) received in the Office of the President of the Senate on September 28, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7589. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Spinosad; Pesticide Tolerances" (FRL No. 8844-1) received in the Office of the President of the Senate on September 28, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7590. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Vice Admiral Jeffrey L. Fowler, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-7591. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the Combined Annual Report of the National Se-

curity Education Program for Fiscal Years 2008-09; to the Committee on Armed Services.

EC-7592. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the Board's Quarterly Report to Congress on the Status of Significant Unresolved Issues with the Department of Energy's Design and Construction Projects; to the Committee on Armed Services.

EC-7593. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the Board's first periodic Report to Congress on Infrastructure Needs in the Department of Energy's Aging Defense Nuclear Facilities; to the Committee on Armed Services.

EC-7594. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Motor Carrier Fuel Surcharge" (RIN0750-AG30)(DFARS Case 2008-D040) received in the Office of the President of the Senate on September 27, 2010; to the Committee on Armed Services.

EC-7595. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the 2009 Annual Report of the Securities Investor Protection Corporation (SIPC); to the Committee on Banking, Housing, and Urban Affairs.

EC-7596. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Final Rule Amending the Iranian Transactions Regulations" (31 CFR Part 560) received in the Office of the President of the Senate on September 25, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7597. A communication from the Secretary, Office of the Chief Accountant, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Commission Guidance Regarding Auditing, Attestation, and Related Professional Practice Standards Related to Brokers and Dealers" (17 CFR Part 241) received in the Office of the President of the Senate on September 28, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7598. A communication from the Administrator of the Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, a report relative to the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003 (SAFETEA) and the DestiNY USA Project; to the Committee on Commerce, Science, and Transportation.

EC-7599. A communication from the Secretary of Transportation, transmitting, pursuant to law, the 2010 Intelligent Transportation System (ITS) Program Advisory Committee Report; to the Committee on Commerce, Science, and Transportation.

EC-7600. A communication from the Secretary of Transportation, transmitting a legislative proposal entitled "Strengthening Pipeline Safety and Enforcement Act of 2010"; to the Committee on Commerce, Science, and Transportation.

EC-7601. A communication from the Assistant Director of Program Support, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Technical Amendments 2010" (RIN1029-AC62) received in the Office of the

President of the Senate on September 27, 2010; to the Committee on Energy and Natural Resources.

EC-7602. A communication from the Director of the Bureau of Ocean Energy, Management, Regulation, and Enforcement, Department of the Interior, transmitting, pursuant to law, a report entitled "Report to Congress: The Bureau of Ocean Energy Management, Regulation, and Enforcement, Royalty in Kind Program" for fiscal year 2009; to the Committee on Energy and Natural Resources.

EC-7603. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Supplemental Determination for Renewable Fuels Produced Under the Final RFS2 Program from Canola Oil" (FRL No. 9207-1) received in the Office of the President of the Senate on September 25, 2010; to the Committee on Environment and Public Works.

EC-7604. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Priorities List, Final Rule No. 50" (FRL No. 9207-3) received in the Office of the President of the Senate on September 25, 2010; to the Committee on Environment and Public Works.

EC-7605. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Priorities List, Final Rule—Newtown Creek" (FRL No. 9207-2) received in the Office of the President of the Senate on September 25, 2010; to the Committee on Environment and Public Works.

EC-7606. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Implementation Plans of Wisconsin: Nitrogen Oxides Reasonably Available Control Technology" (FRL No. 9205-8) received in the Office of the President of the Senate on September 25, 2010; to the Committee on Environment and Public Works.

EC-7607. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of Nevada; Redesignation of Las Vegas Valley to Attainment for the Carbon Monoxide Standard" (FRL No. 9204-9) received in the Office of the President of the Senate on September 25, 2010; to the Committee on Environment and Public Works.

EC-7608. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District" (FRL No. 9207-7) received in the Office of the President of the Senate on September 28, 2010; to the Committee on Environment and Public Works.

EC-7609. A communication from the Director of the Regulatory Management Division,

Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Volatile Organic Compound Emissions from Industrial Solvent Cleaning Operations" (FRL No. 9208-2) received in the Office of the President of the Senate on September 28, 2010; to the Committee on Environment and Public Works.

EC-7610. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Direct Final Rule" (FRL No. 9208-7) received in the Office of the President of the Senate on September 28, 2010; to the Committee on Environment and Public Works.

EC-7611. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of Replacement Period for Livestock Sold on Account of Drought in Specified Counties" (Notice No. 2010-64) received in the Office of the President of the Senate on September 27, 2010; to the Committee on Finance.

EC-7612. A communication from the Secretary of Labor, transmitting, pursuant to law, the 2010 report (covering trade in calendar year 2009) relative to the impact of the Andean Trade Preference Act on U.S. trade and employment; to the Committee on Finance.

EC-7613. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the employment of an adequate number of Americans during 2009 by the United Nations; to the Committee on Foreign Relations.

EC-7614. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the Board's 2010 report for the fiscal year ended September 30, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-7615. A communication from the Director of the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Maintenance of Incombustible Content of Rock Dust in Underground Coal Mines" (RIN1219-AB76) received in the Office of the President of the Senate on September 29, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-7616. A communication from the Deputy Director of Operations, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-7617. A communication from the Director, Office of Personnel Management, transmitting a legislative proposal entitled "Federal Hiring Modernization Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7618. A communication from the Secretary of Veterans Affairs, transmitting a

legislative proposal relative to authorization of appropriations for major facility construction projects for fiscal year 2011 and major facility leases for fiscal year 2011; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-145. A resolution adopted by the Senate of the Legislature of the State of Alabama relative to claiming sovereignty under the Tenth Amendment to the Constitution of the United States over certain powers; to the Committee on the Judiciary.

SENATE JOINT RESOLUTION NO. 27

Whereas, the Tenth Amendment to the Constitution of the United States reads as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and

Whereas, the Tenth Amendment defines the total scope of federal power as being that specifically granted by the Constitution of the United States and no more; and

Whereas, Federalism is the constitutional division of powers between the national and state governments and is widely regarded as one of America's most valuable contributions to political science; and

Whereas, James Madison, "the Father of the Constitution," said, "The powers delegated to the federal government are few and defined. Those which are to remain in the state governments are numerous and indefinite. The former will be exercised principally on external objects, [such] as war, peace, negotiation, and foreign commerce. The powers reserved to the several states will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people."; and

Whereas, Thomas Jefferson emphasized that the states are not "subordinate" to the national government, but rather the two are "coordinate departments of one simple and integral whole. The one is the domestic, the other the foreign branch of the same government."; and

Whereas, Alexander Hamilton expressed his hope that "the people will always take care to preserve the constitutional equilibrium between the general and the state governments." He believed that "this balance between the national and state governments forms a double security to the people. If one [government] encroaches on their rights, they will find a powerful protection in the other. Indeed, they will both be prevented from overpassing their constitutional limits by [the] certain rivalry which will ever subsist between them."; and

Whereas, the scope of power defined by the Tenth Amendment means that the federal government was created by the states specifically to be an agent of the states; and

Whereas, today, in 2009, the states are demonstrably treated as agents of the federal government; and

Whereas, many federal laws are directly in violation of the Tenth Amendment to the Constitution of the United States; and

Whereas, the Tenth Amendment assures that we, the people of the United States of America and each sovereign state in the Union of States, now have, and have always had, rights the federal government may not usurp; and

Whereas, Article IV, Section 4, United States Constitution, says in part, "The United States shall guarantee to every State in this Union a Republican Form of Government", and the Ninth Amendment states that "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people"; and

Whereas, the United States Supreme Court has ruled in *New York v. United States*, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

Whereas, a number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the Constitution of the United States: Now therefore, be it

Resolved by the Legislature of Alabama, both Houses thereof concurring, That the State of Alabama hereby claims sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States; be it further

Resolved, That this resolution serves as notice and demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of these constitutionally delegated powers; be it further

Resolved, That all compulsory federal legislation that directs states to comply under threat of civil or criminal penalties or sanctions or requires states to pass legislation or lose federal funding be prohibited or repealed; be it further

Resolved, That a copy of this resolution be forwarded to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Speaker of the House and the President of the Senate of each state's legislature, and the entire delegation of the Alabama members of the U.S. Congress.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs:

Report to accompany S. 3243, To require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to initiate all periodic background reinvestigations of certain law enforcement personnel, and for other purposes (Rept. No. 111—338).

Report to accompany H.R. 1345, A bill to amend title 5, United States Code, to eliminate the discriminatory treatment of the District of Columbia under the provisions of law commonly referred to as the "Hatch Act" (Rept. No. 111—339).

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation:

Report to accompany S. 2847, A bill to regulate the volume of audio on commercials (Rept. No. 111—340).

By Ms. LANDRIEU, from the Committee on Small Business and Entrepreneurship, without amendment:

S. 2862. A bill to amend the Small Business Act to improve the Office of International

Trade, and for other purposes (Rept. No. 111—341).

By Ms. LANDRIEU, from the Committee on Small Business and Entrepreneurship, with an amendment:

S. 2869. A bill to increase loan limits for small business concerns, to provide for low interest refinancing for small business concerns, and for other purposes (Rept. No. 111—342).

By Ms. LANDRIEU, from the Committee on Small Business and Entrepreneurship, with an amendment in the nature of a substitute:

S. 2989. A bill to improve the Small Business Act, and for other purposes (Rept. No. 111—343).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 4543. A bill to designate the facility of the United States Postal Service located at 4285 Payne Avenue in San Jose, California, as the "Anthony J. Cortese Post Office Building".

H.R. 5341. A bill to designate the facility of the United States Postal Service located at 100 Orndorf Drive in Brighton, Michigan, as the "Joyce Rogers Post Office Building".

H.R. 5390. A bill to designate the facility of the United States Postal Service located at 13301 Smith Road in Cleveland, Ohio, as the "David John Donafée Post Office Building".

H.R. 5450. A bill to designate the facility of the United States Postal Service located at 3894 Crenshaw Boulevard in Los Angeles, California, as the "Tom Bradley Post Office Building".

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment:

S. 3794. A bill to amend chapter 5 of title 40, United States Code, to include organizations whose membership comprises substantially veterans as recipient organizations for the donation of Federal surplus personal property through State agencies.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*Maria Elizabeth Raffinan, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ISAKSON (for himself and Mr. CHAMBLISS):

S. 12. A bill to require the Secretary of the Army to operate the Buford Dam/Lake Sidney Lanier Project, and for other purposes; to the Committee on Environment and Public Works.

By Mr. ISAKSON (for himself and Mr. CHAMBLISS):

S. 13. A bill to require the Secretary of the Army to calculate the aggregate withdrawals of non-Federal entities, and for other purposes; to the Committee on Environment and Public Works.

By Mr. JOHANNIS (for himself, Mr. BROWNBACK, Mr. MCCAIN, Mr. THUNE, Mr. BURR, Mr. COBURN, Mr. BENNETT, Mr. ISAKSON, Mr. ENZI, Mr. HATCH, Mr. WICKER, Mr. DEMINT, Mr. ENSIGN, Mr. ROBERTS, Mr. CRAPO, Mr. RISCH, Mr. GRAHAM, Mr. VITTER, and Mr. KYL):

S. 14. A bill to ensure that women seeking an abortion are fully informed regarding the pain experienced by their unborn child; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK:

S. 15. A bill to amend the Internal Revenue Code of 1986 to provide a carbon sequestration investment tax credit, and for other purposes; to the Committee on Finance.

By Mr. VOINOVICH:

S. 16. A bill to amend the Immigration and Nationality Act to remove the temporary suspension of waiver authority for participation in the Visa Waiver Program and for other purposes; to the Committee on the Judiciary.

By Mr. GRAHAM:

S. 17. A bill to provide for an exchange of land between the Department of Homeland Security and the South Carolina State Ports Authority; to the Committee on Energy and Natural Resources.

By Mr. BROWN of Massachusetts:

S. 18. A bill to prohibit aliens who engage in certain activities with respect to Iran from being admitted into the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself and Mr. CHAMBLISS):

S. 19. A bill to amend the Energy Independence and Security Act of 2007 to promote energy security through the production of petroleum from oil sands, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRAHAM:

S. 20. A bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a Federal clean energy standard; to the Committee on Energy and Natural Resources.

By Mr. BROWN of Ohio (for himself and Ms. STABENOW):

S. 3865. A bill to facilitate nationwide availability of volunteer income tax assistance for low-income and underserved populations, and for other purposes; to the Committee on Finance.

By Mr. CARPER (for himself and Mr. BROWN of Massachusetts):

S. 3866. A bill to standardize training programs of the Transportation Security Administration, to establish an Office of Behavior Analysis in the Transportation Security Administration, to enhance partnerships between the Transportation Security Administration and State and local law enforcement agencies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LEVIN:

S. 3867. A bill to modify the naturalization requirements related to physical presence in the United States for alien translators granted special immigrant status, and for other purposes; to the Committee on the Judiciary.

By Mr. CASEY (for himself, Mr. KAUFMAN, Mrs. MURRAY, and Mrs. SHAHEEN):

S. 3868. A bill to require a minimum number of transition assistance advisors in each State in connection with the Yellow Ribbon Reintegration Program; to the Committee on Armed Services.

By Mr. CASEY (for himself, Mrs. MURRAY, Mr. BURRIS, and Mr. KAUFMAN):

S. 3869. A bill to require reports by the Comptroller General on Department of Defense military spouse employment programs, and for other purposes; to the Committee on Armed Services.

By Mr. JOHNSON:

S. 3870. A bill to amend the Federal Crop Insurance Act to permit certain livestock owners to plant a secondary crop for the use of the producer as emergency feed; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LEAHY:

S. 3871. A bill to amend chapter 13 of title 28, United States Code, to authorize the designation and assignment of retired justices of the Supreme Court to particular cases in which an active justice is recused; to the Committee on the Judiciary.

By Mr. UDALL of New Mexico:

S. 3872. A bill to improve billing disclosures to cellular telephone consumers; to the Committee on Commerce, Science, and Transportation.

By Ms. KLOBUCHAR (for herself and Mrs. BOXER):

S. 3873. A bill to provide for the establishment of a task force to address the environmental health and safety risks posed to children; to the Committee on Environment and Public Works.

By Mrs. BOXER (for herself, Mrs. FEINSTEIN, Ms. KLOBUCHAR, Mr. CARDIN, Mrs. GILLIBRAND, and Mr. SANDERS):

S. 3874. A bill to amend the Safe Drinking Water Act to reduce lead in drinking water; to the Committee on Environment and Public Works.

By Mrs. LINCOLN (for herself, Mrs. HUTCHISON, Mr. GRASSLEY, and Mr. WYDEN):

S. 3875. A bill to amend title 38, United States Code, to recognize the service in the reserve components of certain persons by honoring them with status as veterans under law; to the Committee on Veterans' Affairs.

By Mr. WYDEN (for himself and Mr. HATCH):

S. 3876. A bill to amend the Internal Revenue Code of 1986 to extend and modify the alternative fuel vehicle refueling property credit; to the Committee on Finance.

By Mr. CASEY (for himself and Mr. HARKIN):

S. 3877. A bill to amend the Port-to-Portal Act of 1947 to suspend the statute of limitations for certain rights of action under the Fair Labor Standards Act during investigations by the Secretary of Labor; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG (for himself, Mr. FRANKEN, Mr. SANDERS, Mr. KERRY, Mr. BROWN of Ohio, Mr. MENENDEZ, and Mr. WHITEHOUSE):

S. 3878. A bill to amend title V of the Social Security Act to eliminate the abstinence-only education program; to the Committee on Finance.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 3879. A bill to establish the Sacramento River National Recreation Area in the State of California; to the Committee on Energy and Natural Resources.

By Mr. CASEY:

S. 3880. A bill to increase Federal Pell Grants for the children of fallen public safe-

ty officers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARDIN (for himself and Mr. MCCAIN):

S. 3881. A bill to require the Secretary of State to identify individuals responsible for the detention, abuse, or death of Sergei Magnitsky or for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and to impose a visa ban and certain financial measures with respect to such individuals, until the Russian Federation has thoroughly investigated the death of Sergei Magnitsky and brought the Russian criminal justice system into compliance with international legal standards, and for other purposes; to the Committee on the Judiciary.

By Mr. BEGICH (for himself, Mrs. GILLIBRAND, Ms. LANDRIEU, and Mr. LIEBERMAN):

S. 3882. A bill to amend the Elementary and Secondary Education Act of 1965 to invest in innovation for education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BEGICH (for himself, Mr. CARPER, Mrs. GILLIBRAND, and Mr. LIEBERMAN):

S. 3883. A bill to amend part B of title II of the Elementary and Secondary Education Act of 1965 to promote effective STEM teaching and learning; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PRYOR (for himself and Mr. ALEXANDER):

S. 3884. A bill to require the use of electronic on-board recording devices in motor carriers to improve compliance with hours of service regulations; to the Committee on Commerce, Science, and Transportation.

By Mr. LIEBERMAN:

S. 3885. A bill to provide incentives for States and local educational agencies to implement comprehensive reforms and innovative strategies that are designed to lead to significant improvement in outcomes for all students and significant reductions in achievement gaps among subgroups of students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BURRIS:

S. 3886. A bill to authorize the establishment of a memorial in the District of Columbia to honor and commemorate the accomplishments of Mr. Benjamin Banneker; to the Committee on Energy and Natural Resources.

By Mr. BENNET:

S. 3887. A bill to provide for a continuation and expansion of the Wounded Warrior Careers Demonstration program, and for other purposes; to the Committee on Armed Services.

By Mr. FRANKEN (for himself and Mr. LEMIEUX):

S. 3888. A bill to make improvements to the Fair Debt Collection Practices Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BAUCUS (for himself, Mr. BENNET, and Mr. TESTER):

S. 3889. A bill to extend the deadline for the submittal of claims for retroactive stop-loss special pay compensation for members and former members of the Armed Forces; to the Committee on Armed Services.

By Mr. LAUTENBERG:

S. 3890. A bill to amend section 310 of the Supplemental Appropriations Act, 2009, to extend the period of time during which

claims for retroactive stop-loss special pay may be submitted, and for other purposes; to the Committee on Armed Services.

By Mr. BURRIS:

S. 3891. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize the Secretary of Education to make grants for recruiting, training, and retaining individuals, with a preference for individuals from underrepresented groups, as teachers at public elementary and secondary schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself and Mr. CORNYN):

S. 3892. A bill to amend the Internal Revenue Code of 1986 to provide tax benefits to individuals who have been wrongfully incarcerated; to the Committee on Finance.

By Mr. DORGAN (for himself and Mr. BROWN of Ohio):

S. 3893. A bill to establish the Emergency Trade Deficit Commission, and for other purposes; to the Committee on Finance.

By Mr. FEINGOLD:

S. 3894. A bill to allow the FCC to review petitions relating to the secondary transmission of broadcast programming in orphan counties; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD (for himself and Mr. BURR):

S. 3895. A bill to protect students from inappropriate seclusion and physical restraint, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GOODWIN:

S. 3896. A bill to protect children against hazards associated with swallowing button cell batteries by requiring the Consumer Product Safety Commission to promulgate a consumer product safety standard to require child-proof closures on remote controls and other consumer electronic products that use such batteries, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD (for himself and Ms. LANDRIEU):

S. 3897. A bill to extend the final report deadline and otherwise reauthorize the National Commission on Children and Disasters; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:

S. 3898. A bill to amend the Electronic Fund Transfer Act to treat municipalities and school districts as consumers for certain purposes under that Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. BOXER:

S. 3899. A bill to provide enhanced Federal enforcement and assistance in preventing and prosecuting crimes of violence against children; to the Committee on the Judiciary.

By Mr. COBURN (for himself, Mr. LEMIEUX, Mr. INHOFE, and Mr. DEMINT):

S. 3900. A bill to reduce waste, fraud, and abuse under the Medicare, Medicaid, and CHIP programs, and for other purposes; to the Committee on Finance.

By Mr. HATCH:

S. 3901. A bill to promote enforcement of immigration laws and for other purposes; to the Committee on the Judiciary.

By Mr. TESTER (for himself and Mr. BENNET):

S. 3902. A bill to deem references to Operation Iraqi Freedom in provisions of Federal law providing benefits for service in the Armed Forces to include references to Operation New Dawn; to the Committee on Veterans' Affairs.

By Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN):

S. 3903. A bill to authorize leases of up to 99 years for lands held in trust for Ohkay Owingeh Pueblo; to the Committee on Indian Affairs.

By Mr. BROWNBACK:

S. 3904. A bill to further continued economic viability in the communities on the High Plains by promoting sustainable groundwater management of the Ogallala Aquifer; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BENNET (for himself and Mrs. MURRAY):

S. 3905. A bill to improve the Transition Assistance Program of the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Mr. ALEXANDER (for himself and Mr. DODD):

S. 3906. A bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD (for himself and Mr. BROWN of Ohio):

S. 3907. A bill to amend the Public Health Service Act to increase access to health care for individuals with disabilities and increase awareness of the need for health care facilities and examination rooms to be accessible for individuals with disabilities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCAIN:

S. 3908. A bill to ensure that private property, public safety, and human life are protected from flood hazards that directly result from post-fire watershed conditions that are created by wildfires on Federal land; to the Committee on Energy and Natural Resources.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 3909. A bill to restore accountability and congressional oversight to the defense contracting process; to the Committee on Armed Services.

By Mr. CHAMBLISS (for himself and Mr. ISAKSON):

S. 3910. A bill to require the Secretary of the Army to update each water control manual of the Corps of Engineers regarding the Apalachicola-Chattahoochee-Flint River system to include reallocation of storage to meet current and future municipal and industrial water supply needs, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CHAMBLISS (for himself and Mr. ISAKSON):

S. 3911. A bill to require the Secretary of the Army to operate the Buford Dam/Lake Sidney Lanier Project and the Allatoona Dam and Reservoir Project, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CHAMBLISS:

S. 3912. A bill to amend the Immigration and Nationality Act to provide for the temporary employment of foreign agricultural workers, and for other purposes; to the Committee on the Judiciary.

By Mr. ROCKEFELLER:

S. 3913. A bill to amend title 10, United States Code, to enhance the roles and responsibilities of the Chief of the National Guard Bureau; to the Committee on Armed Services.

By Mrs. MURRAY (for herself, Mr. CANTWELL, Mr. BURRIS, Mr. REED,

Mr. SANDERS, Mrs. HAGAN, Mr. SCHUMER, Mr. CONRAD, Mrs. GILLIBRAND, Mr. BEGICH, Mr. LEVIN, Mr. WEBB, and Mr. BENNET):

S. 3914. A bill to amend title VIII of the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to complete payments under such title to local educational agencies eligible for such payments within 3 fiscal years; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. LINCOLN:

S. 3915. A bill to amend title XVIII of the Social Security Act to improve the recruitment and retention of physicians under the Medicare program; to the Committee on Finance.

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. 3916. A bill to require the Consumer Product Safety Commission to study and report on the impact on consumers of permitting an increase in the amount of ethanol blended with gasoline for use in gasoline-powered engines used in vehicles operated in interstate commerce, on public streets and roads, or offroad, appliances such as lawn mowers and other nonvehicular devices, and marine engines, and to require the National Highway Traffic Safety Administration to study and report on any safety or reliability impact of such an increase on motor vehicle engines and fuel systems; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH:

S. 3917. A bill to direct the Secretary of the Interior to convey certain Federal features of the electric distribution system to the South Utah Valley Electric Service District, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself and Mr. CARDIN):

S. 3918. A bill to authorize the United States participation in, and appropriations for, the United States contribution to the ninth replenishment of the resources of the Asian Development Fund and the United States subscription to the fifth general capital increase of the Asian Development Bank; to the Committee on Foreign Relations.

By Mr. HATCH (for himself, Mr. RISCH, Mr. CRAPO, Mr. ENZI, and Mr. BARASSO):

S. 3919. A bill to remove the gray wolf from the list of threatened species or the list of endangered species published under the Endangered Species Act of 1973, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BROWN of Massachusetts (for himself and Mr. WARNER):

S. 3920. A bill to address national security threats and vulnerabilities that could undermine economic recovery and financial markets; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SANDERS:

S. 3921. A bill to ensure that rules for the approval of pharmaceutical and biological products do not require violations of medical ethics in the testing of products in humans and vertebrate animals; to the Committee on Health, Education, Labor, and Pensions.

By Mr. AKAKA (for himself, Mr. CARPER, and Mr. VOINOVICH):

S. 3922. A bill to underscore the importance of international nuclear safety cooperation for operating power reactors, encouraging the efforts of the Convention on Nuclear Safety, supporting progress in improving nuclear safety, and enhancing the public avail-

ability of nuclear safety information; to the Committee on Foreign Relations.

By Mr. SANDERS (for himself, Mr. HARKIN, Mr. WHITEHOUSE, Mr. LEAHY, and Mr. MERKLEY):

S. 3923. A bill to amend the Public Utility Regulatory Policies Act of 1978 to clarify the authority of States to adopt renewable energy incentives; to the Committee on Energy and Natural Resources.

By Mr. CORNYN:

S. 3924. A bill to promote transparency and accountability concerning the implementation of the Patient Protection and Affordable Care Act; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Ms. KLOBUCHAR):

S. 3925. A bill to amend the Energy Policy and Conservation Act to improve the energy efficiency of, and standards applicable to, certain appliances and equipment, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BENNET:

S. 3926. A bill to amend the National Trails System Act to provide for the study of the Pike National Historic Trail; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 3927. A bill to establish the Sacramento-San Joaquin Delta National Heritage Area; to the Committee on Energy and Natural Resources.

By Mr. INOUE:

S. 3928. A bill to strengthen Federal consumer product safety programs and activities with respect to commercially-marketed seafood by directing the Secretary of Commerce to coordinate with the Federal Trade Commission and other appropriate Federal agencies to strengthen and coordinate those programs and activities; to the Committee on Commerce, Science, and Transportation.

By Mr. TESTER (for himself, Mr. BARASSO, Mr. RISCH, and Mr. BAUCUS):

S. 3929. A bill to revise the Forest Service Recreation Residence Program as it applies to units of the National Forest System derived from the public domain by implementing a simple, equitable, and predictable procedure for determining cabin user fees, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. AKAKA (for himself and Mr. INOUE):

S. 3930. A bill to provide for the expansion of Hakalau Forest National Wildlife Refuge, Hawaii County, Hawaii; to the Committee on Environment and Public Works.

By Mr. ROCKEFELLER:

S. 3931. A bill to amend title 10, United States Code, to enhance the roles and responsibilities of the Chief of the National Guard Bureau; to the Committee on Armed Services.

By Mr. MENENDEZ (for himself and Mr. LEAHY):

S. 3932. A bill to provide comprehensive immigration reform, and for other purposes; to the Committee on the Judiciary.

By Mr. BUNNING:

S. 3933. A bill to protect electricity reliability by prohibiting the use of funds for carrying out certain policies and procedures that adversely affect domestic coal mining operations, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WICKER (for himself and Mr. VITTER):

S. 3934. A bill to provide tax relief for persons affected by the discharge of oil in connection with the explosion on, and sinking

of, the mobile offshore drilling unit Deepwater Horizon; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Ms. SNOWE):

S. 3935. A bill to amend the Internal Revenue Code of 1986 to improve and extend certain energy-related tax provisions, and for other purposes; to the Committee on Finance.

By Mr. BENNETT:

S. 3936. A bill to establish a competitive grant program in the Department of Energy to provide grants to States and units of local government to carry out clean energy and carbon reduction measures, to close big oil company tax loopholes to pay for the competitive grant program and reduce the deficit, and for other purposes; to the Committee on Finance.

By Mrs. GILLIBRAND:

S. 3937. A bill to revitalize suburban communities, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. KLOBUCHAR (for herself, Mr. LEAHY, Mr. CRAPO, Mr. SPECTER, Mr. KOHL, Mr. WHITEHOUSE, Ms. LANDRIEU, Mrs. GILLIBRAND, Mr. FRANKEN, Mr. BROWN of Ohio, Mr. DURBIN, Mr. HATCH, Mr. LAUTENBERG, Mr. FEINGOLD, and Mrs. BOXER):

S. Res. 663. A resolution supporting the goals and ideals of National Domestic Violence Awareness Month and expressing the sense of the Senate that Congress should continue to raise awareness of domestic violence in the United States and its devastating effects on families and communities, and support programs designed to end domestic violence; to the Committee on the Judiciary.

By Mr. SANDERS (for himself, Ms. STABENOW, Mr. BROWN of Ohio, Mr. HARKIN, Mr. WHITEHOUSE, Mr. INOUE, Mr. FEINGOLD, Mrs. BOXER, Mr. AKAKA, Mrs. GILLIBRAND, Ms. MIKULSKI, and Mr. LAUTENBERG):

S. Res. 664. A resolution expressing the sense of the Senate in opposition to privatizing Social Security, raising the retirement age, or other similar cuts to benefits under title II of the Social Security Act; to the Committee on Finance.

By Mr. GRASSLEY:

S. Res. 665. A resolution to require a witness before a committee hearing to file a disclosure form identifying substantial financial interests or compensation from an organization or company directly related to the subject of a hearing; to the Committee on Rules and Administration.

By Mr. ROCKEFELLER:

S. Res. 666. A resolution designating October 15, 2010, as "National Alternative Fuel Vehicle Day"; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mr. GREGG, and Ms. SNOWE):

S. Res. 667. A resolution recognizing the 40th anniversary of the Coastal States Organization; considered and agreed to.

By Mr. CASEY (for himself, Mr. ROBERTS, Mr. AKAKA, Mr. SANDERS, and Mr. BROWN of Ohio):

S. Res. 668. A resolution expressing support for the designation of October 20, 2010, as the

"National Day on Writing"; considered and agreed to.

By Mr. REID (for himself, Mr. AKAKA, Mr. ENSIGN, Mr. MENENDEZ, and Ms. CANTWELL):

S. Res. 669. A resolution recognizing Filipino American History Month in October 2010; considered and agreed to.

By Mr. CRAPO (for himself, Mrs. SHAHEEN, Mrs. LINCOLN, Mr. DORGAN, Mr. JOHANNES, Mr. RISCH, and Mr. LUGAR):

S. Res. 670. A resolution designating the week beginning on Monday, November 8, 2010, as "National Veterans History Project Week"; considered and agreed to.

By Mrs. FEINSTEIN (for herself, Mr. GRASSLEY, Mr. SCHUMER, Ms. MURKOWSKI, Mr. BENNETT, Mr. WHITEHOUSE, and Mr. CRAPO):

S. Res. 671. A resolution supporting the goals and ideals of Red Ribbon Week, 2010; considered and agreed to.

By Mr. ROCKEFELLER (for himself and Mrs. HUTCHISON):

S. Res. 672. A resolution designating October 9, 2010, as "National Chess Day" to enhance awareness and encourage students and adults to engage in a game known to enhance critical thinking and problem-solving skills; considered and agreed to.

By Mr. LEAHY:

S. Res. 673. A resolution expressing the sense of the Senate that it values the active participation of the Republic of Macedonia as the state partner of the Vermont National Guard over the past 15 years; to the Committee on Foreign Relations.

By Mr. BROWNBACK (for himself, Mr. BURRIS, and Mr. ROBERTS):

S. Con. Res. 73. A concurrent resolution honoring the life of Dr. Ronald W. Walters and commending his life as an example to future generations of the people of the United States; to the Committee on the Judiciary.

By Mr. CASEY (for himself and Mr. SPECTER):

S. Con. Res. 74. A concurrent resolution honoring the 28th Infantry Division for serving and protecting the United States; considered and agreed to.

ADDITIONAL COSPONSORS

S. 296

At the request of Mr. CHAMBLISS, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 296, a bill to promote freedom, fairness, and economic opportunity by repealing the income tax and other taxes, abolishing the Internal Revenue Service, and enacting a national sales tax to be administered primarily by the States.

S. 433

At the request of Mr. UDALL of New Mexico, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 433, a bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a renewable electricity standard, and for other purposes.

S. 833

At the request of Mr. SCHUMER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 833, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage

for low-income individuals infected with HIV.

S. 1153

At the request of Mr. SCHUMER, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1153, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for employees' spouses and dependent children to coverage provided to other eligible designated beneficiaries of employees.

S. 1215

At the request of Mr. CASEY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1215, a bill to amend the Safe Drinking Water Act to repeal a certain exemption for hydraulic fracturing, and for other purposes.

S. 1275

At the request of Mr. WARNER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1275, a bill to establish a National Foundation on Physical Fitness and Sports to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports.

S. 1445

At the request of Mr. LAUTENBERG, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1445, a bill to amend the Public Health Service Act to improve the health of children and reduce the occurrence of sudden unexpected infant death and to enhance public health activities related to stillbirth.

S. 1511

At the request of Mr. CARDIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1511, a bill to amend titles XVIII and XIX of the Social Security Act to improve awareness and access to colorectal cancer screening tests under the Medicare and Medicaid programs, and for other purposes.

S. 1597

At the request of Mr. MENENDEZ, the name of the Senator from Colorado (Mr. BENNETT) was added as a cosponsor of S. 1597, a bill to amend title 31, United States Code, to provide for the licensing by the Secretary of the Treasury of Internet poker and other games that are predominantly of skill, to provide for consumer protections on the Internet, to enforce the tax code, and for other purposes.

S. 1695

At the request of Mr. BURRIS, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 1695, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

S. 2919

At the request of Mr. UDALL of Colorado, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2919, a bill to amend the Federal Credit Union Act to advance the ability of credit unions to promote small business growth and economic development opportunities, and for other purposes.

S. 3036

At the request of Mr. BAYH, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 3036, a bill to establish the Office of the National Alzheimer's Project.

S. 3067

At the request of Mr. BURR, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 3067, a bill to amend the Internal Revenue Code of 1986 to increase the exclusion for employer-provided dependent care assistance.

S. 3184

At the request of Mrs. BOXER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 3184, a bill to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes.

S. 3234

At the request of Mrs. MURRAY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 3234, a bill to improve employment, training, and placement services furnished to veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 3293

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3293, a bill to reauthorize the Special Olympics Sport and Empowerment Act of 2004, to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 3398

At the request of Mr. BAUCUS, the names of the Senator from Indiana (Mr. BAYH), the Senator from North Carolina (Mr. BURR), the Senator from Nebraska (Mr. JOHANNES), and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 3398, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 3401

At the request of Mr. BURR, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 3401, a bill to provide for the use of unobligated discretionary stimulus dollars to address AIDS Drug Assistance Program

waiting lists and other cost containment measures impacting State ADAP programs.

S. 3424

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3424, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 3447

At the request of Mr. AKAKA, the names of the Senator from Delaware (Mr. KAUFMAN), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New York (Mrs. GILLIBRAND), the Senator from California (Mrs. BOXER), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 3447, a bill to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes.

S. 3474

At the request of Mr. FEINGOLD, the names of the Senator from Massachusetts (Mr. BROWN), the Senator from New York (Mrs. GILLIBRAND), and the Senator from Florida (Mr. LEMIEUX) were added as cosponsors of S. 3474, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

S. 3517

At the request of Mr. AKAKA, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 3517, a bill to amend title 38, United States Code, to improve the processing of claims for disability compensation filed with the Department of Veterans Affairs, and for other purposes.

S. 3572

At the request of Mrs. LINCOLN, the names of the Senator from Rhode Island (Mr. REED), the Senator from Montana (Mr. TESTER), the Senator from Minnesota (Mr. FRANKEN), the Senator from Tennessee (Mr. CORKER), the Senator from Utah (Mr. HATCH), the Senator from Nebraska (Mr. NELSON), and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 3572, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first law enforcement agency, the United States Marshals Service.

S. 3633

At the request of Mr. CARPER, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 3633, a bill to amend the Solid Waste Disposal Act to improve a provision relating to Federal procurement of recycled materials to reduce greenhouse gas emissions.

S. 3694

At the request of Ms. CANTWELL, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 3694, a bill to prohibit the conducting of invasive research on great apes, and for other purposes.

S. 3709

At the request of Mr. WHITEHOUSE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3709, a bill to amend the Public Health Service Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes.

S. 3723

At the request of Mr. COBURN, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 3723, a bill to prohibit taxpayer funding of insurance plans or health care programs that cover abortion.

S. 3737

At the request of Mr. ENZI, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 3737, a bill to amend the Public Health Service Act and title XVIII of the Social Security Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 3748

At the request of Mr. WYDEN, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from West Virginia (Mr. GOODWIN) were added as cosponsors of S. 3748, a bill to amend title 10, United States Code, to provide for the retention of members of the reserve components on active duty for a period of 45 days following an extended deployment in contingency operations of homeland defense missions to support their reintegration into civilian life, and for other purposes.

S. 3756

At the request of Mr. ROCKEFELLER, the names of the Senator from New York (Mrs. GILLIBRAND), the Senator from Illinois (Mr. BURRIS), the Senator from Iowa (Mr. HARKIN), and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 3756, a bill to amend the Communications Act of 1934 to provide public safety providers an additional 10 megahertz of spectrum to support a national, interoperable wireless broadband network and authorize the Federal Communications Commission to hold incentive auctions to provide funding to support such a network, and for other purposes.

S. 3779

At the request of Mr. THUNE, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of

S. 3779, a bill to provide for comprehensive budget reform in order to increase transparency and reduce the deficit.

S. 3786

At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3786, a bill to amend the Internal Revenue Code of 1986 to permit the Secretary of the Treasury to issue prospective guidance clarifying the employment status of individuals for purposes of employment taxes and to prevent retroactive assessments with respect to such clarifications.

S. 3801

At the request of Mr. AKAKA, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3801, a bill to amend title 38, United States Code, to increase the maximum age for children eligible for medical care under the CHAMPVA program, and for other purposes.

S. 3804

At the request of Mr. LEAHY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3804, a bill to combat online infringement, and for other purposes.

S. 3813

At the request of Mr. BINGAMAN, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Maryland (Ms. MIKULSKI), the Senator from New York (Mr. SCHUMER), and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 3813, a bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a Federal renewable electricity standard, and for other purposes.

S. 3817

At the request of Mr. DODD, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 3817, a bill to amend the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the Abandoned Infants Assistance Act of 1988 to reauthorize the Acts, and for other purposes.

S. 3845

At the request of Mr. CASEY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 3845, a bill to establish the National Competition for Community Renewal to encourage communities to adopt innovative strategies and design principles, to programs related to poverty prevention, recovery and response, and for other purposes.

S. 3849

At the request of Mr. WYDEN, his name was added as a cosponsor of S. 3849, a bill to extend the Emergency Contingency Fund for State Temporary Assistance for Needy Families Program, and for other purposes.

S. 3858

At the request of Mr. LEAHY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3858, a bill to improve the H-2A agricultural worker program for use by dairy workers, shepherders, and goat herders, and for other purposes.

S. 3860

At the request of Mr. BROWN of Massachusetts, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Utah (Mr. BENNETT), and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 3860, a bill to require reports on the management of Arlington National Cemetery.

S. CON. RES. 63

At the request of Mr. JOHNSON, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Con. Res. 63, a concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. Con. Res. 63, *supra*.

At the request of Mr. COCHRAN, his name was added as a cosponsor of S. Con. Res. 63, *supra*.

S. CON. RES. 71

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Con. Res. 71, a concurrent resolution recognizing the United States national interest in helping to prevent and mitigate acts of genocide and other mass atrocities against civilians, and supporting and encouraging efforts to develop a whole of government approach to prevent and mitigate such acts.

S. RES. 631

At the request of Mrs. LINCOLN, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Mississippi (Mr. WICKER), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Res. 631, a resolution designating the week beginning on November 8, 2010, as National School Psychology Week.

S. RES. 647

At the request of Mr. INHOFE, the names of the Senator from Nebraska (Mr. JOHANNES) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. Res. 647, a resolution expressing the support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging Americans to secure safety, permanency, and well-being for all children.

S. RES. 654

At the request of Mr. BURR, the names of the Senator from Colorado (Mr. BENNETT), the Senator from Cali-

fornia (Mrs. BOXER), and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. Res. 654, a resolution designating December 18, 2010, as "Gold Star Wives Day".

AMENDMENT NO. 4618

At the request of Mr. NELSON of Florida, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of amendment No. 4618 intended to be proposed to S. 3454, an original bill to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHANNES (for himself, Mr. BROWNBACK, Mr. MCCAIN, Mr. THUNE, Mr. BURR, Mr. COBURN, Mr. BENNETT, Mr. ISAKSON, Mr. ENZI, Mr. HATCH, Mr. WICKER, Mr. DEMINT, Mr. ENSIGN, Mr. ROBERTS, Mr. CRAPO, Mr. RISCH, Mr. GRAHAM, Mr. VITTER, and Mr. KYL):

S. 14. A bill to ensure that women seeking an abortion are fully informed regarding the pain experienced by their unborn child; to the Committee on Health, Education, Labor, and Pensions.

Mr. JOHANNES. Mr. President, I rise today to discuss an issue that I believe does cross the political divide; and that issue is, protecting children from needless pain. Forty years ago, when *Roe v. Wade* became the law of the land, it was believed that babies simply did not feel pain. At that time, the medical community thought a baby's nervous system was not yet developed enough to have a sense of pain, so surgeries were literally performed with no anesthesia. Parents were told not to worry if it appeared their child was in pain.

We found out the medical community was wrong.

Twenty-five years ago, a doctor at Oxford University proved that newborn babies do, in fact, feel pain. His groundbreaking research was inspired by his own recognition of the signs of pain.

Dr. Anand noticed preterm babies returning from operations with weak pulses, with rapid heart rates, and other signs of stress that would typically be associated with the feeling of pain.

As a result, he studied two groups of babies. One went through surgery without anesthesia, as was the practice at that time. A second group was given anesthesia before the surgery took place.

The results were remarkable. Most of the babies who were given pain medicine sailed through the procedures

while the babies who were given no pain medicine suffered significant stress. This study opened the eyes of the medical community, shifting both medical opinion and common practice.

Today, pain relief for infants is now the standard of care. If my child needed surgery today, and a doctor told us it would be done without anesthesia, without pain medicine for the baby, we would walk straight out of the door; and any parent would.

Performing surgery on an infant without pain medicine is unimaginable today, despite having been common practice, the accepted standard of care 40 years ago. Medical research shattered a commonly held belief, and it changed medicine forever.

I stand before you today in recognition that medical research has again advanced. Again, it should shatter a misguided assumption. You see, doctors now perform surgery on unborn babies. They can go into the womb and save a baby as young as 20 weeks old.

This has allowed researchers to study reactions to pain by these unborn babies. The eye-opening results simply cannot be denied. Much like the original groundbreaking study of newborns, the research involving unborn babies presented evidence that they feel pain.

When pain medicine was administered during surgery involving unborn children, their blood flow, their heart rate remained normal. But without pain medicine, blood flow and heart rate were affected, as unborn babies endured the pain.

The medical evidence is so compelling it alone should inspire us to act. But we do not have to rely upon a doctor's research. All of my colleagues have surely seen with their own eyes the breathtaking images from ultrasounds. Perhaps it was the picture of a child or a grandchild that showed a face and fingers and toes. Some might have been lucky enough to be in the room for a checkup and actually listened to that heartbeat.

There is no denying that those fingers and toes—that face, that heartbeat—is about a baby, a tiny, little miracle that can feel pain. Pretending there is some magical line that is crossed at the moment of birth that allows a baby to feel pain is literally absurd. There is no such line. There is no difference in the pain a baby begins feeling about halfway through pregnancy and the pain a newborn baby feels.

Just as the medical community now admits it was wrong to assert that newborns feel no pain, we know it is wrong to say unborn children feel no pain. But while medical science has moved forward and taken this step, our laws and our practices still rely on decades-old information and mistaken beliefs.

So it is time for us to acknowledge in law and in practice the realities re-

vealed by these advancements in medical science. We must be willing to change our mindset based upon this evidence, and I would suggest we have an obligation to do so.

Mothers have a right to know that their unborn babies feel pain. Respected doctors are on record saying that abortions in the second and third trimester likely cause unborn babies "intense pain." How can we claim to be compassionate, yet look the other way in denial of this pain? I would suggest we cannot. We can see these precious faces. We can hear their hearts beat.

That is why the legislation I am introducing today is so critically important. The Unborn Child Pain Awareness Act would merely require those who perform abortions 20 weeks into a pregnancy or later to inform the mother that her unborn child feels pain. And the mother may request anesthesia for that child to lessen the pain if she does not choose life.

Women should not be kept in the dark. They have the right to know what their unborn child will feel during an abortion. And those who provide abortions should not dismiss the reality of the anguish. The Unborn Child Pain Awareness Act says: At the very least, let's provide mothers with the complete medical and scientific research we have at our disposal today. Let's simply provide the truth before they make a life-changing decision. We cannot in good conscience know of this medical reality and fail to share it with mothers who are contemplating the most difficult and consequential decision of their entire lives.

Our country is awakening to the reality of the pain felt by unborn children but slowly, just as we were slow to accept that newborn babies, yes, in fact, do feel pain so many years ago. Thankfully, our States are leading the way when Congress has failed to act. Arkansas, Georgia, Louisiana, Minnesota, Oklahoma, and Utah have passed similar legislation. Several other States include information about the pain an unborn child experiences in their counseling materials. In fact, in my home State of Nebraska, we became the first State to ban abortions after 20 weeks on the basis that an unborn child can, in fact, feel pain.

Unborn children cannot tell us what they feel, but medical research cries out on their behalf. They deserve the same human compassion we show newborns, 2-year-olds, and children of every age. They all feel pain.

So I encourage my colleagues to join me in cosponsoring this legislation. Thus far, 18 Senators have signed on, and I hope more will follow. I would suggest that this legislation has little to do with whether you call yourself pro-life or pro-choice. It is about basic human decency and concern for human suffering. I hope my colleagues will review the medical research, look to

their conscience, and follow what is right. I hope they join me in cosponsoring this legislation.

By Mr. JOHNSON:

S. 3870. A bill to amend the Federal Crop Insurance Act to permit certain livestock owners to plant a secondary crop for the use of the producer as emergency feed; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. JOHNSON. Mr. President, today I introduce legislation that will enable livestock producers who have been affected by excessive precipitation to have access to emergency feed stocks. The rain producers faced last fall, coupled with the abnormal snowfall this winter and the subsequent rain this spring and summer, has led to major flooding throughout South Dakota, particularly in the northeastern part of our State. Unfortunately, there are many areas in which land that would normally be available for planting was not available because of the wet conditions. As a result of the flooding earlier this year, many producers claimed prevented planting coverage through their crop insurance policies.

A side effect of the flooding was that many producers have faced a shortage of forage for their livestock. I have spoken with many producers who would like to be able to plant a secondary crop on land that has qualified for prevented planting coverage for the purposes of providing emergency feed for their own livestock. As currently provided by the Agricultural Risk Protection Act of 2000, in States like South Dakota, which are not permitted to plant two crops during a single year, a producer loses 65 percent of their prevented planting compensation if they plant a secondary crop and harvest or graze that crop before the end of the crop year, which is interpreted as November 1 by the Risk Management Agency, RMA. The actual production history, APH, of the land is also reduced to 60 percent of the normal yield for that year. Given the suffering producers in my State have experienced this year because of flooding, it is necessary to provide them the flexibility they need to stay in business.

My legislation would permit producers to plant and harvest or graze a secondary crop before November 1 for the purposes of ensuring sufficient feed for their livestock without penalty of a reduction in prevented planting coverage and benefits. In order to ensure accountability, my legislation would require producers to own livestock, to have suffered from excessive precipitation which prohibited the first crop from being planted by the Risk Management Agency's final planting date for that crop, and the producer must use the second crop only for feed for their own livestock. The producer would not be permitted to sell the crop. Additionally, any revenue generated

from the second planting would be taken into account when calculating the producer's benefits from Federal disaster programs, like the Supplemental Revenue, SURE, Assistance Program. Ultimately, this legislation is very fiscally responsible as it would encourage a reduction in Federal dollars spent on disaster assistance.

Agriculture is a vital industry in South Dakota. Year after year, our producers continue to provide the world with a cheap, safe, and abundant source of food, fuel, and fiber. In fact, according to the South Dakota Department of Agriculture, each year on average, one South Dakota producer raises enough food to feed 144 people. Our farmers and ranchers are absolutely essential to ensuring we can feed an ever-growing world population and to the continued growth of our State's economy, and my legislation would help them through rough times when factors outside of their control, like the weather, would otherwise force them out of business.

By Mr. LEAHY:

S. 3871. A bill to amend chapter 13 of title 28, United States Code, to authorize the designation and assignment of retired justices of the Supreme Court to particular cases in which an active justice is recused; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am introducing legislation to ensure that the Nation's highest court can serve its function as the court of last resort in our judicial system. The Supreme Court's effectiveness is compromised when it does not have a full slate of nine justices sitting in a given case. When a Justice needs to recuse from a matter under the rules that govern judicial conflicts of interest, the Supreme Court may be rendered ineffective, because there are no provisions in place to allow another to be designated to sit in his or her place. Given the Court's recent rash of 5:4 rulings, the absence of one Justice could result in a 4:4 decision. In that scenario, the Supreme Court cannot serve its function and the lower court decision stands. This was a very real concern for Chief Justice William Rehnquist. He explained that such a stalemate on the Court where there were conflicting rulings in the lower courts, "would lay down 'one rule in Athens, and another rule in Rome' with a vengeance."

Under the existing statute, retired Justices may be designated to sit on any court in the land except the one to which they were confirmed. The bill I am introducing today will ensure that the Supreme Court can continue to serve its essential function. I hope that it will encourage Justices to recuse themselves when they have a financial conflict of interest or their participation would create the appearance of

impropriety. In recent history, Justices have refused to recuse themselves and one of their justifications has been that the Supreme Court is unlike lower courts because no other judge can serve in their place when Justices recuse.

When I met with Justice John Paul Stevens earlier in the year before he announced his retirement, he suggested exploring legislation that would allow retired U.S. Supreme Court Justices to sit by designation on all of our federal courts. Currently, Justices Stevens, Sandra Day O'Connor and David Souter may sit by designation on any Federal court except the U.S. Supreme Court, the Court to which they were confirmed. This defies common sense.

Recent news about conflicts of interest has raised serious questions in the minds of Americans about the impartiality of the judiciary. These serious concerns only serve to undermine the public trust in our Nation's courts. Allowing retired Justices to sit on the Supreme Court would encourage sitting justices to recuse themselves when there is even an appearance of a conflict of interest regarding a case before the Court. Such a designation would also help to avoid the potential of 4:4 splits which concerned Chief Justice Rehnquist. I am confident the American people want the Supreme Court to serve as the final word in our federal judicial system. I encourage my fellow Senators to consider the legislation I am introducing today as a common-sense solution to preserve the role that the Supreme Court plays in our democracy.

Mr. President, I ask by unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3871

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION AND ASSIGNMENT OF RETIRED SUPREME COURT JUSTICES.

Section 294 of title 28, United States Code, is amended—

(1) in subsection (a), by inserting "(1)" after "(a)";

(2) by adding at the end the following:

"(2) Any retired Chief Justice of the United States or any retired Associate Justice of the Supreme Court may be designated and assigned to serve as a justice on the Supreme Court of the United States in a particular case if—

"(A) any active justice is recused from that case; and

"(B) a majority of active justices vote to designate and assign that retired Chief Justice or Associate Justice."; and

(3) in subsection (d), by striking "No such designation or assignment shall be made to the Supreme Court." and inserting "Except as provided under subsection (a)(2), no designation or assignment under this section shall be made to the Supreme Court.".

By Mr. UDALL of New Mexico:

S. 3872. A bill to improve billing disclosures to cellular telephone consumers; to the Committee on Commerce, Science, and Transportation.

Mr. UDALL of New Mexico. Mr. President, cell phones today are becoming ubiquitous and more essential to our everyday lives. Americans today have 285 million wireless phones.

We use these phones in new and innovative ways. Consumers today increasingly use their cell phones for much more than just talking. Mobile broadband services now allow us to surf the Internet, search for nearby shops or restaurants, and watch videos right on our wireless handsets.

Since we now use these devices in new ways, it can be more difficult for consumers to realize they have exceeded their monthly subscriptions for cell phone service. This can have dramatic consequences for consumers.

Consider the case of a Navy ROTC midshipman who mistakenly left his smartphone's roaming function turned on while he was abroad. His phone downloaded e-mail messages, and he was sent a bill for almost \$1,300. News outlets have highlighted other cases from across the country, including cases where children on family subscription plans racked up thousands of dollars in extra charges. A 13 year-old's cell phone data usage led to a bill for almost \$22,000. Another man was billed \$18,000 for a 6-week period when his son used a cell phone to connect a computer to the Internet. These stories we hear about in the media are certainly not isolated cases, just the most egregious.

In fact, a recent Federal Communications Commission, FCC, survey found that 30 million Americans, or 1 in 6 adult cell phone users, have experienced cases of "bill shock." Cell phone bill shock is when a consumer's monthly bill increases when they have not changed their plan. In about one in four cases, the consumer's bill increased by more than \$100. According to a survey by Consumers Union, the publishers of Consumer Reports magazine, the median bill shock amount was \$83.

Although consumers can already access their phone usage by requesting this information from their cell phone provider, the FCC survey found that almost 85 percent of American consumers who suffered bill shock were not alerted that they were about to exceed their allowed voice minutes, text messages, or data downloads.

In many cases, a simple alert message would help consumers avoid bill shock. That is why today I am introducing the Cell Phone Bill Shock Act of 2010.

My legislation would require that cell phone companies do two things; first, that they notify cell phone customers when they have used 80 percent of their limit of voice minutes, text

messages, or data usage. This notification could be in the form of a text message or email, and should be free of charge. Secondly, this legislation would require cell phone companies to obtain a customer's consent before charging for services in excess of their limit of voice, text, or data usage. Customers could give such consent by calling or sending a free text message or e-mail to their phone company.

In the European Union, wireless phone companies already provide similar notifications when wireless consumers are roaming and when they reach 80 percent of their monthly data roaming services.

Earlier this year, Congress approved legislation to help consumers avoid bank overdraft fees from everyday debit card and ATM transactions. Banks must now obtain their customer's permission before allowing debit card transactions which would incur overdraft fees. My legislation extends that same concept to cell phone customers, who should benefit from similar protections against "bill shock."

The texting and Internet capabilities that make today's cell phones more useful than ever should be applied to help consumers avoid bill shock. Sending an automatic text notification to one's phone or an e-mail alert should not place a burden on cell phone companies. Passing my commonsense legislation will help prevent consumer's from facing "bill shock" problems in the future.

I look forward to working with my colleagues to pass this important legislation. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3872

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cell Phone Bill Shock Act of 2010".

SEC. 2. FINDINGS.

Congress finds the following:

(1) A recent survey conducted by the Federal Communications Commission found that 1 out of 6 consumers who subscribe to commercial mobile service has experienced "bill shock", which is the sudden increase in the monthly bill of a subscriber even though the subscriber has not made changes to their monthly service plan.

(2) Most consumers who experience bill shock do not receive notification from their provider of commercial mobile service when the consumer is about to exceed the monthly limit of voice minutes, text message, or data megabytes.

(3) Most consumers who experience bill shock do not receive notification from their provider of commercial mobile service that their bill has suddenly increased.

(4) Prior to the enactment of this Act, a provider of commercial mobile service was

under no obligation to notify a consumer of such services of a pending or sudden increase in their bill for the use of such service.

(5) Section 332 of the Communications Act of 1934 (47 U.S.C. 332) requires that all commercial mobile service provider charges, practices, classifications, and regulations "for or in connection with" interstate communications service be just and reasonable, and authorizes the Federal Communications Commission to promulgate rules to implement this requirement.

SEC. 3. NOTIFICATION OF CELL PHONE USAGE LIMITS; SUBSCRIBER CONSENT.

(a) DEFINITION.—In this section, the term "commercial mobile service" has the same meaning as in section 332(d)(1) of the Communications Act of 1934 (47 U.S.C. 332(d)(1)).

(b) NOTIFICATION OF CELL PHONE USAGE LIMITS.—The Federal Communications Commission shall promulgate regulations to require that a provider of commercial mobile service shall—

(1) notify a subscriber when the subscriber has used 80 percent of the monthly limit or prepaid amount of voice minutes, text messages, or data megabytes agreed to in the commercial mobile service contract of the subscriber;

(2) send, at no charge to the subscriber, the notification described in paragraph (1) in the form of a voice message, text message, or email; and

(3) ensure that such text message or email is not counted against the monthly limit or prepaid amount for voice minutes, text messages, or data megabytes of the commercial mobile service contract of the subscriber.

(c) SUBSCRIBER CONSENT.—The Federal Communications Commission shall promulgate regulations to require a provider of commercial mobile service shall—

(1) obtain the consent of a subscriber who received a notification under subsection (b) to use voice, text, or data services in excess of the monthly limit of the commercial mobile service contract of the subscriber before the provider may allow the subscriber to use such excess services; and

(2) allow a subscriber to, at no cost, provide the consent required under paragraph (1) in the form of a voice message, text message, or email that is not counted against the monthly limit or prepaid amount for voice minutes, text messages, or data megabytes of the commercial mobile service contract of the subscriber.

By Mr. WYDEN (for himself and Mr. HATCH):

S. 3876. A bill to amend the Internal Revenue Code of 1986 to extend and modify the alternative fuel vehicle refueling property credit; to the Committee on Finance.

Mr. WYDEN. Mr. President, I am pleased to join with my colleague from Utah, Senator ORRIN HATCH, in introducing legislation to renew an existing Federal program to provide tax incentives for the installation of equipment to refuel cars and trucks with alternative fuels including biodiesel, gasoline, electricity, compressed natural gas, propane, liquefied natural gas, and hydrogen.

The United States continues to import far more oil than we produce. Upwards of ⅔ of the oil we use is imported from other countries, many of whom do not have Americans' best interests at heart, or worse. Similarly, ⅔ of all of

the oil used in the U.S. goes to power our cars, buses, and trucks. If the U.S. is going to reduce our dependence on imported oil, it is going to have to adopt alternative transportation technologies such as plug-in hybrid and all electric vehicles, fuel cells, and natural gas vehicles. Each of these alternative technologies has pluses and minuses in terms of their technical maturity, usefulness in different types of vehicles, cost, and the availability of refueling infrastructure to support them. This legislation only addresses the need for refueling and recharging infrastructure, but without a certainty that there will be places to refuel and recharge their alternative fueled vehicles Americans are not going to buy them. No one wants to run out of fuel while looking for a place to fill up.

This legislation extends an already existing tax credit, Sec. 30C of the Tax Code, which is intended to help defray the cost of installing new alternative refueling and recharging equipment. The current credit expires in a matter of a few months at the end of calendar year 2010. Given the critical need to cut our national appetite for imported oil, it is essential that Congress extend this tax credit. This legislation would extend the existing credit for another 4 years, until the end of 2014.

The legislation also makes several changes in the credit to make it more practical. For example, this bill would make it clear that a fueling station could obtain a separate credit for each type of alternative fuel that it chooses to distribute. Right now, the credit is capped at \$50,000 per location regardless of the number of fuels that it may want to sell. The bill would also expand the base credit from \$50,000 to \$100,000 to bring it more in line with the actual cost of refueling and recharging equipment. Third, the bill would allow the credit to cover additional upgrades to building wiring or natural gas piping or other improvements that are necessary for the installation of the alternative fuel equipment, and expand the kinds of equipment that would be covered to include on-site fuel generation. The bill would also allow an option to obtain a smaller \$10,000 credit for the installation of refueling devices, such as chargers for plug-in electric cars or slow-fill natural gas compressors, in lieu of the \$100,000 credit per location. Finally, the bill would allow multiple owners of buildings, such as a condominium or a co-op, to share the credit.

Continued dependence on imported oil is an economic and national security danger. Giving Americans options to use alternative fueled vehicles is one major way in which to dramatically reduce this danger. This bill does not tell Americans which kind of car or truck to buy. It does not pick winners and losers from among already recognized alternative fuels. What it would do is make the availability of all alternative

motor fuels more likely, and then the market will decide which technologies work best.

I urge other Senators to support this legislation and give Americans a real chance to cut our oil imports.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD as follows:

S. 3876

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION AND MODIFICATION OF ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

(a) **EXTENSION.**—Subsection (g) of section 30C of the Internal Revenue Code of 1986 is amended by striking “placed in service—” and all that follows and inserting “placed in service after December 31, 2014”.

(b) **INCREASED CREDIT.**—

(1) **CREDIT PERCENTAGE.**—Subsection (a) of section 30C of the Internal Revenue Code of 1986 is amended by striking “30 percent” and inserting “50 percent”.

(2) **DOLLAR LIMITATIONS.**—

(A) **INCREASE AND PER DEVICE LIMITATION.**—Paragraph (1) of section 30C(b) of such Code is amended to read as follows:

“(1) the greater of—

“(A) \$100,000 for each type of clean-burning fuel (among all clean-burning fuels listed in subsection (c)(2)) utilized in property placed in service at the location by the taxpayer during the taxable year, or

“(B) \$10,000 multiplied by the number of devices placed in service at the location by the taxpayer during the taxable year,

in the case of a property of a character subject to an allowance for depreciation, and”.

(B) **NONDEPRECIABLE PROPERTY.**—Paragraph (2) of section 30C(b) of such Code is amended by striking “\$1,000” and inserting “\$2,000”.

(3) **DEVICE.**—Subsection (e) of section 30C of such Code is amended by adding at the end the following new paragraph:

“(7) **DEVICE.**—For the purposes of subsection (b)(1), the term ‘device’ means an individual item of property, whether a stand-alone item or part of property that includes multiple devices, which functions to refuel or recharge one alternative fuel vehicle at a time.”.

(4) **CONFORMING AMENDMENT.**—Paragraph (6) of section 30C(e) of such Code is amended—

(A) by inserting “and which is placed in service before the date of the enactment of paragraph (8)” after “hydrogen” in subparagraph (A), and

(B) by striking “\$30,000” in subparagraph (B) and inserting “\$100,000”.

(c) **TREATMENT OF PERSONAL CREDIT.**—

(1) **IN GENERAL.**—Paragraph (2) of section 30C(d) of the Internal Revenue Code of 1986 is amended to read as follows:

“(2) **PERSONAL CREDIT.**—

“(A) **IN GENERAL.**—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

“(B) **LIMITATION BASED ON AMOUNT OF TAX.**—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable

year (determined after application of paragraph (1)) shall not exceed the excess of—

“(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(ii) the sum of the credits allowable under subpart A (other than this section and sections 25D and 30D) and section 27 for the taxable year.”.

(2) **CONFORMING AMENDMENT.**—Clause (ii) of section 30D(c)(2)(B) of such Code is amended by striking “section 25D” and inserting “sections 25D and 30C”.

(d) **TREATMENT OF PROPERTY USED BY TAX-EXEMPT ENTITY.**—Paragraph (2) of section 30C(e) of the Internal Revenue Code of 1986 is amended—

(1) by striking the last sentence, and

(2) by inserting “(including use by an Indian tribal government)” after “paragraph (3) or (4) of section 50(b)”.

(e) **JOINT OWNERSHIP OF ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.**—Subsection (e) of section 30C of the Internal Revenue Code of 1986, as amended by subsection (b), is amended by adding at the end the following new paragraph:

“(8) **JOINT OWNERSHIP OF ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.**—

“(A) **IN GENERAL.**—Any qualified alternative fuel vehicle refueling property shall not fail to be treated as such property solely because such property is placed in service with respect to 2 or more dwelling units.

“(B) **LIMITS APPLIED SEPARATELY.**—In the case of any qualified alternative fuel vehicle refueling property which is placed in service with respect to 2 or more dwelling units, this section (other than this subparagraph) shall be applied separately with respect to the portion of such property attributable to each such dwelling unit.”.

(f) **DEFINITION OF ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.**—

(1) **IN GENERAL.**—Paragraph (3) of section 179A(d) of the Internal Revenue Code of 1986 is amended to read as follows:

“(3) such property is—

“(A) for the generation, storage, compression, blending, or dispensing of a clean-burning fuel into the fuel tank of a motor vehicle propelled by such fuel, but only if the generation, storage, compression, or dispensing of such fuel is at the point where such fuel is delivered into the fuel tank of the motor vehicle, or

“(B) for the recharging of motor vehicles propelled by electricity (including property relating to providing electricity for such recharging or otherwise necessary for such recharging property).”.

(2) **BUILDING COMPONENTS.**—Subsection (d) of section 179A of such Code is amended by striking “and its structural components”.

(g) **EFFECTIVE DATE.**—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

By Mr. CARDIN (for himself and Mr. McCAIN):

S. 3881. A bill to require the Secretary of State to identify individuals responsible for the detention, abuse, or death of Sergei Magnitsky or for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and to impose a visa ban and certain financial measures with respect to such individuals, until the Russian Federation has thoroughly investigated the death of

Sergei Magnitsky and brought the Russian criminal justice system into compliance with international legal standards, and for other purposes; to the Committee on the Judiciary.

Mr. CARDIN. Mr. President, I rise today to introduce the Justice for Sergei Magnitsky Act of 2010.

As Chairman of the Commission on Security and Cooperation in Europe, I first learned about Sergei Magnitsky at a hearing I held on Russia in June 2009.

Sergei Magnitsky was a young Russian anti-corruption lawyer employed by a prominent American law firm in Moscow who blew the whistle on the largest known tax rebate fraud in Russian history perpetrated by high level Russian officials. After discovering this complex and brazen corruption scheme, Sergei Magnitsky dutifully testified to the authorities detailing the conspiracy to defraud the Russian people of approximately \$230 million and naming the names of those officials. Shortly after his testimony, Sergei was arrested by subordinates of the very law enforcement officers he had implicated in this crime. He was held in detention for nearly a year without trial under torturous conditions and died in an isolation cell while prison doctors waited outside his door on November 16, 2009.

In April of this year I sent a letter to our Secretary of State urging a visa ban for Russian officials connected to the death of Sergei Magnitsky. I also released a list of 60 senior officials from the Russian Interior Ministry, Federal Security Service, Federal Tax Service, Regional Courts, General Prosecutor's Office, and Federal Prison Service, along with detailed descriptions of their involvement in this matter. My bill reminds the Department of State that I have not forgotten and will not forget this issue. In fact, this bill goes a bit further adding an asset freeze provision to be applied against those implicated in this tragic affair.

Sergei Magnitsky, a lawyer with what should have been a promising career ahead of him died at age 37 leaving behind a mother, a wife, and two boys who never saw him or even heard his voice after his arrest. Since his death, no one has been held accountable and some of those involved even have been promoted. Also, there is strong evidence that the criminal enterprise that stole the money from the Russian treasury and falsely imprisoned and tortured Magnitsky, continues to operate. In fact, the American founding partner of Magnitsky's firm fled Russia for his safety in the months following his colleague's death after learning that a similar fraud scheme was attempted by the same criminals.

This is a heartbreaking story, and let me be clear, my bill does not even attempt to deliver justice as that would be impossible since nothing can bring Sergei back. There are obvious limits

to what we can do as Americans, but we can deny the privilege of visiting our country and accessing our financial system. This bill sends a strong message to those who are currently acting with impunity in Russia that there will be consequences for corruption should you wish to travel and invest abroad. I hope others, especially in the EU, UK, and Canada will adopt similar sanctions.

This measure is also about the future and protecting our business interests abroad by making it clear that, even if your home country allows you to trample the rule of law, we will not stand by and become an unwitting accomplice in your crimes.

Sadly, Sergei Magnitsky joins the ranks of a long list of Russian heroes who lost their lives because they stood up for principle and for truth. These ranks include Natalia Estemirova, a brave human rights activist shot in the head and chest and stuffed into the trunk of a car, Anna Politkovskaya, an intrepid reporter shot while coming home with an armful of groceries, and too many others.

Often in these killings there is a veil of plausible deniability, gunmen show up in the dark and slip away into the shadows, but Sergei, in inhuman conditions managed to document in 450 complaints exactly who bears responsibility for his false arrest and death. We must honor his heroic sacrifice and do all we can to learn from this tragedy that others may not share his fate.

Few are made in the mold of Sergei Magnitsky—able to withstand barbaric deprivations and cruelty without breaking and certainly none of us would want to be put to such a test. For those corrupt officials who abuse their office, Sergei's life stands as a rebuke to what is left of their consciences. To those who suffer unjustly, Sergei's experience can be a reminder to draw strength from and to know that they are not completely alone in their struggle.

In closing, I wish to address those prominent Russian human rights defenders who just a couple weeks ago appealed to our government and to European leaders to adopt the sanctions I called for in my April letter to Secretary Clinton. You are the conscience of Russia and we have heard your plea. You are not alone, and while you and your fellow citizens must do the heavy lifting at home, I assure you that "human rights" are not empty words for this body and for my government. I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill and a letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3881

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Justice for Sergei Magnitsky Act of 2010".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The United States supports the people of the Russian Federation in their efforts to realize their full economic potential and to advance democracy, human rights, and the rule of law.

(2) The Russian Federation—

(A) is a member of the United Nations, the Organization for Security and Cooperation in Europe, and the International Monetary Fund;

(B) has ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the United Nations Convention against Corruption; and

(C) is bound by the legal obligations set forth in the European Convention on Human Rights.

(3) States voluntarily commit themselves to respect obligations and responsibilities through the adoption of international agreements and treaties, which must be observed in good faith in order to maintain the stability of the international order. Human rights are an integral part of international law, and lie at the foundation of the international order. The protection of human rights, therefore, particularly in the case of a country that has incurred obligations to protect human rights under an international agreement to which it is a party, is not left exclusively to the internal affairs of that country.

(4) Good governance and anti-corruption measures are instrumental in the protection of human rights and in achieving sustainable economic growth, which benefits both the people of the Russian Federation and the international community through the creation of open and transparent markets.

(5) Systemic corruption erodes trust and confidence in democratic institutions, the rule of law, and human rights protections. This is the case when public officials are allowed to abuse their authority with impunity for political or financial gains in collusion with private entities.

(6) The President of the Russian Federation, Dmitry Medvedev, has addressed corruption in many public speeches, including stating in his 2009 address to Russia's Federal Assembly, "[Z]ero tolerance of corruption should become part of our national culture. . . . In Russia we often say that there are few cases in which corrupt officials are prosecuted. . . . [S]imply incarcerating a few will not resolve the problem. But incarcerated they must be." President Medvedev went on to say, "We shall overcome underdevelopment and corruption because we are a strong and free people, and deserve a normal life in a modern, prosperous democratic society." Furthermore, President Medvedev has acknowledged Russia's disregard for the rule of law and used the term "legal nihilism" to describe a criminal justice system that continues to imprison innocent people.

(7) The systematic abuse of Sergei Magnitsky, including his repressive arrest and torture in custody by the same officers of the Ministry of the Interior of the Russian Federation that Mr. Magnitsky had implicated in the embezzlement of funds from the Russian Treasury and the misappropriation of 3 companies from his client, Hermitage, reflects how deeply the protection of human rights is affected by corruption.

(8) The denial by all state bodies of the Russian Federation of any justice or legal remedies to Mr. Magnitsky during the nearly 12 full months he was kept without trial in detention, and the impunity of state officials he testified against for their involvement in corruption and the carrying out of his repressive persecution since his death, shows the politically motivated nature of the persecution of Mr. Magnitsky.

(9) Mr. Magnitsky died on November 16, 2009, at the age of 37, in Matrosskaya Tishina Prison in Moscow, Russia, and is survived by a mother, a wife, and 2 sons.

(10) There is extensive evidence that public officials from the Ministry of the Interior of the Russian Federation, the Russian federal tax authorities, the Prosecutor General's Office of the Russian Federation, and the Russian Federal Security Service, as well as regional courts and the prison system of the Russian Federation, have abused their powers and positions to commit serious human rights violations, embezzled funds from the Russian Treasury, and retaliated against whistleblowers.

(11) While he was in detention, Sergei Magnitsky called himself a hostage of officials who misappropriated companies from his client, the Hermitage Fund, and embezzled funds from the Russian Treasury. He said that his criminal prosecution, arrest, and detention were organized as a retribution by police officers who had the full knowledge of his innocence.

(12) The Public Oversight Commission of the City of Moscow for the Control of the Observance of Human Rights in Places of Forced Detention, an organization empowered by Russian law to independently monitor prison conditions, concluded, "A man who is kept in custody and is being detained is not capable of using all the necessary means to protect either his life or his health. This is a responsibility of a state which holds him captive. Therefore, the case of Sergei Magnitsky can be described as a breach of the right to life. The members of the civic supervisory commission have reached the conclusion that Magnitsky had been experiencing both psychological and physical pressure in custody, and the conditions in some of the wards of Butyrka can be justifiably called torturous. The people responsible for this must be punished."

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMITTED; ALIEN; SPOUSE.—The terms "admitted", "alien", and "spouse" have the meanings given those terms in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(3) FINANCIAL INSTITUTION; DOMESTIC FINANCIAL AGENCY; DOMESTIC FINANCIAL INSTITUTION.—The terms "financial institution", "domestic financial agency", and "domestic financial institution" have the meanings given those terms in section 5312 of title 31, United States Code.

(4) PARENT.—The term "parent" has the meaning given that term in section 101(b) of the Immigration and Nationality Act (8 U.S.C. 1101(b)).

(5) UNITED STATES PERSON.—The term "United States person" means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

SEC. 4. IDENTIFICATION OF INDIVIDUALS RESPONSIBLE FOR THE DETENTION, ABUSE, AND DEATH OF SERGEI MAGNITSKY AND FOR THE CONSPIRACY TO DEFRAUD THE RUSSIAN FEDERATION OF TAXES ON CERTAIN CORPORATE PROFITS.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of the Treasury, shall publish a list of each individual the Secretary has reason to believe—

(1) is responsible for the detention, abuse, or death of Sergei Magnitsky;

(2) conspired to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against the foreign investment company known as Hermitage and to misappropriate entities owned or controlled by Hermitage; or

(3) participated in efforts to conceal the detention, abuse, or death of Sergei Magnitsky described in paragraph (1) or the existence of the conspiracy described in paragraph (2).

(b) **UPDATES.**—The Secretary of State shall update the list required by subsection (a) as new information becomes available.

(c) **NOTICE.**—The Secretary of State shall, to the maximum extent practicable, provide notice and an opportunity for a hearing to an individual before the individual is placed on the list required by subsection (a).

SEC. 5. INADMISSIBILITY OF CERTAIN INDIVIDUALS.

(a) **INELIGIBILITY FOR VISAS.**—An alien is ineligible to receive a visa to enter the United States and ineligible to be admitted to the United States if the alien—

(1) is an individual on the list required by section 4(a); or

(2) is the spouse, son, daughter, or parent of an individual on that list.

(b) **CURRENT VISAS REVOKED.**—The Secretary of State shall revoke, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), the visa or other documentation of any alien who would be ineligible to receive such a visa or documentation under subsection (a).

(c) **WAIVER FOR NATIONAL INTERESTS.**—The Secretary of State may waive the application of subsection (a) or (b) in the case of an alien if the Secretary determines that such a waiver is in the national interests of the United States. Upon granting such a waiver, the Secretary shall provide to the appropriate congressional committees notice of, and a justification for, the waiver.

SEC. 6. FINANCIAL MEASURES.

(a) **SPECIAL MEASURES.**—The Secretary of the Treasury shall instruct domestic financial institutions and domestic financial agencies to take 1 or more special measures described in section 5318A(b) of title 31, United States Code, if the Secretary of the Treasury makes a determination under section 5318A of such title with respect to money laundering relating to the conspiracy described in section 4(a)(2).

(b) **FREEZING OF ASSETS.**—The Secretary of the Treasury shall freeze and prohibit all transactions in all property and interests in property of an individual that are in the United States, that come within the United States, or that are or come within the possession or control of a United States person if the individual—

(1) is on the list required by section 4(a); or

(2) acts as an agent of or on behalf of an individual on the list in a matter relating to an act described in paragraph (1), (2), or (3) of section 4(a).

(c) **WAIVER FOR NATIONAL INTERESTS.**—The Secretary of the Treasury may waive the application of subsection (a) or (b) if the Secretary determines that such a waiver is in the national interests of the United States. Upon granting such a waiver, the Secretary shall provide to the appropriate congressional committees notice of, and a justification for, the waiver.

(d) **REGULATORY AUTHORITY.**—The Secretary of the Treasury shall issue such regulations, licenses, and orders as are necessary to carry out this section.

(e) **ENFORCEMENT.**—A person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulation, license, or order issued to carry out this section shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of such section.

SEC. 7. REPORT TO CONGRESS.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Secretary of the Treasury shall submit to the appropriate congressional committees a report on the actions taken to carry out this Act.

(b) **UPDATES.**—The Secretary of State and the Secretary of the Treasury shall submit an updated version of the report required by subsection (a) as new information becomes available.

SEC. 8. EFFECTIVE DATE.

This Act shall take effect on the date that is 90 days after the date of the enactment of this Act.

SEC. 9. TERMINATION.

The provisions of this Act shall cease to be effective on the date on which the Secretary of State and the Secretary of the Treasury certify to the appropriate congressional committees that—

(1) the Government of the Russian Federation has conducted a thorough and impartial investigation into—

(A) the detention, abuse, and resulting death in custody of Sergei Magnitsky; and

(B) the conspiracy (described in section 4(a)(2)) to defraud the Russian Federation of taxes on corporate profits and to misappropriate entities owned or controlled by Hermitage; and

(2) the investigation described in paragraph (1) was properly conducted, transparent, and free of political influence;

(3) the individuals responsible for the detention, abuse, or resulting death of Sergei Magnitsky or for the conspiracy referred to in paragraph (1)(B) have been brought to justice according to the laws of the Russian Federation and pursuant to the international legal obligations of the Russian Federation; and

(4) the Government of the Russian Federation—

(A) has taken significant steps to bring the criminal justice system and penal system of the Russian Federation into compliance with applicable international legal standards;

(B) has substantially strengthened statutory protections for individuals who disclose evidence of illegal government activities; and

(C) has recognized the contribution of Sergei Magnitsky to the fight against corruption and for the rule of law.

COMMISSION ON SECURITY
AND COOPERATION IN EUROPE,
Washington, DC, April 26, 2010.

Hon. HILLARY RODHAM CLINTON,
Secretary of State, Washington, DC.

DEAR SECRETARY CLINTON: I am writing to request the immediate cancellation of U.S. visas held by a number of Russian officials and others who are involved in significant corruption in that country and who are responsible for last year's torture and death in prison of the Russian anti-corruption lawyer, Sergei Magnitsky, who testified against them. While there are many aspects of this case which are impossible to pursue here in the United States, one step we can take, however, is to deny the individuals involved in this crime and their immediate family members the privilege of visiting our country. The United States has a clear policy of denying entry to individuals involved in corruption, and it is imperative that the U.S. Department of State act promptly on this matter.

By way of brief background, on June 23, 2009, the Helsinki Commission heard testimony from the CEO of Hermitage Capital, Bill Browder, about a major crime committed by senior Interior Ministry officials in Russia, along with others in the Russian government and private sector. The crime, which involved a fraudulent \$230 million tax refund paid to the criminal group, was exposed by Hermitage's lawyer, Sergei Magnitsky. Through Mr. Browder's testimony we heard about the plight of Mr. Magnitsky, who, after discovering the crime, chose to testify against the Interior Ministry officers who had carried it out. One month after his testimony he was arrested in front of his wife and two young children in his Moscow home by a team of Interior Ministry troopers reporting directly to the officers Mr. Magnitsky had accused.

Since our June hearing, this story has taken a tragic turn for the worse. As highlighted in the 2009 State Department Country Report of Human Rights in Russia, Sergei Magnitsky was tortured in an attempt to force him to withdraw his testimony and to incriminate himself and his client. His detailed letters from prison attest to the inhuman conditions in which he was kept for nearly a year without a trial. During the course of his imprisonment he developed gallstones and pancreatitis, but was denied any medical attention as he continued to refuse to withdraw his testimony. On the night of November 16, 2009, he died awaiting trial.

Sergei Magnitsky's family were denied an independent autopsy by the Russian authorities, who claimed he died of natural causes. Members of Moscow's independent Prison Oversight Commission, a local watchdog group, described Magnitsky's death as "intentional" and "murder" and highlighted the role of government officials and prison administrators in his torture. Since the death, a number of prison officials have been fired, but no one has been prosecuted for his torture or death, nor for participating in the corruption he exposed.

While there is a limit to the direct action our government can take in this case, we can take the concrete action to ensure those public officials and others who share responsibility for this crime should be denied entry visas to the United States. As you know, the United States has the policy of prohibiting individuals involved in corruption from visiting our country, and the State Department is mandated by the President to achieve this aim. Pursuant to Presidential Proclamation

7750 ("To Suspend Entry as Immigrants or Nonimmigrants of Persons Engaged in or Benefiting From Corruption" (12 January 2004)).

The colleagues of Sergei Magnitsky and his attorneys have provided to the Helsinki Commission a list of those individuals involved in the \$230 million tax refund fraud and the subsequent torture and death of Sergei Magnitsky. The list includes senior officials from the Russian Interior Ministry, Federal Security Service, Federal Tax Service, Arbitration Courts, General Prosecutor Office, and Federal Prison Service, along with detailed descriptions of their involvement.

On this basis, I urge you to immediately cancel and permanently withdraw the U.S. visa privileges of all those involved in this crime, along with their dependents and family members. Doing so will provide some measure of justice for the late Mr. Magnitsky and his surviving family and will send an important message to corrupt officials in Russia and elsewhere that the U.S. is serious about combating foreign corruption and the harm it does. It will also help to protect U.S. companies operating in Russia who risk falling prey to similar schemes in the future.

Sincerely,

BENJAMIN L. CARDIN,
Chairman.

By Mr. PRYOR (for himself and Mr. ALEXANDER):

S. 3884. A bill to require the use of electronic on-board recording devices in motor carriers to improve compliance with hours of service regulations; to the Committee on Commerce, Science, and Transportation.

Mr. PRYOR. Mr. President, I come to the floor today to introduce legislation with Senator ALEXANDER of Tennessee that I believe will have a dramatic impact on the safety of our Nation's highways and interstates, called the Commercial Driver Compliance Improvement Act. This bill will require the Department of Transportation's Federal Motor Carrier Safety Administration, FMCSA, to implement regulations requiring the use of electronic on-board recording devices, EOBRs, for motor carriers in order to improve compliance with Hours-of-Service, HOS, regulations. Requiring the use of these technologies in motor carriers will not only improve compliance with HOS regulations, but it will also reduce the number of fatigued commercial motor vehicle drivers on the road. This will have a profound impact on highway safety and reduce accidents and fatalities on our highways and interstates.

Hours-of-Service regulations place limits on when and how long commercial motor vehicle drivers may drive. These regulations are based on an exhaustive scientific review and are designed to ensure truck drivers get the necessary rest to drive safely. In developing HOS rules the FMCSA reviewed existing fatigue research and worked with nongovernmental organizations like the Transportation Research Board of the National Academies and the National Institute for Occupational

Safety. HOS regulations are designed to continue the downward trend in truck driving fatalities and maintain motor carrier operational efficiencies.

Unfortunately, compliance with HOS regulations is often spotty due to inaccurate reporting by drivers as they are only required to fill out a paper log, a tracking method that dates back to the 1930s. Inaccurate reporting may result from an honest mistake or an intentional error by a driver seeking to extend his work day. These inaccuracies can lead to too much time on the road leaving the driver fatigued and placing other drivers at risk. After listening to the many interest groups and experts on this issue in meetings and Commerce, Science and Transportation Committee hearings, I have come to learn that there is an available and affordable 21st century technology that can ensure accurate logs, enhance compliance, and reduce the number of fatigued drivers on the road. They are being used today, and they are producing results. I believe that widespread utilization of these devices as soon as possible will significantly reduce further loss of life resulting from driver fatigue.

Our legislation will require motor carriers to install in their trucks an electronic device that performs multiple tasks to ensure compliance with HOS regulations. These devices must be engaged to the truck engine control module and capable of identifying the driver operating the truck, recording a driver's duty status, and monitoring the location and movement of the vehicle. Requiring electronic log books that are integrally connected to the vehicle engine as this bill requires will dramatically increase the accuracy of information submitted for hours of service compliance. Our bill will also require these recording devices to be tamper resistant and fully accessible by law enforcement personnel and federal safety regulators only for purposes of enforcement and compliance reviews.

While I understand that some drivers may be reluctant to transition to electronic logging devices, I strongly believe that the safety benefits of the use of these devices far outweigh the costs. I don't want to see more lives lost due to driver fatigue resulting from log book manipulation. I also believe that with the rapid development of electronic technology, especially in the wireless telecommunications area, we will see strong competition among EOBR manufacturers and reduced costs for these technologies. In addition, the price of these products should go down as the demand increases through regulatory requirement to utilize this equipment.

In order to protect the privacy of the driver, an issue which I know is a major concern among truck drivers, this legislation would explicitly pro-

vide privacy protections for use of information beyond enforcement and compliance monitoring. Ownership of data is protected for the owner of the vehicle or the person entitled to possession of the vehicle as the lessee.

Senator ALEXANDER and I are not alone in calling for this technology to be more widely used by commercial vehicles. There are a number of Senators, including Senator LAUTENBERG, who have long been strong proponents of implementing the use of this technology. In addition, multiple federal agencies and nongovernmental organizations have recognized the benefits of this technology and called for its widespread use.

For example, Mr. Francis France of the Commercial Vehicle Safety Alliance witness stated at the April 28, 2010, Senate Committee on Commerce, Science, and Transportation hearing on Oversight of Motor Carrier Safety Efforts that:

All motor vehicles should be equipped with EOBRs to better comply with Hours of Service laws . . . CVSA has been working with a broad partnership to help provide guidance to achieve uniform performance standards for EOBRs.

Similarly, the Chairman of the National Transportation Safety Board, the Honorable Deborah Hersman, stated at the same hearing that:

For the past 30 years, the NTSB has advocated the use of onboard data recorders to increase Hours of Service compliance . . . the NTSB recommended that they be required on all commercial vehicles.

During the same hearing, Ms. Jacqueline S. Gillan, with the Advocates for Highway and Auto Safety stated that:

We regard the mandatory, universal installation and use of EOBRs as crucial to stopping the epidemic of hours of service violations that produce fatigued, sleep-deprived commercial drivers . . . at very high risk of serious injury and fatal crashes.

I have also heard from Administrator Ferro of the FMCSA on her thoughts of how EOBRs would enhance compliance and improve highway safety. The FMCSA recently implemented a rule to require that these devices be mandated for truck drivers and trucking companies that have been found to be non-compliant with FMCSA rules. These rules will be effective in June 2012. It is my understanding that they are looking to expand these requirements to include more motor carriers, and I support those efforts as they reflect the qualities and intent of this legislation.

Finally, in addition to the support from safety advocates and Federal transportation safety officials, I have also heard from a number of Arkansas trucking companies currently utilizing this technology. These companies have experienced reductions in driver fatigue, increases in compliance, and reductions in insurance premiums. The executives of these companies, which include J.B. Hunt and Maverick U.S.A.

among others, support the expanded use of these devices to increase compliance, improve highway safety, and level the playing field among the industry. I agree with their views on the importance of widespread utilization of this safety and compliance device.

The Commercial Driver Compliance Improvement Act, if enacted, will require the Department of Transportation to issue regulations within 18 months from enactment to require commercial motor vehicles used in interstate commerce to be equipped with electronic onboard recorders for purposes of improving compliance with hours of service regulations. The regulation will apply to commercial motor carriers, commercial motor vehicles, and vehicle operators subject to both hours of service and record of duty status requirements three years after the date of enactment of this act. This population represents a vast majority of drivers and carriers who operate trucks weighing 10,001 pounds or more involved in interstate commerce. It will cover one hundred percent of over-the-road, long-haul truck drivers.

I urge my colleagues in the Senate to recognize the importance of this technology in saving lives on our nation's highways and interstates. I also ask for their support for this legislation and help in moving it to the President as quickly as possible. While I understand our time in the 111th Congress is quickly shrinking as the number of legislative days are limited, it is my hope that we move this legislation through the Senate no later than the Surface Transportation Reauthorization legislation that the Senate will take up in the near future.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3884

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commercial Driver Compliance Improvement Act".

SEC. 2. ELECTRONIC ON-BOARD RECORDING DEVICES.

(a) AMENDMENTS.—Subchapter III of chapter 311 of title 49, United States Code, is amended—

(1) in section 31132—

(A) by redesignating paragraphs (2) through (11) as paragraphs (4) through (13), respectively; and

(B) by inserting after paragraph (1) the following:

"(2) 'driving time' has the meaning given such term under section 395.2 of title 49, Code of Federal Regulations.

"(3) 'electronic on-board recording device' means an electronic device that—

"(A) is capable of recording a driver's duty hours of service and duty status accurately and automatically; and

"(B) meets the requirements under section 395.16(b) of title 49, Code of Federal Regulations."; and

(2) in section 31137—

(A) in the section heading by striking "Monitoring device" and inserting "Electronic on-board recording devices"; and

(B) by amending subsection (a) to read as follows:

"(a) ELECTRONIC ON-BOARD RECORDING DEVICES.—

"(1) REQUIREMENT.—All commercial motor vehicles involved in interstate commerce and subject to both the hours of service and the record of duty status requirements under part 395 of title 49, Code of Federal Regulations, shall be equipped with an electronic on-board recording device to improve compliance with hours of service regulations under such part.

"(2) LIMITATIONS OF INFORMATION RETRIEVAL.—

"(A) IN GENERAL.—Data recorded by an electronic on-board recording device that meets the requirements under part 395 of title 49, Code of Federal Regulations, is not admissible in any civil, criminal, or administrative proceeding for any purpose other than establishing compliance or noncompliance with the applicable Federal hours-of-service rules governing the maximum driving time and minimum off-duty time applicable to motor carriers and drivers.

"(B) APPLICABILITY TO CIVIL AND CRIMINAL PROCEEDINGS.—The prohibition under subparagraph (A) shall apply to any civil or criminal action or proceeding, whether in Federal or State court, and to any administrative action, whether by Federal or State authorities, unless—

"(i) the owner consents to the retrieval of the information; or

"(ii) the information—

"(I) is retrieved by a government motor vehicle safety agency or law enforcement agency to determine compliance with hours of service regulations under part 395 of title 49, Code of Federal Regulations, and enforcing penalties for violating hours of service regulations under such part; and

"(II) is not used by any person or entity other than a government motor vehicle agency for the purposes set forth in subclause (I) without owner consent.

"(C) DEFINED TERM.—In this paragraph, the term 'owner' means a person or entity—

"(i) in whose name the motor vehicle, which is equipped with the device from which the data is retrieved, is registered or titled; or

"(ii) entitled to possession of the motor vehicle as lessee pursuant to a written lease or rental agreement."

(b) EFFECTIVE DATE.—The amendments made under subsection (a) shall take effect on the effective date of the final regulations prescribed by the Secretary of Transportation pursuant to section 3.

SEC. 3. RULEMAKING.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Transportation shall prescribe final regulations to carry out section 31137 of title 49, United States Code, as amended by section 2.

(b) PERFORMANCE AND DESIGN STANDARDS.—The regulations prescribed by the Secretary under this section shall establish performance and design standards that require each electronic on-board recording device—

(1) to be integrally linked or communicate with the vehicle's engine control module;

(2) to identify each individual who operates the vehicle;

(3) to accurately record driving time;

(4) to provide real-time tracking of the vehicle's location;

(5) to enable law enforcement personnel to access the information contained in the device during roadside inspections; and

(6) to be tamper resistant.

(c) ADDITIONAL REQUIREMENTS.—The regulations prescribed by the Secretary under this section shall—

(1) define a standardized user interface to aid vehicle operator compliance and law enforcement reviews;

(2) establish a secure process for standardized and unique vehicle operator identification, data access, data transfer for vehicle operators between motor vehicles, data storage for motor carriers, and data transfer and transportability for law enforcement;

(3) establish a standard security level for electronic on-board recording devices to be tamper resistant; and

(4) establish a process for approving eligible electronic on-board recorder systems.

(d) EFFECTIVE DATE; APPLICABILITY.—The regulations prescribed under this section shall apply to all motor carriers, commercial motor vehicles, and vehicle operators subject to both the hours of service and the record of duty status requirements under part 395 of title 49, Code of Federal Regulations, beginning on the date that is 3 years after the date of the enactment of this Act.

By Mr. LIEBERMAN:

S. 3885. A bill to provide incentives for States and local educational agencies to implement comprehensive reforms and innovative strategies that are designed to lead to significant improvement in outcomes for all students and significant reductions in achievement gaps among subgroups of students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. LIEBERMAN. Mr. President, I rise today to introduce the Race to the Top Act of 2010. Congressman JARED POLIS is introducing companion legislation in the House today. The Race to the Top Act will authorize the continuation of the highly successful Race to the Top, RTTT, program which was established by the American Recovery and Reinvestment Act, and expand that program to school districts. RTTT calls for competitive grants from states and school districts that invest in bold educational reforms designed to bring about significant improvement in academic outcomes for all students and significant reductions in achievement gaps. Our bill will authorize the act for 2011 and the succeeding 5 years.

When No Child Left Behind, NCLB, was signed into law 9 years ago, we made a national commitment to fix our educational system—a system in which low-income minority students were performing significantly below their higher-income peers. We made a commitment to bring an end to unacceptable achievement gaps and to ensure that each and every child—regardless of race, nationality or family income—could succeed in our public schools and graduate with the skills necessary for success in college or the workforce. Despite the commitments we made, unacceptable achievement gaps persist in

our country today. Still today our public schools are not preparing our students to succeed in college and the workforce. Each year, 30 percent of American students fail to receive their high school diploma on time, and graduation rates are consistently lower for minority students. One-third of our students who do graduate from high school are not college ready, and in international standardized tests involving students from 30 nations, 14-year-olds in the United States rank 25th in mathematics and 21st in science. Improving public education and closing student achievement gaps remains one of the most important issues of our time. We have made some progress, but until we have equal and excellent educational opportunities for all of our children, regardless of ethnicity or income, we have not done our job. While, in many ways, NCLB moved us in the right direction, it needs to be updated. I believe the time is long overdue for Congress to tackle reauthorization of the Elementary and Secondary Education Act, which was the underlying law to NCLB, and continuing the Race to the Top program should be part of this debate.

The positive impact of RTTT, in a very short period of time, is evident and impressive. We have engaged states, school districts, unions, teachers, parents, and students in the mission of a better education for all of our children. RTTT has without a doubt helped to focus the country's attention on school reform.

The competition for RTTT money has already had a significant impact on state and local educational policies across the nation. It has incentivized states to implement high, internationally benchmarked, core standards and to create a positive climate for public charter schools. RTTT recognizes the essential role teachers play in education and has prompted states to get serious about teacher effectiveness, distribution, evaluation, and accountability. And RTTT has prompted states to improve policies aimed at turning around America's lowest performing schools. In sum, RTTT has encouraged states to make real progress towards closing the unacceptable achievement gaps that persist and to improve the state of public education for all students.

Under Race to the Top: 46 States and DC developed statewide reform plans; 15 States changed laws to increase their ability to intervene in their lowest performing schools; 22 States enacted laws to improve teacher quality, including alternative certification, effectiveness and evaluation systems; 36 States and DC have adopted high college- and career-ready standards; 15 States have altered laws or policies to create or expand the number of charter schools.

RTTT is working. We know it is benefiting states that were successful in

receiving funds but it is also working for states that did not receive funds, simply because those states have already enacted changes that will improve education. Many States remain committed to their new educational reforms regardless of their success in achieving RTTT funding. Students in many States will be better off because of the important policy changes enacted as a result of RTTT. Rarely have we witnessed so much change in educational policy in such a short period of time.

I know some officials in my home state, Connecticut, were disappointed about not being selected as a RTTT winner. But I do believe the children in Connecticut were winners because we have strengthened our state laws, policies, and curriculum to lift our charter school caps, improve STEM education, and strengthen our teacher evaluation process. I commend the state and local leaders that collaborated in the process. If we continue the RTTT program, as our bill would do, more States, and now districts, will be winners and we can continue this movement towards important educational reform.

RTTT has been an effective catalyst for educational reform and has encouraged all stakeholders in states to come together and work together to improve state agendas. It is essential that we keep the momentum of the first two waves of Race to the Top moving forward. Since our goal is to make all schools high quality schools, the real winner in the RTTT competition will be the students across America.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3885

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Race to the Top Act of 2010".

SEC. 2. RACE TO THE TOP.

(a) IN GENERAL.—Title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.) is amended—

- (1) by redesignating part C as part D;
- (2) by redesignating sections 6301 and 6302 as sections 6401 and 6402, respectively; and
- (3) by inserting after part B the following:

"PART C—RACE TO THE TOP

"SEC. 6301. PURPOSES.

"The purposes of this part are to—

"(1) provide incentives for States and local educational agencies to implement comprehensive reforms and innovative strategies that are designed to lead to—

"(A) significant improvements in outcomes for all students, including improvements in student achievement, secondary school graduation rates, postsecondary education enrollment rates, and rates of postsecondary education persistence; and

"(B) significant reductions in achievement gaps among subgroups of students; and

"(2) encourage the broad identification, adoption, use, dissemination, replication, and expansion of effective State and local policies and practices that lead to significant improvement in outcomes for all students, and the elimination of those policies and practices that are not effective in improving student outcomes.

"SEC. 6302. RESERVATION OF FUNDS.

"From the amounts made available under section 6308 for a fiscal year, the Secretary may reserve not more than 10 percent to carry out activities related to technical assistance, monitoring, outreach, dissemination, and prize awards that support the purposes of this part.

"SEC. 6303. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—From the amounts made available under section 6308 for a fiscal year and not reserved under section 6302, the Secretary shall award grants, on a competitive basis, to States or local educational agencies, or both, in accordance with section 6304(b), to enable the States or local educational agencies to carry out the purposes of this part.

"(b) GRANT AND SUBGRANT ELIGIBILITY LIMITATIONS.—

"(1) ARRA STATE INCENTIVE GRANTS.—A State that has received a grant under section 14006 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 283) may not receive a grant under this part during the period of its grant under such section.

"(2) NUMBER OF GRANTS.—A State or local educational agency may not receive more than 1 grant under this part per grant period.

"(3) NUMBER OF SUBGRANTS.—A local educational agency may receive 1 grant and 1 subgrant under this part for the same fiscal year.

"(c) DURATION OF GRANTS.—

"(1) IN GENERAL.—A grant under this part shall be awarded for a period of not more than 4 years.

"(2) CONTINUATION OF GRANTS.—A State or local educational agency that is awarded a grant under this part shall not receive grant funds under this part for the second or any subsequent year of the grant unless the State or local educational agency demonstrates to the Secretary, at such time and in such manner as determined by the Secretary, that the State or local educational agency, respectively, is—

"(A) making progress in implementing the plan under section 6304(a)(3) at a rate that the Secretary determines will result in the State or agency fully implementing such plan during the remainder of the grant period; or

"(B) making progress against the performance measures set forth in section 6305 at a rate that the Secretary determines will result in the State or agency reaching its targets and achieving the objectives of the grant during the remainder of the grant period.

"SEC. 6304. APPLICATIONS.

"(a) APPLICATIONS.—Each State or local educational agency that desires to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. At a minimum, each such application shall include—

"(1) documentation of the applicant's record, as applicable—

"(A) in increasing student achievement, including for all subgroups described in section 1111(b)(2)(C)(v)(II);

“(B) in decreasing achievement gaps, including for all subgroups described in section 1111(b)(2)(C)(v)(II);

“(C) in increasing secondary school graduation rates, including for all subgroups described in section 1111(b)(2)(C)(v)(II);

“(D) in increasing postsecondary education enrollment and persistence rates, including for all subgroups described in section 1111(b)(2)(C)(v)(II); and

“(E) with respect to any other performance measure described in section 6305 that is not included in subparagraphs (A) through (D);

“(2) evidence of conditions of innovation and reform that the applicant has established and the applicant’s proposed plan for implementing additional conditions for innovation and reform, including—

“(A) a description of how the applicant has identified and eliminated ineffective practices in the past and the applicant’s plan for doing so in the future;

“(B) a description of how the applicant has identified and promoted effective practices in the past and the applicant’s plan for doing so in the future; and

“(C) steps the applicant has taken and will take to eliminate statutory, regulatory, procedural, or other barriers and to facilitate the full implementation of the proposed plan under this paragraph;

“(3) a comprehensive and coherent plan for using funds under this part, and other Federal, State, and local funds, to improve the applicant’s performance on the measures described in section 6305, consistent with criteria set forth by the Secretary, including how the applicant will, if applicable—

“(A) improve the effectiveness of teachers and school leaders, and promote equity in the distribution of effective teachers and school leaders, in order to ensure that low-income and minority children are not taught by ineffective teachers, and are not in schools led by ineffective leaders, at higher rates than other children;

“(B) strengthen the use of high-quality and timely data to improve instructional practices, policies, and student outcomes, including teacher evaluations;

“(C) implement internationally benchmarked, college- and career-ready elementary and secondary academic standards, including in the areas of assessment, instructional materials, professional development, and strategies that translate the standards into classroom practice;

“(D) turn around the persistently lowest-achieving elementary schools and secondary schools served by the applicant;

“(E) support or coordinate with early learning programs for high-need children from birth through grade 3 to improve school readiness and ensure that students complete grade 3 on track for school success; and

“(F) create or maintain successful conditions for high-performing charter schools and other innovative, autonomous public schools;

“(4)(A) in the case of an applicant that is a State—

“(i) evidence of collaboration between the State, its local educational agencies, schools (as appropriate), parents, teachers, and other stakeholders, in developing the plan described in paragraph (3), including evidence of the commitment and capacity to implement the plan; and

“(ii)(I) the names of the local educational agencies the State has selected to participate in carrying out the plan; or

“(II) a description of how the State will select local educational agencies to participate in carrying out the plan; or

“(B) in the case of an applicant that is a local educational agency, evidence of collaboration between the local educational agency, schools, parents, teachers, and other stakeholders, in developing the plan described in paragraph (3), including evidence of the commitment and capacity to implement the plan;

“(5) the applicant’s annual performance measures and targets, consistent with the requirements of section 6305; and

“(6) a description of the applicant’s plan to conduct a rigorous evaluation of the effectiveness of activities carried out with funds under this part.

“(b) CRITERIA FOR EVALUATING APPLICATIONS.—

“(1) AWARD BASIS.—The Secretary shall award grants under this part on a competitive basis, based on the quality of the applications submitted under subsection (a), including—

“(A) each applicant’s record in the areas described in subsection (a)(1);

“(B) each applicant’s record of, and commitment to, establishing conditions for innovation and reform, as described in subsection (a)(2);

“(C) the quality and likelihood of success of each applicant’s plan described in subsection (a)(3) in showing improvement in the areas described in subsection (a)(1), including each applicant’s capacity to implement the plan and evidence of collaboration as described in subsection (a)(4); and

“(D) each applicant’s evaluation plan as described in subsection (a)(6).

“(2) EXPLANATION.—The Secretary shall publish an explanation of how the application review process under this section will ensure an equitable and objective evaluation based on the criteria described in paragraph (1).

“(c) PRIORITY.—In awarding grants to local educational agencies under this part, the Secretary shall give priority to—

“(1) local educational agencies with the highest numbers or percentages of children from families with incomes below the poverty line; and

“(2) local educational agencies that serve schools designated with a school locale code of 41, 42, or 43.

“SEC. 6305. PERFORMANCE MEASURES.

“Each State and each local educational agency receiving a grant under this part shall establish performance measures and targets, approved by the Secretary, for the programs and activities carried out under this part. These measures shall, at a minimum, track the State’s or local educational agency’s progress in—

“(1) implementing its plan described in section 6304(a)(3); and

“(2) improving outcomes for all subgroups described in section 1111(b)(2)(C)(v)(II) including, as applicable, by—

“(A) increasing student achievement;

“(B) decreasing achievement gaps;

“(C) increasing secondary school graduation rates;

“(D) increasing postsecondary education enrollment and persistence rates;

“(E)(i) improving the effectiveness of teachers and school leaders, increasing the retention of effective teachers and school leaders; and

“(ii) promoting equity in the distribution of effective teachers and school leaders in order to ensure that low-income and minority children are not taught by ineffective teachers, and are not in schools led by ineffective leaders, at higher rates than other children; and

“(F) making progress on any other measures identified by the Secretary.

“SEC. 6306. USES OF FUNDS.

“(a) GRANTS TO STATES.—Each State that receives a grant under this part shall use—

“(1) not less than 50 percent of the grant funds to make subgrants to the local educational agencies in the State that participate in the State’s plan under section 6304(a)(3), based on such local educational agencies’ relative shares of funds under part A of title I for the most recent year for which those data are available; and

“(2) not more than 50 percent of the grant funds for any purpose included in the State’s plan under section 6304(a)(3).

“(b) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—Each local educational agency that receives a grant under this part shall use the grant funds for any purpose included in the local educational agency’s plan under section 6304(a)(3).

“(c) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—Each local educational agency that receives a subgrant under this part from a State shall use the subgrant funds for any purpose included in the State’s plan under section 6304(a)(3).

“SEC. 6307. REPORTING.

“(a) ANNUAL REPORTS.—A State or local educational agency that receives a grant under this part shall submit to the Secretary, at such time and in such manner as the Secretary may require, an annual report including—

“(1) data on the State’s or local educational agency’s progress in achieving the targets for the performance measures established under section 6305;

“(2) a description of the challenges the State or agency has faced in implementing its program and how it has addressed or plans to address those challenges; and

“(3) findings from the evaluation plan as described in section 6304(a)(6).

“(b) LOCAL REPORTS.—Each local educational agency that receives a subgrant from a State under this part shall submit to the State such information as the State may require to complete the annual report required under subsection (a).

“SEC. 6308. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part \$1,350,000,000 for fiscal year 2011 and such sums as may be necessary for each of the 5 succeeding fiscal years.”.

(b) CONFORMING AMENDMENTS.—The table of contents for the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.) is amended—

(1) by striking the items relating to part C of title VI; and

(2) by inserting after the item relating to section 6234 the following:

“PART C—RACE TO THE TOP

“Sec. 6301. Purposes.

“Sec. 6302. Reservation of funds.

“Sec. 6303. Program authorized.

“Sec. 6304. Applications.

“Sec. 6305. Performance measures.

“Sec. 6306. Uses of funds.

“Sec. 6307. Reporting.

“Sec. 6308. Authorization of appropriations.

“PART D—GENERAL PROVISIONS

“Sec. 6401. Prohibition against Federal mandates, direction, or control.

“Sec. 6402. Rule of construction on equalized spending.”.

By Mr. FRANKEN (for himself and Mr. LEMIEUX):

S. 3888. A bill to make improvements to the Fair Debt Collection Practices

Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. FRANKEN. Mr. President, we have big problems in the debt collection industry that are long overdue in being addressed. Before I even begin, I wish to preface my remarks by saying when someone takes out a loan, they ought to pay it back. I have no intention of making it easier for people to skip out on legitimate debts. But we also cannot sit idly by as debt collectors prey on good people who have always tried to do the right thing.

In 1977, by my calculations 33 years ago, Congress passed the Fair Debt Collection Practices Act to protect consumers from abusive practices by debt collectors. But times have changed and that law needs updating.

Congress did not foresee the abuses that would arise as the growing debt collection industry found ways around the intent of the law to make a profit on the backs of hard-working Americans. All around our country, there are numerous stories of people being taken advantage of by unscrupulous debt collectors. The debt collectors do not let the law or common decency stop them from doing whatever it takes for them to make a buck.

Those abuses include nasty and harassing calls, including the use of racial slurs and going after innocent people for debts they do not owe. In my State alone, and you can find similar stories from all over the country, consumers have been subjected to endless collection attempts over debts they do not recognize or debts they do not believe ever existed, debts that have already been paid, debts owed by different people, and debts that have been dramatically inflated.

Just this week, I met a man from Minnesota who was repeatedly harassed by debt collectors for a debt he did not owe. And in spite of the evidence he provided, it did not stop until he got a lawyer. Debt collectors have time and money on their side, and now some are even exploiting scarce law enforcement resources to go after unsuspecting Minnesotans. Debt collection firms are preying on people with good intentions. But without the time and money to figure out their rights and to fight back, this is basically a David and Goliath situation, but here, usually Goliath is the one that wins.

For some people, this bad situation spirals into an even worse nightmare. The problems in the debt collection industry first came to my attention in June, when my hometown newspaper, the Star Tribune, began a series on the subject about the story about the Minnesotans who have landed in jail because debt collectors were pursuing them for a debt.

One woman who told her story, a Minneapolis resident, spent a full day in jail over a \$250 credit card debt. Dur-

ing that day she was treated like a criminal, groped by an inmate, and offered drugs by another, and slept in a room with a dozen other women, sharing a toilet with no privacy.

Here is what she told the newspaper.

We hear every day about how there is no money for public services. But it seems like the collectors have found a way to get the police to do their work.

She is right. These rogue debt collectors are gaming the system and using law enforcement resources for the sole purpose of corporate profit. Then there is the story of a woman from Richfield, MN, a suburb south of Minneapolis, who was arrested one day recently because she had defaulted on a credit card in 2006. A debt-buying company had bought up her old credit card debt and started sending collection notices. But she ignored them because she had never heard of that company. The next thing you know, she was stopped on the road and arrested.

This harassment and abuse needs to be stopped. That is why Senator LEMIEUX and I are introducing the End Debt Collector Abuse Act, which would forbid debt collectors from seeking the arrest of a consumer in pursuit of payment. The court can initiate it, just not the debt collector.

It would also require the debt collectors to provide consumers with, get this, basic information upfront such as an itemization of principle, fees, and interest that make up the debt, so that consumers can recognize a debt, determine whether the collectors' claim is accurate, and exercise their rights.

This bill will also require the debt collectors provide the name of the original creditor upfront so we can avoid cases such as that women from Richfield, who received collection notices from a company she had never heard of and, quite reasonably, ignored them. It is just common sense to make sure that debt collectors provide this sort of basic information upfront so these misunderstandings do not happen.

In the case a consumer does identify an inaccuracy with a debt claim, some debt collectors currently do little or nothing in terms of investigating whether the consumer's dispute is correct. For that reason, this bill would require the collectors conduct a thorough investigation when a consumer contacts them about a mistake. The collector would then have to provide the consumer with specific evidence about the dispute.

Finally, the End Debt Collector Abuse Act would increase the penalties for violating consumer rights in order to crack down on the rogue debt collectors who have been blatantly and willfully ignoring current Federal prohibitions against harassing calls and other abusive practices.

In this tough economy, Minnesotans are suffering enough right now and

they deserve to have the basic protections against abusive debt collective practices. I urge my colleagues to join Senator LEMIEUX and me in supporting this bill so we can stop the abuse and harassment of hard-working Americans by rogue debt collection firms.

Mr. President, I ask unanimous consent that the text of the bill and a list of supports be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3888

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "End Debt Collector Abuse Act of 2010".

SEC. 2. ENHANCED VALIDATION NOTICES.

(a) IN GENERAL.—Section 809(a) of the Fair Debt Collection Practices Act (15 U.S.C. 1692g(a)) is amended—

(1) in paragraph (4), by striking "and" at the end; and

(2) by striking paragraph (5) and inserting the following:

"(5) the date of the last payment to the creditor on the subject debt by the consumer and the amount of the debt at the time of default;

"(6) the name and address of the last person to extend credit with respect to the debt;

"(7) an itemization of the principal, fees, and interest that make up the debt and any other charges added after the date of the last payment to the creditor;

"(8) a description of the rights of the consumer—

"(A) to request that the debt collector cease communication with the consumer under section 805(c); and

"(B) to have collection efforts stopped under subsection (b); and

"(9) the name and contact information of the person responsible for handling complaints on behalf of the debt collector."

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall become effective 1 year after the date of enactment of this Act.

SEC. 3. DISPUTE INVESTIGATIONS AND VERIFICATION.

Section 809(b) of the Fair Debt Collection Practices Act (15 U.S.C. 1692g(b)) is amended—

(1) by inserting after "(b)" the following: "DISPUTED DEBTS.—

"(1) IN GENERAL.—"; and

(2) by striking "Collection activities" and inserting the following:

"(2) REASONABLE INVESTIGATION AND VERIFICATION REQUIRED.—Upon receipt of a notification under paragraph (1) that a debt is disputed by the consumer, the debt collector shall undertake a thorough investigation of the substance of the dispute, and shall timely provide to the consumer specific responsive information and verification of the disputed debt.

"(3) COLLECTION ACTIVITIES.—Collection activities".

SEC. 4. AWARD OF DAMAGES.

(a) ADDITIONAL DAMAGES INDEXED FOR INFLATION.—

(1) IN GENERAL.—Section 813 of the Fair Debt Collection Practices Act (15 U.S.C. 1692k) is amended by adding at the end the following:

"(f) ADJUSTMENT FOR INFLATION.—

“(1) INITIAL ADJUSTMENT.—Not later than 90 days after the date of the enactment of this subsection, the Commission shall provide a percentage increase (rounded to the nearest multiple of \$100 or \$1,000, as applicable) in the amounts set forth in such section equal to the percentage by which—

“(A) the Consumer Price Index for All Urban Consumers (all items, United States city average) for the 12-month period ending on the June 30 preceding the date on which the percentage increase is provided, exceeds

“(B) the Consumer Price Index for the 12-month period preceding January 1, 1978.

“(2) ANNUAL ADJUSTMENTS.—With respect to any fiscal year beginning after the date of the increase provided under paragraph (1), the Commission shall provide a percentage increase (rounded to the nearest multiple of \$100 or \$1,000, as applicable) in the amounts set forth in this section equal to the percentage by which—

“(A) the Consumer Price Index for All Urban Consumers (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

“(B) the Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).”.

(2) APPLICABILITY.—The increases made under section 813(f) of the Fair Debt Collection Practices Act, as added by paragraph (1) of this subsection, shall apply with respect to failures to comply with a provision of such Act (15 U.S.C. 1601 et seq.) occurring on or after the date of enactment of this Act.

(b) INJUNCTIVE RELIEF.—Section 813(d) of the Fair Debt Collection Practices Act (15 U.S.C. 1692k(d)) is amended by adding at the end the following: “In a civil action alleging a violation of this title, the court may award appropriate relief, including injunctive relief.”.

SEC. 5. SEEKING A WARRANT FOR ARREST OF DEBTOR AS AN UNFAIR DEBT COLLECTION PRACTICE.

(a) IN GENERAL.—Section 808 of the Fair Debt Collection Practices Act (15 U.S.C. 1692f) is amended by adding at the end the following:

“(9) A request by a debt collector to a court or any law enforcement agency for the issuance of a warrant for the arrest of a debtor or any other similar request that a debt collector knows or should know would lead to the issuance of an arrest warrant, in relation to collection of a debt.”.

(b) CONSTRUCTION.—Paragraph (9) of such section 808, as added by subsection (a), shall not be construed to limit a court's inherent authority to hold a debtor in civil contempt, nor to limit a debt collector's ability to seek a writ of execution or similar remedy to take possession of property in order to satisfy a valid judgment of debt.

The following have endorsed the End Debt Collector Abuse Act:

National Consumer Law Center, Consumers Union; National Consumers League, Center for Responsible Lending, Service Employees International Union (SEIU), The Leadership Conference on Civil and Human Rights, National Association of Consumer Advocates, National Council of La Raza, Consumer Action, National Association for the Advancement of Colored People (NAACP), Minnesota Attorney General Lori Swanson, Legal Services Advocacy Project (Minnesota), Family Partnership (Minnesota), Minneapolis Urban League, Minnesota Community Action Partnership, Jew-

ish Community Action (Minnesota), Housing Preservation Project (Minnesota), Lutheran Social Services of Minnesota—Financial Counseling Services, Catholic Charities' Office for Social Justice (Minnesota), Twin Cities Habitat for Humanity (Minnesota), Downtown Congregations to End Homelessness (Minnesota), Metropolitan Consortium of Community Developers (Minnesota).

By Mr. DODD (for himself and Mr. BURR):

S. 3895. A bill to protect students from inappropriate seclusion and physical restraint, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce the Keeping All Students Safe Act to create a safe environment for students and school personnel by creating minimum standards around the use of seclusion and restraint in schools. In December, I introduced a similar bill. But today, I come to the floor with my good friend and colleague Senator BURR, with a revised act that incorporates additional protections for students.

In 1998, the Hartford Courant ran an award-winning series of stories about the use of seclusion and restraint in hospitals, residential facilities, and group homes for individuals with psychiatric and developmental disabilities. The Courant uncovered a hidden epidemic, confirming 142 deaths occurring during or after the use of seclusion or restraint.

One of those 142 cases was an 11-year-old boy from my home State of Connecticut. He was restrained face-down in a position that restricted his airflow. He died as a result.

In response, I led the charge to establish Federal standards to prevent the misuse of these practices. I helped pass The Children's Health Act of 2000, which included the Compassionate Care Act that I originally drafted to put these standards in place in certain hospitals and residential facilities. We wanted to include schools in this legislation, but were unable to do so. Sadly, the need could not have been greater.

Over the past year, reports from the National Disability Rights Network, NDRN, the Alliance to Prevent Restraint, Aversive Interventions, and Seclusion, APRAIS, the Council of Parent Attorneys and Advocates, Inc., COPAA, and the Government Accountability Office, GAO, have painted a picture disturbingly similar to the one the Hartford Courant discovered more than a decade ago.

The statistics are chilling—hundreds of incidents of physical injury, psychological trauma, even death—but the stories are even more devastating.

The GAO found many examples of the inappropriate use of seclusion and restraint in the report it released on May 19, 2009.

A 14 year-old boy was restrained face-down by a teacher because he would

not stay seated in class. The 230 lb. teacher sat on the 129 lb. boy, restricting his airflow and resulting in the boy's death.

A 4 year-old girl with cerebral palsy and autism was restrained in a wooden chair with leather straps for being “uncooperative.”

In one school district, children with disabilities as young as six years old were allegedly placed in strangleholds, restrained for extended periods of time, confined to dark rooms, and tethered to ropes and prevented from using the restroom until they urinated on themselves.

To be clear, school personnel go to work every day with the goal of educating children, not harming them. I have the utmost respect and appreciation for the difficult job they do and want to make it clear that my concern signifies no disrespect for their challenging jobs, or the dangers they sometimes face.

However, these tragic stories reflect inadequate training and a lack of resources on the state and local levels to implement effective interventions, such as school-wide positive behavioral interventions and supports. According to a report by COPPA, over 71 percent of the 185 incidents they identified occurred in schools with no positive behavioral interventions or supports. If school personnel are provided with the necessary tools to prevent dangerous situations, the number of incidents requiring restraint and seclusion will decrease.

Just as students have a right to learn in a safe environment, educators have a right to work in a safe environment. They should be provided with the proper training and support to prevent injury to themselves and others.

In some states, parents have successfully advocated for laws that provide these resources, as well as guidelines to ensure that they are used effectively.

But the patchwork of state laws and regulations is confusing and especially troublesome for transient students.

According to the GAO study, 19 states have no law or regulations concerning seclusion and restraint in schools. Some laws apply to only certain schools or situations, and some apply to restraint but not seclusion. Only 19 states require parental notification, only 17 states require staff training, and only eight specifically prohibit restraints that restrict airflow.

Therefore, Senator BURR and I will today introduce the Keeping All Students Safe Act, a bill that will address these issues.

Our bill will establish clear minimum standards for the use of restraint and seclusion in schools, closely based on the Children's Health Act of 2000. It will also provide resources to assist with policy implementation and provide school personnel with necessary tools, training, and support.

It will improve data collection, analysis, and identification of effective practices to prevent and reduce seclusion and restraint in schools, so we may better understand the scope of the problem and the effectiveness of our solutions.

Specifically, the legislation will prohibit the use of seclusion and restraint in schools unless a student's behavior poses an immediate danger of serious physical injury and less restrictive interventions would be ineffective.

It will prohibit the use of mechanical, chemical, and physical restraints that restrict air flow to the lungs.

This legislation will require adequate training and state certification of school personnel imposing seclusion or restraint, immediate parental notification when such an incident occurs, and a debriefing session to prevent future incidents.

As a result of this act, the Department of Education will conduct, and provide to Congress, a national assessment that analyzes data on seclusion and restraint and determines effective practices in preventing and reducing the number of incidents. This assessment will provide us with a more accurate picture of the extent of seclusion and restraint in schools, and will help direct additional future efforts to ensure that our children and those who educate them are safe.

The Keeping All Students Safe Act includes language that solidifies Protection and Advocacy agencies', P&A, abilities to serve the students who are in need of protection. This legislation is meant to ensure that these P&As are spending their time and resources protecting our Nation's children in schools, and not in court about this already settled issue.

Finally, this legislation will amend the Elementary and Secondary Education Act, as well as the Higher Education Act, to provide additional planning for and training on the use of positive behavioral interventions and supports.

I want to thank the many organizations representing individuals with disabilities, students, teachers, and schools that all came to the table with recommendations. Their time, energy, and input made this a much stronger and more effective bill, and I truly appreciate their hard work and support. I am especially thankful for Senator BURR's commitment to this issue and his insights that have strengthened the bill. I am also grateful to Secretary Duncan for his leadership on this issue at the Department of Education. Finally, I want to thank my colleague and good friend, Chairman GEORGE MILLER in the House of Representatives. Earlier this year, he introduced companion legislation that passed the House in March. Senator BURR and I look forward to working with him to pass this into law.

Every child has a right to be safe in the place where he or she goes to learn and grow. Every educator deserves the training and support he or she needs to do his or her job safely and effectively. The Keeping All Students Safe Act will help to prevent tragedies in our schools. I am proud to introduce it today, and I urge my colleagues to join me.

By Mr. GOODWIN:

S. 3896. A bill to protect children against hazards associated with swallowing button cell batteries by requiring the Consumer Product Safety Commission to promulgate a consumer product safety standard to require child-proof closures on remote controls and other consumer electronic products that use such batteries, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. GOODWIN. Mr. President, today I am pleased to introduce the Access to Button Cell Batteries Act. This legislation will ensure that the small batteries we find in everything from car keys to musical greeting cards are properly secured, and kept out of the hands of our children.

There is no question that technological progress makes our everyday activities a little easier. Such advancement has allowed for small batteries to be powerful enough to run many of today's devices, creating less bulky products.

Unfortunately, with advanced technology comes a new potential hazard. Many may not know the possible consequences when a child gets their hands on these tiny batteries.

Although many of these incidents are relatively harmless, should a child find one of these small button batteries, the consequences can be much, much worse—even deadly. We have discovered that battery ingestion has caused 13 deaths and numerous injuries, and from 1985 to 2009, there was an almost 7-fold increase in the percentage of ingestions with severe outcomes. This is unacceptable, and it is time for action.

Lithium cell batteries, some the size of a penny, are a growing concern. Beyond the choking risk to children, the real issue is what happens when they are swallowed. The batteries can cause internal burns, and lasting damage can occur in just a couple of hours. These injuries can cause death or lifelong injuries including damaged vocal cords or torn intestinal tracts that require surgeries or feeding tubes.

The Access to Button Cell Batteries Act would require the Consumer Product Safety Commission to initiate a rule requiring that compartments on small battery products be properly secured.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3896

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Access to Button Cell Batteries Act of 2010".

SEC. 2. CONSUMER PRODUCT SAFETY STANDARD FOR BUTTON CELL BATTERY ACCESS.

(a) DEFINITIONS.—In this section:

(1) BATTERY-OPERATED OR ASSISTED CONSUMER ELECTRONIC PRODUCT.—The term "battery-operated or assisted consumer electronic product" means a remote control, clock, musical greeting card, automobile key, flashlight, or other consumer product powered in whole or in part by a button cell battery that is designed, manufactured, and sold primarily for use by consumers in or around their homes or motor vehicles.

(2) BUTTON CELL BATTERY.—The term "button cell battery" means—

(A) a lithium cell battery that is 32 millimeters or less in diameter; or

(B) any other battery of that size, regardless of the technology used to produce an electrical charge, as determined by the Consumer Product Commission.

(3) CONSUMER PRODUCT.—The term "consumer product" has the meaning given the term in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052).

(b) STANDARD REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Consumer Product Safety Commission shall promulgate, as a final consumer product safety standard under section 7(a) of the Consumer Product Safety Act (15 U.S.C. 2056(a)), a standard that requires button cell battery compartments of battery operated or assisted consumer electronic products be secured, to the greatest extent practicable, in a manner that reduces access to button cell batteries by children that are 3 years of age or younger.

(c) EXPEDITED RULEMAKING.—

(1) IN GENERAL.—The standard required by subsection (b) shall be promulgated in accordance with section 553 of title 5, United States Code.

(2) INAPPLICABILITY OF CERTAIN PROMULGATION REQUIREMENTS.—The requirements of subsections (a) through (f) and (g)(1) of section 9 of the Consumer Product Safety Act (15 U.S.C. 2058) shall not apply to the promulgation of the standard required by subsection (b) of this section.

(d) EFFECTIVE DATE.—The final consumer product safety standard required by subsection (b) shall apply to battery-operated or assisted consumer electronic products manufactured on or after the date that is 1 year after the date on which the Commission promulgates such standard.

By Mr. COBURN (for himself, Mr. LEMIEUX, Mr. INHOFE, and Mr. DEMINT):

S. 3900. A bill to reduce waste, fraud, and abuse under the Medicare, Medicaid, and CHIP programs, and for other purposes; to the Committee on Finance.

Mr. COBURN. Mr. President, today, I, along with Senators LEMIEUX, DEMINT, and INHOFE, am introducing the FAST Act. At the same time, this same bill is being introduced in the U.S. House of

Representatives by Representative PETER ROSKAM. Both of us were present at the White House summit with the President.

What the FAST Act does is attack the \$100 billion worth of waste and fraud in Medicare, Medicaid, and SCHIP.

In the President's February 22, 2010 proposal for health reform, President Obama endorsed several Republican proposals designed to combat waste, fraud, and abuse in Medicare and Medicaid. While some anti-fraud provisions were included in the health care overhaul that passed Congress, these Republican proposals were not fully included.

Today, along with Senators LEMIEUX, DEMINT, and INHOFE, I am introducing the "Fighting Fraud and Abuse to Save Taxpayers' Dollars" or "FAST" Act. An identical bill is also being introduced today in the U.S. House of Representatives by Representative PETER ROSKAM, who also attended the White House health summit. The FAST Act notionally represents the Republican solutions the President endorsed to combat waste in Medicare and Medicaid as, as well as a bipartisan provision to reduce from by removing Social Security numbers from Medicare cards.

The status quo in Medicaid and Medicare is unsustainable and unacceptable. American taxpayers lose \$60 to \$100 billion in waste, fraud, and abuse in Medicare and Medicaid each year. Congress and the administration must do a better job of working to staunch this flow of taxpayer dollars that goes to crooks instead of providing care.

The current system was designed to be defrauded. And under the status quo today, organized crime affiliates and criminal gangs are bilking billions of taxpayer dollars from Medicare each year because it is so easy to defraud the system. HHS' Inspector General told Congress recently that a street gang in California has defrauded Medicare to the tune of \$11 million by establishing a fake company and billing Medicare for expensive items like wheel chairs and oxygen supplies. The American people ought to be outraged and should not stand for this.

Imagine how we could improve Medicare's solvency if we could recoup two-thirds of the known fraud and abuse in the program each year. We could save \$400 billion over a decade, just by preventing fraud.

But the loss of taxpayer dollars due to waste and fraud under Medicare and Medicaid not only threatens the financial viability of programs, they erode the public trust. American taxpayers should not be expected to tolerate rampant waste, fraud, and abuse in publicly-funded health care programs.

The new Federal health overhaul that Congress passed earlier this year dramatically expands Medicaid, significantly changes Medicare, creates new

regulations, and will send hundreds of billions of dollars to insurance companies. Without improvements to current anti-fraud efforts, taxpayers could be at risk to even more money.

Congress and the Administration must do a more effective job in combating waste, fraud, and abuse in public health care programs and protecting the American taxpayer dollars. This bill is not a magic bullet, but I believe it offers a common-sense step forward to reduce fraud, waste, and abuse in our Nation's largest two health care programs. This bill gives increases data sharing, stiffens penalties, and pilots new ways of combating egregious fraud.

I sincerely hope politicians and bureaucrats can put the public interest ahead of their own. Congress and the administration cannot afford to continue to tolerate such fraud in Medicare and Medicaid. I look forward to working with any member of Congress who is serious about reducing waste, fraud, and abuse in public health care programs.

Just think for a minute what would happen to Medicare solvency if, in fact, we could recoup two-thirds of the fraud and inappropriate payments that are ongoing. It is straightforward. Many of the ideas in this were embraced by the President at our meeting.

It is my hope that the Senate will look at this and, in a bipartisan fashion, jump on board to fix a problem that is undermining one of our possible solutions to health care, which is that the Medicare trust fund is belly up.

There has been a lot of work done on this by Democrats and Republicans in the Senate. It is my hope we will have their consent and cosponsorship for the bill.

By Mr. HATCH:

S. 3901. A bill to promote enforcement of immigration laws and for other purposes; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to introduce the Strengthening Our Commitment to Legal Immigration and America's Security Act. Our immigration system is broken and needs reform. We can make progress by starting with the laws that already exist. My bill would enhance our core immigration and enforcement laws for both legal and illegal immigrants.

Much has been discussed this Congress on how to proceed on the very complex and, unfortunately at times, partisan issue of immigration reform. Some have introduced non-binding resolutions others have tried to attach immigration-related measures to non-germane legislative vehicles. But, we're never going to get anywhere with these political stunts which do little to get to the root the problem.

Throughout my service, I have spent considerable time with my constitu-

ents and, quite frankly, have anguished with them on how to best address the considerable strain the illegal alien population is having on Utahns. Among other things, I have taken the initiative to increase immigration enforcement in Utah include bringing ICE Quick Response teams to our state, creating an immigration court, and establishing an ICE Field Office Director position to address Utah's immigration concerns. I also brought the 287(g) cross-deputizing program and just recently the Secure Communities program to Utah.

There is no question that more needs to be done. That is something everyone will agree on. Just recently legislation was enacted to enhance border security. I was pleased that this was a bipartisan effort. Some argue that the bill is sufficient to secure our border, but I disagree. There is much work to be done before the border is properly sealed. I continue to work with and support my colleagues whose states are located along the Southwest border. They know what resources we need to deploy to secure the border.

While Utah is not a border state, we still share the same concerns of our neighbors along the border. However, our problems result from a residual effect of a porous border and a breakdown of our immigration enforcement system.

For years, I have been saying most immigration problems could be solved if we would enforce the laws on the books. Unfortunately, the current Administration continues to explore ways to exploit current law and score political points.

During the past several months, the Obama administration has been holding behind-the-scenes talks to determine whether the Department of Homeland Security can unilaterally grant legal status, on a mass basis, to illegal immigrants via deferred action and parole. If the Administration is successful, it would be the equivalent of back-door amnesty for millions. For this reason, my bill specifies that an alien may only be paroled or granted deferred action on a case-by-case basis—not en mass—the way these laws were intended to be used.

The 287(g) and Secure Communities programs continue to be valuable tools to our law enforcement officials in detaining and deporting criminal aliens. For example, in Fiscal Year 2010, the 287(g) program was responsible for detaining 29,295 criminal aliens. What I don't understand is why some cities would choose to not participate in these effective programs. That is why my proposed legislation would require eligible states, counties, or cities to actively participate in the Secure Communities or 287(g) programs or forego compensation for incarceration expenses. Turning a blind eye to these

law enforcement programs poses a serious risk to the public and creates sanctuary cities.

When I meet with my constituents, one of their top concerns is how we fix our visa programs. Many are concerned, and with good cause, about how some of these folks are getting into the country. Disturbingly, some visa holders are active participants in organized crime. They come to this country and infiltrate our communities, wreaking havoc in our neighborhoods.

In an effort to address this problem, my bill would provide our State Department consular officers the necessary legal authority to deny members of known gangs from coming into our country. It's not acceptable to allow these thugs to slip through the cracks.

After 9/11, many areas of our immigration system came under scrutiny. One of the top recommendations for reform to our system is to create an exit procedure for foreign visitors to the United States. Departure information is vital for determining whether foreign visitors are departing the U.S., maintaining their visa status, and evaluating future visa eligibility for these visitors. Not to mention, the ability to track departures goes to the heart of keeping America safe.

Without such exit procedures, however, the task of determining whether an alien has overstayed their visa in the United States is nearly impossible. Since 2004, the Department of Homeland Security has been testing exit programs and departure controls at U.S. airports for visa holders leaving the United States. As recently as July 2009, another pilot program was concluded by the Department of Homeland Security. To date, we still haven't seen any implementation of exit procedures for our country's visitors, nor have we seen any final conclusions made by the Department. It has been over 6 years since the first pilot program concluded. It is time to act.

Thus, my bill would require the Secretary of Homeland Security to create a mandatory exit procedure for foreign visitors to the United States. This should have been done years ago.

Additionally, the proposed legislation would eliminate the fraud-laden visa lottery, known as the Diversity Visa program. At present, applicants of the visa lottery program are open to being defrauded by so-called service providers who offer to assist them in obtaining Diversity Visa status. Unlike other immigrant visa categories, this is one of the few visas that allows people to immigrate to the United States without having any connection to the country. In other words, the applicants may not have any family, employment, or even provide an economic tie to the United States. And because of limited availability of verification, the program presents serious national security concerns.

Let me be clear: if anyone is a proponent of a diverse nation, one that enjoys the influence of many cultures, it is me. But what we have right now in the visa lottery program does not accomplish the intended goal.

After careful consultation with State Department officials, I have been advised that the Diversity Visa program needs serious reform, and some have even called for complete elimination of the program. In light of this guidance, I propose to sunset the Diversity Visa program, unless the State Department recommends to Congress how best to combat fraud and eliminate abuse currently in the program.

One of the most heated issues that is continually raised by my constituents, and many across the country, is the impact that illegal aliens are having upon our welfare programs. It came to my attention that Los Angeles County, California, actually tracks this information. Much to my amazement, L.A. County confirms that in 2009 alone, they distributed over \$2.4 billion in Federal-State welfare and food stamp programs. Of that amount, \$569 million was issued to households that include illegal aliens. Let me reiterate: the illegal alien population in L.A. County received over a half-billion dollars of welfare benefits in one year alone.

In order to have an honest discussion about the drain illegal aliens are having upon our welfare systems, we must be armed with state-specific information to understand the extent of this problem.

Thus, my bill would require the Secretary of Health and Human Services, in consultation with the Department of Homeland Security and any other appropriate Federal agency, to submit an annual report to Congress outlining the total dollar amount of Federal welfare benefits received by households of illegal aliens for each state and the District of Columbia. The annual report would also include the overall dollar amount each state spends on Federal welfare benefits.

Without having this information, we will continue to dismiss the serious economic ramifications to our country's prosperity. We cannot afford to perpetuate this problem any longer.

My legislation also includes a provision which revisits the legal immigrant policy included in the Children's Health Insurance Program Reauthorization Act of 2009, P.L. 111-3. The CHIP Reauthorization law overturned language requiring a 5-year waiting period before legal immigrants may be eligible for federal health coverage. The 5-year waiting period was included in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193. As my colleagues will recall, the 1996 Welfare Reform Act required sponsors of legal immigrants to be responsible for individuals' expenses during the first 5 years of residency in

our country. States had the option of offering legal immigrants CHIP and Medicaid coverage with State only dollars. In other words, States could not receive Federal matching dollars for covering these legal immigrants.

The 2009 CHIP law overturned that policy. Today, States may still cover legal immigrant children and pregnant women who have been in the U.S. less than 5 years. However, the big difference is states now receive Federal matching dollars for covering those individuals.

The provision in the bill I am introducing today would permit states to continue receiving federal matching dollars for covering legal immigrant children and legal immigrant pregnant women but two conditions must be met. First, the state must demonstrate that it has covered 90 percent of its U.S. citizen children and pregnant women eligible for CHIP or Medicaid. These individuals' family income may not exceed 200 percent of the Federal poverty level. Second, the State must demonstrate that it is not supplanting state dollars which were being used to cover legal immigrants prior to passage of the 2009 CHIP reauthorization law with Federal dollars.

Another top concern I regularly hear about is identity theft—that of both adults and children who have to spend a great amount of their time and money to clear their good names and restore their credit history.

In 2006, parents of Utah 2-year old Tyler Lybbert realized their daughter's identity had been stolen by 38-year old Jose Tinoco. By the time the Lybberts became aware of the fraud, Mr. Tinoco had already taken out two loans and opened credit cards—saddling Tyler with over \$15,000 in debt. Little Tyler was left holding the bag.

Fortunately, when Mr. Tinoco tried to obtain a loan from a local Utah bank, an employee spotted the discrepancy and alerted Tyler's parents. Mr. Tinoco was caught, but the Lybberts were left with countless hours of work to correct the fraud perpetrated against their child.

This past weekend, the Utah press reported on another identity theft case. A newly married radiology student at Weber State University has been battling to reclaim his identity for the last 15 years. When Cameron Noble was 7 years old his Social Security number was stolen by Mr. Jose Zavala of California—an over 60-year-old man.

Noble's parents thought they had corrected the error but when Cameron began working at the age of 16 he started receiving notices that his wages were being garnished to pay child support. The problem has continued to haunt him ever since—in the form of tax withholdings and credit report confusion. He is now nearing the end of the process to obtain a new Social Security number.

It is not a secret that many in the illegal immigrant community perpetuate identity theft with stolen or fabricated Social Security numbers, SSN. The identity theft they commit often affects the very young—who may not notice problems for years or decades until they are old enough to apply for their first job, car or school loan, or credit card.

As in little Tyler Lybbert's case, why did it take a bank employee to pick up on the theft? Because there is no formal system established to alert SSN holders when potential fraud or improper usage have occurred.

The federal agency that is best suited to track the use of mismatched SSN numbers is the Internal Revenue Service, IRS. That is why my bill requires the IRS to send a notice to an employer that an inaccurate SSN has been discovered for an employee. If the employer does not respond to the notice within 60-days to correct the inaccuracy, my legislation will require the IRS to notify the SSN holder or to parents and guardians of a minor, that a discrepancy has been detected and to do the following: if it is an actual mismatch to contact the IRS; if they suspect fraudulent use, the SSN holder is provided with contact information for the FTC and various credit bureaus to report the problem; and finally if no response is received by the SSN holder, the IRS would be required to refer the account number to appropriate Federal agencies for possible investigation.

Let me pause here to underscore a point. Currently, the original SSN holder never receives notice when a mismatch has occurred. Quite frankly, I do not have the assurances that the IRS is requiring much of the employer to correct or verify the submission. That is not acceptable. In this day and age, when at a click of a mouse, someone can apply for credit cards, mortgages, or even car loans, there is no excuse why SSN holders are left in the dark.

One can only imagine that if this simple notification step was taken in the case of little Tyler Lybbert or the Noble family that years of laborious efforts and countless hours of notifying credit bureaus, banks, and other authorities, could have been greatly reduced if not avoided all together.

To make matters more confusing in this area of the law, the Supreme Court has more or less tied the hands of prosecutors in going after these thieves and those who are involved in so-called document mills. The case of *Flores-Figueroa v. United States* undermined prosecutors' longstanding practice of using the aggravated identity theft statute by requiring them to also prove that a defendant knew that he or she was using a real person's identity information, as opposed to counterfeit information not connected to an actual person.

To clarify the Criminal Code and provide our prosecutors with the latitude they need to pursue these cases, my bill makes clear that defendants who possess or otherwise use identity information not their own, without lawful authority, and in the commission of another felony is still punishable for aggravated identity fraud, regardless of the defendants' "knowledge" of the victim.

Finally, my bill's identity theft would require the Secretary of the Treasury, the Chairman of the FTC, and the Commissioner of Social Security to conduct a study to determine the most feasible and cost-effective ways to protect the credit worthiness of individuals, especially that of children.

Mexican Cartel drug violence has been placed front and center by the media and members of this body. Some of my fellow colleagues have called for more resources directed to this problem. As additional federal law enforcement personnel and military units continue to be deployed to the southwest border the focus has been on weapons, drug interdiction and bulk cash smuggling. While I recognize the importance of these border enforcement activities, too little attention is being paid to outdoor marijuana cultivation by Mexican drug trafficking organizations.

Outdoor marijuana cultivation by Mexican drug trafficking organizations is causing increasing environmental damage, especially on publicly owned lands. From 2004–2009 more than 11 million marijuana plants have been eradicated from federal public lands. Outdoor marijuana cultivation is the chief source of revenue for Mexican drug trafficking organizations.

Growing marijuana in the U.S. saves traffickers the risk and expense of smuggling their product across the border and allows gangs to produce their crops closer to local markets. Illegal alien workers are smuggled in from Mexico to serve as laborers and provide security to the grow plots. Mexican gang plots can often be distinguished from those of domestic-based growers based on their plant volume and security measures. Many of the plots are encircled with crude explosives and are patrolled by armed illegal aliens providing security for the crop.

In my home State of Utah, the Drug Enforcement Administration and local law enforcement have seized more than 110,000 marijuana plants this year. Each plant can yield one pound of marijuana with a street value of \$1,000. These remote plots were on federal land and nestled under the cover in a national forest or hidden high in the rugged-yet-fertile tracts of federal land. All of the sites were far from the eyes of law enforcement, where growers can take the time needed to grow far more potent marijuana. Growers of

these fields have even created irrigation systems to disrupt or divert water sources. They even use illegal fertilizers that damage the environment and the local eco-system.

In one recent incident in Garfield County, Utah an illegal alien grow worker was armed with a shotgun and confronted six teenage girls who inadvertently hiked into the marijuana field. The worker brandished a shotgun and demanded to use their cell phone. Fortunately, the group of girls were able to run away from this armed man and prevented what could have been a very tragic outcome. The girls were quite traumatized and reported the incident to local police. The Drug Enforcement Administration and the local authorities apprehended the man a short time later.

So far this year in Utah, as a result of joint investigative efforts between Federal, State and local law enforcement, 20 arrests have been made in connection with the outdoor cultivation of marijuana on Federal lands. Out of the 20 arrests made, 19 were illegal aliens. This is not a problem that is unique to Utah. Other States with substantial federal lands are also seeing a spike in marijuana cultivation by Mexican drug trafficking organizations, including Colorado, California, Idaho, Nevada, Oregon and Michigan.

It is for this reason why my legislation would provide tougher penalties for cultivating marijuana on federal lands and destroying the environment. Provisions of this legislation would also require the Office of National Drug Control Policy to formulate a comprehensive and coordinated action plan to address marijuana cultivation on Federal lands. This plan will be a broad strategic approach to disrupt Mexican drug trafficking organizations' central source of revenue and a key reason for organized alien smuggling.

The fight to control the border is no longer isolated to just the physical boundary between the United States and Mexico. Securing the border now means addressing Mexican cartels; prohibiting mass deferral or parole; streamlining the visa process; requiring participation in key law enforcement programs; clamping down on identity theft; tracking the amount of welfare benefits being diverted by illegal immigrant households; ensuring that dollars are being used to cover newly eligible American children in CHIP and Medicaid; and keeping our great national parks and Federal lands safe and free from drug traffickers, drug cultivation, and environmental damage.

Let me conclude by saying this bill represents key issues that are important to my Utah constituents and Americans across the country. They are common sense solutions to strengthen our commitment to legal immigration and American's security.

I urge my colleagues to put partisanship aside and support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3901

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Strengthening Our Commitment to Legal Immigration and America’s Security Act”.

SEC. 2. DEFERRED ACTION AND PAROLE.

Section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) is amended by adding at the end the following:

“(C) Notwithstanding any other provision of law, an alien may only be paroled into the United States or granted deferred action of a final order of removal on a case-by-case basis for urgent humanitarian reasons or significant public benefit.”.

SEC. 3. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

Section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) is amended—

(1) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7);

(2) in paragraph (7), as so redesignated, by striking “paragraph (5)” and inserting “paragraph (6)”; and

(3) by inserting after paragraph (4) the following:

“(5) A State, county, city, or township that is eligible to participate in Secure Communities or to cross-designate local law enforcement officers to perform immigration law enforcement functions under section 287(g) and does not participate in such programs may not receive compensation for incarceration expenses under this subsection.”.

SEC. 4. VISA REFORM.

(a) **VISA INELIGIBILITY FOR ORGANIZED CRIME MEMBERS.**—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following:

“(J) **ALIENS ENGAGED IN ORGANIZED CRIME.**—Any alien who the consular officer or the Attorney General knows or has reason to believe is a member of a known criminal organization that regularly engages in transnational criminal activity, is inadmissible.”.

(b) **EXIT PROCEDURES FOR FOREIGN VISITORS.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security, in coordination with the Secretary of State and the aviation industry, as appropriate, shall create a mandatory exit procedure for foreign visitors, based upon—

(1) the results of the programs piloted by United States Customs and Border Protection to track the departure of foreign visitors, including US-VISIT; and

(2) the feasibility and benefits of the departure confirmation systems tested under such exit pilot programs.

(c) **ELIMINATION OF THE DIVERSITY VISA PROGRAM.**—

(1) **IN GENERAL.**—Section 203 of the Immigration and Nationality Act (8 U.S.C. 1153) is amended by striking subsection (c).

(2) **TECHNICAL AND CONFORMING AMENDMENTS.**—Title II of the Immigration and Nationality Act (8 U.S.C. 1151) is amended as follows:

(A) In section 201 (8 U.S.C. 1151)—

(i) in subsection (a)—

(I) in paragraph (1), by adding “and” at the end; and

(II) in paragraph (2), by striking “; and” at the end and inserting a period; and

(ii) by striking subsection (e).

(B) In section 203 (8 U.S.C. 1153)—

(i) in subsection (d), by striking “subsection (a), (b), or (c)” and inserting “subsection (a) or (b)”; and

(ii) in subsection (g), by striking “subsection (a), (b), or (c)” and inserting “subsection (a) or (b)”; and

(iii) in subsection (h)(2)(B), by striking “subsection (a), (b), or (c)” and inserting “subsection (a) or (b)”.

(C) Section 204(a)(1) (8 U.S.C. 1154(a)(1)) is amended by striking subparagraph (I).

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall become effective on the first day of the fiscal year beginning after the date of the enactment of this Act, unless Congress reviews the recommendations from the Secretary of State on how to combat fraud and eliminate abuse in the Diversity Visa Program and legislation is enacted to maintain the Diversity Visa Program that addresses such recommendations, with appropriate changes in the eligibility requirements.

SEC. 5. ANNUAL ACCOUNTABILITY OF FEDERAL WELFARE BENEFITS RECEIVED BY ALIENS UNLAWFULLY PRESENT IN THE UNITED STATES.

The Secretary of Health and Human Services, in consultation with the Secretary of Homeland Security and the head of any other appropriate Federal agency, shall submit to Congress an annual report that includes, for each State (and including the District of Columbia)—

(1) the total amount of Federal welfare benefits provided to such State during the most recent fiscal year, disaggregated by State; and

(2) the total amount of Federal welfare benefits provided to households with any persons who resided in the United States illegally during the most recent fiscal year.

SEC. 6. LIMITATION ON STATE OPTION TO EXPAND CHIP COVERAGE TO NONCITIZEN CHILDREN OR NONCITIZEN PREGNANT WOMEN.

Section 2107 of the Social Security Act (42 U.S.C. 1397gg) is amended—

(1) in subsection (e)(1)(J), by inserting “and only if the State satisfies the requirements described in subsection (g)” before the period at the end; and

(2) by adding at the end the following:

“(g) **DEMONSTRATION OF COVERAGE AND MAINTENANCE OF EFFORT.**—For purposes of subsection (e)(1)(J), the requirements described in this subsection are the following:

“(1) The State demonstrates to the Secretary (on the basis of the best data reasonably available to the Secretary and in accordance with such techniques for sampling and estimating as the Secretary determines appropriate) that the State has enrolled in the State plan under title XIX, the State child health plan under this title, or under a waiver of either such plan, at least 90 percent of the children residing in the State who are citizens or nationals of the United States, whose family income does not exceed 200 percent of the poverty line (as determined before January 1, 2014, without regard to the application of any general exclusion or disregard of a block of income that is not determined by type of expense or type of income, and as determined on or after January 1, 2014, in accordance with section 1902(e)(14)), and who are eligible for medical

assistance under the State plan under title XIX or child health assistance under the State child health plan under this title.

“(2) The State provides assurances that the amount of State or other non-Federal funds expended annually by the State to provide medical assistance, child health assistance, or other health benefits coverage to lawfully residing immigrant children or lawfully residing immigrant pregnant women will not be less than the amount of such funds expended for such purposes for fiscal year 2009.”.

SEC. 7. IDENTITY THEFT.

(a) **AMENDMENTS TO THE CRIMINAL CODE.**—Chapter 47 of title 18, United States Code, is amended—

(1) in section 1028—

(A) in subsection (a)(7), by striking “of another person” and inserting “other than his or her own”; and

(B) in subsection (b)(3)—

(i) in subparagraph (B), by striking “or” at the end;

(ii) in subparagraph (C), by adding “or” at the end; and

(iii) by adding at the end the following:

“(C) to facilitate or assist in harboring or hiring unauthorized workers in violation of section 274, 274A or 274C of the Immigration and Nationality Act (8 U.S.C. 1324, 1324a, and 1324c)”.

(b) **IRS NOTIFICATION REQUIREMENT.**—

(1) **REQUIREMENT TO NOTIFY SOCIAL SECURITY ACCOUNT NUMBER HOLDERS.**—If the Commissioner of Internal Revenue sends a notice to an employer that an inaccurate social security account number has been discovered for an employee and the employer does not respond to the notice within 60 days to correct such account number, the Commissioner shall send such a notice—

(A) to the individual who was originally issued such social security account number; or

(B) if such individual is a minor, to the individual’s legal guardian.

(2) **CONTENT OF NOTICE.**—A notice sent to an individual under paragraph (1) shall include the following:

(A) A request that the individual respond to such notice within 60 days to correct the information associated with the social security account number.

(B) Information on how to respond to the notice.

(C) Notification that if a response is not received by the Commissioner within 60 days, the Commissioner shall provide notice of the inaccurate social security account number to the appropriate agencies for possible investigation, including the Department of Homeland Security, the Department of Justice, and the Federal Trade Commission.

(D) **Notification.**—

(i) that if the individual suspects that the individual’s social security account number may have been used fraudulently, the individual should notify the Federal Trade Commission and the various credit bureaus; and

(ii) information on how to provide the notifications described in clause (i).

(c) **STUDY AND REPORT.**—

(1) **IN GENERAL.**—The Secretary of the Treasury, the Chairman of the Federal Trade Commission, and the Commissioner of Social Security, in consultation with the Secretary of Commerce and other appropriate Federal officials, shall conduct a study to determine the most feasible and cost effective ways to protect the credit worthiness of individuals, especially children.

(2) **ISSUES TO BE STUDIED.**—The study conducted under paragraph (1) shall—

(A) assess the types of data held by the Federal Government and the private sector that could prove beneficial in protecting and verifying identity;

(B) assess current government and industry practices designed to protect personal privacy and determine how such practices could be improved to protect and verify individuals' credit worthiness;

(C) analyze the estimated impact of alternative systems of achieving effective protection of credit on the financial industry (including small banks, rural financial institutions, and credit unions), consumers, and the government with respect to—

- (i) costs;
- (ii) credit availability;
- (iii) convenience;
- (iv) privacy; and
- (v) other nonfinancial burdens, including any effects on personal privacy; and

(D) determine the most effective ways to protect and verify credit information.

(3) **PARTICIPATION.**—Representatives of the financial industry, members of the public, government agencies, and other interested groups shall be given opportunities to provide information for the study conducted under paragraph (1).

(4) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall submit a report containing the results of the study conducted under paragraph (1), including any recommendations for legislative or administrative actions, to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

SEC. 8. ENHANCED PENALTIES FOR CERTAIN DRUG OFFENSES ON FEDERAL LANDS.

(a) **CULTIVATING OR MANUFACTURING CONTROLLED SUBSTANCES ON FEDERAL PROPERTY.**—Section 401(b)(5) of the Controlled Substances Act (21 U.S.C. 841(b)(5)) is amended by striking “as provided in this subsection” and inserting “for not more than 10 years, in addition to any other term of imprisonment imposed under this subsection.”.

(b) **USE OF HAZARDOUS SUBSTANCES.**—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines and policy statements to ensure that the guidelines provide an additional penalty increase of 2 offense levels above the sentence otherwise applicable for a violation of section 401(a) of the Controlled Substances Act (21 U.S.C. 841(a)) if the offense—

(1) includes the use of a poison, chemical, or other hazardous substance to cultivate or manufacture controlled substances on Federal property;

(2) creates a hazard to humans, wildlife, or domestic animals;

(3) degrades or harms the environment or natural resources; or

(4) pollutes an aquifer, spring, stream, river, or body of water.

(c) **STREAM DIVERSION OR CLEAR CUTTING ON FEDERAL PROPERTY.**—

(1) **PROHIBITION ON STREAM DIVERSION OR CLEAR CUTTING ON FEDERAL PROPERTY.**—Section 401(b) of the Controlled Substances Act is amended by adding at the end the following:

“(8) **DESTRUCTION OF BODIES OF WATER.**—Any person who violates subsection (a) in a manner that diverts, redirects, obstructs, or drains an aquifer, spring, stream, river, or body of water or clear cuts timber while cultivating or manufacturing a controlled sub-

stance on Federal property shall be fined in accordance with title 18, United States Code.”.

(2) **FEDERAL SENTENCING GUIDELINES ENHANCEMENT.**—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines and policy statements to ensure that the guidelines provide an additional penalty increase of 2 offense levels for above the sentence otherwise applicable for a violation of section 401(a) of the Controlled Substances Act (21 U.S.C. 841(a)) if the offense involves the diversion, redirection, obstruction, or draining of an aquifer, spring, stream, river, or body of water or the clear cut of timber while cultivating or manufacturing a controlled substance on Federal property.

(d) **BOOBY TRAPS ON FEDERAL LAND.**—Section 401(d)(1) of the Controlled Substances Act (21 U.S.C. 841(d)(1)) is amended by inserting “cultivated,” after “is being”.

(e) **USE OR POSSESSION OF FIREARMS IN CONNECTION WITH DRUG OFFENSES ON FEDERAL LANDS.**—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines and policy statements to ensure that the guidelines provide an additional penalty increase of 2 offense levels above the sentence otherwise applicable for a violation of section 401(a) of the Controlled Substances Act (21 U.S.C. 841(a)) if the offense involves the possession of a firearm while cultivating or manufacturing controlled substances on Federal lands.

SEC. 9. FEDERAL LANDS COUNTERDRUG ACTION PLAN.

(a) **DEFINITIONS.**—In this section:

(1) **CONTROLLED SUBSTANCE.**—The term “controlled substance” has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(2) **COVERED LANDS.**—The term “covered lands” means—

(A) units of the National Park System;

(B) National Forest System land;

(C) public lands (as defined by section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e))); and

(D) all land administered by the Bureau of Land Management.

(b) **IMPLEMENTATION OF FEDERAL LANDS COUNTERDRUG ACTION PLAN.**—

(1) **IN GENERAL.**—

(A) **REQUIREMENT FOR ACTION PLAN.**—Not later than 90 days after the date of the enactment of this Act, the Director of National Drug Control Policy shall implement an action plan for keeping controlled substances off of Federal lands (referred to in this section as the “Federal Lands Counterdrug Action Plan”).

(B) **REPORT TO CONGRESS.**—Not later than 2 years after the implementation of the Federal Lands Counterdrug Action Plan, the Director shall submit to Congress a report that describes the progress made in carrying out such Action Plan.

(2) **CONSULTATION REQUIREMENT.**—In implementing the Federal Lands Counterdrug Action Plan, the Director of National Drug Control Policy shall consult with the heads of relevant Federal agencies, including the Drug Enforcement Administration, the Forest Service, the National Park Service, the Bureau of Land Management, and any relevant State, local, and tribal law enforcement agencies.

(c) **CONTENTS.**—The Federal Lands Counterdrug Action Plan shall include—

(1) the Federal Government's action plan for preventing the illegal production, cultivation, manufacture, and trafficking of controlled substances on covered lands;

(2) the specific roles of relevant Federal agencies, including the Drug Enforcement Administration and relevant agencies within the Department of the Interior for implementing such an action plan;

(3) the specific resources required to enable the agencies referred to in paragraph (2) to implement that strategy;

(4) a strategy to reduce the cultivation and trafficking of marijuana on covered lands by Mexican drug trafficking organizations;

(5) the use of available technology to reduce the cultivation and trafficking of marijuana on covered lands;

(6) the impact of Federal land management statutes on law enforcement efforts; and

(7) the costs associated with marijuana eradication programs through high intensity drug trafficking areas.

(d) **EFFECT ON EXISTING LAW.**—The Federal Lands Counterdrug Action Plan—

(1) may not change existing agency authorities or laws governing interagency relationships; and

(2) may provide recommendations for changes to such authorities or laws.

(e) **DISTRIBUTION.**—

(1) **IN GENERAL.**—The Director of the Office of National Drug Control Policy shall provide a copy of the Federal Lands Counterdrug Action Plan to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

(D) the United States Senate Caucus on International Narcotics Control;

(E) the Committee on the Judiciary of the House of Representatives;

(F) the Committee on Appropriations of the House of Representatives;

(G) the Committee on Homeland Security of the House of Representatives;

(2) **CLASSIFIED INFORMATION.**—Any classified or law enforcement sensitive information contained in the Federal Lands Counterdrug Action Plan may be submitted in a classified annex to accompany the Action Plan.

By Mr. ALEXANDER (for himself and Mr. DODD):

S. 3906. A bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity; to the Committee on Health, Education, Labor, and Pensions.

Mr. ALEXANDER. Mr. President, today I am pleased to once again partner with my good friend and colleague Senator DODD to introduce the Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act, or the PREEMIE Act. This bipartisan bill reauthorizes and expands upon the 2006 PREEMIE Act to enhance research into the causes and prevention of prematurity. The end result of this bill will hopefully be to find a solution to the serious problem of premature birth.

Premature birth is the leading killer of newborns and a major cause of lasting disabilities, and finding answers to

this problem is one of the most urgent challenges confronting medicine today. More than half a million babies are born prematurely in the United States each year, and in nearly half the cases the causes are unknown. In Tennessee 236 babies are born preterm per week on average, and in 2007, 12,256 babies or 14.2 percent of all live births were premature.

The emotional toll a premature birth has on a family is significant. When an infant arrives prematurely before 37 weeks gestation, the family faces a stressful new world. Often, the parents see the baby only momentarily before he or she is whisked away to the neonatal intensive care unit, NICU. Instead of taking home a healthy baby, parents spend hours in the hospital, talking to all kinds of specialists who use clinical terms that they don't always understand. The baby's medical equipment is frightening, and the busy, hectic atmosphere in the NICU is stressful. Often the mother, who may have suffered from her own serious medical complications, recovers and leaves the hospital before the baby does.

Many preterm infants face life-threatening complications. Families with premature infants often refer to the NICU as a roller-coaster experience. One day the baby appears to be doing well; the next, hope seems to be lost. Day-to-day life is completely disrupted. Parents spend hours in the NICU, away from their other children and work. The average hospital stay in 2005 was nearly nine times as long for a preterm infant (13 days) compared to an infant born at term (1.5 days).

Families face financial stress as they struggle to pay the high NICU costs, since the average first year medical costs were about 10 times greater for preterm, \$32,325, than for term infants, \$3,325, in 2005. Additionally, 4 out of the 10 most expensive hospital stays regardless of age are related to infant care: infant respiratory distress syndrome, prematurity/low birthweight, cardiac/circulatory birth defects, and lack of oxygen in infants.

Advances in neonatology are saving even the smallest and most fragile newborns, but we need to prevent those births from happening too early in the first place. We now find ourselves facing enormous potential for progress, and technological innovation has made sequencing of the entire human genome possible, which will hasten the pace of discovery and application of new knowledge. Hopefully, research moves ahead to unravel the mysteries of premature birth and to find the answers that will save babies' lives. However, the private sector cannot accomplish this goal alone, which is why we need dedicated federal resources to support such efforts.

If we invest the money now and conduct additional research investigating

the root causes of prematurity, it will save the Government money over time, and parents will not have to fear for their new child's life from the moment of birth. I strongly urge my colleagues to join me and support the PREEMIE Act—an investment in infants' health.

Mr. DODD. Mr. President, I rise today to discuss a very serious issue that affects many Americans, and that is premature births. More than half a million babies will be born preterm this year and approximately 28,000 babies will die before they turn 1 year old.

In my home State of Connecticut, there were more than 4,000 preterm births in 2007, representing approximately 11 percent of all live births in the State. Between 1997 and 2007, the rate of infants born preterm in Connecticut increased 3 percent.

The incidence of preterm birth represents a huge disconnect between our scientific knowledge and our capacity to meet basic and critical needs in maternal-child health. According to the Centers for Disease Control and Prevention, CDC, babies who died from preterm birth-related causes accounted for more than 36 percent of infant deaths in 2006. For newborns, prematurity is the leading cause of death.

Of the surviving preemies, approximately one-fourth will have serious health complications including hearing loss, cerebral palsy, intellectual disabilities, acute respiratory diseases, and other maladies. These health problems not only affect the child, but also place a financial and emotional burden on many families. According to the Institute of Medicine, the annual societal costs associated with preterm birth were \$26.2 billion in 2005 or \$51,600 per infant born preterm. Nearly two-thirds of this cost was for medical care. More importantly, the \$26.2 billion estimate does not include the cost of medical care beyond early childhood or caretaker costs such as lost wages.

In nearly half of all cases, physicians and scientists cannot pinpoint a cause for preterm labor and delivery. However, research has shown that causes of preterm birth may include neighborhood characteristics, environmental exposures, biological factors, and medical conditions. Many of these factors can occur in combination, particularly for those who are socioeconomically disadvantaged and minority groups. Accordingly, there are significant disparities in the rates of preterm birth across these groups, with the highest rate of preterm births for non-Hispanic African Americans at 17.5 percent in 2008, according to the National Center for Health Statistics. It is clear that a greater commitment to eliminating these inequalities is needed. As the chairman of the U.S. Senate's Health, Education, Labor, and Pensions' Subcommittee on Children and Families, ensuring the health of America's chil-

dren has been my life's work, making the correction of these inequalities an issue of great importance.

In 2006, my colleague Senator ALEXANDER and I worked to pass the Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act or PREEMIE Act, Public Law 109-450, which authorized finding to enhance Federal research related to preterm labor and delivery and increased public and provider education and support services. Among the results of the PREEMIE Act were the 2008 Surgeon General's Conference on Preterm Birth and expanded research activities at CDC. The most notable accomplishment to date is a 3 percent decline in the preterm birth rate from 2007 to 2008. But there is still much work to be done. We must build on the progress recently achieved and use both public and private efforts to accelerate this decrease in the rate of preterm birth.

For these reasons, I rise today to join my colleague from Tennessee to introduce the PREEMIE Act to reauthorize these vital activities. It is my hope that this legislation will complement many of the efforts being conducted by the private sector, such as the March of Dimes campaign to raise public awareness and reduce the rate of preterm births. I urge my colleagues to join me in promoting a healthy start for America's children by supporting this legislation.

By Mr. DODD (for himself and Mr. BROWN of Ohio):

S. 3907. A bill to amend the Public Health Service Act to increase access to health care for individuals with disabilities and increase awareness of the need for health care facilities and examination rooms to be accessible for individuals with disabilities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, as a co-chair of the Congressional Spina Bifida Caucus, I rise today to introduce the Debbie Blanchard Access to Health Care for Individuals with Disabilities Act of 2010 with my colleague, Senator SHERROD BROWN. This legislation provides an excellent opportunity to address a critical disparity that exists in our Nation's health care system.

Individuals with disabilities can face a myriad of challenges in accessing the health care they need and deserve. Such was the case for Debbie Blanchard, a woman who lived with Spina Bifida for nearly 56 years, and who passed away in August 2008 from cervical cancer. Due to the challenges she faced in finding a physician whose office and examination tables were accessible for individuals with disabilities, Debbie was not able to seek regular well-woman exams, including cervical cancer screenings. The barriers Debbie

faced in physically accessing the regular preventive care she needed unfortunately contributed to her cervical cancer going undetected until it was too late. The lack of accessible care clearly contributed to her untimely death.

The Spina Bifida community is devastated by Debbie Blanchard's tragic passing, and we in the Congressional Spina Bifida Caucus wish to help ensure that the challenges and barriers that contributed to her illness and death are eliminated. To that end, we have developed the Debbie Blanchard Access to Health Care for Individuals with Disabilities Act in an effort to help facilitate access to health care by individuals with disabilities, including, but not limited to, those with Spina Bifida, and help them to identify providers whose offices and examination rooms are accessible for individuals with disabilities.

Before I discuss the details of this bill, I believe it is important to recognize the scope of the problem we are dealing with. According to the U.S. Census, more than 54 million Americans, about one out of every five, live with some level of disability. Approximately 34 million of those are classified as having a severe disability. In Connecticut, more than 540,000 individuals are living with some level of disability. Of those individuals, close to 22,000 have physical disabilities.

Studies conducted by the Centers for Disease Control and Prevention have found that individuals with disabilities have difficulty in accessing routine and specialized health care. Numerous barriers exist for these patients, including the inability to find a health care provider who understands how to treat individuals with disabilities and is willing to have those individuals as patients. According to a survey commissioned by the National Organization on Disability, 19 percent of persons with disabilities reported they needed medical care within the previous year and did not get it. This is a number more than three times the percentage for those without disabilities.

Women with disabilities are particularly vulnerable. A study by the Center for Research on Women with Disabilities showed that nearly one-third of women with disabilities surveyed reported being denied services at a physician's office solely because of their disability, and 56 percent described their physicians' offices and hospitals as ill-prepared to accommodate their specific needs. Research by the National Institute on Disability and Rehabilitation Research shows that women with disabilities are less likely to have Pap smears and mammograms and are more likely to be diagnosed at a later stage of breast cancer. These women are less likely to receive standard treatments and more likely to have poor outcomes.

The Patient Protection and Affordable Care Act, PL 111-148, includes an

important component to establish standards for medical diagnostic equipment such as examination tables and chairs to improve access to health care for individuals with disabilities and I applaud Senator HARKIN for his leadership on that provision. As such, the legislation I propose today seeks to complement existing programs and other pending proposals. The Debbie Blanchard Access to Health Care for Individuals with Disabilities Act would empower individuals with disabilities with the information and tools they need to identify accessible providers. It would also increase awareness among health professionals of the need to provide an accessible environment. The bill provides for four key programs to achieve these goals.

First, this bill authorizes the Secretary of the Department of Health and Human Services to provide formula-based grants to States to create on-line directories of health care providers accessible to individuals with disabilities. States would not be required to engage in this activity, and the grants are strictly voluntary.

Second, it authorizes HHS to develop a pilot program to increase health care provider awareness of the need to provide accessible environments, examination rooms, and examination tables for individuals with disabilities.

Third, it authorizes the HHS Office on Disability, with the help of national organizations representing individuals with disabilities, to develop resources to support individuals with disabilities in their efforts to find accessible providers. Such resources include "tips cards" and questions to ask when calling a provider for the first time to make an appointment.

Finally, the bill authorizes HHS to create a National Advisory Committee on Access to Health Care for Individuals with Disabilities to ensure intra-agency coordination of efforts to improve access to care for individuals with disabilities.

The Debbie Blanchard Access to Health Care for Individuals with Disabilities Act would be a significant step in ensuring health care equity for the more than 50 million Americans who live with a disability. Debbie Blanchard's tragic passing should serve as a lesson on the barriers that exist for individuals with disabilities in accessing basic quality health care. We should take action to ensure that these barriers are eliminated to prevent Debbie's story from being repeated. I urge my colleagues to cosponsor this important legislation.

By Mr. McCain:

S. 3908. A bill to ensure that private property, public safety, and human life are protected from flood hazards that directly result from post-fire watershed conditions that are created by wildfires on Federal land; to the Committee on Energy and Natural Resources.

Mr. McCain. Mr. President, today I am introducing legislation that would assist several communities in northern Arizona, and any other community in the United States, whose homes were damaged or destroyed in flash flood event caused by wildfires on federal lands. I am saddened to report that the flood in Arizona which is the genesis of this bill also killed a 12-year-old girl and caused an estimated \$8 million in damage to the area's public infrastructure. While the flood itself occurred on July 20, 2010, the true account of this disaster actually began one month prior with a wildfire on the Coconino National Forest. The human-caused "Schultz Fire" severely burned 15,000 acres of forest land along the steep terrain of the San Francisco Peaks leaving little ground vegetation to absorb and hold back rainwater. After the fire was contained, the U.S. Forest Service quickly determined that residents living near the base of the Peaks would face a daily flooding threat from summer monsoon storms and publically urged them to purchase flood insurance. Less than two weeks later, a monsoon storm created a flash flood of rainwater, mud and wildfire debris that slammed into the homes below the Schultz burn area. Tragically, the affected homeowners who had purchased flood insurance as soon as they were alerted to the danger of flooding were deemed ineligible for coverage because Federal law mandates a 30-day waiting period before the policy takes effect.

This August I had an opportunity to tour the Schultz Fire burn and flood areas and also met with several affected homeowners. Needless to say they are deeply concerned that their homes remain threatened with every severe storm that passes through. This rural unincorporated community simply does not have the resources to cope with a flood plain that didn't exist before the wildfire. While we were able to get a U.S. Army Corps of Engineers team to study and recommend some interim and long-term flood mitigation measures, much work remains to be done including additional soil and hydrological data collection which would assist in the planning and design of more permanent flood control projects.

This legislation would enable the FEMA Administrator to waive the 30-day waiting period for flood insurance for private property owners affected by wildfires. This bill would also clarify that the recently created FLAME Act Accounts, which were established by Congress to pay for wildfire supersession, can also be used for burn area recovery, including post-fire watershed flood prevention. With respect to the Schultz Fire, the bill would enhance coordination between the Army Corps of Engineers, the U.S. Department of Agriculture, and other Federal, State and local government agencies by establishing a Schultz Fire Flood Area

Task Force headed by the Administrator of the Federal Emergency Management Agency. This bill would also direct FEMA to complete a detailed study of the affected area to evaluate the potential of integrating various federal projects and programs into a long-term flood protection system. Finally, this bill would require that the Attorney General disclose any payments made under the Equal Access to Justice Act program that went to activist litigants who blocked the forest thinning project that many experts agree would have prevented the Schultz Fire from occurring.

The flood risk to this community will remain high for many years unless action is taken now. I strongly believe that because the Schultz Fire occurred on Federal land, the Federal Government is obligated to provide an appropriate level of disaster assistance, including Federal flood insurance, to these homeowners. I urge my colleagues to support this bill.

By Mrs. MURRAY (for herself, Ms. CANTWELL, Mr. BURRIS, Mr. REED, Mr. SANDERS, Mrs. HAGAN, Mr. SCHUMER, Mr. CONRAD, Mrs. GILLIBRAND, Mr. BEGICH, Mr. LEVIN, Mr. WEBB, and Mr. BENNET):

S. 3914. A bill to amend title VIII of the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to complete payments under such title to local educational agencies eligible for payments within 3 fiscal years; to the Committee on Health, Education, Labor, and Pensions.

Mrs. MURRAY. Mr. President, I congratulate Child Care Resources of King County for 20 years of service to the community. This organization is a leader in King County and occupies a critical role for children and families within the community. Through promoting equity for all children, establishing community stability, and helping children prepare for school, Child Care Resources of King County has impacted and helped shape the lives of many Washingtonians.

As a former preschool teacher, on the first day of class it was easy to identify which students had participated in high-quality child care before entering my classroom. We know that children who participate in high-quality care are better prepared for school and more likely to lead a successful life. Child Care Resources of King County has worked tirelessly for 20 years to ensure children in King County have access to high-quality care and enter school well prepared. Additionally, they work to incorporate culturally relevant care that reflects a child's culture and language which builds positive self identity and improves school readiness.

I believe strongly in the Child Care Resources of King County and their

mission. Congratulations to them on a job well done and I wish them twenty more years of continued success.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3914

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TIMELY PAYMENTS.

Section 8010 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7710) is amended by adding at the end the following:

“(d) TIMELY PAYMENTS.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall pay a local educational agency the full amount that the agency is eligible to receive under this title for a fiscal year not later than September 30 of the second fiscal year following the fiscal year for which such amount has been appropriated if, not later than 1 calendar year following the fiscal year in which such amount has been appropriated, such local educational agency submits to the Secretary all the data and information necessary for the Secretary to pay the full amount that the agency is eligible to receive under this title for such fiscal year.

“(2) PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—For a fiscal year in which the amount appropriated under section 8014 is insufficient to pay the full amount a local educational agency is eligible to receive under this title, paragraph (1) shall be applied by substituting ‘is available to pay the agency’ for ‘the agency is eligible to receive’ each place it appears.”.

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. 3916. A bill to require the Consumer Product Safety Commission to study and report on the impact on consumers of permitting an increase in the amount of ethanol blended with gasoline for use in gasoline-powered engines used in vehicles operated in interstate commerce, on public streets and roads, or offroad, appliances such as lawn mowers and other nonvehicular devices, and marine engines, and to require the National Highway Traffic Safety Administration to study and report on any safety or reliability impact of such an increase on motor vehicle engines and fuel systems; to the Committee on Commerce, Science, and Transportation.

Mrs. HUTCHISON. Mr. President, I rise today to introduce legislation that will protect our nation's consumers from adverse impacts that could result from a potential government mandate to increase the current percentage of ethanol which is blended with gasoline. Significant questions and concerns exist as to the effects of increasing the current blend percentage of ethanol into gasoline above its current level of 10 percentage for motor vehicles, equipment and engines. If the United States Government is going to require

an increase of the ethanol blend, I believe it is necessary to conduct extensive studies to ensure no Americans are injured or suffer any economic damages as a result of that decision.

The legislation I am introducing today will require the Consumer Product Safety Commission to conduct a study of the potential impact consumers may face by increasing the amount of ethanol blended with gasoline or other petroleum products used for internal combustion engines. This study would examine how the higher blend would impact consumers in different regions of the country through interstate commerce, whether the cost increase is associated with the higher blend rate and most importantly, whether a higher blend of gasoline and ethanol poses danger to consumers' well being.

Additionally, my legislation would require the National Highway Traffic Safety Administration to conduct a study to determine whether the use of ethanol-gasoline blends of more than 10 percent will have an adverse impact on tailpipe emissions, exhaust temperatures, catalytic converters and motor engine performance.

I believe it is irresponsible for the United States Government to require an untested mandate, such an increase in the percentage of ethanol mixed with gasoline, without all tests having been performed to guarantee there are no detrimental consequences on any American. It is common sense for all of the science to be revealed before such an important decision is made, and that is what my legislation will do.

By Mr. HATCH (for himself, Mr. RISCH, Mr. CRAPO, Mr. ENZI, and Mr. BARRASSO):

S. 3919. A bill to remove the gray wolf from the list of threatened species or the list of endangered species published under the Endangered Species Act of 1973, and for other purposes; to the Committee on Environment and Public Works.

Mr. HATCH. Mr. President, I rise today to introduce S. 3919, an act to remove Endangered Species Act, ESA, protections for gray wolves. Delisting of this species is long overdue.

Gray wolves are listed as endangered under the ESA in the United States, except in Minnesota where they are listed as threatened. The U.S. Fish and Wildlife Service removed ESA protection from these wolves in 2009, but subsequently reinstated protection under a court decision following a lawsuit.

Legislative action is the only solution to stop the endless cycle of litigation and return the sovereign ability of states to manage their wildlife. Gray wolves are the iconic species of the ESA. But we cannot let the preconceived and inaccurate perceptions surrounding this animal prevent us from doing our due diligence in providing protections and safeguards for

other species including elk, deer, moose, and big horn sheep. With a population growth rate of 24 percent, gray wolf overpopulation is now doing significant damage to wildlife populations throughout the West and Midwest.

Gray wolf predation is erasing decades of effort and hundreds of millions invested in rebuilding healthy big game populations. Wolves do not know or care where recovery plan lines are drawn. They will roam wherever necessary to find adequate food and habitat. Research indicates that wolf and ungulate populations are generally inversely proportional and cyclical over relatively long periods of time.

Ill-advised experimentation and anti-management philosophy continues to be pushed by extreme animal rights and anti-sportsmen special interest groups. This war on the west threatens big game herds, proactive State wildlife management, use of renewable wildlife resources, and the western way of life. This bill, while viewed with suspicion and opposed with philosophical arguments by some environmental organizations, ensures that delicate wildlife populations are restored to healthy levels.

When Congress passed the ESA, it envisioned legislation to make certain that species would not become extinct. The key to success of the new law was finding a way to conserve and protect species truly in danger of becoming extinct. The gray wolf is not endangered as a species. There are thousands alive and well in North America. The ESA has become a vehicle by which some organizations and individuals seek to halt all activities on our public lands which they happen to oppose. I would submit to you that such use of the ESA was not envisioned nor would it have been condoned by a majority of those who originally crafted the law.

Some groups want to use the gray wolf as a surrogate for other agendas. Others have used it to raise a lot of money from citizens of this country truly concerned about the place of the wolf in our environment. Still others have used it for political purposes. What a shame that the laws of this great Nation can be subverted for purposes other than the reason the law was originally written.

The gray wolf has been protected by the ESA since 1973, the year the ESA was passed. The single exception to that classification is in the State of Minnesota where they are classified as threatened. The original recovery plan for the gray wolf in the Northern Rockies was written in 1974. The main States involved are owned largely by the Federal Government. Thirty percent of Montana, 50 percent of Wyoming, and 64 percent of Idaho is federally owned. Access to and use of the public lands and resources on them has a great deal to do with the economy of these sparsely populated States. When

the economy suffers, so do these communities and these people.

The working men and women of our States have no alternative but to rely on continued access to and the use of grass, water, timber, and minerals from public lands to support their families. Those working people have mortgages to pay just like you and I; they have bills that are due each month; and they want to be able to feed and clothe their children just as you and I do.

We must recognize the legitimate concerns of the hundreds of honest, hardworking citizens who are being directly affected by the continued listing of the gray wolf on the ESA. In my opinion, we have a responsibility to protect their right to make an honest living and to live the lifestyle they have chosen.

I hope my colleagues will join me in this attempt to resolve this important issue.

By Mr. AKAKA (for himself, Mr. CARPER, and Mr. VOINOVICH):

S. 3922. A bill to underscore the importance of international nuclear safety cooperation for operating power reactors, encouraging the efforts of the Convention on Nuclear Safety, supporting progress in improving nuclear safety, and enhancing the public availability of nuclear safety information; to the Committee on Foreign Relations.

Mr. AKAKA. Mr. President, I rise today to introduce the Furthering International Nuclear Safety Act of 2010. This bipartisan legislation, which is cosponsored by Senators Carper and Voinovich, will enhance the implementation of the Convention on Nuclear Safety by taking a more systematic approach to improving civilian nuclear power safety.

The Chernobyl disaster in Ukraine in 1986 was the worst nuclear power accident in history and made clear the need for international nuclear safety norms. According to a report commissioned by United Nations agencies, millions of people were exposed to high doses of radiation and approximately 350,000 people were displaced from their homes. On top of this, the countries most directly impacted by the disaster were estimated to have suffered economic damages on the order of hundreds of billions of dollars, while thousands of square miles of agricultural and forest lands were removed from service.

In the aftermath of this accident, over 50 countries, led by the United States, worked together to develop the Convention on Nuclear Safety. This convention was formally established in 1994, and the United States joined in 1999. Through the cooperative nature of the convention, which relies on peer-reviewed national reports and the sharing of best practices, countries that are party to the treaty have been able to improve their nuclear safety.

Although civilian nuclear power programs have become safer, we must not be complacent. As history has shown, a nuclear accident in one country can have devastating effects across several countries. Currently there are over 400 civilian nuclear power reactors operating in 29 countries around the world, and at least 56 more are under construction. Countries such as Jordan, the United Arab Emirates, Indonesia, Libya, Thailand, and Vietnam are interested in starting civilian nuclear power programs. The construction of new nuclear power facilities, along with an increasing number of countries readying to build nuclear power plants, should be accompanied by greater attention to nuclear safety.

Earlier this year, the Government Accountability Office, GAO, completed a review of the Convention in which GAO obtained the views of 40 parties to the Convention, while carefully protecting individual respondent information. GAO found that the Convention has been very successful in improving nuclear safety, but made recommendations to the United States Government that would enhance the Convention's effectiveness.

The bill I am introducing today will implement GAO's recommendations and additional steps to improve safety. This bill requires the United States delegate to the Convention to take certain actions to enhance international nuclear safety. This includes the United States advocating that parties to the Convention more systematically assess their own progress in improving nuclear safety through the broader use of performance metrics. Additionally, to increase access to information about nuclear safety and implementation of the Convention, the delegate to the Convention will encourage parties to post their annual reports and answers to questions from other parties on the International Atomic Energy Agency's, IAEA, public website. IAEA will be encouraged to offer additional support, such as providing assistance as needed for the production of parties' national reports; support for Convention meetings, including language translation services; and providing additional technical support to improve civilian nuclear power program safety. Further, the United States delegate will encourage all countries that have or are considering establishing a civilian nuclear power program to join the Convention. Finally, this bill calls for the Secretary of State to lead the development of a United States Government strategic plan for international nuclear safety cooperation for operating power reactors, and to report on the plan's implementation and the progress on implementing this bill.

International nuclear safety deserves our Nation's ongoing attention. As we approach the 25th anniversary of the

Chernobyl disaster, we should be mindful that the use and expansion of nuclear power needs to be combined with supreme vigilance and concern for safety.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3922

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Furthering International Nuclear Safety Act of 2010".

SEC. 2. PURPOSES.

The purposes of this Act are as follows:

(1) To recognize the paramount importance of international nuclear safety cooperation for operating power reactors.

(2) To further the efforts of the Convention on Nuclear Safety as a vital international forum on nuclear safety.

(3) To support progress in improving nuclear safety for countries that currently have or are considering the development of a civilian nuclear power program.

(4) To enhance the public availability of nuclear safety information.

SEC. 3. DEFINITIONS.

In this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Environment and Public Works of the Senate;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

(D) the Committee on Foreign Affairs of the House of Representatives;

(E) the Committee on Energy and Commerce of the House of Representatives; and

(F) the Committee on Oversight and Government Reform of the House of Representatives.

(2) **CONVENTION.**—The term "Convention" means the Convention on Nuclear Safety, done at Vienna September 20, 1994, and ratified by the United States April 11, 1999.

(3) **MEETING.**—The term "meeting" means a meeting as described under Article 20, 21, or 23 of the Convention.

(4) **NATIONAL REPORT.**—The term "national report" means a report as described under Article 5 of the Convention.

(5) **PARTY.**—The term "party" means a nation that has formally joined the Convention through ratification or other means.

(6) **SUMMARY REPORT.**—The term "summary report" means a report as described under Article 25 of the Convention.

SEC. 4. UNITED STATES EFFORTS TO FURTHER INTERNATIONAL NUCLEAR SAFETY.

The President shall instruct the United States official serving as the delegate to the meetings of the Convention on Nuclear Safety pursuant to Article 24 of the Convention to use the voice, vote, and influence of the United States, while recognizing that these efforts by parties are voluntary, to encourage, where appropriate—

(1) parties to more systematically assess where and how they have made progress in improving safety, including where applicable through the incorporation of performance metric tools;

(2) parties to increase the number of national reports they make available to the

public by posting them to a publicly available Internet Web site of the International Atomic Energy Agency (IAEA);

(3) parties to expand public dissemination of written answers to questions raised by other parties about national reports by posting the information to a publicly available Internet Web site of the IAEA;

(4) the IAEA to further its support of the Convention, upon request by a party and where funding is available, by—

(A) providing assistance to parties preparing national reports;

(B) providing additional assistance to help prepare for and support meetings, including language translation services; and

(C) providing additional technical support to improve the safety of civilian nuclear power programs; and

(5) all countries that currently have or are considering the establishment of a civilian nuclear power program to formally join the Convention.

SEC. 5. STRATEGIC PLAN.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in cooperation with the heads of other relevant United States Government agencies, shall develop the United States Government's strategic plan and goals for international nuclear safety cooperation for operating power reactors and shall submit them to the appropriate congressional committees.

SEC. 6. REPORTS.

Not later than 180 days after the issuance of each of the first two summary reports of the Convention issued after the date of the enactment of this Act—

(1) the Secretary of State, in cooperation with the heads of other relevant United States Government agencies, shall submit to the appropriate congressional committees a report that describes the status of implementing the strategic plan and achieving the goals set forth in section 5; and

(2) the United States official serving as the delegate to the meetings of the Convention shall submit to the appropriate congressional committees a report providing the status of achieving the actions set forth in section 4.

By Mr. BINGAMAN (for himself and Ms. KLOBUCHAR):

S. 3925. A bill to amend the Energy Policy and Conservation Act to improve the energy efficiency of, and standards applicable to, certain appliances and equipment, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, the Committee on Energy and Natural Resources has worked diligently throughout this Congress to develop legislation that would strengthen our nation's energy security. In July of last year, on a strong bipartisan vote, the Committee reported the American Clean Energy Leadership Act of 2009, ACELA, and this past May, again with bipartisan votes, the Committee reported several amendments that would enhance ACELA. I know that other committees also have reported energy legislation, with the expectation that all of this work would be combined into a single bill that the full Senate could consider.

Unfortunately, the Senate has, so far, not been able to find a combination

of these energy policy proposals that it can move. This situation is particularly unfortunate because many of the provisions caught in this energy policy grid-lock have no known opposition.

There is no rational reason why the Senate should not pass legislation which would save our nation energy, strengthen our economy, save Americans money, lower carbon dioxide emissions, and to which there is no known opposition, should not be passed by the Senate.

In an effort to bypass this grid-lock, I am pleased to introduce a bill which packages many of these consensus elements. The Implementation of National Consensus Appliance Agreements Act, INCAAA, consolidates all of the consensual legislative provisions regarding the Department of Energy's appliance and consumer product energy efficiency program that the Energy Committee has reported, along with four more-recent agreements, into one bill.

The DOE appliance standards program is one of the most powerful tools that our Nation has to reduce energy demand. It is a mature, broadly-supported program which has been estimated to have reduced the nation's electricity demand by about 10 percent.

The enactment of INCAAA would strengthen this program by establishing, or increasing, energy efficiency standards for several classes of products. Such new or improved standards have been agreed to by the manufacturers of these products as well by as the Nation's leading energy efficiency advocacy groups such as the American Council for an Energy Efficient Economy, the Alliance to Save Energy, and the Natural Resources Defense Council. INCAAA includes new efficiency standards for outdoor lighting, supported by the National Electrical Manufacturing Association and major lighting manufacturers such as General Electric, Osram Sylvania, Philips, and Acuity Brands.

It includes increased efficiency standards for furnaces, heat pumps, and central air conditioners, supported by the Air-Conditioning, Heating and Refrigeration Institute and its dozens of members, including Carrier, Johnson Controls, Rheem and Trane.

It includes new efficiency standards for portable lamps, supported by the American Lighting Association.

It includes increased energy and water efficiency standards for refrigerators and freezers, clothes washers and dryers, dishwashers, and room air conditioners as supported by the Association of Home Appliance Manufacturers and its many members, including Electrolux, General Electric, Panasonic, and Whirlpool.

INCAAA also includes consensus standards and legislation reported by the Energy Committee covering smaller classes of products such as drinking

water dispensers, hot food holding cabinets, and electric spas. Finally, this bill strengthens DOE's operation and administration of the appliance standards programs to include accelerated rulemaking and updated decision-making criteria to include new developments such as emerging smart-grid technologies. It is important to note that the bill requires no new authorizations or spending. These changes would be integrated into and administered by the existing DOE program.

The American Council for an Energy Efficiency Economy estimates that INCAAA would save the Nation over 1.2 Quadrillion Btus of energy each year by 2030—enough energy to meet the needs of 6.5 million typical American households. ACEEE also estimated that INCAAA would save nearly 5 trillion gallons of water annually by 2030, roughly the amount of water needed to meet the current needs of every resident of Los Angeles for 25 years.

Broad Senate support for the provisions of INCAAA is demonstrated by the bipartisan votes in the Energy Committee when many elements of this bill were reported as a part of ACELA, or as amendments to ACELA. Broad support for these consensus standards among manufacturers and energy efficiency, and consumer groups is voiced in the letter written to the Senate Majority and Minority Leaders on August 13. In this letter, 16 manufacturing, energy efficiency advocacy, and consumer groups urged our Senate leadership to “quickly pass several consensus appliance and equipment efficiency standards this session of Congress.”

Even if the Senate is unable to enact comprehensive energy legislation this year, enactment of the consensus agreements in this bill offers an opportunity to strengthen our economy by reducing energy use, saving consumers money, and improving the environment.

I urge my colleagues to support and co-sponsor this legislation and seek its enactment this year. While there are plenty of energy policy proposal Senators disagree on, the efficiency standards and program improvements in INCAAA deserves the Senate's unanimous support.

Mr. President, I ask unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3925

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Implementation of National Consensus Appliance Agreements Act”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Energy conservation standards.
- Sec. 3. Energy conservation standards for heat pump pool heaters.
- Sec. 4. Portable light fixtures.
- Sec. 5. GU-24 base lamps.
- Sec. 6. Efficiency standards for bottle-type water dispensers, commercial hot food holding cabinets, and portable electric spas.
- Sec. 7. Test procedure petition process.
- Sec. 8. Energy efficiency provisions.
- Sec. 9. Measuring icemaker energy.
- Sec. 10. Credit for Energy Star smart appliances.
- Sec. 11. Video game console energy efficiency study.
- Sec. 12. Refrigerator and freezer standards.
- Sec. 13. Room air conditioner standards.
- Sec. 14. Uniform efficiency descriptor for covered water heaters.
- Sec. 15. Clothes dryers.
- Sec. 16. Standards for clothes washers.
- Sec. 17. Dishwashers.
- Sec. 18. Standards for certain incandescent reflector lamps and reflector lamps.
- Sec. 19. Petition for amended standards.
- Sec. 20. Efficiency standards for class A external power supplies.
- Sec. 21. Prohibited acts.
- Sec. 22. Outdoor lighting.
- Sec. 23. Standards for commercial furnaces.
- Sec. 24. Service over the counter, self-contained, medium temperature commercial refrigerators.
- Sec. 25. Motor market assessment and commercial awareness program.
- Sec. 26. Study of compliance with energy standards for appliances.
- Sec. 27. Study of direct current electricity supply in certain buildings.
- Sec. 28. Technical corrections.

SEC. 2. ENERGY CONSERVATION STANDARDS.

(a) DEFINITION OF ENERGY CONSERVATION STANDARD.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended—

(1) by striking paragraph (6) and inserting the following:

“(6) ENERGY CONSERVATION STANDARD.—

“(A) IN GENERAL.—The term ‘energy conservation standard’ means 1 or more performance standards that—

“(i) for covered products (excluding clothes washers, dishwashers, showerheads, faucets, water closets, and urinals), prescribe a minimum level of energy efficiency or a maximum quantity of energy use, determined in accordance with test procedures prescribed under section 323;

“(ii) for showerheads, faucets, water closets, and urinals, prescribe a minimum level of water efficiency or a maximum quantity of water use, determined in accordance with test procedures prescribed under section 323; and

“(iii) for clothes washers and dishwashers—

“(I) prescribe a minimum level of energy efficiency or a maximum quantity of energy use, determined in accordance with test procedures prescribed under section 323; and

“(II) include a minimum level of water efficiency or a maximum quantity of water use, determined in accordance with those test procedures.

“(B) INCLUSIONS.—The term ‘energy conservation standard’ includes—

“(i) 1 or more design requirements, if the requirements were established—

“(I) on or before the date of enactment of this subclause;

“(II) as part of a direct final rule under section 325(p)(4); or

“(III) as part of a final rule published on or after January 1, 2012; and

“(ii) any other requirements that the Secretary may prescribe under section 325(r).

“(C) EXCLUSION.—The term ‘energy conservation standard’ does not include a performance standard for a component of a finished covered product, unless regulation of the component is specifically authorized or established pursuant to this title.”; and

(2) by adding at the end the following:

“(67) EER.—The term ‘EER’ means energy efficiency ratio.

“(68) HSPF.—The term ‘HSPF’ means heating seasonal performance factor.”.

(b) EER AND HSPF TEST PROCEDURES.—Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)) is amended by adding at the end the following:

“(19) EER AND HSPF TEST PROCEDURES.—

“(A) IN GENERAL.—Subject to subparagraph (B), for purposes of residential central air conditioner and heat pump standards that take effect on or before January 1, 2015—

“(i) the EER shall be tested at an outdoor test temperature of 95 degrees Fahrenheit; and

“(ii) the HSPF shall be calculated based on Region IV conditions.

“(B) REVISIONS.—The Secretary may revise the EER outdoor test temperature and the conditions for HSPF calculations as part of any rulemaking to revise the central air conditioner and heat pump test method.”.

(c) CENTRAL AIR CONDITIONERS AND HEAT PUMPS.—Section 325(d) of the Energy Policy and Conservation Act (42 U.S.C. 6295(d)) is amended by adding at the end the following:

“(4) CENTRAL AIR CONDITIONERS AND HEAT PUMPS (EXCEPT THROUGH-THE-WALL CENTRAL AIR CONDITIONERS, THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMPS, AND SMALL DUCT, HIGH VELOCITY SYSTEMS) MANUFACTURED ON OR AFTER JANUARY 1, 2015.—

“(A) BASE NATIONAL STANDARDS.—

“(i) SEASONAL ENERGY EFFICIENCY RATIO.—The seasonal energy efficiency ratio of central air conditioners and central air conditioning heat pumps manufactured on or after January 1, 2015, shall not be less than the following:

“(I) Split Systems: 13 for central air conditioners and 14 for heat pumps.

“(II) Single Package Systems: 14.

“(ii) HEATING SEASONAL PERFORMANCE FACTOR.—The heating seasonal performance factor of central air conditioning heat pumps manufactured on or after January 1, 2015, shall not be less than the following:

“(I) Split Systems: 8.2.

“(II) Single Package Systems: 8.0.

“(B) REGIONAL STANDARDS.—

“(i) SEASONAL ENERGY EFFICIENCY RATIO.—The seasonal energy efficiency ratio of central air conditioners and central air conditioning heat pumps manufactured on or after January 1, 2015, and installed in States having historical average annual, population weighted, heating degree days less than 5,000 (specifically the States of Alabama, Arizona, Arkansas, California, Delaware, Florida, Georgia, Hawaii, Kentucky, Louisiana, Maryland, Mississippi, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia) or in the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States shall not be less than the following:

“(I) Split Systems: 14 for central air conditioners and 14 for heat pumps.

“(II) Single Package Systems: 14.

“(ii) ENERGY EFFICIENCY RATIO.—The energy efficiency ratio of central air conditioners (not including heat pumps) manufactured on or after January 1, 2015, and installed in the State of Arizona, California, New Mexico, or Nevada shall be not less than the following:

“(I) Split Systems: 12.2 for split systems having a rated cooling capacity less than 45,000 BTU per hour and 11.7 for products having a rated cooling capacity equal to or greater than 45,000 BTU per hour.

“(II) Single Package Systems: 11.0.

“(iii) APPLICATION OF SUBSECTION (O)(6).—Subsection (o)(6) shall apply to the regional standards set forth in this subparagraph.

“(C) AMENDMENT OF STANDARDS.—

“(i) IN GENERAL.—Not later than January 1, 2017, the Secretary shall publish a final rule to determine whether the standards in effect for central air conditioners and central air conditioning heat pumps should be amended.

“(ii) APPLICATION.—The rule shall provide that any amendments shall apply to products manufactured on or after January 1, 2022.

“(D) CONSIDERATION OF ADDITIONAL PERFORMANCE STANDARDS OR EFFICIENCY CRITERIA.—

“(i) FORUM.—Not later than 4 years in advance of the expected publication date of a final rule for central air conditioners and heat pumps under subparagraph (C), the Secretary shall convene and facilitate a forum for interested persons that are fairly representative of relevant points of view (including representatives of manufacturers of the covered product, States, and efficiency advocates), as determined by the Secretary, to consider adding additional performance standards or efficiency criteria in the forthcoming rule.

“(ii) RECOMMENDATION.—If, within 1 year of the initial convening of such a forum, the Secretary receives a recommendation submitted jointly by such representative interested persons to add 1 or more performance standards or efficiency criteria, the Secretary shall incorporate the performance standards or efficiency criteria in the rule-making process, and, if justified under the criteria established in this section, incorporate such performance standards or efficiency criteria in the revised standard.

“(iii) NO RECOMMENDATION.—If no such joint recommendation is made within 1 year of the initial convening of such a forum, the Secretary may add additional performance standards or efficiency criteria if the Secretary finds that the benefits substantially exceed the burdens of the action.

“(E) NEW CONSTRUCTION LEVELS.—

“(i) IN GENERAL.—As part of any final rule concerning central air conditioner and heat pump standards published after June 1, 2013, the Secretary shall determine if the building code levels specified in section 327(f)(3)(C) should be amended subject to meeting the criteria of subsection (o) when applied specifically to new construction.

“(ii) EFFECTIVE DATE.—Any amended levels shall not take effect before January 1, 2018.

“(iii) AMENDED LEVELS.—The final rule shall contain the amended levels, if any.”.

(d) THROUGH-THE-WALL CENTRAL AIR CONDITIONERS, THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMPS, AND SMALL DUCT, HIGH VELOCITY SYSTEMS.—Section 325(d) of the Energy Policy and Conservation Act (42 U.S.C. 6295(d)) (as amended by subsection (c)) is amended by adding at the end the following:

“(5) STANDARDS FOR THROUGH-THE-WALL CENTRAL AIR CONDITIONERS, THROUGH-THE-

WALL CENTRAL AIR CONDITIONING HEAT PUMPS, AND SMALL DUCT, HIGH VELOCITY SYSTEMS.—

“(A) DEFINITIONS.—In this paragraph:

“(i) SMALL DUCT, HIGH VELOCITY SYSTEM.—The term ‘small duct, high velocity system’ means a heating and cooling product that contains a blower and indoor coil combination that—

“(I) is designed for, and produces, at least 1.2 inches of external static pressure when operated at the certified air volume rate of 220–350 CFM per rated ton of cooling; and

“(II) when applied in the field, uses high velocity room outlets generally greater than 1,000 fpm that have less than 6.0 square inches of free area.

“(ii) THROUGH-THE-WALL CENTRAL AIR CONDITIONER; THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMP.—The terms ‘through-the-wall central air conditioner’ and ‘through-the-wall central air conditioning heat pump’ mean a central air conditioner or heat pump, respectively, that is designed to be installed totally or partially within a fixed-size opening in an exterior wall, and—

“(I) is not weatherized;

“(II) is clearly and permanently marked for installation only through an exterior wall;

“(III) has a rated cooling capacity no greater than 30,000 Btu/hr;

“(IV) exchanges all of its outdoor air across a single surface of the equipment cabinet; and

“(V) has a combined outdoor air exchange area of less than 800 square inches (split systems) or less than 1,210 square inches (single packaged systems) as measured on the surface area described in subclause (IV).

“(iii) REVISION.—The Secretary may revise the definitions contained in this subparagraph through publication of a final rule.

“(B) RULEMAKING.—

“(i) IN GENERAL.—Not later than June 30, 2011, the Secretary shall publish a final rule to determine whether standards for through-the-wall central air conditioners, through-the-wall central air conditioning heat pumps and small duct, high velocity systems should be established or amended.

“(ii) APPLICATION.—The rule shall provide that any new or amended standard shall apply to products manufactured on or after June 30, 2016.”.

(e) FURNACES.—Section 325(f) of the Energy Policy and Conservation Act (42 U.S.C. 6295(f)) is amended by adding at the end the following:

“(5) NON-WEATHERIZED FURNACES (INCLUDING MOBILE HOME FURNACES, BUT NOT INCLUDING BOILERS) MANUFACTURED ON OR AFTER MAY 1, 2013, AND WEATHERIZED FURNACES MANUFACTURED ON OR AFTER JANUARY 1, 2015.—

“(A) BASE NATIONAL STANDARDS.—

“(i) NON-WEATHERIZED FURNACES.—The annual fuel utilization efficiency of non-weatherized furnaces manufactured on or after May 1, 2013, shall be not less than the following:

“(I) Gas furnaces, 80 percent.

“(II) Oil furnaces, 83 percent.

“(ii) WEATHERIZED FURNACES.—The annual fuel utilization efficiency of weatherized gas furnaces manufactured on or after January 1, 2015, shall be not less than 81 percent.

“(B) REGIONAL STANDARD.—

“(i) ANNUAL FUEL UTILIZATION EFFICIENCY.—The Secretary shall by May 1, 2011, establish a standard for the annual fuel utilization efficiency of non-weatherized gas furnaces manufactured on or after May 1, 2013, and installed in States having historical average annual, population weighted, heating

degree days equal to or greater than 5,000 (specifically the States of Alaska, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming).

“(ii) APPLICATION OF SUBSECTION (O)(6).—Subsection (o)(6) shall apply to the regional standard set forth in this subparagraph.

“(iii) SEPARATE STANDARDS.—The Secretary may establish separate standards for furnaces to be installed in newly constructed buildings and for replacement in existing buildings.

“(C) AMENDMENT OF STANDARDS.—

“(i) NON-WEATHERIZED FURNACES.—

“(I) IN GENERAL.—Not later than January 1, 2014, the Secretary shall publish a final rule to determine whether the standards in effect for non-weatherized furnaces should be amended.

“(II) APPLICATION.—The rule shall provide that any amendments shall apply to products manufactured on or after January 1, 2019.

“(ii) WEATHERIZED FURNACES.—

“(I) IN GENERAL.—Not later than January 1, 2017, the Secretary shall publish a final rule to determine whether the standard in effect for weatherized furnaces should be amended.

“(II) APPLICATION.—The rule shall provide that any amendments shall apply to products manufactured on or after January 1, 2022.

“(D) NEW CONSTRUCTION LEVELS.—

“(i) IN GENERAL.—As part of any final rule concerning furnace standards published after June 1, 2013, the Secretary shall determine if the building code levels specified in section 327(f)(3)(C) should be amended subject to meeting the criteria of subsection (o) when applied specifically to new construction.

“(ii) EFFECTIVE DATE.—Any amended levels shall not take effect before January 1, 2018.

“(iii) AMENDED LEVELS.—The final rule shall contain the amended levels, if any.”.

(f) EXCEPTION FOR CERTAIN BUILDING CODE REQUIREMENTS.—Section 327(f) of the Energy Policy and Conservation Act (42 U.S.C. 6297(f)) is amended—

(1) in paragraph (3), by striking subparagraphs (B) through (F) and inserting the following:

“(B) The code does not contain a mandatory requirement that, under all code compliance paths, requires that the covered product have an energy efficiency exceeding 1 of the following levels:

“(i) The applicable energy conservation standard established in or prescribed under section 325.

“(ii) The level required by a regulation of the State for which the Secretary has issued a rule granting a waiver under subsection (d).

“(C) If the energy consumption or conservation objective in the code is determined using covered products, including any baseline building designs against which all submitted building designs are to be evaluated, the objective is based on the use of covered products having efficiencies not exceeding—

“(i) for residential furnaces, central air conditioners, and heat pumps, effective not earlier than January 1, 2013, and until such time as a level takes effect for the product under clause (ii)—

“(I) for the States described in section 325(f)(5)(B)(i)—

“(aa) 92 percent AFUE for gas furnaces; and

“(bb) 14 SEER for central air conditioners (not including heat pumps);

“(II) for the States and other localities described in section 325(d)(4)(B)(i) (except for the States of Arizona, California, Nevada, and New Mexico)—

“(aa) 90 percent AFUE for gas furnaces; and

“(bb) 15 SEER for central air conditioners;“(III) for the States of Arizona, California, Nevada, and New Mexico—

“(aa) 92 percent AFUE for gas furnaces;

“(bb) 15 SEER for central air conditioners;

“(cc) an EER of 12.5 for air conditioners (not including heat pumps) with cooling capacity less than 45,000 Btu per hour; and

“(dd) an EER of 12.0 for air conditioners (not including heat pumps) with cooling capacity of 45,000 Btu per hour or more; and

“(IV) for all States—

“(aa) 85 percent AFUE for oil furnaces; and

“(bb) 15 SEER and 8.5 HSPF for heat pumps;

“(ii) the building code levels established pursuant to section 325; or

“(iii) the applicable standards or levels specified in subparagraph (B).

“(D) The credit to the energy consumption or conservation objective allowed by the code for installing a covered product having an energy efficiency exceeding the applicable standard or level specified in subparagraph (C) is on a 1-for-1 equivalent energy use or equivalent energy cost basis, which may take into account the typical lifetimes of the products and building features, using lifetimes for covered products based on information published by the Department of Energy or the American Society of Heating, Refrigerating and Air-Conditioning Engineers.

“(E) If the code sets forth 1 or more combinations of items that meet the energy consumption or conservation objective, and if 1 or more combinations specify an efficiency level for a covered product that exceeds the applicable standards and levels specified in subparagraph (B)—

“(i) there is at least 1 combination that includes such covered products having efficiencies not exceeding 1 of the standards or levels specified in subparagraph (B); and

“(ii) if 1 or more combinations of items specify an efficiency level for a furnace, central air conditioner, or heat pump that exceeds the applicable standards and levels specified in subparagraph (B), there is at least 1 combination that the State has found to be reasonably achievable using commercially available technologies that includes such products having efficiencies at the applicable levels specified in subparagraph (C), except that no combination need include a product having an efficiency less than the level specified in subparagraph (B)(ii).

“(F) The energy consumption or conservation objective is specified in terms of an estimated total consumption of energy (which may be specified in units of energy or its equivalent cost).”;

(2) in paragraph (4)(B)—

(A) by inserting after “building code” the first place it appears the following: “contains a mandatory requirement that, under all code compliance paths,”; and

(B) by striking “unless the” and all that follows through “subsection (d)”;

(3) by adding at the end the following:

“(5) REPLACEMENT OF COVERED PRODUCT.—Paragraph (3) shall not apply to the replacement of a covered product serving an existing building unless the replacement results in an increase in capacity greater than—

“(A) 12,000 Btu per hour for residential air conditioners and heat pumps; or

“(B) 20 percent for other covered products.”.

SEC. 3. ENERGY CONSERVATION STANDARDS FOR HEAT PUMP POOL HEATERS.

(a) DEFINITIONS.—

(1) EFFICIENCY DESCRIPTOR.—Section 321(22) of the Energy Policy and Conservation Act (42 U.S.C. 6291(22)) is amended—

(A) in subparagraph (E), by inserting “gas-fired” before “pool heaters”; and

(B) by adding at the end the following:

“(F) For heat pump pool heaters, coefficient of performance of heat pump pool heaters.”.

(2) COEFFICIENT OF PERFORMANCE OF HEAT PUMP POOL HEATERS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended by inserting after paragraph (25) the following:

“(25A) COEFFICIENT OF PERFORMANCE OF HEAT PUMP POOL HEATERS.—The term ‘coefficient of performance of heat pump pool heaters’ means the ratio of the capacity to power input value obtained at the following rating conditions: 50.0 °F db/44.2 °F wb outdoor air and 80.0 °F entering water temperatures, according to AHRI Standard 1160.”.

(3) THERMAL EFFICIENCY OF GAS-FIRED POOL HEATERS.—Section 321(26) of the Energy Policy and Conservation Act (42 U.S.C. 6291(26)) is amended by inserting “gas-fired” before “pool heaters”.

(b) STANDARDS FOR POOL HEATERS.—Section 325(e)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6295(e)(2)) is amended—

(1) by striking “(2) The thermal efficiency of pool heaters” and inserting the following:

“(2) POOL HEATERS.—

“(A) GAS-FIRED POOL HEATERS.—The thermal efficiency of gas-fired pool heaters”; and

(2) by adding at the end the following:

“(B) HEAT PUMP POOL HEATERS.—Heat pump pool heaters manufactured on or after the date of enactment of this subparagraph shall have a minimum coefficient of performance of 4.0.”.

SEC. 4. PORTABLE LIGHT FIXTURES.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) (as amended by section 2(a)(2)) is amended by adding at the end the following:

“(69) ART WORK LIGHT FIXTURE.—The term ‘art work light fixture’ means a light fixture designed only to be mounted directly to an art work and for the purpose of illuminating that art work.

“(70) LED LIGHT ENGINE.—The term ‘LED light engine’ or ‘LED light engine with integral heat sink’ means a subsystem of an LED light fixture that—

“(A) includes 1 or more LED components, including—

“(i) an LED driver power source with electrical and mechanical interfaces; and

“(ii) an integral heat sink to provide thermal dissipation; and

“(B) may be designed to accept additional components that provide aesthetic, optical, and environmental control.

“(71) LED LIGHT FIXTURE.—The term ‘LED light fixture’ means a complete lighting unit consisting of—

“(A) an LED light source with 1 or more LED lamps or LED light engines; and

“(B) parts—

“(i) to distribute the light;

“(ii) to position and protect the light source; and

“(iii) to connect the light source to electrical power.

“(72) LIGHT FIXTURE.—The term ‘light fixture’ means a product designed to provide light that includes—

“(A) at least 1 lamp socket; and

“(B) parts—

“(i) to distribute the light;

“(ii) position and protect 1 or more lamps; and

“(iii) to connect 1 or more lamps to a power supply.

“(73) PORTABLE LIGHT FIXTURE.—

“(A) IN GENERAL.—The term ‘portable light fixture’ means a light fixture that has a flexible cord and an attachment plug for connection to a nominal 120-volt circuit that—

“(i) allows the user to relocate the product without any rewiring; and

“(ii) typically can be controlled with a switch located on the product or the power cord of the product.

“(B) EXCLUSIONS.—The term ‘portable light fixture’ does not include—

“(i) direct plug-in night lights, sun or heat lamps, medical or dental lights, portable electric hand lamps, signs or commercial advertising displays, photographic lamps, germicidal lamps, or light fixtures for marine use or for use in hazardous locations (as those terms are defined in ANSI/NFPA 70 of the National Electrical Code); or

“(ii) decorative lighting strings, decorative lighting outfits, or electric candles or candelabra without lamp shades that are covered by Underwriter Laboratories (UL) standard 588, ‘Seasonal and Holiday Decorative Products’.”.

(b) COVERAGE.—Section 322(a) of the Energy Policy and Conservation Act (42 U.S.C. 6292(a)) is amended—

(1) by redesignating paragraph (20) as paragraph (21); and

(2) by inserting after paragraph (19) the following:

“(20) Portable light fixtures.”.

(c) TEST PROCEDURES.—Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)) (as amended by section 2(b)) is amended by adding at the end the following:

“(20) LED FIXTURES AND LED LIGHT ENGINES.—Test procedures for LED fixtures and LED light engines shall be based on Illuminating Engineering Society of North America test procedure LM-79, Approved Method for Electrical and Photometric Testing of Solid-State Lighting Devices and an IES-approved test procedure for testing LED light engines.”.

(d) STANDARDS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended—

(1) by redesignating subsection (ii) as subsection (kk); and

(2) by inserting after subsection (hh) the following:

“(ii) PORTABLE LIGHT FIXTURES.—

“(1) IN GENERAL.—Subject to paragraphs (2) and (3), portable light fixtures manufactured on or after January 1, 2012, shall meet 1 or more of the following requirements:

“(A) Be a fluorescent light fixture that meets the requirements of the Energy Star Program for Residential Light Fixtures, Version 4.2.

“(B) Be equipped with only 1 or more GU-24 line-voltage sockets, not be rated for use with incandescent lamps of any type (as defined in ANSI standards), and meet the requirements of version 4.2 of the Energy Star program for residential light fixtures.

“(C) Be an LED light fixture or a light fixture with an LED light engine and comply with the following minimum requirements:

“(i) Minimum light output: 200 lumens (initial).

“(ii) Minimum LED light engine efficacy: 40 lumens/watt installed in fixtures that meet the minimum light fixture efficacy of 29 lumens/watt or, alternatively, a minimum LED light engine efficacy of 60 lumens/watt for fixtures that do not meet the minimum light fixture efficacy of 29 lumens/watt.

“(iii) All portable fixtures shall have a minimum LED light fixture efficacy of 29 lumens/watt and a minimum LED light engine efficacy of 60 lumens/watt by January 1, 2016.

“(iv) Color Correlated Temperature (CCT): 2700K through 4000K.

“(v) Minimum Color Rendering Index (CRI): 75.

“(vi) Power factor equal to or greater than 0.70.

“(vii) Portable luminaries that have internal power supplies shall have zero standby power when the luminaire is turned off.

“(viii) LED light sources shall deliver at least 70 percent of initial lumens for at least 25,000 hours.

“(D)(i) Be equipped with an ANSI-designated E12, E17, or E26 screw-based socket and be prepackaged and sold together with 1 screw-based compact fluorescent lamp or screw-based LED lamp for each screw-based socket on the portable light fixture.

“(ii) The compact fluorescent or LED lamps prepackaged with the light fixture shall be fully compatible with any light fixture controls incorporated into the light fixture (for example, light fixtures with dimmers shall be packed with dimmable lamps).

“(iii) Compact fluorescent lamps prepackaged with light fixtures shall meet the requirements of the Energy Star Program for CFLs Version 4.0.

“(iv) Screw-based LED lamps shall comply with the minimum requirements described in subparagraph (C).

“(E) Be equipped with 1 or more single-ended, non-screw based halogen lamp sockets (line or low voltage), a dimmer control or high-low control, and be rated for a maximum of 100 watts.

“(2) REVIEW.—

“(A) REVIEW.—The Secretary shall review the criteria and standards established under paragraph (1) to determine if revised standards are technologically feasible and economically justified.

“(B) COMPONENTS.—The review shall include consideration of—

“(i) whether a separate compliance procedure is still needed for halogen fixtures described in subparagraph (E) and, if necessary, what an appropriate standard for halogen fixtures shall be;

“(ii) which of the specific technical criteria described in subparagraphs (A), (C), and (D)(iii) should be modified; and

“(iii) which fixtures should be exempted from the light fixture efficacy standard as of January 1, 2016, because the fixtures are primarily decorative in nature (as defined by the Secretary) and, even if exempted, are likely to be sold in limited quantities.

“(C) TIMING.—

“(i) DETERMINATION.—Not later than January 1, 2014, the Secretary shall publish amended standards, or a determination that no amended standards are justified, under this subsection.

“(ii) STANDARDS.—Any standards under this subsection take effect on January 1, 2016.

“(3) ART WORK LIGHT FIXTURES.—Art work light fixtures manufactured on or after January 1, 2012, shall—

“(A) comply with paragraph (1); or

“(B)(i) contain only ANSI-designated E12 screw-based line-voltage sockets;

“(ii) have not more than 3 sockets;

“(iii) be controlled with an integral high/low switch;

“(iv) be rated for not more than 25 watts if fitted with 1 socket; and

“(v) be rated for not more than 15 watts per socket if fitted with 2 or 3 sockets.

“(4) EXCEPTION FROM PREEMPTION.—Notwithstanding section 327, Federal preemption shall not apply to a regulation concerning portable light fixtures adopted by the California Energy Commission on or before January 1, 2014.”.

SEC. 5. GU-24 BASE LAMPS.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) (as amended by section 4(a)) is amended by adding at the end the following:

“(74) GU-24.—The term ‘GU-24’ means the designation of a lamp socket, based on a coding system by the International Electrotechnical Commission, under which—

“(A) ‘G’ indicates a holder and socket type with 2 or more projecting contacts, such as pins or posts;

“(B) ‘U’ distinguishes between lamp and holder designs of similar type that are not interchangeable due to electrical or mechanical requirements; and

“(C) 24 indicates the distance in millimeters between the electrical contact posts.

“(75) GU-24 ADAPTOR.—

“(A) IN GENERAL.—The term ‘GU-24 Adaptor’ means a 1-piece device, pig-tail, wiring harness, or other such socket or base attachment that—

“(i) connects to a GU-24 socket on 1 end and provides a different type of socket or connection on the other end; and

“(ii) does not alter the voltage.

“(B) EXCLUSION.—The term ‘GU-24 Adaptor’ does not include a fluorescent ballast with a GU-24 base.

“(76) GU-24 BASE LAMP.—‘GU-24 base lamp’ means a light bulb designed to fit in a GU-24 socket.”.

(b) STANDARDS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) (as amended by section 4(d)) is amended by inserting after subsection (i) the following:

“(jj) GU-24 BASE LAMPS.—

“(1) IN GENERAL.—A GU-24 base lamp shall not be an incandescent lamp as defined by ANSI.

“(2) GU-24 ADAPTORS.—GU-24 adaptors shall not adapt a GU-24 socket to any other line voltage socket.”.

SEC. 6. EFFICIENCY STANDARDS FOR BOTTLE-TYPE WATER DISPENSERS, COMMERCIAL HOT FOOD HOLDING CABINETS, AND PORTABLE ELECTRIC SPAS.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) (as amended by section 5(a)) is amended by adding at the end the following:

“(77) BOTTLE-TYPE WATER DISPENSER.—The term ‘bottle-type water dispenser’ means a drinking water dispenser that is—

“(A) designed for dispensing hot and cold water; and

“(B) uses a removable bottle or container as the source of potable water.

“(78) COMMERCIAL HOT FOOD HOLDING CABINET.—

“(A) IN GENERAL.—The term ‘commercial hot food holding cabinet’ means a heated, fully-enclosed compartment that—

“(i) is designed to maintain the temperature of hot food that has been cooked in a separate appliance;

“(ii) has 1 or more solid or glass doors; and

“(iii) has an interior volume of 8 cubic feet or more.

“(B) EXCLUSIONS.—The term ‘commercial hot food holding cabinet’ does not include—

“(i) a heated glass merchandising cabinet;

“(ii) a drawer warmer;

“(iii) a cook-and-hold appliance; or

“(iv) a mobile serving cart with both hot and cold compartments.

“(79) COMPARTMENT BOTTLE-TYPE WATER DISPENSER.—The term ‘compartment bottle-type water dispenser’ means a drinking water dispenser that—

“(A) is designed for dispensing hot and cold water;

“(B) uses a removable bottle or container as the source of potable water; and

“(C) includes a refrigerated compartment with or without provisions for making ice.

“(80) PORTABLE ELECTRIC SPA.—

“(A) IN GENERAL.—The term ‘portable electric spa’ means a factory-built electric spa or hot tub that—

“(i) is intended for the immersion of persons in heated water circulated in a closed system; and

“(ii) is not intended to be drained and filled with each use.

“(B) INCLUSIONS.—The term ‘portable electric spa’ includes—

“(i) a filter;

“(ii) a heater (including an electric, solar, or gas heater);

“(iii) a pump;

“(iv) a control; and

“(v) other equipment, such as a light, a blower, and water sanitizing equipment.

“(C) EXCLUSIONS.—The term ‘portable electric spa’ does not include—

“(i) a permanently installed spa that, once installed, cannot be moved; or

“(ii) a spa that is specifically designed and exclusively marketed for medical treatment or physical therapy purposes.

“(81) WATER DISPENSER.—The term ‘water dispenser’ means a factory-made assembly that—

“(A) mechanically cools and heats potable water; and

“(B) dispenses the cooled or heated water by integral or remote means.”.

(b) COVERAGE.—

(1) IN GENERAL.—Section 322(a) of the Energy Policy and Conservation Act (42 U.S.C. 6292(a)) (as amended by section 4(b)(1)) is amended—

(A) by redesignating paragraph (21) as paragraph (24); and

(B) by inserting after paragraph (20) the following:

“(21) Bottle-type water dispensers and compartment bottle-type water dispensers.

“(22) Commercial hot food holding cabinets.

“(23) Portable electric spas.”.

(2) CONFORMING AMENDMENTS.—

(A) Section 324 of the Energy Policy and Conservation Act (42 U.S.C. 6294) is amended by striking “(19)” each place it appears in subsections (a)(3), (b)(1)(B), (b)(3), and (b)(5) and inserting “(24)”.

(B) Section 325(1) of the Energy Policy and Conservation Act (42 U.S.C. 6295(1)) is amended by striking “paragraph (19)” each place it appears in paragraphs (1) and (2) and inserting “paragraph (24)”.

(c) TEST PROCEDURES.—Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)) (as amended by section 4(c)) is amended by adding at the end the following:

“(21) BOTTLE-TYPE WATER DISPENSERS.—

“(A) IN GENERAL.—Test procedures for bottle-type water dispensers and compartment bottle-type water dispensers shall be based

on the document 'Energy Star Program Requirements for Bottled Water Coolers version 1.1' published by the Environmental Protection Agency.

“(B) INTEGRAL, AUTOMATIC TIMERS.—A unit with an integral, automatic timer shall not be tested under this paragraph using section 4D of the test criteria (relating to Timer Usage).

“(22) COMMERCIAL HOT FOOD HOLDING CABINETS.—

“(A) IN GENERAL.—Test procedures for commercial hot food holding cabinets shall be based on the test procedures described in ANSI/ASTM F2140-01 (Test for idle energy rate-dry test).

“(B) INTERIOR VOLUME.—Interior volume shall be based under this paragraph on the method demonstrated in the document 'Energy Star Program Requirements for Commercial Hot Food Holding Cabinets' of the Environmental Protection Agency, as in effect on August 15, 2003.

“(23) PORTABLE ELECTRIC SPAS.—

“(A) IN GENERAL.—Test procedures for portable electric spas shall be based on the test method for portable electric spas described in section 1604 of title 20, California Code of Regulations, as amended on December 3, 2008.

“(B) NORMALIZED CONSUMPTION.—Consumption shall be normalized under this paragraph for a water temperature difference of 37 degrees Fahrenheit.

“(C) ANSI TEST PROCEDURE.—If the American National Standards Institute publishes a test procedure for portable electric spas, the Secretary shall revise the procedure established under this paragraph, as determined appropriate by the Secretary.”

(d) STANDARDS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) (as amended by sections 4(d) and 5(b)) is amended—

(1) by redesignating subsection (kk) as subsection (oo); and

(2) by inserting after subsection (jj) the following:

“(kk) BOTTLE-TYPE WATER DISPENSERS.—Effective beginning January 1, 2012—

“(1) a bottle-type water dispenser shall not have standby energy consumption that is greater than 1.2 kilowatt-hours per day; and

“(2) a compartment bottle-type water dispenser shall not have standby energy consumption that is greater than 1.3 kilowatt-hours per day.

“(ll) COMMERCIAL HOT FOOD HOLDING CABINETS.—Effective beginning January 1, 2012, a commercial hot food holding cabinet shall have a maximum idle energy rate of 40 watts per cubic foot of interior volume.

“(mm) PORTABLE ELECTRIC SPAS.—Effective beginning January 1, 2012, a portable electric spa shall not have a normalized standby power rate of greater than 5 ($V^{2/3}$) Watts (in which ‘V’ equals the fill volume (in gallons)).

“(nn) REVISIONS.—

“(1) IN GENERAL.—Not later than January 1, 2013, the Secretary shall—

“(A) consider in accordance with subsection (o) revisions to the standards established under subsections (kk), (ll), and (mm); and

“(B)(i) publish a final rule establishing the revised standards; or

“(ii) make a finding that no revisions are technically feasible and economically justified.

“(2) EFFECTIVE DATE.—Any revised standards under this subsection take effect on January 1, 2016.”

(e) PREEMPTION.—Section 327 of the Energy Policy and Conservation Act (42 U.S.C. 6297) is amended—

(1) in subsection (b)—

(A) in paragraph (6), by striking “or” after the semicolon at the end;

(B) in paragraph (7), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(8) is a regulation that—

“(A) establishes efficiency standards for bottle-type water dispensers, compartment bottle-type water dispensers, commercial hot food holding cabinets, or portable electric spas; and

“(B) is in effect on or before the date of enactment of this paragraph.”; and

(2) in subsection (c)—

(A) in paragraph (8)(B), by striking “and” after the semicolon at the end;

(B) in paragraph (9)—

(i) by striking “except that—” and all that follows through “if the Secretary” and inserting “except that if the Secretary”; and

(ii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and indenting appropriately; and

(iii) in subparagraph (B) (as so redesignated), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(10) is a regulation that—

“(A) establishes efficiency standards for bottle-type water dispensers, compartment bottle-type water dispensers, commercial hot food holding cabinets, or portable electric spas; and

“(B) is adopted by the California Energy Commission on or before January 1, 2013.”

SEC. 7. TEST PROCEDURE PETITION PROCESS.

(a) CONSUMER PRODUCTS OTHER THAN AUTOMOBILES.—Section 323(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)(1)) is amended—

(1) in subparagraph (A)(i), by striking “amend” and inserting “publish in the Federal Register amended”; and

(2) by adding at the end the following:

“(B) PETITIONS.—

“(i) IN GENERAL.—In the case of any covered product, any person may petition the Secretary to conduct a rulemaking—

“(I) to prescribe a test procedure for the covered product; or

“(II) to amend the test procedures applicable to the covered product to more accurately or fully comply with paragraph (3).

“(ii) DETERMINATION.—The Secretary shall—

“(I) not later than 90 days after the date of receipt of the petition, publish the petition in the Federal Register; and

“(II) not later than 180 days after the date of receipt of the petition, grant or deny the petition.

“(iii) BASIS.—The Secretary shall grant a petition if the Secretary finds that the petition contains evidence that, assuming no other evidence was considered, provides an adequate basis for determining that an amended test method would more accurately or fully comply with paragraph (3).

“(iv) EFFECT ON OTHER REQUIREMENTS.—The granting of a petition by the Secretary under this subparagraph shall create no presumption with respect to the determination of the Secretary that the proposed test procedure meets the requirements of paragraph (3).

“(v) RULEMAKING.—

“(I) IN GENERAL.—Except as provided in subclause (II), not later than the end of the 18-month period beginning on the date of granting a petition, the Secretary shall pub-

lish an amended test method or a determination not to amend the test method.

“(II) EXTENSION.—The Secretary may extend the period described in subclause (I) for 1 additional year.

“(III) DIRECT FINAL RULE.—The Secretary may adopt a consensus test procedure in accordance with the direct final rule procedure established under section 325(p)(4).”

(b) CERTAIN INDUSTRIAL EQUIPMENT.—Section 343 of the Energy Policy and Conservation Act (42 U.S.C. 6314) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

“(1) AMENDMENT AND PETITION PROCESS.—

“(A) IN GENERAL.—At least once every 7 years, the Secretary shall review test procedures for all covered equipment and—

“(i) publish in the Federal Register amended test procedures with respect to any covered equipment, if the Secretary determines that amended test procedures would more accurately or fully comply with paragraphs (2) and (3); or

“(ii) publish notice in the Federal Register of any determination not to amend a test procedure.

“(B) PETITIONS.—

“(i) IN GENERAL.—In the case of any class or category of covered equipment, any person may petition the Secretary to conduct a rulemaking—

“(I) to prescribe a test procedure for the covered equipment; or

“(II) to amend the test procedures applicable to the covered equipment to more accurately or fully comply with paragraphs (2) and (3).

“(ii) DETERMINATION.—The Secretary shall—

“(I) not later than 90 days after the date of receipt of the petition, publish the petition in the Federal Register; and

“(II) not later than 180 days after the date of receipt of the petition, grant or deny the petition.

“(iii) BASIS.—The Secretary shall grant a petition if the Secretary finds that the petition contains evidence that, assuming no other evidence was considered, provides an adequate basis for determining that an amended test method would more accurately promote energy or water use efficiency.

“(iv) EFFECT ON OTHER REQUIREMENTS.—The granting of a petition by the Secretary under this paragraph shall create no presumption with respect to the determination of the Secretary that the proposed test procedure meets the requirements of paragraphs (2) and (3).

“(v) RULEMAKING.—

“(I) IN GENERAL.—Except as provided in subclause (II), not later than the end of the 18-month period beginning on the date of granting a petition, the Secretary shall publish an amended test method or a determination not to amend the test method.

“(II) EXTENSION.—The Secretary may extend the period described in subclause (I) for 1 additional year.

“(III) DIRECT FINAL RULE.—The Secretary may adopt a consensus test procedure in accordance with the direct final rule procedure established under section 325(p).”

(2) by striking subsection (c); and

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 8. ENERGY EFFICIENCY PROVISIONS.

(a) DIRECT FINAL RULE.—Section 323(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)(1)) (as amended by section 7(a)(2)) is amended by adding at the end the following:

“(C) TEST PROCEDURES.—The Secretary may, in accordance with the requirements of

this subsection, prescribe test procedures for any consumer product classified as a covered product under section 322(b).

“(D) NEW OR AMENDED TEST PROCEDURES.—The Secretary shall direct the National Institute of Standards and Technology to assist in developing new or amended test procedures.”.

(b) CRITERIA FOR PRESCRIBING NEW OR AMENDED STANDARDS.—Section 325(o) of the Energy Policy and Conservation Act (42 U.S.C. 6295(o)) is amended—

(1) in paragraph (2)(B)—

(A) in clause (i)—

(i) in subclause (III), by adding before the semicolon “and the estimated impact on average energy prices”;

(ii) in subclause (VI), by striking “; and” and inserting a semicolon;

(iii) by redesignating subclause (VII) as subclause (VIII); and

(iv) by inserting after subclause (VI) the following:

“(VII) the net energy, environmental, and economic impacts due to smart grid technologies or capabilities in a covered product that enable demand response or response to time-dependent energy pricing, taking into consideration the rate of use of the smart grid technologies or capabilities over the life of the product that is likely to result from the imposition of the standard; and”;

(B) in clause (iii)—

(i) by striking “(iii) If the Secretary finds” and inserting the following:

“(iii) REBUTTABLE PRESUMPTION.—

“(I) IN GENERAL.—Subject to subclause (II), if the Secretary finds”;

(ii) in subclause (I) (as designated by clause (i)), by striking “three” and inserting “4”; and

(iii) by striking the second sentence and inserting the following:

“(II) MULTIPLIER FOR CERTAIN PRODUCTS.—For any product with an average expected useful life of less than 4 years, the rebuttable presumption described in subclause (I) shall be determined using 75 percent of the average expected useful life of the product as a multiplier instead of 4.

“(III) REQUIREMENT FOR REBUTTAL OF PRESUMPTION.—A presumption described in subclause (I) may be rebutted only if the Secretary finds, based on clear and substantial evidence, that—

“(aa) the standard level would cause substantial hardship to the average consumer of the product, or to manufacturers supplying a significant portion of the market for the product, in terms of manufacturing or product cost or loss of product utility or features, the aggregate of which outweighs the benefits of the standard level;

“(bb) the standard and implementing regulations cannot reasonably be designed to avoid or mitigate any hardship described in item (aa) (including through the adoption of regional standards for the products identified in, and consistent with, paragraph (6) or other reasonable means consistent with this part) and the hardship cannot be avoided or mitigated through the procedures described in section 504 of the Department of Energy Organization Act (42 U.S.C. 7194); and

“(cc) the same or a substantially similar hardship with respect to a hardship described in item (aa) would not occur under a standard adopted in the absence of the presumption, but that otherwise meets the requirements of this section.

“(IV) PROHIBITED FACTORS FOR DETERMINATION.—

“(aa) IN GENERAL.—Except as provided in item (bb), a determination by the Secretary

that the criteria triggering a presumption described in subclause (I) are not met, or that the criterion for rebutting the presumption are met, shall not be taken into consideration by the Secretary in determining whether a standard is economically justified.

“(bb) EXCEPTION.—Evidence presented regarding the presumption may be considered by the Secretary in making a determination described in item (aa).”; and

(2) by adding at the end the following:

“(7) INCORPORATION OF SMART GRID TECHNOLOGIES.—

“(A) IN GENERAL.—The Secretary, after consultation with the Director of the National Institute of Standards and Technology, may incorporate smart grid technologies or capabilities into standards described in subparagraph (B).

“(B) STANDARDS.—Standards referred to in subparagraph (A) shall meet the requirements of this section, including through incorporation of—

“(i) standards that provide credit for smart grid technologies or capabilities, if the smart grid technologies or capabilities provide net benefits substantially equivalent to benefits of products that meet the standards without smart grid technologies or capabilities, taking into consideration energy, economic, and environmental impacts (including emissions reductions from electrical generation); and

“(ii) 1 or more performance standards or design requirements, if the required smart grid technologies or capabilities are technologically feasible and provide net benefits, taking into consideration energy, economic, and environmental impacts (including emissions reductions from electrical generation).”.

(c) OBTAINMENT OF APPLIANCE INFORMATION FROM MANUFACTURERS.—Section 326 of the Energy Policy and Conservation Act (42 U.S.C. 6296) is amended by striking subsection (d) and inserting the following:

“(d) INFORMATION REQUIREMENTS.—

“(1) IN GENERAL.—For purposes of carrying out this part, the Secretary shall promulgate proposed regulations not later than 1 year after the date of enactment of the Implementation of National Consensus Appliance Agreements Act, and after receiving public comment, final regulations not later than 18 months after the date of enactment of that Act, under this part or other provision of law administered by the Secretary, that shall require each manufacturer of a covered product, on a product specific basis, to submit information or reports to the Secretary—

“(A) in such form as the Secretary may adopt; and

“(B)(i) on an annual basis; or

“(ii) at longer-than-annual intervals, but not less frequently than once every 3 years.

“(2) FORM AND CONTENT OF REPORTS.—The form and content of each report required by a manufacturer of a covered product under paragraph (1)—

“(A) may vary by product type, as determined by the Secretary; and

“(B) shall include information or data regarding—

“(i) the annual shipments by the manufacturer of each class or category of covered products, subdivided, to the extent practicable, by—

“(I) energy efficiency, energy use, and, in the case of products with water use standards, water use;

“(II) the presence or absence of such efficiency related or energy consuming operational characteristics or components that are or may be required as part of a standard

as the Secretary determines to be relevant for the purposes of carrying out this part; and

“(III) for covered products for which the Secretary may adopt regional standards, shipments to California and regional location of sale; and

“(ii) such other categories of information that the Secretary determines to be relevant to carry out this part, including such other information that may be necessary—

“(I) to establish and revise—

“(aa) test procedures;

“(bb) labeling rules; and

“(cc) energy conservation standards;

“(II) to ensure compliance with the requirements of this part; and

“(III) to estimate the impacts on consumers and manufacturers of energy conservation standards in effect as of the reporting date.

“(3) REQUIREMENTS OF SECRETARY IN PROMULGATING REGULATIONS.—

“(A) IN GENERAL.—In promulgating regulations under paragraph (1), the Secretary shall consider—

“(i) existing public sources of information, including nationally recognized certification or verification programs of trade associations and States; and

“(ii)(I) whether some or all of the information described in paragraph (2) is submitted to another Federal agency; and

“(II) the means by which to minimize any duplication of requests for information by Federal agencies.

“(B) COORDINATION WITH TRADE ASSOCIATIONS AND STATES.—In carrying out subparagraph (A)(i), the Secretary shall, to the extent practicable, coordinate with trade associations and States—

“(i) to ensure the uniformity of the reporting requirements; and

“(ii) to mitigate reporting burdens.

“(4) MINIMIZATION OF BURDENS ON MANUFACTURERS.—In carrying out this subsection, the Secretary shall exercise the authority of the Secretary under this subsection in a manner designed to minimize burdens on the manufacturers of covered products.

“(5) REPORTING OF ENERGY INFORMATION.—

“(A) IN GENERAL.—Section 11(d) of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 796(d)) shall apply with respect to information obtained under this subsection to the same extent and in the same manner as section 11(d) of that Act applies with respect to energy information obtained under section 11 of that Act.

“(B) DISCLOSURE OF INDUSTRY AGGREGATED SHIPMENT DATA.—To protect individual company shipment information from public disclosure, the Secretary shall, to the maximum extent practicable, disclose to the public the information required under clauses (i) and (ii) of paragraph (2)(B) in a form that has been aggregated by industry associations that are authorized by manufacturers to report the aggregated information for public disclosure on behalf of the manufacturers.

“(6) LIMITATIONS.—Nothing in this subsection limits—

“(A) the ability of any State to collect information and data from manufacturers, industry or trade associations, or other entities, pursuant to the statutory or regulatory authority of the State;

“(B) the application of section 327(a) to any State law (including regulations); or

“(C) the authority of the Secretary to require each manufacturer of a covered product to submit information or reports regarding the compliance by the manufacturer with the requirements of this part.

“(7) PERIODIC REVISIONS.—In accordance with each procedure and criteria required under paragraph (1), the Secretary may periodically revise the reporting requirements adopted under this subsection.”.

(d) WAIVER OF FEDERAL PREEMPTION.—Section 327(d)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6297(d)(1)) is amended—

(1) in subparagraph (B)—

(A) by inserting “(i)” before “Subject to paragraphs”; and

(B) by adding at the end the following:

“(ii) In making a finding under clause (i), the Secretary may not reject a petition for failure of the petitioning State or river basin commission to produce confidential information maintained by any manufacturer or distributor, or group or association of manufacturers or distributors, that the petitioning party has requested and not received.”; and

(2) in the matter following subparagraph (C)(ii), by adding at the end the following: “Notwithstanding the preceding sentence, the Secretary may approve a waiver petition submitted by a State that does not have an energy plan and forecast if the waiver petition concerns a State regulation adopted pursuant to a notice and comment rule-making proceeding.”.

(e) PERMITTING STATES TO SEEK INJUNCTIVE ENFORCEMENT.—Section 334 of the Energy Policy and Conservation Act (42 U.S.C. 6304) is amended to read as follows:

“SEC. 334. PERMITTING STATES TO SEEK INJUNCTIVE ENFORCEMENT.

“(a) JURISDICTION.—The United States district courts shall have original jurisdiction of a civil action seeking an injunction to restrain—

“(1) any violation of section 332; and

“(2) any person from distributing in commerce any covered product that does not comply with an applicable rule under section 324 or 325.

“(b) AUTHORITY.—

“(1) IN GENERAL.—Except as provided in paragraph (2), an action under subsection (a) shall be brought by—

“(A) the Commission; or

“(B) the attorney general of a State in the name of the State.

“(2) EXCEPTIONS.—

“(A) IN GENERAL.—Notwithstanding paragraph (1), only the Secretary may bring an action under this section to restrain—

“(i) a violation of section 332(a)(3) relating to a requirement prescribed by the Secretary;

“(ii) a violation of section 332(a)(4) relating to a request by the Secretary under section 326(b)(2); or

“(iii) a violation of paragraph (8), (9), or (10) of section 332(a).

“(B) OTHER PROHIBITED ACTS.—An action under this section regarding a violation of paragraph (5) or (7) of section 332(a) shall be brought by—

“(i) the Secretary; or

“(ii) the attorney general of a State in the name of the State.

“(c) LIMITATION.—If an action under this section is brought by the attorney general of a State—

“(1) not less than 30 days before the date of commencement of the action, the State shall—

“(A) provide written notice to the Secretary and the Commission; and

“(B) provide the Secretary and the Commission with a copy of the complaint;

“(2) the Secretary and the Commission—

“(A) may intervene in the suit or action;

“(B) upon intervening, shall be heard on all matters arising from the suit or action; and

“(C) may file petitions for appeal;

“(3) no separate action may be brought under this section if, at the time written notice is provided under paragraph (1), the same alleged violation or failure to comply is the subject of a pending action, or a final judicial judgment or decree, by the United States under this Act; and

“(4) the action shall not be construed—

“(A) as to prevent the attorney general of a State, or other authorized officer of the State, from exercising the powers conferred on the attorney general, or other authorized officer of the State, by the laws of the State (including regulations); or

“(B) as to prohibit the attorney general of a State, or other authorized officer of the State, from proceeding in a Federal or State court on the basis of an alleged violation of any civil or criminal statute of the State.

“(d) VENUE; SERVICE OF PROCESS.—

“(1) VENUE.—An action under this section may be brought in the United States district court for—

“(A) the district in which the act, omission, or transaction constituting the applicable violation occurred; or

“(B) the district in which the defendant—

“(i) resides; or

“(ii) transacts business.

“(2) SERVICE OF PROCESS.—In an action under this section, process may be served on a defendant in any district in which the defendant resides or is otherwise located.”.

(f) TREATMENT OF APPLIANCES WITHIN BUILDING CODES.—Section 327 of the Energy Policy and Conservation Act (42 U.S.C. 6297) is amended by adding at the end the following:

“(h) RECOGNITION OF ALTERNATIVE REFRIGERANT USES.—With respect to State or local laws (including regulations) prohibiting, limiting, or restricting the use of alternative refrigerants for specific end uses approved by the Administrator of the Environmental Protection Agency pursuant to the Significant New Alternatives Program under section 612 of the Clean Air Act (42 U.S.C. 7671k) for use in a covered product under section 322(a)(1) considered on or after the date of enactment of this subsection, notice shall be provided to the Administrator before or during any State or local public comment period to provide to the Administrator an opportunity to comment.”.

(g) ENFORCEMENT.—Section 333 of the Energy Policy and Conservation Act (42 U.S.C. 6303) is amended—

(1) in subsection (a)—

(A) by striking the first sentence and inserting the following:

“(1) PROHIBITED ACTS.—Except as provided in subsection (c), any person who knowingly violates any provision of section 332, or any regulation promulgated pursuant to that section, shall be subject to a civil penalty.”;

(B) in the second sentence—

(i) by striking “Such penalties” and inserting the following:

“(2) ASSESSMENT.—The penalties”; and

(ii) by striking “violations of section 332(a)(5)” and inserting “violations of paragraphs (5), (8), (9), and (10) of section 332(a)”;

(C) in the third sentence, by striking “Civil penalties” and inserting the following:

“(3) COMPROMISE.—Civil penalties”; and

(D) by striking the fourth sentence and inserting the following:

“(4) SEPARATE VIOLATIONS.—Each violation of paragraph (1), (2), or (5) of section 332(a) shall constitute a separate violation with respect to each covered product, with a maximum civil penalty of up to \$100,000 or \$400 per unit, whichever is greater, and each day

of violation of paragraph (3), (4), (8), (9), or (10) of section 332(a) shall constitute a separate violation, with a maximum civil penalty of \$500 per day.”; and

(2) in subsection (d)—

(A) in paragraph (1), by striking the second sentence; and

(B) in paragraph (2)(A), by striking “Unless an election is made within 30 calendar days after receipt of notice under paragraph (1) to have paragraph (3) apply with respect to such penalty,” and inserting “If the proposed penalty arises from an alleged violation of paragraph (3), (4), (5), (9), or (10) of section 332(a).”;

(3) by striking paragraph (3) and inserting the following:

“(3) FAILURE TO CERTIFY.—If the proposed penalty arises from an alleged failure to certify a covered product as required by section 332(a)(8), the Secretary shall assess the penalty, by order, after an informal adjudication conducted under section 555 of title 5, United States Code.”; and

(4) in paragraph (4), in the first sentence, by striking “amount of such penalty” and inserting “amount of the penalty, plus interest assessed from the date upon which the assessment of a civil penalty became a final and unappealable order under paragraph (2).”.

SEC. 9. MEASURING ICEMAKER ENERGY.

Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)) (as amended by section 6(c)) is amended by adding at the end the following:

“(24) REFRIGERATOR AND FREEZER TEST PROCEDURE.—

“(A) IN GENERAL.—Not later than January 1, 2011, the Secretary shall finalize the test procedure proposed on May 27, 2010, with such modifications as the Secretary determines to be appropriate and consistent with this part.

“(B) RULEMAKING.—

“(i) INITIATION.—Not later than January 1, 2012, the Secretary shall initiate a rulemaking to amend the test procedure described in subparagraph (A) only to incorporate measured automatic icemaker energy use.

“(ii) FINAL RULE.—Not later than December 31, 2012, the Secretary shall publish a final rule regarding the matter described in clause (i).

“(25) ADDITIONAL HOME APPLIANCE TEST PROCEDURES.—

“(A) FINAL RULE.—Not later than October 1, 2011, the Secretary shall publish a final rule amending the residential clothes washer test procedure.

“(B) FINALIZATION OF TEST PROCEDURE FOR CLOTHES DRYERS.—Not later than April 1, 2011, the Secretary shall finalize the test procedure for clothes dryers proposed on June 29, 2010, with such modifications as the Secretary determines to be appropriate and consistent with this part.

“(C) FINALIZATION OF TEST PROCEDURE FOR ROOM AIR CONDITIONERS.—Not later than April 1, 2011, the Secretary shall finalize the test procedure for room air conditioners proposed on June 29, 2010, with such modifications as the Secretary determines to be appropriate and consistent with this part.”.

SEC. 10. CREDIT FOR ENERGY STAR SMART APPLIANCES.

Section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a) is amended by adding at the end the following:

“(e) CREDIT FOR SMART APPLIANCES.—Not later than 180 days after the date of enactment of this subsection, after soliciting comments pursuant to subsection (c)(5), the Administrator of the Environmental Protection

Agency, in cooperation with the Secretary, shall determine whether to update the Energy Star criteria for residential refrigerators, refrigerator-freezers, freezers, dishwashers, clothes washers, clothes dryers, and room air conditioners to incorporate smart grid and demand response features.”.

SEC. 11. VIDEO GAME CONSOLE ENERGY EFFICIENCY STUDY.

(a) IN GENERAL.—Part B of title III of the Energy Policy and Conservation Act is amended by inserting after section 324A (42 U.S.C. 6294a) the following:

“SEC. 324B. VIDEO GAME CONSOLE ENERGY EFFICIENCY STUDY.

“(a) INITIAL STUDY.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall conduct a study of—

“(A) video game console energy use; and

“(B) opportunities for energy savings regarding that energy use.

“(2) INCLUSIONS.—The study under paragraph (1) shall include an assessment of all power-consuming modes and media playback modes of video game consoles.

“(b) ACTION ON COMPLETION.—On completion of the initial study under subsection (a), the Secretary shall determine, by regulation, using the criteria and procedures described in section 325(n)(2), whether to initiate a

process for establishing minimum energy efficiency standards for video game console energy use.

“(c) FOLLOW-UP STUDY.—If the Secretary determines under subsection (b) that standards should not be established, the Secretary shall conduct a follow-up study in accordance with subsection (a) by not later than 3 years after the date of the determination.”.

(b) APPLICATION DATE.—Subsection (oo)(1) of section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) (as redesignated by sections 4(d)(1) and 6(d)(1)) is amended by inserting “or section 324B” after “subsection (l), (u), or (v)” each place it appears.

SEC. 12. REFRIGERATOR AND FREEZER STANDARDS.

Section 325(b) of the Energy Policy and Conservation Act (42 U.S.C. 6295(b)) is amended by striking paragraph (4) and inserting the following:

“(4) REFRIGERATORS, REFRIGERATOR-FREEZERS, AND FREEZERS MANUFACTURED AS OF JANUARY 1, 2014.—

“(A) DEFINITION OF BUILT-IN PRODUCT CLASS.—In this paragraph, the term ‘built-in product class’ means a refrigerator, freezer, or refrigerator with a freezer unit that—

“(i) is 7.75 cubic feet or greater in total volume and 24 inches or less in cabinet depth

(not including doors, handles, and custom front panels);

“(ii) is designed to be totally encased by cabinetry or panels attached during installation;

“(iii) is designed to accept a custom front panel or to be equipped with an integral factory-finished face;

“(iv) is designed to be securely fastened to adjacent cabinetry, walls, or floors; and

“(v) has 2 or more sides that are not—

“(I) fully finished; and

“(II) intended to be visible after installation.

“(B) MAXIMUM ENERGY USE.—

“(i) IN GENERAL.—Based on the test procedure in effect as of July 9, 2010, the maximum energy use allowed in kilowatt hours per year for each product described in the table contained in clause (ii) (other than refrigerators and refrigerator-freezers with total refrigerated volume exceeding 39 cubic feet and freezers with total refrigerated volume exceeding 30 cubic feet) that is manufactured on or after January 1, 2014, is specified in the table contained in that clause.

“(ii) STANDARDS EQUATIONS.—The allowed maximum energy use referred to in clause (i) is as follows:

“Standards Equations	
Product Description	
Automatic Defrost Refrigerator-Freezers	
Top Freezer w/o TTD ice	7.35 AV+ 207.0
Top Freezer w/ TTD ice	7.65 AV+ 267.0
Side Freezer w/o TTD ice	3.68 AV+ 380.6
Side Freezer w/ TTD ice	7.58 AV+304.5
Bottom Freezer w/o TTD ice	3.68 AV+ 367.2
Bottom Freezer w/ TTD ice	4.0 AV+ 431.2
Manual & Partial Automatic Refrigerator-Freezers	
Manual Defrost	7.06 AV+ 198.7
Partial Automatic	7.06 AV+198.7
All Refrigerators	
Manual Defrost	7.06AV+198.7
Automatic Defrost	7.35 AV+ 207.0
All Freezers	
Upright with manual defrost	5.66 AV+ 193.7
Upright with automatic defrost	8.70 AV+ 228.3
Chest with manual defrost	7.41 AV+ 107.8
Chest with automatic defrost	10.33 AV+ 148.1
Automatic Defrost Refrigerator-Freezers—Compact Size	
Top Freezer and Bottom Freezer	10.80 AV+ 301.8
Side Freezer	6.08 AV+ 400.8
Manual & Partial Automatic Refrigerator-Freezers—Compact Size	
Manual Defrost	8.03 AV+ 224.3
Partial Automatic	5.25 AV+ 298.5

All Refrigerators—Compact Size	
Manual defrost	8.03 AV+ 224.3
Automatic defrost	9.53 AV+ 266.3
All Freezers—Compact Size	
Upright with manual defrost	8.80 AV+ 225.7
Upright with automatic defrost	10.26 AV+ 351.9
Chest	9.41 AV+ 136.8
Automatic Defrost Refrigerator-Freezers—Built-ins	
Top Freezer w/o TTD ice	7.84 AV+ 220.8
Side Freezer w/o TTD ice	3.93 AV+ 406.0
Side Freezer w/ TTD ice	8.08 AV+ 324.8
Bottom Freezer w/o TTD ice	3.91 AV+ 390.2
Bottom Freezer w/ TTD ice	4.25 AV+ 458.2
All Refrigerators—Built-ins	
Automatic Defrost	7.84 AV+ 220.8
All Freezers—Built-ins	
Upright with automatic defrost	9.32 AV+ 244.6

“(iii) FINAL RULES.—

“(I) IN GENERAL.—Except as provided in subclause (II), after the date of publication of each test procedure change made pursuant to section 323(b)(19), in accordance with the procedures described in section 323(e)(2), the Secretary shall publish final rules to amend the standards specified in the table contained in clause (ii).

“(II) EXCEPTION.—The standards amendment made pursuant to the test procedure change required under section 323(b)(19)(B) shall be based on the difference between—

“(aa) the average measured automatic ice maker energy use of a representative sample for each product class; and

“(bb) the value assumed by the Department of Energy for ice maker energy use in the test procedure published pursuant to section 323(b)(19)(A).

“(III) APPLICABILITY.—Section 323(e)(3) shall not apply to the rules described in this clause.

“(iv) FINAL RULE.—The Secretary shall publish any final rule required by clause (iii) by not later than the later of the date that is 180 days after—

“(I) the date of enactment of this clause; or

“(II) the date of publication of a final rule to amend the test procedure described in section 323(b)(19).

“(v) NEW PRODUCT CLASSES.—The Secretary may establish 1 or more new product classes as part of the final amended standard adopted pursuant to the test procedure change required under section 323(b)(19)(B) if the 1 or more new product classes are needed to distinguish among products with automatic icemakers.

“(vi) EFFECTIVE DATES OF STANDARDS.—

“(I) STANDARDS AMENDMENT FOR FIRST REVISED TEST PROCEDURE.—A standards amendment adopted pursuant to a test procedure change required under section 323(b)(19)(A) shall apply to any product manufactured as of January 1, 2014.

“(II) STANDARDS AMENDMENT AFTER REVISED TEST PROCEDURE FOR ICEMAKER ENERGY.—An amendment adopted pursuant to a test procedure change required under section 323(b)(19)(B) shall apply to any product manufactured as of the date that is 3 years after the date of publication of the final rule amending the standards.

“(vii) SLOPE AND INTERCEPT ADJUSTMENTS.—

“(I) IN GENERAL.—With respect to refrigerators, freezers, and refrigerator-freezers, the Secretary may, by rule, adjust the slope and intercept of the equations specified in the table contained in clause (ii)—

“(aa) based on the energy use of typical products of various sizes in a product class; and

“(bb) if the average energy use for each of the classes is the same under the new equations as under the equations specified in the table contained in clause (ii).

“(II) DEADLINE.—If the Secretary adjusts the slope and intercept of an equation described in subclause (I), the Secretary shall publish the final rule containing the adjustment by not later than July 1, 2011.

“(viii) EFFECT.—A final rule published under clause (iii) pursuant to the test procedure change required under section 323(b)(19)(B) or pursuant to clause (iv) shall not be considered to be an amendment to the standard for purposes of section 325(m).”.

SEC. 13. ROOM AIR CONDITIONER STANDARDS.

Section 325(c) of the Energy Policy and Conservation Act (42 U.S.C. 6295(c)) is amended by adding at the end the following:

“(3) MINIMUM ENERGY EFFICIENCY RATIO OF ROOM AIR CONDITIONERS MANUFACTURED ON OR AFTER JUNE 1, 2014.—

“(A) IN GENERAL.—Based on the test procedure in effect as of July 9, 2010, the minimum energy efficiency ratios of room air conditioners manufactured on or after June 1, 2014, shall not be less than that specified in the table contained in subparagraph (B).

“(B) MINIMUM ENERGY EFFICIENCY RATIOS.—The minimum energy efficiency ratios referred to in subparagraph (A) are as follows:

Without Reverse Cycle w/Louvers	
<6,000 Btu/h	11.2
6,000 to 7,999 Btu/h	11.2
8,000-13,999 Btu/h	11.0
14,000 to 19,999 Btu/h	10.8
20,000-27,999 Btu/h	9.4
≥28,000 Btu/h	9.0

Without Reverse Cycle w/o Louvers	
<6,000 Btu/h	10.2
6,000 to 7,999 Btu/h	10.2
8,000-10,999 Btu/h	9.7
11,000-13,999 Btu/h	9.6
14,000 to 19,999 Btu/h	9.4
≥20,000 Btu/h	9.4
With Reverse Cycle	
<20,000 w/Louvers Btu/h	9.9
≥ 20,000 w/Louvers Btu/h	9.4
<14,000 w/o Louvers Btu/h	9.4
≥14,000 w/o Louvers Btu/h	8.8
Casement	
Casement Only	9.6
Casement-Slider	10.5

“(C) FINAL RULE.—

“(i) IN GENERAL.—The final rule to amend the room air conditioner test procedure adopted pursuant to section 323(b)(20)(C) shall amend the standards specified in the table contained in subparagraph (B) in accordance with the procedures described in section 323(e)(2).

“(ii) STANDBY AND OFF MODE ENERGY CONSUMPTION.—

“(I) IN GENERAL.—The Secretary shall integrate standby and off mode energy consumption into the amended energy efficiency ratios standards required under clause (i).

“(II) REQUIREMENTS.—The amended standards described in subclause (I) shall reflect the levels of standby and off mode energy consumption that meet the criteria described in section 325(o).

“(iii) APPLICABILITY.—

“(I) AMENDMENT OF STANDARD.—Section 323(e)(3) shall not apply to the amended standards described in clause (i).

“(II) AMENDED STANDARDS.—The amended standards required by this subparagraph shall apply to products manufactured on or after June 1, 2014.”.

SEC. 14. UNIFORM EFFICIENCY DESCRIPTOR FOR COVERED WATER HEATERS.

Section 325(e) of the Energy Policy and Conservation Act (42 U.S.C. 6295(e)) is amended by adding at the end the following:

“(5) UNIFORM EFFICIENCY DESCRIPTOR FOR COVERED WATER HEATERS.—

“(A) DEFINITIONS.—In this paragraph:

“(i) COVERED WATER HEATER.—The term ‘covered water heater’ means—

“(I) a water heater; and

“(II) a storage water heater, instantaneous water heater, and unfired water storage tank (as defined in section 340).

“(ii) FINAL RULE.—The term ‘final rule’ means the final rule published under this paragraph.

“(B) PUBLICATION OF FINAL RULE.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall publish a final rule that establishes a uniform efficiency descriptor and accompanying test methods for covered water heaters.

“(C) PURPOSE.—The purpose of the final rule shall be to replace with a uniform efficiency descriptor—

“(i) the energy factor descriptor for water heaters established under this subsection; and

“(ii) the thermal efficiency and standby loss descriptors for storage water heaters, instantaneous water heaters, and unfired water storage tanks established under section 342(a)(5).

“(D) EFFECT OF FINAL RULE.—

“(i) IN GENERAL.—Notwithstanding any other provision of this title, effective beginning on the effective date of the final rule, the efficiency standard for covered water heaters shall be denominated according to the efficiency descriptor established by the final rule.

“(ii) EFFECTIVE DATE.—The final rule shall take effect 1 year after the date of publication of the final rule under subparagraph (B).

“(E) CONVERSION FACTOR.—

“(i) IN GENERAL.—The Secretary shall develop a mathematical conversion factor for converting the measurement of efficiency for covered water heaters from the test procedures in effect on the date of enactment of this paragraph to the new energy descriptor established under the final rule.

“(ii) APPLICATION.—The conversion factor shall apply to models of covered water heaters affected by the final rule and tested prior to the effective date of the final rule.

“(iii) EFFECT ON EFFICIENCY REQUIREMENTS.—The conversion factor shall not affect the minimum efficiency requirements for covered water heaters otherwise established under this title.

“(iv) USE.—During the period described in clause (v), a manufacturer may apply the conversion factor established by the Secretary to rerate existing models of covered water heaters that are in existence prior to the effective date of the rule described in clause (v)(II) to comply with the new efficiency descriptor.

“(v) PERIOD.—Subclause (E) shall apply during the period—

“(I) beginning on the date of publication of the conversion factor in the Federal Register; and

“(II) ending on April 16, 2015.

“(F) EXCLUSIONS.—The final rule may exclude a specific category of covered water heaters from the uniform efficiency

descriptor established under this paragraph if the Secretary determines that the category of water heaters—

“(i) does not have a residential use and can be clearly described in the final rule; and

“(ii) are effectively rated using the thermal efficiency and standby loss descriptors applied (as of the date of enactment of this paragraph) to the category under section 342(a)(5).

“(G) OPTIONS.—The descriptor set by the final rule may be—

“(i) a revised version of the energy factor descriptor in use as of the date of enactment of this paragraph;

“(ii) the thermal efficiency and standby loss descriptors in use as of that date;

“(iii) a revised version of the thermal efficiency and standby loss descriptors;

“(iv) a hybrid of descriptors; or

“(v) a new approach.

“(H) APPLICATION.—The efficiency descriptor and accompanying test method established under the final rule shall apply, to the maximum extent practicable, to all water heating technologies in use as of the date of enactment of this paragraph and to future water heating technologies.

“(I) PARTICIPATION.—The Secretary shall invite interested stakeholders to participate in the rulemaking process used to establish the final rule.

“(J) TESTING OF ALTERNATIVE DESCRIPTORS.—In establishing the final rule, the Secretary shall contract with the National Institute of Standards and Technology, as necessary, to conduct testing and simulation of alternative descriptors identified for consideration.

“(K) EXISTING COVERED WATER HEATERS.—A covered water heater shall be considered to comply with the final rule on and after the effective date of the final rule and with any revised labeling requirements established by the Federal Trade Commission to carry out the final rule if the covered water heater—

“(i) was manufactured prior to the effective date of the final rule; and

“(ii) complied with the efficiency standards and labeling requirements in effect prior to the final rule.”.

SEC. 15. CLOTHES DRYERS.

Section 325(g)(4) of the Energy Policy and Conservation Act (42 U.S.C. 6295(g)(4)) is amended by adding at the end the following:

“(D) MINIMUM ENERGY FACTORS FOR CLOTHES DRYERS.—

“(i) IN GENERAL.—Based on the test procedure in effect as of July 9, 2010, clothes dryers manufactured on or after January 1, 2015, shall comply with the minimum energy factors specified in the table contained in clause (ii).

“(ii) NEW STANDARDS.—The minimum energy factors referred to in clause (i) are as follows:

“Product Description	EF
Vented Electric Standard	3.17
Vented Electric Compact 120V	3.29
Vented Electric Compact 240V	3.05
Vented Gas	2.81
Vent-Less Electric Compact 240V	2.37
Vent-Less Electric Combination Washer/Dryer	1.95

“(iii) FINAL RULE.—

“(I) REQUIREMENTS.—

“(aa) IN GENERAL.—Except as provided in item (bb), the final rule to amend the clothes dryer test procedure adopted pursuant to section 323(b)(20)(B) shall amend the energy factors standards specified in the table contained in clause (ii) in accordance with the procedures described in section 323(e)(2).

“(bb) EXCEPTION.—To establish a representative sample of compliant products, the Secretary shall select a sample of minimally compliant dryers that automatically terminate the drying cycle at not less than 4 percent remaining moisture content.

“(II) STANDBY AND OFF MODE ENERGY CONSUMPTION.—

“(aa) INTEGRATION.—The Secretary shall integrate standby and off mode energy consumption into the amended standards required under subclause (I).

“(bb) REQUIREMENTS.—The amended standards described in item (aa) shall reflect levels of standby and off mode energy consumption that meet the criteria described in section 325(o).

“(III) APPLICABILITY.—

“(aa) AMENDMENT OF STANDARD.—Section 323(e)(3) shall not apply to the amended standards described in subclause (I).

“(bb) AMENDED STANDARDS.—The amended standards required by this clause shall apply to products manufactured on or after January 1, 2015.”.

SEC. 16. STANDARDS FOR CLOTHES WASHERS.

Section 325(g)(9) of the Energy Policy and Conservation Act (42 U.S.C. 6295(g)(9)) is amended by striking subparagraph (B) and inserting the following:

“(B) AMENDMENT OF STANDARDS.—

“(i) PRODUCTS MANUFACTURED AS OF JANUARY 1, 2015.—

“(I) IN GENERAL.—Based on the test procedure in effect as of July 9, 2010, clothes washers manufactured as of January 1, 2015, shall comply with the minimum modified energy factors and maximum water factors specified in the table contained in subclause (II).

“(II) STANDARDS.—The minimum modified energy factors and maximum water factors referred to in subclause (I) are as follows:

	“MEF	WF
Top Loading—Standard	1.72	8.0
Top Loading—Compact	1.26	14.0
Front Loading—Standard	2.2	4.5
Front Loading—Compact (less than 1.6 cu. ft. capacity)	1.72	8.0

“(ii) PRODUCTS MANUFACTURED ON OR AFTER JANUARY 1, 2018.—

“(I) IN GENERAL.—Based on the test procedure in effect as of July 9, 2010, top-loading clothes washers manufactured on or after January 1, 2018, shall comply with the minimum modified energy factors and maximum water factors specified in the table contained in subclause (II).

“(II) STANDARDS.—The minimum modified energy factors and maximum water factors referred to in subclause (I) are as follows:

	“MEF	WF
Top Loading—Standard	2.0	6.0
Top Loading—Compact	1.81	11.6

“(iii) FINAL RULE.—

“(I) IN GENERAL.—The final rule to amend the clothes washer test procedure adopted pursuant to section 323(b)(20)(A) shall amend the standards described in clauses (i) and (ii) in accordance with the procedures described in section 323(e)(2).

“(II) STANDBY AND OFF MODE ENERGY CONSUMPTION.—

“(aa) INTEGRATION.—The Secretary shall integrate standby and off mode energy consumption into the amended modified energy factor standards required under subclause (I).

“(bb) REQUIREMENTS.—The amended modified energy factor standards described in item (aa) shall reflect levels of standby and off mode energy consumption that meet the criteria described in section 325(o).

“(III) APPLICABILITY.—

“(aa) AMENDMENT OF STANDARD.—Section 323(e)(3) shall not apply to the amended standards described in subclause (I).

“(bb) AMENDED STANDARDS FOR PRODUCTS MANUFACTURED ON OR AFTER JANUARY 1, 2015.—Amended standards required by this clause that are based on clause (i) shall apply to products manufactured on or after January 1, 2015.

“(cc) AMENDED STANDARDS FOR PRODUCTS MANUFACTURED ON OR AFTER JANUARY 1, 2018.—Amended standards required by this clause that are based on clause (ii) shall apply to products manufactured on or after January 1, 2018.”.

SEC. 17. DISHWASHERS.

Section 325(g)(10) of the Energy Policy and Conservation Act (42 U.S.C. 6295(g)(10)) is amended—

(1) by striking subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (D); and

(3) by inserting before subparagraph (D) (as redesignated by paragraph (2)) the following:

“(A) DISHWASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2010.—A dishwasher manufactured on or after January 1, 2010, shall—

“(i) for a standard size dishwasher, not exceed 355 kilowatt hours per year and 6.5 gallons per cycle; and

“(ii) for a compact size dishwasher, not exceed 260 kilowatt hours per year and 4.5 gallons per cycle.

“(B) DISHWASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2013.—A dishwasher manufactured on or after January 1, 2013, shall—

“(i) for a standard size dishwasher, not exceed 307 kilowatt hours per year and 5.0 gallons per cycle; and

“(ii) for a compact size dishwasher, not exceed 222 kilowatt hours per year and 3.5 gallons per cycle.

“(C) REQUIREMENTS OF FINAL RULES.—

“(i) IN GENERAL.—Any final rule to amend the dishwasher test procedure after July 9, 2010, and before January 1, 2013, shall amend the standards described in subparagraph (B) in accordance with the procedures described in section 323(e)(2).

“(ii) APPLICABILITY.—

“(I) AMENDMENT OF STANDARD.—Section 323(e)(3) shall not apply to the amended standards described in clause (i).

“(II) AMENDED STANDARDS.—The amended standards required by this subparagraph shall apply to products manufactured on or after January 1, 2013.”.

SEC. 18. STANDARDS FOR CERTAIN INCANDESCENT REFLECTOR LAMPS AND REFLECTOR LAMPS.

Section 325(i) of the Energy Policy and Conservation Act (42 U.S.C. 6295(i)) is amended by adding at the end the following:

“(9) CERTAIN INCANDESCENT REFLECTOR LAMPS.—

“(A) IN GENERAL.—Not later than July 1, 2011, the Secretary shall publish a final rule establishing standards for incandescent reflector lamp types described in paragraph (1)(D)(i).

“(B) EFFECTIVE DATE.—The standards described in subparagraph (A) shall take effect on July 1, 2013.

“(C) STANDARDS.—In conducting a rulemaking for incandescent reflector lamps under this paragraph after the date of enactment of this paragraph, the Secretary shall consider the standards for all incandescent reflector lamps, including lamp types described in paragraph (1)(D)(i).

“(10) REFLECTOR LAMPS.—

“(A) IN GENERAL.—Not later than January 1, 2015, the Secretary shall publish a final rule establishing and amending standards for reflector lamps, including incandescent reflector lamps.

“(B) ADMINISTRATION.—In conducting the rulemaking for reflector lamps under this paragraph, the Secretary shall consider—

“(i) incandescent and nonincandescent technologies; and

“(ii) a new metric, other than lumens per watt, that is based on the photometric distribution of those lamps.

“(C) EFFECTIVE DATE.—The standards described in subparagraph (A) shall take effect not earlier than the date that is 3 years after the date of publication of the final rule, as determined by the Secretary.”.

SEC. 19. PETITION FOR AMENDED STANDARDS.

Section 325(n) of the Energy Policy and Conservation Act (42 U.S.C. 6295(n)) is amended—

(1) by redesignating paragraph (3) as paragraph (5); and

(2) by inserting after paragraph (2) the following:

“(3) NOTICE OF DECISION.—Not later than 180 days after the date of receiving a petition, the Secretary shall publish in the Federal Register a notice of, and explanation for, the decision of the Secretary to grant or deny the petition.

“(4) NEW OR AMENDED STANDARDS.—Not later than 3 years after the date of granting a petition for new or amended standards, the Secretary shall publish in the Federal Register—

“(A) a final rule that contains the new or amended standards; or

“(B) a determination that no new or amended standards are necessary.”.

SEC. 20. EFFICIENCY STANDARDS FOR CLASS A EXTERNAL POWER SUPPLIES.

Section 325(u)(3) of the Energy Policy and Conservation Act (42 U.S.C. 6295(u)(3)) is amended—

(1) in subparagraph (A), by striking “(D)” and inserting “(E)”; and

(2) by adding at the end the following:

“(E) NONAPPLICATION OF NO-LOAD MODE ENERGY EFFICIENCY STANDARDS TO EXTERNAL POWER SUPPLIES FOR CERTAIN SECURITY OR LIFE SAFETY ALARMS OR SURVEILLANCE SYSTEMS.—

“(i) DEFINITION OF SECURITY OR LIFE SAFETY ALARM OR SURVEILLANCE SYSTEM.—In this subparagraph:

“(I) IN GENERAL.—The term ‘security or life safety alarm or surveillance system’ means equipment designed and marketed to perform any of the following functions (on a continuous basis):

“(aa) Monitor, detect, record, or provide notification of intrusion or access to real property or physical assets or notification of threats to life safety.

“(bb) Deter or control access to real property or physical assets, or prevent the unauthorized removal of physical assets.

“(cc) Monitor, detect, record, or provide notification of fire, gas, smoke, flooding, or other physical threats to real property, physical assets, or life safety.

“(II) EXCLUSION.—The term ‘security or life safety alarm or surveillance system’ does not include any product with a principal function other than life safety, security, or surveillance that—

“(aa) is designed and marketed with a built-in alarm or theft-deterrent feature; or

“(bb) does not operate necessarily and continuously in active mode.

“(ii) NONAPPLICATION OF NO-LOAD MODE REQUIREMENTS.—The No-Load Mode energy efficiency standards established by this paragraph shall not apply to an external power supply manufactured before July 1, 2017, that—

“(I) is an AC-to-AC external power supply;

“(II) has a nameplate output of 20 watts or more;

“(III) is certified to the Secretary as being designed to be connected to a security or life safety alarm or surveillance system component; and

“(IV) on establishment within the External Power Supply International Efficiency Marking Protocol, as referenced in the ‘Energy Star Program Requirements for Single Voltage External Ac-Dc and Ac-Ac Power Supplies’, published by the Environmental Protection Agency, of a distinguishing mark for products described in this clause, is permanently marked with the distinguishing mark.

“(iii) ADMINISTRATION.—In carrying out this subparagraph, the Secretary shall—

“(I) require, with appropriate safeguard for the protection of confidential business information, the submission of unit shipment data on an annual basis; and

“(II) restrict the eligibility of external power supplies for the exemption provided under this subparagraph on a finding that a substantial number of the external power supplies are being marketed to or installed in applications other than security or life safety alarm or surveillance systems.”.

SEC. 21. PROHIBITED ACTS.

Section 332(a) of the Energy Policy and Conservation Act (42 U.S.C. 6302(a)) is amended—

(1) in paragraph (1), by striking “for any manufacturer or private labeler to distribute” and inserting “for any manufacturer (or representative of a manufacturer), distributor, retailer, or private labeler to offer for sale or distribute”; and

(2) by striking paragraph (5) and inserting the following:

“(5) for any manufacturer (or representative of a manufacturer), distributor, retailer, or private labeler—

“(A) to offer for sale or distribute in commerce any new covered product that is not in conformity with an applicable energy conservation standard established in or prescribed under this part; or

“(B) if the standard is a regional standard that is more stringent than the base national standard, to offer for sale or distribute in commerce any new covered product having knowledge (consistent with the definition of ‘knowingly’ in section 333(b)) that the product will be installed at a location covered by a regional standard established in or prescribed under this part and will not be in conformity with the standard.”;

(3) in paragraph (6) (as added by section 306(b)(2) of Public Law 110-140 (121 Stat. 1559)), by striking the period at the end and inserting a semicolon;

(4) by redesignating paragraph (6) (as added by section 321(e)(3) of Public Law 110-140 (121 Stat. 1586)) as paragraph (7);

(5) in paragraph (7) (as so redesignated)—

(A) by striking “for any manufacturer, distributor, retailer, or private labeler to distribute” and inserting “for any manufacturer (or representative of a manufacturer), distributor, retailer, or private labeler to offer for sale or distribute”; and

(B) by striking the period at the end and inserting a semicolon; and

(6) by inserting after paragraph (7) (as so redesignated) the following:

“(8) for any manufacturer or private labeler to distribute in commerce any new covered product that has not been properly certified in accordance with the requirements established in or prescribed under this part;

“(9) for any manufacturer or private labeler to distribute in commerce any new covered product that has not been properly tested in accordance with the requirements established in or prescribed under this part; and

“(10) for any manufacturer or private labeler to violate any regulation lawfully promulgated to implement any provision of this part.”.

SEC. 22. OUTDOOR LIGHTING.

(A) DEFINITIONS.—

(1) COVERED EQUIPMENT.—Section 340(1) of the Energy Policy and Conservation Act (42 U.S.C. 6311(1)) is amended—

(A) by redesignating subparagraph (L) as subparagraph (O); and

(B) by inserting after subparagraph (K) the following:

“(L) Pole-mounted outdoor luminaires.

“(M) High light output double-ended quartz halogen lamps.

“(N) General purpose mercury vapor lamps.”.

(2) INDUSTRIAL EQUIPMENT.—Section 340(2)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6311(2)(B)) is amended—

(A) by striking “and” before “unfired hot water”; and

(B) by inserting after “tanks” the following: “, pole-mounted outdoor luminaires, high light output double-ended quartz halogen lamps, and general purpose mercury vapor lamps”.

(3) NEW DEFINITIONS.—Section 340 of the Energy Policy and Conservation Act (42 U.S.C. 6311) is amended—

(A) by redesignating paragraphs (22) and (23) (as amended by sections 312(a)(2) and 314(a) of the Energy Independence and Security Act of 2007 (121 Stat. 1564, 1569)) as paragraphs (23) and (24), respectively; and

(B) by adding at the end the following:

“(25) AREA LUMINAIRE.—The term ‘area luminaire’ means a luminaire intended for lighting parking lots and general areas that—

“(A) is designed to mount on a pole using an arm, pendant, or vertical tenon;

“(B) has an opaque top or sides, but may contain a transmissive ornamental element;

“(C) has an optical aperture that is open or enclosed with a flat, sag, or drop lens;

“(D) is mounted in a fixed position with the optical aperture near horizontal, or tilted up; and

“(E) has photometric output measured using Type C photometry per IESNA LM-75-01.

“(26) DECORATIVE POSTTOP LUMINAIRE.—The term ‘decorative posttop luminaire’ means a luminaire with—

“(A) open or transmissive sides that is designed to be mounted directly over a pole using a vertical tenon or by fitting the luminaire directly into the pole; and

“(B) photometric output measured using Type C photometry per IESNA LM-75-01.

“(27) DUSK-TO-DAWN LUMINAIRE.—The term ‘dusk-to-dawn luminaire’ means a fluorescent, induction, or high intensity discharge luminaire that—

“(A) is designed to be mounted on a horizontal or horizontally slanted tenon or arm;

“(B) has an optical assembly that is coaxial with the axis of symmetry of the light source;

“(C) has an optical assembly that is—

“(i) a reflector or lamp enclosure that surrounds the light source with an open lower aperture; or

“(ii) a refractive optical assembly surrounding the light source with an open or closed lower aperture;

“(D) contains a receptacle for a photocontrol that enables the operation of the light source and is either coaxial with both the axis of symmetry of the light source and the optical assembly or offset toward the mounting bracket by less than 3 inches, or contains an integral photocontrol; and

“(E) has photometric output measured using Type C photometry per IESNA LM-75-01.

“(28) FLOODLIGHT LUMINAIRE.—The term ‘floodlight luminaire’ means an outdoor luminaire designed with a yoke, knuckle, or other mechanism allowing the luminaire to be aimed 40 degrees or more with its photometric distributions established with only Type B photometry in accordance with IESNA LM-75, revised 2001.

“(29) GENERAL PURPOSE MERCURY VAPOR LAMP.—The term ‘general purpose mercury vapor lamp’ means a mercury vapor lamp (as defined in section 321) that—

“(A) has a screw base;

“(B) is designed for use in general lighting applications (as defined in section 321);

“(C) is not a specialty application mercury vapor lamp; and

“(D) is designed to operate on a mercury vapor lamp ballast (as defined in section 321) or is a self-ballasted lamp.

“(30) HIGH LIGHT OUTPUT DOUBLE-ENDED QUARTZ HALOGEN LAMP.—The term ‘high light output double-ended quartz halogen lamp’ means a lamp that—

“(A) is designed for general outdoor lighting purposes;

“(B) contains a tungsten filament;

“(C) has a rated initial lumen value of greater than 6,000 and less than 40,000 lumens;

“(D) has at each end a recessed single contact, R7s base;

“(E) has a maximum overall length (MOL) between 4 and 11 inches;

“(F) has a nominal diameter less than 3⁄4 inch (T6);

“(G) is designed to be operated at a voltage not less than 110 volts and not greater than 200 volts or is designed to be operated at a voltage between 235 volts and 300 volts;

“(H) is not a tubular quartz infrared heat lamp; and

“(I) is not a lamp marked and marketed as a Stage and Studio lamp with a rated life of 500 hours or less.

“(31) MEAN RATED LAMP LUMENS.—The term ‘mean rated lamp lumens’ means the rated lumens at—

“(A) 40 percent of rated lamp life for metal halide, induction, and fluorescent lamps; or

“(B) 50 percent of rated lamp life for high pressure sodium lamps.

“(32) OUTDOOR LUMINAIRE.—The term ‘outdoor luminaire’ means a luminaire that—

“(A) is intended for outdoor use and suitable for wet locations; and

“(B) may be shipped with or without a lamp.

“(33) POLE-MOUNTED OUTDOOR LUMINAIRE.—

“(A) IN GENERAL.—The term ‘pole-mounted outdoor luminaire’ means an outdoor luminaire that is designed to be mounted on an outdoor pole and is—

“(i) an area luminaire;

“(ii) a roadway and highmast luminaire;

“(iii) a decorative posttop luminaire; or

“(iv) a dusk-to-dawn luminaire.

“(B) EXCLUSIONS.—The term ‘pole-mounted outdoor luminaire’ does not include—

“(i) a portable luminaire designed for use at construction sites;

“(ii) a luminaire designed to be used in emergency conditions that—

“(I) incorporates a means of storing energy and a device to switch the stored energy supply to emergency lighting loads automatically on failure of the normal power supply; and

“(II) is listed and labeled as Emergency Lighting Equipment;

“(iii) a decorative gas lighting system;

“(iv) a luminaire designed explicitly for lighting for theatrical purposes, including performance, stage, film production, and video production;

“(v) a luminaire designed as theme elements in theme or amusement parks and that cannot be used in most general lighting applications;

“(vi) a luminaire designed explicitly for hazardous locations meeting the requirements of Underwriters Laboratories Standard 844–2006, ‘Luminaires for Use in Hazardous (Classified) Locations’;

“(vii) a residential pole-mounted luminaire that is not rated for commercial use utilizing 1 or more lamps meeting the energy conservation standards established under section 325(i) and mounted on a post or pole not taller than 10.5 feet above ground and not rated for a power draw of more than 145 watts;

“(viii) a floodlight luminaire;

“(ix) an outdoor luminaire designed for sports and recreational area use in accordance with IESNA RP-6 and utilizing an 875 watt or greater metal halide lamp;

“(x) a decorative posttop luminaire designed for using high intensity discharge lamps with total lamp wattage of 150 or less, or designed for using other lamp types with total lamp wattage of 50 watts or less;

“(xi) an area luminaire, roadway and highmast luminaire, or dusk-to-dawn luminaire designed for using high intensity discharge lamps or pin-based compact fluorescent lamps with total lamp wattage of 100 or less, or other lamp types with total lamp wattage of 50 watts or less; and

“(xii) an area luminaire, roadway and highmast luminaire, or dusk-to-dawn luminaire with a backlight rating less than 2 and with the maximum of the uplight or glare rating 3 or less.

“(34) ROADWAY AND HIGHMAST LUMINAIRE.—The term ‘roadway and highmast luminaire’ means a luminaire intended for lighting streets and roadways that—

“(A) is designed to mount on a pole by clamping onto the exterior of a horizontal or horizontally slanted, circular cross-section pipe tenon;

“(B) has opaque tops or sides;

“(C) has an optical aperture that is open or enclosed with a flat, sag or drop lens;

“(D) is mounted in a fixed position with the optical aperture near horizontal, or tilted up; and

“(E) has photometric output measured using Type C photometry per IESNA LM-75–01.

“(35) SPECIALTY APPLICATION MERCURY VAPOR LAMP.—The term ‘specialty application mercury vapor lamp’ means a mercury vapor lamp (as defined in section 321) that is—

“(A) designed only to operate on a specialty application mercury vapor lamp ballast (as defined in section 321); and

“(B) is marked and marketed for specialty applications only.

“(36) TARGET EFFICACY RATING.—The term ‘target efficacy rating’ means a measure of luminous efficacy of a luminaire (as defined in NEMA LE-6–2009).

“(37) TUBULAR QUARTZ INFRARED HEAT LAMP.—The term ‘tubular quartz infrared heat lamp’ means a double-ended quartz halogen lamp that—

“(A) is marked and marketed as an infrared heat lamp; and

“(B) radiates predominately in the infrared radiation range and in which the visible radiation is not of principle interest.”.

(b) STANDARDS.—Section 342 of the Energy Policy and Conservation Act (42 U.S.C. 6313) is amended by adding at the end the following:

“(g) POLE-MOUNTED OUTDOOR LUMINAIRES.—

“(1) TARGET EFFICACY RATING, LUMEN MAINTENANCE AND POWER FACTOR REQUIREMENTS.—

“(A) DEFINITION OF MAXIMUM OF UPLIGHT OR GLARE RATING.—In this paragraph, the term ‘maximum of uplight or glare rating’ means, for any specific outdoor luminaire, the higher of the uplight rating or glare rating of the luminaire.

“(B) REQUIREMENTS.—Each pole-mounted outdoor luminaire manufactured on or after the date that is 3 years after the date of enactment of this subsection shall—

“(i) meet or exceed the target efficacy ratings in the following table when tested at full system input watts:

“Area, Roadway or Highmast luminaires

Backlight Rating	Maximum of Uplight or Glare rating		
	0 or 1	2 or 3	4 or 5
0 or 1	38	38	38
2 or 3	38	38	42
4 or 5	38	42	43

“Decorative Posttop or Dusk-to-Dawn luminaires

Backlight Rating	Maximum of Uplight or Glare rating		
	0 or 1	2 or 3	4 or 5
0 or 1	25	25	25
2 or 3	25	25	28
4 or 5	25	28	28;

“(ii) use lamps that have a minimum of 0.6 lumen maintenance, as determined in accordance with IESNA LM-80 for Solid State Lighting sources or calculated as mean rated lamp lumens divided by initial rated lamp lumens for other light sources; and

“(iii) have a power factor equal to or greater than 0.9 at ballast full power, except in the case of pole-mounted outdoor luminaires designed for using high intensity discharge lamps with a total rated lamp wattage of 150

watts or less, which shall have no power factor requirement.

“(2) CONTROL REQUIREMENTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), each area luminaire manufactured on or after the date that is 3 years after the date of enactment of this subsection shall be sold—

“(i) with integral controls that shall have the capability of operating the luminaire at full power and a minimum of 1 reduced power

level plus off, in which case the power reduction shall be at least 30 percent of the rated lamp power; or

“(ii) with internal electronics and connective wiring or hardware (including wire leads, pigtails, inserts for wires, pin bases, or the equivalent) that—

“(I) collectively enable the area luminaire, if properly connected to an appropriate control system, to operate at full power and a minimum of 1 reduced power level plus off,

in which case the reduced power level shall be at least 30 percent lower than the rated lamp power in response to signals sent by controls not integral to the luminaire as sold, that may be connected in the field; and

“(II) have connections from the components that are easily accessible in the luminaire housing and have instructions applicable to appropriate control system connections that are included with the luminaire.

“(B) NONAPPLICATION.—The control requirements of this paragraph shall not apply to—

“(i) pole-mounted outdoor luminaires utilizing probe-start metal halide lamps with rated lamp power greater than 500 watts operating in non-base-up positions; or

“(ii) pole-mounted outdoor luminaires utilizing induction lamps.

“(C) INTEGRAL PHOTOSENSORS.—Each pole-mounted outdoor luminaire sold with an integral photosensor shall use an electronic-type photocell.

“(3) RULEMAKING COMMENCING NOT LATER THAN 60 DAYS AFTER THE DATE OF ENACTMENT.—

“(A) IN GENERAL.—Not later than 60 days after the date of enactment of this subsection, the Secretary shall initiate a rulemaking procedure to determine whether the standards in effect for pole-mounted outdoor luminaires should be amended.

“(B) FINAL RULE.—

“(i) PUBLICATION.—The Secretary shall publish a final rule containing the amendments, if any, not later than January 1, 2013, or the date that is 33 months after the date of enactment of this subsection, whichever is later.

“(ii) APPLICATION.—Any amendments shall apply to products manufactured on or after January 1, 2016, or the date that is 3 years after the final rule is published in the Federal Register, whichever is later.

“(C) REVIEW.—

“(i) IN GENERAL.—As part of the rulemaking required under this paragraph, the Secretary shall review and may amend the definitions, exclusions, test procedures, power factor standards, lumen maintenance requirements, labeling requirements, and additional control requirements, including dimming functionality, for all pole-mounted outdoor luminaires.

“(ii) FACTORS.—The review of the Secretary shall include consideration of—

“(I) obstacles to compliance and whether compliance is evaded by substitution of non-regulated luminaires for regulated luminaires or allowing luminaires to comply with the standards established under this part based on use of non-standard lamps, as provided for in section 343(a)(10)(D)(i)(II);

“(II) statistical data relating to pole-mounted outdoor luminaires that—

“(aa) the Secretary shall request not later than 120 days after the date of enactment of this subsection from all identifiable manufacturers of pole-mounted outdoor luminaires, directly from manufacturers of pole-mounted outdoor luminaires or, in the case of members of the National Electrical Manufacturers Association, from the National Electrical Manufacturers Association;

“(bb) is considered necessary for the rulemaking; and

“(cc) shall be made publicly available in a manner that does not reveal manufacturer identity or confidential business information, in a timely manner for discussion at any public proceeding at which comment is solicited from the public in connection with the rulemaking, except that nothing in this subclause restricts the Secretary from seek-

ing additional information during the course of the rulemaking; and

“(III) phased-in effective dates for different types of pole-mounted outdoor luminaires that are submitted to the Secretary in the manner provided for in section 325(p)(4), except that the phased-in effective dates shall not be subject to subparagraphs (A) and (B) of this paragraph.

“(4) RULEMAKING BEFORE FEBRUARY 1, 2015.—

“(A) IN GENERAL.—Not later than February 1, 2015, the Secretary shall initiate a rulemaking procedure to determine whether the standards in effect for pole-mounted outdoor luminaires should be amended.

“(B) FINAL RULE.—

“(i) PUBLICATION.—The Secretary shall publish a final rule containing the amendments, if any, not later than January 1, 2018.

“(ii) APPLICATION.—Any amendments shall apply to products manufactured on or after January 1, 2021.

“(C) REVIEW.—

“(i) IN GENERAL.—As part of the rulemaking required under this paragraph, the Secretary shall review and may amend the definitions, exclusions, test procedures, power factor standards, lumen maintenance requirements, labeling requirements, and additional control requirements, including dimming functionality, for all pole-mounted outdoor luminaires.

“(ii) FACTORS.—The review of the Secretary shall include consideration of—

“(I) obstacles to compliance and whether compliance is evaded by substitution of non-regulated luminaires for regulated luminaires or allowing luminaires to comply with the standards established under this part based on use of nonstandard lamps, as provided for in section 343(a)(10)(D)(i)(II);

“(II) statistical data relating to pole-mounted outdoor luminaires that—

“(aa) the Secretary considers necessary for the rulemaking and requests not later than June 1, 2015, from all identifiable manufacturers of pole-mounted outdoor luminaires, directly from manufacturers of pole-mounted outdoor luminaires and, in the case of members of the National Electrical Manufacturers Association, from the National Electrical Manufacturers Association; and

“(bb) shall be made publicly available in a manner that does not reveal manufacturer identity or confidential business information, in a timely manner for discussion at any public proceeding at which comment is solicited from the public in connection with the rulemaking, except that nothing in this subclause restricts the Secretary from seeking additional information during the course of the rulemaking; and

“(III) phased-in effective dates for different types of pole-mounted outdoor luminaires that are submitted to the Secretary in the manner provided for in section 325(p)(4), except that the phased-in effective dates shall not be subject to subparagraphs (A) and (B) of this paragraph.

“(h) HIGH LIGHT OUTPUT DOUBLE-ENDED QUARTZ HALOGEN LAMPS.—A high light output double-ended quartz halogen lamp manufactured on or after January 1, 2016, shall have a minimum efficiency of—

“(1) 27 LPW for lamps with a minimum rated initial lumen value greater than 6,000 and a maximum initial lumen value of 15,000; and

“(2) 34 LPW for lamps with a rated initial lumen value greater than 15,000 and less than 40,000.

“(i) GENERAL PURPOSE MERCURY VAPOR LAMPS.—A general purpose mercury vapor lamp shall not be manufactured on or after January 1, 2016.”.

(c) TEST METHODS.—Section 343(a) of the Energy Policy and Conservation Act (42 U.S.C. 6314(a)) is amended by adding at the end the following:

“(10) POLE-MOUNTED OUTDOOR LUMINAIRES.—

“(A) IN GENERAL.—With respect to pole-mounted outdoor luminaires to which standards are applicable under section 342, the test methods shall be those described in this paragraph.

“(B) PHOTOMETRIC TEST METHODS.—For photometric test methods, the methods shall be those specified in—

“(i) IES LM-10-96—Approved Method for Photometric Testing of Outdoor Fluorescent Luminaires;

“(ii) IES LM-31-95—Photometric Testing of Roadway Luminaires Using Incandescent Filament and High Intensity Discharge Lamps;

“(iii) IES LM-79-08—Electrical and Photometric Measurements of Solid-State Lighting Products;

“(iv) IES LM-80-08—Measuring Lumen Maintenance of LED Light Sources;

“(v) IES LM-40-01—Life testing of Fluorescent Lamps;

“(vi) IES LM-47-01—Life testing of High Intensity Discharge (HID) Lamps;

“(vii) IES LM-49-01—Life testing of Incandescent Filament Lamps;

“(viii) IES LM-60-01—Life testing of Low Pressure Sodium Lamps; and

“(ix) IES LM-65-01—Life testing of Compact Fluorescent Lamps.

“(C) OUTDOOR BACKLIGHT, UPLIGHT, AND GLARE RATINGS.—For determining outdoor backlight, uplight, and glare ratings, the classifications shall be those specified in IES TM-15-07—Luminaire Classification System for Outdoor Luminaires with Addendum A.

“(D) TARGET EFFICACY RATING.—For determining the target efficacy rating, the procedures shall be those specified in NEMA LE-6-2009—‘Procedure for Determining Target Efficacy Ratings (TER) for Commercial, Industrial and Residential Luminaires,’ and all of the following additional criteria (as applicable):

“(i) The target efficacy rating shall be calculated based on the initial rated lamp lumen and rated watt value equivalent to the lamp with which the luminaire is shipped, or, if not shipped with a lamp, the target efficacy rating shall be calculated based on—

“(I) the applicable standard lamp as established by subparagraph (E); or

“(II) a lamp that has a rated wattage and rated initial lamp lumens that are the same as the maximum lamp watts and minimum lamp lumens labeled on the luminaire, in accordance with section 344(f).

“(ii) If the luminaire is designed to operate at more than 1 nominal input voltage, the ballast input watts used in the target efficacy rating calculation shall be the highest value for any nominal input voltage for which the ballast is designed to operate.

“(iii) If the luminaire is a pole-mounted outdoor luminaire that contains a ballast that is labeled to operate lamps of more than 1 wattage, the luminaire shall—

“(I) meet or exceed the target efficacy rating in the table in section 342(g)(1)(B) calculated in accordance with clause (i) for all lamp wattages that the ballast is labeled to operate;

“(II) be constructed such that the luminaire is only capable of accepting lamp wattages that produce target efficacy ratings that meet or exceed the values in the table in section 342(g)(1)(B) calculated in accordance with clause (i); or

“(III) be rated and prominently labeled for a maximum lamp wattage that results in the luminaire meeting or exceeding the target efficacy rating in the table in section 342(g)(1)(B) when calculated and labeled in accordance with clause (i).

“(iv) If the luminaire is a pole-mounted outdoor luminaire that is constructed such that the luminaire will only accept an ANSI Type-O lamp, the luminaire shall meet or exceed the target efficacy rating in the table in section 342(g)(1)(B) when tested with an ANSI Type-O lamp.

“(v) If the luminaire is a pole-mounted outdoor luminaire that is marketed to use a coated lamp, the luminaire shall meet or exceed the target efficacy rating in the table in section 342(g)(1)(B) when tested with a coated lamp.

“(vi) If the luminaire is a solid state lighting pole-mounted outdoor luminaire, the luminaire shall have its target efficacy rating calculated based on the combination of absolute luminaire lumen values and input wattages that results in the lowest possible target efficacy rating for any light source, including ranges of correlated color temperature and color rendering index values, for which the luminaire is marketed by the luminaire manufacturer.

“(vii) If the luminaire is a high intensity discharge pole-mounted outdoor luminaire using a ballast that has a ballast factor different than 1, the target efficacy rating of the luminaire shall be calculated by using the input watts needed to operate the lamp at full rated power, or by using the actual ballast factor of the ballast.

“(E) TABLE OF STANDARD LAMP TYPES.—

“(i) IN GENERAL.—The National Electrical Manufacturers Association shall develop and publish not later than 1 year after the date of enactment of this paragraph and thereafter maintain and regularly update on a publicly available website a table including standard lamp types by wattage, ANSI code, initial lamp lumen value, lamp orientation, and lamp finish.

“(ii) INITIAL LAMP LUMEN VALUES.—The initial lamp lumen values shall—

“(I) be determined according to a uniform rating method and tested according to accepted industry practice for each lamp that is considered for inclusion in the table; and

“(II) in each case contained in the table, be the lowest known initial lamp lumen value that approximates typical performance in representative general outdoor lighting applications.

“(iii) ACTIONS.—On completion of the table required by this subparagraph and any updates to the table—

“(I) the National Electrical Manufacturers Association shall submit the table and any updates to the Secretary; and

“(II) the Secretary shall—

“(aa) publish the table and any comments that are included with the table in the Federal Register; and

“(bb) solicit public comment on the table; and

“(cc) not later than 180 days after date of receipt of the table, after considering the factors described in clause (iv), adopt the table for purposes of this part.

“(iv) REBUTTABLE PRESUMPTION.—

“(I) IN GENERAL.—There shall be a rebuttable presumption that the table and any updates to the table transmitted by the National Electrical Manufacturers Association to the Secretary meets the requirements of this subparagraph, which may be rebutted only if the Secretary finds by clear and substantial evidence that—

“(aa) data have been included that were not the result of having applied applicable industry standards; or

“(bb) lamps have been included in the table that are not representative of general outdoor lighting applications.

“(II) CONFORMING CHANGES.—If subclause (I) applies, the National Electrical Manufacturers Association shall conform the published table of the Association to the table adopted by the Secretary.

“(v) NONTRANSMISSION OF TABLE.—If the National Electrical Manufacturers Association has not submitted the table to the Secretary within 1 year after the date of enactment of this paragraph, the Secretary shall develop, publish, and adopt the table not later than 18 months after the date of enactment of this paragraph and update the table regularly.

“(F) AMENDMENT OF TEST METHODS.—The Secretary may, by rule, adopt new or additional test methods for pole-mounted outdoor luminaires in accordance with this section.”

(d) LABELING.—Section 344 of the Energy Policy and Conservation Act (42 U.S.C. 6315) is amended—

(1) in subsections (d) and (e), by striking “(h)” each place it appears and inserting “(i)”;

(2) by redesignating subsections (f) through (k) as subsections (g) through (l), respectively; and

(3) by inserting after subsection (e) the following:

“(f) LABELING RULES FOR POLE-MOUNTED OUTDOOR LUMINAIRES.—

“(1) IN GENERAL.—Subject to subsection (i), not later than 1 year after the date of enactment of this paragraph, the Secretary shall establish labeling rules under this part for pole-mounted outdoor luminaires manufactured on or after the date on which standards established under section 342(g) take effect.

“(2) RULES.—The rules shall require—

“(A) for pole-mounted outdoor luminaires, that the luminaire, be marked with a capital letter ‘P’ printed within a circle in a conspicuous location on both the pole-mounted luminaire and its packaging to indicate that the pole-mounted outdoor luminaire conforms to the energy conservation standards established in section 342(g); and

“(B) for pole-mounted outdoor luminaires that do not contain a lamp in the same shipment with the luminaire and are tested with a lamp with a lumen rating exceeding the standard lumen value specified in the table established under section 343(a)(10)(E), that the luminaire—

“(i) be labeled to identify the minimum rated initial lamp lumens and maximum rated lamp watts required to conform to the energy conservation standards established in section 342(g); and

“(ii) bear a statement on the label that states: ‘Product violates Federal law when installed with a standard lamp. Use only a lamp that meets the minimum lumens and maximum watts provided on this label.’.”

(e) PREEMPTION.—Section 345 of the Energy Policy and Conservation Act (42 U.S.C. 6316) is amended—

(1) in the first sentence of subsection (a), by striking “The” and inserting “Except as otherwise provided in this section, the”; and

(2) by adding at the end the following:

“(i) POLE-MOUNTED OUTDOOR LUMINAIRES AND HIGH LIGHT OUTPUT DOUBLE-ENDED QUARTZ HALOGEN LAMPS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), section 327 shall apply to pole-mounted outdoor luminaires and high light

output double-ended quartz halogen lamps to the same extent and in the same manner as the section applies under part B.

“(2) STATE ENERGY CONSERVATION STANDARDS.—Any State energy conservation standard that is adopted on or before January 1, 2015, pursuant to a statutory requirement to adopt efficiency standard for reducing outdoor lighting energy use enacted prior to January 31, 2008, shall not be preempted.”

SEC. 23. STANDARDS FOR COMMERCIAL FURNACES.

Section 342(a) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)) is amended by adding at the end the following:

“(11) Warm air furnaces with an input rating of 225,000 Btu per hour or more and manufactured after January 1, 2011, shall meet the following standard levels:

“(A) Gas-fired units shall—

“(i) have a minimum combustion efficiency of 80 percent;

“(ii) include an interrupted or intermittent ignition device;

“(iii) have jacket losses not exceeding 0.75 percent of the input rating; and

“(iv) have power venting or a flue damper.

“(B) Oil-fired units shall have—

“(i) a minimum thermal efficiency of 81 percent;

“(ii) jacket losses not exceeding 0.75 percent of the input rating; and

“(iii) power venting or a flue damper.”

SEC. 24. SERVICE OVER THE COUNTER, SELF-CONTAINED, MEDIUM TEMPERATURE COMMERCIAL REFRIGERATORS.

Section 342(c) of the Energy Policy and Conservation Act (42 U.S.C. 6313(c)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (C) as subparagraph (E); and

(B) by inserting after subparagraph (B) the following:

“(C) The term ‘service over the counter, self-contained, medium temperature commercial refrigerator’ or ‘SOC-SC-M’ means a medium temperature commercial refrigerator—

“(i) with a self-contained condensing unit and equipped with sliding or hinged doors in the back intended for use by sales personnel, and with glass or other transparent material in the front for displaying merchandise; and

“(ii) that has a height not greater than 66 inches and is intended to serve as a counter for transactions between sales personnel and customers.

“(D) The term ‘TDA’ means the total display area (ft²) of the refrigerated case, as defined in AHRI Standard 1200.”

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (3) the following:

“(4) Each SOC-SC-M manufactured on or after January 1, 2012, shall have a total daily energy consumption (in kilowatt hours per day) of not more than 0.6 x TDA + 1.0.”

SEC. 25. MOTOR MARKET ASSESSMENT AND COMMERCIAL AWARENESS PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) electric motor systems account for about half of the electricity used in the United States;

(2) electric motor energy use is determined by both the efficiency of the motor and the system in which the motor operates;

(3) Federal Government research on motor end use and efficiency opportunities is more than a decade old; and

(4) the Census Bureau has discontinued collection of data on motor and generator importation, manufacture, shipment, and sales.

(b) DEFINITIONS.—In this section:

(1) DEPARTMENT.—The term “Department” means the Department of Energy.

(2) INTERESTED PARTIES.—The term “interested parties” includes—

- (A) trade associations;
- (B) motor manufacturers;
- (C) motor end users;
- (D) electric utilities; and
- (E) individuals and entities that conduct energy efficiency programs.

(3) SECRETARY.—The term “Secretary” means the Secretary of Energy, in consultation with interested parties.

(c) ASSESSMENT.—The Secretary shall conduct an assessment of electric motors and the electric motor market in the United States that shall—

(1) include important subsectors of the industrial and commercial electric motor market (as determined by the Secretary), including—

(A) the stock of motors and motor-driven equipment;

(B) efficiency categories of the motor population; and

(C) motor systems that use drives, servos, and other control technologies;

(2) characterize and estimate the opportunities for improvement in the energy efficiency of motor systems by market segment, including opportunities for—

(A) expanded use of drives, servos, and other control technologies;

(B) expanded use of process control, pumps, compressors, fans or blowers, and material handling components; and

(C) substitution of existing motor designs with existing and future advanced motor designs, including electronically commutated permanent magnet, interior permanent magnet, and switched reluctance motors; and

(3) develop an updated profile of motor system purchase and maintenance practices, including surveying the number of companies that have motor purchase and repair specifications, by company size, number of employees, and sales.

(d) RECOMMENDATIONS; UPDATE.—Based on the assessment conducted under subsection (c), the Secretary shall—

(1) develop—

(A) recommendations to update the detailed motor profile on a periodic basis;

(B) methods to estimate the energy savings and market penetration that is attributable to the Save Energy Now Program of the Department; and

(C) recommendations for the Director of the Census Bureau on market surveys that should be undertaken in support of the motor system activities of the Department; and

(2) prepare an update to the Motor Master+ program of the Department.

(e) PROGRAM.—Based on the assessment, recommendations, and update required under subsections (c) and (d), the Secretary shall establish a proactive, national program targeted at motor end-users and delivered in cooperation with interested parties to increase awareness of—

(1) the energy and cost-saving opportunities in commercial and industrial facilities using higher efficiency electric motors;

(2) improvements in motor system procurement and management procedures in the selection of higher efficiency electric motors and motor-system components, including drives, controls, and driven equipment; and

(3) criteria for making decisions for new, replacement, or repair motor and motor system components.

SEC. 26. STUDY OF COMPLIANCE WITH ENERGY STANDARDS FOR APPLIANCES.

(a) IN GENERAL.—The Secretary shall conduct a study of the degree of compliance with energy standards for appliances, including an investigation of compliance rates and options for improving compliance, including enforcement.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report describing the results of the study, including any recommendations.

SEC. 27. STUDY OF DIRECT CURRENT ELECTRICITY SUPPLY IN CERTAIN BUILDINGS.

(a) IN GENERAL.—The Secretary shall conduct a study—

(1) of the costs and benefits (including significant energy efficiency, power quality, and other power grid, safety, and environmental benefits) of requiring high-quality, direct current electricity supply in certain buildings; and

(2) to determine, if the requirement described in paragraph (1) is imposed, what the policy and role of the Federal Government should be in realizing those benefits.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report describing the results of the study, including any recommendations.

SEC. 28. TECHNICAL CORRECTIONS.

(a) TITLE III OF ENERGY INDEPENDENCE AND SECURITY ACT OF 2007—ENERGY SAVINGS THROUGH IMPROVED STANDARDS FOR APPLIANCES AND LIGHTING.—

(1) Section 325(u) of the Energy Policy and Conservation Act (42 U.S.C. 6295(u)) (as amended by section 301(c) of the Energy Independence and Security Act of 2007 (121 Stat. 1550)) is amended—

(A) by redesignating paragraph (7) as paragraph (4); and

(B) in paragraph (4) (as so redesignated), by striking “supplies is” and inserting “supply is”.

(2) Section 302(b) of the Energy Independence and Security Act of 2007 (121 Stat. 1551) is amended by striking “6313(a)” and inserting “6314(a)”.

(3) Section 342(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)) (as amended by section 305(b)(2) of the Energy Independence and Security Act of 2007 (121 Stat. 1554)) is amended—

(A) in subparagraph (B)—

(i) by striking “If the Secretary” and inserting the following:

“(i) IN GENERAL.—If the Secretary”;

(ii) by striking “clause (ii)(II)” and inserting “subparagraph (A)(ii)(II)”;

(iii) by striking “clause (i)” and inserting “subparagraph (A)(i)”;

(iv) by adding at the end the following:

“(ii) FACTORS.—In determining whether a standard is economically justified for the purposes of subparagraph (A)(ii)(II), the Secretary shall, after receiving views and comments furnished with respect to the proposed standard, determine whether the benefits of the standard exceed the burden of the proposed standard by, to the maximum extent practicable, considering—

“(I) the economic impact of the standard on the manufacturers and on the consumers of the products subject to the standard;

“(II) the savings in operating costs throughout the estimated average life of the product in the type (or class) compared to any increase in the price of, or in the initial

charges for, or maintenance expenses of, the products that are likely to result from the imposition of the standard;

“(III) the total projected quantity of energy savings likely to result directly from the imposition of the standard;

“(IV) any lessening of the utility or the performance of the products likely to result from the imposition of the standard;

“(V) the impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the imposition of the standard;

“(VI) the need for national energy conservation; and

“(VII) other factors the Secretary considers relevant.

“(iii) ADMINISTRATION.—

“(I) ENERGY USE AND EFFICIENCY.—The Secretary may not prescribe any amended standard under this paragraph that increases the maximum allowable energy use, or decreases the minimum required energy efficiency, of a covered product.

“(II) UNAVAILABILITY.—

“(aa) IN GENERAL.—The Secretary may not prescribe an amended standard under this subparagraph if the Secretary finds (and publishes the finding) that interested persons have established by a preponderance of the evidence that a standard is likely to result in the unavailability in the United States in any product type (or class) of performance characteristics (including reliability, features, sizes, capacities, and volumes) that are substantially the same as those generally available in the United States at the time of the finding of the Secretary.

“(bb) OTHER TYPES OR CLASSES.—The failure of some types (or classes) to meet the criterion established under this subclause shall not affect the determination of the Secretary on whether to prescribe a standard for the other types or classes.”; and

(B) in subparagraph (C)(iv), by striking “An amendment prescribed under this subsection” and inserting “Notwithstanding subparagraph (D), an amendment prescribed under this subparagraph”.

(4) Section 342(a)(6)(B)(iii) of the Energy Policy and Conservation Act (as added by section 306(c) of the Energy Independence and Security Act of 2007 (121 Stat. 1559)) is transferred and redesignated as clause (vi) of section 342(a)(6)(C) of the Energy Policy and Conservation Act (as amended by section 305(b)(2) of the Energy Independence and Security Act of 2007 (121 Stat. 1554)).

(5) Section 345 of the Energy Policy and Conservation Act (42 U.S.C. 6316) (as amended by section 312(e) of the Energy Independence and Security Act of 2007 (121 Stat. 1567)) is amended—

(A) by striking “subparagraphs (B) through (G)” each place it appears and inserting “subparagraphs (B), (C), (D), (I), (J), and (K)”;

(B) by striking “part A” each place it appears and inserting “part B”;

(C) in subsection (h)(3), by striking “section 342(f)(3)” and inserting “section 342(f)(4)”.

(6) Section 340(13) of the Energy Policy and Conservation Act (42 U.S.C. 6311(13)) (as amended by section 313(a) of the Energy Independence and Security Act of 2007 (121 Stat. 1568)) is amended—

(A) by striking subparagraphs (A) and (B) and inserting the following:

“(A) IN GENERAL.—The term ‘electric motor’ means any of the following:

“(i) A motor that is a general purpose T-frame, single-speed, foot-mounting, polyphase squirrel-cage induction motor of the

National Electrical Manufacturers Association, Design A and B, continuous rated, operating on 230/460 volts and constant 60 Hertz line power as defined in NEMA Standards Publication MG1-1987.

“(ii) A motor incorporating the design elements described in clause (i), but is configured to incorporate 1 or more of the following variations:

“(I) U-frame motor.

“(II) NEMA Design C motor.

“(III) Close-coupled pump motor.

“(IV) Footless motor.

“(V) Vertical solid shaft normal thrust motor (as tested in a horizontal configuration).

“(VI) 8-pole motor.

“(VII) Poly-phase motor with a voltage rating of not more than 600 volts (other than 230 volts or 460 volts, or both, or can be operated on 230 volts or 460 volts, or both).”; and

(B) by redesignating subparagraphs (C) through (I) as subparagraphs (B) through (H), respectively.

(7)(A) Section 342(b) of the Energy Policy and Conservation Act (42 U.S.C. 6313(b)) is amended—

(i) in paragraph (1), by striking “paragraph (2)” and inserting “paragraph (3)”;

(ii) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4);

(iii) by inserting after paragraph (1) the following:

“(2) STANDARDS EFFECTIVE BEGINNING DECEMBER 19, 2010.—

“(A) IN GENERAL.—Except for definite purpose motors, special purpose motors, and those motors exempted by the Secretary under paragraph (3) and except as provided for in subparagraphs (B), (C), and (D), each electric motor manufactured with power ratings from 1 to 200 horsepower (alone or as a component of another piece of equipment) on or after December 19, 2010, shall have a nominal full load efficiency of not less than the

nominal full load efficiency described in NEMA MG-1 (2006) Table 12-12.

“(B) FIRE PUMP ELECTRIC MOTORS.—Except for those motors exempted by the Secretary under paragraph (3), each fire pump electric motor manufactured with power ratings from 1 to 200 horsepower (alone or as a component of another piece of equipment) on or after December 19, 2010, shall have a nominal full load efficiency that is not less than the nominal full load efficiency described in NEMA MG-1 (2006) Table 12-11.

“(C) NEMA DESIGN B ELECTRIC MOTORS.—Except for those motors exempted by the Secretary under paragraph (3), each NEMA Design B electric motor with power ratings of more than 200 horsepower, but not greater than 500 horsepower, manufactured (alone or as a component of another piece of equipment) on or after December 19, 2010, shall have a nominal full load efficiency of not less than the nominal full load efficiency described in NEMA MG-1 (2006) Table 12-11.

“(D) MOTORS INCORPORATING CERTAIN DESIGN ELEMENTS.—Except for those motors exempted by the Secretary under paragraph (3), each electric motor described in section 340(13)(A)(ii) manufactured with power ratings from 1 to 200 horsepower (alone or as a component of another piece of equipment) on or after December 19, 2010, shall have a nominal full load efficiency of not less than the nominal full load efficiency described in NEMA MG-1 (2006) Table 12-11.”; and

(iv) in paragraph (3) (as redesignated by clause (ii)), by striking “paragraph (1)” each place it appears in subparagraphs (A) and (D) and inserting “paragraphs (1) and (2)”.

(B) Section 313 of the Energy Independence and Security Act of 2007 (121 Stat. 1568) is repealed.

(C) The amendments made by—

(i) subparagraph (A) take effect on December 19, 2010; and

(ii) subparagraph (B) take effect on December 19, 2007.

(8) Section 321(30)(D)(i)(III) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(D)(i)(III)) (as amended by section 321(a)(1)(A) of the Energy Independence and Security Act of 2007 (121 Stat. 1574)) is amended by inserting before the semicolon the following: “or, in the case of a modified spectrum lamp, not less than 232 lumens and not more than 1,950 lumens”.

(9) Section 321(30)(T) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(T)) (as amended by section 321(a)(1)(B) of the Energy Independence and Security Act of 2007 (121 Stat. 1574)) is amended—

(A) in clause (i)—

(i) by striking the comma after “household appliance” and inserting “and”; and

(ii) by striking “and is sold at retail.”; and

(B) in clause (ii), by inserting “when sold at retail,” before “is designated”.

(10) Section 325(i) of the Energy Policy and Conservation Act (42 U.S.C. 6295(i)) (as amended by sections 321(a)(3)(A) and 322(b) of the Energy Independence and Security Act of 2007 (121 Stat. 1577, 1588)) is amended by striking the subsection designation and all that follows through the end of paragraph (8) and inserting the following:

“(i) GENERAL SERVICE FLUORESCENT LAMPS, GENERAL SERVICE INCANDESCENT LAMPS, INTERMEDIATE BASE INCANDESCENT LAMPS, CANDELABRA BASE INCANDESCENT LAMPS, AND INCANDESCENT REFLECTOR LAMPS.—

“(1) ENERGY EFFICIENCY STANDARDS.—

“(A) IN GENERAL.—Each of the following general service fluorescent lamps, general service incandescent lamps, intermediate base incandescent lamps, candelabra base incandescent lamps, and incandescent reflector lamps manufactured after the effective date specified in the tables listed in this subparagraph shall meet or exceed the standards established in the following tables:

“FLUORESCENT LAMPS

Lamp Type	Nominal Lamp Wattage	Minimum CRI	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
4-foot medium bi-pin	>35 W	69	75.0	36
.....	>35 W	45	75.0	36
2-foot U-shaped	>35 W	69	68.0	36
.....	≤35 W	45	64.0	36
8-foot slimline	>65 W	69	80.0	18
.....	≤65 W	45	80.0	18
8-foot high output	>100 W	69	80.0	18
.....	≤100 W	45	80.0	18

“INCANDESCENT REFLECTOR LAMPS

Nominal Lamp Wattage	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
40-50	10.5	36
51-66	11.0	36

“INCANDESCENT REFLECTOR LAMPS—Continued

Nominal Lamp Wattage	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
67-85	12.5	36
86-115	14.0	36

“INCANDESCENT REFLECTOR LAMPS—Continued

Nominal Lamp Wattage	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
116-155	14.5	36
156-205	15.0	36

“GENERAL SERVICE INCANDESCENT LAMPS

Rated Lumen Ranges	Maximum Rated Wattage	Minimum Rated Lifetime	Effective Date
1490-2600	72	1,000 hrs	1/1/2012
1050-1489	53	1,000 hrs	1/1/2013
750-1049	43	1,000 hrs	1/1/2014
310-749	29	1,000 hrs	1/1/2014

“MODIFIED SPECTRUM GENERAL SERVICE INCANDESCENT LAMPS

Rated Lumen Ranges	Maximum Rated Wattage	Minimum Rated Lifetime	Effective Date
1118–1950	72	1,000 hrs	1/1/2012
788–1117	53	1,000 hrs	1/1/2013
563–787	43	1,000 hrs	1/1/2014
232–562	29	1,000 hrs	1/1/2014

“(B) APPLICATION.—

“(i) APPLICATION CRITERIA.—This subparagraph applies to each lamp that—

“(I) is intended for a general service or general illumination application (whether incandescent or not);

“(II) has a medium screw base or any other screw base not defined in ANSI C81.61-2006;

“(III) is capable of being operated at a voltage at least partially within the range of 110 to 130 volts; and

“(IV) is manufactured or imported after December 31, 2011.

“(ii) REQUIREMENT.—For purposes of this paragraph, each lamp described in clause (i) shall have a color rendering index that is greater than or equal to—

“(I) 80 for nonmodified spectrum lamps; or

“(II) 75 for modified spectrum lamps.

“(C) CANDELABRA INCANDESCENT LAMPS AND INTERMEDIATE BASE INCANDESCENT LAMPS.—

“(i) CANDELABRA BASE INCANDESCENT LAMPS.—Effective beginning January 1, 2012, a candelabra base incandescent lamp shall not exceed 60 rated watts.

“(ii) INTERMEDIATE BASE INCANDESCENT LAMPS.—Effective beginning January 1, 2012, an intermediate base incandescent lamp shall not exceed 40 rated watts.

“(D) EXEMPTIONS.—

“(i) STATUTORY EXEMPTIONS.—The standards specified in subparagraph (A) shall not apply to the following types of incandescent reflector lamps:

“(I) Lamps rated at 50 watts or less that are ER30, BR30, BR40, or ER40 lamps.

“(II) Lamps rated at 65 watts that are BR30, BR40, or ER40 lamps.

“(III) R20 incandescent reflector lamps rated 45 watts or less.

“(ii) ADMINISTRATIVE EXEMPTIONS.—

“(I) PETITION.—Any person may petition the Secretary for an exemption for a type of general service lamp from the requirements of this subsection.

“(II) CRITERIA.—The Secretary may grant an exemption under subclause (I) only to the extent that the Secretary finds, after a hearing and opportunity for public comment, that it is not technically feasible to serve a specialized lighting application (such as a military, medical, public safety, or certified historic lighting application) using a lamp that meets the requirements of this subsection.

“(III) ADDITIONAL CRITERION.—To grant an exemption for a product under this clause, the Secretary shall include, as an additional criterion, that the exempted product is unlikely to be used in a general service lighting application.

“(E) EXTENSION OF COVERAGE.—

“(i) PETITION.—Any person may petition the Secretary to establish standards for lamp shapes or bases that are excluded from the definition of general service lamps.

“(ii) INCREASED SALES OF EXEMPTED LAMPS.—The petition shall include evidence that the availability or sales of exempted incandescent lamps have increased significantly since the date on which the standards on general service incandescent lamps were established.

“(iii) CRITERIA.—The Secretary shall grant a petition under clause (i) if the Secretary finds that—

“(I) the petition presents evidence that demonstrates that commercial availability or sales of exempted incandescent lamp types have increased significantly since the standards on general service lamps were established and likely are being widely used in general lighting applications; and

“(II) significant energy savings could be achieved by covering exempted products, as determined by the Secretary based in part on sales data provided to the Secretary from manufacturers and importers.

“(iv) NO PRESUMPTION.—The grant of a petition under this subparagraph shall create no presumption with respect to the determination of the Secretary with respect to any criteria under a rulemaking conducted under this section.

“(v) EXPEDITED PROCEEDING.—If the Secretary grants a petition for a lamp shape or base under this subparagraph, the Secretary shall—

“(I) conduct a rulemaking to determine standards for the exempted lamp shape or base; and

“(II) complete the rulemaking not later than 18 months after the date on which notice is provided granting the petition.

“(F) EFFECTIVE DATES.—

“(i) IN GENERAL.—In this paragraph, except as otherwise provided in a table contained in subparagraph (A) or in clause (ii), the term ‘effective date’ means the last day of the month specified in the table that follows October 24, 1992.

“(ii) SPECIAL EFFECTIVE DATES.—

“(I) ER, BR, AND BPAR LAMPS.—The standards specified in subparagraph (A) shall apply with respect to ER incandescent reflector lamps, BR incandescent reflector lamps, BPAR incandescent reflector lamps, and similar bulb shapes on and after January 1, 2008, or the date that is 180 days after the date of enactment of the Energy Independence and Security Act of 2007.

“(II) LAMPS BETWEEN 2.25-2.75 INCHES IN DIAMETER.—The standards specified in subparagraph (A) shall apply with respect to incandescent reflector lamps with a diameter of more than 2.25 inches, but not more than 2.75 inches, on and after the later of January 1, 2008, or the date that is 180 days after the date of enactment of the Energy Independence and Security Act of 2007.

“(2) COMPLIANCE WITH EXISTING LAW.—Notwithstanding section 332(a)(5) and section 332(b), it shall not be unlawful for a manufacturer to sell a lamp that is in compliance with the law at the time the lamp was manufactured.

“(3) RULEMAKING BEFORE OCTOBER 24, 1995.—

“(A) IN GENERAL.—Not later than 36 months after October 24, 1992, the Secretary shall initiate a rulemaking procedure and shall publish a final rule not later than the end of the 54-month period beginning on October 24, 1992, to determine whether the standards established under paragraph (1) should be amended.

“(B) ADMINISTRATION.—The rule shall contain the amendment, if any, and provide that

the amendment shall apply to products manufactured on or after the 36-month period beginning on the date on which the final rule is published.

“(4) RULEMAKING BEFORE OCTOBER 24, 2000.—

“(A) IN GENERAL.—Not later than 8 years after October 24, 1992, the Secretary shall initiate a rulemaking procedure and shall publish a final rule not later than 9 years and 6 months after October 24, 1992, to determine whether the standards in effect for fluorescent lamps and incandescent lamps should be amended.

“(B) ADMINISTRATION.—The rule shall contain the amendment, if any, and provide that the amendment shall apply to products manufactured on or after the 36-month period beginning on the date on which the final rule is published.

“(5) RULEMAKING FOR ADDITIONAL GENERAL SERVICE FLUORESCENT LAMPS.—

“(A) IN GENERAL.—Not later than the end of the 24-month period beginning on the date labeling requirements under section 324(a)(2)(C) become effective, the Secretary shall—

“(i) initiate a rulemaking procedure to determine whether the standards in effect for fluorescent lamps and incandescent lamps should be amended so that the standards would be applicable to additional general service fluorescent lamps; and

“(ii) publish, not later than 18 months after initiating the rulemaking, a final rule including the amended standards, if any.

“(B) ADMINISTRATION.—The rule shall provide that the amendment shall apply to products manufactured after a date which is 36 months after the date on which the rule is published.

“(6) STANDARDS FOR GENERAL SERVICE LAMPS.—

“(A) RULEMAKING BEFORE JANUARY 1, 2014.—

“(i) IN GENERAL.—Not later than January 1, 2014, the Secretary shall initiate a rulemaking procedure to determine whether—

“(I) standards in effect for general service lamps should be amended; and

“(II) the exclusions for certain incandescent lamps should be maintained or discontinued based, in part, on excluded lamp sales collected by the Secretary from manufacturers.

“(ii) SCOPE.—The rulemaking—

“(I) shall not be limited to incandescent lamp technologies; and

“(II) shall include consideration of a minimum standard of 45 lumens per watt for general service lamps.

“(iii) AMENDED STANDARDS.—If the Secretary determines that the standards in effect for general service lamps should be amended, the Secretary shall publish a final rule not later than January 1, 2017, with an effective date that is not earlier than 3 years after the date on which the final rule is published.

“(iv) PHASED-IN EFFECTIVE DATES.—The Secretary shall consider phased-in effective dates under this subparagraph after considering—

“(I) the impact of any amendment on manufacturers, retiring and repurposing existing

equipment, stranded investments, labor contracts, workers, and raw materials; and

“(II) the time needed to work with retailers and lighting designers to revise sales and marketing strategies.

“(v) BACKSTOP REQUIREMENT.—If the Secretary fails to complete a rulemaking in accordance with clauses (i) through (iv) or if the final rule does not produce savings that are greater than or equal to the savings from a minimum efficacy standard of 45 lumens per watt, effective beginning January 1, 2020, the Secretary shall prohibit the manufacture of any general service lamp that does not meet a minimum efficacy standard of 45 lumens per watt.

“(vi) STATE PREEMPTION.—Neither section 327 nor any other provision of law shall preclude California or Nevada from adopting, effective beginning on or after January 1, 2018—

“(I) a final rule adopted by the Secretary in accordance with clauses (i) through (iv);

“(II) if a final rule described in subclause (I) has not been adopted, the backstop requirement under clause (v); or

“(III) in the case of California, if a final rule described in subclause (I) has not been adopted, any California regulations relating to these covered products adopted pursuant to State statute in effect as of the date of enactment of the Energy Independence and Security Act of 2007.

“(B) RULEMAKING BEFORE JANUARY 1, 2020.—

“(i) IN GENERAL.—Not later than January 1, 2020, the Secretary shall initiate a rulemaking procedure to determine whether—

“(I) standards in effect for general service lamps should be amended; and

“(II) the exclusions for certain incandescent lamps should be maintained or discontinued based, in part, on excluded lamp sales data collected by the Secretary from manufacturers.

“(ii) SCOPE.—The rulemaking shall not be limited to incandescent lamp technologies.

“(iii) AMENDED STANDARDS.—If the Secretary determines that the standards in effect for general service lamps should be amended, the Secretary shall publish a final rule not later than January 1, 2022, with an effective date that is not earlier than 3 years after the date on which the final rule is published.

“(iv) PHASED-IN EFFECTIVE DATES.—The Secretary shall consider phased-in effective dates under this subparagraph after considering—

“(I) the impact of any amendment on manufacturers, retiring and repurposing existing equipment, stranded investments, labor contracts, workers, and raw materials; and

“(II) the time needed to work with retailers and lighting designers to revise sales and marketing strategies.

“(7) FEDERAL ACTIONS.—

“(A) COMMENTS OF SECRETARY.—

“(i) IN GENERAL.—With respect to any lamp to which standards are applicable under this subsection or any lamp specified in section 346, the Secretary shall inform any Federal entity proposing actions that would adversely impact the energy consumption or energy efficiency of the lamp of the energy conservation consequences of the action.

“(ii) CONSIDERATION.—The Federal entity shall carefully consider the comments of the Secretary.

“(B) AMENDMENT OF STANDARDS.—Notwithstanding section 325(n)(1), the Secretary shall not be prohibited from amending any standard, by rule, to permit increased energy use or to decrease the minimum required energy efficiency of any lamp to which stand-

ards are applicable under this subsection if the action is warranted as a result of other Federal action (including restrictions on materials or processes) that would have the effect of either increasing the energy use or decreasing the energy efficiency of the product.

“(8) COMPLIANCE.—

“(A) IN GENERAL.—Not later than the date on which standards established pursuant to this subsection become effective, or, with respect to high-intensity discharge lamps covered under section 346, the effective date of standards established pursuant to that section, each manufacturer of a product to which the standards are applicable shall file with the Secretary a laboratory report certifying compliance with the applicable standard for each lamp type.

“(B) CONTENTS.—The report shall include the lumen output and wattage consumption for each lamp type as an average of measurements taken over the preceding 12-month period.

“(C) OTHER LAMP TYPES.—With respect to lamp types that are not manufactured during the 12-month period preceding the date on which the standards become effective, the report shall—

“(i) be filed with the Secretary not later than the date that is 12 months after the date on which manufacturing is commenced; and

“(ii) include the lumen output and wattage consumption for each such lamp type as an average of measurements taken during the 12-month period.”

(11) Section 325(l)(4)(A) of the Energy Policy and Conservation Act (42 U.S.C. 6295(l)(4)(A)) (as amended by section 321(a)(3)(B) of the Energy Independence and Security Act of 2007 (121 Stat. 1581)) is amended by striking “only”.

(12) Section 327(b)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6297(b)(1)(B)) (as amended by section 321(d)(3) of the Energy Independence and Security Act of 2007 (121 Stat. 1585) and section 240(d)) is amended—

(A) in clause (i), by inserting “and” after the semicolon at the end;

(B) in clause (ii), by striking “; and” and inserting a period; and

(C) by striking clause (iii).

(13) Section 321(30)(C)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(C)(ii)) (as amended by section 322(a)(1)(B) of the Energy Independence and Security Act of 2007 (121 Stat. 1587)) is amended by inserting a period after “40 watts or higher”.

(14) Section 322(b) of the Energy Independence and Security Act of 2007 (121 Stat. 1588) is amended by striking “6995(i)” and inserting “6295(i)”.

(15) Section 327(c) of the Energy Policy and Conservation Act (42 U.S.C. 6297(c)) (as amended by sections 324(f) of the Energy Independence and Security Act of 2007 (121 Stat. 1594) and section 6(e)(2)) is amended—

(A) in paragraph (6), by striking “or” after the semicolon at the end;

(B) in paragraph (9)(B), by striking “or” at the end;

(C) in paragraph (10), by striking the period at the end and inserting a semicolon;

(D) by adding at the end the following:

“(11) is a regulation for general service lamps that conforms with Federal standards and effective dates; or

“(12) is an energy efficiency standard for general service lamps enacted into law by the State of Nevada prior to December 19, 2007, if the State has not adopted the Federal

standards and effective dates pursuant to subsection (b)(1)(B)(ii).”

(16) Section 325(b) of the Energy Independence and Security Act of 2007 (121 Stat. 1596) is amended by striking “6924(c)” and inserting “6294(c)”.

(17) This subsection and the amendments made by this subsection take effect as if included in the Energy Independence and Security Act of 2007 (Public Law 110-140; 121 Stat. 1492).

(b) ENERGY POLICY ACT OF 2005.—

(1) Section 325(g)(8)(C)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6295(g)(8)(C)(ii)) (as added by section 135(c)(2)(B) of the Energy Policy Act of 2005) is amended by striking “20°F” and inserting “–20°F”.

(2) This subsection and the amendment made by this subsection take effect as if included in the Energy Policy Act of 2005 (Public Law 109-58; 119 Stat. 594).

(c) ENERGY POLICY AND CONSERVATION ACT.—Section 343(a) of the Energy Policy and Conservation Act (42 U.S.C. 6314(a)) is amended by striking “Air-Conditioning and Refrigeration Institute” each place it appears in paragraphs (4)(A) and (7) and inserting “Air-Conditioning, Heating, and Refrigeration Institute”.

AUGUST 13, 2010.

Hon. HARRY REID,
Hart Senate Office Building,
Washington, DC.

Hon. MITCH MCCONNELL,
Russell Senate Office Building,
Washington, DC.

DEAR SENATE MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL: We are writing today to support and urge the Senate to quickly pass several consensus appliance and equipment efficiency standards this session of Congress. These standards were negotiated between industry and energy-efficiency supporters and reported out of the Senate Energy and Natural Resources Committee on a bipartisan basis. Some of these standards take effect as soon as January 2012. If enactment is delayed until the next Congress, some of the effective dates will need to be delayed, reducing the energy savings and emissions reductions achieved. In addition, prompt enactment will allow manufacturers to better prepare for these new standards. Manufacturers are also very concerned that if Congress does not enact these standards soon, more states will enact their own standards for certain products, making it more difficult for manufacturers to sell the same products nationwide. We are not aware of any controversy on the pending versions of these bills, so they should continue to have bipartisan support while providing substantial energy savings and other benefits for the country.

Based on analysis by the American Council for an Energy Efficient Economy, these consensus standards will:

Reduce annual U.S. energy use by more than 1.2 quadrillion Btu (“quads”) by 2030, which is about 160% of the current annual energy use of Nevada and 60% of the current annual energy use of Kentucky.

Reduce annual U.S. CO₂ emissions by about 71 million metric tons, providing a downpayment on our climate change emission reduction goals.

Provide net present value benefits to consumers of more than \$90 billion from products sold by 2030. (This figure is the sum of benefits minus sum of costs, expressed in 2010 dollars.)

These consensus agreements cover the following products:

Residential appliances—refrigerators, freezers, clothes washers, clothes dryers, dishwashers and room air conditioners;

Residential heating and cooling equipment—furnaces, central air conditioners and heat pumps;

Pole-mounted outdoor lighting fixtures;

Residential portable lighting fixtures (e.g. floor and table lamps); and,

Drinking water dispensers, hot food holding cabinets and portable electric spas.

In addition, the agreements include some important changes to improve and expedite the Department of Energy appliance standards program and needed technical corrections to standards enacted in 2005 and 2007.

The potential energy, economic and environmental benefits are not the only positive facet. The consensus provisions contained in these bills represent a significant step forward in the relationship between many industries which produce energy-using products and advocates for improved efficiency and environmental protection. If enacted they will not only save energy and water but will also serve as a model for future collaboration between various parties by demonstrating that it is possible to balance manufacturer interests and consumer needs while advancing national goals of energy efficiency and environmental stewardship.

The undersigned parties urge your active support for passing this legislation during this Congress. If you have any questions please contact any of the individuals listed below for additional information on this legislation.

Sincerely,

Stephen R. Yurek, President, Air-Conditioning, Heating and Refrigeration Institute; Richard D. Upton, President & CEO, American Lighting Association; Steve Nadel, Executive Director, American Council for an Energy-Efficient Economy; Floyd DesChamps, Senior Vice President of Policy and Research, Alliance to Save Energy; Carvin DiGiovanni, Senior Technical Director, Association of Pool and Spa Professionals; Joseph K. Doss, President and CEO, International Bottled Water Association; Evan R. Gaddis, President & CEO, National Electrical Manufacturers Association; Andrew deLaski, Executive Director, Appliance Standards Awareness Project; Karen Douglas, Chairman, California Energy Commission; Mell Hall-Crawford, Energy Projects Director, Consumer Federation of America; Charles Harak, Esq., National Consumer Law Center, (On behalf of its low-income clients); Scott Slesinger, Legislative Director, Natural Resources Defense Council; Susan E. Coakley, Executive Director, Northeast Energy Efficiency Partnerships; Claire Fulenwider, Executive Director, Northwest Energy Efficiency Alliance; Stephen L. Crow, Executive Director, Northwest Power and Conservation Council.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 3927. A bill to establish the Sacramento-San Joaquin Delta National Heritage Area; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise on behalf of myself and Senator BOXER to introduce legislation to establish a National Heritage Area in the California Sacramento-San Joaquin

Delta. This legislation will create the first Heritage Area in California. I am pleased that I have had the opportunity to work with Senator BOXER, Representatives JOHN GARAMENDI, GEORGE MILLER, MIKE THOMPSON, DORIS MATSUI, JERRY MCNERNEY and the County Supervisors from the five Delta Counties to prepare this legislation and support their efforts to fully partner with the State, the Federal agencies, and other local governments to improve and care for the Delta.

This bill will establish the Sacramento-San Joaquin Delta as a National Heritage Area.

The Delta Protection Commission, created by California law and responsible to the citizens of the Delta and California, will manage the Heritage Area. It will ensure an open and public process, working with all levels of Federal, State, and local government, tribes, local stakeholders, and private property owners as it develops and implements the management plan for the Heritage Area. The goal is to conserve and protect the Delta, its communities, its resources, and its history.

This bill does not create any new layers of government.

It does not infringe on private property rights. Nothing in this bill gives any governmental agency any more regulatory power than it already has.

In short, this bill provides no additional burden on local government or residents. Instead, it authorizes Federal assistance to a local process already required by State law that will elevate the Delta, providing a means to conserve and protect its valued communities, resources, and history.

The Sacramento-San Joaquin Delta is the largest estuary on the West Coast. It is the most extensive inland delta in the world, and a unique national treasure.

Today, it is a labyrinth of sloughs, wetlands, and deepwater channels that connect the waters of the high Sierra mountain streams to the Pacific Ocean through the San Francisco Bay. Its approximately 60 islands are protected by 1,100 miles of levees, and are home to 3,500,000 residents, including 2,500 family farmers. The Delta and its farmers produce some of the highest quality specialty crops in the United States.

The Delta offers recreational opportunities to the two million Californians that visit the Delta each year for boating, fishing, hunting, visiting historic sites, and viewing wildlife. It provides habitat for more than 750 species of plants and wildlife. These include sand hill cranes that migrate to the Delta wetland from places as far away as Siberia. The Delta also provides habitat for 55 species of fish, including Chinook salmon—some as large as 60 pounds—that return each year to travel through the Delta to spawn in the tributaries.

These same waterways also channel fresh water to the Federal and State-

owned pumps in the South Delta that provide water to 23 million Californians and three million acres of irrigated agricultural land elsewhere in the State.

Before the Delta was reclaimed for farmland in the 19th Century, the Delta flooded regularly with snow melt each spring, and provided the rich environment that, by 1492, supported the largest settlement of Native Americans in North America.

The Delta was the gateway to the gold fields in 1849, after which Chinese workers built hundreds of miles of levees throughout the waterways of the Delta to make its rich peat soils available for farming and to control flooding.

Japanese, Italians, German, Portuguese, Dutch, Greeks, South Asians and other immigrants began the farming legacy, and developed technologies specifically adapted to the unique environment, including the Caterpillar Tractor, which later contributed to agriculture and transportation internationally.

Delta communities created a river culture befitting their dependence on water transport, a culture which has attracted the attention of authors from Mark Twain and Jack London to Joan Didion.

The Delta is in crisis due to many factors, including invasive species, urban and agricultural run-off, wastewater discharges, channelization, dredging, water export operations, and other stressors.

Many of the islands of the Delta are between 10 and 20 feet below sea level, and the levee system is presently inadequate to provide reliable flood protection for historic communities, significant habitats, agricultural enterprises, water resources, transportation and other infrastructure.

Existing levees have not been engineered to withstand earthquakes. Should levees fail for any reason, a rush of seawater into the interior of the Delta could damage the already fragile ecosystem, contaminate drinking water for many Californians, flood agricultural land, inundate towns, and damage roads, power lines, and water project infrastructure.

The State of California has been working for decades on a resolution to the water supply and ecosystem crisis in the State, and has a long history of partnerships with Federal agencies, working together to resolve challenges to the Delta's historic communities, ecosystem and the water it supplies so many Californians.

The Delta Protection Commission, established under state law, has been tasked by the California State Legislature with providing a forum for Delta residents to engage in decisions regarding actions to recognize and enhance the unique cultural, recreational, agricultural resources, infrastructure and

legacy communities of the Delta and to serve as the facilitating agency for the implementation of a National Heritage Area in the Delta.

This legislation authorizes the creation of the Delta Heritage Area and federal assistance to the Delta Protection Commission in implementing the Area. This legislation is just a small part of the commitment the Federal government must make to the Delta and to California's ecosystem and water supply. I look forward to continuing to work with my colleagues at every level of government to restore and sustain the ecosystem in the Delta, to provide for reliable water supply in the State of California, to recover the native species of the Delta, protect communities in the Delta from flood risk, ensure economic sustainability in the Delta, improve water quality in the Delta, and; sustain the unique cultural, historical, recreational, agricultural and economic values of the Delta.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3927

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sacramento-San Joaquin Delta National Heritage Area Establishment Act".

SEC. 2. SACRAMENTO-SAN JOAQUIN DELTA NATIONAL HERITAGE AREA.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term "Heritage Area" means the Sacramento-San Joaquin Delta Heritage Area established by this section.

(2) HERITAGE AREA MANAGEMENT PLAN.—The term "Heritage Area management plan" means the plan developed and adopted by the management entity under this section.

(3) MANAGEMENT ENTITY.—The term "management entity" means the management entity for the Heritage Area designated by subsection (b)(4).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) SACRAMENTO-SAN JOAQUIN DELTA HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established the "Sacramento-San Joaquin Delta Heritage Area" in the State of California.

(2) BOUNDARIES.—The boundaries of the Heritage Area shall be in the counties of Contra Costa, Sacramento, San Joaquin, Solano, and Yolo in the State of California, as generally depicted on the map entitled "Sacramento-San Joaquin Delta National Heritage Area Proposed Boundary", numbered T27/105,030, and dated September 2010.

(3) AVAILABILITY OF MAP.—The map described in paragraph (2) shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Delta Protection Commission.

(4) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Delta Protection Commission established by section 29735 of the California Public Resources Code.

(5) ADMINISTRATION; MANAGEMENT PLAN.—

(A) ADMINISTRATION.—For purposes of carrying out the Heritage Area management plan, the Secretary, acting through the management entity, may use amounts made available under this section in accordance with section 8001(c) of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 991).

(B) MANAGEMENT PLAN.—

(i) IN GENERAL.—Subject to clause (ii), the management entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area in accordance with section 8001(d) of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 991).

(ii) RESTRICTIONS.—The Heritage Area management plan submitted under this paragraph shall—

(I) ensure participation by appropriate Federal, State, tribal, and local agencies, including the Delta Stewardship Council, special districts, natural and historical resource protection and agricultural organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners; and

(II) not be approved until the Secretary has received certification from the Delta Protection Commission that the Delta Stewardship Council has reviewed the Heritage Area management plan for consistency with the plan adopted by the Delta Stewardship Council pursuant to State law.

(6) RELATIONSHIP TO OTHER FEDERAL AGENCIES; PRIVATE PROPERTY.—

(A) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—The provisions of section 8001(e) of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 991) shall apply to the Heritage Area.

(B) PRIVATE PROPERTY.—

(i) IN GENERAL.—Subject to clause (ii), the provisions of section 8001(f) of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 991) shall apply to the Heritage Area.

(ii) OPT OUT.—An owner of private property within the Heritage Area may opt out of participating in any plan, project, program, or activity carried out within the Heritage Area under this section, if the property owner provides written notice to the management entity.

(7) EVALUATION; REPORT.—The provisions of section 8001(g) of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 991) shall apply to the Heritage Area.

(8) EFFECT OF DESIGNATION.—Nothing in this section—

(A) precludes the management entity from using Federal funds made available under other laws for the purposes for which those funds were authorized; or

(B) affects any water rights or contracts.

(9) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There is authorized to be appropriated to carry out this section \$20,000,000, of which not more than \$2,000,000 may be made available for any fiscal year.

(B) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity under this section shall be determined by the Secretary, but shall be not more than 50 percent.

(C) NON-FEDERAL SHARE.—The non-Federal share of the total cost of any activity under this section may be in the form of—

(i) in-kind contributions of goods or services; or

(ii) State or local government fees, taxes, or assessments.

(10) TERMINATION OF AUTHORITY.—If a proposed management plan has not been sub-

mitted to the Secretary by the date that is 5 years after the date of enactment of this title, the Heritage Area designation shall be rescinded.

By Mr. ROCKEFELLER:

S. 3931. A bill to amend title 10, United States Code, to enhance the roles and responsibilities of the Chief of the National Guard Bureau; to the Committee on Armed Services.

Mr. ROCKEFELLER. Mr. President, I thank you for allowing me to speak on this important legislation, the Guardians of Freedom Act of 2010, that will make the Chief of the National Guard Bureau a member of the Joint Chiefs of Staff.

As the former Governor of West Virginia, I recognize the importance of the National Guard. I can tell you that the National Guard is always there. Whether it is flooding, snow storms, tornados, or other disasters, the National Guard comes to the rescue of the community. And I would bet there is a member of the National Guard living in every congressional district and every community in our country. These citizen-soldiers are the Governor's 911 force.

The National Guard is the oldest element of our Armed Forces. Our Guard members celebrate their 374th birthday on December 13, 2010. For 374 years they have served this country with great distinction.

Unlike our active-duty forces, the National Guard has both a state and federal mission. Now I'm not taking anything away from our active-duty military as they have always performed, and will continue to perform, in an outstanding fashion. However, the National Guard is unique in that it serves each State's governor as well as the President and Commander-in-Chief.

The National Guard's state mission includes responding to invasions, insurrections, natural and man-made disasters, and domestic emergencies. In recent times, the National Guard has been called to assist with border security, to respond to hurricanes, floods, snow storms, and to provide support for other operations, such as the G20 summit and the Presidential Inauguration.

Perhaps the best example of our Guard members' domestic responsibilities is their historic response Hurricane Katrina. There the National Guard, in the largest and swiftest response to a domestic disaster in history, deployed more than 50,000 troops in support of the Gulf States.

As I have mentioned, the National Guard also has its Federal mission. Among those responsibilities are providing Homeland Defense and defense support to civil authorities. It accomplishes its federal mission through a

variety of programs. One of those programs is the Chemical, Biological, Radiological, Nuclear, or High-Yield Explosive Teams, which respond to incidents and support local, state, and federal agencies as they conduct decontamination, medical support, and casualty search and extraction. Much of this training is performed at the Joint Interagency Education and Training Center in West Virginia.

Other programs include the Counterdrug Program, which bridges the gap between the Department of Defense and local, State, and Federal law enforcement agencies in the fight against illicit drugs, and the Civil Support Teams, responsible for assessing suspected Weapons of Mass Destruction attacks.

These Federal programs, along with the National Guard's state mission, clearly show that it has always been here to protect the home front. I have yet to even mention our Guard members' tremendous contributions to military operations outside of the United States.

They have bravely fought in every war this country has declared. They have been subjected to activation more and more often in order to respond to global crises. Prior to 9/11 the National Guard participated in operations in Haiti, Bosnia, Kosovo, and in the skies over Iraq. Since 9/11 more than 50,000 Guard members have been called up by both their states and the Federal Government to provide security at home and combat terrorism in Iraq, Afghanistan and elsewhere around the world.

Today, tens of thousands of Guard members are serving here at home and in harm's way as they fulfill the obligations of their dual mission. They continue to train with first responders and protect life and property here at home, while also engaging in combat operations in far-off, dangerous locations.

Given the National Guard's role in defending our country, it is important that it be resourced and equipped to fulfill its dual mission. Our Guard members must be assured of the ability to meet their obligations to their governors and their next door neighbors.

The relationship between the active-duty forces and the National Guard is one of great mutual respect and dependence—a relationship that has only become stronger since 9/11. Each knows why the other is so important to the nation. The repeated deployments of both the National Guard and active-duty units has built a bond between the two. You cannot tell the difference between a member of the National Guard and an active-duty servicemember.

By making the Chief of the National Guard Bureau a member of the Joint Chiefs of Staff, the Guardians of Freedom Act of 2010 will guarantee that the National Guard is a part of the discussion as the nation prepares to respond

to threats both domestic and foreign. It also makes certain that the concerns of the nation's governors are considered when resources are scarce. It will build upon the relationship developed between the active-duty forces and the National Guard, a bond has been strengthened as a result of the ongoing wars.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3931

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Guardians of Freedom Act of 2010".

SEC. 2. CHIEF OF NATIONAL GUARD BUREAU.

(a) **ROLE AS ADVOCATE AND LIAISON.**—Section 10502 of title 10, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) **ADVOCATE AND LIAISON FOR STATE NATIONAL GUARDS.**—The Chief of the National Guard Bureau shall serve as an advocate and liaison for the National Guard of each State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands and inform such National Guards of all actions that could affect their Federal or State missions, including any equipment level or force structure changes."

(b) **INCLUSION AS MEMBER OF JOINT CHIEFS OF STAFF.**—

(1) **IN GENERAL.**—Such section is further amended by inserting after subsection (d), as added by subsection (a) of this section, the following new subsection:

"(e) **MEMBER OF JOINT CHIEFS OF STAFF.**—(1) The Chief of the National Guard Bureau shall be a member of the Joint Chiefs of Staff under section 151 of this title.

"(2) As a member of the Joint Chiefs of Staff, the Chief of the National Guard Bureau has the specific responsibility of advocating for the National Guards of the States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands and coordinate the efforts of the National Guard warfighting support and force provider mission with the homeland defense, defense support to civil authorities, and State emergency response missions of the National Guard to ensure the National Guard has the resources to perform its multiple missions.

"(3) The Chief of the National Guard Bureau shall consult with the Governors and their Adjutant Generals before any changes are made in National Guard force structure or equipment levels (or both) to determine the impact those changes may have on the homeland defense, defense support to civil authorities, and State emergency response missions of the National Guard."

(2) **CONFORMING AMENDMENT.**—Section 151(a) of such title is amended by adding at the end the following new paragraph:

"(7) The Chief of the National Guard Bureau."

By Mr. MENENDEZ (for himself
and Mr. LEAHY):

S. 3932. A bill to provide comprehensive immigration reform, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, in the opening days of this Congress, I expressed my steadfast commitment to reform of our Nation's broken immigration system. The Senate passed a bill in the 109th Congress and debated one in the 110th. Action is long overdue, but until today, no truly comprehensive immigration package has been introduced in the Senate in the 111th Congress.

I congratulate Senator MENENDEZ on the introduction of the Comprehensive Immigration Reform Act of 2010, and am pleased to join him as an original cosponsor. The bill protects the rights and opportunities of American workers, while simultaneously ensuring that our Nation's employers and American farms can find the workers they need to prosper. The bill will increase national security by adding personnel and equipment where they are most needed in border communities. And by bringing undocumented immigrants out of the shadows, the bill will help to make our towns and cities safer. These are goals we can all share.

The Comprehensive Immigration Reform Act of 2010 includes several provisions that are priorities for Vermont, such as AgJOBS, which will provide critically needed workers for farms in Vermont and across the Nation. The bill would permanently extend the EB-5 Regional Center program, which generates investment capital and creates jobs. The Comprehensive Immigration Reform Act also includes one of my top civil rights priorities, the Uniting American Families Act, and a bill I have long supported, the DREAM Act. And, the bill includes measures from my bill, the Refugee Protection Act. Improving protections for refugees will honor the American tradition of offering safety to victims of persecution.

There is bipartisan agreement that immigration reform is needed. I hope that the bill we introduce today will gain support from both sides of the aisle. I strongly believe that Congress is capable of finding a realistic solution to our immigration problems. Our friend the late Senator Ted Kennedy believed that, President Bush believed that, and I know President Obama believes that.

I commend Senator MENENDEZ for his leadership and urge all Senators to join us in supporting the Comprehensive Immigration Reform Act of 2010.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 663—SUPPORTING THE GOALS AND IDEALS OF NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH AND EXPRESSING THE SENSE OF THE SENATE THAT CONGRESS SHOULD CONTINUE TO RAISE AWARENESS OF DOMESTIC VIOLENCE IN THE UNITED STATES AND ITS DEVASTATING EFFECTS ON FAMILIES AND COMMUNITIES, AND SUPPORT PROGRAMS DESIGNED TO END DOMESTIC VIOLENCE

Ms. KLOBUCHAR (for herself, Mr. LEAHY, Mr. CRAPO, Mr. SPECTER, Mr. KOHL, Mr. WHITEHOUSE, Ms. LANDRIEU, Mrs. GILLIBRAND, Mr. FRANKEN, Mr. BROWN of Ohio, Mr. DURBIN, Mr. HATCH, Mr. LAUTENBERG, Mr. FEINGOLD, and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 663

Whereas National Domestic Violence Awareness Month will be observed during October 2010;

Whereas domestic violence affects people of all ages and all racial, ethnic, gender, economic, and religious backgrounds;

Whereas females are disproportionately victims of domestic violence, and 1 in 4 women will experience domestic violence at some point in her life;

Whereas, on average, more than 3 women are murdered by their husbands or boyfriends in the United States every day;

Whereas, in 2007, 1,640 women were murdered by an intimate partner, and were the victims of 70 percent of all intimate partner homicides that year;

Whereas women from 16 to 24 years of age experience the highest rates, per capita, of intimate partner violence;

Whereas 1 out of 3 Native American women will be raped and 6 out of 10 will be physically assaulted in their lifetimes;

Whereas, in 2003, the Centers for Disease Control and Prevention estimated that the costs of intimate partner violence exceeded \$8,300,000,000, including the cost of medical care, mental health services, and lost productivity;

Whereas ¼ to ½ of domestic violence victims report that they have lost a job due, at least in part, to domestic violence;

Whereas the annual cost of lost productivity due to domestic violence is estimated at \$727,800,000 with more than 7,900,000 paid workdays lost per year;

Whereas some landlords deny housing to victims of domestic violence who have protection orders or evict victims of domestic violence who seek help after a domestic violence incident, such as by calling 911, or who have other indications that they are domestic violence victims;

Whereas 92 percent of homeless women experience severe physical or sexual abuse at some point in their lifetimes;

Whereas approximately 40 to 60 percent of men who abuse women also abuse children;

Whereas it is critical to ensure that children who are exposed to domestic violence are placed in the protective care of a responsible and loving parent or guardian;

Whereas a study of over 17,000 adults by the Centers for Disease Control and Preven-

tion and Kaiser Permanente found that children who live with their abusers are at high risk for grave medical, psychological, and behavioral disorders and even death;

Whereas approximately 15,500,000 children are exposed to domestic violence every year;

Whereas children exposed to domestic violence are more likely to attempt suicide, abuse drugs and alcohol, run away from home, and engage in teenage prostitution;

Whereas one large study found that men exposed to physical abuse, sexual abuse, and adult domestic violence as children were almost 4 times more likely than other men to have perpetrated domestic violence as adults;

Whereas nearly 1,500,000 high school students nationwide experienced physical abuse from a dating partner in a single year;

Whereas 13 percent of teenage girls who have been in a relationship report being hit or hurt by their partners and 1 in 4 teenage girls has been in a relationship in which she was pressured by her partner into performing sexual acts;

Whereas adolescent girls who reported dating violence were 60 percent more likely to report one or more suicide attempts in the past year;

Whereas there is a need for middle schools, secondary schools, and post-secondary schools to educate students about the issues of domestic violence, sexual assault, dating violence, and stalking;

Whereas 88 percent of men in a national poll reported that they think that our society should do more to respect women and girls;

Whereas a multi-State study shows conclusively that the domestic violence shelters in the United States are addressing urgent and long-term needs of victims and are helping victims protect themselves and their children;

Whereas a 2009 National Census Survey reported that 65,321 adults and children were served by domestic violence shelters and programs around the United States in a single day and those same understaffed programs were unable to meet 9,280 requests for help on that same day;

Whereas there is a need to support programs aimed at intervening and preventing domestic violence in the United States; and

Whereas individuals and organizations that are dedicated to preventing and ending domestic violence should be recognized: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Domestic Violence Awareness Month; and

(2) expresses the sense of the Senate that Congress should continue to raise awareness of domestic violence in the United States and its devastating effects on families and communities, and support programs designed to end domestic violence.

SENATE RESOLUTION 664—EXPRESSING THE SENSE OF THE SENATE IN OPPOSITION TO PRIVATIZING SOCIAL SECURITY, RAISING THE RETIREMENT AGE, OR OTHER SIMILAR CUTS TO BENEFITS UNDER TITLE II OF THE SOCIAL SECURITY ACT

Mr. SANDERS (for himself, Ms. STABENOW, Mr. BROWN of Ohio, Mr. HARKIN, Mr. WHITEHOUSE, Mr. INOUE, Mr. FEINGOLD, Mrs. BOXER, Mr. AKAKA, Mrs.

GILLIBRAND, Ms. MIKULSKI, and Mr. LAUTENBERG) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 664

Whereas Social Security is America's most successful and reliable retirement program and continues to serve Americans well;

Whereas Social Security is not in crisis or going bankrupt and has been running surpluses for the last quarter-century;

Whereas Social Security, which currently has a \$2,600,000,000 surplus, has not contributed a dime to the Federal budget deficit or national debt, and benefit cuts should not be proposed as a solution to reducing the Federal deficit;

Whereas for 75 years, through good times and bad, Social Security has succeeded in protecting working persons and their families from precipitous drops in household income because of lost wages;

Whereas Social Security has kept millions of Americans out of poverty, including senior citizens, widows, and disabled and dependent children whose parents have died, become disabled, or retired;

Whereas before President Franklin Roosevelt signed the Social Security Act into law on August 14, 1935, approximately half of the senior citizens in America lived in poverty, while less than 10 percent of seniors presently live in poverty;

Whereas more than 53,000,000 Americans receive Social Security benefits, including 36,500,000 retirees and their spouses, 8,200,000 disabled persons and their spouses, 4,500,000 surviving spouses of deceased workers, and 4,300,000 dependent children;

Whereas according to the Congressional Budget Office, even if no changes are made to the Social Security program, full benefits will still be available to every recipient until 2039, with enough funding remaining after that date to pay about 80 percent of promised benefits;

Whereas seniors have put in a lifetime of hard work, helping to make our economy grow and make our Nation great, and they deserve a dignified and secure retirement;

Whereas Social Security provides the majority of income for two-thirds of the elderly population in the United States, with approximately one-third of elderly individuals receiving nearly all of their income from Social Security;

Whereas proposals to privatize Social Security would jeopardize the retirement security of millions of Americans by relying on the ups-and-downs of the volatile stock market to provide benefits;

Whereas Social Security benefits have already been cut by 13 percent, as the Normal Retirement Age was raised in 1983 from 65 years of age to 67 years of age by 2022;

Whereas the physical demands of a job differ from industry to industry and, on average, the longevity of the lives of individuals differ significantly according to their level of income, education, and access to health care;

Whereas 45 percent of workers who are 58 years of age or older are in jobs that are physically demanding or have difficult working conditions;

Whereas raising the retirement age is especially burdensome to African-American, Latino, and older low-income workers;

Whereas according to data from the Bureau of Labor Statistics, in April 2010, the job market for Americans 55 years of age and older was one of the worst on record;

Whereas Social Security benefits for retirees currently average a modest \$14,000 a

year, with the average for women receiving benefits being less than \$12,000 per year; and

Whereas according to the Social Security Administration, raising the retirement age for future retirees would reduce benefits by 6 percent to 7 percent for each year that the Normal Retirement Age is raised under Social Security: Now, therefore, be it

Resolved, That it is the sense of the Senate to reaffirm our commitment to the Social Security program, one of the greatest legislative accomplishments in the history of our Nation, without privatizing Social Security, raising the Normal Retirement Age, or other similar cuts to benefits under title II of the Social Security Act.

SENATE RESOLUTION 665—TO REQUIRE A WITNESS BEFORE A COMMITTEE HEARING TO FILE A DISCLOSURE FORM IDENTIFYING SUBSTANTIAL FINANCIAL INTERESTS OR COMPENSATION FROM AN ORGANIZATION OR COMPANY DIRECTLY RELATED TO THE SUBJECT OF A HEARING

Mr. GRASSLEY submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 665

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the “Witness Sunshine Resolution”.

SEC. 2. AMENDMENT TO THE STANDING RULES.

Paragraph 4(b) of rule XXVI of the Standing Rules of the Senate is amended by—

- (1) inserting “(1)” after “(b)”;
- (2) inserting at the end the following:

“(2)(A) Each committee (including the Committee on Appropriations) shall require each witness who is to appear before the committee in any hearing to file with the clerk of the committee, at least 1 day before the date of the appearance of that witness, a disclosure form identifying any arrangement, affiliation, relationship, or substantial financial interest the witness has with any organization, company, private, or government entity directly related to the subject of the hearing as well as the nature of the relationship disclosed, unless the committee chairman and the ranking minority member determine that there is good cause for non-compliance.

“(B) For any witness who at the time of the hearing is employed by the Federal Government, submission of his or her Executive Branch Personnel Public Financial Disclosure Report may fulfill the requirements of this clause at the discretion of the Chairman and the Ranking Member so long as the completed form is up to date and discloses all relevant arrangements, affiliations, relationships, and substantial financial interests.

“(C) If so requested by the committee, the staff of the committee shall prepare for the use of the members of the committee before each day of hearing before the committee a digest of the disclosure forms which have been filed under this clause by witnesses who are to appear before the committee on that day. In addition, the disclosure forms shall be made part of the committee record.”.

Mr. GRASSLEY. Mr. President, so far during the 111th Congress, the Finance Committee, of which I serve as the ranking Republican member, has held over 50 hearings. At those hear-

ings, around 200 witnesses offered their testimony and answered members' questions. The witnesses who testify at our hearings are considered to be some of the most qualified experts in their field and their participation is critical to the legislative process. Because of their influence on legislation, it is important that Congress knows to what extent the witness' testimony is objective and if the witness has any significant interest in the outcome of potential legislation.

Three of the hearings held by the Finance Committee this Congress were roundtable discussions on health care reform. These discussions brought 41 witnesses, including industry stakeholders and academic leaders, before the committee to share their expert knowledge on policy options for health reform.

At one of these roundtables, Dr. Jonathan Gruber, a health care economist and professor at the Massachusetts Institute of Technology, testified before the committee on health care reform. I thought he was an unbiased expert, but was later disappointed to hear that he had been paid over \$400,000 by the administration to help advance the president's health care proposals. At the very least, he should have been straightforward with the committee and disclosed this financial interest.

In addition to his testimony before the Finance Committee, Dr. Gruber testified in front of the HELP Committee and was also a high-profile supporter of the administration's health care reform effort in the media. In only a handful of his many articles on health care reform did he disclose his financial conflict of interest.

While the propriety of Dr. Gruber advocating for administration positions in the media and other venues while failing to disclose his financial ties to the administration has been called into question, I am especially concerned about his advocacy before the U.S. Congress. When an academic leader comes before Congress to advocate a position, Congress should have confidence that the witness is both independent and objective and not being paid to assist the administration, or any other organization, in its efforts.

Equally troubling is the Department of Health and Human Services, which has been unresponsive to efforts by Senator ENZI and myself to learn more about their practice of hiring consultants to advance the President's agenda.

The fact that this expert was paid by the administration—and hid that fact from Congress—really taints everything this particular advocate told the committees. If Congress had been aware of his arrangement with HHS prior to his testimony, we would have had the opportunity to clarify that relationship with Dr. Gruber before considering his opinions and ideas. Unfortunately, when we learn about it after

the fact, it completely discredits the information he presented.

To follow up on this alarming news, Senator ENZI and I sent a letter to Dr. Gruber on January 26, 2010, asking him for details of any other government contracts he might have or might have had over the last 5 years and for details on whether he disclosed his government ties during media interviews, speaking engagements and written works on health care reform.

Dr. Gruber's response failed to answer any of the questions posed in the letter. Instead, the response barely exceeded one page in length, was dismissive of any concern about the lack of disclosure and attempted to excuse his failure to disclose and to explain away the need for any detailed response. Furthermore, Dr. Gruber did not even commit to providing any such disclosure of the financial relationship with the Administration in the future.

Unfortunately, Dr. Gruber's failure to answer our questions came as no surprise. In my 30 years serving in the United States Congress, I have found that chasing answers on the back end is much more difficult than requiring clarity and transparency from the start. And many of my colleagues might be surprised to find out that although many witnesses voluntarily disclose their affiliations or relationships so that they can explain them, no Senate committee currently requires witnesses to disclose potential conflicts of interest.

Dr. Gruber even highlighted this point when he said in his February 23 letter that, “to the best of my recollection, during the course of my health care reform work with Congress, no Member or staffer ever asked me whether I held any government contracts.”

In retrospect, if we were to have asked Dr. Gruber to disclose his agreements with the administration up front, we would have had the ability to ask him questions in-person, and he would have been given a chance to explain the relationship before testifying, so that his testimony could be given its proper weight. Our failure as an institution to ask for transparency in testimony is a problem that has a simple solution, a solution that most other institutions that rely on the work of academic experts have already implemented. The solution is to simply ask witnesses who come before the Senate to disclose any potential conflicts of interest up front.

Our colleagues in the House of Representatives are already requiring witnesses to do this and there is no reason why we shouldn't require the same level of transparency from witnesses who come before the Senate.

That is why today I am submitting the Witness Sunshine resolution. This resolution will make the Senate committee hearings more transparent and

thus more credible and valuable to the legislative process. It achieves this goal by requiring each witness that appears before any Senate committee to submit a form disclosing outside affiliations and financial interests in any organizations, including government entities, that are directly related to the topic of the committee hearing.

In August, I was happy to learn that the administration is supportive of this idea. In an August 4 letter, Secretary Sebelius wrote me saying, "Should the Senate Finance Committee or any other Congressional Committee choose to [require witnesses to submit financial disclosure forms in advance of an appearance before the Committee], I would certainly encourage HHS contractors to fully comply with [that requirement]."

So adopting this rule should be an easy decision for the Senate. Our colleagues in the House of Representatives have been requiring this level of transparency for over a decade and now we know that the administration supports the idea as well. The House tells me that their witnesses are not overburdened or discouraged to offer testimony because of this requirement. I have carefully drafted this resolution so that the requirement for transparency similarly does not burden Senate witnesses.

It is time for this body to meet the standards for transparency set by the House and followed in so many other institutions across the country. Supporting my resolution will help ensure that future testimony can be given its proper weight, and end the uncertainty of unknown interests influencing testimony. I urge my colleagues to support my resolution.

SENATE RESOLUTION 666—DESIGNATING OCTOBER 15, 2010, AS "NATIONAL ALTERNATIVE FUEL VEHICLE DAY"

Mr. ROCKEFELLER submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 666

Whereas the United States should reduce the dependence of the United States on foreign oil and enhance the energy security of the United States by creating a transportation sector that is less dependent on oil;

Whereas the United States should improve the air quality of the United States by reducing emissions from the millions of motor vehicles that operate in the United States;

Whereas the United States should foster national expertise and technological advancement in cleaner, more energy-efficient alternative fuel and advanced technology vehicles;

Whereas a robust domestic industry for alternative fuels and alternative fuel and advanced technology vehicles will create jobs and increase the competitiveness of the United States in the international community;

Whereas the people of the United States need more options for clean and energy-efficient transportation;

Whereas the mainstream adoption of alternative fuel and advanced technology vehicles will produce benefits at the local, national, and international levels;

Whereas consumers and businesses require a better understanding of the benefits of alternative fuel and advanced technology vehicles;

Whereas first responders require proper and comprehensive training to become fully prepared for any precautionary measures that the first responders may need to take during incidents and extrications that involve alternative fuel and advanced technology vehicles;

Whereas the Federal Government can lead the way toward a cleaner and more efficient transportation sector by choosing alternative fuel and advanced technology vehicles for the fleets of the Federal Government; and

Whereas Federal support for the adoption of alternative fuel and advanced technology vehicles can accelerate greater energy independence for the United States, improve the environmental security of the United States, and address global climate change: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 15, 2010, as "National Alternative Fuel Vehicle Day";

(2) supports National Alternative Fuel Vehicle Day as a day to promote programs and activities that will lead to the greater use of cleaner, more efficient transportation that uses new sources of energy; and

(3) urges the people of the United States—

(A) to increase the personal and commercial use of clean, energy-efficient alternative fuel and advanced technology vehicles;

(B) to promote public sector adoption of clean, energy-efficient alternative fuel and advanced technology vehicles; and

(C) to encourage the adoption of Federal policies to reduce the dependence of the United States on foreign oil through the advancement and adoption of alternative, advanced, and emerging vehicle and fuel technologies.

SENATE RESOLUTION 667—RECOGNIZING THE 40TH ANNIVERSARY OF THE COASTAL STATES ORGANIZATION

Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mr. GREGG, and Ms. SNOWE) submitted the following resolution; which was considered and agreed to:

S. RES. 667

Whereas, in 2010, the Coastal States Organization (referred to in this preamble as the "CSO") is celebrating its 40th anniversary of representing the Governors of the 35 coastal States, commonwealths, and territories of the United States on issues relating to the sound management of coastal, ocean, and Great Lakes resources;

Whereas the CSO was created in 1969 by a resolution, which was endorsed unanimously, of the National Governors Association;

Whereas, in January 1970, the first meeting of the CSO was held in Savannah, Georgia;

Whereas, in October 2010, the CSO will celebrate its 40th anniversary in Monterey, California;

Whereas the CSO has been empowered to contribute to the development and operation of the national coastal zone management program, which was established by the

Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.);

Whereas the CSO is a nonpartisan organization comprised of economically, environmentally, geographically, and socially diverse States, territories, and commonwealths;

Whereas the CSO serves as a means for the Governors of the member States, territories, and commonwealths to communicate with Congress and the executive branch on coastal, ocean, and Great Lakes policies, programs, and affairs; and

Whereas the member States, territories, and commonwealths of the CSO have a responsibility to work with the Federal Government to manage and conserve the public trust in coastal and ocean ecosystems as well as the quality of life in coastal communities for the benefit of current and future generations: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 40th anniversary of the Coastal States Organization; and

(2) supports the role of States, territories, and commonwealths in the stewardship of coastal, ocean, and Great Lakes resources.

SENATE RESOLUTION 668—EXPRESSING SUPPORT FOR THE DESIGNATION OF OCTOBER 20, 2010, AS THE "NATIONAL DAY ON WRITING"

Mr. CASEY (for himself, Mr. ROBERTS, Mr. AKAKA, Mr. SANDERS, and Mr. BROWN of Ohio) submitted the following resolution; which was considered and agreed to.

S. RES. 668

Whereas people in the 21st century are writing more than ever before for personal, professional, and civic purposes;

Whereas the social nature of writing invites people of every age, profession, and walk of life to create meaning through composing;

Whereas more and more people in every occupation deem writing as essential and influential in their work;

Whereas writers continue to learn how to write for different purposes, audiences, and occasions throughout their lifetimes;

Whereas developing digital technologies expand the possibilities for composing in multiple media at a faster pace than ever before;

Whereas young people are leading the way in developing new forms of composing by using different forms of digital media;

Whereas effective communication contributes to building a global economy and a global community;

Whereas the National Council of Teachers of English, in conjunction with its many national and local partners, honors and celebrates the importance of writing through the National Day on Writing;

Whereas the National Day on Writing celebrates the foundational place of writing in the personal, professional, and civic lives of the people of the United States;

Whereas the National Day on Writing provides an opportunity for individuals across the United States to share and exhibit their written works through the National Gallery of Writing;

Whereas the National Day on Writing highlights the importance of writing instruction and practice at every educational level and in every subject area;

Whereas the National Day on Writing emphasizes the lifelong process of learning to

write and compose for different audiences, purposes, and occasions;

Whereas the National Day on Writing honors the use of the full range of media for composing, from traditional tools like print, audio, and video, to Web 2.0 tools like blogs, wikis, and podcasts; and

Whereas the National Day on Writing encourages all people of the United States to write, as well as to enjoy and learn from the writing of others: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of October 20, 2010, as the “National Day on Writing”;

(2) strongly affirms the purposes of the National Day on Writing;

(3) encourages participation in the National Gallery of Writing, which serves as an exemplary living archive of the centrality of writing in the lives of the people of the United States; and

(4) encourages educational institutions, businesses, community and civic associations, and other organizations to promote awareness of the National Day on Writing and celebrate the writing of the members those organizations through individual submissions to the National Gallery of Writing.

SENATE RESOLUTION 669—RECOGNIZING FILIPINO AMERICAN HISTORY MONTH IN OCTOBER 2010

Mr. REID (for himself, Mr. AKAKA, Mr. ENSIGN, Mr. MENENDEZ, and Ms. CANTWELL) submitted the following resolution; which was considered and agreed to:

S. RES. 669

Whereas the earliest documented Filipino presence in the continental United States was on October 18, 1587, when the first “Luzones Indios” set foot in Morro Bay, California, on board the Manila-built galleon ship Nuestra Senora de Esperanza;

Whereas the Filipino American National Historical Society recognizes the year of 1763 as the date of the first permanent Filipino settlement in the United States in St. Malo, Louisiana, which set in motion the focus on the story of our Nation’s past from a new perspective by concentrating on the economic, cultural, social, and other notable contributions that Filipino Americans have made in countless ways toward the development of the history of the United States;

Whereas the Filipino-American community is the second largest Asian-American group in the United States, with a population of approximately 3,100,000 people;

Whereas Filipino-American servicemen and servicewomen have a longstanding history serving in the Armed Services, from the Civil War to the Iraq and Afghanistan conflicts, including the 250,000 Filipinos who fought under the United States flag during World War II to protect and defend this country;

Whereas 9 Filipino Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force that can be bestowed upon an individual serving in the United States Armed Forces;

Whereas Filipino Americans are an integral part of the United States health care system as nurses, doctors, and other medical professionals;

Whereas Filipino Americans have contributed greatly to the fine arts, music, dance, literature, education, business, literature, journalism, sports, fashion, politics, govern-

ment, science, technology, and other fields in the United States that enrich the landscape of the country;

Whereas efforts should continue to promote the study of Filipino-American history and culture, as mandated in the mission statement of the Filipino American National Historical Society, because the roles of Filipino Americans and other people of color have been overlooked in the writing, teaching, and learning of United States history;

Whereas it is imperative for Filipino-American youth to have positive role models to instill in them the importance of education, complemented with the richness of their ethnicity and the value of their legacy; and

Whereas Filipino American History Month is celebrated during the month of October 2010: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the celebration of Filipino American History Month 2010 as a study of the advancement of Filipino Americans, as a time of reflection and remembrance, and as a time to renew efforts toward the research and examination of history and culture in order to provide an opportunity for all people in the United States to learn and appreciate more about Filipino Americans and their historic contributions to the Nation; and

(2) urges the people of the United States to observe Filipino American History Month 2010 with appropriate programs and activities.

SENATE RESOLUTION 670—DESIGNATING THE WEEK BEGINNING ON MONDAY, NOVEMBER 8, 2010, AS “NATIONAL VETERANS HISTORY PROJECT WEEK”

Mr. CRAPO (for himself, Mrs. SHAHEEN, Mrs. LINCOLN, Mr. DORGAN, Mr. JOHANNIS, Mr. RISCH, and Mr. LUGAR) submitted the following resolution; which was considered and agreed to:

S. RES. 670

Whereas 2010 marks the 10th anniversary of the establishment of the Veterans History Project by Congress in order to collect and preserve the wartime stories of veterans of the Armed Forces of the United States;

Whereas Congress charged the American Folklife Center at the Library of Congress to undertake the Veterans History Project and to engage the public in the creation of a collection of oral histories that would be a lasting tribute to individual veterans;

Whereas the Veterans History Project relies on a corps of volunteer interviewers, partner organizations, and an array of civic minded institutions nationwide who interview veterans according to the guidelines outlined by the project;

Whereas these oral histories have created an abundant resource for scholars to gather first-hand accounts of veterans’ experience in World War I, World War II, the Korean War, the Vietnam War, the Persian Gulf War, and the Afghanistan and Iraq conflicts;

Whereas there are 17,000,000 wartime veterans in the United States whose stories can educate people of all ages about important moments and events in the history of the United States and the world and provide instructive narratives that illuminate the meanings of “service”, “sacrifice”, “citizenship”, and “democracy”;

Whereas more than 70,000 oral histories have already been collected and more than

8,000 oral histories are fully digitized and available through the website of the Library of Congress;

Whereas the Veterans History Project will increase the number of oral histories that can be collected and preserved and increase the number of veterans it honors; and

Whereas “National Veterans Awareness Week” has been recognized by Congress in previous years: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning on Monday, November 8, 2010, as “National Veterans History Project Week”;

(2) calls on the people of the United States to interview at least 1 veteran in their families or communities according to guidelines provided by the Veterans History Project; and

(3) encourages national, State, and local organizations along with Federal, State, city, and county governmental institutions to participate in support of the effort to document, preserve, and honor the service of veterans of the Armed Forces of the United States.

SENATE RESOLUTION 671—SUPPORTING THE GOALS AND IDEALS OF RED RIBBON WEEK, 2010

Mrs. FEINSTEIN (for herself, Mr. GRASSLEY, Mr. SCHUMER, Ms. MURKOWSKI, Mr. BENNETT, Mr. WHITEHOUSE, and Mr. CRAPO) submitted the following resolution; which was considered and agreed to:

S. RES. 671

Whereas the Red Ribbon Campaign was established to commemorate the service of Enrique “Kiki” Camarena, a special agent of the Drug Enforcement Administration for 11 years who was murdered in the line of duty in 1985 while engaged in the battle against illicit drugs;

Whereas 2010 marks 25 years since the death of Special Agent Camarena;

Whereas the Red Ribbon Campaign was established by the National Family Partnership to preserve the memory of Special Agent Camarena and further the cause for which he gave his life;

Whereas the Red Ribbon Campaign has been nationally recognized since 1988 and is now the oldest and largest drug prevention program in the United States, reaching millions of young people each year during Red Ribbon Week;

Whereas the Drug Enforcement Administration, established in 1973, aggressively targets organizations involved in the growing, manufacturing, and distribution of controlled substances and has been a steadfast partner in commemorating Red Ribbon Week;

Whereas the Governors and attorneys general of the States, the National Family Partnership, Parent Teacher Associations, Boys and Girls Clubs of America, PRIDE Youth Programs, the Drug Enforcement Administration, and more than 100 other organizations throughout the United States annually celebrate Red Ribbon Week during the period of October 23 through October 31;

Whereas the objective of Red Ribbon Week is to promote the creation of drug-free communities through drug prevention efforts, education, parental involvement, and community-wide support;

Whereas drug abuse is one of the major challenges that the Nation faces in securing

a safe and healthy future for families in the United States;

Whereas drug abuse and alcohol abuse contribute to domestic violence and sexual assault and place the lives of children at risk;

Whereas, between 1997 and 2007, the percentages of admissions to substance abuse treatment programs as a result of the abuse of marijuana and methamphetamines rose significantly;

Whereas drug dealers specifically target children by marketing illicit drugs that mimic the appearance and names of well-known brand-name candies and foods; and

Whereas parents, youth, schools, businesses, law enforcement agencies, religious institutions, service organizations, senior citizens, medical and military personnel, sports teams, and individuals throughout the United States will demonstrate their commitment to healthy, productive, and drug-free lifestyles by wearing and displaying red ribbons during the week-long celebration of Red Ribbon Week: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of Red Ribbon Week, 2010;

(2) encourages children and teens to choose to live drug-free lives; and

(3) encourages the people of the United States to—

(A) promote the creation of drug-free communities; and

(B) participate in drug prevention activities to show support for healthy, productive, and drug-free lifestyles.

SENATE RESOLUTION 672—DESIGNATING OCTOBER 9, 2010, AS “NATIONAL CHESS DAY” TO ENHANCE AWARENESS AND ENCOURAGE STUDENTS AND ADULTS TO ENGAGE IN A GAME KNOWN TO ENHANCE CRITICAL THINKING AND PROBLEM-SOLVING SKILLS

Mr. ROCKEFELLER (for himself and Mrs. HUTCHISON) submitted the following resolution; which was considered and agreed to:

S. RES. 672

Whereas it is estimated that chess is played by 39,000,000 people in the United States;

Whereas there are over 75,000 members of the United States Chess Federation (referred to in this preamble as the “Federation”), and unknown numbers of additional people in the United States who play the game without joining an official organization;

Whereas approximately half of the members of the Federation are scholastic members, and many of the scholastic members join by the age of 10;

Whereas the Federation is very supportive of the scholastic programs and sponsors a Certified Chess Coach program that provides the coaches involved in the scholastic programs training and ensures schools and students can have confidence the program;

Whereas many studies have linked chess programs to the improvement of student scores in reading and math, as well as improved self-esteem, and the Federation offers a school curriculum to educators to help incorporate chess into the school curriculum;

Whereas chess is a powerful cognitive learning tool that can be used to successfully enhance reading and math concepts; and

Whereas chess engages students of all learning styles and strengths and promotes

problem-solving and higher-level thinking skills: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 9, 2010, as “National Chess Day”; and

(2) encourages the people of the United States to observe “National Chess Day” with appropriate programs and activities.

SENATE RESOLUTION 673—EXPRESSING THE SENSE OF THE SENATE THAT IT VALUES THE ACTIVE PARTICIPATION OF THE REPUBLIC OF MACEDONIA AS THE STATE PARTNER OF THE VERMONT NATIONAL GUARD OVER THE PAST 15 YEARS

Mr. LEAHY submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 673

Whereas the National Guard State Partnership Program was created by the Department of the Army in 1993 to link foreign partner countries with segments of the National Guard to foster mutual interests and establish long-term relationships;

Whereas in March 1995, after the signing of the Memorandum for Understanding in 1994, a Vermont State Partnership Program was established between the State of Vermont and the Republic of Macedonia;

Whereas since 1995, Macedonia and Vermont have participated in more than 200 joint activities;

Whereas more than 4,000 members of the Ministry of Defense and armed forces of Macedonia have received knowledge and training according to the standards, tactics, and strategies of the United States Armed Forces;

Whereas the joint activities of the Vermont Macedonia state partnership have shown the military of Macedonia how the military of the United States operates and have prepared and trained soldiers for international engagements, civil-military operations, crisis management, economic development, higher education, and environmental policy;

Whereas Macedonia has participated in NATO-led and international military missions in Afghanistan since August 2002 and increased troop levels in 2010;

Whereas the Government of Macedonia has made a substantial contribution of troops to the NATO International Security Assistance Force relative to the population size of the country;

Whereas the Government of Macedonia participates in regional cooperation initiatives and provides assistance to neighboring countries;

Whereas during the Kosovo crisis of 1999, territory in Macedonia served as a staging area and main corridor for logistical support to the NATO Kosovo Force (commonly referred to as “KFOR”);

Whereas the Government of Macedonia has led the KFOR Coordination Centre for logistical support in Skopje since 2006;

Whereas in the interest of a faithful partnership with the United States, the Government of Macedonia deployed troops to Iraq under the leadership of the Government of the United States until 2008;

Whereas soldiers from Macedonia earned 120 medals awarded by the United States;

Whereas in July 2006, the Government of Macedonia deployed a helicopter detachment unit and medical team to Bosnia and

Herzegovina as part of Operation Althea led by the European Union, which continues today; and

Whereas since April 2010, troops from Macedonia have deployed to Afghanistan and have been embedded in the 86th Infantry Brigade Combat Team of the Vermont National Guard as a result of the longstanding military partnership and spirit of mutual confidence and cooperation between Macedonia and Vermont: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the cooperation between the State of Vermont and the Republic of Macedonia and the joint military partnership between the Vermont National Guard and the Army of the Republic of Macedonia for the past 15 years;

(2) greatly appreciates these efforts by the Republic of Macedonia and congratulates the Government and people of Macedonia on their commitment to and participation with the Government and people of the United States and other countries in advancing peace, democracy, stability, and mutual understanding among governments and people around the world; and

(3) expresses appreciation for the joint endeavors of the Governments of Macedonia and the United States in combating terrorist activities around the world.

Mr. LEAHY. Mr. President, I am pleased to introduce and bring to the Senate's attention today a resolution which recognizes the value of the defense relationship between the National Guard of the State of Vermont and the military services of the Republic of Macedonia, under the National Guard State Partnership Program.

Time and again, the Republic of Macedonia has contributed to important NATO-led missions, including several hundred troops currently deployed to Afghanistan along with the 86th Infantry Brigade Combat Team of the Vermont National Guard. This relationship has yielded tangible benefits for both our countries, and I am proud of the role that Vermont has played in strengthening and broadening a growing international partnership.

The Vermont National Guard began its relationship with the armed services of the Republic of Macedonia in 1994, shortly after the Department of the Army created the National Guard State Partnership Program in 1993. Since 1995, the Republic of Macedonia and the Vermont Guard have participated in more than 200 joint activities, and more than 4000 members of the Macedonian Ministry of Defense have been trained by the Vermont Guard.

Macedonia has participated in NATO-led and international military missions in Afghanistan since August 2002, increasing its troop levels there in 2010. Especially given its relatively small population, Macedonia has made a substantial, needed and welcome contribution of troops to the NATO International Security Assistance Force.

Macedonia's participation in international security efforts also precedes the Afghanistan deployment. During the Kosovo crisis of 1999, territory in Macedonia served as a staging area and

main corridor for logistical support to the NATO Kosovo Force, commonly referred to as "KFOR," and the Government of Macedonia has led the KFOR Coordination Centre for logistical support in Skopje since 2006. In the interest of underscoring a faithful partnership with the United States, the Government of Macedonia even deployed troops to Iraq until 2008. Macedonian soldiers have been recognized by the U.S. military with more than 120 medals.

Given all of these valuable efforts, I believe it is time the United States Senate offered its commendation and appreciation to the Government and people of the Republic of Macedonia. I hope the Senate will heartily concur in this much-deserved recognition.

SENATE CONCURRENT RESOLUTION 73—HONORING THE LIFE OF DR. RONALD W. WALTERS AND COMMENDING HIS LIFE AS AN EXAMPLE TO FUTURE GENERATIONS OF THE PEOPLE OF THE UNITED STATES

Mr. BROWNBACK (for himself, Mr. BURRIS, and Mr. ROBERTS) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 73

Whereas Dr. Walters was born on July 20, 1938, in Wichita, Kansas, the eldest of 7 children born to Gilmar and Maxine Fray Walters;

Whereas Dr. Walters received a Bachelor of Arts in History and Government from Fisk University in 1963, a Master of Arts in African Studies from American University in 1966, and a Doctor of Philosophy in International Studies from American University in 1971;

Whereas Dr. Walters was a lifelong scholar and activist on civil rights issues;

Whereas in July 1958, while a student at Fisk University, Dr. Walters organized with his cousin, Carol Parks, a 3-week, silent sit-in at the Dockum Drug Store in Wichita, Kansas to protest the segregated lunch counters at the Dockum Drug Store;

Whereas during the sit-in at the Dockum Drug Store, Dr. Walters, Carol Parks, and the other sit-in participants were taunted for their activism, which inspired others to join the protest and contributed to the eventual success of the sit-in;

Whereas as a result of the sit-in, the owner of the Dockum Drug Store eliminated the segregated lunch counters;

Whereas the success of the sit-in at the Dockum Drug Store led Dr. Walters and his fellow protestors to organize sit-ins at other segregated restaurants in Wichita, Kansas, which inspired others to organize sit-ins throughout the United States as acts of civil disobedience during the civil rights movement;

Whereas Dr. Walters was an Assistant Professor of Political Science at Syracuse University from 1968 through 1969;

Whereas Dr. Walters served as chair of the Afro-American Studies department at Brandeis University from 1969 through 1971;

Whereas Dr. Walters left Brandeis University for Howard University in 1971, where Dr.

Walters taught for 25 years, serving as chair of the Political Science department from 1990 to 1996;

Whereas throughout his time at Howard University, Dr. Walters continued to work as an activist for civil rights policies;

Whereas Dr. Walters served as a top advisor for Congressman Charles Diggs, the first Chairman of the Congressional Black Caucus, and helped Congressman Diggs conceptualize the strategic vision of the Congressional Black Caucus;

Whereas Dr. Walters served on the staff of Congressman William Gray, III in 1979;

Whereas Dr. Walters served as the Deputy Campaign Manager for the 1984 Presidential campaign of the Reverend Jesse Jackson and as the Conventions Operations Consultant for the 1988 Presidential campaign of the Reverend Jesse Jackson;

Whereas Dr. Walters authored many political articles and books, and over the course of his academic career, received the Ralph Bunche Award for Black Presidential Politics in America from the American Political Science Association and the Best Book Award for Black Presidential Politics in America from the National Conference of Black Political Scientists;

Whereas Dr. Walters was a Professor of Government and Politics at the University of Maryland College Park from 1996 through 2009;

Whereas throughout his life, Dr. Walters was an active member of many national organizations, including the Kappa Alpha Psi fraternity, the Omicron Delta Kappa fraternity, and the Pi Sigma Alpha fraternity;

Whereas Dr. Walters founded 2 national organizations, the National Congress of Black Faculty and the National Black Independent Political Party;

Whereas Dr. Walters was an active member of many professional associations, including the African Heritage Studies Association, the American Political Science Association, the Association of Black Sociologists, the National Black Leadership Roundtable, the National Conference of Black Political Scientists, the Ralph Bunche Institute, the Social Science Research Council, and the Southern Christian Leadership Conference;

Whereas Dr. Walters participated in several important research studies including the National Black Election Study carried out from 1984 through 1985 with the Institute for Social and Political Research at the University of Michigan, the 1971 through 1973 Advisory Board Research Program, and the 1974 through 1979 Public Policy Fellows Program carried out at the Joint Center for Political and Economic Studies in Washington, D.C.;

Whereas Dr. Walters received many university faculty honors, including the 1982 Distinguished Faculty Award from Howard University, the 1992 Distinguished Alumnus Award from Fisk University, the 2000 School of International Service Alumnus of the Year award from American University, and the Distinguished Faculty Award from the University of Maryland College Park;

Whereas Dr. Walters received many academic awards, including the 1963 Reader's Digest Writing Award, the 1984 Distinguished Scholar/Activist Award from The Black Scholar Magazine, the 1985 Ida Wells Barnett Award from the Association of Black School Educators, and an Honorary Doctorate of Humane Letters from Fisk University in 2010;

Whereas Dr. Walters received several national service awards, including the 1st annual Distinguished Service Award from the

Wichita Black Historical Society in 1987 and the 2002 Award for Distinguished Service to the Devolution Initiative from the W. K. Kellogg Foundation;

Whereas the sit-in at the Dockum Drug Store occurred almost 2 years before the more well-publicized lunchroom sit-ins in Greensboro, North Carolina, but the sit-in had received little national attention until Dr. Walters was honored in 2006 with a medal from the NAACP for organizing the historical Wichita, Kansas sit-in;

Whereas Dr. Walters died on September 10, 2010, at the age of 72 in Silver Spring, Maryland;

Whereas Dr. Walters was honored with a memorial service on September 16, 2010, at Howard University, as Dr. Walters had intended to return to Howard University as a senior researcher and lecturer;

Whereas Dr. Walters was also honored with a memorial service on September 20, 2010, at the historic Shiloh Baptist church; and

Whereas the eulogy for Dr. Walters was delivered by the Reverend Jesse Jackson at both memorial services: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) expresses the condolences of Congress to family of Dr. Ronald W. Walters, especially his wife, Mrs. Patricia Walters, his 3 brothers, Duane, Terrance, and Kevin, and his 2 sisters, Marcia and Sharon; and

(2) honors the life of Dr. Ronald W. Walters, an ambassador for freedom and democracy, whose lifelong dedication and service stand as an outstanding example of leadership for all mankind.

Mr. BROWNBACK. Mr. President, it gives me great pleasure to join with my colleagues today and honor a native Kansan who, 52 years ago, committed an act of courage that was the basis for inspiring many civil rights movements throughout our country, the late Dr. Ronald Walters, humanitarian, civil rights activist and educator. In 1958, a young Ronald Walters returned to his hometown of Wichita, KS to work during his summer break from Fisk University in Nashville, TN. Like most college students, Ronald would often eat at one of the local Wichita hangouts for his lunch break, which, at the time, were segregated. Seeing the injustice of the segregation, Ronald and his cousin, Carol Parks, decided to organize a sit-in at one of the most popular lunch spots in Wichita, Dockum Drugstore. Ronald and his group of protestors silently sat at the Dockum's lunch counter in protest of their segregated policy. They were taunted for their action, but the taunting inspired more people to join the sit-in protest, both black and white.

After more than three weeks of the silent sit-in, the owner decided to discard the policy of segregated counters due to the fact the sit-in had caused him to lose too much money. Their success at Dockum's led Ronald and the group of protestors to continue their sit-ins at other segregated restaurants in Wichita. Though Ronald's sit-in was held in the middle of America—Wichita, KS—the effect reverberated around the Nation and is widely

considered by scholars to be the Nation's first lunch-counter sit-in protests, which paved the way to ending segregation in our country.

Ronald Walters completed his education at Fisk University, receiving a Bachelor of Arts degree in History and Government, a Master of Arts in African Studies degree from American University in 1966, and a Doctor of Philosophy in International Studies degree from American University in 1971.

Dr. Walters went on to be an associate professor at both Syracuse and Brandeis Universities before moving to Howard University, where he stayed for 25 years and became the chair of the Political Science department from 1990–1996.

During his time at Howard, Dr. Walters continued his activism in civil rights policies. He worked as a Senior Foreign Affairs Consultant for Congressman Charles Diggs, D-MI, and for Congressman William Gray, III, D-PA, in 1979. Dr. Walters was also chosen to be the Deputy Campaign Manager for Reverend Jesse Jackson's Presidential Campaign in 1984 and as the Conventions Operations Consultant in Reverend Jesse Jackson's 1988 Presidential run.

Dr. Walters was also a proud and active member of many national organizations, including the African Heritage Studies Association, American Political Science Association, the Kappa Alpha Psi, Omicron Delta Kappa, and Pi Sigma Alpha fraternities, and the National Conference of Black Political Scientists.

Dr. Walters not only was a civil rights activist, but a political scholar as well. He authored many articles and books throughout his life, and received awards for them, including the Ralph Bunche Award for the best book on race and politics from the American Political Science Association and the Best Book Award from the National Conference of Black Political Scientists.

Dr. Walters also received many academic awards, including the 1963 Reader's Digest Writing Award and the 1984 Distinguished Scholar/Activist Award from The Black Scholar Magazine.

Dr. Walters left Howard to become a Professor of Government and Politics at the University of Maryland College Park from 1996–2009.

Dr. Walters' sit-in occurred almost two years before the better publicized lunch-room sit-ins in Greensboro, NC, but it had received little attention until 2006, when he was honored with a medal from the NAACP for organizing the historical Wichita, KS, sit-in.

Today, I am proud to join with my colleagues in the United States Senate to honor this Kansans' courageous actions in our Nation's history and his legacy of ensuring that America lives up to the ideals upon which it was founded. Dr. Walters was a true and

great ambassador of freedom and democracy, whose lifelong dedication and service stand as an outstanding example of leadership for all mankind.

SENATE CONCURRENT RESOLUTION 74—HONORING THE 28TH INFANTRY DIVISION FOR SERVING AND PROTECTING THE UNITED STATES

Mr. CASEY (for himself and Mr. SPECTER) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 74

Whereas some units of the 28th Infantry Division date back to 1747;

Whereas units that would one day comprise the 28th Infantry Division served in the Revolutionary War, including units that served in the Continental Army under General George Washington;

Whereas what eventually became the 28th Infantry Division was initially established March 12 through 20, 1879, as the Division of the National Guard of Pennsylvania, and is recognized as the oldest, continuously serving division in the Army;

Whereas the 28th Infantry Division as we know it today was formed on September 1, 1917, and was integral to the success of World War I campaigns in the European theater, including those in Champagne, Champagne-Marne, Aisne-Marne, Oise-Aisne, Lorraine, and Meuse-Argonne;

Whereas the 28th Infantry Division adopted the title of "Iron Division" for the valiant efforts of the Division during World War I;

Whereas the 28th Infantry Division contributed to military operations in Normandy, Northern France, Rhineland, Ardennes-Alsace, and Central Europe during World War II;

Whereas the 28th Infantry Division withstood the onslaught of the German offensive during the Battle of the Bulge, giving time for reinforcements to arrive and defeat the Germans;

Whereas the 28th Infantry Division was Federalized again in 1950 to serve in Germany;

Whereas the 28th Infantry Division was folded into the Army Selective Reserve Force during the Vietnam War;

Whereas the 28th Infantry Division aided relief efforts throughout the devastating aftermath of Hurricane Agnes in 1972;

Whereas the 28th Infantry Division was called to action during the partial meltdown of the nuclear reactor of the Three Mile Island Nuclear Generating Station in 1979;

Whereas elements of the 28th Infantry Division contributed to the international coalition forces in Operation Desert Storm;

Whereas the 28th Infantry Division and its detached units mobilized and deployed as part of peacekeeping missions in Bosnia-Herzegovina, the Republic of Kosovo, and the Sinai Peninsula;

Whereas the 28th Infantry Division deployed troops as part of Operation Noble Eagle in the aftermath of the September 11, 2001, attacks;

Whereas the 28th Infantry Division deployed troops to Afghanistan as part of Operation Enduring Freedom, and helped to secure the country and bring humanitarian relief to the Afghan people;

Whereas in Operation Iraqi Freedom, elements of the 28th Infantry Division played a role in the invasion of Iraq, the provision of

security in post-invasion Iraq, the training of an Iraqi police force, the securing of transport convoys, and the safe detainment of suspected terrorists;

Whereas more than 2,600 soldiers of the 28th Infantry Division remain missing in action from World War I and World War II;

Whereas the 28th Infantry Division has 127 units in 90 armories in 75 cities across the Commonwealth of Pennsylvania;

Whereas the 28th Infantry Division has been sent to aid portions of the United States affected by winter storms, flooding, violent windstorms, and other severe weather emergencies; and

Whereas 10 recipients of the Medal of Honor, the Nation's highest award for valor, have been soldiers of the 28th Infantry Division: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) honors the 28th Infantry Division for serving and protecting the United States; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the Adjutant General of the Pennsylvania National Guard for appropriate display.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4673. Mr. WYDEN (for himself, Mr. DURBIN, Mrs. HAGAN, Mr. KERRY, Mr. SANDERS, Mr. TESTER, Mr. MERKLEY, and Mr. GOODWIN) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4674. Mr. INOUE proposed an amendment to the bill H.R. 3081, making continuing appropriations for fiscal year 2011, and for other purposes.

SA 4675. Mr. LEMIEUX (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 3081, *supra*; which was ordered to lie on the table.

SA 4676. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 4674 proposed by Mr. INOUE to the bill H.R. 3081, *supra*.

SA 4677. Mr. DEMINT proposed an amendment to amendment SA 4674 proposed by Mr. INOUE to the bill H.R. 3081, *supra*.

SA 4678. Mr. WYDEN (for himself, Mrs. LINCOLN, Mrs. SHAHEEN, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 3663, to promote clean energy jobs and oil company accountability, and for other purposes; which was ordered to lie on the table.

SA 4679. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3663, *supra*; which was ordered to lie on the table.

SA 4680. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4681. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3813, to amend the Public Utility Regulatory Policies Act of 1978 to establish a

Federal renewable electricity standard, and for other purposes; which was ordered to lie on the table.

SA 4682. Mr. INOUE proposed an amendment to the bill H.R. 3081, making continuing appropriations for fiscal year 2011, and for other purposes.

SA 4683. Mr. REID (for Mr. DEMINT) proposed an amendment to the resolution of ratification for Treaty Doc. 110-21, Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, adopted at The Hague on November 23, 2007, and signed by the United States on that same date.

SA 4684. Ms. CANTWELL proposed an amendment to the bill H.R. 3619, to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes.

SA 4685. Mr. DURBIN (for Mr. CORNYN) proposed an amendment to the bill S. 3774, to extend the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008.

SA 4686. Mr. DURBIN (for Ms. CANTWELL) proposed an amendment to the bill H.R. 1061, to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes.

SA 4687. Mr. DURBIN (for Mr. WHITEHOUSE) proposed an amendment to the bill S. 2847, to regulate the volume of audio on commercials.

SA 4688. Mr. DURBIN (for Mr. LAUTENBERG) proposed an amendment to the bill S. 685, to require new vessels for carrying oil fuel to have double hulls, and for other purposes.

SA 4689. Mr. DURBIN (for Mr. AKAKA (for himself and Mr. VOINOVICH)) proposed an amendment to the bill H.R. 1722, to require the head of each executive agency to establish and implement a policy under which employees shall be authorized to telework, and for other purposes.

SA 4690. Mr. DURBIN (for Mr. CHAMBLISS) proposed an amendment to the concurrent resolution S. Con. Res. 52, expressing support for the designation of March 20 as a National Day of Recognition for Long-Term Care Physicians.

TEXT OF AMENDMENTS

SA 4673. Mr. WYDEN (for himself, Mr. DURBIN, Mrs. HAGAN, Mr. KERRY, Mr. SANDERS, Mr. TESTER, Mr. MERKLEY, and Mr. GOODWIN) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

SEC. 526. TEMPORARY RETENTION ON ACTIVE DUTY AFTER DEMOBILIZATION OF RESERVES FOLLOWING EXTENDED DEPLOYMENTS IN CONTINGENCY OPERATIONS OR HOMELAND DEFENSE MISSIONS.

(a) TEMPORARY RETENTION ON ACTIVE DUTY.—

(1) IN GENERAL.—Chapter 1209 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 12323. Reserves: temporary retention on active duty after demobilization following extended deployments in contingency operations or homeland defense missions

“(a) IN GENERAL.—Subject to subsection (d), a member of a reserve component of the armed forces described in subsection (b) shall be retained on active duty in the armed forces for a period of 45 days following the conclusion of the member's demobilization from a deployment as described in that subsection, and shall be authorized the use of any accrued leave.

“(b) COVERED MEMBERS.—A member of a reserve component of the armed forces described in this subsection is any member of a reserve component of the armed forces who was deployed for more than 269 days under the following:

“(1) A contingency operation.

“(2) A homeland defense mission (as specified by the Secretary of Defense for purposes of this section).

“(c) PAY AND ALLOWANCES.—Notwithstanding any other provision of law, while a member is retained on active duty under subsection (a), the member shall receive—

“(1) the basic pay payable to a member of the armed forces under section 204 of title 37 in the same pay grade as the member;

“(2) the basic allowance for subsistence payable under section 402 of title 37; and

“(3) the basic allowance for housing payable under section 403 of title 37 for a member in the same pay grade, geographic location, and number of dependents as the member.

“(d) EARLY RELEASE FROM ACTIVE DUTY.—(1) Subject to paragraph (2), at the written request of a member retained on active duty under subsection (a), the member shall be released from active duty not later than the end of the 14-day period commencing on the date the request was received. If such 14-day period would end after the end of the 45-day period specified in subsection (a), the member shall be released from active duty not later than the end of such 45-day period.

“(2) The request of a member for early release from active duty under paragraph (1) may be denied only for medical or personal safety reasons. The denial of the request shall require the affirmative action of an officer in a grade above O-5 who is in the chain of command of the member. If the request is not denied before the end of the 14-day period applicable under paragraph (1), the request shall be deemed to be approved, and the member shall be released from active duty as requested.

“(e) REINTEGRATION COUNSELING AND SERVICES.—(1) The Secretary of the military department concerned shall provide each member retained on active duty under subsection (a), while the member is so retained on active duty, counseling and services to assist the member in reintegrating into civilian life.

“(2) The counseling and services provided members under this subsection shall include the following:

“(A) Physical and mental health evaluations.

“(B) Employment counseling and assistance.

“(C) Marriage and family counseling and assistance.

“(D) Financial management counseling.

“(E) Education counseling.

“(F) Counseling and assistance on benefits available to the member through the Department of Defense and the Department of Veterans Affairs.

“(3) The Secretary of the military department concerned shall provide, to the extent

practicable, for the participation of appropriate family members of members retained on active duty under subsection (a) in the counseling and services provided such members under this subsection.

“(4) The counseling and services provided to members under this subsection shall, to the extent practicable, be provided at National Guard armories and similar facilities close the residences of such members.

“(5) Counseling and services provided a member under this subsection shall, to the extent practicable, be provided in coordination with the Yellow Ribbon Reintegration Program of the State concerned under section 582 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 10101 note).”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1209 of such title is amended by adding at the end the following new item:

“12323. Reserves: temporary retention on active duty after demobilization following extended deployments in contingency operations or homeland defense missions.”

(b) FUNDING FOR FISCAL YEAR 2011.—Amounts required during fiscal year 2011 for the retention of members of reserve components of the Armed Forces on active duty pursuant to section 12323 of title 10, United States Code (as added by subsection (a)), shall be derived from amounts authorized to be appropriated for the Department of Defense for that fiscal year for operation and maintenance for Defense-wide activities (other than amounts authorized to be appropriated to that account for activities of the reserve components of the Armed Forces).

SA 4674. Mr. INOUE proposed an amendment to the bill H.R. 3081, making continuing appropriations for fiscal year 2011, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2011, and for other purposes, namely:

SEC. 101. Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2010 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2010, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111-80).

(2) Division A of the Department of Defense Appropriations Act, 2010 (division A of Public Law 111-118).

(3) The Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85).

(4) The Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83) and section 601 of the Supplemental Appropriations Act, 2010 (Public Law 111-212).

(5) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (division A of Public Law 111-88).

(6) The Legislative Branch Appropriations Act, 2010 (division A of Public Law 111-68).

(7) The Consolidated Appropriations Act, 2010 (Public Law 111-117).

(8) Chapter 3 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111-212), except for appropriations under the heading "Operation and Maintenance" relating to Haiti following the earthquake of January 12, 2010, or the Port of Guam: *Provided*, That the amount provided for the Department of Defense pursuant to this paragraph shall not exceed a rate for operations of \$29,387,401,000: *Provided further*, That the Secretary of Defense shall allocate such amount to each appropriation account, budget activity, activity group, and subactivity group, and to each program, project, and activity within each appropriation account, in the same proportions as such appropriations for fiscal year 2010.

(9) Section 102(c) of chapter 1 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111-212) that addresses guaranteed loans in the rural housing insurance fund.

(10) The appropriation under the heading "Department of Commerce—United States Patent and Trademark Office" in the United States Patent and Trademark Office Supplemental Appropriations Act, 2010 (Public Law 111-224).

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for (1) the new production of items not funded for production in fiscal year 2010 or prior years; (2) the increase in production rates above those sustained with fiscal year 2010 funds; or (3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2010.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2010.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2011, appropriations and funds made available and authority granted

pursuant to this Act shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this Act; (2) the enactment into law of the applicable appropriations Act for fiscal year 2011 without any provision for such project or activity; or (3) December 3, 2010.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2011 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2010, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2010, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2010 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2010, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 114. The following amounts are designated as an emergency requirement and necessary to meet emergency needs pursuant

to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010:

(1) Amounts incorporated by reference in this Act that were previously designated as available for overseas deployments and other activities pursuant to such concurrent resolution.

(2) Amounts made available pursuant to paragraph (8) of section 101 of this Act.

SEC. 115. Notwithstanding any other provision of this Act, funds appropriated under the heading "Food for Peace Title II Grants" in chapter 1 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111-212) may be used to reimburse obligations incurred for the purposes provided therein prior to the enactment of such Act.

SEC. 116. The authority provided by section 18(h)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(h)(5)) shall continue in effect through the earlier of the date of enactment of an authorization Act related to the Richard B. Russell National School Lunch Act or the date specified in section 106(3) of this Act.

SEC. 117. Notwithstanding section 101, amounts are provided for "Department of Commerce—Bureau of the Census—Periodic Censuses and Programs", for necessary expenses to collect and publish statistics for periodic censuses and programs provided for by law, at a rate for operations of \$964,315,000.

SEC. 118. The authority provided by section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163), as most recently amended by section 1222 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2518), shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 119. Notwithstanding subsection (b) of section 310 of the Supplemental Appropriations Act, 2009 (Public Law 111-32; 123 Stat. 1870), a claim described in that subsection that is submitted before the date specified in section 106(3) of this Act shall be treated as a claim for which payment may be made under such section 310.

SEC. 120. (a) RESCISSION.—The unobligated balance of authority provided for investigations under the heading "Department of Defense—Civil, Department of the Army, Corps of Engineers—Civil, Investigations", in chapter 4 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111-212; 124 Stat. 2312) is rescinded as of the date of enactment of this Act.

(b) APPROPRIATION.—Notwithstanding any other provision in this Act—

(1) there is appropriated to the Department of the Army, Corps of Engineers, an amount equal to the unobligated balance rescinded by subsection (a), to remain available until expended, for investigations;

(2) that such amount be available on the date of enactment of this Act; and

(3) the amount is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 121. (a) RESCISSION.—The unobligated balance of authority provided for in section 401 of chapter 4 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111-212; 124 Stat. 2313) for drought emergency assistance is rescinded as of the date of enactment of this Act.

(b) APPROPRIATION.—Notwithstanding any other provision in this Act—

(1) there is appropriated to the Bureau of Reclamation, an amount equal to the unobligated balance rescinded by subsection (a), to

remain available until expended, for drought emergency assistance: *Provided*, That financial assistance may be provided under the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2201 et seq.) and any other applicable Federal law (including regulations) for the optimization and conservation of project water supplies to assist drought-plagued areas of the West;

(2) that such amount be available on the date of enactment of this Act; and

(3) the amount is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 122. Notwithstanding section 101, amounts are provided for "Department of Energy—Weapons Activities" at a rate for operations of \$7,008,835,000.

SEC. 123. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds for programs and activities under the heading "District of Columbia Funds" for such programs and activities under title IV of S. 3677 (111th Congress), as reported by the Committee on Appropriations of the Senate, at the rate set forth under "District of Columbia Funds" as included in the Fiscal Year 2011 Budget Request Act (D.C. Act 18-448), as modified as of the date of the enactment of this Act.

SEC. 124. Section 550(b) of Public Law 109-295, as amended by section 550 of Public Law 111-83, shall be applied by substituting the date specified in section 106(3) of this Act for "October 4, 2010".

SEC. 125. Section 203(m) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(m)) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2010".

SEC. 126. Any funds made available pursuant to section 101 for the Federal Air Marshals may be obligated at a rate for operations not exceeding that necessary to sustain domestic and international flight coverage at the same level as the final quarter of fiscal year 2010.

SEC. 127. Any funds made available pursuant to section 101 for U.S. Customs and Border Protection may be obligated at a rate for operations not exceeding that necessary to sustain the numbers of personnel in place in the final quarter of fiscal year 2010. The Commissioner of U.S. Customs and Border Protection shall notify the Committees on Appropriations of the House of Representatives and the Senate on each use of the authority provided in this section.

SEC. 128. Notwithstanding section 101, amounts are provided for "Department of the Interior—Minerals Management Service—Royalty and Offshore Minerals Management" at a rate for operations of \$365,000,000: *Provided*, That amounts provided herein from the general fund shall be reduced in an amount not to exceed \$154,890,000, as receipts from increases to rates in effect on August 5, 1993, and from cost recovery fees are received: *Provided further*, That of the prior-year unobligated balances available for "Department of the Interior—Minerals Management Service—Royalty and Offshore Minerals Management", \$25,000,000 are rescinded.

SEC. 129. Section 2(e)(1)(B) of Public Law 109-129 shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2010".

SEC. 130. From funds transferred to "Department of Health and Human Services—Of-

fice of the Secretary—Public Health and Social Services Emergency Fund" by Public Law 111-117 in the fourth paragraph under such heading, amounts shall be available through the date specified in section 106(3) of this Act to support advanced research and development pursuant to section 319L of the Public Health Service Act, at a rate for operations of \$305,000,000.

SEC. 131. (a) EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM.—Activities authorized by part A of title IV and section 1108(b) of the Social Security Act (other than the Emergency Contingency Fund for State Temporary Assistance for Needy Families Programs established under subsection (c) of section 403 of such Act) shall continue through the date specified in section 106(3) of this Act in the manner authorized for fiscal year 2010, subject to the amendments made by subsection (b) of this section, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the applicable portion of the first quarter of fiscal year 2011 at the pro rata portion of the level provided for such activities through the first quarter of fiscal year 2010.

(b) CONFORMING AMENDMENTS.—

(1) SUPPLEMENTAL GRANTS FOR POPULATION INCREASES.—Section 403(a)(3)(H)(ii) of the Social Security Act (42 U.S.C. 603(a)(3)(H)(ii)) is amended to read as follows:

"(ii) subparagraph (G) shall be applied as if 'the date specified in section 106(3) of the Continuing Appropriations Act, 2011' were substituted for 'fiscal year 2001'; and".

(2) CONTINGENCY FUND.—

(A) DEPOSIT INTO FUND.—Section 403(b)(2) of such Act (42 U.S.C. 603(b)(2)) is amended—

(i) by striking "fiscal years 1997" and all that follows through "2003" and inserting "fiscal years 2011 and 2012"; and

(ii) by striking "\$2,000,000,000" and inserting "in the case of fiscal year 2011, \$506,000,000 and in the case of fiscal year 2012, \$612,000,000".

(B) CONFORMING AMENDMENT.—Section 403(b)(3)(C)(ii) of such Act (42 U.S.C. 603(b)(3)(C)(ii)) is amended by striking "fiscal years 1997 through 2010 shall not exceed the total amount appropriated pursuant to paragraph (2)" and inserting "fiscal year 2011 and 2012, respectively, shall not exceed the total amount appropriated pursuant to paragraph (2) for each such fiscal year".

(3) MAINTENANCE OF EFFORT.—Section 409(a)(7) of such Act (42 U.S.C. 609(a)(7)) is amended—

(A) in subparagraph (A), by striking "or 2011" and inserting "2011, or 2012"; and

(B) in subparagraph (B)(ii), by striking "2010" and inserting "2011".

SEC. 132. Activities authorized by section 429 of the Social Security Act shall continue through September 30, 2011, in the manner authorized for fiscal year 2010, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority on a quarterly basis through fiscal year 2011 at the level provided for such activities for the corresponding quarter of fiscal year 2010.

SEC. 133. Effective October 1, 2010, subpart 2 of part B of title IV of the Social Security Act is amended—

(1) in section 436 (42 U.S.C. 629f)—

(A) in subsection (a)—

(i) by striking "2011" and inserting "2010"; and

(ii) by inserting before the period the following: "and \$365,000,000 for fiscal year 2011"; and

(B) by striking "\$10,000,000" in subsection (b)(2) and inserting "\$30,000,000"; and

(2) in section 438 (42 U.S.C. 629h)—

(A) by striking "2010" in subsection (c)(2)(A) and inserting "2011"; and

(B) by adding at the end of subsection (e) the following flush sentence: "For fiscal year 2011, out of the amount reserved pursuant to section 436(b)(2) for such fiscal year, there are available \$10,000,000 for grants referred to in subsection (b)(2)(B), and \$10,000,000 for grants referred to in subsection (b)(2)(C)."

SEC. 134. Notwithstanding any other provision of this Act, for payment in equal shares to the children and grandchildren of Robert C. Byrd, \$193,400 is appropriated.

SEC. 135. Notwithstanding section 101, amounts are provided for deposit into "Department of Defense Base Closure Account 2005" at a rate for operations of \$2,354,285,000.

SEC. 136. Notwithstanding section 101, amounts are provided for "Department of State—Administration of Foreign Affairs—Diplomatic and Consular Programs" at a rate for operations of \$8,601,000,000.

SEC. 137. Notwithstanding section 101, amounts are provided for "International Security Assistance—Funds Appropriated to the President—Foreign Military Financing Program" at a rate for operations of \$5,160,000,000, of which not less than \$2,775,000,000 shall be available for grants only for Israel, not less than \$1,300,000,000 shall be available for grants only for Egypt, and not less than \$300,000,000 shall be available for assistance for Jordan: *Provided*, That the dollar amount in the fourth proviso under such heading in title IV of division F of Public Law 111-117 shall be deemed to be \$729,825,000.

SEC. 138. (a) Notwithstanding section 101, amounts are provided for "International Security Assistance—Funds Appropriated to the President—Pakistan Counterinsurgency Capability Fund" at a rate for operations of \$700,000,000.

(b) Amounts provided by subsection (a) shall be available to the Secretary of State under the terms and conditions provided for this Fund in Public Law 111-32 and Public Law 111-212 through the date specified in section 106(3) of this Act.

SEC. 139. Section 1(b)(2) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2)) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2010".

SEC. 140. (a) Section 1115(d) of Public Law 111-32 shall be applied by substituting the date specified in section 106(3) of this Act for "October 1, 2010".

(b) Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) shall be applied by substituting the date specified in section 106(3) of this Act for "October 1, 2010" in paragraph (2).

(c) Section 61(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733(a)) shall be applied by substituting the date specified in section 106(3) of this Act for "October 1, 2010" in paragraph (2).

(d) Section 625(j)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2385(j)(1)) shall be applied by substituting the date specified in section 106(3) of this Act for "October 1, 2010" in subparagraph (B).

SEC. 141. The authority provided by section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) shall remain in effect through the date specified in section 106(3) of this Act.

SEC. 142. Commitments to guarantee loans incurred under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z-3 and 1735c), shall not exceed a rate for operations of \$20,000,000,000: *Provided*, That total loan principal, any part of which is to be guaranteed, may be apportioned through the date specified in section 106(3) of this Act, at \$80,000,000 multiplied by the number of days covered by this Act.

SEC. 143. The provisions of title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.) shall continue in effect, notwithstanding section 209 of such Act, through the earlier of: (1) the date specified in section 106(3) of this Act; or (2) the date of the enactment into law of an authorization Act relating to the McKinney-Vento Homeless Assistance Act.

SEC. 144. Notwithstanding any other provision of law or of this Act, for mortgages for which the mortgagee issues credit approval for the borrower during fiscal year 2011, the second sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z-20(g)) shall be considered to require that in no case may the benefits of insurance under such section 255 exceed 150 percent of the maximum dollar amount in effect under the sixth sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)).

SEC. 145. (a) **LOAN LIMIT FLOOR BASED ON 2008 LEVELS.**—For mortgages for which the mortgagee issues credit approval for the borrower during fiscal year 2011, if the dollar amount limitation on the principal obligation of a mortgage determined under section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) for any size residence for any area is less than such dollar amount limitation that was in effect for such size residence for such area for 2008 pursuant to section 202 of the Economic Stimulus Act of 2008 (Public Law 110-185; 122 Stat. 620), notwithstanding any other provision of law or of this Act, the maximum dollar amount limitation on the principal obligation of a mortgage for such size residence for such area for purposes of such section 203(b)(2) shall be considered (except for purposes of section 255(g) of such Act (12 U.S.C. 1715z-20(g))) to be such dollar amount limitation in effect for such size residence for such area for 2008.

(b) **DISCRETIONARY AUTHORITY FOR SUB-AREAS.**—Notwithstanding any other provision of law or of this Act, if the Secretary of Housing and Urban Development determines, for any geographic area that is smaller than an area for which dollar amount limitations on the principal obligation of a mortgage are determined under section 203(b)(2) of the National Housing Act, that a higher such maximum dollar amount limitation is warranted for any particular size or sizes of residences in such sub-area by higher median home prices in such sub-area, the Secretary may, for mortgages for which the mortgagee issues credit approval for the borrower during fiscal year 2011, increase the maximum dollar amount limitation for such size or sizes of residences for such sub-area that is otherwise in effect (including pursuant to subsection (a) of this section), but in no case to an amount that exceeds the amount specified in section 202(a)(2) of the Economic Stimulus Act of 2008.

SEC. 146. (a) **LOAN LIMIT FLOOR BASED ON 2008 LEVELS.**—For mortgages originated during fiscal year 2011, if the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Federal National Mortgage Association or the

Federal Home Loan Mortgage Corporation determined under section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) or section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1754(a)(2)) respectively, for any size residence for any area is less than such maximum original principal obligation limitation that was in effect for such size residence for such area for 2008 pursuant to section 201 of the Economic Stimulus Act of 2008 (Public Law 110-185; 122 Stat. 619), notwithstanding any other provision of law or of this Act, the limitation on the maximum original principal obligation of a mortgage for such Association and Corporation for such size residence for such area shall be such maximum limitation in effect for such size residence for such area for 2008.

(b) **DISCRETIONARY AUTHORITY FOR SUB-AREAS.**—Notwithstanding any other provision of law or of this Act, if the Director of the Federal Housing Finance Agency determines, for any geographic area that is smaller than an area for which limitations on the maximum original principal obligation of a mortgage are determined for the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, that a higher such maximum original principal obligation limitation is warranted for any particular size or sizes of residences in such sub-area by higher median home prices in such sub-area, the Director may, for mortgages originated during fiscal year 2011, increase the maximum original principal obligation limitation for such size or sizes of residences for such sub-area that is otherwise in effect (including pursuant to subsection (a) of this section) for such Association and Corporation, but in no case to an amount that exceeds the amount specified in the matter following the comma in section 201(a)(1)(B) of the Economic Stimulus Act of 2008.

This Act may be cited as the “Continuing Appropriations Act, 2011”.

SA 4675. Mr. LEMIEUX (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 3081, making continuing appropriations for fiscal year 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

WATER QUALITY STANDARDS FOR THE STATE OF FLORIDA'S LAKES AND FLOWING WATERS

SEC. _____. None of the funds appropriated or otherwise made available by this Act or any other provision of law may be used to finalize, promulgate, implement, administer, or enforce any final rule or requirement based on the proposed rule entitled “Water Quality Standards for the State of Florida's Lakes and Flowing Waters” (75 Fed. Reg. 4174, January 26, 2010).

SA 4676. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 4674 proposed by Mr. INOUE to the bill H.R. 3081, making continuing appropriations for fiscal year 2011, and for other purposes; as follows:

Strike section 101 and insert the following:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2010 and under the authority and conditions provided in such Acts, for con-

tinuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2010, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) Division A of the Department of Defense Appropriations Act, 2010 (division A of Public Law 111-118)

(2) The Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83) and section 601 of the Supplemental Appropriations Act, 2010 (Public Law 111-212).

(3) The Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2010, division E of the Consolidated Appropriations Act, 2010 (Public Law 111-117).

(4) Chapter 3 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111-212), except for appropriations under the heading “Operation and Maintenance” relating to Haiti following the earthquake of January 12, 2010, or the Port of Guam: *Provided*, That the amount provided for the Department of Defense pursuant to this paragraph shall not exceed a rate for operations of \$29,387,401,000: *Provided further*, That the Secretary of Defense shall allocate such amount to each appropriation account, budget activity, activity group, and subactivity group, and to each program, project, and activity within each appropriation account, in the same proportions as such appropriations for fiscal year 2010.

(5) Section 102(c) of chapter 1 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111-212) that addresses guaranteed loans in the rural housing insurance fund.

(6) The appropriation under the heading “Department of Commerce—United States Patent and Trademark Office” in the United States Patent and Trademark Office Supplemental Appropriations Act, 2010 (Public Law 111-224).

(b) Such amounts as may be necessary, at a rate for operations 5 percent less than the applicable appropriations Acts for fiscal year 2010 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2010, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111-80).

(2) The Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85).

(3) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (division A of Public Law 111-88).

(4) The Legislative Branch Appropriations Act, 2010 (division A of Public Law 111-68).

(5) The Consolidated Appropriations Act, 2010 (Public Law 111-117), except for division E.

SA 4677. Mr. DEMINT proposed an amendment to amendment SA 4674 proposed by Mr. INOUE to the bill H.R. 3081, making continuing appropriations for fiscal year 2011, and for other purposes; as follows:

Section 106(3) of the bill is amended by striking “December 3, 2010” and inserting “February 4, 2011”.

SA 4678. Mr. WYDEN (for himself, Mrs. LINCOLN, Mrs. SHAHEEN, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 3663, to promote clean energy jobs and oil company accountability, and for other purposes; which was ordered to lie on the table; as follows:

On page 345, line 7, strike “or”.
On page 345, line 17, strike the period and insert “; or”.
On page 345, between lines 17 and 18, insert the following:

(C) the use of software or databases, approved by the Secretary, that analyze, integrate, or optimize the installed energy performance of building materials and products, such as energy efficient wood products, used in the retrofit.

SA 4679. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3663, to promote clean energy jobs and oil company accountability, and for other purposes; which was ordered to lie on the table; as follows:

On page 308, between lines 22 and 23, add the following:

(13) HOME AREA NETWORK.—The term “home area network” means a wireless or wired network that connects a home energy management system to—

(A) smart meters and various smart energy devices; and

(B) devices that enable simultaneous networking of multiple sensors and embedded computing devices that monitor and adjust energy use.

(14) HOME ENERGY MANAGEMENT SYSTEM.—The term “home energy management system” means a system that—

(A) is installed in a home by an accredited contractor that meets the minimum applicable requirements established under section 3004;

(B) uses a combination of in-home display and computing devices, computer software, control equipment, sensors, and instrumentation to monitor or submeter and manage the energy use of a home by automating the control of programmable communicating thermostats to control—

(i) the ventilation, cooling, and heating of a home;

(ii) load control devices that control water heaters, pool pumps, and other plug loads;

(iii) lighting; or

(iv) smart appliances, such as washers, dryers, and refrigerators; and

(C) provides reporting of information to the owner or occupant of a home to enable refinement of energy usage.

On page 308, line 23, strike “(13)” and insert “(15)”.

On page 309, line 1, strike “(14)” and insert “(16)”.

On page 309, line 5, strike “(15)” and insert “(17)”.

On page 309, line 9, strike “(16)” and insert “(18)”.

On page 309, line 13, strike “(17)” and insert “(19)”.

On page 309, line 18, strike “(18)” and insert “(20)”.

On page 309, line 22, strike “(19)” and insert “(21)”.

On page 310, line 5, strike “(20)” and insert “(22)”.

On page 310, line 22, strike “(21)” and insert “(23)”.

On page 311, line 1, strike “(22)” and insert “(24)”.

On page 311, line 4, strike “(23)” and insert “(25)”.

On page 311, line 9, strike “(24)” and insert “(26)”.

On page 311, line 11, strike “(25)” and insert “(27)”.

On page 311, line 15, strike “(26)” and insert “(28)”.

On page 312, line 1, strike “(27)” and insert “(29)”.

On page 312, line 16, strike “(28)” and insert “(30)”.

On page 312, line 20, strike “(29)” and insert “(31)”.

On page 335, between lines 5 and 6, insert the following:

(17) The purchase and installation of a home energy management system or home area network monitoring system for—

(A) a home that has an analog pneumatic or electronic energy control system; or

(B) a home that does not have a energy control system.

On page 335, line 7, strike “(16)” and insert “(17)”.

On page 338, between lines 6 and 7, insert the following:

(5) HOME ENERGY MANAGEMENT SYSTEMS AND HOME AREA NETWORK MONITORING SYSTEMS.—Except as provided in paragraph (4), the total amount of a rebate provided to the owner of a home or a designee for the purchase and installation of a home energy management system or home area network monitoring system under subsection (b)(17) shall be equal to the lesser of—

(A) \$1,000 per measure; or

(B) 50 percent of the cost of installing and purchasing the home energy management system or home area network monitoring system.

SA 4680. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 443, after line 23, add the following:

SEC. 10. COORDINATION AND EXPEDITED APPROVAL OF RENEWABLE ENERGY FACILITY SITING.

(a) ESTABLISHMENT.—There shall be established, within the Executive Office of the President, the position of Director of Renewable Energy Facility Siting (referred to in this section as the “Director”), to be appointed by the President by and with the advice and consent of the Senate.

(b) DUTIES.—The Director shall—

(1) coordinate and expedite the review by Federal agencies of projects involving the siting of renewable energy projects in cases in which the review is otherwise required by law;

(2) resolve siting conflicts, including through the development of mitigation measures; and

(3) issue final executive branch approval or disapproval for the projects in accordance with subsection (e).

(c) AGENCY PROCEDURES.—

(1) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the Director, in coordination with Director of the Office of Management and Budget, shall establish—

(A) procedures under which each Federal agency with a responsibility or interest under law in projects involving the siting of renewable energy facilities within the United States to notify the Director of those responsibilities or interests; and

(B) procedures for the coordination of any required assessment or review of proposed projects.

(2) RESPONSIBILITIES AND INTERESTS.—For purposes of paragraph (1), responsibilities and interests shall include impacts on national security, energy security, public health and safety, and the environment.

(3) PUBLICATION.—As soon as practicable after notification by affected agencies under paragraph (1), the Director shall publish in the Federal Register a list of the affected agencies and the responsibilities and interests of each affected agency.

(d) NOTIFICATION PROCEDURES.—Not later than 90 days after the date of enactment of this Act, the Director shall establish procedures that require the sponsors of renewable energy projects requiring review by a Federal agency to notify the Director of, with respect to each such proposed project—

(1) the location;

(2) the energy technology to be used;

(3) the energy output of the project; and

(4) the schedule for project development.

(e) REVIEW AND APPROVAL PROCESS.—

(1) IN GENERAL.—The Director shall ensure that each Federal agency with responsibility to assess any aspect of a proposed facility under this section—

(A) completes the review of the project in a timely manner; and

(B) provides to the Director any assessments, determinations, or analyses required under law.

(2) FINAL APPROVAL OR DISAPPROVAL.—If the agency assessments, determinations, or analyses provided under paragraph (1)(B) fail to fully resolve any siting issue, based on the administrative record or on appeal by a project sponsor or party to the proceeding, the Director may issue a final decision approving or disapproving a project.

(f) JUDICIAL REVIEW.—A final decision by the Director to approve or disapprove the siting of a proposed renewable energy facility shall be considered a final agency action and subject to review in the United States Court of Appeals for the District of Columbia Circuit.

(g) NEPA.—

(1) IN GENERAL.—Except as provided in paragraph (2), nothing in this section waives or alters any requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) EXCEPTION.—Notwithstanding paragraph (1), if the environmental impact of a proposed facility is subject to an environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) by an agency described in subsection (c), a final decision by the Director shall not be considered a separate agency action subject to that Act.

(h) IMPROVEMENT OF AGENCY POLICIES AND FUNCTIONS.—For the purpose of more effective siting of renewable energy facilities, the Director shall evaluate the objectives and procedures used by agencies described in subsection (c) for the purpose of making recommendations to the President to improve agency coordination and approval of the facilities.

(i) RELATIONSHIP TO OTHER REQUIREMENTS.—Nothing in this section affects the obligations of any agency to comply with any other provision of law.

SEC. 10. AIR NAVIGATION REVIEW OF WIND TURBINES.

Section 44718 of title 49, United States Code, is amended by adding at the end the following:

“(e) **WIND ENERGY TURBINES AND STUDIES.**—In carrying out this section related to construction of a wind energy turbine and conducting any associated aeronautical study, the Secretary shall—

“(1) require any entity proposing to construct a turbine or group of turbines to notify the Federal Aviation Administration not later than 30 days after the date the entity files for approval to construct the project with the applicable local, State, or Federal siting authority;

“(2) afford the entity an opportunity to file project plans, locations, descriptions, mitigation measures, or other information that will assist the Secretary in the review and mitigation of any impacts to the maximum extent practicable; and

“(3) notify the Secretary of Defense not later than 30 days after the receipt by the Administration of a proposal received pursuant to paragraph (1) and coordinate receipt of any comments, or recommendations for mitigation measures pertaining to the proposal, by the Secretary of Defense as soon as practicable but not later than 30 days following an approval to construct pursuant to paragraph (1).”.

SA 4681. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3813, to amend the Public Utility Regulatory Policies Act of 1978 to establish a Federal renewable electricity standard, and for other purposes; which was ordered to lie on the table; as follows:

On page 15, line 12, strike “and”.

On page 16, line 6, strike the period and insert “; and”.

On page 16, between lines 6 and 7, insert the following:

“(J) ensure that each kilowatt-hour of electric energy delivered from an energy storage system that was originally generated with a renewable resource receives 1 credit.”.

SA 4682. Mr. INOUE proposed an amendment to the bill H.R. 3081, making continuing appropriations for fiscal year 2011, and for other purposes; as follows:

Amend the title so as to read: “Making continuing appropriations for fiscal year 2011, and for other purposes”.

SA 4683. Mr. REID (for Mr. DEMINT) proposed an amendment to the resolution of ratification for Treaty Doc. 110-21, Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, adopted at The Hague on November 23, 2007, and signed by the United States on that same date; as follows:

In the section heading for section 1, strike “**TWO RESERVATIONS AND THREE DECLARATIONS**” and insert “**TWO RESERVATIONS, ONE UNDERSTANDING, AND THREE DECLARATIONS**”.

In section 1, strike “the reservations of section 2, the declaration of section 3, and the declarations of section 4” and insert “the reservations of section 2, the understanding of section 3, the declaration of section 4, and the declarations of section 5”.

Strike “**SEC. 3. DECLARATION**” and insert the following:

SEC. 3. UNDERSTANDING.

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the instrument of ratification:

The United States is not a party to the Convention on the Rights of the Child and understands that a mention of the Convention in the preamble of this Treaty does not create any obligations and does not affect or enhance the status of the Convention as a matter of United States or international law.

SEC. 4. DECLARATION.

Strike “**SEC. 4. DECLARATIONS**” and insert “sec. 5. declarations”.

SA 4684. Ms. CANTWELL proposed an amendment to the bill H.R. 3619, to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes; as follows:

In section 617(b), in the quoted subsection (d), strike “**INDIVIDUALS QUALIFIED AS ABLE SEAMEN.—Offshore**” and insert “**Individuals qualified as able seamen—offshore**”.

Strike section 917 and insert the following:

“SEC. 917. MARITIME LAW ENFORCEMENT.

“(a) **PENALTIES.**—Subsection (b) of section 2237 of title 18, United States Code, is amended to read as follows:

“(b)(1) Except as otherwise provided in this subsection, whoever knowingly violates subsection (a) shall be fined under this title or imprisoned for not more than 5 years, or both.

“(2)(A) If the offense is one under paragraph (1) or (2)(A) of subsection (a) and has an aggravating factor set forth in subparagraph (B) of this paragraph, the offender shall be fined under this title or imprisoned for any term of years or life, or both.

“(B) The aggravating factor referred to in subparagraph (A) is that the offense—

“(i) results in death; or

“(ii) involves—

“(I) an attempt to kill;

“(II) kidnapping or an attempt to kidnap; or

“(III) an offense under section 2241.

“(3) If the offense is one under paragraph (1) or (2)(A) of subsection (a) and results in serious bodily injury (as defined in section 1365), the offender shall be fined under this title or imprisoned for not more than 15 years, or both.

“(4) If the offense is one under paragraph (1) or (2)(A) of subsection (a), involves knowing transportation under inhumane conditions, and is committed in the course of a violation of section 274 of the Immigration and Nationality Act, or chapter 77 or section 113 (other than under subsection (a)(4) or (a)(5) of such section) or 117 of this title, the offender shall be fined under this title or imprisoned for not more than 15 years, or both.”.

“(b) **DEFINITION.**—Section 2237(e) of title 18, United States Code, is amended—

“(1) by amending paragraph (3) to read as follows:

“(3) the term “vessel subject to the jurisdiction of the United States” has the meaning given the term in section 70502 of title 46;”

“(2) in paragraph (4), by striking “section 2 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903).” and inserting “section 70502 of title 46; and”; and

“(3) by adding at the end the following new paragraph:

“(5) the term “transportation under inhumane conditions” means—

“(A) transportation—

“(i) of one or more persons in an engine compartment, storage compartment, or other confined space;

“(ii) at an excessive speed; or

“(iii) of a number of persons in excess of the rated capacity of the vessel; or

“(B) intentional grounding of a vessel in which persons are being transported.”.

Strike section 1032(b) and insert the following:

“(b) **VIOLATIONS; SUBPOENAS.**—

“(1) **IN GENERAL.**—In any investigation under this section, the Secretary may issue a subpoena to require the attendance of a witness or the production of documents or other evidence if—

“(A) before the issuance of the subpoena, the Secretary requests a determination by the Attorney General of the United States as to whether the subpoena will interfere with a criminal investigation; and

“(B) the Attorney General—

“(i) determines that the subpoena will not interfere with a criminal investigation; or

“(ii) fails to make a determination under clause (i) before the date that is 30 days after the date on which the Secretary makes a request under subparagraph (A).

“(2) **ENFORCEMENT.**—In the case of refusal to obey a subpoena issued to any person under this subsection, the Secretary may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance.”.

Strike section 1033(a)(2) and insert the following:

“(2) **SUBPOENAS.**—

“(A) **IN GENERAL.**—In any investigation under this section, the Administrator may issue a subpoena to require the attendance of a witness or the production of documents or other evidence if—

“(i) before the issuance of the subpoena, the Administrator requests a determination by the Attorney General of the United States as to whether the subpoena will interfere with a criminal investigation; and

“(ii) the Attorney General—

“(I) determines that the subpoena will not interfere with a criminal investigation; or

“(II) fails to make a determination under subclause (i) before the date that is 30 days after the date on which the Administrator makes a request under clause (i).

“(B) **ENFORCEMENT.**—In the case of refusal to obey a subpoena issued to any person under this paragraph, the Administrator may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance.”.

SA 4685. Mr. DURBIN (for Mr. CORNYN) proposed an amendment to the bill S. 3774, to extend the deadline for Social Services Block Grants expenditures of supplemental funds appropriated following disasters occurring in 2008; as follows:

On page 2, line 2, strike “September 30, 2012” and insert “September 30, 2011”.

On page 2, after line 2, insert the following:

SEC. 2. BUDGETARY PROVISIONS.

(a) **STATUTORY PAYGO.**—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement

has been submitted prior to the vote on passage.

(b) **EMERGENCY DESIGNATIONS.**—This Act—

(1) is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g));

(2) in the House of Representatives, is designated as an emergency for purposes of pay-as-you-go principles; and

(3) in the Senate, is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SA 4686. Mr. DURBIN (for Ms. CANTWELL) proposed an amendment to the bill H.R. 1061, to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes; as follows:

On page 4, lines 8 through 10, strike “upon compliance with the National Environmental Policy Act of 1969” and insert “in accordance with the regulations of the Department of the Interior for implementing the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that are applicable to trust land acquisitions for Indian tribes that are mandated by Federal legislation.”.

On page 8, strike lines 14 through 19 and insert the following:

SEC. 5. GAMING PROHIBITION.

SA 4687. Mr. DURBIN (for Mr. WHITEHOUSE) proposed an amendment to the bill S. 2847, to regulate the volume of audio on commercials; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Commercial Advertisement Loudness Mitigation Act” or the “CALM Act”.

SEC. 2. RULEMAKING ON LOUD COMMERCIALS REQUIRED.

(a) **RULEMAKING REQUIRED.**—Within 1 year after the date of enactment of this Act, the Federal Communications Commission shall prescribe pursuant to the Communications Act of 1934 (47 U.S.C. 151 et seq.) a regulation that is limited to incorporating by reference and making mandatory (subject to any waivers the Commission may grant) the “Recommended Practice: Techniques for Establishing and Maintaining Audio Loudness for Digital Television” (A/85), and any successor thereto, approved by the Advanced Television Systems Committee, only insofar as such recommended practice concerns the transmission of commercial advertisements by a television broadcast station, cable operator, or other multichannel video programming distributor.

(b) **IMPLEMENTATION.**—

(1) **EFFECTIVE DATE.**—The Federal Communications Commission shall prescribe that the regulation adopted pursuant to subsection (a) shall become effective 1 year after the date of its adoption.

(2) **WAIVER.**—For any television broadcast station, cable operator, or other multichannel video programming distributor that demonstrates that obtaining the equipment to comply with the regulation adopted pursuant to subsection (a) would result in financial hardship, the Federal Communications Commission may grant a waiver of the effective date set forth in paragraph (1) for 1 year

and may renew such waiver for 1 additional year.

(3) **WAIVER AUTHORITY.**—Nothing in this section affects the Commission’s authority under section 1.3 of its rules (47 C.F.R. 1.3) to waive any rule required by this Act, or the application of any such rule, for good cause shown to a television broadcast station, cable operator, or other multichannel video programming distributor, or to a class of such stations, operators, or distributors.

(c) **COMPLIANCE.**—Any broadcast television operator, cable operator, or other multichannel video programming distributor that installs, utilizes, and maintains in a commercially reasonable manner the equipment and associated software in compliance with the regulations issued by the Federal Communications Commission in accordance with subsection (a) shall be deemed to be in compliance with such regulations.

(d) **DEFINITIONS.**—For purposes of this section—

(1) the term “television broadcast station” has the meaning given such term in section 325 of the Communications Act of 1934 (47 U.S.C. 325); and

(2) the terms “cable operator” and “multichannel video programming distributor” have the meanings given such terms in section 602 of Communications Act of 1934 (47 U.S.C. 522).

SA 4688. Mr. DURBIN (for Mr. LAUTENBERG) proposed an amendment to the bill S. 685, to require new vessels for carrying oil fuel to have double hulls, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Oil Spill Prevention Act of 2010”.

SEC. 2. OIL FUEL TANK PROTECTION.

Section 3306 of title 46, United States Code, is amended by adding at the end the following new subsection:

“(k)(1) Each vessel of the United States that is constructed under a contract entered into after the date of enactment of the Oil Spill Prevention Act of 2010, or that is delivered after August 1, 2010, with an aggregate capacity of 600 cubic meters or more of oil fuel, shall comply with the requirements of Regulation 12A under Annex I to the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, entitled ‘Oil Fuel Tank Protection.’.

“(2) The Secretary may prescribe regulations to apply the requirements described in Regulation 12A to vessels described in paragraph (1) that are not otherwise subject to that convention.

“(3) In this subsection the term ‘oil fuel’ means any oil used as fuel in connection with the propulsion and auxiliary machinery of the vessel in which such oil is carried.”.

SEC. 3. MARITIME EMERGENCY PREVENTION.

(a) **IN GENERAL.**—Section 4(b) of the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1223(b)) is amended—

(1) by striking “operate or” and inserting “operate, including direction to change the vessel’s heading and speed, or”; and

(2) by inserting “emergency or” after “other” in paragraph (3).

(b) **REVISION OF VTS POLICY.**—The Secretary of the department in which the Coast guard is operating shall—

(1) provide guidance to all vessel traffic personnel that clearly defines the use of au-

thority to direct or control vessel movement when such direction or control is justified in the interest of safety; and

(2) require vessel traffic personnel communications to identify the vessel, rather than the pilot, when vessels are operating in vessel traffic service pilotage areas.

(c) **ADEQUACY OF VTS LOCATIONS AND INFRASTRUCTURE.**—

(1) **IN GENERAL.**—The Secretary of the department in which the Coast Guard is operating shall continue to conduct individual port and waterway safety assessments under the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1221 et seq.) to determine and prioritize the United States ports, waterways, and channels that are in need of new, expanded, or improved vessel traffic management risk mitigation measures, including vessel traffic service systems, by evaluating—

(A) the nature, volume, and frequency of vessel traffic;

(B) the risks of collisions, allisions, spills, and other maritime mishaps associated with that traffic;

(C) the projected impact of installation, expansion, or improvement of a vessel traffic service system or other risk mitigation measures; and

(D) any other relevant data.

(2) **ANALYSES.**—Based on the results of the assessments under paragraph (1), the Secretary shall identify the requirements for necessary expansion, improvement, or construction of buildings, networks, communications, or other infrastructure to improve the effectiveness of existing vessel traffic service systems, or necessary to support recommended new vessel traffic service systems, including all necessary costs for construction, reconstruction, expansion, or improvement.

(3) **PERSONNEL.**—The Secretary shall—

(A) review and validate the recruiting, retention, training, and expansion of the vessel traffic service personnel workforce necessary to maintain the effectiveness of existing vessel traffic service systems and to support any expansion or improvement identified by the Secretary under this section; and

(B) require basic navigation training for vessel traffic service watchstander personnel—

(i) to support and complement the existing mission of the vessel traffic service to monitor and assess vessel movements within a vessel traffic service Area;

(ii) to exchange information regarding vessel movements with vessel and shore-based personnel; and

(iii) to provide advisories to vessel masters.

(4) **REPORT.**—Within 1 year after the date of enactment of this Act, the Secretary shall submit to the Congress a report consolidating the results of the analyses under paragraph (2), together with recommendations for implementing the study results.

SEC. 4. TRAINED POLLUTION INVESTIGATORS.

To the extent practicable, the Commandant of the Coast Guard shall ensure that there is at least 1 trained and experienced pollution investigator on duty, or in an on-call status, at all times for each Coast Guard Sector Command.

SEC. 5. DURATION OF CREDENTIALS.

(a) **MERCHANT MARINER’S DOCUMENTS.**—Section 7302(f) of title 46, United States Code, is amended to read as follows:

“(f) **PERIODS OF VALIDITY AND RENEWAL OF MERCHANT MARINERS’ DOCUMENTS.**—

“(1) **IN GENERAL.**—Except as provided in subsection (g), a merchant mariner’s document issued under this chapter is valid for a

5-year period and may be renewed for additional 5-year periods.

“(2) **ADVANCE RENEWALS.**—A renewed merchant mariner’s document may be issued under this chapter up to 8 months in advance but is not effective until the date that the previously issued merchant mariner’s document expires.”.

(b) **DURATION OF LICENSES.**—Section 7106 of such title is amended to read as follows:

“§ 7106. Duration of licenses

“(a) **IN GENERAL.**—A license issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a license issued to a radio officer is conditioned on the continuous possession by the holder of a first-class or second-class radiotelegraph operator license issued by the Federal Communications Commission.

“(b) **ADVANCE RENEWALS.**—A renewed license issued under this part may be issued up to 8 months in advance but is not effective until the date that the previously issued license expires.”.

(c) **CERTIFICATES OF REGISTRY.**—Section 7107 of such title is amended to read as follows:

“§ 7107. Duration of certificates of registry

“(a) **IN GENERAL.**—A certificate of registry issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a certificate issued to a medical doctor or professional nurse is conditioned on the continuous possession by the holder of a license as a medical doctor or registered nurse, respectively, issued by a State.

“(b) **ADVANCE RENEWALS.**—A renewed certificate of registry issued under this part may be issued up to 8 months in advance but is not effective until the date that the previously issued certificate of registry expires.”.

SEC. 6. AUTHORIZATION TO EXTEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS’ DOCUMENTS.

(a) **MERCHANT MARINER LICENSES AND DOCUMENTS.**—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

“§ 7507. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents

“(a) **LICENSES AND CERTIFICATES OF REGISTRY.**—Notwithstanding sections 7106 and 7107, the Secretary of the department in which the Coast Guard is operating may extend for up to one year an expiring license or certificate of registry issued for an individual under chapter 71 if the Secretary determines that extension is required—

“(1) to enable the Coast Guard to eliminate a backlog in processing applications for those licenses or certificates of registry;

“(2) because necessary records have been destroyed or are unavailable due to a natural disaster; or

“(3) to align the expiration date of a license or certificate of registry with the expiration date of a transportation worker identification credential under section 70501.

“(b) **MERCHANT MARINER DOCUMENTS.**—Notwithstanding section 7302(g), the Secretary may extend for one year an expiring merchant mariner’s document issued for an individual under chapter 71 if the Secretary determines that extension is required—

“(1) to enable the Coast Guard to eliminate a backlog in processing applications for those licenses or certificates of registry;

“(2) because necessary records have been destroyed or are unavailable due to a natural disaster; or

“(3) to align the expiration date of a license or certificate of registry with the expiration date of a transportation worker identification credential under section 70501.

“(c) **MANNER OF EXTENSION.**—Any extensions granted under this section may be granted to individual seamen or a specifically identified group of seamen.

“(d) **EXPIRATION OF AUTHORITY.**—The authority for providing an extension under this section shall expire on December 31, 2011.”.

(b) **CLERICAL AMENDMENT.**—The chapter analysis for such chapter is amended by adding at the end the following:

“7507. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents.”.

SEC. 7. ELIMINATION OF CERTAIN REPORTS.

Notwithstanding the direction of the House of Representatives Committee on Appropriations on page 60 of Report 109-79 (109th Congress, 1st Session) under the headings “UNITED STATES COAST GUARD OPERATING EXPENSES” and “AREA SECURITY MARITIME EXERCISE PROGRAM”, concerning the submission by the Coast Guard of reports to that Committee on the results of port security terrorism exercises, beginning with October, 2010, the Coast Guard shall submit only 1 such report each year.

SEC. 8. BUDGETARY EFFECTS

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 4689. Mr. DURBIN (for Mr. AKAKA (for himself and Mr. VOINOVICH)) proposed an amendment to the bill H.R. 1722, to require the head of each executive agency to establish and implement a policy under which employees shall be authorized to telework, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Telework Enhancement Act of 2010”.

SEC. 2. TELEWORK.

(a) **IN GENERAL.**—Part III of title 5, United States Code, is amended by inserting after chapter 63 the following:

“CHAPTER 65—TELEWORK

“Sec.

“6501. Definitions.

“6502. Executive agencies telework requirement.

“6503. Training and monitoring.

“6504. Policy and support.

“6505. Telework Managing Officer.

“6506. Reports.

“§ 6501. Definitions

“In this chapter:

“(1) **EMPLOYEE.**—The term ‘employee’ has the meaning given that term under section 2105.

“(2) **EXECUTIVE AGENCY.**—Except as provided in section 6506, the term ‘executive agency’ has the meaning given that term under section 105.

“(3) **TELEWORK.**—The term ‘telework’ or ‘teleworking’ refers to a work flexibility arrangement under which an employee per-

forms the duties and responsibilities of such employee’s position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work.

“§ 6502. Executive agencies telework requirement

“(a) **TELEWORK ELIGIBILITY.**—

“(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this chapter, the head of each executive agency shall—

“(A) establish a policy under which eligible employees of the agency may be authorized to telework;

“(B) determine the eligibility for all employees of the agency to participate in telework; and

“(C) notify all employees of the agency of their eligibility to telework.

“(2) **LIMITATION.**—An employee may not telework under a policy established under this section if—

“(A) the employee has been officially disciplined for being absent without permission for more than 5 days in any calendar year; or

“(B) the employee has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

“(b) **PARTICIPATION.**—The policy described under subsection (a) shall—

“(1) ensure that telework does not diminish employee performance or agency operations;

“(2) require a written agreement that—

“(A) is entered into between an agency manager and an employee authorized to telework, that outlines the specific work arrangement that is agreed to; and

“(B) is mandatory in order for any employee to participate in telework;

“(3) provide that an employee may not be authorized to telework if the performance of that employee does not comply with the terms of the written agreement between the agency manager and that employee;

“(4) except in emergency situations as determined by the head of an agency, not apply to any employee of the agency whose official duties require on a daily basis (every work day)—

“(A) direct handling of secure materials determined to be inappropriate for telework by the agency head; or

“(B) on-site activity that cannot be handled remotely or at an alternate worksite; and

“(5) be incorporated as part of the continuity of operations plans of the agency in the event of an emergency.

“§ 6503. Training and monitoring

“(a) **IN GENERAL.**—The head of each executive agency shall ensure that—

“(1) an interactive telework training program is provided to—

“(A) employees eligible to participate in the telework program of the agency; and

“(B) all managers of teleworkers;

“(2) except as provided under subsection (b), an employee has successfully completed the interactive telework training program before that employee enters into a written agreement to telework described under section 6502(b)(2);

“(3) teleworkers and nonteleworkers are treated the same for purposes of—

“(A) periodic appraisals of job performance of employees;

“(B) training, rewarding, reassigning, promoting, reducing in grade, retaining, and removing employees;

“(C) work requirements; or

“(D) other acts involving managerial discretion; and

“(4) when determining what constitutes diminished employee performance, the agency shall consult the performance management guidelines of the Office of Personnel Management.

“(b) TRAINING REQUIREMENT EXEMPTIONS.—The head of an executive agency may provide for an exemption from the training requirements under subsection (a), if the head of that agency determines that the training would be unnecessary because the employee is already teleworking under a work arrangement in effect before the date of enactment of this chapter.

“§ 6504. Policy and support

“(a) AGENCY CONSULTATION WITH THE OFFICE OF PERSONNEL MANAGEMENT.—Each executive agency shall consult with the Office of Personnel Management in developing telework policies.

“(b) GUIDANCE AND CONSULTATION.—The Office of Personnel Management shall—

“(1) provide policy and policy guidance for telework in the areas of pay and leave, agency closure, performance management, official worksite, recruitment and retention, and accommodations for employees with disabilities;

“(2) assist each agency in establishing appropriate qualitative and quantitative measures and teleworking goals; and

“(3) consult with—

“(A) the Federal Emergency Management Agency on policy and policy guidance for telework in the areas of continuation of operations and long-term emergencies;

“(B) the General Services Administration on policy and policy guidance for telework in the areas of telework centers, travel, technology, equipment, and dependent care; and

“(C) the National Archives and Records Administration on policy and policy guidance for telework in the areas of efficient and effective records management and the preservation of records, including Presidential and Vice-Presidential records.

“(c) SECURITY GUIDELINES.—

“(1) IN GENERAL.—The Director of the Office of Management and Budget, in coordination with the Department of Homeland Security and the National Institute of Standards and Technology, shall issue guidelines not later than 180 days after the date of the enactment of this chapter to ensure the adequacy of information and security protections for information and information systems used while teleworking.

“(2) CONTENTS.—Guidelines issued under this subsection shall, at a minimum, include requirements necessary to—

“(A) control access to agency information and information systems;

“(B) protect agency information (including personally identifiable information) and information systems;

“(C) limit the introduction of vulnerabilities;

“(D) protect information systems not under the control of the agency that are used for teleworking;

“(E) safeguard wireless and other telecommunications capabilities that are used for teleworking; and

“(F) prevent inappropriate use of official time or resources that violates subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch by viewing, downloading, or exchanging pornography, including child pornography.

“(d) CONTINUITY OF OPERATIONS PLANS.—

“(1) INCORPORATION INTO CONTINUITY OF OPERATIONS PLANS.—Each executive agency shall incorporate telework into the continuity of operations plan of that agency.

“(2) CONTINUITY OF OPERATIONS PLANS SUPERSEDE TELEWORK POLICY.—During any period that an executive agency is operating under a continuity of operations plan, that plan shall supersede any telework policy.

“(e) TELEWORK WEBSITE.—The Office of Personnel Management shall—

“(1) maintain a central telework website; and

“(2) include on that website related—

“(A) telework links;

“(B) announcements;

“(C) guidance developed by the Office of Personnel Management; and

“(D) guidance submitted by the Federal Emergency Management Agency, and the General Services Administration to the Office of Personnel Management not later than 10 business days after the date of submission.

“(f) POLICY GUIDANCE ON PURCHASING COMPUTER SYSTEMS.—Not later than 120 days after the date of the enactment of this chapter, the Director of the Office of Management and Budget shall issue policy guidance requiring each executive agency when purchasing computer systems, to purchase computer systems that enable and support telework, unless the head of the agency determines that there is a mission-specific reason not to do so.

“§ 6505. Telework Managing Officer

“(a) DESIGNATION.—The head of each executive agency shall designate an employee of the agency as the Telework Managing Officer. The Telework Managing Officer shall be established within the Office of the Chief Human Capital Officer or a comparable office with similar functions.

“(b) DUTIES.—The Telework Managing Officer shall—

“(1) be devoted to policy development and implementation related to agency telework programs;

“(2) serve as—

“(A) an advisor for agency leadership, including the Chief Human Capital Officer;

“(B) a resource for managers and employees; and

“(C) a primary agency point of contact for the Office of Personnel Management on telework matters; and

“(3) perform other duties as the applicable delegating authority may assign.

“(c) STATUS WITHIN AGENCY.—The Telework Managing Officer of an agency shall be a senior official of the agency who has direct access to the head of the agency.

“(d) RULE OF CONSTRUCTION REGARDING STATUS OF TELEWORK MANAGING OFFICER.—Nothing in this section shall be construed to prohibit an individual who holds another office or position in an agency from serving as the Telework Managing Officer for the agency under this chapter.

“§ 6506. Reports

“(a) DEFINITION.—In this section, the term ‘executive agency’ shall not include the Government Accountability Office.

“(b) REPORTS BY THE OFFICE OF PERSONNEL MANAGEMENT.—

“(1) SUBMISSION OF REPORTS.—Not later than 18 months after the date of enactment of this chapter and on an annual basis thereafter, the Director of the Office of Personnel Management, in consultation with Chief Human Capital Officers Council, shall—

“(A) submit a report addressing the telework programs of each executive agency to—

“(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and
“(ii) the Committee on Oversight and Government Reform of the House of Representatives; and

“(B) transmit a copy of the report to the Comptroller General and the Office of Management and Budget.

“(2) CONTENTS.—Each report submitted under this subsection shall include—

“(A) the degree of participation by employees of each executive agency in teleworking during the period covered by the report (and for each executive agency whose head is referred to under section 5312, the degree of participation in each bureau, division, or other major administrative unit of that agency), including—

“(i) the total number of employees in the agency;

“(ii) the number and percent of employees in the agency who are eligible to telework; and

“(iii) the number and percent of eligible employees in the agency who are teleworking—

“(I) 3 or more days per pay period;

“(II) 1 or 2 days per pay period;

“(III) once per month; and

“(IV) on an occasional, episodic, or short-term basis;

“(B) the method for gathering telework data in each agency;

“(C) if the total number of employees teleworking is 10 percent higher or lower than the previous year in any agency, the reasons for the positive or negative variation;

“(D) the agency goal for increasing participation to the extent practicable or necessary for the next reporting period, as indicated by the percent of eligible employees teleworking in each frequency category described under subparagraph (A)(iii);

“(E) an explanation of whether or not the agency met the goals for the last reporting period and, if not, what actions are being taken to identify and eliminate barriers to maximizing telework opportunities for the next reporting period;

“(F) an assessment of the progress each agency has made in meeting agency participation rate goals during the reporting period, and other agency goals relating to telework, such as the impact of telework on—

“(i) emergency readiness;

“(ii) energy use;

“(iii) recruitment and retention;

“(iv) performance;

“(v) productivity; and

“(vi) employee attitudes and opinions regarding telework; and

“(G) the best practices in agency telework programs.

“(c) COMPTROLLER GENERAL REPORTS.—

“(1) REPORT ON GOVERNMENT ACCOUNTABILITY OFFICE TELEWORK PROGRAM.—

“(A) IN GENERAL.—Not later than 18 months after the date of enactment of this chapter and on an annual basis thereafter, the Comptroller General shall submit a report addressing the telework program of the Government Accountability Office to—

“(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and
“(ii) the Committee on Oversight and Government Reform of the House of Representatives.

“(B) CONTENTS.—Each report submitted by the Comptroller General shall include the same information as required under subsection (b) applicable to the Government Accountability Office.

“(2) REPORT TO CONGRESS ON OFFICE OF PERSONNEL MANAGEMENT REPORT.—Not later

than 6 months after the submission of the first report to Congress required under subsection (b), the Comptroller General shall review that report required under subsection (b) and submit a report to Congress on the progress each executive agency has made towards the goals established under section 6504(b)(2).

“(d) CHIEF HUMAN CAPITAL OFFICER REPORTS.—

“(1) IN GENERAL.—Each year the Chief Human Capital Officer of each executive agency, in consultation with the Telework Managing Officer of that agency, shall submit a report to the Chair and Vice Chair of the Chief Human Capital Officers Council on agency management efforts to promote telework.

“(2) REVIEW AND INCLUSION OF RELEVANT INFORMATION.—The Chair and Vice Chair of the Chief Human Capital Officers Council shall—

“(A) review the reports submitted under paragraph (1);

“(B) include relevant information from the submitted reports in the annual report to Congress required under subsection (b); and

“(C) use that relevant information for other purposes related to the strategic management of human capital.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CHAPTERS.—The table of chapters for part III of title 5, United States Code, is amended by inserting after the item relating to chapter 63 the following:

65. Telework 6501
(2) TELEWORK COORDINATORS.—

(A) APPROPRIATIONS ACT, 2003.—Section 623 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003 (Public Law 108-7; 117 Stat. 103) is amended by striking “designate a ‘Telework Coordinator’ to be” and inserting “designate a ‘Telework Managing Officer’ to be”.

(B) APPROPRIATIONS ACT, 2004.—Section 627 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 99) is amended by striking “designate a ‘Telework Coordinator’ to be” and inserting “designate a ‘Telework Managing Officer’ to be”.

(C) APPROPRIATIONS ACT, 2005.—Section 622 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 2919) is amended by striking “designate a ‘Telework Coordinator’ to be” and inserting “designate a ‘Telework Managing Officer’ to be”.

(D) APPROPRIATIONS ACT, 2006.—Section 617 of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109-108; 119 Stat. 2340) is amended by striking “maintain a ‘Telework Coordinator’ to be” and inserting “maintain a ‘Telework Managing Officer’ to be”.

SEC. 3. AUTHORITY FOR TELEWORK TRAVEL EXPENSES TEST PROGRAMS.

(a) IN GENERAL.—Chapter 57 of title 5, United States Code, is amended by inserting after section 5710 the following:

“§5711. Authority for telework travel expenses test programs

“(a) Except as provided under subsection (f)(1), in this section, the term ‘appropriate committees of Congress’ means—

“(1) the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(2) the Committee on Oversight and Government Reform of the House of Representatives.

“(b)(1) Notwithstanding any other provision of this subchapter, under a test program which the Administrator of General Services determines to be in the interest of the Government and approves, an employing agency may pay through the proper disbursing official any necessary travel expenses in lieu of any payment otherwise authorized or required under this subchapter for employees participating in a telework program. Under an approved test program, an agency may provide an employee with the option to waive any payment authorized or required under this subchapter. An agency shall include in any request to the Administrator for approval of such a test program an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program.

“(2) Any test program conducted under this section shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

“(3) Under any test program, if an agency employee voluntarily relocates from the pre-existing duty station of that employee, the Administrator may authorize the employing agency to establish a reasonable maximum number of occasional visits to the pre-existing duty station before that employee is eligible for payment of any accrued travel expenses by that agency.

“(4) Nothing in this section is intended to limit the authority of any agency to conduct test programs.

“(c) The Administrator shall transmit a copy of any test program approved by the Administrator under this section, and the rationale for approval, to the appropriate committees of Congress at least 30 days before the effective date of the program.

“(d)(1) An agency authorized to conduct a test program under subsection (b) shall provide to the Administrator, the Telework Managing Officer of that agency, and the appropriate committees of Congress a report on the results of the program not later than 3 months after completion of the program.

“(2) The results in a report described under paragraph (1) may include—

“(A) the number of visits an employee makes to the pre-existing duty station of that employee;

“(B) the travel expenses paid by the agency;

“(C) the travel expenses paid by the employee; or

“(D) any other information the agency determines useful to aid the Administrator, Telework Managing Officer, and Congress in understanding the test program and the impact of the program.

“(e) No more than 10 test programs under this section may be conducted simultaneously.

“(f)(1) In this subsection, the term ‘appropriate committee of Congress’ means—

“(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

“(B) the Committee on Oversight and Government Reform of the House of Representatives;

“(C) the Committee on the Judiciary of the Senate; and

“(D) the Committee on the Judiciary of the House of Representatives.

“(2) The Patent and Trademark Office shall conduct a test program under this section, including the provision of reports in accordance with subsection (d)(1).

“(3) In conducting the program under this subsection, the Patent and Trademark Office may pay any travel expenses of an employee for travel to and from a Patent and Trade-

mark Office worksite or provide an employee with the option to waive any payment authorized or required under this subchapter, if—

“(A) the employee is employed at a Patent and Trademark Office worksite and enters into an approved telework arrangement;

“(B) the employee requests to telework from a location beyond the local commuting area of the Patent and Trademark Office worksite; and

“(C) the Patent and Trademark Office approves the requested arrangement for reasons of employee convenience instead of an agency need for the employee to relocate in order to perform duties specific to the new location.

“(4)(A) The Patent and Trademark Office shall establish an oversight committee comprising an equal number of members representing management and labor, including representatives from each collective bargaining unit.

“(B) The oversight committee shall develop the operating procedures for the program under this subsection to—

“(i) provide for the effective and appropriate functioning of the program; and

“(ii) ensure that—

“(I) reasonable technological or other alternatives to employee travel are used before requiring employee travel, including teleconferencing, videoconferencing or internet-based technologies;

“(II) the program is applied consistently and equitably throughout the Patent and Trademark Office; and

“(III) an optimal operating standard is developed and implemented for maximizing the use of the telework arrangement described under paragraph (2) while minimizing agency travel expenses and employee travel requirements.

“(5)(A) The test program under this subsection shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

“(B) The Director of the Patent and Trademark Office shall—

“(i) prepare an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program; and

“(ii) before the test program is implemented, submit the analysis and criteria to the Administrator of General Services and to the appropriate committees of Congress.

“(C) With respect to an employee of the Patent and Trademark Office who voluntarily relocates from the pre-existing duty station of that employee, the operating procedures of the program may include a reasonable maximum number of occasional visits to the pre-existing duty station before that employee is eligible for payment of any accrued travel expenses by the Office.

“(g) The authority to conduct test programs under this section shall expire 7 years after the date of the enactment of the Telework Enhancement Act of 2010.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5710 the following:

“5711. Authority for telework travel expenses test programs.”.

SEC. 4. TELEWORK RESEARCH.

(a) RESEARCH BY OPM ON TELEWORK.—The Director of the Office of Personnel Management shall—

(1) research the utilization of telework by public and private sector entities that identify best practices and recommendations for the Federal Government;

(2) review the outcomes associated with an increase in telework, including the effects of telework on energy consumption, job creation and availability, urban transportation patterns, and the ability to anticipate the dispersal of work during periods of emergency; and

(3) make any studies or reviews performed under this subsection available to the public.

(b) **USE OF CONTRACT TO CARRY OUT RESEARCH.**—The Director of the Office of Personnel Management may carry out subsection (a) under a contract entered into by the Director using competitive procedures under section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253).

(c) **USE OF OTHER FEDERAL AGENCIES.**—The heads of Federal agencies with relevant jurisdiction over the subject matters in subsection (a)(2) shall work cooperatively with the Director of the Office of Personnel Management to carry out that subsection, if the Director determines that coordination is necessary to fulfill obligations under that subsection.

SA 4690. Mr. DURBIN (for Mr. CHAMBLISS) proposed an amendment to the concurrent resolution S. Con. Res. 52, expressing support for the designation of March 20 as a National Day of Recognition for Long-Term Care Physicians; as follows:

On page 2, line 3, after “March 20” add “, 2010.”

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 29, 2010, at 2:30 p.m., to conduct a hearing entitled “A Comparison of International Housing Finance Systems.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on September 29, 2010, at 10 a.m., to conduct a hearing entitled “The Al-Megrahi Release: One Year Later.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on September 29, 2010, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Com-

mittee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on September 29, 2010, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on September 29, 2010, at 2 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Judicial Nominations.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on September 29, 2010, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CRIME AND DRUGS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Crime and Drugs, be authorized to meet during the session of the Senate on September 29, 2010, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Crimes Against America’s Homeless: Is the Violence Growing?”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY

Mr. HARKIN. Mr. President, I ask unanimous consent that the Subcommittee on Energy be authorized to meet during the session of the Senate on September 29, 2010, at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on the Homeland Security and Governmental Affairs’ Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on September 29, 2010, at 2:30 p.m., to conduct a hearing entitled “Improving Financial Accountability at the Department of Defense.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS AND THE SUBCOMMITTEE ON PUBLIC LANDS AND FOREST

Mr. HARKIN. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, and the Subcommittee on Public Lands and

Forest be authorized to meet during the session of the Senate to conduct a hearing on September 29, 2010, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that Ellen Montz of my staff be allowed floor privileges during the consideration of the S.J. Res. 39.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, Jake Sullivan, be granted privileges of the floor for the remainder of the day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SOCIAL SERVICES BLOCK GRANTS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of S. 3774 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3774) to extend the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. I ask unanimous consent that the amendment at the desk be agreed to; the bill, as amended, be read a third time and passed; the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4685) was agreed to, as follows:

(Purpose: To adjust the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008)

On page 2, line 2, strike “September 30, 2012” and insert “September 30, 2011”.

On page 2, after line 2, insert the following:

SEC. 2. BUDGETARY PROVISIONS.

(a) **STATUTORY PAYGO.**—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

(b) **EMERGENCY DESIGNATIONS.**—This Act—
(1) is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g));

(2) in the House of Representatives, is designated as an emergency for purposes of pay-as-you-go principles; and

(3) in the Senate, is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

The bill (S. 3774), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3774

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF EXPENDITURE DEADLINE OF SOCIAL SERVICES BLOCK GRANT DISASTER FUNDING.

Notwithstanding any other provision of law, amounts made available to the Department of Health and Human Services, Administration for Children and Families, under the heading "Social Services Block Grant" under chapter 7 of division B of Public Law 110-329, shall remain available for expenditure through September 30, 2011.

SEC. 2. BUDGETARY PROVISIONS.

(a) **STATUTORY PAYGO.**—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

(b) **EMERGENCY DESIGNATIONS.**—This Act—
(1) is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g));

(2) in the House of Representatives, is designated as an emergency for purposes of pay-as-you-go principles; and

(3) in the Senate, is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

WIPA AND PABSS EXTENSION ACT OF 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6200, received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6200) to amend part A of title XI of the Social Security Act to provide for a 1-year extension of the authorizations for the Work Incentives Planning and Assistance program and the Protection and Advocacy for Beneficiaries of Social Security program.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and any state-

ments related to the bill be printed at this point in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6200) was ordered to a third reading, was read the third time, and passed.

HOH INDIAN TRIBE SAFE HOMELANDS ACT

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 422, H.R. 1061.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1061) to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I further ask unanimous consent that the Cantwell amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time and passed; the motion to reconsider be laid upon the table with no intervening action or debate; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4686) was agreed to, as follows:

(Purpose: To make a technical correction)

On page 4, lines 8 through 10, strike "upon compliance with the National Environmental Policy Act of 1969" and insert "in accordance with the regulations of the Department of the Interior for implementing the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that are applicable to trust land acquisitions for Indian tribes that are mandated by Federal legislation."

On page 8, strike lines 14 through 19 and insert the following:

SEC. 5. GAMING PROHIBITION.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 1061), as amended, was read the third time, and passed.

CALM ACT

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 625, S. 2847.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2847) to regulate the volume of audio on commercials.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike

all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commercial Advertisement Loudness Mitigation Act" or the "CALM Act".

SEC. 2. RULEMAKING ON LOUD COMMERCIALS REQUIRED.

(a) **RULEMAKING REQUIRED.**—Within 1 year after the date of enactment of this Act, the Federal Communications Commission shall prescribe pursuant to the Communications Act of 1934 (47 U.S.C. 151 et seq.) a regulation that is limited to incorporating by reference and making mandatory (subject to any waivers the Commission may grant) the "Recommended Practice: Techniques for Establishing and Maintaining Audio Loudness for Digital Television" (A/85), and any successor thereto, approved by the Advanced Television Systems Committee, only insofar as such recommended practice concerns the transmission of commercial advertisements by a television broadcast station, cable operator, or other multichannel video programming distributor.

(b) **IMPLEMENTATION.**—

(1) **EFFECTIVE DATE.**—The Federal Communications Commission shall prescribe that the regulation adopted pursuant to subsection (a) shall become effective 1 year after the date of its adoption.

(2) **WAIVER.**—For any television broadcast station, cable operator, or other multichannel video programming distributor that demonstrates that obtaining the equipment to comply with the regulation adopted pursuant to subsection (a) would result in financial hardship, the Federal Communications Commission may grant a waiver of the effective date set forth in paragraph (1) for 1 year and may renew such waiver for 1 additional year.

(3) **WAIVER AUTHORITY.**—Nothing in this section affects the Commission's authority under section 1.3 of its rules (47 C.F.R. 1.3) to waive any rule required by this Act, or the application of any such rule, for good cause shown to a television broadcast station, cable operator, or other multichannel video programming distributor, or to a class of such stations, operators or distributors.

(c) **DEFINITIONS.**—For purposes of this section—

(1) the term "television broadcast station" has the meaning given such term in section 325 of the Communications Act of 1934 (47 U.S.C. 325); and

(2) the terms "cable operator" and "multichannel video programming distributor" have the meanings given such terms in section 602 of the Communications Act of 1934 (47 U.S.C. 522).

Mr. DURBIN. Mr. President, I further ask unanimous consent that the amendment, which is at the desk, be agreed to; the committee-reported substitute amendment, as amended, be read a third time and passed; and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4687) was agreed to, as follows:

(Purpose: To deem operators and distributors who maintain equipment and software in compliance with the FCC regulations to be in compliance with those regulations)

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commercial Advertisement Loudness Mitigation Act" or the "CALM Act".

SEC. 2. RULEMAKING ON LOUD COMMERCIALS REQUIRED.

(a) **RULEMAKING REQUIRED.**—Within 1 year after the date of enactment of this Act, the Federal Communications Commission shall prescribe pursuant to the Communications Act of 1934 (47 U.S.C. 151 et seq.) a regulation that is limited to incorporating by reference and making mandatory (subject to any waivers the Commission may grant) the “Recommended Practice: Techniques for Establishing and Maintaining Audio Loudness for Digital Television” (A/85), and any successor thereto, approved by the Advanced Television Systems Committee, only insofar as such recommended practice concerns the transmission of commercial advertisements by a television broadcast station, cable operator, or other multichannel video programming distributor.

(b) IMPLEMENTATION.

(1) **EFFECTIVE DATE.**—The Federal Communications Commission shall prescribe that the regulation adopted pursuant to subsection (a) shall become effective 1 year after the date of its adoption.

(2) **WAIVER.**—For any television broadcast station, cable operator, or other multichannel video programming distributor that demonstrates that obtaining the equipment to comply with the regulation adopted pursuant to subsection (a) would result in financial hardship, the Federal Communications Commission may grant a waiver of the effective date set forth in paragraph (1) for 1 year and may renew such waiver for 1 additional year.

(3) **WAIVER AUTHORITY.**—Nothing in this section affects the Commission’s authority under section 1.3 of its rules (47 C.F.R. 1.3) to waive any rule required by this Act, or the application of any such rule, for good cause shown to a television broadcast station, cable operator, or other multichannel video programming distributor, or to a class of such stations, operators, or distributors.

(c) **COMPLIANCE.**—Any broadcast television operator, cable operator, or other multichannel video programming distributor that installs, utilizes, and maintains in a commercially reasonable manner the equipment and associated software in compliance with the regulations issued by the Federal Communications Commission in accordance with subsection (a) shall be deemed to be in compliance with such regulations.

(d) **DEFINITIONS.**—For purposes of this section—

(1) the term “television broadcast station” has the meaning given such term in section 325 of the Communications Act of 1934 (47 U.S.C. 325); and

(2) the terms “cable operator” and “multichannel video programming distributor” have the meanings given such terms in section 602 of Communications Act of 1934 (47 U.S.C. 522).

The committee amendment, as amended, was agreed to.

The bill (S. 2847), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

THE CALENDAR

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the following postal naming bills en bloc: Calendar Nos. 629 through 632.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the bills.

Mr. DURBIN. I ask unanimous consent that the bills be read a third time and passed en bloc; the motions to reconsider be laid upon the table en bloc with no intervening action or debate; and that any statements relating to the bills be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANTHONY J. CORTESE POST OFFICE BUILDING

The bill (H.R. 4543) to designate the facility of the United States Postal Service located at 4285 Payne Avenue in San Jose, California, as the “Anthony J. Cortese Post Office Building”, was ordered to a third reading, read the third time, and passed.

JOYCE ROGERS POST OFFICE BUILDING

The bill (H.R. 5341) to designate the facility of the United States Postal Service located at 100 Orndorf Drive in Brighton, Michigan, as the “Joyce Rogers Post Office Building”, was ordered to a third reading, read the third time, and passed.

JOHN DONAFEE POST OFFICE BUILDING

The bill (H.R. 5390) to designate the facility of the United States Postal Service located at 13301 Smith Road in Cleveland, Ohio, as the “David John Donafée Post Office Building”, was ordered to a third reading, read the third time, and passed.

TOM BRADLEY POST OFFICE BUILDING

The bill (H.R. 5450) to designate the facility of the United States Postal Service located at 3894 Crenshaw Boulevard in Los Angeles, California, as the “Tom Bradley Post Office building”, was ordered to a third reading, read the third time, and passed.

OIL SPILL PREVENTION ACT OF 2009

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 77, S. 685.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 685) to require new vessels carrying oil fuel to have double hulls, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 685

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Oil Spill Prevention Act of 2009”.

SEC. 2. OIL FUEL TANK PROTECTION.

Section 3306 of title 46, United States Code, is amended by adding at the end the following new subsection:

“(k)(1) Each vessel of the United States that is constructed under a contract entered into after the date of enactment of the Oil Spill Prevention Act of 2009, or that is delivered after August 1, 2010, with an aggregate capacity of 600 cubic meters or more of oil fuel, shall comply with the requirements of Regulation 12A under Annex I to the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, entitled ‘Oil Fuel Tank Protection.’.

“(2) The Secretary may prescribe regulations to apply the requirements described in Regulation 12A to vessels described in paragraph (1) that are not otherwise subject to that convention.

“(3) In this subsection the term ‘oil fuel’ means any oil used as fuel in connection with the propulsion and auxiliary machinery of the vessel in which such oil is carried.”.

SEC. 3. MARITIME EMERGENCY PREVENTION.

(a) **IN GENERAL.**—Section 4(b) of the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1223(b)) is amended—

(1) by striking “operate or” and inserting “operate, including direction to change the vessel’s heading and speed, or”; and

(2) by inserting “emergency or” after “other” in paragraph (3).

(b) **REVISION OF VTS POLICY.**—The Secretary of the department in which the Coast guard is operating shall—

(1) provide guidance to all vessel traffic personnel that clearly defines the use of authority to direct or control vessel movement when such direction or control is justified in the interest of safety; and

(2) require vessel traffic personnel communications to identify the vessel, rather than the pilot, when vessels are operating in vessel traffic service pilotage areas.

(c) **ADEQUACY OF VTS LOCATIONS AND INFRASTRUCTURE.**—

(1) **IN GENERAL.**—The Secretary of the department in which the Coast Guard is operating shall continue to conduct individual port and waterway safety assessments under the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1221 et seq.) to determine and prioritize the United States ports, waterways, and channels that are in need of new, expanded, or improved vessel traffic management risk mitigation measures, including vessel traffic service systems, by evaluating—

(A) the nature, volume, and frequency of vessel traffic;

(B) the risks of collisions, allisions, spills, and other maritime mishaps associated with that traffic;

(C) the projected impact of installation, expansion, or improvement of a vessel traffic service system or other risk mitigation measures; and

(D) any other relevant data.

(2) **ANALYSES.**—Based on the results of the assessments under paragraph (1), the Secretary shall identify the requirements for

necessary expansion, improvement, or construction of buildings, networks, communications, or other infrastructure to improve the effectiveness of existing vessel traffic service systems, or necessary to support recommended new vessel traffic service systems, including all necessary costs for construction, reconstruction, expansion, or improvement.

(3) **PERSONNEL.**—The Secretary shall—

(A) review and validate the recruiting, retention, training, and expansion of the vessel traffic service personnel workforce necessary to maintain the effectiveness of existing vessel traffic service systems and to support any expansion or improvement identified by the Secretary under this section; and

(B) require basic navigation training for vessel traffic service watchstander personnel—

(i) to support and complement the existing mission of the vessel traffic service to monitor and assess vessel movements within a vessel traffic service Area;

(ii) to exchange information regarding vessel movements with vessel and shore-based personnel; and

(iii) to provide advisories to vessel masters.

(4) **REPORT.**—Within 1 year after the date of enactment of this Act, the Secretary shall submit to the Congress a report consolidating the results of the analyses under paragraph (2), together with recommendations for implementing the study results.

SEC. 4. MERCHANT MARINER MEDICAL ADVISORY COMMITTEE, MEDICAL STANDARDS, AND MEDICAL REQUIREMENTS.

(a) **IN GENERAL.**—Chapter 71 of title 46, United States Code, is amended by adding at the end thereof the following:

“§ 7115. Merchant mariner medical advisory committee, medical standards, and medical requirements

“(a) **ESTABLISHMENT.**—

“(1) **IN GENERAL.**—There is established a Merchant Mariner Medical Advisory Committee.

“(2) **FUNCTIONS.**—The Committee shall—

“(A) advise the Secretary on matters relating to—

“(i) medical certification determinations for issuance of merchant mariner credentials;

“(ii) medical standards and guidelines for the physical qualifications of operators of commercial vessels;

“(iii) medical examiner education; and

“(iv) medical research; and,

“(B) develop, as appropriate, specific courses and materials to be used by medical examiners listed in the national registry established under this section.

“(3) **MEMBERSHIP.**—

“(A) **IN GENERAL.**—The Committee shall consist of the chief medical examiner and—

“(i) 10 individuals who are health-care professionals with particular expertise, knowledge, or experience regarding the medical examinations of merchant mariners or occupational medicine; and

“(ii) 4 individuals who are professional mariners with knowledge and experience in mariner occupational requirements.

“(B) **STATUS OF MEMBERS.**—Except for the chief medical examiner, members of the Committee shall not be considered Federal employees or otherwise in the service or the employment of the Federal Government, except that members shall be considered special Government employees, as defined in section 202(a) of title 18 and shall be subject to any administrative standards of conduct

applicable to the employees of the department in which the Coast Guard is operating.

“(C) **COMPENSATION; REIMBURSEMENT.**—Except for the chief medical examiner, members of the Committee shall serve without compensation, except that, while engaged in the performance of duties away from their homes or regular places of business of the member, the member of the Committee may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5.

“(b) **APPOINTMENTS; TERMS; VACANCIES; ORGANIZATION.**—

“(1) **APPOINTMENT.**—The Secretary shall appoint the members of the Committee, and each member shall serve at the pleasure of the Secretary.

“(2) **TERM OF OFFICE.**—The members shall be appointed for a term of 4 years, except that, of the members first appointed, 4 members shall be appointed for a term of 2 years and 4 members shall be appointed for a term of 1 year.

“(3) **VACANCIES.**—Any member appointed to fill the vacancy prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of such term.

“(4) **CHAIRMAN; VICE CHAIRMAN.**—The Secretary shall designate 1 member other than the chief medical examiner as the Chairman and 1 member other than the chief medical examiner as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairman.

“(5) **STAFF; SERVICES.**—The Secretary shall furnish to the Committee the personnel and services as are considered necessary for the conduct of its business.

“(6) **MEETINGS.**—No later than 6 months after the date of enactment of the Oil Spill Prevention Act of 2009, the Committee shall hold its first meeting and shall meet at least once each fiscal year.

“(c) **CHIEF MEDICAL EXAMINER.**—The Secretary shall appoint an employee of the Coast Guard who will serve as a chief medical examiner and who shall hold a position under section 3104 of title 5 relating to employment of specially qualified scientific and professional personnel, and shall be paid under section 5376 of title 5, relating to pay for certain senior-level positions.

“(d) **MEDICAL STANDARDS AND REQUIREMENTS.**—

“(1) **IN GENERAL.**—The Secretary, with the advice of the Committee, shall—

“(A) establish, review, and revise—

“(i) medical standards for merchant mariners that will ensure that the physical condition of merchant mariners is adequate to enable them to safely carry out their duties on board vessels; and

“(ii) requirements for periodic physical examinations of such merchant mariners performed by a medical examiner who has, at a minimum, self-certified that he or she has completed training in physical and medical examination standards and is listed on a registry of medical examiners maintained in accordance with subsection (e) of this section;

“(B) require each merchant mariner to have a current valid physical examination;

“(C) conduct periodic reviews of a select number of medical examiners on the national registry to ensure that proper examinations of merchant mariners are being conducted;

“(D) require each such medical examiner to, at a minimum, self-certify that he or she has completed specific training, including refresher courses, to be listed in the registry;

“(E) require medical examiners to submit all completed medical examination reports as required under regulations established by the Secretary; and

“(F) periodically review a representative sample of the medical examiners' reports associated with the name and numerical identifiers of applicants transmitted under subparagraph (E) for errors, omissions, or other indications of improper certification.

“(2) **MONITORING PERFORMANCE.**—The Secretary shall investigate patterns of errors or improper evaluation by medical examiners. If the Secretary finds that a medical examiner has evaluated a merchant mariner as being fit for seagoing service who fails otherwise to meet the applicable standards at the time of the examination or that a medical examiner has falsely claimed to have completed training in physical and medical examination standards as required by this section, the Secretary may remove the name of such medical examiner from the registry and may void the medical examinations of the applicant or holder.

“(e) **NATIONAL REGISTRY OF MEDICAL EXAMINERS.**—The Secretary, acting through the Commandant of the Coast Guard—

“(1) shall establish and maintain a current national registry of medical examiners who are qualified to perform examinations;

“(2) shall accept as valid only examinations by persons on the national registry of medical examiners;

“(3) shall remove from the registry the name of any medical examiner who fails to meet or maintain the qualifications established by the Secretary for being listed in the registry or otherwise does not meet the requirements of this section or a regulation issued under this section;

“(4) may make participation of medical examiners in the national registry voluntary if such a change will enhance the safety of merchant mariners holding United States Coast Guard credentials; and

“(5) may include in the registry established under paragraph (1) licensed physicians who are certified by the Secretary of Transportation to perform medical examinations of operators of commercial motor vehicles under section 31149 of title 49 and airmen.

“(f) **MEDICAL EXAMINER DEFINED.**—In this section, the term ‘medical examiner’ means an individual registered in accordance with the regulations issued by the Secretary as a medical examiner.】

“(f) **USE OF MEDICAL EXAMINERS NOT ON THE NATIONAL REGISTRY.**—The Secretary shall accept examinations of merchant mariners conducted by medical examiners not listed on the national registry if such examinations meet specifications (including standards of review) established by the Secretary in consultation with the Merchant Mariner Medical Advisory Committee.

“(g) **MEDICAL EXAMINER DEFINED.**—In this section, the term ‘medical examiner’ means a licensed physician, physician's assistant, or nurse practitioner who complies with the regulations issued by the Secretary for medical examiners conducting examinations of merchant mariners.

“(g) (h) **COORDINATION.**—The Secretary, in coordination with the Secretary of Transportation, shall utilize the systems, processes, and procedures established for the administration of the Federal Motor Carrier Safety Administration's Medical Program authorized under section 31149 of title 49 and the Federal Aviation Administration's Office of Aerospace Medicine authorized under section 44702 of that title where synergies exist

between such systems, processes, and procedures.

“(h) (i) REGULATIONS.—The Secretary may issue such regulations as may be necessary to carry out this section.”

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 71 of title 46, United States Code, is amended by adding at the end the following:

“7115. Merchant mariner medical advisory committee, medical standards, and medical requirements.”

SEC. 5. STUDY OF MARINE CASUALTY CAUSATION.

(a) OBJECTIVES.—The Secretary of the department in which the Coast Guard is operating shall conduct a comprehensive study that will identify data requirements and collection procedures, reports, and other measures that will improve the department's ability—

(1) to determine the causes of, and contributing factors (including fatigue) to, marine casualties;

(2) to prevent marine casualties and threats to the environment;

(3) to minimize the impacts of marine casualties and environmental threats;

(4) to maximize the lives and property saved and environment protected in the event of a marine casualty;

(5) to evaluate future marine casualties;

(6) to monitor trends to identify causes and contributing factors; and

(7) to develop effective safety improvement policies, including workload, manning and medical review provisions, and programs.

(b) DESIGN.—The study shall employ standard research methods and statistical analysis and be designed to yield information that *will help the department assess the role that human factors, mechanical or equipment failure, and environmental factors play in marine casualty causation. Among other issues, the study will—*

(1) help the department assess the role that workload and fatigue play in marine casualty causation;

(2) help the department assess the role that manning, particularly a one man bridge operation, plays in marine casualty causation;

(3) help the department assess the role that the medical condition of merchant mariners plays in marine casualty causation;

(4) *help the department assess the efficacy of safety management systems in preventing marine casualties;*

“(4) (5) help the department to identify activities and other measures likely to lead to significant reductions in the frequency and severity of marine casualties; and

“(5) (6) to the extent practicable, rank such activities and measures by the reductions each would likely achieve if implemented.

(c) CONSULTATION.—In designing and conducting the study, the Secretary shall—

(1) consult with persons with expertise on marine casualty causation and prevention;

(2) consult with merchant mariners, ship managers, professional maritime associations, human factors professionals, occupational medicine specialists, and providers of medical review services to the maritime industry;

(3) *consult with Federal advisory committees, including the Merchant Marine Personnel Advisory Committee and the Towing Safety Advisory Committee;*

“(3) (4) consult with academic institutions, domestic and foreign, with particular experience and expertise in workload and fatigue, safe manning, and the medical condition of merchant mariners in the maritime

[environment;] *environment and safety management systems; and*

“(4) (5) review the relevant literature available on previous studies from domestic and foreign sources.

(d) COMPARISON WITH NTSB.—The Secretary shall, in cooperation with the Chairman of the National Transportation Safety Board, compare and contrast the procedures and processes employed by the Coast Guard and the National Transportation Safety Board with particular attention to—

(1) preventing marine casualties and threats to the environment;

(2) minimizing the impacts of marine casualties and environmental threats; and

(3) maximizing the number of lives saved, the amount of property saved, and the environment protected in the event of a marine casualty.

(e) PUBLIC COMMENT.—The Secretary shall make available for public comment information about the objectives, methodology, implementation, findings, and other aspects of the study.

(f) REPORTS.—

(1) IN GENERAL.—The Secretary shall promptly transmit to Congress the results of the study, together with any legislative recommendations.

(2) REVIEW AND UPDATE.—The Secretary shall review the study at least once every 5 years and update the study and report as necessary.

SEC. 6. COAST GUARD STUDY ON USE OF TRACTOR TUGS.

(a) STUDY.—The Commandant of the Coast Guard shall conduct a comprehensive review of existing studies of the need for tractor tug escorts to be used by vessels carrying petroleum products or with large supplies of fuel onboard in the 5 largest United States ports, by volume of petroleum product, where the use of such tugs by those vessels is not otherwise required by State law or Captain-of-the-Port order, identify any gaps or other unaddressed issues, and conduct a study that—

(1) consolidates the information contained in the existing studies and addresses any such gaps or issues that need to be addressed; and

(2) to the extent such issues are not satisfactorily addressed in the existing studies, includes—

(A) an evaluation of the necessary power requirements of such tractor tug escorts;

(B) an analysis of the appropriate passages for the use of such tractor tug escorts;

(C) an inventory and analysis of the existing use of tractor tug escorts in United States ports; and

(D) an analysis of which vessel types in the ports studied should be required to have tractor tug escorts and a statement of the reason for recommending such a requirement.

(b) REPORT.—Within 1 year after the date of enactment of this Act, the Commandant shall submit the report, together with any findings, conclusions, and recommendations the Commandant deems appropriate, to the Senate Committee on Commerce, Science, and Transportation.

SEC. 7. TRAINED POLLUTION INVESTIGATORS.

To the extent practicable, the Commandant of the Coast Guard shall ensure that there is at least 1 trained and experienced pollution investigator on duty, or in an on-call status, at all times for each Coast Guard Sector Command.

SEC. 8. DURATION OF CREDENTIALS.

(a) MERCHANT MARINER'S DOCUMENTS.—Section 7302(f) of title 46, United States Code, is amended to read as follows:

“(f) PERIODS OF VALIDITY AND RENEWAL OF MERCHANT MARINERS' DOCUMENTS.—

“(1) IN GENERAL.—Except as provided in subsection (g), a merchant mariner's document issued under this chapter is valid for a 5-year period and may be renewed for additional 5-year periods.

“(2) ADVANCE RENEWALS.—A renewed merchant mariner's document may be issued under this chapter up to 8 months in advance but is not effective until the date that the previously issued merchant mariner's document expires.”

(b) DURATION OF LICENSES.—Section 7106 of such title is amended to read as follows:

“§ 7106. Duration of licenses

“(a) IN GENERAL.—A license issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a license issued to a radio officer is conditioned on the continuous possession by the holder of a first-class or second-class radiotelegraph operator license issued by the Federal Communications Commission.

“(b) ADVANCE RENEWALS.—A renewed license issued under this part may be issued up to 8 months in advance but is not effective until the date that the previously issued license expires.”

(c) CERTIFICATES OF REGISTRY.—Section 7107 of such title is amended to read as follows:

“§ 7107. Duration of certificates of registry

“(a) IN GENERAL.—A certificate of registry issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a certificate issued to a medical doctor or professional nurse is conditioned on the continuous possession by the holder of a license as a medical doctor or registered nurse, respectively, issued by a State.

“(b) ADVANCE RENEWALS.—A renewed certificate of registry issued under this part may be issued up to 8 months in advance but is not effective until the date that the previously issued certificate of registry expires.”

SEC. 9. AUTHORIZATION TO EXTEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.

(a) MERCHANT MARINER LICENSES AND DOCUMENTS.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

“§ 7507. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents

“(a) LICENSES AND CERTIFICATES OF REGISTRY.—Notwithstanding sections 7106 and 7107, the Secretary of the department in which the Coast Guard is operating may extend for up to one year an expiring license or certificate of registry issued for an individual under chapter 71 if the Secretary determines that extension is required—

“(1) to enable the Coast Guard to eliminate a backlog in processing applications for those licenses or certificates of registry;

“(2) because necessary records have been destroyed or are unavailable due to a natural disaster; or

“(3) to align the expiration date of a license or certificate of registry with the expiration date of a transportation worker identification credential under section 70501.

“(b) MERCHANT MARINER DOCUMENTS.—Notwithstanding section 7302(g), the Secretary may extend for one year an expiring merchant mariner's document issued for an individual under chapter 71 if the Secretary determines that extension is required—

“(1) to enable the Coast Guard to eliminate a backlog in processing applications for those licenses or certificates of registry;

“(2) because necessary records have been destroyed or are unavailable due to a natural disaster; or

“(3) to align the expiration date of a license or certificate of registry with the expiration date of a transportation worker identification credential under section 70501.

“(c) MANNER OF EXTENSION.—Any extensions granted under this section may be granted to individual seamen or a specifically identified group of seamen.

“(d) EXPIRATION OF AUTHORITY.—The authority for providing an extension under this section shall expire on December 31, 2011.”.

(b) CLERICAL AMENDMENT.—The chapter analysis for such chapter is amended by adding at the end the following:

“7507. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents.”.

SEC. 10. PROTECTION AND FAIR TREATMENT OF SEAFARERS.

(a) IN GENERAL.—Chapter 111 of title 46, United States Code, is amended by adding at the end the following new section:

“§ 11113. Protection and fair treatment of seafarers

“(a) PURPOSE.—The purpose of this section is to ensure the protection and fair treatment of seafarers.

“(b) FUND.—

“(1) ESTABLISHMENT.—There is established in the Treasury a special fund known as the ‘Support of Seafarers Fund’.

“(2) USE OF AMOUNTS IN FUND.—The amounts covered into the Fund shall be available to the Secretary, without further appropriation and without fiscal year limitation, to—

“(A) pay necessary support, pursuant to subsection (c)(1)(A) of this section; and

“(B) reimburse a shipowner for necessary support, pursuant to subsection (c)(1)(B) of this section.

“(3) AMOUNTS CREDITED TO FUND.—Notwithstanding any other provision of law, the Fund may receive—

“(A) any moneys ordered to be paid to the Fund in the form of community service pursuant to section [8B1.3 of the United States Sentencing Guidelines or otherwise;] 3563(b) of title 18;

“(B) amounts reimbursed or recovered pursuant to subsection (d) of this section;

“(C) amounts appropriated to the Fund pursuant to subsection (g) of this section; and

“(D) appropriations available to the Secretary for transfer.

“(4) PREREQUISITE FOR COMMUNITY SERVICE CREDITS.—The Fund may receive credits pursuant to paragraph (3)(A) of this subsection only when the unobligated balance of the Fund is less than \$5,000,000.

“(5) REPORT REQUIRED.—

“(A) Except as provided in subparagraph (B) of this paragraph, the Secretary shall not obligate any amount in the Fund in a given fiscal year unless the Secretary has submitted to Congress, concurrent with the President’s budget submission for that fiscal year, a report that describes—

“(i) the amounts credited to the Fund, pursuant to paragraph (3) of this subsection, for the preceding fiscal year;

“(ii) a detailed description of the activities for which amounts were charged; and

“(iii) the projected level of expenditures from the Fund for the coming fiscal year, based on—

“(I) on-going activities; and

“(II) new cases, derived from historic data.

“(B) The limitation in subparagraph (A) of this paragraph shall not apply to obligations during the first fiscal year during which amounts are credited to the Fund.

“(6) FUND MANAGER.—The Secretary shall designate a Fund manager, who shall—

“(A) ensure the visibility and accountability of transactions utilizing the Fund;

“(B) prepare the report required by paragraph (5); and

“(C) monitor the unobligated balance of the Fund and provide notice to the Secretary and the Attorney General whenever the unobligated balance of the Fund is less than \$5,000,000.

“(c) IN GENERAL.—

“(1) AUTHORITY.—The Secretary is authorized—

“(A) to pay, in whole or in part, without further appropriation and without fiscal year limitation, from amounts in the Fund, necessary support of—

“(i) any seafarer who enters, remains, or has been paroled into the United States and is involved in an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard; and

“(ii) any seafarer whom the Secretary finds to have been abandoned in the United States; and

“(B) to reimburse, in whole or in part, without further appropriation and without fiscal year limitation, from amounts in the Fund, a shipowner, who has filed a bond or surety satisfactory pursuant to subparagraph (A) and provided necessary support of a seafarer who has been paroled into the United States to facilitate an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard, for costs of necessary support, when the Secretary deems reimbursement necessary to avoid serious injustice.

“(2) LIMITATION.—Nothing in this section shall be construed—

“(A) to create a right, benefit, or entitlement to necessary support; or

“(B) to compel the Secretary to pay, or reimburse the cost of, necessary support.

“(d) REIMBURSEMENTS; RECOVERY.—

“(1) IN GENERAL.—Any shipowner shall reimburse the Fund an amount equal to the total amount paid from the Fund for necessary support of the seafarer, plus a surcharge of 25 percent of such total amount if—

“(A)(i) the shipowner, during the course of an investigation, reporting, documentation, or adjudication of any matter that the Coast Guard referred to a United States Attorney or the Attorney General, fails to provide necessary support of a seafarer who has been paroled into the United States to facilitate the investigation, reporting, documentation, or adjudication; and

“(ii) a criminal penalty is subsequently imposed against the shipowner; or

“(B) the shipowner, under any circumstance, abandons a seafarer in the United States, as decided by the Secretary.

“(2) ENFORCEMENT.—If a shipowner fails to reimburse the Fund as required under paragraph (1) of this subsection, the Secretary may—

“(A) proceed in rem against any vessel of the shipowner in the Federal district court for the district in which such vessel is found; and

“(B) withhold or revoke the clearance, required by section 60105 of this title, of any vessel of the shipowner wherever such vessel is found.

“(3) Whenever clearance is withheld or revoked pursuant to paragraph (2)(B) of this subsection, clearance may be granted if the shipowner reimburses the Fund the amount required under paragraph (1) of this subsection.

“(e) SURETY; ENFORCEMENT OF TREATIES, LAWS, AND REGULATIONS.—

“(1) BOND AND SURETY AUTHORITY.—The Secretary is authorized to require a bond or surety satisfactory as an alternative to withholding or revoking clearance required under section 60105 of this title if, in the opinion of the Secretary, such bond or surety satisfactory is necessary to facilitate an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard if the surety corporation providing the bond is authorized by the Secretary of the Treasury under section 9305 of title 31 to provide surety bonds under section 9304 of that title.

“(2) APPLICATION.—The authority to require a bond or a surety satisfactory or to request the withholding or revocation of the clearance required under section 60105 of this title applies to any investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard.

“(f) DEFINITIONS.—In this section:

“(1) ABANDONS; ABANDONED.—The term ‘abandons’ or ‘abandoned’ means a shipowner’s unilateral severance of ties with a seafarer or the shipowner’s failure to provide necessary support of a seafarer.

“(2) BOND OR SURETY SATISFACTORY.—The term ‘bond or surety satisfactory’ means a negotiated instrument, the terms of which may, at the discretion of the Secretary, include provisions that require the shipowner to—

“(A) provide necessary support of a seafarer who has or may have information pertinent to an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Secretary;

“(B) facilitate an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Secretary;

“(C) stipulate to certain incontrovertible facts, including, but not limited to, the ownership or operation of the vessel, or the authenticity of documents and things from the vessel;

“(D) facilitate service of correspondence and legal papers;

“(E) enter an appearance in United States district court;

“(F) comply with directions regarding payment of funds;

“(G) name an agent in the United States for service of process;

“(H) make stipulations as to the authenticity of certain documents in United States district court;

“(I) provide assurances that no discriminatory or retaliatory measures will be taken against a seafarer involved in an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Secretary;

“(J) provide financial security in the form of cash, bond, or other means acceptable to the Secretary; and

“(K) provide for any other appropriate measures as the Secretary considers necessary to ensure the Government is not prejudiced by granting the clearance required by section 60105 of title 46.

“(3) FUND.—The term ‘Fund’ means the Support of Seafarers Fund, established pursuant to this section.

“(4) NECESSARY SUPPORT.—The term ‘necessary support’ means normal wages, lodging, subsistence, clothing, medical care (including hospitalization), repatriation, and any other expense the Secretary deems appropriate.

“(5) SEAFARER.—The term ‘seafarer’ means an alien crewman who is employed or engaged in any capacity on board a vessel subject to the jurisdiction of the United States.

“(6) SHIPOWNER.—The term ‘shipowner’ means the individual or entity that owns, has an ownership interest in, or operates a vessel subject to the jurisdiction of the United States.

“(7) VESSEL SUBJECT TO THE JURISDICTION OF THE UNITED STATES.—The term ‘vessel subject to the jurisdiction of the United States’ has the same meaning it has in section 70502(c) of this title, except that it excludes a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except when that vessel is engaged in commerce.

“(g) REGULATIONS.—The Secretary may prescribe regulations to implement this section.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund \$1,500,000 for each of fiscal years 2010, 2011, and 2012.”

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 111 of title 46, United States Code, is amended by adding at the end the following new item:

“11113. Protection and fair treatment of seafarers.”

Mr. DURBIN. Mr. President, I ask unanimous consent that the committee-reported amendments be withdrawn, the substitute amendment which is at the desk be agreed to, the bill, as amended, be read a third time, the pay-go statement be read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4688) was agreed to, as follows:

(Purpose: In the nature of a substitute)

SECTION 1. SHORT TITLE.

This Act may be cited as the “Oil Spill Prevention Act of 2010”.

SEC. 2. OIL FUEL TANK PROTECTION.

Section 3306 of title 46, United States Code, is amended by adding at the end the following new subsection:

“(k)(1) Each vessel of the United States that is constructed under a contract entered into after the date of enactment of the Oil Spill Prevention Act of 2010, or that is delivered after August 1, 2010, with an aggregate capacity of 600 cubic meters or more of oil fuel, shall comply with the requirements of Regulation 12A under Annex I to the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, entitled ‘Oil Fuel Tank Protection.’

“(2) The Secretary may prescribe regulations to apply the requirements described in

Regulation 12A to vessels described in paragraph (1) that are not otherwise subject to that convention.

“(3) In this subsection the term ‘oil fuel’ means any oil used as fuel in connection with the propulsion and auxiliary machinery of the vessel in which such oil is carried.”

SEC. 3. MARITIME EMERGENCY PREVENTION.

(a) IN GENERAL.—Section 4(b) of the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1223(b)) is amended—

(1) by striking “operate or” and inserting “operate, including direction to change the vessel’s heading and speed, or”; and

(2) by inserting “emergency or” after “other” in paragraph (3).

(b) REVISION OF VTS POLICY.—The Secretary of the department in which the Coast Guard is operating shall—

(1) provide guidance to all vessel traffic personnel that clearly defines the use of authority to direct or control vessel movement when such direction or control is justified in the interest of safety; and

(2) require vessel traffic personnel communications to identify the vessel, rather than the pilot, when vessels are operating in vessel traffic service pilotage areas.

(c) ADEQUACY OF VTS LOCATIONS AND INFRASTRUCTURE.—

(1) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall continue to conduct individual port and waterway safety assessments under the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1221 et seq.) to determine and prioritize the United States ports, waterways, and channels that are in need of new, expanded, or improved vessel traffic management risk mitigation measures, including vessel traffic service systems, by evaluating—

(A) the nature, volume, and frequency of vessel traffic;

(B) the risks of collisions, allisions, spills, and other maritime mishaps associated with that traffic;

(C) the projected impact of installation, expansion, or improvement of a vessel traffic service system or other risk mitigation measures; and

(D) any other relevant data.

(2) ANALYSES.—Based on the results of the assessments under paragraph (1), the Secretary shall identify the requirements for necessary expansion, improvement, or construction of buildings, networks, communications, or other infrastructure to improve the effectiveness of existing vessel traffic service systems, or necessary to support recommended new vessel traffic service systems, including all necessary costs for construction, reconstruction, expansion, or improvement.

(3) PERSONNEL.—The Secretary shall—

(A) review and validate the recruiting, retention, training, and expansion of the vessel traffic service personnel workforce necessary to maintain the effectiveness of existing vessel traffic service systems and to support any expansion or improvement identified by the Secretary under this section; and

(B) require basic navigation training for vessel traffic service watchstander personnel—

(i) to support and complement the existing mission of the vessel traffic service to monitor and assess vessel movements within a vessel traffic service Area;

(ii) to exchange information regarding vessel movements with vessel and shore-based personnel; and

(iii) to provide advisories to vessel masters.

(4) REPORT.—Within 1 year after the date of enactment of this Act, the Secretary shall submit to the Congress a report consolidating the results of the analyses under paragraph (2), together with recommendations for implementing the study results.

SEC. 4. TRAINED POLLUTION INVESTIGATORS.

To the extent practicable, the Commandant of the Coast Guard shall ensure that there is at least 1 trained and experienced pollution investigator on duty, or in an on-call status, at all times for each Coast Guard Sector Command.

SEC. 5. DURATION OF CREDENTIALS.

(a) MERCHANT MARINER’S DOCUMENTS.—Section 7302(f) of title 46, United States Code, is amended to read as follows:

“(f) PERIODS OF VALIDITY AND RENEWAL OF MERCHANT MARINERS’ DOCUMENTS.—

“(1) IN GENERAL.—Except as provided in subsection (g), a merchant mariner’s document issued under this chapter is valid for a 5-year period and may be renewed for additional 5-year periods.

“(2) ADVANCE RENEWALS.—A renewed merchant mariner’s document may be issued under this chapter up to 8 months in advance but is not effective until the date that the previously issued merchant mariner’s document expires.”

(b) DURATION OF LICENSES.—Section 7106 of such title is amended to read as follows:

“§ 7106. Duration of licenses

“(a) IN GENERAL.—A license issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a license issued to a radio officer is conditioned on the continuous possession by the holder of a first-class or second-class radiotelegraph operator license issued by the Federal Communications Commission.

“(b) ADVANCE RENEWALS.—A renewed license issued under this part may be issued up to 8 months in advance but is not effective until the date that the previously issued license expires.”

(c) CERTIFICATES OF REGISTRY.—Section 7107 of such title is amended to read as follows:

“§ 7107. Duration of certificates of registry

“(a) IN GENERAL.—A certificate of registry issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a certificate issued to a medical doctor or professional nurse is conditioned on the continuous possession by the holder of a license as a medical doctor or registered nurse, respectively, issued by a State.

“(b) ADVANCE RENEWALS.—A renewed certificate of registry issued under this part may be issued up to 8 months in advance but is not effective until the date that the previously issued certificate of registry expires.”

SEC. 6. AUTHORIZATION TO EXTEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS’ DOCUMENTS.

(a) MERCHANT MARINER LICENSES AND DOCUMENTS.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

“§ 7507. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents

“(a) LICENSES AND CERTIFICATES OF REGISTRY.—Notwithstanding sections 7106 and 7107, the Secretary of the department in which the Coast Guard is operating may extend for up to one year an expiring license or certificate of registry issued for an individual under chapter 71 if the Secretary determines that extension is required—

“(1) to enable the Coast Guard to eliminate a backlog in processing applications for those licenses or certificates of registry;

“(2) because necessary records have been destroyed or are unavailable due to a natural disaster; or

“(3) to align the expiration date of a license or certificate of registry with the expiration date of a transportation worker identification credential under section 70501.

“(b) MERCHANT MARINER DOCUMENTS.—Notwithstanding section 7302(g), the Secretary may extend for one year an expiring merchant mariner's document issued for an individual under chapter 71 if the Secretary determines that extension is required—

“(1) to enable the Coast Guard to eliminate a backlog in processing applications for those licenses or certificates of registry;

“(2) because necessary records have been destroyed or are unavailable due to a natural disaster; or

“(3) to align the expiration date of a license or certificate of registry with the expiration date of a transportation worker identification credential under section 70501.

“(c) MANNER OF EXTENSION.—Any extensions granted under this section may be

granted to individual seamen or a specifically identified group of seamen.

“(d) EXPIRATION OF AUTHORITY.—The authority for providing an extension under this section shall expire on December 31, 2011.”.

(b) CLERICAL AMENDMENT.—The chapter analysis for such chapter is amended by adding at the end the following:

“7507. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents.”.

SEC. 7. ELIMINATION OF CERTAIN REPORTS.

Notwithstanding the direction of the House of Representatives Committee on Appropriations on page 60 of Report 109-79 (109th Congress, 1st Session) under the headings “UNITED STATES COAST GUARD OPERATING EXPENSES” and “AREA SECURITY MARITIME EXERCISE PROGRAM”, concerning the submission by the Coast Guard of reports to that Committee on the results of port security terrorism exercises, beginning with October, 2010, the Coast Guard shall submit only 1 such report each year.

SEC. 8. BUDGETARY EFFECTS

The budgetary effects of this Act, for the purpose of complying with the Statutory

Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The PRESIDING OFFICER. The clerk will read the pay-go statement.

The assistant legislative clerk read as follows:

Mr. CONRAD. This is the Statement of Budgetary Effects of PAYGO Legislation for S. 685, as amended.

Total Budgetary Effects of S. 685 for the 5-year Statutory PAYGO Scorecard: \$0.

Total Budgetary Effects of S. 685 for the 10-year Statutory PAYGO Scorecard: \$0.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act, as follows:

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR S. 685, THE OIL SPILL PREVENTION ACT OF 2010, AS PROVIDED TO CBO BY THE SENATE BUDGET COMMITTEE ON SEPTEMBER 28, 2010.

By fiscal year, in millions of dollars—

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
NET INCREASE OR DECREASE (–) IN THE DEFICIT	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Pay-As-You-Go Impact ^a	0	0	0	0	0	0	0	0	0	0	0	0	0

^a Section 6 would authorize the Coast Guard to extend for one year certain expiring marine licenses, certificates of registry, and merchant mariner documents. The authority to provide such extensions would apply through December 11, 2011. Because the extensions would delay the collection of fees charged for renewal of such documents, enacting this provision could reduce offsetting receipts (an offset against direct spending) over the next year or two. Some of those receipts may be spent without further appropriation, however, to cover collection expenses. CBO estimates that the net effect on direct spending from enacting this provision would be less than \$500,000 in each of fiscal years 2011 and 2012.

Mr. DURBIN. I ask unanimous consent that the bill, as amended, be passed and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 685), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

FOR VETS ACT OF 2010

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 628, S. 3794.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3794) to amend chapter 5 of title 40, United States Code, to include organizations whose membership comprises substantially veterans as recipient organizations for the donation of Federal surplus personal property through State agencies.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment, as follows:

[Omit the part printed in boldface brackets and insert the part printed in italic.]

S. 3794

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Formerly Owned Resources for Veterans to Express Thanks for Service Act of 2010” or “FOR VETS Act of 2010”.

SEC. 2. RECIPIENTS OF CERTAIN FEDERAL SURPLUS PERSONAL PROPERTY.

Section 549(c)(3)(B) of title 40, United States Code, is amended—

(1) in clause (viii), by striking “or” after the semicolon;

(2) in clause (ix), by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(x) an organization whose membership comprises substantially veterans (as defined under section 101 of title 38).”.

“(x) an organization whose—

“(I) membership comprises substantially veterans (as defined under section 101 of title 38); and

“(II) representatives are recognized by the Secretary of Veterans Affairs under section 5902 of title 38.”.

Mr. LEAHY. Mr. President, today the Senate will pass sensible legislation with practical benefits for U.S. military veterans. The bill I have offered will add military veterans to the list of groups eligible to receive excess property donations from the Federal Government. This bill is a bipartisan effort to recognize the sacrifices that members of our Armed Forces make every day for our country, and I am proud to be its author. While it is only a small

token of appreciation, this legislation gives back to veterans groups by allowing them access to a large inventory of goods from which they could not otherwise benefit. I appreciate the Senate acting swiftly to consider this bill.

The FOR VETS Act enables military veterans to receive surplus goods donations through the Federal Government's property distribution program. The types of goods donated through this program include computers, trucks, snowmobiles, home appliances and electronics. These items will be of valuable use to our military veterans, and I am pleased to sponsor legislation that gives them the right to claim useful goods through this program. The FOR VETS Act is legislation for and about American veterans.

The Administrator of General Services oversees this ongoing property liquidation and distribution program, which currently donates property to medical institutions, providers of assistance to the homeless, universities, and child care facilities, among others. Given the surplus of available goods, military veterans' groups are simply being added into this pool of recipients for property that might otherwise go unused.

I thank the Homeland Security and Governmental Affairs Committee ranking member, Senator COLLINS, for working with me on this bill. This was a bipartisan effort, as legislation to

support our veterans should always be, and I look forward to its prompt consideration by the House, and to the President signing it into law.

Mr. DURBIN. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, without No intervening action or debate, and any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was ordered to be engrossed for a third reading and was read the third time.

The bill (S. 3794), as amended, was passed, as follows:

S. 3794

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Formerly Owned Resources for Veterans to Express Thanks for Service Act of 2010” or “FOR VETS Act of 2010”.

SEC. 2. RECIPIENTS OF CERTAIN FEDERAL SURPLUS PERSONAL PROPERTY.

Section 549(c)(3)(B) of title 40, United States Code, is amended—

(1) in clause (viii), by striking “or” after the semicolon;

(2) in clause (ix), by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(x) an organization whose—”

“(I) membership comprises substantially veterans (as defined under section 101 of title 38); and

“(II) representatives are recognized by the Secretary of Veterans Affairs under section 5902 of title 38.”.

TELEWORK ENHANCEMENT ACT OF 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of H.R. 1722, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1722) to require the head of each executive agency to establish and implement the policy under which employees shall be authorized to telework, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent the substitute amendment which is at the desk be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment (No. 4689) in the nature of a substitute was agreed to.

(The amendment is printed in today’s RECORD under “Text of Amendments.”)

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 1722), as amended, was read the third time and passed.

SECURE AND RESPONSIBLE DRUG DISPOSAL ACT OF 2010

Mr. DURBIN. Mr. President, I ask the Chair to lay before the Senate the House message to accompany S. 3397.

The PRESIDING OFFICER laid before the Senate the following message from the House:

S. 3397

Resolved, That the bill from the Senate (S. 3397) entitled “An Act to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes.”, do pass with an amendment.

Mr. DURBIN. I ask unanimous consent that the Senate concur in the House amendment to S. 3397 with no intervening action or debate, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE HUDSON RIVER SCHOOL PAINTERS

Mr. DURBIN. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 278, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 278) honoring the Hudson River School Painters for their contributions to the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 278) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 278

Whereas the Hudson River School was a mid-19th century American art movement

led by a group of landscape painters, whose aesthetic vision was influenced by the romanticism movement;

Whereas the Hudson River School is considered the first school of American art;

Whereas the major Hudson River School painters included Thomas Cole, Frederic Edwin Church, Asher Brown Durand, Jasper Francis Cropsey, Sanford Robinson Gifford, Albert Bierstadt, John Frederick Kensett, George Inness, Worthington Whittredge, and Thomas Moran;

Whereas the Hudson River School paintings captured the striking landscape and sweeping natural beauty of the Hudson River Valley and the surrounding New York areas, including the Catskill, the Adirondack, and the White Mountains;

Whereas Hudson River School paintings served a vital role in cultivating American identity in the mid-19th century and creating a sense of awe of the American landscape that endures to this day;

Whereas the Hudson River School painters influenced the environmental conservation movement and the establishment of the National Park System under President Theodore Roosevelt;

Whereas the Hudson River School’s portrayal of the Hudson River Valley is a major source of tourism in the region;

Whereas 2009 marks the 400th anniversary of the voyages of discovery made by Henry Hudson and Samuel de Champlain, recognizing the important role that the Hudson River and the Hudson Valley played in the development and growth of the United States;

Whereas the Hudson River School painters depicted the Hudson River Valley during the opening of the Erie Canal, which linked the Hudson River with the Great Lakes and created a main trade route from New York that fostered the city’s central place in the American economy;

Whereas the Hudson River School painters celebrated the ideals of American democracy, individuality, and progress;

Whereas the Hudson River School painters illustrated themes such as nature, conservation, civility, unity, education, family, chivalry, and development;

Whereas the Hudson River School painters expressed the sense that every generation of Americans should seek to preserve the naturalness of the continent; and

Whereas the Hudson River School painters accentuated the cardinal values of the 19th century, which can assist contemporary Americans in the rebirth of American culture: Now, therefore, be it

Resolved, That the Senate recognizes and honors the Hudson River School painters for their contributions to the United States.

TO ENSURE STABILITY IN SOMALIA

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 588, S. Res. 573.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 573) urging the development of a comprehensive strategy to ensure stability in Somalia, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution

which had been reported from the Committee on Foreign Relations with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

S. RES. 573

Whereas Somalia has been without a functioning central government since 1991, resulting in lawlessness and an increasingly desperate humanitarian situation;

Whereas, despite the return of the internationally recognized Transitional Federal Government (TFG) to Mogadishu and ongoing diplomatic efforts through the Djibouti Peace Process, supported by the United Nations, there has been little improvement in the governance or stability of southern and central Somalia, and armed opposition groups continue to exploit this situation;

Whereas the traditional mediation role played by Somali elders has been eroded as the dynamics of conflict and the proliferation of weapons make it difficult to influence warring parties;

Whereas, since 2007, armed violence has resulted in the deaths of at least 21,000 people in Somalia and the displacement of nearly 2,000,000 people, including over 500,000 refugees in Kenya, Yemen, Ethiopia, Eritrea, Djibouti, Tanzania, and Uganda;

Whereas the United Nations estimates that 3,200,000 people, or 43 percent of the population of Somalia, are in need of humanitarian assistance and livelihood support to survive;

Whereas the United Nations reports that almost 1,000,000 displaced Somalis in need of aid cannot be reached by United Nations refugee and food agencies because of growing insecurity and the threat of kidnappings to staff;

Whereas local humanitarian organizations are trying to meet the needs of the Somali people by restoring basic social services in urban and rural communities, which places them on the front lines of the conflict and make them vulnerable targets for killings, kidnappings, or being accused of working for foreign governments;

Whereas al Shabaab, which has been designated as a foreign terrorist organization by the Department of State, and other armed groups continue to wage war against the Transitional Federal Government in Mogadishu and one another to gain control over territory in Somalia;

Whereas al Shabaab has claimed responsibility for many bombings—including suicide attacks—in Mogadishu, as well as in central and northern Somalia, typically targeting officials of the Government of Somalia and perceived allies of the TFG;

Whereas, according to Human Rights Watch, al Shabaab is subjecting inhabitants of areas under its control in southern Somalia to executions, cruel punishments, including amputations and floggings, and repressive social control;

Whereas the human rights situation in Somalia has dramatically worsened over the past several years with increased numbers of killings, torture, kidnappings, and rape;

Whereas the 2009 Department of State Country Terrorism Report notes that “Somalia’s fragile transitional Federal government, protracted state of violent instability, its long, unguarded coastline, porous borders, and proximity to the Arabian Peninsula, made the country an attractive location for international terrorists seeking a transit or launching point for operations in Somalia or elsewhere”;

Whereas the situation in southern and central Somalia, particularly the activity of al Shabaab, poses direct threats to the stability of Puntland and Somaliland regions, as well as the stability of neighboring states and the wider region;

Whereas al Shabaab leaders have stated their intent to provide recruits and support for al Qaeda in the Arabian Peninsula in Yemen;

Whereas the Government of Eritrea has provided military and financial support for armed opposition groups, including al Shabaab, in part as a proxy front in its continuing tensions with Ethiopia;

Whereas, according to the most recent report by the United Nations Somalia Monitoring Group, arms, ammunitions, and military or dual-use equipment continue to enter Somalia at a fairly steady rate, in violation of the general and complete arms embargo imposed in 1992;

Whereas, in July 2009, the Department of State confirmed that, in addition to other support for the TFG, it had provided cash to purchase weapons and ammunitions for the TFG’s efforts “to repel the onslaught of extremist forces which are intent on destroying the Djibouti peace process”;

Whereas, according to most recent report by the United Nations Somalia Monitoring Group, “[d]espite infusions of foreign training and assistance, government security forces remain ineffective, disorganized and corrupt—a composite of independent militias loyal to senior government officials and military officers who profit from the business of war and resist their integration under a single command”;

Whereas, on April 13, 2010, President Barack Obama issued an executive order to sanction or freeze the assets of militants who threaten, both directly and indirectly, the stability of Somalia, as well as individuals involved in piracy off Somalia’s coast;

Whereas, in March 2009, at a hearing of the Committee on Homeland Security and Governmental Affairs of the Senate, Andrew Liepmann, Deputy Director of Intelligence at the National Counterterrorism Center, noted that “[s]ince 2006, a number of U.S. citizens [have] traveled to Somalia, possibly to train in extremist training camps”;

Whereas, in September 2009, at a hearing of the Committee on Homeland Security and Governmental Affairs of the Senate, the Director of the National Counterterrorism Center Michael Leiter testified that “the potential for al-Qaeda operatives in Somalia to commission Americans to return to the United States and launch attacks against the Homeland remains of significant concern”;

Whereas al Shabaab has claimed responsibility for the bombings in Kampala, Uganda on July 11, 2010, which killed 76 people, including one American, and wounded scores of other people; and

Whereas the extraordinary and ongoing crisis in Somalia has enormous humanitarian consequences and direct national security implications for the United States and our allies in the region: Now therefore be it

Resolved, That the Senate—

(1) acknowledges the urgency of addressing the threats to United States national security in Somalia and the conditions that foster those threats;

(2) reaffirms its commitment to stand with all the people of Somalia who aspire to a future free of terrorism and violence through advancing political reconciliation and building legitimate and inclusive governance institutions;

(3) recognizes the difficult, but very important, work being done by the African Union Mission in Somalia (AMISOM) to help secure parts of Mogadishu, and reaffirms its support for the mission;

(4) calls on the Transitional Federal Government in Somalia—

(A) to cease immediately any use of child soldiers;

(B) to ensure better accountability and transparency for all received security assistance;

(C) to renew its commitment to political reconciliation; and

(D) to take necessary steps toward becoming a more legitimate and inclusive government in the eyes of the people of Somalia;

(5) calls on all actors and governments in the region, particularly the Government of Eritrea, to play a productive role in helping to bring about peace and stability to Somalia, including ceasing to provide any financial or material support to al Shabaab and other armed opposition groups in Somalia;

(6) welcomes efforts by the President to bring greater focus and resources toward understanding and monitoring the situation in Somalia;

(7) urges the President to develop a comprehensive strategy to ensure that all United States humanitarian, diplomatic, political, and counterterrorism programs in Somalia and the wider Horn of Africa are coordinated and making progress toward the long-term goal of establishing stability, respect for human rights, and functional, inclusive governance in Somalia;

(8) urges the President and Secretary of State, as part of a comprehensive strategy—

(A) to provide greater support for a range of diplomatic initiatives to engage clan leaders, business leaders, and civil society leaders in Somalia and the Somali Diaspora in political reconciliation and consensus-building;

(B) to ensure better oversight, monitoring, and transparency of all United States security assistance provided to the TFG;

(C) to increase and strengthen the United States diplomatic team working on Somalia, including the appointment of a senior envoy, and to ensure that these officials have the necessary resources, access, and mandate;

(D) to pursue opportunities for periodic, temporary United States Government travel to Somalia, consistent with any security concerns;

(E) to expand and deepen our engagement with the regional administration of Puntland and other regional administrations in order to promote good governance, effective law enforcement, respect for human rights, and stability in these regions;

(F) to provide additional humanitarian, development, and security assistance to the region of Somaliland, recognizing the positive developments in that region with respect to consolidating multi-party democracy, which was evident in the recent election there;

(G) to outline punitive measures and incentives that can be used with the Government of Eritrea to bring a halt to its financial and material support for armed opposition groups in Somalia, including steps to improve bilateral relations and to push for a resolution of Eritrea’s border dispute with Ethiopia consistent with the arbitration decision of the Ethiopia-Eritrea Border Commission;

(H) to explore, in consultation with the Secretary of the Treasury, increased options for pressuring individuals, governments, and other actors who undertake economic activities that support al Shabaab and other armed opposition groups in Somalia; and

(I) to develop, in consultation with the Administrator of the United States Agency for International Development, creative and flexible mechanisms for delivering basic humanitarian and development assistance to the people of Somalia while minimizing the risk of significant diversion to armed opposition groups.

Mr. DURBIN. I ask unanimous consent that the committee-reported substitute amendment to the resolution be agreed to; the resolution, as amended, be agreed to; the committee-reported amendment to the preamble be agreed to; the preamble, as amended, be

agreed to; the motions to reconsider be laid upon the table with no intervening action or debate; and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The resolution (S. Res. 573), as amended, was agreed to.

The preamble, as amended, was agreed to.

NATIONAL DAY OF RECOGNITION FOR LONG-TERM CARE PHYSICIANS

Mr. DURBIN. I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to S. Con. Res. 52.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 52) expressing support for the designation of March 20 as a National Day of Recognition for Long-Term Care Physicians.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. I ask unanimous consent that the technical amendment at the desk be agreed to; the resolution, as amended, be agreed to; the preamble be agreed to; and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4690) was agreed to, as follows:

On page 2, line 3, after "March 20" add " , 2010,"

The resolution (S. Con. Res. 52), as amended, was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, as amended, reads as follows:

S. CON. RES. 52

Whereas a National Day of Recognition for Long-Term Care Physicians is designed to honor and recognize physicians who care for an ever-growing elderly population in different settings, including skilled nursing facilities, assisted living, hospice, continuing care retirement communities, post-acute care, home care, and private offices;

Whereas the average long-term care physician has nearly 20 years of practice experience and dedicates themselves to 1 or 2 facilities with nearly 100 residents and patients;

Whereas the American Medical Directors Association is the professional association of medical directors, attending physicians, and others practicing in the long-term continuum and is dedicated to excellence in patient care and provides education, advocacy, information, and professional development to promote the delivery of quality long-term care medicine; and

Whereas the American Medical Directors Association would like to honor founder and

long-term care physician William A. Dodd, M.D., C.M.D., who was born on March 20, 1921: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress expresses support for—

(1) the designation of March 20, 2010, as a National Day of Recognition for Long-Term Care Physicians; and

(2) the goals and ideals of a National Day of Recognition for Long-Term Care Physicians.

45TH ANNIVERSARY OF THE WHITE HOUSE FELLOWS PROGRAM

Mr. DURBIN. I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to S. Con. Res. 72.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 72) recognizing the 45th anniversary of the White House Fellows Program.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 72) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 72

Whereas in 1964, John W. Gardner presented the idea of selecting a handful of outstanding men and women to travel to Washington, DC, to participate in a fellowship program that would educate such men and women about the workings of the highest levels of the Federal Government and about leadership, as they observed Federal officials in action and met with these officials and other leaders of society, thereby strengthening the abilities of such individuals to contribute to their communities, their professions, and the United States;

Whereas President Lyndon B. Johnson established the President's Commission on White House Fellowships, through Executive Order 11183 (as amended), to create a program that would select between 11 and 19 outstanding young citizens of the United States every year and bring them to Washington, DC, for "first hand, high-level experience in the workings of the Federal Government, to establish an era when the young men and women of America and their government belonged to each other—belonged to each other in fact and in spirit";

Whereas the White House Fellows Program has steadfastly remained a nonpartisan program that has served 9 Presidents exceptionally well;

Whereas the 672 White House Fellows who have served have established a legacy of leadership in every aspect of our society, in-

cluding appointments as cabinet officers, ambassadors, special envoys, deputy and assistant secretaries of departments and senior White House staff, election to the House of Representatives, Senate, and State and local governments, appointments to the Federal, State, and local judiciary, appointments as United States Attorneys, leadership in many of the largest corporations and law firms in the United States, service as presidents of colleges and universities, deans of our most distinguished graduate schools, officials in nonprofit organizations, distinguished scholars and historians, and service as senior leaders in every branch of the United States Armed Forces;

Whereas this legacy of leadership is a resource that has been relied upon by the Nation during major challenges, including organizing resettlement operations following the Vietnam War, assisting with the national response to terrorist attacks, managing the aftermath of natural disasters such as Hurricanes Katrina and Rita, providing support to earthquake victims in Haiti, performing military service in Iraq and Afghanistan, and reforming and innovating the national and international securities and capital markets;

Whereas the 672 White House Fellows have characterized their post-Fellowship years with a lifetime commitment to public service, including creating a White House Fellows Community of Mutual Support for leadership at every level of government and in every element of our national life; and

Whereas September 1, 2010, marked the 45th anniversary of the first class of White House Fellows to serve this Nation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the 45th anniversary of the White House Fellows program and commends the White House Fellows for their continuing lifetime commitment to public service;

(2) acknowledges the legacy of leadership provided by White House Fellows over the years in their local communities, the Nation, and the world; and

(3) expresses appreciation and support for the continuing leadership of White House Fellows in all aspects of our national life in the years ahead.

RECOGNIZING THE ANNIVERSARY OF THE TRAGIC SHOOTINGS AT FORT HOOD, TEXAS, ON NOVEMBER 5, 2009

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 319, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 319) recognizing the anniversary of the tragic shootings that occurred at Fort Hood, Texas, on November 5, 2009.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and

that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 319) was agreed to.

The preamble was agreed to.

HONORING THE 28TH INFANTRY DIVISION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 74, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 74) honoring the 28th Infantry Division for serving and protecting the United States.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 74) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 74

Whereas some units of the 28th Infantry Division date back to 1747;

Whereas units that would one day comprise the 28th Infantry Division served in the Revolutionary War, including units that served in the Continental Army under General George Washington;

Whereas what eventually became the 28th Infantry Division was initially established March 12 through 20, 1879, as the Division of the National Guard of Pennsylvania, and is recognized as the oldest, continuously serving division in the Army;

Whereas the 28th Infantry Division as we know it today was formed on September 1, 1917, and was integral to the success of World War I campaigns in the European theater, including those in Champagne, Champagne-Marne, Aisne-Marne, Oise-Aisne, Lorraine, and Meuse-Argonne;

Whereas the 28th Infantry Division adopted the title of "Iron Division" for the valiant efforts of the Division during World War I;

Whereas the 28th Infantry Division contributed to military operations in Normandy, Northern France, Rhineland, Ardennes-Alsace, and Central Europe during World War II;

Whereas the 28th Infantry Division withstood the onslaught of the German offensive during the Battle of the Bulge, giving time for reinforcements to arrive and defeat the Germans;

Whereas the 28th Infantry Division was Federalized again in 1950 to serve in Germany;

Whereas the 28th Infantry Division was folded into the Army Selective Reserve Force during the Vietnam War;

Whereas the 28th Infantry Division aided relief efforts throughout the devastating aftermath of Hurricane Agnes in 1972;

Whereas the 28th Infantry Division was called to action during the partial meltdown of the nuclear reactor of the Three Mile Island Nuclear Generating Station in 1979;

Whereas elements of the 28th Infantry Division contributed to the international coalition forces in Operation Desert Storm;

Whereas the 28th Infantry Division and its detached units mobilized and deployed as part of peacekeeping missions in Bosnia-Herzegovina, the Republic of Kosovo, and the Sinai Peninsula;

Whereas the 28th Infantry Division deployed troops as part of Operation Noble Eagle in the aftermath of the September 11, 2001, attacks;

Whereas the 28th Infantry Division deployed troops to Afghanistan as part of Operation Enduring Freedom, and helped to secure the country and bring humanitarian relief to the Afghan people;

Whereas in Operation Iraqi Freedom, elements of the 28th Infantry Division played a role in the invasion of Iraq, the provision of security in post-invasion Iraq, the training of an Iraqi police force, the securing of transport convoys, and the safe detainment of suspected terrorists;

Whereas more than 2,600 soldiers of the 28th Infantry Division remain missing in action from World War I and World War II;

Whereas the 28th Infantry Division has 127 units in 90 armories in 75 cities across the Commonwealth of Pennsylvania;

Whereas the 28th Infantry Division has been sent to aid portions of the United States affected by winter storms, flooding, violent windstorms, and other severe weather emergencies; and

Whereas 10 recipients of the Medal of Honor, the Nation's highest award for valor, have been soldiers of the 28th Infantry Division: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) honors the 28th Infantry Division for serving and protecting the United States; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the Adjutant General of the Pennsylvania National Guard for appropriate display.

RESOLUTIONS SUBMITTED TODAY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions, which were submitted earlier today: S. Res. 667, S. Res. 668, S. Res. 669, S. Res. 670, S. Res. 671, and S. Res. 672.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and that any statements relating to the resolutions be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 667

Recognizing the 40th anniversary of the Coastal Organization

Whereas, in 2010, the Coastal States Organization (referred to in this preamble as the "CSO") is celebrating its 40th anniversary of representing the Governors of the 35 coastal States, commonwealths, and territories of the United States on issues relating to the sound management of coastal, ocean, and Great Lakes resources;

Whereas the CSO was created in 1969 by a resolution, which was endorsed unanimously, of the National Governors Association;

Whereas, in January 1970, the first meeting of the CSO was held in Savannah, Georgia;

Whereas, in October 2010, the CSO will celebrate its 40th anniversary in Monterey, California;

Whereas the CSO has been empowered to contribute to the development and operation of the national coastal zone management program, which was established by the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.);

Whereas the CSO is a nonpartisan organization comprised of economically, environmentally, geographically, and socially diverse States, territories, and commonwealths;

Whereas the CSO serves as a means for the Governors of the member States, territories, and commonwealths to communicate with Congress and the executive branch on coastal, ocean, and Great Lakes policies, programs, and affairs; and

Whereas the member States, territories, and commonwealths of the CSO have a responsibility to work with the Federal Government to manage and conserve the public trust in coastal and ocean ecosystems as well as the quality of life in coastal communities for the benefit of current and future generations: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 40th anniversary of the Coastal States Organization; and

(2) supports the role of States, territories, and commonwealths in the stewardship of coastal, ocean, and Great Lakes resources.

S. RES. 668

Expressing support for the designation of October 20, 2010, as the "National Day on Writing"

Whereas people in the 21st century are writing more than ever before for personal, professional, and civic purposes;

Whereas the social nature of writing invites people of every age, profession, and walk of life to create meaning through composing;

Whereas more and more people in every occupation deem writing as essential and influential in their work;

Whereas writers continue to learn how to write for different purposes, audiences, and occasions throughout their lifetimes;

Whereas developing digital technologies expand the possibilities for composing in multiple media at a faster pace than ever before;

Whereas young people are leading the way in developing new forms of composing by using different forms of digital media;

Whereas effective communication contributes to building a global economy and a global community;

Whereas the National Council of Teachers of English, in conjunction with its many national and local partners, honors and celebrates the importance of writing through the National Day on Writing;

Whereas the National Day on Writing celebrates the foundational place of writing in the personal, professional, and civic lives of the people of the United States;

Whereas the National Day on Writing provides an opportunity for individuals across the United States to share and exhibit their written works through the National Gallery of Writing;

Whereas the National Day on Writing highlights the importance of writing instruction and practice at every educational level and in every subject area;

Whereas the National Day on Writing emphasizes the lifelong process of learning to write and compose for different audiences, purposes, and occasions;

Whereas the National Day on Writing honors the use of the full range of media for composing, from traditional tools like print, audio, and video, to Web 2.0 tools like blogs, wikis, and podcasts; and

Whereas the National Day on Writing encourages all people of the United States to write, as well as to enjoy and learn from the writing of others: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of October 20, 2010, as the “National Day on Writing”;

(2) strongly affirms the purposes of the National Day on Writing;

(3) encourages participation in the National Gallery of Writing, which serves as an exemplary living archive of the centrality of writing in the lives of the people of the United States; and

(4) encourages educational institutions, businesses, community and civic associations, and other organizations to promote awareness of the National Day on Writing and celebrate the writing of the members those organizations through individual submissions to the National Gallery of Writing.

S. RES. 669

Recognizing Filipino American History Month in October 2010

Whereas, the earliest documented Filipino presence in the continental United States was on October 18, 1587, when the first “Luzones Indios” set foot in Morro Bay, California, on board the Manila-built galleon ship *Nuestra Senora de Esperanza*;

Whereas, the Filipino American National Historical Society recognizes the year of 1763 as the date of the first permanent Filipino settlement in the United States in St. Malo, Louisiana, which set in motion the focus on the story of our Nation’s past from a new perspective by concentrating on the economic, cultural, social, and other notable contributions that Filipino Americans have made in countless ways toward the development of the history of the United States;

Whereas, the Filipino-American community is the second largest Asian-American group in the United States, with a population of approximately 3,100,000 people;

Whereas, Filipino-American servicemen and servicewomen have a longstanding history serving in the Armed Services, from the Civil War to the Iraq and Afghanistan conflicts, including the 250,000 Filipinos who fought under the United States flag during World War II to protect and defend this country;

Whereas, 9 Filipino Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force that can be bestowed upon an

individual serving in the United States Armed Forces;

Whereas, Filipino Americans are an integral part of the United States health care system as nurses, doctors, and other medical professionals;

Whereas, Filipino Americans have contributed greatly to the fine arts, music, dance, literature, education, business, literature, journalism, sports, fashion, politics, government, science, technology, and other fields in the United States that enrich the landscape of the country;

Whereas, efforts should continue to promote the study of Filipino-American history and culture, as mandated in the mission statement of the Filipino American National Historical Society, because the roles of Filipino Americans and other people of color have been overlooked in the writing, teaching, and learning of United States history;

Whereas, it is imperative for Filipino-American youth to have positive role models to instill in them the importance of education, complemented with the richness of their ethnicity and the value of their legacy; and

Whereas, Filipino American History Month is celebrated during the month of October 2010: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the celebration of Filipino American History Month 2010 as a study of the advancement of Filipino Americans, as a time of reflection and remembrance, and as a time to renew efforts toward the research and examination of history and culture in order to provide an opportunity for all people in the United States to learn and appreciate more about Filipino Americans and their historic contributions to the Nation; and

(2) urges the people of the United States to observe Filipino American History Month 2010 with appropriate programs and activities.

S. RES. 670

Designating the week beginning on Monday, November 8, 2010, as “National Veterans History Project Week”

Whereas 2010 marks the 10th anniversary of the establishment of the Veterans History Project by Congress in order to collect and preserve the wartime stories of veterans of the Armed Forces of the United States;

Whereas Congress charged the American Folklife Center at the Library of Congress to undertake the Veterans History Project and to engage the public in the creation of a collection of oral histories that would be a lasting tribute to individual veterans;

Whereas the Veterans History Project relies on a corps of volunteer interviewers, partner organizations, and an array of civic minded institutions nationwide who interview veterans according to the guidelines outlined by the project;

Whereas these oral histories have created an abundant resource for scholars to gather first-hand accounts of veterans’ experience in World War I, World War II, the Korean War, the Vietnam War, the Persian Gulf War, and the Afghanistan and Iraq conflicts;

Whereas there are 17,000,000 wartime veterans in the United States whose stories can educate people of all ages about important moments and events in the history of the United States and the world and provide instructive narratives that illuminate the meanings of “service”, “sacrifice”, “citizenship”, and “democracy”;

Whereas more than 70,000 oral histories have already been collected and more than 8,000 oral histories are fully digitized and

available through the website of the Library of Congress;

Whereas the Veterans History Project will increase the number of oral histories that can be collected and preserved and increase the number of veterans it honors; and

Whereas “National Veterans Awareness Week” has been recognized by Congress in previous years: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning on Monday, November 8, 2010, as “National Veterans History Project Week”;

(2) calls on the people of the United States to interview at least 1 veteran in their families or communities according to guidelines provided by the Veterans History Project; and

(3) encourages national, State, and local organizations along with Federal, State, city, and county governmental institutions to participate in support of the effort to document, preserve, and honor the service of veterans of the Armed Forces of the United States.

S. RES. 671

Supporting the goals and ideals of Red Ribbon Week, 2010

Whereas the Red Ribbon Campaign was established to commemorate the service of Enrique “Kiki” Camarena, a special agent of the Drug Enforcement Administration for 11 years who was murdered in the line of duty in 1985 while engaged in the battle against illicit drugs;

Whereas 2010 marks 25 years since the death of Special Agent Camarena;

Whereas the Red Ribbon Campaign was established by the National Family Partnership to preserve the memory of Special Agent Camarena and further the cause for which he gave his life;

Whereas the Red Ribbon Campaign has been nationally recognized since 1988 and is now the oldest and largest drug prevention program in the United States, reaching millions of young people each year during Red Ribbon Week;

Whereas the Drug Enforcement Administration, established in 1973, aggressively targets organizations involved in the growing, manufacturing, and distribution of controlled substances and has been a steadfast partner in commemorating Red Ribbon Week;

Whereas the Governors and attorneys general of the States, the National Family Partnership, Parent Teacher Associations, Boys and Girls Clubs of America, PRIDE Youth Programs, the Drug Enforcement Administration, and more than 100 other organizations throughout the United States annually celebrate Red Ribbon Week during the period of October 23 through October 31;

Whereas the objective of Red Ribbon Week is to promote the creation of drug-free communities through drug prevention efforts, education, parental involvement, and community-wide support;

Whereas drug abuse is one of the major challenges that the Nation faces in securing a safe and healthy future for families in the United States;

Whereas drug abuse and alcohol abuse contribute to domestic violence and sexual assault and place the lives of children at risk;

Whereas, between 1997 and 2007, the percentages of admissions to substance abuse treatment programs as a result of the abuse of marijuana and methamphetamines rose significantly;

Whereas drug dealers specifically target children by marketing illicit drugs that

mimic the appearance and names of well-known brand-name candies and foods; and

Whereas parents, youth, schools, businesses, law enforcement agencies, religious institutions, service organizations, senior citizens, medical and military personnel, sports teams, and individuals throughout the United States will demonstrate their commitment to healthy, productive, and drug-free lifestyles by wearing and displaying red ribbons during the week-long celebration of Red Ribbon Week: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of Red Ribbon Week, 2010;

(2) encourages children and teens to choose to live drug-free lives; and

(3) encourages the people of the United States to—

(A) promote the creation of drug-free communities; and

(B) participate in drug prevention activities to show support for healthy, productive, and drug-free lifestyles.

S. RES. 672

Designating October 9, 2010, as “National Chess Day” to enhance awareness and encourage students and adults to engage in a game known to enhance critical thinking and problem-solving skills

Whereas it is estimated that chess is played by 39,000,000 people in the United States;

Whereas there are over 75,000 members of the United States Chess Federation (referred to in this preamble as the “Federation”), and unknown numbers of additional people in the United States who play the game without joining an official organization;

Whereas approximately half of the members of the Federation are scholastic members, and many of the scholastic members join by the age of 10;

Whereas the Federation is very supportive of the scholastic programs and sponsors a Certified Chess Coach program that provides the coaches involved in the scholastic programs training and ensures schools and students can have confidence the program;

Whereas many studies have linked chess programs to the improvement of student scores in reading and math, as well as improved self-esteem, and the Federation offers a school curriculum to educators to help incorporate chess into the school curriculum;

Whereas chess is a powerful cognitive learning tool that can be used to successfully enhance reading and math concepts; and

Whereas chess engages students of all learning styles and strengths and promotes problem-solving and higher-level thinking skills: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 9, 2010, as “National Chess Day”; and

(2) encourages the people of the United States to observe “National Chess Day” with appropriate programs and activities.

MEASURES READ THE FIRST TIME—H.R. 4168, H.R. 4337, AND H.R. 847

Mr. DURBIN. Mr. President, I understand there are three bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bills by title en bloc.

The assistant legislative clerk read as follows:

A bill (H.R. 4168) to amend the Internal Revenue Code of 1986 to expand the definition of cellulosic biofuel to include algae-based biofuel for purposes of the cellulosic biofuel producer credit and the special allowance for cellulosic biofuel plant property.

A bill (H.R. 4337) to amend the Internal Revenue Code of 1986 to modify certain rules applicable to regulated investment companies, and for other purposes.

A bill (H.R. 847) to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and so forth and for other purposes.

Mr. DURBIN. I now ask for a second reading en bloc and I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard.

The bills will be read for the second time on the next legislative day.

SIGNING AUTHORITY

Mr. DURBIN. Mr. President, I ask unanimous consent that the majority leader be authorized to sign any duly enrolled bills and joint resolutions until Monday, October 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT AUTHORITY

Mr. DURBIN. Mr. President, I ask unanimous consent that notwithstanding the recess or adjournment of the Senate, the President of the Senate pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or inter-parliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO REPORT

Mr. DURBIN. I ask unanimous consent that notwithstanding a recess or adjournment of the Senate, Senate committees may file committee-reported executive and legislative calendar business on Friday, October 1, from 12 noon to 2 p.m., and on Tuesday, October 26, from 12 noon to 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTES FOR THE LATE SENATOR STEVENS

Mr. DURBIN. Mr. President, I ask unanimous consent that tributes for the late Senator Stevens be printed as a Senate document and the deadline for statements to be submitted to the CONGRESSIONAL RECORD be Wednesday, November 17, 2010.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR PRO FORMA SESSIONS AND FOR MONDAY, NOVEMBER 15, 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 11:30 a.m. Friday, October 1; that on Friday, the Senate meet in pro forma session only with no business conducted; that at the close of the pro forma session, the Senate then stand in recess and convene on the dates in this consent and on each date listed, conduct a pro forma session only with no business conducted: Tuesday, October 5 at 11 a.m.; Friday, October 8 at 11:30 a.m.; Tuesday, October 12 at 10 a.m.; Friday, October 15 at 10 a.m.; Tuesday, October 19 at 12 noon; Friday, October 22 at 1 p.m.; Tuesday, October 26 at 12 noon; Friday, October 29 at 11:30 a.m.; Monday, November 1 at 9 a.m.; Thursday, November 4 at 9 a.m.; Monday, November 8 at 12 noon; Wednesday, November 10 at 9:30 a.m.; Friday, November 12 at 9:30 a.m.; that at the close of the pro forma session on Friday, November 12, the Senate then stand adjourned until 2 p.m., Monday, November 15 under the authority of H. Con. Res. 321; that on Monday, November 15, after the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Mr. President, there will be no rollcall votes on Monday, November 15. Senators can expect the next vote to occur on Wednesday morning, November 17.

On behalf of the Senate, I extend our thanks to the Presiding Officer for his extraordinary contribution, his work in the chair, and for the duty he has assumed this evening.

I also thank all members of the staff, as Senator REID would say, within the sound of my voice.

ADJOURNMENT UNTIL FRIDAY, OCTOBER 1, 2010, AT 11:30 A.M.

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 11:54 p.m., adjourned until Friday, October 1, 2010, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

CAITLIN JOAN HALLIGAN, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT, VICE JOHN G. ROBERTS, JR., ELEVATED.

JIMMIE V. REYNA, OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT, VICE HALDANE ROBERT MAYER, RETIRED.

RICHARD BROOKE JACKSON, OF COLORADO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLORADO, VICE PHILLIP S. FIGA, DECEASED.

MAE A. D'AGOSTINO, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF NEW YORK, VICE FREDERICK J. SCULLIN, JR., RETIRED.

DEPARTMENT OF JUSTICE

WILLIAM CONNER ELDRIDGE, OF ARKANSAS, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF ARKANSAS FOR THE TERM OF FOUR YEARS, VICE ROBERT CRAMER BARFE, III, RESIGNED.

KENNETH F. BOHAC, OF ILLINOIS, TO BE UNITED STATES MARSHAL FOR THE CENTRAL DISTRICT OF ILLINOIS FOR TERM OF FOUR YEARS, VICE STEVEN D. DEATHERAGE, TERM EXPIRED.

STATE JUSTICE INSTITUTE

ISABEL FRAMER, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2012, VICE CARLOS R. GARZA, TERM EXPIRED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

PAULA BARKER DUFFY, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2016, VICE HARVEY KLEHR, TERM EXPIRED.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

SUSAN H. HILDRETH, OF WASHINGTON, TO BE DIRECTOR OF THE INSTITUTE OF MUSEUM AND LIBRARY SERVICES, VICE ANNE—IMELDA RADICE.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MARTHA WAGNER WEINBERG, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2016, VICE HERMAN BELZ, TERM EXPIRED.

MILLENNIUM CHALLENGE CORPORATION

MARK GREEN, OF WISCONSIN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE MILLENNIUM CHALLENGE CORPORATION FOR A TERM OF THREE YEARS, VICE WILLIAM H. FRIST, TERM EXPIRING.

DEPARTMENT OF STATE

THOMAS R. NIDES, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY SECRETARY OF STATE FOR MANAGEMENT AND RESOURCES, VICE JACOB J. LEW.

MILLENNIUM CHALLENGE CORPORATION

ALAN J. PATRICO, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE MILLENNIUM CHALLENGE CORPORATION FOR A TERM OF TWO YEARS. (RE-APPOINTMENT)

DEPARTMENT OF DEFENSE

JO ANN ROONEY, OF MASSACHUSETTS, TO BE PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS, VICE MICHAEL L. DOMINGUEZ.

MICHAEL VICKERS, OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE, VICE JAMES R. CLAPPER, JR.

FOREIGN SERVICE

THE FOLLOWING—NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO AND WITHIN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

PATRICIA A. BUTENIS, OF VIRGINIA
JANICE L. JACOBS, OF VIRGINIA
D. KATHLEEN STEPHENS, OF VIRGINIA
ALEJANDRO DANIEL WOLFF, OF CALIFORNIA
DONALD Y. YAMAMOTO, OF NEW YORK

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR:

CYNTHIA HELEN AKUETTEH, OF MARYLAND
RICHARD ALAN ALBRIGHT, OF OHIO
WAYNE B. ASHBERRY, OF VIRGINIA
JUDITH R. BAROODY, OF VIRGINIA
ERIC D. BENJAMINSON, OF OREGON
JENNIFER V. BONNER, OF VIRGINIA
JAMES L. CLEVELAND, OF CALIFORNIA
DANIEL ANTHONY CLUNE, OF MARYLAND
KIMBERLY J. DEBLAUW, OF VIRGINIA
THOMAS LAWRENCE DELARE, OF VIRGINIA
GREGORY TORRENCE DELAWIE, OF VIRGINIA
LINDA L. DONAHUE, OF VIRGINIA
SUSAN M. ELBOW, OF THE DISTRICT OF COLUMBIA
HENRY S. ENSHER, OF VIRGINIA

JOHN D. FEELEY, OF THE DISTRICT OF COLUMBIA
PAUL A. FOLMSBEE, OF TEXAS
DAVID R. GILMOUR, OF TEXAS
SHEILA S. GWALTNEY, OF CALIFORNIA
GRETA CHRISTINE HOLTZ, OF MARYLAND
MARY VIRGINIA JEFFERS, OF MARYLAND
SYLVIA DOLORES JOHNSON, OF TEXAS
TINA S. KAIDANOW, OF NEW YORK
RONALD JAMES KRAMER, OF TEXAS
CHRISTOPHER A. LAMBERT, OF VIRGINIA
THERESA MARY LEECH, OF VIRGINIA
ALBERTA MAYBERRY, OF VIRGINIA
GEORGES F. MCCORMICK, OF CALIFORNIA
RAYMOND GERARD MCGRATH, OF VIRGINIA
MARIA ELIZABETH MCKAY, OF FLORIDA
KENNETH H. MERTEN, OF VIRGINIA
PETER J. MOLBERG, OF MISSOURI
ADAM E. NAMM, OF VIRGINIA
THOMAS CLINTON NIBLOCK, JR., OF TENNESSEE
MICHAEL S. OWEN, OF TENNESSEE
MARK A. PEKALA, OF MARYLAND
ROBERTO POWERS, OF CALIFORNIA
EDWARD JAMES RAMOTOWSKI, OF CONNECTICUT
PHILIP THOMAS REEKER, OF NEW YORK
LAWRENCE G. RICHTER, OF CALIFORNIA
ERIC T. SCHULTZ, OF COLORADO
KARL STOLTZ, OF VIRGINIA
DAVID L. STONE, OF LOUISIANA
LUCY TAMLYN, OF NEW YORK
MARY THOMPSON-JONES, OF VIRGINIA
KURT WALTER TONG, OF MARYLAND
MARK A. WENTWORTH, OF VIRGINIA
ROBERT EARL WHITEHEAD, OF FLORIDA
BISA WILLIAMS, OF TEXAS
BRUCE WILLIAMSON, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

SUSAN K. ABEYTA, OF NEW YORK
WHITNEY YOUNG BAIRD, OF NORTH CAROLINA
CHARLES EDWARD BENNETT, OF WASHINGTON
JOHN T. BERNLOHR, OF CALIFORNIA
PAUL LAWRENCE BOYD, OF NEW MEXICO
DAVID EDWARD BROWN, OF FLORIDA
ANGELA ANN BRYAN, OF TEXAS
JUDITH L. BRYAN, OF TEXAS
KATE M. BYRNES, OF FLORIDA
FLOYD STEVEN CABLE, OF NEW YORK
AUBREY A. CARLSON, OF TEXAS
ANNE S. CASPER, OF NEVADA
JEFFREY R. CELLARS, OF CALIFORNIA
THOMAS E. COONEY, OF NEW YORK
MARY ELLEN COUNTRYMAN, OF WASHINGTON
TERRY R. DAVIDSON, OF TEXAS
KAREN BERNADETTE DECKER, OF VIRGINIA
WILLIAM H. DUNCAN, OF TEXAS
MICHELLE M. ESPERDY, OF PENNSYLVANIA
JOHN J. FENNERTY, OF VIRGINIA
ROBERT W. FORDEN, OF CALIFORNIA
PHILIP A. FRAYNE, OF NEW YORK
JENNIFER ZIMDAHL GALT, OF COLORADO
ETHAN AARON GOLDRICH, OF MARYLAND
KATHLEEN D. HANSON, OF THE DISTRICT OF COLUMBIA
JEFFREY J. HAWKINS, OF CALIFORNIA
L. VICTOR HURTADO, OF COLORADO
MICHAEL JOSEPH JACOBSEN, OF TEXAS
CATHERINE J. JARVIS, OF MINNESOTA
DEBORAH A. JONES, OF VIRGINIA
JULIE LYNN KAVANAGH, OF VIRGINIA
VIRGINIA IDELLE KEENER, OF MARYLAND
MICHAEL STANLEY KLECHESKI, OF VIRGINIA
DEBORAH E. KLEPP, OF NEW YORK
MICHELLE A. LABONTE, OF VIRGINIA
ALEXANDER MARK LASKARIS, OF THE DISTRICT OF COLUMBIA
KENT D. LOGSDON, OF FLORIDA
MATTHEW ROBERT LUSSENHOP, OF MINNESOTA
JOSEPH MANSON, OF NEW YORK
ELIZABETH LEE MARTINEZ, OF OHIO
LARRY L. MEMMOTT, OF FLORIDA
ROBIN D. MEYER, OF THE DISTRICT OF COLUMBIA
MARC J. MEZNAR, OF MICHIGAN
ELISABETH INGA MILLARD, OF VIRGINIA
MATTHAIS J. MITMAN, OF FLORIDA
MICHAEL KENT MORROW, OF VIRGINIA
KIN WAH MOY, OF NEW YORK
WARREN PATRICK MURPHY, OF VIRGINIA
ROBERT STEPHEN NEEDHAM, OF FLORIDA
ERIC G. NELSON, OF TEXAS
BETH A. PAYNE, OF THE DISTRICT OF COLUMBIA
MARK X. PERRY, OF MARYLAND
ANN E. PFORZHEIMER, OF NEW YORK
MARY CATHERINE PHEE, OF THE DISTRICT OF COLUMBIA
PAUL P. POMETTO II, OF THE DISTRICT OF COLUMBIA
ELIZABETH CANDACE PUTNAM, OF VIRGINIA
ANDREW J. QUINN, OF NEW YORK
ROBIN S. QUINVILLE, OF CALIFORNIA
MICHAEL A. RATNEY, OF MASSACHUSETTS
SCOTT M. RAULAND, OF FLORIDA
CHRISTOPHER J. RICHARD, OF VIRGINIA
ELIZABETH H. RICHARD, OF TEXAS
ADELE E. RUPPE, OF MARYLAND
CHRISTOPHER J. SANDROLINI, OF ILLINOIS
DOROTHY KREBS SARRO, OF ARIZONA
CYNTHIA C. SHARPE, OF TEXAS
CHERYL JANE SIM, OF VIRGINIA
JOHN STEVENS, OF CALIFORNIA
SUSAN N. STEVENSON, OF FLORIDA

KEVIN KING SULLIVAN, OF CALIFORNIA
BRUCE IRVIN TURNER, OF COLORADO
THOMAS LASZLO VAJDA, OF VIRGINIA
J. RICHARD WALSH, OF WYOMING
PATRICK WILLIAM WALSH, OF CONNECTICUT
BRIAN WILLIAM WILSON, OF WASHINGTON

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JAN D. ABBOTT, OF VIRGINIA
FREDERICK M. ARMAND, JR., OF FLORIDA
CHARLES D. BRANDEIS, OF VIRGINIA
ROBERT J. BROWNING II, OF WASHINGTON
JAMES D. COMBS, OF VIRGINIA
JASPER RAY DANIELS, OF NORTH CAROLINA
KIMBER E. DAVIDSON, OF VIRGINIA
STEPHEN G. PAKAN, OF OHIO
JOHN E. FITZSIMMONS, OF MARYLAND
CHRISTOPHER F. FLYNN, OF VIRGINIA
LAWRENCE W. GERNOH, OF VIRGINIA
ROBERT E. GOODRICH, OF VIRGINIA
HOWARD LEE KEEGAN, OF TEXAS
JAMES A. LEHMAN, OF CALIFORNIA
JERI LYNN LOCKMAN, OF WYOMING
MONTE P. MAKOUS, OF PENNSYLVANIA
GEORGE M. NUTWELL III, OF MARYLAND
DANIEL J. POWER, OF MARYLAND
KURT R. RICE, OF VIRGINIA
CRAIG W. SPECHT, OF FLORIDA
KEITH A. SWINEHART, OF ILLINOIS

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JULIA A. HEIN
ARMIN D. CATE
GARY T. MARTIN
JOHN J. ANCELLOTTI
KATHLEEN J. FAST
SUSAN L. SUBOCZ

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be captain

THOMAS ALLAN
KORY J. BENZ
ROBERT A. BEVINS
PAUL E. BOINAY
WILLIAM J. BURNS
GREGORY D. CASE
SCOTT W. CLENDENIN
TIMOTHY P. CONNORS
SAMUEL R. CREECH
CHRISTINE N. CUTTER
LAURA M. DICKEY
MICHAEL C. DICKEY
DIANE W. DURHAM
TIMOTHY J. ESPINOZA
MARK ANDREW EYLER
JON G. GAGE
SEAN P. GILL
RICHARD HAHN
PATRICIA J. HILL
JAMES T. HURLEY
JAMES K. INGALSBE
KENNETH D. IVERY
ERIC W. JOHNSON
MICHAEL J. JOHNSTON
THOMAS L. KAYE
CHRISTOPHER S. KEANE
JOSEPH B. KIMBALL
JAMES C. KOERMER
JOHN T. KONDRATOWICZ
AMY B. KRITZ
ERIK C. LANGENBACHER
WILLIAM J. LAWRENCE
RICHARD E. LORENZEN
TODD W. LUTES
ROBERT D. MACLEOD
TIMOTHY M. MCGUIRE
PETER A. MINGO
DAVID W. MURK
JOHN P. NEWBY
ANDREW J. NORRIS
JAMES S. OKEEFE
GEORGE J. PAITL
GREGORY T. PRESTIDGE
JEFFREY L. RADGOWSKI
LUKE M. REID
PHILIP C. SCHIFFLIN
SANDRA K. SELMAN
DAVID P. SEMNOSKI
JOHN P. SLAUGHTER
ANDREW M. SUGIMOTO
BRIAN P. THOMPSON
DANIEL J. TRAVERS
DARRYL P. VERFAILLIE
EVAN WATANABE
GEORGE P. WELZANT
CASEY J. WHITE
TODD C. WIEMERS
STEVEN M. WISCHMANN
AYLWYN S. YOUNG

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DIANE J. BOESE
MICHAEL P. ELLERBE
DEIRDRE M. KANE
DAMON T. MATHIS
MICHAEL W. MCDUGAL
PHILIP N. WASYLINA

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

PATRICK C. DANIELS
THOMAS L. EDLER

DISCHARGED NOMINATIONS

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations by unanimous consent:

*ROBERT P. MIKULAK, OF VIRGINIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS UNITED STATES REPRESENTATIVE TO THE ORGANIZATION FOR THE PROHIBITION OF CHEMICAL WEAPONS.

*KRISTIE ANNE KENNEY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THAILAND.

Nominee: Kristie Anne Kenney.
Post: Chief of Mission, Thailand.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.
2. Spouse: none.
3. Children and Spouses: n/a.
4. Parents: Jeremiah J. Kenney, Jr.: (deceased 5/08/05); Elizabeth Kenney: no contributions.
5. Grandparents: Jeremiah J. Kenney: deceased 1972; Selma J. Kenney: deceased 1985; George Cornish: deceased 1945; Irma Cornish: deceased 1972.

6. Brothers and Spouses: John J. Kenney: no contributions; Maria Delsasi: no contributions.

7. Sisters and Spouses: n/a.

*JO ELLEN POWELL, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF MAURITANIA.

Nominee: Jo Ellen Powell.
Post: Mauritania.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.
2. Spouse: Stephen Engelken: none.
3. Children and Spouses: John B.S. Engelken: none.
4. Parents: John Millard Powell: deceased; Janes Rogers Powell: deceased.
5. Grandparents: Lasca Beauchamp Martin: deceased; Joseph Martin: deceased.
6. Brothers and Spouses: none.
7. Sisters and Spouses: Susan Jane Powell: none; Spouse Michael Hayre: deceased; Sara

Rogers Powell: none; Ex-spouse Michael Kirkendall: unknown*; Mary John Powell: none.

*My sister Sara was divorced nearly 20 years ago and I have not seen her former spouse in 20 years. I do not know his whereabouts.

*MARK M. BOULWARE, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CHAD.

*CHRISTOPHER J. MCMULLEN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ANGOLA.

Nominee: Christopher J. McMullen.
Post: Angola.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them.)

Contributions, amount, date, and donee:

1. Self: none.
2. Spouse: Laurel A. McMullen: none.
3. Children and Spouses: NA.
4. Parents (both deceased): Francis J. McMullen: none; Albertine McMullen: none.
5. Grandparents (all deceased): Patrick McMullen: none; Maryann Maguire: none; William J. Kelly: none; Albertine Sanger: none.

6. Brothers and Spouses: Francis J. McMullen: \$25.00, 8/08, Jane Ballard Dyer (D) 3rd Congressional District, Easley, SC: \$50.00, 10/09, Jane Ballard Dyer (D) 3rd Congressional District, Easley, SC. Christine McMullen: none.

7. Sisters and Spouses: Joan Finnegan: none; William Finnegan: none.

*WANDA L. NESBITT, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NAMIBIA.

Nominee: Wanda L. Nesbitt.
Post: Ambassador to the Republic of Namibia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.
2. Spouse: none.
3. Children and Spouses: (no children).
4. Parents: James Wolfe Nesbitt: none—deceased; Edna Delacey Pearson: None—deceased.
5. Grandparents: None—grandparents deceased since 1964.
6. Brothers and Spouses: James W. Nesbitt, Jr.: none.
7. Sisters and Spouses*: Cheryl D. Nesbitt: \$2,500.00, 8/31/07, Obama; Gloria Lynn Nesbitt: \$2,500.00, 8/31/07, Obama. Natalie A. Nesbitt: \$2,500.00, 8/31/07, Obama.

*Donations are identical because they were for attendance at an event hosted by Oprah Winfrey.

*KAREN BREVARD STEWART, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE LAO PEOPLE'S DEMOCRATIC REPUBLIC.

Nominee: Karen Brevard Stewart.
Post: Ambassador to Laos.

(The following is a list of all members of my immediate family and their spouses. I

have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.
2. Spouse: no spouse.
3. Children and Spouses: no children.
4. Parents: Selden L. Stewart II: deceased; Brevard N. Stewart: deceased.
5. Grandparents: Selden L. Stewart: deceased; Nancy Stewart: deceased; Roy D. Stubbs: deceased; Georgia S. Stubbs: deceased.

6. Brothers and Spouses: Selden L. Stewart III: deceased; (spouse) Kathryn H. Stewart: none; David N. Stewart and (spouse) Christine L. Stewart: 2010 to date (January to March): none; 2009: Libertarian National Party, 100.00; The Heritage Foundation, 25.00; Club for Growth PAC, 20.00; Pat Toomey for Senate—PA, 50.00; Marijuana Policy Project PAC, 100.00; Dough Hoffman for Congress—NY, 30.00; National Republican Senate Committee, 25.00. 2008: Libertarian National Committee, 125.00; Woody Jenkins for Congress—LA, 60.00; Obama for America, 135.00; Barr 08 Presidential Committee, 250.00; Marijuana Policy Project PAC, 225.00; Comerica PAC, 235.00. 2007: Libertarian Party, 25.00; Romney for President, 25.00; John Edwards for President, 75.00; Club for Growth, 100.00; Steve Buehrer (R-Ohio), 100.00. 2006: Libertarian National Committee, 75.00; Jim Gilchrist for Congress—CA, 100.00; Club for Growth, 250.00; Texans for Cuellar (D-TX-28), 100.00; A. Smith for Congress (R-NE-3), 150.00; Angle for Congress (R-NV-2), 50.00; Laffey US Senate—RI, 150.00; Keith Butler for US Senate—MI, 100.00; Sali for Congress (R-ID-1), 50.00; Mark Kennedy US Senate 2006—MN, 50.00; Krinkle for Congress (R-MN-6), 50.00; Walberg for Congress (MI-7), 150.00; Vernon Robinson for Congress (R-NC-13), 50.00; Scjwartz for Senate (MI Libertarian), 200.00; Calvey for Congress (OK-5) 50.00; Friends of Bill Hall, Libertarian, 34.00.

7. Sisters and Spouses: no sisters.

*NANCY E. LINDBORG, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

*DONALD KENNETH STEINBERG, OF CALIFORNIA, TO BE DEPUTY ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

*CAMERON MUNTER, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF PAKISTAN.

Nominee: Cameron Phelps Munter.
Post: U.S. Embassy Islamabad.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: N/A.
2. Spouse: N/A.
3. Children and Spouses: N/A.
4. Parents: N/A.
5. Grandparents: N/A.
6. Brothers and Spouses: N/A.
7. Sisters and Spouses: N/A.

*PAMELA ANN WHITE, OF MAINE, CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE GAMBIA.

Nominee: Pamela Ann White.
Post: Gambia.

(The following is a list of all members of my immediate family and their spouses. I

have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: I gave to Obama campaign in January and June 2008, \$400.00.
2. Spouse: Steve Cowper: none.
3. Children and Spouses: Kristopher White: none; Patrick White: none.
4. Parents: Muriel and Richard Murphy: none.
5. Grandparents: deceased.
6. Brothers and Spouses: Sandra Nadeau: none.
7. Sisters and Spouses: Edmund Nadeau: none.

The Senate Committee on the Judiciary was discharged from further consideration of the following nominations by unanimous consent:

MICHAEL C. ORMSBY, OF WASHINGTON, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF WASHINGTON FOR THE TERM OF FOUR YEARS.

MARK F. GREEN, OF OKLAHOMA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS.

PAUL CHARLES THIELEN, OF SOUTH DAKOTA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF SOUTH DAKOTA FOR THE TERM OF FOUR YEARS.

THE SENATE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY WAS DISCHARGED FROM FURTHER CONSIDERATION OF THE FOLLOWING NOMINATIONS BY UNANIMOUS CONSENT.

KEVIN W. CONCANNON, OF MAINE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

KATHLEEN A. MERRIGAN, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

JAMES W. MILLER, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

DALLAS P. TONSAGER, OF SOUTH DAKOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Wednesday, September 29, 2010:

LEGAL SERVICES CORPORATION

JULIE A. REISKIN, OF COLORADO, TO BE MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2010.

GLORIA VALENCIA—WEBER, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2011.

DEPARTMENT OF STATE

RAUL YZAGUIRRE, OF MARYLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DOMINICAN REPUBLIC.

FEDERAL RESERVE SYSTEM

SARAH BLOOM RASKIN, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2002.

JANET L. YELLEN, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2010.

JANET L. YELLEN, OF CALIFORNIA, TO BE VICE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOUR YEARS.

DEPARTMENT OF ENERGY

ANNE M. HARRINGTON, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR FOR DEFENSE NUCLEAR NON-PROLIFERATION, NATIONAL NUCLEAR SECURITY ADMINISTRATION.

DEPARTMENT OF JUSTICE

JOSEPH H. HOGSETT, OF INDIANA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF INDIANA FOR THE TERM OF FOUR YEARS.

MICHAEL J. MOORE, OF GEORGIA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS.

BEVERLY JOYCE HARVARD, OF GEORGIA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS.

JAMES EDWARD CLARK, OF KENTUCKY, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS.

KENNETH JAMES RUNDE, OF IOWA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS.

MICHAEL ROBERT BLADEL, OF IOWA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS.

FEDERAL HOUSING FINANCE AGENCY

STEVE A. LINICK, OF VIRGINIA, TO BE INSPECTOR GENERAL OF THE FEDERAL HOUSING FINANCE AGENCY.

EXPORT-IMPORT BANK OF THE UNITED STATES

OSVALDO LUIS GRATACOS MUNET, OF PUERTO RICO, TO BE INSPECTOR GENERAL, EXPORT-IMPORT BANK.

AFRICAN DEVELOPMENT FOUNDATION

EDWARD W. BREHM, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2011.

JOHNNIE CARSON, AN ASSISTANT SECRETARY OF STATE (AFRICAN AFFAIRS), TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 27, 2015.

MIMI E. ALEMAYEHOU, EXECUTIVE VICE PRESIDENT OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2015.

DEPARTMENT OF STATE

DUANE E. WOERTH, OF NEBRASKA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE COUNCIL OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION.

ALEXANDER A. ARVIZU, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ALBANIA.

JOSEPH A. MUSSOMELLI, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SLOVENIA.

DEPARTMENT OF JUSTICE

WILLIAM C. KILLIAN, OF TENNESSEE, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS.

ROBERT E. O'NEILL, OF FLORIDA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS.

ALBERT NAJERA, OF CALIFORNIA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS.

WILLIAM CLAUD SIBERT, OF MISSOURI, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS.

MYRON MARTIN SUTTON, OF INDIANA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF INDIANA FOR THE TERM OF FOUR YEARS.

DAVID MARK SINGER, OF CALIFORNIA, TO BE UNITED STATES MARSHAL FOR THE CENTRAL DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS.

JEFFREY THOMAS HOLT, OF TENNESSEE, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS.

STEVEN CLAYTON STAFFORD, OF CALIFORNIA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS.

NATIONAL MUSEUM AND LIBRARY SERVICES BOARD

MARY MINOW, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2014.

NATIONAL SCIENCE FOUNDATION

SUBRA SURESH, OF MASSACHUSETTS, TO BE DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION FOR A TERM OF SIX YEARS.

NATIONAL COUNCIL ON DISABILITY

PAMELA YOUNG-HOLMES, OF WISCONSIN, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2013.

LEGAL SERVICES CORPORATION

HARRY JAMES FRANKLYN KORRELL III, OF WASHINGTON, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2011.

JOSEPH PIUS PIETRZYK, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2011.

JULIE A. REISKIN, OF COLORADO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2013.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. ALFRED J. STEWART

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. CHRISTOPHER J. BENCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES M. KOWALSKI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF STAFF, UNITED STATES AIR FORCE, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 8034 AND 601:

To be general

LT. GEN. PHILIP M. BREEDLOVE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. WILLIAM L. SHELTON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. RICHARD Y. NEWTON III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. HERBERT J. CARLISLE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. STANLEY T. KRESGE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. SUSAN J. HELMS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DARRELL D. JONES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. LARRY D. JAMES

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. ARTHUR W. HINAMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CURTIS M. SCAPAROTTI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. PHILLIP M. CHURN, SR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DANIEL J. DIRE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. RONALD E. DZIEDZICKI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN D. JOHNSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. JOSEPH A. BRENDLER

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. DANA M. CAPOZZELLA
COL. STEPHEN L. DANNER

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. MARIA L. BRITT

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. WILLIAM L. FREEMAN, JR.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. FRANK J. GRASS

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDANT OF THE MARINE CORPS, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 U.S.C., SECTIONS 5043 AND 601:

To be general

GEN. JAMES F. AMOS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS ASSISTANT COMMANDANT OF THE MARINE CORPS, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 5044 AND 601:

To be general

LT. GEN. JOSEPH F. DUNFORD, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. THOMAS D. WALDHAUSER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT B. NELLER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD T. TRYON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. TERRY G. ROBLING

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. CHARLES D. HARR

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. (SELECTEE) JOHN M. RICHARDSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. CECIL E. HANEY

CENTRAL INTELLIGENCE

DAVID B. BUCKLEY, OF VIRGINIA, TO BE INSPECTOR GENERAL, CENTRAL INTELLIGENCE AGENCY.

THE JUDICIARY

MARIA ELIZABETH RAFFINAN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH ROBERT L. GAUER AND ENDING WITH RAJENDRA C. YANDE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

AIR FORCE NOMINATIONS BEGINNING WITH ARLENE D. ADAMS AND ENDING WITH AMY S. WOOSLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

AIR FORCE NOMINATIONS BEGINNING WITH MARIANNE E. ALANIZ AND ENDING WITH MARK L. WIMLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

AIR FORCE NOMINATION OF ERNEST J. PROCHAZKA, TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH DANIEL P. GILLIGAN AND ENDING WITH NGHIA H. NGUYEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

IN THE ARMY

ARMY NOMINATION OF ROBERT H. KEWLEY, JR., TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF WILEY C. THOMPSON, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF RAYMOND C. NELSON, TO BE COLONEL.

ARMY NOMINATION OF BERNARD B. BANKS, TO BE COLONEL.

ARMY NOMINATION OF DAVID A. WALLACE, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH MELISSA R. COVOLESKY AND ENDING WITH JOHN H. STEPHENSON II, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2010.

ARMY NOMINATION OF JONATHAN J. MCCOLUMN, TO BE COLONEL.

ARMY NOMINATION OF DANIEL E. BANKS, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF LATANYA A. POPE, TO BE MAJOR.

ARMY NOMINATION OF NED W. ROBERTS, JR., TO BE MAJOR.

ARMY NOMINATION OF JOHN W. PAUL, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH ERIC S. ALFORD AND ENDING WITH MICHAEL K. HANIFAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2010.

ARMY NOMINATIONS BEGINNING WITH GEORGE W. MELELEU AND ENDING WITH AARON L. POLSTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2010.

ARMY NOMINATIONS BEGINNING WITH DEAN P. SUANICO AND ENDING WITH ELIZABETH R. OATES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2010.

ARMY NOMINATIONS BEGINNING WITH BRIAN F. LANE AND ENDING WITH KIMBERLY D. KUMER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2010.

ARMY NOMINATIONS BEGINNING WITH DUSTIN C. FRAZIER AND ENDING WITH COURTNEY T. TRIPP, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2010.

ARMY NOMINATIONS BEGINNING WITH DONALD P. BANDY AND ENDING WITH KEITH J. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND AP-

PEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2010.

ARMY NOMINATIONS BEGINNING WITH STANLEY GREEN AND ENDING WITH JON B. TIPTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2010.

ARMY NOMINATIONS BEGINNING WITH PATRICK L. MALLETT AND ENDING WITH SCOTT H. SINKULAR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

ARMY NOMINATIONS BEGINNING WITH LANNY J. ACOSTA, JR. AND ENDING WITH PATRICK L. VERGONA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

ARMY NOMINATION OF POLLY R. GRAHAM, TO BE COLONEL.

ARMY NOMINATION OF DWAIN K. WARREN, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH JAMES K. BARNETT AND ENDING WITH EDWARD D. NORTHROP, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2010.

ARMY NOMINATION OF THOMAS E. KOERTGE, TO BE COLONEL.

ARMY NOMINATION OF EDWARD B. MARTIN, TO BE MAJOR.

ARMY NOMINATION OF TIMOTHY S. ALLISON—AIPA, TO BE MAJOR.

ARMY NOMINATION OF VICKIE M. JESTER, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH BERNARD H. HOFMANN AND ENDING WITH GREGORY SEAN P. MCDUGAL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

ARMY NOMINATIONS BEGINNING WITH CHARLES L. CLARK AND ENDING WITH OKSANA BOYECHKO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

ARMY NOMINATIONS BEGINNING WITH ALLEN L. FEIN AND ENDING WITH ROSTYLAV R. SZWAJKUN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

ARMY NOMINATIONS BEGINNING WITH ROBERT KIRK AND ENDING WITH TIMOTHY M. SNAVELY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

ARMY NOMINATIONS BEGINNING WITH PAULA OLIVER AND ENDING WITH MICHAEL A. KELLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

ARMY NOMINATIONS BEGINNING WITH AMANDA J. CONLEY AND ENDING WITH THOMAS F. SPENCER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

ARMY NOMINATIONS BEGINNING WITH JEFFREY D. ALLEN AND ENDING WITH TIMOTHY REYNOLDS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

ARMY NOMINATIONS BEGINNING WITH DIXIE J. BURNER AND ENDING WITH ELIZABETH A. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

ARMY NOMINATIONS BEGINNING WITH MICHELL L. AUCK AND ENDING WITH D010491, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

ARMY NOMINATIONS BEGINNING WITH LANEICE L. ABDELSHAKUR AND ENDING WITH SASHI A. ZICKEFOOSE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

ARMY NOMINATIONS BEGINNING WITH JOSEPH H. AFANADOR AND ENDING WITH D010299, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

ARMY NOMINATION OF DAVID C. DECKER, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH YVONNE J. FLEISCHMAN AND ENDING WITH WENDY M. ROSS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH MARILYN S. CHIAFULLO AND ENDING WITH HOWARD D. REITZ, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATION OF CONNIE C. DYER, TO BE COLONEL.

ARMY NOMINATION OF JONATHAN J. BEITLER, TO BE COLONEL.

ARMY NOMINATION OF DAVID K. POWELL, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH JOHN J. FERENC AND ENDING WITH DAVID M. SCHLAACK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH JULIE A. BLIKE AND ENDING WITH AVA J. WALKER, WHICH NOMINATIONS

WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH WILLIAM B. BRITT AND ENDING WITH LYNN A. WISE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH JAMES T. BARBER, JR. AND ENDING WITH JOSEPH C. WOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH SANDRA L. ALVEY AND ENDING WITH AARON TUCKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH JAN E. ALDYKIEWICZ AND ENDING WITH LOUIS P. YOB, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH REBECCA L. ALLEN AND ENDING WITH TONI Y. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH GEORGE A. BERNDT III AND ENDING WITH DOUGLAS W. YODER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH ALAN D. ABRAMS AND ENDING WITH MARK D. SCHULTHESS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH PAMELA Y. DELANCY AND ENDING WITH KAREN L. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH ERICK J. ALVERIO AND ENDING WITH CYNTHIA E. PIERCE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH BESS J. PIERCE AND ENDING WITH TY J. VANNIEUWENHOVEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH STEVEN M. GRODDY AND ENDING WITH HEIDI M. WIEGAND, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH HOWARD A. ALLEN III AND ENDING WITH SUZANNE P. VARESLUM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH TYLER C. CRANER AND ENDING WITH BRENNAN V. WALLACE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH STEPHEN J. BETHONEY AND ENDING WITH KIRK A. YAUKEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH LAWRENCE E. WIDMAN AND ENDING WITH JAMES I. JOUBERT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH PAMELA K. KING AND ENDING WITH MARILYN TORRES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH MARIA E. BOVILL AND ENDING WITH JOANNA J. REAGAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH MARK E. BEICKE AND ENDING WITH JAMES D. TOOMBS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

ARMY NOMINATIONS BEGINNING WITH TODD O. JOHNSON AND ENDING WITH TAMI ZALEWSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

ARMY NOMINATIONS BEGINNING WITH MARK R. BENNE AND ENDING WITH JAMES WOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

ARMY NOMINATIONS BEGINNING WITH CELETHIA M. ABERNETHY AND ENDING WITH LISA A. TOVEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

ARMY NOMINATIONS BEGINNING WITH PAUL D. ANDERSON AND ENDING WITH ALEX P. ZOTOMAYOR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

ARMY NOMINATIONS BEGINNING WITH WILLIAM P. ADELMAN AND ENDING WITH DAVID C. ZENGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

ARMY NOMINATIONS BEGINNING WITH WILLIAM P. ADELMAN AND ENDING WITH DAVID C. ZENGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

IN THE NAVY

NAVY NOMINATION OF TIMOTHY J. RINGO, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH WILLIAM A. BROWN, JR. AND ENDING WITH PAUL J. WISNIEWSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2010.

NAVY NOMINATIONS BEGINNING WITH JAIME E. RODRIGUEZ AND ENDING WITH VINCENT M. PERONTI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2010.

NAVY NOMINATION OF ROBERT C. MOORE, TO BE COMMANDER.

NAVY NOMINATIONS BEGINNING WITH STEVEN D. SENEY AND ENDING WITH NICHOLAS A. SINOKRAK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

NAVY NOMINATIONS BEGINNING WITH ABBY L. O'DONNELL AND ENDING WITH STELLA J. WEISS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

NAVY NOMINATIONS BEGINNING WITH PATRICK P. DAVIS AND ENDING WITH JERRY Y. TZENG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

NAVY NOMINATIONS BEGINNING WITH ROBERT E. ATKINSON AND ENDING WITH GIANCARLO WAGHELSTEIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

NAVY NOMINATIONS BEGINNING WITH ANTHONY H. BEASTER AND ENDING WITH JONATHAN C. WOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

NAVY NOMINATIONS BEGINNING WITH CHARLES M. ABELL AND ENDING WITH CATHERINE F. WALLACE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

NAVY NOMINATIONS BEGINNING WITH RANDY J. BERTI AND ENDING WITH ROBERT H. VOHRER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

NAVY NOMINATIONS BEGINNING WITH KATIE M. ABDALLAH AND ENDING WITH NATHAN J. WINTERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

NAVY NOMINATIONS BEGINNING WITH JEREMY S. BIEDIGER AND ENDING WITH SCOTT E. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

NAVY NOMINATIONS BEGINNING WITH ADRIAN E. ARVIZO AND ENDING WITH LISA L. ZUMBRUNN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

NAVY NOMINATIONS BEGINNING WITH PHILIP T. ALCORN AND ENDING WITH SCOTT D. ZIEGENHORN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

NAVY NOMINATIONS BEGINNING WITH ARMAND P. ABAD AND ENDING WITH MATTHEW A. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

NAVY NOMINATIONS BEGINNING WITH BENJAMIN P. ABBOTT AND ENDING WITH DANIEL W. ZUCKSCHWERDT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

NAVY NOMINATION OF TINA F. EDWARDS, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH JOXEL GARCIA AND ENDING WITH LARRY E. MENESTRINA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2010.

NAVY NOMINATIONS BEGINNING WITH BRIAN D. ONEIL AND ENDING WITH JOSE R. PEREZTORRES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2010.

NAVY NOMINATION OF ERIK RANGEL, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF VICTOR JOHN CATULLO, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH WILLIAM A. MIX AND ENDING WITH JOHN H. STEELY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

NAVY NOMINATIONS BEGINNING WITH RONALD K. BACH AND ENDING WITH ANNA A. ROSS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

NAVY NOMINATION OF BRIAN O. WALDEN, TO BE CAPTAIN.

NAVY NOMINATION OF JEFFRY P. SIMKO, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF PATRICK A. GARVEY, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH SHERWIN Y. CHO AND ENDING WITH JEFFREY G. SOTACK, WHICH NOMINA-

TIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

NAVY NOMINATION OF DOMINIC V. GONZALES, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF MICHAEL H. HOOPER, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF VIRGILIO S. CRESCINI, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH ALDRIN J. A. CORDOVA AND ENDING WITH JERALD L. ROCKS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

NAVY NOMINATIONS BEGINNING WITH JOHN W. BAISE AND ENDING WITH NING L. YUAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

NAVY NOMINATIONS BEGINNING WITH RAYNARD ALLEN AND ENDING WITH ROBERT B. WILLS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

NAVY NOMINATIONS BEGINNING WITH JOSE G. ACOSTA, JR. AND ENDING WITH SCOTT A. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

NAVY NOMINATIONS BEGINNING WITH KONIKI L. AIKEN AND ENDING WITH JAMES S. ZMLJSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

NAVY NOMINATIONS BEGINNING WITH DOMINIC J. ANTENUCCI AND ENDING WITH DELICIA G. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

NAVY NOMINATIONS BEGINNING WITH BRENT N. ADAMS AND ENDING WITH EMILY L. ZYWICKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

NAVY NOMINATIONS BEGINNING WITH TERESITA ALSTON AND ENDING WITH ERIN K. ZIZAK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

NAVY NOMINATIONS BEGINNING WITH KENRIC T. ABAN AND ENDING WITH FRANKLIN R. ZUEHL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF AGRICULTURE

KEVIN W. CONCANNON, OF MAINE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

KATHLEEN A. MERRIGAN, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

JAMES W. MILLER, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

DALLAS P. TONSAGER, OF SOUTH DAKOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

DEPARTMENT OF STATE

ROBERT P. MIKULAK, OF VIRGINIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS UNITED STATES REPRESENTATIVE TO THE ORGANIZATION FOR THE PROHIBITION OF CHEMICAL WEAPONS.

KRISTIE ANNE KENNEY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THAILAND.

JO ELLEN POWELL, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF MAURITANIA.

MARK M. BOULWARE, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CHAD.

CHRISTOPHER J. MCMULLEN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ANGOLA.

WANDA L. NESBITT, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NAMIBIA.

KAREN BREVARD STEWART, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE LAO PEOPLE'S DEMOCRATIC REPUBLIC.

CAMERON MUNTER, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF PAKISTAN.

PAMELA ANN WHITE, OF MAINE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE GAMBIA.

UNITED STATES AGENCY FOR INTERNATIONAL
DEVELOPMENT

NANCY E. LINDBORG, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

DONALD KENNETH STEINBERG, OF CALIFORNIA, TO BE DEPUTY ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

DEPARTMENT OF JUSTICE

MICHAEL C. ORMSBY, OF WASHINGTON, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF WASHINGTON FOR THE TERM OF FOUR YEARS.

MARK F. GREEN, OF OKLAHOMA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS.

PAUL CHARLES THIELEN, OF SOUTH DAKOTA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF SOUTH DAKOTA FOR THE TERM OF FOUR YEARS.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on September 29, 2010 withdrawing from further Senate consideration the following nomination:

TERESA TAKAI, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE JOHN G. GRIMES, WHICH WAS SENT TO THE SENATE ON APRIL 12, 2010.

EXTENSIONS OF REMARKS

IN HONOR OF WILLIAM COBLENTZ

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Ms. PELOSI. Madam Speaker, I rise today to pay tribute to William Coblentz, a legendary San Franciscan, a great American and citizen of the world who passed away on September 13th. Bill's leadership on many of our most important physical and cultural landmarks profoundly shaped the city's landscape and character, and his impassioned defense of human rights and intellectual freedom helped to define our ideological heritage. He was a visionary whose work helped make San Francisco the international city it is today.

A native of San Francisco, Bill was born in 1922 and attended Lowell High School and the University of California, Berkeley. After studying law at Yale, he returned to join a small real estate practice in San Francisco. He would remain at this firm for more than 55 years—guiding it to become one of the biggest and most influential in the city.

As a partner at the firm, now known as Coblentz, Patch, Duffy & Bass, Bill helped shape many of San Francisco's most significant post-war building projects, such as Yerba Buena Gardens, AT&T Park, the Fillmore Auditorium, Levi Plaza, and Mission Bay. He was a highly respected attorney and influential political leader, both as special counsel to California Governor Pat Brown and to San Francisco Mayor Joseph Alioto.

Beyond his professional accomplishments, Bill inspired others with his profoundly compassionate soul. Bill loved people, and those of us who were fortunate enough to know him will always remember the warmth and ease of his friendship. He believed in the value of every individual, and generously gave his time and energy to those from all walks of life. An example of this can be seen during his service on the Airport Commission, when he would volunteer as a janitor for the day on Christmas so that a custodian could spend that time with his family.

His courage and vision were perhaps most evident in his leadership on the University of California Board of Regents, where he served as a member from 1964 to 1978 and as chairman from 1978 until 1980. As a Regent on a conservative board, he pressed the university to fight apartheid in South Africa and to uphold the right of controversial thinkers Angela Davis and Eldridge Cleaver to teach in the University of California system.

Bill's combination of legal expertise and warm egalitarianism drew some colorful, high profile clients. In the sixties, he worked with Bill Graham on the Fillmore Auditorium, and soon found himself connected to the vibrant San Francisco rock scene. He gave personal and professional legal advice to groups as the

Jefferson Airplane, Santana, and the Grateful Dead, and in doing so was an unlikely contributor to one of the major cultural movements in San Francisco's history.

San Francisco has lost a beloved son. I hope it is a comfort to his wife Jean, his sister Lolita Erlanger, his children Wendy and Andy, and his four grandchildren that countless San Franciscans join them in mourning Bill's passing.

RECOGNIZING THE METTAWEE
COMMUNITY SCHOOL PENNIES
FOR PEACE PROGRAM

HON. PETER WELCH

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. WELCH. Madam Speaker, I rise today to recognize an extraordinary group of students at the Mettawee Community School in West Pawlet, Vermont.

I would like to commend the Mettawee Community School for its effort, inspired by Greg Mortensen's Three Cups of Tea, to collect pennies to help build schools for children halfway around the world. The pennies collected by students at Mettawee were donated to Mortensen's "Pennies for Peace" charity, which helps support education for children in rural Pakistan and Afghanistan. I am immensely proud of the students and teachers of Pawlet and Rupert for organizing this project.

Through a selfless commitment to supporting opportunities for children whom they have never met, Mettawee's students learned about the importance of giving to others, the invaluable nature of education, and the consequences of conflict. They learned that not all the world's children have the chance to attend school, and of the need to fight extremism and intolerance with education and opportunity.

The initiative was spearheaded by Mettawee Community School third graders Sydney Badger, Trinity Delano and Isabelle Desroches, with the help of teacher Nancy Bryant. Together they organized a collection of 47,700 Pennies for Peace. The pennies will go to children in Pakistan and Afghanistan, and these funds have the potential to change lives by providing access to learning opportunities and by ending isolation and cycles of ignorance.

I would like to thank the students of Mettawee Community School for their hard work and dedication to the cause of bringing education to boys and girls in Pakistan and Afghanistan through Pennies for Peace.

COMMEMORATING THE 99TH NATIONAL DAY OF THE REPUBLIC OF CHINA

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to recognize the National Day of the Republic of China also known as Taiwan's National Day. October 10, 2010 marks the 99th anniversary of the establishment of the Republic of China and commemorates the 1911 Wuch'ang uprising ultimately leading to the collapse of the Qing dynasty. This day is also known as the "Double Ten" Day where 23 million people in the Republic of China along with Taiwanese from across the world celebrate their new-found democracy.

In recent months Taiwan has experienced a number of achievements, including the signing of an Economic Cooperation Framework Agreement with mainland China and participating as an observer in the World Health Organization's annual meetings in Geneva. Currently, Taiwan is requesting that the International Civil Aviation Organization (ICAO) consider accepting Taiwan as an observer in the organization as Taiwan is a major international hub connecting Northeast Asia, Southeast Asia, and North America. Each year, over 1.54 million flights pass through the Taipei Flight Information Region (FIR) and it would be beneficial for ICAO. The safety and security of each passenger is of paramount importance to everyone concerned. Yet Taiwan is excluded from the activities of the International Civil Aviation Organization (ICAO) to consider opportunities where Taiwan can participate in the Multilateral "public key directory" (PKD) consultations.

As a fellow democratic ally of the United States, we must further support and encourage Taiwan's growing global participation. Again, I wish the people of Taiwan everywhere a blessed day of celebration and reflection.

HONORING THE GREATER HAZLETON AREA POLONAISE SOCIETY'S CELEBRATION OF POLISH AMERICAN HERITAGE MONTH AND THE REVEREND LOUIS S. GARBACIK

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

to the Greater Hazleton Area Polonaise Society and its annual celebration of Polish American Heritage Month.

The Society will mark this year's Polish American Heritage Month with its 33rd annual Polish American Heritage Ball on October 17, 2010 in Hazleton, Pennsylvania.

The Greater Hazleton Area Polonaise Society's mission is to preserve the culture and customs brought to Northeastern Pennsylvania by their ancestors over a century ago.

Over the past 33 years, each October the Society has celebrated the history of their ancestors who traveled to the United States, and the lasting impacts they made throughout Northeastern Pennsylvania and its mining industry during the late 19th and early 20th centuries.

This year's event will also honor the late Reverend Louis S. Garbacik, who served as Chaplain of the Greater Hazleton Polonaise Society for over 23 years. He passed away on January 1, 2010.

Reverend Garbacik was born in West Hazleton in 1928.

He graduated from Hazle Township High School in 1946 before attending St. Mary's College in Michigan.

Following graduation from St. Mary's College in 1950, Reverend Garbacik enrolled at SS. Cyril and Methodius Seminary in Michigan. He was officially ordained to the priesthood at St. Gabriel's Church in Hazleton in 1954.

Over the past 50 years, Reverend Garbacik led congregations throughout Northeastern Pennsylvania.

He first was assigned to Gate of Heaven Church in Dallas before being assigned to Maternity of the Blessed Virgin Mary in Wilkes-Barre.

In 1977, Reverend Garbacik was named pastor of Holy Child Parish in Nanticoke, Pennsylvania, and in 1983 he also became administrator of Ascension Church in Mocanaqua, Pennsylvania.

From 1986 through his retirement in 2006, Reverend Garbacik was pastor of St. Stanislaus Roman Catholic Church in Hazleton. In 2006 he was appointed pastor emeritus.

Madam Speaker, please join me in honoring the Greater Hazleton Area Polonaise Society and its celebration of Polish American Heritage Month. For over 30 years, the Society has worked to preserve and promote the rich Polish American history in Northeastern Pennsylvania, and this year they will pay special tribute to one of the Society's most dedicated leaders.

HONORING THE LIFE OF COMMAND SERGEANT MAJOR WAYNE A. FAUSZ

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. DAVIS of Kentucky. Madam Speaker, today I pay tribute to Command Sergeant Major Wayne A. Fausz, of Florence, Kentucky, who lost his life on August 10, 2010, in an automobile accident in North Carolina.

He was the Command Sergeant Major of the 1st Attack Reconnaissance Battalion, 82nd Combat Aviation Brigade, 82nd Airborne Division.

Command Sergeant Major Fausz is survived by his mother, Darlene Hinkle of Union, Kentucky and his father, David Fausz, Sr., of Independence, Kentucky.

In addition to being an outstanding father to his two children, Nathaniel and Autumn, he was a dedicated husband to his wife, Natasha.

Command Sergeant Major Fausz was deployed twice to Iraq and once to Saudi Arabia. His military awards and decorations include the Legion of Merit and Bronze Star Medal.

Today, as we celebrate the life and accomplishments of this exceptional Kentuckian, my thoughts and prayers are with Command Sergeant Major Wayne A. Fausz's family and friends.

We are all deeply indebted to Command Sergeant Major Wayne A. Fausz for his service and his sacrifice.

HONORING DR. DENNIS E. MURRAY

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. SHUSTER. Madam Speaker, today I rise to recognize the work of Dr. Dennis E. Murray and the positive impact he's had on education as Superintendent of the Altoona Area School District in Altoona, Pennsylvania for the last 25 years.

At a time in our country when many public school systems have been under attack for not making the grade, Altoona has experienced steady growth and achieved tremendous accomplishments under Dr. Murray's effective leadership.

Recently, U.S. News and World Report named Altoona Area High School as one of America's best high schools.

Dr. Murray is an innovator who has challenged his district to be on the cutting edge of technology and educational programs. He is also a pragmatist who's helped modernize its buildings and facilities efficiently for the district's taxpayers.

Most important, Dr. Murray has never forgotten his roots in education that began 47 years ago as a classroom teacher. His emphasis on hiring excellent teachers and providing students with the necessary tools for a solid education means that Altoona's graduates are among the best prepared for the future in our great Nation.

Dr. Murray will be honored on October 6, 2010 by the Altoona Kiwanis Club as its Distinguished Citizen of the Year. I congratulate him on this recognition and I ask to place his long list of accomplishments into the CONGRESSIONAL RECORD. I would like to thank him for his continued stellar service to the local Altoona area community.

DR. MURRAY'S LIST OF ACCOMPLISHMENTS FOR THE RECORD:

Dr. Murray received a B.S. in education from Slippery Rock University in 1963 and an M. Ed. in educational administration from Duquesne University in 1965. He earned his

Doctor of Education degree in elementary education and educational psychology from Penn State in 1973.

He has been honored with many prestigious awards including the Educational Leadership Award from Phi Delta Kappa; the Distinguished Educator Award from the Tri-State Study Council of the University of Pittsburgh; the Excellence in Education Award from the Penn State University College of Education; the Exemplary and Innovative Educational Leadership and Management Award from the Pennsylvania Department of Education; the Excellence in Administration Award from the Pennsylvania School Study Council; the Blair Bedford Central Labor Council AFL-CIO Person of the Year Award; and an honorary doctorate from St. Francis University in 2008.

In addition to his service to the Altoona Area School District, Dr. Murray is a member of the Board of Trustees at Slippery Rock University. He has served on numerous community boards and committees and teaches graduate level courses for St. Francis University and Penn State.

Management of the budget for the past 25 years with only four minimal tax increases over that time period. The 2010-2011 AASD budget is \$89.3 million.

Completion of numerous capital projects including new school construction/renovation at Baker, Ebner, Juniata Gap, Penn-Lincoln, Irving, Pleasant Valley and Logan elementary schools as well as the \$48.5 million Altoona Area Junior High School which opened in 2008.

Creation of the Bertram Leopold Recreation Center (five tennis courts, two volleyball courts and two basketball courts) on the campus of Altoona Area High School in 1988.

Successful negotiation of numerous contracts with teachers in the Pennsylvania State Education Association, non-instructional employees in the AFSCME Union, and teacher assistants who belong to the Educational Support Personnel organization. These agreements included health/hospitalization agreements.

Negotiation of payments to the school district in lieu of taxes from area hospitals.

Outsourced management of the school district's food service program as well as student bus and van transportation.

Improved computerization of the school district Tax Office.

Established countless school/community partnerships which have stimulated economic development in Blair County.

Implemented a school-based management/total quality education program known as Q-SITE (Quality Schools Involving Teams for Excellence). As part of this initiative, the school received ISO-9001 certification in January, 2002.

Creation of the Altoona Area School District Foundation—a non-profit organization that has attracted \$2.9 million in private contributions since 1989. More than \$725,000 has been allocated for a very successful Teacher Grants program.

A \$507,000 donor-designated gift to the AASD Foundation by the Sheetz family led to the creation of the new Sheetz Athletic Training Center at Mansion Park. Last year, Bob Sill, an AHS graduate, donated \$125,000 for

team rooms and coaches' offices at Mansion Park.

Creation of the national 4,200-member Altoona Area High School Alumni Association.

Establishment of partnerships with colleges and universities that have helped to make Altoona a teaching/research-based school district.

Creation of the Center for Advanced Technologies in 1994, believed to be the first of its kind in a public school district in the United States thanks to a partnership with the Cornell University Synthesis Coalition.

Creation of the Central Pennsylvania Digital Learning Foundation, a cyber charter school begun during the 2002–2003 school year in cooperation with 32 Central Pennsylvania school districts.

Creation of an After-School Arts Program and an Elementary Stage Band.

Establishment of a rigorous secondary curriculum which features 18 Advanced Placement courses. The College Board has recognized this AP program.

Creation of a digital multi-media lab at AAHS to enhance foreign language instruction. A digital Mt. Lion Television studio enables students to learn broadcasting skills. Another new digital lab is used to teach multi-media skills and music theory and harmony.

Installation of an artificial surface and an all-weather track at Mansion Park Stadium and an artificial turf on the Altoona Area High School intramural field. In 2008, a new Trophy Turf surface was installed at Mansion Park. Construction of a third turf field, Roosevelt Field, at the site of the former Roosevelt Junior High School, also has a Trophy Turf playing surface.

Offering elementary students a school of choice at the McAuliffe Heights Program at Irving School, which was named a National Blue Ribbon School in 2007 as well as an Apple Computer Distinguished School in 2010.

U.S. News and World Report named Altoona Area High School as one of America's best high schools in 2010.

Becoming the first Pennsylvania school district to put strobe lights on school buses.

Establishment of the William P. Kimmel Alternative School for at-risk secondary students.

Creation of a partnership with Atlantic Broadband which has enabled the school district to deliver public access/educational access television to Blair County residents.

Helped create the Central Blair Recreation Commission of which the school district is a member.

Establishment of a School Police Department will full police powers. This department oversees an extensive network of security cameras throughout the school district. Security greeters are also assigned at all three secondary schools.

Established a technology coordinator position along with a Technology Department.

Instituted drug testing for all new AASD employees and for secondary interscholastic athletes.

Created an employee wellness center.

Helped AASD become one of Pennsylvania's first school districts to implement full-day kindergartens at all schools. This year, Altoona has 31 full-day kindergartens.

HONORING THE AMERICAN SOCIETY FOR TRAINING AND DEVELOPMENT (ASTD)

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. MORAN of Virginia. Madam Speaker, I rise today to acknowledge the American Society for Training and Development (ASTD) as one of the largest associations dedicated to the training and development of professionals, recognizing them for their annual Employee Learning Week, held December 6 through the 10, 2010.

Established in 1943, ASTD has been a leader in the training and development field. In recent years, ASTD has widened the profession's focus, aligning learning with an individual's performance and their organizations' results. In 1945, ASTD held their first annual conference and continues to be a leading voice in the field of workplace development 65 years later.

Members of ASTD come from more than 100 countries and connect locally in 130 U.S. chapters with 30 international partners. They work in thousands of organizations of all sizes, in government, as independent consultants, and as suppliers.

ASTD continues to help its members and the learning profession build a highly skilled workforce that is critical for organizations to grow and sustain a competitive advantage. To further these goals, ASTD has declared December 6 through December 10, 2010 as "Employee Learning Week" and designated time for organizations to recognize the strategic value of employee learning.

I applaud ASTD and its members for their dedication to developing the knowledge and skills of employees during Employee Learning Week. I urge my colleagues to join me in supporting policies that commit to maintaining a highly skilled workforce.

THE LEAVING ETHANOL AT EXISTING LEVELS (LEVEL) ACT

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. BURGESS. Madam Speaker, I rise to introduce legislation to place a pause on the Environmental Protection Agency's (EPA) irresponsible actions in moving forward toward approving a waiver for an increase in ethanol in fuel.

Currently, gasoline contains a 10 percent blend wall of ethanol, known as E-10. The EPA is considering increasing the allowable amount of ethanol in gasoline to 15 percent, or E-15. This, despite the EPA not performing any of its own studies on the matter, and relying entirely on outside studies. I questioned Assistant Administrator Gina McCarthy regarding the EPA's decision to move forward with a waiver for E-15, and was wholly dissatisfied with her responses as to the research EPA has done itself on the safety of increasing to

this level of ethanol. She deferred entirely to outside groups and to the Department of Energy's research. Does EPA not employ its own scientists and experts? Is EPA's position that it is incapable of doing its own research? We saw that EPA was inept at performing its own "climate science" research, I suppose we could expect no different with the safety of ethanol levels.

But this is serious business. If EPA approves this waiver, car engines, lawn mowers, tractors—any engine that uses gasoline, could be potentially at risk for catching fire or having mechanical failure. Moreover, businesses tasked with selling this new gasoline with increased ethanol could face potential lawsuits from consumers who fail to follow posted signs warning them that E-15 should only be used in newer engines. Does anyone truly believe that mis-fillings and misunderstandings of the sign won't lead to disastrous results? The fact that EPA is even considering this change proves they simply don't care.

I'm not necessarily opposed to increasing the level of ethanol in fuel—if it's done responsibly, and with sound science to back it up. I don't believe EPA has done its due diligence, and certainly nothing EPA has provided to the Energy & Commerce Committee would disprove my fears. This bill will allow for a pause—before EPA hastily approves any further ethanol in fuel—for more studies to be conducted and more assurances to be made that an increase in the blend wall for ethanol will be safe. The security of the public's well-being should be paramount in this case.

RECOGNIZING THE CAREER OF MR. SAM WOLF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in recognizing the distinguished career and significant regional contributions of Mr. Sam Wolf.

Sam Wolf, a resident of Granite City, Illinois, served 18 years in the Illinois House of Representatives from 1974 until he retired in 1992. Among his more notable accomplishments during his time in the General Assembly was legislation establishing community college voting sub-districts. This was important to ensure equitable representation of the different geographic areas covered by a community college district.

Sam Wolf has been a strong proponent of Southwestern Illinois College and was a driving force in the establishment of the college's Granite City Campus in 1984. Sam worked to secure funding for the Industrial Technology Center at the Granite City Campus and the development of the Automotive Collision Repair Technology program there. Sam has been a member of the Southwestern Illinois College Board of Trustees since October 1995.

In recognition of Sam's tireless efforts to expand and improve Southwestern Illinois College, the Granite City Campus is named the Sam Wolf Granite City Campus. This is a fitting tribute for a man who has done so much

to provide quality educational opportunities for current and future generations.

Madam Speaker, I ask my colleagues to join me in an expression of appreciation to Mr. Sam Wolf for his many contributions to the Southwestern Illinois region and to wish him the very best in the future.

CONGRATULATING WALTER
PAYTON COLLEGE PREP OF CHICAGO
ON RECEIVING THE INTEL SCHOOL
OF DISTINCTION TOP AWARD
FOR INNOVATION IN MATH AND SCIENCE

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. DAVIS of Illinois. Madam Speaker, today I wish to congratulate Walter Payton College Prep from Chicago on its success within the Intel Schools of Distinction competition. Walter Payton prevailed over 149 other schools to win both the School of Distinction for Mathematics Excellence as well as the overall competition grand prize, the Star Innovator Award. Together, these two awards convey over \$175,000 in monetary grants as well as materials—including hardware and software, professional development materials, and curriculum resources. I celebrate the hard work of the students and faculty of the school and applaud their success.

Walter Payton College Prep High School is a magnet school whose curriculum emphasizes mathematics, science and world languages. The Intel award highlighted Walter Payton's mathematics program. Impressively, over a quarter of the students at Walter Payton take five or more math courses before graduation. In addition to this rigorous set of core classes, many of the students at Walter Payton fill their electives with advanced placement statistics and/or university-level math courses. Over 99 percent of the student population scores as "Meeting or Exceeding" state math standards on the Prairie State Achievement Examination. Walter Payton also has an impressive 98 percent graduation rate and an outstanding record of students who both qualify for advanced placement courses and pass advanced placement tests.

Through its focus on math and science, Walter Payton College Prep is helping America become more competitive globally. Multiple reports and experts have sounded the alarm that our nation must quickly accelerate and enhance its training of students in the areas of science, technology, engineering, and math in order to meet the growing demand for U.S. workers with these skills and to improve our ability to compete in a global economy. Further, these experts agree that we need to broaden the participation of individuals who are underrepresented in these fields, such as racial/ethnic minorities and women. According to the Census Bureau, 39 percent of the population under the age of 18 is a racial or ethnic minority. However, in 2003, only 4.4 percent of U.S. science and engineering jobs were held by African Americans and only 3.4 percent by Hispanics. In 2008, the American Community

Survey reported that 10.3% of the total U.S. population were in the professional, scientific, management and administrative services industry; however only 7.7% of Cambodians, 6.8% of Hmongs, and 5.2% of Laotians actually held these types of jobs. Given that over half of the students attending Walter Payton represent racial/ethnic minorities, the school is helping decrease this gap in science and math fields. State, local and federal officials must do more to offer the high-caliber programming offered at Walter Payton to all students so that we can strengthen our citizens and our nation.

As we start the 2010–2011 school year, I am pleased to congratulate Walter Payton College Prep in the Seventh Congressional District of Illinois for its achievements and commitment to the mathematics and science fields. Well done!

HONORING SPECIAL ACHIEVEMENTS
OF THE WEST HILLS COLLEGE
NORTH DISTRICT CENTER

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. COSTA. Madam Speaker, I rise today to pay tribute to the students, faculty, staff and administration at West Hills College, North District Center as they are recognized for being named as one of "America's 50 Best Community Colleges" in August 2010 by the Washington Monthly. Chancellor of West Hills Community College District Frank Gornick, President of West Hills College-Coalinga Willard Lewallen, Director of the North District Center Marcel Hetu, and the Board of Trustees deserve special recognition for their leadership and commitment to education in our Valley.

The beginnings of this fine institution were set in motion during the Great Depression and it is to the credit of the greatest generation and their forward thinking that this college came to be. Established to provide much needed educational opportunities for our Valley's rural areas, West Hills College has been on the forefront of efforts to ensure the hard-working residents of the Central Valley have access to a quality education and the opportunity to improve their circumstances. The North District Center shares in the wonderful history of the local community, having been a restaurant, a bowling alley, and business offices prior to the service it provides today to students. The college district includes campuses in Lemoore and Coalinga, with numerous satellite operations in nearby towns enhancing educational access for our Westside communities.

West Hills College has shown great commitment to supporting student learning and providing educational, cultural, and economic development opportunities to students and the local and global communities that they serve. Academic and vocational programs, including administration of justice, agriculture, child development and nursing among many others, give local students the tools they need to succeed. West Hills College has truly become a

premier interactive learner-centered community college and it is fitting that this institution is recognized today for its contribution to our Valley's educational, social, cultural and economic vitality.

I am proud to have West Hills Community College as part of my congressional district and furthermore proud to have an alumnus of the North District Center as a member of my staff. It was with great honor that I spoke at commencement ceremonies in May 2006, and it is again with that same honor that I rise today to celebrate West Hills College and their outstanding programs.

It goes without saying, "Once you go here, you can go anywhere." As we celebrate one of America's best, let us applaud the dedication West Hills Community College has shown to the community throughout the years. Please accept my warmest congratulations on being rated the 34th Best Community College in America and the highest ranking community college in California and our deepest thanks for your contributions to our Valley.

HONORING DR. PRINCE JACKSON, JR.

HON. JOHN BARROW

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. BARROW. Madam Speaker, I rise today to pay tribute to one of my constituents and one of my heroes, Dr. Prince Jackson, Jr., who died last Tuesday at the age of 85. There's an old proverb, "He who refreshes others will himself be refreshed." Dr. Jackson proved it, because he spent his entire life refreshing others, and he certainly seemed to be refreshed all along the way.

A mathematician by profession, with a master's degree from New York University and a Ph.D. from Boston College, Dr. Jackson was trained to think logically. But it was a passion for justice and equal opportunity that led him to fight the system of legal and economic discrimination that once defined our part of the country. After having been fired from his position in the public schools for daring to advocate an end to segregation, Dr. Jackson went on to become president of his alma mater, Savannah State University, and served as the president of the Savannah Branch of the NAACP. Even in retirement, Dr. Jackson continued to mentor teens and worked to overcome the economic vestiges of discrimination and the violence that threaten so many of our youth.

Dr. Jackson leaves an indelible footprint on the academic and political landscape of Georgia. He was a good friend to me personally, but more importantly, he was a great man and a great leader.

IN RECOGNITION OF THE ADCARE
HOSPITAL OF WORCESTER, INC.
ON ITS 35TH ANNIVERSARY

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. McGOVERN. Madam Speaker I rise today to congratulate and thank AdCare Hospital of Worcester, Inc. on this 35th Anniversary for its unwavering dedication to our community in its mission to help individuals and their families overcome the disease of addiction. Over the years AdCare Hospital has provided invaluable services to our community by responding to area demand for alcohol and drug abuse treatment. I am proud to have an institution in the Massachusetts Third Congressional District that has provided so many resources to the citizens of the district and beyond for so many years; your work is truly remarkable.

Conceived in 1975 as a 10-bed alcoholism unit in an acute care hospital setting, ADCARE grew into one of the most comprehensive providers of alcohol and drug abuse services in the country. In 1984 Adcare converted the entire 114-bed medical/surgical facility to an addiction treatment hospital. ADCARE continued to expand beyond its inpatient roots, by opening Adcare Outpatient Services Worcester in 1986. Their mission of providing quality alcohol and drug abuse treatment in a safe environment and throughout the continuum of care expanded even further with the establishment of AdCare Outpatient Services in Boston in 1989, North Dartmouth in 1993, Warwick, Rhode Island in 2000, Quincy in 2003, and West Springfield in 2005. All are fully licensed clinics in convenient locations throughout Massachusetts and Rhode Island.

ADCARE is accredited by the Joint Commission on Accreditation of Health Care Organizations and Licensed by the Department of Public Health demonstrating strict compliance with national standards for patient safety and quality of care and is a member of the Northeast Node of the National Institute on Drug Abuse (NIDA) Clinical Trials Network, participating in research designed to improve clinical treatment outcomes. ADCARE continues to expand national access to treatment through 1-800-ALCOHOL, the nationwide Admission and Referral Line, founded and sponsored by ADCARE HOSPITAL.

Over the years AdCare Hospital employees have answered more than 3 million 1-800-ALCOHOL calls; admitted over 150,000 patients for a total of over 1 million days of patient care; and conducted in excess of 750,000 outpatient visits to individuals and families seeking services for substance abuse treatment. This was achieved thanks to a committed clinical, medical and administrative staff that all work together to treat a debilitating and chronic disease.

Madam Speaker, I am sure that the United States House of Representatives joins me in recognizing AdCare Hospital of Worcester for its important role in our community.

KAGAYAKI KOBE SOCIAL
WELFARE ORGANIZATION

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. ENGEL. Madam Speaker, people helping their fellow men and women in their time of need is so prevalent amongst us that we can only believe it is an integral part of our makeup, that which gives us our humanity.

An organization in this mode is the Kagayaki Kobe Social Welfare Organization, in Kobe, Japan, who, with its volunteers and supporters, is dedicated to providing services to the physically and mentally handicapped, their families and to the community at large. Part of the aid includes job training, daily living skills, assisted living, training and support for family members, all ongoing features of this organization's selfless dedication to gaining acceptance, integration and fair treatment of the most vulnerable members of our society.

Kagayaki Kobe focuses on the individual needs of the disabled. It has promoted creativity and self expression through the staging of the popular "Clown Angels" performers, through art and calligraphy and in the production of crafts. The organization provides psychological and physical therapy, medical assistance and the forum for group activities to encourage openness and communication so that we all can better understand and provide assistance for others.

From November 20th through November 23rd the Kagayaki Kobe International Event will celebrate the people who strive endlessly to make possible the good work of this organization: Mrs. Polissa Choueke, International Liaison, Mrs. Miyoko Ikeyama, President, and Mrs. Natsuko Dama, Financial Director, and all of the volunteers and supporters who so are dedicated.

The Choueke Family, including Tony Choueke and Mrs. Polissa Choueke, also maintains a museum in Kobe as home to many artworks, antiques, interior decoration and a garden open to the public to benefit community events and charitable causes. The building, designed as an English mansion with a blend of Japanese and international influences, was acquired by the Choueke family in 1954 and for four generations, the Choueke family has been dedicated to its preservation and acquiring the artworks that adorn the interior.

As a senior member of the House Foreign Affairs Committee and its subcommittee on Asia, the Pacific, and the Global Environment I salute the efforts and cooperation between Kagayaki-Kobe and Mrs. Polissa Choueke in their dedication to the betterment of the mentally challenged, in furthering awareness and acceptance for the disabled, in providing both material and personal assistance to those in need, and working together to promote good will in nurturing the friendship between the people of Japan and those of the United States of America through service to others.

REPUBLIC OF CHINA'S NATIONAL
DAY

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. BARTON of Texas. Madam Speaker, I rise to recognize the Republic of China's National Day on October 10th. Today I join the Taiwanese people as they celebrate their freedom. Taiwan has peacefully transformed itself from an authoritarian regime to full-fledged democracy. It will hopefully constitute a model for the eventual establishment of a genuine democracy in China.

The United States and Taiwan value human rights, civil liberties, a free press and the rule of law. Our shared values have produced a strong and dependable friendship for over sixty years. Today, the people of Taiwan determine their own destiny and government through free and fair elections.

The Republic of China was one of the first to come to our aid after the events of September 11th attacks and Hurricane Katrina devastations. Taiwan continues to be our ally in the war against terrorism by providing humanitarian assistance in Iraq and Afghanistan.

In honoring the Republic of China, we need to continue to sell defensive weapons to Taiwan fulfilling our commitments under the Taiwan Relations Act. Despite the goodwill that has been gradually built up between Taiwan and China, the possibility of military confrontation continues to exist in the Taiwan Strait. A well-armed Taiwan is the best guarantee to perpetuate peace and stability in the region.

To ROC President Ma Ying-jeou I say "good luck." I remain hopeful that our relations will continue to be strengthened in 2011 and beyond. Certainly, the capable leadership of Ambassador Jason Yuan has helped to further our relations with the government and people of Taiwan.

HONORING GLOS POLEK

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. QUIGLEY. Madam Speaker, I rise today to recognize the centennial of Glos Polek, the official publication of the Polish Women's Alliance of America, PWAA. Since its first issue was printed in 1910, Glos Polek has influenced the lives of hundreds of thousands of Polish women and their families in the United States and abroad.

Throughout hundreds of issues, the newspaper documented women's struggle and their plight to attain equal rights within society. The articles and photographs contained in Glos Polek's pages covered the scope of female injustice. They were undoubtedly instrumental in rallying women's voices to collectively demand their right to vote and make their own financial decisions. Glos Polek urged women to pursue higher education, enter into the professional world and, in the face of the global battle, tear down fascism and communism along Poland's

path toward democracy and independence. To its core, Glos Polek told the stories of ordinary, everyday women facing the challenges of their time.

A traveling exhibition called "A Voice of Their Own" has been planned to mark Glos Polek's centennial. It is scheduled to open in Chicago in the fall of 2010 and travel to other U.S. cities in 2011 before continuing to Poland in 2012. The exhibit hopes to attract publicity for the newspaper's historic anniversary, generate interest in the PWAA, and increase membership.

Madam Speaker, I ask my colleagues to join me in recognizing one the most impactful, longest running and well-respected publications in women's history. Chicago's extensive Polish community has greatly contributed to the city's multicultural identity, and the city is proud to host Polish American organizations like the PWAA. Please join us in making Glos Polek's 100th birthday a successful and meaningful celebration.

HONORING MR. BILL KLING FOR
HIS SERVICE TO AMERICA'S VET-
ERANS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to recognize Mr. William "Bill" Kling for his continued service to America's veterans. Mr. Kling's unwavering patriotism and continued dedication to America's heroes are to be highly commended.

Bill Kling served in the Navy during the Second World War. It was during his time in the Navy that Mr. Kling developed an unceasing devotion to his fellow servicemen. For over 35 years since, Mr. Kling has served his fellow veterans living in South Florida through community service and political activism.

Mr. Kling currently serves as the Chair of the Broward County Veterans Council (BCVC), a coalition of 57 organizations in Broward and Palm Beach Counties that operates under a common plan to protect and implement benefits for veterans.

Uniting behind its mission "To Serve and Unite our Veterans," the BCVC has achieved substantial benefits for our veterans under Mr. Kling's leadership. As an advocate for better health care for veterans, Mr. Kling led the drive to build the new state-of-the-art Broward County VA Outpatient Clinic in Sunrise, FL. In addition to a successful campaign for a veterans state nursing home located in Pembroke Pines—a crucial service for veterans living in South Florida—Mr. Kling and the BCVC were also instrumental in delivering a VA hospital to Palm Beach, Florida.

Mr. Kling's leadership has even had a national impact. Mr. Kling and the BCVC are responsible for the implementation of the handicapped parking signs that are now ubiquitous in shopping malls and public areas across America.

Bill Kling's most recent service to America's veterans has focused on national legislation and keeping the BCVC's member organiza-

tions informed so that they may act accordingly. Mr. Kling has been an outspoken critic of the military's "Don't Ask, Don't Tell" policy and a leading voice in the fight for its repeal. Additionally, Mr. Kling has been actively working to ensure that military families receive the same benefits as private citizens under America's recent landmark health care reform. Mr. Kling's leadership will help 700,000 young adults whose families are members of TRICARE, which covers military families, become eligible for health insurance coverage.

I have always valued Mr. Kling's insights and advice, and I proudly salute his exceptional service to our nation's veterans and, indeed, to all Americans. Not only is Bill Kling an American hero, Madam Speaker, he is a living testimony to the spirit of national service and a true role model.

OUR UNCONSCIONABLE NATIONAL
DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$13,468,173,874,830.08.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$2,829,748,128,536.28 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

HONORING DISCOVERY HOSTAGE
SITUATION

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. VAN HOLLEN. Madam Speaker, I rise today to recognize the actions of the men and women who responded courageously to the recent hostage situation at the Discovery Communications building in Silver Spring, Maryland.

On Wednesday, September 1, 2010, a man entered the Discovery Communications building in downtown Silver Spring, Maryland, taking three people hostage. This individual was holding a gun and possessed four improvised explosive devices, including one strapped to his body. For more than three hours, authorities attempted to negotiate with him to surrender and release the hostages. He was heard to repeatedly state that he was prepared to die. After hearing what was believed to be either a gunshot or an explosive detonating, the law enforcement team shot him and freed the hostages.

The local and federal authorities responding to this crisis situation in a dense urban environment are to be commended for their courage and professionalism. Responders included

the Montgomery County Police Department, Montgomery County Fire and Rescue Service, the Maryland State Police, the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives. I want to especially recognize the Special Operations Division SWAT team of the Montgomery County Police Department for its leadership throughout this intense and uncertain situation. The Discovery Communications' building security officers and administrative staff also are to be commended for their quick and effective implementation of their crisis plan. The seamless communication and coordination between these agencies was a demonstration of their outstanding training and preparedness to handle crisis situations.

I would also like to commend Discovery Communications for implementing effective emergency plans that resulted in the safe evacuation of their employees and children in the building's day care center. The level-headed approach of Discovery's management and employees towards the situation prevented the crisis from escalating into a far worse scenario. Discovery's actions were essential in ensuring the safety of its employees during this crisis.

Outstanding preparedness training and seamless inter-agency communication, combined with the effective implementation of emergency plans by calm and cooperative Discovery management and employees, brought this harrowing situation to a safe conclusion. Although there was a loss of life, the first responders' courage, swift response, and professionalism helped prevent a bad situation from becoming worse and even more deadly.

CONGRATULATING MRS. MARTHA
TWISSELMAN ON RECEIVING THE
2010 AGRICULTURIST OF THE
YEAR AWARD

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. COSTA. Madam Speaker, I rise today to congratulate Mrs. Martha Twisselman of McKittrick, California on receiving the 2010 Agriculturist of the Year Award from the Kern County Fair. Mrs. Twisselman's dedication to fostering youth interest in agriculture through her work on the Kern County Fair Junior Livestock Auction Committee and her many years of community service make her most deserving of this award. It should also be noted with special recognition that Mrs. Twisselman is the first woman to be recognized with this honor.

Mrs. Twisselman was born in Paso Robles, California, to Ellsworth and Mary Muttney. Martha attended Olig Elementary, McKittrick Elementary, and graduated from Taft High School. After graduation, she married Carl F. Twisselman II and moved to the Temblor Ranch where she began her life in the cattle business.

Mrs. Twisselman is an active community volunteer, having held several posts in the past years including President of the McKittrick Elementary School Parent Teachers Association and President of the Taft High and McKittrick Elementary Parent's Support Organizations. Martha has also supported local

youth groups, acting as a girls' softball coach for eight years and serving as a 4-H leader for 14 years.

Mrs. Twisselman's service to the agricultural community includes many years of involvement with the Kern County Cattlewomen's Association. She served as a director of the association, held the offices of secretary, treasurer, vice-president, and served as President of the association from 1997 to 1998. In 1996, Martha was also named Kern County Cattlewomen's Association Cattlewoman of the Year.

In addition to her volunteer service to youth and agriculture groups, Mrs. Twisselman has worked side-by-side for more than five decades with her husband, Carl, in the family's livestock grazing business. Martha was also a staff member of the Kern County Fair Junior Livestock Auction Committee for five years, working with families involved in showing livestock at the Kern County Fair. Last year, the Kern County Fair Auction Committee dedicated its catalogue to Martha and Carl Twisselman in honor of the couple's service to the agricultural community.

Martha and her husband Carl have four children, Mary Ann Hagstrom and husband Chuck; Carl F. Twisselman III and his wife Stacey; Julie M. VanSickel and her husband Jim; and Kathy Tracy and her husband Rob. Martha and Carl are also the proud grandparents of 13 grandchildren.

The leadership, commitment and dedication Mrs. Twisselman has shown to the Kern County Fair and to Kern County youth has not wavered during the many years she has served her community. Martha Twisselman is a role model for community spirit and it is with great pride that I congratulate her again on receiving the distinguished 2010 Kern County Fair Agriculturist of the Year Award and thank her for the great work she does for the residents of Kern County.

**HONORING PASTOR SCOTT
MANGANELLA AND PRECIOUS
LIFE INCORPORATED**

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. SHUSTER. Madam Speaker, today, I rise to recognize the work of Pastor Scott Manganella and Precious Life Incorporated of Altoona, Pennsylvania. Precious Life has been involved in helping young women between the ages of 16 to 22 through the challenges of unplanned pregnancies for over 20 years.

Precious Life began its mission in 1985 when Pastor Manganella began operating a non-profit 24-hour hotline to give pregnant women counseling and an alternative to abortion. 80 women were helped in the hotline's first year of operation.

In 1988 after seeing a need for expanded services, Precious Life bought a house on Allegheny Street in Hollidaysburg and converted it into a temporary home for pregnant women with nowhere else to turn.

Since the Precious Life Maternity Home opened 22 years ago, it has offered shelter,

comfort and support to over 150 displaced young pregnant women in the Altoona area.

Pastor Manganella and the staff at Precious Life provide an open door for comfort and support to young women who have been kicked out of their homes, abused or simply have no other place to turn.

Equally important, the staff act as a surrogate family for many of these young women, giving them structure and direction that was absent in their lives.

Pastor Manganella's work has expanded throughout central Pennsylvania, with a sister office in Bedford as well as a ministry in Johnstown. In addition, Pastor Manganella recently partnered with My Brother's Keeper, a Pennsylvania non-profit international Christian charity to open a center for education on abortion and family issues in Romania.

Pastor Manganella will be honored for his leadership on October 19, 2010 at the Pennsylvania Pro-Life Federation's 2010 Celebrate Life Banquet in Harrisburg and I congratulate him for his noble service.

**HONORING THE WOMAN'S CLUB OF
MORRISTOWN**

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the Woman's Club of Morristown located in Morris County, New Jersey, which is celebrating its 100th Anniversary this year.

Since its inception in 1920 as the Woman's Town Improvement Committee, the Woman's Club of Morristown has played a significant role in the community. Part of the New Jersey State Federation of Woman's Clubs and the General Federation of Woman's Clubs, the Woman's Club of Morristown has a long history of helping improve the lives of others.

Over the past century, the scope and impact of the efforts made by the members of the Woman's Club of Morristown have been far-reaching; from raising funds to volunteering their time for a variety of causes. They have shown a strong commitment to assisting the needs of cancer patients, newborns, nursing home residents, and residents at Greystone Psychiatric Hospital. In addition, they have shown their support for education by providing assistance to The Lake Drive School for the Hearing Impaired, awarding scholarships to graduates of Morristown High School and donating books to the Morristown Library. The Woman's Club of Morristown has also shown their support for organizations that help battered women and abused children. They are continuously looking to help those less fortunate, exemplified by their donations of clothing to Seaman's Institute and their co-sponsoring of "Operation Holiday," which provides gifts to those who cannot afford them.

In addition to assisting organizations in the community, the Woman's Club of Morristown has noted the historical importance of the area by preserving and maintaining the historic house of Dr. Lewis Condict, which serves as their club house. The house was built in 1797

and has been maintained by the organization for over 50 years.

Madam Speaker, I ask you and my colleagues to join me in congratulating the members of the Woman's Club of Morristown as they celebrate 100 incredible years of community service.

PERSONAL EXPLANATION

HON. JOHN BARROW

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. BARROW. Madam Speaker, I was not present for votes on Wednesday, September 22, 2010. Had I been present, I would have voted "yes" on rollcall vote 532 and "yes" on rollcall vote 533.

RECOGNIZING THE CONTRIBUTIONS OF JOHNNIE AYCOCK

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. BACHUS. Madam Speaker, it is an honor to recognize the contributions of Johnnie Aycock, the President and CEO of the Chamber of Commerce of West Alabama, for his dedicated and tireless work to bring greater opportunity to the people of our region and State. Johnnie has announced plans to retire from the Chamber effective March 21, 2011 after 28 years of exemplary service.

During Johnnie's tenure, the West Alabama Chamber of Commerce has earned statewide recognition and respect for economic and workforce development, education initiatives and innovation in community development programming. West Alabama has enjoyed significant economic achievements, from the recruitment of large manufacturing plants to the development of many new small businesses. Johnnie's ability to build partnerships among the private sector, educational institutions, and government has been an integral part of this success.

Johnnie has stressed the importance of business leaders being active in public affairs and in their communities. He founded Leadership Tuscaloosa, which has trained more than 900 citizens in leadership. He has served on the Alabama Governor's Commission on Existing Industries and as Co-Chair of the Committee on Tax, Incentives & Fiscal Policy and has freely given of his time and talents to numerous civic organizations including the Alabama Jaycees, the Literacy Council of West Alabama, Junior Achievement, and the Rotary Club of Tuscaloosa. Johnnie has been recognized for his outstanding work with honors that include the Phi Delta Kappa's Outstanding Citizen For Education in Tuscaloosa County, the Tuscaloosa Advertising Federation's Bronze Oak Wreath Award for Community Service, the Outstanding Commitment to Public Service Award from the University of Alabama, and induction into the Tuscaloosa County Civic Hall of Fame.

A skilled communicator, Johnnie is the author of "Tuscaloosa: The Tradition, The Spirit, The Vision" and a contributor to the book, "Tuscaloosa: Centennial Progress, Millennial Hopes." He has been a columnist for the Tuscaloosa Business Ink Magazine, Planet Weekly, and Tuscaloosa Christian Family Magazine and for 7 years wrote a weekly column for the Tuscaloosa News.

Johnnie Aycock is a graduate of Auburn University and the Institute of Organization Management at the University of Notre Dame. He is also a graduate of the Center for Creative Leadership in Greensboro, North Carolina. Johnnie is a former member of the faculty of the Kettering Foundation's Public Policy Institute and has served as an adjunct professor at Stillman College's Management Institute.

The sound economic base and high quality of life that distinguishes West Alabama can be traced in no small part to the energy and enthusiasm of Johnnie Aycock. It is has been my pleasure to work with Johnnie on many economic development, education, and service initiatives during my time in Congress. Though Johnnie is retiring from his leadership position at the West Alabama Chamber of Commerce, I have no doubt that he will continue to be a devoted servant to the community that he so dearly loves.

HONORING THE 25TH ANNIVERSARY OF TREE FRESNO IN FRESNO, CALIFORNIA

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. COSTA. Madam Speaker, I rise today to congratulate Tree Fresno on the occasion of their 25th anniversary celebration. Tree Fresno has made a significant impact on the community of Fresno by promoting environmental stewardship programs and educating the community on the importance of preserving the environment. During their quarter-century of work, Tree Fresno has been responsible for planting over 37,000 trees in the greater Fresno area.

Tree Fresno was founded in 1985 during the city of Fresno's centennial anniversary by a group of concerned citizens dedicated to improving the local environment and preserving green spaces. Initial efforts from this group came to fruition in the form of a telethon raising \$27,000 which was used to purchase trees to be planted in the downtown and Tower District areas.

While Tree Fresno's primary focus is on preserving green space in the community of Fresno, educational programs remain an important aspect of Tree Fresno's mission. Educational and stewardship programs such as Trees for Campuses & Kids and the Junior Board of Directors help teach Valley children the value of green spaces and caring for the environment. The Trees for Campuses & Kids program, which has planted over 4,100 trees on Fresno County school campuses, is only one example of the great services Tree Fresno provides to the community.

Community support, including endowment and membership programs, has helped Tree

Fresno accomplish a variety of projects in the Fresno community. Examples of these initiatives include the planting of 500 trees along the McKinley Avenue Canal Bank and 939 trees on Blackstone Avenue, as well as partnerships such as the "A Shade Better" program with Pacific Gas & Electric which allowed for 400 trees to be provided to homeowners to reduce energy costs. Through their efforts, Tree Fresno has planted over an average of a thousand trees a year in Central California. Tree Fresno also continues to make progress on the Friant Oak Loop-Scenic Highway Beautification and Reforestation Project and the Master Urban Parkway Plan which will create a network of over 200 miles of urban trails and connect schools, parks, and recreation areas.

In honor of Tree Fresno's 25th anniversary, they are launching a new endeavor called the "Real Green" program which aims to plant 100,000 trees over the next 10 years in partnership with organizations in the Fresno area. Tree Fresno's 25 years of advocacy for green spaces has contributed immensely to making the Central Valley a better place to live, work and raise a family. I ask my colleagues to join me in honoring Tree Fresno on the occasion of their 25th Anniversary and applaud their tireless work and enormous contributions as they continue their mission to preserve green space and provide environmental education for the community of Fresno.

INTRODUCTION OF H.R. 6222, THE NATIONAL OPPORTUNITY AND COMMUNITY RENEWAL ACT

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. McGOVERN. Madam Speaker, hunger and poverty are scourges on our society, but they do not have to be enduring or debilitating. Over the last hundred years, we have created a safety net system in this Nation that ensures that low-income families do not go without food, shelter and healthcare. No longer do we see mass starvation in this country. Communities aren't ravaged by disease and low-income families, for the most part, have access to doctors and medicine when they do face illnesses.

The sad fact, however, is that we are not winning the battle against poverty in this country. Recent Census data show that over 43 million Americans now live in poverty and, of those people, over 15 million are children.

If that weren't bad enough, we are continuing to recover from the worst economic times this Nation has faced since the Great Depression. Federal and state funds are tight and private donations to non-profits and charities aren't coming in at the same levels as before the recession.

It's easy to talk the talk when it comes to poverty. There may be a press release or a quick statement for the local papers. Some may even give a policy speech talking about the travesty of poverty and professing the need to do something bold.

But actions speak louder than words. We need to renew our commitment to fighting pov-

erty. We need to refresh our thinking about the way our communities target poverty. Frankly, it's time we start addressing poverty in a new way, a way that reflects the challenges of low-income families while respecting these difficult economic times.

That's why I introduced "The National Opportunity and Community Renewal Act" today. I'm pleased that Senator BOB CASEY from Pennsylvania introduced a companion version in the Senate and I look forward to working with him on this issue.

The idea is simple—reduce poverty by better utilizing federal and state resources in smarter and more sensible ways. Making ends meet through federal programs is not how people in this country want to live. The families I talk to want good paying jobs that allow them to put good, nutritious food on their table; pay for a roof over their head; and have a job that provides access to good, comprehensive healthcare. But the current federal safety net programs don't help people lift themselves out of poverty.

This bill, however, will help them do that. The National Opportunity and Community Renewal Act will award ten communities grants for five years each to test new and innovative approaches to poverty reduction. Each award is for \$10 million that must be used in ways that will reduce poverty in half over 10 years. In other words, this bill allows communities to come up with antipoverty plans while maximizing the amount of funding spent on these plans.

We know that some plans work better in urban areas than in rural areas; that fighting poverty in Central Pennsylvania is different than fighting poverty in Central Massachusetts. But that doesn't mean the goals and means are any different.

Let me be clear—no one should interpret this legislation as cut to the social safety net. During these difficult times, we must ensure that low-income families have the support they need to put food on the table, heat their homes and receive proper medical care. This legislation is a starting point in this effort, a way to begin the dialogue on ways to improve and more efficiently run our anti-poverty programs. Frankly, it's a way to start the conversation on how to cut poverty in half in 10 years; a way to shift the conversation from individual safety net programs that manage the problem to a focus on results that actually help lift people out of poverty.

We need to commit to reducing poverty, but we need to do so smartly and responsibly. We need to allow communities the flexibility to come up with plans that suit their communities and we need to properly but responsibly fund these programs.

Ultimately, we'll be judged by the results of these programs. I believe we can reduce poverty in these participating communities by half in 10 years and I'm looking forward to working Senator CASEY, Father Larry Snyder and the Catholic Charities community on this worthy project.

HONORING UKRAINIAN GENOCIDE
REMEMBRANCE DAY 2010**HON. MIKE QUIGLEY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. QUIGLEY. Madam Speaker, I rise today to pay homage to the 10 million innocent men, women and children who lost their lives in the Ukrainian genocide of 1932–1933. As a result of Joseph Stalin and the Soviet government's brutal economic policies, peasants were stripped of their land, herded onto collective farms, and all the food that was produced was property of the state. Due to this deprivation of food and aid, masses of Ukrainian people began to starve in what is now known as one of the greatest atrocities known to civilization: an intentional, manmade famine intended to defeat all resistance and break the will of the Ukrainian people.

The Soviets, however, failed to account for the resilience and unbreakable spirit attributed to the people of this nation as the Ukrainians proved their strong will in emerging from an overtly oppressive regime to form a strong democratic nation. The Orange Revolution and the people of Ukraine are a true testament to the world of how a nation in dire straits can triumph over its oppressor to build a sovereign democracy.

Madam Speaker, I ask my colleagues to join me in recognizing Ukrainian Genocide Remembrance Day 2010, as we shed light on the horrific effects of group-targeted acts of violence and commemorate those who suffered. It's important not to fall into the line of retroactive thinking and dismiss these instances of the worst type of groupthink as issues from the past. Regimes in power with the desire and intent to destroy national, ethnic and religious still exist in many countries around the world. The divisive will of these people is only strengthened if we choose to ignore their presence.

HONORING D.C.'S DIFFERENT
DRUMMERS**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Ms. NORTON. Madam Speaker, I rise today to ask the House of Representatives to join me in celebrating D.C.'s Different Drummers on their 30th Anniversary of providing music and entertainment for the lesbian, gay, bisexual, and transgender (LGBT) community in Washington, D.C.

The marching band began with 9 members in the 1980s, but D.C.'s Different Drummers has grown in membership and is comprised of several marching bands that range from four to 74 players, including the Capitol Pride Symphonic Band, Capitol Pride Winds, DC Swing! big band, DCDD Marching Band, Pep Band, and several other ensembles.

D.C.'s Different Drummers are committed to creating fine music and entertainment for the community. Their annual marches in the Cap-

ital Pride Parade and the Fourth of July Pali-sades Parade have received significant local attention over the years, but their march in the Inaugural Parade of President Barack Obama, as part of the Lesbian and Gay Band Association, brought national attention to their excellence as well. The D.C.'s Different Drummers have marched in Pride Parades in Baltimore, Harrisburg, Fredericksburg and Durham, Maryland.

The community has benefited as well through their volunteer efforts, such as carrying banners, US/DC flags, and the like at parades.

D.C.'s Different Drummers welcome not only non-gay members and non-musicians, but also encompass people of all races, cultures, and backgrounds. They hold open, weekly rehearsals. D.C.'s Different Drummers are truly a community-oriented band with respect for all.

I have marched in Pride parades since coming to Congress to emphasize universal human rights and the importance of enacting federal legislation to secure the same rights for the LGBT community enjoyed by others. Congress has much work to do. We must pass the Family Leave Insurance Act, the Employment Non-Discrimination Act, the Domestic Partnership Benefits and Obligations Act, the Respect for Marriage Act, the Safe Schools Improvement Act, the Military Readiness Enhancement Act, the Tax Equity for Health Plan Beneficiaries Act, the Family and Medical Leave Inclusion Act, the Uniting American Families Act, and the Responsible Education About Life Act.

This year our Nation's capital joined Iowa, Maine, Massachusetts, and New Hampshire in extending equal marriage rights to its LGBT residents.

Madam Speaker, I ask the House of Representatives to join me in celebrating the D.C.'s Different Drummers on their 30th Anniversary.

INTRODUCING THE HAITIAN EDU-
CATIONAL EMPOWERMENT ACT
OF 2010**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce the Haitian Educational Empowerment Act of 2010. This legislation will allow those students who have had their studies interrupted as a result of the January 12th earthquake to complete their degrees at a U.S. university. It will also provide grants to American universities that have taken in Haitian students so that these schools can provide necessary support services.

As we are all well aware, this past January, a 7.0 magnitude earthquake rocked the already struggling nation of Haiti. Approximately three million people were affected and 230,000 are estimated to have died. Those that survived are facing unimaginable conditions with a crumbling infrastructure that has hindered the availability of even basic necessities.

However, in addition to the massive physical devastation and loss of human life, the earthquake also dealt a devastating blow to Haiti's already struggling higher education sector. With 87 percent of Haiti's universities located in the affected region, the earthquake leveled many university buildings and killed scores of students and academics. The State University of Haiti, the nation's largest, saw 80 percent of its buildings destroyed.

Even if classes are able to resume under current conditions, many students have found that they can no longer afford to attend as they and their families struggle to recover from the earthquake. Additionally, prior to the earthquake, only 1 percent of Haitians between the ages of 18 and 24 were enrolled in a university. For many of these students, a college education was their ticket out of poverty.

Now, they have not only seen their loved ones perish and their homes reduced to rubble, but their hopes for a better future have been dashed as well. My legislation will allow these students to complete their studies while requiring them to return to the island upon completion to put their education to work.

At a time of extreme instability and crisis, the United States must do all within its power to help Haiti rebuild from this current tragedy. However, this recovery cannot be sustainable if Haitians lack the necessary skills to participate in the process.

While investments are made to rebuild and expand Haiti's university system, it would be counterproductive if, in the meantime, we allow Haiti to fall even further behind in educational attainment. My legislation will not only provide immediate relief to those struggling students who saw their hopes squandered on January 12th, but will also help ensure a more robust, long term recovery.

I ask my colleagues to support this legislation and urge the House Leadership to bring it swiftly to the House floor for consideration.

HONORING REVEREND HERMAN C.
MCCRAY, JR.**HON. KENDRICK B. MEEK**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. MEEK of Florida. Madam Speaker, I am pleased to recognize and honor Reverend Herman C. McCray, Jr., an anchor throughout the Palm Beach County community who has continued to be a living example of the ideals of community service. On September 25, 2010, the Palm Beach County Board of County Commissioners will hold a Bridge Dedication Ceremony for the "Herman McCray Jr. Bridge."

A native Floridian, Reverend McCray was born in West Palm Beach and graduated from Roosevelt High School. Upon graduation, he joined the United States Armed Services, 101st Airborne Division. Once Reverend McCray returned home, he attended Palm Beach Junior College, which is now Palm Beach Community College. He received religious training from Palm Beach Atlantic University School of Theology.

Reverend McCray became an anchor in both the West Palm Beach community where

he grew up and the Riviera Beach community where he moved once he married his wife of 47 years, Lillian. The couple has three sons. Reverend McCray and his family joined Greater Bethel Primitive Baptist Church and have remained members for more than 40 years. In 1992, Reverend McCray was ordained a Minister and has served as Assistant Pastor of Greater Bethel for more than 10 years. Under his leadership, the church has sponsored many ministries and provided services that deal with issues affecting the lives of people in all age groups.

As a former Supervisor of Sanitation for the City of Riviera Beach, Reverend McCray brought great changes to his community. In the State of Florida, he was the first and only African-American to hold this position. He was also the first African-American to be employed as a ticket agent for the Greyhound Bus Company.

In an effort to complement his professional achievements, Reverend McCray operated McCray's Barbeque Restaurant in Riviera Beach where he prepared and distributed—free of charge—dinners and other meals to the sick and shut-in, homeless, elderly and other disadvantaged individuals. He has also volunteered with incarcerated men and women by giving self-enhancement messages. For more than 47 years, Reverend McCray has been a member of the Youth of Recreation Association of Riviera Beach. During this time, he served as president of the organization. Working with the Imperial Men's Club, he organized the Young Entrepreneurs, teaching students from Suncoast High Community School the art of establishing their own business. Because Reverend McCray has been a driving force in the fight for civil and equal rights for citizens in Palm Beach County, he has been listed in Blacks in Social Change in the South by University of Florida Professor Jim Button. He was also elected to Palm Beach County Biracial Committee and the Riviera Beach City Council.

Moreover, Reverend McCray has received numerous awards and recognitions such as: Business Man of the Year from Omega Psi Phi Fraternity, Inc.; the Westboro Business and Professional Women's Club; and Senior Citizen on the Year from the Martin Luther King Coordinating Committee.

Madam Speaker and my colleagues, I ask that you join me in honoring Reverend Herman C. McCray, Jr., a humble public servant, a true beacon of hope and a guiding light in the Palm Beach County community. He is an outstanding American worthy of our collective honor and appreciation. It is with deep respect and admiration that I commend Reverend McCray for dedicating his life to the community, and I thank him for his exceptional leadership.

RECOGNIZING THE 99TH NATIONAL DAY OF THE REPUBLIC OF CHINA

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. ROTHMAN of New Jersey. Madam Speaker, I rise today to recognize October 10,

2010 as the 99th National Day of the Republic of China. Taiwan's National Day, also known as Double Ten Day, celebrates the October 10, 1911 Wuchang Uprising. This uprising in the city of Wuchang was the beginning of the Xinhai Revolution, which led to the collapse of the imperial Qing Dynasty and the subsequent establishment of the Republic of China.

Double Ten Day is commemorated annually in Taiwan and across the globe, beginning with the raising of the flag of the Republic of China and followed by parades, festivals, and other celebrations. In my own state of New Jersey, the Double Tenth will be celebrated at a special event held on October 3, 2010 in Edison Township. I am proud to recognize this important holiday and express my continued support for a strong Taiwanese democracy.

Madam Speaker, today I would like to congratulate the Republic of China on its 99th National Day and offer my best wishes to Taiwan as it looks toward its centennial year!

RECOGNIZING UNIVERSITY OF THE OZARKS FOR ITS SPECIAL NEEDS PROGRAM

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. BOOZMAN. Madam Speaker, I rise today to recognize and congratulate the University of the Ozarks for its work with students with special needs.

The Clarksville, Arkansas university earned national attention and was named by Parade Magazine to its "College A-List" for its efforts to help college students with learning disabilities.

Established in 1971, the University of the Ozark's Jones Center was one of the first centers in the nation created to assist college students with learning disabilities or attention deficit/hyperactivity disorders. The center has a student to faculty rate of 4 to 1 which allows the center to provide students with the best services available so they can achieve the results they are capable of.

Jones Learning Center Director Linda Frost says this recognition confirms the dedication and commitment of staff to providing students with comprehensive support that allow all students to succeed.

This is a great honor for the staff and the students. Having such innovative leaders in the classroom provides an opportunity for all students to get the education they deserve. I am proud of the efforts of the Jones Learning Center and the University of the Ozarks and wish them success in the future as education leaders work to meet the needs of all students. I look forward to recognizing its future successes.

HONORING THE LIFE OF SERGEANT FIRST CLASS KRISTOPHER CHAPLEAU

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. DAVIS of Kentucky. Madam Speaker, today I pay tribute to Sergeant First Class Kristopher Chapleau, from LaGrange, Kentucky, who lost his life on June 30, 2010, of injuries sustained at Forward Operating Base Blessing, Afghanistan.

He was assigned to the 1st Battalion, 327th Infantry Regiment, 1st Brigade Combat Team, 101st Airborne Division (Air Assault), Fort Campbell, Kentucky.

Sergeant First Class Chapleau was a thirteen year veteran infantryman and platoon leader who enlisted in the Army in 1997.

He was the beloved husband of Terry Chapleau and a father to four young children, Jacob, Tyler, Angelica and Kimberly.

Today, as we celebrate the life and accomplishments of this exceptional Kentuckian, my thoughts and prayers are with Sergeant First Class Chapleau's family and friends.

We are all deeply indebted to Sergeant First Class Kristopher Chapleau for his service and his sacrifice.

HONORING LATINA LEADER AWARD RECIPIENT DR. JULIET V. GARCIA, PRESIDENT OF UTB/TSC

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. ORTIZ. Madam Speaker, I rise today to honor the work, dedication and leadership of Nueces, UTB/TSC President, Dr. Juliet V. Garcia, who will receive this evening the Latina Leader Award at the Washington Court Hotel.

Dr. Garcia joined The University of Texas System as the president of The University of Texas at Brownsville in January 1992 after having served as president of Texas Southmost College for six years. When she was named as president of TSC in 1986, she became the first Mexican-American woman in the nation to become president of a college or university.

Under Dr. Garcia's leadership, the campus has grown from 49 acres to more than 460 acres; the budget has increased from \$31.4 million to \$150 million, and the total fall enrollment has grown from 7,000 students to more than 15,000 students.

While the university has continued to increase in quantity, it has also grown in quality. The vocational nursing graduates have achieved a pass rate of more than 95 percent for their state licensures, likewise, the teacher education graduates achieved a 94 percent pass rate on their certification exams, with education students specializing in music, school counseling, Spanish, social studies, special education, physical education and

mathematics achieving a 100 percent pass rate.

Dr. García has established a campus culture that promotes student success. She was instrumental in the establishment of a Math and Science Academy for high school students, an Early College High School in collaboration with the Brownsville Independent School District.

She has a strong history of public service. She served as chair of the Advisory Committee to Congress on Student Financial Assistance and on the White House Initiative on Educational Excellence for Hispanic Americans. Most recently, Dr. García has served on the boards of National Campus Compact, chaired Texas Campus Compact, and was a member of President-Elect Obama's Transition Team.

She currently serves on the boards of Ford Foundation, the Public Welfare Foundation, the Robert Wood Johnson Foundation, Humanities Texas, and Raise Your Hand Texas. She is also currently serving as the co-chair of the Notre Dame University Task Force: On the Participation of Latino Children and Families in Catholic Schools in America.

Among the many honors Dr. García has received for her work is induction into the Texas Women's Hall of Fame for Lifetime Achievement in Education and the Hispanic Heritage Award. She has received the Reginald V. Wilson Diversity Award from the Office of Minority Affairs from the American Council on Education. She was named one of the Top 10 College Presidents by Time magazine; Hispanic Business magazine recognized her multiple times in their 100 Most Influential Hispanics annual publication. The Brownsville Independent School District named the Juliet V. García Middle School after her.

She has received honorary degrees from the University of Notre Dame and Brown University. Dr. García earned a Ph.D. in Communications and Linguistics from The University of Texas at Austin and an M.A. and B.A. in Classical Rhetoric and Public Address and English from the University of Houston. For more than a decade, she has been invited annually to lecture at Harvard's Institute for Educational Management on the university presidency. She is often invited to speak at national conferences on the issues of access and innovation in higher education.

She is married to Oscar E. García for 40 years. They are the parents of two grown children, Oscar D. García and Paulita Rico, and are blessed with four grandchildren.

I ask my colleagues to join me in commemorating UTB/TSC President Dr. Juliet V. García for her work and dedication to UTB/TSC and her well deserved award as a Latina Leader.

THE PEOPLE OF KASHMIR DESERVE A VOTE ON THEIR FUTURE

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. BURTON of Indiana. Madam Speaker, I rise tonight to call the attention of the House

to the ongoing unrest in Kashmir. Although this conflict is a world away from our shores, it directly impacts our sons and daughters fighting the Global War on Terror in Afghanistan and Pakistan.

The mountainous region of Kashmir has been a flashpoint between India and Pakistan for more than 50 years because many of the people living in Indian-administered Kashmir—especially in the Muslim-majority Kashmir valley—do not wish to be governed by India. They would prefer to be either independent or part of Pakistan. In fact, India and Pakistan have militarily clashed over the territory three times in 1947/48, 1965 and 1971, and nearly fought another war over the territory in 2001—which could have involved nuclear weapons.

Several years ago, Indian Prime Minister Manmohan Singh and then Pakistani President Pervez Musharraf agreed to begin a dialogue aimed at narrowing their differences on the issue of Kashmir, and launch a series of confidence-building measures aimed at promoting trade and normal relations. I was encouraged by their efforts to improve the security situation in Kashmir, and was hopeful that cooperation between India and Pakistan would continue and ultimately lead to a sustained peace in Kashmir. President Musharraf is now gone and Prime Minister Singh has either been unable or unwilling to carry forward the initiative he began some six years ago. As a result, the simmering frustrations of an entire generation of Kashmiris who have grown up and come of age in an environment of repression once again exploded into violence this summer.

Regrettably, the conflict has garnered little attention from the American media and zero attention from the White House. During the Presidential campaign, President Obama pledged to appoint a special envoy to the region and declared, "... that solving the 'Kashmir crisis' was one of his 'critical tasks.'" So far, this has been a promise unfulfilled.

Madam Speaker, I believe an end to the violence and uncertainty in Kashmir would be widely welcomed in India and Pakistan as well as by our military commanders in Afghanistan. The longer the Pakistani Government focuses on staring down India along the Line of Control in Kashmir the harder it will be to defeat the extremists groups threatening the stability of the Pakistani Government, as well as the elements of the Taliban and Al-Qaeda using Pakistan as a safe haven to launch attacks against coalition forces in Afghanistan.

I do not know how the problem in Kashmir will ultimately be solved. However, I personally believe that the people of Kashmir should be given the plebiscite they were promised by the United Nations decades ago. And I ask unanimous consent to place in the CONGRESSIONAL RECORD an op-ed by Dr. Ghulam-Nabi Fai—Executive Director of the Kashmiri American Council—which puts the case for the plebiscite in context. I encourage my colleagues to read it. Whatever the solution, resolving the dispute over Kashmir is crucial to defeating the militants and stabilizing Pakistan, and winning the War in Afghanistan. The status quo is simply unacceptable.

[From the Guardian, Aug. 31, 2010]

THE PEOPLE OF KASHMIR MUST BE ALLOWED TO VOTE ON THEIR OWN FUTURE

(By Ghulam-Nabi Fai)

Pankaj Mishra's article was a concise and accurate examination of the Kashmir crisis (Why silence over Kashmir speaks volumes, 14 August). He pointed out that the protesters "have a broader mass base than the Green Movement does in Iran. But no colour-coded revolution is heralded in Kashmir by western commentators?"

Virtually everyone—men, women and children—of the capital city of Kashmir, Srinagar, has taken to the streets to lodge a non-violent protest at the office of the United Nations against the continuance of Indian occupation. But such non-violent protests have received little or no press coverage, even though they have been taking place, as Mishra reports, since 2008. Is it any wonder that Kashmiris feel "that theirs is the voice of a neglected people"?

Mishra speaks about the Indian media amplifying "the falsehoods and deceptions of Indian intelligence agencies in Kashmir", which argue that the Kashmiri protests are the work of Islamic fundamentalists and/or terrorists. But in the case of Srinagar, the population of a major town cannot be composed entirely of such elements.

Kashmiris simply demand a speedy implementation of the pledge solemnly extended to them by India and Pakistan and the UN—to be allowed to decide their future through an unrigged and uncoerced vote.

The protests are an unmistakeable expression of Kashmiris' resentment against the indifference of world powers—and their failure, largely because of toxic power politics, to implement international agreements.

As Mishra stated: "India is a counterweight, at least in the fantasies of western strategists, to China." This contributes to the policies of inaction.

So Kashmir continues to bleed under a renewed outpouring of revolt against occupation, as the world continues to ignore it. There is a deliberate and direct targeting of young people by the military forces, intent on crushing the anti-occupation movement. Mishra states: "Already this summer, soldiers have shot dead more than 50 protesters, most of them teenagers." Their weapons? Rocks and stones. Hardly the tools of terrorists.

Apart from the magnitude of violence unleashed by the military forces against protesters, the most poignant aspect of the situation is the acute suffering of the whole population caused by the frequent curfews, disregard of normal life, arrests, detentions and sometimes disappearances of innocent civilians by the authorities. This is a situation without precedent in the south Asian subcontinent and with few parallels in the world today.

During his U.S. presidential campaign, Barack Obama pledged he would appoint a special envoy to the region—as Mishra says, "he declared that solving the 'Kashmir crisis' was one of his 'critical tasks'". However: "Since then the U.S. president hasn't uttered a word about this ur-crisis that has seeded all major conflicts in south Asia."

If only Obama would keep his promise, it would certainly hasten the process of peace and stability in south Asia—home to one-fifth of the human race.

CONGRATULATING TAIWAN ON
THE 99TH ANNIVERSARY OF THE
REPUBLIC OF CHINA

HON. BOB INGLIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. INGLIS. Madam Speaker, I rise and invite my colleagues to join me in recognizing the Republic of China's National Day, known as "Double Ten Day." On October 10, 1911 the Wuchang Uprising ushered in the wave leading to the collapse of the Ching Dynasty and the founding of the Republic of China. This anniversary will be a day of great celebration and thanksgiving, and I would like to offer my congratulations and good wishes to President Ma Ying-jeou and all the people of Taiwan on this special occasion.

The centennial anniversary of the Republic of China's National Day is just one year away and it is fitting and proper to recognize the great strides made by the Republic of China over the course of that century. This great country has developed a vibrant and spirited democratic system of government, created a dynamic economic engine, and developed into a fully modernized country—a model for the region.

Under the leadership of President Ma, Taiwan has also worked to improve relations with mainland China, having successfully negotiated and signed the Economic Cooperation Framework Agreement, ECFA, this year. Efforts like this can foster a new sense of cooperation within the region as the people of China and Taiwan benefit from increased trade between their countries.

So I stand together today with the people of Taiwan as they celebrate the 99th anniversary of the founding of the Republic of China. May the bravery and commitment that marked that day continue to flourish in these days and in the years ahead.

HONORING THE ALLEN ORGAN
COMPANY

HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. DENT. Madam Speaker, I rise today to honor the Allen Organ Company, which was founded in Allentown, Pennsylvania, by Jerome Markowitz, in 1937.

We are fast approaching the 40th anniversary of the technology used in the Allen Digital Computer Organ, the world's first digital instrument. Introduced the same year as the digital calculator, these were the first two applications of the digital technology that is so prevalent in our world today. For nearly 40 years, digital music has provided quality, versatile, and economical music to performing artists and houses of worship.

In 2004, the Smithsonian Institution acquired the very first Allen Digital Organ, which was manufactured in 1971 and originally installed in St. Andrew's Lutheran Church in Easton, Pennsylvania. This recognition is a great

honor for the Allen Organ Company and the inventive people in my district who have been crafting high-quality instruments for decades.

Today, the Jerome Markowitz Memorial Center serves to display the technological advancements that Allen Organ has made over the years which have contributed to the advancement of electronic music. Allen Organ's early advances in digital technology paved the way for modern digital sound devices, such as CDs, personal computer sound cards, and portable media devices. From the company's first patent for an analog organ in 1938 through the digital revolution, Allen Organ has been a pioneer in the advancement of electronic music.

Jerome's son, Steve Markowitz, is currently the president of the company, which has been run by the same family for seventy-three years. From humble beginnings, the Allen Organ Company now employs roughly 200 of my constituents in the Lehigh Valley and has installed 80,000 instruments in more than 80 countries. In closing, Madam Speaker, I would like to applaud the Allen Organ Company and its employees for their enduring dedication to the furtherance of digital music technology.

IN HONOR OF SERGEANT STEVEN
J. DELUZIO

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. COURTNEY. Madam Speaker, it is with great sadness that I rise today to honor Sergeant Steven J. DeLuzio, of Glastonbury, Connecticut. Steven was killed on August 22, 2010 when insurgents attacked his unit in Paktika, Afghanistan. I had the honor of attending the funeral service for Steven in which hundreds of friends, relatives and others took time to honor his life, his service, and his sacrifice.

For those who knew Steven, they talk of a man who was passionate about life, about service and about sports. Steven played four years of varsity ice hockey and was an avid Yankees fan in part just because his father loved the Red Sox. Our thoughts are with Steven's father Mark and his mother Diane. My heart goes out to his brother Scott, his fiancée Leeza Gutt, and the scores of friends and family members who had the privilege of knowing Steven DeLuzio.

Steven graduated from Glastonbury High School in 2003 and joined the Vermont National Guard after being motivated by the attacks of September 11th. He was deployed to Iraq in 2006 and was awarded the Iraq Campaign Medal and Combat Infantryman Badge. After returning home, Steven was again deployed to Afghanistan in March 2010.

Sergeant Steven DeLuzio led a life that serves as an example to all. I ask all of my colleagues to join with me, and the people of Connecticut, in honoring Sergeant Steven J. DeLuzio for his sacrifice. Our thoughts and our prayers are with the DeLuzio family in their time of need.

HONORING THE HEROISM OF PRIVATE
FIRST CLASS CHARLIE
JOHNSON

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. KINGSTON. Madam Speaker, I rise today to honor the heroism and courage of Private First Class Charles R. Johnson, better known as Charlie to his friends. Private Johnson fought and died to save his buddies on a hot day in a far away land, in a war largely forgotten by the American public. However, for those who fought in Korea against a dedicated enemy in some of the most forsaken terrain on this earth, scarcely a day goes by without remembering the sacrifices made there. And for those that were at Outpost Harry in June of 1953, they will never forget Charlie Johnson.

Charlie was a Browning Automatic Rifleman with Company B of the 15th Infantry Regiment, 3rd Infantry Division. Early in June of 1953, Baker Company, as Company B was known, was ordered to defend Outpost Harry with other units from the 15th Infantry. This outpost in the Chorwon valley was of strategic importance. The high ground that Outpost Harry occupied could be used by communist forces to directly engage United Nations forces' defensive positions. If Outpost Harry fell, the U.S. 8th Army would have to fall back 6 miles to a new, defensible position. It was feared that public support would erode and the United States might agree to a cease-fire under unfavorable conditions if the communists could inflict heavy casualties and force a retreat of the 8th Army. As peace negotiations were ongoing, the loss of Outpost Harry was simply not an option.

The battle for Outpost Harry was fierce. Almost 90,000 communist artillery rounds landed on Outpost Harry during the battle. The U.S. and Greek soldiers were outnumbered 30-1. Some of the fighting was hand-to-hand. The fighting went on for 8 days.

It is in this context that Charlie's brave actions took place. He selflessly put himself in the line of fire to protect his fellow soldiers, all of whom were injured during the attack. After treating the wounds of his fellow soldiers, he led them to safety and then returned to defend the position and enable the rescue of his fellow soldiers. This sort of bravery went unrecognized for over 50 years. Thanks to the leadership of the current 3rd Infantry Division, Major General Cuculo and Brigadier General Phillips, this brave act has not gone unrewarded. For his actions on the 11th and 12th of June, 1953, Charlie Johnson was finally awarded the Silver Star, our nation's third highest medal for valor in combat. I believe Charlie's Silver Star write up says it best:

"During the night and early morning of 11 and 12 June 1953 against overwhelming odds during an attack on his element's position, Private First Class Johnson acted with complete disregard for his personal safety to ensure the safety of his fellow Soldiers. Ignoring his own injuries, he treated several wounded comrades, dragging one Soldier through the Trenches while under direct artillery, mortar

and small arms fire to a secure bunker, stopping only to clear the path of enemy soldiers in close combat operations. Ignoring the proximity of the opposing force, he left the bunker to assess the situation and secure weapons and ammunition. When he returned, he organized a defense and departed his fighting position in order to place himself between his comrades and the enemy, thereby creating the conditions for their successful rescue."

In an age of persistent conflict, it is useful to reflect on those who have gone before us and have shown character, integrity, sacrifice and bravery in their actions. Today's soldiers of the 3rd Infantry Division, and indeed all of our men and women in uniform, will look to Private First Class Johnson's actions as an example to live up to. There was an easy way out that night; Charlie could have chosen to retreat. But he chose to fight, and because of his actions others lived. That is the textbook definition of the ultimate sacrifice.

Charlie's Silver Star was presented to his family this last weekend in Poughkeepsie, New York. His good friend Donald Dingee, one of the men he saved that night, was in attendance. It is unfortunate that Charlie's Silver Star had to wait so long, but I am happy that the final chapter has finally been written. Our nation continues to enjoy liberty and freedom unlike any other, and it is due in no small part to heroes like Private First Class Charles R. Johnson. Thank you Charlie.

RECOGNIZING THE SERVICE AND
SACRIFICES OF DR. PETE
TATSUO OKUMOTO AND OTHER
JAPANESE-AMERICAN SERVICE-
MEN OF WORLD WAR II

HON. CHARLES K. DJOU

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. DJOU. Madam Speaker, I rise today to recognize the heroism and sacrifices of Dr. Pete Tatsu Okumoto and other Japanese-American veterans of World War II.

Dr. Okumoto served as a frontline combat surgeon with the United States Army's 10th Mountain Division in Northern Italy during World War II and participated in two major campaigns including North Apennine and Po Valley. Dr. Okumoto received numerous military decorations for his honorable service. I commend Dr. Okumoto for his dedication and commitment to the field of medicine and honorable service to the United States. It is with great pleasure to formally recognize Dr. Okumoto on the floor of the House of Representatives.

As a Captain in the Army Reserve, I understand the demands placed on our servicemen and women. I thank Dr. Okumoto and all other Japanese-American veterans for their heroism and for their service to the state of Hawai'i and the United States. Aloha.

HONORING PARKER STEVEN SPAW

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Parker Steven Spaw. Parker is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 332, and earning the most prestigious award of Eagle Scout.

Parker has been very active with his troop, participating in many scout activities. Over the many years Parker has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Parker has contributed to his community through his Eagle Scout project. Parker solicited donations for and volunteered his assistance towards refurbishing the family resource center for IMPACT ministries in Eastern Jackson County, Missouri.

Madam Speaker, I proudly ask you to join me in commending Parker Steven Spaw for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE KALISHMAN
FAMILY

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. CARNAHAN. Madam Speaker, I rise today to honor an extraordinary St. Louis family dedicated to community service and who embodies the spirit of volunteerism. The Kalishman family is receiving this year's Netzach Award from the St. Louis Chapter of the American Jewish Committee.

The Kalishman legacy of community service began with Nancy and late husband Jerry, and continues today through their children. Nancy has a long record of service but continues to show her dedication and compassion by reading to underserved children as part of the Ready Readers Program. Formerly a teacher, she is a past and lifetime member of the board of the Scholarship Foundation of St. Louis, past president of the Temple Israel Sisterhood, and has served on the boards of many other community organizations.

Daughter, Susan Goldberg, follows in her mother's footsteps by currently serving as board president for Ready Readers and as vice-chair of the Barnes-Jewish Hospital Foundation. She is also a board member of the Scholarship Foundation and the Magic House. Closer to home Susan serves as troop leader for both her daughter's Brownie troops and as president-elect of their school's parents' association.

John Kalishman serves as vice president of finance/treasurer of the Jewish Federation. He previously served six years as chair of the investment committee for the St. Louis Jewish

Community Foundation in which he was responsible for managing its endowments.

Jim Kalishman and his family just moved back to the St. Louis area five years ago and did not wait to get involved with the community. He is now vice president of the board of Congregation Shaare Emeth and was selected to participate in an emerging leader program. He also led the launch of the successful campaign to pass Proposition 0 for the Ladue Schools.

The Kalishman family has shown unwavering dedication to the Jewish and St. Louis communities in the past, and there is no doubt that they will continue to serve and provide as examples of how volunteerism is alive and well in this country. Please join me in congratulating the Kalishmans in their much deserved honor in receiving this year's Netzach Award.

IRAQ ELECTED OFFICIALS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise in strong support of the resolution I am introducing today that encourages all elected officials and political leaders in Iraq to redouble their efforts to form a government that is just, representative, and accountable to the people of Iraq.

More than six months ago, on March 7, 2010, the Iraqi people went to the polls and elected 325 members of the Council of Representatives which, pursuant to the constitution of Iraq, must select the new Prime Minister and President. Iraq currently remains without a Prime Minister or President, and negotiations between the elected political parties seem to have reached a stalemate.

This is not good for Iraq or for the region. The vacuum created in the absence of a new government has encouraged violent attacks against government officials and Iraqi civilians by terrorist thugs who are intent on destabilizing the country.

Destabilizing as well is the fact that more than two million citizens of Iraq remain displaced both inside Iraq and in countries in the region and around the world, and the failure of the government of Iraq to enact comprehensive oil and gas sector framework and revenue-sharing legislation to meet development needs.

Madam Speaker, I urge my colleagues to support this resolution that calls on the leaders of Iraq to form, as quickly as possible, a capable and representative government that is accountable to the people, to address the needs of its displaced citizens and to effectively, fairly and transparently develop its oil and gas resources in order to meet its pressing development needs.

HONORING MR. IAN SEIVWRIGHT
ON THE OCCASION OF HIS RE-
TIREMENT AS DEPUTY CHIEF OF
THE WESTERN SPRINGS FIRE
DEPARTMENT AFTER 50 YEARS
OF SERVICE

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. LIPINSKI. Madam Speaker, I rise today to honor Mr. Ian Seivwright, who has contributed to the safety and welfare of Western Springs residents over the last 50 years as a member of the Western Springs Fire Department. His final day with the fire department will be October 1, 2010.

Western Springs was founded in 1886 and established its fire department eight years later in 1894. During its 115-year history, the fire department has been invaluable to the residents of Western Springs thanks to the bravery and commitment of its volunteer, full-time, and part-time firefighters.

As a member of the Western Springs Fire Department for almost half of its long history, Mr. Seivwright has touched many lives, whether through extinguishing fires, saving lives, or by leading and teaching young firefighters. Mr. Seivwright showed an early interest in firefighting and public service at age 13 when he was a junior high student in Western Springs. He would observe and follow local firefighters, waiting for the day when he would be old enough to serve. Mr. Seivwright eventually became a full-time member of the Western Springs Fire Department, and thanks to his skill, integrity, and dedication, rose to the position of Deputy Chief.

In addition to serving his community, Ian Seivwright also served his country as an officer in the United States Navy in the late 1960s and early 1970s, where he distinguished himself in his service with the Pacific fleet.

Mr. Seivwright's commitment to residents of Western Springs and the fire department will be sorely missed as he retires. He has been a great asset to his community. His retirement is truly worthy of special recognition and commendation.

Mr. Seivwright has inspired those around him to be courageous, helpful, and professional just as he has been. I am certain his legacy will continue to motivate young public servants for years to come.

I ask you to join me in honoring Mr. Ian Seivwright for his work on behalf of the residents of Western Springs, and to wish him a well-deserved, long, and happy retirement.

HONORING TYLER RADER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Tyler Rader. Tyler is a very special young man who has exemplified the finest qualities of citizenship and

leadership by taking an active part in the Boy Scouts of America, Troop 394, and earning the most prestigious award of Eagle Scout.

Tyler has been very active with his troop, participating in many scout activities. Over the many years Tyler has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Tyler has contributed to his community through his Eagle Scout project. Tyler constructed two outdoor benches to allow people who come to the local Harvesters food pantry a place to sit and eat.

Madam Speaker, I proudly ask you to join me in commending Tyler Rader for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN TRIBUTE TO JUDGE STEVE
McGUIRE

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. BERRY. Madam Speaker, I rise here today to pay tribute to the Honorable Judge Steve McGuire, an eight term County Judge of Mississippi County, Arkansas. For 16 years he has worked hard to maintain a strong, unified Mississippi County that has benefited in overall wealth, job growth, and prosperity for its residents. Over the years, he has kept an open ear and mind to everyone he has worked with, and although he surely deserves his retirement he will be missed by all.

Steve has been a lifelong resident of Mississippi County. After graduating from the University of Arkansas with a business background, he earned an advanced degree in Agricultural Engineering.

A former intelligence officer of the U.S. Navy himself, Steve made it an important part of his life to continue to support veterans as a member of both the American Legion Post 24 and Veterans of Foreign Wars Post 7075.

Steve has continued to share his knowledge and passion throughout his career as a member of the Osceola Rotary Club, Arkansas Waterways Association, Lower Mississippi Valley Flood Control Association, County Judges Association, Blytheville/Gosnell Regional Airport Authority Board of Directors, and as an Honorary Board Member of both the Blytheville and Osceola Chambers of Commerce.

I wish Steve, his wife of 46 years, Anne Tyler, and the rest of his family all my love and respect, and a long happy retirement.

HONORING KEN NORBIE

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mrs. BACHMANN. Madam Speaker, I rise today to honor Mr. Ken Norbie of St. Cloud, Minnesota for his contributions as "Volunteer of the Year" to St. Cloud Hospital.

Since 1990, Ken has logged in over 4,000 hours of volunteer time with Imaging Services, Mended Heart and Facility Tours. He has made a lasting impression on everyone at the hospital through his caring and compassionate manner. The traits, along with his dedication, make him a wonderful choice for the "Volunteer of the Year" award from St. Cloud Hospital.

Ken is truly a blessing to the patients, staff and faculty at St. Cloud Hospital, and I ask this body join me in recognizing the important contributions he has made to the hospital and the surrounding community.

MEDIA SHOW BIAS IN
IMMIGRATION COVERAGE

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. SMITH of Texas. Madam Speaker, the national media have shown a clear liberal bias in their coverage of immigration.

For example, The New York Times frequently give large amounts of coverage to small pro-amnesty protests, but they ignore or downplay big protests by conservative groups.

This week, The Times featured a 1200-word story about a rally of "dozens" in support of the DREAM Act, which would grant amnesty to millions of individuals.

Earlier this year, The Times covered pro-amnesty demonstrations with as few as four or five protesters.

The Times is not alone in their biased coverage of immigration. By a margin of 12 to 1, the television networks featured more negative reports than positive reports about Arizona's immigration enforcement law; according to a Media Research Center analysis.

The national media should give Americans the facts, not advocate for a liberal, pro-amnesty agenda.

HONORING GEORGE AND PATTI
LYNETT ON RECEIVING THE AT-
TORNEY ROBERT W. MUNLEY
DISTINGUISHED SERVICE AWARD
FROM LACKAWANNA PRO BONO

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mr. and Mrs. George and Patti Lynett on receiving the Attorney Robert W. Munley Distinguished Service Award from Lackawanna Pro Bono.

Lackawanna Pro Bono is a non-profit organization established in 1997 to increase the availability of free legal representation for low-income individuals and families throughout Lackawanna County.

Over the past 13 years they have organized local attorneys to volunteer their time to provide representation in over 2,000 cases, and

in the process have helped nearly 5,000 residents of Northeastern Pennsylvania.

Lackawanna Pro Bono will host its second annual Fundraising Gala on October 21, 2010 in Scranton, Pennsylvania. For the second year, Lackawanna Pro Bono will honor a select number of individuals and organizations who have demonstrated excellent service to the community with its Attorney Robert W. Munley Distinguished Service Award.

This year's group of deserving recipients includes Mr. and Mrs. George and Patti Lynett of Scranton.

George Lynett graduated from Scranton Preparatory School before attending Holy Cross College. After graduation from Holy Cross, he received his MBA from The University of Scranton before attending Georgetown University Law Center. He is the former publisher of the Times-Tribune and chief executive officer of Times-Shamrock Communications.

Patti Lynett graduated from St. Paul High School before attending Marywood University. From 1982 to 1992 she was the co-owner of Helen Schwartz Gifts.

Over the past few decades, Mr. and Mrs. Lynett have been involved with numerous organizations throughout the community.

Mr. Lynett has served as chairman of the Greater Scranton Chamber of Commerce, Scranton Preparatory School, the Pennsylvania Newspaper Foundation, Allied Services, Marywood University and the Scranton Area Foundation.

Mrs. Lynett has served as chair of the board of the United Way of Lackawanna and Wayne Counties, and as a board member of Scranton Preparatory School, Marywood University, NEPA Philharmonic, St. Joseph's Center, and Catholic Social Services. She is currently a board member of Moses Taylor Hospital and the Physicians Health Alliance.

Together, Mr. and Mrs. Lynett chaired the United Way Drive of Lackawanna and Wayne Counties in 2009.

Mr. and Mrs. Lynett currently reside in Scranton. They are the parents of four children, Sheila, George, Jimmy, and Sharon.

Madam Speaker, please join me in recognizing George and Patti Lynett. Together they have improved the lives of a countless number of residents of Northeastern Pennsylvania.

HONORING JEAN-LUC TIERNEY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Jean-Luc Tierney. Jean-Luc is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 394, and earning the most prestigious award of Eagle Scout.

Jean-Luc has been very active with his troop, participating in many scout activities. Over the many years Jean-Luc has been involved with scouting, he has not only earned numerous merit badges, but also the respect

of his family, peers, and community. Most notably, Jean-Luc has contributed to his community through his Eagle Scout project. Jean-Luc constructed two outdoor picnic tables to be used by his high school teachers.

Madam Speaker, I proudly ask you to join me in commending Jean-Luc Tierney for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING SEPTEMBER AS NATIONAL RICE MONTH

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. POE of Texas. Madam Speaker, I rise today to recognize the 20th anniversary of the annual September celebration of the harvest of rice in the United States.

For centuries, rice has been the primary food staple for over half of the world's population. Today, the United States and countries around the world still enjoy rice as a dietary staple, but also as the foundation for many dishes and side dishes. Rice is enjoyed as part of cereal, flour, bran, cooking oil, rice cakes and many other snacks.

Rice production has and continues to be a significant source of revenue for the American economy. In fact, rice production in the United States dates back to 1685 and is one of the oldest agribusinesses in the United States. Rice continues to be produced in force by 10,500 rice farmers in the States of Arkansas, California, Louisiana, Mississippi, Missouri, and in my home State of Texas. In fact, I am proud to have 45 active rice farmers working on 20,000 acres of rice fields in the district that I represent—the most of any Congressional district in Texas. In Texas alone, the rice industry has created 2,700 jobs and \$1.6 billion in total economic activity.

Rice farming is of critical importance to the economy of my district and to the southern United States. In 2009, rice farmers in the U.S. produced nearly 22 billion pounds of rice that had a farm gate value of more than \$3 billion. Subsequent sales of rice generated \$17.5 billion in total value added to the U.S. economy. This activity contributed 127,000 jobs to the U.S. labor force in 2009. Additionally, the U.S. is one of the largest exporters of rice and produces more than two percent of the world's rice supply, feeding millions around the world.

I am proud to represent the rice farmers of the second district of Texas, and to recognize their achievements during National Rice Month.

And that's just the way it is.

PAYING TRIBUTE TO TRI-COUNTY SINGLE-STREAM RECYCLING FACILITY BROWN, OUTAGAMIE, AND WINNEBAGO COUNTIES, WISCONSIN

HON. STEVE KAGEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. KAGEN. Madam Speaker, I rise here today to pay tribute to the Tri-County Single-Stream Recycling Facility, located in Little Chute Wisconsin, on the occasion of its winning the Solid Waste Association of North America's Gold Award for Excellence.

Each year, the Association recognizes the best recycling facility in North America. I ask my colleagues to join me in honoring Tri-County, which serves Brown, Outagamie and Winnebago Counties, in recognition of its accomplishment.

I was honored to have participated in the Recycling Center's grand opening in 2009. I am proud to report that since then, the facility has achieved its annual goal of collecting 48,000 tons of material, while also managing to come in under budget.

The operation allows three counties to process glass, aluminum, paper and plastic without requiring any pre-sorting. This convenience to consumers enhances public participation and expands the overall reach of the projects. The spirit of cooperation between the participating counties has spurred its success and fueled discussions of expansion.

Special commendation should be made to Outagamie director of solid waste Phillip Stecker, Brown County solid waste director Chuck Larscheid, and Winnebago Solid Waste Management board chairman Patrick O'Brien for their exemplary stewardship.

Madam Speaker, the Tri-County Recycling Center has greatly improved the energy efficiency and environmental health of Northeast Wisconsin, and the Gold Award for Recycling Excellence is very well-deserved. I ask my colleagues to join me in saluting Tri-County's contributions to our society and our environment.

HONORING TREE FRESNO

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Tree Fresno upon celebrating its 25th anniversary. The organization's anniversary was celebrated on Friday, September 24, 2010 in Fresno, California.

Since its inception in 1985, Tree Fresno has been involved in the planting of more than thirty-seven thousand trees on public land in and around the Fresno area. The organization has promoted youth environmental awareness and leadership by encouraging student participation in tree planting projects. Through the creation of the Junior Tree Fresno board of directors, the youth in the community have an opportunity to learn leadership and environmental stewardship skills. Tree Fresno provides tree education programs for citizens of

all ages, creating an opportunity for volunteers to become actively involved with civic improvement projects.

By planting and maintaining trees, Tree Fresno is creating an improved urban forest in Fresno County where homes and parks are shaded, the air is cleaner and the beauty of the city is enhanced. Tree Fresno has planted trees along streets, trails, public parks and school campuses. Through the formation of community coalitions, Tree Fresno has been able to restore the natural oak forest along a major road by planting over fourteen hundred native oak seedlings. Through advocacy and beautification efforts, Tree Fresno has established itself as a leading organization in the community, dedicated to the improvement of the urban forest and overall quality of life for our community.

Madam Speaker, I rise today to commend and congratulate Tree Fresno upon 25 years of service to Fresno County and the surrounding communities. I invite my colleagues to join me in wishing Tree Fresno many years of continued success.

**HONORING THE SCRANTON AREA
FOUNDATION ON RECEIVING THE
ATTORNEY ROBERT W. MUNLEY
DISTINGUISHED SERVICE AWARD
FROM LACKAWANNA PRO BONO**

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to the Scranton Area Foundation on receiving the Attorney Robert W. Munley Distinguished Service Award from Lackawanna Pro Bono.

Lackawanna Pro Bono is a non-profit organization established in 1997 to increase the availability of free legal representation for low-income individuals and families throughout Lackawanna County.

Over the past 13 years they have organized local attorneys to volunteer their time to provide representation in over 2,000 cases, and in the process have helped nearly 5,000 residents of Northeastern Pennsylvania.

Lackawanna Pro Bono will host its second annual Fundraising Gala on October 21, 2010 in Scranton, Pennsylvania. For the second year, Lackawanna Pro Bono will honor a select number of individuals and organizations who have demonstrated excellent service to the community with its Attorney Robert W. Munley Distinguished Service Award.

This year's group of deserving recipients includes the Scranton Area Foundation.

The Scranton Area Foundation was initially formed in 1954 as a private foundation. In 1988, the Foundation qualified as a charitable non-profit organization and transitioned into a public community foundation.

The Scranton Area Foundation's mission is to "meet a wide variety of education, cultural, human service, and other charitable needs through Lackawanna County."

To achieve this goal, the Foundation coordinates charitable giving throughout the Scan-

ton area and Lackawanna County by encouraging and facilitating local philanthropy and matching donations to the community's greatest areas of need.

The Foundation educates donors on the different mechanisms of charitable giving and works with them to maximize the effectiveness of their donations.

Then, the Foundation's staff directs the donations to the community's arts and culture, economic development, education, environmental, health, and recreational needs.

Since its inception, the Foundation has awarded over \$8 million in grants throughout the Scranton area and Lackawanna County.

Madam Speaker, please join me in honoring the Scranton Area Foundation on being recognized as a valued asset of Northeastern Pennsylvania. In the years ahead I am confident they will continue to make positive impacts in the growth of our region.

HONORING STEPHEN LACINA

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Stephen Lacina. Stephen is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 394, and earning the most prestigious award of Eagle Scout.

Stephen has been very active with his troop, participating in many scout activities. Over the many years Stephen has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Stephen has contributed to his community through his Eagle Scout project. Stephen designed and placed landscaping at the Veteran's War Memorial in Dearborn, Missouri.

Madam Speaker, I proudly ask you to join me in commending Stephen Lacina for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

**HONORING DR. CHARLES E. WARNER
FOR A LIFETIME OF SERVICE
AS AN EDUCATOR**

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Ms. DELAURO. Madam Speaker, in honor of his retirement, I rise to commemorate decades of hard work and commitment to the young people of Connecticut by Dr. Charles E. Warner, an esteemed educator in our New Haven community.

In a long career as a teacher and administrator, beginning in nearby Bridgeport in 1971 and culminating with his tenure as the director of instruction and director of special programs for New Haven's public schools, Chuck has worked tirelessly to ensure that each and

every child in his purview has access to the tools they need to thrive. Day in and day out, Chuck has fought for the kids and the teachers in our community, and to make New Haven's schools the best they can be.

For his achievements in education, Chuck has been nationally recognized many times over, including appearing in publications such as Parents Magazine and serving on the advisory board of the National Middle School Association. And his good works have not been confined to the school day. Chuck has been an engaged participant in community affairs and has volunteered his time and effort in any number of ways, including, most recently, serving as Connecticut's After School Alliance ambassador over this past year—one of only thirty in the Nation—for his contributions to afterschool programs.

Along with teaching and, of course, his wife Regina, Chuck's great passion has been music. And from his very first teaching job at East Side Middle School in Bridgeport, where he led a band of over two hundred students, to his 20 years of service as a Minister of Music for the Dixwell Avenue Congregational Church's Sanctuary Choir, Chuck has enriched our community by sharing this love with us.

As an educator and public citizen, Chuck has been a credit to our city, to our State, and to our Nation, and he has improved the lives of countless New Haven children for the better. I congratulate him, Regina, and their children Alexis, Charles Jr., and Bryon on his retirement, and I thank him for his decades of service to our community. Congratulations, Chuck. You have earned it.

**HONORING MRS. LEOTA DENICO
SEWARD**

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. MICHAUD. Madam Speaker, I rise today to honor Leota Denico Seward on her 100th birthday and congratulate her on being awarded the Boston Post Cane.

Leota was born in Vassalboro on October 6, 1910 and grew up in South China, Maine. After graduating Erskine Academy as class salutatorian in 1929, she married Elmer Wilson Seward, and the two started a large farm in Turner.

Despite taking on the challenge of running a farm during the Great Depression, the Seawards never forgot the less fortunate and were able to provide a large portion of meat and vegetables for the community. Leota and George were well known for their caring nature during those tough times, often taking in the homeless and providing them with food and work.

Throughout her life, Leota has remained active in the community, taking jobs in the local rug shop, hatchery and post office, all while raising four children. She remains fiercely independent, not relinquishing her driver's license until she was 98 years old and living on her own until last year. This year, Leota, surrounded by fifty members of her family spanning five generations, participated in the 4th of July parade.

Mrs. Seaward will be celebrating this historic moment with her daughter, Bunny Gilbert, who shares the same birthday and will be turning 80. I wish Leota the happiest of birthdays, surrounded by all her friends and loved ones.

Madam Speaker, please join me in congratulating Leota Denico Seaward on her new status as a Centenarian.

HONORING BISHOP-ELECT
REVEREND URUNDI B. KNOX

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. KILDEE. Madam Speaker, I rise today to honor Bishop-Elect Reverend Urundi B. Knox. Bishop-Elect will be ordained and consecrated as a Bishop at a service to be held on Friday, October 1 at Ebenezer Ministries in Burton, Michigan.

Bishop-Elect Knox graduated from Flint Central High School in 1981. He earned an Associate's Degree from Mott Community College, and a Bachelor of Applied Science from the University of Michigan. He received a Master of Arts from Eastern Michigan University and completed his doctoral studies at Wayne State University in 1996.

During this time he was teaching at Mott Community College and Detroit College of Business. In September, 1993 he became a full-time professor at Mott Community College. Bishop-Elect Knox served as assistant pastor at Ebenezer Missionary Baptist Church until the retirement of Pastor Clarence Knox in September 1994. Bishop-Elect Knox succeeded his father and became the pastor. In a testament to his leadership, the congregation has grown to over 1000 members and a new sanctuary was erected two years later.

Bishop-Elect Knox saw the need for spiritual and temporal guidance in the community and he embarked upon the "Take Back the City Crusade" providing worship services and feeding the hungry in downtown Flint. Drawing inspiration from 1 Samuel 7:12 "Then Samuel took a stone, and set it between Mizpeh and Shen, and called the name of it Eben-ezer saying, Hitherto hath the Lord helped us" Bishop-Elect Knox decided to change the name of the church to Ebenezer Ministries reflect the mission of reaching out to those in need. Because of his work in the community, Bishop-Elect Knox has been recognized numerous times as one of the unsung gems in the Flint area.

Madam Speaker, I am honored to ask the House of Representatives to rise with me and applaud the work of Bishop-Elect Urundi Knox. He has inspired his congregation with a zeal for spreading the Gospel of Our Lord Jesus Christ and I congratulate him as he is consecrated a Bishop. I pray that he will continue his work with love, enthusiasm, and determination for many, many years to come.

HONORING TOWNSHIP OF
DENVER'S ANNUAL SRI LANKA
DAY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the Township of Denville's Annual Sri Lanka Day, which celebrated its 35th annual festival this summer.

Beginning in 1975 with around 300 families in attendance, Denville's Sri Lanka Day has grown into one of the largest events of its kind, attracting close to 2,000 families. Sri Lankans come from beyond the tri-state area, with some coming from as far away as Canada to attend the event.

The Sri Lanka Day festival started as a vision of Jay Liyanage, a Sri Lanka native who resides in Denville, and would not be possible without the outstanding support of the Denville Rotary Club and the Sri Lanka Association of New York.

The festival is a beautiful display of Sri Lankan culture. In addition to offerings of cultural foods, music and clothing, the event features many sporting events. The highlights this year were the cricket matches between the Sri Lanka Association of New York and the Sri Lanka Association of Washington, D.C., as well as a match between an all-Sri Lankan team and an all-Denville team. For the second consecutive year the Sri Lanka Medical Association of North America generously ran a free medical clinic. Organizers credit the cricket matches, health clinic and the ending of the long civil war that occurred over the past 25 years in Sri Lanka for the large increase in attendance over the past few years.

The festival theme of "togetherness" is always exhibited at Sri Lanka Day where people from all walks of life come together to celebrate the Sri Lankan culture.

Madam Speaker, I ask you and my colleagues to join me in congratulating the Township of Denville's annual Sri Lanka Day for hosting their 35th Celebration.

HONORING CHRISTOPHER LEE ST.
CLAIR

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Christopher Lee St. Clair. Chris is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 175, and earning the most prestigious award of Eagle Scout.

Chris has been very active with his troop, participating in many scout activities. Over the many years Chris has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Chris has contributed to his community through his Eagle Scout project.

Madam Speaker, I proudly ask you to join me in commending Christopher Lee St. Clair for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING JUDGE JOHN SCOTT AS
AN ANGEL IN ADOPTION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. BOOZMAN. Madam Speaker, I would like to recognize Judge John Scott for his outstanding advocacy of adoption. He is a selfless crusader for children who need a loving home, helping the dream of a family become a reality. Since becoming 19th West Judicial District Circuit Judge in 2001, Judge Scott has heard 578 adoption cases and says successful adoption cases are some of the most rewarding and enjoyable work that he does because the result is a stable and loving environment.

Judge Scott is truly an advocate for adoption, creating a warm and comfortable environment for the adoptive parents, their attorneys and most importantly, the children. Judge Scott has positively influenced many lives through the adoption process and he has helped loving parents bring home deserving children. He is to be commended for his many years of service and passion to placing children in loving homes.

Because of his efforts, I nominated Judge Scott as an Angel for The Angels in Adoption™ program. This program honors outstanding individuals who are dedicated to helping children find permanent, safe and loving homes. Judge Scott is well deserving of this honor and I ask my colleagues to join me in recognizing his service, dedication and efforts to making adoption possible.

HONORING ANN MANRY
RYNEARSON

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. CARNAHAN. Madam Speaker, I rise today to honor Ann Manry Rynearson, recently retired Sr. Vice President for Culture and Community at the International Institute.

Ann has spent the bulk of her career building bridges across the increasingly diverse cultures of St. Louis. Most notably, Ann co-founded both the International Folkfest, which was held annually from 1992 to 2004, and the Festival of Nations, which is now in its 11th year.

Ann has focused on the arts in building those cross-cultural bridges. Even though she spent three years directing the Festival of Nations, she is actually best known as the Arts Director of both International Folkfest and Festival of Nations.

Her goal has always been to present the very best art forms of each culture. She has

worked to seek out or develop artists and performers who represent their own cultural heritages. Over the years, Ann has spent countless hours attending arts events around our region. By doing so, she was able to identify new and emerging ethnic talent to invite to the Institute's festivals.

Ann's contributions to the ethnic arts and to cultural preservation have extended beyond the Institute's annual and truly spectacular festivals. She has organized mini-festivals around town, art exhibits, and built an extensive database of artists to share with other organizations seeking talent for their programs. She is beloved by so many in our ethnic communities who have been her colleagues, partners, and even her students when she taught English classes at the Institute in her early career.

Therefore, it is with great pleasure today that I formally recognize Ann's achievements in front of an audience that is benefiting from her dedication to the mission of sharing the very best of our community's ethnic arts. Ann has established relationships with ethnic artists and their communities that will ensure the festival's continued success and that will continue to build and reinforce bridges of cross-cultural understanding in our community for many years to come.

IN RECOGNITION OF 2010 NATIONAL BLUE RIBBON SCHOOLS FROM THE 12TH CONGRESSIONAL DISTRICT

HON. MARK S. CRITZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. CRITZ. Madam Speaker, I rise today to recognize both Conemaugh Township Area Intermediate School and Wylandville Elementary School for being selected as two of this year's 2010 National Blue Ribbon Schools. This announcement was made by U.S. Secretary of Education Arne Duncan on September 9, 2010.

The U.S. Department of Education selected 304 schools nationwide to receive this year's honor, including 14 schools in Pennsylvania. I'm proud to announce that two of these schools were from the district that I represent.

Conemaugh Township Area Intermediate School is located in Johnstown, Pennsylvania, and is the home of over 350 elementary students. Wylandville Elementary School, a member of the Canon-McMillan School District, serves a population of approximately 200 students in North Strabane Township, near Eighty Four, Pennsylvania.

Beginning in 1982, the Blue Ribbon Schools Program has honored public and private schools that are models of both excellence and equity. The Award is granted to schools that are either high performing, or have improved student achievement to high levels, particularly among disadvantaged children.

These two schools are outstanding examples of how hard work and commitment can pay off in achieving these criteria. Both of these schools recognize the importance of achievement, and the need to ensure that students have the resources to learn and to suc-

ceed. I appreciate the efforts of Conemaugh Township Area Intermediate School and Wylandville Elementary School in teaching our children to recognize their full potential, and equally important, providing them with the tools they need to achieve success in life.

Madam Speaker, I conclude my remarks by congratulating these schools on their exceptional dedication and passion for helping our students succeed. I wish them well as they continue to inspire our young scholars.

HONORING THE VETERANS OF FOREIGN WARS HARLANDALE MEMORIAL POST 4815

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. RODRIGUEZ. Madam Speaker, I rise today in recognition of 15 years of dedicated community service by the Veterans of Foreign Wars Harlandale Memorial Post 4815 and Post Commander Edward C. Torres. This San Antonio-based non-profit organization has and continues to serve its dedicated senior citizen community.

VFW organizations have a respected reputation for not only serving their fellow community veterans but also the community as a whole. Annually, on average, the VFW and its supporters contribute more than 13 million hours of volunteerism within their respective communities. With a history dating back to over 110 years ago, the Veterans of Foreign Wars organization and their auxiliaries live up to its mission "to honor the dead by helping the living."

The Harlandale Memorial VFW Post 4815 and Ladies Auxiliary continues to follow this noble tradition. For the past 15 years, this post hosts the areas senior citizens every third Friday of the month. They offer these respected members of their community the opportunity to engage and interact with others while at the same time providing a safe and entertaining place to gather. They prepare and serve both a continental breakfast and hot, full course lunch to those in attendance and provide free entertainment in the way of bingo games with prize-giveaways. They also host seminars regarding community and safety information which are not likely as readily available elsewhere to these residents. The particular groups in attendance are generally from two area nursing homes so this provides one of the few occasions they have to leave their residences. This one, special day allows a luxury these people may not know otherwise. It is fun, entertainment, and a chance to socialize outside of their daily set.

Under the leadership of Commander Edward C. Torres, the Harlandale Memorial VFW Post 4815 and Ladies Auxiliary are an integral part of their community. They provide a precious service to oft time overlooked citizens which help to not only enrich and strengthen community bonds but to enrich and strengthen lives.

Madam Speaker, on behalf of the United States Congress, I am privileged to recognize Commander Edward C. Torres and the

Harlandale Memorial Veterans of Foreign Wars Post 4815 for their hard work and excellence in service to their community.

HONORING THE WALL THAT HEALS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. GRAVES of Missouri. Madam Speaker, it is with great pride that I recognize the legacy of the Vietnam War veterans from the state of Missouri through The Wall That Heals which will be displayed in the City of Blue Springs from September 30th to October 3rd.

The Wall That Heals is a mobile, half-scale replica of the Vietnam Veterans Memorial located here in Washington, D.C. and has been seen by millions of people in more than 300 cities and towns throughout the U.S. The exhibit was first inaugurated on Veterans Day, 1996 by the Vietnam Veterans Memorial Fund and offers the opportunity for those who lost their lives in the Vietnam War to be honored by family and friends in their respective communities.

I would like to thank Mayor Carson Ross, the Blue Spring City Council, local business leaders, and all the volunteers who dedicated great effort to bringing this distinct honor to Missouri. The traveling exhibition will allow veterans, families and friends in our community to honor our local heroes who served and made the ultimate sacrifice.

Madam Speaker, the dedication and service these men and women gave in the name of freedom in Vietnam is humbling, and it is an honor to represent them in Congress. I ask my colleagues to join me in saying thank you to the Vietnam Veterans Memorial fund for commissioning this monument and to encourage more cities and towns to sponsor this exhibit honoring our veterans.

CONGRATULATING THE DESERT BOTANICAL GARDEN

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. MITCHELL. Madam Speaker, I rise today to congratulate the Desert Botanical Garden on being awarded accreditation by the American Association of Museums, which is the highest recognition of a museum's commitment to public service, professional standards, and excellence in education.

A small group of passionate, local citizens started the Desert Botanical Garden in the 1930s when they saw the need to conserve their unique desert environment. The Garden, which is now located on 145 acres in Phoenix, has emerged as an Arizona treasure. The Garden boasts more than 50,000 plants, 1,100 volunteers, and 640,529 attendees every year.

Since the Garden's beginning, it has been steadfast in its commitment to advance excellence in education, research, exhibition and

conservation of desert plants of the world, with emphasis on the southwestern United States. For more than 70 years, it has been teaching and inspiring visitors from around the world to help them understand, appreciate and preserve the desert's natural beauty.

The Garden now joins an impressive group of 778 institutions currently accredited by the American Association of Museums, which includes only those museums that have demonstrated a firm commitment to providing outstanding programming and experiences to the public while also meeting the highest standards of collections care. In fact, it is 1 of only 44 botanical gardens accredited by the association.

Madam Speaker, please join me in recognizing and congratulating the Desert Botanical Garden for its impressive and unique contribution to Arizona.

A TRIBUTE IN RECOGNITION OF
THE 125 YEAR ANNIVERSARY OF
GOOD SAMARITAN HOSPITAL,
LOS ANGELES

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to recognize the 125th anniversary of Good Samaritan Hospital located in Downtown Los Angeles in my congressional district.

Since 1885, when the hospital was founded as a 9-bed infirmary by Sister Mary Wood, the hospital has been fulfilling its mission to provide accessible, quality, cost-effective and compassionate health services to the community.

A year after its founding, the facility adopted its current-day name in tribute to a Good Samaritan—Mrs. Mark Severance—who donated \$4,000 for the purchase of land for the construction of its first hospital building.

Today, Good Samaritan Hospital located at 616 South Witmer Street in Downtown Los Angeles is much more than a community hospital. With 408 licensed beds, the hospital has earned a reputation as a world-class academic medical center that is affiliated with the USC Keck School of Medicine.

For 4 years in a row, Good Samaritan has been recognized as "One of America's 50 Best Hospitals" by HealthGrades, Inc., the nation's leading independent health care ratings company. U.S. News & World Report also recognized Good Samaritan as one of "America's Best Hospitals for Top Medical Care in 16 Specialties" in 1998.

In addition to providing outstanding diagnostic, surgical and therapeutic care in a state-of-the-art setting, Good Samaritan supports eight Centers of Excellence that focus on advancing the science of medicine while providing outstanding patient care. The hospital's acclaimed oncology program, for example, offers the widest range of options for gynecological, breast, brain and prostate cancers.

Under the leadership of Charles T. Munger, head of the hospital's Board of Trustees, and Andrew B. Leeka, the hospital's president and chief executive officer, Good Samaritan admits

approximately 17,000 patients annually (excluding births, which would add approximately 3,600 more to the total) and handles more than 93,500 outpatient visits. More than 7,500 surgeries are performed annually in 18 surgical suites.

Good Samaritan is also a sizeable employer in the community. The hospital employs more than 1,500 employees, including approximately 650 physicians and 550 nurses on its medical staff. Together, the medical staff and employees speak more than 54 languages and dialects, a direct reflection of the hospital's international reputation and diverse patient base.

The broad range of renowned medical services and programs at Good Samaritan include the Heart Institute, which offers a complete heart care program including invasive and non-invasive cardiology, electrophysiology and cardiothoracic surgery. The Neurosciences program features Gamma Knife Radiosurgery for brain tumors. The Orthopedic Institute combines many subspecialties together in one centralized location designed to take care of any orthopedic problem including serious injuries to the pelvis, hip and knees.

The hospital also offers specialized medical services that include a state-of-the-art Gastroenterology Program, Women's Health Services (obstetrics, gynecology, gynecologic-oncology, perinatology, neonatal intensive care, breast care and assisted reproductive services), Ophthalmologic care (including retinal surgery), Ear, Nose and Throat (ENT) treatment, Comprehensive Oncology Services (including High-Dose Rate and IMRT treatment), the busiest Kidney Stone Service in the western U.S., and a Transfusion-Free Medicine & Surgery Center.

Other special services include housing accommodations for patients and families at the Weingart Guest House located on the hospital campus and specialized ground and air transport programs for critically ill cardiac and maternity patients. Plans are also underway for the completion of the hospital's new Medical Plaza & Outpatient Pavilion in 2012.

Good Samaritan also provides significant community outreach. In the last Community Benefit Plan update, the quantifiable costs to Good Samaritan Hospital for its community benefits activities totaled more than \$21.4 million, including unreimbursed medical care, services to vulnerable populations, and funding for health research, education and training.

Madam Speaker, I have had the privilege of working closely with Good Samaritan Hospital over the years. I have seen firsthand the important role the hospital plays in improving the health of our communities and I am very proud to have a top-notch hospital such as Good Samaritan in my district.

I ask my colleagues to please join me in congratulating Good Samaritan on its 125th anniversary of serving the health care needs of families in our community and I extend to this world class medical facility, and all of the individuals who make it the success that it is today, many more years of healing, growth and innovation.

HONORING MR. JOHN N. WALSH,
JR.

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. HIGGINS. Madam Speaker, I rise today to honor the life of John N. Walsh, Jr., who passed away recently at the age of 89.

As a child, Mr. Walsh was a student at Buffalo's School 64 and Nichols school. He later graduated from Phillips Academy in Andover, Mass., and continued on to Yale where he majored in history and played center field for the baseball team.

From 1942 to 1945, Mr. Walsh served in the Navy as an ensign on a sub chaser in the Pacific. He was at the invasion of Okinawa on April 1, 1945, the same day his wife gave birth to their first child. Mr. Walsh spent an additional seven years in the Navy before retiring as a lieutenant commander.

In addition to his lifelong work at Walsh Duffield Insurance, Mr. Walsh served on innumerable corporate and civic boards. He was the former director of National Fuel Gas and Tops Markets and was on the boards of both Marine Midland Bank and Buffalo Savings Bank. He was chairman of Buffalo's Chamber of Commerce committee and a critical leader in the work leading to the construction of Ralph Wilson Stadium. He also led campaigns to build Nichols School's hockey rink, its former science center, as well as other fundraising projects throughout western New York.

Mr. Walsh was president of the James H. Cummings Foundation board and held directorships at Hospice Buffalo, Millard Fillmore Hospital, and the YMCA. He was chairman of the boards of the Greater Buffalo Association of Insurance Agents, Nichols School, United Fund, Child and Family Services, NCCJ, AAA, Millard Fillmore Hospital, the Saturn Club, and the Bishops Lay Advisory Council.

A devout Catholic who was a member of Blessed Sacrament Church, Mr. Walsh was named to serve on numerous religious committees. He headed the Bishop's Lay Committee on behalf of Bishop James McNulty, the Schools Review Committee at the request of Bishop Edward Head, and was honored with a diocesan nomination and papal appointment as a Knight of St. Gregory and Knight Commander. Over his lifetime, Mr. Walsh had been recognized as a Buffalo News Outstanding Citizen and the Chamber of Commerce's Man of the Year. He held season tickets for both the Buffalo Bills and Sabres. With his family, Mr. Walsh received the United Way's Volunteer of the Year salute and the Seymour H. Knox Humanitarian Award.

Mr. Walsh was married to his wife, Sarah, on July 3, 1943. They recently celebrated their 67th wedding anniversary at their family vacation cottage on Georgian Bay, Ontario. In addition to his widow, he is survived by three sons, John N. III, Michael, and Theodore B. K. "Barney"; a daughter, Sally Demaree "Demi" Walsh Ayres; three sisters, Eleanor Wertimer, Gerry Clauss, and Sheila Parizeau; and his brother, Edward.

John Walsh, Jr. was a World War II veteran, businessman, father, and proud western New

Yorker. Madam Speaker, I was honored to know Jack Walsh and am honored to call members of his family my friends. I ask you to join me and our colleagues in honoring Jack's life and legacy, and to wish his family God-speed in the days and weeks ahead.

CELEBRATING THE 20TH ANNIVERSARY OF GERMAN REUNIFICATION

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. BURGESS. Madam Speaker, I rise today to commemorate the 20th anniversary of peaceful German Reunification.

With this anniversary celebration, we acknowledge the influences of the United States and its people, who have come to the aid of the people of Germany. From the Marshall Plan, to the Berlin Airlift, to the support that finally brought down the wall, the people of the United States have stood alongside the German people. From Presidents Truman and Kennedy, to Reagan and H. W. Bush, that support has not wavered.

In 2005 I was fortunate to have the opportunity to visit our wounded troops at Landstuhl Air Force Base in Germany. There I saw the remnants of the wall that were erected as a reminder of that time—and the triumphs of German Democracy over tyranny.

The United States has many ties to Germany which we celebrate, as well as the important impact the German heritage has had not only in the DFW Metroplex, but the State of Texas and the entire United States. These influences are found in many aspects of our culture, such as food, arts, and business, and for this, we are thankful.

This year we also recognize the 61st Anniversary of the Federal Republic of Germany.

Madam Speaker, it is with pride that I rise today to commemorate the 20th anniversary of German Reunification. Germany is an important ally to the United States, and we are thankful for their partnership.

IN HONOR OF TAIWAN'S NATIONAL DAY

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. MARCHANT. Madam Speaker, I rise today to congratulate the people of Taiwan on Republic of China's National Day.

In the last two years, Republic of China President Ma Ying-jeou has even further strengthened the ties between Taiwan and the United States. Taiwan has been reducing its trade surplus with the U.S. year after year and supporting our war against global terrorism. Taiwan's offer of humanitarian assistance to Iraq and Afghanistan has been generous and laudatory. I sincerely hope our mutual relations will continue to prosper as we are committed to the Taiwan Relations Act, TRA, the

cornerstone of our mutual relations. In keeping with the spirit of the TRA, we must facilitate and complete our arms sale to Taiwan. Despite the reduction of tensions in the Taiwan Strait, the undeniable reality is that China still has over a thousand missiles deployed and aimed at Taiwan around the clock. Taiwan's need for defensive arms is greater than ever.

Madam Speaker, we should applaud Taiwan's recent rapprochement with its major adversary, the PRC. Yet, we should always remember a well-armed Taiwan is the best way to maintain the status quo across the Taiwan Strait. To safeguard Taiwan's security, the U.S., as a longtime friend of Taiwan, must continue to provide necessary defensive weapons to Taiwan. Furthermore, we should continue to advocate for the greater inclusion of Taiwan in international organizations. One good example will be for the International Civil Aviation Organization, ICAO, to accept Taiwan as an observer, following the model of the World Health Organization, which has invited Taiwan to be its observer for two consecutive years.

On the occasion of its National Day, I wish Taiwan even greater success in the future and appreciate the continued friendship of our two nations.

HONORING MONTVILLE FIRE DEPARTMENT

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the Montville Fire Department located in the Township of Morris, Morris County, New Jersey as it celebrates its 100th Anniversary this year.

Established in 1910 as the Excelsior Fire Company by Mr. John Capstick, the Montville Fire Department has long been representative of bravery and generosity. In just their first year, the fire department boasted an impressive 29 volunteers. Their first drill was performed on September 24, 1910 with Horace Eagan as their chief. On October 1, 1910, thanks to the efforts of Mr. Capstick, the department was able to purchase their first vehicle: a horse-drawn hook and ladder truck. A few months later, on February 6, 1911, the volunteer firemen constructed their first firehouse with materials donated by Mr. Capstick. On November 6, 1911 the Township Committee took control of the fire department.

When John Capstick passed away in 1918, the department went through a period of financial instability. After reorganizing into different zones the fire department elected five fire commissioners on August 27, 1921. The fire department sold bonds in order to raise money to purchase its first motorized vehicle in 1922. The fire department participated in their first parade on June 3, 1931 as a part of the North Jersey Volunteer Firemen's Association Parade. The fire department upgraded in 1932 to the Buffalo fire truck which provided them with state of the art equipment, for that time period. Then, due to a generous donation by the Ladies Auxiliary, the Montville Fire De-

partment was able to construct a new firehouse.

The 1950s saw two big expansions for the Montville Fire Department. First, in 1952 came the addition of two International 500 GPM high pressure pump trucks to their fleet. Three years later they established the Excelsior Fire Company No. 2 to better cover the hills of the Taylortown district. The Montville Fire Department eventually sold their famed Buffalo fire truck to a private company; however in 1976, the fire department repurchased and restored the vehicle. The Buffalo fire truck is still owned by the department and since the restoration project has received hundreds of trophies.

The Montville Fire Department has always been a leader in innovation. They were the first department in Northern New Jersey to win the National Fire Prevention Award. In 1957 the department was awarded for organizing one of the first Junior Fire Marshal programs in the Nation. They also were the first department to distribute reflectors to invalids and to spray Christmas trees with fire retardant.

Today, the Montville Fire Department boasts an impressive five fire trucks and responds to a wide array of emergencies. The success of volunteer fire departments such as this one is vital to the security of millions of Americans.

Madam Speaker, I ask you and my colleagues to join me in congratulating the Montville Fire Department as they celebrate 100 years of committed service.

HONORING THE REOPENING OF THE YANKEE AIR MUSEUM

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. DINGELL. Madam Speaker, I rise today to honor the Yankee Air Museum, a marvelous museum located in the 15th Congressional District, in celebration of its reopening. Originally created in 1981 for the purpose of preserving Willow Run's aviation history, Yankee Air Museum has acquired and restored an original U.S. Army Air Force hangar, as well as a B-24 Privateer. Over the years the Yankee Air Museum has come to serve as a reminder of our country's manufacturing might.

Since obtaining the B-24 in 1987, the Yankee Air Museum has acquired five planes from the World War II era that have since been restored to flying status, including a Douglas C-47, B-17 Flying Fortress, B-25 Mitchell, and two Taylorcraft L-2 Liaisons. The museum has also collected various retired aircraft, including a B-52 Stratofortress, in addition to various artifacts, including photographs, books and uniforms that preserve and display the aviation history of the State of Michigan.

Sadly, on October 9, 2004, the Yankee Air Museum suffered a fire that destroyed much of the history that the museum had sought to preserve. Historic artifacts, photos, books, as well as retired aircraft, were lost in the blaze. After 6 years of hard work by the Yankee Air Museum members, the museum is set to reopen on October 9, 2010, with three of their operational aircraft—the B-17, C-47 and B-25—in working condition. The reopening of the

Museum will be followed by an Inaugural Gala and a public grand opening celebration.

I am proud of the Yankee Air Museum's many contributions to Michigan's 15th Congressional District and ask my colleagues to join me in congratulating the Museum on its inspirational reopening Celebration.

HONORING DR. THOMAS SVITKOVICH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to Dr. Thomas Svtkovich on his retirement as Superintendent of the Genesee Intermediate School District. A reception in his honor will be held tonight in Flint Michigan.

Dr. Thomas Svtkovich has been an educator for 46 years, starting in 1964. He started as a mathematics teacher, and has served as a junior high principal, a high school assistant principal, a high school principal, an associate superintendent, a deputy superintendent, and as a superintendent. In his capacity as the GISD Superintendent, he led the development of the Genesee Early College, GISD's Transition Center for adult students with disabilities, the Genesee County Great Start Collaborative, the statewide Seat-Time Waiver, and implementation of shared-services programs with local school districts. Under his leadership, Genesee Intermediate School District has gained a reputation for excellence and has received numerous state and national awards, including in the areas of overall administration, technology, and distance learning. Dr. Svtkovich has shared his knowledge of the education field by writing articles, making presentations and advocating on both the state and national level.

An active member of the community, Dr. Svtkovich has strengthened the bonds between education and the community to better prepare students for their future role in our society. He has established strong relationships with non-profits, health and human services agencies and the business community.

Madam Speaker, I ask the House of Representatives to join me in congratulating Dr. Thomas Svtkovich on his retirement from the Genesee intermediate School District. I wish him the best in his future endeavors.

TO COMMEND DAVID PRATTIS BREWINGTON ON BEING AWARDED THE 2010 VETERAN'S AWARD BY THE NAACP-TALBOT COUNTY BRANCH

HON. FRANK KRATOVIL, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. KRATOVIL. Madam Speaker, I rise today to congratulate David Prattis Brewington, of Federalsburg, MD, on being awarded the 2010 Veteran's Award by the NAACP-Talbot County Branch. The presen-

tation will be made on October 9, 2010, in Easton, MD, at the Freedom Fund Banquet.

Mr. Brewington was born May 25, 1925, in Federalsburg, MD, and has been a lifelong resident. He entered the United States Army in 1944 during World War II, after receiving an education in Caroline County public schools. As a member of the 3716 Quartermaster Truck Company in the 2nd Army, Mr. Brewington drove supplies and gasoline to the front lines via tractor trailers and tankers. He served in New Guinea, the Philippines and Japan.

After receiving an honorable discharge in 1946, Mr. Brewington returned to Federalsburg, MD, and became a long-distance truck driver for Service Trucking Co., where he worked for 22 years, as well as being elected as shop steward by his fellow Teamster Union members. He then started a small business as an owner-operator of dump trucks. After retiring from trucking, he started a second career for U-Star and Delmarva Community Transit in Easton, MD, as a van driver for senior citizens and the disabled. He celebrated his second retirement at the age of 82. He and his wife, Mary Henson Brewington, enjoy visiting their two daughters and grandchildren.

Mr. Brewington celebrated his 85th birthday this year. Throughout the past 47 years, he has served as an active and avid member of the Blake-Blackston American Legion Post 77. Having served as Commander, 1st Vice Commander and currently as Chaplain, Mr. Brewington exemplifies the drive and commitment our World War II veterans have exhibited in serving this great country.

I commend my constituent, David Prattis Brewington, on his many years of service and on his achievement of being named the recipient of the 2010 Veteran's Award by the NAACP-Talbot County Branch.

IN REMEMBRANCE OF WILLIAM "BILL" MCFARLING OF LEWISVILLE, TEXAS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. BURGESS. Madam Speaker, I rise today to remember the life of Mr. William "Bill" McFarling of Lewisville, Texas, who passed away on September 15, 2010.

Bill was an active member of the Lewisville Bible Church, and his dedication to his community led him to co-found the Lewisville Football Association, helping to promote fellowship and sportsmanship to the area's youth. A respected member of the north Texas community, Bill also served as an active member of the Denton County Republican Party for over 35 years, receiving the organization's Volunteer of the Year Award.

Bill served as an advisor and mentor as I made the transition to public service late in my career, and I am thankful for his wise counsel and leadership.

As a member of the United States Army, Bill honorably served his country during the Korean conflict. His commitment to freedom and

dedication to protecting his fellow citizens is honorable, and I am grateful for Bill's service to our country.

Madam Speaker, it is with great honor that I proudly rise to remember Bill McFarling, a model citizen and outstanding American. His legacy of service to the north Texas area and this great Nation is one of honor, and my thoughts and prayers go out to his friends and family. It is an honor to have represented such an exceptional individual from the 26th District of Texas in the United States House of Representatives.

HONORING MICHAEL JONES FOR HIS WORK TO COMPLETE THE YUMA ARMED FORCES PARK

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. GRIJALVA. Madam Speaker, I rise today to honor Michael Jones of Yuma, Arizona.

Mr. Jones served his country in Vietnam, receiving two Purple Hearts as well as many other citations for his service. He is the Past Commander of the Yuma Chapter of the Military Order of the Purple Heart (MOPH). He was past National Vice President of the 173d Airborne Brigade as well as a committee member of the 173d Airborne Memorial Foundation serving in an advisory capacity for the construction of their memorial currently under construction in Ft. Benning, Georgia. He was also nominated for National Patriot of the Year for the MOPH.

In 2005, Mr. Jones responded to a plea for help from the Arizona Department of Veterans Services, the Military Affairs Committee and the Yuma County Chamber of Commerce in an effort to complete the Yuma Armed Forces Park. The construction of the park had been stopped for some time after completion of Phase I due to lack of funds, all of which were donated by the community through various fundraising events.

Mr. Jones had a lifetime of experience in all phases of construction. After learning of their dilemma and meeting with the different entities, it was determined that not only was there a lack of funds to complete the park, but the park could not be completed as planned. Mr. Jones took it upon himself to lead the community through this crisis by scheduling various fundraisers, stimulating plaque sales and donations and becoming the supervisor for the construction of the remainder of the park. This included supervision of volunteer workers, all of which were active duty or disabled veterans who were members of the Military Order of the Purple Heart Yuma Chapter 433.

Phase II of the park consisted of the construction of the amphitheater, and was the most difficult portion of the project. This phase involved a daily presence by Mr. Jones and members of the MOPH as well as the Ladies Auxiliary. These men and women, most of whom were 50-60 years of age, worked six and sometimes seven days a week to meet any deadline presented to them.

The project continued over 3½ years as funds became available through the various

fundraisers, donations and plaque sales. Mr. Jones was a key player in these activities. Not only did Mr. Jones donate his time, he also donated thousands of dollars worth of tools and equipment to complete the park. He worked non-stop, making the park the most important task in his life, knowing that his fellow veterans needed to be recognized. During this time he put the completion of the park ahead of family health issues that in most cases would have been a priority.

Madam Speaker, Michael Jones was a leader when serving in Vietnam, and he continues to be in his civilian life. I want to thank him for his service to this country and to his community.

IN HONOR OF THE 50TH ANNIVERSARY OF THE DON GUANELLA VILLAGE

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. SESTAK. Madam Speaker, on September 26th, 2010, in Springfield, Pennsylvania a ceremony marked the 50th anniversary of the Don Guanella Village. It is my personal honor to join the good people of Pennsylvania's 7th Congressional District in celebrating that event. The Blessed Luigi Guanella, founder of the Servants of Charity, said "it is not human beings who erect charitable institutions and feed the poor. Providence does all." That sense of faith and humility has always been the hallmark of one of the most capable and caring organizations in the Commonwealth of Pennsylvania and our Nation.

My first hand knowledge of the good works performed at Don Guanella Village dates from my days as a student at Cardinal O'Hara High School over forty years ago. Then and now the staff at Don Guanella Village have been personal heroes to me and thousands of others throughout the Greater Delaware Valley. Every day of the year those remarkable men and women offer around the clock care to some of our society's most vulnerable souls. In so doing, they offer the residents and their families peace of mind they would not otherwise find.

A nation is not measured by how it cares for those blessed with health, wealth, and position. It is measured by how it cares for those challenged by a variety of circumstances beyond their control. I ask that every member of this chamber pause and thank Superior General Alfonso Crippa and everyone who contributes to the vital work of Don Guanella Village. It is their countless acts of charity and goodness that help make ours a great nation under God.

HARVARD PILGRIM CANCELS
MEDICARE ADVANTAGE PLAN,
SADLY A SIGN OF MORE TO
COME

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. MARCHANT. Madam Speaker, sadly what we said would happen to the popular Medicare Advantage program when Congress enacted Obamacare is starting to come true. Harvard Pilgrim recently notified 22,000 New England seniors that it would be canceling their Medicare Advantage plans at the end of the year. The decision to cancel their participation in the program was made because of the newly enacted freeze in federal reimbursements and their concerns regarding the long-term viability of Medicare Advantage.

I am very afraid that Harvard Pilgrim is just the tip of the iceberg. Other Medicare Advantage providers will probably reach the same decision to cancel their participation. Health care reform was supposed to allow those individuals who liked their health care insurance to be able to keep it. Sadly these 22,000 New England seniors are now searching for new coverage in 2011. We must restore Medicare Advantage for our seniors that depend on it.

REGARDING THE IMPORTANCE OF
NON-PROLIFERATION EFFORTS
AND IRANIAN SANCTIONS

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. LANGEVIN. Madam Speaker, I rise today to discuss the grave threat posed to the stability of the Middle East if the Iranian regime were to acquire or develop nuclear weapons technology.

In June, CIA Director Leon Panetta speculated that Iran probably has enough low-enriched uranium for two nuclear weapons. The silver lining, if there is one, is that according to Panetta we likely have sometime before they would be able to build weapons with this material. I firmly support the Administration's effort to use this limited time to press Iran in every way available to deter them from attaining a nuclear capability. It is important that the President have strong tools to enforce this effort, which is why I co-sponsored the Iran Sanctions Accountability and Divestment Act, which was signed into law on July 1, 2010. These sanctions have also been backed by the European Union.

Last week, in a speech at the Center for Strategic and International Studies, Stuart Levey, the Treasury Under Secretary for Terrorism and Financial Intelligence, said U.S. and international sanctions are "dramatically isolating Iran financially and commercially." He was optimistic that this "can and will create leverage for our diplomacy." By targeting Iran's import of refined petroleum and its banking industries, these sanctions are putting a squeeze on the regime and hopefully will ultimately discourage any illicit activity.

As Chairman of the Strategic Forces Subcommittee, I know all too well the seriousness of the nuclear weapons business. While these weapons cannot be put "back in their bottle," responsible nations with this technology can work to stop those who seek to acquire them in order to hold the world and their neighbors hostage. I commend President Obama, Secretary of State Clinton, and my predecessor and friend Ellen Tauscher on making non-proliferation a cornerstone of U.S. foreign policy, and I hope the world community will join us in prioritizing non-proliferation and maintaining pressure on Iran as one critical step towards this goal.

NET ARMOR MADE IN FRANKLIN,
MA SAVES LIVES IN AFGHANISTAN

HON. JAMES P. MCGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. MCGOVERN. Madam Speaker, I would like to share with my colleagues a message I received last week from Technology Solutions Group—LAST Armor, a manufacturing company in Franklin, Massachusetts, and a production facility of QinetiQ-NA (QNA). This company keeps good jobs in Franklin—but more importantly, Madam Speaker, they save lives in Afghanistan.

The Franklin facility produces what is called "net armor" to protect a wide range of vehicles that transport our soldiers on missions in Afghanistan. This net design was developed jointly by QNA, DARPA and ONR. Easy to use, these QNA nets provide many types of vehicles with 360-degree protection, including overhead, from rocket-propelled grenades (RPGs). This ultra-lightweight, low-cost and easily adaptable protection will even defeat multiple RPG hits.

Earlier this year, I toured the Franklin facility. I had the opportunity to talk with the workers and plant managers, and I saw the net armor they were manufacturing. I heard the enthusiasm and pride they had in their work, and I tried to imagine how the light-weight nets that I held could possibly stop a rocket-launched grenade.

And then last Thursday, I received a note from the company. It was a story that appeared September 22nd in an online newsletter from Fort Campbell, Kentucky. It's written by U.S. Army 1st Lieutenant R.J. Peek, who is with the 3rd Battalion, 187th Infantry, 101st Airborne Division. His story is filed from Ghazni Province in Afghanistan, and he talks about how his platoon was ambushed and his truck, covered with the new net armor, had taken three direct hits by insurgent RPGs and not one penetrated the truck. He finishes his story with the following quote, "All of the Soldiers whose vehicles were hit by RPGs are alive today and still in the fight" because the QNA nets did exactly what they were supposed to do.

Madam Speaker, I hope all the workers at the Franklin facility have seen this report from the field. We are proud of the courage and sacrifice of our uniformed men and women in

Afghanistan. But we are equally as proud of the men and women in Franklin, Massachusetts whose labor helps save the lives of our troops each and every day.

Madam Speaker, I would like to enter into the RECORD 1st Lieutenant Peek's story, so that all my colleagues can appreciate his candor and the description of what his platoon faces every day, and how the QNA nets are making a difference.

[From Clarksville Online, September 22, 2010]

(By U.S. Army 1st Lt. R.J. Peek, 3rd Battalion, 187th Infantry, 101st Airborne Division)

HAZNI PROVINCE, AFGHANISTAN.—When 3rd Battalion, 187th Infantry began using new mine-resistant, ambush-protected all-terrain vehicles, they also made the switch from bar cage armor to net armor.

When the first few trucks moved into circulation with the net armor, many Soldiers were concerned about its effectiveness, but the nets were combat tested September 19th, and Soldiers approved.

U.S. Army 1st Lt. Matthew Ward from Herndon, VA, platoon leader of 2nd Platoon, B Company, 3rd Battalion, 187th Infantry, confessed he was skeptical about the nets. "I just didn't think the thin net would be able to safeguard the vehicle and the Soldiers from a rocket-propelled grenade."

While conducting a patrol along a highly traveled road in eastern Ghazni, insurgents initiated an ambush from close range. Less than 100 meters away, insurgents fired a volley of RPG rounds, followed by a series of machine gun fire and then another RPG.

The Soldiers of 2nd Plt., B Co. returned fire and moved their trucks forward out of the ambush. From their new position, the Soldiers continued to fire, forcing the enemy to break off the attack and flee. What amazed the Soldiers, and the leaders, was the trucks had taken three direct hits by insurgent RPGs and none had penetrated the trucks.

"The worst effect of the insurgents' RPG fire was that I got my bell rung a bit," said U.S. Army Pfc. Joseph Sweat from Smithville, Tennessee. Sweat was driving one of the trucks that was hit. "The RPGs detonated at the nets, failing to penetrate the vehicle's armor," said U.S. Army Staff Sgt. Cameron Erisman from Hiram, GA.

"It turns out, the nets did exactly as advertised they would do," added Ward. "All of the Soldiers whose vehicles were hit by RPGs are alive today and still in the fight."

IN HONOR OF THE VIETNAM VETERANS OF AMERICA—READING, PENNSYLVANIA CHAPTER

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. SESTAK. Madam Speaker, on September 24th, 2010, in Reading, Pennsylvania, a ceremony marked the 22nd anniversary of that proud community's Vietnam Memorial. It is my personal honor to join the Vietnam Veterans of America (VVA), Reading, PA Chapter in celebrating that event. The author Myra MacPherson wrote that "above all, Vietnam was a war that asked everything of a few and nothing of most in America." When called, many young Americans went abroad to fight for our Nation—just as their fathers did before

them. Sadly, the sacrifices they made in Southeast Asia were not reciprocated by our government or the American public. They returned to a nation wracked by recession and without the medical care, counseling, educational opportunities or public support they deserved.

That outrageous neglect persisted for over thirty years as a grossly underfunded Department of Veterans Affairs was unable to meet their needs. As a result, courageous men and women suffered alone for years with the debilitating illnesses associated with exposure to Agent Orange and other physical and emotional maladies unique to that war. The fight to right those wrongs was led by the VVA, and as the senior most veteran ever elected to the House of Representatives, it has been my solemn duty in Congress to see that our Vietnam veterans receive the recognition and resources that belatedly fulfill our obligation to them and their families for their service to a now grateful Nation.

The 110th and 111th Congresses have worked very hard in that regard but more needs to be done. Madam Speaker, I ask that this chamber pause to acknowledge the patriotism, courage, and fraternity of the VVA and salute every veteran of the Vietnam War. With our nation again at war, let us continue our work to finally, fully support veterans of all conflicts. And let us pledge to never again abandon a generation of brave American warriors.

IN GRATITUDE TO CHRISTIAN SHREWSBURY

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. ALEXANDER. Madam Speaker, I rise today in recognition of a brave young boy in my district, Christian Shrewsbury.

At just one year old, Christian is battling Spinal Muscular Atrophy II, a motor neuron disease, which affects the voluntary muscles that are used for activities such as crawling, walking, head and neck control and swallowing. It is a relatively common "rare disorder": approximately one in 6,000 babies born are affected, and about one in 40 people are genetic carriers.

Though there is currently no cure or treatment for SMA, I am profoundly inspired by the courage exhibited by Christian and his family each day.

On behalf of the U.S. House of Representatives, I extend our sincerest gratitude to Christian, for his spirit and the encouragement he provides to other young children and for the joy he brings to all around him.

TRIBUTE TO HAROLD GILDEA

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize Harold Gildea, a World War II Army

veteran from Boone, Iowa, and to express my appreciation for his dedication and commitment to his country.

The Boone News Republican is currently running a series of articles that honors one Boone County veteran every Tuesday from Memorial Day to Veterans Day. Harold Gildea was recognized on Tuesday, September 28. Below is the article in its entirety:

BOONE COUNTY VETERANS: HAROLD GILDEA

(By: Greg Eckstrom)

Harold Gildea, a Luther native and World War II veteran, has had a varied military experience.

During his time in the service, he's escorted General George S. Patton, had a chance meeting with a prisoner of war overseas from Boxholm, saw the end of World War II and helped guard a boat full of beer. Typical? Not really, but what was in World War II?

Gildea was born in Luther, a town his family had lived in for 150 years. After graduating from Luther High School, he signed up for the draft on Feb. 16, 1942 and was drafted after graduation. By September of 1942, he was processed at Camp Dodge and sent to Missouri to become a Military Policeman with the 211th Military Police in the Army.

"I don't know how come, but I was chosen to be in this military police company in Fort Leonard Wood, Mo.," he said . . . a decision that he considered lucky, "in a way."

After training, Gildea was met with an assignment that was far from normal. He was sent to California at the end of May to help accompany Gen. Patton across the Mojave Desert. While the assignment was an honor, it was hot, to say the least.

"He'd run these tanks through an intersection, and our men would be there to direct him," Gildea said. "You could only stand out in the intersection about 30 minutes and your feet would start to scald. We'd have to have men in there to keep changing. Those tanks, the dust would be 8 to 10 inches deep, and that hot sun's over 120 degrees."

From California, he was sent to southern New Guinea to relieve MP's in the area. The fourth morning he was there, Gildea was at breakfast when he spotted a soldier that looked familiar.

"I don't know why I put it like I did, but I said, 'Would you know any of the McFarlands from Madrid?'" Gildea said. "He just sat there and stared at me. He said, 'I am one.'"

The chance encounter overseas with a fellow Boone County native was interesting—almost as interesting as Gildea's next assignment. He had been in southern New Guinea for only two weeks when he was put on guard duty . . . keeping watch over interesting cargo.

"We'd been there probably about two weeks and some ships come in, and they assigned us to guard this one ship," he said. "When we got down there it was loaded with beer. A whole ship loaded with beer. Well, [Gen. Douglas] MacArthur wouldn't let them have it, so they assigned us as duty to guard that beer to make sure it stayed there."

For six weeks, the beer sat in the ship. It wasn't until a few soldiers figured out how to break open a port window and throw some of the beer into the ocean to scoop up later that any of it could be consumed. Finally, the beer was released and Gildea's strange guard duty was over.

Gildea moved around to several different areas, being assigned to various guard duties and police work. He remembers the climate

being hot and humid, with not much for areas to escape the weather.

At a staging area where soldiers prepared to enter Japan, in Leyte, Gildea found himself in the hospital with an illness. While there, soldiers from Corregidor liberated American women and children from a prison there. These former prisoners were sent to the hospital that Gildea was recovering.

"I had been there for three weeks, and I was getting to where I could get up and move around," he said. "They come in one morning and wanted to know if some of us boys could get up and help the women and children with their stuff. They were putting them through their interrogation. I went up to this lady and little girl and spoke to her and said I'd be glad to help her. We got to visiting, and the little girls' folks were from Boxholm, Iowa. Her mother had died in prison, and her dad was some place out in the jungles.

"This lady . . . I can't remember where this lady was from . . . this lady brought the girl back to Boone," Gildea said. "They were in Boone and called my folks and went up and talked to them."

The dropping of the atomic bombs brought about the end of the war, and with it great relief from many soldiers. Gildea had already been training to go to Japan. He was a part of three platoons in the company—one dealing with traffic control, one with prisoners and one general guard duty. While being given their duties, one that struck the soldiers was tagging bodies.

"That's how bad they were figuring it was going to be," he said.

Gildea was 3/4 of a mile away from the U.S.S. Missouri while the peace treaty signing was being done.

"We could see it through good field glasses," he said. "You could see people moving around. We could say we've seen it, I guess."

Following the end of the war, Gildea was sent to Yokohama, where he stayed in the third floor of a large building. Everything in the area had been fire bombed, however this building had been spared. He also recalled one other building in the area that was still standing.

"There was a little Methodist church," he said. "It was made of brick, and it never burned."

It was while staying in this building that he made a trade with a Japanese man that was moving out of the building. He had several postcards of the building on his desk, which Gildea asked for, and the man agreed. He then asked Gildea for some chocolate from his rations . . . he had a little boy who had never tasted chocolate. Gildea obliged.

"He had a little boy who was seven years old and never tasted chocolate," he said. "It was kind of amazing to think that he wanted that candy."

Gildea's time overseas was varied. His recollections vary from the odd to touching to humorous. He enjoyed his time overseas, however quickly reminds folks that at the time, it was not much of a choice. Whether being drafted or not, for most men at the time, serving their country was something they did without much thought.

"We had no other choice," he said. "It's just our duty and we had to do it."

I commend Harold Gildea for his many years of loyalty and service to our great nation. It is an immense honor to represent him in the United States Congress, and I wish him all the best in his future endeavors.

IN HONOR AND REMEMBRANCE OF STEVE HEGEDUS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of Steve Hegedus, beloved family man, friend, mentor, firefighter, peace activist and United States veteran.

Mr. Hegedus grew up in Cleveland along Buckeye Road where many Hungarian immigrants, like his parents, had settled. He served with honor in the United States Army during World War II as a member of the 11th Airborne in the Pacific Theater. The young man he met while at war grew to be close and life-long friends. After the war, Mr. Hegedus joined the Cleveland Heights Fire Department where he served with excellence, compassion and dedication for more than thirty years. He eventually attained the rank of Captain. While a firefighter, he operated a small home repair business. Although his work ethic was unwavering, his first priority was always his family. He and his wife, the late Mary Rose Hegedus, raised their children and remained closely connected to them and their grandchildren. When Mary Rose became ill, Mr. Hegedus lovingly cared for her. His daughter, Pamela; son, Steven; son-in-law, Timothy; daughter-in-law, Debbie; and grandchildren, Jordan and Ariel continued to be the center of his life.

Mr. Hegedus' energy for life, passion for learning and willingness to take a stand on issues of social justice were always part of who he was. He lived with love for humanity and concern for our planet. He was an environmentalist before most even knew what the word meant. Mr. Hegedus took great care of his garden and fruit trees, sharing his harvest with friends, family and neighbors. He utilized green practices before they were popular, was an active member of the Sierra Club and he served on the board of the Cleveland Peace Action. Mr. Hegedus was an outspoken advocate against nuclear arms and was an outspoken leader of the Lyndhurst Nuclear Weapons Freeze Group. He was also an avid patron of theater, music, literature and the arts, and he attended lectures and performances on a regular basis. Mr. Hegedus was a long-time member of the South Euclid Library Book Club.

Madam Speaker and colleagues, please join me in honor and remembrance of Steve Hegedus, whose kindness, colorful personality, love for humanity, and devotion to family and friends framed his entire life. His beautiful spirit will live on, and he will always be remembered.

HONORING THE LIFE AND SERVICE OF MR. JOE HUBBARD

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in rec-

ognizing the exemplary life of Mr. Joe Hubbard, a tireless advocate and dedicated servant for people in need.

For fifty years in the East St. Louis community, Joe Hubbard has been the person that people turn to when they have nowhere else to turn. When a single mother needs shelter and food for her children; when a family has seen all their possessions destroyed in a fire; when an unemployed father has lost all hope of finding a job; or when an elderly person comes to the end of life with no family or friends to see them through their final days, there has been one response—call Joe Hubbard.

Joe Hubbard learned about families in need the hard way. His father experienced a debilitating workplace injury when Joe was young, forcing his family into financial hardship and requiring them to accept assistance from others. No doubt this early experience, in concert with Joe's deep Christian faith and the example of some compassionate mentors, played a significant role in setting him on his life's mission of helping those less fortunate.

As a young man, Joe became involved with the St. Vincent de Paul Society and began to expand his work with the poor through that organization. Realizing the need to provide an organizational foundation to capitalize on Joe's dedication and energy, the Catholic Diocese of Belleville began Catholic Urban Programs with Joe as Coordinator, a position he has held to this day.

There are those who say that Joe Hubbard can accomplish more with one phone call than others could with a week's work. In the past 50 years, Joe has developed many contacts and knows how to pull the right resources together to solve a problem. But Joe Hubbard is not just a high-level administrator. Joe goes into the broken homes and squalid apartments to deliver assistance. He visits the sick and elderly and those in prison. He delivers the food and clothing to families. He holds the hands of people as they lay dying, listening to their final words and seeing to it that they are laid to rest with dignity.

Joe Hubbard has received many accolades for the work he has done ministering to the poor and needy in his community but that has never been what drives him. Joe's faith, his family and many friends and service to his fellow man are important to him. Joe has been quoted, "When you are created in the image and likeness of God. . . . We all have a common bond of love." This statement probably best explains what has kept Joe Hubbard doing God's work for his fellow man for these past 50 years.

Madam Speaker, I ask my colleagues to join me in an expression of appreciation to Mr. Joe Hubbard for a lifetime of compassionate care and to wish him the very best in the future.

IN HONOR OF THE EVESHAM TWINNING ASSOCIATION'S 20TH ANNIVERSARY

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. ADLER of New Jersey. Madam Speaker, I am extremely pleased to honor the

Evesham Twinning Association on their 20th Anniversary of their "twin town" relationship between Evesham, New Jersey and Evesham, England. The year 2010 marks 20 years that the two towns of Evesham have shared a formal relationship of friendship.

The little known tradition of twin towns began after World War II to promote international relationships. This tradition was meant to unite a global community to guard against animosity between cultures. While still a new concept in the United States, twin towns has a rich tradition in Europe that fosters appreciation of other cultures and creates bonds between communities.

This tradition of acceptance of similarities and differences between Evesham, New Jersey and Evesham, England has been fostered for 20 years as guests from both countries have visited their twin town and become part of each other's families. The festivities for the 20th Anniversary of these two towns include a cultural convergence, as the Mayor and Mayoress of Evesham, England and Evesham, New Jersey will exchange gifts. Also, a ceremony with the Cherokee High School Girls Traveling Choir and the Boy Scout Troop #100 from Marlton will promote cultural unity between the two towns.

Madam Speaker, I ask that my fellow representatives of the House join me in congratulating the Evesham Twinning Association on their 20th Anniversary and the citizens of both New Jersey and England who have spent the last 20 years cultivating this cherished relationship. I am proud to be able to represent these exceptional citizens and their British brethren.

A TRIBUTE TO JIM HUDSON,
ALHAMBRA CHIEF OF POLICE

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. SCHIFF. Madam Speaker, I rise today to honor Jim Hudson, retiring as Chief of the Alhambra Police Department.

It is with great pleasure that I congratulate Chief Hudson on his very successful career in public service. His lifetime of dedication to public safety—an amazing 34 years—is remarkable. Chief Hudson not only exhibited valor and perseverance, he also fostered courage and dedication among our brave men and women in law enforcement.

Chief Hudson began his career as a Police Explorer, a Cadet, then a Reserve Officer at the Orange Police Department. He then joined the Glendale Police Department in 1981 before he transitioned back to Orange, where he quickly rose through the ranks as an Officer, Sergeant, and finally Lieutenant. In 2001, Chief Hudson made his way to the City of Alhambra where he started as Police Captain and eventually was promoted to Chief of Police in 2004.

Under his leadership, the Alhambra Police worked to build a safe community where Southern California families can live, work and play.

His great leadership and guidance of the police department and the community will be deeply missed.

I ask all Members to join me in thanking Chief Hudson for his extraordinary service. I wish you all the best in your retirement.

TRIBUTE TO MAJOR GENERAL
HARRY "A.J." W. FEUCHT, JR.

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. AUSTRIA. Madam Speaker, I rise today to congratulate Major General Harry "A.J." W. Feucht, Jr. for his outstanding service to our Nation, and the State of Ohio, on the occasion of his retirement.

It is an honor to join the people of Ohio's Seventh Congressional District in congratulating General Feucht upon his retirement as assistant adjutant general for Air, and as a commander for the Ohio Air National Guard.

He also served as the Air National Guard assistant to the commander, Air Force Materiel Command at Wright-Patterson Air Force Base. In this role he provided support necessary to maintain and sustain Air Force weapon systems readiness.

In 1968, General Feucht joined the Ohio Air National Guard and during his service obtained a bachelor of business administration from the University of Cincinnati. He has commanded the 180th Fighter Wing and the 121st Air Refueling Wing in the Ohio Air National Guard and in 2004 was promoted to major general.

General Feucht is an accomplished command pilot with over 4,700 total flying hours with more than 4,000 in the F-100, A-7, and F-16 and over 700 in the KC-135. For his distinguished service, he was presented the Legion of Merit for exceptionally meritorious conduct in performance of outstanding services and achievements.

For his many years of dedication to our Nation, I again join the people of Ohio's Seventh Congressional District in extending our best wishes upon his retirement and wish him ongoing success in all future endeavors.

IN HONOR AND RECOGNITION OF
RAMON "RAY" LUGO III, NEWLY
APPOINTED DIRECTOR OF NASA
GLENN RESEARCH CENTER IN
CLEVELAND, OHIO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor of Ramon "Ray" Lugo III, the newly appointed Director of NASA Glenn Research Center in Cleveland, Ohio. Serving as Acting Director of NASA Glenn since 2007, Mr. Lugo is the first Hispanic-American Director in the history of NASA.

As Director, Mr. Lugo will continue his duties as the leader of NASA Glenn. He is responsible for planning, organizing, and implementing the vital programs and missions that keep NASA Glenn and the Cleveland commu-

nity on the forefront of scientific research and innovation. In his new position, Mr. Lugo will continue to oversee NASA Glenn programs that focus on spaceflight systems development, aeropropulsion, space propulsion, power systems, nuclear systems, communications and human research.

Mr. Lugo began his career at NASA's Kennedy Space Center in Florida in 1975 while still a student. His experience there inspired him to earn a Bachelor of Science degree in engineering in 1979 and a Master's degree in engineering management in 1982. His work has been recognized with numerous national honors, including two NASA Exceptional Achievement Medals for his outstanding contributions to the Galileo mission and International Space Station redesign. He was also awarded three NASA Outstanding Leadership Medals.

Madam Speaker and colleagues, please join me in honor and recognition of Mr. Ramon "Ray" Lugo III, upon being named the first Hispanic-American to the position of Director of a NASA center. Mr. Lugo's journey at NASA has been framed by integrity, expertise and energy. He brings a renewed hope and vision to NASA Glenn, to the citizens of Cleveland and to our entire Nation.

HONORING BRIANNA COMMERFORD
ON BEING NAMED HOPE ON
WHEELS' NATIONAL YOUTH AM-
BASSADOR

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. GARRETT of New Jersey. Madam Speaker, I rise today in honor of the Hyundai Hope on Wheels program, and to congratulate a brave young woman named Brianna Commerford on being named the Hope on Wheels' National Youth Ambassador. This program will donate \$6.8 million to 68 children's hospitals across the nation, continuing Hyundai's long-standing commitment to the treatment of pediatric cancer. The organization could not have picked a more able or appropriate ambassador than Brianna.

One of the great joys of serving in Congress is representing so many outstanding and remarkable citizens who use their life abilities and experiences to improve the lives of those they may never meet. Brianna Commerford is one of those exemplary citizens. Just twelve years old, Brianna displays a wisdom and maturity far beyond her years, and has created incredible good out of one of life's most terrifying situations.

When she was nine years old, Brianna was diagnosed with Stage IV Hodgkin's Lymphoma. With courage, tenacity, and support from those around her, Brianna overcame a year of grueling treatment and eventually defeated the cancer. Since entering remission in October 2009, Brianna has shared her story of survival in schools, hospitals, and other places across New Jersey, bringing hope and inspiration to so many. Moreover, Brianna has helped raise over \$20,000 for the American Cancer Society.

Brianna has taken a scary and daunting prognosis and unlocked its potential for good. She has learned one of life's most difficult lessons—that greatness is found in our ability to create good within our own locus of control. I can think of no one better suited to serve as a National Ambassador for this important cause. The same energy that carried her through treatment will serve the Hope on Wheels initiative well, as Brianna and Hyundai partner to find new ways to treat and hopefully one day prevent and cure pediatric cancer.

Thanks to her courage and the skill of her doctors, Brianna is back to doing what she loves: riding horses, playing soccer, and living the life of an active twelve-year-old. She has made the commendable decision to further the cause of pediatric cancer research by sharing her story with us today. In closing, I would like to leave you with you a line from a poem Brianna wrote while she was in treatment: "I have CANCER and I really DON'T like it. The chemo is GROSS, but I'm STRONG and can fight it."

Brianna brings a powerful testimony to the importance of living courageously and pursuing your goals relentlessly. It is an honor to represent Brianna and her family in Congress, and pay tribute to the many successes she has achieved with her great courage and persistence.

CONGRATULATING SRC, INC.
PRESIDENT, BOB ROBERTS, ON
HIS RETIREMENT

HON. DANIEL B. MAFFEI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. MAFFEI. Madam Speaker, I rise today in tribute to Robert U. Roberts, a lifelong servant to the U.S. military and defense industry, on the occasion of his retirement from SRC, Inc., formerly Syracuse Research Corporation.

A native of Hamilton, New York, Bob Roberts joined the U.S. Air Force in 1960 and soon after receiving his commission entered flight training at Dover Air Force Base. He flew more than 200 combat missions in Southeast Asia and in 1972, he became Director of Acquisition Management to the Office of the Secretary of the Air Force, Office of Special Projects. After 20 years of distinguished military service in numerous assignments at various levels of command, Bob retired from active duty in 1980. Bob received the Distinguished Flying Cross, the Air Medal with 15 Oak Leaf Clusters, Airman Medal and Meritorious Service Medal. He has always welcomed professional challenges and never declined an opportunity to serve his country. The list of Bob's active duty assignments is long and many Air Force personnel, both uniformed and civilian, count themselves fortunate for the opportunity to have served with and learned from Bob Roberts.

Bob joined SRC in 1991 as president and CEO. His knowledge and leadership in U.S. government and private sector programs has greatly advanced SRC's capabilities to support numerous customers, including the Department of Defense, the National Air Intelligence

Center, the Naval Air Warfare Center and the Environmental Protection Agency, as well as state and local initiatives associated with economic development, technological innovation, environmental quality and academic-to-industry partnerships.

SRC was fortunate to have Bob's leadership for nearly 20 years. Under Bob's direction, the company has seen tremendous growth, and continues its mission to keep America safe and strong by protecting its people, environment and way of life. An independent, not-for-profit research and development company with more than 50 years of experience in defense, environment and intelligence, Bob helped shape the company into what it is today—a resource that is delivering unique, next-generation solutions of national significance to our government. SRC plays a critical role in protecting America's freedom and Bob leaves SRC strong, successful and well-positioned to meet future challenges.

Bob has been supported in his professional career by numerous close friends, strong relationships and his eight children. On behalf of the 25th District of New York, I would like to thank Bob Roberts for his many years of service to our Nation. Bob Roberts answered the call to serve his country, and his service has made a difference. We wish you well, Bob, and hope you know how deeply grateful we are for your contributions. Best wishes to you upon your retirement.

HONORING THE HOSPICE VOLUNTEERS OF WATERVILLE AREA

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. MICHAUD. Madam Speaker, I rise today to recognize the Hospice Volunteers of Waterville Area on the 30th anniversary of their founding.

Hospice Volunteers of Waterville Area (HVWA) was founded in 1980 by a small group of concerned community members looking to provide non-medical support for individuals and their families during the last phases of life and grieving process. It has since gone on to become a cornerstone for end of life care in the region, serving 27 communities in central Maine. HVWA has gone on to expand their services through the establishment of Camp Ray of Hope, an award winning statewide program aimed at bringing together those who have lost loved ones to illness, accidents, suicide, and homicide, as well as Hope's Place—a youth peer counseling program.

For anyone who finds themselves in this position, the last stages of life are often filled with tumultuous emotions, pain, and fear. The services which the staff and volunteers at HVWA provide to their neighbors during a period of ultimate vulnerability are truly remarkable. At no cost to patients or their families, volunteers operate a multitude of support groups, direct care companionship and bereavement counseling.

There is no way to quantify the value of HVWA to the central Maine region. For thirty years, they have remained a steadfast beacon

of compassion, understanding and comfort for those who need it most. I wish them the very best going forward, and I hope their example stands as a testament to what can be achieved through the kindness of the human spirit.

Madam Speaker, please join me in honoring the Hospice Volunteers of Waterville Area for their three decades of devoted service to their community.

RETIREMENT OF DAVE NEWBY

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. KIND. Madam Speaker, today I rise to pay tribute to a man who spent a majority of his career fighting for the rights of Wisconsin workers, the current President of the Wisconsin State AFL-CIO, David Newby. After years of service to workers in the State of Wisconsin, Dave is retiring this year. Although his leadership and dedication to the labor movement will be greatly missed, his contributions will not be forgotten.

For 16 years, Dave has led the Wisconsin State AFL-CIO, a federation of over 1,000 local unions, representing 250,000 Wisconsin workers. Dave was determined to achieve economic justice in the workplace and social justice in Wisconsin communities, and throughout the years he has had tremendous success accomplishing these goals. One issue at the forefront of Dave's agenda was to ensure quality health care for Wisconsin workers. In 2003, the Wisconsin AFL-CIO created the Wisconsin Health Care Partnership Plan, an innovative proposal that strengthened the debate in Wisconsin on how to solve the health care crisis. In 2007, this plan was combined with other health care proposals to become "Healthy Wisconsin: Your Choice, Your Plan," a plan to provide health care for all.

Dave's passion for equality and helping others goes back to his involvement in the civil rights and anti-war movements during the 1960s and 1970s. After the movements, Dave taught history at the Tuskegee Institute in Alabama before becoming a teaching and project assistant at the University of Wisconsin. His first labor leadership role came in 1982 when he was elected President of the Madison Labor Council. During this time Dave literally showcased how far he was willing to go to advocate for the labor movement during a strike against Greyhound. Dave stood in front of a fast-moving bus driven by a strikebreaker, forcing it to come to a screeching stop.

In 1986, Dave became the secretary-treasurer of the Wisconsin State AFL-CIO where his hard work and enthusiasm to help other unions helped him win the election for AFL-CIO President in 1994. In addition to his commitment to improved health care, minimum wage increases, family and medical leave, improved health and safety on the job, and plant closing notifications, Dave also spent his years leading the AFL-CIO reshaping the labor movement. He recognized that in order to achieve success, it was essential to build relationships with local communities and involve

the general public. This transformation brought increased success and visibility to Wisconsin labor.

The AFL-CIO and the Wisconsin workers it represents will surely miss the hard work, courageous advocacy, and genuine dedication of Dave Newby. Personally, I will greatly miss his leadership, advocacy and vast knowledge. I wish Dave the happiest retirement and thank him for the work he has done to support Wisconsin's working families and their communities.

IN RECOGNITION OF THE 60TH ANNIVERSARY OF THE TRADING POST TRAIN SHOP

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of the 60th anniversary of the Trading Post Train Shop located on Pearl Road in Cleveland's Old Brooklyn neighborhood. I also recognize its owner, Mr. James Berilla.

The Trading Post Train Shop opened in the fall of 1950 under its first owner Ralph Brown. Mr. Brown discovered a community-wide clientele of train enthusiasts of all ages. Forty years later, he sold the shop to the current owner. Sixty years later, the Trading Post Train Shop serves clients including second and third generation patrons. The shop fills orders from throughout Ohio and across the country.

The Trading Post Train Shop carries Lionel model trains and collectibles for sale or trade. The busiest time of year for the Train Shop is always the December holiday season. Model trains with real smoke, metal tracks and whistles continue to be a treasured American holiday tradition, circling Christmas trees in millions of homes every December.

Madam Speaker and colleagues, please join me in honor of the Trading Post Train Shop, its patrons, past owner Ralph Brown and current owner James Berilla. Images of trains racing through a tunnel, across the desert or atop a bridge remain deeply embedded within the spirit of our nation. They reflect the great frontier, innovation, adventurous spirit and energy that define America. The legacy of the train will always manifest the trailblazing spirit Cleveland's small business owners, whose sense of independence and innovation are vital rails along the economic track running from Cleveland, Ohio to all points across our nation.

HONORING BILL FELTON

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. DUNCAN. Madam Speaker, Bill Felton of Knoxville, Tennessee, is one of the most respected men in my District. His military career and civic service make him admired by everyone fortunate to know him.

Bill Felton is a leading expert in the transportation field. His education began at the University of Tennessee, where he majored in transportation and received a Bachelor of Science degree in business administration. He soon found himself in the United States Army Transportation Corps, rising to top leadership positions.

Bill's long and distinguished career in the Corps began with his commission as Second Lieutenant and lasted three decades, when he retired as a Colonel. During his time in the military, Bill was stationed mostly at the U.S. Army Transportation Corps' headquarters at Fort Eustis, Virginia, where he became an expert in transportation and logistical matters for the military.

During his military career, Bill continued his training and education through many courses, including instruction at the Industrial College of the Armed Forces and the completion of the Defense Advanced Traffic Management Course, Transportation Movements Officer Extension Course, and Transportation Corps Career Officer Course. He also graduated from the Command and General Staff College.

Bill loves the military and does everything he can to help those in active service; but he has always had an especially soft spot for Veterans.

He is the founder of the East Tennessee Veteran's Memorial Association and is largely responsible for the Veterans Memorial at World's Fair Park in downtown Knoxville.

Bill has always felt very strongly about our Nation and is very patriotic. Never one to sit by idly and complain, he has always taken an active role in politics. He served as President of the West Knoxville Republican Club and Executive Committee Member of the Knox County Republican Party.

His other civic contributions include serving as Vice President of the Knoxville Convention and Visitor's Bureau and on the Board of Directors of the Bijou Art Center. He also worked tirelessly for the Knoxville Dogwood Arts Festival, Girls' Club, Knoxville Rotary Club, and rose to top leadership at the Knoxville Chamber of Commerce.

Bill is also a respected businessman who is a leader in the life insurance industry. Several articles he wrote on the industry have been published nationally, and he is the former President of the Knoxville Association of Life Underwriters.

Madam Speaker, I do not see how anyone could love this Country more than Bill Felton. I call his service and devotion to the United States and his Community to the attention of my colleagues and other readers of the RECORD.

INTRODUCING A HOUSE CONCURRENT RESOLUTION SUPPORTING THE GOALS AND IDEALS OF NATIONAL HOMELESS PERSONS' MEMORIAL DAY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce a concurrent resolu-

tion to support the goals and ideals of National Homeless Persons' Memorial Day, in recognition of the people who have died on our streets, in emergency shelters, condemned or abandoned properties, and from elements directly related to homelessness.

On or near the first day of winter and the longest night of the year, National Homeless Persons' Memorial events have been held nationwide every year since 1990 to remember the homeless persons whose lives and deaths might otherwise go without any public recognition.

Throughout my home state of Florida, this important day is being recognized, along with over 200 other local municipalities, organizations, and statewide organizations throughout the United States. With the support of the National Coalition for the Homeless, National Consumer Advisory Board, and the National Health Care for the Homeless Council, National Homeless Persons' Memorial Day brings attention to the tragedy of homelessness and to remember our homeless neighbors and friends who have paid the ultimate price for our nation's failure to end homelessness.

The statistics are daunting: more than half a million people in the United States do not have a place to call home each night and half of them are without shelter; nationwide each year, an estimated 2,000,000 people experience homelessness; and the mortality rate among homeless populations has been shown to be almost four times that of the general population.

As American citizens, it is not only our desire to help those in need; it is our duty to provide every homeless man, woman, and child with a place to sleep at night, an opportunity to sustain economic stability, and the right to access health care.

On June 22, 2010, President Obama and Members of Congress were presented with "Opening Doors: the federal strategic plan to prevent and end homelessness" which describes how the federal government will partner with states, local communities, non-profit organizations and the private sector. This resolution provides us with the opportunity to commend the efforts of the States, territories, and possessions of the United States who support the goals and ideals of National Homeless Persons' Memorial Day, to encourage those not already doing so, and to salute the dedicated professionals and organizations who provide assistance 365 days a year to people in need.

It is time we acknowledge, as a nation, all of the people in our country living on the streets who have paid the ultimate price for our failure to end homelessness. In remembering those who died on the streets, the cause of ending homelessness is kept urgent as is the Nation's collective commitment to preventing such deaths in the future.

I urge my colleagues to support this House Concurrent Resolution and reaffirm Congress' commitment to ending homelessness by promoting a comprehensive national response that addresses the housing, health care, income, and civil rights causal factors and consequences of extreme poverty. Let us make this year's first night of winter and longest night of the year, December 21, 2010, a true national day.

HONORING BOB WHITLEY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. FARR. Madam Speaker, I rise today to honor the memory of Bob Whitley.

As President of the United States Tour Operators Association, Bob Whitley dedicated his life to promoting travel, tourism and building lasting friendships. I am proud and honored to have worked with such a caring and dedicated professional on issues so important for our nation.

In my efforts to advance current legislation providing United States citizens the freedom to travel to Cuba, I seized an opportunity to visit New York City and create national media discussion of the issue. Accompanying me on that trip in September 2009 was Bob Whitley, truly one of the most knowledgeable and respected travel industry leaders.

As our trip progressed, I came to know Bob for the man he was and the legacy he would leave behind. His passion for United States generated tourism and his love for people around the world drew us together. This past March, Bob helped organize and lead the U.S. Cuba Travel Summit in Cancun, Mexico—an event that drew strong participation from both nations in an effort to open communications and discuss easing travel restrictions.

Bob passed away in May, and his funeral included an unrivaled gathering of travel industry colleagues and friends. Today, I add my name as one of his greatest admirers.

Bob held many distinguished positions throughout his career, including Director of both the Florida and Pennsylvania Departments of Tourism, Director of the Virginia Beach Convention and Tourist Bureau, and an incredible thirty-two years at the United States Tour Operators Association. Because of his outstanding record, Bob has been recognized internationally many times. This year, he will receive the 2010 National Tour Association Pioneer Award, an honor given to career leaders in tourism. I am proud to be a past recipient of this same award and it is my honor to share it with Bob.

In addition to his career accomplishments, Bob was an avid golfer and enjoyed traveling to new destinations around the globe, eventually visiting over 100 countries. He leaves his wife, two sons, a daughter, their spouses, and his grandchildren to carry on.

The travel industry has lost a giant, with Bob's passing. We will miss him.

HONORING JOSEPH BARBAGLIA

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. CARNAHAN. Madam Speaker, I rise to recognize Joseph Barbaglia, a successful businessman, person of faith and selfless community volunteer.

Joe and his business partner Guy Bopp are owners of Southwest Hill Auto Parts Inc. They

are celebrating their 25th year in business at the same location in the famous "Hill" neighborhood in the City of St. Louis. Joe's business is one of the most successful and reputable auto parts firms in the St. Louis region, and Joe is a member of business organizations that are dedicated to providing quality service and products to the general public; groups such as the Better Business Bureau, the Alliance of Automotive Service Providers, the Hill Business Association and the Professional Business Men. Additionally, he is also on the Board of Directors of Eagle Bank.

Joe Barbaglia is a faithful leader in his church serving on various committees for the good of St. Ambrose Catholic Church. Joe has been instrumental in the success of such church as La Festa at St. Ambrose Church, St. Ambrose Golf Tournament, and the Alumni Breakfast at St. Ambrose.

Joe will help out anyone in need. Joe and Southwest Auto Parts are the main sponsors for Car Show/Soap Box Derby held at Shaw School every year in June and the annual Muscular Dystrophy Association fishing tournament.

As a community leader Joe has held provided critical support for numerous community events such as the Fireworks Display at Sublette Park, Bike Race on the Hill, and Party in the Park at Berra Park, the Southwest High School Alumni, and Second District Police Association.

Joe has been named the Hill Neighborhood's "Citizen of Year" and is the president of the Hill 2000 Neighborhood Association, demonstrating the community's confidence in Joe Barbaglia's ability as a leader who gets things done.

He is married to his wife Thersea and has a loving daughter Nina. Joe Barbaglia is a shining example of what it means to be an exemplary citizen for one's community, state and nation.

IN HONOR AND REMEMBRANCE OF
MR. J. THOMAS MULLEN**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of Mr. J. Thomas Mullen, a devoted husband, father, and friend. His faith and his dedication to serving all of humanity, especially the poor and marginalized, were unshakable.

Mr. Mullen moved to Ohio in 1983 to work in the Cuyahoga County Juvenile Court. Two years later, Governor Dick Celeste appointed him Director of the Ohio Department of Youth Services. He joined Catholic Charities in 1987 and combined Gospel values with business savvy to transform the organization's Cleveland branch. At the time of his death, he was president and chief executive officer of Catholic Charities Health and Human Services. He was also serving his third term as Chair of the Governor's Council on Juvenile Justice.

Mr. Mullen played a key role in helping the Cleveland's Catholic Charities branch develop into a \$100 million operation that serves hun-

dreds of thousands of people. Coworker Tom Allio praised Mr. Mullen as "brilliant in his capacity to leverage foundation and government support to help the poor, the homeless, and the marginalized."

Madam Speaker and colleagues, please join me in honor and remembrance of Mr. J. Thomas Mullen. I offer my condolences to his wife, Julie; to his daughter, Maggie; to his sons, John, Patrick, Matt, and Jim; to his thirteen grandchildren; and to his many friends. Mr. Mullen lived his life with love, generosity, and commitment to social justice. He will always be remembered for his good work and his generous spirit.

RECOGNIZING ASSISTANT CHIEF
STEPHANIE REDDING AND HER
HISTORIC CAREER OF PUBLIC
SERVICE**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Ms. DeLAURO. Madam Speaker, it is a privilege for me to rise today to celebrate the distinguished career of Assistant Police Chief Stephanie Redding. After twenty-five years on the force, Stephanie announced her plans to retire from the New Haven Police Department and I am honored to have this opportunity to join the many family, friends, and colleagues who have gathered to thank her for her exemplary service to the Department and our community.

The daughter of a former West Haven fire chief, Stephanie has always understood the importance of public service. She chose a career in law enforcement and entered the New Haven Police Academy in 1986—still in a time when women were not commonplace among the ranks. Stephanie started at the New Haven Police Department as a Patrol Officer and throughout her career served as a Mounted Patrol, Sergeant, and Lieutenant before becoming the first female Assistant Chief in New Haven's history.

Whether as District Manager of the East Shore/Morris Cove District, the Officer in Charge of the Family Services Division, or Assistant Chief, Stephanie has earned the respect and admiration of her colleagues and community leaders alike. Stephanie's tenure has been marked by her integrity, professionalism, and compassion. She has twice served as acting Chief of Police during transitional phases at the Department, and was appointed to the State Victim Advocate Advisory Committee. She has also shared her expertise with her colleagues around the world, serving as an instructor at the Academy and presenting on community policing and other family and children's issues at both national and international conferences.

Over the years, I have had the opportunity to work closely with Stephanie on a project we both care deeply about. She has spearheaded the collaborative effort between the NHPD and the Yale Child Study Center's National Center for Children Exposed to Violence and their extraordinary joint multi-disciplinary intervention programs—including the Child Development-

Community Policing Program. This groundbreaking work has changed the way police officers and clinicians respond to children in trauma. It has galvanized support services around at-risk youth, and it has saved and healed lives.

Stephanie's contributions to our community and commitment to community service extend far beyond her professional career. She volunteers with the New Haven Boys and Girls Club, the Yale Child Study Center, and the United Way of Greater New Haven, and she has served as the cheerleading coach at the Sacred Heart Academy. In all that she does, Stephanie touches the lives of others and this is particularly true of our young people.

As a peace officer and a public citizen, Stephanie has been a credit to our New Haven community and to the State of Connecticut. A trailblazer in our City's history, she has fought hard to protect the public and worked to improve the lives of countless New Haven families for the better. I, like so many others, consider myself fortunate to have had the opportunity to work with Stephanie and find myself in awe of the many ways in which she has enriched the lives of others and enhanced the quality of life in our community.

I am so pleased to join her husband, New Haven Police Captain Pat Redding, their son Patrick, her parents William "Wiggy" and Dolly Johnson, as well as all of the family, friends, and colleagues who have gathered today to congratulate Assistant Chief Stephanie Redding as she celebrates her retirement. I cannot thank her enough for her decades of service and innumerable contributions to our community. Stephanie has set a standard to which we should all strive and I have no doubt that no matter what her future endeavors may be, she will continue to find ways in which she can make a difference in the lives of others. My very best wishes to her and her family for many more years of health and happiness.

**CONGRATULATING PETER BOHLIN
ON RECEIVING THE 2010 GOLD
MEDAL FROM THE AMERICAN IN-
STITUTE OF ARCHITECTS**

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mr. Peter Bohlin on receiving the 2010 American Institute of Architects Gold Medal.

The Gold Medal is considered the highest individual honor an architect can receive from the American Institute of Architects. It recognizes "a significant body of work of lasting influence on the theory and practice of architecture." Mr. Bohlin is the 66th recipient of this prestigious award.

Mr. Bohlin graduated from Rensselaer Polytechnic Institute in 1959 before receiving his Masters in Architecture from the Cranbrook Academy of Art in 1961.

During his sophomore year of college, Mr. Bohlin's parents moved from New York to Northeastern Pennsylvania.

After graduation from Cranbrook, Mr. Bohlin founded Bohlin and Powell in Wilkes-Barre, Pennsylvania with his former Rensselaer classmate Dick Powell. Their first job was to design a home for Mr. Bohlin's parents in Bear Creek, Pennsylvania.

Only a few years later, they designed a second home for Mr. Bohlin's parents in Connecticut, known as the famous "Forest House," which landed their small firm on the front page of the New York Times' Home section in 1976.

After the success of the "Forest House," Bohlin and Powell continued to expand. Shortly thereafter they opened two more offices in Pennsylvania.

In 1989 Bohlin and Powell opened an office in Seattle, Washington after winning a contest to design Bill Gates' home.

In 1991 Mr. Powell retired and Bohlin and Powell became the firm Bohlin Cywinski Jackson.

In 1999, Bohlin Cywinski Jackson opened its first office in California to design Pixar Animation Studios. It was at this time the firm established its relationship with Apple founder and CEO Steve Jobs. Over the years Apple has hired Bohlin Cywinski and Jackson to design multiple Apple stores across the country, including its famous location on Fifth Avenue in New York City.

Today, Bohlin Cywinski Jackson maintains offices in Wilkes-Barre, Pittsburgh, Philadelphia, Seattle, and San Francisco. The firm currently has almost 200 employees.

Over the years, Mr. Bohlin and his firms have been recognized for their work on hundreds of occasions by the Pennsylvania Society of Architects, AIA, Business Week, the National Parks Service, and the Society of American Registered Architects, among others.

Among his award-winning portfolio of projects, he has designed Seattle's City Hall, buildings throughout the campuses of Yale University and Syracuse University, and the Pocono Environmental Education Center in Dingmans Ferry, Pennsylvania.

Madam Speaker, please join me in recognizing Mr. Bohlin on this remarkable achievement. From his humble beginnings in Northeastern Pennsylvania, Mr. Bohlin has established himself as one of our country's premier architects.

**HONORING KENNEBEC
BEHAVIORAL HEALTH**

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. MICHAUD. Madam Speaker, I rise today to recognize Kennebec Behavioral Health on its 50th year of providing health care to central Maine residents.

Kennebec Behavioral Health (KBH) is dedicated to providing high quality, innovative, community-based services and to improving the lives of central Maine residents who experience mental illness, emotional difficulties or behavioral challenges. Founded in 1960 by Dr. Charles Rothstein as the Community Mental Health Center of Central Maine, KBH has

grown by leaps and bounds. Today, Kennebec Behavioral Health employs over 340 Mainers in the service of helping their neighbors in need. With medical clinics in Augusta, Skowhegan, Waterville and Winthrop, KBH serves more than 12,000 children and adults every year.

Mainers far and wide have come to rely on the dedication and devotion of KBH and its employees. The programs and services offered demonstrate a keen understanding of mental and behavioral trauma across age and economic demographics. With many Mainers generally unable to afford the level of care provided by Kennebec Behavioral Health, the organization makes over \$2.5 million dollars available in financial assistance each year. Governor Baldacci recently proclaimed June 16 as "Kennebec Behavioral Health Day" in recognition of the effectiveness of KBH's mental health services.

I am pleased to share in the recognition of Kennebec Behavioral Health as they reach this important milestone.

Madam Speaker, please join me in celebrating Kennebec Behavioral Health on reaching a half century of service to the residents of central Maine.

**FOOTBALL RETURNS TO LAMAR
UNIVERSITY**

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. POE of Texas. Madam Speaker, it is September and back home in Texas that can only mean one thing—football season is in full swing. Each week helmets are buckled and cleats are tied as hundreds of teams line up to compete across the state, from the Pop Warner leagues up to the professionals. I was honored to be a part of history as the Lamar University Cardinals played and won its first home game in over twenty years against the Weber International University Warriors.

Lamar University began playing football in 1923, when it was known as South Park Junior College. The team was a Southland Conference power in the late 1960s, notching four championships in seven years. In 1989, the program was discontinued, forcing alumni and football fans in the area to choose a new favorite college team. Now, after several years of hard work, the Cardinals are back on the gridiron with all of Southeast Texas supporting them.

The first steps towards bringing football back to Lamar were taken in January 2008, as the student body voted for a tuition increase to help fund the program. That tells you all you need to know about the hunger for football in Southeast Texas. Lamar University President Dr. James Simmons and Athletic Director Billy Tubbs searched long and hard for the coach who could oversee the rebirth of the football program from the ground up. The right man for the job was 20-year coaching veteran and former NFL player Ray Woodard. He assembled a staff of experienced coaches and developed an offensive and defensive scheme without a single player recruited.

When it came time to recruit players, Coach Woodard made good on his promise to attract local talent. Nine of his starters come from the area and he has eleven additional local backups. Leading the offense is Quarterback Andre Bevil, who played high school football a short drive down the road at West Orange-Stark. The defense is headed by former West Brook High School standout Jacody Coleman. Lamar is a young team with no senior starters, leaving the Cardinals with a bright future.

The Cardinals opened their returning season in Lake Charles, Louisiana, with a nail-biting 30-27 loss to longtime rival and nationally ranked McNeese State University. There was little time to lament, as the following week was sure to be one of the biggest events in Southeast Texas sports history—the return of football to Lamar University.

As I made my way through the Lamar campus on September 11, the sights I saw amazed me. Fans wearing red and white were lined up as far as the eye can see, enjoying the spirit of community that only college football can bring. I met some alumni who had been there battling the intense Texas heat since noon, others who flew in from across the Nation to witness the first home game in 21 years.

By kickoff time, the standing room only crowd of 16,600 was as loud and excited as I have ever seen. Less than two minutes into the game, Quarterback Bevil hit wide receiver J.J. Hayes for a 25-yard touchdown pass that had the newly remodeled Provost Umphrey stadium rocking. The Warriors evened the score at 7-7 in the first quarter. Then, both defenses stood strong, not allowing a score until Bevil threw a 57-yard touchdown pass to receiver Kendrick Prejean towards the end of the third quarter. In the end, the Cardinals prevailed 21-14, lead by Bevil and another local talent, former Lumberton running back Cody Hussey on the offense. Linebacker Asim Hick led the defense with 8 tackles and a sack.

Madam Speaker, after years of rumors and false starts, football has returned to Lamar University in grand fashion. The team is loaded with local, talented players. They have beautiful new facilities that help bring in the “big game” college experience. I am proud to celebrate the hard work that numerous people put in to bring college football back to Lamar University. I wish them the best of luck in the future. Finally, GO BIG RED!!

And that's the way it is.

IN HONOR AND RECOGNITION OF
NASA'S OBSERVANCE OF 2010
HISPANIC HERITAGE MONTH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor of NASA Glenn Research Center's annual observance of Hispanic Heritage Month, which was organized by the Hispanic Advisory Group at NASA Glenn. As employees at NASA celebrate the heritage, culture and numerous contributions of Hispanic Americans in Greater Cleveland and throughout our

country, we reflect on this year's theme: “Heritage, Diversity, Integrity and Honor; The Renewed Hope of America.”

Americans of Hispanic descent have served our country in numerous ways. Their rich and diverse culture has touched the life of every American and has been an invaluable component of Cleveland's diverse social fabric.

I also rise in honor of this year's keynote speaker, NASA astronaut Jose M. Hernandez, who was part of the crew aboard the space shuttle flight, *Discovery*, from liftoff on August 28, through touchdown on September 11, 2009. His leadership and expertise in the fields of chemical, computer and electrical engineering have promoted great strides in several areas of scientific study.

Madam Speaker and colleagues, please join me in honor and celebration of Hispanic Heritage Month, of the NASA Glenn Research Center and of Astronaut, Jose Hernandez. The innumerable contributions made by Hispanic Americans have added immeasurably to NASA Glenn's unparalleled global record of success.

HONORING LAKE PARSIPPANY
VOLUNTEER FIRE COMPANY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the Lake Parsippany Volunteer Fire Company, District #3 located in Morris County, New Jersey, which is celebrating its 75th Anniversary.

In 1935, a group of concerned citizens, recognizing the need for fire protection in the Lake Parsippany area, began taking steps toward the formation of the Lake Parsippany Volunteer Fire Company. The Fire Company was formally organized in early September with incorporation formalities approved on November 2, 1935.

Determined to start the company off successfully, members loaned money to purchase some fire equipment and a committee was formed to investigate the possibility of purchasing a used fire truck. By December 1935, just one month after organizing, the company had acquired its first fire truck from the Livingston Fire Company. The Morris Plains Fire Association provided fire rings with which to summon members to a fire.

In the early days, meetings were held in the residences of Mr. Peter Yeager and Mr. Edward Flanagan. The Lake Parsippany Property Owners Association Club House eventually became the gathering place.

After establishing a place to meet, the next step members took was to obtain a suitable location to house the fire truck. Land was purchased from the New York Daily Mirror and construction was started on the firehouse in August 1936. Through the efforts of its members organizing dances and raffles and the help from generous contributors, the Fire Company had become a fully functioning fire company just one year after organizing.

Shortly after their first anniversary in December 1936, the Fire Company welcomed

the Ladies Auxiliary of the Lake Parsippany Volunteer Fire Company. The Auxiliary performed remarkable work for the firefighters and are credited with the company's steadfast progress. The Ladies Auxiliary spent many nights supplying hot coffee in the freezing weather while the members were engaged with firefighting duties.

The passing years have seen continued improvements for the Lake Parsippany Volunteer Fire Company. In the year 2002, the company moved across the street to their new home. However, the old firehouse still continues to serve the community as a substation for the Parsippany Rescue and Recovery Unit. In 2007 the Company added a 75 ft. Pierce Ladder Truck.

The Lake Parsippany Volunteer Fire Company continues to welcome new members into an organization dedicated to protecting their community and living out their motto: “Neighbor protecting and helping neighbor.”

Madam Speaker, I ask you and my colleagues to join me in congratulating the Lake Parsippany Volunteer Fire Company, District #3 as they celebrate 75 years of community service.

RECOGNIZING REPUBLIC OF COLOMBIA'S
AMBASSADOR CAROLINA BARCO

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. MEEKS of New York. Madam Speaker, I offer these remarks on my own behalf and on behalf of my fellow co-chairs of the Congressional Colombia Caucus which includes Representative MARIO DIAZ-BALART, Representative HENRY CUELLAR, and Representative AARON SCHOCK. As co-chairs of the Caucus, we recognize today the tremendous work and legacy of the Republic of Colombia's outgoing Ambassador to the United States, Carolina Barco. Since 2006 Ambassador Barco has been an exemplary representative of the government and people of Colombia. She has worked tirelessly to deepen the ties between the United States and the nation of Colombia, a key South American ally.

Ambassador Carolina Barco has been an effective advocate on behalf of her country ensuring that we are well aware of the many ways that the United States can support a promising vision for the future and the continued progress of our ally, to the benefit of our entire hemisphere. There has been much progress for us to support. While she has been Ambassador to the United States, we have seen evidence of the commitment of Colombia to continue efforts to reestablish and maintain government control over its territory, fight drug trafficking and terrorist activities, reduce poverty, and become a more inclusive society. Despite Colombia's decades long conflict with guerrilla forces and paramilitary groups, public security has been restored in many areas previously under siege, and a stable environment for investment has been created.

As Ambassador Barco passes the baton to her successor, we know that her country is on

strong footing and her work here in the United States has created long lasting relationships that will continue to be fruitful; though she is leaving her legacy lives on. We wish her well on her future endeavors.

IN RECOGNITION OF HOWARD
O'NEIL

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. PALLONE. Madam Speaker, I rise today to recognize the accomplishments of Chief O'Neil, a resident of New Jersey and dedicated member of the Neptune Township police. Chief O'Neil has recently completed 40 years and 4 months of distinguished service in the township of Neptune and will be retiring this winter. I applaud Chief O'Neil's achievements and dedication and recognize his work which serves as an inspiration to us all.

A native resident of Ocean Grove, New Jersey, Chief O'Neil's career of public service began in 1964 when he served in the New Jersey National Guard until 1970. He was then assigned to the patrol division of Neptune Township Police until 1979. During his career on the force, O'Neil earned several promotions, including Sergeant in 1981, Lieutenant in 1985, Captain in 1987, Deputy Chief of Police in 1996 and most recently, Chief of Police in 2003. Furthermore, he remained an outstanding member, former president and vice president to the Policeman Benevolent Association as well as the Fraternal Order of Police State Lodge.

Chief O'Neil's civic achievements have also helped to form numerous organizations devoted to further advancing the safety and well-being of the Monmouth County community. In 1994, he chaired a committee that established a fund that gives monetary donations to families of officers who were killed in the line of duty. In addition, he helped establish an education fund as well as a fund for healthcare for special case residents of the area. Moreover, O'Neil has served or continues to serve on multiple organizations, including the New Jersey Governor's Awards committee and Attorney General's Awards committee.

Chief O'Neil's enthusiasm for service extends well beyond his call of duty as a police officer as evident in his active community leadership. A true member and devotee to his community, he has dedicated his time to coaching numerous youth sports teams including little league, recreational basketball and soccer, and travelling boys and girls soccer. The youth and families of Neptune Township are fortunate to have benefited from Chief O'Neil's energetic service and civic participation.

Chief O'Neil has tirelessly devoted his time to his community and epitomizes what it means to give back. Madam Speaker, please join me in leading this body in acknowledgment of the extraordinary contributions of Chief Howard O'Neil. He is a greatly valued citizen of the State of New Jersey, and I am honored to recognize him today.

COMMEMORATING THE VISIT TO
CUBA OF THE FREEDOM SCHOONER
"AMISTAD" IN RECOGNITION
OF UN DAY OF REMEMBRANCE
FOR SLAVERY VICTIMS

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Ms. DeLAURO. Madam Speaker, it is with enormous pride that I wish to inform my colleagues that the Freedom Schooner *Amistad*, a national human rights icon moored in New Haven, CT, is making history this week. As part of the United Nations commemoration of March 25 as the global Day of Remembrance for the victims of the Atlantic slave trade, the *Amistad* arrived Monday in Matanzas, Cuba and today will sail for Havana.

The *Amistad* entered Cuban waters on March 22, 2010 for a 10-day, two city Cuba tour that will culminate its recent Caribbean Heritage Voyage. The ship first visited Matanzas, site of a new UNESCO-affiliated slavery museum. Today, the *Amistad* will sail into Havana Harbor to commemorate the historic "triangle of trade" connections between America, Europe, Africa and the Caribbean. Tomorrow, the vessel will host a three-hour simulcast about the shared slave trade heritage, connecting Cuban students to classrooms across the Atlantic Ocean and at the UN in New York. In addition to public tours of the boat and academic panels on its history, the Cuba visits will focus on the impact of the slave trade on our transatlantic cultural heritage—including religious ritual, film, music, dance, poetry and visits to former plantations.

The sale of the *Amistad* captives in Havana was a small transaction in the thriving international slave trade. But the resulting events arguably turned the tide against slavery itself—and the historical connections across the modern African Diaspora are direct and profound.

This visit is especially poignant because *Amistad*'s own story began in Cuba. The original ship was built in Cuba. In 1839, the *Amistad* sailed from Havana, the center of the illegal slave trade. This will be the replica's first visit to Cuba—and it coincides with the tenth anniversary of its launch at Mystic Seaport Museum on March 25, 2000.

The *Amistad* is a 140-foot replica of the two-masted black schooner that was at the center of the 1841 slave rebellion case argued successfully by John Quincy Adams, leading to the first U.S. Supreme Court case freeing African captives. The replica *Amistad* has visited 70 domestic and international ports as a symbol of this human rights milestone.

In 2008, the *Amistad* undertook a 14,000-mile transatlantic sail to Africa. On March 25 of that year, the *Amistad* was linked via satellite directly to the UN as the General Assembly voted to commemorate that date as the bicentennial of the pioneering British act that first outlawed the slave trade. Students from six countries sailed legs of the Africa voyage. Soon thereafter, the *Amistad* was designated as floating ambassador for the UN Permanent Memorial to Honour the Victims of Slavery and the Atlantic Slave Trade. The boat's most re-

cent port of call was Santo Domingo, for a week of programs for youths from the Dominican Republic and Haiti.

During the two months after the current Caribbean tour, the vessel will visit five cities historically linked to the 19th century slave trade: Savannah, Charleston, Norfolk, Washington DC and Baltimore. The next heritage tour will include visits this summer to Boston, Halifax and seven Great Lakes ports, culminating in Chicago. In December, the *Amistad* sails back to Africa, including for celebrations of the 50th anniversary of the independence of Senegal. But for now, all eyes are on Cuba.

CELEBRATING THE BICENTENNIAL
OF THE LAWRENCEVILLE SCHOOL

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. HOLT. Madam Speaker, I rise today to recognize the bicentennial of one of America's premier private secondary schools, The Lawrenceville School of Lawrenceville, New Jersey. Founded in 1810 as the Maidenhead Academy and run under such names as the Lawrenceville Classical and Commercial High School for more than 70 years, the school was "refounded" in 1883 to become The Lawrenceville School as we know it today. And for 200 years this remarkable institution has provided its students with an education that challenges the mind and has instilled in them a strong commitment to community service.

The Lawrenceville School facilities are designated a National Historic Landmark. Designed by the esteemed American landscape architect, Frederick Law Olmsted who designed New York's Central Park and Cadwaladar Park in Trenton, the campus contains several houses where students live, based on their gender and year of graduation. Most of the faculty lives on the campus as well, some in the houses with the students, and others in residences with their families. This provides a community rich in teaching and learning. Classes are held around oval wooden tables rather than in the traditional rows of desks. Students are held to the highest academic standards, and each day students practice their team sports, study or work at fulfilling their social service requirements.

Many of the leading figures in almost every field come from the Lawrenceville School. Lawrenceville has a proud history of public service. Graduates include three New Jersey Governors, Charles Olden, Joel Parker and Rodman Price, who also served as a Member of Congress; Lowell P. Weicker, who served as both Senator and Governor of Connecticut; Charles Fried, who was appointed by President Reagan as Solicitor General of the United States; J. Harvie Wilkinson, III, who sits on the Fourth Circuit Court of Appeals; Ricardo Maduro, who was President of Honduras from 2002 to 2006; Brigadier General Horace Porter, who was awarded the Medal of Honor for his service in the Union Army; and World War I Aviator, Jarvis Offutt for whom Offutt Air Force Base is named.

Under the inspired leadership of Elizabeth A. Duffy, the first woman to be selected as Head Master, The Lawrenceville School has been faithful to its traditions as it prepares its young men and young women for leadership and service in a changing world. I ask all my colleagues to join me in congratulating this American treasure, The Lawrenceville School, which on October 8, 2010 will be celebrating its 200th birthday.

IN HONOR AND REMEMBRANCE OF
DR. ROBERT MULLER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of Dr. Robert Muller, a lifelong champion for peace who served humanity tirelessly throughout his life.

Born in Belgium in 1923, Dr. Muller was raised in the Alsace-Lorraine region of France where he experienced unrelenting political and cultural turmoil. During World War II he was a member of the French Resistance and was imprisoned by the Germans during the Nazi occupation. In 1948, he won an essay contest with his entry about how to govern the world. The prize was an internship at the newly created United Nations.

The internship set him on a life path that led to 38 years of work behind the scenes at the United Nations where he rose to the official position of Assistant-Secretary General, serving three Secretaries General.

In 1986, Rodrigo Carazo, the President of Costa Rica, proposed that Dr. Muller become the chancellor of the U.N. University of Peace in Costa Rica of which he was the co-founder.

His deeply spiritual understanding of our planet and the life that graces it led him to create a "World Core Curriculum" which is taught at 34 Robert Muller Schools around the world. The Curriculum earned him the UNESCO Peace Education Prize in 1989 and the honorary title of "father of global education." He also received the Albert Schweitzer International Prize for the Humanities and the Eleanor Roosevelt Man of Vision Award.

He was a prolific writer, having published fourteen books in various languages, including "2000 Ideas and Dreams for a Better World", in which he proposed concrete, visionary ideas designed to create a peaceful and harmonious planet.

Madam Speaker and colleagues, please join me in honor and remembrance of Dr. Robert Muller, who will be deeply missed. I offer my heartfelt condolences to his entire family and to his many friends. Dr. Muller's life is one to celebrate, as he lived it with a generous heart, a true joy for living and unwavering love for his family, friends, colleagues and our beautiful planet.

A TRIBUTE IN HONOR OF THE
LIFE OF DAVID DRUKER, M.D.

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Ms. ESHOO. Madam Speaker, I rise today to honor the life of an extraordinary physician and a distinguished constituent of California's 14th Congressional District, Dr. David Druker. After 35 years as a healer and leader in the medical community, Dr. Druker passed away on July 23, 2010, following a three-year struggle with lung cancer.

Dr. Druker was trained as a clinical dermatologist, but his interest in people was anything but skin-deep. First as a practitioner and professor, then later as an executive, he always sought to engage those around him, to collaborate with and learn from his colleagues and friends. In this way, he nurtured ties between the medical profession and the broader Peninsula community, becoming a pillar of the Palo Alto Medical Foundation and the catalyst for an expanding and increasingly effective community health network.

With all of Dr. Druker's gifts as a doctor and director, it's hard to imagine him in any other profession. But he did not initially intend to enter medicine. Raised in Marshalltown, Iowa, Dr. Druker received his Bachelors Degree in Economics from Harvard University and was accepted by the University of Michigan Law School before changing his mind and entering the University of Iowa Medical School, under the condition that he make up his pre-med requirements first. Dr. Druker's precipitous career change brought him an avalanche of science coursework and ultimately brought Palo Alto residents an exceptional doctor. With his penchant for quiet understatement, Dr. Druker recalled his first year of medical school as "a fun year."

He married his wife Karen in 1966 and served two years in the U.S. Army before finishing his residency at the University of Oregon in 1975. After a year of private practice in Portland, Dr. Druker moved to Palo Alto to join what was then the Palo Alto Medical Clinic. While seeing 30 dermatology patients a day and teaching at the Stanford University School of Medicine, Dr. Druker rose to hold a number of leadership positions in the clinic and in regional and national organizations. He became Executive Director and then Chief Operating Officer of what had become, under his leadership, the Palo Alto Medical Foundation (PAMF), before being named President and Chief Executive Officer of PAMF in 1999.

Guided by Dr. Druker's vision of high-quality outpatient care and his "multi-specialty group practice" healthcare model, PAMF vastly expanded its range and its roster. The Foundation grew from 120 to nearly 1,000 physicians and now serves locations throughout the Bay Area, including Sunnyvale, Fremont, Los Altos, San Carlos, and Burlingame. Dr. Druker played a leading role in cementing the alliance between PAMF and Sutter Health in 1993, further integrating and enhancing community health services. The Palo Alto Medical Foundation remembered Dr. Druker as man who had "a particular passion for children and edu-

cation, and fostered long standing partnerships with schools." Along with his commitment to the health of youth, Dr. Druker promoted the idea of a "Center for Innovation" at PAMF to generate new and better approaches to clinical care.

Dr. Druker made countless contributions to the wider medical community as well. He chaired the American Medical Group Association and the California Medical Group Association, and served on the Board of the Unified Medical Group Association. He was a Trustee of the California Medical Association, a Fellow of the American Academy of Dermatology, and belonged to the Santa Clara County Medical Society, the California Medical Association, and the American Medical Association, among other affiliations. In addition to these responsibilities, Dr. Druker found time to author papers and textbooks on dermatology and medical administration, all the while devoting himself to his wife, his children, and his grandchildren.

Dr. Druker's impressive accomplishments have immeasurably enriched our community, but perhaps his most lasting legacy lies in the devoted care of his patients. One patient remembered him as "a great guy and a fantastic doctor," a physician whose gentleness left the patient "with this lasting fondness after all these years." Another simply and powerfully noted that back in the early 1980's, "he saved my boyfriend's life."

Madam Speaker, I ask my colleagues to join me in extending our deepest condolences to Dr. Druker's wife, Karen; his children, Daniel and Ellie; his five grandchildren; and his two sisters, Hannah and Leah. Dr. Druker's intellect and passion led him to become the human foundation of the Palo Alto Medical Foundation and the Peninsula's physician and friend. Whether diagnosing a patient or directing new and exciting health advances, Dr. David Druker's warm heart and healing hands will be missed by all who were touched by his dedication and humanity.

HONORING GEORGE WILFORD
ARNOLD

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. WHITFIELD. Madam Speaker, I rise today to honor George Wilford Arnold for his lifelong contributions within his community. I wish to recognize his accomplishments by recalling some of his many achievements as an outstanding public servant.

Mr. Arnold began his public service in the U.S. Army Air Corps during World War II, and this service to his country and community continued throughout his life. Following his military service Mr. Arnold served on multiple boards as well as civic organizations that worked to improve the quality of life in the surrounding region. After many years of service he became a self-taught visionary seeking to improve the supply and the quality of water for his city, county, and region. This dedication to improving the people's quality of life led him to serve as chairman of the Logan/Todd Regional Water Commission from 1997 to 2003

and the executive director from 2003 to 2005. Mr. Arnold also served as the Mayor of Adairville for almost 20 years. During this time he was both trusted and respected for his commitment to the people.

In his community and surrounding area, Mayor George Wilford Arnold was seen as an example of hard work and ingenuity. One of his greatest strengths was that he possessed an unwavering belief in the people he represented. His work and leadership are largely responsible for the advancements of drinkable water within the First Congressional District.

Madam Speaker, Mayor George Wilford Arnold was an integral part of Kentucky's growth and advancement and it is an honor for me to bring to the attention of this House the achievements of this extraordinary gentleman. Although the death of Mayor Arnold is a great loss to our District, his work will live on in the many accomplishments we recognize here today.

RECOGNIZING THE ACHIEVEMENTS
OF THE HAWAIIAN PARTICIPANTS
IN THE HOSA NATIONAL
LEADERSHIP CONFERENCE

HON. CHARLES K. DJOU

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. DJOU. Madam Speaker, I rise today to recognize the students of Hawai'i HOSA who traveled to Orlando to compete in 25 health-related medical events with 7,000 delegates from 46 states. The excellence displayed by the team throughout this competition is indicative of the bright futures they can have in the health care community.

Hawai'i sent a delegation of 84 students from 12 high schools and four colleges from Maui and Oahu to compete in the 2010 HOSA National Leadership Conference. Hawai'i is incredibly proud of the 13 students awarded Top 3 Medallions and the 18 students who earned the Top 10 Finalist award. I would like to recognize the following students from Hawai'i for their tremendous accomplishments at the HOSA National Leadership Conference: Rance China, Josie Gomez, Brianna Daranciang, Ashley Layco, Carianne Matsuo, Ana Liza Capulong, Sandra Jamilla, Joybell Pablo, Vanessa Joy Sagaoinit, Tony Valdez Jr, Britteny Acoba, Joleen-Taylor Baxa, Marikris Racho, Nicole Kawahara, Allen Orense, Kevin Quitoriano, Kimiyo Lindley, Gladys Meir Baloran, Cheryl Batara, Diana Simon, Woody Hoshibata, Brandy-Shaye Au-Stein, Mericris Neyra, Catherine Sabio, Ty Nakama, Zachery Grace, Nicole Colello, Samantha DeLeon, Liane Hisamoto, Aprilei Ramirez, Alnora Murai, Ruel Reyes, Lisa Kaaihue, Charmaine Alontaga, Shaneen Northington, Lian Balmores, Jenna Maligro, Judy Sadoyama, Harriet Gumban, Brittny Acoba, Jade Simpliciano, Angel Badua, Johnelyn Cadang, Jensine Domingo, Benedict Julian, Suzanne Lieu, Shaynna Palasigue, Kristine Saguid, and Theodore Ueki.

The Health Occupations Students of America (HOSA) promotes knowledge, technology education, and skill and leadership develop-

ment for all health sciences to prepare and equip our students to meet the needs of the future healthcare community. Programs like HOSA promote academic excellence, encourage our students to specialize in subjects that interest them, and allow our students to interact with peers from around the country who share those interests. Education is crucial to our success as a nation and we must continue to ensure that quality education remains a priority.

On behalf of the schools, parents, and teachers of the First Congressional District of Hawai'i, I would like to extend my congratulations to the students of Hawai'i HOSA. Aloha.

HONORING DAVID ROMERO

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mrs. CAPPS. Madam Speaker, I rise today to pay tribute to my constituent David Romero from San Luis Obispo, CA.

Mr. Romero is retiring as mayor of San Luis Obispo, after holding this office since 2002. Prior to serving as mayor, Mr. Romero served on the City Council, worked as the Public Works Director and further dedicated himself to our community by lecturing at Cal Poly, and serving in the Chamber of Commerce, SLO Council of Governments and SLO Regional Transit Authority.

Mr. Romero is a true public servant, and his contribution to San Luis Obispo and the greater community will not be forgotten any time soon. He is a sterling example of the work that a city can accomplish when its citizens roll up their sleeves, work together and dedicate themselves to making their community a better place.

It has been an honor to work with him to ensure the residents of San Luis Obispo are well-represented locally and in Washington, DC. In our conversations over the years, I am consistently struck by the dedication and responsibility he feels towards his friends and neighbors of this beautiful city.

On behalf of the entire San Luis Obispo community, I am proud to honor Mr. Romero and his wonderful family today. I wish him much rest and relaxation in his retirement!

CONGRATULATIONS TO THE MISSOURI STATE HIGHWAY PATROL

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. SKELTON. Madam Speaker, it has come to my attention that the Missouri State Highway Patrol recently received the 2010 Outstanding Law Enforcement Agency Award from Mothers Against Drunk Driving. I am proud to pay tribute to the men and women of the Highway Patrol and the exceptional service and protection they provide the citizens of Missouri.

For years, Missouri's Highway Patrol has been a national leader among law enforce-

ment agencies in the fight to prevent drunk driving and care for the victims of this senseless crime. Sobriety check points and effective patrols have resulted in almost 285,000 DWI arrests since 1980, and investigations by the Highway Patrol have led to more than 17,600 criminal charges against drunk drivers in the same time period.

While these statistics are truly impressive and important to note, the Highway Patrol's greatest success cannot be measured. Countless lives are saved everyday because of the Highway Patrol's hard work and commitment to protecting Missouri families from the dangers of drunk driving. And, for those who are sadly affected by drunk driving, the Highway Patrol stands ready to help with a victim advocacy program that has long been considered among the finest in the nation. To date, the program has served victims in every county in Missouri. All these initiatives are complimented by the Highway Patrol's efforts to educate young people about the dangers drunk driving poses to all Missouri drivers.

Madam Speaker, the Missouri State Highway Patrol can be proud of all it has done for the State of Missouri, and they should be congratulated for receiving this well deserved award. I trust my fellow members of the House will join me in congratulating the men and women of the Highway Patrol.

IN HONOR OF TRICIA ROBERTS

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. CASTLE. Madam Speaker, it is with great pleasure that I recognize a great Delawarean, Tricia Roberts, a recipient of the Kathryn J.R. Swanson Public Service Award from the Governors Highway Safety Association (GHSA). Tricia was given this prestigious award for her tireless dedication to keeping Delaware's roadways safe during her career with the Office of Highway Safety (OHS). I am honored that the GHSA has selected Tricia for this award as she is certainly well-deserving. I also wish Tricia all the best in her new found retirement.

Tricia joined the Delaware OHS as a community relations officer in 1989, while I was serving as Governor of Delaware. Through hard work and determination, Tricia quickly rose to director of OHS in 1994. During her time as director, Tricia led the charge to enact strong motor vehicle safety measures, such as the primary seat belt law, bicycle helmet law, and the repeat DUI offender legislation. After legislation was signed into law in 2000 to make a .08 blood alcohol level the standard in all 50 states, which I and others in the House of Representatives worked to pass, Tricia worked tirelessly for several years to toughen drunk driving laws in Delaware to meet federal requirements. Also a steadfast proponent of Checkpoint Strikeforce DUI prevention programs, Tricia was extremely dedicated to keeping impaired drivers off of Delaware's roads. Her innovative measures and dedication to highway safety has improved Delaware's roadways and undoubtedly ensured the safety of thousands.

I am proud to represent a state where individuals such as Tricia Roberts reside. I am extremely grateful for Tricia's efforts toward improving highway safety and I wish her all the best in retirement. It is individuals like Tricia that give Delaware the good name that it has.

BREAST CANCER AWARENESS
MONTH

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. WAXMAN. Madam Speaker, October 1 is the beginning of Breast Cancer Awareness Month. This is a moment to reflect on the great work done by scientists, physicians and nurses, patients, survivors, and their families every day to detect, treat, prevent and—one day—cure breast cancer. It is a time to recall the personal losses of so many family members and friends. And it is an occasion to measure the important progress made against breast cancer and the improvement in the chances of survival and in the quality of life for women and men with breast cancer.

But, for the more than 200,000 American women diagnosed with breast cancer this year, and the 40,000 who will die from breast cancer, it is also time for us to renew our commitment in this struggle, to reaffirm that we will complete this work, meet unmet needs, and once and for all end the risk of breast cancer to our families and our children.

This is a struggle that we willingly take on for our families, and for families around the world, where a woman dies from breast cancer every minute of every hour of every day. This year, 1.3 million women worldwide will be diagnosed with breast cancer, and of them a half million will die from breast cancer. As we mark Breast Cancer Awareness Month in the United States, we do so as members of a global community facing a common health threat.

This year brings other important commemorative milestones in the fight against breast cancer. I learned recently that this year is the thirtieth anniversary of Nancy Brinker's promise to her sister, Susan G. Komen, to pursue a cure for breast cancer—a promise that helped spark vital patient advocacy worldwide in the race for a cure.

This is the twentieth anniversary of the National Breast and Cervical Cancer Early Detection Program (NBCCEDP), administered by the Centers for Disease Control and Prevention (CDC). In 1990, Congress stepped in to give women access to early cancer detection. By passing this law, we sent the message that no woman should have to forgo life-saving tests because she can't afford them. More than 3 million American women have benefited from this program.

This is the tenth anniversary of the National Breast and Cervical Cancer Prevention and Treatment Act, which expanded Medicaid coverage for American women diagnosed through the screening and early detection services supported by NBCCEDP. Today, this coverage is available in all fifty States.

Last year, in passing comprehensive health care reform, we built on these early achieve-

ments by expanding health coverage and making preventive health care more accessible for all Americans. We did this because uninsured cancer patients are 60 percent more likely to die than privately insured patients within five years of diagnosis. We did this because of the tens of millions of uninsured Americans who deserve screening, treatment and care—but do not receive them today.

We have important work that remains to be done. Only a fraction of the American women eligible to receive preventive health services under NBCCEDP do so. There are waiting lists at clinics, which mean women whose cancers could have been caught early and treated instead find out when their disease has progressed and spread. There are new screening technologies to be developed, new treatments and hopefully cures that await discovery.

Madam Speaker, I hope that every American family takes a moment during October to reflect on the progress we've made against breast cancer and to commit to taking steps to protect their health or to contribute in some way to creating and achieving a world without breast cancer.

RECOGNIZING THE DEDICATED EM-
PLOYEES OF THE WASHINGTON
SUBURBAN SANITARY COMMIS-
SION

HON. DONNA F. EDWARDS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Ms. EDWARDS of Maryland. Madam Speaker, I would like to recognize the dedicated employees of the Washington Suburban Sanitary Commission (WSSC) in safeguarding the citizens of Prince George's and Montgomery Counties in Maryland.

In the early morning hours of July 1, 2010, a WSSC fiber optics monitoring system notified key WSSC personnel of impending danger involving a 96" water main located near Tuckerman Lane in Montgomery County, Maryland. This highly pressurized water main is one of the main distribution conduits serving both Counties, but is of particular importance to the citizens of Prince George's County. WSSC mobilized immediately coordinating with Maryland state and county officials to isolate the problem, dewater the main, replace the damaged section, and restore water service. This all occurred without a loss of water pressure in the system that could have impacted adversely critical services like hospitals and firefighting capabilities. WSSC instituted and enforced mandatory water restrictions over the holiday weekend to ensure adequate pressure was maintained for public health and safety.

WSSC is to be commended for their leadership and efforts throughout this incident. As Paul Hajek, Acting Director of Operations for the Maryland Emergency Management Agency (MEMA) wrote to WSSC's General Manager, "I found WSSC to be highly professional, responsive and cautiously deliberate in how they handled the entire incident. From a State perspective, it was refreshing to work

with a company that at every turn 'had it under control'. Your company's actions turned what was a probable 'emergency incident' into an 'event'."

WSSC Commissioners and General Manager Jerry N. Johnson honored WSSC employees for their efforts in this incident during the July 21, 2010 Commission meeting. In a communication from the General Manager to the employees honored, Mr. Johnson wrote:

"As you know, I believe that our employees are our most valuable asset. The members of the WSSC team demonstrate their commitment every day whether they are responding to a customer inquiry in the Call Center, inspecting a contractor's repair of a sewer lateral, turning valves to isolate a water main break or repairing a pump in the machine shop. I am proud to be a member of such a dedicated and capable workforce that so fully understands the critical nature of our work and how each of us plays an important role in fulfilling our obligation to provide high quality reliable services to our customers.

"Due, in part, to your hard work, WSSC averted a potentially catastrophic break in the 96-inch main. We know from past experience the destructive power of such a break. There is no doubt a sudden break at Tuckerman Lane and Gainsborough Road would have been devastating.

"We appreciate your personal sacrifices, including the physical demands of working long hours in near-record breaking heat, and the time that could have been spent with loved ones celebrating our Nation's Independence Day holiday. Your professionalism and work ethic personify the work ethic of the entire WSSC team. We are so very proud of our employees and the contractors who represented the Commission in all phases of the repair operation.

"On behalf of our customers and staff, we want to express our sincere gratitude for your excellent implementation of WSSC's customer service goals and expectations. You selflessly carried out our mission to provide safe and reliable water, life's most precious resource, in an ethically and financially responsible manner. We salute you for a job well done!"

One noteworthy individual is WSSC Customer Care West Group Leader, Hak Kwon. Nicknamed by many during and after this event as "The General," Mr. Kwon lead the WSSC Team working tirelessly and professionally to resolve the problem as quickly and as safely as possible.

In crisis situations such as this early July 2010 incident, it is comforting to know that the employees of the WSSC can rise to the occasion, make the difficult decisions, and safeguard our citizens.

Madam Speaker, I ask all of my colleagues to join General Manager Jerry Johnson and me in commending the WSSC and its employees on a job well done.

A TRIBUTE TO MRS. JUDY TUCKER, DIRECTOR OF CONSTITUENT SERVICES FOR U. S. REP. BOBBY L. RUSH, ON THE OCCASION OF HER RETIREMENT AFTER 24 YEARS OF SERVICE

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. RUSH. Madam Speaker, we live in an age where the average length of time that a typical American worker spends on a job is from three to five years. That's why, as this month comes to a close, it is all the more remarkable that one of my most respected employees, Mrs. Judy Tucker, has served me with distinction, honor and humility for 24 years—only one year shy of a quarter century. Her commitment to service and to the people of the 1st Congressional District of Illinois is truly remarkable in this day and age. And for that, I thank her for her service.

But there's so much more to Judy Tucker's story.

When the history of Chicago's African American political community is written, Judy Tucker's name will be an important part of that vast network of tireless, determined men and women who served with distinction in those all important "trenches"—you know, the nose-to-the grind, inner workings of government that mean the world to the typical voter, constituent and his or her family. Judy Tucker is the only employee to have served me, consistently, since I was first elected to the U. S. House of Representatives in 1992. That was 20 years ago. This tribute recognizes her for 24 years of service because, prior to my election to Congress, Judy served me capably and effectively, for four years, as my personal secretary in my Second Ward Aldermanic Office.

Judy's background in public service also includes playing key administrative leadership roles for my friend, Cook County Commissioner Jerry Butler, and, prior to that, working for several years for the iconic African American Member of Congress, Ralph Metcalfe, who also represented the people of the 1st Congressional District. It is my pleasure to note that through all of Judy's professional life she has prided herself on her service to the men and women of the City of Chicago, the State of Illinois and, for the past 20 years, the people of the 1st Congressional District that I'm so proud to serve.

As Director of Constituent Services, Judy managed those all important details of what it means to provide assistance to those constituents who need help. No matter the request, if it was within our power to assist a constituent, Judy Tucker made sure that their resource or information needs were addressed quickly, accurately and in a professional manner. There was never a request too large or too small for Judy to handle. In many ways, Judy's job is one of, if not the most important job that I have on staff. That's because her work hits home where it matters most—in the daily lives of the constituents that my staff and I are here to serve. Judy never forgot about the needs of my constituents and she worked tirelessly to provide them with the information, services or

access to resources and services that they needed for all the years I've been a member of Congress. Madame Speaker, I can't tell you how grateful I am for her capable service and how proud I am of the honor and distinction she has brought to my office.

In addition to being an effective Constituent Services Director, Judy is also a loving wife, mother and grandmother. Married to her husband, Elisheous Tucker for 38 years, she and her husband are faithful members of the Miracle House of Prayer Church. As she settles into her well deserved retirement, while my staff and I will miss her, I suspect she'll be able to spend more time with her church community, her family and friends. In addition to traveling, I can imagine her spending much more time tending to her garden, a hobby that I know she truly enjoys.

What more can I say other than every Member of Congress should be blessed to have someone of the caliber, grace and professionalism of Mrs. Judy Tucker. While my staff and I will miss her presence in our office, she will always be a valued member of the permanent "Rush Team" for years to come.

On behalf of my staff, my wife, Carolyn, and the people of the 1st Congressional District of Illinois, I wish Mrs. Judy Tucker all the joy and gifts that God can bestow upon her, and her family, for years and years to come.

Thank you so much, Judy, for a job well done. I value our friendship and you and your family are forever in my thoughts and prayers. My God richly bless you now and always.

CELEBRATING THE 50TH ANNIVERSARY OF THE RHAWNURST-BUSTLETON AMBULANCE ASSOCIATION

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate the Rhawnhurst-Bustleton Ambulance Association on its 50th anniversary. This volunteer ambulance corps, located in Northeast Philadelphia, serves the residents of the Bustleton and Rhawnhurst neighborhoods.

Fifty years ago Rhawnhurst and Bustleton were not served by the ambulances operated by area hospitals. This lack of emergency medical services was a serious safety and health challenge for these residents and businesses. Seeing this need, a small group of dedicated citizens took action. Five individuals met in the basement of a neighborhood home to take an oath to provide this much needed service. Six months later, with two ambulances in its fleet, the Rhawnhurst-Bustleton Ambulance Association incorporated as a non-profit organization.

The ambulance association is now state-licensed and certified, operating 24 hours a day, 365 days a year. Over the past 50 years these dedicated volunteers have incorporated advanced technologies and practices into their daily operations. This neighborhood has been safer and more secure over these past 50 years because this small group of committed

people decided to take an extra step to care for their neighbors.

Madam Speaker, I ask that my colleagues join me in congratulating and wishing the Rhawnhurst-Bustleton Ambulance Association many more years of faithful service to the community.

A PROCLAMATION HONORING GOLDIE MORROW LONG BOERNER HARRISON ON HER 100TH BIRTHDAY

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. SPACE. Madam Speaker, Whereas, Goldie Morrow Long Boerner Harrison was born in Tuscarawas County, Ohio, on October 3, 1910,

Whereas, Goldie joined the SPARS during World War II, where she sang and danced in a show for enlisted personnel in the Coast Guard,

Whereas, Goldie opened a hair salon in Massillon where she styled the hair of the stars who performed at the Canal Fulton Playhouse, including Vivian Vance, Tammy Grimes, Imogene Coco and President Truman's daughter Margaret,

Whereas, Givin now lives in Dover, Ohio, where she will celebrate with close friends and family,

Resolved that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Goldie Harrison on achieving her 100th birthday, and for her contributions to her community and country.

TESTIMONY OF MR. CHRISTOPHER COATES BEFORE THE U.S. COMMISSION ON CIVIL RIGHTS REGARDING UNEQUAL ENFORCEMENT OF THE LAW

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. WOLF. Madam Speaker, I submit certain sections of the testimony of Mr. Christopher Coates before the U.S. Commission on Civil Rights in which he discusses the unequal enforcement of federal voting laws by political and career officials in the Department of Justice.

THE DECISION TO DISMISS AND TO LIMIT INJUNCTIVE RELIEF IN THE NBPP CASE

It was within this atmosphere, with these managers, and with pressure being applied by an organization—NAACP LDF—that is close to the Obama Administration's CRD management, that the decision to gut the NBPP case was made. Although there have been recent reports that indicate that senior political appointees at higher levels in the Department were involved in the NBPP case, it was Ms. King, along with her Deputy, Steve Rosenbaum, who the Justice Department has claimed made the decision to dismiss three of the party-defendants in the

case and ordered the limitation on the broader injunctive relief recommended by both Voting Section and Appellate Section attorneys against the one remaining defendant.

It is my opinion that this disposition of the NBPP case was ordered because the people calling the shots in May 2009 were angry at the filing of the Ike Brown case and angry at our filing of the NBPP case. That anger was the result of their deep-seated opposition to the equal enforcement of the VRA against racial minorities and for the protection of whites who have been discriminated against. Ms. King, Mr. Rosenbaum, Mr. Kappelhoff, Ms. Clarke, a large number of the people who work in the Voting Section and the CRD, and many of the liberal private groups that work in the civil rights field believe, incorrectly but vehemently, that enforcement of the protections of the VRA should not be extended to white voters but should be limited to protecting racial, ethnic and language minorities.

The final disposition of the NBPP case, even in the face of a default by the defendants, was caused by this incorrect view of civil rights enforcement, and it was intended to send a direct message to people inside and outside the CRD. That message is that the filing of voting cases like the Ike Brown and the NBPP cases would not continue in the Obama Administration. The disposition of the NBPP case was not required by the facts developed during the case or the applicable law, as has been claimed, but was because of this incorrect view of civil rights enforcement that is at war with the statutory language in the VRA and with racially fair enforcement of federal law.

FAILURE TO ENFORCE SECTION 5

If anyone doubts that CRD and the Voting Section have failed to enforce the VRA in a race-neutral manner, one only has to look at the enforcement of the Section 5 preclearance requirements. Those requirements mandate that federal preclearance for voting changes within the covered jurisdictions be obtained for any covered change and that preclearance not be given for changes that have a racially discriminatory purpose or effect. The statutory language of Section 5 speaks in terms of protecting all voters from racial discrimination. But the Voting Section has never interposed an objection under Section 5 to a voting change on the ground that it discriminated against white voters in the forty-five (45) year history of the Act.

This failure includes no objections in the many majority-minority jurisdictions in the covered states. Indeed, the personnel in the Voting Section's unit which handles Section 5 submissions are instructed only to see if the change discriminates against racial, ethnic, and language minority voters. This practice of not enforcing Section 5's protections for white voters includes jurisdictions, such as Noxubee County, Mississippi where the Ike Brown case arose, where white voters are in the racial minority. It is in those jurisdictions the Voting Section's failure to apply Section 5's protections for the white minority is particularly problematic. On two occasions, while I was Chief of the Voting Section, I tried to persuade officials at the CRD level to change this policy so that white voters would be protected by Section 5 in appropriate circumstances, but to no avail. I believe that present management in both the CRD and the Voting Section are opposed to race-neutral enforcement of Section 5 and continue to enforce those provisions in a racially selective manner.

REASONS GIVEN BY THE DOJ FOR ITS ACTIONS IN NBPP CASE

As I have indicated, I am not going to testify about the statements made during my meetings with Ms. King and Mr. Rosenbaum, because of the DOJ's assertion of the deliberative process privilege. However, the DOJ and Mr. Perez have publicly articulated the reasons for the disposition of the NBPP case, and I will therefore address here several of these publicly stated reasons for dismissals of three of the defendants and the limitation on the injunctive relief.

The primary reason cited by the CRD for not obtaining injunctive relief against Black Panther Jerry Jackson who stood at the Philadelphia polling place in uniform with fellow Panther King Samir Shabazz, but without a weapon, was that a Philadelphia police officer who came to the polling place made the determination that King Samir Shabazz had to leave the polling place, but that Black Panther Jackson could stay because he was a certified Democratic Party poll watcher. During my thirteen and one-half (13½) years in the Voting Section, I cannot remember another situation where the decision not to file suit under the VRA, much less to dismiss pending claims and parties, as in the NBPP case, was made in whole or in part on a determination of a local police officer. In my experience, officials in the Voting Section and the CRA always reserved for themselves, and correctly so, the determination as to what behavior constitutes a violation of federal law, and what does not. One of the reasons for this federal preemption of the determination of what constitutes a VRA violation is that a local police officer is not normally trained in what constitutes a VRA violation. In addition, in the Philadelphia Police Incident Report provided to this Commission, the Philadelphia police officer who came to the polling place did not determine that Black Panther Jackson's actions were not intimidating; instead, he simply reported that Mr. Jackson was certified by the Democratic Party to be a poll watcher at the polling place.

Further, as the history underlying the enactment and extension of the VRA shows, local police on occasion have had sympathy for persons who were involved in behavior that adversely affected the right to vote and violated the protections of the VRA. In this case, however, the fact that one Philadelphia police officer did not require Black Panther Jackson to leave the area became such a compelling piece of evidence that it was cited by the Assistant Attorney General Perez in his May 14, 2010 statement to this Commission. There Mr. Perez stated that "the Department placed significant weight on the responses of the law enforcement first responder to the Philadelphia polling place," in allowing Black Panther Jackson to escape a default judgment and escape the entry of injunctive relief against his future actions. Based upon my experience, this reasoning is extraordinarily strange and an unpersuasive basis to support the CRD's disposition of the NBPP case.

Another publicly stated reason by the DOJ was in a July 13, 2009 letter to Congressmen Frank Wolf and Lamar Smith that pointed out that Panther Jackson lived at the apartment building whose lower level was being used as the polling place. This reason was later abandoned by the CRD, but the fact that it was asserted by the DOJ as a reason for the dismissals in the NBPP case strongly suggests that it was a reason asserted at some point close to the time of the dismissals. Regarding the location of Black Pan-

ther Jackson's residence, our investigation determined that Jackson's claim that his residence was at this apartment building was not true. However, even if Black Panther Jackson had resided there, it should be quite clear to all that such a fact would not have provided him a legal basis for intimidating voters.

To understand the irrationality of these articulated reasons for gutting this case, one only has to state the facts in the racial reverse. Assume that two members of the KKK, one of which lived in an apartment building that was being used as a polling place, showed up at the entrance in KKK uniform and that one of the Klansman was carrying a billy stick. Further assume that the two Klansmen were yelling racial slurs at black voters who were a minority of people registered to vote at this polling place, and the Klansmen were blocking ingress to the polling place. Assume further that a local policeman comes on the scene and determines that the Klansman with the billy club must leave but that the other Klansman could stay because he was certified as a poll watcher for a local political party.

In those circumstances does anyone seriously believe that the Assistant Attorney General for Civil Rights would contend that on the basis of the facts and law, the CRD did not have a case under the VRA against this hypothetical Klansman because he resided in the apartment building where the polling place was located, or because he was allowed to stay at the polling place by a local police officer because he was a poll watcher? I certainly hope Mr. Perez would not find that hypothetical case lacking in merit, and I will guarantee you that Ms. King, Mr. Rosenbaum, Mr. Kappelhoff and Ms. Clarke would not either. However, such reasons are a part of the publicly articulated grounds for the CRD's decision to instruct me to dismiss a significant portion of the NBPP case.

Based upon my own personal knowledge of the events surrounding the NBPP case and the atmosphere that has existed in the CRD and the Voting Section against racially fair enforcement of certain federal voting laws, I do not believe these publicly stated representations to this Commission and other entities accurately reflect what occurred in the NBPP case. They do not acknowledge the hostile atmosphere that has existed within the CRD against race-neutral enforcement of the VRA.

MS. FERNANDEZ'S STATEMENTS TO THE VOTING SECTION

In the summer of 2009, Julie Fernandez was appointed as the Deputy Assistant Attorney General for Civil Rights by the Obama Administration. One of her responsibilities is to oversee the Voting Section. Ms. Fernandez and I had worked together in the Voting Section during the Clinton Administration. She had spent years working for civil rights groups since our Clinton Administration days, mainly with the Leadership Conference for Civil Rights, but I hoped that she might have an enforcement approach different than Ms. King's and Mr. Rosenbaum's. I was to be disappointed.

Mr. Fernandez began scheduling lunches in the conference room of the Voting Section at which times the various statutes the Voting Section has the responsibility for enforcing were discussed as well as other enforcement activities. In September 2009, Ms. Fernandez held such a meeting to discuss enforcement of the anti-discrimination provisions of Section 2 of the VRA. At this meeting one of the Voting Section trial attorneys asked Ms.

Fernandez what criteria would be used to determine what type of Section 2 cases the CRD Front Office would be interested in pursuing.

Ms. Fernandez responded by telling the gathering that the Obama Administration was only interested in bringing traditional types of Section 2 cases that would provide political equality for racial and language minority voters, and she went on to say that this is what we are all about, or words to that effect. When Ms. Fernandez made that statement, everyone in the room understood exactly what she meant—no more cases like the Ike Brown or NBPP cases. Ms. Fernandez reiterated that directive in another meeting held in December 2009 on the subject of federal observer election coverage, in which she stated to the entire group in attendance that the Voting Section's goal was to ensure equal access for voters of color or minority language.

In November 2009, a similar lunch meeting was held by Ms. Fernandez on the subject of the National Voter Registration Act (NVRA). The NVRA has three provisions that have led to enforcement activity by the Voting Section. The first is Section 7 which requires that certain government offices, such as the local office that provides public assistance, also provide their clients the opportunity to register to vote. The other two provisions of the NVRA are found in Section 8 of that Act. They require states to ensure that voter registration list maintenance be conducted so that registration lists do not have the names of persons who are no longer eligible to vote in the jurisdiction. Further, Section 8 also provides that certain notice procedures are to be followed in order to legally remove persons from a voter registration list.

In discussions specifically addressing the list maintenance provision of Section 8 of the NVRA, Ms. Fernandez stated that list maintenance had to do with the administration of elections. She went on to say that the Obama Administration was not interested in that type of issue, but instead interested in issues that pertained to voter access. During the Bush Administration, the Voting Section began filing cases under the list maintenance provision of Section 8 to compel states and local registration officials to remove ineligible voters. These suits were very unpopular with a number of the groups that work in the area of voting rights. When Ms. Fernandez told the Voting Section that the Obama Administration was not interested in Section 8 list maintenance enforcement activity, everyone in the room understood exactly what she meant. We understood that she was not talking about Section 8 cases in which there is a claim that the removal procedures of Section 8 were not being complied with; instead, she was talking about the types of cases that the Voting Section filed during the Bush Administration whose purpose was to compel the states to comply with the Section 8 directive that they do list maintenance by removing ineligible persons from the list.

In June 2009, the Election Assistance Commission (EAC) issued its bi-annual report concerning which states appeared not to be complying with Section 8's list maintenance requirements. The report identified eight states that appeared to be the worst in terms of their non-compliance with the list maintenance requirements of Section 8. These were states that reported that no voters had been removed from any of their voters' list in the last two years. Obviously, this is a good indication that something is not right

with the list maintenance practices in that state. As Chief of the Voting Section, I assigned attorneys to work on this matter, and in September 2009, I forwarded a memorandum to the CRD Front Office asking for approval to go forward with Section 8 list maintenance investigations in these states.

During the time that I was Chief, no approval was given to this project, and it is my understanding that approval has never been given for that Section 8 list maintenance project to date. That means that we have entered the 2010 election cycle with eight states appearing to be in major noncompliance with the list maintenance requirements of Section 8 of the NVRA, and yet the Voting Section which has the responsibility to enforce that law has yet to take any action. From these circumstances I believe that Ms. Fernandez's statement to the Voting Section in November 2009 not to, in effect, initiate Section 8 list maintenance enforcement activities has been complied with.

In Mr. Perez's letter to this Commission of August 11, 2010, he stated that the CRD currently has active matters under the NVRA, "including investigations under Section 8." In making this statement, I do not believe Mr. Perez was referring to Section 8 list maintenance cases, the kind of cases Ms. Fernandez was referring to when she talked about no interest in enforcing Section 8, because I do not believe that the Voting Section has recently been involved in any list maintenance enforcement during the Obama Administration.

I believe that federal prosecutors, criminal and civil, have prosecutorial discretion in deciding how we are going to use our resources, but I do not think that discretion goes so far as to allow us to decide not to do any enforcement of a law enacted by Congress, because political appointees determine that they are not interested in enforcing that law. That is an abuse of prosecutorial discretion.

Further, not to enforce the list maintenance provisions of Section 8 are likely to have partisan consequences as well. A number of the jurisdictions that have bloated voter registration lists are where there are sizable minority populations and are Democratic strongholds. For example, at the time of the trial in the Ike Brown case, the Noxubee County Election Commission had not purged its list, as required by Mississippi law and Section 8 of the NVRA, so that the number of persons on the voter registration list was approximately 130 percent of the number of people in that county who were eighteen (18) years or older. As Congress recognized in enacting the list maintenance provisions of Section 8, bloated voter registration lists increase the risk of voter fraud.

THE IMPORTANCE OF RACIAL-NEUTRAL ENFORCEMENT OF THE VRA

Equal enforcement of the VRA is absolutely essential for a number of reasons. First, it is required by the statutory language of the VRA. Congress did not use statutory language that speaks in terms of discrimination against racial or language minorities, but in terms of discrimination on the basis of race or color. In extending and amending Section 5 of the Act in 2006, the Congress used the term "any voter", not racial or ethnic minority voters. Further, the statutory construction given the VRA by the courts supports that the Act is written in race-neutral terms and is intended for the protection of all.

When we go to work with the DOJ, we all take an oath faithfully to enforce the laws of

the United States. Enforcing the VRA in a racially selectively manner or choosing not to enforce certain provisions of federal voting law is not in compliance with the oaths that we have taken.

Second, when the VRA was originally enacted in 1965, it probably did not make a great deal of difference, as a practical matter, whether its prohibitions against race discrimination and intimidation were enforced against minority wrongdoers as well as white wrongdoers. During that time period, there were very few minority election officials in the overwhelming majority of jurisdictions, and in a number of jurisdictions there were no minority election officials. However, during the last forty-five (45) years, the United States has changed for the better. Large numbers of minority persons now serve as election and poll officials in hundreds of jurisdictions throughout America. In such a multi-racial and multi-cultural country, not the one of Bull Connor or Ross Barnett, but the country in which an African American serves as the President and as the Attorney General of the United States, and it is absolutely essential that the VRA be enforced equally against all racial and ethnic groups.

During my years in the Voting Section, and particularly during the time I served in a management capacity, I became acutely aware based on complaints and conducting investigations that a sizable number of voting illegalities are committed by members of racial and ethnic minorities. Noxubee County, Mississippi is a prime example. Noxubee was not, as some critics have claimed, a mere aberration. Let me give you two other examples.

During the time I was Chief of the Voting Section, we conducted a prolonged investigation in Wilkinson County, Mississippi, a majority-black county in the southwestern part of the State. A long battle between an all-black faction and a racially integrated faction had been going on for a substantial period of time in that county. Relations between the two factions had reached the point where the all-black faction would not allow members of the racially-integrated faction to play any role in the conduct of the local elections, including the counts of absentee ballots or the choosing of persons to work at the polls. After a local election in Wilkinson County in 2007, the home of a white candidate for local office was burned. No one was ever prosecuted for this burning, and the burning of this candidate's home never received any national attention. The Voting Section in the end did not file a VRA lawsuit in Wilkinson County for a number of reasons, including the pendency of multiple election contests in state courts during the time of our investigation and the fear that the filing of suit by the DOJ would suggest we were taking sides in election disputes. We did send federal observers to elections there, including the 2008 election. I came away from the Wilkinson County investigation with the clear impression that African American officials there were involved in voting-related acts of racial discrimination against whites.

In addition in 2005, I conducted an investigation in Hale and Perry Counties, Alabama, two other majority-black counties. Again, there were political factions in these counties with one faction all-black and the other a racially integrated faction. There were multiple claims by the racially integrated faction of absentee ballot and other types of voter fraud being perpetrated by the all-black factions in these counties. While

investigating in Hale County, I learned that there had been a recent highly contentious election, and on the night of that election, election materials, including absentee ballots, were placed for safe keeping in a local bank vault so that those materials could be reviewed the next morning by election officials. Overnight that bank was set on fire. No one was ever prosecuted for that burning. Again, the Voting Section did not end up filing a VRA lawsuit in either of these Alabama counties for a number of reasons, including on-going voting fraud investigations by the state Attorney General's office in those counties. I have recently learned that several African American political officials have been convicted for absentee ballot fraud in Hale County. Again, I came away from the Hale and Perry County investigations with the clear impression that some individual African Americans in those counties were involved in acts of racial discrimination against whites.

In pointing these examples out, I am not suggesting that minority election and poll officials or minority political activists are more likely to commit voting law violations than are their white counterparts. What I am pointing out is that I believe that some minorities are just as likely to resort to lawlessness in the voting area as are some whites. For the CRD and Voting Section to pursue enforcement practices that ignore VRA violations by members of minority groups will encourage lawlessness in the voting area by those who will have no fear that the Federal Government will enforce the federal law against them. In our increasingly multiethnic society, that is a clear recipe to undermine the public's confidence in the legitimacy of our electoral process.

I have heard some argue that prosecutors, both criminal and civil, have prosecutorial discretion that gives attorneys in the CRD and the Voting Section the authority not to bring VRA lawsuits against minority wrongdoers. It is certainly true that prosecutors have discretion to decide what cases to bring based upon resource issues and other legal considerations. But we do not have the discretion to decide not to enforce the law based upon the race of the perpetrators or the race of the victims of the wrongdoing. Those discretionary decisions cannot constitutionally be based upon race.

In conclusion, I thank you for the time you have given me to testify on these important enforcement issues. I commend the Civil Rights Commission for making inquiries into these areas. Individuals of good will, regardless of their race, ethnicity or language-minority status, should be concerned about the CRD not enforcing laws in a race-neutral manner. As important as the mandate in the VRA is to protect minority voters, white voters also have an interest in being able to go to the polls without having race-haters such as Black Panther King Samir Shabazz whose public rhetoric includes such statements as "kill cracker babies" standing at the entrance of the polling place with a billy club in his hand hurling racial slurs. Given this outrageous conduct, it was a travesty on justice for the DIN not to allow attorneys in the Voting Section to obtain nation-wide injunctive relief against all four of the defendants.

TRIBUTE TO THE UNIVERSITY OF VIRGINIA WOMEN'S ROWING TEAM

HON. THOMAS S.P. PERRIELLO

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. PERRIELLO. Madam Speaker, I rise to recognize the University of Virginia Women's Rowing Team for their victory at the 2010 NCAA Championships on May 30, 2010. This victory gives the University of Virginia its 20th National Championship in school history.

I commend Head Coach Kevin Sauer and Associate Head Coach Steve Pritzker for their leadership. I also wish to recognize the members of the First Varsity Eight, Coxswain Sidney Thorsten, Jennifer Cromwell, Katrin Reinert, Desiree Burns, Kristine O'Brien, Martha Kuzzy, Helen Tompkins, Nora Phillips, and Summers Nelson, and the members of the Second Varsity Eight, Coxswain Cristine Candland, Victoria Burke, Marie Long, Lauren Hutchins, Sarah Borchelt, Caroline Sweeny, Christine Roper, Claudia Blandford, and Lauren Shook. These young women exemplify the best tradition of the student-athlete: hard work, dedication, and commitment to excellence in sport, in academics, and in teamwork.

The Cavaliers' Varsity Four, Ruth Retzinger, Hunter Terry, Chelsea Simpson, Inge Janssen, and Coxswain Sarah Pichardo, were also victorious in their own event, finishing more than a boat's length ahead of their closest competitor. Their NCAA Championship marks the final victory in an undefeated season. They are the seventh crew team in Virginia history to win the award, and the first since 2007. I congratulate these dynamic young women for their tremendous hard work, and for the leadership and inspiration they brought to the entire Women's Rowing Team.

I congratulate the women of the rowing team for their exciting victory. Their hard work, determination, and competitive spirit are a credit to the University of Virginia and the Commonwealth. I invite my colleagues to join me in congratulating these impressive student-athletes on their accomplishment.

RECOGNIZING THE AUBURN ALL-STARS LITTLE LEAGUE TEAM FOR THEIR PARTICIPATION IN THE WORLD SERIES

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. SMITH of Washington. Madam Speaker, I rise today to honor Auburn, Washington's Little League Baseball team, the Auburn All-Stars, for their performance in the Little League World Series.

The 646th Little League World Series began August 20, 2010 and the Auburn All-Stars advanced to within one game of the United States Championships. The tournament hosts 16 national teams comprised of our country's top young baseball players. The Auburn All-Stars achieved a great accomplishment by reaching the Little League World Series, and

even more so for coming so close to advancing to the United States Championships.

Mayor Peter Lewis of Auburn has recognized the team's success in the 2010 tournament. Mayor Lewis has also praised the Auburn All-Stars for bringing the Auburn community together. During the tournament, the Auburn Avenue Theater opened its doors to the public and showed the game free of charge. Many other local businesses supported the team in several ways such as contributing to the players' travel and other expenses. It is clear that the entire community embraced their team through immense pride.

Together, the Auburn All-Stars advanced further than any other team from Washington State since 1982. They should be extremely proud of what they have accomplished through each team member's hard work and dedication.

Madam Speaker, I ask my colleagues to please join me in congratulating the Auburn Little League Baseball team and their outstanding success in the Little League World Series.

HONORING JANE McLAUGHLIN

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. WALDEN. Madam Speaker, I rise today to share with you and my colleagues my pride in an incredible woman who has the distinction of being the oldest active paramedic in Oregon. Jane McLaughlin is 74 years of age and is completing service as the Emergency Medical Services Chief for the Chiloquin Volunteer Ambulance Service, capping off a long and distinguished career.

Jane began her EMS career almost three decades ago when her youngest son suffered an accidental wound and was treated and transported by Chiloquin Volunteer Ambulance Service. From that day on, she knew that her calling was to meaningfully serve and comfort those in need of emergency medical assistance.

Since accepting this calling, Jane has served her community for over 28 years in a variety of emergency response functions. She has held every level of EMS certification the State of Oregon authorizes and has volunteered thousands of hours of service. Jane has never stopped learning and she has never stopped growing. At 61, she completed her fire fighting academy training.

The many awards and accolades presented to Jane are a strong testimony to how much her community and others value her service to her fellow man. The Klamath County United Way has recognized Jane both with their Accommodation for Excellence and Volunteer of the Year Award. The State of Oregon Department of EMS and Trauma Systems awarded her the Meritorious Service award as paramedic of the year. Jane was chosen by the mayor of Chiloquin to be the grand marshal in the 2009 Fourth of July Parade for her outstanding service.

Madam Speaker, however noteworthy Jane's age, years of service, and many

awards are, the real story is the good that she has done for almost three decades of service. Jane's neighbors and local citizens are familiar with her accomplishments, but they know her best for her kindness, her compassion, her dedication, and her unselfishness. In the community, when people think about the Chiloquin Volunteer Ambulance Service, Jane McLaughlin comes immediately to mind.

Jane has demonstrated heroism when she has on many occasions risked her own life to save the lives of others. Jane's comforting ways as a first responder have helped the injured and sick cope with their emergency situation with reduced fear and confidence that their condition will improve. Jane has an incredible gift of healing that goes far beyond the administering of basic medical attention. She not only relieves pain, she delivers comfort and peace to people in distressed situations. The service that Jane has given to others comes from an acute sense of duty and the sincere goodwill of an unselfish, engaged, and compassionate person.

As my esteemed colleagues well know, an impact player like Jane McLaughlin sets the tone of a successful operation, provides a shining example for others to follow in a relentless path to excellence, and engages others to join her in serving their fellow man. Jane will be missed, but her good work will continue in the hands and hearts of those she has inspired and trained to deliver the best in emergency medical service.

Madam Speaker and colleagues, I invite you to join me in honoring Jane McLaughlin, the kind of person who improves our world and restores our faith in our fellow man. Her goodness is contagious, and she sets an example for all of us to follow.

HONORING YOSEMITE NATIONAL PARK

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to commemorate the 120th birthday of Yosemite National Park. Yosemite National Park was designated a national park by an Act of Congress on October 1, 1890. Yosemite was the third national park to be designated as such in the United States, following Yellowstone in 1872 and Sequoia in 1890. Friday, October 1, 2010 marks the 120th birthday of the park.

Although Yosemite was the third official national park, it was the history of Yosemite Valley that gave birth to the national park concept. In the 1860s, when commercial interests began to take a foothold in Yosemite, prominent citizens and politicians who were concerned about the effects of these interests began lobbying for Federal protection for the area. A park bill creating the Yosemite Grant passed both houses of Congress and was signed by President Abraham Lincoln on June 30, 1864. The Grant, which set aside the Yosemite Valley and Mariposa Grove, stated that the lands be held "... for public use, resort and recreation . . . inalienable for all time." It

was the first time in history that land was set aside purely for preservation and recreation for all people by action of the U.S. Federal Government. The Grant's creation set the precedent for the eventual creation of the first national park, Yellowstone, in 1872. The Yosemite Grant was ceded to and administered by the State of California as a State park until 1906. The Grant was then ceded to the Federal Government and included in Yosemite National Park.

Today, Yosemite National Park encompasses 747,959 acres, stretching across 3 counties and the western slopes of the Sierra Nevada Mountains. Almost 95 percent of the park is Federally designated as wilderness. The park is home to thousands of species of plants and more than 400 species of vertebrates, including fish, amphibians, birds, reptiles, and mammals. Approximately 4 million people from around the world visit Yosemite every year. With endless opportunities for outdoor recreation, most visitors spend their time in the Yosemite Valley, where they hike the John Muir Trail, wander under the canopy of the Giant Sequoias and breathe in the mist of Bridalveil Fall. Other visitors backpack through the wilderness, ascend the granite peaks of Half Dome and El Capitan, or simply enjoy the beauty of Yosemite's nature and wildlife. It is no wonder that Yosemite, with its spectacular waterfalls, high country lakes, meadows and granite domes, is often referred to as the crown jewel of the national park system.

Madam Speaker, I rise today to commemorate the 120th birthday of Yosemite National Park. I invite my colleagues to join me in honoring the history and beauty of Yosemite National Park.

A PROCLAMATION HONORING VOLUNTEER FIREFIGHTER RYAN SEITZ

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. SPACE. Madam Speaker,

Whereas, Ryan Seitz, a volunteer firefighter in McArthur, Ohio, lost his life while fighting a brush fire,

Whereas, in addition to serving as a volunteer firefighter, Seitz also served as assistant director and technology coordinator for the Herbert Wescoat Memorial Library,

Whereas, Seitz risked his life to help others by working as a firefighter,

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, we remember and honor the life of Ryan Seitz, whose courage was matched only by his selflessness, and whose sacrifice should serve as an example of the highest patriotism and devotion to duty.

A PROCLAMATION CONGRATULATING GRANT ELEMENTARY SCHOOL IN SOUTH CHICAGO HEIGHTS, ILLINOIS

HON. JESSE L. JACKSON JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. JACKSON of Illinois. Madam Speaker, Whereas, Grant Elementary School located at 2712 Miller Avenue in School District #170 of Chicago Heights, Illinois opened its doors in 1910.

Whereas, Grant Elementary has provided education to tens of thousands of children from the Chicago Heights/South Chicago Heights community during the past 100 years.

Whereas, Grant Elementary has served a diverse student body, providing an exemplary education for children in kindergarten through eighth grades.

Whereas, On October 19, 2010 current and past students and their families, as well as residents and elected officials of Chicago Heights and South Chicago Heights will celebrate Grant Elementary's Centennial Anniversary.

Resolved, That along with the past and present students, teachers, faculty and friends of Grant Elementary and the residents of the 2nd Congressional District of Illinois, I congratulate Grant Elementary School for providing 100 years of excellence in education to students in Chicago Heights and South Chicago Heights.

RECOGNIZING NATIONAL GEAR UP DAY

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. FATTAH. Madam Speaker, I rise today to recognize National GEAR UP Day and the outstanding work of thousands of GEAR UP participants, families and staff. National GEAR UP Day is an opportunity to celebrate the hard work and dedication of both former and current teachers, counselors, program staff, and students who have been committed to GEAR UP and without whom GEAR UP would not be the success it is today.

This year, I will celebrate national GEAR UP Day with U.S. Secretary of Education Arne Duncan at Friendship Charter Academy in Washington, DC and with students in Pennsylvania, North Carolina and Texas remotely. Governors in Iowa, New Mexico, Maine, Washington, Colorado and North Carolina have issued proclamations proclaiming GEAR UP Day, as has the Lieutenant Governor of American Samoa. They are joined by the Mayor of Lowell, Massachusetts and a message from New York City Mayor Michael Bloomberg. Nevada has a proclamation and 130 Wisconsin students will be travelling to Eau Claire to celebrate GEAR UP Day. In Richland, South Carolina, students will sign a College Dreams Wall with the name of the college they plan to attend and in Puerto Rico

students welcomed a group of law students to serve as mentors.

Twelve years ago, after witnessing far too few students from low-income communities graduate from high school and enter college, I created Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP). The program supports cohorts of students from 6th grade into their first year of college by providing essential services such as tutoring, scholarship assistance, college campus tours, counseling services, mentoring, and financial aid awareness. In addition, GEAR UP has created partnerships between postsecondary institutions, community groups, businesses, and parents aimed at increasing support for our students to ensure success not only in high school but college as well. The services and partnerships created by GEAR UP have proven to be a successful educational model that prepares students both academically and emotionally for the rigors of college.

Today, I am pleased to announce that twelve years after GEAR UP was enacted, 12 million students in 49 states have participated in the program. This year alone, GEAR UP is providing vital services to approximately 670,000 students in over 5,000 schools across 46 states, including the District of Columbia and Puerto Rico. GEAR UP has been remarkably successful. In fact, 80% of GEAR UP students have completed high school and approximately half have matriculated into college—a significantly larger proportion than their non-GEAR UP peers. Furthermore, GEAR UP students take more rigorous and advanced courses. For example, half of all GEAR UP students complete Algebra by 9th grade—an important indicator for high school graduation and college matriculation. These results have proven that with essential services, appropriate resources, and high expectations, students from low-income communities can and will graduate from high school ready to pursue postsecondary education.

Finally, I sincerely want to thank all GEAR UP staff and students throughout the country who have made the program an extraordinary success. I look forward to witnessing future GEAR UP accomplishments and continuing to see increasing numbers of low-income students succeeding in high school, entering college ready to succeed!

GUIRAGOS SHEKERDJIAN: A
SURVIVOR'S STORY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. SCHIFF. Madam Speaker, I rise today to memorialize and record a courageous story of survival of the Armenian Genocide. The Armenian Genocide, perpetrated by the Ottoman Empire from 1915 to 1923, resulted in the death of 1.5 million Armenian men, women, and children. As the U.S. Ambassador to the Ottoman Empire Henry Morgenthau documented at the time, it was a campaign of "race extermination."

The campaign to annihilate the Armenian people failed, as illustrated by the proud Ar-

menian nation and prosperous diaspora. It is difficult if not impossible to find an Armenian family not touched by the genocide, and while there are some survivors still with us, it is imperative that we record their stories. Through the Armenian Genocide Congressional Record Project, I hope to document the harrowing stories of the survivors in an effort to preserve their accounts and to help educate the Members of Congress now and in the future of the necessity of recognizing the Armenian Genocide.

This is one of those stories (submitted by Angel Shekerdjian):

My father, Guiragos, was born in 1905 in Adana, Turkey. He was 4 years old in 1909, when the massacres started in Adana. Several Armenians took refuge in the church; so did his pregnant mother with her 2-year-old daughter and little Guiragos. The Turks surrounded the church and set it to fire. As the people inside realized what was happening, they started running outside. So did my grandmother, carrying the toddler in her arms and holding my father by the hand. As soon as they were outside, a Turk killed her and the little girl. And he stabbed my father 3 times in the back—two stabs as the sign of the cross and a 3rd stab—all around the spine. A "good-hearted" Turk saw that the Turk who was stabbing was aiming again, stopped him saying: "leave the child, he is already dead." However, instead of leaving him to die, the "good" Turk took him to a hospital. Once he recovered from his wounds, they asked my dad what his name was. He said it was Guiragos. And the last name? He did not know. So they asked what the profession of his father was. My father told them that his father used to make candy, lollipops. . . . So they gave him the name of Shekerdjian, meaning make of sugar. 'Sheker' is 'sugar' in Turkish. He was sent to an orphanage. He eventually ended up in Beirut, where he met my orphaned mother, also from Adana.

INTRODUCTION OF THE MARINE AND HYDROKINETIC RENEWABLE ENERGY PROMOTION ACT OF 2010

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. INSLEE. Madam Speaker, I rise today to introduce the Marine and Hydrokinetic Renewable Energy Promotion Act of 2010, a bill to promote the development of renewable energy from our oceans and rivers, using the tides, currents, waves and even the thermal properties of our oceans to generate electricity. I also want to acknowledge the work of Chairman BRIAN BAIRD, my friend and Washington state colleague, who joins me in introducing this important legislation.

This bill will bolster research and development in marine renewable energy, to ensure the industry overcomes existing barriers to deployment so that our ocean and tidal currents can deliver power to homes and businesses in American communities. Improved federal research programs are key to meeting our long-term energy security and climate mitigation goals, and creating American jobs in the marine hydrokinetic industry.

A study by University of Washington, Virginia Tech Advanced Research Institute, and Electric Power Research Institute that was published in HydroReview stated that marine renewable resources could yield 51,000 MW of power—equivalent to 34 conventional coal-fired power plants. Yet at this time, our nation's commitment to this technology lags behind countries in Europe and Asia.

In Washington state, the private sector, universities, research institutions and public utilities are already working to bring affordable, reliable and abundant electricity to major urban load centers located near Puget Sound. But these, and similar efforts across the country, need national support in order to truly realize the benefits of commercial-scale marine hydrokinetic projects in the United States.

This bill will expand the renewable energy research and development program at the U.S. Department of Energy, so that Americans do not lose out on the global race to create and manufacture marine renewable energy technologies. To do so, the bill creates a competitive demonstration grant program to test technologies, devices and systems at a variety of scales to facilitate commercial application. The environmental research program established in this bill will also help us best monitor the environmental impacts of these projects, to help disseminate information on ways to identify and avoid any negative environmental impacts to protect our marine environment. Additionally, the bill will expand a Department of Energy research program to set up MHK test facilities in the United States, which are critical in our efforts to demonstrate a wide range of technologies, and evaluate the technical viability of each new and emerging type of technology at different scales.

In closing, I also want to thank the expert staff on the Science and Technology Subcommittee on Energy and Environment for their extensive knowledge of this issue and hard work. I urge my colleagues to cosponsor this bill, and hope that we can work together to move it towards passage as soon as possible.

IN HONOR OF MARGARET WONG,
RECIPIENT OF THE FIRST ANNUAL
"SALUTING THE DREAMER" AWARD

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor of Margaret Wong, internationally known immigration attorney from Cleveland, Ohio, as she is honored by the Cleveland Public Library as the first recipient of the "Saluting the Dreamers" Award.

As a young woman, Ms. Wong settled in Cleveland, Ohio, journeying here from her Chinese homeland. She studied in Cleveland and eventually became a practicing attorney. For more than twenty-five years, Ms. Wong has developed Margaret W. Wong and Associates, LPA, into a law firm known throughout the United States and the world for its expertise in immigration law. Currently, she co-chairs the

Immigration Law Committee for the National Asian Pacific Bar Association, and she is chair of the Cleveland Bar Association's Immigration Law Section.

Ms. Wong has been recognized with numerous awards and honors, including Cleveland Magazine's "Most Interesting People" award and the 1997 Creative Philanthropy Award from the Women's Community Foundation. Ms. Wong was inducted into the Ohio Women's Hall of Fame in 2000.

Madam Speaker and colleagues, please join me in honor and recognition of Ms. Margaret W. Wong of Margaret W. Wong and Associates, LLP, upon being named the first recipient of the "Salute the Dreamers" Award presented by the Cleveland Public Library. Ms. Wong's great success as attorney and business owner continues to inspire us to follow our dreams, and to achieve our dreams.

PERSONAL EXPLANATION

HON. NICK J. RAHALL, II

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. RAHALL. Madam Speaker, this morning, September 29, 2010, I was unavoidably delayed and not present to vote on the following bills:

- (1) Republican Motion to Adjourn—Vote "no" on rollcall No. 545.
- (2) Adjournment Resolution (H. Con. Res. 321)—To provide for the House to adjourn for the Autumn District Work Period—Vote "yes" on rollcall No. 546.
- (3) Motion on Ordering the Previous Question on the Rule for H.R. 847—James Zadroga 9/11 Health and Compensation Act; H.R. 2378—Currency Reform for Fair Trade Act; and H.R. 2701—Intelligence Authorization Act (H. Res. 1674)—Vote "yes" on rollcall No. 547.
- (4) H. Res. 1674—Rule providing for consideration of H.R. 847—James Zadroga 9/11 Health and Compensation Act; H.R. 2378—Currency Reform for Fair Trade Act; and H.R. 2701—Intelligence Authorization Act—Vote "yes" on rollcall No. 548.

If present, I would have voted "aye" on all except the motion to adjourn.

HONORING EXACTECH'S 25TH ANNIVERSARY

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. STEARNS. Madam Speaker, I rise today to commemorate Exactech's 25th anniversary. I also want to recognize Exactech for being a leader in the business community and for its commitment to improving the lives of individuals by helping them to maintain their activity and independence.

Exactech develops, manufactures and distributes orthopedic implants, related surgical instrumentation and biologic services to hospitals and physicians for use in the repair of

bone and joints that have been damaged due to injury or disease, such as arthritis.

Today, more than 46 million Americans are living with some type of arthritis. For a quarter of a century, orthopedic surgeons have counted on Exactech, for innovations that allow them to make their patients more mobile.

With its headquarters in Gainesville, Florida, in my congressional district, Exactech is one of Florida's fastest-growing companies with more than 500 employees and distributing products throughout the U.S. and in more than 35 countries around the world. Its products meet the most stringent quality requirements and have demonstrated excellent long-term clinical results.

Exactech attributes its success to a strong corporate culture, where the values of integrity, compassion, teamwork, excellence and innovation guide each employee's daily decisions. After 25 years of company development, the dedication to patient quality care remains unchanged.

Please join me in honoring Exactech on their silver anniversary and hoping for another 25 strong years.

U.S. FOREIGN ASSISTANCE HELPING TO EXTEND CHINESE INFLUENCE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. WOLF. Madam Speaker, I rise today to bring to the attention of my colleagues the use of U.S. taxpayer financed foreign aid to expand Chinese influence around the world.

It recently came to my attention that the Millennium Challenge Corporation (MCC) has awarded Chinese state-owned enterprises millions of dollars in contracts to build roads, construct schools, and erect airports in countries with MCC compacts. On June 30, Reuters reported that "China's Sinohydro Corporations signed a contract with Mali to build a new airport for the capital, Bamako, a \$71.6 million project" financed by the MCC. This is not an isolated incident.

China's Sinohydro Corporation was also awarded a contract for construction work in Tanzania. Furthermore, according to news reports, on September 9 and 10 the MCC signed contracts with a Chinese state-owned construction company to renovate and expand 13 schools in Namibia. Thousands of dollars have been awarded to Chinese state-owned enterprises in Ghana for infrastructure construction. The list goes on.

According to the Treasury Department, China now holds \$846.7 billion in U.S. debt making China our largest banker. At a time of economic hardship at home, the United States should not be giving U.S. taxpayer dollars to China through foreign assistance.

Furthermore, the U.S. should not be subsidizing countries with abysmal human rights records. The State Department's 2009 Human Rights Report states that the Chinese "government's human rights record remained poor and worsened in some areas" during the reporting period. The report goes on to cite vio-

lations including the severe cultural and religious repression of ethnic minorities, the detention and harassment of human rights activists, extrajudicial killings and the use of forced labor.

China perpetrates gross human rights abuses outside of its borders as well. In 2008, the international non-governmental organization, Human Rights First, found that China sold over \$55 million worth of small arms to the genocidal regime of Omar al-Bashir in Sudan. According to the U.S. Campaign for Burma, China is one of the largest arms suppliers to the brutal Burmese military regime which has been implicated in gross human rights violations including murder, rape and the use of child soldiers.

Today, I sent a letter to the inspector general of the Millennium Challenge Corporation asking that he open an investigation into the extent to which Chinese state-owned enterprises have been involved in receiving grant awards through the MCC and determine if such actions are in violation of the Millennium Challenge Act of 2003. I look forward to the inspector general's report and will continue to monitor this issue closely.

HORIPSEMA "HELEN" MENESHIAN: A SURVIVOR'S STORY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. SCHIFF. Madam Speaker, I rise today to memorialize and record a courageous story of survival of the Armenian Genocide. The Armenian Genocide, perpetrated by the Ottoman Empire from 1915 to 1923, resulted in the death of 1.5 million Armenian men, women, and children. As the U.S. Ambassador to the Ottoman Empire Henry Morgenthau documented at the time, it was a campaign of "race extermination."

The campaign to annihilate the Armenian people failed, as illustrated by the proud Armenian nation and prosperous diaspora. It is difficult if not impossible to find an Armenian family not touched by the genocide, and while there are some survivors still with us, it is imperative that we record their stories. Through the Armenian Genocide Congressional Record Project, I hope to document the harrowing stories of the survivors in an effort to preserve their accounts and to help educate the Members of Congress now and in the future of the necessity of recognizing the Armenian Genocide.

This is one of those stories (submitted by Shirley Collins):

My name is Shirley Kalashian-Collins. I was born in 1951 to Armenian parents. My mother was born in Aintab, Turkey, in 1920 in the midst of the genocide of Armenians. My mother and my grandparents narrowly made it out alive and found refuge in the U.S. My paternal grandmother also had a harrowing story. Due to the threat against the Armenians she was shipped to the U.S. at 15 years old to marry an Armenian, only to find out a few years later that her parents were killed and her younger sisters kidnapped. My mother tried hard to put all

these stories down on paper so the world would know what happened to our families. After she passed away, I attempted to finish her project. After nearly 10 years and hundreds of hours of work, I put the story together.

Now I want to thank our Rep. Adam Schiff for his efforts to put these stories that are left untold in the Congressional Record. I know my mother, if she were alive, would be dancing up and down with joy. You can't imagine how exciting this is for me after all the years of work to make sure these stories are kept alive and heard so that history will be recorded accurately. Thank you Rep. Schiff. This is such a wonderful and amazing idea.

This is the story of my Grandmother, Horipsema "Helen" Meneshian, as told by my mother, Azadohi Kalashian:

My mother was a remarkable woman. She was born in Aintab in 1895. She was the only daughter of five children born to Soghmon and Khanoom Meneshian.

In 1914 she married Armen Guleserian. They had a big and fashionable wedding party that lasted for three days. Their first child was a beautiful and bright little girl who gave them much joy. This child was not quite two years old when the Turkish government sent orders to have the Turkish army go around and evacuate everyone in Aintab from their homes.

Only whatever could be placed on a donkey's back was allowed to be removed from the house. Then the Turkish soldiers sealed all the doors, windows and locks of our house. We were all ordered to march in the direction of the Syrian Desert.

My mother's trousseau of finest lace, satin and silk was not meant to be enjoyed by her. One by one, each article was sold for the price of something to eat. Her gold coins, chains and rings also went the same way. Eventually, hunger became unbearable, and death took its grim toll. One by one, God called their first born, then their second born, then their third born to be by HIS side. They were never to feel hunger again!

Armen had been sent off to the military and Hripsema had been left alone in Damascus. She tried to reach her father but they would not let her travel because she was Armenian. So, she found someone to travel with to go to Hama where her relative, Kevork, was. In an interview with daughter, Azad, in 1979 she says:

Everybody got off when we were near Hama. I was the only one left. They gave me to a woman who had donkeys and this woman took me to Hama on a donkey. We had nothing. I had the child in my arms and the child's necessities tied on my back. We came by a cemetery and the woman said, "I will not go in here." She took me off of the donkey. She said, "I will be afraid to be in a cemetery. You do whatever you will."

I went in by myself, I found a shop. I asked the man in the shop, "There is the Baronian family living here, do you know them?" He said, "Yes, they went to Aleppo." I said, "There is Kevork Guleserian here." He said, "Yes, they are here but their place is very far." Then they locked the door.

The child wanted some water, I gave him some water and I went and sat by the store. And it got dark, it was evening. Then I saw my father-in-law's grandson, he later said that he would never walk the way I was sitting at, he would always go the other way. I lifted my head and saw him. I was looking for them. He got very surprised and asked what happened and I told him everything. He took me, the child was in my arms, he took

the load I was carrying and took me to their home.

He knocked on the door; they opened the door, a month, or a month and a half. Papa's brother's wife was there. She was Guleserian as well. In about a month the child who was in my arms died. I was devastated. Then papa came and asked, "Where is the boy?" I said, "May your soul live, you'll have another one." He was such a nice boy. They had asked to have him, "Give him to us, we'll raise him up" in Damascus. I would not. How can you give your own child?

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$13,472,761,083,757.88.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$2,834,335,337,464.00 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

ACCOUNTABILITY FOR DEFENSE CONTRACTORS ACT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. BLUMENAUER. Madam Speaker, since July, I have been working with 26 Oregon National Guard members who have filed a lawsuit against the defense contractor KBR for exposing them to the potent carcinogen, hexavalent chromium. These veterans have a compelling case for contractor negligence that resulted in their poisoning.

As the legal proceedings have unfolded, KBR has revealed the existence of a still-classified contract clause that could shift the cost of all damages and court fees onto the Department of Defense—and by extension the U.S. taxpayers.

Today I am introducing legislation, along with Representative SCHRADER, who has been a strong ally to these veterans, and Representative WALTER JONES, a leader on the House Armed Services Committee, to end the contracting practices that shield companies from their own reckless behavior and that remove incentives for contractors to operate responsibly.

This legislation will set important and long-overdue limits to indemnification agreements and will introduce much-needed congressional oversight of the defense contracting process.

Senators WYDEN and MERKLEY are introducing a version of this bill in the Senate, and I hope that our colleagues on both sides of the aisle and in both chambers will act swiftly to enact this legislation before the end of the session.

TRIBUTE TO LIEUTENANT COLONEL FRANCIS J. CURTIS

HON. STEVE KAGEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. KAGEN. Madam Speaker, I rise here today to pay tribute to Lieutenant Colonel Francis J. Curtis as he relinquishes command of the 432nd Civil Affairs Battalion in Green Bay, Wisconsin.

Lt. Col. Curtis assumed command of the 432nd Civil Affairs Battalion in October 2007. He has served in key positions as a U.S. Army Civil Affairs and Psychological Operations Command (Airborne) officer, with a special focus on the conflict in Iraq. Under Lt. Col. Curtis's command, his battalion was deployed in support of Operation Iraqi Freedom from late 2007 through late 2008. Prior to his deployment with the 432nd, he also served in Iraq from March 2003 through April 2004.

During his 24 years of exceptional service to this country in the United States Army Reserve, Lt. Col. Curtis has been awarded the Bronze Star Medal (3rd Award), Purple Heart, Meritorious Service Medal, Army Commendation Medal (6th Award), Army Achievement Medal (3rd Award), Army Reserve Components Achievement Medal (31st Award), National Defense Service Medal (2nd Award), Global War on Terrorism Expeditionary Medal, Iraq Campaign Medal, Global War on Terrorism Service Medal, Armed Forces Reserve Medal w/M Device, Br. Hourglass, Roman Numeral 2, Army Service Ribbon, Reserve Components Overseas Training Ribbon, Armed Forces Reserve Medal, Presidential Unit Citation (Navy), Joint Meritorious Unit Award, Army Meritorious Unit Commendation, Army Superior Unit Award, Combat Action Badge, and the Parachutist Badge.

Lt. Col. Curtis will turn over his command to Lt. Col. William A. Vaughn of the 422nd Civil Affairs Battalion in Greensboro, North Carolina on October 2, 2010 at Lambeau Field in Green Bay, Wisconsin.

Madam Speaker, I honor Lieutenant Colonel Curtis for his service to our country and the 432nd Civil Affairs Battalion and I ask my colleagues to join me in saluting a truly extraordinary member of our community.

U.S. MARSHALS SERVICE FUGITIVE SAFE SURRENDER PROGRAM

HON. MARCIA L. FUDGE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Ms. FUDGE. Madam Speaker, I rise today to share the recent success of the United States Marshals Service Fugitive Safe Surrender Program in my home of Northeast Ohio. From September 22 through 25, 2010, 7,431 fugitives surrendered and took advantage of the Fugitive Safe Surrender program held at Mt. Zion Church in Oakwood Village, Ohio. This set a new national record for fugitive surrenders in the program. Nearly 500

wanted felons, including individuals wanted on federal and out-of-state warrants all peacefully surrendered during the four-day program, representing over 12,000 outstanding warrants.

Law enforcement, judiciary at the municipal, state and federal level, Pastor Larry L. Macon Sr. of Mt. Zion, and over 40 partnering organizations joined together to offer those with outstanding warrants the ability to peacefully surrender within the safe environment of Mt. Zion Church. This program could not have succeeded without their extraordinary commitment of time and resources.

As you know, Fugitive Safe Surrender is administered by the Marshals Service in states with a particularly high volume of fugitive warrants, such as Ohio. The goal of Fugitive Safe Surrender is to reduce risks to police officers in pursuit of fugitives, neighborhoods where felons often hide, and possible injury to the fugitives themselves. Authorized by Congress in July 2006 and signed into law in 2007, it is believed to be the first program of its kind in the Nation. I am very proud that this program was created in 2005 by my friend, U.S. Marshal Peter Elliott in the Northern District of Ohio.

After Cleveland Police Officer Wayne Leon was shot and killed by a wanted fugitive, Marshal Elliott recognized the need for more safety in capturing felons and those persons wanted on outstanding warrants. Marshal Elliott found this creative approach to reduce violence between fugitives and law enforcement. The first year Marshal Elliott launched the program in Cleveland, 850 fugitives peacefully surrendered.

Building on this innovative program, Marshal Elliot later helped lead the program in 10 cities and was urged by mayors nationwide to implement the program in their communities. Since then, 30,000 wanted individuals have surrendered through the program in 18 cities across our nation in the past five years.

Fugitive Safe Surrender is a success. In addition to violent fugitives, thousands of individuals wanted for non-violent felony or misdemeanor crimes have also felt comfortable in voluntarily surrendering in faith-based or other neutral settings established by the program.

AHMADINEJAD

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. POE of Texas. Madam Speaker, some things do not need to be elaborated on. Rudy Giuliani, a great American, recently spoke at a rally in New York City where 20,000 people showed up to protest the dictator Ahmadinejad and his corrupt regime. Ahmadinejad was in town to spew more of his hateful ideology. This time, he interlaced his anti-Semitic rhetoric with conspiracy theories on 9/11. This man does not speak for the Iranian people, who only want freedom to live their lives without the shackles of a regime bent on preserving its power at all costs. The courageous opposition group MEK, who organized the rally, is fighting for this very freedom. The State Department has got them wrong—they are not a terrorist organization and should not

be listed as one. Mayor Giuliani agreed with me and I'd like to submit his comments for the record.

God bless you and thank you very much for being here. I come here today for a very simple reason, to stand with you in support of the basic rights guaranteed by the Constitution of the United States and also the basic rights guaranteed by the preamble to the United Nations Charter. We need to remind the United Nations of what it stands for. According to the preamble of the United Nations, it exists to reaffirm faith in fundamental rights in the dignity and worth of the human person, and in the equal rights of men and women and of nations large and small.

The people of Iran are as entitled as all of us to make a claim on the nations of the United Nations to reaffirm these goals for them; and that is what you are here to do.

For too long the world has acquiesced in a regime in Iran that through mass murder, violence and intimidation has denied basic rights of your brothers and sisters and friends and relatives and has been a consistent supporter of terrorism and of terrorist organizations beyond its borders.

All of you are here today to cry out for the world to stand with you and your brothers and sisters who are oppressed by the brutal regime in Iran.

They desire freedom! I desire freedom! We all desire freedom! No one can deny you your desire for freedom! I believe that desire is placed in your heart and soul by the Creator! It comes from above. Not from here, not from below, but from above. It is a basic human desire that the people of Iran are entitled to and it is a basic human desire that all good people should support.

And if this institution that stands behind us, the United Nations, wants to reclaim its lofty goal of protecting human rights; which is a goal that has alluded it for many many years, then it must stand with you against the regime in Iran, against the brutalization that goes on in Iran, and against the supporting of terrorism.

And it is time here in America to right a wrong that has been done to you and your cause out of a misguided notion that the violent and tyrannical regime of Iran could be mollified. It is about time that we change the listing of the People's Mojahedin Organization of Iran as a terrorist organization.

I've studied terrorism for much longer that I'd like to admit. For over 35 years. I have investigated terrorism, and I've seen firsthand, in my city, the devastation that terrorism can bring about.

This is not a terrorist organization. This is an organization dedicated to achieving freedom and dignity for its people.

It is time for the rest of our Congress to join 823 members—Democrats and Republicans—who have supported House Resolution 1431 which calls for the lifting of this unjust, unfair and inaccurate designation. It has been lifted by the British government; it has been lifted by the European Union; it should be lifted by the United States Congress and President Obama should support it as a defender of freedom.

Just as this great country of America is described as the last best hope for humanity, you and your cause are truly the best hope for Iran.

Your quest is as legitimate as solidarity was for Poland.

And it took lovers of freedom and leaders of historical consequence like Ronald Reagan, Margaret Thatcher and Pope John Paul, to stand with Solidarity no matter the consequences.

Your goals are our goals, they are the goals of a decent people; you want to guarantee equal rights for men and women; you want to see freedom of religion and speech and press; freedom of assembly in Iran, you want Iran that does not threaten the existence of other nations; and you want an Iran that is under no circumstances a nuclear power.

It is your members and associates who have consistently drawn open the secret curtain that Iran tries to draw on its plans to develop nuclear weapons.

It is your members who have risked their lives and lost their lives revealing the plans and steps of Ahmadinejad and the regime to acquire nuclear weapons.

Without your brave investigations and revelations, America and the world would still be laboring under the inaccurate information that was contained in the National Intelligence Estimate of 2007 that said Iran had appeared to abandon its plans to build nuclear weapons. Your members, your associates, revealed that to be incorrect, inaccurate, and dangerously wrong.

If the history of the 20th century has taught us anything, it is that we must confront tyrants, oppressors, bullies and terrorists as early as possible.

Acquiescence only leads to increasing loss of human life and human liberty.

For too long the world has stood still as the people of Iran, particularly those of you desiring freedom, have been oppressed, imprisoned and slaughtered by a regime that has no right to exist.

It's time to make common cause with you in your noble quest.

It is a risk that is worth taking.

It is a cause that is worth the risk.

If the forebears of this country didn't take the risk for freedom, then this great nation would not exist.

Your people, the people of Iran, are willing to fight for freedom; you are willing to speak out against horrible atrocities to human dignity. And when they do, this country, America, should strongly stand with them, and speak out for them.

No more silence! Where is our Ronald Reagan when we need him? Ronald Reagan would have stood with the people of Iran, strongly, bravely, and forthrightly. When they sought to protest the inaccuracies and illegitimacy of the elections in Iran, Ronald Reagan would have America standing with them toe to toe, body to body and person to person, as he did with Solidarity. Where is our Ronald Reagan when we need him?

One of the most monumental celebrations of freedom was on Christmas Day, 1989 in Berlin.

It was in the city of Berlin that severs years earlier Ronald Reagan standing by the wall that then divided the free from the oppressed and stood in front of that wall and he was not afraid to stand up and said, "Mr. Gorbachev, tear down this wall."

Now, in our time, we need a Ronald Reagan to cry out to the oppressors of your people to tear down the wall of tyranny, tear down the wall of oppression, tear down the wall of terrorism, and of slaughter.

On that Christmas Day of 1989 in Berlin the wall had been torn down because brave people like Ronald Reagan and many others were willing to stand with protesters and the oppressed in those communist countries. They weren't afraid to speak out and they weren't afraid to confront. Leonard Bernstein conducted a performance of Beethoven's ninth symphony that day and he called it a "celebration of human freedom."

I hope and I pray that you and I will go to Iran together; I hope we can have a celebration of freedom for the people of Iran because a celebration of freedom for Iran will be the celebration of freedom for all of us.

But that day is not going to come about by begging Ahmadinejad to negotiate. It is not going to come about from weakness. Bullies thrive from weakness. Tyrants are encouraged by weakness. They know only one thing: Strength. They must be confronted with America's strength, not America's weakness. America, the world, all of us must make it plain that under no set of circumstances will Ahmadinejad be allowed to have nuclear weapons. That is not negotiable. No discussion. No argument. No debate.

No! No! No, to nuclear weapons!

And instead, I say Yes to freedom, Yes to democracy, Yes to a free press, Yes to freedom for women, Yes to human dignity for Iran and for all of us.

God bless you in your noble pursuit! I stand with you and all freedom loving people stand with you. God bless you.

A GENOCIDE SURVIVOR STORY: KEVORK "GEORGE" HAKALMAZIAN

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. SCHIFF. Madam Speaker, I rise today to memorialize and record a courageous story of survival of the Armenian Genocide. The Armenian Genocide, perpetrated by the Ottoman Empire from 1915 to 1923, resulted in the death of 1.5 million Armenian men, women, and children. As the U.S. Ambassador to the Ottoman Empire, Henry Morgenthau, documented at the time, it was a campaign of "race extermination."

The campaign to annihilate the Armenian people failed, as illustrated by the proud Armenian nation and prosperous diaspora. It is difficult if not impossible to find an Armenian family not touched by the genocide, and while there are some survivors still with us, it is imperative that we record their stories. Through the Armenian Genocide Congressional Record Project, I hope to document the harrowing stories of the survivors in an effort to preserve their accounts and to help educate the Members of Congress now and in the future of the necessity of recognizing the Armenian Genocide.

This is one of those stories (story submitted by Scott Tejerian):

My grandfather, Kevork "George" Hakalmazian, lost his family in the genocide somewhere around age seven. His father was forced to give my grandpa's sister in marriage to the Turkish mayor of their town, Peri. My grandpa never saw his sister again. Shortly after, when my Grandpa's father, Sarkis, was reading the Bible one afternoon in front of their house, Turkish soldiers took him and my grandpa's mother, Oghapar, away. My grandfather never saw them again. My grandpa and the other children of the village, including his older brother Hagop, were rounded up by the soldiers and taken to the nearby river. At the river they were separated by size. My grandpa's nephew, the son of his eldest brother who was already living in the USA, was separated in the group of

smaller children away from my grandpa and his brother, Hagop. The smaller children were thrown into the river to drown, except my grandpa's nephew knew how to swim. When the Turkish soldiers saw him swimming, they shot him dead in the water. For the next few years, my grandpa and Hagop were forced to work for a Turkish farm owner. They were his slaves. Eventually, my grandpa and Hagop were rescued by an older cousin, Marderos, who helped them escape to an orphanage in Lebanon. It was there that their eldest brother, Martin, who was living in Chicago at the time, found them and sent for them to come to America. My grandfather arrived in Ellis Island on July 4, 1923. He didn't know his birthday, so for every year after that his birthday was July 4th.

A TRIBUTE TO ALVIN G. DAVIS

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. NEUGEBAUER. Madam Speaker, I would like to recognize Alvin G. Davis for being named to the National 4-H Hall of Fame. Alvin is one of 16 honorees from around the country selected to receive this prestigious honor in 2010. Alvin will be the first 4-H Club member from Texas to join the Hall of Fame.

A Post, TX native, Alvin started in the 4-H program in 1939. In 1948, he was the top 4-H boy and National 4-H Leadership Award winner. Alvin has also served as president of the 4-H club at the local, county, district and college levels.

Alvin received a bachelor's degree in animal husbandry from Texas Tech in 1952. While at the university, he was president of the Texas Tech 4-H Club and Texas Tech Rodeo Association. In 1950, he became the director of the first National Intercollegiate Rodeo Association. Alvin was also the first inductee into the Texas Tech Rodeo Hall of Fame.

Along with his commitment to 4-H, Alvin has become a renowned rodeo announcer, poet, writer, and western artist. Several of his sculptures can be found in the collections of presidents, governors, and celebrities. Alvin founded the National Cowboy Symposium and Celebration and has written children's books, poetry books, and a rodeo periodical. In 2002, he was inducted into the National Cowboy Song and Poetry Hall of Fame.

I am enormously appreciative to Alvin for his hard work and for his contributions to promoting cowboy culture. On behalf of the 19th Congressional District, including myself, I thank Alvin for all of his time and effort to preserve the values, honor, and respect of the American Cowboy and congratulate him on joining the National 4-H Hall of Fame.

RECOGNIZING THE CAREER OF MR. SAM WOLF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in recognizing the distinguished career and significant regional contributions of Mr. Sam Wolf.

Sam Wolf, a resident of Granite City, Illinois, served 18 years in the Illinois House of Representatives from 1974 until he retired in 1992. Among his more notable accomplishments during his time in the General Assembly was legislation establishing community college voting sub-districts. This was important to ensure equitable representation of the different geographic areas covered by a community college district.

Sam Wolf has been a strong proponent of Southwestern Illinois College and was a driving force in the establishment of the college's Granite City Campus in 1984. Sam worked to secure funding for the Industrial Technology Center at the Granite City Campus and the development of the Automotive Collision Repair Technology program there. Sam has been a member of the Southwestern Illinois College Board of Trustees since October 1995.

In recognition of Sam's tireless efforts to expand and improve Southwestern Illinois College, the Granite City Campus is named the Sam Wolf Granite City Campus. This is a fitting tribute for a man who has done so much to provide quality educational opportunities for current and future generations.

Madam Speaker, I ask my colleagues to join me in an expression of appreciation to Mr. Sam Wolf for his many contributions to the Southwestern Illinois region and to wish him the very best in the future.

CHARCOT-MARIE-TOOTH AWARE- NESS WEEK, SEPTEMBER 19-25

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Ms. CASTOR of Florida. Madam Speaker, I rise today to bring your attention to the first Charcot-Marie-Tooth (CMT) Awareness Week, September 19-25, 2010. This week-long event is coordinated by the Charcot-Marie-Tooth Association (CMTA), and its members have been working towards educating Americans about the disease.

Discovered in the late 1800s by physicians Jean-Martin Charcot, Pierre Marie and Howard Henry Tooth, CMT is a slowly progressive disease which attacks the nerves that control sensory information and muscle function of the feet, legs and arms. Although CMT is not life-threatening, it can cause severe disabilities, and patients may lose feeling in their legs and arms.

CMT is one of the most commonly inherited neurological disorders of our time. It affects nearly 2.6 million people worldwide, without regards to ethnicity or gender. One in every 2,500 Americans has CMT, and in the Tampa, St. Petersburg area alone, more than 300 people have been diagnosed.

To date, there is no cure for CMT, but groups like CMTA are working diligently with scientists from the National Institutes of Health (NIH) to find a solution, and they are hopeful that a cure will be found in the coming future. The CMTA was founded in 1983 to generate the resources to find a cure, to create awareness and to improve the quality of life for

those living with CMT. CMTA believes that before there can be a world without CMT the world has to be aware of CMT.

Seventeen states and the District of Columbia held activities this week to raise awareness of CMT. In my hometown of Tampa Bay, CMTA members distributed informational pamphlets to students at Eckerd College and to families at local post offices and libraries.

Madam Speaker, raising awareness about CMT through CMT Awareness Week will help to educate communities about this disease and help to find a cure for this disorder.

RECORD NUMBER OF AMERICANS DISTRUST THE MEDIA

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. SMITH of Texas. Madam Speaker, more Americans than ever distrust the mass media, according to a new Gallup public opinion poll.

Just 12 percent say they have "a great deal" of confidence in the media to report the news "fully, accurately, and fairly."

A majority have little or no confidence in the media.

And by a margin of more than 3 to 1, Americans say the media are too liberal rather than too conservative, tying the highest mark of this decade.

Americans have good reason to be skeptical of the media. They repeatedly promote a liberal agenda and give the Obama Administration and Congressional Democrats a free pass.

If the national media want to restore the public's trust, they should give Americans the facts, not tell them what to think.

BEDROS VARTAN YESSAIAN: A SURVIVOR'S STORY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. SCHIFF. Madam Speaker, I rise today to memorialize and record a courageous story of survival of the Armenian Genocide. The Armenian Genocide, perpetrated by the Ottoman Empire from 1915 to 1923, resulted in the death of 1.5 million Armenian men, women, and children. As the U.S. Ambassador to the Ottoman Empire, Henry Morgenthau, documented at the time, it was a campaign of "race extermination."

The campaign to annihilate the Armenian people failed, as illustrated by the proud Armenian nation and prosperous diaspora. It is difficult if not impossible to find an Armenian family not touched by the genocide, and while there are some survivors still with us, it is imperative that we record their stories. Through the Armenian Genocide CONGRESSIONAL RECORD Project, I hope to document the harrowing stories of the survivors in an effort to preserve their accounts and to help educate the Members of Congress now and in the fu-

ture of the necessity of recognizing the Armenian Genocide.

This is one of those stories: (translated by the son and daughter of Bedros Vartan Yessaian—Hovhannes Yessaian and Dench Bedros Yessaian, respectively—a survivor of the Armenian Genocide.)

This is the true story in every detail that has been told to me and my sister by my father.—Hovhannes Yessaian.

BEDROS VARTAN YESSAIAN: A SURVIVOR'S STORY

My name is Bedros Vartan Yessaian. I was born in 1904 in a village called (Kinjilar), which is not far from Izmit and Istanbul, and had about 2,500 inhabitants, most of which were Armenians. My father is Vartan and my mother is Denchali. We were four brothers, Antranig (born 1889), Ohannes (born 1901) Bedros (born 1904) and Jirair (born 1907). My mother had two brothers, Minas and Hagop.

It was in the summer of 1915 that the Ottoman government gave orders that all Armenian males aged 18-45 go to the military service, while the rest of the family was to be deported. My father went to the military but actually was working as a day laborer cutting stones to pave roads.

So I accompanied my mother and two brothers, Antranig and Jirair, in deportation. My other brother, Ohannes, and two uncles were at that time in Istanbul and escaped deportation. In few days time we gathered what we could carry and took the train to a city called Konya. From there we walked all the way to Derzor, sometimes hiring horse or oxen driven carts, if we could find one.

Later we learned a pregnant woman of our village had childbirth at the departure time and was obliged to throw her newborn child into the nearby Sakaria River. She was the young wife of Janig Belalian.

On our way we came across Armenian soldiers working as stone cutters and paving the road for the Berlin Baghdad railway project. My father was one of them, and was able to escape his group and joined us in the death march.

Somehow we managed our way until Aleppo in Syria. On the way many died of starvation, thirst and hunger besides the cruel treatment of the police and gendarmes. After that the march was horrible in the desert, especially for who live in colder climate.

Although the Euphrates River was nearby, we were forced to march far from it, as some would die of thirst and exhaustion. Sometimes we march in endless circles ending in the afternoon at same place we started in the morning.

We marched on foot from Aleppo to Meskena, Rakka Derzor and Shaddadiya. My younger brother, Jirair, died of starvation and hunger. We continued our march without knowing our final destination. On a rainy day and still under the tents, my father asked my brother, Antranig, to buy a cup of tea from the street vendor. My brother said he has no money. Father pulled the bed sheet over his head and few hours later we found him dead.

Few weeks later my mother died. Neighbors came consoling me and wishing them a peaceful death. In the morning the collector came and took her body. All who had died were stripped of their clothes and their bare bodies were thrown into a large ditch.

The more we marched the more the police and gendarmes grew cruel. They beat, tortured, raped and killed innocent and unarmed people. In a neighboring caravan two young beautiful girls threw themselves into

the Euphrates River preferring death to rape. Raping became more regular and even pregnant women were not spared. The gendarmes gambled on the gender of the unborn child by cutting the woman's abdomen by sword letting the woman die in her blood.

The Arab Nomads who live in the Syrian Desert used to come to our tents asking us to live with them instead of sure death. Thousands of Armenians were thus saved. I saw no hope and informed my brother that I was going to live with the Arabs. My brother stayed with the caravan and later I learned that he reached Mosul city in Iraq.

With Arab nomads I stayed for two years and my Arab (parents) treated me as if their own biological son. The Arab Sheikhs (head of a tribe) even refused the invitation of the Turkish authorities to participate in killing the Armenians and keep any looted property.

They treated all the saved children and women with respect and dignity. While with the Arabs, I saw Turks forcing the Armenians to collect dry bushes and thorns and later pushed them into a cave. Then they burned the bushes and all inside the cave died of burns or choked to death.

Later I left my Arab parents and fled to Istanbul where my two uncles and brother Ohannes lived. After the armistice I returned to my village with my brother Ohannes and Uncle Hagop.

However in 1922, Kemal Ataturk forces invaded the western part of Turkey burning villages and killing the Christians. My uncle Hagop and brother Ohannes were killed and the entire village of Kinjilar was burnt to ashes. I fled the massacre to Istanbul and from there to Greece with my uncle Minas who later emigrated to Armenia.

After learning that my brother was in Baghdad I traveled to Baghdad and formed a family. My wife Serpoochi was also a genocide survivor, originally from Bilejik, a nearby village to Kinjilar.

—Bedros Vartan Yessaian

HONORING NED AND MARY ANN ABRAHAMSEN ON RECEIVING THE ATTORNEY ROBERT W. MUNLEY DISTINGUISHED SERVICE AWARD FROM LACKAWANNA PRO BONO

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mr. and Mrs. Ned and Mary Ann Abrahamson on receiving the Attorney Robert W. Munley Distinguished Service Award from Lackawanna Pro Bono.

Lackawanna Pro Bono is a non-profit organization established in 1997 to increase the availability of free legal representation for low-income individuals and families throughout Lackawanna County.

Over the past thirteen years they have organized local attorneys to volunteer their time to provide representation in over 2,000 cases, and in the process have helped nearly 5,000 residents of Northeastern Pennsylvania.

Lackawanna Pro Bono will host its second annual Fundraising Gala on October 21, 2010 in Scranton, Pennsylvania. For the second

year, Lackawanna Pro Bono will honor a select number of individuals and organizations who have demonstrated excellent service to the community with its Attorney Robert W. Munley Distinguished Service Award.

This year's group of deserving recipients includes Mr. and Mrs. Ned and Mary Ann Abrahamsen of Scranton.

Edwin "Ned" Abrahamsen was born in Philadelphia, Pennsylvania in 1951. He graduated from Franklin & Marshall College in 1973, and received his Juris Doctorate from the Dickinson School of Law in 1976.

Mary Ann Conaboy Abrahamsen was born in Scranton in 1951. She graduated from Marywood College in 1973 before also receiving her Juris Doctorate from Dickinson School of Law in 1976.

Together, they are partners at Abrahamsen, Conaboy & Abrahamsen in Scranton. Mr. Abrahamsen specializes in personal injury cases, while Mary Ann specializes in family law, particularly in the areas of real estate, wills trusts and estates, and divorce. Their firm has received the Equal Access to Justice Award from the Lackawanna Bar Association and Lackawanna Pro Bono, as well as the Pro Bono Award from their Pennsylvania Bar Association.

Throughout their professional careers, Mr. and Mrs. Abrahamsen have continuously donated their time and efforts throughout the community.

Mr. Abrahamsen has served as Solicitor of the Scranton School District and School Building Authority and the Old Forge School District, and currently serves as Solicitor of Blakely Borough. He is also Chairman of the Financial Committee of St. Joseph's Church in Scranton.

Mrs. Abrahamsen has served as President of the Parents Club at Scranton Preparatory School, Chairman of the Board at Scranton Prep, President of the Board of Directors of the Friends of the Poor, and as Secretary of the Lackawanna Bar Association.

Madam Speaker, please join me in recognizing Mr. and Mrs. Abrahamsen. Together they have demonstrated a remarkable commitment to community service in Northeastern Pennsylvania.

PAYING TRIBUTE TO MR. FRED HARRSCH

HON. STEVE KAGEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. KAGEN. Madam Speaker, I rise here today to pay tribute to Mr. Fred Harrsch for his dedication in upholding the great tradition of the Green Bay Packers fence along Lombardi Avenue in the shadow of Lambeau Field in Green Bay, Wisconsin. Mr. Harrsch inherited the Packer tradition 6 years ago when he took ownership of the fence which creates a unique sense of pride and camaraderie among fans. As friends, family, and visitors gather this football season to pay tribute to his hard work and contributions, I ask my colleagues to join me in honoring this outstanding individual.

Hundreds of thousands of fans pass by the city landmark on their pilgrimage to Lambeau

Field, which dons a new coat of paint and a fresh slogan at the start of every season. This season, Mr. Harrsch has chosen the slogan, "In Coach McCarthy We Trust", in honor of the Packers head coach. In addition to more than 100 volunteers who turned out to help Mr. Harrsch paint the fence this year, two special guests came to take part—Packers President and CEO Mark Murphy, and the fence's original owner, Steve Kraft. This marks the 26th year of the fence-painting tradition.

Madam Speaker, as Fred Harrsch celebrates another year of a great Green Bay tradition, I ask my colleagues to join me in saluting a truly extraordinary member of our community.

HONORING PANG GE MOUA

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to honor the life of Major Pang Ge Moua for his dedication and service to his country and his community. Major Moua passed away at the age of 81 on August 8th, 2010 in Fresno, California. A service honoring his life will be held on Saturday, August 21, 2010 in Fresno.

Major Moua was born on October 20th, 1928, in Ban Nong Het, Xiengkhouang province, Kingdom of Laos, 1928. In 1948, he completed grade 3 in the Lao elementary school in the same village where he was born. In 1963, Mr. Moua was recruited to train as a walking fighter, also known as an infantry man. After completing the training, he was placed in the 1st Company, 201st Battalion, Special Guerrilla Units where he served in southeast Asia and Laos during the Vietnam Conflict. Mr. Moua served in this unit through May 1975. During his time with the military, Mr. Moua participated in a number of missions for the United States and the Kingdom of Laos. For his outstanding service, Mr. Moua was promoted to the rank of Major. After the United States withdrew its troops and support from Indochina, Mr. Moua fled to Thailand and eventually moved on to the United States, where he settled on June 21, 1989.

Major Moua received a number of citations and awards for his service in southeast Asia including the Vietnam Campaign Medal, the Vietnam Veteran's Medal, the Vietnam Veteran's National Medal and the Lao Veterans of America National Medal.

Upon moving to the United States, Major Moua became active in community affairs. In 1991, he became a member of the Lao Veterans of America, Inc. The Lao Veterans of America, Inc. represents veterans who served the United States honorably during the Vietnam War. It is the largest organization of its kind in the U.S. and includes thousands of Hmong and Lao veterans and their families. Major Moua was elected to serve in a leadership role in the Lao Veterans of America Fresno Sub-Chapter in 2002. He has also attended Lao Veterans of America events in Washington, D.C. many times over the past few years.

Major Moua will be remembered for all that he has sacrificed and for all that he has achieved. He is survived by his wife, Kao Kim Lee, and their 7 children.

Madam Speaker, I rise today to posthumously honor Major Pang Ge Moua for his dedication to his family, his country and his community. I invite my colleagues to join me in honoring his life and wishing the best for his family.

COMMEMORATING THE 90TH BIRTHDAY OF ENTERTAINER AND PHILANTHROPIST JOEY RUSSELL

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Ms. DELAURO. Madam Speaker, on the occasion of his 90th birthday, I rise to commemorate Joey Russell of Milford, Connecticut, a comedian and humanitarian who has spent a lifetime working to make the world around him a better, happier place.

Known to generations of Connecticut children as "Happy the Clown," a television staple in Hartford and my hometown of New Haven, Joey has brought laughter, good cheer, and good works to those around him for decades. In fact, Joey's wit and timing as a stand-up comic has taken him all over the world, including famed comedy venues like the Copacabana in New York and Grossinger's Hotel in the Catskills.

Throughout his career, Joey has matched his gift for entertaining with an impressive record of philanthropy and public service. The son of a rabbi who served in the United States Army, Joey has raised money for over 20 ambulances for American Red Magen David for Israel (ARMDI), formed the Golan Chapter of this international humanitarian organization, and has led over fifty tours of the Holy Land.

I congratulate Joey, his wife Josi, and their five children on reaching this impressive milestone, and I thank Joey for all the laughter over the years. With or without the "happy sticks" on hand, I know he will greet this cause for celebration with a smile.

MARGARET HOUGASIAN: A SURVIVOR'S STORY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. SCHIFF. Madam Speaker, I rise today to memorialize and record a courageous story of survival of the Armenian Genocide. The Armenian Genocide, perpetrated by the Ottoman Empire from 1915 to 1923, resulted in the death of 1.5 million Armenian men, women, and children. As the U.S. Ambassador to the Ottoman Empire Henry Morgenthau documented at the time, it was a campaign of "race extermination."

The campaign to annihilate the Armenian people failed, as illustrated by the proud Armenian nation and prosperous diaspora. It is

difficult if not impossible to find an Armenian family not touched by the genocide, and while there are some survivors still with us, it is imperative that we record their stories. Through the Armenian Genocide CONGRESSIONAL RECORD Project, I hope to document the harrowing stories of the survivors in an effort to preserve their accounts and to help educate the Members of Congress now and in the future of the necessity of recognizing the Armenian Genocide.

This is one of those stories:

(Submitted by Shirley Collins)

My name is Shirley Kalashian-Collins. I was born in 1951 to Armenian parents. My mother was born in Aintab, Turkey in 1920 in the midst of the genocide of the Armenians. My mother and my grandparents narrowly made it out alive and found refuge in the U.S. My paternal grandmother also had a harrowing story. Due to the threat against the Armenians she was shipped to the U.S. at 15 years old to marry an Armenian, only to find out a few years later that her parents were killed and her younger sisters kidnapped. My mother tried hard to put all these stories down on paper so the world would know what happened to our families. After she passed away, I attempted to finish her project. After nearly 10 years and hundreds of hours of work, I put the story together.

Now I want to thank our Rep. Adam Schiff for his efforts to put these stories that are left untold in the Congressional Record. I know my mother, if she were alive, would be dancing up and down with joy. You can't imagine how exciting this is for me after all the years of work to make sure these stories are kept alive and heard so that history will be recorded accurately.

Thank you Rep. Schiff. This is such a wonderful and amazing idea.

My great-grandfather, Sarkis Kalashian, married Margaret Hougasian after my great-grandmother, Shoushan, died. Sarkis was killed in 1915 by Turkish soldiers. This left Margaret a widow with small children. My cousin, Margo Torigiant, shared with me the following story of how her grandmother escaped to France after Sarkis was killed:

After the massacre of the Armenians started, Margaret suddenly became a widow when her husband and older son were killed in 1915. According to her granddaughter, Margo, Margaret had some gold nuggets as Sarkis had been a merchant in Kharpet. Earlier pictures of Sarkis and Margaret show them happy and very well dressed.

She used these gold nuggets to get some Turkish people to help her and her children: Khoren, Hrant, Dickran, Araksi and Vartan (and maybe Agavni—daughter of Khoren) to flee. She dressed up the boys as girls to disguise them. (Boys were more likely to be killed by the Turkish military). Somehow they were able to get to Aleppo, Syria. She tried to get them in an orphanage, but since they had a parent, she could not get them in. she cooked for people and took the leftovers home for the kids to eat. They stayed there for a few years, but stayed close.

They were afraid Arabs would kidnap the kids. From there they settled in Marsielle, France.

HONORING THE HANNAH WESTON CHAPTER OF THE DAUGHTERS OF THE AMERICAN REVOLUTION

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. MICHAUD. Madam Speaker, I rise today to recognize the Hannah Weston Chapter of the Daughters of the American Revolution for their care of the Burnham Tavern for 100 years.

The Chapter carries the name of Hannah Weston in honor of the 17-year-old pregnant woman who showed incredible courage in helping the patriots fight the British in the Battle of the Margarett. This was also known as the Battle of the Machias, the first naval battle of the Revolutionary War. Since 1910, the Hannah Weston Chapter has owned and maintained the Burnham Tavern, where the people of Maine first gathered to plan the defense of their homes and our young nation.

The Tavern was built in 1770, and has a rich history dating back to the Revolutionary War. Plans to capture the armed British vessel, H.M.S. *Margaretta*, in the first naval battle of the American Revolution were made in the Tavern, and the wounded were nursed there. Many items in the Tavern are associated with that battle and the patriots who fought it. The Tavern acts as a historical landmark that welcomes visitors from around the country and the world, who seek to learn more about this important part of our nation's struggle for independence.

The Burnham Tavern is the oldest building in eastern Maine, having withstood the test of time thanks to the members of the Hannah Weston Chapter. The Tavern has been kept in excellent condition, and the Chapter has paid out of their own pockets for the upkeep of the 18th century building.

The DAR has made a substantial contribution to the community through preserving a historical landmark and educating its visitors. Their efforts are truly remarkable, and all of Maine thanks them for their dedication to our nation's history.

Madam Speaker, please join me in honoring the Hannah Weston Chapter of the Daughters of the American Revolution for their work in preserving such an important part of our nation's history.

HONORING THE SAGINAW RIVER COAST GUARD STATION

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to the members of the U.S. Coast Guard stationed at the Saginaw River Coast Guard Station. The Mt. Zion Lutheran Church in Bay City, Michigan will hold a program and reception on October 3rd to recognize these dedicated service members.

The United States Coast Guard established a presence in the Saginaw River in 1842

when a lighthouse was constructed. Over the years the Coast Guard has maintained a light range system and expanded to now include 8 boats, and is staffed by 27 active duty personnel and 5 reserve personnel. Its area of responsibility stretches from Point Lookout to Oak Point on the Saginaw Bay and from the mouth of the Saginaw River to Green Point in Saginaw. The station is responsible for servicing 134 aids to navigation. On the average, the station runs 110 search and rescue missions a year. The Station has been designated as the Ice Capabilities Center of Excellence, which is the formal training site for the ice rescue procedures for the United States Coast Guard. The crew is considered the specialists in ice rescue and fulfills the role of instructors in the field.

Madam Speaker, I ask the House of Representatives to rise with me and applaud the work for the Saginaw River Coast Guard Station. Their dedication to ensuring the safety and security of persons traveling the waters of the Saginaw Bay and Saginaw River is exemplary. I commend them for their service, enthusiasm, perseverance and I pray they will continue to do their job in safety for many years to come.

HONORING LIBERTY CORNER FIRE COMPANY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the Liberty Corner Fire Company, located in Bernards Township, Somerset County, New Jersey which is celebrating its 100th Anniversary.

The Liberty Corner Fire Company was incorporated on October 17, 1910 and spent the first 4½ years organizing and growing prior to its activation. On March 4, 1915, during a meeting that officially activated the company, 34 members joined what has become a fire company exuding bravery and rich in generosity.

After becoming active, the members needed a firehouse. In June of 1915, a lot was purchased and one month later construction began. At the time of completion, the Liberty Corner Fire Department funds ran low, but through the donation from the Bernardsville Fire Company, the Company acquired its first fire apparatus.

Over the years, the Liberty Corner Fire Company joined alongside many other departments as they battled fires. The members worked tirelessly to not only keep their own community safe, but surrounding communities as well. The company often reported to fires in other towns in an effort to provide assistance.

In 1954, it was decided that there was a need for a larger firehouse. Realizing the high cost to do so, the members dedicated 7,400 hours of manpower to expand the building. By doing so, they were able to save over half the cost of the expansion. The building was completed with a dedication ceremony on July 14, 1956. On December 10th of that same year, the Liberty Corner Fire Company received the Certificate of Perpetual Existence.

The 1980s brought about a boom of residential and commercial building in the department's primary service area. With the completion of an interstate highway and over 2,000 residential homes built, the demands of the Fire Company increased. In response, the Company purchased a command vehicle: 1982 Dodge Diplomat. However, the need also arose for a new firehouse to keep up with the new construction sizes of modern fire apparatuses.

After a long process of raising funds for a new firehouse, the groundbreaking was held in August of 1989. Over a year later, in September of 1990, the Liberty Corner Fire Company moved into its new home on a 10-acre lot purchased back in 1925. This house boasts a side bay with offices and rooms to facilitate day-to-day work at the company. On May 4, 1991, a wet down was held to celebrate the new firehouse.

In an effort to keep up with rising costs, the company began the Santa Fund Drive in 2000. In conjunction with the holidays, the company offers parents the chance to have Santa Claus arrive on a fire truck to present their child with a gift.

On March 8, 2007, the members of the Liberty Corner Fire Company were presented with a grant from the Fireman's Fund Heritage Program to help fund safety equipment. In July of the same year, the company was invited to participate in America's Independence Day Parade in our nation's capital, Washington, DC.

In September 2009, insurance agency Lake McVicker, along with the Fireman's Fund Insurance Company, awarded the Liberty Corner Fire Company a grant for a new thermal imaging camera to replace on its new Pierce pumper.

Today, the Liberty Corner Fire Company boasts an impressive fleet of fire trucks and responds to a wide array of emergencies in and around their community. The success of volunteer fire departments such as this one is vital to the security of millions of Americans.

Madam Speaker, I ask you and my colleagues to join me in congratulating the Liberty Corner Fire Company as they celebrate 100 years of exceptional service.

TRIBUTE TO CHARLES YOUNG

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. POE of Texas. Madam Speaker, I rise today to pay tribute to a true American Hero, Charles Milton Young, who recently passed away at the age of 91. I am honored to recognize Charlie's brave and commendable service to the United States of America. Charlie Young proudly served our Nation in World War II as a United States Marine in 1944–1945. During his service, he sustained a severe injury during the battle of Okinawa, leading to a 9-month hospitalization. In fact, he distinguished himself in combat so greatly that he was awarded the Purple Heart and the Excellence in Service medals. There is nothing nobler than answering the call to serve your

country. His actions are a true testament to his patriotism. It is always sad when we lose a hero; however, it also brings us hope when we remember men of the Greatest Generation, like Charlie, who have walked among us.

Charlie was a dedicated family man, having been married to his wife Hazel for 72 years. He was also the proud father of four children, 17 grandchildren, 50 great grandchildren, and 6 great-great grandchildren. Charlie and Hazel met and married in Beeville, Texas and later moved to Corpus Christi to raise their family. In 1960 they moved permanently to their lake home in Mathis, Texas. It is an honor to remember Charlie as a courageous soldier who risked his life for the American dream but it is also an even greater honor to recognize him as an honorable Texan, dedicated citizen, and a loving father, grandfather and husband.

There is no such thing as former Marine; once Marines leave the military they are still Marines in heart and soul and patriotic zeal. It is true that once a Marine always a Marine. Charlie was proud to be a Marine, so much so that as he said his final goodbyes to family members, his last words to his son-in-law, Maj. Joseph R. Ellis (retired USMC) was "Semper Fi, my son, Semper Fi" as he shook his fist with all the strength he could muster. There is nothing like a U.S. Marine. They are a breed of their own.

On September 28, 2010 PFC Milton Young, USMC was laid to rest with Full Marine Honor Guard detail with a 21-gun salute and taps. I am honored to remember the life and memory of a Texas hero. He will forever remain a hero in the eyes of his family, his friends, his community, and his country. Semper Fi, Charlie Young. Semper Fi.

And that's just the way it is.

CONGRATULATING THE SOCIETY OF KASTORIANS "OMONIOIA" OF NEW YORK ON THEIR 100TH ANNIVERSARY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. ACKERMAN. Madam Speaker, I rise today in recognition of the 100th anniversary of the Society of the Kastorians "OMONIOIA" of New York, located in Whitestone.

The first Kastorian immigrants, hailing from Kastoria, a North-Western Province in Greece, have deep roots in New York City. After their arrival in 1887, the community quickly grew. These new Americans organized a philanthropic group that has done charitable work and donated resources both in Greece and here in the United States.

Founded on August 7, 1910, the Society first began sending aid back to its members' homeland, Kastoria. The first donations supported a girls' school, a pharmacy, and earthquake-recovery efforts. During both World Wars, the Society was active in providing assistance to Greece's infrastructure and its defenses. During those turbulent times, the Society's efforts helped Greece construct a warship, a power plant and a water supply distribution system, as well as providing shipments of flour to Greek refugees.

Through the years, the Society's generosity has not been limited to Greece; it has supported many initiatives in New York and throughout the United States. In 1941, the Kastorians purchased \$16,000 in U.S. Savings Bonds, and an aircraft was named *The Kastorian Spirit* in their honor. They have donated to the American Red Cross and have annually given over \$50,000 for scholarships. The Kastorians donated to the World Trade Center Fund after the 9/11 attacks, and to Columbia University for its Hellenic Studies and Ancient History program. They also purchased a two-building complex in Whitestone that the Society uses as its headquarters, where cultural lectures and celebrations are hosted.

Madam Speaker, for the last hundred years, the Society's members have been able to maintain their heritage and devotion to Greece, while at the same time dedicating themselves to their home in the United States. I look forward to seeing the Society of Kastorians "OMONIOIA" of New York's future efforts in improving the lives of not only Greek-Americans, but also all Americans, for many more years to come.

I ask that my colleagues in the House of Representatives join me, and rise in recognition of the Society of Kastorians, its President, Dr. Elias Panides, its Vice President, Vasili E. Zisis, and all its members, on their centennial anniversary.

A GENOCIDE SURVIVOR STORY: ARAM DEMERJIAN'S FATHER

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. SCHIFF. Madam Speaker, I rise today to memorialize and record a courageous story of survival of the Armenian Genocide. The Armenian Genocide, perpetrated by the Ottoman Empire from 1915 to 1923, resulted in the death of 1.5 million Armenian men, women, and children. As the U.S. Ambassador to the Ottoman Empire, Henry Morgenthau documented at the time, it was a campaign of "race extermination."

The campaign to annihilate the Armenian people failed, as illustrated by the proud Armenian nation and prosperous diaspora. It is difficult if not impossible to find an Armenian family not touched by the genocide, and while there are some survivors still with us, it is imperative that we record their stories. Through the Armenian Genocide Congressional Record Project, I hope to document the harrowing stories of the survivors in an effort to preserve their accounts and to help educate the Members of Congress now and in the future of the necessity of recognizing the Armenian Genocide.

This is one of those stories (submitted by Aram Demerjian):

My father, born in Diarbekir in 1901, told me about the real events as I was growing up. His experiences of what happened to his father and how he made to escape death were not pleasant for me to hear. I was born in Lebanon. I would like give you some of the accounts related to me.

My grand-father was an iron smith. He made hand-cuffs for the prison inmates. His

own hand-cuffs clamped his own hands by the Turks. He was taken away from his home for questioning and his family never saw him again.

I consider my father a very talented man. For instance, he could play musical instruments, he could sing with a vibrant voice. He was not fanatic about his religious practice. On his way to exile, he stopped at many villages for few days or for few months. Some religious man (sheikh) gave him shelter during one stop. This host noticed that he has a good voice. So he invited my father to sing in the mosque. Of course, having nothing to support himself, he could not refuse Sheikh's request. I forgot to mention that my Dad also spoke Kurdish.

Three months later, my father who is also a good horse rider, left the village at night time. Not knowing anything about his destiny. At this time, I have not many details about how he made to Aleppo (Syria).

Someday, I shall sit down to write many other events regarding his brothers and his mother whom survived this genocide and how my Dad was able to meet them again in Lebanon. His older sister was forcefully taken away by a Turkish soldier.

I also have some recollections told to me by my mother's side whose family was also exiled from the town of Konia.

On my mother's side, the story is different. Her father (Sarkis) was a merchant. Sarkis owned some wealth. He converted his assets into gold coins. But he did not make the exile with his family made of 3 girls, one boy and his wife (my grand-mother). Sarkis was taken away one morning and never came back. The gold coins were hidden inside underwear of the women. A local Turk helped them ride the train out of Konia to Tarousse against a certain amount of monetary payment.

HONORING FRÉDÉRIC CHOPIN'S 200TH BIRTHDAY

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. QUIGLEY. Madam Speaker, I rise today to honor the 200th anniversary of the birth of the composer and pianist, Frédéric Chopin, and recognize the influence his music has had on the world.

Frédéric Chopin was born in 1810 in the Napoleonic Duchy of Warsaw to a French father and Polish mother. He was a child prodigy in both playing and composing on the piano. In the following years Chopin moved to Paris after the Polish Uprising of 1830. There, he supported himself by teaching piano and an occasional public performance. In 1837 he became involved with the French novelist Amantine Dupin, better known under her pseudonym, George Sand. Unfortunately, for most of his life the artist suffered from a variety of maladies and died at the young age of 39.

Because of the strong Polish influence of his parents, Chopin never learned to fluently speak French. As such, much of his music retains influences of Polish culture; his Revolutionary Étude is interpreted as the story of the Polish Revolution—because of which he fled his homeland. While France and Poland both influenced the artist, he credits Bach and Mozart as the main forces that shaped his music.

While Chopin saw many of his contemporaries as lacking, he associated himself with many romantic artists, including many writers and painters. Under the direction of Bach and Mozart, Chopin's music is regarded as the epitome of the Romantic Style. Chopin preferred his music to remain unnamed except for the genre and number, as he wanted the listener to create their own associations. He is for these reasons regarded as one of the greatest composers and pianists who has ever lived.

Madam Speaker, I ask my colleagues to join me in honoring Frédéric Chopin for his vast contributions and lasting effect on the world of classical music. We would be joining much of the world in celebrating, as festivals in honor of Chopin have occurred in places such as Warsaw, Paris, and my hometown Chicago. For 200 years, he has been renowned as a talented composer and will continue to be regarded as such for future generations.

RECOGNIZING THE SAGINAW VALLEY BABE RUTH 13-15 ALL-STAR TEAM

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. KILDEE. Madam Speaker, I rise today along with my colleague from Michigan, DAVE CAMP, to honor the Saginaw Valley Babe Ruth 13-15 All-Star Team as the National Runners-up at the Babe Ruth World Series. The Saginaw Valley team was crowned this title on August 25th in Monticello, Arkansas.

Hailing from across Mid-Michigan, the Saginaw Valley Babe Ruth 13-15 All-Stars completed the year with a 16-3 record including the Michigan State Championship and the Ohio Valley Regional Championship. They played against teams from across the Midwest and East Coast to earn their spot at the World Series tournament playing against 11 teams from across the United States.

The players are: Connor Foley, Grant Bridgewater, Grant Miller, Sam Brooks, Zach Olszewski, Brandon Vittitow, Chase Krager, Ryan Jankowski, Luke Scharich, Jordan Stainforth, Tyler Palm, Jake Warren, A.J. Rubio, and A.J. McInnis. The team was coached by Howard Miller, and Matt Jankowski. Mark Krzyziak serves as team Manager. During their World Series run, Grant Bridgewater and Brandon Vittitow were named to the All Tournament Team. A.J. McGinnis was named to the All Defensive Team as a pitcher.

Madam Speaker, we are very proud of the team members, their manager and coaches and congratulate them on earning this title. They are a credit to their families, and their communities, and they are a testament to discipline, dedication and perseverance. We wish them the best as they continue to pursue their goals and in their future endeavors.

URGING HUMAN RIGHTS AND DEMOCRACY IN KAZAKHSTAN

HON. ALAN B. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. MOLLOHAN. Madam Speaker, I rise today to alert my colleagues to some growing concerns in Kazakhstan.

As an ex-Soviet republic, Kazakhstan has made great strides in the past several decades. In fact, it was just 1991 when Kazakhstan became the last of the Soviet republics to declare its independence. Today, Kazakhstan serves as the Chair of the 56 member-nation Organization for Security and Cooperation in Europe (OSCE).

While I commend Kazakhstan for the progress it has made over the past several decades toward becoming a more democratic nation, I am increasingly concerned about ongoing allegations of corruption, human rights abuses, human trafficking, religious persecution, election tampering and suppression of free speech within the nation. In recent years, I have seen reports indicating that Kazakhstan's governmental system lacks the basic rights of democracy—elections are often fraught with fraud; political opposition is suppressed; few independent media outlets exist; and respect for human rights, religious freedom, and freedom of speech is questionable.

The United States has sought a mutually beneficial relationship with Kazakhstan and provides aid to Kazakhstan to enhance economic growth, democracy, security and humanitarian needs. We understand, because of Kazakhstan's centralized location between Europe and Asia, that it is in a unique position to help bridge East and West. However, I am concerned that the current U.S.-Kazakhstan relationship could be compromised and I think it is time we critically evaluate these very serious allegations.

I applaud the work of the Helsinki Commission under the current leadership of Senator BEN CARDIN, and previously, Congressman ALCEE HASTINGS for their ongoing commitment to bringing these matters to light and I would urge my colleagues to take the time to look into this issue.

HONORING GEORGIE O'CONNOR

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mrs. CAPPS. Madam Speaker, I rise today to honor my constituent Georgie O'Connor from San Luis Obispo County.

Georgie is retiring from the Lucia Mar Unified School District, after having served since its formation in 1965. Her almost 50 years of service on the school board is a California State record for the longest-serving school board member, as confirmed by the California School Boards Association.

Georgie is a local treasure who has dedicated her career to ensuring high standards and a quality education for the young people in San Luis Obispo County.

Over her tenure, Georgie has watched multiple generations of students make their way through and graduate from Lucia Mar, including many current teachers and administrators. Through it all, she has never lost sight of the invaluable importance of a rigorous education for our nation's young people.

She is a true public servant, and it gives me great pleasure on behalf of the Lucia Mar Unified School District Community to thank her for her dedicated service today. I wish her much rest and relaxation in her well-deserved retirement!

Thank you and I yield back.

RECOGNIZING THE LIFE OF WILLIAM H. MOBLEY IV

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. KINGSTON. Madam Speaker, I rise today to recognize the life of an outstanding individual, William H. Mobley IV, who passed away on May 23, 2010.

For 35 years, Mr. Mobley worked as a Principal Evaluations Officer and curator at the Library of Congress. While his position was a source of enjoyment and intellectual fulfillment to him personally, it also served as an outlet for him to provide a love of history and books to others.

Throughout his time with the Library of Congress, Mr. Mobley encouraged the donation of thousands of books to local communities and libraries, and he had a special interest in providing resources to his home city of Valdosta, Georgia. Appointed by Valdosta State University to select and send books through the Library of Congress, Mr. Mobley spent years of his life shipping reading materials to Georgia, evidence of his willingness to make enormous personal sacrifices for the benefit of others. Valdosta State University recently found that the total cost of the books donated by Mr. Mobley to the VSU library added up to more than \$750,000 over the years. To show their immense appreciation, VSU established The Bill Mobley Memorial Library Fund in Valdosta, Georgia.

On a personal level, Mr. Mobley was constantly seeking ways to make knowledge more accessible. He promoted a love of reading among his friends and family, concentrating on historical accounts and always finding a way to keep the content interesting. Among those who knew him best, Mr. Mobley's kindness and patience were two qualities that stood out most, and he used these strengths to educate children and introduce them to the value of knowledge—including his own 33 nieces and nephews.

I commend William H. Mobley for his commitment to knowledge through education, his constant support of those around him, and his invaluable service to the people of Georgia.

COMMEMORATING THE 100TH ANNIVERSARY OF TAIWAN'S NATIONAL DAY

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. YOUNG of Alaska. Madam Speaker, I would like to extend my congratulations to the people of the Republic of China (Taiwan) as they mark their National Day this October 10. Taiwan is our important ally in the Asia Pacific region and a key trading partner with Alaska. Due to the hard work of Taiwan's president, Dr. Ma Ying-jeou, the relationship between the U.S. and Taiwan remains strong. I hope that these relations will continue to flourish as trade, educational and cultural exchanges, security cooperation, and Taiwan's participation in international organizations increases.

I would also like to recognize President Ma, who, in the last two years, has significantly improved the relations between Taiwan and Mainland China. There has been a considerable reduction of tension across the Taiwan Strait and there have been productive talks between the two sides on a number of important issues, including the signing of the Economic Cooperation Framework Agreement on June 29 this year.

In celebrating Taiwan's National Day, I hope that Taiwan will continue to have a strong relationship with United States, China and the rest of the global economy.

RECOGNITION OF KEITH GOLDHARDT

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Ms. KILROY. Madam Speaker, I rise today to honor Keith Goldhardt for his unwavering commitment to his family, country and neighborhood. Mr. Goldhardt passed away on September 22, 2010, but left a lasting legacy for the many people whose lives he touched. Mr. Goldhardt's lifelong dedication to serving others is evidenced by his participation in numerous community organizations, his tenure in the U.S. Coast Guard, and his loving family. Mr. Goldhardt was a stellar example of what every American should strive to be, an active and enthusiastic member of the community.

Mr. Goldhardt spent his entire life in Ohio. He was born in Columbus and graduated from Pleasant View High School and Southern Ohio College. Growing up in a tight knit community instilled in Mr. Goldhardt the values of self-sacrifice and generosity, values which manifested themselves at an early age when Mr. Goldhardt joined the United States Coast Guard. Mr. Goldhardt spent six years patrolling America's water and ensuring the safety and security of our citizens.

Mr. Goldhardt's time in the Coast Guard signaled the beginning of his life-long commitment to public service. Mr. Goldhardt was a member of various organizations, including the Masonic Lodge, the Columbus Garden Rail-

way Society, Men's Auxiliary V.F.W., the American Legion, the Franklin County Board of Zoning Appeals, and the Ohio Township Association in addition to putting in 22 years as a faithful employee at National City Bank and James Lang LaSalle. Mr. Goldhardt also served four terms as a Pleasant Hill township trustee during which he more than doubled the township's Fire Department and fought hard to protect Darbydale citizens from the environmental and health threats posed by untreated raw sewage in the area.

Mr. Goldhardt's stellar reputation also speaks of putting himself before others and untiring community activism. Mr. Goldhardt truly cared about the town he grew up in and the people he had known all of his life. He regularly volunteered at the Georgesville Fish Fry and Harrisburg Homecoming. His passion for Ohio State Football was legendary, as was his "Buckeye Porch," where he would sit to watch the games every Saturday in the fall. Anyone in Pleasant View knew they could call Mr. Goldhardt at any time of day or night and he would be ready and willing to solve the caller's problem.

Most importantly, Mr. Goldhardt was a devoted family man. He left behind a loving wife, Patty, two sons, Scott and Martin, and a daughter, Mendy, as well as three grandchildren, Samantha, Scott and Nathan. I am proud to join his family members in remembering and honoring Mr. Goldhardt, who was an inspiration and a beloved family member.

HONORING JAMES ANULEWICZ

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Director of Public Services James Anulewicz upon his retirement after having served the Charter Township of Plymouth since 1984.

While working toward a Bachelor of Science degree at Michigan State University, James Anulewicz spent the summers of 1965 and 1966 working as a student intern at Caro State Hospital where his reports, plans and recommendations led to numerous changes, alterations and new construction on the hospital grounds. Jim graduated from Michigan State in 1967 and entered the graduate program in Landscape Architecture at the University of Michigan. During the summers of 1967 and 1968, he also became a student intern with the Huron Clinton Metropolitan Authority where he was solely responsible for the analysis of the Clinton River basin to determine its acceptability for a regional park.

Prior to the completion of his program at the University of Michigan, James Anulewicz was drafted into the United States Army. During his nearly 3 years of service Jim completed Officer's Candidate School and tours of duty at Fort Benning, Georgia and in DaNang, South Vietnam where he received the Bronze Star. Returning to civilian life, Jim again pursued his Master's Degree at the University of Michigan successfully completing those requirements to graduate in 1972.

Throughout the 1970s James Anulewicz was employed by Norman L. Dietrich Associates where his primary work involved the planning tasks for both the Township of Plymouth and the City of Flat Rock. In 1978, Jim was given full managerial responsibility for Norman L. Dietrich Associates.

James Anulewicz began a long tenure with the Charter Township of Plymouth in 1984 when he was hired as the Planning Director. He also established his own consulting firm, James D. Anulewicz Associates. Jim proved to be invaluable, working closely with the Township Supervisor related not only to planning but in other areas as well. Mr. Anulewicz served as a planning consultant for the City of Flat Rock and remains as a planning consultant to Frenchtown Township near Monroe.

In 1989, James Anulewicz became the Director of Public Services for Plymouth Township overseeing the Departments of Public Works, Parks, Planning, and Engineering as well as Solid Waste and Recycling. Jim was named Community Administrator of the Year by the Michigan Society of Planning Officials in 1994.

James Anulewicz is a member of the American Planning Association, the American Society of Landscape Architects and the Michigan Chapter of Landscape Architects. He has served as the 1st Vice President of the Fall Festival Committee and is a Past President of the Kiwanis Club of Colonial Plymouth.

Madam Speaker, since 1984 James Anulewicz has faithfully served the citizens of Plymouth Township. As he enters the next phase of his life, he leaves behind a legacy of dedication, integrity, and excellence. Today, I ask my colleagues to join me in congratulating Plymouth Township Director of Public Services James Anulewicz upon his retirement and recognizing his years of loyal service to our community and country.

MAKE IT IN AMERICA AGENDA

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. RAHALL. Madam Speaker, the spark that long ignited our national economic engine has been the imagination, hard work and determination of Americans and American manufacturing. They are the creators of our Nation's economic strength, leadership and freedom.

American Manufacturing has long been the pride of our Nation, the foundation of our economic infrastructure and the core of our military might. It has been the driving force supporting generations of Americans in pursuit of the American dream to build a better life for ourselves, our children and our grandchildren.

Today, U.S. manufacturing directly employs 14 million Americans and creates 8 million more jobs in other sectors. And, American manufacturing workers are the most productive workers in the world—twice as productive as workers in the next 10 leading manufacturing economies—contributing nearly 12 percent to our gross domestic product.

When we support American manufacturing, we not only help the bottom line, we support

the American worker, and we create more American jobs. Equally as important is our ability to support our national defense and to sustain American infrastructure with American products.

We must go headlong into the fight to defend our Nation's economic and military security. We must rebuild our ailing industries and invest in our 21st century workforce.

There is not a one-size-fits-all solution, but we know the rules of supply and demand. We must tackle the issues head-on and fight tooth and nail to preserve American manufacturing and uphold every opportunity for Americans to have good paying jobs.

We are taking steps to right this ship and return America to a place of strength in manufacturing. Four "Make It in America" bills have already been signed into law to:

Close tax loopholes that encourage companies to ship jobs overseas.

Make it cheaper for U.S. companies to get the materials they need to manufacture goods.

Speed innovation by breaking the backlog of patents waiting for approval.

Unleash small business lending with \$12 billion in small business tax cuts and new tools to help American small businesses export goods and compete abroad.

The Made in America legislation has the potential to assist manufacturing businesses throughout southern West Virginia. In my congressional district, we have nearly 13,000 people employed in manufacturing at 208 facilities. In 2009, the average U.S. manufacturing worker earned \$70,666 annually, while the non-manufacturing worker earned \$57,993 annually.

A poll for the Alliance for American Manufacturing showed large majorities believe manufacturing is the most important industry for our economy and national security, and support action to revive it. Two-thirds of Democrats, Republicans and Independents reject the view that "high-tech" and "services" industries can replace manufacturing in a strong U.S. economy. And, more than 75-percent of Americans support a national manufacturing strategy to make sure that economic, tax, labor and trade policies work together to help support manufacturing in the U.S.

Although the economy and the job market are on the way to recovery, America's manufacturing continues to face challenges. A helping hand is needed to level the playing field against foreign competition.

I support H.R. 2378, The Currency Reform for Fair Trade Act, to help American manufacturers fight back when it's clear that countries like China are using unfair trade practices, like undervaluing and manipulating its currency in foreign exchange markets. This is an exploitive export subsidy used to gain an unfair advantage over U.S.-made goods in the global marketplace.

Building a future for America's next generation stands on the shoulders of all of us. We must work together as Americans to invest in our country's long term future and create high-paying jobs. "American-Made" is far more than a label it is the key to our long term economic prosperity.

RECOGNIZING THE 99TH ANNIVERSARY OF TEN TEN DAY FOR THE PEOPLE OF TAIWAN

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Ms. BORDALLO. Madam Speaker, I rise today to recognize the 99th anniversary of "Ten Ten Day" for the people of Taiwan. Ten Ten Day traces its roots to the Wuchang Uprising that occurred on October 10, 1911, and that signaled the end of the Qing Dynasty and the start of a democratic movement that we continue to celebrate today.

Ten Ten Day is a celebration of the end of tyranny for the Chinese people and the birth of democracy. It is significant to all freedom loving people throughout the world.

I want to especially recognize the people of Taiwan on this most important occasion. Taiwan has much to celebrate and it is a thriving economic force in Asia, due to its visionary leadership. I met with President Ma Ying-jeou and I commend his efforts to promote trade and improve relations between Taiwan and China. Guam is home to many people of Chinese and Taiwanese ancestry and our island continues to benefit from their cultural contributions to our community and the promotion of trade and economic opportunities.

I congratulate the people of Taiwan on the 99th anniversary of Ten Ten Day. We celebrate this historic occasion with them and we honor their friendship with the American people. We wish them many years of future prosperity and we thank them for their friendship.

75TH ANNIVERSARY OF THE AMERICAN LEGION, POST 116

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. SARBANES. Madam Speaker, I rise today to recognize the 75th anniversary of the American Legion, Post 116, located in my district in Reisterstown, Maryland. The American Legion is the largest wartime veterans' service organization in Maryland with 147 active Legion Posts serving virtually every community throughout the state.

The Reisterstown American Legion Post 116 was formed in 1935 by a group of 13 charter members. The original members met at each others' homes, the local Masonic Temple and the firehouse to conduct the American Legion business before finding a permanent location at the Garrison Forest School in Owings Mills. In the early fifties, the Post was able to purchase their first home on Route 140 in Reisterstown, giving members their own facility for conducting Legion business. The Post remained there until 1986 when construction of Interstate 795 forced relocation to the present site about two miles from the first Post Home. The present location houses nearly 400 members and includes a Sons of the American Legion Squadron of about 75 members, an American Legion Auxiliary of about 100 members and an active Legion Riders organization.

Over the years, the Reisterstown American Legion Post 116 family has been active in many community endeavors. Some of the Post's many community activities include giving assistance to the Reisterstown Recreation Council, awarding scholarships to students at Franklin High School, participating in the American Legion Boys State and the Auxiliary's Girls State programs, as well as taking part in the American Legion Oratorical Contest for high school students. In addition, the Post compiled a list of all known local veterans and donated this to the Baltimore County Library.

The Reisterstown American Legion Post 116 has contributed time and treasure to help many charitable organizations including, the Maryland Special Olympics, the Epilepsy Foundation, the United Cerebral Palsy Association, the Muscular Dystrophy Association, and organizations combating Multiple Sclerosis.

In 2010, the Reisterstown American Legion Post 116 was the winner of the Outstanding Newsletter Award, produced by editor and Past Post Commander Doug Lawrence. I would also like to congratulate the Post Officers for the 2010–2011 term as they celebrate the 75th Anniversary:

Commander Glenn "Thumper" Krout
1st Vice Commander Diane Hackney
2nd Vice Commander Bill Finch
Adjutant Len Gmeiner, Past Post Commander
Finance Officer Maurice "Moe" Morton, Past Detachment Commander, Sons of the American Legion
Sergeant at Arms Keith Hughes, Past Post Commander
Chaplain Bill Finch
Judge Advocate Mark H. Olanoff
Service Officer Diane Hackney
Historian Keith Hughes, Past Post Commander

Madam Speaker, I strongly commend the Reisterstown American Legion Post 116 as they celebrate their 75th Anniversary on November 6, 2010.

TRIBUTE TO RICHARD SCOTT ALDEN

HON. KEN CALVERT OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. CALVERT. Madam Speaker, Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. I rise today to recognize and honor one of those individuals: Richard "Dick" Scott Alden. Dick passed away at his home on Monday, September 20, 2010. He will be deeply missed.

Dick Alden was born July 27, 1931, in Hibbing, Minnesota and is the son of Alvin and Verne Alden. As a young man his family moved to Pasadena, California. Dick was a student in the Pasadena school system and upon graduation, served honorably in the United States Air Force.

After his service in the Air Force, Dick earned his college degree from Woodbury

Business School in Los Angeles. He began working for Union Oil and later moved his young family to Riverside acquiring what eventually became Empire Oil Company.

During his active life in Riverside, Dick, along with building Empire Oil into a major petroleum and chemical distributor, devoted his time and resources to a number of community-based charitable organizations. He also was active in Republican politics and various local sports programs. Dick was known for his generosity to many charitable organizations and those who know him remember his sense of humor.

Mr. Alden is survived by his son Eric Alden of Huntington Beach and wife Martha; Daughter Michelle Fisher of Aliso Viejo; Daughter-in-law Ann Alden of Riverside; five grandchildren and two great grandchildren. Also surviving are Dick's sister Barbara Meza of San Clemente and a brother Gayle Alden of Auburn, Washington. Dick was preceded in death by his son Scott, who played an important role in the building of Empire Oil, and by his granddaughter Jennifer Stevens. Dick was especially impacted by the death of his son and granddaughter, two individuals that were remarkable in their own right. Dick will be buried in Olivewood Memorial Park, the same cemetery where Scott and Jennifer were laid to rest.

On October 2, 2010, a memorial service celebrating Dick's extraordinary life will be held at the Salvation Army Chapel in Riverside. Dick will always be remembered for his incredible work ethic, generosity, love of family, and sense of humor. His dedication to his family and community, especially the Salvation Army, are a testament to a life lived well and a legacy that will continue. I extend my condolences to Dick's family and friends; although Dick may be gone, the light and goodness he brought to the world remain and will never be forgotten.

GUARDIANS OF FREEDOM ACT OF 2010

HON. NICK J. RAHALL II OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. RAHALL. Madam Speaker, today, I rise on behalf of all of America's National Guard and proudly introduce the Guardians of Freedom Act of 2010—a bill to elevate the Chief of the National Guard Bureau to a position on the Joint Chiefs of Staff.

The National Guard is one of our nation's longest standing institutions, empowered by Congress and providing to the states a highly trained and well equipped force to protect life and property.

Over the course of its nearly four hundred year history, the National Guard has remained a dual state-Federal force, providing security on the home front and fighting threats to our Nation and our freedoms all over the globe.

Our National Guardsmen are true American patriots. Theirs is a proud story of tradition, service, sacrifice, and uncommon acts of heroism. They make each of us so very proud.

Aristotle said, "Men acquire a particular quality by constantly acting a particular way

. . . you become just, by performing just actions . . . brave by performing brave actions."

The American people owe an enormous debt of gratitude to our 362,192 men and women members of the National Guard in service to these great United States. These extraordinary individuals maintain the Guard's multi-mission role—providing nearly 33 percent of America's combat power globally. Yet, simultaneously and with great skill, from approximately 3,400 community-based armories they serve their fellow citizens in defense of our homeland, and in support to states and local civil authorities and emergency response needs.

For decades there has been a significant evolution in the missions and capabilities of the National Guard. As Major General Allen E. Tackett, the Adjutant General of the West Virginia National Guard so appropriately states, "Not since World War II has the Guard been so vital to the overseas mission and not since the founding of our Nation has the Guard been so vital to the defense of our homeland."

Madam Speaker, for 34 years I have been privileged to represent the people of southern West Virginia, and it is with humble sincerity I say, our West Virginia National Guard is a model example of the training, commitment to excellence and professional dedication to America's defense.

From the home front to the front lines, we call upon our National Guard to fulfill missions of public safety and security on and between our borders here at home, and send them to foreign lands to combat terrorism abroad. They are among the first called to aid in a domestic disaster and have often times been the last to leave a battlefield.

This year the National Guard marks its 374th birthday. Formed as colonial militias, the new colonies in North America depended upon the Guard to protect fellow citizens from Indian attack, foreign invaders, and later to help achieve our independence. Recognizing the militia's role for the newly formed United States, the Framers of the Constitution empowered Congress to provide for training and equipping the militias.

Since founding and through an historic journey of "call outs" and stand out missions—from the bayou communities ravaged by Hurricane Katrina to the frontiers of freedom during the Cold War, our National Guard has seen its Federal mission change.

Our National Guard has a duty and commitment to the citizens and communities of the states in which these soldiers call "family" and "home." It is a military service tradition that has been challenged by long-term and multiple deployments to front lines in two active theaters, and in support of missions in all corners of the globe as directed by our Nation's Commander in Chief.

Therefore, it is not only our duty it is an absolute necessity, that Congress take action to elevate the Chief of the National Guard Bureau to a position on the Joint Chiefs of Staff to serve as an advocate and liaison for the National Guard of each State to inform of all actions that could affect their Federal or State missions.

In a Nation such as ours, it is a stunning reality that today we ask our brothers and sisters, husbands, and wives to serve around the

globe to preserve democracy and promote freedom. But in our country, where every voice counts, our Nation's active duty leadership excludes the voice of the Chief of the National Guard Bureau.

Congress must ensure the National Guard has appropriate input during the planning and budgetary process within the Department of Defense, and end the challenge to live with "after-the-fact" process, as is now the case.

As a member of the Joint Chiefs of Staff, the Chief of the National Guard Bureau would have responsibility and authority to advocate and coordinate the Guard's warfighting support and force provider mission with its homeland security and support missions to ensure the Guard has the resources to perform its multiple missions and fulfill its Constitutional role to our states.

Creating a Veterans' preference in the Transportation sector is very simple. It seeks to give America's veterans an opportunity advantage in the contracting process for their service to our country—a means to attach importance and to acknowledge our fellow Americans who have put their life on the line to preserve our way of life.

Madam Speaker, from the battlefield to the home fields, our National Guard—America's patriots—exemplifies sacrifice and commitment to duty.

I urge my colleagues to vote for Guardians for Freedom Act of 2010—so that we may respectfully and gratefully fulfill our duty to support the original intent of our Constitution for each state to maintain an organized militia with integrity—and, effectively support and acknowledge the great sacrifice so many willingly make for all of us.

**TRIBUTE TO ATHENS-CLARKE
COUNTY, GA AND THE NAVY
SUPPLY CORPS SCHOOL**

HON. PAUL C. BROWN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. BROWN of Georgia. Madam Speaker, I rise today to pay tribute to the exceptional partnership that has thrived for 57 years between the community of Athens-Clarke County, Georgia, and the Navy Supply Corps School (NSCS).

For more than half a century, America's Supply Corps officers have viewed Athens as the birthplace of their careers. Before the school cast anchor in the southern college town of Athens, the institution resided in numerous locations, including Washington, D.C., Philadelphia, and Harvard University.

On June 4, 1953, the United States Navy purchased 58 acres of land in the Oglethorpe Historic District of Athens. The beautiful property held a rich history of education. Dating back to the 1860's, the property served as campus to Georgia University High School, the Confederate Military School, the School for Disabled Confederate Veterans, the University of Georgia's College of Agriculture and Mechanical Arts, the State Normal School, and Coordinate College. Its legacy of education continued with the commissioning of the Navy Supply Corps School on January 15, 1954.

The Athens community had established a rapport with the U.S. Navy prior to the school's arrival. During World War II, Athens was home to one of only five naval preflight schools in the nation. For the past 57 years, the residents of Athens-Clarke County have enjoyed a wonderful relationship with NSCS. They have also benefitted from the quality of students who studied there and retired officers who have settled in the Athens area. Since 1954, NSCS has launched more than 89,000 officers into successful careers, and on October 29, 2010, approximately 81 more officers will graduate, the final class to complete their studies in Athens. This storied institution has remained in "The Classic City" longer than any other location, making Athens truly the "Cradle of the Supply Corps."

As the Navy Supply Corps School prepares to set sail for a new facility in Newport, Rhode Island, the Athens campus will continue in its heritage of higher learning by serving as home to the University of Georgia and Georgia Health Sciences University's new medical school.

Madam Speaker, I honor the Navy Supply Corps School for the tremendous service it has provided, not only to the community, but for the entire nation. I applaud the exceptional partnership that has existed over the last 57 years among the Navy school and Athens-Clarke County, Georgia.

**CONGRATULATING LEO P.
VERGNETTI ON BEING RECOGNIZED BY THE COLUMBUS DAY
ASSOCIATION OF LACKAWANNA
COUNTY AS MAN OF THE YEAR**

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mr. Leo P. Vergnetti, this year's recipient of the Columbus Day Association of Lackawanna County's "Man of the Year" award.

Mr. Vergnetti will be honored at the Columbus Day Association of Lackawanna County's 102nd annual banquet in Dickson City, Pennsylvania on October 10, 2010.

Mr. Vergnetti is a native of Scranton, Pennsylvania. He is the son of Anthony and Angeline Vergnetti.

Since 1972 he has owned and operated LPV Enterprises, Inc., the sole food and beverage vendor in the Wilkes-Barre/Scranton International Airport.

Since 1994, Mr. Vergnetti has been President of Vergnetti Consulting, Inc. He is also an agent with Northeast Insurance and Financial Consultants.

Throughout this career, Mr. Vergnetti has been dedicated to helping individuals suffering from drug and alcohol abuse and addiction. Since 1994 he has served as an Aftercare Coordinator and Counselor at Clear Brook, Inc., helping to organize intervention services and support groups with schools, churches and other community organizations.

He also serves as a liaison with the Lackawanna County Treatment Court, and has

served on the Medical and Legal Advisory Board of the Pennsylvania Drug and Alcohol Commission for the Pennsylvania Attorney General's Office.

In addition to his dedicated work with drug and alcohol addiction support services, Mr. Vergnetti has generously donated his time to numerous community and public service organizations throughout Northeastern Pennsylvania.

He has served on the Board of Directors of the American Cancer Society Ball of Hope, the Northeast Theater Group, the Arts and Cultural Commission of Lackawanna County, the Lackawanna County Council on Transportation, and the Lackawanna County Council on Economic Development.

Mr. Vergnetti currently resides in Scranton. He has nine children, fifteen grandchildren, and three great-grandchildren.

Madam Speaker, please join me in recognizing Mr. Leo P. Vergnetti as the Columbus Day Association of Lackawanna County's Man of the Year. Throughout his career he has been dedicated to improving the quality of life in Northeastern Pennsylvania.

HONORING MRS. MARIE BOUCHER

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. MICHAUD. Madam Speaker, I rise today to recognize the accomplishments of Marie Boucher and to celebrate her 101st birthday.

Marie moved to Greenville, Maine with her husband Auguste Boucher in 1951, and she has been the oldest citizen of Greenville since 2006. She is a proud mother and grandmother with eight children, twenty-eight grandchildren, fifty-one great-grandchildren and nine great-great-grandchildren.

Marie is well known throughout Greenville for her gracious hospitality and prowess in the kitchen. She not only cooked for her large family, but also made sure the woodsmen who worked with her husband were well fed after their long days in the Maine woods. For several years, she took her cooking skills to the kitchen at the Log Cabin Restaurant, and Marie has remained active in her community throughout her life as a long time parishioner of Holy Family Church.

As an exemplary member of the Greenville community, Marie is an asset not only for her town but also her state, and she celebrates her birthday surrounded by family and friends.

Madam Speaker, please join me in honoring Marie Boucher for her contributions and in celebrating her birthday.

**BIRTH DEFECT PREVENTION, RISK
REDUCTION, AND AWARENESS ACT**

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Ms. DeLAURO. Madam Speaker, one out of every 33 babies born in our country suffers

from a birth defect, and one out of every five infant deaths in America is the result of a defect. Even those children who survive a defect grow up with a greater chance of illness and long-term disability. Perhaps most tragic of all, there are many times when these defects could be readily prevented.

That is why I rise in support today of H.R. 5462, the Birth Defect Prevention, Risk Reduction, and Awareness Act of 2010. This legislation establishes a grant program to revitalize the Nation's network of pregnancy risk information services.

These services offer pregnant women and their health care providers information and consultation regarding exposures to medications, chemicals, infections, and illnesses that may pose a risk of birth defects, a risk to the pregnancy, or a risk to the mother while pregnant. They also provide similar information on exposures during breastfeeding.

Fifteen years ago, there were over 30 such services across the country. Today, there are fewer than 15. State and private funding has provided inadequate support, and even those that remain open have sustained budget cuts of as much as 60 percent. And there are currently no Federal programs to provide support for these counseling services.

This bill remedies that oversight. It gives mothers the information they need to protect their children. And it will help reduce the frequency of birth defects in our Nation. I urge my colleagues to support it.

HONORING MR. BILL KLING FOR
HIS SERVICE TO AMERICA'S VET-
ERANS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to recognize Mr. William "Bill" Kling for his continued service to America's veterans. Mr. Kling's unwavering patriotism and continued dedication to America's heroes are to be highly commended.

Bill Kling served in the Navy during the Second World War. It was during his time in the Navy that Mr. Kling developed an unceasing devotion to his fellow servicemen. For over 35 years since, Mr. Kling has served his fellow veterans living in south Florida through community service and political activism.

Mr. Kling currently serves as the chair of the Broward County Veterans Council (BCVC), a coalition of 57 organizations in Broward and Palm Beach Counties that operates under a common plan to protect and implement benefits for veterans.

Uniting behind its mission "To Serve and Unite our Veterans," the BCVC has achieved substantial benefits for our veterans under Mr. Kling's leadership. As an advocate for better health care for veterans, Mr. Kling led the drive to build the new state-of-the-art Broward County VA Outpatient Clinic in Sunrise, FL. In addition to a successful campaign for a veterans state nursing home located in Pembroke Pines—a crucial service for veterans living in south Florida—Mr. Kling and the BCVC were

also instrumental in delivering a VA hospital to Palm Beach, FL.

Mr. Kling's leadership has even had a national impact. Mr. Kling and the BCVC are responsible for the implementation of the handicapped parking signs that are now ubiquitous in shopping malls and public areas across America.

Bill Kling's most recent service to America's veterans has focused on national legislation and keeping the BCVC's member organizations informed so that they may act accordingly. Mr. Kling has been an outspoken critic of the military's "Don't Ask, Don't Tell" policy and a leading voice in the fight for its repeal. Additionally, Mr. Kling has been actively working to ensure that military families receive the same benefits as private citizens under America's recent landmark health care reform. Mr. Kling's leadership will help 700,000 young adults whose families are members of TRICARE, which covers military families, become eligible for health insurance coverage.

I have always valued Mr. Kling's insights and advice, and I proudly salute his exceptional service to our nation's veterans and, indeed, to all Americans. Not only is Bill Kling an American hero, Madam Speaker, he is a living testimony to the spirit of national service and a true role model.

HONORING CRAIG ZIMPHER

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. BOEHNER. Madam Speaker, I rise today to congratulate and recognize a fellow Ohioan and diligent public servant. Craig Zimpher, a friend and native of Piqua, Ohio, is retiring from Nationwide Insurance, after a dignified career in which he served both his country and the State of Ohio.

Craig began to distinguish himself as a young man while pursuing his education at the Ohio State University. While earning a B.A. and M.A. in history, Craig served as a resident advisor in the dean of student's office, where he helped design the honors undergraduate residential program. To this day, he remains active in the Ohio State University alumni community. Upon his graduation, he served as a first lieutenant in the United States Army; and, in 1973, he continued his commitment to public service by going to work as the policy director for the minority leader in the Ohio House of Representatives. In this role, Craig advised legislative leaders on a broad range of public policy issues facing Ohio families and businesses. Subsequently, Craig served as the deputy assistant to former Ohio Governor James Rhodes, where he coordinated policy research, drafted legislative proposals for Ohio, and advised the Governor on state regulatory matters. In 1980, he became a member of the Governor's cabinet, serving as the chairman of the Ohio Industrial Commission, where he administered the State's insurance program.

At the end of this year, Craig, a Vice President of Nationwide Insurance, will retire after nearly 30 years with the company. Craig is

well liked and respected by his colleagues. He is happily married to Park Zimpher, and they are the proud parents of three sons, Fletcher, Peter and Nate. Craig is an avid student of history and enjoys fishing and golf, pastimes he will hopefully have more time for in the months and years to come. I want to thank Craig Zimpher for his service to his country and Ohio, and I wish him good health and Godspeed in his retirement.

CELEBRATION OF THE REPUBLIC OF CHINA'S NATIONAL DAY

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to recognize the Republic of China as it celebrates its 99th National Day on October 10th, 2010. This festive holiday, known as Double Ten Day, celebrates the start of the Wuchang Uprising in 1911, which led to the collapse of the Qing Dynasty in China and the establishment of the Republic of China.

The Republic of China has become a model of economic and democratic success in Asia. Through the diligence and ingenuity of the Taiwanese people, their economy continues to flourish and has become one of the strongest in the region. In the last few decades, the Republic of China on Taiwan has held several democratic elections and peaceful transfers of power. The Republic of China continues to serve as a shining example of a free and democratic nation in Asia.

The United States and the Republic of China remain close friends and allies through their mutual commitment to democratic principles, freedom, and entrepreneurship. Madam Speaker, I would urge my colleagues to join me in congratulating the Republic of China as it celebrates the 99th National Day.

HONORING MOLINA HEALTHCARE

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Ms. LORETTA SANCHEZ of California. Madam Speaker, as we celebrate Hispanic Heritage Month, I would like to bring attention to Molina Healthcare, a managed care organization that provides healthcare services to families and individuals eligible for government-sponsored programs.

Thirty years ago, Dr. C. Molina, an emergency room physician, saw a need to provide quality healthcare for patients regardless of their financial status. Consequently, Molina Healthcare was started.

Molina Healthcare is dedicated to addressing the disparities in healthcare in order to positively impact members' long term health and well-being. In addition, Molina Healthcare is devoted to serving the community and positively impacting the neighborhoods they serve.

The vision of Molina Healthcare is consistent during Hispanic Heritage Month. They

understand the need to develop linguistically and culturally sensitive healthcare programs members. I applaud Molina Healthcare, for reaching out to low-income children and women in rural counties in Texas through the Children's Health Insurance and Prenatal Plan. Lastly, I congratulate Molina Healthcare, for being named the 2010 largest Hispanic-owned business in the United States by Hispanic Business Magazine.

**HONORING THE LIFE AND SERVICE
OF MR. JOE HUBBARD**

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in recognizing the exemplary life of Mr. Joe Hubbard, a tireless advocate and dedicated servant for people in need.

For 50 years in the East St. Louis community, Joe Hubbard has been the person that people turn to when they have nowhere else to turn. When a single mother needs shelter and food for her children; when a family has seen all their possessions destroyed in a fire; when an unemployed father has lost all hope of finding a job; or when an elderly person comes to the end of life with no family or friends to see them through their final days, there has been one response—call Joe Hubbard.

Joe Hubbard learned about families in need the hard way. His father experienced a debilitating workplace injury when Joe was young, forcing his family into financial hardship and requiring them to accept assistance from others. No doubt this early experience, in concert with Joe's deep Christian faith and the example of some compassionate mentors, played a significant role in setting him on his life's mission of helping those less fortunate.

As a young man, Joe became involved with the St. Vincent de Paul Society and began to expand his work with the poor through that organization. Realizing the need to provide an organizational foundation to capitalize on Joe's dedication and energy, the Catholic Diocese of Belleville began Catholic Urban Programs with Joe as Coordinator, a position he has held to this day.

There are those who say that Joe Hubbard can accomplish more with one phone call than others could with a week's work. In the past 50 years, Joe has developed many contacts and knows how to pull the right resources together to solve a problem. But Joe Hubbard is not just a high-level administrator. Joe goes into the broken homes and squalid apartments to deliver assistance. He visits the sick and elderly and those in prison. He delivers the food and clothing to families. He holds the hands of people as they lay dying, listening to their final words and seeing to it that they are laid to rest with dignity.

Joe Hubbard has received many accolades for the work he has done ministering to the poor and needy in his community but that has never been what drives him. Joe's faith, his family and many friends and service to his fel-

low man are important to him. Joe has been quoted, "When you are created in the image and likeness of God . . . We all have a common bond of love." This statement probably best explains what has kept Joe Hubbard doing God's work for his fellow man for these past 50 years.

Madam Speaker, I ask my colleagues to join me in an expression of appreciation to Mr. Joe Hubbard for a lifetime of compassionate care and to wish him the very best in the future.

**CONGRATULATING JOSEPH A.
PAGLIANITE ON RECEIVING THE
ITALIAN AMERICAN ASSOCIATION
OF LUZERNE COUNTY'S
LIFETIME ACHIEVEMENT AWARD**

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mr. Joseph A. Paglianite, this year's recipient of the "Lifetime Achievement" award from the Italian American Association of Luzerne County.

The Italian American Association of Luzerne County will hold its 33rd annual Columbus Day Dinner Dance in Wilkes-Barre, Pennsylvania on October 10, 2010.

The Association currently has over 200 members.

Each year, the Association honors one of its members with its "Lifetime Achievement" award. Members meeting broad criteria are nominated and the award is ultimately selected by the Association's Board of Directors.

This year's recipient is Joseph A. Paglianite of Dallas, Pennsylvania.

Mr. Paglianite was born in Wyoming, Pennsylvania on October 13, 1925. He is the son of Antonio and Mary Paglianite.

Mr. Paglianite graduated from Wyoming High School before working as a welder and inspector in the aircraft manufacturing industry.

After a short time working in the aircraft manufacturing industry, Mr. Paglianite was motivated by his Uncle's pizzeria to change careers and enter into the pizza business. In 1953, he opened Joe's Pizza in Harveys Lake, Pennsylvania.

By 1960, with the help of his brother-in-law, Mr. Paglianite had transformed Joe's Pizza into Grotto Pizza, and they opened their first restaurant in Delaware. Over the next few years, Grotto Pizza's success in Delaware led to more locations throughout the state.

In 1988, a fire destroyed the original restaurant in Pennsylvania. Mr. Paglianite and his family rebuilt a new 650-seat restaurant on the original site, and two more restaurants in Edwardsville and Wilkes-Barre quickly followed.

Today, along with the three locations in Northeastern Pennsylvania, there exist eighteen Grotto Pizza restaurants in Delaware.

Mr. Paglianite's success as an entrepreneur has been an inspiration throughout Northeastern Pennsylvania.

This year, the Luzerne County Community College will open the Joseph A. Paglianite Culinary Institute. Mr. Paglianite has donated over one million dollars to LCCC for the development of the new Culinary Institute and a scholarship program for first-year culinary students.

Mr. Paglianite is a member of the Plymouth Rotary Club and a member of the Gate of Heaven Roman Catholic Church in Dallas.

Madam Speaker, please join me in congratulating Joseph A. Paglianite on this auspicious occasion. His hard work and generosity will continue to live on in northeastern Pennsylvania for generations.

**HONORING U.S. MARINE CORPORAL
AARON HOWELL**

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. HUNTER. Madam Speaker, I rise today to honor a true American hero, United States Marine Cpl Aaron Howell from Potsdam, New York. On April 22, 2010, during a mortar attack in Afghanistan, Corporal Howell lost both his legs and most of his fingers on one hand. Close to death, he somehow summoned the will to live. His life and his experiences are an inspiring lesson to us all about the selfless sacrifice and courage of the men and women serving in the military today. As Corporal Howell meets his latest challenge to rebuild his life, we know that this Marine will climb the next mountain and, with his courage and can-do attitude, will serve as an example to us all. I ask that this poem, written by Albert Carey Caswell, in the honor of Corporal Howell's extraordinary courage, be placed in the CONGRESSIONAL RECORD.

HOWELL?

Howell does one go off to war?
Howell do you walk though the valley of death, and yourself ignore?
Howell do you come back from the dead, and rebuild your life again once more?
Howell do you wake up and see your fine legs, and part of your strong hands so gone?
Howell do you find the courage, the strength to somehow move on?
Howell, do you raise your fine head up so high, and want to live, with tears in eye?
For only such things in a magnificent heart of courage so lie!
For only such things our Lord God up in Heaven, the courage so gives!
That against all odds, tells you I still have so much more to this our world to give!
For only such beauty, but comes and so emanates . . . from a heart where faith and courage live!
Yea, you Marine . . . who upon battlefield of honor were so bravely and so heroically seen!
As with your Brothers In Arms, who but did so such many most magnificent things . . .
Living and dying for each other, all in that most heroic hue of green . . .
All in that great glory and high honor, of being a United States Marine . . .
And when on that morning you awoke, all in your tears as you began to choke . . .

As it was when your fine heart so spoke!
 Don't give in, don't give up . . . finding hope!
 Just Howell, did you find the strength to
 cope!
 Bringing the Angel's up in Heaven to tears,
 emote!
 Just Howell, do you wake on each new morn
 . . . as oh Howell, you inspire us all
 with your life so worn!
 As you Teach Us . . . as You So Beseech Us
 . . . as upon our souls your faith
 adorns!
 For you are but the kind of Son, every Fa-
 ther on earth would wish for one!
 As you make us understand just Howell
 Heaven is won!
 And Howell against all odds, Thy Will Be
 Done!
 Now, I know Howell!

TRIBUTE TO SHERIFF LARRY
 WILLIAMS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to a tremendous public servant, whose heart was bigger than his six-foot-seven-inch frame. Sheriff Larry Williams served the citizens of Orangeburg County as a law enforcement officer for 33 years. We have lost this beloved lawman, but his influence and compassion for the people he served will live on.

Larry Williams was born in Bamberg County in 1956, to the late George Williams and Willie Mae Carson Williams. He was educated in the public schools of Branchville, and went on to attend South Carolina State University. He later earned his bachelor's degree from Claflin University in Criminal Justice with a minor in Sociology. Sheriff Williams gave back to his alma mater, joining the faculty as an adjunct professor of criminology and forensic science.

His career in law enforcement began as a police officer in the City of Orangeburg Police Department in 1977. After two years, he became a residential deputy with the Orangeburg Sheriff's Department. He quickly rose through the ranks to become a supervisor, and in 2000, he was elected Sheriff.

He received numerous recognitions for his dedicated service. In 2003, the South Carolina Sheriff's Association selected him as Sheriff of the Year, an outstanding accomplishment for a first term Sheriff. That same year he was recognized as an innovative Sheriff of Homeland Security. He also received recognition from the U.S. Marshals Service for his commitment to Operation Intercept.

Sheriff Williams established himself as a formidable lawman, who was well respected for his efforts to reduce the crime rate in Orangeburg County. His effectiveness won him the prestigious Strom Thurmond Award for Excellence in Law Enforcement and the Regional Organized Crime Institute's 2007 Gold Medal Award for Excellence in Law Enforcement. That same year, he was selected as the Orangeburg County Community of Character Award winner for the character trait of "Citizenship."

In 2008 Sheriff Williams received the Criminal Justice Award from the South Carolina

Victim Assistance Network. In 2010, the Orangeburg County Sheriff's Department under his leadership was a finalist in the Crime Victims Services Award from the National Sheriffs' Association. He was also recognized with the Law Enforcement Commendation Medal by the Battle of Eutaw Springs Chapter of the Sons of the American Revolution in 2010.

Sheriff Williams always worked to improve his service as a law enforcement official. In 2002, he graduated from the 82nd session of the South Carolina Sheriff's Institute of Longmont, Colorado. Then in 2009, he completed the 62nd session of the Law Enforcement Executive Development Seminar.

He served 3 years as a Crime Victim Services committee member for the National Sheriffs' Association. He was also a member of the South Carolina Association of Countywide Elected Executives, the executive board for the Salvation Army, the South Carolina Law Enforcement Officers Association, the Palmetto State Law Enforcement Officers' Association, and Omega Psi Phi Fraternity, Inc. He volunteered his time with the United States Youth Games of South Carolina.

A man of faith, Sheriff Williams was a member of Canaan Baptist Church in Branchville and an honorary member of First Nazareth Baptist Church in Columbia.

Madam Speaker, I ask that you and my colleagues join me in recognizing this giant in the law enforcement community. Sheriff Williams was an extraordinary advocate of his beloved Orangeburg County and a wonderful role model for young people. He made a lasting mark on his community, our state and our nation. We all owe him a tremendous debt of gratitude, and we can best honor his memory by immolating his commitment to public service.

TRIBUTE TO RETIRING COLONEL
 ERIC N. SINGLE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. SKELTON. Madam Speaker, it has come to my attention that Colonel Eric N. Single is retiring from the United States Air Force after 29 years of distinguished service.

Colonel Single received his commission in 1981 through the Air Force Reserve Officer Training Corps program at Auburn University, AL. He graduated from pilot training at Williams Air Force Base, AZ in 1983, and has extensive experience in the B-52G, B-52H and B2 bombers as an aircraft commander, instructor and evaluator. In 1991, Colonel Single deployed in support of Operation Desert Storm, flying 26 combat sorties in the B-52 over Iraq and Kuwait. He graduated from the U. S. Air Force Weapons School in 1992 and was selected as initial cadre for the B-2 program.

In 1998 Colonel Single took command of the 393d Bomb Squadron at Whiteman Air Force Base, MO, where he led the B-2 through its combat debut in the skies over Kosovo. Colonel Single not only led his

Squadron to success in Operation Allied Force, he acted as flight lead and Mission Commander on the very first B-2 combat mission earning him a Distinguished Flying Cross and a place in aviation history. His courageous flight proved once and for all the true value of stealth and long range strike.

After his historic flight Colonel Single served on the Joint Staff in the Force Integration Branch. He went on to command the 5th Operations Group at Minot Air Force Base, ND and the 40th Air Expeditionary Operations Group on Diego Garcia, BIOT. Prior to his current assignment in Air Force Global Power Acquisition, Col Single served as the Vice Commander, 509th Bomb Wing, Whiteman Air force Base, MO.

Colonel Single is a Command Pilot with over 5200 hours. He has been awarded the Legion of Merit with oak leaf cluster; Distinguished Flying Cross with oak leaf cluster; Defense Meritorious Service Medal; Meritorious Service Medal with two oak leaf clusters; Air Medal with three oak leaf clusters; Aerial Achievement Medal; Air Force Commendation Medal; Air Force Achievement Medal; Combat Readiness Medal with four oak leaf clusters; National Defense Service Medal with bronze star; Southwest Asia Service Medal; Global War on Terrorism Service Medal; and Kuwait Liberation Medal, Kingdom of Saudi Arabia.

Madam Speaker, I know the Members of the House will join me in paying tribute to Colonel Eric N. Single for his exceptional commitment to the United States Air Force and the United States of America.

MEDIA OUTLET FIRES JOURNALIST WHO CRITICIZED DEMOCRATS

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. SMITH of Texas. Madam Speaker, for journalists who criticize Democrats, the punishment can be severe.

ABC's Washington, DC affiliate recently fired veteran anchorman Doug McKelway after he broadcast a negative report about President Obama and congressional Democrats, according to the Washington Post.

During the Gulf oil spill, McKelway reported that an anti-oil demonstration attracted protesters from "far-left environmental groups."

He also mentioned that President Obama accepted over \$77,000 in campaign contributions from BP.

And he said that the Senate was unlikely to pass cap-and-trade legislation this year because Democrats don't want to "propose a huge escalation in your electric bill" before Election Day.

Although McKelway's comments were true, he was subsequently fired.

This is yet another example of the media protecting President Obama.

The media should give Americans the facts, not fire journalists who tell the truth.

COMMENDING JOEL WERNICK

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor a man who has greatly improved the medical community of Georgia, Joel Wernick.

For over 20 years, Mr. Wernick has served as president and CEO of Phoebe Putney Health System in Albany, Georgia. Through his stewardship, Phoebe Putney has thrived. The number of physicians has doubled. The facility has grown by several million square feet, and state-of-the-art technologies are now available to the patients.

Phoebe Putney Health System is the region's largest employer, and is comprised of Phoebe Putney Memorial Hospital, a 450-bed tertiary care teaching hospital and Phoebe Worth Medical Center, a critical access rural hospital. Phoebe Putney Health System also manages the Southwest Georgia Regional Medical Center, Georgia's first critical access hospital, in Cuthbert, Georgia. Phoebe Putney oversees the Southwest Georgia Family Medicine Residency and is the site for the Medical College of Georgia's first satellite clinical campus.

In 2008, Phoebe Putney Health System helped to rebuild and expand the Sumter hospital in Americus, Georgia, after it was destroyed by a tornado; Sumter Regional Hospital is now Phoebe Sumter Medical Center and is a diversified health care system, complete with Inpatient and Outpatient Diagnostic and Therapeutic Services, Outpatient Surgery Services, Hospice, Rural Health Care Centers, Migrant Health, School Nurse Program and numerous physician specialties and office practices.

Through Mr. Wernick's excellent guidance, Phoebe has been recognized nationally for excellence in clinical quality, operations and community health. In 2004, Phoebe was presented the prestigious American Hospital Association's Foster G. McGaw Prize. Additionally, the health system became the first hospital recipient of a Discovery Health Channel Medical Honor. Phoebe also has won three Voluntary Hospitals of America, VHA Leadership Awards and the American Hospital Association's Nova Award for an innovative teen pregnancy prevention program.

Mr. Wernick is a native of Arkansas and a proud Razorback, receiving his bachelor's degree in business administration from the University of Arkansas, and earned his master's degree in hospital administration from Xavier University in Cincinnati, Ohio.

He is married to Stacy Wernick, née Paul. They have one daughter, Lilly Katherine. Besides his involvement with multiple local, state and national organizations, he takes time to teach as a member of the Georgia Southwestern MBA faculty. He has been a Rotarian since 1982, and is a Paul Harris Fellow.

Mr. Wernick is a Fellow of the American College of Healthcare Executives and is director of the VHA. He is also on the board of VHA-Georgia, the Georgia Alliance of Community Hospitals, and he is Chairman of the Med-

ical Resource Network, a statewide managed care network. Mr. Wernick is actively involved in many local civic and economic development initiatives. He currently chairs the Southwest Georgia Alliance for Progress, a regional coalition to strengthen economic, educational and cultural infrastructures.

Madam Speaker, Joel Wernick has greatly contributed to the lives of those in his community and across the State of Georgia through his leadership of Phoebe Putney. This year, he has been recognized by Georgia Trend magazine for his significant contributions, having been named one of the State's top 25 leaders. According to Georgia Trend, he "has guided the hospital to a period of historic growth in staff, revenues and new services, and has expanded the facility's presence in vastly underserved areas in Southwest Georgia." For his dedication to our region, I wish to commend and congratulate an outstanding leader and my friend, Mr. Joel Wernick, on this significant accomplishment.

MARKING "TED HOGAN DAY"

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. CONAWAY. Madam Speaker, on September 18, 2010, the city of Crane, Texas honored one of her own by proclaiming "Ted Hogan Day." Today, it is my distinct pleasure to mark that day here in the United States House of Representatives.

Ted Hogan, Sr. was honored for his outstanding citizenship and his loyalty to the people of Crane, but his true worth to his community goes far beyond that.

As an active member of the Crane Lions Club, the Chamber of Commerce, the American Legion, the Masons, and several local churches, Mr. Hogan was a fixture in Crane, constantly devoting his time to make his hometown a safe, friendlier, and more prosperous city. I am particularly proud to brag on Mr. Hogan's work on behalf of the children and young adults in Crane.

Through the Boy Scouts, the Masons, his church, and more, Mr. Hogan has devoted his life to lifting and building up the next generation of Americans. His work has helped sick children receive medical care, turn boys into men, and give a moral foundation to the young people in his church. Every citizen in Crane, young and old, has benefitted from Mr. Hogan's generosity with his time and wisdom. It is a fitting tribute that they chose to honor him and the work he has done.

It is one of my great pleasures as a Member of Congress to share brief sketches of the life's work of my constituents with the Members of this House, and Mr. Hogan is no different. He is part of a generation of Americans who understood that our country can only be great if we give more than we take and we invest in the institutions that serve future generations of Americans. Our nation would be a better place if more Americans walked in his footsteps.

On behalf of the citizens of the 11th district of Texas, I would like to echo our neighbors

in Crane and thank Mr. Hogan for his service to God, his family, and his community. I am humbled to be able to represent him in the halls of Congress.

CONGRATULATING ALTOONA CURVE

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. SHUSTER. Madam Speaker, today, I rise to congratulate the Altoona Curve on winning the 2010 championship of Minor League Baseball's Eastern League.

The Altoona Curve is a Double-A affiliate of the Pittsburgh Pirates that began play in Altoona in 1999. This is the Curve's first title after four previous trips to the league playoffs.

The Curve are a hit in Central Pennsylvania. The franchise was named minor league baseball's best in 2006, and the team continues to provide great entertainment during the summer months for hundreds of thousands of loyal fans.

I would especially like to recognize Curve owner and Altoona native Bob Lozinak, his front office staff, manager Matt Walbeck, and the many Curve players this year who helped make 2010 a championship season in Altoona.

An entire region says thank you, congratulations on this accomplishment, and best wishes for continued success on and off the field.

CONGRATULATING BRIGADIER GENERAL DAVID J. ELICERIO

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mrs. BACHMANN. Madam Speaker, I rise today to congratulate Brigadier General David J. Elicerio of Ham Lake, Minnesota, upon being named the 34th Red Bull Infantry Division Commander. The Red Bulls hold a special place in the hearts of all Minnesotans, and I'm so pleased to congratulate Brigadier General Elicerio on his new role with the Minnesota National Guard.

Brigadier General Elicerio has served in the Minnesota National Guard for 30 years including a peacekeeping mission to Bosnia and two tours in Iraq. His leadership capabilities have led to a decorated career and a distinguished reputation in the Guard. From his experience as a senior staff member and having commanded troops at the company, battalion and brigade levels, Brigadier General Elicerio will bring a wealth of experience that I know will maintain the enormous confidence we have in our troops.

Madam Speaker, I ask this body to join me in recognizing Brigadier General Elicerio on this special occasion and to express our gratitude for his service and the sacrifices his family has made in dedication to preserving freedom in America.

TRIBUTE TO HONOR FLIGHT OF
EASTERN OREGON

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. WALDEN. Madam Speaker, I rise on the occasion of Honor Flight of Eastern Oregon's inaugural journey of 10 of Oregon's World War II veterans to visit their memorial here in Washington, DC. On behalf of a grateful delegation, state, and country, we welcome these heroes.

The veterans on this initial flight from Eastern Oregon are World War II veterans: Bob L. Hemstreet, U.S. Army; Raymond "Ray" J. Kuhn, U.S. Navy; Lavonne "Vonnice" I. Kuhn, U.S. Navy; Arthur "Art" C. Krantz, U.S. Army; Walter "Walt" D. Goodman, U.S. Navy; Gifford S. Hulse, U.S. Army; Leonard "Lenny" V. Morse, U.S. Army Air Force; Minnie "Marie" M. Colombari, U.S. Navy; David A. House, U.S. Army Air Force; and Henry "Milt" M. Prowell, U.S. Army.

Madam Speaker, these 10 veterans from Oregon are joining over 35,000 veterans from across the country who, since 2005, have been transported from their home states to our Nation's capital at absolutely no cost to them or their families, to visit and reflect at memorials built here in their honor.

The fact that these soldiers, sailors, airmen, Marines, and Coast Guardsmen would uproot themselves from their homes and families and put themselves in harm's way for our country is very humbling. The sacrifices they—and the families they left behind—made are truly incredible. The debt of gratitude we owe them can never be repaid, for without their honor, courage, commitment, and above all—sacrifice we would not be able to enjoy the freedoms we have today.

Please join me in thanking these Oregon veterans and the volunteers of Honor Flight of Eastern Oregon for their dedication, commitment, and service to this great Nation.

IN COMMEMORATION OF THE 99TH
NATIONAL DAY OF TAIWAN

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. WU. Madam Speaker, October 10, 2010, heralds 99 years of the Republic of China (Taiwan). I would like to offer my congratulations and best wishes to the people of Taiwan in commemoration of this 99th National Day.

Taiwan is one of the United States' strongest allies and is dedicated to the principles of democracy, human rights, and the rule of law. I was deeply honored to meet with Taiwan's President Ma Ying-jeou at the beginning of this year, and I hope to someday welcome him and Taiwan's other high-level elected and appointed officials to our Nation's capital.

Moreover, in May I introduced H. Res. 1352, a resolution supporting the goals and ideals of Taiwanese American Heritage Week and rec-

ognizing the close relationship between the United States and Taiwan. Taiwanese Americans have played a critical role in strengthening the fabric of American society and in deepening the friendship and understanding between the peoples of the United States and Taiwan.

In celebration of the 2010 Double Tenth National Day, it is my hope that the United States, Taiwan, and the People's Republic of China can continue to work together to promote enduring peace and prosperity across the Taiwan Strait.

IN SUPPORT OF NATIONAL
TRADEMARK EXPO

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. MORAN of Virginia. Madam Speaker, I rise today to express my support for the United States Patent and Trademark Office's (USPTO) National Trademark Expo. In a time of ongoing challenges for the American and global economy, I want to join the USPTO in its efforts to recognize the vital role trademarks play in the economy. The 2008 and 2009 National Trademark Expos were very successful and well-attended by the trademark community and public at large. This year's two-day event will be held on Friday, October 15th, from 10 a.m. to 6 p.m., and Saturday, October 16th, from 10 a.m. to 4 p.m., at the USPTO headquarters in Alexandria, Virginia. The purpose of the Expo is to educate the public about the value and important role trademarks play in our society and the global marketplace.

Trademarks are words, names, symbols, sounds, or colors that identify and distinguish the goods and services of one party from those of others. The National Trademark Expo will display different types of trademarks such as sound marks and trademarks that identify shapes and configurations of products and will feature company booths, themed displays, costumed characters, and inflatables. Banners will feature information on century-old registered trademarks, the historical evolution and transformation of trademarks, and the history of people behind certain trademarks. The Expo will also feature children's workshops, story time and guided tours. Educational lectures for adults will include lectures on Intellectual Property for Small Businesses, "Why Buy 'Legit': About Counterfeit Goods," "How to File a Trademark," "Top Mistakes in Trademark Applications and How to Best Avoid Them," and "Trademarks 101." A video made to instruct pro se applicants will play in the National Inventors Hall of Fame Museum throughout the Expo. Also, the Museum's current exhibit highlights important food trademarks throughout the years.

During the Trademark Expo, costumed trademarked characters will introduce themselves during the opening ceremony and make appearances throughout the Expo, joining the USPTO's own Trademark character, T. Markey. A new cast of characters, including Clifford the Big Red Dog®, Lorax®, GEICO's

Gecko®, Chick-Fil-A's® cow, The Berenstain Bears®, Dippin' Dots®, and a 5-Hour Energy® bottle character will join veteran Expo characters Pillsbury's Doughboy®, Hershey's Kisses®, Hershey's® milk chocolate bar, Reese's Peanut Butter Cups®, Crayola® crayons' mascot Tip, Betty Boop®, Dennis the Menace®, Popeye®, Olive Oyl®, Curious George®, and Sprout®, Large inflatable characters, including the Michelin® man, The Cat in the Hat®, Green Giant®, NFL® football players, collegiate mascots, and Chick-Fil-A's® cow will once again transform the USPTO's campus into a "Trademark Theme Park". Caterpillar® equipment and a NASCAR® show car for 5-Hour Energy® will also decorate the grounds. A story time featuring literary trademarked characters sponsored by Hooray for Books!, a local children's bookstore, will help tell the story of the prevalence of trademarks in our daily lives.

On average, people are exposed to 1,500 trademarks each day and more than 30,000 if they make a trip to the grocery store. In a time of globalization, counterfeit goods pose an increasing threat to American businesses. A display of counterfeit goods alongside authentic goods, as well as an anti-counterfeiting lecture, will highlight the damaging effects of counterfeit goods on the economy as well as the USPTO's anti-counterfeiting efforts. Counterfeit goods cost the United States billions of dollars and hundreds of thousands of jobs annually as well as undermining consumer confidence in brand integrity when purchasers encounter knock-off goods of inferior quality.

Some of America's leading large corporations, small businesses, governmental agencies, and non-profits will highlight the various types of trademarks and the benefits of Federal trademark registration. The exhibitors include CMG Worldwide Corporation; International Trademark Association, Inc. (INTA); U.S. Department of Commerce, International Trade Administration (ITA); National IPR Coordination Center, U.S. Immigration and Customs Enforcement (ICE); U.S. Customs and Border Protection (CBP); Wells Fargo & Company; Innovation Ventures, LLC; American Intellectual Property Law Association, Inc. (AIPLA); Elevation Burger (Elevation Franchise Ventures, LLC); Idaho Potato Commission; Pepsom Group, Inc.; Dippin' Dots, Inc.; Caterpillar, Inc.; CFA Properties, Inc.; The Travelers Companies, Inc.; Hillerich & Bradsby Co. (Louisville Slugger); The Hershey Company; GED Testing Service; and GEICO.

The Trademark Expo will emphasize USPTO's role in reviewing trademark applications and issuing Federal trademark registrations. American innovation and its associated intellectual property are critical to job creation and economic recovery. Through the registration of trademarks, the USPTO assists businesses in protecting their investments, promoting goods and services in the U.S. and around the world, and safeguarding consumers against confusion and deception in the marketplace. I applaud the USPTO for its continued efforts to educate the public on the role of trademarks through the National Trademark Expo. I urge my colleagues to join me in recognizing the USPTO at this time when trademark protection and intellectual property rights play an increasingly important role in our global economy. And, I encourage the public and

my fellow Members and their staff to bring their family and friends to this family-friendly and free event.

HONORING THE 100-YEAR ANNIVERSARY OF SAINT MICHAEL'S UKRAINIAN GREEK CATHOLIC CHURCH IN HAZLETON, PENNSYLVANIA

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to the 100th anniversary of Saint Michael's Ukrainian Greek Catholic Church in Hazleton, Pennsylvania.

The foundations of St. Michael's Ukrainian Greek Catholic Church began in the late 19th Century when Eastern European immigrants came to Northeastern Pennsylvania to work in its mining industries.

The first group of western Ukrainian immigrants settled in Hazleton in the 1880s.

In 1910 a small group of Ukrainian immigrants purchased a church in Hazleton from the local Lithuanian community for \$5,700, and established St. Michael's Ukrainian Greek Catholic Church. Despite limited resources and through hard labor, the founders paid back the debt they owed in one year.

The Church initially had 70 member families in 1910, and by 1912 that number had doubled.

The Church, however, was in great need of repairs. Over the next 100 years, the members of the Church and its leadership would undertake extensive renovations to upgrade and maintain their place of worship.

The first renovations began in the 1920s, when Rev. Joseph Boyarchuk led the congregation to paint the interior of the Church. In 1926, despite continued hard economic times, Rev. Lawrence Zakrevsky led a renovation of the exterior of the Church.

After a fire damaged the Church in 1935, the exterior was again replaced in the 1940s under the guidance of Rev. Andrew Ulicky, and in 1949, a new tile floor was added.

During the 1950s, the interior was redecorated under Father Shymansky, and a \$4,000 iconostasis was installed.

After St. Michael's Church was rededicated in 1954, further renovations continued. In 1957 the roof was replaced, and during the 1970s new doors were added and renovations were made to the property's sidewalks.

In honor of the Church's 75th anniversary in 1985, the windows were replaced and the Church's interior was again repainted.

Under the current leadership of Monsignor James Melnic, upgrades and renovations have continued to the building and its grounds.

On Sunday, October 31, 2010 the Church will celebrate its centennial anniversary with a Pontifical Divine Liturgy.

Madam Speaker, please join me in recognizing this milestone. Over the past 100 years, the dedicated members of St. Michael's Ukrainian Greek Catholic Church have dem-

onstrated great pride in preserving the religious community that their ancestors worked so hard to create.

HONORING HAROLD SHAW

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. MICHAUD. Madam Speaker, I rise today to recognize the accomplishments of Harold Shaw. Harold, a retired U.S. Coast Guard chief warrant officer and special education teacher at Lawrence Junior High School in Fairfield, Maine, has recently received recognition from the Troops to Teachers program. The Troops to Teachers program recruits quality teachers for schools that serve low-income families throughout America and assists military personnel as they transition to careers in teaching. Since its authorization in 1993, nearly ten thousand troops have participated in the Troops to Teachers program and brought unique expertise and insight to our classrooms nationwide.

Our veterans are called upon to learn extensive skills which they then need to teach to junior military comrades. They develop incredible patience, perseverance and leadership skills throughout their honorable service, and I cannot think of any group of individuals in our society that would be better equipped to handle the responsibility and honor of shaping the minds of the future in our Nation's classrooms.

Since starting at Lawrence Junior High School, Harold has used those skills everyday, and his classroom has become a safe haven for students. As his students and colleagues can attest, Harold is an exemplary teacher and has successfully helped reluctant students to read and write with confidence. Moreover, as someone who knows the meaning of hard work, Harold has continued to challenge himself and has worked to find innovative ways to use technology as a teaching tool in his special education classroom.

By choosing to teach after serving in the military, Harold has continued his public service and made a lasting difference in his community.

Madam Speaker, please join me in honoring Harold Shaw for his dedication and service to his country and community.

THE REAUTHORIZATION OF JOHANNA'S LAW

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Ms. DELAURO. Madam Speaker, I rise today in support of an important bill that enjoys strong and consistent bipartisan support—the reauthorization of Johanna's Law through 2014. This is an important vote. It will help to raise awareness of the warning signs for ovarian cancer. And it will, put simply, save lives.

Better awareness might have helped Johanna Silver Gordon—in whose honor the bill

is named. Johanna lost her life to ovarian cancer despite being a health conscious woman who visited the gynecologist regularly. Like many women, Johanna had symptoms and clinical signs of ovarian cancer that were missed by both her and her healthcare provider. And her sister, Sheryl Silver, was determined never to let another sister, mother, daughter or friend go through the same thing.

This bill will help to make that happen. It reauthorizes the existing CDC program that educates women and their health care providers about the symptoms of ovarian cancer. And it includes new support for other organizations to carry out complementary education and awareness campaigns in order to get the word out about this terrible disease.

I want to thank Congressmen DARRELL ISSA, DAN BURTON, and SANDY LEVIN for their committed leadership on this issue. And I urge my colleagues to vote for this legislation. As Johanna's family can tell you, it really will make a difference.

H.R. 6193, THE FOSTER YOUTH FINANCIAL SECURITY ACT

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. LANGEVIN. Madam Speaker, last week I introduced H.R. 6193, the Foster Youth Financial Security Act. This legislation will prepare foster youth who are transitioning to adulthood to properly manage their finances and provide greater protections of their financial information while they are under the care of the state.

Foster children are disproportionately victims of identity theft because their personal information passes through many hands, increasing the chances that someone will open an account in their name or use their Social Security Number (SSN). This bill would require that all foster children have their credit reports reviewed, and cleared if there is an inaccuracy, prior to leaving care. It would also end the use of a child's SSN as an identifier. Currently, there is no available data on how many children have been affected by identity theft; this legislation will track the number of stolen identities by state. The bill allows the states to obtain assistance from both the Department of Health and Human Services and the Federal Trade Commission on how best to protect their foster youth.

This legislation will also strengthen the financial security of foster youth and empower them to make responsible financial decisions as adults. Research shows that current and former foster youth are more likely to forego higher education, be in poor health, become homeless, and rely on public supports as adults. This legislation would provide resources for a successful transition to adulthood by helping foster youth obtain a driver's license or state identification card, obtain auto insurance, open a bank account, and apply for student loans. This bill would also help foster youth determine if they are eligible for federal or state benefits and provide them with information on accessing health care and safe and

affordable housing. Financial literacy classes would be available for foster children and their foster parents.

The Foster Youth Financial Security Act also provides seed money for each state to set up Individual Development Accounts for foster youth so they leave care with a nest egg to pay for housing, education, and job training. This bill would provide \$45 million for the states to carry out the above initiatives and an additional \$5 million for technical assistance.

I would like to thank my colleague, Congressman STARK, for joining me on this bill, as well as introducing H.R. 6192, the Foster Children Self Support Act, of which I'm a proud original cosponsor. These bills will provide foster youth with the tools they need and deserve to become successful adults.

RECOGNIZING NATIONAL BREAST CANCER AWARENESS MONTH

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Ms. CASTOR of Florida. Madam Speaker, I rise today to recognize National Breast Cancer Awareness Month beginning Friday, October 1, 2010. This month also marks the 20th anniversary of the CDC's National Breast and Cervical Cancer Early Detection Program (NBCCEDP), which provides breast health services to underserved women.

Breast cancer will strike 1.3 million women this year and kill almost 500,000 in the U.S. African American, Native American and Hispanic women are more likely to be diagnosed with advanced stages of cancer than white women, and the death rates for African American women are about 17% higher than those of white women. Even with the increase of breast cancer among minorities, there are 2.5 million breast cancer survivors living in the U.S. today—a testament to the power of education, early detection and advances in treatment.

Because early detection is the key to surviving breast cancer, NBCCEDP has provided breast and cervical cancer screening, diagnostics and case management services to low-income, uninsured women for the past two decades.

In 2009, NBCCEDP screened almost 325,000 women for breast cancer and detected 4,600 breast cancers. If those 4,600 women diagnosed with cancer last year did not use the NBCCEDP, they would have likely been diagnosed at later stages with larger tumors, when cancer is harder to treat and more deadly.

Despite efforts to eliminate disparities in breast cancer related care, substantial disparities remain, which is why I am proud to be the sponsor of H.R. 2279, the Eliminating Disparities of Breast Cancer Treatment Act, along with Representative DONNA CHRISTENSEN. This act ensures that every breast cancer patient, regardless of health insurance status, race, income, or educational background, receives adequate care through the development of standard best practices for breast cancer treatment.

Madam Speaker, I ask that we support the health and wellness of all women and continue to close the gaps in treatment among minorities by recognizing the month of October as National Breast Cancer Awareness Month.

HONORING THE BENZINGER FAMILY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Ms. WOOLSEY. Madam Speaker, I rise today with my colleague, Representative MIKE THOMPSON, to honor the Benzinger family, whose economic, environmental, and philanthropic contributions in the Sonoma Valley have earned its businesses due recognition as 2010 Sonoma Valley Business of the Year. Both Benzinger Family Winery and Imagery Estate Winery have pioneered a sustainable approach to agriculture and a humanitarian approach to business. Their active presence continues to strengthen and enrich Sonoma Valley communities.

Starting in the mid-1990s, Benzinger Family Winery began its transition into biodynamic agriculture. They eliminated chemicals and other artificial elements in favor of a more holistic and organic method that capitalizes on the vitality of a vineyard that is allowed to thrive in a natural state. Benzinger Family Winery has even been recognized by the National Resources Defense Council for its water conservation strategies. Imagery Estate Winery was founded in the same tradition, and the result is not only a greener footprint, but richer and more distinctive products that embody their unique places of origin. Indeed, Benzinger Family Winery and Imagery Estate Winery have earned reputations as producers of exceptional quality not only in California, but worldwide.

The Benzinger family has brought the same care and commitment to its active role in Sonoma Valley communities, supporting local charities and volunteerism. It has been particularly instrumental in supporting Becoming Independent, a North Bay nonprofit dedicated to empowering people with developmental disabilities, and its wineries are a regular presence at the Sonoma Valley Harvest Wine Auction. Earlier this year, Benzinger Family Winery also joined with the local Red Cross to support earthquake relief efforts in Haiti and in Chile.

Madam Speaker, I ask you to join us in thanking the Benzinger family for its contributions to Sonoma Valley and in congratulating its wineries on their success and well deserved recognition. Benzinger Family Winery and Imagery Estate Winery are powerful examples of the value of community-minded business, and Sonoma Valley is stronger because of them.

HONORING PLANNED PARENTHOOD OF WISCONSIN

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Ms. BALDWIN. Madam Speaker, I rise today to honor the 75th anniversary of Planned Parenthood of Wisconsin.

Since 1935, Planned Parenthood of Wisconsin has provided access to quality reproductive healthcare for women and men across the state. Planned Parenthood of Wisconsin plays an essential role in providing both reproductive healthcare for all and comprehensive sexual education. Additionally, they advocate tirelessly for women's reproductive rights statewide.

In 1935, the first birth control health center in Milwaukee and the state of Wisconsin, the Maternal Health Center, opened its doors. For the first time, women, men and families statewide had access to comprehensive sexual and reproductive healthcare. Nearly 15 years later, the Maternal Health Center affiliated with the Planned Parenthood Federation of America, defining their role as one of the lead reproductive healthcare providers in the state of Wisconsin. In 1964, Planned Parenthood of Wisconsin opened its first of many new neighborhood health centers, and in 1971 the organization officially became a statewide affiliate with 17 clinics opening throughout Wisconsin in the 1970s. By the mid-1980s, Planned Parenthood of Wisconsin had 30 health centers open statewide. Presently, there are 27 health centers, which provide care to over 70,000 patients, and education staff, which provide educational programming to over 14,000 patrons.

Planned Parenthood of Wisconsin's mission is to empower all individuals to manage their sexual and reproductive health through patient services, education and advocacy. For 75 years, Planned Parenthood of Wisconsin staff, donors and volunteers have helped to provide reproductive healthcare for all who need it, including those who cannot afford care. Planned Parenthood of Wisconsin continues to be at the forefront of sexual education and equips women, men and teens across the state with the knowledge they need to promote healthier, safer lifestyles.

For exceptional service to communities across the state, I would like to thank and honor Planned Parenthood of Wisconsin and congratulate them on celebrating their 75th anniversary.

CELEBRATING THE 30TH ANNIVERSARY OF THE OPENING OF CARROLLTON CHRISTIAN ACADEMY

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. MARCHANT. Madam Speaker, I rise today to honor the 30th anniversary of the founding of Carrollton Christian Academy (CCA) in Carrollton, Texas. Since 1980, CCA

has provided a first-class education to hundreds of students. Its expansions since opening include serving students across the world with its international program, begun in 2002. The school, which truly lives its mandate to provide a quality secular and theological education, has become a staple in the area and a boon to all who benefit from its creation and growth.

Under the leadership of director Constance Waddell, then-Sonshine Christian Preschool added a kindergarten program two years after inception. In 1985, it officially incorporated, and was re-named under its current designation. By 1994, only 14 years after opening its doors, CCA graduated its first class and was forced to expand due to increased interest. A new building—complete with classrooms, a gymnasium, and science and computer labs—was built, and opened in the fall of 1994. The school re-located in 2002 to its current location in Carrollton. Today, the school has an athletic field for football and soccer, and in June graduated 49 students.

There are many people to note for their contributions to CCA. In 1985, senior pastor Dr. Paul Morrell helped lead CCA to its renaming and incorporating. That fall, Dr. Morrell, Jeff Dixon, Carla Vaughn, and Marilyn Headley helped lead the school, and incorporators included Dr. Morrell, Ann Morrell, George Etier, Lamont Scarbrough, Carla Vaughn, John Collier, Cindy Shirley, and Doug Giffen. I thank these entrepreneurs for their efforts to improve the communities in which they lived.

I have experienced the high quality of CCA's education through my own children's attendance. Three of my four children went to CCA, and as a parent I could not be prouder of the experiences they received. In both formal education and theological growth, the benefits of CCA are seen every day in the hundreds of graduates and the positive influences those graduates have on their world. It is with great pleasure and pride that I ask all of my esteemed colleagues to join me in congratulating CCA for over a generation full of successful work for education in both the secular and religious traditions.

HONORING KIA SHAW, LAND
O'LAKE, FL

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, today I rise to recognize Ms. Kia Shaw of Land O'Lakes, Florida. Kia recently received the distinguished title of National American Miss Florida and is the founder of Tampa Bay Teens on a Mission. TBTOAM is a community service organization which seeks volunteer opportunities for children. This organization currently has a total of 115 members. Ms. Shaw has proven to be a leader in youth involvement and has created a gateway for children to be actively involved in our community.

She has devoted her time and talents in the last ten months with more than 200 hours of community service; including service to such

organizations as the Boys and Girls Club of America, YMCA, Metropolitan Ministries, Pinellas County African-American History Museum, Mount Calvary Deliverance Church, Lake Myrtle Baptist Church, "Dress for Success", Junior achievement, "Soles4Soles" and the St. Joseph's Children's Hospital where she donated \$152.00 from her birthday money and over 100 stuffed animals, coloring books and crayons.

Kia Shaw is an incredible example that the leaders of tomorrow are already making a lasting impact in our community today. Madam Speaker, please join me in recognizing Kia Shaw for her accomplishments, thanking her for her dedication and wishing her all the very best in the very bright future that lies ahead.

RECOGNITION OF CPL. LARRY A.
DRAUGHN, JR. OF DAYTON, OHIO

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. TURNER. Madam Speaker, I rise today to honor a real American hero, United States Marine Cpl. Larry A. Draughn Jr. of Dayton, Ohio. On May 30th, 2009, while out on patrol in Afghanistan, Cpl. Draught lost both legs and nearly lost his life during an IED explosion. I would like to thank him for his service to his country and place this poem, penned in honor of him by Albert Carey Caswell, in the CONGRESSIONAL RECORD.

O . . . HI . . . O

O . . . HI . . . O

Are, all of those men who into the face of hell must go!

Marines, like Larry . . . whose courage upon battlefields of honor shows!

Shows us all, how high . . . to what new heights a soul can grow!

Who stand, so very high as do all of those!

For from this great Buckeye State, have but come such Marines with names so great!

Like the Right Stuff, John Glenn . . . Lima Company . . . all of those magnificent men who await!

Men, who go where Angels so fear to tread . . . who all for our nation have so died And bled . . .

As upon battlefields of honor, their brilliant blood ran red!

Strength In Honor, Uhraaah Jar Head!

For Cpl. Draughn, for us you went into that valley of death. . . .

All for God and Country, as was your fine life was so pledged!

And on that morning when you awoke, and found your loss . . . as to you it spoke!

With your two fine legs gone, all that you had left was but your faith and hope!

As on the edge of death, your fine life lie barely left. . . .

As once again, you began a new most heroic quest!

To rebuild somehow, where none lies left! Day by Day . . . Step by Step . . . as defeat you Marine, would not accept!

For you've got a life to lead and live . . . as you got up. . . . As gained speed!

For Marines Do . . . For Marines Succeed! And for each other, they will so sacredly live, die and bleed!

As to new heights on this day Larry, all of us you so lead!

Teaching Us . . . Beseeching Us So . . . O . . . HI . . . O, Larry high are you so!

As all in one short year, your strength . . . your courage, has so appeared!

For you are the kind of Son, any father would endear!

Showing us all how high, and far a heart can go . . .

Yes, Maximus . . . you are O . . . HI . . . O!

HONORING THE CITY OF
BURKESVILLE, KENTUCKY

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. WHITFIELD. Madam Speaker, I rise today to commemorate the bicentennial celebration of the town of Burkesville, Kentucky. I wish to recognize the town of Burkesville's history and its cultural contribution to our country.

Founded by Samuel Burkes, an early settler from Virginia, Burkesville has embodied small town virtues, patriotism, hard work, and the spirit of helping one's neighbor for just over 200 years. As a city on the border of Kentucky, Burkesville played an integral part in the American Civil War and the Cumberland River on the city's southern border served as a major natural barrier between opposing forces during the war.

In the present day, the Cumberland River has provided the City of Burkesville an economic engine due to its excellent recreation and the tourism it provides. Also known for its tourism and bass fishing is the Dale Hollow Lake located just south of Burkesville. Within the great state of Kentucky Burkesville is seen as a place that shows the pure heart and true character of the United States. Everyone who has had the pleasure to set foot within the City's old fashioned town square, myself included, has been able to appreciate the history that this unique town represents.

Madam Speaker, the City of Burkesville is an integral part of Kentucky's history and it is an honor for me to bring this great town to the attention of this House.

RECOGNIZING THE 99TH
ANNIVERSARY OF TAIWAN

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. MORAN of Kansas. Madam Speaker, on October 10th, the Republic of China and Taiwanese Americans will celebrate National Day. The holiday, also known as Double Ten Day, marks the start of an uprising that led to the establishment of the Republic of China. Similar to Independence Day here, National Day is celebrated with parades and firework displays.

As the Republic of China, or as most Americans know it—Taiwan, celebrates its 99th anniversary, the people of Taiwan have much to be proud of. Taiwan is a modern democracy

with a strong, advanced economy, and a proud culture.

But, like most any other country, Taiwan must remain vigilant in defending its 23 million citizens. Since passage of the Taiwan Relations Act in 1979, the United States has been an ally of Taiwan, helping it meet its defensive needs. Working in partnership, we can continue to meet the security challenges in East Asia to ensure peace and stability.

I therefore, urge all my colleagues to join me in congratulating Taiwan on its proud 99-year history.

FREEDOM TEMPLE OF ROCK HILL, SOUTH CAROLINA

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. SPRATT. Madam Speaker, I rise to pay tribute to the tenth anniversary of Freedom Temple Ministries in Rock Hill, South Carolina. The Church was founded on October 8, 2000, as a group of 38 people began "Preparing for the Promise" on the campus of Winthrop University. Freedom Temple Ministries now calls 215 Main Street in Rock Hill its home. The structure, called The Freedom Center, includes a sanctuary which seats 700, a gymnasium with a walking track, and 65 classrooms. Various youth and community outreach programs are housed here and the congregation looks forward to making the facility an intricate part of the Rock Hill community. Today, Pastor Herbert C. Crump, Jr. leads the congregation. Freedom Temple Ministries has made a significant impact on the spiritual wellbeing of its followers and will continue to serve God and country for years to come.

HONORING DR. VENKAT RAO

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to Dr. Venkat Rao. On Saturday, October 30th, the Genesee County Medical Society will honor its outgoing president, Dr. Venkat Rao, at their annual Presidents' Ball to be held in Grand Blanc, Michigan.

Dr. Rao graduated from Guntur Medical School College and completed his residency and pulmonology fellowship in Chicago. After serving on the faculties of Loyola University School of Medicine and at the University of Illinois College of Medicine, Dr. Rao practiced medicine in Peoria, Illinois from 1986 to 1992. He relocated to the Flint area and now specializes in pulmonology-critical care and sleep medicine.

Active with the Genesee County Medical Society for many years, Dr. Rao is a member of the Board of Directors, represents Genesee and Shiawassee Counties on the Michigan State Medical Society Board of Directors, serves as a delegate to the Michigan State Medical Society House of Delegates and has

served on several American Medical Association committees. Deeply committed to enhancing the overall health of people, Dr. Rao works to end the morbidity triangle of obesity, diabetes and smoking.

Married to Dr. Rama Devi Rao, the couple has two children. Daughter, Hima, and son, Bharat, are both pursuing careers as physicians.

Madam Speaker, I ask the House of Representatives to join me in applauding the work, dedication and enthusiasm of Dr. Venkat Rao as he steps down as president of the Genesee County Medical Society. I admire his commitment to improving the lives of physicians and his compassion for his patients. I wish him the best in his future endeavors.

TRIBUTE TO THE BROADCOM MASTERS PROGRAM

HON. JOHN CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. CAMPBELL. Madam Speaker, I rise today to commend Broadcom, one of the world's leading chip makers with headquarters in my congressional district, on their announcement of the Broadcom MASTERS (Math, Applied Science, Technology and Engineering for Rising Stars), a science fair program designed for students in the sixth, seventh and eighth grades.

The Broadcom Foundation has partnered with the Society for Science and the Public, SSP, to sponsor and run science fairs, which will involve over 100,000 students from over 350 SSP science fairs around the nation.

Of all those participating, judges will nominate 7,500 contestants to compete and, from that group, they will select 300 semi-finalists. Once the semi-finalists compete, 30 students will be chosen for the finals, which will occur in Washington, DC, in the fall of 2011.

The winner will receive a \$25,000 scholarship from the Henry Samueli Foundation—Mr. Samueli is the founder of Broadcom.

I commend Broadcom for its efforts to provide this exciting opportunity for middle school students to showcase their interest in science, technology, engineering and math—what is commonly referred to as STEM education.

STEM education is an area in which the United States led the world for many years, but lately, has been consistently outperformed by several countries. This must not continue. America literally cannot afford to lag behind our competitors in math and science education. There are serious consequences for this failure and they impact the future of this country. We must be proactive in addressing the crisis of a shrinking next generation of American engineers, scientists, mathematicians, and chip makers, like those that propel a company such as Broadcom to success.

Programs like the Broadcom MASTERS will help to both ignite the imaginations of American students and show that math and science have fascinating applications in the real world.

Madam Speaker, I want to express my thanks to the Broadcom Foundation and the Society for Science and the Public for their

continued good works, and I look forward to these exciting and inspiring science fairs.

TRIBUTE TO THE POINT BREEZE FIRE DEPARTMENT

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. WEINER. Madam Speaker, I rise to recognize the Point Breeze Fire Department in honor of its centennial anniversary. The Point Breeze Fire Department has provided a hundred years of service to the beachside communities of Breezy Point, Roxbury, and Rockaway Point, which are located on the Rockaway Peninsula in Queens, New York, the most populous barrier island in the country.

The Point Breeze Fire Department was established in 1910 and is one of the ten remaining volunteer fire departments in the city of New York. The original department had an operating charter for fifteen years, and in 1976 the Point Breeze Volunteer Fire Department was officially incorporated and recognized as a fire department by Mayor Abraham Beam.

The first fire house was located on Hillcrest Walk near Point Breeze Avenue, facing the bay. It was a wooden structure built above the sand that contained two hose reels and a large, mounted CO₂ extinguisher, all of which had to be pulled manually by the members to a scene of a fire. In 1938 another firehouse was built at 32 Point Breeze Avenue. It would remain the department's headquarters until 1975. The current home of the Point Breeze Volunteer Fire Department, constructed that same year is a modern facility that facilitates the needs of an effective fire department.

The neighborhoods protected by the Point Breeze Fire Department are geographically challenging. The Breezy Point Cooperative is surrounded on two sides by the Atlantic Ocean and on one side by Jamaica Bay. The residential homes are mostly located in the sand and require four wheel drive vehicles to reach them.

The Point Breeze Fire Department has assisted in several marine rescue operations, including the rescue of stranded fisherman and over 300 passengers from a ship named *The Golden Venture* in 1993. The department bravely responded to the World Trade Center attacks on September 11, 2001 and continued to assist the FDNY and NYPD in its rescue efforts at Ground Zero. Only a few months later the department was one of the first companies at the scene of the crash of American Airlines Flight 587 in Belle Harbor.

Today Chief Martin J. Ingram and seventy-five members of the department are responsible for protecting and serving the Breezy Point community. The Point Breeze Fire Department responds to over 125 calls a year which are a emergencies such as brush, car, and structure fires; car accidents; floods; storm-related accidents; downed power lines; boats in distress; and blackouts.

Point Breeze Fire Department and all of its members have faithfully served the many communities of the Rockaway peninsula. They have provided necessary services to an isolated part of New York City that rarely receives the attention it deserves. I am pleased

to congratulate the department on the occasion of its centennial anniversary.

IN TRIBUTE TO BILL NIX

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. BERRY. Madam Speaker, I rise here today to pay tribute to my dear friend, and great Arkansan, Bill Nix. Bill spent his whole life in Arkansas as a cattleman, and was a friend to everyone he met. Regretfully, he passed away earlier this year and leaves behind a wonderful family, great memories, and a great many friends who will miss him forever. I ask my colleagues to stand with me and honor a man whom everyone was lucky to have known.

From the start, Bill was committed to Arkansas. He grew up in Ash Flat in Sharp County, Arkansas, which he would continue to call home for the rest of his life. After graduating from Ash Flat public school, Bill bought the Ash Flat Livestock Auction in 1958. To this day, the business continues to flourish.

Bill was always very involved in county and district fair boards, as well as the Cattlemen's Association. He always participated in Future Farmers of America livestock sales, where children would play the part of the cattle and hog sellers. Bill had a loving habit of always over-compensating the children for their cattle and hogs—he loved the livestock business and was always trying to encourage others to come into the business.

Above all else, family was the most important thing in the world to Bill. They stood by each other even in business. He and his wife, Alice, and their children worked side by side in the Sale Barn, which Alice continues to own and operate today. Through this labor of love, it is no wonder that this is the most successful business in the history of the city of Ash Flat.

IN HONOR OF JOSEPH C. "PAPA JOE" SMIDDY

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. BOUCHER. Madam Speaker, Joseph C. "Papa Joe" Smiddy is truly a legend in southwest Virginia and beyond. Known for his folksy humor, Dr. Smiddy is widely revered for his endeavors on behalf of the University of Virginia's College at Wise (formerly known as Clinch Valley College), the college that he guided through its infancy and through years of growth as it became the outstanding institution of higher learning that it is today.

Before Clinch Valley College was established in 1954, there were no public colleges in Virginia west of Radford, which made higher education out of reach for most residents of southwest Virginia. The only 4-year, state-supported college in far southwest Virginia, the University of Virginia's College at Wise is also the only branch of the University of Virginia in

southwest Virginia. Under Dr. Smiddy's tutelage, the college became a 4-year institution in 1970 with the awarding of Bachelor of Arts degrees. Bachelor of Science degrees were awarded in 1973, and Bachelor of Science degrees in Nursing were first awarded in 1996. U.S. News & World Report ranks the college as one of the south's top public liberal arts colleges. Dr. Smiddy's name and efforts will forever be linked to the success of the University of Virginia's College at Wise.

A native of Jellico, Tennessee, Dr. Joseph C. Smiddy began his career as an educator as a biology and chemistry teacher and band director. Later, he became a high school principal in Lee County, Virginia, after honorably serving his country as a member of the United States Army during World War II in New Caledonia and the Philippines. Dr. Smiddy was the first biology instructor at Clinch Valley College in 1954, continuing to teach there until 1984. He served as dean and director of the college before being named chancellor in 1968. Dr. Smiddy was forward-thinking in admitting African-American students to the college at a time when not many others were, and Clinch Valley College was co-educational a decade before the University of Virginia admitted women.

Since his retirement in 1985, Dr. Smiddy has continued to serve as ambassador for the University of Virginia's College at Wise and to work tirelessly on its behalf. Because of his efforts, innumerable students who would otherwise not have been able to do so have acquired a college education.

The numerous awards which Dr. Smiddy has received include the University of Virginia's College at Wise Alumni Association's Meritorious Achievement Award, the Wise County Outstanding Citizen Award, the Wise County Outstanding Educator Award, and the Kanto Award. He has been included in the Virginia Hall of Fame, and in 1981, he was named a laureate of the Virginia Cultural Laureate Center. Dr. Smiddy has received honorary doctorates from Lincoln Memorial University, his alma mater (1970); the University of Richmond (1975); and The College of William and Mary (1985).

Dr. Smiddy recently achieved an important milestone by celebrating his ninetieth birthday. He remains a vibrant member of the community of Wise where he lives with his wife, Reba. His daughter, the Honorable Elizabeth Smiddy Wills, is a juvenile and domestic relations court judge for the 30th judicial district of Virginia. His son, Dr. Joe Frank Smiddy, M.D., is a pulmonologist in Kingsport, Tennessee. An active Kiwanian for decades, Dr. Smiddy is also a lifetime deacon of Wise Baptist Church. He uses his gifts as musician and storyteller to share the music and history of the Appalachian Mountains with others not only in Virginia but across the United States and in several foreign countries. His renown as an educator will forever endure Joseph C. Smiddy to the citizens of far southwest Virginia and to all those whose lives have been touched by the institution to which he has dedicated himself, the University of Virginia's College at Wise.

HONORING MR. JOHN WERNER KLUGE

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. MORAN of Virginia. Madam Speaker, I rise today to honor the accomplishments of Mr. John Werner Kluge, who recently passed away on September 7, 2010, in Charlottesville, Virginia. Mr. Kluge's lifetime of achievements included being a world-renowned businessman and philanthropist, as well as a key contributor to our national security during the Second World War.

Mr. Kluge created Metromedia in 1960, which was the Nation's first major independent broadcasting entity, a conglomerate that grew to include seven television stations, 14 radio stations, the Harlem Globetrotters, the Ice Capades, radio paging and mobile telephones. Although his success as a businessman supplied him with vast wealth, acknowledged as the wealthiest man in America in 1989 by Forbes Magazine, he believed some of his greatest achievements came from the benefits society gained from his wide-ranging donations.

Mr. Kluge gave a total of more than \$63 million to the University of Virginia throughout his lifetime, which has allowed one of our Nation's most prestigious Universities to maintain itself in the top-tier of colleges nationwide. His donations to medical programs provided crucial aid to disabled and chronically ill children, while his involvement in prostate cancer research has led to groundbreaking advancements towards containing the disease once being detected. He also believed in the need for better end-of-life care, which led him and his wife, Tussi, to provide funding to establish professorships in the field at the University of Virginia. In 2000, his generosity even reached the Capitol through his \$73 million donation to the Library of Congress, of which he will always be remembered by the Kluge Prize for the Study of Humanities.

But perhaps his most important contribution was one that he is least known for. Mr. Kluge enlisted in the United States Army in 1940. In 1942, during World War II, he was promoted to Captain and appointed as the senior officer at the top secret military intelligence post located in Fort Hunt Park, along the George Washington Memorial Parkway. The top secret post was known only by its mailing address, P.O. Box 1142. While there, Captain Kluge led the men and women at the post in reviewing top secret documents and performing interrogations of more than 4,000 important German prisoners of war. Through the efforts of his unit, our military was provided with crucial information that helped end World War II and give the United States an early advantage in the Cold War. Even more impressive were the tactics he used to obtain such information. Rather than physical torture, Captain Kluge honored the Geneva Convention by obtaining information from prisoners through earning their trust. It was a clear contrast from the approach we initially pursued with captured terrorists and suspected terrorists at Guantanamo and Abu Ghraib prisons. Through casual conversation, card games, and taking

walks, he and his unit were able to extract vital information that led to the discovery of most of Germany's secret weapons programs that included research to develop the atomic bomb, the jet engine, and the V-2 rocket.

Madam Speaker, I wish to commend Mr. John W. Kluge on his lifelong accomplishments and contributions to society, as well as for the crucial service he provided our country with at a time of war. While he was a man of numerous successes, he was also a man of endless generosity. He refused to ask for recognition or acknowledgement for his numerous charitable donations, but instead preferred the grins and smiles from those who knew him well. Mr. Kluge was not only an outstanding soldier and American, but most importantly an outstanding human being.

HONORING CAPTAIN RON SMITH

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. KENNEDY. Madam Speaker, I rise today to recognize Captain Ron Smith, United States Navy, upon his retirement. His remarkable Navy medical career will end on October 8, 2010 but the fine innovations and the legacy of his work in the areas of psychiatry and addiction treatment will continue.

In short, his contributions to the field of political psychology, specifically Psychoanalysis and Alcoholism, are unmatched.

Upon graduation from Amarillo High School, Dr. Smith enlisted in the United States Marine Corps. He was soon after appointed to the United States Naval Academy, graduating with the class of 1966. He attended the University of Texas Medical School and completed an Internal Medicine residency at the Mayo Graduate School of Medicine and Naval Hospital San Diego. Dr. Smith was the first physician trained in critical care medicine by the U.S. Navy, completing his fellowship at the University of Southern California Center for the Critically Ill in Los Angeles in 1976. He soon became one of the first physicians involved in Navy Alcohol treatment and with Captain Joe Pursch was instrumental in the founding of the Betty Ford Center.

He left the Navy in 1978 and as a civilian Dr. Smith founded the emergency medicine residency program at Loma Linda University Medical School. During this time, he and his brother Richard Smith worked together to start the Winners Foundation which offered free substance abuse treatment at Santa Anita and other race tracks in the Thoroughbred Racing industry throughout the world. His interest in addiction and recovery led to an interest in the psychological growth during the middle and mature years of life, which led him to complete his psychiatry training at Loma Linda, where he also taught emergency and critical care medicine.

He returned to active duty in 1992 as a psychoanalyst and contributed as medical consultant for the Honorable Jim Ramstad for the Ramstad-Wellstone bill which was eventually passed in 2008 as the Parity Act. I was fortunate to have the opportunity to accompany Dr.

Smith in his capacity as an Emergency Physician on one of Senator ARLEN SPECTER's world-wide congressional delegations. Senator SPECTER enabled Dr. Smith to meet many world leaders and contribute significantly as a political psychologist.

Dr. Ronald Smith is Board Certified in Internal Medicine, Emergency Medicine, Psychiatry, and Addiction Medicine. He completed his psychoanalytic training at the Southern California Psychoanalytic Institute in Beverly Hills, California and has a Doctorate in Philosophy of Psychoanalysis. Since 2002, he has been annually recognized by the Consumer's Research Council as one of America's Top Psychiatrists in Psychoanalysis and Alcoholism.

Ron is married to Dr. Anita Alexandra Gadhia Smith, an accomplished author and practicing psychologist in Washington, D.C. They have three children and six grandchildren.

I wish Dr. Smith all the best as he continues his work in private practice and in his lobbying efforts for the treatment of our homeless and mentally ill in hospitals instead of jails, and for the decriminalization of addiction. He will continue to carry my own admiration, and that of all who have had the privilege to serve with him.

HONORING CHRISTINE M. WISEMAN AND HER APPOINTMENT AS THE 19TH PRESIDENT OF SAINT XAVIER UNIVERSITY IN CHICAGO

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. LIPINSKI. Madam Speaker, I rise today to honor Christine M. Wiseman, who began serving as the 19th president of Saint Xavier University in Chicago on June 1, 2010. Her commitment to Catholic education and her strong credentials ensure that she will lead Saint Xavier University to new heights during her tenure.

President Wiseman has a long record of excellence in academia. Prior to her appointment at Saint Xavier, she was Provost and Professor of Law at Loyola University of Chicago. She directed the academic division at Loyola, which is the largest Catholic research institution in the United States. Before leaving for Loyola University in 2007, she served as the Vice President for Academic Affairs at Creighton University, where she led strategic planning and reaccreditation efforts. She was also Associate Dean for Academic Affairs at the Marquette University Law School and Associate Vice President for Academic Affairs at the University, making her the first woman to reach senior administration at Marquette. Her experience as a high-level administrator at Creighton University, Loyola University in Chicago and Marquette University will certainly benefit her as the leader of Saint Xavier.

The basis for a good education is quality instruction, and President Wiseman has a strong record in teaching as well. In 1991, she received the Marquette University Faculty

Award for Teaching Excellence. Her decades of teaching experience at Loyola, Marquette, and Creighton will help her make instruction a top priority at Saint Xavier University.

President Wiseman has also been honored multiple times for her public service. She was named the Wisconsin Civil Liberties Union Volunteer Attorney of the Year in 1989 and the Spirit of the Law School recipient in 2003 at Marquette for being a role model to the school's students. Her commitment to public service and the disadvantaged will have a strong impact on the students of Saint Xavier University.

Saint Xavier University is a Catholic university with over 5,000 students and was founded in 1846 by the Sisters of Mercy. Its main campus is located in the Mt. Greenwood neighborhood of Chicago. The school was rated as one of the top 40 comprehensive master's universities in the Midwest by U.S. News and World Report in 2009 and will only improve its academic and service standards under the guidance of their new President Christine Wiseman.

I ask you to join me in honoring President Christine Wiseman on her appointment as president of Saint Xavier University, and may she and the university enjoy many continuing years of prosperity and academic excellence.

CONGRATULATING TAIWAN ON THEIR 99TH ANNIVERSARY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. CONYERS. Madam Speaker, congratulations to Taiwan as they celebrate their 99th anniversary on October 10, 2010. We are happy to see such a vibrant democracy blossoming in East Asia.

Due to the ubiquitous tension between Taiwan and China (neighbors across the Taiwan Straits) Taiwan's President Ma is in a very difficult position. Every day he must walk the tightrope between improving the relationship with mainland China and making sure that Taiwan does not lose its unique identity that makes their country so special.

To this end, President Ma is handling the challenge masterfully. Many areas of the relationship between the Republic of China (Taiwan) and the People's Republic of China (mainland China) have improved dramatically since President Ma took office.

Without question, the most significant evidence of the improved relations between China and Taiwan is The Economic Cooperation Framework Agreement (ECFA). This is a formal agreement between the two sides that aims to reduce commercial barriers and increase trade between the two countries. Three years ago this would not have been even thought of as possible, yet today this agreement is in effect as of September of this year.

Additionally, the following are further evidences the improving relationship between Taiwan and China:

Daily flights between the two countries are not only now occurring, but due to high demand, the number of flights and destinations have had to be increased.

China, who blocked Taiwan's access to participate in any part of the World Health Organization (WHO) for the last 38 years, has granted Taiwan the honor of observer status at the World Health Assembly (WHA) arm of the WHO.

Both China and Taiwan have agreed to share crime data and law enforcement services with one another to help reduce illegal activity in the area.

All of this has been done while still allowing Taiwan to operate as an independent nation with its own government, military and currency.

I ask my friends in Congress to congratulate Taiwan on their 99th anniversary as we hope to continue our friendship with them for their next 99 years.

INTRODUCING A RESOLUTION SUPPORTING THE GOALS AND IDEAS OF THE DECADE OF ACTION FOR ROAD SAFETY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce a resolution supporting the goals and ideas of the Decade of Action for Road Safety. This is a critically important issue, as millions of people in every corner of the globe are affected by traffic accidents, inadequate public policies, and underdeveloped or neglected transportation infrastructure. The United States can take the lead in furthering the goals of the Decade of Action declared by the United Nations General Assembly, saving millions of lives and billions of dollars.

The leading cause of death for people ages 5 to 29 is not disease or war but road crashes. Nearly 1.3 million people are killed in road crashes every year and another twenty to fifty million are injured in traffic accidents. On average, over 1,000 people under the age of 25 die every single day on the world's roads. And these numbers are going up dramatically.

Madam Speaker, the world cannot afford such needless, heartbreaking losses. In addition to the catastrophic human costs—not only the lives lost but amongst their friends and families as well—road crashes cost the global community over \$518 billion a year, an enormous sum when you consider that many of the countries most plagued by road crashes are underdeveloped or developing nations.

The global community must build on the initial, important steps already taken to enhance international cooperation to improve road safety. In November 2009, the Moscow Declaration, signed by 150 countries, encouraged the establishment of a Decade of Action for Road Safety from 2011 to 2020, and laid the foundation for United Nations General Assembly Resolution 64/255 adopted in March 2010. This U.N. resolution recognizes that the devastation caused by road crashes negatively impacts the social, economic, and health targets of the Millennium Development Goals, and reaffirms the importance of international collaboration during the Decade of Action.

It is critical that the nations of the world work together to stabilize and reduce traffic fatalities by taking advantage of opportunities at the global, national, regional, and local level. The United States can set an example for the rest of the world by improving transportation management, infrastructure, vehicle safety, education, and post-crash care and rehabilitation here at home. We must continue to support public policies designed to reduce key risk factors like speeding, drunk driving, distracted driving, and the failure of many Americans to use seat belts, child restraints, and other safety devices.

Madam Speaker, this Decade of Action for Road Safety has not been declared to merely raise awareness, but also to take action. We all use roads, cars, buses, and bicycles every day. It is easy to take our safety for granted. But too many tragedies remind us that road fatalities and injuries have an enormous impact on our lives. This resolution expresses the House of Representatives' support for the Decade of Action and encourages the federal government to support efforts to reduce road fatalities, preventing needless deaths and injuries both here at home and around the world. I appreciate the support of my good friends Congressman CHRIS VAN HOLLEN and Congressman DAN BURTON on this matter, and urge my colleagues to support this important resolution.

HONORING REV. ADOLPH NOBLE, SR.

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor Rev. Adolph Noble, Sr., of Bainbridge, Georgia, a man I am proud to call my friend and constituent. He is an accomplished public servant who has devoted his life to his family and his community.

Rev. Noble was born August 22, 1955, in Thomasville, Georgia, to Smiley Noble and Betty Jean Noble née Melvins. He grew up in Southwest Georgia, and graduated from Bainbridge High School in 1973. After completing his studies in Mortuary Science at the John A. Gupton College in Atlanta, Georgia, he then went on to study at the Meadows College of Business in Albany, Georgia.

Upon successfully completing these academic endeavors, Rev. Noble began his lifelong call of ministering to others. He went on to study at the Southern Baptist Seminary in Tallahassee, Florida. From there, he has served his community as a pastor, ministering for over forty years.

Thirty of these years have been spent at Pilgrim Rest Missionary Baptist Church in Bainbridge, with several years spent preaching at Patterson Street Free Will Baptist Church in Dothan, Alabama. Rev. Noble continues to minister to both of these parishes today.

Rev. Noble is deeply involved in the many civic and religious affairs in his community. He served as the Past Moderator of the First Flint River Baptist Association, as the President of the Bainbridge/Decatur County Civic and Pro-

gressive League, and as a member of the Decatur County Chamber of Commerce, the Fourth District Funeral Service Association, and the Georgia State Funeral Service Association.

In addition to his ministry and community outreach, Rev. Noble is also Owner and Funeral Director of Guyton Brothers Funeral Home in Bainbridge.

Rev. Noble has been, and continues to be, very blessed in his family life. He is married to Sonja Noble née Tyler, and he is the proud father of four children and the proud grandfather of five grandchildren. His kind demeanor and unyielding compassion has endeared him to many.

Madam Speaker, the State of Georgia, especially the Second Congressional District, is truly blessed to have benefited from the tremendous counsel, and ministry of Rev. Adolph Noble, Sr. We greatly appreciate his guidance, leadership, compassion, and intense desire to help others and better his community.

INTRODUCTION OF THE HEAVY TRUCK TAX FAIRNESS ACT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. BLUMENAUER. Madam Speaker, I rise today to introduce the Heavy Truck Tax Fairness Act. Nothing is more essential to restoring the economy, revitalizing our communities, and protecting our environment than the effort to rebuild and renew America. The U.S. faces steep infrastructure challenges. Our infrastructure inventory is in poor repair and much of it is outdated—not just decades, but often centuries old. Our effort to rebuild and renew that infrastructure is stalled because of a funding impasse. The Highway Trust Fund nearly exhausted its funding several times recently and it is clear that our existing funding mechanisms are insufficient to meet our current, much less future, needs. Congress must consider new revenue sources to meet our infrastructure challenges and must work with transportation users to find the most efficient means of raising this revenue.

The funding sources for the Highway Trust Fund can be volatile, depending on the health of the economy. Current law places a 12 percent tax on the sale of new heavy trucks, trailers, and certain tractors. This tax is an important source of Highway Trust Fund revenues. In times of economic stress, these sales fall dramatically, badly limiting Trust Fund resources. These lost sales have several important effects. By reducing revenue to the Trust Fund, the decline hinders economic productivity by imposing costs from poor infrastructure. It also reflects an increase in the average age of the trucking fleet. New trucks have significant environmental and safety advantages, and Congress should reduce the barriers to new truck acquisition. To meet the demand for new trucks, most truck manufacturers will add employees, as most have significant engine and final assembly operations in the U.S.

The Heavy Truck Tax Fairness Act would replace the 12 percent excise tax currently

levied on new truck, trailer, and certain tractor sales with a revenue neutral increase in the diesel fuel excise tax of \$0.073 per gallon. This modest change will be revenue neutral over 10 years and will have the effect of smoothing resources available to the Highway Trust Fund and will ensure the U.S. can continue investing in our vital transportation infrastructure.

I also note that this legislation does not affect all transportation stakeholders equally. In particular, smaller companies and owner-operators could see fewer benefits. I pledge to work with affected groups as this legislation advances to ensure that the legislation, as enacted, is as carefully tailored and broadly beneficial as possible.

TRIBUTE TO JOHN ED REGENOLD

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. BERRY. Madam Speaker, I rise here today to pay tribute to John Ed Regenold, a passionate public servant, a devoted family man, and my friend. In February of 2005, John Ed was appointed State Highway Commissioner by Governor Mike Huckabee, where he has continued to be an important force in Arkansas.

Outside of his work as Commissioner, John Ed has made a point to be an active voice in the public discourse for improving the State of Arkansas. He has served on numerous commissions and boards such as the Arkansas Economic Development Commission. He is also a member of the St. Francis Levee Board and is a commissioner for the District 17 Drainage District.

Whenever and wherever he found a place he could help others, John Ed put his energy wholeheartedly and humbly into the job. He found a home as the Chairman of the Mississippi County Hospital System Board and as a member of the Arkansas Northeast College Foundation. Among all these accomplishments he also found the time to serve as a member of the board of the First National Bank of Blytheville.

John Ed is one of the smartest minds Arkansas has ever seen, and without people like him guiding the way, the State would be a much different place. His career is a reflection of his compassion, intellect, and commitment to improving Arkansas. I ask all my fellow colleagues to rise and honor with me the great work of John Ed Regenold.

IN HONOR OF THE RETIREMENT
OF HEINZ K. SIMON FROM THE
LAS COLINAS ASSOCIATION
BOARD OF DIRECTORS

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. MARCHANT. Madam Speaker, I rise today to honor Heinz K. Simon, the retiring

Vice Chairman and former President and Chairman of the Las Colinas Association Board of Directors. Heinz is a valued member of the Irving, Texas community and has dedicated decades of service, economic planning, and community improvements to the association and its surrounding communities. Since 1973, Heinz and his wife, Allison, have resided in Las Colinas, and in 1996 Heinz moved the corporate office of Industrial Properties Corporation to Las Colinas. As the former CEO and Chairman of Industrial, Heinz understood the dynamic business environment Las Colinas possesses. Heinz also raised his two children in this community.

Since moving to Las Colinas, Heinz's contributions to the community have been tremendous. In addition to being on the Association Board for over 10 years, he has served as the Chairman for Irving's Tax Increment Finance District. This position allowed him to push for a development project within the Tax Increment Finance District boundaries in Las Colinas. Furthermore, Heinz was the primary force behind The Las Colinas Park Foundation, a 501-(c)(3) organization that works to beautify parks and open spaces across Irving. In addition to other projects, the Foundation has replanted numerous trees and put both a statue and a sculpture in two parks within the community.

It was at Heinz's urging that the Urban Center Task Force Committee was organized in April 2006 to encourage the city of Irving to look at the needs of Las Colinas. As Chairman since its inception, Heinz has gotten involvement on the Committee from the mayor of Irving; two city managers and their staffs; and numerous city organizations. The group has encouraged the burying of overhead utilities, the construction of the Lake Carolyn promenade, and kept the interests of Las Colinas at the forefront of discussions among city leaders.

Though he retires from the Las Colinas Association Board of Directors with many accomplishments, Heinz is not done improving his community. He currently serves as the director/trustee of the Stemmons Foundation, a charitable trust established in 1963 to benefit Dallas-area cultural, educational, and scientific communities. It is for this continuous dedication to the Las Colinas area and its surrounding communities that I ask my colleagues to join me in honoring Heinz K. Simon's retirement from the Las Colinas Board of Directors.

HONORING THE RETIREMENT OF MR. DAVID NEWBY

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Ms. BALDWIN. Madam Speaker, I rise today to honor the career and achievements of Mr. David Newby, President of the Wisconsin State AFL-CIO, as he retires from his esteemed position.

David served as president for sixteen years, but his roots in fighting for social equality run much deeper. He began his dedicated fight

against injustice during his time as a teacher at the Tuskegee Institute in Alabama. From 1965 to 1968, he faced off with racial discrimination in the South, organizing and participating in protests and sit-ins to counter the actions of the local chapter of the Ku Klux Klan. In 1968, David began work on a Ph.D. at the University of Wisconsin-Madison. He quickly became involved in the union movement. As Steward of the Teaching Assistants Association, David was able to gain recognition from the administration through union strikes and other actions.

In 1982, David first stepped into a labor leadership role when he was elected President of the Madison Labor Council. He possessed the ability to motivate local members to come together on issues and express their views as one voice to the national AFL-CIO. A supremely principled man, David had no qualms about speaking out against union-backed candidates or policies. In 1986, he won a tough election for Secretary-Treasurer. He continued to ruffle feathers as he expressed his distaste for America's military actions abroad, never backed down from striking against plant closings, and continually pushed to attract new and more committed union members. Finally, in 1994, David easily won the presidency of the Wisconsin State AFL-CIO.

Over the past sixteen years as president, David has only increased his effort to fight for what he believes is right. As the representative of the Midwest on the national AFL-CIO Executive Council, he helped lead the federation's opposition to the Iraq War. He continued to work tirelessly to build stronger connections between local labor leaders, community leaders, workers, and organizations to support students' rights, civil rights, women's rights, and countless other causes. In a time when so many are suffering because of the economy, David has fought to keep jobs from going abroad and to ensure competitive wages and benefits for union workers.

In a piece reflecting on the election of President Obama, David wrote, "But no gains are freely given. We have to seize the moment, focus our energies, and assure that the victory will indeed be ours." These bold words embody the essence of the American spirit, and it is clear that over the past fifty years, David has come to epitomize this spirit. Although colleagues may disagree with his beliefs or fiery spirit, they always come away with nothing but the utmost respect for David.

May his stalwart dedication, vision, and lifelong commitment to the highest ethical standards continue to serve as an inspiration for us. I join the greater Madison community, the entire state of Wisconsin, and those who continue to fight for their beliefs throughout our great nation in honoring Mr. David Newby's achievements and thanking him for his lifetime of service.

MEDIA USE "CONSERVATIVE" LABEL MORE OFTEN THAN "LIBERAL"

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. SMITH of Texas. Madam Speaker, the national media label political candidates and organizations "conservative" far more often than "liberal."

For example, during the last year, the New York Times, the Washington Post, and the Los Angeles Times used the word "conservative" almost twice as often as "liberal" in political news stories, according to an internet search.

Furthermore, by margins of 3 to 1, the newspapers used the term "far right" more often than "far left" and "right wing" more frequently than "left wing."

And the term "extreme right" appeared five times more often than "extreme left."

This disparity shows the media's liberal perspective. To them, "liberal" is actually "mainstream," and therefore not worth mentioning.

But Americans describe themselves as conservative rather than liberal by a margin of 2 to 1.

The national media should give Americans the facts, not use biased language.

TRIBUTE TO MAJOR GENERAL ROBIN RAND

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. SKELTON. Madam Speaker, let me take this means to pay tribute to Major General Robin "Baba" Rand, the Director of the Legislative Liaison for the Office of the Secretary of the Air Force. After serving in this capacity for over a year, General Rand has been selected to become the Special Assistant to the Vice Chief of Staff of the Air Force. I am honored to commend General Rand for his many years of service to the United States Air Force.

A 1979 graduate of the United States Air Force Academy, General Rand distinguished himself early on as an exceptional pilot. First tapped to be an Instructor Pilot and Flight Examiner, he went on to serve as an F-16 Weapons Officer and later served as the Commander of the 36th Fighter Squadron at Osan Air Force Base in the Republic of Korea.

After attending the Naval War College in Newport, Rhode Island, General Rand took an assignment as a policy planner in the Directorate for Strategic Plans and Policy on the Joint Staff at the Pentagon. He then returned to the Republic of Korea, taking command of the 8th Fighter Wing, "The Wolfpack", at Kunsan Air Base with follow-on wing command tours at the 56th Fighter Wing at Luke Air Force Base and the 332nd Air Expeditionary Wing at Balad Air Base in Iraq. Based on his experiences in Iraq, General Rand was chosen to be the Principal Director for Middle East Policy in the Office of the Secretary of

Defense at the Pentagon. In his most recent assignment as Director of Legislative Liaison, General Rand has been a steadfast advocate of the mission of the Air Force and of the 689,000 Total Force Airmen and their families.

Madam Speaker, Major General Robin "Baba" Rand has served his country well, and he will no doubt continue to do so. I wish General Rand; his wife, Kim; and their children, Brooke and Bryson; the best of luck in the days to come.

CONGRATULATING CHARLES J. GRAZIANO ON BEING NAMED PERSON OF THE YEAR BY THE ITALIAN AMERICAN ASSOCIATION OF LUZERNE COUNTY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Charles J. Graziano on being honored as this year's "Person of the Year" by the Italian American Association of Luzerne County.

The Italian American Association of Luzerne County will hold its 33rd annual Columbus Day Dinner Dance in Wilkes-Barre, Pennsylvania on October 10, 2010.

The Association currently has over 200 members.

Each year, the Italian American Association of Luzerne County recognizes an individual who has shown distinguished service to the organization and the community as its "Person of the Year."

This award honors an individual who has displayed dedication and leadership in the Association. It also recognizes an individual who has volunteered their time throughout the community, and an individual who over the past year has promoted Italian American culture, preserved Italian American traditions, and worked to instill family values.

This year's recipient is Charles J. Graziano of Pittston, Pennsylvania.

Mr. Graziano was born in Pittston on September 6, 1950. He is the son of Joseph and Mary Leo Graziano.

Mr. Graziano graduated from Pittston Area High School in 1968 before attending Wilkes College where he studied Commerce and Finance.

After graduation from Wilkes College in 1972, Mr. Graziano attended The American Academy and McAllister Institute of Funeral Service in New York City. He graduated from the Academy in 1973.

For the past 37 years, Mr. Graziano has worked as Funeral Director at the Graziano Funeral Home in Pittston Township. He is the third generation of the Graziano family to operate the funeral service over the past 110 years.

A lifelong resident of Northeastern Pennsylvania, Mr. Graziano is a member at St. Rocco's Roman Catholic Church.

Mr. Graziano currently resides in Pittston with his wife, Mary Lou. They have two children, Joseph and Silvana.

Madam Speaker, please join me in congratulating Mr. Charles Graziano on this auspicious occasion. His lifelong commitment to the Northeastern Pennsylvania community illustrates he is most deserving of this achievement.

TRIBUTE TO CHIEF MASTER SERGEANT STEVEN J. PERRAULT

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual from the 44th Congressional District of California who has dedicated his life to defending the people of this country and preserving the basic freedoms and liberties that we hold dear. I ask my colleagues to join me in thanking Chief Master Sergeant Steven J. Perrault for his 23-plus years of dedicated service in the United States Air Force.

Chief Perrault enlisted in the Air Force on January 15, 1988, as an Administrative Specialist assigned to Westover Air Force Base, Massachusetts. He served for two years in this role prior to transitioning to Vehicle Operations. After three years, Chief Perrault then moved to his first duty station and worked as a recruiter at Hanscom Air Force Base, Massachusetts.

During his career, Chief Perrault was assigned as a Line Recruiter, which is primarily responsible for new enlistees, and an in-service recruiter which helps Regular Air Force members transfer into the Reserve Component. Due to his knowledge and skills he was selected for a Headquarters assignment helping oversee both the Operations and Training Branches of Recruiting Service at Robins Air Force Base, Georgia in 2000. Chief Perrault took on the tough assignment as a Senior Recruiter and was responsible for a new operating location in Denver, Colorado that managed all in-service recruiters assigned to the Midwest portion of the United States. In August 2005, after laying the ground work for success in Denver, Chief Perrault was assigned to Wright Patterson Air Force Base, Ohio as a Senior Recruiter.

In August 2007, he was chosen as the Superintendent for the Western Recruiting Squadron. Since that time, Chief Perrault has been instrumental in meeting their annual recruiting goals for the ninth straight year. During his career, Chief Perrault has been directly responsible for helping to recruit more than 8,500 airmen into the Air Force Reserve and has contributed to the continued success of the Air Force Reserve Command Recruiting Service.

Most recently, Chief Perrault has served as Superintendent, Western Recruiting Squadron, March Air Reserve Base, California, Air Force Reserve Command. In this role, he has been responsible for coaching and mentoring the 96 enlisted personnel assigned to the squadron as well as ensuring congressionally mandated end-strength manning for reserve units across 17 states, one U.S. territory, and in three countries.

Chief Perrault could not have been such a tremendous leader without the love and unfailing support of his wife Senior Master Sergeant (retired) Cheryl Perrault and their four children: Technical Sergeant Cassandra Casul, Senior Airman Shane Perrault, Kyle Perrault, and Ms. Ashlie Wendt. Helping to build his foundation for success early in life were his father Robert Perrault, his step-mother Carol; his mother Karen Gardiner and his step-father Sergeant Major (retired) Dennis Gardiner.

Madam Speaker, I join my colleagues in expressing our sincere appreciation to Chief Master Sergeant Steven J. Perrault for his outstanding service to both the United States Air Force and our great nation. Chief Perrault will retire from the United States Air Force service with more than just his experience, decorated career and remarkable accomplishments. He will also have served as a shining example and constant reminder of what it means to be an American patriot and leader. I am grateful for his service and salute him as he retires from the United States Air Force.

INTRODUCING THE SAVE THE BAY HOME OWNER ACT OF 2010

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. SARBANES. Madam Speaker, I rise today to introduce the Save the Bay Homeowner Act of 2010. This legislation would allow the 17 million citizens of the Chesapeake Bay watershed to become citizen stewards of the Bay and give them an active role in restoring it.

The bill directs the Environmental Protection Agency (EPA) to develop a "Save the Chesapeake Bay Home" designation program that identifies various steps homeowners could voluntarily take around their property to reduce nutrient and sediment runoff and improve water quality in local streams and rivers that feed into the Bay. If a participating home meets certain standards, such as installing rain barrels or reducing fertilizer on their lawns, that home could be designated a "Save the Chesapeake Bay Home." The legislation further directs the EPA to give credit to states and local jurisdictions for nutrient and sediment level reduction based upon the number of homeowners that achieve the "Save the Chesapeake Bay Home" designation.

Under the Clean Water Act, the EPA must develop a Chesapeake Bay Total Maximum Daily Load (TMDL) because the Bay has failed to meet water quality goals and segments of the Bay are classified as "impaired" water ways. The TMDL will limit the amount of nitrogen, phosphorous and sediment that may enter the Chesapeake Bay and its tidal tributaries based on what is required to restore the Bay. Each state within the watershed will be required to meet pollution limits and water quality goals under this new framework. There are different ways that state and local governments can meet these standards but many require relatively expensive infrastructure upgrades or storm water runoff retrofits. This bill gives those state and local jurisdictions a vol-

untary tool to meet TMDL standards while engaging the 17 million citizens of the Chesapeake Bay watershed. Furthermore, if states and local jurisdictions receive credit towards their TMDL limit for "Save the Chesapeake Bay Homes," they can pass along those savings to homeowners who choose to participate in the program through reductions in their water and sewer bills or their property taxes—a meaningful incentive for citizens who do right by the Bay.

Madam Speaker, to truly Save the Chesapeake Bay, we need the 17 million people who live in the Bay's watershed to become citizen stewards of the streams and rivers in their community. If each individual within the watershed were to contribute to clean-up efforts, even in small ways, the aggregate would yield significant results in moving Bay restoration forward. I hope my colleagues will join me in supporting this legislation.

HONORING GENESEE COUNTY COMMITTEE FOR COMMUNITY PEACE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. KILDEE. Madam Speaker, on Saturday, October 2nd, the Genesee County Committee for Community Peace will dedicate a statue of Mahatma Gandhi on the campus of the University of Michigan-Flint. The statue, the first of its kind in Michigan, will be installed in the Peace Park in celebration of Peace Day.

The Genesee County Committee for Community Peace has been celebrating Peace Day in Flint Michigan for over 15 years. The Committee is part of the Chinmaya Seva Samiti of Flint. Over the years they have sponsored several events including essay writing competitions, building of a sports field for the underprivileged, painting a peace mural, honoring a Peace Maker annually, and the creation of the Peace Park. Their goals are promoting peace, teaching ways of harmonious co-existence, and educating future generations on the principles of peace and nonviolence. The University of Michigan-Flint, the Community Foundation of Greater Flint, Dr. and Mrs. M. Nagaraju, the Genesee Intermediate School District and the Genesee County Medical Society Alliance are represented on the Committee.

Mahatma Gandhi said, "I offer you peace. I offer you love. I offer you friendship. I see your beauty. I hear your need. I feel your feelings. My wisdom flows from the Highest Source. I salute that Source in you. Let us work together for unity and love." In keeping with his sentiments, the Committee believes in embracing the unifying features of all different beliefs and ethnicities and strives to pass on this wisdom to the next generation.

Madam Speaker, I ask the House of Representatives to join me in recognizing the dedication, efforts and enthusiasm of the Genesee County Committee for Community Peace to promote unity, and enhance peace in Flint and Genesee County. I pray that their work to create a more harmonious world is successful.

A TRIBUTE TO MR. BRAD MORAN

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. NEUGEBAUER. Madam Speaker, I would like to recognize Mr. Brad Moran for being inducted into the Tech University Mass Communications Hall of Fame.

Brad received a Bachelor's Degree in Business from Texas Tech in 1982, making him the first college graduate in his family. While attending Texas Tech, Brad worked as an afternoon disk jockey. After graduation, he went to work for his father at KJTV-34 as a national sales manager. In 1985, Brad and his father decided to make their station a FOX affiliate. The father-son team also launched a Spanish-language station, Telemundo 46. Since then, Brad has launched several successful news and interactive talk radio shows under the name of Ramar Communications. Most recently, the Ramar radio group launched TT 104.3, the Texas Tech University athletics station.

Not only is Brad Moran a successful broadcaster, but he is also very active in the community. He has served on, and chaired, numerous fundraising committees for Lubbock. A few of these include the Lubbock Area United Way, American Cancer Society, South Plains Area Food Bank, and Lubbock Rotary Club. Brad continues to support Texas Tech from academics to athletics. He is a member of the Chief Executives Roundtable for the Rawls College of Business and has committed to begin a scholarship endowment for the Texas Tech College of Mass Communications. Additionally, Brad has served on numerous committees of the Lubbock Chamber of Commerce, and he is currently serving on the Chamber's Board of Directors.

A few noted accolades and awards Brad has received include the 1999 LAF Silver Medalist; 2003 Alexis de Tocqueville Society Award for his community dedication through philanthropic and human service; and the Lubbock Chamber's 2006 Businessperson of the Year Award.

I am enormously appreciative to Mr. Brad Moran for his contributions to Texas Tech and the Lubbock community. Those in District 19, including myself, congratulate him on being named to the Hall of Fame and extend to him our best wishes for his future endeavors.

TEJANOS OF WORLD WAR II

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. POE of Texas. Madam Speaker, America honors Hispanic Heritage this month. I would like to recognize some of Texas' heroes who served their country in body and deed, held up the torch of bravery and, in turn, were awarded Medals of Honor for their actions.

Born in San Marcos, Texas, Cleto Rodriguez enlisted in the U.S. Army in 1944, where he served as a Private in Company B, 148th

Infantry, 37th Infantry Division. On February 9, 1945 in Manila, while crossing a railroad station, Cleto's platoon was stopped by intense Japanese gunfire. Without being ordered to do so, Rodriguez and a fellow soldier, Private First Class John N. Reese, Jr., left the platoon and marched straight into the enemy volley. For two and a half hours, charged on conquest, Rodriguez and Reese killed over 82 Japanese soldiers and paved the way for an American victory at the railroad station that day. Sadly, Reese was killed in action defending his friends and country. For his "determination to destroy the enemy and courage in the face of tremendous odds," Rodriguez was awarded the Medal of Honor. He became the first Mexican American GI to be given this award in the South Pacific.

Private First Class Silvestre Herrera, drafted to the U.S. Army in 1944, was a seasoned veteran. He had been stationed on the front lines in Germany for several months. A part of the 36th "Texas" Division, Herrera had experienced the most violent fighting in the Central Europe campaign when the Allies closed in to deliver the finishing blow on Nazi Germany. As Americans advanced toward the border, German resistance mounted. That day, Herrera's division, the 142nd Regiment, neared the French-German border town of Mertzwiller. When orders were given to advance the town, Herrera, being a scout, was 400 yards ahead of his company. The regiment was suddenly overwhelmed by machine gun nest fire from the enemy. Armed with only a bayonet and an M1 hand rifle, Herrera single-handedly captured eight German soldiers and sent them to American lines. However, upon gearing up for a second attempt to end the gunfire, he stepped on an anti-personnel mine that blew off both his feet. Despite the intense pain and loss of blood, Herrera continued to fight and kill two more German soldiers. His presence enabled his comrades to lead a full frontal attack on the enemy position. For his heroism that day Silvestre Herrera was awarded the Congressional Medal of Honor.

And last, but certainly not least—a hero from Congressional District 2. One of twelve children from a large Mexican American family, Lucian Adams was born in Port Arthur, Texas in 1922. The summer of 1944, Adams was stationed near the town of Saint-Die in the Mortagne forest of France. With supply lines cut off by the Germans, Adams was sent out as a scout for his company and alerted the commander of three enemy machine gun nests. He was given orders to "go on out there and make a breakthrough to get those GIs." Armed with a borrowed Browning automatic rifle, Adams and his men started walking in a heavily wooded area of the forest. Having only walked 10 yards, enemy machine guns killed three men and wounded six others almost instantaneously. The company ran to take cover. However, Adams charged forward. He killed nine Germans, shot lobbying grenades, eliminated three enemy machine guns and forced two German infantrymen to surrender. In a matter of 10 minutes, Adams had successfully cleared the woods of enemy soldiers and reopened the severed supply line. Adams was dubbed "The Texas Tornado" by his company men and received the Medal of Honor in 1945.

The Medal of Honor is the nation's highest award for gallantry in action and is only given to the bravest of the brave. It is the American symbol of knighthood. Men like Rodriguez, Herrera and Adams deserve only the utmost respect from their countrymen. They are statues of strength—true visions of valor. With a thankful heart, I tip my hat to the Texas heroes who fought and are fighting for liberty. America salutes you.

And, that's just the way it is.

HONORING APPLETON FIRE-
FIGHTERS CAPT. RICK JAMES,
CAPT. MIKE WOODZICKA, DOUG
VRECHEK AND MIKE BECKER

HON. STEVE KAGEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. KAGEN. Madam Speaker, I rise here today to pay tribute to Appleton firefighters Capt. Rick James, Capt. Mike Woodzicka, Doug Vrecek and Mike Becker, as they are inducted into the Wisconsin Fire and Police Hall of Fame for saving the lives of four young children. As friends, family and colleagues gather to pay tribute to their courage and bravery, I ask my colleagues to join me in honoring these outstanding individuals.

On December 29, 2007, Capt. Rick James, Capt. Mike Woodzicka, Doug Vrecek and Mike Becker valiantly rescued four children from a burning house in my hometown of Appleton, WI. The children, who were all under the age of seven and included 15-month-old twins, were trapped in the house, unable to escape. The firefighters acted swiftly and heroically, rescuing the children within four minutes of arriving at the scene.

In recognition of this courageous act, the firefighters were inducted into the State of Wisconsin Fire and Police Hall of Fame on September 10, 2010. The Hall of Fame recognizes firefighters and police officers in Wisconsin who have performed a heroic act, been an innovator in advancing the productivity or safety of services, or who have provided exceptional community service.

Madam Speaker, without questions, the service of Capt. Rick James, Capt. Mike Woodzicka, Doug Vrecek and Mike Becker has been selfless and exemplary, and their induction into the Wisconsin Fire and Police Hall of Fame is very well-deserved. I ask my colleagues to join me in saluting these truly heroic members of our community.

HONORING MICHELLE STAUFFER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Michelle Stauffer upon her retirement from Wawona School.

Mrs. Michelle Stauffer has spent the past 29 years serving as a teaching principal at

Wawona School; a kindergarten through sixth grade, one-room elementary school in Yosemite National Park. Wawona School has been serving the children that live in the park since the late 1800's. Park rangers, firefighters and other National Park Service employees rely on this community school, and Mrs. Stauffer, to educate and nurture their children. During its existence, the school has educated the children of many Yosemite pioneer families, including the Washburn, Bruce and Gordon families.

Mrs. Stauffer is dedicated to providing a solid education for the students. Field trips to Washington DC, museums, live theater and the San Francisco Opera are part of the curriculum at Wawona School. Mrs. Stauffer believes these field trips are an important part of exposing her students to life outside of the park.

Mrs. Stauffer is an extraordinary person and educator. She is dedicated to the Yosemite community and especially to her students. She is committed to providing her students with the very best education in the most nurturing environment possible.

Madam Speaker, I rise today to honor Michelle Stauffer for her dedicated service to the students of Wawona School. I invite my colleagues to join me in wishing Mrs. Stauffer many years of continued success.

HONORING MARIA RODRIGUEZ FOR
A LIFETIME OF PUBLIC SERVICE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Ms. DeLAURO. Madam Speaker, I rise to commemorate decades of service to the community by a longtime and dear friend, both to me and my husband and to the children and families of New Haven, Connecticut: Maria Rodriguez.

Elected to New Haven's Board of Aldermen in 1976, Maria has the distinction of being the first Hispanic alderperson in the history of our city. But that service was only the beginning of her contributions to our city and state. For as long as I have known her, Maria has given of herself to the people around her, and has worked to make New Haven a richer, more vibrant, and more compassionate community.

Indeed, Maria has spent a lifetime doing so. She began her career in the early 1970s as a trained mental health therapist at the Connecticut Mental Health Center, where she worked day in and day out to improve the experience and the quality of life of Hispanic families in the Greater New Haven area. As my husband Stan, Maria, and I worked on so many local political campaigns then, we became great friends. She helped us to forge many wonderful friendships in New Haven's Hispanic community. She is a tireless worker and a strong ally.

After receiving her Masters from Southern Connecticut State University in 1983, and spending a year as a key and valuable aide to my predecessor, Bruce Morrison, Maria soon moved into full-time social work. For over 25 years, through organizations such as the Connecticut Board of Education, Family Counseling of Greater New Haven, and Latino

Youth Development, Inc., she provided therapy to families and students in need of mental health care.

In her off-hours, Maria kept on giving. From serving on the Board of the YMCA to tutoring students in her free time, she has always looked for more ways to help those in need and to improve our city. And, now that she has decided to retire from the Connecticut Board of Education, I can only expect she is already thinking of new ways to volunteer her time and her effort.

For that is who Maria is. For decades now, she has continued to infuse our community with her warmth and energy, her caring and compassion. I thank her deeply for her service to the families of New Haven, and for her years of friendship to me. And I congratulate her and her family—her husband Alquilino, her son Paul, and daughter-in-law Bunny—on reaching this milestone. Congratulations, Maria, you have earned it.

HONORING THE EDMUND S.
MUSKIE ARCHIVES AND SPECIAL
COLLECTIONS LIBRARY

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. MICHAUD. Madam Speaker, I rise today to recognize the Edmund S. Muskie Archives and Special Collections Library at Bates College in Lewiston, Maine as it celebrates its twenty-fifth anniversary.

As a U.S. Senator from 1959 to 1980, Edmund Muskie established a legacy of environmentalism, fiscal responsibility and budgetary reform. Senator Muskie chaired the Environmental Pollution Subcommittee, the Intergovernmental Relations Subcommittee, and the Senate Committee on Budget. In 1963, Senator Muskie served as the chief sponsor of the Clean Air Act, the first major federal law aimed at air pollution control. Senator Muskie also served as the chief sponsor of the Clean Water Restoration Act in 1966.

Since its founding in 1985, the Muskie Archives has preserved and promoted the legacy of U.S. Senator, Secretary of State and Bates College alumnus Edmund S. Muskie. The Muskie Archives have served Bates students and researchers from across the United States and around the world. For the past ten years, the Edmund Muskie Archives and Special Collections Library has also been the repository of the Archives of the College. In this capacity, the library has preserved a collection of records that document that history of Bates College from its inception through its development into one of the country's premier liberal arts colleges.

The Edmund S. Muskie Archives and Special Collections Library at Bates College is a valuable asset to both the State of Maine and the country. Through exhibits, public outreach and educational programs, the institution ensures that the lasting work of Edmund Muskie is not forgotten.

I am pleased to share in the celebration as the Edmund S. Muskie Archives and Special Collections Library looks back on its twenty five years of history.

Madam Speaker, please join me in honoring the twenty-fifth anniversary of the Edmund S. Muskie Archives and Special Collections Library.

IN HONOR OF SGT. RAYMOND
JOSEPH DRENNAN

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. ADLER of New Jersey. Madam Speaker, I rise today to honor Sgt. Raymond Joseph Drennan, who is being honored with the Purple Heart that he earned while fighting the enemy at Okinawa on May 18, 1945. This honor is long overdue and serves as a reminder of the great sacrifices given by our military personnel from all generations.

Mr. Drennan served as a Sergeant in the 29th Battalion of the Marines 6th Division. He was under heavy duress while pinned in a fox-hole, and he was injured in the line of fire. Mr. Drennan suffered an exit wound, but kept fighting with his battalion. The battle fought at Okinawa saw 62,000 American casualties: the bloodiest battle experienced in the Pacific war.

The men and women of our Armed Forces serve with an incomparable sense of duty. Mr. Drennan, like many men and women that wear the military uniform, served selflessly and with only his country's interest in mind. The Adler family, and families all across New Jersey, are eternally grateful for Mr. Drennan's service.

I ask my colleagues to join me in honoring this great American hero. Without his sacrifice, and the sacrifice of those like him, we would not share the freedoms that we have today. It is important to remember the duty laid upon our men and women in the military from past generations and those who will serve in the future.

HONORING THE BEAGLE FAMILY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. KILDEE. Madam Speaker, I ask the House of Representatives to join me in congratulating the Beagle family as they are honored by the Genesee County Bar Foundation on October 7 in Flint, Michigan.

The Beagle family's contributions to the Flint community span the past century. Charles D. Beagle graduated from Minnesota Law School in 1904. After practicing law in the State of Washington, he moved to Genesee County in 1920. He was elected Genesee County Prosecutor in 1928. He served as president of the Genesee County Bar Association in 1937–1938. When he passed away in 1958, Charles Beagle had practiced law for 54 years.

His son, John S. Beagle, received his law degree from Washington and Lee University in 1936. He served as a Genesee County Assistant Prosecuting Attorney and a Michigan Assistant Attorney General. He enlisted in the

Army at the beginning of World War II and served in the Navy Air Corps until his discharge. He joined his father and Van H. Stewart and formed the law firm, Beagle, Stewart and Beagle. He served on the governing body of the local bar. He retired in 1986 after 50 years of practicing law and passed away in 2000. The John S. Beagle Scholarship was established through his bequest to help Genesee County law students defray the cost of their schooling.

Duncan M. Beagle has carried on the tradition started by his grandfather and father. He received his Juris Doctor degree from the University of Detroit Mercy in 1975. He served as the youngest president of the Genesee County Bar Association in 1983–1984. He has served as the court administrator for 67th District Court, assistant prosecutor for Genesee County, Friend of the Court referee, and as a private practitioner. Appointed to the 7th Judicial Circuit Court in 1991, he continues to serve in this capacity.

Madam Speaker, I would like to extend my congratulations to Judge Beagle and the Beagle family as they are honored by the Genesee County Bar Foundation. The Beagle family represents the best traditions of service to community, their clients and the legal profession and I wish them the best in their future endeavors.

HONORING THE 125TH ANNIVERSARY
OF THE CITY OF MILAN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. DINGELL. Madam Speaker, I rise today to honor the City of Milan and to commemorate its 125th anniversary, as it gathers to honor this occasion on Sunday, September 26, 2010. In 1885, only 48 years after Michigan became a state, the Village of Milan was chartered by the Michigan State Legislature. Soon after, the first elections were held and the Village of Milan had its first governing Board of Trustees. Milan was a village for over 80 years until November 6, 1967, when voters overwhelmingly approved the charter that established the City of Milan.

The City of Milan brings a rich history to the 15th Congressional District and it offers a unique blend of rural farms and modern industrialization. Milan is located partially in Washtenaw County and partially in Monroe County, surrounded by corn and soybean farms. In 1937, Henry Ford finished his creation of Ford Lake and officially opened a new power house which operated using coal and hydro power. The power house is now the current Milan City Hall, and Ford Lake was officially acquired by Milan in 1949. Even the wonderful park where the 125th anniversary celebration took place was used by Henry Ford to run a coil manufacturing plant and a paint creation facility for the Model T.

I am proud of the City of Milan's many contributions to Michigan's 15th Congressional District and I ask my colleagues to join me in congratulating the city on its 125 wonderful years of service to its citizens and the State of Michigan.

HONORING FIRST BAPTIST
CHURCH OF MADISON

HON. RODNEY P. FRELINGHUYSEN
OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the First Baptist Church of Madison, located in Morris County, New Jersey as they celebrate their 115th anniversary year.

In the spring of 1895, a small group of individuals began to organize in what was known as Odd Fellows Hall in Madison, New Jersey in an effort to create a Baptist Mission so they would have a place to gather and worship. Two years later, the Baptist Mission became the First Baptist Church of Madison, and members selected Reverend R.L. Harris to be its first pastor. As membership grew, land was purchased to build a larger place of worship. On the first Sunday of June 1901, a ground breaking service was held, and by February 1902 the church was completed at its current site.

In 2003, the Arthur D. Brown Enrichment Center was opened to provide a place for meetings, offices, the Smith Library and personal meditation. The church is continuously renovating and improving their 105-year-old building. They plan to further expand their church by creating education facilities.

An important aspect of the First Baptist Church of Madison is their service to others. The church participates in a wide variety of missions to help those in need. They provide books to poor areas of Africa, visit residents in nursing homes, provide hygiene kits to the poor, assist in paying bills for those in need or aid and provide Thanksgiving meals. The First Baptist Church of Madison has always provided a warm welcome to new parishioners and visitors, and has done a commendable job serving the community.

Madam Speaker, I ask you and my colleagues to join me in congratulating the First Baptist Church of Madison as they celebrate their 115th anniversary.

HONORING MARY ANN SCHILLER

HON. RUSS CARNAHAN
OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. CARNAHAN. Madam Speaker, I rise today to recognize the career of Mary Ann Schiller with the Affton School District. She began working in the Affton School District as a high school senior in 1950 as an assistant to the superintendent's secretary. She attended Miss Hickey's Secretarial School in the evening while working as secretary to the principal at Reavis School during the day.

In 1960 she moved to the administration center to serve the assistant superintendent of elementary education. In 1970, Mrs. Schiller became the secretary to the superintendent (later administrative assistant) as well as secretary to the Board of Education, positions she held for 40 years. She has been the indispen-

sable "right hand" to eight superintendents and a patient mentor to nearly 70 Board of Education members.

On June 15, 2010, the Affton School District's Board of Education unanimously voted to dedicate and rename the Affton School District Administration Center in her honor. On October 2, 2010 the administration center will be renamed the Mary Ann Schiller Administration Center.

Other honors for Mary Ann include: the recipient of the Service and Outstanding Achievement Recognition (SOAR) Award for 1996-97; named Affton Chamber of Commerce Citizen of the Year in 1999; and one of ten distinguished alumni inducted into the Affton Hall of Fame in 2005.

Mary Ann was also named by the Missouri Department of Elementary and Secondary Education as a Pioneer in Education—an honor never before bestowed upon a classified school district employee.

Mary Ann Schiller retired on June 30, 2010 after 60 years of service to the Affton School District. I honor Mary Ann today for her outstanding public service; performing one of the most important tasks necessary for a successful and healthy nation: educating the young and preparing them to be productive and responsible citizens.

INTRODUCTION OF PILOT PROJECT
FOR TOOLS NEEDED FOR FUND-
ING CHALLENGES

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. BLUMENAUER. Madam Speaker, I rise to introduce legislation authorizing a pilot project to develop the tools needed by private industry, the IRS, and the Department of Transportation to meet our infrastructure funding challenges for the next century.

Nothing is more essential to restoring the economy, revitalizing our communities, and protecting our environment than the effort to rebuild and renew America. The U.S. faces steep infrastructure challenges. Our infrastructure inventory is in poor repair and much of it is outdated—not just decades, but often centuries old. Our effort to rebuild and renew that infrastructure is stalled because of a funding impasse. The Highway Trust Fund nearly exhausted its funding several times recently and it is clear that our existing funding mechanisms are insufficient to meet our current, much less future, needs. Congress must consider new revenue sources to meet our infrastructure challenges and must work with transportation users to find the most efficient means of raising this revenue.

Most of America's transportation investment ability is premised on the gas tax. This source is becoming obsolete as vehicles are increasingly efficient, making increased demands on our infrastructure while contributing fewer resources. The current revenue system generates only two-thirds of the revenue needed to maintain current levels of investment.

While Congress waits, others are seeking innovative solutions to this challenging prob-

lem: the Oregon Department of Transportation conducted successful tests of mileage-based revenue systems that seamlessly protected privacy while applying a user fee; two blue ribbon panels called for further exploration of such a system; and I have introduced prior legislation that would fund tests of such systems in each state. Under the Transportation Finance Innovation Demonstration Act, the concrete pumping industry has stepped forward to create a pilot project exploring how a mileage system would work in practice.

In an unintended consequence of the JOBS Act of 2004, concrete pumping trucks pay gasoline tax on 100 percent of their fuel consumption, even though 50 percent of their fuel is consumed at construction sites in stationary operation. Concrete pumping trucks already collect much of the necessary information about distance traveled and fuel consumption necessary for the function of a mileage-based fee. With a few minor hardware and software additions, concrete pumps nationwide could collect and transmit data to the IRS in a highly accurate and secure manner.

The legislation directs the Department of the Treasury to work with the Department of Transportation to establish a demonstration project providing a refund of gasoline taxes to concrete pumping trucks and the imposition of an off-setting mileage fee reflecting the distance the concrete pumping truck traveled on U.S. roadways.

ACKNOWLEDGING TAIWAN'S 99TH
NATIONAL DAY ON OCTOBER 10,
2010

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise to acknowledge Taiwan's 99th National Day on October 10, 2010. Also known as Double Ten Day, this event marks the anniversary of the 1911 uprising that soon led to the establishment of the Republic of China.

I congratulate Taiwan, our good friend in Asia, on numerous successes in recent years. An economic powerhouse, millions of Americans have come to depend on Taiwanese products like notebook computers, and Taiwan serves as a major export market for a huge range of American products, from agriculture to raw materials to technology.

This past year has seen highly positive political progress between China and Taiwan, benefitting not only the entire East Asian arena but U.S. interests, as well. Taiwan's President Ma Yingjeou has established conciliatory and cooperative cross-strait relations, producing agreements in a variety of areas including transportation, tourism, agriculture, and trade and financial matters. For the first time in decades, the two great nations are pursuing productive, peaceful negotiations to ensure a better future for their citizens. I am pleased that these efforts have enabled Taiwan to play a greater role in international organizations, such as with Taiwan's participation as an official observer to the World Health Assembly. Such progress should not go unnoticed or unremarked upon.

Madam Speaker, each time I have visited Taiwan I have come away with a deep appreciation for the Taiwanese people's commitment to hard work, democratic traditions, environmental protection, and productive and peaceful international relations. I offer my sincere congratulations on their 99th National Day and look forward to celebrating the 100th next year.

HONORING THE STUDENTS AND FACULTY OF McCLURE JUNIOR HIGH SCHOOL FOR RECEIVING THE BLUE RIBBON AWARD FROM THE U.S. DEPARTMENT OF EDUCATION

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. LIPINSKI. Madam Speaker, I rise today to honor the faculty, students, and parents of McClure Junior High School, a school of 541 students in Western Springs, Illinois. The school was awarded the prestigious Blue Ribbon Award by the U.S. Department of Education on September 9, 2010.

The Blue Ribbon Award program was founded in 1982 by the Department of Education to reward the most outstanding schools in the country. Out of the more than 132,000 eligible schools in the United States, only 304 earned the Blue Ribbon distinction in 2010.

McClure Junior High School has been identified as a "High Performing" school, meaning the students scored significantly higher on standardized state assessments than their peer schools. McClure was one of only 84 middle schools in the country, and one of 19 Illinois schools to be distinguished with this award.

Thanks to the dedication of McClure Junior High School faculty, the hard work of the students, and the encouragement of their parents, the school has been identified as one of the very best in the United States.

I ask you to join me in congratulating the faculty, students, and parents of McClure Junior High School for their receipt of a U.S. Department of Education Blue Ribbon Award, one of the highest honors a middle school can earn.

IN MEMORY OF U.S. NAVY SENIOR CHIEF PETTY OFFICER DAVID BLAKE McLENDON

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. BISHOP of Georgia. Madam Speaker, I rise today to pay tribute to a brave sailor, dedicated citizen, and a great American, U.S. Navy Senior Chief Petty Officer David Blake McLendon, who gave his life for his country.

Senior Chief Petty Officer (SCPO) McLendon was raised in Thomasville, Georgia. After graduating from Thomas County Central High School in 1998, he answered the

call to service by enlisting in the U.S. Navy, following in the footsteps of his father and grandfather.

He was a successful and dedicated naval non-commissioned officer, quickly rising through the ranks. His awards include the Joint Service Commendation Medal; Navy and Marine Corps Commendation Medal; Navy and Marine Corps Achievement Medal; Navy Battle "E" Ribbon (two awards); Navy Good Conduct Medal (three awards); and the Sea Service Deployment Ribbon.

In 2009, McLendon was promoted to Senior Chief Petty Officer and served as a Navy cryptologic technician. He was also a Navy SEAL. During his twelve-year Naval career, he served at Norfolk, Virginia and Pearl Harbor, Hawaii, and the Joint Expeditionary Base at Little Creek, Virginia.

While deployed to Afghanistan, he was one of nine servicemembers tragically killed when their Army Blackhawk helicopter went down in the southern Afghanistan province of Zabul on Sept. 21, 2010.

SCPO McLendon's death is a great loss to this country, as he was a man of great promise and honor. He was described as a consummate Navy professional by his fellow servicemembers, and was known for his dedication, quick wit, and engaging sense of humor.

His death is also a great loss to his loving family. He is survived by his wife and parents, his brother and sister, his nieces and nephews, and his paternal grandmother.

Madam Speaker, U.S. Navy Senior Chief Petty Officer David Blake McLendon made the ultimate sacrifice for his country. His time on this earth was too short. He was a proud American, a brave sailor, and a true family man. In life he was loved and honored, and in death he will be remembered by a grateful nation.

RECOGNIZING THE SEATTLE STORM FOR THEIR VICTORY IN THE WOMEN'S NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. SMITH of Washington. Madam Speaker, I rise today to recognize the Seattle Storm for their incredible season and their victory in the Women's National Basketball Association Championship.

The Seattle Storm joined the WNBA in 2000 and has since been a remarkable team, a source of immense pride for the State of Washington. Their 2010 championship was their second, and the first under Coach Brian Agler. They were consistently the WNBA's best team, ending the regular season with a 28-6 record. The team's success continued into the post-season, where they went undefeated and became the first team in WNBA history to go 7-0 in the playoffs. By the end of their impressive run, the Storm had not been defeated at home.

The women of Seattle Storm play the game with great dedication and sportsmanship, and

act as role models for our community's girls and boys. The team is also one of three WNBA teams that is not owned as a companion or "sister team" to an NBA team. Rather, they are independent and reflect the value of local-owned organizations.

Their championship was earned with hard work and commitment. Team members include Svetlana Abrosimova, Sue Bird, Abby Bishop, Swin Cash, Lauren Jackson, Allison Lacey, Camille Little, Ashley Robinson, Jana Vesela, Le'coe Willingham, and Tanisha Right. The enthusiastic and loyal Washington fans have also aided to the team's success and over 5,000 fans came to celebrate the championship at the Key Arena.

Madam Speaker, I ask that my colleagues in the House of Representatives please join me in congratulating the Seattle Storm for their undefeated playoff run and their 2nd WNBA Championship.

RECOGNIZING SCOTT HECHT FOR HIS BRAVERY AND HEROISM

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge Scott Hecht, a resident of Hauppauge, New York, for being awarded the Carnegie Medal by the Carnegie Hero Fund Commission. This prestigious award is given to civilians who risk their lives to save the lives of others. Scott Hecht saved a girl from drowning on July 30, 2009, in Mastic Beach, New York.

According to the Commission, "A teenage girl struggled to stay afloat in the Atlantic Ocean after being swept away from the beach by a strong current. Beachgoers shouted for help, attracting the attention of Hecht, 45, a social worker, who was in a camping area nearby. Although he decided earlier not to swim that day because of rough surf conditions, Hecht entered the water with a short surfboard and, holding onto the board, swam out to the girl, reaching her at a point about 200 feet from shore. He grasped her by the wrists and held them over the board and then started toward shore. Waves overtook them as they proceeded, and a lateral current swept them along the shoreline. Others aided the girl when they reached wadable water, and Hecht also reached the beach safely. Hecht was very tired and sustained scratches to his legs, but he did not need medical treatment."

I am proud to recognize Mr. Hecht for his bravery and selflessness and I thank him for helping make the 2nd District of New York a place in which citizens take care of their fellow citizens.

CONGRATULATING ST. PAUL COLLEGE'S 100TH ANNIVERSARY

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Ms. MCCOLLUM. Madam Speaker, I rise today to congratulate the faculty, students and

staff of Saint Paul College on the occasion of the 100th anniversary of the school. Founded in 1910, Saint Paul College is an outstanding community and technical college that is a part of the Minnesota State Colleges and Universities system (MnSCU). Saint Paul College has further distinguished itself by earning the nation's top ranking among community colleges according to the 2010 September/October edition of Washington Monthly Magazine.

Located on Cathedral Hill near downtown and overlooking at the State Capitol, Saint Paul College is a model two-year higher education institution, providing academic excellence and trade and technical skills to prepare students for success in the workplace.

Saint Paul College offers thirty-eight associate degree programs and sixty-one occupational certificate and diploma programs, including transfer and articulation agreements with 4-year colleges and universities that provide pathways for students to transfer and continue their higher education.

The first-place ranking and national recognition conveyed by Washington Monthly Magazine is a testament to the school's long-standing commitment to academic excellence and to the students and families in the community it serves. Generations of crafts and trades people in Minnesota have earned their education at Saint Paul College, and the school is poised to help more generations develop the skills they need for successful careers.

In honor of the 100th Anniversary of Saint Paul College, I am pleased to recognize the many achievements of the faculty, staff and students through this statement in the CONGRESSIONAL RECORD.

INTRODUCING LEGISLATION TO EXPAND THE DISCRETIONARY AUTHORITY OF THE U.S. TRADE REPRESENTATIVE

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. BLUMENAUER. Madam Speaker, today I am introducing legislation to expand the discretionary authority of the United States Trade Representative (USTR) to take action under section 301 of the Trade Act of 1974. Specifically, the legislation would allow USTR to investigate and impose sanctions on countries whose trade practices are found to be unfair to U.S. interests by failing to enforce foreign country environmental laws. Specifically, USTR will have discretionary authority to take action if it finds a persistent pattern of conduct that indicates a trading partner:

(I) Fails to effectively enforce the environmental laws of a foreign country;

(II) Waives or otherwise derogates from the environmental laws of a foreign country or weakens the protections afforded by such laws;

(III) Fails to provide for judicial or administrative proceedings giving access to remedies for violations of the environmental laws of a foreign country; or

(IV) Fails to provide appropriate and effective sanctions or remedies for violations of the environmental laws of a foreign country.

This authority is very similar to existing authority held by USTR to enforce labor rights around the world.

My support for international trade agreements has always been predicated on the notion that agreements establish a fair, rules-based trading regime. The economy of my state is heavily trade-dependent. Oregon's iconic brands would not exist without strong international trading relationships. Oregon's largest private employer, Intel, is a product of the international market for high-tech products. The Port of Portland's distribution centers alone create 17,000 jobs, \$810 million in wages and other personal income, and \$2.8 billion in business revenues. Ensuring a level playing field in U.S. trading relationships is vital to protecting these jobs and to ensuring public support for a forward-looking, optimistic approach to trade policy.

Allowing our trading partners to derogate from their environmental laws provides an unfair advantage to their businesses and allows those businesses to unfairly undercut U.S. companies, which operate under strong environmental protections. I look forward to working with my colleagues to ensure that trade remains free and open, but, in incorporating environmental and labor protections, also meets basic expectations of fairness.

TRIBUTE TO JUDGE VICTOR MICELI

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. CALVERT. Madam Speaker, I rise today to recognize and honor the life of my friend, Judge Victor Miceli, who served as Superior Court Judge for Riverside County, California for 15 years and dedicated his life to bettering the community around him. On Thursday, September 16, 2010, Vic passed away at the age of 82 with his wife of 49 years, Bernice, by his side. Though Vic has passed on from this life, he leaves a lasting legacy in Riverside, the community he loved so dearly.

Vic graduated from the University of Pittsburgh Law School in 1952 and went on to serve in the Army as a judge advocate general and later practiced civil law in a private practice. Although he originally hailed from Meadville, Pennsylvania, Vic came to Riverside after having been appointed to the Superior Court bench in 1986 by former California Governor George Deukmejian.

When he retired from the bench in 2001, Vic's work in the community was far from over. Vic turned his focus and efforts to the restoration of downtown Riverside, including the \$24.7 million renovation of the 1903 beaux-arts Riverside Historic Courthouse, which was rededicated in 1998 and complied with new earthquake standards. Vic himself has attributed this as his proudest professional accomplishment. He also advocated for a new federal courthouse in Riverside, and the transfer of the 4th District Court of Appeal, Division Two headquarters from San Bernardino to Riverside. Additionally, he was a dedicated partner in the preservation and continued care of the historic Evergreen Cemetery.

Vic did so much for the community, the term the "Micelian Footprint" was coined, affectionately referring to Vic's ability to positively influence whatever he touched. In fact, 101-year-old retired Appellate Justice John Gabbert called Vic the person who has done more for the community in his lifetime, and said his contributions were "beyond measure."

Despite his passion and gusto, Vic always had a way of charming those around him—and perhaps that is what helped him get so much done. He will be remembered for his great sense of humor and optimistic outlook on life just as much as his drive to accomplish projects and lead others.

Although his career flourished, Vic always put his family first, and set aside time every summer to take his two sons on road trips around the country. His wife remembers him as the kindest and most generous husband.

Vic is survived by his wife and their two sons, Victor Miceli II and John Michael Miceli.

On behalf of all those who knew him, it is an honor to offer these remarks as a tribute to the life and legacy of my friend Victor Miceli. His life and presence will be sorely missed and I extend my condolences to his dear family and friends.

RECOGNIZING THE INDEPENDENCE CHAMBER OF COMMERCE ON THEIR 90TH ANNIVERSARY

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. CLEAVER. Madam Speaker, I rise today in recognition of the 90th Anniversary of the Independence, Missouri Chamber of Commerce, located in my District. History reveals how Independence, the county seat, grew from a village, to a town, to the fourth largest city in Missouri. Civic leaders joined together to create a forum for the maintenance, growth and economic stability of the city. The Chamber has played a vital role in providing vision which helped to tackle the hard economic problems of the day. Today's Chamber is comprised of a "... partnership of more than 1,200 business and professional people committed to making a difference in the community."

Following its founding in 1920, the Chamber constitution encouraged its members "to promote the civic, economic, and social welfare of the people of Independence and vicinity" with membership open to all interested people. Colonel William Southern, Jr., who began publishing the Jackson Examiner in 1898, served on the original Board of Directors and holds the honor of being the first Board President of the Chamber. Due to the continued quality of leadership, the Chamber's involvement is respected on every issue from legislative initiatives to promoting pride in the city.

Throughout its 90 year history, the Chamber has initiated and supported local programs for economic development, public education, and general community quality of life. Working as a cohesive body with its Board, staff and members, the Chamber strives to provide a better quality of life for its citizens. Historically,

they have campaigned to improve infrastructure, stimulate economic growth, annexation, transportation, parks, education and tourism. Through a variety of methods, they have achieved their objectives through bonds, fundraisers or by launching programs to benefit the citizens of Independence. "Put Us to Work" was one program initiated during the depression to coordinate all civic relief efforts and employment assistance for its citizens. We should recognize organizations like the Chamber of Independence as they help our communities find solutions to our current economic challenges.

When Harry S. Truman came home from serving in World War I, he came home to Independence, Missouri. When he was contemplating a run for Eastern District Judge, he went to Col. Southern for support. After serving as President, he once again returned to Independence. The Chamber honored him as a lifetime member of the Independence Chamber in 1945. Later, out of respect and admiration, the Chamber proudly supported fundraising efforts for the Harry S. Truman Presidential Library.

Madam Speaker, please join me in extending my warmest congratulations to Dr. Patty Schumacher, Chair of the Board, and Rick Hemmingsen, Chamber President, for the many accomplishments of the Independence Chamber of Commerce on this, their 90th Anniversary. The Chamber's work and dedication on behalf of the City of Independence has truly bettered our community. I urge my colleagues to join me in showing our appreciation to all its members, past and present.

HONORING THE 5TH STRYKER BRIGADE

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. SMITH of Washington. Madam Speaker, I rise today to honor the 5th Stryker Brigade, 2nd Infantry Division for their service and recognize their achievements after returning home from a 12-month deployment in Afghanistan. I ask that my colleagues join me in honoring the men and women of this Stryker Brigade and thank them for their service.

After 2 years of training in preparation to deploy to Iraq, the 5th Stryker Brigade, 2nd Infantry Division received a change in orders and was directed to deploy as the first Stryker brigade in Afghanistan. The brigade began its operations in Kandahar Province, where they quickly encountered a determined enemy. Over the course of their year in Afghanistan, the brigade went on to lead the assault on Marjah, fight against the Taliban in Arghandab River Valley, help secure President Karzai in Daykundi, and secure highways and lines of communications, all while fighting enemy combatants. Under the leadership of Colonel Harry D. Tunnell, the soldiers performed their duty with honor and courage.

While the brigade performed admirably in challenging circumstances, the deployment did not come without sacrifice. Thirty-seven members of the brigade died in combat operations

with another 239 wounded over the course of the deployment. Their sacrifice in defense of our nation, and in an effort to establish a more stable Afghanistan, should be acknowledged and their sacrifice will not be forgotten.

After 12 months in Afghanistan, the brigade began redeploying in June 2010 and held their homecoming ceremony on July 22, 2010 at Joint Base Lewis-McChord. During the ceremony, the brigade was also formally reflagged as the 2nd Brigade, 2nd Infantry Division. Though the brigade may have a new designation, the service and sacrifice during their deployment as the 5th Stryker Brigade, 2nd Infantry Division will not be forgotten.

Madam Speaker, I ask that my colleagues join me in honoring the men and women of this brigade, who have displayed venerable service to their country.

COMMENDING THE MARCH OF DIMES MICHIGAN CHAPTER

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. DINGELL. Madam Speaker, I rise today to honor the March of Dimes Michigan Chapter for their dedicated and tireless service to families across our state. Since its founding in 1939 by President Franklin Delano Roosevelt, the March of Dimes has been devoted to improving the health and wellness of infants and children across the country.

Last year, in my home State of Michigan, the March of Dimes awarded over \$1.1 million to local researchers to support research to save babies; awarded more than \$255,000 in chapter community grants to local programs that support innovative ways to promote and protect maternal and child health; advocated for funding to maintain the Michigan Birth Defects Registry; worked to expand Michigan's newborn screening panel to include over 40 disorders; among many other achievements.

Volunteers like Michael and Suzy Fezzey, the recipients of this year's "John Dingell Hero for Babies Award," are the reason why the Michigan Chapter of March of Dimes is so successful.

Both Michael and Suzy have gone above and beyond to improve the health and well-being of all children. Together they have worked with Sweet Dreamzzz, to provide sleep education and bedtime needs for at-risk school children, as well as working with Yatooma's Foundation for the Kids to help children and families who have lost one or both of their parents.

Suzy also serves as a board member for The Arc of Oakland County, which works with children and adults with intellectual and development disabilities, while Mike has served as the Michigan State Chapter and Metro Detroit Board Chairs for March of Dimes.

Michael and Suzy serve as role models to those around them, giving of themselves to improve the lives of children and families in their community.

Together I have worked with the March of Dimes to pass the Affordable Care Act, to establish and expand the Children's Health In-

surance Program, and to advocate furiously for increased funding for research at the National Institutes of Health that will prevent birth defects, prematurity and infant mortality.

These are just a few reasons why I am proud to be an active member of my local March of Dimes chapter in Michigan, and why I am proud to call them my friends. The staff and volunteers at the Michigan Chapter are loyal advocates to improving this world for the next generation, and for more than four decades, we have worked hand-in-hand to fight for America's children, to ensure that every baby born in this country has a fighting chance.

Madam Speaker, I rise today to commend the March of Dimes Michigan Chapter for their support for lifesaving research and quality family support programs that help ensure Michigan's families can bring their children into this world healthy and happy. I look forward to working with them for many years to come.

RAY BELL

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. COOPER. Madam Speaker, today I rise to honor C. Ray Bell, a master builder who passed away on September 4, 2010. He was an outstanding member of the Nashville community, a lifelong activist, a leader in the construction industry, and my friend.

Mr. Bell was born in Scottsboro, AL and raised in Shelbyville, TN. He graduated from the University of the South in 1963 with an honors degree in English and throughout his life remained a very well-read man. He worked in construction in Shelbyville for 6 years before he came to Nashville and started Ray Bell Construction Company, Inc. in 1970. His company became the State's largest construction firm and led the most significant projects in Tennessee and the South for over 30 years. Mr. Bell was a self-made man who had the enthusiasm and drive to make his business a great success.

Ray Bell's company built everything: skyscrapers, interstate highways, bridges, prisons, stadiums, arenas and more. Many—including the Bicentennial Mall and Train Trestle, the Tennessee Performing Arts Center, the Shelby Street Bridge Rehabilitation and renovations to the Nashville Court House and Criminal Justice Center, Neyland Stadium and Thompson Boling Arena—quickly became renowned landmarks in Nashville's cityscape and throughout Tennessee. Mr. Bell knew how to bid projects, pinch pennies, cut costs and complete the job ahead of schedule without sacrificing quality. He was a perfectionist for his clients, making men and construction materials come together, even salvaging the work of other firms.

Ray Bell was often called a Renaissance Man because of his love for the arts, history and music. Mr. Bell's other passions included his family, politics and charitable organizations. When it came to politics, Mr. Bell firmly believed in bipartisanship and working together to accomplish common goals. He gave

generously to various charities and was active with the Tennessee State Museum Foundation, Easter Seals and the Arthritis Foundation.

And so, Madam Speaker, it is my privilege to ask my colleagues to join me in saluting Ray Bell's life and accomplishments. We are grateful for his passion for construction and politics and the decades of service and contributions he provided to Nashville and the people of Tennessee.

RECOGNIZING MARC HERBST FOR HIS CONTRIBUTIONS TO LONG ISLAND'S INFRASTRUCTURE

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge Marc Herbst, Executive Director of the Long Island Contractors' Association, who has been named the 2010 Construction Executive of the Year by the Long Island Chapter of the Construction Financial Management Association. No one deserves this recognition more than Marc.

Mr. Herbst is active in Long Island's business and labor organizations. He serves as Vice President of the New York Roadway Improvement Coalition and is a member of the Council of State Executives for the American Road and Transportation Builders Association. The Suffolk County Executive appointed him as vice-chair of the Suffolk County Wastewater Treatment Task Force, and he is an employer trustee for labor benefit funds. Previously, Mr. Herbst was a five-term member of the New York State Assembly, where he was ranking member of the Transportation Committee.

As you can tell, Marc has dedicated his life's work to making Long Island a better place for generations to come. We all know that infrastructure is essential for our safety and economic livelihood. Even throughout the economic downturn, Marc continued this fight and I am proud to have worked with him to move important infrastructure projects forward on Long Island.

Long Island is a better place because of people like Marc Herbst and for that I am grateful.

I am proud to recognize Marc Herbst for this honor and for the work he has done to strengthen Long Island's infrastructure and economy.

TAIWAN

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. POE of Texas. Madam Speaker, on October 10, 2010, the Republic of China will celebrate its 99th anniversary.

The government now in Taiwan was founded in mainland China before it was pushed out by a brutal, communist regime. The differences between the two governments today

is stark. While Taiwan flourishes as a democracy marked by passionate elections, China suppresses all political opposition, torturing and imprisoning anyone who dares to disagree. And yet we let China into regional and world bodies but keep the ROC out.

For example, Taiwan is not a member of the International Civil Aviation Organization. That means that when world leaders get together to talk about aviation regulation, Taiwan and the 35 million people that fly in and out of it each year are completely unrepresented.

So I urge my colleagues, on this 99th anniversary of the Republic of China, to call on the leaders in Beijing to allow Taiwan to participate in ICAO and other key international organizations like it.

And that's just the way it is.

RECOGNIZING THE 99TH ANNIVERSARY OF THE REPUBLIC OF CHINA (TAIWAN)

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. TOWNS. Madam Speaker, I rise today to offer my congratulations to the Republic of China on Taiwan on the occasion of the celebration of their 99th anniversary. Although it is commonly known as "Double Ten Day," this year, the anniversary can be called "Triple Ten Day," as it falls on the tenth day of the tenth month of the tenth year of this millennium.

This important date commemorates the Wuchang Uprising of October 10, 1911, which was the impetus for the fall of the Qing Dynasty in China, leading to the creation a few months later of the Republic of China, commonly known as Taiwan.

October 10 is the National Celebration Day in Taiwan. It is as important to the Taiwanese people as the Fourth of July is to Americans, and many American cities, including Chicago and San Francisco, have large celebrations to mark the occasion.

Sadly, the destruction and devastation caused by Typhoon Morakot last year caused Taiwanese President a to cancel the national festivities to pay respect to those who had lost their lives. Additionally, funds normally used for celebration were instead used to aid victims of the disaster.

Today, Taiwan is a valued partner of the United States and I extend my best wishes to Taiwan for a wonderful 99th anniversary this year, and I look forward to celebrating their 100th anniversary with them next year.

RECOGNIZING THE COMMUNITY OF NORTH PLAINS CENTENNIAL ANNIVERSARY

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. WU. Madam Speaker, I rise today to recognize the centennial anniversary of the

community of North Plains, Oregon. The celebration being held on Saturday October 2, 2010, is a tribute to the residents of North Plains, both past and present, whose years of hard work, persistence, and endurance is a reflection of the values embodied by their community.

North Plains is situated at the base of Oregon's Coastal Range, which houses one of Oregon's finest watersheds. North Plains is home to Pumpkin Ridge golf course and Bob Horning's hideout, whose music festivals and frisbee golf course attract visitors from across the country, along with numerous other locally owned businesses. At the heart of the North Plains community are picturesque farms, nurseries, and wineries which produce everything from Christmas trees and Halloween pumpkins to small fruits and world class wines. Each August, North Plains celebrates its agricultural heritage by hosting the world's largest elephant garlic festival—an event my kids and I look forward to participating in on our way to camping at nearby Stub Stewart State park, our most recently dedicated state park.

Former Oregon Governor Tom McCall once said: "Heroes are not giant statues framed against a red sky. They are people who say, This is my community, and it is my responsibility to make it better." The residents of North Plains are American heroes who have devoted their lives to making our country and their community better.

I ask my colleagues to join me in congratulating North Plains on this remarkable achievement. North Plains' history of land stewardship has been an asset to our state and region, and it serves as a model to be emulated. I am proud to serve a community with such a strong commitment to the livelihoods of its families, and I look forward to hearing of North Plains' ongoing successes in the years to come.

MARGARET-LEE THOMPSON

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. REICHERT. Madam Speaker, today I rise in recognition of a constituent whose lifetime of passionate and intensive work on behalf of developmentally disabled children and adults has been recognized at a national level.

Margaret-Lee Thompson, a resident of Redmond, Washington, and the coordinator of the King County Parent Coalition for Development Disabilities, was awarded the "Advocacy Matters!" honor by the Arc of the United States because of her efforts and courageous advocacy.

Ms. Thompson's adult son, Dan, has lived with disabilities his entire life. While focusing wholly on the daily needs of her son, Madam Speaker, Ms. Thompson identified a variety of inconsistent and wrong-headed policies and practices at different levels of government and local organizations. In 1990, seizing on a six-month grant opportunity to bring parents of the developmentally disabled and policy makers together, Margaret founded the Parent Coalition. Twenty years later, Ms. Thompson is nationally recognized as a committed, veteran

leader of an incredibly worthy movement. Her work and advocacy have changed hearts and minds, Madam Speaker.

The Parent Coalition—with Ms. Thompson as its leader—has three overarching goals: to work for a better future for people with developmental disabilities and their families through systems advocacy, to organize parent training workshops, and to inform families in King County, Washington about the developmental disabilities system at all levels. Under Ms. Thompson's leadership, the Coalition has accomplished its goals—and much more.

Madam Speaker, Margaret-Lee Thompson is a leader, an advocate, and a social entrepreneur. She's helped thousands of developmentally disabled individuals in King County and influenced thousands more policy makers, community leaders, and residents. After 20 years of leadership and advocacy, Ms. Thompson has finally received the type of recognition she so richly deserves. She's a selfless humanitarian, Madam Speaker, and I'm honored to call her a constituent, thank you.

OVERBROOK SCHOOL

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. COOPER. Madam Speaker, today I rise to recognize Overbrook School in Nashville, Tennessee. This year, Overbrook was named a National Blue Ribbon School, a tremendous honor from the U.S. Secretary of Education acknowledging Overbrook's outstanding scholastic achievement.

The Blue Ribbon Schools Program recognizes public and private elementary, middle, and high schools for excellence in academic achievement. Overbrook is one of only 304 schools nationwide to receive 2010 Blue Ribbon designation and is the only Nashville area school to be honored this year. Overbrook is also the first Catholic elementary school in Nashville to receive the coveted award.

Since it opened in 1936 as a co-educational, Catholic school, Overbrook students have pursued academic, cultural, and spiritual growth. Situated on the Dominican Campus in the heart of Nashville, students from kindergarten through eighth grade thrive in an environment that promotes academic excellence and a life of faith. Overbrook School is an institution that values a well-rounded education in a nurturing setting.

And so, Madam Speaker, it is my privilege to honor Overbrook School for being named a 2010 National Blue Ribbon School. I ask my colleagues to join me in saluting the students, teachers, parents and staff who have helped Overbrook School set a standard of excellence for elementary schools across middle Tennessee.

RECOGNIZING THE 140TH ANNIVERSARY OF THE SECOND BAPTIST CHURCH OF FALLS CHURCH

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize the Second Baptist Church of Falls Church for its 140th anniversary, themed "celebrating 140 years of service to God through prayer, worship and praise."

Founded shortly after the Civil War, the Second Baptist Church has grown from a small two-room cabin to a two-story church on "Baptist Hill." Not only has the Church served as a symbol and source of faith for the congregation, but it has also acted as a community center, opening its doors to various groups such as Girl and Boy Scout troops, nursery school classes, and other community organizations. The Second Baptist Church also has served the Falls Church community by founding the Food Bank and the S.H.A.R.E. Food Network.

This past week the Church hosted a series of worship services and community events to honor this momentous occasion. It will host a celebratory dinner on October 3 with a concert to conclude the week's events.

Madam Speaker, I ask that my colleagues join me in celebrating the 140th Anniversary of the Second Baptist Church of Falls Church. For 140 years the Second Baptist Church has served the community through prayer, worship and praise. I would like to extend my congratulations and thank the Church for its commitment to faith and to the community.

ON THE 130TH ANNIVERSARY OF THE FIFTH STREET BAPTIST CHURCH

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. SCOTT of Virginia. Madam Speaker, I rise today to congratulate a storied institution of faith in the Third Congressional District. This year, the Fifth Street Baptist Church is celebrating its 130th anniversary, and I would like to highlight some moments from the history of the church and its contribution to our community.

Fifth Street was organized in 1880 and first worshiped in the old Odd Fellows Hall on East Franklin Street. The church acquired land for a sanctuary on Fifth Street in 1882, and became known as Fifth Street Baptist. The first pastor, Rev. Henry Haywood Mitchell, served for 2 years. Under the pastorate of Rev. A.P. Dunbar, the new house of worship was completed and dedicated in 1886.

Fifth Street grew rapidly under the leadership of its third pastor, Rev. Wesley Paul Graham. At the end of one revival, Rev. Graham singlehandedly baptized 285 people in one afternoon. It was under his direction that the first Baptist Young Peoples Union in Virginia was established at Fifth Baptist. This Union

was influential in the plans to consolidate Richmond Theological Seminary and Wayland Seminary of Washington, DC into one institution—Virginia Union University. Rev. Graham served Fifth Baptist for 17 years, with the highlight of his pastorate being the 1900 Session of the National Baptist Convention hosted at Fifth Street Baptist.

Fifth Street flourished in Richmond during the turn of the century. Under the leadership of its fourth pastor, Rev. Thomas J. King, the first Deaconess board in the city was organized, and hundreds of new members were added to the church. It was also during Rev. King's ministry, on July 4, 1926, that a new sanctuary was dedicated at 705 North Fifth Street.

The Great Depression brought with it a share of challenges for Fifth Baptist. In response, the church called a pastor who had already built a church in Philadelphia and was proven as a skilled leader. On the first Sunday in February, 1930, Rev. Christopher Columbus Scott became the fifth pastor of Fifth Street Baptist Church, and he served the church for 36 years. During his years of service, the church celebrated the burning of its mortgage in 1946, installed a new 22 rank pipe organ in 1955, and led the city-wide celebration of Emancipation Day for many years, bringing nationally known speakers and rallies for civil rights to the church.

Changes in the city of Richmond brought changes to Fifth Baptist under the leadership of its sixth pastor, Rev. Henry Clayton Gregory III, who assumed leadership of the church in August 1967. New expressway construction and other municipal developments had geographically split the Jackson Ward/Navy Hill community. In response, the church rededicated its efforts to the community, serving as a command post for Dr. Martin Luther King, Jr.'s Poor People's March and establishing a Federal Credit Union for members. Fifth Baptist also looked to serve the world at large, building a medical clinic in Karnal, India.

In January 1974, Rev. Roscoe Dennis Cooper, Jr. was installed as the seventh pastor of Fifth Baptist. It was under his leadership that the church undertook the biggest change in its history. Citing growing problems with the location in Downtown Richmond, the church took the bold step to move 37 blocks away to a new property on Third Avenue. On Sunday, October 5, 1975, the church members marched these blocks to the church's new home in the Highland Park Community.

The church's eleventh and current pastor is Rev. F. Todd Gray. At the church's new location and under his leadership, Fifth Street has continued to minister to the needs of the community. Coming together with community neighbors, the church helped found the North District Community Development Corporation. Under this organization, the church, in conjunction with the Southern Tip Civic Association, The United Way, St. Elizabeth's Catholic Church, and other community groups, has provided numerous programs to the community including: computer training, test prep, job training, summer jobs for youth, and medical services. In 2005, the church dedicated a new Community Empowerment Center known as the G.R.A.C.E., God's Redemptive And Community Empowerment, Center.

As Fifth Street gathers to celebrate this historic milestone, the church can truly remember its past, celebrate its present, and focus on the future continuing to "bring the Kingdom to the Community!" I would like to congratulate current pastor Rev. Gray and all of the members of the Fifth Street Baptist Church on the occasion of their 130th anniversary.

**RECOGNIZING REVEREND DOCTOR
SAM E. MANN ON HIS RETIREMENT
FROM THE SAINT MARK
UNION CHURCH AND UNITED
INNER CITY SERVICES**

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. CLEAVER. Madam Speaker, I rise today in recognition of the achievements of Rev. Doctor Samuel E. Mann, an individual who has dedicated his life to helping the underserved in the Fifth Congressional District of Missouri, the District that I am honored to represent. This weekend, Reverend Mann is retiring, after 40 years as Pastor Administrator of St. Mark Union Church and executive director of United Inner City Services. In that capacity, he oversaw a budget of \$1.5 million annually, a sixty-two member staff and programs that included: child and family development, social services, and community development and street organizations and violence prevention.

He is a native of Eufaula, Alabama and a graduate of Birmingham Southern College, BA; Duke Divinity School, M. Div., and St. Paul School of Theology, D. Min. He is married to Dr. Beverly J. Brown, and is the father of three children and grandfather of seven.

Remarkably, Rev. Mann was a local preacher at the age of 15 years old at the First Methodist Church of Eufaula, Alabama; he was later the Associate Pastor of St. John United Methodist Church of Kansas City, Missouri, and sometime later, the Pastor of the First Methodist Church of Peculiar, MO, and Director of the Young Adult Projects, Inc. Rev. Mann was dismissed from both churches because of his views on race and peace.

As a long-time civil rights activist, Rev. Mann marched in numerous demonstrations, including the march for the garbage workers in Memphis, Tennessee, the march against the war in Vietnam, led by Dr. Martin Luther King, Jr., and was part of the U.S. delegation that visited with South Africa ANC leader Dr. Nelson Mandela shortly after his release from prison. Dr. Mann has also been jailed on several occasions for his participation in these activities. He served as a key participant in the national effort to respond to the burning of black churches in America. He has traveled to Nicaragua and China for various humanitarian efforts.

Rev. Mann was instrumental in the formation of Operation Break and Build, a street outreach organization that evolved out of the Urban Peace and Justice Summit in 1994. Its purpose was to assist street organizations, gangs, with transforming their lives via crisis intervention, education, economic development, addressing women's issues, and criminal justice.

He has been the recipient of many awards, including the NAACP Harold Holiday Award; the John M. Swomley Human Rights Award; the Elder Statesmen of Kansas City award; the MO Jazz award; the Sam Eason Award presented by Niles Home; the Black Archives of Mid-America award; the Beta Omega Psi Phi Fraternity Inc.'s Citizen of the Year Award; and many, many more. He is co-founder of the project "Reframing the Dialogue on Race in America." Through this national project, he attempts to address the problem of race by focusing on the issues of white supremacy and white privilege. Through training, he seeks to inspire ministries to address racism in their congregations.

His most recent project was the building of the \$4 million child care center, the St. Mark Child & Family Development Center, located at 2008 E. 12th Street in Kansas City, Missouri. St. Mark's is a state of the art child care facility that annually serves approximately 225 low-income families through its early childhood education program, before- and after-school program, and summer camp. Nearly 100 percent of the children are African American, with many living in single parent households in one of Kansas City, Missouri's poorest neighborhoods.

Rev. Mann is presently a leader working in concert with other agencies in making Kansas City a Zone Seven site to provide additional services in the urban core for the education of children. I am proud of the federal funding I helped secure for St. Mark.

Madam Speaker, it is an honor and privilege for me to recognize my friend, and colleague, the Reverend Doctor Sam Mann for his efforts to improve the education and quality of life in the Kansas City Metropolitan Area. It is with great pride that we honor Reverend Doctor Mann today for his commitment to the residents of Missouri. On behalf of the people of Missouri's Fifth Congressional District, I wish this thunderous preacher and fearless prophet a well-deserved retirement.

**HONORING HIGHLAND ELEMENTARY
SCHOOL IN INGLEWOOD,
CA**

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Ms. WATERS. Madam Speaker, I rise to honor Highland Elementary School in Inglewood, California, located in my district. Highland was recently named a Blue Ribbon School by the Department of Education, a coveted award recognizing high-performing and improving schools across our country. This year, Highland shares this distinction with 304 other schools among the thousands of schools in the United States.

Highland and its teachers, administrators, staff, students, parents and community members have really been on a roll. In addition to the Blue Ribbon award, the school was also named a California Distinguished School, and Highland is a two-time Title One Academic Achievement School and California Business School of Excellence.

I am very appreciative of the efforts by this Congress and this Administration to focus on education and the future of our young students. We must remain committed to improving schools and providing opportunity for all Americans to learn.

In my district, like many communities in urban America, test scores are below average, buildings are in disrepair, and graduation rates are too low.

I was so encouraged to hear about Highland's honor because one of the two ways to qualify for the Blue Ribbon award is by having schools with at least 40 percent of their students from disadvantaged backgrounds improve student performance to high levels.

Improving test scores early on is crucial to getting kids on the right path to a solid education and key to securing critical resources that will help our schools turn around.

I want to particularly honor Highland principal Susan Ippongi and Inglewood Unified School District superintendent Gary McHenry for their leadership and their dedication to schoolchildren in Inglewood.

I am looking forward to meeting them in November when representatives from the Blue Ribbon schools come to Washington to be formally recognized for their achievements.

I am very proud of Highland's ability to excel over adversity, and particularly proud of the young boys and girls who are studying hard for a bright future. They are giving Highland Elementary School, our community, our city and our country a good name.

HONORING ZOILA A. QUIÑONES

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, as we celebrate Hispanic Heritage Month, I rise to honor one of south Florida's finest community leaders, Zoila A. Quiñones.

Zoila was born in the city of Cabana, Peru and completed her studies at the prestigious Colegio Nacional Mercedes Cabello in Lima, Peru and graduated as a Commercial Accountant. She then went on to work at one of Peru's finest engineering and architecture firms, Graña y Montero, S.A., for 26 years.

In 1986, Zoila came to the United States from her native Peru to join her mother and brother in Miami, Florida. She started a career in the cargo industry and eventually founded her own company, Cabana International Corporation. She also began her activism within the Peruvian American community of south Florida and is today one of its most influential leaders. She is involved with various civic and business groups including the Peruvian American Coalition, the Chamber of Commerce of Florida, the Ancashina Association and the Peruvian Civic Unity.

For nearly 23 years, Zoila has also taken an active role in the democratic process by educating policymakers at all levels of government about issues important in the Peruvian American community, working to ensure that the United States and Peru strengthen diplomatic

ties, and helping shape legislation and policy towards Latin America. She has also been instrumental in fighting for small businesses, advancing economic growth in the United States and working towards free trade with Peru.

Zoila has earned the respect and trust of many in our community, dedicating herself to advancing the needs of the Hispanic community in the United States. I ask that you join me in honoring and thanking my good friend Zoila A. Quiñones, a true leader who loves and values freedom and works so that others may enjoy it.

THANKING TAEKWONDO GRAND MASTER JHOON RHEE FOR HIS 45 YEARS OF SERVICE TO MEMBERS OF CONGRESS

HON. ENI F.H. FALDOMAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. FALDOMAEGA. Madam Speaker, Grand Master Jhoon Rhee is a man of rare character. An immigrant from South Korea who came to the United States in the 1950s, later to be known as the "Father of American Taekwondo," he has become an American symbol of patriotism, service, and excellence.

Today, we celebrate Grand Master Rhee's 45 years of service sharing his wisdom, experience, and knowledge as a Taekwondo instructor with over 350 members of Congress. Yet beyond the contributions he has made to members of Congress for almost half a century, Grand Master Rhee has served this country through countless acts of service. Thought time does not permit me to share them all, please allow me to share some of the highlights today and give due honor to a man who truly makes me proud to be an American.

Born on January 7, 1932 in South Korea during the period of Japanese occupation, Mr. Rhee began training in the martial arts at the age of 13. Serving as an officer in the Korean War, Rhee fought alongside American soldiers, where he gained a deep appreciation for the country that he now calls home.

Rhee immigrated to the United States in 1956, introducing Taekwondo to the Nation. A World-renowned 10th Degree Black Belt, he has instructed and inspired students around the world. In addition to the over 350 members of Congress he has instructed over the past 45 years, Grand Master Rhee has also shared his wisdom and knowledge with the likes of Muhammad Ali, Jack Anderson, George Allen Sr., Bob Livingston, Tony Robbins, and Jack Valenti.

Yet his service does not end here. In 1983, Mr. Rhee—a symbol of patriotism—served as National Chairman of the July 4th, 1983 Nation's Birthday Celebration. In 1984, President Ronald Reagan appointed him to the National Council on Vocational Education, where he created National Teacher Appreciation Day—a day of honor for our Nation's educators which was signed by President Ronald Reagan on October 16, 1986, and continues today.

From 1988 to 1991, he served as President George H.W. Bush's appointment as Special

Advisor to the President's Council on Physical Fitness & Sports, and on March 17, 1992 he was selected as the President's 721st "Daily Point of Light"—an award that honors individuals and volunteer groups around the country who are helping to meet critical needs in their communities.

In 1999, Rhee received the American Immigrants Achievement Award and the National Association of Professional Martial Arts, NAPMA, Life Time Achievement Award, and in 2000, he became the only Korean-American named by the National Immigrant Forum and the Immigration and Naturalization Services as one of the 203 most recognized immigrants in the country, along with Albert Einstein, Alexander Graham Bell and 200 others. Rhee was also inducted into the Taekwondo Hall of Fame in 2007 as both the "Pioneer of American Taekwondo" and the "Pioneer of Taekwon-Do in Russia." He currently has over 60 affiliated Tae Kwon Do studios in the U.S. and 65 in the former Soviet Union.

It takes but a moment in Grand Master Rhee's presence to sense his honor for this country and to see that he truly exemplifies the American spirit. He is a living reminder of the goodness of this nation to the U.S. and the world. I must echo my dear friend, Congressman Ike Skelton, who once said, "I might say Master Jhoon Rhee has become a national treasure."

But what better way to gain a deeper sense of this man's rare patriotism and love for America, than in his own words. In a recent statement shared with my office, Grand Master Rhee wrote, "I fought the Korean War side by side with American soldiers, who came to defend a country they never heard of, people they never knew. This is why I wanted to do something for what America had done for my motherland, Korea, with what I can do the best, TKD [Taekwondo]. The sense of my gratitude for America gave me the energy to get up 5 AM, 3 mornings a week for the last 45 years to teach over 350 members of U.S. Congress, as my volunteer service; I will give 5 more years to make it five decades of my service."

Reflecting on the strength of this nation, Grand Master Rhee stated, "I became curious what made America so great. In my sincere search for the roots of America's strength, I found the noblest mission statement ever written by any country in history. American Founding Fathers wrote the 'Mission Statement of America' to place upon America the responsibility of serving as the vanguard nation for the moral and political Freedom of all mankind, not just for American people. No wonder, why Alexis De Tocqueville, a French Juror in 1831, wrote: 'America is great because She is good; if America ever ceases to be good, America will cease to be great.'"

Today I ask my fellow members of Congress to honor a man whose character, patriotism, and heart of service calls for our sincere respect and gratitude. Grand Master Rhee, today I celebrate and thank you for your 45 years of service to the members of this Chamber and the Senate. More importantly, I thank you for your example to the citizens of this Nation—for increasing the hope within each of us, for reminding us of the beauty and strength of our nation, and for inspiring individ-

uals and groups of every walk of life to continually press towards the call to take it higher and make it better.

TRIBUTE TO GENE YEAGER

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. CALVERT. Madam Speaker, I rise today to recognize and honor the life of Ernest Eugene "Gene" Yeager, a successful businessman, philanthropist, outstanding community member and close personal friend of mine. On Sunday, September 5, 2010, Gene passed away at the age of 85. Although Gene has passed on from this life, he leaves a lasting legacy of generosity and accomplishment that will never be forgotten.

More than 700 people gathered to pay tribute to Gene at the California Baptist University quad, just behind the center that bears his name. The two-hour service brought together people throughout the community that Gene touched during his life, including industry leaders, former employees, friends and family members. Gene's life tells the tale of a man who turned his business empire into a conduit for blessing the lives of people around him.

Gene Yeager was born in Riverside in 1924. He graduated from Poly High School in 1942 and studied engineering at the University of California at Berkeley. In 1943, he enlisted in the U.S. Navy and was appointed to the U.S. Naval Academy. After World War II ended, he returned to Berkeley, where he received his bachelor's degree in civil engineering. Together with his two brothers, Richard and Jacques, they went to work for their father, Ernest Louis Yeager, who founded E.L. Yeager Construction Company in Riverside in 1919. Gene ran the public works side of the operations business which worked on projects to improve major freeways, dams and bridges. The brothers turned the business into one of the largest public works and private construction companies in the United States, and one that changed the landscape of Southern California.

With Gene at the head, the Yeager Company rebuilt two bridges that collapsed in the 1994 Northridge earthquake, built the Highway 91/Interstate 15 interchange in Corona, built the dam at Lake Perris and helped erect the Auto Club Speedway in Fontana.

After Richard was killed in a traffic accident in 1979, Gene and Jacques continued to run the company until 1995, when they sold it to a group of senior managers. In 2002, the business was sold to Skanska, the Swedish construction giant.

Through the years, Gene had become a leader and an industry icon. He is remembered just as fondly by his construction workers as he is with the people at Skanska, because of his intense work ethic and generous heart.

After retiring in 1995, Gene set about traveling the world with his wife, spending time with his family and generously making donations to worthy causes in the Riverside area, including a \$1 million endowment to fund environmental research and scholarships at the University of California at Riverside.

In fact, his charitable work earned him "guardian angel" status in Riverside. Everyone that knew Gene, knew that he gave from the heart, and did so without any desire for recognition.

In addition to his wife, Billie, Mr. Yeager is survived by sons Ken, of San Jose, and Tom, of Riverside; daughters Beth, of Norco, and Louise, of Newport Beach; stepchildren Terri, of Riverside, and Doug Moore, of Rancho Cucamonga; brother Jacques, of Riverside; nephew Jacques Jr., of Riverside; and 13 grandchildren and two great-grandchildren.

On behalf of all those who knew him, it is an honor to offer these remarks as a tribute to the life and legacy of my friend Gene Yeager. His life and presence will be sorely missed and I extend my condolences to his dear family and friends.

ON THE 110TH ANNIVERSARY OF
SIXTH MOUNT ZION BAPTIST
TEMPLE

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. SCOTT of Virginia. Madam Speaker, I rise today to congratulate a historic institution of faith in the Third Congressional District. This November, Sixth Mount Zion Baptist Temple will celebrate its 110th anniversary, and I would like to highlight some moments from the history of the church and its contributions to our community.

The seeds of Sixth Mount Zion were originally planted in 1900, when transplanted citizens from Charles City County and Richmond, working in the Newport News Shipyard, sought to establish a Missionary Baptist Church in the area. The first services, officiated by Rev. N.E. Nelson, were held in a private home on 22nd Street in Newport News. Rev. Chase Patterson assumed control of the church for a brief period, and started to organize Sixth Mount Zion as a Missionary Baptist Church.

Third Pastor Rev. W.M. Greene continued to organize the church, founding a Recognition Council to establish the congregation as an independent body, and in November 1901, that recognition was granted. After this initial establishment, Sixth Mount Zion Baptist Church went through 19 pastors until the church installed Rev. W.J. Brown as pastor in 1912. During this era the church worshipped in a borrowed building on 24th Street.

Rev. Brown served Sixth Mount Zion faithfully for 45 years until his death in 1957. He was succeeded by Rev. James Melvin Owens, who was installed as pastor in 1959. That same year, a fire destroyed the church building, but through the faithfulness of the congregation, a new building was built in the footprint of the old one at 643 24th Street.

Rev. Owens passed away in 1964 after 6 years of service to Sixth Mount Zion. The search for the next pastor took over a year, but on June 19, 1966, Rev. M. Ivory Jefferson was installed as the official pastor. One of his first actions, the establishment of a building fund, proved to be essential, when the rede-

velopment plans of the city of Newport News forced the church to relocate. Sixth Mount Zion met in several different locations from 1973 to 1976. In June of that year, the church purchased a site at 2003 Kecoughtan Road in Hampton, and the church was renamed Sixth Mount Zion Baptist Temple. The building was finally completed in 1978.

The move to Hampton was not the only change under Rev. Jefferson. During his tenure, the church also began a radio ministry, arranged annual interstate worship trips, and trained and ordained two Associate Ministers. Rev. Jefferson retired in 1996, and Sixth Mount Zion elected Assistant Pastor Rev. Jerome A. Barber to serve as head pastor in 1997.

The church has grown significantly from 300 to over 4,000 members since Rev. Barber's installation. The church has also been involved in outreach ministries in both Virginia and abroad. Sixth Mount Zion has mobilized action in Kenya, Uganda, and most recently Brazil, providing medical clinics, teacher workshops, and conferences for women and youth.

With its rapid, recent growth, the church outgrew its Kecoughtan Road location. In January 2001 the church moved to its present location at 3100 Butternut Drive in Hampton. In 2002, Rev. Barber established the Six House at the Temple's old Kecoughtan Road location, where the church holds education programs for children, young adults, and lifelong learners.

As Sixth Mount Zion Baptist Temple gathers to celebrate its 110th anniversary, the church can truly remember its past, celebrate its present, and focus on the future with great expectations. I would like to congratulate Rev. Barber and all of the members of Sixth Mount Zion Baptist Temple on the occasion of their 110th anniversary. I wish them many more years of dedicated service to the community.

RECOGNIZING THE BIRTHDAY OF
THE LATE MARY CHURCH
TERRELL

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. COHEN. Madam Speaker, I rise today to recognize the birthday of the late Mary Church Terrell, a scholar, political activist and woman of compassion. Mary Church was born in Memphis, Tennessee to Robert and Louisa Church on September 23, 1863, the same year President Abraham Lincoln signed the Emancipation Proclamation.

Knowing the importance of an education, Ms. Church attended Oberlin College in Ohio, the first institution to admit women and one of the first to admit minorities. Upon her graduation in 1884, Ms. Church became one of the first African American women to graduate from college. She then went on to receive her Master's degree from Oberlin in 1888.

After graduation, Ms. Church moved back to Memphis and traveled to Europe before moving to Washington, DC where she married attorney Robert Herbert Terrell in 1891. During this time Mrs. Terrell took an active role in so-

cial reform and volunteer work. She befriended Susan B. Anthony and was active with the suffragist movement, working at the National American Woman Suffrage Association and several other black women's suffragist organizations.

Mary Church Terrell broke barriers by becoming the first African American woman to be appointed to the District of Columbia Board of Education from 1895-1906. She was also active in multiple black women's organizations, all of which strove to terminate both gender and racial discrimination. She was the architect of the merger of these clubs, forming the National Association of Colored Women (NACW) in 1896, becoming the organization's first president. She served as president until 1901 when she was named the honorary president for life.

In 1909, Mary Church Terrell, along with Ida B. Wells, befriended W.E.B. DuBois and later became a charter member of the National Association for the Advancement of Colored People. In 1910, Mrs. Terrell founded the National Association of College Women in 1910 and in 1913 assisted in the formation of Delta Sigma Theta Sorority Incorporated where she wrote the sorority's creed. In 1933, Oberlin College recognized her as one of its one hundred outstanding alumni during their centennial celebration. Oberlin conferred upon Mrs. Terrell the honorary Doctorate of Humane Letters in 1948.

Mary Church Terrell passed away at age 90 on July 24, 1954, two months after the monumental Brown vs. Board of Education decision. From the signing of the Emancipation Proclamation to the Brown vs. Board of Education decision, Mary Church Terrell was here to witness great social reforms for African Americans. Hers was a life well lived.

HONORING CHIEF RON REEVES OF
THE CHANDLER POLICE DEPARTMENT

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. HENSARLING. Madam Speaker, today I honor Chief Ron Reeves, who is celebrating 30 years as the Chief of Police of Chandler, Texas.

Chief Reeves was appointed Chief of Police for the Chandler Police Department in 1980, after joining the department in 1979 as a reserve officer. Ronnie, as most people affectionately know him, has served the citizens of Chandler well over the past 30-plus years. Not only has he served the community, but he and his wife, Barbara, chose to raise their three children, Stephanie, Jessica and Matthew in this East Texas town and make it their home.

Chief Reeves is licensed as a Master Peace Officer for the State of Texas. Throughout his years of service, Chief Reeves has given countless individuals their initial start in law enforcement. Those he mentored have gone on to serve our communities and the State of Texas in the Texas Attorney General's Office, the Henderson County Sheriff's Office, as an elected constable, and countless chiefs of police.

Chief Reeves even took the initiative to form the Chandler Police Explorers program that gives young people the opportunity to see firsthand how law enforcement protects and serves their community. His desire to serve his community continues at his local church where he serves as the children's ministry leader.

It has been said that Ronnie's lifelong desire has been to help people in need, to make a lasting difference in his community and to leave a legacy of service, compassion, fairness and honor. As the representative for the Fifth District of Texas, I would like to say job well done, Chief. I thank you for your service, sacrifice and commitment for over 30 years to the Chandler community.

200TH BIRTHDAY OF ELIZA
MCCARDLE JOHNSON

HON. DAVID P. ROE

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. ROE of Tennessee. Madam Speaker, today I recognize the birthplace of Mrs. Eliza McCardle Johnson, born October 4, 1810 in Washington County in Tennessee. October 4, 2010 will mark her 200th birthday.

Eliza's birthplace is the present day site of McCarty Cemetery, Telford, TN on Highway 11-E, just four miles west of Jonesborough, Tennessee.

In May of 1827, Eliza McCardle married Andrew Johnson, who went on to become the Governor of Tennessee, the Vice-President of the United States, and eventually, the 17th President of the United States.

Ms. Eliza became the First Lady of Tennessee and the First Lady of the United States. She stood by her husband and served as his faithful advisor until her death.

Even today, the Andrew Johnson Historical Museum is located in Greeneville, TN, where the Johnsons established their home.

Madam Speaker, I recognize and honor the First Lady of Tennessee, Mrs. Eliza McCardle Johnson, born in Washington County. I am proud to reside in east Tennessee, the same dwelling place as her and her husband.

CELEBRATING FIRST BAPTIST
CHURCH 175TH ANNIVERSARY

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. GINGREY of Georgia. Madam Speaker, I would like to recognize the First Baptist Church of Cedartown, Georgia for their 175th anniversary. First Baptist was built in 1835 and has been a landmark in my district for many years.

The church gives back to the community through different programs which include scholarships for aspiring ministry students, financial assistance to the disadvantaged, providing volunteers and food for the local food pantry, and sponsoring a support group for

those who have lost a spouse—just to name a few. First Baptist and its members provide immeasurable aid to those most in need in Cedartown, and for that I know the community is most grateful.

First Baptist's charity work also reaches far outside of Georgia—the church has maintained its leadership in missions by sponsoring individual missionaries in Germany and the Middle East.

Madam Speaker, I am extremely proud of First Baptist's accomplishments, and I would like to ask my colleagues to join me in congratulating them on their 175th anniversary.

GEMSTONE FOUNDATION

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. BERMAN. Madam Speaker, I rise today to recognize the Gemstone Foundation, a not-for-profit organization in my home state of California working to improve reading skills of low-performing students.

The Gemstone Foundation's work is based on the theory that many students with poor or below grade level reading skills suffer from low "eye-brain coordination". Their research shows that children who read below grade level often have problems with coordinating the two eyes, tracking and scanning, or re-focusing their eyes rapidly. Most students' eyes glide across a page as they read without difficulty; however, up to 50 percent of poor readers experience one of the problems Gemstone identified. This may prevent those readers from being able to finish reading a line without stopping or skipping, significantly impairing their reading and comprehension.

Through an innovative, computer- and Internet-based course, Gemstone helps people who demonstrate ocular discrepancies to train their eye muscles, improving their reading abilities. In 2009, the foundation used ARRA grant funding from the National Institutes of Health to complete a pilot project of their technique at a Los Angeles Unified School District campus. Low performing elementary school students who participated in the project, called "The Eyes Have It!", demonstrated an average 25 percent improvement in reading fluency in just two months.

I applaud the Gemstone Foundation for their special focus on helping people who otherwise would not have access to visual skill development programs: children in low-income or low-performing schools; juvenile offenders; and people in adult literacy programs. I commend the foundation and its board members for their work and encourage my colleagues to learn more about it.

A TRIBUTE TO WAYNE WILTSHIRE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Wayne Wiltshire for his achievements in the healthcare field.

Mr. Wiltshire is a graduate of Canarsie High School, and received a Bachelor's Degree in Urban Politics from Shaw University. He went on to earn a Master's Degree in Community Health from Long Island University and a Law Degree from Concord University.

Wayne Wiltshire began his career in health care as Administrator for Emergency Ambulatory Care Services at Cumberland Hospital. He then became the Associate Executive Director at Woodhull Hospital, which he helped open in 1982. During his time at Woodhull, he opened In-Patient, Emergency, and Psychiatric services. He then returned to renovate the new Cumberland Diagnostic and Treatment Center, and served as Cumberland's Executive Director for eight years. Following his time at Cumberland, he was transferred to Bellevue Hospital, where he served for five years as the hospital's first African-American Associate Executive Director for Psychiatry and Emergency Services. Mr. Wiltshire also worked as an Adjunct Professor at St. Joseph's College in Brooklyn and owned his own ambulette service, Health Link Incorporated, with his family.

Mr. Wiltshire is currently the Chief Executive Officer of Paul J. Cooper Center for Human Services, formerly the Brownsville-Ocean Hill Mental Health Service. While at Paul J. Cooper Center for Human Services, he relocated the Administrative, Mental Health, and Chemical Dependency Services to new state of the art facilities.

Mr. Wiltshire and his wife Donna, a 30 year health professional, celebrated their 24th wedding anniversary in July. Together, they have four children and five grandchildren.

Madam Speaker, I urge my colleagues to join me in recognizing the contributions of Wayne Wiltshire.

RECOGNIZING THE DALE CITY
VOLUNTEER FIRE DEPARTMENT
FOR WINNING THE 2010 GREEN
BUSINESS REGION AWARD FROM
THE WASHINGTON BUSINESS
JOURNAL

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize the Dale City Volunteer Fire Department for winning the 2010 Green Business Region Award from the Washington Business Journal. The fire department joined the effort toward building a more sustainable environment with the opening of its new green station.

The new station includes environmentally sustainable amenities such as energy-efficient heating and cooling systems, motion-sensor lights, two balconies featuring green roofs, and a new fitness room with a scenic view providing an area for the firefighters to exercise and relax. The new station also includes an 11,000-gallon tank under the front yard, which collects rainwater that is used for irrigation. In addition, the new station's design helps to protect more than an acre of land that will be preserved as a natural habitat.

Madam Speaker, I ask that my colleagues join me in recognizing the Dale City Volunteer Fire Department for its contributions to the community. As protectors of the community, the firefighters of Dale City also serve as leaders in the growing initiative to protect and preserve the environment.

TASTE WASHINGTON DAY

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. INSLEE. Madam Speaker, today is Taste Washington Day, when more than sixty local schools and fifty local farms in my home state team up to celebrate Washington-grown produce and teach kids about healthy eating habits by featuring locally-sourced meals in the school cafeterias.

The Washington State Department of Agriculture (WSDA) Farm-to-School Program and the Washington School Nutrition Association (WSNA) have partnered with local schools to feature Washington-grown foods in their school meals. From fresh-dug potatoes in potato salad to just-picked lettuces in fresh salads, this state-wide event is a great opportunity for students, teachers, and parents to consider where their food comes from, how it is produced and the benefits of a healthy diet.

Washington state is one of the most productive growing regions in the world. Our \$38 billion agricultural industry is one of the cornerstones of our state's economy and supports over 160,000 jobs. If the Midwest is our nation's breadbasket and California our salad bowl, then I submit that Washington is our nation's fruit stand. We may be famous for our apples, which constitute 59 percent of U.S. production, but we also rank first in our nation's production of sweet cherries, red raspberries, hops, and pears. Our rich soils, unique climate and hard-working growers produce a wide array of agricultural products like wheat, potatoes and wine grapes for local, regional, national and global markets. Our geographic location and deep-water ports make us well positioned for global trade. Nearly \$14.8 billion in food and agricultural products were exported through Washington ports in 2008, the third largest total in the U.S.

Our agricultural bounty supports a \$13 billion food processing industry that employs thousands of Washingtonians. Washington is the leading U.S. producer of apple juice and a leading producer of grape and berry juices. It also has a vibrant and growing wine industry and is the second largest wine producer in the nation with over 600 wineries. We have a strong and productive food and agriculture industry that feeds and employs people in every single county in Washington. Agriculture has been and will continue to be a strong part of our state's economic and cultural identity.

Taste Washington Day offers our kids a chance to establish a deeper connection and develop a better understanding of our state's food system, from farm to fork and each step in between. The more opportunities our children have to learn about the people, time, effort and resources necessary to turn a seed

into a crop, the more they will appreciate the food on their plates. As the next generation, it will be up to them to continue our state's agricultural heritage and history.

The valuable and delicious lessons learned through events such as Taste Washington Day will help them carry on our state's proud traditions.

Nutrition is another key element of Taste Washington Day. Right now, Americans are not eating enough fruits and vegetables. For the sake of our nation's health, we need to find ways to instill healthy eating habits in our children, including eating more fruits and vegetables. The more exposure kids get to fresh, healthy foods, the more they will choose them. Pilot programs in Washington state schools that promote salad bars and healthy choices have shown us that given options, kids will choose fruits and vegetables over prepackaged, processed items. The Washington School Nutrition Association helped school districts put together the menus for today's event, showcasing local produce in healthy menu items, a win for local farms and local kids. Taste Washington Day shows kids that the healthy choice can also be a tasty choice.

I encourage my colleagues to take a look at the relationships Washington schools and farms are building and lessons they are teaching on Taste Washington Day and explore ways they can support such efforts in their own districts.

ON THE 50TH ANNIVERSARY OF
THE SERVICE OF BISHOP SAMUEL L. GREEN, JR. AT ST. JOHNS CHURCH OF GOD IN CHRIST,
NEWPORT NEWS, VIRGINIA

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. SCOTT of Virginia. Madam Speaker, I rise today to honor Bishop Samuel Green, Jr., Pastor of St. Johns Church in Newport News, Virginia. This is the 50th anniversary of Bishop Green's service to St. Johns and the people of Newport News, and I would like to take this moment to recognize some of his numerous accomplishments during that time.

A native of Norfolk, Virginia, Bishop Green is a graduate of Booker T. Washington High School. He studied at both Norfolk State University and Old Dominion University, and received his Master's in Divinity and Doctorate of Ministry from Norfolk Seminary and College. Bishop Green married his childhood sweetheart, Vivian Frazier Green in 1946. They were married for 61 years and had nine children. A true partner in his ministry, Mrs. Green passed away in 2007.

Bishop Green became pastor of St. Johns in 1960. In this position, Bishop Green has been an extraordinary shepherd over a vibrant and growing flock. He has served on countless church and community boards and commissions, and his exceptional service has earned him honors and citations from the Clergy Economic Education Foundation, the Southeastern Tidewater Opportunity Project, and the

cities of Norfolk and Roanoke. Bishop Green has received an Honorary Doctorate of Divinity from Trinity Hall College and Seminary and an Honorary Bachelor of Arts in Biblical Studies.

In 1973, Bishop Green was appointed Prelate of the Second Jurisdiction, State of Virginia, by the Presidium Board of the Churches of God in Christ, Inc. He was named successor to his mentor, the late Bishop D. Lawrence Williams. Under Bishop Green's leadership, the 52 church jurisdiction has grown to 72 churches. In 1984, Bishop Green was elected to the General Board of the Churches of God in Christ, Inc. He is currently serving his sixth term in office.

In 1978, Bishop Green announced to his congregation that he had been called to establish the Faith for Living Television Outreach Ministry. Starting with a group of 120 supporters, the ministry has grown to the point where Rev. Green now owns WJCB TV-49. The ministry, honored by the National Religious Broadcasters Association, sponsors a television program that airs nationally on the Inspirational Cable Network (INSP) on Sunday mornings.

On the occasion of his 50th anniversary, it gives me great pleasure to recognize and commend Bishop Samuel L. Green, Jr. for his service and dedication to the parishioners of St. Johns Church of God in Christ, the people of Newport News, and the Commonwealth of Virginia.

HONORING COLBY MARSHALL

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. WALDEN. Madam Speaker, I rise today to pay tribute and express gratitude to Colby Marshall, a very special individual who recently traded in his public service in the Congress for public service in his community and dedication to his family's half-century old ranching business in eastern Oregon.

Colby was born and raised in the rural high desert area of Burns, Oregon, near Riley, where his parents Gary and Georgia still operate the Broken Circle Ranch. Colby recently returned "home on the range" after 8 years of selfless service to the people of Oregon's Second District. His transition to the ranching business continues a proud family tradition five generations in the making.

In 1993, Colby graduated from Burns High School and went on to attend college at Ambassador University in east Texas, where he met his beautiful bride of 15 years, Shelley, whose family has ranched in and around Pendleton and been involved with the world-famous Pendleton Round Up Rodeo and Happy Canyon Pageantry Show for 100 years. Together, Colby and Shelley have two wonderfully charming children: seven-year-old daughter Hadley and nearly-four-year-old son Wyatt.

Colby graduated Magna Cum Laude with a bachelor of science in agriculture business management in 1999 from Eastern Oregon University. He worked several jobs to put himself and Shelley through school: he drove a mail carrier truck, tutored his peers, worked at

the local grain co-op, and fought wildfires with the elite La Grande Hotshots. He still found time to rise to president of the student body. Little wonder he was honored with the Outstanding Agriculture Graduating Senior Award and Outstanding Student Leadership Award.

Colby got his first taste of Congress as an intern for Chairman Bob Smith, my predecessor in the Second District, on the Committee on Agriculture. Post-college, he worked for Pendleton Grain Growers before serving as Eastern Oregon University's alumni and government relations director. While there, he oversaw the formation of an alumni board of directors and helped lobby successfully for \$32 million to construct the EOU Science Center, a state-federal-private shared enterprise.

In 2002, I made the very wise decision to hire Colby. He remained in my office for the next 8 years. Colby spent 2 years managing my central Oregon office in Bend before moving with Shelley to Washington, DC to manage natural resources and energy policy.

Colby helped shepherd key bipartisan bills through the legislative process, including the Forest Emergency Recovery and Research Act, the Secure Rural Schools and Community Self Determination Reauthorization, and the Mount Hood Stewardship Legacy Act. Colby managed a package of bills aimed at improving watersheds and water supply—an exceedingly important and delicate issue in the arid lands of eastern Oregon. The Oregon Water Resources Management Act contained four different acts—all became law with overwhelming bipartisan support.

The last major act Colby handled was the Healthy Forests Restoration Amendments Act, which would give federal foresters the tools they need to bring our sick national forests back to health and put people back to work in the forests again. This bipartisan legislation is vital to the rural West. I am hopeful we will carry across the finish line the good work that Colby started.

Colby returned to eastern Oregon in January 2008 to open my office in La Grande—the first ever congressional office on the east side of the State. In July 2009, Colby moved to Bend to once more manage the central Oregon office while continuing to oversee the operation in La Grande.

In March 2010, Colby transitioned out of my office and returned to the family land and livestock business. He is now a manager of the Broken Circle Company, the holding company for Broken Circle Ranch. He and his family live on the ranch 27 miles outside of Burns. His daughter, Hadley, attends the same one-room school that Colby and his mother both attended.

My colleagues, please join me today in paying tribute to Colby and his family as they turn to their new form of service. His unflinching dedication and faithful service will not soon be forgotten by myself or the many people whose lives he enriched through his outstanding work. While I will miss his counsel, I look forward to his close friendship for many years to come.

TRIBUTE TO DERRILL YAEGER

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. CALVERT. Madam Speaker, I rise today to recognize and honor the life of Derrill Yaeger, a close personal friend and prominent attorney in the Inland Empire. On Sunday, September 5, 2010, Derrill passed away at the age of 83. He will be deeply missed.

Derrill was born on April 2, 1927, in Lincoln, Nebraska. He attended La Sierra Academy and served as a surgeon's assistant in the Army Medical Corps in World War II. He went on to receive a business degree from La Sierra College and became the founding manager of the Alumni Association of the Loma Linda University School of Medicine. Derrill eventually resigned from the Alumni Association to pursue a law degree, and while attending law school at night at the University of Southern California, Derrill worked as an investigator for the Office of the Los Angeles City Attorney. Upon graduation, he joined the Corona firm established by Walter Clayton in 1910, where he practiced business and real estate law for 45 years. He became a principal shareholder with the firm which is now known as Clayton, Mann, Yaeger and Hansen.

Known for being in his office by 4:00 a.m. many mornings, Derrill built a legacy of well-planned residential and commercial development in Corona, Riverside and Beaumont, and became a leading expert in real estate law and development. His clientele ranged from La Sierra and Loma Linda Universities, to 3M Corporation and the Bren Company. He even served as personal attorney to musician and television star Desi Arnaz for many years.

Through one of his projects, Derrill worked to lift a moratorium on major land development in Corona and worked with the city to create a thriving community south of Ontario Avenue. He also helped Loma Linda University market 300 acres of sheep pasture for development that included homes and a medical plaza, and also provided support for the University's endowment.

Outside of his law career, Derrill remained very active in his community. He was a member of the Loma Linda University Board for 16 years, served on the Board of Directors and as legal counsel to Corona Community Hospital and the Versacare Corporation and later the Versacare Foundation. He also served as the President of the La Sierra University Alumni Association where he was awarded alumnus of the year. La Sierra University even renamed its new entrance road "Yaeger Way" in Derrill's honor. He was also a member of the Corona Lion's Club for many years. In May 2000, Derrill was given the "Humanitarian of the Year" award at Loma Linda University in recognition of his generous donations and tireless efforts on behalf of the University.

As a longtime member of the Victoria Club in Riverside, Derrill served as Club President from 1994–1995. A decade later, Derrill had the proud honor of witnessing his son, Kurt Yaeger, serve as president from 2005–2006, which was a rare honor.

Though his professional accomplishments were many, Derrill will be remembered for his

kindness, integrity, and generosity, which was felt by those around him. Undoubtedly a busy man, Derrill tried to balance his professional life with his personal life, and often acknowledged that spending time with his family was what gave him the most joy. His children fondly remember the cherished time they spent as a family over the dinner table on Sunday nights, a tradition kept through the years.

Derrill is survived by his wife of 59 years, Frances; daughter, Nedra Yaeger; daughter-in-law, Andrea; and grandchildren Jacqueline, Elizabeth, Emily and Adam. Sadly, Derrill's son Kurt recently preceded him in death.

On behalf of all those who knew him, it is my honor to offer these remarks as a tribute to the life and legacy of my friend Derrill Yaeger. His life and presence will be sorely missed and I extend my condolences to his dear family and friends.

INTRODUCTION OF FEDERAL EMPLOYEE DISABILITY INSURANCE ACT OF 2010

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Ms. NORTON. Madam Speaker, I rise to introduce a bill to offer Federal employees supplemental disability insurance at no cost to the Federal Government. My bill will allow Federal employees to collect disability benefits to replace a portion of their income if they become unable to work because of a non-work related injury or illness. While the Federal Government does offer non-work related disability benefits to Federal employees, they do not protect the lost income of employees who become disabled but who have not been employed by the Federal Government for at least 18 months, or 5 years as the case may be, and are disabled for less than 1 year. Under current law, Federal employees hired before 1984 who become disabled for more than 1 year are eligible to collect their Federal employee retirement pension if they have 5 years of creditable civilian service, while Federal employees hired after 1984 who become disabled for 1 year or more cannot collect such benefits unless they have been employed by the Federal Government for 18 months or more. Without the disability insurance option that my bill will offer, a Federal employee who becomes disabled, even for a short time, is at risk of financial ruin.

My bill is also significant because, although it will require Federal employees to pay 100% of premiums, the purchasing power of the Federal Government will allow Federal employees to pay lower insurance premiums and will not exclude those with preexisting conditions. A Federal employee can still elect to purchase disability insurance in the private marketplace, but they may face higher premiums or even be denied coverage altogether because of a pre-existing condition. This bill is a much needed supplement to the insurance benefits currently available to Federal employees.

I urge my colleagues to support this bill.

THE STEM TO STEAM RESOLUTION

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. LANGEVIN. Madam Speaker, today I introduced the STEM to STEAM resolution, which recognizes the importance of art and design in the Science, Technology, Engineering and Mathematics (STEM) fields.

Art and design advance the understanding of STEM learning and collaboration. In classrooms and laboratories across the country, the innovative practices of art and design play an essential role in improving STEM education and advancing STEM research. In order to strengthen the pipeline of future artists and designers, we must add STEAM to legislation that shapes the future of our education system, especially the Elementary and Secondary Education Act and the America Competes Act. Congress must also encourage institutions of higher education to incorporate art and design into their STEM curricula.

Art and design contribute real solutions to our everyday lives, distinguish America's products in a global marketplace, and create opportunity for economic growth in the United States. Artists and designers can effectively communicate complex data and scientific information to multiple stakeholders and broad audiences. The tools and methods they use also offer new models for creative problem-solving and interdisciplinary partnerships in our growing 21st Century economy. For instance, they are integral in planning sustainable neighborhoods, renewable energy initiatives, and health information technologies. They also play a critical role in the development of modern technology to support new American manufacturing opportunities.

It is also important to seek collaboration among the different federal agencies that oversee STEM programs. That is why I recommend the creation of a STEM to STEAM Council, which would bring together artists, designers, education and business leaders, and Federal agencies to facilitate a comprehensive approach to incorporate art and design into Federal STEM programs.

I encourage all my colleagues to support this resolution to change STEM to STEAM to expand innovation and opportunity in our country's education and research fields.

INTRODUCING THE CLEAN, RENEWABLE JET FUEL ACT OF 2010

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. INSLEE. Madam Speaker, currently, the aviation industry does not have a commercially available low-carbon fuel option nor is there a statutory requirement (like the Renewable Fuel Standard for transportation fuels or tax incentives to help bring one to market. However, low-carbon, renewable aviation biofuels have been successfully tested in flights of both military as well as civilian aircraft.

Unfortunately, the volatility of jet fuel prices makes it difficult for renewable jet fuel to compete with lower-cost petroleum-based fuel and attract the investment necessary to build commercial-scale refineries.

I rise today to introduce the Clean, Renewable Jet Fuel Act of 2010. This bill will establish a responsible loan program that will allow biofuel producers to climb over the economic hurdles associated with commercializing their product. The commercialization of these products will not only create jobs at these facilities it will also create jobs throughout the aviation and agriculture industry. Additionally, the fuels that will be produced will also enhance our Nation's energy security as all of the feedstocks used to make these biofuels can be grown on U.S. soil. Recently, the Secretary of the Navy, Ray Mabus, made the research development, and increased use of alternative fuels a priority for the Department of the Navy.

These biofuels also offer a range of attractive technological and environmental aspects that will introduce efficiencies into our aviation sector that cannot be realized with current petroleum-based fuel sources.

In the great state of Washington, interests from the private sector, universities, and major airports are already working to bring the first generation of aviation biofuels to the market, and their efforts can be greatly enhanced by this legislation. These fuels are based on plants such as camelina, jatropha, and even algae; plants that can be grown right in the Pacific Northwest. In addition to being able to grow these feedstocks in our own backyard, research on the next generation of biofuels is also creating jobs at our highly regarded research institutions. These efforts will make sure that the U.S. secures its competitive edge in this field.

In closing, I urge my colleagues to cosponsor this bill, and hope that we can work together to move it towards passage as soon as possible.

HONORING FILIPINO AMERICAN HISTORY MONTH

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. FILNER. Madam Speaker, it is with great pleasure that I acknowledge this month as Filipino American History Month. With passage of House Resolution 780 last year, the House of Representatives officially recognizes October as Filipino American History Month and I am proud to note its observance again this year.

Filipino Americans have a longstanding history in the United States. In 1988, the Filipino American National Historical Society established this celebration to mark October 18, 1587, as the date when Filipinos first immigrated to the continental United States in Morro Bay, California.

Filipino Americans are the second largest Asian American ethnic group in the United States and continue to play a prominent role in our country in all facets of public life. One of the largest Filipino American communities in

the U.S. resides in my district and I am committed to such a vibrant community. Filipino Americans have long served in the U.S. Armed Forces, and as chairman of the House Veterans' Affairs Committee I continue to honor the military service of Filipino American World War II veterans.

The United States is a nation of immigrants and we celebrate the accomplishments of Americans of all backgrounds. From the military to health care, education, arts, business, sports, government, the sciences and countless other areas of endeavor, Filipino Americans have made and continue to make invaluable contributions to the United States.

I urge my colleagues to join me in recognizing this important celebration of Filipino American History Month.

RECOGNIZING COMMISSIONER CLARENCE BROWN

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. GINGREY of Georgia. Madam Speaker, I rise today to recognize Bartow County Commissioner, Clarence Brown. His dedication to Bartow County and to the 11th District of Georgia has earned him the well-deserved honor of having a new conference center in Bartow County named after him.

Commissioner Brown has earned this great honor for a number of reasons—mostly because he has spent much of his life as a selfless servant to Bartow County. He has developed sustainable growth management plans while perpetuating Bartow's commitment to environmental stewardship. He has also brought a new college campus to Bartow County, and he has established local partnerships with national non-profit organizations while expanding recreation facilities throughout the county.

Madam Speaker, Commissioner Brown has touched and enriched the Bartow community in a number of lasting ways. I would like to congratulate Commissioner Brown on his accomplishments.

WESTERN WATER SUPPLY ENHANCEMENT ACT

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. HASTINGS of Washington. Madam Speaker, today, I am introducing a bill that would expand water supplies, help resolve aging infrastructure in the West and protect irrigated farming acreage—all without increasing federal funding.

This bill, titled the "Western Water Supply Enhancement Act," recognizes the benefits of long-term regional water conservation planning at the local level by authorizing the Secretary of the Interior to provide up to \$15 million of already-authorized federal funding to irrigation districts and municipal entities engaged in

multi-year, regional, integrated and coordinated water planning. This legislation amends what is commonly known as the "Secure Water Act" provision of Public Law 111-11 to ensure that large conservation efforts are eligible. As opposed to the current small-project-by-small-project approach to conservation, this legislation incentivizes more comprehensive, regional approaches throughout the western United States.

These regional approaches are a result of the Endangered Species Act, which places additional demands on already limited water supplies originally devoted to agriculture or municipalities. The Endangered Species Act is national in scope, but many of its requirements impact local water districts that bear much of the financial burden. Investing limited federal dollars in regional conservation projects that are the result of federal regulations can relieve this pressure and protect and promote existing water uses.

I have always been and will continue to be a strong proponent of new and expanded water storage. Legendary projects, such as the Grand Coulee, Hoover and Glen Canyon dams, are the flagship federal projects that have transformed the American West from the desert to some of the most productive agricultural land in the world. Some in the environmental movement believe that conservation of existing resources is the only way to solve our growing water and power scarcity problems. I beg to differ. Everything, including new storage, regulatory reform and new conservation, has to be on the table for us to resolve our supply problems.

The Western Water Supply Enhancement Act would be one tool in that toolbox. It is not the solution, but it is part of the overall solution to help water utilities with limited, already authorized funding in their efforts to provide water to farm families and help promote a safe and affordable food supply for our nation and the world.

HONORING HAWTHORNE MATH
AND SCIENCE ACADEMY, HAW-
THORNE, CA

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Ms. WATERS. Madam Speaker, I rise to honor Hawthorne Math and Science Academy, HMSA, in Hawthorne, CA. HMSA, a dependent charter high school of the Hawthorne School District located in my congressional district, was recently honored with a Blue Ribbon Award by the U.S. Department of Education, a coveted award recognizing high-performing and improving schools across our country. This year, HMSA shares this distinction with 304 other schools among the thousands of schools in the United States.

I am very proud of the students, faculty, staff, parents, and community members of HMSA. In addition to receiving this prestigious award—the first school within the Hawthorne School District to do so—HMSA was also named a California Distinguished School and was listed—again—as one of the nation's top

100 high schools by U.S. News & World Report.

I want to especially honor Principal Esau Beruman, who is only in his first year as principal of HMSA. I suspect we will continue to see great things from HMSA under his leadership, and I look forward to meeting him and one of HMSA's teachers when they come to Washington, DC in November to be officially honored by the Department of Education.

HMSA has made great strides to create a rigorous and comprehensive academic regimen that prepares its students for college and helps them become well-rounded young adults. It boasts an impressive 97 percent graduation rate.

As its own mission statement reads, "HMSA is committed to creating a challenging, rigorous, standards-based curriculum for all students, regardless of gender, ethnicity, primary language, or special needs status, within a safe and cooperative learning community." I believe the school is not only living up to that standard, but superseding it.

The students of HMSA should be particularly proud of their strong work. They are giving their school, our community, our state, and our country a good name through their dedication, their drive, and their excellence.

Congratulations to HMSA on this latest, but surely not the last, accolade.

THE INSTALLATION OF DR.
CLAUDE G. PERKINS AS VIR-
GINIA UNION UNIVERSITY'S 12TH
PRESIDENT

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. SCOTT of Virginia. Madam Speaker, I rise today to recognize Dr. Claude G. Perkins as Virginia Union University's 12th president. I am proud to represent Virginia Union University (VUU), which is located in Richmond, Virginia, and is one of the nation's oldest Historically Black Colleges and Universities.

Established in 1865 on the site of Lumpkin's Jail in order to educate the newly freed slaves, VUU was formed by the merger of Richmond Theological Institute and Wayland Seminary. Hartshorn Memorial College and Storer College were later merged into the University forming a true "union." Today, VUU continues to be nourished by its African American heritage and energized by its commitment to excellence and diversity.

VUU's student body currently numbers 1,500 students—including 1,200 undergraduate and 300 graduate students—consisting primarily of first generation college students. VUU is proud to offer 24 majors at the baccalaureate level, as well as Master of Divinity, Master of Arts in Christian Education, and Doctor of Ministry degrees at the Samuel Dewitt Proctor School of Theology. VUU's Criminal Justice and Mathematics programs are renowned, and many teachers in the City of Richmond are graduates of VUU's Education program. In addition to excelling in academics, VUU boasts strong extracurricular activities and programs. In particular, VUU has

won four NCAA Division II National Basketball Championships—three for the men's team in 1980, 1992, and 2005 and one for the women's team in 1983.

This month, VUU formally installed Dr. Perkins as its 12th president. Dr. Perkins is a veteran educator with ties to Richmond, and I am pleased that he has returned to Richmond to lead this excellent academic institution.

Dr. Perkins has spent over 35 years in education leadership roles at various levels of K-12 and higher education. In Richmond, Virginia, he held the positions of Deputy Superintendent and Assistant Superintendent in the Richmond Public School System for several years in the 1980s and early 1990s. Dr. Perkins also served as Superintendent of Schools in Kansas City, Missouri, and Clark County, Nevada. In 2005, the Clark County, Nevada, School Board approved the naming of the new Claude Grandford Perkins Elementary School in recognition of Dr. Perkins' service to the Clark County, Nevada, education community.

In 2009, Dr. Perkins retired from Albany State University, where he spent 10 years in several posts, including Professor of Educational Leadership, Graduate Dean and Associate Vice President for Academic Affairs. School officials credited him with expanding the graduate program and increasing the University's international partnerships. He also taught graduate education courses.

Dr. Perkins is the recipient of many awards, including: The Ohio University Medal of Merit Award (1982); City of Richmond (Virginia) Resolution in Recognition of Educational Leadership (1997); The James Herbert White Preeminence Award for Education and Academics (2002); and the Nevada Senate Resolution of Educational Achievement (2005).

VUU has already seen significant change in the few short months of Dr. Perkins' leadership. Dr. Perkins led VUU through a successful reaccreditation process, increased enrollment, and began a significant campaign to upgrade classrooms and campus housing.

Madam Speaker, I am pleased that Dr. Perkins is the newest president of VUU. I congratulate him on this outstanding achievement and wish him much success as he continues the efforts to take VUU into the next century as a leader in higher education.

RECOGNIZING HARRY COGHLAN

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. BISHOP of New York. Madam Speaker, I rise to honor Mr. Harry Coghlan, a New Yorker who has earned special recognition and praise from the Federal Bureau of Investigations (FBI) for his steadfast commitment to advancing public safety.

On September 15, 2010, Mr. Coghlan was presented with the Director's Award for Excellence by FBI Director Robert S. Mueller. Citing Mr. Coghlan's continuing efforts to assist the mission of law enforcement officials through his donation of digital billboard space in Times Square, Director Mueller recognized Mr. Coghlan in a special ceremony held in Washington, DC.

Times Square is known around the world for its energy, color, and signature advertising billboards. In January 2010, the FBI announced an agreement with Mr. Coghlan for his company, Spectacolor, to provide 40-foot by 40-foot digital billboard space at the corner of 47th Street and Broadway to display wanted fugitives, missing persons, and high-priority security alerts.

By entering into this agreement, the FBI hoped to follow the trend set by Newark, New Jersey, and Philadelphia, Pennsylvania, by empowering the public in high traffic areas to help law enforcement by providing tips. Given the success of the digital billboard program in those cities, the immediate success of the program in Times Square was a surprise to no one.

On September 12, 2010, the FBI announced the arrest of an alleged mobster who had been displayed on a Times Square billboard in Yonkers, New York. Since the inception of the program in 2007, more than 35 arrests have been made by the FBI in connection with tips prompted by digital billboards.

Madam Speaker, I applaud the FBI for its effective partnerships, and I commend Mr. Harry Coghlan and Clear Channel Spectacolor for their pioneering work to use advanced technology to benefit law enforcement and public safety.

COMMEMORATING THE TRI-CENTENNIAL OF THE FIRST BAPTIST CHURCH IN WATERFORD

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. COURTNEY. Madam Speaker, I rise today to commemorate a very special occasion for the First Baptist Church of Waterford. Next month the Church will be celebrating its tricentennial—300 years in Connecticut and a rich history that predates our nation.

In 1710, the First Baptist Church of Waterford was founded by members who withdrew from the First Baptist Church of Groton to create a new church on the western side of the Thames River. They built a meeting house on Pepperbox Hill, which they shared with another congregation. Some services in these early years were held at the homes of the church's members. The third and current sanctuary, the Jordan Meetinghouse, was built on Rope Ferry Road in 1848. Today, the First Baptist Church of Waterford is the second oldest Baptist church in the State of Connecticut.

It shares a spectacular history with the town—having even served as the seat of its government. It was once a recruiting station for the Civil War. More than anything else, however, the church's 300 hundred years are defined by its deep involvement and generous contributions to the community around it. Today, the church serves people in the Waterford area by providing assistance from food to medicine to heating oil.

The First Baptist Church of Waterford is an historic and treasured institution that has persevered, survived attacks by English forces during the Revolutionary War, given our nation

statesman, soldiers and helped those in need. Three hundred years is a truly remarkable achievement. I ask my colleagues to join me in congratulating the First Baptist Church of Waterford on this milestone and wishing the church well for many years to come.

RECOGNIZING MEGAN JOHNSON AS THE WINNER OF THE 2010 PRUDENTIAL SPIRIT OF COMMUNITY AWARD

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. SMITH of Washington. Madam Speaker, I rise today to honor Megan Johnson of Federal Way, Washington for winning the 2010 Prudential Spirit of Community Award.

Every year, Prudential Financial, Inc. chooses two people from each State and the District of Columbia as winners of the Spirit of Community Award. Megan Johnson was chosen for her outstanding community service. As a state honoree, Megan will receive a \$1,000 cash award and a trip to Washington, DC. A senior at Highline CHOICE Academy in Burien, Megan was Washington State's top high school volunteer and one of ten national honorees. She initiated philanthropic programs for hospitalized children, the homeless, and substance-addicted babies. Her goal is to provide the underserved with the necessary resources to improve their situations.

At the age of 10, Megan Johnson established a non-profit organization named "Megan's Mission," making blankets for the homeless and soliciting donations to buy the homeless scarves, hats, and other warm clothing during the winter. In the following years, Megan joined ranks with community groups, schools, churches, and prisoners from Monroe Correctional Complex to make blankets for infants born of addicted mothers and collect DVDs for children's hospitals. Megan has aided four homeless families in finding a home; a remarkable feat for such a young woman. Currently, Megan raises money for Shriners Hospital for Children by writing and illustrating children's books, selling hot cider during Christmas, selling jewelry, and soliciting donations from corporations.

In addition to being invited to speak at the Prudential Spirit of Community Service Awards in South Korea, Megan has also been asked to be a National Patient Ambassador for Shriners Children Hospital.

Madam Speaker, I ask my colleagues to join me in honoring Megan Johnson for her selfless commitment to others and her dedication to help her community.

HONORING SERGIO MASSA

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, as we celebrate Hispanic

Heritage Month, I rise to honor one of South Florida's finest community leaders, Sergio Massa.

Sergio was born in the historic Port of Callao, Peru and completed his studies at the Colegio Militar Leoncio Prado. At an early age, his family instilled in him the value and importance of service and activism, and it is one that he has carried with him throughout his life. He came to the United States when he was 18 years old and first lived in San Francisco. He later moved to New York and in 1979 received a Bachelor of Science in Business Administration & Accounting from the New York Institute of Technology. Sergio then began his community involvement as a board member of Club Peru New York, the oldest Peruvian organization in the United States. He later moved to Miami, became the president of Club Peru Miami, and established his own company, Business Authority Corporation, which provides accounting services and development for small and mid-sized businesses.

In 1994, Sergio established the Peruvian American Coalition (PAC), which has brought together Peruvians from across the country and serves as a venue for its members to engage in politics and the legislative process, while promoting issues important to the Peruvian American community. Today, PAC has chapters in Los Angeles, Washington, DC, West Palm Beach, Atlanta, Utah, Idaho and New York City.

For years, Sergio has also been involved in an issue critical to our nation and that is immigration reform. Through the establishment of the Latin American Foundation, he has helped and guided countless immigrants as they transition and settle in the United States, enter the workforce and tackle language and cultural barriers. Sergio continues to advocate for comprehensive immigration reform, coordinating with other community groups and elected officials at all levels of government and working for the passage of that legislation.

Aside from the PAC and the Latin American Foundation, Sergio is the founder of the Peruvian American Political Organization USA (PAPO USA), the Peruvian American Coalition Foundation, the Tumi USA Award, the Latin American Voters League, Inc., the Convention of Peruvian Institutions in the USA, and APEUC—the Association of Peruvian Institutions in the USA and Canada.

Throughout his impressive career as a successful businessman and a selfless leader in our community, he has counted on the unconditional support of his wife Flor and his children, who have understood the value and importance of his service and have joined him in putting the needs of their community first. Sergio has earned the respect and admiration of many in our community and has been honored and recognized by local governments and organizations. Today I join all of them in thanking my good friend Sergio Massa for his undying commitment to seeing the success of the Peruvian American community and all Hispanics in South Florida and across the United States. He values the principles of democracy and works each day to ensure that they are preserved for all to enjoy.

LOÏS MAILOU JONES—HONORING
AN INNOVATIVE TRAILBLAZER
FROM THE HARLEM RENAISSANCE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. RANGEL. Madam Speaker, I stand before you today to recognize the late Lois Mailou Jones, a renowned American artist and educator who died in 1993 at the age of 93. One of the longest living painters of the Harlem Renaissance, she influenced many emerging African-American artists during and since that historic period.

Her work will be on exhibit at the National Museum of Women in the Arts, in Washington, D.C., October 9, 2010 to January 9, 2011.

Lois Mailou Jones (1905–1998) explored multiple themes and styles, poetically portraying African-American struggles in her work which included paintings, drawings and textile designs. For over fifty years, she consistently experimented with new techniques and inspired others to innovate. This led to many collaborations with her Harlem Renaissance contemporaries, from drawing illustrations for Langston Hughes to working alongside Carter G. Woodson, her significance during this period has been acknowledged.

As a long-time professor at Howard University, she shaped generations of students and upcoming artists. She enhanced their learning experience with painting tours outside of the classroom, convinced the exposure would help them become better artists. This included travels as near as the local park to as far away as Paris and Africa.

Born in Boston, MA, but traveling frequently throughout her career, her artwork consistently captured what was relevant in her life. After marrying Haitian artist Louis Vergniaud Pierre-Noel in 1953, Jones traveled and lived in Haiti and in those pieces one can see the influence of the Haitian culture, with its African influences and more colorful creations.

Her race and gender contributed to a long and challenging path before receiving recognition for her work, but eventually the accolades came. President Jimmy Carter honored Jones for her outstanding achievements in the arts in 1980, and in the last ten years of her life both President Bill Clinton and French President Jacques Chirac met the artist and collected her work. Loïs Mailou Jones continued to create her vibrant paintings until her death in 1998.

A unique synthesis of African, Haitian, Parisian, and American iconography, Jones' work remains a remarkable contribution to the world of art. Her paintings grace the permanent collections of the Metropolitan Museum of Art, National Museum of American Art, Hirshhorn Museum and Sculpture Garden, National Portrait Gallery, Boston Museum of Fine Arts, the National Palace in Haiti, the National Museum of Afro-American Artists and private collections around the world.

At this time, I would like to also honor the current Trustees of the Loïs Mailou Jones Pierre Noel Trust: Robert W. Jones, Chris Chapman, MD, and Larry Frazier, Esq.

Madam Speaker, we recognize this distinguished artist and offer recognition of her contributions made to this genre.

CELEBRATION OF LIFE: THE LATE JASON EDWARD JUSTICE, JR.

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, George S. Patton, Jr. said "It is foolish and wrong to mourn the men who died. Rather we should thank God that such men lived." For that reason, on September 29, 2010 we did not mourn Jason Edward Justice Jr's death; rather we celebrated his life.

Jason was born on March 20, 1955, in Galveston, Texas. He was inspired to study hard and prepare himself for college. He attended La Marque Independent School District. He was a great athlete which enabled him to receive full college scholarship. He graduated in 1977 from the University of Nebraska-Lincoln with a Bachelor of Arts Degree.

He parlayed this degree into a career of public service as Chief of Staff to Texas State Senator Royce West and me when I served in the Texas Senate. In addition, his more than three decades of state service included working for Ann Richards when she was the Texas Comptroller and with the Texas Employment Commission.

Jason was involved with many organizations such as the Coalition of Black Trade Unions, the American Federation of State, County and Municipal Employee Union, the AFL-CIO and the National Association for the Advancement of Colored People. His integrity and excellent service earned him various awards.

Jason was devoted to his wife, Janis DeGrate Justice, and to his family. In addition to Janis, he is survived by his children, Jason Justice, III, Christopher Justice, Derek D. Smith and Barbie Smith.

Many of us in Texas knew and admired Jason Justice. I valued his friendship and advice, as did so many others, and we will greatly miss him. It is impossible to fully grasp the breadth and depth of a life of someone like Jason, who gave every project or responsibility his very best effort and who lived his life with boundless enthusiasm and compassion. He was a role model and mentor to so many, and he leaves a powerful legacy that will last for generations to come.

Madam Speaker, I ask my colleagues to join me in memory and in honor of this great American, dedicated public servant, and truly great man—Jason Justice. We will not mourn that he has left us behind; rather we will rejoice what he has left behind.

HONORING THE MASSAPEQUA
FIRE DEPARTMENT'S 100TH AN-
NIVERSARY

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. KING of New York. Madam Speaker, this weekend I had the privilege of joining in celebration of the 100th Anniversary of the Massapequa Fire Department. Founded on September 25, 1910, the Massapequa Fire Department has a long history of dedicated volunteerism and service to the Long Island community including Massapequa, Massapequa Park, and East Massapequa.

The Massapequa Fire Department provides around-the-clock fire protection and emergency medical services to approximately 19,000 homes located within its district, responding to an average of 2,400 alarms annually.

As Ranking Member of the Committee on Homeland Security and Chair of the Congressional Fire Services Caucus, I am proud to support our nation's firefighters in Congress. These brave men and women risk their lives day after day to protect our communities and save the lives of others. Through Federal programs such as the Assistance to Firefighters Grant Program and the Staffing for Adequate Fire and Emergency Response Program, we can do our part in ensuring that these heroes get the equipment, vehicles, training, staffing and other resources they need.

I hope that this milestone in the Massapequa Fire Department's history reminds us of not only the traditional role that firefighters have always played in protecting our communities, but also how their role has changed since September 11, 2001, because now they are also faced with an increasingly complex and dangerous job of preparing for and responding to acts of terrorism. We must do all that we can to support them in their mission.

I want to thank Massapequa Fire Chief Peter Anglim for his leadership and service, and all of the firefighters, both active and retired, who have proudly served the Massapequa community. Congratulations on 100 years of dedicated service.

IN REMEMBRANCE OF THOSE WHO
LOST THEIR LIVES IN THE SEP-
TEMBER 29, 2009 TSUNAMI THAT
STRUCK AMERICAN SAMOA,
SAMOA AND TONGA

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. FALEOMAVAEGA. Madam Speaker, I rise today to remember those who lost their lives last year on September 29 when American Samoa was hit by the most powerful earthquake of 2009 which struck below the ocean about 140 miles southwest of Pago Pago, American Samoa, and 125 miles south of Samoa.

The earthquake, which registered 8.3 on the Richter scale, set off a massive tsunami that crashed into American Samoa, Samoa and Tonga, sweeping cars and people out to sea as survivors fled to high ground. In American Samoa, many children running for home unknowingly ran in the direction of the tsunami.

Entire villages in American Samoa and the neighboring islands of Samoa and Tonga were devastated by the disaster. In response, the United States answered with a generous and heartfelt outpouring of aid.

As we pause to remember the lives lost and the families impacted, I want to once more publicly thank President Obama for his leadership during this tragedy. The Obama Administration continues to stand with us and, on behalf of all Samoans, I thank the Administration for its swift response.

I also want to thank U.S. Secretary of State Hillary Clinton for her unwavering support. At my request and the request of Congresswoman LAURA RICHARDSON, Secretary Clinton authorized the immediate airlift of 92,000 pounds of emergency supplies collected by Samoan and non-Samoan communities in the Los Angeles, California area as well as by our Samoan and Tongan communities in Salt Lake City and St. George, Utah under the direction of Reverend Elder Liki Tiatia, Reverend Dr. John Mailo, Reverend Dr. Misipouena Tagalao, High Chief Loa Pele Faletogo, and HC Papali'i Misiona Patane.

In American Samoa, a team of more than 300 responders from the Federal Emergency Management Agency (FEMA), the American Red Cross, the U.S. Army Corps of Engineers, the Department of Health and Human Services (HHS) and other Federal agencies coordinated relief and recovery operations.

The United States Navy, the United States Coast Guard, the Hawaii Air National Guard and the U.S. Army Reserve American Samoa provided critical transport of the life-saving and life-sustaining supplies and equipment to meet the immediate needs of the survivors, including more than 26,000 meals, 14,000 liters of water, 1,800 blankets, 800 tents, more than 800 cots, and 9 pallets of medical supplies and medical equipment in support of American Samoa's mass care operations.

The U.S. Department of Labor released over \$24 million in National Emergency Grant (NEG) funds to assist clean-up and recovery efforts in American Samoa, although an average disaster NEG is only about \$5 million.

FEMA has projected, or set aside, over \$155 million for recovery efforts. So far, about \$65 million has been obligated and about \$45 million has been disbursed pending action from the applicant to define scopes of work or provide information necessary to clear environmental compliance.

Of this \$155 million set-aside, FEMA has projected that about \$77 million will be used for infrastructure. Of this \$77 million, \$15 million has been obligated, but only \$7 million has been disbursed. According to FEMA, the program is based on reimbursement so FEMA cannot disburse until the American Samoa Government (ASG) requests a manual draw-down based on receipts submitted.

Regarding housing, FEMA initiated a pilot program and planned two phases of construction. Phase 1 required the construction of 8

homes and 10 additional site preparations. All of this work is completed and the 8 homes are occupied. Costs for Phase 1 are still being finalized.

A contract award for Phase 2 is expected to occur in early October with ground-breaking expected to take place in mid-to-late October. A local business is expected to be issued the contract award for Phase 2. 33 homes are expected to be constructed in Phase 2. Overall, the entire pilot program currently stands at 41 homes.

The U.S. Congress also set aside an additional \$1.2 million to provide direct assistance to ASG for the disaster through the U.S. Department of the Interior.

In addition to more than \$200 million federal dollars described above, Samoan students at the Wentworth Military Academy collected \$32,000. They donated \$15,000 in cash to the American Samoa Voluntary Organizations Active in Disaster (ASVOAD) and the remaining amount was given to their families in American Samoa, and also used to provide airfare for the students to visit their families during the time of the disaster. I am so proud of these students who showed true leadership and courage in the face of adversity.

Some of my dearest friends and acquaintances also came to our aid. Without being asked, they contacted my office immediately after the tragedy wanting to make donations and help in whatever way they could.

For historical purposes, I am listing their names below because no act of kindness should ever pass by without sincere acknowledgment to the persons, governments and organizations who gave so generously. They are:

Chairman Li Ka Shing (Li Ka Shing Foundation) (Presented to PM Tuilaepa on behalf of the people of American Samoa)—\$100,000.

Chairman Li Ka Shing (Li Ka Shing Foundation) (Presented to Am. Samoa Disaster Relief and Recovery Program)—\$150,000.

Chairman Seung-Youn Kim (Hanwha Group) (presented to American Samoa Red Cross: \$62,985 for caskets of deceased in Am. Samoa; \$37,015 remainder to Am. Samoa Red Cross)—\$100,000.

President Nursultan Nazarbayev, Republic of Kazakhstan (Presented to Am. Samoa Disaster Relief and Recovery)—\$50,000.

Government of Thailand (Presented to Am. Samoa Disaster Relief and Recovery Program)—\$15,000.

Government of Taiwan (Presented to Am. Samoa Red Cross)—\$10,000.

Mr. Raymond Calamaro, Esq. (D.C. Attorney) (Presented to Am. Samoa Red Cross)—\$1,000.

Mr. Steven Kirchof (Florida Businessman) (Presented to Am. Samoa Red Cross)—\$1,000.

Also, I again want to make special mention of Secretary of State Hillary Clinton who really fought to make an airlift possible.

DC10 Charter flight (authorized by U.S. Secretary of State Hillary Clinton for shipment of 92,000 pounds of aid to Apia, Samoa)—\$300,000.

Total—\$727,000.

While American Samoa is now on the road to recovery, there is still much work to be done. But with the faith and support and pray-

ers of our people and with the additional funds ASG is receiving from the federal government as a result of the American Reinvestment and Recovery Act (ARRA), we have every opportunity to forge ahead and become stronger than before, and I thank my colleagues for standing with American Samoa.

DEMANDING JUSTICE FOR RUSSIAN WHISTLEBLOWER SERGEI MAGNITSKY AND REFORM OF RUSSIAN PRISON SYSTEM

HON. JAMES P. MCGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. MCGOVERN. Madam Speaker, today I introduced the "Justice for Sergei Magnitsky Act of 2010" in the House. This bill is the result of a recent hearing I chaired as Co-Chairman of the Tom Lantos Human Rights Commission on the human rights situation in the Russian Federation. During this important hearing, the Commission heard extraordinary testimony regarding an extraordinary senior Russian lawyer and tax advisor, Sergei Leonidovich Magnitsky, who vigorously represented his client, the Hermitage Capital Ltd/HSBC, before the relevant Russian authorities regarding the fraudulent take-over of Hermitage subsidiaries and an elaborate tax fraud scheme which was designed to defraud the Russian Treasury of an estimated of 5.4 billion rubles (USD \$230 million).

Mr. Magnitsky testified before the Investigative Committee of the Russian Prosecutor Office on June 5, 2008 and October 7, 2008, and specifically implicated Lt. Colonel Artem Kuznetsov and Major Pavel Karpov of the Interior Ministry in the fraud scheme, among other officials. In a Kafkaesque turn of events, instead of investigating those officials, the Ministry of Interior charged Mr. Magnitsky with tax fraud and arrested him on November 24, 2008 and placed him in Moscow's pre-trial detention facility of the Moscow Branch of the Interior Ministry on the orders of Major Oleg Silchenko. Despite the fact that Lt. Colonel Kuznetsov's was implicated in the fraud scheme, he served as a senior member of the investigation team responsible for Mr. Magnitsky during the nearly one year pre-trial detention.

While Mr. Magnitsky was in good health before he was arrested, only five months into his detention, his health deteriorated significantly. On July 1, 2009, Mr. Magnitsky was given an ultrasound to identify the cause of his medical symptoms and a surgeon diagnosed him with "calculous cholecystitis" and ordered another ultrasound, which was to be followed by surgery within a month. One week before his scheduled treatment, on July 25, 2009, and fully aware of Mr. Magnitsky's medical condition, Ivan Pavlovich Prokopenko, head of the pre-trial detention facility Matrosskaya Tishina, approved the transfer of Mr. Magnitsky to Butyrka Prison (Detention Center 77/2). Detention Center 77/2 did not have the appropriate medical facilities to allow Mr. Magnitsky the prescribed medical treatment and necessary surgery. Despite his medical condition,

Mr. Magnitsky was not examined by a doctor upon his arrival at the Detention Center 77/2. He was subsequently transferred to eight different cells, with each transfer a marked health deterioration as a result. Undeterred, Mr. Magnitsky testified again on October 13, 2009 concerning the complicity of Interior Ministry officials in the theft of 5.4 billion rubles from the Treasury and accused them of investigating him in retaliation for his testimonies. On November 11, 2009, Mr. Magnitsky filed a petition with the Interior Ministry and the court stating his determination to bring to trial officials who falsified the case against him. On November 13, 2009, he wrote petitions in which he stated that he had been transferred again to a new cell during the night, and that he was intentionally deprived of sleep and hot food. As a result he developed acute pain and vomiting and insisted on seeing a doctor and an ultrasound examination that was prescribed to him in July 2009. This examination was never carried out. After having been denied medical treatment for four months, Mr. Magnitsky's condition became critical and he died on November 16, 2009.

Madam Speaker, this injustice cannot stand. And while no words will comfort the painful loss of the Magnitsky family—Sergei is survived by his wife and two children—his case at least got international exposure because of the wherewithal and connections of his employer, Hermitage Capital Management of London. In that aspect, Sergei's case is similar to that of Mikhail Khodorkovsky and the Yukos case. But how many unknown Sergei Magnitskys and Mikhail Khodorkovskys languish unjustly in Russian prisons because of corruption? How many voices critical of the Russian government have been silenced this way?

Madam Speaker, the Russian Federation remains a crucial world power of critical importance to the United States in vital policy areas, including, but not limited to, nuclear proliferation issues such as in Iran and North Korea, disarmament agreements, global warming, the war on terror, and the international economic crisis. I therefore applaud our Secretary of State Hillary Clinton for working hard to strengthen and deepen our ties with Russia and the Russian people, which reflect the important role Russia continues to play today.

I believe that my bill directly contributes to those deepening ties by establishing human rights accountability. Under my bill, the individuals who have—in the determination of our Secretary of State—directly contributed to the death of Sergei Magnitsky will be put on a visa ban list until they have been thoroughly investigated. It further requires the Russian government to undertake significant reform steps to bring the Russian prison system into compliance with international standards. We must ensure that these perpetrators do not get rewarded with shopping trips on New York's Fifth Avenue or elsewhere in the U.S.—that is the least we can do for Sergei. Furthermore, my bill will ensure that no U.S. bank accounts can be used to transfer the ill-gotten spoils of this fraud, and any such assets are frozen, so they can be returned to their rightful owner, the Russian people.

HONORING UNITED STATES NAVY
RESERVE CAPTAIN STEVEN M.
CARLEY

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. SMITH of Washington. Madam Speaker, I rise today to honor United States Navy Reserve Captain Steven M. Carley, who retired after 39 years of service in August 2010. I ask that my colleagues join me in honoring Captain Carley for his commitment to our Nation.

Captain Carley enlisted in the Navy Reserve in 1968 and began his career at Sand Point Naval Air Station in Seattle, WA. After 13 years of enlisted service working in intelligence, Captain Carley was commissioned in November 1984 and became an Intelligence Officer in the Navy Reserve. Over the course of his career, he was assigned to multiple units where he served in a range of roles from Intelligence Analyst to Executive Officer. Additionally, Captain Carley participated in five major joint exercises in Korea as well as annual overseas training in Germany and Japan.

Captain Carley's achievements are remarkable and plenty. His military awards include the Meritorious Service Medal, Navy Reserve Meritorious Service Medal, Armed Forces Reserve Medal, and the Marine Corps Commendation Medal.

Captain Carley currently resides in Olympia, WA where he serves his community through various community service projects and his position with the Washington State Department of Ecology, where he manages the water pollution control grant program.

Madam Speaker, I congratulate Captain Steven M. Carley on his many remarkable achievements, his venerable service to his country, and his retirement after 39 years with the United States Navy Reserve.

TRIBUTE TO THE CITY OF TAFT

HON. KEVIN MCCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. MCCARTHY of California. Madam Speaker, I rise today in honor of the city of Taft, California, which is celebrating its 100th year of incorporation on Thursday, October 14, 2010.

The city of Taft is located in the southwestern part of the San Joaquin Valley, and has quite a unique history. Named after our 27th President, William Howard Taft, starting in the late 1800s oil was discovered in the western San Joaquin Valley and overnight an oil town was born. The oil that was discovered was in the now-famous Midway-Sunset region and Buena Vista Hills, and by 1910 Taft had officially become a fixture within Kern County. Standard Oil was one of Taft's primary employers and helped lay Taft's foundations by building numerous construction businesses, a machine shop, numerous supply shops, bunkhouses for workers, and dozens of company homes for employees. As one of the only

towns remaining in the United States which exists solely because of nearby oil reserves, Taft has a rich historical connection to our County and the history of our Nation's domestic natural energy production.

The operational activities within the oil fields surrounding Taft have been the economic lifeblood of the city for over 100 years. From the remnants of old wooden oil derricks, to the historic Taft Fort, Taft has become a hallmark of the prosperity and endurance that has distinguished our County's industries and progress. State Highway 33 is now called the Petroleum Highway because of legislation that I initiated when I was a State Assemblyman representing the 32nd district of California to recognize the national resource that has put Taft on the map. In celebration of its oil heritage, Taft holds an event every 5 years called "Oildorado." This year will be the first Oildorado celebration that will consist of 2 weekends and will include many traditions and activities such as the grand parade, Maids of Petroleum Oildorado Queen Pageant, barbecues, dances, a World War II aircraft exhibit, arts and crafts fair, and oilfield skills contests. Also included in this year's Oildorado celebration will be the unveiling and dedication of the Oil Worker Monument, built to honor all the men and women who have worked in the oilfields over the years.

Taft has truly developed into a wonderful city of progress and yet through the years has still maintained a familiar, rural atmosphere making Taft a unique and enjoyable community to visit. The city of Taft is a vital component of California's 22nd District, and will continue to remain a place of economic importance and growth for the State of California. I recognize Taft and the members of its community in celebration of the city's 100th year of incorporation.

RECOGNIZING THE 75TH ANNIVERSARY OF THE PENSACOLA GULF COAST REGIONAL AIRPORT

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. MILLER of Florida. Madam Speaker, I rise to recognize the 75th Anniversary of the Pensacola Gulf Coast Regional Airport and its service to northwest Florida and visitors worldwide.

Established during the Great Depression, the grounds for the new municipal airport for Pensacola, Florida, were purchased for the sum of \$50,000 from Mr. and Mrs. Francis W. Taylor on November 1, 1935. Shortly after, the Works Project Administration authorized several hundred men to clear and grade the heavily-forested property, laying out the strong foundation, which 75 years later supports today's modern airport.

The Works Project Administration approved the construction of three paved runways and the airport's first administration building. In 1937, a Stinson Trimotor airplane of Atlantic and Gulf Coast Airlines landed the first scheduled commercial airline passenger service. During the following year, the runways welcomed the first air mail service upon arrival of a Lockheed Electra from National Airlines.

Throughout World War II, the airport played a supporting role and was leased to the United States Navy. During this time, the military invested more than \$1 million into airport improvements, including paving the way for a fourth runway. The Pensacola Municipal Airport was returned to the city's control in 1945 and transitioned to commercial operations in the 1950s. In 1952, a new administration building at Pensacola Municipal Airport was built and named Hagler Field, honoring Pensacola's beloved mayor, the late Conner L. Hagler.

During the next decade, the Pensacola airport embraced the commercial jet age supporting the landing of an Eastern Air Lines Boeing 727 in 1965, which called for lengthening the airport's runways. As its services continued to grow, the airport was renamed Pensacola Regional Airport in 1972, and in 1978, the increased commercial air traffic led to making arrangements for the airport's first regional airlines. To accommodate the expansion of their operations, the airport further enhanced its physical structure. In the 1990s, a two-story air terminal was built that included the airport's first enclosed jetways, and entering into the new millennium, plans were launched for a multi-million dollar modernization.

In 2008, the Pensacola Regional Airport was renamed the Pensacola Gulf Coast Regional Airport. While over the course of its history, the airport has undergone several name and structural changes, one thing has remained constant—the professionalism and hospitality of all those who have dedicated their time and hard work to maintain the airport's daily operations and who make it all possible.

Madam Speaker, over the last 75 years, the airport has grown and transitioned into one of the largest commercial airports in the Gulf Coast. Whether dropping by for a visit or calling Pensacola or its surrounding areas home, the Pensacola Gulf Coast Regional Airport and its staff provides all those who pass through it a warm welcome to the Emerald Coast. On behalf of the hundreds of thousands of passengers it serves annually and the communities of northwest Florida, my wife Vicki and I would like to congratulate the Pensacola Gulf Coast Regional Airport on their 75th Anniversary and wish its employees all the best for continued success.

HONORING DR. SUSAN REES, RECIPIENT OF THE U.S. ARMY CORPS OF ENGINEERS 2010 CIVILIAN OF THE YEAR AWARD

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. BONNER. Madam Speaker, it is a real pleasure to rise today to pay tribute to the outstanding achievements of Dr. Susan Ivester Rees, who was recently recognized for her efforts to protect our Gulf Coast from the devastating impact of future hurricanes.

In the aftermath of Hurricane Katrina—a storm which dealt an unprecedented amount

of destruction and loss of life to the Gulf Coast—Congress authorized the U.S. Army Corps of Engineers (USACE) to undertake comprehensive planning to help strengthen the region's ability to withstand the assault of future natural disasters.

One of the studies authorized by Congress was the Mississippi Coastal Improvement Program (MsCIP), undertaken by the Army Corps of Engineers' Mobile District.

Dr. Susan Rees' leadership and active involvement in the project as Program Manager—working with coastal residents and marshalling the best ideas from across government agencies—was instrumental in shaping the final plan which won her praise from the Corps of Engineers, as well as other Federal, State and local leaders for its comprehensive nature.

Dr. Rees' extensive public involvement was pivotal in the formation—and approval—of 15 major construction projects, including the opening of canals to improve water flow, beach reconstruction, and rebuilding the Bay St. Louis seawall.

In recognition of her tremendous efforts and considerable leadership in the Mississippi Coastal Improvement Program, Dr. Rees was presented with the Lt. Gen. John W. Morris 2010 Civilian of the Year Award at the 2010 USACE Summer Leaders Conference in Seattle, Washington on August 2, 2010.

Dr. Rees is also a member of the scientific advisory board of the Alabama Center for Estuarine Studies at the University of South Alabama; a member of the executive committee of the Mobile Bay Estuary Program; and a member of the advisory council for the Mississippi-Alabama Sea Grant Consortium.

I wish to congratulate Dr. Rees—as well as her husband, Fred, who, himself, has dedicated many years in government service, for their exemplary efforts to protect and enhance the quality of life along America's Gulf Coast. Susan is to be commended for her dedication to preserving our environment and making our coastal communities safer.

Madam Speaker, I join my colleagues in wishing Dr. Rees much success in her future endeavors.

IN RECOGNITION OF THE EL PASO SERVICE CHALLENGE

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. REYES. Madam Speaker, I rise today to recognize those students in my district who participated in the El Paso Service Challenge. The response was inspiring and impressive. Students performed various forms of community service ranging from painting their schools to volunteering at local police and firefighter stations. I initiated the El Paso Service Challenge this year as a way to encourage middle and high school students to give back to our community during the month of September in remembrance of 9/11. The idea for the El Paso Service Challenge arose from President Obama's call to service after the passage of the "Service America Act."

The Edward M. Kennedy "Serve America Act" is the most sweeping expansion of national service in a generation. Signed by President Obama on April 21, 2009, it established a nationwide "Call to Service Campaign" and designated September 11 as the National Day of Service and Remembrance. The swift bipartisan passage of the legislation reflected a national consensus that service is a powerful response to the economic and social challenges facing America today.

In addition to these students, I would also like to congratulate the members of the El Paso Senior Campaign Program at Centro de Salud Familiar La Fe for their volunteer work. La Fe has operated El Paso's Senior Campaign Program branch since 1988. More than 80 El Paso seniors are currently signed up to volunteer their time and energy to help seniors much like themselves by providing caring home visits and companionship. These seniors were honored last week for performing 73,000 hours of service in 2009, serving as a great example of a lifelong commitment to helping others.

According to the Corporation for National & Community Service, since the "Serve America Act" was passed in 2009, volunteering has increased, momentum is strong, and a new vision for service is taking effect. This is certainly true in my district as evident from both the students who participated in the El Paso Service Challenge and the seniors who participated in the Senior Campaign Program at Centro de Salud Familiar La Fe. Indeed across our nation, Americans have joined with friends and neighbors to replenish food banks, provide health services, support veterans and military families, restore public lands, and more.

At a time of great need, Americans are answering President Obama's call to serve.

Giving back to the community is an important lifelong lesson. I am very proud to recognize the volunteering efforts of all of my constituents, and I hope their work will inspire others to do the same.

IRA BRADFORD MILLER, SR.

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. COOPER. Madam Speaker, today I rise to pay tribute to Ira Bradford "Brad" Miller, Sr. who passed away on September 4, 2010. He was an outstanding member of the Middle Tennessee community, a leader in the construction industry, and a great friend.

Mr. Miller was a lifelong resident of Rutherford County, where he attended Central High School and received a scholarship to play football at Middle Tennessee State University. He answered his country's call to serve in the United States Navy during World War II and returned to MTSU to earn his degree after the war ended.

Brad Miller began working as a high school teacher and coach before pursuing his career in the construction industry. He started a water and sewer firm that eventually became Brad Miller Construction Company, Inc. After many

successful years of business, Mr. Miller sold his construction company and became president of Tennessee Paving Company, an asphalt paving firm he founded with his brother-in-law.

Mr. Miller served as executive director of the Tennessee Crushed Stone Association until it merged with the Tennessee Asphalt Pavement Association to form The Tennessee Road Builders Association. Mr. Miller was a member and served on the board of directors for all three associations at the same time, and during the merger he acted as the liaison between the three firms. When the associations merged in 1982, he was chosen to be the executive vice president of The Road Builders Association, a position he held until his retirement. Brad transformed The Road Builders into one of the most powerful and respected associations in Tennessee. Later, he was elected chairman of the A-R-T-B-A Council of State Executives.

Brad Miller believed in the importance of having good representation in our Nation's Capitol. Over the course of his career he used his formidable lobbying skills to help influence important legislation. Mr. Miller's success in the construction industry was widely recognized. He received a certificate of special recognition from the National Stone Association, The Tennessee Road Builders Association Lifetime Achievement Award, and the A-R-T-B-A Award, the association's highest honor.

Mr. Miller was married to Betty June Carter Miller for fifty-nine years. The couple met in college and married in 1951. Brad Miller was the proud father of Ira Bradford Miller, Jr., Michael L. Miller, Cindy Miller Smith and Molly Miller Alspaugh. He enjoyed spending time with his children and seven grandchildren.

And so, Madam Speaker, it is my privilege to ask my colleagues to join me in saluting Mr. Miller's life and accomplishments. We are grateful for the contributions he provided to his community and the people of Tennessee.

LANCE CORPORAL CHRISTOPHER
BLAKE RODGERS

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. WESTMORELAND. Madam Speaker, Lance Corporal Christopher Blake Rodgers answered his nation's call of duty by joining the Marines in 2008 after graduating from Spalding County High School; on September 1, 2010 he made the ultimate sacrifice while serving his country and fellow servicemen abroad. He was killed while conducting combat operations in the Helmand Province of Afghanistan.

Lovingly known as Blake to his family and friends, Lance Corporal Rodgers was a man ready to serve his country since the tender age of eleven years old. Like many Americans, Blake watched in horror on September 11th as our nation faced one of the most tragic days in its history. It was on that day that he told his parents that he wanted to help those people who tragically lost their lives; that he wanted to serve his country, that that he wanted to become a Marine.

Blake always impressed his superiors in all of his endeavors. In high school he was a member of the JROTC program, rising to the rank of First Lieutenant. Under his leadership his company won the year's Best Marching Company award. His JROTC service in high school only furthered his resolve to join the Marines upon graduation.

After Marine boot camp and advanced infantry training Blake was assigned to Camp Lejeune, North Carolina where he was assigned as a rifleman and member of First Platoon, Bravo Company, 1st Battalion, 2nd Marine Regiment, 2nd Marine Division. His unit was away from North Carolina for the bulk of late 2009 and early 2010, on training missions and pre-deployment work-ups designed to prepare them for the war they would soon be fighting. He deployed to Afghanistan in March 2010 in support of Operation Enduring Freedom. His first and only combat tour ended September 1, 2010.

Two weeks ago Lance Corporal Rodgers came home to Georgia for the final time. There he was met in the small community of Griffin, Georgia with a procession of people who had come to welcome their local hero home. He was laid to rest on September 11th, a somberly fitting tribute to a man for whom the date had overwhelming significance.

Lance Corporal Rodgers was a true hero and I ask that you join me today in saluting one of America's bravest. I honor Lance Corporal Rodgers' life and mourn deeply for his family's loss.

TRIBUTE TO GEORGIE O'CONNOR

HON. KEVIN MCCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. MCCARTHY of California. Madam Speaker, I rise today to honor a community leader, Mrs. Georgie O'Connor, on her retirement after 49 years of service on the Lucia Mar Unified School District Board in Arroyo Grande, California.

Georgie O'Connor's family moved to Arroyo Grande in 1928 and she attended Orchard Avenue School. O'Connor and her husband Bill have been married for 67 years and have lived directly across the street from Orchard Avenue School, which is now Arroyo Grande High School, for the past 55 years, where they have raised four sons—Bill, Mike, Pat, and Casey—all of whom attended Arroyo Grande schools.

Mrs. O'Connor has the distinction of holding tenure as the longest continually-serving school board member in the State of California. Mrs. O'Connor was first elected to the Arroyo Grande Elementary School District in 1961. In 1965 the district joined other small districts in the southern portion of San Luis Obispo County in unification and became the Lucia Mar Unified School District. During her first 15 years of board service, she was the only female on the board. During her tenure, O'Connor has seen the number of Lucia Mar Unified School District schools grow from 4 to 17; expand to serve grades K–12, and an overall student population grow to 10,500 students.

Dedicated to serving her community, Mrs. O'Connor's stewardship and selflessness to the students of Lucia Mar Unified School District will be sorely missed and difficult to replace, but her well-deserved retirement will give her the ability to spend more time with her family. I thank Mrs. O'Connor for her lifetime of board service and dedication to the children of Arroyo Grande and San Luis Obispo County. I wish her the very best in her future endeavors.

RECOGNIZING NATIONAL ALCOHOL
AND DRUG ADDICTION MONTH

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mrs. BIGGERT. Madam Speaker, recognizing National Alcohol and Drug Addiction Month, 2010 drug and alcohol abuse is a growing problem across America, and especially in Illinois. According to the Substance Abuse and Mental Health Services Administration, drug and alcohol abuse was found among 9.5 percent of our citizens ages 12 and older in 2008.

Established in 1989, National Alcohol and Drug Addiction Recovery Month is observed annually every September and recognizes the treatment and celebration of recovery for those struggling with addiction diseases. This year's theme, "Join the Voices for Recovery: Now More Than Ever!" calls us to unite and encourage drug and alcohol-free living. Treatment programs, family members and neighbors can all help assist those who experience addiction. It is with this precedent that facilities in my district, like Timberline Knolls Residential Treatment Center in Lemont, IL, are serving those who suffer from addiction, and are dedicating efforts in support of this proclamation.

By recognizing September as National Alcohol and Drug Addiction Recovery Month, we reaffirm the importance of education and awareness of addiction problems and the important role treatment centers across America play in addiction recovery.

BREAST CANCER AWARENESS
MONTH

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Ms. WASSERMAN SCHULTZ. Madam Speaker, I rise today to honor October as Breast Cancer Awareness Month.

Each year, Breast Cancer Awareness Month is a special time to celebrate how far we have come on the path to eliminating breast cancer, reflect on all we have accomplished, and redouble our efforts for the future.

This year is special because it marks the 20th Anniversary of the National Breast and Cervical Cancer Early Detection Program, which provides breast health services to underserved women. This life-saving program

has served more than 3.7 million women over the past two decades.

We have made so much progress in the past year for breast cancer treatment and awareness. The Patient Protection and Affordable Care Act enacts meaningful reforms for so many Americans, but it will prove especially beneficial for those facing cancer.

Through health care reform, we guaranteed that no longer will cancer patients face losing their health care at the moment treatment is needed most. No longer will those battling disease face the atrocious burden of lifetime or annual caps on their treatment. And, a provision that is not only life-changing but life-saving for all cancer survivors: no longer will anyone be denied coverage due to a pre-existing condition!

If our health care system does not work for cancer patients, it simply does not work at all; so I am so thrilled to have been able to support these vital reforms for previvors, survivors, and all American families.

Early detection of breast cancer is a key to surviving the disease. We must ensure all women have access to affordable breast health services, and we must maintain our investment in innovative research to develop better screening tools and treatments for breast cancer.

When I was diagnosed with breast cancer shortly after my 41st birthday, I was shocked to have to deal with the disease—especially as a relatively young woman.

So often, young women are not aware of their risks, but young women can and do get breast cancer.

That's why, as soon as I was cancer-free, I introduced H.R. 1740—the Breast Health Education and Awareness Requires Learning Young Act, or the EARLY Act, to educate young women about their risks, empower them to know their bodies and speak up about their health, and work together to wipe out this deadly disease. And, with the passage of Health Reform we turned the EARLY Act from legislation into the law of the land!

Going forward, there is so much more work to be done. Every 69 seconds, somewhere in the world a woman dies of breast cancer—nearly half a million women this year alone, making it the leading cancer killer of women worldwide. Breast cancer will strike 1.3 million women this year alone and one in eight women will be diagnosed during her lifetime. This is simply not acceptable.

There are 2.5 million breast cancer survivors living in the U.S. today. I am one of those women—living proof of the power of education, early detection, and the incredible advances in treatment of the disease.

Today, we honor and recognize all those women who have won their fight against breast cancer, are still fighting the disease, those mothers, sisters, friends and wives we have lost, and those who work tirelessly every day to ensure that one day no one else will die from breast cancer.

I am so grateful to all of the wonderful and inspiring advocacy groups who have stood strong as my partners in the fight against this cancer.

During this special time we stand together in solidarity, wholly committed to increasing early diagnoses, saving more lives, and ultimately, finding a cure to wipe out this deadly disease.

IN RECOGNITION OF CHIEF
EDWARD “EDDIE” JAGGERS

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. ETHERIDGE. Madam Speaker, I rise today to honor a true hero from my district, Chief Duncan Edward “Eddie” Jagers of Coats, North Carolina. Chief Jagers has shown outstanding courage, selflessness and bravery by risking his life to protect the citizens of Coats and get lawbreakers off the street.

Although Chief Jagers is a hero every day, one particular incident stands out. On November 17, 2009, Chief Jagers went to work at a routine license checkpoint on North Carolina Highway 27 in Coats that turned out to be anything but routine. While checking the licenses of other drivers, a vehicle sped past the officers and through the checkpoint, leading Chief Jagers on a high-speed car chase at speeds of up to 120 miles per hour. The suspect eventually stopped, grabbed an unknown object from his vehicle, and headed deep into the woods, leading Chief Jagers on a foot race to detain the suspect. Chief Jagers did not hesitate to follow the suspect, but a tussle ensued and Chief Jagers was knocked unconscious. Lieutenant Kelly Fields found Chief Jagers in the woods more than twenty minutes later, and he was immediately rushed to the hospital. The suspect was later apprehended by the Harnett County Sheriff's Office, none which would have been possible without the tireless pursuit and valiant actions of Chief Eddie Jagers.

I had the honor of presenting Chief Jagers with the Law Enforcement Purple Heart award earlier this month for his actions on that fateful day. A combination of Chief Jager's exceptional courage and lifelong experience in law enforcement made it possible for him to react with lightning speed to protect the citizens of the Coats community.

Chief Jagers has been employed with North Carolina law enforcement for more than 20 years, including tenures at the North Carolina DMV, North Carolina Secretary of State, and currently as the Police Chief of the Town of Coats. He serves as an example for his fellow law enforcement officers and shows us all the meaning of true courage and bravery. Madam Speaker, I urge my colleagues to join me today in recognizing the heroism of Chief Edward “Eddie” Jagers. We in North Carolina are proud to call him our hometown hero.

ON THE 75TH ANNIVERSARY OF
THE VIRGINIA STATE CON-
FERENCE NAACP

HON. ROBERT C. “BOBBY” SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. SCOTT of Virginia. Madam Speaker, I rise today to congratulate the Virginia State Conference NAACP (the Conference). During its state conference on October 29–31, the

Conference will celebrate its 75th Anniversary, and I would like to highlight some moments from the history of the organization and its contributions to the Commonwealth of Virginia.

The Conference is celebrating its 75th Anniversary in the hometown of one of its founders, the late Attorney Oliver W. Hill, near the site of the first planning meeting of the Virginia State Conference. The Virginia State Conference NAACP was formed in 1935 at a time when racial inequality was permitted under the law. This injustice is what caused eight individuals to get together to form the Virginia State Conference of Branches of the National Association for the Advancement of Colored People. Those eight people were: Sadie Wyche, Suffolk; Atty. Oliver W. Hill, Richmond; Jesse M. Tinsley, Richmond; Jewel S. Carrington, Halifax; Zenobia Gilpin, Richmond; J. Byron Hopkins, Richmond; Dr. Leon Ransome, NAACP National Office, and Mrs. Spencer, Roanoke. The group held their first planned meeting in Roanoke in 1935.

Many presidents have faithfully served the Conference since the organization's inception: J. M. Tinsley, 1935–1954; E. B. Henderson, 1955–1956; Philip Y. Wyatt, 1957–1960; Robert D. Robertson, 1961–1962; L. Francis Griffin, 1963–1967; Charles Brown, 1968–1970; Melford Walker, 1971–1974; Isaac Ridley, 1975–1978; Roger Ford, 1979–1980; James Hicks, 1981–1982; James E. Ghee, 1983–1985; Charles Mangum, 1986–1988; Jack W. Gravely, 1988–1991; Ernest Miller from 1991–1995; Paul C. Gillis, 1995–1997; Emmitt Carlton, 1997–1999; Rovenia Vaughan, 1999–2003; Linda Thomas, 2003–2007. Currently, the organization is fortunate to have as its president Rev. Dr. Rayfield Vines, Jr., who has served since 2007.

In the Conference's early years, J. Byron Hopkins, Jr., Wendell Walker and J. Thomas Hewing, Jr. provided legal services for the organization. In later years, an organized legal staff included Oliver W. Hill, Martin A. Martin, Samuel W. Tucker, Edwin C. Brown, Sr., Spotswood W. Robinson III, Robert H. Cooley, Jr., Roland Ealey, Philip S. Walker, Rueben E. Lawson, W. Hale Thompson, Victor Ashe, J. Hugo Madison, James A. Overton, Jerry L. Williams, Otto L. Tucker, Ruth Harvey, Henry L. Marsh, III, John W. Scott, Jr., James E. Ghee, Dennis Montgomery, James Hume, Stephanie Valentine, S. Delacy Stith, Gwendolyn Jones Jackson and presently, Richard Patrick.

Over the years, the conference has taken up several initiatives to help better the lives of Black Americans. In conjunction with the Virginia Teachers Association, the Conference's first major policy campaign was the elimination of the difference between the salaries paid to the white and Negro public school teachers, a difference which was later determined to be unlawful in *Alston v. School Board of Norfolk*, 112 F.2d 992 (4th Cir. 1940).

Starting in 1947, the Conference took up the cause of eliminating segregation in public schools by requiring school boards to face the expense of equalizing schools for Negro children with schools for white children. Later, the Commonwealth of Virginia resolved to maintain racial segregation even after the United States Supreme Court struck down the premise of “separate but equal.” The Conference was determined to help desegregate

Virginia's public schools. The Conference filed suits against school boards in 37 counties and 15 cities or towns.

It also fought to reopen schools in Prince Edward County after they avoided desegregation by closing their public schools for 5 years, starting in 1959. In May 1964, the Supreme Court ruled that the Equal Protection Clause of the Fourteenth Amendment did not permit closing schools in Prince Edward County while public schools were being maintained in all other school districts in Virginia.

The Conference supported defendants in criminal cases where the case highlighted racially discriminatory practices in the justice system, such as racial discrimination in the jury selection process.

In 1981, after several organizations challenged the redrawing of the Virginia General Assembly districts, the Conference supported the lawsuit filed in the Federal Court in Richmond. The Conference helped negotiate the settlement which created one hundred single member districts.

Madam Speaker, the Virginia State Conference NAACP has been instrumental in the fight to eliminate of racial inequality and discrimination in Virginia. However, its work is not yet done. Racial disparities still exist in our education system, our criminal justice system, and elsewhere in our society. As long as these exist, I know that the Virginia State Conference NAACP will remain vigilant in its fight for civil rights, equality and liberty.

As the Virginia State Conference NAACP gathers to celebrate 75 years, the organization can truly remember its past, celebrate its present, and focus on the future with great expectations. I would like to congratulate Rev. Dr. J. Rayfield Vines, Jr., President of the organization, Executive Director King Salim Khalfani, and all of the members of the Virginia State Conference NAACP. I wish them many more years of dedicated service to the people of the Commonwealth of Virginia.

TRIBUTE TO THE MOBILE INFIRMARY MEDICAL CENTER

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. BONNER. Madam Speaker, I rise to recognize the upcoming birthday of an important institution in my Congressional district that has provided a virtual lifeline for generations of Mobilians and others from throughout Southwest Alabama. On October 21, the Mobile Infirmary Medical Center will celebrate its 100th Birthday.

When the Mobile Infirmary first opened its doors in 1910, it served the public with 32 hospital beds and four operating rooms. Its facilities have evolved with time, relocating and growing to 258 beds in the early 1950s.

Today, the Mobile Infirmary Medical Center is the largest non-governmental, not-for-profit hospital in Alabama.

With more than 700 beds and 30 operating rooms, the Mobile Infirmary Medical Center is the region's health care leader, respected statewide for its specialty care and "patient-first" approach.

The Mobile Infirmary Medical Center enjoys an expert reputation for the diagnosis, treatment and rehabilitation of patients with cardiovascular disease. The facility performs more than 4,000 procedures in its heart catheterization lab and more than 700 open heart surgeries a year, making it one of Alabama's busiest cardiac care hospitals.

The Mobile Infirmary Medical Center also offers the latest cancer therapies and treatments available and its research program provides treatment options not found anywhere else on the Gulf Coast.

In celebration of its 100th birthday, the facility plans several events next month, including a public viewing of its remodeled atrium and a reunion of everyone born at the Mobile Infirmary Medical Center.

One hundred years ago, the Mobile Infirmary was a vital part of our community—delivering babies, saving lives and comforting the suffering. Today, it continues to fulfill that important role for Mobile and all of Southwest Alabama and, indeed, the central Gulf Coast.

Madam Speaker, on this 100th anniversary, I offer my heartfelt congratulations for its exemplary service to our community and I am confident that the legacy of the Infirmary as a leading health care center will long endure. Happy Birthday, Mobile Infirmary. And special thanks to the thousands of men and women who, over the years, have helped fulfill your core mission of health care excellence.

CONGRATULATING FRANCINE FARKAS SEARS OF BRANFORD, CONNECTICUT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Ms. DELAURO. Madam Speaker, I rise today to congratulate my good friend Francine Farkas Sears of Branford, a pioneering small businesswoman from my district whose company, Fabrique, has been named one of America's fastest-growing 5000 companies by Inc. Magazine. This acknowledgment is a testament to her entrepreneurial skills and spirit of innovation.

Francine is president and owner of Fabrique, a certified woman-owned business that provides cases and accessories for a host of consumer electronic products. Francine has led this company since the early 1980s driven by the vision of what women needed to compete and succeed in the business arena.

And its success is only the latest feather in the cap of a true trailblazer, one with 40 years of experience in the business world. As a stockbroker in the 1960s, Francine was recognized by Newsweek and the New York Times. And in 1972, she was the first businesswoman invited to visit Communist China, after President Nixon had normalized relations.

These achievements, like her inclusion on the Inc. list this year, speak to Francine's creativity, resilience, tenacity, and business savvy—all as plain as day to anyone who meets her. Perhaps most importantly, she has used her success to serve her community, by helping other women to join the business world and succeed in their own right.

I applaud Francine for achieving this recognition, and I congratulate her on both her thriving professional career and the continued success of Fabrique. She is a credit to the Branford community and an excellent reminder that small businesses can and do continue to thrive in our home state of Connecticut.

THE 99TH ANNIVERSARY OF THE REPUBLIC OF CHINA (TAIWAN)

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. LAMBORN. Madam Speaker, on October 10th, the Republic of China will celebrate National Day, this year marking their 99th anniversary. The United States of America and Taiwan enjoy a close and strong relationship based on shared democratic values and free market economies.

I salute the people of Taiwan for their recent achievements, including the completion on June 29 of the Economic Cooperation Framework Agreement (ECFA) with China. Improving relations between Taiwan and mainland China have greatly reduced tension across the Taiwan Strait.

While welcome, the improved relations between the two sides does not eliminate the need for the United States to continue to help Taiwan's defense capabilities under the Taiwan Relations Act. We should continue to aid Taiwan in replacing its aging air force. According to the most recent Department of Defense report on Taiwan's military power, China continues to enjoy air superiority over Taiwan.

It is also my view that we must support Taiwan's participation in global affairs by supporting Taiwan and its 23,000,000 people in becoming a member of the United Nations. An internationally visible Taiwan is a strong Taiwan.

Today, Taiwan is a major trading partner and friend. Our strong economic and cultural ties go back nearly a hundred years. We hope that this strong bond will continue for another 100 years and more.

TRIBUTE TO BREAST CANCER AWARENESS MONTH

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mrs. LOWEY. Madam Speaker, I rise today to pay tribute to Breast Cancer Awareness Month, which begins on October 1. This month should serve as a time to reflect on the struggles faced by women fighting this deadly disease and to celebrate how far we have come and all we have accomplished in the fight for a cure.

This year marks the 20th anniversary of the National Breast and Cervical Cancer Early Detection Program, which has provided health services to more than 3.7 million underserved women. It focuses on one of the key factors in surviving breast cancer—early detection.

Due to the sobering fact that breast cancer will afflict 1.3 million women this year, it is vital that we ensure access to affordable breast health services. Last year alone, the early detection program screened almost 325,000 women for breast cancer—and detected 4,600 instances of cancer.

In addition to maintaining this progress, we must also maintain our investment in innovative research to develop better screening tools and treatments. Numerous provisions in the health reform law will improve breast cancer screening, including annual mammograms for women age 40 and older.

A number of non-profit organizations are dedicated to saving lives and ensuring quality care for those suffering from this terrible disease. This is the 30th anniversary of Nancy G. Brinker's promise to her sister, Susan Komen, that she would do everything in her power to end breast cancer forever.

I encourage everyone to join me in recognizing Breast Cancer Awareness Month. I would like to acknowledge this month as a time of hope for those fighting this disease and to honor the 2.5 million survivors living in the U.S. today who serve as a testament to the power of education, early detection, and advances in treatment.

INTRODUCTION OF THE HOMELAND DEFENSE OPERATIONS PAY EQUITY ACT

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Ms. BORDALLO. Madam Speaker, today I introduced a bill, the Homeland Defense Operations Pay Equity Act, which aims to address an oversight in statute that does treat members of the National Guard or Reserves, who are also federal civil servants, with pay parity during periods of activation in support of domestic operations.

The Omnibus Appropriations Act of 2009 (Public Law 111–8) established Section 5538 of Title 5. The intent of this provision was to ensure that any member of the National Guard or Reserves who was called to active duty and who works as a federal civil servant does not incur a significant loss of income as a result of their activation to active duty service under Title 10. This was in direct response to the major activations for Operation Iraqi Freedom and Operation Enduring Freedom. Numbers of Guardsmen and Reservists who work for the federal government were suffering significant losses of income as a result of the activations to support Operation Enduring Freedom and Operation Iraqi Freedom. To address this disparity, Congress passed Section 5538 to ensure that the federal government, under specific regulations, pays the difference between their active duty pay and their federal salary.

However, Section 5538 does not cover a Coast Guard Reservist or National Guardsmen who was called to service in support of homeland defense operations under Title 32 or Title 14.

Since 9/11, our National Guardsmen and Reservists have answered the call to duty on

numbers of domestic operations including Operation Noble Eagle, security at our airports, Hurricane Katrina operations, Operation Jump Start on the southwest border and most recently for BP oil spill clean-up. We should encourage, not penalize, our federal civil servants who perform domestic operations in the National Guard or Reserves. The Homeland Defense Operations Pay Equity Act would correct this oversight and ensure that Reservists and Guardsmen do not incur a significant loss of income in their service to our country.

I urge that this bill be passed, so that our dedicated Guardsmen, Reservists, and their families, do not face financial hardship while answering the call to service.

CONGRATULATIONS TO THE CIVIL SERVICE EMPLOYEES ASSOCIATION

HON. PAUL TONKO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. TONKO. Madam Speaker, today, I rise to honor the 100th anniversary of the Civil Service Employees Association.

I want to publicly acknowledge this organization whose endeavors have served the best interests of the workforce in the State of New York. Labor unions have played an essential role in ensuring the prosperity, safety and liberty of workers in my home state, as well as our Nation, and around the world.

This great group of civil servants was first organized on October 24, 1910. The Civil Service Employees Association's founding was the first known instance of state employees organizing. One hundred years later, the Civil Service Employees Association is one of the largest, most influential unions in the United States.

It is New York's largest public employee union, representing 300,000 active and retired, public and private employees. Its members are an integral part of every locality and provide essential services throughout the state.

Today the association's members are the backbone of their communities, supporting every kind of charitable cause, service organization and community activity. With a membership of dedicated employees, the record of the Civil Service Employees Association in public service is one to be celebrated.

STATEMENT IN HONOR OF SOPHIE HAYFORD'S RETIREMENT

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Ms. MATSUI. Madam Speaker, I want to take a moment to recognize the extraordinary work of the Rules Committee's Chief Counsel, who will be retiring this November.

For more than three decades, Sophie Hayford has served this chamber with grace and humility.

Beginning her tenure as a legislative aide to Representative Joseph Moakley, Sophie then went to work for the Rules Committee.

Over the past 24 years, Sophie has guided the Rules Committee and the House as a procedural specialist. She has been a constant resource to me and my staff and has helped guide the passage of several important initiatives.

My good friend—Chairwoman (LOUISE) SLAUGHTER—has been privileged to have Sophie on her staff. And I know I speak for my colleagues when I say that Sophie will be sorely missed on the Committee. But we all wish her the very best in the future.

Sophie: thank you so much for your hard work, dedication and the many late nights. It really has been a pleasure working with you.

Please enjoy your retirement, you certainly deserve it.

RECOGNIZING THE NICK MARSHALL FAMILY AS THE 2010 OKALOOSA COUNTY OUTSTANDING FARM FAMILY OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today to commend the Marshall family on being selected as the 2010 Okaloosa County Outstanding Farm Family of the Year.

Dating back several generations, the hard work and dedication of Nick Marshall and his father James, along with Nick's wife Maryann and his mother Helen, have helped keep their family's farming tradition alive. They, along with their ancestors, have helped provide food and goods not only throughout their community, but throughout the Nation.

The Marshall family's current operation of growing cotton and peanuts was started by Nick's father in 1973. It was during his early years that Nick learned from his father, James, the importance of a strong work ethic and producing quality goods. The bond between father and son working on the farm is a special one and should be cherished; Nick hopes to one day share some of the same memories and life lessons with his son, Landon.

Madam Speaker, our great Nation was built by farmers and their families. The Marshall family serves as an excellent model to all our Nation's family farmers. On behalf of Northwest Florida, I wish the Marshall family continued success and hope that their family tradition will continue to prosper for many future generations to come.

TRIBUTE TO NEAL WADE, ALABAMA'S TOP INDUSTRIAL RECRUITER

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. BONNER. Madam Speaker, I rise to recognize the incredible contributions of one of

America's top economic development recruiters, Mr. Neal Wade, who will soon leave his home State of Alabama after accumulating a most impressive record of accomplishments.

Faced with many of the same economic challenges as other states, including the rapid decline of the textile industry, Alabama has spent much of the last decade recreating its image and reaching out to new industries.

And even when you include the impact of the global recession, which has spared few, the results have been nothing less than impressive.

Our State has made significant gains in landing a variety of top tier projects, including German steel manufacturer ThyssenKrupp Steel and Austal USA in my congressional district, as well as expansions in Alabama's automakers—Mercedes, Honda, Hyundai, and Toyota. We have also been at the forefront of developing our aerospace presence in ways once thought impossible with the commitment by EADS and Airbus to grow their U.S. footprint in the State of Alabama. Without question, the man at the helm of Alabama's economic development efforts during this productive period has been Neal Wade.

Mr. Wade, a Sanford University graduate, spent the 1990's leading the Economic Development Partnership of Alabama. As president and CEO of the partnership of the State's leading businesses aligned to promote economic development, he demonstrated his unrivaled leadership capabilities and caught the eye of Governor Bob Riley who appointed him director of the Alabama Development Office in 2003.

In this new capacity, Mr. Wade wasted little time courting major new industry, including ThyssenKrupp, National Railcar, and more recently, Hyundai Heavy Industries. His efforts did not go unnoticed outside of the State. Twice during his stewardship, the Alabama Development Office was named the top economic development agency in the United States.

Mr. Wade recently announced that he is leaving his post at the ADO to become the senior vice president for economic development at the St. Joe Company. It is an understatement to say that Alabama will greatly miss the steady hand and wise counsel of Neal Wade. However, we wish him and his wife, Mary Ann, the very best in their future endeavors.

Madam Speaker, Alabama is a different State—and a much better place to call home—because of the tremendous team of Governor Bob Riley and ADO Director Neal Wade. While we will miss this dynamic duo next year, the seeds of the new investment that Neal has helped plant over the past several years will no doubt bear fruit for generations to come.

TRIBUTE TO THE CINCINNATI REDS

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mrs. SCHMIDT. Madam Speaker, I rise today along with all of Cincinnati to congratu-

late and celebrate the Cincinnati Reds becoming the 2010 National League Central Division Champions.

Cincinnati has a rich and proud tradition of great baseball teams. Cincinnati is the home of the first professional ball club beginning in 1869. The Reds have won World Series Titles in 1919, 1940, 1975, 1976, and most recently, 1990. The Reds also won National League Pennants in 1939, 1961, 1970 and 1972 and have numerous Reds players and coaches inducted into the National Baseball Hall of Fame.

Madam Speaker, this year's Reds ball club has had an astonishing number of come-from-behind wins and walk-off wins in the final at-bat. Last night was no different when, in the bottom of the ninth, Jay Bruce hit a home run to break a 2-2 tie and send Cincinnati into the post season.

Madam Speaker, please join me in congratulating Manager Dusty Baker for, leading this diverse team full of young players, seasoned veterans, gold gloves, and an MVP candidate to the division title. I congratulate their owner, Mr. Bob Castellini, and his ownership group for bringing winning baseball back to my hometown in Cincinnati.

Go Reds.

FORECLOSURE FRAUD! BANK RATES VERSUS RULES FOR EVERYONE ELSE

HON. ALAN GRAYSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. GRAYSON. Madam Speaker, foreclosure fraud can affect anyone, whether you have a mortgage, are paying on time, have income, or not. The average foreclosure hearing in a Florida court is 90 seconds. Mistakes are common, and fraud is rampant. Everyone is familiar with dealing with a big bureaucratic institution. What is happening is that these big bureaucratic loan servicers are charging fees inappropriately, refusing to talk to homeowners by putting calls through to call centers in India, and then foreclosing with forged documents once the homeowner has been drained of all assets and the will to fight.

There is one set of rules for banks, and another set of laws for everyone else. A servicer can ask for fees, it can demand payment, it can send you to call centers in India, and it doesn't have to negotiate. And you now have virtually no rights as a homeowner.

Here are four bizarre examples:

(1) Last summer, Fort Lauderdale resident Jason Grodensky experienced what has tragically become an increasingly familiar process all across America: his house was sold at a foreclosure sale after a bank notified the Florida courts that Grodensky had defaulted on his mortgage. The foreclosure came as a surprise to Grodensky, according to reports from the Sun-Sentinel. Not only did Grodensky not have a mortgage with the bank that sued to foreclose against his house, he had never had a mortgage at all. Grodensky had paid cash for his home.

(2) One house in Pinellas County, Florida saw two foreclosure suits brought against it

because the banks didn't know who had title to the mortgage.

(3) One victim with a perfect payment record of all interest and principal was foreclosed on because of a \$75 contested late fee.

(4) Tim and Nicole West were victims of a predatory loan. In 2005, a bank threatened to sue the couple if they didn't sign a refinancing offer. Their loan servicer subsequently raised their payments from \$1900 to \$5300 a month, with regular forbearance fees required in the tens of thousands of dollars. Finally, the servicer refused to accept payments from the family in the name of negotiating for a mortgage modification. Instead of modifying the loan, their servicer began foreclosure proceedings. The servicer used fraudulent documents to prove that it had the right to foreclose.

Here's how it happened.

Securitizing mortgages was originally a way to take the cost of a mortgage of a bank's books. From 2005 onward, the securitization chain went out of control, and Wall Street wanted as many mortgages as it could get, as quickly as possible, and as cheaply as possible. In order to allow it to pull out more fees at every link in the chain, subprime lenders, trusts, and banks decided to cut as many costs as possible, including record-keeping. They didn't keep good records, and violated the laws mandating that they had to file records with county clerks on who owned what mortgage title.

Instead, banks simply digitized mortgage titles into a privatized system called the Mortgage Electronic Registry System (MERS) and did the transfers by trading Excel spreadsheets among banks and trusts rather than by endorsing the notes as required by their own contracts, state real estate law, and IRS rules. Today, MERS is the registered owner of a security interest in 60 million properties or about 60% of the mortgages in the United States. 97% of the loans originated between 2005–2008 are in MERS.

It appears that on a widespread, probably pervasive basis, they did not take the steps necessary for them to own the note (a borrower IOU), which means that in 45 of 50 states, they lack the legal right to foreclose. Thus, every trust now has questionable legal standing in foreclosures in the overwhelming majority of states. In addition, the records were poorly kept, so servicers are basically guessing that they have the right to foreclose when they foreclose.

Obviously, the banks do not want to grapple with the consequence of trillions of dollars of securitized mortgages having no legal standing to foreclose. So, they have simply created a system whereby servicers hire 'foreclosure mill' law firms whose business is to forge documents showing that they have a legal right to foreclose. Some of these mills have been featured in the New York Times, and so-called 'robo-signers', people whose names show up on thousands of affidavits, despite obvious forgeries and overt admissions that these people had no knowledge of what they were signing.

The system is so organized that there is a company, Lender Processing Services, who allegedly has created the means to systemize fraud. Lawyers use the LPS system to request

which affidavits and documents they need. LPS then has 'document mills' where they can magically make an authorized Vice President of Whoever You Need, and send you backdated signed documents saying you have the right to foreclose. Courts at first refused to believe that this level of rampant fraud exists, but more recently, they have started to sanction fraud against loan servicers.

Servicers don't make money through routine servicing; it's a break-even business. They make it at foreclosure, with a \$6,000 foreclosure fee. When you combine the incentive to foreclose with systemized fraud, it's lawlessness.

Fraud is now big business. And it's sanctioned in part through the government, as both Fannie and Freddie are shareholders in MERS.

We're approaching the point where the easiest way to make a buck is to steal it. The only way to end this plague of foreclosure fraud is to make sure that crime does pay.

CHILDHOOD CANCER SUMMIT

HON. MICHAEL T. MCCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. MCCAUL. Madam Speaker, I am honored to take this opportunity to discuss a recent event in DC on an issue that has always been of particular significance to me. On September 16, 2010, I hosted a Childhood Cancer Summit with Congressman JOE SESTAK on behalf of the Pediatric Cancer Caucus. We held the Summit in September to honor Childhood Cancer Awareness Month. Our goal was to raise awareness among Members of Congress and to advance policies to better treat and prevent this disease.

Pediatric cancer is the leading killer by disease of our nation's children. Thirty-five children, or the equivalent of an entire school classroom, are diagnosed every day.

However, pediatric cancer research remains woefully underfunded. To compound this problem, the small patient population creates no market incentive for pharmaceutical companies to develop pediatric cancer drugs. Therefore, there exists a lack of available treatments and drugs tailored specifically to childhood cancer. Only one drug has been manufactured particularly for pediatric cancer since the 1980s. In addition, three out of every five survivors face devastating long-term effects from their disease or their treatments. Pediatric cancer is a chronic disease, and we have much to learn before diagnosed children are guaranteed to lead full and normal lives.

It is the goal of the Pediatric Cancer Caucus to raise awareness for these issues, as well as to advocate in support of measure which will improve the lives of patients, and work toward eliminating this disease as a threat to all children. The Caucus now has about 80 members, and is steadily growing.

The Childhood Cancer Summit included a panel discussion between childhood cancer experts from around the nation. Participants came from many of the premier pediatric cancer centers, including MD Anders Cancer Cen-

ter, Texas Children's Hospital, Children's Hospital of Philadelphia, Memorial Sloan-Kettering, and St. Jude Children's Research Hospital. The panelists discussed the unique challenges facing childhood cancer patients and their families compared with adult cancers, including the development of better treatments for kids with cancer and initiatives to improve the quality of survivorship.

It is my goal to use the recommendations from these panelists to shape an effective legislative agenda, and garner the support of my fellow policymakers. As policymakers, we have a responsibility to the many children and families suffering from this devastating disease.

IN RECOGNITION OF THE PASSING OF GEORGE IRELAND, JR.

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize the life of northwest Florida's beloved George Ireland.

Mr. Ireland is survived by Jacqueline, his wife of 57 years; his three sons, George, Timothy and Bruce; as well as two grandchildren and three great-grandchildren. To his family and friends, I would like to offer my deep and sincere condolences. George Ireland was not only a compassionate man, but also had a sharp wit and an immense love for his community. Northwest Florida has truly suffered a great loss with his passing.

Mr. Ireland served his country with honor and distinction in both the Korean and Vietnam Wars and retired after more than 27 years of service in the United States Air Force with the rank of Chief Master Sergeant. Following his retirement, Mr. Ireland moved to Niceville, Florida, where he served his local community as City Clerk for over 32 years and also served as President of the Florida Association of Clerks. Mr. Ireland was described by his colleagues as a "financial whiz"; his remarkable aptitude for managing budgets and records helped the city of Niceville continually run a budget surplus.

In 1978, he was the catalyst for the purchase of a cutting-edge computer system Niceville. He convinced the Niceville City Council to approve the purchase of computers to help facilitate a sophisticated internal system that allowed the city to save countless dollars. He was also responsible for founding an institute for the education and training of city clerks in northwest Florida; this service, provided at no cost to the cities of northwest Florida, was especially crucial as it allowed each city to cut the cost of sending their clerks to train in south Florida.

Mr. Ireland's excellence in financial management was recognized by the Government Finance Officers Association, which bestowed upon his office more than 20 annual awards for excellence in financial reporting. He was also the recipient of the prestigious Robert N. Clark Award from the Florida Association of City Clerks.

Mr. Ireland's dedication to his community was beyond reproach. After his retirement as City Clerk, he continued to give his time, even though he was off the payroll. He was also deeply involved in a myriad of fraternal organizations. Mr. Ireland was a member of the Veterans of Foreign Wars of Florida, where he served as District 1 Commander. He was a Master Mason of the Okaloosa Masonic Lodge 312 in Niceville, and was a 32nd Degree Knights Commander of the Court of Honor for the Hadji Shrine in Pensacola, Florida. He also served multiple times as President of the local Lions Club, but his real love was in serving as secretary and treasurer of the Lions Club—a position he held since the early 1960s. Mr. Ireland's service to his community was recognized in 2005 when he was awarded the Melvin Jones Fellowship Award—the highest award given by Lions Clubs International for humanitarian service.

To some George Ireland will be remembered as a courageous member of our armed services where he fought to protect the liberties and freedoms we all hold so dear; to others he will forever be a sharp, intelligent, and exceptionally compassionate public servant. He will long be remembered by his family and friends as a loving husband and father; and we will all remember his wit, energy, motivation and commitment to serving his community. His impact he had on northwest Florida can never be forgotten.

Madam Speaker, on behalf of the United States Congress, it gives me great pride to honor the life of George Ireland, and his living legacy.

MONROE JOURNAL EDITORIAL CALLING FOR RENEWAL OF BUSH TAX CUTS

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. BONNER. Madam Speaker, I wish to submit for the RECORD an editorial published in the September 16th edition of the Monroe Journal in my congressional district, calling for the renewal of the Bush tax cuts of 2001 and 2003.

CONGRESS MUST RENEW BUSH'S TAX BREAKS

In this economic environment it would be ludicrous to even consider not renewing the "Bush tax breaks" for everyone, especially so for middle class Americans.

President Barack Obama has said he supports renewing the federal income tax breaks for middle class workers, but he does not support renewing the tax breaks for persons making \$250,000 or more annually.

Unfortunately, the problem with not renewing the tax breaks for those who make \$250,000 or more is that many of those individuals are small business owners.

We all know that the majority of jobs in America are created by small businesses.

If the tax breaks are not continued for middle class workers, they would see an average increase of \$1,500 per individual in their annual federal income tax. And, if the tax breaks are not continued for small business owners, many of those middle class workers could find themselves on the unemployment lines in 2011.

Why not amend the tax law to continue the tax breaks for everyone, who makes less than \$250,000 annually and for small business owners, who make no more than \$500,000 annually? This would help middle class workers continue to make ends meet and help small businesses with minimum operating capital stay afloat in this shaky economy that is still in a rebound stage.

Madam Speaker, oftentimes the best ideas come from real America, not just those generated here inside the Washington Beltway. I hope my colleagues will take to heart this urgent plea from the editors and publisher of the *Monroe Journal*.

ISSUES REGARDING LYME DISEASE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. SMITH of New Jersey. Madam Speaker, as chair of the congressional Lyme Disease Caucus and a person who has been closely involved in Lyme disease issues for over twenty years, I want to bring to your attention extremely troubling issues regarding Lyme disease.

Lyme disease is the most common of all vector-borne infections in the U.S., with approximately 290,000 new cases in 2008. With the increase in Lyme cases, problems due to poor diagnostics and ineffective treatments for Lyme disease have become almost overwhelming—affecting larger numbers of people over longer periods of time.

Many patients are angry because progress in addressing Lyme disease has been impeded by entrenched bias and a lack of accountability in the science of tick borne diseases. It is critical that we identify biases and impediments that are constraining the science on Lyme and to open up the dialogue to honest and transparent debate. The scientists who have long been marginalized, the treating physicians who have felt intimidated and threatened, and most importantly the sick patients and their families need our help.

My main purpose here today is to introduce for inclusion in the CONGRESSIONAL RECORD the following statement “The Patient Perspectives on the Research Gaps in Tick Borne Diseases,” written by three of the Nation’s largest Lyme disease advocacy organizations, who represent tens of thousands of patients. I believe that this statement provides important perspectives that need to be heard and taken to heart.

PATIENT PERSPECTIVES ON THE RESEARCH GAPS IN TICK BORNE DISEASES

(Submitted by Time for Lyme, the national Lyme Disease Association, and the California Lyme Disease Association on behalf of our patients across the United States)

In December 2009, Labor HHS 2010 appropriations language, signed into law by President Obama, encouraged the National Institutes of Health (NIH) to “sponsor a scientific conference on Lyme and tick-borne diseases . . . the conference should represent the broad spectrum of scientific views . . . and should provide a forum for public participation and input from individuals with Lyme

disease.” The language also requires NIH to identify research gaps to understand the “mechanisms of persistent infection.” The passage of this language represents a significant opportunity to summarize and solidify the issues that prevent scientific progress for a disease recognized here for 35 years, if, and only if, this process occurs without bias. Progress can be accomplished if the stewards commit to the elimination of predisposition by key decision makers.

It is not clear why the NIH elected to subcontract this issue to the Institute of Medicine (IOM), given that the existing NIH conference structure contains the best process to address the appropriations language requirements. According to the NIH Consensus Development Program, which explains the two relevant types of conferences offered by NIH, “when the available evidence is weak or contradictory, or when a common practice is not supported by high-quality evidence, the State-of-the-Science label is chosen.” This conference format would appropriately address the research gaps that exist for Lyme and tick-borne diseases as it provides a “snapshot in time” of the state of knowledge on the conference rather than a policy statement of the NIH or the Federal Government.

In Lyme disease, there are two distinct disease paradigms, each providing science to support its claims. One paradigm views the disease as “hard to catch and easy to cure” and denies the existence of chronic Lyme disease—persistent infection with *Borrelia burgdorferi*, the spirochete that causes the disease. Under this paradigm, the state of the science for patients with chronic Lyme disease is closed. Any treatment is considered too risky because practitioners are unable to determine the cause or extent of patient symptoms, or they view the symptoms as insignificant and write off the patients’ complaints as psychiatric in nature. This leaves seriously ill patients without any viable therapeutic avenues. It also shuts the door on future research necessary to get patients to a state of wellness.

The alternative paradigm says that the science is too unsettled to be definitive and there can be one or more causes of persistent symptoms after initial treatment in an individual who has been infected with the agent of Lyme disease. These causes include the possibility of persistent infection, or a post-infectious process, or a combination of both, with the Lyme bacterium itself driving the autoimmune process. This paradigm allows doctors the ability to exercise their clinical judgment and provide therapies that are helping their patients.

Patients with Lyme disease need a research agenda that reflects outcomes that matter to patients, namely effective diagnostic tools and effective treatments that restore them to health. The reason there are two disease paradigms in Lyme disease is because central pieces of the puzzle are missing or are inadequate. The first area of concern involves testing.

There are no reliable biomarkers of the disease.¹ Current diagnostic tests commonly used do not detect the spirochete that causes Lyme disease, rather, they detect only whether the patient has developed antibodies to the pathogen. Antibody production, if it registers on the tests at all, takes weeks to appear, thus rendering the current tests ineffective in the earlier and more easily addressed stage. Additionally, the Lyme antibody has been shown to form a “complex” with the bacterium itself—and tests cannot detect “complex” antibodies. Once triggered, antibody reactions may remain long after an

infection has been treated, also clouding the diagnostic and treatment picture.

The two-tier testing system endorsed by the Centers for Disease Control and Prevention (CDC) is very specific for Lyme disease (99%), so it gives few false positives. But the tests have a uniformly low sensitivity (56%)—missing 88 of every 200 patients with Lyme disease. By comparison, AIDS tests have a sensitivity of 99.5%—missing only one of every 200 infected patients.² Sensitive AIDS tests were developed less than 10 years into the disease, while archaic Lyme tests remain unreliable 35 years later. There is a critical need for research exploring newer technologies such as polymerase chain reaction (PCR), which is used with many other diseases, and cutting-edge proteomics. Strain variations and co-infections with other organisms, often transmitted by the same tick bite, obscure the diagnostic picture further.

A vast number of strains of *Borrelia burgdorferi* have been identified. Variation in strain may cause differing symptoms or severity of symptoms as well as determine the appropriate antibiotics and duration of treatment needed to clear the infection.³ Different strains may also express different proteins. Preliminary research shows that proteins need to be examined to find the ones most often expressed, then using microarray technology, doctors may be able to diagnose patients using a chip which contains the proteins.

Research is needed concerning the role of mutation on persistence. Some research indicates that bacteria can exchange genetic material, probably contributing to its ability to invade different systems in the body—some may have a proclivity for the heart muscle, others for the brain, and some for muscles and joints. By exchanging genetic material, bacteria may be able to form a symbiotic relationship to avoid detection by the immune response or to further invade the body.

To date, every NIH-funded treatment research study has been designed using the inaccurate diagnostic test results as part of the entry criteria. The entry criterion in these studies excluded the vast majority of Lyme patients and created sample sizes too small (less than 220 patients to date) to detect clinically important treatment effects or generalize to the clinical population. Moreover, Lyme has not attracted industry funding for treatment approaches, which places the disease at a considerable research disadvantage. To detect clinically relevant treatment effects requires much larger treatment trials with sample populations that reflect those seen in clinical practice.⁴

One thing that past research has demonstrated is that patients with Lyme are a heterogeneous population. Hence, the course of illness and responsiveness to treatment may vary depending on the duration of onset of the disease to its diagnosis and treatment, the presence of co-infections, comorbid factors, other genetic characteristics of the patients, and the virulence of the strain(s) with which the patient is infected. Research sample populations must reflect those seen in clinical practice to yield clinically relevant results.

As advised by the Appropriations language, research on the pathophysiology of Lyme disease is necessary. Research projects need to be designed which determine the course of the disease from inception, and which utilize treatments that effectively interfere with the mechanisms that allow the infection to persist. Little to no government sponsored

science has been dedicated to the effects on persistence of the different forms of the Lyme bacterium (cyst vs. flagellar), the role, if any, of biofilms, sequestration of the organism from the immune system, the exchange and mutation of genetic material of the spirochete, and the role that components of the bacterial genome may play in protecting it from eradication by the immune system or antibiotics. Understanding the pathology of the organism can greatly enhance targeted diagnostics and treatment modalities.

Patients also need studies that explore a range of treatment options. The ideal antibiotics, route of administration, and duration of treatment for any stage of Lyme disease are not established. No single antibiotic or combination of antibiotics appears to be capable of completely eradicating the infection in all patients, and treatment failures or relapses are reported with all current regimens, although they are less common with early aggressive treatment.⁵ Treatment failure rates suggest the need to re-examine the effectiveness of the currently recommended monotherapy as a treatment approach. Studies need to explore combination treatments and longer term treatment regimens, which have been critical to the successful treatment of AIDS and tuberculosis.

Patients need the type of outcomes research advocated by the IOM to examine how well treatments are working in actual clinical practice.⁶ While not all patients with chronic Lyme disease have returned to a state of wellness, many have, and we need to find out how and why. This information can then be applied to other patients and used to establish a research agenda for treatment that has a likelihood of success, rather than abandoning patients based on limited treatment trials.

The IOM process does not allow these research ideas to be heard in an unbiased and transparent fashion with balanced divergent viewpoints. While the NIH process precludes bias on the part of panel members, the IOM does not. Four of the six members of the IOM panel that have been selected belong to IDSA, a medical society that has a known bias against chronic Lyme disease diagnosis and treatment. Rather than providing curative treatments that restore health, the IDSA would provide costly and long term palliative treatments, presumably for life. While the NIH requires participation by major stakeholders (including patients and treating physicians), the IOM does not.

The summary of the IOM proceedings will reflect this pervasive lack of objectivity, undermining its integrity and credibility. Additionally, much IOM deliberation is done behind closed doors and an anonymous panel will be permitted to comment on the written record. Because of such flaws in the IOM proceedings, the three largest patient interest groups who were offered a brief opportunity to speak (TFL) at the IOM October 2010 meeting and an opportunity to provide a commissioned paper—CALDA, the LDA and TFL—pulled out of the conference in protest.

From a research perspective, strongly held paradigms can create a closed loop, and experiments may be designed, implemented and interpreted to support a particular viewpoint.⁷ The antidote to bias is to balance scientific perspectives and to ensure that all scientific viewpoints are being heard and explored. Given the extraordinary stream of federal funding granted to researchers who support the closed paradigm which was created and is supported by the Infectious Diseases Society of America (IDSA) and their vested interest in maintaining the status

quo, it is not reasonable to expect this group of researchers to serve as neutral arbiters of scientific debates over competing scientific paradigms. For example, Lyme related panels dominated by IDSA have time and time again excluded opposing viewpoints from participating or controlled the review process to ensure outcomes that reinforce the IDSA paradigm. If past is prologue, it is obvious what the future holds for panels dominated by one group.

Worse, the small treatment trials that have been conducted have been given an undue amount of weight by IDSA researchers and in its guidelines and used to apply a degree of certainty on the science that far exceeds the limitations of the small sample sizes of the studies. Further, they claim that the state of the science is sufficient to determine with certainty that chronic Lyme disease does not exist, is not treatable with antibiotics, and that no further research on this topic is needed. Sample size affects the strength of the conclusions that may be drawn from them: "Providing definitive answers in the face of low event rates and small-to-moderate treatment effects necessitates sample sizes in the thousands or tens of thousands. . . . Funding for such megatrials is very limited, and is often restricted to industry sources."⁸

For that reason, the Connecticut Attorney General antitrust investigation into the development process of IDSA Lyme guidelines found exclusionary practices and suppression of divergent viewpoints on the part of IDSA panels that crafted IDSA 2000 and the 2006 Lyme disease guidelines. Although IDSA settled the investigation with the Attorney General by agreeing to review its guidelines with a panel without conflicts of interest, the control of the process was in the hands of IDSA, which again selected a panel consisting almost exclusively of IDSA members and excluding treating physicians who held divergent viewpoints.

It was patients who pressed for the language in the Appropriations bill that called for a review of the state of the science of Lyme disease. However, patients need that process to occur in a transparent manner, without bias, and with the participation of all stakeholders. Albert Einstein defined insanity as "doing the same thing over and over again and expecting different results." This process is a perfect example of that insanity.

Patients want research which will restore their health. Their voice and the voice of the clinicians must be given the necessary weight to legitimize the research agenda and the research process. Truth in science can be achieved through open debate in an independent process free from bias and conflicts of interest. The scientific process fails when one side of a debate controls the arena and sets the rules to ensure that its viewpoint prevails.

Lorraine Johnson, JD, MBA, Chief Executive Officer, California Lyme Disease Association.

Patricia V. Smith, President, Lyme Disease Association, Inc.

Diane Blanchard/Deb Siciliano, Co-Presidents, Time for Lyme, Inc.

ENDNOTES

¹Steiner I. Treating post Lyme disease: trying to solve one equation with too many unknowns. *Neurology* 2003; 60:1888-9.

²Stricker RB, Johnson L. Lyme wars: let's tackle the testing. *BMJ* 2007; 335:1008.

³Weintraub P. What we don't know about Lyme. *Experience Life Magazine* June 2009.

⁴Guyatt GH, Mills EJ, Elbourne D. In the era of systematic reviews, does the size of an

individual trial still matter. *PLoS Med*, 2008; 5:e4.

⁵Hunfeld KP, Ruzic-Sabljić E, Norris DE, Kraiczy P, Strle F. In vitro susceptibility testing of *Borrelia burgdorferi* sensu lato isolates cultured from patients with erythema migrans before and after antimicrobial chemotherapy. *Antimicrobial agents and chemotherapy* 2005; 49:1294-301.

⁶Institute of Medicine (Committee on Quality of Health Care in America). *Crossing the Quality Chasm: A New Health System for the 21st Century*. Washington, DC: National Academies Press, 2001.

⁷Ernst E, Canter PH. Investigator bias and false positive findings in medical research. *Trends Pharmacol. Sci.* 24(5), 219-221 (2003).

⁸Guyatt GH, Mills EJ, Elbourne D. In the era of systematic reviews, does the size of an individual trial still matter. *PLoS Med*, 2008; 5:e4.

EXPLANATION REGARDING COSPONSORING A BILL

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. SHERMAN. Madam Speaker, I wish to clarify that when I cosponsor a bill, it does not necessarily mean that I agree with every part of it. At a minimum, my cosponsorship indicates that I support moving the bill forward through the legislative process, including being marked up in committee, and if sent to the floor by the relevant committee(s), then subject to consideration and amendment on the floor.

TRIBUTE TO CORDY WILLIAMSON

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to a rare find these days—a man who has dedicated 50 years to the same employer. Cordy Williamson has worked for Progress Energy since 1960, and says about contemplating retirement, "I love going to work and I love Progress Energy. Why should I retire when I have all this going for me?"

Mr. Williamson first joined Progress Energy when it was known as Carolina Power & Light, working on the line crew. Sometimes, that meant digging ditches with his bare hands and a shovel. It did not seem hard for him, having grown up on a farm in Aynor, South Carolina where manual labor was a part of his everyday life.

Even though he was comfortable with the physical aspects of the job, his supervisors saw promise in Mr. Williamson's leadership abilities. He moved up the ladder, assuming positions such as lineman, meter reader, and Line and Service Supervisor. These jobs took him to Laurinburg and Lumberton, North Carolina, and Kingstree and Florence, South Carolina.

In 1987, Mr. Williamson became a distribution inspector, inspecting work performed by

Progress Energy crews as well as tree trimming crews.

I believe this letter by Mrs. L.B. White written to the District Manager's office in Florence in 1973 sums up Mr. Williamson's 50 years of dedication to his work:

"... Last Saturday I went in to fix lunch—no heat, no lights, and a complete power failure. I immediately called your service department ... and in about twenty minutes Mr. Cordy Williamson was here. It was quite a job. He was so courteous and patient with me (an old woman). I wanted you to know what a wonderful fellow he is and how fortunate you are to have such a man with your company. I tried to pay him—no pay would he accept. Such an honest, upright man (sic). Hope everything good possible will come to him. I am a widow and live alone and he meant much to me."

Mr. Williamson is the father of two daughters, Amanda and Margaret, and two sons, Jamie and Cordy. He enjoys fishing, motorcycle riding, and flying. He served the Civil Air Patrol in South Carolina and also flew assignments for the U.S. Customs Agency. He helped to start the "MayFly" Air Show in Florence in 1986 and continues to organize the show today.

Madam Speaker, I ask that you and my colleagues join me in congratulating Cordy Williamson on reaching this tremendous milestone in his employment with Progress Energy. His commitment to his work is admirable and a model for young people today to emulate. I wish him many more years of happiness on the job.

CONGRATULATING LUIGI'S DELICATESSEN ON ITS 100TH ANNIVERSARY

HON. KEVIN MCCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. MCCARTHY of California. Madam Speaker, I rise today to honor a leading small business in our community, Luigi's Delicatessen, which is celebrating 100 years of operation in Bakersfield, California on October 3, 2010.

Originally founded in 1910 as Luigi's and Lemucchi's Grocery by Joe Lemucchi, Luigi's is one of Bakersfield's oldest family owned and operated businesses. The café and grocery store reflect the city's rich tradition and in its early days, one could always hear the constant chatter of the different languages that made up the original immigrant community. Joe's son, Louis, later inherited the family business and covered the walls with photos of local athletes that span more than seventy years. These photos have attracted multiple generations of Kern County patrons who return with friends and family to view favorite photos. The same recipes from the café, such as Emelia Lemucchi's Bolognese pasta sauce recipe that she brought from Italy, are being used by the current keepers of the legacy, Antonia Valpredo, daughters Monica and Lanette and son Gino—all of whom make up the third and fourth generations of the family.

Luigi's is more than just a restaurant in Bakersfield. It is a staple in our community and

exemplifies our town's culture. A culture of pride in one's craft is embodied in the pasta and meats prepared. From the receptionist to the wait staff, the friendly atmosphere makes even first time visitors feel like regulars. Luigi's has had a long standing reputation of hospitality, dating back to the early twentieth century, when Joe Lemucchi would rent out small cottages he constructed himself to bachelor Italian immigrants who had just moved into the area. Luigi's is one of Bakersfield's iconic locations, bringing together a community of different backgrounds and perspectives to enjoy delicious cuisine.

I have been going to Luigi's my whole life. Growing up in Bakersfield, Luigi's is one of the best restaurants around. I always order a 1/2 & 1/2—it is a true taste of Bakersfield, as it is a humble combination of pasta and meat sauce with Luigi's Italian beans. My wife Judy loves Luigi's Monica's Salad. To top it off, everyone must have the Butterfinger Pie for dessert. It is an icy delight that perfectly blends candy bar, ice cream, and biscotti cookie crust to make one of my favorite desserts. Luigi's is a gathering place filled with friendly faces and great food.

Luigi's is one of the bedrocks of our small business community that measures success in its loyalty from generations of local customers. It is a family run institution in the Kern County community and I thank Luigi's for its 100 years of service to the people of Bakersfield, and wish them the very best in the next 100 years.

TRIBUTE TO JULIEN E. MARX

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. BONNER. Madam Speaker, I rise to pay tribute to the memory of a highly respected entrepreneur and philanthropist from my district who recently passed away at the age of 68.

On August 10, Mobile lost a dear friend with the death of Mr. Julien E. Marx. Mr. Marx was the epitome of a model citizen—a veteran, a successful businessman, a civic leader, a compassionate humanitarian and lover of animals, and a devoted benefactor of higher education.

Mr. Marx was a graduate of Murphy High School and the University of Alabama, where he was business manager of the Crimson White. Upon graduation, he joined the Army, serving as a second lieutenant during the Vietnam War.

Returning to Mobile, Mr. Marx became active in developing small businesses and joint venture projects. He was best known for his ownership of local real estate and his Julien E. Marx Realtors.

While many would be content with tending to their business interests, Mr. Marx used his passion and energy to better the lives of others. He was an active booster and board member of the Boy Scouts of America, as well as MARC, which improves the lives of intellectually and physically-challenged adults in the Mobile area.

Mr. Marx endowed a number of University of South Alabama scholarships, including the

promotion of art education among minority students. He was a lover of photography, having donated his family's extensive collection of Mobile historical photographs to the University of South Alabama.

Mr. Marx also used his time and resources to back many inventions, from medical research to consumer products. Ironically, he will never be known for all the good that he did because he often chose to give to others anonymously.

Madam Speaker, there simply isn't space in this tribute to fully capture Julien Marx's contributions to our community. He was uniquely American—a dreamer, a doer, a giver, a lover of life. In short, he was a community treasure.

I join so many in South Alabama in mourning Julien Marx's passing and also in extending condolences to his wife of 18 years, Linda, and extended family and friends. You are all in our prayers.

RECOGNIZING GREG MITCHELL FOR HIS EXTRAORDINARY CONTRIBUTIONS TO HIGHER EDUCATION AND THE U.S. MILITARY

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. LAMBORN. Madam Speaker, I rise today to pay respect to a great man in my hometown of Colorado Springs, Colorado. Greg Mitchell is a hands-on, results-oriented leader with a proven track record of achieving success. A longtime resident of Colorado Springs, Mitchell is retiring this year after serving six years as President of Colorado Technical University, CTU.

Greg, a former Naval officer, has championed our state's veterans and young people in both his professional and personal roles for nearly three decades.

As President of CTU, he played a key role in developing programs to serve soldiers, including the wounded warrior program that awards 50 scholarships annually to wounded veterans and their spouses. He once said, "If you do the right thing, it's very rewarding. We can't do enough for the military today." In 2008, the school was named one of the most military friendly institutions in the country.

Under his leadership, Colorado Technical University partnered with the Freedom Alliance Scholarship Fund to provide a full four-year scholarship for a son or daughter of an American military hero who has served and sacrificed for our nation's freedom. CTU pledged \$1 million in full tuition scholarships for Freedom Alliance scholarship recipients who wish to attend their University.

Prior to coming to Colorado Technical University, Mitchell worked in Colorado Springs for Plasmon LMS/Philips Laser Magnetic Storage, Media Security Incorporated, Brown Disc Manufacturing, and the NCR Corporation.

Outside of Mitchell's professional contributions to our community, he has served on numerous community boards. Some of his volunteer work includes serving on the following boards:

—Better Business Bureau

—Colorado Thirty Group
 —The Home Front Cares
 —Congressman Doug Lamborn's Defense Advisory Board
 —Advisory Board for the Latino Chamber of Commerce
 —Advisory Council on Military Education
 —Colorado Springs Chamber of Commerce
 —Vitality Group Advisory Board

Mitchell is a devoted husband and father. He has been married for twenty years to his wife, Cindy, and is the father of three grown children, Garth, Blake, and Paige.

I thank Greg for his tremendous contribution to our community and our men and women in uniform. He is a great American patriot.

INTRODUCING THE MARINE DEBRIS ACT REAUTHORIZATION AMENDMENTS OF 2010

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Ms. BORDALLO. Madam Speaker, marine debris is a global problem degrading the environmental health of the world's oceans. Near my home island of Guam is the Great Pacific Garbage Patch, a huge area hundreds of miles wide within the North Pacific gyre. The Garbage Patch contains virtually tons of plastics and other non-degradable litter, especially discarded fishing gear, that was tossed, intentionally or unintentionally, into the ocean and now drifts indefinitely, harming both ocean wildlife, such as sea turtles and marine mammals, and impacting sensitive marine habitats, such as coral reefs.

Unfortunately, the Great Pacific Garbage Patch—while emblematic of the problem of marine debris—is no longer unique. As we learned earlier this year, a new garbage patch has emerged in the Atlantic Ocean in the region between the Island of Bermuda and the Azores Islands located in the Mid-Atlantic Ocean east of Portugal. Both areas pose a troubling, pernicious threat to not only ocean ecosystems, but also to navigational safety and coastal aesthetics.

Today, in recognition that we must continue to take purposeful action to address this challenging environmental threat, I have introduced legislation to reauthorize and amend the Marine Debris Research, Prevention, and Reduction Act.

My legislation is straightforward and was developed in consultation with NOAA and numerous stakeholder organizations. The bill would clarify the scope and purposes of the program, maintain existing program activities initiated by the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Coast Guard, and also encourage greater and more effective cooperation, both domestically and abroad. Importantly, my legislation will help ensure that the program remains focused on delivering results without additional Federal spending.

Under this program NOAA has implemented a variety of projects in collaboration with state and local governments, NGOs, and industry to prevent and reduce marine debris from enter-

ing the marine environment and providing incentives for its removal once it appears. For example, Covanta Energy, a global innovator in "energy from waste" technologies, has worked collaboratively with NOAA to pioneer the use of marine debris to generate electric power.

In addition, the Northwest Straits Commission in the North Puget Sound region of Washington State, received funding made available under the American Recovery and Reinvestment Act and coordinated through the Marine Debris Program to remove derelict fishing gear from Puget Sound, vastly cutting down on "ghost fishing" and navigational hazards that negatively impact habitat as well as the local economy.

Organizations that support my legislation, such as the Ocean Conservancy, the United Nations Environmental Program, and the Marine Conservation Biology Institute, remain hard at work to raise public awareness about this serious issue.

The 25th annual International Coastal Cleanup, first initiated in 1985 by the Center for Environmental Education, took place last Saturday. The Coastal Cleanup is the world's largest volunteer effort in support of ocean conservation; each year, the Coastal Cleanup mobilizes hundreds of thousands of people in over 100 countries to clean up our beaches, lakes, and rivers. In the past 25 years the Coastal Cleanup has engaged more than 8 million dedicated volunteers, who have removed more than 125 million pounds of trash around the world.

Last year, in Guam alone 3,006 volunteers picked up 17,776 pounds of trash along 22.5 miles of coastline. This trash included everything from 21,900 soda cans to 194 tires, and so much more debris in the form of plastic bottles, bags and nets. This effort is a great opportunity for citizens to make a hands-on difference in improving the ocean and coastal areas. I applaud the Ocean Conservancy for their efforts to coordinate this annual event for 25 years, and I urge my colleagues to do their part by supporting my legislation to reauthorize the Marine Debris Research, Prevention, and Reduction Act.

I look forward to working with my colleagues on both sides of the aisle to reauthorize this highly successful and effective legislation that addresses one of the most serious threats to our oceans today.

HONORING THE ONE HUNDREDTH ANNIVERSARY OF CALVARY BAPTIST CHURCH IN ALLENTOWN, FLORIDA

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize the centennial anniversary of Calvary Baptist Church located in Allentown, Florida.

Calvary Baptist Church was first organized on October 12, 1910 by a group of 33 members of a tightknit farming community. After a

revival meeting, the charter members decided to establish a church to observe and uphold the Word and teachings of Jesus Christ. These founders provided a strong, moral framework which established the values that the church continues to uphold today; multiple generations of the Allentown community have grown worshipping and rejoicing in the Word of God at Calvary Baptist Church.

In 1919, after 9 years of worshipping in the "Solid Block" school, the congregation bound together to build a new house of worship. Through the strength of the Almighty, the church ministered through World War II, and in 1945, church members began work on a new Sanctuary that is still in use today and provides a sanctified space for the propagation of the Gospel of the Lord.

Membership has grown in the 100-year history of this Church, from the original 33 charter members to a congregation of 381 today. The impressive growth and outstanding achievements, however, do not tell the whole story of the people of Calvary Baptist Church. The true triumph of this Church lies in its congregation's faithful devotion to the Lord.

Madam Speaker, on behalf of the United States Congress, it gives me great pleasure to commemorate the centennial anniversary of Calvary Baptist Church in Allentown, Florida. May the Spirit of the Lord continue to bless the Church and its congregation. I am certain this anniversary is the first of many milestones to come.

TRIBUTE TO RALPH STACY, A TIRELESS ADVOCATE FOR ALABAMA BUSINESS

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. BONNER. Madam Speaker, it is with profound sadness that I note the untimely passing of one of Alabama's most dedicated and talented boosters of economic development, not to mention a dear personal friend to me and countless others, Mr. Ralph Stacy.

At a much-too-young age of 53, Ralph Stacy passed away on September 14, 2010 in Montgomery, Alabama. At the time of his death, he was the Senior Vice President for Strategic Communications of the Business Council of Alabama (BCA) and Executive Director of The Partnership, a program which links the state's 120 local Chambers of Commerce with the BCA.

The founding President and CEO of the Chamber of Commerce Association of Alabama, Ralph Stacy was unequalled in his ability to promote local business by building coalitions and utilizing effective communication strategies.

A skilled communicator who possessed an extraordinary talent for salesmanship, Ralph Stacy received two national television and print marketing awards. He was an author, syndicated columnist and radio host.

Ralph Stacy was a member of the BCA Board of Directors, Class Sixteen of Leadership Alabama, the Board of Troy University's Center for International Business and Economic Development, a Governor's appointee

to the Alabama Partnership for Children and was President of the Board of Directors of the Alabama Council of Association Executives. He was also a founding partner and executive committee member of the Alabama Community of Excellence (ACE) program.

A former director of the Greenville Chamber of Commerce, Ralph Stacy was a native of nearby Georgiana, in south Butler County. He was a leader his entire life, earning the rank of Eagle Scout as a young man and going on to graduate from Huntingdon College in Montgomery, where he was a member of the golf team.

Ralph Stacy was not only a skillful business leader, but a gifted story teller and even an ordained minister, shepherding the Beatrice Community Church in Monroe County, Alabama.

Madam Speaker, I know I speak for everyone across our state who had the good fortune to know and work with Ralph Stacy that his death leaves a giant void in the fabric of Alabama.

Ralph always put the interests of our people and our communities first. His friendship, warm personality and his tireless advocacy for Alabama jobs and prosperity will be deeply missed. There was but one Ralph Stacy and his leadership can never be replaced.

On behalf of our state, I wish to extend our heartfelt sympathy to his wonderful wife, Angel, and their lovely daughter, Savannah, as well as Ralph's extended family for their loss. You are all in our prayers.

TRIBUTE TO WILLIE JEFFRIES

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 2010

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to South Carolina's newest inductee into the College Football Hall of Fame and one of our State's favorite native sons. Coach Willie Jeffries has distinguished himself as a trailblazing coach, a tremendous motivator, and wonderful ambassador for his community, his alma mater, and the State of South Carolina.

Willie Jeffries was born in Union, South Carolina in 1937, and is a graduate of South Carolina State College (now University) in Orangeburg, South Carolina, where he played football and baseball. He earned a bachelor's degree in civil engineering and a master's degree in guidance and counseling.

Jeffries' coaching career began in 1960 as assistant coach at Barr Street High School in Lancaster, South Carolina. A head coaching position followed in 1961 at Granard High School in nearby Gaffney, where he compiled a 6-year record of 65-7-2. He won three consecutive state AAA championships, 1964, 1965 and 1966.

In 1973 Jeffries' alma mater called him to serve as its head football coach. During the next six seasons at South Carolina State, his record was an impressive 50-13-4. In 1979, Division I-A football and history called. Jeffries was offered and accepted the head coaching position at Wichita State University, becoming

the first African American to coach a Division I team.

Jeffries became the 32nd head coach for the Wichita State University Shockers in Wichita, Kansas. During his 6-year tenure he compiled a record of 21-32-2, which ranks him third in the school's history for total wins. In 1982, his team went 8-3, which holds the distinction as the last winning season in Wichita State history. Wichita's program was discontinued after the 1986 season.

In 1984, Jeffries left Wichita State to become head coach at Howard University in Washington, DC, where he led the Bisons to their first league victory and a national championship.

In 1989, Jeffries returned to his beloved South Carolina State for what was to be another 13 years as head coach. During those years, Jeffries earned a national title and made three Heritage Bowl appearances. He retired from coaching in 2001, and served as director of athletic fund-raising until 2005, when he accepted the athletic director position at Grambling State University. Earlier this year, Jeffries was named head coach emeritus at South Carolina State and serves as a liaison between the university, its alumni, and other constituents.

Over his outstanding career Jeffries has received several honors. He was inducted into the SCSU Athletic Hall of Fame in 1998. He is also a member of the South Carolina Athletic Hall of Fame, and the Mid-Eastern Athletic Conference (MEAC) Hall of Fame. He has also received numerous honors for his community service including the Order of the Silver Crescent, South Carolina's highest award for outstanding community service, the Order of the Palmetto, South Carolina's highest civilian award. A scholarship fund and endowment have been established in his name at SCSU. During the 2002 school year, he was honored by the Black Coaches' Association with a lifetime achievement award and inducted into the South Carolina Black Hall of Fame.

The highest honor of his career came on July 17, 2010, when Jeffries was inducted in the College Football Hall of Fame. The requirements any coach must meet before being considered for this honor include coaching a minimum of 10 years and 100 games as a head coach, be retired for at least 3 years, and have won at least 60 percent of their games. Jeffries easily passed the first two tests, but he fell just short of the 60 percent winning record with a winning percentage of .565. Because of Jeffries remarkable career spanning 317 games over 29 years and his historic significance, the selection committee considered him a candidate who should qualify for an exception based on his unique record.

Jeffries is a three-time Black National Championship winner, and is credited with inventing the "Freeze Option" offense. He is the only person in history to coach against both College Football Hall of Famers Paul "Bear" Bryant and Eddie Robinson. Jeffries won the MEAC conference title seven times, six with SCSU and one with Howard. He coached College Football Hall of Famers Harry Carson and Donnie Shell.

In addition to his accomplishments on the field, it was also Jeffries work off the field that

made him worthy of this extraordinary honor. He is a much sought after speaker and a tremendous ambassador for South Carolina State University. He is a member of several coaching, professional and civic organizations, including the American Football Coaches Association, Kappa Alpha Psi Fraternity, Inc., and NCAA Football Rules Committee.

He and his wife, Mary, are the parents of three children and currently reside in Elloree, South Carolina.

Madam Speaker, I ask that you and our colleagues join me and South Carolina State University in congratulating Coach Willie Jeffries on his induction in the College Football Hall of Fame and having November 6, 2010 celebrated as his day on the campus of SCSU. He is a legendary coach, whose love of football made him an unexpected barrier breaker. While he seeks no recognition for his extraordinary contributions to the sport and to society, I can think of no one more deserving of these honors.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 30, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED OCTOBER 5

2:30 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

Judiciary

Constitution Subcommittee

To hold joint hearings to examine how the President can best use an expedited recession authority.

SD-342

OCTOBER 6

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine Veterans' Affairs Information Technology (IT) program, focusing on looking ahead.

SR-418

OCTOBER 7		NOVEMBER 17	
10 a.m.	Health, Education, Labor, and Pensions	10 a.m.	Environment and Public Works
	To hold hearings to examine retirement security in America.		To hold hearings to examine Water Resources Development Act of 2010, focusing on legislative and policy proposals
	SD-430		
			to benefit the economy, create jobs, protect public safety and maintain America's water resources infrastructure.
			SD-406

SENATE—Friday, October 1, 2010

The Senate met at 11:30 a.m., and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

—————

**APPOINTMENT OF ACTING
PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE.)

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 1, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

—————

**RECESS UNTIL TUESDAY,
OCTOBER 5, 2010, AT 11 A.M.**

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 11 a.m., Tuesday, October 5, 2010.

Thereupon, the Senate, at 11:30 and 28 seconds a.m., recessed until Tuesday, October 5, 2010, at 11 a.m.

SENATE—Tuesday, October 5, 2010*(Legislative day of Friday, October 1, 2010)*

The Senate met at 11 and 6 seconds a.m., on the expiration of the recess, and was called to order by the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut.

APPOINTMENT OF ACTING
PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 5, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. LIEBERMAN thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL 11:30 A.M., FRIDAY,
OCTOBER 8, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 11:30 a.m., Friday, October 8, 2010.

Thereupon, the Senate, at 11 and 37 seconds a.m., recessed until Friday, October 8, 2010, at 11:30 a.m.

SENATE—Friday, October 8, 2010*(Legislative day of Friday, October 1, 2010)*

The Senate met at 11:30 and 16 seconds a.m., on the expiration of the recess, and was called to order by the Honorable CARL LEVIN, a Senator from the State of Michigan.

APPOINTMENT OF ACTING
PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 8, 2010.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CARL LEVIN, a Senator from the State of Michigan, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. LEVIN thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL TUESDAY,
OCTOBER 12, 2010, AT 10 A.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 10 a.m., on Tuesday, October 12, 2010.

Thereupon, the Senate, at 11:30 and 45 seconds a.m., recessed until Tuesday, October 12, 2010, at 10 a.m.

SENATE—Tuesday, October 12, 2010

(Legislative day of Friday, October 1, 2010)

The Senate met at 10 and 1 second a.m., on the expiration of the recess, and was called to order by the Honorable EDWARD E. KAUFMAN, a Senator from the State of Delaware.

**APPOINTMENT OF ACTING
PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 12, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable EDWARD E. KAUFMAN, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. KAUFMAN thereupon assumed the chair as Acting President pro tempore.

**RECESS UNTIL FRIDAY, OCTOBER
15, 2010, AT 10 A.M.**

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 10 a.m., Friday, October 15, 2010.

Thereupon, the Senate, at 10 and 29 seconds a.m., recessed until Friday, October 15, 2010, at 10 a.m.

SENATE—Friday, October 15, 2010*(Legislative day of Friday, October 1, 2010)*

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

APPOINTMENT OF ACTING
PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 15, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL TUESDAY,
OCTOBER 19, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 12 noon, Tuesday, October 19, 2010.

Thereupon, the Senate, at 10 and 29 seconds a.m., recessed until Tuesday, October 19, 2010, at 12 noon.

SENATE—Tuesday, October 19, 2010

(Legislative day of Friday, October 1, 2010)

The Senate met at 12 and 7 seconds p.m., on the expiration of the recess, and was called to order by the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island.

**APPOINTMENT OF ACTING
PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 19, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. WHITEHOUSE thereupon assumed the chair as Acting President pro tempore.

**RECESS UNTIL FRIDAY, OCTOBER
22, 2010, AT 1 P.M.**

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 1 p.m., Friday, October 22, 2010.

Thereupon, the Senate, at 12 and 39 seconds p.m., recessed until Friday, October 22, 2010, at 1 p.m.

SENATE—Friday, October 22, 2010*(Legislative day of Friday, October 1, 2010)*

The Senate met at 1 and 2 seconds p.m., on the expiration of the recess, and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

APPOINTMENT OF ACTING
PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 22, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL TUESDAY,
OCTOBER 26, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 12 noon, Tuesday, October 26, 2010.

Thereupon, the Senate, at 1 and 35 seconds p.m., recessed until Tuesday, October 26, 2010, at 12 noon.

SENATE—Tuesday, October 26, 2010*(Legislative day of Friday, October 1, 2010)*

The Senate met at 12 and 4 seconds p.m., on the expiration of the recess, and was called to order by the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island.

APPOINTMENT OF ACTING
PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 26, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. WHITEHOUSE thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL FRIDAY, OCTOBER
29, 2010, AT 11:30 A.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will stand in recess until 11:30 a.m. on Friday, October 29, 2010.

Thereupon, the Senate, at 12 and 31 seconds p.m., recessed until Friday, October 29, 2010, at 11:30 a.m.

SENATE—Friday, October 29, 2010*(Legislative day of Friday, October 1, 2010)*

The Senate met at 11:30 and 1 second a.m., on the expiration of the recess, and was called to order by the Honorable JACK REED, a Senator from the State of Rhode Island.

APPOINTMENT OF ACTING
PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 29, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACK REED, a Senator from the State of Rhode Island, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. REED thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL MONDAY,
NOVEMBER 1, 2010, AT 9 A.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will stand in recess until 9 a.m. on Monday, November 1, 2010.

Thereupon, the Senate, at 11:30 and 30 seconds a.m., recessed until Monday, November 1, 2010, at 9 a.m.

SENATE—Monday, November 1, 2010*(Legislative day of Friday, October 1, 2010)*

The Senate met at 9 and 18 seconds a.m., on the expiration of the recess, and was called to order by the Honorable CHRISTOPHER J. DODD, a Senator from the State of Connecticut.

APPOINTMENT OF ACTING
PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 1, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER J. DODD, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. DODD thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL THURSDAY,
NOVEMBER 4, 2010, AT 9 A.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until the hour of 9 a.m., Thursday, November 4, 2010.

Thereupon, the Senate, at 9 and 55 seconds a.m., recessed until Thursday, November 4, 2010, at 9 a.m.

SENATE—Thursday, November 4, 2010*(Legislative day of Friday, October 1, 2010)*

The Senate met at 9 and 2 seconds a.m., on the expiration of the recess, and was called to order by the Honorable JOHN D. ROCKEFELLER IV, a Senator from the State of West Virginia.

**APPOINTMENT OF ACTING
PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 4, 2010.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN D. ROCKEFELLER IV, a Senator from the State of West Virginia, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. ROCKEFELLER thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL MONDAY,
NOVEMBER 8, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 12 noon Monday, November 8, 2010.

Thereupon, the Senate, at 9 and 39 seconds a.m., recessed until Monday November 8, 2010, at 12 noon.

SENATE—Monday, November 8, 2010*(Legislative day of Friday, October 1, 2010)*

The Senate met at 12 and 2 seconds p.m., on the expiration of the recess, and was called to order by the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island.

APPOINTMENT OF ACTING
PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 8, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. WHITEHOUSE thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL WEDNESDAY,
NOVEMBER 10, 2010, AT 9:30 A.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will stand in recess until 9:30 a.m. on Wednesday, November 10, 2010.

Thereupon, the Senate, at 12 and 30 seconds p.m. recessed until Wednesday, November 10, 2010, at 9:30 a.m.

SENATE—Wednesday, November 10, 2010*(Legislative day of Friday, October 1, 2010)*

The Senate met at 9:30 and 5 seconds a.m., and was called to order by the Honorable JACK REED, a Senator from the State of Rhode Island.

—————

APPOINTMENT OF ACTING
PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE.)

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 10, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACK REED, a Senator from the State of Rhode Island, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. REED thereupon assumed the chair as Acting President pro tempore.

—————

RECESS UNTIL FRIDAY,
NOVEMBER 12, AT 9:30 A.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 9:30 a.m., Friday, November 12, 2010.

Thereupon, the Senate, at 9:30 and 33 seconds a.m., recessed until Friday, November 12, 2010, at 9:30 a.m.

SENATE—Friday, November 12, 2010*(Legislative day of Friday, October 1, 2010)*

The Senate met at 9:30 and 5 seconds a.m., on the expiration of the recess, and was called to order by the Honorable CARL LEVIN, a Senator from the State of Michigan.

APPOINTMENT OF ACTING
PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 12, 2010.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CARL LEVIN, a Senator from the State of Michigan, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. LEVIN thereupon assumed the chair as Acting President pro tempore.

ADJOURNMENT UNTIL MONDAY,
NOVEMBER 15, 2010, AT 2 P.M.

The ACTING PRESIDENT pro tempore. The Senate stands adjourned, pursuant to the provisions of H. Con. Res. 321, until Monday, November 15, 2010.

Thereupon, the Senate, at 9:30 and 39 seconds a.m., adjourned until Monday, November 15, 2010, at 2 p.m.

SENATE—Monday, November 15, 2010

The Senate met at 2 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Gracious Lord, whose glory has been revealed through the generations, in this time of change renew within our Senators a true understanding of Your providential purposes. Create in them a fervent desire to do Your will and to trust You to produce the results so desperately needed to heal our Nation and world. Lord, guide them with the light of Your truth so they can see clearer the path You would have them follow. May their priorities reflect Your wisdom so that Your liberating love will be felt in all they say and do. Help them to emulate the depth of Your caring in their relationships and responsibilities. Lord, we ask you to bless our new Senators with Your wisdom and courage.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 15, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, the Presiding Officer and I have had a number of occasions to speak in the recent weeks. Welcome to you and everyone else, the floor staff, who are so valuable, and our pages. We look forward to a busy next few weeks.

Following leader remarks, the Senate will turn to a period of morning business, with Senators permitted to speak for up to 10 minutes each. At 4 o'clock today, Vice President BIDEN will swear in Senators COONS of Delaware and MANCHIN of West Virginia.

There will be no rollcall votes during today's session of the Senate. As a reminder to my colleagues, before the recess I moved to proceed on a few bills. I filed cloture on the motions. As a result, we could have a series of up to three rollcall votes at a time to be determined on Wednesday. Those cloture votes will be on motions to proceed to the following bills: Promoting Natural Gas and Electric Vehicles, Paycheck Fairness Act, and the food safety legislation.

The Senate will not be in session tomorrow in order to allow for caucus meetings and leadership elections.

MEASURES PLACED ON THE CALENDAR—H.R. 4168, H.R. 4337, AND H.R. 847

Mr. REID. Mr. President, I am told there are three bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title en bloc.

The bill clerk read as follows:

A bill (H.R. 4168) to amend the Internal Revenue Code of 1986 to expand the definition of cellulosic biofuel for purposes of the cellulosic biofuel producer credit and the special allowance for cellulosic biofuel plant property.

A bill (H.R. 4337) to amend the Internal Revenue Code of 1986 to modify certain rules applicable to regulated investment companies, and for other purposes.

A bill (H.R. 847) to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with respect to these proceedings en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar under rule XIV.

LAMEDUCK SESSION

Mr. REID. I welcome back, as I have indicated, my friends and welcome our

new colleagues who will be sworn in as Senators this afternoon. With Senators MANCHIN and COONS joining our family, the Senate will look a little different starting today. It will soon look much different with 16 new Senators taking office. Some desks will switch aisles but the majority has not changed.

On the other side of this building, the House of Representatives will look even more different with a new majority and new leaders. But before any of that happens, we need to use the next few weeks to finish some business. The 111th Congress is not over yet, and the lameduck session starts today.

I will work with my caucus and with Senator MCCONNELL who will, of course, work with his caucus. We will see what we can get done before the start of the 112th Congress in January.

The American voters sent us a message two Tuesdays ago. That message is they want us to deliver. They want us to work together. Voters did not elect only Republicans; they did not elect only Democrats; and they did not want either party to govern, stubbornly demanding their way or the highway. When the heat of the campaign season cools, our constituents are more interested in us getting things done. They would rather we work with each other than talk past each other. Despite the changes, our charge remains the same. Our No. 1 priority is still getting people back to work, and the most important change we can make is in working more productively as a unified body to help our economy regain its strength.

I welcome back my counterpart, the esteemed Republican leader. We have had, of course, conversations since the elections. I look forward to our continued work together.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I thank my friend, the majority leader, and congratulate him on his reelection and look forward to working together to wrap up the business of this current Congress and working with him again in the next Congress.

EARMARKS MORATORIUM

Mr. MCCONNELL. Mr. President, I have seen a lot of elections in my life, but I have never seen an election like the one we had earlier this month. The 2010 midterm election was a "change"

election, the likes of which I have never seen, and the change that people want, above all, is right here in Washington.

Most Americans are deeply unhappy with their government, more so than at any other time in decades. And after the way lawmakers have done business up here over the last couple of years, it is easy to see why. But it is not enough to point out the faults of the party in power. Americans want change, not mere criticism. And that means that all of us in Washington need to get serious about changing the way we do business, even on things we have defended in the past, perhaps for good reason.

If the voters express themselves clearly and unequivocally on an issue, it is not enough to persist in doing the opposite on the grounds that "that's the way we've always done it." That is what elections are all about, after all. And if this election has shown us anything, it is that Americans know the difference between talking about change, and actually delivering on it.

Bringing about real change is hard work. It requires elected officials, whether they are in their first week or their 50th year in office, to challenge others and, above all, to challenge themselves to do things differently from time to time, to question, and then to actually shake up the status quo in pursuit of a goal or a vision that the voters have set for the good of our country.

I have thought about these things long and hard over the past few weeks. I have talked with my Members. I have listened to them. Above all, I have listened to my constituents. And what I have concluded is that on the issue of congressional earmarks, as the leader of my party in the Senate, I have to lead first by example. Nearly every day that the Senate's been in session for the past 2 years, I have come down to this spot and said that Democrats are ignoring the wishes of the American people. When it comes to earmarks, I will not be guilty of the same thing.

Make no mistake. I know the good that has come from the projects I have helped support throughout my State. I don't apologize for them. But there is simply no doubt that the abuse of this practice has caused Americans to view it as a symbol of the waste and the out-of-control spending that every Republican in Washington is determined to fight. And unless people like me show the American people that we are willing to follow through on small or even symbolic things, we risk losing them on our broader efforts to cut spending and rein in government.

That is why today I am announcing that I will join the Republican leadership in the House in support of a moratorium on earmarks in the 112th Congress.

Over the years, I have seen Presidents of both parties seek to acquire

total discretion over appropriations. And I have seen Presidents of both parties waste more taxpayer dollars on meritless projects, commissions, and programs than every congressional earmark put together. Look no further than the stimulus, which Congress passed without any earmarks, only to have the current administration load it up with earmarks for everything from turtle tunnels to tennis courts.

Contrast this with truly vital projects I have supported back home in Kentucky, such as the work we have done in relation to the Paducah Gaseous Diffusion Plant in western Kentucky.

Here was a facility at which workers, for years, were unaware of the dangers that the uranium at the plant posed to their health or how to safely dispose of the hazardous materials that were used there. Thanks to an expose about the plant in the nineties by the Washington Post, the danger was made known and I set about forcing the government to put a cleanup plan in place and to treat the people who had worked there. Through the earmark process, we were able to force reluctant administrations of both parties to do what was needed to clean up this site and to screen the people who had worked there for cancer. These screenings saved lives, and they would not have happened if Congress had not directed the funds to pay for them.

Another success story is the Bluegrass Army Depot, which houses some of the deadliest materials and chemical weapons on Earth. As a Nation we had decided that we would not use the kind of weapons that were stored at this site; and yet the Federal Government was slow to follow through on safely dismantling and removing them, even after we had signed an international treaty that required it. But thanks to congressional appropriations we are on the way to destroying the chemical weapons at this site safely and thus protect the community that surrounds it.

Administrations of both parties have failed to see the full merit in either of these projects, which is one of the reasons I have been reluctant to cede responsibility for continuing the good work that is being done on them and on others to the executive branch.

So I am not wild about turning over more spending authority to the executive branch, but I have come to share the view of most Americans that our Nation is at a crossroads; that we will not be able to secure the kind of future we want for our children and grandchildren unless we act, and act quickly; and that the only way we will be able to turn the corner and save our future is if elected leaders like me make the kinds of difficult decisions voters are clearly asking us to make.

Republicans in and out of Washington have argued strenuously for 2

years that spending and debt are at crisis levels. And we have demonstrated our seriousness about cutting spending and reining in government. Every Republican on the Senate Appropriations Committee, for instance, voted against every appropriations bill in committee this year because they simply cost too much. Most included funding for projects in our home States. We voted against them anyway.

Banning earmarks is another small but important symbolic step we can take to show that we are serious, another step on the way to serious and sustained cuts in spending and to the debt.

Earlier this month voters across the country said they are counting on Republicans to make tough decisions. They gave us a second chance. With this decision, I am telling them that they were right to put their trust in us. And it is my fervent hope that it will help demonstrate to the American people in some way just how serious Republicans are about not letting them down.

Republican leaders in the House and Senate are now united on this issue, united in hearing what the voters have been telling us for 2 years, and acting on it.

This is no small thing. Old habits are not easy to break, but sometimes they must be. And now is such a time. With a \$14 trillion debt and an administration that talks about cost-cutting but then sends over a budget that triples the national debt in 10 years and creates a massive new entitlement program, it is time for some of us in Washington to show in every way possible that we mean what we say about spending.

With Republican leaders in Congress united, the attention now turns to the President. We have said we are willing to give up discretion; now we will see how he handles spending decisions.

And if the President ends up with total discretion over spending, we will see even more clearly where his priorities lie. We already saw the administration's priorities in a stimulus bill that has become synonymous with wasteful spending, that borrowed nearly \$1 trillion for administration earmarks like turtle tunnels, a sidewalk that lead to a ditch, and research on voter perceptions of the bill.

Congressional Republicans uncovered much of this waste. Through congressional oversight, we will continue to monitor how the money taxpayers send to the administration is actually spent. It is now up to the President and his party leaders in Congress to show their own seriousness on this issue, to say whether they will join Republican leaders in this effort and then, after that, in significantly reducing the size and cost and reach of government. The people have spoken. They have said as clearly as they can that this is what they want us to do.

They will be watching.
I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

Mr. SPECTER. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SPECTER. I ask unanimous consent to speak for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LAMEDUCK SESSION

Mr. SPECTER. Mr. President, I have sought recognition to discuss the activities of the so-called lameduck session we are about to enter. I begin by suggesting that our session does not necessarily have to be a lameduck. We have the capacity to respond to the many pressing problems of the country as we choose. We can spread our wings and we can fly. One could say at many points during the course of the 111th Congress, the session could be called a turkey. It has not been very active in many respects. This body, not atypical, has been expert at avoiding tough votes. Well, if there is any time where it is easiest to avoid tough votes, it is a long distance from the next election, and we can't get any further from the next election than today, since the last election was only 13 days ago.

It is my suggestion that this would be a good time to undertake some significant action. The country is in a tremendous state of turmoil politically, I think more so than at any time in the country's history, certainly more than at any time during my tenure in the Senate; I think beyond that, at any time in the history of the country with the exception of the Civil War period. We have seen candidates run on a platform of "I won't compromise."

This is a political body. The art of politics is compromise and accommodation. I suggest there are some real lessons we all learned 13 days ago from the election which we ought to put into

effect now and take some action and some decisive action. I suggest a good place to start would be the enactment of the so-called DISCLOSE Act. That is the legislation which would, at a minimum, require the identity of contributors be known to the public so their motivations can be evaluated.

Campaign finance reform followed the massive cash contributions going back to the 1972 elections, and the Congress passed reform legislation in 1974. Then, in a landmark decision, *Buckley v. Valeo*, in 1976, key parts of that legislation were declared unconstitutional. Freedom of speech under the first amendment was equated with money. I agree with Justice Stevens that that was a classic mistake; that the principle of one person one vote is vitiated by allowing the powerful, the rich to have such a large megaphone that it drowns out virtually everybody else.

There have been a series of legislative enactments to try to overcome the restrictions of *Buckley v. Valeo* and a corresponding series of Supreme Court decisions broadening the field of freedom of speech, until we got to the case of *Citizens United*. Then, upsetting 100 years of precedent, the Supreme Court decided corporations and unions could advertise in political campaigns and, in conjunction with other loopholes in the campaign law, it was possible those contributions could be made secretly. When the bill was called for a motion to proceed, as we all know, it fell short of the 60 votes necessary to cut off debate or to impose cloture. Fifty-nine Senators voted aye that we wanted to proceed, 57 Democrats and 2 Independents and all 41 Republicans voted no.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an article by Richard Polman in the *Philadelphia Enquirer* and an editorial from the *New York Times* on the DISCLOSE Act.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. The Polman article recites a number of Senators who voted no against proceeding with the DISCLOSE Act, having made in the past very forceful affirmative statements in favor of disclosure. It may be that by reminding those 4 Senators, perhaps 1 of them or 2 of them—we only need 1, if the 59 votes hold—they could be persuaded to vote aye and proceed to consider the bill. Then we have the advocates of McCain-Feingold. If we compare the rollcall vote on McCain-Feingold, we find there are a number of Senators who voted no against taking up the DISCLOSE Act, Senators who previously had spoken out forcefully in favor of finance limitations and in favor of transparency. Perhaps at least one of those or perhaps even more could be persuaded to vote to proceed with the so-called DISCLOSE Act.

There has been a plethora of political commentary about the dangers to our political system by having anonymous campaign contributions. The last election was inundated with money, and the forecasts are that the next election will be even more decisively controlled by these large contributions and by these anonymous contributions. So to preserve our democracy and to preserve the power of the individual contrasted with the power of the wealthy, I believe that ought to be very high on our agenda.

There is a corollary to the need for some change, some reform as a result of what happened in *Citizens United*. In that case, we had two votes, and they were decisive. To make the five-person majority, two votes totally reversed the positions which those Justices had taken not too long ago during their confirmation proceedings. Chief Justice Roberts was emphatic in his confirmation proceeding that he was not going to jolt the system, that he would have respect for *stare decisis*, and that he would have respect for congressional findings. So was Justice Alito on both those accounts. In their confirmation hearings, the testimony of both was explicit in the statement that it was a legislative function to find the facts, and it was not a judicial function to find the facts. When *Citizens United* came down, as the dissenting opinion by Justice Stevens pointed out, a voluminous factual record showing the dangers and the potential dangers of excessive contributions was on the record.

All that was ignored in the decision in *Citizens United* and was ignored by the commitment which those two Justices made in their confirmation hearings not too many years before.

The best approach in dealing with this issue is to have the public understand what is going on in the Court. It is my view and the view of many other Senators that we are long past the time when the Court ought to be televised so the public would understand what has been going on. On repeated occasions, the Judiciary Committee has voted out legislation requiring the Supreme Court to be televised. It is an appropriate legislative function to impose that requirement. It is up to the Congress to decide administrative matters. For example, the Congress decides when the Supreme Court will convene. It is on the first Monday of October in each year. The Congress decides how many Justices it takes to have a quorum—six—to transact the business of the Court. It is the Congress which decides how many Justices there will be on the Court, and the Congress has set the number at nine. It is recalled that an effort was made during the Roosevelt administration to so-called pack the Court by raising the number to 15. The Congress could have done that. It would have been unwise, but the Congress has the power. The Congress decides what cases the Court will

hear. For example, mandating that McCain-Feingold be reviewed by the Supreme Court so the Court's customary discretionary decision on granting certiorari or not can be overcome by the Congress. I suggest it is time that transparency and understanding by the public should come into operation. Justice Brandeis was an eloquent spokesman for sunlight being the best disinfectant. It has been said repeatedly that the Supreme Court follows the election returns. The Supreme Court follows the values of our society in a changing country, which has eliminated segregation, changed the rules with respect to sexual preferences, changed the rules many times.

The best way to accomplish that would be to take up this issue, which we could take up in this session—this session before the end of the year—something I have discussed with the majority leader, something I have discussed with the leadership of the House, and we could handle this in relatively short order.

There is another matter which I suggest we ought to take up and conclude, and that is the issue of the START Treaty. President Reagan set the standard of "trust but verify," but since the end of 2009, when the last treaty expired, we have been unable to verify what the Russians are doing.

The START Treaty also provides for beyond verification, provides for arms reduction, which is something which ought to be done. There is no reason to have these vast arsenals. They can be reduced and it would be much less expensive in an era when we are very much concerned about governmental costs.

The 1992 START Treaty, negotiated by President Reagan and by President George H. W. Bush, passed the Senate 93 to 6. The 2003 Moscow Treaty on arms control, negotiated by President George W. Bush, passed 95 to 0. So that is a subject which ought to be taken up and ought to be acted upon, notwithstanding the objection of a small number of individuals. We ought to take that up on the merits and vote it up or down. I am sure it would be ratified.

The issue of don't ask, don't tell is another matter which ought to be concluded before the end of the year. We know what has resulted from the study ordered by the Department of Defense. Some say we ought to know more than we know at the present time. Well, we have considered don't ask, don't tell for more than a decade, and I think it is palpably plain that the time for the current standards has long since run and it ought to come to a vote. To tie up the Department of Defense authorization bill on that subject—a bill which has been passed year after year after year, going back decades—it is something which ought to be enacted by this Congress.

I suggest further that we ought to take up unemployment compensation

very promptly. We have millions who are unemployed and an unemployment rate of 9.5 percent nationally. There are people who are actively seeking jobs who cannot find them. That ought to be a priority item, certainly to be accomplished during this session.

There is one other item which I think we ought to act on; that is, to authorize Federal funding for research on embryonic stem cells. That legislation has twice been passed, first under the name Specter-Harkin and later, when the majority changed, to Harkin-Specter. We should have enacted it earlier. We have relied upon an Executive order promulgated by President Obama to authorize Federal funding, and then in a surprise decision the United States District Court for the District of Columbia ruled that the Executive order violated the existing statute.

Well, it is not a constitutional issue. The Congress can change that. The order has been appealed to the Court of Appeals for the District of Columbia Circuit, and the order has been stayed, which means at the present time research can proceed with Federal funding. But it is a very uncertain matter. As testified to by Dr. Collins, the Director of the National Institutes of Health, the scientists who are working under NIH grants are very much in doubt as to what is going to happen. There is some \$200 million and more than 200 projects which hang in the balance. On embryonic stem cell research we are dealing with a life-and-death situation, and there ought not to be hesitancy or doubt in the minds of those scientists.

The objection has been raised that these embryos could produce life. Well, if there were any chance that would happen I think no one would be in favor of using them for scientific research. But the fact is, there are some 400,000 of these embryos frozen, and they are not being used to produce life.

Back in 2002, when I chaired the Appropriations Subcommittee on Health, I took the lead in Federal funding to assist individuals who wanted to adopt these embryos to have them produce life. Some \$9 million has been appropriated in the intervening years, but only 242 of these embryos have been adopted to produce life. Meanwhile, in 2008, the most recent year for which statistics are available, more than a million people died from heart disease and cancer.

We have the capacity, the opportunity, through these embryos, which replace diseased cells, to deal with stroke, to deal with heart disease, perhaps to deal with cancer. We do not know. But there is much that can be done, and Congress has the authority to clarify the situation. It could take years pending in the Court of Appeals for the District of Columbia, with the time for briefing and argument and decision, and possible appeal to the Su-

preme Court of the United States. But it is a matter that Congress can act on, and twice we have already acted, and both times vetoes were successfully handed down by President George W. Bush.

So there is much we can do during this session of Congress if we make up our minds to do it.

One other lesson which we have seen from the current election is the tremendous power which has been exercised by the extremities of both political parties, and we have seen this in recent years. We have seen an excellent Senator such as Senator JOSEPH LIEBERMAN who cannot win a Democratic primary, and we have seen an excellent Senator such as BOB BENNETT, with a 93-percent conservative rating, who cannot survive the nomination process in Utah. Those are only a couple of cases. Many more could be cited.

But we have also seen that when the voters are informed and the voters are aroused that we are still a country which has a constituency which desires to be governed from the center, not on either extreme, and the primary elections bring out those on one side or the other.

But we have the situation with Senator LISA MURKOWSKI which demonstrates the point that there is still a dominant voice in the center. Senator MURKOWSKI lost her primary election, illustrative of the principle I mentioned a few moments ago about the primaries being dominated by the extremes. But then, in a spectacular write-in campaign, it now appears Senator MURKOWSKI will be reelected—the first time that has happened since Senator Thurmond won on a write-in campaign in the 1950s, and that is a pretty tough proposition. You have to have the spelling right. "Murkowski" is not the easiest name in the world to spell, notwithstanding the fact that it has been popularized not only in Alaska by her distinguished father—elected at the same time I and others were elected to this body—and it is not certain but it looks pretty likely that Senator MURKOWSKI will be remaining in the U.S. Senate.

So when the electorate understands what the issue is—and there was so much publicity that the electorate did—and when they are aroused and motivated to action, I think it is very strong evidence that America, illustrated by Alaska, wants to be governed from the center. So I think that is something that ought to be noted by this Congress in the last 45 days of this year as we look over a tremendous number of very important issues.

I have not covered the entire range of issues which we ought to consider, but I think I have covered some which ought to be handled by this session of the Congress and that the duck ought to spread its wings, show it is not lame, and get something done to operate in the interests of the American people.

I thank the Acting President pro tempore and yield the floor.

EXHIBIT 1

[From the Philadelphia Inquirer, Oct. 31, 2010]

THE AMERICAN DEBATE: SECRET DONORS VS. DEMOCRACY (By Dick Polman)

Can we all agree that secret money in politics is a bad thing?

OK, you're with me. So far, so good.

And can we all agree that the Republicans have been hypocrites on this issue—having long declared that they were against secret money, only to flip-flop in 2010 and declare that they were for it?

OK, now I've probably lost half of you. But bear with me.

Thanks to a number of factors—a historic Supreme Court decision that has inspired wealthy donors to pony up, a tax code riddled with loopholes, and toothless federal watchdogs—a record amount of secret money, topping \$250 million, is flooding the Senate and House races. We have no idea who these donors are, yet we've all seen their handiwork in TV ads. From the shadows, they create front groups with vacuously pleasing names—something like Concerned Citizens for the Betterment of Mankind, or Americans for Puppies, Apple Pie, and the Fourth of July.

By the way, even though it's true that the Republicans have trumped the Democrats in the secret-money race by more than 2-1, I don't mean to imply that the GOP is poised to win big Tuesday night simply because its anonymous donors wrote big checks. Nancy Pelosi may think so—the House speaker recently said, “Everything was going great, and all of a sudden secret money from God knows where, because they won't disclose it, is pouring in”—but she is wrong. Long before the GOP's richest fans ever got involved, hardly anything was “going great” for the Democrats.

But the secrecy, in itself, is an affront to democracy and the principle of transparency. People give big money for a reason; we may never know what they got in return. We have essentially legalized the practice of backstage bribery, and 2010 is a mere tune-up for the presidential race in 2012.

Last winter, after the U.S. Supreme Court freed up corporations, unions, and other special interests to spend campaign money more easily, rich people felt more emboldened to finance the GOP's efforts. But they didn't want the public to know who they were. So, a few intrepid Republican strategists, including Karl Rove, came up with a clever fix. They created nonprofit groups under a section of the tax code reserved for “social welfare organizations” that allows donors to fork over unlimited money without being publicly named. And the secret money has flowed unabated ever since.

So you might be wondering, “Doesn't the public have a right to know who these donors are? How come Congress hasn't done something about this?” Well, guess what? Congress has tried. In the spring and summer, the ruling Democrats sought to pass the Democracy Is Strengthened by Casting Light on Spending in Elections Act (which proves that Democrats will never work on Madison Avenue). Known commonly by its acronym, the DISCLOSE Act, it would essentially force these donors into the open. It passed in the House—with virtually all Republicans voting no. It went to the Senate, where it lingers today because Republicans won't let it come up for a vote.

I warned you that I would bring up the Republicans' hypocrisy, defined here as the chasm between what they once professed to believe and what they now practice.

Back in the days when Republicans were strongly opposed to campaign-finance reform (this was a decade ago, when John McCain was mavericky in his efforts to curb big money in politics), they insisted that full disclosure was the best solution, that as long as the voters could see who's giving the big money, voting decisions could be made on that basis and democracy would be alive and well.

So said George W. Bush, for instance, when he first ran for president in 2000. But let's go down the list.

Here was Sen. Mitch McConnell, the chamber's current GOP leader, during a 2000 appearance on Meet the Press: “Republicans are in favor of disclosure.” That year, he also said that “the major political players in America” should be subject to disclosure; in his words, “Why would a little disclosure be better than a lot of disclosure?”

Here was Lamar Alexander, now a Tennessee senator but speaking as a presidential candidate in 1999: “I support . . . free speech and full disclosure. In other words, any individual can give whatever they want as long as it is disclosed every day on the Internet.”

Here was Texas Sen. John Cornyn's philosophical stance just six months ago: “I think the system needs more transparency, so people can reach their own conclusions.”

Here was Alabama Sen. Jeff Sessions, just six months ago: “I don't like it when a large source of money is out there funding ads and is unaccountable . . . I tend to favor disclosure.”

All four have been blocking the DISCLOSE Act. Meanwhile, on the House side, GOP leader John Boehner said in 2007, “We ought to have full disclosure, full disclosure of all of the money that we raise and how it is spent. And I think that sunlight is the best disinfectant.” But when the DISCLOSE Act came up in the House this year, Boehner voted for darkness.

Actually, Rove's group, American Crossroads, has engineered the best flip-flop. It was launched this year as a full-disclosure enterprise; one of its board members, ex-GOP national chairman Mike Duncan, said in May, “I'm a proponent of lots of money in politics and full disclosure in politics”—the traditional GOP position. He voiced his support for “full accountability.” But when the potential big donors voiced their distaste for sunlight, the Crossroads gang deep-sized its disclosure talk and created an offshoot in the aforementioned secrecy section of the tax code. That got the bucks flowing.

And don't expect the feds to police this behavior. Under the tax code, these social-welfare organizations are supposedly barred from spending more than half their money on politics. But the Federal Elections Commission has a well-deserved reputation for allowing political operatives to play fast and loose with the rules. Indeed, the FEC is set up for stalemate; even if its three Democratic commissioners wanted to move against secret money, its three Republican counterparts would likely block the move.

All told, if sunlight is indeed the best disinfectant (as Boehner once believed, when he borrowed the phrase from Justice Louis Brandeis), then I suppose we must now gird ourselves indefinitely for the toxins that flourish in the dark.

[From the New York Times, Nov. 4, 2010]

CAMPAIGN MONEY TO BURN

After Tuesday's vote, there is no limit to the ambitions of stealth political groups

bankrolled by anonymous check writers. Two of the flusthest pro-Republican operations, American Crossroads and Crossroads GPS, plan to extend their campaigning into the lame-duck session of Congress with waves of misinformation about tax and immigration issues.

The moment could not be more pressing for lame-duck senators to revisit—and pass—the “Disclose Act.” It has been approved by the House and would mandate that the public at least be told which deep-pocketed corporate and union donors are politicking from the underbrush. The measure failed by one vote in a September filibuster by Republicans.

The Democratic majority needs just a few Republicans to break party lock step and stand up for politicking in the sunshine. Republicans who once made disclosure their mantra (as an alternative to robust limits on contributions) are predictably backing away.

One Republican newcomer, Senator-elect Mark Kirk of Illinois, did offer a ringing endorsement of disclosure in the campaign. Asked in a debate about the \$1.1 million in advertising support that he received from Karl Rove's Crossroads GPS, Mr. Kirk firmly insisted special-interest groups writing campaign checks “should reveal their donors and be fully transparent.”

And after winning a special election for President Obama's former Senate seat, he will be eligible in the lame-duck session. He can deliver for his voters, and make his mark early, by supporting the Disclose Act.

The so-called Republican moderates—Olympia Snowe and Susan Collins of Maine and Scott Brown of Massachusetts—have been critical of what seem to be peripheral details. If it takes a stripped-down version to win enactment of true disclosure, that is worth pursuing.

The Democratic majority leader, Harry Reid, back from the brink of defeat in an election rife with murky check writers, needs to push hard and be ready to deal. The lame-duck session offers the last realistic chance for a donor disclosure law before secretive organizations up the ante and mayhem for the 2012 presidential campaign.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

START TREATY

Mr. DORGAN. Mr. President, as I walked in the door to the Chamber I heard the Senator from Pennsylvania talk about the START Treaty. Let me say that it is such an important thing for this Congress to ratify. It is very important that be an urgent requirement for this Congress. The work that has been done on that I think is some excellent work. In the subcommittee which I chair dealing with energy and water and the funding of nuclear weapons and the Life Extension Programs for those weapons, we have added the funding that a number of people on the minority side felt was necessary to make certain we had confidence in the Life Extension Programs.

So I do hope and I will join my colleague in saying I believe it is critically important for this Congress in the lameduck session to move on the START Treaty and the work that has been done and negotiated with the Russians to begin reducing the number of

nuclear weapons and delivery vehicles. So I wanted to start by saying I appreciate what the Senator from Pennsylvania has said.

TAX CUTS AND THE ECONOMY

Mr. DORGAN. Mr. President, this morning I read a little piece in the newspaper that a man named Jacob Carroll had died in Afghanistan, a U.S. soldier. He died in Afghanistan on the battlefield. I did not know Jacob Carroll, but he is one of 438 American soldiers who have died fighting in Afghanistan. He has not only joined in the 438 who have died in Afghanistan but also the over 4,400 who have died fighting in Iraq.

I think most Americans perhaps hear the news, see the news, and move on to what else is covered that day in the newspaper. I was thinking about that when I read something that Franklin Delano Roosevelt had said about the shared sacrifice and shared responsibilities of our country. We have been at war for 9 years in the Middle East, Iraq, and Afghanistan. If you look around our country, and especially look around this Chamber, and evaluate what we have done and what we are preoccupied with, it is very hard to see that our country is at war.

Oh, there are some young men and women who are sent halfway around the world to strap on ceramic body armor in the morning, get shot at in the afternoon, and perhaps get killed. They are at war. They understand sacrifice. But I wonder if it is not too much business as usual in our country and has not been for some long while. I ask that in the context of the discussion I heard this weekend on the interview shows. I was not in town here this weekend, but I heard some of the discussion, and it was about: Well, how about the tax cuts? Who can get additional tax cuts at this moment? And who supports maximum tax cuts versus other tax cuts?

Well, we are at war. We have people dying who serve this country on the battlefield. We have a \$13.6 trillion Federal debt. We have a \$1.3 trillion budget deficit this year. And the issue is, who should get more tax cuts? That is almost unbelievable to me.

Let me read what Franklin Delano Roosevelt said so many decades ago.

He said:

Not all of us have the privilege of fighting our enemies in distant parts of the world. Not all of us can have the privilege of working in a munitions factory or a ship yard, or on the farms or in the oil fields or mines, producing the weapons or raw materials that are needed by our armed forces. But there is one front and one battle where everyone in the United States—every man, woman and child—is in action . . . That front is right here at home, in our daily lives, and in our daily tasks. Here at home everyone will have the privilege of making whatever self-denial is necessary, not only to supply our fighting

men, but to keep the economic structure of our country fortified and secure . . .

I find it a little disheartening that we have so many people now who have decided that the biggest issue is additional tax cuts.

I travel a lot through Minneapolis to get to North Dakota on weekends, and occasionally at the Minneapolis Airport it will be cold. Yes, it will be 40 below, and the wind will be howling at 35, 40 miles an hour, and you will see a group of people huddled outside the door at the Minneapolis Airport smoking cigarettes because there is no smoking inside the terminal. I figure somebody who goes out to smoke when it is 40 below zero and the wind is blowing 45 miles per hour has pretty much given up their claim forever that they can quit anytime they want to quit. They have pretty much given up that claim.

I would say similarly that those of us in this Chamber who have talked to us about the danger of Federal debt and Federal budget deficits have pretty much given up their claim forever to say that they care about the economic policy and deficits and debt that overhang this country if they bring a satchel to the floor with them that says: My priority is to give tax cuts to the wealthiest Americans when we are at war and have a \$13 trillion in debt. Don't tell me you have a claim about caring about Federal budget deficits if that is the agenda you are pushing.

Let me give just a little bit of history on this question of tax cuts. The first time in 30 years that this country had a Federal budget surplus was in the last year of President Clinton's 8 years. At that point, we had a Federal budget surplus. All of the economists and others estimated that we would have budget surpluses from that point throughout the following 10 years.

So the new President, President George W. Bush, said: If we are going to have surpluses, an estimated \$5.6 trillion of Federal budget surpluses over the next 10 years, let's take aggressive and quick steps to give back the surpluses in the form of tax cuts.

I stood here on the floor of the Senate and said: Wait a second. Don't be quite so hasty. We don't have those surpluses yet. We have just had 1 year of surpluses, and the rest of them are just projections. Why don't we wait and be a little conservative.

The answer was: You know what, you don't understand economics. We are going to do this because we are going to have all of these surpluses.

So very large tax cuts were put in place—the largest for the wealthiest Americans—and at that point, we stopped seeing any surpluses at all. The tax cuts were for the purpose of giving back surpluses that were to exist when, in fact, none existed. Almost immediately, in 2001, we found out that we were in a recession. Very

quickly, we found that there was an attack against our country on 9/11. Then we were at war in Afghanistan, then at war in Iraq, then a 9-year war against terrorists and all the security costs that attend to that. So there haven't been any budget surpluses.

The most unbelievable thing to me is that this country has asked men and women to go off to war and risk their lives, and some have given their lives, and this government has not paid for the cost of that war. We have paid for that war in blood and death—blood and death—no, not the blood of those who serve in this Chamber but blood and death for sure.

Now the question is, with a \$13 trillion debt and a deep recession, the deepest since the Great Depression—having gone through and now starting to come out of that recession, the question is the extension of the tax cuts that were provided in 2001. In 2001, those tax cuts had a termination date, and that termination date was this December 31st. So the question, then, is, If tax cuts are to be extended, for whom shall they be extended? It will cost about \$3 trillion to extend them for middle-income taxpayers and another \$1 trillion in 10 years to extend them for upper income Americans. Let me tell my colleagues what I mean by that. The Center for Budget and Policy Priorities has said that if you extend them for those over \$250,000 a year, it costs about nearly \$1 trillion with interest over the 10 years, and in addition, those who make \$1 million a year will get a tax cut of \$104,000 a year—\$104,000 a year.

So here is the question: A country that is deep, deep, deep in debt and projected to go deeper into debt, should this country borrow \$1 trillion in order to give a tax cut of \$104,000 a year to someone who makes \$1 million a year or should we perhaps mind the words of Franklin Delano Roosevelt, who says that perhaps that front in which every man, woman, and child can contribute at a time when a country is at war, that front is here at home in our daily lives. Here at home, everyone will have the privilege of making whatever self-denial is necessary, not only to supply our fighting men but to keep the economic structure of our country fortified and secure.

So a young man named Jacob Carroll dies today. He is from Clemmons, NC. I didn't know him, nor do I suspect anyone in this Chamber knows him, but he died fighting for his country. Are we to do less when we see people making the ultimate sacrifice? Are we to do less than at least ask for sacrifice by all Americans or are we going to continue to say: We will borrow money to continue to prosecute a war. We will send young men and women to risk their lives, but we will not pay for it. We will just add it to the debt. And when it comes time to answer the question—

perhaps in a lameduck session at the end of this year—of who shall get the benefit of the extended tax cuts, we will also say—some would insist—that those who are fortunate enough to make \$1 million a year in net income in this country—quite a blessing, I would say—those who are fortunate enough to make \$1 million a year, we will say to them: You are fortunate enough to get another \$104,000 tax reduction, another tax cut. Why? Because a lot of people here believe that is the way you promote economic progress. Not to me. You promote economic progress by demonstrating to the American people that you understand the kind of choking nature this debt and deficit have on future opportunities and future economic growth in this country.

We all grew up at a time when we almost always understood just viscerally—we didn't have to be told—that our children would have it better than we have it. We grew up in a time when it was almost inevitable and we didn't need to be told that we were the biggest, the strongest, the best; we could beat anybody in the world at almost anything with one hand tied behind our back. But it has changed. It has changed. Now this country needs some good decisions, some tough decisions, some decisions to do the right thing.

The question on these talk shows this weekend was, Will you compromise? The better question is, Will you do the right thing for a change? We all know—this country knows—you can't fight a war for 9 years and not pay for any of the costs of it and add it to the Federal debt, and deficit every single year. We know better than that. That is not the way you run a country, it is not the way you share sacrifice, and it is not the way you honor soldiers. You go to war, and we will charge the cost for blood and death. That is not the way to honor those who fight for our country.

Let me mention one final point. It is interesting to me that unless you believe all tax cuts that were enacted in 2001 and 2003 should now be extended in this circumstance, you are a "liberal." So apparently the conservative approach is to borrow money and extend the tax cuts, add \$1 trillion to the Federal debt in order to extend tax cuts for those earning over \$250,000 a year or more. It doesn't seem to me as though that is a conservative approach; it seems to me that is a liberal approach if you want to add \$1 trillion to the Federal debt in order to accomplish that.

I wish no one had to pay any taxes. Wouldn't that be wonderful? Sign me up to say that I wish no one had to pay taxes. But the cost of this country's governance, the building of roads, the schools, yes, the Defense Department, the payment for soldiers and weapons and so on to protect this country—all of that needs to be paid for.

I hope those who decide to affix labels to various positions might well understand that to borrow a substantial portion of money to provide tax cuts when the country is up to its neck in debt is not a conservative position. It just is not. And to suggest we have fewer extensions of tax cuts for the upper income people so that we don't borrow money to add to the Federal debt, that is not a liberal position. It just is not.

FAIR TRADE

Let me also mention one final point. It is the case this weekend, again, with the chattering class, that they describe President Obama's trip to South Korea as something less than a success because there was not a trade agreement negotiated and completed with South Korea. Well, that wasn't the President's fault. The fact is, the South Koreans were not willing to budge on the significant issue that divides our country and South Korea on international trade, and that is the bilateral trade on automobiles. I won't give a lot of statistics except to say this: 99 percent of the cars driven on the streets of South Korea are made in that country. Is that an accident? It is not an accident. That is exactly what they want in South Korea. Ninety-nine percent of the cars they drive on their roads are made there because they want South Korean jobs to make cars driving on their highways. South Korea ships us, depending on the year, anywhere between 600,000 and 800,000 cars a year that they make in their country to sell in our country. We are only allowed to sell about 6,000 cars a year in South Korea. Let me say that again: 600,000 to 800,000 cars being shipped this way and 6,000 cars from the United States being shipped to South Korea. That is exactly what the South Korean Government wants—jobs there, not here.

Well, you know what, the President should not have—and I applaud him for being unwilling to negotiate a trade agreement that is so fundamentally at odds with the issue of having jobs in this country. This country needs jobs. We are terribly short of jobs. We shouldn't be negotiating trade agreements that would fritter away those jobs. We at least ought to require fair trade agreements with countries such as South Korea—at least fair trade—and that has not been the case. So the President ought not be criticized for not bringing home a bad trade agreement. He was not willing to negotiate a bad trade agreement. Good for him. Everyone in this country who needs a job ought to stand up and say: Good for him. Good for standing up for this country's interests. No, it is not being protectionist to insist that if your products are open to our market, then you open your market to our products. That is called fair and reciprocal trade. If other countries don't want to do that, then they have to understand that there are consequences to that.

The President has not failed at all on this issue. When and if the South Korean Government decides it wants fair trade and reciprocal trade opportunities on bilateral automobile trade, I expect we will have a trade agreement. Until that time, I applaud the President for deciding not to sign a bad trade agreement. I want the President to negotiate trade agreements that lift this country up and say to people who are now jobless—and there are millions of them—that, I am fighting for your jobs. It is not protectionist to fight for and demand fair trade and reciprocal trading procedures with our trading partners.

Mr. President, I yield the floor and make a point of order that a quorum is not present.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UPCOMING CLOTURE VOTES

Mr. HARKIN. Mr. President, the day after tomorrow, on Wednesday, we are going to have three cloture votes. These cloture motions were filed before we broke in October. Those will be the first three votes of our returning this fall. Those three cloture votes are, of course, motions to proceed—a motion to proceed on an energy bill, a motion to proceed on the paycheck fairness bill, and a motion to proceed on the food safety bill.

Mr. President, the food safety bill came out of my committee, the HELP Committee, on November 18 of last year. We have been working for a year to get this up. It has strong bipartisan support. We tried to get it up before we broke in October, but there were objections on the Republican side, and we were not able to move forward even though we had been working—Senator ENZI and I—on this along with Senators GREGG and BURR on the Republican side, and Senator DURBIN, I, and others on the Democratic side to work it out. I believe we are there.

This bill has strong support from the consumer groups, from the business and industry groups, and it has strong bipartisan support. I hope we will be able to get a successful vote on the motion to proceed to that bill. I will have more to say about that later in the week, on Wednesday specifically.

Today I wish to confine my remarks to the other two cloture votes, the Energy bill and the one on the Paycheck Fairness Act. On November 9, a bipartisan group of us from the Senate—four of us—sent a letter to the majority leader, Senator REID, about this bill,

the Energy bill. We are going to be voting on the motion to proceed to this bill on Wednesday.

Basically, what this letter—which is bipartisan—said to Leader REID was that we need to move forward on energy legislation. We all recognize that. But there is a major omission in this bill. What is missing from the bill is any mention of biofuels and what biofuels can contribute to our energy independence in this country.

At the outset, first of all, I ask unanimous consent that this letter be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, November 9, 2010.

HARRY REID,
Senate Majority Leader,
U.S. Senate.

DEAR MAJORITY LEADER REID: Achieving a transition to cleaner, more secure, and more sustainable energy systems is one of the public policy imperatives of our generation. We cannot afford to continue to send billions of dollars every year to unstable oil producing countries, nor to spend additional billions protecting those investments. We also cannot continue to ignore the rising global temperatures, changing climates, and health effects that are direct results of the annual emissions of billions of tons of greenhouse gases and air pollutants from fossil fuel combustion.

There is also broad recognition that promotion of energy efficiency and alternative fuels and energy systems offer one of our clearest and most promising avenues for significant job creation and economic development. Indeed, we are seeing increasing calls for domestic development of renewable fuels and technologies, both for their export potential and to avoid our eventual import of those same technologies if we fall behind in their development.

We are heartened that you have filed cloture on energy legislation because it provides an opportunity for a full debate about our nation's energy future, and we would like to work with you to craft legislation that can obtain broad bipartisan support. To that end, we urge you to include in that legislation a number of broadly supported programs and policies addressing some of our most immediate and obvious energy challenges.

One of our most pressing energy issues is our continued dependence on imported petroleum for fueling our transportation systems. On this issue, we are encouraged by the progress that is being made by vehicle efficiency gains and by the increasing contributions from domestic biofuels. However, we are also deeply concerned that continued expansion of biofuels is being constrained by marketplace limitations. Quite simply, we need more vehicles that can utilize high percentages of ethanol and other biofuels, we need to develop pipelines to transport these fuels from their production sites to the largest markets, and we need to ensure that these high renewable content fuels are available at filling stations across the country. We therefore urge you to include biofuels market expansion provisions addressing these barriers in energy legislation considered by the Senate.

We also urge consideration of legislation to extend the Volumetric Ethanol Excise

Tax Credit (VEETC) beyond its current expiration date of December 31, 2010. Letting this key support policy lapse in the coming year could cause a precipitous drop in biofuels production, threatening thousands of good-paying green jobs as well as putting pressure on gasoline prices and supplies. While we believe that the VEETC program deserves review in the context of broader discussions about how best to address the most important limitations facing biofuels, it is very important to not let this support program lapse while those discussions take place.

The enactment of these policies will enable as much as a 5-fold increase in biofuels' displacement of oil-based fuel use in transportation within the next 2 decades—generating energy resource production and refining jobs all across America, improving our international balance of payments, and lessening our dependence on imports from unstable regions of the World.

TOM HARKIN.
CHRISTOPHER BOND.
TIM JOHNSON.
AMY KLOBUCHAR.

Mr. HARKIN. Again, what is missing is biofuels. While I will certainly vote for the motion to proceed because I think we should proceed to it, major changes need to be made in this bill before it can earn my support on final passage. Let me talk about what those changes are.

First of all, I think it is very clear that we have to wean ourselves off of spending more and more of our taxpayers' dollars, consumer dollars, on imported oil. I think President Bush said that, and President Obama has said that, and it is not a partisan issue. It is a national security issue dealing very much with our economic security in this country. What is missing from the bill is a focus—any focus at all—on the one thing that over the last, say, 20 years has decreased our dependence on foreign oil; that is, the use of biofuels for transportation.

Again, there have been a lot of alternatives proposed: natural gas, hydrogen, electric vehicles—all of which will be pursued in the future. But, quite frankly, the only thing right now and in the foreseeable future, the next 10, 15 years that will do anything to decrease our dependence on foreign oil is biofuels.

There has been a remarkable success story with biofuels in this country. This chart shows what we have done—it shows production increasing from 1998 up until about 2010. We had a huge increase in the use of biofuels, so we are up to about 11 billion or 12 billion gallons a year. Under the renewable fuels standard 2—the mandate we passed in 2007—that is projected to go up to 36 billion gallons of biofuels by 2022. That is in the law—36 billion gallons by 2022. So, again, this is what is going to replace imported oil. We are well on our way to doing that. However, right now biofuels are facing significant market limitations. Well, first of all, about the only thing that can be used is 10 percent ethanol blends with gasoline—E10—although the EPA just

recently came out with a new standard where we will be able to use E15—or 15 percent ethanol—in model cars 2007 and higher. It is thought that maybe sometime next year EPA will come out with another standard that will allow as much as 20 percent ethanol.

These are all well and good, but, again, there are a couple of things that need to be done. First of all, let's keep in mind that converting to use of biofuels is much quicker and much easier, much more cost effective than using natural gas. For example, to use E85 or any other blend of biofuels at a pump just takes a different kind of pump. But you, as the driver of the car, would simply drive up, pick up the handle, put the fuel in your gas tank, just as you put in gasoline today. But for natural gas, there would have to be a big pressurized storage tank. That natural gas would have to then be transferred to your vehicle tank, a very strong tank in your car, and there would have to be some kind of nozzle to transfer that pressurized fuel. It wouldn't just be putting gasoline in a vehicle. So a whole new infrastructure would have to be built to accomplish this. But no new infrastructure needs to be built to put biofuels in your car. So it is much easier and much more rapid.

Now, a couple of things I have already said about the infrastructure, but let me talk a little about two things. The first is the ethanol tax credit. Right now it is at 45 cents a gallon. There is a lot of talk that when it expires this year it shouldn't be renewed because it costs \$5.9 billion a year for this tax credit for ethanol. You might say: Maybe we shouldn't be spending that. Well, studies by McKinsey and others show that ethanol reduces gasoline prices—estimates vary, but conservative estimate is 17 cents a gallon. So that savings of 17 cents a gallon saves consumers in America \$24 billion a year—\$24 billion a year. So it is not a net cost to taxpayers but a real savings of four to five times as much as the cost in the tax credit.

Secondly, on jobs. Everyone is talking about jobs. We have to have more jobs in this country. Well, each 1 billion gallons of biofuels generates anywhere from 10,000 to 20,000 jobs—a broad range. So if we go from 13 billion gallons today to 36 billion gallons in 2022, that would generate over 400,000 permanent jobs—400,000 permanent jobs. That is not to mention the number of construction jobs that would be needed during the building of the facilities.

Now, two other things about market problems. Right now, we have a problem in terms of the number of cars that can be flex-fuel. Every car that General Motors makes in Brazil is flexible fuel. Every car Ford makes in Brazil is flexible fuel. Every car Honda makes in

Brazil is flexible fuel. They can burn anything from gasoline to 85 percent ethanol—E85. So why aren't they doing it here? The cost is minimal.

The second thing is to get blender pumps—pumps at gas stations—that can take ethanol and blend with gasoline at any mixture you want and then can be put in that flex-fuel car. So we need two things: We need more flex-fuel cars, and we need more blender pumps. Very low cost, very easy to install.

Senator LUGAR and I have repeatedly introduced legislation to accomplish this, and that ought to be a real part of this Energy bill we are bringing up a motion to proceed to on Wednesday.

Lastly, let me get to the issue of net energy. This is a red herring that comes up all the time. People say it takes more energy to produce ethanol than we get out of it. We have been hearing this for about 30 years, and it is simply not true. It is like the old Will Rogers saying: It is not what we don't know that hurts us, it is what we know that ain't so. And what we seem to know that isn't so is that it takes more energy to produce ethanol than we get out of it. That is factually incorrect.

Take gasoline for example. Think about gasoline in terms of net energy payback. For every unit of energy going in, how much do we get out? For gasoline, it is .813. In other words, we get less energy out of the gasoline than we have used to drill for the oil, pump the oil, transport the oil, refine the oil, get the gasoline, and pipe the gasoline. All that takes energy. That plus the energy in the resource means the net energy payback for gasoline is at about .813. For ethanol it is 1.42.

Now why is that? Why would we get almost half, again, as much as energy from a unit of ethanol than we put into it? Very simple. The energy that is in the biofuels comes from the Sun when it is growing, and that is free. That doesn't cost anything.

This figure also takes into account the energy used to make the fertilizer, the energy in the diesel fuel for the equipment, the energy used in harvesting, and the energy in conversion and transportation. That is all figured into this, and we still get 1.42 units of energy for every unit of energy going into ethanol.

Now, that is just the ethanol. We know when we take the ethanol out of certain biofuels—say corn—there is something called distillers dried grain left over which we can feed to the livestock. If we take that into account, and allocate some of the input energy to those byproducts, then we get over two times the energy output for every unit of energy we put into ethanol. But I will not go there. I am just talking about using the ethanol that we would put into a car where we would get a net payback. So, again, we have heard for

the last 30 years about how ethanol takes more energy than we get out of it, and that just isn't so.

So, as I say, Mr. President, on Wednesday, the motion to proceed to the Energy bill, that is fine. I am going to support that. But I want to make it clear there have to be major changes in the bill before I can support it, and one of the major changes is that we need to make sure we have a strong biofuels section in that bill.

The second issue that is coming up on Wednesday that I want to discuss is the Paycheck Fairness Act. Again, this is something I and a lot of others have been working on for a long time. I say the real leaders on this have been Senator MIKULSKI and Senator DODD. They have led the charge on this for a long time.

In 1963 we passed the Equal Pay Act, which said a woman had to be paid the same as a man for the same job. In other words, if you had the same job, same job description, you couldn't have any pay differential. That went into effect in 1963. However, all of these years later, right now, a woman earns 77 cents on the dollar compared to what the man makes. There is a differential even if we talk about different jobs. And why is that? Well, it is because, quite frankly, this wage gap between men and women basically has been ignored lately, and we have built in a kind of infrastructure that lends itself to women being sort of shortchanged. Studies done by the Academy of Management Perspectives in 2007 tried to explain the difference as to why women are making only 77 cents on the dollar compared to what a man makes.

Race accounts for 2.4 percent—that is interesting—whether they were a member of a union—organized labor—experience, and then the industry category or what industry you were in might explain the difference. For example, the construction industry would be more heavily dominated by men than women. Then the occupational category—the occupational category itself. I have always said truckdrivers tend to be men not women. So the occupational category, that explains a lot of the differential.

The point is that 41.1 percent was unexplained. It could not explain why there was a difference between what a woman makes and what a man makes. What is the difference? Well, quite frankly, the difference is the gender. The gender gap is what it is. No other thing, nothing else explains it other than that.

The other thing we have to understand is that today two-thirds of mothers are major contributors to the family income. Almost 40 percent are the primary breadwinners. Think about that: 4 out of 10 mothers are the primary breadwinners for their families, and 24 percent are cobreadwinners. In other words, the husband and wife are

both working together. About 36 or 37 percent are other factors. In other words, they may be a third or something like that because of maybe part-time work or other things.

The fact is, that is not what Congress intended when we passed the Fair Pay Act back in 1963. We wanted to close that gap. Yet 47 years later we still have this gap. So the Paycheck Fairness Act would strengthen the penalties for discrimination. It would give women the tools they need to identify and confront unfair treatment. It would fund education programs designed for women and girls to support and empower them. It would increase training, research, and education to help the Equal Employment Opportunity Commission respond to wage discrimination claims more effectively.

Again, these are steps that are meant to make the Equal Pay Act of 1963 more meaningful. We had a lot of bills in the past on civil rights, but it wasn't until the Civil Rights Act of 1964 that we actually put teeth in it and made those previous laws something that meant something. So, Mr. President, we can't afford to kick the can down the road any longer on the Paycheck Fairness Act.

On the heels of the Paycheck Fairness Act is what I call the Fair Pay Act. I have been introducing this bill every year since 1996. In every session of Congress since 1996 I have introduced the bill. It is basically to understand the gap that occurs—this gap here—in this occupational category. You see, there are a lot of women who work at jobs that require as much education and training as a man's job, but it is in a different category.

For example, millions of female-dominated jobs—such as social workers, Head Start teachers, childcare workers, nurses, nurse assistants, long-term care assistants in our long-term care facilities—are equivalent in skills, effort, responsibility, and working conditions to similar jobs dominated by men, but they pay a lot less. Again, this is inexcusable, and that is why I have introduced this Fair Pay Act in every session of Congress since 1996.

The Fair Pay Act would require companies to publish their job categories and their pay scales. It wouldn't require a company to say what each person is getting paid, it would just say they have to publish their pay scales and their job categories. That way people would know what their contemporaries are making, or at least a range of what they are making.

I asked Lilly Ledbetter when she appeared before our committee a couple of years ago if the Fair Pay Act had been in existence when she was discriminated against would she have been in a better position. She said yes; she would have known then that she was being unfairly paid less than what her contemporaries were. So, again,

that is why we have to move ahead on the Fair Pay Act. We can't forget that there are millions of women who work very hard—they care for our elderly, they care for our kids, they teach our kids, in many cases they are daycare workers, nurse assistants, and they do extremely important work. What would we do without them? But because they are categorized as women's jobs, they are paid a lot less. For example, take the difference between a truckdriver and a nurse. They both require about the same amount of skills, education and training and physical ability—about the same amount. Yet a truck driver is making much more than a nurse makes. Why is that?

We tend to think of truckdrivers as big burly men but, you know, with power steering and power brakes and some other machinery, it does not require a lot of muscular effort anymore. But a nurse, who has to turn patients over—that requires physical effort also. That is one example of the disparity we have in our society.

We have to end this categorization that certain jobs are women's jobs and therefore we can pay them less. I dare say a truckdriver is an important part of our society. You make no bones about it. But so is a long-term care assistant taking care of our grandparents, or someone on an Alzheimer's unit, or a person who is taking care of our kids in the dawn of their life when they are in daycare centers. They do important work, vitally important work. They should not be discriminated against any longer.

I hope we will move forward on these two bills. As I said, the third bill is the food safety bill. I am hoping we will move forward on that also and that we can finish that bill by the end of the week. We reported this bill unanimously out of our HELP Committee November 18 of last year. There was not one “no” vote against it. Frankly, I daresay if we can bring the bill out on the floor—I am just wagering—I bet we get 90 votes. But there is a small group on the Republican side that is basically filibustering the bill. I am hopeful in good faith, working with Senator ENZI, Senator BURR, Senator GREGG, and others on our side, we can break this logjam and we can get the food safety bill through this week. It is so vitally important. As I said, it has broad bipartisan support. We worked hard to keep it that way. We have industry support and consumer groups support. Certainly it is vitally important to the health and safety of our country.

Our food safety laws have not been upgraded in 30 years. Think about the changes that have taken place in the way we grow food and ship food and prepare it compared to what it was 30 years ago.

Again, I am hopeful we will be able to bring that up and pass it, not only the motion to proceed but the bill itself,

sometime this week. I will have more to say about that.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. BURRIS. Mr. President, are we in morning business presently?

The ACTING PRESIDENT pro tempore. We are in morning business. The Senator is authorized to speak for up to 10 minutes.

TRIBUTE TO DR. MARGARET BURROUGHS AND BISHOP ARTHUR BRAZIER

Mr. BURRIS. Mr. President, every day we walk the hallowed Halls of the U.S. Capitol, a building filled with statues, busts, and paintings honoring great Americans—Lincoln, Washington, Dr. Martin Luther King Jr., names we will never forget because they are the individuals who built and altered the foundation of this country.

But we must also never forget to recognize those Americans who may not appear in our history books but whose contributions have helped write our American story, great Americans like Dr. Margaret Burroughs who became a legend in her own time.

Dr. Margaret Burroughs is a true American treasure—an artist, advocate, poet, and progressive. She celebrated her 93rd birthday this month and today, I ask my colleagues to join me in honoring her.

Born in Louisiana before women could vote, Dr. Burroughs moved to the south side of Chicago when she was five, eventually studying at both Englewood High School and Chicago State University.

Politically active from an early age, Dr. Burroughs and classmate Gwendolyn Brooks joined the NAACP Youth Council, and her ambitions only grew from there.

She taught art at DuSable High School for 23 years, and taught humanities at Kennedy King College for over a decade.

For most, a 30-year career teaching thousands of students would be enough. But for Dr. Burroughs, her life in education was just one part of her story. This extraordinary woman always opened her doors to friends and colleagues. Her coach-house flat became a social center, which many called “Jittie Bohemia.”

She worked tirelessly to establish the South Side Community Art Center, opening in 1940. And she nursed her growing interest in the arts by studying at the Art Institute of Chicago where she earned her master's of fine arts in 1948.

An established painter and printmaker in her own right, Dr. Burroughs began exhibitions in 1949, showing her work all over the United States and abroad.

She was generous enough to gift several of her works to my daughter, and

several more adorn the walls of my Home and Senate offices in Chicago.

When she founded the DuSable Museum of African-American History in 1961, Dr. Burroughs established herself as one of the outstanding institution builders of her generation.

Once again, Dr. Burroughs created a place for people to come together. The museum that began on the ground floor of her Chicago home is now located in Washington Park and has become an internationally recognized resource for African-American art.

Dr. Burroughs served as a director of the museum she founded until her appointment as a commissioner of the Chicago Park District in 1985.

She has always been committed to the progressive cause, and she has been a prolific writer over the long course of her rich lifetime.

Dr. Burroughs contributed to “Freedomways,” a publication founded by W.E.B. Du Bois and Paul Robeson, both heroes of hers. She served as art director for the Negro Hall of Fame. She has illustrated a number of children's books. She is an accomplished poet, with poems that triumph African and African-American culture. And she served as an early and often lonely pioneer of black awareness, her writings provided a beacon of hope for a younger generation.

Her paintings, poems and prints alone make Dr. Margaret Burroughs an important part of American history.

But her desire to pass knowledge, hope, and inspiration to future generations means Dr. Burroughs will also be a significant part of the fabric of our nation.

Tens of thousands of African Americans have been touched by her art, taught in her classrooms, motivated by her words, and inspired by the institutions she helped create.

In her 1968 poem, “What Shall I Tell My Children Who Are Black?,” she writes about how we can encourage future generations of African Americans.

And as she celebrates 93 years on this Earth, I ask my colleagues to join me in thanking her for her service. We know that her life's work will long be remembered by future generations: an extraordinary life of an educator, an artist, a poet, and an inspiration.

Likewise, I would like to present a eulogy for a second great American.

Many towering figures of American history have walked these halls, leaving their legacy written across our shared history. And one American whose life and work have made a deep and indelible mark on this Nation is Bishop Arthur Brazier, who passed just last month after a lifetime of leadership.

Those who knew the Bishop personally called him “one of our nations great moral lights,” “a stalwart of the city of Chicago,” “father, leader, and friend.”

Bishop Brazier was born and raised on the South Side. After just 1 year at Phillips High School, he dropped out to find work and was promptly drafted into the army where he served as a staff sergeant in India and Myanmar, then known as Burma. Discharged in 1945, he returned to Chicago where he met his future wife.

At the age of 26, Brazier was baptized. He took a job as a mail carrier but felt a deep urge to preach. So he began studying at night at the Moody Bible Institute, a place at which my wife served as a professor, and in 1952 became pastor of the Universal Church of Christ.

Eight years later, he merged his congregation with that of the Apostolic Church of God in Woodlawn where he was the pastor for more than 48 years—building a congregation of over 20,000 members.

For decades, Bishop Brazier fought gangs and crime and pushed for more affordable homes and better schools.

As founding president of The Woodlawn Organization—a group aimed at shepherding his South Side community through racial unrest and neighborhood upheaval—he opposed plans by the nearby University of Chicago to expand, which would have displaced residents and use land he anticipated developing into low-income housing.

Bishop Brazier taught the people of Chicago and perhaps the people of the United States to always look forward instead of looking back, saying: “I do not think it behooves us well to keep talking about the past. The American theme is not the America of history.”

All Americans can benefit from such a profound legacy. The life of Bishop Brazier is a story of expanding equality and opportunity, of people and institutions grappling with social change and striving to live up to the promises of equality they innately know belong to them.

Because of Bishop Brazier we are reminded to care for the poor, to focus on spiritual strength rather than material wealth, and that we too can make a difference in our communities.

Bishop Brazier's passing has no doubt left a void in the American landscape. But because of his life, his sacrifice, and his great service, we have the foundations for a better tomorrow.

My prayers are with his wife Isabelle Brazier; his son Bryon Brazier; his three daughters, Lola Hillman, Janice Dortch and Rosalyn Shepherd; and the countless family members and friends who loved and followed this great man.

Mr. President, it is a great honor and privilege that I stand on the floor of the Senate and speak on behalf of these two great Americans, these great Chicagoans and Illinoisans who have done so much for our city, our State, and our Nation. It is my hope and prayer, as my parting words to this U.S.

Senate, that these individuals will be memorialized in the archives of this great body.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

CERTIFICATES OF ELECTION AND CREDENTIALS

The VICE PRESIDENT. The Chair lays before the Senate the certificates of election to fill the unexpired terms for the States of Delaware and West Virginia. The certificates, the Chair is advised, are in the form suggested by the Senate.

If there is no objection, the reading of the certificates will be waived and they will be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF DELAWARE
Executive Department

Dover

CERTIFICATE

To All Persons To Whom These Presents Shall Come, Greetings:

Whereas, an election was held in the State of Delaware, on Tuesday, the second day of November, in the year of our Lord two thousand ten, that being the Tuesday next after the first Monday in said month, in accordance with the provisions of the Constitution and Laws of the State of Delaware, in that behalf, for the purpose of choosing by ballot a Senator for the people of said State in the United States Senate for the unexpired term caused by the resignation of Joseph R. Biden, Jr., said term ending at noon on the 3d day of January, 2015.

And Whereas, the official certificates or returns of said election, held in the several counties of the said State, in due manner made out, signed and executed, have been delivered to me according to the laws of the said State, by the Superior Court of said counties; and having examined said returns, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for United States Senate, I have found Christopher A. Coons to be the person highest in vote, and therefore duly elected and chosen United States Senator of this State.

I, the said Jack A. Markell, Governor aforesaid, in accordance with the provisions of the Act of the General Assembly of this State in that behalf, do hereby, therefore, declare, make known and certify that the said Christopher A. Coons has received the highest vote at the election aforesaid and therefore is the legally elected United States Senator for the State of Delaware.

Given under my hand and the Great Seal of the said State, the 10th day of November in the year of our Lord two thousand ten and in the year of the Independence of the United States of America two hundred thirty-five.

By the Governor:

JACK A. MARKELL,

Governor.

JEFFREY W. BULLOCK,

Secretary of State.

[State Seal Affixed]

STATE OF WEST VIRGINIA

Office of the Executive

CERTIFICATE

To the President of the Senate of the United States:

This is to certify that on the Second day of November, 2010, Joe Manchin III was duly chosen by the qualified electors of the State of West Virginia a Senator for the unexpired term ending at noon on the 3rd day of January 2013, to fill the vacancy in the representation from said State in the Senate of the United States caused by the death of Robert C. Byrd.

Witness: His excellency our Governor Joe Manchin III, and our seal hereto affixed at Charleston, West Virginia this the Twelfth day of November in the year of our Lord 2010.

By the Governor:

JOE MANCHIN III,

Governor.

NATALIE E. TENNANT,

Secretary of State.

[State Seal Affixed]

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senators-elect will present themselves at the desk, the Chair will administer the oath of office as required by the Constitution and prescribed by law.

The Senator-elect, escorted by Mr. CARPER and Mr. KAUFMAN, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Vice President; and he subscribed to the oath in the Official Oath Book.

The Senator-elect, escorted by Mr. GOODWIN and Mr. ROCKEFELLER, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Vice President; and he subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations, Senators.

(Applause, Senators rising.)

Mr. NELSON of Florida. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized in morning business for such time as I shall consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Thank you, Mr. President.

(The remarks of Mr. INHOFE pertaining to the introduction of S. 3939 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Oregon is recognized.

TAX REFORM

Mr. WYDEN. Mr. President, The Senate has come back to a full-throated debate about the comparative benefits of the tax policies of George W. Bush and Barack Obama. We turn on our cable TV these days and hour after hour there is a great deal of analysis of which approach is better on one factor or another. I want to take a few minutes today to point out that I think that debate misses the point because either of those tax approaches—of George W. Bush or President Obama—in my view would anchor our country to an insanely complicated, job-killing, thoroughly discredited tax system. I think what is important is that the Senate begin work moving toward a tax system that can create, as I put up here and will walk the Senate through, at least 2 million new jobs per year.

The fact is, in this discussion comparing the George W. Bush policies and the policies of President Obama, one side may end up winning, the other side goes away unhappy, but under either approach the taxpayers of this country will lose, will continue to lose as a consequence of this flawed and discredited tax system. For example, under either approach—under policy advanced by President Obama or the ideas George W. Bush saw enacted into law—we would still have 3.8 million people working the equivalent of full time, trying to comply with our tax law. Under either of those approaches, that of President Bush or President Obama, we would still have Americans spending 7.6 billion hours complying with tax law at the cost of \$200 billion a year. That is why I say the taxpayer loses under either of those approaches.

How can you make the case to the American people, whether they are in Illinois or Oregon or anywhere else, that you want to anchor them to a system that is not doing enough to create jobs, certainly will not give us the opportunity to create 2 million new jobs, and on top of it will force 3.8 million people to work the equivalent of full time to comply, racking up 7.6 billion hours and the expense of \$200 billion annually, simply to comply?

The question is, is there a better choice? I submit this afternoon that there is a far better choice and it has bipartisan roots. The better choice is to pick up on the work that Democrats and the late President Reagan did in the 1980s when they came together. A Chicagoan, you will recall, was very involved, the late Dan Rostenkowski,

and he said the enemy is not the other party. The challenge is to go after the scores and scores of special interest tax breaks that are tax expenditures, really tax earmarks as I would call them, that consume hundreds of billions of dollars and keep us lowering the rates for the middle class and small businesses and those who manufacture in the United States.

I think the relevant comparison is not George W. Bush against Barack Obama. The more relevant measure is what happened when Democrats and Ronald Reagan worked together in the 1980s, as opposed to what happened between 2001 and 2008 when tax policy was partisan. Let me lay out for the Senate those specific numbers.

When Democrats and Ronald Reagan worked together to reform the Tax Code in the 1980s, payrolls expanded by 17.6 percent and the economy grew by 16 million jobs. By contrast, when tax policy was partisan, between 2001 and 2008, there was 2.3 percent payroll expansion, 3 million new jobs, and real median income fell by 5 percent. So why in the world would it make sense to go back to the tax policies where, when you look at the numbers in terms of payroll expansion, new jobs and real median income, growth was not what the people of Illinois and the people of Oregon and the people across our land ought to expect.

I am of the view, now that the people of this country have spoken that they want to see this Senate create more real good-paying jobs and fix problems, the first thing we ought to do is look at what worked. We especially ought to look at it when it has bipartisan roots, as we saw in the 1980s with Democrats and Ronald Reagan. I believe that Congress can now, picking up on what they did during that time—clean the clutter from the Code, broaden the tax base and lower tax rates to give the people of this country a simpler and fairer tax.

Also, in the 1980s, by cutting marginal income tax rates—and again this was Democrats, some of the most stalwart Democrats in the history of our party: Dan Rostenkowski, Dick Gephardt—stalwarts of the Democratic Party worked with Ronald Reagan to cut marginal income tax rates to create more jobs and more investment, rather than handing out tax preferences to special interest groups. A quarter century later we find ourselves, today, with a tax system that you can only describe as a mess, a dysfunctional mess where even specialists in business and IRS regional offices have trouble sorting out the implications of what one provision or another would mean.

Given the fact that since the last time Congress moved in to drain the tax swamp—given the fact it has been a quarter century, Senator GREGG and I—he, of course, is the ranking Repub-

lican on the Budget Committee—spent more than 2 years, and our staffs week after week, seeing if we could come together and put forth a bipartisan tax reform bill. We have done that. I am very pleased to be able to report this afternoon that the two chairs of the Deficit Reduction Commission, Erskine Bowles and Alan Simpson, said that a version of what we proposed—certainly not all the things we would agree with but a version of our proposal—should be one of the options considered by the commission and considered for the country to debate.

Given that, I want to take a few minutes and outline some of the key provisions we pursued in our bill. It is S. 3018. We all know that anybody having any trouble sleeping at night can wade into a tax bill and you can conk pretty quickly, but S. 3018 is an attempt to pick up on some of the most important policy work done, in my view, by the Senate led by Democrats and Ronald Reagan in the 1980s. What Senator GREGG and I do is end scores of preferences so as to be able to give tax breaks to the vast majority of working families instead of handing them out to a small number of narrow special interests who have incredibly talented lobbyists who can spend their day outside the Senate Finance Committee room. We take away those breaks and use that money to give real tax relief to millions of working class families.

We take a special initiative to focus on job creation that will make us more competitive in tough global markets. I want to take a minute to describe exactly how this works. I am sure that when the Presiding Officer of the Senate goes to a supermarket in Illinois, as I have in Oregon, one of the first things somebody will say, when you start visiting about the work of Congress, is take away those tax breaks for the businesses that are going offshore. Go get rid of those. They will say that to the distinguished Senator from Illinois and myself and everybody else. You hear it every single day in any coffee shop, any grocery store, where people are talking about government and politics.

Then of course we go out and visit with our companies and the companies say: We have to have those tax breaks because America has the second highest rate in the world. If we do not have those tax breaks for doing business overseas, we are going to lose out on jobs here in the United States because some of that work our firm does overseas helps create jobs here in America.

We know from those conversations we have had in Illinois and Oregon that our blue collar people don't buy that; they don't buy that for a second. They want to have the tax breaks for shipping jobs overseas wiped out. What Senator GREGG and I did—and this lasted many months—is we said to the companies: How can we work with you

to take away the tax breaks for doing business overseas so you can use those very same dollars to lower the tax rates for small businesses and manufacturers that operate in the United States and have dollars for tax relief for the middle class.

As a result of that, we arrived at a policy that takes away the tax breaks for doing business overseas but we lower the tax rate dramatically for manufacturers and small businesses that operate in the United States.

Our big businesses are called C corporations. Most businesses of course pay taxes as individuals or partnerships or limited liability firms, but for our biggest companies when they manufacture in Illinois or Oregon or anywhere else in the country, in the United States, we lower their taxes from 35 percent to 24 percent, creating a dramatic new incentive for manufacturing and business in the United States that can let our companies be more competitive in these tough global markets.

We all understand that a firm in Illinois or Oregon is not just competing against another State a few hundred miles away, we are competing against China and India. I think this provision that Senator GREGG and I have laid out in our proposal—a modified version of that has been recommended by Mr. Bowles and Mr. Simpson—is one that can bring our country together, bring our parties together. Senator GREGG, a Republican; myself, a Democrat, worked for several years on this with business folks, with labor folks.

When I talk to labor folks—and I have at length—about taking away the tax breaks for doing business overseas and using that so we can have a rebirth of American manufacturing, they say that is the kind of tax cut for business I can be for. We have to bring back manufacturing. Manufacturing is not just a basic industry, it is a national security priority. I think the approach Senator GREGG and I have proposed, a version of which the deficit commission has picked up on, is the path to use.

The Heritage Foundation—and I will confess that I do not quote the Heritage Foundation every single day here on the floor of the Senate, although I have a great deal of respect for their professionalism—said the approach that Senator GREGG and I have produced will create 2 million new jobs per year. In fact, they said it would create 2.3 million new jobs per year, increase disposable income for a family of four by \$4,000 per year, and boost the real gross domestic product by an average of \$298 billion per year.

So the point is, at a time when we have been through a heated and certainly contentious election, I think there is an opportunity to move forward, and particularly on what has been a central concern of the American

people, which is creating more jobs, having an economic system that lets us compete in these tough global markets, and helping our people to get ahead, helping all of our people to get ahead.

If there is one theme in what Democrats and Ronald Reagan did in the 1980s and what Senator GREGG and I seek to do now, it is let us have a tax policy that gives everybody a chance to get ahead. If you are somebody in Illinois and Oregon, and you did not have much in the beginning of your life, we want policies that will give you a chance to get ahead. If you have been fortunate enough through your hard work to be successful, we want policies that will make that possible as well.

That was done when Democrats and Ronald Reagan cooperated in the 1980s. And, boy, what an unlikely group of people, President Reagan, a rancher, a star in the movies, working with Senator Bill Bradley of New Jersey. He has a lot better jump shot than me, but I also know the value of teamwork. So there is another tall Democrat on the Senate Finance Committee who would like to work on bipartisan tax reform.

We have an excellent chairman, Chairman BAUCUS, and Senator GRASSLEY. They have already had one hearing on this issue. There is a lot to work with on this tax reform issue. By the way, there is another group in addition to Erskine Bowles and Alan Simpson who have weighed in essentially behind the ideas Senator GREGG and I are talking about.

President Obama had a tax reform commission that recently came in—it was chaired by the distinguished Paul Volcker—that made a very substantial case for simplifying the Tax Code to ease the burden on workers and families and businesses.

Senator GREGG and I looked at the Volcker Commission proposals, ending the alternative minimum tax, increasing the standard deduction, consolidating incentives for savings and retirement, allowing taxpayers to ask the IRS to fill out their tax forms for them. Those were all recommendations by President Obama's commission, the Volcker Commission, that are part of the proposal that Senator GREGG and I have put together, now 318: get rid of loopholes, get rid of the giveaways to special interests, and you can keep down rates and provide tax relief to the vast majority of workers and families and businesses.

In closing, there is a recipe for economic growth that is available to the Senate, a recipe for economic growth that has already been shown to work. What Democrats and Ronald Reagan did in the eighties proved that bipartisanship can create economic growth, help stimulate the creation of badly needed jobs, and rein in the deficit.

So why in the world would we want to pass up the opportunity on a bipartisan basis to drain the tax swamp?

Why would we pass up the opportunity to clean the tax house? Do we want to say this—and this is true. This is key to the discussion we are going to have all through this session if we go with either the approach of George W. Bush or Barack Obama. We will continue to see the full-time work of 3.8 million people doing 7.6 billion hours to comply with the tax law at a cost of \$200 billion a year.

Would not the people of Illinois—I know they certainly feel this way in Oregon—rather see \$200 billion devoted to real progress in this country, improving our roads and bridges and our transportation system, and creating a public education system that is going to let us get those high-value, high-wage jobs and compete in these tough global markets? And you will have money left over to reduce the deficit which, of course, is why all of this was attractive to Erskine Bowles and Alan Simpson because they head up something called the Deficit Commission. Obviously, there is another big cost to all of this, this tax mess; that is, to the morale of our citizens and their sense of fairness.

Because this tax system is so insanely complicated, ordinary taxpayers make mistakes, they overpay their taxes, they underpay their taxes, they get audited. But they are very much aware that the sophisticated taxpayer can go out and employ a legion of lawyers and accountants, and if that does not work, they will get lobbyists to kind of play around with their loophole and avoid taxes. That is not fair, and the ordinary taxpayer knows it.

Even with their savings and home equity tapped out, we know hard-working middle-income folks will pay their fair share. But they sure resent the tax system that rewards elaborate tricks. I am of the view the message from this election is for Democrats and Republicans to get down to work, and the Tax Code is a good place to start.

I said to folks in Oregon during the campaign, I do not believe either party has a monopoly on good ideas. I am prepared to work with anybody in the Senate with a good idea for moving us forward, especially when we can create 2 million new jobs per year.

One of the reasons I wanted to begin this special postelection session this way is that I think on this tax issue, what is especially striking when we are having this intensely partisan debate about how to go about keeping a discredited tax system, there is something out there that will produce more good-paying jobs and could be bipartisan. So the real work on taxes for this special session seems to me to create a bridge to real tax reform, a bridge to tax reform that works. The Tax Code is so complicated today that the typical person cannot even use the relief that is given to them.

Each Spring the Internal Revenue Service publishes something called the

annual “oops list.” This is the list of the 10 most common mistakes that taxpayers make when they are filing. That “oops list” released in March included President Obama’s Making Work Pay tax credit which was created to boost the economy and give working Americans a credit worth up to \$400 for individuals and \$800 for couples. Yet this year’s “oops list” reported that many of the people who worked in 2009 could not figure out how to claim the Making Work Pay credit on their 1040 EZ form. That is not easy enough. In fact, if you and I walked the streets of Illinois and Oregon and asked anybody about the stimulus legislation, virtually no one would think that there were hundreds of billions of dollars’ worth of tax relief in that bill.

They would say to the distinguished President of the Senate, as they have said to me, that was a spending deal. It is called the stimulus. There was not any tax relief in it. The system was so complicated that even with hundreds of billions of dollars’ worth of tax relief in it, people could not sign up for it, people could not figure it out, and it makes the “oops list” for the Internal Revenue Service.

The Chair has been patient, this afternoon. I close simply by saying, I believe it is time to clean house as the Congress did in the 1980s working with President Reagan, purge this spider’s web of tax breaks, kill the special interest goodies, and hold down the rates so that everybody can get ahead.

Let the small businesses, as Senator GREGG and I advocated, expense all of their equipment and inventory costs in a single year, freeing up capital so they can expand and create jobs. Let’s limit the dead weight cost of taxes as the Heritage Foundation said in their report, indicating our bill would create 2 million new jobs.

Our 1040 form is 27 lines long—27 lines long. Back when we started this push, one of the financial magazines, one of the best known magazines, had some of their people, for a typical taxpayer, fill out their taxes with a form that was like ours. It took them 40 minutes.

Think what that is going to do to change Americans’ springtime when everybody is filing their returns in April. Talk about family values. We could actually get people a little more time with their families rather than filling out all of these forms and Turbo Tax and everything else.

This is going to be an important session that begins today, and nobody is sure exactly how long it is going to last. But what we know is that there is going to be an extensive discussion about taxes, and I just hope our colleagues will zero in on the fact that under either of these approaches that are being discussed, that of George W. Bush or that of Barack Obama, either of them will anchor this country to a

grotesquely complicated, job-killing, discredited tax system.

We can do better. We know we can do better because in the 1980s, with leadership from a Republican President and Democrats in Congress, we did better. It created millions of new jobs. We can do it again.

I yield the floor.

REMEMBERING SENATOR TED STEVENS

Mr. VOINOVICH. Mr. President, I rise today to speak on the late Senator Stevens as we prepare to travel to Arlington Cemetery to lay Senator Stevens to rest. Today, Janet’s and my thoughts and prayers are with the Stevens family and the others who died, were injured, or had loved ones on that tragic plane trip.

Senator Stevens was the first senator Alaska knew. His tenure lasted 40 years in this Chamber. I am proud to have served with him for 10 of those years, most closely on the Homeland Security and Government Affairs Committee. During his time in the Senate, he was chairman of the Commerce Committee, chairman of the Appropriations Committee, chairman of the Ethics, Rules and Governmental Affairs Committee, and chairman of a number of subcommittees and President pro tempore of the Senate. He was the embodiment of an effective Senator and leader as he fought every day for Alaska.

It was an honor to serve with Ted and amazing to think that his service in the Senate was only part of a life of service. He was instrumental in Alaska achieving statehood. He was a Harvard Law School graduate. He was an U.S. attorney in Fairbanks. He flew cargo over the Hump and into China during the Second World War. He was a decorated war veteran, part of America’s Greatest Generation. He was a prostate cancer survivor and an advocate for research and funding to find a cure. He was an inspiration to all and an example of what one individual can do if he puts his nose to the grindstone and gets to work.

I was able to get to know Senator Stevens on the Homeland Security and Governmental Affairs Committee where I got to see his great love of Alaska and the Senate, which you saw everytime he would speak about his fellow Alaskans, as he worked to assist all Americans, whether Alaskans, Louisianans, Ohioans, or others, respond to natural disasters. I will never forget Ted standing up at our Police and Steering Committing lunches and telling it like it is and showing his knowledge, experience, and common sense. When he talked, everyone listened. I regret that his voice is absent from the Senate at this critical time in our Nation’s history. I also saw his strength as he worked to prepare all of us against the threat of terrorism.

Senator Stevens always strove to do what was best for his home State of Alaska and the United States. You could be sure that if legislation was good for Alaska, Ted Stevens would support it regardless of the politics. We need more politicians today who are willing to do what is right regardless of party. His friendship and work with Senator INOUE should be a model for us all.

He was a lion of the Senate. While Ted is gone, his legacy will live on. You see it here with his former colleagues and his former staffers. You see it in the legislation he championed, such as title 9, legislation on the Olympics, aid to rural Alaska, telecommunications, and, of course, his unwavering support for our military.

May God bless Senator Stevens, his family and all who held, and still hold, him dear.

Mr. LUGAR. Mr. President, as we remember the life of our friend, Ted Stevens, and celebrate his remarkable service to our country, each of us must surely remember a number of personal experiences which have helped us appreciate how much his friendship meant to us.

I first met Senator Stevens during the Senate election campaign of 1976. He was serving as chairman of the National Republican senatorial committee, and I had just won the Republican nomination to be a candidate for the U.S. Senate in Indiana. The senatorial committee was not as affluent in 1976 as presently, but Ted Stevens was able to steer a contribution into my campaign and to offer words of encouragement which included my first knowledge that he had been born in my hometown of Indianapolis, IN, on November 18, 1923.

In the days to come, I discovered, additionally, that he had attended School No. 84 and Shortridge High School. I began my elementary school education at School No. 84 and graduated from Shortridge High School in 1950. Later, I learned of the early struggles that Ted Stevens had in supporting relatives in Indianapolis and the challenging family circumstances that caused him to leave Indiana prior to graduation from Shortridge, but I always pointed out to Hoosiers that Ted Stevens was truly one of us.

The 1976 Senatorial Republican Campaign brought eight new Republican Senators to the U.S. Senate. Although we were only a total of 38 in that session, Ted Stevens became the Republican whip in January of 1977 and continued to serve in that capacity through 4 years of a distinct Republican minority and 4 more years of a glorious Republican majority during the first term of President Ronald Reagan.

Following the Presidential and congressional elections of 1984, a successor to Senator Howard Baker of Tennessee

was elected by the Republican caucus. Senator Baker had elected to retire after a most successful tenure as majority leader of the Senate, and five candidates appeared to seek the Republican majority leader position.

The Republican caucus rules did not encompass such a large field, and I remember a meeting of the five candidates—Senator Robert Dole, Senator Ted Stevens, Senator James McClure, Senator Pete Domenici, and myself—to agree upon how the balloting would progress. At an informal afternoon session, we agreed that after the first ballot the candidate with the lowest vote would drop out and such a procedure would follow after each of the ballots until a majority occurred with the deciding ballot between the final two candidates. The voting was held in the Old Senate Chamber, and after the first two ballots, Senator McClure and Senator Domenici had left the field. I lost out on the third ballot, and Bob Dole defeated Ted Stevens in a close vote for majority leader.

Ted was undaunted and preceded to chair the Appropriations Committee with essential vigor and comprehensive activity. His chairmanship lasted from 1997 to 2005 with a short break of 18 months during which Democrats controlled the U.S. Senate. His efforts on behalf of Alaska are legendary, and it was not surprising that Alaskans named Ted Stevens the Alaskan of the Century in the year 2000.

At Republican Tuesday luncheons, Ted Stevens often gave comprehensive reports about legislation before the Appropriations Committee, which he felt vital to Alaska and the United States, and we all became much better acquainted with Alaska through his comprehensive tutorials. I admired the vision which he had for Alaska and for the position of Alaska as a part of vital foreign policy consideration with Russia, China, Japan, and the entirety of the Pacific Ocean Basin. He understood the important role which the Arctic Circle area would play in world history and the importance of giving proper and timely attention to a part of the world that was not normally the subject of our Senate debate.

As President pro tempore of the U.S. Senate from January 2003 to January 2007, Ted Stevens was extraordinarily conscientious not only in the opening ceremonies of the Senate each day but in managing the appearance of that office with attention to detail and commendable diplomacy.

Although he sometimes displayed a choice of sharp words and even some short public displays of temper, I appreciated that each conversation I enjoyed with him was businesslike, friendly, and educational.

I did not have the privilege of serving on the major committees which Ted chaired, but I did enjoy, especially, our work on the Arms Control Observer

Group. In 1986, President Ronald Reagan, anticipating intensive negotiations with the Soviet Union over potential reductions of nuclear weapons and other weapons of mass destruction, appointed a bipartisan Arms Control Observer Group to proceed to Geneva, Switzerland, and monitor what were anticipated to be spirited and productive negotiations. The Arms Control Observer Group would then be in a position to lead the debate on the Senate floor to obtain the two-thirds majority needed for a historical arms control agreement with the Soviet Union.

Senator Robert Byrd and Senator Robert Dole were appointed to the group along with other Senators such as Ted Kennedy, Al Gore, and Sam Nunn, who made substantial contributions to consideration of the negotiations with the Soviets over many years.

Ted and his wife Catherine took the assignment so seriously that they rented an apartment in Geneva anticipating that they would stay and continue to monitor the negotiations even after the Senators had returned to their normal debates on the Senate floor.

Unfortunately, negotiations did not proceed rapidly and, as a matter of fact, took several years to reach maturity. But Ted Stevens remained a thoughtful and vigilant observer in Geneva, in Washington, and in other places on Earth where his acute observations and comments were especially important.

As former Senator Sam Nunn and I formulated the Nunn-Lugar Cooperative Threat Reduction Program which was adopted by the Congress in 1991, Ted Stevens was a strong supporter of our efforts, and many of my conversations with him centered upon the methods of verifying all aspects of the treaty and further steps we could take with the Soviet Union, and then later, Russia, to provide increasing safety for all American cities and military installations.

I was visiting South Bend, IN, on the day that news of the tragic death of Ted Stevens flashed around the world. That night, I told all of the local correspondents that were following my activities that Ted Stevens was a son of Indiana, a student in two of the public schools in Indianapolis that had meant so much to both of us, and a remarkable champion both for his adopted state of Alaska and for our country. I will always be grateful for the friendship we enjoyed and the wonderful memories of that friendship that remain so vivid at this moment.

HONORING OUR ARMED FORCES

STAFF SERGEANT KENNETH K. MC ANINCH

Mr. BAYH. Mr. President, I rise today to honor the life of SSG Kenneth K. McAninch of the U.S. Army and Logansport, IN.

Staff Sergeant McAninch was assigned to the 1st Battalion, 506th Infantry Regiment, 101st Airborne Division at Fort Campbell, KY. He was 28 years old when he lost his life on October 21, 2010, while serving bravely in support of Operation Enduring Freedom in Paktika Province, Afghanistan. He was serving his third tour of duty.

A native Hoosier, Kenny attended Lewis Cass Junior-Senior High School in Walton, IN. His principal described Kenny as "one of those kids who always worked hard to get things done."

Staff Sergeant McAninch enlisted in the U.S. Army in 2005. A decorated soldier, his awards include the Joint Service Commendation Medal, Joint Service Achievement Medal, Joint Meritorious Unit Award, Army Good Conduct Medal, and the National Defense Service Medal.

Staff Sergeant McAninch was a devoted husband, father, and son. I join his family and friends in mourning his death. He is survived by his wife, Shawwna McAninch; his children, Jeremiah, Braxton, Brayden, Colby, and Shyanne; his father, Marvin McAninch of Logansport, IN; and his mother, Cheryl Nance of Peru, IN.

We take pride in the example of this American hero, even as we struggle to express our sorrow over this loss. We cherish the legacy of his service and his life.

As I search for words to honor this fallen soldier, I recall President Lincoln's words to the families of the fallen at Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here."

It is my sad duty to enter the name of SSG Kenneth K. McAninch in the official RECORD of the U.S. Senate for his service to our country and for his commitment to freedom, democracy, and peace.

FREEDOM OF INFORMATION ACT

Mr. LEAHY. Mr. President, in the coming months, the Supreme Court of the United States will consider *Federal Communications Commission v. AT&T*—a monumental Freedom of Information Act, FOIA, case that could vastly expand the rights of corporations to shield their activities from public view. Like many Americans who deeply value openness, transparency and accountability in our government, I urge the Court to reject efforts to broaden the personal privacy exemption to FOIA to include corporate information.

A decade after Congress first enacted the Freedom of Information Act, Congress created an exemption to this law

for law enforcement records that contain sensitive personal information. The so-called "personal privacy exemption" for law enforcement records—FOIA exemption 7(C)—allows the government to withhold information contained in its investigatory files that "could reasonably be expected to constitute an unwarranted invasion of personal privacy."

By creating this exemption, Congress intended to shield from public disclosure sensitive personal information about individuals who may be mentioned in government files. However, Congress never intended for this exemption to apply to corporations.

The legislative history for the personal privacy exemption makes clear that Congress intended for this exemption to protect an individual's right to privacy. Indeed, when the Senate debated this exemption in May of 1974, Senator Philip Hart, who drafted the personal privacy exemption, remarked that "the protection for personal privacy included in [the exemption] . . . is part of the sixth exemption [to FOIA] in the present law. By adding the protective language here, we simply make clear that the protections in the sixth exemption for personal privacy also apply to disclosure under the seventh exemption. I wish to also make it clear, in case there is any doubt, that this clause is intended to protect the privacy of any person mentioned in the requested files, and not only the person who is the object of the investigation."

Former Senator Roman Hruska also confirmed that Congress intended for the exemption to address individual privacy rights. Regarding the personal privacy exemption, he said "we are dealing in this matter with what I believe to be the most important rights, and in some respect the most important rights, an individual may possess, his right to privacy, and his right to personal safety." The universal understanding that the personal privacy exemption pertains only to the privacy rights of individuals is further confirmed by the remarks of former Senator Strom Thurmond, who noted during the Senate debate that "[a]ll of us are aware of the general feeling permeating the country, that our citizens want to know what their Government is doing However, by the same token, we are also concerned about a mutual problem of invasion of an individual's privacy."

During the more than four decades since the Congress enacted the personal privacy exemption to FOIA, our Federal courts and Federal agencies have consistently interpreted this exemption to apply only to individuals. Over the years, the Congress—with the full knowledge of how the courts have interpreted this exemption—has never amended this exemption, nor called into question the universally held view that the exemption protects the personal privacy rights of individuals.

Given the clear legislative history and the longstanding case precedent in this area, I am deeply troubled by recent efforts to vastly—and I believe improperly—expand the scope of this exemption to reach corporations. While I do not quibble with the notion that certain corporate information should be exempt from public disclosure, I firmly believe that Congress has provided meaningful and adequate protections for sensitive corporate information in other parts of FOIA. Indeed, Congress specifically enacted FOIA exemption 4 to protect trade secrets and other sensitive corporate information from public disclosure. Tellingly, American corporations have successfully relied upon exemption 4 for decades, to safeguard their sensitive business information when it is shared with the government.

I fear that vastly expanding the personal privacy exemption for law enforcement records would close a vital window into how our government works. I also fear that extending this exemption to corporations would permit corporations to shield from public view critical information about public health and safety, environmental dangers, and financial misconduct, among other things—to the great detriment of the people's right to know and to our democracy.

As Senator Hart wisely noted during the debate of the 1974 FOIA amendments, "survival for a society such as ours hinges very importantly on the access that a citizen can have to the performance of those he has hired." I sincerely hope that our Nation's highest Court will carefully consider these words and that the Court will narrowly construe the personal privacy exemption, consistent with congressional intent. Should the Court decide to do otherwise, I will work with others in the Congress to ensure that FOIA, and specifically the personal privacy exemption for law enforcement records, remains a meaningful safeguard for the American people's right to know.

BREAST CANCER AWARENESS MONTH

Mr. BAUCUS. Mr. President, women are the backbone of the American family and a driving force of our economy. They are our mothers, sisters, wives, and daughters. Women are the heart of American families and local communities.

October is National Breast Cancer Awareness Month, and this October we have many reasons to reflect and celebrate. Thanks to the concerted efforts of the public and private sectors, we have come a long way to ensuring that women have long, healthy lives.

Twenty years ago, Congress created the National Breast and Cervical Cancer Early Detection Program. Today, the program provides screening serv-

ices for breast and cervical cancer in all 50 States, the District of Columbia, five U.S. territories, and 12 American Indian or Alaska Native tribes and tribal organizations. Since the program got started, almost 4 million women have been served—giving them access to breast and cervical cancer screenings that they otherwise could not afford.

We have recently expanded opportunities for women across the country to be screened by including free preventive care, like mammograms and cervical cancer screenings, in the new health care reform law. The Affordable Care Act eliminates all insurance copays for these screenings, which means more women will have access to early detection and more women's lives will be saved.

This October, we are also celebrating the 30th anniversary of the beginnings of Susan G. Komen for the Cure, an organization founded on Susan's sister's promise to end breast cancer forever. Today, Susan G. Komen for the Cure is the largest source of nonprofit funds dedicated to the fight against breast cancer, investing nearly \$1.5 billion in grassroots advocacy for quality care and research.

These efforts have made a big difference. In the last 30 years, we have improved the rate of cancer screenings—increasing the percentage of women over 40 who receive regular mammograms from less than 30 to nearly 75 percent. We have improved the treatment outcomes for women with cancer—increasing the 5-year survival rate from 74 percent to 98 percent. We have also increased the amount of Federal funding going toward breast cancer research, prevention, and treatment—ensuring that American women benefit from the best that science has to offer.

Despite these advances, it is estimated that nearly 40,000 women will die of breast cancer this year. That means that 40,000 American families will lose their mother or grandmother, sister or daughter. We cannot let up in this fight. We made a commitment to improving women's health in health reform—ending insurance industry abuses that have disproportionately affected women for decades, providing preventive benefits tailored to meet women's unique health needs, and ensuring women of all ages have access to comprehensive, high-quality coverage.

Improving women's health has a positive effect on the whole family. According to the Department of Labor, women make four out of five health care decisions for their families and are more likely to be the caregivers when family members are ill.

Improving women's health also has a positive effect on the economy. A healthy pregnancy, for example, begins with a healthy woman and leads to long, productive lives for mother and child.

We have come a long way, but we are not there yet. I am confident that with the consistent efforts of Congress and private sector groups such as Susan G. Komen for the Cure, we will continue to make progress for years to come.

AMERICAN DIABETES MONTH.

Mr. JOHNSON. Mr. President, I rise today in recognition of November as American Diabetes Month. National studies estimate 23.6 million Americans have diabetes and a quarter of people with diabetes do not know they have this disease. The State of South Dakota is home to nearly 40,000 diabetic adults, a figure which does not take into account the number of people who are undiagnosed, who are living with prediabetes, or those under age 18 who have child-onset diabetes, which is a growing problem linked to the increase of childhood obesity.

American Diabetes Month focuses on increased awareness of the disease and its risks. The disease carries with it an increased rate of heart disease and stroke, high blood pressure, kidney disease, blindness, and amputation of the lower extremities, among other associated health problems. As the prevalence of diabetes increases, we are beginning to understand the costs to both our citizens' health and to our economy. The high costs to our government in direct medical and indirect costs, coupled with the personal costs of rising health care coverage and treatment, make diabetes control and prevention a national priority.

Throughout my career in the U.S. House and Senate, I have strongly supported initiatives that would advance research, funding and education about diabetes, such as those conducted at the National Institutes of Health, the National Institute of Diabetes and Digestive and Kidney Diseases, as well as the Centers for Disease Control and Prevention.

Two special funding programs hold great promise in our efforts to prevent and cure diabetes among South Dakotans and our Nation at large. The Special Funding Program for Type One Diabetes Research provides additional funding for the National Institutes of Health to expand its juvenile diabetes research efforts. The program has funded clinical trials to test various drugs and therapies, increased understanding about reversing complications from the disease, improving our ability to predict risk of development, and helped develop new technologies for treatment.

I also am a proud supporter of the Special Diabetes Program for Indians, SDPI, which has addressed the high incidence of diabetes among Native Americans for the past 13 years by providing grants to tribal and urban Indian programs to create or enhance diabetes prevention and treatment ef-

forts. Through SDPI, the Indian Health Service has helped reduce diabetes-related complications, improve glucose and blood pressure levels and increase participation in treatment programs throughout the Native American population. Despite these advances, SDPI has found the incidence of type 2 diabetes among Indian children is steadily rising; as a result, they have developed plans to increase early education and prevention efforts in schools.

This year, Congress achieved comprehensive reform of our Nation's health care system. This historic legislation will improve access to quality, affordable health care for all Americans and help our country better manage the treatment and cost of chronic diseases. Given the cost of diabetes to American's personal finances and our economy, it is clear that increased awareness and funding for diabetes education and prevention should be a priority. I am pleased health care reform recognizes the significant impact of diabetes to our nation and includes efforts to specifically target the disease, including the creation of a National Diabetes Prevention Program.

American Diabetes Month provides us an opportunity to learn more about this disease, raise awareness about effective prevention strategies, encourage additional funding for research, and address the overall impact of diabetes on our Nation and our families.

AMERICAN EDUCATION WEEK

Ms. MURKOWSKI. Mr. President, as the granddaughter of a teacher and as a parent, education is one of my passions and priorities. So I rise today to commemorate the start of American Education Week, which seeks to shine a light on the importance of providing every child in America with a quality education so that they are prepared to contribute to our Nation's future as adults. Further, American Education Week gives each of us an opportunity to celebrate the good things that are happening in our schools, rededicate ourselves to help schools improve where improvement is needed, and to honor the parents, educators, students, and education support professionals who strive to do their best to ensure that every child receives a quality education each and every day. Each of the next 4 days will celebrate a different partner in the education of our children.

Tomorrow, American Education Week will focus our attention on our children's first and most important teachers—their parents. In my own State of Alaska, parents' contributions to their children's education is so important that we have been called to observe the entire month of November as Parental Involvement Month. This observance is intended to encourage all Alaskans to recognize the importance

of and encourage parental involvement in school improvement and student achievement. Other States have proclaimed other months to be Parental Involvement Month. Why? We know instinctively, the day our children are born, that we are responsible for shaping their future. Everything we do influences our children and whether or not they grow up to love learning. When we read to our children before bedtime, as we teach them colors, shapes, right, and wrong, and the value of hard work and honesty and as we help them with homework, book reports, and college applications, our voices and examples are the strongest influences in their lives. If our children see us checking out books for ourselves at the library, if we volunteer at their school and participate in making their school better, they learn from our example that their education is important. If we have high expectations for our children and consistently communicate that, our children can fulfill their potential. Our children want to rise to our expectations. So I call on all of my fellow parents to fulfill your children's expectations of you.

On Wednesday, the focus of American Education Week will shift to those too often overlooked individuals who play such important roles in our schools—the education support professionals. These are folks who, day after day and for little pay and less recognition, keep the cogs running smoothly in our schools. They keep our children safe, guide them in their behavior, give out hugs, and provide help when things get tough during the day. Take a moment, Mr. President, to look back on your own school days. Think of the school-bus driver who made sure everyone was seated and reasonably quiet on the way to school or who would wait as you ran to catch the bus. Think of the nurse who took care of you and called your mom that day you had a fever or the lunch lady who made sure you took a helping of vegetables and didn't forget your milk. Sometimes, if you forgot your lunch money, she would give you lunch anyway if you promised to pay tomorrow. One stern look from any of these good people would set your feet back on the right path, and you loved them for it, just as many children love their teacher's aide who can explain that thorny math problem better than the teacher or the specialist who helps them overcome a physical or learning challenge. Remember, on Wednesday, to think of these good folks who shaped your life, and think good thoughts for those who do so now across our great Nation.

On Thursday, community leaders are invited to come into our Nation's classrooms and serve as educators to get a glimpse of what the job is really like. We have all been to school, and we have all known many teachers. Being a teacher looks easy, but it isn't. Teachers need to know how to reach every

child, excite every child about learning, and help every child fulfill his or her potential. The best way to do those things is different for every child. Mr. President, we all remember our favorite teachers, and if we traded stories they would go like this: I had this teacher once who was so hard and expected so much, but he cared about me, and he was the best teacher I ever had, or, I had a teacher who really knew what I was about and she really helped me learn that year. Boy, was her class hard, but I loved that teacher. Teaching is both a skill and an art. It is hard work, and it is often thankless work. Too often a classroom will include children who come to school unprepared to learn or who are dealing with serious problems at home. But every single teacher across this Nation wants just one thing—to help every single one of their students to learn. On Thursday, think of your favorite teachers and thank them and make a wish that every student across America has a teacher who is inspiring, skilled, caring, and kind.

On Friday, American Education Week calls on us to honor a different kind of educator. They are too often overlooked, forgotten, or, frankly, given a really hard time. I am referring to the substitute teacher. Those hardy, brave souls who go into a different classroom every day to help educate our children deserve our thanks and recognition. Often called before dawn to cover for a teacher who is unexpectedly ill, they can teach kindergarten one day and high school math the next. The best of them have one common characteristic—they can settle a classroom full of strangers down with a glance and inspire their temporary students with a word. Their stories are the stuff of legend. There was the sub who learned in the nick of time that one of her students brought a stink bomb to class because he knew there would be a substitute that day. There was the substitute who learned her students' goal of the day was to make her cry, and she did, but she was back in class with the students after lunch. Then there was the sub whose first day on the job was taking 28 7-year-olds on a field trip to the zoo. Substitute teachers must be disciplined but caring. They must be flexible but adhere to routine. They need thick skin and a great sense of humor. I admire them tremendously.

While American Education Week does not specifically highlight the school principal, I am pleased and proud to honor our Nation's principals here today as well. Whatever role the principal plays, from instructional leader, head of maintenance, chief disciplinarian, financial guru, and even part-time recess monitor, the school principal's ability to impact the success of the school cannot be underestimated. The most important of those roles, however, must always be that of

instructional leader. Everyone in the school community, from students to the superintendent, from parents to future employers, relies on the principal to run an effective school in which students learn. The skill set for being a principal is not the same as for a teacher. A principal must be able to set the agenda for learning for not only the students but for teachers and other staff as well. He or she is in charge of not only the safety, well-being, and future of the children in the school but must also guide and inspire the staff. The principal must be a diplomat, bring the community into the school, satisfy the taxpayer, and meet the needs of the school. The principal must mediate, command, and inspire any number of groups on any given day. The best of them are often taken for granted because everything just works. So I encourage my colleagues and the Nation to include in their appreciative thoughts this week our schools' hardworking, multitasking educational leaders—our Nation's principals.

In closing, as my colleagues here in the Senate consider, applaud, and recognize the hard work of the many Americans who work every day to make our schools the best, I would also encourage them to do their part. As you know, the Senate HELP Committee continues to work toward reauthorization of the Elementary and Secondary Education Act. I look forward to continuing and completing that work next year. We know that this law's goal is to help ensure that every single child in every community across the country has the opportunity and the tools to succeed, that is, that every child will fulfill his or her potential regardless of wealth, ethnicity, disability, or location. We all want that. Regardless of our views on the role or the degree of the role the Federal Government should play in our Nation's schools—whether we think Federal funding should come with the strings of accountability or not and to what degree—I hope we can all agree on one thing, and that is the proud tradition of bipartisanship we and our predecessors have achieved when it comes to education issues. We may disagree about our points of view, but in the end the final product is one most of us have been able to support.

I hope that as we observe American Education Week and in the days and months to come our Nation's children as well as the adults can look back at us with pride and say we got something good done for the country through civility, cooperation, bipartisanship, and a genuine love for our Nation.

TRIBUTE TO COL MICHAEL J. JENSEN

Mr. GRASSLEY. Mr. President, I rise today to recognize a truly exceptional Iowan. After more than 31 years of hon-

orable military service, in November of this year, COL Michael J. Jensen is set to retire. His dedication and tireless devotion to the service of our great country is without question. I extend my heartfelt congratulations to COL Mike Jensen.

Colonel Jensen was born in Estherville, IA. He attended and graduated from Estherville Community High School in 1975, received an associate of science degree in computer science from Iowa Lakes Community College, a bachelor of arts degree in business management from Buena Vista University, and a master's degree in public administration from Drake University. Colonel Jensen also attended General Staff College, where he was the distinguished honor graduate.

Mike Jensen enlisted in C Battery 1st Battalion 194th Field Artillery on June 14th, 1979. He was commissioned a second lieutenant, Field Artillery, in June 1982 and graduated from the Iowa Military Academy Officer Candidate School at Camp Dodge in Johnston, IA. Duty assignments over his career include a number of positions in the 1-194th Field Artillery, 34th Infantry Division; Recruiting and Retention; the Secretary of General Staff; and Director of Military Support. In 2006, Colonel Jensen assumed his current position as the Commander of the Counterdrug Task Force, Iowa National Guard.

Over his admirable military career, Mike Jensen received a number of awards and decorations, including seven awards of the Meritorious Service Medal, the Army Commendation Medal with two oak leaf clusters, the Army Achievement Medal, and the Army Reserve Components Achievement Medal. Colonel Jensen is also an accomplished outdoorsman and avid fisherman.

Congratulations again to COL Michael Jensen. The Iowa National Guard will no doubt miss his daily contributions; however he continues as a model of honorable and distinguished service to his country. I thank him for his unwavering commitment to Iowa and to the United States of America.

ADDITIONAL STATEMENTS

RECOGNIZING THE VOICES OF UNITY YOUTH CHOIR

• Mr. BAYH. Mr. President, today I honor the Voices of Unity Youth Choir of Fort Wayne, IN, for outstanding achievement this past year at the sixth World Choir Games in Shaoxing, China.

The Voices of Unity Youth Choir was the first Indiana choir invited to participate in the World Choir Games, the world's largest choir competition. Known as the Choir Olympics, this year's contest featured more than 400 choirs comprised of 27,000 singers from 80 countries around the world.

One of only six American youth choirs invited to China, Voices of Unity won gold medals in two musical categories: popular choral music and gospel and spiritual. In addition, these Hoosiers won the title of World Grand Champion in the gospel and spiritual category.

Voices of Unity benefitted tremendously from the support of the Fort Wayne community who gave time and money to ensure these students had the opportunity to travel to China and share their talent with the world. In just 5 short months, Voices of Unity raised enough money to send 101 students and volunteers to China for the competition.

I particularly want to recognize Marshall White, founder of Unity Performing Arts Foundation, the home of Voices of Unity, for his tireless leadership.

I am honored to congratulate the World Champion Voices of Unity Youth Choir of Fort Wayne for this extraordinary achievement and for the teamwork, discipline, and hard work it takes to become champions.●

REMEMBERING HELEN MCKINNEY

● Mr. CRAPO. Mr. President, today I honor the life of Helen McKinney. I join with her family and many friends in mourning her passing. Helen has been a great source of support and encouragement to me and many others. The peace of mind that Helen provided me and others is immeasurable. Helen took on challenges with good humor and cheer. Helen had passion and strength that far exceeded her physical presence. Her energy and enthusiasm were inspiring. She was a steadfast, giving, driven, kindhearted, and focused leader. She was very firm but tactful.

Throughout her life, Helen was a hard worker. She has rightly been described as being able to do everything. When you look at the variety of jobs and tasks she took on, this could not be more accurate. In the 1940s, she worked in the newspaper business. Helen also taught junior high. In the 1970s, she directed the Caldwell Chamber of Commerce. Helen served in the Idaho House of Representatives. She also was a member of the Idaho Judicial Council. Additionally, Helen is widely known for her efforts with the Canyon County Republican Party. Helen served as regional chair. She also served as a national convention delegate and State and precinct committeewoman. Her great service and hard work have been recognized through her induction into the Idaho Republican Party's Hall of Fame.

No matter the task, Helen did her work very well. She was straightforward, diligent, and determined. Helen had an abundance of light and intelligence of hope in her eyes. She

was serious and paid attention to details. However, she never lost her sense of humor, and her positive outlook dominated her personality. When Helen spoke, people listened. She also did not hide her talents. She openly shared and mentored others. She was bold in defending her principles, but she was also gracious. Helen truly reflected Idaho values and the constitutional values of a land she loved so much.

I will greatly miss Helen, and I will never forget her thoughtful support and genuine example.●

TRIBUTE TO DON SHELBY

● Ms. KLOBUCHAR. Mr. President, today I pay tribute to one of our Nation's finest local newsmen and a Minnesota legend, Don Shelby, who is retiring after 32 years of service as a pioneering anchor, broadcaster, and reporter for WCCO in the Twin Cities.

A native of Royerton, IN, Don first arrived in Minnesota in 1978. But for those of us who tuned into him every night for our news, it is as if he has always been one of us.

When he first assumed lead anchor duties for the 10 p.m. newscast, Don had the tall task of replacing another Minnesota institution, Dave Moore, who had anchored the WCCO news desk for nearly 50 years. But Don's passion for bringing Minnesotans the stories that traditionally went unreported quickly made him a fixture on our television sets and in our hearts.

Don never forgot his roots as an investigative journalist. And he has never been one to just sit at the anchor desk and read the news.

Don is an intrepid reporter who will go to the ends of the Earth to bring his story home. Whether it was trekking to the Arctic with Will Steger, walking the beaches of Prince William Sound to expose the lasting damages caused by the Exxon Valdez oilspill, or traveling to Iraq to document the unprecedented service of our Minnesota National Guard troops, Don has brought the world home to living rooms across Minnesota.

Don's professional compass has guided him to what is important and away from the temptations of tabloid journalism and the "if it bleeds, it leads" sensationalism that too often dominate our news cycles today.

Minnesotans have benefited from Don Shelby's spirit of public service and commitment to journalistic values. For Don, it is never just about reading the headlines—it is about helping inform his viewers about the world around them.

Just one example of this was his trailblazing "Project Energy" series—with accessible, informative news reports on our energy future, including renewable energy, climate change, conservation, transportation alternatives, and much more. In short, Don rep-

resents public service journalism at its best.

Of course, it isn't just reporting that drives Don. There is also his ever-expanding list of hobbies, from mountain climbing, to bass fishing, to organic gardening, to playing guitar, and on and on. Don's intellectual curiosity knows no bounds.

For more than three decades, Minnesotans have turned to Don Shelby because they have trusted his experience and honesty.

While he has never been elected to public office, it is fair to say that he has become one of Minnesota's senior statesmen. And he became one by simply asking the important questions and telling the truth—with compassion, decency, and dignity.

So when Don signs off from his final broadcast this month, we will miss him dearly, but we can take comfort in knowing that our State is a better place because of his work.●

MARCUS CORPORATION

● Mr. KOHL. Mr. President, today I recognize the 75th anniversary of the Marcus Corporation. Not only does this month mark a monumental anniversary, it also gives us a time to look back at the accomplishments of the Marcus family.

Founded by Ben Marcus, the company opened a theater with just one screen in Ripon, WI. This small business became the basis of the Marcus Corporation, a leading name in hotels and movie theaters in the Midwest. Your hotels, like the Pfister in particular, serve as beautifully preserved landmarks, well-known meeting places, and home away from home for guests and employees alike. The Marcus family has consistently recognized and credited the work of their employees for the company's success, providing a rewarding environment for staff. The company has shown its integrity not only through its business operations but also in its contribution to the communities that house its theaters and hotels.

The Marcus Corporation has shared its success with the communities surrounding its businesses through both financial contributions and extensive volunteer programs. Employees of the businesses are encouraged to give back to their patrons through volunteer hours at a local program or cause of their choice. In fact, to mark this special anniversary, the Marcus Corporation will collectively volunteer 75,000 hours of community service. Milwaukee organizations such as the United Way of Greater Milwaukee and the United Performing Arts Fund have benefited from the company's generosity. I am proud that the heart of such a great company calls Wisconsin home.

I thank the Marcus family and Corporation for all they have done for Wisconsin. I am pleased to recognize the outstanding efforts and accomplishments of this company, and I send all the best for health, happiness, and continued achievement. On a personal note, to my dear friend Steve Marcus, together with sons Greg and David, congratulations on achieving much success in everything from your tremendous business growth and civic leadership down to your terrific tuna salad and for sharing it so generously.●

TRIBUTE TO MICHAEL P. CLINE

● Mrs. LINCOLN. Mr. President, today, I recognize of retired MSG Michael P. Cline for his years of distinguished service with the Enlisted Association of the National Guard of the United States, EANGUS. His efforts as one of the longest serving executive directors in the military association community are to be commended, and I thank him for his 38-plus years of military service to this country.

Mike has held the position of EANGUS executive director since 1990 and was selected as an honorary chief master Sergeant for the Air National Guard in 1999. For the previous 11 years, he has also served on the Secretary of Veterans Affairs Advisory Committee on Education. Over the years, he has also remained very active in the Military Coalition, TMC, a consortium of nationally prominent uniformed services and veterans associations representing over 5.5 million members. In addition to being a founder of the TMC Guard and Reserve Committee, he served as president of TMC for 5 years and codirector for 8 years.

Throughout his career of advocacy, Mike has worked tirelessly on behalf of the U.S. military, as well as our servicemembers, veterans, and their families. In particular, he has frequently led the fight to ensure that the men and women of our National Guard and Reserves receive enhanced care and benefits that are more commensurate with their increased service to our Nation.

In recent years, Mike and EANGUS have been at the forefront of efforts to provide larger military pay increases, health care that is more affordable for servicemembers and military retirees, enhanced educational benefits for servicemembers and veterans, and expanded access to retirement benefits for the men and women of the National Guard. He also played an active role in securing legislation providing burial and retirement flags for reservists, drill pay for funeral honors duty, increased health care benefits for reservists and retirees, and special compensation for severely disabled retirees.

Over the years, it has been a pleasure for me and my staff to work closely with Mike on a number of issues of

great importance to our National Guard. In particular, we have worked to improve the readiness of our National Guard by providing greater access to medical, dental, and mental care for Selected Reservists. We have also called for an increase in the Montgomery GI Bill rate for members of the Reserve components and in the travel reimbursement for those traveling to drill duty. Additionally, we have championed legislation that would justly grant full veteran status to members of the Reserve components who have 20 years or more of service and do not otherwise qualify under law. The list goes on and on.

Due in large part to the dedication, counsel, and passion of advocates such as Mike Cline, the courageous men and women of our Armed Forces and their families have seen a number of significant improvements to their way of life in recent years. These efforts have also strengthened our ability to recruit and retain more quality men and women to serve in uniform and have increased their readiness as an operational force in the continued defense of our Nation.

I am extremely proud of Mike's long record of distinction and will always be grateful for his service to our Nation and our military. Along with my colleagues, I wish him all the very best in his retirement, and to EANGUS for its continued success.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and two treaties which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under authority of the order of the Senate of January 6, 2009, the following enrolled bills, previously signed by the Speaker of the House, were signed on September 30, 2010, during the adjournment of the Senate, by the Acting President pro tempore (Mr. REID):

S. 3304. An act to increase the access of persons with disabilities to modern communications, and for other purposes.

S. 3828. An act to make technical corrections in the Twenty-First Century Communications and Video Accessibility Act of 2010 and the amendments made by that Act.

H.R. 553. An act to require the Secretary of Homeland Security to develop a strategy to

prevent the over-classification of homeland security and other information and to promote the sharing of unclassified homeland security and other information, and for other purposes.

H.R. 1177. An act to require the Secretary of the Treasury to mint coins in recognition of five United States Army 5-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry "Hap" Arnold, and Omar Bradley, alumni of the United States Army Command and the General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

H.R. 3689. An act to provide for an extension of the legislative authority of the Vietnam Veterans Memorial Fund, Inc. to establish a Vietnam Veterans Memorial visitor center, and for other purposes.

H.R. 3980. An act to provide for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants, and for other purposes.

ENROLLED BILLS SIGNED

Under authority of the order of the Senate of January 6, 2009, the following enrolled bills, previously signed by the Speaker of the House, were signed on September 30, 2010, during the adjournment of the Senate, by the Acting President pro tempore (Mr. REID):

S. 1132. An act to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and for other purposes.

H.R. 3081. An act making continuing appropriations for fiscal year 2011, and for other purposes.

Under authority of the order of January 6, 2009, the Secretary of the Senate, on September 30, 2010, during the adjournment of the Senate, received a message from the House announcing that the House has passed the following bill, without amendment:

S. 3729. An act to authorize the programs of the National Aeronautics and Space Administration for fiscal years 2011 through 2013, and for other purposes.

Under authority of the order of January 6, 2009, the Secretary of the Senate, on September 30, 2010, during the adjournment of the Senate, received a message from the House announcing that the House agrees to the amendments of the Senate to the bill (H.R. 946) to enhance citizen access to Government information and services by establishing that Government documents issued to the public must be written clearly, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The message further announced that the House agrees to the amendment of

the Senate to the amendments of the House to the bill (S. 1510) to transfer statutory entitlements to pay and hours of work authorized by laws codified in the District of Columbia Official Code for current members of the United States Secret Service Uniformed Division from such laws to the United States Code, and for other purposes.

Under authority of the order of January 6, 2009, the Secretary of the Senate, on September 30, 2010, during the adjournment of the Senate, received a message from the House announcing that the House agrees to the Senate amendments to the bill (H.R. 3940), to clarify the availability of existing funds for political status education in the Territory of Guam, and for other purposes.

ENROLLED BILLS SIGNED

Under authority of the order of January 6, 2009, the Secretary of the Senate, on September 30, 2010, during the adjournment of the Senate, received a message from the House announcing that the Speaker had signed the following enrolled bills:

H.R. 946. An act to enhance citizen access to Government information and services by establishing that Government documents issued to the public must be written clearly, and for other purposes.

H.R. 2701. An act to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 3219. An act to amend title 38, United States Code, and the Servicemembers Civil Relief Act to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes.

H.R. 4543. An act to designate the facility of the United States Postal Service located at 4285 Payne Avenue in San Jose, California, as the "Anthony J. Cortese Post Office Building".

H.R. 5341. An act to designate the facility of the United States Postal Service located at 100 Orndorf Drive in Brighton, Michigan, as the "Joyce Rogers Post Office Building".

H.R. 5390. An act to designate the facility of the United States Postal Service located at 13301 Smith Road in Cleveland, Ohio, as the "David John Donafee Post Office Building".

H.R. 5450. An act to designate the facility of the United States Postal Service located at 3894 Crenshaw Boulevard in Los Angeles, California, as the "Tom Bradley Post Office Building".

H.R. 6200. An act to amend part A of title XI of the Social Security Act to provide for a 1-year extension of the authorizations for the Work Incentive Planning and Assistance program and the Protection and Advocacy for Beneficiaries of Social Security program.

Under authority of the order of January 6, 2010, the enrolled bills were signed on September 30, 2010, during the adjournment of the Senate, by the President pro tempore (Mr. INOUE).

ENROLLED BILL SIGNED

Under authority of the order of January 6, 2009, the Secretary of the Senate,

on September 30, 2010, during the adjournment of the Senate, received a message from the House announcing that the Speaker had signed the following enrolled bill:

S. 3729. An act to authorize the programs of the National Aeronautics and Space Administration for fiscal years 2011 through 2013, and for other purposes.

Under authority of the order of January 6, 2010, the enrolled bill was signed on September 30, 2010, during the adjournment of the Senate, by the President pro tempore (Mr. INOUE).

ENROLLED BILL SIGNED

Under authority of the order of January 6, 2009, the Secretary of the Senate, on September 30, 2010, during the adjournment of the Senate, received a message from the House announcing that the Speaker had signed the following enrolled bill:

H.R. 3940. An act to clarify the availability of existing funds for political status education in the Territory of Guam, and for other purposes.

S. 3397. An act to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes.

Under authority of the order of September 29, 2010, the enrolled bills were signed on September 30, 2010, during the adjournment of the Senate, by the Acting President pro tempore (Mr. REID).

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under authority of the order of January 6, 2009, the Secretary of the Senate, on October 1, 2010, during the recess of the Senate, received a message from the House of Representatives announcing that the House has passed the following bills, without amendment:

S. 3196. An act to amend the Presidential Transition Act of 1963 to provide that certain transition services shall be available to eligible candidates before the general election.

S. 3751. An act to amend the Stem Cell Therapeutic and Research Act of 2005.

S. 3802. An act to designate a mountain and icefield in the State of Alaska as the "Mount Stevens" and "Ted Stevens Icefield", respectively.

Under authority of the order of January 6, 2009, the Secretary of the Senate, on October 4, 2010, during the recess of the Senate, received a message from the House of Representatives announcing that the House agrees to the amendments of the Senate to the House amendments to the Senate amendment to the bill (H.R. 3619) to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes.

ENROLLED BILLS SIGNED

Under authority of the order of January 6, 2009, the Secretary of the Senate, on October 4, 2010, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bills:

S. 1510. An act to transfer statutory entitlements to pay and hours of work authorized by laws codified in the District of Columbia Official Code for current members of the United States Secret Service Uniformed Division from such laws to the United States Code, and for other purposes.

S. 3196. An act to amend the Presidential Transition Act of 1963 to provide that certain transition services shall be available to eligible candidates before the general election.

S. 3751. An act to amend the Stem Cell Therapeutic and Research Act of 2005.

S. 3802. An act to designate a mountain and icefield in the State of Alaska as the "Mount Stevens" and "Ted Stevens Icefield", respectively.

H.R. 3619. An act to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes.

Under authority of the order of September 29, 2010, the enrolled bills were signed on October 4, 2010, during the recess of the Senate, by the Acting President pro tempore (Mr. REID).

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 512. An act to amend the Federal Election Campaign Act of 1971 to prohibit certain State election administration officials from actively participating in electoral campaigns.

H.R. 758. An act to amend title IV of the Public Health Service Act to provide for the establishment of pediatric research consortia.

H.R. 1032. An act to amend the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

H.R. 1210. An act to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

H.R. 1230. An act to amend the Public Health Service Act to provide for research on acquired bone marrow failure diseases, minority-focused programs on such diseases, and the development of best practices for diagnosis of and care for individuals with such diseases.

H.R. 1347. An act to amend title III of the Public Health Service Act to provide for the establishment and implementation of concussion management guidelines with respect to school-aged children, and for other purposes.

H.R. 2408. An act to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma, and for other purposes.

H.R. 2818. An act to amend the Public Health Service Act to provide for the establishment of a drug-free workplace information clearinghouse, to support residential methamphetamine treatment programs for pregnant and parenting women, to improve the prevention and treatment of methamphetamine addiction, and for other purposes.

H.R. 2853. An act to require the purchase of domestically made flags of the United States

of America for use by the Federal Government.

H.R. 2941. An act to reauthorize and enhance Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers.

H.R. 2999. An act to amend the Public Health Service Act to enhance and increase the number of veterinarians trained in veterinary public health.

H.R. 3243. An act to amend section 5542 of title 5, United States Code, to provide that any hours worked by Federal firefighters under a qualified trade-of-time arrangement shall be excluded for purposes of determinations relating to overtime pay.

H.R. 4602. An act to designate the facility of the United States Postal Service located at 1332 Sharon Copley Road in Sharon Center, Ohio, as the "Emil Bolas Post Office".

H.R. 5354. An act to provide grants to better understand and reduce gestational diabetes, and for other purposes.

H.R. 5462. An act to amend title III of the Public Health Service Act to authorize the Secretary of Health and Human Services to establish and implement a birth defects prevention, risk reduction, and public awareness program.

H.R. 5605. An act to designate the facility of the United States Postal Service located at 47 East Fayette Street in Uniontown, Pennsylvania, as the "George C. Marshall Post Office".

H.R. 5606. An act to designate the facility of the United States Postal Service located at 47 South 7th Street in Indiana, Pennsylvania, as the "James M. 'Jimmy' Stewart Post Office Building".

H.R. 6118. An act to designate the facility of the United States Postal Service located at 2 Massachusetts Avenue, NE, in Washington D.C., as the "Dorothy I. Height Post Office".

The message also announced that pursuant to section 112 of the Clean Air Act (42 U.S.C. 7412), and the order of the House of January 6, 2009, the Speaker reappoints the following member on the part of the House of Representatives to the Board of Directors of the National Urban Air Toxics Research Center: Ms. Jane Luxton of McLean, Virginia.

The message further announced that pursuant to section 214(a) of the Help America Vote Act of 2002 (42 U.S.C. 15344), the Minority Leader appoints the following member on the part of the House of Representatives to the Election Assistance Commission Board of Advisors: Mr. Fuentes of Lake Forest, California.

The message also announced that pursuant to section 703 of the Social Security Act (42 U.S.C. 903), and the order of the House of January 6, 2009, and upon the recommendation of the Minority Leader, the Speaker reappoints, effective October 9, 2010, the following member on the part of the House of Representatives to the Social Security Advisory Board for a term of 6 years: Mrs. Dorcas R. Hardy of Spotylvania, Virginia.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 512. An act to amend the Federal Election Campaign Act of 1971 to prohibit certain State election administration officials from actively participating in electoral campaigns; to the Committee on Rules and Administration.

H.R. 758. An act to amend title IV of the Public Health Service Act to provide for the establishment of pediatric research consortia; to the Committee on Health, Education, Labor, and Pensions.

H.R. 1032. An act to amend the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women; to the Committee on Health, Education, Labor, and Pensions.

H.R. 1210. An act to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 1230. An act to amend the Public Health Service Act to provide for research on acquired bone marrow failure diseases, minority-focused programs on such diseases, and the development of best practices for diagnosis of and care for individuals with such diseases; to the Committee on Health, Education, Labor, and Pensions.

H.R. 1347. An act to amend title III of the Public Health Service Act to provide for the establishment and implementation of concussion management guidelines with respect to school-aged children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 2408. An act to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 2818. An act to amend the Public Health Service Act to provide for the establishment of a drug-free workplace information clearinghouse, to support residential methamphetamine treatment programs for pregnant and parenting women, to improve the prevention and treatment of methamphetamine addiction, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 2853. An act to require the purchase of domestically made flags of the United States of America for use by the Federal Government; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2941. An act to reauthorize and enhance Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers; to the Committee on Health, Education, Labor, and Pensions.

H.R. 2999. An act to amend the Public Health Service Act to enhance and increase the number of veterinarians trained in veterinary public health; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3243. An act to amend section 5542 of title 5, United States Code, to provide that any hours worked by Federal firefighters under a qualified trade-of-time arrangement shall be excluded for purposes of determinations relating to overtime pay; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4602. An act to designate the facility of the United States Postal Service located at 1332 Sharon Copley Road in Sharon Center, Ohio, as the "Emil Bolas Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5354. An act to provide grants to better understand and reduce gestational diabetes, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 5462. An act to amend title III of the Public Health Service Act to authorize the Secretary of Health and Human Services to establish and implement a birth defects prevention, risk reduction, and public awareness program; to the Committee on Health, Education, Labor, and Pensions.

H.R. 5605. An act to designate the facility of the United States Postal Service located at 47 East Fayette Street in Uniontown, Pennsylvania, as the "George C. Marshall Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5606. An act to designate the facility of the United States Postal Service located at 47 South 7th Street in Indiana, Pennsylvania, as the "James M. 'Jimmy' Stewart Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6118. An act to designate the facility of the United States Postal Service located at 2 Massachusetts Avenue, NE, in Washington, D.C., as the "Dorothy I. Height Post Office"; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 847. An act to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes.

H.R. 4168. An act to amend the Internal Revenue Code of 1986 to expand the definition of cellulosic biofuel to include algae-based biofuel for purposes of the cellulosic biofuel producer credit and the special allowance for cellulosic biofuel plant property.

H.R. 4337. An act to amend the Internal Revenue Code of 1986 to modify certain rules applicable to regulated investment companies, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on September 30, 2010, she had presented to the President of the United States the following enrolled bills:

S. 1132. An act to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and for other purposes.

S. 3304. An act to increase the access of persons with disabilities to modern communications, and for other purposes.

S. 3397. An act to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes.

S. 3729. An act to authorize the programs of the National Aeronautics and Space Administration for fiscal years 2011 through 2013, and for other purposes.

S. 3828. An act to make technical corrections in the Twenty-First Century Communications and Video Accessibility Act of 2010 and the amendments made by that Act.

The Secretary of the Senate reported that on October 4, 2010, she had presented to the President of the United States the following enrolled bills:

S. 1510. An act to transfer statutory entitlements to pay and hours of work authorized by laws codified in the District of Columbia Official Code for current members of the United States Secret Service Uniformed Division from such laws to the United States Code, and for other purposes.

S. 3196. An act to amend the Presidential Transition Act of 1963 to provide that certain transition services shall be available to eligible candidates before the general election.

S. 3751. An act to amend the Stem Cell Therapeutic and Research Act of 2005.

The Secretary of the Senate reported that on October 12, 2010, she had presented to the President of the United States the following enrolled bills:

S. 3802. An act to designate a mountain and icefield in the State of Alaska as the "Mount Stevens" and "Ted Stevens Icefield", respectively.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7619. A communication from the Acting Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Fresh Unshu Oranges From the Republic of Korea into the Continental United States" (Docket No. APHIS-2010-0022) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7620. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tuberculosis in Cattle and Bison; State and Zone Designations; Minnesota" (Docket No. APHIS-2010-0097) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7621. A communication from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Specifications and Drawings for Construction of Direct Buried Plant" (7 CFR Part 1755) received during adjournment of the Senate in the Office of the President of the Senate on October 15, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7622. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of General James T. Conway, United States Marine Corps, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC-7623. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General George J. Trautman III, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-7624. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved

retirement of Vice Admiral John J. Donnelly, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-7625. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral Carl V. Mauney, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-7626. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Jeffrey A. Sorenson, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-7627. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a quarterly report relative to withdrawals or diversions of equipment from Reserve component units from April 1, 2010 to June 30, 2010; to the Committee on Armed Services.

EC-7628. A communication from the Principal Deputy Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, an annual report relative to the conduct of the Defense Acquisition Challenge Program for fiscal year 2009; to the Committee on Armed Services.

EC-7629. A communication from the Principal Deputy Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, an annual report on the Mentor-Protégé Program for fiscal year 2009; to the Committee on Armed Services.

EC-7630. A communication from the Chair of the U.S. Election Assistance Commission, transmitting, pursuant to law, a report relative to the Government Accountability Office recommendations in "Election Assistance Commission—Obligation of Fiscal Year 2004 Requirements Payments Appropriation"; to the Committee on Appropriations.

EC-7631. A communication from the President of the United States, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 12978 of October 21, 1995, with respect to significant narcotics traffickers centered in Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC-7632. A communication from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Treatment by the Federal Deposit Insurance Corporation as Conservator or Receiver of Financial Assets Transferred by an Insured Depository Institution in Connection with a Securitization or Participation After September 30, 2010" (RIN3064-AD55) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7633. A communication from the Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Removal from Regulation FD of the Exemption for Credit Rating Agencies" received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7634. A communication from the Secretary, Division of Investment Management,

Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Technical Amendments to Forms N-CSR and N-SAR in Connection with the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010" received in the Office of the President of the Senate on October 15, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7635. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Internal Agency Docket No. FEMA-8151)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7636. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (Docket No. FEMA-2010-0003)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7637. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (Docket No. FEMA-2010-0003)) received in the Office of the President of the Senate on October 8, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7638. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (Docket No. FEMA-2010-0003)) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7639. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (Docket No. FEMA-2010-0003)) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7640. A communication from the Deputy Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Financial Crimes Enforcement Network; Amendment to the Bank Secrecy Act Regulations; Defining Mutual Funds as Financial Institutions; Extension of Compliance Date" (RIN1506-AA93) received in the Office of the President of the Senate on October 8, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7641. A communication from the Deputy Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Reorganizing and Transferring the Bank Secrecy Act Regulations From Part 103 Within Title 31 of the Code of Federal Regulations to Chapter 1000-1099" (RIN1506-AA92) received in the Office of the President of the

Senate on October 8, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7642. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment Act Regulations" (RIN1557-AD24) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7643. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on the continuation of the national emergency with respect to Iran that was originally declared in Executive Order 12170 on November 14, 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC-7644. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to blocking the property of certain persons contributing to the conflict in Somalia that was declared in Executive Order 13536 of April 12, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7645. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo that was declared in Executive Order 13413 of October 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-7646. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Luxembourg; to the Committee on Banking, Housing, and Urban Affairs.

EC-7647. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Service Level I, II, and III Protective Coatings Applied to Nuclear Power Plants" (Regulatory Guide 1.54, Revision 2) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Energy and Natural Resources.

EC-7648. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Promoting a Competitive Market for Capacity Reassignments" (FERC Docket No. RM10-22-000) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Energy and Natural Resources.

EC-7649. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Appliance Labeling Rule" (RIN3084-AB03) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2010; to the Committee on Energy and Natural Resources.

EC-7650. A communication from the Assistant Secretary of Land and Minerals Management, Bureau of Ocean Energy Management, Regulation, and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Reorganization of Title 30, Code of Federal Regulations" (RIN1010-AD70) received during adjournment of the Senate in the Office of the President

of the Senate on October 4, 2010; to the Committee on Energy and Natural Resources.

EC-7651. A communication from the Assistant Secretary of Land and Minerals Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Increased Safety Measures for Energy Development on the Outer Continental Shelf" (RIN1010-AD68) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Energy and Natural Resources.

EC-7652. A communication from the Assistant Secretary of Land and Minerals Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Safety and Environmental Management Systems" (RIN1010-AD15) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Energy and Natural Resources.

EC-7653. A communication from the Administrator of the Department of Energy, transmitting, pursuant to law, a report entitled "Annual Energy Review 2009"; to the Committee on Energy and Natural Resources.

EC-7654. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure (SPCC) Rule—Compliance Date Amendment" (FRL No. 9213-8) received in the Office of the President of the Senate on October 15, 2010; to the Committee on Environment and Public Works.

EC-7655. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Implementation Plans of Wisconsin: Nitrogen Oxides Reasonably Available Control Technology" (FRL No. 9205-8) received in the Office of the President of the Senate on October 15, 2010; to the Committee on Environment and Public Works.

EC-7656. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Texas; Beaumont/Port Arthur Ozone Nonattainment Area: Redesignation to Attainment for the 1997 8-Hour Ozone Standard and Determination of Attainment for the 1-Hour Ozone Standard; Clarification of EPA's Approval of the El Paso Section 110(a)(1) Maintenance Plan for the 1997 8-Hour Ozone Standard" (FRL No. 9214-9) received in the Office of the President of the Senate on October 15, 2010; to the Committee on Environment and Public Works.

EC-7657. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Attainment for PM10: Eagle River PM10 Nonattainment Area, Alaska" (FRL No. 9214-7) received in the Office of the President of the Senate on

October 15, 2010; to the Committee on Environment and Public Works.

EC-7658. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Mandatory Reporting of Greenhouse Gases" (FRL No. 9213-5) received in the Office of the President of the Senate on October 15, 2010; to the Committee on Environment and Public Works.

EC-7659. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "FY2011-2015 EPA Strategic Plan"; to the Committee on Environment and Public Works.

EC-7660. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Fiscal Year 2009 Superfund Five-Year Review Report to Congress"; to the Committee on Environment and Public Works.

EC-7661. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Prevention of Significant Deterioration (PSD) for Particulate Matter Less Than 2.5 Micrometers (PM2.5)—Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC)" (FRL No. 9210-9) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Environment and Public Works.

EC-7662. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pesticide Management and Disposal; Standards for Pesticide Containers and Containment; Change to Labeling Compliance Date" (FRL No. 8848-8) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Environment and Public Works.

EC-7663. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware; Limiting Emissions of Volatile Organic Compounds from Consumer Products" (FRL No. 9211-5) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Environment and Public Works.

EC-7664. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Amendment to Consumer Products and Architectural and Industrial Maintenance Coatings Regulations" (FRL No. 9211-6) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Environment and Public Works.

EC-7665. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designations of Areas

for Air Quality Planning Purposes; Tennessee: Knoxville; Determination of Attaining Data for the 1997 8-Hour Ozone Standards" (FRL No. 9212-6) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Environment and Public Works.

EC-7666. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL No. 9210-3) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Environment and Public Works.

EC-7667. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "NRC Enforcement Policy Revision" (SRM-SECY-09-0190) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Environment and Public Works.

EC-7668. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Inservice Inspection Code Case Acceptability, ASME Section XI, Division 1" (Regulatory Guide 1.147, Rev. 16) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2010; to the Committee on Environment and Public Works.

EC-7669. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "ASME Code Cases Not Approved for Use" (Regulatory Guide 1.193, Revision 3) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2010; to the Committee on Environment and Public Works.

EC-7670. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Design, Fabrication, and Materials Code Case Acceptability, ASME Section III" (Regulatory Guide 1.84, Revision 35) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2010; to the Committee on Environment and Public Works.

EC-7671. A communication from the Chief of Recovery and Delisting Branch, Endangered Species Program, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Technical Corrections for Three Midwest Region Plant Species" (RIN1018-AX28) received in the Office of the President of the Senate on September 29, 2010; to the Committee on Environment and Public Works.

EC-7672. A communication from the Assistant Secretary for Fish and Wildlife Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "General Regulation: National Park System" (RIN1024-AD91) received in the Office of the President of the Senate on October 15, 2010; to the Committee on Environment and Public Works.

EC-7673. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "2006-2007 Biennial Review of

the Louisiana Coastal Wetlands Conservation Plan Report to Congress"; to the Committee on Environment and Public Works.

EC-7674. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, the Uniform Resource Locator (URL) for a report entitled "Revised Guidance on Compiling Administrative Records for CERCLA Response Actions"; to the Committee on Environment and Public Works.

EC-7675. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Broadband Grants" (Rev. Proc. 2010-34) received in the Office of the President of the Senate on September 29, 2010; to the Committee on Finance.

EC-7676. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Field Directive on Treatment of Sales-Based Vendor Allowances ("SBVA") and Margin Protection Payments ("MPP") under Section 471" (LMSB-4-0910-026) received in the Office of the President of the Senate on September 29, 2010; to the Committee on Finance.

EC-7677. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure re: Corrosive Drywall" (Rev. Proc. 2010-36) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Finance.

EC-7678. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Refundable Adoption Credit" (Notice No. 2010-66) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Finance.

EC-7679. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Finality of Foreign Adoptions under the Hague Convention" (Rev. Proc. 2010-31) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Finance.

EC-7680. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Adoption Credit Inflation Adjustments" (Rev. Proc. 2010-35) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Finance.

EC-7681. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2010-2011 Per Diem" (Rev. Proc. 2010-39) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Finance.

EC-7682. A communication from the Director of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Disability Determinations by State Agency Disability Exam-

iners" (RIN0960-AG87) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Finance.

EC-7683. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, a report entitled "Andean Trade Preference Act (ATPA): Impact on U.S. Industries and Consumers and on Drug Crop Eradication and Crop Substitution, 2009"; to the Committee on Finance.

EC-7684. A joint communication from the Secretary of the Department of Health and Human Services and the Secretary of the Department of Labor, transmitting, pursuant to law, a report entitled "Medicaid, CHIP, and Employer-Sponsored Coverage Coordination Working Group"; to the Committee on Finance.

EC-7685. A communication from the President of the United States, transmitting, pursuant to law, a report stating that it is in the nation's interest to temporarily terminate the suspensions under the Foreign Relations Authorization Act relative to the issuance of temporary munitions export licenses for export to the People's Republic of China; to the Committee on Foreign Relations.

EC-7686. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010-0143-2010-0145); to the Committee on Foreign Relations.

EC-7687. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a revised certification of a proposed technical assistance agreement for the export of defense articles, including, technical data, and defense services to Singapore for the organizational and intermediate level support and depot level maintenance and overhaul of the F110-GE-129 family of military aircraft engines in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-7688. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a revised certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to the Republic of Korea for the manufacture, assembly, inspection, and test of F404-GE-102 aircraft engines for incorporation into T-50 aircraft in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-7689. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, to include technical data, and defense services to Mexico for the manufacture of various high and low pressure, non-cooled, turbine blades; to the Committee on Foreign Relations.

EC-7690. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, to include technical data, and defense services to the United Kingdom and Germany for the manufacture of the main engine fuel

pump for the EJ200 engine for the Eurofighter Typhoon Aircraft in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-7691. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, to include technical data, and defense services for the manufacture of Enhanced Position Location Reporting System (EPLRS) Communications Products in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-7692. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, to include technical data, and defense services to Japan for the manufacture, repair, and overhaul of F-15 Environmental Control System components, and the upgrade of the F-15 High Pressure Water System, Airframe Mounted Accessory Drive System and Center Gear Box in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-7693. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the export of defense articles, to include technical data, and defense services to Russia for the RD-180 Liquid Propellant Rocket Engine Program in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-7694. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the export of defense articles, to include technical data, and defense services to support the Jordanian M13A2Mk1 Armored Personnel Carrier and Co-production program in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-7695. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the export of defense articles, to include technical data, and defense services for the manufacturing and post-production support of various legacy naval equipment in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-7696. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, to include technical data, and defense services to the United Kingdom and the United Arab Emirates related to the DB-110 Reconnaissance System, Integrated Logistics Support and Training in support of the F-16 Block 60 in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-7697. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance

agreement for the export of defense articles, to include technical data, and defense services for the Information and Command System of the Land Forces for the Algerian Ministry of Defense in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-7698. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, to include technical data, and defense services to support the sale of twelve (12) 27MHz S-Band Transponders on-orbit in the SES-7 commercial communications satellite in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-7699. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, to include technical data, and defense services to Chile and Canada to support flight training, maintenance and support related to the Bell 412 Helicopter and Huey II Flight Training Device in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-7700. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, to include technical data, and defense services to the United Kingdom, Italy, and Saudi Arabia related to the integration of and support for Paveway Weapons Systems in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-7701. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, to include technical data, and defense services to the United Kingdom and Canada to support the sale of Tactical Support Vehicles and related components and accessories in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-7702. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the establishment of a 15% Danger Pay Allowance for Reynosa, Mexico; to the Committee on Foreign Relations.

EC-7703. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, certification for the export of defense articles, to include technical data, and defense services to the United Arab Emirates, relating to the sale of ten (10) AT-802 aircraft; to the Committee on Foreign Relations.

EC-7704. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles, to include technical data, and defense services related to the sale of Sig Sauer Pistols in the amount of \$1,000,000 or more; to the Committee on Foreign Relations.

EC-7705. A communication from the Assistant Secretary, Office of Legislative Affairs,

Department of State, transmitting, pursuant to law, a report relative to the elimination of the Danger Pay Allowance for Nogales, Mexico; to the Committee on Foreign Relations.

EC-7706. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the justification for the President's waiver of the restrictions on the provision of funds to the Palestinian Authority; to the Committee on Foreign Relations.

EC-7707. A communication from the Acting Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development (USAID), transmitting, pursuant to law, the Agency's response to the GAO report entitled "USAID Needs to Improve Its Strategic Planning to Address Current and Future Workforce Needs"; to the Committee on Foreign Relations.

EC-7708. A communication from the Assistant General Counsel of the Division of Regulatory Services, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "High School Equivalency Program and College Assistance Migrant Program, The Federal TRIO Programs, and Gaining Early Awareness and Readiness for Undergraduate Program" (RIN1840-AD01) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-7709. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Report to Congress on the Impact and Effectiveness of Administration for Native Americans (ANA) Projects: Fiscal Year 2008"; to the Committee on Health, Education, Labor, and Pensions.

EC-7710. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Use of Ozone-Depleting Substances; Removal of Essential-Use Designation (Flunisolide, etc.); Correction" (Docket No. FDA-2006-N-0304) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-7711. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Microbiology Devices; Reclassification of Herpes Simplex Virus Types 1 and 2 Serological Assays; Confirmation of Effective Date" (Docket No. FDA-2009-N-0344) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-7712. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Investigational New Drug Safety Reporting Requirements for Human Drug and Biological Products and Safety Reporting Requirements for Bioavailability and Bioequivalence Studies in Humans" (Docket No. FDA-2000-N-0108) received during adjournment of the Senate in

the Office of the President of the Senate on October 14, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-7713. A communication from the Program Manager, Office of the National Coordinator for Health Information Technology, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Health Information Technology: Revisions to Initial Set of Standards, Implementation Specifications, and Certification Criteria for Electronic Health Record Technology" (RIN0991-AB76) received during adjournment in the Office of the President of the Senate on October 17, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-7714. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Prescription Drug User Fee Act of 1992 (PDUFA) for fiscal year 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-7715. A communication from the General Counsel, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, a report relative to a vacancy in the position of Director, Pension Benefit Guaranty Corporation; to the Committee on Health, Education, Labor, and Pensions.

EC-7716. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Ames Laboratory, Ames, Iowa, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-7717. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from Revere Copper and Brass, Detroit, Michigan, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-7718. A joint communication from the Secretary of the Department of Agriculture and the Secretary of the Department of Health and Human Services, transmitting, pursuant to law, a report relative to Thefts, Losses, or Releases of Select Agents or Toxins for calendar year 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-7719. A communication from the Director, Employee Services, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "General Schedule Locality Pay Areas" (RIN3206-AM25) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-7720. A communication from the Director, Planning and Policy Analysis, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Federal Employees' Group Life Insurance Program: Miscellaneous Changes, Clarifications, and Corrections" (RIN3206-AG63) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-7721. A communication from the Deputy Associate Administrator of Acquisition Policy and Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-46; Introduction" (FAC 2005-46) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on

Homeland Security and Governmental Affairs.

EC-7722. A communication from the Deputy Associate Administrator of Acquisition Policy and Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-46; Small Entity Compliance Guide" (FAC 2005-46) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-7723. A communication from the Deputy Associate Administrator of Acquisition Policy and Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Award-Fee Language Revision" (RIN9000-AL42) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-7724. A communication from the Deputy Associate Administrator of Acquisition Policy and Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Termination for Default Reporting" (RIN9000-AL45) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-7725. A communication from the Deputy Associate Administrator of Acquisition Policy and Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Equal Opportunity for Veterans" (RIN9000-AL67) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-7726. A communication from the Deputy Associate Administrator of Acquisition Policy and Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Encouraging Contractor Policies to Ban Text Messaging While Driving" (RIN9000-AL64) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-7727. A communication from the Deputy Associate Administrator of Acquisition Policy and Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Buy American Exemption for Commercial Information Technology-Construction Material" (RIN9000-AL62) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-7728. A communication from the Deputy Associate Administrator of Acquisition Policy and Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal

Acquisition Regulation; Certification Requirement and Procurement Prohibition Relating to Iran Sanctions" (RIN9000-AL71) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-7729. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "District of Columbia Agencies' Compliance with Small Business Enterprise Expenditure Goals for the 1st and 2nd Quarter of Fiscal Year 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7730. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Audit of Advisory Neighborhood Commission 6A for Fiscal Years 2008 through 2010, as of March 31, 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7731. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Audit of Advisory Neighborhood Commission 6B for Fiscal Years 2008 through 2010, as of March 31, 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7732. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Audit of Advisory Neighborhood Commission 6D for Fiscal Years 2008 through 2010, as of March 31, 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7733. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2009 through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-7734. A communication from the Management and Program Analyst, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "U.S. Citizenship and Immigration Services Fees Schedule" (RIN1615-AB80) received in the Office of the President of the Senate on September 28, 2010; to the Committee on the Judiciary.

EC-7735. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Maine Advisory Committee; to the Committee on the Judiciary.

EC-7736. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report entitled "Hart-Scott-Rodino Annual Report: Fiscal Year 2009"; to the Committee on the Judiciary.

EC-7737. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Fiscal Year 2009 Annual Report to Congress for the Office of Justice Programs' Bureau of Justice Assistance; to the Committee on the Judiciary.

EC-7738. A communication from the Deputy Administrator, Small Business Administration, transmitting, pursuant to law, a report relative to the Administration's Strategic Plan for fiscal years 2011-2016; to the Committee on Small Business and Entrepreneurship.

EC-7739. A communication from the Director of Regulations Policy and Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled

"Compensation for Certain Disabilities Due to Undiagnosed Illnesses" (RIN2900-AN68) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Veterans' Affairs.

EC-7740. A communication from the Director of Regulation Policy and Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Charges Billed to Third Parties for Prescription Drugs Furnished by Veterans Affairs to a Veteran for a Nonservice-Connected Disability" (RIN2900-AN15) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Veterans' Affairs.

EC-7741. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Halibut Fisheries; Limited Access for Guided Sport Charter Vessels in Alaska" (RIN0648-AY85) received in the Office of the President of the Senate on September 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7742. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Chinook Salmon Bycatch Management in the Bering Sea Pollock Fishery; Correction" (RIN0648-AX89) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7743. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Groundfish Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea/Aleutian Islands Crab Rationalization Program; Recordkeeping and Reporting" (RIN0648-AY28) received in the Office of the President of the Senate on September 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7744. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Billfish Management, White Marlin (*Kajikia albidus*), Roundscale Spearfish (*Tetrapturus georgii*)" (RIN0648-BA12) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7745. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Emergency Rule to Authorize Re-Opening the Recreational Red Snapper Season" (RIN0648-BA06) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7746. A communication from the Deputy Assistant Administrator for Regulatory

Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act; Regional Fishery Management Councils; Operations" (RIN0648-AW18) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7747. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; North and South Atlantic Swordfish Quotas" (RIN0648-XV31) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7748. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Black Sea Bass Fishery; 2010 Black Sea Bass Specifications; Emergency Rule Extension; Correction" (RIN0648-XT99) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7749. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Pacific Coast Groundfish Fishery Management Plan; Amendments 20 and 21; Trawl Rationalization Program" (RIN0648-AY68) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7750. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processors Using Pot Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XZ27) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7751. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic; Closure of the 2010-2011 Commercial Sector for Black Sea Bass in the South Atlantic" (RIN0648-XY48) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7752. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Closure" (RIN0648-XY79) received during adjournment of the Senate in the Of-

fice of the President of the Senate on October 17, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7753. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Re-Opening of the 2010 Gulf of Mexico Recreational Red Snapper Season" (RIN0648-XY73) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7754. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic; Closure of the July-December 2010 Commercial Sector for Vermilion Snapper in the South Atlantic" (RIN0648-XY47) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7755. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska" (RIN0648-XZ05) received in the Office of the President of the Senate on September 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7756. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Crab and Halibut Prohibited Species Catch and Allowances in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XZ08) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7757. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska" (RIN0648-XZ04) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7758. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species by Vessels Using Trawl Gear in the Gulf of Alaska" (RIN0648-XZ06) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7759. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of

Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska" (RIN0648-XZ13) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7760. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Trip Limit Reductions and Gear Modifications for the Common Pool Fishery" (RIN0648-XZ07) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7761. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program: Hospital Outpatient Prospective Payment System and Calendar Year 2011 Payment Rates. . . ." (RIN0938-AP82 and RIN0938-AP80) received during adjournment of the Senate in the Office of the President of the Senate on November 3, 2010; to the Committee on Finance.

EC-7762. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Payment Policies Under the Physician Fee Schedule and Other Revisions to Part B for Calendar Year 2011" (RIN0938-AP79) received during adjournment of the Senate in the Office of the President of the Senate on November 3, 2010; to the Committee on Finance.

EC-7763. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010-0146-2010-0159); to the Committee on Foreign Relations.

EC-7764. A communication from the Secretary of the Senate, transmitting, pursuant to law, the report of the receipts and expenditures of the Senate for the period from April 1, 2010 through September 30, 2010, received in the Office of the President of the Senate on November 15, 2010; ordered to lie on the table.

REPORTS OF COMMITTEES DURING RECESS

Under the authority of the order of the Senate of September 29, 2010, the following reports of committees were submitted on October 26, 2010:

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 987. A bill to protect girls in developing countries through the prevention of child marriage, and for other purposes (Rept. No. 111-344).

By Mr. LEVIN, from the Committee on Armed Services:

Special Report entitled "Inquiry Into the Role and Oversight of Private Security Contractors in Afghanistan" (Rept. No. 111-345). Additional views filed.

By Mr. AKAKA, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute:

S. 3447. A bill to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes (Rept. No. 111-346).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. MURRAY:

S. 3938. A bill to designate the airport traffic control tower located at Spokane International Airport in Spokane, Washington, as the "Ray Daves Airport Traffic Control Tower"; to the Committee on Commerce, Science, and Transportation.

By Mr. INHOFE:

S. 3939. A bill to reform earmarking and increase transparency and accountability for all expenditures authorized by Congress and all executive agencies of the Federal Government; to the Committee on Rules and Administration.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 3940. A bill to designate the Federal building and United States courthouse located at 700 Grant Street in Pittsburgh, Pennsylvania as the "Richard Lewis Thornburgh Courthouse"; to the Committee on Environment and Public Works.

By Mr. WHITEHOUSE:

S. 3941. A bill to prohibit trafficking in counterfeit military goods or services; to the Committee on the Judiciary.

By Mr. TESTER (for himself, Mr. CRAPO, Mr. BAUCUS, Mr. INHOFE, Mr. ENZI, Mr. BEGICH, and Mr. WICKER):

S. 3942. A bill to amend the Arms Export Control Act to provide that certain firearms listed as curios or relics may be imported into the United States by a licensed importer without obtaining authorization from the Department of State or the Department of Defense, and for other purposes; to the Committee on Foreign Relations.

By Mrs. GILLIBRAND:

S. 3943. A bill to amend the Federal Water Pollution Control Act to direct the Administrator of the Environmental Protection Agency to carry out activities for the restoration, conservation, and management of Onondaga Lake, New York, and for other purposes; to the Committee on Environment and Public Works.

By Ms. MIKULSKI:

S. 3944. A bill to amend the definition of a law enforcement officer under subchapter III of chapter 83 and chapter 84 of title 5, United States Code, respectively, to ensure the inclusion of certain positions; to the Committee on Homeland Security and Governmental Affairs.

By Mr. AKAKA (for himself and Mr. INOUE):

S. 3945. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity; to the Committee on Indian Affairs.

By Mr. BAUCUS (for himself, Mr. BEGICH, Ms. LANDRIEU, Ms. STABENOW, Mrs. SHAHEEN, and Mr. BROWN of Massachusetts):

S. 3946. A bill to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes; to the Committee on Finance.

By Mr. REID:

S.J. Res. 40. A joint resolution appointing the day for the convening of the first session of the One Hundred Twelfth Congress; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID:

S. Res. 674. A resolution to constitute the majority party's membership on certain committees for the One Hundred Eleventh Congress, or until their successors are chosen; considered and agreed to.

By Mr. GREGG (for himself and Mrs. SHAHEEN):

S. Res. 675. A resolution commemorating the 100th anniversary of the Weeks Law; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. SHAHEEN (for herself and Ms. COLLINS):

S. Res. 676. A resolution supporting the goals and ideals of American Diabetes Month; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARPER (for himself and Ms. SNOWE):

S. Res. 677. A resolution to express the sense of the Senate regarding the importance of recycling and the inception of recycling on the National Mall; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 654

At the request of Mr. BUNNING, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 654, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care.

S. 781

At the request of Mr. ROBERTS, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 781, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 831

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 831, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 984

At the request of Mrs. BOXER, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from South Dakota (Mr. JOHNSON) were

added as cosponsors of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 1076

At the request of Mr. MENENDEZ, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1076, a bill to improve the accuracy of fur product labeling, and for other purposes.

S. 1273

At the request of Mr. DORGAN, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of S. 1273, a bill to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders.

S. 1352

At the request of Mr. DODD, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1352, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1361

At the request of Mr. LEAHY, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1361, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1780

At the request of Mrs. LINCOLN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1780, a bill to amend title 38, United States Code, to deem certain service in the reserve components as active service for purposes of laws administered by the Secretary of Veterans Affairs.

S. 1821

At the request of Mr. KOHL, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1821, a bill to protect seniors in the United States from elder abuse by establishing specialized elder abuse prosecution and research programs and activities to aid victims of elder abuse, to provide training to prosecutors and other law enforcement related to elder abuse prevention and protection, to establish programs that provide for emergency crisis response teams to combat elder abuse, and for other purposes.

S. 2097

At the request of Mr. THUNE, the name of the Senator from Maine (Ms.

SNOWE) was added as a cosponsor of S. 2097, a bill to authorize the rededication of the District of Columbia War Memorial as a National and District of Columbia World War I Memorial to honor the sacrifices made by American veterans of World War I.

S. 2747

At the request of Mr. BINGAMAN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 2747, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 2814

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2814, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

At the request of Ms. COLLINS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2814, *supra*.

S. 2904

At the request of Mr. FRANKEN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2904, a bill to amend title 10, United States Code, to require emergency contraception to be available at all military health care treatment facilities.

S. 2982

At the request of Mr. KERRY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2982, a bill to combat international violence against women and girls.

S. 3134

At the request of Mr. SCHUMER, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 3134, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

S. 3152

At the request of Mr. DEMINT, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 3152, a bill to repeal the Patient Protection and Affordable Care Act.

S. 3170

At the request of Mr. BOND, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 3170, a bill to provide for preferential duty treatment to certain apparel articles of the Philippines.

S. 3184

At the request of Mrs. BOXER, the names of the Senator from North Carolina (Mrs. HAGAN), the Senator from

Montana (Mr. BAUCUS) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 3184, a bill to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes.

S. 3192

At the request of Mr. SPECTER, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3192, a bill to amend title 38, United States Code, to provide for the tolling of the timing of review for appeals of final decisions of the Board of Veterans' Appeals, and for other purposes.

S. 3201

At the request of Mr. UDALL of Colorado, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3201, a bill to amend title 10, United States Code, to extend TRICARE coverage to certain dependents under the age of 26.

S. 3234

At the request of Mrs. MURRAY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3234, a bill to improve employment, training, and placement services furnished to veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 3237

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3237, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 3257

At the request of Mr. ENZI, the names of the Senator from Oklahoma (Mr. COBURN), the Senator from North Carolina (Mr. BURR) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 3257, a bill to authorize the Department of Labor's voluntary protection program and to expand the program to include more small businesses.

S. 3317

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3317, a bill to authorize appropriations for fiscal years 2010 through 2014 to promote long-term, sustainable rebuilding and development in Haiti, and for other purposes.

S. 3390

At the request of Mr. FRANKEN, the names of the Senator from New York (Mr. SCHUMER), the Senator from North Dakota (Mr. DORGAN) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 3390, a bill to end the discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes.

S. 3398

At the request of Mr. BAUCUS, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3398, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 3418

At the request of Mr. MERKLEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 3418, a bill to amend the Public Health Service Act to specifically include, in programs of the Substance Abuse and Mental Health Services Administration, programs to research, prevent, and address the harmful consequences of pathological and other problem gambling, and for other purposes.

S. 3424

At the request of Mr. DURBIN, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 3424, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 3447

At the request of Mr. AKAKA, the names of the Senator from Indiana (Mr. BAYH), the Senator from Maryland (Mr. CARDIN), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Vermont (Mr. LEAHY) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 3447, a bill to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes.

S. 3508

At the request of Mr. UDALL of New Mexico, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3508, a bill to strengthen the capacity of the United States to lead the international community in reversing renewable natural resource degradation trends around the world that threaten to undermine global prosperity and security and eliminate the diversity of life on Earth, and for other purposes.

S. 3572

At the request of Mrs. LINCOLN, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Ohio (Mr. VOINOVICH), the Senator from Maine (Ms. SNOWE), the Senator from Massachusetts (Mr. BROWN), the Senator from South Dakota (Mr. THUNE) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 3572, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first law enforcement agency, the United States Marshals Service.

S. 3605

At the request of Mr. ROCKEFELLER, the names of the Senator from Florida

(Mr. NELSON), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Delaware (Mr. KAUFMAN), the Senator from Massachusetts (Mr. KERRY), the Senator from Washington (Ms. CANTWELL), the Senator from Arkansas (Mr. PRYOR) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 3605, a bill to invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes.

S. 3703

At the request of Mrs. MURRAY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3703, a bill to expand the research, prevention, and awareness activities of the Centers for Disease Control and Prevention and the National Institutes of Health with respect to pulmonary fibrosis, and for other purposes.

S. 3705

At the request of Mr. CRAPO, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3705, a bill to amend title 23, United States Code, with respect to vehicle weight limitations applicable to the Interstate System, and for other purposes.

S. 3708

At the request of Mr. SCHUMER, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 3708, a bill to amend titles XVIII and XIX of the Social Security Act to clarify the application of EHR payment incentives in cases of multi-campus hospitals.

S. 3716

At the request of Mrs. GILLIBRAND, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3716, a bill to amend the Internal Revenue Code of 1986 to provide a tax incentive for the installation and maintenance of mechanical insulation property.

S. 3733

At the request of Mr. BENNET, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3733, a bill to amend the Elementary and Secondary Education Act of 1965 to allow State educational agencies, local educational agencies, and schools to increase implementation of schoolwide positive behavioral interventions and supports and early intervening services in order to improve student academic achievement, reduce overidentification of individuals with disabilities, and reduce disciplinary problems in school, and to improve coordination with similar activities and services provided under the Individuals with Disabilities Education Act.

S. 3756

At the request of Mr. ROCKEFELLER, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor

of S. 3756, a bill to amend the Communications Act of 1934 to provide public safety providers an additional 10 megahertz of spectrum to support a national, interoperable wireless broadband network and authorize the Federal Communications Commission to hold incentive auctions to provide funding to support such a network, and for other purposes.

S. 3772

At the request of Mrs. HAGAN, her name was added as a cosponsor of S. 3772, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 3804

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3804, a bill to combat online infringement, and for other purposes.

S. 3819

At the request of Mrs. LINCOLN, the names of the Senator from Maine (Ms. SNOWE) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 3819, a bill to amend the Internal Revenue Code of 1986 to reduce the mileage threshold for the deduction for National Guard and Reservists overnight travel expenses.

S. 3846

At the request of Ms. COLLINS, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 3846, a bill to establish a temporary prohibition on termination coverage under the TRICARE program for age of dependents under the age of 26 years.

S. 3860

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 3860, a bill to require reports on the management of Arlington National Cemetery.

S. 3861

At the request of Mrs. BOXER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3861, a bill to direct the Administrator of the Environmental Protection Agency to investigate and address cancer and disease clusters, including in infants and children.

S. 3900

At the request of Mr. COBURN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 3900, a bill to reduce waste, fraud, and abuse under the Medicare, Medicaid, and CHIP programs, and for other purposes.

S. 3913

At the request of Mr. ROCKEFELLER, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from

South Dakota (Mr. JOHNSON) were added as cosponsors of S. 3913, a bill to amend title 10, United States Code, to enhance the roles and responsibilities of the Chief of the National Guard Bureau.

S. 3925

At the request of Mr. BINGAMAN, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Massachusetts (Mr. KERRY), the Senator from Maryland (Mr. CARDIN), the Senator from Indiana (Mr. BAYH), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 3925, a bill to amend the Energy Policy and Conservation Act to improve the energy efficiency of, and standards applicable to, certain appliances and equipment, and for other purposes.

S. 3929

At the request of Mr. TESTER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3929, a bill to revise the Forest Service Recreation Residence Program as it applies to units of the National Forest System derived from the public domain by implementing a simple, equitable, and predictable procedure for determining cabin user fees, and for other purposes.

S. CON. RES. 63

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. Con. Res. 63, a concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

S. CON. RES. 71

At the request of Mr. FEINGOLD, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Colorado (Mr. UDALL) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. Con. Res. 71, a concurrent resolution recognizing the United States national interest in helping to prevent and mitigate acts of genocide and other mass atrocities against civilians, and supporting and encouraging efforts to develop a whole of government approach to prevent and mitigate such acts.

S. RES. 519

At the request of Mr. DEMINT, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. Res. 519, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention

on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

S. RES. 586

At the request of Mr. FEINGOLD, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 586, a resolution supporting democracy, human rights, and civil liberties in Egypt.

S. RES. 631

At the request of Mrs. LINCOLN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 631, a resolution designating the week beginning on November 8, 2010, as National School Psychology Week.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY:

S. 3938. A bill to designate the airport traffic control tower located at Spokane International Airport in Spokane, Washington, as the "Ray Daves Airport Traffic Control Tower"; to the Committee on Commerce, Science, and Transportation.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3938

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The airport traffic control tower located at Spokane International Airport in Spokane, Washington, and any successor airport traffic control tower at that location, shall be known and designated as the "Ray Daves Airport Traffic Control Tower".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the airport traffic control tower referred to in section 1 shall be deemed to be a reference to the "Ray Daves Airport Traffic Control Tower".

By Mr. INHOFE:

S. 3939. A bill to reform earmarking and increase transparency and accountability for all expenditures authorized by Congress and all executive agencies of the Federal Government, to the Committee on Rules and Administration.

Mr. INHOFE. Mr. President, I need to tell Molly I have reduced the length of my speech from 1 hour to 30 minutes because of something I totally did not expect. However, I think it is going to have a happy ending.

I think the bottom line in all this discussion of earmarks—or however you want to word it—is that we have to do something about excessive spending.

It is something we cannot continue. It is not sustainable. I think everyone agrees with that.

It is interesting for me when I see the President and the passage of such things as the \$787 billion stimulus and all that to say we are going to form a commission to see how we can keep from spending so much money. Well, that is how you do it: You do not do things like that.

Let me say, first of all, after this election, the Tea Party did play a big part in this thing. I have to say I was very excited about it early on. I think I might have been the first Republican anyway to go to Marco Rubio and support him in his efforts down in Florida and several of the others. I think it is clearly a good thing, a change, and I think the American people have clearly spoken.

In spite of what you might have heard in the media, let me clear up one thing. Never have I once had any indication of trying to influence anyone from voting for or against a ban on earmarks. You will find out in just a minute how I can come to this conclusion and why it would not be necessary, and it does not make all that much difference.

But before I do, to make sure people understand, you are hearing these comments not from any Member of the Senate but from someone who probably, I would have to say, has been declared as the most conservative Member of the body more times than anybody else has, most recently by the National Journal, and so you are hearing this from someone who is a conservative and someone who is also lonely.

I go back quite a ways, but I can remember my two favorite Senators. My mentors, I guess I should say, were Jesse Helms and the Senator from Nebraska, Carl Curtis. Both of them are deceased. It has been quite some time since Carl Curtis was serving, but, nevertheless, I remember I was in the State senate—this was many years ago—and I was recognized as a conservative at that time. Carl Curtis was serving here from Nebraska, and he is the guy, you might remember, who consistently, year after year after year, introduced the budget balancing amendment to the Constitution.

Well, he called me one day—this is back in the 1970s—and he said: Inhofe, I know you and I share the same philosophy. But I can never get this up for a vote. The excuse the liberals use is that you will never be able to get three-fourths of the States to pass a resolution ratifying a constitutional amendment to balance the budget.

So his idea was kind of ingenious. What he said was: I will go ahead and get started and stand behind you, and we will find you and enough other States to make up three-fourths of the States, and we will preratify a constitutional amendment to balance the budget.

I did not understand how it would work, but we talked about it for a while. So I said: Well, let me try it. So I did. In the State senate we preratified a balanced budget amendment to the Constitution. It was kind of fun because after that I started going around to other States and getting them to do the same thing. We got up to within, I think, four States of being able to do it before it started to unravel.

But a guy named Anthony Harrigan—he was a syndicated columnist from down South someplace—wrote an editorial or an op-ed piece that got published, and it was called “A Voice in the Wilderness.” He said: Way out in the State of Oklahoma there is one State legislator who is going to balance the Federal budget. So that was kind of the beginning of the kind of lonely ride I have had.

Since that time, I remember serving in the House of Representatives. John Nance Garner—this is 80 years ago—was the Speaker of the House. John Nance Garner devised a system. Here is the problem he had. People were getting more and more informed on how people were voting in America. So he had all his west Texas Members, and they did not want to vote for the liberal agenda of the Democratic Party. Can you see anyone from west Texas voting for gun control? It is not going to happen. So he devised a system—it was kind of ingenious, corrupt but ingenious—and that was a discharge petition so that in the House of Representatives if you want to take up a bill, you have to have it either come out of a committee or, if it is in a committee, you have to have a discharge petition, sign a discharge petition to force it to come out. He wanted his Members to be able to say that they signed the discharge petitions, yet they wouldn't sign them, so the bills would never come out.

They kept the discharge petitions in a locked drawer, just like the Presiding Officer has, right up there in front of the whole House of Representatives, and you couldn't open the drawer unless you were signing a discharge petition. You couldn't copy down the names of anyone else. What I did was set up a system where I had people go up and memorize names, and then I went ahead and just disclosed all of this. Anyway, it is a much longer story than that, but the bottom line is that the punishment for doing what I did was to be expelled from the House of Representatives. I said: OK. That is fine. I will go ahead and do it anyway. They can expel me. I will run. Who is not going to vote for someone who was expelled because they shed light on the system? And it worked. It was declared by several publications as the greatest single reform in the House. Again, it was lonely, but it is something that worked.

Then along came global warming. We all remember the Kyoto Treaty back

then. In fact, back during the Clinton-Gore years when it first came up, everybody thought it was something that would be ratified until they looked at it to see what it would cost to do it, and the cost was somewhere between \$300 billion and \$400 billion. So I looked at that. We all looked at it and we thought, do we really want to ratify this? Well, as it turned out, we didn't. One reason we didn't was Senator Byrd was the primary mover of a motion to stop it from happening unless the developing countries had to pay the same price as the developed nations. Of course, they didn't do it, so it didn't happen. Then several people said: Well, let's just do it unilaterally.

We had the McCain-Lieberman bill of 2003 and 2005. At that time, I was enjoying being in the majority. The occupier of the Presiding Officer's chair today has never been in the minority, so he may not know what I am talking about. But in the majority, you can do a lot more things than you can as a minority. So I chaired the committee called the Environment and Public Works Committee. That committee had jurisdiction over all the energy issues and a lot of other things but also over this global warming issue.

I have to confess that I assumed back then—and this is back in about 2002—that catastrophic global warming was a result of anthropogenic gases, man-made gases, CO₂, methane and such, and I assumed that was the case until the Wharton School came out with a study that concluded that if we were to pass—at that time it was the McCain-Lieberman bill—it would end up costing between \$300 billion and \$400 billion.

So my effort then as chairman of that committee was, to look to see where the science was. That is when we got to the realization that it all started with the United Nations. They developed the IPCC—the Intergovernmental Panel on Climate Change—and consequently they were going to do all this, and that was the science behind it. But we kept getting complaints because I would make statements on the floor questioning the science. Then scientists starting coming out, and the bottom line is this: After a period of time, up until a year ago right now, it looked as if people recognized that it wouldn't do any good if we did unilaterally pass it. Why is that? Even Lisa Jackson, the head of the Environmental Protection Agency, said that they would be—that if the United States alone passed something to stop the different emissions, CO₂ emissions, it wouldn't have any effect globally because that is just the United States doing it. In fact, one could argue it would have just the opposite effect because companies seeking power would have to go to countries where they didn't have these restrictions and it could actually increase CO₂.

Anyway, the bottom line was that I made the comment—this has been now 8 years ago—that the idea that catastrophic global warming is a result of manmade gases is probably the greatest single hoax ever perpetrated on the American people. Back then, everybody hated me, and now it looks as if we have pretty much won that argument.

I mention this because I am very much concerned—I understand the argument on both sides of the whole thing about the earmarks. I have—Kay and I have 20 kids and grandkids. This little guy right here came up to me, and he said: Pop!—“I” is for INHOPE—he said: Pop!, why is it you do things nobody else does? And I said: That is the reason—nobody else does. So that is kind of a little bit of the background as to why I got into this very difficult issue.

I have to say that it is something that needs to be talked about today because something is going to happen this week, and I think we can turn this thing into something that is very good. The tea party people came in. My concern has been over the last 2 years and longer than that, that all we have heard about is people quite frankly demagoguing this whole thing on earmarks, saying “Earmarks, earmarks, earmarks,” and all the time that happened, what happened? We ended up with the President and the majority increasing the debt to \$13.4 trillion in America—and that is a larger increase than all Presidents from George Washington to George W. Bush combined—and at the same time giving my 20 kids and grandkids a \$3 trillion deficit. So we were trying to look at this thing and say: How can we take care of this situation? The increase in the debt is something that is not sustainable. I think we all understand that. I was going to try to accomplish two things—to stop the demagoguing and to solve the problem.

Today, for that purpose, I have introduced—and it is at the desk right now—S. 3939. Now, I grant you that Senator MCCONNELL's announcement changed the way in which I was going to present this, but the bottom line is this: It would be nothing short of criminal to go to all the trouble of electing great new antiestablishment conservatives only to have them cede to President Obama their constitutional power of the purse, which is exactly what would happen, as has been pointed out, with the moratorium on earmarks.

I wish to read one statement out of Senator MCCONNELL's remarks that I think is worth repeating.

With Republican leaders in Congress united, the attention now turns to the President. We have said we are willing to give up discretion. Now we will see how he handles spending decisions. If the President ends up with total discretion over spending—

That is what he would have—

we will see even more clearly where his priorities lie. We already saw the administration's priorities in the stimulus bill, and that has become synonymous with wasteful spending. True. That borrowed nearly \$1 trillion for administration earmarks such as the turtle tunnels and the sidewalk that led to the ditch and all this stuff about which we have been hearing, which I will elaborate on in just a minute. But nonetheless, I think that is important, and we have to look at that.

Now, why I thought that was wrong—let's put up chart No. 1—was I think that anytime you want to eliminate something, you have to define it first. The problem was that there was no definition until the House came along—and this was about a year ago. The House Republicans—not the whole House but the Republicans—and resolved that:

It is the policy of the Republican conference that no Member shall request a congressional earmark, limited tax benefit, or limited tariff benefit, as such terms are used in clause 9 of Rule XXI of the House rules.

Well, if you look up that rule, that applies to appropriations. So what they were saying at that time is that they were not going to appropriate anything. But there is one problem with that.

Chart 2 is article I, section 9 of the Constitution. That is what we are supposed to be doing here. I will elaborate on that a little bit because I think it fits in this debate pretty well. Chart 2. Article I, section 9 of the Constitution makes it very clear that we in the U.S. Senate and the House of Representatives are the ones who are supposed to be spending money: "No money shall be drawn from the Treasury, but in consequence of appropriations made by law."

All three of these people who were driving this thing—the Senators, by the way, who were involved in the earmark thing, giving proper credit or blame depending on how you look at it—the first one who went back the furthest was Senator MCCAIN, then Senator COBURN, and then more recently Senator DEMINT. They all embrace the House definition of earmarks. I have a chart that shows that, but it is not necessary to do it. I think everyone realizes that.

Let's go back to the Constitution. We have it right here. The Constitution restricts spending to only the legislative branches and specifically denies that honor to the President.

We take an oath of office to uphold the Constitution. That means we take an oath of office to uphold article I, section 9 of the Constitution. It is important that we elaborate on that Constitution because a lot of people—if you get this in your mind, if there is any doubt that we are supposed to be doing it and not President Obama or the executive branch, then listen to this. Franklin Delano Roosevelt said:

It is the duty of the President to propose and the privilege of Congress to dispose.

James Madison said:

The power over the purse in fact may be regarded as the most complete and effectual weapon with which any Constitution can arm the immediate representatives of the people, for obtaining a redress in every grievance . . .

Now, why is this? He went on to explain in the Federalist Papers and elsewhere that the reason—they called them the direct representatives. At that time, I guess they didn't have Senators, but the direct representatives should do the spending for two reasons. No. 1 is that they are the ones who know their own State or province or area better than the President does—particularly back in those days but it is also true today. The second reason is that if they don't like the way they are doing it, they can immediately go ahead and vote them out of office. Look what happened November 2. That is exactly what did happen. So that was Madison.

Alexander Hamilton said:

The legislature not only commands the purse, but prescribes the rules by which the duties and rights of every citizen are to be regulated . . .

Now, there is no wiggle room in that. It is supposed to be us. The Supreme Court Justice—I was talking with someone with the Investor's Business Daily, and I said: You probably never heard of this guy Joseph Story, the Supreme Court Justice, and he said to me—I wish I could remember his name because this is kind of interesting—he said: Oh, no, I live out here now, but when I lived in Washington, I went to a weekly meeting. It was the Joseph Story Fan Club or something like that.

Anyway, in his commentaries on the U.S. Constitution in 1833, he states—this is Justice Joseph Story:

It is highly proper that Congress should possess the power to decide how and when any money should be applied . . . if it were otherwise, the executive would possess an unbounded power . . . Congress is made the guardian of the Treasury . . .

I say all this to make sure to impress upon any impartial patriot that the legislative branch—that is us—only the legislative branch has the power to spend money, according to the Constitution.

How does a ban on earmarks cede authority to the President? This is significant. Although Senator MCCONNELL didn't mention it this morning, let me say what he would have said had he had time, I believe. I will also show how this can be impacted by S. 3939. It couldn't be a more appropriate time to introduce this.

President Obama—this is the way it is for any President—submits a budget to Congress which Congress either accepts all or part of or rejects all or part of. If it is rejected, we substitute what the Obama requests are with what we think is better for America. The cost is the same.

I have often said that stopping an earmark doesn't save any money. Not

many people understand this, but it doesn't because all we are doing is taking what the President would have spent on an item and changing it to something else. For example, in his military budget—and I know President Obama doesn't feel the same way I feel about the priorities of defending America. That should be our No. 1 priority. I don't think he believes that. Nonetheless, in his budget he asked for \$300 million and something, plus or minus, for a launching system that is a good launching system. It was called a bucket of rockets, and it is one that I would like to have.

When we went to the Armed Services Committee—keep in mind, these committees, such as the Senate Armed Services Committee, are staffed with professionals. A lot of them are former military people, scientists, people who really understand how we can best, with limited resources, defend this country. So we took the \$300 million for that system and put that same \$300 million—canceled the launching system and put in 6 new F-18 fighters. They are actually FA-18EF model fighters. This is what we all decided would be best. Now, if we substitute our appropriation for his budget item, it would be an earmark by any definition. If we place a moratorium on earmarks, we would have to accept Obama's original request. This is a concern I have, but it doesn't lead to a happy ending, as you will find out in a second.

Therefore, we would not have any additional F-18s. Still there is no money saved. In other words, we would be doing what James Madison wanted us to do. So the Senate is taken out of the process and cedes its power to President Obama. Speaking of systems we would not have if we had ceded that authority previously, we would not have unmanned aerial vehicles. The Air Force, right now, is currently operating at least 36 continual combat air patrols in Southeast Asia. That was a congressional earmark. We would not have that. We would not have improved armored vehicles and add-on armor. That was a congressional earmark. We would not have Mine Resistant Ambush Protected vehicles. We would not have them. They have saved lives. We would not have had \$14.2 million for detection of landmines and detection of suspected bomb makers and IED makers in Iraq and Afghanistan. That was a congressional earmark. Actually, it was mine. We would not have had that.

We can see that a moratorium would not allow us to change anything in the Obama budget. It would allow the President to perform our constitutional duties. In a minute, I will give you a solution. Meanwhile, we cannot continue to do the big spending. I think a ban on earmarks has at least focused on this problem for right now.

Here is another chart. I mentioned before that there are two problems I

had with a ban on earmarks. One of the problems with a ban is that it cedes to the President our constitutional duties. The other is that it gives some protection to people who are big spenders.

Put up chart 4. I was going to say—technically, by the definition, this would be true. I was going to say these are the four biggest, largest earmarks in 2008. They can argue they are not earmarks, that this wasn't the intent, nonetheless. By the definition I showed you in the House and Senate, these are earmarks. First is the TARP. I was one who opposed that \$700 billion we gave to an unelected bureaucrat with no oversight whatsoever. There was the mortgage bailout of \$300 billion, the Pelosi-Bush stimulus check of \$150 billion; PEPFAR, a program that does some good but not expanded to the point it is right now in sending money to foreign countries to fight AIDS. If we total that up, that is \$1.2 trillion.

I am not as smart as a lot of the guys in this Chamber. So when I see the millions and billions and trillions, my head starts to spin. I am not sure how this affects us.

Put up chart 5. What I have developed in Oklahoma—and nobody here is aware of this, but they are in Oklahoma—is known as the Inhofe factor. I will use 2009. In 2009, \$2 trillion in taxes was paid by individuals across the country, and \$18 billion came from Oklahomans, which is about 1 percent of the Federal budget. The average Oklahoma individual tax return for that year, 2009, was \$11,100. Therefore, the average Oklahoma taxpayer is responsible for providing—I have the percentage of total Federal revenue. For every \$10 million in spending in Washington, Oklahomans pay a nickel in terms of how much each family—I am taking every family in Oklahoma that files a tax return. That is what it amounts to.

Let's see the next one. By the way, I say to some of my friends from other States, other Senators: You are not going to deviate too much from that because Oklahoma is not that much different from other States. What did it cost you for the four largest earmarks? If you apply that to Oklahoma—each family in Oklahoma who filed a tax return—it would cost each family \$5,683. That is each family who files a tax return.

In earmarks, the total of all projects requested by me in 2008 was \$80 million. Most of them were military projects, some of which I just talked about. If you apply the same factor to \$80 million, it would cost each family in Oklahoma 40 cents. I hope you look at this—each family, 40 cents as opposed to the four largest things, \$5,683.

I said that because I think it is important that we look at these things and see how much—quit talking in terms of billions and trillions and

know what it is for each family. Even though I am ranked as the most conservative member by many organizations, I am a big spender in three areas: national defense, infrastructure—roads, highways, and bridges. We have a crumbling infrastructure throughout America. I think we all understand that. The Governor of Pennsylvania and I have talked about that. He is a far leftwing liberal, and I am a conservative. Yet we agree that infrastructure is very important. The third area where I could be considered a big spender is unfunded mandates. I was a mayor at one time. As I often tell my friends in the Senate: If you want a hard job, become a mayor because there is no hiding things when you are a mayor. So if there is a problem and they don't like the trash system, it ends up in your front yard. It did. I was there.

If we go back to chart 4, we have to follow this carefully. OMB stated that our earmarks for 2010 were \$11 billion. They have their definition of an earmark, and people are saying that is a good definition. These four obligations—say they are not earmarks, but they could be defined as that. That would be \$1.2 trillion. If we take the \$11 billion and do the math, we would find that earmarks are one one-hundredth of just these four spending bills. In other words, the total amount of the 2010 earmarks were only 1 percent of these huge spending bills. Of the three drivers of the earmark wagon, Senator MCCAIN voted for all four of these, or supported them. Senator COBURN, my junior Senator, voted for half of them, \$750 billion. Senator DEMINT and I opposed all four of them.

My point is, the public has been focusing so intently on earmarks, that 1 percent figure, they overlook the huge bills that spend 100 times more than all the earmarks, and we ended up with the \$13.4 trillion increase in the debt. My 20 kids and grandkids have to pay for \$3 trillion of the deficit increase.

That left out Senator DEMINT. I say this in love, but I think it is very important to understand there is a commitment on behalf of every Senator, all 100 Senators, to help people in the States. I have that as well as he does. Let's talk for a minute about Senator DEMINT.

In 2004, Republicans were in the majority. I was chairman of the Environment and Public Works Committee. That takes care of all the transportation, roads, highways, infrastructure, and that type of thing. At Senator DEMINT's request, I flew to South Carolina to support his commitment to highway earmarks. He said: I am not only supportive of I-73 and other projects, but I have a good working relationship with people who can get it done.

I guess that was me. He got 13 earmarks in places such as Myrtle Beach,

Beaufort County; engineering design and construction of a port access road, \$15 million; and \$10 million for improvements in Beaufort and Colleton County to improve safety, and the list goes on.

I tell you what. It actually gets better as we look into it because on September 30, 2009, there was a vote on a \$2.5 billion amendment to add 10 additional Charleston, SC, based C-17s for \$2.5 billion. The Citizens Against Government Waste listed this as the single largest defense earmark of 2009. Senator DEMINT voted for it, and South Carolina was very appreciative. It was the single largest defense earmark then.

Last week, Senator DEMINT told the Greenville News that he wants to reform the harbor maintenance trust fund to "get back the money South Carolina contributes." He is going after specific funding of \$400,000. Whether the money comes from the Corps of Engineers or the harbor maintenance trust fund, it is still an earmark under anyone's definition. He wants to put that money into a fund to study and deepen the channel, rather than an O&M. He should do that. He is doing what the Constitution tells him to do. He is looking after the needs of the people of South Carolina. I look after the needs of the people of Oklahoma. I am not sure that if we left this up to President Obama he would be very generous to South Carolina and Oklahoma. So he is entitled to do this. That is why Madison gave the power to spend to the legislature.

All those earmarks—and you might say that Senator DEMINT is adaptable. It reminds me of the guy who had been out of town for 2 years and called up his dearest friend, and he said to his friend: Well, Mary, how are you doing? This is Tom.

She said: Tom, it is so good to hear from you. It has been 2 years.

Tom said: How is old Jim getting along?

She said: Didn't you know? Jim is dead.

He said: No, what happened?

She said: He went down to the garden to pick some peas for dinner and leaned over and had a heart attack and fell on his face dead.

He said: You poor thing, Mary. What ever did you do?

She said: There is only one thing we could do. We had to open a can of peas.

You see, there is nothing wrong with being adaptable. I think Senator DEMINT is. I think we are talking about not a can of peas but a can of worms.

The government has a function to provide infrastructure, roads, highways, and all of this. I will bring this out because—I will mention a couple of others, but people are concerned about their States. There is one significant fact that needs to be elaborated on

now. One of the arguments that was not sound was that they said earmarks are a gateway drug that needs to be eliminated in order to demonstrate that we are serious about fiscal restraint. There is one problem with that; it is not true.

According to the OMB and Citizens Against Government Waste, the earmarks have dramatically decreased over the past several years. OMB said in 2005 total earmarks were \$18.9 billion. In 2008, they were \$16.6 billion. In 2009, they were \$15.3 billion. In 2010, they were \$11.1 billion. Why do you suppose they are reducing every year? It is because we are demanding more light so that people can know what they are spending money on.

I say that earmarks are hardly a gateway drug, a symptom of Federal funding run amok, or even an underlying cause to our fiscal problems. Why? Because we have shed light on earmarks. Let's add why a shining light can be a first step.

In 2009, the Senate performed the rare action of considering many appropriations bills individually rather than irresponsibly lumping them into one like we are doing today, lumping them into one vote at the end of the year. The value of that—considering them individually—is it gives Senators the opportunity to exercise oversight of government programs and to monitor how Federal departments spend money. So in 2009 Senators could offer amendments to cut spending and strike particular earmarks if they desired.

From July until November of that year, 2009, there were 18 votes specifically targeting earmarks. All the amendments failed. Had they succeeded, it would not have reduced the overall amount of money the Federal Government is spending by a dime.

Instead of putting money back into the pockets of the American people by reducing spending or shrinking the deficit, these efforts would have put the money into the hands of President Obama, by allowing his administration to spend the money as he saw fit. At the end of the day, no one would have saved money. President Obama is the winner and the American people are the loser.

In another case Members offered amendments to strike funding from the program called Save America's Treasures for specific art centers throughout the United States. They offered amendments to strike it. Did it save any money? No. That went back to the unelected bureaucrats at the National Park Service to spend. That is the Obama administration. He calls the shots there. It didn't save a cent.

In another case, a Member offered an amendment to strike a variety of transportation projects in quite a few States only to redirect spending to the Obama administration and the unelected bureaucrats in the Federal

Highway Administration. Not one of these actions saved a dime but made President Obama happy because it all went back to his coffers.

Now I point this out because there is a solution. We have clearly demonstrated, and we have made a point here, and the point is: No. 1—and no one can deny this—that spending is an exclusive constitutional right of the Senate and the House, and killing earmarks doesn't save a dime but can be the first step in a real solution.

That gets back to S. 3939. I am very proud of that, and I wish to say there is a happy ending to this story mostly because of that Senate bill. I would like to take credit for that but I am not going to do it because I can't. I wasn't that smart. But there are eight great Americans—and let's put that chart up, if you would, Luke—eight great Americans and the conservative groups they represent—Tom Schatz, president of Citizens Against Government Waste; Melanie Sloan, director of Citizens for Responsibility and Ethics in Washington; Steve Ellis, Taxpayers for Common Sense; Craig Holman, Public Citizens; Jim Walsh, Rich Gold, Manny Rouvelas, and Dave Wenhold—and thanks to them we can put the earmarks issue to rest. They authored the "5 Principles of Earmark Reform," and I will list these. The chart shows what they are, starting at the top.

I have to say that S. 3939 will address all of these specifically. There are people in Washington who go through a lot of work making a lot of studies, and they assume we never read these things or care about them. But if you believe that, you are wrong because I listened, and this is the result—the five principles of earmark reform.

What we are saying here is that we know—and it doesn't matter what you do in having a ban on earmarks, because Members are going to be voting and supporting things in their States; everyone is. I can assure you that is going to happen, by the Senator from Oregon and everyone here. This is going to happen. But principle No. 1 says to cut the cord between campaign contributions, Congress should limit earmarks directed to campaign contributors. Limiting total contributions from the earmark beneficiary and its affiliates to no more than \$5,000 would help restore public confidence. This came from those eight great groups that evaluated as to what we could do to clean up this system. Well, S. 3939, just introduced, does exactly that. Section 2 says:

No earmark beneficiary shall make contributions aggregating more than \$5,000 to any requesting candidate with respect to such earmark beneficiary.

So that first one is met. The second principle is to eliminate any connection between legislation and campaign contributions, legislative staff should be barred from participating in fund-

raising activities. The attendance of legislative staff at fundraisers suggests a connection between campaign donations and earmarks.

So we handled that with S. 3939. It does just that under section 3. Subsections (a) and (b) state:

Limits on staff attendance of Member fundraisers. Except as provided in subsection B, an employee of the personal staff of a Member of Congress should not attend a political fundraiser on behalf of the Member of Congress for whom they are employed. A Member of Congress may designate one employee who shall not be subject to the provisions of Subsection A.

I think people know there may be a situation where someone would need to drive a Member or there could be threats and they may need to have some security.

The third thing they came up with to increase transparency is, Congress should create a new database of all congressional earmarks. They went on to say:

Information about lawmakers' earmark requests is scattered across hundreds of web sites in a variety of formats with differing levels of details. The funding levels for each earmark award are listed in a chart at the end of each spending bill. While the data is technically available, it is virtually impossible to collect, understand and analyze all of the earmark information. Congress should create a unified, searchable, sortable and downloadable database on the public website.

S. 3939, which I introduced an hour ago, does exactly that. Section 4 reads:

The Secretary of the Senate and the Clerk of the House of Representatives shall post on a public website of their respective houses, a link to the earmark database maintained by the Office of Management and Budget.

Done.

No. 4. The fourth concern is to ensure taxpayer money has been spent appropriately, the Government Accountability Office should randomly audit earmarks. Because oversight is essential to maintain integrity in the earmarking process, the Government Accountability Office should develop and implement a system to audit and report to Congress regularly on programs and projects funded through earmarks.

This does that, and I am going to read our section 7. This is a more difficult one, but it is air tight.

Not later than December 31, 2011, and each year thereafter, the Comptroller General shall submit a report to Congress that uses the OMB database—(1) to randomly select a percentage of each of the programs and projects funded through earmarks in a preceding fiscal year; (2) to conduct an audit on each selected program or project reporting on the amount, purpose, term, requesting Member and the present state of completion of the program or project; and (3) if the earmark contributes to an already existing program or project, to provide a detailed accounting of how the earmark contributed to each program or project.

That was the request, and we came up with the section that, as I say, is air tight in solving the problem.

No. 5, to promote congressional responsibility without stifling innovation, Members should certify earmark recipients are qualified to handle the project. The last language we had on that was section 6:

And a certification that the recipient is qualified to handle the project, if applicable.

You might say that is great, we have resolved all of the problems that are out there. This was a combination of the intellects of all the people I have mentioned a while back. They looked at all the problems that are there and how we could resolve those problems. But one thing was overlooked, so we have a section in S. 3939 where we go one step further. It demands—listen to this, Mr. President—the same transparency to Obama bureaucratic earmarks as it does to Senatorial earmarks.

Well, that is kind of neat, if we do that. I will read section 5:

Not later than July 1, 2011, the head of each department and agency of the Federal Government shall post on the public website of that department or agency a link to a searchable database that lists each contract, grant, cooperative agreement, and other expenditure made by the department or agency listing with respect to the expenditure, the amount, purpose, term and office making such expenditure.

Why is that necessary? I can remember Sean Hannity, about 6 months ago, came out with a series one night where he talked about the 102 most egregious earmarks that were brought up. Here is something that is interesting about that. I was so excited when I saw these that I read them all. I came down and stood right here on the Senate floor and I went over them all and described all 102 earmarks. We have a chart that shows some of those. Look at some of the things we are talking about here: \$3.4 million to construct an echo passage for turtles—that is nice; \$450,000 to build 22 concrete toilets in the Mark Twain National Forest; \$300,000 for helicopter equipment to detect radioactive rabbit droppings; \$500,000 for a grant to a researcher named in the Climate-Gate scandal—I wish we had another hour, I would like to talk about that—and \$325,000 to study the mating decisions of female cactus bugs.

After reading all 102—and this is five of them—I asked the questions: What do all these have in common? What they have in common is that not one of them was a congressional earmark. They were all earmarks that were put in there by the Obama administration.

So here is the problem you have. If you ban congressional earmarks, you are going to have more of this. Because as you restrict what Congress can do, that same amount of money goes back into the administration, whether it is the Department of the Interior, the Corps of Engineers, the EPA, or any of the rest of them. So is there any question why President Obama embraced the ban on the earmarks? No, because he wants the money to go to him.

But S. 3939 is going to curb that. I think this actually could have a very happy ending, because the five principles of earmark reform assembled by the eight individuals I mentioned is an ingenious document. Even the Tea Party people recognized that we have an obligation to our States.

Let me congratulate Senator Rand Paul for his statement on Sunday, November 7, wherein he stated that he told the people of Kentucky that he will work through the committee process to get things done for Kentucky, but it has to be under a particular overall budget. I agree. I am with him. I have had the same conversation with Marco Rubio. I am with him. They recognize the President does not have the knowledge of each State's needs.

With the passage of S. 3939, it resolves the whole earmark dilemma and puts it to rest. The one good thing about the ban is that we have to tackle the deficit. As long as we continue, as we did in the last 2 years, to stand on the floor of this Senate and go hour after hour after hour talking about the earmark problem, which is 1 percent of the total discretionary spending, we are not going to be able to address the real problem, and that is the increase of the debt to \$13.4 trillion—the largest increase in the history of America. It is larger than any of the other increases, all the way from George Washington to George W. Bush, and saddling my 20 kids and grandkids with \$3 trillion of extra spending.

That is the problem we have. I would have to say, as I learned in my successful battle against cap and trade, the truth eventually triumphs. Winston Churchill said:

Truth is incontrovertible. Panic may resent it, ignorance may deride it, malice may destroy it, but there it is.

I believe that is what we are getting closer and closer to. The end result will be that a Senator will be able to continue to work for the needs of the States, as Senator DEMINT is doing, and I am doing right now. But first, all of the reforms necessary to clean up the process will occur; and, secondly, we can limit President Obama or any future President from claiming or from taking our constitutional rights by subjecting him to the same transparency.

I think this is very significant. I believe after all this talk, over all these years, particularly in the last 2 years, we are now at the point to satisfy everyone. If they want to ban earmarks, fine, ban earmarks. But at the same time, put the clarity and the transparency in the system that will clean it up, and I believe that is what is going to happen. I guess you can say we can have it both ways, and it looks as if we are going to be able to do that.

Mr. President, I yield the floor.

By Mr. BAUCUS (for himself Mr. BEGICH, Ms. LANDRIEU, Ms. STA-

BENOW, Mrs. SHAHEEN, and Mr. BROWN of Massachusetts):

S. 3946. bill to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today, I am introducing a bill to help small businesses across America. The Small Business Paperwork Relief Act repeals recently enacted information reporting rules.

Known as “the 1099 provision,” these rules would have required businesses to file Form 1099 with the IRS to report payments made to corporations for goods and certain services with the hope that that better information would help the IRS collect more of the taxes that are legally owed, and in turn, keep taxes lower for all taxpayers.

Forms 1099 have been used by the IRS for decades to better track income. And in fact, this type of information reporting was proposed by the Bush administration to help better keep track of what businesses spend and earn, which helps better keep track of what they owe in taxes.

But it has become clear the new rules went too far.

As I traveled my home state of Montana, I listened to small business owners like Darrell Keck, owner of the Dixie Inn in Shelby. Darrell and his wife Jeanne run a tight ship, they are hard-working, and they pay their taxes. This is just one of many mom-and-pop businesses in Montana and throughout the country that told me they do not have the manpower or the software to make the new Form 1099 reporting rules work.

I have listened to small businesses, I have heard small businesses, and I am responding to small businesses by offering this bill for full repeal of the new information reporting requirements.

The time and expense for small businesses to comply with the new rules far exceed any benefit. Especially in these tough economic times, now is not the time to put additional stress on small businesses to meet complicated government rules. Small business is the backbone of the American economy—especially in Montana where more workers are employed by small businesses than anywhere else in the country. Business owners need to focus their efforts on growing their business and creating jobs—not filing paperwork.

As Chairman of the Senate Committee on Finance, I remain committed to improving tax administration and enhancing voluntary tax compliance. When each person pays what he owes, our nation's system of voluntary tax compliance is fairer for everyone—without raising taxes on anyone. I look forward to working collaboratively with the small business community to improve the ability of small

businesses to understand and meet their tax obligations.

Small businesses in Montana and all across America want to comply with the tax laws. But these new rules stretched their ability to do that. I urge my Colleagues to support their full repeal.

Mr. President, I ask consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3946

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Paperwork Relief Act".

SEC. 2. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS.

Section 9006 of the Patient Protection and Affordable Care Act, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such section, and amendments, had never been enacted.

By Mr. REID:

S.J. Res. 40. A joint resolution appointing the day for the convening of the first session of the One Hundred Twelfth Congress; considered and passed.

Mr. REID. Mr. President, I ask unanimous consent that the joint resolution of the bill be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 40

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the first regular session of the One Hundred Twelfth Congress shall begin at noon on Wednesday, January 5, 2011.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 674—TO CONSTITUTE THE MAJORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES FOR THE ONE HUNDRED ELEVENTH CONGRESS, OR UNTIL THEIR SUCCESSORS ARE CHOSEN

Mr. REID submitted the following resolution; which was considered and agreed to:

S. RES. 674

Resolved, That the following shall constitute the majority party's membership on the following committees for the One Hundred Eleventh Congress, or until their successors are chosen:

COMMITTEE ON ARMED SERVICES: Mr. Levin (Chairman), Mr. Lieberman, Mr. Reed, Mr. Akaka, Mr. Nelson (Florida), Mr. Nelson (Nebraska), Mr. Bayh, Mr. Webb, Mrs. McCaskill, Mr. Udall (Colorado), Mrs. Hagan, Mr. Begich, Mr. Burris, Mr. Bingaman, Mr. Manchin, Mr. Coons.

COMMITTEE ON THE BUDGET: Mr. Conrad (Chairman), Mrs. Murray, Mr. Wyden, Mr. Feingold, Mr. Nelson (Florida), Ms. Stabenow, Mr. Cardin, Mr. Sanders, Mr. Whitehouse, Mr. Warner, Mr. Merkley, Mr. Begich, Mr. Manchin.

COMMITTEE ON FOREIGN RELATIONS: Mr. Kerry (Chairman), Mr. Dodd, Mr. Feingold, Mrs. Boxer, Mr. Menendez, Mr. Cardin, Mr. Casey, Mr. Webb, Mrs. Shaheen, Mrs. Gillibrand, Mr. Coons.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS: Mr. Harkin (Chairman), Mr. Dodd, Ms. Mikulski, Mr. Bingaman, Mrs. Murray, Mr. Reed, Mr. Sanders, Mr. Casey, Mrs. Hagan, Mr. Merkley, Mr. Franken, Mr. Bennet, Mr. Manchin.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Mr. Lieberman (Chairman), Mr. Levin, Mr. Akaka, Mr. Carper, Mr. Pryor, Ms. Landrieu, Mrs. McCaskill, Mr. Tester, Mr. Burris, Mr. Coons.

COMMITTEE ON THE JUDICIARY: Mr. Leahy (Chairman), Mr. Kohl, Mrs. Feinstein, Mr. Feingold, Mr. Schumer, Mr. Durbin, Mr. Cardin, Mr. Whitehouse, Ms. Klobuchar, Mr. Specter, Mr. Franken, Mr. Coons.

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Schumer (Chairman), Mr. Inouye, Mr. Dodd, Mrs. Feinstein, Mr. Durbin, Mr. Nelson (Nebraska), Mrs. Murray, Mr. Pryor, Mr. Udall (New Mexico), Mr. Warner, Mr. Manchin.

SENATE RESOLUTION 675—COMMEMORATING THE 100TH ANNIVERSARY OF THE WEEKS LAW

Mr. GREGG (for himself and Mrs. SHAHEEN) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 675

Whereas the 100th anniversary of the Act of March 1, 1911 (commonly known as the "Weeks Law") (16 U.S.C. 480 et seq.), marks 1 of the most significant moments in conservation and Forest Service history;

Whereas New Hampshire, along with the southern Appalachians, was at the center of efforts to pass the Weeks Law;

Whereas John Wingate Weeks, sponsor of the Weeks Law, was born in Lancaster, New Hampshire, and maintained a summer home there that is now Weeks State Park;

Whereas, in 1903, the Appalachian Mountain Club, and the newly formed Society for the Protection of New Hampshire's Forests, helped draft a bill for the creation of a forest reserve in the White Mountains;

Whereas passage of the Weeks Law on March 1, 1911, was made possible by an unprecedented collaboration of a broad spectrum of interests, including the Appalachian Mountain Club, the Society for the Protection of New Hampshire Forests, industrialists, small businesses, and the tourist industry;

Whereas, in 1914, the first 7,000 acres of land destined to be part of the White Mountain National Forest were acquired in Benton, New Hampshire, under the Weeks Law;

Whereas national forests were established and continue to be managed as multiple use public resources, providing recreational opportunities, wildlife habitat, watershed protection, and renewable timber resources;

Whereas the forest conservation brought about by the Weeks Law encouraged and inspired additional conservation by State and

local government as well as private interests, further protecting the quality of life in the United States;

Whereas the White Mountain National Forest continues to draw millions of visitors annually who gain a renewed appreciation of the inherent value of the outdoors;

Whereas the multiple values and uses supported by the White Mountain National Forest today are a tribute to the collaboration of 100 years ago, an inspiration for the next 100 years, and an opportunity to remind the people of the United States to work together toward common goals on a common landscape; and

Whereas President Theodore Roosevelt stated "We want the active and zealous help of every man far-sighted enough to realize the importance from the standpoint of the nation's welfare in the future of preserving the forests"; Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the significance of the 100th anniversary of the Act of March 1, 1911 (commonly known as the "Weeks Law") (16 U.S.C. 480 et seq.) to the history of conservation and the power of cooperation among unlikely allies;

(2) encourages efforts to celebrate the centennial in the White Mountain National Forest with a focus on the future as well as to commemorate the past; and

(3) encourages continued collaboration and cooperation among Federal, State, and local governments, as well as business, tourism, and conservation interests, to ensure that the many values and benefits flowing from the White Mountain National Forest today to the citizens of New Hampshire, and the rest of the United States, are recognized and supported in perpetuity.

SENATE RESOLUTION 676—SUPPORTING THE GOALS AND IDEALS OF AMERICAN DIABETES MONTH

Mrs. SHAHEEN (for herself and Mrs. COLLINS) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 676

Whereas according to the Centers for Disease Control (referred to in this preamble as the "CDC"), nearly 24,000,000 people of the United States have diabetes and 57,000,000 people of the United States have pre-diabetes;

Whereas diabetes is a serious chronic condition that affects people of every age, race, ethnicity, and income level;

Whereas the CDC reports that Hispanic, African, Asian, and Native Americans are disproportionately affected by diabetes and suffer from diabetes at rates that are much higher than the general population;

Whereas according to the CDC, 3 people are diagnosed with diabetes every minute;

Whereas each day, approximately 4,384 people are diagnosed with diabetes;

Whereas in 2007, the CDC estimates that approximately 1,600,000 individuals aged 20 and older were newly diagnosed with diabetes;

Whereas a joint National Institutes of Health and CDC study found that approximately 15,000 youth in the United States are diagnosed with type 1 diabetes annually and approximately 3,700 youth are diagnosed with type 2 diabetes annually;

Whereas according to the CDC, between 1980 and 2007, diabetes prevalence in the

United States increased by more than 300 percent;

Whereas the CDC reports that over 24 percent of individuals with diabetes are undiagnosed, a decrease from 30 percent in 2005;

Whereas the National Diabetes Fact Sheet issued by the CDC states that more than 10 percent of adults of the United States and 23.1 percent of people of the United States age 60 and older have diabetes;

Whereas the CDC estimates that 1 in 3 people of the United States born in the year 2000 will develop diabetes in the lifetime of that individual;

Whereas the CDC estimates that 1 in 2 Hispanic, African, Asian, and Native Americans born in the year 2000 will develop diabetes in the lifetime of that individual;

Whereas according to the American Diabetes Association, in 2007, the total cost of diagnosed diabetes in the United States was \$174,000,000,000, and 1 in 10 dollars spent on health care was attributed to diabetes and its complications;

Whereas according to a Lewin Group study, in 2007, the total cost of diabetes (including both diagnosed and undiagnosed diabetes, pre-diabetes, and gestational diabetes) was \$218,000,000,000;

Whereas a Mathematica Policy study found that, for each fiscal year, total expenditures for Medicare beneficiaries with diabetes comprise 32.7 percent of the Medicare budget;

Whereas according to the CDC, diabetes was the seventh leading cause of death in 2007 and contributed to the deaths of over 230,000 Americans in 2005;

Whereas there is not yet a cure for diabetes;

Whereas there are proven means to reduce the incidence of, and delay the onset of, type 2 diabetes;

Whereas with the proper management and treatment, people with diabetes live healthy, productive lives; and

Whereas American Diabetes Month is celebrated in November: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of American Diabetes Month, including—

(A) encouraging the people of the United States to fight diabetes through public awareness about prevention and treatment options; and

(B) increasing education about the disease; (2) recognizes the importance of early detection of diabetes, awareness of the symptoms of diabetes, and the risk factors that often lead to the development of diabetes, including—

(A) being over the age of 45;

(B) having a specific racial and ethnic background;

(C) being overweight;

(D) having a low level of physical activity level;

(E) having high blood pressure; and

(F) having a family history of diabetes or a history of diabetes during pregnancy; and

(3) supports decreasing the prevalence of type 1, type 2, and gestational diabetes in the United States through increased research, treatment, and prevention.

SENATE RESOLUTION 677—TO EXPRESS THE SENSE OF THE SENATE REGARDING THE IMPORTANCE OF RECYCLING AND THE INCEPTION OF RECYCLING ON THE NATIONAL MALL

Mr. CARPER (for himself and Ms. SNOWE) submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 677

Whereas, since 1997, communities across the United States have come together each year to celebrate and observe America Recycles Day on November 15th;

Whereas America Recycles Day, which is managed by the nonprofit organization Keep America Beautiful, is the only nationally recognized day dedicated solely to the promotion of recycling in the United States;

Whereas recycling is important to the sustainability of resources of the United States;

Whereas Americans throw away enough aluminum cans every month to rebuild the entire commercial air fleet of the United States;

Whereas the United States should encourage the establishment of recycling programs and services;

Whereas the National Mall is one of the most recognized and popular national parks in the United States and, as such, can serve as a model for recycling in parks and public places across the United States;

Whereas a study conducted in 2010 assessed that of the 1,200 tons of waste collected annually on the National Mall, about half is recyclable;

Whereas the National Park Service oversees activities on the National Mall and recognized a need to be a leader in encouraging recycling in our Nation's capital;

Whereas the National Park Foundation is the charitable partner of the National Park Service and administers programs to fund park conservation and restoration efforts, foster youth engagement, promote citizenship, and preserve history;

Whereas the Trust for the National Mall is a nonprofit organization started to help beautify and refurbish the facilities and grounds of the National Mall by raising funds from individuals, groups, and corporations with a common goal of keeping the capital city of the United States beautiful for more than 30,000,000 visitors each year;

Whereas The Coca-Cola Company, a private company, has created a subsidiary company, Coca-Cola Recycling, with the goal of recapturing the equivalent of 100 percent of the packaging placed in the North American marketplace by Coca-Cola products;

Whereas effective public-private partnerships, such as the partnership among the National Park Service, the National Park Foundation, the Trust for the National Mall, and The Coca-Cola Company, have allowed a comprehensive recycling plan to be implemented on the National Mall; and

Whereas the National Park Service, the National Park Foundation, the Trust for the National Mall, and The Coca-Cola Company have been working together to install recycling infrastructure on the National Mall since July 2010, allowing the National Park Service to implement a permanent recycling program on the National Mall in November 2010: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of observing America Recycles Day; and

(2) commends the National Park Service, the National Park Foundation, the Trust for the National Mall, and The Coca-Cola Company for—

(A) establishing and promoting recycling on the National Mall; and

(B) providing an excellent example for government agencies and corporate citizens to follow in making recycling possible in public places across the United States.

NOTICE OF HEARING

IMPEACHMENT TRIAL COMMITTEE ON THE ARTICLES AGAINST JUDGE G. THOMAS PORTEOUS, JR.

Mrs. MCCASKILL. Mr. President, I wish to announce that the Impeachment Trial Committee on the Articles Against Judge G. Thomas Porteous, Jr. will meet on Tuesday, November 16, 2010, at 10:30 a.m. to conduct an executive business meeting.

For further information regarding this meeting, please contact Erin Johnson at 202-228-4133.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Joel Murray, Kia Hamadanchy, Caitlin DuBois, and Krista Maier of my staff be granted floor privileges for the duration of today's session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent that Mr. Russell Sloan, a fellow in the office of Senator PRYOR, be granted floor privileges for the week of November 15 through November 19, 2010.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONVENING OF FIRST SESSION OF THE 112TH CONGRESS

Mr. WYDEN. I ask unanimous consent that the Senate proceed to the immediate consideration of S.J. Res. 40, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 40) appointing the day for the convening of the first session of the One Hundred Twelfth Congress.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. WYDEN. I ask unanimous consent that the joint resolution be read three times, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 40) was read the third time and passed, as follows:

S.J. RES. 40

Resolved by the Senate and House of Representatives of the United States of America in

Congress assembled. That the first regular session of the One Hundred Twelfth Congress shall begin at noon Wednesday, January 5, 2011.

MAJORITY PARTY COMMITTEE MEMBERSHIP

Mr. WYDEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 674, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 674) to constitute the majority party's membership on certain committees for the One Hundred Eleventh Congress, or until their successors are chosen.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WYDEN. I ask unanimous consent that the resolution be agreed to and the motions to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 674) was agreed to, as follows:

S. RES. 674

Resolved, That the following shall constitute the majority party's membership on the following committees for the One Hundred Eleventh Congress, or until their successors are chosen:

COMMITTEE ON ARMED SERVICES: Mr. Levin (Chairman), Mr. Lieberman, Mr. Reed, Mr. Akaka, Mr. Nelson (Florida), Mr. Nelson (Nebraska), Mr. Bayh, Mr. Webb, Mrs. McCaskill, Mr. Udall (Colorado), Mrs. Hagan, Mr. Begich, Mr. Burriss, Mr. Bingaman, Mr. Manchin, Mr. Coons.

COMMITTEE ON THE BUDGET: Mr. Conrad (Chairman), Mrs. Murray, Mr. Wyden, Mr. Feingold, Mr. Nelson (Florida), Ms. Stabenow, Mr. Cardin, Mr. Sanders, Mr. Whitehouse, Mr. Warner, Mr. Merkley, Mr. Begich, Mr. Manchin.

COMMITTEE ON FOREIGN RELATIONS: Mr. Kerry (Chairman), Mr. Dodd, Mr. Feingold, Mrs. Boxer, Mr. Menendez, Mr. Cardin, Mr. Casey, Mr. Webb, Mrs. Shaheen, Mrs. Gillibrand, Mr. Coons.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS: Mr. Harkin (Chairman), Mr. Dodd, Ms. Mikulski, Mr. Bingaman, Mrs. Murray, Mr. Reed, Mr. Sanders, Mr. Casey, Mrs. Hagan, Mr. Merkley, Mr. Franken, Mr. Bennet, Mr. Manchin.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Mr. Lieberman (Chairman), Mr. Levin, Mr. Akaka, Mr. Carper, Mr. Pryor, Ms. Landrieu, Mrs. McCaskill, Mr. Tester, Mr. Burriss, Mr. Coons.

COMMITTEE ON THE JUDICIARY: Mr. Leahy (Chairman), Mr. Kohl, Mrs. Feinstein, Mr. Feingold, Mr. Schumer, Mr. Durbin, Mr. Cardin, Mr. Whitehouse, Ms. Klobuchar, Mr. Specter, Mr. Franken, Mr. Coons.

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Schumer (Chairman), Mr. Inouye, Mr. Dodd, Mrs. Feinstein, Mr. Durbin, Mr. Nelson (Nebraska), Mrs. Murray, Mr. Pryor, Mr. Udall (New Mexico), Mr. Warner, Mr. Manchin.

ORDER FOR FILING OF IMPEACHMENT COMMITTEE REPORT

Mr. WYDEN. Mr. President, I ask unanimous consent that the Senate Impeachment Committee be permitted to file their report with respect to the impeachment of Judge Porteus, notwithstanding adjournment of the Senate, on Tuesday, November 16, between the hours of 12 noon to 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 111-8

Mr. WYDEN. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on November 15, 2010, by the President of the United States: Protocol Amending Tax Convention with Luxembourg, Treaty Document No. 111-8. I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to its ratification, the Protocol Amending the Convention between the Government of the United States of America and the Government of the Grand Duchy of Luxembourg for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed on May 20, 2009, at Luxembourg (the "proposed Protocol") and a related agreement effected by the exchange of notes also signed on May 20, 2009. I also transmit for the information of the Senate the report of the Department of State, which includes an Overview of the proposed Protocol and related agreement.

The proposed Protocol and related agreement provide for more robust exchange of information between tax authorities in the two countries to facilitate the administration of each country's tax laws. They generally follow the current U.S. Model Income Tax Convention and the Organization for Economic Cooperation and Development standards for exchange of tax information.

I recommend that the Senate give early and favorable consideration to the proposed Protocol and related agreement and give its advice and consent to their ratification.

BARACK OBAMA.

THE WHITE HOUSE, November 15, 2010.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 111-7

Mr. WYDEN. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on November 15, 2010, by the President of the United States: Tax Convention with Hungary, Treaty Document No. 111-7. I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to its ratification, the Convention between the Government of the United States of America and the Government of the Republic of Hungary for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed on February 4, 2010, at Budapest (the "proposed Convention") and a related agreement effected by an exchange of notes on February 4, 2010. I also transmit for the information of the Senate the report of the Department of State, which includes an Overview of the proposed Convention and related agreement.

The proposed Convention and related agreement were negotiated to bring U.S.-Hungary tax treaty relations into closer conformity with current U.S. tax treaty policies. For example, the proposed Convention contains comprehensive provisions designed to address "treaty shopping," which is the inappropriate use of a tax treaty by residents of a third country. The existing Convention with Hungary, signed in 1979, does not contain treaty shopping protections and, as a result, has been abused by third-country investors in recent years. For this reason, concluding the proposed Convention has been a top priority for the Department of the Treasury's tax treaty program.

I recommend that the Senate give early and favorable consideration to the proposed Convention and related agreement and give its advice and consent to their ratification.

BARACK OBAMA.

THE WHITE HOUSE, November 15, 2010.

APPOINTMENTS

The PRESIDING OFFICER. The Chair announces the following appointments made pursuant to the unanimous consent agreement of September 29, 2010, by the President pro tempore and the majority leader during the adjournment of the Senate: Pursuant to

the provisions of Public Law 110-343, by the majority leader, the appointment of the Honorable EDWARD E. KAUFMAN of Delaware, vice Elizabeth Warren of Massachusetts, to the Congressional Oversight Panel on September 30, 2010; pursuant to the provisions of Public Law 99-498, by the President pro tempore, the appointment of Sharon Wurm of Nevada, vice Clare Cotton of Massachusetts, to the Advisory Committee on Student Financial Assistance on October 5, 2010.

The Chair, on behalf of the majority leader, pursuant to provisions of Public Law 110-343, appoints the following individual as a member of the Congressional Oversight Panel: EDWARD E. KAUFMAN of Delaware, vice Elizabeth Warren of Massachusetts.

The Chair, on behalf of the President pro tempore, pursuant to Public Law 99-498, as amended by Public Law 110-315, appoints the following individual to the Advisory Committee on Student Financial Assistance: Sharon Wurm of Nevada, vice Clare Cotton of Massachusetts.

ORDERS FOR WEDNESDAY, NOVEMBER 17, 2010

Mr. WYDEN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, November 17; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that following any leader remarks the Senate proceed to a period of morning business until 11 a.m., with the time equally divided and controlled between the two leaders or their designees, with Senator HARKIN controlling 15 minutes, Senator DODD controlling 15 minutes, and Senator MIKULSKI controlling 5 minutes of the majority time; further, that at 11 a.m. the Senate resume consideration of the motion to proceed to S. 3815, the Promoting Natural Gas and Electric Vehicles Act of 2010, and the Senate immediately proceed to vote on the motion to invoke cloture on the motion to proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WYDEN. Mr. President, Senators should expect the first vote of the day to begin at approximately 11 a.m. That will be the cloture vote on the motion to proceed to the Promoting Natural Gas and Electric Vehicles legislation. If cloture is not invoked, the Senate would proceed immediately to a cloture vote on the motion to proceed to S. 3772, the paycheck fairness bill. If cloture is again not invoked, there would be a third cloture vote on the motion to proceed to S. 510, the food safety bill. Therefore, Senators should expect up to three rollcall votes to begin around 11 a.m.

ADJOURNMENT UNTIL WEDNESDAY, NOVEMBER 17, 2010, AT 9:30 A.M.

Mr. WYDEN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 5:53 p.m., adjourned until Wednesday, November 17, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

SUE KATHRINE BROWN, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MONTENEGRO.

PAMELA L. SPRATLEN, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KYRGYZ REPUBLIC.

DAVID LEE CARDEN, OF NEW YORK, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

ERIC G. POSTEL, OF WISCONSIN, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE JACQUELINE ELLEN SCHAFER, RESIGNED.

OVERSEAS PRIVATE INVESTMENT CORPORATION

ROBERTO R. HERENCIA, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2012, VICE PATRICK J. DURKIN, TERM EXPIRED.

JAMES A. TORREY, OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2010, VICE DIANNE I. MOSS, TERM EXPIRED.

JAMES A. TORREY, OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2013. (REAPPOINTMENT)

FEDERAL HOUSING FINANCE AGENCY

JOSEPH A. SMITH, JR., OF NORTH CAROLINA, TO BE DIRECTOR OF THE FEDERAL HOUSING FINANCE AGENCY FOR A TERM OF FIVE YEARS. (NEW POSITION)

MARINE MAMMAL COMMISSION

FRANCES M.D. GULLAND, OF CALIFORNIA, TO BE A MEMBER OF THE MARINE MAMMAL COMMISSION FOR A TERM EXPIRING MAY 13, 2012, VICE VERA ALEXANDER, TERM EXPIRED.

DEPARTMENT OF JUSTICE

TIMOTHY J. FEIGHERY, OF NEW YORK, TO BE CHAIRMAN OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR A TERM EXPIRING SEPTEMBER 30, 2012, VICE MAURICIO J. TAMARGO, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. MICHELLE D. JOHNSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. BRETT T. WILLIAMS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. JAMES M. HOLMES

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. WAYNE E. LEE

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. MICHAEL D. BARBERO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL FERRITER

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. MANUEL ORTIZ, JR.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. RODNEY J. BARHAM

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL ROBERT B. ABRAMS
BRIGADIER GENERAL ALLISON T. AYCOCK
BRIGADIER GENERAL PETER C. BAYER, JR.
BRIGADIER GENERAL JAMES C. BOOZER, SR.
BRIGADIER GENERAL JEFFREY S. BUCHANAN
BRIGADIER GENERAL GARY H. CHEEK
BRIGADIER GENERAL KENDALL P. COX
BRIGADIER GENERAL WILLIAM T. CROSBY
BRIGADIER GENERAL ANTHONY G. CRUTCHFIELD
BRIGADIER GENERAL PETER N. FULLER
BRIGADIER GENERAL WILLIAM K. FULLER
BRIGADIER GENERAL WALTER M. GOLDEN, JR.
BRIGADIER GENERAL PATRICK M. HIGGINS
BRIGADIER GENERAL FREDERICK B. HODGES
BRIGADIER GENERAL ANTHONY R. IERARDI
BRIGADIER GENERAL RICHARD C. LONGO
BRIGADIER GENERAL ALAN R. LYNN
BRIGADIER GENERAL DAVID L. MANN

BRIGADIER GENERAL BRADLEY W. MAY
BRIGADIER GENERAL LLOYD MILES
BRIGADIER GENERAL MARK A. MILLEY
BRIGADIER GENERAL JENNIFER L. NAPPER
BRIGADIER GENERAL JOHN W. NICHOLSON, JR.
BRIGADIER GENERAL RAYMOND P. PALUMBO
BRIGADIER GENERAL GARY S. PATTON
BRIGADIER GENERAL MARK W. PERRIN
BRIGADIER GENERAL WILLIAM E. RAPP
BRIGADIER GENERAL THOMAS J. RICHARDSON
BRIGADIER GENERAL FREDERICK S. RUDESHEIM
BRIGADIER GENERAL BENNET S. SACOLICK
BRIGADIER GENERAL FRANK D. TURNER III
BRIGADIER GENERAL KEVIN R. WENDEL
BRIGADIER GENERAL LARRY D. WYCHE

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. KENNETH J. GLUECK, JR.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. GERALD R. BEAMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

MATTHEW R. FOMBY

THE FOLLOWING NAMED OFFICER FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 744:

To be captain

RONNY L. JACKSON

HOUSE OF REPRESENTATIVES—Monday, November 15, 2010

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. JACKSON of Illinois).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 15, 2010.

I hereby appoint the Honorable JESSE L. JACKSON, Jr. to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord our God, You are the beginning and the end; the same yesterday, today and forever. Be with all Members in the final weeks of this 111th Congress. Knowing Your faithful presence to all creation, may they graciously enter into this end time with resignation and hopeful resolve.

As the brilliant colors of autumn fade, Lord, we are quite aware the trees themselves are planting seeds for future growth. Increased moisture and the blanket of fallen leaves will create an atmosphere that incubates fragile nature until another season bursts forth with the surprise of new life.

May debate in Congress lead to lasting truth; and compromise unite all the elements necessary for a peaceful transition into the next cycle of history.

Amidst the clamor of rhetoric, Your Word stands still in judgment. In the broken and the fallen, Your compassion abounds, because You are the source of life and love, both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) come forward and lead the House in the Pledge of Allegiance.

Mrs. CHRISTENSEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 30, 2010.
Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 30, 2010 at 11:14 a.m.:

That the Senate passed with amendments H.R. 1061.

That the Senate passed with an amendment H.R. 1722.

That the Senate passed S. 685.

That the Senate passed S. 3794.

That the Senate agreed to S. Con. Res. 52.

That the Senate agreed to S. Con. Res. 72.

That the Senate agreed to S. Con. Res. 74.

That the Senate passed S. 2847.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 30, 2010.
Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 30, 2010 at 11:13 a.m.:

That the Senate passed without amendment H.R. 6200.

That the Senate passed without amendment H.R. 4543.

That the Senate passed without amendment H.R. 5341.

That the Senate passed without amendment H.R. 5390.

That the Senate passed without amendment H.R. 5450.

That the Senate passed without amendment H. Con. Res. 319.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bills were signed by the Speaker on Thursday, September 30, 2010:

H.R. 946, to enhance citizen access to Government information and services by establishing that Government documents issued to the public must be written clearly, and for other purposes;

H.R. 2701, to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes;

H.R. 3219, to amend title 38, United States Code, and the Servicemembers Civil Relief Act to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes;

H.R. 3940, to clarify the availability of existing funds for political status education in the Territory of Guam, and for other purposes;

H.R. 4543, to designate the facility of the United States Postal Service located at 4285 Payne Avenue in San Jose, California, as the "Anthony J. Cortese Post Office Building";

H.R. 5341, to designate the facility of the United States Postal Service located at 100 Orndorf Drive in Brighton, Michigan, as the "Joyce Rogers Post Office Building";

H.R. 5390, to designate the facility of the United States Postal Service located at 13301 Smith Road in Cleveland, Ohio, as the "David John Donafee Post Office Building";

H.R. 5450, to designate the facility of the United States Postal Service located at 3894 Crenshaw Boulevard in Los Angeles, California, as the "Tom Bradley Post Office Building";

H.R. 6200, to amend part A of title XI of the Social Security Act to provide for a 1-year extension of the authorizations for the Work Incentives Planning and Assistance program and the Protection and Advocacy for Beneficiaries of Social Security program;

S. 3397, to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes;

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

S. 3729, to authorize the programs of the National Aeronautics and Space Administration for fiscal years 2011 through 2013, and for other purposes and the Speaker signed on Friday, October 1, 2010:

H.R. 3619, to authorize appropriations for the Coast Guard for fiscal year 2011, and for other purposes;

S. 1510, to transfer statutory entitlements to pay and hours of work authorized by laws codified in the District of Columbia Official Code for current members of the United States Secret Service Uniformed Division from such laws to the United States Code, and for other purposes;

S. 3196, to amend the Presidential Transition Act of 1963 to provide that certain transition services shall be available to eligible candidates before the general election;

S. 3751, to amend the Stem Cell Therapeutic and Research Act of 2005;

S. 3802, to designate a mountain and icefield in the State of Alaska as the "Mount Stevens" and "Ted Stevens Icefield", respectively.

COMMUNICATION FROM THE HONORABLE JEAN SCHMIDT, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable JEAN SCHMIDT, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 6, 2010.

Hon. NANCY PELOSI
Speaker, House of Representatives,
Washington, DC.

DEAR MADAME SPEAKER: This is to notify you formally, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for documents issued by the Court of Common Pleas, Clermont County, Ohio.

After consultation with counsel, I will make the determinations required by Rule VIII.

Sincerely,

JEAN SCHMIDT,
Member of Congress.

COMMUNICATION FROM PRESS SECRETARY, THE HONORABLE TOM MCCLINTOCK, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Bill George, Press Secretary, the Honorable TOM MCCLINTOCK, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 13, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules of the House of Representatives, that I have received a criminal trial subpoena for witness testimony, issued by the State of California, Placer County, Superior Court.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

BILL GEORGE,
Press Secretary.

COMMUNICATION FROM DISTRICT DIRECTOR, THE HONORABLE TOM MCCLINTOCK, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Rocky Deal, District Director, the Honorable TOM MCCLINTOCK, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 13, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules of the House of Representatives, that I have received a criminal trial subpoena for witness testimony, issued by the State of California, Placer County, Superior Court.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

ROCKY DEAL,
District Director.

COMMUNICATION FROM DISTRICT OFFICE MANAGER, THE HONORABLE TOM MCCLINTOCK, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Kathryn Jean Arts, District Office Manager, the Honorable TOM MCCLINTOCK, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 13, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules of the House of Representatives, that I have received a criminal trial subpoena for witness testimony, issued by the State of California, Placer County, Superior Court.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

KATHRYN JEAN ARTS,
District Office Manager.

COMMUNICATION FROM CONSTITUENT SERVICES DIRECTOR, THE HONORABLE TOM MCCLINTOCK, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Danielle Constantini, Constituent Services Director, the Honorable TOM MCCLINTOCK, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 15, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules of the House of Representatives, that I have received a criminal trial subpoena for witness testimony, issued by the State of California, Placer County, Superior Court.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

DANIELLE COSTANTINI,
Constituent Services Director.

COMMUNICATION FROM PRESS SECRETARY, THE HONORABLE TOM MCCLINTOCK, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Bill George, Press Secretary, the Honorable TOM MCCLINTOCK, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 1, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules of the House of Representatives, that I have received a criminal trial subpoena for witness testimony, issued by the State of California, Placer County, Superior Court.

After consulting with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

BILL GEORGE,
Press Secretary.

COMMUNICATION FROM DISTRICT DIRECTOR, THE HONORABLE TOM MCCLINTOCK, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Rocky Deal, District Director, the Honorable TOM MCCLINTOCK, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 1, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules of the House of Representatives, that I have received a criminal trial subpoena for witness testimony, issued by the State of California, Placer County, Superior Court.

After consulting with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

ROCKY DEAL,
District Director.

COMMUNICATION FROM COMMUNITY OUTREACH DIRECTOR, THE HONORABLE TOM MCCLINTOCK, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Norman Gonzales, Community Outreach Director, the Honorable TOM MCCLINTOCK, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 1, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules of the House of Representatives, that I have received a criminal trial subpoena for witness testimony, issued by the State of California, Placer County, Superior Court.

After consulting with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

NORMAN GONZALES,
Community Outreach Director.

COMMUNICATION FROM FIELD REPRESENTATIVE, THE HONORABLE TOM MCCLINTOCK, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Charles Ross Branch, Field Representative, the Honorable TOM MCCLINTOCK, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 1, 2010.

Hon. NANCY PELOSI
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules of the House of Representatives, that I have received a criminal trial subpoena for witness testimony, issued by the State of California, Placer County, Superior Court.

After consulting with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

CHARLES ROSS BRANCH,
Field Representative.

□ 1410

COMMUNICATION FROM CONSTITUENT SERVICES DIRECTOR, THE HONORABLE TOM MCCLINTOCK, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Danielle Costantini, Constituent Services Director, the Honorable TOM MCCLINTOCK, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 1, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules

of the House of Representatives, that I have received a criminal trial subpoena for witness testimony, issued by the State of California, Placer County, Superior Court.

After consulting with the Office of General Counsel, I will make the determination required by Rule VIII.

Sincerely,

DANIELLE COSTANTINI,
Constituent Services Director.

COMMUNICATION FROM DISTRICT OFFICE MANAGER, THE HONORABLE TOM MCCLINTOCK, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Kathryn Jean Arts, District Office Manager, the Honorable TOM MCCLINTOCK, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 1, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules of the House of Representatives, that I have received a criminal trial subpoena for witness testimony, issued by the State of California, Placer County, Superior Court.

After consulting with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

KATHRYN JEAN ARTS,
District Office Manager.

COMMUNICATION FROM CASEWORK ASSISTANT, THE HONORABLE TOM MCCLINTOCK, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Ameria Fowler, Case-work Assistant, the Honorable TOM MCCLINTOCK, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 1, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules of the House of Representatives, that I have received a criminal trial subpoena for witness testimony, issued by the State of California, Placer County, Superior Court.

After consulting with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

AMERIA FOWLER,
Casework Assistant.

COMMUNICATION FROM DISTRICT OFFICE CASEWORK MANAGER, THE HONORABLE JOHN BOCCIERI, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Cathie DeFazio, District Office Casework Manager, the Honorable JOHN BOCCIERI, Member of Congress:

CONGRESSMAN JOHN BOCCIERI,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 3, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for deposition testimony and documents issued by the Court of Common Pleas, Stark County, Ohio in connection with a domestic relations case now pending before that court.

After consultation with the Office of General Counsel, I will make the determinations required by House Rule VIII.

Sincerely,

CATHIE DEFazio,
District Office Casework Manager.

COMMUNICATION FROM THE HONORABLE TED POE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable TED POE, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 3, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules of the House of Representatives, that I have received a subpoena for documents issued by the United States District Court for the Southern District of Texas.

After consulting with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

TED POE,
Member of Congress, Texas.

MAKING IN ORDER CONSIDERATION OF VETO MESSAGE ON H.R. 3808

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that when a veto message on H.R. 3808 is laid before the House on this legislative day, then after the message is read and the objections of the President are spread at large upon the Journal, further consideration of the veto message and the bill shall be postponed until the legislative day of Wednesday, November 17, 2010; and that on that legislative day, the House shall proceed to the constitutional question of reconsideration and dispose of such question without intervening motion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

HOOR OF MEETING ON TOMORROW

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. tomorrow for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 8, 2010.

Hon. NANCY PELOSI,
The Speaker, The Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit H.R. 3808, the "Interstate Recognition of Notarization Act of 2010," and a Memorandum of Disapproval thereon received from the White House on October 8, 2010, at 12:55 p.m.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

INTERSTATE RECOGNITION OF NOTARIZATIONS ACT OF 2010— VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-152)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

MEMORANDUM OF DISAPPROVAL

It is necessary to have further deliberations about the possible unintended impact of H.R. 3808, the "Interstate Recognition of Notarizations Act of 2010," on consumer protections, including those for mortgages, before the bill can be finalized. Accordingly, I am withholding my approval of this bill. (The Pocket Veto Case, 279 U.S. 655 (1929)).

The authors of this bill no doubt had the best intentions in mind when trying to remove impediments to interstate commerce. My Administration will work with them and other leaders in Congress to explore the best ways to achieve this goal going forward.

To leave no doubt that the bill is being vetoed, in addition to withholding my signature, I am returning H.R. 3808 to the Clerk of the House of Representatives, along with this Memorandum of Disapproval.

BARACK OBAMA.
THE WHITE HOUSE, October 8, 2010.

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the veto message and the bill will be printed as a House document.

Pursuant to the order of the House of today, further consideration of the veto message and the bill are postponed until the legislative day of

Wednesday, November 17, 2010, and that on that legislative day, the House shall proceed to the constitutional question of reconsideration and dispose of such question without intervening motion.

THE U.S. VIRGIN ISLANDS ARE FLOODED

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, the national media ignored it, so I want the Nation to know of the devastating floods that occurred in the U.S. Virgin Islands in the last few weeks. First there were the dangerous mudslides, caused by Earl and Otto, that trapped residents and undermined the foundations of homes in St. John. But even worse were last week's rains, remnants of Tomas which caused unprecedented flooding that overcame bridges and storm drainage systems in a matter of hours, shutting down roads, washing away vehicles, stranding residents, flooding offices, schools and homes, and devastating the historic west end of St. Croix.

Police and rescue personnel risked their own lives assisting those trapped in homes and stranded on flooded roadways. The floods claimed the life of one St. Croix woman, Ms. Rita Stinson. Our heartfelt condolences are extended to her family and many friends. Thank you to our police, rescue, the Coast Guard, and all who assisted in the search for Rita, the rescue of our residents, and emergency cleanup.

Today damage assessments begin, but we need a disaster declaration because the cost of repairs and mitigation will be in the millions. Colleagues, as I ask you to join in prayers for Ms. Stinson and those who lost homes and property, I ask for your support to repair the damage and meet the needs of my community in the wake of this disaster.

HURRICANE HITS WASHINGTON, D.C.

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, my district is in hurricane alley. Since I've been elected to Congress, we've had five hurricanes: Katrina, Rita, Humberto, Gustav, and Ike. Hurricane season is over in southeast Texas, but hurricane season came late this year to D.C. And as I predicted in September, the fall forecast in Washington was for gale-force winds.

And sure enough, the hurricane hit D.C. on November 2. We warned them. We told them all about the hurricane warning signs. We even gave them an evacuation plan: Stop spending trillions of taxpayer dollars. Say "no" to

nationalized health care. Stop the government takeover of everything that moves. Stop the taxes, and quit borrowing money from the Chinese. And most importantly, listen to the American people. But they didn't listen, and a hurricane named after the American people blew through town. And it was a category 5, with 63 electoral casualties. The elites and big government control gang have sown the wind, and now they are reaping the whirlwind.

And that's just the way it is.

WELCOME BACK

(Mr. CONYERS asked and was given permission to address the House for 1 minute.)

Mr. CONYERS. I wanted to welcome Judge POE back after the hurricanes that he predicted. And there's nothing more gracious than starting off the session with an "I told you so" lecture. And so I am going to be remembering everything that the gentleman said and try to take it to heart as much as I can.

□ 1420

CONGRESSIONAL OVERSIGHT

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, as we've heard, a new Congress was elected 2 weeks ago. But now the American people are anxious because the old Congress is back in town to finish the unfinished business. And to be sure, there are some things that need to be taken care of; but what remains of this Congress must be careful not to overstep its bounds.

We saw what happened with the passage of a deeply, deeply unpopular health care law. That repeal vote needs to come quickly in the next Congress; and, quite honestly, it can't come quickly enough.

But as long as we're here, as long as we're here doing the people's business, how about if we exercised some of that famous congressional oversight and asked some of the heads of the Federal agencies to come into the relevant committees and talk about what their plans are for implementation of these rules in the health care law?

What about these new Federal agencies that are being created even as we speak with new office space being rented and personnel being hired?

What about these waivers that, over the last 2½ weeks, have just snowballed out of the White House, and what about the health exchanges that even now our State legislatures are being asked to create?

Oversight was eliminated by the last Congress; it will not be overlooked by the next.

THE AMERICAN PEOPLE HAVE SPOKEN

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, after a year of having their requests for job creation policies fall on deaf ears, the American people have not only spoken; they've been finally heard.

When it came to job creation, the American people made it perfectly clear they are no longer willing to play the waiting game. For 15 straight months over 14 million citizens have been without jobs. Despite these dismal numbers, liberal leaders in Congress continue to push for more strangling regulations and more government spending.

I believe this is a new day, with a new way forward, including extending tax cuts and passing tax relief for all Americans, while providing the incentives to business to create jobs.

It is now time to get the economy rolling, get people back to work, and get rid of Washington's runaway spending.

In conclusion, God bless our troops, and we will never forget September 11th in the global war on terrorism.

Best wishes for a speedy recovery to Specialist Joseph Deloach and Specialist Jeremiah Ashley, wounded warriors and American heroes whom I visited today receiving world-class care at Walter Reed Army Medical Center.

TAX UNCERTAINTY COULD HURT CHARITABLE GIVING

(Mr. PAULSEN asked and was given permission to address the House for 1 minute.)

Mr. PAULSEN. Mr. Speaker, Americans donate their time and resources to charitable organizations not only because of their generosity, but because they know that these actions will help enhance our communities, improve opportunities for our children, and create higher standards of living for our neighbors.

As our economy continues to stagnate, we need to do all that we can to help these charities who provide services for communities all over this country.

That's why today I want to remind my colleagues that January is fast approaching, and that means the largest tax increases in American history are just around the corner. With the traditional season of giving well under way, tax uncertainty is causing individual and corporate charitable donors to think twice before opening their wallets; and that's, in turn, worrying many charities across this country in their greatest time of need.

Mr. Speaker, it is time that this Congress take action and address this issue on behalf of all Americans.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6 p.m. today.

PROVIDING FOR CONSIDERATION OF H.R. 5566 AND THE SENATE AMENDMENT THERETO

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1712) providing for consideration of the bill H.R. 5566 and the Senate amendment thereto.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1712

Resolved, That upon the adoption of this resolution, the House shall be considered to have taken from the Speaker's table the bill H.R. 5566 and amendment of the Senate thereto, and to have concurred in the amendment of the Senate to the text with an amendment as follows: in lieu of the matter proposed to be inserted by the Senate, insert the following:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Animal Crush Video Prohibition Act of 2010'.

"SEC. 2. FINDINGS.

"The Congress finds the following:

"(1) The United States has a long history of prohibiting the interstate sale, marketing, advertising, exchange, and distribution of obscene material and speech that is integral to criminal conduct.

"(2) The Federal Government and the States have a compelling interest in preventing intentional acts of extreme animal cruelty.

"(3) Each of the several States and the District of Columbia criminalize intentional acts of extreme animal cruelty, such as the intentional crushing, burning, drowning, suffocating, or impaling of animals for no socially redeeming purpose.

"(4) There are certain extreme acts of animal cruelty that appeal to a specific sexual fetish. These acts of extreme animal cruelty are videotaped, and the resulting video tapes are commonly referred to as 'animal crush videos'.

"(5) The Supreme Court of the United States has long held that obscenity is an exception to speech protected under the First Amendment to the Constitution of the United States.

"(6) In the judgment of Congress, many animal crush videos are obscene in the sense that the depictions, taken as a whole—

"(A) appeal to the prurient interest in sex;

"(B) are patently offensive; and

"(C) lack serious literary, artistic, political, or scientific value.

"(7) Serious criminal acts of extreme animal cruelty are integral to the creation, sale, distribution, advertising, marketing, and exchange of animal crush videos.

"(8) The creation, sale, distribution, advertising, marketing, and exchange of animal

crush videos is intrinsically related and integral to creating an incentive for, directly causing, and perpetuating demand for the serious acts of extreme animal cruelty the videos depict. The primary reason for those criminal acts is the creation, sale, distribution, advertising, marketing, and exchange of the animal crush video image.

"(9) The serious acts of extreme animal cruelty necessary to make animal crush videos are committed in a clandestine manner that—

"(A) allows the perpetrators of such crimes to remain anonymous;

"(B) makes it extraordinarily difficult to establish the jurisdiction within which the underlying criminal acts of extreme animal cruelty occurred; and

"(C) often precludes proof that the criminal acts occurred within the statute of limitations.

"(10) Each of the difficulties described in paragraph (9) seriously frustrates and impedes the ability of State authorities to enforce the criminal statutes prohibiting such behavior.

"SEC. 3. ANIMAL CRUSH VIDEOS.

"(a) IN GENERAL.—Section 48 of title 18, United States Code, is amended to read as follows:

"§ 48. Animal crush videos

"(a) DEFINITION.—In this section the term "animal crush video" means any photograph, motion-picture film, video or digital recording, or electronic image that—

"(1) depicts actual conduct in which 1 or more living non-human mammals, birds, reptiles, or amphibians is intentionally crushed, burned, drowned, suffocated, impaled, or otherwise subjected to serious bodily injury (as defined in section 1365 and including conduct that, if committed against a person and in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242); and

"(2) is obscene.

"(b) PROHIBITIONS.—

"(1) CREATION OF ANIMAL CRUSH VIDEOS.—It shall be unlawful for any person to knowingly create an animal crush video, if—

"(A) the person intends or has reason to know that the animal crush video will be distributed in, or using a means or facility of, interstate or foreign commerce; or

"(B) the animal crush video is distributed in, or using a means or facility of, interstate or foreign commerce.

"(2) DISTRIBUTION OF ANIMAL CRUSH VIDEOS.—It shall be unlawful for any person to knowingly sell, market, advertise, exchange, or distribute an animal crush video in, or using a means or facility of, interstate or foreign commerce.

"(c) EXTRATERRITORIAL APPLICATION.—Subsection (b) shall apply to the knowing sale, marketing, advertising, exchange, distribution, or creation of an animal crush video outside of the United States, if—

"(1) the person engaging in such conduct intends or has reason to know that the animal crush video will be transported into the United States or its territories or possessions; or

"(2) the animal crush video is transported into the United States or its territories or possessions.

"(d) PENALTY.—Any person who violates subsection (b) shall be fined under this title, imprisoned for not more than 7 years, or both.

"(e) EXCEPTIONS.—

"(1) IN GENERAL.—This section shall not apply with regard to any visual depiction of—

“(A) customary and normal veterinary or agricultural husbandry practices;

“(B) the slaughter of animals for food; or

“(C) hunting, trapping, or fishing.

“(2) GOOD-FAITH DISTRIBUTION.—This section shall not apply to the good-faith distribution of an animal crush video to—

“(A) a law enforcement agency; or

“(B) a third party for the sole purpose of analysis to determine if referral to a law enforcement agency is appropriate.

“(f) NO PREEMPTION.—Nothing in this section shall be construed to preempt the law of any State or local subdivision thereof to protect animals.”

“(b) CLERICAL AMENDMENT.—The item relating to section 48 in the table of sections for chapter 3 of title 18, United States Code, is amended to read as follows:

“48. Animal crush videos.”

“(c) SEVERABILITY.—If any provision of section 48 of title 18, United States Code (as amended by this section), or the application of the provision to any person or circumstance, is held to be unconstitutional, the provision and the application of the provision to other persons or circumstances shall not be affected thereby.

“SEC. 4. PAYGO COMPLIANCE.

“The budgetary effects of this Act, for purposes of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ‘Budgetary Effects of PAYGO Legislation’ for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendments between the Houses.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on House Resolution 1712.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker and Members, I am happy to start off this part of our session with this resolution that provides that the House concur in the Senate amendments to H.R. 5566, with an amendment.

With this resolution, we are adopting nearly all of the Senate’s amendments to our House-passed bill addressing the very important subject of animal crush videos.

I emphasize that the reason this resolution doesn’t adopt the Senate-passed bill in its entirety is due to concerns that criminalizing attempts and conspiracies in this area creates a serious constitutional concern about prior re-

straint of speech. And as chair of the Judiciary Committee, I hold myself open to the discussion or inquiries of any Member of the House about the constitutional aspect of the remark I just made.

We need to remember that the history of this bill is thus: the prior law that we passed was struck down as unconstitutional by the Supreme Court, and that’s why we are here doing it again. We think we’ve got it right this time.

As a strong supporter of this bill, and of the law, I have tried to make sure that we pass a constitutional bill. To stop crush videos, we need a law that stays on the books, and that’s what this resolution will do.

The underlying subject is one that we have discussed previously. In summary, there is a market for videotapes and still photographs depicting, typically, small animals being slowly crushed to death. Don’t ask me about the psychiatric make-up of people in our society that go in for this sort of thing. But it’s, unfortunately, a reality.

We adopted a bill in 1999 which became a law intended to ban the creation, sale, and possession of the depiction of such acts. They became known as crush videos. But in April, the Supreme Court, in *United States v. Stevens*, invalidated the statute. The Court held that the law was overbroad and violated the Constitution’s First Amendment.

The chairman of the Subcommittee on Crime, Chairman BOBBY SCOTT of Virginia, held a hearing in May and heard from some good witnesses who all agreed that a narrower legislative approach would be constitutional and survive court challenges.

The bill that we passed was narrower than the original law. The most important difference is that the bill would only prohibit the sale of crush videos that are obscene. This would likely address the key flaw in the original statute because obscenity is outside the protection of the First Amendment to the Constitution.

In September, the Senate took up H.R. 5566 and amended it. The Senate version also used the same approach that we did to such obscene depictions. The only difference is that the Senate bill prohibits the creation of crush videos, which I believe is acceptable because it includes an interstate commerce requirement.

However, that provision and the prohibitions on distributing crush videos, domestically or outside the United States, include prohibitions on attempts and conspiracies which would, in effect, impose punishment equal to that resulting from a completed offense. This is particularly problematic with respect to the creation of expressive materials, no matter how little redeeming value they may have.

□ 1430

We should not enact a prohibition on activity or discussions about creating materials which, as yet not completed, may or may not turn out to be obscene. Justice Potter Stewart explained the problem with describing when something is obscene in *Jacobellis v. Ohio* by saying, “I know it when I see it.”

Until an image is completed, there is no way to know that it will be obscene. Once completed, then it can be prosecuted as such. Therefore, the version of the bill before the House today adopts every change that the Senate proposed, except the problematic part concerning attempts and conspiracies.

The bill we passed was a strong and constitutional measure addressing the problem of crush videos, and the bill now before us is no less effective with these changes, and so I urge support of the bill.

I particularly commend a member of the Judiciary Committee, ELTON GALLEGLY, and my colleague from Michigan, GARY PETERS, who both have worked in an effort to enact legislation addressing the problem.

I reserve the balance of my time.

Mr. POE of Texas. I yield myself such time as I may consume.

Mr. Speaker, this resolution provides for consideration of legislation to prohibit the creation and sale of so-called “animal crush videos.” These videos depict small animals being slowly crushed to death by women using their bare feet or while wearing high heels.

The FBI, the U.S. Department of Education, and the U.S. Department of Justice consider animal cruelty to be one of the early warning signs of potential violence by youths.

All 50 States and the District of Columbia have laws banning acts of animal cruelty such as these portrayed in those videos. However, animal crush videos often do not reveal the identity of those involved, making it difficult for States to prosecute the perpetrators for the underlying animal cruelty. Federal legislation is necessary to address the interstate sale and distribution of these videos, which is often beyond the reach of many States. Federal penalties will serve as an additional deterrent to those who engage in this behavior.

H.R. 5566, the Animal Crush Video Prohibition Act of 2010, responds to the Supreme Court’s recent decision in *U.S. v. Stevens*, which invalidated the Federal animal cruelty statute codified at 18 U.S.C., Section 48.

Originally enacted in 1999, with broad bipartisan support, the statute attempted to address animal cruelty, including crush videos. The law was successful in virtually eliminating the market for those videos. In light of the Supreme Court’s decision, however, the animal crush video industry has re-emerged.

H.R. 5566, sponsored by Mr. GALLEGLY and Mr. PETERS, responds to the Stevens decision by specifically criminalizing only animal crush videos. The bill limits this new criminal offense to only obscene material. The Supreme Court has recognized Congress' authority to regulate obscene material as a category of unprotected speech under the First Amendment. The legislation also specifically omits customary and normal veterinary videos, and any depiction of slaughtering, hunting, trapping of animals for food. With this added safeguard for hunters, I support this legislation.

The House of Representatives passed this bipartisan legislation by a vote of 416-3 on July 31 of this year. In September, the Senate approved a revised bill to expand the prohibition to include the creation and noncommercial distribution of animal crush videos, including those videos created overseas but distributed in the United States.

Today we have the opportunity to send the bill to the President's desk and put an end to the revived animal crush industry. Unfortunately, this resolution does not do that; instead, it removes any culpability for those who attempt to make these videos and reduces penalty for coconspirators. By sending the bill back to the Senate today, we guarantee the animal crush legislation probably will not be completed by this Congress and that the animal crush market will continue to grow with little fear of prosecution. It is my hope this outstanding issue can be resolved quickly, however, so that our efforts to curb the proliferation of animal crush videos in this Congress will be successful.

I reserve the balance of my time.

Mr. CONYERS. I yield to our distinguished colleague from Oregon, EARL BLUMENAUER, for such time as he may consume.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this bill, and I appreciate the expeditious work of the committee bringing this legislation forward.

Mr. CONYERS. Will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from Michigan.

Mr. CONYERS. I just wanted to congratulate Judge POE on his comments about the bill. I agree with him. But let's keep hope alive that the other body will not fail us at this moment with so few days left.

Mr. BLUMENAUER. Reclaiming my time, I appreciate the opportunity to speak. I appreciate the quick turnaround. It is a little frustrating. I admire the persistence of our friend, Mr. GALLEGLY. It has been my pleasure to have worked with him for over a decade on this legislation. We thought we had it taken care of when it was woven into the farm bill of 2002. Unfortun-

nately, as has been referenced, the Supreme Court decision earlier this year created a problem and brought the problem right back.

It was a pleasure to join again with Mr. GALLEGLY, Mr. PETERS, and Mr. MORAN and others, as a broad bipartisan group introduced the legislation that same week in an attempt to narrow the scope of the ban and ensure that it met the First Amendment standards. I think we have reached the point where we have done that.

I am a little frustrated, as I know people who care deeply about this legislation, that it seems to go back and forth on something where there is broad bipartisan awareness, agreement, and, certainly with the general public, that people ought not to profit out of torturing animals. This is, as is referenced, illegal virtually everywhere. It is disturbing in terms of what happens. And it isn't just issues of animal cruelty. Research has shown that the people who are involved with this despicable trade, both in terms of the dissemination and use of it, are much more likely to engage in other criminal acts.

I am hopeful that at this point we might be able to bring this to a conclusion, to be able to pass this legislation to provide these protections, to get this out of the stream of commerce and be able to provide the protections that the public expects us to provide. We were given an opportunity from the Supreme Court to be able to narrowly craft a response. I think legislatively we have done that. I am hopeful that we can act expeditiously, passing this today and working with the Senate to make sure that it is enacted into law and we meet this objective.

Mr. POE of Texas. I yield back the balance of my time.

Mr. GALLEGLY. Mr. Speaker, I strongly support H.R. 5566, which would stop the sale of animal crush videos.

Nearly everyone agrees that Congress must stop the creation and distribution of animal crush videos, which graphically depict the abuse and killing of animals. In 1999, legislation I introduced to prohibit crush videos was signed into law by President Bill Clinton. This bill effectively shut down the crush video industry. Unfortunately, after the Supreme Court ruling that struck down this law as too broad, however, crush videos came back on the market.

H.R. 5566 passed the House July 20, 2010, by a 416-3 vote. The Senate passed a slightly modified version in September by unanimous consent. But instead of passing the Senate version, the House passed a resolution agreeing to the Senate version but with an amendment.

The House amendment would strip language that makes it a federal crime, punishable by up to seven years in jail, to attempt or conspire to create or distribute a crush video. Under current statute, it is already a federal crime to conspire to violate any federal criminal law, with punishment up to five years in jail.

Given the few remaining days left in this session of Congress, I am concerned that after the House passes this legislation, the Senate will not consider this bill once again and crush videos will continue to proliferate.

I look forward to working with my friends on both sides of the aisle to enact a new law to ban crush videos as soon as possible.

Mr. CONYERS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the resolution, H. Res. 1712.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING GAIL ABARBANEL AND THE RAPE TREATMENT CENTER

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 716) recognizing Gail Abarbanel and the Rape Treatment Center, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 716

Whereas in a study conducted by the Department of Justice and the Centers for Disease Control and Prevention, researchers found that 1 in 6 women are victims of rape or attempted rape;

Whereas on average, a person is sexually assaulted in the United States every 2½ minutes;

Whereas Gail Abarbanel, the founder and director of the Rape Treatment Center at the Santa Monica-UCLA Medical Center, created the Fast Track Forensics Program, an innovative program that speeds up the processing of DNA evidence to assist local law enforcement agencies;

Whereas delays in processing rape kits hamper investigations, jeopardize public safety, and result in lost justice for the victims who report their rape to the police and consent to the 4- to 6-hour rape kit collection process;

Whereas the Rape Treatment Center is nationally recognized for its exemplary treatment, education, and prevention programs; and

Whereas the work of Gail Abarbanel and the Rape Treatment Center helps sexual assault victims become whole again by addressing the social, emotional, and physical pain resulting from the violence of sexual assault: Now, therefore, be it

Resolved, That the House of Representatives—

(1) applauds Gail Abarbanel for founding the Rape Treatment Center and creating the Fast Track Forensics Program;

(2) commends the Rape Treatment Center for its work in providing the necessary services to victims of sexual assault;

(3) calls upon local law enforcement agencies and State legislatures to work towards eliminating the delays in processing rape

kits by utilizing innovative programs such as the Fast Track Forensics Program; and

(4) urges the Congress to support programs that facilitate the timely processing of DNA evidence to assist local law enforcement agencies.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

□ 1440

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. I yield myself such time as I may consume.

Mr. Speaker, Gail Abarbanel is the director of the Santa Monica UCLA Medical Center's nationally known Rape Treatment Center. In 1974, the center became one of the first hospitals in the United States for establishing a protocol for treating victims of sexual assault. Today, under the leadership of Ms. Abarbanel, the Rape Treatment Center serves as a national model for its exemplary treatment, education, and prevention programs.

She is also responsible for innovative programs such as the Stuart House for sexually abused children and the Verna Harrah Clinic to provide state-of-the-art medical care and forensic exams to rape victims. She was a driving force behind efforts to change the way rape and other sexual crimes are viewed in society and how victims are treated by law enforcement officials and medical personnel, and, most importantly, the judicial system itself.

I commend Representative PATRICK KENNEDY for introducing this resolution to recognize Ms. Abarbanel's groundbreaking work on behalf of sexual assault victims.

I urge Members to support the resolution.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to support House Resolution 716, which commends Gail Abarbanel for her dedication to advancing forensic sciences and reducing the DNA evidence backlog. Ms. Abarbanel is the founder of the Rape Treatment Center at the Santa Monica UCLA Medical Center, where she established the Fast Track Forensics Program.

I would like to thank a good friend and colleague, PATRICK KENNEDY, for his sponsorship of this bill, as well as for his longstanding dedication to peo-

ple in need. His compassion for others will be remembered and missed after he leaves Congress later this year.

One of the most significant issues facing the criminal justice system today is the substantial backlog of unanalyzed DNA samples and biological evidence from crime scenes. This issue is particularly urgent in sexual assault and murder cases.

The Fast Track Forensics Program was developed by Gail Abarbanel to help crime laboratories speed up the processing of DNA evidence. This in turn gives local law enforcement agencies a headstart on bringing criminals to justice.

DNA evidence is important in cases where a suspect has been identified and proof is needed to link the suspect to a crime scene or victim. It is equally important in cases where there is no suspect. In a case without a suspect, DNA from the crime scene or the victim can be compared to offender profiles in DNA databases in an effort to identify and apprehend the perpetrator. DNA technology that improves the analysis process is increasingly vital to ensure accuracy and fairness in the criminal justice system.

In 2008, Congress reauthorized the Debbie Smith DNA Backlog Grant Program, which provides Federal grants to States to help fund initiatives such as the Fast Track Forensics Program. Programs designed to help alleviate DNA backlogs are imperative in ensuring that this forensic evidence is preserved, tested, and used in criminal cases to bring violent offenders to justice. Congress must continue its commitment to assisting backlog initiatives. This is especially true for rape and sexual assault cases.

In the United States, a person is sexually assaulted every 2½ minutes. According to the Rape, Abuse and Incest National Network, the Nation's largest anti-sexual assault organization, one of every six American women will be the victim of an attempted or actual rape in her lifetime. With the use of DNA, our State and local law enforcement agencies and officials can bring these attackers to justice.

The development of programs such as the Fast Track Forensics Program is important to our criminal justice system. I urge my colleagues to support this resolution.

I yield back the balance my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

I want to congratulate the author of this resolution, Mr. PATRICK KENNEDY, and also his original cosponsors, Mrs. McMORRIS RODGERS, Mr. WAXMAN, Mr. SCHIFF, Mr. SHERMAN, Ms. MATSUI, Mr. BERMAN, Mr. Wexler and Ms. ROSA DELAUNO. I think this is an excellent resolution. I thank the ranking member for his remarks.

Mr. KENNEDY. Mr. Speaker, I rise today in honor of H. Res. 716, a resolution recognizing

the crucial services provided through the Rape Treatment Center, RTC, at Santa Monica-UCLA Medical Center and to honor Gail Abarbanel, the founder and director of the RTC.

The Rape Treatment Center, RTC, is nationally recognized for its exemplary treatment, education, and prevention programs, and has provided expert care for over 35,000 sexual assault victims. According to the latest statistics, one person is sexually assaulted in the United States every 2½ minutes. While an attack can occur in an instant, the social and emotional trauma can last a lifetime. The RTC, and the work of Gail Abarbanel, provide crucial insight to understanding that sexual assault victims suffer long after the assault has occurred. Her work and the work of the Center helps these individuals fully recover, addressing the social, emotional and physical pain resulting from such violence.

In many states DNA evidence processing suffers delays of up to 6 months to a year, hampering investigations and jeopardizing public safety. These untested rape kits represent lost justice for the victims who reported their rape to the police, and consented to the 4-to-6 hour rape kit collection process.

In response to the delays suffered by victims in her own state, Ms. Abarbanel created a pilot program called the Fast Track Forensics Program, FTF. Through the FTF Program, the RTC has partnered with California's state DNA laboratory for immediate processing and then possible identification within the state and Federal DNA offender databases. This has resulted in processing that takes approximately 4 days.

I encourage my colleagues to join me today in commending the important work of Gail Abarbanel and the Rape Treatment Center, along with emphasizing the need to eliminate the delays in testing rape kits through innovative programs such as the FTF Program.

Mr. CONYERS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the resolution, H. Res. 716.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONYERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

INTERNATIONAL ADOPTION SIMPLIFICATION ACT

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1376) to restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague Convention on Intercountry Adoption to allow their admission to the United States.

The Clerk read the title of the bill.
The text of the bill is as follows:

S. 1376

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as “International Adoption Simplification Act”.

SEC. 2. EXEMPTION FROM VACCINATION DOCUMENTATION REQUIREMENT.

Section 212(a)(1)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)(C)(ii)) is amended by striking “section 101(b)(1)(F),” and inserting “subparagraph (F) or (G) of section 101(b)(1);”.

SEC. 3. SIBLING ADOPTIONS.

Section 101(b)(1)(G) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(G)) is amended to read as follows:

“(G)(i) a child, younger than 16 years of age at the time a petition is filed on the child’s behalf to accord a classification as an immediate relative under section 201(b), who has been adopted in a foreign state that is a party to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, done at The Hague on May 29, 1993, or who is emigrating from such a foreign state to be adopted in the United States by a United States citizen and spouse jointly or by an unmarried United States citizen who is at least 25 years of age, Provided, That—

“(I) the Secretary of Homeland Security is satisfied that proper care will be furnished the child if admitted to the United States;

“(II) the child’s natural parents (or parent, in the case of a child who has one sole or surviving parent because of the death or disappearance of, abandonment or desertion by, the other parent), or other persons or institutions that retain legal custody of the child, have freely given their written irrevocable consent to the termination of their legal relationship with the child, and to the child’s emigration and adoption;

“(III) in the case of a child having two living natural parents, the natural parents are incapable of providing proper care for the child;

“(IV) the Secretary of Homeland Security is satisfied that the purpose of the adoption is to form a bona fide parent-child relationship, and the parent-child relationship of the child and the natural parents has been terminated (and in carrying out both obligations under this subclause the Secretary of Homeland Security may consider whether there is a petition pending to confer immigrant status on one or both of such natural parents); and

“(V) in the case of a child who has not been adopted—

“(aa) the competent authority of the foreign state has approved the child’s emigration to the United States for the purpose of adoption by the prospective adoptive parent or parents; and

“(bb) the prospective adoptive parent or parents has or have complied with any pre-adoption requirements of the child’s proposed residence; and

“(ii) except that no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this chapter; or

“(iii) subject to the same provisos as in clauses (i) and (ii), a child who—

“(I) is a natural sibling of a child described in clause (i), subparagraph (E)(i), or subparagraph (F)(i);

“(II) was adopted abroad, or is coming to the United States for adoption, by the adoptive parent (or prospective adoptive parent) or parents of the sibling described in clause (i), subparagraph (E)(i), or subparagraph (F)(i); and

“(III) is otherwise described in clause (i), except that the child is younger than 18 years of age at the time a petition is filed on his or her behalf for classification as an immediate relative under section 201(b).”.

SEC. 4. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) EXCEPTION.—An alien who is described in section 101(b)(1)(G)(iii) of the Immigration and Nationality Act, as added by section 3, and attained 18 years of age on or after April 1, 2008, shall be deemed to meet the age requirement specified in subclause (III) of such section if a petition for classification of the alien as an immediate relative under section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1151(b)) is filed not later than 2 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and add extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. I yield myself such time as I may consume.

Mr. Speaker, this measure, the International Adoption Simplification Act, corrects two problems and inconsistencies with respect to adoptions of foreign children by United States citizen parents.

The bill would harmonize age requirements for children subject to inter-country adoptions, irrespective of whether the child’s home country is a signatory to the Hague Convention on Intercountry Adoptions.

Currently, the law contains two age requirements related to the adoption of foreign children. The general rule is that an adoption must be finalized before the child turns 16 in order for the child to qualify for legal status in the United States. The law also provides an exception to this age requirement for the siblings of such an adopted child. This exception, meant to keep siblings together where possible, provides that the sibling of an adopted child may also get legal status in the United States as long as the sibling’s adoption takes place before his or her 18th birthday.

Now, strangely enough, this exception is available only if the sibling comes from a country that has not

signed the Hague Convention. The exception is not available to siblings from signatory countries. Please do not ask me why this exists in the law. But Senate 1376 remedies this problem by expanding the sibling age exception to signatory countries. This will harmonize the law and allow adopted siblings to remain together, irrespective of whether the sending country is a signatory to the Hague Convention.

S. 1376 also harmonizes immunization requirements with respect to international adoptions. Currently the law requires adopted children to have certain vaccinations prior to arrival, but there is an exemption for children under 10 years of age if the adoptive parents certify that necessary vaccinations will be obtained within 30 days of entry. This exemption was enacted in 1997 by Congress to prevent parents from having to subject their children to numerous and sometimes unsafe immunizations in foreign nations, allowing them to safely immunize their children in the United States instead.

□ 1450

As with the age cut-off requirement, this exemption applies only to children adopted from countries that are not signatories to The Hague Convention. It doesn’t apply to children from signatory countries. And so, once again, the Senate bill fixes what could be called a nonsensical discrepancy by expanding the exemption to apply to all children, regardless of whether their own country is a signatory to The Hague Convention or not.

I want to thank LAMAR SMITH, our ranking member on Judiciary, and our subcommittee chair, ZOE LOFGREN of California, for their bipartisan support of this measure.

I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this bill which makes corrections to the implementation legislation for The Hague Convention on Intercountry Adoptions. Under current law, U.S. citizens can generally adopt foreign children and have those children considered immediate relatives for immigration purposes if the children are adopted while under the age of 16. However, adoptions are also allowed up to the age of 18 in instances in which the U.S. citizens are seeking to adopt an alien child after having already adopted a sibling of the child.

Unfortunately, the implementing legislation to The Hague Convention on Intercountry Adoptions did not include the latter provision. Therefore, the Immigration and Nationality Act’s provision allowing adoptions of siblings under the age of 18 does not apply to children adopted from countries that are signatories to The Hague Convention. This bill simply extends the provision to these sibling adoptions.

The bill also contains one other provision to The Hague Convention. Under current law, prospective immigrants have to be vaccinated against certain diseases before they can come to the United States. There is an exemption for adopted children if the children are 10 years of age or younger and the adoptive parents certify the children will receive the necessary vaccinations within 30 days of coming to the United States. This exemption was enacted in 1997 to ensure that parents don't have to subject children to often unsafe immunizations in foreign countries. However, the exemption does not apply to children adopted from countries that are signatories to The Hague Convention. The bill simply expands the exemption to cover children adopted from The Hague countries as well.

I urge my colleagues to support this legislation.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in strong support of S. 1376, "International Adoption Simplification Act." The aim of this bill is to amend the Immigration and Nationality Act to simplify the process of international adoptions, especially in situations where time is of the essence to ensure the health, safety, and wellbeing of the child.

First, I would like to thank my colleague Senator AMY KLOBUCHAR and her fellow Senate co-sponsors for introducing this important legislation that openly embraces children. There are ample reasons American citizens opt to adopt children from abroad and now we have legislation that will help expedite the process and decrease the burdensome bureaucracy.

The International Adoption Simplification Act will allow children in need of immediate adoption to become exempt from required admissions vaccination documentation. Children who have been adopted in a foreign country that is a signatory to the Hague Convention, or who are emigrating from such a country for U.S. adoption will be subjected to simplified adoption procedures.

This bill comes at a point in history where simplification of international adoption is necessary to save lives. Haiti is experiencing record outbreaks of cholera and other infectious diseases resulting from the earthquake, incidents of genocide are taking place in Darfur, and terrorist activity is at its peak. The ability to remove innocent children from harms way, into the safe homes of loving parents allows America to further its notion that children are indeed the future.

From this bill we can expect to see a surge in American adoptions globally, and a decrease in global child homelessness and poverty. By implementing this bill we are able to create jobs for government workers processing individual cases, child care providers, school teachers and many others who provide direct services aimed at youth.

I stand today with Senator AMY KLOBUCHAR and other members of Congress re-affirming my support of S. 1376. By enacting this legislation, we are able to boost the morale of frustrated parents who may have spent years in the adoptive process and provide children with stable homes, all the while, creating jobs in

communities at a time when they are needed the most.

Mr. Speaker, I ask my colleagues to join me in support of S. 1376.

Mr. POE of Texas. I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, S. 1376.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ADJUSTING TIME PERIODS FOR SERVICEMEMBERS ABROAD IN CASES REGARDING PERMANENT RESIDENT STATUS

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6396) to amend the Immigration and Nationality Act to toll, during active-duty service abroad in the Armed Forces, the periods of time to file a petition and appear for an interview to remove the conditional basis for permanent resident status.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I seek to withdraw the motion.

The SPEAKER pro tempore. The motion with respect to H.R. 6396 is withdrawn.

MARINE SERGEANT MICHAEL H. FERSCHKE, JR. MEMORIAL ACT

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6397) to amend section 101(a)(35) of the Immigration and Nationality Act to provide for a marriage for which the parties are not physically in the presence of each other due to service abroad in the Armed Forces of the United States.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6397

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Marine Sergeant Michael H. Ferschke, Jr. Memorial Act".

SEC. 2. MILITARY MARRIAGES LACKING PHYSICAL PRESENCE.

Section 101(a)(35) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(35)) is amended by inserting before the period at the end "(except for failure to consummate the marriage caused by physical separation due to the service abroad of one of the contracting parties in an active-duty status in the Armed Forces of the United States)".

SEC. 3. COMPLIANCE WITH PAYGO.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill before the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker and Members, the Marine Sergeant Michael Ferschke, Jr. Memorial Act, introduced by Representative JOHN DUNCAN, is a simple but, I think, important measure that will help active duty members of our Armed Forces serving overseas—as well as their spouses. Under current immigration law, when a marriage takes place between two persons who cannot both be physically present during the ceremony, the marriage is deemed not valid until it is consummated. There are no exceptions to this provision, even in cases where it sometimes results in clear injustice. And so we learned about this legal requirement through the case of Sergeant Ferschke, a United States Marine stationed at Camp Schwab in Okinawa, Japan, who, in March of 2007, while on the base, met a Japanese woman named Hotaru Nakama at a birthday party for a mutual friend.

□ 1500

They dated for over a year before Sergeant Ferschke was deployed to

Iraq. Shortly before his departure, they learned that they were going to have a baby, and they spoke about getting married, moving back to the United States and raising a family together. Two months after Sergeant Ferschke arrived in Iraq, the couple was married through a ceremony conducted over the telephone; but 1 month later, Sergeant Ferschke tragically, in combat, gave the ultimate sacrifice.

The United States military recognizes this marriage, and Mrs. Ferschke has been assisted in raising their son by the payment of a death gratuity, but the marriage, itself, cannot be recognized under our immigration laws because it was never consummated after the marriage ceremony.

Now, this legislation doesn't entirely eliminate the consummation requirement. It simply eliminates the requirement for active duty members of our Armed Forces who are serving abroad by creating a narrow exception in cases where the failure to consummate the marriage is caused by a physical separation due to active duty military service abroad by one of the parties to the marriage. This is a reasonable provision that will provide some measure of support and comfort to members of our Armed Forces serving abroad.

So I commend our colleague JOHN DUNCAN for introducing this measure. It was championed by our Immigration Subcommittee chairwoman, ZOE LOFGREN, and our ranking member, LAMAR SMITH, and JIM MCGOVERN. I thank them for their strong bipartisan support of the measure.

I urge support of this measure, and I reserve the balance of my time.

Mr. POE of Texas. I yield myself such time as I may consume.

I support H.R. 6397, and I want to commend Mr. DUNCAN from Tennessee for introducing this legislation.

Mr. Speaker, under the Immigration and Nationality Act, if a U.S. citizen dies while serving honorably in an active duty status in the United States Armed Forces as a result of injury or disease incurred in or aggravated by combat, the citizen's alien spouse can still seek permanent residence as an immediate relative of a U.S. citizen. However, the INA also provides that the term "spouse" does "not include a spouse by reason of any marriage ceremony where the contracting parties thereto are not physically present in the presence of each other unless the marriage shall have been consummated."

This provision recently came to the attention of Congress through the case of Hotaru Ferschke. Mrs. Ferschke is the widow of late Marine Corps Sergeant Michael Ferschke. Hotaru was born in Okinawa, Japan, and met Sergeant Ferschke there in 2007 when he was stationed at Camp Schwab.

The couple dated for more than a year before he deployed to Iraq on

April 15, 2008. The couple learned that Hotaru was pregnant in March of 2008. They had planned to marry before she became pregnant. Mr. Ferschke and Hotaru were married by proxy via telephone on July 10, 2008, while Sergeant Ferschke was in Iraq. They were never able to see each other again after their marriage because Sergeant Ferschke was killed in the line of duty, in combat, on August 10, 2008.

According to the INA, the Ferschkes' marriage is not recognized for immigration purposes because it was never "consummated." However, the State Department and the Marine Corps both agree that the relationship was bona fide.

Today's legislation is designed to help Hotaru and other widows in this terrible situation. It provides an exception to the consummation requirement when the failure to consummate the marriage is attributable to physical separation due to the deployment overseas of one of the spouses in an active duty status in the United States Armed Forces.

I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased to recognize, for as much time as he may consume, our colleague from Massachusetts, JIM MCGOVERN.

Mr. MCGOVERN. I thank the chairman of the Judiciary Committee for yielding me the time and for his leadership on this issue. I also want to thank Congresswoman ZOE LOFGREN for her leadership.

Mr. Speaker, I am rising, basically, to praise my colleague from Tennessee, Representative DUNCAN. A few months ago, he came to the Rules Committee with this case, and he tried to amend a bill to be able to find a way to help turn this terrible tragedy into something that was reasonable so that this family could stay together and could stay here in the United States. Unfortunately, the measure was not germane to the bill that was pending before the Rules Committee, but he stuck with this issue, and I want to thank him for his perseverance because of this terrible tragedy where Sergeant Ferschke was killed in Iraq in August of 2008.

It was Sergeant Ferschke's intention that his wife would reside in the United States and that his child would be raised in the United States. Without this legislation, that would not be able to be the case. Without legislative action, Mrs. Ferschke would have been forced to return to Japan at the end of her B-2 tourist visa, and she would not have been able to raise her son here in the United States despite his United States citizenship. I think any reasonable person looking at this case believes that Mrs. Ferschke and her son should be able to stay here in the United States.

Congressman DUNCAN has helped to close this terrible loophole, so I just

want to rise and say that, without his perseverance, without his taking this case to heart and without his intervention, quite frankly, this terrible tragedy would be even worse for this family. I thank my colleague for his work on this issue.

I also thank the gentleman from Michigan for yielding to me. You know, we get up here and we always fight with each other on different issues, but here is a case where I think we can all come together for a common purpose and praise Representative DUNCAN from Tennessee for his work on this.

Mr. Speaker, I rise today in support of H.R. 6397.

Mr. Speaker, this is an important piece of legislation that fixes an unintended loophole in our immigration law that has caused additional heartache for the family of a Marine killed in action from Maryville, Tennessee.

In July 2008, U.S. Marine Corps Sergeant Michael Ferschke married the love of his life in Japan, where he was stationed. The couple was overjoyed to be expecting their first child at the time of their marriage.

Tragically, Sergeant Ferschke was killed in Iraq during combat just one month later in August 2008.

Since the birth of her son in January 2009, Sergeant Ferschke's widow, Hota, has been living in a constant state of uncertainty. Because Michael's death precluded the couple from consummating their proxy marriage—despite Hota's pregnancy at the time of the ceremony—the U.S. Department of Homeland Security does not recognize that they were legally married.

Hota has tried every legal means—and done everything right—to try to immigrate to the United States and raise their son as they had planned to do near Sgt. Ferschke's family in Tennessee.

Without legislative action, Ms. Ferschke will be forced to return to Japan at the end of her B2 tourist visa. If this comes to pass she will not be able to raise her son in the United States, despite his U.S. citizenship.

Michael and Hota had clear intentions to raise their family in Tennessee. Michael's tragic death should not prevent Hota from receiving the legal benefits, including citizenship, that other legal widows of American servicemen are entitled too.

I want to thank my friend, Congressman JIMMY DUNCAN, for his leadership on this issue and for bringing this loophole to our attention.

Mr. Speaker, I urge my colleagues to vote "yes" on H.R. 6397.

Mr. POE of Texas. Mr. Speaker, I yield such time as he may consume to the author of this bill, the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. First of all, I want to say thank you to my colleague from Massachusetts (Mr. MCGOVERN) for those very kind words and for his help on this. He has been very interested in this since my first appearance before the Rules Committee.

I also want to thank Chairman CONYERS. I want to thank Mr. POE, especially our colleague ZOE LOFGREN from

California, who has helped on this as well, Senator ALEXANDER in the other body, and Senator WEBB, a former marine, who has taken a great interest in this legislation.

Mr. Speaker, before we are Members for very long, we see things that we think would be impossible, things that somehow work out. We also see the opposite of that as we see some things that appear to be easy or simple that somehow turn into nightmares or serious problems. While this is something that, I think, almost everyone on both sides of the aisle who when they've heard about it have been supportive and helpful, it has been a difficult thing to reverse as to its technicality and to get this all worked out.

This legislation has been adequately described by the three prior speakers, but I will say that I also rise in support of H.R. 6397. Certainly, this is a tragic situation in which a young marine was killed in action in Iraq 1 month after his marriage to this young woman from Japan. Then, of course, a little bit later, as has been described, the young woman, Mrs. Hota Ferschke, gave birth to Sergeant Ferschke's child.

□ 1510

Sergeant Ferschke was then killed in Iraq, as Mr. MCGOVERN mentioned, during combat on August 10, 2008. Because Sergeant Ferschke's death prevented the couple from consummating their proxy marriage, the Department of Homeland Security does not recognize that the Ferschkes were legally married.

Then Mrs. Ferschke gave birth to Michael Ferschke, III, in Okinawa on January 7, 2009. She immediately registered her son's birth with the State Department, securing his U.S. citizenship.

After Sergeant Ferschke's death, Hota Ferschke filed a petition to immigrate to the U.S. In response to Hota Ferschke's petition, the DHS issued a denial of her petition, citing sections 1703 and 101(a)(35) of the Immigration and Nationality Act.

Sergeant Ferschke and Hota had intended to raise baby Michael in the U.S. where Michael could grow up with Sergeant Ferschke's family. This legislation would amend current immigration law so that DHS would recognize a proxy marriage between two individuals caused because of an active duty servicemember's deployment abroad.

This legislation will straighten out a tragic and sad situation for a woman and her child, and I think everyone sees the merit in this, or at least I hope they do, and I urge all of my colleagues to support this legislation.

Mr. POE of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I just want to commend not only JOHN DUNCAN and JIM MCGOVERN, but I think that this legislation and the energies

that went into its passage exemplify the fact that Members of this body work on small matters, as well as global and international concerns, but sometimes it goes unnoticed that in many of our offices, we're working on matters that are not of historic moment in terms of the history of this country but they're of enormous importance to the constituents for whom we serve. This example of cooperation of the whole House in bringing this matter to our attention and remedy is, I think, salutary and commendable, and I thank all of those that worked with JOHN DUNCAN on this.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 6397.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECOGNIZING THE 30TH ANNIVERSARY OF THE BAYH-DOLE ACT

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 328) expressing the sense of the Congress regarding the successful and substantial contributions of the amendments to the patent and trademark laws that were initially enacted in 1960 by Public Law 96-517 (commonly referred to as the "Bayh-Dole Act") on the occasion of the 30th anniversary of its enactment.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 328

Whereas Article I, Section 8, Clause 8, of the United States Constitution provides that Congress shall have Power "to promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries";

Whereas the United States Government is one of the largest funders of research in the world, but that research does not fully benefit American taxpayers unless it contributes new products and processes to the marketplace, thereby creating new companies and jobs, and solving societal problems;

Whereas the commercial development of discoveries and inventions falls upon private sector entrepreneurs, often requiring millions of dollars in development funding over many years, and even then commercial success is uncertain at best;

Whereas by enacting Public Law 96-517 (commonly referred to as the "Bayh-Dole Act") in 1980, Congress determined that a fundamental change was needed to implement a uniform Federal patent policy, restoring the intended incentives of Article I, Section 8, Clause 8 of the United States Constitution as it relates to federally funded research;

Whereas before the enactment of that Act, few inventions arising from the billions of taxpayer dollars granted each year to American research universities, nonprofit organizations, and Federal laboratories were being translated into commercial products of benefit to the public and the United States economy;

Whereas a critical factor in developing federally funded inventions into commercial products is the continued involvement of the inventor in the process, and Government patent policies before the enactment of the Bayh-Dole Act chilled the intended incentives of the patent system in this regard;

Whereas the ability to obtain a reliable patent license for commercial development is needed to justify private sector investments, and Government patent policies before the enactment of the Bayh-Dole Act made negotiating and obtaining such licenses difficult, if not impossible;

Whereas patent ownership of potentially important inventions is crucial in the formation of many start-up companies, which form vital parts of an innovation economy, and ownership rights were discouraged by Government patent policies before the enactment of the Bayh-Dole Act;

Whereas in 1984 Congress built upon the firm foundation of the Bayh-Dole Act by permitting, in Public Law 98-620, nonprofit organizations and universities to grant licenses during the entire patent term and also to provide uniform treatment under the Bayh-Dole Act of inventions produced by nonprofit organizations that operate Government-owned laboratories;

Whereas the Bayh-Dole Act has provided incentives for universities, nonprofit organizations, and small businesses to effectively manage inventions arising from Federal support as valuable resources on behalf of United States taxpayers;

Whereas the success of the Bayh-Dole Act became apparent with the creation and dominance of the United States biotechnology and information technology industries, that remain largely dependent on university research;

Whereas the Bayh-Dole Act has been widely recognized as a best practice and is now being adopted by other countries (both developed and developing) around the world to better integrate their own research universities into their economies in order to be more competitive;

Whereas objective examples of how the Bayh-Dole Act has not only benefitted the United States but has also created a better world include the creation of over 150 new drugs, vaccines, or in vitro devices, including the hepatitis B vaccine, cisplatin, carboplatin and taxol anticancer therapeutics, laser eye surgery devices, the Palmaz balloon expandable stent, and many more; and

Whereas economic activity spurred on by the Bayh-Dole Act include the formation of more than 6,500 new companies from the inventions created under the Act, an estimated contribution of \$450,000,000,000 to United States gross industrial output, and the creation of 280,000 new high technology jobs between 1999 and 2007: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) it is the sense of the Congress that—

(A) the Bayh-Dole Act (Public Law 96-517), as amended by Public Law 98-620, has made substantial contributions to the advancement of scientific and technological knowledge, fostered dramatic improvements in public health and safety, strengthened the

higher education system, led to the development of new domestic industries and hundreds of thousands of new private sector jobs, and benefitted the economic and trade policies of the United States; and

(B) that Act remains critical to the future well being of the United States;

(2) the Congress reaffirms both its support for this landmark legislation and the critical role that innovation, entrepreneurship, and job creation hold for the future of the United States, and its commitment to the policies and objectives of that Act; and

(3) the Congress shows its gratitude for the bipartisan leadership shown by Senators Birch Bayh and Robert Dole and Representatives Peter Rodino, Hamilton Fish, Robert Kastenmeier, Tom Railsback, Don Fuqua, and former Chairman and Ranking Minority members of the Senate Judiciary Committee, Edward Kennedy, and Strom Thurmond for securing the enactment of the Bayh-Dole Act, for strengthening it in 1984, and for providing unwavering support for the policies underlying that Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. I yield myself as much time as I may consume.

Mr. Speaker, this resolution recognizes the 30th anniversary of the Bayh-Dole Act, a landmark piece of legislation that reshaped the landscape of technological innovation in the United States by clarifying intellectual property rights in government-funded inventions.

What that means is that, prior to this act, our country was stuck in a form of economic malaise, and innovation was, frankly, stifled. The stiff international competition we faced at the time wasn't just a matter of Europe and Japan getting back on their feet. It was also a matter of them, frankly, outpacing us in technological development.

We knew we had to better harness all our innovation capacity, particularly the work being done at our research universities. At the time, policies mandated Federal Government ownership of patent rights for any research done with Federal funding. Since most university research had some sort of Federal funding, the universities had no say, and no stake, in the patent rights of their own research.

Then there were the rules in licensing what patents existed which were considered cumbersome and discouraged use by the private sector. The sit-

uation literally led to technologies being left on the shelf to gather dust, and we were falling behind in this area.

This bill of 30 years ago also revolutionized the way patent rights in university inventions were to be dealt with. The Bayh-Dole Act allowed universities to own patents, license them out to the private sector, and split royalties earned with professors and students who worked on the invention.

With the barriers to obtaining patent licenses removed, private investors could easily partner with federally funded research institutions and begin to develop groundbreaking innovations for commercial use.

This bill, this law, aligned the interests of universities and faculty and the private sector and thereby ushered in an unprecedented level of collaboration between these groups. It further channeled the imagination of our best and brightest to help make a better future for all of us.

So, in the last 30 years since Bayh-Dole, it has led to the creation of over 150 new pharmaceuticals and medical treatments, including a hepatitis B vaccine, cancer treatments, in vitro devices, the Palmaz balloon expandable stent, and many others.

Estimates tell us that Bayh-Dole has added at least \$450 billion to the United States' gross industrial output and that between 1999 and 2007 it created probably more than 280,000 new high-tech jobs.

The Bayh-Dole Act has been recognized around the world as a best practice and has served as a model for laws adopted by other Nations hoping to replicate the success that we had in our own country in building partnerships between federally funded researchers and private investors.

The Economist magazine called the Bayh-Dole Act "perhaps the most inspired piece of legislation to be enacted in America over the past half-century."

□ 1520

For those reasons, I urge that we celebrate the 30th anniversary passage of this very important piece of legislation.

I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself as much time as I may consume.

The purpose of H. Con. Res. 328 is to express the sense of Congress regarding the successful and substantial contributions of the Bayh-Dole Act on the occasion of the 30th anniversary of its enactment. The Act establishes the rules of the road governing patent rights when the Federal Government and private entities participate in joint research that produces patentable inventions. Article I, section 8, clause 8 of the United States Constitution provides Congress with the authority "to promote the Progress of Science and

useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries."

The drafters of the Constitution, however, couldn't have predicted that the Federal Government would one day become a catalyst for the development of advanced technologies. Prior to Bayh-Dole, the Federal Government permitted the private sector to commercialize less than 5 percent of the government's patent portfolio. As former Senator Robert Dole stated in 2005, the government's track record on promoting university-born technologies during the 1960s and 1970s was "dismal." The failure to capitalize on this important research delayed innovations that could have improved the quality of life for millions of Americans. What was the government doing wrong before 1980? Simply put, the government was focused on something else. At the time, at least 26 distinct Federal agency policies controlled how the federally funded research and development could be used.

Bayh-Dole fundamentally changed the government's patent policy by replacing helter-skelter licensing practices with a single uniform policy. This shift created the incentives that private industry, including small businesses, nonprofits, and universities, needed to risk their capital and develop patented inventions. Bayh-Dole has created a culture of cooperation and collaboration among government, university, and private-sector researchers. The act contributed to the commercial development of new industries such as biotechnology and nanotechnology.

In 2003, the President's Council of Advisers on Science and Technology affirmed the importance of Bayh-Dole by reporting that it dramatically improved the Nation's ability to move ideas from research and development to the marketplace and into commerce. This same organization determined that the system for transferring technology from nonprofit institutions, which includes universities, hospitals and government laboratories, to the private sector has worked very well.

H. Con. Res. 328 reaffirms Congress' commitment to the policies and objectives of Bayh-Dole. This Act has sparked 30 years of enhanced research and development within the United States, leading to dramatic improvements in public health and safety, a strengthened higher education system in the United States, and the development of new domestic industries that have created tens of thousands of highly skilled jobs for America's citizens. Mr. Speaker, Bayh-Dole illustrates how the government and private industry can work together for the good of the American people. I salute the authors of Bayh-Dole and reaffirm my commitment to this Act.

I yield back the balance of my time.
Mr. CONYERS. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 328.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONYERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

COPYRIGHT CLEANUP, CLARIFICATION, AND CORRECTIONS ACT OF 2010

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3689) to clarify, improve, and correct the laws relating to copyrights, as amended.

The Clerk read the title of the bill.

The text of the amendments is as follows:

Amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Copyright Cleanup, Clarification, and Corrections Act of 2010".

SEC. 2. REFERENCE.

Except as otherwise specifically provided, whenever in this Act a section or other provision is amended or repealed, such amendment or repeal shall be considered to be made to that section or other provision of title 17, United States Code.

SEC. 3. COPYRIGHT OFFICE PROCEDURES.

(a) DIRECTORY OF AGENTS OF SERVICE PROVIDERS.—Section 512(c)(2) is amended, in the matter following subparagraph (B), by striking "in both electronic and hard copy formats".

(b) RECORDATION OF DOCUMENTS.—Section 205(a) is amended by adding at the end the following: "A sworn or official certification may be submitted to the Copyright Office electronically, pursuant to regulations established by the Register of Copyrights."

SEC. 4. REPEAL OF EXPIRED PROVISIONS.

(a) REPEAL.—Section 601, and the item relating to such section in the table of sections for chapter 6, are repealed.

(b) CONFORMING AMENDMENTS.—

(1) CLERICAL AMENDMENT.—(A) The heading for chapter 6 is amended to read as follows:

"CHAPTER 6—IMPORTATION AND EXPORTATION".

(B) The item relating to chapter 6 in the table of chapters is amended to read as follows:

"6. Importation and Exportation 601".

(2) APPLICATION FOR COPYRIGHT REGISTRATION.—Section 409 is amended—

(A) in paragraph (9), by adding "and" after the semicolon;

(B) by striking paragraph (10); and

(C) by redesignating paragraph (11) as paragraph (10).

(c) INFRINGING IMPORTATION OR EXPORTATION.—The second sentence of section 602(b) is amended by striking "unless the provisions of section 601 are applicable".

SEC. 5. CLARIFICATIONS.

(a) CERTAIN DISTRIBUTIONS OF PHONORECORDS.—Section 303(b) is amended by striking "the musical work" and inserting "any musical work, dramatic work, or literary work".

(b) PROCEEDINGS OF COPYRIGHT ROYALTY JUDGES.—Section 803(b)(6)(A) is amended by striking the second sentence and inserting the following: "All regulations issued by the Copyright Royalty Judges are subject to the approval of the Librarian of Congress and are subject to judicial review pursuant to chapter 7 of title 5, except as set forth in subsection (d)."

(c) LICENSES FOR CERTAIN NONEXEMPT TRANSMISSIONS.—Section 114(f)(2)(C) is amended by striking "preexisting subscription digital audio transmission services or preexisting satellite digital radio audio services" and inserting "eligible nonsubscription services and new subscription services".

SEC. 6. TECHNICAL CORRECTIONS.

(a) DEFINITIONS.—Section 101 is amended—

(1) by moving the definition of "Copyright Royalty Judges" to follow the definition of "Copyright owner";

(2) by moving the definition of "motion picture exhibition facility" to follow the definition of "Literary works"; and

(3) by moving the definition of "food service or drinking establishment" to follow the definition of "fixed";

(b) LICENSES FOR WEBCASTING.—Section 114(f)(2)(B) is amended in the fourth sentence, in the matter preceding clause (i), by striking "Judges shall base its decision" and inserting "Judges shall base their decision".

(c) SATELLITE CARRIERS.—Section 119(g)(4)(B)(vi) is amended by striking "the examinations" and inserting "an examination".

(d) REMEDIES FOR INFRINGEMENT.—Section 503(a)(1)(B) is amended by striking "copies of phonorecords" and inserting "copies or phonorecords".

(e) RETENTION OF COPIES IN COPYRIGHT OFFICE.—Section 704(e) is amended, in the second sentence, by striking "section 708(a)(10)" and inserting "section 708(a)".

(f) CORRECTION OF INTERNAL REFERENCES.—(1) Section 114(b) is amended by striking "118(g)" and inserting "118(f)".

(2) Section 504(c)(2) is amended by striking "subsection (g) of section 118" and inserting "section 118(f)".

(3) Sections 1203(c)(5)(B)(i) and 1204(b) are each amended by striking "118(g)" and inserting "118(f)".

(g) PRO-IP ACT.—Section 209(a)(3)(A) of Public Law 110-403 is amended by striking "by striking 'and 509'" and inserting "by striking 'and section 509'".

(h) TRADEMARK TECHNICAL AMENDMENTS ACT.—Section 4(a)(1) of Public Law 111-146 is amended by striking "by corporations attempting" and inserting "the purpose of which is".

(i) TRAFFICKING.—Section 2318(e)(6) of title 18, United States Code, is amended by striking "under section" and inserting "under this subsection".

Amend the title so as to read: "An Act to clarify, improve, and correct the laws relating to copyrights, and for other purposes."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the measure under discussion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. I yield myself as much time as I may consume.

Mr. Speaker, this measure, entitled the Copyright Cleanup, Clarification, and Corrections Act, is a common-sense, proactive response to unintended errors and confusion in copyright law. This bill updates and improves the way the Copyright Office conducts its business by making some changes, mainly streamlining the copyright registry process by authorizing the Copyright Office to accept electronic signatures when users file documents. It also eliminates the requirement that the Copyright Office keep a hard copy of a directory they already make available to the public online. This hard copy has taken over several shelves in their office but is seldom consulted by the public.

The measure before us also clarifies some ambiguities in the copyright code. For example, in 1997, Congress amended the copyright code to clarify that copyright owners do not forfeit their rights in a work if they distributed it prior to 1978 without a copyright notice. However, while Congress made this fix for musical works distributed by phonograph, it neglected to specifically identify dramatic and literary works that were also distributed by phonograph. We make that correction in this bill before us. Finally, it corrects in this measure a number of technical errors, just dotting the I's and crossing the T's. I support the legislation. I commend the committee that worked on it.

I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

The copyright bill before us today is an important housekeeping measure that contains largely technical and clarifying amendments to title 17 of the United States Code. For the few changes that are more substantive in nature, they are noncontroversial and are recognized as improvements to a code that is all too often perceived as complex.

S. 3689, the Copyright Cleanup, Clarification, and Corrections Act of 2010, was originally introduced and passed by the other body on the 2nd day of August. Since that time, the House Committee on the Judiciary has worked in

a bipartisan manner to consider the measure and to incorporate modest improvements to the bill.

While I expect the majority to detail most of the bill's provisions, I do want to note some significant provisions, including an important change from the measure that passed the other body in August. That change is in the deletion of language contained in section 4(a) that would amend the Copyright Act to permit the owner of an exclusive right to sublicense that right or further transfer it if the original copyright owner had not expressly prohibited these actions in a prior written agreement.

This provision raised a number of concerns among copyright owners who feared that those who had relied on a prior judicial decision in the case of *Gardner v. Nike* might be disadvantaged by such a change. In recognition of these serious concerns, both the chairman and ranking member agreed this issue ought not be addressed in this measure.

□ 1530

Another substantive improvement that is worth noting is contained in section 5(b) of the bill, as amended. That provision makes clear that regulations issued by the copyright royalty judges are to be approved by the Librarian of Congress and subject to review of Federal courts.

This bill also contains one amendment to trademark as opposed to copyright law. That amendment, which is contained in section 6(h), amends a study requirement that was included in Public Law 111-146, the Trademark Technical Amendments Act, earlier this year.

In closing, the purpose of S. 3689, the Copyright Cleanup, Clarification, and Corrections Act of 2010, is to make modest but needed changes to the Copyright Act. I urge my colleagues to suspend the rules and pass the bill with the amendments contained herein.

I yield back the balance of my time.

Mr. CONYERS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, S. 3689, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONYERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING THE 50TH ANNIVERSARY OF SCHOOL DESEGREGATION BY RUBY BRIDGES

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1713) recognizing the 50th anniversary of Ruby Bridges desegregating a previously all-White public elementary school.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1713

Whereas, on May 17, 1954, the United States Supreme Court announced in *Brown v. Board of Education* (347 U.S. 483) that, "in the field of education, the doctrine of 'separate but equal' has no place";

Whereas the *Brown* decision recognized as a matter of law that the segregation of public schools deprived students of the equal protection of the laws under the Fourteenth Amendment to the Constitution of the United States;

Whereas in 1960, six years after the landmark *Brown v. Board of Education* decision, the promise of access and equality within the realm of education remained unfilled in New Orleans, Louisiana, and throughout much of the Nation;

Whereas in 1960, the National Association for the Advancement of Colored People (NAACP) contacted Ruby Bridges' family to solicit her participation in the integration of New Orleans public schools;

Whereas six years after the *Brown* decision, on November 14, 1960, Ruby Bridges, at the age of six, was the first African-American child to integrate the previously all-White William Frantz Elementary School;

Whereas Ruby Bridges courageously took the first step into a desegregated future made possible by the Supreme Court's historic ruling in the *Brown* decision;

Whereas Ruby Bridges was the only student in her class for an entire year, taught by the only remaining teacher, Mrs. Barbara Henry, after the other teachers and students withdrew from the school in a gesture of disapproval of desegregation;

Whereas Ruby Bridges was a pioneer in the movement for an integrated public education system that afforded equal educational opportunities to all, regardless of race;

Whereas in the face of verbal abuse and unveiled bigotry, Ruby Bridges exhibited the courage and equanimity of a person many times her age;

Whereas Norman Rockwell's *The Problem We All Live With* offers a depiction of Ruby Bridges' uncanny resolve and singularity of purpose in the face of adversity as she attended her first day of school;

Whereas Ruby Bridges' story is symbolic of the victorious dismantling of school segregation, as well as the full and equal participation in United States society to which all citizens are entitled;

Whereas the significance of Ruby Bridges' actions have been acknowledged with numerous awards and recognitions, including the Presidential Citizens Medal awarded by President William Jefferson Clinton in 2001; and

Whereas Ruby Bridges was among the first in a line of civil rights pioneers that paved the way for the eventual desegregation of all public schools in the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 50th anniversary of Ruby Bridges desegregating a previously all-White public elementary school;

(2) encourages people in the United States to recognize the historical importance of the desegregation of elementary schools and Ruby Bridges, who not only secured integration for William Frantz Elementary School, but hundreds of thousands of schools across the Nation; and

(3) commits itself, in the wake of recent challenges, to continuing the legacy of *Brown v. Board of Education* by protecting and advancing equal educational opportunity for all.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself as much time as I may consume.

This resolution is to recognize and honor the 50th anniversary of Ruby Bridges, who helped desegregate a previously all-white public elementary school. This is the 50th anniversary, yesterday, actually, of the integration of the William Frantz public school located in New Orleans, Louisiana.

I had the pleasure of meeting Ruby Bridges once, and she's a very impressive lady. On November 14, 1960, she became the first African American student to attend the school, and one of the first African American students to integrate an elementary school in the South.

My commendation goes to our colleague, the great civil rights leader, JOHN LEWIS of Georgia, for offering this resolution that commemorates this significant occasion.

In recognizing this civil rights and education milestone, I want to point out that the success of the civil rights movement itself was due in large part to the resolve of young people, men and women of all races and backgrounds, who were courageous enough to take a stand against racial injustice in America.

The famous artist, Norman Rockwell, caught this in a famous painting of this little 6-year-old girl escorted into the school by United States marshals, a girl only seeking a decent and equitable education. Little did she probably know that she would be making history. But she wanted to go to school. She wanted to learn. And she had no idea that there were people and forces

that would stand in her way and do everything in their power to make sure that her simple personal objective would not be accomplished.

And so the incredible thing that is the reaction against this attempt of a first grader was so complete that she was the only member in her class that semester. And by the time she got to the sixth grade, this elementary school was finally integrated.

Now, this realized the promise of the 1954 case that we're all familiar with, *Brown v. The Board of Education*, and the separate but equal realm of education. And it's worth observing, and to have our history brought back to us by this great colleague of Dr. Martin Luther King, JOHN LEWIS, whose heroic courage as a young man himself is yet another chapter in this remarkable history of America turning around a long history of segregated practices in America.

The success of the Montgomery bus boycott, led by my dear friend, Rosa Parks, and the late Dr. Martin Luther King, Jr. was the foundation upon which Ruby Bridges could begin school at William Frantz Elementary. And her actions on November 14, 1960, served as the foundation for even further achievements yet to come.

And so following her first day of the first grade, the 1960 sit-in movement and the civil rights activity that followed called attention to segregated lunch counters and public facilities, not only in the South, but throughout the country. And so later that year, during the freedom rides, segregated restaurants and waiting areas in interstate bus terminals were successfully challenged.

And so this all culminated into what?

Well, the Civil Rights Act of 1964 and the Voting Rights Act of 1965, and the Fair Housing Act of 1968.

And so Ruby Bridges continues her struggle today. She's working to ensure that the school she integrated is an institution that affords children of all races a quality education.

And the struggle of JOHN LEWIS continues today as now, at the Federal level. He helps create and implement the laws that started not so many years ago when this 6-year-old began her quest for a fair and just and equal society, not only in the realm of education, but in all America to make it a real democracy.

Mr. Speaker, I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself as much time as I may consume.

I want to thank Representative JOHN LEWIS, the gentleman from Georgia, for authoring this legislation and for his long, long work, many years in the civil rights movement, along with the chairman, for bringing this legislation to the House floor and his work in the civil rights movement.

This resolution recognizes and honors the 50th anniversary of Ruby Bridges. Now, unlike the chairman, I think 50 years was a long time ago, but maybe it wasn't. But it was 50 years any way you look at it since Ruby Bridges played a role in desegregating a previously all-white public elementary school in the South.

□ 1540

I was in elementary school at the same time she was, but not the same school having been in Texas and going to school there.

In 1954, this all started when the United States Supreme Court made possible desegregation of American schools in *Brown v. Board of Education*. Six years later, Ruby Bridges, an African American child, a first grader, would help further the goal of the Court's decision in *Brown v. Board of Education*.

Sometimes we have to leave it up to the kids to get things done. In this case, it was a first grader, a 6-year-old in elementary school who just wanted to go to school, and she was determined to get an education.

In 1960, she had started to attend William Frantz Elementary School. It was an all-white school in New Orleans, Louisiana, in the New Orleans school system. She endured hateful crowds and threats to her physical safety. White parents initially pulled their kids out of the school, and only one teacher taught Bridges for more than a year.

Robert Coles, a child psychiatrist who provided counseling to this young girl, later wrote a book, a children's book called "The Story of Ruby Bridges," to educate other children about this child's role in desegregating not just one school but really, in essence, all the schools in the United States both in the South and the North.

The courage demonstrated by Bridges and her parents continues to serve as an inspiration for children and adults. After 50 years, her example still encourages us to uphold the principles of equality and respect in our own lives and in our own culture. I urge my colleagues to join me in supporting this resolution.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I would like to remind Judge POE that if he had been around during the Hayes-Tilden episode, 50 years wouldn't seem so long to him, either.

I now turn to JOHN LEWIS and yield him such time as he may consume.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend, the chairman, Mr. CONYERS, for bringing this resolution to the floor, and I want to thank Mr. POE for his support for this resolution. The two gentlemen are right.

Fifty years ago today, a brave African American, a 6-year-old girl, young

Ruby Bridges, walked bravely to the doors of the previously all-white William Frantz Elementary School in New Orleans, Louisiana.

It was not your typical first day of school. This little girl walked to her new school with her mother and armed Federal agents. She was not met with the smiles of schoolyard friends. She was met with screaming, angry mobs of people who did not want her to be there. In protest, parents withdrew every other student from her class. The only remaining teacher, Mrs. Barbara Henry, attended school each and every day to teach young Ruby.

Ruby Bridges was born the year that the United States Supreme Court handed down the historic *Brown v. Board of Education* decision. They struck down the doctrine of "separate but equal" schools. Yet, 6 years after that historic decision, Louisiana and much of the South had yet to make Brown's promise of equality a reality. It took courage, nothing but the raw courage of a little girl, to integrate the schools in Louisiana. In the face of verbal abuse, threats, and unveiled hatred, Ruby Bridges learned to drown out the shouts with her prayers.

Little did she know on that first day of school 50 years ago that her image, immortalized in the painting of Norman Rockwell, would symbolize the end of segregation in schools.

Her story is the story of our Nation. She paved the way for integrated public schools all across the United States.

Today, Mr. Speaker, I ask all of my colleagues to pause and recognize the 50th anniversary of Ruby Bridges' courageous walk to school. I encourage all of my colleagues and all Americans to reflect on the historic Brown decision and importance of desegregating of schools. I ask all of my colleagues to support this resolution and recommit ourselves to equality in education for all Americans.

Mr. POE of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. CAO), who not only is from Louisiana, he is from New Orleans, Louisiana.

Mr. CAO. Mr. Speaker, today I rise in support of this important resolution. I also congratulate my friend and colleague, Mr. LEWIS, for his leadership in bringing this to the floor today. I have the greatest pleasure of standing by Mr. LEWIS, and I value his friendship greatly.

In 1956, at a time when race relations were stressed in the South, the Orleans Parish School Board was ordered to develop a plan to desegregate its schools. After a 4-year delay, a plan designed by the United States Eastern District Court of Louisiana was ordered to be carried out.

It was at that moment that a young girl by the name of Ruby Bridges became one of the first black children to attend an integrated school.

Upon her arrival, every white parent came to remove their child from the elementary school Ms. Bridges was attending. All but one white teacher refused to teach, and it was that teacher who instructed Ruby in a room by herself for a full year.

This experience did not deter Ruby who not only completed her education, but went on to found the Ruby Bridges Foundation, which has a clear and profound message: To promote the value of tolerance, respect, and appreciation of all differences.

I was honored to meet Ms. Bridges in my New Orleans office last October. She is truly an extraordinary woman who has dedicated her life to service. At a time when my district is still fighting to rebuild its schools and provide for a stable and safe environment for our children, I am thankful to have her as an inspiration for all in rebuilding our communities today, tomorrow, and beyond.

I am proud to note that as we reflect on a turning point in our Nation's history, it was the bravery of one New Orleanian who helped make it happen.

Mr. Speaker, I urge my colleagues to support this resolution honoring the 50th anniversary of Ruby Bridges.

Mr. CONYERS. I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I want to thank the chairman for bringing not just this legislation, but all the legislation that has been brought up today to the House floor, and to emphasize the point that he made: Good legislation, most important legislation, is bipartisan legislation. What most Americans don't realize, most legislation is bipartisan that is passed through this House, and it will continue to be so.

I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I am so glad that we were able to reveal this important part of American history, not just through our colleagues but through our countrymen. I share the spirit of the remarks of my friend on the Judiciary Committee, Judge POE.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 1713, "Recognizing and Honoring the 50th Anniversary of Ruby Bridges Desegregation of a Previously All-White Elementary School." Let me begin by thanking my colleague, Representative JOHN LEWIS, for introducing this legislation into the House of Representatives as it is important that we recognize the great strides of the minority citizens of this country.

In so doing, we remind America that she must never serve on her citizens the atrocities that occurred to the African-American under her watchful legal eye. This legislation celebrates the life of Ruby Bridges, born in Mississippi during a very turbulent era. It acknowledges a citizen's courageousness in holding America to the language of her landmark ruling—*Brown v. Board of Education*.

Ruby Bridges acknowledges that growing up for her presented a very hard life. Having

heard there were better opportunities in the city, Bridges moved along with her family, to New Orleans. While in New Orleans, the public schools were finally forced, under federal court order, to desegregate.

In the spring of 1960, Bridges took a test, along with other black kindergarteners in the city, to see if she would go to an integrated school come September. That summer she and her parents learned she passed the test and had been selected to start first grade at William Frantz Public School.

On the morning of November 14 federal marshals drove her and her mother the five blocks to William Frantz.

We applaud Ruby Bridges for her stalwart tenacity and her courage, at such a young age, to be an advocate for change in America.

Mr. CONYERS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the resolution, H. Res. 1713.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. CONYERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6 p.m. today.

Accordingly (at 3 o'clock and 50 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SCHAUER) at 6 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order: S. 3689; House Resolution 1713; and House Concurrent Resolution 328, in each case by the yeas and nays.

Proceedings on House Resolution 716 will resume later in the week.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

COPYRIGHT CLEANUP, CLARIFICATION, AND CORRECTIONS ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 3689) to clarify, improve, and correct the laws relating to copyrights, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 385, nays 0, answered "present" 1, not voting 46, as follows:

[Roll No. 566]

YEAS—385

Ackerman	Chaffetz	Garrett (NJ)
Aderholt	Chandler	Gerlach
Adler (NJ)	Childers	Giffords
Akin	Chu	Gohmert
Alexander	Clarke	Gonzalez
Altmire	Clay	Goodlatte
Andrews	Cleaver	Gordon (TN)
Austria	Coble	Granger
Baca	Coffman (CO)	Graves (GA)
Bachmann	Cohen	Graves (MO)
Bachus	Cole	Grayson
Baird	Conaway	Green, Al
Baldwin	Connolly (VA)	Green, Gene
Barrett (SC)	Conyers	Griffith
Barrow	Cooper	Grijalva
Bartlett	Costa	Guthrie
Barton (TX)	Costello	Hall (TX)
Bean	Courtney	Halvorson
Becerra	Crenshaw	Hare
Berkley	Critz	Harman
Berman	Crowley	Harper
Biggart	Cuellar	Hastings (FL)
Bilbray	Culberson	Hastings (WA)
Bilirakis	Cummings	Heller
Bishop (GA)	Dahlkemper	Hensarling
Bishop (NY)	Davis (CA)	Herger
Bishop (UT)	Davis (KY)	Herseth Sandlin
Blackburn	Davis (TN)	Higgins
Blumenauer	DeFazio	Hill
Blunt	DeGette	Himes
Bocchieri	DeLauro	Hinchee
Boehner	Dent	Hinojosa
Bonner	Deuth	Hodes
Bono Mack	Diaz-Balart, L.	Hoekstra
Boozman	Diaz-Balart, M.	Holden
Boren	Dicks	Holt
Boswell	Djou	Honda
Boucher	Doggett	Hoyer
Boustany	Donnelly (IN)	Hunter
Boyd	Doyle	Inglis
Brady (PA)	Dreier	Inslée
Brady (TX)	Drieaus	Israel
Braley (IA)	Duncan	Issa
Bright	Edwards (MD)	Jackson (IL)
Broun (GA)	Edwards (TX)	Jackson Lee
Brown (SC)	Ehlers	(TX)
Brown, Corrine	Ellison	Jenkins
Buchanan	Ellsworth	Johnson (GA)
Burgess	Emerson	Johnson, E. B.
Burton (IN)	Engel	Johnson, Sam
Butterfield	Eshoo	Jones
Buyer	Etheridge	Jordan (OH)
Calvert	Farr	Kagen
Camp	Fattah	Kanjorski
Campbell	Filner	Kaptur
Cantor	Flake	Kildee
Cao	Fleming	Kilpatrick (MI)
Capito	Forbes	Kilroy
Capuano	Fortenberry	Kind
Cardoza	Foster	King (IA)
Carnahan	Fox	King (NY)
Carson (IN)	Frank (MA)	Kingston
Carter	Franks (AZ)	Kirkpatrick (AZ)
Cassidy	Fudge	Kissell
Castle	Gallegly	Klein (FL)
Castor (FL)	Garamendi	Kline (MN)

Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)

Murphy (CT)
Murphy (NY)
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Oliver
Ortiz
Pallone
Pascrell
Paul
Paulsen
Pence
Perlmutter
Luján
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis (CO)
Posey
Price (GA)
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader

Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spratt
Stearns
Sutton
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Hall (NY)

NOT VOTING—46

Arcuri
Berry
Brown-Waite,
Ginny
Capps
Carney
Clyburn
Davis (AL)
Davis (IL)
Delahunt
Dingell
Fallin
Frelinghuysen
Gingrey (GA)
Gutierrez
Heinrich

Hirono
Johnson (IL)
Kennedy
Kirk
Lamborn
Larson (CT)
Lee (NY)
Maloney
Marchant
McDermott
Moran (VA)
Murphy, Patrick
Owens
Pastor (AZ)
Payne
Perriello

Platts
Pomeroy
Putnam
Rothman (NJ)
Rush
Sánchez, Linda
T.
Space
Speier
Stark
Stupak
Sullivan
Tanner
Taylor
Tiberi
Wolf

□ 1830

Mr. KING of New York changed his vote from "nay" to "yea."

Mr. HALL of New York changed his vote from "nay" to "present."

Mr. WU changed his vote from "present" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. HIRONO. Mr. Speaker, on rollcall No. 566, had I been present, I would have voted "aye."

RECOGNIZING 50TH ANNIVERSARY OF SCHOOL DESEGREGATION BY RUBY BRIDGES

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1713) recognizing the 50th anniversary of Ruby Bridges desegregating a previously all-White public elementary school, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 376, nays 0, not voting 56, as follows:

[Roll No. 567]

YEAS—376

Ackerman
Aderholt
Adler (NJ)
Akin
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Biggart
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccheri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)

Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capuano
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro

Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Djoui
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Fox
Frank (MA)
Franks (AZ)
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al

Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchee
Hinojosa
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslie
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Lynch

Mack
Maffei
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)

Mack
Maffei
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)

Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader

Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader

NOT VOTING—56

Alexander
Arcuri
Berman
Berry
Braley (IA)
Brown-Waite,
Ginny
Capps
Carney
Clyburn
Davis (AL)
Davis (IL)
Delahunt

Dingell
Fallin
Frelinghuysen
Gingrey (GA)
Gutierrez
Hastings (FL)
Heinrich
Hirono
Johnson (IL)
Kennedy
Kirk
Kratovil
Lamborn

Lee (NY)
Maloney
Marchant
McDermott
Moran (VA)
Owens
Pastor (AZ)
Payne
Perlmutter
Perriello
Platts
Pomeroy
Putnam

Rahall	Speier	Van Hollen
Rothman (NJ)	Stark	Waters
Rush	Stupak	Watson
Sánchez, Linda	Sullivan	Whitfield
T.	Tanner	Wolf
Schrader	Taylor	
Space	Tiberi	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1838

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

IN MEMORY OF FORMER U.S. CONGRESSMAN BILL HARSHA

(Mrs. SCHMIDT asked and was given permission to address the House for 1 minute.)

Mrs. SCHMIDT. Mr. Speaker, I rise today to report the passing of a very dear friend of this House and a former Member, Bill Harsha, who passed away at the age of 89 on October 11 of this year.

Bill was a friend of mine and a mentor. He served with distinction in what was then the Ohio Sixth Congressional District from 1961 to 1981, a period of 20 years. He was born in Portsmouth, Ohio. He graduated from Portsmouth High School in 1939 and from Kenyon College in 1943. He served honorably as a marine from 1942 to 1944.

He was admitted to the Ohio bar on March 6, 1947, and served as an assistant solicitor until 1951 when he was elected prosecutor. After serving in Congress, he returned to his law practice in 1986.

I am proud to have called Bill my friend and proud that I had his support when I decided to run for Congress.

He is survived by his wonderful wife, Rosemary, of 64 years and four sons and six grandchildren.

I would ask that the House observe a moment of silence for the passing of this great man.

The SPEAKER pro tempore. The Chair would ask all Members to rise for the purpose of a moment of silence.

MESSAGE FROM THE SENATE

A message from Ms. Curtis, one of its clerks, announced that the Senate has agreed to a joint resolution of the following title in which the concurrence of the House is requested:

S.J. Res. 40. Joint Resolution appointing the day for the convening of the first session of the One Hundred Twelfth Congress.

The message also announced that pursuant to Public Law 99-498, as amended by Public Law 110-315, the Chair, on behalf of the President pro tempore, appoints the following indi-

vidual to the Advisory Committee on Student Financial Assistance:

Sharon Wurm of Nevada vice Clare Cotton of Massachusetts.

The message also announced that pursuant to provisions of Public Law 110-343, the Chair, on behalf of the Majority Leader, appoints the following individual as a member of the Congressional Oversight Panel:

Edward E. Kaufman of Delaware vice Elizabeth Warren of Massachusetts.

RECOGNIZING THE 30TH ANNIVERSARY OF THE BAYH-DOLE ACT

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 328) expressing the sense of the Congress regarding the successful and substantial contributions of the amendments to the patent and trademark laws that were initially enacted in 1960 by Public Law 96-517 (commonly referred to as the "Bayh-Dole Act") on the occasion of the 30th anniversary of its enactment, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the concurrent resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 385, nays 1, not voting 46, as follows:

[Roll No. 568]

YEAS—385

Ackerman	Boozman	Chu
Aderholt	Boren	Clarke
Adler (NJ)	Boswell	Clay
Akin	Boucher	Cleaver
Alexander	Boustany	Coble
Altmire	Boyd	Coffman (CO)
Andrews	Brady (PA)	Cohen
Austria	Brady (TX)	Cole
Baca	Bright	Conaway
Bachmann	Brown (SC)	Connolly (VA)
Bachus	Brown, Corrine	Conyers
Baird	Buchanan	Cooper
Baldwin	Burgess	Costa
Barrett (SC)	Burton (IN)	Costello
Barrow	Butterfield	Courtney
Bartlett	Buyer	Crenshaw
Barton (TX)	Calvert	Critz
Bean	Camp	Crowley
Becerra	Campbell	Cuellar
Berkley	Cantor	Culberson
Berman	Cao	Cummings
Biggert	Capito	Dahlkemper
Bilbray	Capuano	Davis (CA)
Bilirakis	Cardoza	Davis (KY)
Bishop (GA)	Carnahan	Davis (TN)
Bishop (NY)	Carson (IN)	DeFazio
Bishop (UT)	Carter	DeGette
Blackburn	Cassidy	DeLauro
Blumenauer	Castle	Dent
Blunt	Castor (FL)	Deutch
Boccieri	Chaffetz	Diaz-Balart, L.
Bonner	Chandler	Diaz-Balart, M.
Bono Mack	Childers	Dicks

Djou	Klein (FL)	Polis (CO)
Doggett	Kline (MN)	Posey
Donnelly (IN)	Kosmas	Price (GA)
Doyle	Kratovil	Price (NC)
Dreier	Kucinich	Quigley
Driehaus	Lance	Radanovich
Duncan	Langevin	Rahall
Edwards (MD)	Larsen (WA)	Rangel
Edwards (TX)	Larson (CT)	Rehberg
Ehlers	Latham	Reichert
Ellison	LaTourette	Reyes
Ellsworth	Latta	Richardson
Emerson	Lee (CA)	Rodriguez
Engel	Levin	Roe (TN)
Eshoo	Lewis (CA)	Rogers (AL)
Etheridge	Lewis (GA)	Rogers (KY)
Farr	Linder	Rogers (MI)
Fattah	Lipinski	Rohrabacher
Filner	LoBiondo	Rooney
Flake	Loeb sack	Ros-Lehtinen
Fleming	Lofgren, Zoe	Roskam
Forbes	Lowe	Ross
Fortenberry	Lucas	Roybal-Allard
Foster	Luetkemeyer	Royce
Fox	Luján	Ruppersberger
Frank (MA)	Lummis	Ryan (OH)
Franks (AZ)	Lungren, Daniel E.	Ryan (WI)
Fudge	Lynch	Salazar
Gallegly	Mack	Sanchez, Loretta
Garamendi	Maffei	Sarbanes
Garrett (NJ)	Manzullo	Scalise
Gerlach	Markey (CO)	Schakowsky
Giffords	Markey (MA)	Schauer
Gonzalez	Marshall	Schiff
Goodlatte	Matheson	Schmidt
Gordon (TN)	Matsui	Schock
Granger	McCarthy (CA)	Schrader
Graves (GA)	McCarthy (NY)	Schwartz
Graves (MO)	McCaul	Scott (GA)
Grayson	McClintock	Scott (VA)
Green, Al	McCollum	Sensenbrenner
Green, Gene	McCotter	Serrano
Griffith	McGovern	Sessions
Grijalva	McHenry	Sestak
Guthrie	McIntyre	Shadegg
Hall (NY)	McKeon	Shea-Porter
Hall (TX)	McMahon	Sherman
Halvorson	McMorris	Shimkus
Hare	Rodgers	Shuler
Harman	McNerney	Shuster
Harper	Meek (FL)	Simpson
Hastings (FL)	Meeks (NY)	Sires
Hastings (WA)	Melancon	Skelton
Heller	Mica	Slaughter
Hensarling	Michaud	Smith (NE)
Herger	Miller (FL)	Smith (NJ)
Herseth Sandlin	Miller (MI)	Smith (TX)
Higgins	Miller (NC)	Smith (WA)
Hill	Miller, Gary	Snyder
Himes	Miller, George	Spratt
Hinchey	Minnick	Stearns
Hinojosa	Mitchell	Sutton
Hirono	Mollohan	Teague
Hodes	Moore (KS)	Terry
Hoekstra	Moore (WI)	Thompson (CA)
Holden	Moran (KS)	Thompson (MS)
Holt	Murphy (CT)	Thompson (PA)
Honda	Murphy (NY)	Thornberry
Hoyer	Murphy, Patrick	Tiahrt
Hunter	Murphy, Tim	Tierney
Inglis	Myrick	Titus
Inslee	Nadler (NY)	Tonko
Israel	Napolitano	Towns
Issa	Neal (MA)	Tsongas
Jackson (IL)	Neugebauer	Turner
Jackson Lee	Nunes	Upton
(TX)	Nye	Van Hollen
Jenkins	Oberstar	Velázquez
Johnson (GA)	Obey	Visclosky
Johnson, E. B.	Olson	Walden
Johnson, Sam	Olver	Walz
Jones	Ortiz	Wamp
Jordan (OH)	Pallone	Wasserman
Kagen	Pascarella	Schultz
Kanjorski	Paul	Waters
Kaptur	Paulsen	Watson
Kildee	Pence	Watt
Kilpatrick (MI)	Perlmutter	Waxman
Kilroy	Peters	Weiner
Kind	Peterson	Welch
King (IA)	Petri	Westmoreland
King (NY)	Pingree (ME)	Whitfield
Kingston	Pitts	Wilson (OH)
Kirkpatrick (AZ)	Poe (TX)	Wilson (SC)
Kissell		

Wittman
Woolsey

Wu
Yarmuth

Young (AK)
Young (FL)

NAYS—1

Broun (GA)

NOT VOTING—46

Arcuri	Gohmert	Platts
Berry	Gutierrez	Pomeroy
Boehner	Heinrich	Putnam
Braley (IA)	Johnson (IL)	Rothman (NJ)
Brown-Waite,	Kennedy	Rush
Ginny	Kirk	Sánchez, Linda
Capps	Lamborn	T.
Carney	Lee (NY)	Space
Clyburn	Maloney	Speier
Davis (AL)	Marchant	Stark
Davis (IL)	McDermott	Stupak
Delahunt	Moran (VA)	Sullivan
Dingell	Owens	Tanner
Fallin	Pastor (AZ)	Taylor
Frelinghuysen	Payne	Tiberi
Gingrey (GA)	Perriello	Wolf

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining to vote.

□ 1851

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent for votes in the House Chamber today. Had I been present, I would have voted "yea" on rollcall votes 566, 567 and 568.

APPOINTMENT AS MEMBER TO NATIONAL COMMISSION FOR THE REVIEW OF THE RESEARCH AND DEVELOPMENT PROGRAMS OF THE UNITED STATES INTELLIGENCE COMMUNITY

The SPEAKER pro tempore. Pursuant to section 1002 of the Intelligence Authorization Act for Fiscal Year 2003 (P.L. 107-306) as amended by section 701(a)(3) of the Intelligence Authorization Act for Fiscal Year 2010 (P.L. 111-259), and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following member on the part of the House to the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community:

Mr. Maurice Sonnenberg, New York, New York.

HELP FOR HAITI

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, the children of Haiti need help. Children around the world need our help. But today in Haiti, thousands upon thousands of children are living

in temporary tent conditions, in camps, many that have been ravaged by the waters and the heat and deteriorating conditions. Today in Haiti, the people of that country, particularly the children, are suffering from the epidemic of cholera.

We did not take up the Help HAITI bill today, but I am asking that we begin a full press to provide better work conditions and living conditions, as well as a better quality of life for the children of Haiti. Cholera is an epidemic that can spread and kill thousands upon thousands of children. It is important for USAID and the donor countries that have indicated their willingness to donate to Haiti to get the donations in, and it is important now for the Government of Haiti to stand up and be heard on behalf of these children. I look forward to working with the Help HAITI bill to ensure that more children can be adopted. But the epidemic of cholera is spreading to these children, and we must help them now.

□ 1900

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

MOVING THE GOALPOSTS ON AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, about a year ago, the President of the United States quite clearly laid out a plan to begin redeploying troops out of Afghanistan in July of 2011. It was not soon enough for me, but it demonstrated at least the recognition that this could not go on forever and a commitment to do the right thing, the thing that the majority of Americans want, bring our troops home was on the table.

But now top officials are telling us not to start planning our welcome-home parades for our soldiers, that U.S. combat troops would actually be on the ground in Afghanistan until 2014.

The Commander in Chief has said that this war will begin to end next July, and it appears that the generals who work for him are actively trying to undermine that deadline by painting a rosy picture of conditions on the ground, often in direct contradiction of intelligence reports.

The most galling moment and the most galling comment of all came from Lieutenant General William Caldwell, who leads NATO's training of Afghan

security forces. He not only talks of the 2014 date as it's established policy; he says he needs more resources and more military trainers just to get Afghanistan ready to provide for their own security by that date.

So we've gone from the military saluting President Obama and saying they could get it done by July 2011, to saying that current levels of personnel aren't adequate to get the job done in four more years' time.

Lieutenant General Caldwell also echoed what other officials have said, that the 2014 date comes not from the Oval Office or the Pentagon or the situation room, but was initially put forward by Afghanistan President Hamid Karzai.

But since when, I ask you, Mr. Speaker, does a foreign head of state set our goals? I thought U.S. foreign policy and decisions about our national security were made by the elected representatives of the American people.

The truth, Mr. Speaker, is that things have gotten far worse in Afghanistan since we committed more troops. Our troops are dying at a greater pace than at any other point in the 9 years of war. Civilian casualties are also on the rise. The Afghan people have little confidence in our mission and its ability to improve their lives. The insurgency remains as nimble and sophisticated as ever. Effective local government is barely in existence.

We've heard all the arguments before about why accelerated time tables supposedly don't work; that they embolden the enemy; that the insurgents will simply wait us out until the date of departure. But they're not waiting us out now. They effectively control vast swaths of the country, and the one thing that is giving them greater strength and moral authority is the continued presence of our combat troops on Afghan soil.

How much more do we have to fail before we change strategies, I ask? How many chances are we going to give this military occupation? How much patience are we supposed to have? I say, not a minute more, Mr. Speaker. I say it's time to bring our troops home.

CONGRATULATING JACINTO "ACE" ACEBAL ON HIS RETIREMENT FROM THE UNITED STATES POSTAL SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, tonight I am so honored to recognize an outstanding public servant, Jacinto Acebal, or "Ace" as he is known by his friends. He will soon be retiring from the United States Postal Service after 45 years of service.

Ace has helped accomplish the United States Postal Service mission

to provide efficient mail service to every address within our country. Ace has assisted not only individuals but also the needs of our small businesses in south Florida. In an area as busy and as diverse as south Florida, Ace never misses a beat.

As a testament to his dedication and tireless efforts, Ace was recently recognized by his colleagues at the Hispanic Organization of Postal Employees. It is indeed a tribute for an individual whose career has had such humble beginnings.

Proud of having been born in Cuba and never losing his yearning for a free and democratic Cuba, Ace also proudly served our country in the military serving in Vietnam. In fact, he is the most highly decorated Cuban American to have fought in Vietnam.

Ace joined the postal service after his service in 1968 as a letter carrier; and I'm proud to say that he employed the same focus, the same determination, the same patriotism that marked his distinguished military career. As a result, he impressed his superiors and rose through the ranks. Ace has held numerous managerial positions including supervisor, human resource specialist, and Hispanic program specialist.

In this last position he has also been an invaluable liaison to the Hispanic community. Ace is regularly interviewed by news outlets, and he helps promote postal service products and services to our diverse Hispanic community nationwide.

Ace has appeared on national news programs that have aired in Hispanic markets across the country. The United States Postal Service's Executive Committee has also presented Ace with a special recognition award for his media relations efforts.

Above all else, Ace has been an exemplary and active member in our south Florida community. The City of Miami Commission appointed him to the Miami Community Relations Board.

He's also a member of the Spanish American League Against Discrimination and has served on the greater Miami Hispanic Council and the United Way of Dade County subcommittee.

Ace has been awarded the Diversity Vice President Partnership Award, the Dot Sharpe Lifetime Achievement, and has been named Federal employee of the year. Simply put, Jacinto Acebal has been a tireless leader in our community and a shining example of professionalism and service. His talents will be sorely missed at the United States Postal Service. He leaves behind a wonderful legacy; and I join his many friends, family and peers in celebrating his well-earned retirement. You have served our community well, Ace and I am lucky to count you as a friend. Congratulations, my friend.

ECONOMIC ISSUES: THE GOOD, THE BAD AND THE UGLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. I come here to address the House on economic issues facing us this month and next month. And I come here to talk about the good, the bad and the ugly. First, the good.

The Federal Reserve Board is going to buy \$600 billion worth of long-term bonds, quantitative easing. This will increase America's share of the American market for manufacturers' goods. That's why it has been condemned by China, Germany and Japan, because they know it means moving jobs from Germany, Japan and China to the United States.

This is an effective tool that is reversible. We can expand the money supply now, and then the Federal Reserve Board can reverse its action when the economy improves. Therefore, it involves no increase in the money supply that is permanent and, of course, involves no increase in our national debt.

The unemployment rate is over 9.6 percent. We need to act to bring down that unemployment rate. And the Fed is to be commended. This does not mean that its decision is risk free. Just, given all the risk that we're confronted with, this is a good move. And the fact that the countries that are running giant trade surpluses with it have condemned us gives it an additional advantage.

Second, the bad. The tax proposals, and I focus here only on the tax proposals of the Simpson-Bowles proposal, they have offered three different versions of their tax proposal and I will address what they call the Wyden-Gregg approach. There are two other approaches, the zero plan, which is even worse than the one I'm going to describe, and a third option of basically doing nothing except inviting the Ways and Means Committee to earn their salary and to look at our tax law.

Now, I was anxious to embrace this proposal because we need to see shared sacrifice. We all are looking for a way to pay down the debt, and I, for one, was willing to embrace a program of shared sacrifice and austerity. But Messrs. Bowles and Simpson have given sacrifice a bad name by using our desire for shared sacrifice to disguise a giant tax cut for large corporations.

□ 1910

In the name of austerity and shared sacrifice we are told that the tax rate on the wealthiest Americans needs to be cut to 35%—roughly a 12% cut in their tax rate. And we are told that the corporate tax rate needs to be cut by a quarter. This in the name of increasing revenue. This in the name of austerity and shared sacrifice. No. This in the name of using the debt crisis as an op-

portunity to shift wealth and power and income from the middle class to corporate elites and the very wealthy.

Now, it is true that they talk about reducing certain corporate tax expenditures, but only in vague terms, only to a small degree. It is basically a dramatic decline in corporate tax, in the revenue of the corporate income tax.

Now, finally on to the ugly. We have been told by our Republican colleagues on so many occasions that the worst thing we could do is increase taxes in the middle of a recession; yet the Republican proposals, all of them, involve a dramatic increase for working families going into effect this next year, namely by allowing the Making Work Pay Tax Credit, the so-called Obama tax cuts, \$800 for every working couple, \$400 for every working single, expire at the end of this year. I urge my colleagues to join with me in cosponsoring our colleague SCOTT MURPHY's bill to extend this \$800/\$400 tax credit.

With all the talk of extending the Bush tax cuts, with all the talk for those who make more than a quarter million dollars a year, we should not forget that the Obama tax cuts expire at the end of this year, and for well more than half of all American families, the Obama tax cuts are more important than the Bush tax cuts.

Now, why is nobody even talking about extending the Obama tax cuts? Because no one with an income of over \$150,000 a year gets any of that benefit. So when we have a tax cut that is targeted at working families that is more important than the Bush tax cuts to over half of American families, we see this tax cut about to expire without any discussion from those who tell us that the worst possible thing would be to increase anyone's taxes in the middle of a recession. I do not want to hear about spending \$700 billion over the next 10 years to provide tax relief to the top 1 percent. I do not want to hear that from those who are talking about increasing taxes on more than half of America's working families. It is time to extend the Obama tax cut.

I look forward to working in a bipartisan way to provide tax relief to get this economy moving again and then to shift to fiscal austerity, but allowing the Obama tax cuts to expire and then cutting corporate income tax by one quarter is not the way to go.

ANOTHER DAY ON THE TEXAS BORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, it was just another day on the Texas border on October 1, 2010. A young couple, David and Tiffany Hartley, were on Falcon Lake.

Falcon Lake is a massive lake that borders Mexico in the State of Texas,

an international border. They were on their jet skis, and they traveled across the international line into Mexico. They had gone to see an old mission that was partially submerged in Falcon Lake.

On their way back coming into the United States, they were being chased by three boats full, obviously, of drug cartel members—later we learned they were the Zeta drug cartels—firing automatic weapons at David and Tiffany Hartley. David was shot in the back of the head. Tiffany tries to help, but they were still shooting, so she flees.

She comes back into the United States, and one of the boats—get this, Mr. Speaker—follows her into the United States for over 3 miles until she got ashore and finally sought safety with some passerby that was standing there. Then this boat casually goes back into Mexico.

David Hartley was murdered on October 1, 5 weeks ago. The way the current runs in Falcon Lake, his body would have been into the American side in about 2 hours had not someone taken his body out of the water or cut the life preserver off of him or both. His body has never been found.

The Mexican Government quickly accused Tiffany Hartley of being the culprit—the audacity—just to not investigate this case. David Hartley's body has never been found. The perpetrators who murdered him and shot at Tiffany Hartley have never been prosecuted.

A detective by the name of Rolando Flores from Mexico was assigned to investigate this case. He apparently was the only person investigating this case. Soon after he started investigating it, his beheaded body turned up in front of a police station. Mexico quickly decided: We are not investigating the case. And, of course, they have not.

Mexico has an awful track record of solving homicides, not just homicides of Americans in Mexico, but of Mexican nationals who are murdered in the name of selling drugs across that border and bringing them into the United States. So this case has not been solved. I doubt it will ever be because of the ineptitude of the Mexican Government to preserve and defend and protect people in Mexico.

As Sheriff Sigi Gonzalez of Zapata County has said: This area is a trafficking area for drug cartels. The Zeta drug cartels have operational control of parts of that lake and bring drugs into the United States at night.

I went down to Falcon Lake along with Sheriff Gonzalez' people. We went up and down the lake in speed boats. Of course, before we were allowed to get on the boats, we had to make sure that the locals who were taking us there had automatic weapons and everybody was wearing a bulletproof vest. Then we flew up and down the international border of this massive lake, some 60 miles long, almost 8 miles wide.

Interesting to note, Mr. Speaker. The entire time we were on the lake either in a boat or flying over it, we saw no other boats on either side. No Americans are out on the lake. No Mexican nationals are out on the lake. For 6 hours we toured that lake and we saw no one, and the reason is it is dangerous. People on both sides of the borders don't go on that lake because it is not under the operational control of either Mexico or the United States. It is under the operational control of the Zeta drug cartel. That is a very unfortunate situation.

This is one instance of many where there are places on the international border with the country of Mexico where neither country has operational control of the border, and it is time that we force them to do something about this nonsense that is taking place, the murder of Americans.

Since then, there have been other Americans murdered in Mexico. Have these been crimes solved? Of course those crimes have not been solved.

□ 1920

We were just hearing comments by the other side about being at war in Afghanistan and Iraq. It is true. We go to war and fight the battles in other countries, Afghanistan and Iraq, we defend the borders of other nations. Maybe it is time we come home and defend our own borders and protect our borders as well as defending borders in Afghanistan and Iraq, because it is the first duty of government to protect the people.

So what do we need? We need more boots on the ground. We need National Guard troops on the ground. We need more Air National Guard, Coast Guard, and we need the help of the Border Patrol to protect the dignity and sovereignty of the United States to keep the drug cartels from bringing that cancer into the United States, because it is the first duty of government to protect the people, and it is about time we protect all the citizens of this country.

And that's just the way it is.

ADDRESSING THE CONCERNS OF AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the minority leader.

Mr. GOHMERT. Mr. Speaker, it is such a pleasure and honor to be back here after our recess. Obviously there are matters of concern for all Americans. Obviously since we were here last, the voters have spoken, and spoken pretty loudly.

But there are a number of things that concern Americans. There have been significant Tea Party groups and orga-

nizers here talking. It looks like those folks have found out that Americans have voices, and they can be heard.

One of the great things I think that has been realized across America is once again it is being acknowledged that the people are the government. Every couple of years we have a hiring day to hire servants who will step up and do the will of the government, the people, as directed by the people.

Well, they have forgotten for a while that hiring day is Election Day, and you shouldn't go into it unless you are properly prepared, as any good employer would be, by reading the resumes, talking to the candidates, doing interviews and seeing who would be the best hire to be the public servant from that area, the employee. Boy, their voices were heard this year.

So it is quite reassuring. And I am pleased to work with folks across the aisle, I know we all are, to move forward with the things that the American people have once more said are very important.

If you go back to November of 2006, you find out the people really haven't changed their opinion much. They made it clear in November of 2006 that they were not going to tolerate the deficit spending that the Republican majority was doing. They didn't care who was in the majority. They still don't. They want the deficit spending to stop.

They wanted it to stop in November of 2006, so they made their voices clear and said, okay, Democrats, you have promised us that if we make you the majority, you have promised to end the deficit spending, because the Republicans, my goodness, they have run \$100 billion, \$200 billion deficits in one year. It was outrageous. Who knew that within 4 years that a Democratic administration would be deficit spending done by Republicans on steroids, ten times the kind of deficit that was anticipated in one year. We can't continue as a country with that kind of spending going on. It has to be stopped.

But we were hearing in the last week the cry of people across America too about this lame duck session. Now, it is nice, we had some lovely votes tonight: The Copyright Cleanup, Clarification, and Corrections Act; recognizing the 50th anniversary of Ruby Bridges desegregating a previously all-white public elementary school—very worthwhile; and the third vote tonight, honoring the 30th anniversary of the Bayh-Dole Act, which it sounds like most people don't know what that was.

But, nonetheless, people are scared that it is going to get a lot more serious than that, because they made their voices heard in the election. We don't want people coming at us with that crap-and-trade bill and saying we are going to shove this down your throats like we did the health care bill. They didn't want the health care bill. They thought they made it clear, but they were not listened to.

They made it clear they don't want the elimination of what my wonderful elementary, junior high, and high school teachers, who nearly all of them were supporters of the Democratic Party, taught. All of those teachers made clear in my growing up that a very important foundation in any democratic republic like ours is the secret ballot. Now we still have this bill out there, the card check bill, that will eliminate secret ballots.

We can just think back in our own Chamber here to the race for majority leader between STENY HOYER and John Murtha, the late John Murtha. Speaker PELOSI, speaker-to-be PELOSI had made clear she wanted John Murtha to be her majority leader. They seemed to have worked closely on the issue of bashing President Bush over the military operations and trying to stop him at every turn. In return, he was named speaker-to-be by PELOSI as her choice to be majority leader.

Well, who in their right mind would go against someone who is clearly so adept at using political power as the gentlelady from San Francisco, if she knew who was going to go against her choice? But the fact is, like the Republican Caucus, the Democratic Caucus used a secret ballot, so the people in the Democratic Party after the November 2006 elections were free to choose the person they most wanted to be the majority leader, and that ended up being the gentleman from Maryland, Mr. HOYER.

Had a similar card check bill been shoved through this Congress to force the Democratic Party to have the secret ballot eliminated, then I think you could anticipate that the late John Murtha would have been majority leader, and the will of the Democratic Members in this body would have been overwhelmed simply because such a primary component to a democracy was removed, the secret ballot.

We don't need to remove the secret ballot so that might will make right, instead of right standing on its own. The ballot has to be secret in any organization in which anyone wants it to be secret. Take Robert's Rules of Order, of the requirement to have a secret vote.

Of course, out here when we are doing the people's business, it can't be secret, because we are employees, we are servants, sent up here to do the people's will, so it shines up on the wall exactly how we vote when we vote.

But one of the things that people should have learned after this November election, including Senators that are up for election 2 years from now, is if you jam another one of these bills down somebody's throat, the people's throats across America, as you did health care, you will be looking for a place to retire or another job.

Now, one thing: If they do ram through the crap-and-trade bill as it

passed through the House with 300 pages of amendments filed at 3-something a.m. in the morning, where we didn't have time to read them all, I was able to get to the point in the bill, I think it was around page 900-something, where there was a fund created in there to help pay people who lose their jobs as a result of that bill. Although we heard from people across the aisle no one would lose their jobs as a result of that bill, it turns out the people that actually wrote that bill, whatever special interest group it was, perhaps Wall Street, because they are going to be engorged with riches if that bill passes and more union jobs will be lost, it will be a disaster for working America.

□ 1930

But whoever wrote it realized there are going to be a lot of good Americans lose their jobs if that bill passes. And if you go over a little further, there was a fund that would pay for moving expenses if people lost their job as a result of that bill and they could move within the United States to a place to get a job. Unfortunately, it didn't help people move to China and India and Argentina and other places where the jobs really moved.

So the good news for those in the Senate perhaps helped by anybody in the House, if they try to ram that crap-and-trade bill through during this short lame-duck session then the good news is there is a provision in that bill that will help them with their moving expenses and perhaps to give them a subsidy until they find another job because there is no question there's going to be people lose their job as a result of that bill if they vote for it during this lame-duck session when the public has made very clear, Don't you dare. So we'll see what happens.

But I see my good friend from Texas, also a former district judge, as was I, and I am proud to yield such time as he may use to my good friend from Texas (Mr. POE).

Mr. POE of Texas. I appreciate your yielding time, Judge GOHMERT. Yes, on November 2 the American public, the American people, the American voters went to the polls and they voted. And it's a good thing that they vote, and we have the right to vote. As you mentioned, Judge GOHMERT, the right to vote in this country is sacred. And we should always treat it that way to make sure that in all elections that the voting box and the voting ballot are sacred and only valid voting takes place anywhere in the United States.

I heard a lot of comments, as did many Members of Congress—probably all Members of Congress—during the recess before the election, and one of the biggest concerns was the runaway spending that the government seems to be addicted to. And it seems to be an addiction of spending somebody else's

money—the taxpayers' money—people who work every day and go out and try to support their families.

One startling statistic, Mr. Speaker, is that for every dollar that the government spends on something, whether it's a good project or it's a worthless project, for every dollar the government spends, forty-two cents of that dollar is borrowed money. So we don't have the money. The bank is broke. And we can't print it fast enough. So we have to borrow the money. Forty-two cents on every dollar. Now that's kind of hard to understand how much that is, but that's a lot of money. Almost half of what we spend is borrowed money. But that forty-two cents amounts to approximately, every year, just on the interest payment of that forty-two cents, \$600 billion. That's with a B. Now we're talking about real money—\$600 billion.

The war in Iraq I understand so far has cost up to \$720 billion total for the entire Iraqi war. But yet just the interest American taxpayers have to pay on that forty-two cents is around \$600 billion every year. And, of course, who does that money go to? It goes to our good friends, the Chinese, who own most of our debt. And there are other countries that we borrow money from, too. It puts us in a bad national security position when we have to go overseas and ask countries to lend us some more money. The American public, I think, is tired of those days and want the borrowing, the spending, and of course the taxes to all stop where they are. I hope Members of this body in January have heard the American people and that we get our house in order and we quit spending somebody else's money and reduce the size of government, get government out of our lives, and have government work for us instead of work against us, as so many people have said.

One of the other two things that I heard during the recess, or the break, before the election was the concern that people had about this lame-duck session, that we are now a part of the lame-duck session where we have come back and there's a lot of legislation that hasn't been addressed, and people are concerned about Members of Congress on both sides of the aisle who have been defeated still here to vote on legislation even though the public has not returned them for the next Congress. Maybe one thing that we need to do in future Congresses on election year, the Federal election year, the even year, that the session of Congress end on election day, therefore there is no lame-duck session because Congress adjourns on election day and doesn't return until the following January. Therefore, we prevent some of the concerns that people all over the country have mentioned about people returning in both parties who have been defeated in their elections.

The third issue, of course, as you know, Judge GOHMERT, in Texas, although the economy was the number one issue for most people in the United States, in our State the number one concern among voters was the lack of border security with our neighbors in Mexico. And we've heard all of the recent cases of Americans being murdered just on the other side of the border. And, of course, there are Mexican nationals that are getting murdered as well. And they're not all members of the drug cartel or affiliated with the drug cartel. They're just good folks trying to earn a living as well, but they get in the way of the drug cartels. And it seems to me that this is a national security issue. And people who say that the border is secure, I invite them to go with me down to the Texas-Mexico border and then you can make up your mind firsthand.

Of course, earlier we talked about the situation on Falcon Lake, this massive lake. Nobody is on the lake on either side of the border because it's not safe. The safest thing on Falcon Lake are the fish because nobody's out there fishing and those bass are probably getting rather large by now. And that's an unfortunate situation for not only Americans but Mexican nationals as well.

And we also now hear that we have the extortion racket taking place on the American side. There are reports that Americans of Hispanic descent living on or near the American border are being extorted of money to protect some relative they have on the other side of the border. And that protection racket is being run, we understand, by, of course, the drug cartels.

So you've got money and guns going south of the border and you've got people and drugs coming north of the border. And their operational control of the border is by the drug cartels. You see, the Mexican Government doesn't protect their border any better than we do because that's how come guns can get in. Of course, I don't know if the Mexican Government complains about the money coming south of the border or not. But either way, that money is illegally going back into Mexico by the drug cartels.

So what do we need to do? I think we ought to put more boots on the ground. The Border Patrol does as good a job as we'll let them do, but they need some help. It is a national security issue, and we need to put the National Guard on the border and allow them to do their job to prevent people from coming into the United States, especially the drug cartels, who have operational control of portions of the Texas-Mexico border and other portions of the border in Arizona, New Mexico, and California as well.

To show you how serious and how dangerous it is to be living or be in one of the cities in Mexico near the border,

you've got in El Paso—and I don't know, Mr. GOHMERT, if you were stationed at Fort Bliss or not—but you have Fort Bliss in El Paso, Texas, a military base where our troops come and go from Fort Bliss to Iraq and Afghanistan. They go off to war in Iraq and Afghanistan. They come back to Fort Bliss, but they cannot cross the river and go into Juarez, Mexico, because it's off limits to people in the military. So we send our young men and women off to war, but they can't cross the river into our neighbor's country because it's too dangerous. And that's an unfortunate situation not just for Americans but certainly an unfortunate situation for Mexican nationals who just want to survive on their side of the border as well.

So it's become a national security issue. It is an issue of great concern to people along the border. And I hope more Americans understand how the border has become in places a place of really no-man's land except for the drug cartels who shoot their way across the border and shoot anybody that gets in their way.

And I will yield back.

□ 1940

Mr. GOHMERT. As I'm sure my friend knows, Juarez, just across the border from El Paso, which you've been discussing, is now called the murder capital of the world. There were 2,600 deaths in one year, last year, in Juarez. We didn't have that many American soldiers die in Iraq in a year. Yet right across the border from El Paso, right across the little river, is Juarez, the murder capital of the world. It is outrageous.

I never had the opportunity to be stationed at Fort Bliss. I had friends in the Army who were, and they always enjoyed Fort Bliss. I was at Fort Benning for my 4 years that I owed the military for my scholarship at A&M. It is amazing to me that we have the greatest military in the world, in the history of the world—they're the best equipped, the best trained military in history—and yet you go look at our border, at specifically the 32-mile stretch in Arizona that is national park area on the north side—Mexico is on the south side—and it's wilderness area. It's considered such. It's classified in the U.S. as wilderness area. So you can't take a vehicle. You can't take anything mechanical. The only people who use vehicles in that area are the violent drug smugglers. Then this administration, instead of helping Members of Congress and the President keep his oath—we're not providing a defense against all enemies foreign and domestic—they're putting up signs that, in essence, say, This area is used by violent drug smugglers who are illegally in our country, so we would recommend that American citizens use parks north of Interstate 8.

Excuse me. This is American soil. When anyone armed attacks American soil, it's an act of war. We've got people who are coming into the United States who have taken over part of our property, and the best this administration can do is put up a sign that says, Why don't you American citizens use the area north of Interstate 8 because we've just given this over to drug smugglers.

The only good news I see out of that is, for so long, I've been greatly concerned with the hypocrisy of this administration and its telling Israel, Just let Palestinians build illegal settlements and take over areas that are not theirs. Just let them take over. I thought how hypocritical for our U.S. administration to tell Israel, Just let people take over areas of your country they're not authorized to take over, because we would never allow that here in the U.S.

This brings me to the only good thing about violent illegal alien drug smugglers taking over American soil: At least we're not hypocritical anymore when we tell Israel just to let people take over land that's not theirs, because now this administration can say, Look, Israel. We're doing it here. We're letting people take over American soil that they shouldn't, so you can do it, too.

The fact is, of course, it shouldn't happen in either place. We have taken an oath to defend this country, this Constitution, against all enemies, foreign and domestic, and that includes illegal drug smugglers who are armed to the teeth at our border regions. We have an obligation. We took an oath.

Mr. POE of Texas. Will the gentleman yield?

Mr. GOHMERT. I will yield to my friend.

Mr. POE of Texas. Well, I think that the current plan really is a two-part plan. The plan isn't just to erect a few signs in Arizona, saying, We can't take care of you. Travel north of Interstate 8 and, as you mentioned, really secede the land south of Interstate 8 to the drug cartels. That may be part of the plan. That's plan A of a two-part plan.

Plan B, though, is: We're also, as the government, going to sue States that try to defend themselves.

So put up some signs and sue States that try to protect their citizens, like the State of Arizona, where both of these incidences are occurring.

I think it is tragic that the United States Government has gone to court and has spent who knows how much taxpayer money in suing a State that wants to protect the people of that State and wants to enact State laws that do what the Federal Government is supposed to do but which obviously it won't or cannot do.

Mr. GOHMERT. Well, I appreciate your bringing that point up. I overlooked part B of that plan, but that's

what has happened, and that's a great point.

As my friend knows—but perhaps the Speaker is not aware—Judge POE was one of the best known and probably would have been one of the best known judges, purveyors of justice, in all of Texas history, and I know my friend, Judge POE, knows all about the case of *Terry v. Ohio*.

From that case, we got what law officers were taught to be a Terry Stop, which is where they can stop people and get identification. If anybody cares to go back to the sixties and read that opinion and then read the Arizona law, they'll actually find out that what Arizona passed is not near as intrusive as what a Terry Stop can be. I mean they've got guards within that bill that keep it from even reaching the extent of a full Terry Stop and of the authorization of law officers to use a Terry Stop.

So I've just been intrigued. Here you have an administration that refuses to follow the law, refuses to defend the law, refuses to defend sovereign American territory, and then takes that added step, as my friend points out, and sues a State that is just trying to protect its citizens.

It is heartbreaking, as I know my friend and I have tried kidnapping cases, to find out that an American city is the second biggest capital for kidnappings in the world—Arizona. You would think that any President who is trying to do his duty to this country would be outraged that people were being kidnapped in numbers in Phoenix which were bigger than in known organized crime refuges around the country.

Phoenix, Arizona?

You would think a President would come riding to the rescue, and all America would thank him and be grateful that they had elected a man who would come in and follow his oath and protect them from having a city in his country in which so many people are kidnapped. We are hearing every day about ransoms being demanded after kidnappings in Third World areas and in the Middle East. We heard on the news this morning about another kidnapping incident and ransom and about a ransom being paid. Yet it's not halfway around the world. It's going on in Arizona.

Then, as my friend pointed out earlier in his 5-minute speech about the poor Mexican investigator who gave his life just trying to look into the murder of an American citizen on Falcon Lake, I mean what does it take to provoke a President to fulfill his duty to protect this country? I really don't know. If that doesn't do it, what does it take?

Mr. POE of Texas. Yes. Investigator Rolando Flores, from Mexico, had just started the investigation into the death and murder of David Hartley when he was beheaded. Of course, when

the Zetas and other drug cartel members behead someone and then throw his body in a place like in front of the police station or city hall, it's to send a message.

□ 1950

And they sent a message and they sent a message first to the Government of Mexico: Back off, Falcon Lake is ours. And 5 weeks later, it looks like the Mexican government backed off. No one's ever been held accountable for that homicide. The body was never found of David Hartley, and so that was the warning of unfortunately an obviously good man, Investigator Rolando Flores, but it was also a message to the United States, that Falcon Lake belongs to them. It doesn't belong to Mexico. It doesn't belong to the United States. But portions of it, right there in the middle, have operational control by the Zetas at night, and it belongs to them.

Apparently, that message has gotten to our government as well because 5 weeks later it doesn't seem like anything has occurred to improve the situation. In the meantime, more people, Mexican nationals and American citizens, have been murdered on the border on the Mexican side. I would hope that we won't need more people being murdered, regardless of their nationality, on the border to get the attention of most Americans and Members of this House that this is a national security issue. It goes back to the basics that it is the government's responsibility to protect the country, and I don't see, in my opinion, that we are protecting the people of the United States by the way the border is insecure, and we need to do whatever is necessary to secure our side of the border and our sovereignty and also to help Mexico rid itself of the corruption that it has in the government and in law enforcement.

It's a tough job to be over there and be an honest cop. We need to help them as well and work both sides because we have a mutual responsibility I think with Mexico and they with us to protect the safety of Americans and Mexican nationals who live along the border.

I'm sure you've traveled there, as well as I have, and when you go to those small towns, people are afraid. They're just afraid, and nobody should have to live that way in fear of some narco-terrorist coming across whenever they want to with automatic weapons, bringing those drugs into the United States, and then, whenever they want to go back, they just cross back into Mexico because the Mexican government has the same issues we do about insecure borders.

Mr. GOHMERT. I appreciate my friend mentioning that, and certainly I know he travels to the border area of United States with Mexico on the Texas line, but just from personal ex-

ample, I am routinely, at least once a year, down in that area. And for years, anytime I was down near Laredo with friends, we would cross the border into Nuevo Laredo and get some great Mexican food and walk around, and you could get some real bargains of different things around there. So my family always knew, when I came back from the area, I was going to bring back gifts from Nuevo Laredo, and yet I know at least in the last 10 years we have not crossed over into Nuevo Laredo. All the indications are that you just don't do that anymore; it's too risky.

So I would like to get back to the point where our friends to the south had safe enough areas where we could go back and forth without worrying about it, but it's not to that point right now.

I would also submit, I know there are people who have said repeatedly in the last year, we really wish that both sides of the aisle would work together, but now we've seen, you know, somebody is just not protecting the country, not protecting our sovereignty and our land, running up a \$1.6 trillion deficit in 1 year, doing all those things. We understand you have got to fight that and it can't be bipartisan if one side is just insistent on doing that.

But I have a strong feeling that my friend, Judge POE, and I would absolutely agree that if this President stepped up and said this situation will not stand where violent people on the Mexico-United States border intimidate, kill, kidnap, come across into our side, bring poison through drugs into America, we will not let that stand. I wouldn't care that he's a Democrat. I would stand up and give the greatest standing ovation, do anything we could to help and support a President doing the job he was sworn to. And I hope and pray that this President doesn't wait for someone to replace him in 2 years, that he will step up and say, you know, folks, I know I haven't done it in the past and I've let the violence go on too long, but it comes to an end and here's what we're going to do to stop it and step up and actually stop it. I have a feeling my friend wouldn't care either what party he was from. We would be in total support and do anything we could to help him.

I yield to the gentleman.

Mr. POE of Texas. Yes, of course, this is an issue that's not partisan issue. As my friend, former Sheriff Rick Flores has said, this is not a Republican or Democrat issue. This is a red, white, and blue issue. He used to be a border sheriff in Laredo.

There are those who say, well, the answer is this, don't go to Mexico; it's too violent so don't go down there. Well, first of all, I don't think that's a realistic point of view, in other words, it's okay for people in Mexico to be violent and the drug cartels to have

their way and try to run roughshod over the Mexican military and law enforcement. I think that's an insensitive comment regarding our neighboring country, Mexico. They are our neighbors. We ought to be concerned about what takes place down there.

But also that comment is a lack of understanding of the border culture. The border culture, especially in Texas and I'm sure this is true in Arizona, New Mexico and maybe California, goes back hundreds of years where there is cross-border travel, and we need and want cross-border travel. I think we should have legitimate travel across our border into Mexico and Mexico into the United States as long as it's verified that the people are coming in with permission.

But many families have citizens who live in Mexico and Mexican nationals and American nationals and they're related and they want to go back and forth across the border, and this type of attitude, well, don't go into Mexico, that's just telling family members on this side, you can't go see relatives on the other side. And that is not the situation we want to be in and to say that that's their problem, it's not our problem. It is our problem because we need to be good neighbors and we need to help in every way we can to secure the border. When we have a secure border, it helps not only the United States but it also helps Mexico as well.

We should be concerned about the violence in Mexico, not just because it's coming over into the United States, because it does affect Mexican nationals and it affects Mexican nationals who have relatives and family members on the American side of the border. So it is a complex issue, and verified border security, making sure that people don't cross without permission, is something that we have talked about for a long time in this Congress. And as my grandfather used to say, When all is said and done, more is said than done and not much has happened.

So we secure the border first, and then we work on those other issues, but it's certainly something that I think is a national security issue. I wish we had stronger leadership from our government to secure that southern border of the United States because a lot of good people on both sides of the border are losing their lives because of the government's failure to act, other than put up some signs and sue States that try to defend and protect their citizens because the government doesn't.

Mr. GOHMERT. Thank you. I appreciate so much that perspective from my friend from Texas, Judge POE. It is outrageous what's going on. It is outrageous that we're allowing that kind of danger to permeate our border and we do nothing about it. It's time to get something done.

One other issue that I would like to get into in the remaining 20 minutes

that we have here tonight is the tax rates. I heard my friend across the aisle taking that up in a 5-minute speech he gave earlier tonight, and he was saying that Republicans want to cut the current tax rate for the highest wage earners to 35 percent.

□ 2000

I have great respect for my friend. But the fact is, the highest tax rate right now is 35 percent. What we are trying desperately to avoid is the biggest tax increase in American history.

Now, Art Laffer—I think one of the most brilliant economists in the United States—did an incredible job in helping President Reagan steer our economy out of an economy worse than we have now. Because I remember well, during my time in the Army, we had more than 10 percent unemployment, we had more than 10 percent inflation, and interest rates were far above 10 percent. It was a rough time in America. And yet with Art Laffer's advice and guidance, President Reagan was able to turn the economy around completely within 3 years.

If President Reagan had taken Art Laffer's advice and in 1981 had cut taxes 30 percent, as Art Laffer points out, we could have had the whole economy turned around in '81. But since the Democrats had the majority and President Reagan had to negotiate to get to a 30 percent tax cut—and that full 30 percent didn't kick in until the last 20 percent was added to the 10, and the half-percent from the 2 years before—in 1983, the full 30 percent kicked in, and that's when the economy recovered. If we had done the full 30 percent in 1981, the recovery would have been then. It would have saved 2 years of absolute disaster economically in this country. But we didn't do that.

And, as Dr. Laffer pointed out back in January of this year to a small group of us, he felt like, by November, there would be signs of a recovery because on January 1, unless we do something quickly, the biggest tax increase in American history would take place. Capital gains would go up by 33½ percent from 15 to 20 percent. It will absolutely devastate this economy. Every marginal rate goes up. The death tax comes back in full from 0 to 55 percent. So his comment, as I understood him, was that it would look like a recovery because people were starting to sell things and cash things out and get in a position for the biggest tax increase in American history on January 1. And it would look like a recovery, but it wouldn't be a real recovery. It's just people trying to get in position, take gains now this year before this massive tax increase.

So with respect and due deference to my friend, we're not talking about a tax cut here. We're talking about keeping the same tax rates. If my friends across the aisle—as the majority until

the end of the year—were willing to talk about a true tax, a drop of 35 percent to 30, that would be fantastic. Because we know from history, when President Kennedy did it, President Reagan did it, President Bush did it, every time there was a meaningful tax cut, the Treasury of the United States exploded. It went higher than it had ever gone before each time.

The problem was not in lowering the taxes, which increased the economy—it gave people more income. That was not the problem. The Treasury was bigger than it had ever been. The problem was that we began to spend money like we had never spent before, and each time we got into higher deficits because we weren't controlling spending. Had we increased the revenue by cutting taxes and controlling spending, we would have had a balanced budget immediately. It would have been fantastic. But that's not what happened. We have seen that in Ireland. They had a tax decrease previously, years ago, and manufacturing jobs flooded into Ireland. But they didn't control their spending as they should, and now they're in trouble. So that's the key, control spending.

And I know there are those who say, We should go back to 2008 for the budget. I'm not one of those people because I remember as a freshman in 2006 being beat up by people across the aisle because we were spending way too much money. And since I know we could go back and capture speeches from the RECORD of friends across the aisle who said we were spending far too much money in 2006, we needed to cut that deficit spending. Since I know people across the aisle said that, then I submit humbly we go back to the 2006 budget, the one they complained about, saying it was spending too much money. We go back to that one. If it was spending too much money, then surely there couldn't be much objection across the aisle. If we're going back to that one, that they said spent too much money—of course that was before the ensuing budgets that the Democratic majority produced, which doesn't include this year when they didn't live up to the requirement to produce a budget. But these more recent budgets were just deficit spending on steroids, and it's got to stop. Solution, go back to 2006.

You know, since my wife and I cashed out our assets, retirement accounts and all, for us to run for Congress, you know, that's what responsible people do when you have to pay things. You cash out assets. I agree with Art Laffer. It's time to start cashing out the things we bought as a government that we had no business, if we're a true free market country, of ever buying. We divest ourselves for a big price of Fannie Mae, Freddie Mac. We divest ourselves of the car company ownership we currently have. There's

no way that's not a socialist activity when the government takes over private enterprise.

And I know the President has such close friends in the current Speaker, and our friends across the aisle have such dear friends on Wall Street, and that's why they donated four to one—four times more to the President, current President and the Democratic majority, than they do to Republicans. I get it. They're the friends. They work together. In fact, they're such close friends, the guys on Wall Street don't mind so much when the President and the Democratic majority bash their friends over and over and over here in Washington because their friends know that's the price. Getting bashed verbally allows them to keep funneling money in massive amounts to Wall Street, including through the Federal Reserve, including managing government money so that Goldman Sachs, of course, was able to have the biggest profit in their history last year. Who knows how good it was this year. Good for Wall Street, good for Goldman Sachs. Heck, their investment of giving four times more to this President and the Democratic majority than they do Republicans paid in droves for them. It just was great. It may be another banner year for them now, but it's got to stop. Americans are getting hurt across the country. It's got to stop.

And so one of the other things we've seen—people don't remember so much—but in January of 2009 when this President took over and the Democratic majority in this House had had a 2-year headstart, and because of the terrible example set by the prior Republican President in pushing through a \$700 billion Wall Street bailout, they were able to push through what was thought to be about an \$800 billion stimulus, porkulus, whatever one may wish to call it, which turns out now \$900 billion, maybe \$1 trillion. We're still not sure. It's through the roof. People notice that. It made voters irate, and they showed that in November of this year.

But most people didn't notice the next week, the \$400 billion land omnibus bill. What does that mean? It means the Federal Government was going to take \$400 billion and buy more land.

□ 2010

The Federal Government already owns more than half of the land west of the line through Texas to North Dakota. And yet they want to buy more land. When you run a deficit that this administration has been running, then it's time to say, you know what, we shouldn't be buying land.

And we haven't found out yet just how much of that \$400 billion has been squandered buying land, doing sweetheart deals with people they want to do them with and buying their land. But

whatever has been bought ought to be sold. Whatever has not been spent needs to be cut off.

Some have said, well, where would you get the \$700 billion to avoid raising these massive taxes?

They don't get it. They need to check the current news articles about States and cities that have raised taxes on wealthy people, like I will never be, but raised taxes on them. They ended up losing money by raising taxes, which takes you back to the Laffer Curve. You can only raise the taxes so much, which keeps increasing the Federal revenue. But once you cross that threshold where you've taxed too much, and you add tax beyond that, then you've hurt the economy and the tax revenue decreases.

So my friends across the aisle may try, in this lame-duck session, to do the unthinkable and raise taxes on people, force taxes to go up by playing a class warfare game, playing the game that our Founders detested because all Americans were Americans. No Americans were hyphenated back then. They were just Americans; which is why, on our great seal, the ribbon on the eagle's mouth has three Latin words, *E Pluribus Unum*: Out of many, one. We come together as one.

It's time to stop the class warfare. It's time to stop. It's time to stop luring young women into a rut from which they can never get out by saying, come on, come on, keep having babies out of wedlock, we'll keep paying you for them, and you'll get to a level of income as a single mom, with children, that will never go up. You have no hope of getting out of that hole. That's what we saw for 30 years from the Great Society legislation to the mid-90s, until welfare reform took place.

Cast it any way you want to, but the fact is, when welfare reform took place, for the first time in 30 years, single women with children had income that, when adjusted for inflation, went up, went up dramatically.

And now the unthinkable has occurred this year in the ObamaCare bill. They included the rescinding of the welfare reform that was done by the Republican—new Republican majority in the 90s. It was taken away.

We have now sentenced young women, single moms, desperate to get out of their rut, to remain in their rut for the rest of their lives, or until such time as we remove those enslaving provisions from the ObamaCare, and allow single moms with children to once again get back on the uphill climb with making more income after adjusted for inflation than they had in the 30 years before with the Great Society legislation.

I know it was well intentioned back in the 60s. I get it. I understand that. It was because of hearts full for young women trying to raise children with

deadbeat dads that wouldn't contribute. I get that. But what was done instead was sentence these sad situations to a hole they couldn't get out of.

It's time to do what a government is supposed to do. I know some don't believe in the Bible, but, for those that do, you look at Romans 13. A government is different from individuals. It's not to turn the other cheek. It's not to steal people's money by passing a law that allows you to steal their money against their will and give it to charities that only the government supports. That's not part of it.

It is supposed to protect the people, punish evil, and really incentivize good conduct and to help people reach their potential. Instead of enslaving young women, as the Great Society legislation did, good grief, we should have incentivized them to finish their education.

Instead of having 99 weeks of unemployment insurance to pay people not to work, and, yes, I know there are people who are out of work who have been trying for hours and hours every day to find new employment, but the overall studies don't indicate that that's the average. That's the exception. Generally, people only spend less than an hour a day or less than an hour a week until the last couple of weeks of their unemployment, then they begin to seek employment.

If we're going to do what some would consider the biblical approach of government, to punish evil but reward and incentivize good conduct, then we would eliminate the marriage penalty. Why penalize marriage?

And we would incentivize people finishing their education, not paying them to have babies out of wedlock and not to finish school. We would be incentivizing them to reach their God-given potential before it's too late. That's what a caring government does. That's what it should do. That's what it ought to be about. End the class warfare.

Now, I was asked recently, well, now, you've advocated eliminating the Department of Education. And yet you've also talked about schools ought to provide vocational training. Right on both counts. \$68 billion budget, throw another \$10 billion in there this year, and for what? Pays the Department of Education, have lots and lots of bureaucrats, take a hunk of the money for themselves, dole out the rest.

And I get it. I've got friends, Republicans, Democrats on school boards across the country who've said we've become so enslaved, so reliant on Federal money, we'll be broke as a school system if you cut off the funds immediately.

So what I think would be more fair, would be more constitutional is just say, we eliminate the Department of Education, and then we'll take that money and we will have a formula to

distribute it to the schools across the country. And they'll get a lot more money. And then over, say, a 5-year period—I'm flexible—we could compromise on what would be a good way to do it. You provide a formula that the States and the people, under the 10th Amendment, pick up their obligation to support education and take it away from the Federal Government. We cut the required contributions to other areas, whether it's Medicaid or something else. We incentivize them to take over their constitutional obligation. Since education's not an enumerated power under the Constitution, it's reserved under the 10th Amendment to the States and people.

Let the local control take over, because when there was no Federal control and when I was going through school, high schools had vocational training. You didn't have to go to college to make a great living. You could study auto repair at our high school. You could learn to be a carpenter. You could learn to weld. You could learn all kinds of great trades and go immediately into a good job, and you're way ahead in income than those people that went to college. In four or five years eventually they catch up and went further with the money they received. But they were great livings. And we need people doing those jobs.

And one final comment as my time is about to expire: I heard Donald Trump say on Greta Van Susteren that the solution is to put a 25 percent tax on everything we buy from China. I couldn't believe it. You're going to start a trade war with somebody we owe over \$1 trillion to? You think that's smart? You don't realize we'll lose great jobs, union jobs, nonunion jobs across America?

□ 2020

How about, instead, doing something that doesn't trigger a trade war, that doesn't cause us to be penalized around the world? How about, instead, eliminating the 35 percent tariff we put on our own products for people in other countries trying to buy them? It is called a corporate tax.

If you eliminate the 35 percent tariff we have got on our own products, union jobs and nonunion jobs will come flooding back into America, because we could compete with anybody if you take off that insidious tax that tells people across America: You don't have to pay it; the evil corporations will pay it.

Those corporations pass it on. If they don't, they don't stay in business. Yet they have lost jobs across this country, union jobs and nonunion jobs, flooding across to other nations because of the tariff of 35 percent we slap on our own products, making them uncompetitive.

It is time to get this country competitive again. Bring back the jobs to America in the way that we know best,

as a free market society, at the same time we protect our borders and stop the crazy deficit spending.

I yield back the balance of my time.

STAFF SERGEANT SALVATORE GIUNTA

The SPEAKER pro tempore (Mr. TONKO). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege to be recognized here on the floor of the House of Representatives and be one of the first speakers here on the floor in the aftermath of the election that took place a little over a week ago.

I have a number of things that I hope to discuss this evening; however, I would like to start this presentation this evening, Mr. Speaker, with a recognition of valor of an Iowan who tomorrow will be receiving the Medal of Honor that will be hung around his neck and presented to him by our Commander in Chief, President Obama, at a ceremony at the White House.

Mr. Speaker, I rise to honor an American hero, Staff Sergeant Salvatore Giunta. He is of the 173rd Airborne Brigade Combat Team from Hiawatha, Iowa. He will be presented with the Medal on November 16, tomorrow, at the White House by the President for distinguishing himself by acts of gallantry at the risk of his life above and beyond the call of duty.

In October 2007, while moving along a wooded area with an eight-man squad in Korengal Valley, Afghanistan, the squad was ambushed on three sides by at least a dozen Taliban fighters.

Even though Staff Sergeant Giunta received several gunshot wounds, he continued the fight, running straight into the path of gunfire to rescue one wounded soldier and saving his life as he drug him back to safety, then running again directly into the path of oncoming gunfire to overtake and kill two fighters while rescuing his brother in arms, Sergeant Josh Brennan. Even though Sergeant Brennan would later die in surgery, the family still had the comfort of knowing that his brothers were with him and had rescued him from being taken captive by the enemy.

That is a small segment of that engagement that day in October of 2007, and, Mr. Speaker, it is our privilege to express our great gratitude and to honor Staff Sergeant Salvatore Giunta.

To commemorate this gallantry and this Medal of Honor, which will be the first Medal of Honor that will be awarded to a surviving American servicemember for either of the Iraq or Afghanistan conflicts, probably the greatest supporter and cheerleader and respecter of our military, our veterans, our combat veterans, and especially

our combat wounded, works in this Capitol every day reaching out to them—Albert Caswell. Albert has written a number of poems that he has presented to the wounded and to the families. He has provided a tremendous amount of comfort for those who have suffered so much for our liberty and for our freedom.

This poem is something that he sat up last night and penned. Mr. Speaker, I read this into the RECORD out of great respect for his contribution, and also great respect for the Medal of Honor winner that tomorrow will receive that medal from the President, Staff Sergeant Salvatore Giunta. This poem is called "At Honor's Height." It reads, this:

At . . .
 All, At Honor's Height!
 All in the darkness of war . . . this fight!
 All in those most sacred moments, that
 which ignite!
 When, who lives or dies . . . and but lives to
 see another sunrise . . .
 So Sal, so all depended upon you . . .
 While, against all odds . . . as you stood so
 tall, almost like a God!
 As into the face of death you ran . . .
 As did all your brothers in arms, so too, who
 on this day began . . .
 Such Brilliance, Such Light, So True This
 Sight . . . your hue!
 All At Honor's Height, as were you!
 Hooah . . . Airborne! With but your badge of
 courage worn!
 As all in that moment, as when your faith so
 chose to crest!
 All in your actions, and deeds . . . to answer
 freedom's quest!
 As your heart so sailed, up to new heights
 . . . so now!
 All in your most selfless light!
 Its Highest Point, At Honor's Height!
 Turning The Darkness, Into The Light!
 To win that day! To win that night!
 All At Honor's Height!
 For there can be no greater gift!
 Nor then there, no more blessed thing as
 this!
 Then, but the will to give up one's life!
 All for, your Brothers in Arms . . . this most
 sacred sacrifice!
 While, all in that moment of truth . . . by
 bringing your light . . .
 Which, so brings such tears . . . even to the
 Angels' eyes, this night!
 Ah yes you, Sal, so stand this day, all at
 Honor's Height!
 All in what you so gave . . . so brilliant and
 bright!
 For what child shall so be born, all from
 your gift in future's worn?
 Who might so save the world, or in harm's
 way so too . . . climb to such heights!
 For on this day, you and your Brother In
 Arms have so shown us all the way . . .
 To Honor's Height!

Mr. Speaker, I don't have the words to embellish the actions of Staff Sergeant Salvatore Giunta, nor do I have the words to embellish the poem that has been so brilliantly written by Albert Caswell, "At Honor's Height," to commemorate the gallantry, the bravery, the nobility of this Iowan who tomorrow will be so profoundly honored at the ceremony in the White House and the presentation of the Medal of Honor.

I have had the privilege to get to know one of our top Medal of Honor recipients in the Nation. In fact, the most decorated living American is Colonel Bud Day, also from Iowa. We happen to have three living recipients of the Medal of Honor that I claim as Iowans, and Colonel Day heads up that list as the dean of them. He was the top officer in the Hanoi Hilton in Vietnam during the Vietnam War. He is a World War II, Korean, and Vietnam veteran. He also has been an honorable and noble leader here in America that has stepped forward and worn the Medal of Honor with courage and dignity, and he has been a noble American in every day of his civilian life as well as his invested life.

He has made the advice for Medal of Honor winners that: You wear that medal every day of your life; that when you receive the medal, everyone looks at you and wherever you go they know that you have received the Medal of Honor, so all of your behavior is observed more closely than it might be if you were perhaps significantly more anonymous. So you can cast disgrace on America or you can cast honor on America.

The Medal of Honor recipients have by and large, and in all cases that I know of, cast honor on America by their deeds, by their bravery, by their nobility, and by their actions as they proceed through the course of perhaps post-military service and being Americans in a most honorable fashion of seeking to make America a better place to live in.

□ 2030

We look forward to the future that Staff Sergeant Salvatore Giunta has and the message that he will deliver to this country as he proudly wears the Medal of Honor. I ask that this Congress stop and pause and reflect upon the sacrifice that he has made.

I think also that there are circumstances where we have lost Americans who have conducted themselves in as noble a fashion who are unrecognized. I pray that Staff Sergeant Salvatore Giunta does grow old here in America and leaves the legacy of his nobility and bravery wherever he goes as an inspiration to the young, as an inspiration to all of us. He is certainly an inspiration to me, and he should be an inspiration to us here in this Congress.

As someone says, I don't really want to have that debate. It is a brutal debate. We have never had such a thing here in this Congress. There are brutal battles in war. Lives are lost, blood is spilled, hearts are broken, destinies are changed. The destiny of America has turned for the better when the destinies of individuals are occasionally sacrificed in that noble cause. And Staff Sergeant Giunta was willing to make that sacrifice. He stepped into

the gunfire over and over again. Tomorrow he steps up to receive the Medal of Honor from the Commander in Chief, the President of the United States.

I salute Staff Sergeant Salvatore Giunta, and I ask that especially the young people in America look up to him as an example. There are many others. Tomorrow we honor Staff Sergeant Giunta.

Mr. Speaker, I appreciate your indulgence on this subject matter, and I appreciate the privilege to deliver this summary of Staff Sergeant Giunta's sacrifice here on the floor.

I ask that as we go forward into the 112th Congress, we keep in mind, we get into our parochial battles here, and I mean that, of course, figuratively, because they really aren't battles by comparison. And we wear the Republican jerseys, the people on the other side wear the Democrat jerseys, and we go at each other day after day here trying to gain some kind of advantage.

This Congress, Mr. Speaker, especially over the last 2 years, but I think over the last four, and those on this side of the aisle would say, no, further back than that, has gotten away from the principle of doing the right thing for the American people and instead gotten involved in the one-upmanship that takes place when you have partisan conflict here.

I do recall coming to this Congress when I was elected and sworn in here on this floor in 2003. And I recall those 4 years, and subsequent to that, if I had a policy issue, I had constituents that had a problem that needed to be dealt with, if I had something that made a good argument for where we could take America, I took that argument to the committee or I took it to the committee chairs. I took it to members of the committee. I testified before committees to move that policy forward, Mr. Speaker, and there was an ear for a policy discussion. That ear was there on the part of the committee chairs, the members of the committee, to a certain degree with the leadership, that would seek to accommodate those concerns that I would bring forward.

I am convinced that most of the Members were in the same condition I was in. There was an ear there and the system was set up so that the wisdom of the American people could be synthesized and poured into each of the 435 Members of Congress. We would sort those issues out and raise the priorities of them, and as we brought those issues here and the priorities came to the top, this Congress acted upon those priorities. At least the process and the system was wired to do that.

Sometime in 2007, perhaps, that began to devolve. In 2007, in the beginning of that session, we did have a legitimate appropriations process where we had an open rule and a Member could write an amendment to an appro-

priations bill, bring it down here to the floor and introduce that amendment, and if it met the rules of the Parliamentarian, it would be deemed in order and one could force a debate and a recorded vote on an issue that had to do with an appropriations bill.

Now, that had gone on for 200 years in this Congress. And it went on in the early part of 2007, which I remember is the last time we had a legitimate appropriations process with open rules. And along about 2008, that began to get shut down. And by 2009 and 2010, it was shut down and Members of Congress, Democrats and Republicans, were shut out of the process.

Our constituents can't understand about electing someone to the United States Congress, it a powerful seat, 1/435th of the spending and the initiation of the taxation and the deliberative proceedings that take place as directed by our Constitution, electing someone to establish that franchise, and having that franchise cut out from underneath them because the Speaker of the House had deemed that there wouldn't be any amendments on appropriations bills, there wouldn't be any open rules on appropriations results.

I am pretty sensitive to this, Mr. Speaker, because in 2007, my staff analyzed this—I didn't pay attention to it—they analyzed it and concluded that I had introduced and successfully passed more amendments than anybody else in Congress in that appropriations process of 2007. And I look back on that time and I think, where have we gone?

We have gone from having an active open rule that was consistent with the first two centuries of American process here in this Congress to a kind of system that not only is there a closed rule on appropriations bills, it has been shut off now for 2 years, but no appropriations bills. No budget. Just a continuing resolution, a CR, that is written in the Speaker's office by the Speaker's staff. And if someone can knock on the door and slip a piece of paper underneath the door, and if somebody inside there decides they want to incorporate it, you might actually be able to have your voice heard.

But the voice of the American people has been shut out, and that intransigence is one of the biggest problems we have had in this Congress.

If we don't have enough faith in the positions that we take here that we can allow open public debate, and if we can't allow amendments to be offered, debated, and voted upon so that we can perfect legislation in subcommittee, in committee, and here on the floor, then the system is dysfunctional, and it shuts out the wisdom of the American people and it puts it into a monopoly of one office, the Speaker's office, the Speaker's staff, and to the extent that any of the committees can weigh in.

That is the piece that I am hopeful will change. That is the pledges that I

am hearing, that we are going to see more open rules, the appropriations process comes down with open rules, and that any Member of Congress, whether they be Democrats or Republicans, can offer essentially an unlimited number of amendments in an appropriations process so that the American people can see it is a legitimate process, we can debate those issues, we can vote them up or down, and we can move on.

Mr. Speaker, I am looking forward to this reversion back to the fresh air we had, some might say a new breath of fresh air. I would say it is reverting back to the fresh air we had. And it is high time. And all of the issues that have been debated up and down in the media, a lot of them didn't see the light of day here in this Congress, and I am hopeful they will see the light of day.

The first issue that I am hopeful that is debated here in this upcoming 112th Congress with this incoming new freshman class, these 80-some arriving new freshmen, actually it might be in the nineties by the time we add those on the other side of the aisle too, I believe as God's gift to America, just in time. I think the cavalry has arrived.

I think we have been fighting the battle of the Alamo, and we actually held out before we got overrun. And this massive freshman class full of conviction and vigor and dreams and passion, the lifeblood of the vigor of America, is in this city now, going through orientation, getting prepared, putting their offices together, hiring their staff, finding out where everything is, positioning themselves for committee assignments, et cetera, so that they can hit the ground running here on the 4th of January, when they will swear in to the new 112th Congress in large numbers, 80-some Republican freshmen, who will bring their vigor and their legislative valor here to this floor. And they expect that their voice is going to be heard, and we need to make sure that their voice is heard and that the process is open.

It might mean long days, long nights, long debates. It might mean we get a little tired of coming back over here to vote time and time and time again. But the American people expect us to do our work, we should want to do our work, and in fact if we shrink from that, the work product that we have won't be the work product of the reflection of the wisdom of the American people, Mr. Speaker; it will be the work product then of folks that are sitting behind closed doors instead of out here in front of the C-SPAN cameras where we belong. We should be doing our business here.

But that first piece of business that I am hopeful comes out in the 112th Congress, and think it will have the full-throated support of that freshman class that is prepared to grab ahold of

the levers here in the 112th Congress, I am hopeful, and I will seek to establish that H.R. 1, the first bill coming out of the chute, is the repeal of ObamaCare.

If there is any piece of legislation that symbolizes this dramatic change that has taken place here in the seats here in Congress, these 290-plus freshmen that will be seated here, most all of them Republicans, if there is any one single piece of policy that embodies that reason for the transformation, the passing of the gavel, it is the repeal of ObamaCare as the clearest example of what people have risen up against.

□ 2040

I remember 4 years ago—it will be 4 years in January—right behind me, Mr. Speaker, as the gavel was passed from Republican to Democrat; from JOHN BOEHNER to NANCY PELOSI, the incoming Speaker of the House of Representatives. I remember that day. It was a historic day, the first female Speaker of the United States House of Representatives in its history. Nearly 4 years have gone by. Some would say a lot of water under the Golden Gate Bridge since that period of time, Mr. Speaker. And we have seen unpopular policy after unpopular policy come unfolded. For example, the theory that spending billions of dollars extending unemployment benefits is the best bang for the taxpayer's buck when it comes to stimulating the economy. I was not prepared to rebut such an argument. I never conceived of such a thing. But that's one of the principles that the American people know better, and they went to the polls and said, Uh-huh. We're really uneasy with that path it is going down.

The idea of pushing ObamaCare down the throats of the American people when it was clear that they had rejected it; when you think of tens of thousands of people who poured into this city I will say a year and a week ago on November 5, a little more than that now, but it was November 5, 2009. Tens of thousands of people were stacked up out here on the West Lawn of the Capitol building, swarmed around the Capitol. They swarmed down through the hallways of the office buildings. They came out here to say, Keep your hands off of our health care. We don't want ObamaCare.

This Nation has never seen the kind of resistance that we saw come out of the streets of America in opposition to a policy this was proposed. We have never seen that. And it says in the Constitution freedom of speech, religion, and the press, and the freedom to petition the government—peacefully petition the government for redress of grievances. And they did, all within the confines of the Constitution, a lot of them with the Constitution in their pocket. It was in their head and in their hearts and tears running down

their cheeks because they saw what was being done to America. They saw what was being done to the Constitution. And they saw what was being done to their personal liberty and their personal freedom. And they came here to this city and to most of the big cities—in fact, most of the towns and even county seat towns in Iowa, people filled up the meetings to resist the coming of ObamaCare.

That was the summer buildup in 2009 to the vote that took place here in the House on November 7, 2009. And then we saw a vote on Christmas Eve in the Senate when HARRY REID decided that he had enough leverage on people that if they wanted to go home for Christmas vacation and see their families, they had to catch a plane on Christmas Eve. If they'd have held out until 9 o'clock that night instead of 9 o'clock that morning, a lot of those Senators would have spent Christmas here in Washington, D.C., which is what they deserved. They deserve coal in their stocking for what they did that day. But they passed through by using the leverage that they had and with no margins to spare a health care bill that didn't match the one here in the House. But they moved the ball down the field a little ways on Christmas Eve. So that would be December 24.

And now some of us said, What do we do? How do we stop this ObamaCare juggernaut that had passed the House on November 7, 2009, and a different version of it squeaked—and squeaked through the House, too, but squeaked through the Senate on Christmas Eve morning—How do we stop it now? And I asked one of the senior Senators over on that side, What do we do now? And his answer was, Pray. And pray for a victory in the special election in Massachusetts.

I don't think very many people believed that SCOTT BROWN was going to be the next Senator from Massachusetts on Christmas Eve of 2009. And I went up to Massachusetts to participate, to the extent that I could contribute, and for 3 days up there I saw valiant constitutional conservative Americans making phone calls, one after another, lined up to make phone calls for the benefit of SCOTT BROWN's candidacy. Constitutional conservatives, tea party activists, regular Baystaters from Massachusetts. And I met couples that say, Well, I'm a teachers' union member here and my husband is a member of the electrical workers—the United Electrical Workers—and we've always walked the streets and campaigned for Democrats. Not anymore. We're campaigning for SCOTT BROWN. We've had it. We've had enough. We don't like that health care proposal that's coming, and we want to send somebody there that's going to stop it. And SCOTT BROWN pledged that he would vote against ObamaCare and he would block it.

And we know what happened. January 19 of this year SCOTT BROWN was elected to the United States Senate to fill—he always said it is the people of Massachusetts' seat. It is their seat, like any seat in the Senate or the House belongs to the people who elect their Representatives to that seat. He was humble enough in that regard. And he was precisely right. We see it as the seat that was occupied by Senator Teddy Kennedy for all of those years. A dramatic shift in the political dynamics of America took place on that day on January 19, and a lot of people thought, myself cautiously included, that that was the end of ObamaCare because they would not have the votes to move ObamaCare by a conference version back through the Senate because it had to sustain itself in a cloture vote.

And so we saw President Obama's mojo be diminished dramatically. We elected a Republican Governor in Virginia when they said it couldn't be done. And even more improbably, elected Chris Christie, a Republican Governor in New Jersey when it seemed completely improbable that could happen. And even though he had a lead in the polls going into the last few days, a lot of us thought that something would happen to trip up Chris Christie. Well, he's the Governor. Bob McDonnell is the Governor in Virginia. That message came out loud and clear and strong. And when SCOTT BROWN was elected, it was clear that President Obama's mojo had been diminished dramatically and the prospects of America having to live under ObamaCare had also been diminished and perhaps crushed.

But the President came before the Republican conference and had a conversation that lasted about 90 minutes. And subsequent to that he called the meeting on February 25 at Blair House, which was a big square-table discussion about health care, challenging that Republicans didn't want to talk, we just wanted to disagree with the proposals that he had. Well, Republicans wanted to talk and it was the President that didn't seem to want them to talk. So I had a staff person that sat there and put it all into a spreadsheet and timed everybody's speeches. It was limited time. There was a strict rule involved. But of course the President said, I'm the President. I don't have to follow the rules that we have written for the meeting that he's hosting. He interrupted Republicans 72 times that day on February 25 at Blair House. That was the level of respect that he had for our input. But he gained some traction, and they found a way to leverage ObamaCare back at us.

From February 25 until March 23, they marched through this Congress. And finally on that day when ObamaCare passed here in the House, it didn't have the majority support of the

House in order to be passed. To get enough votes to pass it they had to meet a couple of conditions. One is the President had to make the pledge or the oath that he would sign an executive order that was designed to amend the legislation that was about to pass Congress. Can you think of such a thing? Standing up to take an oath to uphold the Constitution of the United States of America, so help me God, and thinking that as a President you can write an executive order that eclipses or amends legislation that's passed by the Congress and tell them you're going to do it in advance? That's what the President did.

Now if that's not appalling enough, on top of that, another group of House Members here—Democrats—wouldn't vote for ObamaCare here on the House even with the fig leaf executive order that the President promised for the gentleman from Michigan. But they had to also have a locked-down pledge that the Senate would pass a reconciliation package that would also effectively amend the package that was coming to the House.

So, for those who didn't live through this, Mr. Speaker, I'd put it this way: ObamaCare was the first big piece of legislation that made it to the President's desk and was signed into law and became the law of the land that on the day of its passage didn't have the majority's support in the House of Representatives and it could not have passed the United States Senate under their current rules, but they had to do this by legislative sleight of hand to package up the three components to ObamaCare—the bill itself that started out at 1,994 pages and ended up 2,500 pages—the bill itself; the fig leaf executive order that the President promised and did sign that was supposed to prohibit the funding of abortion through ObamaCare, which we know it did not; and the third thing was the reconciliation packaged that circumvented the requirement for a cloture vote under the rules of the Senate and send it over here to the House.

□ 2050

That's what it took to give America ObamaCare.

Americans rose up on that weekend, and for 3 days they would stay on these Capitol grounds. By the thousands, they would stay outside the windows of the Rules Committee and chant, "Kill the bill. Kill the bill." When I'd say to them, "We're going to have to break this up. We can't keep this up," they would say, "We won't go until they all vote 'no.' We won't go."

These are courageous Americans who stayed here all night. If they slept at all, it was out here on the cement or maybe on the grass. They would not go until they killed the bill. There were enough Americans who poured out here—tens of thousands—and who kept

that vigil around the Capitol. They surrounded the Capitol building. They joined hands and surrounded the Capitol building.

Mr. Speaker, I'm not talking about one human chain with long arms each. I'm talking about six or eight deep all the way around the Capitol building and clusters in the corners of thousands who were needed to fill the human chain around the Capitol. They came to peacefully petition the government for redress of grievances, and still the Speaker marched through the crowd with her huge, oversized gavel in her "let them eat cake" moment.

So here we are, Mr. Speaker. The American people saw all of that.

They saw the takeover of three large investment banks. They saw \$700 billion in TARP spending. They saw \$180 billion go out to AIG, the insurance company. They watched the formerly private sector, then quasi-government, now completely government-owned, -operated, -functioned, -guaranteed, and -backed up Fannie Mae and Freddie Mac, which has saddled the American taxpayers with a contingent liability of \$5.5 trillion.

They saw all of that, Mr. Speaker.

They saw as the Federal Government took over General Motors and Chrysler to operate those formerly private sector businesses for the benefit of the people affected by them. That's when they handed the secured assets of the investors over to the unions.

The American people saw all of that, and their sense of justice was offended: the affront to the free enterprise system, the nationalization of three large banks, AIG, Fannie Mae and Freddie Mac, General Motors, and Chrysler, and the Federal Government takeover of 100 percent of the student loan program.

How? With a debate here on the floor of the House or the Senate? With hearings before committees and markups before subcommittees and committees in a process as envisioned? No. Written into the reconciliation package as a sleight of hand that came out of a circumvention of the cloture vote in the Senate and slipped over here to the House of Representatives to be stuck in as ObamaCare. That is how they took over the student loan program.

Then we saw the Federal Government, under the direction of President Obama with the magnum gavel that NANCY PELOSI regally walked through the crowds who simply wanted to maintain their freedom and liberty, nationalize our skin and everything inside it. That's ObamaCare.

The second-most sovereign thing we have is our body and our health, and the Federal Government took it over to manage it and to make it the law of the land. They nationalized our skin and everything inside it, and they put a 10 percent tax on the outside if you go to the tanning salon. There was no

square inch of skin left not nationalized by this government, and the American people rose up in a peaceful way.

I have to give the American people credit, a tremendous amount of credit. In any other country in the world, if they watched their liberty go like that, they would be demonstrating in the streets like they did in Athens not that long ago or as we watched take place in France or in Great Britain, for that matter. I mean the French may have to work until age 62, and they think that's worth burning tires and cars and demonstrating over.

What do we do in America when we disagree with our government? We come to Washington, DC. We fill up the parks in America. We do rallies all over. We fly the American flag. We run the yellow Gadsden flag up alongside it, down just an inch or so from height, the yellow Gadsden "Don't tread on me" flag, and we petition the government for redress of grievances—peacefully—and they were peaceful.

When these rallies were done, when these press conferences were done, I sent staff people out with cameras to look so they could take pictures of the litter. Could they find at least a cigarette butt out there to take a picture of to show me how disrespectful it might have been? These crowds were the most respectful crowds that the park service had ever seen. They cleaned up behind them. They didn't drop anything in the first place. They looked out for each other when they were done. They might have walked the grass down a little bit, but there wasn't any litter to pick up. They love this country. They love this beautiful Capitol. They respect the history of this Nation, of the Constitution, and of the system that we have.

They were maybe not successful in rolling back ObamaCare in November of 2009, in December of 2009, or in March of 2010, but they understood what happened. They understood that our freedom and our liberty had been marginalized by an arrogant attitude—that the people up in the Speaker's office knew best and that the American people didn't know. When the statement came that we had to pass the bill so that the American people could find out what was in it, I met a lot of people outside this Capitol, outside the beltway, who read every word of that health care bill.

Now, I wouldn't say that I've ever met anybody in or outside of the beltway who could read and understand all of its implications—that's impossible given the depth and the magnitude of it—but they understood that this was an affront to our liberty and to our freedom, that it would forever transform the way health care would be delivered in America and that it was a component of this vast overreach, this taking of our liberty and our freedom that had been initiated, oh, several

generations ago. It was brought to a head several times, but never had it seen the configuration of an intense liberal President with a determination to use the majority that a happenstance of history had given him in the House and a supermajority that was filibuster-proof in the Senate.

They used it and they abused it, and the American people rose up and went to the polls and said, Enough. Enough. We're going to send people here to this Congress who understand that the Constitution is our default position, that whenever there is a question, we look back to the Constitution for guidance; and if the Constitution constrains us, we don't disregard the Constitution. What we must do is either comply with the original intent of the Constitution or take the trouble to amend it, and it takes a lot of trouble to amend the Constitution.

The Constitution needs to be our default mechanism. We have a lot of new freshmen coming in here who understand that. One of them is Bobby Schilling, from Quincy, Illinois, who understands it. The opponent whom he ran against was PHIL HARE, who famously said, Oh, the Constitution? We don't care about that.

His constituents do.

They sent their message, and they sent a new Representative here to Congress who does care about the Constitution. His colleagues in this class are 80-some strong, and all of them, I know, do care about the Constitution. When they take their oath of office, they will take it seriously. It will be something branded on their hearts, as it should be of any Member who comes in here and who has the privilege to serve Americans. We all have to brand down our oath to uphold the Constitution of the United States of America.

I am looking forward to this class coming in, Mr. Speaker. I understand the message that has been sent by this country, and it has been sent with those new Representatives who are arriving here in Washington, D.C. They are here now, those who will be sworn in on January 4. That message is: Adhere to the Constitution. Hold on to the Constitution. Believe in it, and defend it as there have been so many who have died in its defense. We can at least stand and defend it and adhere to it. Understand also that debt and deficit, jobs and the economy are the central theme that have been flowed out here.

But the takings of our liberty in the form of the nationalization of all of these companies and entities has been an affront to the American free enterprise system. It diminishes the vigor of America to have the government running Fortune 500 companies in America with no plan to divest themselves of it and to think that the Federal Government would make decisions with a "one size fits all" formula for our

health care and do that to us when we completely have the ability to manage that health care for ourselves.

□ 2100

I think there's something also that was missing on the part of the liberals here in Congress, Mr. Speaker. And that's this: That as much as the progressive movement draws its instruction from Western Europe, when the progressive movement was generated by intellectuals that visited Germany in the latter part of the 19th century and came back here and began to inject the progressive thought process with social democracy. Western European social democracy values, to keep it simple, Mr. Speaker, came to us out of Western Europe in the latter part of the 19th century. It's been debated in this country over and over again. These are the people that decided they would undermine our Constitution not by amending it but by trying to redefine its meaning and its intent. And they made the argument that it's a living and breathing document, and therefore, it has to adapt itself to the mores of the day, otherwise we couldn't possibly be burdened with something that was so rigid and structured that we would have to amend it as society evolved.

Well, I would make the statement that human nature does not change, and that if we ever get the fundamental structure of our Constitution and law correct—and for the most part, we have the fundamental structure of our Constitution correct—if we ever get it correct, then the only reasons to meet in the legislature is to make appropriations for the upcoming year or two and to make adjustments to new technology, if that's required.

But the progressives from a century and a generation ago have polluted the thought process of Americans. And the people who are progressives—and there are some 77 in this Congress, at least today, and they're listed on their Web site, and they're linked with the Democratic socialists of America. Socialists and progressives are one and the same by essentially their own admission. They miss this thing about America: We're not a dependency people. Even if the socialism was right, social democracy is right for Western Europe, it's not right for Americans. And there are a good number of reasons why it's not right. A lot of them are in the Bill of Rights.

We have guaranteed freedom, rights that come from God. They don't believe that in—well, some believe it, but it's not in anybody else's Constitution that I know of. It's in our Declaration actually here, and it's in the Iowa Constitution as a matter of clarification. But our rights come from God. They don't come from a sovereign, from a king. They don't come from government. If rights come from government

and government takes your rights away, then who are we to complain? Who do we complain to? If the government takes our rights away, they're the ones that are sovereign.

But what we have here in America are God-given rights that are vested in the people. The people are sovereign, and the people then entrust the power of their sovereignty through the representative form of government, the republican form of government, and they elect those representatives to represent them here in Washington and around the country. They must guarantee a republican form of government. That is a constitutional requirement. But it's the people who are sovereign. The vigor that Americans have that come from these rights is this vigor—a lot of it's in the Bill of Rights. The freedom of speech in a full-throated way to step out on the courthouse steps and let fly with your deepest convictions without fear of a punishment that might come from the government.

I recall standing on the courthouse lawn in Sioux County, Iowa, in Orange City during the Tulip Festival. Myself and another candidate had lined up a couple of big speakers and a microphone. It's always a good crowd during the Tulip Festival. So we just started to holler up a crowd and give speeches. As we did that, more and more people started to gather. And after a little while, a fellow came out of the courthouse, and he came over and approached Representative Dwayne Alons, who represents that area and is from there. And he said, You've got to shut this down. These men can't stand here and give these speeches on the courthouse lawn because this is a polling place. Now this is the first weekend in May. There are no elections going on, no elections near. So the fact that it was a polling place during elections was really irrelevant. But the man said, They can't be speaking here like this. This is a polling place. This is electioneering, and it's a violation of State law.

Now we're speaking away in our full-throated positions on the things that we advocated and believed in. And Representative Dwayne Alons looked at that courthouse employee, and he said, Well, if you can't exercise your right to freedom of speech here on the courthouse lawn, could you tell me just where in the world you can exercise your right to freedom of speech? That gentleman turned around and went back in the courthouse, and that's the last we heard of him.

But the vigor that comes from this freedom of speech and the confidence that we can write a letter, send out an e-mail, put it on Facebook, put it on Twitter, get on the radio, go out on the street corner and the curb, or stand at the pulpit and express our deepest, most firmly held convictions without fear of retribution or recourse that

would come from government—at least in an official fashion—that is one of the essential principles of being an American that adds to our vigor. It allows us to be the people that can use our reason, our ability to rationalize, our ability to continually self-examine our culture and civilization to make these adjustments, like the American people made adjustments when that gavel was passed to Speaker PELOSI in January of 2007. They made more adjustments in 2008, and more Republicans went home, and more Democrats came. And then they watched the results of their decision, and they weren't particularly alarmed when it was Speaker PELOSI and Majority Leader HARRY REID until President Obama came in. Their decision, all right?

I sat out there on the west portico of the Capitol, and I had a great seat. And I saw the momentous time in history when the first black President of the United States was sworn in. And I felt that uplifting feeling. We had reached a milestone as a nation, and perhaps we had put race behind us. And perhaps, just perhaps, he would find a way to blend the two sides together and get us to a postpartisanship era in America. Well, the American people gave him 2 years, and they could see the pattern over and over again. It wasn't going to be postpartisanship. It was going to be more and more partisanship, and an economic theory that had been discredited since the New Deal in the 1930s by FDR. This Keynesian economist on steroids had decided he was going to spend money hand over fist in a desperate effort to try to stimulate the economy, dug us a hole deeper than the hole the Chilean miners were in, and he was still down there with that shovel digging on Election Day November 2, 2010.

The American people looked at that. They were appalled. They thought that good judgment would take over sooner, or at least some time. So they decided the quickest and most effective way that they could take the shovel out of the President's hands was to take the gavel out of NANCY PELOSI's. And that's what happened. Debt and deficit, jobs and the economy became the order of the day. And the American people were appalled that their ability to manage their own health care had also been taken away from them and company after company had been taken over by the Federal Government. And another principle that is a pillar of American exceptionalism, the pillar of free enterprise, also was being diminished on a regular basis by—I don't know that I can say clearly that it's an anti-capitalist administration. But certainly the President surrounded himself with many anti-capitalists.

Free enterprise, another foundation of American greatness. Freedom of speech, freedom of religion. And by the

way, this freedom of religion has been diminished by the IRS by the intimidation that the churches might lose their 501(c)(3) status. So pastor after pastor steps up to the pulpit. And about the time their convictions and their conscience open up the volume in their throat, they think, ooh, but what if I lose a not-for-profit status? I will be standing on the street corner preaching from the curb? Some let fly, and I am proud of them, all of them. Some pull it back and decide they're going to be more careful. And they're afraid of the tax penalties that might come if they lose their not-for-profit status. But freedom of speech is part of American vigor.

Freedom of religion is part of America's core culture. It is the moral foundation that holds our civilization together. You cannot hire enough police officers to do that job for you. It has to be part of our moral character. If you think otherwise, take a look at what happened to the police force in New Orleans during Hurricane Katrina. More police officers, more problems in that scenario. But the core of our values is tied to our Judeo-Christian faith which is the center core of American civilization. That's part of American vigor. And speech, religion, and the press, the freedom to freely assemble, and the rights to property under the Fifth Amendment, freedom from double jeopardy, the list goes on and on.

□ 2110

That's just in the Bill of Rights.

And then we have this other vigor, this American vigor. And it's unique to us.

This situation where, I'm going to make this argument, Mr. Speaker, that Americans are a distinct race of people, a race of people. And I don't know anybody else that takes this position; but if they listen, then I think everybody that listens will take this position.

We have a distinction that characterizes us. We may look different, we may have different skin tones and different shapes to our facial features. We may come from every—we do come from every continent on the planet. We come from hundreds of countries on the planet.

But what we have in common is we either, people that came to America bring with them the distinct vigor of their culture and their civilization. It isn't that somebody that comes from France or Italy or Argentina or Russia, wherever it might be, Sweden, that comes to the United States, it isn't that those nationalities have these unique vigorous characteristics of hardworking industrious entrepreneurs that love freedom and want to build something and put a mark on life and leave this world a better place for the next generation.

We got the dreamers from every civilization. We got the can-do spirit from

every civilization. The American culture, the American Dream is built because we are the recipients of the cream of the crop of every donor civilization on the planet that sent legal immigrants here to America. And they rose up. They had to sacrifice to get here. They had to plan. They had to sometimes sell out their future to get here. But when they came here, they were determined to build something that had value. And when they saw the Statue of Liberty it meant something to them. It's a dream. It throbbed in their heart when they looked at that and they saw themselves sailing into Ellis Island. Here was this promised land. Yes, some of them thought the streets were paved with gold. But also, many of them believed that they had an opportunity to go out there and mine for that gold and pave their own streets in this country, and nobody could take away their freedom, their liberty, their property rights, and no one could put them in double jeopardy of a crime. That vigor that is from each donor civilization is part and parcel of the character of America.

I come from a number of different sources, but some of my ancestors came across the prairie in a covered wagon. They walked beside that wagon or behind the oxen, and on a good day they traveled 10 miles across the prairie where the prairie grass was high in a sea of grass. On a good day they traveled 10 miles. Why they ever decided to drive that stake in the ground where they did and declare a homestead, I don't know how that process goes through one's mind.

I've never read nor have I heard how they were thinking. But I know this: they came to the Midwest to live free or die on the prairie. They took the State motto of New Hampshire. They transposed it to the Midwest and on to the points to the West as well, where you had freedom-loving people that wanted spaces and opportunity, and they put their stake in the ground for that homesteaded 160. However they got started and they built, they built a house out of sod, and they started raising kids and putting them to work. And they took the axe and chopped the tree stumps out and turned them into farms, and they ran cattle and they found ways to make a living. They came out to live free or die on the prairie.

And those of us who are descended from that kind of stock, we understand why. Why are my neighbors proud, independent? They don't want to be dependent upon government. They just want to have an opportunity to work and succeed and support their church and their family and their neighborhoods and their schools. That's all they ask for. The pride, the independence, the industriousness, that's what's built America. And we took the cream of the crop off all those donors civiliza-

tions, and we gave them an opportunity here under the banner of freedom and liberty. And American vigor rose up. This giant Petri dish of this experiment of freedom and liberty rose up, and here we are.

We're not a people that's suitable to be put under the yoke of socialism, or have a Federal Government dictate to us where we can or can't get our health care, or take away our shares in General Motors or Chrysler and hand them over to the Union, or have the Federal Government say that we want a guarantee that people can buy houses whether they can afford it or not, and we're going to guarantee that we're going to charge the taxpayers to pick up the difference when they can't meet those mortgages.

These people want to be free. They want to be left alone. We want to allow for the vigor of Americans to shine and to glow and project itself across this continent and across this globe.

As I've said, Mr. Speaker, with the opening remarks about Staff Sergeant Salvatore Giunta, the risk that he took running into enemy gunfire over and over again to save his fellow troops, miraculously lived through that, will be receiving the Medal of Honor tomorrow in the ceremony at the White House. He put his life on the line. Some of his people lost theirs.

And we owe to him, and we owe to all of those who have put their lives on the line, who have put on the uniform throughout the centuries, we owe them the fight for freedom and liberty here on the floor of the United States Congress. We owe them that fight. We owe them that liberty.

We owe them that we're going to shut off this accumulation of debt, we're going to reduce and eventually eliminate the deficit. And in doing so, it will bring the economy back around, and it will produce jobs, and it will enhance our freedom and liberty, and those entrepreneurs that came to this country for that freedom, for a chance to build, and the descendants of those entrepreneurs that came here in earlier generations so that their children would have an opportunity for a better life, to earn, not to receive as if America is some giant ATM, but to earn a better life here. We owe it to Staff Sergeant Salvatore Giunta and everyone like him our best effort here on this floor to honor his effort, to uphold the Constitution, to uphold the oath to the Constitution that we will again take on January 4, here on the floor of this House of Representatives, to raise America up to the next level of our destiny, do honor to those who've gone before us, and to leave a legacy for those that come behind us.

And this is the beginning, Mr. Speaker. This class, this new freshman class, for the 112th Congress is God's gift to America, and the American people will appreciate it. And we need to empower

them to the maximum amount because I believe that they will lead us forward to that next level of our destiny.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Mr. HOYER) for today.

Mr. HEINRICH (at the request of Mr. HOYER) for today on account of personal business.

Mr. PLATTS (at the request of Mr. BOEHNER) for today and November 16 on account of a family member's funeral.

Mr. WOLF (at the request of Mr. BOEHNER) for today on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SHERMAN) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today, November 16, 17, 18, and 19.

Mr. POE of Texas, for 5 minutes, today, November 16, 17, 18, and 19.

Ms. ROS-LEHTINEN for 5 minutes, today.

Mr. SMITH of New Jersey, for 5 minutes, today.

Mr. GARRETT of New Jersey, for 5 minutes, today, November 16, 17, 18, and 19.

Mr. PAUL, for 5 minutes, November 16, 17, and 18.

Mr. MORAN of Kansas, for 5 minutes, today, November 16, 17, 18, and 19.

Mr. LINCOLN DIAZ-BALART of Florida, for 5 minutes, November 16 and 17.

SENATE BILLS AND CONCURRENT RESOLUTIONS REFERRED

Bills and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 685. An act to require new vessels for carrying oil fuel to have double hulls, and for other purposes; to the Committee on Transportation and Infrastructure; in addition to the Committee on the Budget for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned; in addition to the Committee on Homeland Security for a period to be subsequently determined by the

Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 3794. An act to amend chapter 5 of title 40, United States Code, to include organizations whose membership comprises substantially veterans as recipient organizations for the donation of Federal surplus personal property through State agencies; to the Committee on Oversight and Government Reform.

S. Con. Res. 72. Concurrent resolution recognizing the 45th anniversary of the White House Fellows Program; to the Committee on Oversight and Government Reform.

S. Con. Res. 74. Concurrent resolution honoring the 28th Infantry Division for serving and protecting the United States; to the Committee on Armed Services.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker on Thursday, September 30, 2010.

H.R. 946. An act to enhance citizen access to Government information and services by establishing that Government documents issued to the public must be written clearly, and for other purposes.

H.R. 2701. An act to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 3219. An act to amend title 38, United States Code, and the Servicemembers Civil Relief Act to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes.

H.R. 3940. An act to clarify the availability of existing funds for political status education in the Territory of Guam, and for other purposes.

H.R. 4543. An act to designate the facility of the United States Postal Service located at 4385 Payne Avenue in San Jose, California, as the "Anthony J. Cortese Post Office Building".

H.R. 5341. An act to designate the facility of the United States Postal Service located at 100 Orndorf Drive in Brighton, Michigan as the "Joyce Rogers Post Office Building".

H.R. 5390. An act to designate the facility of the United States Postal Service located at 13301 Smith Road in Cleveland, Ohio, as the "David John Donafée Post Office Building".

H.R. 5450. An act to designate the facility of the United States Postal Service located at 3894 Crenshaw Boulevard in Los Angeles, California, as the "Tom Bradley Post Office Building".

H.R. 6200. An act to amend part A of title XI of the Social Security Act to provide for a 1-year extension of the authorization for the Work Incentives Planning and Assistance program and the Protection and Advocacy for Beneficiaries of Social Security program.

Lorraine C. Miller, Clerk of the House, also reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker on Friday, October 1, 2010:

H.R. 3619: An act to authorize appropriations for the Coast Guard for fiscal year 2011, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles on Thursday, September 30, 2010:

S. 3397. An act to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes.

S. 3729. An act to authorize the programs of the National Aeronautics and Space Administration for fiscal years 2011 through 2013, and for other purposes.

The Speaker also announced her signature to enrolled bills of the Senate of the following titles on Friday, October 1, 2010:

S. 1510. An act to transfer statutory entitlements to pay and hours of work authorized by laws codified in the District of Columbia Official Code for current members of the United States Secret Service Uniformed Division from such laws to the United States Code, and for other purposes.

S. 3196. An act to amend the Presidential Transition Act of 1963 to provide that certain transition services shall be available to eligible candidates before the general election.

S. 3751. An act to amend the Stem Cell Therapeutic and Research Act of 2005.

S. 3802. An act to designate a mountain and icefield in the State of Alaska as the "Mount Stevens" and "Ted Stevens Icefield", respectively.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on September 30, 2010, she presented to the President of the United States, for his approval, the following bills.

H.R. 2923. To enhance the ability to combat methamphetamine.

H.R. 3081. An Act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes.

H.R. 3808. To require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce.

H.R. 714. To authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and for other purposes.

H.R. 3553. To exclude from consideration as income under the Native American Housing Assistance and Self-Determination Act of 1996 amounts received by a family from the Department of Veterans Affairs for service-related disabilities of a member of the family.

H.R. 3940. To clarify the availability of existing funds for political status education in the Territory of Guam, and for other purposes.

H.R. 553. To require the Secretary of Homeland Security to develop a strategy to prevent the over-classification of homeland security and other information and to promote the sharing of unclassified homeland security and other information, and for other purposes.

H.R. 1177. To require the Secretary of the Treasury to mint coins in recognition of five United States Army 5-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisen-

hower, Henry 'Hap' Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

H.R. 3689. To provide for an extension of the legislative authority of the Vietnam Veterans Memorial Fund, Inc. to establish a Vietnam Veterans Memorial visitor center, and for other purposes.

H.R. 3980. To provide for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants, and for other purposes.

Lorraine C. Miller, Clerk of the House also reports that on October 1, 2010, she presented to the President of the United States, for his approval, the following bills.

H.R. 5450. To designate the facility of the United States Postal Service located at 3894 Crenshaw Boulevard in Los Angeles, California, as the "Tom Bradley Post Office Building".

H.R. 6200. To amend part A of title XI of the Social Security Act to provide for a 1-year extension of the authorizations for the Work Incentives Planning and Assistance program and the Protection and Advocacy for Beneficiaries of Social Security program.

H.R. 5341. To designate the facility of the United States Postal Service located at 100 Orndorf Drive in Brighton, Michigan, as the "Joyce Rogers Post Office Building".

H.R. 5390. To designate the facility of the United States Postal Service located at 13301 Smith Road in Cleveland, Ohio, as the "David John Donafée Post Office Building".

H.R. 4543. To designate the facility of the United States Postal Service located at 4285 Payne Avenue in San Jose, California, as the "Anthony J. Cortese Post Office Building".

H.R. 946. To enhance citizen access to Government information and services by establishing that Government documents issued to the public must be written clearly, and for other purposes.

H.R. 3219. To amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to insurance and health care, and for other purposes.

H.R. 2701. To authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Lorraine C. Miller, Clerk of the House also reports that on October 4, 2010, she presented to the President of the United States, for his approval, the following bill:

H.R. 3619. To authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 17 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, November 16, 2010, at 12:30 p.m., for morning-hour debate.

JOINT ESTIMATE OF BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111-139, after consultation with the Chairman of the Senate Budget Committee, and on behalf of both of us, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the House amendment to the Senate amendment to the bill H.R. 5566, the Animal Crush Video Prohibition Act of 2010, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR A DRAFT HOUSE RESOLUTION PROVIDED TO CBO ON NOVEMBER 15, 2010

	By fiscal year, in millions of dollars—											
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2011– 2015	2011– 2020
NET INCREASE OR DECREASE (–) IN THE DEFICIT												
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0

The resolution contains provisions to modify the current laws that prohibit the sale of certain videos or other items that depict animal cruelty. If those provisions are enacted, the government could pursue cases that it otherwise would not be able to prosecute. Because those prosecuted and convicted under the resolution could be subject to criminal fines, the federal government might collect additional amounts if the resolution could be subject to criminal fines, the federal government might collect additional amounts if the resolution is enacted. Criminal fines are recorded as revenues, deposited in the Crime Victims Fund, and later spent. CBO estimates that any additional revenues and direct spending would not be significant because of the small number of cases likely to be affected.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 6396, To amend the Immigration and Nationality Act to toll, during active-duty service abroad in the Armed Forces, the periods of time to file a petition and appear for an interview to remove the conditional basis for permanent resident status, and for other purposes, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR A DRAFT BILL TO AMEND THE IMMIGRATION AND NATIONALITY ACT TO TOLL, DURING ACTIVE-DUTY SERVICE ABROAD IN THE ARMED FORCES, THE PERIODS OF TIME TO FILE A PETITION AND APPEAR FOR AN INTERVIEW TO REMOVE THE CONDITIONAL BASIS FOR PERMANENT RESIDENT STATUS, AND FOR OTHER PURPOSES PROVIDED TO CBO ON NOVEMBER 15, 2010

	By fiscal year, in millions of dollars—											
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2011– 2015	2011– 2020
NET INCREASE OR DECREASE (–) IN THE DEFICIT												
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0

The bill would extend the period of time available for certain members of the U.S. Armed Forces and their spouses to complete requirements to gain permanent U.S. residence. This legislation would affect a small number of people, and CBO estimates that it would have no significant effect on direct spending by the Department of Homeland Security or on federal assistance programs.

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 6397, the Marine Sergeant Michael H. Ferschke, Jr. Memorial Act, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR A DRAFT BILL, THE MARINE SERGEANT MICHAEL H. FERSCHKE, JR. MEMORIAL ACT PROVIDED TO CBO ON NOVEMBER 15, 2010

	By fiscal year, in millions of dollars—											
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2011– 2015	2011– 2020
NET INCREASE OR DECREASE (–) IN THE DEFICIT												
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0

The bill would clarify that intended spouses of certain members of the United States Armed Forces could obtain certain immigration benefits. This legislation would affect a very small number of people, and CBO estimates that it would have no significant effect on direct spending by the Department of Homeland Security or on federal assistance programs.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

9779. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Operation, in the Ordinary Course, of a Commodity Broker in Bankruptcy (RIN: 3038-AC90) received September 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9780. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Regulation of Off-Exchange Retail Foreign Exchange Transactions and Intermediaries (RIN: 3038-AC61) received October 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9781. A letter from the Director, National Institute of Food and Agriculture, Department of Agriculture, transmitting the Department's final rule — Competitive and Noncompetitive Non-formula Federal Assist-

ance Programs — General Award Administrative Provisions (RIN: 0524-AA58) received September 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9782. A letter from the Acting Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Black Stem Rust: Additions of Rust-Resistant Varieties [Docket No.: APHIS-2010-0088] received September 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9783. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Cotton Program Changes for Upland Cotton, Adjusted World Price, and Active Shipping Orders (RIN: 0560-AH81) received September 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9784. A letter from the Administrator, Risk Management Agency, Department of Agriculture, transmitting the Department's final rule — Common Crop Insurance Regulations; Stonefruit Crop Insurance Provisions (RIN:

0563-AC21) received September 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9785. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — National Veterinary Accreditation Program; Currently Accredited Veterinarians Performing Accredited Duties and Electing to Participate [Docket No.: APHIS-2006-0093] (RIN: 0579-AC04) received September 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9786. A letter from the Director, Department of Agriculture, transmitting the Department's final rule — Competitive and Noncompetitive Non-Formula Federal Assistance Programs--Specific Administrative Provisions for the New Era Rural Technology Competitive Grants Program (RIN: 0524-AA60) received September 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9787. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Tart Cherries

Grown in the State of Michigan, et al.; Increased Assessment Rate for the 2010-2011 Crop year for Tart Cherries [Doc. No.: AMS-FV-10-0029; FV10-930-2 FR] received September 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9788. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Walnuts Grown in California; Decreased Assessment Rate [Doc. No.: AMS-FV-10-0060; FV10-984-1 IR] received September 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9789. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Avocados Grown in South Florida; Increased Assessment Rate [Doc. No.: AMS-FV-10-0067; FV10-915-1 IR] received September 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9790. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Egg Research and Promotion Order; Referendum Procedures [Doc. No.: AMS-PY-09-0116] received September 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9791. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Conservation Loan Program (RIN: 0560-AI04) received October 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9792. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Tuberculosis in Cattle and Bison; State and Zone Designations; Minnesota [Docket No.: APHIS-2010-0097] received October 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9793. A letter from the Acting Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Fresh Unshu Oranges From the Republic of Korea Into the Continental United States [Docket No.: APHIS-2010-0022] (RIN: 0579-AD14) received October 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9794. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Thiabendazole; Pesticide Tolerances [EPA-HQ-OPP-2009-0910; FRL-8842-7] received August 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9795. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Choline hydroxide; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0233; FRL-8841-6] received August 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9796. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Spiromesifen; Pesticide Tolerances [EPA-HQ-OPP-2009-0682; FRL-8841-9] received August 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9797. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agen-

cy's final rule — Bifenazate; Pesticide Tolerances [EPA-HQ-OPP-2009-0890; FRL-8840-9] received August 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9798. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Acetic Acid Ethenyl Ester, Polymer with Oxirane; Tolerance Exemption [EPA-HQ-OPP-2010-0429; FRL-8841-2] received August 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9799. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Acetic Acid; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0561; FRL-8833-8] received July 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9800. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Castor Oil, Ethoxylated, Oleate; Tolerance Exemption [EPA-HQ-OPP-2010-0231; FRL-8834-4] received July 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9801. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Cyazofamid; Pesticide Tolerances [EPA-HQ-OPP-2009-0801; FRL-8833-1] received July 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9802. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Hexythiazox; Pesticide Tolerances [EPA-HQ-OPP-2009-0325; FRL-8833-6] received July 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9803. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Residues of Quaternary Ammonium Compounds, N-Alkyl (C12-14) Dimethyl Ethylbenzyl Ammonium Chloride; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0533; FRL-8833-2] received July 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9804. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Carbaryl; Order Denying NRDC's Objections and Requests for Hearing [EPA-HQ-OPP-2008-0347; FRL-8843-7] received September 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9805. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — S-metolachlor; Pesticide Tolerances [EPA-HQ-OPP-2009-0814; FRL-8842-3] received September 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9806. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fenarimol; Pesticide Tolerance [EPA-HQ-OPP-2009-0623; FRL-8844-6] received September 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9807. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Ammonium Formate; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2006-0121; FRL-8839-3] received September 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9808. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Acephate, Cadicylic acid, Dicamba, Dicloran, et al.; Tolerance Actions [EPA-HQ-OPP-2010-0262; FRL-8842-1] received September 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9809. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fluoaxastobin; Pesticide Tolerances [EPA-HQ-OPP-2007-0677; FRL-8845-7] September 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9810. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Spinosad; Pesticide Tolerances [EPA-HQ-OPP-2009-0616; FRL-8844-1] September 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9811. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pesticide Management and Disposal; Standards for Pesticide Containers and Containment; Change to Labeling Compliance Date [EPA-HQ-OPP-2005-0327; FRL-8848-8] received October 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9812. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Technical Amendments to Pesticide Regulations [EPA-HQ-OPP-2010-0756; FRL-8844-7] received September 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9813. A letter from the Under Secretary, Department of Defense, transmitting a report of a violation of the Antideficiency Act, Navy Case Number 09-06; to the Committee on Appropriations.

9814. A letter from the Under Secretary, Department of Defense, transmitting a report of a violation of the Antideficiency Act, Navy Case Number 09-05, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

9815. A letter from the Under Secretary, Department of Defense, transmitting a report of a violation of the Antideficiency Act, Navy Case Number 09-03; to the Committee on Appropriations.

9816. A letter from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting the final plan for the allocation of the Fiscal Year (FY) 2010 HIDTA program funds for auditing services; to the Committee on Appropriations.

9817. A letter from the Principal Deputy Under Secretary, Department of Defense, transmitting the Department's report on the amount of purchases from foreign entities in Fiscal Year 2009. The report separately identifies the dollar value of items for which the Buy American Act was waived, pursuant to Public Law 104-201, section 827 (110 Stat. 2611); to the Committee on Armed Services.

9818. A letter from the Under Secretary, Department of Defense, transmitting a letter

on the approved retirement of Vice Admiral John J. Donnelly, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

9819. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting first periodic Report to Congress on Infrastructure Needs in the Department of Energy's Aging Defense Nuclear Facilities; to the Committee on Armed Services.

9820. A letter from the OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule — TRICARE: Non-Physician Referrals for Physical Therapy, Occupational Therapy, and Speech Therapy [Docket ID: DoD-2009-HA-0098] (RIN: 0720-AB36) received September 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9821. A letter from the OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule — TRICARE; TRICARE Delivery of Health Care in Alaska [Docket ID: DoD-2008-HA-0123] (RIN: 0720-AB29) received September 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9822. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Richard C. Zilmer, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

9823. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Admiral Mark P. Fitzgerald, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

9824. A letter from the Under Secretary of Defense, Acquisition, Technology and Logistics, Department of Defense, transmitting a letter addressing the awarding of a multiyear procurement (MYP) contract; to the Committee on Armed Services.

9825. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Guidance on Personal Services (DFARS Case 2009-D028) (RIN: 0750-AG72) received September 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9826. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Government Rights in the Design in DoD Vessels (DFARS Case 2008-D039) received September 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9827. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Payment of Costs Prior to Definitization-Definition of Contract Action. (DFARS Case 2009-D035) received September 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9828. A letter from the OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule — TRICARE: Transitional Assistance Management Program (TAMP) [Docket ID: DOD-2009-HA-0096] (RIN: 0720-AB34) received September 13, 2010, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Armed Services.

9829. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Additional Requirements Applicable to Multiyear Contracts (DFARS Case 2008-D023) (RIN: 0750-AG26) received September 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9830. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Motor Carrier Fuel Surcharge (DFARS Case 2008-D040) (RIN: 0750-AG30) received September 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9831. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Government-Assigned Serial Number Marking (DFARS Case 2008-D047) received September 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9832. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; DoD Office of the Inspector General Address (DFARS Case 2010-D015) received September 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9833. A letter from the Principal Deputy Under Secretary, Department of Defense, transmitting a copy of the "Annual Report on the Department of Defense Mentor-Protege Program" for FY 2009, pursuant to Public Law 101-510, section 831; to the Committee on Armed Services.

9834. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement Lieutenant General Jeffery A. Sorenson, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

9835. A letter from the Under Secretary, Department of Defense, transmitting a quarterly report on withdrawals or diversions of equipment from Reserve component units for the period of April 1, 2010 through June 30, 2010, pursuant to Public Law 106-554, section 323(e) (114 Stat. 2763A-186); to the Committee on Armed Services.

9836. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement Vice Admiral Carl V. Mauney, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

9837. A letter from the Principal Deputy Under Secretary, Department of Defense, transmitting the Department's annual report on the Acquisition Challenge Program for Fiscal Year 2009, pursuant to 10 U.S.C. 2359b(j); to the Committee on Armed Services.

9838. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General George J. Trautman III, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

9839. A letter from the Under Secretary, Department of Defense, transmitting a letter

on the approved retirement of General James T. Conway, United States Marine Corps, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

9840. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Inservice Inspection Code Case Acceptability, ASME Section XI, Division 1, Regulatory Guide 1.147, Revision 16 received September 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9841. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2010-0003] [Internal Agency Docket No.: FEMA-8141] received September 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9842. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2010-0003] [Internal Agency Docket No.: FEMA-8145] received September 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9843. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2010-0003] [Internal Agency Docket No.: FEMA-8143] received September 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9844. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received September 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9845. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2010-0003] [Internal Agency Docket No.: FEMA-8147] received October 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9846. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received October 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9847. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2010-0003] [Internal Agency Docket No.: FEMA-8149] received October 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9848. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Prohibition of the Escrowing of Tax Credit Equity [Docket No.: FR-5290-F-02] (RIN: 2502-A173) received September 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9849. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Federal Housing Administration Risk Management Initiatives: New Loan-to-Value and Credit Score Requirements [Docket No.:

FR-5404-N-02] received October 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9850. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's final rule — Community Reinvestment Act Regulations [Docket ID: OCC-2010-0014] (RIN: 1557-AD24) received October 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9851. A letter from the Deputy Director, Department of the Treasury, transmitting the Department's final rule — Financial Crimes Enforcement Network; Amendment to the Bank Secrecy Act Regulations; Defining Mutual Funds as Financial Institutions; Extension of Compliance Date (RIN: 1506-AA93) received October 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9852. A letter from the Deputy Director, Department of the Treasury, transmitting the Department's final rule — Transfer and Reorganization of Bank Secrecy Act Regulations (RIN: 1506-AA92) received October 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9853. A letter from the President and Chairman, Export-Import Bank, transmitting a report involving U.S. exports to Hungary, pursuant to 12 U.S.C. 636(b)(3)(i); to the Committee on Financial Services.

9854. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Luxembourg pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9855. A letter from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Registration of Mortgage Loan Originators (RIN: 3064-AD43) received September 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9856. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — 2010-2011 Enterprise Housing Goals; Enterprise Book-entry Procedures (RIN: 2590-AA26) received September 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9857. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Supplemental Standards of Ethical Conduct for Employees of the Federal Housing Finance Agency (RINs: 2590-AA02, 3209-AA15) received September 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9858. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Commission Guidance Regarding Auditing, Attestation, and Related Professional Practice Standards Related to Brokers and Dealers [Release No.: 34-62991] received September 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9859. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Commission Guidance on Presentation of Liquidity and Capital Resources Disclosures in Management's Discussion and Analysis [Release Nos. 33-9144; 34-62934; FR-83] received September 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9860. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Internal Control Over Financial Reporting in Exchange Act Periodic Reports of Non-Accelerated Filers [Release Nos.: 33-9142; 34-62914] September 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9861. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's 2009 Annual Report of the Securities Investor Protection Corporation; to the Committee on Financial Services.

9862. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Removal From Regulation FD of the Exemption for Credit Rating Agencies [Release No.: 33-9146; 34-63003; IC 29448; File No. S7-23-10] received October 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9863. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule — Reporting of Security-Based Swap Transaction Data (RIN: 3235-AK73) received October 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9864. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Technical Amendments to Forms N-CSR and N-SAR in Connection with the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 [Release Nos.: 34-63087; IC-29461] received October 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9865. A letter from the Secretary, Department of Education, transmitting the Department's final rule — High School Equivalency Program and College Assistance Migrant Program, The Federal TRIO Programs, and Gaining Early Awareness and Readiness for Undergraduate Program [Docket ID: ED-2010-OPE-0002] (RIN: 1840-AD01) received October 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

9866. A letter from the Assistant General Counsel for Regulatory Services, Office of the General Counsel, Department of Education, transmitting the Department's "Major" final rule — High School Equivalency Program and College Assistance Migrant Program, The Federal TRIO Programs, and Gaining Early Awareness and Readiness for Undergraduate Program [Docket ID: ED-2010-OPE-0002] (RIN: 1840-AD01) received October 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

9867. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's "Report to Congress on the Proposed Head Start Designation Renewal System"; to the Committee on Education and Labor.

9868. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's Biennial Report to Congress on the Child Care and Development Fund (CCDF) for FY 2006 and FY 2007; to the Committee on Education and Labor.

9869. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Report to Congress on the Impact and Effectiveness of Administration for Native Americans (ANA) Projects: Fiscal Year 2008"; to the Committee on Education and Labor.

9870. A letter from the Assistant Secretary, Employment and Training Administration,

Department of Labor, transmitting the Department's final rule — Senior Community Service Employment Program; Final Rule (RIN: 1205-AB48 and RIN 1205-AB47) received September 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

9871. A letter from the Assistant Secretary for Occupational Safety and Health, Department of Labor, transmitting the Department's final rule — Procedures for the Handling of Retaliation Complaints Under Section 219 of the Consumer Product Safety Improvement Act of 2008 [Docket Number: OSHA-2010-0006] (RIN: 1218-AC47) received September 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

9872. A letter from the Assistant Secretary for Occupational Safety and Health, Department of Labor, transmitting the Department's final rule — Procedures for the Handling of Retaliation Complaints Under the Employee Protection provision of the Surface Transportation Assistance Act of 1982 [Docket Number: OSHA-2008-0026] (RIN: 1218-AC36) received September 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

9873. A letter from the Assistant Secretary for Occupational Safety and Health, Department of Labor, transmitting the Department's final rule — Procedures for the Handling of Retaliation Complaints Under the National Transit Systems Security Act and the Federal Railroad Safety Act [Docket Number: OSHA-2008-0027] (RIN: 1218-AC36) received September 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

9874. A letter from the Director, Office of Standards, Regulations and Variances, Department of Labor, transmitting the Department's final rule — Maintenance of Incombustible Content of Rock Dust in Underground Coal Mines (RIN: 1219-AB76) received September 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

9875. A letter from the Director, Directorate of Cooperative and State Programs, Department of Labor, transmitting the Department's final rule — Notice of Initial Approval Determination; Illinois Public Employee Only State Plan [Docket No.: OSHA-2009-0010] (RIN: 1218-AC44) received October 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

9876. A letter from the Director of Legislative and Regulatory Affairs, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Allocation of Assets in Single-Employer Plans; Valuation of Benefits and Assets; Expected Retirement Age received September 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

9877. A letter from the Director of Legislative and Regulatory Affairs, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans received September 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

9878. A letter from the Deputy Director of Policy and External Affairs, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits received September 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

9879. A letter from the Deputy Director for Operations, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits received October 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

9880. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting the Energy Information Administration's "International Energy Outlook 2010", pursuant to 15 U.S.C. 790f(a)(2); to the Committee on Energy and Commerce.

9881. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's FY 2009 annual performance report to Congress required by the Prescription Drug User Fee Act of 1992 (PDUFA), as amended, pursuant to 21 U.S.C. 379g note; to the Committee on Energy and Commerce.

9882. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Acquisition Regulation: Sustainable Acquisition (RIN: 1991-AB95) received September 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9883. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting the Energy Information Administration's Annual Energy Review 2009; to the Committee on Energy and Commerce.

9884. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program for Consumer Products: Test Procedures for Residential Furnaces and Boilers (Standby Mode and Off Mode) [Docket No.: EERE-2008-BT-TP-0020] (RIN: 1904-AB89) received October 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9885. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled "Performance Evaluation of Accreditation Bodies under the Mammography Quality Standards Act of 1992 as amended by the Mammography Quality Standards Reauthorization Acts of 1998 and 2004" covering the year 2009; to the Committee on Energy and Commerce.

9886. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's Annual Report entitled, "Delays in Approvals of Applications Related to Citizen Petitions and Petitions for Stay of Agency Action for Fiscal Year 2009", pursuant to 21 U.S.C. 355, section 505(q)(3); to the Committee on Energy and Commerce.

9887. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Revisions to the Requirements Applicable to Blood, Blood Components and Source Plasma [Docket No.: 2007N-0264] received September 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9888. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Health Information Technology: Revisions to Initial Set of Standards, Implementation Specifications, and Certification Criteria for Electronic Health Record Technology (RIN:

0991-AB76) received October 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9889. A letter from the Secretaries, Departments of Agriculture and Health and Human Services, transmitting the Departments' report on Thefts, Losses, or Releases of Select Agents or Toxins for the period January 1, 2009 to December 31, 2009, as required by the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, Pub. L. 107-188; to the Committee on Energy and Commerce.

9890. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Adequacy of New Hampshire Municipal Solid Waste Landfill Permit Program [EPA-R01-RCRA-2010-0676; FRL-9793-1] received August 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9891. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Diego County Air Pollution Control District [EPA-R09-OAR-2010-0569; FRL-9200-6] received September 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9892. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Determination of Attainment of the 1997 Ozone Standard for the Greater Connecticut Area [EPA-R01-OAR-2010-0380; A-1-FRL-9195-2] received August 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9893. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Kentucky; Approval Section 110(a)(1) Maintenance Plan for the 1997 8-Hour Ozone Standard for the Paducah Area [EPA-R04-OAR-2007-1186-201021; FRL-9193-4] received August 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9894. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Georgia: State Implementation Plan Revision; Correction [EPA-R04-OAR-2007-0113-200709(c); FRL-9193-5] received August 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9895. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Restructuring of the Stationary Source Audit Program [EPA-HQ-OAR-2008-0531; FRL-9195-7] (RIN: 2060-AP23) received August 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9896. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants [EPA-HQ-OAR-2002-0051; EPA-HQ-OAR-2007-0877, FRL-9189-2] (RIN: 2060-AO15, 2060-AO42) received August 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9897. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Extension of Deadline for Action on Section 126 Petition from New Jersey [EPA-HQ-OAR-2010-0473; FRL-9174-5] received July 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9898. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Amendments to Enforceable Consent Agreement Procedural Rules [EPA-HQ-OPPT-2009-0894; FRL-8832-8] (RIN: 2070-AJ59) received September 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9899. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Technical Amendments for Marine Spark-Ignition Engines and Vessels [EPA-HQ-OAR-2010-0270; FRL-9202-4] (RIN: 2060-AQ18) received September 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9900. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Multi-Walled Carbon Nanotubes and Single-Walled Carbon Nanotubes; Significant New Use Rules [EPA-HQ-OPPT-2008-0252; FRL-8835-5] (RIN: 2070-AB27) received September 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9901. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Alabama: Birmingham; Determination of Attaining Data for the 2006 24-Hour Fine Particulate Standard [EPA-R04-OAR-2010-0203-201035; FRL-9202-9] received September 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9902. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Significant New Use Rules on Certain Chemical Substances [EPA-HQ-OPPT-2009-922; FRL-8839-7] (RIN: 2070-AB27) received September 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9903. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Rhode Island: Final Authorization of State Hazardous Waste Management Program Revisions [EPA-R01-RCRA-2010-0561; FRL-9203-3] received September 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9904. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Alabama: Volatile Organic Compounds [EPA-R04-OAR-2010-0289-201018(a); FRL-9203-9] received September 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9905. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Management System; Identification and Listing of Hazardous Waste Amendment [EPA-R05-RCRA-2010-0758; FRL-9201-2] received September 17, 2010, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Energy and Commerce.

9906. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Nebraska: Final Authorization of State Hazardous Waste Management Program [EPA-R07-RCRA-2008-0830; FRL-9205-3] received September 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9907. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Adoption of Control Techniques Guidelines for Flexible Packaging Printing [EPA-R03-OAR-2010-0484; FRL-9205-9] received September 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9908. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control Technique Guidelines for Paper, Film, and Foil Coatings [EPA-R03-OAR-2010-0525; FRL-9206-4] received September 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9909. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Michigan; PSD Regulations [EPA-R05-OAR-2010-0657; FRL-9205-6] received September 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9910. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Area for Air Quality Planning Purposes; Michigan; Redesignation of the Allegan County Areas to Attainment for Ozone [EPA-R05-OAR-2010-0477; FRL-9204-5] received September 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9911. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Mandatory Reporting of Greenhouse Gases [EPA-HQ-OAR-2009-0925; FRL-9204-7] (RIN: 2060-AQ02) received September 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9912. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2009-0958; FRL-9204-3] received September 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9913. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Revised Format for Materials Being Incorporated by Reference [IN 171; FRL-9200-1] received September 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9914. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2009-0711; FRL-9207-7] received September 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9915. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Volatile Organic Compound Emission from Industrial Solvent Cleaning Operations [EPA-R03-OAR-2010-0594; FRL-9208-2] received September 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9916. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Direct Final Rule [EPA-R06-RCRA-2010-0066; SW FRL-9208-7] received September 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9917. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Supplemental Determination for Renewable Fuels Produced Under the Final RFS2 Program from Canola Oil [EPA-HQ-OAR-2010-0133; FRL-9207-1] (RIN: 2060-AQ35) received September 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9918. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Priorities List, Final Rule No. 50 [EPA-HQ-SFUND-2009-0067, EPA-HQ-SFUND-2010-0068, EPA-HQ-SFUND-2010-0069, EPA-HQ-SFUND-2010-0070, EPA-HQ-SFUND-2010-0074, EPA-HQ-SFUND-2010-0076; FRL-9207-3] (RIN: 2050-AD75) received September 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9919. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Priorities List, Final Rule — Newtown Creek [EPA-HQ-SFUND-2009-0588; FRL-9207-2] (RIN: 2050-AD75) received September 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9920. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Implementation Plans of Wisconsin; Nitrogen Oxides Reasonably Available Control Technology [EPA-R05-OAR-2007-0587; EPA-R05-OAR-2009-0732; FRL-9205-8] received September 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9921. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of Nevada; Redesignation of Las Vegas Valley to Attainment for the Carbon Monoxide Standard [EPA-R09-OAR-2010-0585; FRL-9204-9] received September 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9922. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Revised Guidance on Compiling Administrative Records for CERCLA Response Actions received October 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9923. A letter from the Administrator, Environmental Protection Agency, transmitting the FY 2009 Superfund Five-Year Review Report to Congress, in accordance with the requirements in Section 121(c) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended by the Superfund Amendments and Reauthorization Act of 1986; to the Committee on Energy and Commerce.

9924. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Limiting Emissions of Volatile Organic Compounds from Consumer Products [EPA-R03-OAR-2010-0124; FRL-9211-5] received October 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9925. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Amendment to Consumer Products and Architectural and Industrial Maintenance Coatings Regulations [EPA-R03-OAR-2010-0319; FRL-9211-6] received October 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9926. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Tennessee; Knoxville; Determination of Attaining Data for the 1997 8-Hour Ozone Standards [EPA-R04-2007-0228-201038; FRL-9212-6] received October 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9927. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [EPA-R07-2010-0415; FRL-9210-3] received October 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9928. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration (PSD) for Particulate Matter Less than 2.5 Micrometers (PM_{2.5}) — Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC) [EPA-HQ-OAR-2009-0605; FRL-9210-9] (RIN: 2060-AO24) received October 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9929. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Mandatory Reporting of Greenhouse Gases [EPA-HQ-OAR-2010-0109; FRL-9213-5] (RIN: 2060-A079) received October 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9930. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Attainment for PM₁₀: Eagle River PM₁₀ Nonattainment Area, Alaska [Docket: EPA-R10-OAR-

2010-0433; FRL-9214-7] received October 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9931. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's "Major" final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Texas; Beaumont/Port Arthur Ozone Nonattainment Area: Redesignation to Attainment for the 1997 8-Hour Ozone Standard and Determination of Attainment for the 1-Hour Ozone Standard; Clarification of EPA's Approval of the El Paso Section 110(a)(1) Maintenance Plan for the 1997 8-Hour Ozone Standard [EPA-R06-OAR-2008-0932; FRL-9214-9] received October 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9932. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Implementation Plans of Wisconsin: Nitrogen Oxides Reasonably Available Control Technology [EPA-R05-OAR-2007-0587; EPA-R05-OAR-2009-0732; FRL-9205-8] received October 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9933. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Outer Continental Shelf Air Regulations Consistency Update for California [OAR-2004-0091; FRL-9192-8] received September 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9934. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Commonwealth of Kentucky; Prevention of Significant Deterioration and Nonattainment New Source Review Rules: Nitrogen Oxide as Precursor to Ozone [EPA-R04-OAR-2009-1014-201026; FRL-9201-1] received September 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9935. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); Prevention of Significant Deterioration (PSD) [EPA-R06-OAR-2010-0620; FRL-9199-8] received September 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9936. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); Nonattainment NSR (NNSR) for the 1-Hour and the 1997 8-Hour Ozone Standard, NSR Reform, and a Standard Permit [EPA-R06-OAR-2006-0133 and EPA-R06-OAR-2005-TX-0025; FRL-9199-6] received September 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9937. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — New Mexico: Final Authorization of State Hazardous Waste Management Program Revision [EPA-R06-RCRA-2009-0343 FRL-9217-2] received October 20,

2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9938. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Illinois; Voluntary Nitrogen Oxides Controls [EPA-R05-OAR-2007-1096; FRL-9215-8] received October 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9939. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; Determination of Attainment of the 1997 Ozone Standard for the Providence, Rhode Island Area [EPA-R01-OAR-2010-0459; A-1-FRL-9215-9] received October 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9940. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio; Particulate Matter Standards [EPA-R05-OAR-2008-0684; FRL-9215-2] received October 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9941. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio; Ohio Ambient Air Quality Standards [EPA-R05-OAR-2009-0807; FRL-9209-1] received October 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9942. A letter from the Associate Bureau Chief, Wireline Competition, Federal Communication Commission, transmitting the Commission's final rule — Schools and Libraries Universal Service Support Mechanism [CC Docket No.: 02-6] A National Broadband Plan for Our Future [GN Docket No.: 09-51] received October 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9943. A letter from the Policy Advisor, WTB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Commission's Rules Governing Hearing Aid-Compatible Mobile Handsets [WT Docket No.: 07-250] received September 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9944. A letter from the Program Analyst, OMD, Financial Operations — RROG, Federal Communications Commission, transmitting the Commission's final rule — Assessment and Collection of Regulatory Fees for Fiscal Year 2010 [MD Docket No.: 10-87] received September 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9945. A letter from the Policy Advisor, WTB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Commission's Rules Governing Hearing Aid-Compatible Mobile Handsets [WT Docket No.: 07-250] received September 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9946. A letter from the Deputy Division Chief, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Part 97 of the Commission's Rules Regarding Amateur Radio Service Communications During Government Dis-

aster Drills, Amateur Radio Policy Committee Petition for Rulemaking, Request by American Hospital Association for Blanket Waiver to Permit Hospitals to Use Amateur Radio as Part of Emergency Preparedness Drills [WP Docket No.: 10-72] [WP Docket No.: 10-54] received September 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9947. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (DeBeque, Colorado) [MB Docket No.: 10-22] received September 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9948. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Blythe, California) [MB Docket No.: 08-151] received September 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9949. A letter from the Acting Chief, TAPD, WCB, Federal Communications Commission, transmitting the Commission's final rule — Jurisdictional Separations and Referral to the Federal-State Joint Board (CC Docket No.: 80-286) received September 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9950. A letter from the Program Analyst, OMD, Financial Operation — RROG, Federal Communications Commission, transmitting the Commission's final rule — Assessment and Collection of Regulatory Fees for Fiscal Year 2010 [MD Docket No.: 10-87] received September 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9951. A letter from the Deputy Division Chief, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Part 97 of the Commission's Rules Regarding Amateur Radio Service Communications During Government Disaster Drills, Amateur Radio Policy Committee Petition for Rulemaking, Request by American Hospital Association for Blanket Waiver to Permit Hospitals to Use Amateur Radio as Part of Emergency Preparedness Drills [WP Docket No.: 10-72] [WP Docket No.: 10-54] received September 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9952. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Grants Pass, Oregon) [MB Docket No.: 10-117] received October 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9953. A letter from the Chief, Policy and Rules Division, OET, Federal Communications Commission, transmitting the Commission's final rule — Investigation of the Spectrum Requirements for Advanced Medical Technologies, Amendment of Parts 2 and 95 of the Commission's Rules to Establish the Medical Device Radiocommunication Service at 401-402 and 405-406 MHz [ET Docket No.: 06-135] received October 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9954. A letter from the Chief, Policy and Rules Division, OET, Federal Communications Commission, transmitting the Commission's final rule — Investigation of the

Spectrum Requirements for Advanced Medical Technologies, Amendment of Parts 2 and 95 of the Commission's Rules to Establish the Medical Device Radiocommunication Service at 401-402 and 405-406 MHz [ET Docket No.: 06-135] received October 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9955. A letter from the Executive Director, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Update of the Federal Energy Regulatory Commission's Fees Schedule for Annual Charges for the Use of Government Lands [Docket No.: RM10-27-000] received September 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9956. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Telemarketing Sales Rule received September 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9957. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Appliance Labeling Rule (RIN: 3084-AB03) received October 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9958. A letter from the Deputy Director, Regulations Policy and Management Staff, Health and Human Services, transmitting the Department's final rule — Cardiovascular Devices; Reclassification of Certain Percutaneous Transluminal Coronary Angioplasty (PTCA) Catheters [Docket No.: FDA-2000-P-0924] [formerly Docket No.: FDA-2000-P-1533] received October 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9959. A letter from the Program Manager, Health and Human Services, transmitting the Department's final rule — Countermeasures Injury Compensation Program (CICP): Administrative Implementation, Interim Final Rule (RIN: 0906-AA83) received October 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9960. A letter from the Director, Regulatory Management Division, Internal Revenue Service, transmitting the Agency's final rule — National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List [EPA-R04-SFUND-2010-0502; FRL-9194-3] received August 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9961. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Service Level I, II, and III Protective Coatings Applied to Nuclear Power Plants (Regulatory Guide 1.54, Revision 2) received October 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9962. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — NRC Enforcement Policy Revision [NRC-2008-0497] received September 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9963. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Regulatory Guide 1.193 ASME Code Cases Not Approved For Use Revision 3 received September 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9964. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory

Commission, transmitting the Commission's final rule — Regulatory Guide 1.84 Design, Fabrication, and Materials Code Case Acceptability, ASME Section III Revision 35 received September 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9965. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Incorporation by Reference of Regulatory Guide 1.84, Revision 35, and Regulatory Guide 1.147, Revision 16, into 10 CFR 50.55a [NRC 2009-0014] (RIN: 3150-AI37) received October 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9966. A letter from the Director, Office of Congressional Affairs, U.S. Regulatory Commission, transmitting the Commission's final rule — Planned Special Exposure Regulatory Guide 8.35, Revision 1 received September 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9967. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

9968. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo that was declared in Executive Order 13413 of October 27, 2006, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

9969. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia in Executive Order 12987 of October 21, 1995, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

9970. A communication from the President of the United States, transmitting notification of an Executive Order that takes additional steps with respect to the national emergency declared with respect to the blocking of property of certain persons with respect to serious human rights abuses by the government of Iran declared by Executive Order 12957 of March 15, 1995, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 111—147); to the Committee on Foreign Affairs and ordered to be printed.

9971. A communication from the President of the United States, transmitting notification terminating the suspensions pertaining to the issuance of temporary munitions export licenses for exports to the People's Republic of China, pursuant to Public Law 101-246, section 902(b)(2) (104 Stat. 85); (H. Doc. No. 111—148); to the Committee on Foreign Affairs and ordered to be printed.

9972. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting pursuant to the Taiwan Relations Act, agreements concluded by the American Institute and the Taipei Economic and Cultural Representative Office in Washington, pursuant to 22 U.S.C. 3311(a); to the Committee on Foreign Affairs.

9973. A letter from the Assistant Secretary, Legislative Affairs, Department of State,

transmitting notification that effective September 12, 2010, the danger pay allowance for Nogales, Mexico has been eliminated, pursuant to 5 U.S.C. 5928; to the Committee on Foreign Affairs.

9974. A letter from the Secretary, Department of State, transmitting notification that effective September 12, 2010, the 15% Danger Pay Allowance for USG civilian employees serving in Reynosa, Mexico has been established, pursuant to 5 U.S.C. 5928; to the Committee on Foreign Affairs.

9975. A letter from the Acting Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting a formal response to the GAO report entitled "USAID Needs to Improve Its Strategic Planning to Address Current and Future Workforce Needs"; to the Committee on Foreign Affairs.

9976. A letter from the Chairman and Co-Chairman, Congressional Executive Commission on China, transmitting the Commission's annual report for 2010; to the Committee on Foreign Affairs.

9977. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, a correction to letters dated September 14, 2010, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Canada for defense articles and services; to the Committee on Foreign Affairs.

9978. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-59, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

9979. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-55, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

9980. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-53, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

9981. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-63, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

9982. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-61, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

9983. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-60, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

9984. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-54, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

9985. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 0B-10, pursuant to

the reporting requirements of Section 36(b)(5)(a) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

9986. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 20-10 informing of an intent to sign a Memorandum of Understanding with Canada and the Kingdom of Norway; to the Committee on Foreign Affairs.

9987. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Updated Statements of Legal Authority for the Export Administration Regulations (RIN: 0694-AF00) [Docket No.: 100824381-0381-02] received September 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

9988. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Wassenaar Arrangement 2009 Plenary Agreements Implementation: Categories 1, 2, 3, 4, 5 Part I, 6, 7, and 9 of the Commerce Control List, Definitions, Reports [Docket No.: 100413184-0299-01] (RIN: 0694-AE91) received September 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

9989. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule — International Services Surveys: BE-180, Benchmark Survey of Financial Services Transactions Between U.S. Financial Services Providers and Foreign Persons [Docket No.: 0908131235-0248-02] (RIN: 0691-AA73) received October 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

9990. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 10-16 informing of an intent to sign a Memorandum of Understanding with Israel; to the Committee on Foreign Affairs.

9991. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 10-14 informing of an intent to sign a Memorandum of Understanding with Germany; to the Committee on Foreign Affairs.

9992. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 10-12 informing of an intent to sign a Memorandum of Understanding with Singapore; to the Committee on Foreign Affairs.

9993. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 19-10 informing of an intent to sign a Memorandum of Understanding with the State of Israel; to the Committee on Foreign Affairs.

9994. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

9995. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

9996. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

9997. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report concerning efforts made by the United Nations and the Specialized Agencies to employ an adequate number of Americans during 2009; to the Committee on Foreign Affairs.

9998. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

9999. A letter from the Secretary, Department of the Treasury, transmitting the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses as required by section 1705(e)(6) of the Cuban Democracy Act of 1992, as amended by Section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, 22 U.S.C. 6004(e)(6), and pursuant to Executive Order 13313 of July 31, 2003; to the Committee on Foreign Affairs.

10000. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to persons undermining democratic processes or institutions in Zimbabwe that was declared in Executive Order 13288 of March 6, 2003; to the Committee on Foreign Affairs.

10001. A letter from the Associate Director, PP&I, Department of the Treasury, transmitting the Department's final rule — Iraqi Sanctions Regulations and Iraq Stabilization and Insurgency Sanctions Regulations received September 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

10002. A letter from the Associate Director, PP&I, Department of the Treasury, transmitting the Department's final rule — Iranian Transactions Regulations received September 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

10003. A letter from the Secretary, Department of the Treasury, transmitting as required by section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979; to the Committee on Foreign Affairs.

10004. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Somalia that was declared in Executive Order 13536 of April 12, 2010; to the Committee on Foreign Affairs.

10005. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Temporary Registration of Municipal Advisors [Release No. 34-62824; File No. S7-19-10] (RIN: 3235-AK69) September 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10006. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled "Letter Report: Fiscal Year 2009 District of Columbia Agency Compliance with Small Business Enterprise Goals", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

10007. A letter from the Acting Executive Secretary, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10008. A letter from the Acting Executive Secretary, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10009. A letter from the Acting Executive Secretary, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10010. A letter from the Acting Executive Secretary, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10011. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-556, "Closing of Public Streets and a Public Alley and Dedication and Designation of Land for Street Purposes in Squares 3765, 3767, 3768, and 3769 Temporary Act of 2010"; to the Committee on Oversight and Government Reform.

10012. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-552, "Howard Theater Redevelopment Project Great Streets Initiative Tax Increment Financing Temporary Act of 2010"; to the Committee on Oversight and Government Reform.

10013. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-555, "DC High Risk Pool Program Establishment Temporary Act of 2010"; to the Committee on Oversight and Government Reform.

10014. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-554, "Healthy DC Temporary Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

10015. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-553, "Sustainable Energy Utility Temporary Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

10016. A letter from the Chairman, Council of the District of Columbia, transmitting

Transmittal of D.C. ACT 18-551, “Youth Baseball Academy Grant Authorization Temporary Act of 2010”; to the Committee on Oversight and Government Reform.

10017. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-550, “Washington Convention and Sports Authority Temporary Amendment Act of 2010”; to the Committee on Oversight and Government Reform.

10018. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-549, “DCPL Federal Grant Authorization Temporary Amendment Act of 2010”; to the Committee on Oversight and Government Reform.

10019. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-548, “M.M. Washington Career High School Redevelopment Grant Authorization Temporary Act of 2010”; to the Committee on Oversight and Government Reform.

10020. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-547, “Kelsey Gardens Redevelopment Project Real Property Limited Tax Abatement Assistance Clarification Temporary Act of 2010”; to the Committee on Oversight and Government Reform.

10021. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-546, “14W and Anthony Bowen YMCA Project Tax Abatement Implementation Clarification Temporary Act of 2010”; to the Committee on Oversight and Government Reform.

10022. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-545, “Supermarket Tax Exemption Clarification Temporary Amendment Act of 2010”; to the Committee on Oversight and Government Reform.

10023. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-544, “Land Acquisition for Housing Development Opportunities Program Act of 2010”; to the Committee on Oversight and Government Reform.

10024. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-561, “Extension of Review Period for the Proposed Disposition of the J.F. Cook School Temporary Amendment Act of 2010”; to the Committee on Oversight and Government Reform.

10025. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-562 “District Settlement Payment Integrity Temporary Amendment Act of 2010”; to the Committee on Oversight and Government Reform.

10026. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-563, “Private Fire Hydrant Responsibility Temporary Act of 2010”; to the Committee on Oversight and Government Reform.

10027. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-558, “National Popular Vote Interstate Agreement Act of 2010”; to the Committee on Oversight and Government Reform.

10028. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-559, “Howard Theater Redevelopment Project Great Streets Initiative Tax Increment Financing Act of 2010”; to the Committee on Oversight and Government Reform.

10029. A letter from the Executive Analyst, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10030. A letter from the Executive Analyst, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10031. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency’s FY 2011-2015 Strategic Plan as required by the Government Performance and Results Act of 1993 (GPRA); to the Committee on Oversight and Government Reform.

10032. A letter from the Senior Procurement Executive, General Services Administration, transmitting the Administration’s final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-45; Small Entity Compliance Guide [Docket FAR 2010-0077, Sequence 7] received September 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

10033. A letter from the Senior Procurement Executive, General Services Administration, transmitting the Administration’s final rule — Federal Acquisition Regulation; American Recovery and Reinvestment Act of 2009 (the Recovery Act) — Buy American Requirements for Construction Material [FAC 2005-45; FAR Case 2009-008; Item III; Docket 2009-0008, Sequence 1] (RIN: 9000-AL22) received September 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

10034. A letter from the Deputy Associate Administrator of Acquisition Policy and Senior Procurement Executive, General Services Administration, transmitting the Administration’s final rule — Federal Acquisition Regulation; Inflation Adjustment of Acquisition-Related Thresholds [FAC 2005-45; FAR Case 2008-024; Item I; Docket 2010-0079, Sequence 1] (RIN: 9000-AL51) received September 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

10035. A letter from the Deputy Associate Administrator of Acquisition Policy and Senior Procurement Executive, General Services Administration, transmitting the Administration’s final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-45; Introduction [Docket: FAR 2010-0076, Sequence 7] received September 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

10036. A letter from the Deputy Associate Administrator of Acquisition Policy and Senior Procurement Executive, General Services Administration, transmitting the Administration’s final rule — Federal Acquisition Regulation; Definition of Cost or Pricing Data [FAC 2005-45; FAR Case 2005-036; Item II; Docket 2007-0001, Sequence 15] (RIN: 9000-AK74) received September 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

10037. A letter from the Senior Procurement Executive, General Services Administration, transmitting the Administration’s final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-46; Small Entity Compliance Guide [Docket: FAR 2010-0077, Sequence 8] received September 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

10038. A letter from the Senior Procurement Executive, General Services Administration, transmitting the Administration’s final rule — Federal Acquisition Regulation; Offering a Construction Requirement-8(a) Program [FAC 2005-46; FAR Case 2009-020; Item V; Docket 2010-0103, Sequence 1] (RIN: 9000-AL68) received September 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

10039. A letter from the Senior Procurement Executive, GSA, General Services Administration, transmitting the Administration’s final rule — Federal Acquisition Regulation; Buy American Exemption for Commercial Information Technology-Construction Material [FAC 2005-46; FAR Case 2009-039; Item VII; Docket 2010-0104, Sequence 1] (RIN: 9000-AL62) received September 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

10040. A letter from the Senior Procurement Executive, General Services Administration, transmitting the Administration’s final rule — Federal Acquisition Regulation; Encouraging Contractor Policies to Ban Text Messaging While Driving [FAC 2005-46; FAR Case 2009-028; Item VI; Docket 2010-0097, Sequence 1] (RIN: 9000-AL64) received September 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

10041. A letter from the Senior Procurement Executive, General Services Administration, transmitting the Administration’s final rule — Federal Acquisition Regulation; Termination for Default Reporting [FAC 2005-46; FAR Case 2008-016; Item III; Docket 2009-0032, Sequence 1] (RIN: 9000-AL45) received September 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

10042. A letter from the Senior Procurement Executive, General Services Administration, transmitting the Administration’s final rule — Federal Acquisition Regulation; Award-Fee Language Revision [FAC 2005-46; FAR Case 2008-008; Item IV; Docket 2009-0036, Sequence 1] (RIN: 9000-AL42) received September 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

10043. A letter from the Senior Procurement Executive, General Services Administration, transmitting the Administration’s final rule — Federal Acquisition Regulation; Certification Requirement and Procurement Prohibition Relating to Iran Sanctions [FAC 2005-46; FAR Case 2010-012; Item II; Docket 2010-0102, Sequence 1] (RIN: 9000-AL71) received September 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

10044. A letter from the Senior Procurement Executive, General Services Administration, transmitting the Administration’s final rule — Federal Acquisition Regulation; Equal Opportunity for Veterans [FAC 2005-46; FAR Case 2009-007; Item I; Docket 2010-0101, Sequence 1] (RIN: 9000-AL67) received September 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

10045. A letter from the Senior Procurement Executive, General Services Administration, transmitting the Administration’s final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-46; Introduction [Docket FAR 2010-0076, Sequence 8] received September 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

10046. A letter from the Chief Human Capital Officer, National Science Foundation, transmitting report on the Foundation's use of the category rating method of evaluating external applicants for Federal positions, pursuant to 5 U.S.C. 3319; to the Committee on Oversight and Government Reform.

10047. A letter from the General Counsel & Senior Policy Advisor, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10048. A letter from the General Counsel & Senior Policy Advisor, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10049. A letter from the Director, Office of National Drug Control Policy, transmitting the Office's report entitled, "Fiscal Year 2009 Performance Summary Report", pursuant to Public Law 105-277 (Div. C-Title VII), section 705(d); to the Committee on Oversight and Government Reform.

10050. A letter from the Director, Office of Personnel Management, transmitting a legislative proposal entitled, "Federal Hiring Modernization Act of 2010"; to the Committee on Oversight and Government Reform.

10051. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Appendix D to Subpart B of Part 532 — Non-appropriated Fund Wage and Survey Areas (RIN: 3206-AM09) received September 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

10052. A letter from the General Counsel, Pension Benefit Guaranty Corporation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10053. A letter from the Deputy Administrator, Small Business Administration, transmitting the Administration's strategic plan for fiscal years 2011 through 2016 in compliance with the Government Performance and Results Act of 1993 (GPRA); to the Committee on Oversight and Government Reform.

10054. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule — Definition of Federal Election Activity [Notice 2010-18] received September 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

10055. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule — Coordinated Communications [Notice 2010-17] received October 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

10056. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period July 1, 2010 through September 30, 2010 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a Public Law 88-454; (H. Doc. No. 111—151); to the Committee on House Administration and ordered to be printed.

10057. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Minerals Management: Adjustment of Cost Recovery Fees [L13100000 PP0000 LLWO310000 L1990000

PO0000 LLWO320000] (RIN: 1004-AE18) received September 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10058. A letter from the Director, Department of the Interior, transmitting a report entitled, "Report to Congress: The Bureau of Ocean Energy Management, Regulation, and Enforcement, Royalty in Kind Program" for Fiscal Year 2009; to the Committee on Natural Resources.

10059. A letter from the Acting Chief, Branch of Foreign Species, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Listing Three Foreign Bird Species from Latin America and Caribbean as Endangered Throughout Their Range [Docket No.: FWS-R9-ES-2009-0092] [90100-16601-FLA-B6] (RIN: 1018-AV76) received September 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10060. A letter from the Acting Chief, Branch of Recovery and Delisting, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Threatened Status for Shovelnose Sturgeon under the Similarity of Appearance Provisions of the Endangered Species Act [Docket No.: FWS-R6-ES-2009-0027] [92220-1113-0000; ABC Code: C3] (RIN: 1018-AW27) received September 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10061. A letter from the Chief, Branch of Recovery and Delisting, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Technical Corrections for Three Midwest Region Plant Species [Docket No.: FWS-R3-ES-2010-0068] [92220-1113-0000-B3] (RIN: 1018-AX28) received September 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10062. A letter from the Assistant Director, Program Support, Department of the Interior, transmitting the Department's final rule — Technical Amendments 2010 [Docket ID: OSM-2009-0006] (RIN: 1029-AC62) received September 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10063. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Reorganization of Title 30, Code of Federal Regulations [Docket No. MMS-2010-MRM-0033] received October 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10064. A letter from the Assistant Secretary — Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Oil and Gas and Sulphur Operations in the Outer Continental Shelf-Safety and Environmental Management Systems [Docket ID: BOEM-2010-0046] (RIN: 1010-AD15) received October 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10065. A letter from the Assistant Secretary-Land and Minerals Management, Department of the Interior, transmitting the Department's "Major" final rule — Oil and Gas and Sulphur Operations in the Outer Continental Shelf-Increased Safety Measures for Energy Development on the Outer Continental Shelf [Docket ID: BOEM-2010-0034] (RIN: 1010-AD68) received October 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10066. A letter from the Assistant Secretary for Fish and Wildlife and Parks, De-

partment of the Interior, transmitting the Department's final rule — General Regulation: National Park System (RIN: 1024-AD91) received October 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10067. A letter from the Director, Office of Hearings and Appeals, Department of the Interior, transmitting the Department's final rule — Interior Board of Land Appeals and Other Appeals Procedures (RIN: 1094-AA53) received October 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10068. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel Lottery in Areas 542 and 543 [Docket No.: 0910131363-0087-02] (RIN: 0648-XY14) received September 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10069. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Rock Sole in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0910131363-0087-02] (RIN: 0648-XY29) received September 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10070. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries (RIN: 0648-XY10) received September 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10071. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Inseason Adjustments to Fishery Management Measures [Docket No.: 090428799-9802-01] (RIN: 0648-BA10) received September 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10072. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fisheries; 2010 Atlantic Deep-Sea Red Crab Specifications In-season Adjustment [Docket No.: 100513223-0289-02] (RIN: 0648-AY88) received September 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10073. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Implementation of Trip Limit for Witch Flounder and Removal of Trip Limit for Pollock [Docket No.: 0910051338-0151-02] (RIN: 0648-XY03) received September 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10074. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States;

Atlantic Herring Fishery; Specifications [Docket No.: 0907301205-0289-02] (RIN: 0648-AY14) received September 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10075. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries (RIN: 0648-XX26) received September 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10076. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Yakutat District of the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XX77) received September 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10077. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Adjustment to the Lollo Trimester 2 and 3 Quota; Correction [Docket No.: 0907301206-0032-02] (RIN: 0648-XW95) received September 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10078. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish for Catcher/Processors Participation in the Rockfish Limited Access Fishery in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XX68) received September 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10079. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Catcher Vessels Participating in the Rockfish Entry Level Trawl Fishery in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XX65) received September 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10080. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Inseason Adjustments to Fishery Management Measures [Docket No.: 090428799-9802-01] (RIN: 0648-BA05) received September 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10081. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions #5, #6, #7, and #8 [Docket No.: 100218107-0199-01] (RIN: 0648-XX92) received

September 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10082. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Shark Management Measures; Amendment 3 [Docket No.: 080519678-0313-03] (RIN: 0648-AW65) received September 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10083. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Emergency Fisheries Closures in the Southeast Region Due to the Deepwater Horizon MC252 Oil Spill; Publication of Coordinates [Docket No.: 100510220-0334-03] (RIN: 0648-AY90) received September 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10084. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Crab Rationalization Program; Emergency Extension [Docket No.: 100106010-0074-01] (RIN: 0648-AY52) received September 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10085. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures [Docket No.: 100617272-0271-02] (RIN: 0648-AY94) received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10086. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Closure [Docket No.: 0912281446-0111-02] (RIN: 0648-XX54) received September 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10087. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Pollock Catch Limit Revisions [Docket No.: 100427197-0207-01] (RIN: 0648-AY86) received September 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10088. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Catcher/Processors Participating in the Rockfish Limited Access Fishery in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XX71) received September 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10089. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Trip Limit Reduction and Trawl Gear Restriction [Docket No.: 0910051338-0151-02] (RIN: 0648-XX64) received September 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10090. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions #1, #2, #3, and #4 [Docket No.: 100218107-0199-01] (RIN: 0648-XX18) received September 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10091. A letter from the Acting Deputy Director, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Gray's Reef National Marine Sanctuary Regulations on the Use of Spearfishing Gear; Correction [Docket No.: 090122043-0128-03] (RIN: 0648-AX37) received September 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10092. A letter from the Acting Deputy Director, Office of National Marine Sanctuaries, National Oceanic and Atmospheric Administration, transmitting the Agency's final rule — Gulf of the Farallones, Monterey Bay and Cordell Bank National Marine Sanctuaries Technical Corrections [Docket No.: 0908201245-0217-01] (RIN: 0648-AY20) received September 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10093. A letter from the Acting Deputy Director, Office of National Marine Sanctuaries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Changes to the Florida Keys National Marine Sanctuary Regulations; Technical Corrections and Minor Substantive Changes [Docket No.: 0810241396-91118-02] (RIN: 0648-AX34) received September 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10094. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands [Docket No.: 0910131363-0087-02] (RIN: 0648-XY84) received October 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10095. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions #9, #10, and #11 [Docket No.: 100218107-0199-01] (RIN: 0648-XY08) received October 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10096. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Skate Complex Fishery;

Reduction of Skate Wing Fishery Possession Limit [Docket No.: 080228326-0108-03] (RIN: 0648-XY46) received October 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10097. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Modification of the Common Pool Day-at-Sea Accounting and Possession Prohibition for Witch Flounder [Docket No.: 0910051338-0151-02] (RIN: 0648-XY20) received October 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10098. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Inseason Action To Close the Commercial Porbeagle Shark Fishery [Docket No.: 0906221072-91425-02] (RIN: 0648-XY56) received October 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10099. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Scup Fishery; Adjustment to the 2010 Winter II Quota [Docket No.: 0908191244-91427-02] (RIN: 0648-XY61) received October 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10100. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of the Directed Butterfish Fishery [Docket No.: 0907301206-0032-02] (RIN: 0648-XX82) received October 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10101. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific cod in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0910131363-0087-02] (RIN: 0648-XZ01) received October 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10102. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Spiny Dogfish Fishery; Commercial Period 1 Quota Harvested [Docket No.: 100201058-0260-02] (RIN: 0648-XY22) received October 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10103. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; 2010-11 Main Hawaiian Islands Bottomfish Total Allowable Catch [Docket No.: 100630283-0388-02] (RIN: 0648-XX15) received October 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10104. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Na-

tional Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XY66) received October 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10105. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0910131363-0087-02] (RIN: 0648-XY62) received October 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10106. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Bering Sea and Aleutian Islands [Docket No.: 0910131363-0087-02] (RIN: 0648-XY45) received October 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10107. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XY57) received October 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10108. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish for Vessels Participating in the Rockfish Entry Level Fishery in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XY72) received October 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10109. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Vessels Participating in the Rockfish Entry Level Fishery in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XY70) received October 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10110. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish for Vessels Participating in the Rockfish Entry Level Fishery in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XY71) received October 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10111. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administra-

tion, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific cod in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0910131363-0087-02] (RIN: 0648-XZ01) received October 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10112. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0910131363-0087-02] (RIN: 0648-AY82) received October 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10113. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Western Pacific; Community Development Program Process [Docket No.: 0907211157-0224-02] (RIN: 0648-AX76) received October 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10114. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for the Commonwealth of Massachusetts [Docket No.: 0908191244-91427-02] (RIN: 0648-XY35) received October 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10115. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Chinook Salmon Bycatch Management in the Bering Sea Pollock Fishery [Docket No.: 090511911-0307-02] (RIN: 0648-AX89) received October 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10116. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0910131363-0087-02] (RIN: 0648-XY87) received October 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10117. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XY88) received October 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10118. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of the Directed Butterfish Fishery [Docket No.: 0907301206-0032-02] (RIN: 0648-XX82) received October 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10119. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Spiny Dogfish Fishery; Commercial Period 1 Quota Harvested [Docket No.: 100201058-0260-02] (RIN: 0648-XY22) received October 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10120. A letter from the Director, Administrative Office of the United States Courts, transmitting the Office's report entitled, "Report of the Proceedings of the Judicial Conference of the United States" for the March 2010 session; to the Committee on the Judiciary.

10121. A letter from the President, American Academy and Institute of Arts and Letters, transmitting the annual report of the activities of the American Academy of Arts and Letters during the year ending December 31, 2009, pursuant to section 4 of its charter (39 Stat. 51); to the Committee on the Judiciary.

10122. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Arkansas Advisory Committee; to the Committee on the Judiciary.

10123. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Maine Advisory Committee; to the Committee on the Judiciary.

10124. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from the Blockson Chemical Company in Joliet, Illinois to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

10125. A letter from the Management and Program Analyst, Department of Homeland Security, transmitting the Department's "Major" final rule — U.S. Citizenship and Immigration Services Fee Schedule [DHS Docket No.: USCIS-2009-0033] (RIN: 1615-AB80) received September 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10126. A letter from the Management and Program Analyst, Department of Homeland Security, transmitting the Department's final rule — U.S. Citizenship and Immigration Services Fee Schedule [CIS No. 2490-09, DHS Docket No. USCIS-2009-0033] (RIN: 1615-AB80) received September 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10127. A letter from the Deputy Assistant Attorney General, Torts Branch, Department of Justice, transmitting the Department's final rule — Radiation Exposure Compensation Act: Allowance for Costs and Expenses [CIV Docket No.: 111; AG Order No. 3185-2010] (RIN: 1105-AB33) received September 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10128. A letter from the Assistant Attorney General, Department of Justice, transmitting the annual report of the Office of Justice Programs' Bureau of Justice Assistance for Fiscal Year 2009, pursuant to 42 U.S.C. 3712(b); to the Committee on the Judiciary.

10129. A letter from the Trial Attorney, Department of Transportation, transmitting

the Department's final rule — Inflation Adjustment of the Ordinary Maximum and Aggravated Maximum Civil Monetary Penalties for a Violation of the Hazardous Material Transportation Laws and Regulations [Docket No.: FRA-2004-17530; Notice No. 2] (RIN: 2130-ZA03) received October 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10130. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's Thirty-second annual Report to Congress pursuant to section 201 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976 the Clayton Act, pursuant to 15 U.S.C. 18a(j); to the Committee on the Judiciary.

10131. A letter from the Acting Director, Defense Capabilities and Management, Government Accountability Office, transmitting the GAO's report entitled "Military Personnel: Observations on the Use and Effects of the National Guard and Reservists Debt Relief Act of 2008"; to the Committee on the Judiciary.

10132. A letter from the Attorney General, Office of the Attorney General, transmitting a letter concerning a case before the Supreme Court; to the Committee on the Judiciary.

10133. A letter from the Clerk of the Court, United States Court of Appeals for the Second Circuit, transmitting an opinion of the United States Court of Appeals for the Second Circuit No. 09-4025-cr USA v. Epstein (August 27, 2010); to the Committee on the Judiciary.

10134. A letter from the Secretary, Department of Transportation, transmitting the National Plan of Integrated Airport Systems (NPIAS), 2011-2015, pursuant to 49 U.S.C. app. 2203(b)(1); to the Committee on Transportation and Infrastructure.

10135. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Areas, Safety Zones, Security Zones; Deepwater Ports in Boston Captain of the Port Zone; MA [Docket No.: USCG-2009-0589] (RIN: 1625-AA00, 1625-AA11) received September 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10136. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Boom Deployment Strategy [Docket No.: USCG-2010-0666] (RIN: 1625-AA11) received September 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10137. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Navigation and Navigable Waters; Technical, Organizational and Conforming Amendments, Bridges [Docket No.: USCG-2010-0351] (RIN: 1625-ZA25) received September 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10138. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Galveston Channel, TX [Docket No.: USCG-2009-0931] (RIN: 1625-AA11) received September 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10139. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Thunder on Niagara, Niagara River, North Tonawanda, NY [Docket No.: USCG-2010-0745] (RIN: 1625-AA00) received September 9, 2010, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10140. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments, Sector Columbia River, WA [Docket No.: USCG-2010-0351] (RIN: 1625-ZA25) received September 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10141. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments, Sector Puget Sound, WA [Docket No.: USCG-2010-0351] (RIN: 1625-ZA25) received September 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10142. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Special Local regulation for Marine Events; Elizabeth River, Portsmouth, VA [Docket No.: USCG-2010-0713 (RIN: 1625-AA08) received September 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10143. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Marine Events Within the Captain of the Port Sector Boston Zone [Docket No.: USCG-2010-0675] (RIN: 1625-AA08) received September 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10144. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Celebrate Erie, Presque Isle Bay, Erie, PA [Docket No.: USCG-2010-0746] (RIN: 1625-AA00) received September 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10145. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Kanawha River Mile 56.7 to 57.6, Charleston, WV [Docket No.: USCG-2010-0208] (RIN: 1625-AA00) received September 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10146. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety zone; AVI September Fireworks Display, Laughlin, Nevada, NV [Docket No.: USCG-2010-0020] (RIN: 1625-AA00) received September 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10147. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Transformers 3 Movie Filming, Chicago River, Chicago, IL [Docket No.: USCG-2010-0706] (RIN: 1625-AA00) received September 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10148. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ne'eia Kea Small Boat Harbor, Kaneohe Bay, Oahu, Hawaii [Docket No.: USCG-2010-0458] (RIN: 1625-AA00) received September 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10149. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; DEEPWATER HORIZON Response Staging Area in the vicinity of Shell Beach, Hopedale, LA [Docket No.: USCG-2010-0622] received September 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10150. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; 2010 Seattle Seafair Fleet Week Moving Vessels, Puget Sound, Washington [Docket No.: USCG-2010-0709] (RIN: 1625-AA87) received September 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10151. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, M/V Del Monte, James River, VA [Docket No.: USCG-2010-0585] (RIN: 1625-AA00) received September 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10152. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Fireworks within the Captain of the Port Sector Boston Zone [Docket No.: USCG-2010-0685] (RIN: 1625-AA00) received September 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10153. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Elizabeth River, Eastern Branch, Norfolk, VA [USCG-2009-0754] (RIN: 1625-AA00) received September 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10154. A letter from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting the Department's "Major" final rule — Electronic On-Board Recorders for Hours-of-Service Compliance [Docket No.: FMCSA-2004-18940] (RIN: 2126-AA89) received September 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10155. A letter from the Secretary, Department of Transportation, transmitting the Department's sixth report on the breakdown of the disability-related complaints that U.S. and foreign passenger air carriers operating to and from the U.S. received during 2009, pursuant to Section 707 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century; to the Committee on Transportation and Infrastructure.

10156. A letter from the Secretary, Department of Transportation, transmitting the Department's report of obligations and unobligated balances of funds provided for Federal-aid highway and safety construction programs for Fiscal Year 2009 as of September 30, 2009, pursuant to 23 U.S.C. 104(j); to the Committee on Transportation and Infrastructure.

10157. A letter from the Secretary, Department of Transportation, transmitting the Department's report of obligations and unobligated balances of funds provided for Federal-aid highway and safety construction programs for Fiscal Year 2009 as of September 30, 2009, pursuant to 23 U.S.C. 104(j); to the Committee on Transportation and Infrastructure.

10158. A letter from the Administrator, Federal Highway Administration, Depart-

ment of Transportation, transmitting a letter regarding the status of a report as required by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU); to the Committee on Transportation and Infrastructure.

10159. A letter from the FMCSA Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule — Limiting the Use of Wireless Communication Devices [Docket No.: FMCSA-2009-0370] (RIN: 2126-AB22) received September 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10160. A letter from the Chairman, Department of Transportation, transmitting the Department's final rule — Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services — 2010 Update [Docket No.: EP 542 (Sub-No. 17)] received September 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10161. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departures Procedures; Miscellaneous Amendments [Docket No.: 30740; Amdt. 3388] received September 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10162. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departures Procedures; Miscellaneous Amendments [Docket No.: 30741; Amdt. 3389] received September 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10163. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departures Procedures; Miscellaneous Amendments [Docket No.: 30743; Amdt. 3390] received September 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10164. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Canada (P&WC) PW530A, PW545A, and PW545B Turbofan Engines [Docket No.: FAA-2010-0864; Directorate Identifier 2010-NE-28-AD; Amendment 39-16422; AD 2010-18-09] (RIN: 2120-AA64) received September 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10165. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-700 (IGW) Series Airplanes Equipped with Auxiliary Fuel Tanks Installed in Accordance with Configuration 3 of Supplemental Type Certificate ST00936NY [Docket No.: FAA-2010-0037; Directorate Identifier 2009-NM-240-AD; Amendment 39-16431; AD 2010-19-03] (RIN: 2120-AA64) received September 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10166. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Thielert Aircraft Engines GmbH

(TAE) Models TAE 125-01 and TAE 125-02-99 Reciprocating Engines [Docket No.: FAA-2010-0683; Directorate Identifier 2010-NE-25-AD; Amendment 39-16415; AD 2010-18-02] (RIN: 2120-AA64) received September 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10167. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; GA 8 Airvan (Pty) Ltd Models GA8 and GA8-TC320 Airplanes [Docket No.: FAA-2010-0847; Directorate Identifier 2010-CE-046-AD; Amendment 39-16419; AD 2010-18-06] (RIN: 2120-AA64) received September 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10168. A letter from the Assistant Chief Counsel for Hazardous Materials Safety, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Minor Editorial Corrections and Clarifications [Docket No.: PHMSA-2010-0195 (HM-244C)] received September 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10169. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney (PW) PW4000 Series Turbofan Engines [Docket No.: FAA-2010-0217; Directorate Identifier 2009-NE-23-AD; Amendment 39-16427; AD 2010-18-13] (RIN: 2120-AA64) received September 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10170. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation Model S-76A, S-76B, and S-76C Helicopters [Docket No.: FAA-2008-0609; Directorate Identifier 2008-SW-24-AD; Amendment 39-16408; AD 2010-17-16] (RIN: 2120-AA64) received September 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10171. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-100 and -200 Series Airplanes [Docket No.: FAA-2010-0481; Directorate Identifier 2009-NM-192-AD; Amendment 39-16406; AD 2010-17-14] (RIN: 2120-AA64) received September 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10172. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Thielert Aircraft Engines GmbH (TAE) Models TAE 125-01 and TAE 125-02-99 Reciprocating Engines Installed In, But Not Limited To, Diamond Aircraft Industries Model DA 42 Airplanes; Correction [Docket No.: FAA-2009-0201; Directorate Identifier 2008-NE-47-AD; Amendment 39-16314; AD 2010-11-09] (RIN: 2120-AA64) received September 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10173. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. (Agusta) Model A119 and AW119 MKII Helicopters [Docket No.: FAA-2010-0824; Directorate Identifier 2010-SW-045-AD; Amendment 39-16409; AD 2010-12-51] (RIN: 2120-AA64) received September 15, 2010, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10174. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier-Rotax GmbH 912 F Series and 912 S Series Reciprocating Engines [Docket No.: FAA-2010-0499; Directorate Identifier 2010-NE-06-AD; Amendment 39-16428; AD 2010-18-14] (RIN: 2120-AA64) received September 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10175. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE SYSTEMS (OPERATIONS) LIMITED Model BAe 146 and Avro 146-RJ Airplanes [Docket No.: FAA-2010-0477; Directorate Identifier 2009-NM-226-AD; Amendment 39-16423; AD 2010-18-10] (RIN: 2120-AA64) received September 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10176. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2C10 (Regional Jet Series 700, 701, & 702); Model CL-600-2D15 (Regional Jet Series 705); and Model CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No.: FAA-2010-0851; Directorate Identifier 2010-NM-171-AD; Amendment 39-16424; AD 2010-18-11] (RIN: 2120-AA64) received September 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10177. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2C10 (Regional Jet Series 700, 701, & 702); Model CL-600-2D15 (Regional Jet Series 705); and CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No.: FAA-2009-1110; Directorate Identifier 2009-NM-116-AD; Amendment 39-16421; AD 2010-18-08] (RIN: 2120-AA64) received September 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10178. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model SA330J Helicopters [Docket No.: FAA-2010-0825; Directorate Identifier 2010-SW-072-AD; Amendment 39-16410; AD 2010-16-51] (RIN: 2120-AA64) received September 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10179. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; GA 8 Airvan (Pty) Ltd Models GA8 and GA8-TC320 Airplanes [Docket No.: FAA-2010-0463; Directorate Identifier 2010-CE-021-AD; Amendment 39-16425; AD 2010-10-01 R1] (RIN: 2120-AA64) received September 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10180. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Robert E. Rust, Jr. Model DeHavilland DH.C1 Chipmunk 21, DH.C1 Chipmunk 22, and DH.C1 Chipmunk 22A Airplanes [Docket No.: FAA-2010-0632; Directorate Identifier 2010-CE-025-AD; Amendment 39-16426; AD 2010-18-12] (RIN: 2120-AA64) received September 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10181. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Restricted Area R-5113; Socorro, NM [Docket No.: FAA-2010-0693; Airspace Docket No. 10-ASW-6] (RIN: 2120-AA66) received September 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10182. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airspace Designations; Incorporation By Reference [Docket No.: 29334; Amendment No. 71-42] received September 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10183. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Final Airworthiness Design Standards for Acceptance Under the Primary Category Rule; Orlando Helicopter Airways (OHA), Inc., Models Cessna 172L, 172K, 172L, and 172M September 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10184. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30744; Amdt. No. 3391] received September 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10185. A letter from the Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule — Parts and Accessories Necessary for Safe Operation: Antilock Brake Systems [Docket No.: FMCSA-2010-0186] (RIN: 2126-AB27) received September 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10186. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model DHC-8-200 and DHC-8-300 Series Airplanes [Docket No.: FAA-2010-0432; Directorate Identifier 2010-NM-001-AD; Amendment 39-16430; AD 2010-19-02] (RIN: 2120-AA64) received September 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10187. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Posting of Flight Delay Data on Web Sites [Docket No.: DOT-OST-2007-0022] (RIN No.: 2105-AE02) received September 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10188. A letter from the FMCSA Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule — Compliance with Interstate Motor Carrier Noise Emission Standards: Exhaust Systems [Docket No.: FMCSA-2006-24065 AB31] (RIN: 2126-AB31) received September 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10189. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Pilot, Flight Instructor, and Pilot School Certification [Docket No.: FAA-2006-26661; Amendment No. 141-14] (RIN: 2120-AI86) received September 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10190. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Port Angeles, WA [Docket No.: FAA-2010-0002; Airspace Docket No. 09-ANM-32] received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10191. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Astoria, OR [Docket No.: FAA-2009-0902; Airspace Docket No. 09-ANM-16] received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10192. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Center, TX [Docket No.: FAA-2010-0181; Airspace Docket No. 10-ASW-3] received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10193. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and Class E Airspace; Kaneohe, HI [Docket No.: FAA-2010-0530; Airspace Docket No. 10-AWP-10] received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10194. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Litchfield, MN [Docket No.: FAA-2010-0401; Airspace Docket No. 10-AGL-8] received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10195. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation of Class E Airspace; Eastsound, WA [Docket No.: FAA-2010-0387; Airspace Docket No. 10-ANM-1] received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10196. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Perham, MN [Docket No.: FAA-2010-0402; Airspace Docket No. 10-AGL-6] received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10197. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Pauls Valley, OK [Docket No.: FAA-2010-0182; Airspace Docket No. 10-ASW-4] received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10198. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Perryville, MO [Docket No.: FAA-2010-0403; Airspace Docket No. 10-ACE-4] received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10199. A letter from the Secretary, Department of Transportation, transmitting the Department's 2010 annual report on recommendations made by the Intelligent Transportation Systems Program Advisory Committee; to the Committee on Transportation and Infrastructure.

10200. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Robert E. Rust, Jr. Model

DeHavilland DH.C1 Chipmunk 21, DH.C1 Chipmunk 22, and DH.C1 Chipmunk 22A Airplanes [Docket No.: FAA-2010-0632; Directorate Identifier 2010-CE-025-AD; Amendment 39-16426; AD 2010-18-12] (RIN: 2120-AA64) received October 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10201. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier-Rotax GmbH Type 912 F, 912 S, and 914 F Series Reciprocating Engines [Docket No.: FAA-2010-0342; Directorate Identifier 2002-NE-08-AD; Amendment 39-16458; AD 2010-20-23] (RIN: 2120-AA64) received October 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10202. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes; Model CL-600-2C10 (Regional Jet Series 700, 701, & 702) Airplanes; Model CL-600-2D15 (Regional Jet Series 705) and Model CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No.: FAA-2010-0375; Directorate Identifier 2010-NM-014-AD; Amendment 39-16443; AD 2010-20-09] (RIN: 2120-AA64) received October 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10203. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; GROB-WERKE (Type Certificate Previously Held by BURKHART GROB Luft-und Raumfahrt) Models G115C, G115D and G115D2 Airplanes [Docket No.: FAA-2010-0260; Directorate Identifier 2010-CE-015-AD; Amendment 39-16440; AD 2010-20-06] (RIN: 2120-AA64) received October 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10204. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2B16 (CL-604 Variants (Including CL-605 Marketing Variant)) Airplanes [Docket No.: FAA-2010-0439; Directorate Identifier 2010-NM-029-AD; Amendment 39-16437; AD 2010-20-03] (RIN: 2120-AA64) received October 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10205. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; International Aero Engines AG V2500-A1, V2522-A5, V2524-A5, V2525-D5, V2527-A5, V2527E-A5, V2527M-A5, V2528-D5, V2530-A5, and V2533-A5 Turbofan Engines [Docket No.: FAA-2009-1100; Directorate Identifier 2009-NE-37-AD; Amendment 39-16441; AD 2010-20-07] (RIN: 2120-AA64) received October 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10206. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pacific Aerospace Limited Models FU24-954 and FU24A-954 Airplanes [Docket No.: FAA-2010-0941; Directorate Identifier 2010-CE-051-AD; Amendment 39-16453; AD 2010-20-18] (RIN: 2120-AA64) received October 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10207. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Airworthiness Directives; The Boeing Company Model 747-400, 747-400D, and 747-400F Series Airplanes [Docket No.: FAA-2010-0035; Directorate Identifier 2009-NM-066-AD; Amendment 39-16447; AD 2010-20-12] (RIN: 2120-AA64) received October 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10208. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, and P4-600R Series Airplanes, and Model A300 C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes); and Model A300 and A310 Series Airplanes [Docket No.: FAA-2010-0478; Directorate Identifier 2008-NM-090-AD; Amendment 39-16451; AD 2010-20-16] (RIN: 2120-AA64) received October 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10209. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes; Model CL-600-2C10 (Regional Jet Series 700, 701, & 702) Airplanes; Model CL-600-2D15 (Regional Jet Series 705) Airplanes; and Model CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No.: FAA-2010-0550; Directorate Identifier 2009-NM-124-AD; Amendment 39-16454; AD 2010-20-19] (RIN: 2120-AA64) received October 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10210. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2C10 (Regional Jet Series 700, 701, & 702) Airplanes, Model CL-600-2D15 (Regional Jet Series 705) Airplanes, and Model CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No.: FAA-2010-0438; Directorate Identifier 2009-NM-265-AD; Amendment 39-16450; AD 2010-20-15] (RIN: 2120-AA64) received October 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10211. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Homestead, FL [Docket No.: FAA-2010-0429; Airspace Docket No. 10-ASO-24] received September 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10212. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Brewton, AL [Docket No.: FAA-2010-0777; Airspace Docket No. 10-ASO-20] received September 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10213. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation of Class E Airspace, Brunswick, ME; and Establishment of Class E Airspace, Wiscasset, ME [Docket No.: FAA-2010-0248; Airspace Docket No. 10-ANE-10] received September 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10214. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and E Airspace; Establishment of Class E Airspace; Patuxent River, MD [Docket No.: FAA-2010-0428; Airspace Docket No.

10-AEA-13] received September 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10215. A letter from the Assistant Chief Counsel for Hazardous Materials Safety, Department of Transportation, transmitting the Department's final rule — Hazardous Material; Miscellaneous Packaging Amendments [Docket No.: PHMSA-06-25736 (HM-231)] (RIN: 2137-AD89) received September 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10216. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Procedures for Transportation Workplace Drug and Alcohol Testing Programs; Federal Drug Testing Custody and Control Form; Technical Amendment [Docket: DOT-OST-2010-0161] (RIN: 2105-AE03) received September 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10217. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Aerospace LP (Type Certificate Previously Held by Israel Aircraft Industries, Ltd.) Model Galaxy and Gulfstream 200 Airplanes [Docket No.: FAA-2010-0555; Directorate Identifier 2010-NM-053-AD; Amendment 39-16438; AD 2010-20-04] (RIN: 2120-AA64) received September 31, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10218. A letter from the Assistant Chief Counsel for Legislation & Regulations, Department of Transportation, transmitting the Department's final rule — Determination of Availability of Coastwise-Qualified Vessels for the Transportation of Platform Jackets [Docket No.: MARAD-2008-0045] (RIN: 2133-AB67) received September 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10219. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's final rule — Positive Train Control Systems [Docket No.: FRA-2008-0132, Notice No. 4] (RIN: 2130-AC03) received September 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10220. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca S.A. ARRIEL 2B Turboshift Engines [Docket No.: FAA-2005-21624; Directorate Identifier 2005-NE-17-AD; Amendment 39-16439; AD 2010-20-05] (RIN: 2120-AA64) received September 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10221. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives Eurocopter France (ECF) Model SA-365N1, AS-365N2, AS 365 N3, EC 155B, and EC155B1 Helicopters [Docket No.: FAA-2010-0426; Directorate Identifier 2009-SW-34-AD; Amendment 39-16433; AD 2010-19-05] (RIN: 2120-AA64) received September 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10222. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de

Aeronautica S.A. (EMBRAER) Model EMB-120, -120ER, -120FC, -120QC, and -120RT Airplanes [Docket No.: FAA-2009-0715; Directorate Identifier 2008-NM-211-AD; Amendment 39-16432; AD 2010-19-04] (RIN: 2120-AA64) received September 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10223. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; GROB-WERKE Model G120A Airplanes [Docket No.: FAA-2010-0926; Directorate Identifier 2010-CE-024-AD; Amendment 39-16435; AD 2010-20-01] (RIN: 2120-AA64) received September 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10224. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Arriel 1 Series Turbo-shaft Engines [Docket No.: FAA-2010-0710; Directorate Identifier 2010-NE-26-AD; Amendment 39-16434; AD 2010-19-06] (RIN: 2120-AA64) received October 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10225. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Corporation (RRC) AE 3007A Series Turbofan Engines [Docket No.: FAA-2009-0811; Directorate Identifier 2008-NE-41-AD; Amendment 39-16429; AD 2010-19-01] (RIN: 2120-AA64) received September 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10226. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca S.A. ARRIEL 2B and 2B1 Turbo-shaft Engines [Docket No.: FAA-2007-28077; Directorate Identifier 2007-NE-20-AD; Amendment 39-16445; AD 2009-09-03R1] (RIN: 2120-AA64) received October 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10227. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Cessna Aircraft Company Model 750 Airplanes [Docket No.: FAA-2010-0380; Directorate Identifier 2009-NM-009-AD; Amendment 39-16444; AD 2010-20-10] (RIN: 2120-AA64) received October 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10228. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Trent 700 and Trent 800 Series Turbofan Engines [Docket No.: FAA-2010-0364; Directorate Identifier 2009-NE-27-AD; Amendment 39-16446; AD 2010-20-11] (RIN: 2120-AA64) received October 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10229. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 and -300, and Model A340-200, -300, -500 and -600 Series Airplanes [Docket No.: FAA-2009-1215; Directorate Identifier 2009-NM-126-AD; Amendment 39-16364; AD 2010-14-19] (RIN: 2120-AA64) received September 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10230. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D Airspace; Miami Opa Locka Airport, FL, and Hollywood, FL [Docket No.: FAA-2010-0816; Airspace Docket No. 10-ASO-30] received September 31, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10231. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Toledo, WA [Docket No.: FAA-2009-1189; Airspace Docket No. 09-ANM-28] received September 31, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10232. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Fillmore, UT [Docket No.: FAA-2009-1248; Airspace Docket No. 09-ANM-31] received September 31, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10233. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Willcox, AZ [Docket No.: FAA-2010-0325; Airspace Docket No. 10-AWP-2] received September 31, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10234. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace and Amendment to Class D Airspace; Troutdale, OR [Docket No.: FAA-2010-0393; Airspace Docket No. 10-ANM-2] received September 31, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10235. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class B Airspace; Chicago, IL [Docket No.: FAA-2010-0347; Airspace Docket No. 07-AWA-2] (RIN: 2120-AA66) received September 31, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10236. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Re-Registration and Renewal of Aircraft Registration; OMB Approval of Information Collection; Correction [Docket No.: FAA-2008-0188; Amdt. No. 47-29A] (RIN: 2120-AI89) received October 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10237. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30746; Amdt. No. 3393] received October 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10238. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Corporation Model MD-11 and MD-11F Airplanes Equipped With General Electric CF6-80C2 Series Engines [Docket No.: FAA-2008-0403; Directorate Identifier 2007-NM-166-AD; Amendment 39-16379; AD 2010-16-03] (RIN: 2120-AA64) received October 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10239. A letter from the Senior Program Analyst, Department of Transportation,

transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30745; Amdt. No. 3392] received October 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10240. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Inclusion of Reference to Manual Requirements [Docket No.: FAA-2006-25877; Amendment No. 91-317] (RIN: 2120-AJ44) received October 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10241. A letter from the Senior Programs Analyst, Department of Transportation, transmitting the Department's final rule — Airports/Locations: Special Operating Restrictions [Docket No.: FAA-2010-0995; Amendment No. 91-319] received October 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10242. A letter from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting the Department's final rule — Restrictions on Railroad Operating Employees' Use of Cellular Telephones and other Electronic Devices [Docket No.: FRA-2009-0118] (RIN: 2130-AC21) received October 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10243. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Kwajalein Island, Marshall Islands, RMI [Docket No.: FAA-2010-0808; Airspace Docket No. 10-AWP-14] (RIN: 2120-AA66) received October 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10244. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment and Modification of Class E Airspace; Deer Park, WA [Docket No.: FAA-2009-1136; Airspace Docket No. 09-ANM-26] received October 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10245. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Smithfield, NC [Docket No.: FAA-2010-0911; Airspace Docket No. 10-ASO-32] received October 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10246. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Arco, ID [Docket No.: FAA-2010-0615; Airspace Docket No. 10-ANM-5] received October 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10247. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Pendleton, OR [Docket No.: FAA-2010-0616; Airspace Docket No. 10-ANM-00] received October 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10248. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; San Clemente, CA [Docket No.: FAA-2010-0619; Airspace Docket

No. 10-AWP-11] received October 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10249. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. (Agusta) Model A109E Helicopters [Docket No.: FAA-2010-0449; Directorate Identifier 2009-SW-38-AD; Amendment 39-16456; AD 2010-20-21] (RIN: 2120-AA64) received October 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10250. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eclipse Aerospace, Inc. Model EA500 Airplanes [Docket No.: FAA-2010-0691; Directorate Identifier 2010-CE-027-AD; Amendment 39-16459; AD 2010-20-24] (RIN: 2120-AA64) received October 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10251. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG (RRD) Models Tay 620-15, Tay 650-15, and Tay 651-54 Turbofan Engines [Docket No.: FAA-2010-0301; Directorate Identifier 2009-NE-22-AD; Amendment 39-16457; AD 2010-20-22] (RIN: 2120-AA64) received October 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10252. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Corporation Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30, DC-10-30F (KC-10A and KDC-10), DC-10-40, DC-10-40F, MD-10-10F, MD-10-30F, MD-11, and MD-11F Airplanes [Docket No.: FAA-2010-0384; Directorate Identifier 2010-NM-003-AD; Amendment 39-16449; AD 2010-20-14] (RIN: 2120-AA64) received October 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10253. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400D, 747-400F, and 747SR Series Airplanes [Docket No.: FAA-2009-1069; Directorate Identifier 2009-NM-036-AD; Amendment 39-16442; AD 2010-20-08] (RIN: 2120-AA64) received October 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10254. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Corporation Model DC-10-30, DC-10-30F, DC-10-30F (KC-10A and KDC-10), DC-1040, DC-10-40F, and MD-10-30F Airplanes [Docket No.: FAA-2010-0553; Directorate Identifier 2010-NM-070-AD; Amendment 39-16448; AD 2010-20-13] (RIN: 2120-AA64) received October 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10255. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No.: FAA-2010-0276; Directorate Identifier 2009-NM-144-AD; Amendment 39-16452; AD 2010-20-17] (RIN: 2120-AA64) received October 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10256. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Corporation Model DC-8-31, DC-8-32, DC-8-33, DC-8-41, DC-8-42, and DC-8-43 Airplanes; Model DC-8-50 Series Airplanes; Model DC-8F-54 and DC-8F-55 Airplanes; Model DC-8-60 Series Airplanes; Model DC-8-60F Series Airplanes; Model DC-8-70 Series Airplanes; and Model DC-8-70F Series Airplanes [Docket No.: FAA-2010-0639; Directorate Identifier 2000-NM-232-AD; Amendment 39-16463; AD 2010-21-03] (RIN: 2120-AA64) received October 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10257. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747-100, 747-200B, and 747-200F Series Airplanes [Docket No.: FAA-2010-0552; Directorate Identifier 2009-NM-095-AD; Amendment 39-16464; AD 2010-21-04] (RIN: 2120-AA64) received October 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10258. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE SYSTEMS (Operations) Limited Model 4101 Airplanes [Docket No.: FAA-2010-0474; Directorate Identifier 2009-NM-056-AD; Amendment 39-16465; AD 2010-21-05] (RIN: 2120-AA64) received October 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10259. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600 Series Airplanes, Model A300 B4-600R Series Airplanes, Model A300 C4-605R Variant F Airplanes, and Model A300 F4-600R Series Airplanes (Collectively called A300-600 Series Airplanes) [Docket No.: FAA-2010-0644; Directorate Identifier 2009-NM-204-AD; Amendment 39-16466; AD 2010-21-06] (RIN: 2120-AA64) received October 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10260. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model DHC-8 Airplanes [Docket No.: FAA-2010-0643; Directorate Identifier 2010-NM-030-AD; Amendment 39-16462; AD 2010-21-02] (RIN: 2120-AA64) received October 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10261. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model SA-365N, SA-365N1, AS-365N2, AS-365N3, SA-366G1, EC 155B, EC155B1, SA-365C, SA-365C1, SA-365C2, SA-360C Helicopters [Docket No.: FAA-2010-0610; Directorate Identifier 2009-SW-47-AD; Amendment 39-16455; AD 2010-20-20] (RIN: 2120-AA64) received October 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10262. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Ocean Dumping; Correction of Typographical Error in 2006 Federal Register Final Rule for Designation of Ocean Dredged Material Disposal Site at Coos Bay, Oregon, Site F; Restoration of Coordinantes for Ocean Dredged Material Disposal Site at

Coos Bay, Oregon, Site H [EPA-R10-OW-2006-0409; FRL-9161-6] received September 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10263. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure (SPCC) Rule — Compliance Date Amendment [EPA-HQ-OPA-[2009-0880]; FRL-[9213-8]] (RIN: 2050-AG59) received October 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10264. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock for American Fisheries Act Catcher Vessels in the Inshore Open Access Fishery in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0910131363-0087-02] (RIN: 0648-XX93) received September 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10265. A letter from the Secretary, Department of Veterans Affairs, transmitting a draft bill to authorize \$1,112,845,000 for the Department of Veterans Affairs (VA) major facility construction project for Fiscal Year 2011 and \$47,338,000 for major facility leases for Fiscal Year 2011; to the Committee on Veterans' Affairs.

10266. A letter from the Director, Regulations Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Technical Revisions to Conform with the Veterans' Mental Health Care Act of 2008 and Other Laws (RIN: 2900-AN52) received September 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

10267. A letter from the Director, Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Loan Guaranty: Assistance to Eligible Individuals in Acquiring Specially Adapted Housing (RIN: 2900-AM87) received September 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

10268. A letter from the Director, Regulations Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Deceased Indebted Servicemembers and Veterans: Authority Concerning Certain Indebtedness (RIN: 2900-AN14) received September 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

10269. A letter from the Director, Regulations Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Presumptions of Service Connection for Persian Gulf Service (RIN: 2900-AN24) received September 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

10270. A letter from the Director, Regulations and Policy Management, Department of Veterans Affairs, transmitting the Department's final rule — Specially Adapted Housing and Special Home Adaptation (RIN: 2900-AN21) received September 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

10271. A letter from the Director, Regulation Policy and Management, Office of General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Economic Impact Analysis for RIN 2900-AN15, Charges billed to third parties for prescription drugs furnished by VA to a veteran for a nonservice-connected disability received October 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

10272. A letter from the Director, Regulations and Policy Management, Office of General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Compensation for Certain Disabilities Due to Undiagnosed Illnesses (RIN: 2900-AN68) received October 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

10273. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Assets for Independence Program — Status at the Conclusion of the Tenth Year"; to the Committee on Ways and Means.

10274. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Extension of Important Restrictions Imposed on Certain Categories of Archaeological Material from the Pre-Hispanic Cultures of the Republic of Nicaragua (RIN: 1515-AD70) received October 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10275. A letter from the Secretary, Department of Labor, transmitting the Department's seventeenth annual report prepared in accordance with section 207 of the Andean Trade Preference Act (ATPA); to the Committee on Ways and Means.

10276. A letter from the Assistant Secretary, Employment and Training Administration, Department of Labor, transmitting the Department's final rule — Federal-State Unemployment Compensation Program; Funding Goals for Interest-Free Advances (RIN: 1205-AB53) received October 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10277. A letter from the chief, Publications and Regulations Branch, Department of the Treasury, transmitting the Service's final rule — Life Insurance Contract Defined (Rev. Proc. 2010-28) received August 31, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10278. A letter from the Chief, Publications and Regulations, Department of the Treasury, transmitting the Service's final rule — Disclosures of Return Information Reflected on Returns to Officers and Employees of the Department of Commerce for Certain Statistical Purposes and Related Activities [TD 9500] (RIN: 1545-BJ47) received August 31, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10279. A letter from the Chief Counsel, Department of the Treasury, transmitting the Department's final rule — Regulations Governing Agencies for Issue of United States Savings Bonds, Offering of United States Savings Bonds, Series EE, Regulations Governing Definitive United States Savings Bonds, Series EE and HH, Offering of United States Savings Bonds, Series I received September 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10280. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of a bill to amend the Internal Revenue Code for the purpose of extending

the financing of the Superfund; to the Committee on Ways and Means.

10281. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit or abatement; determination of correct tax liability (Rev. Proc. 2010-30) received August 31, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10282. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Clarification to Section 6411 Regulations [TD 9499] (RIN: 1545-BF65) received August 31, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10283. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2010-61] received September 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10284. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Exclusions from Gross Income of Foreign Corporations [TD 9502] (RIN: 1545-BF90) received September 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10285. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Contributions by employer to accident and health plans; Amounts received under accident and health plans (Rev. Rul. 2010-23) received September 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10286. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Amounts received under Accident and Health Plans [Notice 2010-59] received September 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10287. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Extension of Replacement Period for Livestock Sold on Account of Drought in Specified Counties [Notice 2010-64] received September 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10288. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Field Directive on Treatment of Sales-Based Vendor Allowances ("SBVA") and Margin Protection Payments ("MPP") under section 471 [LMSB Control No.: LMSB-04-0910-026] received September 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10289. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2010-34) received September 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10290. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — User Fees Relating to Enrollment and Preparer Tax Identification Numbers [TD 9503] (RIN: 1545-BI71) received October 1, 2010, pursuant

to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10291. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Furnishing Identifying Number of Tax Return Preparer [TD 9501] (RIN: 1545-BI28) received October 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10292. A letter from the Chief, Publications and Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Taxation of fringe benefits [Case MIS Number: RR-133528-10] (Rev. Rule. 2010-22) received October 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10293. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2010-2011 Per Deim Rates (Rev. Proc. 2010-39) received October 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10294. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Adoption Credit Inflation Adjustments (Rev. Proc. 2010-35) received October 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10295. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Finality of Foreign Adoptions under the Hague Convention (Rev. Proc. 2010-31) received October 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10296. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Revenue Procedure re: Corrosive Drywall (Rev. Proc. 2010-36) received October 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10297. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Refundable Adoption Credit (Notice 2010-66) received October 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10298. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Expanded Carryback of Net Operating Losses and Losses from Operations [Notice 2010-58] received October 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10299. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2010-20) received October 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10300. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Dyed Diesel Fuel and Kerosene: Nontaxable Use; Alaska [Notice 2010-68] received October 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10301. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2010-70] received October 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10302. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Shoukri Osman Saleh Abdel-Fattah v. Commissioner received October 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10303. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Production Tax Credit for Refined Coal [Notice 2010-54] received October 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10304. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Interest (Rev. Rule. 2010-25) received October 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10305. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Basis Reporting by Securities Brokers and Basis Determination for Stock [TD 9504] (RIN: 1545-BI66) received October 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10306. A letter from the Chairman, International Trade Commission, transmitting the fourteenth annual report on the Andean Trade Preference Act (ATPA) entitled "Impact on U.S. Industries and Consumers and on Drug Crop Eradication and Crop Substitution, 2009", pursuant to 19 U.S.C. 3204; to the Committee on Ways and Means.

10307. A letter from the Director, Office of Regulations, Social Security Administration, transmitting the Administration's final rule — Entitlement and Termination Requirements for Stepchildren [Docket No.: SSA-2006-0154] (RIN: 0960-AF78) received September 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10308. A letter from the Director, Office of Regulation, Social Security Administration, transmitting the Administration's final rule — Improvements to the Supplemental Security Income Program — Heroes Earnings Assistance and Relief Tax Act of 2008 (HEART Act) [Docket No.: SSA-2009-0017] (RIN: 0960-AD78) received October 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10309. A letter from the Director, Office of Regulations, Social Security Administration, transmitting the Administration's final rule — Disability Determinations by State Agency Disability Examiners [Docket No. SSA-2008-0041] (RIN: 0960-AG87) October 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10310. A letter from the General Counsel, Office of the Director of National Intelligence, transmitting letter concerning the amendment to H.R. 2701; to the Committee on Intelligence (Permanent Select).

10311. A letter from the Chief Privacy Officer, Department of Homeland Security, transmitting a report entitled, "DHS Privacy Office 2010 Annual Report to Congress", pursuant to Public Law 107-296, section 222; to the Committee on Homeland Security.

10312. A letter from the Deputy Chief Counsel, Regulations and Security Standards, Department of Homeland Security, transmitting the Department's final rule — Revision of Enforcement Procedures [Docket No.: TSA-2009-0013] (RIN: 1625-AA62) received September 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

10313. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmit-

ting the Board's quarterly report to Congress on the Status of Significant Unresolved Issues with the Department of Energy's Design and Construction Projects (dated September 3, 2010); jointly to the Committees on Armed Services and Appropriations.

10314. A letter from the Under Secretary, Department of Defense, transmitting notification to Congress on Transfer Authorities Used in Fiscal Year 2010; jointly to the Committees on Armed Services and Appropriations.

10315. A letter from the Secretary, Department of Commerce, transmitting the Department's Propane Consumer Impact Analysis regarding the operations of the Propane Education and Research Council; jointly to the Committees on Energy and Commerce and Science and Technology.

10316. A letter from the Secretary, Department of Health and Human Services, transmitting the Medicare Ombudsman combined report to Congress for the years 2007 and 2008; jointly to the Committees on Energy and Commerce and Ways and Means.

10317. A letter from the Secretary, Department of Health and Human Services, transmitting Medicaid, CHIP and Employer-Sponsored Coverage Coordination Working Group report to the Secretaries of Labor and Health and Human Services; jointly to the Committees on Energy and Commerce and Education and Labor.

10318. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Memorandum of justification for the President's waiver of the restrictions on the provision of funds to the Palestinian Authority, pursuant to Public Law 111-117, section 7040(d); jointly to the Committees on Foreign Affairs and Appropriations.

10319. A letter from the Chairman, Commission Civil Rights, transmitting the Commission's report entitled "The Impact of Illegal Immigration on the Wages and Employment Opportunities of Black Workers"; jointly to the Committees on the Judiciary and Education and Labor.

10320. A letter from the Board Members, Railroad Retirement Board, transmitting the Annual Report of the Railroad Retirement Board for Fiscal Year ending September 30, 2009; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

10321. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Inpatient Psychiatric Facilities Prospective Payment System payment — Update for Rate Year Beginning July 1, 2010 (RY 2011) [CMS-1424-N] (RIN: 0938-AP83) received October 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

10322. A letter from the Under Secretary, Department of Defense, transmitting the annual report on the National Security Education Program (NESP) for 2008-2009, pursuant to 50 U.S.C. 1906; jointly to the Committees on Intelligence (Permanent Select) and Education and Labor.

10323. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's budget request for fiscal year 2012, in accordance with Section 7(f) of the Railroad Retirement Act, pursuant to 45 U.S.C. 231f(f); jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

10324. A letter from the Secretary, Department of Transportation, transmitting a draft

of proposed legislation entitled "Strengthening Pipeline Safety and Enforcement Act of 2010"; jointly to the Committees on the Judiciary, Foreign Affairs, Transportation and Infrastructure, and Energy and Commerce.

10325. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled "Report to Congress of the Interagency Access to Health Care in Alaska Task Force"; jointly to the Committees on Veterans' Affairs, Energy and Commerce, Armed Services, and Natural Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of September 29, 2010]

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 2267. A bill to amend title 31, United States Code, to provide for the licensing of Internet gambling activities by the Secretary of the Treasury, to provide for consumer protections on the Internet, to enforce the tax code, and for other purposes, with an amendment (Rept. 111-656, Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL PURSUANT TO RULE XII

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[Omitted from the Record of September 29, 2010]

H.R. 2267. Referral to the Committees on Energy and Commerce and the Judiciary extended for a period ending not later than November 19, 2010.

[The following actions occurred on September 30, 2010]

H.R. 1174. Referral to the Committee on Homeland Security extended for a period ending not later than December 3, 2010.

H.R. 3376. Referral to the Committees on the Judiciary and Homeland Security extended for a period ending not later than December 3, 2010.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. ZOE LOFGREN of California (for herself and Mr. SMITH of Texas):

H.R. 6396. A bill to amend the Immigration and Nationality Act to toll, during active-duty service abroad in the Armed Forces, the periods of time to file a petition and appear for an interview to remove the conditional basis for permanent resident status, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DUNCAN (for himself, Ms. ZOE LOFGREN of California, Mr. MCGOVERN, and Mr. SMITH of Texas):

H.R. 6397. A bill to amend section 101(a)(35) of the Immigration and Nationality Act to

provide for a marriage for which the parties are not physically in the presence of each other due to service abroad in the Armed Forces of the United States; to the Committee on the Judiciary, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned; considered and passed.

By Mr. DOGGETT:

H.R. 6398. A bill to require the Federal Deposit Insurance Corporation to fully insure Interest on Lawyers Trust Accounts; to the Committee on Financial Services.

By Mr. BRADY of Pennsylvania:

H.R. 6399. A bill to improve certain administrative operations of the Office of the Architect of the Capitol, and for other purposes; to the Committee on House Administration.

By Mr. CLAY (for himself, Mr. CARNAHAN, Mrs. EMERSON, Mr. BLUNT, Mr. SKELTON, Mr. GRAVES of Missouri, Mr. AKIN, Mr. CLEAVER, Mr. LUETKEMEYER, Mrs. MALONEY, Ms. MOORE of Wisconsin, Mr. BISHOP of Georgia, Ms. RICHARDSON, Mr. DAVIS of Illinois, Mrs. CHRISTENSEN, Mr. MEEKS of New York, Ms. KILPATRICK of Michigan, Ms. JACKSON LEE of Texas, and Mr. LEWIS of Georgia):

H.R. 6400. A bill to designate the facility of the United States Postal Service located at 111 North 6th Street in St. Louis, Missouri, as the "Earl Wilson, Jr. Post Office"; to the Committee on Oversight and Government Reform.

By Mr. DREIER (for himself and Mr. WHITFIELD):

H.R. 6401. A bill to provide a biennial budget for the United States Government; to the Committee on the Budget, and in addition to the Committees on Rules, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON of Connecticut:

H.R. 6402. A bill to amend the Internal Revenue Code of 1986 to reduce oil consumption and improve energy security, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Oversight and Government Reform, Transportation and Infrastructure, Science and Technology, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of California:

H.R. 6403. A bill to immediately rescind all unobligated discretionary stimulus funds, and for other purposes; to the Committee on Appropriations, and in addition to the Committees on Transportation and Infrastructure, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEK of Florida (for himself, Ms. DELAUNO, Mr. ISRAEL, and Ms. WASSERMAN SCHULTZ):

H.R. 6404. A bill to require that every mammography report delivered to a patient after a mammography examination, as required by section 354 of the Public Health Service Act (commonly referred to as the "Mammography Quality Standards Act of 1992"), contain a summary of the patient's

breast density and a statement concerning the benefit of supplementary screening tests for patients with dense breast tissue, where such additional evaluations are recommended by a patient's interpreting physician; to the Committee on Energy and Commerce.

By Mr. THOMPSON of Mississippi:

H.R. 6405. A bill to authorize the Secretary of the Interior to conduct a special resource study of the Medgar Evers House, located in Jackson, Mississippi, and for other purposes; to the Committee on Natural Resources.

By Mr. CONYERS (for himself, Mr. SMITH of Texas, Mr. JOHNSON of Georgia, Mr. COBLE, Mr. SENSENBRENNER, Ms. BALDWIN, Mr. GOODLATTE, Mr. INGLIS, Mr. WU, Mr. HONDA, Mr. CRITZ, Ms. FUDGE, Mr. CHANDLER, Mr. LIPINSKI, Mr. DAVIS of Illinois, Mr. PRICE of North Carolina, and Mr. GORDON of Tennessee):

H. Con. Res. 328. Concurrent resolution expressing the sense of the Congress regarding the successful and substantial contributions of the amendments to the patent and trademark laws that were initially enacted in 1980 by Public Law 96-517 (commonly referred to as the "Bayh-Dole Act") on the occasion of the 30th anniversary of its enactment; to the Committee on the Judiciary; considered and agreed to.

By Mr. CONYERS:

H. Res. 1712. A resolution providing for the consideration of the bill H.R. 5566 and the Senate amendment thereto; considered and agreed to.

By Mr. LEWIS of Georgia (for himself, Ms. MOORE of Wisconsin, Mr. CAO, and Mr. KENNEDY):

H. Res. 1713. A resolution recognizing the 50th anniversary of Ruby Bridges desegregating a previously all-White public elementary school; to the Committee on the Judiciary; considered and agreed to.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. BARROW, Ms. BORDALLO, Mr. CALVERT, Mrs. CHRISTENSEN, Mr. CULBERSON, Mr. DAVIS of Illinois, Mr. CLAY, Ms. EDWARDS of Maryland, Ms. FUDGE, Mr. LIPINSKI, Mr. OLSON, and Ms. RICHARDSON):

H. Res. 1714. A resolution congratulating the engineers, scientists, psychologists, and staff of the National Aeronautics and Space Administration (NASA) for helping to successfully rescue 33 trapped Chilean miners from a collapsed mine near Copiapo, Chile; to the Committee on Science and Technology.

By Mr. THOMPSON of Pennsylvania (for himself, Mr. DENT, Mr. SHUSTER, Mr. BRADY of Pennsylvania, Mr. DOYLE, Mr. HOLDEN, Mr. GERLACH, Mr. CARNEY, Mr. PLATTS, Mr. CRITZ, Mr. PITTS, Mr. SESSIONS, Mr. NEUGEBAUER, Mr. COHEN, Mr. ENGEL, Mr. COURTNEY, Mr. ANDREWS, Mr. SESTAK, Mr. ROONEY, Mr. TIM MURPHY of Pennsylvania, Ms. SCHWARTZ, Mr. FATTAH, Mr. KANJORSKI, Mrs. DAHLKEMPER, Mr. ALTMIRE, Mrs. MCCARTHY of New York, Mr. PIERLUISI, Mr. WOLF, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. KING of New York):

H. Res. 1715. A resolution congratulating Joe Paterno on his 400th win as Penn State Nittany Lions football head coach; to the Committee on Education and Labor.

MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

400. The SPEAKER presented a memorial of the Legislature of the Territory of Guam, relative to Resolution No. 432-30 (LS) objecting to the Programmatic Agreement as proposed; to the Committee on Armed Services.

401. Also, a memorial of the Legislature of the Territory of Guam, relative to Resolution No. 420-30 (LS) supporting the United Nations Declaration on the Rights of Indigenous Peoples and demand that President Obama sign the Declaration on the Rights of Indigenous Peoples; to the Committee on Foreign Affairs.

402. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 224 memorializing the Congress to review the Government Pension Offset and the Windfall Elimination Provision Social Security benefit reductions and to consider eliminating reducing them by enacting the Social Security Fairness Act of 2009; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 275: Mr. WAMP.
H.R. 333: Ms. HIRONO and Mr. HARE.
H.R. 413: Mr. LYNCH.
H.R. 574: Mr. PETRI.
H.R. 682: Mrs. MALONEY.
H.R. 745: Mr. PASTOR of Arizona and Mr. DOGGETT.
H.R. 764: Mr. GRAVES of Georgia.
H.R. 917: Mr. ROTHMAN of New Jersey.
H.R. 1020: Mrs. NAPOLITANO, Ms. SLAUGHTER, and Mr. McDERMOTT.
H.R. 1034: Mr. BACHUS.
H.R. 1079: Mr. CHAFFETZ and Mr. CAPUANO.
H.R. 1193: Ms. WASSERMAN SCHULTZ, Mr. BARROW, and Mr. OBERSTAR.
H.R. 1228: Mr. GRAVES of Georgia.
H.R. 1326: Mr. DAVIS of Illinois, Ms. TSONGAS, Mr. SCOTT of Virginia, Mr. BACA, and Mr. COSTELLO.
H.R. 1361: Mr. HARE.
H.R. 1403: Mr. GOODLATTE.
H.R. 1443: Mr. FARR.
H.R. 1588: Mr. GRAVES of Georgia.
H.R. 1616: Ms. ZOE LOFGREN of California.
H.R. 1751: Mr. PAYNE and Mr. GARAMENDI.
H.R. 1806: Mr. LANGEVIN and Mr. COURTNEY.
H.R. 1816: Mrs. EMERSON.
H.R. 1927: Mr. PIERLUISI and Ms. HERSETH SANDLIN.
H.R. 1969: Mr. WAMP.
H.R. 2030: Mr. ELLISON, Mr. ROTHMAN of New Jersey, Mr. HARE, Mr. HOLT, Mr. WOLF, Mr. FOSTER, and Mr. HONDA.
H.R. 2057: Ms. HIRONO.
H.R. 2149: Ms. LINDA T. SANCHEZ of California.
H.R. 2492: Ms. HIRONO.
H.R. 2567: Mr. SCOTT of Virginia.
H.R. 2737: Ms. TSONGAS, Mr. QUIGLEY, Mr. TIAHRT, Mr. SMITH of Washington, Mr. CLEAVER, Mr. FILNER, and Mr. MARSHALL.
H.R. 3001: Ms. MOORE of Wisconsin.
H.R. 3006: Mr. SCHAUER.
H.R. 3227: Mr. GONZALEZ.
H.R. 3240: Mr. COHEN.
H.R. 3287: Mr. BISHOP of Georgia.
H.R. 3317: Ms. ZOE LOFGREN of California.
H.R. 3394: Mr. CHAFFETZ.
H.R. 3395: Mr. CHAFFETZ.
H.R. 3458: Mr. OLVER.

H.R. 3655: Mr. PAYNE.
 H.R. 3753: Mr. PIERLUISI.
 H.R. 4037: Mr. HARE, Mr. SCHAUER, and Mr. GUTIERREZ.
 H.R. 4116: Mr. FILNER.
 H.R. 4121: Mr. ISRAEL, Ms. HIRONO, Ms. SUTTON, Mr. KISSELL, and Ms. CHU.
 H.R. 4278: Mr. FILNER, Mr. TOWNS, Mr. HINCHEY, Mr. JONES, and Ms. DEGETTE.
 H.R. 4529: Mr. BACHUS.
 H.R. 4593: Mr. MORAN of Virginia.
 H.R. 4594: Mr. LARSON of Connecticut, Mr. ROTHMAN of New Jersey, Mr. DEUTCH, and Mr. MURPHY of Connecticut.
 H.R. 4662: Mr. SCHIFF, Mr. DEFazio, Mr. CLAY, and Mr. LYNCH.
 H.R. 4677: Ms. JACKSON LEE of Texas.
 H.R. 4746: Mr. COFFMAN of Colorado.
 H.R. 4844: Mr. NYE, Mr. CUMMINGS, and Mr. FARR.
 H.R. 4890: Ms. HIRONO.
 H.R. 4891: Ms. HIRONO and Mr. FILNER.
 H.R. 4926: Mr. HALL of New York.
 H.R. 5040: Ms. ESHOO, Mr. LANGEVIN, and Ms. FUDGE.
 H.R. 5081: Mr. KING of Iowa, Mr. ROSS, and Ms. EDWARDS of Maryland.
 H.R. 5121: Ms. MATSUI.
 H.R. 5207: Mr. EHLERS.
 H.R. 5269: Mrs. EMERSON, Ms. MATSUI, and Ms. SCHAKOWSKY.
 H.R. 5400: Mr. UPTON, Ms. CHU, Mr. COHEN, Ms. CASTOR of Florida, Mr. LYNCH, Mr. KISSELL, Ms. SUTTON, and Ms. HIRONO.
 H.R. 5527: Mr. COHEN and Mr. BILBRAY.
 H.R. 5538: Mrs. MYRICK, Mr. FRANKS of Arizona, Ms. FOXX, Mr. GARRETT of New Jersey, Mr. OLSON, Mr. BURTON of Indiana, Mr. MCCLINTOCK, Mr. KLINE of Minnesota, Mr. BRADY of Texas, Mr. FORBES, Mr. GOODLATTE, Mr. WILSON of South Carolina, and Mr. ROE of Tennessee.
 H.R. 5565: Mr. GENE GREEN of Texas and Ms. EDDIE BERNICE JOHNSON of Texas.
 H.R. 5740: Mr. CONNOLLY of Virginia.
 H.R. 5748: Ms. DEGETTE.
 H.R. 5766: Mr. LYNCH.
 H.R. 5820: Ms. EDWARDS of Maryland, Ms. DELAUNO, Mr. TOWNS, and Ms. LINDA T. SANCHEZ of California.
 H.R. 5859: Mr. COFFMAN of Colorado.
 H.R. 5882: Mr. ROONEY, Mr. CULBERSON, Mr. OLSON, Mr. HOEKSTRA, Mr. MANZULLO, Mr. AKIN, Mr. SAM JOHNSON of Texas, Mrs. SCHMIDT, and Mr. CARTER.
 H.R. 5905: Mr. KUCINICH, Ms. WATERS, Mrs. KIRKPATRICK of Arizona, and Mr. JACKSON of Illinois.
 H.R. 5928: Mr. KUCINICH, Mr. LYNCH, Ms. CASTOR of Florida, Mr. NYE, Ms. CHU, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. KISSEL, Ms. SUTTON, Ms. HIRONO, and Mr. ISRAEL.
 H.R. 5931: Ms. SPEIER.
 H.R. 5940: Mr. GRIFFITH.
 H.R. 5942: Mr. JACKSON of Illinois and Mr. THOMPSON of Mississippi.
 H.R. 5983: Ms. GIFFORDS, Mr. BARROW, Mr. MARKEY of Massachusetts, Mr. STUPAK, Mr. LANGEVIN, Mr. COHEN, Mr. NEAL of Massachusetts, Mr. MOORE of Kansas, Mr. LARSON of Connecticut, Mr. BUTTERFIELD, Mr. ALEXANDER, Mr. SHULER, Mr. CAMP, Mr. MORAN of Virginia, Mr. AUSTRIA, Mr. HARE, Mr. CAPUANO, Mr. FOSTER, Mr. GONZALEZ, Ms. TSONGAS, and Mr. TEAGUE.
 H.R. 6017: Ms. HIRONO, Mr. FARR, Mr. GRIJALVA, and Mrs. MALONEY.
 H.R. 6025: Mr. HIMES.

H.R. 6036: Ms. CLARKE.
 H.R. 6072: Mr. WELCH, Mr. SESSIONS, and Mr. MARKEY of Massachusetts.
 H.R. 6078: Mrs. CHRISTENSEN.
 H.R. 6099: Mr. HIMES.
 H.R. 6114: Mr. SABLAN.
 H.R. 6123: Mr. DEFazio, Mr. PLATTS, Mr. FILNER, Mr. MAFFEI, and Mr. HONDA.
 H.R. 6127: Mr. BLUMENAUER and Mrs. CAPITO.
 H.R. 6128: Ms. MCCOLLUM, Mr. LYNCH, Mr. JACKSON of Illinois, Mr. MICHAUD, Mr. SMITH of Washington, Mr. PASCRELL, Mr. SCOTT of Georgia, Ms. CLARKE, Mr. HALL of New York, Mr. GARAMENDI, Mr. SERRANO, Mr. SCHAUER, Mr. CAPUANO, Mr. GENE GREEN of Texas, Mr. RYAN of Ohio, Mr. PASTOR of Arizona, Ms. FUDGE, Mr. BRADY of Pennsylvania, Mr. MORAN of Virginia, Mr. NADLER of New York, Mr. NEAL of Massachusetts, Mr. KRATOVIL, Ms. KAPTUR, Mr. CHILDERS, Mr. CLEAVER, Ms. ESHOO, Ms. SCHAKOWSKY, Mr. BOCCIERI, Mr. LANGEVIN, Ms. MOORE of Wisconsin, Mr. ENGEL, Mr. FOSTER, Mrs. MALONEY, Mr. AL GREEN of Texas, Mr. GUTIERREZ, Mr. OLVER, Mr. HASTINGS of Florida, Mr. ANDREWS, Mr. ACKERMAN, Mr. CLAY, Ms. EDWARDS of Maryland, Ms. MATSUI, Mr. KENNEDY, Mr. CONYERS, and Mr. MCGOVERN.
 H.R. 6153: Mr. STARK and Mr. DOYLE.
 H.R. 6174: Mrs. CHRISTENSEN.
 H.R. 6181: Ms. EDDIE BERNICE JOHNSON of Texas.
 H.R. 6184: Mr. REICHERT and Mr. HARE.
 H.R. 6240: Mr. MILLER of Florida, Mr. KING of Iowa, Mr. YOUNG of Alaska, and Mr. LAMBORN.
 H.R. 6270: Mr. SCHAUER.
 H.R. 6304: Mr. RYAN of Ohio, Mr. CLAY, and Ms. WOOLSEY.
 H.R. 6305: Mr. RANGEL and Ms. CLARKE.
 H.J. Res. 10: Mrs. CHRISTENSEN.
 H.J. Res. 94: Mr. COHEN.
 H. Con. Res. 259: Mr. ANDREWS, Mr. GUTIERREZ, Mr. HOLT, Mr. LOBIONDO, Mrs. LOWEY, and Ms. TSONGAS.
 H. Con. Res. 314: Mr. MOORE of Kansas.
 H. Con. Res. 316: Mr. FRANK of Massachusetts and Mr. MOORE of Kansas.
 H. Con. Res. 323: Ms. BALDWIN, Mr. CONYERS, Mr. CULBERSON, Mr. CUMMINGS, Mr. ELLISON, Ms. FUDGE, Mr. GARAMENDI, Mr. GENE GREEN of Texas, Mr. HINCHEY, Mr. HOLT, Mr. HONDA, Mr. ISRAEL, Mr. KING of New York, Ms. MCCOLLUM, Mrs. MALONEY, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. OLVER, Mr. RANGEL, Mr. RUSH, Mr. SCHOCK, Mr. STARK, Mr. TIERNEY, and Mr. YARMUTH.
 H. Con. Res. 327: Ms. CASTOR of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. DAVIS of California, Ms. SCHWARTZ, Mrs. MCCARTHY of New York, Mrs. MALONEY, Mr. CARSON of Indiana, Mr. COOPER, Mr. DELAHUNT, Mr. TANNER, Mr. ENGEL, Mr. MARKEY of Massachusetts, Mr. FALEOMAVAEGA, Ms. ROYBAL-ALLARD, Mr. POLIS of Colorado, Mr. CROWLEY, Ms. RICHARDSON, Mr. DOYLE, Mr. MOORE of Kansas, Mr. FRANK of Massachusetts, Ms. KILROY, Mr. SCOTT of Georgia, Mr. BERMAN, Mr. MCDERMOTT, Mr. CONNOLLY of Virginia, Mr. BLUNT, and Mr. CLEAVER.
 H. Res. 111: Ms. HIRONO and Mr. PRICE of North Carolina.
 H. Res. 249: Mr. MCCOTTER.
 H. Res. 278: Mr. SHERMAN.
 H. Res. 764: Mr. HONDA, Mr. SCHIFF, Mr. DOGGETT, Ms. ROS-LEHTINEN, Ms. ZOE LOFGREN of California, and Mr. WAMP.

H. Res. 771: Mr. MARSHALL, Mr. MCCOTTER, and Mr. WELCH.
 H. Res. 1217: Mr. SNYDER, Mr. KISSELL, Ms. TITUS, Ms. TSONGAS, Ms. PINGREE of Maine, and Mr. MICHAUD.
 H. Res. 1355: Mr. DOYLE.
 H. Res. 1402: Mr. JACKSON of Illinois.
 H. Res. 1431: Mr. LEWIS of Georgia, Ms. RICHARDSON, Ms. JENKINS, and Mr. SCHOCK.
 H. Res. 1488: Ms. WOOLSEY.
 H. Res. 1524: Ms. LEE of California, Mr. PIERLUISI, Mr. FARR, Mr. AL GREEN of Texas, Mr. CLAY, and Ms. CHU.
 H. Res. 1600: Mr. LIPINSKI, Mr. COURTNEY, Mr. WALZ, Mr. TIM MURPHY of Pennsylvania, Mr. WOLF, Mr. BRALEY of Iowa, Mr. KLINE of Minnesota, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FOSTER, Ms. ESHOO, Mr. LOEBSACK, Mr. STARK, Ms. ZOE LOFGREN of California, and Ms. RICHARDSON.
 H. Res. 1621: Mr. WOLF.
 H. Res. 1624: Ms. ESHOO.
 H. Res. 1625: Mr. FRANK of Massachusetts.
 H. Res. 1628: Mr. EHLERS.
 H. Res. 1641: Mr. COURTNEY, Mr. MORAN of Virginia, Mr. CONYERS, Mr. TURNER, Mr. INSLEE, and Mr. LUCAS.
 H. Res. 1654: Mr. LIPINSKI and Mr. EHLERS.
 H. Res. 1655: Ms. HIRONO.
 H. Res. 1667: Mr. MOLLOHAN.
 H. Res. 1672: Mr. COHEN.
 H. Res. 1676: Mrs. MALONEY, Mr. COHEN, and Ms. WOOLSEY.
 H. Res. 1677: Mr. FALEOMAVAEGA, Mr. ROHR-ABACHER, Mr. FRANK of Massachusetts, and Ms. BORDALLO.
 H. Res. 1691: Ms. CHU and Mr. MCCARTHY of California.
 H. Res. 1695: Mr. ISSA.
 H. Res. 1703: Mr. LINDER.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

171. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to resolution No. 441 of 2010 requesting that the United States House of Representatives Pass H.R. 2766 and the United States Senate Pass S. 1215—The Fracturing Responsibility and Awareness of Chemicals Act; to the Committee on Energy and Commerce.

172. Also, a petition of Town of Chapel Hill, North Carolina, relative to Resolution No. 20 supporting the Uniting American Families Act; to the Committee on the Judiciary.

173. Also, a petition of City of Hialeah, Florida, relative to Resolution No. 10-75 supporting the Port of Miami "Deep Dredge" Project; to the Committee on Transportation and Infrastructure.

174. Also, a petition of City of Miami, Florida, relative to Resolution No. 10-0316 urging the Congress to fund the Port of Miami Deep Dredge Project; to the Committee on Transportation and Infrastructure.

175. Also, a petition of The Legislature of Rockland County, New York, relative to Resolution No. 439 requesting that the United States Senate pass the Veteran Employment Assistance Act of 2010; jointly to the Committees on Veterans' Affairs, Small Business, and Armed Services.

EXTENSIONS OF REMARKS

HONORING SERGEANT LEE GRAGG

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. SCOTT of Georgia. Madam Speaker, it is with great pride and honor that I rise to share with you the inspiring story of one of my constituents. Sergeant Lee Gragg is a police officer in the Palmetto Police Department, and last September, he was injured in the line of duty.

On Sunday, September 12th 2009 at 10 o'clock at night, Sgt. Gragg and his team were conducting a routine road safety check. An uncooperative driver was discovered to have a suspended license and an arrest warrant. Recognizing that the suspect was reaching for something on the floor of the car, Sgt. Gragg feared for the safety of his team and grabbed the driver's arm.

When the driver attempted to escape, Sgt. Gragg was dragged alongside the vehicle. After the driver lost control of the car, he was thrown 20 feet into the air. He was flown to Grady Hospital, where he was treated in the intensive care unit for 5 weeks. Today, I join his wife Michele Gragg in thanking God for his survival.

I was astounded to hear that a mere four months after this incident, Sgt. Gragg returned to work. Despite losing vision in one eye, suffering severe nerve damage, and undergoing more than 10 surgeries, he maintains a positive attitude. He teaches children about safety and is dedicated to community outreach. He is ever eager and determined to return to active duty. Sergeant Lee Gragg is an honorable man—a hero to his fellow police officers and a role model to his community. Madam Speaker, distinguished colleagues, please join me in honoring this great public servant.

A TRIBUTE RECOGNIZING THE 75TH ANNIVERSARY OF CALVARY BAPTIST CHURCH IN THE CITY OF BELLFLOWER

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to recognize the 75th anniversary of Calvary Baptist Church in Bellflower in the 34th Congressional District. I ask my colleagues to please join me along with the church's pastor, Dr. Michael Melton Kalapp, and his nearly 800 parishioners, in celebrating this significant milestone. In honor of the occasion, I would like to submit into the RECORD a detailed historical overview provided by the church chronicling its incredible growth

throughout Calvary's many years of spiritual service to families in Bellflower and throughout the world.

A HISTORY OF CALVARY BAPTIST CHURCH IN BELLFLOWER

(By the Calvary Baptist Church)

In September, 1935, a group of 14 believers, led by Reverend True H. Maxfield, sought to start a place of worship in the Bellflower area after holding a successful tent meeting. A lot located at Santa Ana and Mayne was purchased for \$275. Two months later, on November 11, 1935, a group of men began erecting a small building that would become The First Fundamental Church of Bellflower.

In 1943, the church changed its name to Calvary Baptist Church of Bellflower. By 1949, the church boasted 175 members and new property was purchased—"way out in the country"—on Ardis Avenue. It was there that volunteers built the new church, which held its first service on December 23, 1949. A farming community at the time, Bellflower would not become the 59th city in the County of Los Angeles until 1957.

In 1950, the church membership nearly doubled to 340 and additional property around the church was purchased. Seven years later, in 1957, Calvary expanded its ministry to support the Baptist Bible College in Springfield, MO. The church also supported the Pima Indians in Arizona.

On June 16, 1963, after several years of leadership changes, Dr. H. Frank Collins and his family began their ministry at Calvary. Building on the church's rich history of reaching out to the community, Dr. Collins led the church to purchase a bus to provide members without transportation the opportunity to come to Calvary to worship. At its peak, this effort would grow to include 17 buses, transporting nearly 600 people to church weekly.

During Dr. Collins' 26-year ministry, he led the church through its largest expansion in buildings, membership and outreach. Unfortunately, rising costs would eventually end the church's bus ministry, as well as its television (Channel 9) and radio programming (on KGER 1390 AM).

Calvary, however, continued to grow in other ways.

In 1984, the completion of the H. Frank Collins/Calvary Baptist Church Family Center enabled the church to expand its ministry for its members and the community. This multi-purpose facility contains classrooms, a board room, counseling rooms, office space, a full-service kitchen, showers, gymnasium, and banquet seating for approximately 400 people.

Upon Dr. Collins' retirement in May 1990, Dr. Michael Kalapp became Calvary's new pastor. Under his leadership, Bible-centered life groups, and one-on-one mentorship programs were launched.

Four years later, when Calvary purchased the last remaining parcel of property on what is today the church campus, Calvary realized its dream of having a Missions home. Today, the facility serves as a Missions House and Missions Apartment, giving the church's missionaries a place to rest while in the United States. During the first

decade of this century, Calvary was instrumental in the planting of new churches in Sauharita, AZ; Banning, CA; and Boston, MA. Calvary has also given more than \$1.5 million to missionary work in far reaching places such as Africa, China, Japan and the Philippines.

Calvary's growing ministries encompass a wide variety of community programs and initiatives. On a weekly basis, Calvary provides the facilities and works with other local churches to feed, shower, and cloth people who are homeless. Church members donate food for its food pantry that serves more than 100 families a year. This Thanksgiving, church members will serve dinner to more than 500 people in the community. To help individuals fighting addictions, Calvary operates a "Celebrate Recovery" church-based spiritual support program. The church also provides space for weekly Nicotine and Narcotics Anonymous meetings. This past October, more than a thousand people from throughout the area enjoyed a free fun-filled day of games, face painting and other activities at its annual Harvest Festival. The church also hosted the Children's Summer Spectacular—a day camp for more than 60 children from throughout the community that includes Bible study, field trips and other activities. Parishioners also donate the labor, supplies and funds each year to "makeover" homes to members in need.

To raise funds for its missionaries, Calvary holds a Christmas boutique in late October. Handmade items by parishioners are sold at the annual boutique to raise funds for the church's mission work in this country and around the world. This year's boutique raised more than \$7,000. Calvary also holds a parking lot sale featuring donated items by church members to raise funds for its missions. This year's event generated \$3,000.

As Calvary celebrates its 75 year anniversary, the church is extremely proud that its central message to its congregation since its founding "way out in the country" has always remained devoutly the same: to "LOVE GOD, LOVE PEOPLE AND CHANGE THE WORLD."

HONORING THE LIFE OF PEDRO SYPINGCO CASTRO

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Ms. BORDALLO. Madam Speaker, I rise today to honor the life of Pedro Sypingco Castro, a son of Guam and veteran of the United States Navy, for his dedication and service to our community and country. Pedro passed away on September 26, 2010 at the age of 80. I commend him for his dedicated service to his community and our nation.

Pedro was born on June 29, 1930 to Jose Rosario Castro and Maria Sypingco Evangelista of Sinajana, Guam. He enlisted in the U.S. Navy and was a veteran of the Vietnam War. He served on the USS *Proteus* AS-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

19, USS *Crockett* PG-88, USS *Haverfield* DER-393, USS *Lucid* MSO-458, and USS *Goss* DE-444. He attained the rank of Boat-swain's Mate Chief Petty Officer, and his awards and medals include the American Spirit Medal, the Meritorious Unit Commendation, Navy Good Conduct awards, the National Defense Service Medal, and the Vietnam Service Medal.

Although Pedro may no longer be with us, he will be remembered by his loving wife Ana, daughter Carmilita, three grandchildren, four great-grandchildren, and many loved ones for many years to come. I offer my condolences, sympathies, and prayers to Pedro's family and loved ones and to all who knew him.

TRIBUTE TO MR. GEORGE M.
SCALISE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Ms. ESHOO. Madam Speaker, I rise today to honor Mr. George M. Scalise, a longtime constituent, friend, and industry advocate, who retired as President of the Semiconductor Industry Association this year. His exemplary leadership in the high-tech sector has improved our technical capabilities and enriched our country.

George Scalise's father worked on the railroads, but George dedicated his life to the conduits of the future, ultimately moving from the steel mills of Pennsylvania to the semiconductors of Silicon Valley. Growing up in Warren, Pennsylvania, George Scalise was a go-getter from an early age, working a paper route, cleaning pots and pans in a bakery, and performing other odd jobs. He followed his older brother to Purdue University, graduating in 1956 with a degree in Mechanical Engineering, and then joined the Army as an engineer for the next two years. After leaving the military, George Scalise met and married his wife of nearly fifty years, fellow engineer Dot McDonald, and moved into the growing field of semiconductors, where he began to make his mark.

From his early days at CBS Electronics and Motorola, George Scalise has left a lasting imprint on the semiconductor industry. Among his many positions and responsibilities, he served as Executive Vice President and Chief Administrative Officer of Apple Computer, Inc., and as Senior Vice President of Planning and Development and Chief Administrator Officer of National Semiconductor Corporation. His abilities have earned him the respect and trust of his colleagues, who selected him to be President of the Semiconductor Industry Association, the nation's leading microelectronics trade association, which brings together more than 60 companies accounting for over 90% of American semiconductor producers. Serving from 1997 to 2010, George Scalise brought his deep understanding of the complexities of international trade and workforce issues to bear on a wide array of industry matters, including educating and recruiting a skilled workforce, promoting environmental and safety standards, protecting intellectual property, and ensuring American competitiveness abroad.

As civic-minded as he is silicon-minded, George Scalise has brought his business acumen to his public service endeavors. He served on the Board of Directors of the Federal Reserve Bank of San Francisco from 2000 to 2005, including two years as Chairman, and spent eight years on President George W. Bush's Council of Advisors on Science and Technology.

Madam Speaker, I ask my colleagues to join me in celebrating George Scalise's extraordinary leadership and service. In his business career, in his personal relationships, in his service to his community, George Scalise conducts himself as impressively as the microchips he loves, I'm proud to consider him a friend and honor the outstanding contributions he has made through his innovation and inspirational industry leadership.

A TRIBUTE TO WALTER T.
MOSLEY III

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Walter T. Mosley III.

Walter T. Mosley III was born and raised in the Clinton Hill and Crown Heights sections of Brooklyn.

After he graduated from high school, Mr. Mosley attended Pennsylvania State University. He graduated with honors, earning a degree in Criminology with minors in African Studies and American History. He received a law degree from Howard University in 1998.

Mr. Mosley was exposed to community activism and public service at an early age, which had a great effect on his sense of responsibility and ownership of his community. Throughout his life, he has worked to serve the downtown and central Brooklyn community. He has served as an advisor to elected officials on political, legislative, and public policy issues related to local and statewide initiatives. Through this work, he has had the opportunity to work in various capacities, including: legislative analyst for the New York City Council, Chief of Staff to New York State Assemblyman William F. Boyland, Jr., and currently as Special Counsel to New York State Majority Conference Leader John L. Sampson.

Mr. Mosley also learned early the importance of developing a broad range of experience in government and politics so that he would be able to give back to his community. He had the opportunity to work on the national political scene in 2004 through work for Senator John Kerry's presidential campaign. He continued this work in 2008 as a Pledged Delegate for Senator Barack Obama.

Madam Speaker, I urge my colleagues to join me in recognizing the many contributions of Walter T. Mosley III.

CELEBRATING THE 110TH ANNIVERSARY OF CRANFORD UNITED METHODIST CHAPEL

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to celebrate the 110th Anniversary of the Cranford Memorial Chapel. Today's celebration reflects the strength and continuity of this Congregation, and it also highlights the historical significance of this location in Fairfax County.

The site of today's Cranford United Methodist Church was first home to one of the earliest religious institutions in the area, Pohick Church, which was built in 1730. Founding fathers George Washington and George Mason both counted themselves as members of this congregation. Although Pohick Church was moved, a Methodist church was constructed on this site in 1830, continuing the historical significance of this location as a place of worship. In response to the passage of time and the growing community, the church was expanded, incorporating the old church with a new building. Today we are celebrating the 110th Anniversary of the "newest" building, which dates to 1900.

Although Fairfax County is a dynamic area which has seen many changes over the years, it is equally important to remember the rich history which has helped to define our nation. Cranford Memorial Chapel is a touchstone of Fairfax's historical significance, and it is a living reminder of the humble roots of a community which has grown and prospered since this church was founded.

Madam Speaker, I ask that my colleagues join me in recognizing the 110th Anniversary of the Cranford Memorial Chapel and in celebrating the rich history of our vibrant community.

IN HONOR OF THE 6TH ANNIVERSARY OF THE MAYO SOCIETY OF GREATER CLEVELAND

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. KUCINICH. Madam Speaker and colleagues, I rise today in honor and recognition of the 6th Anniversary of the Mayo Society of Greater Cleveland, as they hold their 6th Annual Mayo Society Charitable Ball & Banquet, on October 2, 2010. This year's honorees are: Kevin O'Donnell, the Mayo Person of the Year; Michael Burke, Chairman of Mayo County, Ireland; and, Keynote Speaker, Michael Feeney, of the Mayo County, Peace Park, Garden of Remembrance.

Since its inception in 2004, the mission of the Mayo Society of Greater Cleveland has been to strengthen bonds that connect the people of our community and our nation with the people of Ireland—with a special focus on County Mayo, where a large number of American citizens in the Cleveland area trace their ancestral origins.

The Mayo Society of Greater Cleveland promotes exchanges with Ireland that center around cultural, scientific, literary, and artistic exchanges between the two countries. The Society also seeks to research and analyze Irish immigration and the impact that Irish immigrants had in shaping our nation's history. In addition, charitable work is also a priority. Fundraisers and other volunteer efforts are organized, in Cleveland, and in Ireland, to assist impoverished individuals and families whenever in need.

Madam Speaker and colleagues, please join me in honor and recognition of the members and leaders of the Mayo Society of Greater Cleveland, whose heritage originated across the ocean to the Emerald Isle, remains alive in Cleveland through the history, culture and tradition of Ireland. Irish Americans are a significant component within the brilliant mosaic of diversity that is the foundation of our community. Contributions made by Irish Americans within our city and across our nation are immeasurable, and will forever be connected—from the lake shores of Cleveland, to the emerald fields of County Mayo.

RECOGNIZING THE 10TH ANNIVERSARY OF THE BAPS MANDIR OF CHICAGO

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. ROSKAM. Madam Speaker, I am pleased to rise today to recognize the 10th anniversary of the BAPS Shri Swaminarayan Mandir Complex in Bartlett, Illinois. For the past decade, this Hindu Complex has been an asset to the community and emblematic of outstanding service.

The temple was completed in only 16 months with the help of over 1,700 volunteers. This vibrant sense of volunteerism has remained strong through the various charitable projects the Mandir has sponsored within the Sixth District of Illinois. The complex is a center of constant activity, promoting a spirit of service through its weekly classes and seminars designed to inspire, energize, promote, develop and sustain the roots of Indian culture. Its members are frequently involved with projects to better education, improve the environment, and provide relief in times of disasters.

In May of 2005, the BAPS Mandir of Chicago was presented with the "Best Building Suburb" award by the Chicago Building Congress (CBC). The Mandir is a fusion of traditional Indian architecture and modern technology, representing a culture that dates back over 8,500 years. Worldwide, the BAPS organization has more than 3,300 centers and maintains a strong volunteer base of 55,000. The organization has received numerous national and international awards for their dedication to humanitarian assistance.

I ask that my Distinguished Colleagues please join me in honoring the BAPS Mandir of Chicago for the valuable contributions it continues to offer the local community.

IN RECOGNITION OF EMMA FRANCES PITTS RHODES

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition to Emma Frances Pitts Rhodes who celebrated her 97th birthday November 3rd.

Ms. Rhodes was born in Anniston, Alabama, to the late Frank and Margaret Pitts. She attended Ohatchee School and was a charter member of Saks Baptist Church.

She was married to the late S.E. Rhodes and had four children: Earl, Judy, Elaine and Brenda. She also has six grandchildren, 13 great-grandchildren and six great-great-grandchildren.

I wish Ms. Rhodes a very happy birthday and many more.

TRIBUTE TO CESARINA AUGUSTO EARL

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the deeds of an outstanding individual, Mrs. Cesarina Augusto Earl, who will be recognized on October 23, 2010 by the Columbian Foundation for her contributions to the Italian-American community.

Cesarina, an Italian-American herself, grew up in my hometown of Paterson, New Jersey helping her parents operate the print shop on Mill Street which they owned. She continued on this literary path, studying Library and Information Science at Caldwell College and Rutgers University after receiving a history degree from Seton Hall University.

After completing her education, Cesarina served as both a professional and a school librarian and worked as an Education Media Specialist in various public schools in New Jersey, New York, and California. She retired in 2004 from the rewarding work of helping students and adults find their needs in libraries.

One of the various publications that Cesarina's family printed was their own weekly publication, *La Voce Italiana* or the Italian Voice. It has been in print for 79 years and highlights the positive accomplishments of Italian-Americans. Cesarina has worked tirelessly with her son Douglas as the publisher and editor for 25 years of *La Voce Italiana*.

In addition to promoting issues which affect Italian-Americans, Cesarina has also been an advocate for women's issues worldwide through her involvement in Zonta International.

In addition to her impressive professional accomplishments, Cesarina is a dedicated wife, mother, and grandmother. She has two adult children and two grandsons.

Cesarina has proven herself to be a leader in the Italian-American community as well as

a dedicated employee of the public school system, and I know she will continue this important work in the future.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to working with and recognizing the efforts of dedicated servants of the community like Cesarina Augusto Earl.

Madam Speaker, I ask that you join our colleagues, the residents of Essex County, the Columbian Foundation, Cesarinas's family and friends, and me in recognizing Cesarina Augusto Earl's outstanding service to her community.

IN MEMORY OF MELISSA JANE DELL

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. WILSON of South Carolina. Madam Speaker, sadly Melissa Jane Dell of Ridgeland, South Carolina succumbed to Huntington's disease at age 40 on November 9, 2010. She was the daughter of Ouida and Wayne Dell and the mother of Bethany Dell. Her brother Eric Dell, Chief of Staff of the Second Congressional District, presented the following family witness on November 11, 2010, at St. Paul's United Methodist Church.

MELISSA DELL—A LIFE OF LOVE AND HUGS

I would like to begin by thanking God for my sister, Melissa. She was an inspiration to me and so many others. I also would like to thank everyone here today, as everyone has touched Melissa and our family in a special way. I especially thank family members who have been so faithful to Melissa over the past few years and especially the past month. Especially, Aunts Charlene, Linda, Karen, Pearnease, and Barbara and cousins Allison, Michael, Cynthia, David and Theresa. I also want to thank my mom for her tireless devotion and dedication to Melissa and Gayle and TaWanda who would come to care for Melissa whenever called. The last group I would like to thank is the caretakers and the staff and friends of Melissa at the adult day care and physical therapy in Ridgeland. She loved the day care and physical therapy and its people so much. She was never happier than when she was at the day care and physical therapy.

God made a special person when he made Melissa. We are all created by God to serve a purpose here on earth. Her purpose was so special, and she fulfilled her purpose beautifully in 40 short years. Melissa suffered physically more than most of us in this church will ever suffer. But, she always had a smile on her face and hug in her hands.

I want to talk a little about Melissa's younger years, but focus mainly on the last fifteen years of her life, as I think that is when Melissa truly shined here on her earthly journey. When we were growing up, Melissa was always the "good" child. I was the one that was always getting into trouble and she would never tell on me to mom and dad. Melissa and I enjoyed many fun times together playing in lakeview terrace with friends who are some of her pall bearers today. I remember the fun times of swimming in our pool, playing kickball, always being outside and eating ice cream from Mr. Bunton's ice cream truck. She ate so much

ice cream that she gained the name "Popsicle". She enjoyed ice cream for as long as I can remember. She was an avid basketball and softball player in high school and always enjoyed being around people. She also attended Georgia Southern for three years and I remember visiting her there while in high school. She always made me feel older than I was, which I enjoyed at the time. I thought it was cool to have an older sister who was in college. She was a role model for me in that sense. She was always good at math and enjoyed working in restaurants because she enjoyed "taking care of people."

Melissa also had a strong love for her daughter Bethany. When Melissa could no longer drive, she would push Bethany all over town in a stroller to spend as much quality time with her as she could. I will always remember Melissa and Bethany playing silly games together and Melissa just having a ball. She was a great mother.

As most of you know, Melissa fought Huntington's disease for the past 15 years or so. This is a horrible disease that my family has dealt with for many years. I firmly believe that God allowed her, instead of me, to have Huntington's disease because she was a much stronger person than me when it comes to handling pain and she had a better ability to show her love to others through this earthly pain. To those of you who have known Melissa, you have known a special person and have received a gift from God by knowing her. There is no doubt in my mind God used Melissa's suffering to show us His love and to further His kingdom. The more Melissa suffered and the closer she got to heaven the more I could see the Cross in her and the more she shared the Christian principles of Unconditional Love and Prayer.

Just this week, I e-mailed my office staff about Melissa's passing and I received an e-mail back from one staffer that read: "Sorry to hear this Eric. I will always remember Melissa reaching out to give me a hug as soon as I introduced myself—it was obvious she had a wonderful spirit—that has not changed!" It's interesting that I received this e-mail after I had already begun writing this eulogy from the premise that was spelled out in this e-mail. I'm sure everyone here has received that wonderful unconditional hug from Melissa. She is now hugging everyone she sees in heaven.

Melissa was a strong woman who promoted Love and Prayer throughout her earthly struggle with Huntington's and used her body as a temple of the Holy Spirit. 1 Cor. 6:19-20 states: "Do you not know that your body is a temple of the Holy Spirit, who is in you, whom you have received from God?" She couldn't speak as we do, but she furthered the Kingdom of God more than I could ever do.

When preparing for this eulogy, I found a verse that is very appropriate and fitting to Melissa. 1 John 3:18: "Let us not love with words or tongue but with actions and in truth." This is a perfect description of Melissa. As Huntington's began to overtake her body, she was not able to communicate with her tongue, so she communicated with her hands. To those of you who know her, you know, the first thing that she would do when you saw her was to raise her hands and hug you. It didn't matter if she was at home in her chair, in the hospital or out on the town, she would always want a hug from whomever she saw. She would even do this if I came in the house and she was half asleep. The more Melissa suffered, the stronger God showed us Jesus in her actions. God was using her body

as a temple of the Holy Spirit to show us how Jesus wants us to love.

Melissa didn't ask if someone was poor, rich, old, homeless, handicapped, young, black, brown, or white, she wanted to hug them and love them. If only we could be this loving in our daily lives. Can you imagine walking down the street and hugging everyone you see and showering them with love? Wouldn't that make for a wonderful, beautiful world? This was Melissa. This is what I remember about Melissa more than anything. She could not speak with her mouth, but she spoke way more with her actions than she could have ever done with her mouth. She was showing the love of Jesus to everyone she met regardless of infirmity, class status, race, or wealth. What a model for us to live by.

Secondly, Melissa reminded us to pray. 1 Thessalonians 5:16-18 states that we should "Rejoice always, pray continually, give thanks in all circumstances; for this is God's will for you in Christ Jesus." God has placed people like Melissa in our midst to further His kingdom. Think about it for a minute, if we didn't have people like Melissa, we wouldn't lean on God and pray so much. God wants us to pray continually, not just occasionally, but continually. Melissa gave us reason to pray continually and draw us closer to Christ. I want you to remember this. When you see someone who is suffering from earthly challenges, think of Melissa and pray. What a great legacy to leave.

Melissa taught us to love, unconditionally and to pray continually. There is no better gift. Through her suffering, she allowed Jesus to shine upon us and show us His way of love and prayer. She allowed Christ to use her suffering to expand His kingdom. In closing, I say to Melissa, the words of Matthew 11:28: "Come to me, all who are tired from carrying heavy loads, and I will give you rest. You are at rest now. You have served your God and are now at rest." Thank you for letting Jesus use your illness to shine on everyone you met. You are truly an angel sent from God and inspiration to all of us.

A TRIBUTE IN HONOR OF THE HONORABLE WARREN SLOCUM

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Ms. ESHOO. Madam Speaker, I rise today to honor the life's work of the Honorable Warren Slocum, San Mateo County's Chief Elections Officer and County Clerk-Recorder-Assessor, who is retiring after more than two decades of extraordinary service to the County.

There's an old expression that "the people who vote count, as well as the people who count the votes." Warren Slocum counted the votes. He counted them for 23 years, always keenly aware of the importance of both the voters and the counters to the functioning of our government. Warren Slocum has been, quite simply, the man behind the machinery of our great democracy.

Long before becoming that man, Warren Slocum was a soldier and a student. He enlisted in the Army and served in Vietnam, returning to attend San Diego State University on the G.I. Bill, and graduating with Honors in History in 1972. He later pursued graduate

studies at San Diego State and Stanford University and worked in the private sector before embarking on his storied public service career.

Rising from Elections Supervisor to Assistant County Clerk and Recorder, Warren Slocum was elected County Clerk-Recorder in 1986, and Chief Elections Officer and County Clerk-Recorder-Assessor in 1993. Warren Slocum's office gave him the longest official title in the County and some of the greatest responsibilities. He managed up to 2,500 staff and an annual budget of \$24 million, overseeing the conduct of all elections and voter registration, the valuation of property, and the recording of official documents, including birth, death, and marriage certificates.

Warren Slocum pledged and delivered the highest quality service, guaranteeing integrity and access in the voting process, promoting civic literacy and participation, and providing accurate assessments and first-rate record keeping. Under his leadership, overall office expenditures were reduced by 20%, making millions of dollars available for other programs. Warren Slocum's colleagues have recognized his tireless efforts by selecting him to head countless professional associations. The San Mateo County Economic Development Association has hailed his work as "an example of responsiveness, efficiency and action by an elected official and government office which should be the model for all public agencies."

Throughout his service, Warren Slocum never stopped seeking better solutions. A self-proclaimed "public sector entrepreneur," Warren Slocum brought the spirit of Silicon Valley to his many endeavors, making the San Mateo County Clerk-Recorder-Assessor's office the most committed to innovation in the Nation. In 1992, and with no supplemental appropriations, he converted the old lever voting machines to a cutting-edge optical scan system, and followed up in subsequent years with an extraordinary display of innovation and modernization. He co-founded the Smart Voter Project, which provides sample ballots and voter information online, and he was the first in California to implement electronic recording. He created the "Wedding Cam" system, allowing friends and relatives to view civil ceremonies on the Web. His blog was the very first on the subject of election reform and verified voting, and his expertise on these matters led him to become a leading voice on high-tech voting in the New York Times, the Wall Street Journal, MSNBC, and NPR.

Warren Slocum's well-deserved retirement will give him more time with his wife Maria Diaz and their two sons, and for his many hobbies, which include hiking, kayaking, golfing, reading, and playing the piano. Knowing Warren Slocum, however, he won't stop moving. He once swam the "Escape from Alcatraz" race, finishing 286 out of nearly 1,000 swimmers. No doubt, even in retirement, there are more impressive efforts in his future.

Madam Speaker, I ask my colleagues to join me in honoring the extraordinary work of Warren Slocum and wish him a retirement filled to the brim with good health and many new adventures. Warren says he was raised to believe that one person can make a difference, and he has been working all his life to do just that. The creativity and accountability he has brought to the County Clerk-Recorder-Assessor's office, and the deep integrity and abiding

respect for our system of government, have made Warren Slocum a model County official, and a man we could count on to count right. I count myself blessed to know this dedicated public servant who has done so much to make our democracy flourish, and has strengthened our community and our country in countless ways.

CONGRATULATING TURKEY ON ITS REPUBLIC DAY

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. SESSIONS. Madam Speaker, I rise today to recognize Turkey's Republic Day, which was celebrated on October 29, 2010. On this day, America's ally Turkey commemorated its 87th year as a Republic. Turkey, under the leadership of Mustafa Kemal Ataturk, officially became a Republic in 1923—paving the way for the creation of a modern nation-state.

Turkey has been and continues to be an important ally to the United States. It serves an important role in the international community, and as a member of North Atlantic Treaty Organization, NATO, it has supported the United States on many critical issues.

I congratulate Turkey and its citizens on this important day.

HONORING MAYOR CLAUDE A. "BUD" LEWIS

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. BILBRAY. Madam Speaker, today I rise to honor the Mayor of Carlsbad, Claude A. "Bud" Lewis. Mr. Lewis has dedicated over 36 years of his life to public service in the Carlsbad community. After serving our great country during the Korean War as a United States Marine, he spent 34 years as an award-winning high school teacher at Carlsbad High School. After witnessing the apathy of his students and community to their local government, he decided to set an example and run for public office. In 1970, Mr. Lewis began his public service as a city council member serving for 16 years before becoming the Mayor of Carlsbad, a position he has held for 24 years. Mr. Lewis' dedication to ingenuity and focus on the future is honored by his numerous awards and accomplishments.

Mayor Lewis' ability to create and implement long-term goals has allowed for Carlsbad's economy to thrive and attract new high-tech and environmentally conscientious industries. In this vein, he was the first in his region to implement an award-winning and forward-thinking "Growth Management Plan," which focuses on sustainability and growth far into the future. Mayor Lewis' determination to think of tomorrow has also enabled Carlsbad to be prepared for extreme drought in California. Moreover, he was the first Carlsbad Chairman

of the San Diego County Water Board and merged the Carlsbad Municipal Water District with the City of Carlsbad to provide a more efficient use of the city's precious water resources. In doing so, Mayor Lewis has taken steps to protect the local ecosystem, especially the city's lagoons, so that it will thrive for future generations.

Mayor Lewis' forward thinking transformed his community into the "Jewel of North County" and his changes and ideas will continue to bring Carlsbad benefits in the future as it has today. His dedication to public service is an inspiration to all citizens and is both commendable and honorable. Madam Speaker, I'm proud to call Bud a friend and I wish him well during his much deserved retirement. North County San Diego will miss him.

RECOGNITION OF THE CHRISTIAN FAITH BAPTIST CHURCH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of the Christian Faith Baptist Church on this, their twentieth anniversary and for their outstanding contributions to the welfare of residents of Raleigh, North Carolina.

The Christian Faith Baptist Church and its congregation have distinguished themselves through many years of service to their community and to their county through their extended ministry.

Created in February 1990 by a small band of believers guided by their faith, the Christian Faith Baptist Church dedicated itself to the mission of being a beacon of faith to the community. Immediately, the church set out to extend hospitality and Christian love to all who came through their doors by establishing a Christian Education Ministry within a month of creation. From their modest beginnings at the Shaw University Divinity School Campus, the church has grown to presently include some 30 ministries.

In 1999, Christian Faith Baptist Church had the honor of hosting the Lott Carey Baptist Foreign Ministry Convention, the oldest and largest African-American mission convention. It was attended by over 6,000 people, including representatives from across the United States and the world.

Christian Faith Baptist Church and its congregation have provided spiritual guidance and service throughout the community; this dedication and desire to serve others was evident from the very beginning. The service to the community is evident in the ministries that the church has built and in work such as the Saturday lunches that the Christian Faith Baptist Church has held for the elderly and the needy for the past twenty years.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of the Christian Faith Baptist Church.

RECOGNIZING THE 160TH ANNIVERSARY OF BETHEL UNITED METHODIST CHURCH IN WOODBRIDGE, VA

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize the 160th Anniversary of Bethel United Methodist Church in Woodbridge, Virginia.

In 1850, the community came together to erect Bethel United Methodist Church on property donated by Burr and Emsey Glasscock. Mr. Burr was one of the members of the first Board of County Supervisors of Prince William County, and he later served as a lay preacher at Bethel. Neighbors donated materials and labor to complete the structure that still stands today. The building has served as a Civil War hospital, community meeting place and sanctuary for Bethel United Methodist Church.

The church family has grown and contracted over the years, but it has always maintained its mission of fellowship, service and outreach. Bethel members support or participate in a number of community organizations: Action in Community Through Service, Alcoholics Anonymous, Boy Scout Troop 1363, Cloverdale School, Cooperative Council of Ministries, Cub Scout Pack 1936, Greater Prince William Mentoring Ministry, Interfaith Volunteer Caregivers Program, Marriage Encounter, Project Mend-a-House, Sexual Assault Victims Advocacy Service, Turning Points and Volunteer Emergency Foster Care. This is a congregation that cares deeply about its surrounding community and takes an active role in strengthening its civic bonds.

Revered Frederick L. Parish currently serves as the Senior Pastor at Bethel United Methodist Church. He has been with the Bethel family since 1974 and is a pillar of the Prince William faith community. He serves on the Board of Directors for the Didlake Foundation, an organization that helps individuals with physical and intellectual disabilities enrich their lives with education and employment opportunities. He also serves on the Board of Directors for Project Mend-a-House, where he helps the non-profit provide home rehabilitation or home access modifications to seniors and people with disabilities. Reverend Parish serves as a volunteer Chaplain at Potomac Hospital, is a member of the eastern Prince William Ministerial Association, and plays an active and valued role in a number of other community organizations.

Madam Speaker, I ask my colleagues to join me in celebrating the 160th Anniversary of Bethel United Methodist Church. Bethel has a vibrant congregation dedicated to continuing the church's long tradition of service and worship. I wish Reverend Parish and his congregation the best as they celebrate their heritage and plan for a successful future.

IN HONOR OF BARBARA A.
NYEGRAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of Barbara A. Nyegran, mother of seven, grandmother of thirteen, and a passionate and steadfast advocate for older persons in and around the Cleveland area.

Whether it was in policy, planning, or service delivery, Barbara was a determined and consistent leader in ensuring the needs of seniors were met, and that the livelihood and independence of seniors were maximized to the fullest extent possible.

Barbara began her career in aging as a volunteer driver for Meals on Wheels in Parma, Ohio. As former director of both the Tri-City Senior Center in Middleburg Heights, Ohio, and the Ehrnfelt Senior Center in Strongsville, Ohio, Barbara spent her days listening, problem solving, informing, community building, and serving.

She also was an effective leader of several organizations with a mission rooted in serving vulnerable seniors. Barbara chaired the Cuyahoga County Advisory Council on Senior and Adult Services, and she was a Trustee of the Western Reserve Area Agency on Aging. She was instrumental in the establishment and development of programs to assist seniors with transportation, home health, and personal needs.

Barbara also took the lead in establishing the Strongsville Community Foundation and the Strongsville Backyard Preserve—a 37-acre green space for recreation.

Madam Speaker and colleagues, please join me in celebrating the life and work of Barbara A. Nyegran, a dedicated mother, grandmother, public servant, and friend to many.

RECOGNIZING KATHLEEN WALSH,
ELMHURST, IL "MAYOR FOR A
DAY"

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. ROSKAM. Madam Speaker, I rise today to honor a young leader from my Congressional District, Kathleen Walsh. Kathleen's essay was selected as the winner in the City of Elmhurst's "Mayor for a Day" competition. The competition focused on citizenship, encouraging applicants to propose new ideas to improve their local community.

The text of Kathleen's essay reads as follows: "If I were mayor of Elmhurst, I would encourage all residents young and old to be good citizens by creating a volunteering program called 'Good Citizens.' To help the elderly and less fortunate do things such as shovel the driveway, help paint, move heavy things, run errands and cook. If you earn a certain amount of 'Good Citizens points,' you can earn 'volunteering city dollars' (which are do-

nated by local businesses). You get an official nametag, and when you're running an errand you can stop by some local restaurant and get a drink."

Kathleen's dedication to those in need exemplifies her sense of civic responsibility. Though Kathleen is a young constituent, she understands her duty to the community to be a good neighbor, and recognizes the positive impact of volunteer programs. Kathleen is a reminder of the power of our nation's youth. She is a role model for other young leaders who wish to contribute, and her words serve as a reminder to all young people to be aware of those who are less fortunate in their own communities.

Madam Speaker and Distinguished Colleagues, Kathleen Walsh is a promising young leader who has demonstrated a future in public service. Please join me in recognizing her altruistic spirit and wishing her happiness in her future endeavors.

A TRIBUTE IN HONOR OF THE
LIFE OF THE HONORABLE VIC-
TOR CALVO

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Ms. ESHOO. Madam Speaker, I rise today to honor the life of a dear friend and extraordinary public servant, Victor Calvo, who passed away on September 26, 2010, in Mountain View, California, where he was beloved and respected.

One of the staunchest environmentalists I've ever known, Victor Calvo tirelessly championed environmental issues in local and statewide offices, where his compassion and conviction made him easy to believe and hard to resist. For thirty years he determinedly devoted himself to new ideas that would better the lives of his constituents and leave this earth a better place.

Victor Calvo was born on a ranch in Mountain View, and quickly set about becoming one of the city's most accomplished and dedicated residents. He was the valedictorian of his Mountain View High School class, and joined the Army Air Force in 1942. Over two-dozen bombing missions later—including top secret ones never recorded—Victor Calvo returned to the Bay Area and earned a bachelor's degree in political science from Stanford University. In 1948, he married his wife Nellie, a wonderfully warm woman who would be by his side for the next 62 years.

In 1957, Victor Calvo began his three-decade political career. It started, fittingly enough, on Mountain View's Environmental Planning Commission, one of the first of its kind in the region. Victor Calvo continued to advocate environmental causes on the Mountain View City Council. He was elected Mayor of the City three consecutive times before being termed out in 1968. Impressed by his razor-sharp intellect and integrity, appreciative community members elected him to the Santa Clara County Board of Supervisors, and then to the State Assembly in 1974.

Victor Calvo continued his environmental activism in Sacramento, using the chairman-

ship of the Committee on Resources, Land Use and Energy to author key legislation and protect California's forests, wetlands, and open spaces. In recognition of his efforts he was named California's "Elected Environmental Legislator of the Year in 1979," and named to the California Public Utilities Commission by Governor Jerry Brown the following year. Victor Calvo spent a final stint in politics on the California Coastal Commission before retiring in 1989. Of course, even retirement couldn't keep him from helping the City of Mountain View deal with problematic geese on the golf course, where he loved to spend his days.

Among Victor Calvo's many accomplishments stands the creation of Shoreline Park in Mountain View, where thousands of community members gather to stroll, picnic, and watch fireworks on the Fourth of July. Victor Calvo constantly amazed everyone with his impressive grasp of issues, his appreciation for people, and the earnestness and enthusiasm that shone through in everything he did. He was a kind and affectionate husband, father, and grandfather, and a true public servant, quoting Aristotle to teach his children that "you can judge a nation by the way it treats its most vulnerable citizens," and then proceeding to demonstrate this maxim by the power of his own actions.

Madam Speaker, I ask my colleagues to join me in extending our sincere condolences to Victor Calvo's wife, Nellie; his children Suzanna, Victor, Peter, Theodore and Mary; his 12 grandchildren, his brother, and his two sisters. Throughout his life, Victor Calvo was a man of Mountain View, and a crusader for all Californians. He will be missed, even as his life's legacy lives on for future generations of Californians. I consider it a high privilege to have known Victor Calvo and to have been a beneficiary of his friendship, his service, his vision and his integrity.

HONORING THE 100TH ANNIVER-
SARY OF THE LIBRARY OF YOLO
COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. THOMPSON of California. Madam Speaker, I rise today in recognition of the 100th anniversary of the Yolo County Library. Yolo County Library was created as one of eight original California county libraries with the establishment of state legislation in 1910. Originally known as the Yolo County Free Library, it began in partnership with the Woodland Public Library.

As the agency responsible for public access to information and literacy, Yolo County Library initiated the first school library system in California, supplying books, maps, records, globes and other materials to schools throughout the county, eventually becoming the model for other counties.

Yolo County Library has provided countless hours of public service, superior customer interaction and valued children's and family programming that serves more than 690,000

customers annually. It also circulates more than 1.5 million items and hosts 1,176 programs for more than 23,098 children, teens and adults.

As a cornerstone of social democracy, Yolo County Library continues to provide innovative and free services: information about job and career opportunities; resources for lifelong learning and pursuit of personal and professional development; reliable information through authenticated database and electronic resources; access to the Internet; family friendly facilities with resources that support early literacy and school readiness; quality programs and services to promote youth development, literacy and lifelong learning.

The Yolo County Library has remained committed to public service that builds communities through the establishment and support of school libraries, bookmobile services and outreach to underserved people and expanding communities, in partnerships with private and public organizations and collaborations with sister libraries and systems.

Yolo County Library and its staff serve thousands of people each day through seven branch libraries in Clarksburg, Davis, Esparto, Knights Landing, West Sacramento, Winters and Yolo and through system-wide services at Central Library Services, YoloLINK, Yolo Reads (Adult Literacy) and the Yolo County Archives and Records Center—providing critical services that no other agency provides.

The Yolo County Library, in partnership with the Yolo County Board of Supervisors, a myriad of private and public entities, the Friends of the Library and other groups has constructed two new facilities and is renovating a third in the span of two years.

Madam Speaker, it is appropriate at this time for us to acknowledge and thank the staff, volunteers and supporters at the Yolo County Library, both past and present, who have done so much to enrich the lives of residents, and to congratulate them on a flourishing and beloved library system.

IN HONOR OF MADISON WELSH,
MISS AMERICA'S PRETEEN NATIONAL
TEENAGER 2011

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. ANDREWS. Madam Speaker, I rise today to congratulate Miss Madison Welsh for being named Miss America's Preteen National Teenager 2011. She is a loving sister to Russell and Kyle, and the daughter of Mayor Russell and Heidi Welsh.

After being crowned New Jersey Preteen in April, Madison competed in the weeklong national competition in July against the other forty-nine state winners. The competition was held in Philadelphia, Pennsylvania where Madison was crowned the winner. As Miss America's Preteen National Teenager 2011, Madison will travel across the United States for the next year working with the Boys and Girls Clubs of America, and volunteering in communities across America.

The America's National Teenager competition celebrated its fortieth anniversary this

year, making it the longest running pageant for teens in the U.S. Founded in 1970, the pageant promotes leadership, scholastic aptitude and service, and offers more than five million dollars in college scholarships annually. The Preteen division, which Madison won, is for girls between the ages of nine and twelve.

Madam Speaker, Madison Welsh is an outstanding role model among her peers and I congratulate her for being named Miss America's Preteen National Teenager 2011. I wish her the best of luck in her future endeavors.

HONORING THE LIFE AND MANY
CONTRIBUTIONS OF JOSEPH P.
JARJURA OF WATERBURY, CON-
NECTICUT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Ms. DELAURO. Madam Speaker, I rise today to pay tribute to Joseph P. Jarjura, a Connecticut businessman who passed away earlier last month, and to honor both his many contributions to Waterbury and his quintessentially American story.

Born in Zghorta, Lebanon on Christmas Day, 1920, Joseph Jarjura's life changed forever when he met the love of his life, Ann George, on a trip she took to the land of his birth. The two soon fell in love, married, and returned to her hometown of Waterbury in 1948. Here, they would make their home for the next sixty-two years, and here, Joseph would become a U.S. citizen. Lebanon's loss was Connecticut's gain.

In Waterbury, Joseph would go on to found J.P. Jarjura & Sons, a thriving wholesale fruit and vegetable distributor. And he would serve the people of Waterbury not only as an entrepreneur, but as a citizen. Over the years, Joseph helped to found the Ehdn Lebanese American Club and the Waterbury CrimeStoppers, and he gave his time and effort to the Rotary Club, the Exchange Club, and several other civic-minded organizations throughout the city.

As a testament to both his community involvement and his story of success through persistence and hard work, the National Ethnic Coalition of Organizations bestowed Joseph with their Ellis Island Medal of Honor in 1996, an honor previously accorded to Nobel Prize winners and United States presidents. Seven years earlier, in 1989, Joseph was named mayor for a day by the Lebanese-American community in Waterbury—a job his youngest of seven sons, Michael, would be elected to fill in 2001, and has held ever since.

Joseph Jarjura came to America with a dream, and through decades of hard work and civic service, he achieved it. His story is our story. As we mourn his loss today, we can take solace that he has once again followed his late wife Ann across distant shores. And we know that his legacy lives on in the love and service of his seven sons—Charles, Peter, Arthur, Fred, William, David, and Michael—as well as that of his sister Aurore, his sixteen grandchildren, and four great-grandchildren.

I offer my deepest condolences to the Jarjura family on their loss, as I thank them for Joseph's lifelong commitment to our Waterbury community.

TRIBUTE TO RALPH J. GOLZIO

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. PASCRELL. Madam Speaker, I would like to bring your attention to the extraordinary life of Mr. Ralph J. Golzio. A lifetime resident of New Jersey's Eighth Congressional District, Mr. Golzio celebrates the milestone of his 101st birthday on October 20, 2010. The Italian-American community recognized Mr. Golzio by holding a dinner in his honor on October 17, 2010.

Ralph Golzio was born to Italian-American parents John and Caroline Golzio on October 20, 1909, in my hometown of Paterson, New Jersey. In 1928, his family moved to a larger property in Wayne, New Jersey, where his mother opened the family home to boarders to help make ends meet. Ralph worked at the house, waiting on patrons and hunting to provide food. These experiences inspired in him a lifelong passion for the outdoors.

In 1929, Ralph enrolled at Stevens Institute of Technology. While there, he briefly played lacrosse and baseball for his school before graduating with a degree in Mechanical Engineering in 1932. He returned to Stevens in 1937 for graduate work in ballistics and internal combustion engines. Ralph went on to found Engineering Associates in 1947, enjoying a long and distinguished career as a consulting engineer until his retirement at the age of 78 in 1987.

Ralph's intellectual curiosity persists to this day, as he continues to study nuclear physics, quantum physics, and astronomy in his spare time.

As a Project Engineer at Wrights Aeronautical Company, Ralph met and married his beloved wife Betty. Ralph and Betty shared many interests and passions together, raising two wonderful daughters in Totowa, New Jersey, where Ralph resides to this day. Ralph and Betty shared 43 happy years together before her passing in 1984.

Ralph has always maintained a sunny outlook and an active lifestyle, truly living up to his motto of "play as hard as you work to achieve balance of mind and spirit." His many hobbies have included hiking, climbing, hunting, archery, skeet shooting, speed skating, and snow shoeing. More recently, he cruised through the Caribbean at the age of 92.

The job of a United States Congressman involves much that is rewarding; however, I especially appreciate learning about and recognizing individuals like Ralph J. Golzio.

Madam Speaker, I ask that you join our colleagues, Ralph's family and friends, and the Italian-American community in honoring Mr. Ralph J. Golzio on the occasion of his 101st birthday. His story should be an inspiration for all Americans to live life to the fullest, and he continues to serve as a source of pride and admiration for those who have been touched by him.

RECOGNITION OF MEDGAR EVERS
COLLEGE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Medgar Evers College in Brooklyn, New York, on the occasion of its 40th anniversary.

Founded as a senior college in 1970 by a group of educators and community leaders, Medgar Evers College provides a broad range of education opportunities for inner-city and non-traditional students within The City University of New York.

The college is named for the slain civil rights leader Medgar Wiley Evers, the Field Secretary for the National Association for the Advancement of Colored People (NAACP) who was slain by an assassin's bullet on June 12, 1963 in his native state of Mississippi as he toiled tirelessly to overcome racial segregation and secure voting rights for African Americans. It is that same indomitable spirit that drove Medgar Evers to pursue justice that drives Medgar Evers College to pursue excellence.

Medgar Evers College continues to advance under the leadership of President Dr. William Lawrence Pollard, providing higher education to more than 7,000 students during its Fall and Spring semesters.

Madam Speaker, please join me in saluting the outstanding contributions Medgar Evers College has made to the Borough of Brooklyn and our Nation on the occasion of the celebration of its 40th Founders' Day on September 28, 2010.

RECOGNIZING CLAIRE HARRISON
FOR TWENTY-NINE YEARS OF
SERVICE TO THE EASTERN MU-
NICIPAL WATER DISTRICT

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. ISSA. Madam Speaker, I rise today to recognize the honorable civil service of Claire Harrison for her twenty-nine years of service with the Eastern Municipal Water District (EMWD) of California.

Joining the water district team in 1981, Ms. Harrison has been instrumental in working on critical projects for EMWD. She spent the last twelve years of her career in Legislative Affairs where she successfully managed that department and the federal legislative program. As a result, her leadership and direction secured federal support for desalination and recycled water infrastructure that dramatically improved the water supply reliability for southwestern Riverside County.

Ms. Harrison embodies EMWD's mission and values of providing superior services to the community in an effective, proficient manner. As a leader in water management, she has made a remarkable impression on the community EMWD serves.

Having worked with Ms. Harrison on water needs for the 49th District of California, she is a true professional that deserved recognition for her nearly three decades of invaluable contributions to the water industry.

Madam Speaker, I ask you to please join me paying tribute to Ms. Harrison's dedicated and loyal service to the Eastern Municipal Water District.

HONORING THE MASSAPEQUA
FIRE DEPARTMENT'S 100TH AN-
NIVERSARY

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. KING of New York. Madam Speaker, this weekend I had the privilege of joining in celebration of the 100th Anniversary of the Massapequa Fire Department. Founded on September 25, 1910, the Massapequa Fire Department has a long history of dedicated volunteerism and service to the Long Island community including Massapequa, Massapequa Park, and East Massapequa.

The Massapequa Fire Department provides around-the-clock fire protection and emergency medical services to approximately 19,000 homes located within its district, responding to an average of 2,400 alarms annually.

As Ranking Member of the Committee on Homeland Security and Chair of the Congressional Fire Services Caucus, I am proud to support our nation's firefighters in Congress. These brave men and women risk their lives day after day to protect our communities and save the lives of others. Through Federal programs such as the Assistance to Firefighters Grant Program and the Staffing for Adequate Fire and Emergency Response Program, we can do our part in ensuring that these heroes get the equipment, vehicles, training, staffing and other resources they need.

I hope that this milestone in the Massapequa Fire Department's history reminds us of not only the traditional role that firefighters have always played in protecting our communities, but also how their role has changed since September 11, 2001, because now they are also faced with an increasingly complex and dangerous job of preparing for and responding to acts of terrorism. We must do all that we can to support them in their mission.

I want to thank Massapequa Fire Chief Peter Anglim for his leadership and service, and all of the firefighters, both active and retired, who have proudly served the Massapequa community. Congratulations on 100 years of dedicated service.

CONGRATULATING INTERNATIONAL-
AL PAPER FOR BEING NAMED A
TOP 100 CORPORATE CITIZEN BY
THE CORPORATE RESPONSIBI-
LITY OFFICER ASSOCIATION

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. COHEN. Madam Speaker, I rise today to congratulate International Paper for being named a top 100 Corporate Citizen by the Corporate Responsibility Officer Association. This prestigious award is recognized as one of America's top three most-important business rankings. The recipients of this award exhibit praiseworthy commitment to their shareholders, the environment, their communities, their workforces and compliance with the law. International Paper, headquartered in Memphis, Tennessee, demonstrates each of these qualities, is a strong financial performer and job creator in the community.

Founded in 1898, International Paper has been at the forefront of the pulp and paper market for over 100 years and is the largest such company in the world. International Paper has operations in all corners of the globe, including North America, Europe, Latin America, Russia, Asia and North Africa. Its current Chairman and CEO, John V. Faraci, along with its 60,000 employees have continued to lead International Paper into the ranks of top performing, socially responsible companies.

International Paper has upheld a commitment to service, environmental protection and, most importantly, a high standard of ethics throughout its company. Quoting their Code of Business Ethics, "International Paper is comprised of good citizens, protecting employee health and safety, and managing natural resources responsibly." International Paper's philanthropic organization, the International Paper Foundation, supports non-profit organizations within with a specific focus on environmental education and literacy. Since 1995, the International Paper Foundation has awarded more than \$50 million in grants to projects, namely its Coins for Kids program, a first-of-its-kind partnership with the World Food Programme to help fight childhood hunger worldwide.

Through its commitment to international excellence in the fields of ethics, financial performance, social responsibility, and environmental protection, International Paper has built a distinguished name of which they can be justly proud. Madam Speaker, I ask my colleagues to join me today in congratulating International Paper for receiving this prestigious recognition.

HONORING THE VETERANS OF OF-
FICE OF STRATEGIC SERVICES,
DETACHMENT 101

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. ISRAEL. Madam Speaker, I rise today to honor the Veterans of Office of Strategic

Services, Detachment 101, for their service to our country during World War II and their post-war humanitarian work in service to their former allies in Burma. The Veterans recently held their annual reunion here in Washington, D.C. and I am honored to recognize them.

As the prototype for what would eventually become the Central Intelligence Agency, the Office of Strategic Services, OSS, was revolutionary in its operations during World War II. OSS Detachment 101 was created in 1942 and would be one of five such detachments created for field operations in support of the war.

Detachment 101 served in the China-Burma-India theater and in addition to gathering strategic and tactical intelligence, they were charged with the responsibility of planning, coordinating, and conducting guerrilla attacks against the occupying Japanese forces and recruited almost 11,000 indigenous Kachins for assistance. Their unorthodox methods laid the foundation not only for the modern-day intelligence community, but also for our Special Operations Forces. Because of their valor, courage, and heroic work, OSS Detachment 101 was awarded the Presidential Distinguished Unit Citation in 1946.

But their work in Burma did not stop with the end of the war. Veterans and their families have given back to the Kachins in Burma they recruited and relied upon. They founded and helped to finance Project Old Soldier, through which they have trained Kachin villagers in substituting poppy crops with corn, buckwheat, potatoes, and other vegetables since 1996.

Further, Detachment 101 Veterans were concerned over the quality of health of Kachin veterans, and so through private funds they set up a weekly visiting nurse service in Burma, which is normally a luxury. Additionally, Detachment 101 has started the 101 Schools program in 2004 and has opened seven schools in Burma to teach Kachin children mathematics and English language skills at no charge to the families. Detachment 101 Veterans have continued to oversee the funding and supervision of these schools. Finally, Detachment 101 Veterans have arranged for the translation and printing of village health care books into Jingpaw, the Kachin language, as well as the disbursement of textbooks to Kachin school children.

OSS Detachment 101 veterans have continued their service to our country off the battlefield and have upheld the American values for which they fought. It would have been easy to return to their normal lives; instead, they have kept their Kachin brothers in their hearts and have worked to share some of America's prosperity with those who have helped protect it.

RECOGNITION OF THE CONTRIBUTIONS OF BILL VOIGT TO NATIONAL VETERANS DAY

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. BACHUS. Madam Speaker, as we honor our veterans on Veterans Day 2010, it is an appropriate time to commend the service

of Colonel Bill Voigt for his dedicated work as the President of National Veterans Day in Birmingham.

Birmingham, Alabama is the proud birthplace of Veterans Day. National Veterans Day in Birmingham is recognized by the U.S. Veterans Administration as the oldest largest observance of its kind in the nation. As the organizing director for more than 20 years, Colonel Voigt has honored and built on this legacy which has become the model for paying tribute to our troops in uniform and esteemed veterans for their service and sacrifice for the cause of freedom. The annual parade in downtown Birmingham attracts more than 5,000 participants and 20,000 spectators, and the associated luncheons and dinners have provided a forum for recognizing our nation's most prominent patriots. The success of National Veterans Day in Birmingham every year can be traced to the leadership of Colonel Bill Voigt.

Colonel Voigt has spent his career serving his nation in the military as well as the State of Alabama. His family's roots are in Walker County and, while born in California, he was raised here at home. He attained his undergraduate degree at Auburn University and his Masters of Business Administration at University of Alabama at Birmingham. Colonel Voigt was a member of the Alabama Air National Guard for over 30 years and served in the United States Air Force Reserve as well. His many community awards and accolades include his selection as a permanent Member of the Alabama Senior Citizens Hall of Fame and his service on the Board of Directors of Birmingham Honor Flight.

Colonel Bill Voigt has devoted his life to his family, his country, and our brave men and women in uniform. As he retires as the President of National Veterans Day in Birmingham, we properly take pause to salute him for his selfless dedication to the United States of America, his concern for the well-being of our troops and veterans, and the enduring qualities of duty, honor, and service that he has exemplified with such distinction in our Birmingham community.

CONGRATULATING ABINGTON MEMORIAL HOSPITAL

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate Abington Memorial Hospital for winning the Keystone Alliance for Performance Excellence, KAPE, 2010 award. As the first recipient of this state-wide honor, Abington Memorial Hospital is being recognized for an ongoing commitment to quality and excellence that makes it a leader among the area's hospitals. I am honored to represent Abington Memorial Hospital in Congress.

Abington Memorial Hospital has provided comprehensive, high-quality services to residents of Montgomery, Bucks, and Philadelphia Counties for more than 90 years. A not-for-profit hospital, Abington Memorial Hospital has

a staff of more than 900 physicians including primary care, medical, and surgical specialties. Abington Memorial Hospital has the only Level-2 trauma center in Montgomery County and is a major regional referral center for cancer care, cardiac care, and surgery.

Recognition for its outstanding workplace environment and high quality of care is not new to Abington Memorial Hospital. In 2008, Abington Memorial Hospital was awarded the Magnet Prize, one of the most prestigious awards in the nursing field, and has also been accredited, approved or licensed by more than 15 state and nationwide organizations.

Applicants from both small and large organizations across Pennsylvania, from all sectors including education, health care, manufacturing, government and non-profit organizations were able to apply for the 2010 KAPE award. Applicants were evaluated by an independent board in the areas of leadership, strategic planning, customer focus, measurement, analysis and knowledge management, workforce focus, process management, and results. Abington Memorial Hospital's excellence in all of these categories made it a clear winner for the 2010 KAPE award.

Madam Speaker, I ask that my colleagues join me as I congratulate Abington Memorial Hospital for winning this prestigious award and applaud the hospital for more than 90 years of excellent care.

HONORING SENATOR SUSAN TUCKER

HON. NIKI TSONGAS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Ms. TSONGAS. Madam Speaker, I rise today to honor Senator Susan Tucker from the Fifth District of Massachusetts for her exemplary service to the citizens of the City of Lawrence and the towns of Andover, Dracut, and Tewksbury as a Massachusetts State Representative and Senator.

Senator Tucker was elected to the Massachusetts House of Representatives in 1982 and to the Massachusetts Senate in 1992. While in the Senate, she served as Chair of the Joint Committee on Housing, Vice-Chair of the Joint Committee on Telecommunication, and as member of the Committees on Education, Ways and Means, Economic Development and Emerging Technologies, Financial Services and Revenue.

Senator Tucker has exhibited a lifelong commitment to advocacy and community service, and earned a reputation as an innovative and responsive leader. Known for her willingness to take on any challenge, she worked tirelessly to eliminate auto insurance fraud and address the foreclosure crisis in Massachusetts. Senator Tucker has received numerous leadership awards from state-wide groups recognizing her contributions to the betterment of life for citizens of the Commonwealth. In 2008, she was awarded the Pioneer Institute's Better Government Award for taking on auto insurance fraud, and in 2009 she was named Legislator of the Year by the Massachusetts Association for Families for her dedication to improving the lives of foster and adopted children.

Senator Tucker and her husband, Mike, reside in Andover and have two grown sons, as well as the loves of her life, granddaughters, Secoya and Autumn.

Upon her retirement, I wish to thank her for her friendship, recognize her for her inspiring leadership in the Massachusetts Senate, and congratulate her for her distinguished career.

IN HONOR OF EDWIN AND ALMA
LAKIN

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. SESTAK. Madam Speaker, today it is my honor to recognize Edwin and Alma Lakin for their outstanding work to support Holocaust and genocide education initiatives, locally and nationally, through the Pennsylvania Holocaust Education Council.

This remarkable couple's consistent advocacy for a Holocaust Library and Resource Center at Albright College, as well as their fundraising efforts on behalf of the U.S. Holocaust Memorial Museum, the Lakin Early Education Center, the Jewish Federation of Reading, and innumerable humanitarian projects worldwide, reflects their commitment to remembering mankind's darkest hour. If we do not, we may allow these unspeakable horrors to be repeated.

In the words of Nobel Peace Prize Winner Elie Wiesel, "Mankind must remember that peace is not God's gift to his creatures; peace is our gift to each other." The Lakins' perseverance in honoring the victims of the Holocaust and their exemplary efforts to bring out the best in us all is essential to achieving that peace.

I join good people everywhere in commending Edwin and Alma's vigilance against hatred and tyranny. We should all be so strong.

HONORING DR. LUKE TORIAN'S
15TH PASTORAL ANNIVERSARY
WITH FIRST MOUNT ZION BAPTIST CHURCH

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize Dr. Luke Torian's 15th Pastoral Anniversary with First Mount Zion Baptist Church of Prince William County. As Pastor, Dr. Torian has served not only the congregation of First Mt. Zion but also the community. For three years he served on the Action in Community Through Service of Prince William County Board of Directors, and he is currently a member of the Prince William County Ministerial Association. Additionally, in 2004 Governor Mark Warner appointed Dr. Torian to the Virginia Board of Counseling.

Since 1995, Dr. Torian has helped First Mt. Zion expand from 650 members to a congregation of almost 3,500 members. This

growth has led to the development of a new public facility and sanctuary, from which nearly 70 different ministries and community service programs operate. In addition, Dr. Torian has worked with the Virginians Organized for Interfaith Community Engagement, VOICE, an organization that seeks to energize local communities to fight for important social change such as expanding affordable housing.

Madam Speaker, I ask that my colleagues join me in recognizing Pastor Luke Torian and the First Mount Zion Baptist Church congregation as they celebrate this important milestone and plan for a successful future.

A TRIBUTE TO VIRGINIA HAWKINS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Virginia Hawkins.

Virginia Hawkins was born on August 29, 1908 in Stanton, Virginia. She came to New York in 1930. She has always been committed to the community's needs and has dedicated herself to helping others, and has heard the call from God to serve her church and community.

She has been a member of the Newman Memorial United Methodist Church under the pastorate of Reverend O.W. Jones for 57 years.

Ms. Hawkins has served as a member of the MacDonough Street Block Association since its inception. She was the first to sign up as a block watcher, and has always demonstrated concern about the safety and unity of her neighbors.

Madam Speaker, I urge my colleagues to join me in recognizing the contributions of Virginia Hawkins.

IN HONOR AND RECOGNITION OF
GEORGE S. POFOK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of George S. Pofok, former Commissioner of Cleveland Public Power, CPP, as they rename the Holton Road Substation after him.

The new substation is part of CPP's \$66 million expansion project. The project helps CPP fulfill its commitment to provide electricity to City of Cleveland residents and businesses in the most cost-efficient and energy-efficient manner. Cleveland Public Power is one of the few remaining publicly-owned utility companies in the nation.

During my tenure as Mayor of the City of Cleveland, Mr. Pofok served as the Commissioner of CPP and we worked together to fight maneuvers by the Cleveland Electric Illuminating Company to force the city to sell CPP. Today, CPP remains viable with a bright future. Mr. Pofok played a vital role in its sur-

vival. At CPP, he left behind a reputation of dedication to providing the best service and rates to customers, while keeping costs down and utilizing cutting edge technology.

Madam Speaker, please join me in honor of George S. Pofok, former Commissioner of Cleveland Public Power on the occasion that CPP has announced they will officially rename the Holton Road Substation in his honor. His many years of dedicated service as Commissioner of CPP continue to strengthen the economic base of our entire Cleveland community.

IN HONOR OF THE JERSEY SHORE
GIRL SCOUTS

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. ADLER of New Jersey. Madam Speaker, I rise today to congratulate the Girl Scouts of the Jersey Shore who are being honored as the 2010 Women Advocate of the Year by the Ocean County Advisory Commission on the Status of Women. More than 15,000 girls between the ages of 5 and 17 belong to the Girl Scouts of the Jersey Shore. With the help of 6,000 adult volunteers, they become successful women of courage, confidence and character.

As our nation moves forward into the 21st century, it is clear we will need women leaders and problem solvers to keep our nation prosperous. At an early age, the Girl Scouts program instills in our women a sense of pride, leadership and community. The Girl Scouts of the Jersey Shore prepares the young women of Ocean County to be our nation's next business, civic and community leaders. As the Women Advocate of the Year, the Girl Scouts of the Jersey Shore are well on their way to ensuring a bright future for our state and nation.

By providing quality programs and important community services, the Girl Scouts of the Jersey Shore represent a distinct group of women here in the third district. I am proud to represent them here in Congress and encourage them to continue to give back to those around them whether through charitable acts or civic duty.

PERSONAL EXPLANATION

HON. JAMES A. HIMES

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. HIMES. Madam Speaker, on Wednesday, September 29, 2010, I was unavoidably absent for rollcall vote number 564. Had I been available, I would have voted "aye."

IT'S AMERICA-BASHING, NOT FED-BASHING

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. FRANK of Massachusetts. Madam Speaker, Federal Reserve Chairman Ben Bernanke is playing an extremely valuable role in helping foster growth in our economy, and I am deeply disappointed at the extent to which many of our foreign allies—who have been such beneficiaries of America's goodwill—have attacked him not simply for the substance of what he was doing, but for even daring to take the interests of the American economy into account in his actions.

Apparently there is a view in many parts of the world, including among our European allies, that it is America's destiny to be their protector and benefactor, and that for American officials taking important and constructive steps to help our own economy prosper must take second place. And while many of our allies have exhibited this attitude, I have seen nothing more blatantly hypocritical than for the Chinese Peoples Republic, the poster country for economic moves that completely ignore any sense of international obligation whether in currency, trade or in any other way, to criticize the United States for daring to take our own interests into account.

I have also been surprised that a number of Americans, particularly on the conservative side, have failed to come to Mr. Bernanke's defense. This is a case where a man appointed to high economic positions by President Bush, and continued in that position by President Obama, and confirmed in that position by Senates under both Republican and Democratic control, is acting to promote economic activity in America. He is being criticized by a variety of foreign nations for this, and instead of coming to the defense of our right to act constructively on our own behalf, many conservatives have joined in the America-bashing that is going on.

Madam Speaker, fortunately the understanding of the value of Mr. Bernanke's work—and its legitimacy—is clear in many places where thoughtful economic thinking prevails, and that is not only in the United States.

Madam Speaker, I ask that the RECORD here reproduce an editorial from the New York Times, on November 9, 2010, entitled "The Fed vs. the G-20."

Madam Speaker, the very fact that the title has to say that is a sad reflection on the failure of so many of those who have benefited from America's leadership and generosity to recognize our right to take responsible action to deal with our economy.

In addition, I ask, Madam Speaker, that the RECORD also contain here an article from the Financial Times entitled "The Fed is right to turn on the tap," by Martin Wolf, one of the most thoughtful and justifiably respected writers on economic affairs.

[From the New York Times, Nov. 9, 2010]

THE FED VS. THE G-20

When President Obama arrives in Seoul, South Korea, on Thursday for the summit of

the Group of 20 leading economies, he will be met by blistering criticism of the Federal Reserve's plan for "quantitative easing"—pumping \$600 billion into the weak American economy over the next eight months.

Many nations are worried that a weaker American dollar would harm their export sectors and overheat their economies as more capital flows in, in search of better returns. Their fears are understandable but shortsighted. The Fed's move is a much-needed attempt to stimulate the American economy and head off deflation here. Prolonged stagnation, or worse, in the United States would turn off one of the main sources of global demand and global growth.

By buying Treasury securities, the Fed aims to lower long-term interest rates and increase expectations of future inflation. This would spur households and businesses to spend and invest rather than hold on to money that will fall in value.

The approach is not ideal. It would be better if fiscal policy were carrying some of the load of economic stimulus. Building new rail links and roads or other large job-creating projects would do more to promote growth than lowering the price of debt, as the Fed is doing. Republican Party leaders in Congress—for political and ideological reasons, rather than sound economics—have vowed to block all stimulus spending.

China, eager for someone else to take the heat, is trying to equate the Fed's attempts at stimulus with its own long-term manipulation of its own currency. That may play well in some quarters, but it also makes no sense. Beijing has a policy to cheapen its currency to grow through exports, on the back of other countries' demand, while slowing its own domestic demand. The Fed's policy also weakens the dollar, but its objective is to boost demand at home.

The pain caused by the falling dollar on the export sectors of many economies is real enough. Yet rather than criticize the Fed, the G-20 should focus on working out complementary policies. Washington should back plans by developing countries like Brazil to impose capital controls and slow the inflow of money fleeing low interest rates in rich countries. Europe and Japan, where growth is anemic and inflation virtually nonexistent, could try the same approach as the Fed.

They need more stimulus than the United States.

China should take this opportunity to shift course, allow its currency to rise against the dollar and rely more on consumption at home. That will be good for China and good for the global economy.

[From FT.com, Nov. 9, 2010]

THE FED IS RIGHT TO TURN ON THE TAP

(By Martin Wolf)

The sky is falling, scream the hysterics: the Federal Reserve is pouring forth dollars in such quantities that they will soon be worthless. Nothing could be further from the truth. As in Japan, the policy known as "quantitative easing" is far more likely to prove ineffective than lethal. It is a leaky hose, not a monetary Noah's Flood.

So what is the Fed doing? Why is it doing it? Why are the criticisms ludicrous? What should the Fed be doing, instead?

The answer to the first is clear. As the Fed stated on November 3, "to promote a stronger pace of economic recovery and to help ensure that inflation, over time, is at levels consistent with its mandate, the [federal open market] committee decided today to expand its holdings of securities. The com-

mittee will maintain its existing policy of reinvesting principal payments from its securities holdings. In addition, the committee intends to purchase a further \$600bn of longer-term Treasury securities by the end of the second quarter of 2011, a pace of about \$75bn per month."

Ben Bernanke, the Fed chairman, gave the rationale in a speech last month. He pointed out that US unemployment is far above any reasonable estimate of equilibrium. Moreover, prospective economic growth makes it unlikely that this will change over the course of 2011. This is bad enough, but what makes it worse is that underlying inflation has fallen to close to 1 per cent, in spite of the expansion of the Fed's balance sheet, over which so many tears were shed. Expectations of inflation are well anchored, he added, but that might change once deflation gripped. Given the slack, that might not be far away (see charts).

The Fed, added the chairman, has a dual mandate, to foster maximum employment and price stability. Doing nothing would be incompatible with this obligation. The only question is what is to be done. The answer is the proposed purchases of Treasury bonds. This simply extends classic open market operations up the yield curve. It would also only expand the Fed's balance sheet by about a quarter, or around 4 per cent of gross domestic product. Is the US really on the same road as the Weimar Republic? In a word, no.

It is hardly a surprise that Wolfgang Schäuble, finance minister of Germany, thinks differently. He describes the US growth model as in "deep crisis", adding that "it's not right when the Americans accuse China of manipulating exchange rates and then push the dollar exchange rate lower by opening up the flood gates". Presumably, he believes that, in a proper world, the US would be forced to follow the deflationary route imposed upon Greece and Ireland, instead. This is not going to happen. Nor should it.

Boiled down, the criticisms of the Fed come down to two: its policies are leading to hyperinflation; and they are "beggar my neighbour", in consequence, if not intention.

The first of these criticisms is not just wrong, but weird. The essence of the contemporary monetary system is creation of money, out of nothing, by private banks' often foolish lending. Why is such privatisation of a public function right and proper, but action by the central bank, to meet pressing public need, a road to catastrophe? When banks will not lend and the broad money supply is barely growing, that is just what it should be doing (see chart).

The hysterics then add that it is impossible to shrink the Fed's balance sheet fast enough to prevent excessive monetary expansion. That is also nonsense. If the economy took off, nothing would be easier. Indeed, the Fed explained precisely what it would do in its monetary report to Congress last July. If the worst came to the worst, it could just raise reserve requirements. Since many of its critics believe in 100 per cent reserve banking, why should they object to a move in that direction?

Now turn to the argument that the Fed is deliberately weakening the dollar. Any moderately aware person knows that the Fed's mandate does not include the external value of the dollar. Those governments that have piled up an extra \$6,800bn in foreign reserves since January 2000, much of it in dollars, are consenting adults. Not only did no one ask China, the foremost example, to add the huge sum of \$2,400bn to its reserves, but many strongly asked it not to do so.

It is also simply false to argue that the weakening dollar is due to Fed policies alone. Indeed, anyone with half a brain should realise that the US can no longer combine a large trade deficit with a manageable fiscal position. Those who want their US bonds to stay sound should welcome anything that helps the US expand domestic demand and rebalance its external position. Current US monetary policies are, contrary to Mr Schäuble's views, simply the yang to the yin of east Asian mercantilism.

More fundamentally, market forces, not monetary policy, are pushing global rebalancing, as the private sector tries to put its money where it sees the opportunities. The Fed's monetary policies merely add a twist. Instead of all the futile bleating, what was needed was a co-ordinated appreciation of the currencies of the emerging economies. The fault here does not lie with the US. I sympathise strongly with a Brazil or a South Africa, but not with China.

The sky is not falling. But this does not mean the Fed's policies are the best possible. It is probable that any impact on the yields on medium-term bonds will have a modest economic effect. It would be far better if the Fed could shift inflation expectations upwards, by issuing a commitment to offset a prolonged period of below-target inflation with one of above-target inflation. A decision to monetise additional government spending might be an even more effective tool. Equally necessary is a plan to accelerate the restructuring of the overhang of excessive debt. But, in the absence of co-operation with the newly elected Congress, what the Fed is doing is, alas, about the most we can now expect, though it should have dared to do more. Meanwhile, "sound" people will shriek that the sky is falling only to be surprised that it is not. We have seen this play before—in Japan in the 1990s. Japan fell into chronic deflation, instead.

Yes, it may be reasonable to call for a reconsideration of the global monetary system, as Robert Zoellick, the World Bank president, has done. But gold? Does anyone expect politicians to put placating the world's most speculative commodity market before worrying about a slump? Whom the gods wish to destroy they first make mad.

TRIBUTE ON THE BIRTH OF DANIEL BOLDEN GILCHRIST

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. WILSON of South Carolina. Madam Speaker, I am happy to congratulate Stephen Gilchrist and his wife Tammie on the birth of their new son Daniel Bolden Gilchrist. Daniel was born on October 22, 2010, at 10:26 in the evening.

I am so excited for this new blessing to the Gilchrist family and wish them all the best.

IN HONOR AND REMEMBRANCE OF UNITED STATES ARMY PRIVATE FIRST CLASS JAMES C. KONYUD

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of United States Army Private First Class James C. Konyud, who courageously and selflessly rose to the call to duty and made the ultimate sacrifice in service to his country.

Pfc. Konyud was drafted into the U.S. Army and became a member of the 121st Infantry Regiment, 8th Infantry Division-K Company. In 1943, he was twenty-six years old when he travelled from Cleveland, Ohio to Germany during World War II. Two years later, after heavy combat in the Huertgen Forest in Germany, near Belgium, Pfc. Konyud was reported missing in action. He was declared dead one year later. Pfc. Konyud's remains, including his military identification tags, were finally located three years ago by a German explosive-ordnance team working near the Belgian border where he was last seen. American POW/MIA Command Teams were dispatched to Germany, and with the help of local farmers, discovered military equipment and a second set of Pfc. Konyud's identification tags. Sixty-seven years after travelling to Europe to serve our nation, Pfc. Konyud was finally flown home.

George Konyud, the youngest of nine brothers and sisters and Pfc. Konyud's only surviving sibling, gathered with family members and more than one hundred mourners on Saturday, September 25th at Calvary Cemetery in Cleveland, Ohio, to pay their final respects and to honor the life and sacrifice of Pfc. James Konyud. He was buried with full military honors.

Madam Speaker and colleagues, please join me in honor and remembrance of U.S. Army Private First Class James Konyud, whose service to our nation will be forever honored and remembered. Although sixty-seven years have passed, the memory of Pfc. Konyud will continue to live on within the hearts and memories of our entire community.

IN RECOGNITION OF CHARLOTTE AYERS

HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. PRICE of Georgia. Madam Speaker, I would like to congratulate Charlotte Ayers on her outstanding tenure as the Chief Executive Officer of the Georgia's Own Credit Union. After 41 years of service, and 11 years at the helm, Mrs. Ayers is retiring from Georgia's Own Credit Union.

When Charlotte Ayers became President and CEO of Georgia's Own Credit Union in 1999, she pledged that the Credit Union would be a beacon of social and personal responsibility, and vowed it would be the industry lead-

er in terms of growth and service. Mrs. Ayers has fulfilled that promise to the firm's members and employees, and she is credited with transforming the 76-year-old company from a \$600 million enterprise in 1999 when she was named President & CEO to over \$1.5 billion today. Mrs. Ayers has worked closely with the Board of Directors and management teams to develop innovative, convenient, and value-packed products and services to the members of Georgia's Own.

Amid economic turmoil for many of our nation's financial corporations, Mrs. Ayers has dedicated her leadership to ensuring her company is doing the best by its members. Charlotte's legacy will be building one of the most trusted financial institutions in the state. Her hard work and dedication will be greatly missed.

A TRIBUTE TO EPHRAIM BENTON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Ephraim Benton for his achievements.

Ephraim Benton was born in Brooklyn, New York. He is the oldest of seven children, and has worked hard to make a mark on the entertainment industry.

Mr. Benton is constantly developing his own projects, and has already executive produced, written, directed and starred in two short films titled "Brown Paper Bags" and "3 Quarters of Face Value." He also produced an animated documentary about the life of President Barack Obama titled "HIStory," and is the founder of two film festivals.

In 2009, Mr. Benton made his mark beginning with a small role in the Academy Award Nominee film "Precious: Based on the Novel Push by Sapphire" directed by the critically acclaimed Lee Daniel. He then played Shawn in the film "Shades of Brooklyn Vol. 1" that debuted on HBO Short Series. Mr. Benton also stars in the award winning indie film "Inside a Change" directed by BET Award Video Director of the Year nominee Rik Cordero. He gives a compelling performance as Chris Price, a teenager about to serve 180 days in prison for a first-time offense who discovers that his family is falling apart when his mother invites him home for dinner, and is forced to re-examine his life and how he can bring everyone together for his mother's birthday.

Additionally, Mr. Benton is a member of two community advisory boards and has used his life experiences and success to give back to the community through his non-profit organization.

Madam Speaker, I urge my colleagues to join me in recognizing Ephraim Benton.

RECOGNIZING THE 10TH ANNIVERSARY OF THE PRINCE WILLIAM COUNTY BAR FOUNDATION

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize the 10th Anniversary of the Prince William County Bar Foundation.

The Prince William County Bar Foundation was created in 2000 by members of the PWC Bar Association for the purpose of funding community service projects that promote access to justice and law related services for the people of Prince William County. The Foundation is an all volunteer, non-profit organization that operates solely on the basis of donated time, funds and resources provided by local attorneys, law firms and community groups.

In its first year, the Foundation adopted the Beat the Odds® program to recognize at-risk youth involved in the juvenile justice system and foster care programs who have overcome the odds against their success. The Foundation provides them with attorney mentors, scholarships towards college and vocational education. Since its first year participating in the Beat the Odds program, the Foundation has supported more than 100 young men and women in the community and has provided close to \$200,000 in scholarships, vocational funds and educational awards to encourage each Beat the Odds award recipient to continue to seek a positive path into adulthood.

The Foundation has grown to include a number of other programs that match needs in the community with resources available through Bar Association members. The Foundation provides for the printing of court informational pamphlets to assist the public in understanding the legal process, awards for the County's middle-school "Character Counts" annual essay contest, supports the Prince William County National Adoption Day in which foster care children move into permanent homes, and partners with the Gang Response Intervention Team to assist with its gang tattoo removal program. The Foundation recently undertook the project "Books for Troubled Teens" in order to provide a steady supply of books to children who spend time waiting in the hallways of juvenile court or reside at the Juvenile Detention Center or juvenile shelter care facility.

Madam Speaker, I ask that my colleagues join me in celebrating the 10th Anniversary of the Prince William County Bar Foundation. The Foundation's educational outreach, crime prevention and rehabilitation programs are effective tools for providing positive encounters with the justice system to at-risk children. I would like to extend my personal appreciation to the members of the Foundation for their efforts to instill respect for the law and justice in our community's young people.

IN HONOR OF FIVE RETIRING MEMBERS OF THE CAMDEN CITY FIRE DEPARTMENT

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. ANDREWS. Madam Speaker, I rise today to honor five members of the Camden City Fire Department who have provided years of dedicated service to the Camden, New Jersey community. Chief Kevin Hailey, Chief Ralph Roberts, Chief Maurice Wilson, Chief Darryl Lewison and Chief Larry Wilson deserve to be recognized for their hard work and devotion to the Camden City Fire Department.

Chief Kevin Hailey began his many years of service in April of 1981 when he was hired by the Camden City Fire Department. The youngest Fire Captain in the Camden City Fire Department's history, Chief Hailey went on to become Battalion Chief and then Deputy Chief. After 28 years of devoted service to the Camden City Fire Department, Chief Hailey retired on May 1, 2010. Married to his high school sweetheart Melvina since 1989, Chief Hailey is the proud father of one daughter, Kelly.

Chief Ralph Roberts has represented the Camden City Fire Department as Firefighter, Fire Inspector, Fire Captain, Assistant Training Officer, Fire Sub Code Official, Emergency Management Coordinator and New Jersey State Licenses Inspector. An advisor on many city boards who holds a degree in Fire Science, Chief Roberts was an invaluable member of the Camden City Fire Department for 28 years. He retired on June 1, 2010.

Chief Maurice Wilson became a member of the Camden City Fire Department in April of 1982. After being promoted to Captain in February of 1996, he was further promoted to Battalion Chief in April of 2001 and Deputy Chief in January of 2005 before retiring on May 1, 2010 after 28 years with the Camden City Fire Department. Chief Wilson and his wife Betty have two children.

Chief Darryl Lewison was hired by the Camden City Fire Department in 1982 and was quickly assigned to Ladder 3 on 4 group where he spent the next six years before transferring to Ladder 2. Chief Lewison served as Captain of Engine 7 on 3 group in 1992 and was then assigned to Rescue 1 on 4 group. After eight years, Chief Lewison was transferred to Engine 10 on 4 platoon and continued on to Ladder 2. In 2001, Chief Lewison was made Battalion Chief on 2 group and then transferred to Battalion 1 on 1 group. After 28 years of dutiful service, Chief Lewison retired on May 1, 2010.

Chief Larry Wilson joined the Camden City Fire Department in 1981 after serving as a U.S. Marine from 1972–1975 and attending school at Rutgers University and Camden County College. Chief Wilson was assigned to Engine 6 on 3 group before transferring to both Engine 7 and Ladder 3. After his promotion to Captain of Engine 7 in 1996, Chief Wilson was transferred to Engine 11 and then promoted to Battalion Chief of Battalion 2 on group 3. After 28½ years of service, Chief Wilson retired on April 1, 2010. The proud father of four children, Chief Wilson and his wife, Joan, have nine grandchildren.

Madam Speaker, the commitment of Chief Kevin Hailey, Chief Ralph Roberts, Chief Maurice Wilson, Chief Darryl Lewison and Chief Larry Wilson to the community of Camden, New Jersey should not go unrecognized. I express my deepest appreciation to these men for their dedication and unwavering loyalty to the Camden City Fire Department.

TRIBUTE TO COMMISSIONER FRANK HALAS

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. MACK. Madam Speaker, I rise today to honor one of Southwest Florida's most outstanding public servants, Collier County Commissioner Frank Halas, who is retiring after an exceptional career.

Frank has served on the Collier County Board of Commissioners for the last eight years, and during his time on the Board, he has been a strong force for the people of Collier County and all of Southwest Florida. One of his top priorities has been the preservation and protection of the Vanderbilt Beach area in Naples, and he has fought tirelessly to protect our region's delicate environment and water resources.

Frank's public service did not start with his stint on the Board of Commissioners, and I doubt it will end there. He enlisted in the U.S. Army after graduating from high school, and after 31 years with the Ford Motor Company in Michigan, he retired to Southwest Florida, where the "quiet and sophistication" of the area appealed to him and his family.

During his time here in our part of paradise, Frank has held countless positions on numerous civic and charitable organizations throughout Southwest Florida. He's the type of person who believes in giving back to his community tenfold and has done just that. From his work with the VFW, the Taxpayers Action Group, the Collier Audubon Society, and the Estuary Conservation Association, he has worked to make Southwest Florida a great place to live, work and visit.

Frank's enthusiasm and passion for serving the community is inspiring. He is the type of elected official that all of us in public service strive to be—accessible, dedicated, and effective.

I'd like to recognize Frank's wife, Diane, and his six children and nine grandchildren, for their support during his public service—I know he couldn't have accomplished so much without their love and support.

Madam Speaker, although we are sad to see him leave the Collier County Board of Commissioners, Southwest Florida is better off today because of Frank Halas' tireless work. I wish Frank and his family all the best as he enjoys his well-deserved retirement.

HONORING THE CAREER OF
PASTOR DAVID STANDFEST**HON. BART STUPAK**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. STUPAK. Madam Speaker, I rise to honor the life and career of Pastor David Standfest of Williamsburg, Michigan. Pastor Standfest is the founder of the New Hope Community Church in Williamsburg and is retiring after 30 years of tireless service to his church and his local community.

David Standfest was born in Owosso, Michigan on May 14th, 1947. Early on, David knew that he wanted to have an impact in his local community and understood one of the best ways to affect positive change was through the church. David enrolled at Owosso Bible College following high school, where he studied to become a pastor and played basketball. After graduation in 1970, David served as a pastor in the Owosso area until moving to Traverse City in 1980, where he became the pastor at Bayview Wesleyan Church.

In 1990, Pastor Standfest founded the New Hope Community Church in Williamsburg. The church started humbly in an area home with only a congregation of eight people. But Pastor Standfest would not be deterred in his commitment to serving the people of northern Michigan. With hard work, the New Hope Community Church grew to a congregation of over 1,400 devoted worshippers. Aside from the home campus in Williamsburg, the New Hope Community Church expanded to three locations across northern Michigan (Traverse City, Bellaire and Petoskey) in order to expand its services to families in the area.

In Williamsburg, the New Hope Community Church boasts a full size gym for active children and youth programs, and a 1,450 seat auditorium for local school and community college events such as graduations, banquets and other ceremonies. The administration building holds 13 offices and family counseling rooms and a community center that accommodates 250 people for various area events.

While this economic crisis continues to weigh down families in northern Michigan, Pastor Standfest has been there to help those who are struggling in every way possible. The first 5 percent of all offerings that New Hope Community Church receives go to help area families with housing issues and other financial difficulties. Pastor Standfest started a food pantry that is open seven days a week and has helped thousands of families put food on the table. The church also offers "Care" ministries that provide attentive counselors to help local residents through this tough period.

Madam Speaker, Pastor David Standfest has devoted his life to helping the people of northern Michigan in any way he can. His untiring dedication to his community, especially during this recession, is a true inspiration and should be commended. I ask my colleagues in the U.S. House of Representatives to join me in recognizing and honoring Pastor Standfest's lifetime of commitment and hard work.

CELEBRATING 125 YEARS OF THE
OMAHA WORLD-HERALD**HON. JEFF FORTENBERRY**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. FORTENBERRY. Madam Speaker, in 1885, former Congressman and Senator Gilbert Hitchcock founded what would become the largest employee-owned newspaper, and the newspaper with the highest percentage of subscribers in a home circulation area, in the United States. This paper, the Omaha World-Herald, recently celebrated its 125th anniversary of bringing the news to Nebraskans' and lowans' hands and homes.

The Omaha World-Herald has won many awards through the years, including three Pulitzer Prizes for coverage of the senseless violence against African-Americans in Omaha in 1919, the large-scale scrap-metal drive in Nebraska during World War II, and an emotional photograph of a World War II soldier's homecoming to Iowa. One of its most recent awards was bestowed by the Columbia Journalism Review for its coverage of the war in Afghanistan.

Notably, the Omaha World-Herald is one of the few remaining independently-owned papers with statewide coverage. This is shown in its localized content and strong commitment to community. Congratulations to the Omaha World-Herald on 125 years of reporting and serving Nebraska's communities.

IN HONOR AND MEMORY OF JOHN
H. BUSTAMANTE**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and memory of John H. Bustamante, devoted husband, father, grandfather, friend and mentor. Mr. Bustamante's great achievements in fields of publishing, law and business are only matched by his leadership in the civil rights movement.

Mr. Bustamante was born in Santiago, Cuba, and moved with his family to Florida. He graduated from Stanton High School in Jacksonville, Florida, and later attended Boston University where he shared a room with Dr. Martin Luther King, Jr. His friendship with Dr. King inspired his lifelong involvement in the civil rights movement. Their friendship remained strong until Dr. King's tragic death in 1968.

After graduating from Boston University, Mr. Bustamante went to Harvard University where he earned a law degree. He became an internationally recognized attorney and served as legal counsel for high-profile figures like Dr. King and the Reverend Jesse Jackson. Mr. Bustamante obtained a charter to form a national bank called First Bank. It grew to become the largest minority-owned bank in the nation. He also formed his own publishing company and in the process met and became lifelong friends with William O. Walker, founder

and publisher of the Call & Post. Mr. Bustamante served the Call & Post in many ways, including as legal representative. When Mr. Walker passed away, Mr. Bustamante became the sole stockholder and publisher of the Call & Post. He served with integrity for more than thirty years until his retirement in 1998.

Madam Speaker, please join me in honor and remembrance of John H. Bustamante, whose life was lived with great love for family, friends and community. Mr. Bustamante's legacy extends from Cleveland, Ohio, to places around the world. Moreover, Mr. Bustamante was a devoted husband to Mary, cherished father of Michael, Sonali, Andre and Kamala; devoted stepfather to Ronald, Marcus and Patrick, and devoted grandfather. His energy, leadership and work on behalf of civil rights, peace and justice elevated our Nation's pursuit of civil rights for all. His kindness, service and devotion made our world a better place. He will never be forgotten.

A TRIBUTE TO DEMETRICE MILLS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Demetrice Mills for his contributions to the Brooklyn community.

Demetrice Mills was born and raised in North Carolina on the family farm. In 1971, after graduating from high school, he moved to Brooklyn, New York to find a job and make a better life for himself.

Throughout the years, Mr. Mills has volunteered his time and energy in a number of ways to help his community. He is considered the "Mayor of the block" and a source of information. He is the President of the Block Association and a true community activist, always looking for ways to help and willing to speak out for the community on issues of concern.

Mr. Mills has worked in the insurance, manufacturing, and financial industries throughout his career. He was employed by JPMorgan Chase for over 25 years, and is now a retired financial information business system specialist. He has worked in the field of computer information and technology for over 38 years.

Since his retirement, he has dedicated even more of his time to the community by volunteering with a number of community groups. Mr. Mills tries to educate and inspire people of all ages to become involved in their communities.

Mr. Mills is the Board President of the Brooklyn Queens Land Trust Community Gardens, which consists of 29 community gardens in Brooklyn and 5 in Queens. Community gardening is an important way of building on a community's assets by providing a source of healthy fruits and vegetables and a vibrant social setting for the community.

Mr. Mills is a volunteer member of Bedford Academy High School PTA, a member of the Bedford-Stuyvesant Community Block Association, the President of the Classon Ful-Gate Block Association, Executive Director of the Classon Ful-Gate Block Association Community Garden, member of Community Board 3,

member of BedStuy Alive, Treasurer of the 79th Precinct Community Council, Co-Chairperson of the Scholarship Campaign for the 79th Precinct Community Council College Scholarship Committee, and is a 2007 Graduate of the New York City Police Department Citizen's Academy.

Demetrice and his wife Dorothy co-chair the 79th Precinct College Scholarship Campaign Committee. The College Scholarship Campaign is an annual campaign to help local high school graduating seniors looking to further their education and hoping to obtain a college degree. Over the last three years, the 79th Precinct Community Council has been able to assist numerous deserving young graduating seniors who live or attend school in the community.

Demetrice and Dorothy have been together for more than 38 years, and have been married for 28 years. They have four children and two grandchildren.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Demetrice Mills.

RECOGNIZING VETERANS GREEN JOBS FOR ITS INVOLVEMENT IN THE MILITARY HOUSING ENERGY EFFICIENCY PROJECT

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize Veterans Green Jobs, VGJ, for its efforts to create green jobs for military veterans while also helping to improve environmental efficiency through the Military Housing Energy Efficiency Project, MHEEP.

Thanks to the support from the Sierra Club's Military Families Initiative, a partnership between the Sierra Club and Walmart, VGJ worked with the Laborers International Union of North America, LiUNA, to establish a month long training program to certify veterans in energy auditing and weatherization work. The program also provided career and professional development services.

In the fall, VGJ's partnership with LiUNA allowed the newly trained veterans to weatherize 50 military homes in Virginia. VGJ worked with the Virginia National Guard, members of Congress, Veterans Service Organizations, and several other regional organizations to identify military family homes to receive energy audit and weatherization services. Through these initiatives, VGJ produced cost savings for military families.

Madam Speaker, I ask that my colleagues join me in recognizing Veterans Green Jobs, in coordination with the Sierra Club and Walmart, for its involvement with the MHEEP to create green jobs for military veterans and improve environmental efficiency in military homes.

CONGRATULATING SAINT VINCENT DE PAUL SCHOOL ON BEING NAMED A NATIONAL BLUE RIBBON SCHOOL

HON. AARON SCHOCK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. SCHOCK. Madam Speaker, I rise today to honor Saint Vincent de Paul School in Peoria, Illinois on being named a 2010 National Blue Ribbon School by the U.S. Department of Education.

Saint Vincent de Paul joined only 50 other private schools throughout the nation in receiving this recognition. The school was nominated by the Council for American Private Education, also known as CAPE. By being recognized with the award, Saint Vincent de Paul has demonstrated its successes in ensuring students achieve exceptionally high national test scores.

I applaud the concerted effort it took to elevate the school's test scores to such an extraordinary level. As I honor this school I must remind this body that while this award is presented to Saint Vincent de Paul School, the award really reflects the combined efforts of all those involved with the school. As former Peoria School Board President, I know that every successful school has the trinity of skilled educators, committed students and involved parents as a base.

Also, on a personal note, I always find it impressive to see a school allow for students' academic and personal development. As such, I must applaud the school's commitment to the mission to "generate outstanding academic achievement and expect students to be confident leaders with a strong positive and moral impact on the community." I'm certain that Saint Vincent de Paul will not only continue to flourish as an institution for years to come, but that its young students will eventually become active leaders in Peoria, Illinois and throughout these United States.

Again, congratulations Saint Vincent de Paul School.

HONORING MR. ROMAN TOTENBERG'S 100TH BIRTHDAY

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. MARKEY of Massachusetts. Madam Speaker, I rise today to honor and celebrate Mr. Roman Totenberg's 100th birthday. Mr. Totenberg is a world-class violinist and a beloved educator. January 1, 2011, will mark the 100th birthday of this gifted musician, whose talents on stage and in the classroom have enriched the lives of many people.

Mr. Totenberg was born in Lodz, Poland. He says he "accidentally" started playing the violin when he was a little boy because a neighbor who babysat him played the instrument. By the age of six, he was playing consistently and has practiced the violin everyday since. By the age of 11, Mr. Totenberg was playing

professionally. He debuted as a soloist for the Warsaw Philharmonic Orchestra.

Since his debut at such a young age, Mr. Totenberg was considered a prodigy. In 1931 he was awarded the Mendelssohn prize, a distinguished international award given to promising young musicians. He played with the Boston Symphony, the New York Philharmonic, the Berlin Philharmonic, the London Philharmonic and countless other world-class orchestras.

Madam Speaker, as a young man at the age of 24, Mr. Totenberg performed at the White House for President Franklin D. Roosevelt.

He was married to the late Melanie Totenberg for over fifty years. Together they had three daughters, Nina, Jill, and Amy.

Mr. Totenberg joined Boston University as a Professor in the string department in 1961 and remains a professor there to this day. He was the head of Boston University's string department from 1965-1978. From 1978-1985 he was director of The Longy School of Music in Cambridge, Massachusetts.

Madam Speaker, for all that he has accomplished and all that he has contributed, I would like to honor the 100th birthday of Mr. Roman Totenberg.

CNN GUESTS SKEW TO THE LEFT

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. SMITH of Texas. Madam Speaker, CNN claims to be the fair cable news alternative. They say they report the news "without playing favorites," according to a new slogan.

The facts tell a different story.

In the weeks leading up to election day, liberal guests on CNN outnumbered conservative guests by a margin of more than 3 to 2, according to an analysis by the Media Research Center.

From October 4 through October 29, there were a total of 88 liberal guests to just 56 conservative guests.

And all three of the network's prime-time news programs featured more liberals than conservatives, according to MRC.

So much for not playing favorites.

CNN should give Americans the facts, not skew their programming to support a liberal agenda.

Members of National Public Radio's board of directors have a clear and overwhelming liberal bias, according to an analysis by National Review.

The study found that "nearly all [NPR board members] have demonstrably liberal political sympathies, with heavy support for the Democratic party, pro-abortion-rights groups, and environmental activism in particular."

Furthermore, "[NPR's] board members also sit on the boards of explicitly progressive advocacy groups, and have given millions of dollars to Democrats and liberal PACs—at the same time that they control the country's 'public' radio network."

With liberals dominating NPR's board, it's no surprise its news coverage also shows a liberal bias.

NPR should give Americans the facts, not tell them what to think.

IN HONOR OF APOSTLE SUPER-INTENDENT STEPHEN STALLWORTH, FOUNDER AND PASTOR OF GREATER GRACE CHURCH OF GOD IN CHRIST AND FOUNDER AND CEO OF GRACELAND INSTITUTE OF EARLY LEARNING

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. BISHOP of Georgia. Madam Speaker, I rise today to recognize and honor a man of great faith, a man who has given much to his community while serving as a model citizen, father, and apostle of the word of God, Pastor Stephen Stallworth.

Pastor Stallworth was called to the ministry at the young age of twenty-six. In 1970, he attended the University of Michigan and the CH Mason Seminary in Detroit, Michigan. There he was ordained an Elder, and in 1976, he was installed as an Assistant Pastor.

He was offered a position by General Motors in Albany, Georgia. In 1979, he and his family moved from Michigan to Georgia, where he felt called by God to serve as a pastor.

Shortly after moving to Albany, Pastor and Mother Stallworth began the task of finding a church. One day, by a chance encounter, they discovered their first church while on their way to the parish they were attending at that time. Due to road work on their normal route, they detoured onto Church Street where they discovered a vacant church. They felt called by God to turn the empty building into a thriving, vibrant parish with which to serve God and the Albany community.

Pastor and Mother Stallworth selflessly purchased the building to begin the new church. Instead of buying a home for their family, they began a home for their spiritual family in Albany, and in 1981, Pastor Stallworth established the Greater Grace Church of God in Christ. He and Mother Stallworth took to the task of restoring and refurbishing the land and property, and in doing so they established a neighborhood ministry.

As the parish grew there was need for a larger facility, and through his ministry numerous Bishops, Pastors and Evangelist were born. There are nine churches in Pastor Stallworth's district; five of these churches originated directly from his ministry. There are approximately twelve churches operating in the Albany area that were born under the direction of Pastor Stallworth, and there are more than 2,000 members in his district.

In March of 2008, Pastor Stallworth established a covenant between the Greater Grace Church of God in Christ and the Greater New Hope Anointed Ministries in Plant City, Florida, whose membership exceeds five hundred members and is one of the fastest growing churches in the area. The Pastor is national recording artist Calvin Collins.

In 2009, Pastor Stallworth established covenants with Pastor Ray G. Johnson of Love Life Church and with Pastor Willie C. Carter of

Acts II Full Gospel Church; both are located in Camilla, Georgia.

Heeding the call to expand his ministry, Pastor Stallworth oversaw the erection of a multi-million dollar edifice. After two years of construction the new 22,000 square foot building was completed in February of 2008. 6,000 square feet are allocated for the Graceland Institute of Early Learning, which opened in September of 2008.

Ever innovative, Pastor Stallworth envisions facilities to house senior citizens and college students. He is known for never preaching the same sermon twice and he seeks to expand his ministry and preach the word of God to all he can. His mission is to always exhibit excellence in his ministry by always lifting Jesus to the height that men and women will be drawn to Him.

Madam Speaker, today I recognize and honor a man I am proud to call friend and constituent and a man who has altruistically contributed to our community, giving so much of himself. Today it is my privilege to honor Pastor Stephen Stallworth as he is elevated to the position of Apostle. He has served God and his community well and I know he will continue to do so.

A TRIBUTE TO PROFESSOR RONALD BANKS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Professor Ronald Banks.

Professor Ronald Banks was born on April 22, 1948 to the late Clifton R. and Annie Lee Banks in Brooklyn, New York. He was educated in the New York City educational system and is a graduate of George Westinghouse Technical High School.

Professor Banks has always had a love for music. At a young age, he would sit and watch Elder Sam Windham play the steel guitar. At the age of five, his mother bought him a steel guitar, his first musical instrument. He received his first piano lesson at age 8, and was inspired to learn the organ at age 12 and the bass guitar at 14.

Professor Banks was blessed with an ear for music and began playing officially for his first choir at the age of 12. He began teaching voices and sections the same year, and started his own ensemble called "The Eastern New York Ensemble" at age 15. The next year, his father founded the "Sensational Twilights" and Professor Banks was one of the lead singers and bass guitarist.

From a very young age, Professor Banks has developed a wealth of knowledge in music. He has passed on his wisdom and knowledge to generations of musicians, singers and choirmasters to further their ministries and for the good of the greater church community. Professor Banks' attention to detail and passion for his craft has made him an icon in the genre of Gospel music known today as the "Brooklyn Sound."

Professor Banks has recorded with the International Radio Choir, the Triboro Mass

Choir, the Sensational Twilights, the Clara Ward Singers, and the Eastern New York Mass Choir of the Gospel Music Workshop of America. He has been a member of the Triboro Mass Choir for over thirty years, and currently serves as head musician.

He has earned the endearing title of "Professor" for his ability to bring out the musical talents of any individual. Through his service to his community and his church, he has earned numerous citations.

Professor Banks was a dedicated employee of Con Edison for thirty-six years until his retirement on December 1, 2004.

Professor Banks presently serves as the Minister of Music at Friendship Baptist Church in Brooklyn, New York, under the leadership of Reverend Craig B. Gaddy, Pastor. He is rooted and forever humble in his craft because of his loyalty and devotion to our Lord and Savior, Jesus Christ.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Professor Ronald Banks.

RECOGNIZING FULBRIGHT SCHOLAR GRANTEES FROM THE 11TH DISTRICT

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize several young people from my community for being selected as recipients of Fulbright awards to study, lecture, teach or conduct research abroad during the 2010–2011 academic year.

Sponsored by the United States Department of State, Bureau of Educational and Cultural Affairs, the Fulbright Program's purpose is to build mutual understanding between the people of the United States and the international community. Since its establishment in 1946, the Fulbright Program sponsored exchanges for more than a quarter of a million people in more than 155 countries. Recipients are selected based on academic and professional achievement in addition to demonstrated leadership potential in their respective fields. The following residents of the 11th District of Virginia were selected as Fulbright recipients:

Ms. Sarah Argodale, College of William and Mary, English Teaching Assistant, Russia

Ms. Grace Erdmann, Georgetown University, English Teaching Assistant, Egypt

Mr. Kurt Gron, University of Wisconsin–Madison, Archeology, Denmark

Ms. Lauren-Claire Kelley, George Mason University, English Teaching Assistant, Italy

Mr. David Ramsay, Case Western Reserve University, Engineering, Ireland

Ms. Farrah Tek, University of Mary Washington, Law, Cambodia

The Fulbright scholarship is synonymous with excellence in educational exchange. It is one example of the importance of personal interaction at the individual level. The Fulbright Scholars from the 11th District will continue the tradition of citizen diplomacy that runs deeply through our community.

Madam Speaker, I ask that my colleagues join me in recognizing these outstanding

young people for this level of achievement in their respective fields.

IN HONOR AND RECOGNITION OF
MIKE "TRIV" TRIVISONNO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Mike "Triv" Trivisonno, devoted family man, radio host and community volunteer. Mr. Trivisonno was born and raised in Greater Cleveland and he continues to call Cleveland his home. He grew up in Mayfield Heights, dropped out of school by the tenth grade and ran with a rough crowd. At the young age of 17, he met the love of his life and future wife, Linda Conforto, whose kindness and integrity became a powerful source of strength in his life.

Mike and Linda married three years later and remained committed to each other and to their children. Mike's family means everything to him and he has worked hard to provide for them. Together, he and Linda started a landscape business and they even managed a golf course along the way. In the 1970's, Mr. Trivisonno's radio popularity grew; he earned the nickname 'Mr. Know It All' as a regular caller to the popular Pete Franklin "SportsLine Show" on radio station WWWE in Cleveland. Soon, radio jobs were offered and his career began to skyrocket. Lively, on-air debates that normally included sports talk meandered into the realm of news and politics. His common-man, brash and humorous style, and his raw honesty continue to draw a massive and diverse listening audience. His radio persona elicits strong emotions from his audience and his popularity continues to grow. For nearly twenty years, the Mike Trivisonno Show on WTAM 1100 has been the one of the most widely-listened to radio programs throughout Ohio.

Above and beyond his success in radio, Mr. Trivisonno's willingness to help others and his openness about his personal losses have touched the hearts of our community. For many years, he led the Coats for Kids annual campaign, and he continues to lead charitable events and initiatives, including charity poker events. After Linda Trivisonno lost her battle with cancer in 2009, he began honoring her life and memory with initiatives like the Linda Trivisonno Endowment Fund, which raises funds for cancer research and provides funds for financially struggling patients and their families.

Madam Speaker, please join me in honor of Mike Trivisonno, one of the most fascinating and successful voices in the history of Cleveland radio. Beneath the armor of Mike's boisterous, self-deprecating, and sharply opinionated voice is a kind and decent man whose generous heart and desire to help others brings comfort, hope and strength to our entire community.

JIM CARTER

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. SALAZAR. Madam Speaker, Jim Carter died in Pueblo, Colorado, on July 28, 2010. Jim was born in Missouri, served in the U.S. Air Force in Germany subsequent to his graduation from college and was employed for many years by A.P. Green Refractories in Pueblo, Colorado. When A.P. Green Refractories decided to leave Pueblo, they offered Jim an opportunity to move to one of their eastern facilities. Having raised his children in Pueblo and having many friends in Pueblo, Jim decided that Pueblo was the home for his family and the right place for them to stay. Jim, along with his son, established Refractories West, Inc. which has continued to be an active employer in Pueblo. A few years ago, Jim turned the refractory operation over to his son but Jim could not completely disengage himself from the business opportunity that had occupied his energies for so many years.

Due to Jim's love of his adopted community, he became active in many local organizations and was a leader in establishing Puebloans for Economic Progress and served as the first Chairman of PEP. Eventually, PEP was part of a consolidation that became the Pueblo Economic Development Corporation; Jim also served as Chairman of PEDCO and was an active board member for many years.

Jim will be remembered as a valued member of the Airport Advisory Board for several years. His diligence, determination and knowledge have served the Pueblo Memorial Airport and the Advisory Board extremely well. Even Jim's illness did not thwart his drive and attentiveness to the best interest of the Pueblo Airport. No matter the obstacle, Jim could find a way over it, around it or through it and was forever zealous in his quest to do his best for the City of Pueblo.

HONORING CODY ALECIA

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to recognize and honor Cody Alecia, of Denair, California.

What has America come to when a 13-year-old student must be concerned for his safety when he waves the American flag? This past week, Denair Middle School, located in my home district, asked one of their students, Cody Alecia, to remove an American flag he has been proudly displaying on the back of his bicycle for two months. Cody and his family were told that the flag needed to be removed for his own safety, in light of problems that arose during the previous school year when students carried the Mexican flag to the school on Cinco de Mayo. Thankfully, on November 12th, the school district reversed the decision and has informed Cody that he can once again display his flag.

I am pleased that the Denair Unified School District has made the correct decision and is once again allowing Cody to display his flag. However, I am deeply concerned about the circumstances that led to Cody being asked to remove his flag in the first place and want to make every member of the House aware of it. I raise this issue on the floor of the House because I believe what happened to Cody gives us a snapshot of our current national culture. The flag of the United States of America is a symbol of everything that this country stands for—unity, prosperity and freedom. Every morning, in classrooms across America, students of all ages and nationalities pledge their allegiance to the flag and to this country. For an American student to ever be told that displaying the American flag in America may make him a target for violence is a travesty and terrible testament to what is happening in our country.

I am proud of Cody for choosing to display his patriotism, his respect for the men and women who have fought and died for this country, and his love of this country. And I am proud to represent this community, which has displayed such overwhelmingly positive support for Cody. I want to thank "The American Legion Patriot Guard" and the other riders here today, especially the Merced American Legion, Post 83, Patriot Guard, for their organization and passion to the cause. I would also like to thank everyone else who chose to walk and ride to Denair Middle School with Cody this morning and to display their pride in the American flag and the ideals that it represents. I hope many more people will be inspired by Cody's example and will choose to fly the flag more often.

ASIAN AMERICAN MEDICAL
ASSOCIATION 34TH ANNUAL GALA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. VISCLOSKY. Madam Speaker, it is with sincere admiration that I recognize the Asian American Medical Association, which hosted its 34th Annual Gala on Saturday, November 6, 2010, at the Avalon Manor in Merrillville, Indiana. Each year, the Asian American Medical Association pays tribute to prominent, outstanding citizens and organizations for their contributions to the community. In recognition of their efforts, these honorees are awarded the prestigious Crystal Globe Award at this annual banquet.

The Asian American Medical Association has always been a great asset to Northwest Indiana. Its members have selflessly dedicated themselves to providing quality medical services to the residents of Indiana's First Congressional District, and have always demonstrated exemplary service through their many cultural, scholastic, and charitable endeavors.

At this year's Annual Gala, the Asian American Medical Association will present the Crystal Globe Award to one of Northwest Indiana's finest citizens, Dr. M. Nabil Shabeeb, M.D., FACS.

A successful General Surgeon who runs his private practice in Northwest Indiana, Dr. Shabeeb has dedicated his life to medicine. His practice specializes in thyroid and parathyroid surgery, breast cancer surgery, and laparoscopic surgery, as well as cancer support group programs. In addition to his busy medical practice, Dr. Shabeeb has committed himself to many organizations and foundations that positively impact the medical community and the people of Northwest Indiana.

In 1977, Dr. Shabeeb graduated from the College of Human Medicine at Damascus University. He went on to complete his five-year residency at the University of Illinois Metropolitan Group Hospital in 1984. Soon after, he established his private practice in Northwest Indiana. Throughout his tenure, Dr. Shabeeb has gone above and beyond his medical duties as a General Surgeon, serving on numerous medical boards and dedicating much of his time to countless organizations. He has been a member of the Lake County Medical Society since 1984, and has served as a delegate and board member since 1992. At Community Hospital in Munster, Dr. Shabeeb served as Chairman of Surgery from 1992 to 1997, and President of Medical Staff from 1997 to 2001. Currently, Dr. Shabeeb serves as a member of the Board of Directors for the Munster Medical Research Foundation, the Community Foundation of Northwest Indiana, and the Community Cancer Research Foundation. He is also a founding member and Chairman of the Advisory Board for the Cancer Resource Center, a program of the Community Cancer Research Foundation. The Cancer Resource Center is an exceptional program that provides support, counseling, and education to cancer patients and their family and friends free of charge. To date, visits to the center have totaled more than 19,000. For his outstanding commitment to medicine and his many community efforts, in April, 2010, Dr. Shabeeb received the "Lifetime Achievement Award" from the Syrian American Medical Society—Midwest Chapter, an educational and humanitarian medical organization.

Madam Speaker, I ask that you and my other distinguished colleagues join me in commending the Asian American Medical Association, as well as this year's Crystal Globe Award recipient, Dr. Nabil Shabeeb, for their outstanding contributions to their communities and beyond. Their unwavering commitment to improving the quality of life for the people of Northwest Indiana and throughout the United States is truly inspirational. For these reasons, the Asian American Medical Association, its members, and Dr. Shabeeb are to be recognized, and I am proud to serve as their representative in Washington, DC.

HONORING STEVE CROPPER

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mrs. BLACKBURN. Madam Speaker, I rise today to pay tribute to Steve Cropper. On October 17, 2010, Steve was inducted into the Nashville Songwriter's Hall of Fame.

He has been listed as one of the Top 100 guitarists of all time by Rolling Stone Magazine, and for good reason. Being raised in Memphis, Steve bought his first guitar at age 14. Since then, he has led a musically charged life of which most could only dream.

He has played and co-written with the Blues Brothers, Wilson Pickett, Otis Redding and Eric Clapton, just to name a few. "Sittin' On the Dock of the Bay", which he co-wrote with Redding is the 6th most-played song of all time.

Steve is a friend and a true asset to our great state of Tennessee and it is a privilege to recognize him here today.

HONORING THE BENZIGER FAMILY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. THOMPSON of California. Madam Speaker, I rise today with my colleague, Rep. LYNN WOOLSEY, to honor the Benziger Family, whose economic, environmental, and philanthropic contributions in the Sonoma Valley have earned its businesses due recognition as 2010 Sonoma Valley Business of the Year. Both Benziger Family Winery and Imagery Estate Winery have pioneered a sustainable approach to agriculture and a humanitarian approach to business. Their active presence continues to strengthen and enrich Sonoma Valley communities.

Starting in the mid-1990s, Benziger Family Winery began its transition into biodynamic agriculture. They eliminated chemicals and other artificial elements in favor of a more holistic and organic method that capitalizes on the vitality of a vineyard that is allowed to thrive in a natural state. Benziger Family Winery has even been recognized by the National Resources Defense Council for its water conservation strategies. Imagery Estate Winery was founded in the same tradition, and the result is not only a greener footprint, but richer and more distinctive products that embody their unique places of origin. Indeed, Benziger Family Winery and Imagery Estate Winery have earned reputations as producers of exceptional quality not only in California, but worldwide.

The Benziger Family has brought the same care and commitment to its active role in Sonoma Valley communities, supporting local charities and volunteerism. It has been particularly instrumental in supporting Becoming Independent, a North Bay nonprofit dedicated to empowering people with developmental disabilities, and its wineries are a regular presence at the Sonoma Valley Harvest Wine Auction. Earlier this year, Benziger Family Winery also joined with the local Red Cross to support earthquake relief efforts in Haiti and in Chile.

Madam Speaker, I ask you to join us in thanking the Benziger Family for its contributions to Sonoma Valley, and in congratulating its wineries on their success and well-deserved recognition. Benziger Family Winery and Imagery Estate Winery are powerful examples of the value of community-minded business, and Sonoma Valley is stronger because of them.

A TRIBUTE TO DARLENE MEALY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Darlene Mealy for her service to Brooklyn's 41st District.

Darlene Mealy was born in Detroit, Michigan, and raised in Brooklyn's Bedford-Stuyvesant area, in Brooklyn's 41st District. She attended P.S. 28, J.H.S. 271, and George W. Wingate High School. She later studied at the Borough of Manhattan Community College and Cornell for Labor Women's Studies.

Council Member Mealy is a young grassroots leader committed to bring about a positive change in her community. She serves as an outspoken community leader responding to the needs of the people of her community with honor and integrity. Her perseverance helps her to achieve positive results.

Darlene Mealy has served as the Council Member in Brooklyn's 41st District since January 2006. Prior to her election to the council, she was employed at the New York City Transit Authority for 17 years in the Department of Buses, Technical Services Division. She is the Founder and President of a multiple block association known as the Fulton Street/Atlantic Avenue/Ralph Avenue/Rochester Avenue F.A.R.R. Community Association, Inc. Council Member Mealy has served as a National Delegate for the Reverend Al Sharpton for President and is a Board Member of Neighborhood Housing Services. She was also the former Secretary of both the 81st Precinct Community Council and the Unity Democratic Club.

Currently in her second term, Council Member Mealy was appointed Chair of the Contracts Committee, where she has led the fight for reform in New York City contracts procedure and diversity in the awarding of city contracts. She has committed to the expansion of Minority Women Business Enterprises and diversification in both prime and sub-prime contracts. The awarding of Minority Women Business Enterprises is currently at the highest level ever. Additionally, during her time as Chair, the Small Business Service has partnered with the U.S. Small Business Administration in an effort to ensure the increase of city contracts to small businesses. Throughout her time on the Council, Council Member Mealy has demonstrated a strong commitment to public service.

Council Member Mealy is a member of Christ Memorial Church, Pastor Flora L.H. Grant under the Pilgrim Church, Chief Prelate Archbishop Roy E. Brown.

Madam Speaker, I urge my colleagues to join me in recognizing the contributions of Darlene Mealy.

IN HONOR OF CAPTAIN DAVID P. CONRAD, 2010 FIREFIGHTER OF THE YEAR

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, it is my great honor to recognize Captain I David P. Conrad, who has been awarded the Fairfax County Fire and Rescue Department 2010 Career Firefighter of the Year. This is the department's highest award, established in 1985 to provide special recognition for outstanding service and dedication in keeping with the highest traditions of the Fairfax County Fire and Rescue Department. Captain Conrad is the 25th recipient of this award.

Capt. Conrad has served the residents of Fairfax County for 28 years. During his exceptional career, he has consistently demonstrated his abilities as a teacher, firefighter, leader and member of the community. As a career firefighter, Capt. Conrad has taken on many roles and positions, serving as a member of the Technical Rescue Operations Team, the Virginia Task Force One Urban Search and Rescue Team, the America's Support Team, United Nations Disaster Support Team, the TROT Trench Committee, the Rescue Squad Committee, the Lieutenant's Test Committee, and the Captain's Test Committee. As a member of the elite VATF-1, Capt. Conrad has participated in multiple search and rescue operations around the world. Most recently, Capt. Conrad served as a team manager during the Haiti Earthquake rescue effort. Through his leadership, his team detected, located and rescued nine people who had been trapped.

Providing the tools for other firefighters to succeed is a passion of Capt. Conrad, especially in the area of education. Capt. Conrad serves or has served as a recruit school adjunct instructor for nine years. He has taught three trench classes, set up and facilitated seven joint training evolutions with the military, taught Rapid Intervention Team operations, assisted with writing swift water rescue protocols, served as an adjunct instructor for several Rescue and Truck company schools, taught two Technical Search classes in Canada and two in the United States, and facilitated several VATF-1 Field Exercises. Currently, Capt. Conrad is an instructor for rope, trench, structural collapse and confined space operations, a lead instructor for FEMA in Technical Search and an adjunct instructor for FEMA in Structural Collapse. Capt. Conrad's level of expertise and willingness to share his knowledge is a key reason that the Fairfax County Fire and Rescue Department is one of the best in the world.

Capt. Conrad has worked tirelessly to improve one of the finest fire departments in the country and help save lives. In just one example, he assisted with the development a new Rapid Intervention Team, RIT, kit for the department. These kits are essential for saving lives in emergency situations, and any improvement made to them will directly result in the preservation of life. It took more than five years, but when it was done, a new RIT air

pack program was implemented. A great deal of credit belongs to Capt. Conrad for his work on this project, which has produced one of the most innovative firefighter survival tools ever used by the department. Capt. Conrad also accepted a multi-year challenge to develop and implement new travel bags and backpacks for the Urban Search and Rescue Team. His design is now being used by many teams across the country.

The saying "Character Matters 24-7" could have been written to describe Capt. Conrad. He exemplifies how a firefighter and officer should live his or her life. In addition to the professional and educational contributions that he has made, Capt. Conrad is a compassionate and tenacious advocate for others in the community. Whether it is helping paint the home of a fellow firefighter who was ill, serving on many Christmas in April and Habitat for Humanity projects, helping a local church with an extreme makeover for a D.C. resident who was in significant need, constructing an orphanage in Nicaragua, or just being available to help no matter what the project or who was in need, Capt. Conrad has always answered the call.

Madam Speaker, I ask my colleagues to join me in commending Captain I David P. Conrad for his years of service and in congratulating him on being named the Fairfax County Fire and Rescue Department 2010 Firefighter of the year. Firefighters and all first responders are true heroes for our country. They risk their lives every day to ensure the well being and safety of our communities. These heroes often go unrecognized for their dedication and sacrifices. On behalf of the residents of Northern Virginia, I am honored to thank these brave men and women for their contributions to our communities, and I say to each of them, Stay Safe.

IN HONOR OF THE 200TH ANNIVERSARY OF THE CITY OF BAY VILLAGE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of the 200th Anniversary of the City of Bay Village. I join with residents, business owners, city officials and Mayor Deborah Sutherland in celebrating this momentous occasion.

The Joseph Cahoon family, one of the first founding families, arrived on the land that is now Bay Village on October 10, 1810. The Cahoons and other settlers braved extreme weather conditions, illness and wild animals on their journey westward. They opted to settle along the picturesque southern shores of Lake Erie in beautiful northern Ohio.

By 1901, the township of Hamlet of Bay, once part of Dover Township, began to exist under the leadership of trustees who worked to form a new village. Two years later, on March 10th, 1903, the Village of Bay was incorporated by the State of Ohio and elections were organized. On April 6th, 1903, residents elected Reuben Osborne as their Mayor. They

also elected H.P. Foote, Julius Wischmeyer, Calvin Osborn, Frank Meilander, Burrett Sadler and William O. Matthews to represent their interests on Council. On May 4th, 1903, in the small quarters of School House No. 1, a meeting was held for the first-ever Council of the Village of Bay.

Madam Speaker and colleagues, please join me in honor and recognition of the City of Bay Village, Ohio, as we remember the founding settlers who formed this Village. We also commemorate the contributions of citizens, past and present, in celebrating the city's 200th Anniversary. The City of Bay Village has evolved and grown; yet its small-town charm, integrity and beautiful green spaces continue to define this treasured community in Greater Cleveland.

HONORING THE BENZIGER FAMILY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Ms. WOOLSEY. Madam Speaker, I rise today with my colleague, Rep. MIKE THOMPSON, to honor the Benziger Family, whose economic, environmental, and philanthropic contributions in the Sonoma Valley have earned its businesses due recognition as 2010 Sonoma Valley Business of the Year. Both Benziger Family Winery and Imagery Estate Winery have pioneered a sustainable approach to agriculture and a humanitarian approach to business. Their active presence continues to strengthen and enrich Sonoma Valley communities.

Starting in the mid-1990s, Benziger Family Winery began its transition into biodynamic agriculture. They eliminated chemicals and other artificial elements in favor of a more holistic and organic method that capitalizes on the vitality of a vineyard that is allowed to thrive in a natural state. Benziger Family Winery has even been recognized by the National Resources Defense Council for its water conservation strategies. Imagery Estate Winery was founded in the same tradition, and the result is not only a greener footprint, but richer and more distinctive products that embody their unique places of origin. Indeed, Benziger Family Winery and Imagery Estate Winery have earned reputations as producers of exceptional quality not only in California, but worldwide.

The Benziger Family has brought the same care and commitment to its active role in Sonoma Valley communities, supporting local charities and volunteerism. It has been particularly instrumental in supporting Becoming Independent, a North Bay nonprofit dedicated to empowering people with developmental disabilities, and its wineries are a regular presence at the Sonoma Valley Harvest Wine Auction. Earlier this year, Benziger Family Winery also joined with the local Red Cross to support earthquake relief efforts in Haiti and in Chile.

Madam Speaker, I ask you to join us in thanking the Benziger Family for its contributions to Sonoma Valley, and in congratulating its wineries on their success and well deserved recognition. Benziger Family Winery

and Imagery Estate Winery are powerful examples of the value of community-minded business, and Sonoma Valley is stronger because of them.

TRIBUTE TO CHRISTOPHER L.
DIMATTIO

HON. BILL PASCRELL, JR.

OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Monday, November 15, 2010

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the achievements of an outstanding individual, Christopher L. DiMaggio.

As co-chair of the Italian-American Congressional Caucus, I am privileged to offer my sincerest congratulations for Christopher's selection as UNICO's National President on the occasion of UNICO's "Meet the President Night," an event being held in his honor. UNICO is our nation's largest Italian-American service organization.

His proven record of service to his community, faith, and strong Italian heritage makes him the perfect choice for this position with UNICO. Through his life and work, he has upheld UNICO's model of "Service above Self." He has served selflessly on the leadership board of UNICO. He also played an important role in the Roman Catholic Church's Diocese of Scranton.

His tireless work on the local level and in planning fundraisers and charity events has ensured that the numerous organizations he has served will flourish for years to come.

All of this outstanding service has not interfered with Christopher's professional and personal lives as in the least. He has received numerous awards for outstanding performance in his role as Senior Vice President at FNCB Wealth Management Services. Christopher also sets a wonderful example as a family man for his wife, Ann and his sons Louis Carlo, and Robert.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to learning about and recognizing individuals like Christopher DiMaggio.

Madam Speaker, I ask that you join our colleagues, Christopher's family and friends, all the students and athletes whose lives he has touched and me in recognizing Mr. Christopher L. DiMaggio.

HONORING THE SERVICE AND SACRIFICE OF UNITED STATES
ARMY SERGEANT FIRST CLASS
TODD M. HARRIS

HON. GABRIELLE GIFFORDS

OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES
Monday, November 15, 2010

Ms. GIFFORDS. Madam Speaker, I rise today to honor United States Army Sergeant First Class Todd M. Harris, who was killed in action on November 3, 2010.

A native of Tucson, Arizona, Todd enlisted in the Army in 1998. A decorated combat vet-

eran and graduate of the U.S. Army's Special Forces, Airborne, and Air Assault Schools, he was assigned to the 87th Infantry Battalion 1st Brigade Combat Team, 10th Mountain Division at Fort Drum, NY. He was on his fifth deployment which included two tours in Iraq and two in Afghanistan, when he was killed by small arms fire in Badghis Province, in northwestern Afghanistan. Among his many decorations, he earned the Army Commendation Medal, the Army Achievement Medal and the Purple Heart. He was one of our Nation's most elite, best and bravest.

We remember Todd and offer our deepest condolences and sincerest prayers to his family. My words cannot effectively convey the feeling of great loss nor can they offer adequate consolation. However, it is my hope that in future days, his family may take some comfort in knowing that Todd made a difference in the lives of many others and serves as an example of a competent and caring leader and friend that will live on in the hearts and minds of all those he touched.

This body and this country owe Todd and his family a debt of gratitude, and it is vital that we remember him and his service to his country.

Sergeant First Class Todd Harris is survived by his mother, Willa; father, Samuel; son, Kai; and daughter, McKenna.

HONORING MEIKLEJOHN CIVIL
LIBERTIES INSTITUTE

HON. BARBARA LEE

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, November 15, 2010

Ms. LEE of California. Madam Speaker, I rise today to honor the recent successful efforts of the Meiklejohn Civil Liberties Institute (MCLI) in persuading the California State Assembly and Senate to adopt Assembly Member Bill Monning's ACR 129, making California the first state in the nation to agree to publicize the text of three, U.S.-ratified U.N. human rights treaties, and to make the required periodic reports on race discrimination, police conduct, health care, prison conditions, treatment of the homeless, immigrant rights and many other violations of civil and political rights in all cities, counties and state agencies.

Templates will be furnished for the statewide reports, which seek ultimately to protect all civil rights, including those of arrested people, the unemployed, welfare applicants, members of the LGBT community, the disabled, children, seniors and union members.

The treaties and protocols included in ACR 129 are: International Covenant on Civil and Political Rights (ICCPR); Convention on Elimination of all forms of Racial Discrimination (CERD); and Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), ratified by the U.S. in 1992 and 1994. Two Protocols to the Convention on the Rights of the Child (CRC) on the Sale of Children, Child Prostitution and Child Pornography, and on Involvement of Children in Armed Conflict, ratified by the U.S. on December 23, 2002, are also covered. Yet, there is still much that can be done to ensure compliance with these treaties.

MCLI was founded in 1965 and soon established its Human Rights Reporting Project dedicated to educating lawyers, legal workers, judges, legislators, and non-governmental organizations on existing international human rights law.

Under the U.S. Constitution, Article VI, Clause 2, a treaty is the supreme law of the land and its terms apply to state governments. These treaties require that their terms be publicized and that periodic reports be made at the federal and local levels. However, until attorney Ann Fagan Ginger of MCLI proposed the resolution, no state had publicized the treaty text or submitted information to be included in U.S. reports to the U.N. Committees administering the treaties.

In 2008, MCLI persuaded the Berkeley City Commission on Peace and Justice to ask Berkeley City Council to require that each of its agencies prepare periodic activity reports and submit them to the U.S. Department of State for inclusion in its reports to the four U.N. Committees. On September 29, 2009, the Berkeley City Council adopted the United Nations Treaty Reports resolution on the basis that the human rights treaties reporting process had heightened concern about human rights in the city.

On behalf of California's 9th Congressional District, I want to extend my congratulations on this important milestone for the State of California. Thank you, MCLI staff and supporters, for all that you do to promote and protect human rights throughout the United States. I wish you continued success.

HONORING THE REPUBLIC OF
TURKEY ON "REPUBLIC DAY"

HON. BILL SHUSTER

OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Monday, November 15, 2010

Mr. SHUSTER. Madam Speaker, I ask my colleagues to join me in honoring the Republic of Turkey in celebration of the 87th anniversary of Republic Day on October 29, 2010.

In 1923, Turkey officially became a Republic. Over the years, Turkey has joined with the United States and the international community on numerous critical issues ranging from energy security to the global war on terror.

Turkey and the United States share many important values and provide an example that freedom and democracy are key foundations for peace, prosperity, and security.

Again, as a member of the Congressional Turkey Caucus, it is my distinct pleasure to honor the Republic of Turkey and all Turkish citizens in celebration of Republic Day and wish them continued success in building on the political, economic, and cultural progress envisioned by the great Mustafa Kemal Atatürk.

A TRIBUTE TO DR. KEVIN S. BOND

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Dr. Kevin S. Bond for his accomplishments and contributions.

For many years, Dr. Kevin Bond has been an advocate for those in need and has assisted those burdened by the circumstances of their environment and economic conditions. He is committed to creating positive change for urban America, and works tirelessly to uplift the people in the underserved communities of Brooklyn, New York. He has established himself as a strong and progressive voice for urban communities through his education and his grassroots approach.

Dr. Bond has continually striven to strengthen his education. In 1987, he completed his Bachelor's degree in Accounting at New York University. He completed a Master of Divinity in 1991 at New York Theological Seminary, and in 1995, completed the Doctor of Divinity degree at United Theology Seminary. He also has a Master's Degree in Education and Learning Technology from Mercy College in 2001 and a Master's Degree in Education from the College of St. Rose, completed in 2005.

Dr. Bond is the Pastor of Citadel of Praise and Worship Church, which was established in 1997 and has over 300 members. In 1997, he also established the Citadel Summer Camp Enrichment Program and Citadel Health and Wellness. The Citadel Homeless Ministry was started in 1998. Citadel Daycare and Learning Center was added in 1999, and finally, the Citadel Share Program began in 2000.

Additionally, Dr. Bond is the Dean at Stephen Decatur Middle School 35 in Bedford Stuyvesant, where he serves as Chair to several committees and boards. He has accomplished a great deal of progressive learning for the Board of Education, and has enabled a stronger math and reading tutorial program that has helped to increase scores on citywide standardized tests.

Dr. Bond is a frequent visitor to City Hall, where he champions initiatives that affect his community. He has contributed a great deal to the City Council in their endeavors to encompass the strength of religious leadership in their pursuit of improved community development relations.

Madam Speaker, I urge my colleagues to join me in recognizing the contributions of Dr. Kevin S. Bond.

IN HONOR AND RECOGNITION OF
ANN BROZ

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor of Ann Broz, as we join with her in celebration of her 108th birthday on October 7, 2010.

Mrs. Broz was born in Homestead, PA on October 7, 1902. Her life changed abruptly at the age of eight when her mother died unexpectedly. Soon thereafter, her father moved with her to Cleveland, Ohio in search of work and a new beginning. She gradually adjusted to her new community and made close friends in school. She was a diligent, energetic student, and her natural curiosity about life never faded.

After high school, she began working at the Federal Reserve Bank in downtown Cleveland. In 1921, she met and married the love of her life, Frank Broz. Together, they settled in Fairview Park, where they raised their daughters, Ellyn and Patricia. Though her beloved Frank died many years ago, she has kept his memory alive through stories, photos and through her family, which includes five grandchildren and seven great-grandchildren.

Mrs. Broz is known for her great sense of humor, great energy, positive attitude and willingness to help others whenever needed. She is self-educated, an avid reader, and her passion for learning is as bright as ever. She is an avid gardener and a longtime member and viewer of the Public Broadcasting Service (PBS). Moreover, it is Mrs. Broz' kindness of heart, inner light and warm smile that continues to frame her life. She loves children and animals, and they are always quickly drawn to her. She is a lifelong civic leader who was often found volunteering at PTA meetings or at the Fairview Park Women's Club.

Madam Speaker and colleagues, please join me in honor and celebration of Ann Broz, as we celebrate her 108th birthday. Her kindness, joy for living, unshakable faith and unwavering belief in the goodness of life and humanity inspires our community.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$13,721,979,465,685.30.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$3,083,553,719,391.50 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

RECOGNIZING THE LIFE AND
SERVICE OF SPC MARC
WHISENANT

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. MICA. Madam Speaker, I rise to recognize the life and accomplishments of U.S. Army Specialist Marc Whisenant.

On Friday, September 24, a Central Florida soldier lost his life in service to our Nation during a training exercise in Kuwait.

At his funeral service at the Daytona Beach Baptist Church on Saturday, October 2, our community heard wonderful recollections of how this young man, Army SPC Marc Whisenant of Daytona Beach, while only 23 years old, lived and accomplished a great deal in his lifetime. As a member of the ROTC program and 2005 graduate of Spruce Creek High School, Marc joined the U.S. Army after graduation from High School. He knew that serving in the United States military would fulfill a life goal.

In the Army, Marc found his calling as an M1A1 Armor Crewman and honorably served tours of duty in both Afghanistan and Iraq. He received recognition for his work and accomplishments as an outstanding serviceman. Many of Marc's brothers in arms have commented on what a fine soldier he was and how he always held a positive attitude—even in the toughest of conditions.

Marc was a soldier to his country, a friend to many, but most of all, he was dedicated to his family. Marc's memory will carry on in the hearts and souls of his proud parents, Jerry Whisenant and Elizabeth Cook, and his beloved sisters, Michelle and Monica.

My colleagues, please join me in recognizing the life and service to our Nation of Marc Whisenant. We are forever grateful as a Nation for Marc's service and sacrifice, and my deepest condolences are extended to his parents, family and friends.

RECOGNIZING TENDAJI W. GANGES
AND THE OFFICE OF EDUCATIONAL
OPPORTUNITY INITIATIVES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. KILDEE. Madam Speaker, on October 28, the Office of Educational Opportunity Initiatives at the University of Michigan-Flint celebrated its 15th year.

The Office of Educational Opportunity Initiatives was established in 1995 as part of Student Support Services. Its Mission statement is: The mission of EOI is to foster changes in institutional services and climate enhancing the ability of the University of Michigan-Flint to identify, recruit, serve and graduate students of diverse backgrounds with a particular emphasis on students from under-represented groups including non-traditional, educationally and economically disadvantaged, and those from urban and rural areas where college access and completion rates are significantly below the national average.

The Office operates 5 pre-college programs, 5 college programs and a diversity unit. Over the past 15 years the Office has expanded and now serves over 2,000 students annually.

Mr. Tendaji W. Ganges serves as the Executive Director of the Office of Educational Opportunity Initiatives. A product of the "Upward Bound" program implemented by the Higher Education Act of 1965, Mr. Ganges credits

early college exposure to his success. He works tirelessly to enhance the access, impact and achievement of underrepresented groups in higher education. Mr. Ganges is an active participant in over 30 local and regional organizations. He is deeply committed to creating a gateway to higher education for all.

Madam Speaker, it gives me great honor to recognize the Office of Educational Opportunity Initiatives and Mr. Tendaji W. Ganges for their work with the educationally and economically disadvantaged. Mr. Ganges and his staff are deeply committed to turning the dream of higher education into reality for thousands of students. I congratulate them on 15 years of successful work and hope they continue assisting students for many, many years to come.

IN RECOGNITION OF THE 50TH
WEDDING ANNIVERSARY OF
HARRIS AND JOSEPHINE SMITH

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. ROGERS of Alabama. Madam Speaker, I would like to pay tribute to a very special occasion today, the 50th wedding anniversary of Harris and Josephine Smith.

Harris was born July 12, 1941, and Josephine was born March 14, 1943, both in Ohatchee, Alabama. They first met at Ohatchee High School when he was in the 8th grade and she was in 6th grade.

On December 9, 1960, they were married in Ohatchee.

The couple raised one son, Robert Smith. Mr. Smith worked as an engineer with the Alabama Department of Transportation for 37 years. Mrs. Smith was a Business Education Teacher in the Calhoun County Schools for 30 years. Both are active in their church with Harris serving as a Deacon and Josephine playing the piano.

The Smiths are proud grandparents of Courtney Smith and Cassidy Smith.

On December 3rd, an anniversary celebration and dinner party will be held at Hill Crest Baptist Church in Anniston, Alabama with over 100 friends and family members.

I salute this lovely couple on their 50th year of their life together and join their family in honoring them on this special occasion.

HONORING WORLD WAR II
VETERAN ALBERT BROWN

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in honoring Mr. Albert Brown, a World War II veteran and Bataan Death March survivor who, after celebrating his 105th birthday on October 26, is reported to be the oldest living veteran of World War II.

Albert Brown was born in North Platte, Nebraska, in 1905. After his father was killed in

a railroad explosion, Albert's family moved to Council Bluffs, Iowa, where he was a four-letter athlete in high school as well as a member of the ROTC. Albert went to Creighton University where he again excelled in athletics, continued his ROTC training and received a degree in dentistry.

In the late 1930's, as the world was preparing for war and Albert Brown was raising his family and building his dental practice, he received the call to report for active military duty. After training recruits at different army bases in the U.S., Albert shipped off to the Philippines in 1941, just before the attack on Pearl Harbor. He was with the force of nearly 70,000 Allied troops that surrendered to the Japanese in Bataan and he became part of the infamous Bataan Death March.

One of Albert's personal recollections of the Death March was when he faltered and wound up at the back of the line of prisoners. A Japanese soldier bayoneted him in the buttocks and ordered him to speed up. After this, and witnessing what happened to others who could not keep the pace, Albert said he never got near the end of the line again.

After surviving the Death March, Albert was put on one of the ships bound for POW internment on mainland Japan. While in transport, the prisoners were again deprived of nutrition, water and medical treatment. Albert survived the transport and would spend the remainder of the war as a prisoner of war. During this time, in addition to withstanding bitter cold and lack of nutrition, Albert described routine beatings at the hands of his captors. Albert was once struck with the butt of a rifle, causing fractures in his neck and back. Medical treatment was not an option, so Albert was forced to heal on his own until he was physically able to resume labor.

After the Japanese surrender, Albert came home to the U.S. and spent two years in a hospital where doctors treated an assortment of medical ailments resulting from his years in captivity. On discharge, one of the doctors told him to go home and enjoy himself because he would surely never see 50. At 105, Albert Brown, who now makes his home in Pinckneyville, Illinois, not only proved that doctor wrong but stands as a remarkable example of indomitable human spirit and survival under the most dire of circumstances.

Madam Speaker, I ask my colleagues to join me in an expression of appreciation to Mr. Albert Brown for his dedication and tremendous sacrifice in service to his country and to wish him the very best in the future.

IN HONOR OF THE 35TH ANNIVERSARY
OF OHIO CITIZEN ACTION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. KUCINICH. Madam Speaker, I rise today in recognition of the 35th Anniversary of Ohio Citizen Action, a non-profit, grassroots, non-partisan, citizen action organization whose main focus is protection of our environment.

Founded in 1975, Ohio Citizen Action has 80,000 members of all ages and backgrounds.

Ohio Citizen Action inspires action and involvement through door-to-door and phone banking campaigns that communicate news and information to communities, and empower and organize citizens on a wide range of issues and projects with a focus on making our world a better place.

From organizing against companies that violate environmental laws, to implementing the "Good Neighbor Campaign" that utilizes elements of community organizing, Ohio Citizen Action's true grassroots activism continues to inform, empower, strengthen and protect our entire community.

Madam Speaker and colleagues, please join me in honor and recognition of the members and leaders, past and present, of Ohio Citizen Action as they celebrate their 35th anniversary.

TRIBUTE TO OFFICER RYAN P.
BONAMINIO

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. CALVERT. Madam Speaker, I rise to pay tribute to a hero from my congressional district, Ryan P. Bonaminio, a Riverside Police Officer and Army veteran. Today I ask that the House of Representatives honor and remember this incredible man who died in the line of duty while serving and protecting his community.

On Sunday, November 7, 2010, Ryan was shot after pursuing a driver of a stolen vehicle, and who was also suspected of a hit-and-run in downtown Riverside. Bonaminio became the first City of Riverside police officer to die in the line of duty in ten years. He was two weeks shy of his 28th birthday.

Officer Ryan Bonaminio was born in Riverside, California on November 25, 1982. He is survived by his parents, Joseph and Geraldine Bonaminio, along with his brother Christopher and sister Nicole. After graduating from Ramona High School in 2000 he joined the U.S. Army. He served with the 314th Military Police and served in Kuwait City, Baghdad, Mosul and Umm Qasr in southern Iraq. He also served in the 282nd Base Support Battalion in Hohenfels, Germany. After his honorable discharge from the Army, Ryan returned to Riverside and joined the Riverside Police Department on July 7, 2006, and graduated from the San Bernardino County Sheriffs Academy on December 21, 2006.

Bonaminio served both in the military and in the police force with honor and distinction, and was praised by his peers and supervisors on many occasions. For his outstanding service he had been awarded several medals, including the Army Commendation Medal, National Defense Service Medal, Army Reserve Mobilization Medal, Global War on Terrorism Expeditionary Medal, Army Reserve Overseas Training Ribbon, Army Reserve Components Achievement Medal, and earned his Expert Qualification Badge-9mm pistol.

Friends and family of Officer Bonaminio describe his constant smile and generous heart. His actions on November 7th demonstrate that

he was a brave young man who was unwavering in his dedication to protect the community. It is a sad irony to think that Ryan survived overseas fighting for our country on foreign soil, only to come home and be fatally wounded protecting his home community.

The day the Bonaminio family learned of their son and brother's death was probably the hardest day they have ever faced and our thoughts, prayers go out to them. They have our deepest gratitude for their sacrifice and Ryan's service to our nation. There are no words that can relieve their pain and what words we can offer only just begin to convey our deep respect and highest appreciation.

The dangers our police officers face every day often go unnoticed and without remark. Officer Bonaminio's death is a stark reminder of the very real threats that police officers face on a daily basis protecting us and our communities. We will never know what Officer Bonaminio's future would have been but our world is certainly less bright without him in it. We all share in the loss of such a promising, courageous and truly remarkable young man. The goodness Officer Bonaminio brought to this world and the sacrifice he has made, will never be forgotten.

RITZVILLE'S NORTHERN PACIFIC RAILROAD DEPOT CENTENNIAL ANNIVERSARY

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to remember and honor Philip Ritz—founder of Ritzville, Washington—and to congratulate Ritzville's Northern Pacific Railroad Depot on its centennial anniversary.

More than 100 years ago, Philip Ritz proposed establishing a great national highway between Lake Superior and the Puget Sound. Philip testified before Congress that the route would be beneficial for transportation of troops, munitions of war, mail and freight. As a result, the Northern Pacific Railroad and Ritzville's Northern Pacific Depot became instrumental in transporting crops, promoting settlers, and creating a community in Ritzville.

Even before the construction of the railroad, in the late 18th century, the Walla Walla valley was known for harvesting over one million bushels of grain, and some of the finest quality peaches, apples, pears, plums, cherries, grapes, and sweet potatoes. These crops, after the railroad was completed, were then transported into national and international markets. With these new markets, Ritzville rapidly became the largest and heaviest grain shipping railroad station in the world.

During this industrial and agricultural revolution, many families took advantage of the thousands of acres lying unclaimed. Densely populated cities dissipated as families moved towards the great Northern Pacific expanse. Combined with timber and lumber now being more accessible by railroad, these settlers were able to build new homes at inexpensive prices.

With the settlers came more vibrant communities. Within the Ritzville community,

Ritzville's Northern Pacific Railroad Depot served as the town center. The depot agent was in charge of issuing marriage licenses and serving as the notary. Often times, important events were held in the waiting room such as polling during elections, social activities, and church services. The Depot quickly became the most important building in the town.

Today, Ritzville's Northern Pacific Railroad Depot serves as an important reminder of the role the railroad once played in farming, school, business, and town development in Ritzville, WA. Thanks to Philip Ritz, the depot was the focal point for all rail-related trade for more than 60 years. My fellow colleagues, please join me honoring Philip Ritz and congratulating Ritzville's Northern Pacific Railroad Depot on 100 years of excellent service.

HONORING FORMER WEST VIRGINIA HOUSE OF DELEGATES MEMBER BEATRICE "JACKIE" WITHROW

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. RAHALL. Madam Speaker, Jackie Withrow was an angel for the ages. She was Florence Nightingale, Susan B. Anthony and Eleanor Roosevelt all rolled into one.

If the Almighty had to pick a day to open Heaven's Gates for Jackie, none could be mean more meaningful than Veteran's Day for no one cared more or worked harder for our veterans. One estimate credited Jackie with 27,500 hours of service to our veterans.

I am sure that number would pale in comparison to all she really did over her lifetime of dedication to our veterans, taking them to church services on Sundays and planning new ways to serve them at all hours.

Many people blaze trails, and Jackie accomplished that but made sure others were able to follow her.

Jackie was always known for breaking new ceilings for women. She cared about that, of course. But I think she and the women who supported her and followed in her footsteps were proudest of the issues on which they could command attention in their day, like health care. Health care was on Jackie's radar screen from the beginning—for our miners, our children, and those needing mental health services.

Senator Bill Wootton led the charge to make sure we would forever be reminded of her trailblazing leadership by appropriately naming a hospital for her.

Bill spoke of "Mercy" and "Justice" to describe Jackie's contributions to us. To those we must surely add, "Commitment" and "Dedication."

Her public service never wavered. Although she served in our state's legislature for a generation, her longest public service was as a good citizen and dependable neighbor.

Long out of office, Jackie continued opening doors of opportunity and opening the eyes of the rest of us. Always with a warm heart and determined will, Jackie Withrow changed our world for the better.

Jackie's lasting legacy to each of us was her fierce loyalty to what she believed in the most—the "least" of us, as Christ taught. And, we recall the loyalty of Ruth in the Old Testament as we celebrate Jackie's loyalty to those who needed her hand and hope the most:

"Do not press me to leave you or to turn back from following you!

Where you go, I will go;

Where you lodge, I will lodge;

Your people shall be my people and your God my God.

Where you die, I will die

There I will be buried.

May the Lord do thus and so to me

And more as well

If even death parts me from you!"

Next to my family, Jackie was my earliest and strongest supporter. I will celebrate Jackie's life the rest of my days. I know countless others will never be far from her firm hand of friendship, her warm smile of compassion, and that ever present twinkle in her eye of figuring out how she was going to help.

My family and I offer Jackie's family and her many friends our thoughts and prayers, as we all celebrate this extraordinary woman's life.

HONORING W.W. "BILL" ASTON

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, it is with a sad heart that I rise to recognize the passing of W.W. "Bill" Aston, a model citizen—veteran, community advocate, civic leader, volunteer, and devoted health care expert from Dallas, Texas, who passed away on July 8, 2010, at age 82.

Mr. Aston lived in multiple locations in Texas from the Rio Grande to the Red River, throughout central Texas and in Arkansas and Oklahoma before coming to Dallas. He served in the U.S. Navy in the South Pacific in 1945–46. After he was discharged from the Navy in 1946, Bill went to work for Dallas Power & Light Company, where he worked for 40 years before retiring in 1986. He worked in overhead construction, human resources, advertising, sales, customer relations, and public relations at DP&L before becoming president, a position he held until retirement.

Mr. Aston was active in many volunteer activities, locally and nationally, with a focus on health care. He served as board chairman of the American Heart Association's Dallas Chapter and Texas Affiliate before becoming board chair of the national organization. During his many years of service to the American Heart Association, he was proud of the progress made in reducing mortality rates from cardiovascular diseases through educating the public about the risk factors—smoking, elevated blood pressure, lack of exercise, cholesterol, salt, stress, and obesity.

He has served the Baylor Health Care System for over 20 years at various times as board chair of Baylor University Medical Center, board chair of Baylor Heart and Vascular Hospital, and a board member of the Baylor Health Care System. At Baylor, he authored a resolution calling for continuous improvement

of the delivery system for high quality, safe patient care which was adopted by all Baylor Health Care System facilities.

Since the 1940s, he has also served other organizations such as: Chairman of City of Dallas Civil Service Commission, DART board member, officer or board member of Dallas Zoological Society, Dallas Ballet, Dallas Summer Musicals, The Science Place, Camp Fire Girls, Dallas Advertising League, Dallas County Community College System, Public Relations Society of America, Dallas Assembly, State Fair of Texas, United Way and Texas Health Care Trustees.

Bill graduated with honors from SMU's Cox School of Business with a BBA degree and was a member of Beta Gamma Sigma. He served as president of SMU's Alumni Association and as a member of the Executive Board of SMU's Lyle School of Engineering. He was a long-time active member of Rotary, and served as president of the Dallas Rotary Club and district governor of Rotary International. Bill also served for 18 years as a volunteer driver on the McKinney Avenue Trolley.

He received many awards and recognitions: The American Heart Association's Dwight D. Eisenhower Award as Volunteer of the Year for Texas, Brotherhood Citation Award from the National Conference of Christians and Jews, Distinguished Alumni Award from SMU, Founders Award from the Texas Health Care Trustees, Trustee of the Year Award from the Dallas County Medical Society and Distinguished Health Service Award from the Dallas-Fort Worth Hospital Council.

Most recently, the Board of Trustees of Baylor Health Care System established the "Bill Aston Annual Award for Quality" which will be awarded by the Texas Hospital Association for the first time in 2011.

Madam Speaker, there simply isn't space in this tribute to fully capture Mr. Aston's contributions to our community. He was uniquely American—a dreamer, a doer, a giver, a lover of life. In short, he was a community treasure.

I join so many North Texans in mourning W.W. Aston's passing, and in extending condolences to his wife of 62 years, Evelyn, and family and friends. You are all in our prayers.

RECOGNIZING THE 18TH ANNUAL MULTICULTURAL DIVERSITY DAY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. KILDEE. Madam Speaker, I rise today to recognize the 18th Annual National Multicultural Diversity Day celebration that was held in my hometown of Flint Michigan. A multicultural dinner and program were held on October 11th to kick off events celebrating diversity in our country.

Cleora Scruggs presented the idea of creating a National Multicultural Diversity Day to the National Education Association 1993 Representative Assembly. Cleora developed this proposal to teach students about the contributions of persons from a wide variety of ethnic and cultural backgrounds. Her proposal was adopted and educators across our nation use

the third Monday of October to kickoff diversity programs. Now retired, Cleora was honored by the National Education Association in 2000 with the Martin Luther King Jr. Memorial Award for her ongoing efforts to advance the teaching of multiculturalism in our schools. She continues to make presentations and visit schools, spreading the idea that diversity is strength, not weakness.

Madam Speaker, the celebration held last month was themed, "Valuing Multicultural Diversity," and was highlighted by ethnic displays, performances, foods and speakers. I commend Cleora Scruggs and the National Multicultural Diversity Institute for their work promoting understanding, appreciation and acceptance of persons of different ethnic backgrounds. Through their efforts students, parents and educators will have increased insight into our world and a deeper understanding of people.

IN HONOR OF NATIONAL PHILANTHROPY DAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor of National Philanthropy Day, a day dedicated to the millions of Americans who donate their time, money and talents to improving the lives of others. They ask for no reward for their efforts, but each year on November 15 we thank them and honor them for their work.

The Greater Cleveland chapter of the Association of Fundraising Professionals has selected three individuals and two organizations to recognize for their contributions. This year, awards go to youth leader Shannon Visconti, philanthropist Deborah Ratner, fundraising volunteer William D. Ginn, the Community West Foundation and the Third Federal Savings and Loan. Each has made an outstanding contribution to the wellbeing of our community.

Having chosen to dedicate their time and/or money to help meet a greater need, they lead by example, inspiring those within their reach to do the same. Such generosity, dedication and humility nurtures the individual and the collective.

Madam Speaker and colleagues, please join me in honor and recognition of these admirable community leaders, as well as countless others like them who work unrecognized in cities and towns throughout the country.

HONORING DR. MICHAEL I. JORDAN

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Ms. LEE of California. Madam Speaker, I rise today to honor Dr. Michael I. Jordan, who this year was inducted as a Fellow into both the National Academy of Engineering and the National Academy of Sciences, a dual honor

that has not been achieved in the past 150 years. In the sheer rarity of earning two invitations into separate Academies in the same year, Dr. Jordan distinguishes himself in the international science community, as well as in our Bay Area constituency, for his immense contributions to academia and the greater good.

After receiving a bachelor's degree, magna cum laude, in Psychology from Louisiana State University in 1978, Dr. Jordan went on to complete a master's degree in Mathematics (Statistics) at Arizona State University and a PhD in Cognitive Science from the University of California, San Diego. Prior to being recruited to the University of California, Berkeley in 1998, Dr. Jordan served for 10 years as a faculty member of the Department of Brain and Cognitive Sciences at the Massachusetts Institute of Technology.

Dr. Jordan currently serves as the Pehong Chen Distinguished Professor in the Department of Electrical Engineering and Computer Science and the Department of Statistics at the University of California, Berkeley. Dr. Jordan's scholarly work focuses on statistical machine learning, Bayesian nonparametric statistics, graphical models, as well as human motor control and speech production. Additionally, he has authored or edited over 100 peer-reviewed scientific articles, 39 book chapters and six books.

Dr. Jordan is a devoted member of many professional organizations and has received myriad accolades throughout his career, including the 2009 ACM/AAAI Allen Newell Award and the 2006 IEEE Neural Networks Pioneer Award. He is also a Fellow in the American Association for the Advancement of Science and President of the International Society for Bayesian Analysis (2010–2011).

Moreover, Dr. Jordan's status as an internationally recognized, eminent scientist has allowed him to travel throughout the world to provide hundreds of invited lectures and scientific presentations at refereed conferences.

On behalf of California's 9th Congressional District, I want to thank Dr. Michael I. Jordan for his groundbreaking scientific work. We congratulate Dr. Jordan on his acceptance into both The National Academy of Engineering and the National Academy of Sciences, and wish him the very best in his future endeavors.

JOHN HALLMARK ROBERTSON

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. SALAZAR. Madam Speaker, I rise today to pay tribute to John Hallmark Robertson, of Branson, CO, who passed away on August 17th, 2010.

John was born in Branson, CO on February 14th, 1922 to Lon and Nettie (Hallmark) Robertson. He had two older sisters, Louise and Georgie, and grew up primarily in the area he ranched most of his life. He went to school at Tobe and Kim CO, graduating from Kim in 1941. Following graduation John enlisted in the Navy and served as sonar operator on an anti-submarine patrol in the South Pacific during WWII. After the war he came home and

began work at putting together the ranch and home that he would enjoy for the remainder of his life.

John married June Green of Branson, CO on September 14th, 1950 in La Junta, CO. Together they raised their five children on the ranch that John and his father started. The ranch was his livelihood, his treasure, his church, and his responsibility and he didn't take any of those lightly. John was proud of his children and their accomplishments and the fact that they all learned to stand up for themselves and their families. He enjoyed being around, playing with and talking to his 14 grandchildren and 18 great-grandchildren.

He was an ardent supporter of the opposition effort against the expansion of the Piñon Canyon maneuver site. He spent countless hours writing letters and poems that were printed regularly in many of the newspapers in the area in an effort to help people understand the potential atrocity. Although John preferred and felt it necessary to work every day, a hobby of sorts in later years came from his love of cutting wood and posts with his chainsaw. No matter the time of year or the temperature, relaxation for him consisted of gassing and sharpening up his saw and spending an entire morning in "the cedars" cutting wood or posts.

He will be missed, and my thoughts and prayers go out to his family during this difficult time.

IN HONOR OF TOMMY IRVIN,
GEORGIA COMMISSIONER OF AGRICULTURE

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor Tommy Irvin, an accomplished public servant and a personal friend. He is retiring after devoting over 40 years to his state and country, serving as the Georgia Commissioner of Agriculture.

His 54-plus years of public service began in 1956, when he was elected to the Habersham County Board of Education. From there, he went on to serve as Chairman of the School Board and President of the Georgia School Boards Association. Throughout his time in public office, he has remained dedicated to educational advancement in the State of Georgia, and as such, he is an honorary Lifetime Member of the Parent-Teacher Association of Georgia and the Georgia School Food Service Association.

Commissioner Irvin continued his commitment to education during his four terms representing Habersham County in the Georgia General Assembly. He served on the House Agriculture, Education, & Appropriations Committees and as the Chairman of both the House Industrial Relations Committee and the Governor's Conference on Education. In addition, he was the Governor's Floor Leader and Executive Secretary to the Governor.

He is the longest serving statewide official in Georgia, having been appointed Commissioner of Agriculture in 1969 by Governor Les-

ter Maddox. Commissioner Irvin is the only Georgian to serve as President of the National Association of State Departments of Agriculture.

In addition to serving as the President of the Southern Association of State Departments of Agriculture, he served two terms as the President of the Southern United States Trade Association, an organization which he helped found to promote the export of Southern food and agricultural products.

Commissioner Irvin has received many honors throughout his distinguished career, including the Progressive Farmer Magazine Man-of-the-Year in Service to Agriculture, the National Award for Agricultural Excellence by the National Agri-Marketing Association, the National Future Farmers of America Honorary American Farmer Degree, and the Southeastern Poultry and Egg Association's "Workhorse of the Year" award, which is considered to be the most prestigious recognition bestowed by the poultry industry.

He has been inducted into the Halls of Fame of many organizations, including National 4-H, Georgia Agrirama, Vidalia Onion, Georgia Seed Association, Habersham County, Hall County, and University of Georgia College of Agriculture.

He has received the University of Georgia College of Veterinary Medicine's Distinguished Service Award. He received the Richard B. Russell Public Service Award, the Jefferson Jackson Day HOPE Award, and most recently received the American Farm Bureau Federation's Distinguished Service Award for his service as an agriculture leader with merit and distinction.

Commissioner Irvin set up an international trade division in his department and pursued markets for Georgia's agricultural producers in the Soviet Union, China and Cuba. His initiative has inspired other states to follow his lead, and the United States Department of Agriculture and leaders in other countries have sought to emulate Georgia's procedures to eradicate animal diseases, and control plant pests.

Madam Speaker, the State of Georgia, especially the agriculture community, and our nation have greatly benefitted from the tremendous leadership of Tommy Irvin. He will be remembered for his ingenuity and dedication. His many awards are well earned and he leaves an unparalleled legacy as he retires.

IN MEMORIAM: FIRST
LIEUTENANT MARK NOZISKA

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. FORTENBERRY. Madam Speaker, last Friday, 24-year-old Army First Lieutenant Mark Noziska was laid to rest at West Lawn Memorial Park Cemetery in Grand Island, Nebraska. He was killed on August 30 near Malajat, Afghanistan, following an IED attack on his patrol. His decorations include the Bronze Star, Purple Heart, and Army Commendation Medal.

Lieutenant Noziska was born in Grand Island, and attended high school in Papillion. He

enlisted in the Army National Guard in March 2004, before he graduated from high school that year. He was named Nebraska Soldier of the Year in 2005, and after graduating from the University of Nebraska-Omaha in 2008, earned his commission. His love of Husker football was well-known among his family and friends, many of whom wore "Husker Red" to his funeral. He also loved the Army. He planned a lifelong career of service to our nation, and hoped to one day become a General.

While Lieutenant Noziska's life was tragically cut short, it is clear that he touched and inspired so many of those around him, including the many people from the local community who lined the streets to honor his service and memory. May God bless Lieutenant Noziska and his family, and all our nation's fallen soldiers.

TRIBUTE TO RICHARD MICHAEL
"MUGGS" MCGINNIS

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the life of an outstanding individual, Richard Michael "Muggs" McGinnis, who retired this year after over 3 decades of service as a teacher, coach and youth sports official in my hometown of Paterson, New Jersey. Mr. McGinnis will be honored by his admirers at the Brownstone in Paterson on Friday, October 22nd.

Mr. McGinnis was born and raised in Paterson, where he attended Don Bosco Technical and Vocational High School. At Don Bosco Tech, he was actively involved in Student Government and the National Honor Society. However, his true passion lay in sport. He earned recognition for representing his school on the soccer field, basketball court, and baseball diamond.

In 1970, "Muggs," as Mr. McGinnis is affectionately nicknamed, enrolled at Montclair State College. During his first year, he played baseball for his college. However, in 1972 he chose to begin sharing his gift for athletics with others. That year, he began his long and storied coaching career, returning to his alma mater, Don Bosco, to serve as an Assistant Baseball Coach. He graduated with a B.A. in Mathematics Education from Montclair State in 1974.

Shortly after his graduation, "Muggs" earned his teaching certification and started sharing his considerable intellectual gifts. He began working full-time at Don Bosco teaching mathematics and was promoted to Mathematics Department Chairperson after just one year.

In 1980, "Muggs" moved to John F. Kennedy High School where he also taught math and coached soccer and baseball. He also coached soccer for Ramapo College of New Jersey, worked for the City of Paterson Board of Recreation, and officiated soccer, basketball, and baseball at all levels. Beloved by his students and athletes as a coach, educator and friend, his tireless energy and enthusiasm should serve as an example for all Americans.

"Muggs" retired from JFK High School in June 2010 after 30 years of dedicated service.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to learning about and recognizing individuals like Muggs McGinnis.

Madam Speaker, I ask that you join our colleagues, Muggs' family and friends, all the students and athletes whose lives he has touched and me in recognizing Mr. Richard Michael "Muggs" McGinnis.

COMMEMORATING THE 30TH ANNIVERSARY OF HARBOR HEALTH SERVICES OF BRANFORD

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Ms. DeLAURO. Madam Speaker, I rise today to honor the thirtieth anniversary of Harbor Health Services in Branford, Connecticut.

A mental health clinic that has served the Branford community with conviction and compassion for thirty years now, Harbor Health always works hard to put individuals and their families first. They have been a model of how best to help our citizens with mental and behavioral health needs—by treating each patient with warmth, dignity, and respect.

For adults in Connecticut grappling with severe mental illness or serious substance abuse disorders, Harbor offers a wide range of treatment and rehabilitative services for all stages of recovery. They know that each person who walks through their doors is a unique case, deserving of individualized care and a specialized plan of recovery.

What's more, Harbor Health goes the extra mile in helping mentally ill citizens reintegrate with the community at large, through social rehabilitation, such as working to improve communications skills, and important vocational rehabilitation programs, such as job training and career counseling.

I applaud Harbor Health Services for reaching this important milestone, and I honor their tireless service, day in and day out, on behalf of Connecticut families. Congratulations on thirty years.

IN MEMORY OF DR. HERMAN D. JAMES, BELOVED PRESIDENT OF ROWAN UNIVERSITY

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. ANDREWS. Madam Speaker, I rise today to honor the life and memory of Dr. Herman D. James of Voorhees, New Jersey, who died of heart failure in his home on October 2, 2010 at the age of 67. He is survived by his wife Marie, three children and two grandchildren. Dr. James' life and work left a lasting impression on the Rowan University community.

Originally from St. Thomas in the U.S. Virgin Islands, Dr. James relocated to Harlem, New

York with his family at the age of ten. As a young man, he developed a love of jazz music, which he later shared with the listeners of Rowan University's radio station, WGLS-FM. Dr. James went on to graduate from Tuskegee University in 1964 with a bachelor's degree and later earned his doctorate in sociology from the University of Pittsburgh.

Becoming the fifth president of the former Glassboro State College (now Rowan University) in 1984, Dr. James began his legacy of striving for academic improvement. Under his leadership, Rowan University saw the launch of its college of engineering as well as the first doctoral program available at a New Jersey state college. Dr. James was also the pioneer of fund-raising for state colleges, resulting in the \$100 million donation by Henry and Betty Rowan, the largest gift to a public college at that time. Through the generosity of the Rowan family, Dr. James was able to construct a building for the college of engineering while transforming Rowan University into a more residential campus. Dr. James' love of the classroom persisted even after his retirement from the position of president in 1998, teaching sociology and educational leadership classes up until last year.

Madam Speaker, Dr. Herman D. James' commitment to Rowan University and its students should not go unrecognized. I express my deepest condolences to his family for their loss and pay tribute to the memory of this outstanding individual.

HONORING REDWOOD COMMUNITY ACTION AGENCY HUMBOLDT COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. THOMPSON of California. Madam Speaker, I rise today in recognition of the 30th Anniversary of Redwood Community Action Agency (RCAA) in Eureka, California. Since its establishment in 1980, RCAA has been a leader in serving Humboldt County's low- and moderate-income residents. The agency has developed programs that help people become more self-sufficient and empowered to improve their own lives. Over the years, thousands of individuals, families and children have received assistance and, in return, given back to our community.

Redwood Community Action Agency has implemented a wide range of services that create jobs, provide affordable housing, assist with housing rehabilitation support families and at-risk youth and improve home energy efficiency. They have provided emergency shelter for the homeless, job training and employment readiness programs and promoted the health of our communities and watersheds through habitat enhancement and multi-use trail networks. Through their innovation, commitment, expertise and diligence, they have brought millions of dollars into our community over the past thirty years.

Redwood Community Action Agency is an extraordinary example of success. Through their effective collaboration with other organi-

zations and governmental entities they identify social and environmental needs, work to improve current services and seize every opportunity to serve low- and moderate-income people in our region.

Madam Speaker, it is appropriate at this time that we honor the accomplishments of the Redwood Community Action Agency on the occasion of their 30th Anniversary and wish them continued success in bringing hope and opportunity to Humboldt County, California.

TRIBUTE ON THE BIRTH OF MATILDA ANN GRAHAM ROSSBACH

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. WILSON of South Carolina. Madam Speaker, I am happy to congratulate Jason Rossbach and his wife Laurie on the birth of their new daughter Matilda Ann Graham Rossbach. Matilda was born on November 2, 2010, and is named after her two grandmothers.

She is 7 pounds and 20 inches of pride and joy to her parents, who I wish all the best with this new blessing.

IN RECOGNITION OF DELLA O. WEBB

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition to Della O. Webb who celebrated her 103rd birthday September 15th.

Ms. Webb was born into a family of eight brothers. Her father was a sharecropper. She was raised in Alexandria, Alabama where she helped pick cotton and walked three miles to school every day.

Della married the late Ira W. Webb on October 21, 1923, and raised four children: Donald, Margaret, Doris and Judy in Blue Mountain. Ira worked in the local pipe shop and Della worked at Blue Mountain Cotton Mill and later in the school lunch room.

She attended church at Edgewood Church in Blue Mountain, and later helped start Saks Baptist Church where she was active in her Sunday school class and the quilting group.

I wish Ms. Webb a very happy birthday and many more.

TRIBUTE TO JOSEPH N. DIVINCENZO, JR.

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 2010

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the deeds of an

outstanding individual, Mr. Joseph N. DiVincenzo, Jr., who will be recognized on October 23, 2010, by the Columbian Foundation for his many years of service working to reform Essex County's finances while improving its facilities.

Joe first entered into public office in Essex County as a member of the Essex County Board of Chosen Freeholders, a position which he held for 13 years. For eight of those 13 years, Joe served as the President of the Board. In 2003, Joe took office as the fifth Essex County Executive, a position which he continues to hold after being re-elected in 2006.

In the seven and one-half years since he took office, Joe has drastically changed the face of Essex County. He has successfully reduced government inefficiency by cutting expenditures and eliminating unnecessary contracts.

With the money that he has saved through these calculated spending cuts, Joe has been able to fund improvements to the community. He opened an Environmental Center, aided in the expansion and improvement of the Turtle Back Zoo, guided the restoration of the historic Courthouse, and revamped the Government Complex.

In addition, Joe has worked to assist the community through the construction of a new correctional facility in Newark, a new psychiatric hospital center in Cedar Grove and a new prosecutor's crime scene investigative headquarters.

Another commitment Joe has followed through on has been to clean up and expand the county's parks, playgrounds and preservation areas to improve the common space for all citizens.

Joe has also been dedicated to the issue of ethical reform. He established an Ethics Board and created the position of Inspector General to ensure that there is a high standard for ethical behavior in local government and businesses within Essex County.

Joe has been an outstanding leader in the community whose actions as an Essex County Executive have changed the county for the better. I know he will continue to strive for the same goals in the future.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to working with and recognizing the efforts of dedicated community servants like Joseph DiVincenzo, Jr.

Madam Speaker, I ask that you join our colleagues, the residents of Essex County, the Columbian Foundation, Joe's family and friends, and me in recognizing Joe DiVincenzo's outstanding service to his community.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Com-

mittee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, November 16, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 17

Time to be announced

Health, Education, Labor, and Pensions

Business meeting to consider S. 3817, to amend the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the Abandoned Infants Assistance Act of 1988 to reauthorize the Acts, S. 3199, to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss, S. 3036, to establish the Office of the National Alzheimer's Project, S. 1275, to establish a National Foundation on Physical Fitness and Sports to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports, H.R. 5710, to amend and reauthorize the controlled substance monitoring program under section 3990 of the Public Health Service Act, H.R. 2941, to reauthorize and enhance Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers, S. 259, to establish a grant program to provide vision care to children, and the nominations of Anthony Bryk, of California, Robert Anacleto Underwood, of Guam, Beverly L. Hall, of Georgia, and Kris D. Gutierrez, of Colorado, all to be a Member of the Board of Directors of the National Board for Education Sciences.

Room to be announced

9:30 a.m.

Foreign Relations

To hold hearings to examine the nominations of Thomas R. Nides, of the District of Columbia, to be Deputy Secretary for Management and Resources, William R. Brownfield, of Texas, to be Assistant Secretary for International Narcotics and Law Enforcement Affairs, and Suzan D. Johnson Cook, of New York, to be Ambassador at Large for International Religious Freedom, all of the Department of State, and Paige Eve Alexander, of Georgia, to be an Assistant Administrator of the United States Agency for International Development.

SD-419

10 a.m.

Commerce, Science, and Transportation

To hold an oversight hearing to examine Transportation Security Administration.

SR-253

Environment and Public Works

To hold hearings to examine Water Resources Development Act of 2010, focusing on legislative and policy proposals

to benefit the economy, create jobs, protect public safety and maintain America's water resources infrastructure.

SD-406

Finance

To hold hearings to examine strengthening Medicare and Medicaid, focusing on taking steps to modernize America's health care system.

SD-215

Judiciary

To hold hearings to examine Violence Against Women Act's (VAWA) transitional housing programs to victims of domestic and sexual violence.

SD-226

10:30 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine securing critical infrastructure in the age of Stuxnet.

SD-342

2:30 p.m.

Commerce, Science, and Transportation Communications and Technology Subcommittee

To hold hearings to examine television viewers, retransmission consent, and the public interest.

SR-253

Judiciary

To hold hearings to examine the nominations of Max Oliver Cogburn, Jr., to be United States District Judge for the Western District of North Carolina, Marco A. Hernandez, and Michael H. Simon, both to be United States District Judge for the District of Oregon, and Steve C. Jones, to be United States District Judge for the Northern District of Georgia, and Michele Marie Leonhart, of California, to be Administrator of Drug Enforcement, Patti B. Saris, of Massachusetts, to be a Member and Chair of the United States Sentencing Commission, and Stacia A. Hylton, of Virginia, to be Director of the United States Marshals Service, all of the Department of Justice.

SD-226

3:30 p.m.

Armed Services

To receive a briefing on the net assessment of Russian and United States strategic forces in support of the New Strategic Arms Reduction Treaty.

SVC-217

NOVEMBER 18

9:30 a.m.

Armed Services

To hold hearings to examine the nominations of General Claude R. Kehler, USAF, for reappointment to the grade of general and to be Commander, United States Strategic Command, and General Carter F. Ham, USA, for reappointment to the grade of general and to be Commander, United States Africa Command.

SH-216

Foreign Relations

To hold hearings to examine United States global competitiveness and national economic security.

SD-419

Indian Affairs

Business meeting to consider pending calendar business; to be immediately followed by a hearing to examine H.R. 4347, to amend the Indian Self-Determination and Education Assistance

Act to provide further self-governance by Indian tribes.

SD-628

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine transition and implementation, focusing on the NASA Authorization Act of 2010.

SR-253

Judiciary

Business meeting to consider S. 3675, to amend chapter 11 of title 11, United States Code, to address reorganization of small businesses, S. 2888, to amend section 205 of title 18, United States Code, to exempt qualifying law school students participating in legal clinics from the application of the general conflict of interest rules under such section, S. 3804, to combat online infringement, S. 3728, to amend title 17, United States Code, to extend protection to fashion design, S. 1598, to amend the National Child Protection Act of 1993 to establish a permanent background check system, and the nominations of Robert Neil Chatigny and Susan L. Carney, both of Connecticut, both to be United States Circuit Judge for the Second Circuit, Amy Totenberg, to be United States District Judge for the Northern District of Georgia, James Emanuel Boasberg and Amy Berman Jackson, both to be United States District Judge for the District of Columbia, James E. Shadid and Sue E. Myerscough, both to be United States District Judge for the Central District of Illinois, James E. Graves, Jr., of Mississippi, to be United States Circuit Judge for the Fifth Circuit, Paul Kinloch Holmes, III, to be United States District Judge for the Western District of Arkansas, Anthony J. Battaglia, to be United States District Judge for the Southern District of California, Edward J. Davila, to be United States District Judge for the Northern District of California, and Diana Saldana, to be United States District Judge for the Southern Dis-

trict of Texas, and Frank Leon-Guererro, to be United States Marshal for the District of Guam and concurrently United States Marshal for the District of the Northern Mariana Islands, Kenneth F. Bohac, to be United States Marshal for the Central District of Illinois for term of four years, William Conner Eldridge, to be United States Attorney for the Western District of Arkansas, Charles Thomas Weeks II, to be United States Marshal for the Western District of Oklahoma, Ripley Rand, to be United States Attorney for the Middle District of North Carolina, and Charles M. Oberly III, to be United States Attorney for the District of Delaware, all of the Department of Justice, and Wilfredo Martinez, of Florida, Chase Theodora Rogers, of Connecticut, Marsha Ternus, of Iowa, and Isabel Frammer, of Ohio, all to be a Member of the Board of Directors of the State Justice Institute. Charles Thomas Weeks II, to be United States Marshal for the Western District of Oklahoma, Ripley Rand, to be United States Attorney for the Middle District of North Carolina, and Charles M. Oberly III, to be United States Attorney for the District of Delaware.

SD-226

Small Business and Entrepreneurship

To hold hearings to examine assessing the regulatory and administrative burdens on America's small businesses.

SR-428A

Veterans' Affairs

To hold an oversight hearing to examine the Veterans' Affairs and Department of Defense's integrated disability evaluation system.

SR-418

10:30 a.m.

Health, Education, Labor, and Pensions
Children and Families Subcommittee

To hold hearings to examine the state of the American child, focusing on securing our children's future.

SD-430

1 p.m.

Finance

International Trade, Customs, and Global Competitiveness Subcommittee

To hold hearings to examine international trade in the digital economy.

SD-215

2 p.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Eugene Louis Dodaro, of Virginia, to be Comptroller General of the United States, Government Accountability Office.

SD-342

Judiciary

Human Rights and the Law Subcommittee

To hold hearings to examine women's rights, focusing on United States ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

SD-226

2:15 p.m.

Foreign Relations

Near Eastern and South and Central Asian Affairs Subcommittee

To hold hearings to examine jamming the improvised explosive device (IED) assembly line, focusing on impeding the flow of ammonium nitrate in South and Central Asia.

SD-419

2:30 p.m.

Intelligence

To receive a closed briefing on certain intelligence matters from officials of the intelligence community.

SH-219

3:30 p.m.

Homeland Security and Governmental Affairs

Contracting Oversight Subcommittee

To hold hearings to examine the need for effective oversight of reconstruction contracts in Afghanistan.

SD-342

HOUSE OF REPRESENTATIVES—Tuesday, November 16, 2010

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. LORETTA SANCHEZ of California).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 16, 2010.

I hereby appoint the Honorable LORETTA SANCHEZ to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

HONORING THE LIFE AND SERVICE OF STAFF SERGEANT ADAM L. DICKMYER

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Madam Speaker, today I rise in solemn remembrance of the life of a fallen hero, Staff Sergeant Adam L. Dickmyer who grew up in Winston-Salem, North Carolina. Staff Sergeant Dickmyer was killed while serving his country in Afghanistan on October 28 when insurgents attacked his unit with an improvised explosive device near Kandahar.

Staff Sergeant Dickmyer was assigned to the 2nd Battalion, 502nd Infantry Regiment, 2nd Brigade Combat Team, Fort Campbell, Kentucky. From 2003 until 2009, he served at the Tomb of the Unknowns in Arlington National Cemetery. Only 15 percent of those who try out for the honored, precision assignment are chosen, and some consider it the most prestigious duty of the military. Staff Sergeant Dickmyer led the changing of the guards, a ceremony he performed every half-hour with precision. The soldiers carry out

their duties 24 hours a day, 7 days a week, 365 days a year, no matter the conditions. He was deployed to Afghanistan in June after volunteering to go.

Staff Sergeant Dickmyer graduated from Carver High School where he participated in the award-winning ROTC drill team. This selfless American patriot, who paid the heaviest price for his country, will be remembered forever as a young man who was a leader and loved by many. His tragic death in the line of duty is an irreplaceable loss for his family and friends, his community, and his country.

Today we mourn with those who mourn, and we pay tribute to and honor this soldier and his inspiring life which was cut short while he was serving his country. His country owes him an immeasurable debt of gratitude for his service and his great sacrifice on the battlefield. May God's peace be with Staff Sergeant Dickmyer's family, friends, and all those who continue to mourn his death and remember his life.

RECOMMENDATIONS OF THE NATIONAL COMMISSION ON FISCAL RESPONSIBILITY AND REFORM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, I think that every Member of Congress, and especially Democrats, at this point should welcome the recommendations of the two cochairmen of the National Commission on Fiscal Responsibility and Reform. This is one of the rare, tangible, and comprehensive approaches that have come through the political process to deal with an issue that everyone should be concerned about: how we pay for what America needs amidst growing budget deficits and strains on our entitlement programs.

We must not underestimate the value of two reasonable, credible people, Erskine Bowles and Alan Simpson, both with experience on a national scale and an assignment from the President, who have recommended a combination of ways to increase revenue and deal with entitlement spending. Every independent observer feels that such a balance is a critical part of the solution. The question is what the balance should be between revenue increases, budget and benefit cuts, and most critical of all, how we change doing business. The reform and evolution of our

government's role is central. Unless we can change the way we do business—Medicare, defense, agriculture—no amount of tax increase or program cuts will get America to where we need to be with our economy and government services.

This is the debate that we Democrats, especially those who are in the center or left of center, should welcome. This is what the majority of the American public and independent observers without an axe to grind believe to be the real issues. This is a debate that certainly has not occurred on the national level, especially during the election, but it should have. I, for one, will resist the efforts to reject out of hand the cochairmen's proposals before they have even worked their way through the commission. Instead, I will focus on areas where I think agreement can be built across the political spectrum and, most important, with the American public.

In a period of spiraling deficits and reductions in government services, how high a priority is a mortgage interest deduction on expensive third homes? Do we need to spend billions of dollars protecting West Germany from the Soviet Union when both countries ceased to exist more than two decades ago, and it has been more than half a century since the end of World War II?

Many candidates who ran under the Tea Party banner have argued against the lavish, unnecessary system of agricultural subsidies that are bad for the taxpayers, bad for the environment, and shortchange most of America's small farmers and ranchers. This has been an area where Republicans and Democrats alike have labored for reform; and in some areas, we have been joined by President Obama. Don't we see the potential for a coalition to get this across the finish line?

Yes, by all means, debate the rebuilding and renewing America. This was a great point in the report. There will, for example, be high-speed trains in America in the next 20 years. The question is: Will Americans invest and build them? Or will they be built, financed, and operated by the Chinese? What is the price of our high-speed rail connections managed by foreigners, and we pay them for the privilege? This is why I hope that people across the country, especially Democrats and, in particular, our leaders, move to embrace areas of agreement.

To be sure, there are areas that I find problematic. There are some with which I strongly disagree. But they

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

shouldn't merit rejection of the whole package before we even have the debate. Instead, I welcome the opportunity to discuss, debate, and analyze elements on which we don't see eye to eye. How about some good old-fashioned, if somewhat boring, civic education and discourse? It is, after all, only the future of our Nation that is at stake.

GRANDFATHERING HEALTH PLANS AND 1099 REPORTING MANDATES

The SPEAKER pro tempore (Mr. INSLEE). The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

Mr. STEARNS. Mr. Speaker, we are 8 months into the passage of the more than 2,000-page health care bill, and already we are beginning to see some of the problems that the new health care law brings with it.

When Congress passed the massive health care bill, I said that it would lead to millions of Americans losing their current health care plan. I was so concerned about this happening that I offered an amendment to the bill in the Energy and Commerce Committee markup and at the Rules Committee to protect people's health care plans. It was a very simple amendment. It stated, "Nothing in this act shall be construed to prevent or limit individuals from keeping their current health coverage." This amendment was voted down in committee, and the Rules Committee prevented it from being offered on the House floor during debate on the health care bill.

□ 1240

Fast forward now 6 months, and the Department of Health and Human Services has just issued the rules that govern grandfathered health care plans. These are health plans that existed before the passage of the ObamaCare and could continue to operate as they have without all the new costly mandates and regulation that the health czar will impose.

Unfortunately, the rule governing grandfathered health plans is so restrictive that most of the current health plans will not qualify. Businesses will be forced to buy new health plans under the control of the Federal health czar.

How many will lose their current health plan? Up to 80 percent of small businesses will be forced to buy new ObamaCare-approved health care plans. Up to 64 percent of large businesses health plans will be forced to buy the new ObamaCare approved health plans.

Now, you may wonder, where do I get these numbers? It's in the regulations. HHS' regulation on grandfathered health plans clearly states that up to 80 percent of small businesses and up to 64 percent of large businesses will simply lose their current plans. They

admit that it will force people out of their current health plans.

Health care reform should be about giving consumers more options, more choices, not forcing them out of the plans they currently enjoy.

Yet despite hurting small businesses for having health plans that do meet the high standards set by HHS, just this month the Obama administration recently gave waivers to organization health plans that do not meet the requirements of the health care plan law. These plans failed to meet the law's definition of minimal coverage.

However, the Obama administration provided waivers to up to over 100 organizations, many of them unions, who offered limited benefits health care plans that do not comply with the law. If the law is good, why do you need to provide exemptions from it?

Another problem with ObamaCare is it will require all business-to-business transactions over \$600 annually to file a 1099 IRS form. This is a massive burden on small businesses. They will be forced—this will force millions of small businesses to track all their expenditures by vendors and require small businesses to obtain taxpayer information numbers from everyone they do business with.

So, has Congress tried to fix this problem? No. In fact, Democrats have taken it a step further. The recently passed Small Business Act included a provision that would expand the 1099 reporting requirement even further to included expenditures on your rental property. This means that if you spend more than \$600 over the course of a year with a handyman for repairs or improvement, you'll need to file a 1099 form.

Imagine, if you work as a general contractor and regularly buy building materials from a hardware store, you'll need to issue the store a 1099 form. If you are a trucker and regularly buy gasoline from the same gas station, you'll need to issue that gas station a 1099 form.

It is simply wrong to require additional burdens on small businesses. Small businesses represent 99 percent of all employment firms. Small businesses employ just over half of all private sector employees and 44 percent of total U.S. private sector payroll. Small businesses have generated 64 percent of the new net jobs over the past 15 years.

Yet despite a massive recession and double digit unemployment, the administration is finding new ways to hurt small businesses and prevent job growth.

Mr. Speaker, the new Republican majority will work to create jobs and not add more regulations and burdensome paperwork and, in fact, rescind these mandates.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair

declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 43 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CUMMINGS) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God of history, yet ever-present to Your people, as the sunlight is diminished, hot winds of pundits and prophets blow across the land. People complain with increasing volume to one another, but they are not seen crying out to You.

Jeremiah, traditionally the man of tears, has a teaching for people of this information age, how to truly lament. His faith in You is more powerful than any terrorist attack, so he refuses to be negative. The signs of corruption and ruins of former days surround him, but he never allows doubt in You. They are only the consequences of the sinful actions found in the powerful and poor alike.

So believing in the same divine providence which enlightened this Nation's Founders, Jeremiah says:

"Wise men should not boast of their wisdom, nor strong men of their strength, nor rich men of their wealth. If anyone wants to boast, he should boast that he knows and understands Me. He knows My love is constant, and I do only what is kind and just. These are the things that please me. I, the Lord, have spoken."

Let those who hear the Word of God say: "Amen."

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Louisiana (Mr. FLEMING) come forward and lead the House in the Pledge of Allegiance.

Mr. FLEMING led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

FULL BODY SCANNERS VIOLATE FOURTH AMENDMENT

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, a trip to the airport these days leaves Americans with embarrassing choices. Law-abiding citizens can bare it all through a peekaboo body scanner—or they can get groped in a pat-down search by a Federal employee. Now that's a real choice.

There is no evidence these new body scanners make us more secure. But there is evidence that former Homeland Security Chief Michael Chertoff made money hawking these full body scanners.

The underwear bomber tried to blow up a plane over Detroit last Christmas. Shortly thereafter, Chertoff went on a media tour promoting the full body scanners. This former Homeland Security chief told everyone we had to have the full body scanners at airports to be safe. Too bad he didn't disclose he was getting paid to sell these intrusive devices. Isn't that lovely?

Meanwhile, the populace is giving up more rights in the name of alleged security. These body scanners are a violation of the Fourth Amendment right against unreasonable searches and seizures. There must be a better way to have security at airports than taking pornographic photographs of our citizens, including children, and then giving apparent kickbacks to political hacks.

And that's just the way it is.

EXTEND ALL TAX CUTS

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, in just a few weeks, the Obama tax hike time bomb, otherwise known as the expiration of the current tax cuts, will explode, resulting in the highest single tax increase in U.S. history.

For some, it is tempting to accept the argument that increasing taxes on upper incomes and small businesses will solve our deficit problems. However, any clear-thinking American knows that confiscating more money from Americans through taxes to feed a rapidly growing government will only lead to a continued death spiral of increased taxes and expanding government. Ultimately, we will have a shrinking private sector and fewer jobs.

Mr. Speaker, on November 2, the American people spoke loudly, and they said that we are in desperate need of reform in the way this government does its business. To that end, let me suggest that instead of making tax cuts temporary and spending permanent, that we make tax cuts permanent and spending temporary. It is time for

Congress and the President to put the American people first and extend permanently all of the current tax cuts for families and small businesses in order to make this economy sound for generations to come.

VALUE-ADDED TAX

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, in May, 154 of my Republican colleagues and I sent a letter to the President's Fiscal Commission asking them to reject a new value-added tax as a way to balance the Federal budget. With top White House advisers like John Podesta and Paul Volcker talking about the need for a VAT tax, there was great concern that the Fiscal Commission would look to this tax as an easy way to raise more revenue. Last week, I was pleased to see that the cochairs released a preliminary report that did not call for a new VAT tax.

The ease with which a VAT tax can raise revenue makes it especially dangerous. The government cannot create jobs, and a VAT tax would only further deplete resources from the private sector, the true center of job growth.

Now we need to have a serious debate in Congress about the best ways to control government spending and let the private sector flourish, grow, and create sustainable jobs.

LAME DUCK SESSION SHOULD INCLUDE AIRLINE SECURITY MEASURES

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, the top priority of Congress for this lame duck session should be extending the tax cuts for all Americans in order to create jobs and get people back to work. Once this important matter is completed, I strongly encourage Congress to consider ways to protect the privacy of airline passengers while keeping air travel safe and secure.

Air travelers across America have come to expect a certain level of discomfort and anxiety when they fly; and for the most part, these American travelers are good sports and team players in the name of tight security. Recently, though, the patience and privacy of these travelers has been tested at a whole new level with full body scans. These intrusive scans are one such screening method that Congress should examine this year. I support the Aircraft Passenger Whole-Body Imaging Limitations Act, authored by Congressman JASON CHAFFETZ of Utah, to make sure the images lifted from scan-

ners are not stored, transferred, or shared.

In conclusion, God bless our troops, and we will never forget September 11th in the global war on terrorism.

CONGRESS MUST ACT TO STOP TAX HIKE

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, 2 weeks ago today, the American people registered a historic rejection of American liberalism and the agenda of this administration and this Congress. The American people said in deafening terms that they are tired of the borrowing and the spending and the bailouts and the takeovers and the tax increases of the recent past. They voted for change.

That's why it's so remarkable, Mr. Speaker, that this Congress is poised to allow one of the largest tax increases in American history to take effect in January of this year. A historic \$3.9 trillion tax increase could take effect, impacting every American, if Congress fails to act. The average tax increase will be more than \$1,500 per household. American families will see the marriage penalty reinstated, the child tax credit cut in half, and tax rates on investments and savings and inheritance will all increase.

It is absolutely imperative, if Congress accomplishes nothing else in this lame duck, that we take immediate action to make permanent all of the current tax rates. And let's be clear, this is not a debate over tax cuts. If the tax rates are not preserved permanently, it will result in one of the largest tax increases in history.

I urge my colleagues to join me in supporting legislation that we will introduce today to make those rates permanent.

□ 1410

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would ask all Members to heed the gavel.

HONORING THE SERVICE AND SACRIFICE OF LANCE CORPORAL IRVIN CENICEROS

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to honor one of America's bravest, Lance Corporal Irvin Cenicerros of Clarksville, Arkansas, who was taken from us while supporting combat missions in Afghanistan.

After graduating high school in 2007, Lance Corporal Cenicerros enlisted in the U.S. Marine Corps. Family members say it was the strength and character of the Marines that drew him to serve with the Corps, and his friends and comrades say he was a great machine gunner.

Lance Corporal Cenicerros served with the Marines all across the globe, and less than 2 weeks after arriving in Afghanistan, at the age of 21, he made the ultimate sacrifice for our great Nation.

My prayers and the prayers of the people of Arkansas are with the Cenicerros family. I humbly offer my thanks to Lance Corporal Irvin Cenicerros, a true American hero, for his selfless service to the security and well-being of all Americans.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

CONGRATULATING TARBORO, NORTH CAROLINA, ON ITS 250TH ANNIVERSARY

Ms. NORTON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1475) congratulates the town of Tarboro, North Carolina, on the occasion of its 250th anniversary.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1475

Whereas, in 1759, Joseph Howell deeded 150 acres of land along the Tar River to establish a town;

Whereas the first town commissioners Reverend James Moir, Aquila Suggs, Lawrence Toole, Elisha Battle, and Benjamin Hart laid out a town that included 121 half-acre lots surrounded by 50 acres of town common;

Whereas the North Carolina General Assembly on November 30, 1760, approved the charter of a town called Tarboro along the banks of the Tar River;

Whereas Tarboro is the 11th oldest colonial town in North Carolina;

Whereas Tarboro has the only town common outside of Boston originally chartered with the town;

Whereas President George Washington slept in Tarboro during a visit on his southern tour in 1791;

Whereas Tarboro was home to former United States Congressman George Henry White who was elected to the Congress in 1896 and 1898, and was the last African-American to serve in Congress until World War II;

Whereas Tarboro was home to Henry Lawson Wyatt, the first North Carolina soldier to die in the Civil War;

Whereas Tarboro was home to former Congressman Lawrence H. (L.H.) Fountain who served North Carolina's Second Congressional District from 1953 to 1983;

Whereas Tarboro was home to General Henry "Hugh" Shelton who served in the United States Army and served as Chairman of the Joint Chiefs of Staff from 1997 to 2001;

Whereas Tarboro is home to a 45-block historic district which was created in 1977 by the National Park Service;

Whereas the historic district boasts over 300 structures, from the residential dwellings to historic churches to original 19th century storefronts along Tarboro's Main Street;

Whereas the vibrant downtown is listed on the National Register of Historic Places;

Whereas Tarboro is known for its rich history, low crime rate, and high quality of life;

Whereas Tarboro offers extensive recreation opportunities for youth, adults, and seniors;

Whereas Tarboro is home to the Edgecombe County Veterans' Military Museum, the Tar River Paddle Trail, and the North Carolina Civil War Trail, and is a part of the Historic Albemarle Trail;

Whereas, in 1999, Tarboro was devastated by the flooding from Hurricane Floyd;

Whereas through hard work and unity, Tarboro was able to fully recover from the event to become an even stronger community; and

Whereas Tarboro today is home to approximately 11,000 residents and is known for its diversity and viable industrial base: Now, therefore, be it

Resolved, That the House of Representatives congratulates the town of Tarboro, North Carolina, on the occasion of its 250th anniversary.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Mr. Speaker, I now yield myself such time as I may consume.

Mr. Speaker, on behalf of the House Committee on Oversight and Government Reform, I am pleased to present H. Res. 1475 for consideration. This measure congratulates the town of Tarboro, North Carolina, on its 250th anniversary.

H. Res. 1475 was introduced by our colleague, the gentleman from North Carolina, Representative G.K. BUTTERFIELD, on June 24, 2010. The measure was referred to the House Committee on Oversight and Government Reform, which ordered it reported favorably by unanimous consent on July 15, 2010. The measure enjoys the support of over 50 Members of the House.

Mr. Speaker, the North Carolina General Assembly approved the Tarboro

town charter 250 years ago this month, November 30, 1760. It is one of the oldest colonial towns in the State. Its downtown is listed in the National Register of Historic Places, and it has the only town common outside of Boston to be originally chartered with the town.

It was home to such notable figures as former United States Congressman George Henry White, who was elected to the Congress in 1896 and 1898. He was the last African American to serve in Congress until World War II.

Tarboro is also the home of General Hugh Shelton, who served in the United States Army and served as chairman of the Joint Chiefs of Staff from 1997 to 2001.

Mr. Speaker, let us join together in congratulating the town of Tarboro on reaching this historic milestone. I urge my colleagues to join me in supporting H. Res. 1475.

Mr. Speaker, I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1475.

Mr. Speaker, I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and agree to the resolution. H. Res. 1475.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Ms. NORTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING BROOKLYN BOTANIC GARDEN ON ITS 100TH ANNIVER- SARY

Ms. NORTON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1428) recognizing Brooklyn Botanic Garden on its 100th anniversary as the preeminent horticultural attraction in the borough of Brooklyn and its longstanding commitment to environmental stewardship and education for the City of New York.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1428

Whereas Brooklyn Botanic Garden opened to the public in 1910;

Whereas the Brooklyn Botanic Garden is a 52-acre urban oasis in the heart of Brooklyn,

New York, and features more than 11,000 different kinds of plants from around the world;

Whereas the Brooklyn Botanic Garden is made up of many exquisite and historic specialty gardens, including the Japanese-Hill-and-Pond-Garden, the Children's Garden, the Native Flora Garden, the Cranford Rose Garden, the Alice Recknagel Ireys Fragrance Garden, and the Steinhardt Conservatory;

Whereas more than 730,000 visitors a year enjoy the Brooklyn Botanic Garden;

Whereas the Brooklyn Botanic Garden is host to a world renowned Cherry Blossom Festival;

Whereas the Brooklyn Botanic Garden provides premier environmental education for children and adults;

Whereas the Brooklyn Botanic Garden improves public education in Brooklyn through a partnership with the Brooklyn Academy of Science and the Environment High School and has provided valuable training, curriculum development, and field study opportunities that would otherwise not be available;

Whereas the people of Brooklyn enjoy spending time in the beautiful gardens, making it a center for socializing, recreation, and education; and

Whereas the Brooklyn

The Botanic Garden has become an integral part of the cultural life and economic development of Brooklyn and provides an invaluable service to residents: Now, therefore, be it

Resolved, That the House of Representatives recognizes the Brooklyn Botanic Gardens on its 100th anniversary as the preeminent horticultural attraction in the borough of Brooklyn and for its longstanding commitment to environmental stewardship and education for the City of New York.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Mr. Speaker, I now yield myself such time as I may consume.

I rise in support of H. Res. 1428, a resolution recognizing the 100th anniversary of the Brooklyn Botanic Garden.

H. Res. 1428 was introduced by our colleague, the gentlewoman from New York, Representative YVETTE CLARKE, on June 9 of 2010. It was referred to the Committee on Oversight and Government Reform, which ordered it reported favorably by unanimous consent on July 28, 2010. The measure enjoys the support of 50 Members of the House.

Mr. Speaker, the Brooklyn Botanic Garden is a top cultural and environmental attraction in New York City, attracting over 730,000 visitors each year. It is a superb example of urban

gardening and horticultural display, serving local residents and international visitors alike, and also features a number of educational programs through a partnership with the Brooklyn Academy of Science and the Environment High School.

The Brooklyn Botanic Garden features a number of specialty gardens and collections on its 52 acres, including a collection of cherry trees that allows it to host a world-renowned Cherry Blossom Festival each spring. Its other collections hold over 11,000 different varieties of plants from all over the world, representing an invaluable cultural and scientific resource.

I ask my colleagues to join me in congratulating the Brooklyn Botanic Garden on its 100th anniversary and for its commitment to education, community service, and environmental stewardship.

Mr. Speaker, I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1428, recognition of the 100th anniversary of the Brooklyn Botanical Garden.

□ 1420

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I am pleased to yield time to the sponsor of the bill, our colleague, Representative YVETTE CLARKE, for such time as she may consume.

Ms. CLARKE. Mr. Speaker, I thank my colleague, Ms. NORTON, for giving me this opportunity to share with everyone how proud I am to rise in support of H. Res. 1428, which recognizes and salutes the Brooklyn Botanic Gardens on the occasion of its 100th anniversary as the preeminent horticultural attraction in the borough of Brooklyn and its longstanding commitment to the environmental stewardship and education for the City of New York.

The Brooklyn Botanic Garden opened its doors to the public in 1910. Today, this 52-acre urban oasis features more than 11,000 different kinds of plants from around the world and specialty gardens, including the Japanese Hill and Pond Garden, the Children's Garden, the Native Flora Garden, the Cranford Rose Garden, the Alice Recknagel Ireys Fragrance Garden, and the Steinhardt Conservatory.

The Brooklyn Botanic Garden is an important part of the Brooklyn community, reaching over 150,000 children every year through various programs on site, in schools, and throughout the community. This garden contributes to the environmental and public education in Brooklyn and throughout the city of New York through partnerships with the Brooklyn Academy of Science

and the Environment High School. The Brooklyn Botanic Garden hosts an annual Cherry Blossom Festival and has become an integral part of the cultural life and economic development of the city of New York and provides an invaluable service to its residents.

Today, under the leadership of President Scot Medbury and Board Chairman Frederick Bland, the Brooklyn Botanic Garden thrives in a dense urban setting in the heart of New York's 11th Congressional District and welcomes more than 725,000 visitors annually.

The garden serves more than 150,000 youth annually through a wide range of on-site, in-school, and community-based initiatives. It is a leader in building stronger, healthier communities through programs such as GreenBridge, which involves over 60,000 residents annually in neighborhood greening projects. Through its scientific research, plant conservation projects, and award-winning publications, the garden is a vital source of public awareness and understanding of the essential role plants play in our lives.

While the Brooklyn Botanic Garden has had 100 wonderful years of establishment, I am excited to see what the future holds for this great institution. I am happy to see that it is revitalizing its 52 acres by developing more than 4 acres of new and enhanced gardens for the enjoyment and education of the public, improving facilities to orient and serve visitors, and expanding its community horticulture programs.

The new herb garden opened in the spring of 2010 and is the first of several new and re-imagined gardens to come. The Visitor Center, currently under construction, will be an extraordinary demonstration of what can be achieved through environmentally sensitive design and will help the garden better welcome its growing audience. A series of exciting projects will continue to unfold over the next several years in response to the urgent call for beauty and renewal in urban life and for environmental stewardship at all levels of society.

As a Brooklyn native, for years I have seen how this dynamic institution has educated people of all diverse urban neighborhoods about the importance of enhancing the quality of their surroundings through the cultivation and enjoyment of plants. It has done an outstanding job of bringing public awareness to the importance of sustaining our environment and providing access to the tools and ways in which we can conserve and protect it.

I urge anyone who has the chance to visit the garden and witness firsthand the abundance of breathtaking plant life that resides in the middle of Brooklyn. All of us in Brooklyn appreciate the role that the Brooklyn Botanic Garden plays in our lives, and we look forward to continuing the enjoyment of this beautiful institution. The

Brooklyn Botanic Garden is truly a national treasure.

This recognition is well deserved, and I urge my colleagues to join me in passing this very important legislation.

Mr. BILBRAY. Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. Let me thank the gentlelady for yielding this time.

Mr. Speaker, I rise today for two reasons. First, to offer my support for H.R. 1428, the measure that was offered by the gentlelady from Brooklyn, New York (Ms. CLARKE). That is a resolution recognizing the Brooklyn Botanic Garden on its 100th anniversary. That is a good resolution, and I urge my colleagues to support it.

Mr. Speaker, I also rise today in support of H. Res. 1475, which was a resolution that I offered some months ago. Unfortunately, I was not on the floor a few moments ago when this matter was taken up, and I regret that I was not here at that very moment. But I wanted to come to the floor now to offer my strong support for H. Res. 1475, which is a resolution congratulating the town of Tarboro, North Carolina, on the occasion of its 250th anniversary. I introduced this resolution in June of this year, with 54 original cosponsors, including the entire North Carolina House delegation. I thank my North Carolina colleagues for their very strong support.

Most people, Mr. Speaker, may not know about Tarboro, North Carolina, or the tremendous impact the town made on the history of our State and Nation.

On November 30, 1760, the North Carolina General Assembly approved the charter for the town, and Tarboro was born, making it the 11th oldest colonial town in our State. President George Washington visited the town during an historic visit through the South in 1791, choosing to overnight in this small town. Settled as a trading post on the Tar River in the mid 18th century, Tarboro thrived as a river port.

Mr. Speaker, Tarboro was also an early political incubator and produced two Congressmen who both represented the Second Congressional District of North Carolina in this House.

Congressman George H. White was elected to Congress in 1897 and served until 1901. He was the last Reconstruction-era African American from the South to serve in Congress until the 1970s. Rising racial tension made it impossible for George H. White to win a third term in Congress. His final speech before his congressional colleagues right here on this House floor has inspired Americans for over 100 years. He said, and I quote: "This, Mr. Chairman,

is perhaps the Negroes' temporary farewell to the American Congress, but let me say, Phoenix-like, he will rise up someday and come again." That statement was made right in this Chamber.

Congressman L.H. Fountain served in the U.S. House of Representatives from 1953 until 1983. He is remembered for being a stalwart advocate for small towns such as Tarboro during his service in the House.

Former Chairman of the Joint Chiefs of Staffs, Retired General Hugh Shelton of the United States Army, who served in that position under President Bill Clinton, was born in Tarboro and reared in the neighboring town of Speed, where he continues to live today.

Today, Mr. Speaker, Tarboro is home to some 11,000 residents. They are my constituents. Its ideal location on the banks of the Tar River historically served as a thriving river port and trading post, and today offers extensive fishing, boating, and recreation for people of all ages.

Tarboro's downtown is listed on the National Register of Historic Places, where many original structures are still in use today, including restaurants and theaters and quaint shops, and even the home of Congressman George H. White and the home of Congressman L.H. Fountain. Its town commons joins Boston, Massachusetts, as the only original remaining town common on the East Coast. The town continues to grow and evolve while maintaining its connection to history and originality.

Mr. Speaker, I am proud to represent this town. It is indeed an historic day for the residents of Tarboro, and I sincerely congratulate the town on the occasion of its 250th anniversary. I am pleased that the House is considering this resolution. I urge my colleagues to vote "aye" when it is presented for a vote.

Again, I would like to thank the gentlelady and I also would like to thank my friend Mr. BILBRAY from California for their courtesy.

Mr. TOWNS. Mr. Speaker, today I wish to lend my support for H. Res. 1428, which seeks to recognize Brooklyn Botanic Garden on its 100th anniversary, as the preeminent horticultural attraction in the borough of Brooklyn, and its longstanding commitment to environmental stewardship and education for the City of New York.

Built from a site that functioned as an ash dump in the 1800s, the Brooklyn Botanic Gardens have become a preeminent example of the finest urban gardening, and a model for environmental stewardship.

The Brooklyn Botanic Gardens prides itself on a strong commitment to education, community outreach, and scientific research. Programs like Project Green Reach and the Garden Apprentice Program provide a science-focused educational program for over 2,500 K-12 participants annually from Brooklyn's public Title I schools. The program provides youth

with unique, hands-on opportunities for personal growth and career development, through learning about science, ecology, and the environment in their classrooms, in their neighborhoods, and right at the Garden.

Its 52 acres in the heart of Brooklyn, New York serves as a premier environmental education site for New York City's youth, a getaway for the 730,000 annual visitors, and an exquisite recreational spot for New Yorkers.

I commend the Brooklyn Botanic Gardens for its numerous achievements over the last 100 years, and I wish them luck over the next century as it continues to serve the community.

□ 1430

Mr. BILBRAY. Mr. Speaker, I yield back the balance of my time.

Ms. NORTON. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and agree to the resolution, H. Res. 1428.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. NORTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SERGEANT ROBERT BARRETT POST OFFICE BUILDING

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5758) to designate the facility of the United States Postal Service located at 2 Government Center in Fall River, Massachusetts, as the "Sergeant Robert Barrett Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5758

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SERGEANT ROBERT BARRETT POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2 Government Center in Fall River, Massachusetts, shall be known and designated as the "Sergeant Robert Barrett Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Sergeant Robert Barrett Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. I now yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5758. This measure designates the facility of the United States Postal Service located at 2 Government Center in Fall River, Massachusetts, as the Sergeant Robert Barrett Post Office Building.

H.R. 5758 was introduced by our colleague, the gentleman from Massachusetts, Representative BARNEY FRANK, on July 15, 2010. It was referred to the Committee on Oversight and Government Reform, which ordered it reported favorably by unanimous consent on July 28, 2010, and enjoys the support of the entire Massachusetts delegation to the House.

Sergeant Robert Barrett was a member of the 1st Battalion, 101st Field Artillery Regiment of Fall River. He had served as a commanding officer in his high school's junior ROTC and was head of its honor guard.

After graduating, he enlisted in the Army National Guard. He served in the honor guard for a time, including at the inauguration of President Obama, as a member of the Massachusetts National Honor Guard's volunteer regiment.

Sergeant Barrett was stationed as a part of a 15-member embedded training team training an Afghan battalion. While on patrol south of Kabul International Airport, Sergeant Barrett was killed by a suicide bomber in an attack that also injured eight others in his battalion. He was 20 years old.

Sergeant Barrett is survived by his parents, Paul and Carlene Barrett; his older sister Rebecca; and his 2-year-old daughter Sophie Alexandra.

Mr. Speaker, let us now take time to honor the service of Sergeant Barrett through the passage of H.R. 5758, which will designate the facility of the United States Postal Service located at 2 Government Center in Fall River, Massachusetts, in his name. I urge my colleagues to join me in supporting the passage of this bill.

I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 5758 and strongly request support for it.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I am pleased to yield such time as he may consume to the sponsor of the legislation, my colleague from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentlewoman. I

should note that I am speaking on behalf of myself and my colleague with whom I share the honor of representing the city of Fall River, Mr. MCGOVERN, who is at a doctor's appointment now. But he fully joins in these sentiments.

First, I want to thank the committee. As the gentlewoman noted, this bill was introduced at the request of the city government of Fall River in July of this year, so this is very prompt action by the committee, and I appreciate both sides moving so quickly.

As the gentlewoman reported, Sergeant Barrett was a 20-year-old patriotic American with a 2-year-old daughter and a loving family. I can tell you, Mr. Speaker, because I attended this funeral, as I have tried to attend the funeral of every one of our service people killed in one of our wars, that he was widely respected, admired and in many cases loved by the people of the city of Fall River. There was great sadness in the city when the news came of his death in the service of his country and when the funeral was held. His high school classmates were deeply grieved by the loss of someone they greatly admired.

I was glad to respond when the city very appropriately asked that we name this post office in his honor. It is a central facility. As the address says, it is the Government Center. It is virtually adjacent to the city hall in Fall River. It is at the center of the town, right at the end of one of our great bridges, the Braga Bridge, which spans the Taunton River. Anybody who drives from anywhere outside of Massachusetts to Cape Cod will drive along that road and will get to see this post office, and I hope will be reminded of the extraordinary sacrifice that the young father, son and brother made on behalf of this country.

So I want to again express my appreciation to the committee and send again my condolences to Sergeant Barrett's family and friends.

It is a sobering moment, Mr. Speaker. I will say this. I have tried, as I know many Members do, to attend, if it is at all possible, the funeral of those killed in our service. It is sometimes necessary for a Nation to go to war, there is no question about it. There is in the world evil that must be confronted. In Afghanistan, it was an evil that led to the murder of thousands of innocent Americans and hundreds of innocent Africans a few years before at the hands of a murderous thug named Osama bin Laden. But being reminded of the inevitable consequences of going to war, the death of among our best young people and the pain it inflicts on those who survive them, that is a very important part of the education we need to get.

So I will continue. I hope there won't be many more instances, but I will continue whenever I can, if there is a death of someone in the district I rep-

resent, to attend, to be reminded that war is both necessary and terrible. We will do it when we have to, but we should always be aware of those consequences.

Again, to those who survive Sergeant Barrett, there is nothing we can do to replace the enormous loss you have suffered with the death of this wonderful young man, but I hope you will know that your country at least understands the depth of that loss and appreciates it.

Mr. BILBRAY. Mr. Speaker, I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I again urge my colleagues to join me in supporting this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 5758.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. NORTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1440

COMMENDING BOB SHEPPARD

Ms. NORTON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1529) commending Bob Sheppard for his long and respected career as the public-address announcer for the New York Yankees and the New York Giants.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1529

Whereas Bob Sheppard served as the public-address announcer for the New York Yankees from opening day in 1951 through 2007;

Whereas Bob Sheppard served as the public-address announcer for the New York Giants from 1956 through 2005;

Whereas Bob Sheppard announced at 62 World Series games, 2 All-Star Games, and introduced more than 72 Hall of Famers throughout his career, with his often-heard, booming voice eventually earning him the nickname "The Voice of God";

Whereas Bob Sheppard utilized his great oratory skills not only in the sports arena, but as the chairman of the speech department at John Adams High School in Queens, New York, and as an adjunct professor of speech at St. John's University;

Whereas Bob Sheppard was honored for his 50 memorable years of service as the announcer at Yankee Stadium with "Bob Sheppard Day", celebrated on May 7, 2000, and with a permanent plaque in Monument Park behind Yankee Stadium in the Bronx;

Whereas Bob Sheppard's clear, distinctive voice has set the standard of sports announcing, and has become ingrained in the fans and players as a widely recognized and revered Yankees tradition;

Whereas Bob Sheppard's voice will continue to live on as the recorded introduction of Yankees' shortstop Derek Jeter;

Whereas Bob Sheppard lived for 70 years in Baldwin, New York, and spent 4 years playing in semi-professional football leagues on Long Island, including the Valley Stream Red Raiders and the Hempstead Monitors; and

Whereas Bob Sheppard died on July 11, 2010, at his home in Baldwin, New York, at age 99: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the legacy of Bob Sheppard and his distinctive announcements as a revered tradition not only to the New York Yankees and the New York Giants, but also to the games of baseball and football and the field of sports announcing; and

(2) commends Bob Sheppard for his 52 years of service as a public-address announcer and his long tenure as a speech professor.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia? There was no objection.

Ms. NORTON. Mr. Speaker, I now yield myself such time as I may consume.

Mr. Speaker, on behalf of the House Committee on Oversight and Government Reform, I am proud to present H. Res. 1529 for consideration. This legislation commends Bob Sheppard for his long and respected career as the public-address announcer for the New York Yankees and the New York Giants. Introduced by my friend and colleague, Representative CAROLYN MCCARTHY of New York, on July 15, 2010, H. Res. 1529 was favorably reported out of the Oversight and Government Reform Committee on September 23, 2010. In addition, this legislation enjoys the support of over 50 Members of Congress.

Mr. Speaker, born on October 20, 1910, in Queens, New York, Bob Sheppard served as the public-address announcer for the New York Yankees from opening day in 1951 through 2007 and was also the PA announcer for the New York Giants from 1956 through 2005. During this period, Mr. Sheppard announced 4,500 Yankees baseball games, including 22 pennant-winning seasons and 13 World Series championships. Additionally, during his half century covering the New York Giants, Mr. Sheppard announced nine conference championships and three NFL championships.

Mr. Sheppard prided himself on being clear, concise, and correct; and his distinctive style earned him the nickname "the voice of God," which was first coined by Yankee Hall-of-Famer Reggie Jackson. Mr. Sheppard's distinctive style has set the standard of sports announcing, and as New York Times writer Richard Goldstein notes, "In an era of blaring stadium music, of public-address announcers styling themselves as entertainers and cheerleaders, Mr. Sheppard, a man with a passion for poetry and Shakespeare, shunned hyperbole."

Notably, Mr. Sheppard did not limit his oratory skills to the baseball diamond and the football field. In fact, he also served as chairman of the speech department at the John Adams High School in Queens and as an adjunct professor of speech at St. John's University in the Bronx. For his tireless dedication to his craft, Mr. Sheppard was elected to the St. John's University Sports Hall of Fame, the Long Island Sports Hall of Fame, and the New York Sports Hall of Fame. He also received honorary doctorates from St. John's University and Fordham University and received the St. John's Medal of Honor, the highest award that the university can confer on a graduate, in 2007.

On May 7, 2000, Mr. Sheppard's legacy was enshrined in Yankee Stadium's Monument Park with a plaque that reads: "Bob Sheppard, the voice of Yankee Stadium. For half a century he has welcomed generations of fans with his trademark greeting, 'Ladies and gentlemen, welcome to Yankee Stadium.' His clear, concise, and correct vocal style has announced the names of hundreds of players—both unfamiliar and legendary—with equal divine reference, making him as synonymous with Yankee Stadium as its copper facade and Monument Park." Sadly, on July 11, 2010, Mr. Sheppard passed away at the age of 99 in his home in Baldwin, New York.

Mr. Speaker, let us further honor the life and legacy of Mr. Sheppard through the passage of H. Res. 1529, which recognizes his distinctive style of announcing, influence on the entire field of sports announcing, and also commends him on his 52 years of service as a public-address announcer and speech professor. I urge my colleagues to join me in supporting H. Res. 1529.

I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1529, commending Bob Sheppard in his long and respected career.

At this time, Mr. Speaker, I would like to have the honor of yielding to the gentlelady from New York (Mrs. MCCARTHY) so that she has plenty of time to address this item.

Mrs. MCCARTHY of New York. Mr. Speaker, I certainly thank my col-

league. I want to thank Ms. NORTON and again my colleague and I want to thank everybody on the committee.

I do rise today to ask my colleagues to support H. Res. 1529, commending Bob Sheppard for his long and respected career as the public-address announcer for the New York Yankees and the New York Giants. As someone who has spent my whole life in New York, his voice was very, very distinctive not only to New Yorkers but to many, many of my colleagues across the country.

On July 11, 2010, Mr. Sheppard passed away at the age of 99 in his home in Baldwin, which is part of my district, the Fourth Congressional District in New York. Mr. Sheppard was a constant in sports announcing for over 50 years. His distinctive voice was recognized by both players and fans. Each game began with his trademark cadence—as we in New York kind of talk sometimes funny—"Good afternoon, ladies and gentlemen, and welcome to Yankee Stadium."

He performed the role as a public-address announcer at Yankee Stadium from opening day in 1951 through the year 2007, and as the public address announcer for the New York Giants from 1956 through the year 2005. At the age of 62, he announced the World Series games, two All-Star games, and has introduced more than 72 Hall-of-Famers throughout his career. He will always be remembered for his clear, concise, and correct announcements and pronunciations, taking pride in the name of every player he introduced.

Bob Sheppard utilized his great oratory skills not only in the sports arena but, as was mentioned, as the chairman of the speech department at John Adams High School in Queens and as professor of speech at St. John's University. Bob Sheppard was honored for his 50 memorable years of service as the announcer at Yankee Stadium with Bob Sheppard Day, celebrated on May 7, 2000, and with a permanent plaque in Monument Park behind Yankee Stadium in the Bronx. His voice will always continue to live on as the recorded introduction of Yankees' shortstop Derek Jeter.

My resolution serves to recognize the legacy of Bob Sheppard and his distinctive announcing style as a revered tradition not only to the New York Yankees and to the New York Giants, but also, as I said earlier, to the games of baseball and football and the field of sports announcing. I do want to thank my 52 colleagues, cosponsors of the resolution, including many Members who are fans of other teams. I have to say, though, the majority of us were over a certain age that certainly remembered Bob. Additionally, the resolution commends Mr. Sheppard for his 52 years of service in the field of sports announcing and his dedication to spreading his knowledge and skill through teaching

speech at both the high school and the college levels.

Today, we do salute Bob Sheppard. I ask my colleagues to support this resolution.

Mr. BILBRAY. Mr. Speaker, I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I again urge my colleagues to join me in supporting this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and agree to the resolution, H. Res. 1529.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1450

JESSE J. MCCRARY, JR.
POST OFFICE

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5655) to designate the Little River Branch facility of the United States Postal Service located at 140 NE 84th Street in Miami, Florida, as the "Jesse J. McCrary, Jr. Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5655

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JESSE J. MCCRARY, JR. POST OFFICE.

(a) DESIGNATION.—The Little River Branch facility of the United States Postal Service located at 140 NE 84th Street in Miami, Florida, shall be known and designated as the "Jesse J. McCrary, Jr. Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Jesse J. McCrary, Jr. Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. I now yield myself such time as I may consume.

Mr. Speaker, on behalf of the House Committee on Oversight and Government Reform, I present H.R. 5655 for consideration. This measure designates

the Little River Branch facility of the United States Postal Service, located at 140 Northeast 84th Street, in Miami, Florida, as the Jesse J. McCrary, Jr. Post Office.

H.R. 5655 was introduced by our colleague, the gentleman from Florida, Mr. KENDRICK MEEK, on June 30, 2010. It was referred to the House Committee on Oversight and Government Reform, which ordered it reported favorably by unanimous consent on July 28, 2010. It enjoys the support of the entire Florida delegation to the House.

Jesse J. McCrary, Jr. was the first African American member of the Florida cabinet since the end of Reconstruction, being appointed to that post in 1978. He is also remembered for his work as a civil rights activist, leading lunch counter sit-ins in Tallahassee during his days studying at Florida A&M. Mr. McCrary also had an esteemed legal career, serving as Florida's first African American assistant attorney general in 1967. He was renowned for his knowledge of constitutional law and for his skill at debate and argument.

In 2003, 2 years after Mr. McCrary suffered a disabling stroke, the Florida House passed a resolution honoring him as a "living legend" and as a "pre-eminent authority on constitutional law who won 10 landmark cases presented before the Florida Supreme Court." His colleagues remember him as a dedicated public servant and as a fierce advocate for underserved communities. Sadly, Mr. McCrary died of lung cancer on October 29, 2007.

Mr. Speaker, let us now take time to honor the memory of this great public servant, Jesse J. McCrary, Jr., through the passage of H.R. 5655, and I urge my colleagues to join me in supporting the bill.

I reserve the balance of my time.

Mr. BILBRAY. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 5655, and I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I am pleased to yield such time as he may consume to the sponsor of the bill, the gentleman from Florida, Representative KENDRICK MEEK.

Mr. MEEK of Florida. Thank you, Madam Chair.

Mr. Speaker, Jesse McCrary was an outstanding American, and I believe the chair did a very fine job in outlining his track record of what he was able to accomplish on behalf of not only this country, but of the State of Florida. He was a trailblazer in the first of many areas, a barrister of all barristers in the State of Florida, his memory being one of creating organizations for those who walked the trail that he actually made.

He started at the Wilkie Ferguson Bar Association, which is in south Florida. It is a place for young African

American lawyers who join the legal field in the south Florida area. It is a place where they can go and share notes and can talk about experiences. They also receive professional advice from those who came before them.

Jesse McCrary was an American who believed in serving. Even though he was a legal eagle, he took time to talk to people in the public defender's office. He took time to talk to young lawyers in the State attorney's office. He took time to talk to 501(c)(3) lawyers and to share with them the importance of the legal community.

So I am very honored that we are moving this legislation forward to recognize his memory and enshrine it in south Florida, and I know the south Florida community will be forever grateful of the House of Representatives' endorsement of his memory and of his purpose.

Mr. BILBRAY. Mr. Speaker, I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, may I again urge my colleagues to join me in supporting this measure.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 5655.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REDUCING WAITING PERIOD FOR DISTRICT OF COLUMBIA SPECIAL ELECTIONS

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5702) to amend the District of Columbia Home Rule Act to reduce the waiting period for holding special elections to fill vacancies in the membership of the Council of the District of Columbia, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5702

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TIMING OF SPECIAL ELECTIONS FOR LOCAL OFFICE IN DISTRICT OF COLUMBIA.

(a) COUNCIL.—

(1) CHAIRMAN.—Section 401(b)(3) of the District of Columbia Home Rule Act (sec. 1-204.01(b)(3), D.C. Official Code) is amended by striking "one hundred and fourteen days" and inserting "seventy days".

(2) MEMBERS ELECTED FROM WARDS.—Section 401(d)(1) of such Act (sec. 1-204.01(d)(1), D.C. Official Code) is amended by striking "one hundred and fourteen days" and inserting "seventy days".

(3) MEMBERS ELECTED AT LARGE.—Section 401(d)(2) of such Act (sec. 1-204.01(d)(2), D.C. Official Code) is amended by striking "one

hundred and fourteen days" and inserting "seventy days".

(b) MAYOR.—Section 421(c)(2) of such Act (sec. 1—204.21(c)(2), D.C. Official Code) is amended by striking "one hundred and fourteen days" and inserting "seventy days".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to vacancies occurring on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. I now yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5702, which reduces the waiting period for special elections to fill certain vacancies in elected positions in the District of Columbia government from 114 to 70 days. I introduced this measure on July 1, 2010, and the Oversight and Government Reform Committee ordered the bill reported on September 23.

Mr. Speaker, this is a bill that, I have to apologize, comes before the House. I hope that in the next session of Congress such trivial matters—"trivial" as far as Congress is concerned but of great moment to the District of Columbia—no longer have to come before you. They come before you because matters involving the structure of the District of Columbia are contained in the charter. Although the bill before you has been passed by the city council, charter bills have to be passed by Congress.

I don't think anybody cares how many days it takes to fill elected positions once a position becomes vacant in a particular city, in this case, the District of Columbia. Of course, the residents of the District of Columbia care mightily. We had two council members who were elected to other positions, and the ward council members' seats were vacant for 114 days. We get to the 70 days because that's what the council wants. I don't think anyone wants to have vacancies go on for very long in a democracy, because that means that these wards would be unrepresented in the D.C. council.

□ 1500

On the other hand, it takes time for people to gear up to run for new seats. So the council, in its wisdom, decided to reduce the time in half, and I don't think anyone in Congress would want to second-guess what a local jurisdic-

tion believes on such a locally based issue. Therefore, Mr. Speaker, I urge my colleagues to join me in supporting H.R. 5702.

I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in support of the gentlelady from the Federal district's proposal. I think that not only does this fall within the category of article I, section 8, but I think that it also falls into a category that we would be more familiar with, especially those of us in California, where you have over 400 cities that have these type of regulations regulated by the State legislature, not by the city councils, basically limiting how often and when you can move.

I think it's quite appropriate that we review this and have the final say on this, but I think it is appropriate that we modify it as proposed by the gentlelady from the Federal district and make sure we address this thing appropriately. Just as a State legislature would do that for any other city, I think it's appropriate that this body at this time make this modification.

With that, I will again ask for support for the proposal.

I yield back the balance of my time.

Ms. NORTON. I appreciate the gentleman's remarks, and I certainly appreciate his support of the bill. I do want him to know that the Home Rule Act does delegate decisions precisely like this to the D.C. Government. I believe that the State government analogy is inapposite here. I don't think any Member of Congress believes that he or she is in a position to revise in any way what the local government would do in this regard, and I do believe that this kind of matter does clutter the committee calendar. It clutters the calendar of the House of Representatives at a time when we have very serious issues. I should think we would be looking for matters that have no concern for every single Member of this House except me.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 5702, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend the District of Columbia Home Rule Act to reduce the waiting period for holding special elections to fill vacancies in local offices in the District of Columbia."

A motion to reconsider was laid on the table.

KINGMAN AND HERITAGE ISLANDS ACT OF 2010

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6278) to amend the National Children's Island Act of 1995 to expand allowable uses for Kingman and Heritage Islands by the District of Columbia, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6278

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Kingman and Heritage Islands Act of 2010".

SEC. 2. AMENDMENTS TO NATIONAL CHILDREN'S ISLAND ACT OF 1995.

(a) EXPANSION OF ALLOWABLE USES FOR KINGMAN AND HERITAGE ISLAND.—The National Children's Island Act of 1995 (sec. 10–1401 et seq., D.C. Official Code) is amended by adding at the end the following:

"SEC. 7. COMPREHENSIVE AND ANACOSTIA WATERFRONT FRAMEWORK PLANS.

"(a) COMPLIANCE WITH PLANS.—Notwithstanding any other provision of this Act, it is not a violation of the terms and conditions of this Act for the District of Columbia to use the lands conveyed and the easements granted under this Act for recreational, environmental, or educational purposes in accordance with the Anacostia Waterfront Framework Plan and the Comprehensive Plan.

"(b) DEFINITIONS.—For purposes of this section, the following definitions apply:

"(1) ANACOSTIA WATERFRONT FRAMEWORK PLAN.—The term 'Anacostia Waterfront Framework Plan' means the November 2003 Anacostia Waterfront Framework Plan to redevelop and revitalize the Anacostia waterfront in the District of Columbia, as may be amended from time to time, developed pursuant to a memorandum of understanding dated March 22, 2000, between the General Services Administration, Government of the District of Columbia, Office of Management and Budget, Naval District Washington, Military District Washington, Marine Barracks Washington, Department of Labor, Department of Transportation, National Park Service, Army Corps of Engineers, Environmental Protection Agency, Washington Metropolitan Area Transit Authority, National Capital Planning Commission, National Arboretum, and Small Business Administration.

"(2) COMPREHENSIVE PLAN.—The term 'Comprehensive Plan' means the Comprehensive Plan of the District of Columbia approved by the Council of the District of Columbia on December 28, 2006, as such plan may be amended or superseded from time to time."

(b) MODIFICATION OF REVERSIONARY INTEREST.—Paragraph (1) of section 3(d) of the National Children's Island Act of 1995 (sec. 10–1402(d)(1), D.C. Official Code) is amended by striking "The transfer under subsection (a)" and all that follows and inserting the following: "Title in the property transferred under subsection (a) and the easements granted under subsection (b) shall revert to the United States upon the expiration of the 60-day period which begins on the date on which the Secretary provides written notice to the District that the Secretary has determined that the District is using any portion of the property for a use other than recreational, environmental, or educational

purposes in accordance with National Children's Island, the Anacostia Waterfront Framework Plan, or the Comprehensive Plan. Such notice shall be made in accordance with chapter 5 of title 5, United States Code (relating to administrative procedures)."

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume and rise to support H.R. 6278, the Kingman and Heritage Islands Act of 2010. This bill would permit the District of Columbia to use the Kingman and Heritage Islands for recreational, environmental, and educational purposes. I introduced this bill on September 29, 2010.

The bulk of the language in the bill was considered by the Oversight Committee, the full House, and the Senate in another measure, H.R. 2092. However, because of a clerical error in the Senate, minor changes were not included in the bill when it was considered by the Senate. I have introduced H.R. 6278 to ensure the correct language is passed by both Houses. This bill includes the House-passed language in H.R. 2092, and captures the minor changes agreed upon in a bipartisan fashion by the Senate Homeland Security and Government Affairs Committee.

The amendment agreed to by the Senate Homeland Security and Government Affairs Committee makes it clear that the islands may revert back to the Federal Government in the future if they are not used for the purposes specified in the bill.

I should note that the House Oversight Committee did file a report on H.R. 2092, and that report is an important part of the legislative history of the bill we are considering now.

Mr. Speaker, we are very pleased that this bill has come in time before the House. The original act transferred title of this land on the Anacostia bill, but a prior Congress authorized it for another purpose, and, therefore, since we in the District of Columbia want to use this for environmental, recreational, and educational purposes, it was necessary to come again with a bill.

This is a bill that involves 40 acres of tidal marsh in Kingman Lake, currently being restored by the Army

Corps, the District, and local environmental teaching groups. These islands are beautiful little places in the midst of the concrete of a big city. They, for example, have a memorial tree grove dedicated to the three District of Columbia schoolchildren who were on a trip sponsored by the National Geographic on a plane that went down in the September 11 attack on our country. This quaint set of islands has guided trails and interpretive stations.

As far as my own work in the Congress is concerned, Mr. Speaker, the dedication of these islands to environmental, teaching, and recreation purposes complements my own work on the Anacostia River. I am the primary sponsor of the Anacostia River initiative. There's already a 10-year plan of the jurisdictions in this region to restore the Anacostia River so that it is no longer one of the most polluted rivers in America.

To that end, I regard this bill as another manifestation of our determination to return the river to its original state and to allow the use of these small islands for the recreational and environmental purposes of the citizens of the District of Columbia and to all of those who visit our city and would like some relief from the big-city life and will find it right in the midst of what appears to be nothing other than a big-city landscape and will be relieved if they are privileged to visit these islands.

I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume. I rise today in support of H.R. 6278, the Kingman and Heritage Islands Act, and would just ask for support for it.

Mr. Speaker, I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I urge my colleagues to join me in supporting this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 6278.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1510

D.C. COURTS AND PUBLIC DEFENDER SERVICE ACT OF 2010

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5367) to amend title 11, District of Columbia Official Code, to revise certain administrative authorities of the District of Columbia courts, and to authorize the District of Columbia Public

Defender Service to provide professional liability insurance for officers and employees of the Service for claims relating to services furnished within the scope of employment with the Service, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5367

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "D.C. Courts and Public Defender Service Act of 2010".

SEC. 2. AUTHORITIES OF DISTRICT OF COLUMBIA COURTS.

(a) PERMITTING JUDICIAL CONFERENCE ON BIENNIAL BASIS; ATTENDANCE OF MAGISTRATE JUDGES.—Section 11-744, District of Columbia Official Code, is amended—

(1) in the first sentence, by striking "annually" and inserting "biennially or annually";

(2) in the first sentence, by striking "active judges" and inserting "active judges and magistrate judges";

(3) in the third sentence, by striking "Every judge" and inserting "Every judge and magistrate judge"; and

(4) in the third sentence, by striking "Courts of Appeals" and inserting "Court of Appeals".

(b) EMERGENCY AUTHORITY TO TOLL OR DELAY JUDICIAL PROCEEDINGS.—

(1) PROCEEDINGS IN SUPERIOR COURT.—

(A) IN GENERAL.—Subchapter III of Chapter 9 of title 11, District of Columbia Official Code, is amended by adding at the end the following new section:

"§ 11-947. Emergency authority to toll or delay proceedings.

"(a) TOLLING OR DELAYING PROCEEDINGS.—

"(1) IN GENERAL.—In the event of a natural disaster or other emergency situation requiring the closure of Superior Court or a natural disaster or other emergency situation rendering it impracticable for the United States or District of Columbia Government or a class of litigants to comply with deadlines imposed by any Federal or District of Columbia law or rule that applies in the Superior Court, the chief judge of the Superior Court may exercise emergency authority in accordance with this section.

"(2) SCOPE OF AUTHORITY.—(A) The chief judge may enter such order or orders as may be appropriate to delay, toll, or otherwise grant relief from the time deadlines imposed by otherwise applicable laws or rules for such period as may be appropriate for any class of cases pending or thereafter filed in the Superior Court.

"(B) The authority conferred by this section extends to all laws and rules affecting criminal and juvenile proceedings (including, pre-arrest, post-arrest, pretrial, trial, and post-trial procedures) and civil, family, domestic violence, probate and tax proceedings.

"(3) UNAVAILABILITY OF CHIEF JUDGE.—If the chief judge of the Superior Court is absent or disabled, the authority conferred by this section may be exercised by the judge designated under section 11-907(a) or by the Joint Committee on Judicial Administration.

"(4) HABEAS CORPUS UNAFFECTED.—Nothing in this section shall be construed to authorize suspension of the writ of habeas corpus.

"(5) DEFINITIONS.—For purposes of this subsection—

“(A) the term ‘natural disaster’ means any natural catastrophe (including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or, regardless of cause, any fire, flood, or explosion; and

“(B) the term ‘other emergency situation’ includes but is not limited to any occasion or instance of terrorism, enemy attack, sabotage, other hostile action, disease, or any manmade cause which results in an imminent threat, severe damage, or injury to life or property, or loss thereof, or results in the destruction of or severe damage to a court house, or impairs the ability to access a courthouse, or the ability to staff the courts.

“(b) CRIMINAL CASES.—In exercising the authority under this section for criminal cases, the chief judge shall consider the ability of the United States or District of Columbia Government to investigate, litigate, and process defendants during and after the emergency situation, as well as the ability of criminal defendants as a class to prepare their defenses.

“(c) ISSUANCE OF ORDERS.—The United States Attorney for the District of Columbia or the Attorney General for the District of Columbia or the designee of either may request issuance of an order under this section, or the chief judge may act on his or her own motion.

“(d) DURATION OF ORDERS.—An order entered under this section may not toll or extend a time deadline for a period of more than 14 days, except that if the chief judge determines that an emergency situation requires additional extensions of the period during which deadlines are tolled or extended, the chief judge may, with the consent of the Joint Committee on Judicial Administration, enter additional orders under this section in order to further toll or extend such time deadline.

“(e) NOTICE.—Upon issuing an order under this section, the chief judge—

“(1) shall make all reasonable efforts to publicize the order, including, when possible, announcing the order on the District of Columbia Courts web site; and

“(2) shall send notice of the order, including the reasons for the issuance of the order, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

“(f) REQUIRED REPORTS.—Not later than 180 days after the expiration of the last extension or tolling of a time period made by the order or orders relating to an emergency situation, the chief judge shall submit a brief report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Joint Committee on Judicial Administration describing the orders, including—

“(1) the reasons for issuing the orders;

“(2) the duration of the orders;

“(3) the effects of the orders on litigants; and

“(4) the costs to the court resulting from the orders.

“(g) EXCEPTIONS.—The notice under subsection (e)(2) and the report under subsection (f) are not required in the case of an order that tolls or extends a time deadline for a period of less than 14 days.”.

(B) CLERICAL AMENDMENT.—The table of contents of chapter 9 of title 11, District of Columbia Official Code, is amended by adding at the end of the items relating to subchapter III the following:

“11-947. Emergency authority to toll or delay proceedings.”.

(2) PROCEEDINGS IN COURT OF APPEALS.—

(A) IN GENERAL.—Subchapter III of Chapter 7 of title 11, District of Columbia Official Code, is amended by adding at the end the following new section:

“§ 11-745. Emergency authority to toll or delay proceedings.

“(a) TOLLING OR DELAYING PROCEEDINGS.—

“(1) IN GENERAL.—In the event of a natural disaster or other emergency situation requiring the closure of the Court of Appeals or a natural disaster or other emergency situation rendering it impracticable for the United States or District of Columbia Government or a class of litigants to comply with deadlines imposed by any Federal or District of Columbia law or rule that applies in the Court of Appeals, the chief judge of the Court of Appeals may exercise emergency authority in accordance with this section.

“(2) SCOPE OF AUTHORITY.—The chief judge may enter such order or orders as may be appropriate to delay, toll, or otherwise grant relief from the time deadlines imposed by otherwise applicable laws or rules for such period as may be appropriate for any class of cases pending or thereafter filed in the Court of Appeals.

“(3) UNAVAILABILITY OF CHIEF JUDGE.—If the chief judge of the Court of Appeals is absent or disabled, the authority conferred by this section may be exercised by the judge designated under section 11-706(a) or by the Joint Committee on Judicial Administration.

“(4) HABEAS CORPUS UNAFFECTED.—Nothing in this section shall be construed to authorize suspension of the writ of habeas corpus.

“(5) DEFINITIONS.—For purposes of this subsection—

“(A) the term ‘natural disaster’ means any natural catastrophe (including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or, regardless of cause, any fire, flood, or explosion; and

“(B) the term ‘other emergency situation’ includes but is not limited to any occasion or instance of terrorism, enemy attack, sabotage, other hostile action, disease, or any manmade cause which results in an imminent threat, severe damage, or injury to life or property, or loss thereof, or results in the destruction of or severe damage to a court house, or impairs the ability to access a courthouse, or the ability to staff the courts.

“(b) ISSUANCE OF ORDERS.—The United States Attorney for the District of Columbia or the Attorney General for the District of Columbia or the designee of either may request issuance of an order under this section, or the chief judge may act on his or her own motion.

“(c) DURATION OF ORDERS.—An order entered under this section may not toll or extend a time deadline for a period of more than 14 days, except that if the chief judge determines that an emergency situation requires additional extensions of the period during which deadlines are tolled or extended, the chief judge may, with the consent of the Joint Committee on Judicial Administration, enter additional orders under this section in order to further toll or extend such time deadline.

“(d) NOTICE.—Upon issuing an order under this section, the chief judge—

“(1) shall make all reasonable efforts to publicize the order, including, when possible,

announcing the order on the District of Columbia Courts web site; and

“(2) shall send notice of the order, including the reasons for the issuance of the order, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

“(e) REQUIRED REPORTS.—Not later than 180 days after the expiration of the last extension or tolling of a time period made by the order or orders relating to an emergency situation, the chief judge shall submit a brief report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Joint Committee on Judicial Administration describing the orders, including—

“(1) the reasons for issuing the orders;

“(2) the duration of the orders;

“(3) the effects of the orders on litigants; and

“(4) the costs to the court resulting from the orders.

“(f) EXCEPTIONS.—The notice under subsection (d)(2) and the report under subsection (e) are not required in the case of an order that tolls or extends a time deadline for a period of less than 14 days.”.

(B) CLERICAL AMENDMENT.—The table of contents of chapter 7 of title 11, District of Columbia Official Code, is amended by adding at the end of the items relating to subchapter III the following:

“11-745. Emergency authority to toll or delay proceedings.”.

(c) PERMITTING AGREEMENTS TO PROVIDE SERVICES ON A REIMBURSABLE BASIS TO OTHER DISTRICT GOVERNMENT OFFICES.—

(1) IN GENERAL.—Section 11-1742, District of Columbia Official Code, is amended by adding at the end the following new subsection:

“(d) To prevent duplication and to promote efficiency and economy, the Executive Officer may enter into agreements to provide the Mayor of the District of Columbia with equipment, supplies, and services and credit reimbursements received from the Mayor for such equipment, supplies, and services to the appropriation of the District of Columbia Courts against which they were charged.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to fiscal year 2010 and each succeeding fiscal year.

SEC. 3. LIABILITY INSURANCE FOR PUBLIC DEFENDER SERVICE.

Section 307 of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (sec. 2-1607, D.C. Official Code) is amended by adding at the end the following new subsection:

“(e) The Service shall, to the extent the Director considers appropriate, provide representation for and hold harmless, or provide liability insurance for, any person who is an employee, member of the Board of Trustees, or officer of the Service for money damages arising out of any claim, proceeding, or case at law relating to the furnishing of representational services or management services or related services under this Act while acting within the scope of that person's office or employment, including but not limited to such claims, proceedings, or cases at law involving employment actions, injury, loss of liberty, property damage, loss of property, or personal injury, or death arising from malpractice or negligence of any such officer or employee.”.

SEC. 4. REDUCTION IN TERM OF SERVICE OF JUDGES ON FAMILY COURT OF THE SUPERIOR COURT.

(a) REDUCTION IN TERM OF SERVICE.—Section 11-908A(c)(1), District of Columbia Official Code, is amended by striking “5 years” and inserting “3 years”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any individual serving as a judge on the Family Court of the Superior Court of the District of Columbia on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Mr. Speaker, I now yield myself such time as I may consume.

I rise in support of H.R. 5367, the District of Columbia Courts and Public Defender Service Act of 2010. I introduced this bill on May 24, 2010, and the Oversight and Government Reform Committee ordered the bill reported on September 23. H.R. 5367 expands the administrative authorities of the District of Columbia Court system and increases the efficiency of the system.

Mr. Speaker, this bill is at the special request of the Article I Courts of the District of Columbia where changes need the consent of Congress in order to be made. These are small but important changes to the court. It wishes the desire to hold its conferences other than on an annual basis, particularly given the fact that the court has access to Web sites and other ways to communicate to judges. Therefore, this bill simply leaves this matter to the discretion of the judiciary.

The bill also has an important section, allowing the court to toll judicial proceedings in the event of an emergency. We know that the District of Columbia is in the cross-hairs of al Qaeda. We also know that we are not immune to natural disasters. While the court has the authority to conduct emergency sessions outside of the District of Columbia, it is imperative that it be able to delay proceedings so that it can reconfigure what to do in the event of an emergency. Similar bills have been introduced here in the Congress regarding the Federal court system, and several States have enacted similar legislation. I do not need to tell Members of this House what it would mean to a court of jurisdiction to be faced with a calendar and then an emergency as to what to do with, for

example, commercial transactions or criminal matters. Clearly the court needs discretion to delay, according to the circumstances, such justice as it sees fit.

I urge my colleagues to join me in supporting H.R. 5367.

I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 5367, the D.C. Courts and Public Defender Service Act of 2010, and I would ask for support for the bill.

With that, Mr. Speaker, I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, may I also indicate that this bill gives the public defender of the District of Columbia the right to purchase liability insurance, a right that the Federal public defenders have throughout the United States. The reason the bill is necessary in order to give them this right is that the public defender of the District of Columbia exists in a twilight zone, as it were. It handles local matters, but it is a Federal agency. So we need the imprimatur of this Congress.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 5367, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: “A bill to amend title 11, District of Columbia Official Code, to revise certain administrative authorities of the District of Columbia courts, to authorize the District of Columbia Public Defender Service to provide professional liability insurance for officers and employees of the Service for claims relating to services furnished within the scope of employment with the Service, and for other purposes.”

A motion to reconsider was laid on the table.

NAVY CORPSMAN JEFFREY L. WIENER POST OFFICE BUILDING

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3567) to designate the facility of the United States Postal Service located at 100 Broadway in Lynbrook, New York, as the “Navy Corpsman Jeffrey L. Wiener Post Office Building”.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3567

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NAVY CORPSMAN JEFFREY L. WIENER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 100

Broadway in Lynbrook, New York, shall be known and designated as the “Navy Corpsman Jeffrey L. Wiener Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Navy Corpsman Jeffrey L. Wiener Post Office Building”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Mr. Speaker, I now yield myself such time as I may consume.

On behalf of the House Committee on Oversight and Government Reform, I present S. 3567 for consideration. This measure designates the facility of the United States Postal Service located at 100 Broadway in Lynbrook, New York, as the Navy Corpsman Jeffrey L. Wiener Post Office Building.

S. 3567 was introduced by the gentleman from New York, Senator CHARLES SCHUMER, on July 12, 2010. The measure passed the Senate by unanimous consent on July 30, 2010. After being received by the House, the measure was referred to the Committee on Oversight and Government Reform which ordered it reported favorably by unanimous consent on September 23, 2010. The measure enjoys the support of both Senators from New York.

Mr. Speaker, Hospital Corpsman Jeffrey L. Wiener enlisted with the U.S. Navy on May 1, 2003, with the goal of serving as a medic with a Marine infantry company. After undergoing the Navy's basic training, he attended the Marine Corps' Field Medical School at Camp Lejeune, North Carolina, where he was trained as a fighting infantryman also tasked with delivering medical attention to infantry wounded in combat.

He arrived in Iraq in late February 2005 and volunteered for duty on the front lines with a Marine assault platoon. Sadly, Corpsman Wiener was killed on May 7, 2005, in an ambush and bombing in Haditha, Iraq. Corpsman Wiener is survived by his wife, Maria, and two daughters, Mikayla Lynn and Theodora Rose.

Corpsman Wiener deserves this tribute not only for his service as a dedicated infantry medic but also for his service as a member and ex-captain of Tally-Ho Engine 3 of the Lynbrook Fire Department. He also served as a

medic for the Lynbrook Fire Department as well as the Nassau County Police Department before he enlisted in the Navy.

Mr. Speaker, let us now pay tribute to the life and service of this brave man, Corpsman Jeffrey L. Wiener, through the passage of S. 3567, to designate the Lynbrook, New York, post office building in his honor.

I urge all my colleagues to join me in supporting S. 3567.

I reserve the balance of my time.

□ 1520

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to strongly urge support for Senate bill 3567, and I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I am pleased to yield such time as she may consume to our colleague from New York State, Representative CAROLYN MCCARTHY.

Mrs. MCCARTHY of New York. Mr. Speaker, I want to thank my colleague from New York, Senator SCHUMER, for sponsoring this legislation in the Senate. I also want to thank Chairman TOWNS and Ranking Member ISSA for bringing this bill to the floor with my colleagues, Representative NORTON and Representative BILBRAY.

I rise today to ask for support to rename the post office located in my district at 100 Broadway in Lynbrook, New York, in honor of Navy Corpsman Jeffrey L. Wiener.

Mr. Speaker, I know a lot of times we are here renaming post offices. Post offices, whether in an urban setting, whether in a suburban setting, whether in a rural setting, have been a place where people have always gathered. And I think one of the important things that we can do, especially for our young men and women that serve this country and make the ultimate sacrifice, as one of my constituents did, I think it's important that we remember those that have made that sacrifice.

Corpsman Wiener was killed in Iraq in the year 2005. But throughout his life, he demonstrated a commitment to saving lives, ensuring public safety in his community, and serving his country. Jeffrey Wiener began serving the community of Lynbrook in 1987 at the age of 14 as a volunteer junior fireman. And we know, our junior firemen, basically working in the community, stay with that and become the volunteer firemen which our communities count on. By the year 2000 he had risen to the rank of captain and became an EMT for Nassau County.

In May 2003, in response to the terrorist attacks that happened to New York and to this country on September 11, 2001, Jeffrey chose to serve his country by enlisting in the United States Navy.

On May 7, 2005, Jeffrey gave the ultimate sacrifice when he and three other

marines from his unit were killed in an ambush and a bombing in Iraq. It is because of people like Jeffrey and his colleagues that we are able to enjoy the rights and the freedoms that we all hold so dear.

Jeffrey is survived by his wife, Maria, and his two daughters. This legislation honors the legacy, the sacrifice, and the heroism of Navy Corpsman Wiener by renaming the post office located at 100 Broadway in Lynbrook, New York, as the Navy Corpsman Jeffrey L. Wiener Post Office building.

Again, Mr. Speaker, these are very, very little things for the sacrifice that the young men and women across this country do for us on a daily basis. And I think sometimes it becomes very, very easy for people to forget what these sacrifices mean, not only to the family, to the community, but to our country. This is one way, a small way, granted, to honor these lives. I ask my colleagues to support this bill.

Ms. NORTON. Mr. Speaker, I again urge my colleagues to join me in supporting this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, S. 3567.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONGRATULATING NATIONAL SPELLING BEE CHAMPION, FINALISTS, AND PARTICIPANTS

Ms. NORTON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1494) congratulating the champion, finalists, and all other participants in the 83rd Annual Scripps National Spelling Bee, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1494

Whereas the Scripps National Spelling Bee is the largest and longest-running educational promotion in the United States, and is administered by the E.W. Scripps Company of Cincinnati, Ohio;

Whereas the Scripps National Spelling Bee promotes educational excellence by encouraging students to improve their spelling, expand their vocabularies, learn new concepts, and develop a mastery of the English language;

Whereas the 83rd Annual Scripps National Spelling Bee was held in Washington, DC, from June 2 through June 4, 2010;

Whereas 273 spellers from across the United States, American Samoa, the Bahamas, Canada, China, Department of Defense Schools in Europe, Ghana, Guam, Jamaica, Japan, New Zealand, Puerto Rico, South Korea, and the United States Virgin Islands all competed for the title;

Whereas these students had previously qualified for the contest by winning locally sponsored spelling bees and all have shown a strong knowledge of the English language;

Whereas Anamika Veeramani, a 14-year-old resident of North Royalton, Ohio, and an 8th grade student at Incarnate Word Academy, achieved the distinct honor of becoming the 83rd Annual Scripps National Spelling Bee champion;

Whereas Ms. Veeramani, after finishing in 5th place in the 2009 National Spelling Bee, earned her right to compete in 2010 by winning the Plain Dealer Cuyahoga County Scripps Spelling Bee on March 6, 2010, for the second consecutive year;

Whereas Ms. Veeramani won the competition in the 9th round by correctly spelling "stromuhr", defined as a tool that measures the speed of blood through an artery;

Whereas Adrian Gunawan of Arlington Heights, Illinois, Elizabeth Platz of Shelbyville, Missouri, and Shantanu Srivatsa of West Fargo, North Dakota, are recognized for tying for second place at the 83rd Annual Scripps National Spelling Bee;

Whereas Mr. Gunawan, Ms. Platz, and Mr. Srivatsa advanced to the 8th round of the competition by correctly spelling "netsuke", "gnocchi", and "infundibuliform", respectively;

Whereas Laura Newcombe of Toronto, Canada, Lanson Tang of Potomac, Maryland, Joanna Ye of Carlisle, Pennsylvania, and Andrew Grose of Sheboygan, Wisconsin, are recognized for advancing to the 7th round of the 83rd Annual Scripps National Spelling Bee, thereby tying for 5th place in the competition; and

Whereas all the competitors are deserving of congratulations for their hard work and poise demonstrated in this difficult competition: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates all the contestants of the 83rd Annual Scripps National Spelling Bee; and

(2) recognizes the dedication and achievement of competition winner Anamika Veeramani and the other finalists Adrian Gunawan, Elizabeth Platz, Shantanu Srivatsa, Laura Newcombe, Lanson Tang, Joanna Ye, and Andrew Grose.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Mr. Speaker, I now yield myself such time as I may consume.

I rise in support of H. Res. 1494, a resolution congratulating the champion, finalists, and all other participants in the 83rd annual Scripps National Spelling Bee.

H. Res. 1494 was introduced by our colleague, the gentlewoman from Ohio, Representative BETTY SUTTON, on June

30, 2010. It was referred to the Committee on Oversight and Government Reform, which ordered it to be reported favorably by unanimous consent on September 23, 2010. The measure enjoys the support of over 50 Members of the House.

Mr. Speaker, the Scripps National Spelling Bee is a 2-day competition held in May or early June each year here in Washington, D.C. Students from around the country and around the world compete in local and regional spelling bees for a chance to take part in this highly competitive event.

The participants compete for prizes, including scholarships, savings bonds, reference materials and cash; but this and other spelling bees serve the greater purpose of encouraging students to improve their vocabularies, spelling, and appropriate grammar usage. As the largest and longest running educational promotion in the country, the competition gets national coverage on cable and network television, further promoting its educational ideals to millions of viewers.

This year's winner was Anamika Veeramani, an eighth grade student at Incarnate Word Academy in Parma Heights, Ohio, who won the bee with the word "stromuhr," defined as a tool that measures the speed of blood through an artery. And I dare Members of Congress to try to spell the word.

Mr. Speaker, let us now take a moment to congratulate this remarkable young student and all of the other participants in the 83rd annual Scripps National Spelling Bee through the passage of H. Res. 1494. I urge my colleagues to join me in supporting the bill.

I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H. Res. 1494, and ask for support of the bill.

I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I am pleased to yield such time as she may consume to our colleague from Ohio, the sponsor of the bill, Representative BETTY SUTTON.

Ms. SUTTON. Mr. Speaker, I rise today to honor Anamika Veeramani of North Royalton, Ohio. Anamika is a resident of the 13th Congressional District of Ohio, which I am so honored to represent. Anamika won the 83rd Scripps National Spelling Bee championship on Friday, June 4, 2010, and she brings back to Ohio the first national spelling bee title since 1964.

□ 1530

The Scripps National Spelling Bee is the largest and longest-running educational promotion in the United States and is administered by the E.W. Scripps Company located in Cincinnati, Ohio.

Anamika put in the hard work necessary to achieve this great accom-

plishment. By working hard, students learn that anything is possible, including spelling difficult and complex words. She won the Plain Dealer Cuyahoga County Scripps Spelling Bee on March 6 for the second year in the row. By winning the spelling bee in northeast Ohio, Anamika advanced to the national competition here in Washington, D.C.

To win the title, Anamika correctly spelled the name of a tool that measures the speed of blood through an artery called "stromuhr."

With opportunities like the Scripps National Spelling Bee, children are given the chance to learn and succeed and build the confidence that they need moving forward. By winning the bee, she won \$30,000 and a trophy from Scripps, a \$5,000 scholarship from Sigma Phi Epsilon Educational Foundation, a \$2,500 savings bond from Merriam-Webster, and more than \$3,500 worth of reference material from Encyclopedia Britannica and Merriam-Webster.

These winnings will help her reach for her dream of attending college and one day becoming a cardiovascular surgeon, and perhaps she will have a head start on her colleagues, knowing how to clearly say and spell "stromuhr." With the kind of hard work and dedication she showed in this competition, anything is within her reach. I would like to congratulate Anamika on this terrific achievement.

I would also like to recognize all the finalists, Adrian Gunawan, Elizabeth Platz, Shantanu Srivatsa, Laura Newcombe, Lanson Tang, Joanna Ye, and Andrew Grose. And congratulations are due to all the students who participated in the spelling bee.

I want to applaud also all of the teachers, parents, and students for their commitment to this great program.

Mr. VAN HOLLEN. Mr. Speaker, I rise to recognize the participants in the Scripps National Spelling Bee and to particularly congratulate my constituent, Mr. Lanson Tang of Potomac, Maryland, who tied for fifth place in the competition.

The Scripps National Spelling Bee is the nation's oldest educational promotion, now in its 83rd year. Through spelling, students increase their vocabularies and improve English usage, skills that will stay with them throughout their lives.

I congratulate all the participants, especially my constituent, Lanson Tang, a homeschooled student from Potomac, Maryland. Lanson made it to the seventh of nine rounds in the competition, correctly spelling words like "rhabdomyoma," "obelisk," and "flabellum." He has made our community proud. I also want to thank the Fourth Presbyterian School in Potomac for hosting the Montgomery County Regional Spelling Bee for the second year in a row this year.

All of the spellers this year should be proud of their outstanding accomplishments. I urge my colleagues to join me in extending congratulations to these terrific students.

Mr. POMEROY. Mr. Speaker, I rise today in support of House Resolution 1494.

Our nation's future rests on the shoulders of our youth, and the exceptional dedication and intelligence displayed by all of the students who took part in the 84th Scripps National Spelling Bee earlier this year gives me great confidence that our future will be a bright one.

As the largest and longest-running educational promotion in the United States, this year's Scripps National Spelling Bee brought together 273 spellers from all over the United States and across the world. The rigorous preparation and diligence required by these students to compete at this international level is truly incredible.

I would specifically like to recognize Shantanu Srivatsa, a student at Cheney Middle School in West Fargo, North Dakota, for tying for second place in this competition. This was Shantanu's third consecutive appearance at the Spelling Bee, and I was impressed to learn that his favorite subject in school is in fact mathematics, and that in addition to his participation in the spelling bee, he also represents his school at regional and state mathematics competitions.

When reviewing the words Shantanu correctly spelled to make it to the highest levels of the competition, I am astounded by his command of the English language. Though I represent a state with a large sugar beet industry, I must admit that I did not know that a cossette was part of the sugar refining process—and I certainly did not know how to spell it. Thanks to Shantanu, I now know that it is cossette, C-O-S-S-E-T-T-E.

Lest this example lead one to suspect that Shantanu's vocabulary was limited to the geographically proximate—his correct spelling of schlieren, that would be S-C-H-L-L-I-E-R-E-N, clearly demonstrates that the breadth of his knowledge includes subjects, or more precisely substances, that would be exceedingly rare in North Dakota due to the geologic history of the northern Great Plains.

Students like Shantanu and all of the other participants in this competition not only represent the best students in our nation, but also exemplify the ideals of hard work, dedication, and poise that are an inspiration to us all.

Please join me in supporting all of the Scripps National Spelling Bee participants who have demonstrated the highest levels of academic achievement by supporting this resolution.

Mr. BILBRAY. Mr. Speaker, I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I urge my colleagues to join me in supporting this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and agree to the resolution, H. Res. 1494, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

TOM KONGSGAARD POST OFFICE BUILDING

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6237) to designate the facility of the United States Postal Service located at 1351 2nd Street in Napa, California, as the "Tom Kongsgaard Post Office Building," as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6237

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TOM KONGSGAARD POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1351 2nd Street in Napa, California, shall be known and designated as the "Tom Kongsgaard Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Tom Kongsgaard Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. I yield myself such time as I may consume.

On behalf of the Committee on Oversight and Government Reform, I am pleased to present H.R. 6237 for consideration. This legislation will designate the facility of the United States Postal Service located at 1351 2nd Street in Napa, California, as the Tom Kongsgaard Post Office Building. Introduced by our colleague Representative MIKE THOMPSON of California on September 28, 2010, H.R. 6237 enjoys the support of the entire California House delegation.

Born on June 3, 1921, in Everett, Washington, a son of Norwegian immigrants, Judge Thomas Kongsgaard began his longstanding commitment to public service by enlisting in the U.S. Navy during World War II. Fighting in the war, Judge Kongsgaard was severely injured, leaving him with a replacement leg. He served in the Pacific theater and at the end of the war was stationed at Mare Island Naval Shipyard.

Judge Kongsgaard began his judicial career as a Napa Superior Court judge, 9 years after receiving his law degree from Stanford University. He served

from 1958 to 1984, missing just 1 day of work in his 26 years. Reflecting on his immigrant roots, he was always especially proud to preside at naturalization ceremonies.

Being an avid student of political history and American culture, Judge Kongsgaard organized the Halls of History project inside the courthouse that recounts Napa County's history in words and photographs.

That courthouse was dubbed "Kongsgaard Square" by the Board of Supervisors in 1984. A bronze plaque cemented to a basalt boulder that sits in a rose garden on the south side of the courthouse takes note of the jurist's distinguished career. It reads: "The Board of Supervisors names this block Kongsgaard Square as a token of esteem for his noble services to the citizens of Napa County."

After retiring, Judge Kongsgaard continued his judicial career as a visiting judge. In 1991, he was appointed by the California Supreme Court to be one of three special masters who recommended a reapportionment plan for the legislature and California Representatives to Congress after the 1990 census.

Although retired, he worked with Judicial Arbitration Mediation Services until the day before he was hospitalized with complications from treatment of leukemia. Regrettably, Judge Kongsgaard died on June 25, 2001, at the age of 80. He is survived by his daughters, Mary and Martha; son, John; and seven grandchildren.

Mr. Speaker, let us honor Judge Thomas Kongsgaard for serving both his country and his community through the passage of this bill to designate the 2nd Street post office in Napa in his honor. I urge my colleagues to join me in supporting H.R. 6237.

I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 6237, which is appropriate, seeing I am one of the 52 original cosponsors to the item, and I strongly urge support for the resolution.

I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I urge my colleagues to join me in supporting H.R. 6237, and I yield back the balance of my time.

Mr. THOMPSON of California. Mr. Speaker, I rise in strong support of H.R. 6237, a bill to designate the facility of the United States Postal Service located at 1351 2nd Street in Napa, California, as the "Tom Kongsgaard Post Office Building".

Tom Kongsgaard was a Napa County Superior Court Judge from 1958 to 1984. As a judge, he missed only one day of work throughout his entire career. He served two terms on the California Judicial Council, was a member and chairman of the Judicial Performance Commission, and was a member of the Board of Directors of the California Judges' Association.

Tom attended Georgetown University before enlisting in the Navy during World War II. He was a Naval officer in the Pacific Theater, and was stationed at Mare Island Naval Shipyard in Vallejo by the end of the conflict. He returned to school and studied at U.C. Berkeley, then received a law degree from Stanford. Tom had a passion for public service and justice.

He is survived by his two daughters, Mary Williams and Martha Goldman; his son, John; seven grandchildren and one great-granddaughter.

A retired Napa district judge said of Tom, "He was a prince of a man and a towering leader in this community, both on the bench and off. He was a role model for all."

I am honored to bring this bill to the floor and hope that Tom Kongsgaard's legacy will live on, encouraging others to serve their community to the best of their ability.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the gentlewoman from the District supporting the bill.

Let me just point out as an interesting procedural note, for Mr. THOMPSON to bring this before us he had to get 52 cosponsors. The House rules require that everyone in the State sign on. So where Delaware may only need one or Nevada may need only three Members, those of us in California have a very high threshold we have to fulfill to be able to take this, and Mr. THOMPSON took this action.

It is something that we should all consider in the future: Should this judge be required to have 52 Members of the House cosponsor a bill when someone from another State may need only two or three or four or five? So it is an interesting part of our process here. Some people may say that it is unfair, but it happens to be the House rules, and the Congressmen have to live within those rules.

I strongly support the passage of this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 6237, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1540

SAM SACCO POST OFFICE BUILDING

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6387) to designate the facility of the United States Postal Service located at 337 West Clark Street in Eureka, California, as the "Sam Sacco Post Office Building".

The Clerk read the title of the bill.
The text of the bill is as follows:

H.R. 6387

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SAM SACCO POST OFFICE BUILDING.

(a) **DESIGNATION.**—The facility of the United States Postal Service located at 337 West Clark Street in Eureka, California, shall be known and designated as the “Sam Sacco Post Office Building”.

(b) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Sam Sacco Post Office Building”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. I yield myself such time as I may consume.

On behalf of the Committee on Oversight and Government Reform, I am pleased to present H.R. 6387 for consideration. This legislation will designate the facility of the United States Postal Service located at 337 West Clark Street in Eureka, California, as the Sam Sacco Post Office Building. Introduced by our colleague, Representative MIKE THOMPSON of California, on September 29, 2010, H.R. 6387 enjoys the support of the entire California House delegation.

Born and raised in Susanville, California, Sam Sacco moved to Eureka, California, in 1956 with his wife Mary Beth and four children: Sam, Jr.; Joe, Jim, and Lisa. For the next 30 years, Mr. Sacco dedicated his life to serving his community as a local business owner and public official.

As a longtime owner of a Farmers Insurance agency in Eureka, Mr. Sacco also attended to the needs of local families with a warmth and generosity that will not be forgotten. In addition, in 1974, Mr. Sacco was afforded the opportunity to further serve the city of Eureka upon his election as mayor. Throughout his mayoral tenure, which began in 1975 and ended in 1979, Mr. Sacco devoted his attention to advocacy on behalf of the city's working families. Notably, for example, Mr. Sacco worked tirelessly to safeguard the interests of hundreds of local timber industry workers during the expansion of Redwood National Park.

Mr. Speaker, Sam Sacco is well regarded as a model citizen and a dedi-

cated public servant, whose compassion for his local community was larger than life. The life of Sam Sacco stands as a testament to his public service, and it is our hope that we can honor this remarkable individual through the passage of this legislation to designate the West Clark Street post office in his honor.

I urge my colleagues to join me in supporting H.R. 6387.

I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 6387, and I think it is quite appropriate that we pass this bill.

Let me just say, Mr. Speaker, I had the privilege of serving as a fellow mayor with Mayor Sam back in the late seventies. We actually served in the League of California Cities together. I just find it interesting that all these years later I stand here on the House floor voting on a post office named after a colleague of mine who, though he lived almost 1,000 miles away, was a fellow mayor in my State at one end, while I was at the southern end.

I would ask that we support H.R. 6387.

I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I urge my colleagues to join me in supporting this measure, and I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I rise to ask again for support of H.R. 6387.

Seeing that this is our last bill for at least the foreseeable future, I would like to just point out I think there is one thing that all of us have seen, and today probably is a good example, especially those who have been watching.

This process that we have gone through today is one that we have gone back into over the last decade, and a lot of Members have raised the issue, is this the most prudent way of us handling these procedures? I know the gentlelady from the Federal district has raised issues about how to streamline it and expedite the process.

I think these issues of the resolutions and the way we are naming the post offices are ones that need to be reviewed, and hopefully both sides in the new Congress will be willing to look at this and say, look, historically this type of process has been used to buy time for leadership to be able to try to get individuals to vote their way, not necessarily the way the district constituency wanted them to vote.

I think that this is one place that we should be able to have a frank discussion in January. Hopefully we will see this type of process be put in, let's just say the trash heap of history, and we go to a much more expedited process that talks about substance.

I don't think any of us were very happy with what happened in the last few years while we were doing resolu-

tions and naming post offices while there were major budgetary and financial crises going on. I think we can all agree, especially after what we just went through today, let's try to look in January at having a better process that talks about more substantive issues.

Even though these are important to the individuals involved, the Nation is in a very critical time, and for us to be spending the majority of our time in the last few years actually doing things that the average citizen would say were not critical, I think that this is one time we can get together and say this process needs to be reformed, and hopefully in January we will not be going through a day like we just did.

I want to thank the gentlewoman from the Federal district for working with me today on these items.

With that, I yield back the balance of my time.

Mr. THOMPSON of California. Mr. Speaker, I rise in strong support of H.R. 6387, a bill to designate the facility of the United States Postal Service located at 337 West Clark Street in Eureka, California, as the “Sam Sacco Post Office Building”.

Sam Sacco served as Mayor of the City of Eureka from 1975–1979. He owned and operated an insurance agency in Eureka, where he served the community for 30 years—helping families and responding to every crisis with warmth and generosity that is remembered to this day. Sacco was an ardent advocate for working families and fought vigorously to make sure their interests were protected. His life's mission was to put an end to injustice and help those less fortunate. Mayor Sacco is survived by his wife, Mary Beth; sons, Jim and Sam; and daughter, Lisa. He is fondly remembered by his community.

I am honored to bring this bill to the floor and hope that Sam Sacco's legacy will live on, encouraging others to serve their community to the best of their ability.

Ms. NORTON. Mr. Speaker, I thank the gentleman as well, and again I urge my colleagues to join me in supporting this measure.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 6387.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

IMPROVING CERTAIN ADMINISTRATIVE OPERATIONS OF THE ARCHITECT OF THE CAPITOL

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6399) to improve certain administrative operations of the Office of the Architect of the Capitol, and for other purposes.

The Clerk read the title of the bill.
The text of the bill is as follows:

H.R. 6399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSOLIDATION OF STAFF POSITIONS.

(a) CONSOLIDATION.—Section 108 of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 1849) is amended to read as follows:

“SEC. 108. The Architect of the Capitol may fix the rate of basic pay for not more than 32 positions at a rate not to exceed the highest total rate of pay for the Senior Executive Service under subchapter VIII of chapter 53 of title 5, United States Code, for the locality involved.”.

(b) CONFORMING AMENDMENT.—Section 1203(e) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1805(e)) is amended by striking paragraph (3).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to pay periods beginning on or after the date of the enactment of this Act.

SEC. 2. AVAILABILITY OF APPROPRIATED FUNDS TO ACQUIRE BUILDING.

(a) AVAILABILITY.—The amounts described in subsection (b) shall be available to the Architect of the Capitol for the acquisition (through purchase, lease, transfer from another Federal entity, or otherwise) of real property for the use of the Capitol Police.

(b) AMOUNTS DESCRIBED.—The amounts described in this subsection are amounts appropriated to, and remaining available for obligation by, the Architect of the Capitol under the heading “Architect of the Capitol, Capitol Police Buildings and Grounds” or under the heading “Architect of the Capitol, Capitol Police Buildings, Grounds and Security” in any Act making appropriations for the legislative branch for fiscal years 2007 through 2010.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. DAVIS) and the gentleman from Mississippi (Mr. HARPER) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the measure now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. DAVIS of California. I yield myself such time as I may consume.

Mr. Speaker, this bill does two things: First, over time Congress has passed five laws creating three categories of senior management positions in the Architect's Office. The five laws specify the number of positions in each category, their functions and compensation. The creation of multiple categories with different pay caps can yield undesirable effects, including the possibility of employees earning more than supervisors. This patchwork hinders the Architect's flexibility to

align senior positions equitably across the agency and to make broad organizational changes.

This bill combines the affected positions into one category for administrative purposes capped at a single rate of pay. The Architect requested this sensible provision, which solves the problem that Congress never intended to create.

Second, Mr. Speaker, the bill provides the Architect with the authority to purchase a vehicle maintenance facility for the U.S. Capitol Police. Congress has previously appropriated the money, and there is no additional cost.

Mr. Speaker, this is a good bill. I urge support.

I reserve the balance of my time.

Mr. HARPER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank Chairman BRADY for bringing this bill to the floor. This bill provides the Architect of the Capitol with two administrative remedies in order to provide better management of the Capitol complex.

First, the bill gives the Architect of the Capitol more flexibility in his allocation of senior staff positions. Currently there is an arbitrary limitation in place.

Second, the bill authorizes the Architect of the Capitol to purchase a building that they have been leasing for some time. The building is currently used for United States Capitol Police vehicle maintenance and is also used as USCP headquarters for the hazardous device unit.

This money has already been appropriated, and this resolution provides the appropriate authorization needed from our committee of jurisdiction.

I thank Chairman BRADY for bringing this bill to the floor, and I am pleased to support this resolution.

Mr. Speaker, I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I urge an aye vote, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and pass the bill, H.R. 6399.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1550

CONGRATULATING NASA FOR HELPING TO RESCUE CHILEAN MINERS

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1714) congratulating the engineers, scientists, psychologists, and

staff of the National Aeronautics and Space Administration (NASA) for helping to successfully rescue 33 trapped Chilean miners from a collapsed mine near Copiapo, Chile.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1714

Whereas, on August 5, 2010, 33 Chilean miners were trapped by the collapse of a gold and copper mine near Copiapo, Chile;

Whereas, on August 22, 2010, all 33 miners were discovered alive after an intensive 17-day rescue effort;

Whereas, on August 27, 2010, the Chilean government asked the National Aeronautics and Space Administration (NASA) to provide technical advice that might be of assistance to the trapped miners;

Whereas NASA's vast knowledge and experience with extreme isolation, analog missions, undersea environments, and space flight uniquely suited the agency to help with this historic rescue;

Whereas sustaining, supporting, and rescuing the trapped miners was an extremely challenging task;

Whereas, on August 30, 2010, NASA employees from the Johnson and Langley Space Centers traveled to Chile to assist with the rescue efforts;

Whereas the NASA team worked closely with the Chilean government, including the Ministry of Health, the Ministry of Mining, the Chilean Navy, and the Chilean Space Agency;

Whereas NASA assisted the Chilean government by sharing knowledge acquired during space flight missions for the provision of medical care and psychological support in extreme isolation;

Whereas NASA engineers provided recommendations for the design requirements for the Phoenix capsule used to rescue the miners;

Whereas the Chilean Navy used the Phoenix capsule to bring the miners to the surface nearly 69 days after the mine's initial collapse;

Whereas, on October 13, 2010, all 33 miners were successfully rescued; and

Whereas NASA's help was instrumental in the historic rescue of all 33 miners: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the engineers, scientists, psychologists, and staff of the National Aeronautics and Space Administration for helping to successfully rescue 33 trapped Chilean miners from a collapsed mine near Copiapo, Chile; and

(2) recognizes that the experience and knowledge of the National Aeronautics and Space Administration has acquired through space flight is beneficial to human life on Earth and was critical to the successful rescue of the Chilean miners.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Texas (Mr. OLSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5

legislative days to revise and extend their remarks and to include extraneous material on H. Res. 1714, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

I would like to urge my colleagues to support this resolution now under consideration. While we often think of NASA's inspiring achievements in launching humans into space, assembling and operating the international space station, and deploying probes that deliver stunning images of the Earth, our Sun, planetary systems, and the universe, NASA's role in assisting the Chilean Government in the successful rescue of 33 miners trapped underground in northern Chile shows us a different side of NASA's greatness. It shows us the contributions of NASA's skills and technologies to benefiting people back here on Earth—whether here in the United States or around the world.

Based on NASA's extensive experience in working with extreme isolation, analog missions, undersea environments, and spaceflight, the Chilean Government sought guidance from NASA in addressing this task of rescuing 33 miners trapped over 2,000 feet underground—particularly on the nutritional and behavioral health of the trapped miners, which was extremely challenging. A team of NASA personnel from the Johnson Space Center in Texas and the Langley Research Center was assembled, including two medical doctors, a psychologist, and an engineer, who traveled to Chile to support the Chilean Government's rescue efforts. The NASA team worked diligently and tirelessly to provide input and information that could help preserve the health and well-being of the 33 trapped miners during and after their confinement as well as aid in their rescue.

Mr. Speaker, when called to help the Chilean Government, the NASA team responded with unwavering excellence and commitment. This enthusiasm is characteristic of the NASA workforce at the Johnson Center and at each of the other centers. The support of NASA and its team to the Government of Chile and the successful rescue of the 33 trapped miners is just the latest example of NASA's accomplishments in applying space technology, scientific knowledge, and operational and other skills to enrich the lives of Americans and people across the world. Those accomplishments include the use of NASA-developed research and rescue technologies to identify distressed ships and sailors at sea; the use of NASA air and space-based imagery to provide details on the 2010 Gulf of Mex-

ico oil spill; and the application of software developed to process Earth science imagery to the diagnostic interpretation of medical imagery.

The United States' investment in our space program and its workforce has far-reaching benefits for our economy, our national security, our international relations, and our humanity at large. NASA's contribution to the Chilean Government's rescue operation demonstrates the importance of ensuring a robust future for NASA as a multimission agency. NASA continues to provide the United States strong leadership in science, aeronautics, human spaceflight, and exploration, and that preserves and nurtures the world-class talent.

The NASA workforce is the heart of our space program's greatness. I urge my colleagues to join me in recognizing the NASA team and its contributions to the Chilean Government's successful and inspiring rescue mission that brought 33 trapped miners to freedom and safety.

I reserve the balance of my time.

Mr. OLSON. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H. Res. 1714, congratulating the engineers, scientists, psychologists, and staff of the National Aeronautics and Space Administration who contributed to the successful rescue of the 33 Chilean miners. NASA employees provided technical advice to the Chilean Government based on the agency's long experience in protecting humans in the hostile environment of space, including recommendations on medical care, nutrition, psychological support, as well as aiding the design of the device used to extract the miners.

As the world watched, Chile's Government turned its full attention to locating the 33 miners following the mine collapse on August 5. Seventeen days later, rescuers located the miners by successfully boring a half mile below the surface to a safe haven where the men had taken shelter. The fact that the drilling operation found its target on the first try in itself is a miracle, but it was also a testament to the skills and collaboration of many men and women working on the surface.

One day after locating the men, Chile's Government contacted NASA asking for technical advice regarding the best approach to ensure the miners were receiving appropriate psychological support and medical care. NASA also offered its advice to Chilean authorities on design requirements for the extraction vehicle. A week later, a five-member team of NASA employees visited Chile and the mine site as part of the agency response, offering their advice and their expertise.

I would like to recognize Dr. Michael Duncan, Dr. Albert Holland, and Dr. James Polk from the Johnson Space Center in the district I represent; Clint

Cragg from the Langley Research Center; and Albert Condes from NASA headquarters, for their role in helping this grand rescue effort, just another example of how the world benefits from American human spaceflight.

I would like to thank my fellow colleague, Congresswoman EDDIE BERNICE JOHNSON, for her hard work in getting this resolution to the floor. I urge all Members to support this resolution.

I have no further requests for time, and I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and agree to the resolution, H. Res. 1714.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1600

SUPPORTING UNDERGRADUATE RESEARCH WEEK

Ms. HIRONO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1654) expressing support for designation of the week of October 24, 2010, as "Undergraduate Research Week," as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1654

Whereas close to 600 colleges and universities in the United States and thousands of undergraduate students and faculty pursue undergraduate research every year, providing research opportunities that will shape the trajectory of students' lives and careers and researchers' and institutions' purpose and contributions to academia and the research enterprise;

Whereas students and faculty engaged in undergraduate research contribute to research across many disciplines, including arts and humanities, biology, chemistry, health sciences, geosciences, mathematics, computer science, physics and astronomy, psychology, and social sciences;

Whereas research at the undergraduate level provides both students and faculty members opportunities for improving and assessing the research environment at their institution, develops critical thinking, creativity, problem solving, and intellectual independence, and promotes an innovation-oriented culture;

Whereas undergraduate research is essential to pushing the Nation's innovation agenda forward by increasing the interest and persistence among young people in the crucial science, technology, engineering, and mathematics (STEM) disciplines, and to cultivating the interest of would-be researchers

who pursue a new aspiration of graduate education after participating in undergraduate research; and

Whereas the week of April 11, 2011, would be an appropriate week to designate as "Undergraduate Research Week": Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of "Undergraduate Research Week";

(2) recognizes the importance of undergraduate research and of providing research opportunities for the Nation's talented youth to cultivate innovative, creative, and enterprising young researchers, in collaboration with dedicated faculty;

(3) encourages institutions of higher education, Federal agencies, businesses, philanthropic entities, and others to support undergraduate research and undergraduate researchers and their faculty mentors;

(4) encourages opportunities, including through existing programs, for females and underrepresented minorities to participate in undergraduate research; and

(5) supports the role undergraduate research can and does play in crucial research that serves the Nation's best economic and security interests.

The SPEAKER pro tempore (Mr. LANGEVIN). Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentleman from Pennsylvania (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

GENERAL LEAVE

Ms. HIRONO. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1654 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Ms. HIRONO. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1654, which supports the designation of the week of April 11, 2011, as "Undergraduate Research Week." The undergraduate students of our Nation's colleges and universities provide important research across many disciplines at over 600 colleges and universities each year.

Undergraduate research occurs in a number of fields, including arts and humanities, biology, chemistry, health sciences, geosciences, mathematics, computer science, physics and astronomy, psychology, social sciences, and many more. Students work with dedicated faculty mentors to produce important studies, findings, and reports that advance research in these fields.

Undergraduate research helps both individual students and the institutions they attend. Student researchers develop critical thinking, analytical skills, and an understanding of research methodology which helps to prepare them for graduate education and their future careers. For institutions of higher education, undergraduate re-

search promotes an innovation-oriented culture, bolsters research capacities, and improves retention rates by engaging students in the campus community.

In my State, the University of Hawaii's system invests heavily in undergraduate research opportunities across its campuses. Recently, I had the opportunity to meet two outstanding students from the University of Hawaii who presented their scientific research posters at a Washington, D.C., awards ceremony. Haunani Kane from UH Manoa and Nakoa Goo from UH Hilo are native Hawaiian students who were award winners in the Louis Stokes Alliances for Minority Participation program.

We know that increasing interest and participation among young people in science, technology, engineering, and mathematics—the STEM disciplines—is crucial for the Nation's future economic competitiveness and for preparing our students for the jobs of tomorrow. Undergraduate research in STEM fields offers students an opportunity to both become interested in careers in these areas and to learn important technical and research skills which prepare them for successful careers.

Mr. Speaker, I would like to thank Representative HOLT for bringing this resolution forward.

Once again, I express my support for Undergraduate Research Week, which recognizes all of the important contributions of our undergraduate students to research at our Nation's colleges and universities. I urge my colleagues to support House Resolution 1654.

I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1654, expressing support for the designation of the week of April 11, 2011, as "Undergraduate Research Week."

Almost 600 colleges and universities in the United States offer opportunities for undergraduate research. Undergraduate research opportunities encourage students to develop critical thinking skills, problem-solving skills, and may intrigue students to pursue research opportunities in their educational and professional futures.

Research at all levels of education encourages innovation and discovery essential to the future of the United States. Undergraduate research in the science, technology, engineering, and mathematics disciplines can foster a student's interest in these fields, which are vital to the success of our Nation and of the world today.

Undergraduate Research Week recognizes the importance of undergraduate research. It encourages colleges and universities, businesses and other orga-

nizations to recognize the occasion. I support this resolution, and I ask my colleagues to do the same.

I reserve the balance of my time.

Ms. HIRONO. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank the gentlelady, and I rise in support of H. Res. 1654. We would like to see the week of April 11, 2011, designated as "Undergraduate Research Week."

Mr. Speaker, as a scientist and an educator, I know the value of undergraduate research both for the students and for the research enterprise. Undergraduate researchers formed the backbone of my research program when I was a faculty member at Swarthmore College, and they also contributed valuable work to my research at New York University and at Princeton University. I watched as their hands-on experiences with the process of discovery helped them develop skills that cannot be obtained just in the classroom, and I watched as it heightened their understanding of science and their enthusiasm for research. I might add, they produced excellent research.

Around the country, thousands of students at hundreds of colleges and universities are involved in undergraduate research experiences that will shape the trajectories of their lives and their careers. Yet we would benefit if thousands more were involved.

Recently, the National Academies followed up on their "Rising Above the Gathering Storm" report from 2005 with an account this year of America's progress over the previous 5 years. They concluded, in part, if the United States is to remain competitive, we need to preserve an adequate supply of creative, leading-edge, innovative American researchers. Early involvement in the real-world practice of science is very valuable in meeting this goal, and it is equally vital to our economic progress. It produces a scientifically literate society as well.

□ 1610

I commend the students and faculty who are participating in undergraduate research programs across the country and in organizations that support their work, such as the Council on Undergraduate Research, the Research Corporation, the National Science Foundation and many others. I encourage our colleges, universities, and Federal agencies to continue robust support for these programs, and to work together to develop new opportunities for all interested students to participate in undergraduate research.

Mr. THOMPSON of Pennsylvania. Mr. Speaker I have no requests for time, and I yield back the balance of my time.

Ms. HIRONO. Mr. Speaker, once again, I urge my colleagues to support this resolution and especially at this

time, at a time when we need to be strengthening and enhancing our STEM education. I think that this is a very important resolution to focus our attention on those issues.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution, H. Res. 1654, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: "Expressing support for designation of the week of April 11, 2011, as 'Undergraduate Research Week'."

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL PRINCIPALS MONTH

Ms. HIRONO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1652) expressing support for designation of the month of October 2010 as National Principals Month, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1652

Whereas the National Association of Elementary School Principals and the National Association of Secondary School Principals have declared the month of October 2010 as National Principals Month;

Whereas school leaders are expected to be educational visionaries, instructional leaders, assessment experts, disciplinarians, community builders, public relations experts, budget analysts, facility managers, special programs administrators, and guardians of various legal, contractual, and policy mandates and initiatives as well as being entrusted with our young people, our most valuable resource;

Whereas principals set the academic tone for their schools and work collaboratively with teachers to develop and maintain high curriculum standards, develop mission statements, and set performance goals and objectives;

Whereas the vision, dedication, and determination of a school leader provides the mobilizing force behind a school reform effort;

Whereas leadership is second only to classroom instruction among all school-related factors that contribute to student achievement, according to research conducted by the Wallace Foundation;

Whereas principal and teacher effectiveness have a significant impact on student achievement, and studies find no examples of success in turnaround schools without effective principal leadership, according to New Leaders for New Schools;

Whereas the U.S. Bureau of Labor Statistics estimates that approximately 1 in 3 education administrators works more than 40 hours a week and often works an additional 15 to 20 hours each week supervising school activities at night and on weekends;

Whereas assistant principals also play a crucial role providing leadership and charting a successful course at a school;

Whereas the NAESP National Distinguished Principals program honors exemplary elementary and middle level public, private, and independent school leaders as well as leaders from the U.S. Department of Defense Schools and the U.S. Department of State Overseas Schools, for outstanding leadership for student learning and the profession;

Whereas the MetLife-NASSP Principal of the Year program began in 1993 as a means to recognize outstanding middle level and high school principals who have succeeded in providing high-quality learning opportunities for students as well as their exemplary contributions to the profession;

Whereas the celebration of National Principals Month would honor elementary, middle level, and high school principals and recognize the importance of school leadership in ensuring that every child has access to a high-quality education; and

Whereas the month of October 2010 would be an appropriate month to designate as National Principals Month: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors and recognizes the contribution of school principals and assistant principals to the success of students in the Nation's elementary and secondary schools;

(2) supports the designation of National Principals Month; and

(3) encourages the people of the United States to observe National Principals Month with appropriate ceremonies and activities that promote awareness of school leadership in ensuring that every child has access to a high-quality education.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentleman from Pennsylvania (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

GENERAL LEAVE

Ms. HIRONO. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1652 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Ms. HIRONO. I yield myself such time as I may consume.

I rise today in support of House Resolution 1652, celebrating National Principals Month, which was observed this October. With this resolution, we recognize the important roles principals play as leaders in our schools and in ensuring the best educational environment for our Nation's children.

Most of us can recall a principal who made a difference in our lives. He or she was the one who walked down the hall, knew everyone by name and asked about our day. They let us know when we were out of line and smiled with pride at our success.

Over the years, school leadership roles have broadened substantially to

include increased emphasis on curriculum development, data analysis, and instructional leadership. They are tasked with complex problems such as facilitating systemic education reform while managing day-to-day school activities. Today, over 100,000 principals are supporting our Nation's students, teachers, and parents every day.

Since 1993, the National Association of Secondary School Principals and MetLife have partnered to applaud outstanding middle level and high school principals for demonstrated success in school leadership with their National Principal of the Year program.

I would like to congratulate 2010 National High School Principal of the Year Wes Taylor and Middle Level Principal of the Year Cathy Carnahan. Mr. Taylor serves as principal of Lowndes High School in Valdosta, Georgia. He has overseen a 13 percent increase in graduation rates at Lowndes High School and across-the-board double-digit increases in pass rates on the Georgia standardized test. Mr. Taylor is well known for his emphasis on personalized classroom instruction which focuses on the strengths and needs of each student, despite a school attendance of nearly 3,000 students. I thank Mr. Taylor for his hard work and dedication to his school and for being the role model he is for high school principals nationwide.

Ms. Cathy Carnahan serves as principal at Duniway Middle School in McMinnville, Oregon. She has served at Duniway since 1993, including as assistant principal, emphasizing an atmosphere of faculty teamwork which has led to increased test scores, decreased referrals, and an impressive student attendance rate of 95 percent or higher. I thank Ms. Carnahan for her dedicated work and exemplary performance, and I congratulate her on her recognition.

Recently, I also had the privilege to meet Hawaii's State Principals of the Year for 2010. Darrel Galera serves as principal of Moanalua High School and won the 2010 Hawaii School Principal of the Year. Under Principal Galera's leadership, Moanalua High School now boasts a graduation rate of over 90 percent, well above the State and national average. Principal Galera is committed to helping his educators excel, and since 2002 he has hosted a statewide professional development conference at Moanalua.

Justin Mew serves as principal of Niu Valley Middle School and won Hawaii's 2010 Middle School Principal of the Year. Under his leadership, Niu Valley became Hawaii's first middle school to offer the advanced International Baccalaureate Middle Years Programme. Niu Valley also has a strong language immersion program, allowing students to learn Mandarin or Japanese. On a personal note, I also attended Niu Valley Middle School.

Great principals tremendously improve the outcomes of our Nation's youth and play a critical role in a school's success or failure. National Principals Month is an opportunity for us all to recognize this important role and to honor the work of all our Nation's principals.

Mr. Speaker, once again, I express my support for National Principals Month, and I hope this resolution serves as a thank you to our Nation's principals. I want to thank Representative SUSAN DAVIS for bringing this resolution to the floor and urge my colleagues to join me in support of House Resolution 1652.

I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1652, expressing support for designation of the month of October 2010 as National Principals Month.

Anyone who has visited a successful school or who has watched their children progress through their education knows a good principal is vital to a successful school. A good principal sets the tone for the school and encourages teachers and students alike to do their best each day. Principals are also the people who know the school's needs best as they are in the building talking to the teachers and talking to the students on a regular basis.

Unfortunately, all too often principals are prevented from doing what they need to do in terms of selecting the best teachers for their school. Earlier this year, committee Republicans developed four key principles on education reform. One of those principles, restoring local control, highlights the importance of ensuring principals have the flexibility they need to help their students and teachers succeed in the classroom.

Principals are key to ensuring that every child excels in the classroom. For that reason, I support this resolution and ask my colleagues to do the same.

I yield back the balance of my time.

Ms. HIRONO. Once again, Mr. Speaker, I urge my colleagues to support the recognition of all of the hardworking principals throughout our country, and with that, I yield the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution, H. Res. 1652, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 716, by the yeas and nays;

H. Res. 1475, by the yeas and nays;

H. Res. 1428, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

RECOGNIZING GAIL ABARBANEL AND THE RAPE TREATMENT CENTER

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 716) recognizing Gail Abarbanel and the Rape Treatment Center, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the resolution.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 17, as follows:

[Roll No. 569]

YEAS—415

Ackerman	Bright	Costa	Lee (NY)	Reyes
Aderholt	Brown (GA)	Costello	Levin	Richardson
Adler (NJ)	Brown (SC)	Courtney	Lewis (CA)	Rodriguez
Akin	Brown, Corrine	Crenshaw	Lewis (GA)	Roe (TN)
Alexander	Brown-Waite,	Critz	Linder	Rogers (AL)
Altmire	Ginny	Crowley	Lipinski	Rogers (KY)
Andrews	Buchanan	Cuellar	LoBiondo	Rogers (MI)
Arcuri	Burgess	Culberson	Loeb sack	Rohrabacher
Austria	Burton (IN)	Cummings	Loftgren, Zoe	Rooney
Baca	Butterfield	Dahlkemper	Lowey	Ros-Lehtinen
Bachmann	Buyer	Davis (CA)	Lucas	Roskam
Bachus	Calvert	Davis (IL)	Luetkemeyer	Ross
Baird	Camp	Davis (KY)	Luján	Rothman (NJ)
Baldwin	Campbell	Davis (TN)	Lummis	Roybal-Allard
Barrett (SC)	Cantor	DeFazio	Lungren, Daniel	Royce
Barrow	Cao	DeGette	E.	Ruppersberger
Bartlett	Capito	DeLauro	Lynch	Rush
Barton (TX)	Capps	Dent	Mack	Ryan (OH)
Becerra	Capuano	Deutch	Maffei	Ryan (WI)
Berkley	Cardoza	Diaz-Balart, L.	Maloney	Salazar
Berman	Carnahan	Diaz-Balart, M.	Manzullo	Sánchez, Linda
Berry	Carney	Dicks	Marchant	T.
Biggert	Carson (IN)	Dingell	Markey (CO)	Sanchez, Loretta
Bilbray	Carter	Djoug	Markey (MA)	Sarbanes
Bilirakis	Cassidy	Doggett	Marshall	Scalise
Bishop (GA)	Castle	Donnelly (IN)	Matsui	Schakowsky
Bishop (NY)	Castor (FL)	Doyle	McCarthy (CA)	Schauer
Bishop (UT)	Chaffetz	Dreier	McCarthy (NY)	Schiff
Blackburn	Chandler	Drie haus	McCaul	Schmidt
Blumenauer	Childers	Duncan	McClintock	Schock
Blunt	Chu	Edwards (MD)	McCollum	Schrader
Boccieri	Clarke	Edwards (TX)	McCotter	Schwartz
Boehner	Clay	Ehlers	McGovern	Scott (GA)
Bonner	Cleaver	Ellison	McHenry	Scott (VA)
Bono Mack	Clyburn	Ellsworth	McIntyre	Sensenbrenner
Boren	Coble	Emerson	McKeon	Serrano
Boswell	Coffman (CO)	Eshoo	McMahon	Sessions
Boucher	Cohen	Engel	McMorris	Sestak
Boustany	Cole	Etheridge	Rodgers	Shadegg
Boyd	Conaway	Farr	McNerney	Shea-Porter
Brady (PA)	Connolly (VA)	Fattah	Meeks (NY)	Sherman
Brady (TX)	Conyers	Filner	Mica	Shimkus
Braley (IA)	Cooper		Michaud	Shuler
			Miller (FL)	Shuster
			Miller (MI)	Simpson
			Miller (NC)	Sires
			Miller, Gary	Skelton
			Miller, George	Slaughter
			Minnick	Smith (NE)
			Mitchell	Smith (NJ)
			Mohden	Smith (TX)
			Holt	Smith (WA)
			Honda	Snyder
			Hoyer	Speier
			Hunter	Spratt
			Inglis	Stearns
			Inslee	Stupak
			Israel	Sullivan
			Issa	Sutton
			Jackson (IL)	Taylor
			Jackson Lee	Teague
			(TX)	Terry
			Jenkins	Thompson (CA)
			Johnson (GA)	Thompson (MS)
			Johnson (IL)	Thompson (PA)
			Johnson, E. B.	Thornberry
			Johnson, Sam	Tiahrt
			Jones	Tiberi
			Jordan (OH)	Tierney
			Kagen	Titus
			Kanjorski	Tonko
			Kaptur	Towns
			Kildee	Tsongas
			Kilpatrick (MI)	Turner
			Kilroy	Upton
			Kind	Van Hollen
			King (IA)	Velázquez
			King (NY)	Visclosky
			Kingston	Walden
			Kirk	Walz
			Kirkpatrick (AZ)	Wamp
			Kissel	Wasserman
			Klein (FL)	Schultz
			Kline (MN)	Waters
			Kosmas	Watson
			Kratovil	Watt
			Kucinich	Waxman
			Lamborn	Weiner
			Lance	Welch
			Langevin	Westmoreland
			Larsen (WA)	Whitfield
			Larson (CT)	Wilson (OH)
			Latham	Wilson (SC)
			LaTourette	Wittman
			Latta	
			Lee (CA)	

Wolf
Woolsey

Wu
Yarmuth

Young (AK)
Young (FL)

Djou
Doggett
Donnelly (IN)

King (NY)
Kingston
Kirkpatrick (AZ)

Petri
Pingree (ME)
Pitts

Watson
Watt
Waxman
Weiner
Welch
Westmoreland

Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey

Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—17

Bean
Boozman
Davis (AL)
Fallin
Gohmert
Kennedy

Matheson
McDermott
Meek (FL)
Melancon
Mollohan
Oberstar

Platts
Putnam
Space
Stark
Tanner

Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth

Klein (FL)
Kline (MN)
Kratovil
Kucinich
Lamborn

Pomeroy
Posey
Price (GA)
Price (NC)
Quigley

Rahall
Radanovich
Rahall
Rangel
Rehberg
Reichert

NOT VOTING—26

Bean
Blumenauer
Boozman
Buyer
Davis (AL)
Fallin
Gutierrez
Kennedy
Kirk

Larson (CT)
Matheson
McCaul
McDermott
Meek (FL)
Melancon
Mollohan
Napolitano
Oberstar

Platts
Putnam
Ryan (OH)
Shea-Porter
Space
Stark
Tanner
Taylor

□ 1651

Mr. ROE of Tennessee changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONGRATULATING TARBORO, NORTH CAROLINA, ON ITS 250TH ANNIVERSARY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1475) congratulates the town of Tarboro, North Carolina, on the occasion of its 250th anniversary, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and agree to the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 0, not voting 26, as follows—

[Roll No. 570]

YEAS—406

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggart
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Bocieri
Boehner
Bonner
Bono Mack
Boren
Boswell

Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu

Clarke
Clay
Clever
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell

Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Ingles
Inslie
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)

King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Latham
LaTourrette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebbeck
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matsui
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McCotter
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Neal (MA)
Neugebauer
Nunes
Nye
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascarella
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perrillo
Peters
Peterson

Petri
Pingree (ME)
Pitts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Spyder
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. LORETTA SANCHEZ of California) (during the vote). Two minutes remain in this vote.

□ 1659

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, Nov. 5, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from the Honorable Todd Rokita, Secretary of State, State of Indiana, indicating that, according to the unofficial returns of the Special Election held November 2, 2010, the Honorable Marlin A. Stutzman was elected Representative to Congress for the Third Congressional District, State of Indiana.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk.

Enclosure.

SECRETARY OF STATE,
STATE OF INDIANA,
Nov. 5, 2010.

Lorraine C. Miller,
Office of the Clerk, House of Representatives,
Washington, DC.

Re Special Election in Third Congressional District of Indiana.

DEAR CLERK MILLER: On November 2, 2010, a special election was conducted in the 3rd Congressional District of Indiana to fill the vacancy in that office.

Based on the unofficial results provided by the county election boards of the counties located within that district, The Honorable Marlin A. Stutzman has been elected to fill this vacancy. A spreadsheet showing the unofficial results is attached.

There is no information indicating that the results of this special election will be recounted or contested in any way.

If you have further questions, please let me know.

Very truly yours,

TODD ROKITA,
Secretary of State of Indiana.

**SWEARING IN OF THE HONORABLE
MARLIN A. STUTZMAN, OF INDIANA,
AS A MEMBER OF THE
HOUSE**

Mr. BURTON of Indiana. Madam Speaker, I ask unanimous consent that the gentleman from Indiana, the Honorable MARLIN A. STUTZMAN, be permitted to take the oath of office today.

His certificate of election has not arrived, but there is no contest and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER. Will Representative-elect STUTZMAN and the members of the Indiana delegation present themselves in the well.

Mr. STUTZMAN appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations, you are now a Member of the 111th Congress.

**WELCOMING THE HONORABLE
MARLIN A. STUTZMAN TO THE
HOUSE OF REPRESENTATIVES**

The SPEAKER. Without objection, the gentleman from Indiana is recognized for 1 minute.

There was no objection.

Mr. BURTON of Indiana. Thank you, Madam Speaker.

As dean of the Indiana delegation on our side, it is my honor and privilege to introduce our newest Member, MARLIN STUTZMAN. MARLIN is a fourth-generation farmer who grew up on a farm in Howe, Indiana. He is the oldest of four children, all of whom worked on the family farm from a very young age. MARLIN and his father operate Stutzman Farms, and he's also owner of Stutzman Farms Trucking. MARLIN and his wife, Christy, who my wife tells me has a beautiful voice—she said you sang the “Star-Spangled Banner” today and it was fantastic, so we're going to have to use her talents down the road.

MARLIN and his wife, Christy, have two children, sons Payton—named after Walter Payton, the great football player—and Preston.

They're very active in the Community Baptist Church and in foreign mission work. MARLIN is a member of the NFIB, the NRA, and the Northeast In-

diana Right to Life as well. MARLIN was first elected to the Indiana State House of Representatives in 2002, at the age of 26—I didn't know there was anybody that young—becoming the youngest member of the Indiana legislature. While serving in the Indiana House, MARLIN fought for lower taxes, less regulation, and balanced budgets. He consistently received 90 percent ratings or above from the Chamber of Commerce and other small business associations. In 2008, he won the Small Business Champion Award from the Indiana Chamber of Commerce. In 2008, MARLIN won a seat in the Indiana State Senate.

As dean of the Indiana delegation on the Republican side, it is my distinct honor and privilege to introduce to the House of Representatives Mr. STUTZMAN, but first I would like to yield to the senior Member from Indiana on the Democrat side, Mr. VISCLOSKEY.

Mr. VISCLOSKEY. I appreciate the gentleman for yielding and would suggest that Mr. BURTON is the dean of the Indiana delegation, and I would want to show him that respect.

But, MARLIN, I would simply want to add my voice to Mr. BURTON's on behalf of all of the members of the delegation and all of the Members of the House and certainly wish you every success in your endeavor of public service and in serving the people we all try to serve to the best of our ability. Welcome very strongly to the House of Representatives.

Mr. BURTON of Indiana. It is now my distinct honor to introduce the newest Member of the U.S. House of Representatives, Representative MARLIN STUTZMAN.

Mr. STUTZMAN. Thank you.

Madam Speaker, it is just a tremendous honor to stand here before you today. It has been very, very humbling. I can say that, your kindness to us, the Members that we have met so far. I want to introduce my wife, Christy, who's up in the gallery. She has been my most supportive person. We have done this together as a team, and I can't say enough about her and am so proud of her. My father, Albert, and my mom, Sarah, are both along. My brothers, my sisters, and a lot of other friends and family.

But I just want to say thank you. It is such a humbling experience so far. I am excited and privileged to serve the people in northeast Indiana. We have a wonderful community, and to know that I get to serve with the Indiana delegation is such a high honor. Thank you very much. I am looking forward to serving you in this upcoming Congress.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administra-

tion of the oath to the gentleman from Indiana, the whole number of the House is 434.

**RECOGNIZING BROOKLYN BOTANIC
GARDEN ON ITS 100TH ANNIVER-
SARY**

The SPEAKER pro tempore (Mr. BLUMENAUER). Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1428) recognizing Brooklyn Botanic Garden on its 100th anniversary as the preeminent horticultural attraction in the borough of Brooklyn and its longstanding commitment to environmental stewardship and education for the City of New York, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and agree to the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 401, nays 0, answered “present” 1, not voting 31, as follows:

[Roll No. 571]

YEAS—401

Ackerman	Brown (SC)	Crowley
Aderholt	Brown, Corrine	Cuellar
Adler (NJ)	Brown-Waite,	Culberson
Akin	Ginny	Cummings
Alexander	Buchanan	Dahlkemper
Altmire	Burgess	Davis (CA)
Andrews	Burton (IN)	Davis (IL)
Arcuri	Butterfield	Davis (KY)
Austria	Buyer	Davis (TN)
Baca	Calvert	DeFazio
Bachmann	Camp	DeGette
Bachus	Campbell	DeLauro
Baird	Cantor	Dent
Baldwin	Cao	Deutch
Barrett (SC)	Capito	Diaz-Balart, L.
Barrow	Capps	Diaz-Balart, M.
Bartlett	Capuano	Dicks
Barton (TX)	Carnahan	Dingell
Becerra	Carney	Djou
Berkley	Carson (IN)	Doggett
Berman	Carter	Donnelly (IN)
Berry	Cassidy	Doyle
Biggert	Castle	Dreier
Bilbray	Castor (FL)	Driehaus
Bilirakis	Chandler	Duncan
Bishop (GA)	Childers	Edwards (MD)
Bishop (NY)	Chu	Ehlers
Bishop (UT)	Clarke	Ellison
Blackburn	Clay	Ellsworth
Blumenauer	Cleaver	Emerson
Bocchieri	Clyburn	Engel
Boehner	Coble	Etheridge
Bonner	Coffman (CO)	Farr
Bono Mack	Cohen	Fattah
Boren	Cole	Filner
Boswell	Conaway	Flake
Boucher	Connolly (VA)	Fleming
Boustany	Conyers	Forbes
Boyd	Cooper	Fortenberry
Brady (PA)	Costa	Foster
Brady (TX)	Costello	Fox
Braley (IA)	Courtney	Frank (MA)
Bright	Crenshaw	Franks (AZ)
Brown (GA)	Critz	

Frelinghuysen
 Fudge
 Gallegly
 Garamendi
 Garrett (NJ)
 Gerlach
 Giffords
 Gingrey (GA)
 Gohmert
 Gonzalez
 Goodlatte
 Gordon (TN)
 Granger
 Graves (GA)
 Graves (MO)
 Grayson
 Green, Al
 Green, Gene
 Griffith
 Grijalva
 Guthrie
 Gutierrez
 Hall (NY)
 Hall (TX)
 Halvorson
 Harman
 Harper
 Hastings (FL)
 Hastings (WA)
 Heinrich
 Heller
 Hensarling
 Herger
 Hersheth Sandlin
 Higgins
 Hill
 Himes
 Hinchey
 Hinojosa
 Hirono
 Hodes
 Hoekstra
 Holden
 Holt
 Honda
 Hoyer
 Hunter
 Inglis
 Inslee
 Israel
 Issa
 Jackson (IL)
 Jackson Lee
 (TX)
 Jenkins
 Johnson (GA)
 Johnson (IL)
 Johnson, E. B.
 Johnson, Sam
 Jones
 Jordan (OH)
 Kagen
 Kanjorski
 Kaptur
 Kildee
 Kilpatrick (MI)
 Kilroy
 Kind
 King (IA)
 King (NY)
 Kingston
 Kirkpatrick (AZ)
 Kissell
 Klein (FL)
 Kline (MN)
 Kosmas
 Kratovil
 Kucinich
 Lamborn
 Lance
 Langevin
 Larsen (WA)
 Larson (CT)
 Latham
 LaTourette
 Latta
 Lee (CA)
 Lee (NY)
 Levin
 Lewis (CA)
 Lewis (GA)
 Lipinski

LoBiondo
 Loeb sack
 Lofgren, Zoe
 Lowey
 Luetkemeyer
 Lujan
 Lungren, Daniel
 E.
 Lynch
 Mack
 Maffei
 Maloney
 Manzullo
 Marchant
 Markey (CO)
 Markey (MA)
 Marshall
 Matsui
 McCarthy (NY)
 McCaul
 McClintock
 McCollum
 McCotter
 McGovern
 McHenry
 McIntyre
 McMahon
 McNerney
 Meeks (NY)
 Mica
 Michaud
 Miller (FL)
 Miller (MI)
 Miller (NC)
 Miller, Gary
 Miller, George
 Minnick
 Mitchell
 Moore (WI)
 Moran (KS)
 Moran (VA)
 Murphy (CT)
 Murphy (NY)
 Murphy, Patrick
 Murphy, Tim
 Myrick
 Nadler (NY)
 Napolitano
 Neal (MA)
 Neugebauer
 Nunes
 Nye
 Obey
 Olson
 Olver
 Ortiz
 Owens
 Pallone
 Pascrell
 Pastor (AZ)
 Paul
 Paulsen
 Payne
 Pence
 Perlmutter
 Perriello
 Peters
 Peterson
 Petri
 Pingree (ME)
 Pitts
 Poe (TX)
 Polis (CO)
 Pomeroy
 Posey
 Price (GA)
 Price (NC)
 Quigley
 Radanovich
 Rahall
 Rangel
 Rehberg
 Reichert
 Reyes
 Richardson
 Rodriguez
 Roe (TN)
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher

Rooney
 Ros-Lehtinen
 Roskam
 Ross
 Rothman (NJ)
 Roybal-Allard
 Royce
 Ruppensberger
 Rush
 Ryan (OH)
 Ryan (WI)
 Salazar
 Sanchez, Linda
 T.
 Sanchez, Loretta
 Sarbanes
 Scalise
 Schakowsky
 Schauer
 Schiff
 Schmidt
 Schwartz
 Scott (GA)
 Scott (VA)
 Sensenbrenner
 Serrano
 Sessions
 Sestak
 Shadegg
 Shea-Porter
 Sherman
 Shimkus
 Shuler
 Shuster
 Simpson
 Sires
 Skelton
 Slaughter
 Smith (NE)
 Smith (NJ)
 Smith (TX)
 Smith (WA)
 Snyder
 Speier
 Spratt
 Stupak
 Stutzman
 Sullivan
 Sutton
 Taylor
 Teague
 Terry
 Thompson (CA)
 Thompson (MS)
 Thompson (PA)
 Thornberry
 Tiahrt
 Tiberi
 Tierney
 Titus
 Tonko
 Towns
 Tsongas
 Turner
 Upton
 Van Hollen
 Peters
 Velázquez
 Visclosky
 Walden
 Walz
 Wamp
 Wasserman
 Schultz
 Waters
 Watson
 Watt
 Waxman
 Weiner
 Welch
 Westmoreland
 Whitfield
 Wilson (OH)
 Wilson (SC)
 Wittman
 Wolf
 Woolsey
 Wu
 Yarmuth
 Young (AK)
 Young (FL)

NOT VOTING—31

Bean
 Blunt
 Boozman
 Cardoza
 Davis (AL)
 Edwards (TX)
 Eshoo
 Fallon
 Hare
 Kennedy
 Kirk
 Linder
 Lummis
 Matheson
 McCarthy (CA)
 McDermott
 McKeon
 McMorris
 Rodgers
 Meek (FL)
 Melancon
 Mollohan
 Moore (KS)
 Oberstar
 Platts
 Putnam
 Schock
 Schrader
 Space
 Stark
 Stearns
 Tanner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1714

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CELEBRATING THE 60TH ANNIVERSARY OF IMPACT AID

Ms. HIRONO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1641) celebrating September 30, 2010, as the 60th Anniversary of Impact Aid.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1641

Whereas September 30, 2010, marks the 60th anniversary of the date on which President Harry S. Truman signed Public Law 81-874, which enacted the Impact Aid program into law;

Whereas the Impact Aid Program is considered by the community it serves as the "original" Federal elementary and secondary education program, and is administered by the Secretary of Education;

Whereas Impact Aid is designed to reimburse local educational agencies for the loss of traditional revenue due to the presence of tax-exempt property or Federal activity;

Whereas Impact Aid payments are allocated directly to local educational agencies in lieu of lost local tax dollars to assist with the basic educational needs of the students and schools;

Whereas nearly 1,000,000 children of our men and women in uniform, children residing on Indian lands, children in low-rent public housing, and children of civilians working or living on Federal land are "federally connected children" who are served by local educational agencies that are eligible for Impact Aid payments in 2010;

Whereas in 1951, 1,183 local educational agencies were eligible for a total Impact Aid payment of \$29,080,788, and in 2010, 1,484 local educational agencies enrolling over 11,000,000 students will receive \$1,276,183,000;

Whereas the original Impact Aid statute (Public Law 81-874) was the vehicle used by Congress in 1965 to pass the Elementary and Secondary Education Act of 1965;

Whereas Congress has continued to show its support for Impact Aid by reauthorizing the program 15 times during the period between 1950 and 2001;

Whereas the House Impact Aid Coalition was established in 1995 and the Senate Im-

act Aid Coalition was established in 1996 to formalize and energize the broad, bipartisan support for the Impact Aid Program; and

Whereas the Federal obligation upon which the Impact Aid Program is based today is no different than it was 60 years ago: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and celebrates the 60th anniversary of the enactment of the Impact Aid program (Public Law 81-874), the original Federal elementary and secondary education program, as "Impact Aid Recognition Day";

(2) recognizes the importance of the Impact Aid program (which is currently in title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.)) in ensuring that federally connected children (including children of members of the Armed Forces, children residing on Indian lands, children in low-rent public housing, and children of civilians working or living on Federal land) receive a high-quality public education; and

(3) recommends that federally connected schools and the communities they serve recognize Impact Aid Recognition Day and carry out appropriate activities centered on the Federal Government's obligation to federally connected children and the need for continuing funding.

The SPEAKER pro tempore (Mr. LANGEVIN). Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentleman from Pennsylvania (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

GENERAL LEAVE

Ms. HIRONO. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1641 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Ms. HIRONO. I yield myself such time as I may consume.

Mr. Speaker, I am the sponsor of House Resolution 1641, celebrating September 30, 2010, as the 60th anniversary of the Impact Aid program. Hawaii schools received \$55.5 million in Federal Impact Aid for fiscal years 2008 and 2009, the most recent years for which data is available.

The majority of public school funding in America comes from local property taxes. Unfortunately, in school districts where the Federal Government controls part of the land, districts cannot collect revenue in local property taxes. Hawaii, for example, hosts many large U.S. military bases where thousands of our brave men and women and their families live and work. These bases do not generate property tax revenue to help educate Hawaii's military children and all of our children in Hawaii's schools. In Hawaii, as in other States, our national parks, Federal prisons, Indian lands, and low-rent public housing also decrease the property tax revenue available for schools.

ANSWERED "PRESENT"—1

Chaffetz

□ 1720

Left uncorrected, our children in federally impacted areas would have less funding for education than their peers in areas with no Federal impact. This is patently unfair.

In 1950, Congress recognized the need to address this inequity and created Impact Aid, the original civil rights education law. Impact Aid reimburses the school districts for the costs of hosting Federal property and educating federally connected children.

Today, just as in 1950, we recognize the Federal obligation to support high-quality education for all children. No matter what type of land you live on, and especially if your family serves our Nation, all our children deserve a high-quality education.

Our Impact Aid community crosses all partisan and geographic divides. We have the military community, Indian land school districts, urban and rural communities, Democratic and Republican districts, districts large and small. Today Impact Aid payments support over 11 million children in nearly 1,500 school districts.

The need for Federal Impact Aid is especially important now, as Hawaii and school districts nationwide continue to recover from the greatest recession since the 1930s. Impact Aid funds come with few strings attached and help districts support a wide range of vital services, including teacher salaries, tutoring, after-school programs, textbooks, utilities, and other local needs.

Today we celebrate Impact Aid for advancing educational equity and recognize that we still have much to do to give all our children a truly world-class education.

I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1641, which celebrates September 30 as the 60th anniversary of Impact Aid.

The Impact Aid program, now Title VIII of the Elementary and Secondary Education Act of 1965, supports local school districts with concentrations of children who reside on military bases, Indian lands, low-rent housing units, and other Federal properties.

Signed into law in 1950, the program is an invaluable resource for local school districts across the United States that have lands within their boundaries that are owned by the Federal Government or have been removed from the local tax rolls by the Federal Government. These school districts face special challenges. They must provide a quality education to the children living on the Indian and other Federal lands and meet Federal education requirements, while sometimes operating with less local revenue than is available to other school districts,

because the Federal property is exempt from local property taxes.

Under the program, most Impact Aid funds are considered general aid to school districts. Most school districts use the funds to pay the salaries of teachers and teachers' aides; purchase textbooks, computers and other equipment; fund after-school programs and remedial tutoring; fund advanced placement classes and special enrichment programs. It is the only Federal program that is administered locally in order to meet the needs of students in the classroom.

In 2010, nearly \$1.3 billion will be provided to 1,484 school districts, enrolling more than 1 million federally connected children—children of our men and women in uniform, children residing on Indian lands, children in low-rent housing, and children of civilians working or living on Federal land. The funding will benefit more than 11 million students who are enrolled in these school districts.

Mr. Speaker, for the last 60 years, the Impact Aid program has played an important role in ensuring that all students have access and receive a high-quality public education. I urge my colleagues to support House Resolution 1641.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I rise today in support of House Resolution 1641, celebrating the 60th anniversary of the Impact Aid Education Program. The Federal obligation upon which the Impact Aid Program was founded is no different today than it was at the program's inception. Originally authorized in 1950, and for the last 60 years, Impact Aid has successfully assisted local governments and communities with the substantial and continuing financial burden resulting from federal land ownership.

This year alone, in 1,484 school districts across the country, 15 million children have benefited from the necessary supplemental funding Impact Aid provides. Whether it is the Nespellum, Wellpinit, Inchelium, Medical Lake or one of the many other school districts in my district, the Impact Aid program transcends all bounds and benefits a diverse and equally needy group of children.

Impact Aid is a contract between the Federal government and the local communities, and we must hold up our end of the deal. As states and communities across the country tighten their budgets, it is now more important than ever, that the Federal government fulfill its contractually obligated responsibility to communities on time, every time. On this 60th Anniversary, we have an opportunity to renew our commitment to Impact Aid and renew our drive to reduce the bureaucratic paralysis plaguing an otherwise successful program.

Programs, like Impact Aid, where the Federal government provides the necessary support and empowers local communities to provide invaluable services, without burdensome one-size fits all regulation, should not only be applauded, but imitated. That is why I urge all of my colleagues to join me in supporting House Resolution 1641, celebrating the 60th anniversary of the Impact Aid Education Program.

Mr. DICKS. Mr. Speaker, since my first day in Congress, Impact Aid has always been one of my top priorities. My congressional district in the State of Washington is one of the most heavily impacted by large and vital military installations, including Joint Base Lewis-McChord, Puget Sound Naval Shipyard, Naval Undersea Warfare Center Keyport and Submarine Base Bangor, which are either in or near the Sixth Congressional District. Our region proudly hosts thousands of active duty military personnel and their families, who represent a huge economic force in the Pacific Northwest as they contribute substantially to our nation's security. In addition, Washington is also home to 27 federally recognized Native American tribes, many of which I am proud to represent in Congress.

With the many advantages of these large federal installations comes the loss of a substantial amount of land from the local tax base, however. Nevertheless, local school districts are still required to provide an education to children who live on these bases and other federally-connected, tax-exempt properties. Nationwide, this adds up to more than 1 million children, imposing more than \$1 billion in additional costs to these districts. This is the reason Congress created the Impact Aid program 60 years ago.

Although the case in favor of federal Impact Aid payments is clear and compelling, it has frequently been a target for reductions as we have debated the federal budget in Congress. Over the years, cuts to Impact Aid funding have been included in the Presidential budgets submitted to Congress, and occasionally in budget Resolutions considered in the House and Senate.

To defend this vital program in the House of Representatives, I joined with a dozen of my Republican and Democratic colleagues in 1995, led by my good friends CHET EDWARDS and Jim Saxton, to form the House Impact Aid Coalition. Together, we have worked hard to support this program through a number of tough budget years, and I am proud that this program continues to be an important source of funding for nearly 1,500 local education agencies across the country.

At the same time we are celebrating the 60th anniversary of the creation of the Impact Aid program, we are beginning another period in which constrained federal budgets will likely threaten to erode the progress we have made, and so the work of our coalition to build support for Impact Aid will be more important than ever. I regret that the Impact Aid Coalition will be losing some of its great champions—Chairman EDWARDS, IKE SKELTON, EARL POMEROY, and PATRICK KENNEDY—all of whom have worked hard for this cause. But in the 112th Congress I am proud that we will still have more than 100 Members who are committed to preserving this program that means so much to children of military families as well as Native American kids.

So on the occasion of this 60th anniversary of the Impact Aid Program, I join my colleagues in reflecting on the success we've had in preserving this program, and I look forward to working with my colleagues in the years ahead to strengthen it.

Mr. THOMPSON of Pennsylvania. I have no requests for time, and I yield back the balance of my time.

Ms. HIRONO. With that, I urge my colleagues to support the resolution and continue to support Impact Aid, which truly represents equal educational opportunities for our millions of children across our country. Happy 60th anniversary, Impact Aid.

I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution, H. Res. 1641.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL FARM TO SCHOOL MONTH

Ms. HIRONO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1655) expressing support for designation of October as "National Farm to School Month," as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1655

Whereas Farm to School programs of varying scale are currently operational in over 9,700 schools in all 50 States;

Whereas Farm to School programs connect schools and local farms in order to serve healthier meals in school cafeterias;

Whereas Farm to School programs often have experiential education components that can lead to permanent improvements in children's diets both in school and at home;

Whereas Farm to School programs facilitate the purchase of local food for school meals;

Whereas Farm to School programs can benefit small and mid-sized agricultural producers by providing access to consistent markets;

Whereas Farm to School programs can be particularly important for beginning or socially disadvantaged farmers as schools provide a consistent and secure customer base;

Whereas Farm to School programs can benefit local economies, for every \$1 spent on local foods in schools, \$1 to \$3 circulate in the local economy;

Whereas one-third of children in the United States are now obese or overweight, and over the past 3 decades, obesity rates have quadrupled in 6- to 11-year-olds and tripled in 12- to 19-year-olds according to the most recent data from the Centers for Disease Control and Prevention's National Health and Nutrition Examination survey;

Whereas United States Department of Agriculture (USDA) data shows that only 2 percent of children meet the Food Guide Pyramid serving recommendations;

Whereas communities with high levels of poverty have less access to fresh fruits and vegetables than higher-income communities;

Whereas increased consumption of fresh fruits and vegetables is 1 of 6 major strategies to prevent and control obesity, according to the Centers for Disease Control and Prevention;

Whereas Farm to School programs can increase children's daily intake of fresh fruits and vegetables and studies have demonstrated that children in schools with an active Farm to School program increased their average consumption of fresh fruits and vegetables by 1 or more servings per day;

Whereas Farm to School programs are popular among children and can increase school lunch participation ranging from 3 percent to 16 percent for all meals; and

Whereas the month of October would be an appropriate month to designate as "National Farm to School Month": Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses support for designation of "National Farm to School Month";

(2) encourages schools and local education agencies to use local produce in meals; and

(3) encourages schools, farmers and farm groups, local businesses, nonprofit institutions, churches, cities, State governments, and other local groups to raise awareness of Farm to School efforts in their communities.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentleman from Pennsylvania (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

GENERAL LEAVE

Ms. HIRONO. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1655 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Ms. HIRONO. I yield myself such time as I may consume.

I rise today in support of House Resolution 1655, celebrating National Farm to School Month, which was observed in October of this year.

Farm to School programs bring nutritious products from local farms into the cafeterias of schools in our area. The result is healthier meals, improved student nutrition, and a link to firsthand education in agriculture, health, and nutrition. Exceptionally popular with children, Farm to School programs operate in over 9,700 schools in Hawaii and all 50 States. In schools with a Farm to School program, there is a 3 to 16 percent increase in school lunch participation.

Farm to School programs provide better food options for our kids at school. Since 1980, obesity rates in 6- to 11-year-olds have quadrupled, and for 12- to 19-year-olds they have tripled, according to the Centers for Disease Control. Tragically, over one-third of our children are now obese or overweight. Increasing one's consumption of fresh fruits and vegetables is one of six major strategies to prevent and control obesity. Studies have demonstrated that children in schools with an active Farm to School program increased their average consumption of fresh fruits and vegetables by one or more servings per day.

Farm to School programs also have an important educational component. They allow for taste tests, school gardens, composting, and farm tours, which helps children to clearly connect the food that they eat to their body, communities, and environments.

From an economic standpoint, the program helps local family farms and stimulates the local economy even during these difficult times. Farm to School programs help farmers find a local economy for their produce. Local farmers receive 60 to 70 cents per dollar of the sale price under Farm to School, whereas the average intake a farmer receives from traditional distributors is often less than 20 cents per dollar.

Farm to School products which reach the cafeteria are likely less costly to pack and ship and may have a reduced impact on the environment. In Hawaii, our high costs of land and remote geography require us to import over 85 percent of our food. Farm to School programs can have a major impact on providing Hawaii farmers with an institutional market for their produce and reducing transportation costs.

I have had the privilege to visit several of Hawaii's growing number of Farm to School programs to see their impact firsthand. In August, I visited Ka 'Umeke Ka'eo Hawaiian Immersion Charter School on Hawaii Island. The proud fourth- and fifth-grade students showed me the school garden, which is integrated into class lessons. Most memorable was watching the worm composting process, which, by the way, the kids really liked. I again say mahalo for the tour to the students, Director Alapaki Nahale'a of the Hawaii Charter School Network, School Garden Instructor Pua Mendoca, and Nancy Redfeather of the Hawaii Island School Garden Network.

□ 1730

I also visited the school garden at Waimea Middle Public Conversion Charter School in Kona. I would like to thank Dr. Guy Kaulukukui of the Kohala Center for assisting with the visit. Last year I went to a garden party at Aikahi Elementary in Kailua, sponsored by the Kokua Foundation. At the garden party, we weeded and mulched the gardens for the kindergarten, first, and fifth grade classrooms. In Hawaiian, 'aina means "land" or "earth." The Kokua Foundation's 'AINA program stands for Actively Integrate Nutrition and Agriculture in Schools. The program works to foster healthy eating habits, improve children's health, and encourage environmental stewardship.

Since its inception in 1996, Farm to School programs nationwide have been making healthy eating a priority in our schools and building strong community connections. For these reasons, we celebrated and honored Farm to School programs this past October. I

congratulate the efforts of Farm to School programs in Hawaii and nationwide.

I want to thank Representative HOLT for introducing this resolution and, once again, express my support for House Resolution 1655.

I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 1655, expressing support for designation of the month of October 2010 as National Farm to School Month. Farm to School programs operate in every State in more than 9,700 schools and support community-based food systems, strengthen family farms, and improve student health. These programs bring fresh fruits and vegetables to students to help ensure they have access to quality food options and get their recommended daily servings of fruits and vegetables. Ultimately, these programs can help in the fight to end childhood obesity.

Farm to School also supports local businesses. Schools involved in Farm to School programs serve as consistent customers to food producers and help support local farmers and the community. In fact, for every \$1 spent through the Farm to School program, \$1 to \$3 is returned to the local community. The Farm to School program benefits both students and local businesses, and I urge my colleagues to support designating October as National Farm to School Month.

I reserve the balance of my time.

Ms. HIRONO. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentlelady from Hawaii.

I rise in support of House Resolution 1655 that I introduced to establish October as National Farm to School Month. I want to thank the leading cosponsor, Representative BETTY McCOLLUM of Minnesota, and Chairman MILLER for their help in bringing this to the floor today.

It should not be a surprise that I, as a representative of the Garden State, support bringing Jersey tomatoes and sweet corn into schools. But this is not just a local or provincial resolution. Farm to School programs are a key priority for Agriculture Secretary Vilsack, and First Lady Michelle Obama has planted a garden at the White House with the help of local students to symbolize the good nutrition that comes from fresh foods as well as to educate students about where food comes from.

Farm to School programs can help in the fight against childhood obesity and economically support our local farmers. These programs also help address the troubling rate of childhood obesity. Currently, there are 31 million children who eat school meals 5 days a week, 180

days a year. While the National School Lunch Program does a good job feeding these children, the program has the potential to provide fresher and more healthful foods to millions of children in the United States. Farm to School programs fight obesity by increasing children's daily intake of fresh fruits and vegetables. Farm to School programs also benefit small- and mid-sized agricultural producers by providing access to consistent markets, and they're a great stimulus for the local economy. For every dollar spent on local foods in schools, several dollars circulate in the local economy.

While there are presently more than 10,000 Farm to School programs operational in all 50 States, it is but a fraction of the 94,000 public and nonprofit private schools that are operating the National School Lunch Program. Establishing October as National Farm to School Month would increase awareness and provide the recognition that the existing programs have earned.

Farm to School programs exemplify the best use of Federal school lunch dollars, and I am pleased that this legislation that I wrote to provide \$40 million in mandatory funding for Farm to School competitive grants is included in the pending reauthorization of the Child Nutrition Act on which we will vote soon.

I would like to take a moment to thank Megan Lott at the Community Food Security Coalition and Beth Feehan, the director of the New Jersey Farm to School Network, for their efforts in support of this resolution. I urge my colleagues to support this resolution and to join us in helping to spread and strengthen Farm to School programs across the country.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. HIRONO. Once again, I would urge all my colleagues to support this resolution. As I mentioned, one of the fun things that I got to do in Hawaii was to visit these school farm programs, their agriculture programs. They really do work because the kids definitely do begin to eat their vegetables.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution, House Resolution 1655, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING COACH JOE PATERNO

Ms. HIRONO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1715) congratulating Joe Paterno on his 400th win as Penn State Nittany Lions football coach.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1715

Whereas Joe Paterno reached the milestone of 400 wins as head coach on November 6th, 2010;

Whereas Joe Paterno has served the Pennsylvania State University (Penn State) with honor and distinction for 60 years since starting as an assistant coach in 1950;

Whereas in 2009, the graduation rate of Joe Paterno's players was 89 percent, and the graduation success rate was 85 percent—both of which were the greatest among all football teams in the final 2009 Associated Press Top 25 poll;

Whereas the legacy Joe Paterno has left at Penn State reaches far beyond football, as he has personally given millions of dollars to the university and raised hundreds of millions more for the library and need-based scholarships;

Whereas Joe Paterno has been very active in the community as a strong supporter of the Pennsylvania Special Olympics and a national spokesperson for the Charcot-Marie-Tooth Association;

Whereas Joe Paterno has more wins as head coach than any other in NCAA Division 1A FBS history, surpassing legendary coaches Bear Bryant in 2001 and Bobby Bowden in 2008;

Whereas Penn State is one of just seven teams with more than 800 wins in its history, and Joe Paterno has been active with the program for 692 of those games over 60 seasons with an amazing record of 504–181–7 (72.8 percent);

Whereas among Joe Paterno's accolades in 45 years as head coach are two National Championships, seven undefeated seasons, 23 finishes in the top 10 rankings, and three Big Ten Conference Championships since joining the conference in 1993;

Whereas Joe Paterno has 24 bowl game wins and 36 bowl game appearances, both of which are the most of any coach in history; and

Whereas Joe Paterno's continued dedication to his players and emphasis on academic integrity and education has resulted in Penn State fostering 15 Hall of Fame Scholar-Athletes, 34 first-team and 44 overall Academic All-Americans, and 18 NCAA Postgraduate Scholarship winners: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates Joe Paterno for his unparalleled success with both the Penn State football program and the University, resulting in 400 wins as head coach; and

(2) commends Joe Paterno for setting an on- and off-the-field example of honor, success, integrity, and respect for thousands of players, coaches, students, and fans throughout the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentleman from Pennsylvania (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

GENERAL LEAVE

Ms. HIRONO. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1715 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Ms. HIRONO. I yield myself as much time as I may consume.

I rise today in support of House Resolution 1715 which congratulates Joe Paterno for his 400th win as head football coach of the Penn State Nittany Lions. Coach Paterno achieved this milestone win on November 6, 2010, when the Lions beat out the Northwestern Wildcats. This victory gave him more career wins than any other coach in NCAA Division I-A history.

For 60 years, Coach Paterno has served Penn State, first as an assistant coach for 15 years and then head coach for the past 45 years. In his tenure as head coach, Joe Paterno has garnered two national championships, seven undefeated seasons, 23 finishes in the Top 10 rankings, and three Big Ten Conference championships. His 73.6 percent career winning percentage is second-best among all active Football Bowl Subdivision coaches.

These tangible accomplishments mirror the accomplishments of Paterno's players off the field, which he has facilitated by bolstering Penn State's educational facilities. Coach Paterno emphasizes the importance of education for all of his players. In 2009, the Lions had a Federal graduation rate of 89 percent and graduation success rate of 85 percent, according to the Department of Education, the top rates for any college football team that year. His tutelage has helped Penn State cultivate 15 Hall of Fame scholar athletes, 44 academic All-Americans, and 18 NCAA Postgraduate Scholarship winners.

Coach Paterno is also a winner off the football field. He contributes immensely to the Penn State community through charitable donations and volunteering. He and his wife Sue have personally contributed over \$4 million to various departments and colleges within Penn State.

Many of you may not know that his love for sports extends beyond football. Coach Paterno and his wife have been adamant supporters of the Special Olympics and, in fact, are in the Special Olympics Hall of Fame.

□ 1740

He is also the national spokesperson for the Charcot-Marie-Tooth Association, a group that raises awareness of CMT, a neurological disorder which affects more than 2 million people worldwide. Paterno uses his star power to encourage donations to this worthy cause. At the "Honor a Star, Be a

Star" Gala in 2009, Coach Paterno raised a record \$350,000 for CMT research.

Mr. Speaker, I ask my colleagues to support this resolution and once again congratulate Coach Paterno on his 400th win as Penn State Nittany Lions' head football coach. Coach Paterno has excelled as a well-rounded mentor to young players who continue to translate their skills on the football field to rewarding lives after college.

I thank Representative THOMPSON for his leadership in bringing this resolution forward.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to honor a living legend who has walked on the sidelines of Penn State football games since 1950, Coach Joe Paterno.

To many who watch football, his name is iconic. Joe Paterno, or JoePa as he is known by many, is forever linked with rolled up khakis and black shoes and thick, broad-rimmed glasses and traditional plain blue and white uniforms with no names on the back.

Since starting at Penn State as an assistant coach in 1950 and becoming head coach in 1966, other college football programs have seen their coaches come and go. In Paterno's tenure at Penn State, Presidents and Congresses have come and gone, dating back to the Dwight Eisenhower administration.

In his build-up to 400 wins, Paterno began winning before many coaches on other teams were born. He has turned Penn State football into a powerhouse program, one of only seven football programs in history to have more than 800 wins.

But what makes Joe Paterno so different and well respected by his fellow coaches, players and fans is the manner in which he led and built the program. Paterno emphasizes success with honor on and off the field.

When asked what the milestone meant to Joe, his wife, Sue Paterno, responded that the milestones were not important to the Penn State coach; but, rather, the most important thing to Joe was, to quote, "The young men you develop."

Under Joe Paterno, Penn State has had one of the highest graduation rates in college football. In 2009, the graduation rate was 89 percent, the highest of all football teams in the Associated Press Top 25. Paterno has also had 15 Hall of Fame scholar-athletes, 34 first-team Academic All-Americans with 44 overall, and 18 NCAA Postgraduate Scholarship winners.

Joe Paterno has donated millions of his own money back to Penn State University and helped raise hundreds of millions more for need-based scholarships and libraries, one of which is now named the Paterno Library. He is heav-

ily involved in the Special Olympics and is also a national spokesperson for the Charcot-Marie-Tooth Association.

So today we honor Joe Paterno on reaching a historic milestone, his 400th win. He now has the most wins of any coach in Division I-A Football Subdivision history. Along the way he passed other legendary coaches such as Bear Bryant and Bobby Bowden, both of whom Joe Paterno called friends.

At Penn State there is a saying: "We are Penn State." As an alumnus, I know it well and have heard it echo through Beaver Stadium in State College on game day. But what this one coach has done for one school, one program, thousands of players and coaches and the sport altogether has resonated throughout the country. Joe Paterno is Penn State. Joe Paterno is college football.

I urge my colleagues to commend Joe Paterno on this milestone by supporting this resolution.

Mr. Speaker, I yield back the balance of my time.

Ms. HIRONO. It is clear that Coach Paterno is not only an exemplary coach, but he is an exemplary human being and a model to us all. I urge my colleagues to support this resolution.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution, H. Res. 1715.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING 35TH ANNIVERSARY OF THE EDUCATION FOR ALL HANDICAPPED CHILDREN ACT

Ms. HIRONO. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 329) recognizing the 35th anniversary of the enactment of the Education for All Handicapped Children Act of 1975.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 329

Whereas the Education for All Handicapped Children Act of 1975 (Public Law 94-142), which amended the State grant program under part B of the Education of the Handicapped Act (Public Law 91-230), was enacted into law 35 years ago on November 29, 1975;

Whereas the Education for All Handicapped Children Act of 1975 established the Federal policy of ensuring that all children, regardless of the nature or severity of their disability, have available to them a free appropriate public education in the least restrictive environment;

Whereas the Education of the Handicapped Act of 1975 was further amended by the Education of the Handicapped Act Amendments of 1986 (Public Law 99-457) to create a preschool grant program for children with disabilities 3 to 5 years of age and an early intervention program for infants and toddlers with disabilities from birth through age 2;

Whereas the Education of the Handicapped Act Amendments of 1990 (Public Law 101-476) renamed the statute as the Individuals with Disabilities Education Act (IDEA);

Whereas the IDEA was amended in 1997 to ensure children with disabilities are involved, and make progress, in the general education curriculum and are included in all general State and district-wide assessment programs;

Whereas IDEA was amended in 2004 to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and support them in transitioning to further education, employment, and independent living;

Whereas IDEA currently serves an estimated 342,000 infants and toddlers, 709,000 preschoolers, and 5,890,000 children 6 to 21 years of age;

Whereas IDEA has assisted in a dramatic reduction in the number of children with developmental disabilities who must live in State institutions that are away from their families, costly, inappropriate, and isolated;

Whereas the number of children with disabilities who complete high school with a standard diploma has grown significantly since the enactment of IDEA;

Whereas the number of children with disabilities who enroll in college as freshmen has more than tripled since the enactment of IDEA;

Whereas IDEA has raised the Nation's expectations about the abilities of children with disabilities by requiring access to the general education curriculum;

Whereas improvements to IDEA made in 1997 and 2004 changed the focus of a child's individualized education program from procedural requirements placed upon teachers and related services personnel to educational results for that child, thus improving academic achievement;

Whereas IDEA, along with the Elementary and Secondary Education Act of 1965, holds schools accountable for the academic performance of students with disabilities;

Whereas IDEA requires full partnership between parents of children with disabilities and education professionals in the design and implementation of the educational services provided to children with disabilities;

Whereas IDEA has supported the classrooms of this Nation by providing Federal resources to the States and local schools to help meet their obligation to educate all children with disabilities;

Whereas while the Federal Government has not yet met its commitment to fund part B of IDEA at 40 percent of the average per pupil expenditure, it has made significant increases in part B funding by increasing the appropriation by 81 percent since 2001, which is an increase of over \$5,160,000,000;

Whereas IDEA has supported, through its discretionary programs, more than 4 decades

of research, demonstration, and training in effective practices for educating and assessing children with disabilities, enabling teachers, related services personnel, and administrators to effectively meet the instructional and assessment needs of children with disabilities of all ages;

Whereas the challenges associated with providing a free appropriate public education to every child with a disability continue despite 35 years of IDEA implementation, including low expectations and an insufficient focus on applying replicable research on proven methods of teaching and learning for children with disabilities, requiring a continued commitment to improvement; and

Whereas IDEA continues to serve as the framework to marshal the resources of this Nation to implement the promise of full participation in society of children with disabilities: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the 35th anniversary of the enactment of the Education for All Handicapped Children Act of 1975 (Public Law 94-142);

(2) acknowledges the many and varied contributions of children with disabilities and their parents, teachers, related services personnel, and administrators; and

(3) reaffirms its support for the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) so that all children with disabilities have—

(A) access to a free appropriate public education; and

(B) an equal opportunity to benefit from the general education curriculum and be prepared for further education, employment, and independent living.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentleman from Pennsylvania (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

GENERAL LEAVE

Ms. HIRONO. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Concurrent Resolution 329 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Ms. HIRONO. I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Concurrent Resolution 329, which recognizes the 35th anniversary of the Education for All Handicapped Children Act of 1975, later renamed the Individuals with Disabilities Education Act. This historic statute guarantees that all children, regardless of the nature of their disability, have the right to a free, appropriate public education.

Prior to IDEA, many children with disabilities were placed in segregated institutions with no expectation for success. As a result of IDEA, children with disabilities have been increasingly included in general education settings and have had the opportunity to receive the same education as their non-disabled peers.

Over the years, the original bill has been amended several times to bolster educational opportunities for children with disabilities. An amendment in 1986 created preschool grant programs for children ages 3 to 5 and early intervention programs for those under the age of 3.

In 1997 IDEA was again amended to ensure that students with disabilities have access to the general education curriculum and are fully included in State assessments. In 2004, all students with disabilities were guaranteed to receive an education that considers their transition to higher education, employment and independent living.

Currently, IDEA serves about 350,000 infants and toddlers, 700,000 preschoolers, and 5.9 million children ages 6 through 21. In Hawaii nearly 18,000 students receive IDEA services in grades K-12. Since the enactment of IDEA, the number of students with disabilities graduating from high school with a regular diploma and enrolling in college has increased dramatically. However, we still face challenges in providing a free and appropriate education to children with disabilities, and student outcomes remain too low.

As we celebrate the successes of IDEA, we must continue to improve access to free and appropriate education for students with disabilities. We must ensure that all students are held to high expectations and have the opportunity to succeed.

Mr. Speaker, I would like to thank my fellow Members for cosponsoring this legislation and again express my support for House Concurrent Resolution 329, which recognizes the 35th anniversary of the enactment of the Education for All Handicapped Children Act of 1975, also known as the Individuals with Disabilities Education Act. I urge my colleagues to join me in supporting this resolution.

Mr. Speaker, I reserve the balance of my time.

□ 1750

Mr. THOMPSON of Pennsylvania. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Concurrent Resolution 329, which recognizes the 35th anniversary of the enactment of the Individuals with Disabilities Education Act, or IDEA.

Thirty-five years ago, President Gerald Ford signed the Education for All Handicapped Children Act into law. This historic legislation, now known as the Individuals with Disabilities Education Act, was a major milestone in the quest to end the chronic exclusion and miseducation of students with exceptional needs. More than any other law to date, this legislation helped open the door to fairness and access for millions of children with disabilities and paved the way to greater educational access.

As recent as 40 years ago, most States excluded students with disabilities from public schools. All that began to change in 1971. In *PARC v. Pennsylvania*, a class-action lawsuit filed in my home State, the U.S. District Court ruled, for the first time, that the State had a legal duty to educate students with intellectual disabilities, and that the U.S. Constitution guarantees of equal protection and due process prevent schools from excluding disabled children solely on the basis of their disabilities. This monumental decision was followed by similar decisions in 27 States and the District of Columbia.

During this time and shortly thereafter, Congress amended the Elementary and Secondary Education Act to include funds for the education of disabled children and created a Bureau of Education for the Handicapped within the U.S. Office of Education. It also boosted funding for States under the Education for the Handicapped Act of 1970 and required States to detail their plans for achieving the goal of full educational opportunities for disabled students. It also passed section 504 of the Rehabilitation Act of 1973, which granted specific protections to disabled students. But it wasn't until 1975, with the passage of the Education for All Handicapped Children Act, that States and school districts were required to provide a free appropriate public education to students with disabilities.

Under the law, each child must have an Individualized Education Program, or IEP, that details the range of services to be provided and where a student's education is to take place, with a heavy preference for the mainstreaming of disabled children whenever possible. The law also mandates that districts establish procedures for ensuring that parents are involved in the development of each IEP and they have a voice in the district's decisions about the range of services it will provide.

In 2004, Congress passed the Individuals with Disabilities Education Improvement Act to reauthorize the law. During this latest renewal, we worked to strengthen the focus on academic achievement through the development of the child's IEP, gave parents more control over the education of their children, fostered better communication between parents and school district officials, and supported high-quality special education teachers.

While there is still much work that remains, including meeting the Federal commitment to provide 40 percent of the excess cost of educating students with disabilities, there is no doubt that IDEA has been an important part of ensuring that students with disabilities are able to become full and productive members of society.

Mr. Speaker, I urge my colleagues to support House Concurrent Resolution 329.

I yield back the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I rise today to commemorate the 35th Anniversary of the Individuals with Disabilities Act (IDEA), a landmark law that asserted the right of all students with disabilities to receive education services appropriate to their needs.

Before IDEA, many individuals with disabilities were relegated to state institutions or misdiagnosed and inappropriately educated. In the 1950s and 1960s, the Federal government began working with advocates to develop best practices for educating children with disabilities and train teachers and specialists to implement them.

In 1975, Congress passed the Education for All Handicapped Children Act, which would later become IDEA. Through early interventions, specialized supports, and placement in the least restrictive environment, the law revolutionized education for children with disabilities. Today, more than 6 million students receive IDEA services.

IDEA also included a promise to states and school districts—by 1982, for every child receiving special education services, the federal government would pay forty percent of the National Average per Pupil Expenditure. Yet Congress has never appropriated even half that amount in regular appropriations. I have introduced bipartisan legislation, the EDUCATE Act, which would put Congress on a fiscally-responsible path to fully fund IDEA within eight years. I urge my colleagues to join me to honor our promise to America's students.

Mr. Speaker, IDEA has made a tremendous difference in the lives of millions of students and their families. We must recommit ourselves to provide the resources necessary to ensure that all students have the opportunity to reach their full potential.

Ms. HIRONO. Once again, I urge all of my colleagues to support this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 329.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. HIRONO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

BRANDON RANDOLPH MICHAEL

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, I recently got a letter from a grieving family in Florida. Their young 21-year-old son was killed 3 years ago in a senseless homicide by an illegal. The family is still seeking justice, however. This is their son's story.

On August 15, 2007, Brandon Randolph Michael was on the way to his lunch break. This is Brandon's photograph right here. He was driving to the credit union to cash his payroll check. His vehicle was struck by a car driven by a twice-deported illegal named Mario Tellez. Brandon's car flipped over several times and landed on its hood. Brandon was thrown into a ditch.

The illegal driver, Mario Tellez, got out of his vehicle and calmly sat on the curb. He did nothing to help Brandon. He did not call for aid. He did nothing but watch Brandon struggle when he took his last breaths.

Tellez refused to admit he was driving the vehicle, and Brandon's family had to go through a torturous, lengthy trial.

Brandon's family found out that Tellez had been in this country illegally for 7 years. He was working and sending his money back to Mexico, even after having already been deported two times.

It took a jury only 20 minutes to find him guilty of driving without a license and causing the death of another person, that being Brandon. The defendant was sentenced to only 2 years in the penitentiary, 2 years for taking the life of another individual.

Tellez has now served the 2 years for murdering Brandon Michael, and, upon release, he was deported yet again. But here is the rest of the story.

Tellez's friend, a Richard Curtis, admitted during the trial that he harbored the illegal fugitive for years and hid him out, and Curtis was never prosecuted.

It was Richard Curtis' automobile that Mario Tellez was driving when he killed Brandon Michael. Curtis worked for the Federal Government. And, get this. He worked for the IRS. Don't the laws apply to Federal bureaucrats as well as other people in this country?

So the family asked the Florida State Attorney's Office, ICE, State, and local law enforcement officers to enforce the law. The family is asking them to charge Richard Curtis with harboring, aiding, and abetting an illegal fugitive in this country.

But no one has prosecuted this apparent lawbreaker. And why not? No one seems to be talking. Brandon's family deserves some answers.

Brandon's parents, Mr. and Mrs. Robert Michael, wanted me to know how precious their son Brandon was to them.

□ 1800

Here is what they said about him. They said he was a fun person to be

around. He loved life, he celebrated with people, and he was seldom ever sad. He made others happy. He was looking forward to getting married and starting a family. And he was a Dallas Cowboys fan. He played the keyboard. And he played several different sports growing up, from T-ball as a small child to football in high school. He grew up with a loving middle-class family that raised him to respect people and respect the law.

Brandon loved giving to those that had less than him. He helped feed the hungry. He often called his friends and asked them for blankets, coats and shoes so he could give them away to the needy in his area. While in middle school, Brandon and his sister were pages for the local city council meetings. He worked hard for the car that he was driving on that dreadful day he was killed by a person illegally in this country.

Brandon loved animals and had just about every type during his childhood. He wanted to be a veterinarian.

This is a real American family, suffering real consequences because of lax immigration and border enforcement laws in this country. Brandon's life was cut short by a twice-deported illegal who should not have been in the country in the first place.

Brandon's family is a very close-knit group. They told me they have worked hard to raise children that loved the Lord and loved others and loved this country.

The family said others things. The father, Richard Michael, well, first of all, he defended this country for 20 years in the military, and the family feels as though our country has turned a deaf ear on their plight and their situation. Our government officials that they have trusted seem to have turned their backs on this case and Brandon's death.

The time to enforce the laws in this country is now, and they asked me how many American children such as their precious son have to be killed at the hands of illegals before our government gets serious about enforcing the laws of the land? They said, "We cannot afford to ignore this enormous problem any longer. We don't want another family to endure what we have been through and are still going through."

Mr. Speaker, Brandon Randolph Michael is worth the fight to get it right in this country, to enforce the laws that we have, to prosecute the guilty, to deport criminal aliens, and to secure the borders, because it is a national security issue to protect the lives of people like this.

And that's just the way it is.

RECOGNIZING NOVEMBER AS AMERICAN DIABETES MONTH

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, every minute, three people are diagnosed with diabetes. Every day, almost 200 people undergo an amputation because of the disease. Fifty people go blind and one hundred thirty people enter end-stage kidney disease programs. If current trends continue, one in three children will face a future with diabetes. That is one of the most frightening statistics I have read in a long time.

The disease is at epidemic proportions, with nearly 24 million children and adults living with the disease and another 57 million Americans with prediabetic conditions, according to the American Diabetes Association.

So what is the cost of this epidemic? Almost one in every five health care dollars is attributed to caring for someone with diabetes. Just in my district in Pennsylvania, a 2007 estimate says it cost more than \$323 million. Nationwide the price tag is \$218 billion and climbing, but that figure includes complications from undiagnosed diabetes, prediabetic, and gestational diabetes.

November is American Diabetes Month. I have cosponsored H. Res. 1690, a resolution recognizing November as American Diabetes Month, and I encourage Members to visit diabetes.org to learn of the ABCs of diabetes and keeping it under control.

PUTTING WASTEFUL DEFENSE SPENDING ON THE CHOPPING BLOCK

The SPEAKER pro tempore (Mr. HEINRICH). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, last week the cochairs of the National Commission on Fiscal Responsibility and Reform released their draft proposal. I don't agree with all of their recommendations, but I am encouraged to see that they believe wasteful Pentagon spending can and must be a prime target.

For years I have been calling for substantial cuts in the kinds of defense systems and programs, many of them left as relics from the Cold War, that are doing absolutely nothing for modern-day military preparedness.

The Congressional Progressive Caucus has outlined specific cuts totaling more than \$600 billion. I am pleased, for example, that the Commission shares our contempt for the V-22 Osprey, which has been notorious for cost overruns as well as safety problems that have led to the accidental deaths of 30 servicemembers; billions of dollars over budget for a weapons system that is killing our own people. Not a good deal. Not a good deal for the taxpayers, to say the least.

Likewise, I am inclined to support the Commission's proposal to elimi-

nate one-third of overseas military bases, and I agree that it is time to pull the plug on the Marine Corps' Expeditionary Fighting Vehicle, which breaks down every 8 hours on average and doesn't steer well in water.

On the other hand, I don't agree with the Commission that any kind of salary freeze is the way to go. The last thing we should do is take out our fiscal woes on the men and women, civilian or uniformed, combat or noncombat, charged with protecting the country.

My hope instead is that this body will consider some of the other Congressional Progressive Caucus recommendations. For example, has our military defense system really justified its enormous expense? And what about our nuclear weapons stockpile? We could save \$15 billion a year by reducing that number of warheads to 1,000, which is still enough, Mr. Speaker, to blow up that world many, many times over.

There has been much noise made on the other side of the aisle about the size of government and supposedly out-of-control Federal spending. But many of the same folks using those talking points haven't exactly shown great restraint when it comes to the defense budgets. So I will be curious to see when they take over the majority in January, will they move to cut bloated defense programs, or does their zeal for spending cuts extend only to those domestic programs that are helping struggling families get through a recession?

That bottom line, Mr. Speaker, is this: You are not serious about closing the deficit unless you are prepared to put military spending on the table. By recommending specific cutbacks on the defense side, the Deficit Commission has at least started the conversation.

Of course, the Commission doesn't really address the elephant in the room, the ongoing war in Afghanistan and our continued military commitment in Iraq. Together their cost has already exceeded \$1 trillion over the last decade. And what have we gotten for the expense? A foreign policy blunder of epic proportions, one that has cost thousands of Americans their lives without truly stabilizing the countries we invaded, without combating terrorism in a meaningful way, without advancing our national security interests.

Fiscal responsibility, Mr. Speaker, and enormous cost savings; yet one more reason to bring our troops home and bring them home now.

FAREWELL REMARKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 5 minutes.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I will leave Congress at the end of this session with a sense of duty fulfilled, having given my all to the people of the 21st District of Florida, who have honored me by electing me and reelecting me to nine terms in Congress.

I feel deep satisfaction not only in the achievements of my term of service, such as the codification into law of the U.S. embargo on the Cuban tyranny, requiring the liberation of all political prisoners without exceptions, and the scheduling of free and fair multiparty elections in Cuba before the President of the United States can lift U.S. sanctions; or the Nicaraguan adjustment and Central American Relief Act, which granted legal residency in the United States to hundreds of thousands of our Central American brothers and sisters who were previously facing deportation. My most profound satisfaction comes from having given my all, each and every day, to my constituents.

□ 1810

I, as a private citizen, will work to help the freedom fighters inside Cuba who are resisting the brutality of the Castro tyranny with ultimate courage and patriotism. They are my heroes. As Cuban political prisoner Angel Moya wrote from his dungeon in the Castro-Cuban gulag a few days ago: "My spirit is the same; it is full of joy because I am in prison for fighting for the dignity and rights of the Cuban people. I am ready to continue resisting—physically, morally, and spiritually." Mr. Speaker, I will continue to do all in my power to help in the struggle for the freedom of Cuba.

This country, the United States of America, is a miracle—a miracle of generosity of spirit, a miracle of freedom, of human dignity, and opportunity. May God forever preserve and protect this great land and people. For the rest of my days I will feel deeply honored to have been a Member of the Congress of the United States of America.

To all of my colleagues, those who have helped me and those who have opposed me, thank you. Thank you for the honor of having been able to serve along with you.

HEALTH CARE AND THE NEW CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes as the designee of the minority leader.

Mr. BURGESS. Mr. Speaker, I want to do what I do often, which is come to the floor of the House and talk to my colleagues on both sides about the issues that remain in health care. This

Congress, as it winds down in its last days, has certainly seen and done some dramatic work and has seen some dramatic pushback by the American people on some of the work that's been done.

So I thought it might be useful as we wind up this last part of the 111th Congress, the Congress that will forever go down in history as that which has fundamentally changed the way every man, woman, and child in this country receives and will receive health care for the next several generations. I thought it appropriate to talk a little bit about how we got to where we are, and quite frankly what I see over the horizon, what is likely to occur in the next Congress that convenes in the early part of January.

Certainly, when you look at the history that was written by this Congress, starting off with all the bright prospects in early 2009, in January 2009, and even going back a few months before that, I honestly thought that the health care bill that would see the light of day in the House was something that would actually be written by the Senate Finance Committee before this Congress was ever sworn in. I was, frankly, surprised when the Congress was sworn in and in fact inauguration day came and went and there was no introduction of a health care bill.

Then, of course, we all remember that there was a former Senate majority leader who was asked to be the Secretary of Health and Human Services, but that nomination got derailed by some tax difficulties and that post remained vacant for several months. During that hiatus, no health care bill came to the floor of the House. And it really wasn't until Senators Kennedy and BAUCUS in early June of 2009 wrote a letter to the President and said, We will in fact introduce our health care bill through our committees, that the country got a glimpse as to what was in store for this fundamental restructuring of health care that had been promised by the new administration.

The health care bill that came through the Senate Health, Education, Labor and Pensions Committee in June of 2009 was originally scored by the Congressional Budget Office as costing over a trillion dollars and providing insurance for an additional 13 million people. Well, wait a minute. We were told there were 37 million uninsured. Thirteen million is only about a third of that. Is that all we get for our trillion dollars?

And then, after that Congressional Budget Office report, really all of the discussion for almost the rest of that year became all about cost and coverage numbers and no bill was introduced without a CBO, Congressional Budget Office, score to say what the cost and coverage numbers were going to be. So in fact the Senate Finance

Committee did not introduce a bill until much later in the year 2009.

Now in the summer of 2009, three House committees—my committee, the Committee on Energy and Commerce, the Committee on Education and Labor, the Committee on Ways and Means, all three simultaneously introduced a health care bill that was large, voluminous, and contained a lot of government control over the lives of every ordinary American. People were concerned when they saw that bill come to the floor of the House in the middle of July of 2009. But every committee reported it out with some amendments by the end of July of 2009, which took us to the August recess.

The August recess of 2009 is something that I suspect no Member who was serving in this body, again, on either side of the aisle, will ever forget, those summer town halls in August of 2009, when people showed up in numbers that were absolutely unprecedented for town halls, at least in my experience, and were concerned about the direction the Congress was taking with this restructuring of the Nation's health care; and in fact of what they had seen, they quite frankly didn't like it and wanted to tell us so.

I had an advantage in my summer town halls in August of 2009 in that having voted against the bill as it left committee, my committee of Energy and Commerce, late in the evening of July 31 before coming home for the August recess, I could honestly say I voted against the bill in committee and would oppose it when it came to the floor because in my opinion it was a terribly flawed product. But during the course of the month of August we heard over and over again from people who were, again, concerned about the direction Congress was taking. And they didn't tell us that some reform was not necessary. What they told us was, You are making us uncomfortable with this approach that changes everything fundamentally about how health care is delivered in the country.

Arguably 60, 65 percent of the country was okay with the way health care was being administered and did not want to see that change. Yes, there were people who had problems. There were problems with preexisting conditions. There were problems with people who lacked the ability to get insurance. But what the country told us during those summer town halls is we'd like you to work on that and not restructure the whole health care system which the rest of us are depending upon to get our health care. But we did precisely the opposite of what we were told.

The other thing we were told is, Could you do something about cost? Is there a way to rein in cost. Is there a way to help us with the cost of health care in the future, because we are legitimately concerned about the rapidly

escalating cost of health care and whether that will price us out of the market at some point as well. So those two things: don't disrupt the system as it exists today and help us with cost for the future. Those two things seemed to be absolutely ignored by this United States Congress as it went through the process.

Now, I thought after those very contentious summer town halls that Congress would come back to town in September of 2009 and maybe hit the pause button or the rewind button or at least the stop button for a short period of time and recalibrate this. Clearly, a big, long, thousand-page bill dealing with health care upset a lot of people. Is there a way to come back and do this in a more reasonable fashion. Perhaps just tackling some of those things that the people told us they wanted to see fixed, things like the equal treatment of the Tax Code; things like help for people with preexisting conditions; things like the ability to buy insurance across State lines; things like reform of the medical justice system. Maybe those were the places where we could actually do some good and show some value for the American people.

But, again, it was not to be. In fact, the President of the United States came here to the well of the House and gave us a long discussion about the health care process in the bill and how it was going to go forward. At no time did I hear that maybe we ought to stop for a short period of time and listen to what the August town halls were telling us.

So it was full speed ahead. And later on that fall—actually a year ago, early November of 2009—this House passed the bill that had come through the three committees. Oddly enough, it was a thousand-page bill when it left the committees. It was a 2,000-page bill when it came back to the floor after it emerged from the Speaker's office, presumably with a fair amount of input by the White House and the administration as to the writing of this bill.

□ 1820

It came to the floor of the House. It passed the floor of the House by the slimmest of margins, and then it was off to the Senate.

Now, a funny thing happened in November and December of last year over in the Senate. The other body did not just take up our health care bill and begin to work on that and then bring it back to a conference committee. The other body started with an entirely new bill. It was a House bill. It had a House bill number, 3590, which had previously passed the House as a housing bill. Yet the Senate did not take up our health care bill. They took up a housing bill, and then amended it to strip out the housing language and insert the health care language so that what passed on Christmas Eve, just ahead of

a big snowstorm that was headed to town, was H.R. 3590, which started life as a housing bill and then ended life as a health care bill; but in the process of getting there, it really did upset people, and people were genuinely disquieted by the process that they saw.

What will it take to get to 60 votes? What will it take to get your vote, Senator? We saw various things: the Cornhusker kickback, the Louisiana purchase, Gator-aid, the Yukon up in Connecticut, and all of these special deals that were required to get the 60 votes over in the Senate. The American people looked at that and asked, If this bill is so great, why are they really having to encourage Senators to vote in favor of it?

The bill passed on Christmas Eve. The normal process would have been to convene some type of House-Senate conference to work out the differences between the two. Yet then, in early January of 2010, a special election was held up in the State of Massachusetts to fill the Senate seat that had previously been occupied by Senator Kennedy. A Republican won the seat for the first time since who knows when, and it was such a disruption to the process that many people in the other body said, There's no way we can get to 60 votes on a conference report. We're just going to have to take the bill as it passed here.

It was possible to do that because, remember, the Senate passed a bill that had previously passed the House. It had passed the House as a housing bill. It had gone over to the Senate and had become a health care bill. It could come back to the House. Will the House now concur with the Senate amendment to H.R. 3590? If the House concurs with a simple 218 majority, with a simple majority, then that bill gets on a fast track down to the East Room of the White House for a signing ceremony.

When that subject was first approached, the Speaker of the House at the time said that there weren't 100 votes in the House for the Senate-passed bill, and I think she was right about that, but somehow during the months of January, February and 3 weeks into March enough individuals in this House were convinced to vote for the health care bill so that it, indeed, was passed in the third week of March of this year.

Now, it was a deeply unpopular bill when it passed. It never gained in popularity. In fact, 2 weeks ago, we saw the result of that with the midterm election when so many incumbent Democrats who had voted in favor of the bill—in fact, some who hadn't voted for the bill but had allowed the process to continue which allowed the bill to come to the floor—saw that they were not successful in their reelection efforts. That happens. Wave elections

happen. Certainly, Republicans were on the receiving end of a wave election in 2006, but this one did seem to be tied to the health care bill. So you have to ask yourself, Why was this so deeply unpopular?

People around the country said the health care system at times is not functioning as we would like. You would think that they would welcome the appearance of a House and Senate bill, but here is the problem: There were many things in the bill that really were seen as a vast overreach of the Federal Government. Certainly, the individual mandate requiring every man, woman, and child in this country to purchase insurance, whether they want it or not, and to use the Commerce Clause as a justification for doing that really struck a lot of people as going too far. It was really the first time that the United States Government said that we can require you to purchase a product, in this case health insurance, and the reason we can do that is that then we're going to regulate said insurance under the Commerce Clause.

Well, apply it to some other product other than health insurance and you'll really begin to see the danger of that argument. What if it's an automobile? What if it's a certain type of kitchen appliance? How can the Federal Government insert itself into the lives of Americans to that degree?

Remember, we heard previous speakers talk about how great this country is and about how great the United States Congress is. Remember, American exceptionalism comes from the fact that, over 200 years ago, our Founders got together and said there really ought to be a way that the people can see the necessary functions of government occur but only with their consent—government by the consent of the governed. It was kind of a novel approach. The Founders, when they wrote the Declaration of Independence, said our rights come from the Creator, not from our government. They come from the Creator to the individual. They are unalienable. They cannot be taken away from the individual. Then the individual loans the ability to be governed to the government.

Yet now we have the government which is dictating to the individual: You have to buy a certain type of health insurance policy that we are going to designate. We're going to tell you what it has to cover and what it can't cover, and we're going to tell you what the price is going to be. We can do that under the Commerce Clause of the Constitution. Many people said, That's just more than I ever believed my government could do.

Again, government with the consent of the governed—a novel concept in the field of human endeavor. That notion really seemed to be turned on its head with the passage of this health care

law, and I really believe that that is one of the fundamental reasons that there has been such an intense, ubiquitous rejection across the country of the concept of the bill that was signed into law by President Obama last March.

Now, almost a year ago, President Obama told Charles Gibson on television, If we don't pass health reform, here is the guarantee: Your premiums will go up. Your employers are going to load up more costs on you, the individual buying health insurance. Potentially, they're going to drop your coverage because they just can't afford these increases.

That was one of the rationales the President used to push health care reform. Well, what is happening now?

I was home in my district during the month of October, which was prior to the election. People were coming to my office, saying, Look, you've got to do something. Since you passed this bill, the cost of insurance has gone up so rapidly—10 percent, 20 percent, in some cases 30 percent or more—that I just simply cannot keep up with the cost, and I'm looking at having to drop coverage for my employees. Then, of course, with the fines that will result in a few years when those kick in, employers are justifiably concerned about where this is all going.

Now, you do hear the discussion that perhaps the cost of insurance is going up just because the insurers are trying to take advantage of the situation before more of these regulations and controls come on line. Maybe that's true. Maybe it's because the insurers are having to meet more of the mandates that were put out under the health care law. Maybe that's true. How would we know the difference?

Well, we could do a hearing. My committee might have been a good place to have had a hearing and to have asked those questions, but we didn't do that. My committee has had no hearings on the implementation of this health care law since it was passed in March of this year. My committee, the Committee on Energy and Commerce, has a rich tradition of providing oversight for the Federal agencies under its jurisdiction. Health and Human Services is one of those agencies. The Centers for Medicare & Medicaid Services is one of those agencies.

Why have we not had a hearing on the implementation of the health care law? I can only speculate that it has certainly not been good for constituents and certainly not even for insurance companies. No one at this point knows exactly what is expected of them, but what people do know is that they were promised, if this health care bill passed, we would not see our premiums go up and, if we didn't pass the health care law, that premiums would go up. We passed the health care law, and premiums are on the way up, and they're on the way up in a big way.

I've mentioned the process of how we got here and of how, indeed, disjointed and poisonous it was. Remember, during the Presidential campaign—and the President talked about this as a campaign issue—all of these negotiations were going to be open; they were going to be covered on C-SPAN, and he was going to have everyone around a big table. He said we'd get bored watching it but that all of it would be out in the open. Then the process went behind closed doors for months, and the reality is there was no transparency to this process. Again, it was a violation of one of those fundamental things. People thought that they could trust the incoming administration to be transparent in this regard, and they got anything but transparency.

□ 1830

In my committee of Energy and Commerce, I filed a resolution of inquiry—resolution of inquiry to get information from six groups that met down at the White House in May of 2009. Who were these six groups? Well, the doctors were one, hospitals, insurance companies to be sure. Medical device manufacturers also were included. The pharmaceutical companies were included, and the Service Employees International Union was included.

That meeting occurred in May of 2009. Everyone came out of the meeting and said we've saved \$2 trillion, we've got \$2 trillion in savings in the health care system that will now help pay for this health care reform. So we've done a good job.

I began to ask the White House for some of the information about where this \$2 trillion in savings, where it was going to occur, who gave up what, who promised what, who was promised what, and never could get anything more than copies of a press release here or copies of a Web page there, stuff that was generally available through the open source, but never any of the details on these meetings, never any of the e-mails between the participants.

So, in December of last year, I filed a resolution of inquiry, which is one of the few tools you have in the minority to get information when the administration is not forthcoming. This resolution of inquiry must come up for a vote in committee within a certain period of time, a certain number of legislative days, or it comes to the floor of the House as a privileged resolution.

Well, obviously the majority does not want that to happen. So, indeed, in fact, ironically the same day that the State of the Union Address was delivered in January of this year, we had a meeting in the Committee on Energy and Commerce to consider my resolution of inquiry. And, in fact, to his credit Chairman WAXMAN agreed with many of the things for which I was asking and said we should have copies of those documents. He would not agree

to report out favorably the resolution of inquiry, but did agree to write a letter with Ranking Member BARTON to ask the White House to provide this information. Well, that was 11 months ago, and I am still waiting for that information. It has yet to be forthcoming.

It's important stuff. I realize that much time has passed since then, but look at one of the things we're going to talk about in just a moment is the problems that America's seniors and America's doctors have because of the pay formula under Medicare, under what's called the sustainable growth rate formula. There is apparently a very large cost associated with fixing that problem. If money was given up in the health care bill, why not have some of it be given up as a down payment on fixing that problem with the sustainable growth rate formula?

And in fact, as the bill progressed and we saw the scoring by the Congressional Budget Office, indeed, at some point, over \$400 billion over the 10-year budgetary cycle is removed from Medicare to pay for the new entitlement of subsidies, helping people purchase insurance in the exchanges that are going to be set up in 2014. But the problem is you took all that money out of Medicare and didn't even get a down payment, not even have a down payment on resolving the problem with the sustainable growth rate formula.

So I really would like to see what occurred in those meetings and what the discussion was. Surely the sustainable growth rate formula came up because any time you get two doctors together, that's almost all they can talk about. So around this table, was this not part of the discussion?

The Service Employees International Union, what did they give up, or what did they get? Did they get more than they gave up? Again, we don't know these facts, so we are left to only suppose or wonder what occurred and what transpired in that meeting.

It should never have been necessary to file the resolution of inquiry in the first place because this administration came into office saying that they were going to be the most transparent administration in history, and that all of these health care negotiations would be open and on C-SPAN for all to see, and yet, at the same time, I had to file a resolution.

As would be expected, the committee and Democrats hold a vast majority on the committee right now. That's going to change after the first of the year, but the resolution would never be reported out favorably. The chairman did sign a letter for me to get some information, but unfortunately, that information has not been forthcoming, and then at this point, it's very, very difficult to force the administration to do anything they're not inclined to do when you're still in the minority. But

again, that will change within a period of weeks. So I'm very glad about that, and certainly this is an issue that I intend to continue to pursue.

You know, one of the things that's come up in the past couple of days—and we'll talk about it a little bit more—but the issue of waivers, starting about maybe the last week or so in October, where very famously the McDonald's Corporation got a waiver from the health care law for a period of a year, and then in rapid succession many more companies were given waivers, and now I think that number stands at over 100, the last time I checked on healthcare.gov.

Where do these waivers come from? Why are they necessary? Who's giving them? Who's getting them? Who's not getting them? What are the rules? What are the parameters by which these waivers are established? If the health care law was so wisely crafted and carefully put together as we heard over and over again on the floor of this House, why is it now necessary to give companies waivers?

When I have companies call my office back home, they say, you know, I saw where a company got a waiver for that health care law; I sure would like one of those, too. How can I go about getting one? And right now, again, the process is anything but transparent, and no one really knows how to advise companies to do that. I suspect we will see a great many more waivers given as the months go by, as companies have greater awareness about this.

Again, remember, one of the things that the President said that if we don't do what he said we had to do in this health care law, the premium prices were going to go up so much that employers were going to drop coverage, and yet, shortly after the bill was signed, documents received from several large companies who said, you know, we're going to have to restate our earnings now because of the passage of the health care law. The chairman of my committee, HENRY WAXMAN, sent out requests for information to all of these companies and said how dare you try to embarrass the President on the day the bill is signed. We want to see what you're referring to when you say you're going to have to restate earnings. Turns out that's to comply with the Securities and Exchange Commission regulation that if the company's profits are going to substantially change, they are required to let people know about that.

But part of the information that was delivered to the committee showed that large companies across the country were at least considering what the future holds for them; a company, say, that has a couple of hundred thousand employees where they're paying 8- to \$10,000 per employee for health insurance, but on the other side if they don't provide that health insurance,

which they must under law, or they're going to get fined \$2,000. Well, the insurance policy costs 8- to \$10,000, the fine is \$2,000. Doing some quick math on that, companies with large numbers of employees were suddenly looking at significant savings that could be available to that company, and now were they obligated to do the correct thing from a fiduciary standpoint and just opt out of providing employer-sponsored insurance and let their employees buy insurance in the State exchanges, which have yet to be set up, and as a consequence only pay that fine, rather than the 8- to \$10,000 premium.

Clearly, clearly, some companies had thought about the implications of this. Now, to the best of my knowledge, no company has said yet this is what we are going to do, or this is what's going to happen, but if one company makes that decision, companies with a similar business model are likely going to have to consider the same trajectory because they have to compete in the same marketplace as the first company who has now allowed their employees to go into the exchange.

So it is a big deal, and it is affecting the ability for employers to provide health insurance, and the cost has done anything but go down.

Big concern about what's going to happen in both Medicare and Medicaid, but let's take on Medicare for just a moment because here we are in the very waning hours of the 111th Congress. We're in the so-called lame duck period after the election before the new Congress is sworn in. So as this Congress limps through the remainder of its congressional term, one of the things that we have to do, one of the things that Congress has to take up and deal with is what has perennially been known as the doc fix.

The doc fix is an adjustment to the sustainable growth rate formula that allows doctors to be appropriately reimbursed for seeing Medicare patients and providing medical care to Medicare patients. Why is that important? Because if they're not appropriately reimbursed, they can't afford to keep their doors open, they drop out of the Medicare program, patients can't find doctors and they complain to their Congressman.

So this is something that historically has happened, but as a consequence of multiple times doing this fix, the cost has now gotten so high that it becomes very difficult for Congress to pass that legislation, and maybe I could just take you through a few of the simple steps that occur in this process.

□ 1840

Here is the formula that's printed on the Web site for the Centers for Medicare & Medicaid Services. It's a calculation for the payment formula under the physician fee schedule. Here

is the payment formula: $(RVUw \text{ GPCI}w) + RVUPC \text{ GPCI}$.

Okay, that is starting to look pretty complicated. But if you look down here at the key for the acronyms, you begin to get an idea of what this is trying to do. RVUw, the relative value unit for work. The payment is going to be based on the relative value unit as determined by a Federal agency—not by the doctor's office, but the relative value unit for work. It is going to be modified by a geographic practice cost index for that value unit of work and then every value unit of work is further going to be modified by another constant for practice expenses as well as some geographic consideration, another based on the subscript for buying liability insurance. And then at the end, it's all times a conversion factor.

So this looks pretty complicated, but I guess you could muddle through that. But unfortunately what we don't really get is, What is the conversion factor? Well, let's take us through that just a little bit as well. So on another page of the Centers for Medicare & Medicaid Services Web site is the calculation of the conversion factor, and you have the conversion factor for the current year. It's equal to the conversion factor for a prior year, plus an update. Well, how do you get the update? Come down here, and this is how you calculate the update. One plus the Medicare economic index increase, over 100, times one, plus—wait a minute, what's UAF? Where did that come from? Wait a minute. Update adjustment factor. Well, how do you calculate the update adjustment factor?

Going to another page on the CMS Web site is how you calculate the update adjustment factor, and a lot of calculations are here. But what becomes significant is that you actually have to go back in time over 10 years and recapture the savings that should have occurred had the formula been allowed to take effect. And that is the problem with repealing what's called the sustainable growth rate formula.

Well, Congress in June passed a temporary patch that took us to November 30 of this year, and we have to do something by November 30 to postpone this update, which is actually a reduction—now almost a 30 percent reduction in physician reimbursement. Patients are clamoring for us to do this. They say it's an access issue to get in to see our doctors, and it has to be fixed.

This has been the worst year for the sustainable growth rate formula that I have ever seen in my brief tenure in Congress. We let it expire in April. We allowed it to expire in June, and now we're 2 weeks away from another expiration date. Now what do I mean when I say "We let it expire"? Well, Congress was coming up against a congressional recess, the Easter recess, a 2-week recess, and for whatever reason could not

get the so-called doc fix or the postponement of the SGR formula, Congress could not get that passed. The Democrats were unable to get that to the floor of the House and get it done. And as a consequence, we went home. Congress adjourned for Easter recess with the doctors having no resolution but the deadline of March 31 passing.

Well, okay, no problem. We'll just ask the Centers for Medicare & Medicaid Services to hold those reimbursement checks until Congress gets back to town in 2 weeks and fixes that problem so that when the checks go out, there will not be a reduction on those checks. Well, I've just got to tell you, if you're in a small physician office—and I would characterize “small” as being two, three, four, five, or six doctors—if you are in a small physician office, and even if only 15 percent of your business is Medicare business, you cut 15 percent off the operating capital of a four-, five-, or six-physician office, and that's a big deal. That's going to make it difficult for that office to cash flow for that month. And in a doctor's office, if you don't cash flow, you still have to pay the light bill, you still have to pay the cost of your supplies, you still have to pay your help, you still have to pay your taxes; so you are probably not paying yourself that month. And that, in fact, happened in small- and medium-sized physician offices all over this country.

Well, if that wasn't bad enough, when Congress finally came back and passed the fix, it was only for a couple of months' time. So June 1, the same darn thing happens. And as a consequence, we're up against another adjournment date, another recess, and the same thing repeats itself. The Centers for Medicare & Medicaid Services holds checks for a couple of weeks and, once again, practices all over the country say, Oh, my gosh. Here we go again. We've just barely recovered from this last one, and now we've got another one where they're holding a portion of our cash flow up every month, the people who write the checks for Medicare, for the work we have already done.

Well, in June, there was a 6-month extension passed again that carried us to November 30. So that is where we are today. Well, bear in mind that Congress is very close to adjourning for the end of the year. So are we going to get this problem taken care of this week? It's pretty hard to see how we do. There are leadership elections going on. We've got to elect a new Speaker of the House. Committee chairs have to be selected. So this week is taken up with just a lot of institutional stuff. We're doing some suspension bills on the floor, to be sure; but I haven't seen or heard any language for doing something to at least forestall this cut.

If it doesn't happen by November 30, December, as you can imagine, is a tough month to get things done. What

if those checks are held? Well, yeah, it's a bad deal because of the holidays that are coming up, and that's a bad deal. But in addition to the physician offices that are now in a cash crunch, they are also trying to do their tax planning for the end of the year. They're trying to do their purchases for the end of the year. They're trying to do planning into next year. And we're not allowing them the ability to do that because they've been burned twice already by the United States Congress, burned. Burned twice this year. That's unprecedented. And now they're fixing to be burned yet a third time by the United States Congress.

So physicians' offices all over the country are having to take a really hard look at, Do I even want to continue to participate in the Medicare system if I'm constantly under this kind of threat? And what happens if we don't do this? If we don't do this, the across-the-board cut for physician reimbursement for Medicare patients across the country is some 30 percent. Now, what in the doctor's office has gone down? What purchase does the doctor make to keep his practice going? Has the cost of electricity gone down by 30 percent? Has the cost of rent gone down by 30 percent? Has the cost of paying for labor to help in the doctor's office, has that gone down by 30 percent? I don't think so.

Now if you are in a practice that is fortunate enough to be thinking about expanding and you go down to your friendly banker and say, You know, I would like to perhaps borrow some money for an expansion of my practice. I would like to add some exam rooms. I would like to add some doctors. I would like to add some jobs in my community, in my medical practice. And the banker looks at this and says, You're going to be earning 30 percent less for this book of business after the first of the year? Are you crazy? There's no way in the world in this climate, in this banking environment that I'm going to loan money to a doctor's office for this. So we really put our practicing physicians in a tight, tight place by our inability to deal with this problem.

Now, should a doc fix occur, what will it look like? Earlier this week the administration said they wanted one for 13 months. Okay. I could be for that. Thirteen months, that allows us some time to get into the next Congress and perhaps really come up with a way to replace this formula with something that makes sense, and I would be very much in favor of that.

□ 1850

Realistically, it costs a little over \$1 billion for every month in that fix, so that's a \$13 billion price tag. It's going to be a little tough to come up with that. Maybe it's doable, I don't know. Perhaps we could take some unspent

stimulus funds and reprogram that to this. Perhaps there's other savings where we could do away with parts of the new health care bill that are terribly expensive and offset the cost for this. I don't know. I'd be interested in looking at those proposals.

What's more likely to happen is that we'll bump it right up against the deadline and then some, and then do a 1- or 2-month fix and just dump it into the beginning of the next Congress. And again, that's okay. I expect that to happen.

Ultimately, this formula is unworkable and this formula needs to be replaced. And this formula, with all of its conversion factors and update adjustment factors, really needs to be removed, and a simpler and more straightforward way of reimbursing the Nation's physicians who agree to take care of our Medicare patients, arguably some of our sickest patients, with multiple medical problems, who take the most amount of time in an office practice, we have to find a way to do this better.

I think in the next Congress we will see some serious activity towards getting that done. I've heard the incoming leadership talk about how this is an important part of what the next Congress does, and they want to see it taken care of. A lot of discussion about what it should look like.

In my opinion, a fee-based system makes the most sense, but I understand there are people who are talking about other models that include perhaps a bundle payment model or a pay-for-performance model or an accountable care organization model or a medical home model. Fine, let's have that debate. Let's have that discussion. That's what Congress is here to do, debate and discuss these things, hold hearings, get information and come up with a rational, sustainable policy that will replace this formula.

I, frankly, do not understand why this was not tackled. As bad as the health care bill, the health care law, is—was—it would have been immeasurably better had this problem been fixed in the process. But, again, you take \$500 billion out of Medicare, you don't even make a down payment on fixing this problem, and you fund a new entitlement with subsidies in the exchanges for people earning up to 400 percent of the Federal poverty level, in excess of \$44,000 for a family of four.

It would have been far better to at least sequester some of that money, and say we're going to fix this fundamental problem that exists today because we know it's interfering with our Medicare patients having access to their doctors in order to get Medicare. But it's a problem that must be tackled. It's a problem that must be resolved.

Now, what about the over-the-horizon stuff? What's likely to occur?

This Congress is going to come to a merciful end in a few weeks' time, and then the next Congress will be sworn in. The 112th Congress will take over with a great deal of promise, many new Members, many more new Members than have been seen in Congress in decades; a Congress that is going to have a vast amount of experience in the outside world, in the real world.

Because of all the activity with the health care law, more doctors ran for Congress, at least on my side, on the Republican side, than I think anyone has ever seen before. Six of them were elected. There are nine physicians on the Republican side who are coming back, six more who are coming in. That's 15 doctors in Congress. I think that number is likely unprecedented in congressional history. I don't know the precise high water mark for physicians in the past, but certainly that represents a significant increase over anything that I've seen in my short tenure here.

What do we do about this health care law? Deeply flawed, vastly unpopular across the country. What is this Congress going to do with this health care law?

Now, if I could rip it out root and branch tomorrow, that's exactly what I'd do. And I think it's very important that this Congress do have a vote on repeal of this law and have that vote fairly early into the next Congress.

There are so many aspects of this new law that are so pernicious on so many levels that I believe it threatens the very fabric of our Republic. And, again, it violates that central covenant between governing by the consent of the governed. That basic premise was discarded during this health care debate and this health care vote.

Remember how the Speaker of the House said, We've got to pass this bill so you'll understand what's in it; and once you understand what's in it, you'll be all for it. That's not the way it's supposed to work.

I think that repeal vote needs to happen. I hope it happens in the first month of the new Congress.

I understand what the arithmetic here is. I understand that the other body is unlikely to go along with that repeal, but I think it would be the embodiment of what people voted for in this last election 2 weeks ago, and they need to see the physical embodiment of that vote carried out here on the floor of this House. Of course it needs to be a rollcall vote. I would even submit that it needs to be a called roll of the House of Representatives and every person have their name called and answer affirmatively or negatively as to whether or not they stand for repeal of this very flawed law.

Now, the Senate's not likely to do the same thing. If the Senate does do the same thing, the other end of Pennsylvania Avenue is likely to feel dif-

ferently and provide a veto. But we don't know the answer to those questions until it's tried, and I think for that reason the repeal vote is very important. It doesn't mean that the repeal vote is all that happens. And certainly there are ways to look at the funding for the implementation of this law.

Remember that this law requires the creation of well over 150 new Federal agencies to administer various parts of this law. That's all significantly expensive. And there certainly are ways to get at the implementation structure through the funding of the implementation.

Well, I mentioned early on in the hour that my committee, the Committee of Energy and Commerce, has not held a single oversight hearing over the implementation of this new law since it was signed down at the White House in the third week of March. And why is that important?

Well, I already mentioned a lot of consternation right now. Insurance costs are going up. The President said they'd go down, but they've gone up. Are they going up because the insurance companies are just historically bad actors and they're going to raise their prices every time they think they can get away with it? Or are insurance prices going up because they have to be able to keep up with the new mandates that have been layered upon them with this new health care law?

Wouldn't it be great to have a hearing in the Subcommittee of Oversight and Investigations, have people—we always swear in our witnesses so they'd have to raise their hand and swear to tell the whole truth and nothing but the truth—come to our committee, give truthful testimony on why this is occurring. Bring the Federal agencies in; ask them to delineate the increased number of mandates that the insurance companies are having to deal with, and have the insurance companies come in and tell us why the costs are going up.

Remember, in the course of this law there's also another provision called the medical loss ratio which is set at 85 percent for large insurance companies, 80 percent for small insurance companies. This medical loss ratio means that there is only a 15 percent or 20 percent portion that can be spent on administrative activities, and the rest must be spent on clinical activities. So if the insurance companies have raised their rates just simply to cover future losses, when those calculations are done on the medical loss ratio, when those rules are finally written and those calculations are applied, if there is an overcharge on the part of the insurance companies, they will be required to rebate that money back to the ratepayers. So it really would be only a very short-term gain by the insurance companies to do that.

But still, let's have the hearings. Let's ask the questions. Let's get the

information and not just point fingers at either the Federal agency or insurance companies as to who's to blame for these vast premium increases because, quite honestly, our constituents, the American people, don't care. They're just concerned about the amount of premium increase that has occurred during this enrollment period this fall and what is going to happen to them going forward.

□ 1900

So certainly it has had a devastating effect on how people purchase their insurance.

Another thing that I would just like to point out. Remember, every time in that 2,700-page bill where it said in there, "and the Secretary shall," that creates a whole episode of new rulemaking by the Secretary of Health and Human Services.

Now, we have had some experiences with that in the past. Once those rules are written and the final comment periods are closed and the final rule is submitted, it becomes very, very difficult to walk back from that process. Wouldn't it be at least an improvement on that rulemaking process if we were to invite the relevant agencies in and the relevant participants in that rulemaking process to talk to us as these rules were being developed, to talk about whether or not there were any questions about congressional intent, to ask questions about how the implementation is going to occur? What will be the cost? Are there going to be any effects? Are there going to be any effects on employers or employees? Are there going to be any employment effects?

Remember, one of the things that this last election 2 weeks ago was all about was jobs and the lack of job creation. So maybe Congress ought to be focused on that, and maybe that ought to be some of the questions that we would ask during those oversight hearings.

Now, we did have some experience with that in the stimulus bill that was passed in February of 2009, because there was a provision in the bill that provided for funds to help pay for electronic medical records.

Now, a lot of people will say electronic medical records are a good thing and they are going to help cut down on waste, fraud, and abuse, and it is going to make it easier for the doctors to give good care and quality care. Okay. That is something we can all be for.

The law passed in February of 2009, and the Office of the National Coordinator for Health Information Technology got busy about crafting those rules. Sure enough, 11 months later, in January of 2010, they come forward with the rules that govern things like meaningful use, and these are all going to be the parameters on which the possibility of payment or subsidizing the

purchase of electronic medical records, that is upon which it is going to be based. The problem was, the rule for meaningful use, when it came out, doctors and hospitals were quick to call our offices and say: This doesn't work in the world in which we live. This is not something that is applicable to the real-world situation. Can you do something about that? And, indeed we tried.

Another Member on the Democratic side, Zack Space from Ohio, and I circulated a letter, got well over 250, 260 signatures on it within a very short period of time; sent it back to the Center for Medicare and Medicaid Services: Can you help us with this rule? Can you help us perhaps make this something that is more manageable in a real-world situation?

And the answer was: Yeah, we can do some things; but, basically, the rule is set at this point, and that is what it is going to be going forward.

So it becomes very difficult to modify the process after the fact. We saw that with the stimulus bill.

Okay. We are into this health care bill, now 7 months into it. We know there is a lot of rulemaking that is going to occur, because every line in there that says "and the Secretary shall" invokes that period of rulemaking and period of public comment and a rule proposed and then a final rule coming down. All of that is going to affect the delivery of health care, again, for every man, woman, and child in this country for the next three generations.

Aren't we obligated to try to get it right? Aren't we obligated to at least, from time to time, ask the Secretary into our committee and ask how this process is going, and, again, if they have any question as to congressional intent?

One of the things that disturbs me as we go through this and watch the implementation strategy on this bill is the creation of entirely new Federal agencies that are basically being created not by the United States Congress but by the Federal agency itself.

The United States Congress pushed a lot of the power that we would normally have in the legislative process over to the executive branch in the rulemaking process. We did it in the health care bill. It also occurred in the financial regulatory bill. It is not a good way to govern, and you don't get your best legislative product by doing that, in my opinion.

We would have been far better served to retain this activity within our committees; and, in fact, that is the way the Founders envisioned. Because we are reelected every 2 years, we are immediately accountable to the people. The folks that draw paychecks from the Federal agencies, you may be accountable when you elect a President but maybe not, because you have career people in all of the Federal agen-

cies that are in fact very much insulated from whether or not the people are in agreement with what they are doing or not. So, in my opinion, it was wrong to push so much power over to the executive branch and to the Federal agencies. That power should have been retained within the United States Congress.

But here is an example of one of the new Federal agencies that has been created: The Office of Consumer Information and Insurance Oversight. A fairly benign-sounding name, and probably some functions that would make some sense, but, in fact, the language for the creation of this Office of Consumer Information and Insurance Oversight occurs nowhere in the bill. Nowhere in the legislative language does it call for the creation of this Office of Consumer Information and Insurance Oversight. It is a function that the Secretary deemed was an additional agency that she would need in order to do her work, as she saw it, that was outlined in the bill.

But now we have a brand-new Federal agency, space being rented somewhere in a building for them to occupy, new positions being advertised for and hired. Obviously, this costs some money. Where has it come from? I don't know.

Remember, the United States Congress has not passed a single appropriations bill this year. We are running on the appropriations bills from last year under a continuing resolution that was passed on September 30, before we went home at the end of September. But the Office of Consumer Information and Insurance Oversight did not exist until June of this year, so where is the money appropriated that is responsible for running this agency?

Well, I am told it is reprogrammed from other places within HHS, and HHS has the money for this implementation. But I beg to differ. Those monies are supposed to be appropriated by the United States Congress. We are, by law, under the Constitution, responsible for the purse strings. We are supposed to be the ones that write the checks to the Federal agencies to allow them to do their work; and it is by that activity that the United States House of Representatives is able to keep a little bit tighter leash, as far as oversight is concerned, on Federal agencies.

But here we have a brand-new Federal agency that, as best as I can determine, was not called for in the law that was signed by the President. You have various offices, all of which will be employing multiple people. So every one of these places on the flowchart are going to have a number of people working there and answering to the director of that part of the Office of Consumer Information and Insurance Oversight.

Wouldn't it be great to have at least one hearing in the Committee on Energy and Commerce and the Sub-

committee on Oversight and Investigations, or the Health Subcommittee, to ask the folks who are in charge of this to come in to the committee and tell us what they are doing?

Who has been in charge? Just for an example, who has been in charge of looking at this to see if there was duplication? Surely all of these functions, some of them were probably already being performed by the Department of Health and Human Services. Have we got anybody looking at the duplication of effort that may now be occurring?

Everyone bemoans the growth of Federal Government. Everyone bemoans the rapid rise in Federal debt. But do we have anyone who is looking at where duplication may be occurring, where there may be cost savings?

If there is an Office of Insurance Programs and the Office of Consumer Information and Insurance Oversight, maybe there is another office that can be closed in the Department of Health and Human Services. If there is a Division of Rules Compliance, maybe there is another office at either Health and Human Services or the Office of Personnel Management that is no longer necessary. Why have we not had the oversight hearing to understand where the duplication is occurring and where the additional costs may be being expended that are actually unnecessary?

What is the total employment for this entire flowchart? What is the total employment? What is the total salary information? Is there anyone who is being paid in excess of what would be the normal Federal pay level? We don't know the answer to any of these questions.

What is the background of the individuals who have come here? Are they basically people who have contributed to political campaigns in the past, or are these people who have brought with them particular expertise? And again I would argue, if there is particular expertise that they are providing, is that expertise then not necessary in another office that is currently in existence in the Department of Health and Human Services?

Look, let's be honest. This health care bill that was signed into law last March was not a bipartisan product.

□ 1910

The only thing that was bipartisan about this bill was the opposition. Democrats crossed the aisle and voted with Republicans against this bill. No Republican voted in favor of this bill last March.

What have we seen as a result of this election? A profound, profound change in what the American people saw and did in regard to the United States Congress. There are six new doctors in the freshman class. Absolutely unprecedented, again, in my time in Congress, and I think it says something about the people who actually deliver the

health care in this country, what their opinion is of Congress at this point. "My golly, if this is what they are going to do, maybe I better get up there and take care of it myself." After all, that is the way doctors are wired.

This is a flawed process that led to a flawed product. It must be repealed. I look forward to that day in January when that repeal vote is held. In the meantime, and after that, until we can actually get things under control, the oversight process and the funding for the implementation must be under strict scrutiny.

COMMUNICATION FROM THE SPEAKER

The SPEAKER pro tempore laid before the House the following communication from the Speaker of the House:

Nov. 15, 2010.

Hon. LORRAINE C. MILLER,
*Clerk, House of Representatives,
The Capitol, Washington, DC.*

DEAR MADAM CLERK: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for deposition testimony and documents issued by the U.S. District Court for the District of Columbia in connection with a civil case now pending before that court.

After consulting with the Office of General Counsel, I will make the determinations required by Rule VIII of the Rules of the House.

Sincerely,

NANCY PELOSI,
Speaker of the House.

REDUCING THE DEFICIT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes.

Mr. GOHMERT. Mr. Speaker, tonight, since we have heard over and over about how destructive the deficits are from the President, I thought we would discuss some of the ways we can work on that. There are plenty of good solutions.

We discussed yesterday the fact that this administration pushed through a \$400 billion land grab bill that would allow them to spend \$400 billion to just buy land. I like my friend from Utah Rob Bishop's proposal that before people from States that don't have much, if any, Federal ownership of land keep pushing through bills to buy up land in other States, that they should be required to sell land first to the Federal Government in those States, so that any State that has less than 20 percent ownership by the Federal Government needs to find out what it is like when the Federal Government takes over land in a State, deprives the local government of any tax base from that land, deprives the local area of any economic growth to speak of from that land.

Yes, there are parks in certain ones that are very active and provide money to the area, jobs, things like that. But more often, when the Federal Government comes in and grabs land and puts it off limits, it just starves the local schools, it starves the local government of any assistance.

Now, originally when the Federal Government started grabbing land and taking it away from local areas, yes, they paid something for some of it, but there was an agreement; look, we know we are taking away all of this revenue from local government, from schools, so tell you what: We will provide you with part of the revenue off of the land, whether it was from the trees, which are one of our greatest renewable resources, or whether it was from natural resources like oil, gas and minerals of different kinds.

But that all changed, and so many local governments and schools have been left high and dry, which is often the case. The Federal Government makes you promises, and you rely on those promises to your detriment, and unlike in the law with any individual who makes promises on which you rely to your detriment, raising the legal issue of promissory estoppel, you can't use it against the Federal Government. In fact, all that you get is a look from some people in Federal Government that, well, it is all your fault, because you trusted us. Did you not know you can't trust our Federal Government?

So we don't even know what land has been purchased with that \$400 billion that we were borrowing from China and other places. But if we just quit buying, sold what we had, sold our interest in General Motors and Chrysler, sold our interest in Wall Street, sold off Fannie Mae, Freddie Mac, sold off things that this government shouldn't be doing, opened up the Federal Reserve books so everybody could see what was going on, clean that up of anything that there is Federal involvement in that there shouldn't be in the way of assistance and ownership and money just flowing to Wall Street buddies of this administration, we could save a lot of money from that, \$400 billion just from that one bill.

Then when you look at the \$10 billion that we are in arrears on maintenance and upkeep for our current buildings on national parklands, the reason is we are just squandering it buying more and more land, and in many cases we are buying land adjoining parks that really has no similarity to the characteristics that made it a park in the first place. Sometimes it was just some friend in Congress that some wealthy landowner was able to get to push through a bill to make it a part of a national park, which forced the Federal Government to buy it.

We need to have a committee go through and examine exactly what is really characteristic of a national park

for the reason that it was set aside. You have got some that will be enormous, whether it is Yellowstone or the Grand Tetons, some beautiful national parks, Grand Canyon and others. But for those that are not so big but we just added thousands of acres, we need to take a look at disposing ourselves of that land for a price and getting out of that business, and then using the money to actually help the national park facilities that we have, and with the rest of it, bring down the deficit.

One of the other things that we could do to save money and actually would be a far better foreign policy is in a bill I introduced in this Congress, the 111th. It is H.R. 4636. I have filed it in the 110th and in the 109th Congress, this is the third time, and it doesn't look like it is going to get to the floor in this Congress, but I have hopes for the next Congress.

What this bill does, and the summary of the bill at the top, officially it says "To prohibit United States assistance to foreign countries that oppose the position of the United States in the United Nations."

Basically in essence it goes through, it is a very short bill, just 5 pages, nothing like a 2,800- or 1,300- or 2,000-page bill, 5 pages, but in essence any nation that votes against the United States' position in contested votes more than half the time will receive no financial assistance from the United States the following year. Each year, on or about March 31st, we get a report from the U.N. on all the votes and how each member nation voted, so it is really easy to calculate after March 31st of each year exactly how nations voted.

Now, some would say, oh, well, that is not caring and loving, and you have said before that you are a Christian. How can you treat nations like that? And it is very important that people understand the basis for a Christian approach to government.

We don't use our office to shove our beliefs down on others. But just so people know where the philosophy comes from, it is helpful to take a look. In fact, I was noticing online regarding the book by Jerry Boykin, just a real national treasure, a national hero, a lieutenant general in the United States Army, part of the original Delta Force. It has been my honor and pleasure to meet with him and share a meal with him.

□ 1920

But this is a real hero. And he has a book out, "Never Surrender." Publishers Weekly went through and said, Lieutenant General Boykin's illustrious military career takes center stage in this personal account of religious faith in the proverbial foxhole. He was thrust into several harrowing encounters such as the events portrayed in the film "Black Hawk

Down," the Iranian hostage crisis, and the current war on terror.

Boykin delivers frontline perspectives on the military missions in which he engaged, and the accounts are charged with excitement. Some may find his writing a bit polarizing. He's not subtle regarding his dislike for Democratic political figures like Jimmy Carter and JOHN KERRY. Others will be inspired by how he faced death on a number of occasions and held tightly to his faith as a buoy through tumultuous and dark times.

Toward the end of his career, Boykin began giving public talks, inspiring people to faith in God and to ideals of the United States. While Boykin is to be commended for his patriotism, bravery, and conviction, the book never successfully explains, this says, how his military career co-existed with some of the more pacifist tenets of Christianity.

And so sometimes people hear debate on the floor, they hear people taking different positions, and a question like this being raised by Publishers Weekly is often helpful because we know where people are ignorant so that we can help bring them along so that you can understand where people are coming from the different faiths that exist here in the Members of the House of Representatives.

But, regarding that, many know scriptures. I've heard friends across the aisle accusing people on this side—I've have had Democratic friends say, Jesus said you're to be kind one to another; treat your neighbor as yourself. The Golden Rule, of course, is often used here. Helping widows and orphans. Things like that. We are to turn the other cheek. We're to be humble as individuals. But when it comes to the government, the government has a far different role. The government's role is exactly as the oath we take in this Chamber and will do so on January 5, 2011, exactly what it says.

One of the most important—I think the most important—is providing for the common defense. Protect the Constitution against all enemies, foreign and domestic. You have to go back to the founding of this country. It is easy to look at the back of a dollar bill and understand those are the two sides of our great seal on the back of a dollar bill. On the one side, the eagle with the ribbon through his mouth, *e pluribus unum*; out of many, one.

We welcome immigrants. We do. Thank God for the immigrants that have come to this country. I asked my mother once—my late mother once—what we were on her side of the family, and she said, Son, you're a duke's mixture. I said, Well, that sounds good. What does that mean? And she said, Well, if we were in the dog world, son, you would be a mutt. So apparently I come from many different areas of the world in my genealogy. But that's what

e pluribus unum was designed to address. We welcome people from all over the world. They come here and become one people. We welcome people that speak all kinds of languages. But in order to do as that phrase says that our Founders thought was so important, we need one language.

You go do research. Or, as I was an exchange student in the Soviet Union, you find one of the problems they have was trying to make sure all of these people within the Soviet Union spoke the same language. They were very aggressive about it. Pretty mean-spirited about it. We're not. But we need people to speak the same language. And when I see people across the country saying, Let's teach these immigrants in their own language, let's teach these children in the language of the country they come from, I know they mean well. But what they do is condemn those children to manual labor jobs. Like my good friend Gus Ramirez back in Tyler, Texas, said, his parents immigrated from Mexico, and his dad was exceedingly strict about it. Gus said his mom and dad spoke Spanish in their home, but in essence he said, Son, if you're going to be anything in this country, you've got to speak good English. And that is why I expect you kids to speak English in the home.

As a result, Gus has been city councilman, county commissioner, a successful businessman. But if you really care, you would want these young children to reach their God-given potential. Be the president of the company, not the ditch digger for the company. Just teach them English. And we can be one Nation under God, *e pluribus unum*; out of many, one.

On the other side, though, you have the pyramid with the triangle above it and you see the all-seeing eye of God. The eye represents the all-seeing eye of God. And above it the Latin phrase "*annuit coeptis*," meaning he, God, has smiled on our undertaking. They believe that. Because as Ben Franklin said at the Constitutional Convention, during the contest with Great Britain when we were sensible of danger, Franklin said, we had daily prayer in this room. Our prayers, sir, were heard and they were graciously answered. They knew that. They knew that God was smiling on their undertaking.

But underneath the pyramid are the words "*novus ordo seclorum*," Latin, meaning in essence, "new order of the ages." Now order of things. And the reason they had that was they knew there had been a parliament in England, of course. They talked about it. They knew that there had been a senate in ancient Rome. There had been other places where there had been legislating groups. But they also knew in all of those there was a king or a Caesar or somebody who could overrule whatever was done and even disband the legislative body.

So what they were designing was a government where the people would be the government. The people would rule themselves. That's why this was a totally new order of things. This was not a new world order. It was a new order of the ages where people would get to govern themselves. And for most of this country's history people understood they were the government and that you would have the hiring day and you should prepare yourself for hiring day so that when you went and voted or hired servants to go do your will, that you, the people as the government, would hire successful servants who would do the will of the government. That was their thought. That's why it was a new order of the ages. People were going to govern themselves.

So in that context, when we know that the government of this country was supposed to be we, the people, and that those of us who are elected and sent to this august body, we're supposed to be servants. That was the point. So if you look to a chapter that addresses the government's obligation, it's different from those of individuals—individuals being kind. But when you're government here, when you're the servants that are supposed to carry out the government job, you have an obligation to protect the people that sent you here. You're the servants that are supposed to protect the people. If you're in the military, you're the extension, you're the instrument of the government to protect the people.

So when you look at Romans 13, and this is in the New American translation, you will find it says—Romans 13:1—let every person be subordinate to the higher authorities, for there is no authority except from God, and those that exist have been established by God. Parenthetically, here, that means in the United States, in this new order of things, the people are that authority.

□ 1930

It is the people who elect, who hire the servants, and so the collective will of the people is the government, as carried out by their servants, they send to places like Washington.

Verse 2 says: Therefore, whoever resists these authorities opposes what God has appointed. Those who oppose it will bring judgment upon themselves.

However, here in the United States, this government was created where the people are the government, so they are expected to do their jobs—to hire good people. So, when the people get upset, they're resisting the servants in this country. They're not resisting the government. They are the government. They're resisting the servants and the arrogance and the atmosphere of arrogance that has so resided in this city for so long.

Verse 3 goes on: that basically rulers are not a cause of fear to good conduct but to evil.

Do you wish to have no fear of authority? Then do what is good. You'll receive approval from it.

For it, the government, is a servant of God for your good; but if you do evil, be afraid, for it, the government, does not bear the sword without purpose. It is the servant of God to inflict wrath upon the evildoer.

So, apparently, the folks at Publishers Weekly were not aware of that basis that I know our friend and our hero, General Jerry Boykin, was aware of. He was the sword. He was part of the sword as the military. So, if you do evil, whether it is in Iran or in Panama or wherever our military and the Delta Force was sent, Romans 13 says to be afraid because they don't bear that sword in vain. If you do evil, they're coming after you.

Why would they do that? Because they are part of the instrument that is to protect the people in this country so that the people can go about carrying out the beatitudes that Jesus pointed out.

Some say that Washington surely wasn't a Christian, but in his own resignation that he sent out to the 13 State Governors, he ends his resignation like this—and I won't read the whole thing, but it says:

I now make it my earnest prayer that God would have you and the State over which you preside in His holy protection and to entertain a brotherly affection and a love for one another, for their fellow citizens of the United States and particularly for their brethren who have served in the field and, finally, that He would most graciously be pleased to dispose us all to do justice, to love mercy and to demean ourselves with that charity, humility and peaceful temper of the mind, which were the characteristics of the Divine Author of our blessed religion and without a humble imitation of whose example in these things we can never hope to be a happy Nation.

He signed with the words: "I have the honor to be, with great respect and esteem, your Excellency's most obedient and very humble servant, George Washington."

Well, he understood. He got it. He was the servant of the government. That was part of the new order of things, the New Order of the Ages—people governing themselves—but the military is the instrument. It is the sword. Some people may not be aware, but a sword is not meant as a loving touch to people. Normally, it could be used to knight people in some places like England of old, but the sword is an instrument of war, and it's not wielded by the government in vain. If you come after this country, it's supposed to be wielded in response. When we are attacked, when an act of war comes

against this Nation as attacking a Nation's embassy is—taking embassy personnel hostage is an act of war—then there should be a sword to execute wrath immediately.

I was at Fort Benning when that happened in 1979, and our President did nothing but, in essence, beg the Iranians to let them go. It seemed that it was 2 or 3 days that the spokesman in Iran for the Ayatollah was saying, The students have them. The students have them. It seemed to me, as a member of the United States Army at the time, that he's leaving himself a backdoor.

President Carter should have said, Okay. You're saying the students have them. You get our hostages out within 48 hours or we accept what happened as what it is, an act of war, and we are bringing the full wrath of the United States military to Tehran. If you harm those hostages, then to use the words of Romans 13:4, be afraid because we're not going to wield the sword in vain. You will pay a very heavy price.

Since our President didn't do that—he allowed them to keep the hostages for well over a year—it has been a great recruiting tool for the terrorists for the last 30 years. Look. Remember 1979? We committed an act of war against the United States, and they did nothing. They, you know, just sat around and looked helpless.

There was the disastrous effort in the desert, and from what people I know and trusted back at the time had told me and from what I've read since and from what I've heard from people involved since, President Carter scaled down the escape effort going into Iran from what was originally proposed. As a result, they didn't have enough helicopters when they got to the staging area.

As we should have learned from Vietnam and as we should know in Afghanistan, unless you're going to have rules of engagement which say to our men and women in uniform that we're going to give you everything you need and that your life is precious to us, so you protect yourselves, and you go win the war, and do everything you can to win, and we'll give you everything you need to win—unless we're willing to do that, we shouldn't send them. Don't send them. This President hasn't shown sufficient commitment to those in Afghanistan, and if we're not going to do that, we need to get them out. We need to bring them home.

Yet there are people who want to destroy us over there who we haven't adequately addressed, and it is turning into another Vietnam, it seems. That's not our role. If you believe the Biblical perspective, we're to execute wrath on those who have done evil, and we haven't finished doing that.

So I have this bill in this Congress, H.R. 4636. I don't know what the number will be next year. Just so people know how things stand, I'll give you some of the numbers:

Heck, Pakistan. I think we gave Pakistan \$738 million, and they voted against us last year 87.5 percent of the time. Shoot, the Philippines. They've shown that as a government they don't have a lot of love and adoration for this country. They voted against us a majority of the time, and we gave them over \$116 million. Russia, which just provided their best anti-aircraft weapon from Lebanon to Iran, heck, we gave them nearly \$100 million. They may have used some of that \$100 million, since money is fungible, to build the S-300s to provide to Iran so they could shoot down Israeli or American planes. We might simply, if we have a courageous President, someday go after the nuclear threat that is looming in Iran. South Africa, they voted against us most of the time last year, and these figures say we gave them \$574 million. Sudan, they voted against us 90 percent of the time last year. We gave them \$337 million.

Interesting stuff here.

Let's see. You've got Yemen, Yemen which provided people who apparently attacked us in what was an act of war against the USS *Cole*. We didn't respond, really, as if it were an act of war. We didn't wield a sword and do what we should have, but we gave Yemen about \$17 million last year, and they voted against us most of the time, naturally.

□ 1940

These attempted terrorist attacks of the packages that were sent, apparently planned and emanating from Yemen, well, we're giving Yemen money to help that country as they attempt to fight everything we believe in, most everything we believe in, in the U.N.

Venezuela, our dear friend Venezuela. We gave them \$10 million. There may have been some other pockets we used money from, but from this pocket we gave them nearly \$10 million, and, of course, they vote against us the vast majority of the time.

Uganda votes against us most of the time. We gave them \$351 million.

Let's see, others. Bangladesh, they voted against us 80 percent of the time. We gave them \$105 million. Bolivia, they voted against us 70 percent of the time. We gave them \$103 million.

Brazil, heck, we just provided a \$2 billion loan for their deepwater drilling program. Probably didn't hurt that that was George Soros' single largest investment, as far as we know. So the \$2 billion that the U.S. taxpayers are standing good for on a loan will sure help make him rich. That's a great thing, I'm sure, if you're a big Soros fan.

Cambodia votes against us most of the time, and we gave them \$58 million. Let's see, we've got—well, gosh, we gave Cuba \$45 million. Wasn't that special? And they vote against us 90 percent or so of the time.

Republic of the Congo, we gave them \$104 million, and they vote against us most of the time. Heck, Egypt, we gave them just this pocket of money at \$1.7 billion. As I understand, it's more than that, and they voted against us 81.8 percent of the time. Ethiopia voted against us 83.3 percent of the time, and we rewarded their opposition to things we hold dear by giving them \$455 million.

India, \$100 million, and they vote against us about 89 percent of the time. Indonesia, where the President just visited, it seems like he got a pretty good reception, but when it came to his positions, they voted against him about 80 percent of the time in the U.N., but we did reward them with about \$190 million.

Now, people are out of work. They're struggling, they're trying to make ends meet as best they can, and yet we're just giving money away hand over fist, like we were just the richest folks in the history of mankind, that we got money to burn. We're just throwing it away, and as I've said previously, and it continues to be true, you don't have to pay people to hate you; they will do it for free. It's that simple.

Why keep paying billions and billions of dollars to countries that despise us, that oppose everything we believe in, that oppose our love of freedom and liberty, that oppose our belief in equality of men and women and different races? Why do we keep giving billions of dollars to people that oppose that and are doing everything they can to make life an absolute hell for people based on religious beliefs, race, creed, color, national origin, gender, treat women like property? I mean, why do we keep giving people billions and billions of dollars?

I know charities across America are hurting right now. They're not getting the contributions they do normally in a good economy, because when people lose their job, they run out of money. They're barely providing for themselves and their family, the people under their roof. They're not able to give like they do during the good times. And so charities are hurting here in the United States.

But what we find with this government—and it's not new to this administration—this administration is doing it, but it's been going on for a long time. It's not new. With all fairness to the Obama administration, it's been going on a long time. We are in a world of hurt. We're being told by nations around the world that you're spending money like an irresponsible person. You've got to stop spending money in such a crazy fashion.

So, normally, if we were acting as a responsible person or a responsible entity, we'd say, you know what, we're pretty broke right now, so we can't keep giving money to people that hate us and are doing everything they can,

many of them funneling money to groups who use it to hurt us. That might seem strange. But then you look around the world. We recently just re-armed Lebanon. Let's see. Lebanon. Oh, yeah, that's right, they went to war against Israel. We're helping groups that keep attacking our dear friend Israel. Why are we giving them money? Do we honestly think we're going to buy their love and affection?

You can't buy love and affection. When you try, what you purchase is contempt, because they know that we know they hate us, they know that we know they vote against us most of the time. So how could they think otherwise, that we're the most stupid, irresponsible people in the world to keep paying people to hate us? It makes no sense.

You know, these nations are sovereign. We respect a nation's sovereignty. Make your own calls. Vote as you want to vote. If you're in the U.N., vote as you want to vote, but we're not going to pay you to oppose us at every turn.

That's why I keep filing this bill, and that's why I am hopeful that eventually we'll get it passed. We mean no ill will to these countries who keep opposing us, who want to treat women like property, stone women to death, what they call honor killings, and what I would have found someone guilty of murder in my court back in Texas, because it sure looks and sounds like murder to me under our law, and under our law is where we're supposed to be found, not under sharia law, not under some other nation's law, but under our law.

So why do we keep paying countries to mistreat women and children and torture their own people and to deprive them of life, liberty and the pursuit of happiness? They're sovereign. They can make their own choices, but we should not pay them to hate us.

Now, in follow-up for the rest of this time, I know our President has said before we're not a Christian Nation, and I will not debate that with the President because he may be right, he may very well be right, but what I know is where we came from. As a student and a lover of American history, I know enough about our founding and apparently a great deal more than our President learned when he was in school in Indonesia and other places. He didn't learn the history of this Nation as I did. Well, what would you expect?

Of course, in Indonesia they're not going to teach you American history, certainly not the best parts. They may teach you parts that make you think less of America, I can see that, and perhaps that's why Indonesia votes against us most of the time in the U.N. They just don't have our values, and, of course, in their schools they would teach their values, which include being against the things that we hold dear.

But we have history to rely on, and so I'm just going to go through some historic writings and speeches just, Mr. Speaker, so people know a little bit more about our history and where they came from, because as great philosophers have said through the ages, if you don't know where you came from, you cannot possibly find the proper direction ahead.

□ 1950

John Quincy Adams was the first son of a President to have been elected President. In September of 1811, in a letter to his son, who was a U.S. minister in St. Petersburg, Russia, John Quincy Adams said, "So great is my veneration for the Bible, and so strong my belief, that when duly read and meditated on, it is of all books in the world, that which contributes most to make men good, wise, and happy—that the earlier my children begin to read it," the Bible, "the more steadily they pursue the practice of reading it throughout their lives, the more lively and confident will be my hopes that they will prove useful citizens of their country, respectable members of society." That was John Quincy Adams.

Another from Abraham Lincoln. This was March 30, 1863. These are Abraham Lincoln's own words. We have them in writing from him. This is March 30, 1863, his prayer proclamation. Lincoln said in part, "We have forgotten God. We have forgotten the gracious Hand which preserved us in peace, and multiplied and enriched and strengthened us; and we have vainly imagined, in the deceitfulness of our hearts, that all these blessings were produced by some superior wisdom and virtue of our own. Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that made us. It behooves us then to humble ourselves before the offended Power, to confess our national sins, and to pray for clemency and forgiveness," Abraham Lincoln.

Forty-five days before his assassination in his second inaugural—and that's inscribed in the marble on the north wall of the Lincoln Memorial—he's talking about the North and the South. And I realize the President says we're not a Christian nation, but Lincoln was addressing what had been founded as a Christian nation and what had been founded upon Christian tenets. As a Christian nation, we welcome people of all walks of life, of all nations, all races, national origin, gender. We welcome them because that is part of the Christian teaching for individuals. But he was trying to theologize deal with the issue of a horrible, horrible war, like the Civil War, where brothers fought, family members fought and died at the hand of another.

Lincoln's words, March 4, 1865, he said, "Both read the same Bible," talking about the North and the South,

"and pray to the same God. The prayers of both could not be answered. That of neither has been answered fully. The Almighty has His own purposes." Then he quotes from scripture and says, "Woe unto the world because of offenses."

"Yet, if God will that the war continue until all the wealth piled by all the bondsmen's 250 years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said 3,000 years ago, so still it must be said"—another scripture quote—"the Judgments of the Lord are true and righteous."

I know that our current President reveres President Franklin Delano Roosevelt, and so I figured he would certainly be rewarded in knowing Franklin D. Roosevelt's own words. So for the sake of this body and anybody that might happen to see, I will provide Franklin D. Roosevelt's own words. For example, March 4, 1943, in his first inaugural address, these were his words, "First of all, let me assert my firm belief that the only thing we have to fear is fear itself. In such a spirit on my part and on yours, we face our common difficulties. They concern, thank God, only material things. Practices of the unscrupulous money changers stand indicted in the court of public opinion, rejected by the hearts and minds of men. They know only the rules of a generation of self-seekers. They have no vision. And when there is no vision, the people perish." That, of course, Proverbs 29:18. "The money changers have fled from their high seats in the temple of our civilization. We may now restore that temple to the ancient truths. We face arduous days that lie before us in the warm courage of national unity; with the clear consciousness of seeking old and precious moral values. In this dedication of a nation, we humbly ask the blessing of God. May he protect each and every one of us. May He guide me in these days to come."

More words of Franklin Roosevelt, December 6, 1933. If I were asked to state the great objective which church and state are both demanding for the sake of every man and woman and child in this country, I would say that great objective is a more abundant life.

Franklin Roosevelt, December 24, 1933. Roosevelt said, "This year marks a greater national understanding of the significance of our modern lives of the teachings of Him whose birth we celebrate. To more and more of us, the words 'Thou shalt love thy neighbor as thyself' have taken on a meaning that is showing itself and proving itself in our purposes and daily lives. May the practice of that high ideal grow in us all in the year to come. I give you and send you one and all, old and young, a Merry Christmas and a truly Happy New Year. And so, for now and for always, God Bless Us, Everyone."

Continuing, Franklin Roosevelt's own words, this is December 24, 1934: "Let us make the spirit of Christmas of 1934 that of courage and unity. That is, I believe, an important part of what the Maker of Christmas would have it mean. In this sense, the Scriptures admonish us to be strong and of good courage, to fear not, to dwell together in Unity."

Another excerpt from Franklin Roosevelt, 1935. "We cannot read the history of our rise and development as a Nation without reckoning with the place the Bible has occupied in shaping the advances of the Republic. Where we have been the truest and most consistent in obeying its precepts, we have attained the greatest measure of contentment and prosperity."

Continuing on with Franklin Roosevelt's words. January 20, 1937, he said in part of that inaugural address, "I shall do my utmost to speak their purpose and to do their will, seeking Divine Guidance to help each and every one to give light to them that sit in darkness and to guide our feet in the way of peace."

Again, Franklin Roosevelt, January 6, 1941. "We look forward to a world founded upon four essential human freedoms. The first in freedom of speech and expression. The second is freedom of every person to worship God in his own way. This Nation has placed its destiny in the hands and heads and hearts of its millions of free men and women; and its faith in freedom under the guidance of God." Again, Franklin Roosevelt, January 20, 1941: "A Nation, like a person, has something deeper, something more permanent, something larger than the sum of all its parts."

□ 2000

"It is that something which matters most to its future, which calls forth the most sacred guarding of its present. It is a thing which we find difficult, even impossible, to hit upon a single simple word, and yet we all understand what it is, the spirit, the faith of America. It is the product of centuries. It was born in the multitudes of those who came from many lands, some of high degree, but mostly plain people who sought here early and late to find freedom more freely."

"The democratic aspiration is no mere recent phase of human history. It is human history. It permeated the ancient life of early peoples. It blazed anew in the Middle Ages. It was written in the Magna Carta. In the Americas its impact has been irresistible. America has been the new world in all tongues to all peoples, not because this continent was a newfound land, but because all those who came here believed they could create upon this continent a new life, a life that should be new in freedom. Its vitality was written into our own Mayflower Compact, into the Declaration of Independence, into the

Constitution of the United States, into the Gettysburg Address. If the spirit of America were killed, even though the Nation's body and mind constricted in an alien world lived on, the America we know would have perished. That spirit, that faith speaks to us in our daily lives in ways often unnoticed. We do not retreat. We are not content to stand still. As Americans, we go forward in the service of our country by the will of God." Franklin Roosevelt.

Again, Roosevelt, January 25, 1941:

"To the Armed Forces. As Commander in Chief I take pleasure in commending the reading of the Bible to all who serve in the Armed Forces of the United States. Throughout the centuries men of many faiths and diverse origins have found in the Sacred Book"—Sacred Book is capitalized—"words of wisdom, counsel and inspiration. It is a fountain of strength and now, as always, an aid in attaining the highest aspirations of the human soul. Very sincerely yours, Franklin D. Roosevelt."

That's inscribed on the inside of the New Testament that my uncle got going into World War II that my aunt gave me.

"December 7, 1941, a date which will live in infamy, the United States of America was suddenly and deliberately attacked by Naval and Air Forces of the Empire of Japan. Our people, our territory and our interests are in grave danger. With confidence in our Armed Forces, with the unbounding determination of our people, we will gain the inevitable triumph, so help us God."

And I have one other from Roosevelt. This was Franklin Roosevelt's radio broadcast June 6, 1944:

"My fellow Americans"—and for those, Mr. Speaker, that may not be aware, this is D-day, June 6, 1944—Franklin D. Roosevelt said, "Last night when I spoke with you about the fall of Rome, I knew at that moment that troops of the United States and our allies were crossing the channel in another and greater operation. It has come to pass with success thus far, and so in this poignant hour I ask you to join with me in prayer."

And then Franklin Roosevelt prayed these words for the Nation over national radio. It would have been TV, but radio is what he had. Roosevelt said:

"Almighty God, our sons, pride of our Nation, this day have set upon a mighty endeavor, a struggle to preserve our Republic, our religion, and our civilization and to set free a suffering humanity. Lead them straight and true. Give strength to their arms, stoutness to their heart, steadfastness in their faith. They will need Thy blessing. Their road will be long and hard for the enemy is strong. He may hurl back our forces. Success may not come with rushing speed, but we shall

return again and again. We know that by Thy grace and by the righteousness of our cause, our sons will triumph."

Parenthetically, if I might insert into Roosevelt's prayer here, General Jerry Boykin had an outcry in this country from the left when he said words to the effect, at a church, we prevailed in Iraq with such speed because our God was stronger than their God. Had those same people and forces that attacked General Boykin at the time been around June 6, 1944, D-day, there's no question they would have had to attack Franklin D. Roosevelt for this type of prayer. Nonetheless, it's part of our history, so I continue with Roosevelt's words:

"For these men are lately drawn from the ways of peace. They fight not for the lust of conquest, they fight to end conquest. They fight to liberate. They fight to let justice arise and tolerance and goodwill among all Thy people. They yearn but for the end of battle, for their return to the haven of home. Some will never return. Embrace these, Father, and receive them, Thy heroic servants into Thy kingdom."

And for us at home, Roosevelt says, "Fathers, mothers, children, wives, sisters and brothers of brave men overseas whose thoughts and prayers are ever with them, help us, Almighty God, to rededicate ourselves in renewed faith in Thee in this hour of great sacrifice."

"Many people have urged that I call the Nation into a single day of special prayer. But because the road is long and the desire is great, I ask that our people devote themselves in a continuance of prayer as we rise to each new day. And again, when each day is spent, let words of prayer be on our lips invoking Thy help to our efforts."

Roosevelt goes on. He says:

"Give us strength too, strength in our daily task, to redouble the contributions we make in the physical and the material support of our Armed Forces. Let our hearts be stout to wait out the long travail, to bear sorrows that may come, to impart our courage into our sons, wheresoever they may be."

"And, O Lord," Roosevelt continues, "give us faith. Give us faith in Thee, faith in our sons, faith in each other, faith in our united crusade. Let not the keenness of our spirit ever be dulled. Let not the impacts of temporary events, of temporal matters, of but fleeting moment, let not these deter us in our unconquerable purpose. With Thy blessing," Roosevelt finishes, he says, "we shall prevail over the unholy forces of our enemy. Help us to conquer the apostles of greed and racial arrogances. Lead us to the saving of our country and with our sister nations into a world unity that will spell a sure peace, a peace invulnerable to the scheming of unworthy men and a peace

that will let all of men in freedom reaping the just rewards of their honest toil. Thy will be done, Almighty God."

That was Franklin D. Roosevelt. What a powerful prayer.

A couple of things to finish. Ronald Reagan, 1978, his own words in his own hand. He was talking about Jesus of Nazareth, Jesus Christ, and he says these things about Jesus. Reagan says: "Either he was what he said he was or he was the world's greatest liar. It is impossible for me to believe a liar or charlatan could have had the effect on mankind that he has had for 2,000 years. We could ask would even the greatest of liars carry his lie through the crucifixion when a simple confession would have saved him? Did he allow us the choice, you say, that you and others have made to believe in his teaching, but reject his statements about his own identity?"

□ 2010

In 1981, in his inaugural he said, in part, Ronald Reagan's words: "Your dreams, your hopes, your goals are going to be the dreams, the hopes, and the goals of this administration, so help me God. I am told that tens of thousands of prayer meetings are being held on this day, and for that I am deeply grateful. We are a Nation under God, and I believe God intended for us to be free. It would be fitting and good, I think, if on each inaugural day in future years it should be declared a day of prayer."

"The crisis we are facing today does require, however, to believe that, together with God's help, we can and will resolve the problems which now confront us. And, after all, why shouldn't we believe that? We are Americans."

Reagan concluded with "God bless you."

Mr. Speaker, that is my conclusion as well.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. HIRONO) to revise and extend their remarks and include extraneous material:)

Mr. SHERMAN, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. SMITH of New Jersey, for 5 minutes, today.

Mr. JONES, for 5 minutes, November 17 and 18.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Wednesday, November 17, 2010, at 10 a.m.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

"I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 111th Congress, pursuant to the provisions of 2 U.S.C. 25:

MARLIN A. STUTZMAN, Indiana, Third.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

10326. A communication from the President of the United States, transmitting notification that the national emergency with respect to Iran originally declared on November 14, 1979, by Executive Order 12170, is to continue in effect beyond November 14, 2010, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 111-153); to the Committee on Foreign Affairs and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. PENCE:

H.R. 6406. A bill to amend the Federal Reserve Act to remove the mandate on the Board of Governors of the Federal Reserve System and the Federal Open Market Committee to focus on maximum employment; to the Committee on Financial Services.

By Mr. PETRI (for himself and Mr. WOLF):

H.R. 6407. A bill to clarify that schools and local educational agencies participating in the school lunch program under the Richard

B. Russell National School Lunch Act are authorized to donate excess food to local food banks or charitable organizations; to the Committee on Education and Labor.

By Mr. SENSENBRENNER (for himself, Mr. RYAN of Wisconsin, and Mr. PETRI):

H.R. 6408. A bill to allow States to return certain funds made available for high speed rail and intercity rail projects to the general fund of the Treasury for Federal budget deficit reduction; to the Committee on Transportation and Infrastructure.

By Mr. SENSENBRENNER:

H.R. 6409. A bill to prohibit the Administrator of the Federal Highway Administration from requiring the replacement of street and highway signs that are in upper case letters with such signs that are in mixed case lettering with the initial letter in upper case followed by lower case lettering; to the Committee on Transportation and Infrastructure.

By Mr. MARKEY of Massachusetts (for himself, Mrs. LOWEY, Mrs. MALONEY, and Mr. MCGOVERN):

H.R. 6410. A bill to improve air cargo security; to the Committee on Homeland Security.

By Ms. ROS-LEHTINEN (for herself, Mr. ROYCE, Mr. BURTON of Indiana, Mr. FORTENBERRY, Mr. SHERMAN, and Mr. BERMAN):

H.R. 6411. A bill to provide for the approval of the Agreement Between the Government of the United States of America and the Government of Australia Concerning Peaceful Uses of Nuclear Energy; to the Committee on Foreign Affairs.

By Mr. SCOTT of Virginia:

H.R. 6412. A bill to amend title 28, United States Code, to require the Attorney General to share criminal records with State sentencing commissions, and for other purposes; to the Committee on the Judiciary.

By Mr. WEINER:

H.R. 6413. A bill to ensure that individuals who receive Social Security or certain other Federal benefits receive a one-time payment equal to 5 percent of the total annual amount of such benefit in the event that no cost-of-living adjustment is payable in 2011; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself, Mr. KILDEE, Mr. CASTLE, Mr. SCOTT of Virginia, Mrs. MCCARTHY of New York, Ms. WOOLSEY, Mrs. McMORRIS RODGERS, Mr. VAN HOLLEN, Mr. HARE, and Mr. KENNEDY):

H. Con. Res. 329. Concurrent resolution recognizing the 35th anniversary of the enactment of the Education for All Handicapped Children Act of 1975; to the Committee on Education and Labor.

By Mr. BISHOP of Georgia (for himself and Mrs. McMORRIS RODGERS):

H. Con. Res. 330. Concurrent resolution recognizing and honoring the commitment and sacrifices of military families of the United States; to the Committee on Armed Services.

By Mr. WEINER:

H. Con. Res. 331. Concurrent resolution expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United

States; to the Committee on Veterans' Affairs.

By Mr. SMITH of New Jersey:

H. Res. 1716. A resolution urging the Government of Belarus to conduct a free and fair presidential election on December 19, 2010, and expressing support for the Belarusian people's desire for democratic government that respects human rights and the rule of law; to the Committee on Foreign Affairs.

By Mr. SMITH of New Jersey (for himself, Mr. WU, Mr. INGLIS, Mr. McCOTTER, Mr. BILIRAKIS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. PITTS, Mr. WOLF, Mr. MCGOVERN, Mr. ROHRABACHER, Mr. JOHNSON of Georgia, and Mr. TOWNS):

H. Res. 1717. A resolution congratulating imprisoned Chinese democracy advocate Liu Xiaobo on the award of the 2010 Nobel Peace Prize; to the Committee on Foreign Affairs.

By Mr. BRADY of Pennsylvania:

H. Res. 1718. A resolution honoring the commitment and service of the Albert Einstein Healthcare Network, Southwest Airlines, and the Philadelphia International Airport for helping families dealing with autism gain confidence in public places and honoring the University of the Sciences in Philadelphia, Pennsylvania, and the Gray Center for contributions to the Autism Accessibility Program housed at Albert Einstein Healthcare Network; to the Committee on Energy and Commerce.

By Mr. HONDA (for himself, Mr. CARSON of Indiana, and Mr. ELLISON):

H. Res. 1719. A resolution recognizing the cultural and religious significance of Eid al-Adha and wishing Muslim-Americans and Muslims around the world a prosperous holiday; to the Committee on Oversight and Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. SCHAKOWSKY introduced a bill (H.R. 6414) for the relief of Angela Stefanova Boneva; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 122: Mr. HINCHEY.
H.R. 272: Ms. GRANGER.
H.R. 571: Mr. ROTHMAN of New Jersey.
H.R. 614: Mr. GOODLATTE.
H.R. 718: Mr. GOODLATTE.
H.R. 891: Mr. ROTHMAN of New Jersey.
H.R. 984: Mr. STARK.
H.R. 1024: Mr. PIERLUISI.
H.R. 1050: Mr. GOODLATTE.
H.R. 1458: Ms. NORTON.
H.R. 1589: Mr. LEWIS of Georgia.
H.R. 1625: Ms. KILROY, Mr. CAPUANO, and Mr. JONES.
H.R. 1800: Mr. OLVER.
H.R. 1895: Mr. BOSWELL and Mr. HONDA.
H.R. 1923: Mrs. BACHMANN.
H.R. 2261: Ms. LEE of California.
H.R. 2262: Mr. LANGEVIN, Mrs. DAHLKEMPER, Ms. JACKSON LEE of Texas, and Mr. ACKERMAN.
H.R. 2308: Mr. LANGEVIN and Mr. CARSON of Indiana.
H.R. 2324: Mr. OLVER.
H.R. 2345: Mr. HOLT.
H.R. 2361: Mr. FARR, Mr. CAPUANO, and Mr. GUTIERREZ.

H.R. 2365: Mrs. MCCARTHY of New York, Mr. ROTHMAN of New Jersey, and Mr. PAYNE.

H.R. 2425: Mr. MARSHALL, Ms. ROYBAL-ALLARD, and Ms. NORTON.

H.R. 2579: Mr. HARE and Mrs. NAPOLITANO.
H.R. 2752: Mr. GOODLATTE.

H.R. 2766: Mr. BACA and Ms. NORTON.

H.R. 3185: Ms. ZOE LOFGREN of California.

H.R. 3188: Mr. GOODLATTE.

H.R. 3668: Ms. WASSERMAN SCHULTZ.

H.R. 3724: Mr. TIM MURPHY of Pennsylvania.

H.R. 3742: Ms. WASSERMAN SCHULTZ.

H.R. 3927: Mr. COFFMAN of Colorado and Mr. FORTENBERRY.

H.R. 3974: Mr. ACKERMAN.

H.R. 4114: Mr. FRANK of Massachusetts.

H.R. 4115: Mrs. NAPOLITANO.

H.R. 4197: Mr. MANZULLO.

H.R. 4310: Mrs. CHRISTENSEN.

H.R. 4466: Mr. ROONEY and Mrs. LUMMIS.

H.R. 4530: Mr. LEWIS of Georgia.

H.R. 4599: Mr. ACKERMAN.

H.R. 4653: Mr. PAUL.

H.R. 4745: Mr. COHEN.

H.R. 4800: Mr. TOWNS, Mr. INGLIS, and Mr. GARAMENDI.

H.R. 4808: Ms. FUDGE, Mr. KIND, and Mr. PASTOR of Arizona.

H.R. 4844: Mr. FILNER.

H.R. 4914: Mr. BERMAN.

H.R. 4923: Ms. MATSUI, Mr. WU, and Mr. BARROW.

H.R. 4925: Mr. CLAY.

H.R. 4993: Mr. SESTAK, Mr. ROSS, Mr. SMITH of Washington, Mr. BILBRAY, Mr. THOMPSON of Mississippi, and Ms. ZOE LOFGREN of California.

H.R. 5000: Mr. DEUTCH, Ms. HIRONO, and Mr. HOLT.

H.R. 5040: Mr. SMITH of Washington.

H.R. 5043: Mr. ROTHMAN of New Jersey, Mr. GUTIERREZ, Mr. DOYLE, and Mr. RYAN of Ohio.

H.R. 5078: Mr. STARK and Ms. NORTON.

H.R. 5117: Mr. SCHAUER.

H.R. 5120: Ms. ZOE LOFGREN of California and Ms. HIRONO.

H.R. 5191: Mr. DOYLE.

H.R. 5270: Mr. ROTHMAN of New Jersey.

H.R. 5309: Ms. WOOLSEY and Ms. NORTON.

H.R. 5434: Mr. COSTELLO, Ms. TSONGAS, Mr. LARSON of Connecticut, Mr. DAVIS of Illinois, Ms. ROYBAL-ALLARD, Mr. DICKS, Mr. PASTOR of Arizona, Mr. SCOTT of Virginia, Mr. MILLER of North Carolina, and Ms. WASSERMAN SCHULTZ.

H.R. 5441: Mr. HARE and Mr. STARK.

H.R. 5492: Mr. ROTHMAN of New Jersey.

H.R. 5527: Ms. NORTON.

H.R. 5549: Ms. CHU, Mr. KISSELL, Ms. SUTTON, Ms. HIRONO, and Mr. ISRAEL.

H.R. 5565: Mr. REYES.

H.R. 5575: Mr. ROTHMAN of New Jersey, Ms. TITUS, Mr. HASTINGS of Florida, Mr. FILNER, Ms. HIRONO, Mr. SHERMAN, Mr. DOYLE, and Mr. DOGGETT.

H.R. 5593: Mr. CONYERS.

H.R. 5597: Mr. GRIJALVA and Ms. ZOE LOFGREN of California.

H.R. 5627: Ms. ZOE LOFGREN of California.

H.R. 5636: Ms. FUDGE.

H.R. 5652: Ms. HIRONO and Mr. MARKEY of Massachusetts.

H.R. 5671: Ms. NORTON.

H.R. 5723: Ms. SLAUGHTER.

H.R. 5944: Mr. LYNCH and Mr. PETRI.

H.R. 5950: Ms. SCHAKOWSKY and Mr. WALZ.

H.R. 5983: Mr. CARSON of Indiana.

H.R. 5987: Mr. ADLER of New Jersey, Mrs. CHRISTENSEN, Mr. DELAHUNT, Mr. GENE GREEN of Texas, Mr. GONZALEZ, Mr. HOLT, Ms. JACKSON LEE of Texas, Mr. KUCINICH, Mr. LIPINSKI, Ms. ZOE LOFGREN of California, Mr.

PASCRELL, Mr. PRICE of North Carolina, Mr. RYAN of Ohio, Mr. WELCH, Mr. ENGEL, Mr. COHEN, Ms. ESHOO, Mr. PIERLUISI, Ms. CORRINE BROWN of Florida, Mr. KENNEDY, Ms. WATERS, Ms. CHU, Mr. AL GREEN of Texas, Mr. JOHNSON of Georgia, Mr. SHERMAN, Ms. LINDA T. SÁNCHEZ of California, Ms. NORTON, Mr. BRALEY of Iowa, and Mr. WEINER.

H.R. 6021: Mr. ROTHMAN of New Jersey.

H.R. 6045: Ms. LINDA T. SÁNCHEZ of California.

H.R. 6085: Ms. CHU, Ms. EDWARDS of Maryland, Ms. SLAUGHTER, and Mr. MARIO DIAZ-BALART of Florida.

H.R. 6116: Mr. HONDA.

H.R. 6139: Mr. CROWLEY, Mr. NADLER of New York, Mr. MAFFEI, Mr. BISHOP of New York, Mr. LEE of New York, Mr. HIGGINS, Mr. MEEKS of New York, Mr. RANGEL, Mrs. MCCARTHY of New York, Ms. CLARKE, Mr. WEINER, and Ms. VELÁZQUEZ.

H.R. 6172: Mr. KUCINICH.

H.R. 6218: Mr. FILNER.

H.R. 6222: Ms. VELÁZQUEZ.

H.R. 6240: Mr. McCOTTER and Mr. ALTMIRE.

H.R. 6268: Mr. HINCHEY.

H.R. 6282: Mr. CONYERS.

H.R. 6283: Mr. HODES, Mr. MCGOVERN, Mr. DOGGETT, Mr. MORAN of Virginia, Mr. FARR, and Mr. ROTHMAN of New Jersey.

H.R. 6377: Mr. WU, Mr. BOSWELL, Mr. BRALEY of Iowa, Mr. COFFMAN of Colorado, Mr. MORAN of Virginia, and Mr. TAYLOR.

H.R. 6403: Mr. ROGERS of Kentucky, Mr. CALVERT, Mr. SIMPSON, Mrs. BONO MACK, Mrs. BLACKBURN, Mrs. MILLER of Michigan, Mr. NEUGEBAUER, Mr. HARPER, Mr. YOUNG of Florida, Mr. DUNCAN, Mr. CULBERSON, Mrs. McMORRIS RODGERS, Mr. LATOURETTE, and Mr. LEE of New York.

H.R. 6404: Mr. HASTINGS of Florida, Mr. BACA, Ms. HIRONO, and Mr. COHEN.

H. Con. Res. 261: Mr. DUNCAN.

H. Con. Res. 267: Mr. COSTELLO, Mr. RUSH, and Mr. WOLF.

H. Con. Res. 318: Mr. KUCINICH.

H. Con. Res. 325: Ms. WATERS and Mr. LEWIS of Georgia.

H. Con. Res. 327: Mr. McMAHON, Ms. DEGETTE, Mr. JACKSON of Illinois, and Mr. SHERMAN.

H. Res. 200: Mr. WAMP and Mr. MCCAUL.

H. Res. 236: Mr. WAMP.

H. Res. 363: Mr. COHEN.

H. Res. 840: Mr. MCCAUL and Mr. HERGER.

H. Res. 1217: Mr. NYE, Mrs. McMORRIS RODGERS, and Mr. PLATTS.

H. Res. 1264: Mr. BACA, Mr. MATHESON, Mr. NYE, Mrs. DAHLKEMPER, Mr. BRIGHT, Mr. MURPHY of New York, Mr. BARROW, Mr. KLINE of Minnesota, Mr. McDERMOTT, Mr. POSEY, Mr. SESTAK, Mr. COFFMAN of Colorado, Mrs. MALONEY, Mrs. LOWEY, Mr. RYAN of Ohio, Mr. CLAY, Mr. MORAN of Kansas, and Ms. JENKINS.

H. Res. 1476: Ms. SPEIER, Ms. MATSUI, Mr. FALOMAVAEGA, Ms. ZOE LOFGREN of California, Mr. GONZALEZ, Mr. HASTINGS of Florida, Ms. RICHARDSON, Mr. CUMMINGS, Mr. ISRAEL, Mr. GUTIERREZ, Mr. JACKSON of Illinois, Mr. LEWIS of Georgia, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. OLVER, Mr. PIERLUISI, Mr. RANGEL, Mr. RUSH, Mr. SCHIFF, Mr. SMITH of Washington, Mr. TEAGUE, Mr. TOWNS, Ms. WASSERMAN SCHULTZ, Mr. WELCH, Mr. HONDA, Mr. FATTAH, Ms. ESHOO, Mr. KUCINICH, and Mrs. CHRISTENSEN.

H. Res. 1489: Mr. McCOTTER.

H. Res. 1498: Mr. JONES, Mr. PAUL, and Mr. HARE.

H. Res. 1590: Mr. RUPPERSBERGER and Mr. CARTER.

H. Res. 1622: Ms. JENKINS, Ms. MCCOLLUM, Ms. ESHOO, Ms. SCHWARTZ, Ms. HIRONO, and Mr. RANGEL.

H. Res. 1641: Mr. HONDA, Mr. SIRES, Mrs. EMERSON, and Mr. ADLER of New Jersey.

H. Res. 1652: Ms. HIRONO.

H. Res. 1654: Ms. HIRONO.

H. Res. 1670: Ms. EDWARDS of Maryland, Ms. ZOE LOFGREN of California, Mr. HONDA, Mr. GEORGE MILLER of California, Ms. TSONGAS, Mr. PAYNE, Mr. THOMPSON of Mississippi, Mr. BACA, and Ms. CHU.

H. Res. 1690: Mr. GRIJALVA, Mr. ENGEL, Mr. BISHOP of Georgia, Mr. CLAY, Ms. EDWARDS of Maryland, Mrs. NAPOLITANO, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. WATERS, Mr. BOSWELL, Mr. CONYERS, Mr. THOMPSON of Pennsylvania, Ms. NORTON, Mr. HALL of Texas, Mr. SHIMKUS, Mr. DINGELL, Ms. SHEAPORTER, Mr. STUPAK, Mr. POMEROY, Mrs. BONO MACK, Mr. GINGREY of Georgia, Mrs. CAPPs, Ms. MCCOLLUM, Ms. MATSUI, Mr. SARBANES, Mr. GONZALEZ, Mr. DOGGETT, Mr. GENE GREEN of Texas, Mr. WEINER, Mr. HILL, Mr. BRALEY of Iowa, Mr. PERRIELLO, Mr. SHADEGG, Mr. HOEKSTRA, Mrs. BLACKBURN, Mr. VAN HOLLEN, and Mr. KLINE of Minnesota.

H. Res. 1692: Mr. GARAMENDI, Mr. CONYERS, Mr. RUSH, and Mr. STARK.

H. Res. 1704: Mr. CAPUANO, Mr. COHEN, Mr. WAXMAN, Mrs. MALONEY, and Mr. BILIRAKIS.

H. Res. 1714: Mr. COSTELLO and Mr. GARAMENDI.

H. Res. 1715: Ms. HIRONO and Mrs. EMERSON.

EXTENSIONS OF REMARKS

HONORING THE PENNSYLVANIA GRAND REVIEW ORGANIZERS AND PARTICIPANTS

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. GERLACH. Madam Speaker, I rise today to recognize the organizers and participants in the Pennsylvania Grand Review, which commemorates the United States Colored Troops Grand Review of 1865 and honors the legacy of the brave African-American patriots of the Civil War.

When African-American soldiers returning home following the Civil War were not invited to take part in the national Civil War Grand Review, the women of the Garnett League organized the United States Colored Troops Grand Review on November 14, 1865.

This year's Grand Review embodies the spirit of that original event and highlights the tremendous service and sacrifices of the 180,000 African-American soldiers who courageously fought during the Civil War. In addition, the Grand Review will keep alive the story of extraordinary leadership exhibited by the women of the Garnett League 145 years ago.

The Grand Review Weekend takes place November 5–7 and features heritage and living history exhibits throughout Central Pennsylvania, together with a commemorative procession in downtown Harrisburg with regiments from several states, community groups and descendants of those who participated in the original event.

Madam Speaker, I ask that my colleagues join me today in recognizing the immeasurable contributions of all those involved with organizing and participating in the Pennsylvania Grand Review and their outstanding commitment to honoring the legacy of African-Americans who valiantly served in the Civil War.

HONORING THE LIFE OF STAFF SERGEANT KENNETH KEITH MCANINCH

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. DONNELLY of Indiana. Madam Speaker, I rise today to solemnly remember and honor the life and dedicated service of Staff Sergeant Kenneth Keith McAninch, a native son of Logansport, Indiana, and a proud member of the United States Army. Staff Sergeant McAninch died on October 21, 2010 in Paktika Province, Afghanistan of injuries sustained when his unit was attacked by small arms fire.

Kenneth attended Lewis Cass High School and enlisted in the United States Army in

2003. He was assigned to A Company, 1st Battalion, 506th Infantry Regiment, 101st Airborne Division out of Fort Campbell, Kentucky. Kenneth's awards include the Joint Service Commendation Medal, Joint Service Achievement Medal, Joint Meritorious Unit Award, Army Good Conduct Medal, National Defense Service Medal, Afghanistan Campaign Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Army Service Ribbon, Overseas Service Ribbon, Armed Forces Reserve Medal with Mobilization Device and Combat Infantryman Badge. Kenneth will be remembered by his friends, family, and fellow soldiers as a dedicated, reliable, and hard-working man who cared deeply for his family. He was an avid artist and also enjoyed fishing and hunting. He is survived by his wife, Shawwna R. McAninch; four sons, Jeremiah McAninch, Braxton McAninch, Brayden McAninch and Colby McAninch; one daughter, Shyanne Adam; mother, Cheryl A. Nance and her husband Richard; father, Marvin McAninch and wife Regina; sisters, Kayla Ann Wallace, Katie Lee McAninch and Brianna McAninch; brothers, Jason McAninch and Briar McAninch; stepbrothers David Jackson Nance and Richie Nance; stepsister, Melanie Bennett; maternal grandmother, Barbara Price and her husband Elmer; paternal grandmother, Mary Downing; and paternal grandmother, Carol McAninch. He will be missed by all.

It is my solemn duty, and humble privilege, to honor the life, service, and memory of Staff Sergeant Kenneth McAninch, which stand as a testament to the great honor possessed, and sacrifices made by our men and women in the armed forces. We mourn his passing and offer gratitude for his service and sacrifice.

HONORING DUARTE NURSERY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to honor and congratulate Duarte Nursery for its honorary induction into the 13th Annual National Ag Science Center's "Ag Hall of Fame."

Each year the National Ag Science Center selects and honors individuals who have made an impact on the agricultural industry in Stanislaus County as one of the best in California. This year the Center has selected Duarte Nursery for its innovative practices in viticulture.

Family owned and operated since 1989, Duarte Nursery has played a valuable role in providing innovative products to the agricultural industry, and takes pride in providing the farming industry with the cleanest, highest

quality nursery products available, as well as conducting experimental trials that focus on today's industries concerns.

With over 300 employees, Duarte Nursery is the largest permanent crops nursery in the United States. Its facility has provided for innovative technologies for rapid vine establishment and fruit production, and the evaluation of scion clones and rootstocks for broad ranges of growing conditions.

Located in Hughson in California's Central Valley, I am proud to recognize the Duarte family for their hard work, efforts and achievements in providing invaluable change within the agricultural community, and its impact to the Central Valley economy.

Madam Speaker, please join me in commending Duarte Nursery for its honorary selection into the 13th Annual National Ag Science Center's "Ag Hall of Fame."

IN RECOGNITION OF BRAD DUGGAN

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Ms. SPEIER. Madam Speaker, I rise to honor Brad Duggan, a basketball coaching legend in my district.

While Southern California basketball may lay claim to the coaching exploits of the late John Wooden, the North has Brad Duggan who, as a student-athlete at City College of San Francisco, led the men's basketball team to its first and only state championship in 1962. Later, as the college's coach, he won 10 consecutive Golden Gate Conference championships between 1976 and 1985. His teams recorded an overall 327–90 record, earning him one of the highest winning percentages of a junior college coach in our Nation.

After retiring as the team's coach, he chaired the school's physical education department for more than 20 years, where he continued to turn athletes into scholars.

His player management philosophy, in his own words, was based on this: "There isn't a 17-year-old in the world who can drive me crazier than I can drive him." He not only drove his players to excellence on the hardwood, but also in the classroom. Ninety-five percent of his players went on to attend four-year institutions.

Madam Speaker, it is only right that for the first time in its history, the City College of San Francisco will name a sports facility after an individual. On November 13, 2010 its main court becomes the Brad Duggan Basketball Court. I ask that members join me in applauding Coach Brad Duggan.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

**HONORING GEOFFREY TENNANT
FOR HIS OUTSTANDING WORK
FOR THE COLUMBUS FIRE DE-
PARTMENT AND THE POLK
COUNTY BOARD OF EDUCATION**

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. SHULER. Madam Speaker, I rise today to honor Mr. Geoffrey Tennant for his valiant service to both the Columbus Fire Department and the Polk County Board of Education. His dedication to helping those around him and his positive attitude towards providing life-saving services deserves the utmost commendation.

Mr. Tennant has worked for 35 years for the Columbus Fire Department in Polk County, and has served the last 28 years as the Chief Firefighter. Mr. Tennant became the first firefighter in Columbus Fire Department history to be paid and has spent vast amounts of time volunteering for the Polk County Rescue Squad and First Responders. Mr. Tennant has worked tirelessly to serve and protect the citizens of Polk County. This type of assistance is rare in today's world, yet Mr. Tennant administers help in any way he can to the people of Columbus and Polk County.

Mr. Tennant also serves as the President of the Polk County Board of Education. Few things are more important than the education of our children. We owe every child in this country a high-quality education that will allow them to successfully compete in the workforce. Mr. Tennant works extremely hard to ensure that these goals are met. I commend his time spent working with and on behalf of the children of Polk County.

Madam Speaker, I urge my colleagues to join me today in recognizing Mr. Geoffrey Tennant for the leadership he has displayed at the Columbus Fire Department and his commitment to excellence while serving as the President of the Polk County Board of Education.

CONGRATULATING THE SAINT JOSEPH HIGH SCHOOL GIRLS' SOCCER TEAM

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. DONNELLY of Indiana. Madam Speaker, today I rise to congratulate the Saint Joseph High School Indians girls' soccer team in South Bend, Indiana. The Indians succeeded in clinching the Indiana High School Athletic Association state championship on October 30, 2010 at Kuntz Stadium in Indianapolis, with a thrilling 1-0 victory over Columbus North High School. The Indians worked tirelessly this season, accomplishing a 22-1-1 record. After their only loss in the opening game of the season, the team went on to twenty-one straight victories, including sixteen shutouts. The championship victory was the result of a 25-yard strike that went left to the

upper right corner of the net by senior Sarah Hall, the team's scoring leader. Goalkeeper Melissa Kuhar was credited with six saves as part of a strong defensive effort.

The St. Joseph team consisted of twenty-four young ladies, including: Ellen Bachmannhuff, Ali Connelly, Maggie Doslak, Ryan Durham, Gracie Gallagher, Kelsey Gill, Jessica Hall, Sarah Hall, Cati Kral, Maddie Kearney, Melissa Kuhar, Lindsey Kuitse, Karoline Langheinrich, Angela Loebach, Grace Maginn, Makayla Manta, Catherine Raster, Mary Robertson, Emily Rompola, Rachel Staud, Abby Toth, Madison Turner, Kate Vasile, and Merideth Warinner.

I also rise to acknowledge the dedicated coaching staff of Head Coach Johan Kuitse and Assistant Coaches Phil Depauw, Jessica Smudey and Brandon Gill, who helped guide the Indians to the championship title. The coaches developed a team with depth, talent and a phenomenal defense.

I offer my congratulations to the members of the girls' soccer team of Saint Joseph High School, the coaching staff, the school administration and community for their hard work and excellence during a season that ended with an Indiana State Championship title.

**IN SUPPORT OF BAHAI RELIGIOUS
FREEDOM**

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. FARR. Madam Speaker, I rise today to draw attention to the continued religious persecution by the Government of Iran towards the Baha'i community. As many of my House colleagues know, in the spring of 2008, Iranian authorities arrested and imprisoned Mrs. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saeid Rezaie, Mr. Behrouz Tavakkoli, Mrs. Mahvash Sabet, and Mr. Vahid Tizfahm, members of the Baha'i community's coordinating body in Iran.

These two women and five men were imprisoned for twenty months without charge. In August of 2010, after several months of closed-door hearings, they were sentenced to 20 years in prison. That sentence was reduced to 10 years in September.

Madam Speaker, these seven leaders were targeted solely because of their religion. This form of discrimination is absolutely unacceptable. As Iran is party to the International Covenants on Human Rights, I call on the Government of Iran to fulfill their commitment to the international community and immediately release these seven individuals and all other prisoners held solely on account of their religion.

**COMMENDING BOB SMITH UPON
RECEIVING GOOD SCOUT AWARD**

HON. WILLIAM L. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. OWENS. Madam Speaker, I rise today to join the Boy Scouts Adirondack District in

honoring Bob Smith of Plattsburgh, New York with the Good Scout Award. Each year, the Adirondack District presents this award to a distinguished citizen who has shown exemplary dedication to his community. Bob Smith is truly deserving of this award and I'm pleased to have the opportunity to honor his decades of service.

Bob graduated from St. John's Academy in Plattsburgh in 1964 and from Gannon College in 1968. After graduation, he served as a weapons officer on the guided-missile cruiser Columbus CG-12 from 1968 to 1972. Following his service to our country, Bob returned to Plattsburgh, where he and his wife, Diane, raised their three children, Kristin, Lindsey and Michael.

I've known Bob for over 20 years, both professionally and personally. He is a person dedicated to his family, his community and his business.

Bob's commitment to contribute to his community began when his children were young. He has served on the CVPH Medical Center Board and Executive Committee, and as chair of the Plattsburgh Development Corporation, the 2002-2003 business campaign for Plattsburgh State, the American Heart Association Heart Walk, the United Way Fund Drive, and the United Way Board of Directors.

Currently, Bob serves as chair of the Development Corporation Strategic Planning Review Committee, as a volunteer for Vision 2040, and as a member of the Plattsburgh State Investment Committee.

A co-founder of the Plattsburgh Visitors and Convention Bureau, Bob is also a member of the Strategic Tourism Planning Committee and has served as a board member of the Plattsburgh-North Country Chamber of Commerce.

Madam Speaker, I rise today to commend Bob Smith for his ongoing efforts to support his community, and I ask that my colleagues join me in honoring his work to improve New York's North Country.

RECOGNIZING THE OAKLAND LIVINGSTON HUMAN SERVICE AGENCY ON THE COMPLETION OF ITS NEW WELCOME CENTER

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. PETERS. Madam Speaker, I rise today to recognize the Oakland Livingston Human Service Agency, OLHSA, as it celebrates the completion of its new Welcome Center.

For 46 years, the Oakland Livingston Human Service Agency has been an invaluable community institution in Southeast Michigan, providing services to make low-income, senior and disabled persons more self-sufficient. Along with its 1,100 fellow Community Action Agencies, OLHSA provided service to 11.5 million Americans last year, specifically thousands of Oakland county residents. In fulfilling its mission to diminish poverty and empower the disaffected, OLHSA has tirelessly advocated on behalf of its clients, provided educational and economic resources to those in need and fostered the involvement of area

residences in the design of programs and initiatives to provide needed services in a tailored and specialized manner. The completion of OLHSA's new Welcome Center marks a significant moment in the Agency's fight on poverty, in which it will have facilities to expand its programs and reach even further into our community.

The opening of the Oakland Livingston Human Service Agency's new Welcome Center marks a new venture for OLHSA with a new presence and a renewed determination to combat poverty in Southeast Michigan. The Welcome Center makes OLHSA's vital services such as its weatherization, Emergency Utility Assistance, Head Start preschool, foreclosure counseling and food assistance programs more easily available to residents of Oakland county who are in need. Additionally, extended hours of operation will ensure that all who seek assistance will have an opportunity to do so.

Madam Speaker, I ask my colleagues to join me today and recognize the Oakland Livingston Human Service Agency on the completion of its new Welcome Center, which will expand access to vital services for those in need in Oakland County and across Southeast Michigan. I look forward to the day when we can rise together to celebrate the eradication of poverty and the protection of the most vulnerable members of our community.

HONORING REVEREND D. GRADY SCOTT FOR HIS FAITHFUL SERVICE TO THE TUCSON COMMUNITY

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. GRIJALVA. Madam Speaker, I rise today to commend Reverend D. Grady Scott as he celebrates 20 years of leading the spirit-filled congregation of the Grace Temple Missionary Baptist Church in Tucson, Arizona. With Reverend Scott's guidance, Grace Temple has become an exemplary model of community ministry. When Katrina ravaged the states along the Gulf of Mexico, Reverend Scott lead the way for churches throughout Tucson and Pima County to become involved and to welcome those seeking refuge. He opened Grace Temple for meetings and encouraged elected officials Supervisor Ramon Valadez, Mayor Bob Walkup, and, myself, Congressman RAÚL GRIJALVA to participate and, subsequently, to organize and to contribute resources.

Reverend Scott has worked diligently to improve the quality of life for the community. He has often been at the forefront of issues seen by others as controversial. When he learned that HIV and AIDS were an epidemic in the community, he invited expert speakers, nonprofit organizations, community people and other ministers to attend meetings at Grace Temple so all could understand the need to speak out and to educate. He supports an ongoing HIV Speakers Bureau; he was and continues to be active in educating others about the dangers of drugs, especially methamphetamine, through community sessions held with

the Meth Free Alliance. In addition, because of the experience with Katrina, Reverend Scott is a strong advocate of Emergency Preparedness and promotes community involvement with both the national and the local Office of Homeland Security.

Through his leadership, Grace Temple has become a community center of learning and caring. In addition to the activities of its many church ministries, Grace Temple provides senior citizens with computer training; the Pima County One Stop has an active satellite office for assisting the unemployed to find jobs; there is an active Nurses Guild that regularly provides health fairs for both the congregation and the general public; a Fine Arts Ministry works with the community; the youth and adult Re-entry Community are actively assisted with resources and information. In addition to his many responsibilities as pastor, Reverend Scott personally visits and ministers weekly to the Pima County Adult Detention Center population.

Reverend D. Grady Scott's personal outreach and accomplishments are many. Currently, he serves as Executive Secretary of the National Baptist Convention USA, Incorporated Prison Ministry and Criminal Justice Commission; as a member of the Tucson City Magistrate Merit Selection Commission; and as the President of the Minister's Conference for the Southern District Association. Reverend Scott has served on the Governor's Advisory Board for Faith-based and Community Initiatives since 2002. He recently completed serving as President of the Paradise Missionary Baptist State Convention; the Moderator of the Southern District Association; President of the Interdenominational Minister's Alliance of Tucson and Vicinity; and President of the Congress of Christian Education for the Southern District Association.

His contributions to the well-being of the community and to civil rights have been recognized through his many service and civic awards including: the LULAC Presidential Citation, the FBI Community Service award, the NAACP Community Service Award, the Rosa Parks Community Service Award.

Reverend Scott has a close and loving family that is equally committed to service and is active in church ministries. He is married to Theresa E. (Teel) Scott and they have three grown children: son, Lonnie, and daughters, Lauren and Leslie. They have one grandson, Kameron Scott. Reverend Scott has two sisters and one brother; Roberta (Scott) Guary, Reverend Pearl (Scott) Johnson and Deacon Cornelius Scott, Jr.

Today I honor Reverend D. Grady Scott for his faithful service of 20 years to Tucson and the Pima County, Arizona, community. May his example provide a path for others to follow.

HONORING THE CONGRESSIONAL CLASS OF 2008

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Ms. RICHARDSON. Madam Speaker, as the 111th Congress comes to a close, it is fit-

ting for us to recognize our Colleagues who will not be joining us in January for the start of the 112th Congress. Specifically, 19 of my classmates from the incoming Congressional class of 2008 will be moving on to new endeavors, where they will undoubtedly achieve great success and distinguish themselves, just as they did while serving their constituents and the American people in this body.

For the outstanding legislative accomplishments that we achieved during their tenure, I would like to recognize these representatives and thank them for their service: BOBBY BRIGHT, ANN KIRKPATRICK, BETSY MARKEY, ALAN GRAYSON, SUZANNE KOSMAS, WALT MINNICK, DEBBIE HALVORSON, FRANK KRATOVIL, MARK SCHAUER, DINA TITUS, JOHN ADLER, HARRY TEAGUE, MICHAEL MCMAHON, JOHN BOCCIERI, STEVE DRIEHAUS, MARY JO KILROY, KATHY DAHLKEMPER, GLENN NYE, and TOM PERRIELLO.

Each of these members has been instrumental in formulating and implementing policies that serve the best interests of the country and that will continue to shape our future for generations to come.

These colleagues—while their service, intellect, and companionship will be missed dearly—can look back on these last 2 years in Congress and take pride in the historical legislative achievements of which they were a part. The Class of 2008 can take heart in the knowledge that our legislative achievements helped pull the country through some of its toughest times. You were instrumental in the passage of landmark legislation such as:

Health Care Reform, ensuring that the wealthiest country in the world gives all of its citizens an opportunity to receive decent care and ending the worst insurance industry abuses.

Wall Street Reform, promising the middle class that Wall Street executives will never again jeopardize their savings, retirement, or livelihood.

The Recovery Act, providing the investments necessary for the American economy to create new jobs while saving existing ones, and to spur economic activity while laying the groundwork for long-term growth.

The Congressional class of 2008 can also proudly look back at other important accomplishments such as the: Lilly Ledbetter Fair Pay Act; Credit CARD Act; Children's Health Insurance Program Reauthorization Act; American Clean Energy and Security Act; Student Aid and Fiscal Responsibility Act; Hire Act; Cash for Clunkers; Small Business Jobs and Credit Act; Disclose Act; and Caregivers and Veterans Omnibus Health Services Act.

Congressional scholars have called this Congress "one of the most productive" in history. Thanks to your hard work and vision, for the 2 years, we have been a part of a Congress that has looked forward, rather than backwards, and has always put the middle class first.

In closing, I would like to thank each of these members for their extraordinary commitment to public service and wish them the best of luck in their future endeavors, which I and my Democratic colleagues hope one day includes a return to this body.

IN HONOR OF SALUD PARA LA
GENTE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. FARR. Madam Speaker, I rise today to congratulate Salud Para La Gente on its thirty years of service to the community as a community health clinic, providing high quality, comprehensive and cost-effective health care services to low-income communities of the Monterey Bay Area.

Salud Para La Gente began as a "free clinic" in 1978 in a converted apple shed warehouse in Watsonville. Gradually it grew and developed, incorporating in 1980, and in the early 1990's was designated as a Federally Qualified Health Center. Salud has now expanded to twelve clinic sites, including seven school-based medical and dental clinics. The staff of 195 saw over 23,000 patients in 2009 and has a budget of \$19.2 million for fiscal year 2010–2011.

Sixteen physicians, nurse practitioners, physician assistants and medical assistants provide general family practice, internal medicine, obstetrics and gynecology, pediatrics, family planning and nutrition. Eleven dentists and dental assistants and an optometrist take care of the needs of patients of all ages. A staff of twenty-two assists elders with their daily living tasks.

With this large array of services, Salud has become a leader in delivering primary care to medically underserved populations in my District. All who seek care are welcome, regardless of ability to pay.

Madam Speaker, I know all my colleagues in the House join me in saluting the success of Salud Para La Gente, and congratulate them on this important milestone anniversary. We wish Salud great success over the course of its next thirty years.

IN REMEMBRANCE OF MS.
MARCEL ROCAWICH CRACIUN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of Ms. Marcel Rocawich Craciun, a generous community leader and a devoted wife, mother, and friend. Her love for her friends and family inspired her to love all people, and she has left behind a legacy of civic engagement, volunteerism, and cooperation.

A lifelong Ohio resident, Ms. Craciun was born on January 17, 1958 to Robert and Annette Rocawich. She was well known in Cleveland for her professional work as a funeral director for the Craciun Funeral Homes. She was the first Craciun woman to receive a funeral director's license and was known for not turning anyone away for lack of funds. In her eyes, everyone deserved a proper funeral.

Marcel's charitable spirit also found expression in extensive volunteer work on Cleve-

land's west side. She was an active member of the Our Lady of Mt. Carmel Parish and the OLMC Sacred Heart Sodality. She was the first female president of the Edgewater Homeowner's Association and was often called to meet with Mayor Jackson, Councilmember Westbrook, and Councilmember Matt Zone on local issues. She was also actively involved with Boy Scouts of America and numerous parent groups at St. Ignatius High School. Mrs. Craciun cared deeply about her neighborhood, the broader communities she served, and the future of Cleveland. When people asked her why it mattered so much to her, she'd say, "Cause this is where my kids live!"

While raising her five children, Marcel received a Bachelor of Arts Degree from the Cleveland State University with a focus on Anthropology. Her husband James states that she taught her children about respect for different cultures and inspired them to be active and involved members of society. She was also supportive of her husband's international work on Romanian human rights issues. Neighbors will miss her chats over the fence and will remember her wonderful smile, her kindness to everyone at their time of need, and her abundant love for Jimmy and their five children.

Madam Speaker and colleagues, please join me in honor and remembrance of Ms. Marcel Rocawich Craciun. I offer my condolences to her husband, Jim; to her brothers, Bob and Ed; to her children, Noelle, Jason, Jonathan, Jesse, and Nicholas; to her brothers and sisters-in-law; and to her many friends. Ms. Craciun lived her life with love, generosity, and commitment to the general welfare. She will always be remembered for her good work and her generous spirit.

IN CELEBRATION OF UMICORE
AUTOCAT USA INC.'S 10 YEAR
ACHIEVEMENT WITHOUT A LOSS
TIME ACCIDENT AT ITS AUTO-
MOTIVE CATALYST TECHNICAL
CENTER

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. PETERS. Madam Speaker, I rise today to recognize Umicore Autocat USA Inc. of Auburn Hills, Michigan on the occasion of the milestone achievement of 10 years without a loss time accident. As a Member of Congress it is both my honor and privilege to recognize and congratulate Umicore Autocat USA Inc. for its dedication to safety at its Auburn Hills facility.

Established in 1997, the Automotive Catalyst Technical Center in Auburn Hills has since provided catalyst system development and emission testing capabilities to its customer base for a wide range of gasoline and diesel engines as well as alternative powertrains. This 10 year milestone is a tribute to the quality and character of the employees at the technical center. Their safe practices and internal safety programs has made this achievement possible.

Umicore is a materials technology group with an eye fixed on the future of industry in

Michigan. The primary focus of its work is materials science, chemistry and metallurgy, with up to 80 percent of its R&D budget devoted to development of clean green technologies. These technologies such as emission control catalysts, materials for rechargeable batteries and photovoltaics, fuel cells, and precious metals recycling are the keys to supporting advanced manufacturing, next-generation vehicle production, and alternative energy development in Southeast Michigan. In its current operations the Umicore Group has industrial operations on all continents and currently employs approximately 14,300 people worldwide, with the potential for more opportunities as Umicore's plans come to fruition and these next-generation technologies are developed.

Madam Speaker, I ask my colleagues to join me today in celebrating the safe work environment Umicore has created in its pursuit of developing technologies for the industries of Michigan and America's future. Ten years of accident free work is a significant achievement and I wish the workers and leadership of Umicore many continued safe and productive years of prosperity.

HONORING KRISTI SAITAMA

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to acknowledge and honor Kristi Saitama for her ten years of service on the Almond Board of California and congratulate her on her new position at the U.S. Dairy Export Council. Kristi has assisted the Almond Board of California in exporting California almonds and building relationships through trade with Japanese, Korean and Indian markets.

Kristi has accepted a new position as vice president, Export Ingredient Marketing at the U.S. Dairy Export Council. I am confident that Kristi has left a team of colleagues well prepared to carry the future of the California almonds exportation endeavors, and will seamlessly transition into her new position. Madam Speaker, please join me in commending and congratulating Kristi Saitama on her new position and on her job well done.

HONORING THE 50TH ANNIVERSARY
OF THE CHEROKEE COUNTY
RESCUE SQUAD

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. SHULER. Madam Speaker, I rise today to honor the Cherokee County Rescue Squad and recognize its 50 years of life-saving service. Rescue squads harness the spirit of volunteerism to provide a unique sense of security and safety to their communities.

Rescue Squads around the country tend to all types of accidents and respond with the upmost effectiveness and efficiency. Usually, these groups are made up of volunteers who

endure hours of extensive training. Their membership includes many who are certified paramedics, emergency medical technicians, first responders and heavy rescue personnel.

The volunteers that make up the Cherokee County Rescue Squad provide top-notch, life-saving services. The Cherokee County Rescue Squad has worked tirelessly not only to serve and protect the citizens of Cherokee County but to also ensure that their equipment and vehicles are up to date. They now boast their resources as some of the best the state of North Carolina has to offer.

I am proud to support these men and women who put their lives on the line to come to the aid of their neighbors. This type of assistance is rare in today's world, yet these people administer help in any way they can for the better good of the people of Cherokee County.

Madam Speaker, I urge my colleagues today to join me in recognizing the Cherokee County Rescue Squad's 50th anniversary and their unfailing service to the citizens in Cherokee County.

TRIBUTE TO BESSIE REDMOND

HON. WILLIAM L. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. OWENS. Madam Speaker, I rise today to honor Bessie Redmond of Plattsburgh, NY, on her 99th Birthday.

Bessie and her family moved when she was 3 years old to Brooklyn, where her parents ran a candy store near the Brooklyn Bridge. Throughout her full life, she has shown an unrelenting passion for education. At the age of 6, she received her first library card and regularly visited her local library every week, looking for more material to learn. This steadfast dedication to learning was engrained in her from her first day of school, where absences from class were never excused by her parents.

Bessie attended high school in Saranac Lake, went to college at St. Lawrence University, and took her love for reading to the Columbia Library School in New York City. She currently resides in the same community as my father at the Lake Forest Senior Living Community in Plattsburgh. Over the years, I have had the pleasure of having several conversations with her and look forward to seeing her each time I visit.

To this day, Bessie continues to look for new experiences and truly represents the liveliness of her community. I congratulate her on 99 full, exciting years and thank her for playing such a vibrant role in our region.

IN HONOR AND RECOGNITION OF VIRGIL E. BROWN, SR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Virgil E.

Brown, Sr. for his longtime service on behalf of our community.

Virgil was born Louisville, Kentucky on August 12, 1917, and moved to Cleveland in 1929, where his father worked in construction. Virgil graduated from local public schools and attended college at night before beginning a career in insurance and politics. He married Lurtissia Spencer and they had two children. They also have seven grandchildren and two great-grandchildren.

Virgil thrived as an entrepreneur and small business owner, opening his own insurance agency in the early 1960s. In 1967, he was recruited to run for City Council by a group of local women, though he was a Republican in a Democratic ward. He won the election, and went on to a great career in Cleveland politics, serving six years on the City Council, seven years as the Director of the Cuyahoga County Board of Elections, twelve years as the Cuyahoga County Commissioner, and three years as director of the Ohio Lottery.

Madam Speaker and Colleagues, please join me in honor and recognition of Virgil E. Brown, Sr., for his dedication to Cleveland and Cuyahoga County. His lifetime of service shows his devotion to the needs of the people in our community, and his hard work will be remembered for years to come.

IN RECOGNITION OF OFFICER KEVIN COLLOPY

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Ms. SPEIER. Madam Speaker, I rise to honor Officer Kevin Collopy who has retired from the Burlingame Police Department after 31 years of service.

He joined the force in 1978 and became one of the youngest police inspectors in department history. He has worked in many capacities throughout his law enforcement career, including that of Patrol Officer, Evidence Technician, Inspector and Acting Watch Commander.

He has consistently performed his duties in a professional manner while sharing his wisdom and work-ethic with all those who have been fortunate to work with him.

With retirement comes the opportunity for Kevin and his wife, Jenny, to share more time together and for Kevin to use his pilot's license to full advantage as he is bound to fly over the area he was once patrolled.

Madam Speaker, it is fitting that Officer Kevin Collopy will be honored at a retirement dinner and I ask that the members join me in saluting Officer Collopy for his 31 years of dedicated service to public safety.

IN TRIBUTE TO BOB BROOKS

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. GALLEGLY. Madam Speaker, I rise in tribute to Ventura County Sheriff Bob

Brooks—a good friend to my wife, Janice, and me and a consummate law enforcement professional.

Sheriff Brooks is retiring after 37 years as a sworn officer for the Ventura County Sheriff's Department, including three terms as Sheriff.

Bob was elected Sheriff in 1998. Under his guidance, the Department's 1,300 employees and 2,000 volunteers provide law enforcement services to 800,000 people in the unincorporated parts of Ventura County and the cities of Thousand Oaks, Camarillo, Ojai, Fillmore and Moorpark.

Over the years, Bob and I have worked on many projects to enhance public safety in Ventura County, including initiatives to crack down on methamphetamine labs, clear cold case DNA felonies, suppress gang activity, screen inmates for illegal immigrants, and upgrade communications for deputies in the field. Bob rose through the ranks and never forgot what deputies face on the streets and what they need to do their jobs.

Sheriff Brooks earned his Bachelor's degree in Public Administration from the University of Redlands, a Master's degree in Organizational Management from Regent University and graduated from the U.S. Department of Justice's National Sheriffs' Institute, the FBI's National Executive Institute, and with distinction from the P.O.S.T. Command College. He recently received his second Master's Degree in Homeland Security from the Naval Post Graduate School.

Bob is in demand as a speaker at symposiums, conferences and community organizations, and more in demand by his community.

He serves on the Board of Directors for several professional, educational and charitable organizations, and is a member of the Federal Emergency Management Agency Preparedness Task Force. He is a past president of the Ventura County Council of Boy Scouts of America, and is a member of the Executive Boards of the California State Sheriffs' Association and the Major County Sheriffs' Association. Bob is also a trustee of Life Pacific College, and has served as an instructor at California State University, Northridge; California Lutheran University and Ventura County Community Colleges. Bob has been awarded the Law Enforcement Commendation Medal from the National Society of the Sons of the American Revolution. He is an honorary Rotarian, and serves on the Board of New Hope Christian Fellowship.

A Ventura County resident since 1961, he and Debbie have been married for 40 years. They have two grown sons, Jeff and Brian, and two grandchildren.

Madam Speaker, I know my colleagues will join Janice and me in congratulating Bob Brooks on his retirement, in wishing him and Debbie good health in the years ahead, and in thanking him for 37 years of dedicated service.

TRIBUTE TO U.S. COLONEL
GERALD P. ZIEMBA, RETIRED

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. CAMP. Madam Speaker, I rise today to honor retired U.S. Colonel Gerald P. Ziemba for his long and admirable service to the United States.

Colonel Ziemba started active duty in the Army in 1959 as a Second Lieutenant. In 1972, he became Commander of the U.S. Army Reserve's 578th Research & Development Unit in Midland, Michigan. Later, in 1983, the Senate approved his elevation to the rank of Colonel. After this last promotion, the Army appointed Colonel Ziemba to Deputy Commander of Sharpe Army Depot, where he eventually became chairman of a group tasked with developing a next-generation, supply-chain facility. Under his skillful leadership, a \$200 million state-of-the-art warehouse was built, for which the U.S. Army awarded him the Meritorious Service Medal for outstanding non-combat achievement.

Colonel Ziemba continued his service in 1994 when the Department of Commerce asked him to manage a newly formed Treaty Inspections Division of the Business, Industry, and Security Agency, BIS. BIS tasked him with implementing the Chemical Weapons Convention within the chemical industry. In this position, he drafted recommendations for implementing legislation and regulations. In addition, he represented the U.S. Government at numerous international forums.

Currently, Colonel Ziemba is involved in licensing activities for dual-use chemicals and equipment with the Department of Commerce. He is also the Commerce Department's representative in a multi-agency committee for improving chemical defense in the United States.

On behalf of the 4th Congressional District of Michigan, I am honored today to recognize Colonel Gerald P. Ziemba's service and dedication to his country. I hope the years to come will bring him health, happiness, and special times with family and friends.

PERSONAL EXPLANATION

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. KENNEDY. Madam Speaker, I regret that I was unable to participate in a series of votes on the floor of the House of Representatives today.

Had I been present to vote on rollcall No. 566, on the motion to suspend the rules and agree to S. 3689, I would have voted "aye" on the question.

Had I been present to vote on rollcall No. 567, on the motion to suspend the rules and agree to H. Res. 1713, I would have voted "aye" on the question.

Had I been present to vote on rollcall No. 568, on the motion to suspend the rules and

agree to H. Con. Res. 328, I would have voted "aye" on the question.

IN HONOR AND RECOGNITION OF
RONALD PIECHOWSKI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. KUCINICH. Madam Speaker and Colleagues, I rise today in honor and recognition of Ronald Piechowski, upon the occasion of his 50th anniversary of service to the citizens of Cuyahoga County. His years of dedicated service in the Cashier's Department of the Cuyahoga County Clerk of Courts Division reflects integrity, professionalism and excellence.

Mr. Piechowski was born in Cleveland, Ohio, the oldest of three sons, to Walter and Cecilia Piechowski. His parents instilled within their boys a sense of pride in their Polish heritage, their family and their Roman Catholic faith. Following graduation from South High School in Cleveland, Mr. Piechowski began his career at the Clerk of Courts office during the summer of 1960. By October of that year, he became a full-time employee and quickly ascended in the Cuyahoga County Court. He joined the National Guard in 1963 and served with honor for four years. Back at the County Court, he started in the files department and worked his way up to dockets and then journal entries. He was soon promoted to the Cashier's Department, and in 1979, he was named Chief Cashier and Supervisor, overseeing a staff of 19. He was responsible for the collection, disbursement, and application of more than \$140 million annually. Remarkably, he balanced every ledger, every book, and every account to the penny.

Over the years, Mr. Piechowski has created friendships throughout our Greater Cleveland community. His expertise and work ethic is balanced by his sense of humor, humble demeanor and kind heart. Though not a person to seek the limelight, Mr. Piechowski has been honored with many awards over the years, including recognition by the Cuyahoga County Bar Association for professional excellence.

Madam Speaker, please join me in honor of Ronald Piechowski, upon the occasion of his 50th anniversary of service to the citizens of Cuyahoga County. His public service reflects unwavering dedication, integrity, precision, excellence and heart. He is a vital force in protecting the public coffers and preserving the public trust. We are grateful for his wonderful and continued service.

COMMEMORATION OF TURKEY'S
FOUNDING

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. WHITFIELD. Madam Speaker, I rise today to congratulate the people of the Republic of Turkey in their celebration of their coun-

try's historic eighty-seventh anniversary and founding by Mustafa Kemal Atatürk on October 29.

The anniversary is cause for us to pause and reflect upon the many accomplishments of the people of Turkey, most notably Turkish Republic founder Mustafa Kemal Atatürk's vision of a secular, pluralistic democracy.

The United States and Turkey have invested a great deal of energy in cultivating a critical and robust bilateral relationship. Time and time again, Turkey has proven itself to be a strong ally in our fight against Islamic extremism, and a key supporter of our operations in Afghanistan.

As the people of Turkey enter their eighty-eighth year, Atatürk's vision continues to ring true. I know my colleagues and fellow Americans share my sentiments in wishing the people and Government of the Republic of Turkey all the prosperity and opportunity of a bright democratic future.

HONORING FRESNO EQUIPMENT
CO.

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to acknowledge and honor Fresno Equipment Co. for receiving the 2010 Baker, Peterson, and Franklin Ag Business Award. Fresno Equipment Co. has held a long and distinguished position in the California agriculture industry, adhering to extremely high standards of quality and integrity.

The family operation of Fresno Equipment Co. has been ongoing since 1960 when Mark Vucovich and Bill Hansen became partners. Vucovich purchased the business and became sole owner in 1968 after the passing of Hansen. Mark passed away in 1980, and the business was taken over by Mark's children, Steve and Marsha.

The company operates a Five Points and Fresno Store, the latter of which is an award winning John Deere "Gold Star" full line residential and commercial grounds equipment dealership. The company is a tale of entrepreneurial success, as the business started with 15 employees and increased to 85 employees today.

Fresno Equipment Co. has been actively involved with the Nisei Farmers League in promoting improved air quality in the Valley. Additionally, the company has participated in various roles in the Big Fresno Fair, Fresno State football, Grizzlies baseball, Ag Boosters BBQ, Children's Hospital of Central California, California Agriculture Leadership, Fresno Chamber of Commerce, St. Jude Church, Armenian Congregational Church, California Grape and Tree Fruit League and the livestock sale at the Fresno Fair.

Fresno Equipment Co. is a recognized agricultural business-leader in our community and its prominence and reputation will contribute to the Valley economy for years to come. Madam Speaker, please join me in commending Steve and Marsha as well as their predecessors for a job well done.

IN RECOGNITION OF THE AVALON
ACADEMY**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Ms. SPEIER. Madam Speaker, it is with great pleasure that I rise to recognize the 5th anniversary of the Avalon Academy in Burlingame, California. This very special school was founded by Annie Noonan and Lynette Mullens, parents of children with cerebral palsy, and Kinga Czegeni, a special education teacher. The trio had a vision for a school that would teach academics and motor—skill development to children with movement disorders such as cerebral palsy. It should be noted that the students often have multiple disabilities, including cognitive impairment.

Avalon prides itself on its innovative intervention program inspired by the Anat Baniel Method, a cutting edge scientific approach to safely enhance movement and muscle coordination and to create new possibilities for children with cerebral palsy. This humanizing approach has created a non-competitive, vibrant and nurturing environment that benefits not only the students, but also their families and the staff at Avalon.

I would be remiss if I didn't praise Annie, Lynette, and Kinga for devoting their full energies to enhancing the lives of children with cerebral palsy. We can make donations, smile and understand, but it takes tireless effort to create a learning place that make a special life even better.

Madam Speaker, I can't take you inside Avalon today, but if I could, you would see a very special love that exists among the students and staff and a level of caring that has changed lives. So, I ask the Members to join me in celebrating a dream that thankfully has become a reality for dozens of children and families with special needs.

HONORING ST. VINCENT CATHOLIC
HIGH SCHOOL**HON. JO ANN EMERSON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mrs. EMERSON. Madam Speaker, I rise today to recognize St. Vincent Catholic High School in Perryville, MO, which was recently named to the list of the best 50 Catholic secondary schools in America. The list is compiled by the Catholic High School Honor Roll, an independent project of the Grand Rapids, Michigan-based Acton Institute, a research and education organization. Around one-half of all U.S. Catholic high schools go through the application process for the Honor Roll list, a group of approximately 1,300 schools. These schools are recognized based on their academic excellence, civic education and Catholic identity. Schools provide extensive data on standardized testing and other academic measures, and administrators answer surveys on academics, Catholic teaching and social studies.

St. Vincent High School is a part of the history of Perryville. The parish was first established in the 19th century. The Daughters of Charity began the school in 1907. Over more than a century the school has maintained its commitment to educating their students in a faith based way that helps them spiritually and to prepare for the future. The students, faculty, and families involved in St. Vincent High School provide a wonderful example to schools all across Southeast Missouri and the nation. This recognition encourages their hard work and continued excellence in Catholic education.

This is an outstanding achievement in which the St. Vincent High School and all of the surrounding community should take pride. One of the best Catholic schools in the nation is St. Vincent High School. Congratulations again to the St. Vincent High School community. We are all very proud of you!

IN HONOR AND RECOGNITION OF
NEIL ZURCHER**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of award-winning journalist, Neil Zurcher, one of the most beloved and recognizable media personalities in northeast Ohio, upon the joyous occasion of his 75th birthday.

For more than fifty years, Mr. Zurcher's entertaining accounts of unique and out-of-the-way destinations across Ohio have been found on radio and television and travel sections of magazines and newspapers, including his regular column in the Cleveland Plain Dealer. He was the original host of the immensely popular travel segment: "One Tank Trips," which was broadcast for 25 years on FOX 8 TV in Cleveland.

Driving more than a million miles in 25 years as a travel reporter for FOX 8, Mr. Zurcher uncovered hidden treasures, oddities and beautiful get-away destinations along the urban highways and country roads of Ohio. His accounts and insights into the diverse people, customs, culture and history of Ohio are recorded in the five books he's written, including "Tales from the Road," "Ohio Road Trips," and "Ohio Oddities." A kind, generous and down-to-earth man, Mr. Zurcher never sought accolades; yet he has been honored several times for his excellence in journalism and broadcasting. He is the recipient of an Emmy award, was honored with the Award for Excellence in Broadcasting from the Cleveland Assoc. of Broadcasters, and has been inducted into the Cleveland Press Club Hall of Fame.

Madam Speaker, please join me in honor of Neil Zurcher—family man, journalist, TV reporter and author—upon the joyous occasion of this 75th birthday. His chronicles of his travels across Ohio inspire, entertain and educate, creating a sense of wonder, unity and community. We look forward to learning about his travels for the next million miles.

HONORING ALLAN W. PURDY

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. LUETKEMEYER. Madam Speaker, I rise today to honor Allan W. Purdy, the founding president of the National Association of Student Financial Aid Administrators (NASFAA). On October 13, 2010, this strong advocate for higher education passed away at 96. He dedicated his life to removing financial barriers to education and helping students access awards, scholarships, and financial aid.

Purdy's life experiences strongly influenced his passion for financial aid and serving students. He graduated from high school in the middle of the Great Depression and worked his way through college with the help of the National Youth Administration, a newly created national work program for students. He earned a mere \$15 a month, which paid for his graduate degree from the College of Agriculture at the University of Missouri.

After graduation, Purdy served his country in the U.S. Navy as a PT boat captain during World War II. After the war, he returned to the University of Missouri to work as an extension horticulturist. In this position, he toured the state helping farmers resolve problems with their crops. Here, he saw firsthand the number of qualified students who lacked the financial resources to attend college and vowed to advocate on their behalf for more grants and work aid. The University of Missouri's president promoted him to assistant to the dean of the College of Agriculture, which led to his role in creating a department in the president's office to coordinate scholarships, jobs, and loans for all the students on campus.

Under the direction of the University of Missouri's president, Purdy began meeting with other aid administrators in the Midwest and helped form the Midwest Association of Student Financial Aid Administrators in 1962. During this time, Congress was working on student aid issues and looked to the six regional, financial associations for suggestions. In hope of creating a more unified voice, Purdy strongly advocated for a national structure. In 1966, the regional representatives created the National Student Financial Aid Council, and Allan Purdy served as its chair for three years. It became NASFAA in 1969 and has always stressed the importance and needs of students.

A large part of the organization's success is attributed to Purdy's tireless efforts and ability to build strong relationships with key policymakers and higher education advocates. He developed a reputation for being an excellent witness at congressional hearings and established NASFAA as a trusted resource for financial aid information.

In 1975, Purdy received the first Lifetime Membership Award, the highest award that NASFAA can bestow. He retired in 1979 and was appointed to the Missouri Higher Education Loan Authority's (MOHELA's) Board of Directors in 1981.

We have lost an irreplaceable advocate for college access and success. I believe educating our youth is one of the most important

aspects in equipping our children with the necessary tools to succeed. Madam Speaker, I ask all my colleagues to join me in acknowledging Allan Purdy and his efforts to reduce barriers to higher education.

DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT, FISCAL YEAR 2011

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in strong support of H.R. 5264, "The Department of Justice Appropriations Authorization Act for Fiscal Year 2011." I would like to thank the Chairman of the Judiciary Committee, Rep. JOHN CONYERS for introducing this legislation, as it is important to embrace the Justice Department and its various offices and components.

As a senior member of the Judiciary Committee, I have had the privilege to work closely with the Department of Justice and become familiarized with many of their programs and initiatives. Over the past year, they have been extremely cooperative and have worked vigorously to implement new laws and set new standards to ensure the safety, protection, and equal treatment of all Americans.

The DOJ has made the civil rights of all Americans, no matter their race, religion, or socio-economic status, a priority. They have worked to implement the Hate Crimes Prevention Act, which created a general felony prohibition against crimes of violence based on prejudice against gender, disability, sexual orientation, or gender identity. They are also enforcing the Lilly Ledbetter Fair Pay Act of 2009 which clarifies that discriminatory compensation decisions and other such practices are unlawful according to the Civil Rights Act, Age Discrimination in Employment Act, Americans with Disabilities Act, and the Rehabilitation Act.

Furthermore, the DOJ has begun implementation of the Fair Sentencing Act, which takes steps to reduce the disparity between sentences involving crack cocaine versus those involving powder cocaine—a disparity which had a disproportionately negative effect on poor and minority communities for years.

I am so proud to see the continued funding to the Office of Violence Against Women. Since 1995, the Office of Violence Against Women has made significant progress in reducing violence against immigrant women, however, there are still many women and children whose lives are in danger today. Made possible through the Violence Against Women Act of 2005, importantly, this act continues to implement VAWA's original intent by stopping the deportation of immigrant victims of domestic violence, sexual assault, and trafficking who qualify for VAWA immigration benefits. The trafficking provisions in the bill are of particular importance to me and I am very pleased that additional protections for trafficking victims and tools to help prosecute traffickers have been included in the bill, thus I am overjoyed to see the appropriations made to this office especially.

I strongly support the appropriations made to the Office of Justice Programs that provide strong and revolutionary leadership base to federal, state, local, and tribal justice systems, by circulating state-of-the-art knowledge and practices across America, and providing grants for the implementation of crime fighting strategies.

As Chairwoman of the Congressional Children's Caucus and very strong advocate for children and children's rights, I am thrilled to see that the funds made to the OJP will also funnel to the Office of Juvenile Justice and Delinquency Prevention, which contributes to the reduction of youth crime and violence. The OJJDP upholds prevention and early intervention programs that truly make a difference in the lives of young people around America. Our continued support of the numerous programs provided by the OJP that help our youth and better their lives is critical to America's future. Providing support for and believing in America's youth is the best way to ensure a successful future for them and our Nation.

Furthermore, I am happy to see the funding that supports the Antitrust Division's hard work to promote and instill economic freedom and opportunity within our great Nation. In the economic climate we face today, it is evermore important that competition in the marketplace remains free and fair for all. With the many proposed mergers and acquisition taking place, the guidance and resources provided by the Antitrust laws and principles are desperately needed to ensure fair business and jobs for all.

I am also delighted to see the appropriations made to the Federal Bureau of Investigation. Sadly, our country still lies under the microscope of those who wish our Nation harm and by appropriating money to the Bureau, we are shoring up our defenses against issues such as terrorist attacks, foreign intelligence operations, espionage, and public corruption at all levels. The FBI is a far-reaching organization with operations around the world and its continued funding is vital for the safety of all Americans.

I stand today with Rep. CONYERS and other members of Congress in reaffirming our support for justice in our Nation. By enacting these types of economic incentives to the offices that protect our Nation, Americans, women, and children will be safer; our country will be more efficient in bringing all to justice and communities and economy will grow in strength.

Madam Speaker, I ask my colleagues for their support of H.R. 5264, as well as for their continued support of all that is done by the Department of Justice in order to protect our great Nation. By increasing our support for these types of appropriations, we will ensure that our country remains a leader in security, justice, and freedom.

Madam Speaker, I ask my colleagues to join me in supporting H.R. 5264.

PERSONAL EXPLANATION

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mrs. CAPPS. Madam Speaker, I was not able to be present for the following rollcall votes on November 15, 2010 and would like the RECORD to reflect that I would have voted as follows: rollcall No. 566, "yes"; rollcall No. 567, "yes"; rollcall No. 568, "yes."

IN RECOGNITION OF JOHN AND MARCIA GOLDMAN

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Ms. SPEIER. Madam Speaker, I rise to honor John and Marcia Goldman of San Francisco. They are civic volunteers of epic proportions who have long been active in the fight against HIV/AIDS. Since 1989, they have been ardent supporters of the American Foundation for AIDS Research (amFAR) which has invested over \$9.5 million in more than 180 research projects in the Bay Area. They have generously supported many of San Francisco's other leading organizations in the fight against HIV/AIDS, including The Shanti Project, San Francisco AIDS Foundation, Haight Ashbury Free Clinics, National AIDS Memorial in Golden Gate Park, and FACE AIDS, which develops leadership skills for college students while supporting people with AIDS in Africa.

Additionally, through their foundation they have championed programs to help underprivileged children. Their caring knows no boundaries.

John has been president of the San Francisco Symphony since 2001 and is on the advisory boards for the Wildlife Conservation Society and the Trust for Public Land. He is also president of the Walter and Elise Haas Fund, which support arts, public education and Jewish organizations. He serves on the board of FACE AIDS as well as Building Future Now, which enables underprivileged children in East Palo Alto and East Menlo Park, California, to pursue a college education. His current commitments are dwarfed by prior service to such institutions as Swathmore College and various non-profit groups, including the Institute on Aging of Mt. Zion Health Systems.

Marcia co-founded the Learning Place Preschool in San Mateo which integrates special needs children with typical preschoolers. She also founded New Beginnings Family Workshop in San Carlos, a therapeutic-based program for autistic children and their families. She joined the Pacific Autism Center for Education as school director in 2002 and served as education director until June 2010. She specializes in individualized curriculum development, parent and staff training and behavior planning.

Madam Speaker, it is only right and fitting that amFAR will present this remarkable couple with its Award of Courage on November

12 at its annual San Francisco Gala. Their substantial contributions have advanced AIDS research and the treatment and prevention of HIV. I ask that this House join me in thanking the Goldmans for their philanthropic efforts to better this world for those in need.

IN HONOR AND RECOGNITION OF
RINALDO S. BRUTOCO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Rinaldo S. Brutoco, a successful technical innovator, entrepreneur and businessman who has dedicated his life to transforming the consciousness of business to be a force for the common good. Mr. Brutoco consistently invests his time, expertise and personal resources to incubate peace-building, ecological sustainability and consciousness-raising initiatives.

As President and founder of the World Business Academy, he has worked to educate, inspire and assist business leaders to take responsibility for society. His work with the Academy led Deepak Chopra to select Mr. Brutoco as his "favorite intelligent optimist," saying, "Rinaldo Brutoco has provided a platform for harnessing the creativity and compassion of some of the best minds in the world to create a vision of the future of socially and ecologically responsible business. As we now enter a global economic crisis, Rinaldo's ideas on the creation of true wealth that will benefit society will become even more valuable."

Mr. Brutoco was instrumental in the founding of the National Peace Academy, a historic learning institution that focuses on peace through programs that develop an understanding of the self's role in non-violent conflict resolution. The National Peace Academy is preparing the next generation of peace builders who will bring their unique background to communities as well as the corporate, nonprofit, and government workplace.

As Principal and CEO of the ShangriLa Group, Mr. Brutoco consults on the leading edge of business, renewable energy, international micro and macroeconomics, technology and finance.

Madam Speaker, please join me in honor of Rinaldo S. Brutoco a practical visionary, change agent and futurist who has compassionately devoted his life, extensive knowledge and considerable talents to the betterment of life on our planet.

HONORING THE 135TH ANNIVERSARY OF ST. JOHN BAPTIST CHURCH IN FLETCHER, NORTH CAROLINA

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. SHULER. Madam Speaker, I rise today to honor the 135th anniversary of St. John

Baptist Church in the town of Fletcher, North Carolina. Since 1875, this church has brought light and joy to the lives of many devoted members.

St. John Baptist Church has long been a sanctuary shared by for those seeking Christ and deserves commendation for its many years of good service to the people of Fletcher. The importance of faith in community rings true in St. John Baptist Church's long and storied history. From its humble beginnings, St. John Baptist Church has grown to be a proud and prominent part of the Fletcher community. Over the past one hundred and thirty-five years, the Church has witnessed many significant moments in history from both World Wars to the Civil Rights Movement.

The strength and longevity of St. John Baptist Church has proven to be an inspiration for many, and I look forward to seeing what the future holds for the Church as it continues its journey through future years. Madam Speaker, I urge my colleagues to join me today in congratulating St. John Baptist Church on its outstanding service to the community over its 135-year history.

HONORING FORMER WEST VIRGINIA HOUSE OF DELEGATE MEMBER BEATRICE "JACKIE" WITHROW

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. RAHALL. Madam Speaker, Jackie Withrow was an angel for the ages. She was Florence Nightingale, Susan B. Anthony and Eleanor Roosevelt all rolled into one.

If the Almighty had to pick a day to open Heaven's Gates for Jackie, none could be mean more meaningful than Veteran's Day for no one cared more or worked harder for our veterans. One estimate credited Jackie with 27,500 hours of service to our veterans.

I am sure that number would pale in comparison to all she really did over her lifetime of dedication to our veterans, taking them to church services on Sundays and planning new ways to serve them at all hours.

Many people blaze trails, and Jackie accomplished that but made sure others were able to follow her.

Jackie was always known for breaking new ceilings for women. She cared about that, of course. But I think she and the women who supported her and followed in her footsteps were proudest of the issues on which they could command attention in their day, like health care. Health care was on Jackie's radar screen from the beginning—for our miners, our children, and those needing mental health services.

Senator Bill Wootton led the charge to make sure we would forever be reminded of her trailblazing leadership by appropriately naming a hospital for her.

Bill spoke of "Mercy" and "Justice" to describe Jackie's contributions to us. To those we must surely add, "Commitment" and "Dedication."

Her public service never wavered. Although she served in our state's legislature for a gen-

eration, her longest public service was as a good citizen and dependable neighbor.

Long out of office, Jackie continued opening doors of opportunity and opening the eyes of the rest of us. Always with a warm heart and determined will, Jackie Withrow changed our world for the better.

Jackie's lasting legacy to each of us was her fierce loyalty to what she believed in the most—the "least" of us, as Christ taught. And, we recall the loyalty of Ruth in the Old Testament as we celebrate Jackie's loyalty to those who needed her hand and hope the most:

Do not press me to leave you
or to turn back from following you!

Where you go, I will go;

Where you lodge, I will lodge;

Your people shall be my people and your God my God.

Where you die, I will die

There I will be buried.

May the Lord do thus and so to me
And more as well

If even death parts me from you!

Next to my family, Jackie was my earliest and strongest supporter. I will celebrate Jackie's life the rest of my days. I know countless others will never be far from her firm hand of friendship, her warm smile of compassion, and that ever present twinkle in her eye of figuring out how she was going to help.

My family and I offer Jackie's family and her many friends our thoughts and prayers, as we all celebrate this extraordinary woman's life.

TRIBUTE TO LINDA LEHMAN

HON. WILLIAM L. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. OWENS. Madam Speaker, I rise today to congratulate Linda Lehman for being recognized as the 2010 Caregiver of the Year by the Behavioral Health Services North Inc. Caregiver Resource Center in Plattsburgh, NY.

Behavioral Health Services North Inc.'s Caregiver Resource Center bestows the honor of Caregiver of the Year each November, in commemoration of National Family Caregiver's Month. Lehman was chosen as Caregiver of the Year in recognition of her work as full-time caregiver for her father, Reggie Love.

The award is presented in recognition of outstanding service and sacrifice, and Mrs. Lehman's actions have demonstrated exactly this. She has enjoyed a full career as a caregiver, describing her work as a labor of love and crediting her family and friends for providing a support system that is so critical to her work.

Mrs. Lehman's work for her father is representative of what makes our community great, and today I congratulate her on her achievement.

IN RECOGNITION OF OFFICER
KEITH TAMURA

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Ms. SPEIER. Madam Speaker, I rise to honor Officer Keith Tamura who has retired from the Burlingame Police Department after 26 years of service.

He joined the force in 1980 and has worked in many capacities throughout his law enforcement career, including that of Patrol Officer, Traffic Officer, K9 Handler and Police Inspector.

The Mayor of Burlingame has stated that Officer Tamura has served the community with "integrity, honor and courage."

Keith has pledged that in retirement he will spend more time enjoying life, including pursuing his love of motorcycles.

Madam Speaker, it is fitting that Officer Keith Tamura will be honored at a retirement dinner and I ask that the Members join me in saluting Officer Tamura for his 26 years of dedicated service to public safety.

IN HONOR OF TORREY SOLOMON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Torrey Solomon, upon being named Cleveland Housing Network's 2010 Urban Neighborhood Hero.

Mr. Solomon was born in Cleveland, and grew up in Erie Square Apartments, an inner city apartment complex that was rehabilitated by CHN in 2006. The restoration of the building also included the restoration of hope and opportunity for children living in this building: CHN added an on-site Resident Youth Coordinator, who offered several youth programs and opportunities.

Mr. Solomon became focused on his future goals and dreams, and jumped at every opportunity to learn and succeed. He enrolled in every program, including: Job Readiness Workshops, Junior Achievement Programs, and the Youth After-School Program. With the support and guidance of CHN Resident Coordinator, Tamika Pempton, Mr. Solomon created a new dream of becoming a well-known chef.

When he turned 16, Mr. Solomon heard about a job opening for a dishwasher at the restaurant, Bon Appetit, at Case Western Reserve University. He wore his nicest clothes, and boarded a bus headed for Case, the only candidate out of hundreds to arrive dressed up, with resume in hand. He was offered the job, and quickly worked his way up from dishwasher to prep cook. Following a heartfelt PD article that highlighted his dream of becoming a chef, donations poured in from across the community, to help him with tuition costs at the Culinary Institute of America—where he will be begin his final year this December.

Madam Speaker and colleagues, please join me in honor and recognition of Torrey Sol-

omon, whose dedication, discipline and focus on following his dreams reinforces the philosophy that personal growth, achievement and dreams grow from stable and safe home environments; and, that affordable housing profoundly impacts the lives and futures of adults and children. Moreover, dedicated staff, like Tamika Pempton, and organizations like CHN, are vital to the well-being of families—and are vital to the well-being of our entire community. I wish Mr. Solomon unwavering health, happiness and peace as he continues on this exciting journey. He is a wonderful role model for the youth of our community—and he is an inspiration to all of us.

PERSONAL EXPLANATION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. MOORE of Kansas. Madam Speaker, on September 17, 2009 I inadvertently failed to cast a recorded vote on rollcall vote 710, concerning H.R. 3221. Had I cast my vote, I would have voted "no."

On September 23, I inadvertently failed to cast a recorded vote on rollcall vote 732, a motion to adjourn. Had I cast my vote, I would have voted "no."

On September 30, I inadvertently failed to cast a recorded vote on rollcall vote 744, concerning H.R. 1771, the Chesapeake Bay Science, Education and Ecosystem Enhancement Act. Had I cast my vote, I would have voted "aye."

On November 7, I inadvertently failed to cast a recorded vote on rollcall vote 880, concerning H. Res. 877, expressing support for Chinese activists. Had I cast my vote, I would have voted "aye."

On December 16, I inadvertently failed to cast a recorded vote on rollcall vote 980, concerning H. Res. 973. Had I cast my vote, I would have voted "aye."

On January 27, 2010, I inadvertently failed to cast a recorded vote on rollcall vote 25, concerning H. Res. 1020. Had I cast my vote, I would have voted "aye."

On February 22, I inadvertently failed to cast a recorded vote on rollcall vote 49, regarding H.R. 4425. Had I cast my vote, I would have voted "aye."

On February 22, I inadvertently failed to cast a recorded vote on rollcall vote 50, regarding H.R. 4238. Had I cast my vote, I would have voted "aye."

On February 23, I inadvertently failed to cast a recorded vote on rollcall 53, concerning H. Res. 1059. Had I cast my vote, I would have voted "aye."

On March 4, I inadvertently failed to cast a recorded vote on rollcall 85, concerning H. Res. 1086. Had I cast my vote, I would have voted "aye."

On March 21, I inadvertently failed to cast a recorded vote on rollcall 168, concerning H. Res. 1099. Had I cast my vote, I would have voted "aye."

On March 21, I inadvertently failed to cast a recorded vote on rollcall 169, concerning H. Res. 1119. Had I cast my vote, I would have voted "aye."

On March 23, I inadvertently failed to cast a recorded vote on rollcall 172, concerning H. Res. 1205. Had I cast my vote, I would have voted "aye."

On April 14, I inadvertently failed to cast a recorded vote on rollcall 199, concerning H. Res. 1236. Had I cast my vote, I would have voted "aye."

On May 13, I inadvertently failed to cast a recorded vote on rollcall 271, concerning H. Res. 1338. Had I cast my vote, I would have voted "aye."

On May 13, I inadvertently failed to cast a recorded vote on rollcall 272, concerning H. Res. 1337. Had I cast my vote, I would have voted "aye."

On May 20, I inadvertently failed to cast a recorded vote on rollcall 290, concerning H.R. 5128. Had I cast my vote, I would have voted "aye."

On May 24, I inadvertently failed to cast a recorded vote on rollcall 292, concerning H.R. 1017. Had I cast my vote, I would have voted "aye."

On May 27, I inadvertently failed to cast a recorded vote on rollcall 306, concerning an adjournment of the House of Representatives. Had I cast my vote, I would have voted "aye."

On May 27, I inadvertently failed to cast a recorded vote on rollcall 313, regarding H.R. 5136. Had I cast my vote, I would have voted "aye."

On June 16, I inadvertently failed to cast a recorded vote on rollcall 366, regarding H. Res. 1422. Had I cast my vote, I would have voted "aye."

On July 22, I inadvertently failed to cast a recorded vote on rollcall 464, concerning H.R. 5341. Had I cast my vote, I would have voted "aye."

On September 23, I inadvertently failed to cast a recorded vote on rollcall 535, concerning H. Res. 1640. Had I cast my vote, I would have voted "aye."

COMMENDING THE PUBLIC SERVICE OF JAKE SULLIVAN AND HIS COMMITMENT TO THE CITY OF BOSTON AND STATE OF MASSACHUSETTS

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. OLVER. Madam Speaker, I rise to commend the outstanding public service of Jake Sullivan and the recognition bestowed on him with the Henry L. Shattuck Award for Public Service.

Commitment to public service has been the primary concern of Jake since he served the First District of Massachusetts in the 105th Congress. As my district scheduler, Jake accomplished his job with great skill and diplomacy. His amiable nature and the enjoyment he took in working as a team player served him well throughout his tenure.

Many of my constituents have continued to approach me and report how much they appreciated working with Jake. Treating everyone with respect, understanding, and kindness, he learned early on how to become an admirable public servant.

Jake has continued his unparalleled trend of resolute and superior public service with the city of Boston. As Senior Federal Relations Advisor to Mayor Thomas M. Menino, Jake is responsible for strategic collaboration between the city of Boston and the Federal Government. In this capacity, Jake works tirelessly to support the interests of the city of Boston in the face of ever-intensifying and demanding constraints.

Jake has worked closely with my office and me throughout his tenure with Mayor Menino on behalf of the city of Boston. His determination to discover the best possible results for the citizens of Boston and intuitive perception of the complexities of an issue perpetually impresses me.

I am encouraged to report that Jake has remained grounded in his pursuit of public service throughout his professional career. Jake's compassion for his colleagues and dedication to public service is equally, if not more, evident as it was when he was a member of my staff over 12 years ago.

Jake Sullivan has made significant contributions to the city of Boston and State of Massachusetts since he began his public service with the First District. I strongly commend his continued commitment to public service and look forward with anticipation to his future achievements.

RECOGNIZING THE REVEREND DR.
THOMAS L. WALKER

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. BUTTERFIELD. Madam Speaker, I rise to recognize the Reverend Dr. Thomas L. Walker, a community leader being honored for his decades of service. On Thursday, November 18, 2010, the community will come together to celebrate as Reverend Walker is inducted into the Twin County Hall of Fame.

Reverend Walker is well deserving of this honor. He is a native of Rocky Mount, N.C., and has devoted his entire life to serving his community.

Since 1970, Reverend Walker has worked to better the community as pastor of the Ebenezer Missionary Baptist Church of Rocky Mount, N.C.

He has also served as an Edgecombe County Commissioner, Chairman of the North Carolina Martin Luther King Jr. Commission and as President of the Greater Rocky Mount Ministers' Council.

After being diagnosed with prostate cancer, Reverend Walker sought to help others by channeling his energy into writing a book entitled, "Brother to Brother—You Don't Have To Die of Prostate Cancer." Many urologists around the country use the book to educate patients and help people understand prostate cancer.

Reverend Walker also founded the Edgecombe-Nash Political Caucus, created Project Empowerment and has experienced great success as a gospel artist.

Reverend Walker will be among 10 Twin County Hall of Fame inductees honored at the

banquet being held at the Dunn Center at Wesleyan College: Mae Woods Bell, Harold Cooley, Daniel Finch, Richard T. Fountain, Allan Gurganus, George Higgs, James W. Hines, Warren R. Jones, Aldolphus Staton, and Reverend Walker.

Madam Speaker, I ask that my colleagues rise to join me in recognizing all of this year's deserving inductees. I also extend my congratulations and best wishes to my good friend, Reverend Walker, his wife Joyce, and their two children, Timothy and Teresa.

A TRIBUTE TO ANNE CAIN

HON. JOHN GARAMENDI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. GARAMENDI. Madam Speaker, I, along with my colleagues Congressman GEORGE MILLER and Congressman JERRY MCNERNEY, rise to recognize Anne Cain, Contra Costa County Librarian, to congratulate her and wish her well as she approaches her retirement.

Anne has dedicated 35 years of commitment and service to public libraries. Having achieved a Bachelor of Arts in Political Science from the University of Denver, Colorado, and upon completion of her Master's in Library Service from Simmons College in Boston, Massachusetts, Anne began her career as the Branch Assistant and Social Service Librarian at Newton Free Library in Massachusetts. In 1975, Anne relocated to California and served as the Principal Librarian for Pasadena Public Library, where she provided reference services, service to the business community, children, teens, and adults.

In 1989, Anne moved north to the San Francisco Bay Area and joined the Contra Costa County Library system as Head of the Central Library responsible for service to the public but also for centralized countywide services. She was named Assistant County Librarian just 1 year later, responsible for the day-to-day operations of all Contra Costa County Libraries, services, and programs.

In 1998, Anne was named County Librarian responsible for library service at 25 locations in 18 cities and unincorporated areas across Contra Costa County. Anne worked closely with the Contra Costa County Board of Supervisors, city governments, Friends of Libraries and numerous other community groups and concerned citizens to plan, evaluate, and deliver library service tailored to the needs of the communities it serves.

Anne is a leader in the fight to adequately fund public libraries. Nearly two decades ago when the State of California cut Special District Augmentation Funding to counties, Contra Costa County libraries lost nearly a third of their funding. The system was nearly decimated. Anne has worked with cities throughout the county to build trust, local engagement, and support for libraries.

In recent years, Anne has been actively involved in statewide legislative activities and served as Chair of the California Library Association's Legislative Committee. In 2006, she was selected by the California Library Association as its member of the year.

Madam Speaker, we invite our colleagues to join us in honoring Anne for her tireless and dedicated service to the people of Contra Costa County. We also join her family, colleagues and friends in congratulating Anne on a successful and fulfilling career, and a very well-deserved retirement.

IN HONOR AND REMEMBRANCE OF
TED "TALL TED" HALLAMAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of Cleveland radio legend, Ted "Tall Ted" Hallaman, devoted husband, father, grandfather, brother, uncle, mentor and friend to many.

Mr. Hallaman's successful career in radio spanned several decades, beginning in 1949 in Pittsburgh, PA, where he attended college at the University of Duquesne. While at the college radio station there, he got the nickname, "Tall Ted" because he was 6'1".

Throughout the 1950s, he worked in various radio markets. In 1960, he was offered a great opportunity to join the team at WGAR-AM (1120) in Cleveland, where he worked for nearly a decade. His devotion to the art of radio broadcasting, and his commitment to capturing the hearts and minds of listeners, never faded. His dedication was reflected in every broadcast; he researched and presented a treasure trove of interesting facts and anecdotes about the songs he played, and about the musicians who performed them. Above all, it was Mr. Hallaman's kindness, wry sense of humor, generosity and positive attitude that forever touched the lives of his family, friends, colleagues and fans.

Madam Speaker and colleagues, please join me in honor and remembrance of Ted "Tall Ted" Hallaman. I extend my deepest condolences to his wife, Patricia; to his sons, George, David and Jason; to his daughter-in-law, Lisa; to his grandchildren, Laura, Jennifer, Christina, Sophia, Nicholas, and Emily; to his brother, Paul; and to his extended family members and many friends. Mr. Hallaman was cherished by family, friends and countless radio fans, and he will be remembered always.

RECOGNIZING BOB AND BOBBY
PETRINI

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Ms. SPEIER. Madam Speaker, I rise to honor Bob and Bobby Petrini of San Bruno, California. The father-son-team saved the lives of five senior citizens in the midst of the PG&E natural gasoline explosion on September 9, 2010.

Bob Petrini and his family were enjoying a warm summer evening in their Rollingwood neighborhood home, about a quarter mile north of the Glenview neighborhood. Bob was

opening the sliding door of the family room when he heard the explosion. His first thought was an earthquake. Then he saw giant flames leaping into the sky. He and his 25-year-old son Bobby looked at each other without saying a word, grabbed the household fire extinguisher, jumped into their Nissan Maxima and headed to the fire.

When they arrived at Glenview Drive, the entire street was engulfed in flames, so they headed to the next block, Vermont Way. They saw an elderly woman being rolled out into the street in a wheel chair by a very distressed caretaker who was screaming for help. Bob put the elderly woman in the back seat of his car. Then he entered the house, at this point unaware it was an assisted living facility. He ran down a long hallway yelling "Fire, fire, fire, is anybody here?" He entered a room to the right of the hallway and saw a woman in her nineties on oxygen in a recliner, with her back to the window and headphones in her ears. Bob pulled the phones out of her ears, lifted her into a wheel chair, rolled her out into the street and then loaded her into his car. As Bobby saw this, he ran into the building and rescued another elderly woman.

At this point the fire was licking at the homes behind the facility—the heat was intense. Firefighters and police officers were telling the Petrinis to leave, but Bob ran back into the building. In the very back he found a 96-year-old, deaf woman on oxygen, with a catheter, in a hospital bed. Racing against time, he rolled the hospital bed towards the door, only to find that it didn't fit through the frame. He ran outside for help. Bob, his son, a firefighter and a stranger who showed up out of nowhere lifted the woman from the hospital bed into a wheel chair, rolled her out to the street and put her into the car of a caretaker.

With three of the women in his car, Bob raced off to a hospital in South San Francisco while his son Bobby drove the caretaker's car with two of the seniors and the caretaker.

Bob delivered his three patients to the hospital and headed home. He didn't have a phone to tell his wife he was OK, he didn't know where his son was, and for the first time that evening, he was scared. "There was a moment when I thought I was going to lose him," he said referring to his son. But as he pulled into his driveway, he saw his son by the caretaker's car.

The other patients, including the 96-year-old lady, were taken to the hospital.

The San Bruno natural gas explosion was a horrible disaster that claimed 8 lives and destroyed 37 homes, but it was also a tragedy that brought out the best in members of this community.

Madam Speaker, Bob and Bobby Petrini risked their own lives to save five strangers. I ask that this body join me in commending them for their extraordinary act of heroism.

PERSONAL EXPLANATION

HON. WILLIAM L. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. OWENS. Madam Speaker, I was not present for votes on Monday, November 15,

2010. Had I been present, I would have voted "yes" on rollcall vote 566, "yes" on rollcall vote 567, and "yes" on rollcall vote 568.

IN REMEMBRANCE OF JULE SUGARMAN, FOUNDER OF HEAD START

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Ms. WATERS. Madam Speaker, I rise to honor the life and work of Jule Sugarman, who passed away earlier this month at the age of 83. I extend my thoughts and prayers to his wife, his children, and his family and friends during this very difficult time.

Some of my colleagues and those listening in the gallery or on television may not recognize the name Jule Sugarman, but they have no doubt heard of or been impacted by the Head Start Program, which he founded and helped design and implement as part of President Lyndon Johnson's War on Poverty.

Born in Cincinnati, Ohio, in 1927, Mr. Sugarman came to Washington to attend American University, and later served in the Army for two years.

He amassed a record of achievement and dedication to public service, the American people, and to children and families specifically: serving as New York City's human resources administrator; Washington State's Department of Social and Health Services; executive director of the Special Olympics International; and deputy director of the Office of Management and Budget under President Jimmy Carter, just to name a few of his accomplishments.

But I would like to thank Mr. Sugarman explicitly and affectionately for his work on getting the Head Start program up and running. I can unequivocally say that Head Start changed my life and turned it in a new direction.

I vividly remember working as a service representative for the Pacific Telephone Company in Los Angeles in the mid 1960s, and getting excited over a newspaper advertisement I saw for the new Head Start program. They were seeking staff for this initiative, which would be run by Sargent Shriver out of the Office of Economic Opportunity.

Being a mother of young children, and seeking a career path where I could help people and make a difference—despite not having official teaching credentials—I eagerly applied to be an assistant teacher.

To my surprise and delight, I was hired as a Head Start assistant teacher. In Los Angeles County the Head Start Program worked closely with community nonprofit groups like the International Federation for Settlements and Neighborhood Centers, so I worked with great people who were truly committed to putting children on a solid path to an education, combating poverty, and making our communities a safer, better place to live.

Head Start encouraged me to finish my education; taught me the importance and value of community organizing; made me acutely aware of the many issues facing our young

children; and inspired me to get involved in politics to make a difference in the lives of others, particularly the least of these.

Now I am well aware that in 45 years many things have changed—some good, some bad—for our nation's children and schools. But I am convinced that Head Start's original mission to "promote school readiness by enhancing the social and cognitive development of children through the provision of educational, health, nutritional, social and other services to enroll children and families," is as relevant as ever. I look forward to supporting it in each and every way that I can.

Thank you, Mr. Sugarman. Thank you for your wisdom, your foresight, your progressive philosophy, and your dedication to putting all children on an equal playing field.

I, and millions of other Americans, continue to be inspired by your compassion, your humanity, and your life's work, all of which made our country greater.

RECOGNIZING MR. GEORGE LEE HATCHER'S 90TH BIRTHDAY

HON. DAVID P. ROE

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. ROE of Tennessee. Madam Speaker, today I recognize the 90th birthday of Mr. George Lee Hatcher. This significant milestone is certainly an incredible accomplishment.

Over the years, George has dedicated his life to serving his country and his family.

Madam Speaker, as a fellow veteran, I want to thank Mr. George Lee Hatcher for his service to this country. I want to thank him for all he has done, and I wish him nothing but the very best.

May the experience and wisdom George has attained and shared over the years encourage and teach those around him, lasting for generations to come.

IN HONOR AND RECOGNITION OF DAN FULLER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Dan Fuller, upon his retirement from the Cleveland Watercraft Division of the Ohio Department of Natural Resources, ODNR. For twenty years he protected swimmers and boaters along the shores of Lake Erie with excellence and integrity.

Mr. Fuller's passion to protect people in harm's way came early in his life. When he was 10 years old, Dan and his sister Dee were playing by a creek. Dee fell in and Dan pulled her out from the eddy, saving her life.

A quarterback for his high school football team and an honors student at Hocking Technical College, Dan went on to start his career with the ODNR as a college intern and then

as an entry level watercraft officer in 1980. Mr. Fuller went on to become a watercraft specialist, a self defense instructor and an area supervisor. He diligently worked to improve methods and programs in water safety; he led the effort to implement the first certified self-defense course for the Lake Erie Division of Watercraft Safety. He enforced boating laws, taught boating safety and was instrumental in bringing together law enforcement agencies to work toward the common goal of keeping Lake Erie waterways safe and secure.

Mr. Fuller established the Central Lake Erie Law Enforcement Agency and facilitated regularly scheduled meetings for the past ten years. For the past decade, he served as the Supervisor of the Cleveland Watercraft Office, where he was in charge of staff coordination, educational efforts and waterway law enforcement. Mr. Fuller's work has been recognized with several honors and awards, including the Mothers Against Drunk Drivers Award, National Water Safety Congress Award and Officer of the Year Award.

Madam Speaker, please join me in honor of Dan Fuller, whose longtime service to our community is framed by expertise, integrity and unwavering dedication to keeping boaters educated and protected along the waterways of Lake Erie. As he embarks on a new voyage, I wish Mr. Fuller, and his family, an abundance of health, happiness and peace.

HONORING DETROIT CATHOLIC
CENTRAL HIGH SCHOOL CROSS
COUNTRY TEAM

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. McCOTTER. Madam Speaker, today I rise to acknowledge the Division 1 State Champion Cross Country team from my alma mater, Detroit Catholic Central High School. On November 6, 2010 the Catholic Central Shamrocks outran the Dexter Dreadnaughts to claim their second consecutive title.

After a season that saw great success in both dual meets and invitationals, Catholic Central distanced themselves from the rest of the Detroit Catholic League by garnering a point total of 26, less than half of 2nd place Brother Rice's 72 to win the Catholic League Championship. Moving on to MHSAA Regionals six days later, the Shamrocks placed 2nd, with a meager 2 points separating them from the Pinckney Pirates.

Head Coach Tony Magni's harriers were determined to hold on to the state title as the starter's pistol sounded at Michigan International Speedway. The Blue and White avenged the stinging regional loss to Pinckney by legging out a 1st place finish of 103 over 2nd place Dexter's 114 and leaving Pinckney to bring up 3rd place with 146. Head Coach Magni, along with Assistant Coaches Brian Wilson and Kevin Mason celebrated as their team took back to back state championships.

The hard work and dedication of this team and all of its members epitomizes what it means to be a Shamrock. By the teaching of our Basilian Fathers through goodness, dis-

cipline and knowledge, the entire Catholic Central family, including this alumnus, shares in this accomplishment.

Madam Speaker, the 2010 Catholic Central Shamrocks deserve to be recognized for their determination, achievement and spirit and I am very proud of their determination and effort. I ask my colleagues to join me in congratulating the Shamrocks for obtaining this spectacular title and honoring their devotion to our community and country. Live and Die for CC High!

TRIBUTE TO JOSEPH DONALD
LIND, SR.

HON. STEVE DRIEHAUS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. DRIEHAUS. Madam Speaker, I rise to pay tribute to Joseph Donald Lind, Sr., who passed away November 7, 2010. Mr. Lind was an inspirational leader to his community, city, and country.

Mr. Lind graduated from Elder High School in 1953, where he put himself through school working as a maintenance man at St. Joseph Church in the West End. Upon graduating from Elder, Mr. Lind joined the United States Army where he earned an honorable discharge. Mr. Lind continued to serve his community by joining the Cincinnati Police Department for the remainder of his professional career.

It would have been easy for Mr. Lind to stop giving back to his community after his long career of public service; however, he continued to give back until his last day. Mr. Lind served as president of the Elder Dad's Club for 23 years and continually volunteered his time and energy for any cause that benefitted Elder High School. His impact on the Elder community will live on for generations to come.

Mr. Lind's charisma and commitment through service will not be forgotten and will serve as an example for years to come. Mr. Lind has showed us that serving your community is not a short sprint of a few years but a marathon that lasts a lifetime. Mr. Lind's community and country gave him countless opportunities and he worked a lifetime to give back to those that gave to him. Although Mr. Lind will no longer be with us, his legacy will continue on.

IN RECOGNITION OF THE NA-
TIONAL WOMEN'S POLITICAL
CAUCUS, ITS 2010 "EXCEPTIONAL
MERIT IN MEDIA" HONOREES,
AND ITS LATE CO-FOUNDER LIZ
CARPENTER

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mrs. MALONEY. Madam Speaker, I rise to pay tribute to the National Women's Political Caucus, NWPC, and to the 2010 recipients of its "Exceptional Merit in Media Awards", or

"EMMAs". Last month at the Cornell Club in New York City, the NWPC honored several distinguished leaders with EMMAs at a ceremony in New York City hosted by the renowned actress Tyne Daly and dedicated to the memory of the late Liz Carpenter, its distinguished Co-Founder.

With state and local affiliates across America, the National Women's Political Caucus is the only national organization dedicated exclusively to increasing women's participation in all areas of political and public life—as elected and appointed officials, as delegates to national party conventions, as judges in state and federal courts, and as lobbyists, voters and campaign organizers. The NWPC was founded in 1971 by Liz Carpenter, former Press Secretary to Lady Bird Johnson; the late New York Congresswoman Bella Abzug and Shirley Chisholm; and several other distinguished woman leaders to advance its vital mission of achieving equal representation for women in our national political life. Today, the Caucus is led by its indefatigable and remarkably effective President, Lulu Flores. Each year the NWPC presents its Exceptional Merit in Media Awards to honor exceptional films, print publications, blogs and "virtual" news outlets, and other media leaders and institutions that highlight issues important to women and that promote the EMMAs' goal of encouraging journalists to produce pieces that elevate the civil discourse on issues that affect women. Also honored with EMMAs were three books: *Jesus, Jobs, and Justice: African-American Women and Religion*, by Bettye Collier-Thomas; *Half the Sky: Turning Oppression into Opportunity for Women Worldwide*, by New York Times columnist Nicholas D. Kristof and Sheryl WuDunn; and *Notes from the Cracked Ceiling: Hillary Clinton, Sarah Palin, and What It Will Take for a Woman to Win*, by Washington Post correspondent Anne E. Kornblut. Four authors of articles appearing in magazines were honored: Helen Benedict for her piece, "The Scandal of Military Rape," which appeared in *Ms. Magazine*; Liz Welch for "Meet Generation (R)x," published in *Glamour*; Sabrina Rubin Erdely for her article in *Self*, "The Crime Against Women That No One Understands"; and Jessica Pupovac for her article, "Silenced in the Barracks: The Pentagon Fails to Protect U.S. Troops from Sexual Abuse," published in *In These Times*.

The woman to whom the 2010 EMMA ceremony was dedicated, NWPC's late Co-Founder Liz Carpenter, was truly an extraordinary, pioneering figure in American political history. An accomplished journalist, author and public servant who served as the Press Secretary to a great First Lady, Lady Bird Johnson, Liz was also an accomplished raconteuse possessed of a remarkable and lively wit. It is therefore entirely appropriate that the NWPC has created the Liz Carpenter Political Humor Award, which this year was awarded for the first time to Samantha Bee, who amuses millions of viewers with her piercing political barbs on *The Daily Show* with Jon Stewart on the Comedy Central television network. Madam Speaker, I rise to request that my distinguished colleagues join me in recognizing the National Women's Political Caucus, its 2010 EMMA honorees, and NWPC's late Co-Founder Liz Carpenter for their tireless efforts to achieve

equal representation and participation of women in American political life.

**HONORING ROBERT L. FORBUSS,
RECIPIENT OF THE AMERICAN
AMBULANCE ASSOCIATION'S 2010
SPECIAL RECOGNITION AWARD**

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Ms. BERKLEY. Madam Speaker, today I urge my colleagues to join me in recognizing the achievements of Robert L. Forbuss, a native Nevadan, for his lifetime of service to Las Vegas.

Robert L. Forbuss began his professional career in Las Vegas as a teacher at Bishop Gorman High School from 1972–1981. He served on the Clark County School District Board of School Trustees from 1979–1986. Currently, he is the Senior Vice-Chairman of the Board for The Public Education Foundation, and he has been serving on that board since 1997. Throughout his life, Bob's biggest achievement is that of "Teacher." Whether the students were enrolled at Gorman High School, on the debate team, learning history or political science or just learning the ropes in the world of politics in Nevada, Bob was always happy to help mentor anyone with a little initiative. A member of the Chamber of Commerce since 1985, he served as the Las Vegas Chamber of Commerce Chairman twice and Chairman of the Las Vegas Convention and Visitors Authority. Bob's influence is felt throughout Nevada and the nation and is most importantly represented in the elementary school that bears his name.

But Bob didn't stop there. He has also been recognized as a national Emergency Medical Service (EMS) leader. Bob was instrumental in educating and implementing new levels of EMS care for citizens, specifically Emergency Medical Technician, Paramedic, and Critical Care Paramedic. He served on the Clark County EMS Medical Advisory Board for decades and was a founding member of the national American Ambulance Association. He was also a founder of the national Commission on the Accreditation of Ambulance Services and served as the American Ambulance Association's president and member or ex-officio member of every American Ambulance Association leadership committee.

Mr. Forbuss has served as faculty for the American Ambulance Association, the American College of Emergency Physicians (ACEP) and traveled as part of ACEP's special EMS envoy to Russia. He belongs to the National Association of EMS Physicians, the International Association of Fire Chiefs, the International Association of Fire Fighters, EMS Today, EMS EXPO, and many other EMS related educational entities. Additionally, he served as Vice Chair for the National Registry of EMTs and served as faculty for the Japan Ambulance Association.

Mr. Forbuss led the ambulance response during two of Clark County's major mass casualty events, the MGM and Hilton hotel fires, as well as the PEPCON explosion in Henderson, Nevada.

Robert L. Forbuss received the EMS Today, EMS Administrator of the Year Award; the American Ambulance Association's President's Award and The Man of the Year Award. Also under his leadership, Mercy Ambulance received the United States Senate Quality and Productivity Award.

As the Representative for Nevada's First Congressional District, it gives me immense pride to recognize Robert L. Forbuss' lifetime of outstanding achievements and contributions to Las Vegas, and specifically on the occasion of the 2010 American Ambulance Association's Annual Conference, for his dedication and professionalism to the ambulance industry. I urge my colleagues to join me in honoring this outstanding American.

**IN HONOR OF STANLEY EUGENE
TOLLIVER**

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Stanley Eugene Tolliver, a dedicated family man, accomplished attorney, community advocate and civil rights leader on the occasion of his 85th birthday.

Born and raised in Cleveland, Ohio, Mr. Tolliver attended Cleveland Public Schools. He earned his undergraduate degree at Baldwin-Wallace College with a major in pre-law. He graduated with a law degree from Cleveland-Marshall College of Law in 1951. After law school, Mr. Tolliver served honorably in the United States Army.

Mr. Tolliver lives his life with a focus on service to others and to his community. He served for many years on behalf of the City of Cleveland schools. He was appointed by the late Judge Frank Battisti to the Committee of the Office of School Monitoring and Community Relations. He was elected as a member of the Cleveland School Board in 1981 and was re-elected in 1985 and 1987. In 1990, Mr. Tolliver was elected as President of the School Board.

Mr. Tolliver has also been a lifelong leader in our nation's struggle for civil rights. He served as legal counsel to Dr. Martin Luther King, Jr., the Southern Christian Leadership Conference and the Congress of Racial Equality. He worked as the legal advisor for the Shield Club and led the indictment of ten Cleveland police officers for violent crimes. On the forefront of the civil rights movement in Cleveland, and across the country, Mr. Tolliver's work paved the way for equal rights and justice for all.

Madam Speaker and Colleagues, please join me in honor of Stanley Eugene Tolliver, as we celebrate the joyous occasion of his 85th birthday. His commitment to our community and to our nation reflects integrity, generosity and heart. We are grateful for his continued service.

HONORING OPERATION TRIBUTE

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. MICHAUD. Madam Speaker, I rise today to recognize Operation Tribute for its substantial impact in spreading holiday joy to the children of military families.

Operation Tribute donates gifts to thousands of children in military families during the holiday season. Beginning just 4 months before Christmas 2007, founder Marc Badeau and his "Operation Holiday Cheer" raised more than \$100,000, translating into 9,000 gifts that were given to 2,500 children across Maine.

One year later, the organization changed its name to Operation Tribute and expanded to over 800 communities throughout New England and New York. That year, \$650,000 was raised to purchase 23,000 gifts. Marc has continued to expand the program along the East Coast and is aiming to reach all 50 States within the next 5 years.

For many military families, the holiday season can be a time of great sadness as children miss one or more parents stationed overseas. Through the giving of these gifts, Operation Tribute provides these brave children with an important measure of joy and hope. No one has had to make greater sacrifices in defense of our Nation than our armed forces and their families, and this is just one small way that we can give back to them.

The value of this program cannot be overestimated, and I wish Mr. Badeau and Operation Tribute the very best of luck going forward.

Madam Speaker, please join me in recognizing Operation Tribute and its founder Marc R. Badeau.

**RECOGNIZING THE ACHIEVEMENTS
OF PUGET SOUND NAVAL SHIP-
YARD AND INTERMEDIATE MAIN-
TENANCE FACILITY IN ENGAG-
ING AND HIRING WOUNDED WAR-
RIORS AND VETERANS**

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. DICKS. Madam Speaker, I rise today to pay tribute to an outstanding organization located in my district, the Puget Sound Naval Shipyard and Intermediate Maintenance Facility (PSNS & IMF). PSNS & IMF, commanded by Captain Mark Whitney, leads Naval Sea Systems Command in engaging and hiring our nation's veterans and wounded warriors. In Fiscal Year 2010 PSNS & IMF hired 56 Disabled Veterans with a disability of 30 percent or greater, providing them with the opportunity to productively continue to contribute to our nation's security through the critical work of maintaining our Navy.

The debt of gratitude the nation owes our veterans is immeasurable, but this is one effort which has had a substantial and meaningful impact towards our responsibilities for

these men and women. I submit this letter from Vice Admiral Kevin M. McCoy, Commander of Naval Sea Systems Command, as testimony to the leadership and achievements of Captain Whitney and Puget Sound Naval Shipyard and Intermediate Maintenance Facility.

DEPARTMENT OF THE NAVY,
NAVAL SEA SYSTEMS COMMAND,
Washington Navy Yard, DC, October 22, 2010.
Congressman NORM DICKS.
Rayburn House Office Building,
Washington, DC.

DEAR CONGRESSMAN DICKS: During my visit to Bremerton for Armed Forces Day 2010, you had some very encouraging comments about the great work of Puget Sound Naval Shipyard and Intermediate Maintenance Facility (PSNS & IMF) in taking care of our Nation's Veterans and in particular our Wounded Warriors. We also discussed NAVSEA initiatives in support of these very important programs as I had recently returned from the Wounded Warrior Olympics in Colorado. Captain Mark Whitney continues to lead NAVSEA activities in hiring and reaching out to our veterans and wounded warriors. For Fiscal Year 2010, PSNS & IMF has hired 56 Disabled Veterans with 30 percent or greater disability.

This past year, they participated in many significant events to hire veterans and wounded warriors. They strengthened their partnership with agencies that support Wounded Warriors by hosting a familiarization visit of the shipyard with Career Counselors, Employment Specialists, and Vocational Rehabilitation Counselors from Warrior Transition Command, Phoenix Battalion, Fort Lewis; Seattle and Bremerton Veterans Affairs Vocational Rehabilitation/Education Office. The visit provided information that improved awareness of the career and development opportunities available for Wounded Warriors and Disabled Veterans at naval shipyards.

Most recently the shipyard entered into a partnership with the Navy Safe Harbor Program at Bremerton Naval Hospital to provide internship opportunities for active duty service members who are seriously wounded, injured, or ill. This is a terrific opportunity for service members to productively apply their skills and talents and learn additional skills in preparation for transitioning to civilian careers. Their first intern, Lieutenant John Edmonston, checked in on October 1, will work in Combat Systems Division on October 12.

I am very proud of the work being done at the shipyard and are adopting the best practices pioneered by Captain Whitney and his team across our entire Wounded Warrior program. I appreciate all you do for our great Nation and the tremendous support you provide to the U.S. Navy. Should you have any questions or desire to discuss NAVSEA efforts to employ and support Veterans, please do not hesitate to call.

Sincerely,

K. M. MCCOY,
Vice Admiral, U.S. Navy.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. JOHNSON of Illinois. Madam Speaker, on Monday, November 15th, I was unable to

cast my votes on S. 3689, H. Res. 1713, and H. Con. Res. 328 and wish the record to reflect my intentions had I been able to vote. Last night I was meeting with a constituent group in Savoy, Illinois and was unable to travel to Washington, DC in time for the votes.

Had I been present on Rollcall No. 566 on suspending the rules and passing S. 3689, To clarify, improve, and correct the laws relating to copyrights, I would have voted Aye.

Had I been present on Rollcall No. 567 on suspending the rules and passing H. Res. 1713, Recognizing the 50th anniversary of Ruby Bridges desegregating a previously all-White public elementary school, I would have voted Aye.

Had I been present on Rollcall No. 568 on suspending the rules and passing H. Con. Res. 328, Expressing the sense of the Congress regarding the successful and substantial contributions of the amendments to the patent and trademark laws that were initially enacted in 1980 by Public Law 96-517 (commonly referred to as the Bayh-Dole Act) on the occasion of the 30th anniversary of its enactment, I would have voted Aye.

HONORING THE SERVICE OF CHIEF PETTY OFFICER GARY M. WHITEHEAD AND HIS WIFE BARBARA WHITEHEAD

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. DONNELLY of Indiana. Madam Speaker, I rise today to honor the service of Chief Petty Officer Gary M. Whitehead and his wife Barbara, and the great work done, together with Debi Copeland, on behalf of Hoosier veterans. At the end of this year, Gary and Barbara will be retiring after serving 24 consecutive years in Elkhart County's Veterans Service Office. Gary is a native son of Elkhart County, having been born and raised in Goshen, Indiana. In 1965, a year after graduating from Goshen High School, Gary enlisted in the United States Navy, entering active duty shortly thereafter in early 1966. During his Naval career, Gary served in a variety of capacities including: three years on the USS *Allen M. Sumner*, which included a deployment to Vietnam; as a personnel officer for the Underwater Demolition Team Twelve, who also assisted in commissioning the first Navy F-14 Fighter Squadron; as the Training Coordinator for the Navy's Diving Schools; and another three years on the USS *Patterson* before finally retiring from the Indianapolis Navy Recruiting District in July 1986.

Gary joined the Elkhart County Veterans Office in August 1986, immediately after retiring from the Navy. He has been the Elkhart County Veterans Service Officer since January 1988, and is retiring this year. He has been involved in representing and advancing veterans' issues within the community and throughout the state, having served on a variety of committees. Gary was instrumental in efforts to establish the VA Community-Based Outpatient Clinic in Goshen. He also served as a distinguished member of my Veterans Advisory Committee for the past four years.

Gary's wife of 42 years, Barbara, whom he met on a blind date and married six months later, stood by his side throughout his Naval career and has worked alongside him in the Elkhart County Veterans Office since 1986. Barbara has been instrumental in the great work their Office has done on behalf of veterans these past 24 years. They have three children, Stephanie, Douglas and Scott, and six grandchildren. Barbara will be joining Gary in well-earned retirement.

Another key member of Gary's team who has contributed meaningfully to the office's work since 1996 is Debi Copeland, who serves as the office's secretary. Together, these three have provided dedicated service, representation, advocacy, counsel, and friendship to the veterans of Elkhart County.

It is my privilege to thank Gary for his 20 years of service to the United States Navy, and, along with his wife Barbara and their friend Debi, for their office's service these past 24 years to the veterans of Elkhart County.

IN HONOR AND RECOGNITION OF MEDWISH INTERNATIONAL OF CLEVELAND, OHIO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of the staff and volunteers of MedWish International of Cleveland, Ohio, a nonprofit organization that specializes in recovering and recycling donated medical supplies. Those supplies are then used to provide critically needed medical care in developing countries around the world.

For the past fourteen years, medical facilities in the Cleveland community have donated medical supplies and equipment to MedWish International. These supplies have then been distributed to medical care organizations and volunteer medical teams around the world. MedWish supplies are often lifesaving and they significantly improve the quality of health care provided within impoverished regions around the world. MedWish supplies and equipment are never sold.

Locally, recovery and recycling of unused medical supplies is good for the environment, significantly reducing the amount of solid waste deposited in local landfills. In addition, MedWish International also serves as an excellent point of reference for health care professionals and nonprofit medical organizations committed to learning more about the great need for quality medical care, globally and locally.

Madam Speaker, please join me in honor of MedWish International of Cleveland, Ohio, whose work on behalf of recovering, recycling and distributing donated medical supplies and equipment for lifesaving medical procedures and treatment brings hope and healing to individuals around the world.

A TRIBUTE TO RANSON AND LULA SMITH ON THE OCCASION OF THEIR 50TH ANNIVERSARY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Ranson and Lula Smith on the occasion of their 50th Anniversary.

Ranson and Lula both came to Brooklyn early in their lives. Through the past several decades, they have made numerous contributions to the Brooklyn community.

For more than 20 years, Ranson and Lula have been members of the 500 Block MacDonough Street Association. Ranson currently serves as the Block Association President, and Lula currently serves as secretary. Mr. and Mrs. Smith are also members of the 81st Precinct Community Council.

After 21 years of service, Ranson retired from the New York City Department of Sanitation in 1990. He has been a community activist for many years. In 1994 he was awarded by Assemblyman William Boyland and the 55th Assembly District for his work in the community. He received the Exemplary Service Award from the Unity Democratic Club in 1996. In 2006, he received a Community Service Award from the Key Women of America Brooklyn Chapter.

Lula retired from the New York City Department of Citywide Administrative Services after twenty years of service. She received an award for her service to the Department.

Mr. and Mrs. Smith have been long time members of Zion Baptist Church, and have been actively involved in numerous ministries. Lula is particularly involved in the Teaching Ministry, and has received a Gold Star Diploma in Christian Leadership Education from the Progressive National Baptist Convention. Additionally, she received an award for her outstanding service to the New York Progressive Baptist State Convention Congress, which she has served for over 20 years. Lula has also served on the Board of Managers of the Brooklyn Sunday School Union, and serves as a Girl Scout Committee Person for Zion's Girl Scouts.

Ranson and Lula have four children, twelve grandchildren and three great-grandchildren. They will celebrate their 50th wedding anniversary on November 27, 2010.

Madam Speaker, I urge my colleagues to join me in recognizing the lives of Ranson and Lula Smith.

HONORING DETROIT CATHOLIC CENTRAL HIGH SCHOOL TENNIS TEAM

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. McCOTTER. Madam Speaker, today I rise to acknowledge the Division 1 State Champion Tennis team from my alma mater, Detroit Catholic Central High School. Netting

their first championship since 1986, this title marks the third state champion campaign for the Shamrocks.

Before the 2010 season began the Catholic Central Tennis team suffered the most devastating loss in their history when Varsity Assistant and Junior Varsity Head Coach Jim Zapton succumbed to a sudden heart attack. Shocked by the loss of their beloved Coach Z, the team needed to find a way to overcome their grief. They did so by playing in his memory and dedicating their season to him. Twelve top-notch players came together under the common goal of winning as Shamrocks not individuals. The result couldn't have been better and Coach Jim Zapton would no doubt be very proud of his young men.

Initially pegged as the number 3 team in Michigan's Division I rankings behind Ann Arbor Pioneer and Ann Arbor Huron, Head Coach Jim Stafford's squad took the number one ranking on September 27th after having soundly defeated both the Pioneers and the River Rats. The Shamrocks posted a record of 8-0 in dual meets and won 7 tournaments this season enroute to the Catholic League title.

CC dominated the Regional Championship, racking up 31 points to outpace Novi's 2nd place showing of 18. The Blue and White headed to Midland for the State competition with four number 1 seeds and 3 number 2 seeds. On October 16, 2010, after entering the tournament semifinals tied at 23 points with Ann Arbor Pioneer, the Catholic Central Shamrocks capped off an incredible season by defeating Pioneers 32-30 and hoisted the MHSAA trophy.

Coach Joe Stafford credits Coach Jim Zapton's mantra of being a good teammate, playing the right way and putting the team first with solidifying the phenomenal chemistry that led to his team's success. The hard work and dedication of all of its members epitomizes what it means to be a Shamrock. By the teaching of our Basilian Fathers through goodness, discipline and knowledge the entire Catholic Central family, including this alumnus, shares in this accomplishment.

Madam Speaker, after earning the Division 1 State Championship, the 2010 Catholic Central Shamrocks deserve to be recognized for their determination, achievement and spirit. In recognition of their effort and in memory of Coach Jim Zapton, I ask my colleagues to join me in congratulating the Shamrocks for obtaining this spectacular title and honoring their devotion to our community and country. Live and Die for CC High!

RECOGNIZING THE LANGFORD FAMILY AS THE 2010 HOLMES COUNTY OUTSTANDING FARM FAMILY OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. MILLER of Florida. Madam Speaker, it is a great pleasure for me to rise today to extend congratulations to the Langford family for being selected as the 2010 Holmes County Outstanding Farm Family of the Year.

The Langford family farm, located in Westville, Florida, has been a staple of Holmes County since the 1920s. Its owners, Luke and Laurie Langford, have two young sons, Mason and Carson, and are active members of the Holmes County Farm Bureau and Florida Farm Bureau Young Farmer and Rancher Leadership Group.

For the past 24 years, Luke has operated the 1,100-acre farm. Over the years, the farm has become home to a diversified agricultural enterprise, with commercial cow and calf farming, cattle pre-conditioning, custom beef and hay production. The farm produces fruits and vegetables and wood-based products. Additionally, the Langford family farm's picturesque landscape provides a fitting setting for agritourism activities, including fishing, trail rides, dove hunting and a pumpkin patch for Halloween.

Madam Speaker, our great nation was built by farmers and their families. The Langford family stands as an excellent example of the farm families that have been the backbone of Holmes County, Florida, and our nation. On behalf of northwest Florida, I wish the Langford family continued success and hope that their family tradition will continue to prosper for many future generations to come.

TRIBUTE TO RIVERSIDE COUNTY'S RECIPIENTS OF OPERATION RECOGNITION

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to a group of individuals—heroes—who are receiving the recognition and honor they deserve for their service to our country. Operation Recognition is operated by the Riverside County Office of Education with assistance from the Riverside County Department of Veterans' Services. The program awards high school diplomas to veterans who missed completing high school due to military service in World War II, the Korean war, or the Vietnam war, or due to internment in WWII Japanese-American relocation camps.

A recognition ceremony was held on November 12, 2010, for the following individuals who received their high school diplomas through Operation Recognition: Clifford Burdick, Charles D. Case, Galen L. Christman, Ronald E. Costi, Bill E. Crowe, Howard N. Curren, Michael J. Hendershot, Martin W. Keller, James F. Lancaster, William A. Lea, Jose Macias, Alfred M. Martocchio, Bobby G. McPherson, Robert Moreno, Albert R. Munoz, Jr., John M. Palmer, Benjamin A. Perry, Rocky S. Porter, Frank Z. Ramirez, Steve Ramirez, Frank R. Sanchez, Raphael V. Shapiro, Jack Sims, Patrick Stanley, Matthew I. Stein, Marion A. Sugamele, Gregg Thompson, and Michael D. Witfoth.

Our country owes a debt of gratitude to all the above recipients for their service and sacrifice. I salute all the above individuals and congratulate them on receiving their high school diploma.

HONORING DR. ROBERT HARVEY

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. DUNCAN. Madam Speaker, I rise today to honor an educator and mentor from my District in Knoxville, Tennessee, who has dedicated his life to young people and Knoxville College, the institution he loves.

Dr. Robert Harvey has stepped down as President of the College, and he leaves behind an institution much stronger because of his selfless devotion to the school, its students, faculty, and staff.

Dr. Harvey's tenure at Knoxville College spans 68 years, beginning with his time as a student through his time as a beloved professor and finally, the school's President.

I am proud of the role that Knoxville College has played in my District. As Co-Chairman of the House Historically Black Colleges and Universities Caucus, I have always offered whatever support I could to assist the school through the years.

No one has done more for Knoxville College than Dr. Harvey. As long as I can remember, he has always been there when needed.

After graduating from the school in 1946, he went on to teach mathematics. Even after his retirement in 1988, Dr. Harvey continued to teach on a part-time basis and stepped in as interim President four times.

On the occasion of his retirement, Knoxville College has dedicated a scholarship in his name, which will be awarded to a student pursuing higher education in math and science.

Dr. Harvey told the Knoxville News Sentinel that the measure of an institution is how far the student travels. No one has traveled further or sacrificed more to ensure Knoxville College's place for future generations than Dr. Robert Harvey.

I have the privilege of being a member of Eastminster Presbyterian Church, the same church to which Dr. Harvey and his wonderful wife, Edwina, also belong.

Bob and Edwina are two of the kindest, most compassionate people I have ever known.

Both grew up, as my father did, in what would be considered bitter poverty today. But far from being bitter, they are two of the most grateful, appreciative people that one could find.

They are grateful to both God and country, and this Nation would be a much better place if there were more people like Dr. Robert and Edwina Harvey.

Madam Speaker, I urge my Colleagues and other readers of the RECORD to join me in congratulating Dr. Harvey, at the age of 87, on the occasion of his much-earned retirement. Knoxville College's legacy will forever be tied to his devotion.

A TRIBUTE TO NAJEE J. HENDERSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Najee J. Henderson for his achievement of the rank of Eagle Scout.

In earning the rank of Eagle Scout, the highest rank attainable in the Boy Scouts, Najee J. Henderson completed a service project that he planned, organized, and provided leadership for. His project involved educating the community on testicular and prostate cancers. In addition, Najee has demonstrated Scout Spirit, leadership, and advanced skills and knowledge in various subjects by earning a number of Merit Badges.

Najee has demonstrated that he is a positive role model, and has provided an example for younger Boy Scouts to follow.

The skills that Najee has acquired through his experience are valuable skills that will serve him well for many years.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements Najee J. Henderson.

A TRIBUTE IN HONOR OF THE HONORABLE WARREN SLOCUM

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Ms. ESHOO. Madam Speaker, I rise today to honor the life's work of the Honorable Warren Slocum, San Mateo County's Chief Elections Officer and County Clerk-Recorder-Assessor, who is retiring after more than two decades of extraordinary service to the County.

There's an old expression that "the people who vote count, as well as the people who count the votes." Warren Slocum counted the votes. He counted them for 23 years, always keenly aware of the importance of both the voters and the counters to the functioning of our government. Warren Slocum has been, quite simply, the man behind the machinery of our great democracy.

Long before becoming that man, Warren Slocum was a soldier and a student. He enlisted in the Army and served in Vietnam, returning to attend San Diego State University on the G.I. Bill, and graduating with Honors in History in 1972. He later pursued graduate studies at San Diego State and Stanford University and worked in the private sector before embarking on his storied public service career.

Rising from Elections Supervisor to Assistant County Clerk and Recorder, Warren Slocum was elected County Clerk-Recorder in 1986, and Chief Elections Officer and County Clerk-Recorder-Assessor in 1993. Warren Slocum's office gave him the longest official title in the County and some of the greatest responsibilities. He managed up to 2,500 staff and an annual budget of \$24 million, overseeing the conduct of all elections and voter

registration, the valuation of property, and the recording of official documents, including birth, death, and marriage certificates.

Warren Slocum pledged and delivered the highest quality service, guaranteeing integrity and access in the voting process, promoting civic literacy and participation, and providing accurate assessments and first-rate record keeping. Under his leadership, overall office expenditures were reduced by 20%, making millions of dollars available for other programs. Warren Slocum's colleagues have recognized his tireless efforts by selecting him to head countless professional associations. The San Mateo County Economic Development Association has hailed his work as "an example of responsiveness, efficiency and action by an elected official and government office which should be the model for all public agencies."

Throughout his service, Warren Slocum never stopped seeking better solutions. A self-proclaimed "public sector entrepreneur," Warren Slocum brought the spirit of Silicon Valley to his many endeavors, making the San Mateo County Clerk-Recorder-Assessor's office the most committed to innovation in the nation. In 1992, and with no supplemental appropriations, he converted the old lever voting machines to a cutting-edge optical scan system, and followed up in subsequent years with an extraordinary display of innovation and modernization. He co-founded the Smart Voter Project, which provides sample ballots and voter information online, and he was the first in California to implement electronic recording. He created the "Wedding Cam" system, allowing friends and relatives to view civil ceremonies on the Web. His blog was the very first on the subject of election reform and verified voting, and his expertise on these matters led him to become a leading voice on high-tech voting in the New York Times, the Wall Street Journal, MSNBC, and NPR.

Warren Slocum's well-deserved retirement will give him more time with his wife Maria Diaz and their two sons, and for his many hobbies, which include hiking, kayaking, golfing, reading, and playing the piano. Knowing Warren Slocum, however, he won't stop moving. He once swam the "Escape from Alcatraz" race, finishing 286 out of nearly 1,000 swimmers. No doubt, even in retirement, there are more impressive efforts in his future.

Madam Speaker, I ask my colleagues to join me in honoring the extraordinary work of Warren Slocum and wish him a retirement filled to the brim with good health and many new adventures. Warren says he was raised to believe that one person can make a difference, and he has been working all his life to do just that. The creativity and accountability he has brought to the County Clerk-Recorder-Assessor's office, and the deep integrity and abiding respect for our system of government, have made Warren Slocum a model County official, and a man we could count on to count right. I count myself blessed to know this dedicated public servant who has done so much to make our democracy flourish, and has strengthened our community and our country in countless ways.

IN RECOGNITION OF CHARLES W.
"CHARLIE" MEYERS, SR.

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Ms. SPEIER. Madam Speaker, I rise to honor the memory of Charles W. Meyers, a native San Franciscan, who passed away recently. He is survived by his beloved wife, Alene, and his daughters Charlene and Geraldine and his son, Charles "Chip" Meyers.

Charlie, who enlisted in the U.S. Army in 1942, served 20 years in the State Assembly where he admirably represented San Francisco. First elected at age 24, he was one of the youngest men to be seated in the State Legislature. He chaired several key committees and distinguished himself in his work on protecting water quality, especially in the Bay Area. He was a staunch opponent of filling in tidelands and he won key protections for the right of cities and counties to exercise control over the location of highways and freeways. He was a great consumer advocate, authoring laws to toughen penalties for product trademark counterfeiting while cracking down on unscrupulous car mechanics and tow truck operators.

He was a member of a wide variety of service organizations, including the Knights of Columbus, Native Sons of the Golden West, Guadalupe Parlor, the San Francisco Friars Club, the Disabled American Veterans, the San Francisco Bay Area Emerald Society and he was a charter member of the United Irish Cultural Center. In 2006, he was honored as the San Franciscan of the year by the San Francisco Forum, and the following year the University of San Francisco recognized him for his many years of public service. He will be sorely missed as will his infectious smile and the ease at which he would break into laughter. Of course, his annual crab feed was legendary as were the phone calls he would make on behalf of the causes he supported.

Madam Speaker, I ask that this body join me in a moment of silence for a tireless public servant who has left us with fond memories of a life well lived.

CELEBRATING THE 150TH ANNIVERSARY OF THE ALL SAINTS ROMAN CATHOLIC CHURCH

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate All Saints Roman Catholic Church on its momentous 150th Anniversary. The history of All Saints, located in Bridesburg, in Northeast Philadelphia, is the chronicle of a dedicated group of faithful parishioners determined to establish a spiritual home. The founding families were immigrants seeking to build a congregation where language was not a barrier. In 1860, a shortage of priests and a scarcity of money to buy land to build a church challenged the

founders' efforts. These adversities were overcome with the help of His Grace, Father James F. Wood, Archbishop of Philadelphia, who requested that the existing Holy Trinity Church establish a parish for German-speaking people in their community.

On August 15, 1860 the original cornerstone was laid at Holy Trinity church. Immediately, Bridesburg's dedicated founding families and settlers raised the needed funds culminating in the building and dedication of the first church building located at the corner of Edgemont and Buckius Streets on February 3, 1861. It was not long before the parish established a school and celebrated its' first baptisms, weddings, and spiritual and social events.

Through the years, All Saints embraced immigrants who worked on area farms and as the neighborhood became industrialized, welcomed employees of the Rohm and Haas plant. The history of the church is rich in efforts to foster dedication to religious heritage and community. The parish plans a Mass of Celebration and Thanks on November 7, 2010.

Madam Speaker, I ask that my colleagues join me in celebrating this milestone anniversary of All Saints Parish and wishing the congregation many more years as a source of spiritual and community strength.

RECOGNIZING SERGEANT JAMES LANE TALLEY—SCOTTSDALE HEALTHCARE'S "SALUTE TO MILITARY" HONOREE

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. MITCHELL. Madam Speaker, I rise today to honor a member of the Armed Forces from my home state of Arizona. Each month, Scottsdale Healthcare recognizes service members who perform diligent service to our country. Scottsdale Healthcare has posthumously recognized Sergeant James Lane Talley for the month of November.

I commend Scottsdale Healthcare for paying tribute to this outstanding service member for his commitment, dedication, and sacrifice for our country.

Sergeant (SGT) Talley entered the U.S. Army during the beginning years of the Vietnam conflict and joined the ranks of Special Forces soldiers assisting the Republic of Vietnam, RVN, as an advisor. In June of 1964, Sergeant Talley and two other Americans along with 103 Montagnard soldiers left their base camp for a dismounted patrol. In a fire-fight two days into the patrol, SGT Talley fought valiantly but was ultimately captured by North Vietnamese soldiers. Although the Military conducted an extensive search, SGT Talley has never been found either dead or alive. He is officially listed as killed in action, body unrecoverable. For the heroism displayed during this battle, SGT Talley was awarded our nations third highest award for valor, the Silver Star. SGT Talley's other awards include the Purple Heart, the National Defense Service Medal, the Republic of Vietnam (RVN) Campaign Medal, the RVN Wound

Medal, and the POW Medal. Additionally, SGT Talley earned the Special Forces Tab, the Basic Parachutist Badge, and the Combat Infantryman's Badge.

SGT Talley is the father of Scottsdale Healthcare's Roland Breidel, from the Osborn Construction Department.

Madam Speaker, please join me in recognizing this outstanding soldier for serving our country and making the ultimate sacrifice.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mrs. MALONEY. Madam Speaker, on November 15, 2010 I missed rollcall votes numbered 566, 567, and 568.

Had I been present, I would have voted "yea" on rollcall votes No. 566, to clarify, improve, and correct the laws relating to copyrights, No. 567, recognizing the 50th anniversary of Ruby Bridges desegregating a previously all-White public elementary school, and No. 568, expressing the sense of the Congress regarding the successful and substantial contributions of the amendments to the patent and trademark laws that were initially enacted in 1980 by Public Law 96-517 (commonly referred to as the "Bayh-Dole Act") on the occasion of the 30th anniversary of its enactment.

HONORING DUANE IRVING

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Ms. WOOLSEY. Madam Speaker, I rise today to honor Duane Irving who passed away July 19, 2010, at the age of 75 on Halleck Creek Ranch, his family ranch, on which he established Halleck Creek Riding Club for Handicapped Children. An iconic figure in West Marin, Duane was a hero to hundreds of children and community members who admired his unique blend of cowboy skills, sense of fun and adventure, and big heart.

Born in December 8, 1934, in San Rafael, CA, Duane grew up on his family's ranch in Nicasio. He excelled in athletics, and after San Rafael High School, he turned down an offer to join the San Francisco Giants minor league team to enlist in the Marine Corps where he excelled in both football and baseball. Despite an innate distrust of authority and a tendency for pranks, he was proud to be Marine and remained loyal to the Marines and their ethics his entire life.

After his discharge, Duane returned to Nicasio where he married Nellie Woodard in 1959. The couple had three children, Peter, Jeannette, and Buck, before divorcing in 1985. Duane also coached Little League in Nicasio for twelve years, maintaining the baseball diamond by attaching a length of chain link fence to his belt and dragging it over the diamond.

Duane trained horses and managed several ranches in West Marin as well as working for

Marin Municipal Water District for 12 years. Legendary West Marin Rancher Boyd Stewart enlisted his help in establishing the Morgan Horse Ranch in Point Reyes National Seashore, where Duane set up a breeding program and trained young Morgans to become ranger mounts throughout the national park system.

At the Morgan Horse Ranch, volunteer Joyce Goldfield was bucked off a horse named Dill Pickle and spent five months in a full body cast. While Duane was sympathizing with her inability to get out and enjoy the wilderness, he spoke of some of the children who came to the park confined to wheelchairs and were unable to join in tours or mount horses due to insurance issues. The two decided to use their gentle horses to take disabled children riding into the wilderness of Duane's Nicasio ranch. Thus, in July, 1977, Halleck Creek Riding Club for the Disabled began.

Since that time, thousands of youngsters and adults with any and all disabilities have been served, and many have had their conditions improve dramatically. Duane and Joyce expanded activities to include camping, rafting, snow trips, horse shows, parades, sailing, kayaking, and beach trips in which Duane pushed children in wheelchairs right into the surf. Since all this was free of charge, Duane became a prodigious fundraiser as well. Today over 300 disabled riders per week enjoy the benefits Halleck Creek offers—improved self-esteem, greater freedom and mobility, adventurous activities, and the therapeutic effects of horseback riding.

Duane received many honors for his work including President Bush's Thousand Points of Light award, J.C. Penny Golden Rule Award, and Marin County's Volunteer of the Year. He was also active in helping Joyce collect and distribute clothing and bedding for the homeless and in an annual benefit for Heifer International.

Joyce became Duane's beloved companion, and for nearly 24 years they lived at Fairwinds Farm on Inverness Ridge with her children Cindy, John, and Danny. In Joyce's words, "Duane, the beloved native son of Nicasio and West Marin, shall be ever missed. This handsome, gentle, loving, immensely talented, free-spirited man was part of all our lives and resides in all our hearts."

Madam Speaker, I echo Joyce Goldfield's words. Duane Irving was a special man who knew how to direct his spirit and generosity when he saw he could make a difference for so many. His legacy is an inspiration to us all.

SUPPORTING OUR TROOPS, PRESERVING THEIR FAMILIES: A SALUTE TO MILITARY FAMILIES AND CHILDREN

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Ms. CORRINE BROWN of Florida. Madam Speaker, I rise today to thank Congressman SANFORD D. BISHOP, JR. (GA), Co-Chair of the Congressional Military Family Caucus and

Congressman CHARLES B. RANGEL (NY) Chairman Emeritus of the House Ways and Means Committee for joining me in convening a very special Salute to Military Families and Children at the 40th Annual Legislative Conference of the Congressional Black Caucus Foundation, held in Washington, DC on September 17, 2010. The 22nd Veterans Braintrust National Forum entitled: "Supporting Our Troops, Preserving Their Families," focused on the challenges and, equally important, the strategies for sustaining and strengthening returning troops, their spouses, family members and children. Of particular importance was listening to and learning from the many homefront efforts of the public and private sectors, federal agencies, and distinguished scholars and professionals who are actively addressing the needs of returning soldiers, their families, and especially children who struggle emotionally to cope with multiple deployments, financial hardships, injuries, trauma and unimaginable caregiving responsibilities for honorably, and medically discharged U.S. military members.

In the tradition of the black church, the morning's invocation was delivered by Chaplain Michael McCoy, Sr., Associate Director and Manager of Diversity Development for the Veterans National Chaplain Center (NCC). Inspirational music was provided by the internationally renowned Brenda Jackson singing our national anthem and the Negro anthem "Lift Every Voice," and Jacksonville's Tori Robinson, who performed a stirring rendition of the "Battle Hymn of the Republic," before a crowd of more than 200 people.

Rep. RANGEL served as moderator for the forum proceedings and opened saying, "America has to do more to assist these brave men and women who put their lives on the line for us all." Reflecting upon his remarks along with both national statistics and congressional research examining the percentage of American families touched by the war in Iraq and Afghanistan, and those currently serving in the U.S. military, or Armed Forces who make up only one percent of the country's total population, we agree that 3.3 million military households representing only one percent of American families have become a virtual military underclass (or other) who are unfairly carrying the burden of war. Thus, we recognize most American's don't have any first-hand knowledge of the current military, but particularly the experiences of military families and children. For example, in 2008 demographically nearly half of the active duty forces (43.2%) have children; over half of the active duty force (60.4%) are married and has a child, and a significant number are single (5.3%) and dual military couples (2.9%) with children (DMDC). Yet, for us, single parents representing 63.2 percent of all black families or more than twice the percentage for white families, and 75 percent higher than that for Hispanics (Joint Center, 2000) are obviously of major concern even though they are officially recognized as military heads of households and provided the same financial and service benefits as married soldiers. However, according to Drs. Robert Scheider and James Martin, authors of "Military Families and Combat Readiness", within the military's very traditional culture they are sometimes not well tolerated, usually ignored

by formal spouse organizations, and not generally included in formal family activities such as support groups. Furthermore, we are unclear about how youth, family, low income, race, gender, disability and place (or geographical locations) converge as risk factors, or inhibit successfully coping with problems. Given, that these families often lack the immediate availability of extended family support during some of the most difficult and challenging phases of both marital and military life.

Our guest speakers were: Dr. David Satcher, 16th Surgeon General of the United States and Director of the Satcher Health Leadership Institute at Morehouse School of Medicine, Rev. Jesse Jackson, Sr., Founder and President of the Rainbow PUSH Coalition (RPC), Rev. Al Sharpton, Founder and President of the National Action Network (NAN), General Counsel Will Gunn of the Department of Veterans Affairs, Robert Gordon, III, Deputy Under Secretary of Defense for Military Community and Family Policy, Edward Jennings, Jr., Regional Administrator of the U.S. Department of Housing and Urban Development (HUD), Tom Brasuell, Vice President of Community Affairs, Major League Baseball (MLB), Carol Ramsey, Vice President of the Entertainment Industry Foundation (EIF), Dr. Ernestine Briggs-King, Ph.D., Director of the Trauma Treatment Program at the Center for Child and Family Health (CCFH) in Durham, NC, and Director of Data and Evaluation Program at the National Center for Child Traumatic Stress at Duke University, Lyn Chwatsky, Assistant Vice President of Outreach Initiatives and Partners at Sesame Workshop, Aseneth Blackwell, Former President of Gold Star Wives of America and Ronald Steptoe, President and CEO of the Steptoe Group, LLC and a service disabled veteran.

Much of the focus of the presentations centered around overviews of veterans' experiences and VA programs available to families and veterans; changes to the new PTSD rules that have expanded eligibility for benefits; DOD programs and problems; Major League Baseball (MLB) initiatives focusing on PTSD and how the business community helps; clinical issues working with military families on mental health; Sesame Street activities and programs aimed at helping children of veterans cope with deployment and returning home; programs for widows, as well as programs to help hospitalized veterans and their families; and care giving programs. The presentations culminated with Dr. David Satcher, MD, Ph.D. recommending (1) invest in deployment preparation, including family basic training; (2) better support, especially mental health support; (3) more support for family, spouse and significant others; (4) improving intimate relationships involving returning disabled soldiers; and (5) greater acknowledgement for the role of caregivers, because the majority of military health care providers are family members, and, lastly, support research.

Although some may argue that there was no good news coming from Washington, DC before the mid-term elections, President Obama gets high marks for ending our combat mission in Iraq on August 17, 2010, welcoming back nearly 100,000 troops, and actually putting the money into the Department of Veterans Affairs (DVA) budget to make sure

we're taking care of our veterans. Equally important, he signed legislation into law recognizing the role of family members in caring for wounded veterans, and within financial reform mandated the creation of a separate federal office just to provide special financial education and assistance to members of the military and their families. Therefore, we look forward to his next milestone coming at the end of 2011, when even more American troops will return home.

We also must congratulate Hon. SANFORD BISHOP, JR., Co-Chair, Congressional Military Family Caucus, for his consensus building with members on both sides of the aisle for military and veteran constituents and inspiring the establishment of the Senate Military Families Caucus. In addition, Senator BARBARA BOXER (CA) is working on dual military career legislation regarding deployment. Similarly, the American Psychological Association's (APA) military family component policy focus and collaboration with Sesame Workshop and others because, as VA General Counsel Will Gunn said, "we all have a role to play," in helping to build bridges and partnerships with public and private providers.

Later that evening the Veterans Braintrust gala reception and awards ceremony featured special musical entertainment by Collabora-tion, and was sponsored by the generosity of the African American Civil War Museum, Cracker Barrel Foundation and Rick Blankenship. 2010 Braintrust awardees included Dr. Ronald Beavers, Ph.D., Major Alceste Drisdale, USAF, Ret., Thomas Freeney, Actor Louis Gossett, Jr., late Judge Edward Gourdin (Posthumous), Dr. Thomas Horvath, MD, Dr. Alton Kirk, Ph.D., Fred Kuwornu, Frank Martin, Sgt. Maj. Turner McGarity, USA, Ret., Sam Mosley, Col. Krewasky Salter, USA, Ret., Ph.D., Col. Eugene Scott, USA, Ret., Trooper David Smith, Roosevelt "Malik" Thompson, Sgt. John Vasser, Sr., Secretary of State Jesse White, Lt. Col. Clarence Willie, USMC, Ret., Ed.D., Reggie Worlds, Center for the Study of the Korean War at Graceland University, Featherfist, Rebuilding Together Veterans Housing Program, and America's Buffalo Soldiers Re-Enactors Association (ABSRA), along with Sigma Gamma Rho Sorority recognizing me for my work as a soro.

Lastly, I would like to give a special thanks to Frank Martin, Col. Krewasky Salter, USA, Ret., Ph.D., Dr. Regina Akers, Tom Nastick, Anthony Hawkins, Dr. William Lawson, MD, Ph.D., Guileline Kraft, Ph.D., LGSW, Jason Young, BGen (Ret.) Robert Cocroft, Dr. Diane Elmore, Ph.D., and Edna Wells Handy; as well as Congressional staff members: Starcie McAferty, Eyang Nyambi, Jonathan Halpern, Maj. Alfred Boone, USA, Lee Footer, Roshan Hodge, Michael Ashley, Michael Collins, Nancy Berson, Hannah Kim, Sunny Lee, Frederic Maurin, Emile Milne, Wendy Featherston, Reba Rafaelli and Kristen Rice-Jones for once again contributing to a highly successful three day series of film, discussion, education, thinking and strategizing on behalf of returning Iraq and Afghanistan soldiers and their families through valuable content, extraordinary information, and great attendance.

We all know that family life affects an Armed Forces member's performance, well-

being, and retention in the military during peacetime, but particularly war. Thus, ensuring the family unit as a basic, or building block for community can easily be considered a national security issue given the alternatives: divorce, separation, domestic violence, arrest, incarceration, children problems, community instability, etc. . . . Regardless of the nature, structure or type of military family relationships (e.g. nuclear, traditional two parents, single parent, dual career, extended, or augmented) they are still the bedrock of the American community, and a great resource for support, renewal and recovery.

RECOGNIZING STAFF SERGEANT
THOMAS D. GORDY, JR.—SCOTTSDALE
HEALTHCARE'S "SALUTE
TO MILITARY" HONOREE

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. MITCHELL. Madam Speaker, I rise today to honor a member of the Armed Forces from my home State of Arizona. Each month, Scottsdale Healthcare recognizes service members who perform diligent service to our country. Scottsdale Healthcare has recognized Staff Sergeant (SSgt) Thomas D. Gordy, Jr. for the month of December.

I commend Scottsdale Healthcare for paying tribute to this outstanding service member for his commitment, dedication, and service to our country.

SSgt Gordy joined the United States Air Force out of high school in 1968. He served our Nation for four years as a Physiological Training Specialist and was responsible to ensure the readiness of pilots in all services for the rigors of combat aviation. This specialty requires spending many hours in a high altitude chamber to train and monitor flight crews while exposing them to the dangerous conditions of hypoxia and the potential for decompression sickness. By educating pilots and crews on their individual vulnerabilities to these life threatening conditions, SSgt Gordy was instrumental in creating medically ready and trained individuals to engage in the U.S. conflict in Vietnam.

Additionally, SSgt Gordy was trained to treat aviation related medical issues that arise from the demanding effects of military flight. He has logged over eighty hours in hyperbaric chambers assisting our wounded warriors and helping them in their return to duty. SSgt Gordy's awards include the National Defense Service Medal and an Outstanding Unit Award.

SSgt Gordy has been a Scottsdale Healthcare employee for six years, working in the Emergency Department at the Osborn Campus where he has filled positions as a staff nurse, clinical educator, and currently the department manager.

Madam Speaker, please join me in recognizing this outstanding soldier for serving our country.

TRIBUTE TO CONSTANTINO
DELSIGNORE

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. McCOTTER. Madam Speaker, today I rise to honor and mourn the extraordinary life of Constantino DelSignore upon his sudden passing at the age of 47.

Born on December 2, 1962, Tino DelSignore graduated from Detroit Catholic Central High School in 1980. He immersed himself in the DelSignore family business becoming a warm and welcoming presence at Livonia mainstays, Fonte D'Amore and Laurel Manor. He dedicated his life to serving his community through many philanthropic efforts. Tino was founder of CDS Foundation, co-founder of the Fallen and Wounded Soldiers Foundation as well as being an advocate for many other local, national and international non-profit organizations. Tino committed his considerable efforts to Angela Hospice, the Aliaga Foundation, Barbara Ann Karmanos Cancer Institute, St. Mary's Mercy Hospital's Our Lady of Hope Cancer Center, Botsford Hospital Foundation, McCarty Foundation, Madonna University, Hunters Feeding the Homeless, Livonia Italian American Club, Hockey Has Hearts, veterans' organizations, and Rotarians. Constantino DelSignore gave with an open heart and, like the entire DelSignore family, was always willing to help promote a worthy cause.

Regrettably, on October 26, 2010, Tino DelSignore passed from this earthly world to his eternal reward. He is survived by his beloved son, Giovanni and his parents, John and Lina. A devoted brother to Luciano, Nancy and Renata, Tino leaves a legacy in his nieces and nephews Ryder, Caprice, Coco, Alexa, Olivia, Alexandria and Max. If, in the end, a man's wealth can be measured by the friends and lives he has touched, Constantino DelSignore went home to God a very wealthy man. Courageous and honorable, Tino will be sorely missed.

Madam Speaker, Constantino DelSignore is remembered as a compassionate father, a dedicated son, a treasured brother, a caring leader and a true friend. Tino was a man who deeply treasured his family, friends, community and his country. Today, as we bid Constantino DelSignore farewell, I ask my colleagues to join me in mourning his passing and honoring his unwavering patriotism and legendary service to our country and community.

RECOGNIZING MR. EARL
NIDIFFER'S 100TH BIRTHDAY

HON. DAVID P. ROE

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. ROE of Tennessee. Madam Speaker, today I recognize the 100th birthday of Mr. Earl Nidiffer. This significant milestone is certainly an incredible accomplishment.

A graduate from East Tennessee State University in 1934, Earl went on to become a star baseball and basketball player for the Bucs in the early 1930's.

His first job out of college was as the Sports Editor for the Johnson City Press. Earl later went on to work for the U.S. Postal Office in Johnson City. In addition, Earl is the oldest active member of Central Baptist Church in Johnson City.

Madam Speaker, Earl Niddiffer's tenacity and service to East Tennessee is a beacon of hope to us all. I want to thank him for all he has done, and I wish Earl nothing but the very best.

May the experience and wisdom Earl has attained and shared over the years encourage and teach those around him, lasting for generations to come.

IN RECOGNITION OF POLICE
DISPATCHER LORI RILEY

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Ms. SPEIER. Madam Speaker, I rise to honor Police Dispatcher Lori Riley for her 20 years of dedicated service to Burlingame Police Department.

She joined the department in 1990 after working for seven years as a communications operator with the California Highway Patrol. At the department, she was responsible for answering incoming emergency calls from the public and dispatching help to save both lives and property. She was a vital link to police officers, monitoring their activities by radio and providing them information while insuring their safety. She served as a Communications Training Officer, providing trainees with the knowledge and skills needed to effectively perform their duties.

Lori was recognized by the American Red Cross and the California State Assembly for her heroic efforts to save the life of a woman who had threatened to commit suicide.

Madam Speaker, I ask that the Members join me in saluting Dispatcher Lori Riley for her 20 years of dedicated service to the Burlingame Police Department and that we extended our best wishes to Lori and her husband, Steve, for a healthy and happy retirement.

CONGRATULATING JERRY BROCK,
RECIPIENT OF TEMPE COMMUNITY
COUNCIL'S THIRD ANNUAL
GUIDING LIGHT PHILANTHROPY
AWARD

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Jerry Brock, a Tempe, Arizona resident who was recently honored with the third annual Guiding Light Philanthropy Award by the Tempe Community Council.

The Tempe Community Council was founded in 1972 with the mission of "connecting those in need with those who care."

Jerry started his career working in his father's auto salvage yard in Tempe over 50 years ago. Through his impeccable work ethic over the years, Jerry has become a national leader in the wholesale auto parts industry, through his company, Brock Supply Co., which celebrated its 50th anniversary this year. Just as Jerry worked steadily to build his company, he has worked tirelessly to improve his community.

Jerry has been giving back to his community continuously through the years. He recently crossed the \$1 million mark in charitable gifts, primarily to causes within his home community of Tempe. Among the organizations that Jerry has supported over the years are the Cancer Foundation, East Valley Boys and Girls Club, Community Bridges and the Tempe City Council.

Madam Speaker, please join me in congratulating Jerry Brock for his well deserved recognition as the recipient of the third annual Guiding Light Philanthropy Award. I am proud to call Jerry not only a constituent and fellow Tempe resident, but also a friend. The philanthropic efforts of individuals like Jerry help strengthen our communities and our Nation.

TRIBUTE TO SHAWN HATCH

HON. WILLIAM L. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. OWENS. Madam Speaker, I rise today to recognize Shawn Hatch of Massena. Mr. Hatch deserves our congratulations and gratitude for his work to benefit the Wounded Warrior Project.

Beginning in May, Shawn spent his summer vacation rollerblading 3,107 miles from Massena to Los Angeles in an effort to support American troops wounded in combat, and raised more than \$16,000 through his efforts. Shawn's recent efforts remind us all that we must work to support our troops every day of the year.

Just as our soldiers pledge to leave no man or woman behind, Shawn has carried on that promise, inspiring many in New York's North Country communities to support the Wounded Warrior Project and give back to those who have sacrificed so much for our nation.

Shawn represents the drive and determination that America's veterans, military personnel and their families contribute to the security and progress of our country each and every day. Again, I congratulate and thank Mr. Hatch for his extraordinary journey in support of our veterans. His accomplishment is something truly remarkable and sets a wonderful example for the rest of us.

CONGRATULATING MARK T. BECKER
FOR OUTSTANDING PERFORMANCE
OF DUTY IN AERIAL
FLIGHT AS AN AIRCREW MEMBER
IN THE VIETNAMESE CONFLICT

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. SHULER. Madam Speaker, I rise today to recognize Corporal Mark T. Becker of the Marine Heavy Helicopter Squadron 462. Mr. Becker dutifully served the United States while abroad in Vietnam and deserves such commendation.

Corporal Becker and his fellow members of the Marine Heavy Helicopter Squadron 462 set off aboard the USS *Okinawa* on April 29, 1975. Corporal Becker served as an aerial gunner on a UH1E Huey Helicopter that participated in Operation FREQUENT WIND. This mission was a humanitarian emergency evacuation of Americans, Vietnamese and Third Country Nationals from Saigon in the Republic of Vietnam.

Corporal Becker assisted pilots by maintaining a constant surveillance for other enemy aircraft and hostile fire. This was an exhausting and troublesome task due to reduced visibility caused by darkness and inclement weather. Corporal Becker made several flights over hostile territory all the while displaying absolute discipline and rare professionalism in following the binding rules of engagement.

Operation FREQUENT WIND resulted in a huge success for United States forces. A total of 1,373 Americans and 5,595 Vietnamese and Third Country Nationals were evacuated by helicopter in a two day span. Corporal Becker's skill and steadfast devotion to duty while exposed to ground fire, anti-aircraft fire, and surface-to-air missiles contributed significantly and directly to the accomplishment of his unit's mission and the overall success of Operation FREQUENT WIND.

Madam Speaker, I ask my colleagues to join me in recognizing the impressive and courageous actions of Corporal Mark T. Becker. It is an honor for me to recognize his accomplishments and the impact he had on Operation FREQUENT WIND.

STATEMENT IN SUPPORT OF SENATE
AMENDMENT 4587 TO H.R.
5283 "HELP HAITI ACT OF 2010"

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in support of House Resolution 5283 and the Senate Amendment 4587 that is "to provide for adjustment of status for certain Haitian orphans paroled into the United States after the earthquake of January 12, 2010." I would like to begin by thanking Congressman FORTENBERRY for introducing this resolution, as it is so important for the United States to normalize the immigration process

for the adopted Haitian orphans after the tragic January earthquake. The Haitian orphans that were adopted by American families after the earthquake should not have to wait in legal limbo to become permanent residents of the United States; there were obvious extenuating circumstances that prevented the adoptions from being finalized in Haitian courts.

Without the passing of the Help HAITI Act of 2010, Haitian orphans that have fortunately been adopted by welcoming American families face a two-year limbo with fewer legal protections, ineligibility for critical resources, and at the very worst, a forcible return to the ravaged country of Haiti if something unexpected were to happen to the adoptive parents. The Haitian orphans are currently awaiting crucial paperwork that will provide them with basic resources, such as allowing them to receive health care and to enroll in school. These children have already suffered the tragic loss of their families in Haiti in the aftermath of the earthquake—we should assist in any way we can to expedite this adoption and immigration process. In doing so, we can help these families begin their new lives in the United States.

I am a strong proponent of this resolution, because it will allow the Haitian orphans to become legal permanent residents and eventually to gain U.S. citizenship. I urge my colleagues to join me in supporting this because it is an important resolution in which we can stand together and support the orphaned children in their adoption process. There are over one thousand children who are subject to this legal limbo—that is far too great of a number of adopted children who must wait two years for permanent resident status. Additionally, this resolution will help minimize the staff, monetary, and other resources demands for the Department of Homeland Security's United States Citizenship and Immigration Service.

At this point in time, the people of Haiti are in desperate need of international assistance. We have a responsibility to prevent the evacuation of these orphaned children because of a legal technicality. The people of Haiti are suffering now, more than ever, with the devastating earthquake of January, Hurricane Tomas of October, and now the cholera outbreak that is threatening the lives of millions. The cholera outbreak that emerged within the Artibonite region on October 21 has now resulted in more than 14,000 hospitalizations and tragically more than 900 deaths. The children who were fortunately adopted in the wake of the January earthquake should not have to face such a dire humanitarian crisis. The Help HAITI Act will do exactly that; it will expedite and normalize these orphaned children's journey to a new family. In the same vein, the United States should be helping its neighbors in need with humanitarian assistance, and additionally working hard towards preventing any more unnecessary deaths.

With the passing of this resolution, the orphaned children from Haiti will be able to securely begin their lives in the United States. This bill will assure a normalization of the Haitian children, and will allow their status to be adjusted to permanent resident. Furthermore, the Help HAITI Act of 2010 will provide legal certainty and protections for these evacuated Haitian orphans, because it removes an obstacle for their adoptive families. This is an im-

portant bill for the families across America who have opened their homes and welcomed the children who were in special need of a family after the January earthquakes.

A TRIBUTE TO THE GREATER OWENSBORO CHAMBER OF COMMERCE

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. GUTHRIE. Madam Speaker, I rise today to honor the Greater Owensboro Chamber of Commerce. In August of this year, the chamber was selected by the American Chamber of Commerce Executives, ACCE, as the 2010 Chamber of the Year.

This award is a direct reflection of the hard work and dedication of the employees, members and volunteers of the chamber as well as the Owensboro community.

The Chamber of the Year award recognizes up to four chambers of commerce each year for their dual roles in creating and leading both businesses and communities.

The chamber's advocacy role in creating the Chamber Leadership Initiatives for Northwestern Kentucky, C-LINK, alliance and the Owensboro Buys It! program are significant reasons the chamber was chosen for the award.

C-LINK includes 12 chambers in the region and has been a leading proponent of Interstate 69 in western Kentucky. Owensboro Buys It! was started in 2009 to spur local commerce and teach small business members how to create an "elevator pitch" to grow and expand their businesses.

Owensboro is a historic and beautiful city and the chamber continues to work to make it an even better place to live for future generations. Madam Speaker, I ask my colleagues to join me in honoring the Greater Owensboro Chamber of Commerce and congratulate them on this incredible achievement.

IN HONOR OF DAVID W. THOMAS

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. CASTLE. Madam Speaker, it is with great pleasure that I recognize a great Delawarean, David W. Thomas, for his outstanding service to our great state. Dave was the United States Marshal for the District of Delaware from August 2002 until August 2010. As he moves on to future endeavors, I wish him the best of luck and pay tribute to his great accomplishments and steadfast service to our state.

Serving in the Delaware State Police from 1984 to 2002, Dave served as a road trooper before joining the Executive Protection Unit, responsible for the protection of the Governor and other dignitaries. During my time as Governor, I had the pleasure of getting to know Dave who proved himself to be a dedicated

officer through his tireless dedication to the Executive Protection Unit and the state of Delaware. Dave quickly excelled throughout his career with the state police. His many other accomplishments include being elected Vice President of the National Governors Security Administration and serving as the Public Information Officer for the Delaware State Police. After an extraordinary career with the Delaware State Police, Dave was privileged to serve as the U.S. Marshal for the District of Delaware.

In his eight-year tenure as U.S. Marshal, Dave was tasked with many difficult duties including the transportation and housing of Federal prisoners, fugitive apprehension, and the security of Federal judges and U.S. Attorney's Office and staff. One of his more noteworthy accomplishments occurred in April 2009 when Dave led a Fugitive Safe Surrender initiative in which over a thousand individuals with outstanding warrants turned themselves in.

I am proud to represent a state where individuals like David W. Thomas reside. Delawareans will sorely miss his steadfast service to our great state. I wish him all the best in his future endeavors.

RECOGNIZING THE BOLEN FAMILY AS THE 2010 WALTON COUNTY OUTSTANDING FARM FAMILY OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. MILLER of Florida. Madam Speaker, it is a great pleasure for me to rise today to extend congratulations to the Bolen family for being selected as the 2010 Walton County Outstanding Farm Family of the Year.

Bill and Melissa Bolen, along with their five sons, reside on a twenty-five acre farm fondly named "Welcome Home Farm." Raymond, Justin, Jesse, Timmy and Mike are homeschooled and contribute greatly to the daily workings on the farm. The family raises sheep, goats, cows, chickens and other fowl, free of hormone treatment and chemical products. Their chickens provide both eggs and meat for the dinner table, and their Gulf Coast sheep provide one of the highest quality wool fibers available.

The self-sufficient methods used on the "Welcome Home Farm" provide an idyllic example of a farm family promoting a healthy and sustainable life through their farm practices. The Bolen family is proof that a tight-knit family working together on a modest-sized tract can live a successful farming lifestyle.

Madam Speaker, our great nation was built by farmers and their families. The Bolen family serves as an excellent model to all our nation's farm families. On behalf of northwest Florida, I wish the Bolen family continued success.

HONORING MARVIN MEYERS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to acknowledge and honor Marvin Meyer for receiving the 2010 Agriculturalist of the Year. Marvin Meyers has had a long and distinguished career in the California agriculture industry, adhering to extremely high standards of quality and integrity.

Mr. Meyers has owned and operated Meyers Farming I-IV, Oxford Farms, Inc. and Meyers Farm Family Trust, as well as the Meyers Agricultural Chemical Company. Additionally, Mr. Meyers was a member of the California State Board of Food and Agriculture.

Mr. Meyers has been an independent voice in the drought and water concerns that have plagued the valley for years. He built his own water bank to store water in wet years and withdraw resources in dry years. In 2002 he began pumping water from the Mendota Poo into the ponds next to the sugar plant. He was able to complete this project without drawing on taxpayer funding. This site has been helpful for wildlife habitats, and has been an educational outreach to the community, as over 2,000 students have visited the site on fieldtrips in the last two years.

Additionally, Governor Schwarzenegger announced that Meyers Farms would receive the 2007 Governor's Environmental and Economic Leadership Award for its Water Bank and Wildlife Project. This is California's most prestigious environmental honor.

Marvin Meyers has earned his reputation of being a hard worker, an intelligent and innovative agriculturalist. He is a recognized leader in our community and it is clear that his endeavors and advancements in California agriculture will continue to sustain our state's economy for generations to come. Madam Speaker, please join me in commending Marvin Meyers for a job well done.

COMMENDING USO FORT DRUM

HON. WILLIAM L. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. OWENS. Madam Speaker, I rise today to recognize the continuing relationship between our men and women serving in our Armed Forces and the communities that support them in their mission. In northern New York, the soldiers of the 10th Mountain Division and their families have been a part of our community for nearly three decades. Throughout the Division's time in the North Country, residents in the surrounding area have gone out of their way to make the Fort Drum community a productive environment for the U.S. Army to grow and train, and a welcoming place for soldiers to live, serve and retire with their families.

The United Service Organization, or USO, has played a leading role in that effort. From

providing high quality morale, welfare and recreation activities for our troops in the field to making sure they are adequately recognized for their service when they return, the USO is doing incredible work to support the men and women whose work preserves our way of life.

I rise today to commend the USO Fort Drum for their ongoing efforts to support our troops, and ask that my colleagues would join me in commending their work to improve the lives of our military and their families.

RECOGNIZING THE BIRMINGHAM OPTIMIST CLUB ON THE OCCASION ON ITS 50TH ANNIVERSARY OF SERVICE TO THE COMMUNITY

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. PETERS. Madam Speaker, I rise to recognize the Birmingham Optimist Club on the occasion of its 50th Anniversary of service to the community. As a Member of Congress, it is both my honor and privilege to recognize this outstanding community organization on achieving this most impressive milestone.

Since its inception in 1960, the Birmingham Optimist Club has operated with the mission of "Bringing Out the Best in Kids." To this end, the Club has focused on sponsoring activities which promote a philosophy of optimism in one's daily life, encourage the development of youth, highlight the importance of service to others as a key component of one's own well-being and promote the development of friendship through social and business networking. In keeping with these principles, the Club offers a strong array of multi-faceted programs which offer our youth the keys to developing the skills, passion and community-minded focus necessary to become our next generation of leaders.

Throughout the years, the Birmingham Optimist Club has sponsored a number of activities, programs, and events centered on promoting the future of our youth. For over 35 years, the Club has offered an annual oratorical contest, which prepares high school students for the professional world by providing them the opportunity to hone their public-speaking skills. Since 1998 the Club has sponsored its annual Imagineers contest, which encourages area fifth graders to use creativity and critical thinking to design solutions to current problems using everyday materials. Furthermore, the Club promotes the need for youth to develop a well-balanced set of skills by sponsoring athletic competitions for area youth in addition to its countless academic and scholarly programs.

Madam Speaker, I ask my colleagues to join me to celebrate the 50th Anniversary of the Birmingham Optimist Club. The Club has provided a great service and continues to profoundly impact the community by working with our youth to develop and shape the leaders of tomorrow. I wish the Club many more years of continued success as it enriches our communities and helps today's youth develop into tomorrow's leaders.

HONORING THE FIFTIETH WEDDING ANNIVERSARY OF CLARENCE AND GLENDA GULSBY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize the Golden Wedding Anniversary of Clarence and Glenda Gulsby of Molino, Florida.

Clarence and Glenda Gulsby were married on October 28, 1960, at Pugh's Chapel Assembly of God in Molino. Both Mr. and Mrs. Gulsby are life-long residents of Molino and are graduates of the local high school, J.M. Tate High School.

Mr. and Mrs. Gulsby have three children, Sue, Bill and Wayne, in addition to four grandchildren and two great-grandchildren. All three generations of the Gulsby family live on a contiguous property, exemplifying the idyllic model of a close-knit American family.

The Gulsby's love for their family is evidenced by their dedication and support. Mrs. Gulsby's devotion to raising her children and maintaining the family household provided a strong support foundation for their children; all the while, Mr. Gulsby worked hard to provide for his family through his drive, fierce determination and a strong work ethic. Mr. Gulsby retired from Champion/International Paper Company after 42 years; however, at times he worked three jobs, including farming and operating Gulsby Blacksmith and Welding Shop, to ensure that he provided the best possible life for his family. At the age of 78, he can still swing a sledge hammer.

This remarkable couple has also been active in the local community. Despite retirement, Mr. Gulsby still carries an immense work ethic; he has been active in local politics and community efforts for over 40 years and currently serves on the Fire Safety Citizen Advisory Committee. Mr. Gulsby was also successful in obtaining local telephone dialing for his lifelong town of Molino to the rest of Escambia County, Florida. While working to obtain these dialing rights, he was known to remark, "You can stand on a stump and talk farther than you can call," which was well-received by all, including the Public Service Commission and the local phone company.

Mr. and Mrs. Gulsby's long and fruitful marriage serves as a prime example of the sacred bond of marriage. Their love and dedication to their children, grandchildren, and great-grandchildren epitomize a happy and devoted family.

Madam Speaker, on behalf of the United States Congress, it is my pleasure to join Clarence and Glenda Gulsby and their entire family in celebration of their 50 wonderful years of marriage. My wife, Vicki, and I wish them many more years of happiness.

THE SPECIAL ELECTION CLASS OF
THE 110TH AND 111TH CONGRESSES

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Ms. RICHARDSON. Madam Speaker, as the 111th Congress comes to a close, it is fitting for us to recognize our colleagues who will not be joining us in January for the start of the 112th Congress. Specifically, 3 of my classmates from the special election class from the 110th and 111th Congresses will be moving on to new endeavors, where they will undoubtedly achieve great success and distinguish themselves, just as they did while serving their constituents and the American people in this body.

For the outstanding accomplishments that we achieved during their tenure, I would like to recognize these representatives and thank them, for their service: BILL FOSTER, TRAVIS W. CHILDERS, SCOTT MURPHY.

Each of these members has been instrumental in formulating and implementing policies that serve the best interests of the American people and that will continue to shape the future of our nation for generation to come.

These colleagues of mine—though their service, intellect, and companionship will be missed dearly—can look back on these last two years in Congress and take pride in the historical legislative achievements of which they were a part. These members can take heart in the knowledge that our legislative achievements assisted in pulling the country through some of its toughest times. They were instrumental in the passage of landmark legislation such as:

Health Care Reform, ensuring that the wealthiest country in the world gives all of its citizens an opportunity to receive decent care and ending the worst insurance industry abuses.

Wall Street Reform, promising to the American people that the greed of Wall Street executives will never again jeopardize their savings, retirement, or livelihood.

The Recovery Act, providing the investments necessary for the American economy to create new jobs while saving existing ones, and spur economic activity while laying the groundwork for long-term growth.

These members can also proudly look back at other important accomplishments such as: Lilly Ledbetter Fair Pay Act, Credit CARD Act, Children's Health Insurance Program Reauthorization Act, American Clean Energy and Security Act, Student Aid and Fiscal Responsibility Act, Hire Act, Cash for Clunkers, Small Business Jobs and Credit Act, Disclose Act, Caregivers and Veterans Omnibus Health Services Act.

The 110th and 111th Congresses acted boldly to confront pressing challenges; we worked hard, put in long hours, and prolifically passed vital pieces of legislation. Congressional scholars have even called the 111th Congress "one of the most productive" in our nation's history. Thanks to your hard work and vision, we have been a part of a Congress that has looked forward, rather than backwards, and has always put the middle class first.

In closing, I would like to thank each of these members for their extraordinary commitment to public service and wish them the best of luck in their future endeavors, which I and my Democratic colleagues hope includes a return to the House.

HONORING DR. JOHN BARDO FOR
HIS 15 YEARS OF SERVICE AS
CHANCELLOR OF WESTERN
CAROLINA UNIVERSITY

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. SHULER. Madam Speaker, I rise today to honor Western Carolina University Chancellor John Bardo. Mr. Bardo has served Western Carolina University since 1995 guiding the university through student and campus expansions and helping create a high quality residential Honors College. Mr. Bardo is a champion of education and deserves such commendation.

Over the last 15 years, Dr. Bardo has led the faculty and staff members of Western Carolina towards recognition as a distinguished center for teaching and learning. Western Carolina led the way not only in North Carolina but across the country in requiring that all students own a computer in order to take maximum advantage of online information and communications. This standard is common practice throughout college and universities today but was spearheaded by the work of Dr. Bardo.

During Dr. Bardo's tenure, Western Carolina adopted a unique and innovative tenure and promotion policy to award faculty members for going beyond traditional teaching, research and service. This cutting-edge approach rewards faculty members' scholarly activities and stresses emboldened links between student's academic and extracurricular activities. This leading-edge approach is regarded as a national model by higher education associations.

Madam Speaker, I urge my colleagues to join me in recognizing the accomplishments of Dr. John Bardo for his accomplished work as Chancellor of Western Carolina University. I thank him for his contributions to Western North Carolina and wish him continual success as an educator.

TRIBUTE TO JUSTICE JAMES A.
ARDAIZ

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to acknowledge and honor Justice James A. Ardaiz, who is retiring as Presiding Justice in the California Court of Appeal—Fifth Appellate District. Justice Ardaiz has had a long and distinguished career spanning over three decades, adhering to extremely high standards of quality and integrity.

Justice Ardaiz is retiring at the end of this year, and his absence will be noted by all who have followed his honorable legal career. He has a reputation of being a hard worker, an intelligent and principled jurist, and a firm adherent to justice. He was recognized by the Judicial Council of California in 1999 as the California Jurist of the Year.

Justice Ardaiz is a recognized leader in our community. In addition to his legal accomplishments, which are many, he is co-author of a book called California Evidence, which looks at evidence law in California. He has also written articles about the death penalty and the California "Three Strikes" law. Another mark of success in Justice Ardaiz's life is his family. He has been married to his wife, Pam, for 40 years, and they have three children.

It is clear that Justice Ardaiz's service as Presiding Justice in the Fifth District Court of Appeal will continue to sustain justice and inspire others for generations to come. Madam Speaker, please join me in commending Justice James A. Ardaiz for a job well done.

HONORING THE TWENTIETH ANNI-
VERSARY OF PASTOR TED
TRAYLOR AS PASTOR OF OLIVE
BAPTIST CHURCH

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize Pastor Ted Traylor's twentieth anniversary as pastor of Olive Baptist Church in Pensacola, Florida.

Founded in 1894, Olive Baptist Church has experienced great growth by the grace of God and through its devout leadership. Almost a century after its founding, Dr. Ted Traylor was called to become its Pastor. Since November 1990, Pastor Traylor has answered his calling; his inspirational preaching over the last twenty years has brought people a fresh understanding of God's Word and has challenged them to dedicate themselves to follow the tenets of the Lord.

In addition to Sunday services and the various spiritual activities held at the church, Pastor Traylor reaches thousands of homes along the Gulf Coast through his weekly radio and television ministry, At the Heart of Things.

His weekly messages of faith also reach an international audience through the internet, and while Pastor Traylor has preached extensively throughout the United States, he has also traveled the globe to share the Word of God. Emanuel University in Oradea, Romania, has honored Pastor Traylor by naming him to their Pastoral Leadership. He travels frequently to preach and teach the Gospel in Eastern Europe. Through Pastor Traylor's leadership and vision to uphold and spread the Word of Christ, Olive Baptist has sponsored international mission trips to Russia, Kazakhstan, Indonesia, Egypt, Costa Rica, India, Bahamas, and Brazil.

Pastor Traylor is noted for his unwavering stance on Biblical issues and unyielding defense of the Christian faith. Pastor Traylor has

served as First Vice President of the Southern Baptist Convention in 2000, President of the Florida Baptist Convention in 1995, President of the Southern Baptist Convention's 2004 Pastors' Conference, and he currently serves as moderator of the Pensacola Bay Baptist Association. Through his passion and leadership, Pastor Traylor has touched numerous lives throughout the northwest Florida community and throughout the world.

Madam Speaker, on behalf of the United States Congress, I am proud to celebrate twenty years of Pastor Ted Traylor's dedicated service. I know that this anniversary is only the first of many more to come. My wife Vicki and I wish him, his wife Liz, and their two children, Rachel and Bennett, all the best. May the Spirit of the Lord continue to bless Pastor Traylor, his family, and the congregation of Olive Baptist Church.

IN RECOGNITION OF MR. PATRICK LYNCH FOR MANY DECADES OF SERVICE AS HE ASSUMES THE PRESIDENCY OF THE NATIONAL FUNERAL DIRECTORS ASSOCIATION

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. PETERS. Madam Speaker, I rise today to recognize Mr. Patrick Lynch as he assumes his presidency of the National Funeral Directors Association. As a Member of Congress, it is my honor and privilege to recognize Mr. Lynch on achieving this milestone in his career.

As owner and operator of Lynch and Sons Funeral Directors in Clawson, Michigan, Mr. Lynch has worked since 1972 to provide support for families in their time of greatest need. As a second generation funeral director, Mr. Lynch has worked diligently to ensure a high quality of service and support for families in grief over the loss of their loved ones. Mr. Lynch's career is marked with many years of service in both the Michigan (MFDA) and National Funeral Directors Associations (NFDA). His many assignments have included work on the executive boards of both MFDA and NFDA, as well as service on NFDA's Public Relations, Pursuit of Excellence and Consumer Protection Committees.

Mr. Lynch has shown a lifetime of leadership in his field and unyielding commitment to the pursuit of excellence in service. Under his leadership, the Lynch and Sons Funeral Directors have sought to the highest standards in its work at its seven Detroit area locations. As President of the Michigan Funeral Directors Association, MFDA passed landmark consumer protections to ensure the rights of grieving families. Furthermore, while leading the MFDA, Mr. Lynch brought together over 1,600 clergy, hospice workers, and funeral directors to discuss how to provide the best continuum of care to the dying, the dead and the bereaved. At the national level, Mr. Lynch has been recognized with the Golden Eagle Award for his work in the NFDA's Pursuit of Excellence program.

Madam Speaker, I ask my colleagues to join me today in recognizing Mr. Patrick Lynch on the occasion of his installation as President of the National Funeral Directors Association for 2010–2011. Mr. Lynch's career is comprised of decades of tireless dedication to assisting grieving families in a time of great need. I wish him success in his tenure of President of NFDA and many years of continued service to our community and country.

HONORING THE CONGRESSIONAL CLASS OF 2006

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Ms. RICHARDSON. Madam Speaker, as the 111th Congress comes to a close, it is fitting for us to recognize our colleagues who will not be joining us in January for the start of the 112th Congress. Specifically, 16 of my classmates from the incoming Congressional class of 2006 will be moving on to new endeavors, where they will undoubtedly achieve great success and distinguish themselves, just as they did while serving their constituents and the American people in this body.

For the outstanding accomplishments that we achieved during their tenure, I would like to recognize these representatives and thank them for their service: HARRY MITCHELL, PHIL HARE, CAROL SHEA-PORTER, JOHN HALL, CHARLIE WILSON, PATRICK MURPHY, STEVE KAGEN, PAUL HODES, RON KLEIN, BARON HILL, MICHAEL ARCURI, ZACK SPACE, CHRIS CARNEY, CIRO RODRIGUEZ, BRAD ELLSWORTH, and JOE SESTAK.

Each of these members has been instrumental in formulating and implementing policies that serve the best interests of the American people and that will continue to shape our future in a positive way for generations to come.

These colleagues of mine—though their service, intellect, and companionship will be missed dearly—can look back on these last two years in Congress and take pride in the historical legislative achievements of which they were a part. The Class of 2006 can take heart in the knowledge that our legislative achievements assisted in pulling the country through some of its toughest times, marked by the housing crisis, financial crash, and ensuing recession. You were instrumental in the passage of landmark legislation such as:

Health Care Reform, ensuring that the wealthiest country in the world gives all of its citizens an opportunity to receive decent care and ending the worst insurance industry abuses.

Wall Street Reform, promising to the American people that the greed of Wall Street executives will never again jeopardize their savings, retirement, or livelihood.

The Recovery Act, providing the funding necessary to establish a foundation upon which the American economy could create new jobs while saving existing ones, and spur economic activity while investing in long-term growth.

The Class of 2006 can also proudly look back at other important accomplishments such

as: Housing and Economic Recovery Act, Emergency Economic Stabilization Act, Honest Leadership and Open Government Act, Energy Independence and Security Act, Genetic Information Nondiscrimination Act, Post-9/11 G.I. Bill, Lilly Ledbetter Fair Pay Act, Credit CARD Act, Children's Health Insurance Program Reauthorization Act, American Clean Energy and Security Act, Small Business Jobs and Credit Act.

The 110th and 111th Congresses acted boldly to confront pressing challenges; we worked hard, put in long hours, and prolifically passed vital pieces of legislation. Congressional scholars have even called the 111th Congress "one of the most productive" in our nation's history. Thanks to your hard work and vision, we have been a part of a congress that has looked forward, rather than backwards, and has always put the middle class first.

In closing, I would like to thank each of these members for their extraordinary commitment to public service and wish them the best of luck in their future endeavors, which I and my Democratic colleagues hope includes a return to the House.

HONORING THE SEVENTY-FIFTH ANNIVERSARY OF THE CHORAL SOCIETY OF PENSACOLA

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize the 75th anniversary of the Choral Society of Pensacola.

The Choral Society of Pensacola was founded in 1935 by a group of local citizens whose goal was to enrich the northwest Florida community through the presentation of choral music and the continuing development of the choral arts.

In 1935, Mrs. Minnie Leah Boschen, a member of the Pensacola Music Study Club, desired to perform a portion of Handel's Messiah as part of the Pensacola Music Study Club's 1935 Christmas program. Mr. Edwin Northup, who was the choir director at Christ Episcopal Church, agreed to serve as director for the performance. Singers were recruited from church choirs and members of the Music Study Club; they included Mr. and Mrs. John Boschen, who went onto become soloists for the Messiah performance. Their first performance took place at the First Methodist Church in Pensacola, Florida on Monday, December 16, 1935. The well-attended performance of Handel's Messiah garnered lavish praise in the local newspaper. This same untitled group of singers who performed would later become recognized as the Pensacola Choral Society, the Pensacola Oratorio Society, and ultimately, the Choral Society of Pensacola.

During World War II, Pensacola experienced an influx of talent from all over the world. As Pensacola and the Choral Society adapted to this cultural expansion, the Choral Society continued to provide entertainment and joy to the local community. Their steadfast support

and service during the challenging times of war was a true testament to the Choral Society's strength and dedication to northwest Florida.

In recent years, the Choral Society of Pensacola has performed for large audiences both locally and internationally. The Choral Society, accompanied by the Pensacola Civic Band, presented a large-scale concert titled In Commemoration of September 11, 2001. This event drew an audience of approximately 850 people to Pensacola's Saenger Theatre. In December of 2004, the Choral Society began what has become an annual collaboration with the Pensacola Symphony Orchestra; their joint 2004 performance of Handel's Messiah drew an audience of over 1,200 people to Pensacola's Hillcrest Baptist Church. In August of 2006, the Pensacola Choral Society was the only U.S. choral society to perform in the prestigious China International Chinese Choral Festival held in Beijing, China. The Choral Society's grand performance was evidenced by their invitation to return to China and perform at the next festival.

Over the past 75 years, the Choral Society of Pensacola has enhanced the artistic community of northwest Florida by maintaining excellence, diversity, a commitment to education, and an emphasis on collaboration with other cultural organizations. On behalf of the northwest Florida community, I would like to give a standing ovation to the leadership and countless volunteers that compose the Choral Society of Pensacola and recognize their hard work and dedication.

Madam Speaker, I am very proud to celebrate the 75th anniversary of the Choral Society of Pensacola. I know that this anniversary will only be the first of many more to come.

HONORING STATE
REPRESENTATIVE BETTY BROWN

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. HENSARLING. Madam Speaker, today I would like to recognize State Representative Betty Brown for her outstanding service and commitment to the State of Texas.

A native of Kaufman County, Texas, Betty entered political office because she was concerned that her children and grandchildren would not have the same opportunities as previous generations.

As a lifelong conservative, Betty has worked tirelessly to serve her community through state and local leadership positions including six terms representing Henderson and Kaufman counties as a member of the Texas House of Representatives.

Representative Brown has served admirably on both the Elections Committee and the Agriculture & Livestock Committee where she has continued to promote the values and ideals of her constituents since first being elected to office in 1998. Betty has devoted much of her life in service to the State of Texas, and I appreciate her principled dedication and conviction while serving in the Texas Legislature.

I am proud to call Betty a dear friend, and on behalf of the citizens of the Fifth District of

Texas, I would like to thank Representative Brown for her twelve years of service and her commitment to defending freedom and liberty in our communities, state and nation.

HONORING THE EMPLOYEES OF
SCHRAMM INC. FOR ROLE IN
RESCUE OF CHILEAN MINERS

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. GERLACH. Madam Speaker, I rise today to recognize the dedicated employees of Schramm Inc. of West Chester, Pennsylvania for playing a crucial role in the miraculous rescue of 33 Chilean miners trapped underground for 69 days.

A Schramm drill rig bore through more than 2,200 feet of rock and created 26-inch holes that rescue teams used to communicate and provide food to the miners, who had spent more than two weeks in darkness and were feared dead. Rescuers also used a Schramm T-130XD drill rig to create the narrow escape shaft through which miners would eventually be hoisted and joyously reunited with their families. Everyone in the Commonwealth of Pennsylvania is extremely proud of the exceptional teamwork and ingenuity Schramm employees demonstrated under immense pressure and the extraordinary performance of the Company's equipment during the rescue operation.

Madam Speaker, I ask that my colleagues join me and Congressman JOE SESTAK (PA-7th District) today in recognizing the employees of Schramm Inc. for their commitment to manufacturing world-class products and in honoring them for transforming tragedy into triumph by helping free 33 Chilean miners with most of the world watching in awe.

HONORING MARGARET STEWART

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. DREIER. Madam Speaker, it is with great sadness I submit for the RECORD, together with my friend and colleague Representative JERRY LEWIS, the obituary of our dear friend Maggie Stewart of Upland, California. Maggie was a formidable community leader, activist, volunteer and philanthropist. San Antonio Community Hospital, Boy Scouts and Girl Scouts, United Way, Kiwanis Club of Upland, Soroptimist Club of Ontario and the Assistance League of Upland are just a few of the community organizations that benefitted from her outstanding service. As we remember her extraordinary life and accomplishments, Maggie's two daughters, Shirley Preston of Rancho Cucamonga and Carol Hawkins of Upland, four grandchildren and seven great-grandchildren remain in our thoughts and prayers. The contributions of this tremendous woman will continue to make a difference in the lives of so many in our communities.

[From the Inland Valley Daily Bulletin, Nov. 16, 2010]

STEWART FAMILY MATRIARCH LEAVES A RICH
LEGACY

(By John Jopes)

I learned Monday that Margaret Stewart had died. And I was hurt by that.

She was not only a friend, but also was part of a withering vestige of our community's rich history. Because of that, the end of Maggie's life tolls a particular sadness, and marks a conclusion of an astonishing life.

Maggie married into the Stewart pioneer family when she was 23; that was in 1944. Her husband, Walter Stewart, was heir to the family's citrus ranches that date back to the 1890s. Walter, a former member of the Ontario City Council, died in 2004.

The Stewart family, among others, fashioned the character of an agrarian community that evolved into the vibrant valley it was to become.

But by anyone's reckoning, Margaret Stewart was her own kind of dynamo. In 1939 Maggie (Margaret Sanders then) was elected president of the Chaffey High School student body. She not only was the first girl in the school's history to win that post, but she had to whip a star football player to do it.

"My mother was always so proud of that," her daughter Carol Hawkins said the other day.

That high school victory was a watershed for Maggie, for she was smitten with politics, and her love for it remained with her from that time forward. Although she never served in public office, she steered countless such campaigns, and helped elect scores of officeholders during the remainder of her life. Some of them still serve in high places.

A headline from a yellowed newspaper clipping describing Maggie's political prowess referred to her simply as "Mrs. Republican." She earned that sobriquet, and answered to it with pride.

She was a founder of the influential Chaffey District Young Republicans in 1950, and later served as chairman of the San Bernardino County Republican Central Committee. She used the power of that post with envied skill and fairness.

Maggie was a delegate to three Republican National Conventions (1988, 1992 and 1996).

But she spread her goodness liberally beyond the local and national political stage and was active with numerous local organizations whose missions were to make the community a better place in which to live. She just as well could have been referred to a "Mrs. San Antonio Community Hospital," or "Mrs. Spanish Trails Girl Scout Council." The list could go on.

At the 2004 San Antonio Community Hospital's President's Award Dinner honoring Maggie, she was praised for her work with the United Way, the Assistance League of Upland, the hospital's auxiliary, PTA and other organizations. She possessed a myriad of awards, local, county and statewide.

Maggie liked to describe herself as a free-lancer in the public relations field, and her clients, as well as newspaper people, agreed that she was an expert in that exercise. "Maggie is a gentle arm-twister," an editor once said.

She possessed another trait—she was particularly generous, and had the knack of making other people feel especially important when she talked to them. Ask anyone who knew her.

But Maggie's labor in the fields of community good came at no expense to her duties as an accomplished homemaker and a loving

and supportive parent. Kathy Brugger, a close friend, once wrote, "Family is not just a word to Maggie, but a commitment. She continues to be there for her children, grandchildren and great-grandchildren."

Maggie's place in history also is well-established. She and her family spent 28 years living in the Stewart ranch home constructed in 1895 by Walter's grandfather, W.B. Stewart. When new, it was surrounded by citrus groves.

Although no longer owned by the family, the historic Queen Anne home (regarded as a mansion in its earliest days) was occupied, at one time or another, by five generations of Stewarts. It still stands at 830 W. Sixth St. in Ontario.

In the new part of their marriage, Maggie and Walter, like other citrus growers, confronted the conflict between warm smudge pots and cruel frost in a struggle to save their fruit from certain death. The pots were fired by men and boys who ran through the night, a dance of sorts that left the valley veiled in dark smoke.

One of the Stewart groves was at the county roads of Arrow Highway and Mountain in Upland. Stewart Plaza, an office building and commercial complex, now stands on that site.

Maggie was born Margaret Sanders in Ontario on July 9, 1921, the only child of William and Mary Sanders. Her father was a Southern California Edison Co. employee.

Maggie attended local schools, and she graduated from Chaffey College.

In the early 1940s, she worked in the offices of the Cal Aero Academy (now Chino Airport) where thousands of young men were trained before they flew off to World War II.

She also was employed as a secretary at the General Electric flatiron plant in Ontario.

In 1944 she and Walter, who was a highly decorated Marine fighter pilot while serving in the South Pacific, settled down to married life. Maggie soon began what was to be her extraordinary career in community service. It would be a lifetime devotion.

Maggie's death at her Upland home on Monday at the age of 89, was brought on by a lengthy period of diminishing health and the result of a recent fall. No one would disagree Maggie Stewart led a full and rewarding life, a life that has left a place better than it was before her time.

She is survived by two daughters, Shirley Preston of Rancho Cucamonga and Carol Hawkins of Upland. Besides her husband, she was preceded in death by a daughter, Sandy Lee. Four grandchildren and seven great-grand children also survive.

Funeral services will be Friday at 1 p.m. at Life Bible Fellowship Church, 2426 N. Euclid Ave., Upland.

The family said memorial contributions can go to Charter Hospice, attention: Bonnie Beck, 1012 E. Cooley Drive, Suite G, Colton, CA 92324; or San Antonio Community Hospital Foundation, 999 San Bernardino Road, Upland, CA 91786.

PARTISAN CONSERVATIVES CONTINUE ATTACK ON FED'S EFFORT TO HELP THE ECONOMY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. FRANK of Massachusetts. Madam Speaker, I continue to be appalled by the

spectacle of much of the conservative political movement in America attacking the man George Bush first appointed to head the Federal Reserve for his efforts to promote faster economic growth and a greater reduction in unemployment. Ben Bernanke's role in trying to cope with the economic disaster that the Obama Administration inherited from the Bush Administration has been productive and courageous. Consistently, he has refused to listen to conservatives, mostly although not entirely from the right, objecting to his efforts to provide the financial support needed for economic growth to go forward. Predictions that this would lead to ruinous inflation have proven baseless; the notion that this would lead to enormous losses in federal funds have also been refuted.

Despite the record of success that the Fed has shown in these efforts, despite the fact that inflation is nowhere in prospect, despite the fact that when challenged by Republican Members of the Financial Services Committee in a series of hearings we held Mr. Bernanke was able to refute—easily—any suggestion that these measures could get out of control, documenting that he has thoughtful plans for containing them—despite all of this, leading conservatives have decided for reasons I cannot fathom, to join China, Germany, and other foreign nations in assailing Mr. Bernanke for efforts to improve our economic condition.

The notion that a fear of inflation, given the current statistics, should prevail over efforts to stimulate economic activity and reduce unemployment is baffling, and if fully understood by the American people, will be certainly rejected.

Yesterday, Madam Speaker, I inserted into the RECORD powerful arguments in defense of Mr. Bernanke from the New York Times Editorial Board and Martin Wolf of the Financial Times. I wish to add today to that list of thoughtful people who are defending the Federal Reserve Chairman against the China-German-right-wing Republican attack, an editorial from the Boston Globe, and a thoughtful article from one of our leading economists, Professor Alan Blinder of Princeton, himself a former Vice Chair of the Fed.

A GLOBAL CHORUS OF KVETCHERS

The Federal Reserve's attempt to stimulate economic growth by purchasing \$600 billion worth of long-term Treasury bonds over the coming eight months may not produce the hoped-for spurt in lending and investment. Cash-rich banks and other corporations seem worried more about anemic demand than the cost of money. But whatever the domestic effects of Fed Chairman Ben Bernanke's use of monetary policy to ward off deflation, the vehement criticism of the move from other countries is way off base.

China, Germany, and Brazil have led the complainers' chorus. Tellingly, all three enjoy significant and growing trade surpluses. During the run-up to the G-20 summit in South Korea, they accused the Fed of a stealthy form of currency manipulation. In the case of China, the pot is calling the kettle black. China's propping up of the yuan in currency markets has been flagrant.

The G-20 summit, which ended Friday, was justly panned for the failure of the world's leading economic powers to agree on measures to prevent each other from deliberately undervaluing their currencies to promote exports and discourage imports. Charges and countercharges abounded.

Nonetheless, it was a positive sign that Chinese President Hu Jintao agreed to take specific actions to boost his country's domestic consumption of goods. This could herald a significant shift for an economy geared toward maximizing exports. And President Obama got the better of the argument about the Fed's effort to stimulate growth and create jobs in the United States. No one could refute Obama's contention that a "strong recovery" in America "is the most important contribution the United States can make to global economic recovery."

The disputes within the G-20 involve nettlesome matters and cannot be resolved quickly. The most positive sign to come out of the summit was a broad awareness of the need for continued consultation and cooperation to avoid a repeat of the protectionist policies that exacerbated the Great Depression. In those consultations, US officials are entitled to be unapologetic about defending the Fed's effort to promote growth in the US economy as an effort that serves the longterm interests of China, Germany, Brazil, and many other countries.

[From the Wall Street Journal, Nov. 15, 2010]

IN DEFENSE OF BEN BERNANKE

(By Alan S. Blinder)

Ignorance is not bliss, especially when your economy is faltering and sound policies are badly needed.

For months, we have witnessed the spectacle of people arguing that Keynes was wrong. Somehow, additional government spending actually reduces employment—even when the economy has huge amounts of spare capacity and unused labor desperate for work; even when the central bank will prevent interest rates from rising to "crowd out" private spending. Really?

One current catchphrase is "job-killing spending." Hmmm. How, exactly, does more spending kill jobs when there is idle capacity and no threat of rising interest rates? Stumped? So am I.

The anti-Keynesian revival has been disheartening enough. But now the economic equivalent of the Flat Earth Society is turning its fury on Ben Bernanke and the Federal Reserve. Critics ranging from German Finance Minister Wolfgang Schauble to tea party favorite Sarah Palin—which is quite a range—have spoken as if Bernanke & Co. have lost their marbles and are embarking on a wild policy misadventure.

All in all, it looks like the nation and the world need an Economics 101 refresher. So let's start with the basics.

The Fed's plan is to purchase about \$600 billion of additional U.S. government securities over about eight months, creating more bank reserves ("printing money") to do so. This policy is one version of quantitative easing, or "QE" for short. And since the Fed has done QE before, this episode has been branded "QE2."

Here's the first Economics 101 question: When central banks seek to stimulate their economies, how do they normally do it? If you answered, "by lowering short-term interest rates," you get half credit. For full credit, you must explain how: They create new bank reserves to purchase short-term government securities (in the U.S., that's mostly Treasury bills). Yes, they print money.

But short-term rates are practically zero in the U.S. now, so the Fed wants to push down medium- and long-term interest rates instead. How? You guessed it: by creating new bank reserves to purchase medium- and long-term government securities.

That sounds pretty similar to garden-variety monetary policy. Yet critics are branding QE2 a radical departure from past practices and a dangerous experiment.

The next charge is that QE2 will be inflationary. Partly true. The Fed actually wants a bit more inflation because, now and for the foreseeable future, inflation is running below its informal 1.5 percent to 2 percent target. In fact, there's some concern that inflation will dip below zero—into deflation. The Fed, thank goodness, is determined to stop that. We don't want to be the next Japan now, do we?

But might the Fed err and produce too much inflation? Yes, it might, leaving us with, say, 3 percent inflation instead of 2 percent. Or it might err in the opposite direction and produce only 1 percent. Neither outcome is desirable, but each is quite tolerable. To create the fearsome inflation rates envisioned by the more extreme critics, the Fed would have to be incredibly incompetent, which it is not.

The final major charge, levied especially by a number of foreign officials, is that the Fed's new policy amounts to currency manipulation: deliberately lowering the international value of the dollar to gain competitive advantage for U.S. exporters. Is there any truth to this? Not if words have any meaning.

Economics 101 teaches us that one standard side effect of a central bank reducing interest rates is a lower exchange rate. Actually, things don't always work out that way in the real world; sometimes the stronger growth pushes the currency up instead. This contradictory evidence notwithstanding, it is commonly assumed that expansionary monetary policy depreciates the currency. That's why some foreign governments, especially the more mercantilist ones, are apoplectic. What's down for us is up for them.

But calling QE2 "currency manipulation" is a grotesque abuse of language. After all, the U.S. dollar is a floating currency. Many factors, including but certainly not limited to monetary policy, influence the exchange rate, which changes every minute. But the Fed will not intervene to push the dollar down. If the dollar should rise instead of falling, *c'est la vie*.

More important, the U.S. is a sovereign nation with a right to its own monetary policy.

So I was stunned when a top aide to the Russian president suggested that the Fed should consult with other countries before making major policy decisions. Come again? An independent central bank doesn't even consult with its own government.

Finally, there's that old hobgoblin: consistency. Critics tell us that QE2 won't give the U.S. economy much of a boost but will lead to rampant inflation. Both? How does that work?

If buying Treasuries is a weak policy tool, a view with which I have some sympathy, then it shouldn't be very inflationary. There is no magic link between growth of the central bank's balance sheet and inflation. People, businesses and banks have to take actions—like spending more, investing more, and lending more—to connect the two. If they don't, we will get neither faster growth nor higher inflation, just more idle bank reserves.

What the Fed proposes to do is neither foolproof nor perfect. Frankly, it's not the policy I would choose. As I've written on this page, I'd like the Fed to purchase private securities and to reduce the interest rate it pays on reserves, even turning it negative. The latter would blast reserves out of banks into some productive uses.

But I don't run the Fed. Maybe Chairman Bernanke's ideas are better than mine and, in any case, the planned QE2 is far better than doing nothing. It is not a shot in the dark, not a radical departure from conventional monetary policy, and certainly not a form of currency manipulation.

I know Ben Bernanke. Ben Bernanke is a friend of mine. And critics ranging from Mr. Schauble to Ms. Palin are no Ben Bernankes.

REMEMBERING AND HONORING THE LIFE OF HENRY M. KELSEY

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. COURTNEY. Madam Speaker, it is with a heavy heart that I rise to mark the passing of a skilled educator, energetic community

leader, and dear friend. Henry M. Kelsey of Old Saybrook died this past Saturday after a five month battle with cancer. He leaves behind a loving family, countless friends and students, and a void in the community that will be difficult to fill.

Hank was born and raised in eastern Connecticut and lived there his entire life. He treasured his small town upbringing and told stories of exploring the streams and traveling the back roads around Clinton, where he grew up. I can tell you that Hank carried this curiosity and youthful optimism with him everywhere he went. How fortunate we are that his greatest and longest adventure was a 37 year teaching career—one where his energy could educate and empower young people. He was a demanding teacher who both inspired and entertained his students in the classroom.

Hank insisted on lending a hand to the bigger picture of education policy and became very active in education issues at the local, state, and federal levels. He held multiple degrees in the subject of education and worked to empower teachers at Gilead Hill and Hebron Elementary schools. Recently, the U.S. Department of Education named Hebron Elementary School a recipient of its coveted Blue Ribbon Award for high performance and student achievement. Hank would be so proud of this recognition which validated his many years of work and dedication.

Hank was also a tremendous advocate for civic engagement. After moving to Bolton, he chaired the town's Democratic Town Committee as well as its Fire Commission. Between his work in education and his involvement in the community, he was a guy that really walked the walk. He will be deeply missed by his loving wife Lucia, his mother Doris, and his brother, Paul. Hank was married for many years to his first wife Rusty, also a teacher and activist who succumbed to cancer after a long, valiant battle. I too will miss Hank and am grateful for the opportunity to have known this remarkable person. I ask my colleagues to join me in mourning the loss and honoring the life of Henry M. Kelsey.

SENATE—Wednesday, November 17, 2010

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God of infinite goodness, confirm Your past mercies to us by empowering us to be faithful to Your commands.

Help our lawmakers this day to use their understanding, affections, health, time, and talents to do what You desire. May they strive to please You with faithful service. Lord, rule their hearts without a rival, guiding their thoughts, words, and works. Take possession of their hearts and order their steps by the power of Your loving providence.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 17, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE**ORDER OF PROCEDURE**

Mr. REID. Mr. President, I ask unanimous consent that the cloture motion

on the motion to proceed to S. 3815, the Natural Gas and Electric Vehicles Act, be withdrawn and that at 11 a.m. the Senate then resume the motion to proceed to S. 3772 and immediately vote on the motion to invoke cloture on the motion to proceed; further, that the Senate recess from 12:30 to 4 p.m. today and that if cloture is invoked this morning, then postcloture time continue to run during any recess or adjournment of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I have spoken to Senator HATCH and Senator MENENDEZ, who are the main sponsors of this legislation. It is extremely important legislation. We are going to continue to work to get this done. This is a bipartisan bill. There is some dispute as to what the pay-fors should be, but it is something we should be able to work out, and hopefully we can do it before the end of this year. Whether we can do that depends a lot on the schedule, but it is one of the most important things we can do. It is job creating, great for the environment, and great for the security of this Nation.

Following any leader remarks, the Senate will turn to a period of morning business until 11 a.m. this morning, with the time until 11 equally divided and controlled between the two leaders or their designees. At 11 a.m., the Senate will proceed to vote on the motion to invoke cloture on the motion to proceed to S. 3772, the Paycheck Fairness Act. If cloture is not invoked, the Senate will immediately proceed to vote on the motion to invoke cloture on the motion to proceed to S. 510, the FDA Food Safety and Modernization Act. As a result of the order that was just entered, the Senate will recess from 12:30 until 4 p.m. today.

FOOD SAFETY ACT

Mr. REID. Mr. President, I am not going to give a long speech on food safety. I will say, however, how important it is.

I read a column today where someone kind of minimized the importance of this and why should the Senate be working on this issue. I would invite them to meet a number of people in Nevada who had near-death experiences as a result of eating tainted food. That is what this legislation is all about. It is something we should have done before. It is a real shame that we have not been able to. I hope we can get this done before we leave here this year. I cannot get out of my mind the little

girl who was so sick from eating spinach that was tainted. She has been hurt so badly for the rest of her life. She was held back in school. Her body is not what it should be. Her growth has been stunted. So anyone who minimizes the importance of this legislation does not understand how sick these people get and how often they die as a result of food poisonings.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 11 a.m., with the time equally divided and controlled between the two leaders or their designees, with the Senator from Iowa, Mr. HARKIN, controlling 15 minutes; the Senator from Connecticut, Mr. DODD, controlling 15 minutes; and the Senator from Maryland, Ms. MIKULSKI, controlling 5 minutes of the majority's time.

Mr. REID. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RUSSIA AND THE NEW START TREATY

Mr. VOINOVICH. Mr. President, I rise today to discuss the challenges America faces in our relationship with Russia and their implications for the Senate's consideration of the new Strategic Arms Reduction Treaty, known as START.

A number of my colleagues on both sides of the aisle have spoken about the treaty's impact on global nuclear non-proliferation. I would like to use my remarks today to highlight my concerns about the treaty in the broader context of: one, the Obama administration's "Reset Policy" towards Russia; and two, the new START treaty's impact on our allies in Eastern Europe

and the Baltic states. I believe these concerns must be addressed by the administration before I can determine my support for the treaty.

Over the last decade I have been an ardent champion of NATO and have worked diligently to increase membership in the alliance. I have also been active in improving our public diplomacy in Eastern Europe through our expansion of the Visa Waiver Program at the request of our friends and allies in Central and Eastern Europe. That legislation which the President signed on Visa Waiver was supported by both our State Department and by our Department of Homeland Security.

In my remaining time in the Senate, I will continue to work to strengthen the Visa Waiver Program which has improved our image in the world and strengthened our borders through shared best practices and enhanced intelligence sharing with our partners and allies abroad.

My passion for foreign relations stems in large part from my upbringing as the grandson of Southeast European immigrants. As an undergraduate at Ohio University, my first research paper examined how the United States sold out Central and Eastern Europe and the former Yugoslavia to the Soviets at the Yalta and Tehran conferences in 1943 and 1945. These states would become the "Captive Nations" suffering under the specter of Soviet domination, brutality, and oppression for nearly 50 years.

As a public official in Ohio, I remained a strong supporter of the Captive Nations. During my tenure as mayor of Cleveland, I joined my brothers and sisters in the Eastern European Diaspora to celebrate the independence days of the Captive Nations at City Hall. We flew their flags, sang their songs, and prayed that one day the people in those countries would know freedom.

We saw the Berlin Wall fall and the Iron Curtain torn in half thanks large in part to the leadership of Pope John Paul II, President Reagan, and President George H.W. Bush. But even with the end of the Cold War, I remain deeply concerned that darker forces in Russia are reemerging as a threat to democracy, human rights, and religious freedom, not just for the Russian people but for the citizens of the newly freed Captive Nations.

This concern in 1998 during my tenure as Governor of Ohio and Chair of the National Governor's Association prompted me to pursue an all-50 State resolution supporting NATO membership for the Czech Republic, Hungary, and Poland.

When I think about the importance of NATO and our commitment to the Captive Nations, I am inspired by President George W. Bush's speech on NATO expansion in Warsaw on June 15, 2001. President Bush stated: "We

should not calculate how little we can get away with, but how much we can do to advance the cause of freedom." There was concern at that time because of the debate with Russia that we would back off and not support further expansion of NATO.

I worked diligently from my first day as a member of the Senate in 1999 to extend NATO membership to my brothers and sisters in the former Captive Nations. I knew NATO membership would provide these fledgling democracies safe harbor from the possible threat of new Russian expansionism. But I also knew the process of NATO expansion would enhance much more than security in Europe.

As I noted in a speech on the Senate floor on May 21, 2002, "While NATO is a collective security organization, formed to defend freedom and democracy in Europe, we cannot forget that common values form the foundation of the alliance." In other words, the foundation of the Alliance is based on common values.

Democracy, the rule of law, minority rights, these are among the values that form the hallmark of the NATO alliance.

One of my proudest moments as a Senator was when I joined President Bush, Secretary of State Colin Powell, Secretary of Defense Rumsfeld, and Chairman of the Joint Chiefs of Staff GEN Richard Myers at the NATO Summit in Prague on November 21, 2002, when NATO Secretary General Lord Robertson officially announced the decision to invite Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to become part of the Alliance. This was truly one of the most thrilling days of my tenure as a Senator.

Later that day, my wife Janet and I were happy to attend a dinner in honor of Czech President Vaclav Havel at the Prague Castle. Following that dinner, at 1:30 a.m. Prague time, I placed a call to Cleveland to talk with my brothers and sisters at home with ties to these NATO aspirant countries. They had gathered in the Lithuanian Hall at Our Lady of Perpetual Help to celebrate that day's historic events, and this was truly a capstone to years of effort.

It is because of my long history and work with the Captive Nations that I continue to worry about the uncertainties of our future relationship with Russia. I have traveled to 19 countries during my 21 trips to the region as a Senator. Presidents, prime ministers, and foreign ministers in Eastern Europe have told me time and time again it is comforting for them to know their relationship with NATO and the United States serves as a vital hedge against the threat of a future potentially expansionist Russia.

Yet now there is much talk from this administration about resetting the U.S. bilateral relationship with Russia.

Moscow seeks to regain its global stature and be respected as a peer in the international community. I do not blame them.

President Obama's May 2010 National Security Strategy states: "We seek to build a stable, substantive, multidimensional relationship with Russia, based on mutual interests. The United States has an interest in a strong, peaceful, and prosperous Russia that respects international norms." I agree with the administration. There is nothing inherently wrong with this approach.

There are indeed key areas where the United States and Russia share common cause and concern:

1. Russia is a permanent member of the U.N. Security Council and will continue to be essential towards any effective multilateral pressure on Iran to give up its nuclear program.

2. Russia continues to have leverage on the North Korean regime and has stated a nuclear-free Korean peninsula is in the interest of both our nations.

Russia continues to have leverage on the North Korean regime and has stated a nuclear-free Korean Peninsula is in the interest of both our nations.

- No. 3, we are partners in the International Space Station, relying on the Russians. Until the August 2008 invasion of Georgia, our government and U.S. industry were working hard on a nuclear cooperation agreement with Russia similar to the one we entered into with India. In fact, I worked on that with Senator LUGAR. I thought that was a good idea. With the world economy as it is today, the worst thing we can do is break off communication and revert back to our Cold War positions. President Obama's trip to Moscow last year and President Medvedev's reciprocal trip to Washington in June were opportunities to further engage Russia and determine where we have a symbiotic relationship and what we can accomplish together for the good of the international community.

However, I believe our reset policy with Russia should not establish a relationship with Moscow at the expense of the former Captive Nations. We simply do not know how our relationship with Russia will transpire during the years to come. Will Russia fully embrace a democratic government, free markets, and the rule of law or will Russia seek to reestablish its influence over the former Soviet Union whose collapse then-President and now-Prime Minister Vladimir Putin described in 2005 as "the greatest geopolitical catastrophe" of the 20th century? This is what Putin had to say about the dissolution of the Soviet Union, a pretty striking comment coming from the former President and now Prime Minister.

This brings us to the topic of the new START treaty, which the Senate may consider in the coming weeks. America's grand strategy toward Russia

must be realistic. It must be agile. As I have said, it must take into account the interests of our NATO allies. I am deeply concerned the new START treaty may once again undermine the confidence of our friends and allies in Central and Eastern Europe. Let me be absolutely clear: I do not ideologically oppose the administration's non-proliferation agenda. The President's stated goal of a world without nuclear weapons is noble, but I believe the Senate's consideration of the new START treaty must be considered through a wider lens that includes the treaty's implications for our friends and allies in the former captive nations.

Let's talk about what is going on right now. First, I am concerned about the uncertainties surrounding a Russia that could revert back to a country seeking to expand its influence on the Baltic States and Eastern Europe. President Medvedev's February 2010 National Military Doctrine of the Russian Federation, released 2 months before the conclusion of the new START treaty in April of this year, explicitly labels NATO expansion as a national threat to Russia's existence and reaffirms Russia's right to use nuclear weapons if the country's existence is threatened. I am sure such statements, combined with Russia's 2008 invasion of Georgia, send shivers down the spines of our brothers and sisters in Central and Eastern Europe, even if they don't say so publicly.

The concerns of our captive nation brothers and sisters regarding Russia are not abstract. They are rooted in blood and tears and in a history of abandonment. My hometown of Cleveland, OH, was once the city with the world's second largest population of Hungarians after Budapest. I remember vividly the stories my Hungarian brothers and sisters told me about the Hungarian revolution of 1956. Encouraged by the implicit promise of intervention from the United States and the United Nations, hundreds of thousands of Hungarians protested against the People's Republic of Hungary in support of economic reform and an end to political oppression. Those protests spread throughout Hungary. The government was overthrown. But Moscow sought to maintain its control over the captive nations, took advantage of America's inaction on the rebellion, invaded Hungary, crushed the revolution and established a new authoritative government. Over 2,500 Hungarians were killed in the conflict, and 200,000 Hungarians fled as refugees to the West. Hungary would suffer under the oppression of the Soviet Union for nearly another half century. Of course, there was a similar episode in Czechoslovakia during the Prague spring of 1968.

The former captive nations have accomplished so much as free market democracies and members of the NATO

alliance. Our friends and allies must have absolute confidence negotiations toward the new START treaty did not include side agreements or informal understandings regarding any Russian sphere of influence in those Captive Nations. Moreover, I remain deeply concerned, even in the absence of agreements of understanding, that the former Captive Nations may once again wonder: Will the West abandon us again? Will agreement with Russia once again be placed above the interests and concern of our allies? Will we forget what happened after Yalta and Tehran? We cannot let this happen again.

Second, the former Captive Nations are also closely watching Russia's military activities. Last September—and nobody made a big deal out of it—Russia undertook Operation West, a military exercise involving 13,000 troops simulating an air, sea, and nuclear attack on Poland. Not much said about it. These war games, which took place during the 70th anniversary of Polish independence, were the largest Russian military exercises since the end of the Cold War. If we look at the Russian military's recent activity, one cannot help but understand our allies' concern Moscow may be reverting to the past. I hope President Obama will meet with leaders from the former Captive Nations this weekend during the NATO summit in Lisbon. The President should provide these leaders public reassurance that the United States remains committed to article 5 of the North Atlantic Treaty, which states that an attack on any member of NATO shall be considered to be an attack on all.

One of the best ways to alleviate the anxiety about the Russian military amongst our Captive Nation allies is for this administration to pursue negotiations with Russia toward its compliance with the Treaty on Conventional Armed Forces in Europe, the CFE. The Senate's potential consideration of a new START cannot be disconnected from Russia's prior track record on treaty compliance. Russia decided in 2007 to suspend its compliance with the CFE treaty, a treaty signed by 22 countries that placed balanced limits on the deployment of troops and conventional weapons in Europe. This unilateral decision by Moscow should serve as a reminder to Senate colleagues about Moscow's commitments to its international obligations. Russia's compliance with the CFE treaty is essential to sustained security and stability in Central and Eastern Europe. Again, complying with it would send a very great signal to the people worried about Russia's direction.

Our friends in Central and Eastern Europe are worried about the uncertainty surrounding a Russia that appears at times to be reverting back to an authoritative state seeking to

weaponize its oil and natural gas resources as a means to expand its influence on Europe and the West. Russia has the largest reserves of natural gas and the eighth largest oil reserves. Moscow turned off the tap to Europe in the recent past. They could do it again. We should also be concerned about Moscow using its control of oil and natural gas to pit members of NATO against each other. I know when I was at the German Marshall Fund Brussels forum this year and last, I spoke with our friends in the EU and encouraged them that rather than unilaterally negotiating with Russia in terms of natural gas, they should all come together and negotiate as a team so they wouldn't be pit against the other. Unfortunately, most of them ignored that.

Finally, I am deeply troubled that the Obama administration has decoupled Russia's human rights record from America's bilateral relationship with Russia. The United States and Russia are both signatories of the 1975 Helsinki Declaration, which clearly states that:

Participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion.

In recent years, we have seen anything but a respect for human rights in Russia. Prime Minister Putin stated during a recent interview with the *Kommersant* newspaper that pro-democracy demonstrators in Russia assembling without prior permission "will be hit on the head with batons. That's all there is to it."

The actions of the Russian Government speak louder than words. We have seen protests canceled, newspapers closed, activists detained and abused. Yet we have seen little effort by this administration to engage in a sustained dialog with Moscow on its human rights record and commitments under the Helsinki Declaration. We did more about human rights violations 20 years ago in Russia than we are doing today. It is like we have tape over our mouth.

As David Kramer of the German Marshall Fund of the United States notes in a Washington Post opinion on September 20:

The human rights situation in Russia is bad and likely to get more worse as [Russia's] March 2012 presidential election nears. Those in power will do anything to stay in power . . . Enough already with U.S. expressions of "regret" about the deteriorating situation inside Russia—it's time to call it like it is: Condemn what's happening there and consider consequences for continued human rights abuses.

I believe the Obama administration's inaction and reluctance to confront Russia on its human rights record sends a dangerous signal to Moscow that there are little or no consequences for bad behavior. At a minimum, such

coddling of bad behavior by the West only serves to embolden Moscow as to our resolve to hold Russia to account on its international obligations, a distressing thought as we consider the new START in the Senate.

I have fought all my life to secure freedom for my brothers and sisters in Central and Eastern Europe and the former Yugoslavia. Once they received their freedom, I championed—and continue to champion—their membership in NATO and the EU. I am working with Senator SHAHEEN right now in the former Yugoslavia to see how many of those countries we can get into the European Union and how many we can get into the NATO alliance. I will be darned, at this stage in my life, to do anything that would jeopardize their security and economic prosperity. I have seen too many opportunities for the region slip away during my lifetime. I will not let it happen again.

Political expediency should never be an excuse to rush to judgment on public policy, let alone our national security. Treaties supersede all laws and acts of Congress. The Senate's advice-and-consent duties on treaties are among our most solemn constitutional duties. I cannot, in good conscience, determine my support for this treaty until the administration assures me that our reset policy with Russia is a policy that enhances rather than diminishes the national security of our friends and allies throughout Europe.

Moreover, I must receive the strongest assurances that this policy does not once again amount to the United States leaving our brothers and sisters in the former Captive Nations alone against undue pressures from Russia.

When I finally cash out, I want to know these countries we forgot at the end of the Second World War, where millions of people were sent to the gulag, will never be forgotten again.

I think this President has an obligation to look at this treaty beyond just the nonproliferation side. He has an obligation to look at it as part of resetting our relationship with Russia, and we ought to get some things cleared up before we go ahead and sign this treaty.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

TRIBUTE TO BILL BARTLEMAN

Mr. McCONNELL. Mr. President, I rise to pay tribute to a legendary Kentucky newspaperman who, after 39 years, is retiring, and the Commonwealth will certainly be the poorer for it. I am going to miss my old friend, Bill Bartleman of the Paducah Sun, as

his service in the fourth estate ends this month.

Bill's first day at the Paducah Sun was January 7, 1972, when the Murray State University graduate was hired as both a reporter and a photographer. In the four decades since, he has covered Senators and Governors, local lawmakers and the Kentuckians whose names you may not know but who, in his words, "make life happen."

He has interviewed a President of the United States, and he has ridden a hot air balloon over the Ohio River. He has become Kentucky's longest running legislative reporter. He has led quite a life of accomplishment, and I wish him well in the next stage of his career.

I first met Bill when he covered my initial race for the Senate in 1984, and he has covered every one of my races since that time. For my last election campaign in 2008, Bill moderated a debate between me and my opponent that was broadcast on C-SPAN. So the whole Nation had a chance to see Bill hard at work. He was fair, honest, and professional, as always.

After 39 years, it would be easy for some reporters to make the mistake of thinking they are the story—but not Bill. This veteran journalist has words of wisdom for young reporters. This is what Bill had to say:

Remember the responsibility of what you do.

He went on to say:

Bill Bartleman isn't important, but what he covers is important. You need to represent the public and report what happens fairly. You can't send people tainted water, and you can't send tainted news.

Those words are well said. Those of us in public life will always have a close relationship with members of the press. Sometimes it is a bit challenging and sometimes it is frustrating. Sometimes the politician and the reporter do not always see eye to eye. I cannot say Bill Bartleman and I agree on everything. But I can say that Bill Bartleman will always have my respect.

For 39 years, Kentuckians have benefited from his incisive political coverage. As he moves on to a position with Mid-Continent University in Mayfield, KY, I know I speak for many Kentuckians when I say: Thank you, Bill. Thank you, Bill, for your dedicated service. You certainly will be missed.

Bill's own newspaper, the Paducah Sun, recently published an excellent article about his life and career, and I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Paducah Sun, Oct. 24, 2010]
AFTER 39 YEARS, BARTLEMAN TO RETIRE
FROM SUN

Kentucky's longest-running legislative reporter plans to retire from The Paducah Sun in November.

Bill Bartleman, 61, will retire from the Sun after 35 years of covering government and politics, and nearly 39 years total working for the newspaper.

"I have thoroughly enjoyed my career as a reporter for The Paducah Sun and have mixed emotions about retiring," Bartleman said.

"The profession has provided me with opportunities to experience things and see things that others don't get to see and feel. Most gratifying are the memories of the people I've met and having the opportunity to work for people who care."

The Pennsylvania native graduated from Murray State University in December 1971. Bartleman served his first day at the Sun on Jan. 7, 1972, after being hired as a dual reporter and photographer with the majority of his duties in photography.

He took over the paper's government and politics beat in 1975 and covered, in person, every session of legislature in Frankfort from 1976-2007 while using the Web, phone interviews and less frequent Frankfort visits for coverage in the past three years.

A frequent commentator for more than 30 years on Kentucky Educational Television's "Comment on Kentucky," Bartleman also served as a panelist for KET political debates for governor, U.S. senator and other offices.

In 2008, he moderated a U.S. Senate candidate debate between Sen. Mitch McConnell and Bruce Lunsford, which was broadcast on C-SPAN, the national cable affairs network.

Bartleman said he will become an administrator at Mid-Continent University in Mayfield on Dec. 1.

"I learned early in my career that The Paducah Sun has had a rich tradition and responsibility of reporting news thoroughly, fairly and accurately," Bartleman said. "It is a tradition handed down by Ed Paxton, Sr. I've always viewed myself as one of his caretakers to help carry on that tradition and responsibility. It is time for me to pass on my caretaker role to someone else and meet a new and exciting challenge."

PRIORITIES DURING LAMEDUCK SESSION

Mr. McCONNELL. Mr. President, both Republicans and Democrats in the Senate held many meetings this week to assess the priorities of our respective conferences.

I am extremely proud of the clarity my Republican colleagues have used to express what our priorities must be and that we have listened to the American people. Last night, Republicans expressed the need to cut spending, reduce the debt, shrink the size and scope of the Federal Government, and help spur private sector employment—in short, change the way Washington is doing business to get our economy going again.

There is no question that is a sentiment shared by the American people. I would be remiss if I did not also express some dismay with the priorities that are being put forward on the other side of the aisle.

This is a lameduck session, and they have an opportunity to respond to the American people before we convene for the 112th Congress, but there is no reason why we cannot get to work on their behalf beginning today.

Let me share with you what I believe our priorities need to be during the lameduck session: first and foremost, preventing massive tax increases on families and small businesses and stopping the Washington spending spree. It is critical we send a message to job creators that Congress will not raise taxes on January 1.

In September, I offered a bill that would make the current tax rates permanent. In other words, nobody—nobody—in America would get a tax hike at the end of the year. The White House did not like that idea. Their preference was to raise taxes on small businesses. I think it is safe to say the American people clearly preferred our proposal: no tax hikes on anybody, especially in the middle of a recession. We should be creating jobs, not killing them.

It is my hope that starting today Democrats will turn to the priorities that reflect the wishes of the American people. If they choose that route, I know Republicans will be happy to work with them to get those things accomplished. If not, I am confident Republicans will be eager to chart a different course on behalf of the American people.

When we return from the Thanksgiving break, Republican and Democratic leaders will have an opportunity to discuss these priorities with the President in a meeting at the White House. I am looking forward to the meeting and to the opportunity to share with the President again the areas where we agree. I believe we can work together to increase opportunities for job growth here at home through increased trade opportunities abroad. I agree with the President that we should increase our exploration for clean coal technology and nuclear energy, and Americans feel strongly that we need to reduce spending and our national debt.

We can work together on all those items, and the White House meeting is a good opportunity for congressional Democrats to join in those efforts.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

FDA FOOD SAFETY MODERNIZATION ACT

Mr. DURBIN. Mr. President, I know my colleague, Senator HARKIN, will be on the floor momentarily to speak about the Food Safety Modernization Act. I wish to preface my remarks by thanking him personally. TOM HARKIN has been not only a great colleague and friend, he has been such an exceptional leader when it comes to this important issue. It is no surprise for those of us who know TOM HARKIN's congressional and Senate career. He has always been an extraordinary leader.

The Americans with Disabilities Act, which literally has changed the face of America and opened doors for the disabled across our Nation, is not only one of the most dramatic steps forward when it comes to human rights and civil rights in my time, it was led by Senator TOM HARKIN of Iowa and Senator Robert Dole, Republican of Kansas, who then served in the Senate.

So TOM HARKIN has been our conscience and our leader when it comes to issues involving safety, human rights, and expanding the reach of freedom in our Nation to those who otherwise might have been denied.

I will tell you why I am passionate about the food safety issue. It goes back to a note I received as a Congressman. It was almost 16 years ago. It was a note from a woman who did not live in my congressional district. She was from Chicago and I was 200 miles away. Her name was Nancy Donley, and she told the story of her 5- or 6-year-old son Alex. She brought some hamburger home from the local grocery store to fix it for her son. She made his dinner. He ate it, and then he got sick, terribly sick. In a matter of a few hours, he was at the hospital, and in a matter of a few days he had passed away.

He was a victim of E. coli. Trust me, his mom would never have done anything to harm him, and she thought she was doing the right thing to cook his meal and bring it to him at the dinner table. Unfortunately, that family decision, which is made millions of times across America every single day, was a fatal decision.

Nancy Donley—heart broken, her life shattered by the loss of that little boy she loved so much—could have shrunk away in despair and anger over what had happened but did not. She made it her passion and her crusade to gather others like her in behalf of the cause of food safety. She started an organization called Safe Tables Our Priority—or STOP—and started lobbying Members of Congress, even a Congressman 200 miles away, to do what they could to make our laws stronger and better across America.

I have kept in touch with Nancy. It has been over 16 years. We are close friends now. I have to tell you that in my pantheon of heroes, Nancy Donley is right up there for what she has done with her life. If we are fortunate enough today and successful in passing this bill—at least moving it forward procedurally—I wish to say I am doing that in her name and in the memory of her son Alex and the thousands, tens of thousands, maybe even more, across America who are victims of contaminated food.

For some people, it is just a simple case of indigestion or diarrhea that goes away after a few days. It may be mistaken for the flu. For others, it gets more serious. The number of Americans who die or become severely ill due

to preventable foodborne illness is unacceptably high, and it has been that way for a long time.

Every year, 76 million Americans suffer from preventable foodborne illness. Mr. President, 325,000 of our family members, friends, and neighbors are hospitalized each year because of food contamination and 5,000 die—100 a week. That means that every 5 minutes 3 people are rushed to the hospital because the food they ate made them sick, and at the end of the day 13 will die.

Throughout the debate on this bill, I have shared the heartbreaking stories of victims such as Alex Donley and his family. Some of these victims who were courageous enough to share their stories will suffer chronic symptoms that do not go away for a long time, if ever. The victims who have died would have wished they were lucky enough to be alive, even with these long-term illnesses.

Today, as we vote to move to this bill, I will be thinking about how much it means to so many of us. I talked about Nancy Donley and her son Alex. They are not the only ones. There are people all across America who understand, when they go shopping at the food store and buy groceries or buy produce, there is a sort of built-in assumption it is safe. Would our government let things be put on the shelves in a store that have not been inspected, that are not safe?

Most people assume that if the government is doing its job like it is supposed to, they should not have to worry about those things. Well, to a great extent, they are right. We have extraordinary resources in the Federal Government dedicated toward food safety. But the simple fact is, there are wide gaps when it comes to food safety in America, and those gaps need to be closed by this bill.

The vast majority of Americans understand this. According to a recent poll commissioned by Pew, 89 percent of Americans want us to modernize our food safety system. Thanks to the leadership of Senator HARKIN and Senator ENZI, our Republican colleague, our food safety bill passed the Health, Education and Labor Committee unanimously more than a year ago.

This bill has substantial bipartisan support. Twenty Republican and Democratic Senators are already committed to it. It is supported by a broad group of consumer protection interests, including those at the Grocery Manufacturers Association and those at the Food Marketing Institute and other places that actually market the products and are willing to accept the new legal burdens of this bill in order to give their customers peace of mind in terms of what they are going to buy and consume.

The FDA Food Safety Modernization Act will provide the FDA with the authority it needs to prevent, detect, and respond to food safety problems.

The bill will increase the frequency of inspection at all foreign and domestic food facilities according to the risk they present.

One of the issues we have to be aware of is that a global economy means food is moving across borders more frequently. It is rare that we have the resources in place in some foreign country to make sure what is in that can or in that package is safely prepared. This bill moves us toward this goal. We pick the things that are the most dangerous when it comes to food imports and say they will be the highest priority; we will start the inspection now on food imports coming into the United States. The FDA doesn't currently have the resources or statutory mandate to inspect more frequently, and what they do inspect in terms of imports is very limited. We expand that to the most high-risk, dangerous food products that might come in.

Most facilities are inspected by the Food and Drug Administration, though only once every 10 years. Think about it. The U.S. Department of Agriculture is in place every single day at meat and poultry and production facilities with the inspectors in place to do the job. When it comes to the FDA, an agency with such a broad responsibility—in fact, much broader: 1 inspection every 10 years—if it is your son or daughter, your baby, someone you love, is that enough? I don't think it is. This bill significantly increases the frequency of inspections at all domestic and foreign food production facilities according to the risks they present. The bill gives the Food and Drug Administration long overdue authority to conduct mandatory recalls of contaminated food.

It is hard to believe today, but if we know something is contaminated and has been sent out to the grocery shelves across America, our government has no legal authority to say: Bring it in. The best we can do is advertise the fact that it is dangerous and hope that the manufacturer, the distributor, and the ultimate retailer will get the message and move on it and do the right thing. It is voluntary. It is not mandatory, even if we know that something is dangerous. This bill gives that authority to the Food and Drug Administration. That means that if a company refuses to recall contaminated food, the most expedient action the FDA can take is to issue a press release right away, and we have to get beyond that. We have to give them authority. Many companies do cooperate with the FDA, and I salute them. It is not only the sensible thing to do; it certainly maintains the representation of them as food producers.

Some, such as the Peanut Corporation of America, which distributed

thousands of pounds of peanuts and peanut paste contaminated with salmonella, didn't fully or quickly recall food that made people sick. The Food Safety Modernization Act is going to change that by ensuring the FDA can compel a company to recall food that can cause serious adverse health consequences or death.

Experts agree that individual businesses are in the best position to identify and prevent food safety hazards at their own facilities. The people who run a facility know where the vulnerabilities are on the assembly line and they know which hazards their foods are most susceptible to. That is why our bill requires each business to identify the food safety hazards at each of its locations and then implement a plan that addresses those hazards and keeps the food safe and free of contamination. The bill gives the FDA the authority to review and evaluate these food safety hazard prevention plans and hold companies accountable.

I see the chairman of the committee on the floor and I will end in a moment.

Finally, our bill gives the FDA the authority to prevent contaminated food from other countries from entering the United States. If a foreign facility refuses U.S. food safety inspection, the FDA has the authority to deny entry to their imports. Think about that. This is now going to be put into the law that if you are producing food overseas and you will not allow us to inspect your facility, we can stop exports to the United States. Is there any Member of the Senate, any family, who doesn't think that is a good idea? That is what this bill is all about.

I wish to thank Senator HARKIN for his extraordinary leadership on this bill. I can't tell my colleagues how many times we have come together, Democrats and Republicans, trying to work out differences. We are very close. I think there is one item of disagreement going into it. That is pretty good for Senate work—only one item of disagreement.

I say to my friends: Bring this bill to the floor. Let's vote on that particular item—Senator TESTER's concern—up or down. Let's do it. But let's not go another day without providing the protection families across America expect and deserve when they buy food. Let's do this on behalf of Nancy Donley and moms and dads all across America who ran the risk and, in her case, went through the bitter experience of losing her little 6-year-old boy Alex because of contaminated food. This is something that should be totally non-partisan.

I urge my colleagues: Let's give a strong vote today to move forward on this important bill and help ensure that the food on America's tables is safe.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I intend to defer to Senator HARKIN for I understand 15 minutes. I wish to offer a brief unanimous-consent request that following Senator HARKIN's speech for up to 15 minutes I be recognized for 5 minutes, and that any remaining time on our side be reserved for Senator ENZI, the Senator from Wyoming.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. CORNYN. I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I thank the Senator from Texas for yielding.

I wish to thank Senator DURBIN for all the work he has done on food safety for so many years. He has been a leader. He has prompted us and prodded us to get to this point, and we have a good bipartisan bill. I wish to take a few moments to talk about it before the vote that will be coming up in the next hour.

The aim of the Food Safety Modernization Act, as it is called, is very simply to bring our Nation's antiquated and increasingly inadequate inspection service into the 21st century. This bill takes a comprehensive approach to reforming the current system. I am pleased to report that this bill is a product of strong bipartisan collaboration on the Health, Education, Labor and Pensions Committee. Again, I wish to particularly thank Senator DURBIN and Senator GREGG who have worked together over many years to produce this excellent bill. I also wish to thank our ranking member, Senator ENZI, for his leadership in helping to bring this bill to the floor, as well as to my good friend Senator DODD who has been working on this bill also from the beginning and adding his expertise, especially on food allergies. I also thank Senator BURR, who has been personally involved in this entire process.

Senators often speak about the importance of addressing kitchen table issues here in the Senate—the practical, everyday concerns of working Americans and their families. Well, food safety is a kitchen table issue and it couldn't be more urgent or overdue. It is shocking to think that the last comprehensive overhaul of our food safety system was in 1938, more than seven decades ago. Think about how our food system has changed in those 70 years. On the whole, Americans enjoy safe and wholesome food. We know that. But the problem is that “on the whole” is not good enough any longer.

As my colleagues can see from our first chart, they will see that recent foodborne illnesses have been wide in

scope and have had a devastating impact on public health. When people get sick from eating bagged spinach, we have a problem. When kids take their peanut butter sandwiches to school and they get sick from it and go to the hospital, we have a problem. We had 90 deaths and 690 reported cases in 46 States. We have found salmonella in tomatoes, in peppers, and even in cookie dough. When families eat cookie dough and they are getting *E. coli*, we have a problem. Recently, of course, we had the salmonella outbreak in eggs. So it is widespread. It is not just in bagged spinach or eggs, it is in peanut butter, cantaloupes, tomatoes. It is widespread. So we know we have a real problem.

The Centers for Disease Control and Prevention estimate that foodborne illnesses cause an estimated 76 million illnesses a year; 325 Americans every year are hospitalized because of foodborne illnesses; and 5,000 Americans die every year due to a foodborne illness. These are not my figures. These figures are from the Centers for Disease Control and Prevention. According to a Georgetown University study, the cost to our society is about \$152 billion a year in medical expenses, lost productivity, and disability. So the numbers are staggering, not only the number of people who get sick, but the number of people who die and the cost to our society.

I checked in my own State of Iowa, and the cost alone in Iowa—we have over 800,000 cases every year. Each Iowan has to spend about \$1,800 in annual health-related expenses, and about \$1.5 billion in total related costs. My colleagues can look at their States and see the impact. So these are intolerable, but somehow we tolerate them. No longer can we do that. Our current regulatory system is broken. It does not adequately protect Americans from serious widespread foodborne illnesses.

Our meals have grown more complex with more varied ingredients and more diverse methods of preparation and shipping. By the time raw agricultural products find a way to our dinner plates, multiple intermediate steps and processes have taken place. Food ingredients travel thousands of miles or, as Senator DURBIN said, from other countries to factories here and then to our tables. They are intermingled and mixed along the way. Yet, despite all of these changes, our food safety laws have not changed in 70 years.

What we need to do for starters is improve processes to prevent the contamination of foods and methods to provide safe foods to consumers. To achieve this, more testing and better methods of tracking food can be utilized and verified that the processes are working.

Here are some interesting figures. Thirty years ago, we had 70,000 food processors in this country. The FDA

made 35,000 visits a year. So we had 70,000 food processors and we made 35,000 visits a year. Today, a full decade into the 21st century, we have 150,000 food processors—over twice as many—but today FDA inspectors make 6,700 visits each year, one-fifth as many as they did 30 years ago, with twice as many plants. So is it any surprise we are getting more and more foodborne illnesses throughout this country? Referencing what Senator DURBIN said earlier, more and more of our food is coming from other countries. All we are saying in our bill is you have to adopt the same kind of food safety processes and prevention methods that we have in this country to be able to ship your food in. I don't think that is unreasonable, to say that their processes and their safety procedures have to be at least the same as ours or as adequate as ours.

As this chart shows, our bill overhauls our food safety system in four critical ways. First is prevention. We have had some success in our Agriculture Committee in the past on what is called a program of finding out where are the points where contamination can come in and then address those points in a preventive manner. Well, we are now kind of extending that beyond meat and poultry to all food to get the prevention in place. We improve the detection and response to foodborne illness outbreaks with better detection services and better response times. We have a mandatory recall in here that the Department has never had, ever. We enhance the U.S. food defense capabilities, and we increase the FDA resources in order to take care of this.

This bill today will dramatically increase FDA inspections at all food facilities. It will give FDA the following new authorities: It will require all food facilities to have, as I said, preventive plans in place, and the FDA can have access to those plans. So they have to have preventive plans that the FDA gets access to. We have better access to records in case of a food emergency to try to find out what happened. It requires, as Senator DURBIN said, importers to verify the safety of imported food. It strengthens our surveillance systems. It requires the Secretary of the Department of Health and Human Services to establish a pilot project to test and evaluate new methods for rapidly tracking foods in the event of a foodborne illness outbreak. As I said, it gives the FDA the authority to order a mandatory recall of food. A lot of people don't know this: If there is an outbreak of illness because of foodborne diseases, pathogens, FDA does not have the authority to recall that food.

You might say that the companies do that. Well, they do. Most of them see it in their best economic interest to do that. But you might have fly-by-night operators out there that will take the

money and run. You might have some foreign-based companies—and I don't mean to pick on them—that are offshore and they may have some food in this country that has caused foodborne illnesses, and they may not want to recall it. We cannot go after them. The FDA doesn't have the authority to recall that food. This bill would give them that authority.

This is a bipartisan bill, strongly supported by consumer groups and industry. I have letters from the Grocery Manufacturers Association, U.S. Chamber of Commerce, National Restaurant Association, Pew Charitable Trusts, Consumers Union, Center for Science in the Public Interest, and Trust for America's Health, to name a few. I think it is a rarity when I can say both the Chamber of Commerce and the Center for Science in the Public Interest are on the same page. That is true here.

I have several letters, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 8, 2010.

Senator RICHARD DURBIN,
U.S. Senate,
Washington, DC.
Senator JUDD GREGG,
U.S. Senate,
Washington, DC.

DEAR SENATORS DURBIN AND GREGG: Trust for America's Health (TFAH), a nonprofit, nonpartisan public health advocacy organization, would like to express our strong support for immediate Senate passage of the FDA Food Safety Modernization Act (S. 510). Although every American depends on the safety of the food they serve to their families, the Food and Drug Administration (FDA) lacks the tools to ensure that safety. S. 510 would finally help bring the FDA into the 21st century.

Approximately 76 million Americans—one in four—are sickened by foodborne disease each year. Of these, an estimated 325,000 are hospitalized and 5,000 die. A recent study by Ohio State University found that foodborne illnesses cost the U.S. economy an estimated \$152 billion annually. With multiple severe food outbreaks in recent years, it is urgent that the Senate take this step to keep Americans safe.

The FDA Food Safety Modernization Act would place more emphasis on prevention of foodborne illness and give the FDA new authorities to address food safety problems. Under this legislation, food processors would be required to identify potential hazards in their production processes and implement preventive programs to eliminate those hazards. Additionally, the bill would require FDA to inspect all food facilities more frequently and give FDA mandatory recall authority of contaminated food. S. 510 is a bipartisan bill, with widespread support from industry, consumer groups, and public health organizations. The bill passed the Senate HELP Committee with a unanimous voice vote, and food safety legislation passed the House last year with overwhelming bipartisan support.

We thank you for your strong leadership on this legislation. If you have any questions, please do not hesitate to contact TFAH's Government Relations Manager.

Sincerely,

JEFFREY LEVI, PH.D.,
Executive Director.

SEPTEMBER 8, 2010.

Hon. DICK DURBIN,
U.S. Senate,
Washington, DC.
Hon. JUDD GREGG,
U.S. Senate,
Washington, DC.

DEAR SENATOR DURBIN AND SENATOR GREGG: Consumer Federation of America strongly supports passage of the FDA Food Safety Modernization Act (S. 510). CFA is an association of nearly 300 nonprofit consumer organizations that was established in 1968 to advance the consumer interest through research, advocacy and education.

Foodborne illness strikes tens of millions of Americans each year, sends hundreds of thousands to the hospital, and kills approximately 5,000 of us. The diseases are more than "just a bellyache." Many victims suffer long-term chronic health problems including reactive arthritis, kidney failure and Guillain-Barré syndrome. Children under the age of 5 are the most frequent victims of foodborne illness. People over age 60 are most likely to die after contracting a food-related illness. The economic costs are enormous. A recent study estimated the annual cost of all foodborne illnesses to be \$152 billion.

The suffering and heartbreak and deaths are pointless. Foodborne diseases are almost entirely preventable. They continue to rage because our nation's primary food safety agency, the U.S. Food and Drug Administration, operates under the constraints of a 70-year-old law that is largely extraneous to current threats to food safety. The Food, Drug, and Cosmetic Act does not give the FDA a specific statutory mandate, appropriate program tools, adequate enforcement authority or sufficient resources to stop foodborne disease before it strikes us and our loved ones.

S. 510 changes the paradigm for fighting foodborne illness, directing the FDA to prevent foodborne illness rather than just reacting to reports of illnesses and deaths. It requires food companies to establish processing controls to avoid food contamination, gives the FDA authority to set food safety standards, and requires the Agency to inspect food processing plants regularly to assure controls are working as intended.

On behalf of CFA's millions of members, we thank you for your strong leadership in developing S. 510 and your determination to ensure its passage. We look forward to continuing to work with you to get a final bill to the President as soon as possible.

Sincerely,

CAROL L. TUCKER-FOREMAN,
Distinguished Fellow, Food Policy Institute.
CHRIS WALDROP,
Director, Food Policy Institute.

THE PEW CHARITABLE TRUSTS,
Washington, DC, September 14, 2010.

Hon. RICHARD DURBIN,
U.S. Senate,
Washington, DC.
Hon. JUDD GREGG,
U.S. Senate,
Washington, DC.

DEAR SENATORS DURBIN AND GREGG: The Pew Charitable Trusts urges the Senate to

vote at the soonest possible date on S. 510, the FDA Food Safety Modernization Act of 2009, and encourages you to continue the important support and leadership you each have provided for this crucial legislation over the past year. The HELP Committee unanimously approved a strong, bipartisan bill in November, and a manager's package of amendments was released in mid-August. With the limited time left for legislative action this year, a vote by the full Senate on S. 510 is necessary as soon as possible to ensure that a final bill arrives on the President's desk for enactment before this Congress adjourns.

This country has experienced a seemingly endless number of foodborne-illness outbreaks and recalls of contaminated products, demonstrating the clear need for this legislation. S. 510 fundamentally shifts the government's approach in this area to preventing food-safety problems, rather than just reacting to them. The bill requires food companies to develop food-safety plans that identify possible sources of contamination and implement measures to minimize them. This legislation also provides the U.S. Food and Drug Administration (FDA) with much-needed enforcement tools, such as mandatory recall authority and better inspection.

Enactment of FDA food-safety legislation could significantly reduce the burden of foodborne illness in the United States, both for families and businesses. A Pew-funded study estimates the annual health-related costs of foodborne illness at \$152 billion. For this reason, a wide range of stakeholders—consumer advocates, public health organizations, and major industry groups—support this bill. We thank you for your leadership on S. 510 and ask you to continue your efforts to secure its passage.

Sincerely,

SHELLEY A. HEARNE,
Managing Director, Pew Health Group.

CONSUMERS UNION,
Yonkers, NY, September 10, 2010.

Hon. RICHARD J. DURBIN,
Hart Senate Office Building,
Washington, DC.
Hon. JUDD GREGG,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR DURBIN AND SENATOR GREGG: Consumers Union, the non-profit publisher of Consumer Reports magazine, writes in support of S. 510, the bipartisan FDA Food Safety Modernization Act. This legislation will finally bring our outdated food safety laws into the 21st century, and will help protect consumers from deadly recalls like last month's recall of half a billion eggs for Salmonella contamination. Consumers expect that the food they eat and serve to their families will not make them sick, or worse. We applaud your leadership on this vital consumer protection legislation, and hope that S. 510 comes to the floor of the Senate for a vote in September.

S. 510 will protect consumers by:

Requiring the Food and Drug Administration (FDA) to inspect food processing plants on a regular basis;

Giving FDA the power to order recalls of contaminated food; right now, the agency can only request that the food be recalled and hope that companies respond in the public interest;

Requiring food producers to identify where food can become unsafe, and requiring them to take steps to prevent contamination by Salmonella, E. coli, Listeria, and other pathogens;

Improving methods of tracing contaminated food back to its source, so that consumers can act in a timely and knowledgeable fashion to protect their families from unsafe food; and

Requiring imported food to meet the same safety standards as food produced in the U.S.

S. 510 also takes steps to address the concerns raised by small food producers that they be regulated in a scale-appropriate manner.

We also urge you to support Senator Feinstein's proposed amendment to ban Bisphenol-A (BPA), an endocrine disruptor, from baby bottles, sippy cups, baby food, and infant formula. BPA has been linked to a wide range of health problems. Numerous studies have shown BPA effects on the brain, prostate, hormonal and reproductive systems, and it has been linked to an increased risk of insulin resistance and even cancer.

The health impact is even more pronounced on babies and children. Seven states and several cities have already taken action to ban BPA from food and beverage containers used by children and babies, as have three nations, including Canada. In addition, packaging and containers already exist on the market today without this chemical. We urge you to support the Feinstein amendment, and to provide all American children with BPA-free food and drink.

Again, we thank you for your strong leadership on this vital public health legislation. We look forward to working with you to send a final bill to the President's desk for signature this fall.

Sincerely,

JEAN HALLORAN,
Director, Food Policy Initiatives.
AMI V. GADHIA,
Policy Counsel.

SEPTEMBER 15, 2010.

SENATOR HARRY REID,
Office of the Senate Majority Leader, Capitol Building, Washington, DC.

SENATOR MITCH MCCONNELL,
Office of the Senate Minority Leader, Capitol Building, Washington DC.

DEAR MAJORITY LEADER REID & MINORITY LEADER MCCONNELL: Our organizations are writing to urge you to schedule a vote on S. 510, the FDA Food Safety Modernization Act of 2009, at the soonest possible date. The HELP Committee approved a strong, bipartisan bill in November, and we believe that a vote would keep the momentum going for enactment of landmark food-safety legislation.

Strong food-safety legislation will reduce the risk of contamination and thereby better protect public health and safety, raise the bar for the food industry, and deter bad actors. S. 510 will provide the U.S. Food and Drug Administration (FDA) with the resources and authorities the agency needs to help make prevention the focus of our food safety strategies. Among other things, this legislation requires food companies to develop a food safety plan; it improves the safety of imported food and food ingredients; and it adopts a risk-based approach to inspection.

Our organizations—representing the food industry, consumers, and the public-health community—urge you to bring S. 510 to the floor, and we will continue to work with Congress for the enactment of food safety legislation that better protects consumers, restores their confidence in the safety of the food they eat, and addresses the challenges posed by our global food supply.

Sincerely,

American Beverage Association, American Frozen Food Institute, Center for

Foodborne Illness Research & Education, Center for Science in the Public Interest, Consumer Federation of America, Consumers Union, Food Marketing Institute, Grocery Manufacturers Association, International Bottled Water Association, International Dairy Foods Association, National Association of Manufacturers, National Coffee Association of U.S.A., Inc., National Confectioners Association, National Consumers League, National Restaurant Association, The PEW Charitable Trusts, Trust for America's Health, Snack Food Association, S.T.O.P. Safe Tables Our Priority, U.S. Chamber of Commerce, U.S. Public Interest Research Group.

DEPARTMENT OF HEALTH AND
HUMAN SERVICES,
Washington, DC, September 10, 2010.

DEAR MEMBER OF CONGRESS, The events of the past two weeks have illustrated a pattern that is all too familiar. Local health officials around the country begin to see an uptick in illnesses from a particular source. As they notify the Centers for Disease Control and Prevention, epidemiologists begin to see a pattern in the illness and outbreak reports, identify a food as the likely cause, and notify the Food and Drug Administration (FDA). FDA, state health and local officials then deploy investigators across the country, furiously searching for the source of the illness, knowing that every day more people are getting sick, some seriously. In the meantime, the public must be warned to avoid the food of concern, creating anxiety for consumers and economic losses for farmers, food processors and retailers.

This time we're seeing this pattern play out with Salmonella Enteritidis in eggs, with illnesses in 22 states and more than half a billion eggs being recalled. But in recent years it has been spinach, salsa, peanut butter, bean sprouts, cookie dough, green onions—the list goes on and on, covering many of our most common foods. Many people are left wondering: heading into the second decade of the 21st century, why can't we prevent and react more effectively to the threat from foodborne illness?

Sadly, the answer is simple. As President Obama said during last year's peanut butter outbreak, caused by a different form of Salmonella, we have a food safety regulatory system designed early in the 20th century, one that must be overhauled, modernized and strengthened for today.

Under the current system, FDA is often forced to chase food contaminations after they have occurred, rather than protecting the public from them in the first place. Difficulties in tracking the movement of food from its origin to its eventual sale to the public (often far across the country) can frustrate efforts to identify contaminated food. The biggest surprise to most people: FDA cannot order a recall of contaminated food once it is found in the marketplace. Although government has a crucial role in ensuring the safety of our food supply, strong regulation has been missing. An overhaul of our antiquated food safety system is long overdue.

Proposed food safety legislation would give FDA better ways to more quickly trace back contaminated products to the source, the ability to check firms' safety records before problems occur, clear authority to require firms to identify and resolve food safety hazards, and resources to find additional inspections and other oversight activities. Pending

legislation would also give the agency mandatory recall authority, and other strong enforcement tools, like new civil penalties and increased criminal penalties for companies that fail to comply with safety requirements. In a world where more and more food is imported, the legislation also would strengthen FDA's ability to ensure the safety of imported food.

The good news is that a bipartisan majority in the House of Representatives passed major food safety legislation last year that would move the United States from a reactive food safety system to one focused on preventing illness. Likewise in the Senate, a bipartisan coalition has developed a strong food safety bill that is ready for the Senate floor. This legislation has the support of a remarkably broad coalition of public health, consumer and food industry groups. We commend both chambers for their hard work.

Now it's time to finish the job. We encourage Senators to support a critical and commonsense piece of public health legislation. And, we urge the House and Senate to quickly deliver a modern food safety bill to the President's desk. It's time to break the pattern of foodborne illnesses and economic loss. It's time to give FDA the modern tools and resources it needs to meet the challenges of the 21st century.

KATHLEEN SEBELIUS,
Secretary, Department of Health and Human
Services.

MARGARET A. HAMBURG, M.D.,
Commissioner of Food and Drugs.

Mr. HARKIN. Mr. President, I have said many times that to say that food safety in this country is a patchwork is giving it too much credit. Food safety has too often become a hit-or-miss gamble, with parents obliged to kind of roll the dice when it comes to the safety of their kids' food. It is frightening and unacceptable. It is past time to modernize our food safety laws and regulations—70 years past time. We need to give FDA the resources and authority it needs to cope with a growing problem that threatens today a more abundant and diverse food supply. We need to act now.

I urge my colleagues to join the bipartisan sponsors to pass this important legislation and vote for cloture this afternoon on the motion to proceed. Hopefully, we can get on the bill and pass it as soon as possible, so that the families of America will have more assurance that the food they eat, no matter what the source, or from where it comes, has more safety procedures attached to it, and so that we have a new process for prevention in place for all facilities in this country and in foreign countries, and so we can raise the bar and say to our families that you can have more assurance in the future that the food you buy, whether it is the fresh fruits you buy in the middle of winter, shipped from Chile, Argentina, or Mexico, or Guatemala, or the fresh fruits you get in the summertime from California, Washington State, and Canada, or the produce, the lettuce, the bagged spinach, or whatever it might be, will be more safe for you and your family. That is what this is all about—protecting our families and making

sure our food safety laws are adequate for the 21st century and not the 18th century.

I yield the floor.

THE FDA FOOD SAFETY MODERNIZATION ACT

Mr. ENZI. Mr. President, the United States has one of the best food safety systems in the world. However, even the best of systems have room for improvement. That is why my colleagues and I worked together over the past year to produce a bill that has broad bipartisan support. Food safety is not a partisan issue. We all want the safest food supply possible and the Food Safety Modernization Act makes significant improvements in that direction.

This is not a perfect bill. If it were solely up to me, there are several provisions that I would have done differently. However, this bill provides real improvements for our food system by placing a greater emphasis on prevention and targeting government involvement to the areas of greatest need.

The American food industry is made up of hundreds of thousands of processors, distributors, and retailers of all sizes, both foreign and domestic. When you say "food industry" many think of the Nations largest food processors that carry the brand names with which we are familiar.

In truth, "industry" also consists of tens of thousands of small businesses across the country. It also includes over 2 million farmers, both large and small, in the United States that provide the food that we consume at our tables. This bill recognizes the diversity of all these individuals and organizations and protects their ability to continue to grow safe food for our families.

The bill also recognizes the vital role played by State and local officials. Our State officials are on the front lines when it comes to responding to food safety concerns and this bill makes sure that they will have the resources they need to do their jobs. Specifically, the bill provides training and education of State, local, and tribal authorities to facilitate the implementation of new standards under the law.

My colleagues, including Senators HARKIN, GREGG, DURBIN, BURR and DODD, have recognized all these challenges in this process and have worked together to prepare a bill that makes improvements to all aspects of our food system.

I am particularly pleased with the efforts the group has made in the managers' package that focus on providing flexibility for small and very small food processors. This bill provides small processors additional time to comply with new food safety practices and guidelines. The bill also requires the FDA to publish user-friendly small

entity compliance guides to assist firms with the implementation of new practices. This way, small businesses in the food system, know exactly how to plan to adopt any new practices that could apply to them.

This bill also protects farms. Farmers remain exempt from registration under the Bioterrorism Act and any new produce safety standards must consider the unique practices that farmers use to grow or market their food. This includes consideration for farmers that use specific conservation practices or grow organic foods under the Organic Foods Production Act.

Small entities that produce food for their own consumption or market directly to consumers are also not subject to registration under this bill. This ensures that individuals can continue to provide food to their communities through farmers markets, bake sales, public events and organizational fundraisers. Some have confused this bill with provisions in other food related bills and it is not true that S. 510 regulates backyard gardens or potluck dinners. All across Wyoming, people grow their own food and contribute dishes to organizational fundraisers and this bill continues the practice of making sure those individuals aren't subject to federal regulation.

However, if the amendment tree is filled so amendments cannot be submitted, I will likely oppose any further cloture.

I want to again recognize and thank my colleagues who have worked on this bill. I look forward to considering this bill on the floor and appreciate those Members that have helped make this bill a bipartisan effort.

Mr. INOUE. Mr. President, I am pleased that through the leadership of the Health, Education, Labor, and Pensions—HELP—Committee, S. 510—the Food and Drug Administration—FDA—Food Safety Modernization Act—Food Safety Act—will be taken up on the floor of the Senate. I believe that consideration of the Food Safety Act represents positive steps toward better protections for the safety of the American people.

I am also pleased that a few of the provisions from my Commercial Seafood Consumer Protection Act—Seafood Safety Act—that I introduced on September 29, 2010, have been incorporated into S. 510. I am, however, disappointed that more of the Seafood Safety Act could not be included, and will continue to work on passage of the full bill.

The Seafood Safety Act will strengthen the partnership between the Secretary of Commerce, the Secretary of Health and Human Services, HHS, the Secretary of the Department of Homeland Security, DHS, the Federal Trade Commission, FTC, and other appropriate Federal agencies, to coordinate Federal activities for ensuring

that commercially distributed seafood in the United States meets the food quality and safety requirements of Federal law. The bill provides for no new jurisdiction and does not alter any existing jurisdiction given to FDA or any other agency. The bill does not include any authorization of appropriations, but seeks only to strengthen existing partnerships and share information.

The bill remains largely unchanged since I introduced it in the 110th Congress, but this version incorporates the FTC as an additional partner since they have broad existing authority for consumer and inter-state commerce fraud issues.

Specifically, the bill requires the Secretaries of Commerce, HHS, DHS, and the FTC to enter into agreements as necessary to strengthen cooperation on seafood safety, seafood labeling, and seafood fraud. Those agreements must address seafood testing and inspection; data standardization for seafood names; data coordination for the purposes of detection and prosecution of violations regarding importation, exportation, transportation, sale, harvest, or trade of seafood; seafood labeling compliance assurance; and information-sharing for observed non-compliance. The bill also increases the number of laboratories certified to inspection standards of the FDA and allows the Secretary of Commerce to increase the number and capacity of NOAA laboratories responsible for seafood safety testing. It allows for an increase in the percentage of seafood import shipments tested and inspected to improve detection of violations. Finally, the bill allows the Secretary of HHS to refuse entry of seafood imports from countries with known violations, and also allows the Secretary to permit individual seafood shipments from recognized and properly certified exporters.

Again, I am grateful for the leadership shown by the HELP Committee and Chairman HARKIN on S. 510, yet I remain committed to the Seafood Safety Act and look forward to continuing to work to ensure its passage.

Mr. HATCH. Mr. President, I rise today to express my mixed emotions on S. 510, the FDA Food Safety Modernization Act.

With past recalls on spinach, peppers, cookie dough, peanuts and peanut products, there appears to be an increase in the frequency of foodborne outbreaks. The Centers for Disease Control and Prevention, CDC, estimates that foodborne disease cause approximately 76 million illnesses in the U.S. each year, including an estimated 325,000 hospitalizations and 5,000 deaths. These statistics are strong evidence that our current food safety laws and regulations are antiquated and should be updated.

We live in a global food economy, but our Nation's current food safety laws

and regulations are geared predominantly to a local and domestic market. As a result, there are new safety challenges that have risen from this global market that must be addressed.

As the former chairman and ranking member of the Senate HELP Committee—it was then known as the Senate Labor Committee—I have a little history on this issue. As chairman of the committee, I introduced the Food Safety Amendments with the intent of ensuring a safer food supply, similar to the goal of the legislation before the Senate today.

I would like to point out that S. 510 is one of the few bipartisan pieces of legislation currently in the Senate. We had Republicans and Democrats working across the aisle to come up with solid policies to address some of the major gaps in our current food safety system. And as we deliberated these policies, it was important to me to protect existing laws that already have solid consumer protections. One of those laws is the Dietary Supplement Health and Education Act of 1994.

Briefly, DSHEA clarified the regulatory structure of supplements to ensure that individuals would continue to have access to safe supplements and information about their use. Under DSHEA, Congress set out a legal definition of what could be marketed as a dietary supplement.

We created a safety standard that products have to meet. We allowed the FDA to develop good manufacturing process standards for supplements. We clarified which claims could be made about these products and we said those statements must be truthful and not misleading.

Furthermore, the Dietary Supplement and Nonprescription Drug Consumer Protection Act of 2006 created a mandatory adverse event reporting, AER, system for dietary supplements and over-the-counter drugs. My friend and chairman of the Senate HELP Committee, TOM HARKIN, and I worked on this law very closely with Senator MIKE ENZI, who was chairman of the HELP Committee at the time, the late Senator Ted Kennedy, who was the ranking member of the HELP Committee at the time, and Senator DICK DURBIN on this important legislation. Our legislation created a system to provide the government with information about serious adverse events associated with dietary supplements and over-the-counter drugs. It provides Federal authorities with a better and more effective tool to become aware and to respond to any problems that might occur.

I am grateful and appreciative to the sponsors of the bill for including provisions to preserve the DSHEA and AER laws' consumer protections as part of S. 510.

In addition, I have heard from many of my constituents that they are concerned with the international harmonization provisions in this bill and its impact on the availability and affordability of dietary supplements—in particular, the Codex Commission which is an international organization that provides guidelines for food safety. Rest assured that the Commission's guidelines on vitamin and mineral food supplements will not affect the regulation of dietary supplements in the United States unless Congress decides to adopt the provisions.

Another issue I want to mention is the importance of promoting small businesses. Without a doubt, small businesses are the engine for economic growth in America and represent a powerful vehicle for opportunity. Small businesses contribute greatly to Utah's economy, and I am committed to doing all I can to promote job creation, grow our economy, and ensure America's businesses are competitive in the global marketplace.

So I am pleased that S. 510 considers the needs of small businesses. It accomplishes this by requiring the FDA to publish user-friendly guidance to assist firms with the implementation and compliance of new practices. It also gives small food facilities additional time to comply with the new food safety practices and guidelines. In addition, the legislation also requires the FDA to coordinate its outreach activities with the National Institute of Food and Agriculture of the U.S. Department of Agriculture, USDA, in order to educate and train growers and small food facilities about the new requirements from this bill.

Finally, I wanted to address concerns raised by the Utah farming community, particularly small farmers. First, this bill preserves the current jurisdictional separation between the USDA and the FDA. In other words, this bill does not change those who are currently subject to USDA regulation versus those who are subject to FDA regulation under the existing laws. Second, this bill does not change the existing definition of a facility currently required to register with the FDA. This means that farms that are currently exempt from registering with the FDA under the Bioterrorism Act of 2002 continue to remain exempt. Finally, small entities that produce food for their own consumption or market directly to consumers or restaurants are not subject to registration or the new recordkeeping requirements under this bill. This includes food sold through farmers' markets, personal or backyard gardens, bake sales, public events and organizational fundraisers.

Unfortunately with all those great provisions that I just mentioned, there is still one major concern that I cannot overlook, the cost of the bill. The Congressional Budget Office, CBO, has esti-

mated that the legislation will cost \$1.4 billion over 5 years. We need to rein in the out-of-control government spending, especially in today's fiscal environment. We simply cannot continue to drive up the national debt. We cannot sustain trillion-dollar deficits. More government spending will push the Nation over a precipice from which we may not be able to recover.

Even though this spending is discretionary, it troubles me that if future appropriations are not sufficient to cover the cost of the bill, Congress would be unintentionally giving the FDA an unfunded mandate. If this happens, the FDA would either simply not be able to live up to its new responsibilities or would be forced to shift funds from other important and already strapped agency programs like the regulation of prescription drugs, medical devices, and/or biologics. The latter could cause significant harm to the American public. So it is with deep regret that I cannot support S. 510 without it being paid for. However, I am committed to working with my Senate colleagues to find ways to offset the cost of the bill.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

BALANCED BUDGET AMENDMENT

Mr. CORNYN. Mr. President, I want to briefly draw attention to a resolution that the conference of Republican Senators and Senators-elect adopted yesterday, one that I think fits the times we are living in, one which has seen historic levels of Federal spending and debt and deficits, as well as unsustainable debt that will be inherited by our children and grandchildren, unless we take responsibility for it.

This resolution, I think, would demonstrate the seriousness that we would have as a Congress to get our Nation's fiscal house in order. This resolution reads:

It is Resolved by the United States Senate Republican conference:

That a Balanced Budget Amendment to the United States Constitution is necessary to restore fiscal discipline to our Republic;

That a Balanced Budget Amendment should require the President to submit to Congress a proposed budget prior to each fiscal year in which total federal spending does not exceed total federal revenue;

That a Balanced Budget Amendment should include a requirement that a supermajority of both houses of Congress be necessary to increase taxes;

That a Balanced Budget Amendment should include a limitation on total federal spending.

I thank the 20 Republican Senators and Senators-elect who cosponsored this resolution and the members of the conference who voted to adopt it. Let me share with you a few factoids that I think will demonstrate the compelling nature of this joint resolution and constitutional amendment.

In fiscal year 2010, our deficit was \$1.3 trillion or 8.9 percent of the gross domestic product. That is actually down from 9.9 percent in fiscal year 2009, but certainly nothing to celebrate. The Congressional Budget Office baseline estimates that Federal deficits will average \$605 billion each year through 2020, and the budget that the President submitted to us this year, itself, if implemented, would call for an average of \$1 trillion of deficit each year for the next 10 years.

We know that the Budget Act passed by Congress, signed by the President, requires the President of the United States to submit his budget by the first Monday in February. I can tell you that I am anxiously awaiting to see in that budget proposal submitted by the President by the first Monday in February his commitment to fiscal discipline—now particularly since the American people have spoken so loudly and clearly about their concerns over reckless spending and endless debt.

We know a balanced budget amendment actually works, because virtually every State in the Nation has one, including my State of Texas. Only the Federal Government has no requirement of a balanced budget and can spend huge deficits and borrow money it does not have. No family in America, or small business, when income goes down, can continue to spend at the same level. They have to live within their means. So should the U.S. Government.

We also know that a balanced budget amendment is popular with the public. A recent referendum held by Florida voters showed that 71 percent approved a nonbinding resolution supporting a balanced budget amendment. We have had votes in the Senate on this not that long ago. I believe it was in 1997, so I will let you judge whether it was long ago. Sixty-six Senators at the time voted in favor of a balanced budget amendment or 1 shy of the two-thirds necessary, including 11 colleagues on the other side of the aisle, demonstrating the bipartisan support for a balanced budget amendment.

It is important to note that at that time, when 66 Senators voted on a bipartisan basis for a balanced budget amendment, the deficit was only 1.4 percent of GDP. Today, it is 8.9 percent. I think if a balanced budget amendment was a good idea—at least in the minds of 66 Senators—in 1997, it is even a better idea today. So I hope colleagues on both sides of the aisle will join with me to offer ideas on drafting this joint resolution.

Of course, as you know, under Article V of the Constitution of the United States, a constitutional amendment can emanate from Congress itself with a two-thirds vote or it can be the result of a constitutional convention. Under either circumstance, three-quarters of the States would be necessary to ratify

it. I think if Republicans and Democrats can listen to the voice of the American people and get behind a joint resolution, it will restore some of the public's lost confidence in our ability and our willingness both to heed their voice and also live up to our responsibility.

I think a balanced budget amendment would be a big step forward in the cause of fiscal discipline but, of course, not the only step. As the cochairs of the President's debt commission have already indicated, we need other measures. One that caught my eye they called a "cut and invest committee," charged with trimming waste and targeting investment. They noticed a good example at the State level, in my State of Texas, where we have a sunset commission that requires, every 10 years, every State agency to go through a process to determine whether the programs and the agency itself continue to have good reason to exist at the spending levels authorized.

We need something such as that, which will provide a tremendous ability for us to have additional tools to contain costs and avoid wasteful spending. To that end, I have put forth a model of the bill of the Texas sunset commission, called the United States Authorization and Sunset Commission Act. I urge my colleagues to take a look at that, and I can assure you that, come January, when we have a new Congress, I will offer that legislation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

PAYCHECK FAIRNESS

Ms. MIKULSKI. Mr. President, I rise to speak on paycheck fairness, a bill on which we will be voting on cloture. The paycheck fairness bill picks up where the famous Lilly Ledbetter bill left off. I was so proud to lead the fight on the Senate floor 2 years ago, under a new Congress and a new President, to ensure that we righted the wrong of a Supreme Court decision, where Lilly Ledbetter, on behalf of American women everywhere, would be assured that she could get equal pay for equal or comparable work. The Congress responded well and that legislation is now the law of the land.

The paycheck fairness bill picks up where Ledbetter left off, because Ledbetter left the courthouse door open to sue for discrimination. Paycheck fairness makes it more difficult to discriminate in the first place; it increases penalties for discrimination; prohibits employer retaliation for sharing pay information; it closes the loophole that allows for a broad defense in equal pay cases.

Let me go through this one by one. It improves remedies where discrimination has occurred. Current law now

says that women can only sue for back pay and fixed damages. The paycheck fairness bill would allow women to get additional compensatory damage, which makes up for the injury or harm suffered based on discrimination. Ledbetter had no provisions regarding that. Also, so crucial is that it prohibits employer retaliation—and, wow, does this go on in the workplace.

Under current law, employers can sue or actually punish employees for sharing salary statements and information with coworkers. This is usually the way employees find out that they are being discriminated against. In the famous Supreme Court hearing, some of our Supreme Court Justices, who bragged that they don't know what a BlackBerry is, gave women the raspberries when they said women should know they are being discriminated against, but you cannot even talk at the water cooler, or down in the office gym, and say: I get paid this; what are you getting paid for the same job?

What paycheck fairness will now do is prohibit employers from taking action against employees who simply share information about what they are getting paid. This was not included in the Ledbetter Act. It clarifies that any factor other than a sex offense—right now, an employer can assert a defense that the pay differential is based on a factor other than sex. Courts can interpret this broadly, and a number of factors are limited. What the paycheck fairness bill does is tighten that loophole by requiring that the differential is truly caused by something other than sex or gender or is related to job performance that is necessary for the business. Ledbetter did not address that loophole. By the way, I know that the specter of small business is always raised, but I say to my colleagues that small businesses with revenue of less than \$500,000 are exempt from the Equal Pay Act. That means that paycheck fairness maintains that exemption. That is how it takes Ledbetter one step farther. It gives women the tools to begin to know what they are being paid—or people of ethnic minorities, et cetera.

Why is this important? First, it is fundamental fairness. You ought to be paid equal pay for equal or comparable work. It is fundamentally fair. If the same people are doing the job with the same skills and background, they ought to get the same pay. It affects a family's paycheck; it affects their pension; it affects their whole way of life. Right now, equal pay is actually critical to economic recovery. It is one of the ways that we can make sure the family checkbook is increased based on merit.

Some people say: Oh, well, why do you need another bill, Senator Barb? Women already have enough tools to fight discrimination. Well, we haven't fixed everything. And here, I think this

bill is simple and achievable with the small business exemption that will do that.

When the Equal Pay Act was passed in 1963, women earned merely 59 cents on every dollar earned by men. We have made progress. In 47 years, we have now come up to 77 cents for every dollar that men make. It only took us 43 years to get an 18-cent increase. Well, I think times are changing. Women are now more in the workplace, and women are now often the sole or primary source of income. Creating a wage gap is not the way to improve the health of a family or the health of our community.

I could go through a lot of statistics about what that means, but I simply want to say to my colleagues that with many Americans already earning less, we need to make sure that the family budget is based on people being able to get paid for what they do and to make work worth it and make wage compensation fair.

I think the facts speak for themselves as to why this bill is necessary. I think the bill itself is a very specific, achievable, narrowly drawn bill, and I urge my colleagues to vote for cloture.

Mr. DODD. Mr. President, I rise today to speak on the Paycheck Fairness Act, a critically important bill to guarantee women equal pay for equal work. I am proud to lead the effort in the Senate to pass this legislation, which my dear friend and colleague ROSA DELAURIO has already shepherded through the House of Representatives.

I am pleased that the Senate is finally considering this commonsense legislation and am grateful to the majority leader for his strong support and his recognition of how important this bill is to American families.

Americans must be assured of equity in the workplace. Unfortunately, the fundamental principle of equal pay for equal work has yet to be realized in this country. In my view, it is high time that Congress step in to remedy this injustice.

Despite passage of the Equal Pay Act over 40 years ago, which was intended to ensure that women are paid the same as their male counterparts, a large wage gap still persists. Women are paid, on average, just 77 cents for every dollar earned by a man. To put it another way, the pay gap means that the average woman is paid more than \$10,000 less per year than she deserves. The gap is even larger in the African American and Hispanic communities, with black women earning 70 cents and Hispanic women earning merely 67 cents for every dollar a man earns. In my view, it is an outrage that in the year 2010 we are still not treating women as equals in the workplace.

Even a college education doesn't suffice to correct this inequality. In my home State of Connecticut, the median wage for a woman with a bachelor's degree is \$55,000—which puts her on par

with a man who only has a high school diploma. This wage gap means that, cumulatively, a working woman will be shortchanged by \$400,000 to \$2 million over her lifetime in lost wages, pensions, and Social Security benefits.

Now, some will argue that the wage gap is a product of the choices women make, such as what they study in college, what field they pursue careers in, and whether to take time off to raise their children. But study after study has corrected for every possible variable, and still has found that only part of the wage gap can be explained by measurable factors. The rest of the gap is a result of discrimination in the workplace. One study compared men and women who had pursued the same majors, attended equally good schools, and were entering the same industry, and found that women are already paid less than these identically qualified men just one year out of college.

This is not just a matter of fairness but of economic necessity. Every dollar that women are shortchanged means a dollar less spent in her community, to take care of her family. The problem is particularly acute during the current economic recession, in which women are increasingly the primary or sole breadwinners for their families. Since the recession began, approximately 70 percent of jobs lost were jobs that had been held by men. In the typical married-couple family, this translates into forcing the family to survive on just 42 percent of its former income. This means families have less money to spend on everything—groceries, going out to eat, new school clothes, home and car repairs—all of which means less money going into our local economies. Paying women fairly is not just the right thing to do, it is also an immediate economic boost.

The Paycheck Fairness Act would finally give women tools strong enough to end wage discrimination. It provides a long-overdue update to the Equal Pay Act, which has not been amended since it was signed into law by President Kennedy in 1963. I would add to my colleagues who may be undecided on whether to support the upcoming cloture vote—it has been forty-seven years since the Equal Pay Act was enacted. If we fail to pass this critically important legislation now, there may not be another opportunity to do so for a decade or more.

The Paycheck Fairness Act improves on the Equal Pay Act by toughening penalties for pay discrimination. It puts gender-based discrimination on equal footing with discrimination based on race or ethnicity by allowing women to sue for compensatory and punitive damages. It closes a significant loophole in the Equal Pay Act that for too long has allowed to justify unequal pay without a legitimate business need. It prohibits employers from punishing whistleblowers. Further-

more, it will require better data collection by the Department of Labor and Equal Opportunity Commission and set up training programs to help women learn more effective salary negotiation skills.

To continue our economic recovery, I believe that we must not only work to create jobs. We must also ensure that those jobs are good jobs. Making sure that all workers are confident that they are being treated and compensated fairly is critical to that goal.

This bill will ensure that workers are paid what they deserve and will provide them with security and fairness in the workplace. I urge my colleagues to support this effort.

Mr. CARDIN. Mr. President, I rise today in support of the Paycheck Fairness Act.

Progress for women in this country has not come easily or come quickly. There was a time when women were not allowed to vote or own property. In fact, our country once considered women to be the property of their fathers or husbands.

Over the years, women have fought gender barriers and broken down stereotypes, making great strides toward equity. Unfortunately, inequities still exist. While women have successfully broken through glass ceilings on careers across the employment spectrum, pay discrimination still remains.

Today, women make up half of the total workforce and nearly 4 in 10 mothers are the primary breadwinners of their household. Nearly two-thirds of mothers bring home at least a quarter of the household earnings. In these hard economic times, when women's wages put food on the table, keep the lights on and put gas in the car, pay inequities should not be tolerated.

In 1963, Congress passed the Equal Pay Act in an effort to end pay discrimination. Despite the good faith effort of this legislation, legal loopholes exist that have weakened the intent and goal of the law. The Paycheck Fairness Act updates and strengthens the core principles in the Equal Pay Act. It will close loopholes in the original legislation; level the playing field for employers, so the employers paying fair wages are not disadvantaged; and will shine a light on pay discrimination occurring throughout our country.

According to the Census Bureau, although women between the ages of 25 and 29 possess a higher percentage of bachelor degrees than men in the same age group, women consistently earn less than men at every level of education attainment. In 2009, women working full time, year around were paid 77 cents for every dollar paid to men on average. This gap is worse for minorities. African-American women were paid 62 cents and Latino women are paid only 53 cents for every dollar a man makes.

In fact, women earn less on the dollar than men as their level of education in-

creases. A study completed by the American Association of University Women found that female graduates working full time earn only 80 percent as much as their male graduates. The study then looked ten years after graduation to find women fall further behind, earning only 69 percent as much as men. Overall women are paid less than their male counterparts during their entire career.

Opponents of this legislation argue that there is no real gender pay gap and if there is one it's due to women's choices. Specifically, opponents assert that women earn less because they are more likely to choose part-time work to accommodate a growing family. This is incorrect. Many studies demonstrate that the wage gap is real. According to a recent GAO study, so-called life choices do not explain the persistent wage gap. Additionally, GAO found that even when all relevant career and family attributes are taken into account, there is still a significant unexplained gap in men's and women's earnings.

Additionally, opponents of the legislation assert that the Paycheck Fairness Act will create increased litigation. This, too, is just wrong. The Equal Pay Act is not a strict liability statute and it sets a very high burden for an employee to bring a claim. That burden will not change with the passage of the Paycheck Fairness Act. The legislation will now require that the "factor other than sex" defense available to employers is a bona fide, job related factor that must be articulated. This language mirrors other civil rights legislation prohibiting discrimination.

Finally, opponents assert that this legislation will hurt businesses and reduce job growth during these hard economic times. This is yet another incorrect assertion. In fact, this legislation will help ensure that women are paid fairly for equivalent work. In a nationwide survey of registered voters, 84 percent of voters said they supported "a new law that would provide women with more tools to get fair pay in the workplace." There is an overwhelming level of support for fair pay across the political spectrum.

The goal of the Paycheck Fairness Act is simple: close the loopholes that exist in current law to ensure that men and women are paid fairly and accurately in the workplace. No longer will an employer be able to pay women and men different wages if they are doing the same or equivalent jobs. No longer will an employer be allowed to retaliate against employees for discussing their wages with other employees. No longer will we allow pay discrimination to be tolerated.

As an original cosponsor of this bill, I urge my colleagues to support this bill and join our colleagues in the House by passing the Paycheck Fairness Act.

Mr. DURBIN. Mr. President, it is nearing 2 years since we passed the Lilly Ledbetter Fair Pay Act protecting the principle of equal pay for equal work by allowing workers to pursue pay discrimination cases beyond the arbitrary window established by the Supreme Court. Unfortunately, while the Lilly Ledbetter Act was an important step in eliminating pay discrimination, a sizable pay gap remains between working men and women.

The numbers are astounding. Nearly 50 years after the passage of the Equal Pay Act, a recent GAO report shows that managers who are women make 81 cents to every dollar of their male counterparts. According to the U.S. Census Bureau report, the gap grows even larger—77 cents to every dollar—when looking at the entire working population.

In Illinois, for a median income household, that is a difference of \$11,000 each year. This is a significant difference in compensation. Imagine, for a family where the woman is the primary or only wage-earner how much difference \$11,000 a year could make.

The Paycheck Fairness Act would help narrow this pay gap by amending the Equal Pay Act to reduce discrimination in the workplace. It would bar retaliation against workers for disclosing wages, so that workers can identify pay discrimination when it happens.

The bill would clarify what constitutes valid justification for pay differentials so that employers know what factors are lawful considerations. The law would clarify that gender difference alone is not adequate pay differential must be based on legitimate, job-related requirements. It would create incentives for good behavior by providing technical assistance and employer recognition awards.

Finally, the legislation would amend the Equal Pay Act to ensure that women facing discrimination have access to the same wage discrimination remedies as are available for racial or ethnic wage discrimination.

These commonsense solutions can help narrow the wage gap. Women cannot afford, quite literally, to wait for this legislation any longer. We cannot ignore that the gender wage gap is unacceptably large and shrinking much too slowly. We owe working women of America and their families—more. I look forward to casting my vote to proceed to the Paycheck Fairness Act and urge my colleague to join me.

Mr. President, I yield the floor.

FOOD SAFETY

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, first, I thank Senator ENZI for allowing me a couple of seconds here as we move

toward a cloture vote on S. 510. I am an original cosponsor of S. 510, the food safety bill. I certainly had hoped that we would be able to come together in a bipartisan way in support of that bill. Unfortunately, the bill, with the substitute that has now been filed, is not the same bill I originally cosponsored. I will speak more about this after the vote, but it is my intent to vote against cloture on this bill.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

PAYCHECK FAIRNESS ACT

Mr. ENZI. Mr. President, I want to talk about the paycheck unfairness bill that is before us. A better title for this bill should be the “jobs for trial lawyers act.”

I am confident that there is no Member of this Senate who would tolerate paying a woman less for the same work simply because she is a woman. As husbands, fathers, and mothers of working women, I believe we all recognize the gross inequity of discrimination in pay based on gender. Congress has put two laws on the books to combat such discrimination—Title VII of the Civil Rights Act of 1964 and the Equal Pay Act of 1963. These are both good laws that have been well utilized to combat discrimination where it exists, and I support the full enforcement of these laws. Businesses that discriminate against a female employee because of her gender must be corrected and penalized.

But what the majority is trying to push through here today is of a very different nature. The so-called Paycheck Fairness Act is actually a “jobs for trial lawyers act.” The primary beneficiary of this legislation will be trial lawyers. They will be able to bring bigger class action lawsuits—which usually result in coupons for the people that were disadvantaged—without even getting the consent of the plaintiffs, and they will have the weapon of uncapped damages to force employers to settle lawsuits even when they know they have done nothing wrong. The litigation bonanza this bill would create would extend even to the smallest of small businesses, only further hampering our economic recovery.

There are a number of other concerning provisions of this legislation, such as authorizing government to require reporting of every employer's wage data by sex, race, and national origin. Had this bill gone through committee markup under regular Senate order, we may have been able to address some of these concerns. But this bill—like so many other labor bills in the HELP Committee jurisdiction of this Congress—has circumvented regular order.

Mr. President, I ask unanimous consent to have printed in the RECORD a

list of letters from a total of 44 groups opposing this legislation and 4 newspaper op eds.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GROUPS OPPOSING PFA, 11/17/2010

1. Alliance for Worker Freedom; 2. American Bakers Association (coalition letter); 3. American Bankers Association (coalition letter); 4. American Hotel & Lodging Association (coalition letter); 5. Associated Builders and Contractors; 6. Associated General Contractors (coalition letter); 7. Associated Industries of Massachusetts; 8. Coalition of Franchisee Associations; 9. College and University Professional Association for Human Resources (coalition letter); 10. Concerned Women for America; 11. Food Marketing Institute; 12. HR Policy Association (coalition letter); 13. Independent Electrical Contractors; 14. Indiana Restaurant Association; 15. International Franchise Association; 16. International Foodservice Distributors Association (coalition letter); 17. International Public Management Association for Human Resources (coalition letter); 18. Louisiana Restaurant Association; 19. Maine Restaurant Association; 20. Montana Restaurant Association.

21. National Association of Manufacturers; 22. National Association of Wholesaler-Distributors (coalition letter); 23. National Council of Chain Restaurants (coalition letter); 24. National Council of Textile Organizations (coalition letter); 25. National Federation of Independent Business (coalition letter); 26. National Public Employer Labor Relations Association (coalition letter); 27. National Restaurant Association; 28. National Retail Federation; 29. National Roofing Contractors Association (coalition letter); 30. National Small Business Association; 31. National Stone, Sand and Gravel Association (coalition letter); 32. Nebraska Restaurant Association; 33. North Carolina Restaurant and Lodging Association; 34. Ohio Restaurant Association; 35. Printing Industries of America (coalition letter); 36. Retail Industry Leaders Association; 37. Small Business & Entrepreneurship Council (coalition letter); 38. Society for Human Resource Management (coalition letter); 39. Texas Restaurant Association; 40. U.S. Chamber of Commerce; 41. U.S. Commission on Civil Rights; 42. Virginia Hospitality and Travel Association; 43. West Virginia Hospitality & Travel Association; 44. World At Work (Requires clarification that legit ER practices not covered by PFA).

BILL TAKES ON DISTURBING PAY GAP—BUT OFFERS FLAWED REMEDIES

(November 17, 2010)

All eyes will likely be on U.S. Senator Scott Brown this week as he casts a decisive Senate vote on the Paycheck Fairness Act, a bill aimed at helping women fight for equal pay in the workplace. But while parts of the bill would be useful, the measure as a whole is too broad a solution to a complex, nuanced problem.

The bill is meant to address a troublesome wage gap between women and men, which has decreased over time, but still persists; today, most women earn roughly 77 cents for every dollar earned by men in equivalent jobs. The reasons for this discrepancy are under dispute, and the Paycheck Fairness Act would take some steps to protect against blatant discrimination. Most notably, it would bar businesses from retaliating

against employees who share information about their salaries with their coworkers. The bill would also provide funds to train businesses to improve their pay practices and train women to negotiate their salaries more effectively.

But the controversial meat of the bill is the changes it would make to the legal process, amending the Equal Pay Act of 1963. Where women today can only sue for back pay, the new bill would allow them to seek both compensatory damages and unlimited punitive damages. The bill would also make it easier for workers to join class-action suits. Most problematically, it would alter the burden on businesses, requiring them to prove that any difference in pay is the result of a business necessity, and to demonstrate why they didn't adopt a plaintiff's suggested "alternative remedy" that wouldn't result in a pay gap.

But what if a company offers a higher salary for retail workers in a more dangerous location, and more men sign up? What if a male worker leverages a job offer into a higher salary? Should these be illegal acts? The bill would create too strong a presumption in favor of discrimination over other, equally plausible explanations for disparities in salaries. In addition, the threat of much higher damage awards by juries might lead businesses to make quick settlements for frivolous claims. (Today, about 60 percent of discrimination claims tracked by the Equal Employment Opportunity Commission are found to have no merit.)

Proponents of the bill note that today's penalties for wage discrimination are so anemic that there's no incentive for businesses that discriminate to change their ways. A narrower bill that would stiffen some penalties and ban retaliation would be helpful. But companies are right to be concerned that this bill, as written, is too deep an intrusion.

[From the Chicago Tribune, Nov. 12, 2010]
PAYCHECK FAIRNESS?

Equal pay for equal work stands as a cornerstone of the American workplace, and we support the principle wholeheartedly. But Congress is moving toward a fix that would be grossly intrusive on decision-making by private businesses.

At least one group would get a fatter paycheck from the Paycheck Fairness Act: trial lawyers.

The proposed law says that in cases where a pay disparity between men and women is challenged in court, an employer would have to prove there is some reason for the gap other than discrimination. The employer would also have to prove that the gap serves a necessary business purpose. And even then, the employer could be in trouble if a court determines that an "alternative employment practice" would serve the same purpose without skewing the salaries.

Those judgment calls go by another name: management decisions. The legislation would open businesses to wide second-guessing of decisions they made to hire and promote the most effective work force in a competitive environment. It would leave businesses with one eye on the competition and one eye on what a judge might decide in hindsight is a preferable "alternative employment practice."

Uncle Sam to the nation's employers: We'll tell you how to run your business.

Imagine a company that pays more to workers with greater experience. If women haven't been on the job as long as men, they would likely earn less. The burden would be

on the employer to prove that experience not only yielded a measurably better quantity and quality of work, but also that it was the best yardstick to use. "How are you going to prove that?" asks Camille Olson, an attorney at Chicago's Seyfarth Shaw LLC who has testified against the legislation on behalf of the U.S. Chamber of Commerce. "It would be very, very difficult."

Making matters worse, under the new law, damage awards would be uncapped, and class-action procedures loosened. Bring on the trial lawyers.

The nation already has strong legal protections for women in the workplace, even for cases of unintentional discrimination. Under the Equal Pay Act of 1963, employers can justify wage differentials only if they're based on gender-neutral factors, such as education, experience, productivity and market conditions.

This bill has its heart in the right place. It even has some worthwhile, less-intrusive provisions, such as protection from company retaliation for workers who share information about wages.

It has been approved by the House and is slated to reach the Senate floor next week. It is a high priority for the Obama administration. But it is much too intrusive, and the Senate should reject it.

[From the New York Times, Sept. 21, 2010]
FAIR PAY ISN'T ALWAYS EQUAL PAY
(By Christina Hoff Sommers)

Among the top items left on the Senate's to-do list before the November elections is a "paycheck fairness" bill, which would make it easier for women to file class-action, punitive-damages suits against employers they accuse of sex-based pay discrimination.

The bill's passage is hardly certain, but it has received strong support from women's rights groups, professional organizations and even President Obama, who has called it "a common-sense bill."

But the bill isn't as commonsensical as it might seem. It overlooks mountains of research showing that discrimination plays little role in pay disparities between men and women, and it threatens to impose onerous requirements on employers to correct gaps over which they have little control.

The bill is based on the premise that the 1963 Equal Pay Act, which bans sex discrimination in the workplace, has failed; for proof, proponents point out that for every dollar men earn, women earn just 77 cents.

But that wage gap isn't necessarily the result of discrimination. On the contrary, there are lots of other reasons men might earn more than women, including differences in education, experience and job tenure.

When these factors are taken into account the gap narrows considerably—in some studies, to the point of vanishing. A recent survey found that young, childless, single urban women earn 8 percent more than their male counterparts, mostly because more of them earn college degrees.

Moreover, a 2009 analysis of wage-gap studies commissioned by the Labor Department evaluated more than 50 peer-reviewed papers and concluded that the aggregate wage gap "may be almost entirely the result of the individual choices being made by both male and female workers."

In addition to differences in education and training, the review found that women are more likely than men to leave the workforce to take care of children or older parents. They also tend to value family-friendly workplace policies more than men, and will often accept lower salaries in exchange for

more benefits. In fact, there were so many differences in pay-related choices that the researchers were unable to specify a residual effect due to discrimination.

Some of the bill's supporters admit that the pay gap is largely explained by women's choices, but they argue that those choices are skewed by sexist stereotypes and social pressures. Those are interesting and important points, worthy of continued public debate.

The problem is that while the debate proceeds, the bill assumes the answer: it would hold employers liable for the "lingering effects of past discrimination"—"pay disparities" that have been "spread and perpetuated through commerce." Under the bill, it's not enough for an employer to guard against intentional discrimination; it also has to police potentially discriminatory assumptions behind market-driven wage disparities that have nothing to do with sexism.

Universities, for example, typically pay professors in their business schools more than they pay those in the school of social work, citing market forces as the justification. But according to the gender theory that informs this bill, sexist attitudes led society to place a higher value on male-centered fields like business than on female-centered fields like social work.

The bill's language regarding these "lingering effects" is vague, but that's the problem: it could prove a legal nightmare for even the best-intentioned employers. The theory will be elaborated in feminist expert testimony when cases go to trial, and it's not hard to imagine a media firestorm developing from it. Faced with multimillion-dollar lawsuits and the attendant publicity, many innocent employers would choose to settle.

The Paycheck Fairness bill would set women against men, empower trial lawyers and activists, perpetuate falsehoods about the status of women in the workplace and create havoc in a precarious job market. It is 1970s-style gender-war feminism for a society that should be celebrating its success in substantially, if not yet completely, overcoming sex-based workplace discrimination.

[From the Washington Post, Sept. 28, 2010]
PAYCHECK FAIRNESS ACT: A FLAWED
APPROACH TO JOB BIAS

There should be no tolerance for gender-based discrimination in the workplace, and the Paycheck Fairness Act contains sensible provisions on the issue, including protections against retaliation for employees who challenge pay schedules. But the proposal, which builds on the existing Equal Pay Act, would allow employees and courts to intrude too far into core business decisions.

The bill, which is pending in the Senate, would allow employers to defend against equal-pay lawsuits by proving that pay disparities between men and women were based on "bona fide" factors, such as experience or education, and that these factors are "consistent with business necessity." This provision would codify the current state of the law as developed in the courts over the past 30 years. During that time, judges pressed employers to prove the need for educational requirements that had no nexus to advertised jobs. Such requirements were often used to deny employment to minority applicants.

But the bill does not stop there. It also mandates that the business necessity defense "shall not apply" when the employee "demonstrates that an alternative employment practice exists that would serve the same

business purpose without producing such differential and that the employer has refused to adopt such alternative practice." But what if the employer has refused because it has concluded that the alternative is—contrary to the employee's assertion—more costly or less efficient? What if the employee and employer disagree on what the business purpose is or should be?

This approach also could make employers vulnerable to attack for responding to market forces. Take an employer who gives a hefty raise to a valued male employee who has gotten a job offer from a competitor. Would a court agree that the raise advanced a legitimate business purpose or could the employer be slammed unless he also bumps up the salary of a similarly situated female employee?

Discrimination is abhorrent, but the Paycheck Fairness Act is not the right fix.

Mr. ENZI. Mr. President, the newspaper articles I have submitted for the RECORD were written by the editorial boards of the Boston Globe, the Chicago Tribune, and the Washington Post, while the other op ed, written by a guest columnist, appeared in the New York Times. I don't think any of these would be considered to be conservative newspapers, but they have taken a strong stand in the same direction and position that I have been speaking here.

The bottom line is that this legislation will insert the Federal Government into workplace management decisions like never before. This intrusion will benefit trial lawyers and harm job growth and employment, which will affect both women and men.

Supporters of this bill cite wage data that the Bureau of Labor Statistics itself says "do not control for many factors that can be significant in explaining earning differences." In fact, studies show that if you factor in observable choices, such as part-time work, seniority, and occupational choice, the pay gap stands between 5 to 7 percent. Let me repeat: Part-time work, seniority, and occupational choice reduces the pay gap to between 5 and 7 percent. Some of these choices are certainly personal prerogatives, and I would not question the choices anyone makes with regard to family obligations or job security and the quality of fringe benefits, such as health, retirement, and child care. But to a large extent, this remaining gap is due to occupational choice.

It is unfortunate that this Congress has not done more to foster a job growth environment and improve job training programs, such as the Workforce Investment Act, which could train 100,000 people to be hired in skilled jobs—sometimes in the non-traditional roles. So instead of being a waitress, they might be a brick mason. We have heard that example in hearings. Such training under the Workforce Investment Act produces significantly higher wages, and that would prepare more women to enter higher earning occupational fields. Surely this

would be a more reasonable solution than a trial lawyer bonanza sure to disadvantage all employers and depress job growth to the disadvantage of all employees, which results in disadvantaged employees getting coupons while the trial lawyers keep most of the money.

I urge my colleagues to oppose this cloture vote.

Mr. President, I yield the floor, and I ask unanimous consent that the time during the quorum be equally divided between the two sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

PAYCHECK FAIRNESS ACT— MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3772, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 561, S. 3772, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 561, S. 3772, the Paycheck Fairness Act.

Harry Reid, Patrick J. Leahy, John F. Kerry, Carl Levin, Jack Reed, Bernard Sanders, Benjamin L. Cardin, Frank R. Lautenberg, Ron Wyden, Tom Harkin, Amy Klobuchar, Sherrod Brown, Kirsten E. Gillibrand, Christopher J. Dodd, Patty Murray, Barbara Boxer.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3772, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to vic-

tims of discrimination in the payment of wages on the basis of sex, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 58, nays 41, as follows:

[Rollcall Vote No. 249 Leg.]

YEAS—58

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (FL)
Bayh	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson	Rockefeller
Boxer	Kerry	Sanders
Brown (OH)	Klobuchar	Schumer
Burris	Kohl	Shaheen
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Coons	Lincoln	Warner
Dodd	Manchin	Webb
Dorgan	McCaskill	Whitehouse
Durbin	Menendez	Wyden
Feingold	Merkley	
Feinstein	Mikulski	

NAYS—41

Alexander	Crapo	Lugar
Barrasso	DeMint	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Nelson (NE)
Brown (MA)	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Collins	Johanns	Voinovich
Corker	Kyl	Wicker
Cornyn	LeMieux	

NOT VOTING—1

Murkowski

The PRESIDING OFFICER. On this vote, the yeas are 58, the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mrs. BOXER. Mr. President, I am very disappointed that the Paycheck Fairness Act was filibustered today.

The Paycheck Fairness Act passed the House on January 9, 2009, by a vote of 256-163 and Senate passage is long overdue.

This critical legislation will strengthen the Equal Pay Act and close the loopholes that have allowed employers to avoid responsibility for discriminatory pay.

Although the wage gap between men and women has narrowed since the passage of the landmark Equal Pay Act in 1963, gender-based wage discrimination remains a problem for women in the workforce.

According to the U.S. Census Bureau, women only make 77 cents for every dollar earned by a man. The Institute

of Women's Policy Research found that this wage disparity will cost women anywhere from \$400,000 to \$2 million over a lifetime in lost wages. Today an average college-educated woman working full time earns as much as \$15,000 less than a college-educated male. Working families lose \$200 billion in income per year due to the wage gap between men and women.

Pay discrimination is hurting our middle class families and hurting our economy. Loopholes created by the courts and weak sanctions in the law have allowed many employers to avoid liability for engaging in gender-based pay discrimination.

That is why the Paycheck Fairness Act is so important.

The bill closes loopholes that have allowed employers to justify pay discrimination and prohibits employers from retaliating against employees who share salary information with their co-workers. It puts gender-based discrimination sanctions on equal footing with other forms of wage discrimination—such as race, disability or age—by allowing women to sue for compensatory and punitive damages. And it also requires the Department of Labor to enhance outreach and training efforts to work with employers in order to eliminate pay disparities.

One of the 111th Congress's most important achievements was passing the Lilly Ledbetter Equal Pay Restoration Act. That legislation, which is now law, ensures that women who have been the victims of pay discrimination get their day in court and can challenge employers that willingly pay them less for the same work.

The Equal Pay Restoration Act honors the legacy of Lilly Ledbetter, a supervisor at a Goodyear Tire Plant in Alabama, who after 19 years of service discovered she had earned 20 to 40 percent less than her male counterparts for doing the exact same job.

Today we had another important opportunity to honor the legacy of women like Lilly Ledbetter by passing this legislation.

But instead of standing up for equal economic opportunity for women, Republicans said no, and filibustered this important bill.

I am very disappointed by this outcome, but I want my colleagues to know that we will not give up this fight.

Mr. WHITEHOUSE. Mr. President, I rise today to express my disappointment in the failure of the Senate to invoke cloture on the Paycheck Fairness Act. After our triumph 2 years ago in advancing gender equality through the Lilly Ledbetter Act, the first piece of legislation signed by President Obama, the Paycheck Fairness Act would have been another step towards ending gender discrimination in the workplace.

Four decades after the Equal Pay Act was signed into law, women still earn

only 77 cents for every dollar earned by their male counterparts. That equates to almost \$11,000 less per year. In Rhode Island, women on average make approximately \$36,500 where men make \$49,000. For full-time, college educated Rhode Island workers over 25 years old, women make an average of \$55,000, while men average \$70,000. This is simply unacceptable and shows that the remedies provided by current law are not adequate. Those who dismiss the disparity as a consequence of women's "choice of work" ignore the fact that the wage gap exists even in highly skilled industries such as aerospace engineering and network systems and data communications analysis.

The Paycheck Fairness Act would have required employers seeking to pay women less money than their male counterparts to justify the difference with legitimate business factors. It would also have allowed women to compare their wages to those of their colleagues in the same county, not just their own office, providing a larger and fairer pool of comparative examples. And the bill would have allowed women to receive punitive and compensatory damages equal to those in cases of race-based discrimination. We owe it to the hard-working women of the United States, especially in these difficult economic times, when every penny of every paycheck counts, to continue to fight for equality.

I commend the bill's original sponsor, Secretary Clinton, as well as Senator DODD and Senator MIKULSKI, who have worked so hard to bring attention to the issue of gender discrimination in the workplace. I will continue to fight alongside my colleagues for the passage of the Paycheck Fairness Act.

FDA FOOD SAFETY MODERNIZATION ACT—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 247, S. 510, the FDA Food Safety Modernization Act.

Harry Reid, Tom Harkin, Richard Durbin, Jeff Bingaman, Max Baucus, Tom Udall, Jon Tester, Benjamin L. Cardin, Jeanne Shaheen, Frank R. Lautenberg, Herb Kohl, Robert P. Casey, Jr., Jack Reed, Thomas R. Carper, Bill Nelson, Kent Conrad, Carl Levin, Mary L. Landrieu.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 510, a bill to amend the

Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 74, nays 25, as follows:

[Rollcall Vote No. 250 Leg.]

YEAS—74

Akaka	Feingold	Merkley
Alexander	Feinstein	Mikulski
Barrasso	Franken	Murray
Baucus	Gillibrand	Nelson (FL)
Bayh	Grassley	Pryor
Begich	Gregg	Reed
Bennet	Hagan	Reid
Bingaman	Harkin	Rockefeller
Boxer	Inouye	Sanders
Brown (MA)	Johanns	Schumer
Brown (OH)	Johnson	Shaheen
Burr	Kerry	Snowe
Burris	Klobuchar	Specter
Cantwell	Kohl	Stabenow
Cardin	Landrieu	Tester
Carper	Lautenberg	Thune
Casey	Leahy	Udall (CO)
Collins	LeMieux	Udall (NM)
Conrad	Levin	Vitter
Coons	Lieberman	Voinovich
Corker	Lincoln	Warner
Dodd	Lugar	Webb
Dorgan	Manchin	Whitehouse
Durbin	McCaskill	Wyden
Enzi	Menendez	

NAYS—25

Bennett	DeMint	McConnell
Bond	Ensign	Nelson (NE)
Brownback	Graham	Risch
Bunning	Hatch	Roberts
Chambliss	Hutchison	Sessions
Coburn	Inhofe	Shelby
Cochran	Isakson	Wicker
Cornyn	Kyl	
Crapo	McCain	

NOT VOTING—1

Murkowski

The PRESIDING OFFICER. On this vote, the yeas are 74, the nays are 25. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent to be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I am an original cosponsor of S. 510, the bill we just invoked cloture on, and as I said before the vote, I was going to

actually have to vote against cloture and I would speak after the vote as to why because we were up against a timeline. I wish to take a minute to say I regret to have had to vote against cloture. Now that cloture has been invoked, I guess we will go to the bill, and, hopefully, we can make the necessary changes in it to improve this bill. But, frankly, the bill I originally cosponsored is not the bill that is coming to the floor today. It has been changed in some material ways. As late as this morning there were changes being made, and I understand there are discussions going on right now that may even change it again.

First, let me say that the issue of food safety is an issue that is of primary importance. We need to make sure the food that is put in the retail stores as well as in restaurants and every other location in America is absolutely the safest, highest quality food product anywhere in the world. That has always been our reputation.

But there are some gaps in the food safety inspection program in the United States today that have allowed some things to happen. We had a situation in Georgia 2 years ago where we found salmonella in some peanut butter in a location in south Georgia—a manufacturing location. And while FDA had the authority to go in and make an inspection, the way they actually inspected it was on a contract basis through the Georgia Department of Agriculture. They didn't have the resources to do the real oversight that needed to be done. Here we had a company that had found salmonella in peanut butter with their own inspections and their own product had been sent to their contractor and salmonella was found to be positive, and yet they didn't have to report that to FDA. That has been changed in this bill, but those are the types of gaps it is important to see changed.

What is a problem to me right now is a number of things, not the least of which is the definition of what is a small farmer. Small farmers have been granted an exemption, but that provision was changed as recently as this morning. I understand, also, that it is up for discussion again now. But the definition currently in the bill is that a small farmer is determined to be a farmer with gross receipts smaller than \$500,000. Well, unfortunately, or fortunately, in my part of the world, cotton today is selling at \$1.50 a pound. A bale is 500 pounds. It doesn't take many bales to reach \$500,000 in gross receipts from the sale of cotton, and that doesn't count peanuts and wheat and corn and whatever else may go along with it. So trying to put an arbitrary number such as that, and saying if you have gross receipts in excess of that number the FDA has the authority to come on your farm, but if you have less than that they do not have the author-

ity, I think it is not the proper way to go.

Secondly, with respect to that issue, even if they are exempt as a small farmer, they still have a mandate of a huge amount of paperwork that has to go along with their production on an annual basis. So I don't know what is going to happen with respect to the amendment process. We have heard there may be a filling of the tree and there will be no amendments. I hope that is not the case. I hope we have the opportunity to have an unlimited amount of amendments and that we can get the bill corrected and can then make it, at the end of the day, a good bill that will generate a significant vote on this floor. We have also heard there may be no amendments that are going to be allowed and, obviously, without a definite understanding on that, I had to be opposed to the bill.

Let me say one other issue that concerns me is an amendment that was filed by Senator TESTER. I know his heart is in the right place, but no less than about 30 national agricultural groups wrote a letter to Chairman HARKIN, as well as to Ranking Member ENZI, on Monday saying they were opposed to that amendment and, if it is included in the bill, they are going to be opposed to the bill. That again is one of these eleventh-hour issues that remains undecided.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the letter to which I just referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOVEMBER 15, 2010.

HON. TOM HARKIN,
Chairman—Health, Education, Labor and Pensions (HELP) Committee, Washington, DC.

HON. MICHAEL B. ENZI,
Ranking Member—Health, Education, Labor and Pensions (HELP) Committee, Washington, DC.

DEAR CHAIRMAN HARKIN AND RANKING MEMBER ENZI: The safety of this nation's food supply is the highest priority for the food and agricultural organizations represented on this letter. As the Senate advances sound public policy to maximize public health and ensure consumer confidence in our food safety system, we understand the Senate may consider amendments to S. 510, the "Food Safety Modernization Act," that would exempt certain segments of the food industry from food safety requirements contained in this legislation. In particular, we understand that these amendments target exemptions based on the size of farms and type of marketing operation.

The undersigned organizations represent the vast majority of growers, producers, shippers, distributors, processors, packers, and wholesalers, and the vast majority of our members are small businesses. We believe an operation's size, the growing practices used, or its proximity to customers does not determine whether the food offered is safe. What matters is that the operation implements prudent product safety practices, whether the product is purchased at a roadside stand, a farmers' Market, or a large

supermarket. We support FDA food safety programs developed through a scientific, risk-based approach and that benefit public health.

For the public to have confidence in the food safety system, Congress and federal regulators must bring all segments of the food production and processing system into compliance with national safety standards. We believe technical assistance, training, extended transition timeframes for compliance, and financial support are more appropriate ways to assist small businesses throughout the food distribution chain to comply with important food safety standards. We urge the Senate to incorporate these types of provisions into the final bill rather than provide blanket exemptions.

We urge the Senate to reject the notion of providing blanket exemptions for segments of the food industry based solely upon size, location, or type of operation. Consumers should be able to rely on a federal food safety framework that sets appropriate standards for all products in the marketplace.

Sincerely,

American Feed Industry Association; American Frozen Food Institute; American Fruit and Vegetable Processors and Growers Coalition; American Meat Institute; American Mushroom Institute; California Grape and Tree Fruit League; Corn Refiners Association; Florida Tomato Exchange; Fresh Produce Association of the Americas; Georgia Fruit and Vegetable Growers Association; Idaho Potato Commission; International Dairy Foods Association; National Council of Farmer Cooperatives; National Chicken Council; National Farmers Union; National Grain and Feed Association; National Meat Association; National Milk Producers Federation; National Oilseed Processors Association; National Pork Producers Council; National Potato Council; National Turkey Federation; National Watermelon Association; Pet Food Institute; Produce Marketing Association; Shelf-Stable Food Processors Association; Texas Produce Association; United Egg Producers; United Fresh Produce Association; U.S. Apple Association; Western Growers Association.

Mr. CHAMBLISS. Mr. President, I hope that at the end of the day amendments will be allowed; that we can come up with a bill that is positive and that closes these gaps we have in the food safety inspection program in this country.

Senator KLOBUCHAR and I have worked very hard on a provision that is included in the base bill that will improve the inspection process and make it easier and give more authority and, more importantly, more teeth to the folks who are charged with doing the inspections. If that is the case, and we can get the right amendments done, then perhaps we can get a true bipartisan bill passed and one we can all feel good about supporting.

With that, Mr. President, I yield the floor.

THE PRESIDING OFFICER. The Senator from Wyoming.

SECOND OPINION

Mr. BARRASSO. Mr. President, a couple of weeks ago, Americans voted.

They voted for more jobs, for less spending and, of course, for smaller government. As you know, I have come to the Senate floor week after week to give a doctor's second opinion about the health care law. Polling shows that 58 percent of Americans voting on election day still want to repeal and replace the President's new health care law.

Americans have made it clear they oppose this new policy that put Washington between patients and their doctors. The day after the election, President Obama was asked about his health care law's impact on the election. He didn't seem to understand the message from the American people. It appears to me that the President continues to believe the American people liked his policy but just didn't like his sales pitch.

Well, in the President's first year alone, he participated in 42 press conferences, gave 158 interviews—including 5 Sunday shows all in 1 day—held 23 townhall meetings and had 7 campaign rallies. In fact, there were only 21 days in that entire first year when the President had no public or press events. Clearly, the American people heard the President's sales pitch; they just didn't want to buy his product. Nevertheless, the President and this Congress proceeded to force this new health care law upon the American people, and they paid a heavy price in the 2010 elections when Americans voted for candidates who vowed to overturn the President's new law.

Republicans have listened to the American people and are committed to ensuring that America's health care system continues to remain the best in the world. As a physician, as well as a Member of the Senate, I listened carefully to the discussions and the debate during the entire campaign season. I listened to what candidates had to say on both sides of the aisle, I listened to what Americans had to say all over the country, and I put together something called United Against Obamacare. It is a compendium of comments and statements made by the 13 newly elected Republican Senators to this body who will take office within the next 2 months. Let me read sentences taken from statements each of them made about health care.

I view the health care bill as the single greatest assault to our freedom in my lifetime.

The thing that worries me the most about this bill, 2,000 pages of all kinds of mandates, huge new government control of health care, is that in time—and it won't be much time—the government is going to intervene between patients and their doctor.

That first sentence was by Senator-elect Johnson and the next sentence was from Senator-elect Toomey.

I don't want the government to tell me what is acceptable and unacceptable about my health care options. I want my doctor to tell me what's best for my care.

That statement was made by Senator-elect Boozman.

It is not supported by the American people. They do not want one size fits all health care.

A statement made by Senator-elect Coats.

Government control of health care will reduce competition, limit personal choices, and increase overall costs.

A statement made by Senator-elect Hoeven.

I think premiums will rise, and as people begin to deal with the penalties of Obamacare, we will have more loss of jobs.

That was Senator-elect Rand Paul. Next:

We're becoming less competitive every time government increases the cost of being in business—and if it's a problem for a large business, my small business men and women will have even greater struggles to overcome.

That was Senator-elect Moran. Next:

I do not think that 12 new taxes and cuts to Medicare are in the interest of the people.

That was Senator-elect Kirk.

It's going to bankrupt America, it adds \$2.5 trillion to our debt in the long term.

That is Senator-elect Rubio.

That's why it's important to keep the repeal effort alive. What we owe is not a Republican issue or a Democratic issue. It is an American issue.

Senator-elect Ayotte.

Every possible means must be applied within Congress as well as through the application of the Constitution and the law to stop full implementation of this legislation.

Senator-elect Lee.

I have proposed over a dozen health care solutions to help reduce the cost of health care.

Senator-elect Blunt. And in conclusion:

I can tell you at least one thing coming . . . When it comes time to vote to repeal health care, I vote yes.

Senator-elect Portman.

That is United Against Obamacare and statements made by the men and women who were recently elected to the Senate on the Republican side of the aisle.

We will fight to repeal the law and replace it with legislation that will help patients and providers and taxpayers.

During his recent press conference, President Obama also said that if Republicans have ideas for how to improve our health care system, he would now be happy to consider them. Well, it would have been nice if he had considered our ideas during the last 2 years but better late than never. Since the President was sworn in, Republicans have proposed a host of proposals that will improve health care in America. Today, I wish to walk through some of the Republican ideas that are strongly supported by a majority of the American people.

First, if Congress wanted to truly demonstrate that it got the message—

if it truly wanted to demonstrate that it got the message—the House and the Senate would immediately repeal the President's new health care law. Senator DEMINT currently has a bill that would repeal the health care law in its entirety. By passing this law, we could ensure that the American people will get the reform they want.

It is unlikely that Democrats will vote for a straight up-or-down repeal bill, and even less likely that the President would sign it into law. So I wish to talk about other Republican proposals that would eliminate some of the most egregious portions of the President's new health care law.

Senator HATCH of Utah proposed the American Job Protection Act. It repeals the health care law's job-killing employer mandate. It strikes relevant sections in the health care law forcing employers to provide health insurance to their employees or face a penalty.

Senator HATCH has also introduced the American Liberty Restoration Act. It repeals the health care law's individual mandate—the mandate requiring all Americans to buy health insurance. The Federal Government has never before forced the American people to purchase a product, a good, or a service they may not want. We should overturn this unconstitutional mandate.

Senator JOHANNIS introduced the Small Business Paperwork Elimination Act. It repeals section 9006 of the health care law. Section 9006 requires business owners to submit separate 1099 reporting forms for each business-to-business transaction totaling more than \$600 over the course of a year. Small business owners now, with this law, have to file 1099 forms for basic business expenses, such as phone service, Internet service, shipping costs, and office supplies. This only serves to increase the cost to own and to operate a business. Why? Because, according to the law, they will then be able to provide \$17 billion more in taxes to pay for this unwanted health care law.

Senator CORNYN introduced the Health Care Bureaucrats Elimination Act. It repeals the health care law's Independent Payment Advisory Board. This bill would remove the unelected, unaccountable bureaucrats from their position of making Medicare payment and reimbursement decisions.

Senator ENZI offered the grandfather regulation resolution of disapproval. This resolution overturns a new Obama administration health care law regulation. President Obama repeatedly promised: If you like what you have, you can keep it. This so-called grandfather regulation breaks that promise. The new regulation was supposed to spare businesses already providing health insurance to their workers many of the higher costs of new mandates imposed by the health care law.

If businesses lose this so-called grandfathered status, then they will be required to comply with all the new insurance mandates in the law. This includes requirements to offer a Federal minimum benefit package and to waive copayments for certain services. This will force our small businesses to change plans and increase costs.

In fact, the regulation—and it is a regulation where they took two pages of the law and blew it into 121 pages of regulations—the regulation estimates that fully 80 percent of small businesses can expect to lose their grandfathered status based on the extensive regulations the administration wrote. This is a job-killing, wage-cutting regulation. Certainly, this is not the reform the American people were promised.

Also, just this week, Leader McCONNELL is filing an amicus brief regarding the health care litigation that is currently pending in Florida's Federal court. His brief argues that the individual mandate is not authorized by Congress and that the Government cannot use the commerce clause to force citizens to buy a product.

This list of ideas represents only a fraction of the Republican ideas currently on the table. If the President is serious about working with us, he will consider our constructive proposals. If not, he will continue to see the American people strongly speak out against his expensive, overreaching, and ideological agenda.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN of Ohio. Mr. President, I know Senator BARRASSO is relatively new in Washington, House or Senate. I appreciate his words. I am not talking about him. But there are so many opponents of this health care legislation.

First of all, regarding some of the partisan opponents of this law—the American people do not want to see us relitigate and redebate the health care legislation. They want some focus on job growth. But what strikes me as a bit hypocritical—again, I am not singling out Senator BARRASSO because he has not been here very long—there are so many Members in the House of Representatives and in the Senate who have enjoyed government health care for a decade or two or three, where taxpayers paid for their health care. Those conservative Members did nothing, zero, to help those people without insurance, to help those people who had preexisting conditions, to help those people close the doughnut hole, help senior citizens to get help on their drug costs.

Now they want to repeal the health care bill. In other words, they want to keep their government insurance for themselves, but they don't seem to want to help anybody else out there. It just sickens me.

More important, I don't think the public wants us to continue debating health care. The public wants us to work on job growth, to focus on things like I did in Ohio Monday where I gathered 300 small businesses, people who make things, who want to sell to major aerospace manufacturers, in this case Airbus in my State, putting people to work—because that is what it is all about.

Mr. President, I want to speak for a moment about food safety. It is tempting to take the safety of our food supply as given, but it is actually more a goal, one that continues to elude us. Each year in the United States 76 million people contract a foodborne illness. Some get mildly sick, some get very sick, a few actually die. The Centers for Disease Control and Prevention estimates that more than a few, 5,000 people a year, die from foodborne illness. These are mostly not people in their thirties who are healthy. It is the very young, very old, those whose health may be frail, whose health may not be as strong as others'. Nonetheless, 5,000 people die a year.

Over the last few years we faced melamine in infant formula, harmful seafood from China, tainted peppers from Mexico, E. coli in spinach, Salmonella in peanuts. Sometimes it is international problems. Sometimes it is domestic problems. International problems mean we ought to be looking at trade policy closer than we have, but that is a debate for another day.

A few months ago we had a nationwide recall of eggs due to Salmonella contamination. Just this week we saw a recall of smoked turkey breast products because of Listeria contamination. The safety of Americans is threatened by a regulatory structure that has failed to keep pace with modern changes in food production, processing, and marketing.

We have at our grocery stores a wonderful thing. We have all kinds of selections: fresh fruits and vegetables and fish and all kinds of foods we didn't have when I was growing up in the 1960s in Mansfield, OH. We did not have that kind of selection in food stores, especially in the winter months. Now we do. That is a great thing, but we don't do what we need to do to guarantee its safety.

It is time to fix this broken system once and for all. The time has come for Congress to pass legislation that will in fact improve our country's food safety system. America's families should be able to put food on the table without fearing any kind of contamination. We shouldn't worry that the food in the school cafeterias, ballparks, grocery stores, or local restaurants will send a child to the hospital and spread panic throughout the community.

That is why I am so pleased we are considering the Food Safety Modernization Act. This legislation will ad-

dress—I will talk briefly about it and then yield to my colleague from Delaware, Senator CARPER—some of the problems with our current food safety system. It will require facilities to conduct an analysis of the most likely food safety hazards and design and implement risk-based controls to prevent them. It would increase the frequency of plant inspections. It would strengthen recordkeeping requirements and food traceability systems so we know where the food came from before it gets to the grocery store. It provides the FDA with the authority to mandate food recalls, something that is voluntary now.

Most companies step forward and do it. Some do not. Some delay before they do, imposing health risks. It would ensure further study by the FDA on enhanced safety and sanitary methods for the transportation of foods, and we must ensure this includes an examination of the pallets on which our food is shipped.

At home you don't use the same cutting board for chicken that you use for vegetables, or at least you should not, because of potential food safety problems. It is the same thing with these wooden pallets because they can collect—especially wooden pallets—way more bacteria than you can imagine. We require more extensive provisions for heightened security of imports which account for an increasing share of our fresh fruits and vegetables, an increasing share of U.S. food consumption.

This bill is here today because of the strong work especially of Senator DURBIN of Illinois and Representative JOHN DINGELL of Michigan. Also, I commend Ranking Member ENZI on the HELP Committee and Chairman HARKIN and Senators DODD, BURR, and GREGG for their work.

I also commend the Kroger Company based in Cincinnati, OH, for the work they and other grocery store chains and other food processing companies have done collectively to make sure this legislation works for them on the traceability issue. Many of them, many of these companies, have already set up good traceability provisions by themselves without government involvement. I think Kroger is especially to be commended for doing that. The best way to ensure the FDA can decisively respond to foodborne outbreaks is to authorize a comprehensive food tracing system, as I mentioned.

Earlier this year I introduced S. 425, the Food Safety and Tracing Improvement Act. It would improve the ability of Federal agencies to trace the origins of all contaminated food. I am very pleased that important components and goals of my legislation are included in the managers' amendment. With the addition of these stronger traceability provisions, the FDA will be tasked with establishing a tracing

system for both unprocessed and processed food, such as peanut butter. The 2008–2009 peanut butter *Salmonella* outbreak which sickened more than 700 people and resulted in 9 deaths demonstrates exactly why the FDA needs expanded authority to trace foods.

One victim of the peanut butter *Salmonella* outbreak was Nellie Napier of Medina, OH. Ms. Napier was an 80-year-old mother of 6 children, 13 grandchildren, and 11 great-grandchildren. She got ill in January of 2009, almost 2 years ago, after eating a peanut butter product tainted with *Salmonella*. When she got sick, doctors told her family there was nothing they could do and she died shortly thereafter.

The FDA was able to identify the source of the outbreak in a short period of time, but it was incredibly difficult and time consuming for the FDA to determine where all the contaminated peanut butter ended up. The source company sold to 85 other companies. They sold to another 1,500 companies, and many of those companies sold to other companies. There were no trace-back provisions to be able to help and warn others of potential contamination.

Last year, the Inspector General released a report entitled “Traceability in the Food Supply Chain.” This report identified significant and unacceptable difficulties in tracing food through the supply chain. The report attempted to trace 40 products through each stage of the food supply chain. They were able only to trace 5 of the 40. That is why we know how important this legislation is. We required the FDA to establish a product tracing system and develop additional recordkeeping requirements for foods the FDA determines to be high risk. We require the Comptroller General to examine and provide recommendations regarding how to further improve the product tracing system. We don’t know everything yet that we need to do. This gives the FDA and the Comptroller General guidance and leadership and the authority, in addition to what we have done, to do it in the right way.

I thank Senators HARKIN, ENZI, DURBIN, BURR, DODD, and GREGG for the work they have done, and Representative DIANA DEGETTE from Denver and Senators MERKLEY and FRANKEN, who have been particularly strong advocates working with me.

The goal is to make food safety a foregone conclusion. It is what Americans expect. It is what we have had through many years. We have moved away from that. This puts us right on course to do it right.

I thank the President, and I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. CARPER. I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THANKING SENATOR BURRIS

Mr. CARPER. Mr. President, first, let me say I have had the pleasure any number of times, as I think have most all of our colleagues, to be recognized by the Presiding Officer. Many times it is you. I know you will be leaving us soon—2 days—but it has been a real pleasure to serve with you. I appreciate not only having the opportunity to work in the Senate with you but on our committees and subcommittees. You have been a great colleague. We are going to miss you.

HEALTH CARE

Senator BARRASSO was speaking earlier, talking about the health care legislation. One of the means of paying for part of the health care reform—you may recall the Congressional Budget Office has said health care reform is expected to actually reduce the budget deficit by about \$100 billion over the next 10 years and by about another \$1 trillion in the 10 years following that. Part of our challenge is to make sure we do that, that potential for deficit reduction is realized.

One of the provisions in the health care bill calls for businesses, large and small, to submit form 1099s when they make a purchase of a service or a good from some other business. That can be an administrative burden for businesses.

The reason it was put in the bill was because it is a big cash economy and there is a huge tax gap of money that is owed to the Treasury. Last time the IRS estimated, they said it was about \$300 billion in moneys owed to the Treasury not being paid, in many cases by businesses—in a lot of cases where they work on a for-cash basis. The IRS has asked us forever to do something about that problem. We tried to do it in the context of health care reform and use it for part of the way to pay for the health care costs.

We are going to come back and fix that issue—particularly the concerns raised by smaller businesses that this is an administrative burden—to see if there is a way to make it a lot less burdensome but at the same time to see if there is a way to close the tax gap.

The idea that those of us paying our fair share of taxes know a number of folks and businesses are not is enough to make our blood boil. We have to fix that and at the same time not create an unneeded burden for businesses in complying.

We just had a hearing in the Finance Committee this morning. The hearing was one sought by Republicans but also looked forward to by Democrats. Our speaker was Dr. Donald Berwick, whom you may know is the new administrator appointed by the President—a recess appointment because he expected that we would have a very difficult time getting him confirmed. We

still have holes in the current administration where we cannot get people confirmed on the floor, whether it is for Assistant Secretary or Under Secretary—all kinds of provisions. I call it administration Swiss Cheese, and it is hard to try to govern. The administration realized that early on in a place like CMS, which stands for Centers for Medicare and Medicaid Services.

In that position, we needed someone—we needed someone like yesterday—and it looked as if we would have a tough and probably a long confirmation fight with Dr. Berwick. We just went ahead and made the recess appointment when we were in recess. So he is on the job now.

I did not know what to expect in the hearing. Would it be vitriolic? Dr. Berwick did not ask to be a recess appointee. He said the President asked him to serve and he said he would serve. I think he hit the deck running and is doing a very nice job. I think the hearing today was more positive, more focused on issues and results than I had expected it would be.

When we passed health care reform earlier this year, for me, having worked on it with my colleagues on the Finance Committee for about, gosh, over a year, my focus at the time was, How do we get better results for less money? And we have a lot of people, as we know, who do not have health care coverage at all. We need to extend coverage to them or as many of them as we can. But unless we also figure out how to get better health care outcomes for less money, we are not going to be able to sustain extending coverage to people who do not have it. So we have to do both. And a good deal of what Dr. Berwick testified to today was, How do we provide better results for less money?

One of the aspects of the legislation he spoke to which is about to be implemented in less than 2 months focuses on Medicare and it focuses on our senior citizens.

As many of us know, since 2006 there has been a Medicare prescription drug program. We call it Part D. Medicare has Parts A and B, which is doctor care and hospital care, it has Part C, which is Medicare Advantage, and it has Part D, which is the prescription drug program. In Part D, when we actually adopted it, we said that the first roughly \$3,000 of name-brand drugs Medicare recipients take in a year—Medicare pays roughly 75 percent of the first \$3,000. The individual pays the rest. Everything over \$6,000 in name-brand drugs that a person takes in a year in this program—Medicare covers about 95 percent of everything over \$6,000. For most people, everything between \$3,000 and \$6,000 in a year, Medicare pays zero. That is called the doughnut hole.

Come January 1, the doughnut hole is going to be about half filled, and we

will find that instead of Medicare paying zero for name-brand drugs bought by Medicare recipients purchasing between \$3,000 and \$6,000 per year, Medicare will pay 50 percent. Over the next 10 years, Medicare will pay more each year. When we get to 2020, Medicare will be covering 75 percent of the cost of those name-brand drugs. That will accomplish a couple of things. One, you and I know, Mr. President, that there are people in Illinois, Delaware, and other States who stop taking their medicines. They stop taking their medicines in the Medicare prescription drug program because they fall in the doughnut hole and Medicare, for them, is providing zero. That is going to change. And a lot of people who don't take their medicines, unfortunately, get sick, they end up in hospitals, and it becomes very expensive for us to take care of them, instead of taking maybe a relatively inexpensive medicine. We are going to begin to address that in a very substantial way on January 1.

Who pays that 50 percent? The pharmaceutical companies. Not the taxpayers, not the Treasury, the pharmaceutical companies. And as we march from 50 percent up to 75 percent in 2020, the pharmaceutical companies have agreed to meet those costs. We are happy about that, grateful for that. They deserve some credit for that.

Another benefit Dr. Berwick talked about is annual physicals. Right now a person reaches age 65, they are eligible for Medicare, and they get a one-time-only welcome-to-Medicare physical. They can live to be 105 and they will never get another one.

Under the law, beginning in January, 2 months from now, Medicare recipients will be eligible for an annual physical for the rest of their lives. If they live to be 105, if they start at 65, they will get 40 of them. The idea is—and they include cognitive screening as well, the physical by their own doctors and nurses—the idea there is to catch problems when they are small and can be fixed and cared for rather than when people get really sick and end up in hospitals, which costs, as we know, a boatload of money.

The third thing he mentioned to all of us, in addition to the doughnut hole and the annual physicals, is copays. In Medicare, there is a copay for a lot of preventive screening—colonoscopies, mammographies, those kinds of things—and a lot of the time these Medicare recipients do not have the money. They do not have the money to pay for the copays, so they do not get the colonoscopies or they do not get the mammographies, they do not get the preventive screening, and then they get very sick, and the rest of us pay the tab. That is not smart.

Starting in January, the copays for those preventive screenings go away. We want the people to get the

mammographies, we want them to get the colonoscopies when they are due to get them. In doing that, we are going to save money in the long haul.

The last thing I wish to mention is that there is a lot of fraud in Medicare. There is a lot of fraud in Medicaid. There are great provisions in the legislation that will enable us to go after fraud in Medicare, in Parts A and B, which is doctor care and hospital care; Part C, which is Medicare Advantage; and in Part D.

We have been given a little start to this in working on Medicare fraud cost recovery in about five States for the last couple of years. Last year, I think we recovered about \$1 billion in five States. Next year, we are going to start doing Medicare cost recovery in all 50 States. We hire private contractors. Out of every dollar they collect from fraud, 90 cents goes back into the Medicare trust fund and the private company keeps 10 cents. That is how they get paid. We are going to be able to extend the life of Medicare a whole lot because of this.

Not only are we going to be going after waste, fraud, and abuse in a very smart way, recovering money in a very smart way, we are also going to do it in Medicaid. We are also doing the same kind of thing in Medicaid. We have asked senior citizens from across the country to sign up and be part of a posse almost and to go out and help us identify the fraud. As we do that, we will be able to recover more money still.

So that is a little bit of what Dr. Berwick talked about today. I thought it was a very good exchange and a very encouraging exchange as we go forward in health care reform.

Again, I appreciate the opportunity to make these remarks. It is a very special privilege to do it with you sitting in that seat today.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 4 p.m. today.

Thereupon, the Senate, at 12:37 p.m., recessed until 4 p.m. and reassembled when called to order by the Presiding Officer (Mr. FRANKEN).

FDA FOOD SAFETY MODERNIZATION ACT—MOTION TO PROCEED—Continued

Mr. BOND. Mr. President, I ask unanimous consent to proceed as in morning business for up to 15 minutes, with the time to be charged against the debate postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTELLIGENCE PERSPECTIVES

Mr. BOND. Mr. President, I have had the distinct privilege over the past 8

years of serving on the Senate Select Committee on Intelligence, serving as the committee's vice chairman for the past 4 years. In this role I have been privy to our Nation's deepest secrets, including great successes and some failures. Unfortunately, the failures usually get leaked to the media while most of the successes go unheralded. While I am not at liberty to discuss those successes here, I can witness to the fact that we have an outstanding fleet of intelligence personnel who selflessly sacrifice their time, and sometimes their lives, to protect our great Nation. Those professionals deserve our undying gratitude, and we all can be proud of their service. It has been a distinct privilege to me to oversee their work, and for their dedication to our Nation, I am ever grateful.

As I leave the Senate, having served in this privileged capacity as vice chair of the Intelligence Committee, I leave for my colleagues some thoughts, and recommendations on improvements that can be made on intelligence matters going forward, which I believe will enhance our national security.

First, let me start with the Congress. Members of Congress often like to criticize the executive branch, as is appropriate, but Congress needs to get its own house in order as well. I joined the Select Committee on Intelligence in 2003, and during the past 8 years the committee has had three chairmen: Senators ROBERTS, ROCKEFELLER, and FEINSTEIN; and two vice chairmen: Senator ROCKEFELLER and me. It has been a challenging time, and we have had our highs and our lows. After December 2004, the committee failed to pass an annual authorization bill that could become law for almost 6 years; this was due purely to politics in the Congress.

Although the committee was able to pass unanimously results from an investigation on pre-Iraq war intelligence failures, it was by and large hindered by political infighting for several years. In 2003, a memo was found written by a committee staffer that advocated attacking intelligence issues for political gain to damage the Republican administration and the Republican majorities. That memo was ultimately discredited by my friends on the other side of the aisle, but it marked a low point in the committee's history, and it should never happen again. Chairman FEINSTEIN and I have worked hard to bring the committee back into bipartisan operation of intelligence oversight. We hope that the Intelligence Authorization Act that the President signed into law recently has helped in getting the committees back on track.

One area where I strongly believe the Congress has yet to heed the warnings of the 9/11 Commission and other study groups is in reforming its approach to appropriations for intelligence. That is

why in 2008, the SSCI passed a resolution to establish an appropriations subcommittee on intelligence, something the full Senate had already passed in 2004. Yet the Appropriations Committee has failed to act. I continue to believe this is vital to improving oversight and funding of our Nation's intelligence, and I urge the Senate in the next Congress to make this happen.

The past 8 years have been groundbreaking years in Intelligence, particularly as the war on terrorism has played out in Afghanistan and Iraq. As I speak today, U.S. and coalition forces in Afghanistan continue to fight terrorists—al-Qaida, the Taliban, Haqqani, and others who threaten the stability and future of the region. They fight not only to bring stability to the region but to disrupt the sanctuaries and dismantle the organizations that can and do facilitate terrorist attacks against the United States at home, our troops in the field, and our allies abroad.

My profound respect and gratitude goes out to those serving in Iraq, Afghanistan, and across the globe. We have asked so much of them and their families. They have made enormous, in some cases ultimate, sacrifices, and our Nation is forever in their debt.

As we learned in Iraq, fighting the enemy is not enough. A comprehensive counterinsurgency strategy is required. It must combine kinetic power—military attacks against terrorists and insurgents—with “smart power”—the development of host nation capabilities and infrastructure, and a sensible mix of economic, development, educational, and diplomatic strategies. We know that understanding the complexities of the region and the forces at play puts additional burdens on the resources and capabilities of the intelligence community. But we also know that without a viable and appropriately resourced counter-insurgency strategy, we will not see success in Afghanistan, and the future of Pakistan will remain in doubt. Driving terrorist safe havens out of Afghanistan is crucial but insufficient if al-Qaida and Taliban militants continue to find sanctuary in the remote border regions of western Pakistan.

Eliminating the terrorist threat to the United States that emanates from terrorist sanctuaries in the region is our No. 1 goal. A U.S. withdrawal, in whole or in part, from Afghanistan in the near term would be a tacit, yet unambiguous, approval for the return of Taliban control of Afghanistan. In turn, this would lead to the establishment of more safe havens for many of the world's most violent and feared terrorists.

But what happens when our forces eventually pull back? Replacing those sanctuaries with secure environments and stable governance is the key to ensuring that terrorists do not gain another foothold in the future.

As we have fought this war in Iraq and in Afghanistan, we have learned a lot about al-Qaida, terrorism, and our own intelligence capabilities. On July 9, 2004, the committee unanimously issued its phase I report on the prewar intelligence assessments on Iraq. I view this truly bipartisan effort as one of the committee's most successful oversight accomplishments.

The comprehensive 511-page Iraq WMD report identified numerous analytic and collection failures in the intelligence community's work on Iraq's WMD programs. These underlying failures caused most of the major key judgments in the Iraq WMD National Intelligence Estimate to be either overstated or not supported by the underlying intelligence reporting. In turn, American policymakers relied, in part, on these key judgments in deciding whether to support the war against Iraq.

The committee's Iraq WMD Report served as a valuable “lessons-learned” exercise. It has had a profound impact on the way the intelligence community does business and interacts with Congress and the White House. It also set the standard for future committee reviews. In my opinion, the committee members and staff who completed the project performed a great service to our Nation.

At the end of 2004, Congress passed the Intelligence Reform and Terrorism Prevention Act. The Governmental Affairs Committee had the lead on this bill, and the act implemented a number of recommendations of the 9/11 Commission, including the creation of the Office of the Director of National Intelligence.

After 6 years, the jury is still out on the ODNI. Some have argued the office is an unnecessary bureaucratic layer. Others have said the office is too big and needs to be downsized. Still others are concerned that the DNI's authority is being undermined by decisionmakers in the White House and the Department of Justice—a point with ample evidence over the past several years. While these observations have some merit, I believe the ODNI serves an important leadership function within the intelligence community and should not be abandoned.

There is, however, room for improvement, so I sponsored a number of legislative provisions that should enhance the DNI's authorities with respect to accountability reviews and major system acquisitions. While some of these provisions were recently signed into law, more will need to be done to strengthen the effectiveness of the ODNI.

Turning to battlefield intelligence, the committee has spent a considerable amount of time conducting oversight of the CIA's detention and interrogation program. Intelligence from detainees has proven to be a most effective

source of intelligence to protect the Nation. That is why we must capture the enemy if at all possible, instead of just killing them. I am concerned lately that due to our lack of effective detention and interrogation policies today our operators in the field feel compelled to kill vice capture. This is understandable, for unless you are in Iraq or Afghanistan, where would you detain enemy combatants to the United States? More troubling to me, we seem to be releasing a number of individuals whom we have already detained, only to see more than 20 percent of them take action against us on the battlefield again. I have a comprehensive approach to this issue that I have been working on with other members that will be introduced on the floor.

Regarding the CIA's interrogation program, I believe the program produced valuable intelligence information. My opinion is not a partisan one. Recently, we learned that the Obama Justice Department and Judge Kaplan, a U.S. district judge for the Southern District of New York, agree with my assessment. Judge Kaplan is presiding over the Federal trial of Ahmed Ghailani, an alleged member of al-Qaida indicted on charges of participating in the bombings of the U.S. embassies in East Africa. Last July, Judge Kaplan agreed with the Department of Justice and found that “on the record before the Court and as further explained in the [classified] Supplement, the CIA Program was effective in obtaining useful intelligence from Ghailani throughout his time in CIA custody.”

In March 2009, the committee began a bipartisan review of the CIA's interrogation program, based upon carefully negotiated terms of reference. Unfortunately, later that year, the Attorney General decided to re-open criminal investigations of the CIA employees involved in the CIA's detention and interrogation program. I believed then that the Attorney General's decision would impede the committee's ability to conduct interviews of key witnesses, thereby diminishing the value of the review. As a result, I withdrew minority staff from the committee's review. The majority pressed ahead and has refused to comply with committee rules to keep the minority fully and currently informed, but it soon ran into the obstacles I foresaw, with CIA personnel declining to speak with them based on the advice of counsel. And who would blame them?

The majority has spent valuable time and resources on this matter, and the CIA has conveyed that it had to pull personnel off current mission requirements to support their effort. I believe that limited committee and government resources would be better spent on topics of oversight interest on programs that are in operation today.

One of the most disturbing leaks that I have witnessed during my tenure on the committee occurred in December 2005, when the New York Times published a story describing the President's Terrorist Surveillance Program, or TSP. Some view the leakers as heroes. I do not share that view. In fact, intelligence operators in the field at the time told me that their ability to gain valuable information was reduced dramatically. Michael Hayden, then Director of the CIA, stated that we had begun to apply the Darwinian theory to terrorism because from then on we would only be catching the dumb ones. Frankly, I am amazed the Department of Justice has yet to prosecute Thomas Tamm, a DOJ attorney who openly bragged in a Newsweek article that he intentionally revealed information about this highly classified and compartmented program. Tamm and his fellow leakers are traitors who have done serious damage to our national security. Yet this administration refuses to prosecute this open and shut case. Why?

In order to ease concerns of critics, the President's TSP was submitted to and approved by the Foreign Intelligence Surveillance Court. Unfortunately, in May 2007, this new arrangement started to unravel when the FISA Court issued a ruling that caused significant gaps in our intelligence collection against foreign terrorists.

Although DNI Mike McConnell pleaded to Congress for help, the Congress failed to respond. Under the looming pressure of the August recess, Republican Leader MITCH MCCONNELL and I co-sponsored the Protect America Act which Congress passed in the first week of August 2007.

The act did exactly what it was intended to. It closed the intelligence gaps that threatened the security of our Nation and of our troops. But it was lacking in one important aspect. It did not provide civil liability protections from ongoing frivolous lawsuits to those private partners who assisted the intelligence community with the TSP.

Following the passage of the Protect America Act, I worked to come up with a bipartisan, permanent solution to modernize FISA and give those private partners needed civil liability protections. The committee worked closely for months with the DNI, the Department of Justice, and experts from the intelligence community to ensure that there would be no unintended operational consequences from any of the provisions included in our bipartisan product.

In February 2008, after many hearings, briefings, and much debate on the Senate floor, the Senate passed the FISA Amendments Act by a strong, bipartisan vote of 68–29. The Senate's bill reflected the Intelligence Committee's conclusion that those electronic com-

munications service providers who assisted with the TSP acted in good faith and deserved civil liability protection from frivolous lawsuits. The Senate bill also went further than any legislation in history in protecting the potential privacy interests of U.S. persons whose communications may be acquired through foreign targeting.

After months of protracted and difficult negotiations with the House, Congress finally passed the FISA Amendments Act on July 9, 2008, and the President signed it into law the very next day. The final law achieved the goals of the original Senate bill, albeit less elegantly. While the act is more burdensome than I would prefer, we did preserve the intelligence community's ability to keep us safe, and we protected the electronic communications service providers from those frivolous lawsuits.

I consider my involvement in the passage of the Protect America Act and the FISA Amendments Act to be two of the highlights of my legislative career. There is, however, still work to be done. A number of provisions in the FISA Amendments Act are set to sunset at the end of next year. Also, there are three additional FISA provisions related to roving wiretaps, business records court orders, and the lone wolf provision, that are set to expire on February 28, 2011. I urge Congress and the President to work closely together to ensure that the provisions are made permanent, without adding unnecessary requirements or limitations that will hamper our intelligence collection capabilities.

I mentioned earlier that recently the Intelligence Authorization Act of 2010 was signed into law. When I became vice chairman of the committee in 2007, my top priority was to get an intelligence authorization bill signed into law, and I am thankful that with the leadership of Senator FEINSTEIN, we finally met that goal. The 2010 intelligence authorization bill, while light on authorization, was heavy on legislative provisions. I am pleased that a number of good government provisions which I sponsored were included in the bill.

The law imposes new requirements on the intelligence community to manage better their major systems acquisitions. Too often, we have seen IC acquisitions of major systems, i.e., over \$500 million, balloon in cost and decrease in performance. These provisions will operate together to address the longstanding problem of out-of-control cost overruns in these acquisitions. Modeled on the successful Nunn-McCurdy provisions in title 10 of the United States Code, these provisions encourage greater involvement by the DNI in the acquisitions process and help the congressional intelligence committees perform more effective and timely oversight of cost increases.

Another good government provision established a requirement for the intelligence community to conduct vulnerability assessments of its major systems. A significant vulnerability in a major system can impede the operation of that system, waste taxpayer dollars, and create counterintelligence concerns. This provision requires the DNI to conduct initial and subsequent vulnerability assessments for any major system, and its items of supply, that is included in the National Intelligence Program. These assessments will ensure that any vulnerabilities or risks associated with a particular system are identified and resolved at the earliest possible stage.

A third good government provision gives the DNI the authority to conduct accountability reviews of intelligence community elements and personnel in relation to their significant failures or deficiencies. It also encourages IC elements to address internal failures or deficiencies, something they at times have been reluctant to do. In the event these elements are reluctant or unable to do so, this provision gives the DNI the authority he needs to conduct his own reviews.

Finally, my future budget projection provision requires the DNI to do what every American family does on a regular basis—map out a budget. The DNI, with the concurrence of the Office of Management and Budget, must provide congressional Intelligence Committees with a future year intelligence plan and a long-term budget projection for each fiscal year. These important planning tools will enable the DNI and the congressional intelligence communities to “look over the horizon” and resolve significant budgetary issues before they become problematic.

As I leave the Senate and contemplate what I have learned during my service in Congress and on the Intelligence Committee, I have a number of recommendations for future members and leaders of the committee.

One of the intelligence community's greatest failures was its complete waste of billions of dollars spent to develop satellites that never took a single picture. Senator FEINSTEIN and I have strongly voiced our abiding concern to all four DNIs that the Intelligence Community is still spending far too much money on imagery satellites that are too big, too few, and too costly. We have put forth solid alternatives that would produce more satellites at far less cost, be less fragile, and perform as well or better than the unaffordable plan in the President's budget.

Just this month, an independent analysis by some of the country's very best astrophysicists confirmed that such an alternative, based on a combination of commercial and classified technologies, was essentially as capable, but about half as expensive as the

administration's program. Sadly, our ideas have met with "NIH" resistance—"not invented here."

Even worse, it appears that this resistance has been based in part on the NRO's unhealthy reliance upon, and apparent subordination to, the contractor that builds these incredibly expensive satellites. In spite of this resistance, Congress saw fit to appropriate over \$200 million to explore a better path forward, and I urge my colleagues in both Houses of Congress to sustain that effort. I also urge the new DNI, in the strongest terms, to reconsider this issue afresh, and with an open mind. Our committee recommended his confirmation on the hope and expectation that he would do so.

The committee has been following the cyber threat issue for a long time. Cyber attacks happen every day. Our government, businesses, citizens, and even social networking sites all have been hit.

In an ever increasing cyber age, where our financial system conducts trades via the Internet, families pay bills online, and the government uses computers to implement war strategies, successful cyber attacks can be devastating. Unless our private sector and government start down a better path to protect our information networks, serious damage to our economy and our national security will follow.

Senator HATCH and I introduced a legislative proposal that takes the first step by creating a solid infrastructure that is responsible and accountable for coordinating our government's cyber efforts. The bill is built on three principles. First, we must be clear about where Congress should, and, more importantly, should not legislate. Second, there must be one person in charge—someone outside the Executive Office of the President who is unlikely to claim executive privilege, but who has real authority to coordinate our government cyber security efforts. Third, we need a voluntary public/private partnership to facilitate sharing cyber threat information, research, and technical support.

We believe that once this infrastructure is established, the assembled government and private sector experts will be able to provide guidance on the next steps—including any further legislation—needed to enhance our cyber safety.

In the aftermath of 9/11, we captured hundreds of al-Qaida terrorists and associates. Many of these could be called low-level fighters—of the same type as the 9/11 hijackers but no less dangerous to our security. Others, such as 9/11 mastermind Khalid Sheikh Mohammed and senior al-Qaida operative Abu Zubaydah, were identified as high-value detainees and placed in the CIA's interrogation and detention program.

After details about the program were leaked in the Washington Post, the

President announced, in September 2006, that these high-value detainees would be transferred to the detention facility at Guantanamo Bay. Since 2002, Gitmo has housed terrorists picked up on the battlefield or suspected of terrorist activities. Today, 174 detainees remain at Gitmo.

In 2008, in a sharply divided opinion and despite clear language from Congress to the contrary, the Supreme Court gave Gitmo detainees the constitutional right to challenge their detention in our courts. Since then, 38 detainees have successfully challenged their detention.

With the recidivism rate for former Gitmo detainees at over 20 percent, Congress must step in once again and draw some boundaries. We cannot afford to let more potentially dangerous detainees go free. We need a clear, consistent framework for these habeas challenges with a standard of proof that takes into account the wartime conditions under which many of these detainees were captured. It is unreasonable to hold the government to the standards and evidentiary tests that apply in ordinary habeas cases. There is nothing ordinary about war and our habeas laws must reflect that.

Now that the President has abolished the CIA's program and ordered the closure of Gitmo, we need clear policies for holding and questioning suspected terrorists, especially overseas. We must abandon the automatic impulse to Mirandize terrorists captured inside the United States. Prosecution can be a very effective response to terrorism, but it must never take precedence over getting potential lifesaving intelligence.

I have been working with several of my colleagues on legislation that would set clear lines for law of war detention and habeas challenges. Our Nation should not risk another Gitmo detainee rejoining the fight. We cannot risk losing more and timely intelligence because we have no system for detaining and interrogating terrorists. These are critical national security issues and Congress's voice must be heard as soon as possible.

Last December, Umar Farouk Abdulmutallab attempted to blow up a Northwest Airlines flight as it headed to Detroit. Shortly after the failed attack, al-Qaida in the Arabian peninsula claimed responsibility. AQAP counts among its senior leadership and members former Gitmo detainees who have returned to their old ways. As the Christmas Day attack reminded us, rising recidivism rates for Gitmo detainees are more than just a statistic and claims that a 20-percent recidivism rate "isn't that bad"—as one senior administration official put it—must be challenged.

As part of its goal to close Gitmo, the administration continues its efforts to persuade other countries to ac-

cept detainees. Whatever one's views on closing Gitmo, we all have an interest in making sure that no former Gitmo detainee kills or harms us or our allies. As these transfers continue, the Intelligence Committee—and Congress—must pay close attention to these and earlier transfer decisions.

As part of the committee's oversight responsibilities, staff have been traveling to those countries that accepted detainees under the current and previous administrations. They have also been reviewing assessments prepared by the intelligence community and the Guantanamo Review Task Force and other documents. A lot of work has been done, but there is more to do.

Thus far, our review has raised some significant concerns. We all know that transfers to Yemen are a bad idea, but other countries may not have either the legal authority or capability to keep track of these detainees effectively. Still others simply view these former detainees as being free. If we do not know what these detainees are doing, we end up relying on luck that we will catch them before they act.

Having luck on your side is always a good thing, but it stinks as a counterterrorism policy. I urge my colleagues on both sides of the aisle to pay close attention to this issue. Unfortunately, it is one that I think will continue to be around for a very long time.

I hope these reflections, observations, and recommendations will be of use to the members of the next Congress. I have been deeply honored to serve on the Intelligence Committee with my distinguished and talented colleagues. I also salute the fine men and women of the intelligence community who have given so much for the safety of our country. I wish them all well in their future endeavors.

In addition, I wish to address an obvious problem—leaks. I have already made reference to some of the more disastrous leaks that occurred during my tenure, but unfortunately, these were just the tip of the iceberg. There are simply too many to list. I shudder to think about the sources and methods that have been disclosed, and the lives that will likely be lost, as a result of the obscene amount of classified information compromised by Wikileaks. Of course, to call this a leak case is gross mischaracterization; it is more like a tidal wave.

We are blessed with our open society and our many freedoms. However, our ability to protect these freedoms and preserve our national security depends upon our ability to keep our secrets safe.

This problem needs a multifaceted solution. We must first deter and neutralize the leakers. There should be significant criminal, civil, and administrative sanctions that can be imposed on leakers. Leakers should face significant jail time, pay heavy fines, forfeit

any profits, lose their pensions, and be fired from their jobs. We should also not allow the first amendment to be used as a shield for criminal activity. It should be a crime to knowingly solicit a person to reveal classified information for an unauthorized purpose or to knowingly publish or possess such information. Leaks will not stop until a significant number of leakers have been appropriately punished.

Other steps may lessen the problem. Government agencies in possession of classified information should ensure that information is properly classified in the first instance and that their employees are thoroughly trained in security procedures. Also, we should explore technological solutions for tracking classified documents and establishing singular audit trails.

On a related issue, we also need to ensure that the security clearance process is repaired. An excellent inter-agency reform process has applied more resources and better processes to increase the efficiency of the system, eliminate backlogs, and in many cases, shorten the time required to process a security clearance. Although significant progress has been achieved in recent years, there is still a lot of room for improvement. We must continue to use technology to wring more efficiency from the security clearance system, and make it less of an obstacle to success for our intelligence and law enforcement agencies.

Just as importantly, we must modernize the security clearance system to make it a more useful measure of suitability for serving in sensitive government positions. The interagency security clearance reform process is studying a new process, called "continuous evaluation," which seeks to use automated records checks and other similar processes to assess risk in populations of cleared personnel on a regular basis, rather than waiting five years to conduct a reinvestigation, as we currently do.

The devil will be in the details, but I believe a "continuous evaluation" system could be much more effective than our current practices in detecting security threats in our agencies before they become a problem.

The use of biometrics—fingerprints, DNA, facial recognition scans, and the like—has yielded dramatic dividends on the battlefields of Iraq and Afghanistan, and is a vital tool for detecting terrorist threats before they arrive on our shores. Biometrics help us separate the good guys from the bad guys on the battlefield, and can ensure that we know that the foreign tourist, businessman, or student who wants to visit the United States is not actually a dangerous terrorist.

We have made significant progress in the collection and use of biometric data in the last decade, but there are still too many policy and procedural

obstacles to sharing biometric data between U.S. Government agencies. Moreover, far too much of the funding for these important biometric efforts is contained in supplemental funding requests.

We need to continue breaking down the barriers to sharing biometric data. We need a roadmap in the base intelligence budget for the permanent sustainment of our biometric efforts in the decades to come. Biometrics must remain an important tool for dealing with national security threats well beyond the end of combat operations in Iraq and Afghanistan.

The committee spent much of 2005 and 2006 working on legislation related to the expiring provisions of the USA PATRIOT Act. We held numerous hearings and reported out a bill that contained a number of provisions that were ultimately included in the USA PATRIOT Improvement and Reauthorization Act.

Among other things, the act made permanent 14 of the 16 USA PATRIOT Act provisions that were set to expire at the end of 2006. It extended the sunsets of three FISA provisions—roving wiretaps; business record court orders; and lone wolf—until the end of 2009. Also, it created a new National Security Division within the Department of Justice, supervised by a new assistant attorney general, with the goal of ensuring that the information sharing walls that existed prior to 9/11 are never reconstructed.

Since the terrorist attacks of September 11, the size and budget of the intelligence community has nearly doubled, and much of that growth has been in the IC's analytic community. Even as we hire more and more analysts to focus on national intelligence priorities, most of them work on current and tactical missions—answering questions and giving briefings on near-term issues—without ever producing a deep understanding of longer term critical issues.

Furthermore, the intelligence community continues to operate as a loose confederation, with no universal standards for analytic training, tools, technology, and personnel policies. These issues, coupled with a lack of a federated communitywide analytic work plan, often result in redundant or conflicting analyses, and in some cases, a major gap in coverage or understanding of issues of significant concern. It is time for the ODNI to bring analytic direction and standards to the IC so that the analytic community can become a true community of analysts.

I have often voiced my concern about the abysmal state of the intelligence community's foreign language programs and the slow pace of progress in correcting deficiencies. The collection of intelligence depends heavily upon language, whether information is gathered in the field from a human source or from a technical collection system.

More than 9 years after 9/11, and more than a year after a major shift in focus in Afghanistan and Pakistan, the cadre of intelligence professionals capable of speaking, reading, or understanding critical regional languages such as Pashto, Dari, or Urdu remains in critically short supply. In spite of significant congressional interest and funding, progress has been disappointing.

Persistent critical shortages in some languages could contribute to the loss of intelligence information and affect the ability of the intelligence community to exploit what it does collect. I encourage IC leaders to make foreign language learning and maintenance a priority mission and a "must fund" for resource allocation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COACH DAN CALLAHAN

Mr. DURBIN. Mr. President, I wish to say a few words about an extraordinary man, a friend of mine, who died this week in Carterville, IL. Dan Callahan was the head baseball coach at Southern Illinois University at Carbondale for the last 16 years. He died Monday at the age of 52.

Dan Callahan was not only a good coach, he was a great man. His conduct on and off the field inspired just about everybody who ever met him.

Dan died of neurotropic melanoma, a very rare and very serious form of skin cancer. His struggle with cancer began almost 5 years ago when he detected a little black spot on his lower lip. The spot was successfully removed, but the cancer remained and grew.

After receiving his diagnosis, Dan Callahan silently endured the rigors of his treatment while continuing to coach his baseball team. In the 2007, 2008 seasons there were times he probably should have stayed home because he was too weak to do much but sit in the dugout, but he came to work and he came to that ball yard every day. He didn't miss a single game.

The next season Dan endured more intense treatment, including a surgery that removed part of his right jaw. It was only then that he went public with his illness. Eventually, the cancer cost Dan not only his job but the sight in his right eye and the hearing in his right ear. But it didn't stop the coach. The losses damaged his depth perception and hearing. But if Dan Callahan,

once a pitcher in his own right, wasn't able to throw a fastball with quite the same speed and control, he taught his players an even more important lesson: how to push through adversity.

The chemo and surgery forced him to miss all of his team's road trip games during the 2009 season, and that bothered him even more than the cancer. He believed a coach should be with his players. Somehow, this past season—his last season—Dan was able to be on the bench for nearly every game. He considered that a great victory, and it was.

The president of Southern Illinois University, Glen Poshard, a former Congressman, said about Danny Callahan: "As far as I'm concerned, he was the face of courage."

The Missouri Valley Conference recognized that fact a year ago when it awarded Dan Callahan its "Most Courageous Award," an award that honors those who have demonstrated unusual courage in the face of personal illness, adversity, or tragedy. In announcing Dan's selection, the Missouri Valley Conference Commissioner Doug Elgin said:

Dan Callahan personifies professionalism in the face of personal adversity, and he's been an inspiration to his baseball student-athletes, and really all those who know him. We feel honored to be able to recognize him.

Dan had a great sense of humor. He used to joke that he led the league in one category: surgeries. In fact, he leaves a rich record of athletic achievement. In 22 seasons as an NCAA Division I head coach, Dan Callahan compiled an impressive record of 595 wins and 695 losses, and 442 of those nearly 600 victories were at Southern Illinois, making him the second winningest coach in SIU's history.

Dan Callahan was one of just five coaches in Missouri Valley Conference history to win over 200 league games. In his time at Carbondale, he produced 23 Major League draft picks and 19 First-Team All-MVC selections.

Baseball was Dan's lifelong love and passion. As an athlete, he pitched two seasons at the University of New Orleans, two at Quincy College, from which he graduated. After college, he pitched professionally in both the San Diego Padres and Seattle Mariners' organizations.

His first coaching job was in my hometown at Springfield High School, his alma mater. He also coached at Eastern University for 5 years before heading down to Carbondale.

Last October, Dan began chemotherapy. His doctors prescribed a three-drug cocktail that includes Avastin, one of a new generation of anticancer drugs that works by preventing the growth of new blood vessels that support tumors. Avastin can buy time and a better quality of life for the people with advanced cancer, but it is very expensive. In Dan's case, it cost \$13,686 a treatment—about \$100,000 a year.

Unfortunately, Dan's health insurance company, the largest health insurer in America, a company that had paid for surgery to remove the initial spot from his lip and the second surgery to remove part of his jaw, refused to pay for the Avastin. The chemo drug was FDA-approved and something of a wonder drug in treating advanced colon, lung, breast, and other cancers. But the insurance company said its use to treat cancers like Dan's was experimental so they wouldn't cover it.

With the support of family and friends, Dan and his wife Stacy found \$27,000 to pay for the first two treatments. Washington University in St. Louis provided another \$50,000; that bought him four more treatments. Through all the chemo and radiation treatments and all the painful surgeries, Dan Callahan never complained. He was never bitter and he never felt sorry for himself. But he worried about other people and other families who needed expensive drugs and couldn't afford them. Dan thought it was unfair that patients could be denied treatment that could extend and maybe even save their lives simply because of the drug's high price. We talked about that last year while the Senate was debating America's broken health care system. I thought about Dan Callahan when I voted for the Affordable Health Care Act.

In his prime, Dan Callahan stood 6 feet 4 and weighed 225 pounds. The cancer took its toll. The last couple of months were rough. He spent most of them at Barnes Hospital in St. Louis. A little more than a week ago, he told his doctors he needed to take a break so he could attend a Thanksgiving get-together with his team. He went home for hospice care and died 3 days later surrounded by the people he loved.

I offer my deepest condolences to Stacy, Dan's wife of 21 years, and their daughters Alexa and Carly, and his parents Ann and Gene. Gene and Ann are my closest friends and I have known Dan since he was 9 years old. I also wish to say to Sherry and Lynn, his sisters, he couldn't have come from a better family. My thoughts are also with the student-athletes whom Dan coached and inspired over the years. Dan's passing is a deep loss for so many people.

On Monday, Dan is going to have a send-off. It is going to be at the baseball diamond. Dan's family and his SIU family are hosting a celebration of his life at the SIU baseball diamond where he spent so many years. There will be a party afterwards with hot wings and beer. The invitation says, "Please dress casually. No suits. No ties." That is exactly what Dan would have wanted.

Jim Ruppert, the sports editor for my hometown newspaper, the State Journal Register in Springfield, was also Dan Callahan's brother-in-law. In his column the day after Dan died he said:

When the official scorer in the sky makes his final ruling, he will say Dan Callahan lost his nearly 5-year battle with cancer Monday afternoon at his home in Carterville. But the 52-year-old Callahan was a baseball guy who went down swinging, battling the dreaded disease to the bottom of the ninth inning.

Dan Callahan coached the sport he loved, and it is a unique sport. It is one of the few team sports that has no timeclock. Baseball is only over when it is over, and that is the way life is too. At the end of his life, Dan Callahan still sits in that dugout and with a watchful coach's eye, he scans the field and sees hundreds of young men whose lives he touched, players and families who will never forget him. He taught them more than baseball. He taught them about life and courage, about themselves and their relationships with others.

I have known Dan all his life. I consider it a blessing to have counted him as a friend. Lou Gehrig, when he learned of his illness, said he was still the luckiest man on the face of the Earth. Dan Callahan felt the same way about himself and for the same reasons. Whether he was the luckiest man on Earth, I don't know, but I do know that all of us who had the good fortune to know Dan Callahan were lucky. We were inspired by his courage and his dignity and we will miss him.

CONGRATULATING STAN "THE MAN" MUSIAL

This is another baseball-themed speech which I didn't expect to give on the floor of the Senate, but today is a happy day for me.

I grew up in East Saint Louis, IL. I learned about God and church, but the only god I was sure of played for the St. Louis Cardinals and his name was Stan Musial. The first baseball glove I ever owned was a Rawlings leather glove that had Stan Musial's name written on the edge of it. I used to do what kids my age did. We would wrap rubberbands around the glove with the baseball in it to get that pocket just right and then we would pull that ball out and we would rub it with Glovolium, some kind of oil concoction that we thought made it supple and made it easier to catch the ball. I rubbed that oil on my glove so hard so many times I was the only one who would still read his name on that glove. I kept it forever until my wife said, What are you doing with this old thing, and I said it was my prized possession when I was about 10 years old, and it still is.

The good news is that my feelings for Stan Musial are shared by the President of the United States. He may be a Chicago White Sox fan, but he knows a great champion when he sees one. That is why the announcement today that Stan "The Man" Musial is going to receive the Presidential Medal of Freedom makes me feel so good.

The one thing about Stan that I found so interesting is here was one of

the most public figures in baseball of his time and I never heard a negative word about him, not about his professional life or his public life. He served this country not only as a hero on the baseball diamond, but he left his team to serve in the military. He went back as the Presiding Officer did—to entertain the troops and serve as well. He cared about this country. He was a champion on and off the baseball field.

After playing 22 seasons in Major League Baseball for the St. Louis Cardinals from 1941 to 1963, Musial was elected to the Baseball Hall of Fame in 1969. Over that time, he compiled a lifetime batting average of .331—how about that—with 3,630 hits, 475 home runs, and 1,951 RBIs, appearing in 23 World Series games and 24 All-Star games. He is one of only three players to have run over 6,000 bases in his career, right behind Hank Aaron and Willie Mays.

A sign of his great sportsmanship, Stan was never once ejected during his career spanning more than 3,000 games. Both in and out of a Cardinal uniform, Stan exemplifies the values of sportsmanship, discipline, hard work, grace, consistency, excellence, and humility. He is truly deserving of this Medal of Freedom.

Let me say a word about my colleague CLAIRE MCCASKILL. No one has worked harder to impress upon the White House how important this Presidential Medal of Freedom is, not only to Stan Musial but Cardinal fans alike and those of us who think he is one of the greatest Americans. I salute CLAIRE MCCASKILL's dogged determination to convince the White House the President is well served by awarding this man an honor for his life on the baseball diamond and off the diamond, and serving this country in so many ways.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PARITY FOR HISPANIC FARMERS

Mr. MENENDEZ. Mr. President, I rise to speak of what I have addressed in the past about injustice. It is about the reality that it is no secret that decades of discrimination in lending practices at the United States Department of Agriculture have made it difficult, if not impossible, for minority farmers—specifically Hispanic and women farmers—to make a living at what they love to do, leaving many no choice but to lose their farms and ranches they have tended all their lives, in many cases from generation to generation. That is why I rise today in support of parity for Hispanic and women farmers. I rise so that all the victims of discrimination in this case are treated equally,

fairly, and are adequately compensated for the damages they suffered regardless of their race or gender.

The Department of Justice's proposal to Hispanic and female victims is certainly a first step toward closing the entire book on the U.S. Department of Agriculture's discrimination. But, frankly, there appears to be some contradiction between the proposal given to these two groups and the declared objectives of providing parity among the different groups who suffered discrimination.

Here is the situation. African-American victims of discrimination are on a path to receive approximately \$2.25 billion to resolve their claims. Victims who filed on time were afforded the opportunity to choose from two different tracks. First, they could present substantial evidence of discrimination which, if valid, entitled the victim to a monetary settlement of \$50,000 plus relief in the form of loan forgiveness and offsets of tax liability or they could prove their claims using evidence which was reviewed by a third-party arbitrator who decided how much damages to award, if any.

This system took into account the fact that many if not most of the documents from this era were destroyed by the U.S. Department of Agriculture, making it extremely difficult for victims to prove their claims, while also giving claimants the opportunity to seek more than \$50,000 if their case was especially egregious and their losses were severe. There was not a cap on the amount of money awarded. There was not a cap on the number of claimants who could recover damages, which allowed the merits of each individual's claims to be the sole basis for determining what they received. That process appears to be right in line with the stated goal of determining the appropriate course of action for each claim based on the merits of the case and only on the merits. I certainly commend that approach.

However, when it comes to Hispanic and women farmers, the Justice Department has used legal maneuvers to prevent Hispanic and women farmers from achieving class status. Legal maneuvers should not be what the Department of Justice is all about; justice is what the Department should be all about.

Unfortunately, I do not believe the proposal which has been presented to the Hispanic and female victims meets that standard of justice, nor does it employ the fair method utilized in the Pigford I settlement or the equity that is needed. Instead, it puts a cap on the damages each victim could receive and on the total amount that can be awarded to all victims. This is not in parity with the Pigford I settlement and could potentially leave thousands of Hispanic and female victims with only a modicum of relief and far less justice than their counterparts.

Specifically, while Pigford I awarded a minimum of \$50,000 to victims, the proposals to Hispanics and females will only award victims up to that amount. What this means is that Hispanic and female victims, even if they suffered millions of dollars in damages, lost their farms, lost their families' heritage in the process, lost their livelihoods, will not receive more than \$50,000 and will not be made whole. Farmers who were denied a loan and, as a result, in the words of then-Secretary of Agriculture Glickman, "lost their family land, not because of a bad crop, not because of a flood, but because of the color of their skin," will never be able to rebuild their lives and recover the land with a fraction of \$50,000.

If that is not enough, the Department of Justice-imposed cap on the total amount of money that can be awarded to Hispanic and women victims could arbitrarily reduce each claimant's award far below the \$50,000 individual cap. You may ask why. Here is the reason: because there are likely to be far more claims filed by Hispanic and women farmers than were filed by African-American farmers. Yet the amount allocated for Hispanic and female claims is almost \$1 billion less than provided to African-American claimants. This is despite the fact that, according to the Department of Agriculture census, in the years in question—from 1982 to 1997—Hispanic- and female-operated farms far outnumbered African-American-operated farms by almost 7 to 1.

If the Department of Justice estimates are correct and approximately 80,000 valid claims will be made by African Americans through Pigford I and Pigford II, it is safe to assume that at least this many and likely many more Hispanic and female farmers who were discriminated against will file valid claims. Even using the very conservative estimate of 80,000 valid claims for Hispanics and females, a \$1.3 billion overall cap will provide each claimant with about \$16,625. This amount will shrink even further if there are more than the 80,000 claimants and tax forgiveness funds are counted against the \$1.3 billion cap.

Think about this. Under this method, the amount each victim will receive will depend on how many other victims there were, not on the merits of each individual case. Not only is that not fair, but it is perverse because each victim will actually be punished the more the U.S. Department of Agriculture discriminated since the more valid claims there are, the less each victim will receive. A structure has been set up that, instead of pursuing justice and equity, actually works to the detriment of those who have already been discriminated against because the more that have been discriminated against and prove their case, the less

each one will receive because of this cap.

Finally, the process proposed for administering Hispanic and female claims seems arbitrary and needlessly complicated. In contrast to Pigford claimants, Hispanic- and women-owned farms would not have the benefit of a court-approved notice or any of the procedural protections associated with a class action process.

The underlying facts of the claims made by African Americans, Hispanics, females, and Native Americans are nearly identical.

I commend the President and his administration for making some effort toward delivering justice to women and Hispanic farmers. That is why I urge the administration to guarantee that the relief to be provided to women and Hispanic farmers be just and consistent with that provided to African-American victims who filed on time. In the words of Timothy Pigford, the lead plaintiff in the Pigford case, Hispanics and females "suffered the same discrimination by the U.S. Department of Agriculture as African American farmers." They suffered the same discrimination by the Department of Agriculture as African-American farmers.

Again quoting Mr. Pigford:

... class certification is a procedural matter that does not address the underlying discrimination that is in fact admitted.

It is, in fact, admitted. There is not a dispute about whether discrimination took place. It is, in fact, admitted. The indisputable fact remains that farmers and ranchers—particularly women, African Americans, Hispanics—were denied access to U.S. Department of Agriculture loans, to farm benefits and credit services due to their race, their ethnicity, their gender. They were not given proper opportunity for recourse. In the process of being denied those opportunities, they lost, in many cases, their land or sold parts of their land to keep a little piece of it. The only thing that could be worse than the original discrimination, ironically, is if it were to treat the victims of that discrimination differently based on their race, ethnicity, or gender.

Justice for one cannot masquerade as justice for all. I applaud the USDA for taking a big step toward universal justice in this case by recognizing the need to put aside technical questions about class certification and address the underlying valid claims of discrimination.

I understand that this administration inherited this problem, like so many others, and is now in the position of cleaning up the mess left by its predecessors. I applaud them for seeking to right an injustice. But I do not think, nor can I accept that you can dispense justice when you know that the facts are such that, in fact, there is no dispute as to the discrimination, that you can dispense justice piecemeal, or that

you can treat victims similarly situated, almost identically situated and harmed, with justice for some and not for all. We need to make this right. We need to make the victims whole. We need to do it fairly, justly, and soon.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

THE SAN FRANCISCO GIANTS

Mrs. FEINSTEIN. Mr. President, I rise to speak on the bill before us. But before I do, one thing I was remiss in not doing, listening to Senator DURBIN speak about Stan Musial, is pointing out what has happened in San Francisco, and that is that the San Francisco Giants have won the World Series with a team that was just amazing. To see a team, I think, that were essentially outcasts—and some would say misfits—come together, play with teamwork, develop a world-class pitching staff, a defense where double and triple plays would happen, is really quite amazing. I had the pleasure of going to the playoff games during the recess, as well as the World Series games, and it was a very special treat. I wish to offer my commendation to that great team. It was quite wonderful.

Now down to business.

Mr. President, it appears that I will be blocked from offering an amendment on bisphenol A, to the food safety bill. So I come to the floor to express my disappointment and my very serious concern about the continued use of this chemical in children's products.

There is mounting scientific evidence that shows that BPA is linked to harmful health effects. Over 200 scientific studies show that even at low doses, BPA is linked to serious health problems, including cancer, diabetes, heart disease, early puberty, behavioral problems, and obesity. I know there is not yet consensus on the science and there is still research to be done. But I also know this chemical is so widespread—it has been found in 93 percent of Americans. I know BPA is thought to alter the way the body chemistry works. Babies and children are particularly at risk because when they are developing, any small change can cause dramatic consequences.

To put it simply, the fact that so many adverse health effects are linked to this chemical, the fact that this chemical is so present in our bodies, and the fact that babies are more at risk from its harmful effects leads me to believe there is no good reason to expose our children to this chemical.

My great concern for its continued use, particularly in children's products, is the reason Senator SCHUMER, my co-sponsor, and I, who introduced a bill a year and a half ago—why he and I have been willing to compromise, to be flexible, and to try to work out an agreement to move this forward. For 7 months, we have been negotiating with

Senator ENZI, the distinguished ranking member handling this bill on the floor, hoping for a compromise that would enable this amendment on BPA to be placed in the food safety bill. It looks as if there will not be amendments; therefore, I have no opportunity to offer an amendment.

But last evening at about 6:15, Senator ENZI and I reached an agreement which would ban the use of BPA in baby bottles and sippy cups within 6 months of the enactment of this legislation. It would require that the FDA, the U.S. Food and Drug Administration, to issue a revised safety assessment on BPA by December 1, 2012—this is important because it would make certain the date that the FDA has to assess the safety of BPA. And third, it would include a savings clause to allow States to enact their own legislation.

I wish to thank the ranking member for his agreement. It meant a great deal to me. I thought, aha, we are really close to making a beginning step on this problem. Unfortunately, today it became clear that the American Chemistry Council has blocked and obstructed this agreement from being added to the food safety bill. Therefore, language cannot be in the bill. I regret that the chemical lobby puts a higher priority on selling chemicals than it does on the health of infants. I am stunned by this.

This agreement was but a small step forward, a simple movement to ban BPA in baby bottles and sippy cups, a simple move to protect children.

All it did was ban BPA in baby bottles and sippy cups until the FDA's safety assessment could be revised. The chemical lobby came in at the 11th hour opposing this ban, which is something my colleagues on the other side of the aisle had agreed to.

Now, because of this, my colleagues on the other side of the aisle are pulling their support. My goodness. This is so simple. How can anybody put a priority on selling chemicals above the health of infants? Major manufacturers and retailers are already phasing out BPA from their food and beverage products for children. So why should this be stopped?

The products used to give food and drink to children all have safe alternative BPA packaging available. At least 14 manufacturers have already taken action against BPA. Here they are: Avent, Born Free, Disney First Years, Evenflo, Gerber, Dr. Brown's, Green to Grow, Klean Kanteen, Medala, Nuby Sippy Cups, Munchkin, Playtex, Thinkbaby, Weil Baby. All these manufacturers are taking BPA voluntarily out of their baby bottles and sippy cups, but we cannot get it into a simple bill.

Retailers are taking actions not to sell these products with BPA in them: CVS, Kmart, Kroger, Rite Aid, Safeway, Sears, Toys "R" Us and Babies "R" Us, Walmart, Wegmans, and

Whole Foods have already taken this action.

I ask unanimous consent that the list be printed following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. FEINSTEIN. At this point, seven States have moved to enact laws banning BPA from children's products: Connecticut, Maryland, Minnesota, New York, Vermont, Washington, Wisconsin. The city of Chicago also has a ban. These entities have already taken action. California is just a few votes short of taking this action and I hope will come back this next legislative session and take it.

Bills are also pending in Illinois, Maine, Massachusetts, Missouri, Pennsylvania, and Washington, DC, and numerous companies are marketing BPA-free products. Other countries are moving forward. Canada declared BPA toxic and banned it from all baby bottles and sippy cups. Denmark and France also have national bans on BPA in certain products.

So here is the point. The problem has been recognized, and steps are being taken by countries, States, companies, and retailers. Yet the chemical lobby in this country is keeping this amendment out of the food safety bill. Why? Only one reason. Because the chemical companies want to make money to the longest point they can by selling a chemical which is linked to all these harmful health effects.

Their resistance to accept this very small proposal is astounding. We have compromised in the negotiations with Senator ENZI. The bill Senator SCHUMER and I introduced was much more comprehensive. But we are down to just the three things I mentioned earlier. This is a food safety issue, and it profoundly affects children's health.

But some in the industry are fighting tooth and nail to make sure BPA remains a staple in the American diet and even for children. Because of this opposition, it appears I have no option to move this amendment forward. Again, I tried for a year and a half, 7 months of negotiations. I can put a hold on the bill, stop it, and make a fuss, as some others have done over other issues, or I can wait to fight another day by allowing this food safety bill to go forward while continuing to build the case against BPA. That latter is what I intend to do beginning now.

This battle may be lost, but, rest assured, I do not intend to quit. I have a deep abiding concern regarding the presence of toxins and chemicals with no testing in all kinds of products and all kinds of solutions that build up in our bodies. There is no precautionary standard in this country when it comes to chemicals.

You have to prove that a chemical is harmful before that chemical can be banned. But the evidence against BPA

is mounting and especially its harmful effects on babies and children who are still developing.

Here is the argument. Here is what BPA is. It is synthetic estrogen. It is a hormone disruptor. It interferes with how the hormones work in the body, and this chemical is used in thousands of consumer products. It is used to harden plastics, line tin cans, and even make CDs. It is even used to coat airline tickets and grocery store receipts. It is one of the most pervasive chemicals in modern life.

As with so many other chemicals in consumer products, BPA has been added to our products without knowing whether it is safe. Alternatives exist because concern has been growing about the harmful impact. The chemical industry has tried to quiet criticism by reassuring consumers that BPA is safe and that more research still needs to be done.

Well, that argument simply does not hold water. Over 200 studies show that exposure to BPA, particularly during prenatal development and early infancy, are linked to a wide range of adverse health effects in later life. Because of their smaller size and stage of development, babies and children are particularly at risk from these harmful impacts.

What do these include? Increased risk of breast and prostate cancer, genital abnormalities in males, infertility in men, sexual dysfunction, early puberty in girls, metabolic disorders such as insulin-resistant type 2 diabetes and obesity and behavioral problems such as attention deficit hyperactivity disorder, ADHD.

Industry continues to insist that BPA is not harmful. But one study shows us why we should be skeptical about research funded by the chemical industry. In 2006, the journal *Environmental Research* published an article comparing the results of government-funded studies on BPA to BPA studies funded by industry. The difference is stark. Ninety-two percent of the government-funded studies found that exposure to BPA caused health problems. Overwhelmingly, government studies found harm.

None of the industry studies identified health problems as a result of BPA exposure—not one. That is 92 percent of the government studies and not one of the industry studies. So I ask: How can this be? Clearly, questions are raised about the validity of the chemical industry's studies.

The results also illustrate why our Nation's regulatory agencies should not and cannot rely solely on chemical companies to conduct research into their own products. Consumers are worried about BPA. They are pushing in States for restrictions and bans. Over 75 organizations that represent almost 40 million Americans, support getting BPA out of food packaging for children.

Support comes from national groups such as the BlueGreen Alliance, Consumers Union, Breast Cancer Fund, National WIC, and United Steelworkers of America. State groups such as Alaska Community Action on Toxics, California Environmental Rights Alliance, Environment Illinois, the Tennessee Environmental Council, and the Massachusetts Breast Cancer Coalition back this amendment.

The broad coalition of environmental and consumer advocates know BPA cannot be good for our babies. I wish to underscore the importance and the urgency of withdrawing BPA from baby products.

Well-known and respected organizations and Federal agencies have expressed concern about BPA. The President's Cancer Panel Annual Report released in April of this year concluded that there is growing evidence of a link between BPA and several diseases such as cancer. The panel recommended using BPA-free containers to limit chemical exposure.

A 2008 study by the American Medical Association suggested links between exposure to BPA and diabetes, heart disease, and liver problems in humans. The National Health and Nutrition Examination Survey, NHANES, linked BPA in high concentrations to cardiovascular disease and type 2 diabetes.

In addition to the over 200 scientific studies showing exposure to BPA is linked to adverse health effects, there are a number of studies that link BPA and other environmental toxins to early onset puberty and other hormonal changes. This is serious. This emphasizes how detrimental this chemical can be during development.

I would like to discuss three of these studies. The Endocrine Society, comprised of over 14,000 members from more than 100 countries, published a scientific statement in 2009, expressing concern for the adverse health impacts of endocrine-disrupting chemicals such as BPA. The adverse health impacts included infertility, thyroid problems, obesity, and cancer. A study published in *Environmental Health Perspectives* studied 715 men, ages 20 to 74 years old, and found that men who had high levels of BPA in their bodies also had higher levels of testosterone. This study demonstrates that higher BPA levels in the body are associated with altered hormone levels.

A study in the *Journal of Pediatrics* in September 2010 demonstrated that puberty in girls is occurring even earlier, by ages 7 and 8. The researchers studied 1,239 girls in 2004 and 2008, so there was followup, in Cincinnati, East Harlem, and San Francisco. They found that at age 8, 18 percent of Caucasian girls, 43 percent of African-American girls, and 31 percent of Hispanic girls had signs of puberty. That is at 8 years old.

The researchers suspected that environmental chemicals such as BPA could influence the onset of puberty. Early puberty can cause a host of problems later on in life, such as increased rates of breast cancer, lower self-esteem, eating disorders, and certainly depression.

Given these conclusions, it is critical we act to protect just the most vulnerable, our infants and toddlers, from this chemical.

How are children benefitted by having a baby bottle or a cup that they sip from that is coated with BPA? How is that bottle any better? How is that cup any better? Fact: It isn't. Yet the American Chemistry Council puts their need to sell these chemicals above all of the existing studies, above all the science that is emerging, and would not even say: Just in case this is true, yes; we agree with you. We should protect our young and our youngest. They would not do even that.

Our original bill was much broader. BPA is not just in plastic bottles, it is also used in the epoxy resin that lines tin cans. I no longer buy tin cans because of it. My family, I have asked them not to buy things in tin cans. Buy them in glass. Then we don't have to worry about the BPA that is in the lining of the can.

This amendment doesn't ban BPA in the lining of cans. It doesn't ban BPA in all containers. It just bans BPA in baby bottles and sippy cups, just for infants, just for toddlers. The chemical industry says no. And I guess the other side of the aisle bows.

I am amazed. BPA has been linked to developmental disorders, cancer, cardiovascular complications, and diabetes by credible scientific bodies. The evidence that BPA is unacceptably dangerous is mounting. Yet it remains in thousands of household and food products. In an effort to reach a bipartisan compromise, which we did do last night, the amendment I wanted only restricted the use of BPA in baby bottles and sippy cups because, as the science shows, babies and young children are the most susceptible to the harmful effects of this toxic chemical. This amendment would have ensured that all babies, in whatever State they happen to be or wherever they buy their baby bottles, are safe. We can't even do this in a food safety bill.

It would have ensured that parents no longer have to wonder whether the products they buy for their babies will harm them now or later in life. I have on my BlackBerry a picture of a new grandchild born earlier today, a little boy by the name of Benjamin. So even if one is a grandparent like me, this is so relevant. If we can't take care of our babies, what can we take care of in this country?

Despite the loss of this amendment, the American people can still vote with their pocketbooks by refusing to buy

products made with BPA. Ask the question in your grocery store. Go where they are not sold. Buy the products that do not use BPA. Public knowledge and awareness is important.

In 2008, as part of the Consumer Product Safety Improvement Act, Congress accepted my proposal to ban phthalates, and President Bush signed it. It banned phthalates, a plasticizing chemical, from children's toys. Like BPA, phthalates are linked to a variety of health problems in young children. I was proud to lead that fight and protect children from these chemicals.

I truly believe the unrestricted use of chemicals in products, whether it be makeup for women, lotions that go on bodies, coatings in cans, coverings of plastic, softeners and hardeners, chemicals that leach into food, are a problem. When we do a food safety bill, we ought to consider this. Well, not even this baby step to protect babies is going to be taken.

I very much regret it, but the battle is joined. Once I start, I do not stop. We will fight another day.

I thank the Chair and yield the floor.

EXHIBIT 1

LEADING RETAILERS & MANUFACTURERS PHASING OUT BISPHENOL A (BPA)

In response to growing scientific and public concern, over the past few years, leading U.S. retailers, baby bottle and water bottle manufacturers pledged to phase out bisphenol A (BPA) in favor of safer cost-effective alternatives. These include the following companies.

U.S. RETAILERS PHASING OUT BISPHENOL A BABY BOTTLES

CVS, Kmart, Kroger, Rite Aid, Safeway, Sears, Toys "R" Us and Babies "R" Us, Wal-Mart, Wegmans Foods, Whole Foods.

BABY BOTTLE & SIPPY CUP MANUFACTURERS PHASING OUT OR BPA FREE

Avent—offering some BPA-free alternatives, Born Free, Disney First Years, Dr. Brown's, Evenflo—offering some BPA-free alternatives, Gerber, Green to Grow, Klean Kanteen, Medela, Munchkin, Nuby Sippy cups, Playtex, Think Baby, Weil Baby.

WATER BOTTLE COMPANIES PHASING OUT BPA

ALADDIN/Pacific Market International, CamelBak, Klean Kanteen, Nalgene, Polar Bottle, Sigg.

FOOD PACKAGING COMPANIES EXPLORING BPA-FREE ALTERNATIVES

In 1999, the health foods company Eden Foods phased out the use of BPA in some of their canned foods. The company has eliminated BPA in cans for products such as beans, however they are still searching for alternatives for cans that hold tomatoes.

Gerber and Nestlé Nutrition have publicly stated they are committed to making all food and formula packaging BPA-free as soon as possible. In 2009, Abbott Labs announced that it achieved "BPA free" status in all of its Similac® brand powdered infant formula products and 91% of their total product line is BPA free. Nestlé-Gerber announced similarly in 2008 that there is no BPA in cans used to package the Nestlé GOOD START® Supreme Milk and Soy based powdered infant formulas, which account for more than 80 percent of the type of infant formula they sell.

In 2010, General Mills Muir Glen brand announced that they would be introducing a BPA-free metal can for their organic tomatoes.

Hain Celestial and Heinz are researching and testing alternatives to BPA and plan to phase out BPA in some products. Heinz is already using a substitute to BPA in some of its can linings. In June 2010, Heinz Australia said that they expect BPA-free cans for baby food to be available within 12 months with metal closures on glass jars to follow.

Trader Joes offers BPA-free cans for their seafood (tuna, salmon, herring, sardines, etc.), chicken, turkey & beef, beans and corn.

Vital Choice transitioned to BPA-free containers for its canned seafood in 2009.

Tupperware Brand's reusable containers are 90% non-polycarbonate plastic; containers for children are all BPA-free.

CANADIAN RETAILERS PHASING OUT BPA

Home Depot Canada, Members of the Canadian Council of Grocery Distributors, Mountain Equipment Co-op, Rexall Pharmacies, Sears Canada, Wal-Mart Canada.

Mrs. FEINSTEIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I ask unanimous consent I be permitted to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SICKLE CELL DISEASE

Mr. CARDIN. Mr. President, I rise to talk about a very important health issue—sickle cell disease—that highlights the tremendous progress the scientific community has made over the years. This is a timely opportunity to bring up sickle cell disease because this month marks the 100th anniversary of its discovery.

On November 16 and 17, the National Institutes of Health will host a research symposium on sickle cell disease to commemorate the accomplishments of scientists and clinicians over the past century. The symposium, named after the scientist who discovered the gene, Dr. James B. Herrick, will bring to Maryland more than 30 experts from around the world to discuss sickle cell disease research and treatment.

Sickle cell disease is an inherited blood disorder in which red blood cells contain an abnormal type of hemoglobin and frequently take on a sickle, or crescent, shape. These defective blood cells can block small blood vessels, which can in turn lead to tissue damage or stroke. A common complication of this condition is severe pain in the limbs, chest, abdomen, and back. Other complications are anemia, jaundice, severe infection, and spleen, liver, and kidney damage.

The life expectancy for sickle cell patients is shortened, with studies reporting an average life expectancy of 42

years for males and 48 years for females. Sickle cell disease occurs most commonly in people of African descent, though individuals of Middle Eastern, Mediterranean, Central and South American, and Asian Indian heritage can inherit the disease as well. About 1 in 12 African Americans carries the gene for sickle cell disease, and 1 in 400 Americans has the full-blown disease. It is estimated that over 80,000 Americans have sickle cell disease, with about 2,000 babies born with the disease each year.

Sickle cell disease can result in tremendous personal difficulties. Natasha Thomas is a 36-year-old African-American woman from Baltimore, MD. She considers herself fortunate to have access to quality care. Despite some setbacks, she was able to complete middle school, high school, and college, and she has been working consistently for 15 years. She has had employers who have allowed her to take leave when she has had sickle cell pain crises. Natasha admits that most of the people she knows with sickle cell disease are not as fortunate as she is.

Even though she has access to specialized care, Natasha is hospitalized at least once a year with paralyzing pain from the occlusion of her blood vessels with sickle cells. In the hospital, she has to undergo IV therapy with fluids and narcotic pain medicine. Natasha is grateful for the Maryland medical assistance program, which has provided her with the necessary resources to get through difficult financial times when her condition flares up. She admits that if she did not have coverage for specialized care, she would have likely had many more pain flares and may have had to receive blood transfusions.

Sickle cell disease is not a new phenomenon. People have been living with the disease for literally thousands of years. But in the last century, there have been remarkable advancements in diagnosis and treatment of sickle cell disease.

In 1910, Dr. James B. Herrick, an attending physician at Presbyterian Hospital and professor of medicine at Rush Medical College in Chicago, published an article on the case of an anemic West Indian patient. Herrick's clinical and laboratory findings of the patient's "peculiar elongated and sickle-shaped" red blood corpuscles represent the first description of sickle cell disease in Western medical literature.

Since the discovery of the mutation responsible for sickle cell disease in the 1950s, there has been a rapid expansion of technological and policy advances.

In 1975, the first statewide newborn screening was established in New York.

In 1986, penicillin was found to be effective as a preventive strategy against pneumococcal infection, a particularly dangerous infection for people with sickle cell disease.

In 1995, the first effective drug treatment for adults with severe sickle cell anemia was reported in a multicenter National Heart, Lung, and Blood Institute study, including a team led by physicians from Johns Hopkins. The anticancer drug hydroxyurea was found to reduce the frequency of painful crises, and patients taking the drug needed fewer blood transfusions.

In 1996, bone marrow transplantation was discovered to improve the course of sickle cell disease for select patients. A year later, blood transfusions were found to help prevent stroke in patients.

At the turn of the millennium, the introduction of pneumococcal vaccine revolutionized the prevention of lethal infections in children and adults with sickle cell disease.

And in 2001, the first mouse model was developed demonstrating the usefulness of genetic therapy for sickle cell disease.

More recently, in 2007, scientists from the University of Alabama Birmingham and the Massachusetts Institute of Technology developed an animal model for curing sickle cell disease. These scientists used skin stem cells to reprogram the bone marrow of mice to produce normal, healthy blood cells.

I am proud to say that other scientists from Maryland have played an important role in advancing sickle cell disease research. Dr. Morton Goldberg, former head of the Wilmer Eye Institute in Baltimore, is considered the world's foremost expert in the diagnosis and treatment of eye disease due to sickle cell disease. Drs. Jim Casella and Robert Brodsky, both from Johns Hopkins, have made great strides toward preventing strokes in young children and searching for cures through stem cell transplants, respectively.

Improvements in sickle cell disease treatments have led to an increase in life expectancy from 14 years in 1973 to the mid to late 40s now. Innovation continues. As of October 2010, there were 240 ongoing or recently completed NIH-funded trials exploring better diagnosis or treatment of the disease. Under the leadership of its Director, Dr. Francis Collins, the NIH is poised to continue to push the envelope of scientific innovations toward finding a cure for sickle cell disease.

Despite all of these technological advances, sickle cell disease remains a significant problem. The annual cost of medical care for the nearly 80,000 individuals with sickle cell disease in the United States exceeds \$1.1 billion. The average cost of care per month per patient is nearly \$2,000. Studies show that for an average patient with sickle cell disease reaching age 45, the total health care costs are estimated to reach \$950,000. What is worrisome is that additional costs associated with reduced quality of life, uncompensated

care, lost productivity, and premature mortality push the costs well beyond \$1 million per patient.

The enormous human and financial cost of this disease underscores the importance of finding a safe cure for sickle cell disease. A worrying finding in research is that conscious or unconscious racial bias adversely affects the availability of resources for research, delivery of care, and improvement of that care. I am particularly concerned because there is a significant gap in funding for more publicized but less prevalent diseases as compared to sickle cell disease.

This gap in funding was first addressed in 1970 by Dr. Robert Scott when he published landmark articles in the *New England Journal of Medicine* and the *Journal of the American Medical Association*. Dr. Scott's articles spurred congressional hearings that led to the passage of the first major legislation concerning sickle cell disease treatment, the National Sickle Cell Disease Control Act of 1972.

Since passage of that act, the number of research grants for sickle cell disease has risen by a factor of 10. Despite increased research dollars for sickle cell disease and major advances in treatment, important gaps still exist in the equity of Federal funding allocation and in the provision of highly qualified clinical care. The disparity in funding sickle cell disease in the private sector is even more pronounced than it is in the Federal Government.

But solely funding additional research is not enough. We need to be sure that the tools we develop for improving patients' lives are available to everyone who needs them. Unfortunately, that is not currently the case.

For example, there is a sixteenfold mortality rate difference between States with the highest and lowest death rates due to sickle cell disease. In other words, depending on where you live, you may be 16 times more likely to die from sickle cell disease in one State than another. I am proud to say that interventions such as mandatory newborn screening developed by Dr. Susan Panny at the Maryland Department of Health and Mental Hygiene have helped Maryland attain the lowest child mortality rate due to sickle cell disease in the Nation, with 1/10 the number of deaths compared to the national average.

Earlier, I mentioned Natasha Thomas. She is fortunate to have access to specialized treatment centers and rarely gets hospitalized for pain crises. She's been able to maintain a job and says that she has a pretty good quality of life. She is a testament to the benefits of having access to necessary treatments in Baltimore.

Natasha has a friend who is not so lucky. He wished to remain anonymous. Natasha's friend can't keep a job because he is frequently absent from

work due to hospitalizations from pain crises.

His condition is poorly controlled because he does not have access to specialized care as does Natasha. Like so many others with sickle cell disease, he is in catastrophic debt from medical bills due to his condition. The difference between Natasha and her friend does not have to be a matter of luck. High quality treatments for sickle cell disease exist. We just need to make sure they are available to everyone that requires them.

Besides our moral obligation to ensure that patients receive appropriate care, there is also an economic argument. Research showing the high proportion of sickle cell disease costs associated with inpatient hospitalization suggest that interventions that reduce complications such as pain crises could be cost-saving.

We have made significant progress toward broadening coverage for all Americans. But the U.S. Department of Health and Human Services must ensure that the implementation of health policy as it pertains to sickle cell disease is done with emphasis on high-quality, equitable care. We need to make sure the standard of care is available to all and that the guidelines permeate throughout the specialty and primary care centers caring for patients with sickle cell disease.

We need to make sure that patients like Natasha's friend can get the care they need. After all, of the nearly \$112 billion spent annually on hospitalization for sickle cell disease, a significant portion can be reduced by lowering the complications resulting from hospitalization if excellent care is uniformly provided.

With the recent codification of the Office of Minority Health at the Department of Health and Human Services, we can ensure that our investment in producing new knowledge is balanced by a similarly robust commitment to universal and equitable diffusion of this knowledge. This way, all patients will reap the full benefit of our investment in research. In addition to sickle cell disease, the Office of Minority Health will help us address many other issues pertaining to health disparities.

Health disparities in our health care delivery system are a huge issue. Health disparities are differences in health among social, economic, and racial or ethnic lines. Many disparities exist in our country. Let's look at disparity through the lens of life expectancy.

The life expectancy for African Americans is 5.3 years lower than Whites. Education also affects life expectancy. Individuals with college education can expect to live on average 6 years longer than people who have never graduated from high school. The life expectancy of people over 400 per-

cent of the Federal poverty level is on average 7 years longer than those at or below the Federal poverty level.

These differences are stark, and we need to have a strategy to deal with them. We need to know how we can reach out to the minority communities to deal with their special needs. In addition to codifying the Office of Minority Health, the recently enacted health care reform bill supports a network of minority health offices located within HHS, and it elevated the National Center on Minority Health and Health Disparities at NIH from a center to an institute. The Offices of Minority Health will be essential for addressing health disparities in America by monitoring health status, health care trends, and quality of care among minority patients and evaluating the success of minority health programs and initiatives.

Over the next year I plan to return to the Senate floor to highlight how we as a nation and the Office of Minority Health in particular can tackle health disparities. Through a series of presentations, I hope to raise awareness about the major health disparity issues in our country, and I hope to direct our attention to the proper implementation of the Affordable Care Act so the full potential of this legislation can be realized.

I am proud of the progress we have made with the health care reform legislation. I am proud of the creation of the Office of Minority Health, and on this 100th anniversary of the discovery of sickle cell disease, I commend the scientific and medical communities for their contributions to diagnosis and treatment of this important condition.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak as in morning business for perhaps 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CYBER SECURITY

Mr. WHITEHOUSE. Mr. President, I come to the floor to speak about the legislation that will be required in order to bolster our Nation's cyber defenses and to protect our Nation's intellectual property from piracy and from theft.

In the course of my work on the Intelligence and Judiciary Committees, it has become all too clear that our laws have not kept pace with the amazing technological developments we

have seen, many information technologies over the past 15 or 20 years. Earlier this year, I had the privilege of chairing the Intelligence Committee's bipartisan cyber task force, along with my distinguished colleagues, Senator SNOWE and Senator MIKULSKI, who made vital contributions and were great teammates in that effort. We spent 6 months conducting a thorough review of the threat and the posture of the United States for countering it.

Based on that review and my work on the Senate Judiciary Committee, I have identified six areas in which there are overarching problems with the current statutory framework for protecting our country. The first is a really basic one; that is, that current law does not adequately facilitate or encourage public awareness about cyber threats. The government keeps the damage we are sustaining from cyber attacks secret because it is classified. The private sector keeps the damage they are sustaining from cyber attacks secret so as not to look bad to customers, to regulators, and to investors. The net result of that is that the American public gets left in the dark.

We do not even have a good public understanding of how extensive and sophisticated the cyber forces arrayed against America are. Between the efforts of foreign governments and international organized crime, we are a long way from the problem of hackers in the basement. It is a big operation that has been mounted against us, and I would like to be able to describe it more fully, but it is both unhelpfully and unnecessarily classified, and so I can't even talk about that.

Americans are sadly uninformed about the extent of the risk and the extent of the capacity that is being used against us. If Americans understood the threat and the vital role they themselves can play in protecting themselves and the country, I think we would all be more likely to engage in the cyber equivalent of routine maintenance. People would understand and they would support legislative changes which we need to protect our intellectual property and our national infrastructure.

One of the principal findings of our cyber task force was that most cyber threats—literally the vast majority of cyber threats—can be countered readily if Americans simply allowed automatic updates to their computer software, ran up-to-date antivirus programs, and exercised reasonable vigilance when surfing the Web and opening e-mails. So we need far more reporting from the government and the private sector to let Americans know what is happening out there on the wild Web. Disclosures can be anonymized, where necessary, to safeguard national security or protect competitive business interests. But

basic facts, putting Americans on notice of the extent of the present danger and harm, need to be disclosed.

Second, we need, beyond just public information, to create a structure of rights and responsibilities where the public, consumers, technology companies, software manufacturers, and Internet service providers are all able to take appropriate roles for us to maintain those basic levels of cyber security. The notion that the Internet is an open highway with toll takers who have no responsibility for what comes down the highway, no responsibility no matter how menacing, no responsibility no matter how piratical, no responsibility no matter how dangerous can no longer be valid. We protect each other on our physical highways with basic rules of the road and we need a similar code for the information highway.

Australia's ISPs have negotiated a cyber security code of conduct, and ISPs in compliance with the code can display a trust mark. That is one idea worth exploring. But one way or the other, there needs to be a code of conduct for safe travel on the information highway just as there is on our geographic highways.

Third, we need to better empower our private sector to defend itself. When an industry comes together against cyber attackers to circle the wagons, to share information, and to engage in a common defense against those cyber attackers, we should help and not hinder that private sector effort. Legal barriers to broader information sharing among private sector entities and between the private sector and government must be lowered. I believe we can encourage cyber security in this way—common defense within the private sector—without undermining other areas of public policy. But it is not going to be a simple task, and we will have to work our way through it because those other areas of public policy are serious areas—antitrust protection, the safeguarding of intellectual property, protecting legal privileges, liability concerns, and even national security concerns in those areas where the government may be asked to share classified information.

Bear in mind that there are three levels of threat. As I have said, the vast majority of our cyber vulnerabilities can be cured by simple patches and off-the-shelf technology. That is the lowest level—just follow basic, simple procedures and we can rid ourselves of most of the attacking. The next is a more sophisticated set of threats that require the best efforts of the private sector to defend against. Those private sector efforts are becoming increasingly sophisticated and capable. As to those types of attacks, the private sector can handle them alone and particularly so if we have empowered the private sector, industry by industry, to

engage in more effective common defense and information sharing. The most sophisticated threats and attacks, however, will require action by our government. The notion that we can leave our Nation's cyber defense entirely to the private sector is no longer valid.

This brings us to a fourth question—the increasingly important issue of cyber 911. When the CIO of a local bank or electric utility is overwhelmed by a cyber attack, whom do they call and under what terms does the government respond? Right now, the answers to those questions are dangerously vague. The Electronic Communications Privacy Act—or ECPA—is a vitally important statute. In 1986, 25 years ago, Chairman PATRICK LEAHY worked hard to establish statutory privacy protections in a domain where constitutional privacy protections were weak.

It is an enduring legislative accomplishment and we must preserve its core principles. Since ECPA was enacted, however, the threat has dramatically changed. Imagine how technology has changed in 25 years. It is no longer true that private firms are capable of defending their networks from sophisticated thieves and spies on their own.

As we found in the Cyber Task Force, there is now a subset of threats that cannot be countered without bringing to bear the U.S. Government's unique authorities and capabilities. There always needs to be strong privacy protections for Americans against the government. But we do let firemen into our house when it is on fire and the police can come into our house when there is a burglar. A similar principle should apply to criminals and cyber attacks when private capabilities are overwhelmed.

There is one more step, and here is where it gets a little bit more tricky. You call 9-1-1 and the police or the ambulance rushes right over. But in cyber security, by the time you call cyber 9-1-1, it may be too late. Attacks in cyberspace happen at light speed, as fast as electrons flow. Not all the risks and harms that imperil Americans can be averted by action after the fact. Some attacks are actually already there, in our networks, lying in wait for the signal to activate.

We as a country are naked and vulnerable to some forms of attack if we have not predeployed our defenses. Because the viruses and cyber attack nodes can travel in the text portion of messages, we have to sort out a difficult question: whether, and if so how and when, the government can scan for dangerous viruses and attack signals.

In medieval times, communities protected their core infrastructure from raiders by locating the well, the granary, and the treasury inside castle walls. Not everything needs the same level of protection in cyberspace, but

we need to sort out what does need that kind of protection, what the castle walls should look like, who gets allowed to reside inside the walls, and what the rules are.

That leads to the question of a dot-secure domain. I have mentioned this before, but I would like to highlight it as an option for improving cyber security, particularly of the critical infrastructure of our country.

Recently, General Alexander, Director of the NSA and commander of U.S. Cyber Command, has echoed this as a possibility. His predecessor at NSA, and a former Director of National Intelligence, Admiral McConnell, is also an advocate of such a domain for critical infrastructure. This doesn't have to be complicated or even mandatory. The most important value of a dot-secure domain is that, like dot-gov and dot-mil, now we can satisfy consent under the fourth amendment search requirements for the government's defenses to do their work within that domain, their work of screening for attack signals, botnets, and viruses. Critical infrastructure sites could bid for permission to protect themselves with the dot-secure domain label and be allowed in if they could show that lives and safety for Americans would be protected by allowing them entry. Obviously, core elements of our electric grid, of our financial, transportation, and communications infrastructure would be obvious candidates. But we simply cannot leave that core infrastructure on which the life and death of Americans depends without better security.

Fifth, we must significantly strengthen law enforcement against cyber crooks. There is simply no better deterrent against cyber crime than a prospect of a long stretch in prison. We need to put more cyber crooks behind bars. It is not for want of ingenuity and commitment by our professionals that there are not more cyber crooks behind bars.

During my work on the Cyber Task Force, I received a number of briefings and intelligence reports on cyber crime. The FBI and the Department of Justice have some real success stories under their belts, such as the arrests of the alleged perpetrators behind the Mariposa botnet this summer, and our agencies are beginning to work together better and better over the lines of turf defense that separate them.

The problem is, the criminals are also ingenious and they are greedy and they are successful and they are astoundingly well funded. Again, we are not talking about hackers in the basement. We are talking about substantial criminal enterprise with enormous sums of money at their disposal and at stake.

Many enterprises appear to work hand-in-hand with foreign governments, which puts even greater assets

for attack at their disposal. They have a big advantage. The architecture of the Internet favors offense over defense. Technologically, it is generally easier for savvy criminals to attack a network and to hide their trail than it is for savvy defenders to block an attack and trace it back to the criminals. We are not on a level playing field against cyber criminals. That is the problem not easily overcome. What we can overcome, however, are the gaps, the weaknesses, the outdated strategies, and the inadequate resources in our own legal investigative processes.

One example: the most dangerous cyber criminals are usually located overseas. To identify, investigate, and ultimately prosecute those criminals under traditional law enforcement authorities, we have to rely on complex and cumbersome international processes and treaties established decades ago that are far too slow for the modern cyber crime environment.

We also need to resource and focus criminal investigation and prosecution at a level commensurate with the fact that we, America, are now on the losing end of what is probably the biggest transfer of wealth through theft and piracy in human history.

I will say that again: We are at the losing end of what is probably the biggest transfer of wealth through theft and piracy in human history.

I am pleased that in fiscal year 2010 the FBI received an additional 260 cyber security analysis and investigative positions. DOJ's Computer Crimes and Intellectual Property Section has not received new resources in 5 years. With the FBI poised to ramp up its investigatory actions against our cyber adversaries, I am concerned the DOJ may not have the resources to keep up.

Sixth, we need clear rules of engagement for our government to deal with foreign threats. That is, unfortunately, a discussion for another day since so much of this area is now deeply classified. But here is one example: Can we adapt traditional doctrines of deterrence to cyber attacks when we may not know for sure which country or nonstate actor carried out the attack? If we can't attribute, how can we deter?

With respect to any policy of deterrence, how can it stand on rules of engagement that the attacker does not know of? Not only do we need to establish clear rules of engagement, we need to establish and disclose clear rules of engagement if any policy of deterrence is to be effective in cyberspace.

Finally, as we go about these six tasks, the government must be as transparent as possible with the American people. I doubt very much that the Obama administration would abuse new authorities in cyberspace to violate Americans' civil liberties. But on principle, I firmly and strongly believe that maximum transparency to the

public and rigorous congressional oversight are essential. We have to go about this right.

I look forward to working with my Senate colleagues and with the administration as the Congress moves toward comprehensive cyber security legislation to protect our country before a great cyber attack should befall us.

Let me close my remarks by saying the most somber question we need to face is resilience.

First, resilience of governance: How could we maintain command and control, run 9-1-1, operate FEMA, deploy local police and fire services, and activate and direct the National Guard if all of our systems are down?

Second, resilience of society: How do we make sure people have confidence during a prolonged attack that food, water, warmth, and shelter will remain available? Because the Internet supports so many interdependent systems, a massive or prolonged attack could cascade across sectors, compromising or taking over our communications systems, our financial systems, our utility grid, and the transportation and delivery of the basic necessities of American life.

Third, our American resilience as individuals: Think about it. Your power is out and has been for a week. Your phone is silent. Your laptop is dark. You have no access to your bank account. No store is accepting credit cards. Indeed, the corner store has closed its doors and the owner is sitting inside with a shotgun to protect against looters. Gasoline supply is rationed with National Guard soldiers keeping order at the pumps. Your children are cold and hungry and scared. How, then, do you behave?

I leave this last question, our resilience as a government, as a society, and as individuals to another day. But I mention it to highlight the potentially catastrophic nature of a concerted and prolonged cyber attack. Again, such an attack could cascade across multiple sectors and could interrupt all of the different necessities on which we rely.

When your power is down, it is an inconvenience but you can usually call somebody on the phone. Now the phone is out, so you can go to the laptop and try to e-mail somebody, but there is no signal on the laptop. You need cash. You go to the ATM. It is down. The bank is not open because a run would take place against its cash assets, given the fact that it can no longer reliably electronically let its customers know what their bank account balances are.

We are up against a very significant threat. I hope some of the guideposts I have laid out will be helpful in designing the necessary legislation we need to put in place to empower our country to successfully defend against these sorts of attacks.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest called the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO ROBERT FORBUSS

Mr. REID. Mr. President, I rise today to honor Mr. Robert "Bob" Forbuss for his service to the people of Nevada. Tomorrow evening, at its Annual Convention and Tradeshow in Las Vegas, the American Ambulance Association will honor Mr. Forbuss for his many years of work on behalf of ambulance services in Nevada and throughout the Nation. Today I am happy to call the attention of the Senate to the selfless service that my good friend has rendered to the State of Nevada.

Bob is a native Nevadan who has served this community for nearly four decades as an educator, elected official, businessman, and community advocate. After earning his degrees in political science and public administration from Long Beach State University, Bob returned to Las Vegas and began his professional career as a teacher at Bishop Gorman High School from 1972-1979. He then served on the Clark County School Board of Trustees for 8 years and was an influential advocate for education initiatives in Southern Nevada. For his many years of service to education in Nevada, Bob was eventually honored by the Clark County School District in the naming of the Robert L. Forbuss Elementary School. It is fitting that such a fine educator will forever have his name stamped on the hearts of the students that attend Forbuss Elementary School.

During his tenure at Bishop Gorman, Bob became an emergency medical technician, EMT, and worked during his summer breaks for Mercy Medical Services. He quickly worked his way through the managerial ranks of Mercy and eventually became an owner of the company. Mercy soon became a flagship and model operation in the United States for paramedic services and Bob became a recognized leader in EMS Services, winning numerous awards and becoming a popular speaker at national conferences.

One of his greatest achievements, and the one for which he is being recognized tomorrow evening, has been his

work on behalf of the American Ambulance Association, AAA. The AAA was formed in response to the need for improvements in medical transportation and emergency medical services. Bob was an original founder of the AAA, and he later served as the organization's president. I have no doubt that throughout his presidency, and the subsequent years of service that followed, he has labored diligently to ensure that our Nation's ambulatory systems have the resources they need to serve our families, friends, and communities.

Today, I express my sincere thanks to my dear friend for the noble work that he has performed over the years. Bob Forbuss has touched the lives of countless Nevadans and others throughout our Nation, and in so doing has established a legacy of service for all to follow.

THE RELEASE OF AUNG SAN SUU KYI

Mr. MCCONNELL. Mr. President, this past weekend produced the first heartening news out of Burma in recent memory. Coming just days after the junta held its charade-like elections, this past Saturday Aung San Suu Kyi was released from house arrest where she had spent 15 of the past 21 years.

While fellow advocates of democracy in Burma rightly rejoice in her being freed, our feelings of joy and relief are tempered by several sobering concerns. First, there is the matter of her safety. We all remember the brutal attack against her in 2003. That must not be permitted to happen again. Second, we know Suu Kyi has been released in the past only to be later detained on trumped-up charges. We want her release to be permanent, not temporary. Third, although she was granted unconditional release, it remains to be seen whether the regime will tolerate her active participation in public affairs. And that is essential for Burma to undertake any meaningful progress toward democracy. Finally, while Suu Kyi has been released from detention, more than 2,000 other prisoners of conscience remain imprisoned in Burma. Only when all are unconditionally freed can the people of Burma truly begin the process of democratic reform and reconciliation.

Make no mistake, the release of Suu Kyi is a positive step forward in Burma. Yet it is only the first—and by no means the final—step that must take place in that beleaguered country.

REMEMBERING SENATOR TED STEVENS

Mr. DODD. Mr. President, I rise today to pay tribute to the life of a friend and former colleague, former Senator Ted Stevens, who passed away this August in a plane crash. I know

that I speak for all of my colleagues when I say how difficult it was to receive news of Ted's passing this summer, and I would like to take this moment to convey my heartfelt condolences to everyone who knew, worked with, and enjoyed Ted during his life.

I believe that Ted will long be remembered as a man of the Senate. First appointed to his seat more than four decades ago, Ted Stevens became the longest-serving Republican in the history of this body in 2007. Throughout his tenure in Washington, Ted served in a number of key leadership positions, including as chairman of the Senate Appropriations Committee and as President pro tempore.

Over the years, I had the pleasure of being able to collaborate with Ted on a number of critically important issues, including, perhaps most recently, legislation that I introduced during the 110th Congress to provide paid leave to workers under the auspices of the Family and Medical Leave Act. And while Ted and I did not substantively agree on much, he didn't shy away from reaching out across the partisan divide to get things done. In fact, it was his willingness to work with Democrats—to seek out common ground and compromise on areas of contention when necessary—that made him such a prolific, effective, and well-respected member of this body.

The incredibly strong bonds Ted forged with his colleagues over the years were in full display at his memorial service in Alaska over the summer. I made the trip up north to attend his funeral, and I found it incredibly moving to hear the words of Ted's longtime friend, my colleague Senator INOUE, who delivered Ted's eulogy, and our Vice President JOE BIDEN, who also made some remarks during the service. Clearly, this was a person who left not only an indelible mark on the Senate as a body, but on many of the individual Senators who had the opportunity to serve with him over the years.

That was certainly the case for me. Years ago, Ted Stevens and I participated in the U.S.-Canadian inter-parliamentary meeting together. It was one of the most enjoyable 4 days I spent in my 30 years in the Senate for one simple reason—in addition to all his substantive talents, Ted Stevens was great fun—he loved his family, Alaska, his country and his friends.

And on that last point, while it is true that Ted was a creature of the Senate, I believe Ted Stevens will be remembered far into the future first and foremost as a man of Alaska. Ted truly loved his home State, and over the years, he cultivated a strong reputation as one of its greatest champions.

Indeed, Ted's own life was inextricably linked to many of the major events and advancements that occurred

in Alaska's history over the past half century. Having served with distinction in World War II as a pilot for the U.S. Army Air Corps in Asia, Ted graduated from Harvard Law School in 1950 and moved to Fairbanks to practice law. Several years later, Ted was brought on to work for the Interior Department under President Eisenhower. In that capacity, Ted advocated very persistently for Alaskan statehood, finally helping make that goal a reality in 1959. Later on, as a Senator, Ted once again worked hard on behalf of his State, its people and interests, fighting to direct federal resources to that vast, sparsely populated, and incredibly beautiful corner of our country.

Ted viewed himself as Alaska's chief advocate here in Washington, and throughout his four decades in the Senate, he never deviated from that mission. Known by many of the Alaskans he helped over the years simply as "Uncle Ted," Ted Stevens was singularly devoted to serving his constituents and ensuring their needs and concerns were given a voice on Capitol Hill. And it is that level of dedication to the people who sent him here to represent their interests that will ultimately be Ted Stevens' greatest legacy.

Once again, I would like to express my sincere condolences to Ted's wife Catherine; his children Susan, Elizabeth, Walter, Theodore, Ben, and Lily; and his 11 grandchildren. And I would also like to take this opportunity to thank Ted for his years of tireless and selfless service on behalf of his State and country.

Mr. CORNYN. Mr. President, this past summer the people of Alaska lost one of its favorite sons, and many of us in the U.S. Senate lost one of our mentors and friends. His name was Senator Ted Stevens.

By the time I took my seat in this Chamber, Senator Stevens had already held his for more than three decades. He chaired numerous committees, served as President pro tempore, and was widely regarded as one of the most gifted parliamentarians on our side of the aisle. His forty years of service is the longest tenure of any Republican in the history of the United States Senate.

Senator Stevens championed landmark legislation that has transformed Alaska, America, and the world. He helped settle land claims of Native Americans, guard fisheries and protect natural wonders of his home State. He helped guide the Trans-Alaska Pipeline Act into law, which has dramatically improved our Nation's energy security. He helped strengthen our Armed Forces to defend America's interests and values. He helped reform the United States Olympic Committee, and has given generations of American athletes the chance to succeed at the highest levels of international competition.

Ted Stevens' devotion to his adopted home State extended well beyond his service in Washington. After earning a Distinguished Flying Cross in World War II and graduating from Harvard Law School, he served as U.S. attorney in Fairbanks. In 1958, as legislative counsel for the Department of the Interior here in Washington, he helped shepherd Alaska's Statehood Act into law. In 1999, his State's legislature named him the "Alaskan of the Century." As one of his family members put it, the legacy of Ted Stevens is the 49th star on the American flag.

Four other individuals perished in the plane crash that claimed the life of Senator Ted Stevens on August 9, and we pray for all those who lost loved ones on that night. Sandy and I especially keep in our hearts those whom Ted Stevens loved most: his wife Catherine, his 6 children, his 11 grandchildren, and the nearly 700,000 Alaskans who cherish the memory of "Uncle Ted."

HONORING OUR ARMED FORCES

STAFF SERGEANT INGLÉS DOSREIS

Mr. LAUTENBERG. Mr. President, I rise today to honor the life of SSG Inglés DosReis, who was tragically killed on August 28, 2009, while serving at Aviano Air Base in Italy.

Staff Sergeant DosReis enlisted in the Air Force in February 2005, immediately following his graduation from high school. He was a member of the 51st Security Forces Squadron stationed out of Osan Air Base in South Korea from August 2005 until August 2006. He was subsequently transferred to the 31st Security Forces Squadron at Aviano Air Base, where he started as an installation entry controller. He deployed to Iraq in August 2007 and received the Army Achievement Medal for his service. Staff Sergeant DosReis served in Iraq until February 2008 and upon his return he became a certified desk sergeant at Aviano Air Base. He was posthumously promoted by the Air Force to the permanent grade of staff sergeant in August 2009.

Staff Sergeant DosReis' family fondly remembers him as an intelligent and kindhearted man and a loving husband to his wife Katherine and father to his son Christian. A great athlete, Staff Sergeant DosReis spent much of his childhood playing basketball and had a passion for sports. He was also a natural student, earning honors in high school and later going on to take classes at the Community College of the Air Force with a major in political science.

Over a year has passed since SSG Inglés DosReis was tragically taken from those who love him. Today, I join Staff Sergeant DosReis' family and friends in commemorating his life by entering his name in the RECORD. As a member of the Air Force, he showed his loyalty and commitment to freedom

and peace and today we honor his service and sacrifice for our country.

LANCE CORPORAL IRVIN M. CENICEROS

Mrs. LINCOLN. Mr. President, today I honor of LCpl Irvin M. Cenicerros, 21, of Clarksville, who died on October 14, 2010, while supporting combat operations in Helmand Province, Afghanistan.

My heart goes out to the family of Lance Corporal Cenicerros, who made the ultimate sacrifice on behalf of our Nation. Along with all Arkansans, I am grateful for his service and for the sacrifice he and his family have made. I am committed to ensuring that all of our veterans always have the full support they need and deserve, and I can assure our brave soldiers and their families that our grateful Nation will not forget them when their military service is complete.

More than 11,000 Arkansans on active duty and more than 10,000 Arkansas Reservists have served in Iraq or Afghanistan since September 11, 2001. These men and women have shown tremendous courage and perseverance through the most difficult of times. As neighbors, as Arkansans, and as Americans, it is incumbent upon us to do everything we can to honor their service and to provide for them and their families, not only when they are in harm's way but also when they return home. It is the least we can do for those whom we owe so much.

Lance Corporal Cenicerros was assigned to 3rd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

STAFF SERGEANT CARLOS A. BENITEZ

Mr. BENNET. Mr. President, it is with a heavy heart that I rise today to honor the life and heroic service of SSG Carlos A. Benitez. Staff Sergeant Benitez, who was assigned to the 10th Cavalry Regiment, 4th Infantry Division, in Fort Carson, CO, died on October 14, 2010, from injuries sustained when an improvised explosive device detonated near his vehicle. Staff Sergeant Benitez was serving in support of Operation Enduring Freedom in Afghanistan. He was 24 years old.

A native of Carrollton, TX, Staff Sergeant Benitez graduated from Creekview High School and joined the Army in October 2004. He served three tours of duty: two in Iraq and one in Afghanistan—all with decoration. His wife and young daughter and son moved to Colorado for Staff Sergeant Benitez's most recent assignment.

During 5 years of service, Staff Sergeant Benitez distinguished himself through his courage, dedication to duty, and willingness to take on any job. He was awarded numerous awards and medals, including two Army Commendation Medals, the Valorous Unit Award, the Army Good Conduct Medal, the Afghanistan Campaign Medal with Campaign Star, and the Iraq Campaign Medal with four Campaign Stars.

Staff Sergeant Benitez worked on the front lines of battle, serving in the most dangerous areas of Iraq and Afghanistan. He is remembered by those who knew him as a consummate professional with an unending commitment to excellence. Friends and loved ones remember his commitment to his wife. His mother, Imelda, remembers how her son wanted to enlist in the Army when he was just 17. She made him wait an extra year.

Mark Twain once said, "The fear of death follows from the fear of life. A man who lives fully is prepared to die at any time." Staff Sergeant Benitez's service was in keeping with this sentiment—by selflessly putting country first, he lived life to the fullest. He lived with a sense of the highest honorable purpose.

At substantial personal risk, he braved the chaos of combat zones throughout Iraq and Afghanistan. And though his fate on the battlefield was uncertain, he pushed forward, protecting America's citizens, her safety, and the freedoms we hold dear. For his service and the lives he touched, Staff Sergeant Benitez will forever be remembered as one of our country's bravest.

To Staff Sergeant Benitez's wife, their children, and his entire family—I cannot imagine the sorrow you must be feeling. I hope that, in time, the pain of your loss will be eased by your pride in Carlos's service and by your knowledge that his country will never forget him. We are humbled by his service and his sacrifice.

REQUEST FOR CONSULTATION

Mr. COBURN. I ask unanimous consent that the following letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, November 16, 2010.

Hon. MITCH MCCONNELL,
Senate Minority Leader,
Washington, DC.

DEAR SENATOR MCCONNELL: I am requesting that I be consulted before the Senate enters into any unanimous consent agreements or time limitations regarding S. 2925, Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2010.

I support the goals of this legislation and believe slavery, in any form, is morally reprehensible. Sex trafficking is a global epidemic, and we should endeavor to eliminate this industry, especially due to its effects on minors who are victims of this practice. However, I believe we can and must do so in a fiscally responsible manner that upholds the Constitution. My concerns are included in, but not limited to, those outlined in this letter.

While the Judiciary Committee considered and amended this bill in its Executive Business Meeting, making some positive changes, I still have several concerns with the committee-reported language. First, although the new grant program created by this legislation will be inserted into existing trafficking law, the bill extends the current

funding authorization period. The Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) established the current law regarding trafficking, but its funding authorizations expire in 2011. However, in combining this bill's new grant program with existing TVPRA grants, it also extends the grant's authorization through 2014. Thus, the bill authorizes new spending of \$15 million per year from 2012-2014, totaling \$45 million that is not offset by reductions in real spending elsewhere in the federal government.

It is irresponsible for Congress to jeopardize the future standard of living of our children by borrowing from future generations. The U.S. national debt is now over \$13 trillion. That means over \$43,000 in debt for each man, woman and child in the United States. A year ago, the national debt was \$10.2 trillion. Despite pledges to control spending, Washington added \$4.6 billion to the national debt every single day last year—that is \$3.2 million every single minute.

Second, the Sex Trafficking Block Grants in S. 2925 go beyond the responsibility of the federal government by allowing grantees to use grant money for activities that are rightly the responsibility of individual states. The grants may be used to provide clothing, daily necessities, counseling and legal services to trafficking victims. They may also be used to provide training for state and local law enforcement officers and social service providers. Finally, the grants may be used to fund salaries for state and local law enforcement officers and prosecutors, as well as investigation expenses for minor sex trafficking cases prosecuted by the state. All of these expenses can and should be provided by the states, not the federal government.

I agree the problem of sex trafficking, particularly when the victims are children, is an important issue both state and federal governments should address. As ranking member of the Human Rights and the Law Subcommittee, I have seen the effects of the sex trade industry both internationally and domestically. As it pertains to domestic child sex trafficking victims, however, I believe the federal government should not be the primary provider of services for these victims.

Most cases involving child sex trafficking are prosecuted at the state level, while the federal government typically only joins cases involving large sex trafficking rings that often include other federal criminal activity. As a result, I have concerns that this legislation places too great of a burden on the federal government to provide funding for trafficking victims' services. In addition, the bill allows grant funds to be used in many ways beyond basic services that I believe both detract from the goal of assisting victims and duplicates funding already provided by other federal grant programs.

Third, only 50% of the grant funds are required to go toward actual victims' services. The other 50% can be used for salaries for state law enforcement officers and prosecutors, as well as state trial and investigation expenses. While I do not support the federal funding of food, clothing and other daily necessities for these victims, by refusing to require a higher percentage of the grant to go toward these types of direct victims' services, the bill does not fulfill its goal.

Finally, while I was encouraged by some of the compromise language that was included in the bill the Judiciary Committee ultimately passed, such as inserting the bill's grant program into an existing federal pro-

gram to avoid some of the overlap and direct duplication it initially created, there remain several broad Justice Department grant programs that can be used for the purposes outlined in this bill's grant program. All of the Edward Byrne Grant programs, including the Discretionary Grants or earmarks, the Community Oriented Policing Service (COPS) grants and multiple juvenile justice grants offered through the Office of Juvenile Justice and Delinquency Prevention (OJJDP) contain broad language that would allow these grants to be used for the purposes outlined in S. 2925.

While there is no question that the sex trafficking industry has lifelong, horrific effects on its victims, particularly minors, both federal and state governments bear the burden of addressing this issue. It is the states who should provide funding for the permissible purposes under this bill's grant program, as it is state and local agencies which have the responsibility to carry out these services. Furthermore, the federal government already provides funding to address trafficking issues, and grant programs are available to state and local governments that can be used to help sex trafficking victims. Congress should, like many American individuals and companies do with their own resources, evaluate current programs, determine any needs that may exist and prioritize those needs for funding by cutting from the federal budget programs fraught with waste, fraud, abuse and duplication.

Sincerely,

TOM A. COBURN, M.D.,
U.S. Senator.

NATIONAL CYBER INFRASTRUCTURE PROTECTION ACT

Mr. BOND. Mr. President, last June, Senator HATCH and I introduced S. 3538, the National Cyber Infrastructure Protection Act. This bill responds to the concern expressed by former Director of National Intelligence Mike McConnell that "[i]f we were in a cyber war today, the United States would lose."

The bill is built on three principles. First, we must be clear about where Congress should, and, more importantly, should not legislate. Second, there must be one person in charge—someone outside the Executive Office of the President who is unlikely to claim executive privilege, but who has real authority to coordinate our government cyber security efforts. Third, we need a voluntary public-private partnership to facilitate sharing cyber threat information, research, and technical support.

Since filing the bill, we have continued to work with government, industry, and privacy experts in making sure that the solutions identified in this bill are effective. There are many different opinions out there on how best to tackle the cyber security problems we face, and so we remain open to looking at ideas for improving the bill. Earlier today, we filed a substitute amendment to S. 3538 that incorporates a number of these suggested improvements. It has been referred to committee.

The original bill would have housed the National Cyber Center administra-

tively in the Department of Defense so as to reduce start-up costs and logistics. We appreciate the concerns some may have with the appearance we are militarizing cyber security, so our substitute creates the center as a standalone entity, like the Office of the Director of National Intelligence. In this way, it will be clear we are not militarizing cyber security and one department does not have the inside track over any other when it comes to securing our government networks. In order to make sure there is appropriate input from DOD and DHS, we are also creating two deputy directors, instead of one, with each appointed by the respective Secretaries with the concurrence of the Director of the National Cyber Center.

Second, the Cyber Defense Alliance is a pivotal component for encouraging government and the private sector to collaborate and share information on cyber-related matters. We recognize that the private sector is often on the front lines of cyber attacks, so any information they can provide to increase government awareness of the source and nature of cyber threats will make both government and the private sector stronger. The corollary to this is that the government must share its own cyber threat information, including classified or declassified intelligence, with the private sector.

All of this sharing can raise significant privacy concerns. So, in response to suggestions we have heard, our substitute bill adds language to clarify that at least one of the private sector members of the board of directors must have experience in civil liberties matters. We believe this will ensure that privacy concerns are taken seriously at the very top levels of the Alliance. We all have an interest in making sure that threat information is shared, but we also have an interest in making sure that no one's privacy rights are violated.

The next Congress needs to focus on passing effective cyber legislation. I believe that S. 3538, as amended, provides a solid starting point for that effort. The bill addresses the most pressing needs: it puts someone outside the White House in charge of cyber policy and the Federal cyber budget; it provides a national cyber center that can oversee and coordinate cybersecurity for dot.gov and dot.mil; and it creates a public-private partnership that will harness the creativity of the private sector to better protect our dot.com networks.

Congress should avoid the temptation to overlegislate in this area. We need to walk before we can run. Once this basic cyber infrastructure is established, it will bring the leading public and private cyber experts together to shape cyber activities and policies. These experts will then be in an ideal

position to advise Congress and the administration on the need for any additional steps to ensure our cybersecurity.

I thank my good friend Senator HATCH for his close collaboration on this legislation. I know he will be an effective advocate for this approach when the bill is filed in the next Congress.

NATIONAL HOME CARE AND HOSPICE MONTH

Mr. WYDEN. Mr. President, our country strives to provide exceptional support for the sick, elderly and terminally ill in home and hospice settings. These vulnerable individuals, as well as their family caregivers, are indebted to the many professionals and volunteers who have made it their life's work to serve those in greatest need. Nearly 83,000 hospice professionals, 46,000 hospice volunteers and 1 million home health providers, nationally, contribute significantly to our health care system through their compassion and commitment.

Hospice care provides humane and comforting support for over 744,000 terminally ill patients and their families each year. These services include pain control, palliative medical care and social, emotional and spiritual services. Hospice supports the basic human needs for feeling comfortable, in a familiar environment, surrounded by loving caregivers and family during the later stages of life. Hospice care is an effective model for the interaction of interdisciplinary teams of health professionals, family members and volunteers in providing care for those needing care in our communities.

The movement to provide health care and supportive services in the home environment has evolved rapidly over the past few decades. Home care services typically bring the expertise and compassion of providers in numerous disciplines into the setting where most sick patients prefer to reside—the home. More than 11 million Americans benefit each year from this approach.

We have made great strides in advancing care for all Americans through the recently enacted Affordable Care Act. A key provision in this effort is the establishment of a Medicare hospice concurrent care demonstration program, which would allow patients who are eligible for hospice care to also receive all other Medicare covered services during the same period of time. Following establishment of this program, I am hopeful that this country will move in a direction where individuals and families do not have to make the difficult choice between hospice and curative care in the Medicare Program.

On behalf of Oregon home health and hospice providers celebrating November as home care and hospice month, I

thank the thousands of everyday heroes such as home health nurses, therapists, and aides, who work tirelessly to provide professional health and palliative care and support to millions of Americans in need of quality health services. Their efforts allow families to stay together, and provide greater comfort and dignity to those in our communities.

THE JOHN HANSON NATIONAL MEMORIAL ASSOCIATION

Mr. CARDIN. Mr. President, I wish to recognize a fellow Marylander, John Hanson, whose statue graces Statuary Hall here in the U.S. Capitol. George Washington is properly revered as the "Father of our Country" and the Nation's first President. But we mustn't overlook John Hanson's seminal contributions to the birth of the United States. In October 1781, the British surrendered at Yorktown, VA, and the American Revolution was over. A month later, Hanson became the first elected President of the Continental Congress established under the Articles of Confederation. He was unanimously elected and served one term, from November 5, 1781 to November 3, 1782.

John Hanson's administration began the task of creating the governmental infrastructure to meet the needs of a growing, diverse nation. Under his leadership, the Nation's first central bank was created, along with the post office, the departments of State, War and Treasury, the diplomatic corps, the national seal, and the annual observance of Thanksgiving Day. As the first elected President of our independent Nation, President Hanson began the task of unifying the former colonies and providing for their common defense, communication, and economic growth.

The John Hanson National Memorial Association now seeks to memorialize John Hanson and recognize his contributions to our Nation. The association proposes to create a national memorial on the Frederick County Courthouse courtyard, overlooking the site of the John Hanson House in Frederick, MD. Funds also will be raised to establish a public education program regarding President Hanson's contributions to our democracy. Funding also will be used to support the John Hanson Institute, which would restore and preserve President Hanson's first home, Mulberry Grove, on the banks of Port Tobacco River in Charles County, MD.

I ask my colleagues to join me in saluting the efforts of the association to recognize our first elected President, John Hanson of Maryland.

RECOGNIZING EUHOFA

Mr. REED. Mr. President, today I recognize and congratulate EUHOFA,

an international association of hotel and hospitality schools, on the occasion of its 49th Congress, which was held in Providence, RI, from November 7 through November 12, 2010.

EUHOFA International was founded in Europe in 1955 with the mission of enhancing the quality of the training for the tourism industry throughout the world. Its members represent the world's top hotel and hospitality colleges and universities in 45 countries. Representatives from 19 of these countries attended this year's congress in Providence.

The 2010 EUHOFA Congress marks only the second time this event has taken place in the United States. This year, as in 1994, the EUHOFA Congress was hosted by Johnson & Wales University in Providence, which is home to one of our Nation's premier hospitality schools.

The tourism industry is a vital part of my State and our Nation's economy. Many people associate tourism solely with vacations. But at its heart, tourism provides an important bridge between countries and cultures, and at a time of great change, this kind of understanding is essential for our national security and economic recovery.

I am very proud that Rhode Island and Johnson & Wales University are hosting this great event. On behalf of the U.S. Senate, it is my pleasure to congratulate the 49th EUHOFA International World Congress.

TRIBUTE TO MARGOT ALLEN

Mr. ENSIGN. Mr. President, I am honored to rise today to pay tribute to Margot Allen, an exceptional employee, a dedicated patriot, an extraordinary woman, and a treasured friend, in celebration of her 70th birthday. Margot has been an invaluable part of my congressional team since our first campaign in 1994.

Raised in Alabama, Margot has the charm and grace of a true southern belle. Add to that her demand for precision and professionalism and her quick wit, and it explains why she has been known to elicit a, "Why, thank you!" from an obtuse obstructionist who has quite politely been told to "take a long walk off a short pier" in that captivating southern drawl.

Margot's work on behalf of veterans and seniors in Nevada has earned her a stellar reputation as the authority among her peers and a miracle worker among those constituents who have benefited from her tenacious advocacy. She has gained the respect and admiration of those both in and out of government agencies with whom she collaborates. As a Regional Representative in my Las Vegas office, Margot has been a champion for Nevada's servicemen and women, working tirelessly to resolve problems arising from bureaucracy or errors—often times being able to bring

relief and hope to battle weary constituents. Her association with active duty and retirees from all branches of service coupled with her deep appreciation for the "Tradition of Honor and Legacy of Valor" has earned her profound admiration from privates and generals alike. At Nellis Air Force Base in Las Vegas, NV, the Commanding Officer of the 99th Airbase Wing is often referred to as the "Mayor of Nellis." However, anybody who has been stationed at Nellis will definitely concede that it is Margot who is the mayor. She knows everybody and everybody knows her.

Her passion for accuracy in grammar and written composition took her to the University of Alabama where she worked as a professor. Margot also taught English language skills to Panamanians while she and her beloved husband Leonard were living in Panama where he worked for the Department of Defense. Her love of the English language and her commitment to scholarship has not only served her well over the years but also become an unequalled resource for my staff and me. Margot provides the final inspection for every document that is sent from any of my offices. She calmly, methodically, and repeatedly teaches the placement of commas, patiently explains when healthcare is one word or two, and has been known to ask staff on more than one occasion, "Honey, why don't you just tell me what you meant to say."

I am very privileged as a United States Senator to work with a team of highly skilled, capable, and dedicated staff members who are committed to this great country and the people of Nevada, and any measure of excellence that we achieve will bear the distinct handprint of Margot Allen.

It is truly my pleasure and my honor to recognize the outstanding contribution Margot Allen has made to my organization and to the people of Nevada in the years she has been part of my congressional team and to wish her a very blessed and happy birthday.

NATIONAL PREMATURITY AWARENESS DAY

Mr. ALEXANDER. Mr. President, I would like to speak about the issue of babies born prematurely, an area Senator DODD and I have been working on together for many years. November is Prematurity Awareness Month and today, November 17, is Prematurity Awareness Day. This year, in the U.S., approximately 28,000 babies will die before their first birthday. In Tennessee, 236 babies are born preterm per week on average, and, in 2007, 12,256 babies or 14.2 percent of all live births were premature.

According to the CDC, babies who died from preterm birth-related causes accounted for more than 36 percent of

infant deaths in 2006. In addition to being the leading cause of newborn death, prematurity can cause those who do survive a lifetime of health challenges and intellectual disabilities. Even infants born just a few weeks early have higher rates of hospitalization and illness than full-term infants. The last few weeks of pregnancy are critical to a baby's health because many important organs, including the brain and lungs, are not completely developed until then.

We are making incredible advances in how we treat these children, but we need to do a lot more. This is a critically important issue. It is the kind of issue that deserves more attention. I am pleased to be joined by Senator DODD in introducing the PREEMIE Act, which reauthorizes and builds upon our legislation from 2006. It is supported by the March of Dimes, American Academy of Pediatrics, American Congress of Obstetricians and Gynecologists and Association of Women's Health, Obstetric and Neonatal Nurses, to name a few. I urge my colleagues to cosponsor this legislation.

Mr. DODD. I thank my colleague. I am pleased to join my good friend, the senior Senator from Tennessee, in this effort. Five years ago, we stood on this floor discussing the risks, costs, and toll of premature birth. Following three decades of increases, in 2008, the Nation achieved the first 2-year decline in the preterm birth rate to 12.3 percent. This rate is still too far from the Healthy People 2010 goal of 7.6 percent and our Nation earns only a "D" on the March of Dimes annual prematurity report card. According to the National Center for Health Statistics, in an average week in Connecticut, 84 babies are born preterm. More than half a million babies still are born preterm each year, a serious health problem that costs the United States more than \$26 billion annually, according to the Institute of Medicine. I believe that the recent 2-year nationwide decline, albeit small, is encouraging and this should be the beginning of a positive trend. The recent developments must be supported by access to better health care, new research and new programs to lower the risk of preterm birth.

This is why the Senator from Tennessee and I have introduced the Prematurity Research Expansion and Education for Mothers Who Deliver Infants Early Act. This important bill expands research into the causes and prevention of prematurity and increases education and support services related to prematurity. The March of Dimes has been an important partner through its leadership of a national prematurity campaign, but they cannot combat this serious and costly public health crisis alone. The Federal Government must partner with them to increase research on the causes of preterm birth. I hope

more of my colleagues will join us in supporting this important bill.

ADDITIONAL STATEMENTS

TRIBUTE TO VICTOR PEREZ

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in thanking Fresno resident Victor Perez for his valiant actions that resulted in the rescue of an eight-year-old kidnapping victim and the arrest of her alleged kidnapper.

I know I am joined by the victim's family and friends, the Fresno Police Department, the entire Fresno community and so many others across the country in offering my deepest appreciation to Mr. Perez for his bravery, his quick thinking and his willingness to put himself in harm's way to protect a child.

Mr. Perez, like many others in Fresno and around California, was deeply concerned when he learned the news about the abduction of an 8-year-old girl from the front yard of a home in central Fresno on October 4.

The next morning, when Mr. Perez noticed a truck outside of his home that matched the description of a vehicle of interest reported in the news, he decided that time was of the essence and he had to take action.

Without hesitation, Mr. Perez jumped into his truck and pursued the suspicious vehicle. At one point during the pursuit, he noticed a young girl in the passenger seat, which strengthened his resolve to track down the vehicle. After seeing her, he said he had only one thought in his mind, "I've got to get that little girl out of there."

He bravely pursued the suspect with selfless disregard for his personal safety until he successfully cut off the vehicle, forcing the suspect to stop.

Sensing that he was cornered by Mr. Perez, the suspect pushed the young victim out of the car and sped off. Mr. Perez immediately tended to the young victim and called 911 so that law enforcement officials could continue to pursue the kidnapper. When the young girl told Mr. Perez that she was scared, he assured her that she was out of harm's way.

As a result of Mr. Perez's heroic actions and the speedy response by hundreds of law enforcement officers from multiple jurisdictions, the suspected kidnapper was apprehended. Most importantly, the young girl has been reunited with her mother and her family.

I am thankful for Mr. Perez's altruism and courage. His selfless actions that led to the rescue of this little girl represent the best ideals of being a good neighbor, a Good Samaritan and a responsible member of a community.

We shall always be grateful for his heroic deeds on the morning of October 5, 2010. •

REMEMBERING LOUIS HENKIN

• Mr. CARDIN. Mr. President, today I wish to commemorate the life of Louis Henkin.

As chairman of the Commission on Security and Cooperation in Europe, I wish to honor the memory of Professor Louis Henkin, known to many as the father of human rights law, who passed away last month. He was born Eliezer Henkin on November 11, 1917, in modern-day Belarus. He was the son of Rabbi Yosef Eliyahu Henkin, an authority in Jewish law. Louis, as he later became known, came to the United States at the age of five in 1923. By 1940, Louis had obtained his law degree from Harvard University after receiving his undergraduate degree from Yeshiva University.

Much can be said about Mr. Henkin's contributions to our Nation. As a civil servant, Mr. Henkin worked as law clerk for two of the sharpest American legal minds, Judge Learned Hand of the U.S. Court of Appeals and, later, for Supreme Court Justice Felix Frankfurter. Louis also served in World War II. He earned a Silver Star, the third highest military decoration that can be awarded, for his role in negotiating the surrender of 78 German soldiers to his 13-man artillery observation unit.

These accomplishments notwithstanding, it has been Mr. Henkin's unquestionable devotion to the cause of human rights which prompts me to speak in his memory. It would not be an overstatement to say that Mr. Henkin is a pillar in the field of human rights. From 1948 to 1956 Mr. Henkin worked for the State Department's United Nations Bureau and its Office of European Regional Affairs. He is considered one of the architects of the 1951 United Nations Refugee Convention, where the defining terms of what it means to be a refugee and the international community's responsibility in providing asylum to these individuals were set forth. At Columbia University, Professor Henkin helped establish the Center for the Study of Human Rights in 1978 and created the Human Rights Institute 20 years later. Mr. Henkin was also a founder of the Lawyers' Committee for Human Rights, which we know now as Human Rights First. As a mentor, his influence has been felt by generations of legal scholars, including Supreme Court Justices Ruth Bader Ginsburg, Anthony Kennedy, Stephen Breyer, and Sonia Sotomayor. Our colleague on the Helsinki Commission, Assistant Secretary of State Michael Posner, is a protégé of Professor Henkin.

Mr. Henkin was a prolific legal scholar. He published more than a dozen books on the Constitution, international law, and human rights. His scholarship has helped inform and shape the United States ratification of the Chemical Weapons Convention.

The international human rights community mourns the loss of Louis

Henkin, and we at the Commission on Security and Cooperation in Europe join that mourning. Our deepest and most sincere condolences and prayers go out to his family and friends. He shall be missed.●

RECOGNIZING HOWARD COMMUNITY COLLEGE

• Mr. CARDIN. Mr. President, today I recognize the 40th anniversary of Howard Community College in Howard County, MD. In 1970, Howard Community College began with 1 building and 600 students in the planned community of Columbia. Since then, Howard Community College has grown into a sprawling campus and cultural magnet that draws nearly one out of every four Howard County high school graduates to its classrooms.

In fiscal year 2010, Howard Community College enrolled more than 12,851 credit students and 16,780 noncredit continuing education students. Nearly 30 percent of its faculty has doctorates and the community is able to choose from more than 7,056 classes each year.

The Howard Community College administration works closely with the business community and county government to ensure that the college's courses are preparing students for careers and/or educational advancement in areas that will result in employment and respond to business needs. For example, in response to the national nursing shortage, Howard Community College has developed a nursing program with a reputation for excellence—90 percent of last year's nursing students passed the licensing exam on the first try.

The Horowitz Visual and Performing Arts Center, which opened in 2006, has added a community cultural dimension to the college by offering three performance venues, two dance studios, and instructional space for art and music classes. The Children's Learning Center serves as a child care center as well as a lab school for students in the Early Childhood Development Program, an important resource for working parents.

Howard Community College can be proud of its rapid growth and its outstanding reputation. The college offers an important resource to the community and works hard to deliver on its pledge: "You Can Get There From Here."

I hope my colleagues will join me in congratulating Howard Community College on its success and join me in wishing President Kathleen B. Hetherington, the Board of Trustees, and the Howard County community continued success in educating students.●

TRIBUTE TO RAYMOND M. KIGHT

• Mr. CARDIN. Mr. President, today I recognize the outstanding career and

service of Raymond M. Kight, who is the longest-serving elected sheriff of Montgomery County. Ray Kight was an Army veteran when he joined the Montgomery County Police Department in 1963. He was sworn in as deputy sheriff in 1967 and was elected sheriff in 1986.

During his tenure, Sheriff Kight transitioned the office into a modern, professional law enforcement agency. In addition to the traditional role in the service of legal process, protecting the courts, transporting prisoners and apprehending fugitives, the Sheriff's Office now provides responsive services to the community, including a family law unit that provides immediate law enforcement and social service intervention in domestic violence situations. Sheriff Kight was part of the strategic planning responsible for designing and implementing the inter-agency Montgomery County Family Justice Center, which opened in May, 2009, and has since served over 2,000 domestic violence victims.

Under Sheriff Kight's administration, the Montgomery County Sheriff's Office became the first Sheriff's Office in Maryland to be nationally accredited by the Commission on Accreditation for Law Enforcement Agencies, CALEA. Sheriff Kight has also brought professionalism and recognition to the office by requiring uniforms for all deputies, marked Sheriff's office vehicles, and standardized training. He established the Sheriff's Office SWAT team, K-9 explosive detection teams, and hostage negotiators. These units are deployed throughout Montgomery County in cooperation with the Montgomery County Police Department. The sheriff's deputies maintain partnerships and serve in major regional Federal, State, and county law enforcement task forces, including the U.S. Marshal Service's Capitol Area Regional Fugitive Task Force, CARFTF, as well as the Firearms and Gang Task Forces.

I ask my colleagues to join me in saluting Sheriff Raymond Kight for his 50 years of public service. I ask you to join me in thanking him for his dedication to the safety of the residents of Montgomery County, MD, and in sending him best wishes for a well-deserved retirement.●

REMEMBERING CLINT STENNETT

• Mr. CRAPO. Mr. President, today I honor the life of Clint Stennett. I join Clint's wife Michelle, his family and friends in mourning his loss and honoring his distinguished life. There is deep sadness associated with the passing of Clint Stennett, who was a good friend and dedicated associate.

Clint Stennett had numerous accomplishments in his life that was cut off far too short. Clint knew the meaning of hard work, and he made great use of

his sense for business. Clint grew up in Idaho and graduated from Idaho State University, where he served as student body president. He worked for the Idaho Statesman selling advertising. He later went to work as a publisher for the Wood River Journal, and he served as president of a company that owned various Idaho television stations. He also had multiple Idaho ranches. Clint served in the Idaho State House of Representatives for 4 years before he began serving in the State senate in 1994, where he represented Blaine, Camas, Gooding, and Lincoln Counties. For a decade, he also served as former Democratic minority leader for the Idaho State Senate.

Clint always kept his mind and heart open as he worked hard for Idahoans. Clint was a principled, considerate and devoted leader. With an unequalled dedication, he had a love for natural resources, agricultural efforts and the beauty of the State. Clint was a successful, hard-working and fair businessman. He loved his family very much, and he will be remembered as a loving husband and brother.

My condolences and heart-felt prayers go out to his wife Michelle, his extended family, friends and loved ones. Clint Stennett will be greatly missed, and his immense contribution to the State of Idaho will not be forgotten.●

REMEMBERING JOHN W. KLUGE

● Mr. DODD. Mr. President, today I wish to pay tribute to John Kluge, a very close friend of mine who passed away on September 7, 2010, at the age of 95. I would also like to take this opportunity to express my heartfelt condolences to his wife Maria; his children John and Samantha; and his stepchildren Joseph, Diane, Jeannette, and Peter. For all of us who had the privilege of getting to know him, this is a tremendous loss.

It is no exaggeration to say that John led a truly remarkable life. Having made a substantial fortune from a communications empire that included everything from television and radio stations to mobile phones and the Harlem Globetrotters, John regularly graced *Forbes* magazine's annual list of the 400 wealthiest Americans.

But John was not born with the proverbial "silver spoon" in his mouth. He didn't inherit his wealth. John Kluge built his company, Metromedia, on his own, through nothing more than hard work, spot-on business instincts and, as John himself often freely admitted, a little bit of good luck.

Indeed, John's life reads like a pitch-perfect version of a classic American success story—a potent reminder of what individuals can accomplish with dedication, tenacity, and a healthy dose of self-confidence and optimism.

Born in Chemnitz, Germany, in 1914, John moved with his family to Detroit

in 1922 and took his first job as a payroll clerk for his stepfather's business when he was just 10. From a very early age, John was driven to make the most of the educational opportunities available to him. During his teenage years, when his stepfather asked him to drop out of school so he could work full time at the family business, John instead opted to leave home and live with his typing teacher so he could continue his education.

That decision ultimately paid off. During his high school years, John worked extremely hard to get good grades and eventually won a scholarship to college, later graduating from Columbia University with a degree in economics.

In the 1950s, following a brief stint working for a Michigan paper company and several years of service in the U.S. Army during World War II, John started purchasing radio stations throughout the country. By the time he founded Metromedia, the country's first major independent broadcasting company, in 1961, he had already made a small fortune from his radio stations and a regional food distribution business he founded in Baltimore. When he sold Metromedia two decades later, John increased his net worth even more substantially, making nearly \$4.7 billion in the process.

Clearly, it would have been incredibly easy for John to have simply taken his money "... and joined the country club and gotten into this pattern of complaining about the world and about the tax law," as he once put it in an interview for the *New York Times*. But John Kluge never had any desire to spend the rest of his life sitting around and frittering away his wealth. He placed a tremendous amount of value on a hard, honest day's work. And it was the sense of fulfillment he derived from his own work that ultimately served as the driving force behind his numerous accomplishments.

Indeed, John Kluge was the consummate workhorse. More inclined to avoid the trappings of fame and recognition than many contemporary corporate executives, John never retained a public relations staff. He was content to work behind the scenes, building his telecommunications empire and cementing his position as one of America's most gifted business strategists with little fanfare.

But John was much more than a talented entrepreneur who rose from humble beginnings to strike it rich. In large part, I believe, because he was not born into a life of privilege, John was absolutely committed to putting his largesse to work for others. He was a prolific philanthropist, and among the many worthy causes and organizations that benefitted from his generosity over the years, the presence of John's contributions can probably be

most clearly felt at his alma mater, Columbia.

Throughout his life, John donated substantial sums of money to Columbia, primarily to fund scholarships for underprivileged and minority students. But in 2007, John surprised everyone when he pledged that, upon his death, the university would receive a gift of \$400 million from his estate. To provide a sense of scale here, that single gift is the largest Columbia has ever received, and by far the largest ever given to an institution of higher learning specifically to help students afford tuition.

And that is exactly the way I think John would have wanted to be remembered as an individual who used his good fortune to make sure others would be able to benefit from the same opportunities he had growing up. As someone who worked to ensure that bright, hard working students from low-income families who were accepted to one of the country's most prestigious universities would be able to make the most of their college educations. As someone who gave back to the people and institutions that helped make his meteoric rise in the corporate world possible.

For my part, I will certainly remember John Kluge for his uncanny business acumen and singular dedication to philanthropy. But at the end of the day, I will also recall John as a wonderful, dear friend who was always a pleasure to be around.

You see, in spite of everything, John never let his wealth or position in life get to his head. During the time that I knew him, John was always an extremely kind, good-natured, and genuinely fun person. He was always accessible and easy to talk to, and I will miss his company immensely.

And so it is with a heavy heart that I rise today to say goodbye to such a special individual. Once again, I would like to extend my sincere condolences to his loving family and to all those individuals who, like me, were so lucky to have John in their lives.●

TRIBUTE TO COLONEL RICHARD ROOT

● Mr. DODD. Mr. President, today I recognize the accomplishments of Colonel Richard Root, of the U.S. Army, who was recently promoted from the rank of lieutenant colonel. Until his recent transfer to the highly competitive Senior Service College, Colonel Root worked for more than 3 years in the Army's Legislative Affairs Office as a Senate liaison officer. I had the pleasure of working with Colonel Root frequently during that time, and was therefore proud to be able to join my colleague and good friend Senator CORKER in hosting his promotion ceremony in the Capitol. I would like to extend my sincere congratulations to Colonel Root and his family for this well-deserved recognition.

For more than 21 years, including 3 in combat, Colonel Root has been faithfully serving our Nation as a member of the Armed Forces. Beginning in 1989, when he was commissioned as a field artillery lieutenant, Colonel Root's assignments have taken him around the country and the world, including several deployments during Operation Desert Storm in 1991 and, more recently, during Operation Iraqi Freedom. Throughout his more than two decades in the Army, Colonel Root has been recognized on a number of occasions for his superior service and valor, receiving, among other decorations, the Bronze Star, Purple Heart, Meritorious Service Medal, Army Commendation Medal, Army Achievement Medal, Air Assault Badge, Army Staff Badge, and Combat Action Badge.

Most recently, in his role as a liaison officer to the U.S. Senate, Colonel Root once again distinguished himself, developing outstanding relationships with Senators and staff members alike. During his 3 years of service in the Office of Legislative Affairs, Colonel Root escorted 40 congressional and staff delegations, accompanying Members to more than 50 countries, including active combat theaters.

I myself travelled with Colonel Root on a number of occasions during his time in the Senate, and was always extremely impressed by his close attention to detail, flexibility, and unflinching dedication to his work. I know many of my colleagues felt the same way, and it is therefore no surprise that Colonel Root was often requested by name to help assist in the planning and coordination of congressional fact-finding and oversight delegations.

And so, once again, it is a great honor to be able to congratulate Colonel Root today on this seminal achievement. His unwavering commitment to serving his country as a professional soldier in the Army is truly laudable, and I would like to extend my sincere thanks to him for his years of service. Colonel Root, and all of the men and women of our Armed Forces, are an indispensable asset to this country, and I hope my colleagues will join me today in honoring this top-notch soldier and dear friend, and wonderful human being.●

15TH ANNIVERSARY OF THE JONES CENTER

● Mrs. LINCOLN. Mr. President, today I commemorate the 15th anniversary of the opening of the Jones Center For Families in my home State of Arkansas. The Jones Center, located in Springdale, is a 220,000 square foot facility that provides educational, recreational, health, and community programs and various services to individuals and families across northwest Arkansas.

The center will celebrate its 15th birthday with a public festival on Sun-

day, October 24, featuring a proclamation by Springdale mayor Doug Sprouse and family activities including children's crafts and games, pumpkin painting, live music, birthday cake, and ice cream. The event will be open to the community free of charge, including access to all swimming pools and the ice skating rink.

The Jones Center opened in 1995 as a gift to the community from the late Mrs. Bernice Young Jones, wife of Harvey Jones, founder of the Jones Truck Lines. According to its mission statement, the center is proud to provide a place where "all are welcome" in the heart of northwest Arkansas. In keeping with Mrs. Jones' wish that no one be turned away, the center offers facilities and services at minimal or no cost to everyone regardless of age, race, gender, religion, or economic status.

Under the leadership of Rick McCullough, executive director, the Jones Center welcomes more than 1 million visitors per year, with an operating budget of \$2.4 million. Programs and amenities at the center include an ice rink, junior Olympic competition swimming pool, fun pool with slide, fitness room, a chapel/auditorium, a computer center, and numerous other meeting rooms, playgrounds, and athletic courts.

I have visited the Jones Center often, and I commend the staff and volunteers for their efforts to better their community and provide recreational and social opportunities in a safe, modern facility. I salute the entire Springdale community as they celebrate the 15th anniversary of this unique gathering place in the heart of northwest Arkansas.●

RECOGNIZING THE WEST FAMILY

● Mrs. LINCOLN. Mr. President, today I recognize the West Family of Prairie Grove as they celebrate 150 years in Arkansas farming. I commend them for achieving this significant milestone. As a seventh-generation Arkansan and farmer's daughter, and as chairman of the Senate Agriculture Committee, I understand firsthand and appreciate the hard work and contributions of our farm families. I am proud to share the story of the West Family Farm with you today.

One hundred and fifty years ago, Robert J. West homesteaded land two miles north of Prairie Grove, AR, in a community called Viney Grove after moving to Arkansas from Tennessee in 1860.

On December 7, 1862, the family watched from the hilltop of their farm as the Battle of Prairie Grove played out in the valley less than a mile away. Union soldiers used their home as a make-shift hospital following the bloody battle. Historical records indicate that the West Farm was even considered as a location for the University

of Arkansas before it was founded in Fayetteville in 1871.

Generation after generation, the West family has dedicated itself to becoming a successful Arkansas farming operation. Current owner and operator Randy West has lived and worked on the farm his whole life, just as his father, grandfather and great grandfather did before him. He has committed his life to improving the farm's profitability, sustainability and efficiency while raising a family with the lessons and values of rural living.

Randy and his wife Cheryl work together on the farm as they operate a Bermuda grass hay business that produces between 50,000 and 70,000 square bales annually on the farm's 455 total acres. They also run a poultry operation consisting of three broiler houses.

In 1991, the farm was recognized as the Washington County Farm Family of the Year and the Northwest District Farm Family of the Year. In 2003, the farm was recognized by Tyson Foods as one of five national Environmental Stewardship Award winners for its commitment to best management practices. Tyson Foods continually uses the farm as a model for environmental stewardship.

A lot has changed in Prairie Grove and in northwest Arkansas over the past 150 years, but the West Family Farm remains a constant. From the time Robert J. West founded the farm on the dawn of the Civil War, through the great depression in the 1930s, to the modern age of agriculture in the 2000s, the West Farm has withstood the test of time and has remained committed to preserving the farming way of life.

Arkansas's farm families are critical to our nation's economic stability. We must work to continue the farm family tradition, so families such as the West Family are able to maintain their livelihoods and continue to help provide the safe, abundant, and affordable food supply that feeds our own country and the world and that is essential to our own economic stability. I salute the West Family and all Arkansas farm families for their hard work and dedication.●

EUREKA SPRINGS, ARKANSAS

● Mrs. LINCOLN. Mr. President, today I recognize the city of Eureka Springs in my home State of Arkansas as local residents celebrate two major awards for their community.

The American Planning Association recently designated Spring Street in Eureka Springs as one of the 10 Great Streets for 2010 under the organization's Great Places in America program. According to the association, Spring Street exemplifies "exceptional character in a community of lasting value." The street was singled out for its originality and unique characteristics.

Eureka Springs was also recognized nationally as a 2010 Top 25 Arts Destination by American Style Magazine. This is the sixth year the community has received this honor, which recognizes public support for artists, arts institutions, galleries and festivals, and the contribution of the arts to the local community.

I salute the residents of Eureka Springs for their efforts to maintain the heritage, culture, and history of their community. I have been proud to visit Eureka Springs and Spring Street, and I join all my fellow Arkansans to express our pride in this jewel of our State.●

RECOGNIZING MCGEEHEE CHAMBER HONOREES

● Mrs. LINCOLN. Mr. President, today I recognize McGehee residents and their families who were recently honored by the McGehee Chamber of Commerce for their outstanding efforts for their community. Honorees are:

Man of the Year: Mr. Jim Daniels.

Woman of the Year: Ms. Cindy Smith.

Volunteer of the Year: JW Lehman Community Service Award, Ms. Helen Linn Conway.

Business of the Year: Delta Pest Control, Bill and Doris Lawrence.

Educator of the Year: Ms. Yogi Denton, McGehee High School.

Desha County Farm Family: Norris and Jamie Sims.

Mr. President, we should all embrace the spirit of service and volunteerism on display by these deserving individuals. I send my heartfelt congratulations to the entire McGehee community.●

ST. JOHN AFRICAN METHODIST EPISCOPAL CHURCH

● Mr. NELSON of Nebraska. Mr. President, today I pay tribute to a historic church in Omaha, NE, which celebrated its 145th anniversary on November 13, 2010. St. John African Methodist Episcopal—A.M.E.—Church was founded in 1865 and continues to host a thriving congregation in north Omaha's minority community.

The current church structure is listed on the National Register of Historic Places, having been designed by Clarence W. Wigington, who grew up in Omaha, becoming Nebraska's first African-American architect. He later went on to become the first municipal African-American architect in the United States.

St. John A.M.E. Church was organized at the end of the Civil War, 2 years before Nebraska became a State. This institution endured challenging times of racial bigotry and hatred, which were unfortunately widespread across America at the time. Maintaining the church's presence required the

strength, courage, and faith of early African-American leaders.

Today, St. John A.M.E. Church remains a focal point in Omaha, NE; as the congregation continues a 145-year tradition of ministering to the spiritual, intellectual, physical, emotional and environmental needs of the north Omaha community.●

TRIBUTE TO BETTY RIVES ALLEN CALLAWAY

● Mr. SHELBY. Mr. President, today I wish to pay tribute to my good friend, Betty Rives Allen Callaway, whom I have known for many years.

Betty was born January 17, 1928, in Selma, AL, to Carolyn Young and Vickers Rives Allen. Raised in Old Town, Betty attended Byrd Elementary School, Selma Junior High School, and later, Albert G. Parrish High School. As a young woman in Selma, Betty quickly became a fixture in the community by donating her time and energy to various civic causes.

In 1943, while Betty was a student at Selma Junior High School, the United States was in the midst of World War II. In towns across America, civilians were mobilizing scrap drives to collect metal for war material. Betty, taking an active role in Selma's drive, secured the gift of the old Cahaba Bridge from Dallas County, a locomotive and track from the local railroad, and old buses from Clarence Agee Bus Company.

Her success in the scrap metal drive earned her the privilege of being selected to travel to Mobile to christen the *William C. Gorgas*, a Liberty Ship named by the students at Selma Junior High School. The trip was memorable for Betty, as she once recalled christening the ship, "[E]xcept it took me more than once to smash the bottle of champagne."

Following her graduation from Albert G. Parrish High School, Betty embarked on her professional career. Her penchant for business and sense of style quickly earned her a position in Louise Martindale's dress shop. As a self-described "conscientious mother and housewife," Betty proved to be more than capable of balancing her home and her work. While raising her three sons, Johnny, Vick, and Jimmy, Betty also worked as a receptionist in several local offices and businesses, and later served as the social editor at the Selma Times-Journal.

In 1970, Betty began her career as an aide to some of Alabama's political figures, including U.S. Representatives Bill Nichols, Walter Flowers, and Earl Hilliard. Betty also served with distinction for 8 years in my office during my time in the U.S. House of Representatives. As a member of my staff, Betty helped countless Alabamians navigate Federal bureaucracy, many times going above and beyond her call of duty.

Betty's service to her community extended far beyond her duties as a legislative aide. As an expert on Selma history, Betty was instrumental in the effort to restore Cahawba, Alabama's first capital. She also worked to revitalize Selma's Water Avenue, one of the Nation's most historic riverfront streets. A true civic leader, Betty served on the Alabama Sheriffs' Boys Ranch Advisory Committee and as a member of the board of directors of the Selma-Dallas County United Way. She was also the first woman named to the Selma-Dallas County Chamber of Commerce's board of directors.

In 1997, Betty moved from Selma to Point Clear. However, in May, her lifelong friends from Selma were glad to see her return home to live. Today, Betty enjoys spending time with her son, Johnny, and daughter-in-law, Teresa, as well as with her six grandchildren, Caroline, Allen, Ben, Michael, Rachel Holt, and Clare.

I wish Betty much luck on the next phase of her life, and I ask this entire Senate to join me in recognizing and honoring the life and career of my good friend Betty Callaway.●

REMEMBERING ELISEO "CHEO" LOPEZ

● Mr. UDALL of New Mexico. Mr. President, for many of those who experienced it, the Bataan Death March marked the end of lives that made up in courage what they lacked in length. For Eliseo "Cheo" Lopez a native of Springer, NM, this atrocity was only the beginning of a life lived to the fullest. That life ended on November 11 after 92 years. Fittingly, November 11 is Veterans Day, a day where our Nation pauses to honor and remember the veterans who sacrificed so much to keep our country safe.

The brave Americans who fought at Bataan were heroes in a story that was central to the broader story of Allied victory in World War II. It is a story too few Americans know. The soldiers who fought at Bataan helped slow the Japanese advance at the beginning of the war in Asia, which would eventually give Allied troops the time to reorganize and reverse Japan's progress. Thanks to the heroism of these troops, America was able to recover from Pearl Harbor and take the fight to the Axis powers in Asia and the Pacific Islands, leading to V-J day in 1945.

When the troops in Bataan were finally forced to surrender, they faced inhumane conditions and atrocities at the hands of their captors. By the time they were rescued, toward the end of the war, half of New Mexico's 1,800 soldiers had died. Another 300 would die within a year of returning to the U.S. as a result of complications related to their captivity. Mr. Lopez was forced to work in copper mines as a slave laborer and spent time in several Japanese prison camps until he was rescued

in September 1945 nearly 3½ years after he was captured. He was part of a brotherhood of troops belonging to the 515th Coast Artillery Unit, of whom only 69 are known to still be living. The 515th, and all who fought in Bataan, played a crucial role in our country's history, showing valor that I believe is deserving of a Congressional Gold Medal.

When he returned to New Mexico, Mr. Lopez went to work for a bank in his hometown of Springer. He later left the bank for a job with a manufacturing company in California, where he worked for more than 30 years. In 2003, Mr. Lopez was recognized as Alabama Ex-POW Veteran of the Year by the National Veterans Day Organization of Birmingham, AL.

Mr. Lopez leaves behind his wife Katherine Young, who was raised in Las Vegas, NM, along with two daughters, two grandchildren, a brother, and two sisters. He will be buried with full military honors this week at Santa Fe National Cemetery.

Today, the town of Springer and all of New Mexico mourn a dear friend and America marks the passing of a true hero. I wish to honor Mr. Lopez's memory. It will live on in the hearts of all who knew him.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 9:36 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 6397. An act to amend section 101(a)(35) of the Immigration and Nationality Act to provide for a marriage for which the parties are not physically in the presence of each other due to service abroad in the Armed Forces of the United States.

The message also announced that the House has passed the following bill, without amendment:

S. 1376. An act to restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague Convention on Intercountry Adoption to allow their admission into the United States.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 328. Concurrent resolution expressing the sense of the Congress regarding the successful and substantial contributions of the amendments to the patent and trademark laws that were initially enacted in 1980 by Public Law 96-517 (commonly referred to as the "Bayh-Dole Act") on the occasion of the 30th anniversary of its enactment.

The message also announced that the House has passed the following bill with amendments, in which it requests the concurrence of the Senate:

S. 3689. An act to clarify, improve, and correct the laws relating to copyrights.

The message further announced that the House has agreed to the amendment of the Senate to the bill (H.R. 5566) to amend title 18, United States Code, to prohibit interstate commerce in animal crush videos, and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

The message also announced that pursuant to Section 1002 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306) as amended by section 701(a)(3) of the Intelligence Authorization Act for Fiscal Year 2010 (Public Law 111-259), and the other of the House of January 6, 2009, the Speaker appointed the following member on the part of the House of Representatives to the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community: Mr. Maurice Sonnenberg of New York, NY.

At 12:28 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5367. An act to amend title 11, District of Columbia Official Code, to revise certain administrative authorities of the District of Columbia courts, to authorize the District of Columbia Public Defender Service to provide professional liability insurance for officers and employees of the Service for claims relating to services furnished within the scope of employment with the service, and for other purposes.

H.R. 5655. An act to designate the Little River Branch facility of the United States Postal Service located at 140 NE 84th Street in Miami, Florida, as the "Jesse J. McCrary, Jr. Post Office".

H.R. 5702. An act to amend the District of Columbia Home Rule Act to reduce the waiting period for holding special elections to fill vacancies in local offices in the District of Columbia.

H.R. 6237. An act to designate the facility of the United States Postal Service located at 1351 2nd Street in Napa, California, as the "Tom Kongsgaard Post Office Building".

H.R. 6278. An act to amend the National Children's Island Act of 1995 to expand allowable uses for Kingman and Heritage Islands by the District of Columbia, and for other purposes.

H.R. 6387. An act to designate the facility of the United States Postal Service located at 337 West Clark Street in Eureka, California, as the "Sam Sacco Post Office Building".

H.R. 6399. An act to improve certain administrative operations of the Office of the Architect of the Capitol, and for other purposes.

The message further announced that the House has passed the following bill and joint resolution, without amendment:

S. 3567. An act to designate the facility of the United States Postal Service located at 100 Broadway in Lynbrook, New York, as the "Navy Corpsman Jeffrey L. Wiener Post Office Building".

S. J. Res. 40. Joint resolution appointing the day for the convening of the first session of the One Hundred Twelfth Congress.

At 6:57 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 332. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that the House having proceeded to reconsider the bill (H.R. 3808) to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was resolved, that the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5367. An act to amend title 11, District of Columbia Official Code, to revise certain administrative authorities of the District of Columbia courts, to authorize the District of Columbia Public Defender Service to provide professional liability insurance for officers and employees of the Service for claims relating to services furnished within the scope of employment with the Service, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5655. An act to designate the Little River Branch facility of the United States Postal Service located at 140 NE 84th Street in Miami, Florida, as the "Jesse J. McCrary, Jr. Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5702. An act to amend the District of Columbia Home Rule Act to reduce the waiting period for holding special elections to fill vacancies in local offices in the District of Columbia; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6237. An act to designate the facility of the United States Postal Service located

at 1351 2nd Street in Napa, California, as the "Tom Kongsgaard Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6278. An act to amend the National Children's Island Act of 1995 to expand allowable uses for Kingman and Heritage Islands by the District of Columbia, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6387. An act to designate the facility of the United States Postal Service located at 337 West Clark Street in Eureka, California, as the "Sam Sacco Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6399. An act to improve certain administrative operations of the Office of the Architect of the Capitol, and for other purposes; to the Committee on Rules and Administration.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 328. Concurrent resolution expressing the sense of the Congress regarding the successful and substantial contributions of the amendments to the patent and trademark laws that were initially enacted in 1980 by Public Law 96-517 (commonly referred to as the "Bayh-Dole Act") on the occasion of the 30th anniversary of its enactment; to the Committee on the Judiciary.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 3962. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

S. 3963. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7765. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Removal of Varietal Restrictions on Apples from Japan" (Docket No. APHIS-2009-0020) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7766. A communication from the Director of the Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Biomass Crop Assistance Program" (RIN0560-AH92) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7767. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report relative to (21) vacancies in the Department of Agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7768. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Mexican Hass Avocados; Additional Shipping Options" (Docket No. APHIS-2008-0016) received in the Office of the President of the Senate on November 1, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7769. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 10-096, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible effects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-7770. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 10-104, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible effects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-7771. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Continuation of Current Contracts—Deletion of Redundant Text" (DFARS Case 2010-D016) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Armed Services.

EC-7772. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to current military, diplomatic, political, and economic measures that are being or have been undertaken; to the Committee on Armed Services.

EC-7773. A communication from the Secretary of Defense, transmitting a report on the approved retirement of General Stephen R. Lorenz, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC-7774. A communication from the Secretary of Defense, transmitting a report on the approved retirement of General Roger A. Brady, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC-7775. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-7776. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-7777. A communication from the Under Secretary of Defense (Comptroller), Department of Defense, transmitting, pursuant to

law, a quarterly report entitled, "Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account"; to the Committee on Armed Services.

EC-7778. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Department's projects, or separable elements of projects, which have been authorized, but for which no funds have been obligated for planning, design or construction during the preceding five full fiscal years; to the Committee on Armed Services.

EC-7779. A communication from the Under Secretary of Defense (Acquisition, Technology, and Logistics), transmitting, pursuant to law, a report relative to the full life-cycle costs of munitions; to the Committee on Armed Services.

EC-7780. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to transfer authorities used in fiscal year 2010; to the Committee on Armed Services.

EC-7781. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to Reserve component equipment delivery; to the Committee on Armed Services.

EC-7782. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Continuation of Essential Contractor Services" (RIN0750-AG52) (DFARS Case 2009-D017) received during adjournment of the Senate in the Office of the President of the Senate on October 25, 2010; to the Committee on Armed Services.

EC-7783. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Electronic Subcontracting Reporting System" (DFARS Case 2009-D002) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Armed Services.

EC-7784. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the continuation of the national emergency relative to the actions and policies of the Government of Sudan as declared in Executive Order 13067 of November 3, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-7785. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency declared in Executive Order 13413 of October 27, 2006 with respect to blocking the property of persons contributing to the conflict taking place in the Democratic Republic of the Congo; to the Committee on Banking, Housing, and Urban Affairs.

EC-7786. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to South Africa; to the Committee on Banking, Housing, and Urban Affairs.

EC-7787. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Spain; to the Committee on Banking, Housing, and Urban Affairs.

EC-7788. A communication from the Deputy General Counsel, Office of the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "The Low-Income Definition" (RIN3133-AD75) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7789. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Truth in Savings" (RIN3133-AD72) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7790. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Short-Term, Small Amount Loans" (RIN3133-AD71) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7791. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Secondary Capital Accounts" (RIN3133-AD67) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7792. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Fixed Assets, Member Business Loans, and Regulatory Flexibility Program" (RIN3133-AD68) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7793. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Prompt Corrective Action; Amended Definition of Low-Risk Assets" (RIN3133-AD81) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7794. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Corporate Credit Unions" (RIN3133-AD58) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7795. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "North Korea Sanctions Regulations" (31 CFR Part 510) received during adjournment of the Senate in the Office of the President of the Senate on November 2, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7796. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "Equal Access to Justice Act Implementation" (RIN2590-AA29) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7797. A communication from the Deputy to the Chairman, Federal Deposit Insur-

ance Corporation, transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment Act Regulations" (RIN1557-AD24) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7798. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Internal Agency Docket No. FEMA-8153)) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7799. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (Docket No. FEMA-2010-0003)) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7800. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Additions to the List of Validated End-Users in the People's Republic of China: Hynix Semiconductor China Ltd., Hynix Semiconductor (Wuxi) Ltd. and Lam Research Corporation" (RIN0694-AE95) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7801. A communication from the Legal Information Assistant, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Definitions for Regulations Affecting All Savings Associations; Money Market Deposit Accounts" (RIN1550-AC40) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7802. A communication from the Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Withdrawal of Indexed Annuity Rule" (RIN3235-AK16) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7803. A communication from the Secretary, Division of Trading and Markets, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Interim Rule for Reporting Pre-enactment Security Based Swap Transactions" (RIN3235-AK73) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7804. A communication from the Associate General Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Use of Public Housing Capital Funds for Financing Activities" (RIN2577-AC49) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7805. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program for Consumer Products: Test Procedures for Residential Furnaces and Boilers (Standby Mode and Off Mode)" (RIN1904-AB89) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Energy and Natural Resources.

EC-7806. A communication from the Director, Office of Hearings and Appeals, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Interior Board of Land Appeals and Other Appeals Procedures" (RIN1094-AA53) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Energy and Natural Resources.

EC-7807. A communication from the Principal Deputy General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Credit Reforms in Organized Wholesale Electric Markets" (RIN1902-AD89) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Energy and Natural Resources.

EC-7808. A communication from the Deputy Assistant Secretary, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Promotion of Development, Reduction of Royalty Rates for Stripper Well and Heavy Oil Properties" (RIN1004-AE04) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Energy and Natural Resources.

EC-7809. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Illinois; Volatile Organic Compound Site-Specific State Implementation Plan for Abbott Laboratories" (FRL No. 9212-8) received during adjournment of the Senate in the Office of the President of the Senate on November 2, 2010; to the Committee on Environment and Public Works.

EC-7810. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Albuquerque/Bernalillo County, New Mexico; Interstate Transport of Pollution" (FRL No. 9221-4) received during adjournment of the Senate in the Office of the President of the Senate on November 2, 2010; to the Committee on Environment and Public Works.

EC-7811. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Change of Addresses for Submission of Certain Reports; Technical Correction" (FRL No. 9221-7) received during adjournment of the Senate in the Office of the President of the Senate on November 2, 2010; to the Committee on Environment and Public Works.

EC-7812. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation,

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Nevada; Clark County Department of Air Quality and Environmental Management" (FRL No. 9219-5) received during adjournment of the Senate in the Office of the President of the Senate on November 2, 2010; to the Committee on Environment and Public Works.

EC-7813. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determinations of Attainment by the Applicable Attainment Date for the Hayden, Nogales, Paul Spur/Douglas PM10 Nonattainment Areas, Arizona" (FRL No. 9219-7) received during adjournment of the Senate in the Office of the President of the Senate on November 2, 2010; to the Committee on Environment and Public Works.

EC-7814. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Direct Final Rule Staying Numeric Limitation for the Construction and Development Point Source Category" (FRL No. 9222-2) received during adjournment of the Senate in the Office of the President of the Senate on November 2, 2010; to the Committee on Environment and Public Works.

EC-7815. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to In-Use Testing for Heavy-Duty Diesel Engines and Vehicles; Emissions Measurement and Instrumentation; Not-to-Exceed Emission Standards; and Technical Amendments for Off-Highway Engines" (FRL No. 9220-6) received during adjournment of the Senate in the Office of the President of the Senate on November 2, 2010; to the Committee on Environment and Public Works.

EC-7816. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Ohio; Ohio Ambient Air Quality Standards" (FRL No. 9209-1) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Environment and Public Works.

EC-7817. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Ohio; Particulate Matter Standards" (FRL No. 9215-2) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Environment and Public Works.

EC-7818. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; Determination of Attainment of the 1997 Ozone Standard for the Providence,

Rhode Island Area" (FRL No. 9215-9) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Environment and Public Works.

EC-7819. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Illinois; Voluntary Nitrogen Oxides Controls" (FRL No. 9215-8) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Environment and Public Works.

EC-7820. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "New Mexico: Final Authorization of State Hazardous Waste Management Program Revision" (FRL No. 9217-2) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Environment and Public Works.

EC-7821. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "1-Propene, 2,3,3,3-tetrafluoro-; Significant New Use Rule" (FRL No. 8846-8) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Environment and Public Works.

EC-7822. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, the Uniform Resource Locator (URL) for a report entitled "Guidance on the Planning and Use of Special Accounts Funds"; to the Committee on Environment and Public Works.

EC-7823. A communication from the President of the United States, transmitting, pursuant to law, notification of the designation of Irving A. Williamson as Vice Chair of the United States International Trade Commission; to the Committee on Finance.

EC-7824. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 457(b) Unforeseeable Emergency Guidance" (Rev. Rul. 2010-27) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Finance.

EC-7825. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—November 2010" (Rev. Rul. 2010-26) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Finance.

EC-7826. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Limitations on Qualified Residence Interest" (Rev. Rul. 2010-25) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Finance.

EC-7827. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Shoukri Osman Saleh Abdel-Fattah v. Commissioner, 134 T.C. No. 10" (IRB No. 2010-47) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Finance.

EC-7828. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Dyed Diesel Fuel and Kerosene: Nontaxable Use; Alaska" (Notice No. 2010-68) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Finance.

EC-7829. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Production Tax Credit for Refined Coal" (Notice No. 2010-54) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Finance.

EC-7830. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Basis Reporting by Securities Brokers and Basis Determination for Stock" (RIN1545-BI66) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Finance.

EC-7831. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Hybrid Retirement Plans" (RIN1545-BG36) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Finance.

EC-7832. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Examination of Returns and Claims for Refund, Credit, or Abatement; Determination of Tax Liability" (Rev. Proc. 2010-29) received during adjournment of the Senate in the Office of the President of the Senate on November 3, 2010; to the Committee on Finance.

EC-7833. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Credit for Carbon Dioxide Sequestration, 2010 Section 45Q Inflation Adjustment Factor" (Notice 2010-75) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Finance.

EC-7834. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Inflation Adjusted Items for 2011" (Rev. Proc. 2010-40) received during adjournment of the Senate in the Office of the President of the Senate on November 3, 2010; to the Committee on Finance.

EC-7835. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Furnishing Identifying Number of Tax Return Preparer" (RIN1545-BI28) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Finance.

EC-7836. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice 2010-70) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Finance.

EC-7837. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Extension of Import Restrictions Imposed on Certain Categories of Archaeological Material From the Pre-Hispanic Cultures of the Republic of Nicaragua" (RIN1515-AD70) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Finance.

EC-7838. A communication from the Assistant Secretary of the Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Federal-State Unemployment Compensation Program; Funding Goals for Interest-Free Advances" (RIN1205-AB53) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Finance.

EC-7839. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Medicare Part B Monthly Actuarial Rates, Premium Rate, and Annual Deductible Beginning January 1, 2011" (RIN093-AP81) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Finance.

EC-7840. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Part A Premiums for Calendar Year 2011 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement" (RIN0938-AP85) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Finance.

EC-7841. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for Calendar Year 2011" (RIN0938-AP86) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Finance.

EC-7842. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Home Health Prospective Payment System Rate Update for Calendar Year 2011" (RIN0938-AP88) received during adjournment of the Senate in the Office of the President of the Senate on November 3, 2010; to the Committee on Finance.

EC-7843. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Evaluation of the Cancer Prevention and Treatment Demonstration for Ethnic and Racial Minorities: Second Report to Congress"; to the Committee on Finance.

EC-7844. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tribal Economic Development Bonds—Extension of Deadline to Issue Bonds" (Announcement 2010-88) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Finance.

EC-7845. A communication from the Secretary of Education, transmitting, pursuant to law, the National Advisory Committee's Annual Report on Institutional Quality and Integrity for Fiscal Year 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-7846. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Community Services Block Act Discretionary Activities: Community Economic Development and Rural Facilities Programs for Fiscal Year 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-7847. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Report to Congress on the Assets for Independence Program—Status at the Conclusion of the Tenth Year"; to the Committee on Health, Education, Labor, and Pensions.

EC-7848. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Fiscal Year 2007 Biennial Report on the Status of Children in Head Start Programs; to the Committee on Health, Education, Labor, and Pensions.

EC-7849. A communication from the Program Manager, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "State Systems Advance Planning Document (APD) Process" (RIN0970-AC33) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-7850. A communication from the Program Manager, Health Resources and Services Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Countermeasures Injury Compensation Program (CICP): Administrative Implementation, Interim Final Rule" (RIN0906-AA83) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-7851. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Fiduciary Requirements for Disclosure in Participant-Directed Individual Account Plans" (RIN1210-AB07) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-7852. A communication from the Assistant General Counsel for Regulatory Services, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "School Improvement Grants Program Notice of Final Requirements" (RIN1810-AB06) received in the Office of the President of the Senate on November 1, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-7853. A communication from the Assistant General Counsel for Regulatory Services,

Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Program Integrity Issues" (RIN1840-AD02) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-7854. A communication from the Assistant General Counsel for Regulatory Services, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Program Integrity: Gainful Employment—New Programs" (RIN1840-AD04) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-7855. A communication from the Assistant General Counsel for Regulatory Services, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Final Regulations—Foreign Institutions—Federal Student Aid Program" (RIN1840-AD03) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-7856. A communication from the Deputy Director for Operations, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits" (29 CFR Part 4022) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-7857. A communication from the President of the United States, transmitting, pursuant to law, a report relative to Afghanistan and Pakistan; to the Committee on Foreign Relations.

EC-7858. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case—Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010-0160—2010-0170); to the Committee on Foreign Relations.

EC-7859. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report of the convening of an Accountability Review Board; to the Committee on Foreign Relations.

EC-7860. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, an annual report relative to the United States Participation in the United Nations; to the Committee on Foreign Relations.

EC-7861. A communication from the Acting Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development (USAID), transmitting, pursuant to law, the fourth fiscal year 2010 quarterly report on unobligated and unexpended appropriated funds; to the Committee on Foreign Relations.

EC-7862. A communication from the Acting Executive Secretary, U.S. Agency for International Development (USAID), (4) four reports relative to vacancies in the Agency for International Development (USAID), received during adjournment of the Senate in the Office of the President of the Senate on

October 18, 2010; to the Committee on Foreign Relations.

EC-7863. A communication from the Associate Legal Counsel, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of a rule entitled "Regulations Under the Genetic Information Nondiscrimination Act" (RIN3046-AA84) received during adjournment of the Senate in the Office of the President of the Senate on November 2, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-7864. A communication from the Deputy Associate Administrator of Acquisition Policy and Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Offering a Construction Requirement—8(a) Program" (RIN9000-AL68) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-7865. A communication from the Deputy Archivist, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "National Historical Publications and Records Commission" (RIN3095-AB67) received in the Office of the President of the Senate on November 1, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-7866. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-544 "Land Acquisition for Housing Development Opportunities Program Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7867. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-545 "Supermarket Tax Exemption Clarification Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7868. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-546 "14W and Anthony Bowen YMCA Project Tax Abatement Implementation Clarification Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7869. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-547 "Kelsey Gardens Redevelopment Project Real Property Limited Tax Abatement Assistance Clarification Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7870. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-548 "M.M. Washington Career High School Redevelopment Grant Authorization Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7871. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-549 "DCPL Federal Grant Authorization Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7872. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-550 "Washington Convention and Sports Authority Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7873. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-551 "Youth Baseball Academy Grant Authorization Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7874. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-552 "Howard Theatre Redevelopment Project Great Streets Initiative Tax Increment Financing Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7875. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-553 "Sustainable Energy Utility Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7876. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-554 "Healthy DC Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7877. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-555 "DC High Risk Pool Program Establishment Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7878. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-558 "National Popular Vote Interstate Agreement Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7879. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-559 "Howard Theatre Redevelopment Project Great Streets Initiative Tax Increment Financing Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7880. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-561 "Extension of Review Period for the Proposed Disposition of the J.F. Cook School Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7881. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-562 "District Settlement Payment Integrity Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7882. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-563 "Private Fire Hydrant Responsibility Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7883. A communication from the Administrator, Federal Emergency Management Agency, Department of Homeland Se-

curity, transmitting, pursuant to law, a report relative to the cost of response and recovery efforts for FEMA-3315-EM in the Commonwealth of Massachusetts has exceeded the \$5,000,000 limit for a single emergency declaration; to the Committee on Homeland Security and Governmental Affairs.

EC-7884. A communication from the Executive Director, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, a report relative to four audit reports issued during fiscal year 2010 relative to the Agency and the Thrift Savings Plan; to the Committee on Homeland Security and Governmental Affairs.

EC-7885. A communication from the Secretary of the Department of Labor, transmitting, pursuant to law, the Semiannual Report of the Office of Inspector General of the Pension Benefit Guaranty Corporation for the period from October 1, 2009, through March 31, 2010 and the Director's Semiannual Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations; to the Committee on Homeland Security and Governmental Affairs.

EC-7886. A communication from the Chief Privacy Officer, Privacy Office, Department of Homeland Security, transmitting, pursuant to law, a report entitled "Privacy Office Fourth Quarter Fiscal Year 2010 Report to Congress"; to the Committee on Homeland Security and Governmental Affairs.

EC-7887. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Inspector General's Semiannual Report for the six-month period from April 1, 2010, through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-7888. A communication from the Department of State, transmitting, pursuant to law, a report relative to foreign terrorist organizations (OSS Control No. 2010-1762); to the Committee on the Judiciary.

EC-7889. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the New Mexico Advisory Committee; to the Committee on the Judiciary.

EC-7890. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Fiscal Year 2009 Annual Report to Congress for the Office of Justice Programs; to the Committee on the Judiciary.

EC-7891. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "Report of the Attorney General to the Congress of the United States on the Administration of the Foreign Agents Registration Act of 1938, as amended for the six months ending December 31, 2009"; to the Committee on the Judiciary.

EC-7892. A communication from the Deputy General Counsel, Office of Hearings and Appeals, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Rules of Procedure Governing Cases Before the Office of Hearings and Appeals" (RIN3245-AG09) received during adjournment of the Senate in the Office of the President of the Senate on November 2, 2010; to the Committee on Small Business and Entrepreneurship.

EC-7893. A communication from the Deputy General Counsel, Office of Surety Guarantees, Small Business Administration,

transmitting, pursuant to law, the report of a rule entitled "Surety Bond Guarantee Program; Size Standards" (RIN3245-AG10) received during adjournment of the Senate in the Office of the President of the Senate on November 2, 2010; to the Committee on Small Business and Entrepreneurship.

EC-7894. A communication from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Standards: Retail Trade" (RIN3245-AF69) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Small Business and Entrepreneurship.

EC-7895. A communication from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Standards: Accommodation and Food Services Industries" (RIN3245-AF71) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Small Business and Entrepreneurship.

EC-7896. A communication from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Standards: Other Services" (RIN3245-AF70) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Small Business and Entrepreneurship.

EC-7897. A communication from the Deputy General Counsel, Office of Financial Assistance, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Immediate Disaster Assistance Program" (RIN3245-AG00) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Small Business and Entrepreneurship.

EC-7898. A communication from the Deputy Director of Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Supportive Services for Veteran Families Program" (RIN2900-AN53) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Veterans' Affairs.

EC-7899. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a quarterly report to Congress relative to the Uniformed Services Employment and Reemployment Rights Act of 1994; to the Committee on Veterans' Affairs.

EC-7900. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca S.A. ARRIEL 2B Turboshaft Engines" ((RIN2120-AA64) (Docket No. FAA-2005-21624)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7901. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Gulfstream Aerospace LP (Type Certificate Previously Held by Israel Aircraft Industries, Ltd.) Model Galaxy and Gulfstream 200 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0555)) received during adjournment

of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7902. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France (ECF) Model SA-365N1, AS-365N2, AS 365N3, EC 155B, and EC155B1 Helicopters" ((RIN2120-AA64) (Docket No. FAA-2010-0426)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7903. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120, -120ER, -120FC, -120QC, and -120RT Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0715)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7904. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca Arriel 1 Series Turboshaft Engines" ((RIN2120-AA64) (Docket No. FAA-2010-0710)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7905. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; GROB-WERKE Model G120A Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0926)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7906. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce Corporation (RR) AE 3007A Series Turboprop Engines" ((RIN2120-AA64) (Docket No. FAA-2009-0811)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES DURING ADJOURNMENT

Under the authority of the order of the Senate of November 15, 2010, the following reports of committees were submitted on November 16, 2010.

By Mrs. McCASKILL, from the Committee on Impeachment Trial Committee (Porteous), under the authority of the order of the Senate of 11/15/2010.

Special Report entitled "Report of the Impeachment Trial Committee on the Articles Against Judge G. Thomas Porteous, Jr." (Rept. No. 111-347).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 817. A bill to establish a Salmon Stronghold Partnership program to conserve wild Pacific salmon, and for other purposes (Rept. No. 111-348).

S. 2859. A bill to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes (Rept. No. 111-349).

EXECUTIVE REPORT OF COMMITTEE—TREATY

The following executive report of committee was submitted during the recess of the Senate on October 1, 2010 under the authority of an order of the Senate of September 29, 2010:

By Mr. KERRY, from the Committee on Foreign Relations:

[Treaty Doc. 111-5 Treaty with Russia on Measures for Further Reduction and Limitation of Strategic Offensive Arms with 10 conditions, 3 understandings, and 13 declarations (Ex. Rept. 111-6)]

The text of the committee-recommended resolution of advice and consent to ratification is as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advises and consents to the ratification of the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol, including Annex on Inspection Activities to the Protocol, Annex on Notifications to the Protocol, and Annex on Telemetric Information to the Protocol, all such documents being integral parts of and collectively referred to in this resolution as the "New START Treaty" (Treaty Document 111-5), subject to the conditions of subsection (a), the understandings of subsection (b), and the declarations of subsection (c).

(a) CONDITIONS.—The advice and consent of the Senate to the ratification of the New START Treaty is subject to the following conditions, which shall be binding upon the President:

(1) GENERAL COMPLIANCE.—If the President determines that the Russian Federation is acting or has acted in a manner that is inconsistent with the object and purpose of the New START Treaty, or is in violation of the New START Treaty, so as to threaten the national security interests of the United States, then the President shall—

(A) consult with the Senate regarding the implications of such actions for the viability of the New START Treaty and for the national security interests of the United States;

(B) seek on an urgent basis a meeting with the Russian Federation at the highest diplomatic level with the objective of bringing the Russian Federation into full compliance with its obligations under the New START Treaty; and

(C) submit a report to the Senate promptly thereafter, detailing—

(i) whether adherence to the New START Treaty remains in the national security interests of the United States; and

(ii) how the United States will redress the impact of Russian actions on the national security interests of the United States.

(2) **PRESIDENTIAL CERTIFICATIONS AND REPORTS ON NATIONAL TECHNICAL MEANS.**—(A) Prior to the entry into force of the New START Treaty, and annually thereafter, the President shall certify to the Senate that United States National Technical Means, in conjunction with the verification activities provided for in the New START Treaty, are sufficient to ensure effective monitoring of Russian compliance with the provisions of the New START Treaty and timely warning of any Russian preparation to break out of the limits in Article II of the New START Treaty. Following submission of the first such certification, each subsequent certification shall be accompanied by a report to the Senate indicating how United States National Technical Means, including collection, processing, and analytic resources, will be utilized to ensure effective monitoring. The first such report shall include a long-term plan for the maintenance of New START Treaty monitoring. Each subsequent report shall include an update of the long-term plan. Each such report may be submitted in either classified or unclassified form.

(B) It is the sense of the Senate that monitoring Russian Federation compliance with the New START Treaty is a high priority and that the inability to do so would constitute a threat to United States national security interests.

(3) **REDUCTIONS.**—(A) The New START Treaty shall not enter into force until instruments of ratification have been exchanged in accordance with Article XIV of the New START Treaty.

(B) If, prior to the entry into force of the New START Treaty, the President plans to implement reductions of United States strategic nuclear forces below those currently planned and consistent with the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions, signed at Moscow on May 24, 2002 (commonly referred to as “the Moscow Treaty”), then the President shall—

(i) consult with the Senate regarding the effect of such reductions on the national security of the United States; and

(ii) take no such reductions until the President submits to the Senate the President’s determination that such reductions are in the national security interest of the United States.

(4) **TIMELY WARNING OF BREAKOUT.**—If the President determines, after consultation with the Director of National Intelligence, that the Russian Federation intends to break out of the limits in Article II of the New START Treaty, the President shall immediately inform the Committees on Foreign Relations and Armed Services of the Senate, with a view to determining whether circumstances exist that jeopardize the supreme interests of the United States, such that withdrawal from the New START Treaty may be warranted pursuant to paragraph 3 of Article XIV of the New START Treaty.

(5) **UNITED STATES MISSILE DEFENSE TEST TELEMETRY.**—Prior to entry into force of the New START Treaty, the President shall certify to the Senate that the New START Treaty does not require, at any point during which it will be in force, the United States to provide to the Russian Federation telemetric information under Article IX of the New START Treaty, Part Seven of the Protocol, and the Annex on Telemetric Information to the Protocol for the launch of—

(A) any missile defense interceptor, as defined in paragraph 44 of Part One of the Protocol to the New START Treaty;

(B) any satellite launches, missile defense sensor targets, and missile defense intercept

targets, the launch of which uses the first stage of an existing type of United States ICBM or SLBM listed in paragraph 8 of Article III of the New START Treaty; or

(C) any missile described in clause (a) of paragraph 7 of Article III of the New START Treaty.

(6) **CONVENTIONAL PROMPT GLOBAL STRIKE.**—(A) The Senate calls on the executive branch to clarify its planning and intent in developing future conventionally armed, strategic-range weapon systems. To this end, prior to the entry into force of the New START Treaty, the President shall provide a report to the Committees on Armed Services and Foreign Relations of the Senate containing the following:

(i) A list of all conventionally armed, strategic-range weapon systems that are currently under development.

(ii) An analysis of the expected capabilities of each system listed under clause (i).

(iii) A statement with respect to each system listed under clause (i) as to whether any of the limits in Article II of the New START Treaty apply to such system.

(iv) An assessment of the costs, risks, and benefits of each system.

(v) A discussion of alternative deployment options and scenarios for each system.

(vi) A summary of the measures that could help to distinguish each system listed under clause (i) from nuclear systems and reduce the risks of misinterpretation and of a resulting claim that such systems might alter strategic stability.

(B) The report under subparagraph (A) may be supplemented by a classified annex.

(C) If, at any time after the New START Treaty enters into force, the President determines that deployment of conventional warheads on ICBMs or SLBMs is required at levels that cannot be accommodated within the limits in Article II of the New START Treaty while sustaining a robust United States nuclear triad, then the President shall immediately consult with the Senate regarding the reasons for such determination.

(7) **UNITED STATES TELEMETRIC INFORMATION.**—In implementing Article IX of the New START Treaty, Part Seven of the Protocol, and the Annex on Telemetric Information to the Protocol, prior to agreeing to provide to the Russian Federation any amount of telemetric information on a United States test launch of a conventionally armed prompt global strike system, the President shall certify to the Committees on Foreign Relations and Armed Services of the Senate that—

(A) the provision of United States telemetric information—

(i) consists of data that demonstrate that such system is not subject to the limits in Article II of the New START Treaty; or

(ii) would be provided in exchange for significant telemetric information regarding a weapon system not listed in paragraph 8 of Article III of the New START Treaty, or a system not deployed by the Russian Federation prior to December 5, 2009;

(B) it is in the national security interest of the United States to provide such telemetric information; and

(C) provision of such telemetric information will not undermine the effectiveness of such system.

(8) **BILATERAL CONSULTATIVE COMMISSION.**—Not later than 15 days before any meeting of the Bilateral Consultative Commission to consider a proposal for additional measures to improve the viability or effectiveness of the New START Treaty or to resolve a question related to the applicability of provisions

of the New START Treaty to a new kind of strategic offensive arm, the President shall consult with the Chairman and ranking minority member of the Committee on Foreign Relations of the Senate with regard to whether the proposal, if adopted, would constitute an amendment to the New START Treaty requiring the advice and consent of the Senate, as set forth in Article II, section 2, clause 2 of the Constitution of the United States.

(9) **UNITED STATES COMMITMENTS ENSURING THE SAFETY, RELIABILITY, AND PERFORMANCE OF ITS NUCLEAR FORCES.**—

(A) The United States is committed to ensuring the safety, reliability, and performance of its nuclear forces. It is the sense of the Senate that—

(i) the United States is committed to proceeding with a robust stockpile stewardship program, and to maintaining and modernizing the nuclear weapons production capabilities and capacities, that will ensure the safety, reliability, and performance of the United States nuclear arsenal at the New START Treaty levels and meet requirements for hedging against possible international developments or technical problems, in conformance with United States policies and to underpin deterrence;

(ii) to that end, the United States is committed to maintaining United States nuclear weapons laboratories and preserving the core nuclear weapons competencies therein; and

(iii) the United States is committed to providing the resources needed to achieve these objectives, at a minimum at the levels set forth in the President’s 10-year plan provided to the Congress pursuant to section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84).

(B) If appropriations are enacted that fail to meet the resource requirements set forth in the President’s 10-year plan, or if at any time more resources are required than estimated in the President’s 10-year plan, the President shall submit to Congress, within 60 days of such enactment or the identification of the requirement for such additional resources, as appropriate, a report detailing—

(i) how the President proposes to remedy the resource shortfall;

(ii) if additional resources are required, the proposed level of funding required and an identification of the stockpile work, campaign, facility, site, asset, program, operation, activity, construction, or project for which additional funds are required;

(iii) the impact of the resource shortfall on the safety, reliability, and performance of United States nuclear forces; and

(iv) whether and why, in the changed circumstances brought about by the resource shortfall, it remains in the national interest of the United States to remain a Party to the New START Treaty.

(10) **ANNUAL REPORT.**—As full and faithful implementation is key to realizing the benefits of the New START Treaty, the President shall submit a report to the Committees on Foreign Relations and Armed Services of the Senate not later than January 31 of each year beginning with January 31, 2012, which will provide—

(A) details on each Party’s reductions in strategic offensive arms between the date the New START Treaty entered into force and December 31, 2011, or, in subsequent reports, during the previous year;

(B) a certification that the Russian Federation is in compliance with the terms of the New START Treaty, or a detailed discussion of any noncompliance by the Russian Federation;

(C) a certification that any conversion and elimination procedures adopted pursuant to Article VI of the New START Treaty and Part Three of the Protocol have not resulted in ambiguities that could defeat the object and purpose of the New START Treaty, or—

(i) a list of any cases in which a conversion or elimination procedure that has been demonstrated by Russia within the framework of the Bilateral Consultative Commission remains ambiguous or does not achieve the goals set forth in paragraph 2 or 3 of Section I of Part Three of the Protocol; and

(ii) a comprehensive explanation of steps the United States has taken with respect to each such case;

(D) an assessment of the operation of the New START Treaty's transparency mechanisms, including—

(i) the extent to which either Party encrypted or otherwise impeded the collection of telemetric information; and

(ii) the extent and usefulness of exchanges of telemetric information; and

(E) an assessment of whether a strategic imbalance exists that endangers the national security interests of the United States.

(b) UNDERSTANDINGS.—The advice and consent of the Senate to the ratification of the New START Treaty is subject to the following understandings, which shall be included in the instrument of ratification:

(1) MISSILE DEFENSE.—It is the understanding of the United States that—

(A) the New START Treaty does not impose any limitations on the deployment of missile defenses other than the requirements of paragraph 3 of Article V of the New START Treaty, which states, "Each Party shall not convert and shall not use ICBM launchers and SLBM launchers for placement of missile defense interceptors therein. Each Party further shall not convert and shall not use launchers of missile defense interceptors for placement of ICBMs and SLBMs therein. This provision shall not apply to ICBM launchers that were converted prior to signature of this treaty for placement of missile defense interceptors therein.";

(B) any additional New START Treaty limitations on the deployment of missile defenses beyond those contained in paragraph 3 of Article V, including any limitations agreed under the auspices of the Bilateral Consultative Commission, would require an amendment to the New START Treaty which may enter into force for the United States only with the advice and consent of the Senate, as set forth in Article II, section 2, clause 2 of the Constitution of the United States; and

(C) the April 7, 2010, unilateral statement by the Russian Federation on missile defense does not impose a legal obligation on the United States.

(2) RAIL-MOBILE ICBMS.—It is the understanding of the United States that—

(A) any rail-mobile-launched ballistic missile with a range in excess of 5,500 kilometers would be an ICBM, as the term is defined in paragraph 37 of Part One of the Protocol (in the English-language numbering), for the purposes of the New START Treaty, specifically including the limits in Article II of the New START Treaty;

(B) an erector-launcher mechanism for launching an ICBM and the railcar or flatcar on which it is mounted would be an ICBM launcher, as the term is defined in paragraph 28 of Part One of the Protocol (in the English-language numbering), for the purposes of the New START Treaty, specifically including the limits in Article II of the New START Treaty;

(C) if either Party should produce a rail-mobile ICBM system, the Bilateral Consultative Commission would address the application of other parts of the New START Treaty to that system, including Articles III, IV, VI, VII, and XI of the New START Treaty and relevant portions of the Protocol and the Annexes to the Protocol; and

(D) an agreement reached pursuant to subparagraph (C) is subject to the requirements of Article XV of the New START Treaty and, specifically, if an agreement pursuant to subparagraph (C) creates substantive rights or obligations that differ significantly from those in the New START Treaty regarding a "mobile launcher of ICBMs" as defined in Part One of the Protocol to the New START Treaty, such agreement will be considered an amendment to the New START Treaty pursuant to Paragraph 1 of Article XV of the New START Treaty and will be submitted to the Senate for its advice and consent to ratification.

(3) STRATEGIC-RANGE, NON-NUCLEAR WEAPON SYSTEMS.—It is the understanding of the United States that—

(A) future, strategic-range non-nuclear weapon systems that do not otherwise meet the definitions of the New START Treaty will not be "new kinds of strategic offensive arms" subject to the New START Treaty;

(B) nothing in the New START Treaty restricts United States research, development, testing, and evaluation of strategic-range, non-nuclear weapons, including any weapon that is capable of boosted aerodynamic flight;

(C) nothing in the New START Treaty prohibits deployments of strategic-range non-nuclear weapon systems; and

(D) the addition to the New START Treaty of—

(i) any limitations on United States research, development, testing, and evaluation of strategic-range, non-nuclear weapon systems, including any weapon that is capable of boosted aerodynamic flight; or

(ii) any prohibition on the deployment of such systems, including any such limitations or prohibitions agreed under the auspices of the Bilateral Consultative Commission, would require an amendment to the New START Treaty which may enter into force for the United States only with the advice and consent of the Senate, as set forth in Article II, section 2, clause 2 of the Constitution of the United States.

(c) DECLARATIONS.—The advice and consent of the Senate to the ratification of the New START Treaty is subject to the following declarations, which express the intent of the Senate:

(1) MISSILE DEFENSE.—(A) It is the sense of the Senate that—

(i) pursuant to the National Missile Defense Act of 1999 (Public Law 106-38), it is the policy of the United States "to deploy as soon as is technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate)";

(ii) defenses against ballistic missiles are essential for new deterrent strategies and for new strategies should deterrence fail; and

(iii) further limitations on the missile defense capabilities of the United States are not in the national security interest of the United States.

(B) The New START Treaty and the April 7, 2010, unilateral statement of the Russian Federation on missile defense do not limit in any way, and shall not be interpreted as lim-

iting, activities that the United States Government currently plans or that might be required over the duration of the New START Treaty to protect the United States pursuant to the National Missile Defense Act of 1999, or to protect United States Armed Forces and United States allies from limited ballistic missile attack, including further planned enhancements to the Ground-based Midcourse Defense system and all phases of the Phased Adaptive Approach to missile defense in Europe.

(C) Given its concern about missile defense issues, the Senate expects the executive branch to offer regular briefings, not less than twice each year, to the Committees on Foreign Relations and Armed Services of the Senate on all missile defense issues related to the New START Treaty and on the progress of United States-Russia dialogue and cooperation regarding missile defense.

(2) DEFENDING THE UNITED STATES AND ALLIES AGAINST STRATEGIC ATTACK.—It is the sense of the Senate that—

(A) a paramount obligation of the United States Government is to provide for the defense of the American people, deployed members of the United States Armed Forces, and United States allies against nuclear attacks to the best of its ability;

(B) policies based on "mutual assured destruction" or intentional vulnerability can be contrary to the safety and security of both countries, and the United States and the Russian Federation share a common interest in moving cooperatively as soon as possible away from a strategic relationship based on mutual assured destruction;

(C) in a world where biological, chemical, and nuclear weapons and the means to deliver them are proliferating, strategic stability can be enhanced by strategic defensive measures;

(D) accordingly, the United States is and will remain free to reduce the vulnerability to attack by constructing a layered missile defense system capable of countering missiles of all ranges;

(E) the United States will welcome steps by the Russian Federation also to adopt a fundamentally defensive strategic posture that no longer views robust strategic defensive capabilities as undermining the overall strategic balance, and stands ready to cooperate with the Russian Federation on strategic defensive capabilities, as long as such cooperation is aimed at fostering and in no way constrains the defensive capabilities of both sides; and

(F) the United States is committed to improving United States strategic defensive capabilities both quantitatively and qualitatively during the period that the New START Treaty is in effect, and such improvements are consistent with the treaty.

(3) CONVENTIONALLY ARMED, STRATEGIC-RANGE WEAPON SYSTEMS.—Consistent with statements made by the United States that such systems are not intended to affect strategic stability with respect to the Russian Federation, the Senate finds that conventionally armed, strategic-range weapon systems not co-located with nuclear-armed systems do not affect strategic stability between the United States and the Russian Federation.

(4) NUNN-LUGAR COOPERATIVE THREAT REDUCTION.—It is the sense of the Senate that the Nunn-Lugar Cooperative Threat Reduction (CTR) Program has made an invaluable contribution to the security and elimination of weapons of mass destruction, including nuclear weapons and materials in Russia and elsewhere, and that the President should

continue the global CTR Program and CTR assistance to Russia, including for the purpose of facilitating implementation of the New START Treaty.

(5) **ASYMMETRY IN REDUCTIONS.**—It is the sense of the Senate that, in conducting the reductions mandated by the New START Treaty, the President should regulate reductions in United States strategic offensive arms so that the number of accountable strategic offensive arms under the New START Treaty possessed by the Russian Federation in no case exceeds the comparable number of accountable strategic offensive arms possessed by the United States to such an extent that a strategic imbalance endangers the national security interests of the United States.

(6) **COMPLIANCE.**—(A) The New START Treaty will remain in the interests of the United States only to the extent that the Russian Federation is in strict compliance with its obligations under the New START Treaty.

(B) Given its concern about compliance issues, the Senate expects the executive branch to offer regular briefings, not less than four times each year, to the Committees on Foreign Relations and Armed Services of the Senate on compliance issues related to the New START Treaty. Such briefings shall include a description of all United States efforts in United States-Russian diplomatic channels and bilateral fora to resolve any compliance issues and shall include, but would not necessarily be limited to, a description of—

(i) any compliance issues the United States plans to raise with the Russian Federation at the Bilateral Consultative Commission, in advance of such meetings; and

(ii) any compliance issues raised at the Bilateral Consultative Commission, within thirty days of such meetings.

(7) **EXPANSION OF STRATEGIC ARSENALS IN COUNTRIES OTHER THAN RUSSIA.**—It is the sense of the Senate that if, during the time the New START Treaty remains in force, the President determines that there has been an expansion of the strategic arsenal of any country not party to the New START Treaty so as to jeopardize the supreme interests of the United States, then the President should consult on an urgent basis with the Senate to determine whether adherence to the New START Treaty remains in the national interest of the United States.

(8) **TREATY INTERPRETATION.**—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in condition (1) of the resolution of advice and consent to the ratification of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter Range Missiles, together with the related memorandum of understanding and protocols (commonly referred to as the “INF Treaty”), approved by the Senate on May 27, 1988, and condition (8) of the resolution of advice and consent to the ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990 (commonly referred to as the “CFE Flank Document”), approved by the Senate on May 14, 1997.

(9) **TREATY MODIFICATION OR REINTERPRETATION.**—The Senate declares that any agreement or understanding which in any material way modifies, amends, or reinterprets United States or Russian obligations under the New START Treaty, including the time

frame for implementation of the New START Treaty, should be submitted to the Senate for its advice and consent to ratification.

(10) **CONSULTATIONS.**—Given the continuing interest of the Senate in the New START Treaty and in strategic offensive reductions to the lowest possible levels consistent with national security requirements and alliance obligations of the United States, the Senate expects the President to consult with the Senate prior to taking actions relevant to paragraphs 2 or 3 of Article XIV of the New START Treaty.

(11) **TACTICAL NUCLEAR WEAPONS.**—(A) The Senate calls upon the President to pursue, following consultation with allies, an agreement with the Russian Federation that would address the disparity between the tactical nuclear weapons stockpiles of the Russian Federation and of the United States and would secure and reduce tactical nuclear weapons in a verifiable manner.

(B) Recognizing the difficulty the United States has faced in ascertaining with confidence the number of tactical nuclear weapons maintained by the Russian Federation and the security of those weapons, the Senate urges the President to engage the Russian Federation with the objectives of—

(i) establishing cooperative measures to give each Party to the New START Treaty improved confidence regarding the accurate accounting and security of tactical nuclear weapons maintained by the other Party; and

(ii) providing United States or other international assistance to help the Russian Federation ensure the accurate accounting and security of its tactical nuclear weapons.

(12) **FURTHER STRATEGIC ARMS REDUCTIONS.**—(A) Recognizing the obligation under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow on July 1, 1968, “to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at any early date and to nuclear disarmament and on a treaty on general and complete disarmament under strict and effective international control,” and in anticipation of the ratification and entry into force of the New START Treaty, the Senate calls upon the other nuclear weapon states to give careful and early consideration to corresponding reductions of their own nuclear arsenals.

(B) The Senate declares that further arms reduction agreements obligating the United States to reduce or limit the Armed Forces or armaments of the United States in any militarily significant manner may be made only pursuant to the treaty-making power of the President as set forth in Article II, section 2, clause 2 of the Constitution of the United States.

(13) **MODERNIZATION AND REPLACEMENT OF UNITED STATES STRATEGIC DELIVERY VEHICLES.**—In accordance with paragraph 1 of Article V of the New START Treaty, which states that, “Subject to the provisions of this treaty, modernization and replacement of strategic offensive arms may be carried out,” it is the sense of the Senate that United States deterrence and flexibility is assured by a robust triad of strategic delivery vehicles. To this end, the United States is committed to accomplishing the modernization and replacement of its strategic nuclear delivery vehicles, and to ensuring the continued flexibility of United States conventional and nuclear delivery systems.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. DODD for the Committee on Banking, Housing, and Urban Affairs.

*Peter A. Diamond, of Massachusetts, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2000.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. COCHRAN (for himself and Mr. WICKER):

S. 3947. A bill to direct the Secretary of the Interior to convey to the State of Mississippi 2 parcels of surplus land within the boundary of the Natchez Trace Parkway, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, Mr. CRAPO, and Mr. KERRY):

S. 3948. A bill to amend the Internal Revenue Code of 1986 to modify certain rules applicable to regulated investment companies, and for other purposes; to the Committee on Finance.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. 3949. A bill to amend the Chesapeake and Ohio Canal Development Act to extend to the Chesapeake and Ohio Canal National Historical Park Commission; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself, Mr. DODD, Mr. CASEY, and Mr. BINGAMAN):

S. 3950. A bill to amend title XVIII of the Social Security Act to provide for the application of a consistent Medicare part B premium for all Medicare beneficiaries for 2011; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. CARDIN):

S. 3951. A bill to authorize United States participation in, and appropriations for, the United States contribution to the ninth replenishment of the resources of the Asian Development Fund and the United States subscription to the fifth general capital increase of the Asian Development Bank; to the Committee on Foreign Relations.

By Mr. COCHRAN (for himself and Mr. WICKER):

S. 3952. A bill to authorize the acquisition of core battlefield land at Champion Hill, Port Gibson, and Raymond for addition to Vicksburg National Military Park; to the Committee on Energy and Natural Resources.

By Mr. AKAKA:

S. 3953. A bill to amend title 38, United States Code, to provide benefits for children with spina bifida of veterans exposed to herbicides while serving in the Armed Forces during the Vietnam era outside Vietnam, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CASEY:

S. 3954. A bill to improve air cargo security; to the Committee on Commerce, Science, and Transportation.

By Mr. BEGICH:

S. 3955. A bill to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents; to the Committee on Armed Services.

By Mr. BEGICH:

S. 3956. A bill to amend title 10, United States Code, to permit the use of commissary and exchange facilities by former members of the Armed Forces who were retired or separated for physical disability; to the Committee on Armed Services.

By Mr. REED (for himself and Mr. WHITEHOUSE):

S. 3957. A bill to establish a medical education trust fund, and for other purposes; to the Committee on Finance.

By Mr. WYDEN (for himself and Mr. BROWN of Massachusetts):

S. 3958. A bill to allow an earlier start for State health care coverage innovation waivers under the Patient Protection and Affordable Care Act; to the Committee on Finance.

By Mrs. McCASKILL:

S. 3959. A bill to eliminate the preferences and special rules for Alaska Native Corporations under the program under section 8(a) of the Small Business Act; to the Committee on Small Business and Entrepreneurship.

By Mr. LAUTENBERG (for himself, Mr. WYDEN, and Mr. MENENDEZ):

S. 3960. A bill to prevent harassment at institutions of higher education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LIEBERMAN (for himself and Ms. COLLINS):

S. 3961. A bill to amend the E-Government Act of 2002 (44 U.S.C. 3501 note) to reform the electronic rulemaking process; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DURBIN (for himself, Mr. LEAHY, and Mr. LUGAR):

S. 3962. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes; read the first time.

By Mr. DURBIN (for himself, Mr. LEAHY, and Mr. LUGAR):

S. 3963. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CASEY (for himself and Mr. SPECTER):

S. Res. 678. A resolution congratulating the Penn State Nittany Lions for their 400th win under head football coach Joe Paterno; to the Committee on the Judiciary.

By Mr. GREGG (for himself and Mrs. SHAHEEN):

S. Res. 679. A resolution commemorating the 100th anniversary of the Weeks Law; to

the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KERRY (for himself, Mr. BINGAMAN, Ms. SNOWE, Mr. CARDIN, Mr. WHITEHOUSE, and Mr. MERKLEY):

S. Res. 680. A resolution supporting international tiger conservation efforts and the upcoming Global Tiger Summit in St. Petersburg, Russia; to the Committee on Foreign Relations.

By Mrs. SHAHEEN (for herself and Ms. SNOWE):

S. Res. 681. A resolution designating the week of November 15 through 19, 2010, as "Global Entrepreneurship Week/USA"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 325

At the request of Mr. PRYOR, his name was added as a cosponsor of S. 325, a bill to amend section 845 of title 18, United States Code, relating to explosives, to grant the Attorney General exemption authority.

S. 446

At the request of Mr. SPECTER, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 446, a bill to permit the televising of Supreme Court proceedings.

S. 535

At the request of Mr. NELSON of Florida, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 1216

At the request of Ms. KLOBUCHAR, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1216, a bill to amend the Consumer Product Safety Act to require residential carbon monoxide detectors to meet the applicable ANSI/UL standard by treating that standard as a consumer product safety rule, to encourage States to require the installation of such detectors in homes, and for other purposes.

S. 1547

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1547, a bill to amend title 38, United States Code, and the United States Housing Act of 1937 to enhance and expand the assistance provided by the Department of Veterans Affairs and the Department of Housing and Urban Development to homeless veterans and veterans at risk of homelessness, and for other purposes.

S. 1548

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 1548, a bill to improve research, diagnosis, and treatment of musculo-

skeletal diseases, conditions, and injuries, to conduct a longitudinal study on aging, and for other purposes.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1619

At the request of Mr. DODD, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1619, a bill to establish the Office of Sustainable Housing and Communities, to establish the Interagency Council on Sustainable Communities, to establish a comprehensive planning grant program, to establish a sustainability challenge grant program, and for other purposes.

S. 1695

At the request of Mr. BURRIS, the name of the Senator from Missouri (Mrs. McCASKILL) was added as a cosponsor of S. 1695, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

S. 1703

At the request of Mr. DORGAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1703, a bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes.

S. 1859

At the request of Mr. ROCKEFELLER, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 2740

At the request of Mrs. MURRAY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2740, a bill to establish a comprehensive literacy program.

S. 2747

At the request of Mr. BINGAMAN, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 2747, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 3036

At the request of Mr. BAYH, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of

S. 3036, a bill to establish the Office of the National Alzheimer's Project.

S. 3181

At the request of Mr. BROWNBACK, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 3181, a bill to protect the rights of consumers to diagnose, service, maintain, and repair their motor vehicles, and for other purposes.

S. 3183

At the request of Mr. WYDEN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 3183, a bill to amend the Internal Revenue Code of 1986 to extend the nonbusiness energy property credit to roofs with pigmented coatings which meet Energy Star program requirements.

S. 3234

At the request of Mrs. MURRAY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3234, a bill to improve employment, training, and placement services furnished to veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 3260

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 3260, a bill to enhance and further research into the prevention and treatment of eating disorders, to improve access to treatment of eating disorders, and for other purposes.

S. 3320

At the request of Mr. WHITEHOUSE, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 3320, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 3329

At the request of Mr. LAUTENBERG, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3329, a bill to provide triple credits for renewable energy on brownfields, and for other purposes.

S. 3390

At the request of Mr. FRANKEN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 3390, a bill to end the discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes.

S. 3398

At the request of Mr. BAUCUS, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3398, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 3424

At the request of Mr. DURBIN, the name of the Senator from Maine (Ms.

COLLINS) was added as a cosponsor of S. 3424, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 3642

At the request of Mrs. BOXER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 3642, a bill to ensure that the underwriting standards of Fannie Mae and Freddie Mac facilitate the use of property assessed clean energy programs to finance the installation of renewable energy and energy efficiency improvements.

S. 3678

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3678, a bill to improve mental health services for members of the National Guard and Reserve deployed in connection with a contingency operation, and for other purposes.

S. 3695

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 3695, a bill to fight criminal gangs.

S. 3706

At the request of Ms. STABENOW, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3706, a bill to extend unemployment insurance benefits and cut taxes for businesses to create hiring incentives, and for other purposes.

S. 3709

At the request of Mr. WHITEHOUSE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 3709, a bill to amend the Public Health Services Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes.

S. 3727

At the request of Ms. KLOBUCHAR, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 3727, a bill to amend title 18, United States Code, with respect to the offense of stalking.

S. 3735

At the request of Mrs. LINCOLN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 3735, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve the use of certain registered pesticides.

S. 3739

At the request of Mr. CASEY, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 3739, a bill to amend the Safe and Drug-Free Schools and Communities Act to include bullying and harassment prevention programs.

S. 3813

At the request of Mr. BINGAMAN, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 3813, a bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a Federal renewable electricity standard, and for other purposes.

S. 3829

At the request of Mr. GRAHAM, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 3829, a bill to repeal the CLASS Act.

S. 3833

At the request of Mrs. GILLIBRAND, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3833, a bill to amend the National Environmental Education Act to update, streamline, and modernize that Act, and for other purposes.

S. 3842

At the request of Mr. LEAHY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 3842, a bill to protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

S. 3846

At the request of Ms. COLLINS, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 3846, a bill to establish a temporary prohibition on termination coverage under the TRICARE program for age of dependents under the age of 26 years.

S. 3865

At the request of Mr. BROWN of Ohio, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 3865, a bill to facilitate nationwide availability of volunteer income tax assistance for low-income and underserved populations, and for other purposes.

S. 3874

At the request of Mrs. BOXER, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 3874, a bill to amend the Safe Drinking Act to reduce lead in drinking water.

S. 3881

At the request of Mr. CARDIN, the name of the Senator from Mississippi

(Mr. WICKER) was added as a cosponsor of S. 3881, a bill to require the Secretary of State to identify individuals responsible for the detention, abuse, or death of Sergei Magnitsky or for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and to impose a visa ban and certain financial measures with respect to such individuals, until the Russian Federation has thoroughly investigated the death of Sergei Magnitsky and brought the Russian criminal justice system into compliance with international legal standards, and for other purposes.

S. 3901

At the request of Mr. HATCH, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 3901, a bill to promote enforcement of immigration laws and for other purposes.

S. 3914

At the request of Mrs. MURRAY, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 3914, a bill to amend title VIII of the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to complete payments under such title to local educational agencies eligible for such payments within 3 fiscal years.

S. 3923

At the request of Mr. SANDERS, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 3923, a bill to amend the Public Utility Regulatory Policies Act of 1978 to clarify the authority of States to adopt renewable energy incentives.

S. 3924

At the request of Mr. CORNYN, the names of the Senator from South Dakota (Mr. THUNE), the Senator from South Carolina (Mr. DEMINT) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 3924, a bill to promote transparency and accountability concerning the implementation of the Patient Protection and Affordable Care Act.

S. 3925

At the request of Mr. BINGAMAN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Oregon (Mr. MERKLEY), the Senator from Washington (Ms. CANTWELL) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 3925, a bill to amend the Energy Policy and Conservation Act to improve the energy efficiency of, and standards applicable to, certain appliances and equipment, and for other purposes.

S. 3928

At the request of Mr. INOUE, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Lou-

isiana (Mr. VITTER) were added as cosponsors of S. 3928, a bill to strengthen Federal consumer product safety programs and activities with respect to commercially-marketed seafood by directing the Secretary of Commerce to coordinate with the Federal Trade Commission and other appropriate Federal agencies to strengthen and coordinate those programs and activities.

S. 3932

At the request of Mr. MENENDEZ, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 3932, a bill to provide comprehensive immigration reform, and for other purposes.

S. 3942

At the request of Mr. TESTER, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 3942, a bill to amend the Arms Export Control Act to provide that certain firearms listed as curios or relics may be imported into the United States by a licensed importer without obtaining authorization from the Department of State or the Department of Defense, and for other purposes.

S. 3946

At the request of Mr. BAUCUS, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Nebraska (Mr. NELSON) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 3946, a bill to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes.

S. CON. RES. 63

At the request of Mr. JOHNSON, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Con. Res. 63, a concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

S. RES. 676

At the request of Mrs. SHAHEEN, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Montana (Mr. TESTER) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. Res. 676, a resolution supporting the goals and ideals of American Diabetes Month.

S. RES. 677

At the request of Mr. CARPER, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Georgia (Mr. ISAKSON) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of S. Res. 677, a resolution to express the sense of the Senate regarding the importance of recycling and the inception of recycling on the National Mall.

AMENDMENT NO. 4618

At the request of Mr. NELSON of Florida, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of amendment No. 4618 intended to be proposed to S. 3454, an original bill to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself, Mr. DODD, Mr. CASEY, and Mr. BINGAMAN):

S. 3950. A bill to amend title XVIII of the Social Security Act to provide for the application of a consistent Medicare part B premium for all Medicare beneficiaries for 2011; to the Committee on Finance.

Mr. KERRY. Mr. President, the Centers for Medicare and Medicaid Services, CMS, recently announced that nearly three-quarters of Medicare enrollees will see no increase in their Medicare Part B premium in 2011.

This group of beneficiaries is protected by a "hold harmless" provision in the law for years when there is no increase in Social Security checks. As a result, these beneficiaries will continue to pay the same monthly premium of \$96.40 that they have paid since 2008.

Unfortunately, 27 percent of Medicare beneficiaries do not receive this "hold-harmless" protection and will see their monthly premiums disproportionately increase to \$115.40 to shoulder the full load for those beneficiaries who are held harmless. This represents an increase of nearly 19 percent over the past two years with no cost of living adjustment to their retirement pensions or annuities.

This inequity in the law negatively affects new Medicare enrollees, low-income beneficiaries who receive Medicare and Medicaid, higher income enrollees who already pay higher premiums, and seniors who do not receive Social Security, such as federal, state, and local government retirees.

I believe we have a responsibility to protect all Medicare beneficiaries from premium increase, especially during these tough economic times when every penny counts. A premium increase for many seniors would mean choosing between food and medicine and that's a choice they should not have to make.

That is why today I am introducing the Medicare Premium Fairness Act. This legislation would restore fairness to our Medicare system and put money

in the pockets of 12 million seniors and individuals with disabilities who desperately need it. It would correct this inequity in the law by applying the "hold harmless" provision to all Medicare beneficiaries, so that no enrollee will pay a monthly premium more than \$96.40 in 2011.

The Medicare Premium Fairness Act is cosponsored by Senator DODD and Senator CASEY, both of whom have been integral to the development of this legislation. Our legislation is supported by twenty four organizations that represent retirees and senior citizens across the country. I would like to thank all of the number of organizations who have endorsed our legislation today, including the American Federation of State, County and Municipal Employees, AFSCME, the National Active and Retired Federal Employees Association, NARFE, and the National Committee to Preserve Social Security and Medicare, NCPSSM.

Now is the time to protect all Medicare beneficiaries from substantial and unfair Part B premium increases next year. I look forward to working with my colleagues in the Senate to pass the Medicare Premium Fairness Act before the end of the year.

By Mr. AKAKA:

S. 3953. A bill to amend title 38, United States Code, to provide benefits for children with spina bifida of veterans exposed to herbicides while serving in the Armed Forces during the Vietnam era outside Vietnam, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, as chairman of the Senate Committee on Veterans' Affairs, today, I am introducing legislation that would expand an existing VA benefit program for certain children with spina bifida. These benefits are currently provided under chapter 18 of title 38, United States Code, to the natural children of veterans who were exposed to herbicides such as Agent Orange, in Vietnam or near the Demilitarized Zone, DMZ, in Korea during the Vietnam era.

Current law provides benefits for the natural children of veterans exposed to herbicides only if the veteran served in a specific location, during a specific time frame. VA reports that 1,222 children currently receive these benefits and that only 10 of these receive them based on the service of a parent who served in outside of Vietnam.

However, VA has conceded that certain veterans who worked on the perimeter of Air Force bases in Thailand outside of the locations provided in current law during the Vietnam era were exposed to herbicides. As a result, children of those veterans suffering from spina bifida are excluded from the benefits provided based solely on where the exposure occurred.

The legislation I am introducing today would correct this inequity. Be-

cause only a very small number of children whose veteran parent served outside of Vietnam currently receive benefits, I expect only a small number of children would qualify for benefits under this bill. However, it is an inequity that should be remedied.

I urge our colleagues to support this bill and provide the exact same benefit to all children who have spina bifida related to the veteran parent's exposure to herbicides regardless of the location of their parent's exposure.

By Mr. BEGICH:

S. 3955. A bill to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents; to the Committee on Armed Services.

Mr. BEGICH. Mr. President, today I am introducing the Space Available Equity Act.

Members and retirees of the National Guard and Reserve, their families, and surviving military spouses make great sacrifices for our Nation. However, too often these individuals do not receive the benefits they have earned for their service.

For instance, members of the reserve components and "gray area" retirees, National Guardsmen or Reservists eligible for retirement but under the age of 60, have limited space-available travel privileges on Department of Defense aircraft under current regulation. Their space-available travel benefits are restricted to the continental United States and are not extended to their dependents, unlike active duty members and retirees.

Surviving spouses of a military member eligible for retired pay retain no space-available travel privileges at all after the death of their spouse, despite having made a lifetime commitment to the military or in many cases, lost their loved one in war.

To correct these inequities, I am introducing the National Guard, Reserve, Gray Area Retiree, and Surviving Spouse Space-available Travel Equity Act. This bill will give these deserving individuals comprehensive and equitable space-available travel privileges on Department of Defense aircraft. The bill is endorsed by the National Guard Association of the United States.

I urge my colleagues to join me in giving parity to our reserve component members and surviving military spouses.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3955

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Guard, Reserve, "Gray Area" Retiree, and Surviving Spouses Space-available Travel Equity Act of 2010".

SEC. 2. ELIGIBILITY OF RESERVE MEMBERS, GRAY-AREA RETIREES, WIDOWS AND WIDOWERS OF RETIRED MEMBERS, AND DEPENDENTS FOR SPACE-AVAILABLE TRAVEL ON MILITARY AIRCRAFT.

(a) ELIGIBILITY.—Chapter 157 of title 10, United States Code, is amended by inserting after section 2651 the following new section:

"§ 2652. Space-available travel on department of defense aircraft: reserve members, reserve members eligible for retired pay but for age; widows and widowers of retired members and dependents

"(a) RESERVE MEMBERS.—A member of a reserve component holding a valid Uniformed Services Identification and Privilege Card shall be provided transportation on Department of Defense aircraft, on a space-available basis, on the same basis as active duty members of the uniformed services under any other provision of law or Department of Defense regulation.

"(b) RESERVE RETIREES UNDER APPLICABLE ELIGIBILITY AGE.—A member or former member of a reserve component who, but for being under the eligibility age applicable to the member under section 12731 of this title, otherwise would be eligible for retired pay under chapter 1223 of this title shall be provided transportation on Department of Defense aircraft, on a space-available basis, on the same basis as members of the armed forces entitled to retired pay under any other provision of law or Department of Defense regulation.

"(c) WIDOWS AND WIDOWERS OF RETIRED MEMBERS.—

"(1) IN GENERAL.—An unmarried widow or widower of a member of the armed forces described in paragraph (2) shall be provided transportation on Department of Defense aircraft, on a space-available basis, on the same basis as members of the armed forces entitled to retired pay under any other provision of law or Department of Defense regulation.

"(2) MEMBERS COVERED.—A member of the armed forces referred to in paragraph (1) is a member who—

"(A) is entitled to retired pay;

"(B) dies in line of duty while on active duty and is not eligible for retired pay; or

"(C) in the case of a member of a reserve component, dies as a result of a line of duty condition and is not eligible for retired pay.

"(d) DEPENDENTS.—A dependent of a member or former member described in either subsections (a) or (b) or of a deceased member entitled to retired pay holding a valid Uniformed Services Identification and Privilege Card and a surviving unmarried spouse and the surviving dependent of a deceased member or former member described in subsection (b) holding a valid Uniformed Services Identification and Privilege Card shall be provided transportation on Department of Defense aircraft, on a space-available basis, if the dependent is accompanying the member or, in the case of a deceased member, is the surviving unmarried spouse of the deceased member or is a dependent accompanying the surviving unmarried spouse of the deceased member.

“(e) DEFINITION OF DEPENDENT.—In this section, the term ‘dependent’ has the meaning given that term in section 1072 of this title.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2651 the following new item:

“2652. Space-available travel on department of defense aircraft: reserve members, reserve members eligible for retired pay but for age; widows and widowers of retired members and dependents.”.

By Mr. BEGICH:

S. 3956. A bill to amend title 10, United States Code, to permit the use of commissary and exchange facilities by former members of the Armed Forces who were retired or separated for physical disability; to the Committee on Armed Services.

Mr. BEGICH. Mr. President, I am introducing a bill to provide medically separated servicemembers and their family continued access to commissaries and exchanges. Unfortunately, these individuals lose many benefits upon their honorable discharge from the military for disabilities and injuries which prevent them continuing service.

These servicemembers have served their country dutifully. They have earned the right to retain commissary and exchange privileges after being honorably discharged for disabilities that prevent further service and may preclude certain types of employment thus hindering their ability to provide for their families.

My legislation will give commissary and exchange privileges to individuals medically separated from the military to ease economic hardships faced after their discharge. Additionally, by granting commissary and exchange privileges to these Soldiers, Sailors, Airmen, and Marines they will be able to stay connected to their military communities.

This legislation is supported by the National Guard Association of the United States. I hope my colleagues will join me in this effort to honor and recognize the sacrifices of our disabled servicemembers.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3956

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. USE OF COMMISSARY AND EXCHANGE FACILITIES BY FORMER MEMBERS OF THE ARMED FORCES WHO WERE RETIRED OR SEPARATED FOR PHYSICAL DISABILITY.

(a) IN GENERAL.—Chapter 54 of title 10, United States Code, is amended by inserting after section 1063 the following new section:

“§ 1063a. Use of commissary stores and MWR retail facilities: former members retired or separated for physical disability

“(a) ELIGIBILITY OF FORMER MEMBERS.—A former member of the armed forces who was retired or separated from the armed forces for physical disability under chapter 61 of this title shall be permitted to use commissary stores and MWR retail facilities on the same basis as members of the armed forces on active duty.

“(b) MWR RETAIL FACILITY DEFINED.—In this section, the term ‘MWR retail facility’ has the meaning given that term in section 1063(e) of this title.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 54 of such title is amended by inserting after the item relating to section 1063 the following new item:

“1063a. Use of commissary stores and MWR retail facilities: former members retired or separated for physical disability.”.

By Mr. REED (for himself and Mr. WHITEHOUSE):

S. 3957. A bill to establish a medical education trust fund, and for other purposes; to the Committee on Finance.

Mr. REED. Mr. President, today I introduce the Graduate Medical Education Reform Act of 2010 along with my colleague Senator WHITEHOUSE.

During my tenure in Congress, I have worked to ensure that medical schools and teaching hospitals have adequate resources to train the next generation of doctors. I have championed legislation to improve the financing of GME payments to teaching hospitals and annually spearhead efforts to increase grant funding for health professions programs through the appropriations process. In addition, the new health insurance reform law contains an entire title of workforce provisions, many of which I helped to write. The consistent goal of these efforts has been to support our future health care workforce and improve the care that patients receive. The GME Reform Act is an extension of those efforts.

The legislation challenges recent statements by some experts that Medicare overpays teaching hospitals to train medical residents by increasing federal oversight of medical residency programs. For most teaching hospitals, which incur higher costs than other hospitals, this funding is essential to support residency programs and provide high-quality patient care. In addition, now is not the time to starve these important programs of the funding necessary to train our future health care workforce since 30 million more Americans will gain access to health insurance in 2014.

First, the legislation would enhance GME payment transparency. New information about the amount of GME funding that teaching hospitals receive relative to the costs to remain operational would demonstrate that more could be done to support these important programs.

The GME Reform Act would also ensure that teaching hospitals and resi-

dency programs spend GME funding to train residents in new models of care and updated technology. Some medical residents, including those in my state, are already trained in these areas, but that is not the case in programs throughout the country. This legislation would encourage reform in every program by linking three percent of indirect medical education payments to teaching hospitals to the performance of residency programs. Medical colleges, accrediting bodies, and other stakeholders that are most familiar with how to train residents would set the specific performance measures. This new oversight would help to break down the silos in medicine and ensure that physicians work together to provide patients with comprehensive health care.

These are important and sensible reforms. As I said, many programs throughout the country have already acted in this manner. But, since it is often most effective to have a reasonable balance of oversight and incentives, this legislation would provide a bonus payment to programs that train at least one-third of all residents in primary care.

In addition, this legislation would transform the way that children's hospitals receive payments for training the future health care workforce by taking those payments out of the discretionary appropriations process and providing mandatory, stable funding every year through a new trust fund. It would also extend residency training funds to children's psychiatric hospitals and women and infants hospitals. There are just a handful of hospitals around the country that fall in these two categories, including two in Rhode Island. Indeed, they should also have access to the resources necessary to support the training of residents.

I am pleased that the GME Reform Act is supported by the only medical school in my state, the Warren Alpert Medical School of Brown University.

My colleagues, Leader REID, Senator NELSON of Florida, and Senator SCHUMER have also taken great interest in supporting our future health care workforce by championing legislation to increase the number of physicians trained each year. This effort is vitally important to ending the shortage of primary care providers in many areas, responding to the increased demand of a growing and aging population, and preparing for the implementation of the new health insurance reform law. I look forward to continuing to support their efforts and working with them on the GME Reform Act as well.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3957

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Graduate Medical Education Reform Act of 2010”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Medicare indirect medical education performance adjustment and primary care training bonus.
- Sec. 3. Payments for graduate medical education to hospitals not otherwise eligible for payments under the Medicare program.
- Sec. 4. Increasing graduate medical education transparency.
- Sec. 5. Establishment of trust fund.
- Sec. 6. Partial financing for trust fund from fees on insured and self-insured health plans.

SEC. 2. MEDICARE INDIRECT MEDICAL EDUCATION PERFORMANCE ADJUSTMENT AND PRIMARY CARE TRAINING BONUS.

Section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)) is amended—

(1) by redesignating the clause (x) as added by section 5505(b) of the Patient Protection and Affordable Care Act as clause (xi); and

(2) by adding at the end the following new clauses:

“(xi) **ADJUSTMENT FOR PERFORMANCE.**—

“(I) **IN GENERAL.**—The Secretary shall establish and implement procedures under which the amount of payments that a hospital would otherwise receive for indirect medical education costs under this subparagraph for discharges occurring during an applicable period is adjusted based on the performance of the hospital on measures of health care work force priorities specified by the Secretary.

“(II) **MEASURES.**—The measures of health care workforce priorities specified by the Secretary under this clause shall include the extent of training provided in—

“(aa) primary care (as defined in subclause (VII)), excluding fellowships;

“(bb) a variety of settings and systems;

“(cc) the coordination of patient care across settings;

“(dd) the relevant cost and value of various diagnostic and treatment options;

“(ee) interprofessional and multidisciplinary care teams;

“(ff) methods for identifying system errors and implementing system solutions; and

“(gg) the use of health information technology.

“(III) **MEASURE DEVELOPMENT PROCEDURES.**—

“(aa) **IN GENERAL.**—The measures of health care workforce priorities specified by the Secretary under this clause shall be measures that have been adopted or endorsed by a consensus organization (such as the Accreditation Council for Graduate Medical Education or the Commission on Osteopathic College Accreditation), that include measures that have been submitted by teaching hospitals and medical schools, and that the Secretary identifies as having used a consensus-based process for developing such measures.

“(bb) **PROPOSED SET OF MEASURES.**—Not later than January 1, 2013, the Secretary shall publish in the Federal Register a proposed set of measures for use under this clause. The Secretary shall provide for a period of public comment on such measures.

“(cc) **FINAL SET OF MEASURES.**—Not later than June 30, 2013, the Secretary shall publish in the Federal Register the set of measures to be specified by the Secretary for use under this clause.

“(IV) **ADJUSTMENT.**—Subject to subclause (V), the Secretary shall determine the amount of any adjustment under this clause to payments to a hospital under this subparagraph in an applicable period. Such adjustment may not exceed an amount equal to 3 percent of the total amount that the hospital would otherwise receive under this subparagraph in such period.

“(V) **BUDGET NEUTRAL.**—In making adjustments under this clause, the Secretary shall ensure that the total amount of payments made to all hospitals under this subparagraph for an applicable period is equal to the total amount of payments that would have been made to such hospitals under this subparagraph in such period if this clause and clause (xii)(III) had not been enacted.

“(VI) **PRIMARY CARE DEFINED.**—In this clause, the term ‘primary care’ means family medicine, general internal medicine, general pediatrics, preventive medicine, obstetrics and gynecology, and psychiatry.

“(VII) **APPLICABLE PERIOD DEFINED.**—In this clause, the term ‘applicable period’ means the 12-month period beginning on July 1 of each year (beginning with 2013).

“(xiii) **BONUS PAYMENT FOR TRAINING IN PRIMARY CARE.**—

“(I) **IN GENERAL.**—Subject to subclause (III), in the case of discharges occurring during an applicable period, in addition to the amount of payments that a hospital receives for indirect medical education costs under this subparagraph for such discharges (determined after any adjustment under clause (xii)), there shall also be paid to the hospital an amount equal to 1 percent of such payments if, during such applicable period, at least 33 percent of full-time equivalent residents (excluding fellowships) enrolled in the hospital’s medical residency training programs were enrolled in medical residency training programs in primary care (as defined in clause (xii)(VI)).

“(II) **PAYMENTS FROM MEDICAL EDUCATION TRUST FUND.**—Payments to hospitals under subclause (I) shall be made from the Medical Education Trust Fund under section 9512 of the Internal Revenue Code of 1986.

“(III) **LIMITATION.**—The total of the payments made to eligible hospitals under subclause (I) with respect to an applicable period shall not exceed an amount equal to the funds appropriated to such Trust Fund under subsection (b)(1) of such section 9512 for the fiscal year ending on September 30 of such applicable period.”.

SEC. 3. PAYMENTS FOR GRADUATE MEDICAL EDUCATION TO HOSPITALS NOT OTHERWISE ELIGIBLE FOR PAYMENTS UNDER THE MEDICARE PROGRAM.

Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

“**GRADUATE MEDICAL EDUCATION PAYMENTS FOR HOSPITALS NOT OTHERWISE ELIGIBLE**

“**SEC. 1899B. (a) PROGRAM.**—

“(1) **IN GENERAL.**—The Secretary shall establish a program under which payments are made to eligible hospitals for each applicable period for direct expenses and indirect expenses associated with operating approved graduate medical residency training programs.

“(2) **REQUIREMENTS.**—Under the program under paragraph (1), the provisions of section 340E of the Public Health Service Act shall

apply to payments to eligible hospitals in a similar manner as such provisions apply to payments to children’s hospitals under such section 340E, except that—

“(A) payments to eligible hospitals under the program shall be made from the Medical Education Trust Fund under section 9512 of the Internal Revenue Code of 1986; and

“(B) the total of the payments made to eligible hospitals under the program in an applicable period shall not exceed an amount equal to—

“(i) the funds appropriated to such Trust Fund under subsection (b)(1) of such section 9512 for the fiscal year ending on September 30 of such applicable period; minus

“(ii) the total amount of payments made to hospitals under section 1886(d)(5)(B)(xiii) in applicable period.

“(b) **ELIGIBLE HOSPITAL DEFINED.**—In this section, the term ‘eligible hospital’ means the following hospitals:

“(1) A children’s hospital (as defined in section 340E(g)(2) of the Public Health Service Act).

“(2) A freestanding psychiatric hospital that has—

“(A) 90 percent or more inpatients under the age of 18;

“(B) its own Medicare provider number as of December 6, 1999; and

“(C) an accredited residency program.

“(3) A hospital—

“(A) that annually has at least 3,000 births;

“(B) for which less than 4 percent of the total annual discharges from the hospital are Medicare discharges of individuals who, as of the time of the discharge—

“(i) were entitled to, or enrolled for, benefits under part A; and

“(ii) were not enrolled in—

“(I) a Medicare Advantage plan under part C;

“(II) an eligible organization under section 1876; or

“(III) a PACE program under section 1894;

“(C) that has its own Medicare provider number; and

“(D) that has an accredited residency program.

“(c) **APPLICABLE PERIOD DEFINED.**—In this section, the term ‘applicable period’ has the meaning given that term in section 1886(d)(5)(B)(xii)(VII).

“(d) **REGULATIONS.**—The Secretary shall promulgate regulations to carry out this section.”.

SEC. 4. INCREASING GRADUATE MEDICAL EDUCATION TRANSPARENCY.

(a) **IN GENERAL.**—Not later than 2 years after the date of the enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit to Congress and the National Health Care Workforce Commission under section 5101 of the Patient Protection and Affordable Care Act a report on the graduate medical education payments that hospitals receive under the Medicare program. The report shall include the following information with respect to each hospital that receives such payments:

(1) The direct graduate medical education payments made to the hospital under section 1886(h) of the Social Security Act (42 U.S.C. 1395ww(h)).

(2) The indirect medical education payments made to the hospital under section 1886(d)(5)(B) of such Act (42 U.S.C. 1395ww(d)(1)(B)).

(3) The number of residents counted for purposes of making the payments described in paragraph (1).

(4) The number of residents counted for purposes of making the payments described in paragraph (2).

(5) The number of residents, if any, that are not counted for purposes of making payments described in paragraph (1).

(6) The number of residents, if any, that are not counted for purposes of making payments described in paragraph (2).

(7) The percent that the payments described in paragraphs (1) and (2) that are made to the hospital make up of the total costs that the hospital incurs in providing graduate medical education, including salaries, benefits, operational expenses, and all other patient care costs.

SEC. 5. ESTABLISHMENT OF TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to establishment of trust funds) is amended by adding at the end the following new section:

“SEC. 9512. MEDICAL EDUCATION TRUST FUND.

“(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the ‘Medical Education Trust Fund’ (hereafter in this section referred to as the ‘Trust Fund’), consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section and section 9602(b).

“(b) TRANSFERS TO FUND.—

“(1) APPROPRIATIONS.—There are hereby appropriated to the Trust Fund in each fiscal year (beginning with fiscal year 2013) the sum of an amount equivalent to one-half (or, in the case of fiscal year 2013, two-thirds) of the net revenues received in the Treasury from the fees imposed under subchapter B of chapter 34 (relating to fees on health insurance and self-insured plans).

“(2) LIMITATION ON TRANSFERS.—No amount may be appropriated or transferred to the Trust Fund on and after the date of any expenditure from the Trust Fund which is not an expenditure permitted under this section. The determination of whether an expenditure is so permitted shall be made without regard to—

“(A) any provision of law which is not contained or referenced in this chapter or in a revenue Act; and

“(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this paragraph.

“(c) TRUSTEE.—The Secretary of Health and Human Services shall be a trustee of the Trust Fund.

“(d) EXPENDITURES FROM TRUST FUND.—Amounts in the Trust Fund are available, without further appropriation, to the Secretary of Health and Human Services for making payments under sections 1886(d)(5)(B)(xiii) and 1899B of the Social Security Act.

“(e) NET REVENUES.—For purposes of this section, the term ‘net revenues’ means the amount estimated by the Secretary of the Treasury based on the excess of—

“(1) the fees received in the Treasury under subchapter B of chapter 34, over

“(2) the decrease in the tax imposed by chapter 1 resulting from the fees imposed by such subchapter.”.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 9512. Medical Education Trust Fund.”.

SEC. 6. PARTIAL FINANCING FOR TRUST FUND FROM FEES ON INSURED AND SELF-INSURED HEALTH PLANS.

(a) IMPOSITION OF FEE.—Section 4375(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking “\$2” and inserting “\$4”; and

(2) by striking “\$1” and inserting “\$3”.

(b) CONFORMING AMENDMENT TO THE PATIENT-CENTERED OUTCOMES RESEARCH TRUST FUND.—Section 9511(b)(1)(E) of the Internal Revenue Code of 1986 is amended by inserting “one-half (or, in the case of fiscal year 2013, one-third) of” after “equivalent to”.

By Mr. DURBIN (for himself, Mr. LEAHY, and Mr. LUGAR):

S. 3962. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes; read the first time.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3962

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Development, Relief, and Education for Alien Minors Act of 2010” or the “DREAM Act of 2010”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Definitions.

Sec. 4. Cancellation of removal and adjustment of status of certain long-term residents who entered the United States as children.

Sec. 5. Conditional permanent resident status.

Sec. 6. Retroactive benefits under this Act.

Sec. 7. Exclusive jurisdiction.

Sec. 8. Penalties for false statements in application.

Sec. 9. Confidentiality of information.

Sec. 10. Higher Education assistance.

Sec. 11. GAO report.

SEC. 3. DEFINITIONS.

In this Act:

(1) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) UNIFORMED SERVICES.—The term “uniformed services” has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. 4. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) SPECIAL RULE FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as otherwise provided in this Act, the Secretary of Homeland Security may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, subject to

the conditional basis described in section 5, an alien who is inadmissible or deportable from the United States, if the alien demonstrates that—

(A) the alien has been physically present in the United States for a continuous period of not less than 5 years immediately preceding the date of enactment of this Act and was younger than 16 years of age on the date the alien initially entered the United States;

(B) the alien has been a person of good moral character since the date of the enactment of this Act;

(C) the alien—

(i) is not inadmissible under paragraph (2), (3), (6)(E), (10)(A), or (10)(C) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)); and

(ii) is not deportable under paragraph (1)(E), (2), or (4) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a));

(D) the alien—

(i) has been admitted to an institution of higher education in the United States; or

(ii) has earned a high school diploma or obtained a general education development certificate in the United States;

(E) the alien has never been under a final administrative or judicial order of exclusion, deportation, or removal, unless the alien—

(i) has remained in the United States under color of law after such order was issued; or

(ii) received the order before attaining the age of 16 years; and

(F) the alien was younger than 35 years of age on the date of the enactment of this Act.

(2) WAIVER.—Notwithstanding paragraph (1), the Secretary of Homeland Security may waive the ground of ineligibility under section 212(a)(6)(E) of the Immigration and Nationality Act and the ground of deportability under paragraph (1)(E) of section 237(a) of that Act for humanitarian purposes or family unity or when it is otherwise in the public interest.

(3) PROCEDURES.—The Secretary of Homeland Security shall provide a procedure by regulation allowing eligible individuals to apply affirmatively for the relief available under this subsection without being placed in removal proceedings.

(4) DEADLINE FOR SUBMISSION OF APPLICATION.—An alien shall submit an application for cancellation of removal or adjustment of status under this subsection no later than the date that is one year after the date the alien—

(A) was admitted to an institution of higher education in the United States; or

(B) earned a high school diploma or obtained a general education development certificate in the United States.

(b) TERMINATION OF CONTINUOUS PERIOD.—For purposes of this section, any period of continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(c) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

(1) IN GENERAL.—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(2) EXTENSIONS FOR EXCEPTIONAL CIRCUMSTANCES.—The Secretary of Homeland

Security may extend the time periods described in paragraph (1) if the alien demonstrates that the failure to timely return to the United States was due to exceptional circumstances. The exceptional circumstances determined sufficient to justify an extension should be no less compelling than serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child.

(d) **EXEMPTION FROM NUMERICAL LIMITATIONS.**—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for cancellation of removal or adjustment of status under this section.

(e) **REGULATIONS.**—

(1) **PROPOSED REGULATIONS.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) **INTERIM, FINAL REGULATIONS.**—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary of Homeland Security shall publish final regulations implementing this section.

(f) **REMOVAL OF ALIEN.**—The Secretary of Homeland Security may not remove any alien who has a pending application for conditional status under this Act.

SEC. 5. CONDITIONAL PERMANENT RESIDENT STATUS.

(a) **IN GENERAL.**—

(1) **CONDITIONAL BASIS FOR STATUS.**—Notwithstanding any other provision of law, and except as provided in section 6, an alien whose status has been adjusted under section 4 to that of an alien lawfully admitted for permanent residence shall be considered to have obtained such status on a conditional basis subject to the provisions of this section. Such conditional permanent resident status shall be valid for a period of 6 years, subject to termination under subsection (b).

(2) **NOTICE OF REQUIREMENTS.**—

(A) **AT TIME OF OBTAINING PERMANENT RESIDENCE.**—At the time an alien obtains permanent resident status on a conditional basis under paragraph (1), the Secretary of Homeland Security shall provide for notice to the alien regarding the provisions of this section and the requirements of subsection (c) to have the conditional basis of such status removed.

(B) **EFFECT OF FAILURE TO PROVIDE NOTICE.**—The failure of the Secretary of Homeland Security to provide a notice under this paragraph—

(i) shall not affect the enforcement of the provisions of this Act with respect to the alien; and

(ii) shall not give rise to any private right of action by the alien.

(b) **TERMINATION OF STATUS.**—

(1) **IN GENERAL.**—The Secretary of Homeland Security shall terminate the conditional permanent resident status of any alien who obtained such status under this Act, if the Secretary determines that the alien—

(A) ceases to meet the requirements of subparagraph (B) or (C) of section 4(a)(1);

(B) has become a public charge; or

(C) has received a dishonorable or other than honorable discharge from the uniformed services.

(2) **RETURN TO PREVIOUS IMMIGRATION STATUS.**—Any alien whose conditional permanent resident status is terminated under

paragraph (1) shall return to the immigration status the alien had immediately prior to receiving conditional permanent resident status under this Act.

(c) **REQUIREMENTS OF TIMELY PETITION FOR REMOVAL OF CONDITION.**—

(1) **IN GENERAL.**—In order for the conditional basis of permanent resident status obtained by an alien under subsection (a) to be removed, the alien must file with the Secretary of Homeland Security, in accordance with paragraph (3), a petition which requests the removal of such conditional basis and which provides, under penalty of perjury, the facts and information so that the Secretary may make the determination described in paragraph (2)(A).

(2) **ADJUDICATION OF PETITION TO REMOVE CONDITION.**—

(A) **IN GENERAL.**—If a petition is filed in accordance with paragraph (1) for an alien, the Secretary of Homeland Security shall make a determination as to whether the alien meets the requirements set out in subparagraphs (A) through (E) of subsection (d)(1).

(B) **REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.**—If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and immediately remove the conditional basis of the status of the alien.

(C) **TERMINATION IF ADVERSE DETERMINATION.**—If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and terminate the conditional permanent resident status of the alien as of the date of the determination.

(3) **TIME TO FILE PETITION.**—An alien may petition to remove the conditional basis to lawful resident status during the period beginning 180 days before and ending 2 years after either the date that is 6 years after the date of the granting of conditional permanent resident status or any other expiration date of the conditional permanent resident status as extended by the Secretary of Homeland Security in accordance with this Act. The alien shall be deemed in conditional permanent resident status in the United States during the period in which the petition is pending.

(d) **DETAILS OF PETITION.**—

(1) **CONTENTS OF PETITION.**—Each petition for an alien under subsection (c)(1) shall contain information to permit the Secretary of Homeland Security to determine whether each of the following requirements is met:

(A) The alien has demonstrated good moral character during the entire period the alien has been a conditional permanent resident.

(B) The alien is in compliance with section 4(a)(1)(C).

(C) The alien has not abandoned the alien's residence in the United States. The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that the alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the uniformed services has not abandoned the alien's residence in the United States during the period of such service.

(D) The alien has completed at least 1 of the following:

(i) The alien has acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States.

(ii) The alien has served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge.

(E) The alien has provided a list of each secondary school (as that term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that the alien attended in the United States.

(2) **HARDSHIP EXCEPTION.**—

(A) **IN GENERAL.**—The Secretary of Homeland Security may, in the Secretary's discretion, remove the conditional status of an alien if the alien—

(i) satisfies the requirements of subparagraphs (A), (B), and (C) of paragraph (1);

(ii) demonstrates compelling circumstances for the inability to complete the requirements described in paragraph (1)(D); and

(iii) demonstrates that the alien's removal from the United States would result in exceptional and extremely unusual hardship to the alien or the alien's spouse, parent, or child who is a citizen or a lawful permanent resident of the United States.

(B) **EXTENSION.**—Upon a showing of good cause, the Secretary of Homeland Security may extend the period of conditional resident status for the purpose of completing the requirements described in paragraph (1)(D).

(e) **TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.**—For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence. However, the conditional basis must be removed before the alien may apply for naturalization.

SEC. 6. RETROACTIVE BENEFITS UNDER THIS ACT.

If, on the date of enactment of this Act, an alien has satisfied all the requirements of subparagraphs (A) through (E) of section 4(a)(1) and section 5(d)(1)(D), the Secretary of Homeland Security may adjust the status of the alien to that of a conditional resident in accordance with section 4. The alien may petition for removal of such condition at the end of the conditional residence period in accordance with section 5(c) if the alien has met the requirements of subparagraphs (A), (B), and (C) of section 5(d)(1) during the entire period of conditional residence.

SEC. 7. EXCLUSIVE JURISDICTION.

(a) **IN GENERAL.**—The Secretary of Homeland Security shall have exclusive jurisdiction to determine eligibility for relief under this Act, except where the alien has been placed into deportation, exclusion, or removal proceedings either prior to or after filing an application for relief under this Act, in which case the Attorney General shall have exclusive jurisdiction and shall assume all the powers and duties of the Secretary until proceedings are terminated, or if a final order of deportation, exclusion, or removal is entered the Secretary shall resume all powers and duties delegated to the Secretary under this Act.

(b) **STAY OF REMOVAL OF CERTAIN ALIENS ENROLLED IN PRIMARY OR SECONDARY SCHOOL.**—The Attorney General shall stay the removal proceedings of any alien who—

(1) meets all the requirements of subparagraphs (A), (B), (C), and (E) of section 4(a)(1);

(2) is at least 12 years of age; and

(3) is enrolled full time in a primary or secondary school.

(c) **EMPLOYMENT.**—An alien whose removal is stayed pursuant to subsection (b) may be engaged in employment in the United States consistent with the Fair Labor Standards Act (29 U.S.C. 201 et seq.) and State and local laws governing minimum age for employment.

(d) **LIFT OF STAY.**—The Attorney General shall lift the stay granted pursuant to subsection (b) if the alien—

(1) is no longer enrolled in a primary or secondary school; or

(2) ceases to meet the requirements of subsection (b)(1).

SEC. 8. PENALTIES FOR FALSE STATEMENTS IN APPLICATION.

Whoever files an application for relief under this Act and willfully and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

SEC. 9. CONFIDENTIALITY OF INFORMATION.

(a) **PROHIBITION.**—Except as provided in subsection (b), no officer or employee of the United States may—

(1) use the information furnished by the applicant pursuant to an application filed under this Act to initiate removal proceedings against any persons identified in the application;

(2) make any publication whereby the information furnished by any particular individual pursuant to an application under this Act can be identified; or

(3) permit anyone other than an officer or employee of the United States Government or, in the case of applications filed under this Act with a designated entity, that designated entity, to examine applications filed under this Act.

(b) **REQUIRED DISCLOSURE.**—The Attorney General or the Secretary of Homeland Security shall provide the information furnished under this section, and any other information derived from such furnished information, to—

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(c) **PENALTY.**—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than \$10,000.

SEC. 10. HIGHER EDUCATION ASSISTANCE.

Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who adjusts status to that of a lawful permanent resident under this Act shall be eligible only for the following assistance under such title:

(1) Student loans under parts B, D, and E of such title IV (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.), subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.

SEC. 11. GAO REPORT.

Not later than seven years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report setting forth—

(1) the number of aliens who were eligible for cancellation of removal and adjustment of status under section 4(a);

(2) the number of aliens who applied for adjustment of status under section 4(a);

(3) the number of aliens who were granted adjustment of status under section 4(a); and

(4) the number of aliens whose conditional permanent resident status was removed under section 5.

By Mr. DURBIN (for himself, Mr. LEAHY, and Mr. LUGAR):

S. 3963. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes; read the first time.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3963

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Development, Relief, and Education for Alien Minors Act of 2010” or the “DREAM Act of 2010”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Definitions.

Sec. 4. Cancellation of removal and adjustment of status of certain long-term residents who entered the United States as children.

Sec. 5. Conditional permanent resident status.

Sec. 6. Retroactive benefits under this Act.

Sec. 7. Exclusive jurisdiction.

Sec. 8. Penalties for false statements in application.

Sec. 9. Confidentiality of information.

Sec. 10. Higher Education assistance.

Sec. 11. GAO report.

SEC. 3. DEFINITIONS.

In this Act:

(1) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) **UNIFORMED SERVICES.**—The term “uniformed services” has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. 4. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) **SPECIAL RULE FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law and except as other-

wise provided in this Act, the Secretary of Homeland Security may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, subject to the conditional basis described in section 5, an alien who is inadmissible or deportable from the United States, if the alien demonstrates that—

(A) the alien has been physically present in the United States for a continuous period of not less than 5 years immediately preceding the date of enactment of this Act and was younger than 16 years of age on the date the alien initially entered the United States;

(B) the alien has been a person of good moral character since the date of the enactment of this Act;

(C) the alien—

(i) is not inadmissible under paragraph (2), (3), (6)(E), (10)(A), or (10)(C) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)); and

(ii) is not deportable under paragraph (1)(E), (2), or (4) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a));

(D) the alien—

(i) has been admitted to an institution of higher education in the United States; or

(ii) has earned a high school diploma or obtained a general education development certificate in the United States;

(E) the alien has never been under a final administrative or judicial order of exclusion, deportation, or removal, unless the alien—

(i) has remained in the United States under color of law after such order was issued; or

(ii) received the order before attaining the age of 16 years; and

(F) the alien was younger than 30 years of age on the date of the enactment of this Act.

(2) **WAIVER.**—Notwithstanding paragraph (1), the Secretary of Homeland Security may waive the ground of ineligibility under section 212(a)(6)(E) of the Immigration and Nationality Act and the ground of deportability under paragraph (1)(E) of section 237(a) of that Act for humanitarian purposes or family unity or when it is otherwise in the public interest.

(3) **PROCEDURES.**—The Secretary of Homeland Security shall provide a procedure by regulation allowing eligible individuals to apply affirmatively for the relief available under this subsection without being placed in removal proceedings.

(4) **DEADLINE FOR SUBMISSION OF APPLICATION.**—An alien shall submit an application for cancellation of removal or adjustment of status under this subsection no later than the date that is one year after the date the alien—

(A) was admitted to an institution of higher education in the United States; or

(B) earned a high school diploma or obtained a general education development certificate in the United States.

(b) **TERMINATION OF CONTINUOUS PERIOD.**—For purposes of this section, any period of continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(c) **TREATMENT OF CERTAIN BREAKS IN PRESENCE.**—

(1) **IN GENERAL.**—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(2) **EXTENSIONS FOR EXCEPTIONAL CIRCUMSTANCES.**—The Secretary of Homeland Security may extend the time periods described in paragraph (1) if the alien demonstrates that the failure to timely return to the United States was due to exceptional circumstances. The exceptional circumstances determined sufficient to justify an extension should be no less compelling than serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child.

(d) **EXEMPTION FROM NUMERICAL LIMITATIONS.**—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for cancellation of removal or adjustment of status under this section.

(e) **REGULATIONS.**—

(1) **PROPOSED REGULATIONS.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) **INTERIM, FINAL REGULATIONS.**—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary of Homeland Security shall publish final regulations implementing this section.

(f) **REMOVAL OF ALIEN.**—The Secretary of Homeland Security may not remove any alien who has a pending application for conditional status under this Act.

SEC. 5. CONDITIONAL PERMANENT RESIDENT STATUS.

(a) **IN GENERAL.**—

(1) **CONDITIONAL BASIS FOR STATUS.**—Notwithstanding any other provision of law, and except as provided in section 6, an alien whose status has been adjusted under section 4 to that of an alien lawfully admitted for permanent residence shall be considered to have obtained such status on a conditional basis subject to the provisions of this section. Such conditional permanent resident status shall be valid for a period of 6 years, subject to termination under subsection (b).

(2) **NOTICE OF REQUIREMENTS.**—

(A) **AT TIME OF OBTAINING PERMANENT RESIDENCE.**—At the time an alien obtains permanent resident status on a conditional basis under paragraph (1), the Secretary of Homeland Security shall provide for notice to the alien regarding the provisions of this section and the requirements of subsection (c) to have the conditional basis of such status removed.

(B) **EFFECT OF FAILURE TO PROVIDE NOTICE.**—The failure of the Secretary of Homeland Security to provide a notice under this paragraph—

(i) shall not affect the enforcement of the provisions of this Act with respect to the alien; and

(ii) shall not give rise to any private right of action by the alien.

(b) **TERMINATION OF STATUS.**—

(1) **IN GENERAL.**—The Secretary of Homeland Security shall terminate the conditional permanent resident status of any alien who obtained such status under this Act, if the Secretary determines that the alien—

(A) ceases to meet the requirements of subparagraph (B) or (C) of section 4(a)(1);

(B) has become a public charge; or

(C) has received a dishonorable or other than honorable discharge from the uniformed services.

(2) **RETURN TO PREVIOUS IMMIGRATION STATUS.**—Any alien whose conditional perma-

nent resident status is terminated under paragraph (1) shall return to the immigration status the alien had immediately prior to receiving conditional permanent resident status under this Act.

(c) **REQUIREMENTS OF TIMELY PETITION FOR REMOVAL OF CONDITION.**—

(1) **IN GENERAL.**—In order for the conditional basis of permanent resident status obtained by an alien under subsection (a) to be removed, the alien must file with the Secretary of Homeland Security, in accordance with paragraph (3), a petition which requests the removal of such conditional basis and which provides, under penalty of perjury, the facts and information so that the Secretary may make the determination described in paragraph (2)(A).

(2) **ADJUDICATION OF PETITION TO REMOVE CONDITION.**—

(A) **IN GENERAL.**—If a petition is filed in accordance with paragraph (1) for an alien, the Secretary of Homeland Security shall make a determination as to whether the alien meets the requirements set out in subparagraphs (A) through (E) of subsection (d)(1).

(B) **REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.**—If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and immediately remove the conditional basis of the status of the alien.

(C) **TERMINATION IF ADVERSE DETERMINATION.**—If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and terminate the conditional permanent resident status of the alien as of the date of the determination.

(3) **TIME TO FILE PETITION.**—An alien may petition to remove the conditional basis to lawful resident status during the period beginning 180 days before and ending 2 years after either the date that is 6 years after the date of the granting of conditional permanent resident status or any other expiration date of the conditional permanent resident status as extended by the Secretary of Homeland Security in accordance with this Act. The alien shall be deemed in conditional permanent resident status in the United States during the period in which the petition is pending.

(d) **DETAILS OF PETITION.**—

(1) **CONTENTS OF PETITION.**—Each petition for an alien under subsection (c)(1) shall contain information to permit the Secretary of Homeland Security to determine whether each of the following requirements is met:

(A) The alien has demonstrated good moral character during the entire period the alien has been a conditional permanent resident.

(B) The alien is in compliance with section 4(a)(1)(C).

(C) The alien has not abandoned the alien's residence in the United States. The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that the alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the uniformed services has not abandoned the alien's residence in the United States during the period of such service.

(D) The alien has completed at least 1 of the following:

(i) The alien has acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States.

(ii) The alien has served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge.

(E) The alien has provided a list of each secondary school (as that term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that the alien attended in the United States.

(2) **HARDSHIP EXCEPTION.**—

(A) **IN GENERAL.**—The Secretary of Homeland Security may, in the Secretary's discretion, remove the conditional status of an alien if the alien—

(i) satisfies the requirements of subparagraphs (A), (B), and (C) of paragraph (1);

(ii) demonstrates compelling circumstances for the inability to complete the requirements described in paragraph (1)(D); and

(iii) demonstrates that the alien's removal from the United States would result in exceptional and extremely unusual hardship to the alien or the alien's spouse, parent, or child who is a citizen or a lawful permanent resident of the United States.

(B) **EXTENSION.**—Upon a showing of good cause, the Secretary of Homeland Security may extend the period of conditional resident status for the purpose of completing the requirements described in paragraph (1)(D).

(e) **TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.**—For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence. However, the conditional basis must be removed before the alien may apply for naturalization.

SEC. 6. RETROACTIVE BENEFITS UNDER THIS ACT.

If, on the date of enactment of this Act, an alien has satisfied all the requirements of subparagraphs (A) through (E) of section 4(a)(1) and section 5(d)(1)(D), the Secretary of Homeland Security may adjust the status of the alien to that of a conditional resident in accordance with section 4. The alien may petition for removal of such condition at the end of the conditional residence period in accordance with section 5(c) if the alien has met the requirements of subparagraphs (A), (B), and (C) of section 5(d)(1) during the entire period of conditional residence.

SEC. 7. EXCLUSIVE JURISDICTION.

(a) **IN GENERAL.**—The Secretary of Homeland Security shall have exclusive jurisdiction to determine eligibility for relief under this Act, except where the alien has been placed into deportation, exclusion, or removal proceedings either prior to or after filing an application for relief under this Act, in which case the Attorney General shall have exclusive jurisdiction and shall assume all the powers and duties of the Secretary until proceedings are terminated, or if a final order of deportation, exclusion, or removal is entered the Secretary shall resume all powers and duties delegated to the Secretary under this Act.

(b) **STAY OF REMOVAL OF CERTAIN ALIENS ENROLLED IN PRIMARY OR SECONDARY SCHOOL.**—The Attorney General shall stay the removal proceedings of any alien who—

(1) meets all the requirements of subparagraphs (A), (B), (C), and (E) of section 4(a)(1);

(2) is at least 12 years of age; and

(3) is enrolled full time in a primary or secondary school.

(c) **EMPLOYMENT.**—An alien whose removal is stayed pursuant to subsection (b) may be engaged in employment in the United States consistent with the Fair Labor Standards Act (29 U.S.C. 201 et seq.) and State and local laws governing minimum age for employment.

(d) **LIFT OF STAY.**—The Attorney General shall lift the stay granted pursuant to subsection (b) if the alien—

(1) is no longer enrolled in a primary or secondary school; or

(2) ceases to meet the requirements of subsection (b)(1).

SEC. 8. PENALTIES FOR FALSE STATEMENTS IN APPLICATION.

Whoever files an application for relief under this Act and willfully and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

SEC. 9. CONFIDENTIALITY OF INFORMATION.

(a) **PROHIBITION.**—Except as provided in subsection (b), no officer or employee of the United States may—

(1) use the information furnished by the applicant pursuant to an application filed under this Act to initiate removal proceedings against any persons identified in the application;

(2) make any publication whereby the information furnished by any particular individual pursuant to an application under this Act can be identified; or

(3) permit anyone other than an officer or employee of the United States Government or, in the case of applications filed under this Act with a designated entity, that designated entity, to examine applications filed under this Act.

(b) **REQUIRED DISCLOSURE.**—The Attorney General or the Secretary of Homeland Security shall provide the information furnished under this section, and any other information derived from such furnished information, to—

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(c) **PENALTY.**—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than \$10,000.

SEC. 10. HIGHER EDUCATION ASSISTANCE.

Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who adjusts status to that of a lawful permanent resident under this Act shall be eligible only for the following assistance under such title:

(1) Student loans under parts B, D, and E of such title IV (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.), subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.

SEC. 11. GAO REPORT.

Not later than seven years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report setting forth—

(1) the number of aliens who were eligible for cancellation of removal and adjustment of status under section 4(a);

(2) the number of aliens who applied for adjustment of status under section 4(a);

(3) the number of aliens who were granted adjustment of status under section 4(a); and

(4) the number of aliens whose conditional permanent resident status was removed under section 5.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 678—CONGRATULATING THE PENN STATE NITTANY LIONS FOR THEIR 400TH WIN UNDER HEAD FOOTBALL COACH JOE PATERNO

Mr. CASEY (for himself and Mr. SPECTER) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 678

Whereas The Pennsylvania State University (referred to in this resolution as “Penn State”) reached this milestone of 400 wins under Joe Paterno on November 6, 2010;

Whereas the Penn State Nittany Lions football team has been coached by Joe Paterno for 60 years starting in 1950 when Joe Paterno was an assistant coach;

Whereas, in 2009, the graduation rate of Penn State players under Joe Paterno was 89 percent, and the graduation success rate was 85 percent, the highest rates among all football teams in the final 2009 Associated Press Top 25 poll;

Whereas Penn State’s football team has more wins under a single head coach than any other head coach in the National Collegiate Athletic Association (NCAA) Division 1A Football Bowl Subdivision (FBS) history;

Whereas Penn State is 1 of just 7 football teams with a history of more than 800 wins, and Joe Paterno has been active with the program for 691 of those games over 60 seasons, with an amazing record of 504 wins, 180 losses, and 7 ties (73.6 percent);

Whereas among Penn State’s accolades under Joe Paterno’s 45 years as head coach are 2 national championships, 7 undefeated seasons, 23 finished in the top 10 rankings, and 3 Big Ten conference championships since joining the NCAA Division 1A FBS conference in 1993;

Whereas Penn State has 24 bowl game wins and 36 bowl game appearances under Coach Joe Paterno, both of which are the most of any school under 1 football coach; and

Whereas the continued dedication to the players and emphasis on academic integrity and education of Penn State football under Joe Paterno has in Penn State fostering 15 Hall of Fame Scholar-Athletes, 34 first-team All-Americans, 44 overall Academic All-Americans, and 18 NCAA Postgraduate Scholarship winners: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Penn State football team for their unparalleled success resulting in 400 wins under head coach Joe Paterno; and

(2) commends the Penn State football program under head coach Joe Paterno for setting an example of honor, success, integrity, and respect for thousands of players, coaches, students, and fans throughout the Nation.

SENATE RESOLUTION 679—COMMEMORATING THE 100TH ANNIVERSARY OF THE WEEKS LAW

Mr. GREGG (for himself and Mrs. SHAHEEN) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 679

Whereas the 100th anniversary of the Act of March 1, 1911 (commonly known as the “Weeks Law”) (16 U.S.C. 552 et seq.), marks 1 of the most significant moments in conservation and Forest Service history;

Whereas New Hampshire, along with the southern Appalachians, was at the center of efforts to pass the Weeks Law;

Whereas John Wingate Weeks, sponsor of the Weeks Law, was born in Lancaster, New Hampshire, and maintained a summer home there that is now Weeks State Park;

Whereas, in 1903, the Appalachian Mountain Club, and the newly formed Society for the Protection of New Hampshire’s Forests, helped draft a bill for the creation of a forest reserve in the White Mountains;

Whereas passage of the Weeks Law on March 1, 1911, was made possible by an unprecedented collaboration of a broad spectrum of interests, including the Appalachian Mountain Club, the Society for the Protection of New Hampshire Forests, industrialists, small businesses, and the tourist industry;

Whereas, in 1914, the first 7,000 acres of land destined to be part of the White Mountain National Forest were acquired in Benton, New Hampshire, under the Weeks Law;

Whereas national forests were established and continue to be managed as multiple use public resources, providing recreational opportunities, wildlife habitat, watershed protection, and renewable timber resources;

Whereas the forest conservation brought about by the Weeks Law encouraged and inspired additional conservation by State and local government as well as private interests, further protecting the quality of life in the United States;

Whereas the White Mountain National Forest continues to draw millions of visitors annually who gain a renewed appreciation of the inherent value of the outdoors;

Whereas the multiple values and uses supported by the White Mountain National Forest today are a tribute to the collaboration of 100 years ago, an inspiration for the next 100 years, and an opportunity to remind the people of the United States to work together toward common goals on a common landscape; and

Whereas President Theodore Roosevelt stated “We want the active and zealous help of every man far-sighted enough to realize the importance from the standpoint of the nation’s welfare in the future of preserving the forests”: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the significance of the 100th anniversary of the Act of March 1, 1911 (commonly known as the “Weeks Law”) (16 U.S.C. 552 et seq.), to the history of conservation and the power of cooperation among unlikely allies;

(2) encourages efforts to celebrate the centennial in the White Mountain National Forest with a focus on the future as well as to commemorate the past; and

(3) encourages continued collaboration and cooperation among Federal, State, and local governments, as well as business, tourism, and conservation interests, to ensure that the many values and benefits flowing from the White Mountain National Forest today to the citizens of New Hampshire, and the rest of the United States, are recognized and supported in perpetuity.

SENATE RESOLUTION 680—SUPPORTING INTERNATIONAL TIGER CONSERVATION EFFORTS AND THE UPCOMING GLOBAL TIGER SUMMIT IN ST. PETERSBURG, RUSSIA

Mr. KERRY (for himself, Mr. BINGAMAN, Ms. SNOWE, Mr. CARDIN, Mr. WHITEHOUSE, and Mr. MERKLEY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 680

Whereas wild tiger populations have dwindled from approximately 100,000 at the beginning of the 20th century to as few as 3,200 in 2010, and only approximately 1,000 wild tigers are breeding females;

Whereas tigers now occupy a mere 7 percent of the habitat that tigers historically have occupied;

Whereas poaching, illegal wildlife trade, habitat conversion, depletion of prey base, conflict between humans and wildlife, and other pressures continue to threaten the last wild tigers;

Whereas the remaining tiger habitat in Asia supports some of the richest biodiversity and some of the poorest human populations;

Whereas the remaining tiger habitat benefits local human populations by providing watersheds and buffers against natural disaster and contributing to livelihoods;

Whereas the remaining tiger habitat in Asia represents some of the largest intact storehouses of terrestrial carbon on Earth, containing an average of 3½ times more carbon than areas outside of tiger habitat;

Whereas the tiger, an iconic species worldwide, can act as both a catalyst and a symbol for the conservation of the last great forests of Asia;

Whereas 2010, the “Year of the Tiger” in the Chinese calendar and beyond, presents a global opportunity to commit to halting the decline in tigers and to ensuring the doubling of the numbers of tigers by the next “Year of the Tiger” in 2022;

Whereas the Government of Russia is hosting the Global Tiger Summit in St. Petersburg, Russia, on November 22 through 24, 2010;

Whereas at the Summit, all 13 countries with remaining wild tiger populations are expected to commit to a Global Tiger Recovery Program;

Whereas the remaining tiger habitat is located in remote transnational areas, providing an opportunity for transboundary cooperation among countries with remaining wild tiger populations;

Whereas countries with remaining wild tiger populations need the support and cooperation of the global community to protect and restore wild tiger populations;

Whereas the United States has been a consistent leader in supporting international tiger conservation; and

Whereas strong United States support for remaining wild tiger populations, the Tiger Summit, and the Global Tiger Recovery Program will be central to the success of tiger conservation efforts: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals of the Tiger Summit, as such goals reinforce the interests of the United States in recovering tigers in accordance with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.), and the Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington March 3, 1973 (27 UST 1087; TIAS 8249);

(2) supports the efforts of United States government agencies to prevent poaching of tigers and to end trafficking in tigers and tiger parts, including through cooperation with the governments of countries with remaining wild tiger populations in training, capacity building, and law enforcement;

(3) supports the efforts of the United States government to protect tigers in the wild and the habitat of tigers through direct conservation assistance;

(4) acknowledges the important role that tiger habitats play in conserving biodiversity, securing forest carbon, protecting critical watersheds, providing buffers against natural disasters, and supporting livelihoods and human well-being in countries with remaining wild tiger populations;

(5) applauds the work of multilateral institutions, governmental, and nongovernmental conservation and environmental organizations working to recover tiger populations in the wild;

(6) commends the government of Russia for its leadership in hosting the Tiger Summit, which brings global attention to this important issue and launches the immediate implementation of National Tiger Recovery Priorities in the each of the 13 countries with remaining wild tiger populations;

(7) reaffirms the commitment of the United States government to tiger conservation;

(8) encourages the highest level of United States engagement in the Tiger Summit and in the outcomes of the Tiger Summit, including the provision of support to countries with remaining wild tiger populations in implementing the National Tiger Recovery Priorities and the Global Tiger Recovery Program; and

(9) urges concerted coordination among all relevant United States agencies to provide support to countries with remaining wild tiger populations in a manner that enables United States resources to provide maximum conservation benefits.

SENATE RESOLUTION 681—DESIGNATING THE WEEK OF NOVEMBER 15 THROUGH 19, 2010, AS “GLOBAL ENTREPRENEURSHIP WEEK/USA”

Mrs. SHAHEEN (for herself and Ms. SNOWE) submitted the following resolution; which was considered and agreed to:

S. RES. 681

Whereas more than ½ of the companies on the 2009 Fortune 500 list were launched during a recession or bear market;

Whereas 92 percent of Americans believe that entrepreneurs are critically important

to job creation and 75 percent believe that the United States cannot have a sustained economic recovery without another burst of entrepreneurial activity;

Whereas the economy and society of the United States, as well as the country as a whole, have benefitted greatly from the everyday use of breakthrough innovations developed and brought to market by entrepreneurs;

Whereas Global Entrepreneurship Week is an initiative aimed at inspiring young people to embrace innovation and creativity;

Whereas Global Entrepreneurship Week helps the next generation of entrepreneurs to acquire the knowledge, skills, and networks needed to create vibrant enterprises that will improve the lives and communities of the entrepreneurs;

Whereas, in 2009, more than 160,000 individuals participated in the more than 2,300 entrepreneurial activities held worldwide during Global Entrepreneurship Week;

Whereas, in 2009, more than 1,100 partner organizations participated in Global Entrepreneurship Week, including chambers of commerce, institutions of higher education, high schools, businesses, and State and local governments; and

Whereas, in 2010, thousands of organizations in the United States will join in the celebration by planning activities designed to inspire, connect, inform, mentor, and engage the next generation of entrepreneurs throughout Global Entrepreneurship Week/USA: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of November 15 through 19, 2010, as “Global Entrepreneurship Week”; and

(2) supports the goals of Global Entrepreneurship Week/USA, including—

(A) inspiring young people everywhere to embrace innovation, imagination, and creativity; and

(B) training the next generation of entrepreneurial leaders.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4691. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.; which was ordered to lie on the table.

SA 4692. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 510, supra; which was ordered to lie on the table.

SA 4693. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 510, supra; which was ordered to lie on the table.

SA 4694. Mr. INOUE (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 510, supra; which was ordered to lie on the table.

SA 4695. Mr. BOND (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 3538, to improve the cyber security of the United States and for other purposes; which was ordered to lie on the table.

SA 4696. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.; which was ordered to lie on the table.

SA 4697. Mr. COBURN (for himself, Mrs. McCASKILL, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the bill S. 510, supra; which was ordered to lie on the table.

SA 4698. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 510, supra; which was ordered to lie on the table.

SA 4699. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 510, supra; which was ordered to lie on the table.

SA 4700. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 510, supra; which was ordered to lie on the table.

SA 4701. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 510, supra; which was ordered to lie on the table.

SA 4702. Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill S. 510, supra; which was ordered to lie on the table.

SA 4703. Mr. NELSON of Nebraska (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4704. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4705. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4706. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4707. Mr. NELSON of Nebraska (for himself, Mr. WICKER, Mr. CASEY, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4691. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . CRIMINAL PENALTIES.

Section 303(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(a)) is amended—

(1) in paragraph (1), by striking “Any” and inserting “Except as provided in paragraph (2) or (3), any”;

(2) in paragraph (2), by striking “Notwithstanding the provisions of paragraph (1) of this section, if” and inserting “If”; and

(3) by adding at the end the following:

“(3) Any person who knowingly violates subsection (a), (b), (c), (k), or (v) of section 301 with respect to any food and with conscious or reckless disregard of a risk of death or serious bodily injury shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.”.

SA 4692. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 407. AMENDMENT TO TITLE 28.

(a) IN GENERAL.—Chapter 45 of title 28, United States Code, is amended by inserting at the end the following:

“§ 678. Televising Supreme Court proceedings

“The Supreme Court shall permit television coverage of all open sessions of the Court unless the Court decides, by a vote of the majority of justices, that allowing such coverage in a particular case would constitute a violation of the due process rights of 1 or more of the parties before the Court.”.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 45 of title 28, United States Code, is amended by inserting at the end the following:

“678. Televising Supreme Court proceedings.”.

SA 4693. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 407. DESIGNER ANABOLIC STEROID CONTROL.

(a) AMENDMENTS TO THE CONTROLLED SUBSTANCES ACT.—

(1) DEFINITIONS.—Section 102(41) of the Controlled Substances Act (21 U.S.C. 802(41)) is amended—

(A) in subparagraph (A)—

(i) in clause (xlix), by striking “and” at the end;

(ii) by redesignating clause (xlx) as clause (lxxx); and

(iii) by inserting after clause (xlix) the following:

“(1) 5 α -Androstan-3,6,17-trione;
“(li) Androst-4-ene-3,6,17-trione;
“(lii) Androsta-1,4,6-triene-3,17-dione;
“(liii) 6-bromo-androstan-3,17-dione;
“(liiv) 6-bromo-androsta-1,4-diene-3,17-dione;

“(lv) 4-chloro-17 α -methyl-androsta-1,4-diene-3,17-diol;

“(lvi) 4-chloro-17 α -methyl-androst-4-ene-3 β ,17-diol;

“(lvii) 4-chloro-17 α -methyl-17 β -hydroxy-androst-4-en-3-one;

“(lviii) 4-chloro-17 α -methyl-17 β -hydroxy-androst-4-ene-3,11-dione;

“(lix) 4-chloro-17 α -methyl-androsta-1,4-diene-3,17-diol;

“(lx) 2 α ,17 α -dimethyl-17 β -hydroxy-5 α -androstan-3-one;

“(lxi) 2 α ,17 α -dimethyl-17 β -hydroxy-5 β -androstan-3-one;

“(lxii) 2 α ,3 α -epithio-17 α -methyl-5 α -androstan-17 β -ol;

“(lxiii) [3,2-c]-furan-5 α -androstan-17 β -ol;

“(lxiv) 3 β -hydroxy-androst-1-en-17-one;

“(lxv) 3 β -hydroxy-androst-4-en-17-one;

“(lxvi) 3 β -hydroxy-estr-4-en-17-one;

“(lxvii) 3 β -hydroxy-estra-4,9,11-trien-17-one;

“(lxviii) 17 α -methyl-androst-2-ene-3,17 β -diol;

“(lxix) 17 α -methyl-androsta-1,4-diene-3,17 β -diol;

“(lxx) Estra-4,9,11-triene-3,17-dione;

“(lxxi) 18 α -Homo-3-hydroxy-estra-2,5(10)-dien-17-one;

“(lxxii) 6 α -Methyl-androst-4-ene-3,17-dione;

“(lxxiii) 17 α -Methyl-androstan-3-hydroxyimine-17 β -ol;

“(lxxiv) 17 α -Methyl-5 α -androstan-17 β -ol;

“(lxxv) 17 β -Hydroxy-androstano[2,3-d]isoxazole;

“(lxxvi) 17 β -Hydroxy-androstano[3,2-c]isoxazole

“(lxxvii) 4-Hydroxy-androst-4-ene-3,17-dione[3,2-c]pyrazole-5 α -androstan-17 β -ol;

“(lxxviii) [3,2-c]pyrazole-androst-4-en-17 β -ol;

“(lxxix) [3,2-c]pyrazole-5 α -androstan-17 β -ol; and”;

(B) by inserting at the end the following:

“(C) A drug or hormonal substance (other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone) that is not listed in subparagraph (A), and is derived from, or has a chemical structure substantially similar to, 1 or more anabolic steroids listed in subparagraph (A), shall, subject to the limitations of section 201(i)(6) (21 U.S.C. 811(i)(6)), be considered to be an anabolic steroid for purposes of this Act if—

“(i) the drug or substance has been created or manufactured with the intent of producing a drug or other substance that either—

“(I) promotes muscle growth; or

“(II) otherwise causes a pharmacological effect similar to that of testosterone; or

“(ii) the drug or substance has been, or is intended to be, marketed or otherwise promoted in any manner suggesting that consuming it will promote muscle growth or any other pharmacological effect similar to that of testosterone.”.

(2) CLASSIFICATION AUTHORITY.—Section 201 of the Controlled Substances Act (21 U.S.C. 811) is amended by adding at the end the following:

“(i) TEMPORARY AND PERMANENT SCHEDULING OF RECENTLY EMERGED ANABOLIC STEROIDS.—

“(1) The Attorney General may issue a temporary order adding a drug or other substance to the list of anabolic steroids if the Attorney General finds that—

“(A) the drug or other substance satisfies the criteria for being considered an anabolic steroid under section 102(41) but is not listed in that section or by regulation of the Attorney General as being an anabolic steroid; and

“(B) adding such drug or other substance to the list of anabolic steroids will assist in preventing the unlawful importation, manufacture, distribution, or dispensing of such drug or other substance.

“(2) An order issued under paragraph (1) shall not take effect until 30 days after the date of the publication by the Attorney General of a notice in the Federal Register of the intention to issue such order and the grounds upon which such order is to be issued. The order shall expire not later than 24 months after the date it becomes effective, except that the Attorney General may, during the pendency of proceedings under paragraph (5), extend the temporary scheduling order for up to 6 months.

“(3) A temporary scheduling order issued under paragraph (1) shall be vacated upon the issuance of a permanent scheduling order under paragraph (5).

“(4) An order issued under paragraph (1) is not subject to judicial review.

“(5) The Attorney General may, by rule, issue a permanent order adding a drug or other substance to the list of anabolic

steroids if such drug or other substance satisfies the criteria for being considered an anabolic steroid under section 102(41). Such rulemaking may be commenced simultaneously with the issuance of the temporary order issued under paragraph (1).

“(6) If a drug or other substance has not been temporarily or permanently added to the list of anabolic steroids pursuant to this subsection, the drug or other substance shall be considered an anabolic steroid if in any criminal, civil, or administrative proceeding arising under this Act it has been determined in such proceeding, based on evidence presented in the proceeding, that the substance satisfies the criteria for being considered an anabolic steroid under paragraph (41)(A), (41)(C)(i), or (41)(C)(ii) of section 102.”.

(3) LABELING REQUIREMENTS.—The Controlled Substances Act is amended by inserting after section 305 (21 U.S.C. 825) the following:

“SEC. 305A. OFFENSES INVOLVING FALSE LABELING OF ANABOLIC STEROIDS.

“(a) UNLAWFUL ACTS.—

“(1) It shall be unlawful—

“(A) to import into the United States or to export from the United States,

“(B) to manufacture, distribute, dispense, sell, or offer to sell; or

“(C) to possess with intent to manufacture, distribute, dispense, sell, or offer to sell; any anabolic steroid, or any product containing an anabolic steroid, unless it bears a label clearly identifying any anabolic steroid contained in such steroid or product by the nomenclature used by the International Union of Pure and Applied Chemistry (IUPAC).

“(2) A product that is the subject of an approved application as described in section 505(b), (i) or (j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b), (i), or (j)) is exempt from the International Union of Pure and Applied Chemistry nomenclature requirement of this subsection if such product is labeled in the manner required by the Federal Food, Drug, and Cosmetic Act.

“(b) CRIMINAL PENALTIES.—

“(1) Any person who violates subsection (a) shall be sentenced to a term of imprisonment of not more than 1 year, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or \$100,000 if the defendant is an individual or \$250,000 if the defendant is other than an individual, or both.

“(2) Any person who violates subsection (a) knowing, intending, or having reasonable cause to believe, that the substance or product is an anabolic steroid, or contains an anabolic steroid, shall be sentenced to a term of imprisonment of not more than 10 years, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or \$500,000 if the defendant is an individual or \$2,500,000 if the defendant is other than an individual, or both.

“(c) CIVIL PENALTIES.—

“(1) Any person who violates subsection (a) shall be subject to a civil penalty as follows:

“(A) In the case of an importer, exporter, manufacturer, or distributor (other than as provided in subparagraph (B)), up to \$500,000 per violation. For purposes of this subparagraph, a violation is defined as each instance of importation, exportation, manufacturing, or distribution, and each anabolic steroid or product imported, exported, manufactured, or distributed.

“(B) In the case of a sale or offer to sell at retail, up to \$25,000 per violation. For pur-

poses of this subparagraph, each sale and each product offered for sale shall be considered a separate violation. Continued offers to sell by a person 10 or more days after written notice (including through electronic message) to the person by the Attorney General or the Secretary shall be considered additional violations.

“(2) Any person who violates subsection (a) with a product that was, at the time of the violation, included on the list described in subsection (d) shall be subject to twice the civil penalty provided in paragraph (1).

“(3) In this subsection, the term ‘product’ means a discrete article, either in bulk or in finished form prepared for sale. A number of articles, if similarly packaged and bearing identical labels, shall be considered as one product, but each package size, form, or differently labeled article shall be considered a separate product.

“(d) IDENTIFICATION AND PUBLICATION OF LIST OF PRODUCTS CONTAINING ANABOLIC STEROIDS.—

“(1) The Attorney General may, in his discretion, collect data and analyze products to determine whether they contain anabolic steroids and are properly labeled in accordance with this section. The Attorney General may publish in the Federal Register or on the website of the Drug Enforcement Administration a list of products that he has determined, based on substantial evidence, contain an anabolic steroid and are not labeled in accordance with this section.

“(2) The absence of a product from the list referred to in paragraph (1) shall not constitute evidence that the product does not contain an anabolic steroid.”.

(b) SENTENCING COMMISSION GUIDELINES.—The United States Sentencing Commission shall—

(1) review and amend the Federal sentencing guidelines with respect to offenses involving anabolic steroids, including the offenses established under the amendments made by subsection (a) (section 305A of the Controlled Substance Act);

(2) amend the Federal sentencing guidelines, including notes to the drug quantity tables, to provide clearly that in a case involving an anabolic steroid not in a tablet, capsule, liquid, or other form where dosage can be readily ascertained (such as a powder, topical cream, gel, or aerosol), the sentence shall be determined based on the entire weight of the mixture or substance;

(3) amend the applicable guidelines by designating quantities of mixture or substance that correspond to a unit so that offenses involving such forms of anabolic steroids are penalized at least as severely as offenses involving forms whose dosage can be readily ascertained; and

(4) take such other action as the Commission considers necessary to carry out this section.

(c) CONGRESSIONAL OVERSIGHT.—The Administrator of the Drug Enforcement Administration shall report to Congress every 2 years—

(1) what anabolic steroids have been scheduled on a temporary basis under this section; and

(2) the findings and conclusions that led to such scheduling.

SA 4694. Mr. INOUE (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply;

which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

TITLE V—SEAFOOD SAFETY

SEC. 501. SHORT TITLE.

This title may be cited as the “Commercial Seafood Consumer Protection Act”.

SEC. 502. COMMERCIALY-MARKETED SEAFOOD CONSUMER PROTECTION SAFETY NET.

(a) IN GENERAL.—The Secretary of Commerce shall, in coordination with the Federal Trade Commission and other appropriate Federal agencies, and consistent with the international obligations of the United States, strengthen Federal consumer protection activities for ensuring that commercially-distributed seafood in the United States meets the food quality and safety requirements of applicable Federal laws.

(b) INTERAGENCY AGREEMENTS.—

(1) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Secretary and other appropriate Federal agencies shall execute memoranda of understanding or other agreements to strengthen interagency cooperation on seafood safety, seafood labeling, and seafood fraud.

(2) SCOPE OF AGREEMENTS.—The agreements shall include provisions, as appropriate for each such agreement, for—

(A) cooperative arrangements for examining and testing seafood imports that leverage the resources, capabilities, and authorities of each party to the agreement;

(B) coordination of inspections of foreign facilities to increase the percentage of imported seafood and seafood facilities inspected;

(C) standardizing data on seafood names, inspection records, and laboratory testing to improve interagency coordination;

(D) coordination of the collection, storage, analysis, and dissemination of all applicable information, intelligence, and data related to the importation, exportation, transportation, sale, harvest, processing, or trade of seafood in order to detect and investigate violations under applicable Federal laws, and to carry out the provisions of this title;

(E) developing a process for expediting imports of seafood into the United States from foreign countries and exporters that consistently adhere to the highest standards for ensuring seafood safety;

(F) coordination to track shipments of seafood in the distribution chain within the United States;

(G) enhancing labeling requirements and methods of assuring compliance with such requirements to clearly identify species and prevent fraudulent practices;

(H) a process by which officers and employees of the National Oceanic and Atmospheric Administration may be commissioned by the head of any other appropriate Federal agency to conduct or participate in seafood examinations and investigations under applicable Federal laws administered by such other agency;

(I) the sharing of information concerning observed non-compliance with United States seafood requirements domestically and in foreign countries and new regulatory decisions and policies that may affect regulatory outcomes;

(J) conducting joint training on subjects that affect and strengthen seafood inspection effectiveness by Federal authorities;

(K) sharing, to the maximum extent allowable by law, all applicable information, intelligence, and data related to the importation, exportation, transportation, sale, harvest, processing, or trade of seafood in order to detect and investigate violations under applicable Federal laws, or otherwise to carry out the provisions of this title; and

(L) outreach to private testing laboratories, seafood industries, and the public on Federal efforts to enhance seafood safety and compliance with labeling requirements, including education on Federal requirements for seafood safety and labeling and information on how these entities can work with appropriate Federal agencies to enhance and improve seafood inspection and assist in detecting and preventing seafood fraud and mislabeling.

(3) **ANNUAL REPORTS ON IMPLEMENTATION OF AGREEMENTS.**—The Secretary, the Chairman of the Federal Trade Commission, and the heads of other appropriate Federal agencies that are parties to agreements executed under paragraph (1) shall submit, jointly or severally, an annual report to the Congress concerning—

(A) specific efforts taken pursuant to the agreements;

(B) the budget and personnel necessary to strengthen seafood safety and labeling and prevent seafood fraud; and

(C) any additional authorities necessary to improve seafood safety and labeling and prevent seafood fraud.

(c) **MARKETING, LABELING, AND FRAUD REPORT.**—Within 1 year after the date of enactment of this Act, the Secretary and the Chairman of the Federal Trade Commission shall submit a joint report to the Congress on consumer protection and enforcement efforts with respect to seafood marketing and labeling in the United States. The report shall include—

(1) findings with respect to the scope of seafood fraud and deception in the United States market and its impact on consumers;

(2) information on how the National Oceanic and Atmospheric Administration and the Federal Trade Commission can work together more effectively to address fraud and unfair or deceptive acts or practices with respect to seafood;

(3) detailed information on the enforcement and consumer outreach activities undertaken by the National Oceanic and Atmospheric Administration and the Federal Trade Commission during the preceding year pursuant to this title; and

(4) an examination of the scope of unfair or deceptive acts or practices in the United States market with respect to foods other than seafood and whether additional enforcement authority or activity is warranted.

(d) **NOAA SEAFOOD INSPECTION AND MARKETING COORDINATION.**—

(1) **DECEPTIVE MARKETING AND FRAUD.**—The National Oceanic and Atmospheric Administration shall report deceptive seafood marketing and fraud to the Federal Trade Commission pursuant to an agreement under subsection (b).

(2) **APPLICATION WITH EXISTING AGREEMENTS.**—Nothing in this title shall be construed to impede, minimize, or otherwise affect any agreement or agreements regarding cooperation and information sharing in the inspection of fish and fishery products and establishments between the Department of Commerce and the Department of Health and Human Services in effect on the date of enactment of this Act. Within 6 months after the date of enactment of this Act, the Secretary of Commerce and the Secretary of

Health and Human Services shall submit a joint report to the Congress on implementation of any such agreement or agreements, including the extent to which the Food and Drug Administration has taken into consideration information resulting from inspections conducted by the Department of Commerce in making risk-based determinations such as the establishment of inspection priorities for domestic and foreign facilities and the examination and testing of imported seafood.

(3) **COORDINATION WITH SEA GRANT PROGRAM.**—The Administrator of the National Oceanic and Atmospheric Administration shall ensure that the NOAA Seafood Inspection Program is coordinated with the Sea Grant Program to provide outreach to States, consumers, and the seafood industry on seafood testing, seafood labeling, and seafood substitution, and strategies to combat mislabeling and fraud.

SEC. 503. CERTIFIED LABORATORIES.

Within 180 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Health and Human Services, shall increase the number of laboratories certified to the standards of the Food and Drug Administration in the United States and in countries that export seafood to the United States for the purpose of analyzing seafood and ensuring that the laboratories, including Federal, State, and private facilities, comply with applicable Federal laws. Within 1 year after the date of enactment of this Act, the Secretary of Commerce shall publish in the Federal Register a list of certified laboratories. The Secretary shall update and publish the list no less frequently than annually.

SEC. 504. NOAA LABORATORIES.

In any fiscal year beginning after the date of enactment of this Act, the Secretary may increase the number and capacity of laboratories operated by the National Oceanic and Atmospheric Administration involved in carrying out testing and other activities under this title to the extent that the Secretary determines that increased laboratory capacity is necessary to carry out the provisions of this title and as provided for in appropriations Acts.

SEC. 505. CONTAMINATED SEAFOOD.

(a) **REFUSAL OF ENTRY.**—The Secretary of Health and Human Services may issue an order refusing admission into the United States of all imports of seafood or seafood products originating from a country or exporter if the Secretary determines that shipments of such seafood or seafood products do not meet the requirements established under applicable Federal law.

(b) **INCREASED TESTING.**—If the Secretary of Health and Human Services determines that seafood imports originating from a country may not meet the requirements of Federal law, and determines that there is a lack of adequate certified laboratories to provide for the entry of shipments pursuant to section 503, then the Secretary may order an increase in the percentage of shipments tested of seafood originating from such country to improve detection of potential violations of such requirements.

(c) **ALLOWANCE OF INDIVIDUAL SHIPMENTS FROM EXPORTING COUNTRY OR EXPORTER.**—Notwithstanding an order under subsection (a) with respect to seafood originating from a country or exporter, the Secretary may permit individual shipments of seafood originating in that country or from that exporter to be admitted into the United States if—

(1) the exporter presents evidence from a laboratory certified by the Secretary that a

shipment of seafood meets the requirements of applicable Federal laws; and

(2) the Secretary, or other agent of a Federal agency authorized to conduct inspections of seafood, has inspected the shipment and has found that the shipment and the conditions of manufacturing meet the requirements of applicable Federal laws.

(d) **CANCELLATION OF ORDER.**—The Secretary may cancel an order under subsection (a) with respect to seafood exported from a country or exporter if all shipments into the United States under subsection (c) of seafood originating in that country or from that exporter more than 1 year after the date on which the Secretary issued the order have been found, under the procedures described in subsection (c), to meet the requirements of Federal law. If the Secretary determines that an exporter has failed to comply with the requirements of an order under subsection (a), the 1-year period in the preceding sentence shall run from the date of that determination rather than the date on which the order was issued.

(e) **EFFECT.**—This section shall be in addition to, and shall have no effect on, the authority of the Secretary of Health and Human Services under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) with respect to seafood, seafood products, or any other product.

SEC. 506. INSPECTION TEAMS.

(a) **INSPECTION OF FOREIGN SITES.**—The Secretary, in cooperation with the Secretary of Health and Human Services, may send 1 or more inspectors to a country or exporter from which seafood exported to the United States originates. The inspection team shall assess practices and processes being used in connection with the farming, cultivation, harvesting, preparation for market, or transportation of such seafood and may provide technical assistance related to the requirements established under applicable Federal laws to address seafood fraud and safety. The inspection team shall prepare a report for the Secretary of Commerce with its findings. The Secretary of Commerce shall make a copy of the report available to the country or exporter that is the subject of the report and provide a 30-day period during which the country or exporter may provide a rebuttal or other comments on the findings to the Secretary.

(b) **DISTRIBUTION AND USE OF REPORT.**—The Secretary shall provide the report to the Secretary of Health and Human Services as information for consideration in making risk-based determinations such as the establishment of inspection priorities of domestic and foreign facilities and the examination and testing of imported seafood. The Secretary shall provide the report to the Executive Director of the Federal Trade Commission for consideration in making recommendations to the Chairman of the Federal Trade Commission regarding consumer protection to prevent fraud, deception, and unfair business practices in the marketplace.

SEC. 507. SEAFOOD IDENTIFICATION.

(a) **STANDARDIZED LIST OF NAMES FOR SEAFOOD.**—The Secretary and the Secretary of Health and Human Services shall initial a joint rulemaking proceeding to develop and make public a list of standardized names for seafood identification purposes at distribution, marketing, and consumer retail stages. The list of standardized names shall take into account taxonomy, current labeling regulations, international law and custom, market value, and naming precedence for all commercially-distributed seafood distributed in interstate commerce in the United States

and may not include names, whether similar to existing or commonly used names for species, that are likely to confuse or mislead consumers.

(b) **PUBLICATION OF LIST.**—The list of standardized names shall be made available to the public on Department of Health and Human Services and the Department of Commerce websites, shall be open to public review and comment, and shall be updated annually.

SEC. 508. DEFINITIONS.

In this title:

(1) **APPLICABLE FEDERAL LAWS.**—The term “applicable laws and regulations” means Federal statutes, regulations, and international agreements pertaining to the importation, exportation, transportation, sale, harvest, processing, or trade of seafood, including the Magnuson-Stevens Fishery Conservation and Management Act, section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381), section 203 of the Food Allergen Labeling and Consumer Protection Act of 2004 (21 U.S.C. 374a), and the Seafood Hazard Analysis and Critical Control Point regulations in part 123 of title 21, Code of Federal Regulations.

(2) **APPROPRIATE FEDERAL AGENCIES.**—The term “appropriate Federal agencies” includes the Department of Health and Human Services, the Federal Food and Drug Administration, the Department of Homeland Security, and the Department of Agriculture.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of Commerce.

SA 4695. Mr. BOND (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 3538, to improve the cyber security of the United States and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Cyber Infrastructure Protection Act of 2010”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Homeland Security and Governmental Affairs, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Energy and Commerce, the Committee on Homeland Security, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) **CRITICAL INFRASTRUCTURE.**—The term “critical infrastructure” has the meaning given that term in section 1016 of the Critical Infrastructures Protection Act of 2001 (42 U.S.C. 5195c).

(3) **CYBER SECURITY ACTIVITIES.**—The term “cyber security activities” means a class or collection of similar cyber security operations of a Federal agency that involves personally identifiable data that is—

(A) screened by a cyber security system outside of the Federal agency that was the intended recipient of the personally identifiable data;

(B) transferred, for the purpose of cyber security, outside such Federal agency; or

(C) transferred, for the purpose of cyber security, to an element of the intelligence community.

(4) **FEDERAL AGENCY.**—The term “Federal agency” has the meaning given the term “Executive agency” in section 105 of title 5, United States Code.

(5) **INTELLIGENCE COMMUNITY.**—The term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(6) **LOCAL GOVERNMENT.**—The term “local government” has the meaning given that term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(7) **NATIONAL CYBER SECURITY PROGRAM.**—The term “National Cyber Security Program” means the programs, projects, and activities of the Federal Government to protect and defend Federal Government information networks and to facilitate the protection and defense of United States information networks.

(8) **NETWORK.**—The term “network” has the meaning given that term by section 4(5) of the High-Performance Computing Act of 1991 (15 U.S.C. 5503(5)).

(9) **STATE.**—The term “State” means—

- (A) a State;
- (B) the District of Columbia;
- (C) the Commonwealth of Puerto Rico; and
- (D) any other territory or possession of the United States.

TITLE I—NATIONAL CYBER CENTER

SEC. 101. DIRECTOR DEFINED.

In this title, except as otherwise specifically provided, the term “Director” means the Director of the National Cyber Center appointed under section 103.

SEC. 102. ESTABLISHMENT OF THE NATIONAL CYBER CENTER.

There is a National Cyber Center.

SEC. 103. DIRECTOR OF THE NATIONAL CYBER CENTER.

(a) **IN GENERAL.**—The head of the National Cyber Center is the Director of the National Cyber Center, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) **TERM AND CONDITIONS OF APPOINTMENT.**—A Director shall serve for a term not to exceed five years and during such term may not simultaneously serve in any other capacity in the Executive branch.

(c) **REPORTING AND PLACEMENT.**—

(1) **REPORTING.**—The Director shall report directly to the President.

(2) **PLACEMENT.**—The position of the Director shall not be located within the Executive Office of the President.

(d) **DUTIES OF THE DIRECTOR.**—The Director shall—

(1) coordinate Federal Government defensive operations, intelligence collection and analysis, and activities to protect and defend Federal Government information networks;

(2) act as the principal adviser to the President, the National Security Council, and to the heads of Federal agencies on matters relating to the protection and defense of Federal Government information networks;

(3) coordinate, and ensure the adequacy of, the National Cyber Security Program budgets for Federal agencies;

(4) maintain and disperse funds from the National Cyber Defense Contingency Fund in accordance with section 108;

(5) ensure appropriate coordination within the Federal Government for the implementation of any cyber security activities conducted by a Federal agency;

(6) ensure appropriate coordination within the Federal Government for the conduct of any operations, strategies, and intelligence collection and analysis relating to the protection and defense of Federal Government information networks;

(7) provide recommendations, on an ongoing basis, to Federal agencies, private sector entities, and public and private sector entities operating critical infrastructure for procedures to be implemented in the event of an imminent cyber attack that will protect critical infrastructure by mitigating network vulnerabilities;

(8) provide assistance to, and cooperate with, the Cyber Defense Alliance established under section 202, including the development of partnerships with public and private sector entities, and academic institutions that encourage cooperation, research, development, and cyber security education and training;

(9) develop plans and policies for the security of Federal Government information networks to be implemented by the appropriate Federal agency;

(10) participate in the process to develop reliability standards pursuant to section 215 of the Federal Power Act (16 U.S.C. 824o);

(11) develop plans and policies for the sharing of cyber threat-related information among appropriate Federal agencies, and to the extent consistent with the protection of national security sources and methods, with State, tribal, and local government departments, agencies, and entities, and public and private sector entities that operate critical infrastructure;

(12) develop policies and procedures to ensure the continuity of Federal Government operations in the event of a national cyber crisis; and

(13) perform such other functions as may be directed by the President.

SEC. 104. MISSIONS OF THE NATIONAL CYBER CENTER.

(a) **IN GENERAL.**—The National Cyber Center shall—

(1) serve as the primary organization for coordinating Federal Government defensive operations, intelligence collection and analysis, and activities to protect and defend Federal Government information networks;

(2) develop policies and procedures for implementation across the Federal Government on matters relating to the protection and defense of Federal Government information networks;

(3) provide a process for resolving conflicts among Federal agencies relating to the implementation of cyber security activities or the conduct of operations, strategies, and intelligence collection and analysis relating to the protection and defense of Federal Government information networks;

(4) assign roles and responsibilities to Federal agencies, as appropriate, for the protection and defense of Federal Government information networks that are consistent with applicable law; and

(5) ensure that, as appropriate, Federal agencies have access to, and receive, information, including appropriate private sector information, regarding cyber threats to Federal Government information networks.

(b) **ACCESS TO INTELLIGENCE.**—The Director shall have access to all intelligence relating to cyber security collected by any Federal agency—

(1) except as otherwise provided by law;

(2) unless otherwise directed by the President; or

(3) unless the Attorney General and the Director agree on guidelines to limit such access.

SEC. 105. COMPOSITION OF NATIONAL CYBER CENTER.

(a) **INTEGRATION OF RESOURCES.**—Not later than 90 days after the date of the confirmation of the initial Director, the Secretary of

Defense, the Secretary of Homeland Security, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation shall, in consultation with the Director, collocate and integrate within the National Cyber Center such elements, offices, task forces, and other components of the Department of Defense, the Department of Homeland Security, the intelligence community, and the Federal Bureau of Investigation that are necessary to carry out the missions of the National Cyber Center.

(b) **PARTICIPATION OF FEDERAL AGENCIES.**—Any Federal agency not referred to in subsection (a) may participate in the National Cyber Center if the head of such Federal agency and the Director agree on the level and type of such participation.

(c) **RECOMMENDATIONS FOR CONSOLIDATION.**—In order to reduce duplication of Federal Government efforts, the Director may recommend that the President transfer to, and consolidate within, the National Cyber Center activities that relate to the protection and defense of Federal Government information networks.

(d) **INTEGRATION OF INFORMATION NETWORKS.**—The Director shall, in coordination with the appropriate head of a Federal agency, oversee the integration within the National Cyber Center of information relating to the protection and defense of Federal Government information networks, including to the extent necessary and consistent with the protection of sources and methods, databases containing such information.

SEC. 106. NATIONAL CYBER CENTER OFFICIALS.

(a) DEPUTY DIRECTORS.—

(1) **IN GENERAL.**—There shall be two Deputy Directors of the National Cyber Center as follows:

(A) A Deputy Director who shall be appointed by the Secretary of Defense, with the concurrence of the Director.

(B) A Deputy Director who shall be appointed by the Secretary of Homeland Security, with the concurrence of the Director.

(2) **APPOINTMENT CRITERIA.**—An individual appointed Deputy Director of the National Cyber Center shall have extensive cyber security and management expertise.

(3) **DUTIES.**—Each Deputy Director of the National Cyber Center shall assist the Director in carrying out the duties and responsibilities of the Director.

(4) VACANCY.—

(A) **ABSENCE OR DISABILITY OF DIRECTOR.**—As determined by the Director, a Deputy Director of the National Cyber Center shall act for, and exercise the powers of, the Director during the absence or disability of the Director.

(B) **VACANCY IN POSITION OF DIRECTOR.**—As determined by the President, a Deputy Director of the National Cyber Center shall act for, and exercise the powers of, the Director during a vacancy in the position of the Director.

(b) GENERAL COUNSEL.—

(1) **IN GENERAL.**—There is a General Counsel of the National Cyber Center who shall be appointed by the Director.

(2) **DUTIES.**—The General Counsel is the chief legal officer of the National Cyber Center and shall perform such functions as the Director may prescribe.

(c) **OTHER OFFICIALS.**—The Director may designate such other officials in the National Cyber Center as the Director determines appropriate.

(d) **STAFF.**—To assist the Director in fulfilling the duties and responsibilities of the Director, the Director shall employ and utilize a professional staff having expertise in

matters relating to the mission of the National Cyber Center, and may establish permanent positions and appropriate rates of pay with respect to such staff.

SEC. 107. NATIONAL CYBER SECURITY PROGRAM BUDGET.

(a) **SUBMISSION OF CYBER BUDGET REQUEST TO THE DIRECTOR.**—For each fiscal year, the head of each Federal agency with responsibilities for matters relating to the protection and defense of Federal Government information networks shall transmit to the Director a copy of the proposed National Cyber Security Program budget request of the agency prior to the submission of such proposed budget request to the Office of Management and Budget in the preparation of the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code.

(b) REVIEW AND CERTIFICATION OF BUDGET REQUESTS AND BUDGET SUBMISSIONS.—

(1) **IN GENERAL.**—The Director shall review each budget request submitted to the Director under subsection (a).

(2) REVIEW OF BUDGET REQUESTS.—

(A) **INADEQUATE REQUESTS.**—If the Director concludes that a budget request submitted under subsection (a) for a Federal agency is inadequate to accomplish the protection and defense of Federal Government information networks, or to facilitate the protection and defense of United States information networks, with respect to such Federal agency for the year for which the request is submitted, the Director shall submit to the head of such Federal agency a written description of funding levels and specific initiatives that would, in the determination of the Director, make the request adequate to accomplish the protection and defense of such information networks.

(B) **ADEQUATE REQUESTS.**—If the Director concludes that a budget request submitted under subsection (a) for a Federal agency is adequate to accomplish the protection and defense of Federal Government information networks, or to facilitate the protection and defense of United States information networks, with respect to such Federal agency for the year for which the request is submitted, the Director shall submit to the head of such Federal agency a written statement confirming the adequacy of the request.

(C) **RECORD.**—The Director shall maintain a record of each description submitted under subparagraph (A) and each statement submitted under subparagraph (B).

(3) AGENCY RESPONSE.—

(A) **IN GENERAL.**—The head of a Federal agency that receives a description under paragraph (2)(A) shall include the funding levels and initiatives described by the Director in the National Cyber Security Program budget submission for such Federal agency to the Office of Management and Budget.

(B) **IMPACT STATEMENT.**—If the head of a Federal agency alters the National Cyber Security Program budget submission of such agency based on a description received under paragraph (2)(A), such head shall include as an appendix to the budget submitted to the Office of Management and Budget for such agency an impact statement that summarizes—

(i) the changes made to the budget based on such description; and

(ii) the impact of such changes on the ability of such agency to perform its other responsibilities, including any impact on specific missions or programs of such agency.

(4) **CONGRESSIONAL NOTIFICATION.**—The head of a Federal agency shall submit to Congress a copy of any impact statement prepared

under paragraph (3)(B) at the time the National Cyber Security Program budget for such agency is submitted to Congress under section 1105(a) of title 31, United States Code.

(5) CERTIFICATION OF NATIONAL CYBER SECURITY PROGRAM BUDGET SUBMISSIONS.—

(A) **IN GENERAL.**—At the time the head of a Federal agency submits a National Cyber Security Program budget request for such agency for a fiscal year to the Office of Management and Budget, such head shall submit a copy of the National Cyber Security Program budget request to the Director.

(B) DECERTIFICATION.—

(i) **IN GENERAL.**—The Director shall review each National Cyber Security Program budget request submitted under subparagraph (A).

(ii) **BUDGET DECERTIFICATION.**—If, based on the review under clause (i), the Director concludes that such budget request does not include the funding levels and specific initiatives that would, in the determination of the Director, make the request adequate to accomplish the protection and defense of Federal Government information networks, or to facilitate the protection and defense of United States information networks, the Director may issue a written decertification of such Federal agency's budget.

(iii) **SUBMISSION TO CONGRESS.**—In the case of a decertification of a budget request issued under clause (ii), the Director shall submit to Congress a copy of—

(I) such National Cyber Security Program budget request;

(II) such decertification; and

(III) the description made for the budget request under paragraph (2)(B).

(c) **CONSOLIDATED NATIONAL CYBER SECURITY PROGRAM BUDGET PROPOSAL.**—For each fiscal year, following the transmission of proposed National Cyber Security Program budget requests for Federal agencies to the Director under subsection (a), the Director shall, in consultation with the head of such Federal agencies—

(1) develop a consolidated National Cyber Security Program budget proposal;

(2) submit the consolidated budget proposal to the President; and

(3) after making the submission required by paragraph (2), submit the consolidated budget proposal to Congress.

SEC. 108. NATIONAL CYBER DEFENSE CONTINGENCY FUND.

(a) **ESTABLISHMENT OF FUND.**—There is established within the National Cyber Security Program Budget a fund to be known as the "National Cyber Defense Contingency Fund," which shall consist of amounts appropriated to the Fund for the purpose of providing financial assistance and technical and operational support in the event of a significant cyber incident.

(b) **ADMINISTRATION.**—The Director shall be responsible for the administration and management of the amounts in the National Cyber Defense Contingency Fund.

(c) **USE.**—In response to a significant cyber incident involving Federal Government or United States information networks, the Director may distribute amounts from the National Cyber Defense Contingency Fund to appropriate Federal agencies.

(d) **NOTIFICATION.**—Prior to distributing amounts under this section, the Director shall notify the appropriate congressional committees.

(e) **SIGNIFICANT CYBER INCIDENT DEFINED.**—In this section, the term "significant cyber incident" means a malicious act, suspicious event, or accident that—

(1) causes a disruption of Federal Government or United States information networks;

(2) affects one or more Federal agencies or public or private sector entities operating critical infrastructure;

(3) affects more than one State or a substantial number of residents in one or more States; and

(4) results in a substantial likelihood of harm or financial loss to the United States or its citizens.

SEC. 109. PROGRAM BUDGET SUBMISSION.

(a) SUBMISSION.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following:

“(38) a separate statement of the combined and individual amounts of appropriations requested for the National Cyber Security Program, including a separate statement of the amounts of appropriations requested by the Secretary of Defense for the operation and activities of the National Cyber Center and a separate statement of the amounts of appropriations requested by the Secretary of Energy for the operation and activities of the Cyber Defense Alliance.”.

(b) TECHNICAL AMENDMENTS.—Section 1105(a) of title 31, United States Code, as amended by subsection (a), is further amended—

(1) by redesignating the paragraph (33) added by section 889 of the Homeland Security Act of 2002 (Public Law 107-296; 116 Stat. 2250) as paragraph (35);

(2) by redesignating the paragraph (35) added by section 203 of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343; 122 Stat. 3765) as paragraph (36); and

(3) by redesignating the paragraph (36) added by section 2 of the Veterans Health Care Budget Reform and Transparency Act of 2009 (Public Law 111-81; 123 Stat. 2137) as paragraph (37).

SEC. 110. CONSTRUCTION.

Except as otherwise specifically provided, nothing in this title shall be construed as terminating, altering, or otherwise affecting any authority of the head of a Federal agency collocated within or otherwise participating in the National Cyber Center.

SEC. 111. CONGRESSIONAL OVERSIGHT.

The Director shall keep the appropriate congressional committees fully and currently informed of the significant activities of the National Cyber Center relating to ensuring the security of Federal Government information networks.

TITLE II—CYBER DEFENSE ALLIANCE

SEC. 201. DEFINITIONS.

In this title:

(1) BOARD.—The term “Board” means the Board of Directors of the Cyber Defense Alliance established pursuant to section 204(a).

(2) NATIONAL LABORATORY.—The term “National Laboratory” has the meaning given that term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

SEC. 202. CYBER DEFENSE ALLIANCE.

(a) CHARTER.—There is within a National Laboratory a public and private partnership for sharing cyber threat information and exchanging technical assistance, advice, and support to be known as the Cyber Defense Alliance.

(b) ESTABLISHMENT.—The Secretary of Energy, in coordination with the Director of the National Cyber Center, the Director of National Intelligence, the Secretary of Defense, the Secretary of Homeland Security, and the Director of the Federal Bureau of Investigation, shall determine the appropriate

location for, and establish, the Cyber Defense Alliance.

(c) CRITERIA.—The criteria to be used in selecting a National Laboratory under subsection (a) shall include the following:

(1) Whether the National Laboratory has received recognition from members of the intelligence community, the Secretary of Homeland Security, or the Secretary of Defense for its cyber capabilities.

(2) Whether the National Laboratory has demonstrated the ability to address cyber-related issues involving varying levels of classified information.

(3) Whether the National Laboratory has demonstrated the capability to develop cooperative relationships with the private sector on cyber-related issues.

(d) PARTNERSHIP.—If the Secretary of Energy, the Director of the National Cyber Center, the Director of National Intelligence, the Secretary of Defense, the Secretary of Homeland Security, and the Director of the Federal Bureau of Investigation determine that the missions and activities of the Cyber Defense Alliance may only be accomplished through a partnership of two or more National Laboratories acting jointly to support the Alliance, then the Alliance may be established and located within such National Laboratories.

SEC. 203. MISSION AND ACTIVITIES.

The Cyber Defense Alliance shall—

(1) facilitate the exchange of ideas and technical assistance and support related to the security of public, private, and critical infrastructure information networks;

(2) promote research and development, including the advancement of private funding for research and development, related to ensuring the security of public, private, and critical infrastructure information networks;

(3) serve as a national clearinghouse for the exchange of cyber threat information for the benefit of the private sector, educational institutions, State, tribal, and local governments, public and private sector entities operating critical infrastructure, and the Federal Government in order to enhance the ability of recipients of such information to ensure the protection and defense of public, private, and critical infrastructure information networks; and

(4) coordinate with the private sector, State, tribal, and local governments, the governments of foreign countries, international organizations, and academic institutions in developing and encouraging the use of voluntary standards for enhancing the security of information networks.

SEC. 204. BOARD OF DIRECTORS.

(a) IN GENERAL.—The Cyber Defense Alliance shall have a Board of Directors which shall be responsible for—

(1) the executive and administrative operation of the Alliance, including matters relating to funding and promotion of the Alliance; and

(2) ensuring and facilitating compliance by members of the Alliance with the requirements of this title.

(b) COMPOSITION.—The Board shall be composed of the following members:

(1) One representative of the Department of Energy.

(2) Four representatives of Federal agencies, other than the Department of Energy, that have significant responsibility for the protection or defense of government information networks.

(3) Two representatives from the private sector, one of whom shall have experience in civil liberties matters.

(4) Two representatives of State, tribal, and local government departments, agencies, or entities.

(5) Two representatives from the financial sector.

(6) Two representatives from electronic communication service providers.

(7) Two representatives from the transportation industry.

(8) Two representatives from the chemical industry.

(9) Two representatives from a public or private electric utility company or other generators of power.

(10) One representative from an academic institution with established expertise in cyber-related matters.

(11) One additional representative with considerable expertise in cyber-related matters.

(c) INITIAL APPOINTMENT.—Not later than 30 days after the date of the enactment of this Act, the Director of the National Cyber Center, the Secretary of Energy, the Director of National Intelligence, the Secretary of Defense, the Secretary of Homeland Security, and the Director of the Federal Bureau of Investigation shall jointly appoint the members of the Board described under subsection (b).

(d) TERMS.—

(1) REPRESENTATIVES OF CERTAIN FEDERAL AGENCIES.—Each member of the Board described in subsection (b)(1) shall serve for a term that is—

(A) not longer than three years from the date of the member's appointment; and

(B) determined jointly by the Director of the National Cyber Center, the Secretary of Energy, the Director of National Intelligence, the Secretary of Defense, the Secretary of Homeland Security, and the Director of the Federal Bureau of Investigation.

(2) OTHER REPRESENTATIVES.—The original members of the Board described in paragraphs (3) through (11) of subsection (b) shall serve an initial term of one year from the date of appointment under subsection (c), at which time the members of the Cyber Defense Alliance shall conduct elections in accordance with the procedures established under subsection (e).

(e) RULES AND PROCEDURES.—Not later than 90 days after the date of the enactment of this Act, the Board shall establish rules and procedures for the election and service of members of the Board described in paragraphs (3) through (11) of subsection (b).

(f) LEADERSHIP.—The Board shall elect from among its members a chair and co-chair of the Board, who shall serve under such terms and conditions as the Board may establish.

(g) SUB-BOARDS.—The Board shall have the authority to constitute such sub-Boards, or other advisory groups or panels, from among the members of the Board as may be necessary to assist the Board in carrying out its functions under this section.

SEC. 205. CYBER DEFENSE ALLIANCE MEMBERSHIP.

(a) REQUIREMENT FOR PROCEDURES.—Not later than 90 days after the date of the enactment of this Act, the Board shall establish procedures for the voluntary membership by State, tribal, and local government departments, agencies, and entities, private sector businesses and organizations, and academic institutions in the Cyber Defense Alliance.

(b) PARTICIPATION BY FEDERAL AGENCIES.—The Director of the National Cyber Center, in coordination with the Secretary of Energy, the Director of National Intelligence, the Secretary of Defense, the Secretary of

Homeland Security, the Director of the Federal Bureau of Investigation, and the heads of other appropriate Federal agencies, may provide for the participation and cooperation of such Federal agencies in the Cyber Defense Alliance.

SEC. 206. FUNDING.

(a) **INITIAL EXPENSES.**—Administrative and logistical expenses associated with the initial establishment of the Cyber Defense Alliance shall be paid by the Secretary of Energy and shall be included within the National Cyber Security Program budget request for the Department of Energy.

(b) **OTHER EXPENSES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), annual administrative and operational expenses for the Cyber Defense Alliance shall be paid by the members of such Alliance, as determined by the Board.

(2) **MAXIMUM FEDERAL CONTRIBUTION.**—Not more than 15 percent of the annual expenses referred to in paragraph (1) may be paid by the Federal Government. Such amount shall be provided under the direction of the Secretary of Energy and shall be included within the National Cyber Security Program budget request for the Department of Energy.

SEC. 207. CLASSIFIED INFORMATION.

Consistent with the protection of sensitive intelligence sources and methods, the Director of National Intelligence shall facilitate—

(1) the sharing of classified information in the possession of a Federal agency related to threats to information networks with appropriately cleared members of the Alliance, including representatives of the private sector and of public and private sector entities operating critical infrastructure; and

(2) the declassification and sharing of information in the possession of a Federal agency related to threats to information networks with members of the Alliance.

SEC. 208. VOLUNTARY INFORMATION SHARING.

(a) **USES OF SHARED INFORMATION.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law and subject to paragraph (2), information shared with or provided to the Cyber Defense Alliance or to a Federal agency through such Alliance by any member of the Cyber Defense Alliance that is not a Federal agency in furtherance of the mission and activities of the Alliance as described in section 203—

(A) shall be exempt from disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act);

(B) shall not be subject to the rules of any Federal agency or any judicial doctrine regarding *ex parte* communications with a decision-making official;

(C) shall not, without the written consent of the person or entity submitting such information, be used directly by any Federal agency, any other Federal, State, tribal, or local authority, or any third party, in any civil action arising under Federal or State law if such information is submitted to the Cyber Defense Alliance in good faith and for the purpose of facilitating the missions of such Alliance;

(D) shall not, without the written consent of the person or entity submitting such information, be used or disclosed by any officer or employee of the United States for purposes other than the purposes of this title, except—

(i) in furtherance of an investigation or the prosecution of a criminal act; or

(ii) the disclosure of the information to the appropriate congressional committee;

(E) shall not, if subsequently provided to a State, tribal, or local government or government agency—

(i) be made available pursuant to any State, tribal, or local law requiring disclosure of information or records;

(ii) otherwise be disclosed or distributed to any party by such State, tribal, or local government or government agency without the written consent of the person or entity submitting such information; or

(iii) be used other than for the purpose of protecting information systems, or in furtherance of an investigation or the prosecution of a criminal act; and

(F) does not constitute a waiver of any applicable privilege or protection provided under law, such as trade secret protection.

(2) **APPLICATION.**—Paragraph (1) shall only apply to information shared with or provided to the Cyber Defense Alliance or to a Federal agency through such Alliance by a member of the Cyber Defense Alliance that is not a Federal agency if such information is accompanied by an express statement requesting that such paragraph apply.

(b) **LIMITATION.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any communication of information to a Federal agency made pursuant to this title.

(c) **PROCEDURES.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall, in consultation with the heads of appropriate Federal agencies, establish uniform procedures for the receipt, care, and storage by such agencies of information that is voluntarily submitted to the Federal Government through the Cyber Defense Alliance.

(2) **ELEMENTS.**—The procedures established under paragraph (1) shall include procedures for—

(A) the acknowledgment of receipt by a Federal agency of cyber threat information that is voluntarily submitted to the Federal Government;

(B) the maintenance of the identification of such information;

(C) the care and storage of such information;

(D) limiting subsequent dissemination of such information to ensure that such information is not used for an unauthorized purpose;

(E) the protection of the constitutional and statutory rights of any individuals who are subjects of such information; and

(F) the protection and maintenance of the confidentiality of such information so as to permit the sharing of such information within the Federal Government and with State, tribal, and local governments, and the issuance of notices and warnings related to the protection of information networks, in such manner as to protect from public disclosure the identity of the submitting person or entity, or information that is proprietary, business sensitive, relates specifically to the submitting person or entity, and is otherwise not appropriately in the public domain.

(d) **INDEPENDENTLY OBTAINED INFORMATION.**—Nothing in this section shall be construed to limit or otherwise affect the ability of a Federal agency, a State, tribal, or local government or government agency, or any third party—

(1) to obtain cyber threat information in a manner other than through the Cyber Defense Alliance, including obtaining any information lawfully and properly disclosed generally or broadly to the public; and

(2) to use such information in any manner permitted by law.

SEC. 209. PENALTIES.

(a) **IN GENERAL.**—It shall be unlawful for any officer or employee of the United States or of any Federal agency to knowingly publish, divulge, disclose, or make known in any manner or to any extent not authorized by law, any cyber threat information protected from disclosure by this title coming to such officer or employee in the course of the employee's employment or official duties or by reason of any examination or investigation made by, or return, report, or record made to or filed with, such officer, employee, or agency.

(b) **PENALTY.**—Any person who violates subsection (a) shall be fined under title 18, United States Code, imprisoned for not more than 1 year, or both, and shall be removed from office or employment.

SEC. 210. AUTHORITY TO ISSUE WARNINGS.

The Federal Government may provide advisories, alerts, and warnings to relevant companies, targeted sectors, other government entities, or the general public regarding potential threats to information networks as appropriate. In issuing a warning, the Federal Government shall take appropriate actions to protect from disclosure—

(1) the source of any voluntarily submitted information that forms the basis for the warning; and

(2) information that is proprietary, business sensitive, relates specifically to the submitting person or entity, or is otherwise not appropriately in the public domain.

SEC. 211. EXEMPTION FROM ANTITRUST PROHIBITIONS.

The exchange of information by and between private sector members of the Cyber Defense Alliance, in furtherance of the mission and activities of the Cyber Defense Alliance, shall not be considered a violation of any provision of the antitrust laws (as defined in the first section of the Clayton Act (15 U.S.C. 12)).

SEC. 212. DURATION.

The Cyber Defense Alliance shall cease to exist on December 31, 2020.

SA 4696. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Ensuring Greater Food Safety Act of 2010”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Ensuring Federal agencies effectively communicate to ensure greater food safety.
- Sec. 3. Strategic plan for health information technology.
- Sec. 4. Expediting new food safety technologies.
- Sec. 5. Limited access to records in public health emergencies.
- Sec. 6. Registration of food facilities.
- Sec. 7. Clarifying FDA authority to require preventive controls.
- Sec. 8. Export certification fees for foods and animal feed.
- Sec. 9. Leveraging third party inspections.
- Sec. 10. Entry of food from facilities inspected by an accredited third party.

Sec. 11. Activities with other governments.
 Sec. 12. Compliance with international agreements.

SEC. 2. ENSURING FEDERAL AGENCIES EFFECTIVELY COMMUNICATE TO ENSURE GREATER FOOD SAFETY.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services and the Secretary of Agriculture shall establish a plan to ensure effective information sharing regarding the regulation and inspection of food products and facilities, including violations, in which the Food and Drug Administration and the Department of Agriculture share joint, overlapping, or similar responsibility.

(b) **JOINT REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services and the Secretary of Agriculture shall issue to Congress a joint report that summarizes the effectiveness, or lack of effectiveness, of the new information sharing arrangement established pursuant to subsection (a).

(c) **GAO REPORT.**—Not later than 1 year after the issuance of the report under subsection (b), the Comptroller General of the United States shall issue to Congress a report concerning the determination and description of any inefficiencies or other challenges that remain regarding the sharing of information as required pursuant to subsection (a).

SEC. 3. STRATEGIC PLAN FOR HEALTH INFORMATION TECHNOLOGY.

Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives, a strategic plan on information technology that includes—

(1) an assessment of the information technology infrastructure, including systems for food safety data collection, access to data in external food safety databases, data mining capabilities, personnel, and personnel training programs, needed by the Food and Drug Administration to—

(A) comply with the requirements of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.);

(B) achieve interoperability within the Center for Food Safety and Nutrition and between the Food and Drug Administration and the Department of Agriculture, U.S. Customs and Border Protection, and the Centers for Disease Control and Prevention;

(C) utilize electronic import and recall records; and

(D) communicate food safety and recall information to industry and the public;

(2) an assessment of the extent to which the current information technology assets of the Food and Drug Administration are sufficient to meet the needs assessments under paragraph (1);

(3) a plan for enhancing the information technology assets of the Food and Drug Administration toward meeting the needs assessments under paragraph (1); and

(4) an assessment of additional resources needed to so enhance the information technology assets of the Food and Drug Administration.

SEC. 4. EXPEDITING NEW FOOD SAFETY TECHNOLOGIES.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the

Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall submit to Congress a plan for a more expeditious process for approving new technologies used to ensure the safety of the food supply.

(b) **CONTENT.**—The report submitted under subsection (a) shall include a description of how the Food and Drug Administration plans to provide more effective risk-communication regarding new technologies described in such report that are approved by such Administration.

SEC. 5. LIMITED ACCESS TO RECORDS IN PUBLIC HEALTH EMERGENCIES.

(a) **MAINTENANCE AND INSPECTION OF RECORDS.**—Section 414 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350c) is amended—

(1) in subsection (a)—

(A) by inserting “or a related article of food” after “such article” each place the term appears;

(B) by inserting “or a related article of food” after “whether the food”; and

(C) by adding at the end the following: “In this subsection, the term ‘related article of food’ means an article of food that is related to the article of food the Secretary has reason to believe is adulterated, such as an article of food produced on the same manufacturing line as the article of food believed to be adulterated.”; and

(2) by adding at the end the following:

“(e) **FOOD-RELATED EMERGENCIES.**—In the case of a food-related public health emergency declared by the Secretary under section 319 of the Public Health Service Act, the Secretary may take action as described in subsection (a) if the Secretary has a reasonable belief that such article of food—

“(1) presents a threat of serious adverse health consequences or death; and

“(2) is related to the emergency.”.

(b) **FACTORY INSPECTION.**—Section 704(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(a)(1)) is amended in the second sentence by inserting “, and in the case of a food-related public health emergency declared by the Secretary under section 319 of the Public Health Service Act, the inspection shall extend to all records and other information described in section 414 if the Secretary has a reasonable belief that such article of food presents a threat of serious adverse health consequences or death and is related to the emergency, subject to the limitations established in section 414(d)” before the period at the end.

SEC. 6. REGISTRATION OF FOOD FACILITIES.

Section 415(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d(a)) is amended—

(1) in paragraph (2), by inserting “(or any successor regulation)” after “Federal Regulations”;

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(3) by inserting after paragraph (2) the following:

“(3) **BIENNIAL REREGISTRATION.**—

“(A) **IN GENERAL.**—On a biennial basis, a registrant that has registered under paragraph (1) shall submit to the Secretary a reregistration containing the information described in paragraph (2).

“(B) **EXPEDITED REREGISTRATION.**—The Secretary may provide for an expedited reregistration process in the case of a registrant for which the information described in paragraph (2) has not changed since the preceding registration or reregistration.”.

SEC. 7. CLARIFYING FDA AUTHORITY TO REQUIRE PREVENTIVE CONTROLS.

Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

“SEC. 418. PREVENTIVE CONTROLS.

“(a) **DEFINITIONS.**—In this section:

“(1) **CRITICAL CONTROL POINT.**—The term ‘critical control point’ means a point, step, or procedure in a food process at which control can be applied, and, as a result, an identified food safety hazard can be prevented, eliminated, or reduced to acceptable levels.

“(2) **CRITICAL LIMIT.**—The term ‘critical limit’ means the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a critical control point to prevent, eliminate, or reduce to an acceptable level the occurrence of the identified food safety hazard.

“(b) **REGULATIONS BY SECRETARY.**—The Secretary—

“(1) may by regulation require manufacturers, processors, and packers of food to implement science-based and risk-based processes to prevent, reduce, or eliminate specific hazards from high-risk foods; and

“(2) may issue guidance to assist the relevant industry with compliance with this section.

“(c) **LIMITATION.**—The Secretary shall not have the authority to place any specific requirements on food safety plans required pursuant to subsection (d)(1). The authority of the Secretary under this section is limited to validating the existence of a food safety plan that meets the explicit statutory requirements provided in this section.

“(d) **CONTENT.**—

“(1) **DETERMINATION.**—The regulations under subsection (b) shall include a determination specifying the food facilities which shall be required to develop and maintain a written food safety plan. The determination shall include a careful examination of the effect on small businesses and shall include specific exemptions for firms that will be adversely impacted by the requirements of this section.

“(2) **REQUIREMENT.**—The regulations under subsection (b) shall require that a required food safety plan—

“(A) list the food safety hazards which the plan is intended to address;

“(B) list the critical control points for each of the identified food safety hazards;

“(C) list the critical limits that must be met at each of the critical control points;

“(D) list the procedures, and frequency thereof, that will be used to monitor each of the critical control points to ensure compliance with the critical limits;

“(E) include any corrective action plans that have been developed to be followed in response to deviations from critical limits at critical control points to either prevent the food from entering commerce, or for correcting the deviation;

“(F) list the verification procedures, and frequency thereof, that the manufacturer, processor, packer will use to ensure the plan is adequate to control identified food safety hazards and that the plan is being effectively implemented;

“(G) provide for a recordkeeping system that documents the acceptance and implementation of the plan, including calibration of instruments, monitoring of the critical control points, and corrective actions;

“(H) establish a schedule for periodic reassessment of the adequacy of the plan which shall be at least annually and whenever any changes occur that could affect the hazard analysis or alter the food safety plan; and

“(I) be modified immediately whenever a reassessment or ongoing verification reveals that the plan is no longer adequate to fully meet the requirements of this section.

“(3) DESCRIPTION.—The regulations under subsection (b) shall describe, as the Secretary determines necessary, any evidence that shall be required to accompany food imported or offered for import into the United States to verify that the food was manufactured, processed, or packed under conditions that comply with this Act. Such evidence shall be of a similar nature and stringency to that which is required by the regulations for food manufactured, processed, or packed in the United States.

“(e) OFFICIAL REVIEW.—All records, food safety plans, and procedures required by this section shall be made available to the Secretary upon request for official review and copying at reasonable times. In conducting such a review, the authority of the Secretary shall be limited to validating the existence of the plan and the Secretary shall not have the authority to alter the plan or require specific items with the plan.

“(f) PUBLIC DISCLOSURE.—All food safety plans and records required by this section shall not be made available for public disclosure unless such plans and records are data and information previously disclosed to the public (as described in section 20.81 of title 21, Code of Federal Regulations), or such plans and records relate to a food or ingredient that has been abandoned and such plans and records no longer represent a trade secret or confidential commercial or financial information (as described in section 20.61 of title 21, Code of Federal Regulations).

“(g) IMPORTS.—

“(1) IN GENERAL.—The Secretary may establish additional or substitute methods and requirements to apply to foreign manufacturers, processors, and packers of food that are of similar stringency to the methods and requirements applicable to domestic manufacturers, processors, and packers of food. Such methods or requirements shall ensure that—

“(A) food imported or offered for import into the United States is manufactured, processed, and packed in accordance with this Act; and

“(B) food manufactured, processed, or packed in a foreign country is evaluated for compliance with this Act in a similar manner as food manufactured, processed, or packed in the United States.

“(2) COMPETENT THIRD PARTY.—An importer may contract with a competent third party to assist with or perform any or all of the verification activities specified in this section.

“(h) EXCEPTIONS.—The regulations in this section shall not apply to—

“(1) harvesting food, without otherwise engaging in processing;

“(2) the operation of a retail establishment;

“(3) the manufacturing, processing, or packing of seafood or fresh juice; and

“(4) small producers that demonstrate in writing to the Secretary that complying with such regulations would adversely impact their operations.”.

SEC. 8. EXPORT CERTIFICATION FEES FOR FOODS AND ANIMAL FEED.

(a) AUTHORITY FOR EXPORT CERTIFICATIONS FOR FOOD, INCLUDING ANIMAL FEED.—Section 801(e)(4)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(e)(4)(A)) is amended—

(1) in the matter preceding clause (i), by striking “a drug” and inserting “a food, drug”;

(2) in clause (i) by striking “exported drug” and inserting “exported food, drug”; and

(3) in clause (ii) by striking “the drug” each place it appears and inserting “the food, drug”.

(b) TREATMENT OF FEES.—Section 801(e)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(e)(4)) is amended—

(1) by amending subparagraph (B) to read as follows:

“(B) If the Secretary issues a written export certification within the 20 days prescribed by subparagraph (A), a fee for such certification may be charged but shall not exceed \$175 for each certification.”; and

(2) by inserting after subparagraph (B) the following:

“(C) With respect to fees collected for a fiscal year pursuant to subparagraph (B), the following shall apply:

“(i) In the case of fees for certification of exported drugs, animal drugs, or devices, be credited to the appropriation account for salaries and expenses of the Food and Drug Administration and be available in accordance with appropriations Acts until expended, without fiscal year limitation. To cover the cost of issuing such certifications, such sums as necessary may be transferred from such appropriation account for salaries and expenses of the Food and Drug Administration without fiscal year limitation to such appropriation account for salaries and expenses with fiscal year limitation.

“(ii) In the case of fees for certification of exported foods, be credited to the Food and Drug Administration User Fee Account and be available in accordance with appropriations Acts until expended, without fiscal year limitation.”.

(c) CLARIFICATION OF CERTIFICATION.—Section 801(e)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(e)(4)), as amended by subsection (b), is amended by adding at the end the following:

“(D) For purposes of this paragraph, a certification by the Secretary shall be made on such basis, and in such form (which may include a publicly available listing) as the Secretary determines appropriate.”.

SEC. 9. LEVERAGING THIRD PARTY INSPECTIONS.

(a) IN GENERAL.—Section 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374) is amended by adding at the end the following:

“(h) ACCREDITATION OF ENTITIES THAT INSPECT DOMESTIC FACILITIES OR FOREIGN FACILITIES.—

“(1) DEFINITIONS.—In this subsection:

“(A) DOMESTIC FACILITY.—The term ‘domestic facility’ has the meaning given the term in section 415.

“(B) FOREIGN FACILITY.—The term ‘foreign facility’ has the meaning given the term in section 415.

“(2) VOLUNTARY USE OF ACCREDITED ENTITIES BY FACILITIES.—A domestic facility or foreign facility may employ an entity accredited under this subsection to inspect such facility to ensure compliance with this Act.

“(3) AUTHORIZATION.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Ensuring Greater Food Safety Act of 2010, the Secretary, subject to subparagraph (B), shall accredit entities for the purpose of inspecting domestic facilities or foreign facilities to ensure compliance with this Act. Such entities may include State governments or foreign government entities.

“(B) CRITERIA TO ACCREDIT ENTITIES AND CATEGORIES OF ACCREDITATION.—

“(i) IN GENERAL.—Not later than 180 days after the date of enactment of the Ensuring Greater Food Safety Act of 2010, the Secretary shall publish in the Federal Register criteria to accredit entities, including the requirements described in clause (iii), and the categories of accreditation.

“(ii) CONSULTATION.—In developing the criteria and categories described in clause (i), the Secretary shall consult with the Secretary of Agriculture, the Secretary of Commerce, and the heads of other agencies with experience in accrediting third parties to determine the accreditation categories and criteria that are most appropriate.

“(iii) REQUIREMENTS TO BECOME ACCREDITED.—In order for an entity to be accredited under this subsection, the entity shall, at a minimum, meet the following requirements:

“(I) Such entity may not be an employee of the Federal Government.

“(II) Such entity shall be an independent organization that is not owned or controlled by a manufacturer, supplier, or vendor of food regulated under this Act and that has no organizational, material, or financial affiliation (including a consultative affiliation) with such a manufacturer, supplier, or vendor.

“(III) Such entity shall be legally constituted and permitted to conduct the inspection activities for which it seeks accreditation.

“(IV) Such entity may not engage in the design, manufacture, promotion, or sale of food regulated under this Act.

“(V) The operations of such entity shall be in accordance with generally accepted professional and ethical business practices, and such entity shall agree in writing that, at a minimum, the entity will—

“(aa) certify that reported information accurately reflects data reviewed, inspection observations made, other matters that relate to or may influence compliance with this Act, and recommendations made during an inspection or at an inspection’s closing meeting;

“(bb) limit work to that for which competence and capacity are available;

“(cc) treat information received, records, reports, and recommendations as confidential commercial or financial information or trade secret information, except such information may be made available to the Secretary; and

“(dd) promptly respond and attempt to resolve complaints regarding its activities for which it is accredited.

“(iv) CATEGORIES OF ACCREDITATION.—The categories of accreditation may include—

“(I) inspection of domestic facilities only;

“(II) inspection of foreign facilities only;

or

“(III) inspection of both domestic facilities and foreign facilities.

“(C) ACTING ON REQUEST FOR ACCREDITATION.—

“(i) INFORMATION ON ADEQUACY.—Not later than 60 days after the date the Secretary receives a request from an entity to be accredited under this subsection, the Secretary shall inform the entity whether the request for accreditation is adequate for review.

“(ii) DETERMINATION.—Not later than 90 days after the date the Secretary informs an entity under clause (i), the Secretary shall make a determination with respect to the request.

“(D) CONTENT OF ACCREDITATION.—Any accreditation granted under this subsection shall state that the entity is accredited to conduct inspections at domestic facilities, foreign facilities, or both, or such other categories as may be applicable.

“(E) EFFECT OF SUBSECTION.—Nothing in this subsection shall affect the authority of the Secretary under this Act to inspect any domestic facility or foreign facility.

“(4) REQUIREMENTS OF ACCREDITED ENTITIES.—

“(A) MAINTENANCE OF RECORDS.—

“(i) IN GENERAL.—An entity accredited under this subsection shall maintain records documenting—

“(I) the qualifications of the entity to inspect and the training and qualification of employees of the entity;

“(II) the procedures used by the entity for handling confidential information;

“(III) the compensation arrangements made by the entity; and

“(IV) the procedures used by the entity to identify and avoid conflicts of interest.

“(ii) ACCESS TO RECORDS.—Upon the request of an officer or employee designated by the Secretary, an entity accredited under this subsection shall permit the officer or employee, at all reasonable times, to have access to, copy, and verify the records described in clause (i).

“(iii) PRODUCTION OF RECORDS.—Not later than 15 days after the date an entity accredited under this subsection receives a written request from the Secretary for a copy of the records described in clause (i), the entity shall produce the copy at the place designated by the Secretary.

“(B) INSPECTION REPORTS.—

“(i) IN GENERAL.—In carrying out an inspection of a domestic facility or foreign facility to ensure compliance with this Act, an entity accredited under this subsection shall—

“(I) record in writing the entity's inspection observations;

“(II) present the observations to the facility's designated representative and describe each observation; and

“(III) prepare an inspection report (including for inspections for which there are no corrective actions needed) in a form and manner consistent with such reports prepared by employees and officials designated by the Secretary to conduct inspections.

“(ii) CONTENT OF REPORT.—An inspection report prepared under clause (i)(III) shall, at a minimum—

“(I) identify the person responsible for compliance with this Act at the inspected facility, the dates of the inspection, and the scope of the inspection;

“(II) describe in detail each observation identified by the entity accredited under this subsection;

“(III) identify other matters that relate to or may influence compliance with this Act; and

“(IV) describe any recommendations made by the entity accredited under this subsection to the inspected facility during the inspection or at the inspection's closing meeting.

“(iii) REPORT SENT TO THE SECRETARY.—Not later than 10 days after the last date of an inspection, the entity accredited under this subsection shall submit the inspection report prepared under clause (i)(III) to the Secretary and the designated representative of the inspected facility at the same time. The inspection report submitted to the Secretary shall be accompanied by all written inspection observations previously provided to the designated representative of the inspected facility.

“(iv) FALSE STATEMENTS.—Any statement or representation made by an employee or agent of a domestic facility or foreign facility to an entity accredited under this sub-

section shall be subject to section 1001 of title 18, United States Code.

“(v) IMMEDIATE NOTIFICATION.—If, at any time during an inspection by an entity accredited under this subsection, the entity discovers a condition that could cause or contribute to an unreasonable risk to the public health, the entity shall immediately notify the Secretary of the identity of the facility subject to inspection and such condition.

“(5) REQUIREMENTS OF THE SECRETARY.—

“(A) PUBLICATION OF LIST OF ACCREDITED ENTITIES ON INTERNET.—

“(i) IN GENERAL.—The Secretary shall publish on the Internet Web site of the Food and Drug Administration lists of entities that are accredited under this subsection in each category established under this subsection.

“(ii) UPDATING LISTS.—The lists described in clause (i) shall be updated to ensure that the identity of each entity accredited under this subsection, and the particular category for which the entity is accredited, is known to the public. The lists shall be updated not later than 30 days after the date on which—

“(I) an entity is accredited under this subsection;

“(II) the accreditation of an entity under this subsection is suspended or withdrawn; or

“(III) the particular category for which an entity is accredited under this subsection is modified.

“(B) AUDITS; WITHDRAWAL; DEBARMENT.—

“(i) IN GENERAL.—To ensure that entities accredited under this subsection continue to meet the standards of accreditation, the Secretary shall—

“(I) audit the performance of such entities on a periodic basis through the review of inspection reports and inspections by the Secretary to evaluate the compliance status of a domestic facility or foreign facility and the performance of entities accredited under this subsection; and

“(II) take such additional measures as the Secretary determines to be appropriate.

“(ii) WITHDRAWAL.—

“(I) IN GENERAL.—The Secretary may withdraw accreditation of an entity accredited under this subsection, after providing notice and an opportunity for an informal hearing, if—

“(aa) such entity is substantially not in compliance with the standards of accreditation;

“(bb) such entity poses a threat to public health;

“(cc) such entity fails to act in a manner that is consistent with the purposes of this subsection; or

“(dd) the Secretary determines that there is a financial conflict of interest in the relationship between such entity and the owner or operator of a domestic facility or foreign facility that the entity has inspected under this subsection.

“(II) SUSPENSION.—The Secretary may suspend accreditation of an entity during the pendency of the process under subclause (I).

“(iii) DEBARMENT.—If the Secretary determines that an entity accredited under this subsection has violated section 301(y), the Secretary—

“(I) shall withdraw such entity's accreditation under this subsection; and

“(II) may permanently debar a responsible person for such entity from being accredited and from carrying out inspection activities under this subsection.

“(6) FEES.—An entity accredited under this subsection may charge a domestic facility or foreign facility reasonable fees for inspection services.

“(7) SYMBOL INDICATING INSPECTION BY AN ACCREDITED ENTITY.—The Secretary may by regulation establish one or more tamper-resistant symbols indicating that an article of food was produced in a domestic or foreign facility that passed an accredited third party inspection. Such a symbol may be affixed on the packaging of such an article.

“(8) ELECTRONIC IMPORT CERTIFICATES.—If the standards, processes, and criteria to certify articles of food used by a foreign regulatory authority of an exporting country or an entity accredited under this subsection are sufficient to ensure compliance with this Act, the Secretary shall enter into agreements with such regulatory authority or such accredited entity to electronically certify each food shipment or class of shipments of designated food for compliance with this Act prior to shipment. Such agreements shall include provision of electronic certificates from such regulatory authority or such accredited entity to accompany each shipment. The Secretary shall provide criteria for such certificates to ensure a secure system that prevents counterfeiting of the certificates and takes into consideration possible transshipment of products as a way to avoid certification.

“(9) CONSIDERATION.—Notwithstanding any other provision of law, the Secretary shall consider inspections performed by accredited entities under this subsection, as well as other private food safety contracts, when determining the overall inspection schedule of the Food and Drug Administration in order to focus on higher-risk facilities.”.

(b) PROHIBITED ACTS.—Section 301(y) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(y)) is amended—

(1) in paragraph (1), by inserting “or an entity accredited under section 704(h)” after “523”;

(2) in paragraph (2)—

(A) by inserting “or an entity accredited under section 704(h)” after “523”; and

(B) by inserting “or entity” after “such person”; and

(3) in paragraph (3)—

(A) by inserting “or an entity accredited under section 704(h)” after “523”;

(B) by inserting “or entity” after “by such person”; and

(C) by inserting “or entity” after “to such person”.

SEC. 10. ENTRY OF FOOD FROM FACILITIES INSPECTED BY AN ACCREDITED THIRD PARTY.

Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381) is amended by adding at the end the following:

“(p) ENTRY OF FOOD FROM FACILITIES INSPECTED BY AN ACCREDITED THIRD PARTY.—If an article of food is being imported or offered for import at a port of entry into the United States and such article of food is from a foreign facility at which an inspection by an entity accredited under section 704(h) was completed prior to the production of such article of food at such facility and—

“(1) the results of the inspection were no official action indicated, the Commissioner of Food and Drugs agrees with the results of the inspection, and such facility has a certificate described under section 704(h)(8), then the article of food shall be presumed to be admissible into the United States and shall not be detained or refused admission but shall receive permission for expedited entry into the United States;

“(2) the results of the inspection were voluntary action indicated and the Commissioner of Food and Drugs agrees with the results of the inspection, then the article of

food shall be subject to increased random inspection at the border; or

“(3) the results of the inspection were official action indicated and the Commissioner of Food and Drugs agrees with the results of the inspection, then the article of food shall—

“(A) be—

“(i) held at the port of entry for the article without physical examination and refused admission if the inspection failure was due to a condition presenting a reasonable probability that the use of or exposure to the article of food will cause serious adverse health consequences or death; or

“(ii) placed on import alert if the inspection failure was due to a condition in which use of or exposure to the article of food may cause temporary or medically reversible adverse health consequences or where the probability of serious adverse health consequences is remote; and

“(B) be subject to other actions as provided under this Act.”

SEC. 11. ACTIVITIES WITH OTHER GOVERNMENTS.

(a) MEETINGS AND AGREEMENTS.—

(1) IN GENERAL.—In carrying out the functions of the Office of International Programs of the Food and Drug Administration, the Secretary of Health and Human Services (referred to in this section as the “Secretary”)—

(A) shall regularly participate in meetings with representatives of foreign governments to discuss and reach agreement on methods and approaches to harmonize regulatory requirements; and

(B) may enter into an agreement with a foreign entity to facilitate commerce in food between the United States and such entity—

(i) consistent with the requirements of this Act and the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); and

(ii) in which the Secretary shall encourage the mutual development and recognition of—

(I) good manufacturing practice regulations; and

(II) other regulations and testing protocols as the Secretary determines to be appropriate.

(2) JOINT INSPECTION.—An agreement entered into pursuant to paragraph (1)(B) may include joint inspection missions where an inspection team is composed of individuals from regulatory authorities of both countries.

(b) REDUCTION OF REGULATION BURDEN AND HARMONIZATION OF FOOD REGULATORY REQUIREMENTS.—The Secretary shall support the Office of the United States Trade Representative, in consultation with the Secretary of Commerce, in meetings with representatives of foreign governments to discuss methods and approaches to reduce the burden of regulation and harmonize food regulatory requirements if the Secretary determines that such harmonization continues consumer protections consistent with the purposes of this Act and the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

SEC. 12. COMPLIANCE WITH INTERNATIONAL AGREEMENTS.

Nothing in this Act (or an amendment made by this Act) shall be construed in a manner inconsistent with the agreement establishing the World Trade Organization or any other treaty or international agreement to which the United States is a party.

SA 4697. Mr. COBURN (for himself, Mrs. McCASKILL, and Mr. UDALL of Colorado) submitted an amendment in-

tended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FISCAL YEARS 2011 THROUGH 2013 EARMARK MORATORIUM.

(a) BILLS AND JOINT RESOLUTIONS.—

(1) POINT OF ORDER.—It shall not be in order to—

(A) consider a bill or joint resolution reported by any committee or a bill or joint resolution reported by any committee with a report that includes an earmark, limited tax benefit, or limited tariff benefit; or

(B) a Senate bill or joint resolution not reported by committee that includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the bill or joint resolution shall be returned to the calendar until compliance with this subsection has been achieved.

(b) CONFERENCE REPORT.—

(1) POINT OF ORDER.—It shall not be in order to vote on the adoption of a report of a committee of conference if the report includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the conference report shall be returned to the calendar.

(c) FLOOR AMENDMENT.—It shall not be in order to consider an amendment to a bill or joint resolution if the amendment contains an earmark, limited tax benefit, or limited tariff benefit.

(d) AMENDMENT BETWEEN THE HOUSES.—

(1) IN GENERAL.—It shall not be in order to consider an amendment between the Houses if that amendment includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the amendment between the Houses shall be returned to the calendar until compliance with this subsection has been achieved.

(e) WAIVER.—Any Senator may move to waive any or all points of order under this section by an affirmative vote of two-thirds of the Members, duly chosen and sworn.

(f) DEFINITIONS.—For the purpose of this section—

(1) the term “earmark” means a provision or report language included primarily at the request of a Senator or Member of the House of Representatives providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

(2) the term “limited tax benefit” means any revenue provision that—

(A) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and

(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; and

(3) the term “limited tariff benefit” means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

(g) FISCAL YEARS 2011 THROUGH 2013.—The point of order under this section shall only apply to legislation providing or authorizing discretionary budget authority, credit authority or other spending authority, providing a federal tax deduction, credit, or exclusion, or modifying the Harmonized Tariff Schedule in fiscal years 2011 through 2013.

(h) APPLICATION.—This rule shall not apply to any authorization of appropriations to a Federal entity if such authorization is not specifically targeted to a State, locality, or congressional district.

SA 4698. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

On page 222, between lines 4 and 5, insert the following:

SEC. 212. REPORT ON FOOD FRAUD.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act and annually thereafter, the Commissioner of Food and Drugs shall prepare and submit to the Committee on Agriculture, Nutrition, and Forestry, the Committee on Health, Education, Labor, and Pensions, the Committee on Commerce, and the Committee on Appropriations of the Senate and to the Committee on Energy and Commerce, the Committee on Agriculture, and the Committee on Appropriations of the House of Representatives a written report on food fraud.

(b) CONTENTS OF REPORT.—The report described in subsection (a) shall include—

(1) a list of food fraud complaints filed with the Food and Drug Administration;

(2) a list of food fraud investigations conducted by the Food and Drug Administration;

(3) penalties for food fraud assessed by the Food and Drug Administration;

(4) resources of the Food and Drug Administration that are used to combat food fraud, including staffing and equipment;

(5) field reports of food fraud investigations conducted by the Food and Drug Administration; and

(6) recommendations of resources the Food and Drug Administration could use to combat food fraud.

(c) FOOD FRAUD DEFINITION.—For purposes of this section, the term “food fraud” means an act of producing a food product designed for human consumption that is intentionally mislabeled, adulterated, or otherwise not of the nature, substance, or quality expected by consumers.

SA 4699. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

On page 222, between lines 4 and 5, insert the following:

SEC. 212. FOOD FRAUD INVESTIGATION TASK FORCE.

Chapter IV (21 U.S.C. 341 et seq.), as amended by section 207, is further amended by adding at the end the following:

“SEC. 424. FOOD FRAUD INVESTIGATION TASK FORCE.

“(a) IN GENERAL.—Not later than 180 days after the date of enactment of the FDA Food

Safety Modernization Act, the Secretary shall establish a Food Fraud Investigation Task Force (referred to in this section as the "Task Force"), headed by the Commissioner, to investigate suspected cases of food fraud.

"(b) **TASK FORCE INVESTIGATIVE AUTHORITY AND DUTIES.**—The duties of the Task Force shall include—

"(1) developing and maintaining a toll-free telephone hotline and a reporting form on the Internet website of the Food and Drug Administration for individuals to report suspected cases of food fraud to the Secretary;

"(2) establishing a rapid response investigation team to investigate suspected cases of food fraud reported to the Secretary; and

"(3) establishing a surveillance program to randomly inspect food in the marketplace in order to identify cases of food fraud.

"(c) **CONSULTATION.**—In carrying out this section, the Task Force shall consult with the Secretary of Agriculture and the heads of relevant agencies and offices within the Department of Agriculture.

"(d) **CONSIDERATIONS.**—In carrying out the duties under this section, the Task Force shall consider—

"(1) the use of DNA testing equipment, isotope ratio testing equipment, and other devices to accurately detect instances of food fraud; and

"(2) partnering with third parties to assist in the detection of food fraud.

"(e) **BIENNIAL REPORTING.**—The Task Force shall prepare and submit to the Committee on Health, Education, Labor, and Pensions, the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Appropriations of the Senate and the Committee on Agriculture, the Committee on Appropriations, and the Committee on Energy and Commerce of the House of Representatives a biennial report containing findings by the Task Force with respect to food fraud and recommendations on how to combat food fraud in the marketplace.

"(f) **FOOD FRAUD.**—For purposes of this section, the term "food fraud" means an act of producing a food product designed for human consumption that is intentionally mislabeled, adulterated, or otherwise not of the nature, substance, or quality expected by consumers."

SA 4700. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. ____ SENSE OF THE SENATE ON CATFISH FOOD SAFETY.

(a) **IN GENERAL.**—It is the sense of the Senate that—

(1) Congress enacted section 11016 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2130) and the amendments made by that section to improve catfish inspection following multiple discoveries of banned substances;

(2) subsection (b) of that section includes amendments that require the Secretary of Agriculture to provide inspection activities under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) for farm-raised catfish, by adding catfish to the list of amenable species (as that term is defined in section 1 of that Act (21 U.S.C. 601));

(3) it is imperative that the Secretary of Agriculture and the Director of the Office of Management and Budget implement those

amendments to improve food safety procedures and protect consumers in the United States; and

(4) the Secretary of Agriculture and the Director of the Office of Management and Budget should promulgate regulations to complete implementation of section 11016 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2130) and the amendments made by that section.

(b) **RELATIONSHIP TO OTHER ACTIVITIES.**—In establishing the grading and inspection program for catfish in accordance with the amendments made by section 11016 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2130), the Secretary of Agriculture shall ensure that the program does not duplicate, impede, or undermine any food safety or product grading activity conducted by the Secretary of Commerce or the Commissioner of Food and Drugs.

SA 4701. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. ____ SENSE OF THE SENATE ON FOOD, CONSERVATION, AND ENERGY ACT OF 2008.

It is the sense of the Senate that—

(1) the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8701 et seq.) was enacted on June 18, 2008, and it is critical that action be taken to fully implement that Act and the amendments made by that Act; and

(2) the Director of the Office of Management and Budget should promulgate any remaining regulations relating to food safety and inspection that are necessary to complete implementation of that Act and the amendments made by that Act.

SA 4702. Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE V—SMALL BUSINESS PAPERWORK REDUCTION

SEC. 501. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS.

Section 9006 of the Patient Protection and Affordable Care Act, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such section, and amendments, had never been enacted.

SEC. 502. RESCISSION OF UNSPENT FEDERAL FUNDS TO OFFSET LOSS IN REVENUES.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, of all available unobligated funds, \$39,000,000,000 in appropriated discretionary funds are hereby permanently rescinded.

(b) **IMPLEMENTATION.**—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission under subsection (a) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget

shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

(c) **EXCEPTION.**—This section shall not apply to the unobligated funds of the Department of Defense or the Department of Veterans Affairs.

SA 4703. Mr. NELSON of Nebraska (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 904. MEMBERSHIP OF CHIEF OF THE NATIONAL GUARD BUREAU ON THE JOINT CHIEFS OF STAFF.

(a) **IN GENERAL.**—Section 151(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(7) The Chief of the National Guard Bureau."

(b) **CONFORMING AMENDMENTS.**—Section 10502 of such title is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) **MEMBER OF THE JOINT CHIEFS OF STAFF.**—The Chief of the National Guard Bureau is a member of the Joint Chiefs of Staff, and shall perform the duties prescribed as a member of the Joint Chiefs of Staff under section 151 of this title."

SA 4704. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1082. WEEKLY INCREASE IN THE REWARD FOR CAPTURE OF OSAMA BIN LADEN.

(a) **FINDING.**—Congress finds that a foremost objective of United States counterterrorism policy should be protecting United States persons and property by capturing or killing Osama bin Laden, and other leaders of the al Qaeda network, and by destroying the al Qaeda network.

(b) **WEEKLY INCREASE IN REWARD.**—Section 36(e)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(e)(1)) is amended by adding at the end the following new sentence: "The amount of the reward under the previous sentence shall be increased by \$1,000,000 every seven days after the date of the enactment of this sentence until September 30, 2015."

SA 4705. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3454,

to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle J of title V, add the following:

SEC. 594. DEFERRAL OF DEPLOYMENT OF MEMBERS OF THE ARMED FORCES WHO GIVE BIRTH TO A CHILD.

(A) DEFERRAL.—A member of the Armed Forces who gives birth to a child may not be deployed or otherwise temporarily assigned to a location away from the permanent duty station or homeport of the member during such period beginning on the date of birth as the Secretary of the military department concerned shall specify with respect to the member.

(B) MINIMUM PERIOD.—The minimum period specified with respect to a member under subsection (A) shall be six months.

(C) WAIVER OF DEFERRAL BY MEMBER.—A member may waive a deferral of deployment or assignment under subsection (A), in whole or in part.

(D) WAIVER OF APPLICABILITY OF DEFERRAL.—The Secretary of Defense may waive the applicability of subsection (A) to a member otherwise covered by that subsection if the Secretary determines that the waiver is in the national security interests of the United States. Waivers under this subsection shall be made on a case-by-case basis.

(E) REGULATIONS.—This section shall be administered in accordance with regulations prescribed by the Secretary of Defense. Such regulations shall, to the extent practicable, apply uniformly across the Armed Forces.

(F) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act, and shall apply with respect to members of the Armed Forces who give birth on or after that date.

SA 4706. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 548, between lines 10 and 11, insert the following:

(H) REPAYMENT OF FUNDS PROVIDED.—

(1) FINDINGS.—Congress makes the following findings:

(A) The Iraq Security Forces Fund (ISSF) is intended to provide funding in areas where the United States is in a position to make a unique contribution to Iraqi security.

(B) Starting in 2008, Congress called for Government of Iraq to increase the level it financed its own security forces in light of increases in oil revenues and unspent funds.

(C) Iraq has an available surplus of \$11,800,000,000, according to a September 2010 report by the Government Accountability Office. The report, entitled “Iraqi-U.S. Cost Sharing”, projected a budget surplus of \$52,100,000,000 through the end of 2009, with estimated outstanding advances of \$40,300,000,000.

(D) In addition, the security ministries of Iraq did not use between \$2,500,000,000 and \$5,200,000,000 of their budgeted funds from 2005 through 2009, which could have been used to address security needs, according to the same Government Accountability Office report.

(E) The fiscal year 2011 budget request of the President for the Iraq Security Forces Fund was \$2,000,000,000.

(F) The United States has authorized \$707,000,000,000 for military operations in Iraq since 2003, of which \$24,000,000,000 has been provided for training, equipment, supplies, facility construction, and other services for the Iraqi security forces.

(G) Iraq has the third largest oil reserve in the world, providing a steady source of revenue that has led to budget surpluses even during a period of global economic hardship.

(H) The Government of Iraq should assume responsibility for the costs associated with building its security forces.

(I) The United States budget deficit for fiscal 2010 is estimated at slightly less than \$1,300,000,000,000 by the Congressional Budget Office, and the projected deficit for fiscal 2011 is \$980,000,000,000.

(J) The United States cannot continue to fund security activities for the Government of Iraq, which now possesses the resources and ability to provide for itself.

(2) PROVISION OF ASSISTANCE AFTER FISCAL YEAR 2010 THROUGH LOANS.—United States funds made available from the Iraq Security Forces Fund after the date of the enactment of this Act shall be provided in the form of loans subject to full repayment to the Government of the United States.

(3) REPAYMENT.—The Secretary of State shall, in conjunction with the Secretary of Defense, seek to enter into negotiations with the Government of Iraq in order to enter into an agreement under which the Government of Iraq agrees to repay the United States Government the United States funds provided from the Iraq Security Forces Fund, including United States funds provided before the date of the enactment of this Act and United States funds provided as loans under paragraph (2).

(4) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall, in consultation with the Secretary of Defense, submit to Congress a report describing the status of negotiations described in paragraph (3), including any details of the repayment agreement entered into as a result of such negotiations.

SA 4707. Mr. NELSON of Nebraska (for himself, Mr. WICKER, Mr. CASEY, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 713.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Com-

mittee on Armed Services be authorized to meet during the session of the Senate on Wednesday, November 17, 2010, at 4 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on November 17, 2010, at 9:30 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on November 17, 2010, at 10 a.m., in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on November 17, 2010, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled “Strengthening Medicare and Medicaid: Taking Steps to Modernize America’s Health Care System.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 17, 2010, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on November 17, 2010.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on November 17, 2010, at 10 a.m., to conduct a hearing entitled “Securing Critical Infrastructure in the Age of Stuxnet.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on November 17, 2010, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Judicial and Executive Nominations."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS,
TECHNOLOGY, AND THE INTERNET

Mr. LEAHY. Mr. President, I ask unanimous consent that the Subcommittee on Communications, Technology, and the Internet of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on November 17, 2010, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. DURBIN. Mr. President, I ask unanimous consent that Bill McConagha, a detailee in the Senate HELP Committee Majority Health Office, be granted floor privileges for the duration of S. 510, the FDA Food Safety Modernization Act.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ASIAN CARP PREVENTION AND
CONTROL ACT

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 366, S. 1421.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant editor of the Daily Digest read as follows:

A bill (S. 1421) to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp.

There being no objection, the Senate proceeded to consider the bill.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1421

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Asian Carp Prevention and Control Act".

SEC. 2. ADDITION OF SPECIES OF CARP TO THE
LIST OF INJURIOUS SPECIES THAT
ARE PROHIBITED FROM BEING IM-
PORTED OR SHIPPED.

Section 42(a)(1) of title 18, United States Code, is amended by inserting "of the big-head carp of the species *Hypophthalmichthys nobilis*;" after "Dreissena polymorpha;"

GLOBAL ENTREPRENEURSHIP
WEEK/USA

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 681, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant editor of the Daily Digest read as follows:

A resolution (S. Res. 681) designating the week of November 15 through 19, 2010, as "Global Entrepreneurship Week/USA."

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 681) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 681

Whereas more than 1/2 of the companies on the 2009 Fortune 500 list were launched during a recession or bear market;

Whereas 92 percent of Americans believe that entrepreneurs are critically important to job creation and 75 percent believe that the United States cannot have a sustained economic recovery without another burst of entrepreneurial activity;

Whereas the economy and society of the United States, as well as the country as a whole, have benefitted greatly from the everyday use of breakthrough innovations developed and brought to market by entrepreneurs;

Whereas Global Entrepreneurship Week is an initiative aimed at inspiring young people to embrace innovation and creativity;

Whereas Global Entrepreneurship Week helps the next generation of entrepreneurs to acquire the knowledge, skills, and networks needed to create vibrant enterprises that will improve the lives and communities of the entrepreneurs;

Whereas, in 2009, more than 160,000 individuals participated in the more than 2,300 entrepreneurial activities held worldwide during Global Entrepreneurship Week;

Whereas, in 2010, more than 1,100 partner organizations participated in Global Entrepreneurship Week, including chambers of commerce, institutions of higher education, high schools, businesses, and State and local governments; and

Whereas, in 2010, thousands of organizations in the United States will join in the celebration by planning activities designed to inspire, connect, inform, mentor, and en-

gage the next generation of entrepreneurs throughout Global Entrepreneurship Week/USA: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of November 15 through 19, 2010, as "Global Entrepreneurship Week"; and

(2) supports the goals of Global Entrepreneurship Week/USA, including—

(A) inspiring young people everywhere to embrace innovation, imagination, and creativity; and

(B) training the next generation of entrepreneurial leaders.

ORDERS FOR THURSDAY,
NOVEMBER 18, 2010

Mr. WHITEHOUSE. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, November 18; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, there be a period of morning business for one hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate resume consideration of the motion to proceed to S. 510, the FDA Food Safety Modernization Act, postcloture; and the Senate recess from 12:30 until 3 p.m., with the time during recess, adjournment, or period of morning business counting postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WHITEHOUSE. Mr. President, the postcloture debate time on the motion to proceed to the food safety bill will expire late tomorrow afternoon. In the meantime, we will continue to work on an agreement to consider amendments to the bill. We wish to reach agreement so we can complete action on this important legislation this week.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES READ THE FIRST
TIME—S. 3962 AND S. 3963

Mr. WHITEHOUSE. Mr. President, I understand there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (S. 3962) to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

A bill (S. 3963) to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

Mr. WHITEHOUSE. Mr. President, I now ask for a second reading en bloc, and I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard.

The bills will be read for the second time on the next legislative day.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WHITEHOUSE. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:58 p.m., adjourned until Thursday, November 18, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

DANIEL L. SHIELDS III, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND Plenipotentiary OF THE UNITED STATES OF AMERICA TO BRUNEI DARUSSALAM.

JOSEPH M. TORSSELLA, OF PENNSYLVANIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR U.N. MANAGEMENT AND REFORM, WITH THE RANK OF AMBASSADOR.

JOSEPH M. TORSSELLA, OF PENNSYLVANIA, TO BE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR U.N. MANAGEMENT AND REFORM.

DEPARTMENT OF JUSTICE

ANDREW L. TRAYER, OF ILLINOIS, TO BE DIRECTOR, BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES. (NEW POSITION)

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

DEPARTMENT OF STATE

LOUIS JOHN PINTOR, OF FLORIDA
BETH ANNE MITCHELL, OF FLORIDA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

DEPARTMENT OF STATE

LESLIE WILLIAMS DOUMBIA, OF ALABAMA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

PERRY A. DAVIS, OF ILLINOIS
LAWRENCE J. PANIGOT, OF TEXAS
DONALD P. PEARCE, OF NEW YORK

DEPARTMENT OF STATE

YVON ACCIUS, OF FLORIDA
OMAR S. AHMED, OF NEW YORK
DRU ALEJANDRO, OF ILLINOIS
CHRIS E. ANDERSON, OF THE DISTRICT OF COLUMBIA
RACHEL ATWOOD, OF NORTH DAKOTA
CALEB DANIEL BECKER, OF TEXAS
GEOFFREY BENELISHA, OF VIRGINIA
THOMAS DEE BEVAN, OF UTAH
CORI BICKEL, OF ARKANSAS
DOREL V. BINDEA, OF VIRGINIA
CARLO WISE BOEHM, OF TEXAS
THOMAS CHARLES BOLLATI, OF NEW YORK
M. ALLYN BROOKS-LASURE, OF VIRGINIA
BRENDAN E. BROWN, OF VIRGINIA
ANYA YAKHEDTS BRUNSON, OF FLORIDA
MELODY BULLOCK, OF VIRGINIA
JIHI JULIETA BUSTAMANTE, OF VIRGINIA
CHRISTINE BUZZARD, OF OKLAHOMA
DENEEN KAY CASTLE, OF ILLINOIS
JOE JIE CHEN, OF VIRGINIA
YUSHIN CHOI, OF CALIFORNIA
DIANA CHU, OF ARIZONA
PAUL COLOMBINI, OF MARYLAND
EMMA CONDON, OF MINNESOTA
PATRICK EVANS CONNALLY, OF WASHINGTON
JOSEPH G. CORDARO, OF TENNESSEE
SETH CORNELL, OF PENNSYLVANIA
LOGAN RISHARD COUNCIL, OF NORTH CAROLINA
CHRISTOPHER D. COURT, OF VIRGINIA
EMILY GRACE CRAWFORD, OF ILLINOIS
TODD WILSON ARDELL CRAWFORD, OF OREGON
JOAQUIN CROSLIN, OF TEXAS
ANDREW CROSSON, OF TENNESSEE
EMILEE M. CUMMINGS, OF VIRGINIA
STEWART E. DAVIS, OF THE DISTRICT OF COLUMBIA
CARRIE A. DENVER, OF VIRGINIA
REBECCA DICKENS, OF MASSACHUSETTS
WILLIAM A. DIEFENBACH, OF VIRGINIA
AMANDA WICKHAM DIXON, OF TENNESSEE
COURTNEY ELIZABETH DOGGART, OF NEW YORK
DONYA S. ELDRIDGE, OF INDIANA
OMAR FAROOQ, OF VIRGINIA
JASON M. FLEMING, OF VIRGINIA
LISBETH L. FOUSE, OF MARYLAND
YAN GAO, OF MASSACHUSETTS
PHYLLIS GEORGE, OF VIRGINIA
JEFFREY GRIESSMANN, OF VIRGINIA
ANDREW GRILLOS, OF CALIFORNIA
JAMES WILLIAM HALLOCK, OF NEW YORK
JASON M. HAMMONTREE, OF NEW HAMPSHIRE
JEFFREY HANLEY, OF PENNSYLVANIA
VANESSA H. HARPER, OF CONNECTICUT
ERIN M. HART, OF VIRGINIA
MICHAEL D. HAUSER, OF FLORIDA
DAVID B. HEATON, OF VIRGINIA
ADAM G. HELLER, OF THE DISTRICT OF COLUMBIA
JUSTIN EDWARD HINTZEN, OF VIRGINIA
CHRISTIN HO, OF MASSACHUSETTS
JAMES WESLEY JEFFERS, OF WEST VIRGINIA
CHRISTOPHER A. JONES, OF VIRGINIA
ANDREA R. KALAN, OF TEXAS
RYAN WILLIAM KAY, OF CALIFORNIA
KAMILAH MARESSA KEITH, OF GEORGIA
UZMA FATIMAH KHAN, OF NORTH CAROLINA
JOHN M. KIPP, OF VIRGINIA
AHMED KOKON, OF NEW YORK
DEREK R. KOLB, OF CALIFORNIA
VALERIE A. LABOY, OF TEXAS
JESSE L. LASWELL, OF VIRGINIA
STEPHEN FROLING LECOMPTÉ, OF MARYLAND
KRISTINA LESZCZAK, OF OHIO
BONNIE M. MACE, OF IOWA
DANIELLE ANNE MANISCALCO, OF MASSACHUSETTS
MATTHEW J. MARCHANT, OF THE DISTRICT OF COLUMBIA
LYNNE MARTIN, OF VIRGINIA
ROYDEN MASCARENHAS, OF VIRGINIA
REBECCA E. MCCALL, OF VIRGINIA
FRISCO JOHNSON MCDONALD, OF ARKANSAS
DEBORAH M. MCFARLAND, OF VIRGINIA
MEGHAN E. MERCIER, OF FLORIDA
MEREDITH T. METZLER, OF TEXAS
MOLLY LYNN MITCHELL—OLDS, OF NORTH CAROLINA
JAIME LYNETTE MOODY, OF LOUISIANA
EVAN MORRISSEY, OF WASHINGTON
JULIE NAUMAN, OF FLORIDA
ELIZABETH ANN NOLL, OF VIRGINIA
KRYSTLE WANITA ONIKE NORMAN, OF VIRGINIA
BRANDON RENÉ NUGENT, OF VIRGINIA
ANN PAABUS, OF THE DISTRICT OF COLUMBIA
JACK PAN, OF NEVADA
LEONARD K. PAYNE IV, OF VIRGINIA
MICHAEL PERIARD, OF VIRGINIA
MICHAEL POLYAK, OF MICHIGAN
ROBERT RADEMEYER, OF VIRGINIA
RENE MICHELLE RAGIN, OF NEW YORK
SHANKAR RAO, OF COLORADO
KEDENARD MADEILLE RAYMOND, OF MARYLAND
BRIAN OWEN ROBERTS, OF WEST VIRGINIA
TANIA J. ROMANOFF, OF MASSACHUSETTS
ARECA H'LAEL SAMPSON, OF CALIFORNIA
TIMOTHY L. SAVAGE, OF CALIFORNIA
BRIAN J. SAWICH, OF NEW HAMPSHIRE
ANDREW J. SCHEINSON, OF VIRGINIA
CHRIS SCISSORS, OF FLORIDA
ELIZABETH ELEANOR SHACKELFORD, OF MISSISSIPPI
SUJATA PRADEEP SHARMA, OF MASSACHUSETTS
JAMES JONAS SHEA, OF THE DISTRICT OF COLUMBIA
STEPHANIE SHORE, OF NEW YORK
THOMAS LAMAR SHREVE, OF VIRGINIA

TIMOTHY SHRIVER, OF IOWA
SHANE M. SIEVERS, OF MARYLAND
SILVIA FREYER SPRING, OF THE DISTRICT OF COLUMBIA
ANDREW STAPLES, OF WASHINGTON
KRISTEN L. STOLT, OF VIRGINIA
FREDERICK STRUBER, OF VIRGINIA
GEORGE JAMES SULLIVAN, OF NEW YORK
THOMAS C. SUSMAN, OF VIRGINIA
SHAWN TENBRINK, OF OHIO
JAMES PORTER THROWER, OF FLORIDA
EVELINE W. TSENG, OF NEW YORK
AMY MICHELLE VALENTI, OF THE DISTRICT OF COLUMBIA
CHARLES F. VETTER, OF ILLINOIS
CYNTHIA H. WANG, OF CALIFORNIA
GEORGE BYRD PAGE WARD III, OF MARYLAND
RONALD P. WARD, OF FLORIDA
JASMINE N. WHITE, OF OHIO
MATTHEW D. YARRINGTON, OF FLORIDA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

FRONTIS B. WIGGINS, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

JUAN A. ALSACE, OF VIRGINIA
PAUL S. BEIGHLEY, OF FLORIDA
THOMAS F. GRAY, JR., OF FLORIDA

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

DEPARTMENT OF AGRICULTURE

ALAN HALLMAN, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

DEPARTMENT OF STATE

JESSICA LYNN ADAMS, OF OHIO
MARY E. ALEXANDER, OF TEXAS
ROBERT T. ALTER, OF OHIO
ROBERT E. ANDERSON, OF OREGON
GILLIAN R. APPEL, OF WASHINGTON
GREGORY D. AURIT, OF NEVADA
DAVID AVERY, OF NEW HAMPSHIRE
BRIAN THOMAS BEDELL, OF WISCONSIN
MONICA ALEXANDRA BODUSZYNSKI, OF CALIFORNIA
LISA ARUNEE BUZENAS, OF TEXAS
ERIC CARLO CAMUS, OF OREGON
TOM CARD, OF VIRGINIA
STEVEN WILLIAM CARROLL, OF CALIFORNIA
CHARLES C. CARSON, OF VIRGINIA
CHRISTOPHER RONALD CARVER, OF OREGON
LAURA E. CHAMBERLIN, OF NEW MEXICO
ANDREW H. CHOI, OF VIRGINIA
DANIEL Y. CHU, OF CALIFORNIA
DANIEL ROBERT CISEK, OF FLORIDA
NILES COLE, OF FLORIDA
STACY L. COMP, OF SOUTH DAKOTA
MARC STEVEN COOK, OF THE DISTRICT OF COLUMBIA
ALFONSO GONZALES CORTES, OF NEW YORK
JONATHAN JOEL CRAWFORD, OF INDIANA
JOHN EDWARD CRIPPEN, OF ARKANSAS
RAMONA S. CRIPPEN, OF ARKANSAS
MICHAEL ALBERT DASCHBACH, OF ARIZONA
SCOTT M. DRISKEL, OF VIRGINIA
CAROLYN R. DUBROVSKY, OF VIRGINIA
DAVID A. EPSTEIN, OF NEW YORK
AARON LEE FEIT, OF MICHIGAN
EMILY STEARNS FERTIK, OF MASSACHUSETTS
ANN CLEMENTI FLYNN, OF CALIFORNIA
EDWARD A. GALLAGHER, OF VIRGINIA
JAMES T. GALLAGHER, OF VIRGINIA
NICOLE E. GALLAGHER, OF MARYLAND
MICHELLE MARIE GALSTAUN, OF VIRGINIA
LAWRENCE H. GEMMELL, OF MAINE
LEAH GEORGE, OF NEW YORK
KRISTIN MICHELE GILMORE, OF CALIFORNIA
LEWIS GITTER, OF THE DISTRICT OF COLUMBIA
STEPHEN GLASER, OF CALIFORNIA
KRISTOFOR E. GRAF, OF TEXAS
MICHAEL D. GUINAN, OF VIRGINIA
REVA GUPTA, OF MARYLAND
REBECCA HAAS, OF PENNSYLVANIA
CAROLINE ADAIR HAMILTON, OF TEXAS
ROBERT W. HARELAND, OF NEVADA
KAREN E. HEIMSOOTH, OF ILLINOIS
JUSTIN MATTHEW HEKEL, OF NEW YORK
ERIC D. HEYDEN, OF TENNESSEE
PAUL ALLEN HINSHAW, OF MISSISSIPPI
A. DIANE HOLCOMBE, OF FLORIDA
REBECCA KATHERINE HUNTER, OF FLORIDA
KAREEM N. JAMJOOM, OF MISSOURI
JAMES J. JAY, JR., OF ILLINOIS
RICHARD B. JOHNS, OF TEXAS
JENAE DENISE JOHNSON, OF VIRGINIA
NICOLE G. JOHNSON, OF WISCONSIN
ERIC A. JORDAN, OF KANSAS

STEVEN MARK KENOYER, OF CALIFORNIA
 HESTER ANN KERKSIEK, OF TEXAS
 KEELY ZWART KILBURG, OF VIRGINIA
 SCOTT O. KOENIG, OF CALIFORNIA
 DIANA LYNN KRAMER, OF ILLINOIS
 LESLIE A. LINNEMEIER, OF VIRGINIA
 TISHA R. LOEPER-VITI, OF THE DISTRICT OF COLUMBIA
 CHARLES C. MARTIN, OF KENTUCKY
 PAUL J. MARTINEK, OF FLORIDA
 MCKENZIE A. MILANOWSKI, OF PENNSYLVANIA
 NICOLE A. NUCCELLI, OF VIRGINIA
 ROBERT C. PALMER, OF CALIFORNIA
 LAUREN ADKINS PERLAZA, OF VIRGINIA
 MEGAN MARIE PHANEUF, OF MICHIGAN
 ANTHONY V. PIRNOT, OF NEW YORK
 MICHAEL H. QUINN, OF ALASKA
 JAMIE WILLIAM RAVETZ, OF PENNSYLVANIA
 MIRANDA RINALDI, OF OHIO
 AARON JOHN RUPERT, OF OHIO
 SARAH HANSEN RUPERT, OF VIRGINIA
 ERIK MARTINUS RYAN, OF TEXAS
 MANJU K. SADARANGANI, OF NEW YORK
 MARCELYN ELIZABETH SANCHEZ, OF CALIFORNIA
 THOMAS M. SCHMIDT, OF MISSOURI
 WAYNE D. SCHMIDT, OF IDAHO
 ANJALINA MIREILLE SEN, OF NEW YORK
 DENISE SHEN, OF VIRGINIA
 RICHARD ROSS SILVER, OF CALIFORNIA
 JOAN RENEE SINCLAIR, OF CALIFORNIA
 DIANA MARIA SITTT, OF CALIFORNIA
 JIMMI NICOLE SOMMER, OF IDAHO
 PAUL GLEN STAHL, OF TEXAS
 SARAH CLAIRE STEWART, OF ARIZONA
 JENNIFER SKOUSEN SUBWEEKS, OF TEXAS
 ELIZABETH A. SUNDAY, OF PENNSYLVANIA
 HUGUETTE THORNTON, OF FLORIDA
 BENJAMIN A. TIETZ, OF VIRGINIA
 LAURA A. TILL, OF WASHINGTON
 JAMES M.A. TIRA, OF KANSAS
 MIRIAM E. TOKUMASU, OF WASHINGTON
 NYREE ALYSE TRIPPTREE, OF GEORGIA
 ARIEL REBECCA VAAGEN, OF TEXAS
 CHRISTOPHER ALLEN VAN BEBBER, OF CALIFORNIA
 ANGEL A. VENTLING, OF NEW YORK
 VAIDA VIDUGIRIS, OF NEW YORK
 KERRY M. WALD, OF CONNECTICUT
 MATTHEW EARL WALL, OF ALABAMA
 JENNIFER A. WHITE, OF THE DISTRICT OF COLUMBIA
 DIANE WHITTEN, OF NEBRASKA
 STEWART A S WIGHT, OF NEW YORK
 TODD ANDREW WILDER, OF WASHINGTON
 BRANDON WILSON, OF TEXAS
 SUSAN ANDREA WILSON, OF VIRGINIA
 DEBORAH WINTERS, OF NEW JERSEY
 KIMBERLY E. WRIGHT-KING, OF NEW YORK
 PETER YONGJIN YOON, OF VIRGINIA
 SUZANNE MARIE YOUNTCHI, OF CALIFORNIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

HAROLD H. BRAYMAN, JR., OF VIRGINIA
 FLORENTINO J. GAL, OF VIRGINIA
 CHRISTIAN P. HOBART, OF VIRGINIA
 NICHOLAS A. LOVRIEN, OF MINNESOTA
 RAFAEL A. PATINO, OF CALIFORNIA
 KALPANA B. REDDY, OF MARYLAND
 STEPHEN T. RIBAUDO, OF NEW YORK
 EVERETT G. WAKAL, OF CALIFORNIA

DEPARTMENT OF STATE

DINA J. ABAA-OGLEY, OF CALIFORNIA
 ANDREW PAUL ABBAN, OF VIRGINIA
 LESLIE ABITZ, OF WISCONSIN
 ANA VEYTIA ADLER, OF FLORIDA
 ERIC L. ADLER, OF CALIFORNIA
 MAROOF P. AHMED, OF FLORIDA
 THOMAS ASH, OF TEXAS
 ANDREW CORNELL AYERS, OF THE DISTRICT OF COLUMBIA
 ANDREW C. BAKER, OF VIRGINIA
 CHRISTOPHER I. BARNES, OF VIRGINIA
 NAZANIN BERARPOUR, OF CALIFORNIA
 JONATHAN MCCARTHY BEUTLER, OF CALIFORNIA
 KIMLANG CHAN BISSONNETTE, OF VIRGINIA
 ROBERT EDWARD BLAKESLEE, OF FLORIDA
 JAMES R. BOOTERBAUGH, OF VIRGINIA
 ELBERT MOYE BOYD III, OF THE DISTRICT OF COLUMBIA
 JEANETTE BRACKETT, OF COLORADO
 DUSTIN W. BRADSHAW, OF HAWAII
 CHERONDA E. BRYAN, OF TEXAS
 DAVID A. BUTLER, OF VIRGINIA
 JAMES CERVEN, OF VIRGINIA
 MEREDITH L. CHAMPLIN, OF VIRGINIA
 ISABELLE CHAN, OF MINNESOTA
 JACOB CHRIQUI, OF CALIFORNIA
 ROY CLIFFORD CLARK, OF VIRGINIA
 BRAD COLEY, OF TEXAS
 EDWARD J. COX, OF OREGON
 CORRIN R. COZAD, OF VIRGINIA
 DAVID JUDE CUMMINGS, OF COLORADO
 TABARI DOSSETT, OF CALIFORNIA
 NAKASHA CHERISE DUNNER, OF SOUTH CAROLINA
 EVAN ELLIOTT, OF COLORADO
 DANIEL EVENSEN, OF UTAH
 DAVID CALDWELL EVERETT III, OF VIRGINIA
 JOHN JOSEPH FARLEY, OF VIRGINIA
 JEROME FIELDS, OF MINNESOTA
 JOEL ALLEN FIFIELD, OF VIRGINIA

KENT DAVID FISHER, OF FLORIDA
 SAMUEL N. FONTELA, OF VIRGINIA
 BENJAMIN T. FORD, OF VIRGINIA
 PATRICK SCOTT GAN, OF VIRGINIA
 NICHOLAS GAZULIS, OF VIRGINIA
 THOMAS MICHAEL GODDARD, OF MICHIGAN
 ERIN GORDON, OF OHIO
 MATTHEW S. GORDON, OF NEW JERSEY
 DILLON MICHAEL GREEN, OF LOUISIANA
 JOHN PATRICK GUERIN, OF VIRGINIA
 KOFT GWIRA, OF NEW JERSEY
 PETER D. HAGGERTY, OF THE DISTRICT OF COLUMBIA
 JOHN RICHARD HALL, OF TEXAS
 KATHLEEN E. HANLON, OF THE DISTRICT OF COLUMBIA
 B. CAIN HARRELSON, JR., OF GEORGIA
 JOHN REGINALD HARRIS, OF VIRGINIA
 LARINA MARIE HELM, OF IDAHO
 JOHN POWELL HESFORD, JR., OF VIRGINIA
 EVA E. HOLM, OF WASHINGTON
 AMBROSIA M. HOPKINS, OF VIRGINIA
 JENNY H. HSU, OF TEXAS
 BRENDAN CREAGH JAMES, OF FLORIDA
 STEPHANIE ANGELA JENSBY, OF VIRGINIA
 BRITT JONES, OF FLORIDA
 MIN G. KANG, OF VIRGINIA
 MICHELLE MARGOT KAYSER, OF VERMONT
 JOSEPH C. KELLY, OF SOUTH CAROLINA
 MAURA M. KENISTON, OF ALASKA
 JOHN C. KNETTLES, OF WASHINGTON
 ADAM KOTKIN, OF VIRGINIA
 ALLISON MARIE KOWALSKI, OF VIRGINIA
 ERIC KYANKO, OF VIRGINIA
 NANCY ELIZABETH LAMANNA, OF CALIFORNIA
 MARITA I. LAMB, OF PENNSYLVANIA
 AUSTIN CAREY LAU, OF CALIFORNIA
 YOUNG EUN LEE, OF NEW JERSEY
 ERIC DARRYL LEKUS, OF VIRGINIA
 JOSHUA P. LERNER, OF VIRGINIA
 SHANNON LIBURD, OF NEW YORK
 MY LU, OF CALIFORNIA
 JOZANNE MI. MALONEY, OF UTAH
 KENNETH WAYNE MCBRIDE, OF MINNESOTA
 KELLY RABELLO MCALEB, OF VIRGINIA
 PAUL A. MCDERMOTT, OF TEXAS
 DEENA L. MCDORMAN, OF VIRGINIA
 THOMAS B. MCDORMAN III, OF VIRGINIA
 CHRISTOPHER K. MICKS, OF ILLINOIS
 RYAN S. MILLER, OF OHIO
 KIMITO MISHINA, OF VIRGINIA
 HOMEYRA NAVEEN MOKHTARZADA, OF THE DISTRICT OF COLUMBIA
 MEAGHAN C. MONFORT, OF OHIO
 VI LUAT NHAN, OF WASHINGTON
 JESSE SCOTT NOLTEN, OF THE DISTRICT OF COLUMBIA
 SARAH LUNDQUIST NUUTINEN, OF TEXAS
 SERGEY OLHOVSKY, OF NEW JERSEY
 KATHERINE EARHART ORDONEZ, OF GEORGIA
 ELIJAH ERNEST OWEN, OF VIRGINIA
 MANUEL G. PABON, OF VIRGINIA
 JASON LEE PARK, OF NEW JERSEY
 MAREN E. PAYNE—HOLMES, OF VIRGINIA
 ANDREW M. PELKEY, OF THE DISTRICT OF COLUMBIA
 CARLOS D. PETERSEN, OF VIRGINIA
 URFA QADRI, OF THE DISTRICT OF COLUMBIA
 LAURA QUINN, OF NEW YORK
 CATHERINE REIN, OF VIRGINIA
 JOSANNE REYNOSO, OF VIRGINIA
 AUSTIN RICHARDSON, OF COLORADO
 BRIGID JULIA RYAN, OF MARYLAND
 RAPHAEL SAMBOU, OF CALIFORNIA
 FELIX PASTOR SANCHEZ, OF ILLINOIS
 MICAH M. SAVIDGE, OF PENNSYLVANIA
 GEORGINA M. SCARLATA, OF THE DISTRICT OF COLUMBIA
 SOLMAZ SHARIFI, OF CALIFORNIA
 ADAM SIGELMAN, OF MASSACHUSETTS
 ADAM SILVER, OF NEW JERSEY
 SEITH SONNONSTINE, OF VIRGINIA
 KERRI P. SPINDLER—RANTA, OF MASSACHUSETTS
 RAJ SRIRAM, OF NEW YORK
 KRISTIN STATHAM, OF THE DISTRICT OF COLUMBIA
 ELIZABETH A. STEINBERG, OF VIRGINIA
 JACOB DARYL STEVENS, OF OREGON
 MAXWELL H. STONEMAN, OF VIRGINIA
 SCOTT JOSEPH STREF, OF VIRGINIA
 WALLACE F. STURM III, OF THE DISTRICT OF COLUMBIA
 JOHN C. SWEDA, OF VIRGINIA
 MIA FRANCESCA TER HAAR, OF CALIFORNIA
 CHRISTINA IRENE TILGHMAN, OF VIRGINIA
 J. BARRETT TRAVIS, OF TEXAS
 MATTHEW CARL UNDERWOOD, OF CALIFORNIA
 ANDREEA D. URSU, OF NEW YORK
 LEE BENJAMIN VANDUYN, OF THE DISTRICT OF COLUMBIA
 JOHN H. VAN KAN, OF MARYLAND
 DANIELLE SHENAE VARNELL, OF VIRGINIA
 MELISSA D. VONHINKEN, OF VIRGINIA
 JACQUELINE V. WALTON, OF VIRGINIA
 NATHAN WEBBER, OF UTAH
 JEREMY R. WISEMILLER, OF FLORIDA
 ERIC R.
 LFE, OF VIRGINIA
 TREVOR LEWIS WYSONG, OF MARYLAND
 WON YOON, OF VIRGINIA
 JAY J. ZAGURSKY, OF NEW YORK

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR, EFFECTIVE JANUARY 17, 2010:

DANIEL RUBINSTEIN, OF CALIFORNIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR, EFFECTIVE OCTOBER 12, 2008:

RICHARD G. SIMPSON, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER:

LLOYD S. HARBERT, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

DARYL A. BREHM, OF WISCONSIN

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

To be lieutenant commander

DENISE J. GRUCCIO
 PAUL W. KEMP
 MICHAEL G. LEVINE
 JEFFREY D. SHOUP
 HECTOR L. CASANOVA
 NICOLE M. MANNING
 ERIC T. JOHNSON
 AMANDA M. HANCOCK
 NATASHA R. DAVIS
 JOHN J. LOMNICKY
 ERICH J. BOHABOY
 LINDSAY R. KURELJA

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. JEFFREY L. BAILEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. CURT A. RAUHUT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624, 3037, AND 3064:

To be brigadier general, judge advocate general's corps

COL. FLORA D. DARPINO

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIGADIER GENERAL JOSEPH L. CULVER
 BRIGADIER GENERAL FRANCIS P. GONZALES
 BRIGADIER GENERAL DAVID L. HARRIS
 BRIGADIER GENERAL JAMES R. JOSEPH
 BRIGADIER GENERAL JEFF W. MATHIS III
 BRIGADIER GENERAL HENRY C. MCCANN
 BRIGADIER GENERAL STEVEN N. WICKSTROM

To be brigadier general

COLONEL JAMES A. ADKINS
 COLONEL DEBORAH A. ASHENHURST
 COLONEL ELIZABETH D. AUSTIN
 COLONEL LINDA C. BODE
 COLONEL DARLENE M. GOFF
 COLONEL SCOTT A. GRONEWOLD
 COLONEL BRIAN C. HARRIS
 COLONEL JAMES M. HARRIS
 COLONEL SAMUEL L. HENRY
 COLONEL JAY J. HOOPER
 COLONEL KEITH E. KNOWLTON
 COLONEL FRANCIS S. LUDGANO III
 COLONEL RUSTY L. LANGENFELTER
 COLONEL JUDD H. LYONS
 COLONEL EUGENE L. MASCOLO
 COLONEL MICHAEL W. MCHENRY
 COLONEL KEVIN L. MCNEELY
 COLONEL GLEN E. MOORE
 COLONEL OLIVER L. NORRELL III
 COLONEL WILLIAM J. O'NEILL
 COLONEL VICTOR S. PEREZ
 COLONEL HARVE T. ROMINE
 COLONEL JOANNE F. SHERIDAN
 COLONEL PAUL G. SMITH
 COLONEL PETER C. VANAMBURGH
 COLONEL KATHY J. WRIGHT

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIGADIER GENERAL RICKY G. ADAMS
 BRIGADIER GENERAL BARBARANETTE T. BOLDEN
 BRIGADIER GENERAL GLENN H. CURTIS
 BRIGADIER GENERAL STEPHEN C. DABADIE
 BRIGADIER GENERAL JONATHAN E. FARNHAM
 BRIGADIER GENERAL LEODIS T. JENNINGS
 BRIGADIER GENERAL SCOTT W. JOHNSON

To be brigadier general

COLONEL DOMINIC D. ARCHIBALD
 COLONEL ARTHUR G. AUSTIN, JR.
 COLONEL CRAIG A. BARGFREDE
 COLONEL COURTNEY P. CARR
 COLONEL JOEL D. CUSKER
 COLONEL PATRICK J. DOLAN
 COLONEL DAVID A. GALLOWAY
 COLONEL SCOTT F. GEDLING
 COLONEL KEVIN S. GERDES
 COLONEL JUAN L. GRIEGO
 COLONEL RALPH H. GROOVER III
 COLONEL STEPHEN R. HOGAN
 COLONEL DANIEL R. HOKANSON
 COLONEL GARY E. HUFFMAN
 COLONEL RUTH A. IRWIN
 COLONEL STEPHEN E. JOYCE
 COLONEL RICHARD F. KEENE
 COLONEL TERRY A. LAMBERT
 COLONEL DANIEL B. LEATHERMAN
 COLONEL ELTON LEWIS
 COLONEL TIMOTHY M. MCKEITHEN
 COLONEL PAUL J. PENNA
 COLONEL MATTHEW T. QUINN
 COLONEL DENISE T. ROONEY
 COLONEL MARK A. RUSSO
 COLONEL ORLANDO SALINAS
 COLONEL BRYAN L. SAUCERMAN
 COLONEL MICHAEL D. SCHWARTZ
 COLONEL TIMOTHY L. SHEPPARD
 COLONEL REX A. SPITTLER
 COLONEL DONALD B. TATUM
 COLONEL JAMES E. TAYLOR

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY
 UNDER TITLE 10, U.S.C., SECTION 156:

To be rear admiral (lower half)

CAPT. JAMES W. CRAWFORD III

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES AIR
 FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JOSEPH T. FETSCH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES AIR
 FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

SUZANNE M. HENDERSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES AIR
 FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

CHARLES R. CORNELISSE
 DONDI E. COSTIN
 DAVID M. FITZPATRICK
 GERALD D. MCMANUS

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINT-
 MENT TO THE GRADES INDICATED IN THE REGULAR AIR
 FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

ENEYA H. MULAGHA

To be major

RAMONA R. HUNT
 DWIGHT L. JOHNSON
 JORGE A. LALOMASANCHEZ
 JOHN M. OHARGAN
 JENNY P. SPAHR
 CLAUDIA P. ZIMMERMANN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES AIR
 FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

LENA R. HASKELL
 EDWIN N. JUSINO
 STEVEN D. KIEFFER
 GREGORY T. MACDONALD
 THOMAS P. MARTIN, JR.
 JOSEPH M. PAYNER
 JOHN W. ROYAL
 WILLIAM A. SOBLE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES AIR
 FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DAVID LEWIS BUTTRICK

ALAN CHQUEST
 HENRY E. CLOSE III
 CALVIN D. DIXON
 CLYDE DYSON
 THOMAS J. ELBERT, JR.
 RANDALL W. ERWIN
 RICHARD FITZGERALD
 BRYAN S. HOCHHALTER
 JOHN P. KENYON
 BOYD C. SHORT, JR.
 JOHN F. TILLERY
 ROBERT D. WARD
 THEADORE L. WILSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES AIR
 FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

RANDON H. DRAPER
 STEVEN DOUGLAS DUBRISKE
 SCOTT T. ECTON
 NORINE PATRICI FITZSIMMONS
 DEREK IVAN GRIMES
 JOHN EUGENE HARTSELL
 PATRICIA A. MCHUGH
 MARK W. MILAM
 WILLIAM C. MULDOON, JR.
 CHARLES L. PLUMMER
 MARLESA K. SCOTT
 PETER W. TELLER
 JERRY A. VILLARREAL
 ANDREW S. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES AIR
 FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JANELLE E. COSTA
 PAUL R. GARDETTO
 JEFFREY C. GILLEN
 FRANK A. GLENN
 DAVID A. HAMMIEL
 JEFFERY A. JOHNSON
 MICHAEL T. KINDT
 SUBRINA V. S. LINSBOM
 JAMES A. MULLINS
 KATHERINE S. REARDEN
 HANS V. RITSCHARD
 CHRISTOPHER S. ROBINSON
 JOSEPH S. ROGERS
 JILL R. SCHECKEL
 JOSEPH G. WEAVER
 JEROME E. WIZDA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES AIR
 FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MARTIN D. ADAMSON
 JAMES B. ANDERSON
 MARTIN R. BOOTH
 ROBERT E. BORGER
 WILLIAM J. BRASWELL
 BRIAN K. CLOUSE
 GARY A. COBURN
 DARREN B. DUNCAN
 ELBERT A. FADALLAN
 LANCE K. GIANNONE
 DAVID B. KRUSE
 MARSHALL E. MACCLELLAN
 SHAWN L. MENCHION
 ROBERT J. MONAGLE
 ERIK W. NELSON
 RONALD R. RAGON
 STEVEN R. RICHARDSON
 JOHN G. SACKETT
 HERBERT C. SHAO
 JOHN MARION VON ALMEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES AIR
 FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

WILLIAM J. ANNEXSTAD
 LAURA S. BARCHICK
 MICHAEL A. BLACKBURN
 CHRISTOPHER A. BROWN
 CHAD C. CARTER
 MICHAEL JOHN COCO
 W. SHANE COHEN
 PAUL R. CONNOLLY
 ERIK C. COYNE
 PAUL E. CRONIN
 GRADY A. CROOKS
 THOMAS H. DOBBS
 JOEL F. ENGLAND
 GREGORY J. FIKE
 JIN HWA LEE FRAZIER
 GLEN L. FUNKHOUSER, JR.
 REBECCA MINA GAWARAN
 PAULA M. GRANT
 KENNETH L. HOBBS
 JOHN J. HOPKINS III
 DEBORAH L. HOUCHEM
 CONRAD L. HUYGEN
 JENNIFER C. HYZER
 DARRIN K. JOHNS
 JUDY L. KING

CHRISTINE A. LAMONT
 TERESA G. LOVE
 JENNIFER A. MACEDA
 JAMES J. MARSH
 TERRENCE J. MCCOLLOM
 HEIDI L. OSTERHOUT
 JEFFREY G. PALOMINO
 TODD W. PENNINGTON
 JULIE L. PITVOREC
 ANDREA K. RFERRULLI
 DALE A. RIEDEL
 JULIE L. RUTHERFORD
 MICHAEL W. SAKFO
 CHRISTOPHER TAYLOR SMITH
 RONALD L. SPENCER, JR.
 JUSTIN H. TRUMBO
 MARVIN WARREN TUBBS II
 DAVID E. VERCELLONE
 STACEY J. VETTER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES AIR
 FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

RYAN J. ALBRECHT
 JOHANNA A. ASTLE
 CHRISTOPHER JAMES BAKER
 BRIAN V. BANAS
 JEFFREY T. BILLER
 OWEN B. BISHOP
 KELLYANN H. BOEHM
 MICHAEL C. BREAKFIELD
 CHRISTOPHER S. BROWNWELL
 KEVIN G. BURKE
 MICHAEL P. CARRUTHERS
 CHRISTOPHER D. CAZARES
 JACQUELYN M. CHRISTILLES
 DAVID ANTHONY COGGIN, JR.
 ANTHONY M. DAMIANI
 DANIEL L. DEAN
 JEREMY D. DEROXAS
 BRADFORD M. DEVOE
 AARON M. DRAKE
 MATTHEW E. DUNHAM
 CHRISTOPHER A. EASON
 LOUIS D. ELDRIDGE, JR.
 DARIN C. FAWCETT
 DAVID E. FEITH
 NEAL B. FRAZIER
 RICHARD G. FREUDENBERG
 JOSHUA A. GOINS
 LAURA L. HANSEN
 ERICA L. HARRIS
 JEREMY H. HARRIS
 CHARLES HASBERRY, JR.
 JARED N. HAWKINS
 ELIZABETH MARIE HERNANDEZ
 RYAN D. HILTON
 MEGLA I. HRISTOV
 GEORGE O. IWU
 SHAROIHA P. K. JAMESON
 SCOTT C. JANSEN
 ALLAN L. JUNGELS
 PETER SEAN KEZAR
 STEVEN G. KOESTER
 PHILLIP T. KORMAN
 JOSEPH J. KUBLER
 RHEA ANN LAGANO
 ERIN T. X. LAI
 BRETT A. LANDRY
 DUSTIN C. LANE
 LARISSA N. LANIGAR
 JAMES R. LISHER II
 RICHARD W. LITTLEFIELD
 DANIEL C. MAMBER
 WESLEY E. MCCONNELL
 SHAYLA L. MCNEILL
 SHELLY STOKES MCNUITY
 GLEN R. MILLER
 JULIA J. MUEDEKING
 NICOLE M. NAVIN
 NINA R. PADALINO
 KYLE A. PAYNE
 GABRIEL DAVIS PEDRICK
 KARIN B. PEELING
 JENNIFER E. POWELL
 MICHAEL T. RAKOWSKI
 JAMES M. REED
 AMANDA SEIDEL ROCKERS
 DEREK A. ROWE
 RENEE DIANE SALZMANN
 HEATHER L. SCHERBA
 DANIEL E. SCHOENI
 JACOB S. SIMPSON
 LANCE R. SMITH
 LEAH M. SPRECHER
 ROBERT D. STUART
 MATTHEW D. TALCOTT
 CHRISTOPHER CARL THOMPSON
 MICHAEL L. TOOMER
 DANIEL P. TULL
 GRANT TIMOTHY WAHLQUIST
 JOHN B. WARNOCK
 PILAR G. WENNRICH
 BRIAN A. YOUNG
 GABRIEL MATTHEW YOUNG

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL TO THE GRADE
 INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE
 10, U.S.C., SECTION 12203:

To be colonel

ROBERT C. DORMAN

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

DAVID A. NIEMIEC

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

WILLIAM L. VANASSE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

GEORGE A. CARPENTER

THE FOLLOWING OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

SUSAN A. CASTORINA

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

THERESA C. COWGER
MARIE N. WRIGHT

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

PAULA S. OLIVER

To be major

GARY D. RIGGS

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

JOSEPH C. CARVER

To be major

DEBORAH AARON
HARRY E. CARTER
GARY L. PAULSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JOHN E. JOHNSON II

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

ANDREW S. DREIER

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

KEVIN D. ELLSON

To be major

BRETT A. AYVAZIAN
KEIDA L. MASSEY-MURRAY
JULIE A. MAXWELL
STEVEN J. OLSON

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

PHILLIP R. GLICK
RAY D. KELLEY
CHARLES D. LAWHORN
PAUL D. MCALLISTER
RONALD N. MCKAY
FRANK M. RICE
KENNETH G. ROSADO
SCOTT A. STSAUVER
WILLIAM G. SUVER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

KEVIN ACOSTA
BJORN E. ANDERSON
BRYAN L. BAIN
JONATHAN D. BEARD
PATRICK BOND
PATRICK O. BRILEY
JAMES E. CLEMONT'S, JR.
PAUL B. CONNOR
GARY H. DAVIS
RICHARD L. DUBREUIL
PETER H. EVANS
STEWART R. FEARON
KENNETH J. FIELD'S
EDELMIRO FONSECA
JEFFREY C. GARROTT
JIMMY E. HALL
QUINCY V. HANDY
ROBERT D. HARTER
JOHN B. HASHEM
JAMES M. HEARLEY
MONA R. HENRYBENNETT
ANNIE JACKSON
ROY M. JEWELL
GARY E. KAYSER
KENNETH E. KOP'S
HUBERT H. KWON
ROBERT W. LEVALLEY
ROGER LINTZ
WARD E. LITZENBERG
DENISE L. LORING
RANELLE A. MANAOIS
ANGELA S. MCCARGO
SHERRY MCCLLOUD
GORDON T. MCMILLAN
PHILLIP T. MICKLES
SEAN F. MULCAHEY
STEVEN W. NOTT
BARBARA L. OWENS
MICHAEL J. PAPPAS
ERNEST T. PARKER
ROBERT J. RICHTMYRE
ALBERTO RIVERA
JOSEPH K. ROBERT'S
ADAM S. ROTH
JEFFREY C. SCHMIDTMAN
VIRVITINE SHARPE
PAUL G. SHELTON
VINCENT T. SIMMONS
RHONDA D. SMILLIE
BRIAN N. SMITH
PENELOPE H. SPEED
WILLIAM M. STEINKIRCHNER
JAMES B. STEPHENSON
BRIAN R. TACHIAS
RICHARD P. TAKISHITA
RICK W. TAYLOR
KURT F. WAGNER
WANDA J. WALKER
TODD R. WELSCH
ROBERT O. WILEY
MARC S. WILSON
ROBERT K. YIM

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

MARY E. ABRAMS
ALFRED F. ABRAMSON III
SKIP ADAMS
STEVEN L. ALLEN
DELMAR G. ANDERSON
JOE E. ARNOLD, JR.
ROBERT E. BACKMAN
WILLIAM J. BAILEY
MICHAEL T. BARKETT
ROBERT L. BARNES, JR.
SAMUEL C. BLANTON III
TIMOTHY J. BOEMECKE
ROBERT D. BREM
ANTONIO BROWN
HAROLD A. BUHL, JR.
JAMES D. BURDICK
JAMES K. CHOUNG
CHARLES COBBS III
RAYMOND K. COMPTON
JOHN P. CONWAY
JOSEPH R. CORLETO
DENNIS V. CRUMLEY
ROBERT W. CURRAN
PATRICK J. DAILEY
KIMBERLY J. DAUB
GERALD R. DAVIS, JR.
JENNY W. DAVIS
CHARLES P. DEASE
JAMES P. DELANEY
SHEILA C. DENHAM
JOSEPH P. DUPONT
DAVID C. DUSTERHOFF
RICHARD A. ELLIS
MATTHEW J. FERGUSON
HEATHER L. GARRETT
HOLLY A. GAY
ELUYN GINES
GORDON L. GRAHAM
DAVID W. GRAUEL

PETER M. HAAS
DWAYNE A. HARRIS
JOE L. HART, JR.
ROBERT L. HATCHER, JR.
DAVID A. HATER
RANDOLPH G. HAUFÉ
TIMOTHY J. HOLTAN
KENNETH R. HOOK
TERRENCE L. HOWARD
TONIE D. JACKSON, SR.
JAYNE V. JANSEN
JENNIFER L. JENSEN
CURTIS A. JOHNSON
JOHN W. JONES
DAVID M. KACZMARSKI
JAMES E. KAZMIERCZAK
MARK B. KELLY
JAMES L. KENNEDY, JR.
ROBERT E. KING
LEONA C. KNIGHT
GREGORY W. KOLLER
WILLIAM M. KRAHLING
JOHN D. KUENZLI
JOSEPH E. LADNER
ROBERT J. LEHMAN
THEODORE M. LENNON
VINCENT F. MALONE II
JOHN C. MATTHEWS
KEVIN M. MCKENNA
SEAN P. MCKENNEY
BRUCE B. MCPEAK
MANUEL C. MENO, JR.
STEPHEN T. MILTON
JAMES S. MOORE, JR.
ROBERT F. MORTLOCK
BERNARD L. MOXLEY, JR.
MARTY L. MUCHOW
THOMAS P. MURPHY
MICHAEL P. NAUGHTON
CHARLES E. NEWBEGIN
MICHAEL W. NEWELL
GERALD NIXON
KYLE P. NORDMEYER
BENJAMIN M. NUTT
ANGELA M. ODOM
MARK A. PAGET
BRIAN A. PATTERSON
WILLIAM C. RAMSEY
SCOTT J. RAUER
MATTHEW D. REDDING
ERIC T. REINKOBER
JON K. RICKEY
JAMES S. ROMERO
JAMES A. RUPKALVIS
SAMUEL L. RUSSELL
THOMAS J. SEELIG
THOMAS W. SEIFFERT
MARK C. SHADE
EUGENE SHEARER
SETH L. SHERWOOD
JOHN P. SILVERSTEIN
SARA V. SIMMONS
MICHAEL E. SLOANE
SPENCER L. SMITH
NANCY SPENCER
GEOFFREY D. STEVENS
DOUGLAS F. STITT
TIMOTHY J. STRANGE
KEITH J. SYLVIA
MICHAEL J. THURSTON
JAMES H. UTLEY II
GORDON T. WALLACE
KENNETH D. WATSON
DARREN L. WERNER
BRADLEY A. WHITE
INES N. WHITE
ANTHONY K. WHITSON
DERRIN E. WILLIAMS
DAVID WILSON
ALAN D. WOODARD
MICHAEL A. WRIGHT
WILLIAM R. WYGAL
MARTIN A. ZYBURA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

TIMOTHY P. ALBERS
PATRICK S. ANDERSON
LYNETTE M. ARNHART
CHRISTOPHER D. BAKER
ROBERT S. BARKER
JOHN C. BASKERVILLE
KIRKLIN J. BATEMAN
JONATHAN R. BATTLE
CARLOS G. BERRIOS
SHELLEY A. BERRYHODNE
MARIA A. BIANK
JAMES P. BIENLIEN
RALPH T. BLACKBURN
EDWARD M. BONFOEY III
JOHN E. BOX
STEVEN D. BRETON
DARIN L. BROCKINGTON
GREGORY J. BROECKER
MICHAEL I. BROWNFIELD
JAMES J. BRUHA

SUSAN F. BRYANT
JENNIFER G. BUCKNER
JOHN J. BURBANK
ANTHONY P. BURGESS
BICHSON BUSH
LEO P. BUZZERIO
BRYAN K. CHAPMAN
JAY K. CHAPMAN
JAMES F. CHAPPLE
JOHN A. CONWAY
PAUL J. COOK
RICARDO CRISTOBAL
BENJAMIN D. CROCKETT
PHILLIP R. CUCCIA
PATRICK L. DANIEL, JR.
CHARLES E. DAVIS
DAVID W. DETATA
DAVID W. DINGER
JAMES A. DONNELLY
MICHAEL E. DONNELLY
JOSEPH J. DWORACZYK
GRANT EDWARDS
MARK B. ELFENDAHN
STEPHEN A. ELLI
KRISTIN A. ELLIS
NELSON L. EMMONS, JR.
JOSE A. ESPINOSA
DERRICK B. FARMER
WADE A. FOOTE
PETER C. FOWLER
ALFRED E. FRANCIS
PAUL H. FREDENBURGH
MICHAEL G. FREIBURGER
NORMAN H. FUSS III
BRYANT D. GLANDO
JOHN C. GOETZ II
JOHN M. GRAHAM, JR.
JOHN G. GREAVES
CHARLES E. GRINDLE
LEE K. GRUBBS
TERRY A. GUILD
ANTHONY R. HALE
JOSEPH G. HALISKY
PATRICK D. HALL
JOSEPH P. HANUS
WILLIAM T. HARMON
HUGHIE B. HARRIS
JOHN M. HAYNICZ
CHRISTOPHER V. HERNDON
MARK A. HINDS
DAVID HUDAK
PETER S. IM
JEROME W. JACKSON III
GREGORY M. JAKSEC
JOHN R. JONES
WILLIAM D. JONES III
MARK M. KARAS
TODD E. KEY
DAVID T. KIM
JOHN S. KIM
ROBERT S. KIMBROUGH
MARK E. KJORNES
HEINO KLINCK
ERNEST C. LEE
LELAND A. LIEBE
STEWART W. LILES
HOWARD Y. LIM
NORMAN P. LITTERINI
ARTUR M. LOUREIRO
CHRIS L. LUKASEVICH
KRISTIAN M. MARKS
STEVEN M. MARROCCO
BRIAN R. MCCULLOUGH
CHAD A. MCGOUGAN
RYAN P. MCMULLEN
DANIEL C. MILLER
RALPH E. MILLER
BRADLEY K. MITCHELL
JONATHAN R. MOELTER
RICHARD M. MONNARD
ARMIDA MONTEMAYOR
DANIEL L. MORRIS
JOHN C. NELSON
SUZANNE C. NIELSEN
SHAWN M. NILIUS
MAUREEN J. OCONNOR
DOUGLAS J. ORSI
TROY D. OTTO
DONOVAN D. PHILLIPS
DIRK E. PLANTE
BENNIE J. POKEMIRE
EDWARD T. POWERS
EDWARD C. PREM
CHRISTOPHER N. PRIGGE
KENNETH A. RECTOR
LARRY J. REDMON
STEVEN D. REHN
BRETT E. REISTER
CHARLES C. RIMBEY
GLORIA A. RINCON
RENE R. RODRIGUEZ
PAUL H. ROSS
JOSEPH F. ROYBAL
TODD C. RUNYON
THOMAS G. RYAN
MARK A. SCHREIBER
RICHARD A. SCHUENEMAN
MATTHEW B. SCHWAB
LISA A. SHAY
DANIEL M. SHRIMPTON
EUGENE SIMON
ALICIA G. SMITH

PHILIP W. STANLEY
CLAIRE E. STEELE
MICHAEL P. STONEHAM
MICHAEL D. STROZIER
FERN O. SUMPTER
JONATHAN E. SWEET
WILEY C. THOMPSON
DAVID C. TRYBULA
JOHN C. ULRICH
LAURA R. VARHOLA
PAUL R. WALTER
CHRISTOPHER P. WATKINS
CHARLES J. WATSON
ANDREW J. WEATE
THOMAS M. WEAVER
PAUL L. WEBBER
WILBURN C. WILLIAMS, JR.
GEORGE D. WINGFIELD
WILLIAM T. WINKLBAUER
GREGORY S. WINSTON
WADE S. YAMADA
DANIEL E. ZALEWSKI
DARRELL H. ZEMITIS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE RESERVE OF THE
ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ELLEN J. ABBOTT
MAHER M. ABED
WILLIAM R. ALDRIDGE
MYLES E. ALTIMUS
DUNCAN D. AUKLAND
TOMMY H. BAKER
JAMES A. BELASKI
EMMANUEL BELT
RAYMOND M. BILY, JR.
PAUL N. BIRD, JR.
ANDREW T. BLAIR
SCOTT J. BOESPFLUG
JOSE R. BORIACRUZ
DAVID J. BRADY
STEVEN A. BRAGORGOS
TIMOTHY D. BRANDT
JEFFERY L. BROWN
TODD D. BROWN
WILLIAM K. BROWN
CHARLES B. BUNTIN
JOHN H. BURKE
CHRISTOPHER M. BURNS
JOHN H. CAMPBELL
JOHN K. CAPELLO
RITA B. CASEY
DANIEL R. CATON
RONALD G. CHEW
GARY T. CHRISTIANSON
ROBERT J. CHURCH
ALBERT J. COLE
EDAM N. COLON
IRIS D. COLONRIVERA
FRANK A. CORNELIO
WILLIAM S. CROSSEN
ROBERT J. DAMBRINO III
SAMUEL J. DARWIN
JOHN M. DAVIS
STEVEN A. DAVIS
GREGORY V. DEBERNARD
CARLA H. DECKER
ENRIQUE M. DELAPAZ
TOMAS DELEON
ROBERT A. DERMANN
DAMIAN T. DONAHOE
LEONARD H. DYER, JR.
DWAYNE P. ECKMAN
JEFFERY R. EDGE
BARBARA J. ELMER
TONY L. FERGUSON
EARL W. FLANAGAN
KENNETH J. FORAND
CARL L. FRANKS, JR.
EMMA A. FRISTOE
TIMOTHY G. GARDNER
DOMENICK A. GARZONE
TIMOTHY A. GLYNN
ANTONIO R. GONZALEZ
MICHAEL R. GONZALEZ
EUGENE T. GORMLEY
ROMMEL A. GUERRERO
SANTOS GUZMAN
THOMAS E. HAIDET
ANTHONY L. HALL
DARCIE D. HANDT
JAMES B. HARDY
GREGORY H. HARGETT
JOE D. HARGETT
ROBERT A. HEDGEPEETH
DONNA J. HENDERSON
ALBERTO M. HIGUERA
MICHAEL HOGUE
RANDALL F. HOLBROOK
RUSSELL W. HOWE
ROBERT M. HOWLAND
JONATHAN S. HUBBARD
MARVIN T. HUNT
DANIEL J. IVERSON
KELLY S. JACKSON
RUFUS D. JARRIEL
AARON C. JOHNSON
ANTHONY W. JOHNSON

JEFFREY P. JOHNSON
JOHN M. JOHNSTON
DAVID L. JONES
PAUL T. KASTNER
CLARENCE S. KELLY, JR.
DAVID R. KELLY
JOHN T. KELLY
PETER Y. KIM
STEVEN T. KING
JAMES S. KLAUBER
STEVEN K. KNUTZEN
WILLIE A. KYLES
HALDANE B. LAMBERTON
PAUL M. LANDRY
DONALD P. LAUCURICA
JAVIER LAZARO
FREDERICK A. LEINWEBER
JANE M. LENGEL
GEORGE A. LEONE
STEVEN A. LEWIS
DEANNE E. LINS
ANITA E. LONG
ROBERT A. MAGNANINI
MITCHELL G. MALONE
FREDERICK J. MARLAR
RICHARD P. MARTIN
CARLOS R. MARTINEZ
MICHAEL G. MARTINEZ
KENNETH L. MCCREARY
JAMES P. MCFADDEN
BERNARD H. MCLAUGHLIN, JR.
DAVID R. MEAKINS
FRANTZ MICHEL
THOMAS J. MILLER
PAMELA P. MOODY
CHARLES W. MOORE
MARILYN A. MOORES
MARYBET MORCIGLIO
ADRIAN M. NAGEL
MARTY R. NICHOLS
JAMES S. NIUMATALOLO
JAMES A. NORTH
MICHAEL H. NOYES
PATRICK J. NUGENT
ROBERT K. OCONNOR
BRIAN C. OLSON
VINCENT D. ONEILL
GERVASIO ORTIZLOPEZ
HOLLY A. OTTESSEN
JOAQUIN S. PANGELINAN
ANDREW C. PAVORD
MARK W. PETERSEN
MICHAEL S. PIAZZONI
GREGORY A. PICKELL
MARK A. PITERSKI
KEVIN L. PLAGMAN
RICHARD P. POOLE
MARK A. PRESTON
TERRY C. QUIST
GEORGE M. RAND
FRANCIS T. RILEY
JOSE A. RIVERAHERNAIZ
CLARK R. ROBERTS
CHARLYNN V. SAGUID
GREGORY S. SALISBURY
FRANK A. SANTORE, JR.
VERNON L. SCARBROUGH, JR.
DAVID A. SCHALL
RANDALL J. SCOTT
SHARON S. SCOTT
TIMOTHY J. SENECAUT
JOHN F. SHEARD
BRIAN E. SHERIDAN
SHARON R. SIMS
JAMES L. SISSON
DAVID A. SKALICKY
WILLIAM B. SMITH, JR.
MATTHEW O. SNYDER
JEFF D. SORACCO
SPYROS L. SPANOS
MATTHEW P. SPRENGER
JEFFREY T. SQUIRES
MICHAEL A. STACEY
DOUGLAS E. STALL
ANDREW M. STEWART
STEVEN E. STIVERS
RONALD E. STRAHLE
DREW P. SULLINS
STEPHEN G. SWEET
TIMOTHY J. SYMONDS
ROBERT A. TAMPLET
JOHN B. TANNEHILL
JOHN F. TAYLOR, JR.
DEREK J. TOLMAN
MARK A. TOLZMANN
MARK A. VANDYKE
COURTNEY B. VARESLUM
NELSON R. VELEZ
TIMOTHY K. WALKER
DALE T. WALTMAN
ALMA E. WATKINS
RAYMOND V. WATTS
DAVID B. WEISNIGHT
BILL G. WELCHER
RICKEY L. WEST
LARRY A. WHEELER
GALEN D. WHITE
MYLES T. WILLIAMS
JOHN T. WILTSE
MICHAEL E. WINKLER
GLENN C. WIRTH
DAVID E. WOOD

MICHAEL W. YOUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES ARMY
UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JOHN C. ALLRED
SCOTT R. ALPETER
EDWARD J. AMATO
JEFFERY A. ANDERSON
MATTHEW R. ANDERSON
QUINTON J. ARNOLD
ROBERT L. BAILES
HUGH D. BAIR
GREGORY BENDEWALD
WILLIAM E. BENSON
NICHOLAS O. BERNHARDT
MARK D. BIEGER
JOHN E. BIRCHER IV
CAROLYN S. BIRCHFIELD
JIMMY F. BLACKMON
SCOTT R. BLEICHWEHL
SHANNON L. BOEHM
JOHN V. BOGDAN
DOUGLAS A. BOLTUC
JEFFERY D. BROADWATER
WILLIAM T. BROOKS
JAMES A. BRYANT
TIMOTHY W. BUSH
THOMAS H. BYRD
MATTHEW R. CARRAN
KENNETH R. CASEY
DAVID L. CHASE
PATRICK A. CLARK
DAVID R. CLONTS
DARIN S. CONKRIGHT
TERRY P. COOK
REGINALD W. COTTON
CLEMENT S. COWARD, JR.
CHARLES J. DALCOURT, JR.
MICHAEL N. DAVEY
FRANCIS J. DAVIDSON
JOSEPH D. DAVIDSON
THOMAS A. DAVIS
BRANDT H. DECK
CHRISTOPHER DELAROSA
ANTHONY G. DEMARTINO
MARK J. DESCHENES
MARIO A. DIAZ
ANTHONY C. DILL
ROBERT N. DILLON
ALAN M. DODD
IGNATIUS M. DOLATA, JR.
JOHN F. DUNLEAVY
MICHAEL R. EASTMAN
MATTHEW G. ELLEDGE
NATHANIEL W. FARMER
DAVID S. FLECKENSTEIN
MICHAEL J. FORSYTH
ROBERT A. FORTE
MICHAEL L. FOSTER
DAVID J. FRANCIS
GEORGE L. FREDRICK
MICHAEL P. GABEL
JESSE D. GALVAN
CHRISTOPHER C. GARVER
WILLIAM A. GEIGER
GEORGE A. GLAZE
STUART P. GOLDSMITH
STEPHEN J. GREEN
RICHARD G. GREENE, JR.
JOHN H. GREENMYER III
KEVIN F. GREGORY
JOHN P. GRIMES
ERIC D. HANDY
ROBERT M. HANLEY
RANDALL L. HARRIS
KENNETH A. HAWLEY
RANDALL I. HAWS
TIMOTHY P. HEALY
TAMMY A. HEATH
SCOTT W. HEINTZELMAN
KEVIN D. HENDRICKS
MATTHEW S. HERGENROEDER
DARYLE J. HERNANDEZ
KEVIN C. HICKS
JAMES M. HIGGINS
STEVEN L. HITE
HORACE C. HODGES
DIANA M. HOLLAND
CLAUDE E. HOUSE
MIGUEL D. HOWE
DANIEL S. HURLBUT
HEYWARD G. HUTSON
PATRICK J. HYNES
TERRY A. IVESTER
MARK A. JACKSON
BRETT C. JENKINSON
GREGORY R. JICHA
CHRISTOPHER B. JOHNSON
OMAR J. JONES IV
ROBERT A. JONES
JOSEPH R. JORDAN
MATTHEW G. KARRES
CHRISTIAN M. KARSNER
NICHOLAS W. KATERS
VALERY C. KEAVENY, JR.
TIMOTHY F. KEHOE
ROBERT L. KELLEY, JR.
DANIEL J. KING
MARK S. KNERAM

GARY M. KOLB
TROY D. KRINGS
CHRISTIAN T. KUBIK
KIMBERLY S. KUHN
JOHN R. LAKSO
JOHN K. LANGE
BRUCE E. LEAHY
KYLE E. LEAR
SIOBAN J. LEDWITH
DAVID A. LESPERANCE
CHRISTOPHER LESTOCHI
JOHN F. LIGHTNER
BERNARD R. LINDSTROM
LAURENCE C. LOBDELL
MICHAEL R. LWIN
ROBERT W. LYONS
THOMAS H. MACKEY
MICHAEL J. MAMMAY
JAMES C. MARKERT
DAVID A. MARKOWSKI
THOMAS S. MATSEL
BENJAMIN M. MATTHEWS
JIMMY L. MCCONICO
BERRIEN T. MCCUTCHEEN, JR.
GEORGE R. MCDONALD
JOSEPH S. MCLAMB
RONALD W. MCNAMARA
WILLIAM E. MCRAE
CORY A. MENDENHALL
ROBERT L. MENTI
GENE D. MEREDITH
JAMES D. MILLER
MARK A. MILLER
MATTHEW C. MINGUS
STEVEN M. MISKA
KEVIN J. MOFFETT
RICARDO O. MORALES
MICHAEL T. MORRISSEY
SEAN F. MULLEN
DAVID L. MUSGRAVE
ANDREW C. MUTTER
JONATHAN T. NEUMANN
FREDERICK M. O'DONNELL
PAUL B. OLSEN
THOMAS W. OSTEEEN
PAUL E. OWEN
RICHARD P. PANNELL
STEVEN L. PARKER
LEON F. PARROTT
DENNIS N. PASTORE
MICHAEL S. PATTON
LARRY D. PERINO
SCOTT A. PETERSEN
JOHN P. PETKOSEK
SALVATORE J. PETROVIA
GEORGE S. PITT
BILLINGSLEY G. POGUE III
JOHN S. PRAIRIE
LOUIS B. RAGO II
MITCHELL L. RAMBIN
JAMES F. RECKARD III
JOHN W. REYNOLDS II
JOHN B. RICHARDSON IV
WARLINE S. RICHARDSON
WILLIAM S. RIGGS
PATRICK B. ROBERSON
GARY A. ROSENBERG
DEREK R. ROUNTREE
DAVID J. RUDE
WALTER T. RUGEN
DAVID E. SALTER
JEFFREY M. SANBORN
FRANK N. SANDERS
GEORGE H. SARABIA
PAUL S. SARAT, JR.
ERIC E. SCHWEGLER
JOHN M. SCOTT
TORY L. SCOTT
BURTON K. SHIELDS
MICHAEL S. SHROUT
JOHN W. SILKMAN
MICHAEL D. SIMLEY
DENNIS C. SMITH
KENT B. SOEBBING
MARK W. SOLOMON
BENJAMIN O. SOLUM
KELLY C. SPILLANE
RICHARD D. SPRINGETT
JOHN P. STACK, JR.
THOMAS H. STAUSS
ROBERT T. STEIN
DONALD P. TAYLOR, JR.
MICHAEL T. TETU
RICHARD THEWES, JR.
MICHAEL R. THOMAS
TOMMY G. THOMPSON
PAUL D. TOUCHETTE
MICHAEL F. TRONOLONE, JR.
KEVIN A. VIZZARRI
JOHN G. VOORHEES, JR.
DONALD L. WALKER
GLENN A. WATERS
DALE E. WATSON
TIMOTHY F. WATSON
ARTHUR G. WEEKS
DEAN M. WEILER
JOHN C. WHITE
SAMUEL E. WHITEHURST
ROBERT F. WHITTLE, JR.
RICHARD A. WILSON
WILLIAM S. WOZNIAK
DARRON L. WRIGHT

PAUL L. YINGLING
LOUIS A. ZEISMAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE RESERVE OF THE
ARMY UNDER TITLE 10, U.S.C. SECTION 12203:

To be colonel

JOHN W. AARSEN
CAROLINE L. ABSHIER
HOLTORF R. ALONSO
THOMAS M. ANDREJCAK
RICHARD H. ANTONISSE
TREVOR A. AUSTIN
RONALD A. BACON
HENRY J. BANKER
MICHAEL J. BARCOMB
VINCENT B. BARKER
DAVID M. BARNETT
DAVID C. BARRETT
DALE H. BARTLETT
RODNEY S. BERRY
RUSSELL H. BITTLE, JR.
JAMES A. BLANKENHORN
GLENN L. BLONDIN
ROBERT S. BOBINSKI
TIMOTHY P. BOBROSKI
BARRY C. BORT
KATHLEEN S. BURR
OTTO A. BUSER III
DONALD W. CANADAY
SEAN J. CANNON
JOHN C. CASE
DAUPHIN V. CHILDS III
DAVID L. CHURCH
ARLEEN A. COATES
KAREN L. COCCIO
JEFFREY C. COGGIN
ALFONSO COLBOURNE
JOE L. COMBS, JR.
ROBERT S. CONFORTO
PETER L. CONNELLY
MICHAEL A. COOK
IVAN CORNIELLE
CARY M. COSTA
DAVID A. COZZIE
JERRY L. CRANDALL
QUENTIN K. CRANK
WILLIAM Y. CRAVEN
OSCAR K. CREASY II
JAMES H. CROSBY
THOMAS C. CROSS
FRANCIS J. CURTIS, JR.
MARK E. CUTTLE
TIMOTHY S. DAMICO
MARIO DAVILA, JR.
SCOTT J. DAVIS
ANTHONY H. DEMOLINA
JAY A. DESCAMPS
DEAN A. DISIBIO
PAUL G. DIXON
CHRISTOPHER C. DOLT
GEORGE A. DOMS
SYLVIA A. DRAYTON
JOHN M. DUGUAY
RICHARD S. DUKES
KIMO J. DUNN
JOSEPH P. EBERT
RAYMOND K. ELDERD III
ANTHONY J. ESCOTT
WILLIAM E. EVANS
INGA S. EWING
JOHN D. FARON
JOSEPH R. FAUCETT
RICHARD A. FAULKNER, JR.
KIRK M. FERNITZ
OTTO C. FIALA
MELVIN FLEMING
MICHAEL A. FOLEY
JAMES C. FREEMAN
JOHN P. FRYE
MARC A. GARCIA
RONALD J. GAUSE
SCOTT D. GEMELING
ROBERT A. GOLEY
PETER W. GOODRICH
NATHAN GORN
MARY E. GRAF
LEELA J. GRAY
EDITH M. GREENE
ENRIQUE M. GUERRA
STEPHEN J. HAGER
CHARLES D. HALE
DARWIN R. HALE, JR.
DWIGHT A. HALL
JOHN E. HALVORSON
JOHN H. HAMLETTE III
DAVID M. HAMMONS
ALVIN M. HARRIS
MOLLY R. HARRIS
WILLIAM T. HARRIS
SAMUEL C. HARTWELL
TERI A. HASSELL
GLENWOOD A. HENCE
KRISTAN L. HERICKS

PAUL F. HICKS, JR.
FRANK E. HIMSL
STEVEN C. HOLCOMB
ALPHONSO HOLT
RANDALL L. HORTON
DOUGLAS L. HOWELL
DAVID S. HOWEY
ERIK E. IMAJO
WILTON C. JACKSON
EDDIE C. JACOBSEN
THOMAS K. JARVIS
WILLIAM J. JEFFERSON
CARL D. JOHNSON
CHARLES E. JOHNSON
CRAIG M. JOHNSON
ERIC M. JOHNSON
PAULA Z. JONES
JEFFREY W. JURASEK
ANDREW R. KEIRN
JAMES J. KELLY
RICHARD D. KILLIAN
KI H. KIM
KENNETH E. KING
NICHOLAS E. KRUPA
STEVEN E. KUKLIN
JEFFREY J. KWIECINSKI
HAROLD H. KWON
GREGORY A. LAEMMRICH
LUCINDA H. LANE
JAMES P. LAVERY
JOHN P. LAWLOR
MARY M. LEE
MARY L. LEMASTERS
STUART K. LHOMMEDIEU
MARIO LIJOI
TERRY K. LINDSEY
DAVID W. LING
CHARLES T. LINVILLE
JOHN T. LISTERMANN
LOUIS F. LONG III
RAYMOND F. LOO
DANNY E. LOVELADY
PROFIT LUCY
STEVEN S. LYONS
DOUGLAS R. MACMILLAN
DANILO C. MAGPANTAY
PETER W. MALIK
LOLA M. MANN
NICK MASTROVITO
DAVID B. MATTHEW
PHILIP A. MAULDIN
DAVID A. MCCracken
KATHLEEN A. MCDONNELL
JOHN F. MCFASSEL
ROBERT W. MCKENRICK
REGINALD L. MCKENZIE
DAVID J. MENEGON
TERRY R. MEYER
JAMES E. MILLER
VERNON M. MIRANDA
ROBIN C. MORALES
SCOTT R. MORCOMB
GREGORY J. MOSSER
PETER R. MUCCIARONE
KEITH P. NADIG
ANTHONY NAPLES
ANTHONY J. NEAVERTH
PETER F. NORSETH
JOSEPH L. O'CONNELL
DALLAS P. OLSON
TANYA R. OLSON
KAREN OSSORIO
RICHARD W. PACIOUS
DANIEL M. PATTON
MICHAEL C. PEETERS
BRYAN G. PETERSON
JOHN D. PILOT
ROBERT W. PINCKARD
DARYL W. PING
MICHAEL F. PODRATSKY
CHRISTOPHER D. POKORNY
JAY R. POPEJOY
SHAWN D. POWELL
TIMOTHY S. PRESLEY
MARY K. PROPHIT
PATRICK D. QUENGA
JORGE QUINONES
DOUGLAS J. QUIVEY
JAMES E. RAMSEY
WILLIAM J. REILLY
BERNARD C. REINWALD, JR.
WILLIAM RENALDO
DIANE P. RICHIE

JANET E. RILEY
LUIS A. RIOS
NORMA E. RIVERA
WILLIAM L. ROBERTS III
CULEN K. ROBINSON
JONATHAN ROBINSON
MOLINEAUX ROBINSON
STEPHANIE A. ROGERS
DEAN J. RONDEAU
KARL E. ROSBOROUGH
PAUL C. ROSSER, JR.
SEWAPHORN K. ROVIRA
DOUGLAS H. RUDD
RODNEY A. RUSSO
STEPHEN M. RUTNER
ROBERT A. RYAN
GREGORY W. SACKMAN
HAROLD L. SAMS
JAMES A. SAMS
BERNARD SAMUEL, JR.
MICHAEL J. SCANTLING
LISA A. SCHIEFERSTEIN
THOMAS R. SCHOTT
DAVID A. SCHROEDER
KARL A. SCHWARTZ
GORDON A. SCOTT
GARRETT V. SCOTTMILLER
ANTHONY P. SCOTTO
LAUREEN G. SENDELGRANT
JANET A. SEUFERT
TEDDY T. SHELTON
GEOFFREY S. SHURE
KATHRYN A. SIVERLING
CURT N. SLICK
LARRY H. SMITH
GEORGE S. SOLOMON
PERRY N. SOSA
PABLO SOTORIVERA
CAMMIE L. SPENCE
ALAN K. STEMPEL
MARK S. STEVENS
THOMAS G. STICKNEY
CHRISTOPHER W. STOCKEL
KEVIN M. SULLIVAN
SCOTT R. SWANSON
STEVEN N. THOMAS
GREGORY I. THOMPSON
JOHN A. THOMPSON
HUNTER W. THRASHER
CHRISTOPHER H. TILLEY
LUIS E. TORRES
JANET E. TOWNLEY
TERESA A. TOWNSEND
CAMERONE L. TRENT
STEFANOS G. VENABLE
CHRISTINE L. VUSKALNS
JASON L. WALRATH
BENNY H. WALTERS
JON R. WALTERS, JR.
CHRISTOPHER L. WARNER
STEPHEN H. WARNOCK
RUSSELL H. WEBB
THOMAS P. WEIKERT
GREGG L. WESTERBERG
DAVID B. WHALING
JAMES R. WHITE
ROBERT A. WHITE
ANDREW W. WICHERS
VANESSA M. WILLIAMS
CATHERINE N. WILSON
MICHAEL L. WOJTA
BRIAN W. WOOD
BARBARA L. WOOTENJOYCE
MICHAEL M. YANAK
JOHN J. ZENKOVICH
LOREN T. ZWEIG

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JOHN G. FELTZ
MICHAEL R. KINNISON
SCOTT G. PERRY
CHRISTIAN F. REES
LOUIS W. WILHAM

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

FREDERICK G. PANICO

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

DANIEL J. TRAUB

To be commander

BRADLEY G. OLSEN

To be lieutenant commander

WAYNE M. BURR

THE JUDICIARY

CATHY BISSOON, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA, VICE THOMAS M. HARDIMAN, ELEVATED.

VINCENT L. BRICETTI, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE KIMBA M. WOOD, RETIRED.

ROY BALE DALTON, JR., OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA, VICE HENRY LEE ADAMS, JR., RETIRED.

SARA LYNN DARROW, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF ILLINOIS, VICE JOE B. MCDADE, RETIRED.

JOHN A. KRONSTADT, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE FLORENCE-MARIE COOPER, DECEASED.

KEVIN HUNTER SHARP, OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF TENNESSEE, VICE ROBERT L. ECHOLS, RETIRED.

DEPARTMENT OF JUSTICE

S. AMANDA MARSHALL, OF OREGON, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF OREGON FOR THE TERM OF FOUR YEARS, VICE KARIN J. IMMERGUT, TERM EXPIRED.

ESTEBAN SOTO III, OF MARYLAND, TO BE UNITED STATES MARSHAL FOR THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FOUR YEARS, VICE STEPHEN THOMAS CONBOY, RESIGNED.

EDWIN DONOVAN SLOANE, OF MARYLAND, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF COLUMBIA FOR THE TERM OF FOUR YEARS, VICE GEORGE BREFFNI WALSH, TERM EXPIRED.

JOSEPH CAMPBELL MOORE, OF WYOMING, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF WYOMING FOR THE TERM OF FOUR YEARS, VICE JAMES ANTHONY ROSE, TERM EXPIRED.

RUSSEL EDWIN BURGER, OF OREGON, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF OREGON FOR THE TERM OF FOUR YEARS, VICE DENNIS CLUFF MERRILL, TERM EXPIRED.

CHARLES EDWARD ANDREWS, OF ALABAMA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF ALABAMA FOR THE TERM OF FOUR YEARS, VICE WILLIAM SMITH TAYLOR, TERM EXPIRED.

DARRELL JAMES BELL, OF MONTANA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF MONTANA FOR THE TERM OF FOUR YEARS, VICE DWIGHT MACKAY, TERM EXPIRED.

WILLIAM BENEDICT BERGER, SR., OF FLORIDA, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS, VICE THOMAS DYSON HURLBURT, JR., TERM EXPIRED.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on November 17, 2010 withdrawing from further Senate consideration the following nomination:

MARSHA TERNUS, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2012, VICE ROBERT A. MILLER, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 13, 2010.

HOUSE OF REPRESENTATIVES—Wednesday, November 17, 2010

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PASTOR of Arizona).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 17, 2010.

I hereby appoint the Honorable ED PASTOR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord of heaven and Earth, by Your gracious will, You have awakened us to a new day. As we look upon the responsibilities that lay before us, grant us wisdom to make good decisions, the strength to do what is right, compassion for people we meet along the way, and the satisfaction that we may please You by what we do and say, and give You glory, both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. QUIGLEY) come forward and lead the House in the Pledge of Allegiance.

Mr. QUIGLEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

LASTING PEACE IN ISRAEL

(Mr. QUIGLEY asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. QUIGLEY. Mr. Speaker, I rise today because the Israeli Security Cabinet is preparing to take a critical vote on a proposal to temporarily halt construction in the West Bank.

Our Israeli friends have offered, once again, to stop construction on the West Bank in order to open the door to a peace deal. However, a peace agreement has no chance of coming to fruition if the Palestinian Authority and President Abbas refuse to come to the negotiating table. Only face-to-face negotiations between the two sides can lead to a peace deal.

Unilateral action by the U.N. will not contribute to peace, and the administration must be strong in signaling that any move by the U.N. toward independent action will be vetoed.

We are at a vital crossroads. We can choose the path of peace, but only if parties do their part and play their role. President Abbas must come to the table and justify the good-faith efforts by the people of Israel to achieve a lasting peace.

NATIONAL GUARD TROOPS SHOULD BE SENT TO THE BORDER

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, over 2,200 people have been killed just this year in drug-related border violence in Mexico, and some have been Americans. The violence is flooding into American communities. Bullets are literally flying across the Rio Grande River into El Paso, Texas. The drug cartels shoot their way across the border into America, and people are scared.

The Federal Government has a two-part border security plan: one, put up warning signs not to travel parts of America because of the violent drug cartels; and, two, sue States that try to protect their people from illegal entry. That is no competent security plan.

One real answer is to pass legislation to put 10,000 National Guard troops on the border, to be paid for by the Federal Government and supervised by the State Governors.

How much more violence must occur on the border before the Feds actually do the job the Constitution requires? Protect the Nation.

And that's just the way it is.

LET'S HANG ON TO OUR FREEDOMS

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Mr. Speaker, I received a message from one of my constituents, one of my bosses, Mr. and Mrs. Elmo Roach, from northeast Wisconsin, which reads, in part: "Do not waver on beginning to bring our troops out of Afghanistan, saving more of wasteful spending. Redirect all accrued military savings to veterans, to paying our troops and supporting their families."

"Sorry to say, but we may be ready to retreat to the comfort of our well-earned retirement if the President blinks or compromises."

"He promised, we delivered, now we expect him to act like Truman or Roosevelt."

You see, in northeast Wisconsin we still believe that people are more important than corporate profits. We still believe that one single family on Main Street is more valuable than all of the corporations on Wall Street. We also believe that our freedoms will be ours for only as long as we can hang on to them.

END THE DUAL MANDATE AT THE FED

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, jobs should be job one in this Congress and the next. Full employment must be the objective of policymakers in Washington, D.C.

But after years of runaway spending, borrowing and stimulus, it's clear—and the American people know it—we can't borrow and spend and bail our way back to a growing economy.

Unfortunately, judging from the latest round of quantitative easing, known as QE2, the Federal Reserve hasn't gotten the message. Printing money is no substitute for sound fiscal policy.

This week I introduced legislation to end the dual mandate of the Fed. It is time, once again, to demand that the Federal Reserve focus exclusively on price stability and protecting the dollar; and it's also time to demand that policymakers here in Washington, D.C. embrace the kind of reforms that will promote real growth, tax reform, tax relief, fiscal discipline, regulatory reform and trade. We can't print money as a pathway to prosperity.

I urge my colleagues to join me in ending the dual mandate of the Fed, and let's get back to growing this economy on principles and policies that work.

DEVELOPING CLEAN ENERGY TECHNOLOGY IN THE UNITED STATES

(Ms. HIRONO asked and was given permission to address the House for 1 minute.)

Ms. HIRONO. Mr. Speaker, one way we can create jobs, the number one concern for many of my constituents, is by developing clean-energy technologies and products made in America.

Hawaii, the most oil-dependent State in the country for our energy needs, is a prime locale for energy initiatives. Thanks to our \$117 million loan guarantee from the Department of Energy, a Hawaii company called First Wind is constructing a wind energy facility in Kahuku on Oahu's north shore. This will be the largest wind power facility on the island of Oahu.

The clean energy generated by this 30-megawatt facility will help Hawaii become more energy independent by powering up to 7,700 homes each year. In addition to creating about 200 construction jobs, the project also relies on American innovation and know-how by using wind turbines and batteries made by American manufacturers in Iowa and Texas.

I urge my colleagues to support legislation that will help innovative, home-grown companies develop clean, renewable energy technology and strengthen our competitiveness in domestic and overseas markets.

□ 1010

ARMY SPECIALIST BLAKE D. WHIPPLE

(Mr. LEE of New York asked and was given permission to address the House for 1 minute.)

Mr. LEE of New York. I rise today to honor a great man, Army Specialist Blake D. Whipple of Williamsville, New York. Just 21 years old, Blake's life was taken by a roadside bomb in Afghanistan on November 5. It was his job to clear the roads of these devices, and he did so proudly.

Blake was a 2007 graduate of Williamsville East High School, and signed up to serve his country in 2009.

Blake's parents, Dave and Kim, expressed concern about him joining the Army, as any parent would, but Blake's parents sensed his passion and drive for wanting to be a part of something bigger. Blake was eager to serve his country and was proud of the work he was doing, and I know his family was extremely proud of him.

Blake was fortunate to be home in western New York for 2 weeks this past

September. He was able to see his family and friends one last time before his life was cut so drastically short.

Blake proudly served our Nation with courage and bravery, and his life was taken far too soon. He will be missed.

JOB

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. When President Obama took office, he inherited a \$1.2 trillion deficit, two wars, the recession, and mounting job losses that pushed our economy to the brink.

Since then, we have made steady progress by preventing economic catastrophe and laying the groundwork to create new jobs. The Democratic "Make It in America" agenda has closed tax loopholes that allow for outsourcing of jobs overseas. And the recently passed Small Business Jobs Act provides \$12 billion in tax cuts and \$30 billion in new lending for American small businesses. But with the unemployment at 9.6 percent across the Nation, and over 14 percent in California's Inland Empire, we must do more.

I urge my Republican colleagues to come to the table and work with Democrats and the administration. The time for simply saying "no" is over. We must pass new tax cuts for the American middle class families without the deficit-busting break for the wealthy.

NATIONWIDE REVOLT OVER BODY SCANNERS

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, a Nationwide revolt is developing over the body scanners at the airports, and it should. Hundreds of thousands of frequent fliers who fly each week are upset about getting these frequent doses of radiation. Parents are upset about being forced to have their children radiated or being touched inappropriately by an unrelated adult.

There is already plenty of security at the airport, but now we are going to spend up to \$300 million to install 1,000 scanners. This is much more about money than it is about security.

The former Secretary of Homeland Security, Michael Chertoff, represents Rapiscan, the company which is selling these scanners to his former Department. Far too many Federal contracts are sweetheart, insider deals. Companies hire former high-ranking Federal officials, and then, magically, those companies get hugely profitable Federal contracts.

The American people should not have to choose between having full-body radiation or a very embarrassing, intrusive pat-down every time they fly as if

they were criminals. We need a little more balance and common sense on this.

BUSH TAX CUTS

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, soon we are going to have to decide how to treat the Bush tax cuts. We are going to have to decide whether or not to indebt the American people another \$700 billion to extend benefits, tax benefits, for the richest 1 percent of the country.

Before we go too far in feeling sorry for that 1 percent, consider this:

From 2001 to 2006, 53 percent of all gains, total gains, in income in this country went to that 1 percent. That is right, one out of every two dollars went to the richest 1 percent. That is where the economy has gone.

The growth in this country has benefited primarily the richest people in the country, and we now have the greatest disparity in wealth that we have seen in this country in almost 100 years.

Heed the words of the Roman priest Plutarch, who once wrote: An imbalance between rich and poor is the oldest and most fatal ailment of all republics.

Let's keep that in mind when we consider what to do with those tax cuts for the richest 1 percent of Americans.

CHARTING A NEW COURSE

(Mr. WITTMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WITTMAN. Mr. Speaker, the great patriots living in the original 13 colonies in the early years of this Nation relied on hard work, enduring spirit, and innovative thinking to create America.

We are in the final weeks of the 111th Congress, and during this session, much of the legislation passed challenged the fundamental characteristics of what makes our Nation great: self-reliance, responsibility, taking risks, and making tough decisions.

Instead, we have seen more mandates, burdensome regulations, and overbearing debt and deficits—hardly what those founding patriots intended.

After a few months back in America's First District, the message from Virginians is simple: Stop the spending. Keep freedom intact.

Congress has two choices: Continue on the same path or chart a new, responsible path.

Mr. Speaker, Congress has the responsibility to work together to chart a new course and allow this Nation to prosper for years to come.

MAKE IT IN AMERICA

(Mr. WALZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ. Mr. Speaker, the same challenges that faced this Nation on November 1 still faced us when we woke up on November 3. We still have too many Americans without jobs, and we still have work to do to grow our economy and put our country back on a path of prosperity.

We need initiatives that make America more competitive. We need to tap into the can-do spirit that made this country so great. Folks in my district in southern Minnesota know that a new clean energy economy means jobs and securities right here at home.

I hope my friends across the aisle now understand that Americans expect them to actually do something. They expect them to grow our economy, create jobs here at home and not ship them overseas, and hold Wall Street accountable.

Catchy campaign slogans might be great to win elections, but they won't fix a single problem. They won't create more jobs. They won't put America back to work. Now the hard work really begins, and we must be up to the task.

Winston Churchill once said: Democracy is the worst form of government, except for every other one that has been tried.

Democracy is hard work. It needs to start right here, and we need to put America back on a path to prosperity.

COACH CHARLENE MORETT

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, today I rise to give credit to a coach who has just reached the milestone of a 400th career win.

It was almost 2 months ago when the Penn State field hockey team shut out Temple University 4-0. They were coached by Charlene Morett, the longest tenured coach in the Big Ten and the seventh-longest tenured coach at a single school in Division I field hockey. She is in her 24th season as head coach of the Penn State field hockey program. This makes her only the fourth Division I field hockey coach in NCAA history to hit the 400-victory plateau.

In 2008, Morett led her team to the Big Ten regular season title and was named Big Ten Coach of the Year for the fourth time. Five of her players have been named Big Ten Athlete of the Year.

Morett is a graduate of Penn State and an outstanding field hockey player in her own right. She is a two-time Olympian, winning a bronze medal in the 1984 Los Angeles Olympic Games,

and she was also an All-American lacrosse player.

I congratulate Morett and her team for their accomplishments.

ALLOW BUSH TAX CUTS TO EXPIRE

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, I would like to take a minute to put the Republican Party's current platform into some historical perspective.

It was 30 years ago that Ronald Reagan was elected on the same platform that the government really can't be the solution to any of our problems, that it is the problem. He also suggested that any President who submitted a budget that was not balanced should be impeached. Well, for 8 years he never submitted a balanced budget and tripled our deficit.

George H. W. Bush tried to correct the situation so the Gingrich Republicans contributed to his defeat.

Bill Clinton came in, balanced the budget, allowed tax rates to go up to the level they are set to return to finally in January, saw 23 million new jobs created, while he invested in our fiscal and human infrastructure. He had three successive budget surpluses and left with a \$5.6 trillion projected surplus.

George Bush comes in running against the government, enacts two deep tax cuts, starts two wars, puts in a \$900 billion Medicare part D prescription drug program, and leaves us with the worst fiscal crisis that this country has faced since the Great Depression.

So there is the historical perspective. The fact is those two tax cuts never should have been enacted in 2001 and 2003. They should be allowed to expire, and we ought to reinvest in the human and the fiscal infrastructure of this country if we want to create more and better jobs in this country.

□ 1020

NATIONAL ADOPTION MONTH AND NATIONAL ADOPTION DAY

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. GARRETT of New Jersey. Mr. Speaker, every year an average of 115,000 American children live in foster care just waiting to be adopted. So, today, I am pleased to honor November as National Adoption Month and November 20th as National Adoption Day.

In particular, I would like to recognize Voices for Adoption for its efforts to support adoption. Since 1996, this organization has not only helped recruit adoptive families, but also supported programs that assist families who have already adopted.

For example, Voices for Adoption sponsors a program called Adoptive Family Portrait Project. Through this project, Members of Congress celebrate a family from their district that exemplifies the values of adoption.

This year, I am pleased to recognize the Campbell family from Waldwick, New Jersey. Shea and George have welcomed over 121 children into their home over the last 30 years. In addition, they have adopted several children. Shea also works for Children's Aid and Family Services as a specialist in helping special needs children who have been exposed to drugs. In the past, she has served on the Child Placement Review Board.

The Campbells remain in contact with many of the children who have come into their home as foster children. They also mentor new foster parents and advise those who are considering becoming foster parents for the first time.

During this month, I am proud to highlight the numerous ways the Campbells have contributed to promoting adoption in northern New Jersey. Adoption changes far more than one life; it changes a community.

ACHIEVING THE AMERICAN DREAM

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. Our country is one of opportunity, where everyone can follow their dreams, but we need to ensure that America's young people get the training they need to succeed. But we have fallen behind.

Today, only 15 percent of American students learn a second language, and it hinders us in today's global economy. That is why I have introduced the Global Language Early Education Act. My bill funds early education dual language programs across the country, and it provides the skills demanded in board rooms throughout the world.

We know that dual language learners better manage complex situations and problems. That is why the bill also grooms our next generation of executives for success.

Let's be competitive in this world. Let's encourage a second language. Let's promote our workforce and make sure that everybody can achieve the American Dream.

JIM WINNER

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute.)

Mrs. DAHLKEMPER. Mr. Speaker, I rise today with a heavy heart to honor the life of an entrepreneur, generous philanthropist, and loving husband, father, and grandfather from Sharon, Pennsylvania.

Jim Winner, the developer of The Club anti-theft device, was lost in an accident in September. He was a patriot, serving his country in Korea. He was an inventor who grew his ideas into successful businesses that created good jobs for his neighbors in the Shenango Valley. He was a philanthropist who gave much of his wealth back to his community. And he raised a beautiful family who share his values of hard work, patriotism, commitment to community, and compassion for those less fortunate.

Jim was a Renaissance man, and his dedication to charity reached so many in the Mercer community region.

Jim will be missed by all, and my heart goes out to Donna, his wife; to his family, his friends, and the community that continues to mourn his loss.

SUPPORTING LEBANON AS A FORCE FOR PEACE

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of Connecticut. Mr. Speaker, I rise today to direct the attention of my colleagues to the fragile but critical status of the country of Lebanon.

Mr. Speaker, we are perhaps days away from an international tribunal's verdict on who killed former prime minister of Lebanon Rafik Hariri. That verdict, many say, could plunge Lebanon into another round of violence and retribution.

Thankfully, this body, through the leadership of people like HOWARD BERMAN and NITA LOWEY, has removed its reservations on U.S. military aid to the Lebanese army. This is a crucial step in terms of securing the Lebanese border with Israel, and it could be a crucial step should the tribunal's decision on who killed Prime Minister Hariri lead to greater instability in that country.

Mr. Speaker, we must support Lebanon as a force for peace and prosperity in this critical region. We need Lebanon as an ally to America and to all the countries in that region who are pushing for peace.

I have thousands of Lebanese American constituents in Connecticut. They constantly remind me of the importance of these points, and I believe they are right.

CALLING ATTENTION TO DIRTY POLITICAL MONEY

(Mr. ELLISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ELLISON. Mr. Speaker, today I rise to call attention to the corrosive, pernicious, and corrupting effect of dirty money. What is dirty money? That is money that comes into Amer-

ican politics in the millions, multiples of millions; money that comes in offering to fund campaigns that smear, distort, and deliver untruths to voters; and money that was made much easier to come into our political environment through the Supreme Court case known as *Citizens United v. FEC*.

We need to take action to make sure that Americans know who is funding these messages that are coming across their airwaves and that the identity of these sponsors is disclosed so that people can make a good choice. Never let the day come that any public servant has to face a torrent of nasty, nasty commercials over the airwaves without the voters even knowing who paid for them, who sponsored them, and who wants them to believe the untruths put in many of these ads.

RELATING TO CONSIDERATION OF VETO MESSAGE ON H.R. 3808

Mr. ELLISON. Mr. Speaker, I ask unanimous consent that debate on passing H.R. 3808, the objections of the President to the contrary notwithstanding, be limited to 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

APPOINTING DAY FOR THE CON- VENING OF THE FIRST SESSION OF THE 112TH CONGRESS

Mr. ELLISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (S.J. Res. 40) appointing the day for the convening of the first session of the One Hundred Twelfth Congress, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The text of the joint resolution is as follows:

S.J. RES. 40

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the first regular session of the One Hundred Twelfth Congress shall begin at noon on Wednesday, January 5, 2011.

The joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR THE PRINTING OF A REVISED EDITION OF THE RULES AND MANUAL OF THE HOUSE OF REPRESENTATIVES FOR THE 112TH CONGRESS

Mr. ELLISON. Mr. Speaker, I send to the desk a resolution and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The text of the resolution is as follows:

H. RES. 1720

Resolved, That a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Twelfth Congress be printed as a House document, and that three thousand additional copies shall be printed and bound for the use of the House of Representatives, of which nine hundred sixty copies shall be bound in leather with thumb index and delivered as may be directed by the Parliamentarian of the House.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 28 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1631

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BLUMENAUER) at 4 o'clock and 31 minutes p.m.

VETO MESSAGE ON H.R. 3808, INTERSTATE RECOGNITION OF NOTARIZATIONS ACT OF 2010

The SPEAKER pro tempore. Pursuant to the order of the House of November 15, 2010, the unfinished business is the further consideration of the veto message of the President on the bill (H.R. 3808) to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

(For veto message, see proceedings of the House of November 15, 2010, at page 17521.)

The SPEAKER pro tempore. Pursuant to the order of the House of today, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. CONYERS. I yield myself such time as I may consume.

Mr. Speaker and my colleagues, I will urge the House to vote "no" so as to sustain the President's veto, and I would like to explain why it is important that we are taking this vote.

This bill has passed the House under suspension in each of the last three Congresses. It has been brought forward by our colleague from Alabama (Mr. ADERHOLT) each time. It requires courts to recognize duly performed out-of-State notarizations. As it was passing the Senate, reports began to surface regarding improper and possibly fraudulent documentation in foreclosure actions across the country.

Improperly performed notarizations were reportedly a major factor in circumventing the legal protections afforded to citizens in foreclosure—notarizations in the absence of the person signing the document or without that person's signature or sometimes even forged notary signatures.

So we are taking a fresh look at the notarization bill. There were concerns that it could have the unintended effect of facilitating improprieties in mortgage foreclosures and in other financial transactions as well in that a State could remove important protections from its notarization rules, and then the bill would effectively force other States to go along.

The President took the responsible course in refusing to sign this bill to law so that we could give it a careful and fresh examination in light of these concerns.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. I yield myself such time as I may consume.

Mr. Speaker, criticism of H.R. 3808 focuses on its potential application to the ongoing crisis in the foreclosure markets. News accounts have detailed stories of fraudulent activity involving affidavits used to rid banks of bad mortgage inventories. I support any effort to combat that activity, but this situation does not involve H.R. 3808.

The bill applies only to "any lawful notarization made by a licensed notary public." There is nothing in its language that pertains to fraudulent acts of notarization. The bill advances the legitimate purposes of the Interstate Commerce Clause by ensuring that a lawfully notarized document from one State will be acknowledged by another State in an interstate legal proceeding.

The Courts Subcommittee conducted a hearing on this issue 4 years ago, and it learned of instances in which States

rejected otherwise lawfully notarized documents, for petty reasons, from other States. For example, State A requires a notarized document to bear an ink stamp while State B requires a raised, embossed seal. They should be mutually recognized.

The legislative history of the bill and the text, itself, has nothing to do with fraudulent notarizations. We should override the veto and support the legitimate purpose of H.R. 3808.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I would like to just respond to my dear friend, the ranking member of the Judiciary Committee, by saying that what we are trying to do here is to prevent the possibility of sloppy, inaccurate, or fraudulent notarizations from creeping into the foreclosure process.

As we all know, many of the foreclosures have now been found to be legally defective because of many things, including, possibly, improper notarizations. With millions of people losing their homes, it really would be almost negligent for us to assume that notarizations coming from another State, which might be electronic, would not be fraudulent. I think caution is the better choice for the matter that is under discussion.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield the balance of my time to the gentleman from Alabama (Mr. ADERHOLT), who is the sponsor of this legislation.

Mr. ADERHOLT. I want to thank the gentleman for the opportunity to address the House on this important matter.

Mr. Speaker, today and over the last several weeks, I think there has been a broad misunderstanding of the Interstate Recognition of Notarizations Act, which led to the President's unfortunate veto of this legislation a few weeks ago. There is absolutely no connection whatsoever between the Interstate Recognition of Notarizations Act of 2010 and the recent foreclosure documentation problems.

I first introduced this legislation back in April of 2005, and obviously there was no concern about weakening the foreclosure documentation process at that time. This is a bill that would help people, and I am disappointed that the legislation has been vetoed. This legislation that I introduced would improve interstate commerce by requiring that documents be recognized in any State or Federal court. It would help court reporters; it would help attorneys, businessowners, and consumers in general.

I have heard from many individuals who have been affected by this particular issue. For example, a construction company located in one State submits a contract for a job in another State and is turned down because the

second State refuses to recognize the notarized contract.

□ 1640

This is not an isolated problem. This is interfering with interstate commerce, and it should be addressed.

H.R. 3808, this legislation, expressly requires lawful notarizations be recognized in other States and in no way validates improper notarizations. Let me stress that again. It in no way validates improper notarizations. Fraudulent notarizations are illegal. Enforcement of notarizations is a State responsibility, and I fully support each State Attorney General to vigorously prosecute all fraudulent notarizations.

Currently, each State is responsible for regulating its notaries. Typically, someone who wishes to become a notary pays a fee. They will submit an application. They will take an oath of office. Some States require applicants to enroll in an educational course, pass an exam, or obtain a notary bond. This legislation does not change how an individual State regulates notaries in any form or fashion.

This bill had strong bipartisan support in the House of Representatives each of the three times it passed the House of Representatives, and most recently, with unanimous support, as recently as April of this year. I hope the White House will work with the Congress so this legislation can eventually become law.

Mr. CONYERS. Mr. Speaker, I would like to close by expressing my surprise at the author of this bill, who apparently hasn't heard about the fraud and misrepresentations, the swindling of people whose mortgages have led to foreclosure, and then we find out that the instruments that were brought into court didn't even know who the owner was, much less know who notarized it. So I would caution my colleague to let's be a little bit more careful here. A million people are losing their homes, and you're telling me that we're going to accept a notarization from anywhere, coming from any State, because you've introduced this before this problem began?

I say, "no." We can't even find out who the owners were after these instruments get chopped up and resold and moved in the financial scheme of things. We don't want anybody running the risk of accepting an out-of-State notarization because you've introduced the bill before this problem began. And now that it has begun, let's be careful. Let's be certain that we're protecting everybody that's being foreclosed on, and that's my major concern.

The SPEAKER pro tempore. All time for debate has expired.

The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

In accord with the Constitution, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings will be postponed.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. CONYERS. Mr. Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 332

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, November 18, 2010, or Friday, November 19, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, November 29, 2010, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever ever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, November 18, 2010, through Sunday, November 21, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, November 29, 2010, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ADERHOLT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on House Concurrent Resolution 332 will be followed by 5-minute votes on passing H.R. 3808, the objections of the President to the contrary notwithstanding, and motions to suspend the rules with regard to H.R. 5758 and House Resolution 1715.

The vote was taken by electronic device, and there were—yeas 234, nays 184, not voting 15, as follows:

[Roll No. 572]

YEAS—234

Ackerman	Berman	Butterfield
Andrews	Berry	Capps
Arcuri	Bishop (GA)	Capuano
Baca	Blumenauer	Cardoza
Baird	Boccieri	Carnahan
Baldwin	Boswell	Carney
Barrow	Boucher	Carson (IN)
Bean	Boyd	Castor (FL)
Becerra	Brady (PA)	Chandler
Berkley	Brown, Corrine	Chu

Clarke	Inslee	Payne
Clay	Israel	Perlmutter
Cleaver	Jackson (IL)	Perriello
Clyburn	Jackson Lee	Peterson
Cohen	(TX)	Polis (CO)
Conyers	Johnson (GA)	Pomeroy
Cooper	Johnson, E. B.	Price (NC)
Costa	Jones	Quigley
Costello	Kagen	Rahall
Courtney	Kanjorski	Rangel
Critz	Kaptur	Richardson
Crowley	Kennedy	Rodriguez
Cuellar	Kildee	Rothman (NJ)
Cummings	Kilpatrick (MI)	Roybal-Allard
Dahlkemper	Kilroy	Ruppersberger
Davis (AL)	Kind	Rush
Davis (CA)	Kirkpatrick (AZ)	Ryan (OH)
Davis (IL)	Kissell	Salazar
Davis (TN)	Kucinich	Sánchez, Linda
DeFazio	Langevin	T.
DeGette	Larsen (WA)	Sanchez, Loretta
Delahunt	Lee (CA)	Sarbanes
DeLauro	Levin	Schakowsky
Deutch	Lewis (GA)	Schauer
Dicks	Lipinski	Schiff
Dingell	Loebsack	Schrader
Djou	Loftgren, Zoe	Schwartz
Doggett	Lowey	Scott (GA)
Doyle	Lujan	Scott (VA)
Driebehaus	Lynch	Serrano
Edwards (MD)	Maffei	Shea-Porter
Edwards (TX)	Maloney	Sherman
Ehlers	Manzullo	Shuler
Ellison	Marchant	Skelton
Engel	Markey (CO)	Slaughter
Eshoo	Markey (MA)	Smith (WA)
Etheridge	Marshall	Space
Farr	Matsui	Snyder
Fattah	McCarthy (NY)	Speier
Filner	McCollum	Spratt
Foster	McDermott	Stark
Frank (MA)	McGovern	Stupak
Fudge	McIntyre	Sutton
Garamendi	McMahon	Teague
Gohmert	McNerney	Terry
Gonzalez	Meeks (NY)	Thompson (CA)
Goodlatte	Melancon	Thompson (MS)
Grayson	Miller (NC)	Tierney
Green, Al	Miller, George	Titus
Green, Gene	Minnick	Tonko
Grijalva	Mitchell	Towns
Gutierrez	Mollohan	Tsongas
Hall (NY)	Moore (KS)	Van Hollen
Hare	Moore (WI)	Velázquez
Harman	Moran (VA)	Visclosky
Hastings (FL)	Murphy (CT)	Walz
Heinrich	Murphy, Patrick	Wasserman
Herseth Sandlin	Nadler (NY)	Schultz
Higgins	Napolitano	Waters
Hill	Neal (MA)	Watson
Himes	Oberstar	Watt
Hincheey	Obey	Weiner
Hinojosa	Olson	Welch
Hirono	Olver	Wilson (OH)
Hodes	Ortiz	Woolsey
Holden	Pallone	Wu
Holt	Pascrell	Yarmuth
Honda	Pastor (AZ)	Young (AK)
Hoyer	Paul	

NAYS—184

Aderholt	Bright	Connolly (VA)
Adler (NJ)	Brown (GA)	Crenshaw
Akin	Brown (SC)	Culberson
Alexander	Brown-Waite,	Davis (KY)
Altmire	Ginny	Dent
Austria	Buchanan	Diaz-Balart, L.
Bachmann	Burgess	Diaz-Balart, M.
Bachus	Burton (IN)	Donnelly (IN)
Barrett (SC)	Buyer	Dreier
Bartlett	Calvert	Duncan
Barton (TX)	Camp	Ellsworth
Biggert	Campbell	Emerson
Bilbray	Cantor	Flake
Bilirakis	Cao	Fleming
Bishop (NY)	Capito	Forbes
Bishop (UT)	Carter	Fortenberry
Blackburn	Cassidy	Fox
Blunt	Castle	Franks (AZ)
Boehner	Chaffetz	Frelinghuysen
Bonner	Childers	Garrett (NJ)
Bono Mack	Coble	Gerlach
Boren	Coffman (CO)	Giffords
Boustany	Cole	Gingrey (GA)
Brady (TX)	Conaway	Granger

Graves (GA)	Matheson	Rooney
Graves (MO)	McCarthy (CA)	Ros-Lehtinen
Griffith	McCaul	Roskam
Guthrie	McClintock	Ross
Hall (TX)	McCotter	Royce
Harper	McHenry	Ryan (WI)
Hastings (WA)	McKeon	Scalise
Heller	McMorris	Schmidt
Hensarling	Rodgers	Schock
Herger	Mica	Sensenbrenner
Hoekstra	Michaud	Sessions
Hunter	Miller (FL)	Sestak
Inglis	Miller (MI)	Shadegg
Issa	Miller, Gary	Shimkus
Jenkins	Moran (KS)	Shuster
Johnson (IL)	Murphy (NY)	Simpson
Johnson, Sam	Murphy, Tim	Smith (NE)
Jordan (OH)	Myrick	Smith (NJ)
King (IA)	Neugebauer	Smith (TX)
King (NY)	Nunes	Stearns
Kingston	Nye	Stutzman
Kline (MN)	Owens	Sullivan
Kosmas	Paulsen	Taylor
Kratovil	Pence	Thompson (PA)
Lamborn	Peters	Thornberry
Lance	Petri	Tiahrt
Latham	Pitts	Tiberi
LaTourette	Platts	Poe (TX)
Latta	Poe (TX)	Posey
Lee (NY)	Posey	Price (GA)
Lewis (CA)	Price (GA)	Putnam
Linder	Rehberg	Reichert
LoBiondo	Reichert	Roe (TN)
Lucas	Roe (TN)	Rogers (AL)
Luetkemeyer	Rogers (AL)	Rogers (KY)
Lummis	Rogers (KY)	Rogers (MI)
Lungren, Daniel	Rogers (MI)	Rohrabacher
E.		
Mack		

NOT VOTING—15

Boozman	Halvorson	Pingree (ME)
Braley (IA)	Kirk	Radanovich
Fallin	Klein (FL)	Reyes
Gallagher	Larson (CT)	Tanner
Gordon (TN)	Meek (FL)	Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1715

Messrs. GERLACH, BURTON of Indiana, ALTMIRE, Ms. GIFFORDS, and Mr. BISHOP of New York changed their vote from “yea” to “nay.”

Messrs. HASTINGS of Florida, INSLEE, and Ms. KILPATRICK of Michigan changed their vote from “nay” to “yea.”

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

VETO MESSAGE ON H.R. 3808, INTERSTATE RECOGNITION OF NOTARIZATIONS ACT OF 2010

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question whether the House, on reconsideration, will pass H.R. 3808, the objections of the President to the contrary notwithstanding.

In accord with the Constitution, the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 185, nays 235, not voting 13, as follows:

[Roll No. 573]

YEAS—185

Aderholt	Foxx	Murphy, Tim
Akin	Franks (AZ)	Myrick
Alexander	Frelinghuysen	Neugebauer
Austria	Garrett (NJ)	Nunes
Bachmann	Gerlach	Olson
Bachus	Gingrey (GA)	Owens
Barrett (SC)	Gohmert	Paulsen
Bartlett	Goodlatte	Pence
Barton (TX)	Granger	Peterson
Bean	Graves (GA)	Petri
Biggert	Graves (MO)	Pitts
Blibray	Griffith	Platts
Bilirakis	Guthrie	Poe (TX)
Bishop (UT)	Hall (TX)	Posey
Blackburn	Harper	Price (GA)
Blunt	Hastings (WA)	Putnam
Boehner	Hensarling	Rehberg
Bonner	Herger	Reichert
Bono Mack	Hoekstra	Roe (TN)
Boren	Hunter	Rogers (AL)
Boustany	Inglis	Rogers (KY)
Brady (TX)	Issa	Rohrabacher
Braley (IA)	Jenkins	Rooney
Bright	Johnson (IL)	Ros-Lehtinen
Broun (GA)	Johnson, Sam	Roskam
Brown (SC)	Jordan (OH)	Royce
Brown-Waite,	King (IA)	Ryan (WI)
Ginny	King (NY)	Scalise
Buchanan	Kingston	Schmidt
Burgess	Kline (MN)	Schock
Burton (IN)	Lamborn	Sensenbrenner
Buyer	Lance	Sessions
Calvert	Latham	Shadegg
Camp	LaTourette	Shimkus
Campbell	Latta	Shuler
Cantor	Lee (NY)	Shuster
Cao	Lewis (CA)	Simpson
Capito	Linder	Smith (NE)
Carnahan	LoBiondo	Smith (NJ)
Carter	Lucas	Smith (TX)
Cassidy	Luetkemeyer	Space
Castle	Lummis	Stearns
Chaffetz	Lungren, Daniel	Stutzman
Coble	E.	Sullivan
Coffman (CO)	Mack	Taylor
Cole	Manzullo	Terry
Conaway	Marchant	Thompson (PA)
Crenshaw	McCarthy (CA)	Thornberry
Culberson	McCaul	Tiahrt
Davis (KY)	McClintock	Tiberi
Dent	McCotter	Turner
Diaz-Balart, L.	McHenry	Upton
Diaz-Balart, M.	McKeon	Walden
Donnelly (IN)	McMahon	Wamp
Dreier	McMorris	Westmoreland
Duncan	Rodgers	Whitfield
Ehlers	Mica	Wilson (SC)
Ellison	Miller (FL)	Wittman
Emerson	Miller (MI)	Wolf
Flake	Miller, Gary	Wu
Fleming	Minnick	Young (AK)
Forbes	Moran (KS)	Young (FL)
Fortenberry	Murphy (NY)	

NAYS—235

Ackerman	Carson (IN)	Delahunt
Adler (NJ)	Castor (FL)	DeLauro
Altmire	Chandler	Deutch
Andrews	Childers	Dicks
Arcuri	Chu	Dingell
Baca	Clarke	Djou
Baird	Clay	Doggett
Baldwin	Cleaver	Doyle
Barrow	Clyburn	Driehaus
Becerra	Cohen	Edwards (MD)
Berkley	Connolly (VA)	Edwards (TX)
Berman	Conyers	Ellsworth
Berry	Cooper	Engel
Bishop (GA)	Costa	Eshoo
Bishop (NY)	Costello	Etheridge
Blumenauer	Courtney	Farr
Bocieri	Critz	Fattah
Boswell	Crowley	Finer
Boucher	Cuellar	Foster
Boyd	Cummings	Frank (MA)
Brady (PA)	Dahlkemper	Fudge
Brown, Corrine	Davis (AL)	Garamendi
Butterfield	Davis (CA)	Giffords
Capps	Davis (IL)	Gonzalez
Capuano	Davis (TN)	Grayson
Cardoza	DeFazio	Green, Al
Carney	DeGette	Green, Gene

Grijalva	Maffei	Ruppersberger
Gutierrez	Maloney	Rush
Hall (NY)	Markey (CO)	Ryan (OH)
Hare	Markey (MA)	Salazar
Harman	Matheson	Sánchez, Linda
Hastings (FL)	Matsui	T.
Heinrich	McCarthy (NY)	Sanchez, Loretta
Heller	McCollum	Sarbanes
Hereth Sandlin	McDermott	Schakowsky
Higgins	McGovern	Schauer
Hill	McIntyre	Schiff
Himes	McNerney	Schrader
Hinchoy	Meeks (NY)	Schwartz
Hinojosa	Melancon	Scott (GA)
Hirono	Michaud	Scott (VA)
Hodes	Miller (NC)	Serrano
Holden	Miller, George	Sestak
Holt	Mitchell	Shea-Porter
Honda	Mollohan	Sherman
Hoyer	Moore (KS)	Sires
Inslie	Moore (WI)	Skelton
Israel	Moran (VA)	Slaughter
Jackson (IL)	Murphy (CT)	Smith (WA)
Jackson Lee	Murphy, Patrick	Snyder
(TX)	Nadler (NY)	Speier
Johnson (GA)	Napolitano	Spratt
Johnson, E. B.	Neal (MA)	Stark
Jones	Nye	Stupak
Kagen	Oberstar	Sutton
Kanjorski	Obey	Teague
Kaptur	Oliver	Thompson (CA)
Kennedy	Ortiz	Thompson (MS)
Kildee	Pallone	Tierney
Kilpatrick (MI)	Pascarell	Titus
Kilroy	Pastor (AZ)	Tonko
Kind	Paul	Towns
Kirkpatrick (AZ)	Payne	Tsongas
Kissell	Perlmutter	Van Hollen
Kosmas	Perriello	Velázquez
Kratovil	Peters	Visclosky
Kucinich	Polis (CO)	Walz
Langevin	Pomeroy	Wasserman
Larsen (WA)	Price (NC)	Schultz
Larson (CT)	Quigley	Waters
Lee (CA)	Rahall	Watson
Levin	Rangel	Watt
Lewis (GA)	Reyes	Weiner
Lipinski	Richardson	Welch
Loeb sack	Rodriguez	Wilson (OH)
Lofgren, Zoe	Rogers (MI)	Woolsey
Lowe	Ross	Yarmuth
Lujan	Rothman (NJ)	
Lynch	Roybal-Allard	

NOT VOTING—13

Boozman	Kirk	Radanovich
Fallin	Klein (FL)	Tanner
Galleghy	Marshall	Waxman
Gordon (TN)	Meek (FL)	
Halvorson	Pingree (ME)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1724

Messrs. LARSON of Connecticut, PASTOR, WELCH, AL GREEN of Texas, SCHRADER, Ms. JACKSON LEE of Texas and Ms. MARKEY of Colorado changed their vote from “yea” to “nay.”

Messrs. DONNELLY of Indiana and HOEKSTRA changed their vote from “nay” to “yea.”

So (two-thirds not being in the affirmative) the veto of the President was sustained and the bill was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The veto message and the bill are referred to the Committee on the Judiciary.

The Clerk will notify the Senate of the action of the House.

MOMENT OF SILENCE IN MEMORY OF FORMER MEMBER OWEN PICKETT

(Mr. NYE asked and was given permission to address the House for 1 minute.)

Mr. NYE. Mr. Speaker, I rise to honor a former colleague today, the late Congressman Owen Pickett, who passed away on October 27 of this year. Congressman Pickett dedicated his life to service to our military, to our veterans, and to his constituents.

Mr. Speaker, Congressman Pickett served in Congress representing the Second District of Virginia for 14 years, from 1987 to 2001, prior to that serving in the Virginia House of Delegates. He passed away on October 27 of this year at the age of 80.

Owen Pickett will be remembered as a man of resolve who understood that the best way to get things done was to work with people from both sides of the aisle. Congressman Pickett always put his constituents first. He stayed out of the partisan bickering that so many politicians fall prey to and instead focused his energy on how best to serve the people he represented.

A member of the Armed Services Committee during his entire tenure, he distinguished himself as an outspoken advocate for a strong, advanced, and superior military, an improved quality of life for our military personnel and their families, and enduring support of military facilities for the Greater Hampton Roads region.

Congressman Pickett was a friend of mine, a mentor, and a champion for our warfighters, and there are some here today who had the honor of serving in this body with him.

At this time I would like to yield to my colleague from Virginia.

Mr. WOLF. I thank the gentleman for yielding.

Mr. Speaker, we are saddened about the passing of our former colleague, Representative Owen Pickett, who served the Second Congressional District of Virginia from 1987 to 2001.

Owen was a respected and principled leader. Sometimes we really never get to know each other in this institution, and sometimes it is at the latest, sometimes almost never.

Owen was a good man, a decent man, very honest, very ethical, and very, very committed to the military. He was a tireless representative of the best interests of the Norfolk and Virginia Beach areas.

We extend our deepest sympathies to his wife, Sybil, his three daughters, and his family. I just want to say “Well done, thou good and faithful servant.”

[From the Virginian-Pilot, Oct. 29, 2010]

OWEN PICKETT: A PRACTICAL MAN

Tributes to Owen Pickett poured forth from members of both political parties after his death Wednesday at the age of 80.

That was testament to the respect that Pickett commanded from Republicans and

Democrats across Hampton Roads and Virginia. For decades, he persuaded people of all persuasions to set aside their differences and accomplish important tasks with courage and good humor.

His ecumenical politics and practical bent attracted fans of every stripe and generation. No name comes up as consistently in Editorial Board interviews when candidates are asked which local leader they admire.

"I am deeply saddened to learn of the passing of my good friend Owen Pickett," said Gov. Bob McDonnell. "Owen dedicated his life to public service. He was a patriot. He served the commonwealth in the House of Delegates and our nation in the House of Representatives. That was his passion: service."

A centrist Democrat and fiscal conservative, Pickett spent 14 years representing Virginia Beach in the House of Delegates. In 1986, he won election to Congress as the representative for Virginia's 2nd District, succeeding the similarly moderate G. William Whitehurst, a Republican.

In Washington, as in Richmond, Pickett burnished a reputation for being steady and unassuming, courtly and nonpartisan. Colleagues described him as an effective legislator who toiled behind the scenes as an advocate not just for military service members but for all of Hampton Roads.

Proof isn't limited to the 2nd District. The U.S. Customhouse in downtown Norfolk, for example, wasn't even part of Pickett's territory, but that didn't stop him from securing the federal funds needed to renovate it. Today, the building bears his name.

After leaving Congress in 2001, Pickett devoted himself to the community, spreading around some \$200,000 in leftover campaign funds to local charities and causes.

In Virginia Beach, where he made his home for more than half his life, Pickett helped found the Meals on Wheels program, the Virginia Beach Hospice and the Oceana Lions Club. He was president of the Princess Anne Rotary and Ruritan clubs and in 2003 was honored with the Virginia Beach Jaycees' First Citizen award.

But even outside elected office, Pickett retained influence. He spent his final years offering advice to any who sought it, whether they were Democrats, such as U.S. Sen. Jim Webb and Rep. Glenn Nye, or Republicans, including McDonnell and state Sen. Jeff McWaters.

"When I was trying to decide whether to run for state Senate, I called Congressman Pickett and he encouraged me to do so," McWaters said. "Though we sit on different sides of the political aisle, this never seemed to matter as much to him as getting the job done."

For a practical man like Pickett, there may be no higher praise.

[From the *Virginian-Pilot* Oct. 29, 2010]

FORMER 2ND DISTRICT CONGRESSMAN OWEN PICKETT DIES

(By Julian Walker)

The three offices that former U.S. Rep. Owen B. Pickett maintained during his 14 years in Congress—in Norfolk, Virginia Beach and Washington—shared this feature: a sign that read, "This office belongs to the people of the 2nd congressional district of Virginia."

That simple motto, said those who knew him, exemplified Pickett's modest approach to elected office as a full-time post in which addressing constituent concerns was a priority and principle took precedence over partisanship.

"He took his job very seriously," said Jeanne Evans-Cox, who worked for Pickett throughout his congressional career. "I used to call him the 'quiet warrior' because he didn't say an awful lot, but he took everything in. He was a great listener. He would size up the issue, figure out his strategy, give me directions, and we'd move forward."

Pickett, 80, died Wednesday due to complications from congestive heart failure.

The Democrat leaves behind scores of admirers on both sides of the aisle after a lengthy career as a lawyer, an esteemed state and federal legislator, and finally an adviser who provided counsel to plenty of political hopefuls.

A native of rural Hanover County in suburban Richmond, Pickett was raised in humble conditions. His father died when he was a young child, leaving his mother and an older brother to help support the family, according to friends.

It was evident early on that Pickett had a keen intellect, but he never used it to avoid hard work, recalled his lifelong friend George Campbell.

The pair attended Virginia Tech together, beginning in the late 1940s. Their paths separated when Pickett headed to law school at the University of Richmond, but the friendship endured. Campbell, who still lives in Hanover, routinely checked on a tract of land Pickett owned in central Virginia.

Campbell said that when they last spoke by phone about a week ago, Pickett realized the end was near and was at peace with it.

"We maintained a very close relationship, and I'd say he's the best friend I ever really had," Campbell said.

Many who knew Pickett had a similarly strong affection for him.

Ken Geroe, a Virginia Beach lawyer and longtime Pickett ally, called the late congressman a "dear friend and a mentor," adding "there's a hole in my life that won't be filled."

Geroe said he came to Pickett's attention through his work on Gerald Baliles' successful gubernatorial campaign in 1985, a contest in which the former congressman had a leadership role.

"He probably started talking to me because I was the only person at his desk at 6:30 in the morning he could talk to," said Geroe, a former Democratic chairman of the 2nd Congressional District.

Pickett failed in a 1967 run for Beach commonwealth's attorney, but election success didn't elude him for long. He won a House of Delegates race in 1971 and served 15 years in the state legislature before his election to Congress in 1986.

A Blue Dog Democrat with a sharp focus on military issues because of the nature of his district, Pickett often partnered with other House members regardless of party to protect local interests, said Evans-Cox.

Added former Pickett intern Walter Valencia: "He didn't mind crossing party lines if it benefited the district and the state. . . . He just took care of his people."

Pickett retired in 2001, in part because he'd become disenchanted with the growing rancor on Capitol Hill, Evans-Cox said, noting that Pickett mused about a Congress that had evolved from a place where "people did things the right way" to one where officials worked "against each other for partisan purposes, not a common goal."

Pickett was more pithy when he announced in 1999 that he would not seek reelection.

"When Washington, D.C., begins to look better in your rear view mirror than it does

in your windshield, you know it is time to consider making a change," he said, according to an account in *The Virginian-Pilot*.

Stepping away from Washington didn't entirely keep Pickett out of politics.

He mentored candidates who sought his guidance, including former state Finance Secretary Jody Wagner, who unsuccessfully sought to succeed him, and more recently, 2009 Democratic gubernatorial candidate Terry McAuliffe.

Another post-retirement pastime was a weekly Saturday lunch with friends at Black Angus Restaurant in the Beach that featured lively discussions about everything except politics, said eatery co-owner Michael Savvides.

When the group met a few weeks ago, Savvides said, Pickett confided that "he had a wonderful life and he didn't mind if he died, believe it or not. It's ironic, but he did say that. . . . I guess he was ready. I guess he had enough."

Mr. NYE. I yield to the gentleman from Virginia.

Mr. SCOTT of Virginia. Mr. Speaker, the citizens of Hampton Roads and the Commonwealth of Virginia lost a dedicated public servant. I had the honor and privilege of serving with Owen both in the Virginia House of Delegates as well as Congress, and I join my colleague Mr. MORAN, in stating that Owen Pickett was a true statesman and effective legislator who enjoyed great respect on both sides of the aisle.

As has already been pointed out, although he retired almost a decade ago, he remained an important, active voice on issues affecting Hampton Roads and the Commonwealth of Virginia. I thank my colleague from Virginia and all of my colleagues from Virginia for the great respect and admiration that they have shown to Owen Pickett.

Mr. NYE. I yield to our distinguished majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding.

I want to join particularly with my friend FRANK WOLF, who is my good friend. We work very closely together.

Owen Pickett was the kind of Member that brought real respect to this institution. He worked on both sides of the aisle. He worked very strongly on behalf of our national security. He was a Member who was popular on both sides of the aisle. Owen Pickett and Norm Sisisky served together on this side of the aisle with FRANK and me for many years.

Owen Pickett was someone who this institution could have justifiable pride in. We could look to him and say that is the kind of Member, frankly, that we all ought to be, showing respect for one another, working with one another on behalf of the American people and their security.

I rise to extend great sympathy to his family, but much more importantly than that, to give thanks on behalf of this institution and on behalf of our country for his extraordinary service.

Mr. NYE. Mr. Speaker, I would ask that the House now observe a moment

of silence to remember Congressman Owen Pickett, a former Member who will be dearly missed in southeast Virginia.

The SPEAKER pro tempore. Will all Members please rise.

SERGEANT ROBERT BARRETT POST OFFICE BUILDING

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5758) to designate the facility of the United States Postal Service located at 2 Government Center in Fall River, Massachusetts, as the "Sergeant Robert Barrett Post Office Building," on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 16, as follows:

[Roll No. 574]

YEAS—417

Ackerman	Brown-Waite,	Dahlkemper
Aderholt	Ginny	Davis (CA)
Adler (NJ)	Buchanan	Davis (IL)
Akin	Burgess	Davis (KY)
Alexander	Burton (IN)	Davis (TN)
Altmire	Butterfield	DeFazio
Andrews	Buyer	DeGette
Arcuri	Calvert	Delahunt
Austria	Camp	DeLauro
Baca	Campbell	Dent
Bachmann	Cantor	Deutch
Bachus	Cao	Diaz-Balart, L.
Baird	Capito	Diaz-Balart, M.
Baldwin	Capps	Dicks
Barrett (SC)	Capuano	Dingell
Barrow	Cardoza	Djou
Bartlett	Carnahan	Doggett
Barton (TX)	Carney	Donnelly (IN)
Bean	Carson (IN)	Doyle
Becerra	Carter	Dreier
Berkley	Cassidy	Driehaus
Berman	Castle	Duncan
Berry	Castor (FL)	Edwards (MD)
Biggert	Chaffetz	Edwards (TX)
Bilbray	Chandler	Ehlers
Bilirakis	Childers	Ellison
Bishop (GA)	Chu	Ellsworth
Bishop (NY)	Clarke	Emerson
Bishop (UT)	Clay	Engel
Blackburn	Cleaver	Eshoo
Blumenauer	Clyburn	Etheridge
Boccieri	Coble	Farr
Boehner	Coffman (CO)	Fattah
Bonner	Cohen	Filner
Bono Mack	Cole	Flake
Boren	Conaway	Fleming
Boswell	Connolly (VA)	Forbes
Boucher	Conyers	Fortenberry
Boustany	Cooper	Foster
Boyd	Costa	Fox
Brady (PA)	Costello	Frank (MA)
Brady (TX)	Courtney	Franks (AZ)
Braley (IA)	Crenshaw	Frelinghuysen
Bright	Critz	Fudge
Brown (GA)	Crowley	Garamendi
Brown (SC)	Cuellar	Garrett (NJ)
Brown, Corrine	Culberson	Gerlach
	Cummings	Giffords

Gingrey (GA)	Lynch	Ros-Lehtinen
Gohmert	Mack	Roskam
Gonzalez	Maffei	Ross
Goodlatte	Maloney	Rothman (NJ)
Granger	Manzullo	Roybal-Allard
Graves (GA)	Marchant	Royce
Graves (MO)	Markey (CO)	Ruppersberger
Grayson	Markey (MA)	Rush
Green, Al	Marshall	Ryan (OH)
Green, Gene	Matheson	Ryan (WI)
Griffith	Matsui	Salazar
Grijalva	McCarthy (CA)	Sánchez, Linda
Guthrie	McCarthy (NY)	T.
Gutierrez	McCaul	Sanchez, Loretta
Hall (NY)	McClintock	Sanbanes
Hall (TX)	McCollum	Scalise
Hare	McCotter	Schakowsky
Harman	McDermott	Schauer
Harper	McGovern	Schiff
Hastings (FL)	McHenry	Schmidt
Hastings (WA)	McIntyre	Schock
Heinrich	McKeon	Schrader
Heller	McMahon	Schwartz
Hensarling	McMorris	Scott (GA)
Herger	Rodgers	Scott (VA)
Herseth Sandlin	McNerney	Sensenbrenner
Higgins	Meek (FL)	Serrano
Hill	Meeks (NY)	Sessions
Himes	Melancon	Sestak
Hinchev	Mica	Shadegg
Hinojosa	Michaud	Shea-Porter
Hirono	Miller (FL)	Sherman
Hodes	Miller (MI)	Shimkus
Hoekstra	Miller (NC)	Shuler
Holden	Miller, Gary	Shuster
Holt	Miller, George	Sires
Honda	Mitchell	Skelton
Hoyer	Mollohan	Slaughter
Hunter	Moore (KS)	Smith (NE)
Inglis	Moore (WI)	Smith (NJ)
Inslee	Moran (KS)	Smith (TX)
Israel	Moran (VA)	Smith (WA)
Issa	Murphy (CT)	Snyder
Jackson (IL)	Murphy (NY)	Space
Jackson Lee	Murphy, Patrick	Speier
(TX)	Murphy, Tim	Spratt
Jenkins	Myrick	Stark
Johnson (GA)	Nadler (NY)	Stearns
Johnson (IL)	Napolitano	Stupak
Johnson, E. B.	Neal (MA)	Stutzman
Johnson, Sam	Neugebauer	Sullivan
Jones	Nunes	Sutton
Jordan (OH)	Nye	Taylor
Kagen	Oberstar	Teague
Kanjorski	Obey	Terry
Kaptur	Olson	Thompson (CA)
Kildee	Olver	Thompson (MS)
Kilpatrick (MI)	Ortiz	Thompson (PA)
Kilroy	Owens	Thornberry
Kind	Pallone	Tiahrt
King (IA)	Pascarell	Tiberi
King (NY)	Pastor (AZ)	Tierney
Kingston	Paul	Titus
Kirkpatrick (AZ)	Paulsen	Tonko
Kissell	Payne	Towns
Kline (MN)	Pence	Tsongas
Kosmas	Perlmutter	Turner
Kratovil	Perriello	Upton
Kucinich	Peters	Van Hollen
Lamborn	Peterson	Visclosky
Lance	Petri	Walden
Langevin	Pitts	Walz
Larsen (WA)	Platts	Wamp
Larson (CT)	Poe (TX)	Wasserman
Latham	Polis (CO)	Schultz
LaTourette	Pomeroy	Waters
Latta	Posey	Watson
Lee (CA)	Price (GA)	Watt
Lee (NY)	Price (NC)	Waxman
Levin	Putnam	Weiner
Lewis (CA)	Quigley	Welch
Lewis (GA)	Rahall	Westmoreland
Linder	Rangel	Whitfield
Lipinski	Rehberg	Wilson (OH)
LoBiondo	Reichert	Wilson (SC)
Loebach	Reyes	Wittman
Lofgren, Zoe	Richardson	Wolf
Lowe	Rodriguez	Woolsey
Lucas	Roe (TN)	Wu
Luetkemeyer	Rogers (AL)	Yarmuth
Lujan	Rogers (KY)	Young (AK)
Lummis	Rogers (MI)	Young (FL)
Lungren, Daniel	Rohrabacher	
E.	Rooney	

NOT VOTING—16

Blunt	Halvorson	Radanovich
Boozman	Kennedy	Simpson
Davis (AL)	Kirk	Tanner
Fallin	Klein (FL)	Velázquez
Gallegly	Minnick	
Gordon (TN)	Pingree (ME)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1738

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONGRATULATING COACH JOE PATERNO

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1715) congratulating Joe Paterno on his 400th win as Penn State Nittany Lions football head coach, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 3, not voting 13, as follows:

[Roll No. 575]

YEAS—417

Ackerman	Boustany	Clyburn
Aderholt	Boyd	Coble
Adler (NJ)	Brady (PA)	Coffman (CO)
Akin	Brady (TX)	Cohen
Alexander	Braley (IA)	Cole
Altmire	Bright	Conaway
Andrews	Broun (GA)	Connolly (VA)
Arcuri	Brown (SC)	Conyers
Austria	Brown, Corrine	Cooper
Baca	Brown-Waite,	Costa
Bachmann	Ginny	Costello
Bachus	Buchanan	Courtney
Baird	Burgess	Crenshaw
Baldwin	Burton (IN)	Critz
Barrett (SC)	Butterfield	Crowley
Barrow	Buyer	Cuellar
Bartlett	Calvert	Culberson
Barton (TX)	Camp	Cummings
Bean	Campbell	Dahlkemper
Becerra	Cantor	Davis (CA)
Berkley	Cao	Davis (IL)
Berman	Capito	Davis (KY)
Berry	Capps	Davis (TN)
Biggert	Capuano	DeGette
Bilbray	Cardoza	Delahunt
Bilirakis	Carnahan	DeLauro
Bishop (GA)	Carney	Dent
Bishop (NY)	Carson (IN)	Deutch
Bishop (UT)	Carter	Diaz-Balart, L.
Blackburn	Cassidy	Diaz-Balart, M.
Blumenauer	Castle	Dicks
Boccieri	Castor (FL)	Dingell
Boehner	Chandler	Djou
Bonner	Childers	Doggett
Bono Mack	Chu	Donnelly (IN)
Boren	Clarke	Doyle
Boswell	Clay	Dreier
Boucher	Cleaver	Driehaus

Duncan	Lamborn	Petri
Edwards (MD)	Lance	Pitts
Edwards (TX)	Langevin	Platts
Ehlers	Larsen (WA)	Poe (TX)
Ellison	Larson (CT)	Polis (CO)
Ellsworth	Latham	Pomeroy
Emerson	LaTourette	Posey
Engel	Latta	Price (GA)
Eshoo	Lee (CA)	Price (NC)
Etheridge	Lee (NY)	Putnam
Farr	Levin	Quigley
Fattah	Lewis (CA)	Rahall
Filner	Lewis (GA)	Rangel
Flake	Linder	Rehberg
Fleming	Lipinski	Reichert
Forbes	LoBiondo	Reyes
Fortenberry	Loeback	Richardson
Foster	Lofgren, Zoe	Rodriguez
Fox	Lowey	Roe (TN)
Frank (MA)	Lucas	Rogers (AL)
Franks (AZ)	Luetkemeyer	Rogers (KY)
Frelinghuysen	Lujan	Rogers (MI)
Fudge	Lummis	Rohrabacher
Garamendi	Lungren, Daniel	Rooney
Garrett (NJ)	E.	Ros-Lehtinen
Gerlach	Lynch	Roskam
Giffords	Mack	Ross
Gingrey (GA)	Maffei	Rothman (NJ)
Gohmert	Maloney	Roybal-Allard
Gonzalez	Manzullo	Royce
Goodlatte	Marchant	Ruppersberger
Granger	Markey (CO)	Rush
Graves (GA)	Markey (MA)	Ryan (OH)
Graves (MO)	Marshall	Ryan (WI)
Grayson	Matheson	Salazar
Green, Al	Matsui	Sanchez, Linda
Green, Gene	McCarthy (CA)	T.
Griffith	McCarthy (NY)	Sanchez, Loretta
Grijalva	McCauley	Sarbanes
Guthrie	McClintock	Scalise
Gutierrez	McCollum	Schakowsky
Hall (NY)	McCotter	Schauer
Hall (TX)	McDermott	Schiff
Hare	McGovern	Schmidt
Harman	McHenry	Schock
Harper	McIntyre	Schrader
Hastings (FL)	McKeon	Schwartz
Hastings (WA)	McMahon	Scott (GA)
Heinrich	McMorris	Scott (VA)
Heller	Rodgers	Sensenbrenner
Hensarling	McNerney	Serrano
Herger	Meek (FL)	Sessions
Hereth Sandlin	Meeks (NY)	Sestak
Higgins	Melancon	Shadegg
Hill	Mica	Shea-Porter
Himes	Michaud	Sherman
Hinche	Miller (FL)	Shimkus
Hinojosa	Miller (MI)	Shuler
Hirono	Miller (NC)	Shuster
Hodes	Miller, Gary	Simpson
Hoekstra	Miller, George	Sires
Holden	Minnick	Skelton
Holt	Mitchell	Smith (NE)
Honda	Mollohan	Smith (NJ)
Hoyer	Moore (KS)	Smith (TX)
Hunter	Moore (WI)	Smith (WA)
Inglis	Moran (KS)	Snyder
Inslee	Moran (VA)	Space
Israel	Murphy (CT)	Speier
Issa	Murphy (NY)	Spratt
Jackson (IL)	Murphy, Patrick	Stark
Jackson Lee	Murphy, Tim	Stearns
(TX)	Myrick	Stupak
Jenkins	Nadler (NY)	Stutzman
Johnson (GA)	Napolitano	Sullivan
Johnson (IL)	Neal (MA)	Sutton
Johnson, E. B.	Neugebauer	Taylor
Johnson, Sam	Nunes	Teague
Jones	Nye	Terry
Jordan (OH)	Oberstar	Thompson (CA)
Kagen	Obey	Thompson (MS)
Kanjorski	Olson	Thompson (PA)
Kaptur	Olver	Thornberry
Kildee	Ortiz	Tiahrt
Kilpatrick (MI)	Owens	Tiberi
Kilroy	Pallone	Tierney
Kind	Pascrell	Titus
King (IA)	Pastor (AZ)	Tonko
King (NY)	Paul	Towns
Kingston	Paulsen	Tsongas
Kirkpatrick (AZ)	Payne	Turner
Kissell	Pence	Upton
Kline (MN)	Perlmutter	Van Hollen
Kosmas	Perriello	Velázquez
Kratovil	Peters	Visclosky
Kucinich	Peterson	Walden

Walz	Waxman	Wittman
Wamp	Weiner	Wolf
Wasserman	Weich	Woolsey
Schultz	Westmoreland	Wu
Waters	Whitfield	Yarmuth
Watson	Wilson (OH)	Young (AK)
Watt	Wilson (SC)	Young (FL)

NAYS—3

Chaffetz	DeFazio	Slaughter
----------	---------	-----------

NOT VOTING—13

Blunt	Gordon (TN)	Pingree (ME)
Boozman	Halvorson	Radanovich
Davis (AL)	Kennedy	Tanner
Fallin	Kirk	
Galleghy	Klein (FL)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1745

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

CONDEMNING BURMESE REGIME'S UNDEMOCRATIC ELECTIONS

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1677) condemning the Burmese regime's undemocratic upcoming elections on November 7, 2010, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1677

Whereas the current military regime, officially known as the State Peace and Development Council (SPDC), known previously as the State Law and Order Restoration Council (SLORC), held multi-party elections in 1990;

Whereas despite the threat and pressure by the military regime to vote for the candidates of the military-backed National Unity Party (NUP), the people of Burma voted 82 percent of parliament seats for the candidates of the National League for Democracy (NLD) party, led by formerly detained leader Daw Aung San Suu Kyi and allied ethnic political parties;

Whereas the military regime refused to honor the election results and arrested and imprisoned both democracy activists and elected members of parliament;

Whereas the SPDC over a period of 14 years held a National Convention to draft a new

constitution in which the process was tightly controlled, repressive, and undemocratic;

Whereas the NLD walked out of the convention in 1995 because participants were not allowed to table alternative proposals or voice disagreement with the military regime;

Whereas the people of Burma, led by democracy activists and Buddhist monks in August and September 2007, took to the streets for national reconciliation and the transition to democracy;

Whereas the military regime brutally crushed the peaceful protests, killing at least 31 people, leaving nearly 100 missing, and arresting 700 additional political prisoners bringing the number of Burma's political prisoners to approximately 2,100;

Whereas the SPDC has ignored the repeated requests of the United Nations and the international community to release all political prisoners and end attacks against civilians;

Whereas at the same time, the SPDC assigned a commission to draft a constitution on October 18, 2007, with 54 handpicked participants, in an attempt to ignore past election results, to lock in a process that excludes representatives of ethnic nationalities and the NLD from political participation, and to legitimize continued military rule;

Whereas the latest version of the draft constitution seeks to codify military rule by reserving 25 percent of parliamentary seats for military appointees, permits the head of the military to intervene in national politics, and ensures that key government ministries are held by military officers;

Whereas amidst the crisis in parts of the country caused by Cyclone Nargis, the country's military junta staged a referendum to force through a new constitution, drafted without input from the opposition;

Whereas the vote for the referendum did not follow a free and fair democratic process;

Whereas conditions prior to the referendum consisted of repression, a lack of a free media, and a lack of an independent referendum commission and courts to supervise the vote;

Whereas the amnesty provision of the constitution removes any rights for civil redress for victims of crimes committed by the military and leaders of the democratic opposition have refused to accept this constitution;

Whereas the amnesty provision is a blatant attempt to legitimize the systematic violence in the country for all junta inflicted crimes;

Whereas the ruling military junta in Burma has one of the worst human rights records in the world and routinely violates the rights of Burmese citizens, including the systematic use of rape as a weapon of war, extrajudicial killings, arbitrary arrests and detention, torture, as well as slave and child labor, including child soldiers;

Whereas the previous detention of Aung San Suu Kyi by the Burmese military regime contravenes Article 9 of the Universal Declaration of Human Rights and has drawn widespread condemnation from around the world;

Whereas in March 2010, the military regime announced laws governing the elections, including the Union Election Commission Law, giving their handpicked members complete authority to convene the election, along with final decisionmaking power, regarding election postponement, rejection, monitoring, forming sub-commissions, formation of constituencies, compiling list of eligible voters, and forming of tribunals to judge election dispute;

Whereas articles 4 and 10 of the Political Parties Registration Law bans all monks, nuns, and leaders of other religions, government staff, political prisoners and prisoners, foreigners, and members of and those related to unlawful associations and insurgent groups from forming and participating in a political party, further stating that failure to expel such individuals from your political party will result in abolishment of the political party;

Whereas article 6 of the Political Parties Registration Law states that all political parties must pledge to abide and protect the military regime's undemocratic and fraudulent 2008 constitution;

Whereas the NLD refused to re-register under such unjust election laws that would have forced them to expel their leader Aung San Suu Kyi and pledge support for the regime's undemocratic constitution;

Whereas the military regime's election commission released severely restrictive political party campaign rules banning all marches, chanting, and flags and also prohibits any speeches or publications that criticize the military regime;

Whereas the election commission can de-register any political party at their discretion;

Whereas it is impossible under the regime's 2008 constitution and 2010 election laws for the election to be free, fair, inclusive, or democratic; and

Whereas the November 7 election was marked by widespread fraud, voter intimidation, cheating, and irregularities reported throughout the country: Now, therefore, be it

Resolved, That the House of Representatives—

(1) denounces the one-sided, undemocratic, and illegitimate actions of the State Peace and Development Council (SPDC) that seek to legitimize military rule through a flawed election process;

(2) denounces the military regime's dissolution of the National League for Democracy and insists that no government in Burma can be considered democratic or legitimate without the participation of Aung San Suu Kyi, the National League for Democracy, and ethnic nationalities and the full restoration of democracy, freedom of assembly, freedom of movement, freedom of speech, freedom of the press, and internationally recognized human rights for all Burmese citizens;

(3) insists that Burma's military regime begin an immediate transition toward national reconciliation, and the full restoration of democracy, freedom of assembly, freedom of movement, freedom of speech, freedom of the press, and internationally recognized human rights for all Burmese citizens;

(4) demands the immediate and unconditional release of detained Buddhist monks and all other political prisoners and prisoners of conscience;

(5) calls on the Administration to not support or recognize the military regime's elections as legitimate;

(6) calls on the Burmese junta to change the current flawed constitution by permitting members of the democratic opposition and ethnic minorities to participate in government;

(7) calls for full accountability of those responsible for human rights violations;

(8) urges support for a credible and robust international inquiry to investigate the Burmese regime's war crimes, crimes against humanity, and system of impunity; and

(9) calls for the Administration to fully implement the Tom Lantos Block Burmese JADE Act of 2008 by nominating the Special Representative and Policy Coordinator on Burma and imposing appropriate financial sanctions to facilitate the priorities expressed in paragraphs (1) through (8).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from Illinois (Mr. MANZULLO) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

On November 7, 2010, Burma held its first election in 20 years. This should have been an important milestone for the 55 million people of that impoverished nation, but instead, it was more of the same. The ruling junta fixed the process to ensure its continuing domination, and the vote was marred by widespread fraud and intimidation.

This important resolution condemns the military regime's blatantly undemocratic effort to legitimize its rule through a sham election process.

In 1990, Aung San Suu Kyi's National League for Democracy, referred to as the "NLD party," handily won free and fair elections, but the junta refused to honor the results and, instead, arrested and imprisoned democratically elected members of parliament and democracy activists.

□ 1750

More recently, in 2007, thousands of ordinary Burmese citizens and Buddhist monks led a series of peaceful demonstrations calling for more openness and respect for human rights, only to be brutally crushed by the regime. Today, there are more than 2,200 political prisoners and prisoners of conscience languishing in Burmese prisons in the worst possible conditions.

The junta claims that the Burmese constitution of 2008 is part of a "roadmap to democracy," but in reality, that bogus document maintains power in the hands of military appointees, permits the head of the military to intervene in national policy, and ensures that key government ministries are held by junta officials. Under this framework, true democracy is impossible.

The regime's recent decision to release Aung San Suu Kyi, the iconic leader of Burma's democracy move-

ment, is a transparent attempt to divert attention from its fraudulent election.

The international community must speak with one voice to condemn the results of the November 7 election; press the Burmese junta to respect basic human rights and allow freedom of expression and freedom of association; call for the release of political prisoners; and support national reconciliation between the junta, Aung San Suu Kyi, and ethnic leaders.

We must also continue to press for a robust international inquiry into the regime's crimes against humanity and war crimes, and do everything we can to end the systemic use of rape as a weapon of war, extrajudicial killings, torture, and child labor.

Mr. Speaker, I urge all my colleagues to support this bipartisan resolution.

I reserve the balance of my time.

Mr. MANZULLO. Mr. Speaker, I yield myself such time as I may consume.

Today, I rise in strong opposition to the recent sham election that took place in Burma on November 7. As the sponsor of this important resolution, I want to lend a public voice for many people yearning to see democracy take real root in Burma.

The purpose of the election is crystal clear: to entrench the military junta's rule under a cloak of democracy. Notwithstanding the release of Aung San Suu Kyi, the junta's actions cannot be an excuse to draw the curtain closed on so many people in Burma who yearn for the fresh breath of freedom.

While claiming the pro-junta party won 80 percent of the vote in the sham election, the Burmese regime clearly demonstrated its adherence to Chairman Mao's famous dictum that "political power comes from the barrel of a gun."

To make matters worse, just as rigged election results were being reported, junta troops engaged in shoot-outs with ethnic minority forces in border areas, sending tens of thousands of refugees fleeing into Thailand. Artillery fire even flew over the border, injuring refugees, Thai civilians, and Thai soldiers on the Thai side. Shelling your peaceful neighbor is no way for any government to conduct an election.

And while we all laud the release of the acclaimed Nobel Peace Prize Laureate Aung San Suu Kyi, no one should be fooled into thinking that the Burmese junta leopard has changed its spots. The junta has treated Aung San Suu Kyi like its political yo-yo, letting her out and then pulling her back in whenever it has served the regime's political whims. Having gotten her out of the way during the critical runup to the bogus elections, the regime has now decided it is time to place her again in the world spotlight.

But we cannot for one moment forget that there are an estimated 2,500 other

political prisoners, including brave monks and ordinary citizens from the Saffron Revolution 3 years ago, who still languish in the Burmese gulag. Until these others are free, Aung San Suu Kyi and Burma are indeed truly not free.

In 2008, I led the effort, along with my friend from New York, Representative JOE CROWLEY, to award the Congressional Gold Medal to Aung San Suu Kyi. We must never forget the strength and hope that she represents. We must never be fooled into believing that this time there really will be change in Burma.

A flawed election process cannot hide the fact that until a sincere, transparent dialogue of political transformation is begun with the opposition, there can be no true democracy and rule of law in Burma. One need only recall that Hitler and Stalin had elections also, and they were just as meaningless.

This raises the whole question of the value of engagement with a regime which hunts down refugees and shells its neighbor in the aftermath of bogus elections. The administration clings to the desperate hope that talking to dictatorial thugs with no preconditions will lead to a world of peace and harmony. The Burmese junta and their bogus elections demonstrate the naive assumption behind this approach to foreign policy.

The release of Nobel Peace Prize Laureate Aung San Suu Kyi from house arrest, however, still leaves one Peace Prize laureate behind bars. That is the recent Prize recipient, Chinese dissident Liu Xiaobo. It seems high time for the rulers in Beijing to follow the example of their Burmese buddies and immediately release Mr. Liu. Governments which fear lone voices of conscience like Aung San Suu Kyi and Mr. Liu can never be truly secure, no matter how much voter fraud they conduct to prop up their regimes.

I strongly and enthusiastically urge my colleagues to stand up for democracy and freedom in the proud ancient land of Burma and to wholeheartedly support this resolution.

I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey, RUSH D. HOLT.

Mr. HOLT. Mr. Speaker, I thank the gentlelady from California.

I rise to express strong support for House Resolution 1677, offered by Mr. MANZULLO, and I rise to denounce the flawed, undemocratic election that took place in Burma earlier this month. For nearly half a century now, the liberties of the Burmese people have been held hostage by successive military rulers. The regime refused to honor the results of open elections held in recent decades and then forced the acceptance of a new, illegitimate constitution in a sham referendum. Last

week, the junta once again chose to disregard the will of the Burmese people by staging a fraudulent election.

When I first visited Burma decades ago, I learned what a difference a misguided regime could make. Burma had been a vibrant country known as the "rice bowl of Asia." Burma had had a rich history, fertile land, abundant resources, and a productive population. In the years following the coup in the early 1960s, the authoritarian regime impoverished a nation and brutalized a people. The generals have rejected the choices of the Burmese citizens, imprisoned or killed political dissidents, and failed to address humanitarian suffering caused by their own mismanagement and by tragic natural disasters. The United States has a duty to stand firmly against the military's human rights abuses and to work for justice, reconciliation, and the rule of law in Burma.

I join with those around the world celebrating the recent release from house arrest of Nobel Peace Prize Laureate Aung San Suu Kyi, who has led the nonviolent struggle for democratic reforms in Burma, at great personal sacrifice, for over three decades. The outpouring of support and affection for her is a clear signal that the spirit of liberty endures among the Burmese people. Yet we must be mindful of history's lessons. The military junta will not tolerate actions that threaten its iron grip on power. That is why the United States must continue to pressure the regime to end its repressive practices and to accept an immediate transition toward a more democratic government that respects human rights and respects the aspirations of the Burmese people.

I urge my colleagues to support this resolution.

Ms. WATSON. Mr. Speaker, the following is an exchange of letters that I would like to submit:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON WAYS AND MEANS,
Washington, DC, November 17, 2010.

Hon. HOWARD L. BERMAN,
Chairman, Committee on Foreign Affairs,
Washington, DC.

DEAR MR. CHAIRMAN: I am writing you concerning H. Res. 1677 ("Resolution"), "Condemning the Burmese regime's undemocratic upcoming elections on November 7, 2010". As you know, the Resolution was referred to the Committee on Ways and Means based on the Committee's jurisdiction over international trade.

I appreciate the productive discussions that we have had on this issue, resulting in our agreement to revise paragraph 9 of the Resolution, which I believe helps to clarify the intent and scope of the Resolution. I appreciate your commitment to reflect this agreement in the final Resolution.

In order to expedite this Resolution for floor consideration, the Committee on Ways and Means will forgo action on this Resolution and will not oppose its consideration on the suspension calendar, based on our understanding that you will reflect our agreement

in the final Resolution. This is done with the understanding between our Committees that the Committee on Ways and Means does not waive any future jurisdictional claim over the subject matters contained in the Resolution.

This letter also confirms my understanding that you will include a copy of your letter and this response in the Congressional Record during consideration of the Resolution on the House floor.

Sincerely,

SANDER M. LEVIN,
Chairman.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 17, 2010.

Hon. SANDER M. LEVIN,
Chairman, Committee on Ways and Means,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H. Res. 1677, "Condemning the Burmese regime's undemocratic upcoming elections on November 7, 2010." As you know, the Resolution was referred to the Committee on Foreign Affairs, in addition to the Committees on Ways and Means and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

I agree that the Committee on Ways and Means has certain valid jurisdictional claims to this resolution, and I appreciate your decision to waive further consideration of H. Res. 1677 in the interest of expediting consideration of this important measure. I understand that by agreeing to waive further consideration, the Committee on Ways and Means is not waiving its jurisdictional claims over similar measures in the future.

During consideration of this measure on the House floor, I will ask that this exchange of letters be included in the CONGRESSIONAL RECORD.

Sincerely,

HOWARD L. BERMAN,
Chairman.

□ 1800

Mr. MANZULLO. I yield back the balance of my time.

Ms. WATSON. Mr. Speaker I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HEINRICH). The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 1677, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. WATSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

COMMEMORATING THE PERSIAN GULF WAR

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1672) commemorating the Persian Gulf War and reaffirming the commitment of the United States towards Persian Gulf War veterans, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1672

Whereas, on August 2, 1990, Iraq invaded the State of Kuwait, thereby initiating the Persian Gulf War;

Whereas in the months following Iraq's invasion and occupation of Kuwait, the United Nations Security Council adopted 11 resolutions that, inter alia, demanded that Iraq unconditionally withdraw from Kuwait and imposed economic sanctions and other pressure against Saddam Hussein's dictatorship in Iraq;

Whereas on November 29, 1990, the United Nations Security Council adopted Resolution 678, which authorized United Nations Member States to use all necessary means to uphold Resolution 660 (1990), which demanded that Iraq unconditionally withdraw from Kuwait;

Whereas on January 12, 1991, the United States Congress authorized the United States Armed Forces to help the State of Kuwait defend itself against the Iraqi invasion;

Whereas the Armed Forces of the United States, joined by coalition partners, overwhelmed the enemy in a short, decisive military campaign of less than 30 days;

Whereas the hostilities ended in a cease-fire declared by President George H.W. Bush on February 28, 1991, one hundred hours after the ground campaign began;

Whereas during the Persian Gulf War, approximately 694,550 members of the United States Armed Forces served in-theater along with the forces of over 30 other members of the United Nations;

Whereas casualties of the United States during the Persian Gulf War included 383 dead (of whom 148 were battle deaths), and more than 467 wounded;

Whereas approximately 2,225,000 American men and women served worldwide in the Armed Forces during the entire Gulf War era;

Whereas approximately 174,000 veterans suffer from illnesses related to service during the Persian Gulf War, including Gulf War Veterans' Illnesses;

Whereas Congress notes the Institute of Medicine's report, "Gulf War and Health", released on April 9, 2010; encourages the Department of Veterans Affairs task force to identify recommendations from this report to better treat illnesses related to service during the Persian Gulf War, including Gulf War Veterans' Illnesses; and reaffirms the commitment of the United States towards Persian Gulf War veterans;

Whereas since the end of the Persian Gulf War era, an average of more than 2,000 members of the United States Armed Forces have served annually in Kuwait to defend the State of Kuwait against external aggression, and to promote regional peace;

Whereas in addition to their participation in the Gulf War to liberate Kuwait, United States service members have maintained a significant military presence in the Gulf for decades and played a key role in defending

United States interests and allies in the Gulf region; and

Whereas beginning in August 2010, various ceremonies are being planned in the United States to commemorate the 20th anniversary of the Persian Gulf War and to honor all Persian Gulf War veterans: Now, therefore, be it *Resolved*, That the House of Representatives—

(1) recognizes the historical importance of the 20th anniversary of the Persian Gulf War, which began on August 2, 1990;

(2) honors the noble service and sacrifice of the United States Armed Forces and the armed forces of allied countries that served in the Persian Gulf since 1990 to the present;

(3) encourages all Americans to participate in commemorative activities to pay solemn tribute to, and to never forget, the veterans of the Persian Gulf War;

(4) calls upon the President to issue a proclamation recognizing the 20th anniversary of the Persian Gulf War; and

(5) reaffirms the commitment of the United States to peace and prosperity in the Persian Gulf region.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from Illinois (Mr. MANZULLO) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, I yield myself as much time as I may consume.

I rise in strong support of H. Res. 1672, which commemorates the Persian Gulf War of 1991 and reaffirms the commitment of the United States to the well-being of Persian Gulf War veterans.

More than 20 years ago, on August 2, 1990, Saddam Hussein ordered his army into Kuwait, starting a crisis that would lead to war. Although some predicted that Iraq's incursion would be limited, within hours Iraqi forces had seized downtown Kuwait City and were headed south toward the Saudi Arabian border, occupying all of Kuwait along the way. What followed was the largest build-up of American forces since the Vietnam War. Within a short period, members of the 82nd Airborne Division, as well as 300 combat aircraft, were headed for Saudi Arabia. By the end of September 1990, there were nearly 200,000 American personnel in Saudi Arabia ready to repel an Iraqi attack.

Realizing the magnitude of Iraq's invasion, the President ordered additional soldiers to the Persian Gulf. During that period, an international coalition was formed, with more than 30 nations joining the effort to repel Iraqi aggression. On November 29, the

U.N. Security Council passed a resolution authorizing the use of force if Iraq did not withdraw from Kuwait by January 15; and on the morning of January 16, 1991, allied forces began the first phase of Operation Desert Storm. After a 38-day air campaign, Operation Desert Sabre, a massive ground attack, was launched by American and coalition forces into both Iraq and Kuwait. One hundred hours after the ground campaign began, the President declared a cease-fire.

Mr. Speaker, our men and women in uniform did win that war. Their bravery in battle liberated a country and defended our friends from Saddam Hussein's aggression. We recall with special appreciation the 383 men and women who gave the ultimate sacrifice and the 467 who were wounded, as well as the thousands of veterans who, to this day, suffer from illnesses related to their Gulf War service.

Mr. Speaker, the resolution before us recognizes the historical importance of the 20th anniversary of the Persian Gulf War. It honors the noble service and sacrifice of the United States Armed Forces that have served in the Persian Gulf during that war and since, and it encourages all Americans to participate in commemorative activities to pay tribute to the veterans of the Persian Gulf War. It also calls upon the President to issue a proclamation recognizing the war's 20th anniversary and reaffirms the commitment of the United States to peace and prosperity in the Persian Gulf region. I strongly support this resolution, and I encourage all of my colleagues to do as well.

Mr. Speaker, I reserve the balance of my time.

Mr. MANZULLO. I rise in support of the resolution and yield myself such time as I may consume.

Mr. Speaker, 20 years ago, on August 2, 1990, Saddam Hussein's Iraqi regime invaded and occupied nearby Kuwait. In response, the United States stood firmly against this act of aggression and led a strong coalition of responsible nations in making clear that Saddam's actions would not be tolerated. As a result of U.S. leadership, the U.N. Security Council adopted almost a dozen separate resolutions that, among other things, demanded that Iraq unconditionally withdraw from Kuwait and increased economic sanctions and other pressure against Saddam's dictatorship.

On November 29, 1990, the U.N. Security Council authorized the use of all necessary means to compel Iraq's withdrawal from Kuwait. Congress voted on January 12, 1991, to authorize America's Armed Forces to enforce the U.N. Security Council's resolutions with respect to Iraq.

Mr. Speaker, when called to action, our men and women in uniform, almost 700,000 of whom served in the theater, fulfilled their mission in an exemplary

manner with valor and honor. Joined by our coalition partners, the U.S. military overwhelmed Saddam's forces and drove them out of Kuwait in a decisive campaign that lasted fewer than 30 days. Sadly, during the Gulf War, 383 Americans made the ultimate sacrifice, giving their lives in service to our Nation, and more than 460 others were wounded.

Among those who died was a young flight surgeon from Rochelle, Illinois, by the name of Dr. Koritz, when his jet aircraft was shot down. Further, over 170,000 returning veterans of the Gulf War have suffered from serious health problems.

In 2001, I authored the Persian Gulf War Illness Compensation Act to make sure that our veterans receive compensation from illnesses as a result of Gulf War syndrome. This legislation garnered the support of more than half the House of Representatives, and it was later signed into law by the President of the United States. It was thanks to the loving dedication of Donna Steele, the widow of Gulf War veteran Dan Steele from Freeport, Illinois, that helped me understand the devastating nature of Gulf War syndrome.

Mr. Speaker, as we commemorate the 20th anniversary of the Gulf War, we must honor the service and sacrifice made by servicemembers and veterans. Further, we must reaffirm our determination to ensure peace and stability in the gulf region which is a key U.S. interest. Accordingly, I am proud to support House Resolution 1672 and thank my friend from Maine (Mr. MICHAUD) for introducing this measure.

Mr. Speaker, I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I yield 3 minutes to the gentleman from Maine, MICHAEL MICHAUD.

Mr. MICHAUD. I thank the gentleman for yielding.

Mr. Speaker, I rise today in strong support of House Resolution 1672, a measure I have introduced to commemorate the Persian Gulf War and reaffirm our Nation's commitment to the veterans who served in it. A cease-fire was declared by President George Bush on February 28, 1991, 100 hours after the ground campaign began.

□ 1810

Yet, this war is far from over for the veterans who served so courageously in the gulf. In fact, an estimated 174,000 still suffer from Gulf War illness, including Gulf War syndrome. These veterans and their families must now wage a campaign of a different sort within the VA system.

This includes my constituent, Michelle Comeau, of Dixfield, Maine, who was exposed to toxic sarin gas as a member of the Army National Guard. This led to unbearable migraines that have since rendered her 100 percent dis-

abled. In addition, her two daughters were subsequently born with rare birth defects, and have since developed symptoms similar to their mother.

Sadly, Michelle and many other veterans and their families across the country continue to suffer. Not enough is known about these illnesses, including whether or not it can be passed from one generation to the next. Because of this, it is critical that VA continues its research efforts on illnesses of Gulf War veterans.

This resolution we consider today commemorates the Gulf War and honors the noble service and sacrifice of veterans who served there. So it is also fitting that Veterans' Affairs Committee Ranking Member STEVE BUYER is here today to speak on behalf of this resolution.

In addition to being a Persian Gulf veteran himself, Congressman BUYER began his career as a Member of Congress by leading efforts to create a national Persian Gulf War veterans registry. This important program was set up to provide a comprehensive physical exam and to track the special health concerns of veterans who served in the gulf.

I want to thank Congressman BUYER for his service to this great Nation of ours, but also thank him for his service, his time here in Congress, which I enjoyed working with him on the Veterans' Affairs Committee.

I urge all of my colleagues to join me today in supporting House Resolution 1672, to encourage all Americans to remember and pay tribute to those veterans, and to let them know that their struggles and sacrifices will never be forgotten.

Mr. MANZULLO. Mr. Speaker, it is a real honor and privilege to yield such time as he may consume to the gentleman from Indiana (Mr. BUYER). He is the ranking member of the Committee on Veterans Affairs. He and I are classmates. We trained in school together to run as Members of Congress. He is a dear, dear friend. Our offices are on the same hall. Unfortunately, he is going to be leaving Congress this year.

Mr. BUYER. I thank the gentleman from Illinois, and I also thank you for your friendship and your personal counsel over the years. Likewise, I am so pleased that your wife continues to do well.

And to my friend, MIKE MICHAUD, MIKE—if I may have the latitude to address him by his first name, Mr. Speaker.

I don't mean to be nostalgic here for the moment, but I think when Members look back, they really don't remember all the difficult and challenging moments, they remember the things that really bring joy to their life. And one of the joys that I have in life is getting the opportunity to meet some real genuine people. And that's what MIKE MICHAUD of Maine is.

You are a genuine human being and it is your nature, it is your character, it is your moral compass, the reason I use the word "genuine." You are truly one of the individuals that I will miss when I look back at Congress. I really will, MIKE.

I only wish your conference had made you chairman of the Veterans' Affairs Committee, I really do, because you and I could have done a lot of great things together.

In reality, the unwritten history will be the success of the committee occurred not by your current chairman, but because of the work-around solutions that we were able to do, by you and I working together, with STEPHANIE HERSETH and the Sergeant Major and VIC SNYDER. So history may not credit you, Mr. MICHAUD, for all the things you've done, but I'm going to stand on the floor and let everybody know all the great things that you have done for veterans in this country, and I am very proud of you. So as I stand here and I think of not only myself, but I think about my colleagues, I want to make sure that you deserve the full measure.

When I think about over 20 years ago, frankly, Saddam Hussein was pretty stupid. He decided to take seven of his Iraqi divisions and he invaded Kuwait. He committed incredible atrocities upon the people of Kuwait, and raped and pillaged the city of Kuwait City.

And when the President then immediately sent the 101st and the 82nd Airborne divisions as a blocking force to then protect Saudi Arabia, they had to build up the logistics of Saudi Arabia itself and activate reservists. Not since World War II had there been such a deployment, not only of the air, but of the sea and the activation of the Guard and reserve and bringing Seventh Corps out of Europe.

You see, Saddam Hussein decided to pick a fight, and he also then took on the United States at a time when the United States was its strongest. We had completed the Reagan build-up. Reagan built up our forces. A lot of good judgments were made back in the latter part of the 1970s and 1980s. Les Aspin, then the chairman of the committee, even though he made some policy changes with regard to how soldiers were going to be paid, and those pay issues got resolved later, in the latter part of the 1990s, Les Aspin, and then the Democrat control of the Armed Services Committee, though, worked then with Ronald Reagan and built up our force. And that was about standing down the Soviet Union. So as we then stood down the Soviet Union, we had a military that was extraordinarily powerful. And Saddam Hussein took on America at a time when we were the most powerful.

Now, with regard to our combat experience, the combat experience for the Gulf War was truly also of value, in

that our senior level leadership, the senior NCOs, the First Sergeants, the Sergeants Major, the Colonels, the General Officer Corps, the Admirals, they were Vietnam veterans. So as we went into Operations Desert Shield/Desert Storm, the leadership in that war, they said, well, we know what happened during Vietnam, and they always prided themselves that if they ever got themselves in another fight they were going to do things differently. So there was going to be no such thing as rotation. That's what happened in Vietnam.

So when we arrived in theater in the first Gulf War, duration was the theme, not rotation, meaning we will be here so long as it's necessary to throw Saddam Hussein out of Kuwait. As it turns out it was 100 days. That was a 100-day ground war. What isn't counted, though, is everything that it took to pull off a 100-day ground war.

Bringing out so many of the guardsmen and reservists was extraordinary. What was amazing about all this is that that type of a call-up of all the guardsmen and reservists to then support the active elements actually was bringing America to the war. When you pull out a teacher, you pull out someone who leads the church choir, you pull out someone who is the butcher and the baker and you then send them to war, you're bringing America to war. And America really at the time was a little shocked.

I mean, some of us, for myself the call-up was in 3 days. I got a notice and I was gone in 3 days. And it was a pretty extraordinary moment, not only in my life but in a lot of people's lives.

When I think back at all of this, I really compliment the extraordinary leadership, not only of then Dick Cheney, but also of Colin Powell and Norman Schwarzkopf. But I also look back with great pride of the men and women in theater. I believe that the active duty, of whom had always sort of looked down and chastised the reserve components, had new respect for the reserve components. And I look back at the Persian Gulf War, it was a defining moment, I think, at the time for our country.

□ 1820

With regard to the veterans, Mr. MICHAUD, you are absolutely correct. With a number in excess of 170,000, when you think of the number of those of us that actually went—I don't know the exact number, probably around 700,000 of us that went—that is a very large percentage that have some form of an illness.

I was pretty startled by all this. I do recall what it took to sort of expose that some bad things had happened; the fact that we had blown up one of the Army depots that contained some mustard and sarin gas, and that plume was so large that it went over tens of

thousands of not only our own troops, including myself, but also about 10,000 of the U.K. And to think that the DOD was not forthcoming with that information to our veterans for a long time is very disturbing.

I do recall, when I got home I did not have the physical strength to even run down to the end of the lane. That is only about 1,000 feet. And here I am, 30 years old, physically fit, come back from war and I don't have the physical capacity. Something had happened to me, and I didn't know what it was. I do recall that my wife wanted me to go down to the VA or to go to the doctor, and I refused to do it. I refused to do it because, I said, Joni, if I go, they're just going to say it's in my head. I made it up. It's not real. Yet something had happened to my body.

When I then came to Congress, I can assure you when I look back at it, and all of us know when you run for Congress it takes about a year and it takes a lot out of you physically, and I was very sick during that 1 year when I first ran for Congress. When I got here, I decided that I had to accept and get out of the denial mode and step forward and provide voice to a lot of my comrades, and that is what I chose to do.

It is very difficult, especially all of us as public figures, to be willing to step forward and put a face, especially your own, on something like that. But I chose to do that. I remember working not only with the gentleman from Illinois but also Joe Kennedy at the time. That is one of the first things I learned about politics, too. When you take someone like Joe Kennedy and you marry him up with STEVE BUYER, when we brought something to the floor, nobody voted against it.

So the things we were able to do by opening the VA to make sure that these veterans got their access to health care, then creating the compensation for undiagnosed illnesses, that was pretty radical. But we knew that something wrong had happened, and we wanted to make sure that our compassion was real, so let's make sure we take care of the families. And that is exactly what we sought to do.

I want to congratulate the gentleman for bringing this resolution. We have moved on to the second Gulf War, and now we are beginning to complete Iraq and we are still in Afghanistan. It is almost as though we have forgotten what happened to the veterans in the first Gulf War, and so many of them continue to suffer from these physical ailments. So when you take a moment like this, you are really saying unto the American people, "Hey, we've still got some concerns. We still have some very real challenges out there." And as I leave, I know that my comrades are in good hands.

So I want to thank all of you for supporting the VA and for supporting my

comrades. They were there for us and you remember, and for that I am forever grateful. Thank you and God-speed.

Mr. KUCINICH. Mr. Speaker, I rise in strong support of H. Res. 1672, a resolution recognizing the 20th anniversary of the outbreak of the Persian Gulf War and reaffirming the commitment of the United States towards Gulf War veterans.

This resolution rightly recognizes the suffering and the needs of Persian Gulf War veterans who continue to suffer from Gulf War Veterans' Illness, GWI, without an adequate treatment or a cure. One in four of those who served in the first Gulf War experience multiple concurrent symptoms including memory and concentration problems, chronic headaches, widespread pain and gastrointestinal problems as a result of neurotoxic exposures during their Gulf War deployment. Research also shows that Gulf War veterans suffer from Lou Gehrig's disease at double the rate of their non-deployed peers. There is still no effective treatment for these veterans.

A groundbreaking report issued by the Congressionally commissioned VA Research Advisory Committee on Gulf War Veterans' Illnesses entitled, "Gulf War Illness and the Health of Gulf War Veterans" identified two definite causes of the disease and a handful of other likely causes: exposure to pesticides and a drug given to troops to protect them from nerve gas.

The National Academy of Sciences' Institute of Medicine, IOM, released a groundbreaking report on Gulf War health in April, acknowledging that over 250,000 Gulf War veterans suffer from a chronic multisymptom illness that it is not due to psychiatric causes. Perhaps most importantly, the report recognizes the need for national research program that is likely to succeed in identifying treatments for GWI that will also benefit other U.S. military forces.

For the past several years, I have led a bipartisan effort to support the Gulf War Veterans' Illness Research Program within the Department of Defense's Congressionally Directed Medical Research Program. The program was awarded \$8 million in fiscal year, FY, 2010 and is critical following the Veteran's Administrations' decision this year to revisit rejected claims for Gulf War Veterans who have attempted to access treatment for the illness linked to their service. The research coming out of this program is among the most promising in the world for these veterans. We can and must do better than to forget the permanent sacrifices they have made. We must not rest until we identify treatments for them and ensure the exposures that caused the illnesses are not duplicated.

I urge my colleagues to continue this bipartisan effort as the FY 2011 Defense Appropriations bill and support funding for the Gulf War Veterans' Illness Research Program. We owe it to Gulf War veterans and all members of our Armed Forces to find a treatment.

Mr. BERMAN. Mr. Speaker, I would ask that this exchange of letters between myself and Chairman FILNER and Chairman SKELTON regarding H. Res. 1672 be submitted.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 15, 2010.

Hon. IKE SKELTON,
Chairman, Committee on Armed Services,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H. Res. 1672, commemorating the Persian Gulf War and reaffirming the commitment of the United States toward Persian Gulf War veterans. This measure was referred to the Committee on Foreign Affairs, in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

I agree that the Committee on Armed Services has certain valid jurisdictional claims to this resolution, and I appreciate your decision to waive further consideration of H. Res. 1672 in the interest of expediting consideration of this important measure. I understand that by agreeing to waive further consideration, the Committee on Armed Services is not waiving its jurisdictional claims over similar measures in the future.

During consideration of this measure on the House floor, I will ask that this exchange of letters be included for the record.

Sincerely,

HOWARD L. BERMAN,
Chairman.

HOUSE COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 16, 2010.

Hon. HOWARD BERMAN,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR CHAIRMAN BERMAN: I am writing to you concerning H. Res. 1672, commemorating the Persian Gulf War and reaffirming the commitment of the United States towards Persian Gulf War veterans. This measure was referred to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Our committee recognizes the importance of H. Res. 1672, and the need for the resolution to move expeditiously. Therefore, while we have a valid claim to jurisdiction over this legislation, the Committee on Armed Services will waive further consideration of H. Res. 1672. I do so with the understanding that by waiving consideration of the resolution, the Committee on Armed Services does not waive any future jurisdictional claim over the subject matters contained in the resolution which fall within its Rule X jurisdiction.

Please submit this letter and a copy of your response during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

Very truly yours,

IKE SKELTON,
Chairman.

COMMITTEE ON VETERANS' AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 15, 2010.

Hon. HOWARD L. BERMAN,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On September 28, 2010, H. Res. 1672, commemorating the Per-

sian Gulf War and reaffirming the commitment of the United States towards Persian Gulf War veterans, was introduced in the House of Representatives. This measure was sequentially referred to the Committee on Veterans' Affairs.

The Committee on Veterans' Affairs recognizes the importance of H. Res. 1672 and the need to move this resolution expeditiously. Therefore, while we have valid jurisdictional claims to this resolution, the Committee on Veterans' Affairs will waive further consideration of H. Res. 1672. The Committee does so with the understanding that by waiving further consideration of this resolution it does not waive any future jurisdictional claims over similar measures.

I would appreciate the inclusion of this letter and a copy of your response during consideration of H. Res. 1672 on the House floor.

Sincerely,

BOB FILNER,
Chairman.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, November 15, 2010.

Hon. BOB FILNER,
Chairman, Committee on Veterans' Affairs,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H. Res. 1672, commemorating the Persian Gulf War and reaffirming the commitment of the United States toward Persian Gulf War veterans. This measure was referred to the Committee on Foreign Affairs, in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

I agree that the Committee on Veterans' Affairs has certain valid jurisdictional claims to this resolution, and I appreciate your decision to waive further consideration of H. Res. 1672 in the interest of expediting consideration of this important measure. I understand that by agreeing to waive further consideration, the Committee on Veterans' Affairs is not waiving its jurisdictional claims over similar measures in the future.

During consideration of this measure on the House floor, I will ask that this exchange of letters be included in the Congressional Record.

Sincerely,

HOWARD L. BERMAN,
Chairman.

Mr. MANZULLO. I yield back the balance of my time.

Ms. WATSON. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 1672, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 1722, TELEWORK ENHANCEMENT ACT OF 2010 AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 111-657) on the resolution (H. Res. 1721) providing for consideration of the Senate amendment to the bill (H.R. 1722) to require the head of each executive agency to establish and implement a policy under which employees shall be authorized to telework, and for other purposes, and providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

RECOGNIZING 500TH ANNIVERSARY OF THE BIRTH OF ANDREA PALLADIO

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 259) recognizing the 500th anniversary of the birth of Italian architect Andrea Palladio.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 259

Whereas 2008 was the 500th anniversary of the birth year of the Italian architect Andrea Palladio;

Whereas Andrea Palladio was born Andrea di Pietro in Padua on November 30, 1508;

Whereas Palladio, born of humble origins, apprenticed as a stonemason in his early life;

Whereas under the patronage of Count Giangiorgio Trissino (1478-1550), Palladio studied architecture, engineering, topography, and military science in his mid-twenties;

Whereas in 1540, Count Trissino renamed him "Palladio", a reference to the wisdom of Pallas Athena, as well as the Italian form of the name of the Roman writer of the fourth century, Rutilius Taurus Aemilianus Palladius;

Whereas Palladio's designs for public works, churches, mansions, and villas rank among the most outstanding architectural achievements of the Italian Renaissance;

Whereas Palladio's surviving buildings are collectively included in the UNESCO World Heritage List;

Whereas Palladio's treatise, "The Four Books of Architecture", ranks as the most influential publication on architecture ever produced and has shaped much of the architectural image of Western civilization;

Whereas "The Four Books of Architecture" has served as a primary source for classical design for many architects and builders in the United States from colonial times to the present;

Whereas Thomas Jefferson called Palladio's "The Four Books of Architecture" the "Bible" for architectural practice, and employed Palladio's principles in establishing lasting standards for public architecture in the United States and in constructing his own masterpiece, Monticello;

Whereas our Nation's most iconic buildings, including the United States Capitol Building and the White House, reflect the influence of Palladio's architecture through the Anglo-Palladian movement, which flourished in the 18th century;

Whereas Palladio's pioneering reconstruction and restoration drawings of ancient Roman temples in "The Four Books of Architecture" provided inspiration for many of the great American classical edifices of the 19th and 20th centuries, in the period known as the American Renaissance;

Whereas the American Renaissance marked the high point of the classical tradition and enriched the United States from coast to coast with countless architectural works of timeless dignity and beauty, including the John A. Wilson Building, the seat of government of the District of Columbia;

Whereas the American architectural monuments inspired both directly and indirectly by the writings, illustrations, and designs of Palladio form a proud and priceless part of our Nation's cultural heritage; and

Whereas organizations, educational institutions, governmental agencies, and many other entities have been celebrating this special 500-year anniversary, including the Italian National Committee for Andrea Palladio 500, the Centro Internazionale di Studi di Architettura Andrea Palladio, the Palladium Musicum, Inc., the Istituto Italiano di Cultura, and the Institute of Classical Architecture and Classical America, as well as other Italian and Italian American cultural organizations, such as the Italian Heritage and Culture Committee of New York, Inc., and the Italian Cultural Society of Washington, DC, Inc., with a wide variety of public programs, publications, symposia, proclamation ceremonies, and salutes to the genius and legacy of Palladio: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the 500th anniversary of Andrea Palladio's birth year;

(2) recognizes his tremendous influence on architecture in the United States; and

(3) expresses its gratitude for the enhancement his life and career has bestowed upon the Nation's built environment.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from Illinois (Mr. MANZULLO) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, I rise in strong support of this legislation, and I yield myself such time as I may consume.

This resolution marks the 500th anniversary of the birth of noted Italian architect Andrea Palladio.

Born Andrea di Pietro in Padua on November 30, 1508, Palladio was widely acclaimed as the leading architect of the Italian Renaissance.

Best known for his villas, churches, and public buildings, Palladio incorporated many traditional architectural elements of ancient Rome in his work to become the favorite architect of Venetian high society.

Palladio's treatise, "The Four Books of the Architecture," canonized what was to become known as the Palladian architectural style, which continues to influence Western architecture to this day.

Some of Palladio's surviving villas have been included on the UNESCO World Heritage list.

Not only do his works remain an important part of Italy's rich cultural legacy, but his influence on architecture is evident throughout much of Europe and America as well.

Thomas Jefferson made great use of the Palladian style in constructing his own masterpiece, Monticello, and establishing lasting standards for public architecture in the United States. In fact, one has to look no farther than the building we are presently standing in to see firsthand Palladio's influence on architectural design.

I urge my colleagues to support this important resolution and to express our gratitude for the impact that Andrea Palladio's life and career has had on architecture in our country.

I reserve the balance of my time.

Mr. MANZULLO. Mr. Speaker, I yield myself such time as I may consume.

I stand in strong support of this resolution, which recognizes the architectural genius of a man who was born over 500 years ago and continues to inspire the work of architects today.

Andrea Palladio was born into a family of modest means and rose through society as a result of his hard work, commitment to learning, and dedication to his trade.

Palladio is best known for his work, "The Four Books of Architecture," and by 1554 he was named the chief architect of the Republic of Venice.

Palladio's work defined the renaissance style of architecture. Thomas Jefferson utilized his principles in designing his home at Monticello, as well as when he designed the plans for the University of Virginia.

The Palladian style served as inspiration to many architects during the 18th century when they designed the United States Capitol, where we meet today, as well as other government buildings and monuments in and around Washington, D.C.

Indeed, Palladio's influence goes beyond architecture to touch the lives of countless Italian immigrants in this country. Americans of Italian heritage carry on the Palladio work ethic and commitment to excellence.

In this resolution today, we recall the life of Andrea Palladio and recognize the significant contributions he made to Western architecture and to the cultural heritage of the United States.

□ 1830

I urge my colleagues to join in supporting the adoption of this resolution. I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I rise in strong support of H. Con. Res. 259, honoring the life and work of Andrea Palladio.

As cochair of the Italian American Caucus, I have had the privilege of honoring the contributions of explorers like Christopher Columbus, scientists like Galileo, and artists like Constantino Brumidi. Constantino did most of the fresco work in this Capitol. He came to the United States with nothing in his pocket to become an American citizen. He became an American citizen in a very short period of time, and then he set out to perform his great works here, not only in the Capitol, but in many places in New York City.

Or how about veterans, like Sergeant John Basilone, who in the Second World War was the highest decorated member of the Armed Forces. He was wounded at Guadalcanal. He came back to the States and sold war bonds. That wasn't his kick. He asked to go back into the Pacific Theater. He got to Iwo Jima. The third day he was back, he was killed. In 2005, we had a stamp for Sergeant Basilone. Just this year we named a building after him in New Jersey. We named a bridge after him, the highest-decorated person in the history of the Armed Forces of the United States of America.

I bring his name up also because there is a legacy here that is shared with American history, and it changes somewhat the stereotyping of Italian Americans. I hope it does. I am proud to be an Italian American, and I know Mr. MANZULLO is, and we know what that stereotyping is. Stereotyping was not invented in the 20th century. So this is one of the reasons why we have presented this.

It is only right that today we honor this influential architect, Andrea Palladio. He was born Andrea di Pietro in Padua, Italy, on November 30, 1508. He spent his life studying architecture, engineering, topography and military service.

As was mentioned, his very famous masterpiece is "The Four Books of Architecture." Jefferson called these four books the "Bible" for architectural practice, the protocol, and he employed Palladio's principles in establishing the lasting standards up to this date in America and in the constructing of his own masterpiece, Monticello. Our Nation's most iconic buildings and the White House itself reflect the influence of his great architecture.

There is no better way to honor the close ties between Italy and the United States than to look to our shared cultural history, and much of it is shared.

I would like to thank my Italian American Caucus cochair, PAT TIBERI, and Ambassador Giulio Terzi, for all of their work bringing this resolution to the floor. I urge my colleagues to join me in supporting such an important figure in the history of both our Nation and Italy.

Mr. MANZULLO. I yield back the balance of my time.

Ms. WATSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 329.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING EFFORTS TO BRING WORLD CUP TO THE UNITED STATES

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 327) to recognize and support the efforts of the USA Bid Committee to bring the 2018 or 2022 Federation Internationale de Football Association (FIFA) World Cup competition to the United States, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 327

Whereas soccer is one of the most popular sports in the world and the FIFA World Cup competition is the single most important event in that sport;

Whereas the United States successfully hosted in 9 cities throughout the Nation the 1994 FIFA World Cup competition, which was broadcast to billions of fans around the world and set an attendance record of nearly 3,600,000, which remains unbroken today;

Whereas the 1994 FIFA World Cup competition served as a catalyst for the increased popularity and development of the game throughout the United States, as well as the introduction of Major League Soccer, the United States national first division professional soccer league;

Whereas the United States Soccer Federation has established the USA Bid Committee to prepare and submit a bid to host the 2022 FIFA World Cup competition in the United States;

Whereas 18 American cities have been named by the USA Bid Committee as candidates to serve as hosts to FIFA World Cup matches in 2022, with each of these cities embodying the diversity and enthusiasm shared by the entire Nation and guaranteeing each participating team and its followers a "home team" atmosphere;

Whereas the United States offers FIFA a valuable and receptive market within which to further develop the sport of soccer, which in turn will have significant impact on and off the field in both the United States and throughout the world;

Whereas the United States possesses all necessary state-of-the-art infrastructure in its stadia and potential host cities to ensure that the competition sets a new standard of quality, comfort, security and safety for players, officials, spectators, media, and sponsors alike;

Whereas hosting the FIFA World Cup in the United States promises record-setting attendance and financial performance, allowing revenues generated by the competition to be used for the further development of soccer and FIFA's objectives of positive social and environmental change;

Whereas hosting the 2022 FIFA World Cup competition in the United States would serve as a tremendous impetus to national and international goodwill, as the competition would bring people from many nations, along with a diverse American public, together under one banner of peace, friendship, and spirited but fair competition; and

Whereas pursuant to FIFA bidding procedures, the President of the United States and certain Federal agencies have issued guarantees that upon authorization or appropriation, would establish the conditions required to help make the 2022 FIFA World Cup competition the most successful in history: Now, therefore be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes and supports the efforts of the USA Bid Committee to bring the 2022 FIFA World Cup competition to the United States;

(2) encourages the President of the United States and appropriate Federal agencies to support the USA Bid Committee in its efforts to meet all requirements for the United States to host the 2022 FIFA World Cup competition; and

(3) stands prepared to give full consideration to a request by the President to provide support related to the 2022 FIFA World Cup competition, if the United States is selected to host this event.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from Illinois (Mr. MANZULLO) will each control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

Every 4 years during the FIFA World Cup, the world is captivated and obsessed with soccer. We watch young men take to the field representing their respective nations, and we proudly fly our national flags and sing our national anthems. But the World Cup is not just a soccer tournament. As a truly global event, it is a vehicle for bringing the world closer together.

In 1994, the United States hosted what has been hailed as the most suc-

cessful World Cup in history. Spread across the country in nine host cities, we accommodated more fans than any previous World Cup, reached a record television audience around the world, and in the process fueled the development of the beautiful game in America.

Hosting the World Cup again would be a great honor for our Nation, and I wholeheartedly support H. Con. Res. 327, which supports the USA Bid Committee's efforts to bring the 2022 FIFA World Cup back to the United States.

In May of this year, the USA Bid Committee presented our bid to FIFA, which, in addition to information on logistics, includes a 10-year plan to use soccer as a tool to promote education, health, development, and peace.

In addition to bringing the world's attention to the United States for one month in 2022, hosting the tournament would also generate a tremendous amount of revenue. The USA Bid Committee estimates that ticket sales alone will generate over \$1 billion and visitors are expected to spend an additional \$5 billion on accommodations, transportation, and communications. The licensing and sponsorship of the tournament will likewise bring revenue into the country, and the spotlight on the United States will encourage investment in our economy.

I commend the gentleman from Maryland (Mr. VAN HOLLEN) for authoring this important resolution, and I urge all of my colleagues to join me in expressing strong support for the 2022 World Cup bid.

Mr. Speaker, I reserve the balance of my time.

Mr. MANZULLO. Mr. Speaker, I yield myself such time as I may consume and rise in support of H. Con. Res. 327, a bipartisan measure recognizing the efforts of the USA Bid Committee to bring the World Cup to the United States.

On December 2, the Executive Committee of the International Federation of Football Associations, or FIFA, will be voting and announcing the host countries for the 2018 and 2022 FIFA World Cup competitions.

□ 1840

A month ago, the United States decided to focus solely on its bid for 2022. My colleagues will recall that the U.S. hosted a highly successful World Cup 16 years ago, in 1994.

In addition to holding opening ceremonies and the first match in my home State of Illinois, that tournament set World Cup attendance records, drawing nearly 3.6 million live spectators at matches that were broadcast to billions of viewers around the world. It was a great success for the World Cup and a huge boost for the game in the United States. Since that time, soccer has grown significantly in this country, both as a participant and a spectator sport.

I can think of no better venue for the 2022 FIFA World Cup than the United States of America. We boast the second largest number of players in the world, with over 24 million Americans playing. With nearly 4 million young people playing in more than 6,000 clubs and leagues, the United States leads the world in youth players—those who are most committed and important to the future of the game. With our state-of-the-art stadiums and broadcast facilities, we also have the best possible infrastructure to make the 2022 World Cup accessible to the people of the world.

For these and many other reasons, holding the 2022 FIFA World Cup in the United States would be good for FIFA and good for the economy of the United States. Thus, it is fitting that today we join together across party lines to commend and support the efforts of the USA Bid Committee to bring the World Cup competition to the United States in 2022.

Mr. VAN HOLLEN. Mr. Speaker, with the excitement of this year's FIFA World Cup competition in South Africa and the achievements of the U.S. Men's National Team still fresh in our minds, I rise to support efforts to bring the world's most popular sporting event—the FIFA World Cup competition—back to our country.

In 1994, our nation hosted the FIFA World Cup tournament. That tournament still holds the record for the highest attendance in history, with an overall attendance of 3.6 million. It also spurred the development and popularity of soccer in this country, leading to the creation of Major League Soccer, the United States' national first division professional soccer league.

Building upon this country's enormous success in hosting the FIFA World Cup in 1994, the US Soccer Federation—through the USA Bid Committee—has submitted a very strong bid to host the 2022 competition.

Bringing the FIFA World Cup tournament back to the United States will both contribute to the further growth of soccer in America and stimulate the economies of dozens of cities and states that hope to serve as hosts to national teams and spectators from around the world. Eighteen communities across the country, including Washington, DC, and Baltimore, MD, are working with the USA Bid Committee to serve as potential hosts for the games during the month-long competition.

I want to thank Chairman BERMAN and Ranking Member ROS-LEHTINEN as well as my fellow co-chairs of the Congressional Soccer Caucus—GEORGE MILLER, DAVE REICHERT, and MARY BONO MACK—for their support of this important resolution.

Mr. Speaker, the United States faces formidable competition in hosting the 2022 FIFA World Cup tournament from several countries in Asia and Australia, but with Congressional encouragement and support for USA Bid Committee's effort in advance of FIFA's decision on December 2nd, it would send an important message to FIFA at this critical time.

I urge my colleagues to support this timely resolution.

Mr. MANZULLO. I have no further requests for time, and I yield back the balance of my time.

Ms. WATSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 327, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title was amended so as to read: "Concurrent resolution recognizing and supporting the efforts of the USA Bid Committee to bring the 2022 Federation Internationale de Football Association (FIFA) World Cup competition to the United States."

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL ADOPTION DAY AND MONTH

Mr. McDERMOTT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1648) supporting the goals and ideals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children in foster care awaiting families, celebrating children and families involved in adoption, recognizing current programs and efforts designed to promote adoption, and encouraging people in the United States to seek improved safety, permanency, and well-being for all children.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1648

Whereas there are over 423,000 children in the foster care system in the United States, and more than 114,000 of whom are waiting for families to adopt them;

Whereas 56 percent of the children in foster care are age 10 or younger;

Whereas the average length of time a child spends in foster care is more than 2 years;

Whereas for many foster children, the wait for a permanent, adoptive, "forever" family in which they are loved, nurtured, comforted, and protected seems endless;

Whereas the number of youth who "age out" of the foster care system by reaching adulthood without being placed in a permanent home has increased by more than 55 percent since 1999, as more than 29,000 foster youth "aged out" of foster care during 2009;

Whereas every day loving and nurturing families are strengthened and expanded when committed and dedicated individuals make an important difference in the life of a child through adoption;

Whereas while 3 in 10 people in the United States have considered adoption, a majority of them have misconceptions about the process of adopting children from foster care and the children who are eligible for adoption;

Whereas 71 percent of those who have considered adoption consider adopting children

from foster care above other forms of adoption;

Whereas 45 percent of people in the United States believe that children enter the foster care system because of juvenile delinquency, when in reality the vast majority of children in the foster care system were victims of neglect, abandonment, or abuse;

Whereas 46 percent of people in the United States believe that foster care adoption is expensive, when in reality there is no substantial cost for adopting from foster care, and financial support in the form of an adoption assistance subsidy is available to adoptive families of eligible children adopted from foster care and continues after the adoption is finalized until the child is 18, so that income will not be a barrier to becoming a parent to a foster child who needs to belong to a family;

Whereas significant tax credits are available to families who adopt children with special needs;

Whereas the Department of Health and Human Services, Administration for Children and Families, in a partnership with the Ad Council, supports a national recruitment campaign for adoptive parents;

Whereas the Collaboration to AdoptUsKids features a photolisting Web site for waiting foster children and prospective adoptive families at www.adoptuskids.org, and in Spanish at www.adoptel.org;

Whereas National Adoption Day is a collective national effort to find permanent, loving families for children in the foster care system;

Whereas since the first National Adoption Day in 2000, over 30,000 children have joined forever families during National Adoption Day;

Whereas in 2009, adoptions were finalized for nearly 5,000 children through more than 325 National Adoption Day events in all 50 States, the District of Columbia, and Puerto Rico;

Whereas National Adoption Month celebrates the gift of adoption, recognizing the adoptive and foster families who share their hearts and homes with children in need, and raises awareness of the need for families for the many waiting children, particularly older children and teens, children of color, members of sibling groups, and children with physical and emotional challenges; and

Whereas November 2010 is National Adoption Month, and November 20, 2010, is National Adoption Day, and activities and information about both are available at www.childwelfare.gov/adoption/nam/activities.cfm: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Adoption Day and National Adoption Month;

(2) recognizes that every child in foster care deserves a permanent and loving family;

(3) recognizes the significant commitment of taxpayers to support adoption, including the \$1,900,000,000 provided to support adoption through the Title IV-E Adoption Assistance program, as well as the assistance provided through the Title IV-E Foster Care program to 114,000 children waiting for adoptive families, among other important programs; and

(4) encourages the citizens of the United States to consider adoption of children in foster care who are waiting for a permanent, loving family.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. McDERMOTT) and the

gentlewoman from Florida (Ms. GINNY BROWN-WAITE) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 1648.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. McDERMOTT. Mr. Speaker, I rise in strong support of H. Res. 1648, which supports the goals and the ideals of National Adoption Day and National Adoption Month. Children deserve nothing less than to grow up in a safe, stable, and loving home. While the vast majority of children are raised in such settings, there are a number of vulnerable children who are victims of child maltreatment or may have lost their parents in a tragedy and are now in search of a new home to call their own.

Today, there are more than 423,000 children in the foster care system in this country. Many of these children will be reunited with their biological parents when it is safe for them to do so, while others will find a permanent home with a grandparent or other relative. Meanwhile, more than 114,000 children will be unable to safely return to their biological parents and need to find a new home.

Over the last several years, Congress has worked in a bipartisan manner to provide services that promote foster care outcomes for children in foster care that are positive and to facilitate the timely placement of a child into an adoptive home. In 2008, Congress passed the Fostering Connections to Success and Increasing Adoptions Act, which provided an array of new services to strengthen the foster care system. The legislation expanded the number of permanency options made available to children who are in search of new homes by allowing States to use Federal assistance to relatives to agree to become the legal guardians of foster children. The bill also extended and improved the Adoption Incentives Program and required States to inform prospective adoptive parents of their potential eligibility for the Federal Adoption Tax Credit.

So far, we have seen positive results in the area of adoption. Last year, 57,000 children were adopted out of foster care. That's a 3.5 percent increase over the previous year. The increase in the number of children adopted out of care reflects a trend that occurred over the last several years. Since 2006, the number of children adopted out of foster care has increased by 10.5 percent. Remarkably, this increase has occurred as the number of children who are

served by the foster care system has steadily declined by 14 percent over the same period.

Earlier this year, as part of the landmark legislation that provided for health care coverage to all Americans, additional incentives and initiatives were taken to promote adoption. The Affordable Care Act included legislation that repealed the sunset date on the adoption tax credit for 1 year—from 2010 to 2011—and increased the maximum amount under the credit. The legislation also made the Adoption Tax Credit refundable for tax years 2010 and 2011.

While Congress has had great success in promoting the adoption of children out of foster care, there are still far too many children in foster care who are waiting far too long to find a permanent home. We need to continue to work together to ensure that States have the resources they need to swiftly move children into adoptive homes when it is appropriate to do so.

I look forward to continuing to work with all my colleagues to achieve that goal. I urge my colleagues to join me in supporting H. Res. 1648.

I reserve the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in support of House Resolution 1648, which recognizes the goals and ideals of National Adoption Day and Month. As you know, November 20 will mark this year's annual National Adoption Day celebration. All across our great country, communities will gather together to celebrate the adoptions that have been finalized this year and those that we hope will be finalized next year. In this spirit of community and family, this is what makes the National Adoption Day so very effective and also so very important in the lives of the Nation's more than 423,000 foster children—more than half of whom are under the age of 10.

The issue truly is an urgent one, Mr. Speaker. Each year as children grow older, it becomes harder and harder to place them with "forever" families. In fact, sadly, last year, 29,000 children "aged out" of the foster care system and are now on their own. As someone who adopted an older child, I know what this means to so many families and so many children—in particular, to older children. I call adopting an older child the toughest job I've ever had but also the one that was the most rewarding.

In so many cases, adoption is the key to breaking the cycle of abuse for children who otherwise would languish in dangerous homes. Perhaps it goes without saying how important it is for children to grow up in loving and supporting families. Yet with thousands upon thousands of children still being denied this most fundamental opportunity, Congress must continue to do what it can to support their efforts to find a home.

□ 1850

As such, the Federal Government has rightly stepped in to relieve the financial burden on adoptive families, and in doing so has made adoption more affordable to people of all income levels, but much still remains to be done. The resolution that we are considering today is an important reaffirmation of our commitment to improving the lives of foster children everywhere, and I thank my colleagues on both sides of the aisle for their support and attention to this matter.

While we are on the subject of adoption, Mr. Speaker, I want to mention one more thing. It has been brought to my attention that the Democratic leadership has pulled another very important adoption bill from the schedule this week. Actually, I understand that they hope to use it as a vehicle to pass an unrelated measure called the DREAM Act. The adoption bill in question is called the Help HAITI Act. It was introduced by Congressman FORTENBERRY in response to the tragic earthquake in Haiti some months ago. His legislation has passed the House and the Senate, and it was designated to assist children orphaned by one of the greatest natural disasters in recent memory.

A family in my district has adopted one of those children. He is a 3-year-old boy named Samuel. After being abandoned, with no record of who his parents were, Samuel got a second chance at having a family. Sadly, his adoption is stuck in limbo now because of this action. Congressman FORTENBERRY's bill would change that. It has passed the House, and it has passed the Senate. All little Samuel needs is one clean vote and a stroke of the President's pen.

To hold these children hostage in an effort to disguise a vote on a controversial piece of legislation that has no hope of becoming law is completely unacceptable. Frankly, Mr. Speaker, this is exactly the kind of skullduggery that the American people have grown so sick of. If the DREAM Act or any other piece of legislation cannot stand on its own merits, then the sponsors of the bill need to go back to the drawing board and find something that can stand on its own merits.

The Help HAITI Act is one vote away from being sent to the President's desk. I strongly urge the Senate Democrat leaders to allow the House to vote to pass the Haiti adoption bill. If they choose not to, I hope that the current Speaker will at least have the decency to look Samuel and his parents in the eyes and explain the nefarious decision to them.

I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the distinguished gentleman of the

Ways and Means Committee, and I thank the Ways and Means Committee for the very fine leadership that it has exhibited, particularly tonight, by bringing to the floor legislation sponsored by a very good friend, Mr. OBERSTAR.

Mr. Speaker, I chair the Congressional Children's Caucus, and I really wanted to rise and speak from the heart, for Mr. McDERMOTT shared with us, as the minority manager as well, some of the pain that goes with children who need to be adopted.

Some years ago, I chaired the Foster Parent Task Force for Harris County, and I had the privilege of chairing it with one of our former colleagues, Congressman Mike Andrews. We chaired that task force to recruit, to restore, to rejuvenate foster parents, and to encourage them in their parenting and in their loving of foster children. In the course of that task, I learned of aging out—children who were in the foster care system and not adopted. Therefore, at the end of the foster care timeframe, they were aged out without any parental jurisdiction, love, affection, or nurturing. I met many of those children on the streets of Houston. I imagine, if I were to travel from the east coast to the west coast, I would meet children like that, children of America who deserve better lives.

So I rise to support this legislation. I applaud Mr. OBERSTAR, the Ways and Means Committee, Mr. McDERMOTT, and of course the staff who saw fit to acknowledge that this is National Adoption Day and National Adoption Month, because, if there is anything precious in our sights—and for those whose faiths point them to a higher authority—it is that about children. Adoption is an honorable and welcomed next step for a child in foster care, a child who is abused and possibly, if you will, unloved.

I ask my colleagues to support this enthusiastically because we need to end the pain in the eyes of the children and in their hearts by allowing them and hoping for them to be adopted.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. FORTENBERRY).

Mr. FORTENBERRY. I thank the gentlelady from Florida for the time and also for her good words earlier.

Mr. Speaker, the selfless love inherent in adoption shows the remarkable capacity of the human heart to strengthen a fractured world one child in need at a time, and I am very glad that Congress today is taking the time to honor adoption.

I must add, however, that I am very disheartened that a bill to help Haitian orphans, which has passed this House, as the gentlelady from Florida has said, and which has passed the Senate with amendments, has now been abandoned in secret meetings by this body's leadership.

The Help HAITI Act helps 1,200 Haitian orphans who were in the process of being adopted before the tragic earthquake hit that country. We could have passed this on Monday, and it could be law by now. Yet now, I understand, this bipartisan Help HAITI Act may be used as a vehicle for a controversial immigration measure for which there is no consensus in this body or across America.

While the legal status of these vulnerable Haitian orphans remains in limbo, they have fewer legal protections. They may not be eligible for critical resources, and they may be at risk of being returned to Haiti. Now, surely, we can act to solve this problem free of partisan provocation.

So, Mr. Speaker, I say this: These poor children and their heroic American families deserve better than what we are giving them today.

Mr. McDERMOTT. Mr. Speaker, I reserve the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I thank the gentlelady for yielding.

Mr. Speaker, adoption was very near and dear to the heart of a friend of mine who passed away a few years ago. His name was Dave Thomas. Many of you have heard of him because he started a chain of restaurants called Wendy's, which is now known worldwide.

Dave was a child who was adopted. His adoptive mother died, and his father, because he couldn't take care of him, left him in Fort Wayne, Indiana, at a YMCA when he was about 14 years old, and he was left pretty much to fend for himself. Because of that experience that Dave wrestled with as a boy, he ended up becoming one of the strongest advocates for adoption that I have ever known.

He worked very hard to get a postage stamp adopted—it was adopted—which spelled out the need to adopt children who didn't have homes. On every one of his restaurant maps, he had the ways to adopt a child, and he had pictures of children who should have been adopted. So, from a person who had that personal experience, who was Dave Thomas, I learned that adoption was extremely important for the security and the future of these children.

Now there are these children we are talking about from Haiti. Obviously, the problems there are herculean. Right now, there is a cholera epidemic down in Haiti, and it's probably going to get worse. They're talking about maybe thousands of people becoming infected with this deadly disease. Can you imagine if any of these children had to be sent back there under Haiti's current conditions? Even if they didn't have that kind of an epidemic, you wouldn't want to send them back there.

So I think the legislation this young lady is talking about is extremely important. It sends a message that we really care about those who don't have homes and who need to be adopted.

□ 1900

I sincerely hope that my colleagues on both sides of the aisle will do everything they can to make sure this gets passed and to the President as quickly as possible.

Mr. McDERMOTT. Mr. Speaker, I reserve the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I have no more Members who wish to speak on this, but I'd just like to close by saying I think that this House Resolution 1648 is a very good one. I urge my colleagues to support it but also to keep up the pressure on the current Speaker to release the Haiti adoption bill.

With that, I yield back the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I think in closing it's important to point out that children are children, and while we may talk about some Haitian children who want to be adopted in the United States, we have an immigration policy in this country that is sending children back from my district to their country because we have got an immigration system that does not work. I actually think we ought to think a little bit more about people in this country and how we get the immigration policy rather than trying to say, well, we've got to worry about these people somewhere else. Part of this election was fought over the issue of immigration policy, and this country needs a fair way for people to proceed toward an ability to become a citizen.

Now, you want these Haitian kids to come in here. What about their citizenship? I mean, they just get here; they're going to sit here forever and never get citizenship? I have a boy in my district who was 6 years old when he came here, and no one told him he had to go down and fill out some papers when he got to be 18 and choose his citizenship. So now we're trying to send him back to a country that he never lived in since he was 6 when he came, and so there are real problems with children in this country, and I think we can deal with this one and we'll deal with the other one.

The other body has kept their foot on these issues over and over and over again, and I think we ought to deal with this issue and then we'll deal with the other issue. We'll see whether they're really serious about all children.

I urge my friends and the Members of the Congress to vote for this resolution.

Mr. CAMP. Mr. Speaker, I am pleased to rise today in support of H. Res. 1648, a resolution that recognizes the importance of federal efforts to encourage adoption, and honors National Adoption Day and Month.

As an avid adoption supporter, I believe that Congress must continue to promote the adoption of children into safe and loving homes. Through our work in 1997 as part of the Adoption and Safe Families Act, and more recently through the Fostering Connections to Success and Increasing Adoptions Act of 2008, Congress made significant advances in providing more options for children in need.

Yet, far too many children, about 114,000, are waiting in foster care programs throughout our country for families to adopt them. These children should be given every opportunity to lead successful lives, and one way to make that happen is to increase the adoption of these children into safe, permanent, loving homes.

That is why National Adoption Day and Month are so important. This year, National Adoption Day will take place on November 20, 2010, and is designed for communities around the country to highlight adoptions. Over the last decade, these events have grown more and more successful. Last year there were events in all 50 states during which the adoptions of 4,800 children were finalized. Since its inception, more than 30,000 adoptions have been finalized on National Adoption Day.

I have been honored to participate in National Adoption Day over the past several years. To be part of such a special occasion reinforces the need for further efforts to move kids into adoptive homes.

I would also like to highlight the efforts of the Congressional Coalition on Adoption Institute (CCAI) to promote adoption through its annual Angels in Adoption Awards Ceremony, held in October. This event also highlights those that have opened their hearts and their homes.

These initiatives are critically important to not only recognizing those who have promoted adoption, but also to highlight the need for greater action on this important topic.

Before I close, I would like to recognize the efforts of Representative JIM OBERSTAR, the sponsor of this resolution, for his work on behalf of adoption and children in foster care. JIM and I worked closely together on these important issues as co-chairs of Congressional Coalition on Adoption Institute. As an adoptive parent himself, he knows firsthand how life-changing adoption is, and with his experiences he has been an effective and tireless leader for children who need loving homes. His expertise will be missed, but his contributions in support of adoption will be lasting.

I would also like to congratulate and publicly thank Representative GINNY BROWN-WAITE for her role in promoting adoption and the wellbeing of all children. As a Member of the Ways and Means Committee, she has been an active supporter of efforts to promote adoption and child wellbeing, continuing her prior work as a member of the Congressional Coalition on Adoption Institute. GINNY is retiring at the end of this Congress, and her deep compassion for and active efforts on behalf of children who have been or are awaiting adoption will continue to inspire those of us she leaves behind. I wish both JIM and GINNY all the best in the years ahead and thank both of them for their distinguished service to our families and country.

Mr. GINGREY of Georgia. Mr. Speaker, I rise today in support of H. Res. 1648, which

recognizes the goals and ideals of National Adoption Day and National Adoption Month. I would also like to thank Chairman OBERSTAR for introducing this resolution and for his recognition of this important issue.

As a practicing OB/GYN physician for nearly 30 years before being elected to Congress, I have seen first hand the life-changing role of adoption services for families and children all across the Nation. Adoption and foster care are extraordinary means for child survivability. In fact, 45 percent of Americans believe that children are placed in foster care due to some form of juvenile delinquency, but the unfortunate reality is that these children are primarily victims of abuse or neglect. For so many of these youth, the care they receive in foster homes and adoption agencies provides them the only home they ever know. Sadly, year after year, we see thousands of children "age out" of foster care and enter adulthood.

Mr. Speaker, every child in this Nation and around the world deserves a loving family that will take care of them and provide for their basic needs. I applaud the many organizations across the United States that tirelessly strive to provide a home for foster care children and offer them a temporary place to live until they are placed in a permanent home. With local adoption agencies and foster homes doing their part, we must also do ours. I am proud that this body has voted to provide significant tax credits to families adopting children with special needs.

Today there are over 423,000 children in the United States foster care system, and 114,000 of these young individuals are waiting for a loving family to adopt them. The vast majority of these youth are victims of abandonment, abuse, or neglect, and they are in dire need of a family that will provide a home so that they can grow into successful adults.

Mr. Speaker, families that adopt should also be recognized for their commitment to improving the lives of children through the expansion and strengthening of their own families. These families come from all walks of life, but what ties them together is an abounding love for the neglected and the happiness that their new families enjoy after adoption. Their noble actions in caring for our youth are a public service—but more importantly—an act of service and humility in love for humanity.

Mr. Speaker, this resolution recognizes and honors the foster care and adoption agencies around the Nation that provide our youth with a sense of hope and a future. I support and congratulate all of these agencies and families in their honorable endeavors, and charge them to continue their efforts into the future.

I urge all of my colleagues to support this resolution.

Mr. OBERSTAR. Mr. Speaker, I rise today in support of H. Res. 1648, the annual National Adoption Day and National Adoption month resolution. I would like to thank my colleagues on the House Ways and Means Committee for their work to bring this resolution to the Floor, and I want to commend in particular, my friend JIM McDERMOTT, the Chairman of the Income Security and Family Support Subcommittee, for his leadership on adoption, foster care and child welfare issues.

Adoption has been an essential part of my life and legislative service since 1968, when

my late wife, Jo, unsuccessful in our hope for biological children, turned enthusiastically to adoption.

Like all prospective adoptive parents, we completed the paperwork and the home study process—which every adoptive parent can remember. We were overjoyed to welcome home our adorable 3-week old son Ted in 1968. Jo and I had no doubt that since we made the decision to accept as our own, one of God's children, that He blessed us with Noelle, Annie and Monica.

For these past 36 years, I have reveled in wearing my legislative hat, as a Member of Congress, as an advocate for effective public policy to eliminate the barriers to adoption and the need to work on behalf of children and families to promote this life-affirming experience.

Adoption has made enormous strides in these 36 years. In the late 1970s, I had the opportunity to bend the ear of President Carter with my radical proposal for an adoption deduction that would be equivalent to the cost of childbirth. In the 1980s, I joined with my former colleague, Tom Bliley, to create the Congressional Coalition on Adoption. In the 1990s, we enacted the \$5,000 tax credit for adoption and in 2001, we were successful in doubling the adoption tax credit to \$10,000. That same year, we created CCAI, the Congressional Coalition on Adoption Institute, to enhance our adoption advocacy.

As part of that advocacy, CCAI is one of the sponsoring organizations for National Adoption Day that celebrates the adoption finalization for thousands of families. National Adoption Day also raises awareness for the 114,000 children in foster care who are available for adoption and are seeking their "forever family." I also want to commend the following sponsors for their leadership in promoting National Adoption Day: The Alliance for Children's Rights, Casey Family services, Children's Action Network, the Dave Thomas Foundation for Adoption, and the Freddie Mac Foundation. I also want to express my appreciation for the work of my Legislative Director, Chip Gardiner, who has been a great advocate for the cause of adoption for the past 25 years.

It is fitting and proper for the House of Representatives to approve this resolution in November which is National Adoption Month and National Adoption Day which will take place this year on Saturday, November 20. As families prepare to celebrate Thanksgiving next week, National Adoption Day is held the Saturday before Thanksgiving as we celebrate this very special day when the dream of family has been realized for so many Americans. This year, more than 350 events will take place across all 50 states and Washington, D.C. to finalize over 4,500 adoptions from foster care.

When I have the opportunity to share my personal experience of adoption, I am reminded of the words of the Nobel Prize-winning Chilean poet, Gabriela Mistral. "We are guilty of many errors and faults, but our worst crime is abandoning children, neglecting the fountain of life. Many things we need can wait; the child cannot. To the child, we cannot answer: 'Tomorrow' The child's name is 'Today!'"

Today, let us reaffirm our support to assist the thousands of children in America in foster care who seek the love, support and stability of a family.

Mr. McDERMOTT. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. McDERMOTT) that the House suspend the rules and agree to the resolution, H. Res. 1648.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SOCIAL SERVICES BLOCK GRANTS

Mr. McDERMOTT. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3774) to extend the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3774

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF EXPENDITURE DEADLINE OF SOCIAL SERVICES BLOCK GRANT DISASTER FUNDING.

Notwithstanding any other provision of law, amounts made available to the Department of Health and Human Services, Administration for Children and Families, under the heading "Social Services Block Grant" under chapter 7 of division B of Public Law 110-329, shall remain available for expenditure through September 30, 2011.

SEC. 2. BUDGETARY PROVISIONS.

(a) STATUTORY PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

(b) EMERGENCY DESIGNATIONS.—This Act—

(1) is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g));

(2) in the House of Representatives, is designated as an emergency for purposes of pay-as-you-go principles; and

(3) in the Senate, is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. McDERMOTT) and the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 3774.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. McDERMOTT. Mr. Speaker, I rise in strong support of S. 3774, which extends the deadline for the use of supplemental social service block grant funds, also known as SSBG, that were made available following the disasters that occurred in 2008.

This extension would provide a 1-year extension for the use of supplemental SSBG grant funds that were appropriated in the Disaster Assistance and Continuing Appropriation Act of 2009 in response to the natural disasters that occurred in 2008. The legislation provided \$600 million for disaster recovery for States affected by hurricane, floods, and other natural disasters that occurred in the year 2008.

Over 60 percent of the money that was appropriated has been spent, leaving a great deal of funding available to address the ongoing needs in States that have been adversely affected by natural disasters. While a number of States have been successful in quickly drawing down the funds that were available to support disaster cleanup, many others need additional time to utilize the resources effectively.

The legislation follows a precedent that was established by the Congress in recent years when we acted to extend the availability of supplemental SSBG funds that were appropriated for the recovery efforts following Hurricanes Katrina and Rita. These funds were extended for a 2-year period to allow additional time for affected States to make use of these resources.

Additionally, the legislation is PAYGO compliant and will not add one dime to the Federal deficit. The funding has already been allocated. The bill simply makes the appropriation available for an additional year.

The legislation, which passed the Senate in late September by unanimous consent, is very similar to a bill that was introduced in the House by Representative PETE OLSON that has bipartisan support. I urge my colleagues to join me in supporting S. 3774.

I reserve the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, the gentleman on the other side very aptly summarized what this bill does so I will not repeat that.

In my home State of Florida, according to State officials, more time for this appropriation is absolutely vital but we're not alone. The latest HHS data suggests another 15 States had unexpended funds. Just like in Florida, residents of those States affected by

the 2008 natural disasters stand to benefit from the additional flexibility resulting from this legislation.

Significantly, the Congressional Budget Office says that the bill will not add to the deficit. It would simply change the timing for the spending already approved of these funds. It is also important to note that this same sort of flexibility had previously been granted for recovery funds in the wake of Hurricanes Katrina and Rita. So it makes sense to provide similar treatment for funds provided in the wake of the 2008 natural disasters, and I'm very pleased to support this legislation that will accomplish that.

Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the distinguished gentleman, and particularly, I thank the Ways and Means Committee, both the managers on the floor today, Mr. McDERMOTT and Ms. BROWN-WAITE, for their leadership, and I thank the entire Texas delegation and as well my good friend Mr. OLSON, who I know will be appearing on the floor, for his leadership, along with Mr. CORNYN.

We worked together. This is a bipartisan effort and I am glad to be on the floor because we tried to do this on September 29, and I don't think we made our story clear. This is not a Texas issue. In fact, this issue impacts all of the disasters that occurred in 2008, and I would like to, Mr. Speaker, simply call some of the names: The State of Colorado, the State of Florida, Georgia, Illinois, the State of Iowa, the State of Mississippi, the State of Missouri, the States of Nevada, Oklahoma, Texas, and West Virginia, among the many that did not get a chance to help the desperate.

And so I'd like to particularly thank today, in addition to the members of the Texas delegation, Majority Leader HOYER, who continued to work with us and to ensure that we can move this as quickly as possible; and his staff, Terry Lierman and Austin Burnes, who also worked closely with my staff, Yohannes Tsehai and Shashrina Thomas, to bring this to the floor along with my colleagues.

□ 1910

Thousands of families who were victims of Hurricane Ike stopped receiving SSBG funds September 30, 2010, because the legislatively mandated deadline for these funds expired. We made and I made concerted efforts with the Department of Health and Human Services, and I would like to introduce into the RECORD a letter written by my office on September 21, 2010, as well as a letter written back from the Secretary of Health and Human Services, October 1, 2010, from which I read this

sentence: "As soon as Congress restores the availability of Hurricane Ike SSBG funding, we will work expeditiously to implement the legislation and make the funds available to those doing the important work of assisting victims rebuild their lives."

There lies the story, Mr. Speaker. Rebuilding lives. For those of us who walked the streets after Hurricane Ike and for the many Members of Congress who walked the streets of their respective disasters, we know what disasters are all about. Not bricks and mortar. Disasters are about the human devastation that faces individuals, lost and lonely, not knowing where to go.

Hurricane Ike was the third-costliest hurricane ever to make landfall in the United States. Ike made its final landfall near Galveston, Texas, a strong Category 2 hurricane with a Category 5 equivalent storm surge. It devastated the island, but it also impacted Houston and my congressional district. It was a huge hurricane, some 500 miles across, making it nearly as big as Texas itself, and its hurricane-force winds extended 120 miles from the center. It was blamed for at least 195 deaths overall, with substantial death and injury in Texas.

The hurricane also resulted in the largest evacuation of Texas in the State's history. An estimated 100,000 homes were flooded in Texas, numerous boats washed away, smashing and flooding homes, knocking out windows, cutting electricity to an estimated 2.8 million to 4.5 million. Most of the people were devastated because the electricity went out for almost 8 weeks. And they were individuals without the ability to go to work and their jobs were cut off. So these dollars will not be misused.

The important point of this legislation is, there is a PAYGO provision in it. It will not spend more money. It will only have the opportunity to use the dollars that are already there. For those of us who have faced disaster, whether it is Hurricane Katrina, Hurricane Rita, the floods in the Midwest, or the various tornadoes that occur throughout our area, or the hurricanes that seem to come every year to the gulf region, I can assure you that these dollars are coming none too soon.

I want to thank the administration's Secretary Sebelius who has indicated that they will move quickly. As this bill passes, we hope that this will move quickly to the President's desk, the bill is signed, and these moneys will come forward.

Let me acknowledge the groups that we have worked with: Angela Blanchard of the Neighborhood Centers; Harold Fattig of Catholic Charities; Mr. Raimer of the University of Texas Medical Branch; Mark Minick of Lutheran Social Services; Kristi Allen, Bay Area Council; Stephanie Carmona, Sunshine Center; United Way, Anna

Babin; Kenna Bush, United Way of Galveston; Carolyn Rose of the Gulf Coast Center; Joe Compian, Gulf Coast Interfaith; Galveston County Food Bank, Mark Davis; Cindy Schulz; and a very strong worker in Ruama Camp, who worked throughout the area with people who could find no way themselves.

So this money will come and help those who are in need of these dollars posthaste. It extends the deadline until September 30, 2011. The bill does not appropriate new funds, as I indicated; and as you well know, they've extended this in years past with Katrina and Rita.

It's a terrible shame to say that people who need help are those who are costing us money. Today, Mr. Speaker, they're not costing us money. We're helping those who are hardworking Americans. I'm delighted to be able to support this legislation. I ask my colleagues to do it. Never forget, we have a role of being a good Samaritan. If you were in need, you would want help. I ask my colleagues to support this legislation.

HOUSE OF REPRESENTATIVES,
Washington, DC, September 21, 2010.

Hon. KATHLEEN SEBELIUS,
Secretary, Department of Health and Human Services, Washington, DC.

DEAR SECRETARY SEBELIUS: In early 2009, in the aftermath of Hurricane Ike, the State of Texas received \$219 million in recovery funds under the Social Services Block Grant (SSBG) program from the Department of Health and Human Services (HHS). As you know under federal law, if these grant funds are not spent by September 30, 2010, these funds will be permanently returned to the federal treasury.

Hurricane Ike has wreaked havoc on Texas, particularly in Galveston and Houston. As we move forward with recovery efforts, it is clear that the impact of this storm has been widespread and many people are still in need of assistance. Unfortunately, Texans are still in need of help, especially the neglected residents of North Galveston. More than 60 Americans and over 26 Texans have died as a result of Hurricane Ike. In addition, the hurricane has caused millions of dollars in damage throughout Houston and Galveston. The local agencies processing the people impacted by Hurricane Ike for which these funds were utilized, received these funds from the state and federal agencies six months late, and therefore have not been able to complete the process of serving the families impacted by Hurricane Ike. Losing these funds on September 30, 2010 will result in the terrible tragedy for the many people that are still suffering from the effect of one of the most costliest hurricanes in our region. Therefore, I am requesting an extension of an additional six months from September 30, 2010, for social services agencies throughout the State of Texas to utilize these grant funds.

Once again, I ask that you strongly consider extending the deadline for the \$219 million in recovery funds under SSBG for an additional six months from September 30, 2010. I have the support of my Congressional colleagues from Texas in my efforts to ensure that Houston and Texas receive the funds we so desperately need on the road to recovery.

Thank you for your consideration to this urgent matter.

Very truly yours,
SHEILA JACKSON LEE,
Member of Congress.

THE SECRETARY OF HEALTH
AND HUMAN SERVICES,
Washington, DC, October 1, 2010.

Hon. SHEILA JACKSON LEE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE JACKSON LEE: I write in response to your letter of September 21, 2010, concerning the expiration of Social Services Block Grant (SSBG) funds that Texas received to assist in the recovery from Hurricane Ike. I asked our General Counsel to review this issue further to see if there were any possible avenues to extend the availability of these funds. Unfortunately, the original statutory language providing the funds does not give me the authority to extend their availability.

Ike was one of the most devastating storms to ever hit the Gulf Coast. The work of recovery has been arduous, and I thank the individuals and organizations who have been helping those who have suffered because of the hurricane. Their efforts should be commended. We want to support them as much as we can.

I recognize that the Senate has passed legislation making these funds available for another fiscal year and that Majority Leader Hoyer has affirmed plans for the House of Representatives to consider the matter when Congress returns in November. As soon as Congress restores the availability of Hurricane Ike SSBG funding, we will work expeditiously to implement the legislation and make the funds available to those doing the important work of assisting victims rebuild their lives.

I thank you for your leadership in helping these families and organizations.

Sincerely,
KATHLEEN SEBELIUS.

I rise today in strong support of S. 3774, to extend the deadline for Social Services Block Grant (SSBG) expenditures of supplemental funds appropriated following the disasters that occurred in 2008, particularly Hurricane Ike. I would like to thank all the Members and their staffs who worked in a collaborative and bipartisan manner to bring this essential legislation to the House floor today. I would like to especially thank Majority Leader HOYER and Terry Lierman and Austin Burnes of his staff, who worked closely with Yohannes Tsehai and Shashrina Thomas of my staff, to bring this important legislation to the House floor today.

Thousands of families who were victims of Hurricane Ike stopped receiving SSBG funds on September 30, 2010, because the legislatively mandated deadline for these funds expired. I made concerted efforts with the Department of Health and Human Services (HHS) to extend this deadline administratively, but they determined that they needed legislative authority to extend these funds. I would like to thank Secretary Sebelius and the Department of Health and Human Services for responding favorably to my request to expeditiously implement this legislation as soon as it passes and make the funds available to those organizations assisting victims on the road to recovery. I would also like to thank HHS Regional Director Marge Petty who accepted my

invitation to come down to Houston and meet with the organizations in Houston and Galveston who are assisting thousands of families with home repairs and other unmet needs.

Some of the organizations who have been instrumental in these efforts include Neighborhood Centers Inc., Catholic Charities, the United Way, Gulf Coast Interfaith, and the University of Texas Medical Branch, to name a few. Moreover, I think it is crucial that we are providing this legislative authority today before the Thanksgiving holiday so that these families can continue on their road to recovery from the devastation of Hurricane Ike.

Hurricane Ike was the third costliest hurricane ever to make landfall in the United States, behind Hurricane Andrew of 1992 and Hurricane Katrina of 2005. Ike made its final landfall near Galveston, Texas as a strong Category 2 hurricane, with a Category 5 equivalent storm surge. Ike was a huge hurricane—some 500 miles across, making it nearly as big as Texas itself, and its hurricane-force winds extended 120 miles from the center.

Ike was blamed for at least 195 deaths overall, with substantial death and injury in Texas. The hurricane also resulted in the largest evacuation of Texans in this State's history; subsequently it became the largest search and rescue operation in U.S. history. The effects of Hurricane Ike in Texas have been crippling and long-lasting. An estimated 100,000 homes were flooded in Texas, and numerous boats washed ashore, smashing and flooding thousands of homes, knocking out windows in Houston's skyscrapers, uprooting trees, and cutting electricity to an estimated 2.8 million to 4.5 million customers for weeks and months. Galveston was declared uninhabitable, and Houston imposed a week-long nighttime curfew due to limited electric power.

When Hurricane Ike devastated Texas in September 2008, I immediately began to work with the Members of the Texas Congressional delegation to ensure Texas was appropriated recovery funds it so desperately needed. In early 2009, the State of Texas received part of these recovery funds, almost \$219 million under the Social Services Block Grant (SSBG) program from the Department of Health and Human Services (HHS). Although more than \$174 million of this have been drawn down, there remains over \$44 million to Texas that cannot be utilized without today's extension. Furthermore, of the total \$600 million in SSBG funding appropriated in 2009, there also remains more than \$152 million for 14 States that can be used with the passage of S. 3774.

What has now taken place until today's legislation passes is that SSBG funds which were not utilized by September 30, 2010, were made permanently unavailable for the thousands of Hurricane Ike victims who have been waiting for the completion of social services and their homes to be restored. It would be devastating to Hurricane Ike victims to lose these funds, especially when many of their homes are in the middle of repairs. Furthermore, the numerous local agencies assisting and processing the cases of families impacted by Hurricane Ike, received these funds from the state and federal agencies many months late due to administrative delays. These

delays have caused the agencies to not be able to complete the process of serving everyone impacted by Hurricane Ike since they did not get the benefit of the two years that Congress had intended.

The effects of Hurricane Ike on Texas were drastic and far reaching, affecting hundreds of thousands of people. According to FEMA, within the first week following the disaster, nearly 438,000 individuals or families had registered for individual assistance. By the end of the registration period in February 2009, a total of 734,000 Texans had registered with FEMA for individual assistance. Hurricane Ike destroyed 17,000 homes in Harris County alone.

Due to the lapse in the reimbursement of SSBG funds, many victims are unable to access services critical to their recovery such as unfinished home repairs, unmet needs, mental and physical healthcare, employment services, transportation and legal services. All of these issues are currently being aggravated until these funds to these victims' resumes. Once this extension is granted, not only will these families resume services, this extension will not require any additional funding. According to the Congressional Budget Office who have scored this legislation, this bill will not have a budget authority (BA) effect, but rather only an outlay effect on the timing of payments. Finally, there is also recent precedence for extending these types of disaster funds. Congress routinely extended the deadline for similar funds given to Hurricane Katrina and Rita victims.

Once this legislation passes, I will continue to work with the Department of Health and Human Services to ensure that funding for social services agencies throughout the State of Texas is provided as expeditiously as possible so that the victims of Hurricane Ike receive the assistance they so desperately need on their road to recovery.

I urge my colleagues to join me in support of this essential legislation.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. OLSON) who was forward-thinking enough to introduce this legislation to begin with.

Mr. OLSON. I thank my colleague from Florida.

Mr. Speaker, I rise today in support of Senate bill 3774. I introduced companion legislation, H.R. 5790, which would do the same thing as this good bill. Two years ago, Hurricane Ike tore through the Gulf of Mexico and made landfall in Galveston, Texas. It was the largest hurricane ever, ever to make landfall in the United States. Ike slammed into Galveston as a Category 2 hurricane but with a storm surge equivalent to that of a Category 4 storm, causing damages estimated at \$18 billion. Over 200 people lost their lives.

Two years later, what Ike destroyed in 12 hours continues to be rebuilt. In response to the storm, an emergency appropriations bill was passed for the purpose of assisting the victims of Ike. The funding came with a deadline that

the State of Texas and the local communities now need extended. This is not without precedent. A similar extension was granted for victims of Hurricane Katrina.

In the process of recovering from Ike, please consider that Catholic Charities reports that there are over 3,500 families in Galveston who are in the process of getting their homes repaired or replaced who still need rent assistance. The Gulf Coast Center in Galveston and Brazoria Counties is working with 19 agencies to provide mental health support and counseling to 3,000 clients each month who are still suffering from the impact of Hurricane Ike on their lives. The University of Texas Medical Branch reports that they are providing food assistance, medical care, and case management to 20,000 households each month. This will end without an extension.

In the words of one leader at the United Way, "We are not asking to access more funding, only to finish what we started." Do I wish this extension was not needed? Of course. We all do. But it is needed, and I ask that this Chamber join me in doing what is right and fair for a community that lost so much 2 years ago. I urge my colleagues to vote for Senate bill 3774, so the people of southeast Texas can finally put Hurricane Ike in their past.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support of S. 3774, which would extend the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008.

The FY2009 Supplemental Appropriation included funding for disasters that occurred in 2008. This included \$600 million in Social Services Block Grant (SSBG) funding eligible to be used for a wide variety of social services to assist in disaster recovery.

In the wake of Hurricane Ike, a total of 734,000 Texans had registered with FEMA for individual assistance and 17,000 homes in Harris County were destroyed.

Due to the magnitude of Ike, the State of Texas received \$219 million in recovery funds under the Social Services Block Grant program from the Department of Health and Human Services.

Under federal law, these SSBG funds must be spent by September 30, 2010. Any money not spent by that time must be returned to the federal Treasury. Texas currently has \$44 million in funding that will revert back to the federal government.

Many entities and local governments in Texas have expressed difficulty in meeting the September 30, 2010 deadline and are requesting a one year extension to September 30, 2011.

Although there have been significant successes through the recovery process, significant needs remain. In the Greater Houston area, more than 2,500 families in case management still cite needs in the area of home repair and/or unmet needs.

It is important to note that Texas is not the only state that would lose access to these

funds—16 other states have remaining funds and an extension would assist those states as well.

A similar extension was granted by Congress for Hurricane Katrina SSBG disaster recovery funds. It is also important to note that this bill involves no new spending. The SSBG grant funds were released and dispersed to the states over a year ago. This bill will only give those who need it, extra time to expend these needed funds as they continue to recover from Hurricane Ike.

Senator CORNYN's legislation, S. 3774, passed out of the Senate on a unanimous consent. It would extend the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008 for one year from September 30, 2010 to September 30, 2011.

Before the House recessed on September 29 we tried to bring up this legislation, but it came over from the Senate very late and we were unable to come to an agreement to bring up the legislation.

I urge my colleagues to support this legislation to allow the states impacted by disasters that occurred in 2008.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I have no further requests for time. And with that, I would ask for support of this bill, and I yield back the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I urge passage of this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. McDERMOTT) that the House suspend the rules and pass the bill, S. 3774.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1920

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TAX CUTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GRAYSON) is recognized for 5 minutes.

Mr. GRAYSON. Mr. Speaker, sometime between now and December 31 we will be discussing tax cuts—specifically, whether to extend the President Obama tax cuts for the middle class or

whether to extend the George W. Bush tax cuts for the rich—and I think it is important for people to understand exactly who this money will be received by.

In the case of the Obama tax cuts, like the child tax credit, it will be received by needy parents who need the money in order to pay the mortgage, pay the rent, pay their car payments, their credit card payments. And in the case of the Bush tax cuts for the rich, it will be received by the rich.

In fact, for the top 1 percent of income in this country, the high and mighty, the people who make an average of \$1.4 million every single year, according to these charts I am about to show, you will see the following:

Mr. Speaker, the Republican plan for tax cuts is to give each millionaire, each person who makes \$1.4 million a year on the average, the top 1 percent of income in this country, the high and mighty, \$83,347 a year in tax cuts. \$83,347 a year, according to econometric modeling by Citizens for Tax Justice.

Let's give some thought as to what the high and mighty might actually do with that money.

Well, here is one possibility. They can buy an \$83,000 Mercedes-Benz E-Class car not just once, but every single year for the next decade. And each year when they get tired of their brand-new Mercedes-Benz E-Class car, they can just give it to somebody because they can afford another one. They can give it to a spouse, a sister, a son, a daughter, anybody. Every single year for the next 10 years, the Republican tax plan is to give millionaires enough money for a Mercedes-Benz.

Here is something else they can do with it. They can buy this gorgeous Hermes bag, a Birkin, for \$64,800, not once, but every single year for the next 10 years, to which they will say to the Republican party, "Thank you very much."

Here is something else they can do with their money. They can buy this bottle of Chateau d'Yquem wine, bottled in 1787, for only \$56,588. That will leave loose change in their pocket of \$25,000. They can buy a bottle of wine from 1787 every year for the next decade. Thank you, Republican party.

Here is something else they can do. They can buy 20,000 jars of their favorite mustard, Grey Poupon, 20,000 jars. That is certainly enough for them, their family, their friends, even a few poor people. Thank you, Republican party.

Here is something else they can do with the \$80,000 that the Republican Party wants to put in their pocket every year for the next 10 years. They can buy 800 cigars. Think about that. That is one for the morning and one for the evening, 800 luxury cigars. Then they can light each one of those cigars with a \$100 bill. Thank you, Republican

Party. You are letting the rich in this country enjoy two cigars each day for the next 10 years and light each one with a \$100 bill.

Now, I have a different idea. I think it is a better idea. These tax cuts for the rich by the Republican Party are going to cost the U.S. taxpayers \$100 billion a year. Do the math. We have 14 million people in this country who are unemployed. We have 13 percent unemployment in my district.

Here is an idea. Let's take that \$100 billion and give 3 million Americans a job. Let's give 3 million Americans a working wage, an honest day's pay for an honest day's work, and that will revive our economy. It will immediately reduce unemployment by two points. And they will take that money and they will spend it on their rent. They will spend it on restaurants in their neighborhood. They will spend it on getting their hair cut. They will spend it on their credit card payments. They will spend it on the things they need to do to stay alive, instead of the alternative, the Republican favorite alternative, which is to have them lose their jobs, keep unemployed, and move into their cars. That is the better idea.

I favor jobs, not tax cuts for the rich.

OUR SOUTHERN BORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. I thank the Speaker for yielding time to me.

About 3 weeks ago, I and four of my colleagues wrote a letter to the President of the United States. Mr. POE of Texas, my good friend, RALPH HALL of Texas, PETE OLSON, and ED ROYCE of California wrote a letter to the President talking to him about the horrible, deteriorating problem that is taking place on our southern border.

We have a border between the United States and Mexico that is 1,980 miles long, and the problems are getting worse every single day. There have been reports on numerous television channels over the past few weeks talking about how really bad it is getting down there, and there is absolutely nothing being done by the administration to really deal with it.

Now, in the letter that we wrote to the President, we said it was extremely important to get on with dealing with this problem very quickly, and we gave the President a few ideas on how this could be accomplished.

First, we said, it became apparent that the Mexican Government and law enforcement authorities in Mexico are either unwilling or unable to address this problem. Therefore, we believe it is imperative that our President meet very quickly and begin a serious dialogue with President Calderon of Mexico on building a comprehensive framework in the spirit of Plan Colombia

that will better coordinate a more aggressive and proactive strategy to turn the tide. This needs to be done immediately.

Second, we must complete construction of the border fence. The money has been appropriated for that and it has been stopped. We need to get that completed. Any responsibility we have to minimize the impact of the fence on the physical landscape or native species in the region pales in comparison when measured against the value of human lives that will be lost if we don't seal the border.

And, finally, we said to the President in this letter, we believe it is critical that we deploy additional National Guard troops to the border. Media reports indicate that 17,000 National Guard troops were deployed to the Gulf region during the recent oil spill, 17,000; yet the administration has pledged only 1,200 to the 1,980-mile border of Mexico. Twelve hundred National Guard troops to protect that border; that is nothing. It will not work.

When you talk to sheriffs and Border Patrol agents who are down on the border, they will tell you that it is a war zone and it is spilling over into the United States, and American citizens are being killed on the Mexican side of the border. But bullets are actually coming across the border and hitting things in the United States in Juarez and elsewhere.

It is extremely important that we address this problem before it gets completely out of control. And some people say we are already there.

We have signs in Arizona 80 miles into the United States, 80 miles into the United States, saying, "Don't go south of here toward Mexico because it is dangerous." Can you imagine?

We are sending troops halfway around the world to fight for people's freedom and to secure our country from terrorist attacks, and yet we have the prospect of terrorists and drug dealers and everybody coming across that border because we are not protecting it, and it is in our front yard, 1,980 miles, and it is unprotected. They are coming across at will.

□ 1930

The President needs to get on with doing what is necessary. I believe he needs to authorize at least 15,000 troops down there and work with the Mexican government to seal both sides of the border and get on with it as quickly as possible. If we don't, the problem is going to get worse and worse and worse.

If you don't believe what I am saying tonight, and if I were talking to the President, I would tell him directly this: "If you don't believe this, Mr. President," I know he watches television once in awhile, and if I were talking to the President I would say,

"Watch what is going on and do your job, Mr. President, instead of fighting the Governor of Arizona and the people in Texas, the law enforcement agencies along the border who are staying up day and night trying to defend their constituents in the border area."

People are being threatened. Their houses are being threatened to be burned to the ground if they even take pictures of the people coming across the border. This is a tragic situation, and if I were talking to the President tonight, I would say, "Mr. President, you are being derelict in your responsibility to the people of the southwest part of the United States by not addressing this problem in a very thorough and comprehensive way."

CONGRESS OF THE UNITED STATES,
Washington, DC, October 26, 2010.

Hon. BARACK OBAMA,
President of the United States of America, The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing to you today to express our extreme concern regarding the deteriorating security situation along our Nation's southern border. It seems that every day brings a new report of some atrocity; the most recent being the apparent murder of a U.S. citizen at Falcon Lake, Texas; yet little if anything appears to be being done by our government or the Mexican government to stop the bloodshed and bring the perpetrators to justice.

Protecting our borders and our citizens is a paramount responsibility of the Federal government; enshrined in the preamble of the Constitution. It would be an unforgivable breach of our constitutional responsibilities if we do not take stronger measures not only to prevent the upward spiral of violence from further spilling over into the United States and threaten the safety of U.S. citizens on American soil but to reclaim those areas of our border already overrun by smugglers and criminals. We can no longer pretend that this is simply Mexico's problem. The time has come to recognize that the drug violence along the border is a direct threat to the United States and act accordingly.

First, it has become apparent that the Mexican government and law enforcement authorities are either unwilling or unable to address this problem unilaterally. Therefore, we believe it is imperative that you immediately begin serious dialogue with President Calderon on building a comprehensive framework, in the spirit of Plan Colombia, that will better coordinate a more aggressive and proactive strategy to turn the tide of this conflict.

Second, we must complete construction of the border fence. Any responsibility we have to minimize the impact of the fence on the physical landscape or native species in the region pales in comparison when measured against the value of human lives that will be lost if we do not seal the border.

Finally, we believe it is critical that we deploy additional National Guard troops to the border. Media reports indicate that 17,000 National Guard troops were deployed to the Gulf region to respond to the recent oil spill. Yet, you have only pledged 1,200 National Guard troops to protect the border—and according to media reports only a small fraction of those troops have arrived to date. It is unrealistic, if not pure insanity, to believe that a mere 1,200 National Guard troops, even with the support of the Border Patrol, can effectively cover the nearly 2,000 mile

long Southwestern border of the United States. We must put additional bodies on the ground and we must give them the weapons and specify rules of engagement that give them the authority to do whatever is necessary to secure the border. A National Guard trooper armed with only a pistol and given no authority to engage the enemy is useless against a criminal armed with military grade weapons and ammunition.

Mr. President, we implore you to view this situation for what it is, a war and to act accordingly.

Sincerely,

DAN BURTON,
RALPH HALL,
ED ROYCE,
TED POE,
PETE OLSON.

[From FoxNews.com]

AMERICA'S THIRD WAR: NATIONAL GUARD'S
NEW MISSION

(By Casey Stegall)

There are many theories on how to effectively secure the nearly 2,000-mile-long border the United States shares with Mexico.

Some believe building a fence to separate us from our southern neighbor is the best route while others think adding additional surveillance equipment and Border Patrol checkpoints will help decrease the number of illegal immigrants and drugs entering America.

One thing virtually everyone close to the border security issue can agree on: America seems to be waging a third war with the Mexican cartels that will stop at nothing to smuggle humans and drugs into our homeland and the national security threat it poses.

One of the more popular ideas on how to secure the region is through the deployment of troops and creation of a strong military presence along the border. In May, President Obama gave the green light for up to 1,200 National Guard troops to be assigned to the four southwest border states. In late September, armed troops started trickling in and working alongside U.S. Border Patrol agents, but the ramp up period is a gradual process since it takes a great deal of time to train the soldiers for their new mission.

According to the National Guard Bureau, nearly 1,200 troops are at work on border issues as of Monday: 263 in California, 561 in Arizona, 80 in New Mexico, 284 in Texas and 10 others assigned to border issues at the National Guard Bureau in Virginia. The deployment is expected to last one year although no official end date has been made public.

Sheriff Paul Babeu, Pinal County Arizona: I'm telling you, as a sheriff, where we're the number one passer county here in Arizona, that it's not secure. That the violence and the concerns we have, are more than just a public safety matter. 520 soldiers are not going to stop it. We have said we need 3000 armed soldiers just here in Arizona.

HEROES AMONG US RETURN WITH HONOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, it was dusk when he left Thailand and entered Laotian airspace. Soon he was flying into North Vietnam as darkness came over the horizon. It was his 25th

mission into North Vietnam flying an F-4 Phantom jet.

The date was April 16, 1966. The pilot was Sam Johnson, United States Air Force colonel, and he was doing his second tour of duty in Vietnam. He was flying with the fighter squadron called Satan's Angels. He was a career pilot who had already flown 62 combat missions during the Korean War flying an F-86 Sabre jet. Colonel Johnson also flew with the famed Air Force Thunderbirds.

This is a photograph of Colonel Sam Johnson, United States Air Force.

But this day of April 16th, 1966, Colonel Johnson was shot down by ground fire from the North Vietnamese. He was captured, he was put in a prisoner of war camp, and, Mr. Speaker, he was in that POW camp for 7 years.

Because of the way that he would not give in to the torture and to the interrogation, they moved him to the famous "Hanoi Hilton" and a place called "Alcatraz." Alcatraz was where 11 POWs were put because they were the most obstinate POWs, leaders of the other POWs. They were hard-nosed and they had to be segregated, and they called themselves the "Alcatraz gang." They were defiant, and the North Vietnamese called this man right here "Die Hard." They tortured him, but they got no information from him.

During those 7 years he was beaten and tortured, but he never broke down. So then they put him in solitary confinement for 4 years in a cell 3-feet-wide by 9 feet, and he was there for 4 years. During that 4 years, all that was in that cell was a lightbulb that they kept on 24 hours a day. During the nighttime, they put him into leg irons, and during that 4 years, he never saw or talked to another American.

While in the POW camp, he and the other POWs communicated with each other with a code by tapping on the wall, and during that time he memorized the names of 374 other POWs. He kept that memory going so that when he got away or was released or escaped, he would be able to tell their loved ones who they were and where they were.

The torture continued every day. One example was this: One morning the North Vietnamese took him out of his cell and lined him up to shoot him. They told him they were going to kill him in a firing squad. They lined him up. Armed with AK-47s, they pulled the trigger, but there was no ammunition in those AK-47s. They laughed and made fun of Colonel Sam, and all he said was, "Is that the best you can do?"

For food he ate weeds, pig fat and rice. He went down from 200 pounds to 120 pounds. And after 7 years of confinement, he was finally released with other POWs. He suffered torture and broken bones during that time that he still suffers from today.

He continued to serve in the United States Air Force for 29 total years. While he was in that POW camp, his wife back home in Texas, Shirley, had known that he was shot down, but she didn't know for 2 years where Sam was, whether he was alive, dead, or missing in action. They have now been married for 60 years.

After he left the United States Air Force, he served in the statehouse in Texas, had his own business, and then in 1991 he came to the United States Congress and continues to serve with distinction.

Today, Colonel Sam celebrates his 80th birthday. Down the street, he and a lot of friends, Members of Congress from both sides of the aisle and family, are honoring him on his birthday.

You know, Sam returned home to the United States after his torture and confinement in the POW camps. You notice right here, this patch, Mr. Speaker? You see what this patch says, which is from the 31st Fighter Wing? It says "Return With Honor."

Sam Johnson returned to America with honor. He is a special breed. He is the American breed. Where does America find such men as Sam Johnson? He is one of those. And he is that special warrior during even the time he was a captive warrior that never forsook his duty and never forsook his honor.

So, Colonel Sam, we thank you for your service to the United States of America during war and during peacetime. Thank you for serving this great country. You are truly a hero among us.

Here are the commendations that Colonel Sam Johnson received while serving in the United States Air Force:

COMMENDATIONS

2 Silver Stars
2 Legions of Merit
Distinguished Flying Cross
Bronze Star w/Combat "V" (Valor)
2 Purple Hearts
4 Air Medals
POW Medal
3 USAF Outstanding Unit Citations

And that's just the way it is.

SAYING ENOUGH IS ENOUGH REGARDING TSA AIRPORT SCREENING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, I rise this evening to announce that I introduced some legislation today dealing with the calamity that we have found at our airports with TSA. Something has to be done. Everybody is fed up. The people are fed up, the pilots are fed up, I am fed up.

I have come to this floor many times over the past many years and complained about the terrible foreign policy we have had, the terrible monetary

policy we have had, the excessive spending and the debt, and also the tax policy. But what we are doing and what we are accepting and putting up with at the airports is so symbolic of us just not standing up and saying enough is enough.

I know the American people are starting to wake up, but our government, those in charge, Congress, as well as the executive branch, are doing nothing. Yes, they are talking about maybe backing off and allowing the pilots to go through. But can you think how silly the whole thing is? The pilot has a gun in the cockpit and he is managing this aircraft, which is a missile, and we make him go through this groping X-ray exercise, having people feeling their underwear. It is absurd, and it is time we wake up.

The bill I have introduced will take care of this. But we have to realize that the real problem is that the American people have been too submissive. We have been too submissive. It has been going on for a long time. This was to be expected even from the beginning of the TSA. And it is deeply flawed. Private property should be protected by private individuals, not bureaucrats.

But the bill that I have introduced will take care of it. It is very simple. It is one paragraph long. It removes the immunity from anybody in the Federal government that does anything that you or I can't do.

If you can't grope another person and if you can't X-ray people and endanger them with possible X-rays, you can't take nude photographs of individuals, why do we allow the government to do it? We would go to jail. He would be immediately arrested, if an individual citizen went up and did these things, and yet we just sit there and calmly say, oh, they are making us safe. And besides, the argument from the executive branch is that when you buy a ticket, you have sacrificed your rights and it is the duty of the government to make us safe.

That isn't the case. You never have to sacrifice your rights. The duty of the government is to protect our rights, not to use them and do what they have been doing to us.

□ 1940

The pilots, hopefully, will be exempted from this.

Another suggestion I have that might help us: let's make sure that every Member of Congress goes through this. Get the x-ray and make them look at the pictures and then go through one of those groping pat-downs, and then I think there would be a difference. Have everybody in the executive branch, anybody—a Cabinet member—make them go through it and look at it. Maybe they would pay more attention. But this doesn't work. This is not what makes us safer. This is preposterous to think that the TSA has made us safer.

When you think about it, if you look at what's happened over the past 10 years, during this last decade, we lost 3,000 on a terrible, terrible day for America. But since that time in this last decade we have also lost 6,000 of our military personnel going over there and trying to rectify this problem. We have lost 400,000 people on our government-run highways. We have lost 150,000 individuals from homicides.

So I think there's reason to be concerned, reason to deal with this problem. We're not dealing with it the right way. We're doing the wrong thing. And groping people at the airport doesn't solve our problems. What has solved our problems, basically, has been that they put a good lock on the door, and they put a gun inside the cockpit. That's been the greatest boon to our safety.

Safety should be the responsibility of the individual and the private property owner. But right now we assume the government's always going to take care of us, and we are supposed to sacrifice our liberties. I say that is wrong. We are not safer. And we also know there are individuals who are making money off this. Michael Chertoff, here's a guy that was the head of the TSA, selling the equipment. And the equipment is questionable. We don't even know if it works, and it may well be dangerous to our health.

The way I see this, if this doesn't change, I see what has happened to the American people is we have accepted the notion that we should be treated like cattle. Make us safe, make us secure, put us in barbed wire, feed us, fatten us up, and then they'll eat us. And we're a bunch of cattle, and we have to wake up and say, We've had it.

I think this whole idea of an opt-out day is just great. We ought to opt out and make the point. Get somebody to watch. And take a camera. It's time for the American people to stand up and shrug off the shackles of our government at TSA at the airports.

IN MEMORY OF ROSS BEACH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, I rise this evening in memory of my friend, Ross Beach. The House rules only allow me 5 minutes to speak, and it's difficult to summarize anyone's life in such a short time, but impossible to do justice to the life of Mr. Beach.

Ross passed away this weekend at his home at the age of 92. Ross was defined by family and friends, business success, and charity.

A lifelong Kansan, Ross received his education in my hometown of Hays. Following a childhood upbringing in the oil and gas fields of western Kansas, Ross enrolled at Kansas State Uni-

versity, where he met and later married the love of his life, Marianna Kistler. They were married in 1941. Ross's service as a naval aviator during World War II sparked an interest in flying that would continue throughout his life.

Ross was a pioneer in our State in banking, radio and television, and in oil and gas. His many professional endeavors created jobs and economic opportunity for many Kansans. He was the president of Kansas Natural Gas Company and chairman of the board of Douglas County Bank. His success in the business world was overshadowed only by his and his wife's generosity. Ross and Marianna are among our State's most prolific supporters of arts and education—the greatest supporters that perhaps we will ever see in our State. On the campus of Fort Hays State University, the Beach family helped fund the Beach-Schmidt Performing Arts Center, and Ross's generosity made possible the construction of the nationally renowned Sternberg Museum of National History.

The Marianna Kistler Beach Museum of Art on the campus of Kansas State University bears the name of Mrs. Beach, which was named for her in commemoration of their 50th wedding anniversary. My wife, Robba, and I have been honored to serve on the board of visitors at the art museum that bears the Beach name, and we're able to witness firsthand the passion and commitment Ross and Marianna had for culture and the arts in Kansas. On the campus of the University of Kansas, Ross assisted in the formation of the Beach Center on Disability, where Kansans with disabilities and their families are helped to lead healthier and more productive lives.

Kansans from all walks of life have benefited from Ross's compassion to others and his service to community. He was recognized on many, many occasions, including his designation as Kansan of the Year in 2002; the President's Award from Kansas State University in 1989; and, along with his wife, the Citations for Distinguished Service from both the University of Kansas and Fort Hays State University.

Despite his stature in our community and State, Mr. Beach always treated every person he encountered with respect and dignity. Anyone who met Ross easily became a lifelong friend. As a young newlywed couple starting out our new life in Hays, the first invitation Robba and I received was to come to Ross and Marianna's home for dinner. There was never a more gracious couple than the Beaches.

For a large portion of my life, I joined Ross and other businessmen and professionals for lunch at The Roundtable. While there was a lot of talk of sports and politics, I learned a lot more about life by listening to Mr. Beach.

From our earliest meeting to just last month, he was my friend and adviser. I hate the thought that no longer do I have the ability to pick up the phone and see what Mr. Beach thought of one of my ideas or to discuss what was going on in our small-town neighborhood or what was happening on the world stage.

My friendship with Mr. Beach certainly opened doors in business and politics; but, more importantly, he gave me the confidence to realize that this small-town Kansas kid could one day be able to serve his State and the Congress of the United States of America.

While my family and I are saddened by the death of Ross Beach, we take comfort in knowing the legacy of Mr. Beach will endure far beyond our own generation. While Ross Beach may have donated his talents and treasure, it is his caring nature and generous soul that I and many others will miss most. To Marianna and daughters Mary McDowell and husband Gary; Terry Edwards and husband R.A.; and Jane Hipp and husband Steve, I offer my deepest sympathies. I ask my colleagues to join me in celebrating the life of a man dedicated to service and committed to making Kansas and America a better place to live and work.

We are told to whom much is given much is expected. Ross Beach more than fulfilled this expectation, and I'm honored this evening to pay tribute to an amazing, larger-than-life man that I had the fortune to know for nearly 35 years. The man who loved to fly soared throughout his life and landed safely on heaven's shore.

PRINCIPLES OF HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. THOMPSON) is recognized for 5 minutes.

Mr. THOMPSON of Pennsylvania. Next week will mark the 8-month anniversary of the new health care law. When we started this debate almost 2 years ago, I relied on my longtime experience in the medical field to come up with four principles that I strongly believe should be in any health care reform. The first was that health care reform should lower costs. That has yet to happen under this law. Instead, the Federal Centers for Medicare and Medicaid Services projected that overall national health spending would increase an average of 6.3 percent a year over the next decade under the new law. In addition, the law imposes more than half a trillion dollars in tax increases. It imposes more than \$210 billion in new payroll taxes that could hit small business owners.

The Medicare actuary has reported that health care costs would actually increase over the next decade by a

total of \$310.8 billion. The Congressional Budget Office, or the CBO, wrote that most of the major saving proposals in the health care law are “widely expected” to be scaled back or would be difficult to sustain for a long period. That means higher deficits.

The second principal for health care reform is that it should increase access to care. That has yet to happen under the new law. Instead, major health insurance companies in California and other States simply have decided to stop selling policies for children rather than complying with the new Federal law that bars them from rejecting youngsters with preexisting conditions. While these insurance companies are not distinguishing themselves, the reality is that they will always look out for their bottom line.

The Medicare actuary found that provisions in the law will cause as many as 40 percent of Medicare providers to become unprofitable over time, thus “providers would have to withdraw from providing services to Medicare beneficiaries.” This will mean problems with access to care. An example is, in Texas, over the last 2 years, more than 300 primary care physicians have stopped seeing seniors.

□ 1950

My third principle is that we should preserve the innovations and improvements that have allowed this country to pioneer new treatments, medications, and equipment. Yet, under this law, there will be \$107 billion in taxes on drug and device manufacturers and insurers. That is more money for taxes and less money for innovation.

The bill requires small businesses to file 1099 forms to any vendor with which they spend more than \$600 in a given year. That will affect 40 million businesses that will be involved in increased paperwork at a huge cost, detracting from their ability to invest in research and development.

Finally, I believe that any reform of our health care system should preserve the decisionmaking process between the patient and the patient's physician, not the government, not a bureaucrat, and certainly not anyone from a health insurance company, but the new health care law does just the opposite.

In one estimate, the law creates 159 various bureaucracies and commissions, Mr. Speaker. In fact, the Congressional Research Service essentially threw its hands up in the air and concluded “the precise number of entities that will be created is currently unknowable.” The administration has released 4,103 pages of regulations and is still going strong. Soon the government will be in control of every aspect of health care, but I assume that was the ultimate goal.

This 2,700-page law is, as the CRS says, “currently unknowable.” Our Speaker, NANCY PELOSI, had it right

when she said the House would “have to pass the bill so you can find out what is in it.” Yet what we do know about it violates all four of the principles on which any health care reform should be based.

I supported the Republican alternative 6 months ago, H.R. 3400, the Empowering Patients First Act. It includes my principles and it deserves support.

MAKE IT IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the majority leader.

Mr. GARAMENDI. Mr. Speaker, I thank you for this opportunity.

Coming off the elections, everyone wants to know what the voters had on their minds. I'll share with you a few things that I heard from my voters in my district and throughout California—perhaps experiences similar from around America.

They want jobs. They want to work.

I think all of us in one way or another understands and feels within us the need to work. It's part of our lives. There are a few, undoubtedly, around who don't ever want to work—and okay for them—but for most Americans, they want a job. They want the opportunity to bring home a paycheck, to support their families—to provide for their food, their shelter, their opportunities for education, and to go on a vacation every now and then. That basic instinct—that basic desire to care for your family, to help build a community—I think is part of America. Americans want jobs. If there were ever a message from this year's elections, it's that.

Now, this isn't new to those of us who are here in the Chamber. It's not new to the Democrats, and I'm sure it's not new to my Republican colleagues also; but who actually over the last 2 years amongst all of us in this Chamber and in government have actually been working to create those jobs? I think it's the Democrats. We are going to make that point here today, not only about the past actions that have been taken over the last 2 years, but about what's coming in the future.

Early in 2010, many of us on the Democratic side began to formalize and to formulate a strategy, and we call that “Make It In America.” If America is going to make it, then we must, once again, make it in America. We must rebuild our manufacturing industry, which is where we make things.

As a child, I remember looking at the pictures of America, of the great poetry of America's birth of industry, when the robust strength of this Nation was seen in the manufacturing sector. It was heavy industry at the

time. It was the steel industry and the auto industry. That enormous strength of America carried us through World War II when we literally built the armaments to take on Nazi Germany and Japan. It was done here in the industries of America. The manufacturing base of this Nation needs to be rebuilt, and it is the Democratic Party and the programs that my colleagues and I will be talking about today which will cause that to happen. America will make it when we make it in America.

Joining me tonight are two of my fellow colleagues—PAUL TONKO, from the once and future great industrial part of New York, and Mr. ELLISON, from the great Midwest.

So I would like to turn to them for a few moments for introductory comments, and then we'll turn back, and we'll begin to hit not only what was done over the last 2 years but, also, where we are going in the future.

Mr. TONKO.

Mr. TONKO. Thank you, Representative GARAMENDI, and thank you for bringing us together on a very important topic. “Make it in America,” manufacturing matters, absolutely. I think what has been promoted also as a subtheme here has been the investment in basic research, R&D, and in scientific research, making certain that we can move forward with cutting-edge, ahead-of-the-curve sort of technology that enables us to create jobs on the radar screen that simply are not there today, and it allows us to advance, I think, an energy agenda and an environmental agenda that allow for us to grow jobs.

Now, as you were making your introductory comments, I was thinking about America COMPETES, which is the legislation we did on this House floor several months ago. I think 98 percent of our Republican colleagues voted against the measure. We got just about no support. Yet it was supported by the United States Chamber of Commerce. They understood the wisdom of investing in R&D and basic research and in providing for the modernization of our manufacturing sector.

I am convinced, like you, Representative ELLISON and others, that we can make it smarter in America, which will allow us to be very sharp, competitively speaking, on the global market scene. I think that we can do it in a way that allows us to advance jobs in this country simply by embracing the intellectual capacity of this great country.

In my home district of the 21st Congressional District in New York—the upstate region, the capital region—we are home to GE Corporate. I just witnessed their moving forward with plans to do advanced battery manufacturing, which will be the linchpin to all sorts of energy innovation. As we do that, we can grow jobs here in America by investing in R&D, by coming up with new

product lines, and by making certain we're ahead of the curve on science and technology opportunities that are available to this Nation.

In the construct of the 21st Congressional District, I represent the old passageway—the Erie Canal, the route of freight-hauling—that really built America and inspired the westward movement. In so doing, in building that canal, we also gave birth to a necklace of communities called “mill towns,” and they became the epicenter of invention and innovation. So it is within our DNA, that pioneer spirit, here in America to continue to do that, and I think we need those incentives that we talked about.

This leadership and this House during the 111th Congress gave birth to a number of ideas, including America COMPETES, closing tax loopholes for investments taking jobs offshore, taking them into other locations. We want to close those loopholes and absolutely promote the Small Business Jobs Act. Those were great cornerstones of development that will allow us to grow jobs, and as we know, we've had 10 consecutive months of private sector job growth.

□ 2000

We've now surpassed the million mark for private-sector jobs, and that's a great accomplishment in light of the 8.2 million that were lost during the Bush recession. And speaking of President Bush's track record, they were losing jobs. They were losing a net—we had a net zero gain of private-sector jobs during that administration. This 1 million is a great mark as we move forward in this calendar year to turn this country around, and we need to just continue along that road of progress.

So it's great that you have brought us together, and I'm happy to join you during this hour.

Mr. GARAMENDI. Thank you very much, Mr. TONKO, and I know that you are going to have to leave us in a few moments, but you just reminded me of one of those little charts that I often have here, and this one really does show what you just talked about. It displays that the gold here are the Bush years. You can see the enormous number of losses of jobs, and right down here, right here at the bottom, that's the start of the Obama administration in January of 2009, and each month thereafter, each quarter, we saw an improvement. We didn't see the jobs really coming back in the private sector until the last several months, but clearly, in the last several months, those jobs are there. Interestingly, the unemployment rate has not dropped because it is the government jobs that are now being lost but, nonetheless, a net gain in the jobs in the private sector.

Mr. TONKO. That's absolutely the progress we wanted to witness, and was

it fast enough? It's never fast enough for us after we've lost 8.2 million jobs, after the American households in the last 18 months of the Bush presidency lost \$18.5 trillion. That was pain that was very deep, deep and dark, and it's never fast enough, but it is certainly a rise in the right direction and a movement that needs to continue along that road of progress.

Mr. GARAMENDI. You also raised the very, very important part is that the industrial strength of America has almost always occurred as a result of the research and innovation that has been the hallmark of America. You mentioned the COMPETES Act which deals with energy research in the United States. It deals with scientific research. It's an extremely important one, and unfortunately, our Republican colleagues refused to support that bill when it was here on the House floor. We had enough Democrats at that time to move the bill out.

Also, as I recall, I wasn't here and my two colleagues were here at the time—it was the American Recovery and Reinvestment Act, otherwise known as the stimulus bill, that created the largest increase in scientific research ever in America's history. Now, the public may not appreciate that, but that research is finding its way into every part of our industrial future, and from that, the billions of additional dollars that were spent, two things happened: scientists, technicians, lab techs, engineers were employed. They had jobs, and they were developing the future industries of America.

Enough from me. Let me turn to my compatriot from the Midwest. Mr. ELLISON, you have a very, very important part of the country. It wasn't particularly friendly to us Democrats but friendly to you because of your outstanding leadership. So please share with us your experience there in the upper Midwest.

Mr. ELLISON. Well, Congressman, let me just thank you for holding down this Special Order and congratulations to you and Congressman TONKO. In California, you-all conveyed the message, and I want to congratulate your whole State for your success from our side of the aisle.

But unfortunately I'm going to have to be here for a short while tonight, but I just wanted to come down and share a few moments with you and the Speaker and the American people, talk about the importance of maintaining and holding on to that vision of making it in America because we did it before, we can do it again, but it will not happen by magic. It's going to take some things.

It's going to take, first of all, some investment in education. It's going to take some investment in our Nation's infrastructure. It's going to take some real investment in our small businesses so that they can get it moving, and it's

going to take some real investment in our belief in ourselves to reclaim this mantle of manufacturer for the world.

This can happen. We've done it before. America still is the leading manufacturing Nation in the world, but we've seen other nations creeping up on us. We can do it but these investments are going to have to happen.

In this Congress, we made tremendous investments in, as you already pointed out, the American Recovery and Reinvestment Act. Important. We call it the stimulus for shorthand, but the fact is it was reinvestment. Reinvestment is one of the R's in that American Recovery and Reinvestment Act, and Mr. Speaker, I want the American people to bear in mind that investment is what we need at this time so that we can continue our upward trajectory for jobs.

I hope that our friends on the other side of the aisle who are going to get the gavels after they assume leadership continue this effort to try to reinvest in America for the sake of manufacturing. We will see. They will have the chance. But the fact is that this Democratic Congress put this country on a platform and a foundation for future growth in jobs and manufacturing.

There was mention a moment ago of the investment act. Not only did we invest in scientific research, we invested in infrastructure. We not only invested in infrastructure, but in our health care bill we invested in making sure that we have the educational wherewithal to take care of our people into the future. Tremendous investments in education, for medical education, so that we can take care of our people. That, again, will fuel manufacturing because part of manufacturing is medical device manufacturing so that we have the educational talent to make those instruments that are life saving in this world.

So you put the health care bill, together with the Recovery Act, what you're talking about is a recipe for making things that will help life-saving research take place through American innovation and manufacturing.

So I just want to commend you for being down here week after week. Whether you have a bunch of people helping you or whether you're by yourself, you have an enduring commitment to making sure the American people know that manufacturing is not declining—well, it has been but it doesn't have to be declining—in America. It can be ascending in America if we make the investments in education and research and the things that we talked about earlier.

I want to say that being from the Midwest, and I'm so proud to be from the State of Minnesota, wonderful State. We already had a little bit of snow there. I know you all don't know what that is in California. It's white, fluffy stuff. The fact is we even in the

State of Minnesota are investing in wind. We are investing in biofuels. We are investing in all sorts of green energy producing methods that also require that we're going to be manufacturing new technology but also transmission lines to transfer the energy that we make based on our innovation.

In the course of the time between August and now, we've been home a lot, working hard but back in our districts, and I had the opportunity to go to a number of manufacturing companies in my district. 10K Solar, they know who they are. They're in Minnesota. They are a cutting-edge solar innovation manufacturing company. Other companies are making new fascinating things with wind technology. And this is the kind of thing we want to stimulate. This is what is going to continue to make America the great economic power that it has been, and I just hope that we can get some real bipartisan cooperation to continue this drive so that we can continue to make America that country that is the envy of the world.

And so unfortunately, Congressman, I'm going to have to leave you to carry the weight tonight, but again, I just want to thank you for your commitment and just say that I draw inspiration from the pictures that you're about to explain right now.

Mr. GARAMENDI. Well, Mr. ELLISON, thank you so very, very much, and it's a busy night for all of us. We've just come back to reorganize ourselves and to go forward.

Earlier today we selected a minority leader for the next year. It is our current Speaker, NANCY PELOSI, and as she left the caucus today she very clearly laid out an agenda for the Democratic Party. That agenda was Make It in America: Manufacturing Matters, and Take Care of the Middle Class. These two things go together. If we are going to have a robust economy, if we are going to be able to move up the employment and reduce the unemployment in America, then we must make it in America. As we do that, we will recreate those very, very important, critical, middle class jobs. There's a whole strategy that's underway here.

□ 2010

I used to play football when I was back at the University of California a few years back and did fairly well at it. But there is an analogy that I think we need to keep in mind here to the current economic situation in America.

Let's envision for a moment that the first quarter was the 8 years of the Bush administration. What happened? Well, I had a little chart up here a few moments ago, and maybe I ought to put it back up. The first 8 years of the Bush administration—be with me for a moment here—were the years of the first quarter. What happened? It was a wipe-out. It was horrible. The Amer-

ican team was decimated. We were on our backs. We were losing 800,000 jobs a month in the last year of the Bush administration. It was 8 million jobs lost.

The second quarter, we brought in the Obama team. It didn't start off too good. The first few minutes of that quarter were rough, but it was an improvement. Each minute that went by, each quarter that went by, we saw an improvement; and by the end of that second quarter, we were building jobs. We were building jobs in the private sector.

Now, we're into the second half of the Obama administration. What's going to happen? The Obama team is still on the field. The President's in place. We have a strong minority position going forward in the Democratic Caucus. Our Republican colleagues will take over the management of the House, and we'll see how that goes. On the Senate side, the Democrats are still there. So let's continue the second half as the Democratic half.

Here's our plan: we are going to develop strategies—many of them are already in place—to make it in America so that America can make it, and it is based on this: manufacturing matters. That was the Speaker's message. The minority message going forward in this House next year will be "make it in America so that Americans can make it." It's important to be able to take that paycheck home.

My oldest daughter, now a little bit older—well, I should say more than a little. I'll never forget the day she came back from her first summer job. She came back, and she showed us her check. She held it up like that; and she said, Dad, I've got my first paycheck. She was proud. She was so proud that she was a working American.

And I know for those millions of Americans out there today that can't find a job, they want to be able to come back to their home with that check in hand and tell their children, I'm back at work. I'm working again. I can take care of you. I can provide for your education. I can put the food on the table. That's what they want. And we have a strategy in mind on the Democratic side that will do that.

This first quarter that I was talking about, the strategy was basically to increase the wealth of the wealthy, to start two wars and never pay for them, and to take the referees off the playing field and just let it rip. And we were ripped to a fare thee well. Wall Street just went crazy with ultimate greed. And the result—we should have expected it—you take the referees off the field, take the rule book, throw it off into the shower; and what do you think's going to happen in an NFL football game? Well, that's what happened when Wall Street was allowed to run amok during the George W. Bush years.

It was the Democrats in this House, in the Senate that laid out a structure

to stabilize the financial industry. We got most of that money back, and we'll probably get it all back in the years ahead. It was stabilized, not as good as we would want; but it was stabilized.

And then the next piece was brought forward, which was the American Recovery and Reinvestment Act. By all accounts, by learned economists, 3 million jobs were created or saved as a result of that. And that wasn't the only piece of legislation. There was in that piece of legislation reinvestment in science and technology and research, reinvestment in our roads and streets and bridges, building the foundation for the future of America.

Followed up later in this session by Democrats with legislation called the HIRE Act, to put people back to work, to give businesses the financial incentive to hire people, to bring people back onto the payroll, subsidizing those rehires so that people can take that paycheck home and say, Dear, I'm back at work. I've got a job again. That's what Americans want. And the Democrats were delivering that.

The last piece of legislation before we went into the election was a piece of legislation to help the governments of America, the cities, the counties, the States, keep people employed in the essential jobs that are the public sector jobs: police, fire, teachers. In California alone, 16,000 teachers are in the classroom this year as a result of that piece of legislation. We want people to work. We put those bills on the floor. Some were actually passed by the Senate, much to our delight; but many, many were not. There were many pieces of legislation that passed here without Republican support, but nonetheless were an effort on our part to put people back to work. We're going to take this thing further in the year ahead and up through the next session of Congress.

Let me put this up here for you to see. My colleague, Mr. ELLISON, was talking about wind turbines and photovoltaic. Interesting, but not many of these are made in America nowadays. Most of these are imported: wind turbines from Europe and China; photovoltaic cells now mostly from China; buses from Europe and other places. We can make these things in America. We can make these things in America because we once made them in America. In my own district, in the Fairfield/Solano Counties area of California, we used to make a lot of solar panels. And in the Bay Area, there still is a bus manufacturer, one of the few left in America that actually produces buses, the GILLIG Corporation.

I will never forget the day that I went out to visit the wind farm in Solano County and talked to the companies that were putting those wind turbines up. I asked them, Boy, that's quite a tower. It's 400 feet high, a lot of steel. Oh, yeah, yeah. We bring that in

from Korea. That's interesting. And those blades stretching out the length of a football field, 300 feet? Oh, yeah, those are brought in from Europe right now, but maybe we can begin to manufacture those once again in Colorado. And all the gear boxes and all of the electronics, all of it is imported.

And I told them, I said, You want me to continue to support American tax money, subsidizing your wind turbines and your business, and you want those things made overseas? Well, they don't make it in America anymore. And I said, Well, let me put it to you this way: if you want my help, if you want American taxpayer money for subsidies, then you damn well better make it in America; otherwise, our tax money ought not be used to support industries overseas. If it's private money, do what you want to do. If you want to buy a turbine from Europe, fine. If you want to buy a turbine from Japan or China, fine. But use your own money. Don't you use American taxpayer money. But unfortunately, far too much of that has gone on in the years of the past.

I have introduced legislation and others are following along so that our tax money is going no longer overseas for buses, for bridge steel, for photovoltaic systems, for wind turbines. Our tax money, when these Democratic bills pass this House and the Senate and signed by President Obama, our tax money will be used to support American industry.

□ 2020

Think of what that means. We spend \$4 billion a year buying buses with our tax money, our gas tax money. Where is it going now? A lot of it is going overseas for foreign-made buses and trains and equipment. We don't want that anymore.

In the American Recovery and Reinvestment Act, some \$12 billion was set aside for a high-speed rail, and a sentence was added to that particular piece of the bill that said that when high-speed rail is built in America, it will be built in America by American manufacturers.

There are some companies overseas that build these high-speed rail systems. Some of them whined, and others of them—Siemens, in particular—said, Well, if that is where the money is and that is the requirement, then we will build the Siemens high-speed rail system in America.

It makes a difference in how you write laws, and the laws that we should write that use our gasoline and our diesel tax money to buy buses, trains, other kinds of rolling stock, and to build bridges and to build highways, that is our gas tax money, that is our diesel tax money, then spend that money on American-made equipment, whether it is a bus, a high-speed rail, a train, or whatever. Again, if you want

to use your private money, if you want to buy a Mercedes-Benz, go for it, but not with our tax money.

It also applies in the area of energy policy, the same thing. In the American Recovery and Reinvestment Act, there were substantial subsidies for wind and solar and green technologies of all kinds, nuclear and the rest. Good. We need to change our energy policy. We have to move away from our dependence on coal and oil into new, renewable technologies that do not contaminate our atmosphere with carbon dioxide.

Are we going to do that successfully? If we allow our tax money, our subsidies to be spent on equipment made overseas, I don't think so. I don't think so at all. That is our money. We should spend it in the future on American-made equipment of all kinds. That should be our policy. That is legislation that I have introduced. That is legislation that is strongly supported. And, I dare say, it is legislation that will be a major part of Make It In America, the Democratic agenda to rebuild the manufacturing sector of this Nation.

There is another piece of this puzzle that we need to keep in mind, and that is tax policy. There was a lot of discussion during the campaigns, and a lot of Democrats lost their jobs on this issue. It is the big "D." It is the deficit. A lot of our Republican colleagues, rightfully, said the deficit is a problem.

Well, you can go into economics. You can talk about Keynesian countercyclical economic policy and all the rest. And I happen to believe that when the economy is going in the tank, countercyclical measures, Keynesian, using the government purchasing to encourage the growth of the economy, to stabilize the economy, unemployment insurance and other benefits that provide a foundation are extremely important. And, we will soon, on this floor and over in the Senate, take up the extension of the unemployment insurance.

I know our Republican colleagues are opposed to this. They think that by ending the unemployment insurance, people will go out and find a job. I think not. And even a few Republicans lost their jobs in this election, and we will see if they get unemployment insurance. They may very well apply for it, and maybe some of my Democratic colleagues will also. But that unemployment insurance keeps food on the table, keeps families together, and provides the shelter that is necessary, because the jobs are not yet there, because these policies are just now going into legislation and eventually into the law and into place.

The deficit, what are we going to do about the deficit? We are going to have to get the economy going. That, all economists say, is the most critical part of dealing with the deficit. If the

economy doesn't grow, the deficit cannot be dealt with. So we grow the economy. Policies such as we have talked about here are a way of doing it.

There is another thing about the deficit that needs to be taken into account, and that is: Where did it come from? Here is a fact. The day that George W. Bush took office in January of 2001, he was handed a \$230 billion surplus. The day that President Barack Obama took office, he was handed a \$1.3 trillion deficit. Why did it occur? Collapse of the economy, clearly a big piece of it. And the policies of the government just letting Wall Street run amuck, the housing industry run amuck without any rules, all of that was part of it. But there was more to it.

The Bush tax cuts in 2001 and 2003 added billions and, over time, trillions to the deficit. And the Iraq war and the Afghanistan war, two wars that were financed by borrowing money from China, added to the deficit.

Those are the realities. The deficit is part of the economy now; it is part of our fiscal situation. It started, grew, and manifested itself during the George W. Bush years, and now we need to work our way out of it.

So how are we going to do that? How do we work our way out of this deficit? Well, with policies like Make It In America, clearly important. The countercyclical measures, providing unemployment insurance, using the power of government to bring jobs into reality, all of those are important. Tax policy, also.

A big debate will occur in this Chamber in the days ahead. Before December 31, a debate will occur as to what will be the tax policy of the United States. The George W. Bush tax cuts, which I talked about a moment ago that created a large part of that deficit, are up for debate because they expire on December 31, 2010. The expiration of those tax cuts, most of which went to the wealthy, are going to be up for debate.

Our Republican colleagues want to extend all of the tax breaks. The Democrats, President Obama and the rest of us, have a different idea. We think the deficit is really important. We believe that we have to address the deficit. The extension of all of the Bush tax cuts will significantly increase the deficit.

Now, on the Democratic side, we believe that the tax cuts to the middle class are extremely important, because they give the middle class the opportunity to have a larger paycheck, less taxes taken out, so that homeowners can pay the mortgage, put food on the table, provide for their families, give kids the books, the backpack, the things they need to go to school. That is our view. The tax cuts should be extended for the middle class.

Let's look at what happens in a very, very important policy discussion between the Democrats and the Republicans about taxes. There are a lot of

bubbles on this page, but these bubbles represent real money. The George W. Bush tax cuts, if extended, have this effect:

For those people that are earning \$10,000 or more, they will get \$52 in reduced taxes. And so it goes. Let's say a person is earning \$75,000 a year. They will get \$1,800 of tax cuts. And then it continues to grow. The more income you have, the more wealth you have, the greater the break, the greater the tax cut for you, so that by the time you are a millionaire, your average tax reduction is \$17,000.

Under the George W. Bush, that is average. That is between \$500,000 and \$1 million. But if you are a millionaire and you have \$1 million adjustable tax, you will receive an enormous benefit. And then, if you get up to the gazillionaires, here is where you are.

□ 2030

The Democrats have a different idea. Our idea is that every taxpayer, every taxpayer, the very wealthy and those who are making just \$10,000 a year, should receive a tax break on the first \$200,000 that an individual makes and \$250,000 for a couple filing joint tax returns. Let me make that clear: Every taxpayer gets a tax break, up to \$200,000 for an individual and \$250,000 for a couple filing a joint tax return.

What is wrong with that? Millionaires get a tax reduction, billionaires get a tax reduction, every taxpayer gets a tax reduction. And this is our plan. But for those who are very, very wealthy, those who are making over \$250,000, \$500,000, \$1 million, \$1 billion a year, we think they have an obligation to America, and they should not receive a continuation of the tax break that they have had for the last several years, this kind of a tax break.

So we would suggest that their tax break go back to what it was before 2001. In the case of those earning up to \$1 million, it would go from 33 percent to 36 percent. Oh, my goodness, a 3 percent increase. How horrible.

I think not. What does that amount to for somebody making \$1 million a year? Three percent, \$30,000. That is not going to bust their checking account. But it is certainly going to be important if you are concerned about the deficit. If you care one iota about the deficit, you better be caring about this, because here is where the real money is, right here.

For the tax breaks to continue, for those above \$250,000 we are talking about over \$700 billion of increased deficit. You can't have it both ways here. You cannot have it both ways. If you are concerned about the deficit, then why in the world would you want those people who are not hungry, who are not homeless, who are not working in our manufacturing plants, why would you want them to be responsible for increasing the deficit? Well, perhaps because that is your constituency.

That is not our constituency. The Democratic constituency is the hard-working middle class that will get a tax break, a continuation of what they have had for the last 7 years.

This is important. This is about the deficit. Remember, every taxpayer in America gets a tax break up to \$200,000 or \$250,000. They get a break. But you get more money above that, and your adjusted gross income is greater than \$250,000, then for that amount, up to \$1 million, you are going to pay 3 percent more. For a millionaire, \$30,000. For a billionaire, okay, it will be more dollars, but the increase is only going to be 4-plus percent. This is not going to bust their bank, and it is not going to hurt small business.

Let's be clear about this: Small business is not impacted, except for just 3 percent of the small businesses in America, meaning this proposal that the Democrats are going to put forward will provide a tax break for 97 percent of small businesses. It will not increase their taxes for 97 percent of small businesses.

For 3 percent, and here is the definition of small businesses, the world's largest construction company, Bechtel, in California, is by the definition that the Republicans use a small business. Billions of dollars of annual income. It is a small business. I think not, but that is the Republican definition.

Now, one of my colleagues earlier tonight did a little thing that I just have to do again, because it is very illuminating, so let me do that. I will take down our principal message for the two years ahead: Make it in America. Manufacturing matters. If America is going to make it, we must make it in America.

I was talking a moment ago about the Bush tax cut. Here is what it means. The Republican plan, if the Bush tax cuts are extended, will cut taxes for the rich an average of \$83,347 a year. \$83,347 a year is the average tax reduction for the 1 percent wealthiest Americans, the 1 percent wealthiest Americans.

Well, what does that mean? Well, it means that for the next decade, they will be able to buy an \$83,000 Mercedes Benz E-class every year for the next decade. Or maybe they want to buy their wife, girlfriend, whatever, a modest purse, a Hermes, just a handbag, \$64,000, every year. That is a lot of purses for the next 10 years.

Now, if that is not sufficient, we like to characterize some of these fat cats with their cigar. Well, they won't have trouble buying cigars. These are top-line cigars. They can buy 800 cigars every year. And that is not all. They can light those cigars with a \$100 bill. Every single cigar, that is 800 a year, and 800 \$100 bills used to light them.

I could go on and on, but I see my colleague PAUL TONKO has returned.

Here is the alternative, Americans. Here is the alternative to the Repub-

lican plan. Instead of giving \$83,000 a year to the wealthiest 1 percent of Americans, you can take that same amount of money and give a \$30,000-a-year job to 3 million Americans.

Our work is about choices, our work is about values, and, frankly, our work is about morality. Tell me what is the morality of allowing the richest 1 percent of Americans to buy 800 cigars a year and light those cigars with \$100 bills, \$83,347 in tax reductions, versus 3 million Americans, 3 million unemployed Americans who have a family, who are losing their home, who cannot provide food if the Republicans are able to block the extension of the unemployment insurance.

This is a moral question. This is a question of what is right and wrong in America. This tax cut shows the dividing line about where you stand in America.

Where do you stand? Are you with the richest 1 percent, so they can go out and buy a Mercedes E class \$80,000 vehicle every year for the next decade, or do you stand with families and want to put a paycheck on the table? I think it is pretty clear.

Mr. TONKO, thank you for rejoining us.

Mr. TONKO. Thank you, Representative GARAMENDI, for an enlightening discussion on job creation, making it in America, and tax policy that can empower our middle class. The strengthening of the middle class, enabling them to have more purchasing power, has got to be the guiding force as we continue to do work in the closing stages of the 111th Congress and move into the next session of Congress. It is absolutely essential. I think it is what everyone heard out on the campaign field this past fall and summer. People were concerned about the economy.

Again, we have surpassed that 1 million count for new jobs in the private-sector realm, but after 8.2 million jobs lost, it simply isn't getting us there quickly enough.

□ 2040

I understand the impatience. I understand the fear. Obviously, people need to have a job. The dignity of work enables them to dream the American Dream of house ownership and allowing them to encourage their children and help their children pursue their careers through perhaps higher education. So it's important that we respond to that dynamic of empowering the middle class.

I think there's some telling statistics that are really highlighting the concern that people are expressing these days. Some 83 percent of all United States stocks are in the hands of 1 percent of the public. Now that is a very lopsided statistic. We're also told that some 61 percent of Americans always or usually live paycheck to paycheck.

That is up from 49 percent just a year ago and then 43 percent just 2 years ago. So that climb from 43 to 49 to 61 percent of those who usually or always live paycheck to paycheck is a concern or at least ought to be a concern to the Members of this body.

And so it is important for us to make certain that we break some of those barriers and we allow for some of the benefit to flow to the middle class. Sixty-six percent of the income growth, for instance, between 2001 and 2007 went to the top 1 percent of all Americans. And when we look at the difference between the Obama tax cut and the Bush tax cut, the Bush tax cut borrowed money from China to enable us to give as a government the top percent of wealth—top 1 or 2 percent of wealth of America—to receive their tax cut. We borrowed. It was off-budget, as you indicated earlier. So we borrowed to pay for a tax cut; to spend for a tax cut for the wealthiest of Americans. Now when we look at the Obama tax cut, it was the largest historic tax cut for middle-income America.

Mr. GARAMENDI. That was in the American Recovery and Reinvestment Act, wasn't it?

Mr. TONKO. Absolutely—and often-times a fact missed on many out there. It was the largest such tax cut for middle-income America, a historic statement. You compare that Obama tax cut to the Bush tax cut that borrowed to spend for the tax cut for the wealthiest of Americans. And so now we shouldn't be surprised when we see these stats that show more purchasing power there for the wealthiest, who are now usurping all of the purchasing of stocks out there. One percent reflecting the 83 percent of all United States stock, for instance.

So we need to do better than that. And I would suggest that all income strata fare better when we have a strong middle class. You need someone to purchase your products. You need someone to build your products, to manufacture your products. We need a strong middle class. We need to invest in that opportunity. And I think all of that recovery that we're hoping for becomes all the more expedited.

It was shown to us in the Clinton years. By creating economic recovery, by producing jobs, you solve the Nation's deficit. President Clinton inherited a deficit from the first Bush administration, and he handed over a \$5.6 billion surplus to the next administration. And then what did we inherit but a record deficit that was then passed on to the Obama administration at their beginnings in 2009 with, again, a recession that was more painful than any economic consequences in the past 70 years.

So the track record is such that you have seen Democrats working with the Democratic administration to build us out of deficit situations, create a sur-

plus, and then have it spent down again and giving priority to those engines—economic engines that simply don't work. When the Obama tax cut—again, historically large for the middle class—was implemented, we saw that what the economists, from far-right thinking to far-left thinking, as a team had suggested would happen. We actually saw that happen. And these economists were right on. As soon as the middle class was given its tax cut, that tax cut was brought back. It was spent back in the regional economies. And we saw the beginning of the end of that bleeding of the recession. It ended the bleeding simply by creating that recovery, having those dollars recirculate in regional and State economies across the country, the telltale indicators then proved that the bleeding of that recession had stopped. And it was that empowerment of the middle class that enabled, I think, the economics of it all to work.

So we should take lessons from history, and we can take that Obama tax cut and contrast it with the Bush tax cut and see what really happened. And your whole statement about those thresholds, those households of \$250,000 or less, with that as a threshold we can see the empowerment that comes when we concentrate on that portion of the tax cut that I believe will have a trickle-down value. The \$700 billion price tag on the upper income strata in terms of spending on a tax cut for that strata is a hefty one and we need to understand, analytically understand, what the payback would be. What is the dividend; is there a lucrative dividend by spending such money on that given strata of tax cut.

Mr. GARAMENDI. Thank you, Mr. TONKO. If you or anyone really cares about the deficit, you need to really pay very close attention to this debate that is going to happen here in this chamber and here in Washington, D.C., in the days and weeks ahead. And that is, do we give an enormous tax break to the wealthiest of America, and in doing so increase the deficit by over \$700 billion, or do we limit that tax break to all taxpayers up to \$200,000 or \$250,000? An extremely important debate that will take place.

For me, it is time to think about the deficit. It's time to get real about the deficit. And if you really care about the deficit, if you really care about growing the economy, the point that you just made, then limit the tax reduction so that all Americans receive a tax deduction up to \$200,000 or \$250,000 of adjusted gross income. And keep in mind it's adjusted gross income, not gross income. Adjusted gross income. That's after all the deductions.

Mr. TONKO. And I would suggest to you also that we need to accompany that sort of analytical thinking and that sort of dividend associated with the spending that would be done on a

tax cut so that we maximize the benefit for the economy. But we also have to think of the stewardship, the sound management that was part and parcel to the Clinton years when we contrast that with the management post-Clinton or pre-Clinton. It is absolutely essential to incorporate concepts like PAYGO so that you pay as you go. You are forced then to come up with the ideas that will produce the revenues in order to initiate the new spending.

Mr. GARAMENDI. By PAYGO, you mean that the Congress and the Senate in enacting tax cuts balance those tax cuts off against reductions of program or vice versa. If you have a new program, the way you get the revenue to pay for it.

Mr. TONKO. Absolutely.

Mr. GARAMENDI. The PAYGO, meaning as applied to us in the Congress.

Mr. TONKO. Exactly. And it creates that sort of stewardship over the budget that doesn't find us in situations where we paid for two wars, we initiated a part D Medicare doughnut hole which impacted our senior population with their pharmaceutical needs and gave a tax cut to the wealthiest of Americans and did it all off-budget. And so that when this President assumed office, one of the first tasks assigned the administration or embraced by the administration so as to truth in budgeting and honesty in budgeting is to bring it online, which grew the deficit, but it was a truthful budget. You can't continue to have an off-budget, borrow from China or whatever, in order to pay for programs and say, Okay, we'll pay for it into the future. The PAYGO concept requiring us to find the revenue sources in order to do these orders of programing or tax cuts will be accompanied by the mindset, the logic of just how do you pay for it. And PAYGO means being fiscally responsible.

Mr. GARAMENDI. Excuse me for interrupting. That was the policy during the Clinton period, and it led to the surplus because it put fiscal discipline into this building and over on the other side in the Senate. Similarly, it has now been reinstituted by the Democrats a year and a half ago.

□ 2050

I want to just wrap up here. I want to go back to "Make It In America" and wrap with this. Our time has almost expired here.

Mr. TONKO. Sure.

Mr. GARAMENDI. With this "Make It In America" agenda, as Speaker PELOSI and soon to be Minority Leader PELOSI said as she exited the Organizational Caucus of the Democratic Party today, there are two principles that the Democratic Caucus will follow: One, we will make it in America so that America can make it. Two, we will do this on behalf of the middle class so that those jobs are there.

Interestingly, while the President hasn't used this term very often of "make it in America," President Obama has nonetheless proposed policies that are directly in line with this—specifically, that every business in America be given the opportunity to immediately write off any capital investments they make. Now, it's already in the law. In the American Recovery and Reinvestment Act, there is in the law an automatic write-off of a capital investment made by a small business. That was increased in a subsequent bill that we voted out, without any Republican support, that allows small businesses to write off immediately.

The President would go further. I've introduced a bill that would do that—other members of the Democratic Caucus have also—so that businesses would be incentivized to invest now in the capital equipment that will provide the foundation for future jobs. Invest now.

This is part of our strategy. It is an overarching Democratic strategy, one that we have been working on for some time, beginning with, among the first bills passed by Congress and signed by the President way back in 2009, the American Recovery and Reinvestment Act.

Would you like to wrap this up here?

Mr. TONKO. Let me just state this, that the landmark Small Business Act, which is intended to create jobs—we're anticipating 500,000 jobs—allows for investment in exporting, which I believe is critically important; it allows for investment in our modernization of manufacturing and small businesses, and it allows for the unleashing of some \$300 billion worth of loan opportunities to our small businesses.

We profess small business to be the economic engine, to be the springboard to the economic recovery. To the credit of Speaker PELOSI, whose leadership has led this House through the 111th Congress, we have made that our focus. We came out of a deep, deep recession, and, unfortunately, there wasn't enough time for us to feel the effects of the progress made by such legislation. I just think we need to pursue that path to progress.

Thank you very much, Representative GARAMENDI.

Mr. GARAMENDI. Mr. Speaker, I yield back the balance of my time.

THE ECONOMY, UNEMPLOYMENT, AND THE ADVENT OF THANKSGIVING

The SPEAKER pro tempore (Mr. POLIS). Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Thank you, Mr. Speaker. Good evening.

I would like to talk about several different topics today. One, I think, is on

the hearts and minds of Americans everywhere. I want to talk a little bit about unemployment. I want to talk about the economy and what the solutions are to this problem. This isn't very complicated, but people try to make it more complicated than it needs to be.

When we get done with that subject, I'm going to change gears and do something that's a little bit more topical for the Thanksgiving season. I'd like to tell you the actual story, a great adventure story, about the Pilgrims, about the Thanksgiving that they celebrated and about the many other ways that they have blessed our country.

First things first, let's talk a little bit, though, about something that's on everybody's minds—the problem of unemployment and the problem of the continuous and rapid growth of the Federal Government, which stifles our freedoms and liberties, which buries us in red tape and bureaucracy, which raises our cost of living, and which makes life more and more miserable for Americans as they lose their freedoms, and the Federal Government's out-of-control spending that accompanies that.

These are problems we've talked about, and these are problems that the voters have voted on. The voters seem to think that this is a problem in spite of the fact that we're going to try and shove socialized medicine down the throats of Americans and in spite of the fact they don't want it. We're not dealing with unemployment. We're not dealing with the causes for unemployment, but I think we need to talk about it a little bit because it isn't as complicated as some of my colleagues seem to make it out to be. It's not a matter of class warfare. It has nothing to do with that. It's just simple economics.

Now, if you want to talk to anybody who is a small business man and ask him what are the things that kill jobs and ask him what are the job killers, I would bet you he's going to be talking about things on this list right here.

The first thing is excessive taxation. The second is insufficient liquidity. What does that mean? It means it's hard for businessmen to get money from banks.

Economic uncertainty. People don't want to take risks when they don't know what's going to happen next. Then, of course, there is a whole lot of red tape and government mandates. All of those things are enemies to jobs and job creation.

Now let's go into this just a little bit because this isn't so difficult. It's not a matter of class warfare. It's not a matter of rich people not paying enough. In fact, there is an interesting statistic or two. What percent of the overall tax burden do you think the top 1 percent of Americans carry? What percent do you think the top 10 percent of Ameri-

cans carry? Well, the top 10 percent of Americans carry about 70 percent of the tax burden in this country. How about the bottom 50 percent of Americans? What percentage do they carry? Less than 10 percent. So I guess we've got a pretty graduated income tax. If that were the solution, we'd already be in great shape, but let's get back to the basics about jobs.

First of all, why is it that excessive taxation kills jobs? Well, the reason is that the people who own small businesses create most of those jobs. Small businesses—maybe we should say medium and small businesses, which have 500 or fewer employees, are the businesses that hire 80 percent of Americans.

Now, my Democrat friends can't seem to make this connection. If you kill the business, you're not going to have the jobs. If you tax the businessman's hide off, he's not going to hire people because he's not going to have the money to buy new equipment, to put up new buildings, to invent new technologies, and to expand his business. So the connection is pretty straightforward. If you want to kill jobs, you tax the guys who own those businesses. A lot of those business owners don't really think of themselves as wealthy, because they've started some little businesses that have grown and grown and grown, and as they grow, they keep putting more and more money back in the businesses. They haven't stopped to consider the fact that they may be multimillionaires, but they keep putting the money into the businesses and the businesses grow and they hire more people.

If you're just so hung up on the fact that somebody is filthy rich and if you're so hung up on the fact that they may be having more fun than you are and that you've got to tax them into the dirt, well, then you're not going to have any jobs. You just can't have it both ways. If you want jobs, you have to have healthy businesses, and you can't have healthy businesses if you tax them out of existence. So excessive taxation is just going to be a job killer.

Insufficient liquidity. That is, if you run your banks and if you have bank regulators all over the banks so they can't make any loans, it's hard for the businessman to get money to invest in new things.

Obviously, economic uncertainty. Let's say you own a business, and you've got lots of money tied up in it. Are you going to take a great big gamble when you don't have any idea what next goofy policy the administration is going to come up with or what kind of additional taxes and red tape and bureaucracy you're going to face? No. You're going to hunker down. You're going to say, Wait a minute. I'm not going to take any risks in this environment. Business is off.

A lot of people are boarding up their businesses. A lot of businesses are

shutting down. A lot of jobs are being shipped overseas. We create such a hostile environment for business that the big businesses say, Okay. You show us the rules. If you don't want to have your jobs in this country, we'll take the jobs somewhere else. The small businesses just close their doors, and the jobs are gone forever. So the economic uncertainty is a job killer.

Of course there is red tape and government mandates. There is one that should be on this list, and that is excessive government spending. That is also something that has always, historically, been a problem.

Now, on top of the unemployment problem, on top of the runaway Federal Government that is no longer a servant but has taken on the effect of master and is bossing Americans around and taxing them out of house and home and ruining the economy—if that's not bad enough, we've got another problem that's coming, and it's something that we need to deal with in the near future.

□ 2100

That's the problem of a huge tax increase that's just around the corner at the beginning of the year.

So, if we're already in trouble with close to 10 percent unemployment and we know that excessive taxation is one of the things that is a job killer, do we want to then apply a whole bunch more, another huge tax increase to the economy? Most people would say you have to be crazy to do something like that. Most people, when they look at history, say that's the dumbest thing in the world to have a huge tax increase right when the economy is having a hard time, and yet, that's precisely what is going to happen next year if the Congress doesn't take action.

What's happening is, because of some rules in the Senate, the Bush tax cuts, a series of Bush tax cuts are going to expire, and when they do, you can see some of the jumps here from 2010 to 2011. This ordinary income tax, a bracket of 35 percent, is going to jump to 39.6 percent; capital gains going from 15 to 20. You know, the capital gains, that's an important one because that's a place where people who invest in businesses have money. If this tax is low enough, they can plow it back into business. As you raise it up, there's less money going back into businesses. And these are different kinds of dividends, going from 15 to almost 40 percent.

And the death tax, wow, is that ever taking a jump. Everybody who needs to die, you need to die this year, that's for sure, because death tax is zero. It's jumping to 55 percent. So when you get beyond the first million or two that are protected from the death tax, what's happening is, your dad owns a farm and he has a lot of fields and he's got a lot of pieces of equipment, and your plan is to follow in your dad's footsteps and be

a farmer, and your dad dies and you find out you're going to have to sell 55 percent of your farm to pay the taxes that your dad owes on his death. Isn't good enough to tax him when he's alive. You tax him when he's dead. So we have a death tax. Well, by the time you get rid of selling half the fields and half the pieces of equipment you say, well, I can't run the farm. Well, that's really smart tax policy, isn't it, that we shut down a small business by jumping the death tax from 0 to 55 percent.

We have child tax credits here that are going up, marriage penalty, lowest tax brackets going from 10 to 15 percent. So, these taxes are coming. Most people would say, that studied economics a little bit, would say this is not what you should be doing during a recession. In fact, regardless if you're a Republican or Democrat, history says this is not what we should be doing.

You could learn—and I'm kind of surprised that the Democrats haven't taken a lesson from Kennedy because he had a recession when he was President. He cut taxes and the economy sprung right back, and of course Ronald Reagan did it. I don't expect the Democrats to learn from Ronald Reagan, even though he used to be a Democrat, but JFK, you think they could learn from him.

You think maybe they could have learned from FDR even. FDR had a guy who was Secretary of the Treasury who was Henry Morgenthau. Henry Morgenthau came up with the same idea that Obama and company came up with a couple years ago, said we're going to stimulate the economy by spending tons of money. It's a little bit like grabbing your bootstraps and pulling and hoping to fly around the room. You know, they're going to spend a lot of money, spend enough money that will get the economy going. That's the idea.

Now, no normal rational person that's not been smoking those funny cigarettes can come up with such an idea. If you came home and your husband or wife said to you, hey, we've got too much credit card debt here, or I'm not making enough money, you know, things aren't going right economically, what do you think we should do? Oh, let's spend money like mad. You would think somebody was crazy. That's what people have tried. Henry Morgenthau tried it. He tried it for 8 years. He came and appeared before the House Ways and Means Committee. His words were, We have tried spending money. We're spending money, more than we have ever spent before and it does not work. I say, after 8 years of the administration. We have just as much unemployment as when we started and enormous debt to boot.

Now, I would hope that we could learn something from history. This is FDR. This is World War II vintage-type stuff. We should have learned from

this. We could have learned from JFK. No. Could have learned from Bush. We could have learned from Reagan. When you're in trouble like this, what you want to do is you want to back off on the taxes and back off on the Federal spending. We're going the exact opposite direction. It doesn't make any sense to be raising taxes. We know that taxing small business is a job killer, and yet, we're forging ahead, trying to get everybody paying attention to the fact that, oh, the rich's guy got too many cigars or too many cars or something like that.

But the trouble is the rich guy, who owns that company, is the one who's hiring people. He's the one making the decision to add a wing on the building, put a new machine tool under the wing, to invest money in new processes, to come up with a better way to do things, to be more competitive than a foreign competitor and put Americans back to work. Those are the kinds of people that you need to have taking your money and plowing it back into the economy.

Now, there's some people think through this idea of Federal Government spending money that you can put people to work by the Federal Government hiring them. That seems on the surface like a bright enough idea. Certainly if you take some tax money and you go out and hire some people, those people have a job. Doesn't that put people back to work? Well, yes and no. The people you hire do get a job. The trouble is for everyone you hire, there are two people in the private sector that lose their job because the government's sucking that money for those salaries out of the private sector. The private sector then becomes less efficient, and economists will say that you lose about two jobs out of the private sector for everybody you put on the government payroll. I mean, if putting people on the government payroll worked, we'd all work for the government. They tried that in the Soviet Union. It wasn't such a hot idea.

So, what's the danger? Why am I talking about this stuff? It should be a day when politics is over, the elections are over, we could get back to work and do the right thing. Well, the right thing here is paying attention to the fact that America is in trouble with a 10 percent unemployment rate. It's actually more than that because I don't know if you know it or not, but anybody who's been unemployed for a certain period of time, they don't count them anymore. So they're not unemployed, even though they don't have a job. That's sort of an interesting way to count, isn't it?

But anyway, here's what happened a number of years ago. I actually was here in Congress when this happened, and these charts go back a few years, but I think it's kind of interesting. This is the gross domestic product. So

these vertical lines are America's GDP, and this is before and after a tax relief which occurred in 2003 about the first or second quarter of 2003.

And so the tax decrease we're talking about here is the very tax that's going to expire. So when we cut this tax in 2003, what happened to GDP? Well, here's GDP going along like this before. We do the tax cut and take a look at what happens to GDP afterwards. Now, that suggests that if there's any causal relationship at all that the tax cuts gave us a better GDP.

Let's take a look at the same tax cut not applied to gross domestic product, but let's take a look at it applied to jobs. These lines are job creation. The ones that go down mean that we are losing jobs. The ones that go up mean that we're creating jobs. This is what the economy is doing. Now, this, again, is this May 2003 when these tax relief measures went into effect. Look at all the jobs we're losing here, and look at the snappy turnaround right here when you let the small businessman keep some of what he earns. My goodness, what a turnaround.

Now, here's a very unpleasant thought. If these tax cuts had this positive effect when the tax cuts went into effect on jobs and on gross domestic product, if these tax cuts had that positive an effect, what happens when we reverse that same thing? What happens when we turn it upside down? What happens when the tax cuts expire? Are they not likely to exert the exact opposite force on our gross domestic product on our already high unemployment? Now, we're not in this situation.

□ 2110

Right now we're having trouble with unemployment, but why do we want to put a force on it that's going to make it even worse. If these things did some good when they went into effect, why do we want to let them expire? It's bad enough the way it is. If we extend the tax cuts, it may not fix the 10 percent, but it may not go to 15 percent anyway. So this is what happened when the tax cuts went into effect to job creation, and that's why the economy took off.

Now, one of the things, it seems to me, that my dear socialist friends don't quite understand is that if you are a happy socialist, what you want is, you want the government to be doing well, you want to have lots of money that you can slop around and spend on different programs. And of course we've been doing too much of that, spending more than we have. But you would think you would want a strong economy because what a lot of people don't realize is, if that economy isn't strong, not only are individuals hurting, not only are States that have to balance their budgets hurting economically, the Federal Government revenues are also way down.

I was surprised during this time period when people wanted to say that the tax cuts had cost us a whole lot of money, that when you took the money they claimed the tax cuts cost in lost taxes and added it to the war in Iraq and Afghanistan that the amount of money total was less than what it cost us to have the economy in the tank in these first couple of years. So when the economy is bad in your home, it's bad in your State. It also is lousy in the Federal Government. So you put all of these tax cuts in place. You think, Oh, that's fiscally irresponsible because then the government is going to go into debt more and more. Oh, is that really so? The fact is not so.

Let's take a look at what happened. Here are Federal revenues. This is the year. That is the tax cut. So Federal revenues are coming down here. We cut taxes, and the Federal revenues actually go up. Now that seems like making water run uphill. Why is it possible that the Federal Government would get more money when we reduce taxes? It is known to some people as a Laffer Curve. But what this is, it's the effect that when the economy gets going, we collect more tax revenues.

Let's look at it this way: let's say that you are made king for the year, and your job is to collect as much revenue as you can collect in the selling of loaves of bread. So you start to think. You say to yourself, Well, I could put a one-penny tax on a loaf of bread and people would eat a whole lot of bread because we're not taxing it very much, and we'd raise a certain amount of money. And then you think, Wow, but if I could do that with a penny, I could move that decimal over and charge a dollar a loaf of bread. Then I would get much more money. How about \$10 a loaf? You say, Well, wait a minute. So \$10 a loaf, I could get \$10 every time. But people wouldn't buy bread anymore. It would be too expensive. It would go on the black market, or they would buy cake or something else.

So common sense would tell you that if you are king for the year and you are taxing bread, that there is some point between a penny and \$10 perhaps, there is some point where there is an optimum amount of tax where people will still pay it and still buy bread. And if you raise the tax, what, in fact, happens is the revenue that the government collects goes down rather than up. In other words, it's not possible to just keep taxing too much because if you do, it basically drives the amount of money you collect down. So there's an optimum point.

And my point here is that if you are a happy socialist, you want the economy strong, and the way to do it is to let the people that run the businesses have enough money to make those investments so that the economy is strong, and we have more Federal revenue coming in. This is what happened

'04, '05, '06, '07. The Federal revenues start going up even though we did these tax cuts. Now what we want to do is to reverse this. We're going to get rid of the tax cuts which is then going to have more effect to drive the economy down. It's going to create more job loss, and it's going to make the GDP worse.

We are having trouble learning some very basic lessons from history where we are at a point where we are overtaxing the economy. And if we want to get this economy going, we have to learn from JFK, we have to learn from Ronald Reagan, we have to learn from Bush II that the way to deal with this thing is to cut government spending and to cut taxes. It's a very straightforward answer. But we also have to realize that if we don't deal with the tax increase that's coming up, we are going to add significantly to the already existing economic problems of our country.

So what's the solution? It's not complicated. Make the Bush tax cuts permanent. Now we, Republicans, have proposed that for years. The Senate Democrats have opposed it. The Democrats in the House have opposed it. They say all of these tax cuts are for rich people, and they talk about the classes of society in America. And the one thing they can't seem to remember is the fact that if you don't have a strong business, you're not going to have jobs, and you're just going to have to get used to it.

In America, some people get stinking rich; and it's okay; and it's all right for them to have their money because a lot of times, if they get enough money, they start spending it on other people anyway. And so what you've got to do is let those businesses have some money to work with because the government is not going to create the jobs. And by letting these tax cuts expire, you are just going to further damage the economy and increase the suffering of Americans all across our country.

So the solution is straightforward, at least to what we should be doing with these tax cuts. What we should be doing is keeping the tax cuts and voting to make them permanent and not letting them all expire. That's the commonsense way to approach the thing. It's not going to necessarily get us out of all the problems we're in right now, but it's going to prevent them from getting a lot worse.

And what we have to do then obviously is to get back into the business of cutting back on Federal spending, and we're going to have to cut back on government red tape, and we're going to have to dismantle some of the complicated and redundant different Departments that we don't need to be paying for. We have to start looking at the Federal Government and say, What does the Federal Government have to do and all of the stuff that it would be

nice if the Federal Government did that cost money, we're going to have to just stop doing that. We're not going to get it out of waste, fraud, and abuse because there isn't a budget line item that says that. What we're going to have to do is we're going to have to reform the system.

The one thing I believe the Republicans are looking at very closely—I'm certainly very interested in it and am trying to sell it to my Republican colleagues—is the idea that we have an opportunity, though we can't pass legislation through the Senate and even if we did, it's unlikely that President Obama would sign it. But what we can do is we can send bills to the Senate, and the public can watch and see that we've heard the message. We understand. We want less taxes. We want more affordable government. We want to shrink and reduce the Federal Government in places where it doesn't really need to be putting money, and we can do that.

But there is one thing we can do and that is in the House here, we can change the rules. We can change the system. The House, with Democrat and Republican leadership through many, many years, is really a series of fiefdoms, as different committees gain lots of power.

And if we take a look at that system and we design a system which is not so much designed to spend money but to make it hard to spend money, then we can start making some progress to develop the tools here in the House to try to reduce a government that is literally a runaway government that is no longer the servant of the people but is increasingly becoming a fearful master.

That is our task; and we will be evaluated by the American public, I have no doubt, on our ability to perform the task. And to the degree we have a majority in the House, we can at least start in the House by saying, Let's change the whole committee structure. Let's take a look at how we do the budgeting process. Let's take a look at how these earmarks fit into who spends the money, who makes money, and how do we hold the committees accountable for reducing the size of the Federal Government.

All of these things are ahead of us, but we need to stop this train wreck coming, and we need to make these tax cuts permanent. That's the quick answer to something that we need to be doing.

Now I'm going to turn to perhaps a little bit lighter topic, a completely different topic, and that is the advent of Thanksgiving coming along next week. The Thanksgiving story is one that, as I have gotten older, I get to love the story more and more. It's a fantastic adventure story. It's a story of people of tremendous courage, tremendous vision who took very great

risks and gambles and blessed you and I and all true Americans, blessed in ways that we've forgotten and in ways that we need to remember. I'm going to grab a picture, if you will excuse me a second.

□ 2120

Last year, I had this picture on a larger format. Unfortunately, I just had this framed copy. The picture that is by my side, some of you may recognize, is a small version of the picture that is in the Rotunda here not so far from where I am standing.

The picture is called "The Pilgrims at Prayer," and I would like to talk to you about this little group of Pilgrims that came over and gave us our Thanksgiving, the particularly famous Thanksgiving that took place in Plymouth, Massachusetts. There was an earlier Thanksgiving in Virginia, but this particular group of Pilgrims, though, gave us a lot, lot more than Thanksgiving. So while it is the Thanksgiving season, I think it is appropriate to think a little bit about their great example to us, because it is the principles and ideas of people like this that we need to reproduce and we need to follow their example as we move America forward in the days ahead.

So let me start by saying, first of all, who were these Pilgrims that we talk about that were at Plymouth and that gave us Thanksgiving? Who were the Pilgrims? They were really a couple of groups of people, but about half of them, and some of the very influential ones, were called Separatists. They were what you might call in their day sort of the evangelical Christian types of England, except that they were a little bit of a weird subset in this regard.

They had listened to the writing of a Scottish theologian that followed Knox in about the 1580s or so, and he started finding in his Bible this interesting idea that the Bible, particularly the Old Testament, or, for Jewish people, the Torah, there seemed to be a distinction between civil government and church government.

Now, that may seem very obvious to us today, but in those days, if you recall, there was a king half the time running the church and a church half the time running the kingdoms, and the two were very much interconnected and very much intermixed dating back to the time of Charlemagne.

But they came up with this idea that the Bible seemed to indicate that there was a difference between church government and civil government, and they got that from looking at the story about Moses. Moses was like the civil authority, but he had a brother who was running the worship service, Aaron. And so he saw that example, but then there were other examples that were less known.

There was a guy, Uzziah, who was a king, and he went into the temple and

started burning incense because he thought he was able to do anything he wanted. A couple of courageous priests stood up to confront him, and he started to stick his finger at them and give them a lecture and say, Off with their heads, and he looked and his hand was covered with leprosy.

So there were these stories, particularly the story of Saul, the first king, where he offered the sacrifice and Samuel read him the riot act and said, You've really have blown it now, buddy.

So you have these examples in the Old Testament where civil and church government were separate. So these guys, the Separatists, had learned from their Scripture and had decided in their day that they didn't want their church to be run by the King of England. This was following old Henry VIII, who had separated the English church from the church in Rome, and so the church was being run by the King of England. These guys decided what they were going to do in Scrooby, England. They decided that they would get this manor house. They would all get together and worship and start their own little church, and the church wasn't under the King and it wasn't under the King's thumb. Well, as you can imagine, that did not meet with the approval of the King, and he said, I am going to harry them out of England.

And so these Separatists were given all kinds of very tough treatment—fines and taxes. Their wives were put in the stocks and made fun of and all kinds of difficult things so that these Separatists couldn't really live in England and they couldn't have their little church that they had started or their series of churches. And so, as you know the story, they moved to Holland where they could have freedom to start their own church.

So they lived in Holland for some time. It was a difficult existence. They had to work 7 days a week and many, many hours a day; very, very difficult economically for them. But they didn't complain, and they were able to have their church worship service the way they wanted. That lasted for some period of time as these Separatists were in Holland, but a couple things happened that convinced them to look around at something else, and the main thing was that their children were picking up some bad habits from the Dutch kids and they didn't like that. They had come there because they had some very strong theological beliefs about what was right and wrong. They were worried about their children and the culture in which they were living, and so they cast about for what God would have them do.

So the picture that is printed, it is a wonderful painting. It is about 10-by-20 feet in the Rotunda. This picture depicts the key turning point for a bunch

of these Separatists, and this is in the town of Delfthshaven. And if you take a look closely at the picture, certainly you can't see it here in the camera, but it says "Speedwell." That is the name of the ship. And these are the Separatists gathering together at Delfthshaven in a farewell to their pastor, John Robinson, who they loved dearly.

John Robinson was a very even-tempered, peace-loving man. He had risked his life a number of times trying to separate groups of different Christians that were fighting each other, and his parishioners said he had the wisdom to see trouble coming and to steer his little flock away from the trouble. So they loved John Robinson.

He is now preaching his last sermon, because he will not go with the Pilgrims to America but, instead, will stay behind with the members of his church that were still going to be back in Holland.

And so, as you can imagine, if this is your last time and you have all of these friends who are going on this absolutely incredible expedition to plant a plantation in the middle of the wilderness all the way across the ocean, you are going to give them your best shot. You are going to talk to them about the things that you think are most important.

So we have a recording of what he was preaching about. And he, first of all, bewailed the state of the Calvinists and the Lutherans. And he said, "For though Luther and Calvin were bright lights in their own day, yet were they living today they would readily embrace the additional truth that God is breaking forth from his word."

What he was saying, in effect, was that our understanding that we get from the Bible is not static; it is something that moves over time. And as people learn lessons from history, we should learn from them, and we should continue to learn the additional things that God is going to teach us in practical sense from his Bible.

In a sense, his idea of the Bible was it was a gold mine. It was full of truth. And as men over time read it and understood it, they could improve the lot of civilizations. It turns out that this was a pretty good theory in all practical sense. Whether you happen to have any interest in theology or not, it turned out to be a pretty good theory, and you will see why in just a few minutes as we follow this little group of people on this incredible adventure story.

You have to think about this. When people came to America in Jamestown and other places, it was men. They came here, to some degree, to say they were going to spread the light of Christ to the heathen, but mostly they were looking for gold. That is what the history books show us.

But this little group of people were different. They were going to take

their wives and their children on a one-way trip across the North Atlantic to try to plant a civilization. And they were doing it not as a bunch of dogs that had their tails tucked between their legs because they had been chased out of one place and chased out of another place, but with a vibrant vision of a challenge to build a new civilization based on new principles and new ideas. They wanted a change from the European civilization because, Robinson goes on and says: Now, when you go to this new land, be very careful what you adopt as truth, sayeth he, for it is unlikely essentially that a Christian civilization can spring so rapidly out of such thick anti-Christian darkness.

He was talking about Europe, and how Europe was very resistant to ideas that the Bible would suggest were a good way to do things. So he was saying: Now, when you go over on this great expedition, be really careful what you do, because how you set things up is going to be very, very important. And you don't want to set it up just the way they did in Europe, but continue to use the Bible as the blueprint.

So this group of people are going to leave Delfthshaven here and they are going to go across and rendezvous in England with the ship *Mayflower*.

Now, it turns out this old *Speedwell* was a leaky bucket. They tried to take a couple of attempts to start from England to go over to America, and the seams on the *Speedwell* opened up and it started to leak so badly they had to turn around and come back, and then they had to take some of the different passengers off and some of their supplies off. They had to leave the *Speedwell* behind. It got to be kind of complicated and expensive.

Eventually, like a family getting off on a vacation late, they eventually get in the *Mayflower* everybody they could fit in there with what supplies they could and started across the North Atlantic. Well, that delay put them in the North Atlantic in the fall, which is a rough time to be crossing the North Atlantic.

Well, the old *Mayflower* started getting beaten by storms. In the beginning, the Pilgrims—and let me maybe clarify this point now. The people in the *Mayflower* at this point are really two groups. About half of them are these Separatists, which you see here, and the other half were just jolly old blokes off the streets of England that were part of the merchant adventurers financing this trip to plant a colony over in the New World.

□ 2130

The idea of the colony, of course, was it was going to make money for the people that were financing this undertaking, and they were hoping they would get rich from it. So you have really a little over 100 people, about 50-

50 between these Separatists that have a vision for a new civilization and other people that are just there mostly hoping to make a good living and to turn a page in their lives.

So they come across the North Atlantic, and in the beginning the sailors all start making fun of them because they are all seasick. It is pretty miserable to be seasick. You almost feel it would be better to die when you turn green. So the sailors would call them "puke socks." That was what one of the boatswains called them, "you puke socks," because everybody was sick and feeling pretty bad.

But the storms intensified as they crossed, and after awhile the poor old Pilgrims noticed that the sailors weren't joking so much about it. They looked a little bit upset too, because the storms got really severe. And in spite of their prayers and everything else, the *Mayflower* was just beaten by storms.

One time in the middle of the night they heard a groaning and a crack as though they had run into a rock or something, and it turned out one of those great big huge oak beams that was supporting the main mast had started to sag and break under the weight of the mast and the tremendous pressure of the wind and the rigging and the sails.

So they were almost thinking they had to turn the *Mayflower* around and go back to England, when one of these passengers, one of the Separatists, remembered there was a big printing press screw jack in the hold, which they fought out of the hold and managed to get it in position and cranked it up to support the oak beam so it would not be sagging.

They continued the trip across the ocean, and because of the storms were blown significantly off course and landed the first time out in Massachusetts, which, of course, is not Virginia. Virginia in those days went as far north as New York, but they were headed much further south. They weren't surprised. They knew they had been blown north by the storms.

So there they are after a couple of attempts to try to come south down the outside of Cape Cod. The winds were very unfavorable, it is late in the season, the storms are rough. These old square riggers, the *Mayflower*, they were not great technological wonders at being able to sail into the wind, so consequently they didn't want to get with a hard wind to be driven on to the sandy beach, because the ship would break up and that would be the end of the deal.

So they are anchored out at Provincetown, and it is getting I guess into about the November timeframe, getting pretty chilly up in Massachusetts. They realized that they are not in Virginia and so their charter didn't

apply. So now we get the first real lesson in civil government from the Pilgrims, and, boy, what a great lesson for all of us it is today.

Because the charter didn't apply, the two groups that were in the Pilgrims were known as the saints and the strangers. The saints were the Separatists, that is the saints here at prayer, and the strangers were the ones that were strangers to God. And the strangers are saying, hey, it is like Australia, you know. No rules, mate. Everybody for himself. We get to shore, we can do whatever we want to do.

It had quite a smell of anarchy about it, and it was then that the saints said, no, we kind of need to pull things together. So they exercised some leadership, took a piece of paper and wrote a document. It is called the Mayflower Compact, one of the greatest American documents produced. We don't have a copy of it. We have copies, but we don't have the original. It was viewed by the Pilgrims as not really an astounding thing, but subsequently we have considered it of great import.

So it starts "In the name of God, amen." It goes on to say, "We do covenant and combine ourselves together in a civil body politic for the glory of God, the advancement of the Christian faith, and to frame such just and equal laws as may seem good."

And so what is it that is so special about this Mayflower Compact? Well, as far as I know, it is the first time in human history where you have a group of free people under God creating a civil government to be their servant. Does that sound like a familiar pattern? Of course. It is very similar to what our Declaration of Independence is saying.

You have to understand in the context of history how innovative what they had done really was, because in Europe, the model for civil government was the divine right of kings. If you are a politician, it was a great deal. You say "God put me here as king. When I say jump, you are supposed to say 'how high?'"

So Europe had been dominated by the divine right of kings, and each king felt like they weren't a servant, they were the boss. God put them there, and they tell you what to do. That is how Europe did things.

But these Separatists when they came across the ocean had the concept that we are trying to infuse in the Republican Party as we deliberate very soberly about changing the system, that we are going to change the system from Europe and the divine right of kings to the system that the government would be the servant of the people and that individual citizens had God-given rights and it was the responsibility of the government to protect your God-given rights.

That is what the Mayflower Compact was all about, and that is why this very

first moment, as they are at the great big oak table in the great room of the Mayflower, why this moment is so significant to all of us, because the Pilgrims gave us the model of American civil government.

Now, to them it was sort of a straightforward idea, because they had already struggled with this question in the context of their church government. In Scrooby, England, they had decided to separate themselves from little old King James. He was a little bit of a weird fellow. He had some very strange social habits. They didn't want him running their church.

So a group of free people under God had covenanted together to create a New Testament church, and they took that model of the New Testament church and simply picked it up and applied it to civil government. A group of free people under God created a civil government, not a church government, to be their servant.

Now, they believed those two were separate, so they didn't tangle up the church with their civil government, but they used the same pattern. So the Mayflower Compact is really to our knowledge the first written constitution pulling these elements together; that under God, free people are creating a civil government to be their servant. That is the basic pattern. It is called the covenantal view of civil government. It is the first written Constitution in America that is on that same pattern. That was 1620.

Now, I will continue with the story of the Pilgrims, but just to jump forward, it is not so long after that, 1620 to 1634, you have a more advanced constitution for Boston, and then a very highly advanced constitution called the Fundamental Orders of Connecticut, only 18 years later. So that is 1638, very early.

The Fundamental Orders of Connecticut has basically the whole model for the whole U.S. Constitution. It has federalism, separate branches of government, a lot of the technical sophistication of the U.S. Constitution just 18 years after these Pilgrims had started with the Mayflower Compact. So you have a tremendous period of the development of the concept of American civil government very early.

Well, I told you this group of Pilgrims here had blessed us in a lot of ways. It should be obvious, two of the ways they blessed us—these are ideas that just completely undergird America. The first is separating civil government from church government. That is something they took from the Bible. It is amusing, isn't it?

The second thing they did was give us our model of civil government, which is the fact that the government is to be the servant, not a fearful master. So those were pretty good ideas.

They also came, and I think this is a pretty important concept, they came with the belief that they could learn

things from the Bible and should use the Bible as a blueprint to guide how they did things. And that same concept was picked up later by the people who would follow after the Pilgrims.

So let's finish the story a little bit and get to Thanksgiving. The Pilgrims, they are on Provincetown at the tip of Cape Cod, and they do the Mayflower Compact. Then they take pieces of a prefabricated boat called a shallop that was stored in their holds and they put that together. It had been damaged some by the storms coming across. It took them a number of weeks to build it up. But a shallop is a pretty good size rowboat. It would carry more than a dozen people, it had a sail and a rudder.

They took the shallop up in the shallow water around the inside of Cape Cod, and they had their first encounter at Eastham beach, there just about sunrise. A whole bunch of Indians screaming and yelling shot arrows at them. It wasn't exactly a warm welcome. They shot some of their muzzle loaders off and nobody got hurt. And they continued around the inside of Cape Cod.

They were looking for a place, and Cape Cod, I have a chance to go there in the summer times, it is known as Barnstable Harbor. Translated, that means Barnstable Harbor.

They were out in the surf, the sand is shallow there, they are out in the shallop and it got to be dark, and they are trying to figure out, the wind is coming up, it is starting to snow, they are getting ice all over their clothes. They try to make a run in to where they thought the entrance to Barnstable Harbor was, and they were mistaken. It was not. It was just a sandy beach, and the surf was starting to pile in on the beach. And right when they are in the waves, the guy by the name of Clark says—grabs the steering oar, and he swings the shallop around in a desperate maneuver. He says, "If ye be men, pull for your lives."

□ 2140

And they laid into the oars and were able to snatch the shallop out of the waves and out into the deep water. Again, the snow. It's dark and the snow is coming down. Ice is freezing on their clothes. And eventually, eventually they manage to find something where they can pull into the lee of this piece of land where they got out of the heavy blowing wind and were able to pull their boat up on the shore where there weren't any waves, and they spent a waterlogged Sunday on this island. It turned out when they got up in the morning, it was an island in the middle of a beautiful harbor, which we now know as Plymouth, Massachusetts. The island was named after the seaman Clarke, who said, If ye be men, pull for your lives.

And so they start making rapid discoveries. They find that there's an area

of land that's clear where they can plant crops. There's beautiful fresh water coming down from a hillside and a high area that they can fortify to try to protect themselves, defend themselves from whatever problems there might be. Particularly, they were concerned about the Indians that were in those parts. They didn't see any Indians, but they were worried that there might be some because the other Indians over in Eastham had not been too friendly. Of course, there's a reason they hadn't been too friendly. It's because there had been some ships that had come by and stolen some of them and sold them off into slavery. It put the Indians in a bad mood, you might say.

And so you have the Pilgrims now late in the season, in fact, about Christmas Day, starting to build their first shelters in Plymouth. As you can imagine, the trip had been tough. Their supplies were limited. And the people that were getting in and out of the wet boats and trying to work on building shelters there started to get sick. And over a period of the next couple of months, more and more of them died, to the point that in some days as many as four Pilgrims at a time would die. There was a time, a day or two, when everybody was so sick there were only two or three that were able to get up and feed everybody else and sort of show themselves on the palisades of the little fortification they'd made just in case the Indians made some sort of attack.

But they were in rough shape. In the middle of the night sometimes a man would take his dead wife, would drag her out across the frozen ground and bury her under leaves and rocks. And it was very tough. There were children, wives, and adults. By the time that March came around, half of the Pilgrims—almost half the Pilgrims had died.

Now you might ask yourself, these are people that came with a vision. They had a vision that God was calling them to found a new Nation based on new principles, new ideas, ideas that they took from the Bible. And you'd say, Well, where was their God? He blew them off course by the storm and now half of them died. You'd think they might get discouraged. It's easy to be discouraged, as you can imagine, in those conditions. Very few families didn't have someone who died in that first couple of months.

And so the captain of the *Mayflower*, who had anchored the *Mayflower* there in Plymouth Harbor for the winter to try to give them some protection, in the spring decided he had lost half his crew, decided he had to sail back to England. And so he prevailed on the Pilgrims. He said, Now, you need to go back with me to England because this little adventure hasn't worked too well. Half of you are dead; half my crew is dead.

And so you can picture standing on the shore, Plymouth, and the wind is blowing through the pine trees behind you and you're looking across to the harbor. There's the *Mayflower* and the boatswain is giving the call. Sails are being squared to the wind. The sail is being raised. Men are walking or actually turning a big crank. It wasn't quite a capstan. It was a different type of arrangement to lift the old seaweed-covered line that held the anchor to the bottom of the harbor. And first large, then small, the *Mayflower* disappears over the horizon and there's just the sound of the wind in the trees. And every one of the Pilgrims stayed there on that beach because they believed that God had called them to a mission, to the beginning of something that was going to be great that He would bless, in spite of the fact that half of them had died.

It wasn't too long after that that they had their first Indian sighting. The lookout said, Indian coming. You mean Indians? No, Indian. They look out and here's this tall brave dressed in a loincloth walking boldly down the street. He looks at them and in perfect English says, Do you have any beer? Quite a reception from their first Indian guest.

It turned out he was an Indian that was a chief of a tribe up in Maine. He liked hitchhiking down the coast. And he could speak English. He'd actually gotten to know English pretty well and developed a taste for smoked duck and for beer and things. Until he had eaten a good supply of the Pilgrim's food, he wouldn't tell them too much. After he had a good meal, he told them about the Indians in the parts. He told them about the fact that the land where they were living had been considered cursed by the Indians because the Patuxets that had lived there had died of a plague. And so God in his providence took the Pilgrims to probably one of the only places on the eastern seaboard where they could stay where there weren't hostile Indians.

It turned out they made a good alliance with Massasoit, who was a good Indian chief and had become a friend of the Pilgrims. Massasoit talked to them about the last of the Patuxets that was living by himself, alone and lonely. And when Tisquantum understood the plight of the English settlers in Plymouth, he decided to join them because he knew something about it. He had been shanghaied, sold into slavery, bought out of slavery by some monks, traveled to England, learned to speak English, and gotten a trip back in a ship to go back to the Patuxets. He got there and the Patuxet tribe was wiped out, I assume by small pox or something. And so he's living by himself.

Now he joins the Pilgrims and helps them and teaches them all kind of useful lessons. He told them that in a short period of time that the streams

would be full of little fish and they could use that to plant corn. He taught them important things like taking your moccasins off and wiggling your toes in the mud so you can catch eels, which they could fry up for food. All sorts of useful things Tisquantum taught them. Of course, we know him as Squanto, friend of the white man.

Squanto lived with them some time and helped the settlers there. They were living under the conditions of the contract that the merchant adventurers had set up. And one of the things that they had set up was it was going to be a socialistic society. Everybody was going to pitch into the common store. They had common land. They're going to grow food on the land. Everybody had to work the field. Everybody had to wash everybody else's laundry. And that wasn't working too well. In fact, Governor Bradford—he was elected Governor soon after Governor Carver had died, probably of cerebral hemorrhage—Governor Bradford said in his diary of Plymouth Plantation, as though men were wiser than God, he said this idea of socialism—he didn't use the word socialism—taking everything in common may have been a good idea to Plato and other ancients as though they were wiser than God.

But he basically pitched out socialism and said every man can have his own field, could grow his own corn, and his diary said that it made hands very industrious. People who would feign to be sick or too weak to work now were out busy in the cornfield growing corn for their family and the women didn't complain about washing other people's clothes.

Anyway, they got rid of socialism. Eventually, after about a year or so, decided to celebrate a day of thanksgiving. And so they invited a couple of Indian chiefs to join them for thanksgiving. The trouble is the Indian chiefs, Massasoit, brought along about 90 braves. So when the Pilgrims saw this massive number of Indians they were going to feed for a meal, they're thinking, Oh my goodness, this isn't going to work very well.

Fortunately, the Indians did some hunting. They brought deer and turkey and a number of other things, berries that they had collected. And they had a wonderful Thanksgiving. The Indians didn't know they had just been invited for one Thanksgiving dinner. They stayed 3 days and enjoyed Thanksgiving over and over again. In the meantime, they had footraces and contests and shooting with bows and arrows and all kinds of other things that they did that was a lot of fun. It was a great couple-day celebration of thanksgiving in Plymouth Plantation.

Thanksgiving became a very popular holiday in the colonies up and down the eastern seaboard. And the first national day of thanksgiving was called by George Washington to celebrate the

adoption of the U.S. Constitution. It was later set at a particular time in November—I think it was the third Thursday in November as I recall—and it has stayed there to this time.

□ 2150

So we have the story now of the Pilgrims. As you celebrate your Thanksgiving this year, it might be helpful to think back and say there is more than Thanksgiving with the Pilgrims. They were a group of people who were willing to change the system, to think of different ideas. They came here and separated civil and church governments. They came here and created the model of a written constitution, the idea that the government is to be the servant of the people, that people have God-given rights and that it is the job of government to protect those rights, as we stated another 150 years later in our Declaration of Independence. They came here with the idea that, after trying socialism, it wasn't going to work. They realized that it was not biblical, that it was a form of theft, so they kicked socialism out. They learned that in the early 1620s.

So we can thank these people because of the fact that they were innovative and had that spirit and desire. Even when half of them died and the Mayflower was going back, they clung to their vision. They had the courage to create a new civilization. In the words of Bradford Prince, as written in his diary, they felt that perhaps they'd lit a candle on a dark shore. They felt that perhaps they could be stepping-stones for people who would come after them to found a great Nation. So the dream that they had of coming here to do something new, unlike what Europe had done, was very much in their hearts. It was very much a part of their thinking as they scratched that existence on that lonely, rock-strewn Massachusetts shoreline. To this day, as we celebrate Thanksgiving, we can remember their first Thanksgiving when they put a few kernels of corn on a plate to remind them of how close to starving to death they had been at one time.

It's a beautiful story. There's a lot more to it, a lot more adventure to it. There were knife fights in cabins. I haven't had time to cover all of that with you, but the basics are there. This is a great bunch of Americans, a wonderful adventure story and a time for us to give consideration to the fact that we also have been given a challenge, a challenge of a beautiful land that was established on a firm foundation. It's our job to keep it that way and to pass it on to our children—a government that is the servant of the people and not the master.

God bless you all. Have a wonderful Thanksgiving.

Mr. Speaker, I yield back the balance of my time.

OUR POLITICAL HERITAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Illinois (Mr. KIRK) is recognized for 60 minutes.

Mr. KIRK. Mr. Speaker, 10 years ago, I had the great privilege and honor to deliver my first speech as a Representative of the people of the 10th District of Illinois. As I end my time in the House of Representatives and begin with the honor of serving the great State of Illinois, I want to thank those that I have served with and reflect on my time in this great body.

Our Jefferson's Manual of House Rules traces its heritage back to the Palace of Westminster, in London, England. Early in the 1980s, I worked under a member of the House of Commons during the time of Prime Minister Margaret Thatcher, and in Parliament, great weight is put on a member's maiden speech.

In the speech that I gave in the House of Representatives, a new Member outlines the principles for which he stands, and as I began my service to the people of northern Illinois, I highlighted the political tradition of the men and women who represented us in this House. A look at their accomplishments and service mirrors who we are and the gifts that we can provide to this great Nation.

Our community has a 180-year-long tradition of electing leaders who are very independent and ahead of their times. Ours is a rich tradition, and I can only hope that history will find my contributions to be consistent with the predecessors', whose roots trace back to 1818 when a new State of Illinois stood on the frontier of a growing Nation.

My predecessors were committed to the people of Illinois and to the good of this Union. At the same time, they understood the important role of the United States and of the world as a beacon of freedom, and while they fought for similarities here at home, they also fought for human rights abroad and condemned those who would spread intolerance and hate wherever it occurred.

Within its current boundaries, our congressional district encompasses a diverse community, including northern Cook and eastern Lake Counties, and it stretches from Wilmette, north along Lake Michigan's shore, to Waukegan. To tour our district is to see firsthand both the promise of the American Dream and those who have not yet realized it.

Our residents enjoy both great benefits and serious challenges. We are home to some of the wealthiest communities in the Nation, and yet we also have some of the most economically challenged communities in Illinois. We have pristine wetlands and forests, as well as one of the worst polluted har-

bors in the Great Lakes, and we have more than 1,000 tons of highly radioactive spent nuclear fuel stored just 120 yards from Lake Michigan. We are also home to the only training center for new recruits in the United States Navy. Each day, thousands of my constituents commute to Chicago, fighting some of the worst traffic congestion in the Nation each morning into the city and repeating the process every evening.

In serving the people of the 10th District, I have been honored to follow a long list of role models who have represented us in the Congress:

Our first Representative, John McLean, was one of the State's pioneer political leaders. He took his seat in the Old House Chamber on December 3, 1818, serving just 1 year. He was later elected to the United States Senate to fill a vacancy caused by the death of Senator Ninian Edwards in 1824 and served through March of the following year. While our pathfinder's service was very brief in both Chambers of this Congress, he was honored by the State, which named McLean County after him.

It was about this time that the first European family settled on the North Shore in what is now Evanston, residing in a place that was described as "a rude habitation of posts, poles and blankets." More notable, though, was the construction of the first permanent structure on the North Shore, a roadside grocery, serving cold beer and liquor to travelers. This grocery was described as "the headquarters of counterfeits, fugitives from justice and, generally speaking, a vile resort." Ironically, 100 years later, Evanston would become the international headquarters of the Women's Christian Temperance Union, and it is from these Spartan but colorful beginnings that we trace our suburban history.

Numerous shifts in population have brought many changes to the boundary lines of today's 10th Congressional District, and redistricting has changed its landscape no fewer than 10 times in the last 190 years. We face another change soon as Illinois prepares to lose a congressional seat before the next election. By 1902, Lake and northern Cook Counties were part of the 10th District, and the first outlines of the current district were formed as a new phenomenon in American living emerged, the suburbs.

In 1913, the election of a Progressive candidate, Charles M. Thompson, was indicative of the new independent spirit of the 10th District voters and of our willingness to elect whomever will best represent our interests, regardless of incumbency or party affiliation. Independent, thoughtful leadership are common themes among the men and women who represented our 10th District. Our leaders include:

John Stuart, a law partner of President Lincoln's; James Woodworth;

Isaac Arnold; Charles Farwell; Lorenzo Brentano; George Foss; Abner Mikva; George Adams, a Civil War veteran who fought in the First Regiment of the Illinois Volunteer Artillery; and Robert McClory, who served for nearly 20 years and was a House manager for the Equal Rights Amendment in 1972.

Yet there are five men and women who represented the 10th District who stand out among this impressive crowd and deserve star treatment. These five heroes fought against slavery, advocated equal pay for women, civil rights initiatives, and served a number of Presidents as they battled human rights abuses abroad while funding biomedical research here at home.

□ 2200

These five exemplify the high standard of leadership demanded by our constituents and expected by our Nation.

Elected in the 33rd Congress as a Whig, Representative Elihu B. Washburne served his final seven terms as a Republican. During his tenure in Congress, he served as chairman of the Committee on Commerce and, in the 40th Congress, as chairman of the Committee on Appropriations. In 1862, President Lincoln personally lobbied to have him elected Speaker, although he eventually fell short.

Representative Washburne's legacy is legendary. He was a strong opponent of slavery and became known as one of the leaders of the Radical Republicans, along with Thaddeus Stevens and Charles Sumner. This group was outspoken in its opposition to slavery that went well beyond calling for simple abolition. They called for complete equality under the law for freed slaves.

The Radical Republicans were critical of the reconstruction policies of both President Lincoln and President Andrew Johnson. Representative Washburne argued that Southern plantations should be subdivided and redistributed among former slaves, and when President Johnson attempted to veto the extension of the Freedman's Bureau, the Civil Rights Act, and the Reconstruction Act, Representative Washburne and his colleagues took action and were successful in their efforts to pass the Reconstruction Act.

The Radical Republicans and Washburne became leaders in the impeachment of President Johnson, and when his close friend Ulysses S. Grant became President, Representative Washburne was appointed as our country's Secretary of State. He resigned just 11 days later, ending what remains the shortest term for any U.S. Secretary of State.

Congressman Washburne left that high office because the President offered him the opportunity to assume the leadership of the American diplomatic mission in Paris. Congressman Washburne served as our ambassador to France through the Franco-Prussian

War and there demonstrated true independence and initiative.

Ambassador Washburne offered refuge to diplomats from various German States and other foreigners who were abandoned by their diplomatic missions. In grave danger on the street, those diplomats found safety under the American flag with Ambassador Washburne, and when the German Army surrounded Paris in late 1870, Washburne remained at his post and was the only foreign diplomat still in residence in Paris during the days of the Commune. These were tough times for besieged Parisians, who were reduced to eating rats.

Washburne honored our Revolutionary War debts to France by continuing his humanitarian service. His international service and his commitment to humanitarian relief presaged our own time when America has become a foundation for freedom and the international system of humanitarian relief missions around the world. Congressman Washburne remained in Paris until 1877, when he returned to Chicago.

Sixty years later, we come to the beginning of a career of another star in our story, Congressman Ralph Church, who won election to Congress in the 74th, 75th and 76th Congresses and again in the 78th Congress through his death in the 80th Congress. Many people living in our community still remember Congressman Church and his wife, Marguerite.

The second luminary in our story is a Representative far ahead of her time, Representative Church's widow, Marguerite Church. Mrs. Church succeeded her late husband in the Congress, and during her first term, Illinois redistricted its congressional seats for the first time since 1901. It placed northern Cook and Lake Counties in what was then called the 13th District.

Mrs. Church brought a commonsense approach to Federal spending. She spoke against what she called extravagant and reckless spending, earning respect from both her colleagues and her constituents. Her seat on the Government Operations Committee gave her an ideal platform to urge restraint in spending, and her assignment on the Committee on Foreign Affairs allowed her to encourage the growth of democracy across the globe.

Many of Mrs. Church's policies proposals were forward-thinking. Early in her career, she advocated equal pay for women and civil rights initiatives. The progress of the early 1960s finds its roots 10 years prior, partially in the service of Marguerite Church. She was the only female Member of the Illinois delegation, and her voting record was impeccable, answering more than 11,000 rollcalls during her tenure in the House, missing only four.

In 1959 as a ranking member of the Foreign Economic Policy Sub-

committee, she traveled more than 40,000 miles and visited 17 countries. In 1960, at the invitation of President Eisenhower, she participated in the White House Conference on Children and Youth and, in 1961, served as a member of the U.S. delegation to the United Nations 15th Assembly.

While participating, she jumped far ahead of her time, especially in her outspoken public criticism of South Africa and their policy of apartheid. Mrs. Church then retired in 1962.

The 88th Congress saw the beginning of another legendary career. Donald Rumsfeld was elected Representative for this district, having previously served on the staff of Congressman David Dennison and Robert Griffin. While in the House, Rumsfeld sat on the Committee on Science and Astronautics and Government Operations. It was during this heyday of President Kennedy's space program, which heralded Lake Forest's own Jim Lovell, who went on to command Apollo 13.

Rumsfeld also had a seat on the Joint Economic Committee in both the 90th and 91st Congresses. His campaigns were indicative of what politics used to be and what they were to become. He accepted only small donations and limited expenditures for his campaign while relying on an army of volunteers to canvass neighborhoods and perform day-to-day tasks which served as the lifeblood, then and today, for any strong congressional campaign.

In 1969, he resigned to accept a place in President Nixon's administration as the head of the Office of Economic Opportunity. Not knowing much about the Office's mission at the time, he turned to his chief of staff, Bruce Ladd, who had an intern friend who had written a college paper on the Office of Economic Opportunity. That intern came to brief Congressman Rumsfeld on the Office's opportunities and walked out with a job. The intern's name was Richard Cheney.

In 1971, President Nixon appointed Rumsfeld as the director of the Cost of Living Council, a position he held until 1973 when he became the United States ambassador to NATO for 2 years.

When President Ford took office in 1974, he recalled Rumsfeld to Washington to coordinate a four-man transition team. His performance earned him appointment as the White House chief of staff, although he personally did not like the title and preferred to be called staff coordinator. He brought Secretary Cheney with him.

In 1975, Rumsfeld was appointed our Secretary of Defense, a position which he held through the end of the Ford administration in 1977. He was awarded the Presidential Medal of Freedom that same year, and during the Reagan administration, Rumsfeld's expertise led him to accept membership on the

President's General Advisory Committee on Arms Control, and he became an adviser on government and national security affairs in 1983 and 1984. He was named Special Presidential Envoy to the Middle East in 1984.

Rumsfeld's experience in the private sector as CEO of G.D. Searle & Company and as a senior adviser to William Blair & Company complemented his government service. I'm proud to call him a friend.

Building on the records of Washburne, Church, and Rumsfeld, among others, we touch on other stars of our story. Congressman Robert McClory represented Lake County and serves as a true symbol of independence in service to the Nation. Congressman McClory was a conservative and a loyal Republican who was a defender of President Nixon until the evidence convinced him otherwise. It was Congressman McClory's votes for two impeachment articles that set the standard for political independence, judgment, and the rule of law in this House.

For us, we now come to the final predecessor of mine in this seat, Congressman John Edward Porter, who won a special election in 1980 to follow Abner Mikva. To briefly touch on Congressman Mikva's service, it was brilliant in many ways and set another standard for independence in this Chamber and on the Federal bench.

□ 2210

Following him, Congressman Porter gained a seat on the Committee on Appropriations in 1980 where he served until his retirement after the 106th Congress.

Following a trip to the Soviet Union in 1983, Congressman Porter founded the Congressional Human Rights Caucus. He witnessed numerous human rights abuses while in the Soviet Union and decided to enlist the support of his colleagues to bring pressure on nations and groups that mistreat the innocent or prisoners of conscience. In his role as cochairman of the Human Rights Caucus, he helped free refuseniks, fought for the rights of North Korean refugees and religious freedom in China, spoke out against the use of child soldiers in Africa, and condemned the brutal regime of Sani Abacha in Nigeria.

The Congressional Human Rights Caucus was the first U.S. Government entity to host the Dalai Lama in Washington. Congressman Porter also sponsored legislation authorizing the creation of Radio Free Asia and then secured appropriations to fund this ground-breaking program, helping move the agenda of freedom in China.

Porter's record of accomplishments in foreign policy is impressive, but his record of constituent service was unmatched. He led efforts to improve the safety of Waukegan Regional Airport by updating the radio and control

tower. He brought back the Coast Guard rescue unit to help the people of southern Lake Michigan, the same Coast Guard folks that saved my life as a teenager.

He worked with the U.S. Army Corps of Engineers to control flooding along the north branch of the Chicago River, and his commitment to the environment led him to be a strong supporter of the Clean Air Act and the Clean Water Act. He orchestrated the effort to designate 290 acres of land at Fort Sheridan as open space and was one of only six House Members named as taxpayer superhero by the Grace Commission's Citizens Against Government Waste in 1992. He was named to the Concord Coalition's honor role in '97 and '98 for his commitment to eliminating deficits and balancing the budget.

John Porter was always willing to take chances when he truly believed in an issue. And 15 years ago, long before it was safe to do so, he proposed reforms to the third rail of American politics, Social Security. His proposal, in fact, can be considered revolutionary because it was one of the first and was remarkably similar to many proposals that followed.

What Congressman Porter may be most remembered for was his improvement of the health care for all Americans. In his role as chairman of the Subcommittee on Labor, Health, and Human Services, and Education on the Committee on Appropriations, Congressman Porter launched the effort to double funding for the National Institutes of Health within 5 years. This additional funding helped researchers develop better and new treatments and helped fund the cracking of the human genome. He also had a commitment to biomedical research and investment in the future that will undoubtedly result in better health care for all people around the world.

John Porter served us all in the highest tradition of public service and commitment to a greater good. Having served as his administrative assistant, I could not have had a stronger role model in public service. I had some very large shoes to fill and can only hope to be remembered by my constituents as someone who fulfilled his tradition.

The record clearly demonstrates northeastern Illinois' political character, strongly independent, generally ahead of our time. Ideas like emancipation, equal pay for women, and an end to apartheid were all part of our representatives' leadership in decades ahead of the body politic. Our opinions do not necessarily adhere to strict party lines; and, therefore, anyone who represents our area must demonstrate independence and break from the party on occasion to make sure that they are adhering to our values. My predecessors did this. And while I'm a firm

believer in my party's vision, it's that tradition of independence that I sought to serve in the House of Representatives.

Elihu Washburne, Marguerite Stitt Church, Don Rumsfeld, Robert McClory, John Porter. They are not household names, but their service helped shape the history of our Nation because of their commitment to do what was right and the decision to take action to protect those most in need. It is an example of what I strove to live up to in the service of this House and the people of the 10th Congressional District.

Drawing on this tradition, I focused my service on independence modeled by Congressman McClory, on spending restraint modeled after Mrs. Church, on constituent service and biomedical research in the example of John Porter, on national defense modeled after Don Rumsfeld, and America's role in the world modeled after Elihu B. Washburne. In light of this history, the people of the 10th District demand their Representative in Congress should be a thoughtful, independent leader at all times. And I believe such independence is a way to represent the people of Illinois, and I take that very seriously.

Early in my service, I had the opportunity to prove that I would follow that tradition for the 10th District. I cosponsored and voted in favor of the Shays-Meehan campaign finance reform law, a bill opposed by most Members of my party. Although my support did not make me popular in leadership circles, I made a promise to my constituents, and I was not going to break it. This was not the time to follow party loyalty because I thought the Nation's interests were in supporting that legislation.

I have consistently cosponsored and supported bipartisan legislation to end hate crimes and employment discrimination, bolster access to women's health services, and ensure equal rights for all Americans. I've also been a staunch supporter of Federal stem cell research. This cutting-edge research has the potential to eliminate pain and suffering for millions of people who are living with cancer, diabetes, Alzheimer's, and more. Such independence is reflected in Congressional Quarterly's analysis, which identified my record, for example, as "the center of the House" in 2009.

My predecessor, John Porter, set our country on a course to double funding for the National Institutes of Health over his first 5 years; and I maintained that commitment to his legacy through 10 years in this House. On my view, it is essential that we continue this promise and ensure that we remain committed to the future advancement of medical technology and research.

I'm also very proud to be one of the only few Republicans who worked actively to craft stem cell legislation and was an original sponsor of H.R. 3, the Stem Cell Research Enhancement Act, which the House passed but unfortunately was vetoed by the President. The future of stem cell research is unknown, but I'm hopeful that we will continue to lead on this issue and ensure that we find a permanent solution and set funding from the Federal Government.

Following the inauguration of President Obama, I worked with my fellow moderates in the Tuesday Group, the House Centrist Caucus, to create a health care reform agenda. As a result of hundreds of meetings and roundtable discussions with providers and doctors and patient groups, we authored the Medical Rights and Reform Act, which guarantees the doctor-patient relationship, allows individuals to buy insurance across State lines, and would end frivolous lawsuits.

Following Congresswoman Church's footsteps, I also took measures to reduce wasteful Federal spending. I bucked my party in leading the charge to deny hundreds of millions of dollars in Federal funding for the infamous Bridge to Nowhere in Alaska. I was also the first member of the Appropriations Committee to swear off pork-barrel spending in our broken earmark system. I consistently voted to support the taxpayer and ease the burden of Federal taxes on American families.

I voted in a way that reflects a pragmatic problem-solving nature for the people of northeastern Illinois. I tried to make sure that the Federal Government was making daily life easier for suburban families. The most common complaint among families in Chicago suburbs is traffic congestion. Our highway system is outdated and in need of repair, and mass transit can be more readily available if we work policy correctly. To address this, I joined with my colleague to the west, Congresswoman MELISSA BEAN, to create the Suburban Transportation Commission. Our goal was to bring together local leaders with their State and Federal representatives to find solutions to local and regional transportation problems.

I have been a staunch supporter of commuter rail; and I am pleased to say that since we've been in office, Metra has expanded service on its North Central line and is working now to build the Star line, which I hope will provide a commuter rail link between western suburbs. I also introduced the COMMUTER Act to incentivize the use of public transportation among suburbanites who would otherwise be stuck in traffic.

Recognizing the growth of suburban communities, I joined with dozens of my colleagues to devise the Suburban Agenda, a package of legislation de-

signed to address the needs and concerns of suburban families. We focused on keeping kids safe in school, making college more affordable, preserving open space, and improving our health care delivery system. And to keep employment up in the suburbs in the teeth of the Great Recession, I introduced the Small Business Bill of Rights, a bill to protect the number one engine of our economy, small businesses.

□ 2220

From preserving the right to a secret ballot in a union election to eliminating unnecessary paperwork, the Small Business Bill of Rights is a prime example of suburban pragmatism at work.

Suburban families also expect world-class schools, and in the 10th District we are privileged to have some of the best public schools in the country. I think it is fitting that the first bill I introduced in the House was the GRADE-A Act to ensure full funding for Federal impact aid schools. I established an education advisory board to help guide me in formulating education policy, and this board helped draft legislation making technical corrections to the No Child Left Behind Act that I believed would enhance local control of schools and empower teachers.

I worked on many facets of improving our education system, including creating healthier learning environments. I introduced the Green Schools Act to provide matching grants for green school construction projects in our classrooms and the School Conservation Corps Act to support conservation clubs and teach kids about the importance of environmental protection.

As a staunch supporter of alternative energy and transportation, we supported and authored many other bills to provide permanent tax incentives for renewable energy and clean transportation. I also joined with Congressmen Boehlert and PLATTS to help lead the Republican effort to raise the Nation's fuel economy standards.

Following in the tradition of Congressmen Washburne and Porter, we promoted human rights in remote corners of the world through my tenure of this House. I took up the case of a journalist imprisoned in Bangladesh simply on the, quote, crime of promoting interfaith dialogue between Bangladesh and Israel.

Shoaib Choudhury was charged with sedition, a crime punishable by death under Bangladeshi law, and spent 18 months in prison before congressional attention convinced authorities to release him. In 2007, the House passed a resolution I authored calling on the Government of Bangladesh to immediately drop all charges against Shoaib. It carried by a vote of 409-1.

Some of our work also helped secure the release of Dr. Taye Wolde-

Semayat, a political prisoner in Ethiopia. We condemned the persecution of Baha'is in Iran and sought to bring peace to Darfur, worked to secure the release of the first Egyptian blogger to be jailed for his online writings, and established the Congressional Commission on Divided Families to reunite Korean Americans with their North Korean relatives.

We fought to protect Iraq's Christian community from increasing violence and led efforts to combat the rise of global anti-Semitism. We fought for women's rights around the world, basic education, health services, and access to family planning.

We stood up for our allies—Poland, Armenia, Greece, Ukraine, and Georgia—and increased oversight of the United Nation's Relief and Works Agency, and demanded accountability in U.S. assistance to the West Bank and Gaza.

We successfully changed policy on proposed arms sales to Saudi Arabia, protecting U.S. forces in the region, and preserving Israel's qualitative military advantage.

We delivered Eyes in the Sky, and the X-Band radar system to defend the State of Israel, and our bipartisan legislation moved forward to prohibit gasoline sales to Iran which is now the law of the land.

In my time representing the people of the 10th District, there is one defining moment that shaped my work in the Congress and forever changed our country. I started the day on September 11, 2001, in the Pentagon having breakfast with Secretary Rumsfeld. The meeting broke up early when the Secretary was notified that a second plane hit the World Trade Center. Shortly thereafter, we were evacuated from the Capitol complex after the Pentagon was hit. Being forced from our offices that day was a profoundly sad moment.

As a veteran and a Naval Reserve intelligence officer, I knew we were at war and there was much work to be done in the Congress to protect the American people and provide our military with the resources they needed to fight terrorism.

The House began debating legislation to establish a Department of Homeland Security while most congressional offices were closed as a result of an anthrax attack. Working out of temporary space at the General Accounting Office, I authored language providing for effective 911 emergency call capabilities from telephones on passenger aircraft and trains. At the same time, I also began working on improving the effectiveness of the State Department's Rewards for Justice program to help provide investigators with more information that could lead to the capture of wanted terrorists. Remembering how a tip from this program led to the capture of Mir Aimal Kasi, the terrorist who murdered CIA

employees outside headquarters on January 25, 1993, I wanted to increase the maximum reward for information that would lead us to terrorists responsible for 9/11.

In the years that followed, we continued to work to make this program more effective, authorizing special payments, expanding the number of informants eligible for rewards, and allowing payments other than cash to be made in certain circumstances.

The war in Afghanistan requires contributions from all elements of the U.S. Government, and sometimes the best support comes from unexpected places. On one trip to Afghanistan, I was pleasantly surprised to find that some of the best intelligence against al Qaeda and the Taliban were coming from agents of the Drug Enforcement Administration. I was also surprised to learn that the DEA was not officially part of the U.S. intelligence community. I returned to Washington and worked with Congressman FRANK WOLF to make sure that the DEA became an official member of the intelligence community again.

I also worked to provide DEA with specialized intelligence aircraft to use in Afghanistan. The intelligence collected from this plane not only helps warfighters on the ground, but the information is also admissible in court, meaning narcoterrorists in Afghanistan could more likely face criminal charges in the United States.

I am very proud of my work in Congress to help our men and women in uniform fight overseas, and more proud to have served alongside them. In December 2008, I became the first Member of the House to serve in an imminent danger area when I deployed to Kandahar, Afghanistan to serve as a special adviser to General Nicholson for Regional Command South focused on counternarcotics. A year later, I returned to Afghanistan to serve again. Each time, I have become more committed to the men and women serving over there and their mission.

Today, 9 years after the first American boots hit the ground in Afghanistan, the mission remains vital to our security. We must leave Afghanistan only after victory is secured and terrorists no longer find sanctuary in its rugged mountains capable of hurting Americans and the United States.

As a veteran, one of my highest priorities in the Congress is to take care of our men and women in uniform, consistently work to improve the quality of life for active duty servicemen and -women, their families, and retirees.

I am proud to have joined with Congressman DENNIS MOORE to pass the American Veterans Disabled for Life Memorial Coin Act. This memorial will honor the sacrifices made by America's more than 3 million disabled veterans by building a memorial for them here in Washington, D.C., within eyesight of

the Capitol. I was also inspired to see this bill passed by an extraordinary young man, Sergeant Bryan Anderson of Rolling Meadows, Illinois. Bryan lost both legs and an arm due to a roadside bomb in Iraq.

Washington has legions of professional advocates who make a living out of convincing people to see issues from their point of view, but none can compare to Bryan. With Bryan, what you see is what you get—a veteran with an inspirational story who wants to see the memorial built, not for himself, not just for disabled veterans, but so that everyone will remember the sacrifice of all of our veterans.

One project in particular follows the arc of my career in this House. In 1999, a Washington-based consultant wrote a study recommending the closure of the North Chicago VA Hospital. The study said that Lake County veterans could get help downtown in Chicago or Maywood, or even the Milwaukee area, with only a 30-minute drive.

□ 2230

The study overlooked the fact that North Chicago VA was recently renovated and housed modern in-patient wards with the latest equipment still in bubble wrap. It also overlooked the fact that the Navy was operating an outdated, oversized hospital no more than a mile away and had plans to invest more than \$100 million to replace it. I thought it made more sense to combine these two institutions, rather than close one and rebuild the other.

Over the last 10 years, we battled the bureaucracy and gradually integrated the services of the Navy and VA. We started by combining in-patient mental health, leading to a jointly operated operations suite and emergency room, and on October 1st of this year, we officially opened the first truly joint Navy-VA hospital in the country. This new facility will care for more than 100,000 veterans, retirees, sailors, and their families. It is my hope that this model will improve veterans' health care throughout our Nation.

What better way to honor our veterans than by naming the facility after one of our Nation's heroes, 10th District resident and Apollo XIII Commander Captain James A. Lovell, Jr.

In 2007, I wrote to Deputy Secretary of Defense Gordon England and requested that the new facility have the name that reflected the mission of this pioneering hero. In response, the Deputy Secretary wrote, "It is fitting to name the facility after Captain Lovell, not only for the reasons cited in your letter, but also for his role in the history-making Gemini 7 mission, which included the first rendezvous of two manned maneuverable spacecraft. The joint DoD-VA health care facility in North Chicago can be described as the first rendezvous of two separate medical treatment facilities, joining them

into one cohesive, comprehensive federal facility. It, too, is a history-making event."

As I leave this House, we face key challenges; challenges of solving increasing gridlock in our communities; challenges on the environmental front of cleaning up nuclear waste and PCBs; challenges of maintaining the tradition of the 10th District in education excellence; challenges like keeping the U.S. health care system on the cutting edge so that each American lives a full and healthy life; and providing tax fairness for married people, ending the death tax, and stopping government waste.

I look forward to continuing our work and confronting these challenges head-on in the Senate. In the meantime, I want to extend my best wishes and heartfelt congratulations to our congressman-elect, Robert Dold, who I know will continue our tradition of thoughtful, independent leadership. Congressman-elect Dold shares my passion for our district, our State, our country, and our democratic allies. I am confident that the 10th District is now in good hands and look forward to working with him to advancing these goals.

Mr. Speaker, I first arrived in this House as a staff member in 1984, 26 years ago. On and off, I served during the speakerships of Tip O'Neill, Jim Wright, Tom Foley, Newt Gingrich, Dennis Hastert, and NANCY PELOSI. This institution is the real arena of American politics. It is here that the raw emotions of the American people are translated nearly instantaneously into draft policies to address our Nation's needs. It is here where democracy is strongest, youngest, and most vibrant.

As an intern, staffer, and Member I have had the honor to serve in the House of Commons in London, in the House of Representatives here in Washington, and soon in the Senate. But most of my professional life, in one form or another, has been here in the People's House. I have loved every minute of it, and would say to young Americans that one of the best ways to make a real difference in life is to join the roughly 12,000 Americans who have had the unique privilege of serving their district here in the center of the democratic world.

I want to especially thank my district chiefs of staff, Dodie McCracken, Lenore Macdonald, and Eric Elk; my Washington chiefs of staff, Doug O'Brien, Liesl Hickey, and Les Munson; and the man who drafted my first speech in the House, Patrick Magnuson, and the man who drafted my last speech in the House, Patrick Magnuson.

I move on now to the Senate to serve the people of Illinois. I am honored to have the privilege to work for everyone from Rockford to Cairo. But part of my heart will always remain here in the

House with the spirits of Washburne, Church, Rumsfeld, Mikva, and Porter, the men and women who represented the northern suburbs here in the House of Representatives.

Mr. Speaker, I yield the floor for the last time, and thank you.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GRAYSON) to revise and extend their remarks and include extraneous material:)

Mr. SHERMAN, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. THOMPSON of Pennsylvania, for 5 minutes, today and November 18.

Mr. SMITH of New Jersey, for 5 minutes, today.

ADJOURNMENT

Mr. KIRK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 35 minutes p.m.), the House adjourned until tomorrow, Thursday, November 18, 2010, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

10327. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Hass Avocado Promotion, Research, and Information Order; Section 610 Review [Document Number AMS-FV-10-0007] received October 32, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10328. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Mexican Hass Avocados; Additional Shipping Options [Docket No.: APHIS-2008-0016] (RIN: 0579-AD15) received November 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10329. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Balance of Payments Program Exemption for Commercial Information Technology-Construction Material (DFARS Case 2009-D041) (RIN: 0750-AG60) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10330. A letter from the Deputy to the Chairman, Federal Deposit Insurance Cor-

poration, transmitting the Corporation's final rule — Treatment by the Federal Deposit Insurance Corporation as Conservator or Receiver of Financial Assets Transferred by an Insured Depository Institution in Connection With a Securitization or Participation After September 30, 2010 (RIN: 3064-AD55) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10331. A letter from the Deputy General Counsel, Office of General Counsel, National Credit Union Administration, transmitting the Administration's final rule — The Low-Income Definition (RIN: 3133-AD75) received November 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10332. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Microbiology Devices; Reclassification of Herpes Simplex Virus Types 1 and 2 Serological Assays; Confirmation of Effective Date [Docket No.: FDA-2009-N-0344] received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10333. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Illinois; Volatile Organic Compound Site-Specific State Implementation Plan for Abbott Laboratories [EPA-R05-OAR-2009-0665; FRL-9212-8] received November 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10334. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Albuquerque/Bernalillo County, New Mexico; Interstate Transport of Pollution [EPA-R06-OAR-2007-1119; FRL-9221-4] received November 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10335. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Change of Addresses for Submission of Certain Reports; Technical Correction [FRL-9221-7] received November 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10336. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Nevada; Clark County Department of Air Quality and Environmental Management [EPA-R09-OAR-2010-0814; FRL-9219-5] received November 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10337. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determinations of Attainment by the Applicable Attainment Date for the Hayden, Nogales, Paul Spur/Douglas PM10 Nonattainment Areas, Arizona [EPA-R09-OAR-2010-0718; FRL-9219-7] received November 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10338. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agen-

cy's final rule — Revisions to In-Use Testing for Heavy-Duty Diesel Engines and Vehicles; Emissions Measurement and Instrumentation; Not-to-Exceed Emission Standards; and Technical Amendments for Off-Highway Engines [EPA-HQ-OAR-2010-0142; FRL-9220-6] (RIN: 2060-A-069) received November 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10339. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-47, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

10340. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-48, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

10341. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-51, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

10342. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-44, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

10343. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-43, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

10344. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-45, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

10345. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-46, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

10346. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-58, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

10347. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-52, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

10348. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-57, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

10349. A letter from the Assistant Secretary of State for Political-Military Affairs, Department of State, transmitting Transmittal No. DDTC 10-104, pursuant to the reporting requirements of Section 36(c) of the

Arms Export Control Act; to the Committee on Foreign Affairs.

10350. A letter from the Assistant Secretary of State for Political-Military Affairs, Department of State, transmitting Transmittal No. DDTC 10-096, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

10351. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-111, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

10352. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-102, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

10353. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 09-103, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

10354. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-100, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

10355. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-058, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

10356. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-082 (CORRECTED), pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

10357. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-076, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

10358. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-048, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

10359. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-085, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

10360. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-091, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

10361. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-036, pursuant to the reporting requirements of Section 36(c) of the Arms Export

Control Act; to the Committee on Foreign Affairs.

10362. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-084, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

10363. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-081, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

10364. A letter from the Assistant Secretary, Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-099, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

10365. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-086 (CORRECTED), Certification of proposed issuance of an export license, pursuant to sections 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

10366. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-074, Certification of proposed issuance of an export license, pursuant to sections 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

10367. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-093, Certification of proposed issuance of an export license, pursuant to sections 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

10368. A letter from the Associate Director for PP&I, Department of the Treasury, transmitting the Department's final rule — North Korea Sanctions Regulations received November 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

10369. A communication from the President of the United States, transmitting a report related to Afghanistan and Pakistan; to the Committee on Foreign Affairs.

10370. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — General Schedule Locality Pay Areas (RIN: 3206-AM25) received November 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

10371. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act; Regional Fishery Management Councils; Operations [Docket No.: 080102007-0337-03] (RIN: 0648-AW18) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10372. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; closure [Docket No.: 0912281446-0111-02] (RIN: 0648-XY79) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10373. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Re-Opening of the 2010 Gulf of Mexico Recreational Red Snapper Season [Docket No.: 970730185-7206-02] (RIN: 0648-XY73) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10374. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Emergency Rule to Authorize Re-Opening the Recreational Red Snapper Season [Docket No.: 100713296-0452-02] (RIN: 0648-BA06) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10375. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Closure [Docket No.: 0912281446-0111-02] (RIN: 0648-XY79) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10376. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processors Using Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0910131363-0087-02] (RIN: 0648-XZ27) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10377. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Groupers Fishery of the South Atlantic; Closure of the 2010-2011 Commercial Sector for Black Sea Bass in the South Atlantic [Docket No.: 040205043-4043-01] (RIN: 0648-XY48) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10378. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Groupers Fishery of the South Atlantic; Closure of the July-December 2010 Commercial Sector for Vermilion Snapper in the South Atlantic [Docket No.: 040205043-4043-01] (RIN: 0648-XY47) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10379. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Chinook Salmon Bycatch Management in the Bering Sea Pollock Fishery; Correction [Docket No.: 090511911-0307-02] (RIN: 0648-AX89) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10380. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Pacific Coast Groundfish Fishery Management Plan; Amendments 20 and 21; Trawl Rationalization Program [Docket No.: 100212086-0354-04] (RIN: 0648-AY68) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10381. A letter from the Assistant Secretary of State, Department of State, transmitting report on the Secretary of State's decision to designate an entity and its aliases as a "foreign terrorist organization", pursuant to Section 219 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1189); to the Committee on the Judiciary.

10382. A letter from the Assistant Secretary of State, Department of State, transmitting report on the Secretary of State's decision to designate an entity and its aliases as a "foreign terrorist organization", pursuant to Section 219 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1189); to the Committee on the Judiciary.

10383. A letter from the Assistant Secretary of State, Department of State, transmitting report on the Secretary of State's decision to designate an entity and its aliases as a "foreign terrorist organization", pursuant to Section 219 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1189); to the Committee on the Judiciary.

10384. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Revolution 3 Triathlon, Lake Erie & Sandusky Bay, Cedar Point, OH [Docket No.: USCG-2010-0791] (RIN: 1625-AA00) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10385. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Illinois River, Mile 000.5 to 001.5 [Docket No.: USCG-2010-0786] (RIN: 1625-AA00) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10386. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Direct Final Rule Staying Numeric Limitation for the Construction and Development Point Source Category [EPA-HQ-OW-2010-0884; FRL-9222-2] received November 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10387. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Credit for Carbon Dioxide Sequestration 2010 Section 45Q Inflation Adjustment Factor [Notice 2010-75] received November 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10388. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tribal economic development bonds — Extension of deadline to issue bonds [Announcement 2010-88] received November 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10389. A letter from the Associate Legal Counsel, Equal Employment Opportunity Commission, transmitting the Commission's

final rule — Regulations under the Genetic Information Nondiscrimination Act of 2008 (RIN: 3046-AA84) received November 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Oversight and Government Reform and Education and Labor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCURI: Committee on Rules. House Resolution 1721. Resolution providing for the consideration of the Senate amendment to the bill (H.R. 1722) to require the head of each executive agency to establish and implement a policy under which employees shall be authorized to telework, and for other purposes, and providing for consideration of motions to suspend the rules. (Rept. 111-657). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. PENCE:

H.R. 6415. A bill to permanently extend the 2001 and 2003 tax relief provisions, and to permanently repeal the estate tax, and to provide permanent AMT relief, and for other purposes; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 6416. A bill to ensure that certain Federal employees cannot hide behind immunity; to the Committee on the Judiciary.

By Mr. LAMBORN:

H.R. 6417. A bill to prohibit Federal funding of certain public radio programming, to provide for the transfer of certain public radio funds to reduce the public debt, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BOSWELL (for himself, Mr. CONAWAY, Mr. LOEBBACH, and Mr. LATHAM):

H.R. 6418. A bill to amend the Farm Security and Rural Investment Act of 2002 to extend the suspension of the limitation on the period for which certain borrowers are eligible for guaranteed assistance; to the Committee on Agriculture.

By Mr. McDERMOTT (for himself, Mr. LEVIN, Mr. KILDEE, Mr. DINGELL, Ms. MATSUI, Mr. GUTIERREZ, Ms. BERKLEY, Ms. PINGREE of Maine, Ms. NORTON, Mr. STARK, Mr. GRIJALVA, Ms. HIRONO, Mr. CONYERS, Ms. LEE of California, Mr. BLUMENAUER, Mr. NADLER of New York, Ms. DeLAURO, Mr. ELLISON, Mr. LANGEVIN, and Mr. OLVER):

H.R. 6419. A bill to amend the Supplemental Appropriations Act, 2008 to provide for the further extension of emergency unemployment benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. ADLER of New Jersey (for himself, Mr. BROUN of Georgia, and Mr. SIMPSON):

H.R. 6420. A bill to amend the Fair Credit Reporting Act with respect to the applicability of identity theft guidelines to creditors; to the Committee on Financial Services.

By Mr. FILNER:

H.R. 6421. A bill to eliminate the learned intermediary defense to tort claims based on

product liability, and for other purposes; to the Committee on the Judiciary.

By Mr. STUPAK:

H.R. 6422. A bill to amend the Railroad Retirement Act of 1974 with respect to current connection; to the Committee on Transportation and Infrastructure.

By Mr. THOMPSON of Mississippi (for himself, Ms. CLARKE, and Ms. HARMAN):

H.R. 6423. A bill to enhance homeland security, including domestic preparedness and collective response to terrorism, by amending the Homeland Security Act of 2002 to establish the Cybersecurity Compliance Division and provide authorities to the Department of Homeland Security to enhance the security and resiliency of the Nation's cyber and physical infrastructure against terrorism and other cyber attacks, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS:

H. Con. Res. 332. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate; considered and agreed to.

By Mr. ELLISON:

H. Res. 1720. A resolution providing for the printing of a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Twelfth Congress; considered and agreed to.

By Ms. BORDALLO (for herself, Mr. BROWN of South Carolina, Mr. FALCOMA, and Mr. GRIJALVA):

H. Res. 1722. A resolution supporting international tiger conservation efforts and the upcoming Global Tiger Summit in St. Petersburg, Russia; to the Committee on Foreign Affairs, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FATTAH:

H. Res. 1723. A resolution disavowing the partisan impeachment of William Jefferson Clinton; to the Committee on the Judiciary.

By Mr. SNYDER (for himself, Mr. LOBIONDO, Mr. PALLONE, Mr. ACKERMAN, Ms. MATSUI, Mr. SPACE, Mr. STUPAK, Mr. HASTINGS of Florida, Ms. TSONGAS, Mr. ORTIZ, Mr. BARROW, Mr. KISSELL, Ms. WOOLSEY, Mrs. DAVIS of California, Mr. REHBERG, Mr. GRIFFITH, Mr. COFFMAN of Colorado, Mr. BARTLETT, Mr. CARNAHAN, Mr. INGLIS, Mr. SHIMKUS, Mrs. BONO MACK, Mr. KRATOVIL, Mr. SMITH of Washington, Mr. BOSWELL, Mr. CHILDERS, Mr. MELANCON, Mr. MARSHALL, Mr. COOPER, Mr. ROTHMAN of New Jersey, Ms. MCCOLLUM, Mr. LARSEN of Washington, Mr. ROSS, Mr. DICKS, Mr. HODES, Mr. CROWLEY, Mr. CHANDLER, Mr. DONNELLY of Indiana, Mr. HILL, Mr. TAYLOR, Mr. ADERHOLT, Mr. MCINTYRE, Mr. LINDER, Mr. PRICE of Georgia, Mr. FILNER, Mr. THORNBERRY, Mr. WELCH, Ms. GIFFORDS, Mr. MOORE of Kansas, Mr. DELAHUNT, Mr. ALTMIRE, Mr. SKELTON, Mr. MICHAUD, Ms. HERSETH SANDLIN, Mr. AL GREEN of Texas, Mr. RYAN of Ohio, Mr. BOYD, Mr. RAHALL, Mr. BACHUS, Mr. MITCHELL, Mr. McDERMOTT, Mr. PASCRELL, Ms. DeGETTE, Ms. BALDWIN,

Mr. PAYNE, Mr. SHERMAN, Mr. BERRY, Mr. HOLT, Mr. HEINRICH, Mr. KANJORSKI, Mr. WU, Ms. SHEA-PORTER, and Ms. DELAURO;

H. Res. 1724. A resolution commending the City of Jacksonville, Arkansas, for its outstanding support in creating a unique and lasting partnership with Little Rock Air Force Base, members of the Armed Forces stationed there and their families, and the Air Force; to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. FILNER introduced a bill (H.R. 6424) for the relief of Lauli'i Matu'u; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. GARAMENDI.
H.R. 235: Mr. FATTAH.
H.R. 678: Ms. HERSETH SANDLIN.
H.R. 1193: Mr. WALZ.
H.R. 1310: Ms. JACKSON LEE of Texas.
H.R. 1410: Mr. TOWNS.
H.R. 1521: Mr. CRITZ.
H.R. 1625: Mr. INSLEE.
H.R. 1693: Mr. HINCHEY.
H.R. 1751: Mr. JOHNSON of Georgia.
H.R. 1884: Ms. BEAN.
H.R. 1927: Mr. PAYNE.
H.R. 1948: Mr. HOLT.
H.R. 2103: Mr. HARE.
H.R. 2625: Mr. WALZ, Mr. GRAYSON, and Mr. JOHNSON of Georgia.
H.R. 2870: Mr. LYNCH.
H.R. 3464: Mr. MILLER of Florida, Mr. WAMP, Mr. HARE, and Mrs. CAPITO.
H.R. 3577: Mr. MAFFEI.
H.R. 3697: Mr. MARIO DIAZ-BALART of Florida.
H.R. 3790: Mr. GRAVES of Georgia.
H.R. 4371: Mrs. EMERSON.

H.R. 4469: Mr. KLINE of Minnesota, Mr. CARTER, Mr. MCCOTTER, Mr. BONNER, and Ms. GIFFORDS.

H.R. 4671: Mrs. CAPITO.
H.R. 4722: Mr. FARR and Ms. WASSERMAN SCHULTZ.

H.R. 4802: Mr. WELCH.
H.R. 4806: Mr. BERMAN.
H.R. 4844: Ms. LEE of California.
H.R. 4958: Mr. DOYLE.
H.R. 5001: Mr. WEINER.
H.R. 5058: Mr. BONNER and Mr. SESSIONS.
H.R. 5111: Mr. STEARNS.
H.R. 5470: Ms. SUTTON.
H.R. 5504: Mr. HASTINGS of Florida.
H.R. 5510: Mr. KILDEE.
H.R. 5527: Mrs. NAPOLITANO.
H.R. 5533: Ms. ROYBAL-ALLARD and Mr. BUTTERFIELD.

H.R. 5791: Mr. HEINRICH.
H.R. 5803: Ms. ZOE LOFGREN of California.
H.R. 5859: Mr. RYAN of Ohio.
H.R. 5967: Mrs. LOWEY, Ms. HIRONO, and Ms. NORTON.

H.R. 6072: Mr. NADLER of New York.
H.R. 6113: Mr. CASSIDY.
H.R. 6199: Ms. JACKSON LEE of Texas, Ms. KILPATRICK of Michigan, Mr. RANGEL, Mr. CLAY, Ms. LEE of California, Mr. JACKSON of Illinois, Mr. BISHOP of Georgia, and Mrs. CHRISTENSEN.

H.R. 6238: Ms. MARKEY of Colorado.
H.R. 6258: Mr. SABLAN, Ms. LEE of California, Ms. JACKSON LEE of Texas, and Mr. CONYERS.

H.R. 6283: Ms. NORTON.
H.J. Res. 97: Mr. BARRETT of South Carolina.

H. Con. Res. 296: Mr. COHEN.
H. Con. Res. 323: Mr. MORAN of Virginia, Mrs. MCCARTHY of New York, Mr. TIBERI, Mr. ROTHMAN of New Jersey, and Mr. GRAYSON.

H. Con. Res. 327: Ms. JENKINS, and Mr. MARCHANT.

H. Res. 763: Mr. MCCAUL, and Ms. FOXX.
H. Res. 767: Mr. COSTELLO.
H. Res. 840: Mr. WAMP.
H. Res. 1431: Mr. DANIEL E. LUNGREN of California, Mr. CRITZ, Mr. PETRI, and Ms. WOOLSEY.

H. Res. 1444: Mr. MCDERMOTT, Mr. GORDON of Tennessee, Mr. STARK, Mr. BISHOP of Georgia,

Mr. CONYERS, Mr. CASSIDY, Mr. TANNER, Mr. MCGOVERN, Mr. PAYNE, and Ms. MATSUI.

H. Res. 1476: Mr. WEINER, Mr. MURPHY of Connecticut, and Mr. ENGEL.

H. Res. 1524: Mr. MEEKS of New York.

H. Res. 1531: Mr. SIMPSON, Mr. MCCOTTER, Mr. TERRY, Mr. HASTINGS of Florida, Mr. ETHERIDGE, Mr. FRANK of Massachusetts, Mr. CONAWAY, Mr. KING of Iowa, and Mr. JACKSON of Illinois.

H. Res. 1576: Ms. TSONGAS.

H. Res. 1583: Mr. DJOU, Mr. TURNER, and Mr. PITTS.

H. Res. 1690: Ms. LEE of California, Mr. GUTIERREZ, Mr. KILDEE, Ms. SUTTON, Ms. CHU, Mr. MATHESON, Ms. CASTOR of Florida, Mr. DOYLE, Mr. BRADY of Pennsylvania, Mr. BARROW, Ms. LINDA T. SANCHEZ of California, Mr. MARKEY of Massachusetts, Ms. SCHAKOWSKY, Mr. LIPINSKI, Mr. ROSS, Mr. LOEBSACK, Mr. ELLISON, Mr. FALEOMAVAEGA, Ms. GIFFORDS, Mr. MURPHY of Connecticut, Mr. SIREs, Ms. RICHARDSON, Ms. CORRINE BROWN of Florida, Ms. CLARKE, Ms. WATSON, Mr. BACA, Ms. MOORE of Wisconsin, Mr. MCDERMOTT, Mr. COHEN, Mr. YARMUTH, Mr. PRICE of North Carolina, Mr. BERMAN, Mr. FARR, Mr. TIERNEY, Ms. FUDGE, Mr. CRITZ, Mr. CARSON of Indiana, Mr. BOREN, Mr. COOPER, Mr. POLIS of Colorado, Mr. SABLAN, Mrs. MALONEY, Ms. TSONGAS, Mr. PETERS, Ms. ESHOO, Ms. KOSMAS, Mr. HINOJOSA, Mr. MCNERNEY, Mr. RUSH, Mr. CROWLEY, Mr. WU, Mr. SHERMAN, Mrs. DAVIS of California, Mr. LUJAN, Mrs. LOWEY, Ms. WASSERMAN SCHULTZ, Mr. HOYER, Mr. BUTTERFIELD, Mr. INSLEE, Mr. EDWARDS of Texas, Mr. MICHAUD, Mr. LARSON of Connecticut, Ms. SLAUGHTER, and Mr. REYES.

H. Res. 1704: Ms. TITUS, Mr. DELAHUNT, Mr. ROTHMAN of New Jersey, Mr. CARNAHAN, Mr. TIERNEY, Mr. HOLT, Mr. ACKERMAN, Mr. NADLER of New York, Mr. VAN HOLLEN, Ms. PINGREE of Maine, Ms. MATSUI, Ms. TSONGAS, Ms. CASTOR of Florida, Mr. SIREs, Mr. FARR, Ms. LEE of California, Mr. CONNOLLY of Virginia, Mr. FALEOMAVAEGA, Mr. MEEKS of New York, Mr. SHERMAN, Ms. WOOLSEY, Mr. MARKEY of Massachusetts, Mr. NEAL of Massachusetts, Mr. CROWLEY, Mr. JONES, Mr. PAUL, Mrs. EMERSON, and Mr. MANZULLO.

EXTENSIONS OF REMARKS

RECOGNITION OF SHIRLEY H.
KEENAN DILL

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. PALLONE. Madam Speaker, I rise today to commemorate the life of Mrs. Shirley Keenan Dill. Mrs. Dill, an active member of her community, passed away on January 16, 2010 at the age of 81. She was a model citizen and adored by her colleagues. Her faithful dedication and commitment toward others is unquestionably worthy of this body's recognition.

Mrs. Dill was a lifelong resident of the Parlin section of Sayreville, New Jersey. She was predeceased by her three sisters, Claire Glinsky, Evelyn Szarvas and Joan Dooling and by two brothers, George and William Keenan. Surviving are her husband Homer Dill and daughter and son-in-law Sandi and Wayne Krainski. She also had three grandchildren and three great-grandchildren. Mrs. Dill attended Our Lady of Victories School and is an alumna of Sayreville War Memorial High School. Proud to represent her Irish heritage, Mrs. Dill was recognized for her role as the Welcome Home Queen in 1946 following World War II.

Mrs. Shirley Kennan Dill has an exceptional record of community service. Mrs. Dill served as President of the Sayreville Lady Dems for eighteen years. Throughout her life, she also worked on numerous political campaigns, most notably that of former Governor Jim McGreevey. She was best known for making the campaigning process fun and organized unique events such as pep rallies and parades. Similarly, she also led the Democrats to organize multiple volunteer efforts, many of which benefited terminally ill children. Mrs. Dill was also involved with the Sayreville Historical Society, Sayreville Senior Citizens Thursday Club, Middlesex County Federation of Democratic Women and the New Jersey State Federation of Democratic Women. Mrs. Dill was best known for her wit and standing up for what she believed in. She is remembered as an individual who poured her heart and soul into the community and was best known for advocating on behalf of the people of Sayreville. Her persistence served as motivation to other women interested in pursuing political opportunities. Mrs. Dill's hard work has undoubtedly touched many lives and has helped countless people throughout central New Jersey.

As a result of her exceptional work, Mrs. Dill was the recipient of the Peg Roberts Award from the New Jersey Federation of Democratic Women. This award is presented to an individual who promotes the Democratic Party and is involved with government and volunteering. Mrs. Dill was the first woman from Middlesex County to be bestowed with this honor.

Madam Speaker, Shirley Keenan Dill dedicated her life to community activism and her actions have touched the hearts and minds of countless men, women and children. Her legacy has served as an inspiration to us all and she will be truly missed.

JUDGE SAMAC RICHARDSON

HON. GREGG HARPER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. HARPER. Madam Speaker, I rise today in recognition of Judge Samac Richardson for his exceptional public service career in my home state of Mississippi.

Judge Richardson currently lives in Brandon, Mississippi in the Third Congressional District, where his reputation for fair and just judgment led to a post as Circuit Judge for Mississippi's 20th Judicial District in Madison and Rankin Counties. Mississippi's Circuit Court serves 22 districts with 49 judges, trying both felony criminal cases and civil actions.

Prior to his thirteen years of elected service on the Circuit Court, Judge Richardson spent five years as Rankin County Court Judge, six years as Assistant District Attorney, five years as a public defender, five years as Rankin County School Board hearing officer and three years as Pearl, Mississippi City Attorney.

Judge Richardson's conservative interpretation of the Mississippi Constitution is without doubt a reflection of his Mississippi upbringing. He received his Juris Doctorate in 1975 from the former Jackson School of Law, now Mississippi College School of Law, completed his undergraduate studies in Accounting at Mississippi State University, attended courses at East Central Community College and graduated from Philadelphia High School in 1965. Additionally, Judge Richardson is a 1993 graduate of the National Judicial College.

Judge Samac Richardson will retire from the bench in December leaving behind a legacy of impartiality. Judge Richardson has dedicated his life to a career of public service and for this, Madam Speaker, this Member of Congress thanks him.

HONORING SENATOR STEVEN C.
PANAGIOTAKOS

HON. NIKI TSONGAS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Ms. TSONGAS. Madam Speaker, I rise today to honor Senator Steven C. Panagiotakos from the Fifth District of Massachusetts for his exemplary service to the citizens of the City of Lowell and the towns of

Tyngsboro, Westford, Groton, Dunstable and Pepperell as a Massachusetts State Representative and Senator.

Senator Panagiotakos was elected to the Massachusetts State Senate in 1996. Prior to that Senator Panagiotakos served two terms in the Massachusetts House of Representatives and two terms as a member of the Lowell School Committee. Rising through the ranks to become Chairman of the Senate Committee on Ways and Means, Senator Panagiotakos was charged with the oversight to develop and guide the Commonwealth's budget through one of the worst fiscal crises since the Great Depression.

Senator Panagiotakos has exhibited a lifelong commitment to the City of Lowell and the communities he represents. Known for his leadership style of compromise with Democrats and Republicans, he was able to help secure funding for local projects such as the Hamilton Canal District, the Emerging Technology Center at the University of Massachusetts Lowell, the redevelopment of the Lawrence Mills and the Julian D. Steele public housing project.

Senator Panagiotakos and his wife, Christine, along with their two daughters, Giana and Alexandria, live in the Highlands neighborhood in Lowell, just two streets over from his childhood home. As Senator Panagiotakos said it best, "The thing that made me the most proud was not being called 'Senator' or 'Mr. Chairman,' but when they said 'Steve Panagiotakos, from Lowell.'"

Upon his retirement, I wish to thank him for his friendship, recognize him for his unyielding leadership in the Massachusetts Senate, and congratulate him for his distinguished career.

IN HONOR OF THE NAVAL SURFACE WARFARE CENTER,
CARDEROCK DIVISION—SHIP
SYSTEM ENGINEERING STATION
(NSWCCD-SSES) PHILADELPHIA

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. SESTAK. Madam Speaker, I rise to recognize the 100th Anniversary of the Naval Surface Warfare Center, Carderock Division—Ship System Engineering Station, NSWCCD-SSES, at the Philadelphia Naval Business Center. Since 1910, when Secretary of the Navy Beekman Winthrop authorized the first funding be directed to what is now the Ship Systems Engineering Station, SSES, that organization has served our community, Navy and nation with great distinction.

Today, SSES executes a budget of over \$380 million and employs 1,600 engineers, scientists, technicians and support personnel.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

That workforce reflects the hard working, industrious nature of dedicated patriotic Americans throughout the Delaware Valley. The results of their labor are a stronger nation and safer world. With the singular purpose of sending USN Bluejackets to sea with the best possible equipment, this proud organization, under the leadership of Rear Admiral Jim Shannon, Captain Alexander Desroches and Patricia Woody maintains a covenant between our citizens and Sailors. It guarantees that our Navy will always be better designed, built and maintained than any other in the world. In conflicts for a century, our Navy has sailed into harms way with a quantitative advantage in readiness that is the result of those talented, dedicated professionals of SSES Philadelphia and their 54,000 colleagues of the Naval Sea Systems Command, NAVSEA, located in 34 cities across the United States and Asia. Together they help fulfill the vision of General George Washington, who wrote to Marquis De Lafayette nearly two hundred thirty years ago, "It follows that as certain as the night succeeds the day that without a decisive naval force we can do nothing definitive, and with it everything honorable and glorious."

As NAVSEA and NSWCCD-SSES work today to support our naval forces in two conflicts, it is my honor to join all the good citizens of the 7th Congressional District of Pennsylvania and Americans throughout this great nation in recognizing their 100 years of excellence in naval engineering and wish them another century of continued success in every endeavor.

HONORING JAMES GREEN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize James Green. James is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 38, and earning the most prestigious award of Eagle Scout.

James has been very active with his troop, participating in many scout activities. Over the many years James has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, James contributed to his community through his Eagle Scout project. James planned and constructed a picnic shelter for visitors and staff at the Saint Joseph Fire Museum in Saint Joseph, Missouri.

Madam Speaker, I proudly ask you to join me in commending James Green for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN HONOR OF TIM SMITH AND
ALAN COLE

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize two innovative Delaware entrepreneurs, Tim Smith and Alan Cole, of Delmarva Digital, a leading web application software company based in Laurel, Delaware and serving the Mid-Atlantic Region.

The son of a United States Air Force veteran and a public school teacher, Tim Smith is the definition of success. Tim is co-founder and Chief Executive Officer of Delmarva Digital. But Tim Smith is more than just successful in business; he is also a devoted husband and a pillar in his community, contributing his time to charitable causes including traveling to developing countries to teach aspiring entrepreneurs how to achieve their dreams.

Alan Cole is the son of a State Police officer and a professor at Delaware Technical and Community College. He is a highly decorated combat veteran having served in Operation Desert Shield and Desert Storm. As a Military Intelligence Officer with the National Security Administration, Alan held the highest security clearance that exists. Alan is a founder and Chief Technology Officer of Delmarva Digital, where he is the lead software and systems architect, network and security expert, and the manager of operations.

I am proud to join the Laurel Chamber of Commerce in recognizing exceptional Delaware entrepreneurs like Tim Smith and Alan Cole. I thank them for their hard work in business and for their dedication to their community.

IN RECOGNITION OF WARREN
SLOCUM

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Ms. SPEIER. Madam Speaker, I rise to honor Warren Slocum for his 23 exceptional years of public service to the residents of San Mateo County.

Warren has demonstrated a commitment to serving the public's interest ever since he took office in 1987. He is a graduate of San Diego State University, and has studied at both Harvard and Stanford Universities. Throughout his career, he has remained deeply committed to enhancing democracy through streamlining and bringing greater efficiency to the way people vote. He conducted California's first Poll Worker Academy, its first Internet Voting Demonstration Project, and founded the California Trial Court Training Institute at Stanford University.

Madam Speaker, Warren Slocum is that rarest of all public officials—a policy wonk and green eyeshade administrator with a delightful personality. For example, he was passionate about helping people vote by mail. When oth-

ers argued that it would be fraught with problems or high costs, Warren disputed this assertion through detailed—some would argue painfully explicit—discussions of the inner workings of modern voting. Warren's bottom line is always the same: The right of people to govern must always be supported by secure voting systems that make it easier to express the will of the people.

Madam Speaker, in an era when no one understood butterfly ballots or chads, Warren Slocum promoted the sound use of computerized equipment, and he also did something innovative—he hired high school workers to help run the voting machines. My staff reported a sharp contrast between a computerized polling place in Orange County and one in San Mateo. In Orange County, one of the baby boomer voters kicked the electric plug out of the socket at 7 p.m. on election night and a dozen computerized voting machines crashed. The result? 100 baby boomers scratching out their ballots on paper because the baby boomer poll workers couldn't get the machines up and running again. In San Mateo County, by contrast, the teenagers hired by Warren Slocum would simply roll their eyes with that, 'What will our parents do next?' look, and then reboot the computers. Madam Speaker, sometimes the old lead the young by example, but in the world of Warren, the savvy lead us all in pursuit of a better democracy, whether the savvy are old or young.

Warren Slocum is also the co-founder of the Smart Voter Project, a revolutionary website that was the first to offer personalized election information based on a voter's address. He created efficiencies in the valuation of property in his role as the county's tax assessor. He actively reduced the assessments of homes when values fell during times of economic hardship, and he found highly competent personnel to value newly-purchased property and improvements of property in a timely manner. The result? Property tax assessments in San Mateo County are fair and governments receive a reliable stream of revenue for essential services.

Warren Slocum celebrated the right of all adults to marry, and was a leader in ensuring that the courthouse door was open for those who wished to formalize their relationships. In San Mateo County, we proudly welcome into our hearts all those who Warren's office welcomed into its lobby.

During his tenure, Warren's office has been called the "Office of the People," and rightly so. His career of excellence in public service has been a living tribute to the mission of delivering smart, efficient, and accessible government to the people of California.

Madam Speaker, Warren Slocum is a remarkable Californian: he's a husband, a father, a veteran, an innovator, and a devoted public servant. It is indeed fitting that he receives special recognition for his retirement as the Chief Elections Officer & Assessor-County Clerk-Recorder on November 18, 2010.

GENE ROSSI REMEMBERED

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. RYAN of Ohio. Madam Speaker, I rise today in recognition Gene Rossi. A long-time personal friend, a model citizen and a beloved father, grandfather, and great-grandfather, Mr. Rossi will be truly missed by the many people whose lives he has touched. Born on May 12 1926, Mr. Rossi was part of our greatest generation and his life story embodies that to the fullest. Gene's accomplishments began early, notably at Warren G. Harding High School where he was the senior class president and captain of the basketball team, an All-Ohio selection that year.

It was not long after Gene was leading his high school basketball team that he was fighting for our freedom as an Army soldier in the Battle of the Bulge. Returning after the conclusion of World War II, Gene received an honorable discharge from the U.S. Army and returned to Warren, Ohio where, throughout the 1940s, he worked as a timekeeper for Mullins Manufacturing, played semi-pro basketball with the Warren Coaches and later graduated from Youngstown College with a B.S. degree in business administration.

It was 62 years ago this September that Gene and his wife, Ginny, were married in 1948.

A veteran of war, a college graduate, and a newlywed, Gene in 1950 founded Warren's Rossi Insurance Agency, from which he never retired. His accomplishments in the insurance business included those of trustee of the Independent Insurance Agents of Ohio and president of the Trumbull County Independent Insurance Agents. His membership in the Trumbull County Association of Life Underwriters included more than 50 years of service as a respected agent of the Equitable Life Assurance Society.

Gene loved sports—baseball, basketball, football, tennis and golf. It is in sports where he distinguished himself as a 1992 inductee into and trustee of the Warren Sports Hall of Fame. In 1999, he received the Man of the Year Award from the Mahoning Valley Chapter of the National Italian-American Sports Hall of Fame.

Gene's membership in local clubs and organizations included BOE Lodge 295, American Legion Post 278, VFW Post 1090, Knights of Columbus 620, where he was past Grand Knight, Buckeye Club, Trumbull Country Club and Notre Dame Subway Alumni.

A member of Blessed Sacrament Parish, Gene's faith was paramount. For his devoted participation, he received the honor Cross Pro Ecclesia Et Pontifice (Cross for the Church and Pontiff) in 2000, served on the Youngstown Diocese Financial Advisory Board and was a member of the Board of Trustees of the Oblate Sisters of the Sacred Heart.

A man who could have hung his hat up time and time again after service to his country, family, and community, Gene never stopped giving back. Gene loved and served his community and was noted numerous times for his efforts. In 1986, he served as president of the

Warren Area Chamber of Commerce and was recipient of its Distinguished Citizen award. In 2001, he was named president of the Mahoning Valley Economic Development Corp. and was recipient of its Person of the Year award. In 2006, he was an inductee into the Warren Harding Distinguished Hall of Fame. Gene also served as a trustee for the St. Joseph Development Foundation, YSU Foundation and CSC, Copperweld, Scholarship Foundation.

On August 17, 2010, at the age of 84, Gene Rossi passed away from complications of prostate cancer. He is survived and sorely missed by the family he devoted so much of his life to, his wife of over sixty years, Ginny; their four sons and daughters-in-law, Michael and Rosanne, E. Jeffrey and Carol, Dennis and Luann, and Gregory and Leslie, all of Warren; 13 grandchildren; six great-grandchildren; sisters, Mary Louise Rose and Elaine Wallace; and brother, Anthony G. (Marilyn) Rossi.

It is hard to sum up the life of a man like Gene Rossi—a man who truly lived the American dream. He bore the hardships of the Great Depression, fought in one of the deadliest battles in American history, and returned home to spend a lifetime of devotion building a wonderful family and a successful business all while being a man of faith and a pillar in his community. Madam Speaker I want to thank Gene Rossi, for his service to his country abroad, his service to his community at home, and for his dear friendship.

RECOGNIZING COUNCILMEMBER
BOB CAMPBELL ON THE OCCA-
SION OF HIS RETIREMENT FROM
THE VISTA CITY COUNCIL

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. ISSA. Madam Speaker, I rise today to recognize the public service of Councilman Bob Campbell on the occasion of his retirement from the City of Vista. I commend Councilman Campbell's distinguished career and offer my thanks for his more than 20 years of dedicated public service to the City of Vista.

As a native Californian, Mr. Campbell received an undergraduate degree from Stanford University and a graduate degree from the Graduate School of Business Administration at the University of Washington. He also served eight distinguished years in the U.S. Coast Guard and Coast Guard Reserve.

Prior to joining the City of Vista, Mr. Campbell worked with newspaper publishers for sixteen years before starting his own computer systems consulting firm, Buena Vista Services, Inc., in 1980. It was in 1985 that Mr. Campbell began serving as Chairman of a city panel. Under Councilman Campbell's leadership, the panel's redevelopment plan was successfully approved by voters in 1987.

As Vista's Economic Development Director for nearly 10 years, Councilman Campbell's leadership resulted in the attraction of more than 500 firms and commercial and retail projects to the City. In 1998, Councilman

Campbell also formed and spearheaded the San Diego North Economic Development Council (EDC) where he served for three years.

In 2002 Mr. Campbell became a Vista City Councilmember. In this position Councilman Campbell fought for the construction of the new Vista Civic Center and two new fire stations. Councilman Campbell also worked tirelessly with Mayor Morris Vance and the City Council to lead the initiative in converting Vista into a Charter City to gain maximum local authority.

Councilman Campbell has remained an active community leader having participated on the Board of Directors for the Vista Chamber of Commerce, the Vista Boys' Club, the Vista Rotary Club, the Economic Development Association, the Boy Scouts of America and the Vista YMCA.

I offer Councilman Campbell my congratulations and may he enjoy a rewarding retirement with his family.

Madam Speaker, I ask you to please join me in honoring Councilman Bob Campbell and his 20 years of admirable public service to the City of Vista.

IN HONOR AND RECOGNITION OF
THE POLONIA FOUNDATION OF
OHIO, INC. AND THE ANNUAL PU-
LASKI DAY OBSERVANCE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of the Polonia Foundation of Ohio as they unite the community in remembrance and celebration of General Casimir Pulaski, for his legacy of courage and selfless dedication to the people of Poland and the people of the United States of America.

Born on March 4, 1747 in Warzka, Poland, General Pulaski achieved great military success in Poland with his focused leadership and brilliant strategies in fighting the Russian domination of Poland. By 1777, General Pulaski had become one of the most renowned cavalymen in Europe. While in Paris that year, he was actively recruited by Benjamin Franklin to assist in the American quest for liberation.

Sympathetic to the American cause, General Pulaski sailed to America and was made head of the newly formed American cavalry during the Revolutionary War. General Pulaski's deep level of commitment to the American cause was framed by energy and style. He reportedly wore a plumed hat, flashing saber, and an elaborate uniform, and spent his own money to feed and equip his troops. General Pulaski was involved in many significant battles during the Revolution. His ultimate stand took place in Savannah, Georgia in October 1779, where he led a valiant charge against British artillery. General Pulaski was shot and died a few days later.

Madam Speaker and colleagues, please join me in honor and remembrance of General Casimir Pulaski, who made the ultimate sacrifice in his valiant fight to secure the ideals of

the American Revolution. An American hero, General Pulaski's life and legacy serves as a significant reminder of the vital contributions and great achievements by Polish immigrants within our Cleveland community, and throughout America.

REMEMBERING JOHN KURZWEIL

HON. TOM MCCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. MCCLINTOCK. Madam Speaker, I rise today to remember the life of John Kurzweil, whose passing is a great loss for California and our country. I can only hope that his passion and love for his family, his country and life in general will endure among the countless lives he touched. It was my privilege to know him, my joy to work with him, and today it is my honor to celebrate his life.

John's longtime friend and colleague Bill Saracino offered a moving tribute in John's memory:

JOHN KURZWEIL: THE PASSING OF A PATRIOT
(By William Saracino)

America lost a true patriot and conservatism lost a fierce warrior and leader on November 9th with the passing of John Kurzweil.

While known to most as the publisher and editor of the California Political Review magazine, John's political involvement dates to the 1970s and Ronald Reagan.

Having just graduated from California State University Humboldt, John was appalled at the state of the country and the national Republican Party in 1974-75. Deciding to do something about it, he walked in an office of Young Americans for Freedom, volunteered to help, and worked the rest of his life advancing conservative ideas and strengthening the conservative movement.

John worked in both the 1976 and 1980 Reagan for President campaigns, as a media writer and spokesman and grassroots college organizer both in California and around the country. His work in 1976 took him to North Carolina, where he became a favorite of Senator Jesse Helms. John returned to the Tar Heel state in 1978 to help in Helms' first reelection campaign.

1980 also started John's association with State Senator H.L. Richardson, who made John the Press Director for the Law and Order Campaign Committee (LOCC). The Committee concentrated on publicizing and campaigning against the "soft on crime" philosophy that permeated California's judiciary at the time.

Before serving a stint as the Communications Director for the California Republican Party, John also was the Editor of Policy Digest for the Heritage Foundation and Senior Editor for the National Catholic Register.

It was then that he formed the California Public Policy Foundation and started publishing the California Political Review. The magazine has just celebrated its 20th anniversary of providing Republicans and conservatives in California with their only state-based source of news, opinion, practical politics and humor. The magazine became a staple in the Capitol and anywhere in California where politics was the topic.

Perhaps more important than any of the above, John was a faithful friend, mentor

and helper to hundreds of those who have been and are leaders of the GOP and the conservative movement in the state, fulfilling Ronald Reagan's observation that there is no limit to what could be accomplished if you don't care who gets the credit.

ON THE OCCASION OF THE REPUBLIC OF TURKEY'S 87TH ANNIVERSARY

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. COHEN. Madam Speaker, on October 29, 2010—while this House was in recess—the Republic of Turkey celebrated Republic Day, and observed the 87th anniversary of its founding. As a co-chair of the Congressional Caucus on Turkey and Turkish Americans, I take this opportunity to belatedly congratulate our Turkish friends and recognize the long-standing friendship between the United States and the Republic of Turkey.

For over fifty years, Turkey has stood shoulder-to-shoulder with the United States, making significant contributions to the peace, security, and prosperity of both its immediate neighborhood and the wider world. An ally in the global struggle against Communism during the Cold War, Turkey has and continues to contribute a great deal to our efforts in Iraq and Afghanistan as we act to secure those countries and give them the tools to chart their own courses and become constructive members of the community of nations.

Turkey's international contributions reflect the visions of its founder, Mustafa Kemal Ataturk, of a vibrant secular democracy. In times of great change and uncertainty, while there may be questions or differences of opinion about the threats we face, this should be seen as the actions of a mature ally. I do not believe that anyone can question Turkey's commitment to easing tensions, resolving some of the key issues of our time, and its friendship with the United States.

As new members of the Congressional Caucus on Turkey and Turkish Americans have come to discover, Turkish Americans are also playing an important role in strengthening the bonds between our two countries. Turkish Americans come from all backgrounds and and make important contributions to all sectors of our society. Additionally, they are participating in greater numbers in the social, political, and economic aspects of our national life. I welcome this engagement, and know that it enriches us as a people.

Again, my congratulations to Turkey and all of its friends in this country on the observance of another Republic Day.

RECOGNIZING RANNEY SCHOOL'S 50TH ANNIVERSARY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. PALLONE. Madam Speaker, I rise today to congratulate Ranney School in Tinton Falls,

New Jersey as they celebrate their 50th anniversary. Ranney School continues to promote academic excellence and encourages a well-rounded education, as well as the development of the student's intellectual, personal, creative and moral promise.

Ranney School founder, Mr. Russel G. Ranney's visions have remained the foundation for the school's small class sizes, curriculum choices, student life activities and campus building expansion. Twelve years after opening the Rumson Reading Institute, Ranney School was founded with seven students and three full-time teachers. College preparation was the main focus of the curriculum. By 1963, Ranney School's increasing student body created the need for an Upper and Middle School, located at Trinity Episcopal Church in Asbury Park, New Jersey. In 1965, Ranney School proudly conferred diplomas on the first class of graduates, which also included Ranney School's first National Merit finalist. Ranney School soon moved to its current location on Hope Road in Tinton Falls, New Jersey. Renovations at the new location included work on the Annex, formerly utilized as a horse barn, and included the addition of the Searle Library and a science lab. A multi-purpose lunchroom, study hall and play area were built to further develop the theater arts program and accommodate the 375 enrolled students and 41 teachers. In 1974, Ranney School became accredited by the New Jersey Association of Independent Schools and National Association of Independent Schools. Between 1975 and 1979, the facility, currently known as the Gerhard Pavilion for Athletics, was constructed to provide a recreation center for students. Enrollment soon reached an impressive 549 students and plans for a full-service summer camp, to begin the summer of 1979, were later announced.

In April 1987, Mr. Ranney passed away, leaving behind a firmly established and well respected institution. The Commons Building, which completed its construction on April 10, 1987, served as a fitting tribute to Mr. Ranney's life and work as an innovating educator and visionary. Margaret Mahon succeeded Mr. Ranney and served as Head of School until 1993. During her tenure, Ranney School achieved a number of "firsts," including the establishment of the Ranney School Parents Association.

In 1993, Dr. Lawrence S. Sykoff assumed the position and currently presides as Head of School. Dr. Sykoff's vision has been to create an environment for every student to include a wide range of educational opportunities. The launch of the Foundations for Learning campaign further confirmed Dr. Sykoff's commitment to the future development and enhancement of Ranney School. Academic programs have expanded while an infusion of traditions and ceremonies have been brought forward to further enhance the Ranney School curriculum. Relationships with the Parents Association and alumni have also helped to expand and provide a community building, family interaction and school pride. Today, Ranney School is home to 800 students in three divisions, which range from beginners through grade 12.

Madam Speaker, please join me in congratulating Ranney School as the students,

faculty and staff celebrate its 50th anniversary. Ranney School has provided many years of unyielding commitment to academic achievement and is a tremendously valued academic institution.

HONORING MRS. JOYCE MADELINE BUTLER

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. GARY G. MILLER of California. Madam Speaker, I rise to honor Mrs. Joyce Madeline Butler, a 40-year Southern California resident and a beacon of service to her community.

Mrs. Butler was born July 22, 1943 right here in Washington, DC.

After spending her childhood in DC, Mrs. Butler moved to Hemet, CA. In the late 1960s she met her husband George, and they were married in 1968. When they arrived in Chino Hills, California years later they raised a variety of animals including rabbits, pigs, cows, and chickens. Mrs. Butler joined the Future Farmers of America shortly after cementing her love of animals.

In 1995, Mrs. Butler suffered a heart attack and was given a five-way bypass procedure in January of 1996. After her recovery, she continued to serve her family and was actively involved in her community of Chino Hills.

In 2002, Mrs. Butler took part in the formation of the Los Serranos Neighborhood Group, and in 2005 founded the Support Our Area Residents, SOAR, a group formed to provide area residents with home repairs and yard maintenance. She was recognized as a Chino Hills Citizen of the Year in 2007, and in her final years volunteered for Friends of the Library and Habitat for Humanity.

Mrs. Butler was diagnosed with lung cancer in 2008, and was called home to the Lord on November 9, 2010 at the age of 67 at her home in Chino Hills. She was surrounded by friends and family who maintain she was as comfortable as could be possible.

Madam Speaker, I respectfully ask that this Congress join me in honoring the life of Mrs. Joyce Butler for her years of selfless service to her community.

HONORING JACOB R. COGAN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Jacob R. Cogan. Jacob is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 249, and earning the most prestigious award of Eagle Scout.

Jacob has been very active with his troop, participating in many scout activities. Over the many years Jacob has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his fam-

ily, peers, and community. Most notably, Jacob has earned the rank of Senior Patrol Leader in his troop and the World Conservation Award. Jacob also has contributed to his community through his Eagle Scout project. Jacob planted flowering shrubs above a retaining wall and installed a park bench at Benner Park in Weston, Missouri.

Madam Speaker, I proudly ask you to join me in commending Jacob R. Cogan for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN HONOR AND RECOGNITION OF JULIA JOZEPHA HADAM KUSEK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor of Julia Jozepha Hadam Kusek, lifelong resident of Cleveland's historic Tremont neighborhood, as we join with her in celebration of her 96th birthday. Mrs. Kusek was born on October 2, 1914 to Polish immigrant parents. Three years earlier, in 1911, her mother, Jozepha and father, Ignatz, made the long journey across the Atlantic, far from their Polish homeland, and settled in Cleveland, Ohio, like thousands of immigrants did—with the common dream and hope for a better life in America.

They raised Julia and her two younger siblings with an unwavering connection to, and abiding love for, the culture, language and traditions of their beloved Polish homeland. By the time she was in the 8th grade, the Great Depression had severely devastated most communities across the country, including Cleveland. With her family struggling to survive, Mrs. Kusek had to quit school in the 8th grade to go to work to help provide for the family. Her lifelong love of fashion, along with her determined spirit, led her to work while taking classes and later graduate from the Darvis School of Fashion and Design, where she graduated with honors. She designed and made beautiful clothes for her family; her talent reflected in her daughters' dresses, worn at school events, holidays and special occasions.

Mrs. Kusek married Stanley Kusek on June 24, 1939. They were devoted to each other until his passing in 1985. Together, they raised three children: Thaddeus, Diane and Carol. Ahead of her time, she worked in May Company's toy department while raising her children and was a loyal employee for forty years. Beyond her family and career, she made time to volunteer at St. John Cantius rectory, school and convent, and cooked for every special event. Her family, faith and Polish heritage continue to be the foundation of her life she remains very close to her children, eight grandchildren and eight great-grandchildren.

Madam Speaker and colleagues, please join me in honor and celebration of Julia Jozepha Hadam Kusek of the Tremont neighborhood in Cleveland, as we celebrate her 96th birthday. Her kindness and joy for living continues to be a shining example for all of us to follow.

RECOGNITION OF MOUNT OLIVE BAPTIST CHURCH

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. PALLONE. Madam Speaker, I rise today to recognize the accomplishments of The Mount Olive Baptist Church in Plainfield, New Jersey, and to commemorate their 140 years of service to their community. Throughout the organization's rich history, Mount Olive Baptist Church continues to perform admirably in the areas of home and foreign missions, education and religion. I applaud The Mount Olive Baptist Church and its worshipers, as their achievements and dedication should serve as an inspiration to us all.

In 1870, Mount Olive Baptist Church was formed based upon the desire by Plainfield residents interested in expressing their individual freedom of religion and creating their own house of worship. Mount Olive Baptist Church began as a scion of the First Baptist Church of Plainfield and remained a mission until Reverend Mitchell's pastorate. During Reverend John Mitchell's tenure, he laid the foundation for an independent and self-supporting church. Along with structural remodeling, the goals set forth by Reverend Mitchell saw completion. These actions laid the foundation for the church's future success.

During the next few years, Mount Olive Baptist Church continued to build and grow both structurally and spiritually. By 1963, further embellishments were added to the structure of Mount Olive Baptist Church and spiritual ties throughout the community continued to grow stronger. June 2000 led the way for the development of the Fellowship Hall and classrooms. Upon its completion in 2002, a new area of worship became available for students and worshipers to learn and practice. The organization has also led the way for the creation of three other Baptist Churches in the city of Plainfield: Shiloh, Calvary and Community Baptist Church. The Mount Olive Baptist Church continues to make a great contribution by teaching its worshipers that religion is practiced, lived and displayed in everyday life.

Currently under the leadership of Reverend Donald DeWitt Nicholas, Sr., Mount Olive Baptist Church and its leadership have worked diligently to ensure that persons joining the church become engaged members. During his tenure, Reverend Nichols has seen a tremendous urgency in addressing the problems facing the Plainfield community. Through acts of volunteerism, the Liberty CDC group was formed. Its mission is to partner with other community organizations to improve the quality of life and to promote the social and economic welfare of the citizens within Plainfield.

Madam Speaker, please join me in leading this body in acknowledging The Mount Olive Baptist Church and their 140 years of service. Their contributions to civic life as well as charitable and religious organizations make them a tremendously valued organization in my district and the State of New Jersey.

HONORING MARIE HIBLER

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Ms. ZOE LOFGREN of California. Madam Speaker, I rise to recognize the contributions made by Marie Hibler to the thousands of families who have children with mental illness.

More than 35 years ago, the Hibler family found themselves with a new challenge. Roger Hibler, their son, had experienced a very public schizophrenic event. The family knew nothing about mental illness. They did not know where to turn. As Marie once noted, at the time she had to go to the dictionary to find out what schizophrenia was.

At that time, serious mental illness, particularly schizophrenia, were viewed with ignorance, shame and guilt by the public. Those afflicted and their families suffered from the same attitudes. Parents and family were often viewed as the cause of their child's illness rather than its solution. Professional psychiatrists and psychologists had primary responsibility for diagnosis and treatment. Parents and families had little say in the care and treatment of their family member. Before psychotropic medication, individuals with serious mental illness were often locked away under deplorable conditions in inadequate institutions.

When the Hibler family looked for help, they found a system that provided almost no family support. Marie decided that was not acceptable. Although Marie and her late husband Keith did not have training in psychiatry, they did know about families. They knew that they had to turn to their family and friends to find the best possible care for their son.

Marie, a mother and homemaker, came to be one of the prime founders of PAMI, Parent of Adult Mentally Ill. She gave speeches and wrote articles. I know this because I was a neighbor and my mother was Marie's volunteer typist and editor.

The organization she helped create turned into a national movement to inform and educate the country about mental illness. They advocated for the rights and care of mentally ill family members and helped change the way we think about, treat and care for mental illness. Parent volunteers helped each other and those in their families suffering from mental illness.

That organization, PAMI, evolved into NAMI, the National Alliance on Mental Illness, with active chapters in every state.

NAMI is celebrating its 35th year this November. While many challenges remain for those who suffer from mental illness and their families, the support and treatment of those with mental illness has greatly improved.

It is especially fitting at this 35th anniversary to thank those parent volunteers who stood up to be counted when there was little help for them, or their sons and daughters. Marie Hibler is someone who fearlessly stepped forward. She wasn't an expert in psychiatry. She was a mother who loved her son. That made all the difference.

H. RES. 1631 WILL HARM REUNIFICATION EFFORTS IN CYPRUS

HON. BILL DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. DELAHUNT. Madam Speaker, I am concerned that the voice vote passage of H. Res. 1631, on September 28, 2010, "Calling for the protection of religious sites and artifacts from and in Turkish-occupied areas of northern Cyprus as well as for general respect for religious freedom," may be detrimental to efforts at reunification of Cyprus.

While the Cyprus dispute is between Greek Cypriots and Turkish Cypriots, it has commanded the attention of other countries for decades. In that time, negotiations over Cyprus have involved not only the Cypriot communities, but also Turkey, Greece, the United Kingdom, the United States, the United Nations, and the European Union. The impasse over Cyprus has had a number of implications, including the continuing stalemate on Turkey's accession to the European Union.

While sponsors of H. Res. 1631 spoke about religious tolerance, this legislation is clearly intended to target Turkey and Turkish Cypriots directly. No mention was made about the destruction of Turkish-Muslim cultural sites in the Republic of Cyprus, or the fact that both Greek and Turkish Cypriot communities have been working to tackle this problem together since 2008, under a Technical Committee established jointly by the leaders of the two communities.

Turkey, a friend of the United States and a NATO ally, has been supportive of the current discussions within the global community and between the two Cypriot leaders. The continuation of these efforts should be encouraged.

Passage of H. Res. 1631 at this time could provoke a highly negative reaction and completely sidetrack the ongoing reunification process. Instead of a one-sided resolution, this House should commend and endorse the steps taken by both parties to resolve their longstanding dispute and settle their differences together.

DAVE NIEHAUS: FEBRUARY 19, 1935–NOVEMBER 10, 2010

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. REICHERT. Madam Speaker, I rise today somberly, recognizing a larger-than-life entertainer and broadcaster in the Pacific Northwest who passed away on Wednesday, November 10. Dave Niehaus, the fantastic voice of the Seattle Mariners, will be remembered as a terrific husband, father, and grandfather, a loyal employee, and a broadcaster who left an indelible mark in Seattle and beyond.

It's a true honor to know Dave was a constituent of the 8th District of Washington, the District I represent. His wife Marilyn, along with many of Dave's family members and

friends remain in the District. I offer my sincere condolences for their loss and thank them for allowing Dave to share his profound gifts with all of us. The public lost an astounding sportscaster on November 10, Madam Speaker, but his family lost a remarkable friend. I wish them all the best in the future.

After word of Dave's death reached the public, Madam Speaker, a Seattle sportswriter wrote this: "The pleasure of listening to him on a stormy day in April or one of those long, lush nights in July always has felt like an inalienable right of being a sports fan in Seattle . . . What a voice!" I can attest to the power of his voice. My family, friends, and staff can as well. We all welcomed him into our homes on summer evenings like a member of the family. The talent he possessed was both enviable and cherished, Madam Speaker. When the Seattle Mariners take the field on Opening Day next year, every individual on and off the field will be thinking of Dave.

The Seattle Mariners have played 5,385 games since they became a franchise in 1977. Dave Niehaus called 5,284 of those games, Madam Speaker. What a legacy! I doubt an organization anywhere can depend on an employee like the Mariners depended on Dave. And he didn't just show up, Madam Speaker. He defined his profession and he finally earned the ultimate recognition in 2008: Major League Baseball Hall of Fame's Ford C. Frick award, the highest honor a baseball broadcaster can achieve—an honor he richly deserved.

Madam Speaker, Dave is one of the finest sportscasters of all time, regardless of the sport. His Hall-of-Fame career will never be forgotten. Children in middle school right now will be telling their grandkids about listening to Dave on the radio—reminiscing on his classic voice and truly incredibly talents. His catches phrases will be immortalized and his unfailing optimism will never die. God bless his wonderful family and, Madam Speaker, I speak for millions of baseball fans when I say Dave will be greatly missed, thank you.

HONORING GERALD JENKINS

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. AUSTRIA. Madam Speaker, I rise today on behalf of the people of Ohio's Seventh Congressional district to honor the life and memory of Specialist Gerald Jenkins.

Gerald Jenkins, of Circleville, Ohio, joined the U.S. Army at age 17. He served as a combat engineer assigned to the 1st Brigade Special Troop Battalion, 1st Brigade Combat Team, 101st Airborne Division in Fort Campbell, Ky. Most recently, Gerald served with his division on deployment in Afghanistan.

On October 20th, 2010, Gerald Jenkins died in the line of duty while his unit was on foot patrol in Maquan, Zhari district.

Gerald Jenkins, 19, was a young man dedicated to his friends, family and country. His family remembers him as always putting others first and for the pride he took in serving this nation. He excelled in his job and aspired

to make a career in service in the Armed Forces.

During his service, Gerald was the recipient of many awards including the Army Achievement Medal; Army Commendation Medal; National Defense Service Medal; Global War on Terrorism Service Medal; Army Service Ribbon and Combat Action Badge.

Gerald Jenkins will be remembered for his selflessness, his bravery and for his life of service to this country.

HONORING DR. DENNIS FISHER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize the 2010 Missouri Superintendent of the Year, Dr. Dennis Fisher.

Dennis has served as the Superintendent of Park Hill School District since 2005. Under Dennis' leadership, Park Hill has become one of the most distinguished school districts in Missouri. The school district was the first in the state to receive the Missouri Quality Award and has continued to receive the Distinction in Performance Award each year from the state. Dennis has also provided leadership to numerous professional advisory committees, helping school districts throughout the state provide a higher quality of education to the leaders of tomorrow.

Dennis is respected by not only his staff and students, but also the parents and community. He is a leader in the community and plays an active role in the development and betterment of the area. Under his direction, the staff and students strive to the highest of character.

Madam Speaker, I proudly ask you to join me in commending Dr. Dennis Fisher for his accomplishments and for his efforts put forth in serving the students of Park Hill School District.

IN HONOR AND RECOGNITION OF TOM JELEPIS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of my friend Tom Jelepis, devoted family man and community leader. His dedicated service and civic contributions continue to make a positive difference throughout our community.

Mr. Jelepis was born in Cleveland and raised in nearby Lakewood, Ohio. His parents, Joanne and Leonard, raised his siblings and him with a focus on family, faith and service to others, values that Mr. Jelepis continues to carry with him today. He attended Cuyahoga Community College and Cleveland State University before joining the United States Marine Corps. Following three years of honorable military service, he successfully ran for public office and served for two terms as the Mayor of

Bay Village. Following his time as Mayor, he helped develop a small business which he operates today.

In addition to his public and professional accomplishments, Mr. Jelepis' focus on family has never wavered. He is the dedicated husband of Beverly and devoted father of Elizabeth and Caitlin. His commitment to charity is reflected at St. Raphael Catholic Church, where he and his family are longtime members and volunteers.

Madam Speaker, please join me in honor and recognition of Mr. Tom Jelepis, who lives his life with energy, kindness and service to our community. Mr. Jelepis is a true gentleman known for his integrity, generosity and kind nature. His friendship has touched the lives of many, including my own.

IN RECOGNITION OF NEW BRUNSWICK POLICE DEPARTMENT 175TH ANNIVERSARY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. PALLONE. Madam Speaker, I rise today to honor the New Brunswick Police Department as its family and friends gather to celebrate the organization's 175th Anniversary. Since its founding in 1835, the New Brunswick Police Department has faithfully protected the local residents, businesses and visitors in the City. Their honorable actions are undoubtedly deserving of this body's recognition.

The New Brunswick Police Department has a proud and long standing history. From its humble beginnings, in which two officers patrolled the City, the New Brunswick Police Department has grown exponentially. The Department has continued to provide a safe and peaceful environment in the City through effective and impartial law enforcement. They are also committed to meeting the needs of residents and businesses through active participation and community partnerships. Today, more than 130 dedicated men and women nobly protect the community as part of the New Brunswick Police Department.

Madam Speaker, please join me in honoring the New Brunswick Police Department on its 175th Anniversary and thanking the thousands of men and women who have served and protected the City of New Brunswick.

CONGRATULATING THE COPPELL HIGH SCHOOL MARCHING BAND FOR THEIR ACHIEVEMENTS AT THE 2010 STATE MARCHING BAND CONTEST

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. MARCHANT. Madam Speaker, I seek recognition to congratulate the Coppell High School Marching Band from Coppell, Texas for their outstanding season of competition and reaching the Finals in the 2010 5A State Marching Band Contest.

The 350-member Coppell High School Marching Band has been a great source of pride for the citizens of Coppell for many years. Since the 1990s, the band has brought home gold and bronze medals from the State Championship, performed in the Pasadena Tournament of Roses Parade, won several regional marching contests, marched St. Patrick's Day parades in New York and Dublin, and continued a tradition of excellence that develops character, discipline, and leadership on and off the marching field.

In early August, not only will you find the football team beginning two-a-days at Coppell High, but you will likewise see the marching band practicing twice a day in the school parking lot. As a long-time resident of North Texas, I can tell you being outside hours at a time in 100-degree heat is the last thing most people would want to do in August. But every year, this dedicated group of students braves the elements and commits themselves entirely in the spirit of competition, their love of music, and devotion toward each other, their school, and their town.

It is this level of dedication and hard work that earned Coppell the honor of performing in the Finals of the 5A State Marching Band Contest this year. Reaching that point required several rounds of competition where, out of the 250 public high schools under the 5A classification, only 10 reached the Finals in the Alamo Dome in San Antonio on the night of November 2, 2010. Though Coppell did not take a place on the podium that night, the honor and thrill of being one of the last remaining bands should be a source of pride and respect for all the students who participated.

I want to specifically congratulate Scott Mason, Director of Bands for the Coppell Independent School District, his outstanding staff of directors and instructors, the drum majors, the section and squad leaders, and captains of the colorguard and drumline for leading their students through another successful year. Their continued accomplishments are well-deserved and hard-won.

I wish further success for these young people in their future pursuits in music and in life. I hope the important lessons learned by these students will remain with them forever.

CONGRATULATING THE KNIGHTS OF COLUMBUS, OUR LADY OF CHARITY ASSEMBLY 3089 OF SARASOTA, FLORIDA

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. BUCHANAN. Madam Speaker, today, I want to congratulate the Knights of Columbus, Our Lady of Charity Assembly 3089 of Sarasota, Florida, for receiving the Knights of Columbus "To Be a Patriot" Award for its service to our Nation's veterans.

The "To Be a Patriot" Award recognizes the three best international patriotic programs conducted by Fourth Degree assemblies. Assembly 3089 received the 2009-2010 award for its assistance at indigent funerals within the Sarasota National Cemetery.

The assembly was recognized for its efforts to ensure that every indigent buried at Sarasota National Cemetery has someone available at their funeral to accept the U.S. Flag. During the ceremony, an assembly member dressed in tuxedo with the social baldric voluntarily accepts the veteran's flag as a show of honor to those who selflessly served in our military.

On behalf of the people of Florida's 13th District, I thank Our Lady of Charity Assembly 3089 for helping to ensure that our veterans are laid to rest with the honor and dignity these heroes deserve.

It is with great pleasure that I acknowledge it has rightfully received this prestigious award.

HONORING TERRY E. CALDWELL

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. McKEON. Madam Speaker, I rise today to recognize the accomplishments of outgoing Victorville City Councilmember, and nine-time Mayor, Terry E. Caldwell.

Terry was first appointed to the Victorville City Council on April 20, 1972, and completed eight consecutive terms. Born in Riverside, California, Terry graduated from Barstow High School in 1956 and went on to study at Taft College, San Jose State University, did MBA work at the University of Southern California, and obtained his law degree from the Southern California School of Law.

Terry's distinguished career in public service spans nearly forty years. He helped grow Victorville from a small town into a sprawling community, greatly improving the quality of life of families throughout the valley. Never shying away from new challenges, Terry took on responsibilities with the State Regional Water Quality Control Board, served over 10 years as Vice Chairman and Chairman of the Victor Valley Economic Development Authority, worked on the Victorville Planning Commission, Victorville Sanitary District, and the Parks and Recreation Advisory Committee.

Terry also played a vital role in the acquisition of the former George Air Force Base—now the Southern California Logistics Airport—from the U.S. Air Force. This included the purchase of 5,000 acres and the development of a long-range economic development plan. Other major accomplishments for the Victor Valley under Terry's leadership include: Construction of the Bear Valley Road Interchange, bringing Victorville the Mall of Victor Valley, growth of the Bear Valley Redevelopment Area, and development of the Auto Park at Valley Center. All of these accomplishments brought jobs, economic development, and a growing number of residents to Victorville.

Terry leaves behind a remarkable legacy of public service and lasting impact on the residents of Victorville. I want to congratulate Terry, his wife Pat, and his three children, Christie, Carrie, and Leon, for helping create a vibrant future for the Victor Valley.

PERSONAL EXPLANATION

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. KENNEDY. Madam Speaker, I regret that I was unable to participate in a series of votes on the floor of the House of Representatives on Tuesday, November 16, 2010.

Had I been present to vote on rollcall No. 569, on the motion to suspend the rules and agree to H. Res. 716, I would have voted "aye" on the question.

Had I been present to vote on rollcall No. 570, on the motion to suspend the rules and agree to H. Res. 1475, I would have voted "aye" on the question.

Had I been present to vote on rollcall No. 571, on the motion to suspend the rules and agree to H. Res. 1428, I would have voted "aye" on the question.

CONGRATULATING JEANNA WALKER

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. UPTON. Madam Speaker, I rise today to congratulate the Portage Northern High School Library Media Center and Media Center Specialist Jeanna Walker for being selected by the American Association of School Libraries as the most outstanding library program in the State of Michigan and one of the top 35 programs in the nation.

The media center was remodeled last summer to fully envision the goal of delivering 21st century skills to both students and teachers. With a media classroom and three classroom areas all equipped with the technology-enhanced classroom model, the media center and learning commons are overflowing with teaching and learning on a daily basis. The media center is an active learning environment for the student population and is being used by approximately 4,000 students per week.

The media center's cutting-edge technology gives students the opportunity to work with and learn from off campus groups and experiences. With the help of social studies teacher Stacie Phillips, Jeanna Walker teamed with Western Michigan University's Haworth College of Business to bring online collaborative tools to Portage Northern American history classes. Also, access to live video conference capability gave students the ability to watch an autopsy through the Columbus Center for Science and Industry.

In honor of this national recognition, the media center will be featured on the American Association of School Libraries Vision Tour, an initiative by the association's President, Dr. Nancy Everhart, to visit school media centers across the United States in order to provide the public with examples of what exceptional school media centers offer students and communities.

On behalf of all residents of southwest Michigan, congratulations again to the Portage

Northern High School Library Media Center, Media Specialist Jeanna Walker, and the entire Portage Community on this worthy achievement. Go Huskies!

HONORING DONNA C. NASH

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Donna C. Nash. Donna has served as Platte County Collector since 1982 and will be retiring from office on February 28, 2011.

Since first being appointed to office by Governor Kit Bond in 1982, Donna has been elected as Platte County Collector seven times. During her time in this role, she has sought to provide Platte County the technology and leadership needed to become a top-tier county in Missouri. Her office was the first in Missouri to allow taxpayers to pay their taxes via credit card or online and print their receipt online. She has also provided leadership as the first female President of the Missouri County Collectors Association as well as being involved with the Missouri Association of Counties, the National Association of Collectors, the Treasurers and Finance Officers, and the National Association of Counties. She has generously donated her time to such causes as the Daughters of the American Revolution and the Red Cross, among many other organizations she has supported through the years. I personally would like to thank Donna for her support and insight during my time in office and for being the first Platte County official to endorse me when I first ran for Congress in 2000.

Madam Speaker, I proudly ask you to join me, her husband Karlton, their two children, and three grandchildren, in commending Donna C. Nash for her accomplishments and for her efforts put forth in serving Platte County, Missouri.

IN HONOR AND RECOGNITION OF ROBERT RICE AND GARY RICE OF LAKEWOOD, OHIO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Robert Rice and his son Gary of Lakewood, Ohio, for their longtime service on behalf of our community and our nation.

Robert Rice, a devoted family man, World War II veteran, dedicated teacher, composer, musician and civic activist has touched the lives of many throughout our community as a music teacher in the Lakewood Public Schools until his retirement in 1983. His wife, the late Betty Rice, was also musically gifted. Together they raised their son Gary with an abiding appreciation for the arts, music, and public service.

Gary Rice followed in his father's path and became a teacher and a musician. Despite being born with hearing and speech impediments, Gary became a talented vocalist and musician, performing numerous times on stage throughout Greater Cleveland. Both Robert and Gary made a profound impact upon the lives of countless students, colleagues and parents. To this day, Robert and Gary continue to share their passion for music by tutoring students, composing, and performing for various schools, senior organizations and veterans groups throughout the Greater Cleveland area. Robert and Gary recently completed an original composition, a march in honor of United States' veterans entitled "The American Veterans' Last Salute March." It has already been performed on several occasions.

Madam Speaker and colleagues, please join me in honor and recognition of Robert Rice and his son Gary for their service to our community and our country. Their strong father-son bond is reflected through their shared love of music and shared spirit of volunteerism. Their work and passion brings music, inspiration and joy into the lives of countless individuals—young and old—throughout our community.

RECOGNIZING RODNEY MORRIS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. PALLONE. Madam Speaker, I rise today to recognize Mr. Rodney Morris. Mr. Morris is a Corrections Officer with the Monmouth County Sheriff's Department and an active member of the Long Branch, New Jersey community. On October 1, 2010, Mr. Morris retired after dedicating 26 years of service to the Sheriff's Department. I applaud Mr. Morris, as his achievements should serve as an inspiration to us all.

Today we recognize Mr. Morris for contributing 26 years of service to the Monmouth County Sheriff's Department. The 609 officers and employees of the Monmouth County Sheriff's Department are dedicated to serving the needs of the community. Located in Freehold, New Jersey, the Sheriff's Office is comprised of three divisions: Law Enforcement, Corrections, and Communications. Mr. Morris has demonstrated unwavering commitment to protecting and serving the constituents of Monmouth County and remains a tremendously valued member of my district and the County.

Mr. Morris is also a valued and dedicated member of the Long Branch, New Jersey community. Mr. Morris is actively involved in community sports activities and serves as a coach for the tee-ball and basketball teams for Long Branch Recreation Department. Mr. Morris has also served as Head Coach for the Pop Warner Football team. Mr. Morris has served as Chairperson of the Deacon's Ministry at the Second Baptist Church in Long Branch for ten years and continues to serve in this capacity today. He has been happily married to his wife Susie for seventeen years. To-

gether, they have one son, Tyree Rodney Morris, who is 10 years old. Mr. Morris is a positive role model for his family and other members of the community.

Madam Speaker, please join me in leading this body in acknowledging Mr. Morris' 26 years of service with the Monmouth County Sheriff's Department. His dedication and commitment are positive examples of what steadfast determination and allegiance can accomplish.

HONORING THE CONTRIBUTIONS OF UPPER LOUDOUN YOUTH FOOTBALL LEAGUE TO THE TREE OF LIFE FOOD BANK

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. WOLF. Madam Speaker, I rise today to recognize the important work of the Upper Loudoun Youth Football League (ULYFL) in collecting nonperishable food donations for the Tree of Life Food Pantry in Purcellville, Virginia.

This fall the Upper Loudoun Youth Football League partnered with Tree of Life Food Pantry to collect food for the individuals and families in the community and stock the food pantry's shelves for the upcoming winter season. The league divided into 25 teams and worked to collect nonperishable food donations. Team Chargers led the pack and collected 3,532 pounds of food and 54 boxes of cereal, and Team Bucs followed close behind with 3,459 pounds of food and 142 boxes of cereal. The other teams included: The Titans/D Cowboys; Bulldogs/Huskies/Vikings; Team Mustangs; Team Oarsman; Team Packers; Team Bengals; Team Giants; The Gators/D Giants; The Tigers/D Ravens; Team Warriors; Team Trojan; The Raiders/D Redskins; The Eagles/Flag Bengals; Team Vikings; The Wildcats/Flag Panthers; Team Knights; Team Colts; Team Huskies; Team Aztecs; Team Seahawks; The Cougars/Flag Pacers; Team Cheerleaders; and The Bandits/D Eagles. All together the league collected 23,550 pounds of food and 614 boxes of cereal.

I commend all who volunteered for their tireless commitment and service to those in their community who are unable to make ends meet and put food on the table. I also commend the partnership that has grown between the Upper Loudoun Youth Football League and the Tree of Life Food Pantry in Purcellville to make available leftover food to stock the shelves of the food pantry.

In closing, I would like to thank the coaches, the league, the parents, and the players for their dedicated efforts and support for the community.

HONORING RUBY BRIDGES

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. CARSON of Indiana. Madam Speaker, I join the House of Representatives in recog-

nizing and honoring the 50th anniversary of Ruby Bridges.

In 1960, Ruby Bridges became the first African-American child to attend William Frantz Elementary School in New Orleans, Louisiana. As she took her first steps to school, Ruby created a path in education for many to follow.

Ruby's resilience in the face of discrimination was an important moment and contribution to the Civil Rights Movement.

In my congressional district, we are honored to have Ruby's historic journey on display at the Indianapolis Children's Museum for all Americans to witness and experience her honorable journey.

With Ruby's help, the Indianapolis Children's Museum has built a unique exhibit called the "Power of Children," which documents her courageous strides for equality in education.

Her bravery at such a young age paved the way for all African-American children to attend newly integrated schools, and has made her a symbol of tolerance and respect for all Americans.

As we continue to work on reforming our education laws, let us remember the great gift that Ruby Bridges gave to all American children—the gift of equal education for all.

HONORING DR. AARON R. GRAHAM ON HIS RETIREMENT

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. ROTHMAN of New Jersey. Madam Speaker, I rise today to recognize one of my constituents, Dr. Aaron R. Graham, who is the Bergen Executive County Superintendent of Schools. Dr. Graham should be congratulated on his retirement for a job well done and celebrated for over 40 years of public service as an educator.

Dr. Graham received his Bachelor of Science in Biology from North Carolina Central University and received his Masters of Science in Education from the University of Akron. He earned his Doctorate of Education in Administration and Supervision from Fordham University. He has also completed postgraduate studies at Montclair State University and the State University of New York.

Dr. Graham began his educational career as a Science Teacher in the National Teachers Corps and Public Schools in Akron, Ohio. He has taught students on every level from preschool through graduate school. In New Jersey, his career experience includes: Science Teacher in Palisades Park Junior-Senior High School; Educational Specialist and Educational Planner for the New Jersey State Department of Education; District Project Director and Assistant Director of Curriculum and Instruction at New Jersey City University. He has lectured at several colleges and has presented at the University Council for Educational Administration Convention in Scottsdale, Arizona.

Bergen County is the largest county in New Jersey with over 895,000 residents and more than 135,000 students. As Bergen Executive

County Superintendent, Dr. Graham supervises the county's 78 school districts and nearly 300 schools. In this capacity he has provided educational leadership to school leaders and staff members on strategic issues, student achievement, program improvement, fiscal review, curriculum and professional development. He has provided leadership in building positive relationships between and among school boards, administrators, staff, students, parents, and communities.

In 2002, Dr. Graham received a Congressional Citation for Excellence in Educational Reform and Leadership. In 2003, he received the first Bergen County Leadership Award from the Bergen County Association of School Administrators. In 2005, the New Jersey Congress of Parents and Teachers awarded Dr. Graham lifetime membership, and in 2006, he received a 50th Anniversary Honoree Award from Bergen Catholic High School. Dr. Graham serves on the National Faculty of the National Principals Leadership Institute and served as the President of New Jersey Council of Education from 2008 to 2009.

Madam Speaker, I know that my colleagues will join with me in honoring Dr. Aaron Graham for his fourteen years of service to Bergen County, New Jersey and on his retirement as one of America's finest educators.

TRIBUTE TO DR. REED L.
BUFFINGTON

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. STARK. Madam Speaker, I rise today to pay tribute to Dr. Reed L. Buffington. Chabot College in Hayward, California, will dedicate the Reed L. Buffington Visual and Performing Arts Center Building on November 3, 2010. It is a fitting tribute to Dr. Buffington's contributions.

Dr. Buffington held the position of President/Superintendent of Chabot College from its founding in September of 1961 until his retirement in 1981. When asked by a newspaper reporter to name his chief objective for the new college, Dr. Buffington replied, "Quality! . . . quality in everything we do."

The Hayward community continues to benefit from his legacy and from his eponymous awards for alumni, students, and faculty. Upon his retirement, Dr. Buffington created an endowment for the prestigious Buffington Award, annually awarded for excellence in a teaching career. Dr. Buffington began his own career in education as a political science instructor. He earned A.B. and M.A. degrees in political science from the University of Chicago and a Doctorate in Education from Stanford University.

During his tenure at Chabot College, Dr. Buffington made innumerable contributions to higher education in California and to local civic organizations. A passage from the book Chabot College: The First Twenty Years aptly reflects Dr. Buffington's enduring legacy of excellence and service to Chabot College, and the community: "From the very beginning, this has been Reed Buffington's college, dedicated

in its every thought, deed, and act to the fulfillment of the educational and cultural needs, hopes, and desires of the people of South County."

I join the community in welcoming the Reed L. Buffington Visual and Performing Arts Center. I also join Dr. Buffington's colleagues in expressing appreciation for his extraordinary leadership.

HONORING CHRISTOPHER ADAM
MERSHON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Christopher Adam Mershon. Chris is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 98, and earning the most prestigious award of Eagle Scout.

Chris has been very active with his troop, participating in many scout activities. Over the many years Chris has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Chris has earned the rank of Patrol Leader in his troop and is a Warrior in the Tribe of Mic-O-Say. Chris has also contributed to his community through his Eagle Scout project.

Madam Speaker, I proudly ask you to join me in commending Christopher Adam Mershon for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNITION OF WILLIAM BLAKE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. PALLONE. Madam Speaker, I rise today to recognize Mr. William Blake, a World War II veteran and resident of Edison, New Jersey. Mr. Blake will be honored with the Medal of Chevalier in the French Legion of Honor by the Consul General of France, Mr. Philippe Lalliot for his brave actions during combat. Mr. Blake's courageous actions in combat are deserving of this body's recognition.

Mr. Blake served as a corporal with the United States Army from April 14, 1944 to June 11, 1945. During this time, Mr. Blake displayed valor and bravery. He began as a tank driver with the 2nd Armored Division. As tensions in the region began to grow, in June 1944, Mr. Blake's division was deeply entrenched in the Battle of Normandy, specifically fighting in the Cotentin Peninsula. His heroic actions resulted in the liberation of Carentan. By July 1944, Mr. Blake and his brothers in arms were heavily engaged in Operation Cobra. Subsequent combat missions included the Battle of the Bulge, before his

unit was finally stationed in Schonebeck, Germany until July 1945. Mr. Blake's valiant efforts to defend our nation during World War II are noble and highly commendable.

As a result of his courageous efforts, Mr. Blake was awarded the Silver Star Medal. This honor is the third-highest military decoration for valor awarded to a member of any branch of the Armed Forces. Mr. Blake is also the recipient of a Purple Heart. Today he is being honored with the Medal of Chevalier in the French Legion of Honor. His nomination to the position of Chevalier in the Legion d'Honneur was approved by French President Nicolas Sarkozy. The Chevalier of the Legion of Honor is the highest military distinction awarded by France.

Madam Speaker, please join me in leading this body in congratulating Mr. William Blake as he receives this prestigious award. His dedication to this country serves as a shining example of what bravery and determination can accomplish.

HONORING SIKH AMERICAN
AWARENESS AND APPRECIATION
MONTH

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. COSTA. Madam Speaker, I rise today to honor the Sikh American community on the occasion of Sikh American Awareness and Appreciation Month which is celebrated in November.

For over a century, California's Central Valley has boasted a flourishing concentration of Sikh Americans, sharing a rich history, mutual understanding, and shared principles. In 1912, the first Sikh Gurdwara in the United States was established in Stockton, California as Sikh Americans settled in the region, coming to labor in agricultural and railroad pursuits. Over the years, Sikh Americans have found many successes as over 700,000 have made their homes across our nation.

From serving as Members of Congress, such as Dalip Singh Saund did for three terms, to Mayors of California cities such as San Joaquin, Sikh Americans have quickly become an active force in American public policy. When leading industry positions in agriculture, small business, and medicine, Sikh Americans bring a distinctive pride to many endeavors, and an unparalleled work ethic.

On the first Sunday of each November Sikh Americans throughout our nation celebrate the coronation day of Sikh Scripture as Guru Gaddi Divas with parades and festivals. As we strive to appreciate the vibrant diversity and contributions of all religions and cultures in our nation, I ask my colleagues to join me in recognizing the Sikh American community as they celebrate Sikh American Awareness and Appreciation Month this November.

OUR UNCONSCIONABLE NATIONAL
DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$13,795,134,710,938.40.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$3,156,708,964,644.60 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

RECOGNIZING JUDGE WILLIAM J.
CAPRATHE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. KILDEE. Madam Speaker, the Honorable William J. Caprathe, Judge with the 18th Circuit Court of Michigan, is retiring after serving on the bench since 1981. A celebration will be held in Bay City Michigan on November 19th in his honor.

Judge Caprathe became a member of the State Bar of Michigan in 1966. He worked as a trial attorney before beginning his career as a circuit court judge serving as Chief Judge from 1984 to 1997. He has served as chair of the Executive Board of the National Conference of State Trial Judges, co-chair of the Judicial Division's Judicial Clerkship Program, president of the Michigan Judges Association, and chair of the Michigan Judicial Conference. He has also served as chair of the Michigan State Bar Standing Committee on Criminal Jury Instructions, and is a past member of the Equal Access Initiative and the Michigan Coalition Against Domestic and Sexual Violence. As a regular faculty member of the Michigan Judicial Institute he oversaw the production of several bench books. He also served on the American Bar Association's American Jury Project.

Madam Speaker, I am honored to be able to recognize the achievements of Judge William J. Caprathe and ask the House of Representatives to join me in congratulating him on his retirement. I wish him the best as he enters this phase of his life.

CONGRATULATING ELDON HIGH
SCHOOL'S FFA PARLIMENTARY
PROCEDURE TEAM

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. LUETKEMEYER. Madam Speaker, I ask my colleagues to join me in congratulating

Eldon High School's FFA Parliamentary Procedure Team. On October 23, 2010 at the 83rd National FFA Convention in Indianapolis, IN, the Eldon High School FFA Parliamentary Procedure Team won its first national championship. The members of the championship winning team each received a scholarship to further their education at a post-secondary institution of their choice.

The Eldon High FFA Parliamentary Procedure Team consists of seniors Payton Atteberry, who also holds the distinction of winning the Outstanding Chairman Award, Jill Blankenship, Cole Griffith, Kelsi Mueller, Arika Myers, and Abbey Thomas. The Eldon team competed against 44 teams from across the nation. This competition tests students' ability to effectively communicate ideas during a meeting. Components included a general knowledge exam of parliamentary law, a ten-minute demonstration of parliamentary procedure, oral questions, and written minutes of the demonstration.

These six gifted young men and women were prepared and focused, due to their dedicated advisor, Eldon High School Agriculture teacher Matt Biddle, who trained and supported the team. Each student received \$1,000 and a plaque in recognition of this event.

I ask that you join me in recognizing the Eldon High School's FFA Parliamentary Procedure Team for a job well done. These students and all the other students who participated in the annual convention should be commended for their commitment to the future of agriculture.

HONORING CHRISTIAN A. SPINLER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Christian A. Spinler. Christian is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 205, and earning the most prestigious award of Eagle Scout.

Christian has been very active with his troop, participating in many scout activities. Over the many years Christian has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Christian has earned the rank of Senior Patrol Leader in his troop and the World Conservation Award. Christian also has contributed to his community through his Eagle Scout project. Christian designed and constructed a wooden fence around the trash dumpsters at his troops sponsoring church, Good Shepherd Christian Church in Blue Springs, Missouri.

Madam Speaker, I proudly ask you to join me in commending Christian A. Spinler for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. PUTNAM. Madam Speaker, on Monday, November 15, 2010, and Tuesday, November 16, 2010, I was not present for 6 recorded votes. Had I been present, I would have voted the following way: roll No. 566—"yea"; roll No. 567—"yea"; roll No. 568—"yea"; roll No. 569—"yea"; roll No. 570—"yea"; roll No. 571—"yea".

RECOGNITION OF REVEREND
LINWOOD D. ROUSE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. PALLONE. Madam Speaker, I rise today to recognize the ministry of Reverend Linwood D. Rouse, Pastor of Macedonia Original Freewill (OFW) Baptist Church in Piscataway, New Jersey. For 26 years, Reverend Rouse has served as a pillar of his church and community. His rock-solid faith and commitment toward helping others deserves recognition.

Reverend Rouse, the second of eight children born to David and Lorraine Rouse, moved to New Jersey from his birthplace of Washington, D.C. in 1963. He is a graduate of the Dr. Howard Anderson Interdenominational School of Divinity Southern Baptist Seminary Extension and Philadelphia Biblical University, from which he holds a degree of Associate of Biblical Studies. Starting out as an organist and choir director, he soon was made a church trustee. He eventually found himself called to minister. After his first sermon in June of 1978, he was licensed to preach at Macedonia OFW, was ordained on October 19th, 1979, and in 1984, became pastor.

For over two decades, Reverend Rouse has served his community with a diligence, steadfastness, compassion, and faith that is inspirational. He has worked tirelessly as an advocate for his church, securing building space for the schooling of his congregation's youngest members. Under his care, numerous community programs have grown, such as the Horns of Joshua, a youth outreach program that targets children and families going through times of crisis. And he was the creator of Caring Hand of New Jersey Inc., which serves as a Bible School and includes a Child Care Program. He is a board member of the Piscataway Township Board of Ethics, vice president of the Middlesex County Board of Ethics, president of District Union No. 1 of Central Jersey, and a board member of Piscataway Township's Turn-on Youth Coalition. His other positions in the community include Chaplin of the Holmes Marshall Vol. Fire Co., chaplain and then delegate of the National Police Defense Foundation, member of United Chaplin International, treasurer of the Middlesex Central Baptist Association of New Jersey, Inc., and member of the Singing Pastors of Piscataway.

Madam Speaker, I sincerely hope that my colleagues will join me in recognizing Reverend Rouse's work. His supporters and friends will be honoring his 26th Pastoral Anniversary on Sunday, October 10, 2010. Let us join them in acknowledging and honoring the values his life of service shows.

HONORING DAVID SABSAY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Ms. WOOLSEY. Madam Speaker, I rise today to honor the life of David Sabsay, father of the Sonoma County Library, who passed away on March 20, 2010, at his home in Sebastopol, California. His passion and leadership strengthened our public libraries not only in Sonoma County, but across California, transforming education and fostering civic engagement for youth and adults.

Born in Waltham, Massachusetts in 1931, David Sabsay came to Santa Rosa in 1956 after receiving his graduate degree in library science at the University of California at Berkeley. At 25, Mr. Sabsay was the youngest head librarian in the state, and he was already envisioning the vibrant, integrated public library system he knew Californians needed.

Mr. Sabsay wasted no time in pursuing this vision, and his skill as a library advocate quickly earned him a place of respect in the community and a record of hard-earned victories. On multiple occasions he served as chair of the Government Relations Committee of the California Library Association, and by 1971 he had become the organization's president. He founded and became the first coordinator of the North Bay Cooperative Library System, a six-county resource-sharing network and the first cooperative library system in the western United States.

In a career dedicated to improving library services in Sonoma County, Mr. Sabsay also brought his expertise to debates on library support in Sacramento. In 1978, in order to secure a sufficient stream of funding for California libraries, he helped author legislation establishing state financing for local libraries and encouraging county contributions. This legislation continues to serve all Californians as a safeguard against the loss of an essential public asset and as a reminder of our stake in its future.

Mr. Sabsay was perhaps best known for his instrumental backing of a unified library system in Sonoma County. In 1975, his work led to the signing of the joint-powers agreement—the first such agreement for a library system in California—that established the institution we rely on today. During his tenure as director of Sonoma County Library, Mr. Sabsay even oversaw the construction of the central library and nine regional branches as his county network expanded to serve one of the strongest per capita memberships in the state. Mr. Sabsay retired in 1992 but remained an active consultant on library development, funding, and operations.

David Sabsay was predeceased by his wife Helen. He is survived by his brother.

Madam Speaker, I ask you to join me in celebrating the life of a man who dedicated himself to serving the people of Sonoma County and California. We have all benefitted from his work on behalf of knowledge and public education, and from his example as a tireless advocate for one of the civic institutions most important in our democracy.

PERSONAL EXPLANATION

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. LARSON of Connecticut. Madam Speaker, on November 17, 2010, I missed rollcall vote 572. Had I been present, I would have voted "yea" or "aye."

IN HONOR OF ROBERT "BOB" FELLER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor of Robert "Bob" Feller on his 92nd birthday on November 3 and for his longtime service in our community and our Nation.

Bob was one of the greatest pitchers in Cleveland Indians history. He made his major league debut in 1936 at the age of 17, where his legendary fastball quickly earned him a reputation around the league. He was given nicknames such as "Rapid Robert" and "Bullet Bob." His career was prodigious; it spanned over sixteen seasons, during which he racked up 2581 strikeouts, 3828 innings pitched and 266 wins. These and other monumental totals make up many team and league records that remain intact today. It is no wonder that Bob was inducted into the Hall of Fame in 1962, his first year of eligibility.

Bob's military service is evidence of his character and love of his country. He served our Nation in the Navy during World War II, becoming the first major league baseball player to enlist as a result of the attack on Pearl Harbor in December of 1941. Though he was in the prime of his career and could have deferred his draft notice, he chose to miss four seasons, serving aboard the U.S.S. *Alabama* as it patrolled both the Pacific and Atlantic Oceans. He retired from the Navy at the end of the war as a Chief Petty Officer and returned to his exceptional career with the Indians.

Madam Speaker and colleagues, please join me in honor and recognition of Bob Feller for his excellence in major league baseball and his service to our country. The strength of character he displayed both on and off the field makes him a truly exceptional man and a role model for generations of baseball fans and patriots.

A TRIBUTE TO HONOR THE COM-MANDING OFFICER AND CREW OF THE USS "GRAVELY"

HON. MIKE MCINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. MCINTYRE. Madam Speaker, I rise today to pay tribute to Commander Douglas Kunzman, as well as the officers and crew of the USS *Gravelly*, which will be commissioned by the United States Navy in Wilmington, North Carolina, on November 20, 2010. This strong, state-of-the-art destroyer joins an impressive group of ships on deployment protecting our nation and defending our freedoms and national security interests.

As a senior member of the U.S. House Committee on Armed Services and a longtime supporter of our great nation's military and those who have served our country, it is my honor to recognize the USS *Gravelly* as the 57th unit of the ARLEIGH BURKE Class of guided missile destroyers.

Named for Vice Admiral Samuel Lee Gravelly, Jr., the first African-American commanding officer of a naval ship, this guided missile destroyer was constructed at Northrup Grumman Corporation's Ingalls Shipyard in Pascagoula, MS. Her keel was laid on November 26, 2007, launched on March 30, 2009, and christened on May 16, 2009. Impressively, the USS *Gravelly* has an overall length of 510 ft, beam of 66 ft, full load displacement of 9,200 tons and a mean full load draft of 33 ft.

The people of Southeastern North Carolina are honored to welcome and host Commander Kunzman and his crew for the commissioning festivities for this new vessel and hope they will consider the coastline of this state as a special home for them. I am especially appreciative of the Secretary of the Navy, the Honorable Ray Mabus, for granting the request for this commissioning to occur in North Carolina and for his recent visit to Wilmington in anticipation of this important event, as well as for the celebration of Navy Day.

The State of North Carolina and this nation are deeply proud of the personal talent and ability represented by the officers and crew of this new destroyer. It is their spirit, service, and sacrifice for which we all are extremely grateful.

Madam Speaker, may we also never forget the bravery and dedication of those who have served before, those who currently serve, and those who will serve our country—and may we continue to receive inspiration from their courageous words and deeds. May God's blessings be with the USS *Gravelly*, her officers, and her crew as she begins her time in service to this wonderful nation—the United States of America.

HONORING CHARLES E. KRUSE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Charles E.

Kruse. Charlie has served as President of the Missouri Farm Bureau since 1992 and will be retiring from office on December 7, 2010.

Since first being elected to President in 1992, Charlie has served for nine terms and has overseen the tremendous growth of the Missouri Farm Bureau. Under Charlie's leadership, membership has reached 100,000, a successful web portal has been developed, and historic new highs have been reached in both the Life Insurance and Town and Country Insurance sections. All the while, Charlie has maintained an outspoken passion for Missouri farmers, defending their values and promoting their efforts in both Jefferson City and Washington. Even though retiring from the Farm Bureau, I am sure Charlie will continue to fight for Missouri farmers for many years to come.

Madam Speaker, I proudly ask you to join me, his wife Pam, and all their children and grandchildren, in commending Charles E. Kruse for his accomplishments and for his efforts put forth in serving Missouri farmers.

COMMEMORATING THE 40TH ANNIVERSARY OF THE MARSHALL UNIVERSITY PLANE CRASH TRAGEDY

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. RAHALL. Madam Speaker, on November 14, 1970, a plane carrying 75 Marshall University football players, their coaches, faithful supporters and friends crashed while attempting to land in Huntington, WV. On that cold, rain-filled and foggy night so many promising futures came to a sudden and tragic end.

On the night of this tragedy—known as the worst air disaster in American sports history, an entire community, our State and frankly our Nation were one in grief, but also one in believing that—from adversity—hope, growth and success can conquer all in the end.

In the forty years since these souls were taken from those they loved and who loved them, the Marshall community—friends and strangers, colleagues and competitors, icons and unknowns—have bonded together in hearts and minds.

On every anniversary of this tragedy we reflect on the tremendous loss, yet it is also a moment that renews promises and purpose and stirs hope in the human spirit.

In the words of Marshall University Alumni Association President William "Mickey" Jackson, a former Marshall Football player and assistant coach for the team in 1970, who was on a scouting trip and not with the team the night of the crash, "It is very inspirational to remember, but very, very sad at the same time. When they place the wreath at the fountain and the water stops, my heart just stops beating."

The themes of hope and rebirth are carried forward every year at Marshall University, beginning with turning on one simple, yet so symbolic fountain.

What has been learned from this tragic experience extends beyond those early hours of shock and disbelief. Two generations have

been raised by the incredible power of the Marshall spirit—a strength, vitality, camaraderie and resolve that is reflected time and again. And as the story spreads, others receive solace and inspiration.

And today, we are stronger because of it—for, we are Marshall.

RECOGNITION OF ST. MICHAEL'S CHURCH

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. PALLONE. Madam Speaker, I rise today to recognize St. Michael's Church in Long Branch, New Jersey as the parishioners celebrate the 125th Anniversary. St. Michael's Church has a rich and formidable history of serving the needs of the community. Historically noteworthy, St. Michael's main altar was given in memory of Mr. Francis Anthony Drexel, banker and great philanthropist of Philadelphia, Pennsylvania. Mr. Drexel and his family summered at West End. His daughter, Mother Katherine Drexel, was the founder of the Sisters of the Blessed Sacrament. She was later canonized as a saint of the church on October 1, 2000. Mother Katherine Drexel decided to enter the Religious Life while residing in parish territory. The mosaic in her honor can be found in the vestibule of the Church.

Originally formed as a "mission church" in 1886, St. Michael's was an extension of the Star of the Sea Church in Long Branch, New Jersey. However, members of the church community soon saw the need to expand and serve a growing population. By 1892, St. Michael's relinquished its status as a mission church and became an independent entity. Reverend Richard Crean served as the church's first pastor. Since then, St. Michael's Church has been served by many accomplished priests. Today, Reverend Charles B. Weiser leads the members of the St. Michael's Church and gathers a vibrant community where members passionately practice the Catholic faith.

St. Michael Church's original parishioners were predominantly the Irish Catholic. Today, the parish reflects a diverse ethnic population located throughout Long Branch and Monmouth County. Often referred to as a "metropolitan church", the congregation has continued to welcome new members and the St. Michael's Church family has grown exponentially in the past years.

Madam Speaker, please join me in leading this body in acknowledging St. Michael's Church as the parishioners celebrate their 125th Anniversary. The St. Michael's community is tremendously valued in my district and the State of New Jersey.

CELEBRATING THE LIFE OF DEANTÉ PIERRE WILSON, A YOUNG MAN OF SPIRITUAL COMPASSION AND LOVE FOR THE COMMUNITY HE SERVED

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. RANGEL. Madam Speaker, it is with great sadness that I rise today to memorialize a beloved young member of our Harlem community, DeAnté Pierre Wilson, whose mass will be celebrated on Saturday, November 20, 2010 at Kelly Temple Church Of God In Christ in my congressional district.

His unexpected and untimely passing has left behind a deeply felt void within his church, the Kelly Temple COGIC, where he served as youth minister. That deeply felt void is also extended to his family and friends at the Harlem Hospital Center, where he worked and was admired by all he came into contact. For a man who chose the path to deliver and mentor God's ministry at a very young age and open the hearts of all us with his amazing smile, the loss of DeAnté Pierre Wilson is especially profound to me and to the greater Harlem community in which he lived and served.

Mr. DeAnté Pierre Wilson was born in Gastonia, North Carolina on November 30, 1981. After completing his schooling in the Gastonia School District, DeAnté attended World Harvest Bible College, placing his spiritual path in God's unyielding hands. Even at a young age, DeAnté managed to touch the hearts of people as he was called to preach at the age of 16.

DeAnté Pierre Wilson relocated and established his roots in Harlem, New York, where he joined Kelly Temple Church Of God In Christ. DeAnté cultivated his spiritual activism and under the leadership of Bishop James H. Gaylord, he was appointed youth president, where he served faithfully until 2007. His primary goal was to encourage the youth of the church, and the community at large to aspire for greatness and perfection. DeAnté could often be found mentoring and counseling a young person, giving them the push needed to reach their set goals and potential.

In 2008, DeAnté was ordained elder in the Church Of God In Christ in Brazil, during the time of their Holy Convocation. He then returned to Kelly Temple COGIC, and was appointed youth minister for the Youth Department, where he, along with Ms. Angela Williams, instituted Youth Church. DeAnté was instrumental in bringing young people from various congregations to the church to minister to the youth.

I am told that DeAnté had a very extensive resume, but found his calling working with people and doing special events. On December 14, DeAnté joined the Harlem Hospital Center team, working as the Assistant Coordinating Manager in the Office of Special Events. Though his tenure was short, DeAnté managed to touch the lives of many and was especially noted for his pleasant and poise as he greeted each employee and customer with a smile while working events. DeAnté exhibited world class customer service and expressed a great love for the community he

had become a part of. I truly believe that his enjoyment of working with the community led him to enroll in Fordham University and major in political science. He joined the NAACP Mid-Manhattan Branch, where he helped the branch organize a very special Women's History Month event, "Love in the Time of HIV." The tribute highlighted the strengths of ordinary women winning the fight and contributing to their communities, while surviving with HIV/AIDS.

Madam Speaker, DeAnté Pierre Wilson, a giant of a man departed this life on Sunday, November 7, 2010. As it is noted in his obituary, DeAnté will be remembered for his random acts of kindness, his infectious smile, his willingness to strive for greatness, and his drive to push others to their own success. Please join me in celebrating the short-lived life of this amazing spiritual man.

INTRODUCING THE AMERICAN TRAVELER DIGNITY ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. PAUL. Madam Speaker, today I introduce legislation to protect Americans from physical and emotional abuse by Federal Transportation Security Administration employees conducting screenings at the Nation's airports. We have seen the videos of terrified children being grabbed and probed by airport screeners. We have read the stories of Americans being subjected to humiliating body imaging machines and/or forced to have the most intimate parts of their bodies poked and fondled. We do not know the potentially harmful effects of the radiation emitted by the new millimeter wave machines.

In one recent well-publicized case, a TSA official is recorded during an attempted body search saying, "By buying your ticket you gave up a lot of rights." I strongly disagree and am sure I am not alone in believing that we Americans should never give up our rights in order to travel. As our Declaration of Independence states, our rights are inalienable. This TSA version of our rights looks more like the "rights" granted in the old Soviet Constitutions, where freedoms were granted to Soviet citizens—right up to the moment the state decided to remove those freedoms.

The incident of the so-called "underwear bomber" last Christmas is given as justification for the billions of dollars the federal government is spending on the new full-body imaging machines, but a Government Accountability Office study earlier this year concluded that had these scanners been in use they may not have detected the explosive material that was allegedly brought onto the airplane. Additionally, there have been recent press reports calling into question the accuracy and adequacy of these potentially dangerous machines.

My legislation is simple. It establishes that airport security screeners are not immune from any U.S. law regarding physical contact with another person, making images of another person, or causing physical harm through the use of radiation-emitting machines

on another person. It means they are subject to the same laws as the rest of us.

Imagine if the political elites in our country were forced to endure the same conditions at the airport as business travelers, families, senior citizens, and the rest of us. Perhaps this problem could be quickly resolved if every cabinet secretary, every Member of Congress, and every department head in the Obama administration were forced to submit to the same degrading screening process as the people who pay their salaries.

I warned at the time of the creation of the TSA that an unaccountable government entity in control of airport security would provide neither security nor defend our basic freedom to travel. Yet the vast majority of both Republicans and Democrats then in Congress willingly voted to create another unaccountable, bullying agency—in a simple-minded and unprincipled attempt to appease public passion in the wake of 9/11. Sadly, as we see with the steady TSA encroachment on our freedom and dignity, my fears in 2001 were justified.

The solution to the need for security at U.S. airports is not a government bureaucracy. The solution is to allow the private sector, preferably the airlines themselves, to provide for the security of their property. As a recent article in *Forbes* magazine eloquently stated, "The airlines have enormous sums of money riding on passenger safety, and the notion that a government bureaucracy has better incentives to provide safe travels than airlines with billions of dollars worth of capital and goodwill on the line strains credibility." In the meantime, I hope we can pass this legislation and protect Americans from harm and humiliation when they choose to travel.

PERSONAL EXPLANATION

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. DAVIS of Illinois. Madam Speaker, I was unable to cast votes on the following legislative measures on November 15, 2010. If I were present for rollcall votes, I would have voted "yea" on each of the following:

Roll 566, November 15, 2010: On Motion to Suspend the Rules and Pass, as Amended: S. 3689, To clarify, improve, and correct the laws relating to copyrights.

Roll 567, November 15, 2010: On Motion to Suspend the Rules and Agree: H. Res. 1713, Recognizing the 50th anniversary of Ruby Bridges desegregating a previously all-White public elementary school.

Roll 568, November 15, 2010: On Motion to Suspend the Rules and Agree: H. Con. Res. 328, Expressing the sense of the Congress regarding the successful and substantial contributions of the amendments to the patent and trademark laws that were initially enacted in 1980 by Public Law 96-517 (commonly referred to as the Bayh-Dole Act) on the occasion of the 30th anniversary of its enactment.

HONORING MARVIN SCOTT FOR HIS FIFTY YEARS OF EXCELLENCE IN BROADCAST JOURNALISM

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. KING of New York. Madam Speaker, I rise today in recognition of Marvin Scott and his fifty years of excellence in broadcast journalism.

Marvin began his foray into journalism as a 14-year-old in the Bronx, chasing celebrities and fire trucks and selling his pictures to local newspapers. Today, he is a seven time Emmy award winner in the category of outstanding journalistic achievement. He has covered 16 presidential nominating conventions, 8 mayoral elections, and 8 gubernatorial elections. Among those he has interviewed include former Presidents Jimmy Carter, Gerald Ford, and George Bush Sr., as well as Dr. Martin Luther King, Jr., Israeli President Shimon Peres, Henry Kissinger, Rev. Billy Graham, Astronaut Gordon Cooper, Larry King, Sophia Loren, Tony Bennett, Charlton Heston, and Jerry Lewis.

Among his assignments, Marvin was in Wiesbaden, Germany after hostages were released from a hijacked TWA jet, and covered the McDonald's massacre in San Ysidro, California in which a gunman killed 21 people. Over his remarkable half a century of dedication to journalism, Marvin has not simply covered history, but has been a part of the important stories and events of our time. He was the first American reporter since the demise of the Soviet Union to go to sea aboard a Russian warship. His investigation into cheating on New York citywide tests led to legislation making it a crime.

According to Marvin, the most difficult story that he has had to cover was the terrorist attacks of September 11th. In his own words: "I wasn't reporting something that was happening in some far-off place, but it was here and I was a part of the story, feeling the same anger and pain as our viewers." On the anniversary of 9/11 he gained an exclusive by flying over Ground Zero in the back seat of an F-15.

I want to thank Marvin Scott for not only being a truly outstanding broadcast reporter and newsman, but for being a great storyteller and true personification of New York. Most importantly, I am proud to call Marvin and his wife Lorri my friends.

HONORING BRYAN EDWARD
O'TOOLE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Bryan Edward O'Toole. Bryan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active

part in the Boy Scouts of America, Troop 900, and earning the most prestigious award of Eagle Scout.

Bryan has been very active with his troop, participating in many scout activities. Over the many years Bryan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Bryan has contributed to his community through his Eagle Scout project.

Madam Speaker, I proudly ask you to join me in commending Bryan Edward O'Toole for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE 40TH
ANNIVERSARY OF SLIDE RANCH

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Ms. WOOLSEY. Madam Speaker, I rise today to celebrate the 40th anniversary of a unique institution that operates within the boundaries of the Golden Gate National Recreational Area to provide an educational blend of sustainable agriculture and outdoor education.

A former dairy farm perched on a south slope above the roiling Pacific Ocean, Slide Ranch has welcomed over 175,000 people from the inner city, suburbia and beyond to participate in its summer camps and year-round educational programs. Through the efforts of Marin Attorney Doug Ferguson and Huey Johnson of the Nature Conservancy, the land was purchased and protected from commercial development, and founders Ed and Susie Washington-Smith created a 134-acre hands-on place to learn how to farm and care for Mother Earth. Along the way, the extended family of the famed Grateful Dead, played a big role in building and sustaining Slide Ranch with donations, manual labor and benefit concerts by members of the Dead.

Today, Slide Ranch offers a menu of family outings, summer day camps and group programs. The group programs, offered in spring, summer and fall, are geared toward experiential learning, which is especially suited to help young people appreciate the environment, make good choices about healthy foods and good agricultural practices. Students may learn how to turn compost piles, feed farm animals, milk cows and make cheese. Kids from the inner city may spend the first night of their lives camping under the stars and breakfasting on their own hand-picked berries.

The wild lands of Slide Ranch provide miles of hiking trails and a rich coastal habitat adjacent to the waters of the Gulf of the Farallones National Marine Sanctuary. Here are spectacular tide pools populated by still starfish, waving anemones and scuttling crabs, while offshore, migrating whales display their spouts.

The pride of Slide Ranch is its bountiful one-acre garden, now under cultivation for over 36 years without the use of pesticides or chemical fertilizers. Using biodynamic and organic methods of improving the soil and con-

trolling pests, the garden grows over 100 species of plants and vegetables each year. The garden includes several educational features such as a medicinal herb area, an urban-style container garden, a worm box and composting bins.

Slide Ranch has weathered forty years of changes in education, new environmental challenges and the ups and downs of the economy. It has survived because it not only has kept pace with the need for a greater understanding of our environment and sustainable food production, but because of the passion and unending curiosity of its staff, governing board and donors—all who deserve our thanks and congratulations today. Madam Speaker, in Slide Ranch's greenhouse, seeds from the garden are potted to produce the next harvest. In its classrooms above the surf or under the starry sky, in the thriving garden or in the barn, the seeds of knowledge are planted for an unending bounty of bright minds.

RECOGNIZING DR. M. RICHARD
SHAIK

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. KILDEE. Madam Speaker, on Friday October 22, the Association of Community College Trustees awarded the 2010 Marie Y. Martin Chief Executive Award to Dr. M. Richard Shaik, the president and Chief Executive Officer of Mott Community College in Flint, Michigan. At their Annual Community College Leadership Congress the Association named him the best community college president/CEO in North America. The citizens of Flint will hold a reception in his honor tomorrow to celebrate this achievement.

Dr. Shaik has served as President of Mott Community College since March 31, 2000. When he assumed the leadership position at the school, Dr. Shaik was faced with stabilizing the school and improving its financial position. He led the fight to bring increased revenue to the school, fought for federal, state and private foundation grants and at the same time instituted cost saving measures across the campus. A proponent of economic development, he identified the needs of employers in the community and spearheaded the construction of the college's Regional Technology Center to prepare students to enter the workforce. Prior to winning this award, Dr. Shaik was named the 2010 Central Regional Chief Executive Officer for the Midwest and Canadian Provinces.

Madam Speaker, the Association of Community College Trustee Awards are given to those educators that have made extraordinary contributions to their colleges and higher education. The selection of Dr. Shaik as the best community college president in North America is a testament to his leadership, innovation, enthusiasm and commitment to making Mott Community College a powerhouse of learning. Flint is fortunate to have Dr. Shaik and his wife, Sally, live in the area and provide an example of excellence to the next generation. I

congratulate him for receiving this award and ask the House of Representatives to join me in applauding his work in the field of education.

RECOGNITION OF NAVAL WEAPONS
STATION EARLE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. PALLONE. Madam Speaker, I rise today to recognize Naval Weapons Station Earle (NWS Earle) based in Colts Neck, New Jersey as they celebrate the 235th Anniversary of the United States Navy. NWS Earle covers 10,160 acres and promotes a long-standing history of aiding the country in combat. I applaud the work, achievements, and dedication NWS Earle has provided the U.S. Navy, local community, and State of New Jersey.

Long before the beginning of the Second World War, officers in both the Army and Navy saw the need to establish a base for loading explosive ammunition. NWS Earle is strategically located in the Port of New York, a focal point for all important rail lines throughout the country. Thus, construction for the Naval Ammunition Depot Earle—named in honor of Rear Admiral Ralph Earle, Chief of the Bureau of Ordnance during the First World War, began on August 2, 1943. Naval Ammunition Depot Earle was later commissioned on December 13, 1943. The south side of Sandy Hook Bay in the Leonardo section of Middletown was strategically chosen for the new Naval Ammunition Depot Earle, quickly becoming the focal point for ordnance shipping, loading the majority of ammunition used by the allies for the invasion of Normandy. In 1974, Earle's name was officially changed to Naval Weapons Station Earle.

NWS Earle has tirelessly provided the U.S. Navy with a safe location to house their materials and equipment. Today, the primary mission of the Naval Weapons Station Earle remains the receipt, storage, segregation and issuance of ordnance for all Carrier and Expeditionary Strike Groups of the U.S. Atlantic Fleet, which includes the Navy, Marine Corps, Coast Guard, and Department of Defense conventional ammunition requirements. Naval Weapons Station Earle currently houses a combined workforce of over 1,600 civilian, military and contractor personnel. They are home to over 20 tenant units where they also support over 250 military personnel and dependents in their housing. It is the hard work of the people employed at NWS Earle that make it possible for the station to run smoothly and efficiently. Most recently, Naval Weapons Station Earle has provided its assistance as the Department of Defense transshipment site for ordnance used in Operation Desert Storm and Operation Iraqi Freedom.

NWS Earle and staff have tirelessly devoted their time to the community, epitomizing what it means to give back in time of need to protect our country. Madam Speaker, please join me in leading this body in acknowledgement of the extraordinary contributions of NWS Earle. The station is a valued component of

the State of New Jersey, and I am honored to recognize them today.

**HONORING THE DISTINGUISHED
SERVICE OF MARVIN MEYERS**

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. COSTA. Madam Speaker, I rise today before my esteemed colleagues to recognize and honor the distinguished service of an exceptional man. The contributions of this man to the California agriculture industry and our water resources epitomize the spirit of industriousness and persistence found in the agricultural communities across our country. I would like to recognize Mr. Marvin A. Meyers on being named the recipient of the "2010 Agriculturist of the Year" award by the Greater Fresno Area Chamber of Commerce.

A leader in the development of private water banking, Meyers, himself, farms on the Westside of Fresno County in Mendota. Meyers, who cares for 3,500 acres of almonds in the Firebaugh area, admits his impatience over finding a solution to water shortages drove him to begin developing a water bank. After years of preliminary work, including pilot projects and working with the U.S. Bureau of Reclamation and other agencies, Meyers received federal approval in 2002 to begin operating the bank. Meyers pumps water into the underground bank during wet years and pumps water out during dry years to help make water available when farmers need it most. The bank became invaluable last year after three consecutive dry years and regulatory decisions limited the availability of federal water to our Valley. Meyers' hard work and innovation has translated into the success of his operation and the continuation of a family farm. The Agriculturist of the Year award is given each year to an individual who exemplifies leadership and integrity and whose achievements have significantly affected the community. The Greater Fresno Area Chamber of Commerce has made a wise choice in their selection of Meyers.

Meyers' actions demonstrate his dedication to his community. He is a visionary, a person who epitomizes altruism and believes in giving back to his community. Recently, I had the pleasure of visiting with Marvin and touring his water bank and wildlife project near the outskirts of Mendota, California. The impressive project included five different holding pools all conveyed via gravity and an installation of solar panels that was being erected as we toured that day. Through his water bank and wildlife refuge projects, Meyers educates groups of local students from kindergarten to high school on the importance of water education and wildlife restoration. Going beyond the call, Meyers offers assistance in transportation costs for school buses to travel to and from his site, allowing many school districts and students affected by the recession the opportunity to learn outside the classroom about issues affecting our Valley.

Marvin Meyers is truly a remarkable man—always persistent, always engaged. Marvin is

the kind of advocate that the agriculture industry needs on its side. I have come to know this man well since my days in the California State Legislature, and know firsthand that this award, though meritorious, is only a small part of the recognition Marvin deserves for his many accomplishments. I offer my congratulations to Marvin Meyers today on receiving this distinguished honor and commend him before my colleagues for his contributions to the agriculture industry of California and to our Nation.

**HONORING BROCK REYNOLDS
WENZEL**

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Brock Reynolds Wenzel. Brock is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 714, and earning the most prestigious award of Eagle Scout.

Brock has been very active with his troop, participating in many scout activities. Over the many years Brock has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Brock has shown an incredible determination by earning his Eagle Scout while only 12 years old. Brock has also contributed to his community through his Eagle Scout project. Brock tore out the old handicap-accessible ramp at the American Legion Hall in Edgerton, Missouri and constructed a new ramp with a lower slope.

Madam Speaker, I proudly ask you to join me in commending Brock Reynolds Wenzel for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

**HONORING PASTOR JOY L. THORNTON
ON HIS 11TH ANNIVERSARY**

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. CARSON of Indiana. Madam Speaker: Whereas, Joy L. Thornton has faithfully served as Pastor for the Greater St. Mark Missionary Baptist Church in Indianapolis, Indiana since October 3, 1999;

Whereas, Joy L. Thornton dedicated his life to serving others after earning his degree from Gammon Theological Seminary in Atlanta, Georgia;

Whereas, Pastor Thornton is celebrating his 11th anniversary of leading the congregation at the Greater St. Mark Missionary Baptist Church as it strives to be an example of faith and respect;

Therefore, I join with the members of the Greater St. Mark Missionary Baptist Church

and the Indianapolis community in honoring Pastor Joy Thornton for these past 11 years of exemplary service as a teacher and a leader of his congregation.

**IS MOROCCO WHAT IT CLAIMS TO
BE?**

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. WOLF. Madam Speaker, I submit for the RECORD an October 31 Reuters article that describes a recent protest that occurred in Morocco.

The story opens with the following description: "About 900 Moroccan rights activists took to the streets in Rabat on Sunday in a rare protest against what they call widespread rights abuses by the authorities, including illegal detention and torture."

The government of Morocco has long sought to cultivate its image, employing high-powered U.S. lobbyists, as a beacon of tolerance in the Muslim world. This human rights protest is further evidence that Morocco isn't all that it claims to be.

Earlier this year the Moroccan government deported, without due process, dozens of U.S. citizens and foreign nationals, many of whom were engaged in vital humanitarian work—for allegedly proselytizing.

If the government of Morocco hopes to maintain its image, it is going to take more than some well-positioned lobbyists.

**MOROCCANS STAGE RARE HUMAN RIGHTS
PROTEST**

RABAT (Reuters)—About 900 Moroccan rights activists took to the streets in Rabat on Sunday in a rare protest against what they called widespread rights abuses by the authorities, including illegal detention and torture.

Protesters chanted: "Shut down illegal detention centres now!" and "Where is the respect for rights and truth?"

Officials were not immediately available to comment on the protest but the government has repeatedly said that its commitment to improve and protect human rights is irreversible.

Morocco won international praise for an improvement in its human rights record since reformist monarch Mohamed VI took over in 1999 from his father Hassan during whose rule hundreds of people were tortured and killed at the hands of the government.

But local human rights groups at home and abroad argue that the country's rights record has deteriorated since 2003 when it mounted a crackdown against militants linked to al Qaeda.

"The reality of human rights conditions totally belies the government's claim of improvement. Illegal detention, torture and crackdowns on press freedom are pervasive now," said Abdeslam Abdelilah, Vice-President of the independent Moroccan Human Rights Association (AMDH).

Independent journalists and security officials at the scene estimated the number of demonstrators at around 900. Security forces have in the past broken up similar protests but they did not interfere in Sunday's demonstration.

HONORING VIRGIL BRANTLEY

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. AUSTRIA. Madam Speaker, I rise today to recognize Mr. Virgil Brantley for his lifetime commitment and service to the Xenia community and state of Ohio.

Mr. Brantley's contributions to his country and the community are invaluable. He was an active Board member and distinguished trustee emeritus of the Golden Age Senior Citizens, Inc. to which he worked countless hours to ensure the growth and success of the Xenia Adult Recreation and Services Center by assisting with construction of the tornado shelter for the Center, developing a home-delivered meals program and starting the tradition of providing desserts for the Center's monthly luncheons. Mr. Brantley was also a very well-respected Xenia Rotarian, friend and colleague. His civic, cultural, religious and educational endeavors over the many years never went unnoticed as the following list of awards indicate: the Xenia Area Chamber of Commerce Award, the Xenia Community Schools Hall of Honor, Greene County Citizen of the Year, the Nutter Award, induction into the Ohio Veterans Hall of Fame, nomination for the American College of Health Care Administration and numerous others.

Along with his natural penchant for civic engagement, Mr. Brantley and his late wife, Helen, established Hospitality Homes in 1961. The skilled-nursing and rehabilitation facility has been a vital asset for seniors in the Xenia area and has carried on the many great traditions that Mr. and Mrs. Brantley built it upon.

Finally, as a husband, father of three, brother of four and grandfather to many, Mr. Brantley demonstrated the importance of balancing various obligations and activities with the needs of family. His belief that service to his family and community is imperative to a meaningful life has inspired many to follow his example.

Thus, with great pride, I recognize Mr. Virgil Brantley for his lifetime of remarkable achievements and his unparalleled contribution to our community.

FOODNME AND SMASH YOUR FOOD

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. REICHERT. Madam Speaker, I rise today applauding the work of a pair of constituents, Marta and Frederic De Wulf, who decided to use their many talents and passion for education and healthy living to create a website—foodnme.com—dedicated to the pursuit of healthy living and interactive nutrition information. Their innovative work earned them a trip to the White House to be honored as a top winner in Michelle Obama's "Apps for Healthy Kids" contest.

Marta and Frederic teamed up because of their understanding of the problems associ-

ated with poor eating habits, a sedentary lifestyle and obesity. Instead of bemoaning the problem of obesity privately, Marta and Frederic used their knowledge and experience. Marta, a nutritionist by trade, and Frederic, an experienced and successful filmmaker, believed an interactive website encouraging children and their parents to properly scrutinize their eating habits could help in the fight against obesity. Therefore, FoodNMe was born.

The aspect of the website deemed extraordinary is the 'Smash Your Food' tab, which allows users to gain an understanding of the nutritional content of everyday foods—hamburgers, pizza, French fries, and the like. This great tool is a creative way to educate parents and children about what's in their food and encourages them to make healthy dietary choices.

Madam Speaker, I want to thank Marta and Frederic for creating a unique tool in the fight against obesity. I'm proud to congratulate them for their good work.

HONORING ANDREW DUNCAN
IRELAND**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Andrew Duncan Ireland. Andrew is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 81, and earning the most prestigious award of Eagle Scout.

Andrew has been very active with his troop, participating in many scout activities. Over the many years Andrew has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Andrew has earned the rank of Junior Assistant Scout Master in his troop and Tom Tom Beater in the Tribe of Mic-O-Say. Andrew has also contributed to his community through his Eagle Scout project. Andrew devoted over 160 hours to a shelter house at Squaw Creek National Wildlife Refuge, restoring it back to its original architecture and cedar composition.

Madam Speaker, I proudly ask you to join me in commending Andrew Duncan Ireland for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN HONOR OF JERRY CASTELLANO

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. RYAN of Ohio. Madam Speaker, I rise today in recognition of a dear friend, Jerry A. Castellano. Jerry was a wonderful husband, grandfather, great-grandfather, uncle, and friend to many, many people. He was born

Feb. 2, 1918, in Brooklyn, N.Y., the son of Frank Castellano and Teresa DiVito and moved to Warren, Ohio in 1944.

Jerry retired in 1986 from the Trumbull County Board of Elections as a voting machine official after 27 years. He previously worked at Mullins Manufacturing.

Jerry served our country with the finest distinction, a World War II U.S. Army veteran, having served in the Asiatic-Pacific Theater.

He expressed his faith in his worship at St. James Catholic Church.

He was in the Trumbull County Legends of Leather Boxing Commissions, Trumbull County Chapter of DAV Chapter 11, Amerital Club, where he was president, and was a precinct committeeman for Precinct 5A.

He was an avid New York Yankees fan and enjoyed woodworking, Italian classes, playing cards, spending time with his family and grandchildren, and also teaching and storytelling to his great-grandchildren.

He is survived by and greatly missed by his wife of 66 years, Esther Pagano Castellano; his children, Teresa (William "Bill") Massucci of Warren, Philomena (Gary) Lucariello of Warren, Frank P. Castellano of Warren and Jeri (David J.) Germano of Cortland; five grandchildren, Angela (Jason) Menz, Marla (Dan) Chain, Jim (Renee) Fogarty and Jenna and Jacqueline Germano; four great-grandchildren, D.J., Dylan, Drew and Olivia; and many loving nieces, nephews and friends. His parents, eight brothers and two sisters are deceased.

Madam Speaker, it is a great privilege to honor such a wonderful human being, an avid participant of democracy, a veteran, and above all, a family man. Jerry Castellano was, indeed, a model American.

RECOGNIZING MAYOR MORRIS
VANCE ON THE OCCASION OF HIS
RETIREMENT AS MAYOR OF THE
CITY OF VISTA**HON. DARRELL E. ISSA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. ISSA. Madam Speaker, I rise today to recognize the public service of Mayor Morris Vance on the occasion of his retirement from the City of Vista. I commend Mayor Vance on his 29 years of public service.

Starting with a Bachelor of Science in Political Science from Brigham Young University and a Master of Public Administration from the University of Southern California, Mr. Vance began his career by serving in various local government positions throughout the Los Angeles area. He joined the City of Vista as City Manager in 1981, a post which he served for 17 years.

In the role as City Manager, Mr. Vance led the establishment of the Vista Redevelopment Agency and Redevelopment Project area, establishment of the Vista Economic Development Association (VEDA) and Downtown Commercial Revitalization Program, as well as the development of a Business Park, Industrial Park and a multi-tier Capital Improvement Program and Budgeting System.

Mr. Vance was then elected Mayor of Vista in November of 2002. At the city helm, he worked with officials to put the city on a course for success. Critical programs include the Ask, Share, Know meeting program which provides a forum for residents to meet face-to-face with city officials and council members to have their questions answered about current and pending city projects. Mayor Vance was also instrumental in establishing Operation H.O.P.E., a temporary winter shelter for homeless families and women by providing them an opportunity to get back on their feet and lead them toward self-sufficiency.

To improve community spirit and safety, Mayor Vance led an effort to construct the new Vista Civic Center and two new fire stations. Along with the City Council, Mayor Vance worked to convert Vista into a Charter City to gain the maximum amount of local authority.

Wearing many hats, Mayor Vance also serves on the board of directors for the Regional Transportation Planning Authority, the San Diego County Regional Airport Authority, the Encina Wastewater Authority and is a longtime member of the Rotary Club of Shadowridge Vista along with other regional organizations. In 2009 he was honored by the Boy Scouts of America with the Distinguished Citizen Good Scout of the Year title.

Madam Speaker, I ask you to please join me in honoring Mayor Morris Vance and his 29 years of admirable public service to the City of Vista.

IN HONOR OF THE 120TH ANNIVERSARY OF SAINT JOSEPH ACADEMY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of the 120th anniversary of Saint Joseph Academy—the only all-girl Catholic high school in the City of Cleveland.

Saint Joseph Academy was formed in 1890, when the Sisters of the Congregation of St. Joseph created a secondary school for young women, focused on academic excellence, and built upon a foundation of faith, social justice, and service to others.

The mission of Saint Joseph Academy, with a focus on young women becoming leaders in the community, was dramatically ahead of its time. Today, the school has grown in size and in scope of programs offered, but the core mission has remained the same: to mentor young women in a positive and creative atmosphere, as they transition to becoming responsible, independent and compassionate leaders; to hone their academic and interpersonal skills; and to reach their goals and dreams with personal commitments to justice, equality, compassion and integrity.

Madam Speaker and colleagues, please join me in honor and recognition of all students, staff and administrators of Saint Joseph Academy of Cleveland, Ohio, past and present, as we celebrate their 120th anniversary. The

Academy exists as a vital source of opportunity through academic achievement, and also as a springboard of personal strength, confidence and integrity for every young woman who has ever entered its doors, brightening the futures of every student, and ultimately, strengthening the foundation of our entire community.

CONGRATULATING DR. JULIA A. HEATH FOR BEING RECOGNIZED AS THE 2010 CARNEGIE FOUNDATION FOR THE ADVANCEMENT OF TEACHING TENNESSEE PROFESSOR OF THE YEAR

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. COHEN. Madam Speaker, I rise today to congratulate Dr. Julia A. Heath, University of Memphis Fogelman College of Business and Economics professor, for being recognized as the 2010 Carnegie Foundation for the Advancement of Teaching Tennessee Professor of the Year. Professors bestowed this award have demonstrated dedication to undergraduate teaching based on their impact on and involvement with students, their scholarly approach to teaching and learning, their contribution to undergraduate education in the institution, community and profession, and their support from colleagues, current and former undergraduate students.

Dr. Heath has contributed greatly to the Fogelman College course selection. She developed several new courses including 'The Economics of Sports' and 'Men, Women and Work.' She is in the process of developing an Economics and Law course that will be added to the department's elective rotation in spring 2011. Professor Heath developed and taught a Ph.D. Teaching Seminar for the teaching assistants in the College where she would tape each student and provide individual feedback.

Professor Heath has worked diligently to advance financial literacy for school children across the state of Tennessee. Serving as the director of the Center for Economic Education at the University of Memphis, she initiated the Smart Tennessee program which has provided financial literacy instruction to elementary, middle and high schools across the state. In recognition of her dedication to financial literacy, she was named Educator of the Year by The Institute for Financial Literacy, receiving its Excellence in Financial Literacy Education Award.

This most recent award will be added to her already impressive list of honors. In addition to being named Educator of the Year, Dr. Heath was the winner of the 2010 University of Memphis' Distinguished Teaching Award. She received the 2008 Elzinga Award by the Southern Economic Association—the economic discipline's highest recognition of teaching excellence. Dr. Heath is also the recipient of The Thomas W. Briggs Teaching Excellence Award, the Teaching Excellence Fellowship and has been named Senior Fellow for Redefining Progress.

Dr. Julia Heath has represented the University of Memphis Fogelman College of Busi-

ness well. Her hard work and dedication to teaching and higher education has been recognized by University of Memphis president Shirley Raines, her colleagues and by many across the nation. Madam Speaker, I ask the House to join me in congratulating Dr. Julia Heath on being selected as the 2010 Carnegie Foundation for the Advancement of Teaching Tennessee Professor of the Year.

RECOGNIZING AND PAYING TRIBUTE TO THE LEGENDARY RUGBY PLAYER LA'AULI MICHAEL NIKO JONES

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. FALEOMAVAEGA. Madam Speaker, I rise today to recognize and pay tribute to the legendary rugby player La'auli Michael Niko Jones. On Monday, I had the privilege to welcome Mr. Jones, his wife Maliena and son Levi to the U.S. Capitol. Known to his fans around the world as Iceman because of the calm and confident manner in which he played the game, but also because of the number of icepacks he needed for injuries, Jones was born in Auckland, New Zealand. He first entered the rugby scene in 1986 as a 20-year old and scored three tries in his debut for the Auckland provincial side against South Canterbury. His breakthrough performance at such a young age was a strong indicator of what lay in Jones' future. Being of Samoan descent on his maternal side, Jones played for Manu Samoa in his first international debut instead against Wales. Since then, his rugby career took off, leading him to become one of the greatest rugby players of all time.

Jones first played for the New Zealand All Blacks in the inaugural World Cup in 1987 and scored the first try of the tournament. As an open side flanker, Jones was well known for powerfully running through the heart of the backline defense and then finding space to offload. With the ball in hand, he had the finesse and judgment of an inside or outside center. His bone crunching tackles on defense were feared by opponents. In a sport in which the individual must exhibit both defensive and offensive skills, Jones exemplified the complete rugby player.

Despite the many accolades he received as a result of his on-field feats, Jones was well known for holding true to his religious beliefs and values. As a devout Christian, and in line with a promise he made to his dying father, Jones never played on Sunday. Staying firm in these convictions, however, sometimes brought criticism from the media and often created problems for the New Zealand Rugby Union. His unwavering beliefs under pressure stand as a testament to his commitment and sacrifice.

Throughout his rugby career, Jones exemplified commitment, sacrifice, and love for education, religion, family and country both on and off the field. He holds a Bachelor of Planning (B. Plan), a Bachelor of Arts (B.A.) and a Master of Arts (M.A.) from the University of Auckland and in 1997 was honored by his university with a Distinguished Alumni Award.

This past weekend, Jones was invited as a special guest to participate in the 14th Annual Ambassador's Shield Match Day, which features a rugby match pitting the New Zealand Ambassador's XV against a combined selection of professional U.S. rugby players in order to celebrate New Zealand culture and raise support for the rugby program at the Hyde Leadership Public Charter School in Washington, DC.

**PAYING TRIBUTE TO THE RIGHT
REVEREND AND HONORABLE SIR
PAUL ALFRED REEVES, CHAN-
CELLOR OF AUCKLAND UNIVER-
SITY OF TECHNOLOGY**

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. FALEOMAVAEGA. Madam Speaker, I rise to pay tribute to the Right Reverend and Honorable Sir Paul Alfred Reeves, current Chancellor of Auckland University of Technology, AUT. It was my high honor and privilege to welcome this distinguished gentleman to Capitol Hill on Monday. Sir Paul came to Washington, D.C. in partnership with New Zealand's ambassador to the United States to support the 14th annual Ambassador's Shield Rugby Match.

Sir Paul, who has given a lifetime of esteemed public service, attended Victoria University of Wellington where he received his B.A. in 1955 and M.A. in 1956. He then began to pursue ordination in the Anglican Church at

St. John's Theological College in Auckland, where he graduated with a Licentiate in Theology, L.Th., in 1958. After serving as a deacon in Tokoroa, New Zealand, he was ordained a priest in 1960 and served two curacies in England. During this time, Sir Paul enrolled in St. Peter's College at the University of Oxford where he received another M.A. as an Honorary Fellow. He returned to New Zealand to become the Vicar of Okato St. Paul, lecturer at St. John's College and an educational director for the Anglican Diocese of Auckland. In 1971, he was consecrated to the episcopate, becoming the Bishop of Waiapu.

From 1980–1985, Sir Paul served as Archbishop and Primate of New Zealand, with full oversight of the Church's affairs throughout the country. Queen Elizabeth II subsequently appointed him to be the Governor-General of New Zealand, a post which he held until 1990. As Governor-General, he acted as the Queen's representative in New Zealand and the de facto head of state. Sir Paul was the first and, to date, only person of Maori descent to hold this highly esteemed position.

Sir Paul was elected as Chancellor of AUT in 2005 and two years later he received his country's greatest honor when he was admitted to the Order of New Zealand.

Sir Paul's understated dignity, quiet demeanor and ability to carefully listen to others belie the highly distinguished political and ecclesiastical positions that he has held throughout his career. It is with great admiration that I submit this statement to pay tribute to Sir Paul Reeves and offer this good man my very best wishes as he continues his legacy of selfless public service.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, November 18, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 1

10:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine transition and implementation, focusing on the NASA Authorization Act of 2010.

SR-253